



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	201900230
Address	14 Dudley Street Marrickville
Proposal	Mixed use building with basement parking and boarding rooms
Date of Lodgement	28 June 2019 with amended plans submitted 16 October 2019
Applicant	Architecture and Building Works
Owner	Foxcorp Group Pty Ltd
Number of Submissions	2
Value of works	\$5,010,811.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	Floor Pace Ratio (GFA) Height of Building Car Parking
Recommendation	Deferred Commencement
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Plan of Management



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for a mixed-use building with basement parking and boarding rooms at 14 Dudley Street Marrickville. The application was notified to surrounding properties and one submission was received.

The application has been substantially modified in response to feedback from Council Officers and the Architectural Design Excellence Panel.

The main issues that have arisen from the application include:

- Floor Space Ratio/ Gross Floor Area
- Height of Building
- Car Parking

The non-compliances are acceptable given the approved surrounding development and therefore the application is recommended for approval.

2. Proposal

The proposed development seeks consent for a part 5 part 6 storey mixed use building containing:

- A retail tenancy
- A boarding house containing 28 boarding rooms and one boarding house managers room including
 - Terraces off most boarding rooms.
 - A 124m² communal open space roof terrace.
 - Communal living rooms on each level (excluding the ground level).
- A basement containing:
 - 8 car parking spaces
 - 4 Bicyclical spaces
 - 4 Motorcycle spaces
 - Waste storage areas

3. Site Description

The subject site is located on the southern side of Dudley Street; between Wardell Road and Bayley Street. The site consists of one allotment and has a parallelogram shape with a total area of 434.6m² and is legally described as Lot 19 DP 4419.

The site has a frontage to Dudley Street of 15.17 metres and a secondary frontage of approximate 15.17 metres to Murray Lane. There is no known easement affecting the site.

The site currently contains a single storey dwelling house. The adjoining properties support a single storey dwelling house at 16 Dudley Street and a mixed used development of shops and a boarding house at 6-12 Dudley Street, Marrickville.

The site does not currently contain any trees.

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
DA201600321	To demolish the existing improvements and erect a 5 storey mixed use building above basement/lower level car parking containing 1 shop and 11 dwellings.	Deferred commencement approval 27 February 2017

Surrounding properties

Application	Proposal	Decision & Date
DA2016/00253	Demolish the existing improvements and erect a 5 storey mixed use building above basement/ lower level car parking containing 2 shops and 11 dwellings relating to property situated at: 16 Dudley Street, Marrickville	Approved 19 January 2017
DA201600696	Demolish existing improvements and construct a 5 part 7 storey mixed use building comprising a retail tenancy on the ground floor with a 35 room boarding house above and associated 2 levels of basement parking relating to property situated at 6-12 Dudley Street Marrickville	Deferred commencement approval 15 June 2017

4(b) Application history

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

Date	Discussion / Letter / Additional Information
25 September 2019	Council sent the applicant a Notice with the issues that prevented a recommendation for approval
16 October 2019	The applicant submitted amended plans
28 October 2019	Council requested an amendment to resolve an engineering issue with the basement.
28 October 2019	The applicant amended the basement plan.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (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. *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 does not have a history of land uses listed as causing contamination with table 1 of the *Managing Land Contamination Planning Guidelines*.

It is considered that the site will not require remediation in accordance with *SEPP 55*.

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

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) provides for standards for boarding houses and standards that Council cannot refuse an application for. Pursuant to Clause 26 of *SEPP ARH* division 3 applies to the development.

The proposal is not subject to the FSR bonus within Clause 29(1)(c) of *SEPP ARH* as residential flat buildings are not permitted with consent in the zone. The proposal complies with the landscape area, solar access, private open space and accommodation size standards that cannot be used to refuse within 29(2)(b-d) of *SEPP ARH*.

The Height, FSR and parking standards that “cannot be used to refuse” applications are not met and the development is therefore assessed against the applicable standards and controls within the *MLEP 2011* and *MDCP 2011*.

The proposed development complies with the standards for boarding houses contained within Clause 30 of *SEPP ARH*. Having regard to Clause 30A of *SEPP ARH* the proposed development is considered to be compatible with the character of the area.

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

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

*5(a)(iv) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)**Rail Corridors (Clause 85-87)*

SEPP Infrastructure provides guidelines for development immediately adjacent to rail corridors including excavation in, above or adjacent to rail corridors. Clause 87 of the *SEPP Infrastructure 2007* relates to the impact of rail noise or vibration on non-rail development, and for a development for the purpose of a building for residential use, requires appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded.

An acoustic report accompanied the application and assessed the potential acoustic impacts of rail noise on the proposed development. The report contains recommendations to be incorporated into the proposed development in order to mitigate acoustic impacts and should be referenced as an approved document in condition 1 on any consent granted.

The application was referred to Sydney Trains for concurrence in accordance with Clause 86 of the *SEPP Infrastructure 2007*. Sydney Trains granted concurrence to the development

subject to a Deferred Commencement requirement and other conditions which have been included in the recommendation of this report.

Impact of road noise or vibration on non-road development (Clause 102)

Clause 102 of the *SEPP Infrastructure 2007* relates to the impact of road noise or vibration on non-road development on land in or adjacent to a road corridor or any other road with an annual average daily traffic volume of more than 40,000 vehicles. Under that clause, a development for the purpose of a building for residential use requires that appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded.

5(a)(v) Marrickville Local Environment Plan 2011 (MLEP 2011)

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 6.1- Earthworks
- Clause 6.15 – Location of boarding houses in business zones
- Clause 6.16 – Residential accommodation as part of mixed use development in certain business zones

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum: 17 m	17.750 m	0.75m or 4.4%	No
Floor Space Ratio Maximum: 1.8:1 or 782.28m ²	2.26:1 or 980.37m ²	191.09m ² or 24.4%	No

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

The site is zoned B1 Neighbourhood Centre under the *MLEP 2011*. The *MLEP 2011* defines the development as:

“mixed use development means a building or place comprising 2 or more different land uses.”

[being a mix of]

“shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.”

[and]

“boarding house means a building that—

(a) *is wholly or partly let in lodgings, and*

(b) *provides lodgers with a principal place of residence for 3 months or more, and*

- (c) *may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) *has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment."*

The development is permitted with consent within the zone. The development is consistent with the objectives of the B1 Neighbourhood Centre zone.

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standards:

- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio

Height of buildings

The applicant seeks a variation to the height of building development standard under Clause 4.3 of *MLEP 2011* by 4.4% (0.75m).

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable or unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the Marrickville Local Environmental Plan below.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the Marrickville Local Environmental Plan justifying the proposed contravention of the development standard which is summarised as follows:

- The variation is located in the middle of the building reducing visibility and impact.
- The built form is consistent with the approved buildings adjoining.
- The development meets the objectives of the zone.
- The development provides for an appropriate transition in height and lowers in profile when viewed from Murray Lane.
- There is no view loss and the breach is of a minor nature relating to the lift shaft in the centre of the building.
- The surrounding approvals have a greater height.
- Acceptable bulk and scale in the surroundings.
- Will not dominate the streetscape.

The applicant's written rationale adequately demonstrates compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the B1 Neighbourhood Centre zone, in accordance with Clause 4.6(4)(a)(ii) of *MLEP2011*. The objectives of the zone are

*"Zone B1 Neighbourhood Centre
1 Objectives of zone*

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To provide for housing attached to permissible non-residential uses in development of a type and scale compatible with the surrounding neighbourhood.*
- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*
- *To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.”*

The proposal provides for a retail space that is adequate to provide for uses that meet the needs of people who live and work in the community, being a space that is suitable for various uses. The residential aspect of the proposal is of a type and scale that is compatible with the surrounding development noting the approved developments on the surrounding sites and the adjoining boarding house approval. The proposal provides for spaces at street level that are of a size and configuration at street level for land uses which generate active street frontages, being of a suitable size for various retail uses.

It is considered the development is in the public interest because it is consistent with the objectives of the height of buildings development standard, in accordance with Clause 4.6(4)(a)(ii) of the *MLEP 2013*. The objectives of the height of buildings development standard are:

“4.3 Height of buildings

- (1) *The objectives of this clause are as follows—*
- (a) *to establish the maximum height of buildings,*
 - (b) *to ensure building height is consistent with the desired future character of an area,*
 - (c) *to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
 - (d) *to nominate heights that will provide an appropriate transition in built form and land use intensity.”*

The proposed development is lower than the height of the previous approval on the site DA201600321 that had a height of 17.78. and the non-compliance is of a significantly lesser portion of the development. The height of the proposal is consistent with the height of the surrounding approved buildings and is consistent with the desired future character of the locality. The location of the non-compliance is such that no significant amenity impacts are created by the non-compliance.

Solar access impacts of the proposal are not significantly increased because of the non-compliance. The height of the proposal is considered to provide an appropriate transition to the adjoining site.



Figure 1 Height plane.

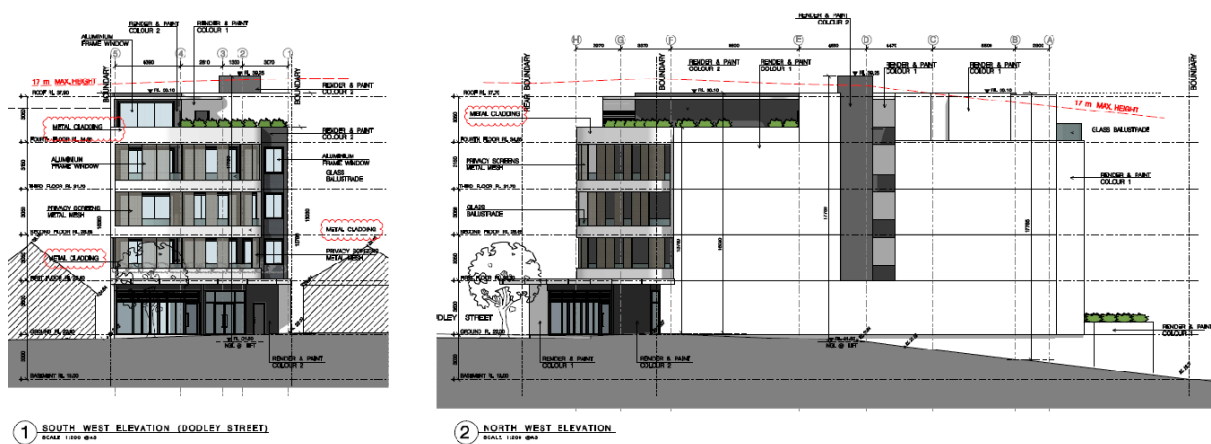


Figure 2 elevations of previous approval

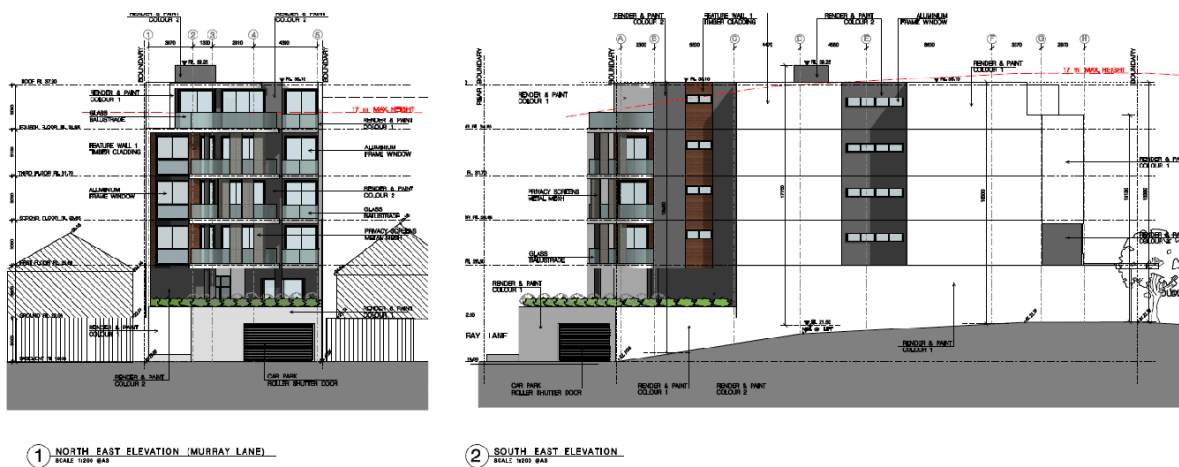


Figure 3 Elevations of previous approval

The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the Marrickville Local Environmental Plan. For the reasons outlined above, there are sufficient planning grounds to justify the departure from height of buildings development standard and it is recommended the Clause 4.6 exception be granted.

Floor space ratio

The applicant seeks a variation to the floor space ratio development standard under Clause 4.4 of the *MLEP 2011* by 24% (191.09m²).

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the applicable local environmental plan below.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the applicable local environmental plan justifying the proposed contravention of the development standard which is summarised as follows:

- Council has varied the FSR and height development standards for the adjoining development at 6-12 Dudley Street within DA201600696.
- The increase in GFA allows the development to meet the requirements for double rooms increasing affordable options in a location that is close to public transport.
- Decreasing the GFA to comply would not be visible from the public domain.
- The building envelope fits within its surroundings.
- The building will not dominate the streetscape of Dudley Street and is consistent with the desired future character intended in the LEP and DCP controls.
- The built form fits in between the adjoining approvals and as a result there will be no detrimental bulk or scale impact.



Figure 4 – The proposal in its context with the previous approvals

The applicant's written rationale adequately demonstrates compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the B1 Neighbourhood Centre zone, in accordance with Clause 4.6(4)(a)(ii) of *MLEP2011*. The objectives of the zone are

*“Zone B1 Neighbourhood Centre**1 Objectives of zone*

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To provide for housing attached to permissible non-residential uses in development of a type and scale compatible with the surrounding neighbourhood.*
- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*
- *To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.”*

It is considered the development is in the public interest because it is consistent with the objectives of the floor space ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the *MLEP2013*. The objectives of the development standard are:

*4.4 Floor space ratio**(1) The objectives of this clause are as follows—*

- (a) to establish the maximum floor space ratio,*
- (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,*
- (c) to minimise adverse environmental impacts on adjoining properties and the public domain.”*

The proposed development provides for a built form that is consistent with the neighbouring approval when read from the street, and provides for a reduced scale of development than the previous approval on the site to the rear lane.

The proposal is consistent with the level of visual bulk presented by the adjoining approved development and can therefore be said to achieve the desired future character. The non-compliance does not result in significant amenity impacts for the adjoining properties or the public domain.

The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the Marrickville Local Environmental Plan. For the reasons outlined above, there are sufficient planning grounds to justify the departure from floor space ratio and it is recommended the Clause 4.6 exception be granted.

Clause 6.1- Earthworks

The proposed development involves excavation to provide a basement. The matters within Clause 6.2(3) of the *MLEP2011* have been considered, and the proposals are considered acceptable subject to the recommended conditions of consent.

Clause 6.15 – Location of boarding houses in business zones

Clause 6.5 requires that development for the purpose of a boarding house within the B1 B2 and B4 zones cannot be approved if any part of the boarding house is located at street level (excluding access, car parking and waste storage). The proposed development has been amended to provide a split-level with the boarding house rooms located above the street level at any point. As a result the proposal complies with the requirement of Clause 6.15.

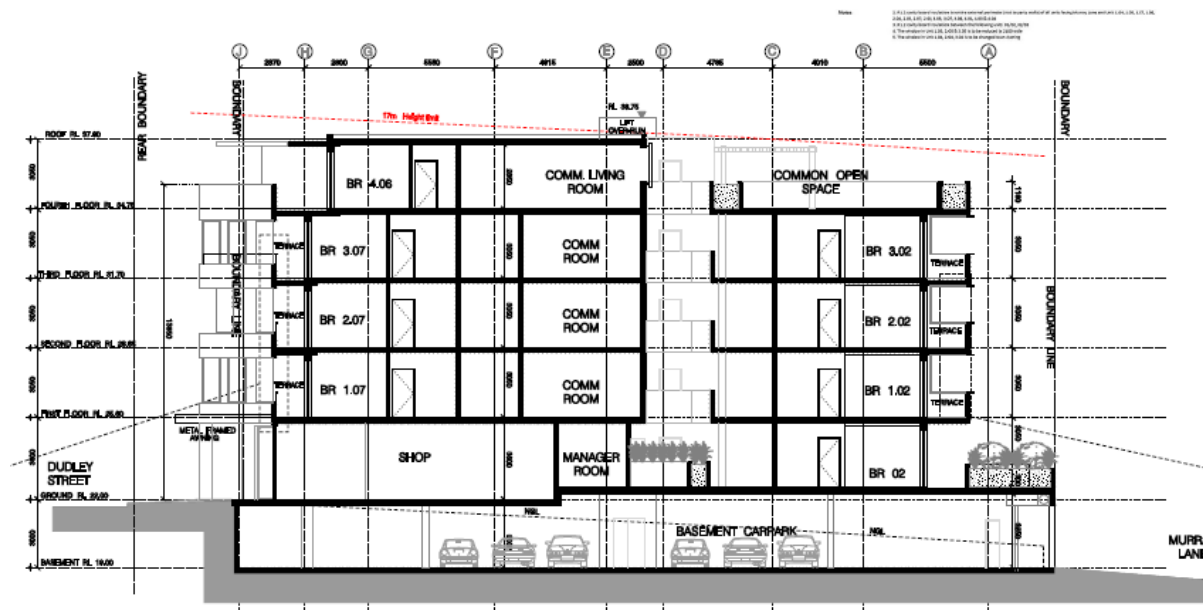


Figure 5 –Section of the proposed development.

It is noted that the previous proposal included a void at the rear ground level with building above. By allowing the use of a sub level at the rear section of the building, the height of the building has been reduced and the amenity of the future occupants has been improved by providing open space. Given that, the site is located within the B1 Neighbourhood centre zone this site falls significantly to the rear of the site it is appropriate that this part of the site is used for the purpose of a boarding house as it is unsuited to a commercial use given the lack of frontage and is located well above the street level to the rear of the site.

5(b) Draft Environmental Planning Instruments

The application has been assessed against the 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.26- 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	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes
Part 2.7 – Solar Access and Overshadowing	Yes

Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	No – see discussion
Part 2.16 – Energy Efficiency	Yes
Part 2.18 – Landscaping and Open Space	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.25 – Stormwater Management	Yes
Part 4.3 – Boarding Houses	Partially No – see discussion
Part 5 – Commercial and Mixed Use Development	No – see discussion
Part 9 – Strategic Context	No – see discussion

The following provides discussion of the relevant issues:

Part 2.6 – Acoustic and Visual Privacy

Visual separation is considered to be achieved between the surrounding development and the common open space through the use of planter boxes and separation via distance.

Part 2.10 – Parking

The Proposed development does not comply with the car parking requirements within Part 2.10.5 C1 of MDCP 2011, which requires 14 spaces, based on 28 Boarding rooms. The proposed development contains 8 car parking spaces and has a shortfall of 6 spaces.

The site is located within close proximity to Dulwich Hill Station as shown below. The application is supported by a traffic report. Councils Engineers have not objected to the level of car parking provided. The relevant objectives to consider are those within Part 2.10.1 O1-O9 of MDCP 2011.

The level of car parking provided is considered provide an appropriate balance between onsite car parking and other transport options that promote sustainable transport. The proposal contains car parking in a highly accessible area. The parking provision and design is considered appropriate for the proposed development. The proposal is considered to be an appropriate variation to the applicable rates.

The proposal provides for sufficient bicycle parking which is appropriately located. The parking areas are located in an appropriate area and has been assessed by Council Engineers as compliant. The proposal is considered to be consistent with the objectives within Part 2.10.1 O1-O9 of MDCP 2011 and acceptable on merit.



Figure 6: The sites proximity to Dulwich Hill Station.

Part 4.3 – Boarding Houses

The proposed development complies with the requirements of Part 4.3 of the MDCP 2011 with the exception of C18 in that some of the private open spaces exceed the 6m² maximum and the areas of the rooms follow the calculation method within the SEPP Affordable Rental Housing rather than C12. The proposed development does however achieve the Objective O6 within Part 4.3.3.5 which is the relevant objective and is acceptable on merit.

Part 5 – Commercial and Mixed Use Development

The proposed development is generally consistent with the requirements of Part 5 of the MCP 2011 with the exception that the upper level massing is set back to match the adjoining developments rather than 6 metres from the street front as is ordinarily required by Part 5.1.4.3 C11 of MDCP 2011. The proposal is therefore considered consistent with the objectives O23-O27 within Part 5.1.4.3 of the MDCP 2011 and acceptable on merit.

The proposed setback from the rear lane is located within the 45 degree sloping plane from a height of 7.5m vertically within Part 5.1.4.3 C13 of MDCP 2011 as shown below. However, C13 ii) allows for variations to this requirement where it can be demonstrated that the rear massing does not cause significant visual bulk or amenity impacts on the properties to the rear. The proposal does not result in significant amenity impacts and has a lesser bulk to the rear than the previous approval on the site. The proposal is thereby considered consistent with this requirement.

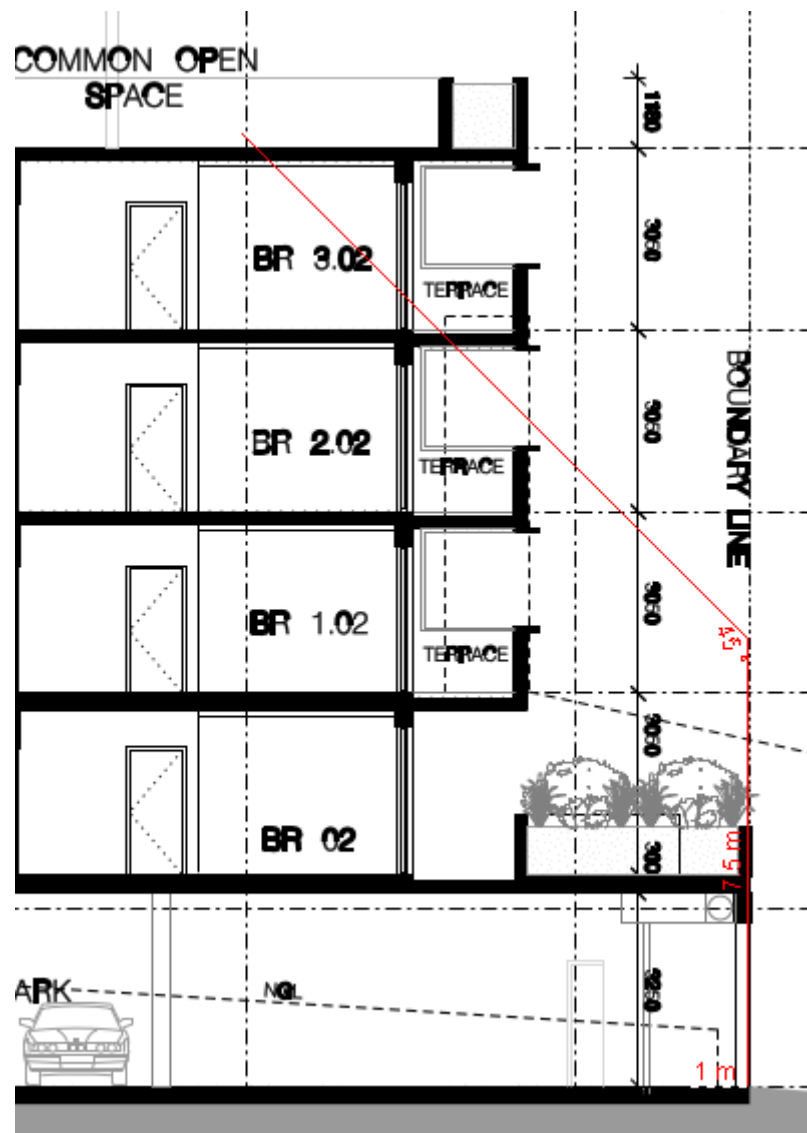


Figure 7: Works within the rear setback from the lane

The roof level massing of the proposed development provides for boarding rooms within the top 3m, which is inconsistent with the requirements of C15 which requires no dwellings in the top 3m. This is however consistent with developments on either side of the site and consistent with the objectives O23-O27 within Part 5.1.4.3 of the MDCP 2011, and therefore acceptable on merit.

Part 9 – Strategic Context

The proposal is generally consistent with the desired future character within Part 9.22.3 of the MDCP 2011. The proposal is consistent with the precinct-specific planning controls and the site-specific planning controls except for the following:

- Part 9.22.5.1 C11 in that site amalgamation is not possible as the adjoining properties have separate approvals and are being developed separately.
- Part 9.22.5.1 C13 in that the height exceeds four stories and instead matches the approvals of the adjoining approvals.

Given that the proposal is consistent with the desired future character within Part 9.22.3 the proposal is considered acceptable on merit.

5(d) The Likely Impacts

The impacts of the development of the development are acceptable. The proposal does not result in significant amenity, streetscape or visual bulk impacts.

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

The site is suitable for the development noting the context of the surrounding approved development.

5(f) Any submissions

The application was notified in accordance with Marrickville Development Control Plan 2011 for a period of 14 days to surrounding properties. A total of two submissions were received. the submissions raised the following concerns:

Issue: Insufficient car parking
Comment: The proposed development has reduced the number of boarding rooms from 31 to 28 rooms, reducing the parking demand. As addressed within the body of the report the site is located close to Dulwich Hill Station and is considered to be consistent with the relevant objectives of the DCP and acceptable on merit.

Issue: The area is already overpopulated
Comment: It is an established policy to locate density in proximity to train stations in order to maximize the use of infrastructure. The proposed development is consistent with the desired future character identified within the MDCP 2011 and the zoning.

Issue: Increase in graffiti and vandalism
Comment: The increase in population associated with a boarding house does not have a direct correlation to graffiti and vandalism. The proposed development will have a Manager on site and is required to comply with a plan of management to prevent antisocial behaviour.

Issue: No increase in green space
Comment: The recommended conditions of consent include development contributions that include contributions for increased open space in the area.

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. This has been achieved in this instance.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Engineering
- Resource recovery
- Urban Forests
- Architectural Excellence Panel

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- The application was referred to Ausgrid who raised no objection subject to the imposition of conditions of consent that are included in the recommended conditions
- The application was referred to Sydney Trains who recommended Deferred Commencement approval and other standard operation condition requirements.

7. Section 7.11 Contributions/7.12 Levy

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 **\$569,630.57** would be required for the development under Marrickville Section 94 Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid should be imposed on any consent granted.

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 the issue of a Deferred Commencement consent subject to the imposition of appropriate conditions.

9. Recommendation

- A. The applicant has made written requests pursuant to Clause 4.6 of the *Marrickville Local Environmental Plan 2011*. After considering the requests, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the Building Height and Floor Space Ratio development standards is unnecessary in the circumstances of the case and that there are sufficient environmental grounds to support the variations. The proposed development will be in the public interest because the exceedances are not inconsistent with the objectives of either standard and of the zone in which the development is to be carried out.

- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, grant a deferred commencement consent to Development Application No. 201900230 for a mixed use building with basement parking and boarding rooms at 14 Dudley Street Marrickville subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Deferred Commencement Conditions

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

- A. *The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards>):*
- i. *Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.*
 - ii. *Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.*
 - iii. *Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.*
 - iv. *Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.*
 - v. *If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.*
 - vi. *If required by Sydney Trains, a Monitoring Plan.*

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

Fees

1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution of \$569,630.57 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 15 November 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. DC 002791

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:

Public Amenities Type:	Contribution \$
Recreation Facilities	\$492,339.18
Community Facilities	\$64,336.13
Traffic Facilities	\$1,786.52
Plan Administration	\$11,168.74
TOTAL	\$569,630.57

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

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

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

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

2. Long Service Levy

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

3. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$8,056.50
Inspection Fee:	\$230.65

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

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

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

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

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

General Conditions

4. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
A-1000 Issue C	Basement Floor Plan	28/10/2019	Architecture & Building Works
A-1010 Issue B	Ground Floor Plan	16/10/2019	Architecture & Building Works
A-1020 Issue B	First Floor Plan	16/10/2019	Architecture & Building Works
A-1030 Issue B	Second Floor Plan	16/10/2019	Architecture & Building Works
A-1040 Issue B	Third Floor Plan	16/10/2019	Architecture & Building Works
A-1050 Issue B	Fourth Floor Plan	16/10/2019	Architecture & Building Works
A-1060 Issue B	Roof Floor Plan	16/10/2019	Architecture & Building Works
A-1100 Issue B	Elevations 1	16/10/2019	Architecture & Building Works
A-1110 Issue B	Elevations 2	16/10/2019	Architecture & Building Works
A-1200 Issue B	Section A-A	16/10/2019	Architecture & Building Works
A-1900 Issue A	Demolition Plan	19/06/2019	Architecture & Building Works
IS0199DA1 Issue E sheets 1-3	Landscape Plan	18/06/2019	Isthmus Pty Ltd
A-0002	Material Samples	May 2019	Architecture & Building Works
1009786M_02	BASIX Certificate	25 October 2019	Max Brightwell
2019-159	Acoustic Report	11 June 2019	Domeniki Tsagaris
Un-numbered	Plan of Management	May 2019	Unknown Author

As amended by the conditions of consent.

5. Design Change

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

- a) An amended landscape plan is to be submitted to reflect the changes to the architectural plans and is to use planting from the list of preferred native plant species within the MDCP 2011.

6. Updated Plan of Management

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an updated plan of management that reflects the number of residents and amendment that have been made to the plans.

7. Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Car Parking

The development must provide and maintain within the site:

- a) 8 car parking spaces must be paved and line marked.
- b) 3 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces.
- c) 4 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times.
- d) 4 Bicycle storage capacity within the site.

8. Boarding House

The development must provide and maintain:

- a) A minimum of 5 Accessible boarding rooms.
- b) All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service.

9. Waste Management Plan

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

10. Erosion and Sediment Control

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

11. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

12. Works Outside the Property Boundary

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

13. Boundary Alignment Levels

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

14. Dry-weather Flows

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 or any below ground structure must be designed to be “tanked” preventing the ingress of seepage or groundwater

15. Works Outside the Property Boundary

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

16. Rock Anchors

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

17. Stormwater Drainage System

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the to the existing site drainage system.

18. Separation of commercial and residential waste and recycling

Where a residential development and commercial development occupy the same site, the waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be additional, separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

19. Trees that have consent for removal

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

Tree/location	Approved works
<i>Callistemon viminalis</i> – Weeping Bottlebrush	Removal

The tree must not be removed prior to one (1) month before works commence.

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

20. Trees that are required to be planted

The following tree species must be planted, at no cost to Council, in accordance with the Public Domain plan prepared by Isthmus Landscape Design (Dwg No ISO199DA1, Issue E) and dated 18/6/2019, in front the property along Dudley Street. The tree used must be a minimum two hundred (200) litre container size at the time of planting.

Tree/species	Quantity	Location
<i>Lophostemon confertus</i> – Brush Box)	1	In accordance with approved plan.

The tree is to conform to AS2303—*Tree stock for landscape use*. The tree must be planted by a qualified Arborist (min AQF Level 3). If the tree is found to be faulty, damaged, dying or dead within twelve (12) months of planting then it must be replaced with the same species. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

21. Impact of Underground Services on Trees

Prior to the issue of a Construction Certificate, the 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.

22. Bin Storage Areas are to meet design requirements as per the DCP

All bin storage areas are to be provided within the site. These areas must fully accommodate the number of bins required for all waste generated by a development of this type and scale. The areas must also include 50% allowance for manoeuvring of bins. All bin storage areas are to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour. The bin storage areas are to meet the design requirements detailed in the Inner West DCP, and must include doorways/entrance points of 1200mm.

Residential Bin Storage Areas

The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

Commercial Bin Storage Areas

There must be adequate bin storage allocation in the commercial bin storage area to accommodate the generation of all waste streams from all the businesses on site.

NOTE: Inner West Council does not provide commercial waste or recycling services to suburbs in the former Marrickville Council area.

23. Transfer route

The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

24. Sydney Trains Requirements

The development is to comply with the following requirements from Sydney Trains:

- a) If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing

- damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- b) The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
 - c) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
 - d) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
 - e) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
 - f) Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance
 - g) No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into RailCorp/Sydney Trains property or easements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
 - h) Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until

written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

- i) If required by Sydney Trains, a monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- j) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- k) Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

25. Overhead Powerlines (Ausgrid Requirements)

There are existing overhead electricity network assets in Dudley Street.

Safework NSW Document Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains / poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Prior to any Demolition

26. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority’s satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the

letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

27. Advising Neighbours Prior to Excavation

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

28. Hoardings

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

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

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

29. Construction Traffic Management Plan

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

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

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

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

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

Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

Prior to Construction Certificate

31. Enclosure of Fire Hydrant

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

32. Sydney Water – Tap In

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

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

33. Acoustic Report – Aircraft Noise

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant

provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

34. Concealment of Plumbing and Ductwork

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

35. Future Food Use - Mechanical Ventilation Provision

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.

36. Dilapidation Report – Pre-Development

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report on the visible and structural condition of the following public infrastructure:

- a) Full width of Dudley Street and Murray Lane in front of the property, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath.
- b) Half-width of Dudley Street and Murray Lane in front of adjacent properties, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath.

The dilapidation report is to be prepared by a practising Civil/Structural Engineer.

37. Parking Facilities

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2018 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

- a) Referring to survey and architectural plans, Murray Lane surface levels (18.99 to 19.06 m AHD) and basement car park RL (19 m AHD) are at similar levels that is not supported by the Council.

The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.

- b) A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.

- c) Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004.
- d) Minimum headroom of 2500mm must be provided above any disabled parking space(s).
- e) The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B99 design vehicle. Longitudinal sections must be provided along each outer edge of all ramps.
- f) 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;
- g) 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;
- h) The relative surface levels of the internal access from the road being controlled so that:
 - i. The surface levels at the property boundary match "alignment levels";
 - ii. The change in grade for any 2m length of access way does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
 - iii. The maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
 - iv. The maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;
- i) The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles; and
- j) The curved section of the ramp is designed in accordance with AS/NZS 2890.1-2004 with grades measured along the inside radius.

38. Stormwater Drainage System – Major Developments

The submitted stormwater concept plan dated 20 June 2019 and prepared by Australian Consulting Engineers has been assessed as a concept plan only.

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

- a) All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- b) No pumps or charged systems (including roof drainage) must be included in the design.
- c) 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, must 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 Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.
- d) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow

- pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road or directly into Council’s piped drainage system.
- e) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - f) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - g) All redundant pipelines within the footpath area must be removed and footpath/kerb reinstated.
 - h) Only a single point of discharge is permitted to the Council pipe.
 - i) Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided; this must include any existing overland flow routes from upstream;
 - j) A water balance model must be submitted to accompany the water re-use proposal;
 - k) A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council’s water quality targets. For sites with a GFA greater than 2000sqm a MUSIC model (including .sqz file) must be included with the report;
 - l) A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken; and
 - m) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
 - n) Stormwater quality improvement devices must be installed such that stormwater flows leaving the site meet the following environmental targets:

Pollutant	Baseline Annual Pollution Load (kg/ha/yr)	Retention Criteria
Gross Pollutants, including trash, litter and vegetation matter greater than 5mm	500	90% reduction of average annual load
Total Suspended solids, including sediment and other fine material less than 5mm	900	85% reduction of average annual load
Total Phosphorous	2	65% reduction of average annual load
Total Nitrogen	15	45% reduction of average annual load
Hydrocarbons (Oil and Grease)		90% reduction of average annual load – no visible discharge
Toxicants		100% containment of toxicants

39. External Catchment

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans prepared by a suitably qualified Civil Engineer that demonstrate adequate site drainage for all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must 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 Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.

40. Public Domain Works – Prior to Construction Certificate

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

- a) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- b) New concrete footpath and kerb and gutter (if required) along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determined by the Council Engineer.
- c) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary.

During Demolition and Construction**41. Construction Hours – Class 2-9**

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

- a) 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

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

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

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

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

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

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

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

42. Survey Prior to Footings

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

43. Documentation of Demolition and Construction Waste

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

44. Storage of materials around trees

No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.

45. Protection of Other Street Trees

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal. Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Prior to Occupation Certificate**46. Section 73 Certificate**

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

47. Public Domain Works

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

- a) Heavy duty concrete vehicle crossing(s) at the vehicular access location(s).
- b) The existing concrete footpath across the frontage of the site must be reconstructed.
- c) Other works subject to the *Roads Act 1993* approval.

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

48. No Encroachments

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

49. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that any damaged stone kerb has been replaced.

50. Parking Signoff – Major Development

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

- a) The car park has been completed, line marked and all signage relating to car parking erected.
- b) A notice has been clearly displayed at the building frontage to indicate that visitor parking is available within the property.
- c) Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).

51. Public Domain - Major Developments

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with the works-as-executed plan(s), certified by a Registered Surveyor, that show the as built details in comparison to those shown on the plans approved with the public domain and Road works Permit with all relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

52. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with Certification by a Chartered/Registered Civil Engineer that:

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

53. Operation and Management Plan

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

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

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

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with evidence that Easements, Restrictions on the Use of Land and Positive

Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following:

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

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

55. Maintenance of street trees as part of the development process

The planting of street trees 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 (including structural soil vault) must be inspected by Council’s Tree Management Officer before and after planting.
- b) The street trees must be 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.

On-going

56. Hours of Operation

- a) The hours of operation of the shop must not exceed the following:

Day	Hours
Monday - Sunday	6am – 10pm

57. Boarding House

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

- a) The use must comply at all times with the Plan of Management referred to in condition 4 above and as amended by the conditions in this Determination;
- b) A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c) A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
- d) The Plan of Management must not to be amended without the prior consent of Council and must be made available to Council officers and the Police upon request;
- e) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
- f) The premises must be used exclusively as a boarding house containing a maximum total of 28 lodger’s rooms and 1 on-site manager’s room with not more than 52 adult lodgers and 2 adult on-site managers residing in the premises at any one time;
- g) Not more than 2 lodgers must occupy each boarding room;

- h) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
- i) All common rooms/areas and recreation rooms/areas must be maintained at all times (except where the conditions of consent require the 4th floor communal open space to be closed) for the use of the lodgers; and
- j) Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times.

58. Use of 4th Floor Communal Open Space

The 4th floor Communal Open Space is not to be used between the hours of 10pm and 6am Monday to Sunday with the exception of New Year's Eve. Amplified and/ or canned music is not to be used on played on the 4th Floor Communal Open Space at any time. The number of persons in this area is not to exceed 25 persons at any time.

59. Operation and Management Plan

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

60. Vehicles Leaving the Site

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

61. Documentation of Businesses waste services

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

Advisory notes

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

At least 7 days before any demolition work commences:

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

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

The following facilities must be provided on the site:

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

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

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

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

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

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

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

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

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

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

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

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

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

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

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
- b) A concrete pump across the roadway/footpath
- c) Mobile crane or any standing plant
- d) Skip bins
- e) Scaffolding/Hoardings (fencing on public land)
- f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- g) Awning or street 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. A lease fee is payable for all occupations.

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

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

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

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

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Boarding houses with two or more residents who have additional needs or five or more residents who do not have additional needs are required to register with the Department of Fair Trading.

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

BASIX Information

1300 650 908 weekdays 2:00pm - 5:00pm

Department of Fair Trading

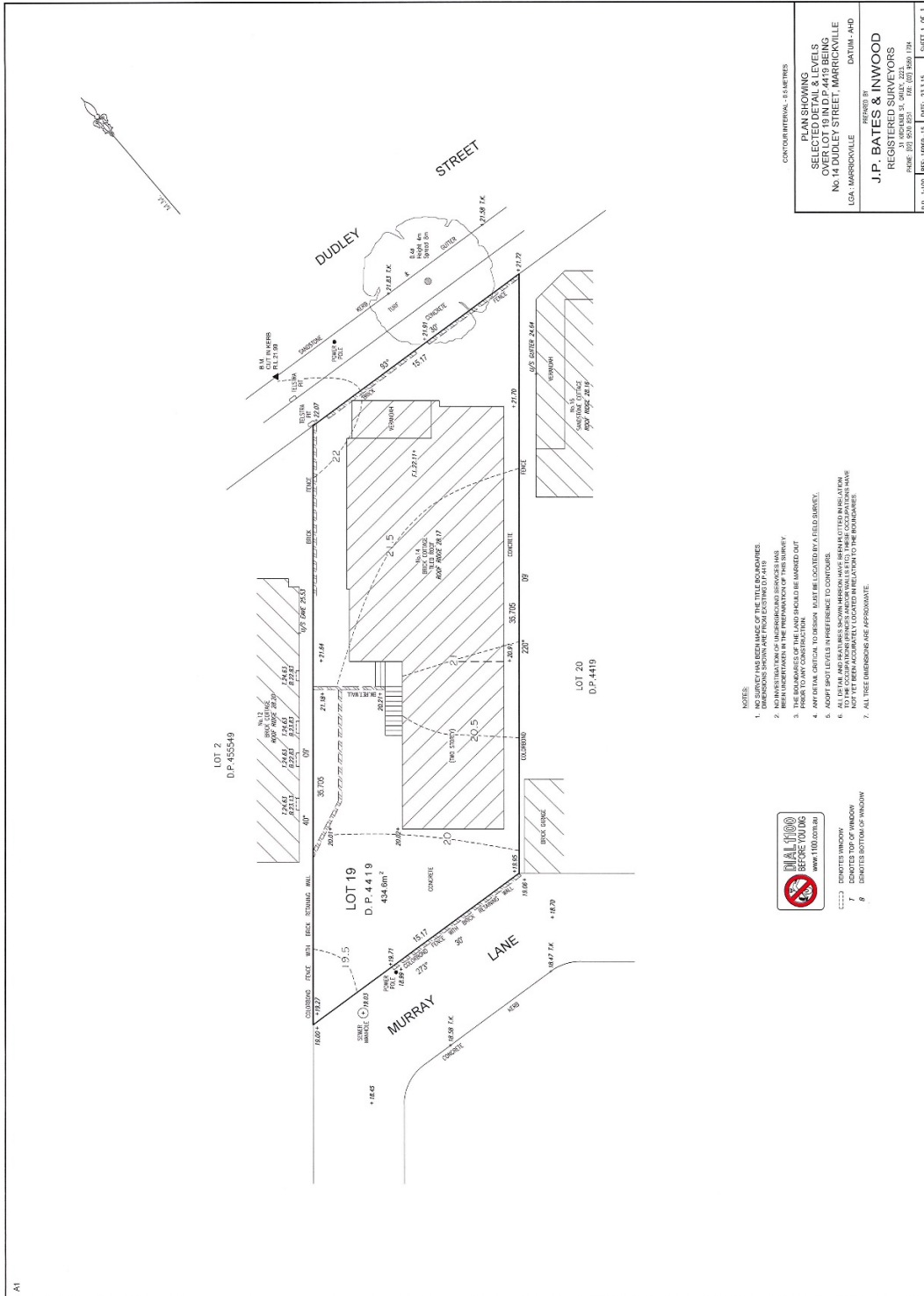
www.basix.nsw.gov.au

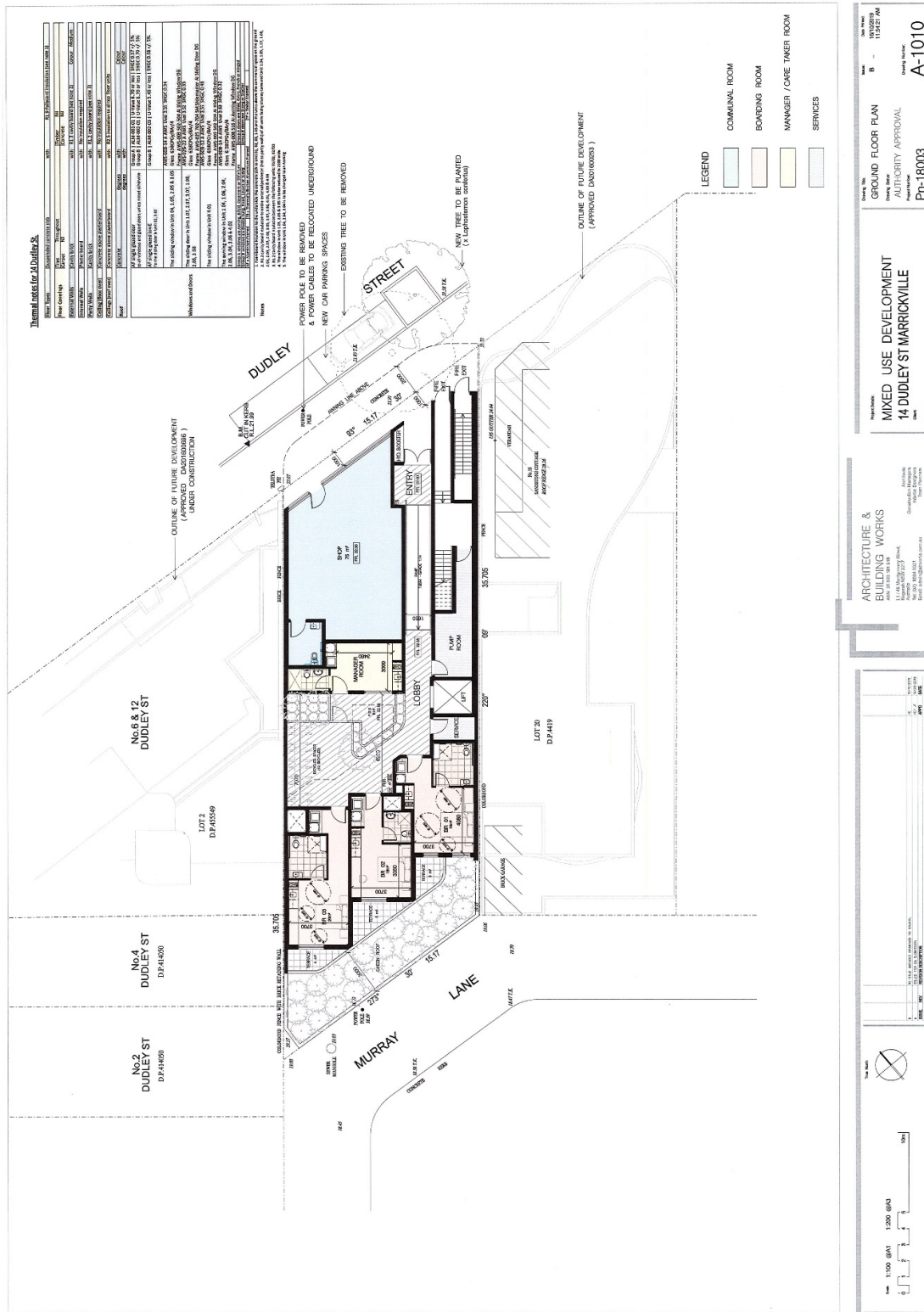
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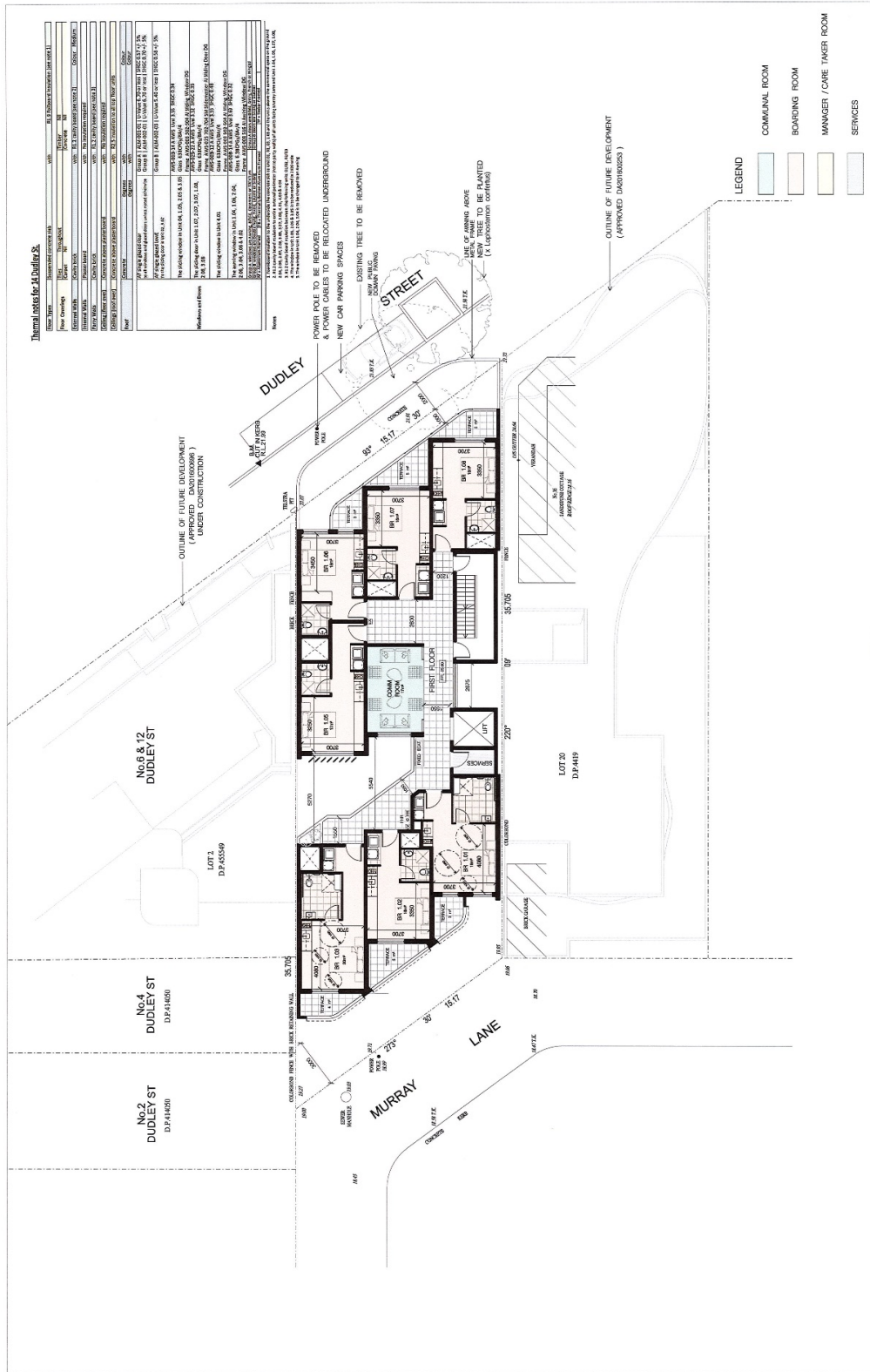
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	www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance. 1100
Dial Prior to You Dig	www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Plans of proposed development







Thermal loads for all building 26

Room Name	Area (m ²)	U-Value (W/m ² K)	Volume (m ³)	Notes
Commercial Room	150	0.25	1500	
Boarding Room	100	0.25	1000	
Manager / Care Taker Room	50	0.25	500	
Services	50	0.25	500	
Outdoor Area	100	0.25	1000	

LEGEND

- COMMERCIAL ROOM
- BOARDING ROOM
- MANAGER / CARE TAKER ROOM
- SERVICES

Scale: 1:1000 @A1 1:200 @A2

Project No: **PN-18003**

Phase: **FIRST FLOOR PLAN**

Authority Approval: **A-1020**

MIXED USE DEVELOPMENT
14 DUDLEY ST MARRICKVILLE

ARCHITECTURE & BUILDING WORKS

11/15/2018 11:54:28 AM

Scale: 1:1000 @A1 1:200 @A2

Project No: **PN-18003**

Phase: **FIRST FLOOR PLAN**

Authority Approval: **A-1020**

Scale: 1:1000 @A1 1:200 @A2

Project No: **PN-18003**

Phase: **FIRST FLOOR PLAN**

Authority Approval: **A-1020**

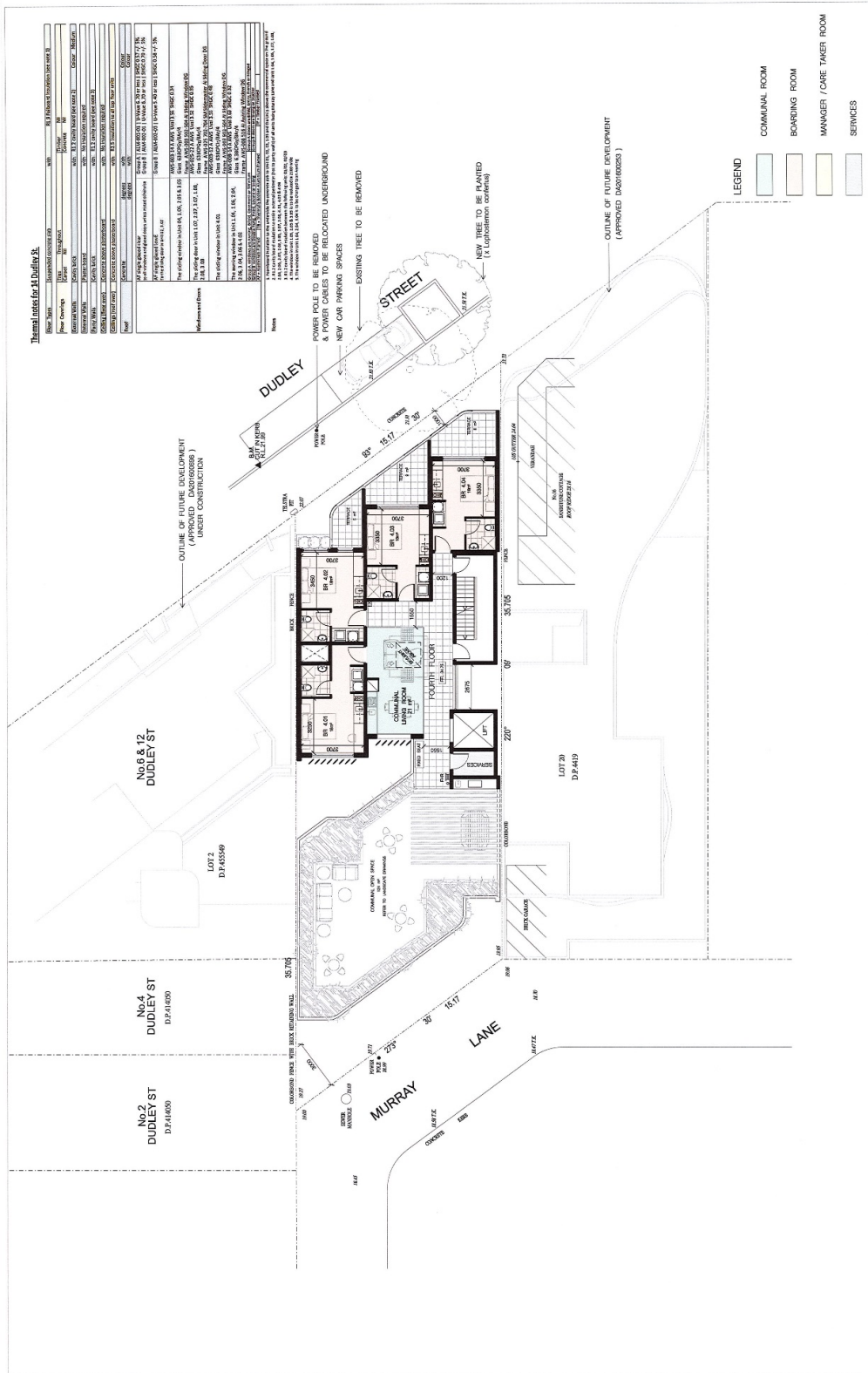
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Project No: **PN-18003**

