





 DEVELOPMENT ASSESSMENT REPORT	
Application No.	REV/2021/0024
Address	55 Smith Street SUMMER HILL NSW 2130
Proposal	S8.2 Review of Development Application DA/2020/1022 which sought consent for demolition of existing structures and construction of a boarding house containing 93 boarding rooms (incl on site managers) over 1 basement level of parking
Date of Lodgement	05 January 2022
Applicant	Appwam Pty Ltd
Owner	Appwam Pty Ltd
Number of Submissions	Initial: 30 After Renotification: 56 Total: 86 Note: In accordance with the notification undertaken within DA/2020/1022 the current application was notified to all residents of the Summer Hill Suburb.
Value of works	\$8,925,390.00
Reason for determination at Planning Panel	Number of submissions and the current application is a s8.2 review of a previously refused Local Planning Panel determination
Main Issues	Variation to height of buildings development standard, number of submissions.
Recommendation	Deferred Commencement Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Plan of Management
	
LOCALITY MAP	
Subject Site	 Objectors   N
Notified Area	 Supporters 
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 a Section 8.2 Review of DA/2020/1022 which sought consent for the demolition of existing structures and construction of a boarding house containing 93 boarding rooms (incl on site managers) over 1 basement level of parking at 55 Smith Street SUMMER HILL. DA/2020/1022 was refused by the Inner West Local Planning Panel on the 10 August 2021.

The application was notified to surrounding properties and 30 submissions were received in response to the initial notification. 56 submissions were received in response to renotification of the application. A total of 86 submissions were received regarding the current development application.

The main issues that have arisen from the application include:

- The proposal results in a 1.35m or 15% variation to Clause 4.3 – Height of buildings under the ALEP 2013.
- Deferred commencement conditions of consent are recommended to be imposed to address concerns regarding flooding, heritage and streetscape. These conditions require the submission of a revised stormwater management plan detailing specific engineering design requirements to address overland flood impacts and amended plans detailing changes to the building's façade to align with the streetscape.

The non-compliances are acceptable given merits of the revised proposal and therefore the application is recommended for deferred commencement approval.

2. Proposal

This report is an assessment of the application submitted to Council for a Section 8.2 Review of DA/2020/1022 which seeks consent for the demolition of existing structures and construction of a boarding house containing 93 boarding rooms (incl on site managers) over 1 basement level of parking at 55 Smith Street. The original proposal submitted with the application was for a boarding house containing 97 rooms with a single manager and basement.

Since the time of lodgement following submissions from the public 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:

- 93 boarding rooms (9 double rooms, 84 single rooms). Of these 93 rooms 9 have been designed to meet disability requirements and 1 is to be utilised as manager accommodation.
- 1 common room and three communal areas;
- A reception/office area;

- A basement containing 46 parking spaces (including 6 accessible spaces, 30 bicycle spaces, 18 motorbike spaces, a recycling room for 36 bins, a garbage room for 36 bins and a bulky waste room).

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.

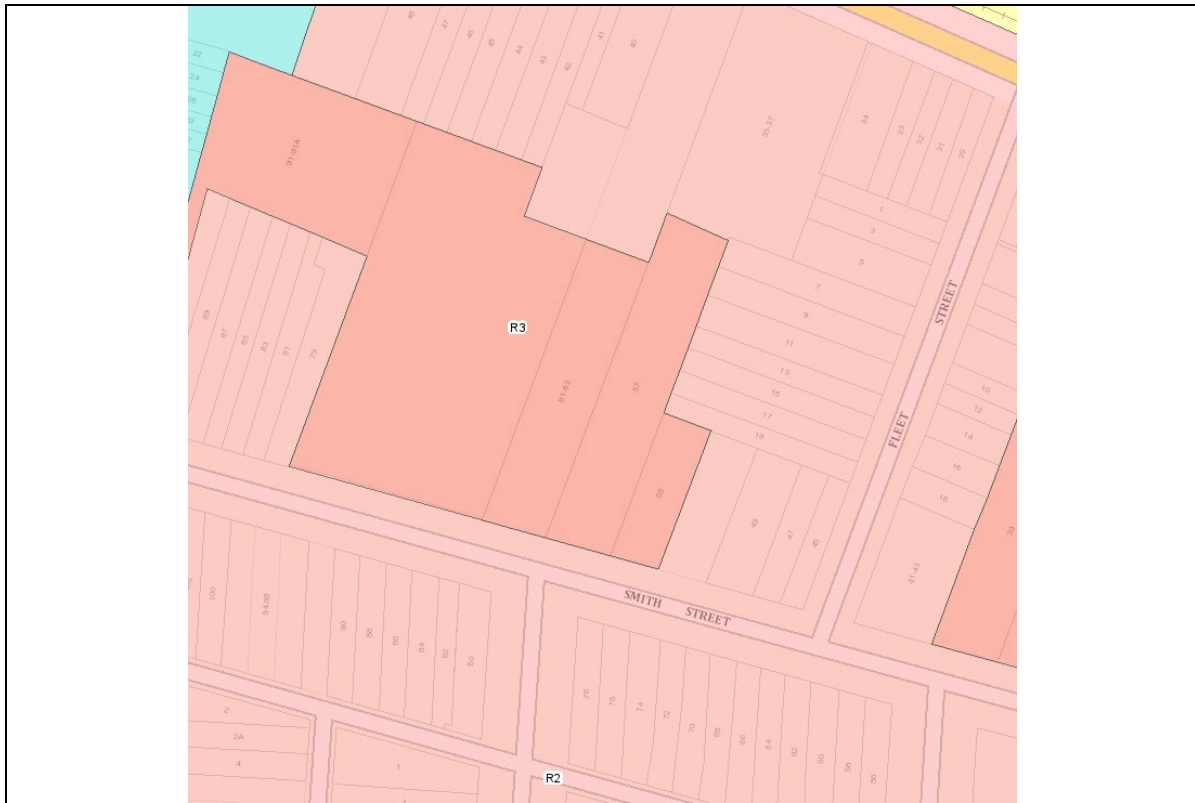


Figure 1: Zoning map

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
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 009.2019.00000054.001	DA 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
PDA 009.2019.54	Partial Demolition of existing structures and construction of a boarding house.	Advice Issued
DA/2020/1022	Demolition of existing structures and construction of a boarding house containing 97 boarding rooms (incl on site managers) over 1 basement level of parking.	Refused by the IWLPP on the 10 August 2021.
DA/2021/1367	Demolition of the exiting structures on site, and construction of a Residential Flat Building containing 35 Residential Apartments including Affordable Housing, over 1 Basement Parking level.	Currently under assessment

Surrounding properties

65 – 75 Smith Street, Summer Hill

Application	Proposal	Decision & Date
10.2012.51	Demolition of existing industrial buildings, alterations and addition to the existing heritage item, construction of 28 dwellings within 4 new residential buildings and a new underground car park for 41 cars	Approved

4(b) Application history

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

Date	Discussion / Letter / Additional Information
2 March 2022	<p>Council Officers wrote to the applicant and outlined concerns regarding the following matters:</p> <ul style="list-style-type: none"> - Rooms sizes - Submission of a clause 4.6 variation request to vary the maximum height limit of the site - Street Setbacks - Pedestrian Access - Glazing to Smith Street and Smith Street presentation - Basement setbacks - Setbacks of Block C - Geotechnical report - Material finishes - Front fence detailing - Ceiling heights - Balcony balustrades - Smith Street access ramp - Heritage significance of existing on-site structures - Contamination - Flooding - Water sensitive urban design (WSUD) - Traffic - Landscape Plan <p>Within this letter Council Officers asked the applicant to provide amended plans/additional information addressing/responding to all of the above concerns.</p>
15 March 2022	Council Officers met with the applicant and discussed each of the matters raised within the letter dated 2 March 2022.
31 March 2022	The applicant provided additional information/amended plans to address some of the points raised within Council's letter. Within this information package a response to Council concerns regarding flooding was not provided.
7 April to 3 May	The application was placed on public re-notification, however during this time an error in the notification was identified.
26 April to 25 May	The application was publicly re-notified for a second time correcting errors identified in the first round of public re-notification.
16 June 2022	The applicant submitted a flood investigation in response to Council concerns regarding flooding for the site.

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*.

Division 8.2 Reviews

The following is an assessment of the application against the requirements of Sections 8.2, 8.3, and 8.4 of the *Environmental Planning and Assessment Act 1979*.

Requirement	Proposal
8.2 Determinations and decisions subject to review	
(1) The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division— <ul style="list-style-type: none"> (a) the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary), (b) the determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary), (c) the decision of a council to reject and not determine an application for development consent. 	The subject application relates to the review of a determination of an application for development consent by the Inner West Local Planning Panel (IWLPP).
(2) However, a determination or decision in connection with an application relating to the following is not subject to review under this Division— <ul style="list-style-type: none"> (a) a complying development certificate, (b) designated development, (c) Crown development (referred to in Division 4.6). 	The subject application does not relate to any of the applications noted in Clause 2.
(3) A determination or decision reviewed under this Division is not subject to further review under this Division.	Noted.
8.3 Application for and conduct of review	
(1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.	Noted.
(2) A determination or decision cannot be reviewed under this Division—	The original DA was determined on 10 August 2021. Pursuant to Section

<p>(a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or</p> <p>(b) after the Court has disposed of an appeal against the determination or decision.</p>	<p>8.10(1)(b)(i) of the <i>Environmental Planning and Assessment Act 1979</i>, an appeal may be made to the Court 12 months after the date of determination. The subject application was lodged on 5 January 2022 and has been reported to Local Planning Panel for determination prior to the expiry of the appeal period (10 August 2022).</p>
<p>(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.</p>	<p>The applicant has made amendments to the subject application. Council is satisfied that notwithstanding the amendments the development remains substantially the same as that proposed in the original DA.</p>
<p>(4) The review of a determination or decision made by a delegate of a council is to be conducted-</p> <p>(a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or</p> <p>(b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.</p>	<p>The original DA was determined by the Local Planning Panel. The current application is to be determined by the Local Planning Panel.</p>
<p>(5) The review of a determination or decision made by a local planning panel is also to be conducted by the panel.</p>	<p>The application is to go before the Local Planning Panel for determination.</p>
<p>(6) The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.</p>	<p>NA.</p>
<p>(7) The review of a determination or decision made by a Sydney district or regional planning panel is also to be conducted by the panel.</p>	<p>NA.</p>
<p>(8) The review of a determination or decision made by the Independent Planning Commission is also to be conducted by the Commission.</p>	<p>NA.</p>
<p>(9) The review of a determination or decision made by a delegate of the Minister (other than the Independent Planning Commission) is to be conducted by the Independent Planning Commission or by another delegate of the Minister who is not subordinate to the delegate who made the determination or decision.</p>	<p>NA.</p>
<p>8.4 Outcome of review</p>	
<p>After conducting its review of a determination or decision, the consent authority may confirm or change the determination or decision.</p>	<p>It is recommended that the determination be changed, and that the proposal be subject to a deferred commencement consent.</p>

Previous Reasons or Refusal

An assessment of the amended proposal against the reasons for refusal issued under the original determination is provided below:

- 1. The proposal will have an unreasonable impact on adjoining and surrounding Heritage Items and is unacceptable in the Heritage Conservation Area, thereby not satisfying Clause 5.10 – Heritage Conservation, Ashfield Local Environmental Plan 2013.**

The current scheme has been amended since the original application; these amendments have been reviewed by Council Heritage Advisor who outlined that the proposal is acceptable, subject to suitable conditions of consent. Council's Heritage Advisor has outlined that the proposal now meets the requirements of clause 5.10 of the ALEP 2013 (subject to compliance with conditions of consent) for the following reasons:

- The revised proposal now presents a two-storey built form to Smith Street and results in a built form/scale generally in-line with that of the neighbouring 51 Smith Street and 65-75 Smith Street.
- The setback of the front (south) elevation of Block A has been amended so they are slightly off the angle of the setback of the southern façades of terraces at Nos. 1, 2, 3 and 4 at 67-75 Smith Street. This is acceptable as the alignment will complement the setback of the heritage item adjoining and because setbacks in the streetscape vary from being parallel with the street and some dwellings at an angle.
- The basement has been set back from the previously proposed 300mm to 1.385m from the heritage item at 67 Smith Street. The setback of Levels 1 and 2 has been increased from a zero setback to a 1.9m setback from the boundary. These increased setbacks have been incorporated to provide for more deep soil opportunity and to reduce impacts on the heritage item.
- Openings have been amended to being vertically proportioned. Aluminium frame is proposed instead of timber frame. This is acceptable as this is a new build and the doors to the southern façade at Unit Nos. 1, 2, 3 and 4 at 67-75 Smith Street and No. 51 Smith Street are also aluminium.
- A Structural Certificate of Adequacy has been prepared by Danmor Consulting Engineers. The certificate states that "*a shoring wall will be built using 450mm diameter reinforced concrete shoring piles with shotcrete infill spanning between the piles and a capping beam over the top. The deflection of the shoring wall will be limited to ensure there is negligible settlement or deflection of the adjacent retained soil or structures.*"

The revised scheme has understood and responded to the concerns raised under the previous application. The proposal is now considered to have demonstrated that it will not give rise to heritage impacts on neighbouring heritage items or the surrounding HCA, as such the proposal is recommended for approval subject to deferred commencement conditions discussed below.

- 2. 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.**

On the 31 March 2022 the applicant submitted a revised Detailed Site Investigation (DSI), Remediation Action Plan (RAP) and hazardous materials survey. These documents have been peer reviewed by a different environmental consultant prior to lodgement and have been subsequently reviewed by Council's Environmental Health Team. Council's Environmental Health Team has outlined that the provided DSI, RAP and Hazardous Materials Survey are sufficient to ensure compliance with the now repealed SEPP No. 55 – Remediation of Land and the new State Environmental Planning Policy (Resilience and Hazards) 2021. The proposal is satisfactory subject to compliance with the recommendations of the above reports and conditions of consent recommended. The applicant is considered to have adequately addressed the reason for refusal.

- 3. 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.**

The revised proposal has been assessed by Council Officers and is now compliant with the requirements of the SEPP Affordable Rental Housing 2009 (SEPP ARH 2009). The largest proposed room "UNIT 204" has a maximum area of 25sqm when measured in accordance with the requirements of the SEPP ARH 2009.

- 4. 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.**

The revised proposal has been assessed by Council Officers and is now compliant with the requirements of the SEPP ARH 2009. Each of the proposed rooms meet the minimum area requirements of 12sqm for single lodger rooms and 16sqm for double lodger rooms when measured in accordance with the requirements of the SEPP ARH 2009.

- 5. 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.

The current scheme has been reviewed by Council Urban Forests Team who outlined that the revised setbacks are acceptable to ensure neighbouring tree retention and protection. Since the time of the original application the proposed basement has been amended to increase side boundary setbacks to the entry ramp from 900mm to 1.5m and 1.7m to 2.3m. These changes combined with recommended conditions of consent requiring preparation and submission of a tree management/ protection plan and appointment of project arborist to supervise the construction, ensure that neighbouring trees are unlikely to be impacted by the proposed development.

6. 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.

On the 16 June 2022 the applicant submitted a flood investigation in response to Council concerns regarding the potential flood impacts to the site and surrounds. This report recommends the construction a 225mm PVC pipe along the western boundary of the subject property to control and disperse overland flow paths from upstream (which currently ponds along the northern boundary). This pipe would transport the current overland flooding from the northern boundary, along the western boundary of the site to the Smith Street frontage where it would then be directed into an existing junction pit within the Smith Street Road reserve.

This solution has been reviewed by Council's development engineers who outlined that the proposed overland flow management scheme is acceptable subject to the imposition of a deferred commencement condition. The recommended deferred commencement condition requires the submission of a revised stormwater plan detailing the following:

1. A 600 mm x 600 mm inlet pit inside the northern boundary.
2. An opening in the northern boundary wall capable of conveying 1% AEP (100 ARI) overland flow.
3. A longitudinal section along the inter allotment drainage line up to Council pipe including crossing services.

Subject to the imposition of the recommended deferred commencement condition the amended proposal is considered to have satisfactorily addressed the above reason for refusal.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”

In considering the above, there is evidence of contamination on the site.

The applicant has provided a report that concludes:

*Based on the historical review, environmental information, proposed development and laboratory results of the investigation, the site can be made **suitable** for the proposed development, subject to the following:*

- *It is considered that the site would be deemed suitable for the proposed development subject to completion of a Remediation Action Plan (RAP) in order to manage the abovementioned environmental concerns.*
- *State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land sets the regulatory framework for contaminated land and remediation works in NSW. SEPP 55 defines the regulations for Category 1 and Category 2 remediation works. The remedial works to be undertaken at the site constitute Category 2 works (as defined in SEPP*

55). *Appropriate permissions for remediation should be obtained prior to commencement.*

On the basis of this report the consent authority can be satisfied that the land will be suitable for the proposed use and that the land can be remediated.

In consideration of Section 4.16 (2) the applicant has provided a preliminary investigation.

A search of Council's records in relation to the site has indicated that the site is one that is specified in Section 4.6 (4)(c).

The application involves does not involve category 1 remediation under *SEPP (Resilience and Hazards) 2021*.

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

The current application is a review of determination for DA/2020/1022, that was determined on the 10 August 2021. At this time SEPP ARH 2009 was the relevant planning policy for boarding houses, with the new SEPP (Housing) 2021 not coming into force until the 26 November 2021. The nature of the current application (being a review of determination) means that the application must be assessed under the relevant instruments in force at the time of determination. As outlined within *Blackmore Design Group Pty Ltd v North Sydney Council* [2001] NSWLEC 279 an application is not finally determined until:

- A determination that has been made in respect of the application is not, or is no longer, subject to any form of administrative review or merit-based appeal; or
- A determination that has been made in respect of the application was subject to some form of administrative review or merit-based appeal, but the period within which such a review or an appeal could be instituted has ended without a review or an appeal having been instituted as prescribed

The current review application is a merit-based appeal of the original determination and is within the prescribed period for such an appeal to take place. As such SEPP ARH 2009 is the relevant planning policy to assess the current proposal, an assessment of the proposal against this SEPP is as follows:

Division 3 – Boarding Houses

Clause	Standard	Proposed	Compliance
26 - Zone	The site is zoned R1, R2, R3, R4, B1, B2, B4	The site is zoned R3 medium Density Residential	Yes

Clause	Standards that cannot be used to refuse consent	Proposed	Compliance
29 (1) - FSR	<p>In accordance with clause 29(1) of <i>SEPP ARH</i> the consent authority must not refuse consent on the basis of density or scale if the development is development is consistent with the floor space ratio development standard plus 0.5:1 (Clause 29(1)(c)(i)).</p> <p>As a result, the applicable FSR for the proposal is increased from 0.7:1 to 1.2:1 (3,129.22m²)</p>	The development proposes an FSR of 1.01:1 or (2,642.86)	Yes
29 (2)(a) Height	9m	10.35m	No – See Clause 4.6 Assessment below
29 (2)(b) Landscaped Area	Consistent with streetscape	The landscaping of the front setback is consistent with the street	Yes
29(2)(c) Solar Access	Min 3 hours direct sunlight between 9am-3pm for at least one communal living room	The communal room receives 3 hours of direct solar access between 9am and 3pm on 21 June	Yes
29 (2)(d) Private Open Space	<p>At least one of the following is provided (not in the front setback):</p> <ul style="list-style-type: none"> • 20sqm minimum dimension of 3 metres for use of lodgers • 8sqm minimum dimension of 2.5metres adjacent to mangers room for manager 	<ul style="list-style-type: none"> • 70sqm of private open space is provided for lodgers with a minimum dimension of 5m x 15m • 10sqm of private open space is directly adjacent to the managers room with a minimum dimension of 2.5m x 4m. 	Yes
29 (2)(e) Parking	<ul style="list-style-type: none"> • 0.5 spaces per boarding room • 1 space for each on site boarding manager 	<ul style="list-style-type: none"> • 46 car parking spaces are provided for residents • 1 car parking space are provided for on-site manager/s 	Yes
29 (2)(f) Accommodation Size	Excluding private kitchen and bathroom facilities each single lodger room is a minimum of	<ul style="list-style-type: none"> • 84 single lodger rooms are proposed with a minimum area of 12sqm 	Yes

	12sqm and 16sqm in any other case	<ul style="list-style-type: none"> 9 rooms are provided with an area greater than 16sqm 	
Clause	Standard	Proposed	Compliance
30 (1)(a) Communal Room	If more than 5 rooms are proposed there is at least 1 common room	1 common room is provided at the rear northern boundary. 3 other common areas are provided within each of the proposed buildings.	Yes
30 (1)(b) Maximum room sizes	No boarding room will have a gross floor area of more than 25sqm excluding private kitchen or bathrooms	No rooms are greater than 25sqm	Yes
30 (1)(c) Maximum occupation	No more than 2 adult lodgers with occupy each room	A condition is recommended requiring that a maximum of 1 adult lodger occupy any single room or 2 adult lodgers for any double room	Yes (subject to condition)
30 (1)(d) Adequate facilities	Adequate bathroom and kitchen facilities are available for use of each lodger	Each lodger has been provided with their own private kitchen and bathroom	Yes
30 (1)(e) Manager	If there are more than 20 lodgers an onsite dwelling must be provided for a boarding house manager	Room 141 has been provided for an on-site manager	Yes
30 (1)(h) Bicycle and Motorcycle parking	A minimum of 1 bicycle space and 1 motorcycle space is provided per 5 boarding rooms. Minimum 19 spaces	30 bicycle and 18 motorcycle spaces are for the 93 rooms proposed	Yes

Clause 30A – Character of the Local 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 principal in Project Venture Developments v Pittwater Council [2005] NSWLEC 191, discussed hereunder:

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

The proposal does not limit development potential of surrounding sites as it is one of the last sites (not subject to heritage restrictions) to be re-developed. The proposal continues a built form and scale established by recent neighbouring developments (65-75 Smith Street). The proposal results in acceptable physical impacts on neighbouring sites, ensuring acceptable visual privacy, solar access, bulk/scale and visual outlook is retained.

