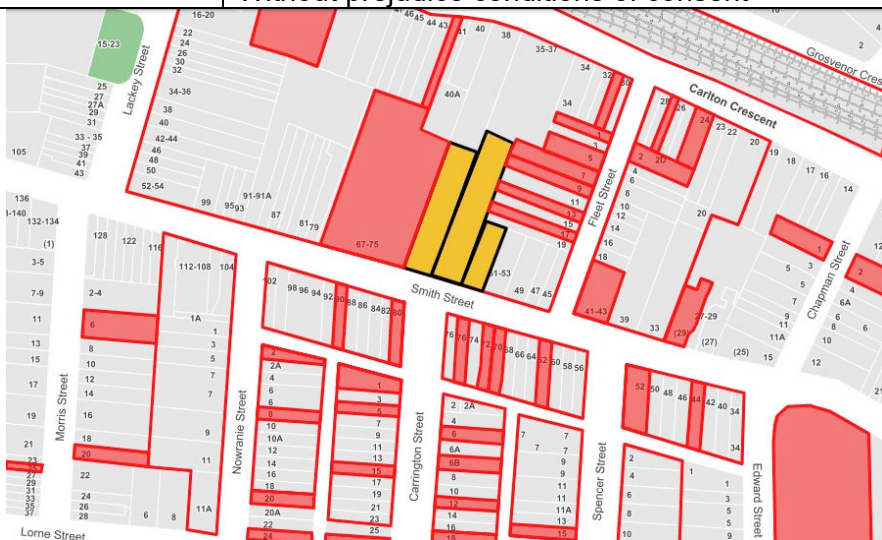

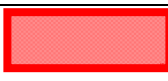



 DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2020/1022
Address	55, 57 and 61-63 Smith Street SUMMER HILL NSW 2130
Proposal	Demolition of existing structures and construction of a boarding house containing 97 boarding rooms (incl on site managers) over 1 basement level of parking.
Date of Lodgement	26 November 2020 with amended plans submitted 12 May 2021
Applicant	Appwam Pty Ltd
Owner	Appwam Pty Ltd Ms Stephanie A March
Number of Submissions	Initial: 27 After Renotification: 77 Post Amended Plans Notification: 79
Value of works	\$8,925,390.00
Reason for determination at Planning Panel	Contentious development (number of submissions)
Main Issues	Site contamination Room sizes of boarding rooms Compatibility with the character of the area Visual and Acoustic Privacy Overshadowing Impact on trees on neighbouring sites Flood Planning
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Plans of proposed development
Attachment C	Without prejudice conditions of consent
	
LOCALITY MAP	
Subject Site	  
Notified Area	 
Note: Due to scale of map, not all objectors could be shown.	

1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of existing structures and construction of a boarding house containing 97 boarding rooms (incl on site managers) over 1 basement level of parking at 55, 57 and 61-63 Smith Street Summer Hill..

The application was notified to surrounding properties and 27 submissions were received in response to the initial notification. An error occurred in the initial notification so the application was renotified and 77 submissions were received. In response to a Council resolution the amended plans were notified via letterboxing to the entirety of Summer Hill and 79 submissions were received.

The application has been the subject of extensive modifications in response to the submissions and feedback from Council officers and main issues that have arisen from the application include:

- Site contamination
- Room sizes of boarding rooms
- Compatibility with the character of the area
- Visual and Acoustic Privacy
- Impact on trees on neighbouring properties
- Overshadowing
- Flood Planning

2. Proposal

The original proposal submitted with the application was for a boarding house containing 104 rooms with a single manager and basement.

In response to submissions and feedback from Council the applicant elected to submit amended plans.

The amended proposal is for demolition of all existing structures, construction of a new boarding house consisting of 4 buildings in the architectural style of attached dwellings. The amended development includes:

- 97 boarding rooms (13 double rooms, 81 single rooms, 2 manager rooms and a caretaker unit);
- 4 common rooms;
- A reception area;
- A basement containing 54 parking spaces (including 7 accessible spaces, 20 bike spaces, 20 motorbike spaces, a recycling room for 35 bins, a garbage room for 35 bins and a bulky waste room).
- A Remedial Action Plan to address contamination

3. Site Description

The subject site is located on the northern side of Smith Street, between Lackey Street and Fleet Street. The site consists of 3 Lots and is irregular in shape with a total area of 2,607.68 sqm and is legally described as Lot 1 in Deposited Plan 905473, Lot 1 in Deposited Plan 796910 and Lot 13 Section 1 in Deposited Plan 560.

The site has a frontage to Smith Street of 44.24 metres. The survey of the site doesn't indicate that the site is subject to any easements burdening the site.

The site contains one and two storey industrial buildings. The adjoining sites contain a mixture of residential flat buildings, multi-dwelling housing, attached, semi-detached and detached dwellings.

The subject site is not a heritage item but is located adjacent to the Items 621(former House 67 Smith Street) and Item 500 (attached houses 13–15 and 17–19 Fleet Street) under *ALEP 2013*. The site is also adjacent to the Fleet Street Heritage Conservation Area C44 under *ALEP 2013*.

The site does not contain significant trees but is in the vicinity of several significant trees on the adjoining sites.

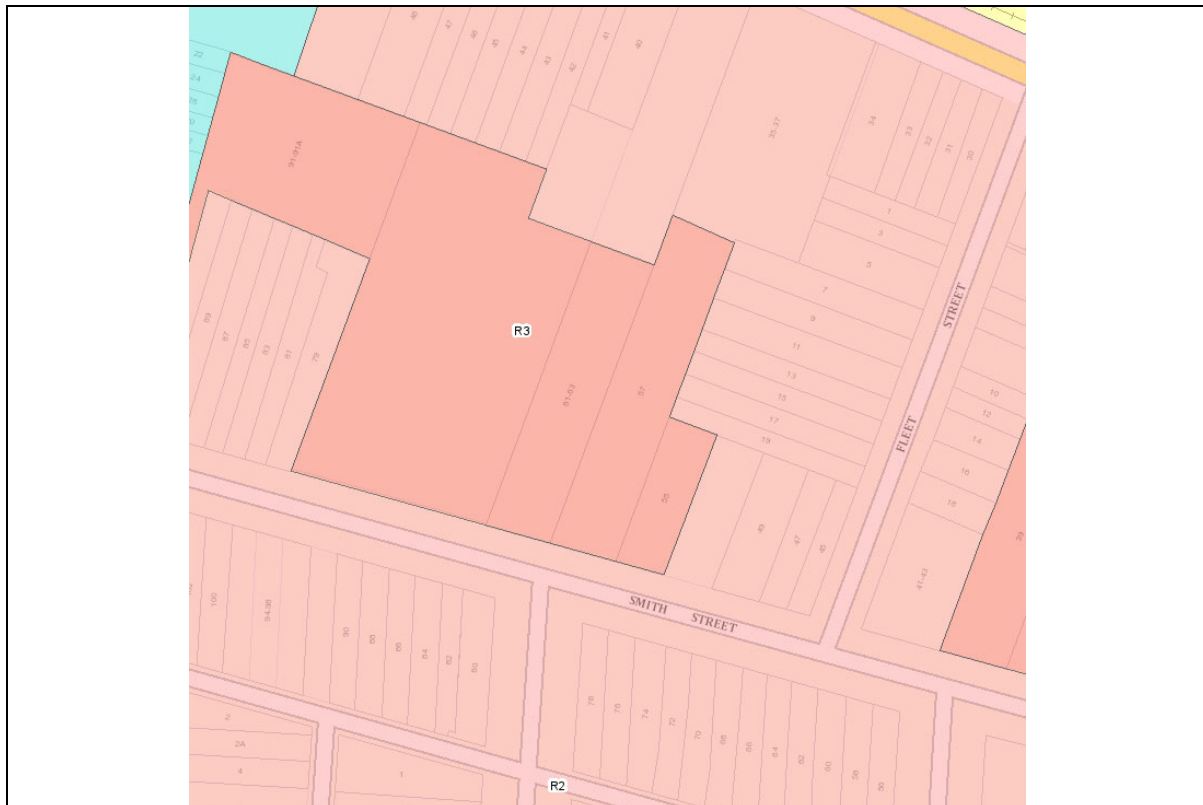


Figure 1: Zoning map of the site.

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.

Application	Proposal	Decision & Date
DA 006.1967.00006585.001	Amenities Block (55 Smith Street)	Approved 14/12/1967
DA 006.1980.00000017.001 -	Additions to a Security Systems Factory (55 Smith Street)	Approved 21/01/1980
DA 006.1984.00000408.001	Internal Storage Area (55 Smith Street)	Approved 13/06/1985
DA 005.1995.000000294.001	Storage of electronic parts & accessories (55 Smith Street)	Approved 12/12/1995
DA 006.1996.00000019.001	Alterations to warehouse (55 Smith Street)	Approved 16/02/1996
Pre DA 009.2019.00000054.001	Partial demolition of existing commercial/industrial buildings. 55 Smith	NA 18/11/2019
DA 010.2017.00000182.001	Alterations and change of use from a warehouse to a Gymnasium (Indoor) with signage (57 Smith Street)	Approved 24/01/2018
DA 005.1998.00000030.001	Change Of Use (second hand office furniture warehouse) (57 Smith Street)	Approved 28/05/1998
DA 005.1995.00000252.001	Storage of belts & leather goods + light manufacturing(57 Smith Street)	Approved 17/12/1996
DA 006.1993.00000083.001	Additions To Factory – Storeroom (57 Smith Street)	Approved 29/04/1993
DA 006.1969.00007259.001	Additions Commercial Laundry (57 Smith Street)	Approved 15/07/1969
DA 010.2014.00000158.001	Shop top housing- Alterations and addition to existing building to create an additional one bedroom unit by converting existing storage/roof space on the upper floor (61-63 Smith Street)	Approved 21/11/2014
DA010.2013.00000089.001	Change of use of the existing building to the front of the site to a personal training studio (gym) and internal alterations (61-63 Smith Street)	Approved 19/11//2013
DA 010.2013.00000089.002	s.96 modification to DA 10.2013.89- Amendments include increase operating hours on Saturday from 8.00 am to 3.00pm to 8.00am to 6.00 pm. Operating hours for other days are not changed (61-63 Smith Street)	Approved 12/03/2014
010.2012.00000250.001	Change of use to light industrial/storage of costume jewellery (61-63 Smith Street)	Approved 04/02/2012

4(b) Application history

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

Date	Discussion / Letter / Additional Information
7/4/2021	Assessing officer contacted applicant and advised that application can't be supported in its current form and requested a meeting to discuss the issues.
20/4/2021	Meeting with applicant to run through issues with the proposal.
20/4/2021	Request for further information uploaded to NSW planning portal granting 21 days for amended plans to be considered in accordance with Council policy.
12/5/2021	Amended plans uploaded to NSW planning portal
14/5/2021	Applicant submitted supplementary information to the planning portal
11/5/2021	Emailed applicant to confirm if rooms labelled Unit G03 and Unit 103 have capacity to be made larger using the space below the stairs.
24/5/2021	Applicant advised that area under the stairs has insufficient ceiling height and that it is possible to achieve 12m ² for the rooms labelled Unit G03 and Unit 103 by using excess space from the rooms labelled Unit G02 and Unit 102.
23/7/2021	Advised applicant that the application cannot be supported due to issues with <i>SEPP 55</i> reports and errors on plans.

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* ('EPA 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) requires the consent authority to be satisfied that "the site is, or can be made, suitable for the proposed use" prior to the granting of consent.

The site has been used in the past for activities which could have potentially contaminated the site. It is considered that the site will require remediation in accordance with *SEPP 55*.

Council's Environmental Health Officer has reviewed the applicants DSI and RAP and advises:

“Council has reviewed the DSI and RAP prepared by Soilsrock Engineering. Several inconsistencies were found between the documents. Concerns are raised regarding the following points:

1. Health Investigation Levels

Page 9 of the RAP refers to HIL-A being used as the criteria for validation testing, whereas the DSI has used HIL-B as criteria to identify the contamination risk on the site. In Council’s experience, the same HIL should be used for field sampling to determine risk and level of any contamination as for the validation sampling.

2. Identification of lead hotspot

Section 6.2.4 Stage 4- Data Gaps Closure on page 17 of the RAP states the following:-

“This stage will occur after demolition works takes place and will involve the additional investigation mentioned previously in the Section 3.5 to clarify the extent of contamination on site.

This data gap closure will comprise:

- Further investigation to identify the size and extent of Lead contamination (hotspot) and complete waste classification prior to excavation works. This will include additional environmental boreholes and collection of soil samples around the location of E6 followed by laboratory analysis for Lead content in a NATA accredited laboratory.”

Given the use of HIL-B in the DSI, lead was not identified as an area of concern in the DSI. After reviewing the sample logs in the DSI, lead would have been considered as an area of concern if the HIL-A criteria was applied. Concerns are raised as to whether this is an error by way of including this bullet point. Clarification is sought as to whether the HIL has changed from the DSI to the RAP.

3. General errors

Several general errors found throughout the report, including reference to the incorrect Council (City of Ryde operational hours referred to in RAP).

Due to the above inconsistencies and errors in the documents, Council cannot be satisfied that the applicant has satisfied the provisions of SEPP 55- Remediation of Land, in that further investigation regarding the lead hotspot (should this be relevant) is required prior to any determination of the application.

Clarification is also sought as to the location of the discharge point for the mechanical ventilation system for the basement car park. Conditions have been recommended for inclusion based on the information which has been provided.”

Based on the above, Council cannot be satisfied that the provisions of clause 7(1)(b) and (c) of SEPP 55 have been met. The application has not provided Council with the necessary reports to an acceptable quality to satisfy the requirements of clauses 7(2-4) of SEPP 55. As a result, the consent authority lacks the power to grant consent.

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

Division 3 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* ('SEPP ARH') applies to the site as it is zoned R3 medium density residential.

Clause 29 Standards that cannot be used to refuse consent

In accordance with clause 29(1) of *SEPP ARH* the consent authority must not refuse consent on the basis of density or scale if the development is consistent with the floor space ratio development standard plus 0.5:1 (Clause 29(1)(c)(i)). As a result, the applicable FSR for the proposal is increased from 0.7:1 to 1.2:1. The proposal has an FSR of 1.01:1 and as a result the application cannot be refused on the grounds of density or scale.

The proposed development complies with the height of buildings development standard of 9m prescribed by *ALEP 2013* and as a result the application cannot be recommended for refusal on grounds of height due to Clause 29(2)(a) of *SEPP ARH*.

The proposed landscape treatment of the front setback is compatible with the streetscape and as a result of Clause 29(2)(b) of *SEPP ARH* the consent authority must not refuse the application on the grounds of landscaped area.

The proposed development provides for greater than the required 3 hours of solar access to the main common room to the rear of the site. As a result of Clause 29(2)(d) of *SEPP ARH* the consent authority is unable to refuse the application on the basis of solar access.

The proposed development includes an area of private open space adjacent to the communal living room that exceeds 20m² and the Managers room provided in Unit 141 has a balcony with an area of 10m². However, the dimensions of the private open space of Unit 141 is less than 2.5 m in both directions and as a result it is open to the consent authority to consider the development control plan for the purposes of private open space and may refuse the application if non-compliant in accordance with clause 29(2)(d). The applicable development control plan does not contain a provision requiring Managers rooms to have a specific depth and as a result Council is unable to refuse the application on this ground.

The proposed development provides for 54 carparking spaces which exceeds the 50 spaces within the must not refuse provisions within clause 29(2)(e) (0.5 space per boarding room and the 1 space per employee).

With the exception of the rooms labelled unit G03 and unit 103 (which have an area of 11m²) the remaining single rooms are greater than the 12m² area standard that cannot be used to refuse an application. Furthermore, with the exception of the rooms labelled G21, 124 and 205 (which have an area of 13.2m²) the double rooms are greater than the 16m² area standard that cannot be used to refuse an application. As a result, it is open to the consent authority to consider the provisions of the development control plan for accommodation size. This is discussed in greater detail below under heading 5(d).

Clause 30 Standards for boarding houses

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

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

The proposed development complies with the requirement to provide a common room.

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

All boarding rooms other than the room labelled Unit 204 are consistent with the standard requiring the room size to be below 25m². The room labelled Unit 204 is shown on the plans as having an area of 26.9m² excluding the kitchenette and bathroom. This appears to be an error on the plans and the area measures 22.3m², however in the event of a notation on the plans the notation supersedes the measurement and as a result the proposal must be assessed as breaching this non-discretionary development standard. The consent authority therefore lacks the power to grant consent.

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

No boarding room is indicated to have more than 2 persons as occupants.

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

Adequate kitchen and bathroom facilities are available for each lodger within each boarding room.

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

The proposal provides for 2 on-site boarding house manager's room

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

The development provides for 20 motorcycle spaces and 20 bicycles spaces and complies with the 1 space per 5 rooms standard.

Clause 30A Compatibility with the Character of the Area

Clause 30A of *SEPP ARH* states:

“A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.”

In considering the compatibility with the character of the area the applicable test is taken from the planning principle in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 as follows;

“Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.”

In terms of the physical impacts of the development the main considerations are solar access, visual and acoustic privacy and apparent visual bulk.

In considering the solar access impacts, the amended proposal largely reduces the overshadowing from the existing development on the site and the small increased impacts are offset by the larger reductions at other times. The site is not subject to an overshadowing design solution within the IWDCDP 2016 but section 4.15(1)(b) allows the consideration of the likely environmental impacts and in this instance application of the planning principle within *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082. The adjoining sites are not particularly vulnerable to overshadowing and the site is zoned for medium density development. As a guide reference to the design solutions for overshadowing for residential flat buildings within IWDCDP 2016 within Chapter A -Part 4 is a useful guide. In terms of overshadowing the proposed development satisfies DS1.1 in Chapter A Part 4 of IWDCDP 2016 which is discussed in greater detail below. The overshadowing impacts of the amended proposal are considered to be acceptable.

In considering the impacts on acoustic privacy, the amended proposal provides for 4 common rooms the largest of which is located at the rear of the site. The application is accompanied by an acoustic report and plan of management that seeks to manage the acoustic impact of the development. It is also noted that the proposal includes 3 smaller common rooms that are located within the buildings and are likely to assist in reducing the acoustic impacts and provide for alternative places of congregation on the site. Coupled with recommended conditions of consent and Councils powers under the *Protection of the Environment Operations Act 1997* the proposal is expected to have an acceptable impact in terms of acoustic privacy to the surrounding properties.

In considering the impacts of the development on the visual privacy of the surrounding properties it is noted that the amended proposal reduces the impacts on visual privacy through the extensive use of privacy screens. The application is supported by privacy diagrams that demonstrate the sight lines from the balconies with the 9m separation distance suggested within *Meriton v Sydney City Council* [2004] NSWLEC 313. The amended proposal provides for smaller balconies of the majority of boarding rooms, provides increased setbacks and screening devices. The amended proposal maintains a 1.8m brick wall that is located on/near the rear boundary which are located at a higher level. with the difference in level the rear walls provide sufficient separation within the distances that require visual screening.

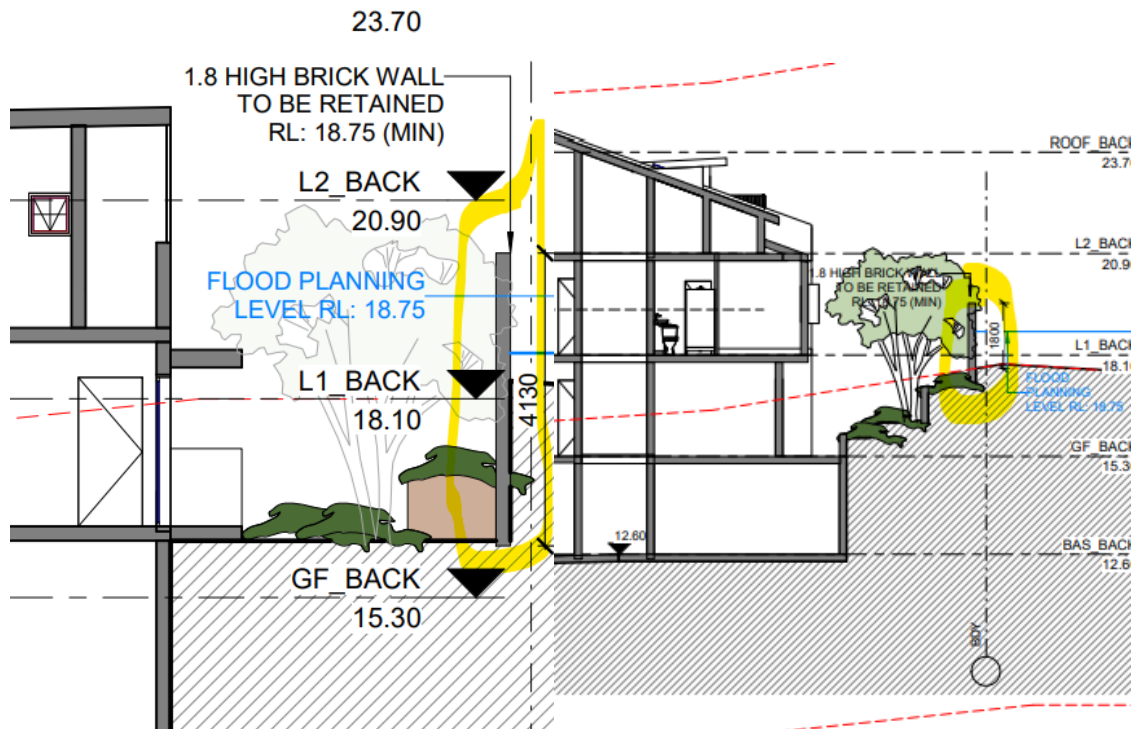


Figure 2: Sections of rear buildings showing level differences and walls that provide screening.

The proposed windows to Units 130 and 141 do create a privacy issue however these can be addressed by conditions if consent were to be granted. The impacts associated with the development in terms of visual privacy are therefore acceptable noting the density of surrounding development.

The apparent visual bulk of the proposed development is consistent with what could be reasonably expected from a development in a medium density zone with the FSR development standard of the site and permissibility. The apparent visual bulk from the neighbouring properties is largely reduced from the existing development due to increased side and rear setbacks. The physical impacts of the development are acceptable.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

The amended proposal has the appearance of two storey attached dwellings. In assessing the character of the area, the following visual catchment has been considered.

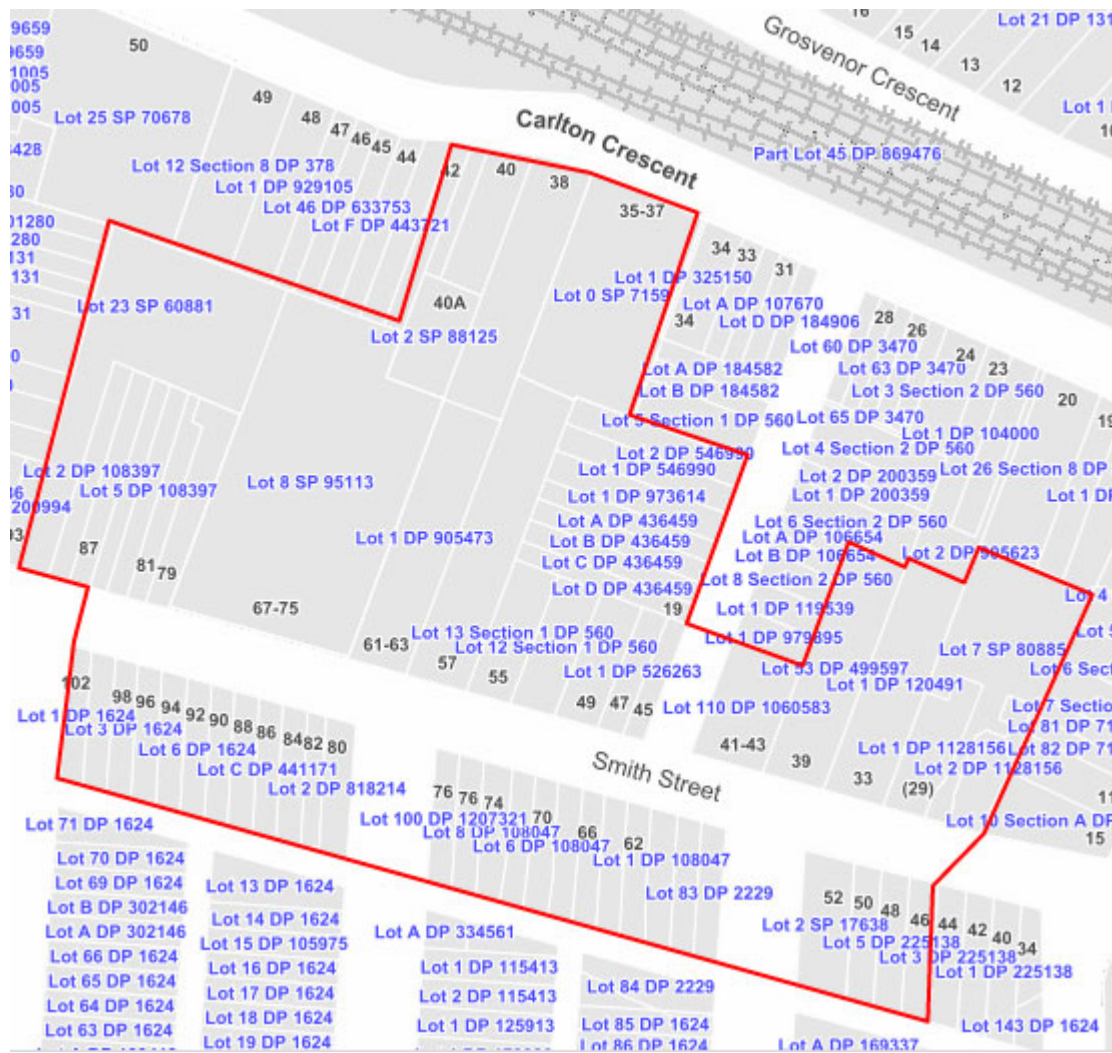


Figure 3: Visual catchment of surrounding buildings and buildings forming the character of the street.

The surrounding buildings consist of:

- To the east a two-storey semidetached dwelling at 51 Smith Street, two storey attached dwellings at 13-19 Fleet Street, a single storey detached dwelling house at 11 Fleet Street and two single storey semidetached dwellings at 7-9 Fleet Street.
- To the north of the site, two-storey residential flat buildings at 35-37 and 38 Carlton Crescent.
- To the north east, 40A Carlton Crescent contains a single storey dual occupancy (attached).
- To the east, 67-75 Smith Street is a mixed use development containing a residential flat building and multi-dwelling housing. The mixed-use development contains a mixture of one, two and three storey buildings, however the buildings at the front of the site have the appearance of two storey attached dwellings.

When considering the character of the area, the northern side of the street is of primary importance as the development is located on this side whilst the southern side is of secondary importance as it is across the street from the development.

The northern side of Smith Street consists of buildings that have the appearance of one and two storey attached dwellings with some detached dwelling houses and residential flat buildings located to the eastern side of the site beyond the intersection with Fleet Street.

The southern side of Smith Street consists of single storey row houses with some isolated former industrial buildings, shops with shop top housing, and a single two storey terrace house, a single industrial building, and a single two story residential flat building.

The proposal has the character of a two storey attached dwelling to the front of the site and three storey at the rear of Block A, Blocks B and C have the appearance of three storey attached dwellings, whilst Block D has the appearance of a two storey flat roofed building but is only visible from the adjoining properties. The proposed development will not appear to be 'jarring' or 'offensive' when compared to the surrounding buildings or in the context of the character of the area.

The development provides a front boundary setback that is generally consistent with the setbacks found on adjoining sites and results in a built form that is compatible and in harmony with the surrounding residential developments. The architectural style of the building translates the proportions and materiality found in the area generally.

The appearance of the building at the street interface being of two storey attached dwellings is compatible with the streetscape character and in harmony with the buildings around the site. Overall the development is considered to be compatible with the character of the area.

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

A BASIX Certificate was submitted in compliance with the regulations.

5(a)(v) *Ashfield Local Environmental Plan 2013 (ALEP 2013)*

The application was assessed against the following relevant clauses of the *Ashfield Local Environmental Plan 2013*:

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 4.1 - Minimum subdivision lot size
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Earthworks
- Clause 6.2 - Flood Planning

Clause 2.3 - Land Use Table and Zone Objectives

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

“boarding house means a building that—

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

The proposed development is permitted with consent within the land use table. The development is consistent with the objectives of the R3 Medium Density Residential zone.

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 9m	9m	N/A	Yes
Floor Space Ratio Maximum permissible: 1.2:1(0.7:1 under ALEP 2013 + 0.5:1 FSR bonus under SEPP ARH clause 29) or 3,129.22m ²	1.01:1 or 2642.86m ²	N/A	Yes

Clause 5.10- Heritage Conservation

In considering the proposed development impacts on the adjoining heritage items and conservation area, the application was referred to Council's Heritage Specialist who has provided the following advice:

“The proposal is not supported on heritage grounds as the heritage impact of the proposal has not been adequately assessed. The nearby heritage items in Fleet Street are not adequately shown on the architectural plans for the proposal, including on the shadow diagrams.

The proposal is of a more substantial scale than the characteristic building stock of this part of Summer Hill. The increase in scale and density will impact on the residential character of the small HCA centred around Fleet Street, in particular on the privacy of the garden areas to the rear of the terrace houses fronting Fleet Street, a number of which are heritage listed.

The use of three storey building forms to the street is not supported, as the adjacent building stock is single or two storey. The proposed colour scheme for the render is not supported as the proposed dark colour is not characteristic of Heritage Conservation Areas in Summer Hill. The use of dark colours contributes to heat build up, creating Urban Heat Islands.

In addition, the construction of a substantial basement parking area and garbage room near to the heritage items in Fleet Street will substantially increase noise in the vicinity.

Recommendation:

The proposal is not supported on heritage grounds as the heritage impact of the proposal on the adjacent heritage items has not been adequately assessed.

The scale of the proposal is not supported, in particular the use of a three storey form rather than two storey height limit that characterises the surrounding housing stock.

The extent of overshadowing and loss of privacy of the rear yards to the houses in the Fleet Street HCA, a number of which are heritage items, has not been adequately considered.

The location of the garbage room and drive will impact on the heritage items in Fleet Street adjacent to the site.

The proposed colour scheme for the render is not supported as the proposed dark colour is not characteristic of Heritage Conservation Areas in Summer Hill."

Comment: The development is not in an HCA and is not a heritage item but is in the vicinity of HCA's and heritage items.



Figure 4: Heritage Map of the site and surrounds.

Density and scale is not a reason that can be used to refuse the application due to clause 29(1) of *SEPP ARH*. Overshadowing and visual privacy are planning considerations that are addressed in this report and are not considerations under clause 5.10 of *ALEP 2013*. The location of the garbage rooms in the basement do not impact the appearance of the building when the building is viewed from the street. The location of the driveway is the practical location given the dimensions of the site and provides for an appropriate transition and setback to development at 51-53 Smith Street that has its driveway and hardstand parking space on the boundary of the subject site. It should also be noted that there is an existing driveway in this location on the site at present. The colours of the proposed development can be addressed by condition of consent to ensure the colour scheme is sympathetic to the palette of surrounding development..