Phase: **FIRST FLOOR PLAN**

Authority Approval: **A-1020**





Thermal Data for 14 Dudley St

Room Name	Room No.	Room Area (sqm)	Room Volume (m³)	Room Type	Room Code
COMMUNAL ROOM	101	10.5	25.2	COMMUNAL ROOM	101
SCREENING ROOM	102	10.5	25.2	SCREENING ROOM	102
MANAGER / CARE TAKER ROOM	103	10.5	25.2	MANAGER / CARE TAKER ROOM	103
SERVICES	104	10.5	25.2	SERVICES	104

ARCHITECTURE & BUILDING WORKS
 14 DUDLEY ST MARRICKVILLE
 NSW 2150
 Tel: 02 9550 1111
 Fax: 02 9550 1112
 Email: info@abw.com.au

Project Name: MIXED USE DEVELOPMENT
14 DUDLEY ST MARRICKVILLE

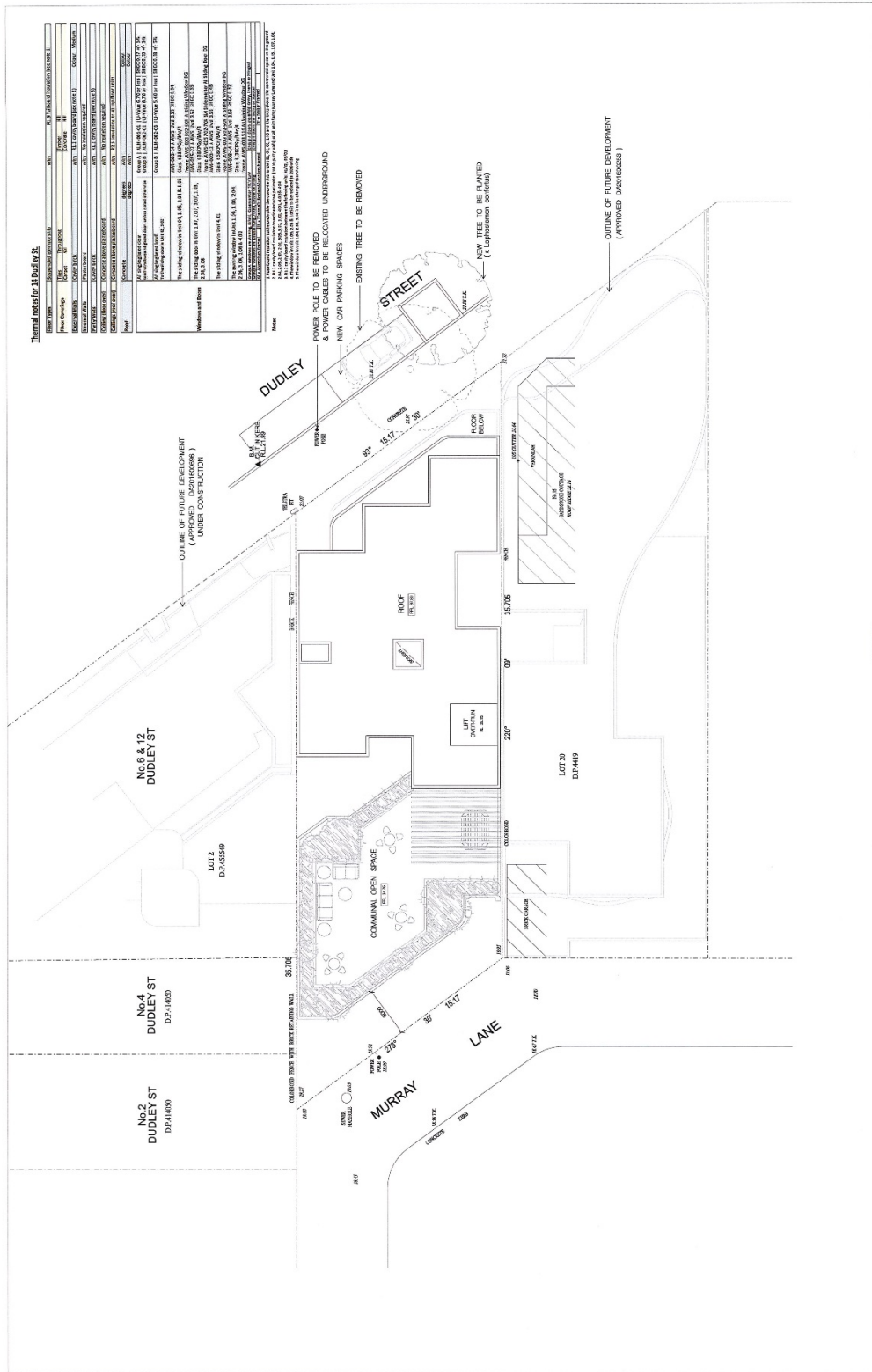
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Checked By: PH-18003
Scale: 1:100 @ A1, 1:200 @ A2

Client Name: A-1050
Client Address: 14 DUDLEY ST MARRICKVILLE
Client Contact: PH-18003

Project No.: PH-18003
Drawn No.: B
Scale: 1:100 @ A1, 1:200 @ A2

Authority Approval: PH-18003

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Thematic Index for A1066-01

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1	Site Boundary	1:1000	As shown on the site plan
2	Proposed Building Footprint	1:1000	As shown on the site plan
3	Proposed Parking Spaces	1:1000	As shown on the site plan
4	Proposed Open Space	1:1000	As shown on the site plan
5	Proposed Tree Removal	1:1000	As shown on the site plan
6	Proposed Power Pole Relocation	1:1000	As shown on the site plan
7	Proposed Cable Relocation	1:1000	As shown on the site plan
8	Proposed Future Development	1:1000	As shown on the site plan
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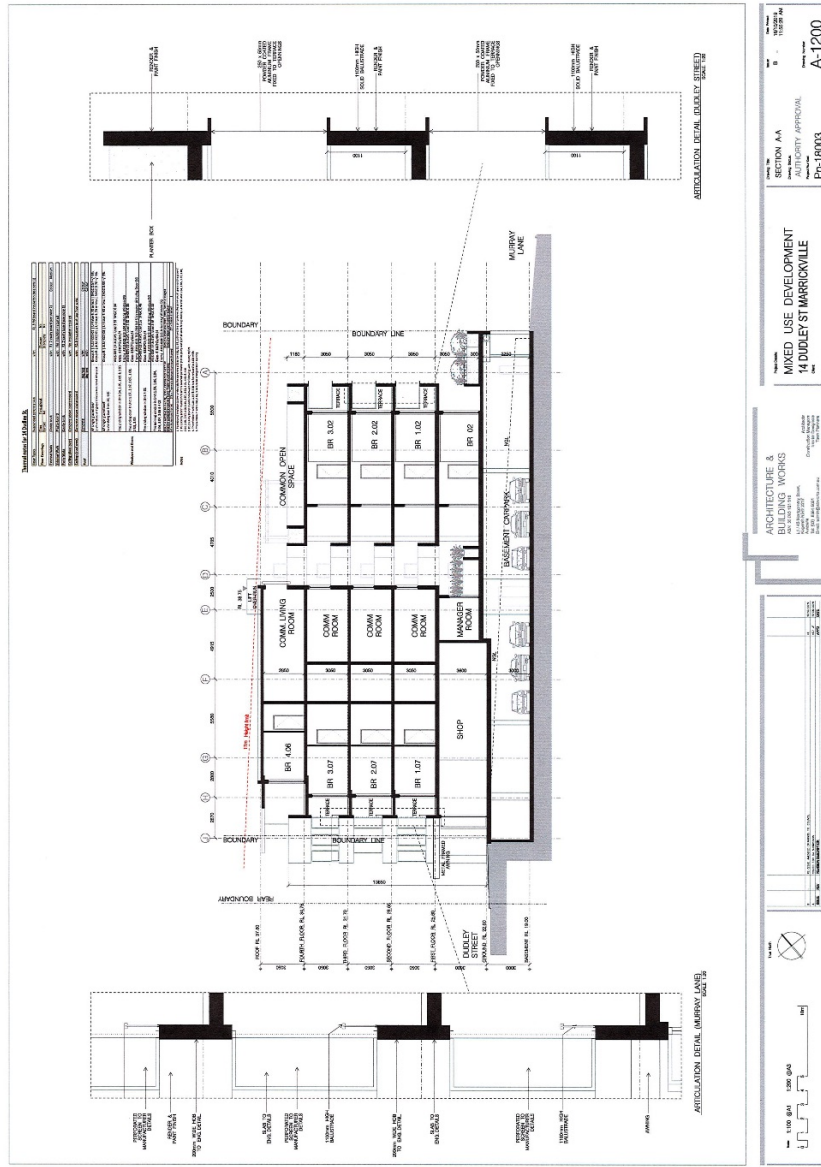
ARCHITECTURE & BUILDING WORKS
 14 DUDLEY ST WARWICKVILLE
 PH: 1800 353 353
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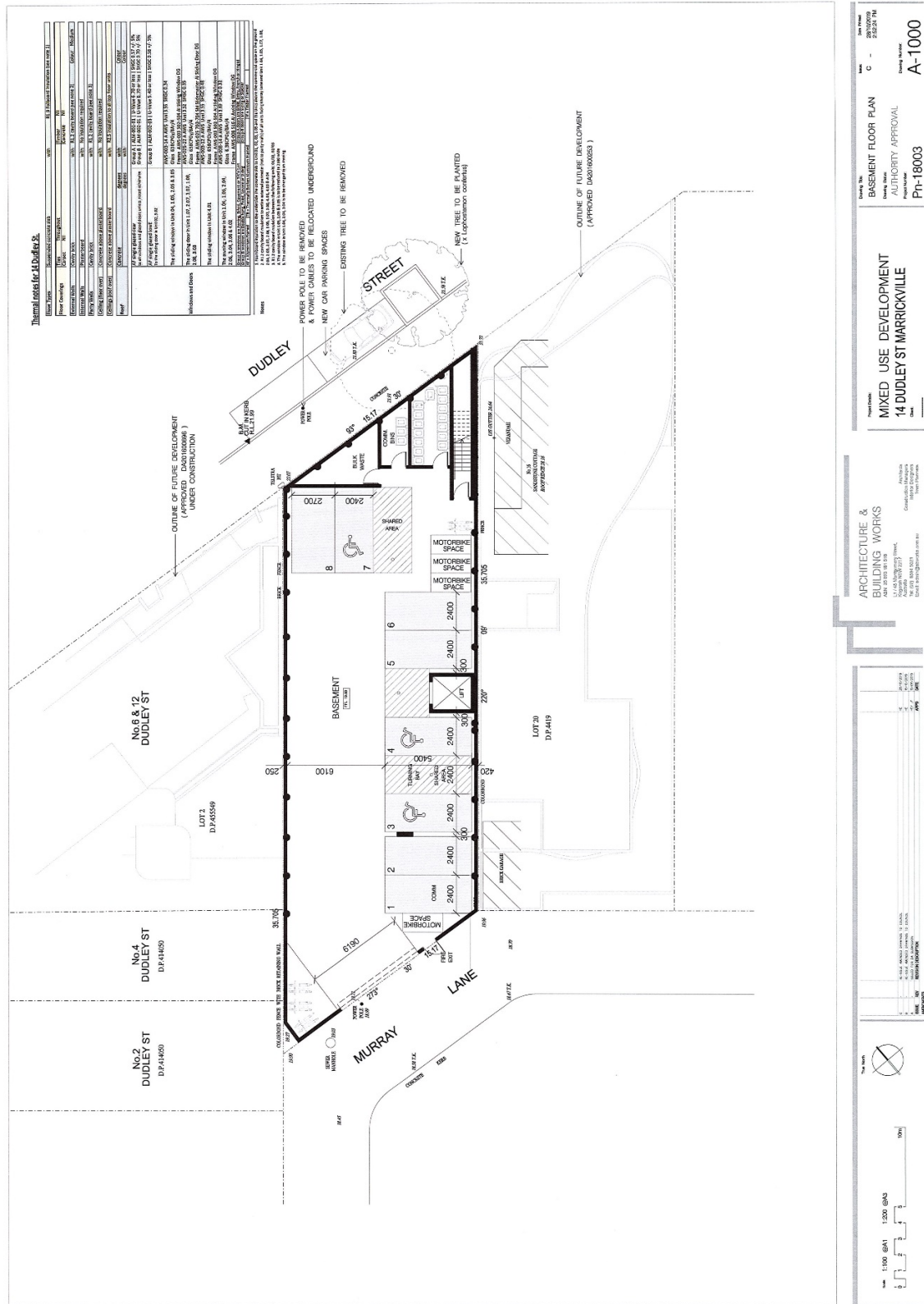
MIXED USE DEVELOPMENT
 14 DUDLEY ST WARWICKVILLE
 PROJECT NUMBER: Ph-18003

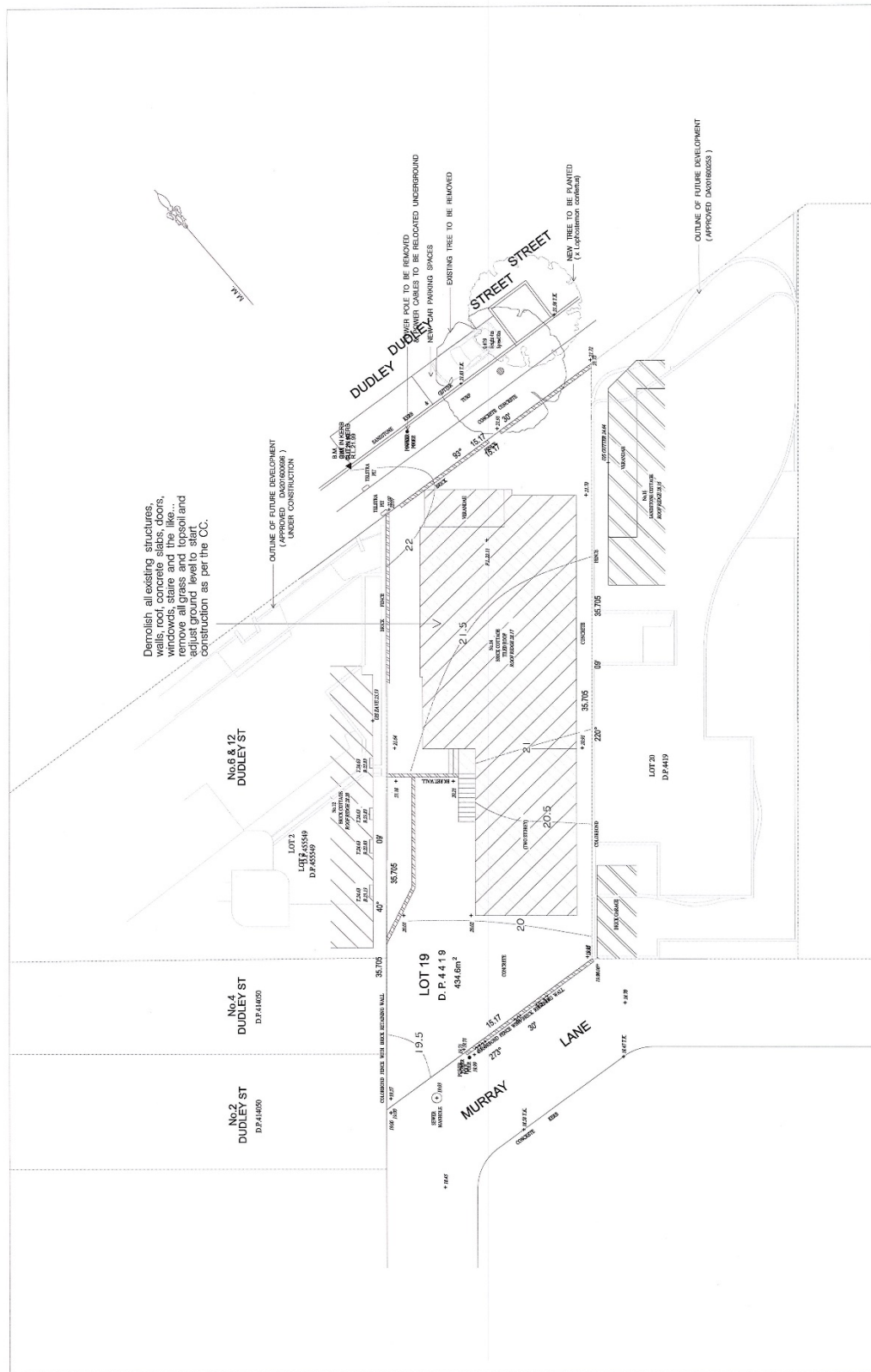
ROOF FLOOR PLAN
 AUTHORITY APPROVAL
 DATE: 11/15/2019

SCALE: 1:1000 @ A1, 1:500 @ A0

DATE: 11/15/2019 11:56:58 AM







Demolish all existing structures, walls, roof, concrete slabs, floors, etc. and remove all grass and topsoil and adjust ground level to start construction as per the CC.

OUTLINE OF FUTURE DEVELOPMENT (APPROVED DAK00003) UNDER CONSTRUCTION

OUTLINE OF FUTURE DEVELOPMENT (APPROVED DAK00003)

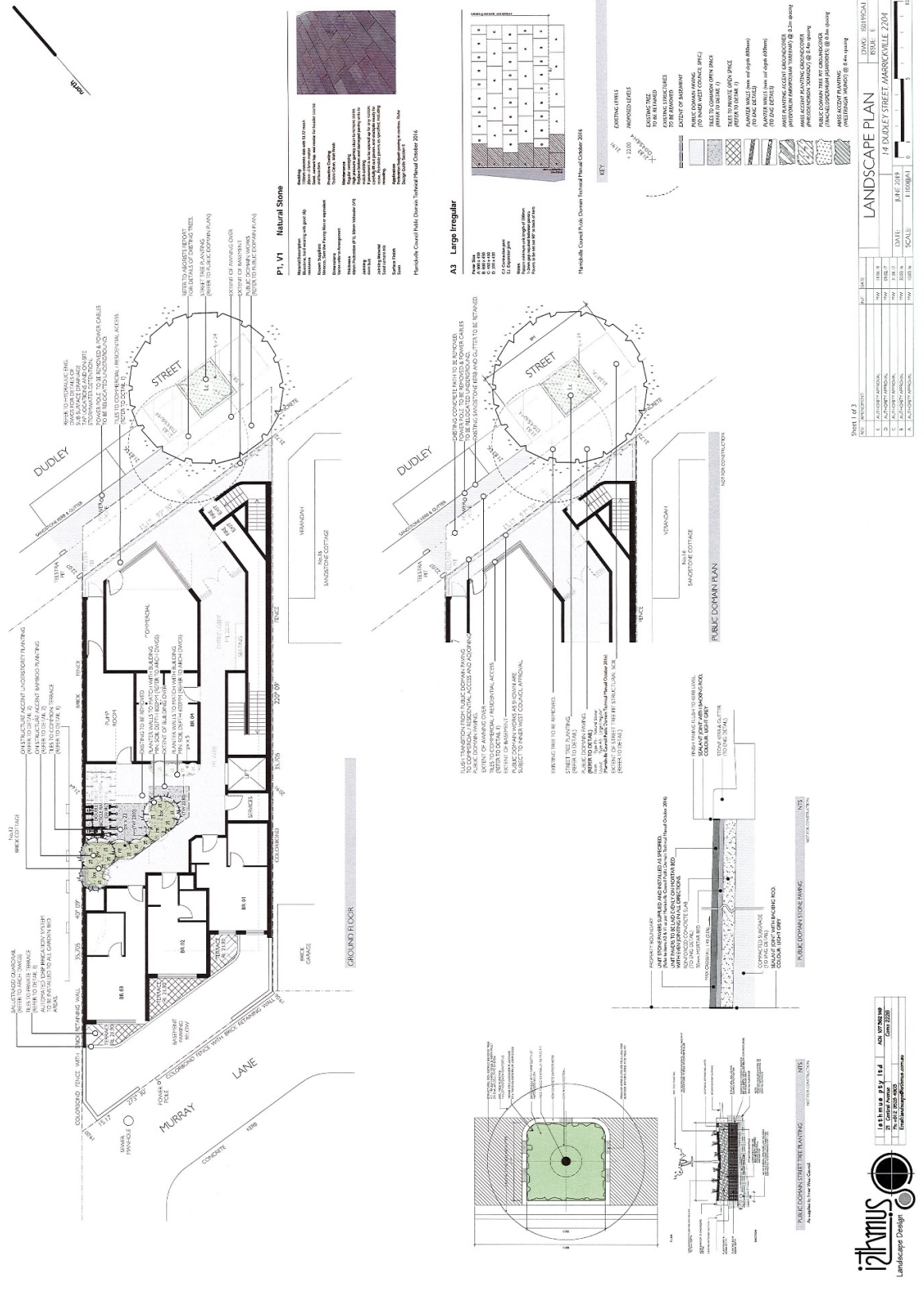
Date Placed: 12/20/2018
 Mark: A
 Drawing Name: A-1900
 Authority Approval: PH-18003

Project Name: MIXED USE DEVELOPMENT
 14 DUDLEY ST MARRICKVILLE
 Project Number: PH-18003

ARCHITECTURE & BUILDING WORKS
 1/15/2018 11:14:18 AM
 14 DUDLEY ST MARRICKVILLE NSW 2122
 Project Number: PH-18003
 Drawing Name: A-1900

Scale: 1:100 @A1 1:200 @A3
 0 1 2 3 4 5
 North Arrow
 Project Number: PH-18003
 Drawing Name: A-1900

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- EXISTING LEVELS**
- EXISTING FINISH
 - EXISTING STRUCTURES TO BE REMOVED
 - EXISTING CONCRETE
 - EXISTING CONCRETE (TO REMAIN WEST CONTROL SIDE)
 - EXISTING CONCRETE (TO REMAIN EAST SIDE)
 - EXISTING CONCRETE (TO REMAIN SOUTH SIDE)
 - EXISTING CONCRETE (TO REMAIN NORTH SIDE)
 - EXISTING CONCRETE (TO REMAIN WEST CONTROL SIDE)
 - EXISTING CONCRETE (TO REMAIN EAST SIDE)
 - EXISTING CONCRETE (TO REMAIN SOUTH SIDE)
 - EXISTING CONCRETE (TO REMAIN NORTH SIDE)
- PROPOSED LEVELS**
- PROPOSED FINISH
 - PROPOSED STRUCTURES TO BE REMOVED
 - PROPOSED CONCRETE
 - PROPOSED CONCRETE (TO REMAIN WEST CONTROL SIDE)
 - PROPOSED CONCRETE (TO REMAIN EAST SIDE)
 - PROPOSED CONCRETE (TO REMAIN SOUTH SIDE)
 - PROPOSED CONCRETE (TO REMAIN NORTH SIDE)
 - PROPOSED CONCRETE (TO REMAIN WEST CONTROL SIDE)
 - PROPOSED CONCRETE (TO REMAIN EAST SIDE)
 - PROPOSED CONCRETE (TO REMAIN SOUTH SIDE)
 - PROPOSED CONCRETE (TO REMAIN NORTH SIDE)

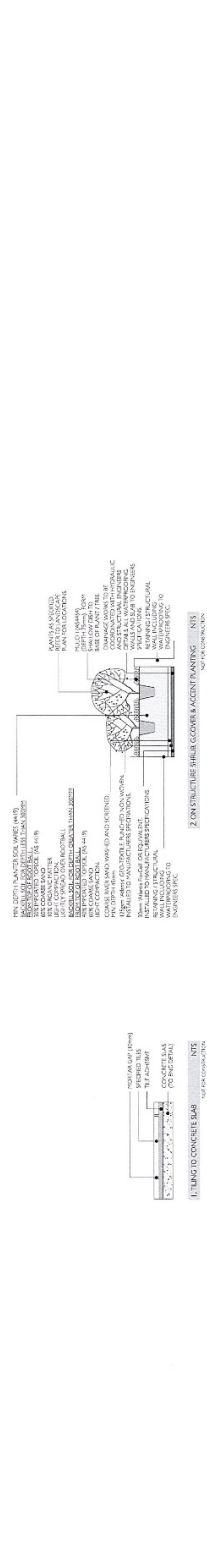
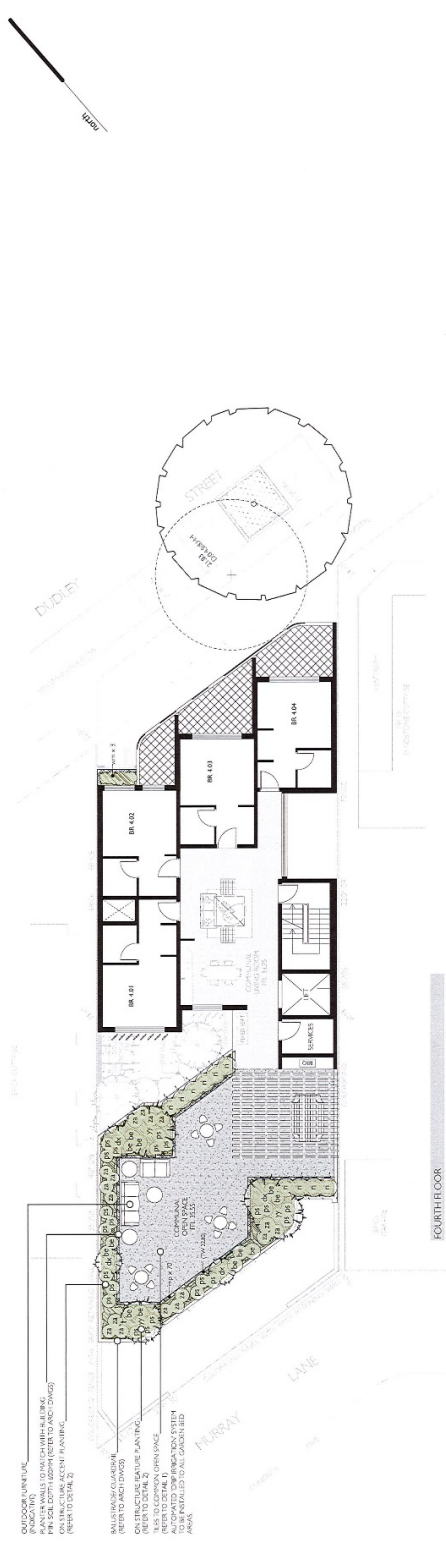
Sheet 2 of 3