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.

With regard to solar access the current proposal increases the rate of solar access for neighbouring sites, with the new built form design enabling significant improvements to neighbouring POS access to sunlight. The majority of the shadows cast by the development will be cast upon the subject site or Smith Street, with solar access loss only occurring to neighbouring sites to the east from 2pm onwards. Such a provision of solar access is reasonable and compliant with Council controls which generally call for a minimum 3 hours solar access to 50% of neighbouring POS on June 21.

As part of the current assessment Council Officers have reviewed the impacts of the development on the visual privacy of the surrounding properties. As seen within the original DA the amended proposal reduces the impacts on visual privacy through the extensive use of privacy screens. A review of the western and eastern elevations has highlighted openings for the communal staircases and bathroom windows to boarding rooms. The proposed bathroom windows have been designed to have reduced glazing dimensions and are to be treated with obscure glazing. These treatments are sufficient to ensure minimal privacy impacts for neighbours. With regard to the openings for the communal stairs, these elements have been designed to face north and south (front and rear) boundaries assisting to minimise outlook potential by residents. As seen from analysis of the proposed plans and figure 2 below the communal stair openings are unlikely to facilitate direct sightlines into neighbouring properties and are acceptable in their current form.

A review of the proposed boarding rooms to level 2 of the development has highlighted windows to the main living areas of units 201, 205, 212, 213, 220 (western elevation) and 209, 216, 217 (eastern elevation). The design shape and location of windows to boarding rooms located along the western elevation will not give rise to visual privacy loss for neighbours and is acceptable in its current form, any sightlines obtained are expected to be over the roof of the neighbouring structures. However, some concerns are raised with the privacy impacts resulting from windows along the eastern elevation (rooms 209, 216 and 217). The orientation

and positioning of these windows result in future occupants obtaining direct sightlines into private open space (POS) and primary living areas of several properties along Fleet Street. To minimise any visual privacy impacts a condition of consent requiring the eastern elevation windows to rooms 209, 216 and 217 to be amended to have a minimum sill height of 1.6m and be of a highlight nature is recommended. This amendment is expected to ensure reasonable amenity for future occupants while maintaining privacy for neighbouring properties.

In order to undertake a comprehensive assessment of the privacy impacts resulting from the proposed balconies, the application is supported by privacy diagrams which demonstrate the sight lines. The amended proposal provides for smaller balconies to the majority of boarding rooms, and also provides for increased setbacks and screening devices. These measures are largely sufficient to ensure minimal privacy impacts for neighbours and are acceptable in their current form. The proposed balconies to Units 113, 125 and 212 have the greatest potential for privacy impacts however these have been reviewed and considered to be acceptable in their current form, given the proposed setbacks and privacy screening. These measures will ensure that any sightlines obtained from the balconies will be in-direct (due to setbacks) and screened from privacy screening. In this instance sightlines may be obtainable however occupants would need to make a significant effort to obtain them. The impacts associated with the development in terms of visual privacy are 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 having regard to 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.



Figure 2: 3D perspective of neighbouring 65-75 Smith Street. Red arrow highlights window openings of residential units behind single storey heritage item.

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

Analysis of the locality has highlighted a largely consistent building typologies with historic and heritage significant single storey cottages, two storey terraces (attached dwellings) characterising the immediate streetscape. The most recent development has occurred at 65 – 75 Smith Street, which presents a two storey 'attached dwelling' form to Smith Street (as seen in figure 3 below).

As seen in figure 4 below the current proposal has been appropriately designed to generally take cues from neighbouring developments and respond to the surrounding locality. The proposal will continue the established built form of attached dwellings addressing Smith Street and is expected to provide a positive contribution to the streetscape (subject to compliance with conditions of consent requiring design changes discussed below). 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 uncharacteristic 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 overall scheme is considered to fit in to the existing streetscape and character of the area. The proposed developments overall appearance is in-keeping with the character of the area and reflects a built form/style which is permitted under current development controls. The proposal is compliant with the requirements of clause 16A of the ARHSEPP.



Figure 3: Streetscape presentation of 65-75 Smith Street, Summer Hill.



Figure 4: Streetscape presentation of proposed development.

5(a)(ii) State Environmental Planning Policy (Housing) 2021

As stated above the current application is a review of determination for DA/2020/1022, which as determined on the 10 August 2021. At this time SEPP ARH 2009 was the relevant planning policy for boarding houses, with the new SEPP (Housing) 2021 not coming into force until the 26 November 2021. Regardless of the above Council Officers have considered the new in-force SEPP Housing (2021) as part of the current assessment.

Housing Diversity SEPP contains a number provisions that relate to the proposal. These include:

- I. It amends the definition of boarding house to be an “*affordable rental building that is managed by a registered not-for-profit community housing provider*”.
- II. It reduces 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.
- III. It outlines a requirement for boarding houses with more than 6 rooms to have total communal living area of 30m² plus an extra 2m² for each boarding room in excess of 6.
- IV. It outlines a requirement for boarding houses to have communal open spaces with a total area of at least 20% of the site area.

In relation to point I, applications for boarding houses made under SEPP Housing 2021 now 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 change would not alter the form or scale of the development.

In relation to point II amendment, the proposal has an FSR of 1.01:1 which exceeds the 0.9:1 that would be applicable if the application was made under the Housing Diversity SEPP. 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 ARH SEPP instruments. Regardless 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.

With regards to point III the new Housing SEPP requires the development to have a communal living area of 204m². The current application proposes a total communal living area of 109m², across four different locations within the development. The proposed communal areas provide sufficient amenity and opportunities for residents to utilise the various spaces across the site.

In relation to point IV the new Housing SEPP requires the development to have communal open space of at least 521m². The current proposal provides a total of 444.8m² or 17% of the site area as communal open space. The provided communal open space provides sufficient opportunities for occupants to utilise on-site areas for outdoor recreation.

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 Housing diversity SEPP 2021 presents an impediment to the granting of a consent.

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

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

5(a)(iv) Ashfield Local Environment 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 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 5.21 - Flood Planning
- Clause 6.1 - Earthworks

(i) 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	10.35m	1.35m or 15%	No
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	The development proposes an FSR of 1.01:1 or (2,642.86)	N/A	Yes

i. Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard/s:

- Clause 4.3 - Height of buildings

The applicant seeks a variation to the Height of Building development standard under Clause 4.3 of the *Ashfield Local Environmental Plan 2013* by 1.35m or 15%.

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the *Ashfield Local Environmental Plan 2013* below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the *Ashfield Local Environmental Plan 2013* justifying the proposed contravention of the development standard which is summarised as follows:

- *The height variation is very much limited to the ridgeline of each of the building blocks and does not affect the performance of the building in terms of preserving daylight.*
- *The ridgelines of each building block do not add an additional level as the built form reads as a two-storey terrace form. The variations facilitate a pitched roof for each building block. If the roofs were flat, then the height of each block would comply. The pitched roofs are integrated into the design in order to better fit the established and future character of the area. The building height/form provides an acceptable transition and the minor additional bulk associated with the pitched roof does not reduce the ability of the building to act as a transitional element.*
- *The two-storey presentation to the street and to neighbouring sites provides an acceptable scale and form when considered in the context of single and two storey elements. We note that the height variation is mainly concentrated away from the heritage item. Again the variation essentially relates to the top of the gable end forms which sit comfortably alongside the heritage item.*
- *The change in height from the existing industrial/commercial building and the proposed residential building maintains adequate solar access to the adjoining sites. At some time periods the impact of overshadowing will be reduced to most properties (see 11am – 2pm midday) shadows.*
- *900mm (66.67%) of the overall 1350mm height variation is related to achieving a superior outcome with regard to flooding and internal amenity.*
- *The pitched roofs of the rear building blocks are mostly obscured from street view and do not substantially contribute to the perception of height, bulk and scale as viewed from the public domain in Smith Street or from neighbouring sites.*

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

It is considered the development is in the public interest because it is consistent with the objectives of the AR3, in accordance with Clause 4.6(4)(a)(ii) of the *Ashfield Local Environmental Plan 2013* for the following reasons:

- The proposal results in a height and density generally envisioned by current planning controls. The proposed use ensures continued growth and longevity of the Summer Hill centre.
- The proposal has been appropriately designed to ensure a high degree of accessibility for pedestrians and cyclists attending the site. The current design is expected to promote/encourage pedestrian access and public transport patronage over private vehicles and provides an opportunity for urban renewal within the centre, which promotes a pedestrian friendly future for the locality.
- The proposal introduces further housing accommodation to the locality in the form of boarding rooms. These rooms range in sizes and continue a range of accommodation typologies for various groups of the community.
- The proposal results in the consolidation of three (3) existing allotments. The proposed lots to be amalgamated provide an efficient and orderly re-development of land, maintaining sufficient and significant opportunities for the re-development of other adjoining sites within the future.

It is considered the development is in the public interest because it is consistent with the objectives of the Height of Buildings development standard, in accordance with Clause 4.6(4)(a)(ii) of the *Ashfield Local Environmental Plan 2013* for the following reasons:

- The proposal has been subject to a detailed architecture/urban design review by Council's Architectural Excellence Panel. The Panel initially outlined concerns with regard to the resulting amenity and architectural language of the proposal. In response the applicant has provided amended plans addressing these concerns. The final design is of a high-quality built form and responds to the existing locality. The recommended design changes are refinements to the overall scheme which will ensure a positive contribution to the overall locality.
- The proposal maintains satisfactory sky exposure and daylight to surrounding land uses. The building elements that exceed the building height control (the roof ridges of Blocks A, B and C) are generally not perceptible from the public domain and will have no material impact on the streetscape. Elements which are visible have been appropriately designed to ensure the presentation is in context with its surrounds and not a jarring difference from surrounding localities.
- The proposal as amended provides an appropriate design response, side setback and front setback to respect and protect sightlines and built form transitions to the neighbouring heritage items. The impacts of the development have been reviewed by Council's Heritage Advisor who outlined that the revised scheme would not impact the heritage significance of neighbouring items and is compliant with the requirements of Clause 5.10 of the ALEP 2013 subject to the imposition of appropriate conditions included in the recommendation.

- The components of the development that exceed the building height control (ridges) are not perceptible, will have no material impact on solar access to the surrounding streetscape, public areas, or adjoining land uses. A review of the provided shadow diagrams has confirmed that the overall proposal is compliant with Council's requirements for solar access which requires living rooms and principal private open space of adjoining properties receive a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June.

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

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *Ashfield Local Environmental Plan 2013*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Height of Buildings Development Standard and it is recommended the Clause 4.6 exception be granted.

ii. Clause 5.10 - Heritage Conservation

As seen below within figure 5 below, the subject site is not identified as a heritage item or located within a Heritage Conservation Area (HCA). The site is however adjoining heritage items and HCA. The current proposal has been reviewed by Council's Heritage Advisor who outlined that the application is generally acceptable and generally satisfies the requirements of clause 5.10 of the ALEP 2013. The current proposal will not give rise to impacts on neighbouring heritage items or the surrounding HCA's, subject to suitable conditions of consent. A review of the subject sites history and existing buildings has highlighted those structures to be demolished do not contain heritage significance but do provide an insight to the history and development progression of the Summer Hill Area. To ensure that this history is archived and documented a condition requiring a photographic archival of the existing building and landscape elements to be demolished is included in the recommendation.

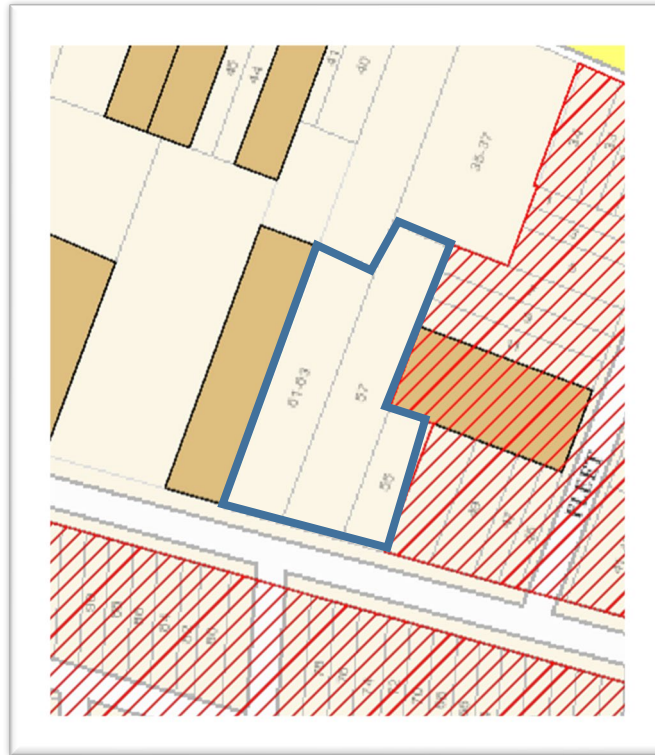


Figure 5: Heritage Map of the site and surrounds, subject site is identified by blue box

To ensure the proposal aligns with the streetscape in a positive manner conditions relating to design changes for the proposal's presentation to Smith Street and submission of a revised material finishes schedule are recommended for the consent. These conditions have been recommended by Council's Heritage Advisor to ensure that the proposal aligns with the historic significance of the local area.

The following conditions are included in the recommendation as deferred commencement conditions:

- a. The eave and gutter level of the southern roof plane of Block A must be lowered from the proposed 4m to 2.8m above the first-floor level, while retaining the RL 24.39 height for the ridge of the main roof form;
- b. The top of the skillion verandah roofs to the first floor verandah on the south elevation of Block A must sit 300mm below the eave level of the southern roof plane of Block A; and
- c. The gutter to the first floor verandah roofs on the south elevation of Block A must be lowered from the proposed 3m to 2.1m above the first floor level.
- d. The south-eastern wall to the ground floor office must be amended so it is parallel to the other north-south orientated walls in Block A.

- e. The square box windows to the east and west elevations to Block A must be amended so they are vertically proportioned window openings.
- f. The horizontal window proposed in the south-eastern wall to the ground floor office in Block A must be amended so it is vertically proportioned, employing traditional design (sash).
- g. The Materials and Finishes Schedule must be amended to detail the following:
 - I. The proposed Colorbond “Ironstone” roof sheeting is to be replaced with Boral “French” tile in Siena Red (glazed) finish roof tiles. The replacement roof tiles must match the profile, pattern and colours of the existing Terracotta Marseille roof tiles at Unit Nos. 1, 2, 3 and 4 at 67-75 Smith Street.
 - II. The front fence is to be amended to be face brick like the front fence detailing at 65 – 75 Smith Street.
 - III. The dividing fins detailed on the southern elevation (Smith Street Elevation) of block A must be amended to be a darker shade or a different material type to break up the front façade and provide visual interest.
 - IV. The protruding walls relating to communal stairs on the east and west elevations of Block A are to be amended to be a darker shade or different material type, this material or colour is to be the same as the fin walls.
 - V. The transfer slab (ground floor and level 1 interface) on the southern elevation of Block A (facing Smith Street) is to be darker shade or different material type. An example of such treatment change is detailed at 65 – 75 Smith Street.

These conditions are recommended to be imposed to ensure the floor to ceiling heights of Block A relate to the established heights within the streetscape. Compliance which will ensure a harmonious streetscape. Conditions relating to the proposed materials and finishes are recommended to ensure that the development promotes visual interest, does not result in a continuous blank façade or monotone colour scheme and to ensure the proposal positively contributes to the locality. Subject to compliance with the above, the proposal is satisfactory having regard to the provisions of Clause 5.10 of ALEP 2013.

iii. Clause 5.21 – Flood Planning

The subject site is identified as a flood control lot and is subject to the provisions of clause 5.21 of the ALEP 2013 and IWCDCP 2016. As part of the current application the applicant has provided a flood investigation report.

As stated above this report recommends the construction a 225mm PVC pipe along the western boundary of the subject property to control and disperse overland flow paths from upstream (which currently ponds along the northern boundary). This pipe would transport the current overland flooding from the northern boundary, along the western boundary of the site to the Smith Street frontage where it would then be directed into an existing junction pit within the Smith Street Road reserve.

This solution has been reviewed by Council development engineers who outlined that the proposed overland flow management scheme is acceptable subject to the imposition of a deferred commencement condition. The recommended deferred commencement condition requires the submission of a revised stormwater plan detailing the following:

1. A 600 mm x 600 mm inlet pit inside the northern boundary.
2. An opening in the northern boundary wall capable of conveying 1% AEP (100 ARI) overland flow.
3. A longitudinal section along the inter allotment drainage line up to Council pipe including crossing services.

The provided flood investigation report and subsequent recommended measures ensure management of overland flow paths. The proposed scheme will ensure that the development is compatible with the flood hazard of the land and will not impact the proposed use as residential accommodation.

Subject to compliance with the recommended deferred commencement conditions the proposed development is considered to meet the flood requirements of clause 5.21 of the ALEP 2013 and IWCDCP 2016.

iv. Clause 6.1 Earthworks

The proposal involves extensive earthworks to facilitate the basement carparking and remediation of the site. The application has been supported by a Geotechnical Report which has assessed the subsurface conditions and other geotechnical conditions such as groundwater, footing design and earthworks. Subject to compliance with the recommendations made by the provided geotechnical report, the proposed development will not have detrimental effect on drainage patterns, soil stability, amenity of adjoining properties or adverse impacts on waterways or riparian land.

5(b) Draft Environmental Planning Instruments

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

Draft Environmental Planning Instruments	Compliance
Draft State Environmental Planning Policy (Environment) 2018	Yes
Draft State Environmental Planning Policy (Remediation of Land) 2018	Yes
Draft State Environmental Planning Policy (Environment) 2017	Yes

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

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 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.

IWCDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
3 - Flood Hazard	Yes
4 - Solar Access and Overshadowing	Yes
5 - Landscaping	Yes
6 - Safety by Design	Yes
7 - Access and Mobility	Yes
8 - Parking	Yes
11 - Fencing	Yes
14 - Contaminated Land	Yes
15 - Stormwater Management	Yes
B – Public Domain	
C – Sustainability	
1 – Building Sustainability	Yes
2 – Water Sensitive Urban Design	Yes
3 – Waste and Recycling Design & Management Standards	Yes

4 – Tree Preservation and Management	Yes
6 – Tree Replacement and New Tree Planting	Yes
D – Precinct Guidelines	
Part 12 – 55-63 Smith Street, Summer Hill	Yes
E1 – Heritage items and Conservation Areas (excluding Haberfield)	
1 – General Controls – Development in the vicinity of Heritage Items	Yes
F – Development Category Guidelines	
6 – Boarding Houses and Student Accommodation	Yes

The following provides discussion of the relevant issues:

Plan of Management

The current application seeks to rely on the plan of management submitted under the original development application (DA/2020/1022). This plan of management has been reviewed as part of the current assessment and is considered to be acceptable, subject to conditions of consent requiring it to be updated to reflect the revised details of the current scheme. The provided plan of management ensures that the development will be run in a manner which will protect the amenity of neighbours. The provided plan of management provides sufficient details on the day-to-day operations of the site and house rules for future occupants.

Solar Access and Overshadowing

The revised plans have been assessed against the provisions of Solar Access and Overshadowing within the IWCDP 2016. Within this section neighbouring residential uses are required to:

- ensures living rooms and principal private open space of adjoining properties receive a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June.

The shadow impacts resultant from the proposed development application are compliant with the above controls. Shadow diagrams provided by the applicant sufficiently detail that the proposed overshadowing maintains a minimum of 3 hours between 9am and 3pm on 21 June for neighbouring properties. Due to the site orientation the proposed shadows cast by the development alter throughout the day and result in each of the neighbouring properties receiving at least the minimum rate of solar access required. The proposed solar access rate is considered to be acceptable and the application is recommended for support.

Community and Pedestrian Safety

The entry and exit points of the development have been appropriately located to sure a high degree of passive surveillance, lighting and compliance with CEPTED principles, all combining to improve community and pedestrian safety for those using the site. The provided driveway/footpath intersection has been appropriately designed to incorporate sufficient sightlines for vehicles entering and exiting. The applicant is to install appropriate signage (stop

signs, mirrors, etc) to ensure a high degree of pedestrian safety. The proposal is expected to result in acceptable pedestrian safety and is recommended for support.

