



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DAREV/2017/29
Address	1 Rayner Street, LILYFIELD NSW 2040
Proposal	Review of Determination of D/2017/191. Consent is sought for the demolition of existing dwelling and associated structures on the site and the construction of a part 2/part 3 storey building for use as a 10 room boarding house, accommodating 19 lodgers with associated vehicle, motorcycle and bicycle parking and communal living room.
Date of Lodgement	23 October 2017
Applicant	Injaid Pty Ltd
Owner	Injaid Pty Ltd
Number of Submissions	1 st Notification. 27 submissions in opposition 2 nd Notification. 16 submissions in opposition
Value of works	\$895,800
Reason for determination at Planning Panel	Number of submissions
Main Issues	<ul style="list-style-type: none"> • Bulk, Scale & Density • Design and Character • Traffic & Parking • Neighbouring Amenity • Lack of Boarding House Amenity and Regulation • Social Impact
Recommendation	Change original determination from Refusal to Approval (Deferred Commencement)



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for a review of D/2017/191 which was refused.

The application refused sought consent for the demolition of existing house and construction of 13 room boarding house with on site manager's dwelling and communal room.

The review has amended the proposal and now seeks approval for the demolition of existing dwelling and associated structures on the site and the construction of a part 2/part 3 storey building for use as a 10 room boarding house, accommodating 19 lodgers with associated vehicle, motorcycle and bicycle parking and communal living room.

The application was notified to surrounding properties and 27 separate submissions were received. During the assessment process, the proposal was amended, which largely involved the reduction in size of the building, the reduction in number of rooms and provision of 2 onsite car parking spaces. The amended application was re-notified and 16 submissions were received.

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policy (Affordable Rental Housing) 2009. The design and potential impacts to the surrounding environment have been considered and are concluded to be reasonable in its context, with ongoing management of the use controlled by way of a Plan of Management.

There are technical elements of the proposal in relation to stormwater, waste and parking which can be addressed by appropriate conditions of consent as part of a 'Deferred Commencement' Approval.

2. Proposal

The proposal is for demolition of existing dwelling and associated structures on the site and the construction of a part 2/part 3 storey building for use as a 10 room boarding house, accommodating 19 lodgers with associated vehicle, motorcycle and bicycle parking and communal living room. Specifically the proposal involves –

- Demolition of the existing single storey dwelling and associated structures on the site
- Construction of a part 2/part 3 storey building comprising –
 - Ground Floor
 - 3 boarding rooms (1 adaptable)
 - Communal Living Room
 - Communal Open Space
 - 2 x parking spaces
 - 7 x bicycle parking racks
 - 2 x motorcycle parking racks
 - Waste storage rooms
 - First Floor
 - 6 boarding rooms
 - Second (attic) Floor
 - 1 boarding room

3. Site Description

The subject site is located on the eastern side of Rayner Street, between Lilyfield Road and Eric Street. The site consists of 1 allotment and is generally rectangular with a total area of 530sqm and is legally described as Lot 1, Section 2, DP4162. The site has a frontage to Rayner Street of 11.5 metres.

The site supports a single storey dwelling, outbuildings, including a garage and carport at the rear. The adjoining properties support a part 2/part 3 storey residential flat building at 3 Rayner Street, a 4 storey residential flat building at 135 Lilyfield Road, dwellings to 129, 131 Lilyfield Road and 18 Eric Street, Lilyfield

The subject site is not listed as a heritage item, however is located in a Heritage Conservation Area. Rayner Street is also listed as Landscaped Heritage Item No. 1721.

The site is zoned R1 – General Residential pursuant to Leichhardt Local Environmental Plan 2013.

4. Background

4(a) Site history

The following table outlines the development history of the subject site.

Date	Application No	Application Details	Outcome
17/08/2017	D/2017/191	Demolition of existing house and construction of 13 room boarding house with on site manager's dwelling and communal room.	Refused (Appeal Pending)
30/06/2016	PREDA/2016/70	Demolition of existing dwelling and construction of a 3 storey building to provide for a 13 room boarding house with manager's	Advice Issued
04/03/2015	PREDA/2015/8	Demolition of existing structures and construction of a residential flat building comprising 7 dwellings above a basement car park.	Advice Issued

The development application (D/2017/191) which was refused in 2017 is currently on Appeal.

The reasons D/2017/191 was refused and how this review has responded to those reasons is contained below. In summary, it is considered that the reduction in size of the building, the reduction in number of rooms and provision of 2 onsite car parking spaces has largely addressed the key issues of the refusal.

Surrounding History

3 Rayner Street

Date	Application No	Application Details	Outcome
02/12/1992	DA1992/463	Convert lodging house to flats and strata subdivide into 36 units	Approved (L&EC)

135 Lilyfield Road

Date	Application No	Application Details	Outcome
05/02/1969	DA3417	Erect 3 storey block of 12 units	Approved

131 Lilyfield Road

Date	Application No	Application Details	Outcome
31/10/2012	D/2012/404	Single-storey alterations and additions to the existing dwelling	Approved

129 Lilyfield Road

Date	Application No	Application Details	Outcome
09/08/2016	D/2016/223	Alterations and additions to existing dwelling plus addition of a secondary dwelling	Approved

As a result, it is considered now the development is suitable for the site, subject to conditions.

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
25/06/2018 & 27/07/2018	Applicant lodged amended plans and additional information – <ul style="list-style-type: none"> Altered front elevation materials and forms Increase side setbacks of rear portion of building to southern boundary Additional shadow diagram analysis Amended Plan of Management
12th April 2018 to 26th April 2018.	Council renotified the amended plans
25/01/2018	Applicant lodged amended plans and additional information – <ul style="list-style-type: none"> Reduced the number of lodgers to 19 lodgers with the rooms consisting of 9 double lodger rooms and 1 single lodger room. The two double lodger rooms on the attic level have been removed and replaced with a single lodger room. The stairwell leading to the attic level has also been moved from the rear block to the front block, reducing the rear mass of the building. Removed the two middle rooms, being Room 3 and Manager's room on the submitted Section 82A plans, to create two car parking spaces. Widened the shared access to 3m to allow for cars to enter the car parking area. This includes narrowing the blocks and shifting the front and rear blocks 550mm closer to the southern boundary, creating a 950mm setback. Relocated the bin area to be behind the car spaces to allow for parked cars to reverse out and exit in a forward direction. Altered the roof pitch from 35 degrees to 33 degrees, lowering the ridge by 210mm.
22/01/2018	Council met with Applicant to discuss issues

The additional information lodged during the assessment process and the plans submitted as part of that additional information form the basis of this report. The amended plans and additional information has addressed some of the previous reasons for refusal with other issues being able to be resolved by way of condition.

5. 8.2 Review

Division 8.2 of the Environmental Planning and Assessment Act, 1979 allows an applicant to request Council to review the determination of an application. The review is to be carried out in accordance with the following.

8.3(2) A determination cannot be reviewed after the time limit for making of an appeal under Section 8.7 expires, being 6 months from the original determination.