REV	DESCRIPTION	DATE
1	ISSUE FOR PERMIT	2019 0614
2	ISSUE FOR PERMIT	2019 0617
3	ISSUE FOR PERMIT	2019 0618
4	ISSUE FOR PERMIT	2019 0618
5	ISSUE FOR PERMIT	2019 0618

LANDSCAPE PLAN DWG: 15019023
 ISSUE: F
 14 DUDLEY STREET, MARRICKVILLE 2204
 DATE: JUNE 2019
 SCALE: 1:100 (A1) 1:50 (A2) 1:25 (A3) 1:10 (A4) 1:5 (A5) 1:1 (A6) 1:0.5 (A7) 1:0.25 (A8) 1:0.125 (A9) 1:0.0625 (A10)

14 DUDLEY ST, 15/16
 21, Eastern Avenue
 City of Sydney
 Project No: 15019023

izimus
 Landscapes Design



KEY

EXISTING LINES
PROPOSED LINES

EXISTING STRUCTURES
PROPOSED STRUCTURES

EXISTING PLANTING
PROPOSED PLANTING

EXISTING DRIVEWAY
PROPOSED DRIVEWAY

EXISTING FOOTPATH
PROPOSED FOOTPATH

EXISTING FENCE
PROPOSED FENCE

EXISTING WALLS
PROPOSED WALLS

EXISTING ROOF
PROPOSED ROOF

EXISTING TERRACE
PROPOSED TERRACE

EXISTING PATIO
PROPOSED PATIO

EXISTING DECK
PROPOSED DECK

EXISTING BALCONY
PROPOSED BALCONY

EXISTING STAIRS
PROPOSED STAIRS

EXISTING LIFT
PROPOSED LIFT

EXISTING ELEVATOR
PROPOSED ELEVATOR

EXISTING MECHANICAL
PROPOSED MECHANICAL

EXISTING ELECTRICAL
PROPOSED ELECTRICAL

EXISTING PLUMBING
PROPOSED PLUMBING

EXISTING HVAC
PROPOSED HVAC

EXISTING FIRE
PROPOSED FIRE

EXISTING SECURITY
PROPOSED SECURITY

EXISTING ACCESSIBILITY
PROPOSED ACCESSIBILITY

EXISTING SUSTAINABILITY
PROPOSED SUSTAINABILITY

EXISTING WELLBEING
PROPOSED WELLBEING

EXISTING CULTURAL
PROPOSED CULTURAL

EXISTING COMMUNITY
PROPOSED COMMUNITY

EXISTING ECONOMIC
PROPOSED ECONOMIC

EXISTING ENVIRONMENTAL
PROPOSED ENVIRONMENTAL

EXISTING SOCIAL
PROPOSED SOCIAL

EXISTING CULTURAL
PROPOSED CULTURAL

EXISTING COMMUNITY
PROPOSED COMMUNITY

EXISTING ECONOMIC
PROPOSED ECONOMIC

EXISTING ENVIRONMENTAL
PROPOSED ENVIRONMENTAL

EXISTING SOCIAL
PROPOSED SOCIAL

MAINTENANCE SCHEDULE

Item	Description	Frequency	Material/Notes
1	Grass	Weekly	Maintain
2	Watering	Daily	As needed
3	Mulch	Annually	As needed
4	Pruning	Quarterly	As needed
5	Planting	As needed	As needed
6	Structural	Annually	As needed
7	Roof	Annually	As needed
8	Plumbing	Annually	As needed
9	Electrical	Annually	As needed
10	Fire	Annually	As needed
11	Security	Annually	As needed
12	Accessibility	Annually	As needed
13	Sustainability	Annually	As needed
14	Wellbeing	Annually	As needed
15	Cultural	Annually	As needed
16	Community	Annually	As needed
17	Economic	Annually	As needed
18	Environmental	Annually	As needed
19	Social	Annually	As needed

MAINTENANCE SPECIFICATION

1. The contractor shall provide a detailed maintenance schedule for the project, including the following items:

- Grass
- Watering
- Mulch
- Pruning
- Planting
- Structural
- Roof
- Plumbing
- Electrical
- Fire
- Security
- Accessibility
- Sustainability
- Wellbeing
- Cultural
- Community
- Economic
- Environmental
- Social

PLANT SCHEDULE

Item	Plant Name	Quantity	Notes
1	Grass	1000	As specified
2	Watering	1000	As specified
3	Mulch	1000	As specified
4	Pruning	1000	As specified
5	Planting	1000	As specified
6	Structural	1000	As specified
7	Roof	1000	As specified
8	Plumbing	1000	As specified
9	Electrical	1000	As specified
10	Fire	1000	As specified
11	Security	1000	As specified
12	Accessibility	1000	As specified
13	Sustainability	1000	As specified
14	Wellbeing	1000	As specified
15	Cultural	1000	As specified
16	Community	1000	As specified
17	Economic	1000	As specified
18	Environmental	1000	As specified
19	Social	1000	As specified

LANDSCAPE PLAN

DATE: 11/08/2011

SCALE: 1:50

PROJECT: 11/08/2011

ISSUE: 1

74 DODDIE STREET / MARRICKVILLE 2204

DMC: 601950A3

ithmus

Landscape Design

1400 0736218

1400 0736218

1400 0736218

1400 0736218



RENDER AND PAINT 2
Dark Grey

RENDER AND PAINT 1
White

RENDER AND PAINT
Concrete Look - Floccore

WINDOWS FRAME
Dark Anodised Aluminium

PRIVACY SCREENS
Metal Mesh

GLASS BALUSTRADE

METAL CLADDING
Timber Finish

Project Name
MATERIAL SAMPLE

Date
May 2019

Project Number
Ph-18003

Drawing Number
A-0002

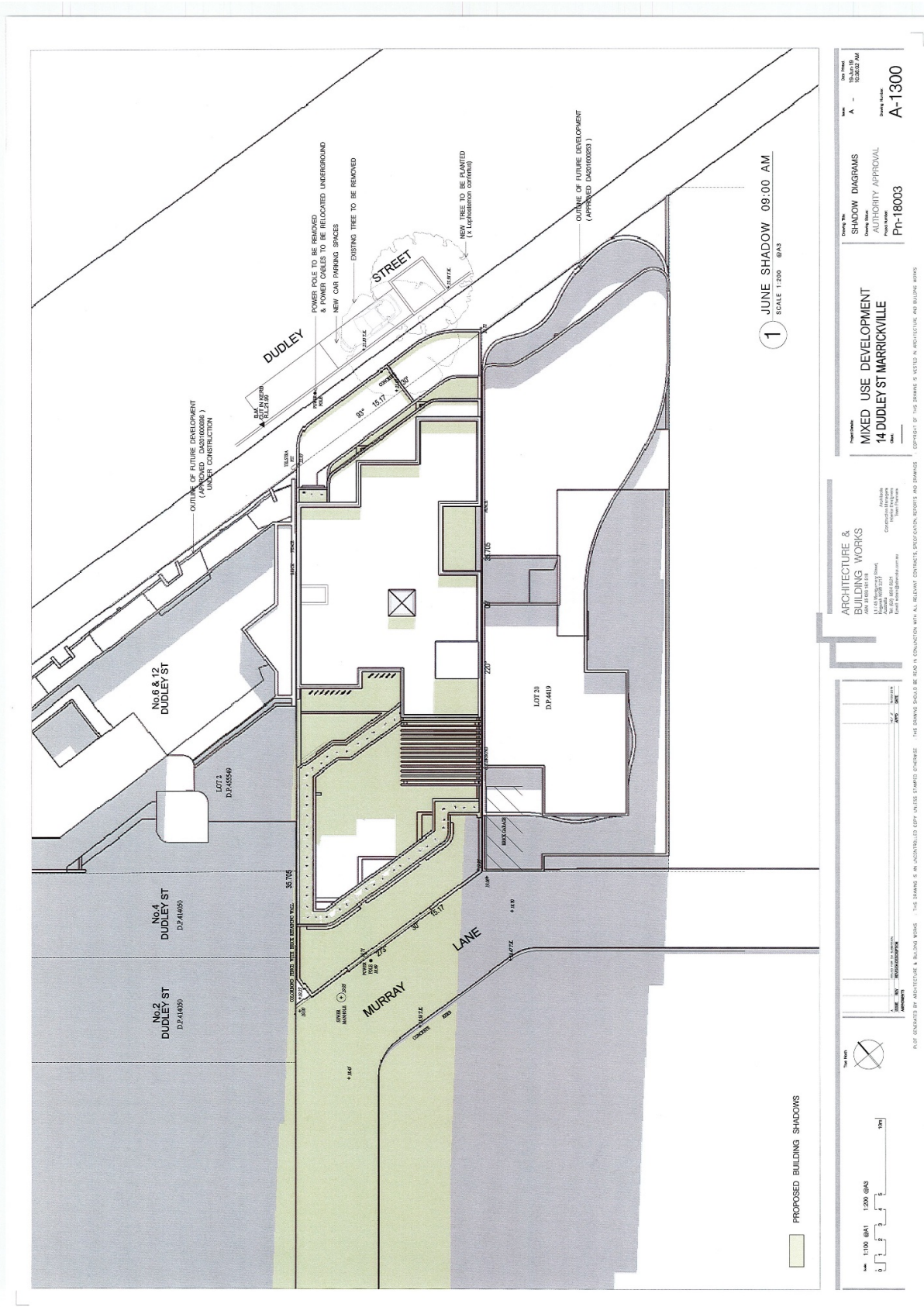
Project Name
**114 DUDLEY STREET
Marrickville - NSW - 2204**

Client
CHS

Architect
**ARCHITECTURE &
BUILDING WORKS**

114 Dudley Street
Marrickville NSW 2204
Australia
Phone: 02 9550 1234
Email: info@abw.com.au
www.abw.com.au

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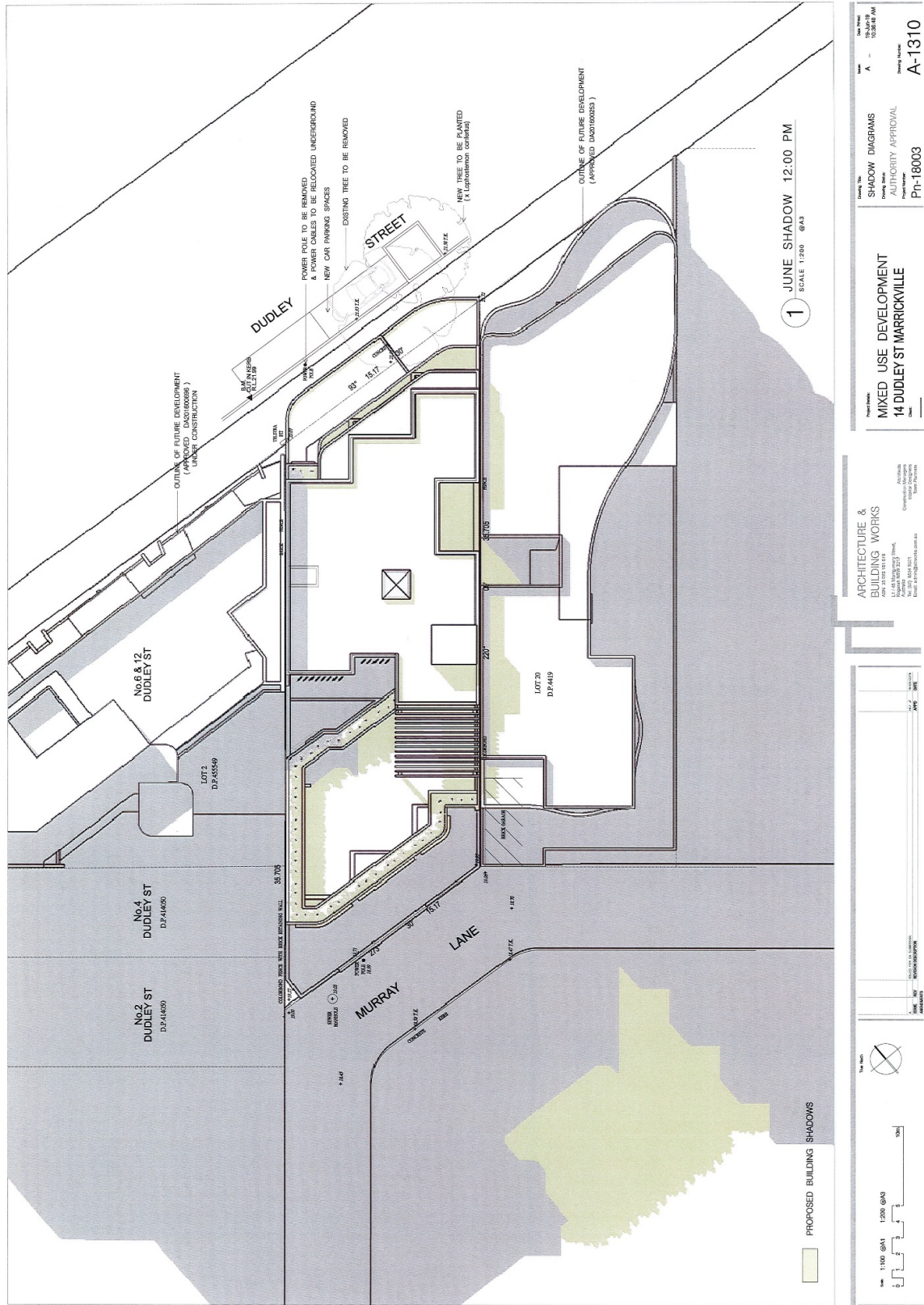
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 Project No: **Ph-18003**

Project No: **SHADOW DIAGRAMS**
 Date: **15 JUN 2018 10:30:17 AM**
 Authority: **PH-18003**

ARCHITECTURE & BUILDING WORKS
 1/1100 GERRARD STREET
 MARRICKVILLE NSW 2122
 PH-18003

Scale: 1:100 @A1, 1:200 @A3
 Date: 15 JUN 2018 10:30:17 AM

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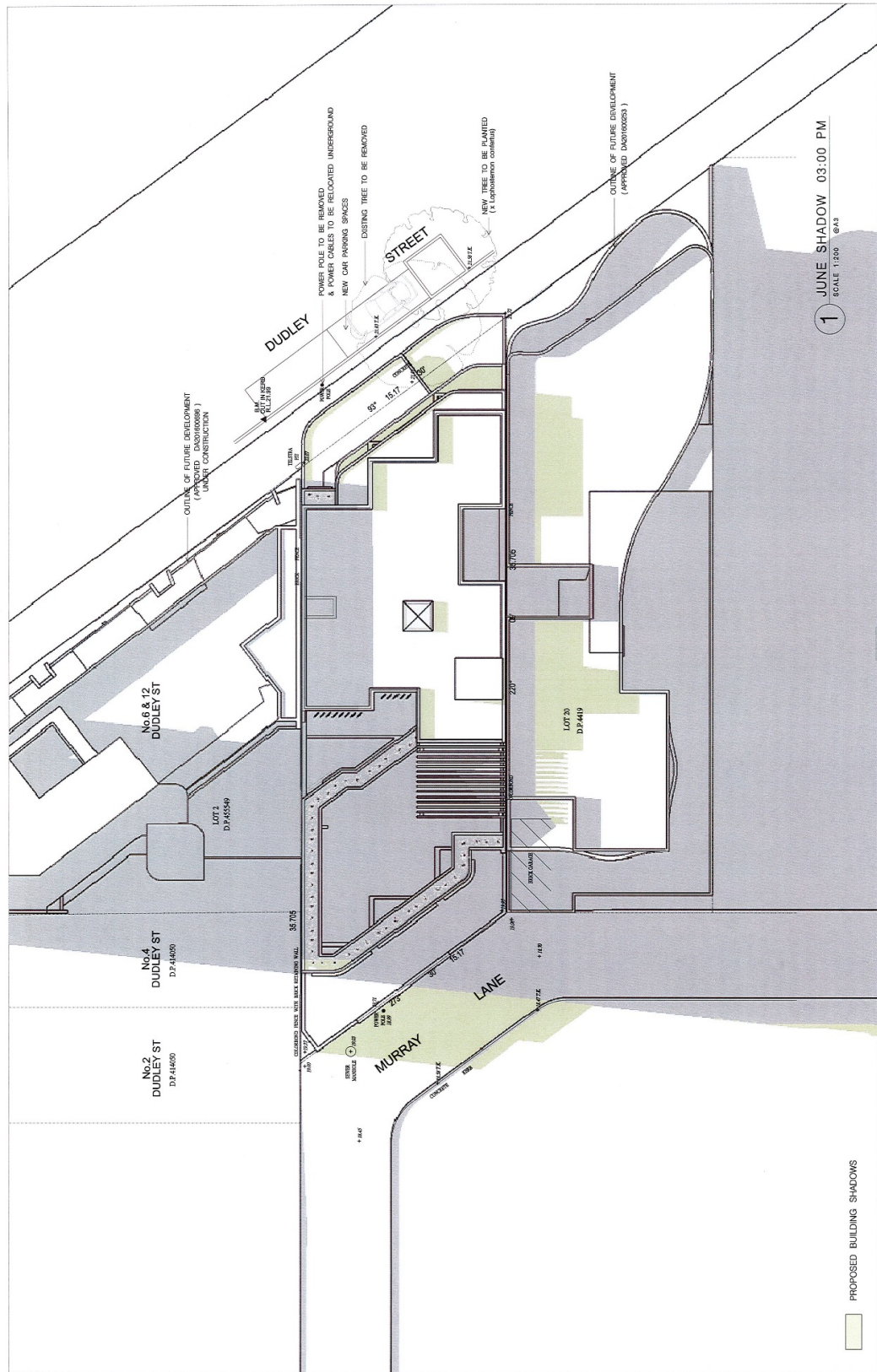


Drawn By: SHADOW DIAGRAMS
Drawing No: AUTHORITY APPROVAL
Drawing Scale: PT-18003
Sheet No: A-1310

PROJECT: MIXED USE DEVELOPMENT
14 DUDLEY ST MARRICKVILLE

ARCHITECTURE & BUILDING WORKS
ARCHITECTS
14/15 STIRLING ST
MARRICKVILLE NSW 2203
TEL: 02 9555 2277
WWW.ABWORKS.COM.AU

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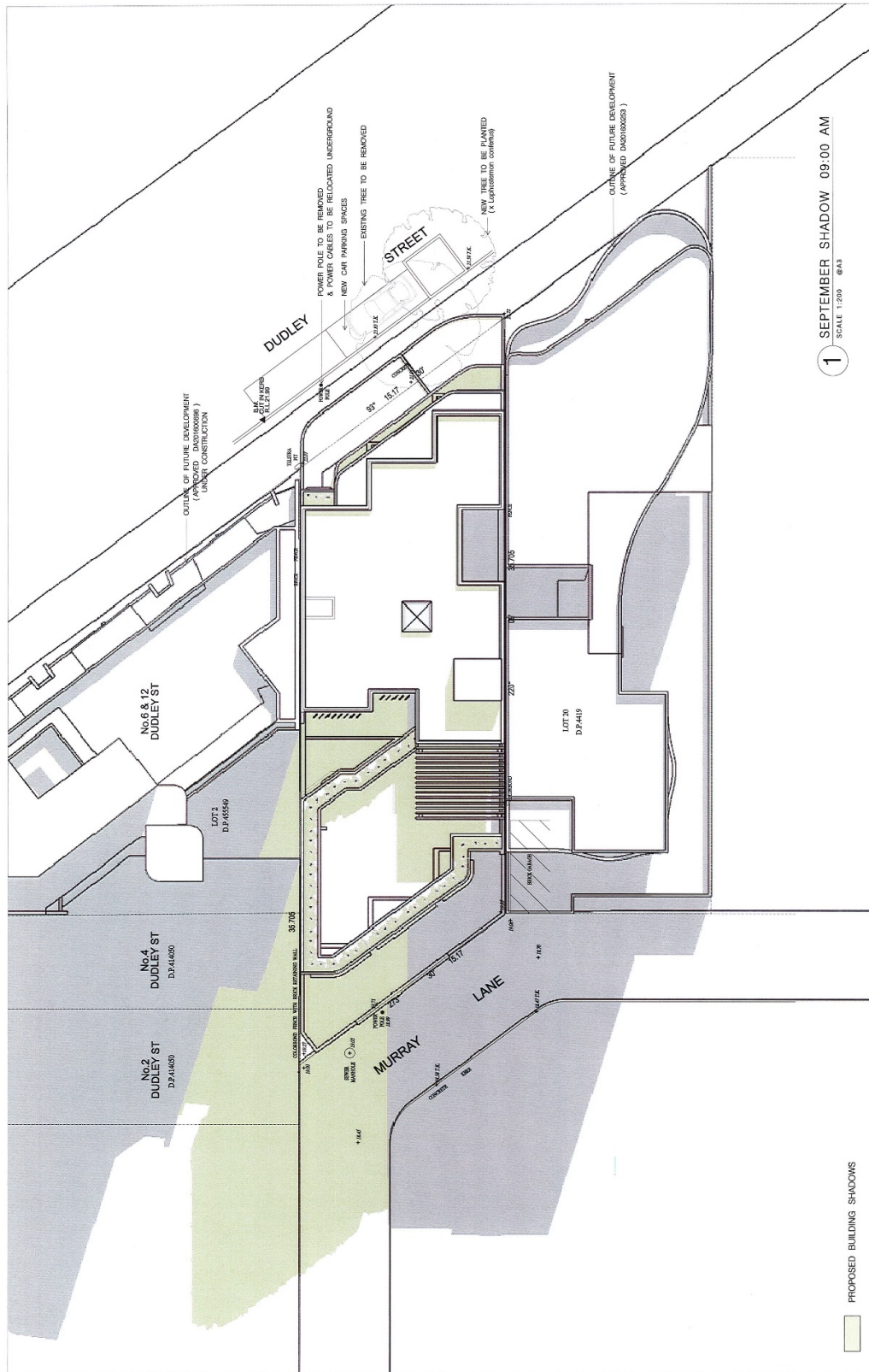
ARCHITECTURE & BUILDING WORKS
 11-22 Margaret Street,
 MARRICKVILLE NSW 2122
 Phone: 02 9550 2277
 Fax: 02 9550 2278
 Email: info@architects.com.au

MIXED USE DEVELOPMENT
14 DUDLEY ST MARRICKVILLE

SHADOW DIAGRAMS
 AUTHORITY APPROVAL
 Project No: Pr-18003

Scale: A
 Date: 19 Jun 19
 10:31:15 AM
 Drawing No: A-1320

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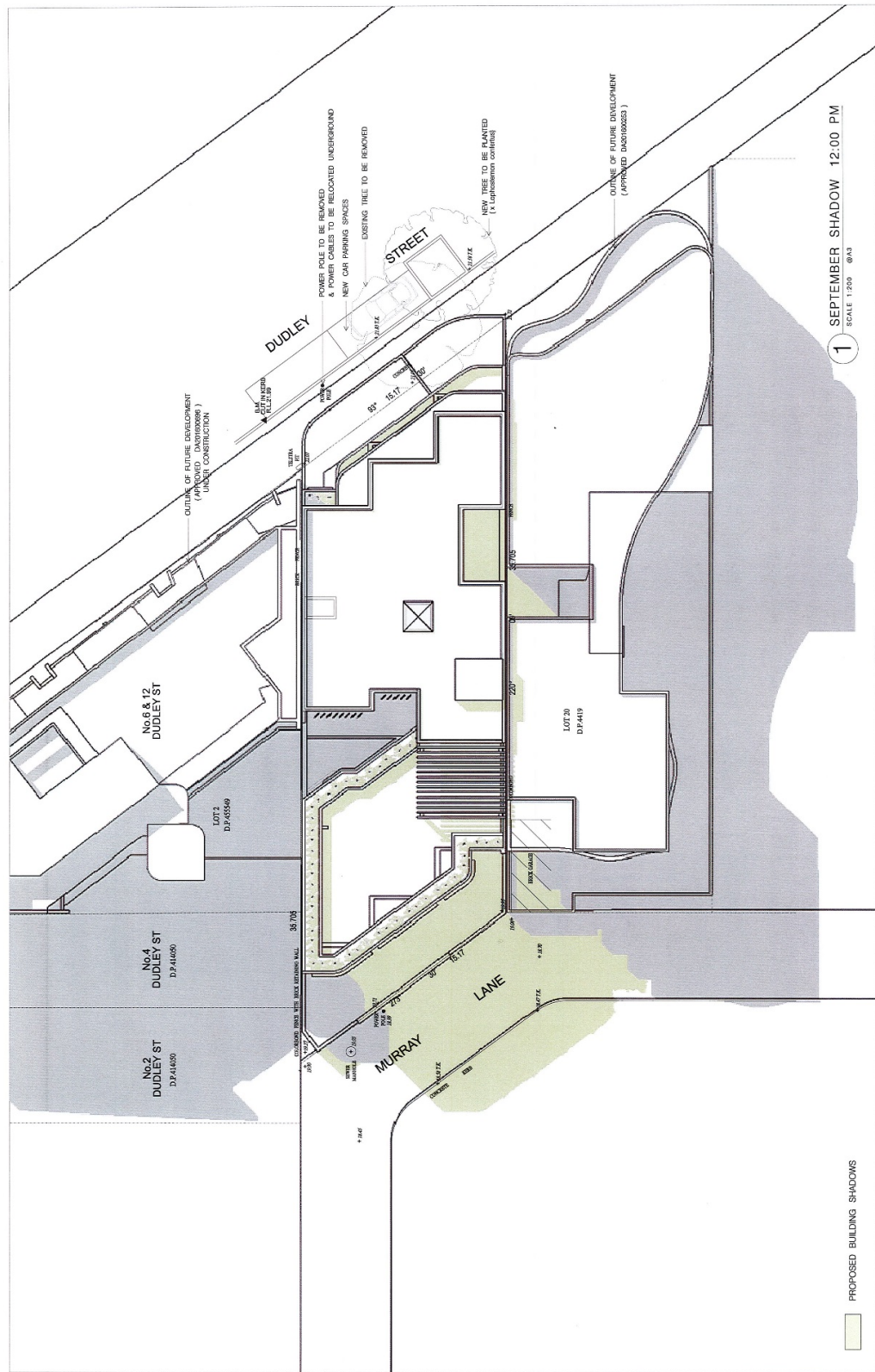
ARCHITECTURE & BUILDING WORKS
 1105 HIGH STREET, MARRICKVILLE
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MIXED USE DEVELOPMENT
 14 DUDLEY ST MARRICKVILLE
 PROJECT NO: Pr-18003