Traffic & Parking

In this instance the minimum parking rates for the development are specified by the ARHSEPP 2009. The SEPP requires the development to have a minimum of 46 parking spaces. The proposed basement has been designed to accommodate a maximum of 46 parking spaces and meets minimum requirements. The proposed rate of parking is acceptable given the current planning controls, proximity of the development to public transport and the merits of the case. The proposed rate of parking is unlikely to have substantial traffic generation impacts on the locality, with the driveway appropriately located on Smith Street, assisting to avoid queuing on surrounding roads. The proposed traffic generation impacts have been analysed by the applicant's traffic and parking assessment report, which was reviewed by Council engineers and found to be acceptable subject to suitable conditions of consent.

Visual Privacy

In this instance due to the site's location within the Summer Hill precinct, orientation of the development/units and proximity of existing development means that some privacy impacts are unavoidable. Nevertheless, the proposal has been appropriately designed to respond to its context and actively avoids potential privacy impacts through the utilisation of setbacks, window design, façade treatments and privacy screening. The amended design has appropriately considered the potential re-development of neighbouring sites and actively sought to minimise or locate glazing and openings away from shared boundaries where possible. Amended architectural plans submitted with the proposal detail that balustrades and balconies relating to residential private open spaces are to be treated with obscure treatments and as such actively minimise direct sightlines into neighbouring properties. The proposal results in an acceptable level of visual privacy for occupants and neighbours and is recommended for support, subject to suitable conditions of consent.

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.

Setbacks

As part of the current assessment Council Officers have reviewed the proposed setbacks of the development. This review has highlighted that the proposal is largely compliant with the minimum required setbacks of 900mm, with the majority of the development setback between 2-3m from the boundaries. These setbacks are sufficient to ensure minimal amenity loss or impacts of bulk/scale. The proposal results in a minor variation to the 900mm minimum setback at the rear of the site where it relates to the bathroom for the proposed common room. This bathroom is to be setback 600mm from the western boundary. The element which results in the proposed variation is to be contained to a single storey form and will be largely screened by a 1.8m high wall which will serve as a boundary fence. The proposed variation is minor and

does not give rise to amenity impacts or unreasonable bulk/scale. The proposed variation is considered to be acceptable and recommended for support.

Waste Collection

The proposed waste collection area is accessed from Smith Street via the same driveway as private vehicles. This space has been amended since initial lodgement and now includes a bulk waste room. The proposed collection area is to be utilised for residential waste collection. As part of the current application the applicant has provided details which analyses matters such as the exiting road network, type of vehicles to utilise the space, delay times and management procedures. This document has been reviewed and is acceptable.

The proposed collection area has been reviewed by Council's engineers and waste management team and is deemed to be acceptable, subject to suitable conditions of consent. The applicant has adequately demonstrated via swept paths that private vehicles such as small garbage trucks can enter and exit in a forward direction and achieve waste collection on-site with minimal disruption to the existing road network. Given the proposed location of the collection area at basement level, amenity impacts resulting from waste collection are expected to be minimal. As such standard conditions of consent regarding waste collection are recommended.

Stormwater

Council's Development Assessment Engineers have reviewed the provided stormwater management plan and outlined that the proposed scheme is satisfactory, subject to conditions of consent requiring compliance with the relevant Australian Standards. These conditions have been recommended for the consent.

5(e) The Likely Impacts

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

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

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

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 21 days to all residents of the Summer Hill Suburb. As a result 30 submissions were received in response to the initial notification and 56 submissions were received in response to renotification of the application.

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

- Scale of development
- Contamination
- Character of area
- Visual Privacy
- Flooding
- Traffic and parking
- Impact on conservation area and heritage items
- Inadequate materials and finishes to HCA
- Some rooms are under the minimum room areas of *SEPP ARH*.
- Overshadowing
- Impact on neighbouring trees

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

Issue: Number of boarding houses already within the locality

Comment: The rate of existing boarding houses within the locality is not reason for refusal. The current proposal has satisfactorily demonstrated that it may be constructed and operated in a manner which does not detrimentally impact the community or safety of residents. This is outlined via the provided plan of management and other operational and construction documents provided for assessment.

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: Impact on property value

Comment: 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: Too many rooms and residents (Overcrowded)

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

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: 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: Insufficient green space and 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 IWDCP 2016 relevant to the proposal. As a result, this cannot be used as a reason to refuse the application.

Issue: Inadequate internal amenity

Comment: The amenity of the boarding rooms is acceptable under the relevant planning controls/policies.

Issue: Acoustic Impacts

Comment: The acoustic impacts have been considered and conditions of consent are recommended to manage the impacts in the event consent is granted.

Issue: Housing target for Summer Hill is already exceeded, inconsistent with housing strategy and inconsistent with community strategic plan.

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.

Issue: Poor amenity from balconies due to caging.

Comment: The balconies are not required in the planning controls, however they can improve amenity for the boarding rooms. The screening is required to protect the visual privacy of the other boarding rooms and neighbouring properties.

Issue: Poor common amenity

Comment: The proposed communal room at the rear of the site along the northern boundary complies with the requirements of the ARH SEPP 2009 and provides sufficient amenity and space to occupants.

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: Impacts on neighbouring trees

Comment: The proposed impacts on neighbouring trees has been reviewed by Council's Urban Forest Team. This review concluded that the revised setbacks would not impact neighbouring trees, subject to suitable conditions of consent.

Issue: Visual privacy impacts from Block C room 216 and 217

Comment: To minimise any visual privacy impacts a condition of consent requiring the eastern elevation windows to rooms 209, 216 and 217 to be amended to have a minimum sill height of 1.6m and be of a highlight nature is recommended.

Issue: Visual privacy impacts from Block D room 141

Comment: The eastern elevation window to block D room 141 has been removed since the time of initial lodgement. No window opening is proposed on this elevation of block D.

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 in the applicable planning controls that require the rooms to be furnished.

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: Impacts from construction

Comment: Any impacts from construction will be suitably managed and mitigated through conditions of consent and compliance with the relevant conditions of consent.

Issue: Waste management and collection

Comment: The proposed waste management and collection scheme has been reviewed by Council Engineers and Council's Resource Recovery Team. These reviews have concluded that the proposed waste collection and disposal methods are satisfactory to ensure the sufficient operation of the development and minimal impact on locality.

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.

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.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Architectural Excellence Panel (AEP) – The proposal has been reviewed by Council's Architectural Excellence Panel (AEP). The AEP initially expressed concerns regarding layouts, amenity and material finishes. These concerns were passed onto the applicant who has provided amended plans addressing the above matters.
- Building Certification – The proposal has been reviewed by Council's Building Certification Team, who outlined no objection to the proposal, subject to suitable conditions of consent. These conditions relate to BCA, fire safety and construction method compliance and have been included in the recommended conditions of consent.
- Development Engineering – Council's Development Engineering Team have reviewed the proposed basement parking, stormwater, geotechnical report and traffic impact assessment and outlined generally no objection to the amended proposal, subject to suitable conditions of consent. These conditions relate to security damage bonds, stormwater management and construction methods. Conditions provided by Council's

Development Engineering Team have been incorporated into the recommended conditions of consent.

- Environmental Health – Council’s Environmental Health Team have undertaken a review of the development with regards to contamination and acoustics. Council’s Environmental Health Team have outlined no objection to the proposal, subject to suitable conditions of consent regarding contamination management and remediation, acoustic compliance and compliance with relevant Australian Standards.
- Heritage Advisor – The proposal has been reviewed by Council’s Heritage Advisor who outlined concerns regarding bulk/scale, impacts on amenity to occupants of heritage items and impacts from construction. These concerns were passed on to the applicant who has provided additional information and amended plans in response. The amended plans have been reviewed by Council’s Heritage Advisor who outlined no objection to the proposal, subject to conditions.
- Traffic Services – The proposal has been reviewed by Council Traffic Engineers who raise no objection to the amended proposal, subject to suitable conditions of consent.
- Urban Forests – The proposal has been reviewed by Council’s Urban Forests Team who outlined no objection to the proposed landscape/planting plans. Appropriate conditions of consent regarding tree planting and protection of neighbouring trees are recommended for the consent.
- Resource Recovery (Residential) – The proposed residential waste collection and disposal methods have been reviewed and are considered acceptable, subject to suitable conditions of consent. No objection is raised to the proposed waste management scheme, with private garbage trucks able to collect waste on-site, ensuring no need for waste bins to be presented to the kerb while awaiting collection.

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.

- Ausgrid – The proposal has been referred to Ausgrid for review and comment. In response Ausgrid have outlined no objection to the proposal, subject to suitable conditions of consent. These conditions are included in the recommendation.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$120,453.90 would be required for the development under Ashfield Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

This contribution has been calculated based of the proposed 93 boarding rooms to be created. No credit for existing structures has been applied at this time as existing floor plans and uses are not available for review.

8. Conclusion

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

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

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

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Ashfield Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Height development standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. REV/2021/0024 under S8.2 Review of Development Application DA/2020/1022 which seeks consent for the demolition of existing structures and construction of a boarding house containing 93 boarding rooms (incl on site managers) over 1 basement level of parking at 55 Smith Street, Summer Hill subject to the conditions listed in Attachment A below.

Attachment A – Recommended 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 matter(s):

A. Overland Flows from Upstream Properties

Prior to the consent becoming operational 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 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.

An inter allotment drainage line capable of conveying 1% AEP (100 ARI) flow rate from the upstream catchment shall be provided in favour of upstream properties at the site. Lyall & Associates Flooding Report dated 15 June 2022, found that the provision of the 225 mm uPVC pipe along the western boundary of the subject property would control overland flow which presently ponds along its northern boundary. This pipe size should be supported by hydrology and hydraulic calculations. The minimum width of the drainage easement shall be 0.9 metres depending on the size of the inter allotment drainage..

The following minimum information shall be included in the stormwater design.

- 1) A 600 mm x 600 mm inlet pit inside the northern boundary.
- 2) An opening in the northern boundary wall capable of conveying 1% AEP (100 ARI) overland flow.
- 3) A longitudinal section along the inter allotment drainage line up to Council pipe including crossing services.

B. Design Changes

Prior to the consent becoming operational amended plans detailing compliance with the following must be submitted to and approved by Council staff:

- a. The eave and gutter level of the southern roof plane of Block A must be lowered from the proposed 4m to 2.8m above the first-floor level, while retaining the RL 24.39 height for the ridge of the main roof form;
- b. The top of the skillion verandah roofs to the first floor verandah on the south elevation of Block A must sit 300mm below the eave level of the southern roof plane of Block A; and

- c. The gutter to the first floor verandah roofs on the south elevation of Block A must be lowered from the proposed 3m to 2.1m above the first floor level.
- d. The south-eastern wall to the ground floor office must be amended so it is parallel to the other north-south orientated walls in Block A.
- e. The square box windows to the east and west elevations to Block A must be amended so they are vertically proportioned window openings.
- f. The horizontal window proposed in the south-eastern wall to the ground floor office in Block A must be amended so it is vertically proportioned, employing traditional design (sash).
- g. The eastern elevation windows to rooms 209, 216 and 217 to be amended to have a minimum sill height of 1.6m and be of a highlight nature.
- h. The Materials and Finishes Schedule must be amended to detail the following:
 - I. The proposed Colorbond "Ironstone" roof sheeting is to be replaced with Boral "French" tile in Siena Red (glazed) finish roof tiles. The replacement roof tiles must match the profile, pattern and colours of the existing Terracotta Marseille roof tiles at Unit Nos. 1, 2, 3 and 4 at 67-75 Smith Street.
 - II. The front fence is to be amended to be face brick like the front fence detailing at 65 – 75 Smith Street.
 - III. The dividing fins detailed on the southern elevation (Smith Street Elevation) of block A must be amended to be a darker shade or a different material type to break up the front façade and provide visual interest.
 - IV. The protruding walls relating to communal stairs on the east and west elevations of Block A are to be amended to be a darker shade or different material type, this material or colour is to be the same as the fin walls.
 - V. The transfer slab (ground floor and level 1 interface) on the southern elevation of Block A (facing Smith Street) is to be darker shade or different material type. An example of such treatment change is detailed at 65 – 75 Smith Street.

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
G105 Rev G	Site Plan	24/03/2022	Habitation Design + Interiors
G108 Rev G	Basement	24/03/2022	Habitation Design + Interiors
G109 Rev G	Ground Floor Plan	24/03/2022	Habitation Design + Interiors
G110 Rev G	Level 1	24/03/2022	Habitation Design + Interiors
G111 Rev G	Level 2	24/03/2022	Habitation Design + Interiors
G112 Rev G	Roof Plan	24/03/2022	Habitation Design + Interiors
G113 Rev G	Elevation - Block A	24/03/2022	Habitation Design + Interiors
G114 Rev G	Elevation - Block B	24/03/2022	Habitation Design + Interiors
G115 Rev G	Elevation - Block C	24/03/2022	Habitation Design + Interiors
G116 Rev G	Elevation - Block D	24/03/2022	Habitation Design + Interiors
G117 Rev G	Sections	24/03/2022	Habitation Design + Interiors
G118 Rev G	Materials and Finishes	24/03/2022	Habitation Design + Interiors
G120 Rev G	Driveway Detail	24/03/2022	Habitation Design + Interiors
G121 Rev G	Front Fence Detail	24/03/2022	Habitation Design + Interiors

G129 Rev G	Privacy Diagram	24/03/2022	Habitation Design + Interiors
Sheet 1 Issue D	Landscape Site Plan	28/03/2022	Paul Scrivener Landscape
Sheet 2 Issue D	Planting Plan	28/03/2022	Paul Scrivener Landscape
-	Plan of Management May 2021	14/04/2022	-

As amended by the conditions of consent.

FEES

2. 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:	\$88,300
Inspection Fee:	\$350.00

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

The inspection fee is required for 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.

3. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$120,453.90 indexed in accordance with Ashfield Development Contributions Plan/ Developer Contributions Plan No.1 – Open Space and Recreation; 'Developer Contributions Plan No.2 – Community Facilities and Services (2005) has been paid to the Council.

The above contribution is the contribution applicable as at 14 July 2022.

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	\$13,535.98
Local Public Transport Facilities	\$40,398.94
Local Public Car Parking	-
Local Open Space and Recreation	-
Local Community Facilities	\$34,239.91
Plan Preparation and Administration	\$32,279.07
TOTAL	\$120,453.90

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.

GENERAL CONDITIONS

5. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

6. Street Tree Planting and Electrical Lines

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with evidence that the span/s of overhead electrical lines on Smith Street will be placed underground prior to the planting of the new street trees.

7. Noise – Consultant’s Recommendations

The recommendations contained in the acoustic report submitted to the Principal Certifier and approved under the Occupation Certificate for the premises must be implemented and complied with at all times.

8. Contamination – Remedial Action Plan

The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, Foundation Earth Sciences, reference E2668-3, dated 30 March 2022, the *Contaminated Land Management Act 1997* and Chapter 4 - Remediation of Land of the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

9. 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.

10. Rock Anchors

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

11. Car Parking

The development must provide and maintain within the site:

- a. 46 car parking spaces must be paved and line marked;
- b. 6 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces;
- c. 18 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times;
- d. 30 Bicycle storage capacity within the site;

12. Boarding House

The development must provide and maintain:

- a. A minimum of 9 Accessible boarding rooms; and
- b. All rooms within the boarding house must be connected to a centralised electricity, water and gas (if gas is installed) service.

13. Waste Management Plan

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

14. 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.

15. 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.

16. 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.

17. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**18. 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.

19. Photographic Archival Record

A photographic archival record of the building and landscape elements to be demolished is to be submitted prior to the commencement of demolition work and prior to the issue of a Construction Certificate to the satisfaction of Council's Heritage Specialist.

The photographic archival recording is to be submitted in a digital format only and is to include the following:

- a. Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- b. Coloured photographs of:
 - i. each elevation,
 - ii. each structure and landscape feature;
 - iii. views to the subject property from each street and laneway or public space.

Photographic archival records must be taken of the building, landscape or item in accordance with 'Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch available online at <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf>

The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.

The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: title, image subject/description and date photograph taken.

20. 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.

21. 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.

22. 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.

23. Advising Neighbours Prior to Excavation

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

24. 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.

PRIOR TO CONSTRUCTION CERTIFICATE

25. Tree Protection Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a detailed site-specific Tree Protection Plan (TPP) prepared by a AQF5 Consultant Arborist. The TPP is to be prepared in accordance with Council’s *Development Fact Sheet—Trees on Development Sites*.

The trees identified below are to be retained and protected throughout the development:

Tree No.	Botanical/Common Name	Location
T1	<i>Morus nigra</i> (Mulberry)	Neighbouring properties to East and North
T2	<i>Corymbia citriodora</i> (Lemon Scented Gum)	
T3 & 5	<i>Washingtonia filifera</i> (California Fan Palm)	
T4	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	
T6	<i>Liquidambar styraciflua</i> (Liquidambar)	
T7	<i>Melaleuca quinquenervia</i> (Broad-leaved Paperbark)	
T8	<i>Brachychiton acerifolius</i> (Illawarra Flame Tree)	
T9	<i>Backhousia citriodora</i> (Lemon Myrtle)	
T10	<i>Melaleuca bracteata</i> (Black Tea Tree)	
T11	<i>Waterhousea floribunda</i> (Waterhousea)	
T12	<i>Ulmus glabra</i> 'Lutescens' (Goldn Elm)	
T13	<i>Castanospermum australe</i> (Black Bean)	

Reference should be made to the *Arboricultural Impact Assessment Report prepared by Horticultural Management Services, dated 13/05/2021 for tree numbering and locations*.

The tree protection measures contained in the TPP must be shown clearly on the Construction Certificate drawings, including the Construction Management Plan.

The Certifying Authority must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP.

A Project Arborist is to be appointed prior to any works commencing to monitor tree protection for the duration of works in accordance with the requirements identified in the TPP.

All tree protection measures as detailed in the Tree Protection Plan to be prepared must be installed and certified in writing as fit for purpose by the Project Arborist.

26. Tree Planting in the Public Domain

Landscape Plan by Paul Scrivener Rev D, dated 28/03/2022 must be amended. Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an amended Plan 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. Five (5) new trees shall be located within the footpath outside the subject property on Smith Street. The species of tree selected shall be *Lagerstroemia indica* (Crepe Myrtle).
- b. The trees pit dimensions 1.2m x 2.5m and staking detail shall be in accordance with Detail 6 on page C40 of the *Ashfield Street Tree Strategy 2015, Part C* (available online).
- c. All planting stock size shall be minimum 75 litres. The planting stock shall comply with AS 2303—*Tree Stock for Landscape Use*;
- d. The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 in Horticulture or Arboriculture;
- e. Groundcovers should be proposed. Please see page 18 of 2.18 Landscaping and Open Spaced of Marrickville DCP 2011 for possible species selection.

27. Noise General – Revised Acoustic Report

Prior to the issue of any Construction Certificate, the Certifying Authority must be provided with a revised 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 revised report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans. The revised report is to specifically address the following matters identified in the DA acoustic report prepared by Koikas Acoustics Pty Ltd, Ref. 4325, Version 3, dated 28 April 2021:

- (a) The amenity criteria used to determine the project specific trigger levels are to be based off a suburban rather than urban classification for the area, as defined under the NSW EPA's Noise Policy for Industry. If exceedances of the project specific criteria result from this updated

criteria, then the report must also provide updated recommendations for how compliance can reasonably be achieved.

28. Shared Accommodation / Boarding House – Plan Of Management

The approved Plan of Management titled "55 - 63 Smith Street Summer Hill: Boarding House Plan of Management and House Rules", dated May 2021, must be amended updated to align with the approved plans. A copy of this new Plan of Management is to be submitted to Council prior to the issue of a construction certificate and complied with at all times.

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 and recycling generated by a development of this type and scale.

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 Unit/Room 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. Waste Management Plan Revision

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with an updated Waste Management Plan which reflects that a private waste service will be contracted to collect unwanted bulky waste from the basement (on-site) of the development. Reference to Council clean-up Services is to be deleted.

34. 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 ST05 prepared by Danmar Consulting Engineers and dated 23 March 2022, 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:
 - 1.

Pollutant	Baseline Annual Pollution Load (kg/ha/yr)	Retention Criteria
Gross Pollutants, including trash, litter and vegetation matter greater than 5mm	500	90% reduction of average annual load
Total Suspended solids, including sediment and other fine material less than 5mm	900	85% reduction of average annual load
Total Phosphorous	2	65% reduction of average annual load

Total Nitrogen	15	45% reduction of average annual load
Hydrocarbons (Oil and Grease)		90% reduction of average annual load – no visible discharge
Toxicants		100% containment of toxicants

- 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.

35. 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.

36. 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 (CPEng) 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;
 - 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; and 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.

37. 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.

38. 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 relevant 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).

39. 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.

40. 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.

41. 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 drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP.

42. 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.

43. 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

44. Fibre-ready Facilities

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a. The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

45. 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.

46. Green Roofs, Walls and Facades Report

Prior to the issue of Construction Certificate, the Certifying Authority is to be provided with a report prepared by a registered landscape architect demonstrating that the proposed

landscape plan and details of any green roofs, wall and facades are consistent with Inner West Councils Green Roof, Walls and Facades Technical Guidelines including but not limited to using species selected from the suggested species list, water proofing and drainage.