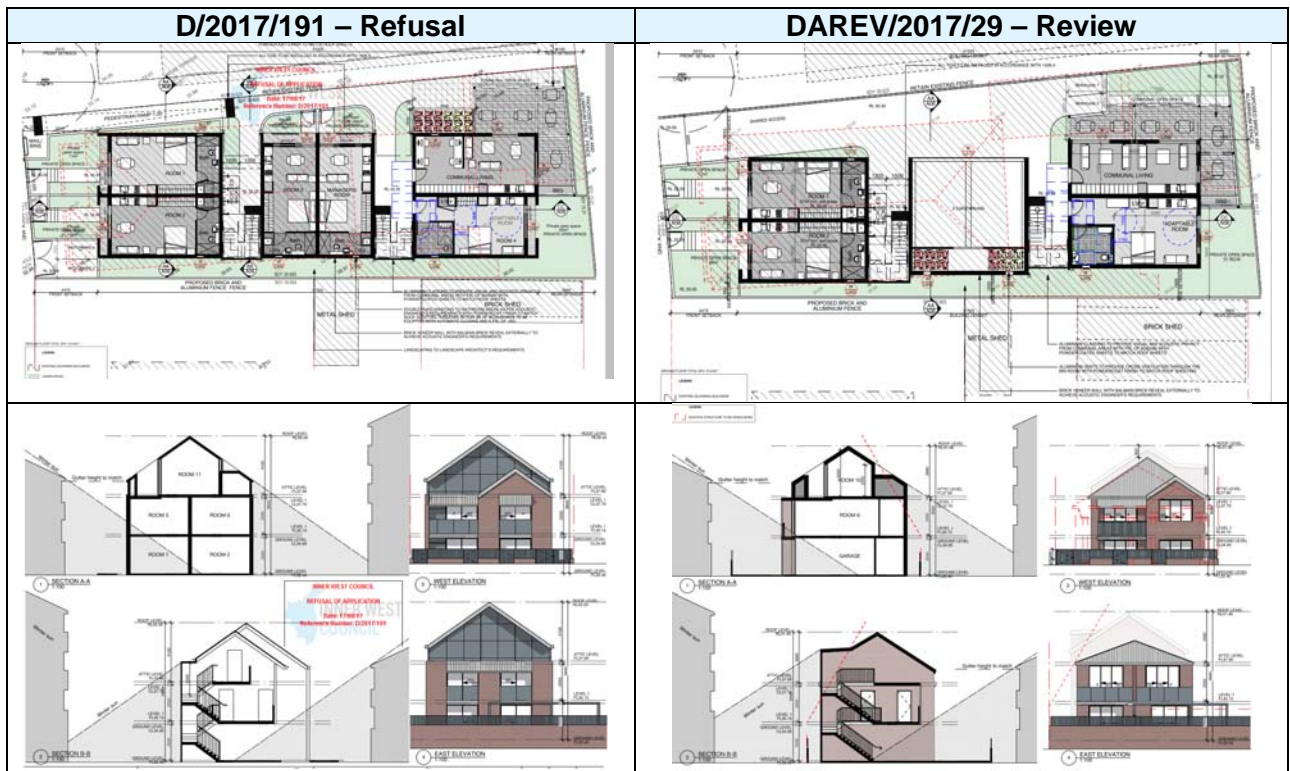
The subject application was determined on 17 August 2017. The request for review was received by Council on 23 October 2017. An Appeal is currently before the Land & Environment Court.

8.3(3) In requesting a review, the applicant may make amendments to the development described in the original application, provided that Council is satisfied that the development, as amended, is substantially the same as the development described in the original application.

The applicant has amended the development at lodgement of the review and as additional information lodged during the processing of the review. Largely the amendments include -

- Reduction in the number of rooms from 13 to 10
- Reduction in the height and siting of the building
- Provision of 2 on site car parking spaces

The images below indicate the refused DA and the plans subject of this review.





8.3(4) - The review must be conducted by the Council or another delegate of the council not subordinate to the original delegate.

A delegate of Council carried out the decision. The review must be carried out by the Local Planning Panel due to the number of submissions.

8.4 - As a consequence of a review, Council may confirm or change the determination.

After reviewing the determination of the application, it is recommended that Council change the determination from refusal to approval (deferred commencement).

5. REASONS FOR REFUSAL

The original development application was refused on 17 August 2017. The reasons for refusal and discussion on how the proposed amendments address these reasons are as follows.

1. The application is inconsistent with or has failed to demonstrate compliance with the following provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (boarding houses):

a) the landscape treatment of the front setback area is not compatible with the streetscape in which the building is located;

Comment: The proposed 'green' front setback is considered to be an improvement on the existing 'hard' landscaped front setback enabling plantings to occur.

b) the development has not demonstrated compliance with the solar access requirements for the communal room;

Comment: Additional solar access diagrams indicate that the communal room will receive the required 3 hours solar access from 9am-12pm. In addition, the siting of the communal room in the northeast corner, the extent of northerly-orientated glazing, its direct connection to the external open space is considered to be appropriate in terms of providing a level of amenity for the users.

c) the private open space for the Manager's room does not meet the minimum area/dimensions requirement and is therefore non-compliant; and

Comment: The review proposal does not include a Manager Room, as a result this reason is now not applicable.

- d) insufficient parking is provided on the site:

Comment: The review has been amended to provide 2 onsite car parking spaces. This is considered acceptable on merit, despite a recent amendment to ARH SEPP which seeks 5 onsite car parking spaces.

2. The development is contrary to the character of the local area and therefore fails to satisfy Clause 30A Character of local area of SEPP Affordable Rental Housing.

Comment: The review has amended the design and scale of the proposal, largely through an amended front elevation, reduction in size of the building and number of rooms. As a result of the amendments is now considered that on merit the proposal satisfies the local character test.

- 3 & 4 The development is contrary to the heritage provisions of Leichhardt Local Environmental Plan 2013 and Development Control Plan 2013. The development is contrary to the Desired Future Character for this locale, and especially for the Austenham Estate Conservation Area.

Comment: The size of the building has been reduced and the design of the building has been amended to incorporate design elements (hipped roof and gable forms) consistent with the desired future character and it is not in a form that is acceptable in its context.

5. The development has not been accompanied by sufficient information to enable an accurate assessment of overshadowing impacts to all affected properties.

Comment: Additional solar access information has been submitted as part of the review, which enables an assessment of the impacts to be assessed. In summary, it is considered that the impacts are reasonable in the circumstances of the site and its context.

6. The bulk and scale and building location of the proposal will present unacceptable massing and bulk when viewed from adjoining properties.

Comment: The review has resulted in a reduction in the scale of the proposal and increased the setbacks of the building at the rear of the site from the southern boundary. It is considered that a part 2/part 3 storey building as proposed is not 'out of keeping' in its context and will not result in adverse visual impacts.

7. The development has not adequately addressed stormwater management for the site as required by Councils planning controls.

Comment: The proposal is recommended for approval by way of 'deferred commencement approval' and as part of deferred commencement it includes conditions to address the stormwater requirements.

8. The proposal will result in detrimental environmental impacts in the locality, pursuant to Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979.

Comment: The amendments made as part of the review are considered now to achieve a development that does not result in unreasonable impacts.

9. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979.

Comment: The amendments made as part of the review are considered now to achieve a development that is suitable for the site.

10. The approval of this application is considered contrary to the public interest, pursuant to Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979.

Comment: The amendments made as part of the review are considered now to achieve a development that is not contrary to the public interest.

6. 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.

6(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with SEPP 55.

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

The provisions of State Environmental Planning Policy (*Affordable Rental Housing*) 2009 are applicable to the boarding house component of the proposed development. The development achieves compliance with the core statutory requirements of the State Policy. The most important provisions of the State Policy are provided in the table below.