Clause 5.20 - Flood Planning

The plans as amended have addressed some of Council's Development Engineer's issues with the proposal in terms of flood planning. However whilst some other matters have been addressed, the following matters remain outstanding

“The design must make provision for the natural flow of stormwater runoff from upstream properties. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments shall not be blocked or diverted but must be captured and catered for within the proposed site drainage system. For the design purpose, natural overland flows from the upstream properties shall be assumed as unobstructed. Where necessary an inter-allotment drainage system must be incorporated into the design.

The Council must be provided with stormwater plans certified by a suitably experienced Civil Engineer detailing hydrologic and hydraulic calculations for the overland flows from the upstream properties in a 1 in 100 year ARI storm event and the requirements of Council's Flood Planning Policy.”

The overland flow study analysis has not been provided to ascertain if the impacts of the proposal are acceptable having regard to flood planning and as such cannot be supported as it fails to satisfy the requirements of clause 5.20(3) of *ALEP 2013*.

Clause 6.1 - Earthworks

The proposed works involve excavation that is ancillary to a permitted use. The application was supported by a Geotechnical report by Appwam Pty Ltd and a remedial action plan that details how excavation of soil from the site will be disposed of.

As per the discussion above the impacts of the proposal on overland flow and drainage patterns is unresolved.

Proposed excavation to facilitate the construction of the basement will have an impact on trees to the east of the subject site. These impacts are considered unacceptable and would compromise the stability of these trees on neighbouring properties and therefore the amenity of the surrounding dwellings.

Consequently, the proposal fails to satisfy the provisions of clause 6.1(3) of *ALEP 2013*.

5(b) Draft Environmental Planning Instruments

Draft Housing Diversity SEPP

The explanation of intended effect (EIE) for the Draft Housing Diversity SEPP contains two draft provisions that relate to the proposal. Firstly, proposes to amend the definition of boarding house to be an “*affordable rental building that is managed by a registered not-for-profit community housing provider*”. Secondly it proposes to reduce the applicable bonus FSR that would be applicable under *SEPP ARH* to 20% for sites with an FSR of 2.5:1 or less where residential flat buildings are permissible.

In relation to the first amendment, this would empower the consent authority to impose conditions of consent requiring rental income to be within the definition of affordable housing under the *EPA Act 1979* and requiring the premises to be operated by a community housing provider. The first amendment would not alter the form or scale of the development if the amendment was in operation.

In relation to the second amendment, the proposal has an FSR of 1.01:1 which exceeds the 0.9:1 that would be applicable if the Draft Housing Diversity SEPP had been made. The current inclusion of the bonus results in a maximum FSR of 1.2:1 and the proposal is

substantially less than the current maximum FSR inclusive of the bonus permitted under the current instruments. The discrepancy in the potential FSR bonus on this site is not beyond what could be considered in the context of a clause 4.6 variation if the instrument had been made. In considering this it should be noted that the proposal is acceptable in terms of the compatibility with the character of the area test, and consistent with the apparent visual bulk that a compliant development would present.

In considering the weight of this instrument it should be noted that this is a draft change to a SEPP that has been exhibited but not made. In this case the drafting of the final instrument is not available as would be with a draft LEP amendment awaiting ministerial consideration. The certainty of the amendment is lessened as the final form is not available and in consideration of the submission the Minister may make the instrument in a form that differs to the text of the EIE.

In considering the case law in *Terrace Tower Holdings Pty Limited v Sutherland Shire Council* [2003] NSWCA 289 it should be noted that the application does not undermine the intent of the instrument in a substantial way as the form of the development would not be radically different to the proposed development (as in *Lizard Apple Pty Ltd v Inner West Council* [2019] NSWLEC 1146). As a result, it is not considered that the Draft Housing diversity SEPP presents an impediment to the granting of a consent.

5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 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 IWLEP 2020 are not relevant to the assessment of the application as they largely reflect the existing development controls for this site. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

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

The following provides discussion of the relevant issues:

Part	Performance Criteria (PC) & Design Solution (DS)	Proposed	Compliance
Chapter A – Miscellaneous			
Part 1 – Site and Context Analysis			
General	<p><i>PC1. Development is well designed, deriving from and respecting site and desirable neighbourhood characteristics, and reinforcing the character of the LGA.</i></p> <p><i>DS1.1 Development is supported by a Site and Context Analysis that has a level of detail appropriate to its scale and likely impact.</i></p>	The application is supported by suitable site and contextual analysis and includes a statement of how the design responds to the site and neighbourhood.	Yes

	<i>DS1.2 A brief written statement describing and explaining how the design response derives from and responds to the key features of the site and neighbourhood</i>		
<u>Part 1 – Site and Context Analysis (General)</u>			
Part 2 – Good Design			
Context	<p><i>PC1. Development:</i></p> <ul style="list-style-type: none"> <i>· responds and contributes to its context</i> <i>· contributes to the quality and identity of the area</i> <i>· in areas of relatively stability, reinforces desirable element of established street and neighbourhood character</i> <i>· in areas undergoing substantial change, contributes to the creation of the identified desired future character</i> <p><i>DS1.1 No design solution is provided. Each Development Application is to respond to a Site Analysis and will be assessed and determined on its own individual merits</i></p>	The design is considered to appropriately respond and contribute to its context. The design contributes to the quality and identity of the area by proposing a form that is in harmony with surrounding residential development. The development is consistent with the desired future character as expressed within the development controls.	Yes
Scale and Built Form	<p><i>PC2. Development has a scale:</i></p> <ul style="list-style-type: none"> <i>· that suits the scale of the street and the surrounding buildings</i> <i>· in areas undergoing substantial change, contributes to the creation of the identified desired future character</i> <p><i>PC2.1 Development has a built form that:</i></p> <ul style="list-style-type: none"> <i>· is appropriate for the site and the building's purpose in terms of building alignments, proportions, building type and building elements</i> <i>· defines the public domain</i> <i>· contributes to the character of streetscapes and parks, including their views and vistas</i> <i>· provides internal amenity and outlook</i> <p><i>DS2.1 No design solution is provided. Each Development Application is to respond to a Site Analysis and will be assessed and determined on its own individual merits</i></p>	<i>SEPP ARH</i> prevails due to a may not refuse provision. Refer to <i>SEPP ARH</i> discussion.	Overridden by <i>SEPP ARH</i>

Density	<p><i>PC3. Development has a density that is:</i></p> <ul style="list-style-type: none"> · appropriate for a site and its context in terms of floor space yields (or number of units) · sustainable and consistent with the existing density in an area, or in areas undergoing substantial change, are consistent with the stated desired future density <p><i>DS3.1 Compliance is required with the Ashfield LEP 2013.</i></p>	SEPP ARH prevails due to a may not refuse provision. Refer to SEPP ARH discussion.	Overridden by SEPP ARH
Resource, energy and water efficiency	<p><i>PC4. Development:</i></p> <ul style="list-style-type: none"> · makes efficient use of natural resources, energy and water throughout its full life cycle · uses appropriate and sustainable materials <p><i>has a sustainable layout and built form, including in accordance with passive solar design principles</i></p> <ul style="list-style-type: none"> · includes soil zones for vegetation and reuse of water <p><i>DS4.1 The proposal complies with BASIX and/or the design is capable of compliance with the Building Code of Australia Energy Provisions</i></p>	<p>SEPP ARH prevails due to a may not refuse provision. Refer to SEPP ARH discussion.</p> <p>A BASIX certificate is provided with the application</p>	Overridden by SEPP ARH
Landscape	<p><i>PC5. Development incorporates landscaping that:</i></p> <ul style="list-style-type: none"> · integrates with buildings · builds on the existing site's natural and cultural features in responsible and creative ways · enhances micro-climate, tree canopy and habitat values, · presents a positive image to the streetscape · contributes to neighbourhood character · promotes appropriate levels of privacy and respect for neighbours' amenity <p><i>DS5.1 No design solution is provided. Each Development Application is to respond to a Site Analysis and will be assessed and determined on its own individual merits</i></p>	<p>The proposal meets the requirement of SEPP ARH in terms of landscape area in the front setback.</p> <p>The landscape plan submitted with the revised scheme illustrates the provision of adequate soft landscaping throughout the site</p>	Overridden by SEPP ARH
Amenity	<p><i>PC6. Development:</i></p> <ul style="list-style-type: none"> · provides amenity through high quality physical, spatial and environmental design 	In part overridden by SEPP ARH. The amenity of the rooms proposed is generally at or above the	In part overridden by SEPP ARH

	<ul style="list-style-type: none"> · has access to: <ul style="list-style-type: none"> - sunlight - natural ventilation - visual privacy - acoustic privacy - storage - indoor and outdoor space - outlook and views · has ease of access for all age groups and degrees of mobility · has efficient layouts and has appropriate room dimensions and shapes <p><i>DS6.1 No design solution is provided. Each Development Application is to respond to a Site Analysis and will be assessed and determined on its own individual merits</i></p>	what is normally provided within a new generation boarding house excluding those rooms that are below the room requirements.	excluding the rooms under the minimum room requirements . The undersized do not comply and are unsatisfactory in their current form, this is discussed below
Safety and security	<p><i>PC7. Development:</i></p> <ul style="list-style-type: none"> · optimises safety and security, both internal to the development and for the public domain · maximises overlooking of public and communal spaces while maintaining internal privacy · avoids dark and non-visible areas · maximising activity on streets · provides clear, safe access points · provides quality public spaces that cater for desired recreational uses · provides lighting appropriate to the location and desired activities · provides clear definition between public and private space <p><i>DS7.1 No design solution is provided. Each Development Application is to respond to a Site Analysis and will be assessed and determined on its own individual merits</i></p>	The design provides for an acceptable level of passive surveillance and balance of privacy with security. The proposed public spaces provide for suitable distinction between public and private space.	Yes
Aesthetics	<p><i>PC8. Development:</i></p> <ul style="list-style-type: none"> · has an appropriate composition and architectural standard, including its building elements, textures, materials and colours · relates to the environment and context, particularly responding to desirable elements of the existing streetscape or, in areas undergoing substantial change, contributes to the desired future character of the area 	The architectural style of the development is appropriate in its context. Council's Heritage Officer has advised that the proposed materials are unsuitable and in the event approval is granted, an appropriate deferred commencement condition should be imposed requiring a change to the materials and finishes	Yes with condition.

	<i>DS8.1 Development complies with the relevant parts of this DCP in relation to streetscape outcomes</i>		
Part 3 – Flood Hazard			
General	<p><i>DS1.1 A Flood Risk Management Report must be submitted for applications that are on land identified on the Flood Control Lot Map (</i></p> <p><i>DS1.2 The Flood Risk Management Report must address the relevant requirements</i></p> <p><i>DS1.3 All applications for development must be accompanied by a survey plan including relevant levels to AHD (Australian Height Datum)</i></p> <p><i>S1.4 Compliance with flood management controls must be balanced by the need to comply with other controls in this Policy.</i></p>	The proposal has been amended to comply with these requirements.	Yes
Controls for new residential development	<p><i>DS2.1 Floor levels of habitable rooms must be a minimum of 0.5m above the 1% AEP flood level at that location. For areas of minor overland flow (a flood depth of 300mm or less or overland flow of 2cum/sec or less) a lower freeboard of 300mm may be considered on its merits</i></p> <p><i>DS2.2 Any portion of a building classified as being flood prone must be constructed from flood compatible materials</i></p> <p><i>DS2.3 Flood free access must be provided where practicable.</i></p>	The proposal has been amended to comply with these requirements.	Yes
Controls for filling of flood prone lands	<p><i>DS9.1 Development consent will not be granted to filling of flood ways or high flood hazard areas. Consideration will only be given to granting development consent to the filling of other flood prone land where:</i></p> <p><i>· flood levels are not increased by more than 0.01m by the proposed filling; · downstream velocities are</i></p>	In the absence of adequate stormwater plans illustrating overland flow, this cannot be adequately demonstrated.	No

	<p><i>not increased by more than 10% by the proposed filling;</i></p> <ul style="list-style-type: none"> <i>· proposed filling does not redistribute flows by more than 15%;</i> <i>· the potential for cumulative effects of possible filling proposals in that area is minimal;</i> <i>· the development potential of surrounding properties is not adversely affected by the filling proposal;</i> <i>· the flood liability of buildings on surrounding properties is not increased; And</i> <i>· the filling creates no local drainage flow/runoff problems.</i> 		
Controls for land uses on flood prone land identified on the Flood Control Lot Maps	<p><i>DS10.1 A site emergency response flood plan must be prepared in case of a PMF flood.</i></p> <p><i>DS10.2 Adequate flood warning systems, signage and exits must be available to allow safe and orderly evacuation without increased reliance upon the State Emergency Service (SES) or other authorised emergency services personnel.</i></p> <p><i>DS10.3 Reliable access for pedestrians or vehicles must be provided from the building, commencing at a minimum level equal to the lowest habitable floor level to an area of refuge above the PMF.</i></p>	The proposal has been amended to comply with these requirements.	Yes
Controls for basement garages, car ports	<p><i>S11.1 The floor level of new enclosed garages must be at or above the 1% AEP flood level plus 200mm. In extenuating circumstances, consideration may be given to a floor level at a lower level, being the highest practical level but no lower than 180mm below the 1% AEP flood level, where it can be demonstrated that providing the floor level at the Flood Planning Level is not practical within the constraints of compliance with Australian Standard AS/NZS 2890.1 Parking facilities as amended.</i></p> <p><i>DS11.3 On properties with a low flood hazard classification, basement (below natural ground level) car parking must have all</i></p>	The proposal has been amended to comply with these requirements.	Yes

	<p>access and potential water entry points above the Flood Planning Level, and a clearly signposted flood free pedestrian evacuation route provided from the basement area separate to the vehicular access ramps. For basement car parking in properties affected by High Hazard flooding further considerations will apply.</p> <p>DS11.4 Basement garages must include:</p> <ul style="list-style-type: none"> · Suitable pumps must be provided within the garage to allow for the drainage of stormwater should the underground garage become inundated during flooding. · Adequate flood warning systems, signage and exits must be available to allow safe and orderly evacuation without increased reliance upon the SES or other authorised emergency services personnel <p>DS11.5 For parking areas servicing more than two parking spaces, reliable access for pedestrians must be provided from all parking areas, to a safe haven which is above the PMF.</p>		
Part 4 – Solar Access and Overshadowing			
<p>Overshadowing</p> <p>Note: the DCP lacks controls for overshadowing for boarding house. However in the absence of controls the requirements for RFB are used for the purpose of considering an acceptable impact.</p>	<p>PC1. Development optimises solar access to living rooms and principal private open space of neighbouring properties</p> <p>DS1.1 Whichever is the lesser, development:</p> <ul style="list-style-type: none"> · maintain existing levels of solar access to adjoining properties Or · ensures living rooms and principal private open space of adjoining properties receive a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June <p>DS1.2 Applications are to show:</p> <ul style="list-style-type: none"> · plans of affected buildings and rooms, plans of affected open space, site plan, and the parts of the development causing the shadowing · elevations of affected rooms and degree of shadowing to relevant walls and windows 	<p>The development meets the requirements for internal solar access within SEPP ARH.</p> <p>With regard to overshadowing of neighbouring properties, the proposed development results in a significant decrease in the level of overshadowing than the existing buildings as is shown on the shadow diagrams. While at some times there is a small increase in overshadowing to open space from the proposal it is more than offset by the increase in access. When considered in accordance with the planning principle in <i>The Benevolent Society v Waverley Council</i> [2010] NSWLEC 1082 the</p>	Yes

	<i>DS1.3 Private Open Space referred to in Clause DS 1.1 is to be an area which is adjacent living areas.</i>	proposal is acceptable.	
Part 5 – Landscaping			
Character	<p><i>PC1.1 To maintain and enhance the landscape character of the LGA</i></p> <p><i>DS1.1 Where a street or a neighbourhood has a character that is derived from or strongly influenced by existing vegetation, in particular street trees, similar species are planted on site, except where the existing species are undesirable species listed in the Ashfield Street Tree Policy and Ashfield Town Centre Public Domain Plan</i></p> <p><i>PC1.2 To reinforce the visual landscape character of streets that have a distinct planting pattern, in particular those that are heritage listed</i></p> <p><i>DS1.2 Landscaping is located, arranged and is selected from species that are compatible with the dominant visual character of the street</i></p>	The proposal includes appropriate landscaping in the front setback that reinforces the greater landscape character of the area.	Yes
Function and appearance	<p><i>PC2. To create attractive, functional and safe environments, in particular within the public domain</i></p> <p><i>DS2.1 Landscaping provides visual interest through form, texture and variations in seasonal colour</i></p> <p><i>DS2.2 Landscaping areas are open to the sky</i></p> <p><i>DS2.3 Landscaping forward of the front building line does not obstruct views from windows of main living areas to the adjoining public footpath</i></p>	The proposed landscape plan is acceptable in addressing the design standards	Yes

	<i>DS2.4 Landscaping increases residential amenity, in particular through providing shade in summer and allowing sunlight in winter and screening views to undesirable or noisy features such as rail lines</i>		
Maintenance	<p><i>PC3. To provide robust, low maintenance landscaping</i></p> <p><i>DS3.1 Unless they are a key part of the visual landscape character of the street, landscaping does not include species that cause a safety hazard or inconvenience such as through invasive or disruptive, root systems, excessive dropping of flowers or excessive risk of falling branches</i></p> <p><i>DS3.2 Vegetation is to tolerate an urban setting, including pollution and low water conditions</i></p>	The proposed landscape plan is acceptable in addressing the design standards for low maintenance landscaping	Yes
Part 5 – Landscaping (Environmental performance)	<p><i>PC4. To enhance the environmental performance of the LGA by increasing on-site stormwater infiltration, increasing tree cover and providing additional habitat for urban wildlife</i></p> <p><i>DS4.1 Landscaping areas maximise the amount of impermeable surfaces that enable stormwater to be absorbed into the ground on site, including grassed areas and planting beds</i></p> <p><i>DS4.2 Landscaping includes a minimum of 1 tree that is able to have a spreading canopy within 10 years of planting</i></p>	The proposal provides for an acceptable level of impervious areas on the site with suitable tree planting.	Yes
Significant vegetation	<p><i>C5. To retain, protect and integrate significant vegetation within development</i></p> <p><i>DS5.1 Established significant vegetation removed due to disease or old age and/or damaged during construction is replaced with mature vegetation of the same or similar species</i></p>	<p>There is no existing vegetation on the site. The proposal does however impact on trees on the adjoining properties.</p> <p>Council's Urban Forest team advise that tree's Nos. 1-5 on the adjoining properties on the eastern boundary will be adversely affected by the proposal</p>	No

	<i>DS5.2 Buildings, carparks and driveways are sited and designed to enable the retention and long term performance of significant on-site vegetation</i>	and recommends a setback of 2m for excavation of the basement from the eastern boundary. This has ramifications for the design of the entry ramp and basement and is included in the reasons for refusal.	
Part 6 – Safety by Design			
General	<p><i>PC1. Development is sited and designed in accordance with the principles of Crime Prevention Through Environmental Design (CPTED), including consideration of:</i></p> <ul style="list-style-type: none"> <i>· surveillance</i> <i>· legibility</i> <i>· territoriality</i> <i>· vulnerability</i> <p><i>DS1.2 Development provides for passive casual surveillance of areas of adjoining public domain and communal private open space</i></p> <p><i>DS1.3 Abrupt or significant changes in level in the public domain are not created</i></p> <p><i>DS1.4 Clear delineation is provided between the public and private domain</i></p> <p><i>DS1.5 Building and dwelling entries are legible from the public domain</i></p> <p><i>DS1.6 The intended use of, and navigation within, the public domain is legible, with wayfinding signage provide</i></p> <p><i>DS1.7 Adequate night lighting is provided to all areas of the public domain</i></p> <p><i>DS1.8 A concentration of uses that have the potential for elevated risk of personal or property crime is avoided</i></p>	The proposal provides for suitable passive surveillance and has an acceptable interface with the public domain.	Yes
Part 7 – Access and Mobility			

Section 2			
General	<i>DS4.1 Refer to relevant SEPP's (State Environmental Planning Policies) for particular requirements for access, and to the Building Code of Australia (BCA). For example, the Affordable Housing SEPP and Seniors Living SEPP both have accessibility criteria that need to be met.</i>	The proposal provides for suitable levels of accessibility to meet the requirements of the BCA for a class 3 building and provides the required quantum of accessible rooms.	Yes
Part 8 –Parking			
Section 2			
Car parking standards for people with disabilities	<p><i>PC1. The following requirements are for use in determining the minimum number of parking spaces required for people with disabilities at different types of facilities. Where information on the likely demand for parking spaces for people with disabilities is available, it should be used. Calculations are to be rounded up or down to the nearest whole number as applicable - Refer to Table 3. Access to spaces for people with a disability must also comply with the provisions of Part A7 – Access and Mobility</i></p> <p><i>DS1.1 Car parking for people with disabilities shall be provided at a minimum rate of 5 designated spaces per 100 spaces as calculated from the car-parking requirement in Table 3.</i></p> <p><i>S1.3 Irrespective of DS 1.1 and DS1.2 above, provision is to be made for a minimum of 1 designated space for people with disabilities in any car park with a capacity of more than 10 spaces as calculated from the carparking requirement in Table 3.</i></p> <p><i>DS1.4 Spaces for people with disabilities are to be signposted at a height of 1.5m, line marked with the international symbol and located as close as possible to the nearest ramp, lift or entrance</i></p>	The proposal provides for 7 accessible spaces	Yes
Bicycle and motorcycle parking	<i>PC2. The Inner West Council strongly encourages the use of bicycles and motorcycles as a</i>	The proposal includes 20 bicycles and motorcycles spaces which complies with	Overridden by SEPP ARH

	<p>contribution to more environmentally sustainable transport. Local trips by cycle are often a realistic form of transport. In all areas new development must make adequate provision for cycles to ensure this sustainable mode of transport can be easily used by occupiers of new residential and commercial property</p> <p>DS2.1 Bicycle and motorcycle parking is to be as detailed below. If your use is not specifically mentioned the nearest comparable use will apply</p> <p>Boarding House:</p> <p>1 per 4 bedrooms (employees/occupants)</p> <p>1 per 16 bedrooms (Visitors)</p> <p>DS2.2 Motorcycle parking spaces 2.5m x 1.3m are required in addition to those for bicycles and are to be provided for sites containing 25 or more car parking spaces at the rate of 1 space per 25 car parking spaces in a communal area accessible to residents/staff/visitors or other users of the parking facility. Calculations are to be rounded up or down to the nearest whole number</p>	the requirements of SEPP ARH. SEPP ARH includes standards for bicycles and motorcycles spaces. In the event of an inconsistency the SEPP ARH prevails.	
Parking rates for specific land uses	<p>S3.1 Car parking rates for specific land uses must be in accordance with Table 3 – Car Parking Rates</p> <p>DS3.2 Definition of gross floor area Except where otherwise described in Table 3, a carparking rate per square metre of gross floor area is to be calculated.</p> <p>DS3.4 Calculation Advice When calculating the total required number of car parking spaces (including car parking spaces required for people with disabilities</p>	The proposal provides for 54 spaces and complies with this requirement.	Yes (however the design of the basement has the potential impact trees on adjoining sites)

	<p>and bicycle and motor cycle parking spaces) - if the result is not a whole number, it must be rounded UP or DOWN the nearest whole number . For Example – 2.5 spaces = 3 spaces required 4.4 spaces = 4 spaces required.</p> <p>Boarding House:</p> <p>1 parking space per resident employee and 0.5 parking spaces per boarding room</p>		
Section 3			
Design Principles	<p>4.1 Design and location requirements are:</p> <ul style="list-style-type: none"> · Integrate adequate parking spaces with surrounding facilities and existing circulation patterns. · Separate visitor and resident or employee parking areas. · Locate entrances and exits away from busy intersections and to minimise reductions in on-street parking. · Minimise extensive filling operations by designing with topography. · Minimise the number of entrances and exits. · In residential zones entries to underground car parks are to be setback behind the building line and located at the side or rear of buildings. They are not to be visible from the street front. Provide adequate setback for landscaping between the driveway and relevant boundaries. · Off street visitor and resident parking in excess of the minimum requirement should be designed in such a way as to allow alternative uses when not needed for parking e.g. car washing, storage, Excess parking may be counted as floorspace if in Council's view it will contribute to the bulk of the building or affect landscape quality, or the building as a whole will adversely affect neighbouring properties. · Parking bays in multi-unit developments must be provided for persons with disabilities. - (refer to Part A7- Access and Mobility) 	Council's Development Engineers advise that the proposal is acceptable in terms of circulation and the applicable design requirements.	Yes
Appearance	DS5.1	The design provides for	Yes

	<ul style="list-style-type: none"> · Design parking areas so that they are an integral part of the overall building design. Locate surface car parks at rear of buildings. · Provide underground car parking on larger sites over 1000m². · Create active, interesting street frontages and enhance safety and security at street level by locating uses that will screen carparking areas within buildings so that they are not directly visible from the street. · Excavations for driveways in front garden areas in residential zones is not characteristic of the LGA. The first six metres of any driveway shall be at grade. This will improve both appearance and pedestrian safety. 	suitable design to integrate the carparking into the design and streetscape	
Designing for pedestrian and people with a disability	<p>S6.1 The design of the parking area and the general access to the site should consider the needs of pedestrians, with the following design considerations:</p> <ul style="list-style-type: none"> · Pedestrian entrances should be clearly visible, conveniently located, and well lit and should have minimal conflict with vehicular traffic. Conflict points should be made safe with the use of contrasting materials, footpath/road markings, designated crossing areas, bollards and similar devices. · Parking areas should be designed to minimise pedestrian/vehicular conflict, with pedestrian routes clearly identified to facilities such as lifts, stairs, exits and street access points. 	The design provides for suitable levels of accessibility for persons with a disability.	Yes
Parking space dimensions – land use	DS7.1 Recommended parking space dimensions vary with the type of use as set out in Table 4 below and the Figures that follow.	Council's Development Engineers advise that the proposal is compliant.	Yes
Parking Aisles, Angle Parking Spaces and Blind Aisles	S8.1 Parking aisle dimensions relate to the width of the parking spaces. This will vary with the angle of parking and the type of user. Blind aisle dimensional requirements are also variable depending on design.	Council's Development Engineers advise that the proposal is compliant with AS2890:2004.	Yes
Driveways- width and location	DS12.1 Refer to Section 3 of Australian Standard AS 2890.1:2004 for driveway width and location requirements relating to different types of users.	Council's Development Engineers advise that the proposal is compliant.	Yes
Driveways - gradients and level	DS13.1 The maximum gradient on a driveway or ramp is to be 1:20 (5%) across the property line and	Council's Development Engineers advise that the proposal is compliant.	Yes

	<p><i>for at least the first 6m into the site. For general driveways/ramps other than domestic driveways, up to 20m in length, the maximum gradient is to be 1:5 (20%), while for lengths in excess of 20m the maximum gradient is to be 1:6 (16.7%).</i></p>		
Service areas/ waste removal	<p><i>PC15.1 The design of service areas is to ensure that the development can be adequately serviced onsite, without the need for service vehicles to park on the street, and without conflicting with other site traffic.</i></p> <p><i>DS15.1 Service areas are to be separate from associated car parking</i></p> <p><i>PC15.2 Service areas are easily accessed and freely available for use at all times so that on-street servicing is discouraged</i></p> <p><i>S15.2 Service areas must be able to be accessed off the street by vehicles entering and leaving the site in a forward direction</i></p> <p><i>DS15.3 The size and number of service areas and loading docks are to be suitable for the scale and intensity of the use which they serve</i></p> <p><i>DS15.4 Internal circulation roadways need to be adequate for the largest vehicles anticipated to use the site</i></p>	<p>The proposal would include waste servicing onsite through a private waste contractor. The nominated waste vehicle can enter and exit in a forward direction without reversing.</p> <p>Council's Development Engineers advise that the proposal is acceptable in terms of service vehicle movements</p>	Yes
Gradients in service areas	<p><i>DS16.1 Gradients in service areas should be kept to a minimum. The maximum gradient in a manoeuvring area should be 1:12.5 (8%) on a driveway or ramp, 1:6 (16.7%) for forward only traffic and 1:12.5 (8%) if reverse manoeuvres are permitted on the ramp.</i></p>	Council's Development Engineers advise that the proposal is compliant.	Yes
Headroom	<p><i>DS18.1 Within parking areas, the minimum height between the floor and an overhead obstruction should be a minimum of 2.2 m. - any increase in this height to be</i></p>	Council's Development Engineers advise that the proposal is compliant.	Yes

	<i>assessed in accordance with the merit of the application</i>		
Drainage and filtration	<i>DS23.1 All car parking areas/driveways must have adequate drainage for run-off and seepage.</i>	Council's Development Engineers advise that the proposal is compliant.	Yes
Bicycle Parking	<i>PC24. The two principle sources of technical information regarding bicycle parking facilities are: · Australian Standards AS 2890.1:2004 & AS2890.3 that describe facilities that will provide safe, secure, convenient parking for motor cycles and bicycles respectively. See diagrams below. · Guide to Traffic Engineering Practice Part 14-Bicycles produced by AUSTROADS, the national association of road transport and traffic authorities in Australia.</i>	Council's Development Engineers advise that the proposal is compliant.	Yes
Location of bicycle parking facilities	<i>PC25. The location of bicycle parking facilities is critical. If they are not conveniently placed, cyclists will ignore them and use other objects to secure their bicycles.</i> <i>DS25.1 Cyclists should be able to park close to their destinations, generally within a few metres and at most, within 30 metres. Wherever car parking is provided there will also be a need for bicycle parking. Informal bicycle parking can give an indication of places where bicycle-parking facilities are required.</i> <i>DS25.2 Bicycle parking areas can be created by conversion of car parking spaces. Three rails, accommodating six bicycles, can be installed in the space required for one car.</i>	The location of the bikes spaces in the basement is appropriate.	Yes
Appearance and maintenance of bicycle parking facilities	<i>DS27.1 Bicycle parking facilities should be attractive and well designed. They should be constructed from materials requiring minimal maintenance. Bicycle parking rails are available in a range of styles and finishes from local manufacturers and suppliers.</i>	The design of the bike spaces in the basement is appropriate.	Yes
Part 14 – Contaminated Land			
Contaminated Land	<i>PC1. Development minimises the risk of harm to people, property or</i>	See SEPP 55 consideration	No

	<i>the environment from land contamination</i>		
Part 15 – Stormwater Management			
General	<p><i>PC1. Development: Where consent is required at Development Application stage for stormwater drainage , or guidance for stormwater design is required, development is to comply with the provisions contained in Section 2.25 of the Marrickville DCP 2011.</i></p> <p><i>DS1.1 Comply with the applicable sections and provisions contained in Section 2.25 of the Marrickville DCP 2011.</i></p>	The application fails to provide adequate detail with regard to stormwater and overland flow paths	No
Chapter C – Sustainability			
Part 1 – Building Sustainability			
Building Sustainability	<i>PC1. Development reduces its impact on the natural environment</i>	Superseded by BASIX requirements	Yes
Section 6: Commercial development types: Specific provisions			
Accommodation and Boarding Houses	<p><i>S7.1 Premises used for non-private accommodation are to ensure that additional space is allocated for the interim storage of waste mattresses, and TVs and other electronic waste in addition to space for waste and recycling bins.</i></p> <p><i>DS7.3 Class 3 Boarding Houses shall make provision on-site for a Waste Source Separation and Storage Area, with details shown on the development application drawings.</i></p> <p><i>DS7.8 Any Waste Source Separation and Storage Area (bin bay or room) for Boarding Houses is to be located behind the building line, and enclosed to minimise odour or noise disturbance for adjoining properties. If storage is proposed, and subsequently approved by Council, forward of the building line, it is to be screened from view from the streetscape to minimise any visual impact (see Guide 2: Waste Source Separation and Storage Area).</i></p>	<p>The application proposes the provision of a bulky waste storeroom and bin rooms in the basement.</p> <p>Councils Waste Team advise that the proposed development is acceptable for private waste collection as a Class 3 boarding house.</p>	Yes
Part 4 – Tree Management			
6. Trees on	<i>C12 All development proposals</i>	The proposal does not	No, see