DURING DEMOLITION AND CONSTRUCTION

47. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
All trees are located on adjacent neighbouring properties: T1 - <i>Morus nigra</i> (Mulberry) T2 - <i>Corymbia citriodora</i> (Lemon Scented Gum) T3 & 5 - <i>Washingtonia filifera</i> (California Fan Palm) T4 - <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) T6 - <i>Liquidambar styraciflua</i> (Liquidambar) T7 - <i>Melaleuca quinquenervia</i> (Broad-leaved Paperbark) T8 - <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) T9 - <i>Backhousia citriodora</i> (Lemon Myrtle) T10 - <i>Melaleuca bracteata</i> (Black Tea Tree) T11 - <i>Waterhousea floribunda</i> (Waterhousea) T12 - <i>Ulmus glabra</i> 'Lutescens' (Goldn Elm) T13 - <i>Castanospermum australe</i> (Black Bean)	During Works	<ul style="list-style-type: none"> • All demolition works to east and north near trees must be done under DIRECT supervision of the Project Arborist. • Excavation works for basement within TPZ of trees must be done under DIRECT supervision of Project Arborist, • Supervise all excavation, trenching works and landscaping works within the TPZ.

Recommendations to ensure the trees long term survival must be carried out immediately upon receipt of the report.

48. Limited Root Pruning

No tree roots of 30mm or greater in diameter located at specific distance from boundary line of the following trees must be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Distance in metres
T1	<i>Morus nigra</i> (Mulberry)	1m
T2	<i>Corymbia citriodora</i> (Lemon Scented Gum)	1m
T3 & 5	<i>Washingtonia filifera</i> (California Fan Palm)	1m
T4	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	1m
T6	<i>Liquidambar styraciflua</i> (Liquidambar)	0.5m
T7	<i>Melaleuca quinquenervia</i> (Broad-leaved Paperbark)	0.5m

No excavation should be undertaken between the proposed basement and boundary line. If necessary, any excavation within the specified distance from the boundary line of the tree(s) for services or landscape works being hand dug to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose* tool. The pruning must be undertaken by a practicing Arborist.

49. Tree Protection

To protect the following trees, if existing slab between proposed basement and boundary is remove, ground protection must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council's *Development Fact Sheet—Trees on Development Sites*:

Tree No.	Botanical/Common Name/Location
T1	<i>Morus nigra</i> (Mulberry)
T2	<i>Corymbia citriodora</i> (Lemon Scented Gum)
T3 & 5	<i>Washingtonia filifera</i> (California Fan Palm)
T4	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)
T6	<i>Liquidambar styraciflua</i> (Liquidambar)
T7	<i>Melaleuca quinquenervia</i> (Broad-leaved Paperbark)

50. 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.

51. 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).

52. 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.

53. 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.

PRIOR TO OCCUPATION CERTIFICATE

54. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF3 Certificate of Horticulture or Arboriculture that:

A minimum of fifteen (15) trees which will attain a minimum mature height of six (6) metres and three (3) trees which will attain a minimum mature height of ten (10) metres, all in a minimum container size of forty-five (45) litre size, must be planted in a more suitable location within the property at a minimum of 1.5 metres from any boundary or structure and allowing for future tree growth. The trees are to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species (up to 3 occurrences).

If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

55. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

56. Noise – Acoustic Report

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997* and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. 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.

57. 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 Environmental Operations Act 1997*.

58. 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.

59. Waste Collection – contract for onsite collection

The site has not been designed to comply with Council's requirements for onsite waste collection. Prior to the issue of an Occupation Certificate, the certifying authority must be provided with written evidence that private

waste contracts have been entered into that provide for onsite collection of waste, recyclable materials and unwanted bulky household items generated by the development.

60. Planting of Street Trees and Ground Covers

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:

1. The trees, tree pits and ground covers must be inspected by Council's Public Tree Coordinator before and after planting.
2. A copy of a maintenance agreement with a practicing Horticulturist or Arborist for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
3. At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.
4. If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced (up to three (3) occurrences)

61. 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".

62. 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 and gates with the exception of any awnings or balconies approved by Council.

63. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

64. 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 (Transport for NSW). 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.

65. 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. notice has been clearly displayed at the road frontage to indicate that visitor parking is available within the property;
- c. Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area;
- d. The driveway has been setback off the eastern boundary of the site (no walls for minimum 2.5 meters) to satisfy pedestrian and vehicle sight lines;
- e. A convex mirror has been added to the splayed wall at the bottom of the entry ramp. In addition, additional warnings and mirrors are provided; and

- f. A designated parking space for service and waste collection is provided adjacent to recycling and garbage bins areas. In addition, clear sign and markings are put in place for the designated parking space.

66. 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.

67. 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.

68. 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.

69. 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.

70. 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 devices and pumps. 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.

71. 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. Easement for drainage of water;
- b. Restrictions on the Use of Land related to on Site Stormwater Detention System or stormwater quality improvement devices;
- c. Restrictions on the Use of Land related to Stormwater Surface Flow Paths;
- d. Positive Covenant related to on-site stormwater detention;
- e. Positive Covenant related to stormwater quality improvement devices; and
- f. Positive Covenant related to Stormwater Surface Flow Paths.

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

72. 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 (CEng) 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.

73. 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 (CEng) 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.

74. 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*.

75. Verification and Maintenance of Green Roofs, Walls and Facades Works

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority is to be provided with written evidence demonstrating that the works have been carried out in accordance with the Green Roofs, Walls and Facades Report that was submitted at Construction Certificate Stage and a maintenance plan that is consistent with the [Inner West Councils Green Roof, Walls and Facades Technical Guidelines](#).

ON-GOING

76. Bin Storage and Bulky Waste collection

All bins are to be stored within the site. Bulky waste is to be collected on-site.

77. 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.

78. Vehicles Leaving the Site

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

79. 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.

80. 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.

81. 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 conditions 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 92 lodger's rooms and 1 on-site manager's room with not more than 102 adult lodgers and 1 adult on-site manager residing in the premises at any one time;
- g. Not more than 2 lodgers must occupy each double 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.

82. Green Roofs, Walls and Facades Establishment

The plantings within the Green Roofs, Walls and Facades as part of this consent are to be maintained in a healthy and vigorous condition for 12 Months from the issue of an Occupation Certificate. If any of the planting are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate they must be replaced with the same species within one (1) month (up to 3 occurrences).

83. 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. The operation of the premises shall be in accordance with the maintenance standards set out in the *Local Government Regulation 2005*.

ADVISORY NOTES**Tree Protection Works**

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and *AS4970—Protection of trees on development sites*.

Health Premises Registration

Prior to issue of any Occupation Certificate, the boarding house premises must be registered with Council in accordance with the *Boarding Houses Act 2012* and the *Local Government (General) Regulation 2005*.

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.

Waste Collection – future changes to domestic waste servicing

The site has not been designed to comply with Council's requirements for onsite waste collection.

Should the operator of the site seek to utilise Council waste services in the future then the conditions of consent for this approval will need to be modified and works to the site will need to occur to allow for onsite waste collection for Council's standard vehicles, or a wheel-out/wheel-in service.

Recycling / Garbage / Organics Service Information and Education

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

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.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2021*.

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*.

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 Statement for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Statement 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 Corporation	Payments	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 - Environmental Solutions	SITA	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.

Street Numbering

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

REASONS FOR REFUSAL

Attachment B – Plans of proposed development

Sheet Name	Sheet Number
COVER PAGE	G101
BASIX	G102
SITE PLAN	G103
SITE ANALYSIS	G105
STREETScape ANALYSIS	G106
BASEMENT	G107
GROUND FLOOR PLAN	G108
LEVEL 1	G109
LEVEL 2	G110
ROOF PLAN	G111
ELEVATION - BLOCK A	G112
ELEVATION - BLOCK B	G113
ELEVATION - BLOCK C	G114
ELEVATION - BLOCK D	G115
SECTIONS	G116
MATERIALS AND FINISHES	G117
CALCULATION SHEET	G118
DRIVEWAY DETAIL	G119
FRONT FENCE DETAIL	G120
WINTER SHADOW DIAGRAM - 9AM	G121
WINTER SHADOW DIAGRAM - 10AM	G122
WINTER SHADOW DIAGRAM - 11AM	G123
WINTER SHADOW DIAGRAM - 12NOON	G124
WINTER SHADOW DIAGRAM - 1PM	G125
WINTER SHADOW DIAGRAM - 2PM	G126
WINTER SHADOW DIAGRAM - 3PM	G127
PRIVACY DIAGRAM	G128
OPTED ASSESSMENT BASEMENT	G129
OPTED ASSESSMENT GROUND FLOOR	G130
9M HEIGHT PLANE	G131
3D PHOTO MONTAGE	G133

SECTION 8.2 REVIEW
NEW GENERATION BOARDING HOUSE
 CLIENT: APPWAM PTY LTD.
 ADDRESS: 55-63 SMITH ST - SUMMER HILL

SCALE: AS SHOWN
 DRAWN BY: M.S.
 DATE: 24/03/2022

CHECKED BY: J.P.
 PROJECT NUMBER: 18115
 SHEET NUMBER: G101

COVER PAGE
PRELIMINARY
NOT FOR CONSTRUCTION

DISCLAIMER: This document is a preliminary design and is not intended for construction. It is provided for information only and is subject to change without notice. The client is responsible for ensuring that the design meets all applicable laws and regulations. The architect is not responsible for any errors or omissions in this document.

REVISION	DATE	REVISION	BY	CHECKED
0	24/03/2022	REVISION: SECTION 8.2 REVIEW	M.S.	J.P.
1	19/03/2021	SECTION 8.2 REVIEW ISSUE	IVNS	J.P.
2	12/03/2021	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
3	05/03/2021	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
4	25/02/2021	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
5	18/02/2021	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
6	11/02/2021	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
7	04/02/2021	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
8	27/01/2021	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
9	20/01/2021	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
10	13/01/2021	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
11	06/01/2021	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
12	30/12/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
13	23/12/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
14	16/12/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
15	09/12/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
16	02/12/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
17	25/11/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
18	18/11/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
19	11/11/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
20	04/11/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
21	28/10/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
22	21/10/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
23	14/10/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
24	07/10/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
25	30/09/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
26	23/09/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
27	16/09/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
28	09/09/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
29	02/09/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
30	26/08/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
31	19/08/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
32	12/08/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
33	05/08/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
34	29/07/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
35	22/07/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
36	15/07/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
37	08/07/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
38	01/07/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
39	24/06/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
40	17/06/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
41	10/06/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
42	03/06/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
43	27/05/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
44	20/05/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
45	13/05/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
46	06/05/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
47	29/04/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
48	22/04/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
49	15/04/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
50	08/04/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
51	01/04/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
52	25/03/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
53	18/03/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
54	11/03/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
55	04/03/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
56	27/02/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
57	20/02/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
58	13/02/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
59	06/02/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
60	30/01/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
61	23/01/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
62	16/01/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
63	09/01/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
64	02/01/2020	REVISION: DEVELOPMENT APPLICATION ISSUE	IVNS	J.P.
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185				



SCALE @ A1	1:100
SCALE @ A3	1:300
DRAWN BY	M.S.
DATE	24/03/2022
CHECKED BY	J.P.
SHEET NUMBER	
PROJECT NUMBER	18115
G105	

SECTION 8.2 REVIEW
NEW GENERATION BOARDING HOUSE
 CLIENT: APPVAM PTY LTD.
 ADDRESS: 55-63 SMITH ST - SUMMER HILL

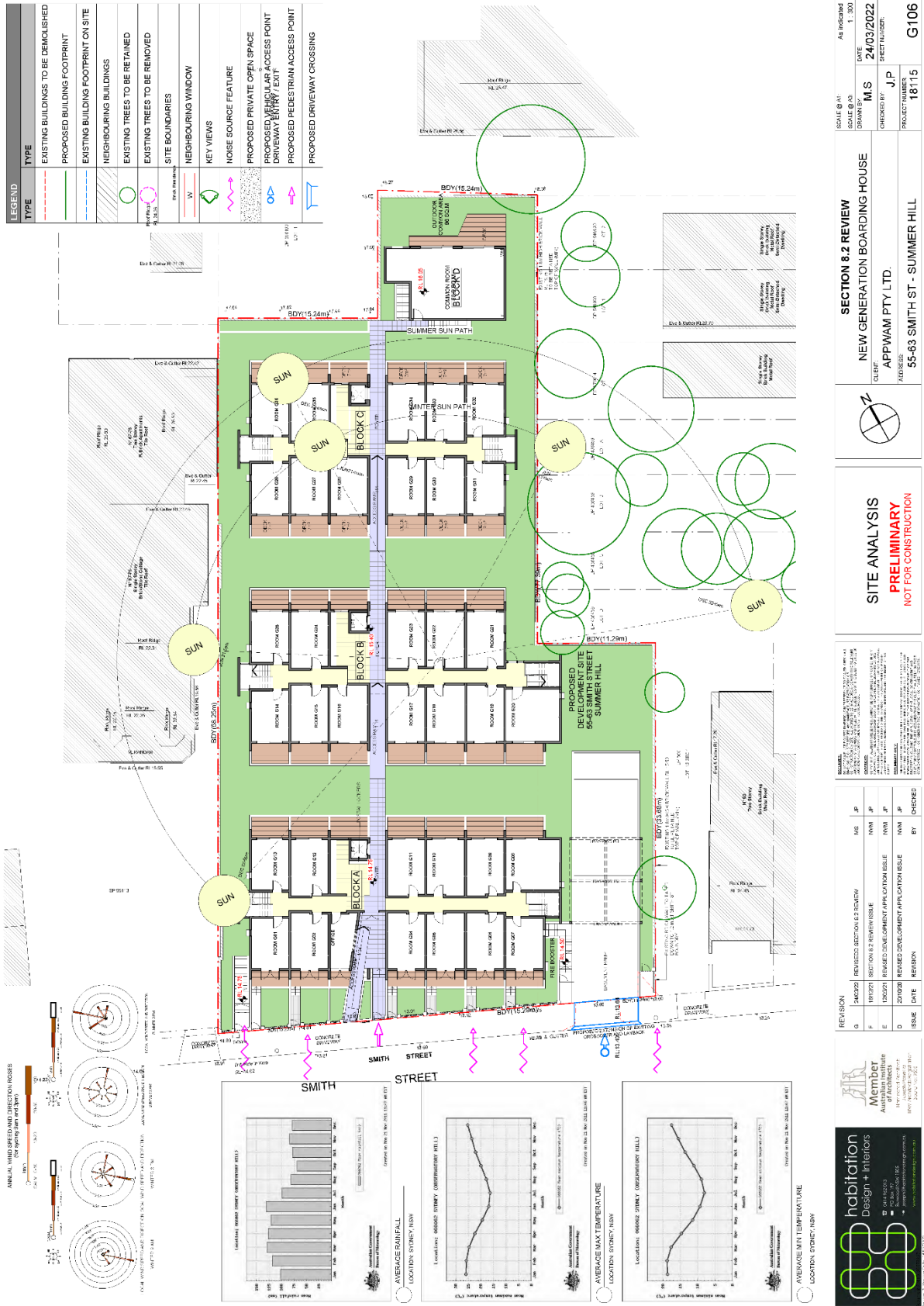
SITE PLAN
PRELIMINARY
 NOT FOR CONSTRUCTION

REVISION	DATE	BY	CHECKED
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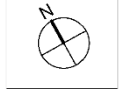
Member
 ASSOCIATION OF ARCHITECTS

18/01/2022
 18/01/2022
 18/01/2022



SCALE @ A1	As Indicated
SCALE @ A3	1:300
DRAWN BY	M.S.
DATE	24/03/2022
CHECKED BY	J.P.
SHEET NUMBER	
PROJECT NUMBER	18115
	G106

SECTION 8.2 REVIEW
 NEW GENERATION BOARDING HOUSE
 CLIENT: APPVAM PTY LTD.
 ADDRESS: 55-63 SMITH ST - SUMMER HILL



SITE ANALYSIS
PRELIMINARY
 NOT FOR CONSTRUCTION

NOTES:
 1. THIS SITE ANALYSIS REPORT HAS BEEN PREPARED FOR THE CLIENT'S USE ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
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 3. THIS REPORT IS VALID FOR THE PROJECT AND SITE SPECIFIED HEREIN ONLY. IT IS NOT VALID FOR ANY OTHER PROJECT OR SITE.
 4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
 5. THIS REPORT IS VALID FOR THE PROJECT AND SITE SPECIFIED HEREIN ONLY. IT IS NOT VALID FOR ANY OTHER PROJECT OR SITE.

REVISION	DATE	BY	CHECKED	REVISION
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1				REVISION
2				REVISION
3				REVISION
4				REVISION
5				REVISION
6				REVISION
7				REVISION
8				REVISION
9				REVISION
10				REVISION



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SUBJECT SITE
55-63 SMITH ST - SUMMER HILL



PROPOSED STREETSCAPE ELEVATION
55-63 SMITH ST - SUMMER HILL

SCALE @ A1:	SCALE @ A2:	DATE:	24/03/2022
SCALE @ A3:	SCALE @ A4:	DRAWN BY:	M/S
		CHECKED BY:	J.P
			SHEET NUMBER

SECTION 8.2 REVIEW
NEW GENERATION BOARDING HOUSE
 CLIENT: APPWAM PTY LTD.
 APPWAM PTY LTD.

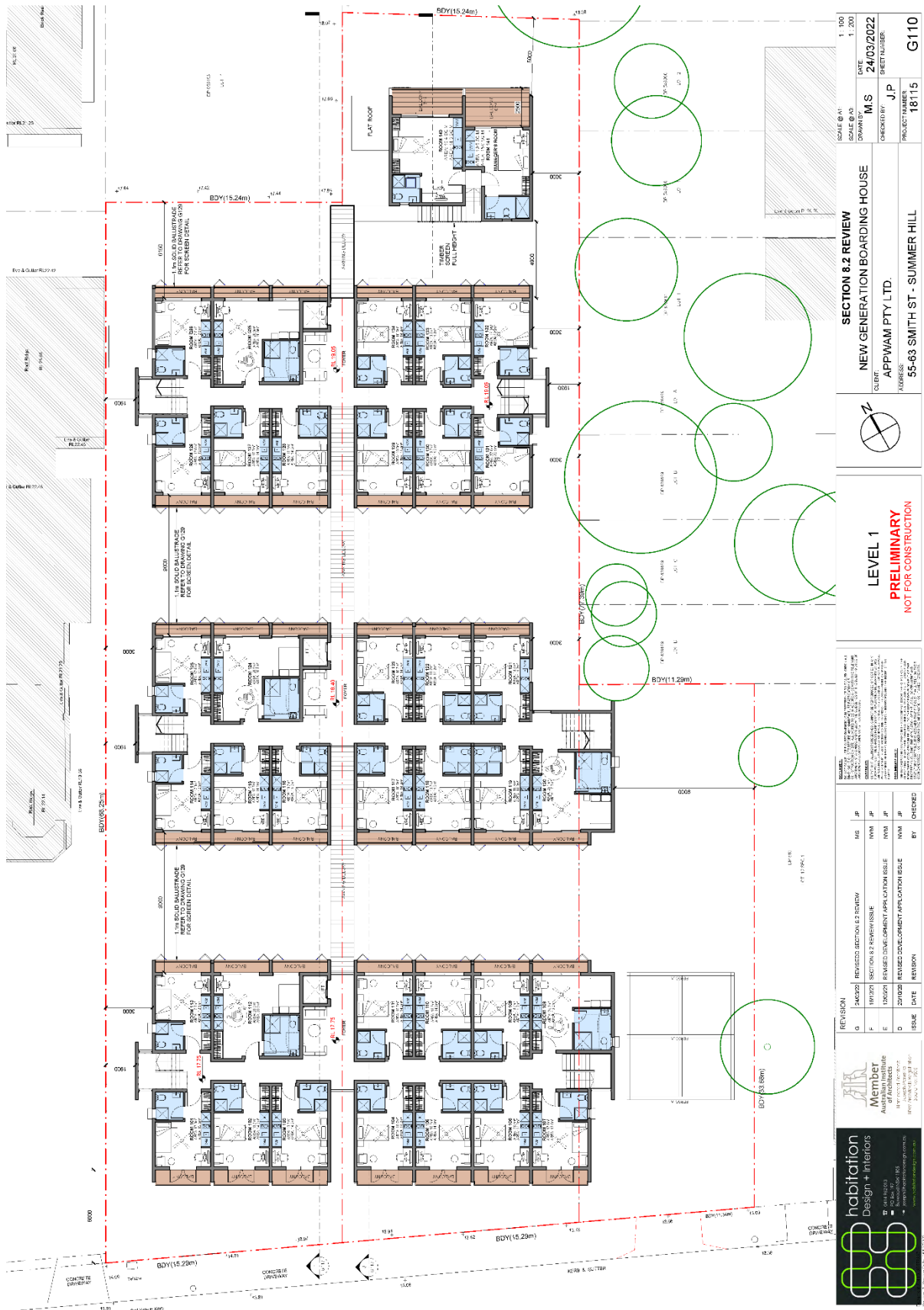
STREETSCAPE ANALYSIS
PRELIMINARY

REVISIONS
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 2. 27/03/2022: REVISIONS TO ADDRESS COMMENTS FROM THE LOCAL PLANNING PANEL.
 3. 28/03/2022: FINAL DESIGN AND CONCEPT DEVELOPMENT.
 4. 29/03/2022: REVISIONS TO ADDRESS COMMENTS FROM THE LOCAL PLANNING PANEL.
 5. 30/03/2022: FINAL DESIGN AND CONCEPT DEVELOPMENT.