Standard	Compliance/Comment
<p><u>29 Standards that cannot be used to refuse consent</u> (1) <i>A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than, inter alia...</i> (c) <i>if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register - the existing maximum floor space</i></p>	<p>The land is zoned R1 – General Residential.</p> <p>The maximum allowable FSR under Clause 4.4 (2B)(a) LEP 2013 is 0.6:1 – with the ARH SEPP ‘bonus’ of 0.5:1 results in a FSR to which the application cannot be refused of 1:1.</p>

<p><i>ratio for any form of residential accommodation permitted on the land, plus:</i> <i>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less.....</i></p>	<p>The proposal has an FSR of 0.77:1.</p>
<p><i>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p>	
<p><i>(a) building height</i> <i>if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</i></p>	<p>LEP 2013 does not impose any height restrictions, and as a result, this Clause does not strictly apply. However, with regard to the building heights, consideration has been given to Distinctive Neighbourhood Character controls for the site and its context and:</p> <ul style="list-style-type: none"> • The building is part 2/part 3 storey and lower than the two adjoining properties. • The front design adopts design elements consistent with the desired future character • The proposed rear portion is lower and provides the required side setbacks • It is considered that in its context the building is not 'out of scale'.
<p><i>(b) landscaped area</i> <i>if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located</i></p>	<p>The proposal includes a 'green' landscaped setback which is considered to be an improvement to the existing 'hard' landscaped setback.</p>
<p><i>(c) solar access</i> <i>where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</i></p>	<p>The communal room is located in the north east corner of the site an adjoining external open space area.</p> <p>The information confirms that 3 hours solar access is received. It is also considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> • Its siting is considered to be appropriate in the context of area • It has convenient access for all users; • It has a significant amount of northern glazing that will receive

	<p>solar access throughout the course of the year</p> <ul style="list-style-type: none"> • It has a direct connection to the open space and general open spaces areas of properties in Eric Street and Lilyfield Road ; • Siting this elsewhere on the site, centrally for example, would likely result in less solar access and a disconnection with the open space at the rear. <p>As a result, on balance, it is considered that the room and its overall amenity with the open space is acceptable in its context.</p>
<p><i>(d) private open space if at least the following private open space areas are provided (other than the front setback area):</i></p> <p><i>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</i></p> <p><i>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</i></p>	<p>An open space area is provided at the rear which is in excess of 20sqm, with a minimum dimension of 3m.</p>
<p><i>(e) parking if:</i></p> <p><i>(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</i></p> <p><i>(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</i></p> <p><i>(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and</i></p> <p><i>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</i></p>	<p>The Clause was amended on 1 June 2018 to require 0.5 car parking spaces per boarding room as opposed to the DA and initial Review assessment that required 0.2 car parking spaces per room.</p> <p>The amended proposal provides 2 parking spaces which was compliant with the 0.2 requirement.</p> <p>As discussed later in this report, it is considered that these 2 spaces are acceptable in this instance.</p>
<p><i>(f) accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</i></p> <p><i>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</i></p> <p><i>(ii) 16 square metres in any other case.</i></p>	<p>Each boarding house room has an area greater than 16sqm with the exception of Room 10 which is under 16sqm.</p>
<p><i>(3) A boarding house may have private kitchen or bathroom</i></p>	<p>Each boarding room has a</p>

<p><i>facilities in each boarding room but is not required to have those facilities in any boarding room.</i></p>	<p>bathroom and a kitchenette.</p>
<p><i>(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</i></p>	<p>As discussed throughout this report, it is recommended that consent be granted to the application.</p>
<p>30 Standards for boarding houses</p>	
<p><i>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</i></p>	
<p><i>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</i></p>	<p>The proposal includes a communal living room in excess of 25sqm located at the rear of the site connected to the adjacent to open space.</p>
<p><i>(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</i></p>	<p>No boarding room has an area exceeding 25sqm (excluding any area used for the purposes of private kitchen or bathroom facilities).</p>
<p><i>(c) no boarding room will be occupied by more than 2 adult lodgers,</i></p>	<p>Each room has the capacity for 2 lodgers with the exception of Boarding Room 10. The total amount of lodgers will therefore be 19.</p> <p>It is recommended that the maximum number of adult lodgers be reaffirmed by way of condition.</p>
<p><i>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</i></p>	<p>Each boarding room has bathroom and kitchen facilities.</p>
<p><i>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</i></p>	<p>The boarding house has the capacity to accommodate 19 lodgers, and as a result, a boarding house manager is not required.</p>
<p><i>(f) (Repealed)</i></p>	
<p><i>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</i></p>	<p>The site is not zoned for commercial purposes.</p>
<p><i>(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</i></p>	<p>The amended proposal seeks 10 rooms, requiring 2 bicycle and 2 motorcycle parking spaces.</p> <p>The proposal provides 7 bicycle and 2 motorcycle parking spaces.</p>

<p><i>30A Character of local area</i> <i>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.</i></p>	<p>The subjective nature of the "local character" test allows a wide range of interpretation. Notwithstanding this, this is discussed further as part of the assessment against Leichhardt Development Control Plan 2013, and in particular the Desired Future Character for this area. In summary it is considered that the proposal is acceptable in its context.</p>
<p><i>52 – No subdivision of boarding houses</i></p>	
<p><i>A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.</i></p>	<p>Noted. It is recommended a condition be imposed to reaffirm this Clause.</p>

This style of boarding house, with each room having private kitchenette and bathroom facilities, is referred to as a “new generation” boarding house (as opposed to older style boarding houses which tended to have shared kitchen and bathroom facilities).

The proposal is consistent with Council’s Affordable Housing Strategy which seeks to promote this type of accommodation.

5(a)(iii) Leichhardt Local Environment Plan 2013 (LLEP 2013)

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.4 – Stormwater management
- Clause 6.8 – Development in areas subject to aircraft noise

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

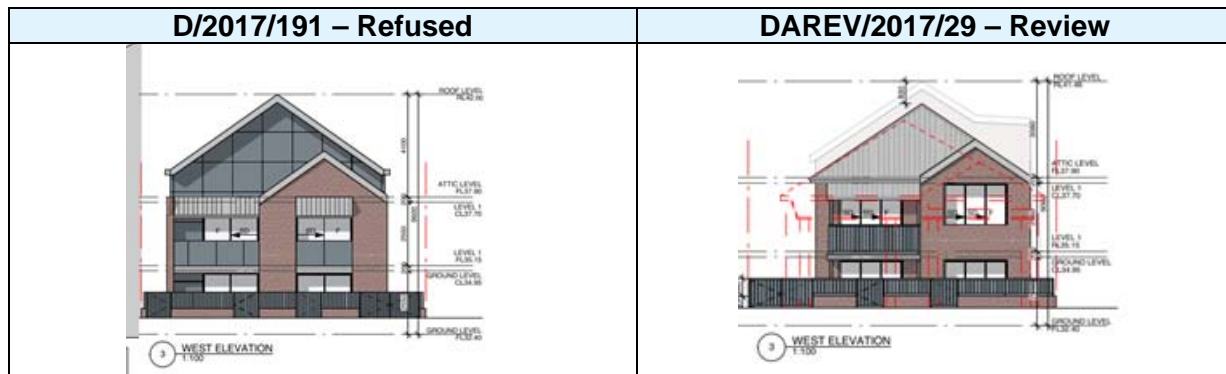
Standard	Proposal	% of non compliance	Compliance
<p>Floor Space Ratio LEP = 0.6:1 (318sqm) ARH SEPP = 1.1:1 (583sqm)</p>	<p>0.77:1 (410sqm)</p>	<p>N/A</p>	<p>Yes</p>
<p>Landscape Area 20% (106sqm)</p>	<p>21.13%</p>	<p>N/A</p>	<p>Yes</p>
<p>Site Coverage 60% (318sqm)</p>	<p>50.38%</p>	<p>N/A</p>	<p>Yes</p>

As indicated above, the proposed floor space ratio exceeds the LEP and relies upon the 'bonus' 0.5:1 available in ARH SEPP. As a result, the maximum allowable FSR is 1.1:1.