SHADOW DIAGRAMS
 AUTHORITY APPROVAL
 PROJECT NO: Pr-18003

DATE: 13/01/20
 TIME: 02:37:50 AM
 DRAWING NO: A-1330

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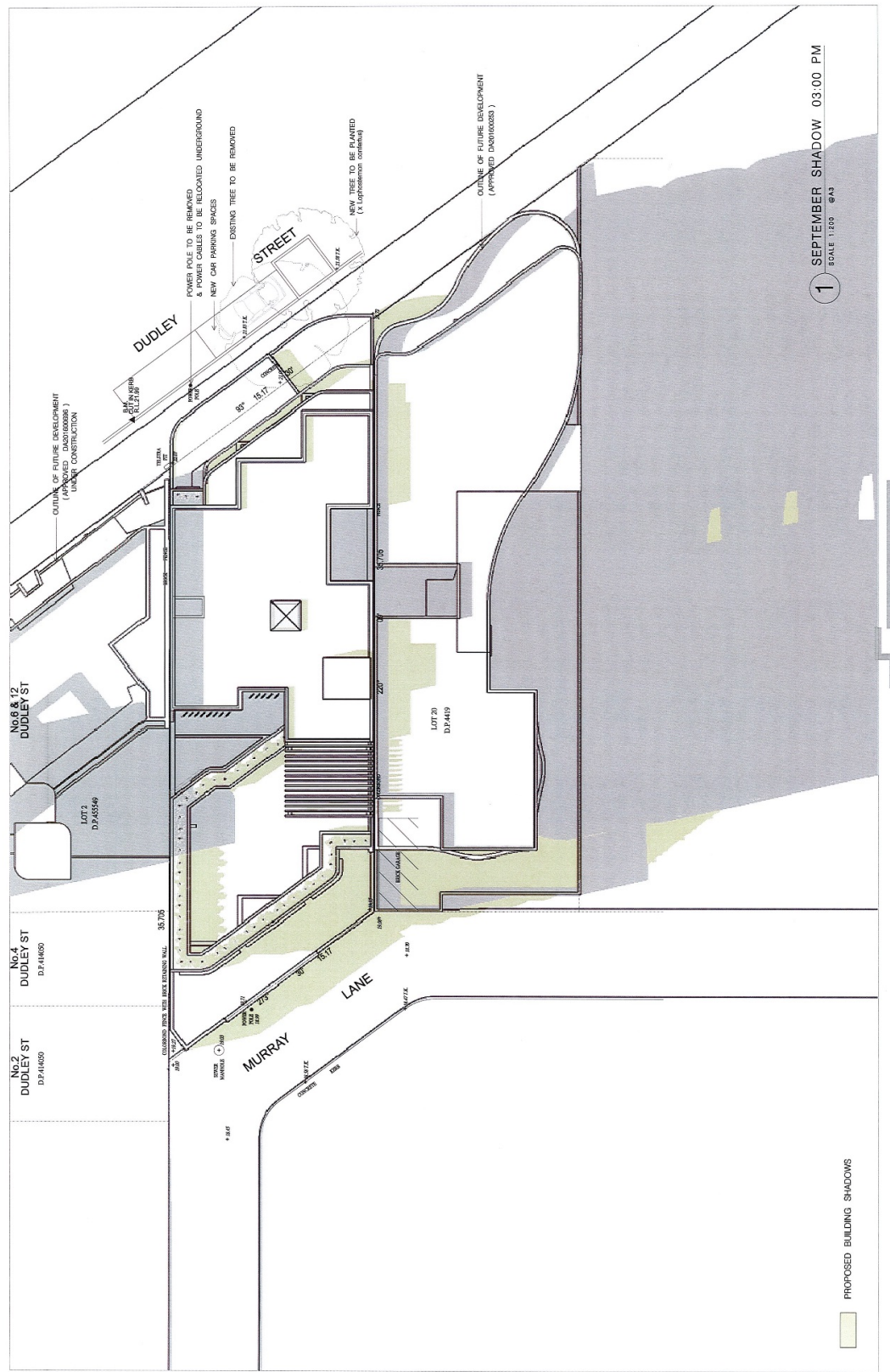
1 SEPTEMBER SHADOW 12:00 PM
SCALE 1:200 @A3

Drawn By: SHADOW DIAGRAMS
Drawn Date: 12/28/2016 AM
Drawing Number: A-1340
Authority Approval: PH-18003

Project Name: MIXED USE DEVELOPMENT
14 DUDLEY ST MARRICKVILLE

Architect: ARCHITECTURE & BUILDING WORKS
Architect No: 2016000181-NSW
Company No: 15491421-NSW
Address: 14/15 DUDLEY ST, MARRICKVILLE, NSW 2146
Tel: 02 9550 4000
Email: info@abw.com.au

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1 SEPTEMBER SHADOW 03:00 PM
SCALE 1:200 @A3

PROPOSED BUILDING SHADOWS

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 ARCHITECTS
 14 DUDLEY STREET MARRICKVILLE
 PHONE: 9550 2222
 FAX: 9550 2221
 WWW.ABWORKS.COM.AU

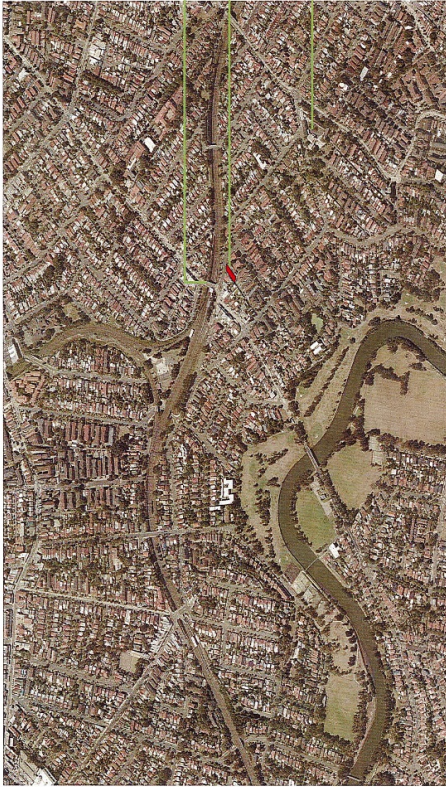
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 14 DUDLEY ST MARRICKVILLE
 DRAWING NO: PH-18003
 DATE:

DRAWING NO: PH-18003
 SHEET NO: A-1350
 DATE: 10/28/18
 DRAWN BY:

AUTHORITY APPROVAL
 PH-18003

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AREA HIGHLIGHTS



DESCRIPTION OF THE AREA
Marrickville Suburb

Area Highlights

- Dulwich Hill Railway Station - 90 metres
- Marrickville Fire Station - 1.4 Kilometres
- Newtown Town Hall - 1.5 Kilometres
- Marrickville Public School - 500 metres
- The Sydney Private Hospital - 3.2 Kilometres

Dulwich Hill Railway Station

SITE

Marrickville West Primary School



The University of Sydney



Sydney Park

The Site



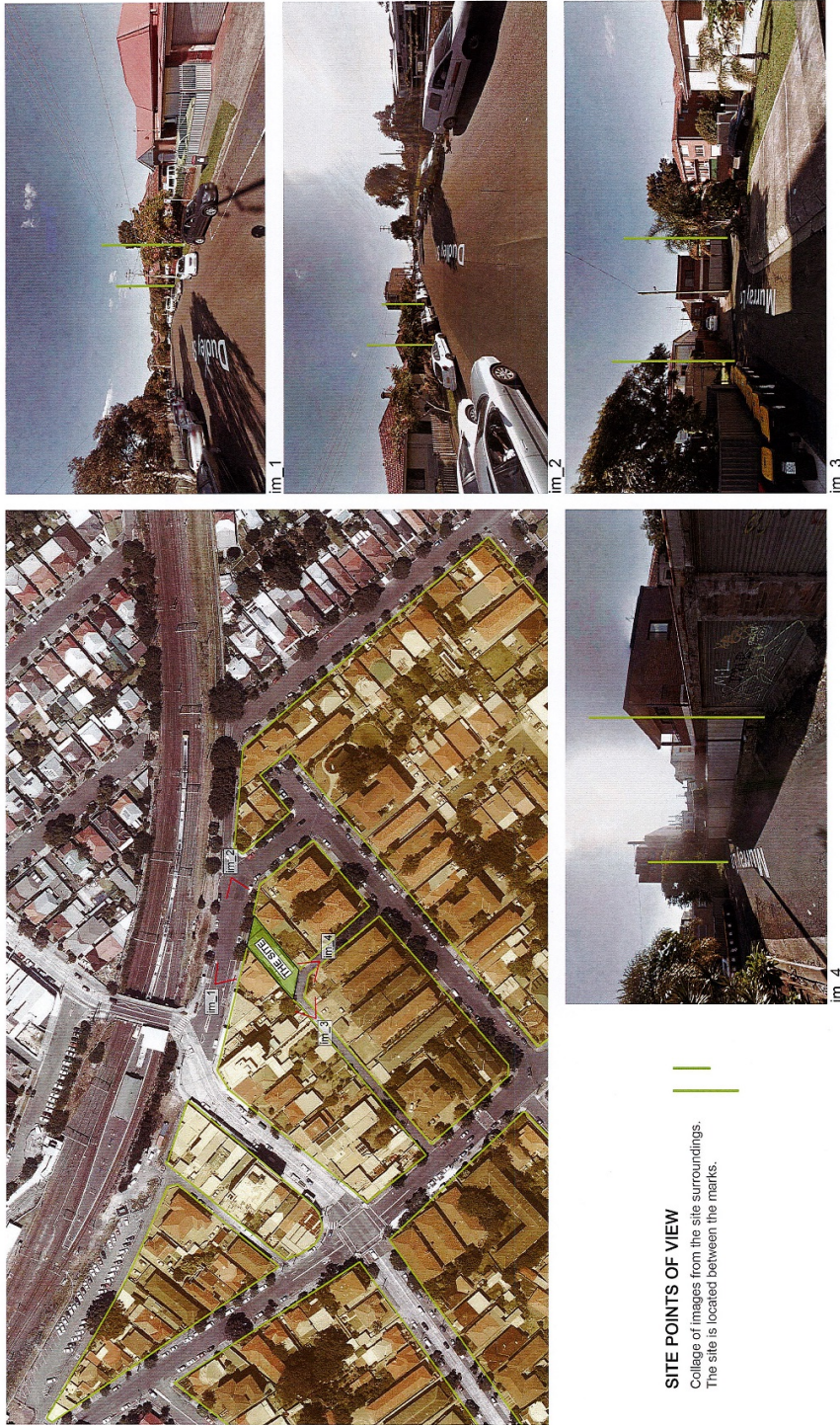
Sydney Airport - Kingford Smith



ARCHITECTURE & BUILDING WORKS
 14 DUDLEY STREET
 MARRICKVILLE - NSW - 2204

Project Number: Ph-18003
 Drawing Number: DA-0001
 Date: 06/07/2019

LOCATION AND GENERAL DESCRIPTION



SITE POINTS OF VIEW

Collage of images from the site surroundings.
The site is located between the marks.



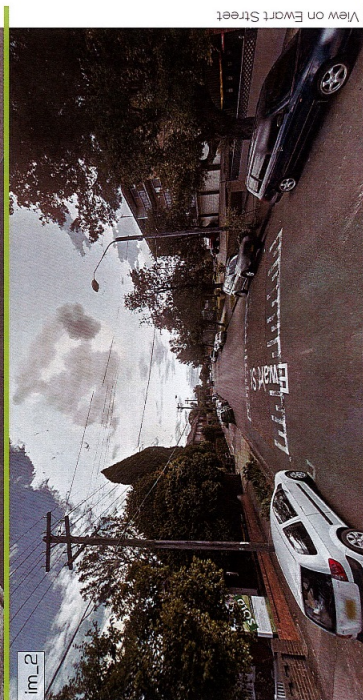
ARCHITECTURE & BUILDING WORKS
 14 DUDLEY STREET
 MARRICKVILLE - NSW - 2204

CONTEXT IMAGES

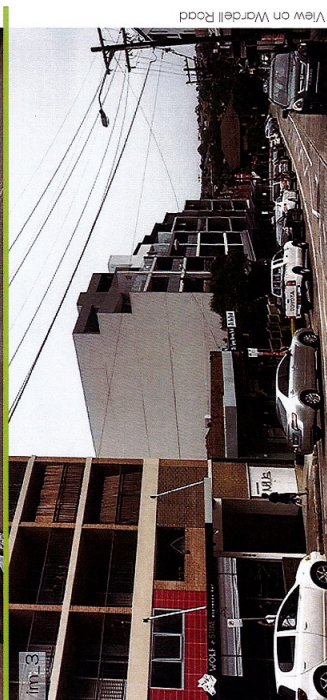
Project Number: PH-18003
 Date: MAY 2019
 Drawing Number: DA-0002



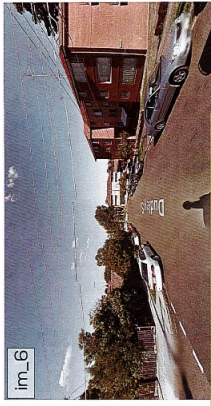
View on Bayley Street



View on Ewart Street



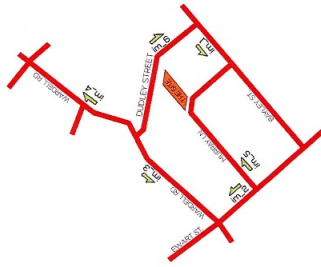
View on Wurdell Road



View on Dudley Street



View on Murray Lane



View on Wurdell Road





ARCHITECTURE & BUILDING WORKS
 14 DUDLEY STREET
 MARRICKVILLE NSW 2204
 Phone: 02 9550 1111
 Email: info@abw.com.au
 Website: www.abw.com.au


14 DUDLEY STREET - NSW - 2204
 Project Name
 DA-0003
 Ph-18003
 Drawing Number


SURROUNDING AREA IMAGES
 Date: MAY 2019




- 

Single residential building
 Single - detached dwelling - separate house as a free standing residential building.
 We consider inside this category the residential buildings with one storey, two storeys and two storeys with the attic.
 Average height between 0 and 10 metres.
- 

Units residential building
 A lower block, high-rise, residential lower, apartment or office tower, apartment block, or block of flats sometime characterised by a commercial ground floor and a mixed office function.
 We consider inside this category the buildings with more than two storeys. Average height over 10 metres.
- 

Non residential block
 Variety of different buildings. They are characterised by a typology connected to commerce and industry purpose.
 Average height between 0 and 11 metres.
- 

Community building
 Variety of different buildings. They are characterised by a typology connected to community use like schools, churches, hospitals, etc.
 Different possible heights.
- 

The site

ARCHITECTURE & BUILDING WORKS
 14 DUDLEY STREET
 MARRICKVILLE - NSW - 2204

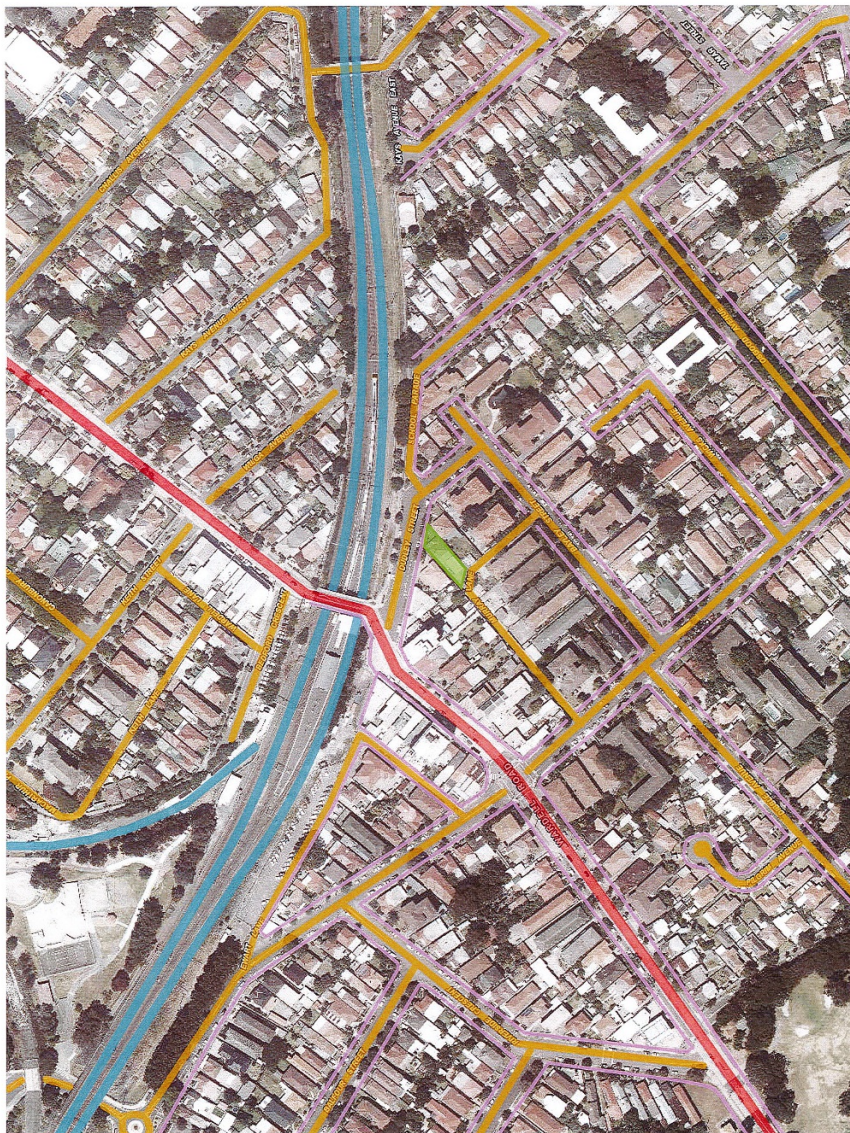
DATE: 14/05/2019
 PROJECT: 14 DUDLEY STREET
 CLIENT: MARRICKVILLE CITY COUNCIL
 PROJECT NUMBER: PH-18003
 DRAWING NUMBER: DA-0004

DATE: MAY 2019

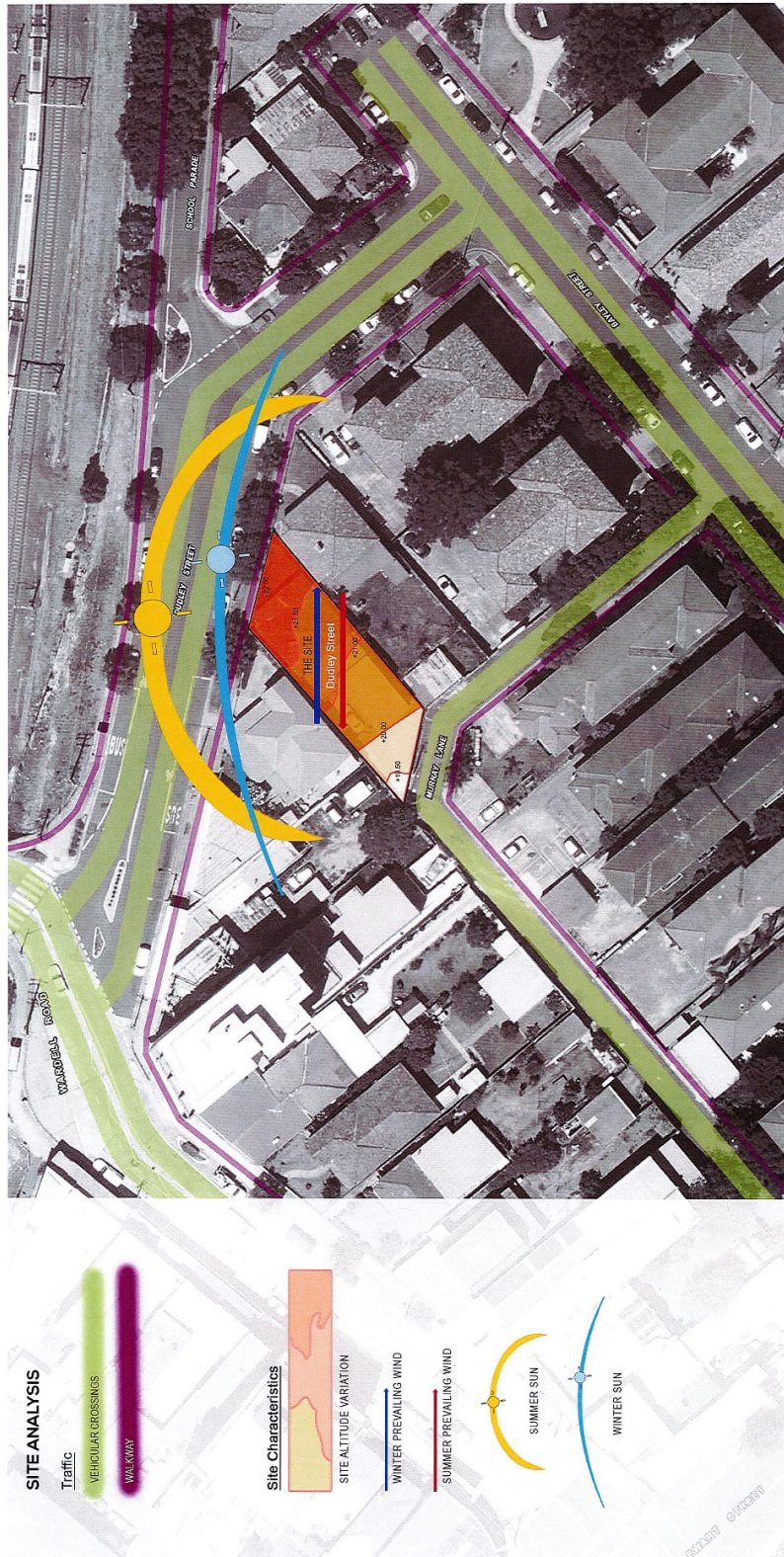
PROJECT: TYPLOGY OF SURROUNDING BUILDINGS

DRAWING NUMBER: DA-0004



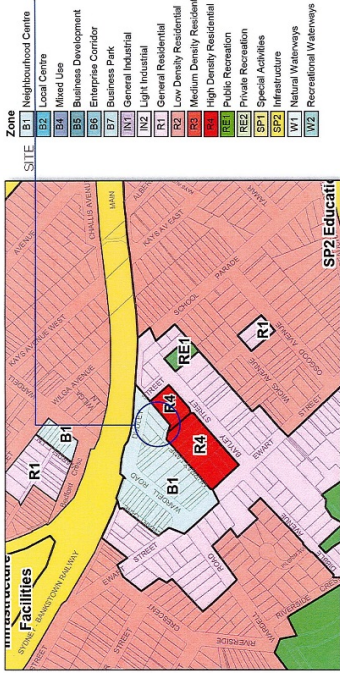


ARCHITECTURE & BUILDING WORKS
 14 DUDLEY STREET
 MARRICKVILLE - NSW - 2204
 Date: 14/03/2018
 Project No: 18003
 Drawing No: DA-0005
 Project Name: TRAFFIC ANALYSIS



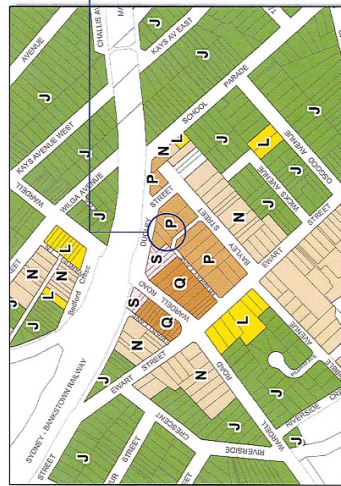
DESCRIPTION OF THE SITE
Dudley Street

This site is under the regulations of Marrickville Council.
 Site Area: 434.60 sqm
 Zoning: Neighbourhood Centre
 Permissible FSR: 1.80 : 1
 Permissible Height: 17 m



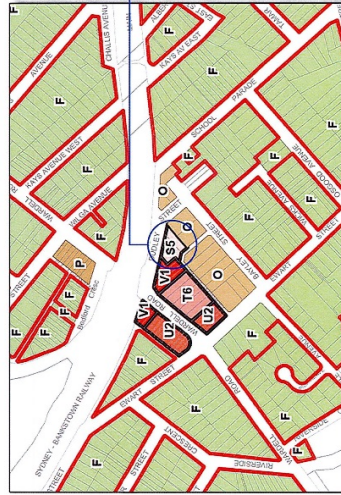
Maximum Building Height (m)

J	9.5
L	11.0
N	14.0
P	17.0
O	20.0
S	23.0
T1	26.0
T2	28.0
U	32.0



Maximum Floor Space Ratio (m²)

S1	1.50
S2	1.60
S3	1.70
S4	1.75
S5	1.80
S6	1.85
S7	1.90
T1	2.00
T2	2.05
T3	2.10
T4	2.20
T5	2.30
T6	2.40
F	0.60
HT	0.70
J	0.75
K	0.85
L	0.90
M	0.95
N	1.00
O	1.10
P	1.20
R	1.30
R	1.40



ARCHITECTURE & BUILDING WORKS
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 MARRICKVILLE
 ARCHITECTURE & BUILDING WORKS
 14 DUDLEY STREET
 MARRICKVILLE NSW 2204
 PH: 02 9550 1515
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SITE DESCRIPTION
 Project Name: 14 DUDLEY STREET - NSW - 2204
 Project Code: PH-18003
 Date: 10th July 2018
 Drawing Number: DA-0007