REVISION	DESCRIPTION	DATE	BY	APP
0	INITIAL DESIGN AND CONCEPT DEVELOPMENT	24/03/2022	M/S	J.P
1	REVISIONS TO ADDRESS COMMENTS FROM THE LOCAL PLANNING PANEL	27/03/2022	M/S	J.P
2	FINAL DESIGN AND CONCEPT DEVELOPMENT	28/03/2022	M/S	J.P
3	REVISIONS TO ADDRESS COMMENTS FROM THE LOCAL PLANNING PANEL	29/03/2022	M/S	J.P
4	FINAL DESIGN AND CONCEPT DEVELOPMENT	30/03/2022	M/S	J.P

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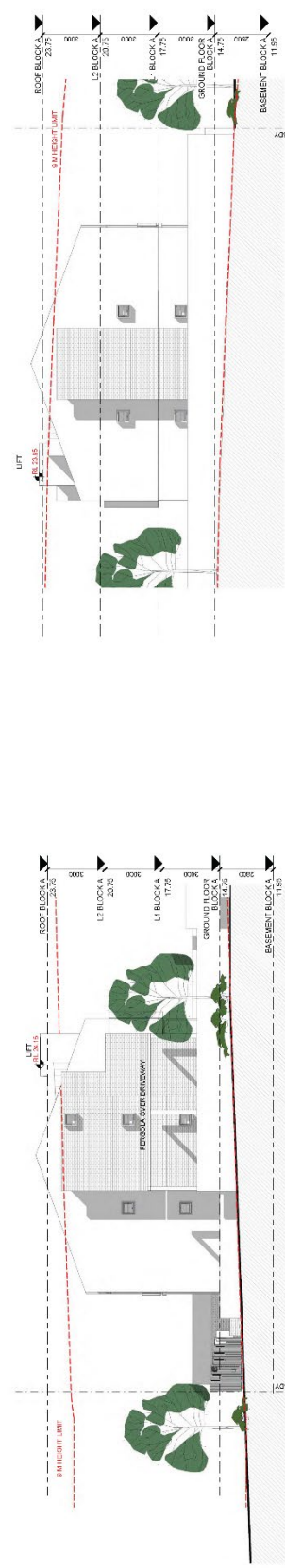
Member
 Australian Institute
 of Architects
 2022





2 BLOCK A_SOUTH ELEVATION
1:100

1 BLOCK A_NORTH ELEVATION
1:100



3 BLOCK A_WEST ELEVATION.
1:100

4 BLOCK A_EAST ELEVATION.
1:100

SCALE @ A1	1:100
SCALE @ A2	1:200
DRAWN @ A3	M.S
DATE	24/03/2022
CHECKED BY	J.P
PROJECT NUMBER	18115
G113	

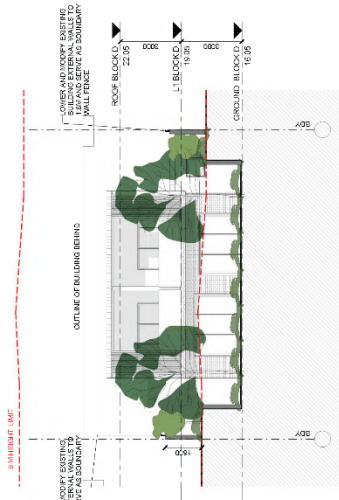
SECTION 8.2 REVIEW
NEW GENERATION BOARDING HOUSE
 CLIENT: APPWAM PTY LTD.
 ADDRESS: 55-63 SMITH ST - SUMMER HILL

ELEVATION - BLOCK A
PRELIMINARY
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 3. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE SPECIFIED.
 4. ALL LEVELS ARE IN METRES ABOVE SEA LEVEL UNLESS OTHERWISE SPECIFIED.
 5. ALL MATERIALS AND FINISHES ARE TO BE AS SHOWN ON THE DRAWING.
 6. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND ALL APPLICABLE STANDARDS.
 7. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LOCAL COUNCIL REQUIREMENTS.
 8. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.
 9. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CLIENT'S REQUIREMENTS.
 10. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT LEGISLATION.

REVISION	DATE	BY	CHECKED	REVISION
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1				REVISED SECTION 8.2 REVIEW
2				REVISED DEVELOPMENT APPLICATION ISSUE
3				REVISED DEVELOPMENT APPLICATION ISSUE
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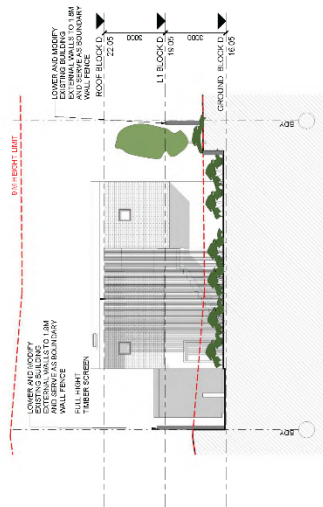
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 10/11-13/15
 100/102-104/106
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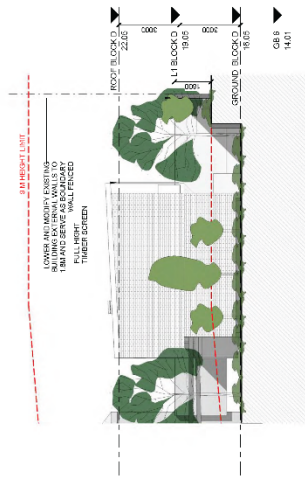
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4 BLOCK D_WEST ELEVATION
1 : 100



1 BLOCK D_SOUTH ELEVATION
1 : 100



3 BLOCK D_EAST ELEVATION
1 : 100

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1000 RIVERVIEW ROAD, SYDNEY, NSW 1500

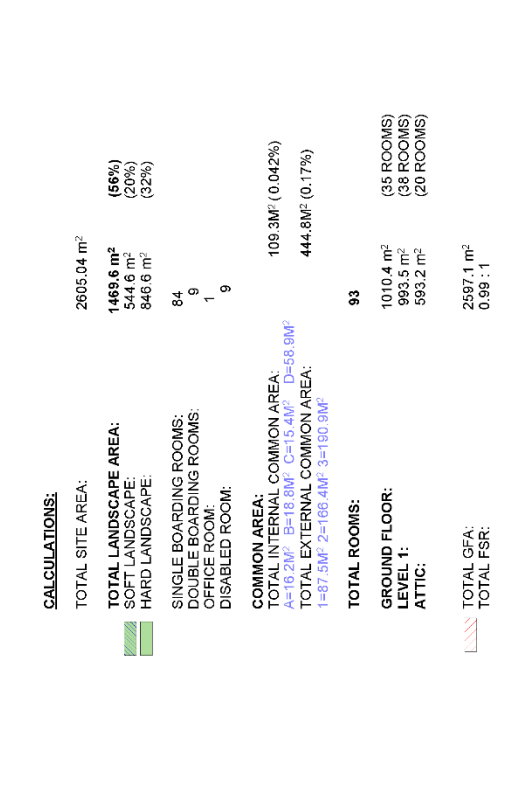
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3	24/03/2022	M.S.	J.P.	REVISED DEVELOPMENT APPLICATION ISSUE
4	24/03/2022	M.S.	J.P.	REVISED DEVELOPMENT APPLICATION ISSUE

NOTES:
1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
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ELEVATION - BLOCK D
PRELIMINARY
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SECTION 8.2 REVIEW
NEW GENERATION BOARDING HOUSE
CLIENT: APPWAM PTY LTD.
ADDRESS: 55-63 SMITH ST - SUMMER HILL

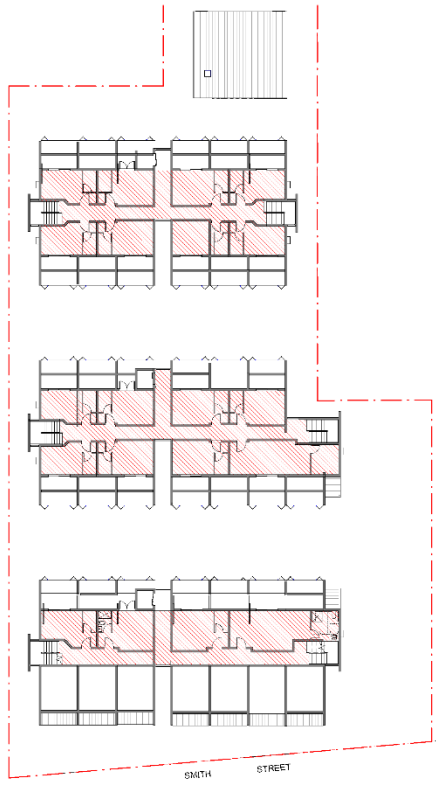
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DRAWN BY	M.S.
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CHECKED BY	J.P.
SHEET NUMBER	18115
PROJECT NUMBER	G116



1 CALCULATION_GF 1:200



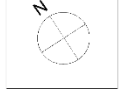
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3 CALCULATION_ATTIC 1:200

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DATE	24/03/2022
CHECKED BY	J.P
SHEET NUMBER	18115
PROJECT NUMBER	G119

SECTION 8.2 REVIEW
 NEW GENERATION BOARDING HOUSE
 CLIENT: APPVAM PTY LTD.
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 5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES (ELECTRICITY, GAS, WATER, etc.) FROM THE RELEVANT SUPPLIERS.
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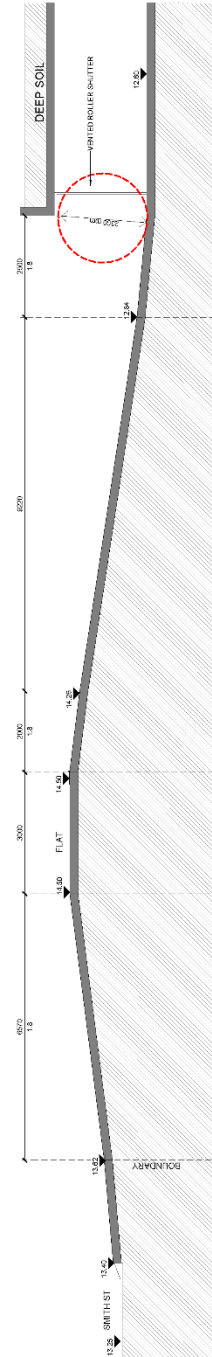
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9	24/03/2022	M.S	J.P
10	24/03/2022	M.S	J.P

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 55-63 SMITH ST - SUMMER HILL



2 DRIVEWAY DETAIL - PLAN
1:50



1 DRIVEWAY DETAIL - SECTION
1:50

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10/100 Smith Street
Newmarket QLD 4051
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REVISION

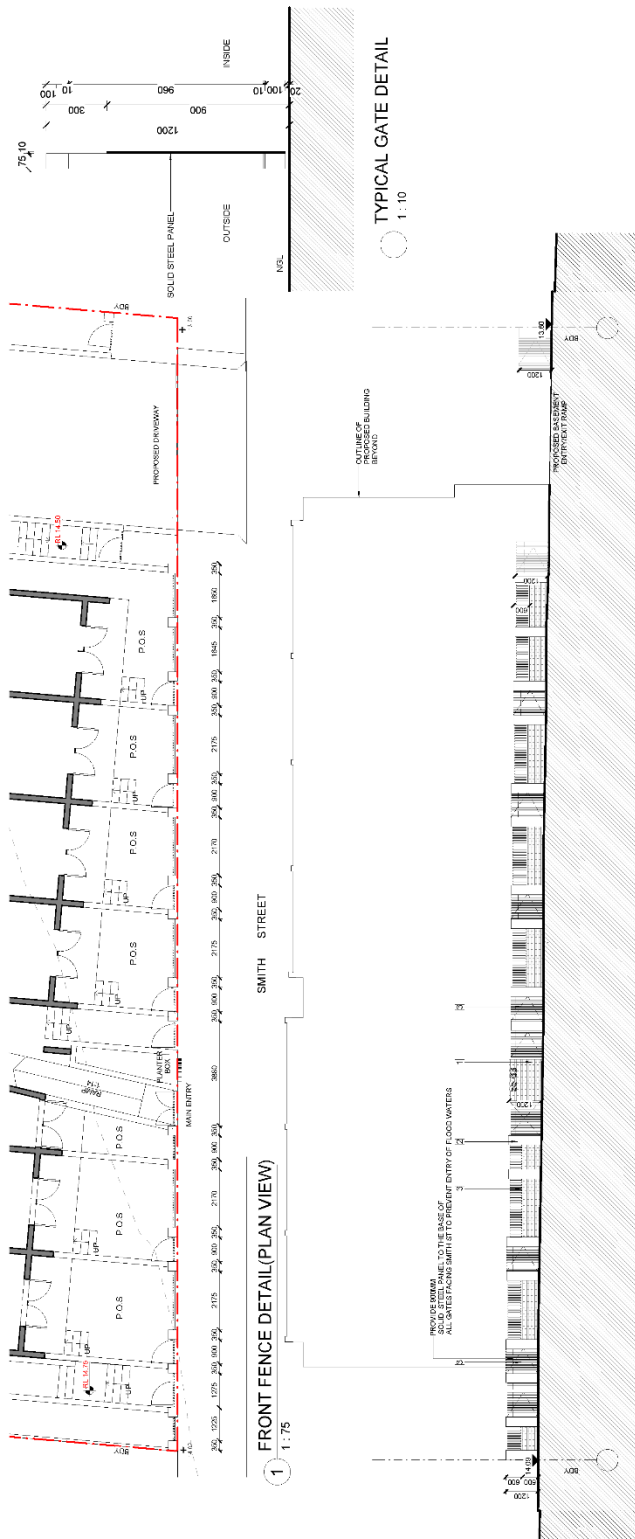
NO	DATE	REVISION	BY	CHECKED
0	24/03/2022	REVISED SECTION 8.2 REVIEW	M.S	J.P
1	19/03/2022	SECTION 8.2 PERMISSIBLE	N.W.M	J.P
2	19/03/2022	REVISED DEVELOPMENT APPLICATION ISSUE	N.W.M	J.P
3	20/03/2022	REVISED DEVELOPMENT APPLICATION ISSUE	N.W.M	J.P
4		REVISION		

DRIVEWAY DETAIL
PRELIMINARY
NOT FOR CONSTRUCTION

SECTION 8.2 REVIEW
NEW GENERATION BOARDING HOUSE

CLIENT: APPVAM PTY LTD.
ADDRESS: 55-63 SMITH ST - SUMMER HILL

SCALE @ A1: 1:50
SCALE @ A2: 1:100
DATE: 24/03/2022
DRAWN BY: M.S
CHECKED BY: J.P
PROJECT NUMBER: 18115
SHEET NUMBER: G120



1 1:75 FRONT FENCE DETAIL (PLAN VIEW)

2 1:75 FRONT FENCE DETAIL (ELEVATION VIEW)

1

AREA: PIERS AND INFILL WALLS
FINISH: MASONRY TO BE RENDERED
FINISH: POWDER COATED STEEL
FINISH: POLYURETHANE
FINISH: PARCHMENT PAPER

2

AREA: GATES AND BALUSTRADES
FINISH: POWDER COATED STEEL
DETAIL: DULUX "NATURAL STONE"



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14/11/2022
14/11/2022
14/11/2022

REVISION	DATE	BY	CHECKED
A	24/03/2022	M.S.	J.P.
B	24/03/2022	M.S.	J.P.
C	24/03/2022	M.S.	J.P.
D	24/03/2022	M.S.	J.P.
E	24/03/2022	M.S.	J.P.
F	24/03/2022	M.S.	J.P.
G	24/03/2022	M.S.	J.P.
H	24/03/2022	M.S.	J.P.
I	24/03/2022	M.S.	J.P.
J	24/03/2022	M.S.	J.P.
K	24/03/2022	M.S.	J.P.
L	24/03/2022	M.S.	J.P.
M	24/03/2022	M.S.	J.P.
N	24/03/2022	M.S.	J.P.
O	24/03/2022	M.S.	J.P.
P	24/03/2022	M.S.	J.P.
Q	24/03/2022	M.S.	J.P.
R	24/03/2022	M.S.	J.P.
S	24/03/2022	M.S.	J.P.
T	24/03/2022	M.S.	J.P.
U	24/03/2022	M.S.	J.P.
V	24/03/2022	M.S.	J.P.
W	24/03/2022	M.S.	J.P.
X	24/03/2022	M.S.	J.P.
Y	24/03/2022	M.S.	J.P.
Z	24/03/2022	M.S.	J.P.

FRONT FENCE DETAIL
PRELIMINARY
NOT FOR CONSTRUCTION

SECTION 8.2 REVIEW
NEW GENERATION BOARDING HOUSE
CLIENT: APPWAM PTY LTD.
ADDRESS: 55-63 SMITH ST - SUMMER HILL

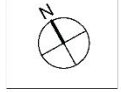
SCALE @ A1: As indicated
SCALE @ A3: 1:150
DRAWN BY: M.S.
DATE: 24/03/2022
CHECKED BY: J.P.
SHEET NUMBER:
PROJECT NUMBER: 18115
G121



SHADOW DIAGRAM JUNE 21ST 9AM
1 / 1:1150

SCALE @ A1	As Indicated	SCALE @ A3	1:600
DRAWN @ A3	M.S	DATE	24/03/2022
CHECKED BY	J.P	SHEET NUMBER	
PROJECT NUMBER	18115		G122

SECTION 8.2 REVIEW
 CLIENT: NEW GENERATION BOARDING HOUSE
 ADDRESS: APPVAM PTY LTD.
 55-63 SMITH ST - SUMMER HILL



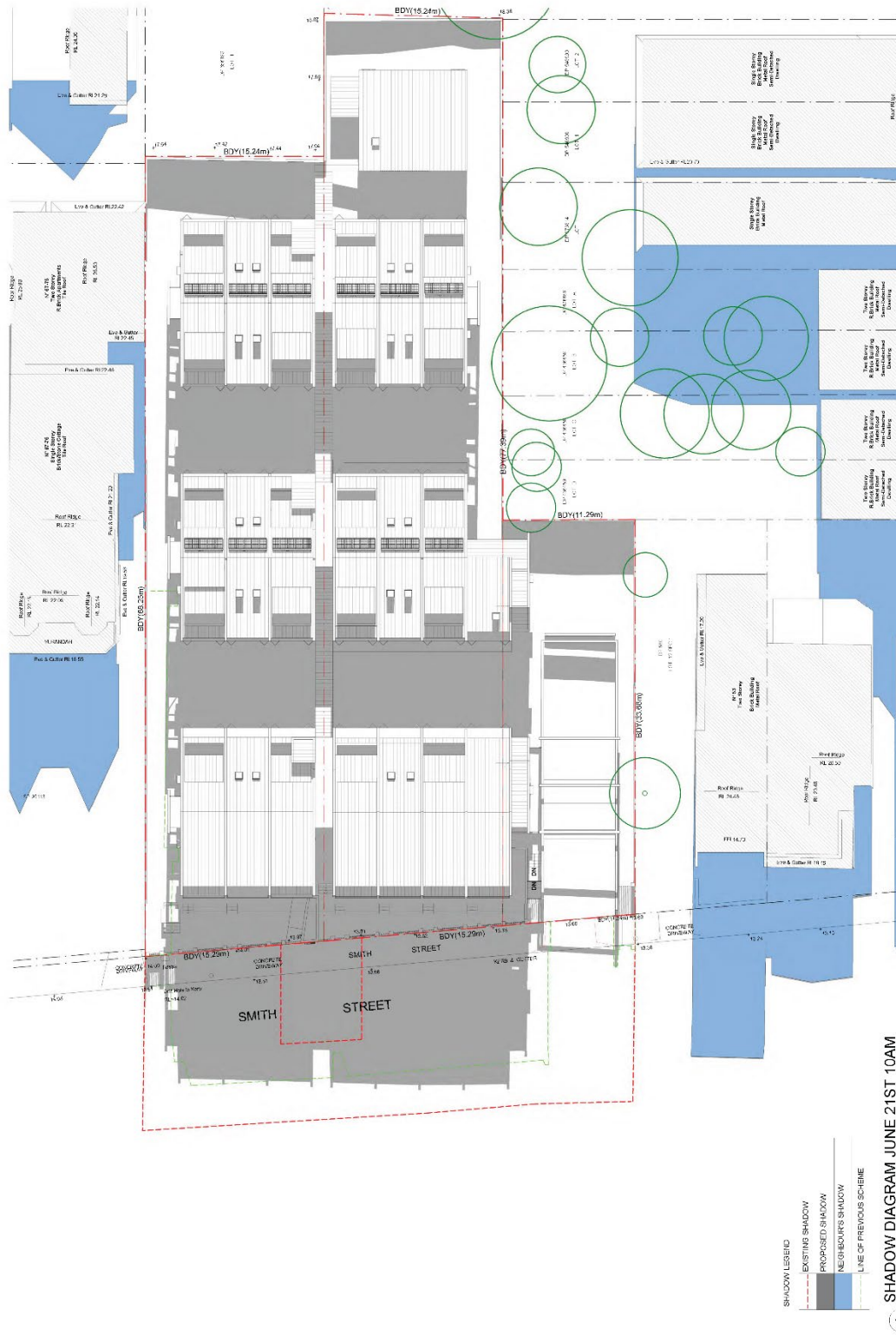
WINTER SHADOW DIAGRAM - 9AM
PRELIMINARY
 NOT FOR CONSTRUCTION

NOTES:
 1. THIS SHADOW DIAGRAM IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION.
 2. SHADOWS ARE CAST FROM THE SUN AT 9 AM ON THE EQUINOX.
 3. SHADOWS ARE CAST FROM THE ROOFS AND WALLS OF THE PROPOSED BUILDING.
 4. SHADOWS ARE CAST FROM THE ROOFS AND WALLS OF NEIGHBOURING BUILDINGS.
 5. SHADOWS ARE CAST FROM THE ROOFS AND WALLS OF NEIGHBOURING BUILDINGS.
 6. SHADOWS ARE CAST FROM THE ROOFS AND WALLS OF NEIGHBOURING BUILDINGS.
 7. SHADOWS ARE CAST FROM THE ROOFS AND WALLS OF NEIGHBOURING BUILDINGS.
 8. SHADOWS ARE CAST FROM THE ROOFS AND WALLS OF NEIGHBOURING BUILDINGS.
 9. SHADOWS ARE CAST FROM THE ROOFS AND WALLS OF NEIGHBOURING BUILDINGS.
 10. SHADOWS ARE CAST FROM THE ROOFS AND WALLS OF NEIGHBOURING BUILDINGS.