Development Sites	<i>must be designed to maintain or improve the urban forest values of the site by minimising the impact on tree/s and planting compensatory tree/s for tree/s that are proposed for removal. This requirement applies to Council owned trees and trees on private or other property and adjoining land.</i>	involve Tree removal but does impact on neighbouring trees as a result of the excavation required for the basement and its proximity to the eastern property boundary	comments below
Chapter D – Precinct Guidelines			
Part 12 – 55-63 Smith Street, Summer Hill			
General	<p><i>PC4. Development: Development Applications are to be holistic by taking into consideration all the uses on the site and ensuring that the use of the premises causes no adverse impacts for adjacent and nearby properties.</i></p> <p><i>DS1.2 • Any future development application for any building compartment will need to document the building operations for the entire site, to ensure that the requirements of this DCP are met, including car parking and servicing, waste management, and any relevant operational matters. Documentation shall include plans which are drawn accurately and at scale which is adequate to describe various components of the site. • Any building works, are to be carried out entirely within the subject site</i></p>	The proposed development is planned for the entirety of 55-63 Smith Street, Summer Hill. The proposal provides for a single entry to the site with waste collection and carparking within the site.	Yes
Operation of land	<p><i>PC5. No nuisance caused to adjacent and nearby residential properties, including controlling hours of operation, and noise attenuation.</i></p> <p><i>DS2.2 Hours of Operation are limited to Monday to Friday 7 am to 7 pm Saturday 7am to 5 pm Sunday 8 am to 12 Midday Justification for any variations to these hours will only be approved by Council if it is demonstrated that there will not be adverse impacts on adjacent and nearby residents.</i></p> <p><i>DS2.3 All machinery in use on the site will be soundproofed to reduce the emissions of noise external to the site in compliance with the</i></p>	<p>The proposed development is for use as a boarding house and not a commercial use that would have a limit on the hours of operation imposed.</p> <p>The application's proposed use as a boarding house is not one that is likely to have the impacts in terms of noise, light pollution and fume emissions that an industrial development under the existing use provisions would.</p> <p>The application is supported by an acoustic report and plan of management to appropriately manage</p>	Not Applicable

	<p><i>Protection of the Environment Act 1997 and EPA noise control guidelines, with details submitted at Development Application stage.</i></p> <p><i>DS2.4 The site will operate in accordance with the Protection of the Environment Operations (Noise Control) Regulation 2008.</i></p> <p><i>DS2.5 Details of building fabric components such as walls, roofs , and windows shall be submitted with a Development Application showing that there the premises are adequately acoustically insulated so as to not cause any noise nuisance for adjacent and nearby residences. This includes use of entry airlocks where necessary, and documenting the types and thicknesses of window and door material or glazing.</i></p> <p><i>DS2.6 Security or other lighting shall not cause light overspill to adjoining property owners occupiers or residents</i></p> <p><i>DS2.7 There will not be any fume emissions from the site which would affect adjacent or nearby residences. Where applicable, mechanical engineers details will be submitted with a Development Application showing how this will be achieved and compliance with relevant environmental legislation.</i></p>	potential noise issues.	
Parking	<p><i>PC6. Each individual building compartment on the site will provided adequate onsite employee and visitor car parking, taking into consideration all existing uses which shall be shown on any development application.</i></p> <p><i>DS3.2 The operation of each building and land use will provide the necessary onsite vehicular parking layout in accordance with the DCP Section 2 Chapter A, Part 8 –Parking. Building uses at the rear of the site shall ensure there is adequate width for safe pedestrian pathway travel from the</i></p>	The proposed development complies with the standards that cannot be used to refused consent in SEPP ARH in relation to carparking and the development controls for parking for boarding houses in the DCP.	Yes

	<i>entry to the site which is free of any vehicles. Pathway protections such as bollards, and pavement demarcation treatments, shall be shown on the Development Application drawings</i>		
Servicing	<p><i>PC7. Provision of access and loading bay to allow for on-site vehicular deliveries.</i></p> <p><i>DS4.1 All deliveries of goods to and from the site will be conducted from vehicles standing wholly within the site and this shall be demonstrated by showing on a site layout plan that vehicles are able to move in a forward direction when entering or exiting the site, and locations for loading and unloading. Deliveries will take place between the hours of 8am and 4pm Monday to Friday.</i></p>	A loading bay is not necessary for a boarding house with no commercial development. The proposal provides adequate space for waste collection.	Yes
Waste	<p><i>PC8. Provision of Waste Storage areas for any individual building compartment shall be provided and shall take into consideration all existing uses, and this shall be shown on any Development Application.</i></p> <p><i>DS5.1 A waste management plan will be provided and updated with every new additional use to the site, including showing all likely amounts of waste generation and storage locations, in accordance with Section 2, Chapter C, Part 3 Waste and recycling Design and Management Standards of the DCP.</i></p>	Councils Waste Management Team advises that the proposed waste areas are acceptable subject to conditions requiring private waste collection.	Yes
Urban Character and amenity	<p><i>PC9. Improvement of the current building appearance and enhancement of the historic streetscape.</i></p> <p><i>DS6.1</i> <i>• Details of the appearance, and a maintenance schedule, for buildings shall be submitted with a Development Applications including showing building elevations and arrangement of any Business Identification signs. This must be demonstrated to be compatible with the existing character of the neighbourhood, including material and finishes.</i></p>	The proposed development has an appearance that is more in harmony with the surrounding development than the existing industrial/commercial development. A deferred commencement condition is recommended in relation to materials and finishes in the event the consent is granted.	Yes with Deferred Commencement conditions

	<ul style="list-style-type: none"> No goods associated with the use, advertising structures or machinery shall be stored or displayed outside the premises at any time 		
Chapter E1 – All Heritage Items and Conservation Areas (except Haberfield)			
1.8 Development in the vicinity of Heritage Items			
Controls	<p><i>The design of new development adjacent to a heritage item should:</i></p> <p><i>C1 Be designed to respond to the setting, setbacks, form, scale and style of nearby heritage items.</i></p> <p><i>C2 Maintain significant views to and from the heritage item.</i></p> <p><i>C3 Ensure adequate setbacks from the site of the heritage item to retain its visual setting.</i></p> <p><i>C4 Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.</i></p> <p><i>C5 Use materials, finishes and colours selected to avoid strong contrast with the heritage item in order to retain the visual importance or significance of the heritage item.</i></p>	<p>The design of the development suitably responds to the setting, setbacks and style of the nearby heritage items. Scale is not a consideration due to the operation of clause 29(1) of SEPP ARH.</p> <p>The proposal improves visual access to the adjoining heritage item at 67 Smith Street from street and provides for an improved setting for the heritage item than the existing development.</p> <p>There are no significant landscape features on the site associated with the heritage item.</p> <p>A deferred commencement condition is recommended in relation to materials and finishes in the event the consent is granted.</p>	Yes with condition
Chapter F – Development Category Guidelines			
Part 6 – Boarding Houses and Student Accommodation			
Context	<p><i>PC1. Context Development is well designed, deriving from and respecting site and desirable neighbourhood characteristics, and reinforcing the character of the LGA</i></p> <p><i>DS1.1 Development is supported by a Site and Context Analysis prepared in accordance with Part A1 – Site and Context Analysis of this DCP</i></p>	The proposed development is supported by appropriate contextual analysis.	Yes
Good design	<p><i>PC2. Development:</i></p> <ul style="list-style-type: none"> <i>responds and contributes to its context</i> <i>contribute to the quality and identity of the neighbourhood</i> <i>in areas of relatively stability,</i> 	The proposed development responds and contributes to its context and is appropriate in terms of the streetscape character. The development is considered	Yes

	<p><i>reinforces desirable element of established street and neighbourhood character</i></p> <p><i>· in areas undergoing substantial change, contributes to the creation of the identified desired future character</i></p> <p><i>DS2.1 Development addresses Part A2 – Good Design of this DCP</i></p>	to satisfy the Good Design sections that are able to be applied having due regard to the operation of SEPP ARH	
Room Sizes, Indoor Recreation Areas & Facilities	<p><i>PC3. Development meets the expected standards for boarding rooms, indoor recreation areas & facilities.</i></p> <p><i>DS3.1 Compliance is required by the relevant provisions of the Affordable Rental Housing SEPP 2009, 'BASIX' SEPP and/or the Building Code of Australia as applicable.</i></p>	<p>See consideration of SEPP ARH assessment. The proposal provides for a significantly greater level of communal living rooms than the DCP requires which assists in improving amenity and reducing acoustic impacts from the use of these areas.</p> <p>However several rooms are undersized and the POS for the Managers room has insufficient dimensions.</p> <p>In this instance the proposal does not provide the expected standards for boarding houses in relation to the undersized rooms and dimensions for the Managers POS. Accordingly it fails the performance standard.</p>	No
Universal access	<p><i>PC4. Development provides universal access</i></p> <p><i>DS4.1 Access for people with disabilities is to be provided as required under the Building Code of Australia.</i></p>	The proposal provides for suitable accessibility.	Yes
Car parking	<p><i>PC5. Development provides an amount of carparking that caters for the forecast needs of residents and minimises the cost of housing provision.</i></p> <p><i>DS5.1 Car parking complies with car parking provisions for Boarding Houses contained within the ARHSEPP</i></p>	See SEPP ARH assessment.	Yes
Plan Management of	<p><i>PC6. Development:</i></p> <p><i>· operates in a manner that maintains a high level of amenity</i></p>	The proposal provides for a plan of management that is appropriate and Council's	Yes

	<p><i>for lodgers and surrounding residents</i></p> <p><i>· comprises an appropriate form of onsite management with responsibility for the operation, administration, cleanliness and fire safety of the premises</i></p> <p><i>DS6.1 An Operational Plan of Management is to be submitted with each development application for a boarding house</i></p>	Environmental Health Officers has requested amendments to the plan that have been adopted into the revised POM.	
On-site Management	<p><i>PC8. An on-site manager is provided to be responsible for the efficient operation and administration of the Boarding House</i></p> <p><i>DS8.1 All new boarding houses have a live-in, on-site manager</i> <i>Note: details of the manager must be provided to Council and the nominated person must be contactable 24 hours per day, 7 days a week. Any changes are to be notified to Council immediately</i></p>	The proposed development includes two onsite managers and a caretaker. The plan of Management with the application provides suitable details of how the onsite managers will operate.	Yes
Waste	<p><i>PC9. Appropriate waste and recycling facilities are provided which meet Council and Environmental Protection Authority (EPA) requirements</i></p>	The application provides for private waste collection and has sufficient storage capacity.	Yes
Fire Safety	<p><i>PC10. The safety of boarding house occupants is ensured in the event of fire.</i></p> <p><i>DS10.1 A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the boarding house entry/reception area.</i></p> <p><i>DS10.2 A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room</i></p> <p><i>DS10.3 Prior to releasing an occupation certificate for the building, an Emergency Management and Evacuation Plan must be prepared for the building and approved by the Principal</i></p>	These standards can be appropriately addressed at the CC and OC stage of the development.	yes

	<p><i>Certifying Authority</i></p> <p><i>DS10.4 Staff shall be trained in relation to the operation of the approved Emergency Management and Evacuation Plan</i></p> <p><i>DS10.5 Premises providing shared accommodation must provide annual certification for the following:</i></p> <ul style="list-style-type: none"> <i>· essential fire safety measures to comply with the Environmental Planning and Assessment Regulation 2000;</i> <i>· compliance with the Operational Plan of Management approved for the premises;</i> <i>· maintenance registers required by this plan; Compliance with Emergency Management and Evacuation Plans required by the Building Code of Australia; and</i> <i>· a floor plan must be permanently fixed to the inside of the door of each bedroom and that indicates the available emergency egress routes from the respective sleeping room</i> 		
Additional safety measures	<i>PC11. Additional safety measures: Additional safety and security measures have been considered as part of the proposal</i>	The plan of management includes appropriate security measures.	Yes

Discussion of room sizes

The rooms labelled Unit G03 and Unit 103 are less than 12sqm and undersized below the DCP requirements and the standards that can be refused within *SEPP ARH*. These rooms can be amended to comply with the requirements by relocating the internal walls of the adjoining rooms which are above the minimum requirements. Should approval be granted a condition requiring this is included in the recommendation.

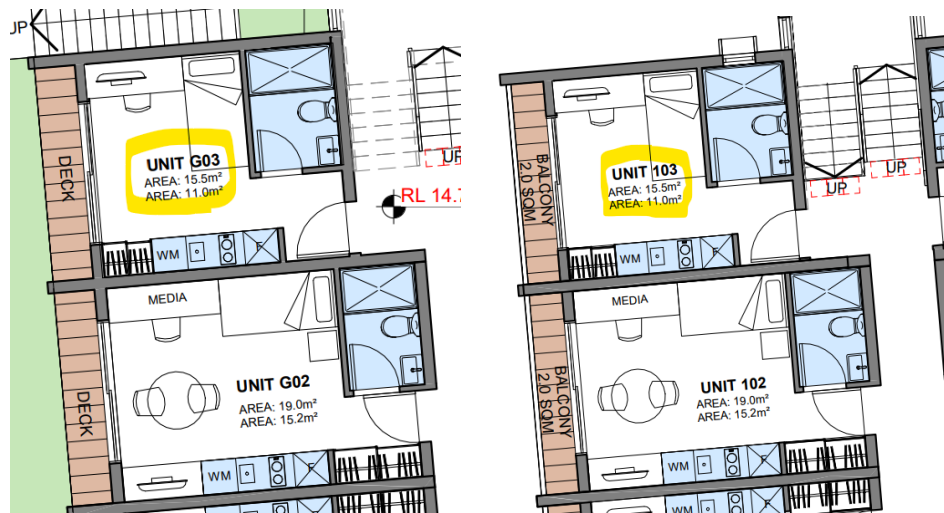


Figure 5: Undersized single rooms

The rooms labelled Unit G21, Unit 124 and Unit 205 are shown on the plans as undersized double rooms (with double beds) that are below the standard that cannot be used to refuse consent and the requirements of the DCP. Should consent be granted a condition is recommended requiring these rooms are to be used as single rooms rather than double rooms.

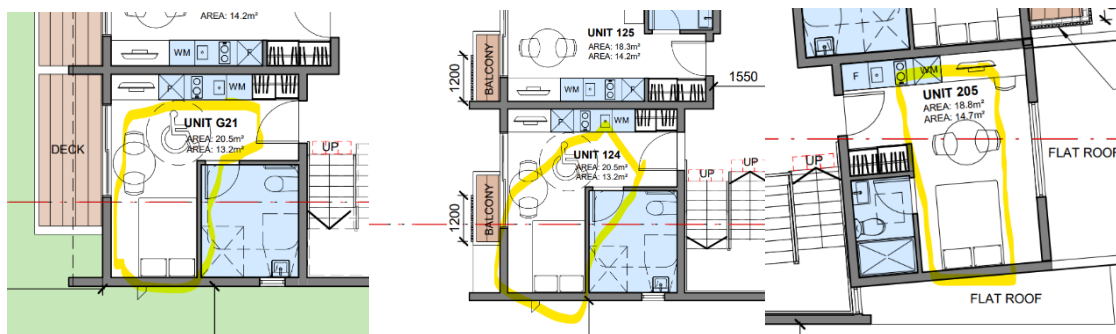


Figure 6: Undersized single rooms

5(e) The Likely Impacts

The likely impacts of the proposed development have been considered and are unacceptable in terms of the impacts of neighbouring trees.

Impact on Neighbouring Trees

The proposed basement involves excavation in proximity to neighbouring trees on the sites to the east. Councils Urban Forest Officer advises:

"The basement is proposed 900mm - 1150mm from the eastern boundary. Construction will take excavation to the boundary line, impacting on adjoining Fleet Street trees. The amended Arboricultural Impact Assessment Report and Tree Protection Plan, dated 13/05/2021 sites "retention of the existing boundary wall and the sites lower level will ensure no adverse impacts".

Encroachment into several trees' Tree Protection Zones (TPZ) is identified as major and encroachment into the Structural Root Zones (SRZ) of Trees 1, 2, 3, 4 and 5 is not justifiable. AS4970 'Protection of trees on development sites' identifies that the SRZ is the area required for tree stability and root severance within the SRZ of any tree can lead to whole tree failure. The masonry wall will have provided a barrier for

surface roots but as roots are opportunistic they will be established in any favourable conditions along or below the boundary wall. The wall is not considered an effective root barrier for the closer or more vigorous trees.

Overhanging canopies will also require pruning to clear the site. Canopy loss for several larger trees will be considerable, resulting in a loss of the tree's ability to carry out normal growth processes.

The impact on the neighbouring trees is unacceptable and the basement needs to provide a minimum 2 metres clearance from the eastern boundary."

Given the location of the basement and driveway ramp, it is not possible for a deferred commencement condition to be imposed to setback the development to comply with the recommendation of Councils Urban Forest Officer for a 2m setback. The design of the development would need significant changes that would impact the setbacks of the driveway ramp, basement and the buildings. The proposal does not comply with the control c12 in Chapter C part 4 section 6 of the Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill. No consent from the neighbouring properties has been given for the removal of these trees nor would this be a viable outcome. Additionally, it is not known if this part of the site requires decontamination as part of the remediation of the site under SEPP 55 and what the associated impacts on the neighbouring trees would be from the remediation works. Accordingly, the proposal is recommended for refusal.

Visual Privacy

The proposed development includes substantial screening which is expressed in the privacy diagrams. It should be noted that the existing brick wall is retained to the rear of the site. The impacts on visual privacy of the neighbouring properties are considered to be suitably addressed by screening and separation via distance having regard to *Meriton v Sydney City Council* [2004] NSWLEC 313. The exception to this is the eastern window located off the first of the managers room labelled "UNIT 141". A condition of consent is recommended in the event approval is granted to make the window of the managers room labelled "UNIT 141" obscured glazing.

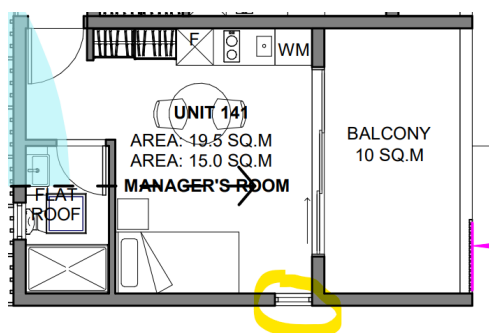


Figure 7: Window considered to cause unacceptable privacy issue highlighted yellow

Additionally, there is an issue of privacy due to the window of the room labelled "UNIT 130" and a direct sight line between the balcony from room labelled "UNIT 118" and the adjoining unit. A sight line will be available between the adjoining units of 67-75 Smith Street, however

this is largely screened and is at a distance that is considered to provide visual sufficient separation.

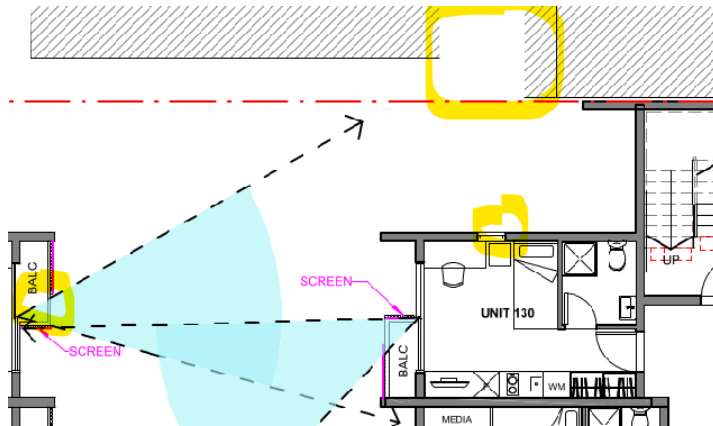


Figure 8: Area of concern in relation to visual privacy to the adjoining units of 67-75 Smith Street highlighted yellow

In relation to the second floor the applicant has provided sufficient screening and has setback these spaces so the distance is even greater and the setback provides for further separation in the form of the roof. This sight line is considered adequately separated by distance.

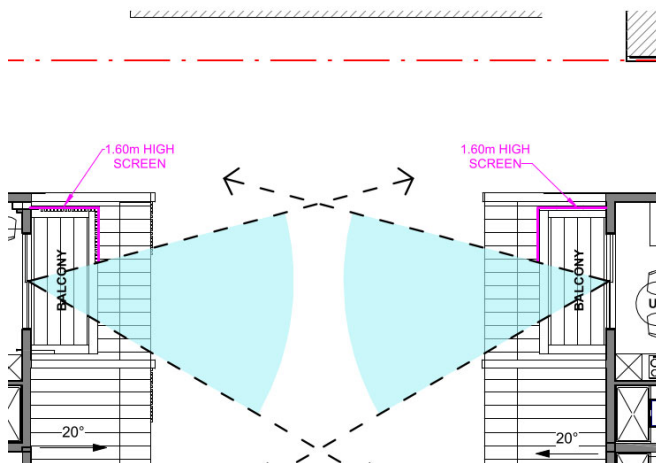


Figure 9: Second floor area of concern in relation to visual privacy to the adjoining unit

Acoustic Privacy

The application is supported by an acoustic report. Council's Environmental Health Officer has reviewed the application and recommended that the proposal is acceptable subject to conditions of consent.

Overshadowing

The proposed development largely reduces the level of overshadowing from the existing development and is considered acceptable having regard to the planning principle within *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082.

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

It is considered that the proposal will have an adverse impact to trees on the neighbouring sites and therefore it is considered that the site is unsuitable to accommodate the proposed development in its current form.

5(g) Any submissions

The application was notified in accordance with Inner West Community Engagement Framework to surrounding properties on two occasions. After the initial notification Council Officers recognised an error in the notification and renotified the application.

27 submissions were received in response to the initial notification.

77 submissions were received in response to renotification of the application.

After initial assessment the applicant was advised that Council Officers could not support the application and was provided with a list of issues to address in accordance with Council Policy. The applicant elected to submit amended plans.

Due to a Council resolution the amended plans were renotified to the entirety of Summer Hill via a letterbox drop in accordance with the resolution. 79 submissions were received in response to the notification of the amended plans

The total number of submitters for all notifications is 123 of which 1 is in support with the remainder objecting to the proposal.

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

- i) Scale of development
- ii) Character of area
- iii) Visual Privacy
- iv) Traffic and parking
- v) Impact on conservation area and heritage items
- vi) Number of on-site managers
- vii) Inadequate SEPP reports
- viii) Inadequate acoustic assessment
- ix) Inconsistent with site specific development controls for the site Chapter F Pages 48-51
- x) Inadequate materials and finishes to HCA
- xi) Some rooms are under the minimum room areas of *SEPP ARH*.
- xii) Setbacks
- xiii) Overshadowing
- xiv) Draft Housing Diversity SEPP should be given significant weight.

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

Issue: Overcrowded
Comment: Due to the operation of *SEPP ARH* density cannot be used as a reason to refuse the application.

Issue: Safe removal of asbestos
Comment: The existing legislative framework provides the mechanism for the safe removal

of asbestos and conditions would be included in any consent granted requiring its safe removal accordingly.

Issue: Insufficient recreational area

Comment: The proposal provides the recreational areas that are required by the planning instruments and goes beyond the requirements in terms of communal living rooms.

Issue: Noise / Acoustic impacts from the common room

Comment: The acoustic report and plan of management provide a form suitable management of the acoustic impacts. Conditions of consent are recommended in the event consent is granted to ensure that the development operates consistent with the recommendations of the acoustic report.

Issue: Removes employment land

Comment: The site has a residential zoning and the proposed use is permissible in the zone. By virtue of its zoning it is expected and intended that residential development would occur on the site.

Issue: Impact on property values

Comment: There is no evidence to suggest that the proposal will have an adverse impact on property values. Impacts on property values are not a matter for consideration under the *EP and A Act 1979*.

Issue: Social issues

Comment: A boarding house is a permissible use in the zone. There is no evidence to suggest that there will be social issues. Furthermore, the application is accompanied by a plan of management that has appropriate measures to manage the premises.

Issue: The Inner West already has the highest concentration of boarding houses in NSW

Comment: The development is a permissible use and the quantum of boarding houses in the LGA cannot be used as a reason to refuse the application.

Issue: Not a true boarding house (commitment to provide furnishing)

Comment: The proposal seeks consent as a boarding house and if consent is given, they are required to operate as one if the consent is acted upon. There are no requirements under the SEPP for the rooms to be furnished.

Issue: No fee structure included with the application. Does not meet the definition of affordable housing.

Comment: *SEPP ARH* does not allow the consent authority to regulate the fee's charged by boarding houses at present. There is no requirement for a boarding house to be affordable housing.

Issue: Consistency with aims and objectives of *SEPP ARH*

Comment: Consideration of the aims of the *SEPP ARH* are a tool of statutory interpretation in the event of ambiguity in the text and not a consideration for a compliant proposal. However, the proposal is inconsistent with the standards relating to maximum boarding room size in *SEPP ARH* and the objectives state:

“(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards”

Clearly the intent of the policy is that the standards are not to be varied and the lack of compliance with the maximum room size for one room removes the consent authority's power to grant consent, hence the application is recommended for refusal.

Issue: The development is a residential flat building.
Comment: The proposal is for a boarding house and *SEPP ARH* allows this form of boarding house.

Issue: Already have housing diversity in Summer Hill
Comment: The development is a permissible use and the consent authority cannot refuse
a permissible use on the basis of having many other developments of that kind.

Issue: Inadequate consultation
Comment: This application has been notified more than what is required by the Inner West
Community Engagement Framework.

Issue: Traffic impacts
Comment: Councils Development Engineers advise that the proposal has an acceptable impact on traffic in the locality. The application is also supported by a traffic report.

Issue: Retention of existing wall on the boundary on the eastern side
Comment: The boundary wall is proposed to be retained to a height of 1.8m. Retaining the
wall for a further height would be inconsistent with the character of the area and reduce the improved visual sight lines to the heritage item. The proposal is considered to have acceptable impacts on visual privacy, subject to the recommended conditions in the event consent is granted.

Issue: Inadequate deep soil landscaping
Comment: The landscaped area at the front of the site is compatible with the street consistent with Clause 29 of *SEPP ARH*. Notwithstanding there are no provisions for deep soil planting prescribed by IWDGP 2016 relevant to the proposal. As a result, this cannot be used as a reason to refuse the application.

Issue: Insufficient green space
Comment: The proposal provides for a compliant level of landscaping and is generally consistent with the amount of landscaped area provided on medium density developments in the locality.

Issue: No allowance has been made for the 500mm widening of the Smith Street footpath
Comment: There is no applicable road widening in the *ALEP 2013* for this site. In the absence of a planning agreement or acquisition clause Council is unable to acquire land in the context of a development application.

- Issue: Poor amenity form balconies due to caging.
Comment: The balconies are not required in the planning controls, however improve amenity for the boarding rooms. The screening is required to protect the visual privacy of the other boarding rooms and neighbouring properties.
- Issue: Draft SEPP reduces FSR bonus
Comment: The draft housing diversity SEPP has been considered and given appropriate weight.
- Issue: Object to the demolition of the wall at the front of the site (part of the heritage of the area)
Comment: The site is not a heritage item or in an HCA, but is in the vicinity of heritage items and HCA's. In such circumstances it is not possible for Council to insist on the retention of the front façade particularly where the development is subject to a compatibility with the character of the area test and the existing façade is atypical of the character of the area.
- Issue: Not in the public interest
Comment: Agreed. The application is not considered to be in the public interest as addressed in the public interest consideration.
- Issue: Inconsistent with the housing strategy
Comment: Council's housing strategy is an informative document for the planning documents and is not a matter able to be considered in this assessment.
- Issue: Inadequate internal amenity
Comment: The amenity of the boarding rooms with the exception of the undersized rooms
is acceptable under the relevant planning controls/policies.
- Issue: Noise from so many people
Comment: The acoustic impacts have been considered and conditions of consent are recommended to manage the impacts in the event consent is granted.
- Issue: Not enough room on the street for all the bins
Comment: The bins for the proposed development are located in the waste room and are collected from the waste room by a private waste collector.
- Issue: No cross ventilation.
Comment: Cross ventilation is not a requirement for boarding house rooms. As a result, cannot be used as a reason to refuse the application
- Issue: Inconsistent with Community Strategic Plan, with the Climate and Renewables Plan, or with the Integrated Transport Strategy.
Comment: These documents are informative documents for the planning documents and are not matters able to be considered in this assessment.
- Issue: Housing target for Summer Hill is already exceeded
Comment: The application is assessed against the relevant planning instruments. The consideration of housing targets form part of future strategic consideration
and
not a consideration in the assessment of individual development applications.

5(h) 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.

In this instance the proposed development is not considered to undermine the intent of the Draft EPI's. While the proposal doesn't provide for affordable housing as defined by the *EPA Act 1979* neither would most of the permitted uses provide for affordable housing and a landholder is not forced to develop for affordable housing.

However, suitable decontamination of the site prior to any residential use is a significant matter of public interest. The application does not provide sufficient certainty that this will or can occur due to the deficiencies in the contaminated land reports. The proposal on that basis is inconsistent with the object within s1.3(h) of the *EPA Act 1979* in terms of the protection of the health and safety of their occupants associated with previous land contamination.

Additionally the proposal fails to adequately demonstrate protection of trees on neighbouring properties, cater to overland flow paths and the layout/design results in inadequate room sizes for future occupants. Having regard to the above, the proposal is not considered to be in the public interest.

6 Referrals

6(a) Internal

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

- Development Engineering
- Environmental Health
- Heritage Advisor
- Urban Designer
- Urban Forests
- Waste Management

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.

- Traffic Committee

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

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

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The impacts of the development are generally considered acceptable subject to deferred commencement conditions, however the consent authority lacks the power to grant consent due to deficiencies in the contaminated land reports and a failure to satisfy the requirements of clause 7 of *SEPP 55*. The development also nominates a room size for the room labelled 'Unit 204' that exceeds the non-discretionary development standards for boarding room sized in clause 30(1)(b) of *SEPP ARH*.

The application is considered unsupportable due to a failure to meet the jurisdictional tests for consent to be issued and refusal of the application is recommended on that basis.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, **REFUSE** Development Application No. DA/2020/1022 for the demolition of existing structures and construction of a boarding house containing 97 boarding rooms (incl on site managers) over 1 basement level of parking at 55, 57 & 61-63 Smith Street Summer Hill .