Clause 5.10 – Heritage Conservation

The site is located in a Heritage Conservation Area. The subject dwelling is a modern detached dwelling that does not contribute to the heritage values of the conservation area, as a result its demolition is accepted.

The review has amended the design of the building, with the images below indicating the refused design and the current design.



As the images indicate the building has been lowered, provided a hipped roof form and retained the gable form. The materials have also been altered, by removing the glass and provide a more 'traditional' response. The front setback is also increased which will enable a landscaped setting to Rayner Street which is considered positive.

The design has been a consistent issue throughout the assessment, given its siting in a heritage conservation area (HCA) and the desired future character themes. However, there is also the recognition that the property is on the edge of the HCA and sited between residential flat buildings that are not contributory to the area, one of which being located in the HCA.

Given its context, it is considered that whilst the amended built form may not be wholly consistent with the desired future character in terms, it is not considered to be 'out of scale' in its context and does adopt design elements sought in the desired future character. As a result, it is considered to satisfy the objectives of this Clause on merit.

Clause 6.4 – Stormwater Management

The application was supported by a stormwater concept plan that included an OSD system, reliant on a drainage easement over the downstream properties. The legal right to drain water over the downstream properties has not been demonstrated, however this can be addressed by way of Deferred Commencement Condition.

Clause 6.8 – Development in areas subject to aircraft noise

The site is located in the ANEF Contour 20-25. An Acoustic Report was submitted with the original DA which addressed ANEF and provided recommendations to the design to address the Australian Standard in relation to aircraft noise. This was reviewed and the recommendations accepted. As a result of the amended plans lodged as part of this review and reduction in number of rooms, for consistency it is recommended that a condition be imposed to comply with this Clause which will reflect the amendments prior to issue of a Construction Certificate.

5(b) Draft Environmental Planning Instruments

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

- Draft State Environmental Planning Policy (Environment) 2018

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B3.1 Social Impact Assessment	Yes – Discussion below
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes – Discussion below
C1.4 Heritage Conservation Areas and Heritage Items	Yes – Discussion below
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes – Discussion below
C1.10 Equity of Access and Mobility	Yes – Discussion below
C1.11 Parking	Yes – Discussion below
C1.12 Landscaping	Yes – Discussion below
C1.14 – Tee Management	Yes – Discussion below
Part C: Place – Section 2 Urban Character	
C2.2.4.3 Leichhardt Park Distinctive Neighbourhood	Yes – Discussion below
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes – Discussion below
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	ARH SEPP
C3.9 Solar Access	Yes – Discussion below
C3.10 Views	Yes
C3.11 Visual Privacy	Yes – Discussion below
C3.12 Acoustic Privacy	Yes – Discussion below
Part C: Place – Section 4 – Non-Residential Provisions	
Part D: Energy	Yes
Part E: Water	Yes – Discussion below
Part F: Food	N/A
Part G: Site Specific Controls	N/A

B3.1 Social Impact Assessment

The DA was supported by a Social Impact Statement as required by this Part. The conclusions reached in the Statement reads:

- *There is an established need for more residential accommodation in the local area to address households experiencing or likely to experience housing stress due to the rising costs of accommodation;*
- *The site is well located in terms of accessibility to public transport, employment nodes and services;*
- *The proposal is consistent with the direction of State and local strategic planning frameworks together with the aims and objectives of relevant legislation;*
- *The proposal is for a 'new age' boarding house - to be self-managed and operated within the private rental market, not operated by a social housing provider or community group where rents are subsidised.*
- *Based on the proposed mode of operation the socio-economic profile of occupants will not require specific social services and programs (proposal is not an assisted or subsidised form of housing).*
- *The social behavioral problems anticipated by the local residents and local public school should be mitigated by the mode of operation (I.e. new age format offering larger rooms on minimum 3 month terms); adoption of a POM; CCTV; and in-house by-laws for the code of conduct;*
- *It will add to the supply of 'affordable housing' - within the private rental market.*

The conclusions are accepted. The proposal is wholly consistent with Council's Affordable Housing Strategy with the objective to promote affordable housing within the LGA.

C1.2 – Demolition

As discussed above, the demolition of the existing dwelling and associated structures on the site is acceptable.

C1.4 Heritage Conservation Areas and Heritage Items

As discussed above it is considered that the proposal is acceptable subject to conditions.

C1.9 Safety by Design

A Plan of Management (POM) was submitted with the application and includes 'house rules' which provide controls for the lodgers and their behaviour as occupants on the site.

As mentioned above, there is no requirement in ARH SEPP to have an onsite manager due to the number of lodgers not exceeding 20, however the POM does require lodgers to sign 'tenancy' agreements, with these agreements including the 'house rules' and general occupant behaviour compliance.

The Boarding House is also to be registered and Council will be carrying out inspections in accordance with the Boarding House Act 2012.

C1.10 Equity of Access and Mobility

The proposal includes 1 adaptable room (Room 3 at ground floor at the rear). A Building Code of Australia (BCA) Report was submitted with the original DA which provided recommendations to access to and within the building. It also recommended that an access report be provided with the Construction Certificate. This is accepted and a condition is recommended for an access management plan to be submitted with the Construction Certificate.

C1.11 – Parking

A Traffic & Parking Assessment Report was submitted with DA that concluded the proposed use will not have adverse impacts on the existing street network and parking supply and demand. The table below indicates the existing and proposed parking requirement –

	Existing (Dwelling)	Required ARH SEPP Boarding House	Proposed
Cars	0	5 - Boarding house (ARH SEPP) *Refer below.	2
Bicycles	0	2 – Boarding House (ARH SEPP)	7
Motor Bicycles	0	2 – Boarding House (ARH SEPP)	2

The table indicates that there is a shortfall in parking under ARH SEPP.

The DA and Review were lodged and assessed based on the *standard that cannot be used to refuse consent* in ARH SEPP for parking at least 0.2 parking spaces are provided for each boarding room. As part of this Review amended plans were lodged to comply with this provision by including 2 spaces in the proposal for the 10 rooms. The car parking provision was accepted in terms of the traffic and parking assessment.

On 1 June 2018, ARH SEPP was amended to 0.5 parking spaces are provided for each boarding room, which would require 5 car parking spaces based on the 10 rooms. There was no savings provision included in the amendment.

The proposal exceeds the required bicycle parking, and given the assessment of the proposal prior to the policy amendment, accepts that the provision of 2 car parking spaces is satisfactory in this instance and it is not reasonable or necessary to pursue the shortfall.

It is noted that this standard is held in Clause 29 of ARH SEPP being one that *cannot be used to refused consent* (if complied with) as opposed to standard held in Clause 30 of ARH SEPP where consent must not be granted unless they comply. Therefore, Council is able and open to approve the new 'shortfall' if deemed acceptable, which on merit it is in this instance.

The technical requirements for the parking manoeuvrability are to be addressed by way of condition.