1 SUN VIEW 8:00 AM
DATE: 15/11/2017

2 SUN VIEW 10:00 AM
DATE: 15/11/2017

3 SUN VIEW 11:00 AM
DATE: 15/11/2017

4 SUN VIEW 12:00 PM
DATE: 15/11/2017

5 SUN VIEW 2:00 PM
DATE: 15/11/2017

6 SUN VIEW 4:00 PM
DATE: 15/11/2017

7 SUN VIEW 5:00 PM
DATE: 15/11/2017

ARCHITECTURE & BUILDERS WORKS
100/102/104/106/108/110/112/114/116/118/120/122/124/126/128/130/132/134/136/138/140/142/144/146/148/150/152/154/156/158/160/162/164/166/168/170/172/174/176/178/180/182/184/186/188/190/192/194/196/198/200/202/204/206/208/210/212/214/216/218/220/222/224/226/228/230/232/234/236/238/240/242/244/246/248/250/252/254/256/258/260/262/264/266/268/270/272/274/276/278/280/282/284/286/288/290/292/294/296/298/300/302/304/306/308/310/312/314/316/318/320/322/324/326/328/330/332/334/336/338/340/342/344/346/348/350/352/354/356/358/360/362/364/366/368/370/372/374/376/378/380/382/384/386/388/390/392/394/396/398/400/402/404/406/408/410/412/414/416/418/420/422/424/426/428/430/432/434/436/438/440/442/444/446/448/450/452/454/456/458/460/462/464/466/468/470/472/474/476/478/480/482/484/486/488/490/492/494/496/498/500/502/504/506/508/510/512/514/516/518/520/522/524/526/528/530/532/534/536/538/540/542/544/546/548/550/552/554/556/558/560/562/564/566/568/570/572/574/576/578/580/582/584/586/588/590/592/594/596/598/600/602/604/606/608/610/612/614/616/618/620/622/624/626/628/630/632/634/636/638/640/642/644/646/648/650/652/654/656/658/660/662/664/666/668/670/672/674/676/678/680/682/684/686/688/690/692/694/696/698/700/702/704/706/708/710/712/714/716/718/720/722/724/726/728/730/732/734/736/738/740/742/744/746/748/750/752/754/756/758/760/762/764/766/768/770/772/774/776/778/780/782/784/786/788/790/792/794/796/798/800/802/804/806/808/810/812/814/816/818/820/822/824/826/828/830/832/834/836/838/840/842/844/846/848/850/852/854/856/858/860/862/864/866/868/870/872/874/876/878/880/882/884/886/888/890/892/894/896/898/900/902/904/906/908/910/912/914/916/918/920/922/924/926/928/930/932/934/936/938/940/942/944/946/948/950/952/954/956/958/960/962/964/966/968/970/972/974/976/978/980/982/984/986/988/990/992/994/996/998/1000

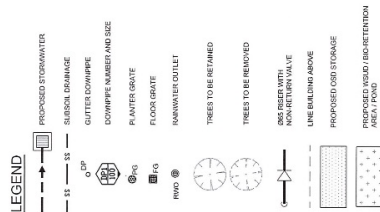
PROJECT: MIXED USE DEVELOPMENT IN DUDLEY STREET MARRICKVILLE
DATE: 15/11/2017
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1:100

PH-18003 A-1400

14 DUDLEY STREET, MARRICKVILLE NSW 2204

PROPOSED MIXED-USED DEVELOPMENT

STORMWATER CONCEPT PLANS



GENERAL NOTES

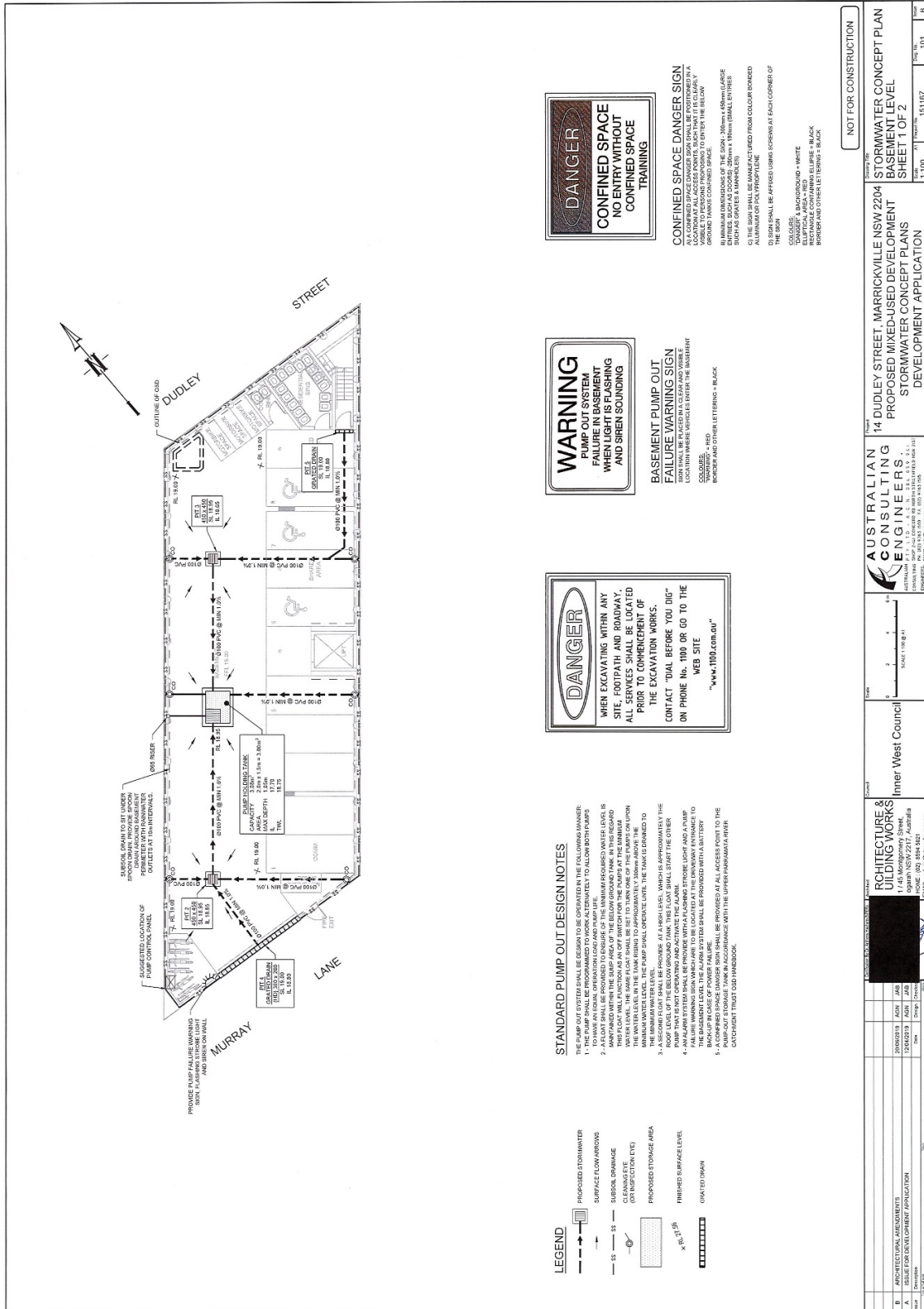
1. ALL EXISTING SERVICES SHALL BE MARKED UNLESS OTHERWISE INDICATED.
2. EXISTING SERVICES LOCATIONS SHOWN INDICATIVE ONLY. LOCATE & LEVEL ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION.
3. ALL SERVICES SHALL BE COVERED IN CONCRETE WITH FINISH TO MATCH EXISTING.
4. ALL PIPES IN CONCRETE SHALL BE 150mm CONCRETE AND ALL PIPES IN LANDSCAPED AREAS TO BE 60mm HDPE.
5. FITTED LESS THAN 100mm DEEP MAY BE BRICK, PRECAST OR CONCRETE.
6. ALL MANHOLES SHALL BE BRICK OR CONCRETE AND HAVE SIGHTY COVERTS ON IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS.
7. ALL EXTERNAL SURFACES TO BE WATERPROOFED.
8. ALL GRATES TO HAVE CHILD PROOF COVERS.
9. ALL DRAINAGE WORKS TO AVOID TREE ROOTS.
10. ALL LPTS TO HAVE LEAF GUARDS.
11. ALL EXISTING LEVELS TO BE CONFIRMED BY SURVEYOR PRIOR TO CONSTRUCTION.
12. ALL WORK WITHIN COUNCIL RESERVE TO BE INSPECTED BY COUNCIL PRIOR TO CONSTRUCTION. THIS IS TO BE INCORPORATED INTO THE PRELIMINARY LEVELS ONCE ISSUED BY COUNCIL.
13. ALL WORK SHALL BE IN ACCORDANCE WITH N.C.A. AND LANDSCAPING.
14. REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR LANDSCAPING.
15. CARE TO BE TAKEN AROUND EXISTING STRUCTURAL WALLS AND FOUNDATIONS. EXISTING RETAINING WALLS AND GROUND SURFACE LEVELS.
16. ALL EXISTING SERVICES SHALL BE IDENTIFIED AND PROTECTED PRIOR TO CONSTRUCTION.
17. ALL EXISTING SERVICES SHALL BE IDENTIFIED AND PROTECTED PRIOR TO CONSTRUCTION.
18. ALL EXISTING SERVICES SHALL BE IDENTIFIED AND PROTECTED PRIOR TO CONSTRUCTION.
19. ALL EXISTING SERVICES SHALL BE IDENTIFIED AND PROTECTED PRIOR TO CONSTRUCTION.
20. ALL PIPES IN BALCONIES TO BE 60mm HDPE.
21. THE GROUND IN BALCONIES TO BE BUILT TO THE CORRECT LEVEL AND FINISHED WITH FLOOR FINISHES AS SHOWN ON THE DRAWINGS. ALL BALCONIES TO BE FINISHED WITH FLOOR FINISHES AS SHOWN ON THE DRAWINGS. ALL BALCONIES TO BE FINISHED WITH FLOOR FINISHES AS SHOWN ON THE DRAWINGS.

LOCALITY PLAN

N.T.S.

Drawing No.	DESCRIPTION
000	COVER SHEET PLAN
101	STORMWATER CONCEPT PLAN (AMBIENT LEVEL SHEET 1 OF 2)
102	STORMWATER CONCEPT PLAN (AMBIENT LEVEL SHEET 2 OF 2)
103	STORMWATER CONCEPT PLAN
104	GSD & WMSD DETAILS SHEET 1 OF 2
105	GSD & WMSD DETAILS SHEET 2 OF 2
106	LEVEL 1 PLAN & MISCELLANEOUS DETAILS SHEET

<p>AUSTRIALIAN ENGINEERS CONSULTANTS 14 DUDLEY STREET, MARRICKVILLE NSW 2204 PROPOSED MIXED-USED DEVELOPMENT STORMWATER CONCEPT PLANS DEVELOPMENT APPLICATION</p>		<p>NOT FOR CONSTRUCTION</p>
<p>ARCHITECTURE & BUILDING WORKS 117-119 ROYAL AVENUE, SYDNEY NSW 1588 PHONE: (02) 9554-6021 EMAIL: info@abw.com.au</p>	<p>Inner West Council</p>	<p>151187</p>
<p>DATE: 15/08/2023 DRAWN: JAMES CHECKED: JAMES DATE: 15/08/2023</p>	<p>DATE: 15/08/2023 DRAWN: JAMES CHECKED: JAMES DATE: 15/08/2023</p>	<p>DATE: 15/08/2023 DRAWN: JAMES CHECKED: JAMES DATE: 15/08/2023</p>



- LEGEND**
- PROPOSED STORMWATER
 - SURFACE FLOW ARROWS
 - SUBSIDIARY ELECTRICAL CONTROL PANEL
 - CLEANING SITE (OR INSPECTOR EYE)
 - PROPOSED STORAGE AREA
 - FINISHED SURFACE LEVEL
 - GRAVEL (100mm)

STANDARD PUMP OUT DESIGN NOTES

- 1- THE PUMP OUT SYSTEM SHALL BE DESIGNED TO BE OPERATED IN THE FOLLOWING MANNER:
 - 1- THE PUMP SHALL BE PROGRAMMED TO WORK ALTERNATELY TO ALLOW BOTH PUMPS MAINTAINED WITHIN THE PUMP AREA OF THE BELOW GROUND TANK IN THE REGARD WATER LEVEL, THE SAME FLOAT SHALL BE SET TO TURN ONE OF THE PUMPS ON UPON THE WATER LEVEL IN THE TANK BEING TO APPROXIMATELY 750MM ABOVE THE FINISHED WATER LEVEL.
 - 2- THE PUMP SHALL OPERATE UNTIL THE TANK IS EXHAUSTED TO THE FINISHED WATER LEVEL.
 - 3- SHOULD LEVEL OF THE BELOW GROUND TANK, THE FLOAT SHALL START THE OTHER PUMP THAT IS NOT OPERATING AND ACTIVATE THE ALARM.
 - 4- THE ALARM SYSTEM SHALL BE LOCATED AT THE EXPOSURE ENTRANCE TO THE BASEMENT LEVEL. THE ALARM SYSTEM SHALL BE PROVIDED WITH A BATTERY SUPPLY.
 - 5- A CONFINED SPACE DANGER SIGN SHALL BE PROVIDED AT ALL ACCESS POINT TO THE EXCAVATION THROUGH THE CONFINED SPACE.

DANGER

WHEN EXCAVATING WITHIN ANY SITE, FOOTPATH AND ROADWAY ALL SERVICES SHALL BE LOCATED PRIOR TO COMMENCEMENT OF THE EXCAVATION WORKS.

CONTACT "DIAL BEFORE YOU DIG" ON PHONE No. 100 OR GO TO THE WEB SITE "www.100.com.au"

WARNING

PUMP OUT SYSTEM FAILURE IN BASEMENT MAY CAUSE LIGHT FLASHING AND SIREN SOUNDING

BASEMENT PUMP OUT FAILURE WARNING SIGN

THIS SIGN SHALL BE PLACED IN A CLEAR AND VISIBLE LOCATION WHERE VEHICLES ENTER THE BASEMENT EXCAVATION.

COLORS: RED BACKGROUND = RED BORDER AND OTHER LETTERING = BLACK

DANGER

CONFINED SPACE NO ENTRY WITHOUT CONFINED SPACE TRAINING

CONFINED SPACE DANGER SIGN

A CONFINED SPACE DANGER SIGN SHALL BE POSITIONED IN A VISIBLE LOCATION WHERE VEHICLES ENTER THE BASEMENT EXCAVATION.

MINIMUM DIMENSIONS OF THE SIGN: 300mm x 450mm (LARGE ENTRANCE), 200mm x 300mm (SMALL ENTRANCE)

SIGN SHALL BE AFFIXED USING SCREWS AT EACH CORNER OF THE SIGN

COLORS: RED BACKGROUND = WHITE BORDER AND OTHER LETTERING = BLACK

<p>ARCHITECTURE & BUILDING WORKS 17-45 Montgomery Street, Clydeburn NSW 2077, Australia PHONE: 02 9550 1111 EMAIL: info@architects.com.au</p>		<p>Inner West Council</p>	<p>Scale: 1:100</p>	<p>DATE: 15/11/07</p>	<p>Sheet No. 101</p>	<p>Page B</p>
<p>PROJECT: 14 DUDLEY STREET, MARRICKVILLE NSW 2204 STORMWATER CONCEPT PLAN BASEMENT LEVEL SHEET 1 OF 2</p>		<p>NOT FOR CONSTRUCTION</p>				
<p>ARCHITECTURAL AMENDMENTS</p>						
<p>A - SUBMIT FOR DEVELOPMENT APPLICATION</p>						

NOTE:

1. ALL THE STRUCTURAL DETAILS REFER TO STRUCTURAL ENGINEERS PLAN.
2. ALL THE AG LINES BEHIND THE PUMP ARE CONNECTED TO PUMP-OUT SUMP.

PUMP-OUT SUMP DETAIL PLAN VIEW
SCALE: 1:50

FOR STRUCTURAL DETAIL REFER TO STRUCTURAL ENGINEERS PLANS

SECTION A
STORMWATER PUMP-OUT SUMP
SCALE: 1:10

PUMP-OUT SUMP:
MAX TANK DEPTH (UPSTREAM) 1.00m
MAX TANK DEPTH (DOWNSTREAM) 1.50m
LENGTH 1.50m
WIDTH 2.00m
VOLUME PROVIDED 3.00m³

SINCE THE ROOF OCCUPIES THE MAIN ENTRANCE TO THE BASEMENT AND THE OTHER PART OF THE DRIVEWAY SLOPES TO THE STREET, NO FLOWS ARE ASSUMED TO ENTER THE BASEMENT IN THE UNLIKELY CASE OF EMERGENCY. A 3.0m³ PUMP-OUT TANK IS PROVIDED.

PUMP CALCULATIONS
Project Address: 14 Dudley Street, Marrickville

$H_t = 3.5x \sqrt{Q} / (d^{2.63x}) \times 1.852$
 H_t (m/100m), Q (L/s), d (mm)

$h = k_v \times V^2 / 2g$
 h (cum), V (m/s), $g = 9.81$ m/s²

v (m/s) = 0.00
Bend Losses, $K_b = 3.06$
Valve Losses, $K_v = 2.13$
Entry/Exit Losses, $K_e = 5.00$
Cum Losses, $K_c = 10.19$

d (mm) = 65

Start Flow: 0
Increments: 1

Q (L/s)	0	1	2	3	4	5	6	7	8	9	10
H _t (m/100m)	0.00	0.18	0.64	1.36	2.32	3.51	4.92	6.55	8.39	10.44	12.68
H _f (m)	0.00	0.02	0.08	0.14	0.23	0.35	0.49	0.66	0.84	1.04	1.27
V (m/s)	0.00	0.30	0.60	0.90	1.21	1.51	1.81	2.11	2.41	2.71	3.01
H _f (m)	0.00	0.05	0.19	0.42	0.76	1.18	1.70	2.31	3.02	3.82	4.72
H _t (m)	0.00	0.07	0.32	0.58	0.91	1.33	1.75	2.21	2.71	3.21	3.91

UNDERGROUND PUMP-OUT SUMP STAGED STORAGE CALCULATIONS

DEPTH (m)	AREA (m²)	CUMULATIVE VOLUME (m³)
0	3.00	0.00
100	3.00	0.30
200	3.00	0.60
300	3.00	0.90
400	3.00	1.20
500	3.00	1.50
600	3.00	1.80
700	3.00	2.10
800	3.00	2.40
900	3.00	2.70
1000	3.00	3.00

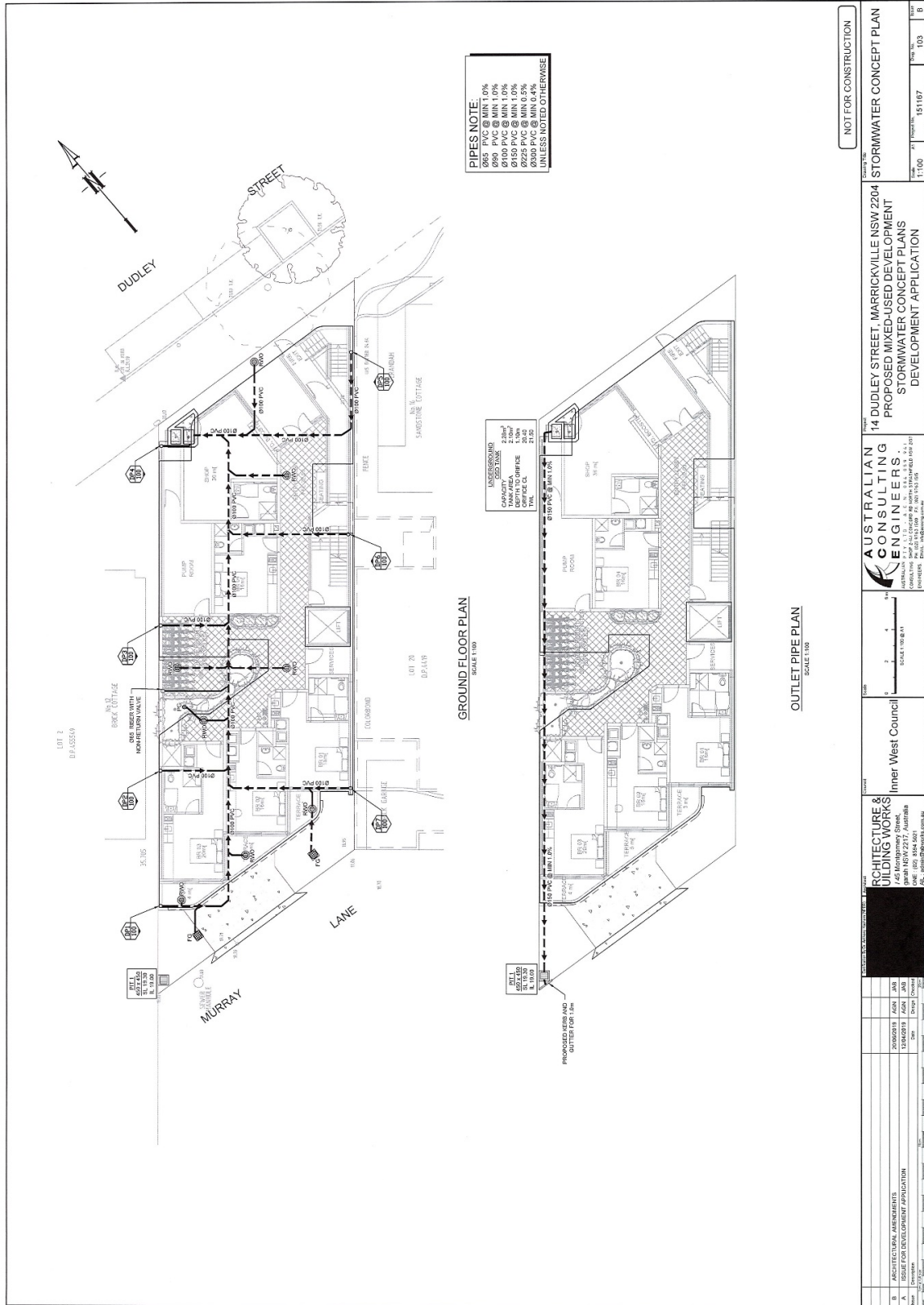
UNDERGROUND PUMP-OUT SUMP STAGED STORAGE CALCULATIONS

Elevation head (m) = 5
Pipe Length (m) = 10
Hazen-Williams C = 145
Pipe Length (m) = 10
125-140 Commercial steel pipe
135-140 Bitumen lined cast iron pipe
145-150 PVC

Flow Chart:
Total Head (ft) vs Flow (g/min). Curves for DT75, DT155, DT37, DT150, DT22.

NOT FOR CONSTRUCTION

PROJECT NO.	14 DUDLEY STREET MARRICKVILLE NSW 2204
CLIENT	STORMWATER CONCEPT PLAN
DATE	AS SHOWN
SCALE	AS SHOWN
ISSUE NO.	102
DATE	15/11/2017
BY	B



PIPES NOTE:
 Ø85 PVC @ MIN 1.0%
 Ø90 PVC @ MIN 1.0%
 Ø100 PVC @ MIN 1.0%
 Ø150 PVC @ MIN 1.0%
 Ø225 PVC @ MIN 0.5%
 Ø300 PVC @ MIN 0.5%
 Ø375 PVC @ MIN 0.5%
 UNLESS NOTED OTHERWISE

GROUND FLOOR PLAN
SCALE 1:100

OUTLET PIPE PLAN
SCALE 1:100

NOT FOR CONSTRUCTION

AUSTRALIAN ENGINEERING CONSULTANTS
 14 DUDLEY STREET, MARRICKVILLE NSW 2204
 PROPOSED MIXED-USED DEVELOPMENT
 STORMWATER CONCEPT PLANS
 DEVELOPMENT APPLICATION

DATE: 15/11/2023
 SCALE: 1:100

ARCHITECTURE & BUILDING WORKS
 7/48 PROSPERITY STREET
 MARRICKVILLE NSW 2204
 PHONE: (02) 9444 4021
 WWW: www.architectureandbuildingworks.com.au

Inner West Council

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
2	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
3	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
4	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
5	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
6	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
7	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
8	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
9	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
10	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
11	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
12	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
13	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
14	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
15	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
16	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
17	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
18	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
19	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]
20	ISSUE FOR CONSTRUCTION	15/11/2023	[Signature]	[Signature]

GENERAL NOTES

1. UNITS AND DIMENSIONS ARE AS SHOWN BY THE CIVIL ENGINEER UNLESS OTHERWISE SPECIFIED BY THE CIVIL ENGINEER UNLESS OTHERWISE SPECIFIED BY THE CIVIL ENGINEER UNLESS OTHERWISE SPECIFIED BY THE CIVIL ENGINEER UNLESS OTHERWISE SPECIFIED BY THE CIVIL ENGINEER.
2. THE DESIGN OF THE STRUCTURE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFIED STANDARDS AND CODES OF PRACTICE.
3. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE SPECIFIED.
4. THE STRUCTURE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFIED STANDARDS AND CODES OF PRACTICE.
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9. THE STRUCTURE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFIED STANDARDS AND CODES OF PRACTICE.

WSUD MUSIC RESULT
N.T.S.

STRUCTURE ID	WATER QUALITY FLOW RATE (L/S)	PEAK FLOW RATE (L/S)	RETURNTIME OF PEAK FLOW (MIN)	RETURNTIME OF PEAK FLOW (MIN)	CARTRIDGE HEIGHT (215, 460, 610, 800, 900)	MEDIA TYPE (PERIATE, PENETRAZONATE, OR ZPO)	ZPO
1	0.411	0.411	9	9	215	PERIATE	0
2	0.411	0.411	9	9	460	PERIATE	0
3	0.411	0.411	9	9	610	PERIATE	0
4	0.411	0.411	9	9	800	PERIATE	0
5	0.411	0.411	9	9	900	PERIATE	0

UNDERGROUND OSD/WSUD TANK DETAIL
SCALE 1:10

STRUCTURE ID	WATER QUALITY FLOW RATE (L/S)	PEAK FLOW RATE (L/S)	RETURNTIME OF PEAK FLOW (MIN)	RETURNTIME OF PEAK FLOW (MIN)	CARTRIDGE HEIGHT (215, 460, 610, 800, 900)	MEDIA TYPE (PERIATE, PENETRAZONATE, OR ZPO)	ZPO
1	0.411	0.411	9	9	215	PERIATE	0
2	0.411	0.411	9	9	460	PERIATE	0
3	0.411	0.411	9	9	610	PERIATE	0
4	0.411	0.411	9	9	800	PERIATE	0
5	0.411	0.411	9	9	900	PERIATE	0

STORMFILTER DESIGN TABLE

CARTRIDGE HEIGHT (mm)	PRECAST PIT BASE	FALSE FLOOR	PRECAST PIT BASE
215	1.4	0.7	1.4
460	1.4	0.7	1.4
610	1.4	0.7	1.4
800	1.4	0.7	1.4
900	1.4	0.7	1.4

STORMFILTER TABLE
N.T.S.