NO	REVISION	DATE	BY	CHECKED
0	ISSUED			
1	REVISION			
2	REVISION			
3	REVISION			
4	REVISION			
5	REVISION			
6	REVISION			
7	REVISION			
8	REVISION			
9	REVISION			
10	REVISION			



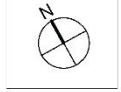
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 18115
 55-63 SMITH ST
 SUMMER HILL NSW 2158
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1 SHADOW DIAGRAM JUNE 21ST 10AM
1:150

SCALE @ A1	As indicated	SCALE @ A3	1:600
DRAWN @ A3	M.S	DATE	24/03/2022
CHECKED BY	J.P	SHEET NUMBER	
PROJECT NUMBER	18115		G123

SECTION 8.2 REVIEW
NEW GENERATION BOARDING HOUSE
 CLIENT: APPWAM PTY LTD.
 ADDRESS: 55-63 SMITH ST - SUMMER HILL



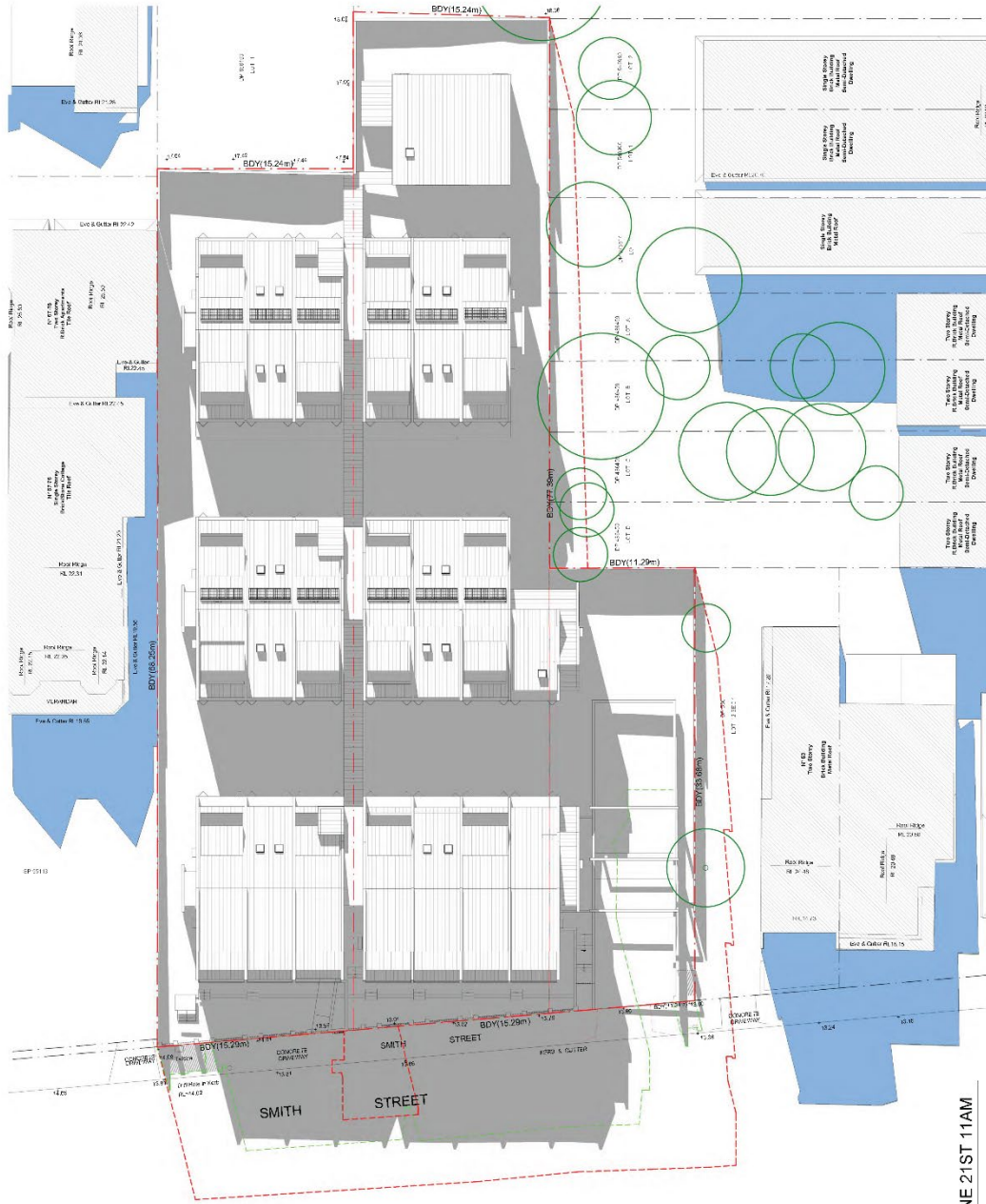
WINTER SHADOW
DIAGRAM - 10AM
PRELIMINARY
 NOT FOR CONSTRUCTION

NOTES:
 1. THIS SHADOW DIAGRAM IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
 2. THE SHADOWS ARE CAST FROM THE PROPOSED BUILDING ON THE DATE AND TIME SPECIFIED.
 3. THE SHADOWS ARE CAST ONTO THE ADJACENT PROPERTIES AND THE STREET.
 4. THE SHADOWS ARE CAST ONTO THE ADJACENT PROPERTIES AND THE STREET.
 5. THE SHADOWS ARE CAST ONTO THE ADJACENT PROPERTIES AND THE STREET.

REVISION	DATE	BY	CHECKED
0			
1			
2			
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4			
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6			
7			
8			
9			
10			

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 100 WILSON STREET, SYDNEY NSW 2000
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SHADOW LEGEND

- EXISTING SHADOW
- PROPOSED SHADOW
- NEIGHBOUR'S SHADOW
- LINE OF PREVIOUS SCHEME

1 SHADOW DIAGRAM JUNE 21ST 11AM
1:150

SCALE @ A1 As indicated
SCALE @ A3 1:600
DRAWN @ A3 M.S
DATE 24/03/2022
CHECKED BY J.P
PROJECT NUMBER 18115
SHEET NUMBER G124

SECTION 8.2 REVIEW
 CLIENT: NEW GENERATION BOARDING HOUSE
 ADDRESS: APPWAM PTY LTD.
 55-63 SMITH ST - SUMMER HILL

WINTER SHADOW DIAGRAM - 11AM
PRELIMINARY
 NOT FOR CONSTRUCTION

NOTES:
 1. THIS SHADOW DIAGRAM IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION.
 2. THE SHADOWS ARE CAST AT 11 AM ON THE WINTER SOLAR EQUINOX.
 3. THE SHADOWS ARE CAST FROM THE PROPOSED BUILDING FOOTPRINTS.
 4. THE SHADOWS ARE CAST ON THE ADJACENT LOTS AND STREETS.
 5. THE SHADOWS ARE CAST ON THE ADJACENT BUILDINGS.
 6. THE SHADOWS ARE CAST ON THE ADJACENT ROADS.
 7. THE SHADOWS ARE CAST ON THE ADJACENT PARKS.
 8. THE SHADOWS ARE CAST ON THE ADJACENT GREENSPACES.
 9. THE SHADOWS ARE CAST ON THE ADJACENT OPEN SPACES.
 10. THE SHADOWS ARE CAST ON THE ADJACENT PUBLIC SPACES.

REVISION	DATE	BY	CHECKED	REVISION
0				REVISED SECTION 8.2 REVIEW
1				REVISED SECTION 8.2 REVIEW
2				REVISED DEVELOPMENT APPLICATION ISSUE
3				REVISED DEVELOPMENT APPLICATION ISSUE
4				REVISED DEVELOPMENT APPLICATION ISSUE
5				REVISED DEVELOPMENT APPLICATION ISSUE
6				REVISED DEVELOPMENT APPLICATION ISSUE
7				REVISED DEVELOPMENT APPLICATION ISSUE
8				REVISED DEVELOPMENT APPLICATION ISSUE
9				REVISED DEVELOPMENT APPLICATION ISSUE
10				REVISED DEVELOPMENT APPLICATION ISSUE

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SHADOW LEGEND

- EXISTING SHADOW
- PROPOSED SHADOW
- NEIGHBOUR'S SHADOW
- LINE OF PREVIOUS SCHEME

SHADOW DIAGRAM JUNE 21ST 12 NOON
1:150

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REVISION	DATE	BY	CHECKED
0	2020/01	M.S.	J.P.
1	2020/01	M.S.	J.P.
2	2020/01	M.S.	J.P.
3	2020/01	M.S.	J.P.
4	2020/01	M.S.	J.P.
5	2020/01	M.S.	J.P.
6	2020/01	M.S.	J.P.
7	2020/01	M.S.	J.P.
8	2020/01	M.S.	J.P.
9	2020/01	M.S.	J.P.
10	2020/01	M.S.	J.P.
11	2020/01	M.S.	J.P.
12	2020/01	M.S.	J.P.
13	2020/01	M.S.	J.P.
14	2020/01	M.S.	J.P.
15	2020/01	M.S.	J.P.
16	2020/01	M.S.	J.P.
17	2020/01	M.S.	J.P.
18	2020/01	M.S.	J.P.
19	2020/01	M.S.	J.P.
20	2020/01	M.S.	J.P.
21	2020/01	M.S.	J.P.
22	2020/01	M.S.	J.P.
23	2020/01	M.S.	J.P.
24	2020/01	M.S.	J.P.
25	2020/01	M.S.	J.P.
26	2020/01	M.S.	J.P.
27	2020/01	M.S.	J.P.
28	2020/01	M.S.	J.P.
29	2020/01	M.S.	J.P.
30	2020/01	M.S.	J.P.
31	2020/01	M.S.	J.P.
32	2020/01	M.S.	J.P.
33	2020/01	M.S.	J.P.
34	2020/01	M.S.	J.P.
35	2020/01	M.S.	J.P.
36	2020/01	M.S.	J.P.
37	2020/01	M.S.	J.P.
38	2020/01	M.S.	J.P.
39	2020/01	M.S.	J.P.
40	2020/01	M.S.	J.P.
41	2020/01	M.S.	J.P.
42	2020/01	M.S.	J.P.
43	2020/01	M.S.	J.P.
44	2020/01	M.S.	J.P.
45	2020/01	M.S.	J.P.
46	2020/01	M.S.	J.P.
47	2020/01	M.S.	J.P.
48	2020/01	M.S.	J.P.
49	2020/01	M.S.	J.P.
50	2020/01	M.S.	J.P.

WINTER SHADOW DIAGRAM - 12NOON
PRELIMINARY
NOT FOR CONSTRUCTION

SECTION 8.2 REVIEW

CLIENT: **NEW GENERATION BOARDING HOUSE**

ADDRESS: **APPWAM PTY LTD.**

55-63 SMITH ST - SUMMER HILL

SCALE @ A1	As indicated
SCALE @ A3	As indicated
DATE	24/03/2022
DRAWN BY	M.S.
CHECKED BY	J.P.
PROJECT NUMBER	18115
SHEET NUMBER	G125



SHADOW LEGEND
 - - - - - EXISTING SHADOW
 Proposed Shadow
 Neighbour's Shadow
 - - - - - LINE OF PREVIOUS SCHEME

1 SHADOW DIAGRAM JUNE 21ST 2PM
 1:150

SCALE @ A1	As Indicated
SCALE @ A3	
DRAWN @ A3	
DATE	24/03/2022
SHEET NUMBER	
CHECKED BY	J.P.
PROJECT NUMBER	18115
	G127

SECTION 8.2 REVIEW
 NEW GENERATION BOARDING HOUSE
 CLIENT: APPWAM PTY LTD.
 ADDRESS: 55-63 SMITH ST - SUMMER HILL

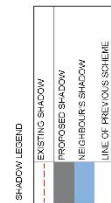


WINTER SHADOW DIAGRAM - 2PM
PRELIMINARY
 NOT FOR CONSTRUCTION

NOTES:
 1. THIS SHADOW DIAGRAM IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION.
 2. THE SHADOWS ARE BASED ON A WINTER SOLAR POSITION AT 2PM.
 3. THE SHADOWS ARE BASED ON A WINTER SOLAR POSITION AT 2PM.
 4. THE SHADOWS ARE BASED ON A WINTER SOLAR POSITION AT 2PM.
 5. THE SHADOWS ARE BASED ON A WINTER SOLAR POSITION AT 2PM.
 6. THE SHADOWS ARE BASED ON A WINTER SOLAR POSITION AT 2PM.
 7. THE SHADOWS ARE BASED ON A WINTER SOLAR POSITION AT 2PM.
 8. THE SHADOWS ARE BASED ON A WINTER SOLAR POSITION AT 2PM.
 9. THE SHADOWS ARE BASED ON A WINTER SOLAR POSITION AT 2PM.
 10. THE SHADOWS ARE BASED ON A WINTER SOLAR POSITION AT 2PM.

REVISION	DATE	BY	CHECKED	REVISION
0				ISSUED
1				REVISED SECTION 8.2 REVIEW
2				PROPOSED DEVELOPMENT APPLICATION ISSUE
3				REVISED DEVELOPMENT APPLICATION ISSUE
4				REVISED DEVELOPMENT APPLICATION ISSUE
5				REVISED DEVELOPMENT APPLICATION ISSUE

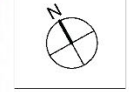




1 SHADOW DIAGRAM JUNE 21ST 3PM
1:150

SCALE @ A1	As Indicated
SCALE @ A3	
DRAWN @ A3	M.S
DATE	24/03/2022
CHECKED BY	J.P
PROJECT NUMBER	18115
SHEET NUMBER	G128

SECTION 8.2 REVIEW
NEW GENERATION BOARDING HOUSE
 CLIENT: APPVIAW PTY LTD.
 ADDRESS: 55-63 SMITH ST - SUMMER HILL



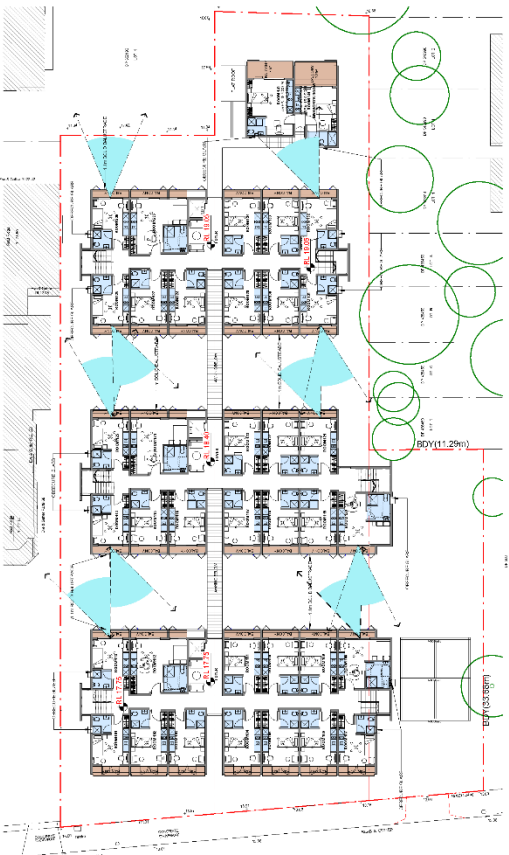
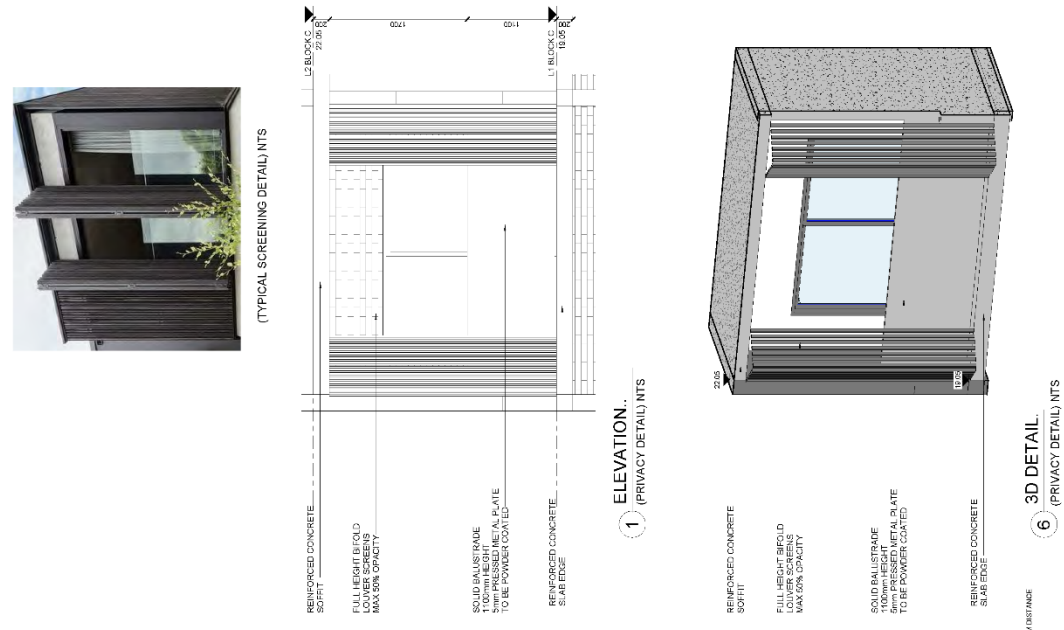
WINTER SHADOW DIAGRAM - 3PM
PRELIMINARY
 NOT FOR CONSTRUCTION

NOTES:
 1. THIS SHADOW DIAGRAM IS A PRELIMINARY REPRESENTATION OF THE PROPOSED DEVELOPMENT AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
 2. THE SHADOWS ARE GENERATED USING A COMPUTER PROGRAM AND MAY NOT ACCURATELY REPRESENT THE ACTUAL SHADOWS.
 3. THE SHADOWS ARE GENERATED USING A COMPUTER PROGRAM AND MAY NOT ACCURATELY REPRESENT THE ACTUAL SHADOWS.
 4. THE SHADOWS ARE GENERATED USING A COMPUTER PROGRAM AND MAY NOT ACCURATELY REPRESENT THE ACTUAL SHADOWS.
 5. THE SHADOWS ARE GENERATED USING A COMPUTER PROGRAM AND MAY NOT ACCURATELY REPRESENT THE ACTUAL SHADOWS.