Attachment A – Reasons for refusal

1. The application has not provided reports to an acceptable standard to allow the consent authority to be satisfied of the tests in clause 7 of *State Environmental Planning Policy No 55—Remediation of Land*. The Consent Authority therefore lacks the jurisdictional power to grant consent.
2. The plans submitted with the application indicate that the room labelled “UNIT 204” has an area that exceeds the 25m² standard in clause 30(1)(b) of *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The Consent Authority therefore lacks the jurisdictional power to grant consent.
3. The plans submitted with the application indicate that the rooms labelled UNIT G03, and UNIT 103 are undersized having regard to clause 29(2)(f) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* and inconsistent with the requirements of Performance Criteria 3 and Design Standard 3.1 within Part 6 of Chapter F of the Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.
4. The proposed development involves excavation within the structural root zones of trees located on the adjoining properties to the east and the consent authority cannot be satisfied that the likely impacts on neighbouring trees are sufficient to maintain their long-term retention having regard to the likely impacts of the development which is contrary to control c12 in Chapter C part 4 section 6 of the Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill
5. The application has not demonstrated that the existing natural overland flows from external catchments shall not be blocked or diverted and can be captured and catered for within the proposed site drainage system having regard to Clauses 5.20 and 6.1 of *ALEP 2013*.

[illegible]

Sheet List		Sheet Number
Cover Page		E101
Basin		E102
Basin		E103
Survey Plan		E104
Site Plan		E105
Basement		E106
Ground Floor Plan		E107
Level 1		E108
Level 2		E109
Roof Plan		E110
Elevation - Block A		E111
Elevation - Block B		E112
Elevation - Block C		E113
Elevation - Block D		E114
Sections		E115
Materials and Finishes		E116
Calculation Sheet		E117
Driveway Detail		E118
Front Fence Detail		E119
Front Fence Detail - 6mm		E120
Winter Shadow Diagram - 10AM		E121
Winter Shadow Diagram - 11AM		E122
Winter Shadow Diagram - 12NOON		E123
Winter Shadow Diagram - 1PM		E124
Winter Shadow Diagram - 2PM		E125
Winter Shadow Diagram - 3PM		E126
Level 1 Privacy Diagram		E127
Attic Privacy Diagram		E128
Opted Assessment		E129

habitation

Design + Interiors

- 3D Renders
- 2D Drawings
- Interior Design & Renovation
- Interior Space Planning
- Furniture Design & Selection
- Project Management

Member of

Association of Architects

Since 1985

100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 8

Sl. No.	Project Name	Project Description	Project Status	Project Type	Project Location	Project Start Date	Project End Date	Project Duration (Months)	Project Budget (Rs. Lakhs)	Project Completion (%)	Project Outcome	Project Impact	Project Rating
1	Project A	Project A Description	Completed	Infrastructure	Project A Location	2020-01-01	2020-12-31	12	100	100	Project A Outcome	Project A Impact	Project A Rating
2	Project B	Project B Description	In Progress	Infrastructure	Project B Location	2021-01-01	2021-12-31	12	50	50	Project B Outcome	Project B Impact	Project B Rating
3	Project C	Project C Description	On Hold	Infrastructure	Project C Location	2022-01-01	2022-12-31	12	0	0	Project C Outcome	Project C Impact	Project C Rating
4	Project D	Project D Description	Completed	Infrastructure	Project D Location	2023-01-01	2023-12-31	12	100	100	Project D Outcome	Project D Impact	Project D Rating
5	Project E	Project E Description	In Progress	Infrastructure	Project E Location	2024-01-01	2024-12-31	12	50	50	Project E Outcome	Project E Impact	Project E Rating
6	Project F	Project F Description	On Hold	Infrastructure	Project F Location	2025-01-01	2025-12-31	12	0	0	Project F Outcome	Project F Impact	Project F Rating
7	Project G	Project G Description	Completed	Infrastructure	Project G Location	2026-01-01	2026-12-31	12	100	100	Project G Outcome	Project G Impact	Project G Rating
8	Project H	Project H Description	In Progress	Infrastructure	Project H Location	2027-01-01	2027-12-31	12	50	50	Project H Outcome	Project H Impact	Project H Rating
9	Project I	Project I Description	On Hold	Infrastructure	Project I Location	2028-01-01	2028-12-31	12	0	0	Project I Outcome	Project I Impact	Project I Rating
10	Project J	Project J Description	Completed	Infrastructure	Project J Location	2029-01-01	2029-12-31	12	100	100	Project J Outcome	Project J Impact	Project J Rating
11	Project K	Project K Description	In Progress	Infrastructure	Project K Location	2030-01-01	2030-12-31	12	50	50	Project K Outcome	Project K Impact	Project K Rating
12	Project L	Project L Description	On Hold	Infrastructure	Project L Location	2031-01-01	2031-12-31	12	0	0	Project L Outcome	Project L Impact	Project L Rating
13	Project M	Project M Description	Completed	Infrastructure	Project M Location	2032-01-01	2032-12-31	12	100	100	Project M Outcome	Project M Impact	Project M Rating
14	Project N	Project N Description	In Progress	Infrastructure	Project N Location	2033-01-01	2033-12-31	12	50	50	Project N Outcome	Project N Impact	Project N Rating
15	Project O	Project O Description	On Hold	Infrastructure	Project O Location	2034-01-01	2034-12-31	12	0	0	Project O Outcome	Project O Impact	Project O Rating
16	Project P	Project P Description	Completed	Infrastructure	Project P Location	2035-01-01	2035-12-31	12	100	100	Project P Outcome	Project P Impact	Project P Rating
17	Project Q	Project Q Description	In Progress	Infrastructure	Project Q Location	2036-01-01	2036-12-31	12	50	50	Project Q Outcome	Project Q Impact	Project Q Rating
18	Project R	Project R Description	On Hold	Infrastructure	Project R Location	2037-01-01	2037-12-31	12	0	0	Project R Outcome	Project R Impact	Project R Rating
19	Project S	Project S Description	Completed	Infrastructure	Project S Location	2038-01-01	2038-12-31	12	100	100	Project S Outcome	Project S Impact	Project S Rating
20	Project T	Project T Description	In Progress	Infrastructure	Project T Location	2039-01-01	2039-12-31	12	50	50	Project T Outcome	Project T Impact	Project T Rating
21	Project U	Project U Description	On Hold	Infrastructure	Project U Location	2040-01-01	2040-12-31	12	0	0	Project U Outcome	Project U Impact	Project U Rating
22	Project V	Project V Description	Completed	Infrastructure	Project V Location	2041-01-01	2041-12-31	12	100	100	Project V Outcome	Project V Impact	Project V Rating
23	Project W	Project W Description	In Progress	Infrastructure	Project W Location	2042-01-01	2042-12-31	12	50	50	Project W Outcome	Project W Impact	Project W Rating
24	Project X	Project X Description	On Hold	Infrastructure	Project X Location	2043-01-01	2043-12-31	12	0	0	Project X Outcome	Project X Impact	Project X Rating
25	Project Y	Project Y Description	Completed	Infrastructure	Project Y Location	2044-01-01	2044-12-31	12	100	100	Project Y Outcome	Project Y Impact	Project Y Rating
26	Project Z	Project Z Description	In Progress	Infrastructure	Project Z Location	2045-01-01	2045-12-31	12	50	50	Project Z Outcome	Project Z Impact	Project Z Rating
27	Project AA	Project AA Description	On Hold	Infrastructure	Project AA Location	2046-01-01	2046-12-31	12	0	0	Project AA Outcome	Project AA Impact	Project AA Rating
28	Project AB	Project AB Description	Completed	Infrastructure	Project AB Location	2047-01-01	2047-12-31	12	100	100	Project AB Outcome	Project AB Impact	Project AB Rating
29	Project AC	Project AC Description	In Progress	Infrastructure	Project AC Location	2048-01-01	2048-12-31	12	50	50	Project AC Outcome	Project AC Impact	Project AC Rating
30	Project AD	Project AD Description	On Hold	Infrastructure	Project AD Location	2049-01-01	2049-12-31	12	0	0	Project AD Outcome	Project AD Impact	Project AD Rating
31	Project AE	Project AE Description	Completed	Infrastructure	Project AE Location	2050-01-01	2050-12-31	12	100	100	Project AE Outcome	Project AE Impact	Project AE Rating
32	Project AF	Project AF Description	In Progress	Infrastructure	Project AF Location	2051-01-01	2051-12-31	12	50	50	Project AF Outcome	Project AF Impact	Project AF Rating
33	Project AG	Project AG Description	On Hold	Infrastructure	Project AG Location	2052-01-01	2052-12-31	12	0	0	Project AG Outcome	Project AG Impact	Project AG Rating
34	Project AH	Project AH Description	Completed	Infrastructure	Project AH Location	2053-01-01	2053-12-31	12	100	100	Project AH Outcome	Project AH Impact	Project AH Rating
35	Project AI	Project AI Description	In Progress	Infrastructure	Project AI Location	2054-01-01	2054-12-31	12	50	50	Project AI Outcome	Project AI Impact	Project AI Rating
36	Project AJ	Project AJ Description	On Hold	Infrastructure	Project AJ Location	2055-01-01	2055-12-31	12	0	0	Project AJ Outcome	Project AJ Impact	Project AJ Rating
37	Project AK	Project AK Description	Completed	Infrastructure	Project AK Location	2056-01-01	2056-12-31	12	100	100	Project AK Outcome	Project AK Impact	Project AK Rating
38	Project AL	Project AL Description	In Progress	Infrastructure	Project AL Location	2057-01-01	2057-12-31	12	50	50	Project AL Outcome	Project AL Impact	Project AL Rating
39	Project AM	Project AM Description	On Hold	Infrastructure	Project AM Location	2058-01-01	2058-12-31	12	0	0	Project AM Outcome	Project AM Impact	Project AM Rating
40	Project AN	Project AN Description	Completed	Infrastructure	Project AN Location	2059-01-01	2059-12-31	12	100	100	Project AN Outcome	Project AN Impact	Project AN Rating
41	Project AO	Project AO Description	In Progress	Infrastructure	Project AO Location	2060-01-01	2060-12-31	12	50	50	Project AO Outcome	Project AO Impact	Project AO Rating
42	Project AP	Project AP Description	On Hold	Infrastructure	Project AP Location	2061-01-01	2061-12-31	12	0	0	Project AP Outcome	Project AP Impact	Project AP Rating
43	Project AQ	Project AQ Description	Completed	Infrastructure	Project AQ Location	2062-01-01	2062-12-31	12	100	100	Project AQ Outcome	Project AQ Impact	Project AQ Rating
44	Project AR	Project AR Description	In Progress	Infrastructure	Project AR Location	2063-01-01	2063-12-31	12	50	50	Project AR Outcome	Project AR Impact	Project AR Rating
45	Project AS	Project AS Description	On Hold	Infrastructure	Project AS Location	2064-01-01	2064-12-31	12	0	0	Project AS Outcome	Project AS Impact	Project AS Rating
46	Project AT	Project AT Description	Completed	Infrastructure	Project AT Location	2065-01-01	2065-12-31	12	100	100	Project AT Outcome	Project AT Impact	Project AT Rating
47	Project AU	Project AU Description	In Progress	Infrastructure	Project AU Location	2066-01-01	2066-12-31	12	50	50	Project AU Outcome	Project AU Impact	Project AU Rating
48	Project AV	Project AV Description	On Hold	Infrastructure	Project AV Location	2067-01-01	2067-12-31	12	0	0	Project AV Outcome	Project AV Impact	Project AV Rating
49	Project AW	Project AW Description	Completed	Infrastructure	Project AW Location	2068-01-01	2068-12-31	12	100	100	Project AW Outcome	Project AW Impact	Project AW Rating
50	Project AX	Project AX Description	In Progress	Infrastructure	Project AX Location	2069-01-01	2069-12-31	12	50	50	Project AX Outcome	Project AX Impact	Project AX Rating
51	Project AY	Project AY Description	On Hold	Infrastructure	Project AY Location	2070-01-01	2070-12-31	12	0	0	Project AY Outcome	Project AY Impact	Project AY Rating
52	Project AZ	Project AZ Description	Completed	Infrastructure	Project AZ Location	2071-01-01	2071-12-31	12	100	100	Project AZ Outcome	Project AZ Impact	Project AZ Rating
53	Project BA	Project BA Description	In Progress	Infrastructure	Project BA Location	2072-01-01	2072-12-31	12	50	50	Project BA Outcome	Project BA Impact	Project BA Rating
54	Project BB	Project BB Description	On Hold	Infrastructure	Project BB Location	2073-01-01	2073-12-31	12	0	0	Project BB Outcome	Project BB Impact	Project BB Rating
55	Project BC	Project BC Description	Completed	Infrastructure	Project BC Location	2074-01-01	2074-12-31	12	100	100	Project BC Outcome	Project BC Impact	Project BC Rating
56	Project BD	Project BD Description	In Progress	Infrastructure	Project BD Location	2075-01-01	2075-12-31	12	50	50	Project BD Outcome	Project BD Impact	Project BD Rating
57	Project BE	Project BE Description	On Hold	Infrastructure	Project BE Location	2076-01-01	2076-12-31	12	0	0	Project BE Outcome	Project BE Impact	Project BE Rating
58	Project BF	Project BF Description	Completed	Infrastructure	Project BF Location	2077-01-01	2077-12-31	12	100	100	Project BF Outcome	Project BF Impact	Project BF Rating
59	Project BG	Project BG Description	In Progress	Infrastructure	Project BG Location	2078-01-01	2078-12-31	12	50	50	Project BG Outcome	Project BG Impact	Project BG Rating
60	Project BH	Project BH Description	On Hold	Infrastructure	Project BH Location	2079-01-01	2079-12-31	12	0	0	Project BH Outcome	Project BH Impact	Project BH Rating
61	Project BI	Project BI Description	Completed	Infrastructure	Project BI Location	2080-01-01	2080-12-31	12	100	100	Project BI Outcome	Project BI Impact	Project BI Rating
62	Project BJ	Project BJ Description	In Progress	Infrastructure	Project BJ Location	2081-01-01	2081-12-31	12	50	50	Project BJ Outcome	Project BJ Impact	Project BJ Rating
63	Project BK	Project BK Description	On Hold	Infrastructure	Project BK Location	2082-01-01	2082-12-31	12	0	0	Project BK Outcome	Project BK Impact	Project BK Rating
64	Project BL	Project BL Description	Completed	Infrastructure	Project BL Location	2083-01-01	2083-12-31	12	100	100	Project BL Outcome	Project BL Impact	Project BL Rating
65	Project BM	Project BM Description	In Progress	Infrastructure	Project BM Location	2084-01-01	2084-12-31	12	50	50	Project BM Outcome	Project BM Impact	Project BM Rating
66	Project BN	Project BN Description	On Hold	Infrastructure	Project BN Location	2085-01-01	2085-12-31	12	0	0	Project BN Outcome	Project BN Impact	Project BN Rating
67	Project BO	Project BO Description	Completed	Infrastructure	Project BO Location	2086-01-01	2086-12-31	12	100	100	Project BO Outcome	Project BO Impact	Project BO Rating
68	Project BP	Project BP Description	In Progress	Infrastructure	Project BP Location	2087-01-01	2087-12-31	12	50	50	Project BP Outcome	Project BP Impact	Project BP Rating
69	Project BQ	Project BQ Description	On Hold	Infrastructure	Project BQ Location	2088-01-01	2088-12-31	12	0	0	Project BQ Outcome	Project BQ Impact	Project BQ Rating
70	Project BR	Project BR Description	Completed	Infrastructure	Project BR Location	2089-01-01	2089-12-31	12	100	100	Project BR Outcome	Project BR Impact	Project BR Rating
71	Project BS	Project BS Description	In Progress	Infrastructure	Project BS Location	2090-01-01	2090-12-31	12	50	50	Project BS Outcome	Project BS Impact	Project BS Rating
72	Project BT	Project BT Description	On Hold	Infrastructure	Project BT Location	2091-01-01	2091-12-31	12	0	0	Project BT Outcome	Project BT Impact	Project BT Rating
73	Project BU	Project BU Description	Completed	Infrastructure	Project BU Location	2092-01-01	2092-12-31	12	100	100	Project BU Outcome	Project BU Impact	Project BU Rating
74	Project BV	Project BV Description	In Progress	Infrastructure	Project BV Location	2093-01-01	2093-12-31	12	50	50	Project BV Outcome	Project BV Impact	Project BV Rating
75	Project BW	Project BW Description	On Hold	Infrastructure	Project BW Location	2094-01-01	2094-12-31	12	0	0	Project BW Outcome	Project BW Impact	Project BW Rating
76	Project BX	Project BX Description	Completed	Infrastructure	Project BX Location	2095-01-01	2095-12-31	12	100	100	Project BX Outcome	Project BX Impact	Project BX Rating
77	Project BY	Project BY Description	In Progress	Infrastructure	Project BY Location	2096-01-01	2096-12-31	12	50	50	Project BY Outcome	Project BY Impact	Project BY Rating
78	Project BZ	Project BZ Description	On Hold	Infrastructure	Project BZ Location	2097-01-01	2097-12-31	12	0	0	Project BZ Outcome	Project BZ Impact	Project BZ Rating
79	Project CA	Project CA Description	Completed	Infrastructure	Project CA Location	2098-01-01	2098-12-31	12	100	100	Project CA Outcome	Project CA Impact	Project CA Rating
80	Project CB	Project CB Description	In Progress	Infrastructure	Project CB Location	2099-01-01	2099-12-31	12	50	50	Project CB Outcome	Project CB Impact	Project CB Rating
81	Project CC	Project CC Description	On Hold	Infrastructure	Project CC Location	2100-01-01	2100-12-31	12	0	0	Project CC Outcome	Project CC Impact	Project CC Rating
82	Project CD	Project CD Description	Completed	Infrastructure	Project CD Location	2101-01-01	2101-12-31	12	100	100	Project CD Outcome	Project CD Impact	Project CD Rating
83	Project CE	Project CE Description	In Progress	Infrastructure	Project CE Location	2102-01-01	2102-12-31	12	50	50	Project CE Outcome	Project CE Impact	Project CE Rating
84	Project CF	Project CF Description	On Hold	Infrastructure	Project CF Location	2103-01-01	2103-12-31	12	0	0	Project CF Outcome	Project CF Impact	Project CF Rating
85	Project CG	Project CG Description	Completed	Infrastructure	Project CG Location	2104-01-01	2104-12-31	12	100	100	Project CG Outcome	Project CG Impact	Project CG Rating
86	Project CH	Project CH Description	In Progress	Infrastructure	Project CH Location	2105-01-01	2105-12-31	12	50	50	Project CH Outcome	Project CH Impact	Project CH Rating
87	Project CI	Project CI Description	On Hold	Infrastructure	Project CI Location	2106-01-01	2106-12-31	12	0	0	Project CI Outcome	Project CI Impact	Project CI Rating
88	Project CJ	Project CJ Description	Completed	Infrastructure	Project CJ Location	2107-01-01	2107-12-31	12	100	100	Project CJ Outcome	Project CJ Impact	Project CJ Rating
89	Project CK	Project CK Description	In Progress	Infrastructure	Project CK Location	2108-01-01	2108-12-31	12	50	50	Project CK Outcome	Project CK Impact	Project CK Rating
90	Project CL	Project CL Description	On Hold	Infrastructure	Project CL Location	2109-01-01	2109-12-31	12	0	0	Project CL Outcome	Project CL Impact	Project CL Rating
91	Project CM	Project CM Description	Completed	Infrastructure	Project CM Location	2110-01-01	2110-12-31	12	100	100	Project CM Outcome	Project CM Impact	Project CM Rating
92	Project CN	Project CN Description	In Progress	Infrastructure	Project CN Location	2111-01-01	2111-12-31	12	50	50	Project CN Outcome	Project CN Impact	Project CN Rating
93	Project CO	Project CO Description	On Hold	Infrastructure	Project CO Location	2112-01-01	2112-12-31	12	0	0	Project CO Outcome	Project CO Impact	Project CO Rating
94	Project CP	Project CP Description	Completed	Infrastructure	Project CP Location	2113-01-01	2113-12-31	12	100	100	Project CP Outcome	Project CP Impact	Project CP Rating
95	Project CQ	Project CQ Description	In Progress	Infrastructure	Project CQ Location	2114-01-01	2114-12-31	12	50	50	Project CQ Outcome	Project CQ Impact	Project CQ Rating
96	Project CR	Project CR Description	On Hold	Infrastructure	Project CR Location	2115-01-01	2115-12-31	12	0	0	Project CR Outcome	Project CR Impact	Project CR Rating
97	Project CS	Project CS Description	Completed	Infrastructure	Project CS Location	2116-01-01	2116-12-31	12	100	100	Project CS Outcome	Project CS Impact	Project CS Rating
98	Project CT	Project CT Description	In Progress	Infrastructure	Project CT Location	2117-01-01	2117-12-31	12	50	50	Project CT Outcome	Project CT Impact	Project CT Rating
99	Project CU	Project CU Description	On Hold	Infrastructure	Project CU Location	2118-01-01	2118-12-31	12	0	0	Project CU Outcome	Project CU Impact	Project CU Rating
100	Project CV	Project CV Description	Completed	Infrastructure	Project CV Location	2119-01-01	2119-12-31	12	100	100	Project CV Outcome	Project CV Impact	Project CV Rating
101	Project CW	Project CW Description	In Progress	Infrastructure	Project CW Location	2120-01-01	2120-12-31	12	50	50	Project CW Outcome	Project CW Impact	Project CW Rating

[illegible][illegible]

[illegible]

DEVELOPMENT APPLICATION NEW GENERATION BOARDING HOUSE		DATE OF SUBMITTAL 12/05/2021	DATE OF DECISION 12/05/2021
PROJECT NO. 2021-0001	PROJECT NAME NEW GENERATION BOARDING HOUSE	PROJECT LOCATION 55-63 SMITH ST - SUMMER HILL	PROJECT VALUE \$1,115,000
PROJECT OWNER APPWAM PTY LTD.	PROJECT MANAGER J.P.	PROJECT ENGINEER J.P.	PROJECT ARCHITECT J.P.

[illegible]

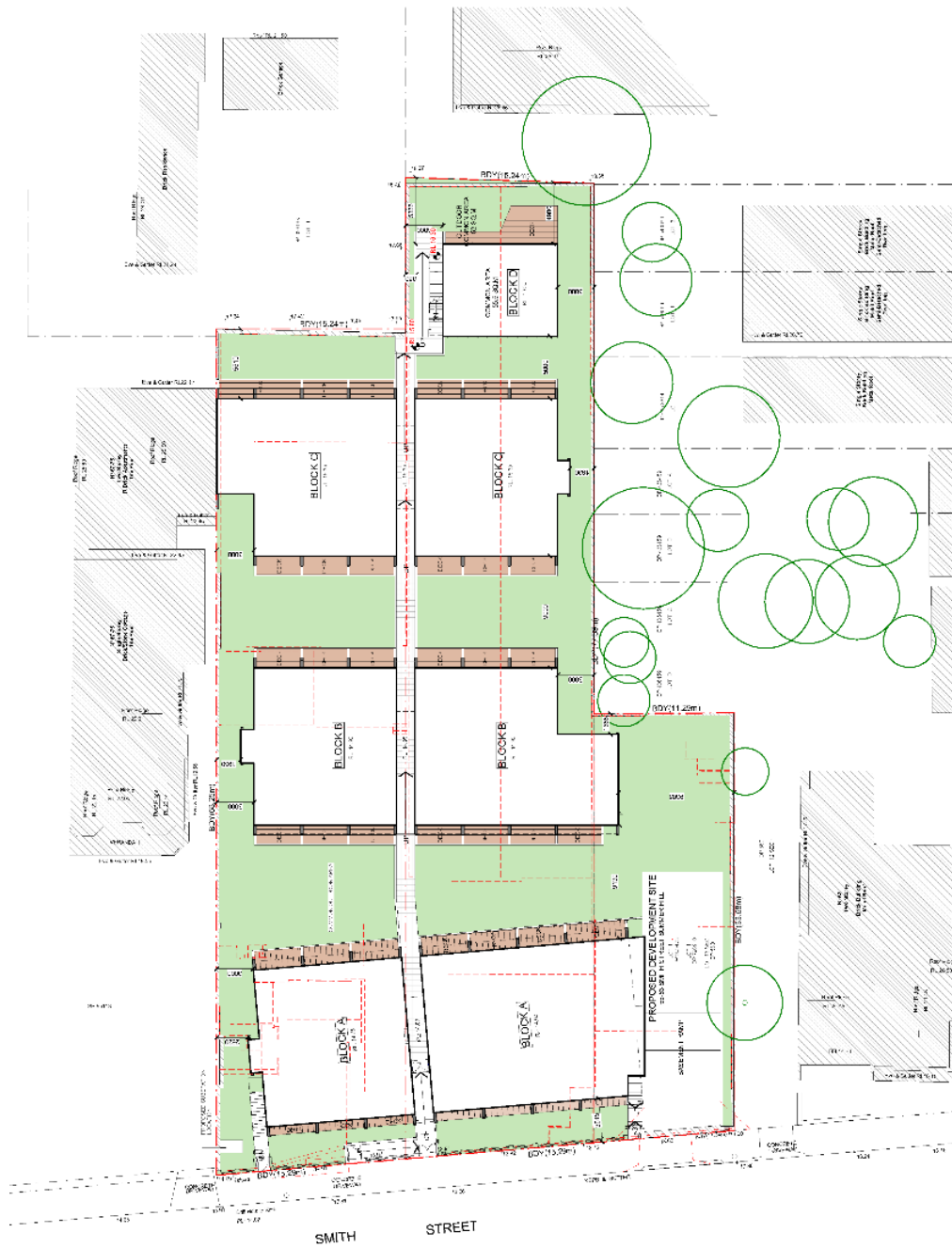
BASIX

PRELIMINARY

NOT FOR CONSTRUCTION

Project ID	Project Name	Project Description	Project Status	Project Manager	Project Sponsor	Project Budget	Project Timeline	Project Risks	Project Deliverables	Project Metrics	Project Notes
001	Project A	Project A Description	Completed	John Doe	John Doe	\$100,000	2023-01-01 to 2023-03-31	Low	Project A Deliverables	Project A Metrics	Project A Notes
002	Project B	Project B Description	In Progress	Jane Smith	Jane Smith	\$200,000	2023-04-01 to 2023-06-30	Medium	Project B Deliverables	Project B Metrics	Project B Notes
003	Project C	Project C Description	On Hold	Mike Johnson	Mike Johnson	\$150,000	2023-07-01 to 2023-09-30	High	Project C Deliverables	Project C Metrics	Project C Notes
004	Project D	Project D Description	Planned	Sarah Lee	Sarah Lee	\$300,000	2023-10-01 to 2023-12-31	Low	Project D Deliverables	Project D Metrics	Project D Notes
005	Project E	Project E Description	Completed	David Kim	David Kim	\$120,000	2023-01-01 to 2023-02-28	Low	Project E Deliverables	Project E Metrics	Project E Notes
006	Project F	Project F Description	In Progress	Emily White	Emily White	\$180,000	2023-03-01 to 2023-05-31	Medium	Project F Deliverables	Project F Metrics	Project F Notes
007	Project G	Project G Description	On Hold	Chris Brown	Chris Brown	\$250,000	2023-06-01 to 2023-08-31	High	Project G Deliverables	Project G Metrics	Project G Notes
008	Project H	Project H Description	Planned	Alex Green	Alex Green	\$220,000	2023-09-01 to 2023-11-30	Low	Project H Deliverables	Project H Metrics	Project H Notes
009	Project I	Project I Description	Completed	Mia Black	Mia Black	\$110,000	2023-02-01 to 2023-04-30	Low	Project I Deliverables	Project I Metrics	Project I Notes
010	Project J	Project J Description	In Progress	Noah Grey	Noah Grey	\$190,000	2023-05-01 to 2023-07-31	Medium	Project J Deliverables	Project J Metrics	Project J Notes

[illegible]



DEVELOPMENT APPLICATION
NEW GENERATION BOARDING HOUSE
 APPWAM PTY LTD.
 55-63 SMITH ST - SUMMER HILL

DATE: 12/05/2021
 DRAWN BY: J.P.
 PROJECT NO: 18115
 E-105

SITE PLAN
PRELIMINARY
 NOT FOR CONSTRUCTION

NOTES:
 1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE SPECIFIED.
 2. THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
 3. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY ERRORS OR OMISSIONS.
 4. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS.
 5. THE DESIGNER IS NOT RESPONSIBLE FOR ANY DELAYS OR COST OVERRUNS.
 6. THE DESIGNER IS NOT RESPONSIBLE FOR ANY LEGAL OR FINANCIAL CONSEQUENCES.
 7. THE DESIGNER IS NOT RESPONSIBLE FOR ANY ENVIRONMENTAL IMPACTS.
 8. THE DESIGNER IS NOT RESPONSIBLE FOR ANY SOCIAL OR ECONOMIC IMPACTS.
 9. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CULTURAL OR HERITAGE IMPACTS.
 10. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CLIMATE CHANGE IMPACTS.

REV	NO	DATE	DESCRIPTION	BY	CHK
1	01	12/05/2021	ISSUED FOR PERMIT APPLICATION ON 18115	J.P.	J.P.
2	02	12/05/2021	ISSUED FOR PERMIT APPLICATION ON 18115	J.P.	J.P.
3	03	12/05/2021	ISSUED FOR PERMIT APPLICATION ON 18115	J.P.	J.P.
4	04	12/05/2021	ISSUED FOR PERMIT APPLICATION ON 18115	J.P.	J.P.
5	05	12/05/2021	ISSUED FOR PERMIT APPLICATION ON 18115	J.P.	J.P.

habitation
 Design + Interiors

Member
 Australian Institute
 of Architects
 12/05/2021





habitation
Design + Interiors

Member
AMERICAN INSTITUTE
OF ARCHITECTS
1000 N. 17th St, Suite 100
Phoenix, AZ 85006

REVISIONS

REV	DATE	DESCRIPTION
E	12/05/2021	REVISIONS FOR APPROVAL
C	12/05/2021	REVISIONS FOR APPROVAL
B	12/05/2021	REVISIONS FOR APPROVAL
A	12/05/2021	REVISIONS FOR APPROVAL

DEVELOPMENT APPLICATION

NEW GENERATION BOARDING HOUSE

APPLICANT: APPWAM PTY LTD.