INLET PIPE #	28.42	PVC	108
OUTLET PIPE #	31.32	PVC	150
PIPE ORIENTATION	UP		
UPSTREAM	DOWNSTREAM		
UPSTREAM	100°	0°	270°
DOWNSTREAM	0°	100°	270°

GENERAL NOTES

1. UNITS AND DIMENSIONS ARE AS SHOWN BY THE CIVIL ENGINEER UNLESS OTHERWISE SPECIFIED BY THE CIVIL ENGINEER UNLESS OTHERWISE SPECIFIED BY THE CIVIL ENGINEER UNLESS OTHERWISE SPECIFIED BY THE CIVIL ENGINEER UNLESS OTHERWISE SPECIFIED BY THE CIVIL ENGINEER.
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NOT FOR CONSTRUCTION

ARCHITECTURE & BUILDING WORKS
Inner West Council

AUSTRALIAN CONSULTING ENGINEERS

14 DUDLEY STREET, MARRICKVILLE NSW 2204
OSD & WSUD DETAILS SHEET SHEET 2 OF 2
STORMWATER CONCEPT PLANS DEVELOPMENT APPLICATION

DATE: 10/11/23
SCALE: 1:10
SHEET NO: 105

Attachment C- Clause 4.6 Exception to Development Standards



CLAUSE 4.6 VARIATION (V2)

**CLAUSE 4.3 - HEIGHT OF BUILDINGS
&
CLAUSE 4.4 - FLOOR SPACE RATIO**

MARRICKVILLE LEP 2011



Proposed Mixed Use Development,

14 Dudley Street,

Marrickville.

24 October, 2019

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4. THE TERMS OF CLAUSE 4.6 5

5. BUILDING HEIGHT VARIATION 8

6. FLOOR SPACE RATIO (FSR) VARIATION 16

7. CONCURRENCE OF THE SECRETARY 21

8. CONCLUSION 21

LIST OF ILLUSTRATIONS

Figure 1 –Site Survey

Figure 2 – Existing Building

Figure 4 - Location Map

Figure 3 – Aerial Photo

Figure 5 – Building Height Plane Diagrams

Figure 6 - Building Sections



Plan Urban Services Pty Limited
 7 Chudleigh Street
 Rydalmere NSW 2116

tel/fax: 02 8812 5331
 mob: 416 233 541
 abn 91 528 083 843

1. INTRODUCTION

This report has been prepared to assist in the consideration of a Development Application (DA) currently lodged with Inner West Council. The proposal seeks approval for the demolition of the existing structures and the construction of a mixed - use development, containing a single retail tenancy (75m²) and four upper levels residential accommodation - “boarding house” containing 28 Boarding Rooms & one Manager’s unit, plus communal rooms on each floor and a communal open space area of 124m², at 14 Dudley Street, Marrickville.

Following discussions with Council during the assessment of the DA, the proposal has been amended, thus necessitating an updated Clause 4.6 Report. The amended plans upon which this report is based have been prepared by the firm *Architecture & Building Works*, are referenced as *Issue B*, dated *16-10-2019* and will be separately issued to Council

The application is submitted under the provisions of *State Environmental Planning Policy (SEPP) - Affordable Rental Housing*.

Under *Clause 4.3* of the *Marrickville Local Environmental Plan (LEP)* the site is subject to a maximum building height limit of 17 metres (m). In that regard the habitable component of the amended building will be lower than the maximum height, but lift overrun (RL 38.75) exceeds the height limit by approximately 700mm.

Under *Clause 4.4* of the *(LEP)* the site is subject to a maximum floor space ratio (FSR) of 1.8:1. The amended proposal incorporates 915m² of gross floor area (GFA), exceeding the control by 143m² and results in a FSR of 2.1:1.

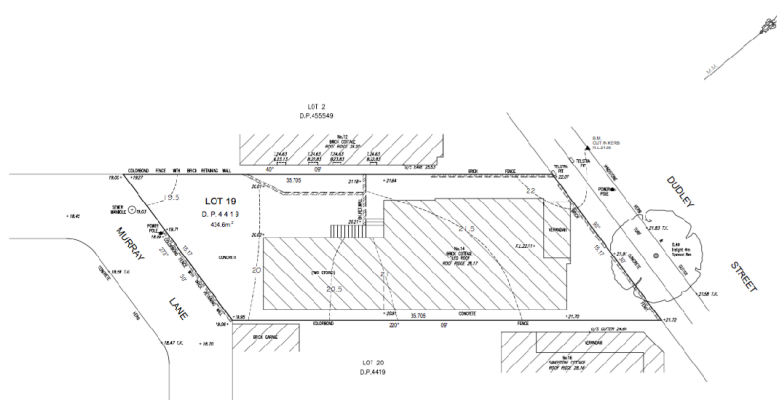
Accordingly, requests to vary the both the building height and FSR standards under *clause 4.6* of the *LEP* need to be prepared. That is the purpose of this report, with each issue being separately considered herein.

2. SITE AND LOCATION

The site that is the subject of this report comprises Lot 19 DP 4419 and is known as 14 Dudley Street, Marrickville. It has an area of 434.6m².

The property is shaped as a parallelogram (see survey in *Figure 1* below) and is oriented approximately northwest - southeast. It has frontages to Dudley Street and Murray Lane of 15.17m, and 35.705m on both its northern and southern boundaries. The site incorporates a variable fall from Dudley Street to Murray lane of approximately 2m.

Figure 1 – Site Survey



The property located on the south - western side of Dudley Street approximately opposite the Dulwich Hill Railway Station and is occupied by a one and two storey dwelling with hard paved rear yard. The existing building is shown in the photo in *figure 2* on the following page. Driveway access is from Murray Lane.

The properties in the near vicinity of the site include an eclectic mix of commercial / retail and residential land uses with some upper level residential “shop top” activities in a range of building densities, age and style and height. The adjoining buildings consist of a single dwelling to the east and a multi level recently approved mixed – use development to the south, which is under construction.



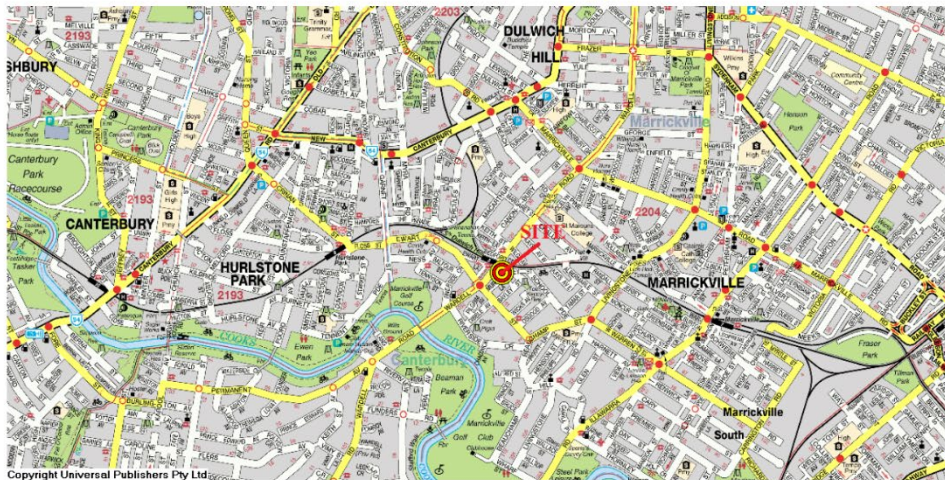
Figure 2 – Existing Building

Source: Google Maps

The surrounding area is a mix of residential and retail / commercial in land use terms, with an eclectic mix of building styles, forms, sizes and densities. In the small centre of which the property forms part are a number of commercial land uses in 1 and 2 storey buildings including some traditional “shop top” building styles. The surrounding area is predominantly residential with a mixture of densities, building height, age and form. Immediately behind the site across Murray lane are a series of residential flat buildings of 2 – 3 storeys in height.

A number of multi level mixed - use redevelopments have recently been approved in the Centre and the current proposal is designed to continue this enhancement in the services and housing available to the local community. The general location of the site and the surrounding built form are shown on *figures 3* and *4* on the following page.

Figure 9 – Location Map



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Figure 10 – Aerial Photo



Source: © DEPARTMENT OF LANDS SIX Portal www.lands.nsw.gov.au



14 Dudley Street, Marrickville – Mixed Use Development. Clause 4.6 Report – V2 (October, 2019)

3. CLAUSE 4.6 VARIATION

Clause 4.6 of the LEP outlines the matters to be considered by Council where a proposal seeks to vary a numerical standard contained within the LEP. The subject development seeks to vary both the Height of Building and FSR standards currently contained within *clauses 4.3* and *4.4* of the LEP and therefore an assessment under *clause 4.6* is required.

The height variation is minor and applies to the lift overrun only. All other portions of the building remain below the height limit. The FSR is greater than that permissible, while being below the allowable limit on adjoining properties, with the proposed building envelope being below both adjoining approved developments.

4. THE TERMS OF CLAUSE 4.6

Development consent may still be granted to the proposed development (despite the non-compliance with the maximum height and FSR) if variations to the relevant controls are approved under clause 4.6 of the LEP. Clause 4.6 states as follows:

4.6 Exceptions to development standards

(1)The objectives of this clause are as follows:

- (a)to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b)to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2)Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. ...

(3)Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:



14 Dudley Street, Marrickville – Mixed Use Development. Clause 4.6 Report – V2 (October, 2019)

- (a) that compliance with **the development standard is unreasonable or unnecessary in the circumstances of the case, and**
- (b) that there are **sufficient environmental planning grounds to justify contravening the development standard.**
- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- (ii) the proposed development will be in the public interest because it is **consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and**
- (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence. ...
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3). **(some bold added)** ...

This document provides written requests from the applicant seeking to justify the contravention of the Building Height and FSR standards in accordance with **clause 4.6**.

Clause 4.6 continues to be an appropriate and frequently applied mechanism to ensure that planning rules have appropriate levels of flexibility, when the circumstances warrant it. Some recent examples of the application of clause 4.6 by the Land and Environment Court are as follows:



14 Dudley Street, Marrickville – Mixed Use Development. Clause 4.6 Report – V2 (October, 2019)

- In *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386 the Land and Environment Court approved a residential flat building in Randwick with a 55 per cent exceedance of the height limit (at its highest point) and a 20 per cent exceedance of the floor space ratio control.

The Court was satisfied that the clause 4.6 request by the applicant's town planner was comprehensive and had addressed all of the prerequisites. The Court was also persuaded that the site was 'unusual in terms of its location at the low point of the locality, its proximity to larger RFBs that would not comply with the building height development standard and its flood affectation'. Those features, when taken together with other benefits of the proposal such as its design excellence and internal amenity, provided sufficient environmental planning grounds to justify approval via clause 4.6.

- In *Moskovich v Waverley Council* [2016] NSWLEC 1015 the Land and Environment Court approved a residential flat building in Bondi with a floor space ratio of 1.5:1. The development standard was 0.9:1. The exceedance was around 65 per cent. The Court's decision set out a detailed analysis of the decision of the Court in *Four2Five v Ashfield Council*, which concluded that the large numerical exceedance of the FSR control could be supported.
- In *Baker Kavanagh Architects v Sydney City Council* [2014] NSWLEC 1003 the Court granted a development consent for a three-storey shop top housing development in Woolloomooloo. In this decision, the Court, approved a floor space ratio variation of 187 per cent.

5. BUILDING HEIGHT VARIATION

The proposed building exceeds the relevant LEP height control of 17m, through the lift overrun. The breach is approximately 700mm with the shaft located in the middle of the building reducing its visibility and potential impact on the Dudley Street streetscape. The envelopes of the two mixed - use developments approved on either side of the subject site, further reduce this limited visibility.

Figures 4 and 5 below provide a building height plane and section of the proposed building that show the maximum building height and the small portion of the proposed breach

Figure 4 – Building Height Plane Diagrams



14 Dudley Street, Marrickville – Mixed Use Development. Clause 4.6 Report – V2 (October, 2019)

Figure 5 – Building Section

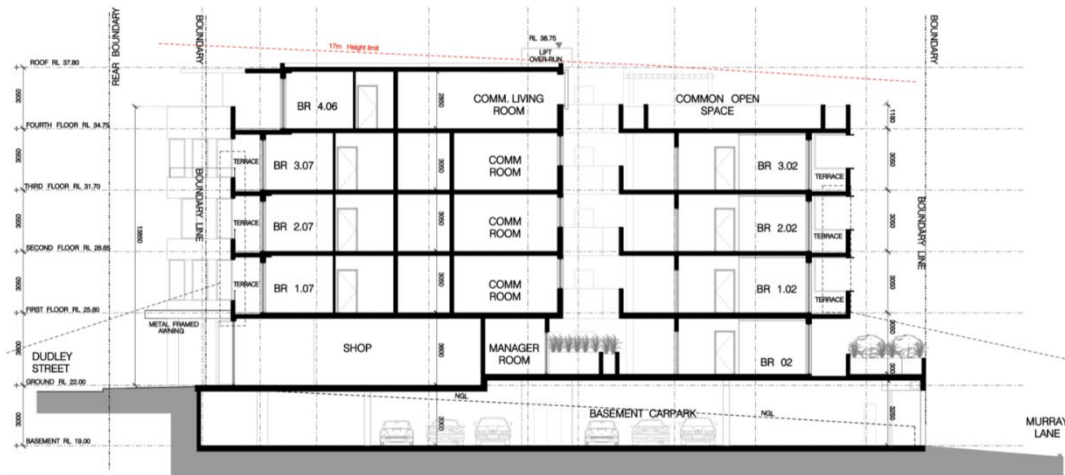


Figure 6 provides perspective views of the proposal and the built form relationship with the approved adjoining buildings, indicating that the current proposal is consistent with those buildings and will create an appropriate stepping in the streetscape of Dudley Street and a reduced scale in Murray Lane.

Figure 6 – Precinct Envelopes





5(a) - Environmental Planning Grounds

There are sufficient environmental planning grounds to justify contravening the building height standard.



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The development in the main meets the objectives and controls of the relevant Environmental Planning Instruments and DCP. It acknowledges the site's location nearby to both the commercially zoned town centre and residential land to the southeast, by transitioning between the height and scale of its adjoining approved buildings, while lowering its height profile when viewed from Murray Lane. There will not be any view loss to surrounding properties, due to the minor nature of the variation and the location of the lift shaft in the centre of the building.

A better planning outcome can also be considered in terms of the potential impact of the increased height on the public domain and in an urban design sense. Any assessment of these issues must consider the proposal in terms of the context of the site, its bulk and scale in a lesser form than its neighbouring structures. It is also interesting to note the greater heights of a number of the buildings in the near vicinity that appear exceed the LEP height limit. This indicates that over many years Council has applied a merit assessment in this regard, rather than numerical compliance.

In this case a better outcome is also achieved by varying the relevant height standard through:

- The re invigoration of an older dwelling with a new vibrant modern building, that although marginally greater in height, respects its surroundings and reduces its impact on nearby residential properties, opens up view corridors and is of an acceptable bulk and scale, within its surroundings.
- When viewed in the round the majority of the whole of the visible portion of the structure is below the height limit and will therefore not dominate the streetscape of Dudley Street or the mixed - use precinct in which it is located.

In this context if the additional height is not approved:

- The orderly and economic use of the land (as promoted by the objects of the EP&A Act, 1979) would be suboptimal; and
- The site's capacity to provide improved residential variety and opportunities within the locality would be not be fully utilised.

Furthermore, no significant adverse impacts arise from the non-compliance. The only potential adverse impact from an increased height could arise if there was a loss in view or privacy from surrounding properties. The location of the lift shaft in the middle of its host structure and the minor size of the height breach is such that no view, privacy or solar access impacts are generated to nearby lands.

These facts, taken together, constitute environmental planning grounds sufficient to justify contravening the development standard.

5(b) - Consistency with the Standard & Zone Objectives

The proposed development will be in the public interest because it is consistent with the objectives of both the LEP Height of Building standard and relevant land use zone. The reasons why are set out below.

Clause 4.3 of the LEP contains objectives that clearly indicate the purpose of the height control. Those objectives are listed below together with comments on the proposal's performance against them.

(a) to establish the maximum height of buildings,

Comment: This is a purely functional objective with the LEP maximum height for the subject site being 17m. All of the proposal except for the lift overrun satisfies this requirement and thus meets the objective.

(b) to ensure building height is consistent with the desired future character of an area.

Comment: The subject site is located within a zone and area where mixed - use commercial residential buildings are permissible. The scale of the proposal is generally consistent with the relevant height controls and the approved envelopes of adjoining and nearby buildings. The design incorporates a flat roof, which is similar to those recently approved buildings and reduces its visual appearance when viewed from the public domain. In this context it will be *compatible with the desired future character of the area.*

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

Comment: The minor nature of the height variation and the location of the lift shaft in the middle of the proposed structure will ensure that there is no *disruption of views, loss of privacy and loss of solar access to existing development.*

(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,

Comment: The minor nature of the height variation and the location of the lift shaft in the middle of the proposed structure will ensure that *buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*

(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.

Comment: As mentioned previously and shown in *figure 6* of this report the proposed building sits within the envelopes created by the development approvals granted on adjoining lands. In this context the proposed built form assists in the transition between the higher heights and densities of the commercially zoned lands and nearby residential zones and associated *built forms and land use intensity.*

The Land Use table in the LEP sets out the zone objectives and permissible uses. The objectives of the zone are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To provide for housing attached to permissible non-residential uses in development of a type and scale compatible with the surrounding neighbourhood.*
- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*

The proposal satisfies these objectives in the following ways:

- The building provides modern commercial accommodation capable of occupation for retail or business functions to serve the local community.
- The provision of affordable housing opportunities for a range of demographics and essential workers within the Community.
- The overall built form is at a bulk and scale commensurate with its surroundings and within the parameters set by the relevant planning framework and recent approvals.

5(c) - Compliance Unreasonable Or Unnecessary

Compliance with the development standard is unreasonable or unnecessary in the circumstances of this case. There are three reasons why this is so.

Firstly, there are no adverse consequences attributable to the proposed non-compliant aspect of the development. To ensure absolute compliance with the height standard would necessitate changes to the design, and a reduction in the number of boarding rooms within the building. The burden placed on the landowner via such a requirement would be disproportionate to any adverse consequences attributable to the proposed non-compliant development (relying on comments made in an analogous context, in *Botany Bay City Council v Saab Corp* [2011] NSWCA 308 [15]).

Secondly, requiring strict compliance (and refusing the development application) will *thwart* achievement of the objectives of the height standard as discussed earlier in this report

Finally, requiring strict compliance (and reducing the height the proposal) will undermine achievement of the relevant zone objectives, as discussed previously in this report.

The proposed development achieves a balanced development outcome between an acceptable built form within the **BI** zone and the surrounding mixed density neighbourhood. The built form outcome will be one of quality, with care taken in the design phase to ensure that any adverse impacts to surrounding properties are minimised.

In view of all of the above, compliance with the numerical LEP standard for building height is considered to be unreasonable and unnecessary in the circumstances. If approved, the proposal (when built) will not be out of place with, nor detrimental to the amenity of its surroundings and will fit within the desired future character of the area as envisaged in the relevant planning framework.

The proposed development represents a good fit with the aims of the LEP, the objectives of the height standard and the objectives of the zone.

Approval of the minor non-compliant building height allows for a development that provides renewed residential opportunities within a bulk and scale appropriate for its surroundings.

6. FLOOR SPACE RATIO (FSR) VARIATION

Under **Clause 4.4** of the **(LEP)** the site is subject to a maximum floor space ratio (FSR) of 1.8:1. The current proposal incorporates **915m²** of gross floor area (GFA), exceeding the control by **133m²** and results in a FSR of **2.1:1**.

However, it is interesting to note the perspectives of the current and approved envelopes in figure 6 of this report. These show that the proposal sits within the scale of these adjoining approvals and as such will not look out of scale or place in the precinct. It is also worth noting that Council varied both the Height of Buildings and FSR standards in its consideration and approval on a DA (f DA201600696) for the redevelopment of 6 – 12 Dudley Street – currently under construction. This shows a willingness to vary the standards based on built form outcomes.

Accordingly, a request to vary the differing standards applicable within the site is considered to be necessary and discussed further in this section of the report.

6(a) - Environmental Planning Grounds

There are sufficient environmental planning grounds to justify contravening the FSR standard.

It acknowledges the site's location within an existing mixed - use precinct and the recent approvals on adjoining lands, some of which are under construction. The building envelope of the current proposal sits within those of its neighbours and continues the built form outcomes of the streetscape, generally as per the LEP requirements.

The increased floor space within the building primarily allows for the proposed boarding rooms to meet the minimum standard for occupation by two people. This increases the reach of affordable options available within the community, close to primary transport nodes. The minor increase in FSR occurs throughout the building, but it is negligible and while it could be reduced to comply, the overall impact would hardly be perceived from the public domain. In this context it is unlikely to negatively impact on the visual quality of Dudley Street, the surrounding precinct and or views to and from.

A better planning outcome can also be considered in terms of the potential impact of the proposal from the increased FSR on the public domain and in an urban design sense. Any assessment of these issues must consider the proposal in terms of the context of the site, its built form and the design parameters of the Marrickville DCP. These matters are discussed in earlier sections of this report, with primary reference to height, but are equally applicable in this part of the report.

It may be suggested in certain submissions that all of the above benefits could be achieved by a smaller compliant development. However, to ensure that the FSR meets the LEP standard would necessitate the removal of many of the larger boarding rooms, reducing the choice of affordable housing available in the precinct.

It is also interesting to note that the *SEPP ARH* contains a bonus floor space for boarding houses in zones where residential flat buildings are permissible. “*Boarding houses* and “*Shop top housing*” are both permissible in the relevant *B1* zone and while both are types of “*Residential accommodation*”, “*Residential flat buildings*” are not permitted in the zone. This appears to be an anomaly within the SEPP particularly when one considers that shop top housing will likely provide the same or similar built form outcome and affordable housing provision. If such a bonus were available, the proposed FSR would be well within the resulting maximum amount permissible

Under *Section E3.3* of the *Marrickville DCP*, the subject site is located within “*Precinct 1*” in terms of site coverage for medium density developments. The permitted site coverage is 40%, which when combined with the LEP height limit provides the opportunity to construct an RFB with a FSR of between 0.8:1 and 1.2:1 depending on the number of floors within the building. In this context the minor variation proposed is not considered to be disadvantageous to the desired future character of the area.

In the circumstances of this proposal, a better outcome is also achieved by varying the relevant FSR standard through:

- The re invigoration of an older dwelling with a new vibrant modern building, that although marginally greater in FSR, respects its surroundings and does not impact on nearby residential properties.

- When viewed in the round the building envelope fits within its surroundings and adjoining approved mixed – use buildings.
- The proposed building will not dominate the streetscape of Dudley Street nor will it be out of place with the desired future character intended through the LEP and DCP controls.

In this context if the FSR variation is not approved:

- The orderly and economic use of the land (as promoted by the objects of the EP&A Act, 1979) would be suboptimal; and
- The site’s capacity to provide a variety of affordable accommodation and opportunities within the locality would be not be fully utilised.

These facts, taken together, constitute environmental planning grounds sufficient to justify contravening the development standard.

6(b) - Consistency with the Standard & Zone Objectives

The proposed development will be in the public interest because it is consistent with the objectives of both the LEP FSR standard and relevant land use zone. The reasons why are set out below.

Clause 4.4 of the LEP contains objectives that clearly indicate the purpose of the FSR control. Those objectives are listed below together with comments on the proposal’s performance against them.

(a) to establish the maximum floor space ratio,

Comment: This is a purely functional objective with the LEP maximum FSR for the subject site being 1.8:1. The building approved at 6-12 Dudley varied the maximum FSR, while the approved building at 16 was compliant. However, the built form outcome of the proposal fits in a transitional manner between these two and as a result there will be no detrimental bulk or scale impact, which is a general guide to whether or not a variation in FSR should be granted.

(b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,

Comment: This matter has been discussed previously, with the acknowledgement that the proposed building will fit well within its surroundings and the desired future character of the locality and is lower in FSR than the immediately adjoining building at No. 6-12 Dudley Street.

(c) to minimise adverse environmental impacts on adjoining properties and the public domain.

Comment: As discussed earlier in this report there are no detrimental impacts to adjoining properties or the public domain.

The relevant zone objectives within the LEP are as follows:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- To provide for housing attached to permissible non-residential uses in development of a type and scale compatible with the surrounding neighbourhood.*
- To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*

The proposal satisfies these objectives in the following ways:

- The building provides modern commercial accommodation capable of occupation for retail or business functions to serve the local community.
- The provision of affordable housing opportunities for a range of demographics and essential workers within the Community.
- The overall built form is at a bulk and scale commensurate with its surroundings and within the parameters set by the relevant planning framework and recent approvals.

6(c) - Compliance Unreasonable Or Unnecessary

Compliance with the development standard is unreasonable or unnecessary in the circumstances of this case. There are four reasons why this is so.

Firstly, there are no adverse consequences attributable to the proposed non-compliant aspect of the development. To ensure absolute compliance with the FSR standard would result in a substantial loss of boarding rooms and reduce the building envelope to a level not commensurate with its surroundings. In that sense compliance would actually result in detrimental streetscape outcome.

The burden placed on the landowner via such a requirement would be disproportionate to any adverse consequences attributable to the proposed non-compliant development (relying on comments made in an analogous context, in *Botany Bay City Council v Saab Corp* [2011] NSWCA 308 [15]).

Secondly, requiring strict compliance (and refusing the development application) will *thwart* achievement of the objectives of the FSR standard as discussed earlier in this report, particularly in the context of a built form and FSR similar to its neighbours.

Thirdly, requiring strict compliance (and reducing the FSR of the proposal) will undermine achievement of the relevant zone objectives, which are:

Fourthly, the additional gross floor area will not result in any unacceptable amenity impacts for surrounding properties in relation to acoustic and visual privacy, solar access and overshadowing or visual bulk and scale

The proposed development achieves a balanced development outcome between an acceptable built form within the *BI* zone and the surrounding mixed density town centre precinct. The built form outcome will be one of quality, with care taken in the design phase to ensure that any adverse impacts to surrounding properties is minimised.

The contravention of the development standard does not raise any matter of significance for State and Regional environmental planning, and there is no public benefit in maintaining strict compliance with the standard.

In view of all of the above, compliance with the numerical LEP FSR standard is considered to be unreasonable and unnecessary in the circumstances. If approved, the proposal (when built) will not be out of place with, nor detrimental to the amenity of its surroundings and will fit within the desired future character of the area as envisaged in the relevant planning framework. The proposed development represents a good fit with the aims of the LEP, the objectives of the FSR standard and the objectives of the zone.