NO	REVISION	DATE	BY	CHECKED
0	ISSUED			
1	REVISION			
2	REVISION			
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9	REVISION			
10	REVISION			



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SCALE @ A1	As Indicated
SCALE @ A3	
DRAWN BY	M.S.
DATE	24/03/2022
CHECKED BY	J.P.
PROJECT NUMBER	18115
SHEET NUMBER	G129

SECTION 8.2 REVIEW
 NEW GENERATION BOARDING HOUSE
 CLIENT: APPVAM PTY LTD.
 ADDRESS: 55-63 SMITH ST - SUMMER HILL

PRIVACY DIAGRAM
PRELIMINARY
 NOT FOR CONSTRUCTION

REVISIONS:

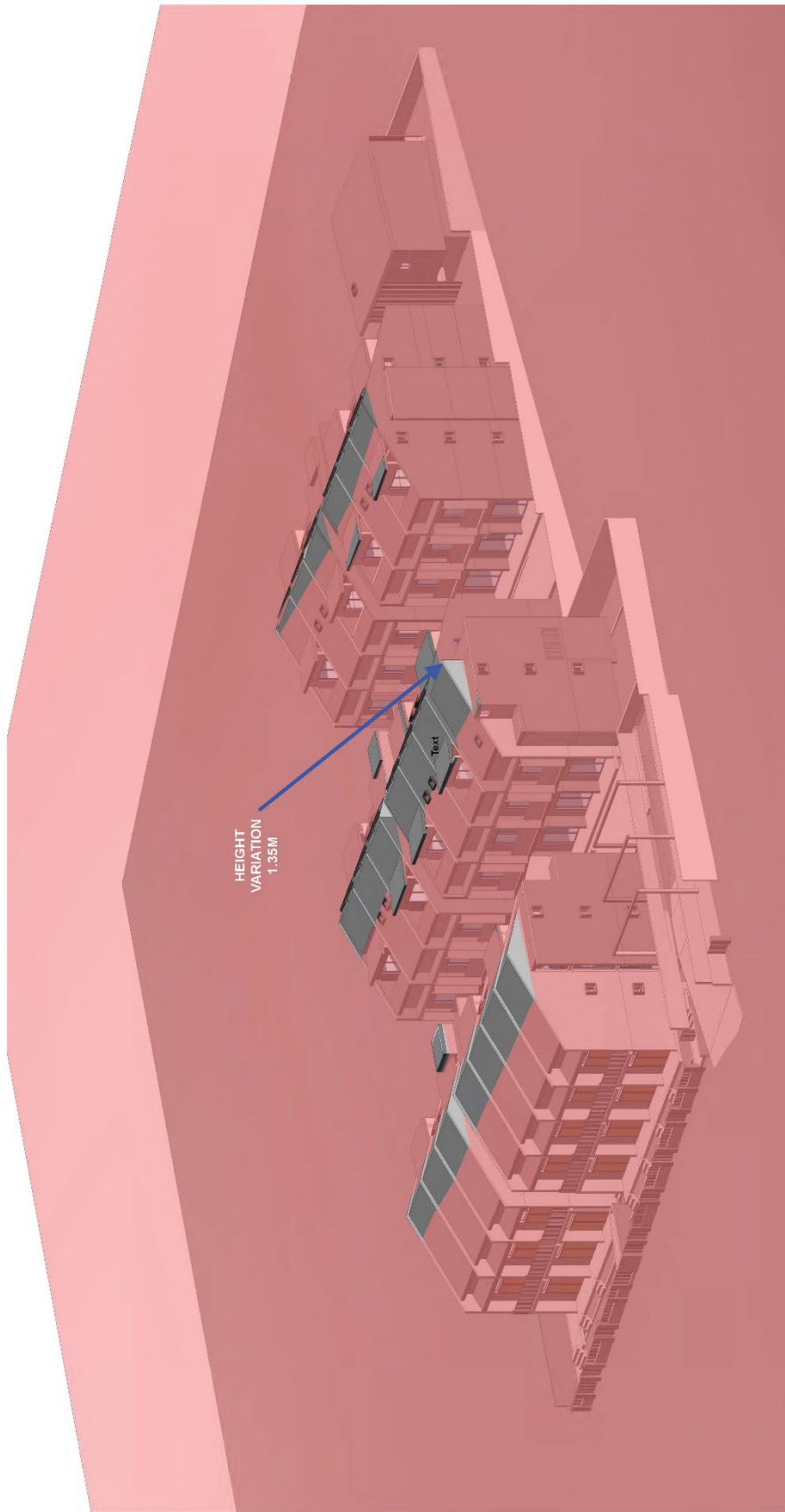
NO.	DATE	REVISION	BY	CHECKED
0	24/03/2022	REVISED SECTION 8.2 REVIEW	M.S.	J.P.
1	10/03/2021	SECTION 8.2 REVISIONS	N.W.M.	J.P.
2	10/03/2021	REVISED DEVELOPMENT APPLICATION ISSUE	N.W.M.	J.P.
3	20/03/2021	REVISED DEVELOPMENT APPLICATION ISSUE	N.W.M.	J.P.
4		REVISION		

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NO.	DATE	REVISION	BY	CHECKED
0	24/03/2022	REVISED SECTION 8.2 REVIEW	M.S.	J.P.
1	10/03/2021	SECTION 8.2 REVISIONS	N.W.M.	J.P.
2	10/03/2021	REVISED DEVELOPMENT APPLICATION ISSUE	N.W.M.	J.P.
3	20/03/2021	REVISED DEVELOPMENT APPLICATION ISSUE	N.W.M.	J.P.
4		REVISION		



SCALE @ A1	SCALE @ A3	DATE	SHEET NUMBER
	M.S	24/03/2022	
DRAWN BY		DESIGNED BY	CHECKED BY
M.S		J.P	J.P
PROJECT NUMBER		18115	

SECTION 8.2 REVIEW
NEW GENERATION BOARDING HOUSE
 CLIENT: APPWAM PTY LTD.
 ADDRESS: 55-63 SMITH ST - SUMMER HILL

9M HEIGHT PLANE
PRELIMINARY
 NOT FOR CONSTRUCTION

NOTES:
 1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 3. ALL WALLS ARE 200MM THICK UNLESS OTHERWISE SPECIFIED.
 4. ALL FLOORS ARE 100MM CONCRETE ON 50MM SAND AND 100MM GYPSONUM BOARD UNLESS OTHERWISE SPECIFIED.
 5. ALL ROOFS ARE 100MM CONCRETE ON 50MM SAND AND 100MM GYPSONUM BOARD UNLESS OTHERWISE SPECIFIED.
 6. ALL CEILING ARE 100MM GYPSONUM BOARD UNLESS OTHERWISE SPECIFIED.
 7. ALL DOORS ARE 2100MM HIGH AND 900MM WIDE UNLESS OTHERWISE SPECIFIED.
 8. ALL WINDOWS ARE 2100MM HIGH AND 1200MM WIDE UNLESS OTHERWISE SPECIFIED.
 9. ALL STAIRS ARE 1000MM WIDE UNLESS OTHERWISE SPECIFIED.
 10. ALL BALCONIES ARE 1000MM WIDE UNLESS OTHERWISE SPECIFIED.
 11. ALL TERRACES ARE 1000MM WIDE UNLESS OTHERWISE SPECIFIED.
 12. ALL PATIOS ARE 1000MM WIDE UNLESS OTHERWISE SPECIFIED.
 13. ALL DRIVEWAYS ARE 3000MM WIDE UNLESS OTHERWISE SPECIFIED.
 14. ALL PARKING AREAS ARE 3000MM WIDE UNLESS OTHERWISE SPECIFIED.
 15. ALL LANDSCAPING IS TO BE DETERMINED BY THE LANDSCAPE ARCHITECT.
 16. ALL UTILITIES ARE TO BE DETERMINED BY THE UTILITIES ENGINEER.
 17. ALL SERVICES ARE TO BE DETERMINED BY THE SERVICES ENGINEER.
 18. ALL STRUCTURE IS TO BE DETERMINED BY THE STRUCTURAL ENGINEER.
 19. ALL MECHANICAL AND ELECTRICAL SERVICES ARE TO BE DETERMINED BY THE MECHANICAL AND ELECTRICAL ENGINEER.
 20. ALL PLUMBING AND SANITARY SERVICES ARE TO BE DETERMINED BY THE PLUMBING AND SANITARY ENGINEER.
 21. ALL FIRE SERVICES ARE TO BE DETERMINED BY THE FIRE ENGINEER.
 22. ALL SECURITY SERVICES ARE TO BE DETERMINED BY THE SECURITY ENGINEER.
 23. ALL ACCESSIBILITY SERVICES ARE TO BE DETERMINED BY THE ACCESSIBILITY ENGINEER.
 24. ALL SOUND AND VIBRATION SERVICES ARE TO BE DETERMINED BY THE SOUND AND VIBRATION ENGINEER.
 25. ALL ENVIRONMENTAL SERVICES ARE TO BE DETERMINED BY THE ENVIRONMENTAL ENGINEER.
 26. ALL ENERGY SERVICES ARE TO BE DETERMINED BY THE ENERGY ENGINEER.
 27. ALL WATER SERVICES ARE TO BE DETERMINED BY THE WATER ENGINEER.
 28. ALL WASTE SERVICES ARE TO BE DETERMINED BY THE WASTE ENGINEER.
 29. ALL TRANSPORT SERVICES ARE TO BE DETERMINED BY THE TRANSPORT ENGINEER.
 30. ALL COMMUNITY SERVICES ARE TO BE DETERMINED BY THE COMMUNITY ENGINEER.
 31. ALL SOCIAL SERVICES ARE TO BE DETERMINED BY THE SOCIAL ENGINEER.
 32. ALL CULTURAL SERVICES ARE TO BE DETERMINED BY THE CULTURAL ENGINEER.
 33. ALL RECREATION SERVICES ARE TO BE DETERMINED BY THE RECREATION ENGINEER.
 34. ALL EDUCATION SERVICES ARE TO BE DETERMINED BY THE EDUCATION ENGINEER.
 35. ALL HEALTH SERVICES ARE TO BE DETERMINED BY THE HEALTH ENGINEER.
 36. ALL SOCIAL AND COMMUNITY SERVICES ARE TO BE DETERMINED BY THE SOCIAL AND COMMUNITY ENGINEER.
 37. ALL CULTURAL AND RECREATION SERVICES ARE TO BE DETERMINED BY THE CULTURAL AND RECREATION ENGINEER.
 38. ALL EDUCATION AND HEALTH SERVICES ARE TO BE DETERMINED BY THE EDUCATION AND HEALTH ENGINEER.
 39. ALL SOCIAL AND CULTURAL SERVICES ARE TO BE DETERMINED BY THE SOCIAL AND CULTURAL ENGINEER.
 40. ALL RECREATION AND EDUCATION SERVICES ARE TO BE DETERMINED BY THE RECREATION AND EDUCATION ENGINEER.
 41. ALL HEALTH AND SOCIAL SERVICES ARE TO BE DETERMINED BY THE HEALTH AND SOCIAL ENGINEER.
 42. ALL CULTURAL AND RECREATION SERVICES ARE TO BE DETERMINED BY THE CULTURAL AND RECREATION ENGINEER.
 43. ALL EDUCATION AND HEALTH SERVICES ARE TO BE DETERMINED BY THE EDUCATION AND HEALTH ENGINEER.
 44. ALL SOCIAL AND CULTURAL SERVICES ARE TO BE DETERMINED BY THE SOCIAL AND CULTURAL ENGINEER.
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 48. ALL EDUCATION AND HEALTH SERVICES ARE TO BE DETERMINED BY THE EDUCATION AND HEALTH ENGINEER.
 49. ALL SOCIAL AND CULTURAL SERVICES ARE TO BE DETERMINED BY THE SOCIAL AND CULTURAL ENGINEER.
 50. ALL RECREATION AND EDUCATION SERVICES ARE TO BE DETERMINED BY THE RECREATION AND EDUCATION ENGINEER.
 51. ALL HEALTH AND SOCIAL SERVICES ARE TO BE DETERMINED BY THE HEALTH AND SOCIAL ENGINEER.
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 53. ALL EDUCATION AND HEALTH SERVICES ARE TO BE DETERMINED BY THE EDUCATION AND HEALTH ENGINEER.
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REVISION	DATE	BY	CHECKED BY
A	20/03/2022	J.P	J.P
B	20/03/2022	J.P	J.P
C	20/03/2022	J.P	J.P
D	20/03/2022	J.P	J.P
E	20/03/2022	J.P	J.P
F	20/03/2022	J.P	J.P
G	20/03/2022	J.P	J.P
H	20/03/2022	J.P	J.P
I	20/03/2022	J.P	J.P
J	20/03/2022	J.P	J.P
K	20/03/2022	J.P	J.P
L	20/03/2022	J.P	J.P
M	20/03/2022	J.P	J.P
N	20/03/2022	J.P	J.P
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V	20/03/2022	J.P	J.P
W	20/03/2022	J.P	J.P
X	20/03/2022	J.P	J.P
Y	20/03/2022	J.P	J.P
Z	20/03/2022	J.P	J.P

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PHOTO MONTAGE SMITH ST EAST VIEW



PHOTO MONTAGE SMITH ST WEST VIEW



REVISION	ISSUE	DATE	BY	CHECKED
0	30/03/20	REVIEWED SECTION 8.2 REVIEW	M.S.	J.P.
1	19/03/20	SECTION 8.2 REVISIONS	N.W.M.	J.P.
2	19/03/20	REVIEWED DEVELOPMENT APPLICATION ISSUE	N.W.M.	J.P.
3	19/03/20	REVIEWED DEVELOPMENT APPLICATION ISSUE	N.W.M.	J.P.
4	20/03/20	REVIEWED DEVELOPMENT APPLICATION ISSUE	N.W.M.	J.P.
5	20/03/20	REVISION		

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3D PHOTO MONTAGE
PRELIMINARY
 NOT FOR CONSTRUCTION



SECTION 8.2 REVIEW		SCALE @ A1	DATE
NEW GENERATION BOARDING HOUSE		SCALE @ A2	24/03/2022
CLIENT: APPWAM PTY LTD.		DRAWN BY: M.S.	SHEET NUMBER:
ADDRESS: 55-63 SMITH ST - SUMMER HILL		CHECKED BY: J.P.	
		PROJECT NUMBER:	18115
			G133



AMENDMENTS

D	28.3.22	NEW DA LAYOUT
C	7.12.21	FOR DA
B	6.12.21	
A	24.11.21	

PAUL SCREVENER
 LANDSCAPE ARCHITECT

PO Box 4000, ACT 2602
 433 35 505 362 729
 www.paulscraven.com.au
 paul@paulscraven.com.au
 Project: 55-63 SOUTH ST - SUMMER HILL

Date: 28.3.22 **Scale: 1:500 B1**
Job No: 712366
Client: [REDACTED]

1 of 6

ISSUE: D

See also sheet 6 for levels & raised planters & retaining walls information

Attachment C- Clause 4.6 Exception to Development Standards



**CLAUSE 4.6 REQUEST FOR VARIATION TO
CLAUSE 4.3 (2) (HEIGHT OF BUILDING) OF
ASHFIELD
LOCAL ENVIRONMENTAL PLAN 2013 (ALEP)**

**55 - 63 SMITH STREET
SUMMER HILL**

March 2022



Clause 4.6 - Request for Variation
 ALEP 2013 – Clause 4.3 Height of Buildings
 55-63 Smith Street Summer Hill



1.0 Introduction

- This is a request to vary a development standard pursuant to the provisions of Clause 4.6 of Ashfield Local Environmental Plan 2013 (ALEP 2013), the relevant clause being Clause 4.3(2) (Height of Building).
- The relevant maximum height of building control is **9.0m**.
- The relevant Height of Building control is a *development standard* for the purposes of the *EP & A Act 1979*.
- This request to vary the height development standard considers the judgment in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* (“Initial Action”).
- The objectives of Clause 4.6 1(a) is to provide an appropriate degree of flexibility in applying certain development standards to particular development. The intent is to achieve better outcomes for and from development by allowing flexibility in particular circumstances in accordance with Clause 4.6 1(b).
- The relevant plans relied upon are those identified as the plans prepared by Habitation Design + Interiors Architecture Rev G dated 24.3.2022. The height variation comprises of 900mm of additional height attributed to 500mm freeboard for flooding purposes and 400mm of additional internal ceiling height.

2.0 Development Standard to be Varied – Height

The relevant *development standard* to be varied is the **9.0m** height control under Clause 4.3(2). Clause 4.3 of ALEP relevantly provides:

4.3 Height of buildings

- (1) *The objectives of this clause are as follows—*
 - (a) *to achieve high quality built form for all buildings,*
 - (b) *to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,*
 - (c) *to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,*
 - (d) *to maintain satisfactory solar access to existing buildings and public areas.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
 - (2A) *If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by subclause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.*
 - (2B) *Subclause (2A) does not apply to development on land identified as “Area 3” on the Key Sites Map if the consent authority is satisfied that the development achieves the objectives of this clause.*

The relevant height of buildings map is identified below:

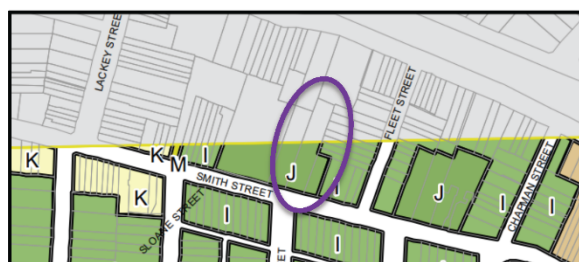


Fig 1: Height Map ALEP extract

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ALEP 2013 - Clause 4.3 Height of Buildings
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The subject site is mapped “J” – 9.0m (max)

3.0 Nature of Variation Sought

The requested variation is as follows:

Maximum height of the ridgeline of Block B is 1.35m above the 9.0m height control.

This is an exceedance of the maximum height limit of 1.35m or 15%.

The following height plane shows the 9.0m height limit prescribed under clause 4.3(2) of ALEP 2013 (red dotted line). The maximum variation occurs in Block B (see Figure A).

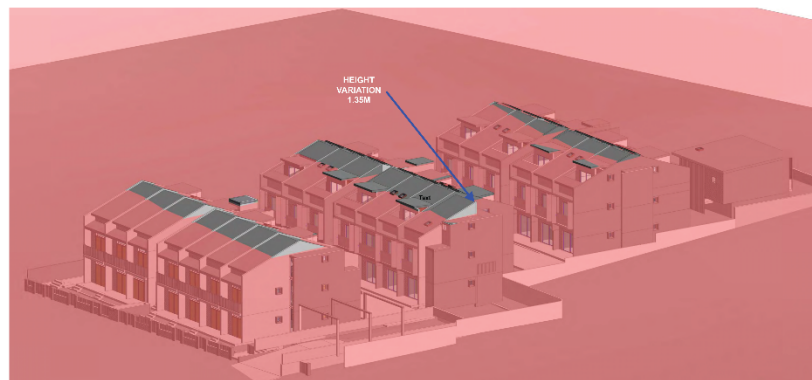


Figure A: 3D height plane - Extract of Drawing G132 dated 24.3.2022.

4.0 Height – Development Standard

A development standard is defined in S 1.4 of the *Environmental Planning and Assessment Act 1979* (“EPA Act”) to mean:

"provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- (b) the proportion or percentage of the area of a site which a building or work may occupy,*
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
- (d) the cubic content or floor space of a building,*
- (e) the intensity or density of the use of any land, building or work,*
- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- (h) the volume, nature and type of traffic generated by the development,*
- (i) road patterns,*
- (j) drainage,*
- (k) the carrying out of earthworks,*
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,*
- (m) the provision of services, facilities and amenities demanded by development,*
- (n) the emission of pollution and means for its prevention or control or mitigation, and*

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(o) such other matters as may be prescribed.”

The **9.0** maximum height standard is a *development standard* as defined under the *EP&A Act 1979*.

5.0 Clause 4.6 of Ashfield Local Environmental Plan 2013

The following provides a response to relevant Clause 4.6 provisions:

Clause 4.6(2) provides that:

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

The HOB development standard is not expressly excluded from the operation of cl4.6 and accordingly, consent may be granted.

Clause 4.6(3) relates to the making of a written request to justify the contravention of a development standard and states:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (4) ***that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and***
- (5) ***that there are sufficient environmental planning grounds to justify contravening the development standard. (our emphasis)***

The proposed development does not comply with the HOB development standard pursuant to cl4.3 of the ALEP 2013. However, strict compliance is considered to be unreasonable and unnecessary in the circumstances of this case as detailed further in this written request.

Sufficient environmental planning grounds exist to justify contravening the development standard as detailed in Section 8.

Clause 4.6(4) provides that consent must not be granted for development that contravenes a development standard unless:

- (6) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*

Sections below of this written request address the matters required under cl4.6(4)(a) of the ALEP 2013 and cl4.6(4)(b).

Clause 4.6(5) provides that:

- (7) *In deciding whether to grant concurrence, the Secretary must consider:*
- (a) *whether contravention of the development standard raises any*

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55-63 Smith Street Summer Hill



-
- matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Sections below of this written request addresses the matters required under cl4.6(5) of the ALEP. Clauses 4.6(6) and (8) are not relevant to the proposed development and cl 4.6(7) is an administrative clause requiring the consent authority to keep a record of its assessment under this clause after determining a development application.

6.0 Relevant Decisions

Initial Action

In the Judgment of *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* ("Initial Action"), Preston CJ indicated that cl4.6 does not directly or indirectly establish a test that a non-compliant development should have a neutral or beneficial effect relative to a compliant development. For example, a building that exceeds a development standard that has adverse amenity impacts should not be assessed on the basis of whether a complying development will have no adverse impacts. Rather, the non-compliance should be assessed with regard to whether the impacts are reasonable in the context of achieving consistency with the objectives of the zone and the objectives of the development standard. The relevant test is whether the environmental planning grounds relied upon and identified in the written request are "sufficient" to justify the non-compliance sought.

In addition, Preston CJ ruled that cl4.6 does not directly or indirectly establish a "test" that a development which contravenes a development standard results in a "*better environmental planning outcome*" relative to a development that complies with the development standard. There is no provision in ALEP clause 4.6 that requires a development that contravenes a development standard to achieve better outcomes.

Furthermore, Preston CJ ruled that it is incorrect to hold that the lack of adverse amenity impacts on adjoining properties is not a sufficient ground justifying the development contravening the development standard, when one way of demonstrating consistency with the objectives of a development standard is to show a lack of adverse amenity impacts.