C1.12 & C1.14 – Landscaping & Tree Management

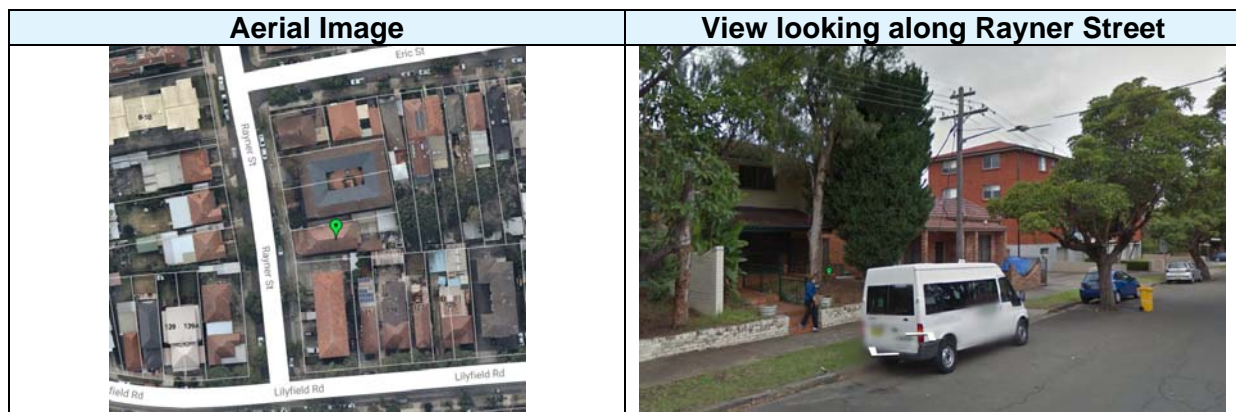
The existing site has limited vegetation and this proposal seeks to improve the site in terms of areas for vegetation and canopy trees. A Landscaped Plan was submitted with the original DA and in principle this is accepted. As a result of the amended plans lodged as part of this review a condition is recommended that a revised Landscaped Plan is submitted to reflect the amended plans with the Construction Certificate.

Tree protection measures for the *Lophostemon confertus* (Brushbox) located in the nature strip and *Cupressocyparis leylandii* (Leighton Green Conifer) located on the adjoining property are to be implemented.

These matters are included in the recommendation by way of conditions.

C2.2.4.3 Leichhardt Park Distinctive Neighbourhood – Sub Area – Leichhardt Park Conservation Area, C3.2 Site Layout and Building Design

The proposal seeks to demolish a modern building that is not considered to contribute to the conservation area and seeks a part 2/part 3 storey building. The site is the most southern lot on the eastern side of Rayner Street adjoining a property at 18 Eric Street and 129, 131 and 135 Lilyfield Road. In fronting Rayner Street it is located in-between a part 2/part 3 storey building at 3 Rayner Street and a 4 storey building at 135 Lilyfield Road. The images below indicate its immediate context.



The proposal seeks to increase the front setback similar to 3 Rayner Street and in doing so introduce and enable landscaping in the setback. This is considered to be an improvement to the existing front setback and the current lack of ‘soft’ landscaped area within the front setback, consistent with the desired themes.

The context is limited in terms of ‘soft’ landscaping, with many sites having a significant amount of site coverage and/or ‘hard’ landscaping. The proposal seeks to positively introduce a greater amount of ‘soft’ landscaped area (21%) on the site, where the existing site is largely hard paved or has accommodated by various structures.

In terms of its design it includes hipped and gabled roof forms at the front again consistent with the desired themes.

Building Envelope

The area is prescribed a 3.6m Building Envelope, and whilst the two storey form extends beyond that envelope, given its siting in-between 2 and 4 storey forms this is not considered to be unreasonable.

Side Setbacks

The part 2/part 3 storey form does not comply with the side setback graph under C7 to the southern boundary at the front and centre of the building where the 3 storey ‘pop up’ is located, however will maintain a setback range of between 950mm and 1.5m in these areas, which provides relief between the adjoining lots.

The proposal does comply with the side boundary setbacks to the northern boundary (3m-4m) and to the southern boundary (1900mm) at the rear where it is located at the rear of the properties fronting Lilyfield Road.

C8 enables variations to the side setback graph and it is considered that subject to an alteration to the ‘pop up’ 3 storey that variations can be supported as -

- the building design is acceptable in its context
- the pattern of development of this section of Rayner Street will not be compromised,

- the proposal will not be 'out of scale' with its context,
- as discussed elsewhere in this report the amenity impacts on surrounding properties are reasonable, and
- access is maintained along the side for maintenance.

Building Location Zone

The site is the most southern lot on the eastern side of Rayner Street and as a result there is no strict Building Location Zone applied. C5 considers 'end' lots on adjoining streets taking into account the location of the building on the adjacent property that most resembles the orientation, frontage width and site layout of the subject site. 3 Rayner Street is the adjacent property and this property extends largely the full depth and width of the site. C6 provides 'tests' for the BLZ which are -

- a) amenity to adjacent properties (i.e. sunlight, privacy, views) is protected and compliance with the solar access controls of this Development Control Plan is achieved;*
- b) the proposed development will be compatible with the existing streetscape, desired future character and scale of surrounding development;*
- c) the proposal is compatible in terms of size, dimensions privacy and solar access of*
- d) private open space, outdoor recreation and landscaping;*
- e) retention of existing significant vegetation and opportunities for new significant vegetation is maximised; and*
- f) the height of the development has been kept to a minimum to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties.*

The BLZ is acceptable as –

- as discussed elsewhere in this report the amenity impacts on surrounding properties are reasonable,
- the building built form is acceptable against the desired themes and its context
- the proposal improves the landscaped area on the site and provides all required amenity for the use/users.
- there is no vegetation on the site and the proposal introduces landscaping and
- the height of the proposal will not be 'out of scale' with its context, with the views from adjoining properties not considered to be unreasonable.

In consideration of the desired future character and local character considerations under ARH SEPP, the proposal provides a part 2/part 3 storey form in between 2 residential flat buildings of 2 and 4 storeys respectively, with the proposed 3rd storey forming a 'pop up' in the centre of the building and as a result is not considered to be 'out of scale'. The building provides setbacks to all boundaries, therefore retaining an appropriate siting for the building and visual and built form response to the adjoining lots. The form and materials are consistent with the desired themes and in providing a greater front setback enable the introduction of a landscaped setting which is positive to the existing situation and the streetscape.

As a result, on balance it is considered appropriate when assessed against the desired themes and its immediate context.

C3.9 – Solar Access

The following controls apply to the proposal in regards to solar access to adjoining properties.

Retaining solar access to neighbouring dwellings main living room glazing

- C13 Where the surrounding allotments are orientated north/south and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained between 9am and 3pm during the winter solstice.
- C15 Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.

Retaining solar access to neighbouring dwellings private open space

- C17 Where surrounding dwellings have north facing private open space, ensure solar access is retained for three hours between 9am and 3pm to 50% of the total area during the winter solstice.
- C19 Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.

The winter solstice shadows diagrams and views from the sun information indicate that there will not be a loss to living room spaces of surrounding properties, however there will be a loss to the private open space of 131 Lilyfield Road where it does not receive the required solar access. Equinox shadow diagrams and views from the sun information were also submitted which indicated that the solar access currently received will be retained.