PROJECT: 55-63 SMITH ST - SUMMER HILL

GROUND FLOOR PLAN

PRELIMINARY

NOT FOR CONSTRUCTION

DATE: 12/05/2021

BY: JP

CHECKED BY: JP

PROJECT: 55-63 SMITH ST - SUMMER HILL

13115

E107

SCALE: 1:100

DATE: 12/05/2021

BY: JP

CHECKED BY: JP

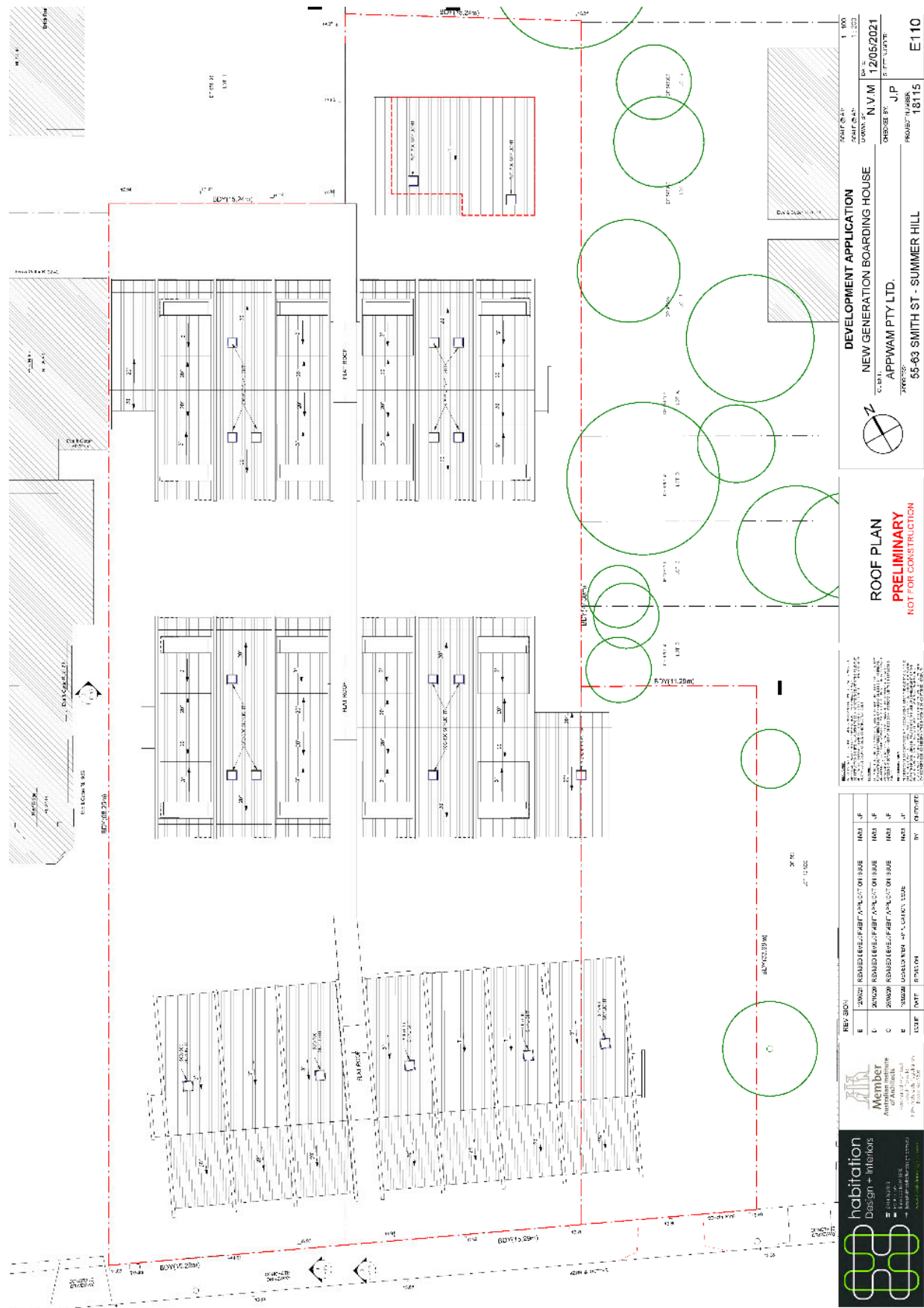
PROJECT: 55-63 SMITH ST - SUMMER HILL

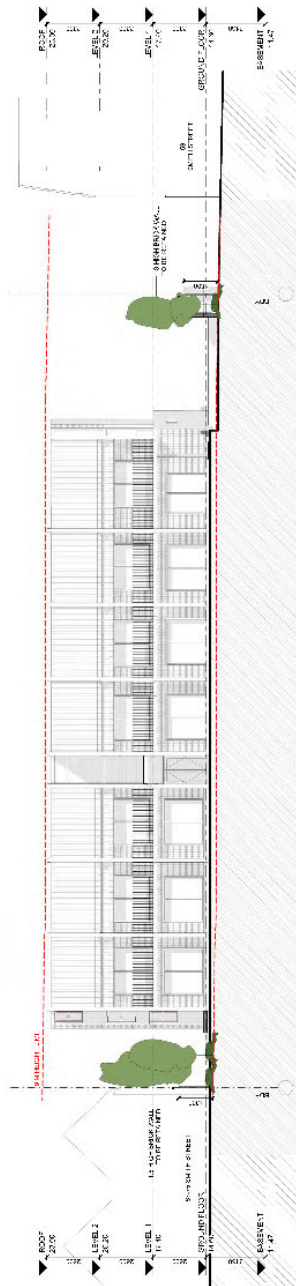
13115

E107





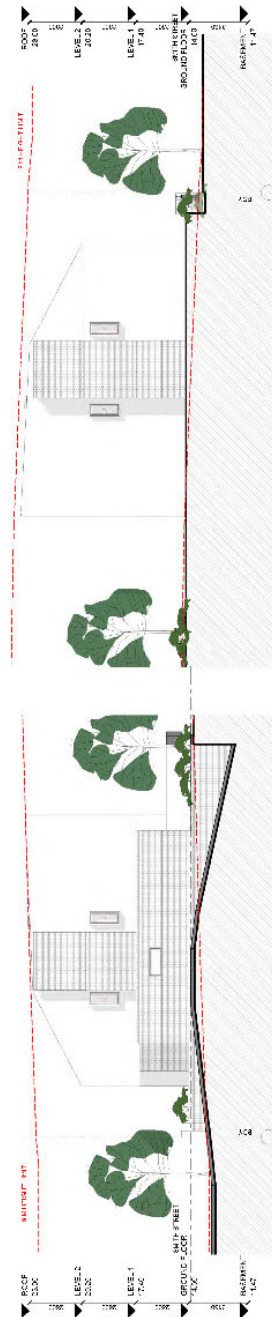




1 BLOCK A SOUTH ELEVATION
1:100



2 BLOCK A NORTH ELEVATION
1:100



3 BLOCK A EAST ELEVATION
1:100

4 BLOCK A WEST ELEVATION
1:100



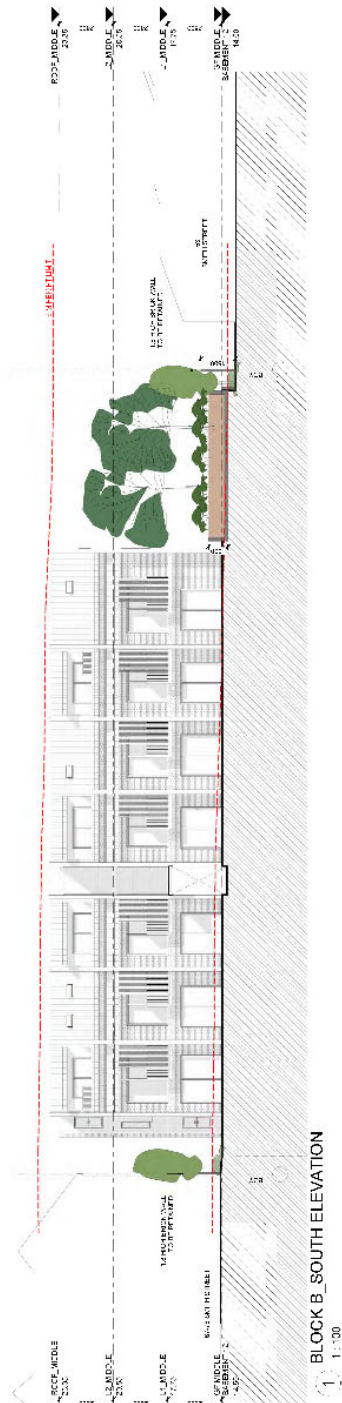
Member
Architectural Institute of Australia

REV	NO	DATE	BY	CHKD	DESCRIPTION
1	1	12/05/2021	N.M.	J.P.	REVISIONS
2	2	12/05/2021	N.M.	J.P.	REVISIONS
3	3	12/05/2021	N.M.	J.P.	REVISIONS
4	4	12/05/2021	N.M.	J.P.	REVISIONS
5	5	12/05/2021	N.M.	J.P.	REVISIONS
6	6	12/05/2021	N.M.	J.P.	REVISIONS
7	7	12/05/2021	N.M.	J.P.	REVISIONS
8	8	12/05/2021	N.M.	J.P.	REVISIONS
9	9	12/05/2021	N.M.	J.P.	REVISIONS
10	10	12/05/2021	N.M.	J.P.	REVISIONS
11	11	12/05/2021	N.M.	J.P.	REVISIONS
12	12	12/05/2021	N.M.	J.P.	REVISIONS
13	13	12/05/2021	N.M.	J.P.	REVISIONS
14	14	12/05/2021	N.M.	J.P.	REVISIONS
15	15	12/05/2021	N.M.	J.P.	REVISIONS
16	16	12/05/2021	N.M.	J.P.	REVISIONS
17	17	12/05/2021	N.M.	J.P.	REVISIONS
18	18	12/05/2021	N.M.	J.P.	REVISIONS
19	19	12/05/2021	N.M.	J.P.	REVISIONS
20	20	12/05/2021	N.M.	J.P.	REVISIONS
21	21	12/05/2021	N.M.	J.P.	REVISIONS
22	22	12/05/2021	N.M.	J.P.	REVISIONS
23	23	12/05/2021	N.M.	J.P.	REVISIONS
24	24	12/05/2021	N.M.	J.P.	REVISIONS
25	25	12/05/2021	N.M.	J.P.	REVISIONS
26	26	12/05/2021	N.M.	J.P.	REVISIONS
27	27	12/05/2021	N.M.	J.P.	REVISIONS
28	28	12/05/2021	N.M.	J.P.	REVISIONS
29	29	12/05/2021	N.M.	J.P.	REVISIONS
30	30	12/05/2021	N.M.	J.P.	REVISIONS
31	31	12/05/2021	N.M.	J.P.	REVISIONS
32	32	12/05/2021	N.M.	J.P.	REVISIONS
33	33	12/05/2021	N.M.	J.P.	REVISIONS
34	34	12/05/2021	N.M.	J.P.	REVISIONS
35	35	12/05/2021	N.M.	J.P.	REVISIONS
36	36	12/05/2021	N.M.	J.P.	REVISIONS
37	37	12/05/2021	N.M.	J.P.	REVISIONS
38	38	12/05/2021	N.M.	J.P.	REVISIONS
39	39	12/05/2021	N.M.	J.P.	REVISIONS
40	40	12/05/2021	N.M.	J.P.	REVISIONS
41	41	12/05/2021	N.M.	J.P.	REVISIONS
42	42	12/05/2021	N.M.	J.P.	REVISIONS
43	43	12/05/2021	N.M.	J.P.	REVISIONS
44	44	12/05/2021	N.M.	J.P.	REVISIONS
45	45	12/05/2021	N.M.	J.P.	REVISIONS
46	46	12/05/2021	N.M.	J.P.	REVISIONS
47	47	12/05/2021	N.M.	J.P.	REVISIONS
48	48	12/05/2021	N.M.	J.P.	REVISIONS
49	49	12/05/2021	N.M.	J.P.	REVISIONS
50	50	12/05/2021	N.M.	J.P.	REVISIONS
51	51	12/05/2021	N.M.	J.P.	REVISIONS
52	52	12/05/2021	N.M.	J.P.	REVISIONS
53	53	12/05/2021	N.M.	J.P.	REVISIONS
54	54	12/05/2021	N.M.	J.P.	REVISIONS
55	55	12/05/2021	N.M.	J.P.	REVISIONS
56	56	12/05/2021	N.M.	J.P.	REVISIONS
57	57	12/05/2021	N.M.	J.P.	REVISIONS
58	58	12/05/2021	N.M.	J.P.	REVISIONS
59	59	12/05/2021	N.M.	J.P.	REVISIONS
60	60	12/05/2021	N.M.	J.P.	REVISIONS
61	61	12/05/2021	N.M.	J.P.	REVISIONS
62	62	12/05/2021	N.M.	J.P.	REVISIONS
63	63	12/05/2021	N.M.	J.P.	REVISIONS
64	64	12/05/2021	N.M.	J.P.	REVISIONS
65	65	12/05/2021	N.M.	J.P.	REVISIONS
66	66	12/05/2021	N.M.	J.P.	REVISIONS
67	67	12/05/2021	N.M.	J.P.	REVISIONS
68	68	12/05/2021	N.M.	J.P.	REVISIONS
69	69	12/05/2021	N.M.	J.P.	REVISIONS
70	70	12/05/2021	N.M.	J.P.	REVISIONS
71	71	12/05/2021	N.M.	J.P.	REVISIONS
72	72	12/05/2021	N.M.	J.P.	REVISIONS
73	73	12/05/2021	N.M.	J.P.	REVISIONS
74	74	12/05/2021	N.M.	J.P.	REVISIONS
75	75	12/05/2021	N.M.	J.P.	REVISIONS
76	76	12/05/2021	N.M.	J.P.	REVISIONS
77	77	12/05/2021	N.M.	J.P.	REVISIONS
78	78	12/05/2021	N.M.	J.P.	REVISIONS
79	79	12/05/2021	N.M.	J.P.	REVISIONS
80	80	12/05/2021	N.M.	J.P.	REVISIONS
81	81	12/05/2021	N.M.	J.P.	REVISIONS
82	82	12/05/2021	N.M.	J.P.	REVISIONS
83	83	12/05/2021	N.M.	J.P.	REVISIONS
84	84	12/05/2021	N.M.	J.P.	REVISIONS
85	85	12/05/2021	N.M.	J.P.	REVISIONS
86	86	12/05/2021	N.M.	J.P.	REVISIONS
87	87	12/05/2021	N.M.	J.P.	REVISIONS
88	88	12/05/2021	N.M.	J.P.	REVISIONS
89	89	12/05/2021	N.M.	J.P.	REVISIONS
90	90	12/05/2021	N.M.	J.P.	REVISIONS
91	91	12/05/2021	N.M.	J.P.	REVISIONS
92	92	12/05/2021	N.M.	J.P.	REVISIONS
93	93	12/05/2021	N.M.	J.P.	REVISIONS
94	94	12/05/2021	N.M.	J.P.	REVISIONS
95	95	12/05/2021	N.M.	J.P.	REVISIONS
96	96	12/05/2021	N.M.	J.P.	REVISIONS
97	97	12/05/2021	N.M.	J.P.	REVISIONS
98	98	12/05/2021	N.M.	J.P.	REVISIONS
99	99	12/05/2021	N.M.	J.P.	REVISIONS
100	100	12/05/2021	N.M.	J.P.	REVISIONS

ELEVATION - BLOCK A
PRELIMINARY
NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION
NEW GENERATION BOARDING HOUSE
APPWAM PTY LTD.
55-63 SMITH ST - SUMMER HILL

DATE: 12/05/2021
DRAWN BY: N.M.
CHECKED BY: J.P.
SCALE: 1:100
SHEET: 18/115
E111

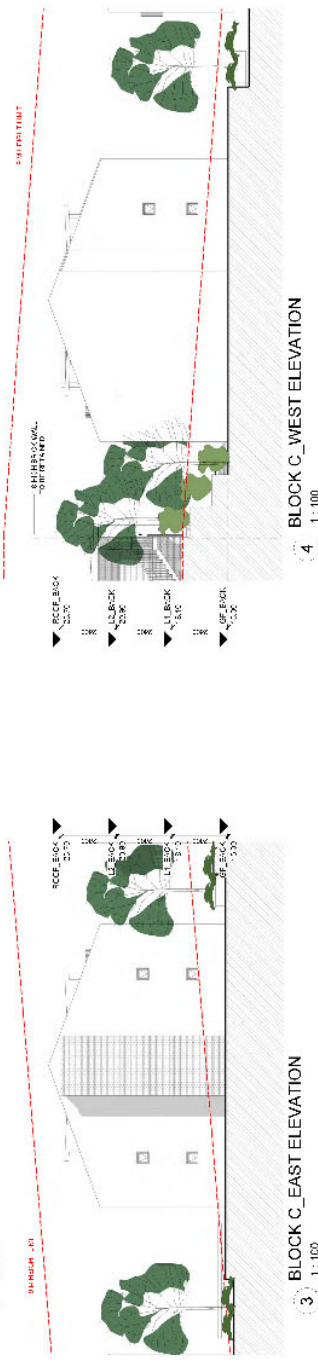
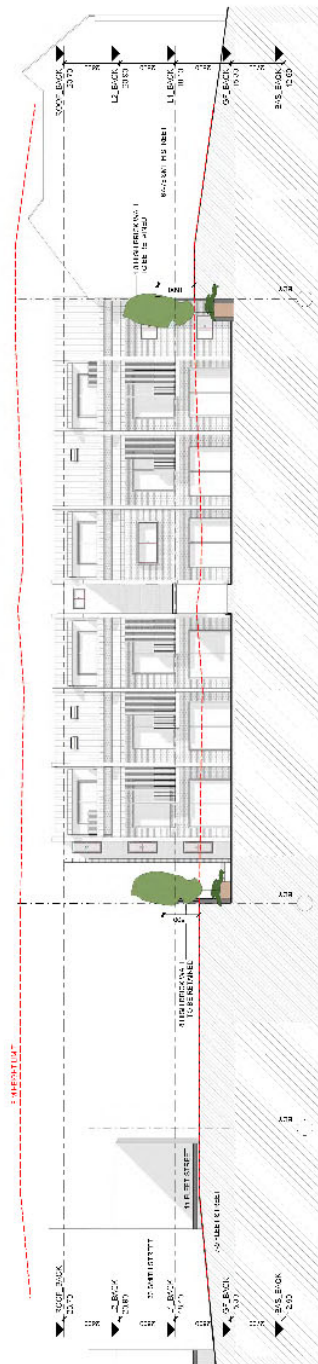
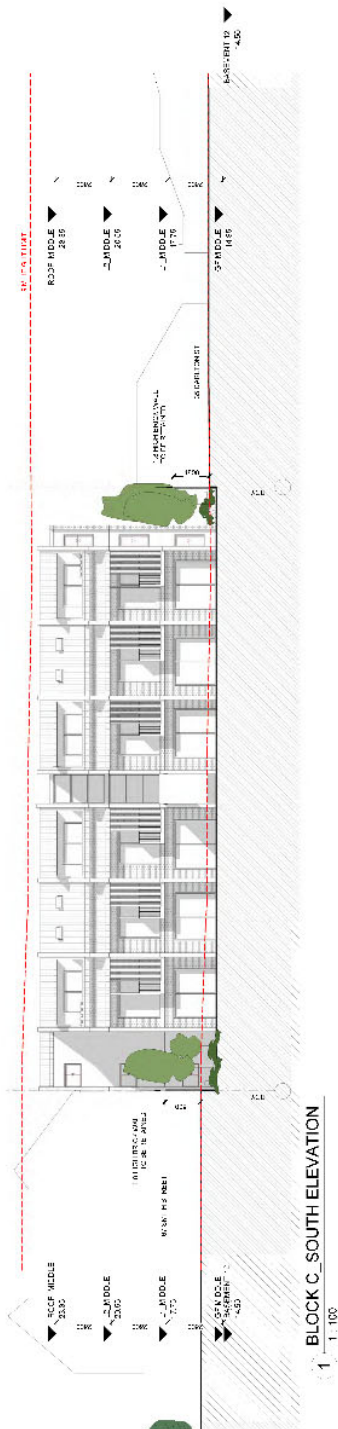


DEVELOPMENT APPLICATION		DATE: 12/05/2021	SCALE: 1:100
NEW GENERATION BOARDING HOUSE		DESIGN: NVM	DATE: 12/05/2021
APPMAM PTY LTD.		DESIGNER: J.P.	DATE: 12/05/2021
95-63 SMITH ST - SUMMER HILL		PROJECT NO: 18115	DATE: 12/05/2021
		PROJECT: E112	DATE: 12/05/2021

REVISION	DATE	BY	REASON
1	12/05/2021	J.P.	ISSUED FOR PERMIT
2	12/05/2021	J.P.	ISSUED FOR PERMIT
3	12/05/2021	J.P.	ISSUED FOR PERMIT
4	12/05/2021	J.P.	ISSUED FOR PERMIT
5	12/05/2021	J.P.	ISSUED FOR PERMIT
6	12/05/2021	J.P.	ISSUED FOR PERMIT
7	12/05/2021	J.P.	ISSUED FOR PERMIT
8	12/05/2021	J.P.	ISSUED FOR PERMIT
9	12/05/2021	J.P.	ISSUED FOR PERMIT
10	12/05/2021	J.P.	ISSUED FOR PERMIT
11	12/05/2021	J.P.	ISSUED FOR PERMIT
12	12/05/2021	J.P.	ISSUED FOR PERMIT
13	12/05/2021	J.P.	ISSUED FOR PERMIT
14	12/05/2021	J.P.	ISSUED FOR PERMIT
15	12/05/2021	J.P.	ISSUED FOR PERMIT
16	12/05/2021	J.P.	ISSUED FOR PERMIT
17	12/05/2021	J.P.	ISSUED FOR PERMIT
18	12/05/2021	J.P.	ISSUED FOR PERMIT
19	12/05/2021	J.P.	ISSUED FOR PERMIT
20	12/05/2021	J.P.	ISSUED FOR PERMIT

REVISION	DATE	BY	REASON
1	12/05/2021	J.P.	ISSUED FOR PERMIT
2	12/05/2021	J.P.	ISSUED FOR PERMIT
3	12/05/2021	J.P.	ISSUED FOR PERMIT
4	12/05/2021	J.P.	ISSUED FOR PERMIT
5	12/05/2021	J.P.	ISSUED FOR PERMIT
6	12/05/2021	J.P.	ISSUED FOR PERMIT
7	12/05/2021	J.P.	ISSUED FOR PERMIT
8	12/05/2021	J.P.	ISSUED FOR PERMIT
9	12/05/2021	J.P.	ISSUED FOR PERMIT
10	12/05/2021	J.P.	ISSUED FOR PERMIT
11	12/05/2021	J.P.	ISSUED FOR PERMIT
12	12/05/2021	J.P.	ISSUED FOR PERMIT
13	12/05/2021	J.P.	ISSUED FOR PERMIT
14	12/05/2021	J.P.	ISSUED FOR PERMIT
15	12/05/2021	J.P.	ISSUED FOR PERMIT
16	12/05/2021	J.P.	ISSUED FOR PERMIT
17	12/05/2021	J.P.	ISSUED FOR PERMIT
18	12/05/2021	J.P.	ISSUED FOR PERMIT
19	12/05/2021	J.P.	ISSUED FOR PERMIT
20	12/05/2021	J.P.	ISSUED FOR PERMIT





DEVELOPMENT APPLICATION	1:100
NEW GENERATION BOARDING HOUSE	1:100
APPWAM PTY LTD.	1:100
55-63 SMITH ST - SUMMER HILL	1:100
12/05/2021	1:100
18/11/21	1:100
E113	1:100

DEVELOPMENT APPLICATION
NEW GENERATION BOARDING HOUSE
APPWAM PTY LTD.
55-63 SMITH ST - SUMMER HILL
12/05/2021
18/11/21
E113