7. CONCURRENCE OF THE SECRETARY

In accordance with the recent Planning Circular (PS 18 – 003) dated 21 February, 2018 the concurrence of the Secretary (of Department of Planning and Environment) can now be assumed for the proposed height variation. This Circular is a notice under *Clause 64(1)* of the *Environmental Planning and Assessment Regulation 2000*.

A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given.

8 CONCLUSION

An assessment undertaken against the relevant planning framework indicates that the proposal is an acceptable one. It will not impact negatively on the amenity of nearby residents. The variation to the Height of Building and FSR standards contained within the LEP are matters that any reasonable Authority properly exercising its planning powers could agree to.

David Furlong - Director

BTP, MPIA



Attachment D – Plan of Management

PLAN OF MANAGEMENT

Boarding House
No. 14 Dudley Street Marrickville

PLAN OF MANAGEMENT

For: Boarding House

Location: 14 Dudley Street, Marrickville, NSW, 2204

Date: May 2019

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INTRODUCTION

This Operational Plan of Management relates to the Boarding House located at No. 14 Dudley Street, Marrickville, providing thirty-one (31) self-contained rooms (plus a Managers' Room), communal facilities and on-site parking for eight (8) cars, seven (4) motorcycles and twenty-six (26) bicycles.

The Manager/Operator of the Boarding House is to implement and comply with the requirements of the Plan of Management, as well as all conditions of development consent that may be issued for the Boarding House by Inner west Council.

The Objectives of the Operational Plan of Management are:

- a. To detail the nature of the operation and to ensure compliance with all conditions of development consent issued by Inner west Council.
- b. To ensure safety of all residents of the Boarding House.
- c. To provide a comfortable and harmonious residential environment for residents.
- d. To ensure that the premises is properly maintained and operates in a manner which maintains a high level of amenity.
- e. To ensure that there are no adverse impacts arising from the premises on any adjoining property or the neighbourhood.

The Plan:

- a. Identifies the everyday operation of the premises.
- b. Establishes a monitoring system that ensures the objectives of this plan are met.
- c. Establishes "House Rules" for all persons who stay within the premises.
- d. Ensures procedures are in place to facilitate ongoing communication with the neighbours, Police, Inner west Council and Management of the premises, to resolve any operational issues that may arise.

This Plan of Management is divided into three sections. These are as follows:

Section I: Operational Matters.

Section II: Monitoring / Complaints.

Section III: House Rules.

Section I: OPERATIONAL MATTERS

PART 1 - General Parameters for the Boarding House:

1. The Boarding House is to operate as a registrable Boarding House for the purposes of the NSW *Boarding Houses Act 2012* and the operation of the Boarding House is to be in compliance with the Act at all times.
2. The Boarding House is not to offer any alternative type of accommodation or be used for any purpose other than as a registrable Boarding House.

PART 2 – Boarding House Manager:

1. The position of Boarding House Manager may be filled either through newspaper advertisements, agencies, informal enquiries or any combination of the foregoing.
2. The Boarding House Manager must reside within the building.
3. The Boarding House Manager is to work in partnership with the owner/operator of the premises to achieve the objectives set out in the Introduction of this Operational Plan of Management.
4. The particular responsibilities of the Boarding House Manager will include:
 - a. Accepting and assessing applications for residence.
 - b. Enforcing House Rules:
 - The Boarding House Manager has the authority to evict a resident who is refusing to comply with the House Rules set out in Section II. (Refer to Clause 11 of the 'Standard Occupancy Agreement' at **Attachment A**).
 - Other than in exceptional circumstances (i.e. in order to protect the safety of other residents), prior to eviction, the Boarding House Manager is to issue the resident/s with a Notice of Intent to Evict. A standard wording for the Notice is to be provided to the Boarding House Manager by the owner/operator. In preparing the standard wording of the Notice, it is recommended that the owner/operator consults a lawyer to ensure legal correctness. The standard wording is to be altered to reflect the particular circumstances of the case.
 - The Notice of Intent to Evict must provide the resident/s with an opportunity to modify their behaviour so as to avoid eviction. However, if the resident/s does not modify their behaviour in response to the Notice of Intent to Evict, the Boarding House Manager is to contact the owner who will engage a security firm to implement the eviction.

- c. Cleaning common areas:
- The Boarding House Manager is to ensure that the common room is kept in a clean and tidy state, including daily vacuuming/mopping.
 - The common area is to be maintained by the Boarding House Manager and is to be cleaned to a professional standard at least once a week.
 - The Boarding House Manager is to ensure that wastes are properly contained within the bins within the waste area. Bins are to be taken to the street for collection as required.
 - The Boarding House Manager is to ensure that any rubbish left around the site is properly disposed of.
- d. Attending to any resident complaints:
- If residents, either within the development or from surrounding residents, have complaints of enquiries, the Boarding House Manager will listen to and address those. If required, the Boarding House Manager will liaise between residents and the owner of the property.
- e. Preparation of rooms for new residents:
- When a room becomes vacant, the Boarding House Manager is to clean that room and ensure that the fixtures, fittings and furniture are in good order and if otherwise, replace or repair items as required.
- f. General maintenance
- If minor repairs or replacement of items is required, such as replacing light bulbs in common areas and the like, the Boarding House Manager is to attend to these. A small toolkit and general maintenance supplies will be provided and are to be kept in the Manager's room.
5. With the exception of an initial security deposit (see below for details) the Boarding House Manager is not required to accept payments from residents. Rental payments are to be organised through electronic means and paid directly to the nominated account of the owner/operator of the Boarding House.
6. The Boarding House Manager must not discriminate against residents on grounds of their race, religious beliefs, ethnicity, gender, sexual orientation or age. The Boarding House Manager must treat residents in a respectful manner and must not under any circumstances, use physical violence other than in self-defence or defence of another person if required.
7. The Boarding House Manager must not use illegal drugs or engage in any illegal activity. The Boarding House Manager must not consume an excess of alcohol, such as to prevent them from meeting their responsibilities.
8. From meeting their responsibilities.

PART 3 – Administration:

1. Any person who is to occupy a room in the Boarding House is to sign an Occupancy Agreement. The Occupancy Agreement that will be used on site is based on the Standard Occupancy Agreement for General Boarding Houses under the NSW *Boarding Houses Act 2012* (refer to **Attachment A**). The owner/operator of the Boarding House, or their delegate (such as the Boarding House Manager) is also required to sign the Agreement.
2. Prior to entering into an Occupancy Agreement, the Boarding House Manager, is to provide the prospective boarder/s with a copy of the Occupancy Principles within Schedule 1 of the *Boarding Houses Act 2012* (N.B. This is provided at Annexure 1 of the Standard Occupancy Agreement at **Attachment A**).
3. The Boarding House Manager is to provide a copy of this Operational Plan of Management to all new residents at the time that they sign an Occupancy Agreement. The Boarding House Manager is to advise the new resident/s that they must read and understand the resident obligations that are set out in the Operational Plan of Management. The new resident/s must sign a statement to the effect that they understand and will abide by those resident obligations.
4. Prior to entering into an Occupancy Agreement, prospective residents are to be advised that they may potentially be evicted if they breach the resident obligations.
5. Prior to entering into an Occupancy Agreement, all prospective residents are to provide photographic identification ("ID") (typically a driver's license or a passport) to confirm their identity. The Boarding House Manager is to enter the particulars of the ID (for example, the driver's license number or Passport number) in the Boarding House Accommodation Register (**Attachment B**).
6. Prior to entering into an Occupancy Agreement, the Boarding House Manager is to confirm with a prospective resident that they are obligated to reside within the boarding room for a period of no less than three months.
7. Prior to entering into an Occupancy Agreement, the Boarding House Manager is to advise prospective residents of the fees, including any applicable utility charges, prior to entering into any occupancy agreements.
8. Upon entering into an Occupancy Agreement, the Boarding House Manager is to accept a security deposit, amounting to two weeks of the occupancy fees and is to provide a receipt for that amount to the new resident/s.
9. Upon execution of an Occupancy Agreement, the Boarding House Manager is to enter the details of the new resident/s into the Boarding House Register (**Attachment B**), is to provide the resident/s with a copy of the signed Occupancy Agreement and is also to keep a copy of the signed Occupancy Agreement in a secure location.
10. Upon a resident ceasing to occupy a boarding room, the security deposit, less any deductions authorised by the *Boarding Houses Act 2012*, is to be paid to the resident within 14 days of the date upon which the resident ceases to occupy the boarding room.

PART 4 – Signage:

The following signage must be conspicuously installed and maintained at the premises:

- 1 The name and 24-hour contact number of the Boarding House Manager must be displayed in the common area of the premises.
- 2 The House Rules shall be displayed in the common area of the premises.
- 3 The minimum length of stay of any guest shall be displayed in public view outside the premises.
- 4 A schedule showing the numerical designation of each boarding room and the maximum number of persons permitted to be accommodated in each room must be displayed in the foyer near the Manager's office.

PART 5 - Noise Management Measures:

- 1 The use of the 5th Floor outdoor communal area should be limited to a maximum of 25 people at any one time.
- 2 Access to the outdoor communal area should be restricted to no later than 10pm.
- 3 Amplified and/or canned music is not be played in the outdoor communal areas.
- 4 When noisy activities are occurring in the indoor communal area, doors and windows must be closed. The volume of the television or any noise generating device must be kept within reasonable levels.

PART 6 - Off Street Parking:

- 1 Off street parking is provided for the use of all residents on a 'first-in, first served' basis.
- 2 Cars, bicycles and motorcycles are to be parked in the allocated areas.
- 3 The accessible parking spaces are only to be used by a person with a disability or mobility limitation.
- 4 No car or motorcycle is to remain in a parking space, without being moved, for a period of longer than 48 hours.

PART 7 - General Cleanliness, Hygiene and Waste Management:

- 1 The Boarding House Manager or allocated person is to regularly inspect the premises and organise for daily cleaning of the common areas. All garbage receptacles in common areas are to be emptied daily.
- 2 Pest control inspections are to be carried out on a yearly basis as a minimum
- 3 The waste and recycling bin storage area shall be kept in a clean and tidy manner. This area shall be thoroughly cleaned by the Boarding House Manager or allocated person on a weekly basis.

- 4 A minimum bi-weekly collection of waste and recycling is to be carried out by the nominated waste contractor.

PART 8 - Security:

- 1 Residents must make sure their guests are aware of, and abide by the House rules.
- 2 The owner/operator and/or the Boarding House Manager must not enter residents' rooms other than as allowed under the Act.
- 3 Security cameras are permitted to be installed in the common areas.
- 4 All residents are to be provided with a security key / swipe card (or similar) upon arrival. The security key / swipe card must provide 24 hours access into the premises, to each respective level and entry to individual residents' rooms.

PART 9 - Door Locks and Keys:

- 1 Residents must not tamper with (or change) any locks on the premises, or make copies of or obtain additional security keys / swipe cards without the permission of the Boarding House Manager.

PART 10 - Room Capacities:

- 1 The capacity of each double boarding room shall not exceed 2 residents.
- 2 There is to be no more than a total of 59 residents (not including the occupant/s of the Boarding House Manager's room) residing within the premises at any one time.

PART 11 - Building Services, Fire Safety Procedures and First Aid:

- 1 In the instance of an emergency evacuation, the Boarding House Manager shall direct residents to emergency exits and the emergency assembly point.
- 2 Smoke Detectors are to be installed in every boarding room, the Boarding House Manager's room and all internal common areas.
- 3 In the event of a fire, the fire alarm will sound. It is the duty of the Boarding House Manager to check all rooms and ensure all people leave their rooms. An assembly point will be designated.
- 1 An emergency evacuation plan prepared by a competent person shall be prepared and that emergency evacuation plan shall be displayed in each boarding room and in the foyer.
- 4 All material installed in the fit out and furnishing of the rooms shall be of a type that resists the spread of fire and limits the generation of smoke.

- 5 An Annual Fire Safety Statement is to be submitted to Council and the Commissioner of the NSW Fire Brigade. A copy of the Annual Fire Safety Statement is to be displayed in the Foyer/Reception. The premises shall at all times comply with the fire safety provisions of the *NSW Environmental Planning and Assessment Regulation 2000*.
- 6 A list of emergency telephone numbers (plumbers, electricians, police, fire, ambulance) is to be provided within each boarding room.
- 7 Annual certification of fire safety equipment is to be carried out by the operator of the boarding house.
- 8 All doors to the boarding rooms and the external doors to the boarding house shall be lockable. The doors to the boarding house shall be self-closing and will be locked from the outside but will be openable from within the boarding house without the need for a key. All doors to the boarding rooms shall be self-closing and shall be lockable but shall be openable from the inside without the need for a key.
- 9 Although not mandatory, it would be preferable if the Boarding House Manager, or other staff member on duty at any one time has a First Aid Certificate.

PART 12 - Review of Plan of Management, Noise Management Procedures or House Rules:

- If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this Operational Plan of Management for the better management of the premises, subsequent to that modification, Inner West Council shall be provided with a copy of the modified Plan.

Section II: MONITORING/COMPLAINTS

To ensure that all complaints are appropriately recorded and acted upon, a Complaint Monitoring System has been established as part of this Plan.

A copy of the Operational Plan of Management is to be made available for inspection by any person who makes a request to the Boarding House Manager to view the document.

In the case where a lodger/resident or land owner/occupier adjacent to the premises believes that they have cause to make a complaint, it may be made to the Boarding House Manager by one of the following means:

- Telephone
- Mobile Phone
- Email
- Mail

The Boarding House Manager is to take all necessary and timely action to rectify the matter and is to notify the complainant of the action taken to rectify the problem.

To assist in the investigation of the potential problem, it is suggested the following information be provided to the Manager of the premises:

- Exact nature and details of the incident;
- Date and time of the incident; and
- The full name and address of the complainant.

The details are to be recorded once a complaint has been actioned and a record kept on site and made available on request to demonstrate compliance in what is labelled as the "Complaints Register".

A pro forma providing an example of the information required to be kept is provided at **Attachment C**.

The Complaints Register is to be tabled at any internal Management meetings, or when any further action is required to be initiated and/or responsibilities allocated.

In receiving a complaint from a neighbouring resident/land owner, the Boarding House Manager is to adhere to the following guidelines:

1. When taking a telephone call or a personal visit, ensure that you remain polite and the visitor or enquirer is given every reasonable assistance.
2. If the comment/complaint is about a problem that is actionable immediately, appropriate action is to be taken to alleviate the problem immediately and the details are given to Management.
3. If the problem is not actionable immediately, the resident/landowner is to be contacted and informed of the progress and anticipated timeframe for action of their complaint.
4. Once all actions are completed, the matter is recorded and filed in a central Register the held by the Boarding House Manager.
5. If a message is received on a mobile phone, the resident/landowner's call is to be returned as soon as possible and the recording and follow up procedures as outlined above are to be followed.

Section III: HOUSE RULES

The following House Rules apply. The rules consist of behavioural requirements as well as operational issues that need to be managed on site at all times. They are in no particular order of importance.

The House Rules may be amended by the owner/operator and/or the Boarding House Management in order to resolve issues that arise due to operational matters that come from complaints, including general management changes required as part of the everyday running of the premises.

The House Rules are to be displayed in each room and in all common areas and will form part of the tenant's agreement that are signed by all occupants.

The House Rules are as follows:

PART 1 - Resident and Guest Behaviour:

1. Only the residents who have signed an Occupancy Agreement shall occupy a Boarding House room.
2. All visitors of residents are to leave the premises by 10pm nightly.
3. Residents and their guests must not interfere with the reasonable peace, comfort and privacy of other residents. After 10pm every night, expectations of reduced noise levels are heightened. Accordingly, music, television and the like are to be lowered in volume so that it is not audible from outside the room. If a neighbouring resident/s complains that the noise is audible from their rooms, the noise generating activity is to be ceased.
4. The possession of and/or use of illegal drugs on the premises is prohibited. The possession and/or usage of illegal drugs will lead to eviction and police reporting and prosecution.
5. Residents must act in a responsible and considerate manner at all time. The consumption of alcohol in common areas is not permitted. Drunken behaviour may result in eviction.
6. Smoking is not permitted inside the rooms or in any communal recreation or common areas and any open space of the building.
7. No parties are permitted on the premises.
8. All activities within the building including music are to be confined so it does not exceed 3dB above the background level between the hours of 10pm to 7am.
9. Anti-social behaviour is unacceptable. This includes threatening or demeaning any person within the building. Residents may not make comments to one another that are of a derogatory nature, on the basis of the other person's appearance, race, gender, sexual orientation, religion or ethnicity. Damage to any property, graffiti, theft of any property, physical or sexual harassment, or loud and rowdy noise can result in eviction and police intervention.
10. Residents are not permitted to walk around the premises in any state of undress and are to be respectful of other cultures.

11. Residents are to contain their general rubbish within a liner within the bins provided. When full or as required, the liners are to be tied and disposed of in the communal waste receptacles. Residents are to contain recycling, including recyclable containers and clean paper, within the communal recycling receptacles provided. For reasons of hygiene, containers should be lightly washed before disposal, as no liners may be used.

PART 2 - Maintenance of Rooms:

1. Residents must maintain their rooms in a way that does not interfere with the reasonable comfort of other residents, and in a way that does not create a fire or health hazard. Residents must not intentionally or recklessly damage, destroy or remove any part of their rooms or facility/fixture in their rooms.
2. Residents are to keep their rooms' clean and tidy at all times. Kitchenettes and bathrooms are to be kept in a hygienic condition and floors are to be vacuumed regularly (a minimum of once per fortnight) to avoid an excessive accumulation of dust.
3. Burning of candles/incense is not permitted.
4. Heating & cooling-electric bar heaters, radiators and fan heaters are not permitted.
5. In the event any resident or their visitors causes wilful damage to any area, texture, fitting or furniture in the premises, the cost of repair or replacement will be met by that person, including any damage created in common areas.
6. Residents are responsible for the security of their money and other valuables all times and the owner/operator and/or Boarding House Manager will not be responsible for any theft of personal property, or for any loss suffered by any resident or visitor.

PART 3 - Common Areas:

1. Common areas are to be available to be shared by all residents and their guests at all times. Residents are to ensure that they and their guests leave common areas neat, clean and tidy after using them.
2. Residents are not to store personal items/goods in common areas of the site and must ensure that common areas are maintained in a cleanly state.
3. Access to communal recreation areas will be restricted from 10pm to 7am to reduce the potential for noise impact to other guests.
4. Any damages or required repairs to common areas must be promptly reported to the Boarding House Manager.

PART 4 - Animals:

1. No animals or pets are allowed anywhere within the premises.

Attachment A: *Standard Occupancy Agreement*

STANDARD OCCUPANCY AGREEMENT

For general boarding houses under the *Boarding Houses Act 2012*

Between

Proprietor	
Resident	

For

Room	Address

The resident's room is: unfurnished furnished (if furnished, an inventory can be attached)

Other areas of the premises which are available for use by the resident

Kitchen/s Bathroom/s Common room Laundry

Other _____

Term of Contract

Commencement Date	Term of agreement (if any)	Occupancy Fee	To be paid
		\$ per week/month/year	

Proprietor's Contact Details	
-------------------------------------	--

AGREEMENT TERMS

1. Condition of the Premises (refer to occupancy principle 1 – see Annexure 1)

The proprietor agrees to provide and maintain the premises so that they are in a reasonable state of repair, are reasonably clean and reasonably secure.

2. House Rules (refer to occupancy principle 2)

The resident agrees to comply with the House Rules of the boarding house, which are listed on the attached "Statement of House Rules." House rules may not be inconsistent with the Occupancy Principles stated in Annexure 1, and are not enforceable if they are inconsistent.

3. No Penalties (refer to occupancy principle 3)

The resident is not required to pay a penalty for a breach of this Occupancy Agreement or the House Rules.

4. Quiet Enjoyment (refer to occupancy principle 4)

The proprietor agrees to take all reasonable steps to enable the resident's quiet enjoyment of the premises.

5. Inspections and Access (refer to occupancy principle 5)

The proprietor may inspect boarding house common areas at any reasonable time. Repairs, cleaning and maintenance of common areas can be carried out at reasonable times.

The proprietor may only enter the resident's room, at a reasonable time, with reasonable notice and on reasonable grounds. Agreed access and notice periods are set out below. If the third column is left blank, the suggested notice periods set out in the second column will apply.

Reason for Access	<i>Suggested Notice Period examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement (if different)
In an emergency, or to carry out emergency repairs or inspections	<i>Immediate access</i>	<i>Immediate access*</i>
To clean the premises	<i>24 hours</i>	
To carry out repairs	<i>24 hours</i>	
To show the room to a prospective resident	<i>24 hours</i>	
To carry out inspections	<i>48 hours</i>	

* Immediate access is likely to be necessary in this situation for safety reasons.

6. Notice of Fee Increase (refer to occupancy principle 6)

The resident is entitled to 4 weeks written notice of any increase in the occupancy fee.

7. Utility Charges (refer to occupancy principle 7)

The proprietor may charge an additional amount for utilities if the resident is made aware of this on signing this agreement. Details of the charge, including how the charge will be calculated, are included in Annexure 2, and Annexure 2 must be signed and dated by the resident and the proprietor.

Charges for utilities must be based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident’s use of that utility.

8. Security Deposit (refer to occupancy principle 8)

A security deposit of \$_____ is payable to the proprietor, this amount being no more than the sum of two (2) weeks occupancy fee. The security deposit is payable on the day the agreement is signed or on the following day. The security deposit will be repaid to the resident within 14 after the end of this agreement, less any amount necessary to cover:

- a) The reasonable cost of repairs to the boarding house or goods that come with it, as a result of damage (other than fair wear or tear) caused by the resident and their guest;
- b) any occupancy fee or other charges owing and payable under this Agreement or the Boarding Houses Act 2012;
- c) the reasonable cost of cleaning any part of the premises occupied by the resident and not left reasonably clean by the resident, having regard to the condition of the premises at the commencement of the occupancy; and
- d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor.

9. Dispute Resolution (refer to occupancy principle 11)

The proprietor and the resident agree to use their best endeavours to informally resolve any disputes between them that arise from this agreement. Either party may apply to the Consumer Trader and Tenancy Tribunal to resolve a dispute about the Occupancy Principles (see Annexure 1).

10. Written Receipts (refer to occupancy principle 12)

The proprietor agrees to provide the resident with a written receipt for all money paid to the proprietor, including money paid for occupancy fees, a security deposit and for any utility charges. The receipt should be provided within a reasonable time period after the payment is received.

11. Termination (refer to occupancy principles 9 and 10)

The resident is entitled to know why and how this Occupancy Agreement may be terminated, and how much notice will be given before termination. The resident may not be evicted without reasonable written notice from the proprietor.

This Agreement can also be terminated by the resident by written notice given to the proprietor. Agreed reasons for termination and notice periods are set out below. If the third column is left blank, the suggested notice periods set out in the second column will apply.

Reason for Termination by Proprietor	<i>Suggested Notice Period</i> <i>examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement <i>(if different)</i>
Violence or threats of violence towards anyone living, working or visiting the premises	<i>Immediate</i>	<i>Immediate*</i>
Willfully causing damage to the premises, or using the premises for an illegal purpose	<i>1 day</i>	
Continued and serious breach of this Agreement or the house rules, following a written warning	<i>3 days</i>	
Continued minor breach of this Agreement or the house rules, following a written warning	<i>1 week</i>	
Non-payment of the occupation fee	<i>2 weeks</i>	
Any other reason, including vacant possession required and "no grounds" termination	<i>4 weeks</i>	

*Immediate termination is likely to be necessary in this situation in order to protect other residents and employees.

Reason for Termination by Resident	<i>Suggested Notice Period</i> <i>examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement <i>(if different)</i>
Serious breach of Agreement by proprietor	<i>1 day</i>	
Minor breach of agreement by proprietor	<i>1 week</i>	
No grounds/Any other reason	<i>1 week</i>	

12. Use of the Premises

The resident agrees not to wilfully or negligently cause damage to the premises or to use the premises for an illegal purpose and to respect other residents' rights to quiet enjoyment of the premises.

NOTE: Any term of this Agreement is not enforceable if it is inconsistent with the Occupancy Principles set out in Schedule 1 of the *Boarding Houses Act 2012*. The Occupancy Principles are attached at Annexure 1.

SIGNED: _____

(Proprietor)

Date: _____

SIGNED: _____

(Resident)

Date: _____

OPTIONAL INFORMATION

The resident may provide contact details to be used in an emergency

PERSONAL PHONE No/s: _____

EMERGENCY CONTACT PERSON

NAME: _____ RELATIONSHIP: _____

PHONE and/or ADDRESS:

Occupancy principles

NB: These principles are contained in Schedule 1 of the *Boarding Houses Act 2012* and apply to residents of NSW boarding houses which are covered by this Act.

1. State of premises

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

2. Rules of registrable boarding house

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

3 Penalties for breaches of agreement or house rules prohibited

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

4 Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

5 Inspections and repairs

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

6 Notice of increase of occupancy fee

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

7 Utility charges

- (1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:
 - (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
 - (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.
- (2) A utility for the purposes of this clause is each of the following:
 - (a) the supply of electricity,
 - (b) the supply of gas,
 - (c) the supply of oil,
 - (d) the supply of water,
 - (e) the supply of any other service prescribed by the regulations.

8 Payment of security deposits

- (1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:
 - (a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
 - (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.
- (2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover the following:
 - (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,
 - (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,
 - (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,
 - (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
 - (e) any other amounts prescribed by the regulations.

- (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,
- (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,
- (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,
- (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
- (e) any other amounts prescribed by the regulations.

12. The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.

13. In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:

- (a) any failure by the resident to comply with the terms of an occupancy agreement, or
- (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
- (c) any other matter or thing prescribed by the regulations.

9 Information about occupancy termination

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

10 Notice of eviction

- (1) A resident must not be evicted without reasonable written notice.
- (2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.
- (3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

11 Use of alternative dispute resolution

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

12 Provision of written receipts

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.

SCHEDULE OF ADDITIONAL CHARGES

ITEM	AMOUNT	WHEN DUE TO BE PAID	HOW CALCULATED

NOTE:

- This schedule is only for use if there are fees or charges in addition to the occupancy fee.
- This schedule forms part of the Occupancy Agreement when signed and dated by both parties.
- A receipt is to be provided to the resident for all payments of additional fees or charges made by the resident, within a reasonable time after the payment is received.
- Charges for utilities must comply with Occupancy Principle 7.

SIGNED: _____

(Proprietor)

Date: _____

SIGNED: _____

(Resident)

Date: _____

Attachment B: *Accommodation Register*

Attachment C: *Complaints Register*

Complaints Register		
Date:	Time:	Register Form No.:
Nature of Complaint:		
Name, Address and contact number of person / Police / Council reporting complaint:		
Name of staff on Duty:		
Action Taken:		
Outcome / Further Actions:		