In regards to the loss of solar access, an assessment against the reasonable of the impacts can be made as follows:

Assessing the impact of development on the solar access of neighbours:

In assessing the reasonableness of solar access impact to adjoining properties, and in particular, in any situation where controls are sought to be varied, Council will also have regard to the ease or difficulty in achieving the nominated controls having regard to:

a. the reasonableness of the development overall, in terms of compliance with other standards and controls concerned with the control of building bulk and having regard to the general form of surrounding development;

Comment: The proposal complies with the key development standards (FSR, Landscaped Area, Site Coverage). The proposal also complies with the Side Setbacks controls to the rear portion of the building immediately adjoining the Lilyfield Road properties. There is no strict Building Location Zone, however the proposed siting could be reasonably expected. 131 Lilyfield Road is also a narrow lot, which results in the existing fences and neighbouring structures casting shadows over the open space, therefore any structure higher than these structures will likely cause an impact. The area immediately adjacent to the living room will continue to receive solar access.

b. site orientation;

Comment: The subject site is orientated east/west and is the most southern lot on the eastern side of Rayner Street. The affected properties are to the south and north-south orientated, which makes them highly vulnerable to any loss of solar access to a building higher than the existing dwelling, fences of existing structures.

c. the relative levels at which the dwellings are constructed;

Comment: The building is to be at a level consistent with the current level

d. the degree of skill employed in the design to minimise impact; and

Comment: The building has been amended to further consider the impacts and in doing so has deleted a level at the rear, amended the design of the central portion and increased side setbacks from the southern boundary.

e. whether reasonably available alternative design solutions would produce a superior result.

Comment: There are design options that could be introduced to remove the impact for example, deleting the rear portion, having a single storey building, siting the building closer to the northern boundary. It is considered that the 3rd storey/attic level can be amended slightly in its configuration (relocate the bathroom/laundry to the western side of the level and alter roof form) to provide greater solar access in the midday period to the area adjacent to the living room adjacent to 131 Lilyfield, and this is recommended by way of condition. It is considered that in its context amongst higher density buildings and with greater site coverage, its scale and siting are not unreasonable. It is also considered that siting the building closer to the north will likely compromise the amenity of 3 Rayner Street.

In summary, whilst there will be a loss of solar access to the Lilyfield Road properties at midwinter, it is considered that any reasonable development on this site would likely cause an impact due to the properties being south of the subject site and therefore making them vulnerable to a loss. Areas immediately adjacent to the living rooms retain solar access at times where solar access is lost other areas of their private open space. A year round analysis also at equinox times has established that the private open spaces will remain unaffected which is considered positive given their highly vulnerable nature.

C3.11 Visual Privacy and C3.12 Acoustic Privacy

There is not considered to be any direct visual privacy loss to surrounding residential properties, and in relation to noise, it is considered that the Plan of Management (which provides controls for the lodgers and their onsite behaviour, access to communal room and open space – 7am-10pm) will provide a level of control on the site. It is not anticipated that any adverse noise shall be generated, however if this does occur, it can be investigated and action taken as necessary.

In relation to potential external noise from the outdoor area, a specific ongoing condition is included that there is to be no entertainment in the form of amplified music on any part of the outdoor area at any time.

Part E: Water

As discussed above, it is considered that the proposal can provide some onsite retention, which is included by way of deferred commencement condition. In addition, the legal rights of the existing system are to be formalised by way of deferred commencement.

5(d) The Likely Impacts

The amended plans lodged as part of the Review demonstrate that subject to the recommended conditions, the proposal will have minimal impact in the locality.

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

The site is zoned R1 – General Residential. The amended plans are now considered to have demonstrated, this site is considered suitable to accommodate the proposed development.

5(f) Any submissions

The application was notified for a period of 14 days between 7 November 2017 and 21 November 2017. Following the lodgment of amended plans the application was notified for a second time for 14 days between 12 and 16 April 2017. A total of 27 objections were received during the first notification period and 16 objections during the second notification period.

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

- Bulk & Scale, FSR and overdevelopment
- Compliance with ARH SEPP
- Parking
- Heritage & Desired Future Character
- Shadows
- Privacy (Visual and Acoustic)
- Landscaping
- Social Impacts

The other matters can be summarised as follows -

It is not 'genuine' affordable housing, in fact they are self-contained units.

Comment: There are no mechanisms to 'rent cap' the rooms, with the rent 'market-driven'. As a result, it is not considered that the proposal would warrant refusal on this basis.

Safety – Traffic & Parking

Comment: There is no evidence to suggest that the existing road network would not be able to cope with any increased traffic as a result of this development or a development that has a higher vehicle parking demand. In terms of safety, it is difficult to suggest that this use will pose a greater risk to safety of road and footpath users to another use and that it would warrant refusal on this basis.

No Boarding House Manager

Comment: The number of lodgers (less than 20) does not require a mandatory 'on site' boarding manager and one is not proposed. Notwithstanding this, as included in the Draft Boarding House Plan of Management, an Occupancy Agreement or Residential Tenancy Agreement is required for all lodgers to sign. This agreement involves actions/behaviour whilst lodging, like other rented occupancies.

Lack of amenity for residents

Comment: It is generally accepted that any boarding house design could be improved to provide greater amenity for the occupants, either by way of direct solar access, additional windows, individual outdoor areas. In this proposal, it is considered positive that 8 out of the 10 boarding rooms have a small balcony or private open space (Adaptable Room).

Construction, Fire and Evacuation

Comment: The proposed design/use is subject to compliance with the National Construction Code (NCC) which include construction, accessibility, energy and fire safety and evacuation compliance. The requirement to comply with the NCC is legislative and therefore is required.

Need for boarding houses in the area

Comment: There are no 'anti-clustering' controls and/or standards that apply to boarding houses, or many other uses that could occupy the site. As a result, it is not considered reasonable to warrant refusal on this basis.

Location of mailboxes & services

Comment: It is noted that the location is not clear on the plans. This is included to be satisfied as part of a deferred commencement condition.

Access and smells to/from garbage room

Comment: It is agreed that access to the garbage room is limited and as part of a deferred commencement condition this access is to be resolved. It is not anticipated that the garbage room shall result in adverse odours, however these can be investigated and action taken as required.

Entitlement to parking

Comment: There is no mechanism to enforce who can park in the onsite car parking spaces. This can be managed by way of tenancy agreement and is included in the POM.

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Officer
- Development Engineer
- Landscape
- Health
- Building

6(b) External

The application was not referred to the following external bodies.

7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in ARH SEPP 2009, Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered acceptable on its merits and as a result the determination is changed to approval (deferred commencement approval).

9. Recommendation

- A. That Council, as the consent authority pursuant to s4.16(3) of the Environmental Planning and Assessment Act 1979, grant deferred commencement consent to Application No: DAREV/2017/29 for the demolition of existing dwelling and associated structures on the site and the construction of a part 2/part 3 storey building for use as a 10 room boarding house, accommodating 19 lodgers with associated vehicle, motorcycle and bicycle parking and communal living room at 1 Rayner Street, Lilyfield subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

DEFERRED COMMENCEMENT

The following deferred commencement conditions must be complied with to the satisfaction of Council, prior to the issue of an operational Development Consent.

1. The site drainage shall be designed to drain under gravity. As the site falls to the rear an easement for drainage over downstream properties will be required to be created. Satisfactory written documentation of the creation of an easement or of a legal agreement to create an easement shall be submitted to Council.
2. The easement for drainage over downstream properties shall cater for the 100 year Average Recurrence Interval flow overland.

Alternatively, a pit and pipe overflow system from the OSD tank shall be designed to convey flows to surcharge pit located at the boundary of the downstream property immediately prior to the road reserve. The drainage system design shall meet the following criteria:

- i) Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
- ii) The maximum water level over the overflow outlet shall not be less than 150mm below the floor level or damp course of the building
- iii) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

The design must be prepared by a suitably qualified practicing Civil Engineer.

Satisfactory documentation shall be submitted to Council.