PRELIMINARY
NOT FOR CONSTRUCTION

REVISIONS

REVISIONS

REVISIONS

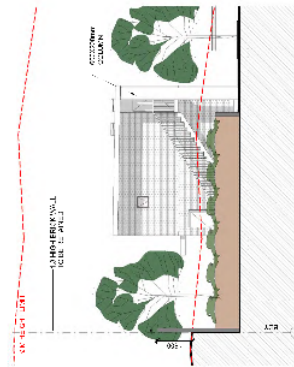
REVISIONS



2 BLOCK D_NORTH ELEVATION
1:100



1 BLOCK D_SOUTH ELEVATION
1:100



4 BLOCK D_WEST ELEVATION
1:100

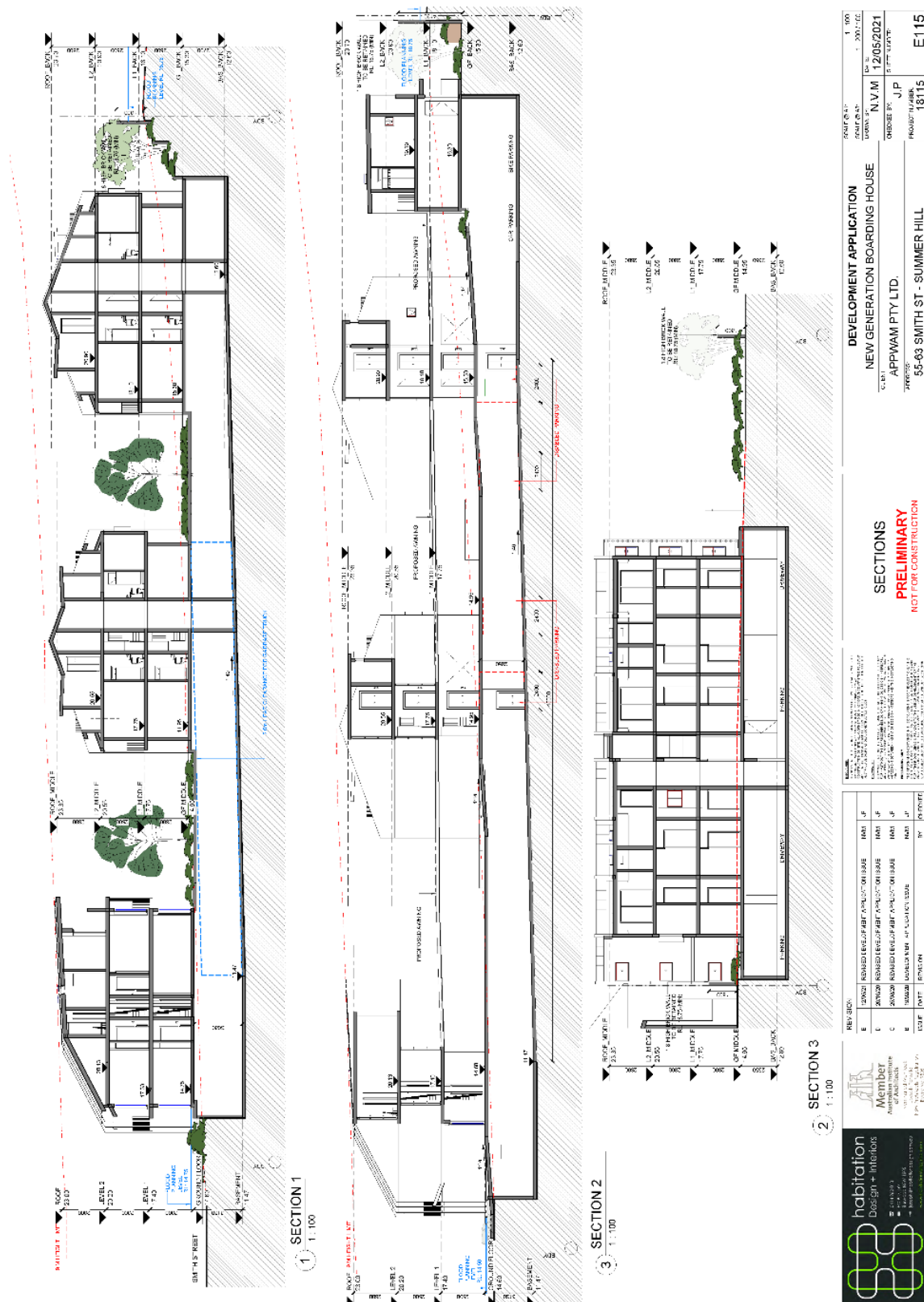


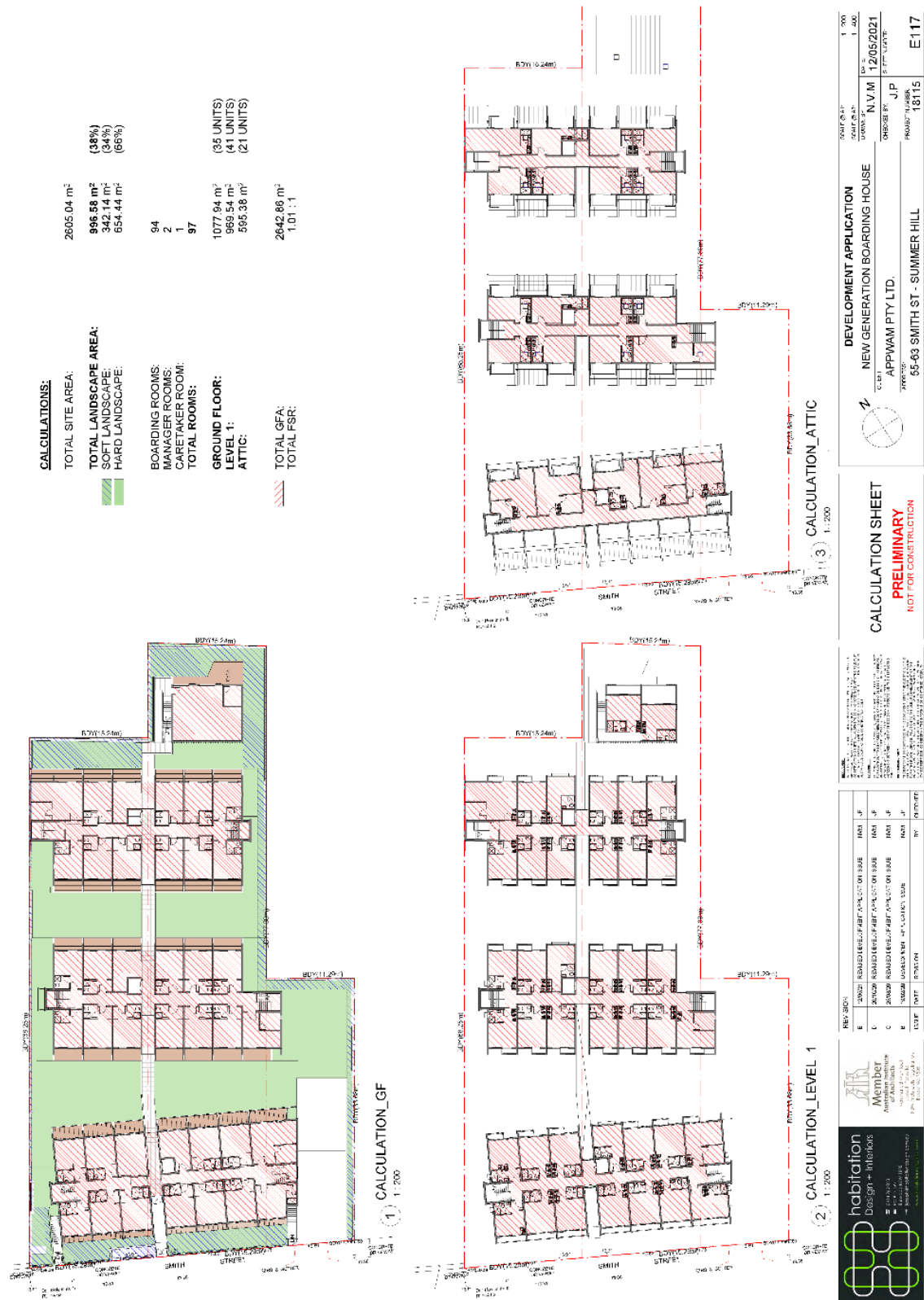
3 BLOCK D_EAST ELEVATION
1:100

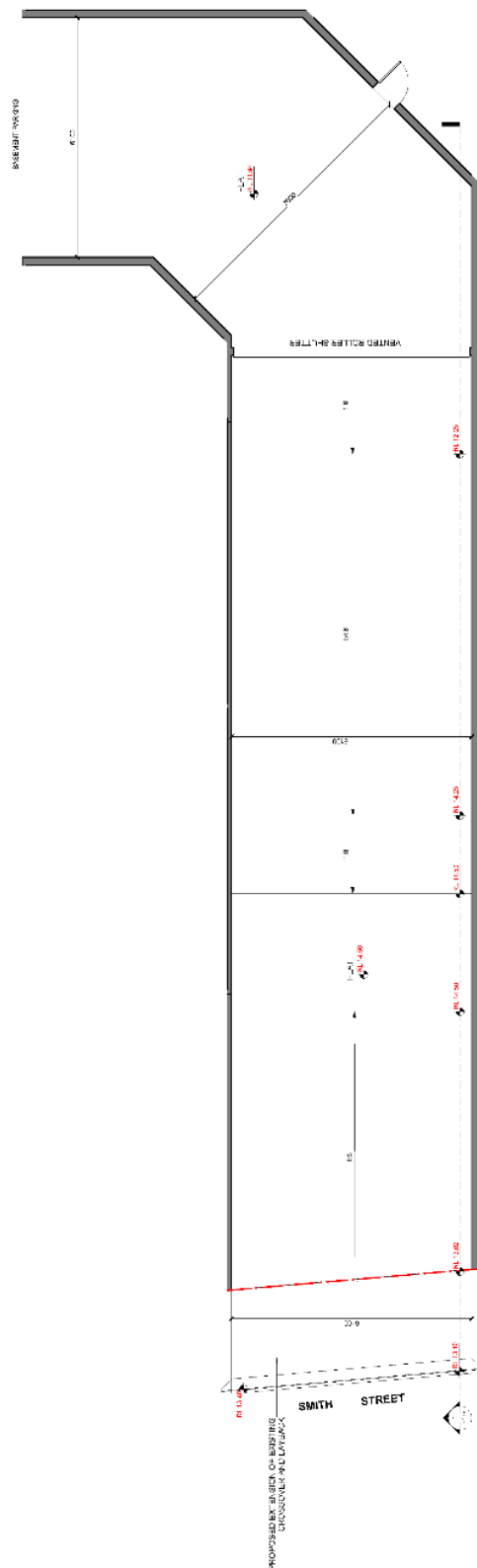


REV	NO	DATE	BY	CHKD	DESCRIPTION
1	1	12/05/2021	JP	JP	REVISIONS
2	2	12/05/2021	JP	JP	REVISIONS
3	3	12/05/2021	JP	JP	REVISIONS
4	4	12/05/2021	JP	JP	REVISIONS
5	5	12/05/2021	JP	JP	REVISIONS
6	6	12/05/2021	JP	JP	REVISIONS
7	7	12/05/2021	JP	JP	REVISIONS
8	8	12/05/2021	JP	JP	REVISIONS
9	9	12/05/2021	JP	JP	REVISIONS
10	10	12/05/2021	JP	JP	REVISIONS
11	11	12/05/2021	JP	JP	REVISIONS
12	12	12/05/2021	JP	JP	REVISIONS
13	13	12/05/2021	JP	JP	REVISIONS
14	14	12/05/2021	JP	JP	REVISIONS
15	15	12/05/2021	JP	JP	REVISIONS
16	16	12/05/2021	JP	JP	REVISIONS
17	17	12/05/2021	JP	JP	REVISIONS
18	18	12/05/2021	JP	JP	REVISIONS
19	19	12/05/2021	JP	JP	REVISIONS
20	20	12/05/2021	JP	JP	REVISIONS
21	21	12/05/2021	JP	JP	REVISIONS
22	22	12/05/2021	JP	JP	REVISIONS
23	23	12/05/2021	JP	JP	REVISIONS
24	24	12/05/2021	JP	JP	REVISIONS
25	25	12/05/2021	JP	JP	REVISIONS
26	26	12/05/2021	JP	JP	REVISIONS
27	27	12/05/2021	JP	JP	REVISIONS
28	28	12/05/2021	JP	JP	REVISIONS
29	29	12/05/2021	JP	JP	REVISIONS
30	30	12/05/2021	JP	JP	REVISIONS
31	31	12/05/2021	JP	JP	REVISIONS
32	32	12/05/2021	JP	JP	REVISIONS
33	33	12/05/2021	JP	JP	REVISIONS
34	34	12/05/2021	JP	JP	REVISIONS
35	35	12/05/2021	JP	JP	REVISIONS
36	36	12/05/2021	JP	JP	REVISIONS
37	37	12/05/2021	JP	JP	REVISIONS
38	38	12/05/2021	JP	JP	REVISIONS
39	39	12/05/2021	JP	JP	REVISIONS
40	40	12/05/2021	JP	JP	REVISIONS
41	41	12/05/2021	JP	JP	REVISIONS
42	42	12/05/2021	JP	JP	REVISIONS
43	43	12/05/2021	JP	JP	REVISIONS
44	44	12/05/2021	JP	JP	REVISIONS
45	45	12/05/2021	JP	JP	REVISIONS
46	46	12/05/2021	JP	JP	REVISIONS
47	47	12/05/2021	JP	JP	REVISIONS
48	48	12/05/2021	JP	JP	REVISIONS
49	49	12/05/2021	JP	JP	REVISIONS
50	50	12/05/2021	JP	JP	REVISIONS
51	51	12/05/2021	JP	JP	REVISIONS
52	52	12/05/2021	JP	JP	REVISIONS
53	53	12/05/2021	JP	JP	REVISIONS
54	54	12/05/2021	JP	JP	REVISIONS
55	55	12/05/2021	JP	JP	REVISIONS
56	56	12/05/2021	JP	JP	REVISIONS
57	57	12/05/2021	JP	JP	REVISIONS
58	58	12/05/2021	JP	JP	REVISIONS
59	59	12/05/2021	JP	JP	REVISIONS
60	60	12/05/2021	JP	JP	REVISIONS
61	61	12/05/2021	JP	JP	REVISIONS
62	62	12/05/2021	JP	JP	REVISIONS
63	63	12/05/2021	JP	JP	REVISIONS
64	64	12/05/2021	JP	JP	REVISIONS
65	65	12/05/2021	JP	JP	REVISIONS
66	66	12/05/2021	JP	JP	REVISIONS
67	67	12/05/2021	JP	JP	REVISIONS
68	68	12/05/2021	JP	JP	REVISIONS
69	69	12/05/2021	JP	JP	REVISIONS
70	70	12/05/2021	JP	JP	REVISIONS
71	71	12/05/2021	JP	JP	REVISIONS
72	72	12/05/2021	JP	JP	REVISIONS
73	73	12/05/2021	JP	JP	REVISIONS
74	74	12/05/2021	JP	JP	REVISIONS
75	75	12/05/2021	JP	JP	REVISIONS
76	76	12/05/2021	JP	JP	REVISIONS
77	77	12/05/2021	JP	JP	REVISIONS
78	78	12/05/2021	JP	JP	REVISIONS
79	79	12/05/2021	JP	JP	REVISIONS
80	80	12/05/2021	JP	JP	REVISIONS
81	81	12/05/2021	JP	JP	REVISIONS
82	82	12/05/2021	JP	JP	REVISIONS
83	83	12/05/2021	JP	JP	REVISIONS
84	84	12/05/2021	JP	JP	REVISIONS
85	85	12/05/2021	JP	JP	REVISIONS
86	86	12/05/2021	JP	JP	REVISIONS
87	87	12/05/2021	JP	JP	REVISIONS
88	88	12/05/2021	JP	JP	REVISIONS
89	89	12/05/2021	JP	JP	REVISIONS
90	90	12/05/2021	JP	JP	REVISIONS
91	91	12/05/2021	JP	JP	REVISIONS
92	92	12/05/2021	JP	JP	REVISIONS
93	93	12/05/2021	JP	JP	REVISIONS
94	94	12/05/2021	JP	JP	REVISIONS
95	95	12/05/2021	JP	JP	REVISIONS
96	96	12/05/2021	JP	JP	REVISIONS
97	97	12/05/2021	JP	JP	REVISIONS
98	98	12/05/2021	JP	JP	REVISIONS
99	99	12/05/2021	JP	JP	REVISIONS
100	100	12/05/2021	JP	JP	REVISIONS

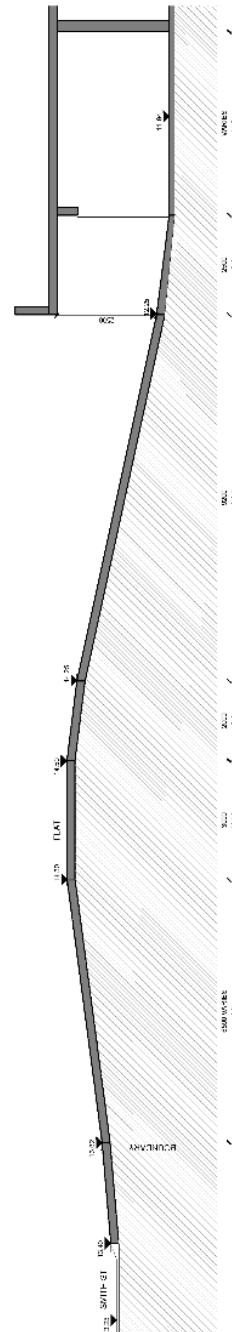
DEVELOPMENT APPLICATION	1:100
NEW GENERATION BOARDING HOUSE	1:100
APPWAM PTY LTD.	1:100
55-63 SMITH ST - SUMMER HILL	1:100
18/115	1:100
E114	1:100





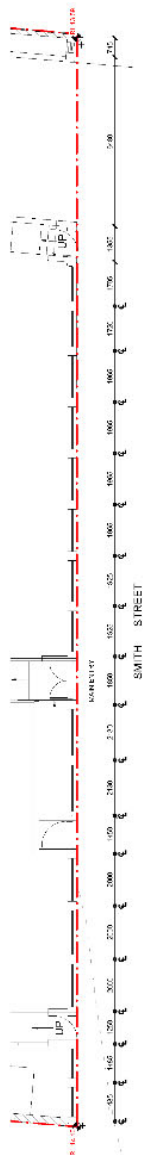


2 DRIVEWAY DETAIL - PLAN
1 : 50

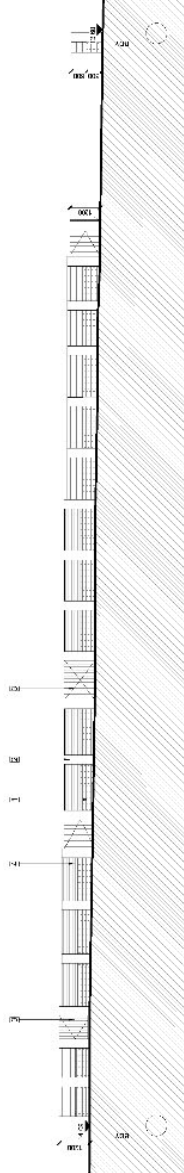


1 DRIVEWAY DETAIL - SECTION 1:50

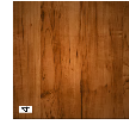
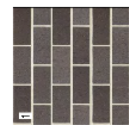
[illegible]



1 FRONT FENCE DETAIL
1:75



2 FRONT FENCE DETAIL
1:75

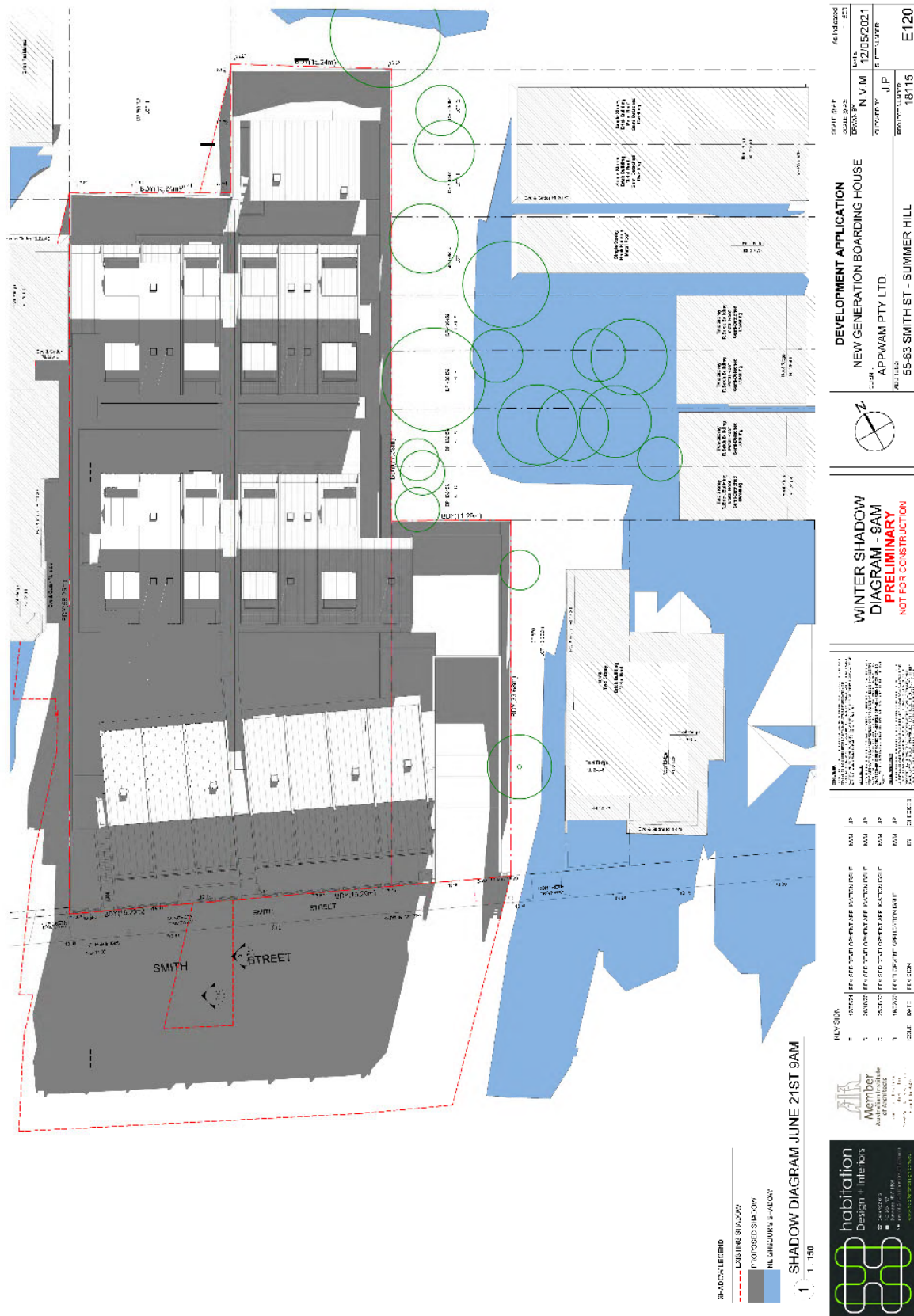


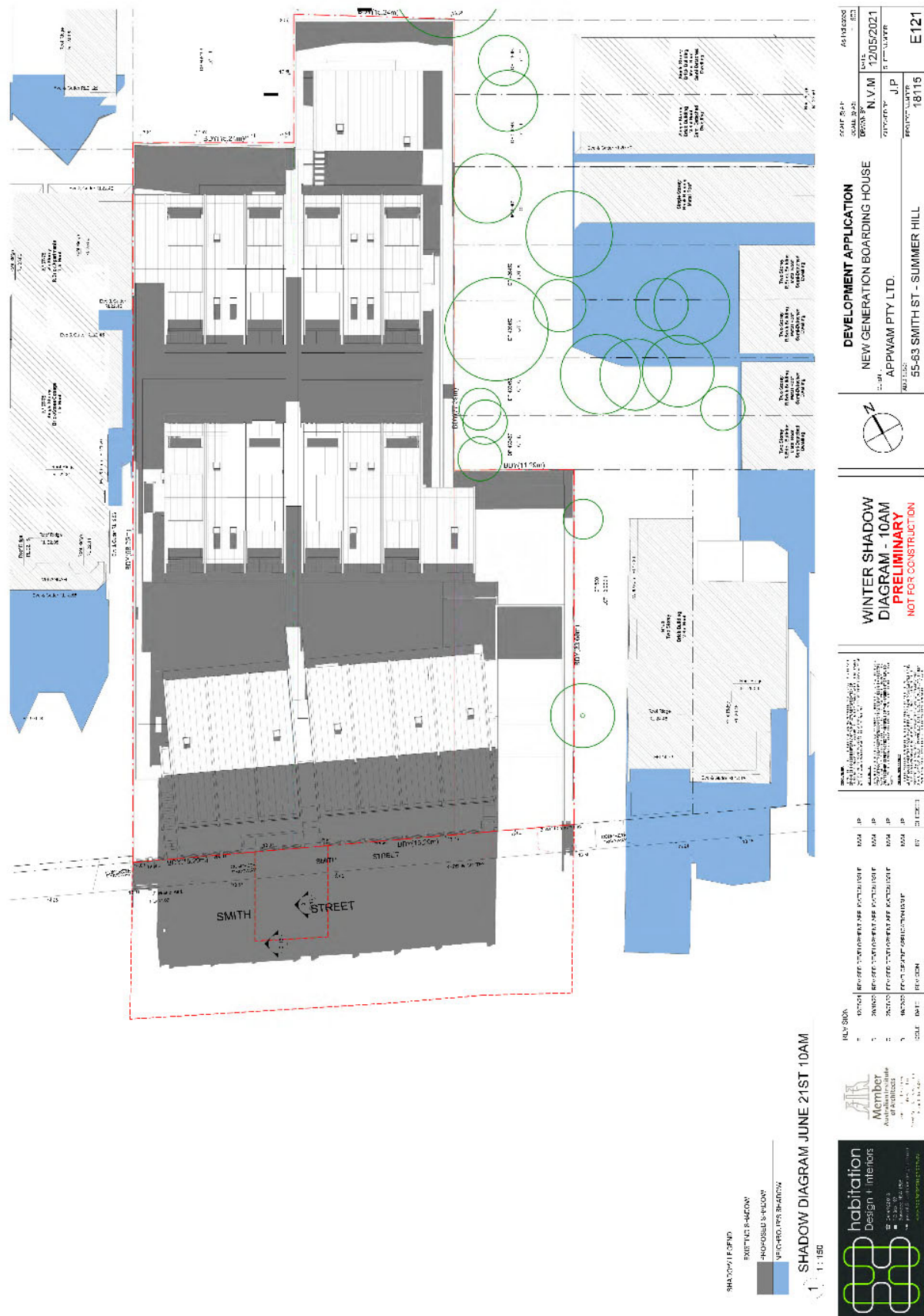
REV	BY	DATE	DESCRIPTION
1	JP	12/05/2021	REVISION 1: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
2	JP	12/05/2021	REVISION 2: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
3	JP	12/05/2021	REVISION 3: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
4	JP	12/05/2021	REVISION 4: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
5	JP	12/05/2021	REVISION 5: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
6	JP	12/05/2021	REVISION 6: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
7	JP	12/05/2021	REVISION 7: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
8	JP	12/05/2021	REVISION 8: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
9	JP	12/05/2021	REVISION 9: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
10	JP	12/05/2021	REVISION 10: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR

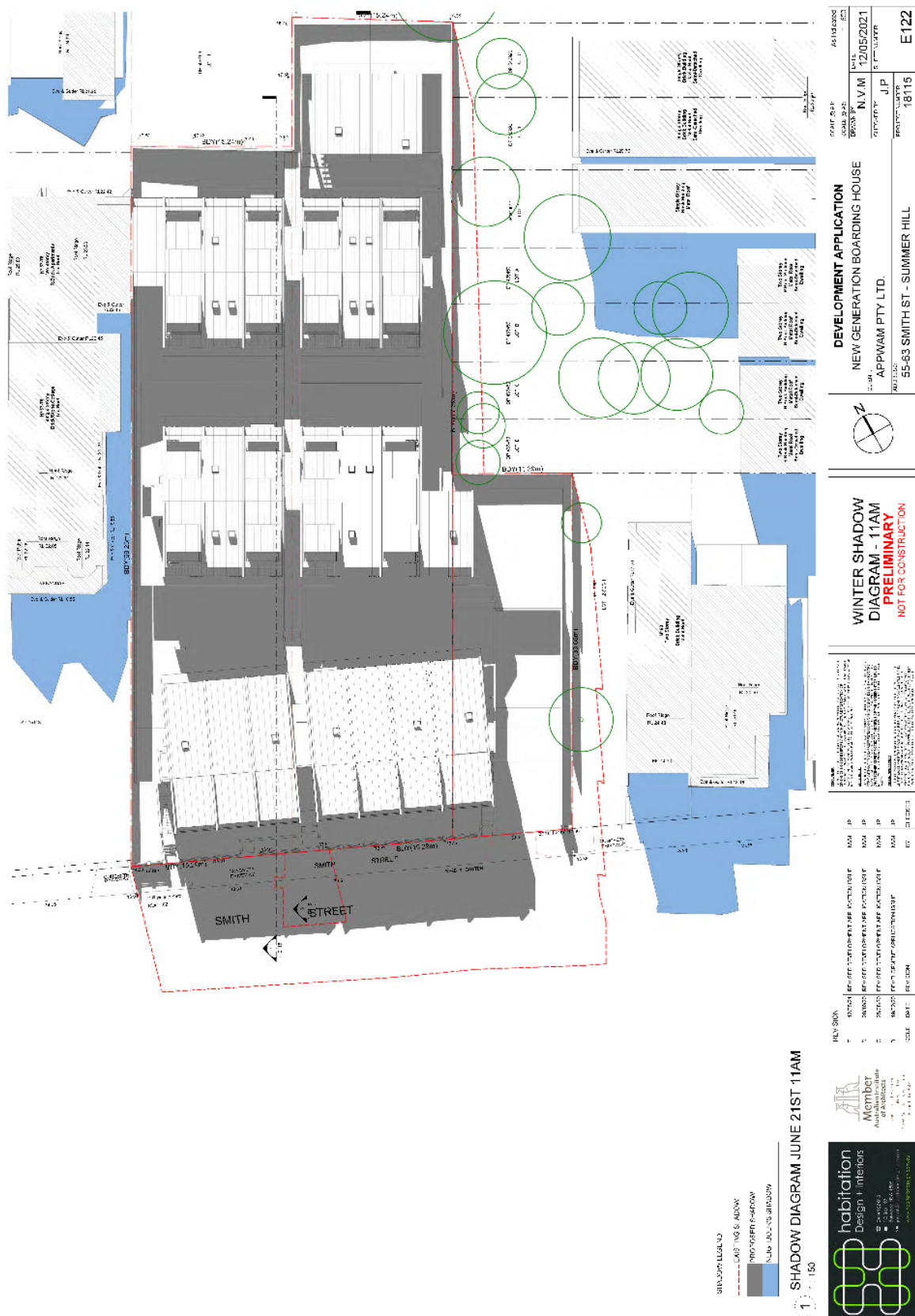
REVISION 1: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
REVISION 2: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
REVISION 3: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
REVISION 4: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
REVISION 5: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
REVISION 6: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
REVISION 7: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
REVISION 8: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
REVISION 9: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR
REVISION 10: FENCE WALLS FINISH: FACE BRICK DETAIL: AUSTRALIAN METALLIC (BLACKSTONE) OR SIMILAR

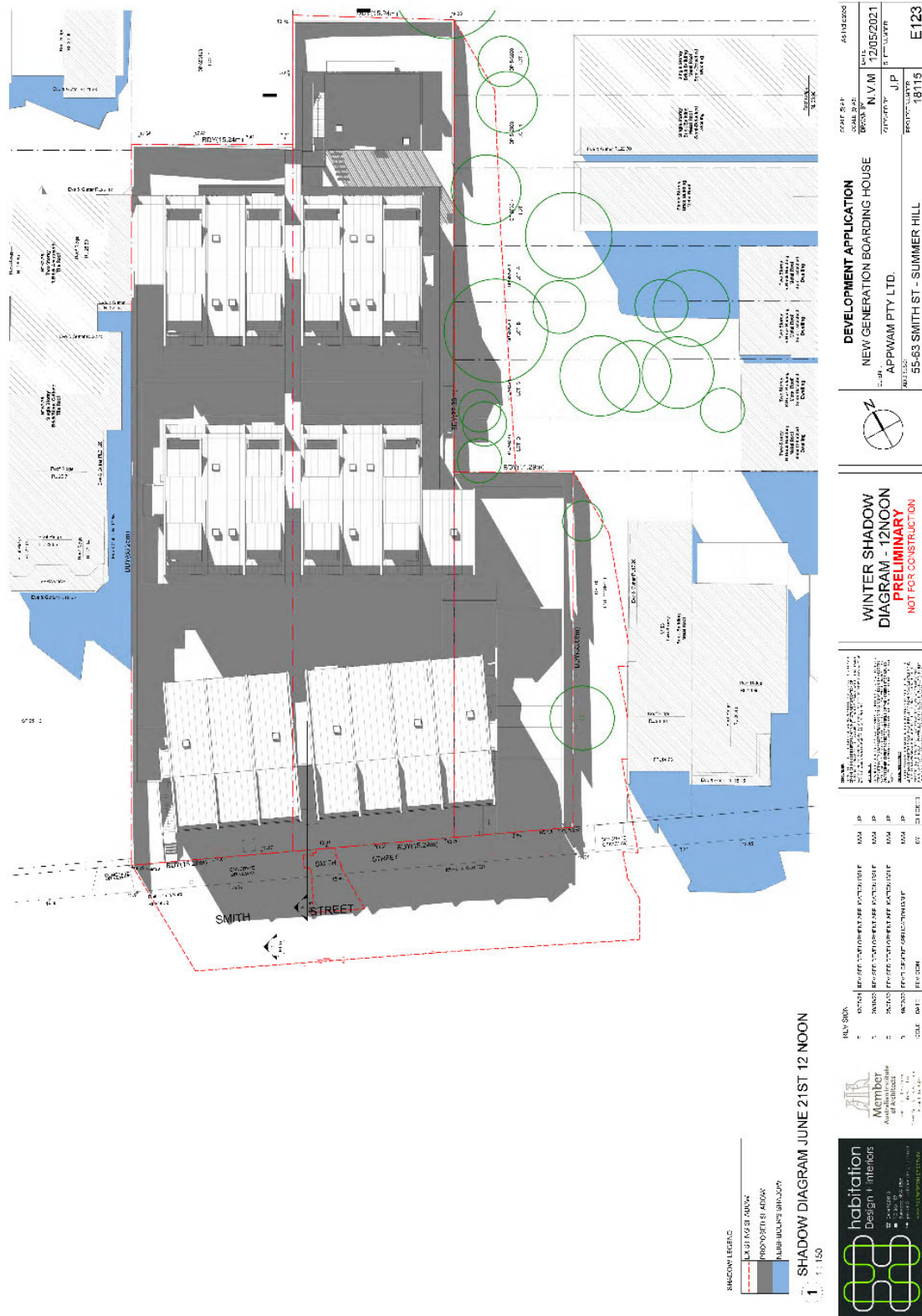
FRONT FENCE DETAIL
PRELIMINARY
NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION		DATE SUBMITTED	DATE RECEIVED
NEW GENERATION BOARDING HOUSE		12/05/2021	12/05/2021
APPWAM PTY LTD.		J.P.	J.P.
55-63 SMITH ST - SUMMER HILL		18115	E119











SHADOW LEGEND



SHADOW DIAGRAM JUNE 21ST 1 PM



Member of the Australian Institute of Architects

REV	NO	DESCRIPTION	DATE	BY	CHK
1	1	ISSUED FOR PERMIT	12/05/2021	NVM	J.P.
2	2	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
3	3	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
4	4	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
5	5	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
6	6	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
7	7	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
8	8	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
9	9	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
10	10	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
11	11	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
12	12	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
13	13	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
14	14	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
15	15	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
16	16	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
17	17	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
18	18	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
19	19	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
20	20	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
21	21	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
22	22	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
23	23	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
24	24	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
25	25	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
26	26	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
27	27	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
28	28	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
29	29	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
30	30	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
31	31	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
32	32	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
33	33	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
34	34	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
35	35	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
36	36	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
37	37	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
38	38	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
39	39	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
40	40	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
41	41	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
42	42	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
43	43	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
44	44	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
45	45	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
46	46	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
47	47	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
48	48	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
49	49	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
50	50	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
51	51	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
52	52	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
53	53	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
54	54	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
55	55	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
56	56	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
57	57	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
58	58	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
59	59	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
60	60	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
61	61	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
62	62	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
63	63	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
64	64	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
65	65	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
66	66	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
67	67	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
68	68	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
69	69	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
70	70	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
71	71	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
72	72	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
73	73	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
74	74	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
75	75	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
76	76	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
77	77	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
78	78	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
79	79	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
80	80	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
81	81	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
82	82	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
83	83	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
84	84	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
85	85	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
86	86	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
87	87	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
88	88	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
89	89	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
90	90	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
91	91	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
92	92	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
93	93	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
94	94	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
95	95	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
96	96	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
97	97	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
98	98	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
99	99	REVISED FOR PERMIT	12/05/2021	NVM	J.P.
100	100	REVISED FOR PERMIT	12/05/2021	NVM	J.P.