Rebel MH Neutral Bay Pty Ltd v North Sydney Council [2018] NSWLEC 191 Moore J (herein referred to as Rebel MH)

In *Rebel MH Neutral Bay Pty Ltd v North Sydney Council [2018] NSWLEC 191 Moore J* identifies the steps provided in *Initial Action* confirming what the consent authority must do in order to satisfy itself as follows:

"For me to grant development consent for this development as it contravenes the permitted maximum building height development standard, cl 4.6(4)(a) requires me to be satisfied that:

- (1) The written request adequately demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of this proposed development (cl 4.6(3)(a) and cl 4.6(4)(a)(i)); and*
- (2) The written request adequately establishes sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b) and cl 4.6(4)(a)(i)); and*
- (3) The proposed development will be in the public interest because it is consistent with the objectives of the standard in question - set out in cl 4.3 of the LEP (cl 4.6(4)(a)(ii)); and*

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(4) The proposed development will be in the public interest because it is consistent with the objectives of the R4 High Density Residential Zone (cl 4.6(4)(a)(ii)),

For the first of the above matters, Preston CJ made it clear, in Initial Action at [25], that the Court need not be directly satisfied that compliance is unreasonable or unnecessary and sufficient environmental planning grounds exist, but rather that it “only indirectly form the opinion of satisfaction that the applicant’s written request has adequately addressed those matters.”

SJD DB2 Pty Ltd v Woollahra Council [2020] NSWLEC 1112 (SJD DB2).

This appeal sought consent for the construction of a six-storey Shop top housing development at 28-34 Cross Street Double Bay (**the DA**). The Court approved the proposed development, having a height of 21.21m where the control was 14.7m – representing a maximum variation of approximately **44%** (or 6.51m) – and a floor space ratio (**FSR**) of 3.54:1 where the control was 2.5:1 – representing a variation of approximately **41%**.

The Court drew from the decisions in *Initial Action* and *RebelMH* in the *SJD DB2* judgment, and noted that although there are a number of ways to demonstrate that compliance with a development standard is unreasonable or unnecessary, it may be sufficient to establish only one way (at [35].) In considering the clause 4.6 variation requests submitted by the Applicant, the Court considered that they could be treated together, as the breaches they related to were fundamentally related, as where there is greater building form with additional height, so too is there greater floor area (at [63].)

Acting Commissioner Clay makes it clear in his judgment, ‘cl 4.6 is as much a part of [an LEP] as the clauses with development standards. Planning is not other than orderly simply because there is reliance on cl 4.6 for an appropriate planning outcome’ (at [73]).

Big Property Pty Ltd v Randwick

The appropriate determination of desired future character was dealt with in the recent case of *Big Property Pty Ltd v Randwick City Council* [2021] (herein ‘*Big Property*’). This decision was also followed by *HPG Mosman Projects Pty Ltd v Mosman Municipal Council* [2021] (herein ‘*HPG*’).

Big Property resulted in a decision of Commissioner O’Neill which was an appeal by Big Property against the refusal of a development application for alterations and additions to an approved residential flat building, including the provision of additional affordable rental housing units and the construction of an additional storey.

The proposal exceeded the height and FSR development standards and Council contended that the clause 4.6 request was not well founded because the proposal was incompatible with the local character of the area, primarily due to its bulk and scale. In *Big Property* the Applicant claimed that the height and FSR exceedances were a justified response to the provision of two additional affordable housing units.

In considering the clause 4.6 request and desired future character, Commissioner O’Neill held that the desired future character of an area is not determined solely by the development standards that control building envelopes for the area. Commissioner O’Neill held that development standards for building envelopes are frequently generic standards which do not account for existing and approved development, site amalgamations, SEPP allowances, heritage issues or the nuances of an individual site. The Commissioner expressly referenced *SJD*, and went on to hold that:

“The presumption that the development standards that control building envelopes determine the desired future character of an area is based upon a false notion that those building envelopes represent, or are derived from, a fixed three-dimensional masterplan

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of building envelopes for the area and the realization of that masterplan will achieve the desired urban character. Although development standards for building envelopes are mostly based on comprehensive studies and strategic plans, they are frequently generic, as demonstrated by the large areas of a single colour representing a single standard on Local Environmental Plan maps, and they reflect the zoning map. As generic standards, they do not necessarily account for existing and approved development, site amalgamations, the location of heritage items or the nuances of an individual site. Nor can they account for provisions under other EPs that realisation of particular development with GFA bonuses or other mechanisms that intensify development. All these factors push the ultimate contest for evaluating and determining a building envelope for a specific use on a site to the development application stage. The application of the compulsory provisions of cl 4.6 further erodes the relationship between numeric standards for building envelopes and the realised built character of a locality” [at44]

Commissioner O'Neill found that the exceedance of height/FSR standards due to the provision of affordable housing units was an environmental planning ground and thus the clause 4.6 request was a well-founded request. Commissioner O'Neill also expressly referenced the fact that some State Environmental Planning Instruments, such as that for Affordable Rental Housing, 'incentivise the provision by the private sector of in-fill affordable housing by providing additional GFA above the otherwise applicable development standards that determine the building envelope for a particular site'. This too must be factored into any consideration of what constitutes the 'desired future character' of an area.

7.0 Clause 4.6(3)(a): Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

In dealing with the “unreasonable and unnecessary” Preston CJ identifies and validates the 5 options available to an applicant in *Wehbe v Pittwater Council* which can be adopted in dealing with the *unreasonable and unnecessary* test under **Cl. 4.6(3)(a)**.

Preston CJ at states as follows:

*“As to the first matter required by cl 4.6(3)(a), I summarised the common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary in *Wehbe v Pittwater Council* at [42]-[51]. Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.”*

Based on the above the following identifies the first method identified in *Wehbe*:

“Ways of establishing that compliance is unreasonable or unnecessary

*42 An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the **objectives of the development standard are achieved notwithstanding non-compliance with the standard**: (our emphasis)*

Clause 4.6(3)(a) – UNREASONABLE AND UNNECESSARY

This clause 4.6 responds to the matters required to be demonstrated by sub-clause 4.6(3) namely:

- *that compliance with the development standard is unreasonable or unnecessary, in the circumstances of the case, and*
- *that there are sufficient environmental planning grounds to justify contravening the development standard.*

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Having considered the above the applicant relies upon the first method demonstrating that compliance is *unreasonable and unnecessary* because the objectives of the development standard are achieved notwithstanding a variation with the 9.0m height standard.

In dealing with the control it is necessary to identify the purpose of the height control and then progress to dealing with the consistency or otherwise with the height objectives. The first consideration relates to the overall scale of a building given that both height and FSR determines the scale of a building to another building or natural feature. The height objectives of the ALEP are identified below:

(a) to achieve high quality-built form for all buildings,

The architectural design, layout and street presentation of the boarding house achieves a high-quality development. The visual fit of the development in this particular instance is considered acceptable and appropriate for this site. The site sits within a landuse zone – R3 Medium Density Residential - with a 9.0m height limit. The height variations relate to the pitched sections of the roofs of each block which exceed the 9.0m height limit.

The proposed built form integrates with the established built form and character of the Summer Hill area and is compatible (not required to be the same - see Project Ventures v Pittwater Council) with its surrounds. Based on the findings in Big Property v Randwick there is a reasonable expectation that R3 Medium Density Residential zoned land could support affordable housing via the relevant bonus that is available of up to 0.5:1. The proposed scheme adopts a 0.29:1 affordable housing bonus (i.e. base of 0.7:1 base and proposed FSR of 0.99:1). As shown below the zoning map confirms two areas of R3 Medium Density Residential zoned land that has the potential for affordable housing bonus. The future character could be influenced by the permitted density bonuses that incentivise affordable housing developments. The objective is reasonably satisfied.

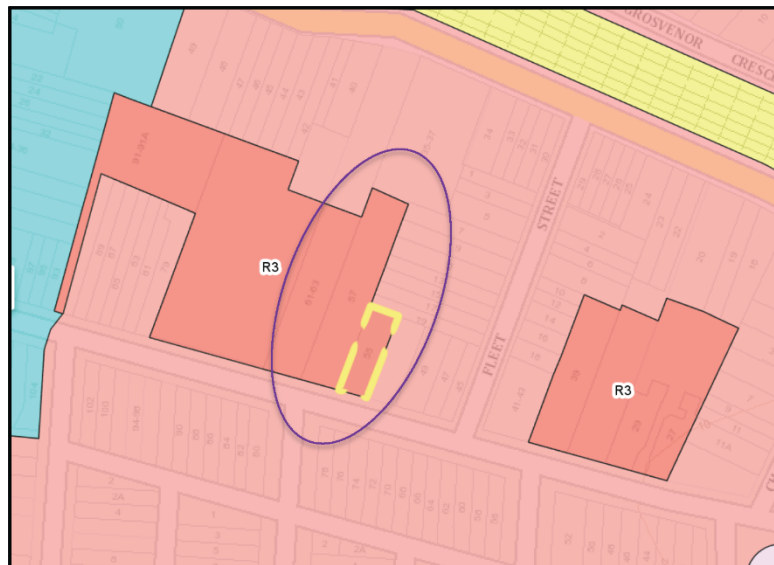


Fig 2: Zone Map extract ALEP – Site is zoned R3 Medium Density Residential

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(b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes

The proposed height maintains acceptable sky exposure to existing buildings adjoining or adjacent to the site and the objective is satisfied. The height variation is very much limited to the ridgeline of each of the building blocks and does not affect the performance of the building in terms of preserving daylight. The height variation is limited to the grey area on the 3D height plane (see Fig A page 2). Refer also to the section plans and Shadow diagrams submitted with the S8.2 Review request demonstrating the extent of the variation and the provision of reasonable solar access to the adjoining properties.

(c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,

The ridgelines of each building block do not add an additional level as the built form reads as a two storey terrace form. The variations facilitate a pitched roof for each building block. If the roofs were flat, then the height of each block would comply. The pitched roofs are integrated into the design in order to better fit the established and future character of the area. The building height/form provides an acceptable transition and the minor additional bulk associated with the pitched roof does not reduce the ability of the building to act as a transitional element. The two storey presentation to the street and to neighbouring sites provides an acceptable scale and form when considered in the context of single and two storey elements. We note that the height variation is mainly concentrated away from the heritage item. Again the variation essentially relates to the top of the gable end forms which sit comfortably alongside the heritage item. We have set out the other reasons like flooding and increased ceiling heights that principally contribute to the height variation. The roof forms are quite traditional and are appropriate given the sites juxtaposition with the item. As demonstrated in Fig 3 the built form presents as a 2 storey building which is compatible with the adjoining development either side of the site. Council has previously supported 2 storey terrace adjoining the heritage item. The additional height can be absorbed within the streetscape particularly given the fact the development at 51 Smith Street is higher than the proposal even with the additional 1.35m.



Fig 3: 3D model image demonstrating visual fit of the proposed infill boarding house within the streetscape.

(d) to maintain satisfactory solar access to existing buildings and public areas.

As demonstrated below the proposal maintains adequate solar access to the adjoining properties and reduces solar impacts on most properties when compared to the existing situation. Full shadow diagrams are submitted with the S8.2 submission.

The change in height from the existing industrial/commercial building and the proposed residential building maintains adequate solar access to the adjoining sites. At some time periods the impact of overshadowing will be reduced to most properties (see 11am – 2pm

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midday) shadows. The plans also demonstrate that the additional impact between the refused scheme and the S8.2 scheme is minor. Regardless of whether the impacts are less or greater than the existing the overall solar access available to all neighboring properties is acceptable and satisfies the ADCP. A number of properties in Fleet Street have greater access to direct sunlight under this S8.2 scheme when compared to the existing situation. All neighbours have 3 hours solar access to at least 50% of the minimum required POS for a dwelling.



Figure C: Shadow Diagram – 9am



Figure D: Shadow Diagram – 12noon

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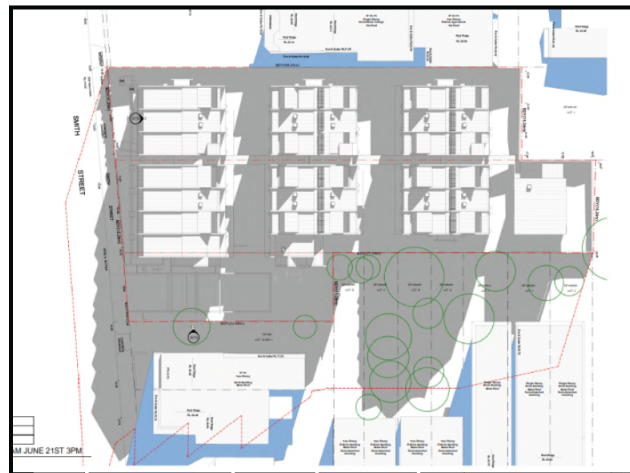


Figure E: Shadow Diagram – 3pm

The development maintains satisfactory solar access to the existing buildings and public areas, thereby reasonably satisfying this objective.

8.0 4.6(3)(b) – Sufficient Environmental Planning Grounds

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The variation relates to height and as such calls upon those matters considered to be environmental planning grounds relevant to the subject matter. Justification provided for the variation applies to this particular application and not environmental planning grounds that could apply to all lands zoned R3 Medium Density Residential.

The additional height to the top of the upper residential level of Block B is 1215mm which is the greatest variation across the site (refer to section drawings). The environmental planning grounds justification for the height variation is provided as follows:

- The flooding free board causes the ground floor level to be raised by 500mm which in turn causes the height to be increased over the standard;
- The Design Review Panels requirement to provide ADG type internal ceiling heights amounts to an additional 200mm per level and an overall increase of 400mm;
- 900mm (66.67%) of the overall 1350mm height variation is related to achieving a superior outcome with regard to flooding and internal amenity;
- The variation only relates to the pitched roof section and ridgelines and not the main component of the buildings;
- The built reads as a 2 storey terrace form emulating a number of existing terraces in the locality;
- The variation enables the roof to have a steeper pitch which is in character with the adjoining conservation area. The additional height provides a more characteristic roof form.
- The variations for each building block are very minor and have no significant adverse impact with regard to solar access or views.
- The pitched roofs of the rear building blocks are mostly obscured from street view and do not substantially contribute to the perception of height, bulk and scale as viewed from the public domain in Smith Street or from neighbouring sites.

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- All buildings read as a maximum of 2 storeys given that rooms are contained in the roofs as the upper level is not expressed as a full storey;
- Does not unreasonably overshadow the public domain;

In dealing with the sufficient environmental planning grounds Preston CJ in Initial Action considers that it is available to the applicant to also deal with the Objectives of the Act under S1.3 in order to demonstrate that grounds exist to warrant a variation to height. Clause 1.3 of the EP and A Act 1979 relevantly provides:

“1.3 Objects of Act (cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,**
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,**
- (c) to promote the orderly and economic use and development of land,**
- (d) to promote the delivery and maintenance of affordable housing,**
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,**
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),**
- (g) to promote good design and amenity of the built environment,**
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,**
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,**
- (j) to provide increased opportunity for community participation in environmental planning and assessment. (emphasis added)**

A development that complies with the landuse zoning of the site (R3 Medium Density Residential) satisfies the objectives of under S1.3 EP&A Act 1979.

The plans by Habitation Design & Interiors Architecture Rev G dated 24.3.2022, and specifically the height variation indicated on the section plans of the s8.2 plan set, satisfies the objectives in bold given that:

- The development replaces a non-compliant landuse (industrial/commercial) with a medium density residential development, with affordable housing, in line with Council's strategic planning objectives, the SEPPARH and ALEP 2013.
- The development allows for the timely and economic development of the land in line with the R3 zone objectives.
- Achieves a positive social outcome providing more affordable housing for the community in a highly accessible location.
- The urban design outcomes of the development, incorporating the additional height, has been assessed by Smith Tzannes and found to be an acceptable built form outcome for the site given its transitional nature and neighbour context.
- The built form is supported by an experienced Heritage Consultants notwithstanding the fact that the height is greater than the 9.0m height control.
- The design and layout of the site reflects opportunities to optimise exposure to daylight, sunlight and natural ventilation while reducing overlooking and other amenity issues for residents to the south of the site.
- The development improves management of the States land resources by providing a more efficient use of private land zoned R3 Medium Density that is well positioned to take advantage of its proximity to public transport, jobs, services and local and regional leisure, recreation and cultural activities.

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- The development maintains satisfactory access to daylight, sunlight and natural ventilation.

Based on the above the consent authority can be satisfied that there are sufficient environmental planning grounds to warrant the variation.

Notwithstanding the above Preston CJ clarified in Micaul and Initial Action, that sufficient environmental planning grounds may also include demonstrating a lack of adverse amenity impacts. In this case, these include:

- The proposal has an acceptable visual fit and balances the opportunities and constraints.
- Maintains satisfactory levels of solar access to the southern neighbours.

In summary, the HOB variation is considered to be in the public interest given its ability to not cause undue impacts but also because of its ability to provide the site-specific environmental planning grounds demonstrating that strict compliance is unreasonable and unnecessary in the circumstances of this particular case.

Clause 4.6(4)(a)(iii) The proposed Development will be in the Public Interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Consistency with the Zone Objectives

An enquiry is now made in relation to the ability of the proposal and the identified variation, as one departing from the HOB standard, to reasonably satisfy the stated objectives of the zone. The objectives of the R3 Medium Density Residential zone are as follows:

Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The following provides a review of the zone objectives:

- *To provide for the housing needs of the community within a medium density residential environment.*

The proposal results in a change of landuse from the existing industrial/commercial occupation of the land to residential being consistent with the R3 Medium Density Residential zone. The proposal provides affordable accommodation to meet the emerging needs of the community with good access to public transport and essential services. The proposal also provides affordable housing to achieve the Councils housing targets particularly where the site has access to rail services.

- *To provide a variety of housing types within a medium density residential environment.*

The proposed development improves housing options for future residents and achieves the objectives. A boarding house typology provides options to more traditional residential flat building housing which is typically more expensive or requires residents to share. Accordingly, the proposed development satisfies the objective.

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- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

This objective is not relevant to the proposal.

8.0 Other Matters For Consideration

Step 4 - Clause 4.6(4)(b) – The Concurrence of the Secretary has been obtained

On 21 February 2018, the Secretary of the Department of Planning and Environment issued a Notice ('the Notice') under cl. 64 of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation) providing that consent authorities may assume the Secretary's concurrence for exceptions to development standards for applications made under cl4.6 of the ALEP.

The Court has power to grant development consent to the proposed development even though it contravenes the HOB development standard, without obtaining or assuming the concurrence of the Secretary by reason of s39(6) of the *Land and Environment Court Act 1979* (the Court Act).

Clause 4.6(5) - Concurrence Considerations

In the event that concurrence cannot be assumed pursuant to the Notice, cl4.6(5) of the LEP provides that in deciding whether to grant concurrence, the Secretary must consider:

- whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- the public benefit of maintaining the development standard, and*
- any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The proposed contravention of the HOB development standard has been considered in light of cl4.6(5) as follows:

- The proposed non-compliance does not raise any matter of significance for State or regional environmental planning as it is peculiar to the design of the proposed development for this particular site. It is not directly transferrable to any other site in the immediate locality, wider region or the State and the scale of the proposed development does not trigger any requirement for a higher level of assessment;
- As indicated in Section 7 and Section 8, the proposed contravention of the development standard is considered to be in the public interest because it is consistent with the objectives of the zone and the objectives of the development standard.

The proposed development contravenes the Height of Building development standard under cl4.3 of ALEP 2013 and the building control under cl4.3 of the ALEP is a development standard and is not excluded from the application of cl4.6.

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This written request to vary the development standard has been prepared in accordance with cl4.6(3) of the LEP and demonstrates that strict compliance with the development standard is unreasonable and unnecessary for the following reasons:

- the proposed development is consistent with the relevant objectives of the development standard pursuant to cl4.3 of the ALEP 2013 and is consistent with the relevant objectives of the R3 zone and therefore the proposed development is in the public interest;
- the proposed development, incorporating affordable housing, will not result in significant adverse environmental harm regarding the amenity of neighbouring properties;
- provides a superior outcome than a strict compliant form with regard to internal amenity and flooding;
- the resultant built form arising from the affordable housing incentives forms part of the likely future character of the surrounding R3 zoned lands in accordance with the planning principles in *Big Property v Randwick Council*;
- written request outlines sufficient environmental planning grounds to justify the contravention of the HOB development standard;
- Replacement of a non-residential landuse with a land use that is permissible in the R3 zone;
- No adverse impact on neighbours associated with the pitched roof ridgeline;
- Maintains adequate views to and from the adjoining heritage item.

A handwritten signature in black ink, appearing to read 'A Martin', written in a cursive style.

Andrew Martin *MPIA*
Planning Consultant

Attachment D – Plan of Management

**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
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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.

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- 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:

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- 6.1 State of premises
A resident is entitled to live in premises that are:
- a) reasonably clean, and
 - b) in a reasonable state of repair, and
 - c) reasonably secure.
- 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:
- a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
 - b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.
- (2) A utility for the purposes of this clause is each of the following:
- a) the supply of electricity, 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:
- a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
 - b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.
- (2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover the following:
- a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,
 - b) any occupation fees or other charges owing and payable under the occupancy agreement or the Act,
 - c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy, the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
 - d) any other amounts prescribed by the regulations.

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- (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:
- any failure by the resident to comply with the terms of an occupancy agreement, or
 - any damage to the boarding house caused by the resident or an invitee of the resident, or
 - 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.

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- 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.

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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.

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- 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.