3. The driveway and double garage shall be designed to address the following issues:
 - a) Minimum clear dimensions of 6000 x 5400mm. (length x width) must be provided within the double garage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of *AS/NZS 2890.1-2004*. A plan of the proposed garage identifying the clear internal dimensions, including to the internal face of the closed garage door, is to be submitted
 - b) A minimum headroom of 2200mm must be provided throughout the access and parking facilities. Note that headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors. A section of the proposed garage, including the garage door in an open position, identifying the headroom to the lowest projection from the ceiling is to be submitted.
 - c) Vehicles must enter and exit the site in a forwards direction. A plan of the proposed driveway and parking spaces is to be submitted demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with *AS/NZS 2890.1-2004* and forward entry and exit from the site.
 - d) The driveway, double garage and parking facilities shall be designed such that they do not obstruct access to the waste storage area and the manoeuvring of

the standard waste and recycling bins to and from the waste storage area to the street.

The design must be prepared by a suitably qualified practicing Civil Engineer.

Satisfactory documentation including plan and section drawings of the Garage with dimensions shall be provided demonstrating the above issues have been addressed shall be submitted to Council.

4. Plans are to be submitted and approved by Council identifying the following
 - a) The setback of the eastern wall of the attic level (room 10) from the rear boundary shall increased to be in a location of the proposed wall in between the bathroom and the room (approx. 1.9-2 metres increase from rear boundary).
 - b) The bathroom and laundry shall be relocated within the roof form at the attic level potentially utilising either the landing of the stairwell and/or roof void.
 - c) The roof form above Rooms 8 and 9 (inc. stairwell) shall be extended in a westerly direction to the location of the relocated eastern wall of Room 10.
 - d) A hipped roof form is to be provided over the eastern end of Room 10/attic level with a pitch to generally match the hip at the front of the building.
 - e) The location and form of the proposed letterboxes
 - f) The location and form of the Utility Services e.g, gas, water, air conditioning etc.

The operational Development Consent will be issued by Council (in writing) after the applicant provides sufficient information to satisfy Council in relation to the conditions of the deferred commencement consent.

If the applicant fails to satisfy Council as to the above matters within 5 years from the date of determination this consent will lapse.

CONDITIONS OF CONSENT

5. Development must be carried out in accordance with Development Application No. DAREV/2017/29 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
DA02 Rev J – Site/Roof Plan	Architects Becerra	27/07/2018
DA03 Rev K – Ground Level	Architects Becerra	27/07/2018
DA04 Rev L – First Level	Architects Becerra	08/06/2018
DA05 Rev K – Attic Level	Architects Becerra	08/06/2018
DA06 Rev J – Sections and Elevations	Architects Becerra	08/06/2018
DA07 Rev J – Elevations	Architects Becerra	08/06/2018
DA08 Rev K – Section and FSR	Architects Becerra	08/06/2018
Document Title	Prepared By	Dated
Plan of Management	-	-

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall

not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

6. The boarding house must comply at all times with the following:
- a) The use must comply at all times with the Plan of Management referred to in condition 1 above and 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;
 - e) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
 - f) The boarding house must contain a maximum total of 10 lodger rooms with not more than 19 adult lodgers residing in the premises at any one time;
 - g) Not more than 2 lodgers must occupy each boarding room;
 - h) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
 - i) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers;
 - 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;
 - k) Each boarding house room must be used exclusively as such and not be adapted for use as backpackers' accommodation, serviced apartments and not be used for any industrial or commercial purpose.
 - l) Where boarding rooms are provided with separate individual hot water systems, these must be located within the internal area of the boarding room and not on any balcony or terrace.
7. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council Resident Parking Schemes. All occupants and/or employees of this building will be ineligible to obtain Council Resident Parking Scheme parking permits. All tenants and occupiers of the building, are to be advised of this at the time of entering into a purchase / lease / occupancy agreement, of this prohibition.

Signs reading "all owners, tenants and occupiers of this building advising that they are not eligible to obtain Resident Parking Scheme parking permits from Council", must also be located in prominent places such as at display apartments and on directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to the issue of an Occupation Certificate being issued and must be maintained in good order at all times.

8. The trees identified below are to be retained:

Tree/location
<i>Lophostemon confertus</i> (Brushbox) located in the Nature strip
<i>Cupressocyparis leylandii</i> (Leighton Green Conifer) located on adjoining property

Details of the trees to be retained must be included on the Construction Certificate plans.

9. Consent is granted for the demolition on the property, subject to strict compliance with the following conditions:
- a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
 - b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
 - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

NOTE: If Council is nominated as your Principal Certifying Authority 24 - 48 hours notice to carry out inspections is required. Arrangement for inspections can be made by phoning 9367 9222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.

- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Inner West Council.
 - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

10. An Access Management Plan must be provided by an Accredited Access Consultant prior to the issue of a Construction Certificate. Details of the Access Management Plan must include:
- a) Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether an upgrade of the ‘Affected part’ is required.
 - b) Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia.
 - c) Conduct an assessment and identify any non-compliances with the Disability Standards 2010 and/or the Building Code of Australia where applicable and provide recommendations to achieve compliance with the relevant performance requirements.
 - d) Suitable access is to be provided to all communal areas including the common room and private open space.
11. As the site where the property is identified as located within ANEF 20-25 or greater, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

An acoustic report prepared by a suitably qualified person and accompanying plans demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

12. Any air conditioning unit on the site must be installed and operated at all times so as not to cause “Offensive Noise” as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
 - i) 10:00pm to 7:00am on Monday to Saturday: and
 - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority’s Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be

submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

13. All plant and associated equipment must be located within the approved building envelope and is not be located on the roof. Details on the location of all plant and equipment must be consistent with the approved plans and provided prior to the issue of a Construction Certificate.

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

14. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
15. In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
 - a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
 - b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
 - c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

16. The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:
 - a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

17. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy 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. The Long Service Levy is payable prior to the issue of a Construction Certificate.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

18. Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings & the period of construction of the buildings. New materials that are not depicted on the approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used.

Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties. Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.

19. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
- a) Must preserve and protect the adjoining building from damage
 - b) Must, at least seven (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.
 - c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

20. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater—Soils & Construction Volume 1 (2004) available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:
- a) Minimise the area of soils exposed at any one time.
 - b) Conservation of top soil.
 - c) Identify and protect proposed stockpile locations.
 - d) Preserve existing vegetation. Identify revegetation technique and materials.
 - e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
 - f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
 - g) Sediment and erosion control measures in place before work commences.
 - h) Materials are not tracked onto the road by vehicles entering or leaving the site.
 - i) Details of drainage to protect and drain the site during works.

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

21. The approved plans must be checked online with Sydney Water Tap In 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. A copy of this approval must be supplied with the Construction Certificate application. Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

The Certifying Authority must ensure that the appropriate approval has been provided prior to the issue of a Construction Certificate.

22. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities.
23. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
- a) Estimated volume (m³) or weight (t) of materials that are reused, recycled or removed from site.
 - b) On site material storage areas during construction.
 - c) Material and methods used during construction to minimise waste.
 - d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
 - e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

24. A stormwater drainage design, incorporating on site stormwater detention facilities (OSD), prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/amended to make provision for the following:
- a) The design must be generally in accordance with the approved plans.
 - b) Comply with Council's Stormwater Drainage Code.
 - c) Charged or pump-out stormwater drainage systems are not permitted.
 - d) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - e) An overland flowpath must be provided along the driveway from the Rayner Street boundary to the OSD tank at the eastern boundary. The site must be graded so that bypass flows from the site drainage system are directed to the overland flowpath.