WINTER SHADOW
DIAGRAM - 1PM
PRELIMINARY
NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION
NEW GENERATION BOARDING HOUSE
APPWAM PTY LTD.
55-63 SMITH ST - SUMMER HILL

DATE: 12/05/2021
DRAWN: NVM
CHECKED: J.P.
SCALE: 1:100
E124



SHADOWS LAND
 - - - - - CASTING & MOUNT
 - - - - - PROPOSED SHADOW

SHADOW DIAGRAM JUNE 21ST 2PM
 1:150

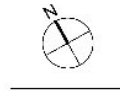


Member
 Association of Builders

NO.	DATE	REVISION
1	21/06/2021	REVISED FOR PRELIMINARY SHADOW DIAGRAM
2	21/06/2021	REVISED FOR PRELIMINARY SHADOW DIAGRAM
3	21/06/2021	REVISED FOR PRELIMINARY SHADOW DIAGRAM
4	21/06/2021	REVISED FOR PRELIMINARY SHADOW DIAGRAM

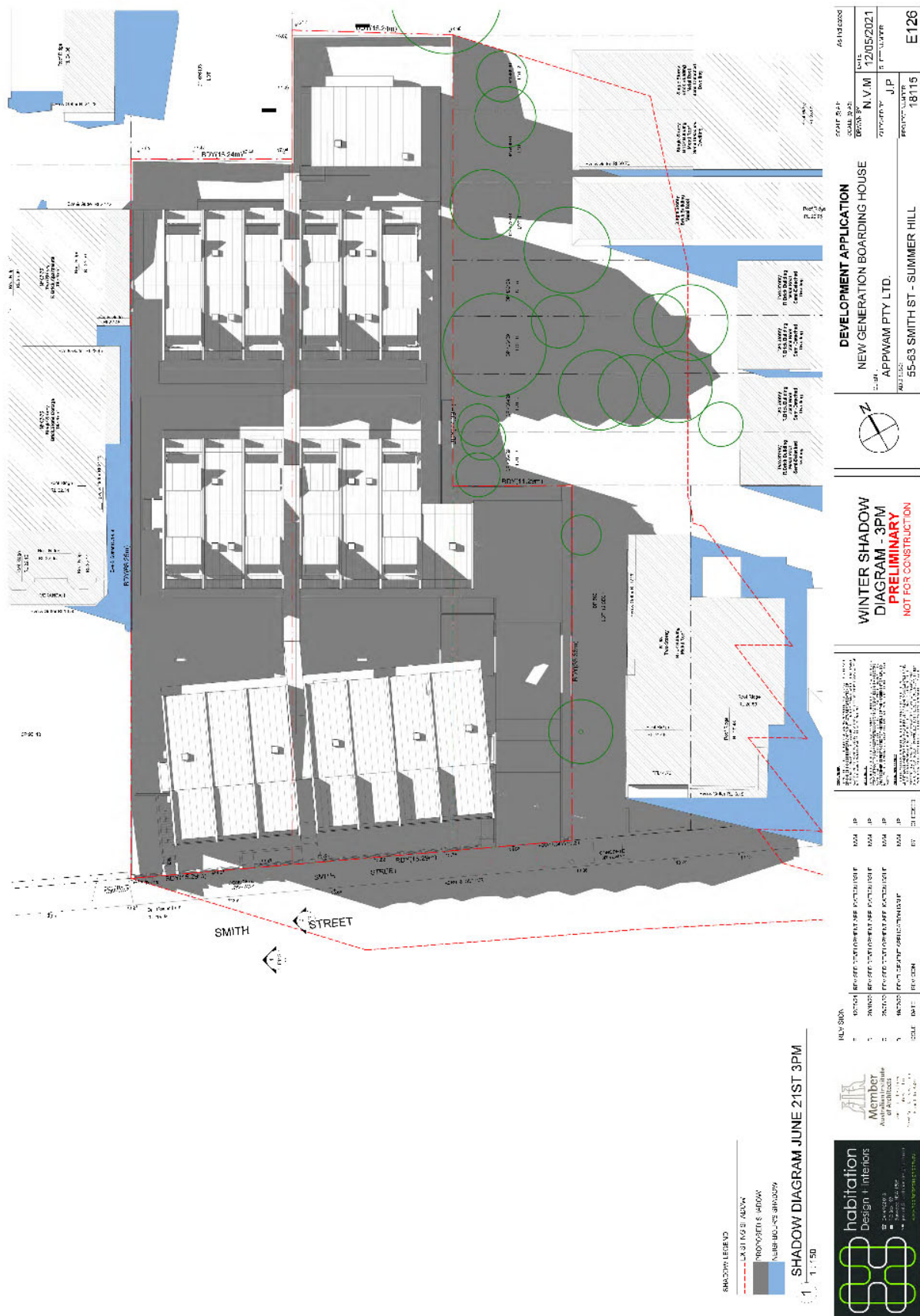
PRELIMINARY
 NOT FOR CONSTRUCTION

WINTER SHADOW
 DIAGRAM - 2PM
 PRELIMINARY
 NOT FOR CONSTRUCTION

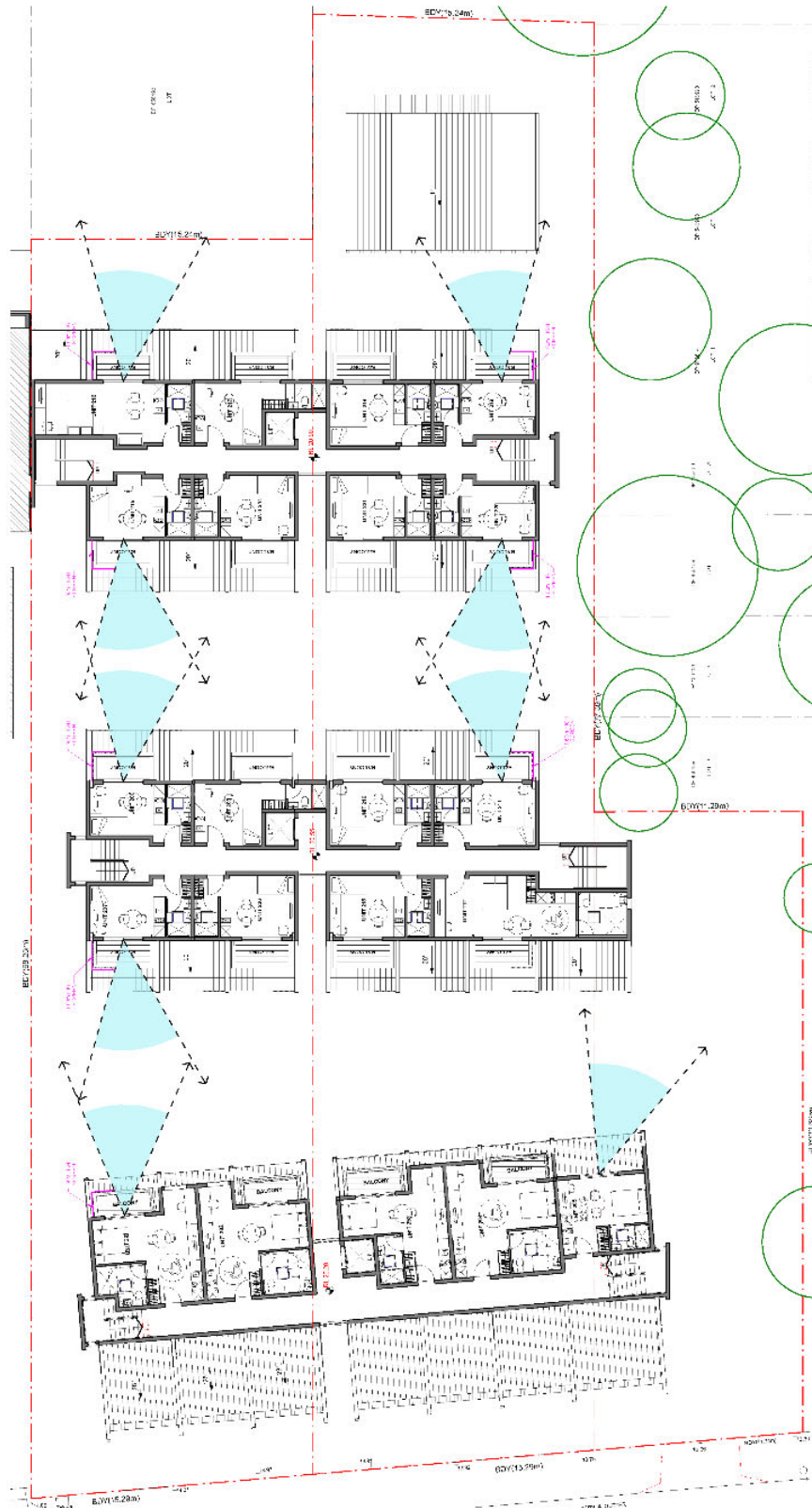


DEVELOPMENT APPLICATION
 NEW GENERATION BOARDING HOUSE
 APPHAM PTY LTD.
 55-63 SMITH ST - SUMMER HILL

DATE: 12/05/2021
 DRAWN BY: J.P.
 CHECKED BY: J.P.
 PROJECT NO: 18115
 E125







LEGEND
 ATTIC PRIVACY - NOT FOR CONSTRUCTION
 FURTHER REVISIONS - NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION
 NEW GENERATION BOARDING HOUSE
 N.V.M.
 12/05/2021
 DRAWN BY: J.P.
 PROJECT NUMBER: 18115
 E128

ATTIC PRIVACY DIAGRAM
PRELIMINARY
 NOT FOR CONSTRUCTION

NOTES:
 1. THIS DIAGRAM IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION.
 2. THE DIAGRAM IS BASED ON THE ASSUMPTION THAT THE BUILDING IS A SINGLE-STOREY RESIDENTIAL BUILDING.
 3. THE DIAGRAM IS BASED ON THE ASSUMPTION THAT THE BUILDING IS A SINGLE-STOREY RESIDENTIAL BUILDING.
 4. THE DIAGRAM IS BASED ON THE ASSUMPTION THAT THE BUILDING IS A SINGLE-STOREY RESIDENTIAL BUILDING.

REV.	DATE	DESCRIPTION	BY	CHKD.
1	12/05/2021	ISSUED FOR PERMIT	J.P.	
2	12/05/2021	REVISIONS TO PERMIT	J.P.	
3	12/05/2021	REVISIONS TO PERMIT	J.P.	
4	12/05/2021	REVISIONS TO PERMIT	J.P.	
5	12/05/2021	REVISIONS TO PERMIT	J.P.	

habitation
 design + interiors
 Member of Architects
 12/05/2021
 12/05/2021
 12/05/2021



PLAN OF
MANAGEMENT (POM)

55 – 63 Smith Street Summer Hill

**BOARDING HOUSE
PLAN OF MANAGEMENT
AND
HOUSE RULES
MAY 2021**

Plan of Management
New Age Boarding House
MAY 2021#

1.0 Object of this Plan

- 1.1 The primary purpose of this Management Plan (PoM) is to ensure that neighbours' amenity is not unreasonably reduced by the use of the premises as a Boarding House.
- 1.2 To achieve this, the Management Plan has been drafted with the following matters in mind:
 - a. to maintain the internal and external appearance of the premises.
 - b. to ensure a person is readily contactable to assist in the ongoing implementation of this Management Plan.
 - c. to ensure that this Management Plan is enforceable.
 - d. to make provision for this plan to be amended from time to time with the approval of the Council in order to facilitate timely and responsive operational changes to improve residential amenity within and external to the site.
 - e. That the use will be controlled by the PoM and the Boarding House Rules.
 - f. To conform with the Boarding Houses Act, 2012.

2.0 Primary Person Responsible

- 2.1 The owner of the premises is responsible for ensuring that this Management Plan is properly implemented at all times. The owner to exercise this through the appointed Property Manager or 'Manager' (see cl. 3.1 below).
- 2.2 The Manager on behalf of the owner to ensure that all occupants are given a copy of this Management Plan and a document called "Boarding House Rules" ("the Rules") at the time they commence their occupancy. The Rules are to include a policy statement for occupants of the Boarding House directed to the objects set out above. The Rules include guidelines for the conduct of occupants to minimise inappropriate behaviour that might reduce any neighbour's amenity. The Rules may not be inconsistent with this Management Plan or the conditions of development consent.
- 2.3 All tenants in the boarding house are to sign an agreement undertaking to comply with the Rules.
- 2.4 The Manager is to enforce all the Rules of the Boarding House.
- 2.5 The Manager subject to any limitations imposed by the Residential Tenancies Act, is to remove any person from the Boarding House who fails to comply with any Rule after one warning, unless a serious breach occurs in which case no warning is required. If that person fails or refuses to leave the Boarding House, the Manager is to contact the police immediately. The owner must (if requested to do so) assist the Manager to the extent necessary to give effect to this provision.
- 2.6 The Manager is to maintain a register of occupants who have been evicted from the Boarding House and ensure that those people are prevented from entering the premises in the future.
- 2.7 The Manager is to take all reasonable steps necessary to ensure that occupants of the Boarding House do not affect the amenity of neighbours. The Manager may evict occupants who unreasonably affect the amenity of the neighbours of the Boarding House. The owner must (if requested to do so) assist the Manager to the extent necessary to give effect to this provision.
- 2.8 The Manager or owner is to ensure that a list of the Rules to be displayed in the entrance, communal room, rooms of the Boarding House.

Plan of Management
New Age Boarding House
MAY 2021#

- 2.9 A sign to be displayed at the entrance to the Boarding House advising occupants to be aware and mindful of the amenity of neighbours when entering or leaving the premises.
- 2.10 A contact mobile phone number for the Manager is to be displayed at the entrance to the boarding house.

3.0 Manager

- 3.1 The owner will appoint a manager. The Manager is to have the appropriate skills to administer the PoM, and Boarding House Rules and assist in dispute resolution.
- 3.2 The On Site live in Manager is to ensure all occupants are provided with a Boarding House Occupancy Agreement and Boarding House Rules.
- 3.3 The owner is to ensure a contact number is available for occupants to contact the Manager in the case of an emergency.
- 3.4 The Manager shall inspect the premises regularly to ensure compliance with all relevant provisions of this Plan of Management and the House Rules, and any applicable conditions of development consent.
- 3.5 The boarding house common areas shall be professionally cleaned on a weekly basis by a contractor employed by the owner/manager.
- 3.6 All waste bins shall be placed at the kerbside on the evening prior to waste collection and collected on the day of pick up and returned to the basement area and washed and cleaned.
- 3.7 Providing assistance where possible and as reasonably practical to occupants who are in need of health, personal and or community services for example by providing information, and referral for occupants so that they can obtain necessary assistance.

4.0 Rental Periods, Terms & Fees etc

- 4.1 All tenants must be provided with and sign an Occupancy Agreement.
- 4.2 A fee structure is to be designed which includes methodology for rental increases and basis upon which any rental increase is to be determined. The minimum rent shall be \$..... per week.

Generally, a tenant's rent should not be increased more than once in any 12 month period. Rent may be influenced by (but not limited to) room location, size, aspect, number of boarders, term of lease period, allocation of parking.

5.0 Residents Register

- 5.1 The manager is to keep a register which to include the occupant's name, previous address and license details if any.
- 5.2 Only two residents to be registered at any one time (room to be at least 16sqm) to occupy any one room or in the case of single occupancy rooms (a room between 12sqm and 16sqm), only 1 resident. There is to be no more than 1 boarder in rooms between 12 – 16sqm and 2 boarders for rooms 16 sqm or greater at any one time. Inspections may be undertaken by Council from time to time to ensure that this is being satisfied.

6.0 Occupancy Principles

In accordance with the Boarding Houses Act, 2012, the following Occupancy principles shall apply:

Plan of Management
New Age Boarding House
MAY 2021#

- 6.1 State of premises
A resident is entitled to live in premises that are:
- reasonably clean, and
 - in a reasonable state of repair, and
 - reasonably secure.
- 6.2 Rules of registrable boarding house
A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.
- 6.3 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.
- 6.4 Quiet enjoyment of premises
A resident is entitled to quiet enjoyment of the premises.
- 6.5 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.
- 6.6 Notice of increase of occupancy fee
A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.
- 6.7 Utility charges
(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:
- 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
 - 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:
- the supply of electricity, supply of gas, supply of oil, the supply of water, the supply of any other service prescribed by the regulations.
- 6.8 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:
- the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
 - 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:
- 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,
 - any occupation fees or other charges owing and payable under the occupancy agreement or the Act,
 - 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, the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
 - any other amounts prescribed by the regulations.

Plan of Management
New Age Boarding House
MAY 2021#

- (3) 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.
- (4) 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.
- 6.9 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.
- 6.10 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, the manager of the boarding house.
 - (3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.
- 6.11 Use of alternative dispute resolution
A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.
- 6.12 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.

7.0 Safety & Security

The Manager and, where necessary or appropriate, the owner are to ensure all safety requirements of the Boarding House are met at all times, including ensuring the following:

- 7.1 Emergency access routes are clear.
- 7.2 Any items that are a fire hazard are removed from the premises without delay.
- 7.3 Maintenance of all fire safety measures including any required smoke detectors/alarms, sprinklers, emergency lighting and fire exits and ensure that regular inspection and certification is carried out.
- 7.4 CCTV surveillance of the common areas and grounds are maintained in good working order and viewable and accessible by the Manager. Managers room to have CCTV monitor.
- 7.5 Access is to be programmed to restrict access to any level other than the residents level of occupation.
- 7.6 Providing assistance where possible and as reasonably practical to occupants who are in need of health, personal and or community services.

Plan of Management
New Age Boarding House
MAY 2021#

- 7.7 Consideration is given to designation of suitably located smoking and non smoking rooms, to avoid congregation of smokers on the public and communal areas and nuisances to other residents from emanating smoke.
- 7.8 Contacting Police of any suspected criminal activity, or of any domestic violence or disturbance.
- 7.9 The maximum occupancy shall be 104 persons.

8.0 Cleaning & health

- 8.1 The premises are to be professionally cleaned on a weekly basis, and garbage bins placed at the kerbside for collection, in accordance with clauses 3.4 and 3.5 above. Arrangements for this will at all times be the responsibility of the Manager.
- 8.2 The manager is to ensure that the grounds of the Boarding House are maintained in a reasonably clean and tidy manner at all times.
- 8.3 Specific garbage room is allocated for use of the boarding house residents. The residential garbage bins are to be lockable to restrict use by others.

9.0 Public Complaints Resolution Procedure

- 9.1 The Manager is to maintain a complaint register of public (external) complaints.
- 9.2 This register is to comprise forms to be completed by the Manager, occupants and or complainants. The form is to record the name, addresses, phone number details and date of any person making a complaint including anonymous persons. Only complaints where all the above information is given are to be recorded in the register.
- 9.3 The Manager (or, where appropriate, the owner) is to respond by telephone to a complaint whether written or oral within 24hrs by telephone (provided that the complainant has provided a phone number).
- 9.4 The Manager is to respond within 7 days to a complaint in writing.
- 9.5 Where required, the Manager is to use best endeavours to arrange a meeting with complainants. The owner to be present at such meetings if practical. The Manager is to keep minutes of such meetings and keep these minutes in a public Complaints Resolution Procedure Register. This register is to be made available to the Council for inspection on 7 days' notice.
- 9.6 If a matter of complaint cannot be resolved and the complainant wishes to escalate the complaint, the matter may be referred to the Council or Community Justice Centre for resolution by the complainant.

10.0 Variations to this Plan of Management and the House Rules

- 10.1 This approved Plan of Management (incorporating the House Rules) may be varied from time to time by the Council, on the application of the owner, without the need for formal modification of the development consent.
- 10.2 The object of this clause is to facilitate timely and responsive alterations to the Plan of Management (and House Rules) where Council agrees that such alterations are appropriate and beneficial in preserving and enhancing residential amenity for occupants and/or for the locality.
- 10.3 The House Rules may be incorporated into the Occupancy Agreement.

Plan of Management
New Age Boarding House
MAY 2021#

10.4 Boarding House Rules

- The Boarding House Rules to include the following:
- Alcohol is not to be consumed outside of the Boarding House except within the designated outdoor communal area, the use of which shall be restricted to between 10.00am and 9.00pm (10.00pm during summer months). No intoxicated persons shall be permitted within the communal areas.
- No illicit drugs or illegal activity shall be permitted within the Boarding House and its immediate environs.
- Occupants to have a swipe card to the Boarding House, which is not to be given to any other person. Loss of the swipe card will result in reimbursement.
- The maximum number of persons permitted within the room shall be as per the signed occupancy agreement, and in no case exceed two (2) adults per room (unless a nominated single occupancy room), and at no time exceed 22 in total (excluding the onsite manager).
- All landscaped and communal areas of the Boarding House not to be used by occupants between the hours of 9.00pm (10.00pm in summer months) and 7.00am except for the purposes of gaining direct access and egress to and from the Boarding House.
- Smoking is only permitted in the external courtyard and balconies of the premises or designated smoke permitted rooms. Ash and butts are to be disposed of appropriately and not off balconies or windows.
- Occupants to place all empty containers/bottles/cans and other rubbish in bins provided in the communal areas and / or in the garbage room. There shall be no littering.
- Occupants conduct is to be quiet, orderly and lawful at all times when residing at the Boarding House, this includes not causing nuisance from noise from amplified music, radios, televisions, loud talking, banging of doors, or any other activities etc. maintaining the reasonable amenity of neighbours (both within and external to the premises) is a fundamental obligation of all tenants.
- Occupants to comply with all requests of the owner/Manager or they are liable to eviction.
- Occupants to keep their room and bathroom clean at all times and make their room available for inspection by the Manager once a week.
- Internal communal areas are generally restricted to (other than for access/ passage purposes) between 6am and 10pm, except with the approval of the Manager or as determined by the acoustic engineer. Manager to ensure the use complies with the acoustic report requirements.
- No parties are permitted on the premises unless attended by the occupants only, and only subject to the prior written approval of the manager who may impose conditions at his/her absolute discretion.
- The manager at their absolute discretion may ask any person to vacate the communal areas.
- No guests or invitees are permitted to remain on the premises between the hours of 11.00pm and 7.00am, unless prior written approval is obtained by the manager. An additional fee may be payable, and under no circumstances is the occupancy of the room to exceed 2 persons. Max number of residents is 115 incl the manager.

Plan of Management
New Age Boarding House
MAY 2021#

- The use of the car spaces shall be allocated by the manager at his/her absolute discretion.
- Any disabled person shall have precedence to the use of the accessible sized parking spaces. The manager has the right to rescind any permission to use the carpark area.
- No person shall park within the designated disabled parking space unless displaying a valid disabled permit.
- No clothes, washing, towels, surfboards or other items are to be placed on any window or balcony.
- No pets are permitted on the premises.
- No prostitution shall be permitted on the premises.
- Manager to keep a complaints register on site at all times that logs all complaints and provide a written entry as to the remedy or action taken.
- Manager is to be provided with internal screens showing all CCTV coverage of communal areas and all of the basement.
- Manager is to have mobile device with CCTV coverage.
- Boarding house is to be provided with a 24 hour telephone number for the live-in on-site manager.
- On site manager must be responsible for the efficient operation, administration, cleanliness and fire safety of the premises, including compliance with all aspects of the POM with annual registration annual Fire Safety Certification as well as the Emergency Management and Evacuation Plan.
- A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.
- Safety and security publication in each room for all residents may include, but are not limited to such things as emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing, secure gates and all residents to have own keys to rooms and personal storage areas.

Attachment C- Without prejudice conditions of consent

CONDITIONS OF CONSENT

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 matters:

A. Overland Flows from Upstream Properties

The design must make provision for the natural flow of stormwater runoff from upstream properties. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments shall not be blocked or diverted but must be captured and catered for within the proposed site drainage system. For the design purpose, natural overland flows from the upstream properties shall be assumed as unobstructed. Where necessary an inter-allotment drainage system must be incorporated into the design.

The Council must be provided with stormwater plans certified by a suitably experienced Civil Engineer detailing hydrologic and hydraulic calculations for the overland flows from the upstream properties in a 1 in 100 year ARI storm event and the requirements of Council's Flood Planning Policy.

B. Room Size

Amended plans to be submitted to the satisfaction of Council demonstrating an increase to the size of the rooms labelled Unit G03 and Unit 103 such that they have an internal area (excluding bathroom and kitchenette) of 12m² by reducing the area of the rooms labelled Unit G02 and Unit 102. All rooms sizes must remain compliant with *State Environmental Planning Policy (Affordable Rental Housing) 2009*

C. Colours and Materials

The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and complementary to the predominant character and streetscape of the area, and characteristic of the architectural style and period of construction of the contributory buildings within the Heritage Conservation Area. Details of the proposed external colours, materials and textures (ie. a schedule or sample board) are to be submitted to and approved by Council's Team Leader - Heritage & Urban Design.

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

DOCUMENTS RELATED TO THE CONSENT

1. 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
E101 Rev E	Cover Page	12/05/2021	Habitation Design + Interiors
E102-E103 Rev E	BASIX	12/05/2021	Habitation Design + Interiors
E105 Rev E	Site Plan	12/05/2021	Habitation Design + Interiors

E106 Rev E	Basement	12/05/2021	Habitation Design + Interiors
E107 Rev E	Ground Floor Plan	12/05/2021	Habitation Design + Interiors
E108 Rev E	Level 1	12/05/2021	Habitation Design + Interiors
E109 Rev E	Level 2	12/05/2021	Habitation Design + Interiors
E110 Rev E	Roof Plan	12/05/2021	Habitation Design + Interiors
E111 Rev E	Elevation – Block A	12/05/2021	Habitation Design + Interiors
E112 Rev E	Elevation – Block B	12/05/2021	Habitation Design + Interiors
E113 Rev E	Elevation – Block C	12/05/2021	Habitation Design + Interiors
E114 Rev E	Elevation – Block D	12/05/2021	Habitation Design + Interiors
E115 Rev E	Sections	12/05/2021	Habitation Design + Interiors
E116 Rev E	Materials and Finishes	12/05/2021	Habitation Design + Interiors
E117 Rev E	Calculation Sheet	12/05/2021	Habitation Design + Interiors
E118 Rev E	Driveway Detail	12/05/2021	Habitation Design + Interiors
E119 Rev E	Front Fence Detail	12/05/2021	Habitation Design + Interiors
E120 Rev E	Winter Shadow Diagram – 9AM	12/05/2021	Habitation Design + Interiors
E121 Rev E	Winter Shadow Diagram – 10AM	12/05/2021	Habitation Design + Interiors
E122 Rev E	Winter Shadow Diagram – 11AM	12/05/2021	Habitation Design + Interiors
E123 Rev E	Winter Shadow Diagram – 12Noon	12/05/2021	Habitation Design + Interiors
E124 Rev E	Winter Shadow Diagram – 1PM	12/05/2021	Habitation Design + Interiors
E125 Rev E	Winter Shadow Diagram – 2PM	12/05/2021	Habitation Design + Interiors
E126 Rev E	Winter Shadow Diagram – 3PM	12/05/2021	Habitation Design + Interiors
E127 Rev E	Level 1 Privacy Diagram	12/05/2021	Habitation Design + Interiors
E128 Rev E	Attic Privacy Diagram	12/05/2021	Habitation Design + Interiors

E129 Rev E	CPTED Assessment	12/05/2021	Habitation Design + Interiors
B.B Issue 5	Plan showing Detail and Levels	20.04.21	NJB Surveying
ST01 Revision C	Site Stormwater Drainage Plan	13-05-21	Danmor Consulting Engineers
ST02 Revision C	Site Stormwater Drainage Plan 01	13-05-21	Danmor Consulting Engineers
ST04 Revision C	Stormwater Drainage Details	13-05-21	Danmor Consulting Engineers
ST05 Revision C	WSUD (Music Modeling and Result)	13-05-21	Danmor Consulting Engineers
ST06 Revision C	Erosion and Sediment Control Plan and Details	13-05-21	Danmor Consulting Engineers
DA-L101 Revision B	Landscape plan: ground fr	14/05/21	Canvas landscape architects
DA-L102 Revision B	Landscape typical details & plant schedule	14/05/21	Canvas landscape architects
SRE/593/SH/21/RAP	RAP – Remediation Action Plan	11/05/2021	Soilsrock Engineering
	Plan of Management (POM)	May 2021	
SRE/593/SH/21/STG2	Soils Contamination Assessment	30/04/2021	Soilsrock Engineering
	Overland Flow Path Modelling	22 April 2021	Molino Stewart
	Flood Risk Management	12 May 2021	Molino Stewart
Revised May 2021	Statement of Environmental Effects	May 2021	Andrew Martin Planning
4325R20200910pd55	Acoustical Report	28 April 2021	Koikas acoustics
	Arboricultural Impact Assessment and Tree Management Plan	13 th May 2021	Horticultural Management Services
1147109M_02	BASIX Certificate	12 May 2021	Ecoplus Consultants
	Stormwater Design Certificate	13 May 2021	Danmor Consulting Engineers
20048	Revised Traffic and Parking Assessment Report	13 May 2021	Varga Traffic Planing
	Waste Management Plan	May 2021	Dickens Solutions

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. That indicate that the eastern facing first floor window of the Managers room labelled 'UNIT 141' is constructed using fixed obscured glass.
- b. That indicate that the western facing first floor window of boarding house room labelled 'UNIT 130' is constructed using fixed obscured glass.

FEES

3. 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 \$104,397.07 indexed in accordance with Ashfield Development Contributions Plan ("CP") has been paid to the Council. The above contribution is the contribution applicable as at 16/07/21.

***NB** Contribution rates under Ashfield Development Contributions Plan are indexed quarterly (for the method of indexation refer to Section 2.6 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.

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

Community Infrastructure Type:	Contribution \$
Local Roads	\$11,731.60
Local Public Transport Facilities	\$35,013.65
Local Public Car Parking	\$0
Local Open Space and Recreation	\$0
Local Community Facilities\$	\$29,675.64
Plan Preparation and Administration	\$27976.19
TOTAL	\$104,397.07

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>

Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000)).** It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. Prior to payment contact

Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

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

4. 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.

5. 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:	\$60,000.00
Inspection Fee:	\$236.70

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 initial 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

6. Waste services - Ongoing Use

The property owner/s must contract private waste and recycling services. Due to the building design, Council trucks are unable to access either the waste and recycling, or bulky waste storage areas. If the property owner were to require Council servicing in future, the building would need to be reconfigured to allow Council truck access.

7. Car Parking

The development must provide and maintain within the site:

- a. 54 car parking spaces must be paved and line marked;
- b. 7 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces
- c. 20 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times;
- d. 20 Bicycle storage capacity within the site.

8. Boarding House

The development must provide and maintain:

- a. A minimum of 10 Accessible boarding rooms; and
- 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 (RVMP) in accordance with the relevant Development Control Plan.

10. Erosion and Sediment Control

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

11. Standard Street Tree Protection

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

12. 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.

13. Works Outside the Property Boundary

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

14. 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.

15. Rock Anchors

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

16. Noise – Consultant’s Recommendations

The recommendations contained in the acoustic report prepared by Koikas Acoustics, reference 4325R20200910pd55-63SmithStSummerHill_DA_v3 dated 28 April 2021 must be implemented, including (but not limited to) the following:

- a. The ground floor outdoor communal area shall not be occupied by more than 24 people at any one time during the daytime and evening periods.
- b. Doors and windows of the internal common area should be kept closed during the night time period (between 10pm and 7am).

17. Noise- Use of Outdoor Communal Areas

The use of the designated outdoor communal area is restricted to the hours of 10am to 10pm seven days a week. The use of other outdoor landscaped areas on the premises is restricted to the hours of 7am to 10pm seven days a week, except for the ingress and egress to and from the boarding house.

18. Noise- Use of Internal Common Area

The use of the internal communal area is restricted to the hours of 7am to 10pm seven days a week.

19. Single rooms

The boarding rooms labelled G21, 124 and 205 are to be used as single boarding rooms.

20. Contamination – Remedial Action Plan (No Site Auditor Engaged)

The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared by Soilsrock Engineering, reference SRE/593/SH/21/RAP dated 11 May 2021, the *Contaminated Land Management Act 1997* and the *State Environmental Planning Policy No 55*.

21. Hazardous Materials Survey

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW.

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

22. Outdoor Communal Area at Night

The ground floor outdoor communal at the rear of the site must not be occupied by more than 4 people at any one time after 6pm.

PRIOR TO ANY DEMOLITION**23. Resource Recovery and Waste Management Plan - Demolition and Construction**

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

24. 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.

25. Advising Neighbors Prior to Excavation

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

26. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

27. 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.

28. Construction Traffic Management Plan – Detailed

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

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

- a. Description of the demolition, excavation and construction works;
- b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;

- f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g. Proposed hours of construction related activities and vehicular movements to and from the site;
- h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i. Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j. Measures to maintain public safety and convenience;
- k. Any proposed road and/or footpath closures;
- l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

PRIOR TO CONSTRUCTION CERTIFICATE

29. Bin Storage Area - Residential

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

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

The bin storage area is to meet the design requirements detailed in the Inner West Comprehensive Development Control Plan (DCP) 2016 and must include doorways/entrance points of 1200mm.

30. Bulky Waste Storage Area – Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area must meet the floor area

requirements as per the Inner West Comprehensive Development Control Plan (DCP) 2016 and have minimum doorways of 1200mm wide to accommodate large items.

31. Waste Transfer Route

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

32. Each Residential Level is to have Access to a Disposal Point for All Waste Streams

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

33. 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.

34. 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 13 20 92

35. 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.

36. Consolidation of Lots

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that the separate lots comprising the development have been consolidated into one lot and under one title and registered at NSW Land Registry Services.

37. Structural Certificate for retained boundary wall

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the boundary wall to be retained and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

38. 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 (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

39. Stormwater Drainage System – Major Developments

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

- a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos. ST01 to ST06 prepared by Danmar Consulting Engineers and dated 13 May 2021, as amended to comply with the following;
- b. Stormwater runoff from all surface 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 by gravity to Council's piped drainage system via the OSD tank;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than for the pump-out of subsurface flows and surface flows from the driveway from the basement;
- e. The Drainage Plan must detail the proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water pipe system limited to pre-development conditions;
- g. Details of the Height vs Storage and Height vs Discharge relationships must be submitted.
- h. Pipe drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD tank;
- i. Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- j. A pump-out system for drainage of surface flows from the basement ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
 1. Comply with all relevant Australian Standards;
 2. An overflow, flashing light and audible alarm is to be provided to warn of pump failure;
 3. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months;
 4. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 20-year ARI storm event;
 5. The pump system must be discharged to the OSD storage tank;

6. Subsurface flows must be collected at the point of ingress to the basement;
7. The subsurface drainage system must have sufficient capacity to collect and convey all surface flows to the pump out system; and
8. Inlet pits and drains for subsurface drainage must be designed to minimise potential for pollutants from cars or other sources to enter the subsurface drainage system.
- k. No nuisance or concentration of flows to other properties;
- l. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- m. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for the stormwater outlet;
- n. Stormwater quality improvement devices must be installed such that stormwater flows leaving the site meet the following environmental targets:
- o.

Pollutant	Baseline Pollution (kg/ha/yr)	Annual Load	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

- p. A water balance model must be submitted to accompany the water re-use proposal;
- q. A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council's water quality targets;
- r. 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
- s. 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 must be fully "tanked" so as not to allow the ingress of seepage or groundwater.

40. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current

Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a. If required, The basement must be fully tanked to prevent the ingress of subsurface flows;
- b. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
- c. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
- d. All components of the basement, including footings, must be located entirely within the property boundary;
- e. No adverse impact on surrounding properties including Council's footpath and road;
- f. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
- g. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
- h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

41. 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 who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) 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 public domain along all frontages of the site inclusive of footpath paving, kerb, street trees and landscaping, must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme;
- b. The construction of heavy duty vehicular crossing and removal of redundant vehicular crossing to the site;
- c. New concrete footpath and kerb and gutter 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 determine by the Council Engineer; and
- d. 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.
- e. The existing Council drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 2.4 m lintel) must be installed; The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event. Pipes must be Class 4 Steel Reinforced Concrete Pipe or approved equivalent and Pits must be cast in-situ. Plans, long sections and details must be provided including location of utility services; and Connection of the private drainage system to Council's piped drainage system must be at a stormwater drainage pit at a level 300mm above the invert of the outgoing pipe.

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

42. Flood Affected Site

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer that the works comply with the following specific requirements:

- a. All habitable floor levels and protection to the underground carpark must be set at flood planning levels (flood level plus 500mm freeboard) shown on the approved architectural plans. All structures below the flood planning levels must be constructed from flood compatible materials;
- b. Entry crest to any underground carpark must be set at the flood planning levels (flood level plus 500mm freeboard);
- c. All electrical equipment and wiring must be waterproofed or installed at or above RL 14.50 m AHD;
- d. A structural engineer's certificate must be submitted stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the 1 in 100-year flood level;
- e. The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path. Details of all obstructions or changes in level within the overland flow paths must be detailed on the plan; and
- f. All fencing within the overland flow path must be of an open type so as to allow for the free flow of water throughout the site so as to maintain existing flows.

43. Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The Plan must be prepared/amended to make provision for the following:

- a. The plan must be generally in accordance with the recommendations of the Flood Risk Management report prepared by Molino Stewart and dated 12 May 2021;
- b. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site must be assessed for the 100-year ARI and Probable Maximum Flood (PMF) storm events. The precautions must include but not be limited to the following:
 - i. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris;
 - ii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;
 - iii. Flood warning signs/depth indicators for areas that may be inundated;
 - iv. A flood evacuation strategy; and
 - v. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
- c. All works must be designed to comply with the Standard for Construction of Buildings in Flood Hazard Areas in accordance with Section 3.10.3 of the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below:
 - i. Building Code of Australia;

- ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level;
- iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood; and
- iv. Flood hazard level (FHL) Flood Planning Level (FPL).

44. Amended Architectural Plans to Reflect Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended architectural plans that incorporate the recommendations of the Flood Risk Management Plan. The design must be prepared to make provision for the following:

- a. Specification of materials; and
- b. Waterproofing works, where applicable.

No changes to the external form or appearance of the development contrary to the approved plans must occur except as identified by this condition. Any changes to such must be subject to separate approval.

45. Engineering Design - Structural Engineer Plans and Certification

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans prepared and certified by a suitably qualified Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that incorporate the following recommendations of the Flood Risk Management Plan.

The design must be prepared to make provision for the following:

- a. Structural integrity of all structures from immersion and/or impact of velocity and debris; and
- b. Waterproofing works, where applicable.

46. Overland Flow path

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer detailing hydrologic and hydraulic calculations for the overland flow path and the capacity of the existing system and measures necessary to protect the premises in a 1 in 100 year ARI storm event and the requirements of Council's Flood Planning Policy.

47. 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 could drain 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.

48. Noise General – Acoustic Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

DURING DEMOLITION AND CONSTRUCTION**49. 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.

50. 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:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 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.

51. 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.

52. Contamination – New Evidence

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

53. Imported Fill Materials

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods:

- a. Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b. Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995).

PRIOR TO OCCUPATION CERTIFICATE**54. 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*.

55. Public Domain Works

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

- a. Heavy duty concrete vehicle crossing at the vehicular access location;
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone;
- c. The existing concrete footpath across the frontage of the site must be reconstructed; and
- d. 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".

56. No Encroachments

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

57. Protect Sandstone Kerb

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

58. Undergrounding Power – Major development

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the existing overhead power cables along the Road frontage of the site have been relocated underground with appropriate street lighting and new steel standard poles. The street lighting must be designed in accordance with Australian Standard AS1158-Road Lighting and the

Network Standards of Ausgrid and must meet the lighting category required by Council and RMS. In addition the design must also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light.

59. Parking Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) 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 road frontage to indicate that visitor parking is available within the property; and
- 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.

60. Public Domain - Major Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier 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 Roadworks Permit with all relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

61. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

62. Stormwater Drainage and Road Works – Certification

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

- a. All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans;
- b. Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator;
- c. Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council; and
- d. Certification by a Registered Surveyor that the as-built Council Stormwater pipeline is located totally within the road kerb line.

63. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer

qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

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

64. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention 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; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

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

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

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

66. Basement/Retaining Wall Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards.

67. Flood Risk Management Plan - Certification

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

the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.

68. Noise From Road, Rail & Aircraft – Compliance

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant, confirming that the development complies with the requirements of the:

- a. *State Environmental Planning Policy (Infrastructure) 2007*;
- b. NSW Planning, Development near Rail Corridors and Busy Roads – Interim Guideline;
- c. Australian Standard 2021-2000: Acoustics - Aircraft noise intrusion - Building siting and construction;
- d. conditions of development consent; and
- e. Recommendations of Koikas Acoustics, reference 4325R20200910pd55-63SmithStSummerHill_DA_v3 dated 28 April 2021.

69. Contamination – Disposal of Soil

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the *Protection of the Environment Operations Act 1997*.

70. Contamination – Validation (No Site Audit Statement Required)

Prior to the issue of an Occupation Certificate, the Principal Certifier and Council must be provided with a Site Validation Report prepared by a suitably qualified environmental consultant with experience in land contamination.

The Validation report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines *Consultants Reporting on Contaminated Sites* and must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use.

ON-GOING

71. Bin Storage

All bins are to be stored within the site. Waste and recycling, as well as bulky household waste, is to be collected from the basement. Bins are not to be stored, or presented for emptying, on the street.

72. 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 the documents related to the consent above and as amended by the conditions in this Determination;
- b. A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c. A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
- d. The Plan of Management must not be amended without the prior consent of Council and must be made available to Council officers and the Police upon request;

- e. All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
- f. The premises must be used exclusively as a boarding house containing a maximum total of 97 lodger's rooms, 1 caretaker room and 2 on-site manager's rooms with not more than 107 adult lodgers, 1 caretaker 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 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.

73. Operation and Management Plan

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

74. Vehicles Leaving the Site

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

75. Loading/unloading on site

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

76. Flood Risk Management Plan

The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

77. Noise General

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

78. Boarding House – Plan of Management - Operation

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

79. Commercial Waste/Recycling Collection

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

ADVISORY NOTES**Recycling / Garbage / Organics Service Information and Education**

The boarding room manager is responsible for ensuring all tenants are kept informed regarding Waste services, and best practice waste and recycling source separation.

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

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.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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; and
- 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

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

Amenity Impacts General

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

Fire Safety Certificate

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 House – Registration with Fair Trading

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.

Construction of Vehicular Crossing

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

Lead-based Paint

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.

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.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.

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 Class A 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 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Street Numbering

If any new street numbers or change to street numbers are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

Rock Anchors

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

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

Electrical Substations

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

Permits

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;

- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

Easement and Covenant Process

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

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

- d. A Maintenance Schedule.

Subsurface drainage pump-out systems

Where it is demonstrated by detailed geotechnical investigation that the groundwater flows are minimal or intermittent, a pump out system for groundwater may be considered. An application for modification of development consent with supporting documentation must be submitted. Where this option is to be pursued dry-weather flows of any seepage water will not be permitted through kerb outlets and must be connected directly to a Council stormwater system in accordance with Council requirements.

Insurances

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

Health Premises Registration – Generic

The premises are required to be registered with Council's Environment Health Team in accordance with the following relevant legislation:

- a. Boarding House / Shared Accommodation - *Boarding Houses Act 2012* and the *Local Government (General) Regulation 2005*.

Mechanical Ventilation System Certification

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

- a. Australian Standard AS 1668 Part 1 – 1998;
- b. Australian Standard AS 1668 Part 2 – 2012;
- c. Australian Standard 3666.1 – 2011;
- d. Australian Standard 3666.2 – 2011; and
- e. Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

CONDITIONS OF CONSENT

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 matters:

A. Overland Flows from Upstream Properties

The design must make provision for the natural flow of stormwater runoff from upstream properties. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments shall not be blocked or diverted but must be captured and catered for within the proposed site drainage system. For the design purpose, natural overland flows from the upstream properties shall be assumed as unobstructed. Where necessary an inter-allotment drainage system must be incorporated into the design.

The Council must be provided with stormwater plans certified by a suitably experienced Civil Engineer detailing hydrologic and hydraulic calculations for the overland flows from the upstream properties in a 1 in 100 year ARI storm event and the requirements of Council's Flood Planning Policy.

B. Room Size

Amended plans to be submitted to the satisfaction of Council demonstrating an increase to the size of the rooms labelled Unit G03 and Unit 103 such that they have an internal area (excluding bathroom and kitchenette) of 12m² by reducing the area of the rooms labelled Unit G02 and Unit 102. All rooms sizes must remain compliant with *State Environmental Planning Policy (Affordable Rental Housing) 2009*

C. Colours and Materials

The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and complementary to the predominant character and streetscape of the area, and characteristic of the architectural style and period of construction of the contributory buildings within the Heritage Conservation Area. Details of the proposed external colours, materials and textures (ie. a schedule or sample board) are to be submitted to and approved by Council's Team Leader - Heritage & Urban Design.

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

DOCUMENTS RELATED TO THE CONSENT

1. 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
E101 Rev E	Cover Page	12/05/2021	Habitation Design + Interiors
E102-E103 Rev E	BASIX	12/05/2021	Habitation Design + Interiors
E105 Rev E	Site Plan	12/05/2021	Habitation Design + Interiors

E106 Rev E	Basement	12/05/2021	Habitation Design + Interiors
E107 Rev E	Ground Floor Plan	12/05/2021	Habitation Design + Interiors
E108 Rev E	Level 1	12/05/2021	Habitation Design + Interiors
E109 Rev E	Level 2	12/05/2021	Habitation Design + Interiors
E110 Rev E	Roof Plan	12/05/2021	Habitation Design + Interiors
E111 Rev E	Elevation – Block A	12/05/2021	Habitation Design + Interiors
E112 Rev E	Elevation – Block B	12/05/2021	Habitation Design + Interiors
E113 Rev E	Elevation – Block C	12/05/2021	Habitation Design + Interiors
E114 Rev E	Elevation – Block D	12/05/2021	Habitation Design + Interiors
E115 Rev E	Sections	12/05/2021	Habitation Design + Interiors
E116 Rev E	Materials and Finishes	12/05/2021	Habitation Design + Interiors
E117 Rev E	Calculation Sheet	12/05/2021	Habitation Design + Interiors
E118 Rev E	Driveway Detail	12/05/2021	Habitation Design + Interiors
E119 Rev E	Front Fence Detail	12/05/2021	Habitation Design + Interiors
E120 Rev E	Winter Shadow Diagram – 9AM	12/05/2021	Habitation Design + Interiors
E121 Rev E	Winter Shadow Diagram – 10AM	12/05/2021	Habitation Design + Interiors
E122 Rev E	Winter Shadow Diagram – 11AM	12/05/2021	Habitation Design + Interiors
E123 Rev E	Winter Shadow Diagram – 12Noon	12/05/2021	Habitation Design + Interiors
E124 Rev E	Winter Shadow Diagram – 1PM	12/05/2021	Habitation Design + Interiors
E125 Rev E	Winter Shadow Diagram – 2PM	12/05/2021	Habitation Design + Interiors
E126 Rev E	Winter Shadow Diagram – 3PM	12/05/2021	Habitation Design + Interiors
E127 Rev E	Level 1 Privacy Diagram	12/05/2021	Habitation Design + Interiors
E128 Rev E	Attic Privacy Diagram	12/05/2021	Habitation Design + Interiors

E129 Rev E	CPTED Assessment	12/05/2021	Habitation Design + Interiors
B.B Issue 5	Plan showing Detail and Levels	20.04.21	NJB Surveying
ST01 Revision C	Site Stormwater Drainage Plan	13-05-21	Danmor Consulting Engineers
ST02 Revision C	Site Stormwater Drainage Plan 01	13-05-21	Danmor Consulting Engineers
ST04 Revision C	Stormwater Drainage Details	13-05-21	Danmor Consulting Engineers
ST05 Revision C	WSUD (Music Modeling and Result)	13-05-21	Danmor Consulting Engineers
ST06 Revision C	Erosion and Sediment Control Plan and Details	13-05-21	Danmor Consulting Engineers
DA-L101 Revision B	Landscape plan: ground fr	14/05/21	Canvas landscape architects
DA-L102 Revision B	Landscape typical details & plant schedule	14/05/21	Canvas landscape architects
SRE/593/SH/21/RAP	RAP – Remediation Action Plan	11/05/2021	Soilsrock Engineering
	Plan of Management (POM)	May 2021	
SRE/593/SH/21/STG2	Soils Contamination Assessment	30/04/2021	Soilsrock Engineering
	Overland Flow Path Modelling	22 April 2021	Molino Stewart
	Flood Risk Management	12 May 2021	Molino Stewart
Revised May 2021	Statement of Environmental Effects	May 2021	Andrew Martin Planning
4325R20200910pd55	Acoustical Report	28 April 2021	Koikas acoustics
	Arboricultural Impact Assessment and Tree Management Plan	13 th May 2021	Horticultural Management Services
1147109M_02	BASIX Certificate	12 May 2021	Ecoplus Consultants
	Stormwater Design Certificate	13 May 2021	Danmor Consulting Engineers
20048	Revised Traffic and Parking Assessment Report	13 May 2021	Varga Traffic Planing
	Waste Management Plan	May 2021	Dickens Solutions

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. That indicate that the eastern facing first floor window of the Managers room labelled 'UNIT 141' is constructed using fixed obscured glass.
- b. That indicate that the western facing first floor window of boarding house room labelled 'UNIT 130' is constructed using fixed obscured glass.

FEES

3. 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 \$104,397.07 indexed in accordance with Ashfield Development Contributions Plan ("CP") has been paid to the Council. The above contribution is the contribution applicable as at 16/07/21.

***NB** Contribution rates under Ashfield Development Contributions Plan are indexed quarterly (for the method of indexation refer to Section 2.6 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.

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

Community Infrastructure Type:	Contribution \$
Local Roads	\$11,731.60
Local Public Transport Facilities	\$35,013.65
Local Public Car Parking	\$0
Local Open Space and Recreation	\$0
Local Community Facilities\$	\$29,675.64
Plan Preparation and Administration	\$27976.19
TOTAL	\$104,397.07

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>

Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000)).** It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. Prior to payment contact

Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

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

4. 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.

5. 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:	\$60,000.00
Inspection Fee:	\$236.70

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 initial 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

6. Waste services - Ongoing Use

The property owner/s must contract private waste and recycling services. Due to the building design, Council trucks are unable to access either the waste and recycling, or bulky waste storage areas. If the property owner were to require Council servicing in future, the building would need to be reconfigured to allow Council truck access.

7. Car Parking

The development must provide and maintain within the site:

- a. 54 car parking spaces must be paved and line marked;
- b. 7 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces
- c. 20 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times;
- d. 20 Bicycle storage capacity within the site.

8. Boarding House

The development must provide and maintain:

- a. A minimum of 10 Accessible boarding rooms; and
- 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 (RVMP) in accordance with the relevant Development Control Plan.

10. Erosion and Sediment Control

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

11. Standard Street Tree Protection

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

12. 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.

13. Works Outside the Property Boundary

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

14. 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.

15. Rock Anchors

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

16. Noise – Consultant’s Recommendations

The recommendations contained in the acoustic report prepared by Koikas Acoustics, reference 4325R20200910pd55-63SmithStSummerHill_DA_v3 dated 28 April 2021 must be implemented, including (but not limited to) the following:

- a. The ground floor outdoor communal area shall not be occupied by more than 24 people at any one time during the daytime and evening periods.
- b. Doors and windows of the internal common area should be kept closed during the night time period (between 10pm and 7am).

17. Noise- Use of Outdoor Communal Areas

The use of the designated outdoor communal area is restricted to the hours of 10am to 10pm seven days a week. The use of other outdoor landscaped areas on the premises is restricted to the hours of 7am to 10pm seven days a week, except for the ingress and egress to and from the boarding house.

18. Noise- Use of Internal Common Area

The use of the internal communal area is restricted to the hours of 7am to 10pm seven days a week.

19. Single rooms

The boarding rooms labelled G21, 124 and 205 are to be used as single boarding rooms.

20. Contamination – Remedial Action Plan (No Site Auditor Engaged)

The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared by Soilsrock Engineering, reference SRE/593/SH/21/RAP dated 11 May 2021, the *Contaminated Land Management Act 1997* and the *State Environmental Planning Policy No 55*.

21. Hazardous Materials Survey

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW.

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

22. Outdoor Communal Area at Night

The ground floor outdoor communal at the rear of the site must not be occupied by more than 4 people at any one time after 6pm.

PRIOR TO ANY DEMOLITION**23. Resource Recovery and Waste Management Plan - Demolition and Construction**

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

24. 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.

25. Advising Neighbors Prior to Excavation

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

26. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

27. 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.

28. Construction Traffic Management Plan – Detailed

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

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

- a. Description of the demolition, excavation and construction works;
- b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;

- f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g. Proposed hours of construction related activities and vehicular movements to and from the site;
- h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i. Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j. Measures to maintain public safety and convenience;
- k. Any proposed road and/or footpath closures;
- l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

PRIOR TO CONSTRUCTION CERTIFICATE

29. Bin Storage Area - Residential

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

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

The bin storage area is to meet the design requirements detailed in the Inner West Comprehensive Development Control Plan (DCP) 2016 and must include doorways/entrance points of 1200mm.

30. Bulky Waste Storage Area – Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area must meet the floor area

requirements as per the Inner West Comprehensive Development Control Plan (DCP) 2016 and have minimum doorways of 1200mm wide to accommodate large items.

31. Waste Transfer Route

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

32. Each Residential Level is to have Access to a Disposal Point for All Waste Streams

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

33. 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.

34. 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 13 20 92

35. 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.

36. Consolidation of Lots

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that the separate lots comprising the development have been consolidated into one lot and under one title and registered at NSW Land Registry Services.

37. Structural Certificate for retained boundary wall

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the boundary wall to be retained and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

38. 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 (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

39. Stormwater Drainage System – Major Developments

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

- a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos. ST01 to ST06 prepared by Danmar Consulting Engineers and dated 13 May 2021, as amended to comply with the following;
- b. Stormwater runoff from all surface 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 by gravity to Council's piped drainage system via the OSD tank;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than for the pump-out of subsurface flows and surface flows from the driveway from the basement;
- e. The Drainage Plan must detail the proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water pipe system limited to pre-development conditions;
- g. Details of the Height vs Storage and Height vs Discharge relationships must be submitted.
- h. Pipe drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD tank;
- i. Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- j. A pump-out system for drainage of surface flows from the basement ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
 1. Comply with all relevant Australian Standards;
 2. An overflow, flashing light and audible alarm is to be provided to warn of pump failure;
 3. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months;
 4. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 20-year ARI storm event;
 5. The pump system must be discharged to the OSD storage tank;

6. Subsurface flows must be collected at the point of ingress to the basement;
7. The subsurface drainage system must have sufficient capacity to collect and convey all surface flows to the pump out system; and
8. Inlet pits and drains for subsurface drainage must be designed to minimise potential for pollutants from cars or other sources to enter the subsurface drainage system.
- k. No nuisance or concentration of flows to other properties;
- l. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- m. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for the stormwater outlet;
- n. Stormwater quality improvement devices must be installed such that stormwater flows leaving the site meet the following environmental targets:
- o.

Pollutant	Baseline Pollution (kg/ha/yr)	Annual Load	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

- p. A water balance model must be submitted to accompany the water re-use proposal;
- q. A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council's water quality targets;
- r. 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
- s. 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 must be fully "tanked" so as not to allow the ingress of seepage or groundwater.

40. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current

Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a. If required, The basement must be fully tanked to prevent the ingress of subsurface flows;
- b. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
- c. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
- d. All components of the basement, including footings, must be located entirely within the property boundary;
- e. No adverse impact on surrounding properties including Council's footpath and road;
- f. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
- g. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
- h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

41. 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 who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) 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 public domain along all frontages of the site inclusive of footpath paving, kerb, street trees and landscaping, must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme;
- b. The construction of heavy duty vehicular crossing and removal of redundant vehicular crossing to the site;
- c. New concrete footpath and kerb and gutter 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 determine by the Council Engineer; and
- d. 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.
- e. The existing Council drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 2.4 m lintel) must be installed; The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event. Pipes must be Class 4 Steel Reinforced Concrete Pipe or approved equivalent and Pits must be cast in-situ. Plans, long sections and details must be provided including location of utility services; and Connection of the private drainage system to Council's piped drainage system must be at a stormwater drainage pit at a level 300mm above the invert of the outgoing pipe.

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

42. Flood Affected Site

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer that the works comply with the following specific requirements:

- a. All habitable floor levels and protection to the underground carpark must be set at flood planning levels (flood level plus 500mm freeboard) shown on the approved architectural plans. All structures below the flood planning levels must be constructed from flood compatible materials;
- b. Entry crest to any underground carpark must be set at the flood planning levels (flood level plus 500mm freeboard);
- c. All electrical equipment and wiring must be waterproofed or installed at or above RL 14.50 m AHD;
- d. A structural engineer's certificate must be submitted stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the 1 in 100-year flood level;
- e. The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path. Details of all obstructions or changes in level within the overland flow paths must be detailed on the plan; and
- f. All fencing within the overland flow path must be of an open type so as to allow for the free flow of water throughout the site so as to maintain existing flows.

43. Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The Plan must be prepared/amended to make provision for the following:

- a. The plan must be generally in accordance with the recommendations of the Flood Risk Management report prepared by Molino Stewart and dated 12 May 2021;
- b. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site must be assessed for the 100-year ARI and Probable Maximum Flood (PMF) storm events. The precautions must include but not be limited to the following:
 - i. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris;
 - ii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;
 - iii. Flood warning signs/depth indicators for areas that may be inundated;
 - iv. A flood evacuation strategy; and
 - v. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
- c. All works must be designed to comply with the Standard for Construction of Buildings in Flood Hazard Areas in accordance with Section 3.10.3 of the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below:
 - i. Building Code of Australia;

- ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level;
- iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood; and
- iv. Flood hazard level (FHL) Flood Planning Level (FPL).

44. Amended Architectural Plans to Reflect Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended architectural plans that incorporate the recommendations of the Flood Risk Management Plan. The design must be prepared to make provision for the following:

- a. Specification of materials; and
- b. Waterproofing works, where applicable.

No changes to the external form or appearance of the development contrary to the approved plans must occur except as identified by this condition. Any changes to such must be subject to separate approval.

45. Engineering Design - Structural Engineer Plans and Certification

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans prepared and certified by a suitably qualified Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that incorporate the following recommendations of the Flood Risk Management Plan.

The design must be prepared to make provision for the following:

- a. Structural integrity of all structures from immersion and/or impact of velocity and debris; and
- b. Waterproofing works, where applicable.

46. Overland Flow path

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer detailing hydrologic and hydraulic calculations for the overland flow path and the capacity of the existing system and measures necessary to protect the premises in a 1 in 100 year ARI storm event and the requirements of Council's Flood Planning Policy.

47. 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 could drain 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.

48. Noise General – Acoustic Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

DURING DEMOLITION AND CONSTRUCTION**49. 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.

50. 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:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 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.

51. 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.

52. Contamination – New Evidence

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

53. Imported Fill Materials

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods:

- a. Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b. Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995).

PRIOR TO OCCUPATION CERTIFICATE**54. 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*.

55. Public Domain Works

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

- a. Heavy duty concrete vehicle crossing at the vehicular access location;
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone;
- c. The existing concrete footpath across the frontage of the site must be reconstructed; and
- d. 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".

56. No Encroachments

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

57. Protect Sandstone Kerb

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

58. Undergrounding Power – Major development

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the existing overhead power cables along the Road frontage of the site have been relocated underground with appropriate street lighting and new steel standard poles. The street lighting must be designed in accordance with Australian Standard AS1158-Road Lighting and the

Network Standards of Ausgrid and must meet the lighting category required by Council and RMS. In addition the design must also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light.

59. Parking Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) 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 road frontage to indicate that visitor parking is available within the property; and
- 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.

60. Public Domain - Major Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier 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 Roadworks Permit with all relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

61. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

62. Stormwater Drainage and Road Works – Certification

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

- a. All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans;
- b. Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator;
- c. Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council; and
- d. Certification by a Registered Surveyor that the as-built Council Stormwater pipeline is located totally within the road kerb line.

63. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer

qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

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

64. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention 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; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

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

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

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

66. Basement/Retaining Wall Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards.

67. Flood Risk Management Plan - Certification

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

the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.

68. Noise From Road, Rail & Aircraft – Compliance

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant, confirming that the development complies with the requirements of the:

- a. *State Environmental Planning Policy (Infrastructure) 2007*;
- b. NSW Planning, Development near Rail Corridors and Busy Roads – Interim Guideline;
- c. Australian Standard 2021-2000: Acoustics - Aircraft noise intrusion - Building siting and construction;
- d. conditions of development consent; and
- e. Recommendations of Koikas Acoustics, reference 4325R20200910pd55-63SmithStSummerHill_DA_v3 dated 28 April 2021.

69. Contamination – Disposal of Soil

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the *Protection of the Environment Operations Act 1997*.

70. Contamination – Validation (No Site Audit Statement Required)

Prior to the issue of an Occupation Certificate, the Principal Certifier and Council must be provided with a Site Validation Report prepared by a suitably qualified environmental consultant with experience in land contamination.

The Validation report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines *Consultants Reporting on Contaminated Sites* and must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use.

ON-GOING

71. Bin Storage

All bins are to be stored within the site. Waste and recycling, as well as bulky household waste, is to be collected from the basement. Bins are not to be stored, or presented for emptying, on the street.

72. 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 the documents related to the consent above and as amended by the conditions in this Determination;
- b. A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c. A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
- d. The Plan of Management must not be amended without the prior consent of Council and must be made available to Council officers and the Police upon request;

- e. All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
- f. The premises must be used exclusively as a boarding house containing a maximum total of 97 lodger's rooms, 1 caretaker room and 2 on-site manager's rooms with not more than 107 adult lodgers, 1 caretaker 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 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.

73. Operation and Management Plan

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

74. Vehicles Leaving the Site

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

75. Loading/unloading on site

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

76. Flood Risk Management Plan

The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

77. Noise General

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

78. Boarding House – Plan of Management - Operation

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

79. Commercial Waste/Recycling Collection

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

ADVISORY NOTES**Recycling / Garbage / Organics Service Information and Education**

The boarding room manager is responsible for ensuring all tenants are kept informed regarding Waste services, and best practice waste and recycling source separation.

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

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.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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; and
- 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

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

Amenity Impacts General

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

Fire Safety Certificate

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 House – Registration with Fair Trading

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.

Construction of Vehicular Crossing

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

Lead-based Paint

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.

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.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.

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 Class A 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 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Street Numbering

If any new street numbers or change to street numbers are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

Rock Anchors

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

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

Electrical Substations

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

Permits

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;

- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

Easement and Covenant Process

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

a. **Work-As-Executed Plans**

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2-metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.

b. **Engineer's Certificate**

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

- c. The soundness of the storage structure;
- d. The capacity of the detention storage;
- e. The emergency overflow system being in place;
- f. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- g. The freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
- h. Basement car park pumps are class one zone two; and
- i. SQIDS have been installed and commissioned.

c. **Restriction-As-To-User**

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

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

A typical document is available from Council's Development Assessment Engineer.

- d. A Maintenance Schedule.

Subsurface drainage pump-out systems

Where it is demonstrated by detailed geotechnical investigation that the groundwater flows are minimal or intermittent, a pump out system for groundwater may be considered. An application for modification of development consent with supporting documentation must be submitted. Where this option is to be pursued dry-weather flows of any seepage water will not be permitted through kerb outlets and must be connected directly to a Council stormwater system in accordance with Council requirements.

Insurances

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

Health Premises Registration – Generic

The premises are required to be registered with Council's Environment Health Team in accordance with the following relevant legislation:

- a. Boarding House / Shared Accommodation - *Boarding Houses Act 2012* and the *Local Government (General) Regulation 2005*.

Mechanical Ventilation System Certification

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

- a. Australian Standard AS 1668 Part 1 – 1998;
- b. Australian Standard AS 1668 Part 2 – 2012;
- c. Australian Standard 3666.1 – 2011;
- d. Australian Standard 3666.2 – 2011; and
- e. Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.