- f) As there is no overland flow/flood path available from the site to Rayner Street frontage, the design of the overflow system from the OSD tank shall be designed to meet the following criteria:
- i) Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
 - ii) The maximum water level over the overflow outlet shall not be less than 150mm below the floor level or damp course of the building
 - iii) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- g) A minimum 150mm step up must be provided between the finished surfaces of all external courtyards and the adjacent internal floor levels.
- h) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS3500.3.2015 Plumbing and Drainage – Stormwater Drainage*.
- i) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- j) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets.
- k) All redundant stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.
- l) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
- m) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
- n) Water quality filtration basket(s) with screening bag or similar primary treatment device(s) shall be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s).

The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

25. The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from *AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking*. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section approved by Council shall define the Alignment Levels at the property boundary.

26. Alignment levels for the site at all pedestrian access locations shall match the existing back of footpath levels at the boundary.
27. The design of the vehicular access and off street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 *Parking Facilities – Off-Street Car Parking*. Details demonstrating compliance are to be provided prior to the issue of a Construction Certificate. The following specific issues must be addressed in the design:
- a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with the Alignment Levels issued with this consent.
 - b) The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
 - c) A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
 - d) Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.
 - e) The garage must have minimum clear internal dimensions of 6000 x 5400mm (length x width) and a driveway opening width of 2400mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004.
 - f) The external form & height of the approved structures must not be altered from that depicted on the approved plans.

The design must be certified by a suitably qualified Civil Engineer as complying with the above requirements.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate and provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

28. A landscape plan prepared by a qualified Landscape Architect or Landscape Consultant must be provided prior to the issue of a Construction Certificate. The plan must include:
- a) Location of all proposed and existing planting delineating existing trees to be retained, removed or transplanted.
 - b) A detailed planting schedule including species by botanical and common names, quantities, pot sizes and estimated size at maturity.
 - c) At least 85% of the plantings must be native species from the Sydney locale.
 - d) If the property is greater than 300m², at least two canopy trees or if less than 300m² only one canopy tree capable of achieving a mature height of at least six (6) metres.
 - e) Details of planting procedure including available soil depth.

- f) Details of earthworks including mounding, retaining walls, and planter boxes (consistent with the approved architectural plans).
- g) A landscape maintenance strategy for the owner / occupier to administer over a twelve (12) month establishment period.
- h) Details of drainage and watering systems.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

29. The following replacement trees must be planted:

Tree/species	Quantity	Location
Native specimen capable of attaining a minimum height of 8m upon maturity	2	Front property and rear property.

The minimum pot size at time of planting will be equivalent to 100 litre (min) containerised stock. The tree(s) is/are to conform to the AS 2303—*Tree Stock for Landscape Use*.

Details of the species and planting locations of the replacement plants must be included on the landscape plan and site plan prior to the issue of a Construction Certificate.

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. 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.

Council encourages the uses of replacement trees that are endemic to the Sydney Basin to increase biodiversity in the local environment and provide a natural food source for native birds and marsupials. Note: Any replacement tree species must not be a palm tree species or be a plant declared to be a noxious weed under the Noxious Weeds Act 1993 or tree species listed as an exempt species under Section C1.14 (Tree Management) of the Leichhardt Development Control Plan 2013.

30. Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

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

31. To preserve the following tree/s no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until the trunk/s/branches are protected (in accordance with AS4970-*Protection of trees on development sites*) by the placement of appropriate lengths of 50 x 100mm timbers spaced at 150mm and secured by wire/hoop strap over suitable protective padding material (i.e. underlay or carpet). The trunk/branch protection shall be maintained intact until the completion of all work on site.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating

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

PRIOR TO WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE (WHICHEVER OCCURS FIRST)

- 32. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$7,860
Inspection fee (FOOTI)	\$225

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

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

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

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

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

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

- 33. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:
 - a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
 - b) A concrete pump across the roadway/footpath
 - c) Mobile crane or any standing plant
 - d) Skip bins

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

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

- 34. The person acting on this consent shall apply for a Work Zone along the site frontage for construction vehicles. A minimum of 2 months should be allowed for the processing of the application.
- 35. A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to the Principal Certifying Authority prior to the commencement of demolition or issue of a Construction Certificate (whichever occurs first).
 - a) Half width of Rayner Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between 3 Rayner Street and the 135 Lilyfield Road (inclusive of their frontages on Rayner Street).
 - b) Half width of the street 15 metres in each direction at the location the site drainage system connects to the public drainage system, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath.

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

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

PRIOR TO THE COMMENCEMENT OF WORKS

- 36. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

a) location of the building with respect to the boundaries of the site.

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

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

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

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

38. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
39. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
40. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
41. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
 - c) The name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority and Council for records purposes prior to the commencement of any onsite work.

DURING WORKS

42. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.

43. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.

If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage.
- b) If necessary, underpin and support the building in an approved manner.
- c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary.

Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of support constructed must be inspected by the designing Engineer with certification provided to all relevant parties.

44. The site must be appropriately secured and fenced at all times during works.
45. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.

46. Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
 - c) at no time on Sundays or public holidays.

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

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

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

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

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

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

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

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

47. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
48. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
49. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
50. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

51. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

52. If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly using a sharp and *fit for purpose tool*. The pruning shall be undertaken by a minimum Level 3 (AQF 3) qualified Arborist.

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

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

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

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

Schedule	
Tree/location	Radius in metres
<i>Lophostemon confertus</i> (Brushbox) located in the Nature strip	7m
<i>Cupressocyparis leylandii</i> (Leighton Green Conifer) located on adjoining property	6m

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

55. All excavation within the specified radius of the trunk(s) of the following tree(s) being hand dug:

Schedule	
Tree/location	Radius in metres
<i>Lophostemon confertus</i> (Brushbox) located in the Nature strip	7m
<i>Cupressocyparis leylandii</i> (Leighton Green Conifer) located on adjoining property	6m

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

57. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:

- Compare the post construction report with the pre-construction report required by these conditions,
- Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

58. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.

59. The following works must be constructed:

- a) Light duty concrete vehicle crossing at the vehicular access location must be fully reconstructed.
- b) The existing concrete footpath across the frontage of the site shall be reconstructed.
- c) The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored.

All works shall be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council.

60. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, shall be submitted and accepted by Council prior to the issue of an Occupation Certificate.

The works-as-executed plan(s) shall 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 shall be marked in red on a copy of the Principal Certifying Authority stamped Construction Certificate plans.

61. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the on site detention facilities. The Plan must set out the following at a minimum:

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

The Plan must be prepared by a suitably qualified professional and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

62. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance the development consent and with relevant Australian Standards must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

63. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath, Vehicle Crossing and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

64. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.

65. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.

66. A second Dilapidation Report addressing the public infrastructure, including a photographic survey and structural condition, must be submitted after the completion of works. A copy of this Dilapidation Report must be lodged with Council and the Principal Certifying Authority before to the issue of an Occupation Certificate.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to Council before to the issue of an Occupation Certificate.

67. Prior to the issue of an Occupation Certificate, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a) The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b) The Proprietor shall have the OSD inspected annually by a competent person.

- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Proof of registration with NSW Land and Property Information must be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate / Subdivision Certificate.

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

- 68. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
- 69. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.
- 70. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- 71. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species and planting of canopy trees, have been undertaken in accordance with the approved landscape plan and/or conditions of Development Consent.
- 72. A report prepared by a suitably qualified and experienced acoustic consultant shall be submitted to Council prior to an Occupation Certificate being issued for the development which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Industrial Noise Policy and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval.

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

- 73. The premise must be registered with Council's Environment Health Section in accordance with the following relevant legislation:

Boarding House - Boarding Houses Act 2012.

Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any interim / final occupation certificate.

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

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

75. There is to be no entertainment in the form of amplified music on any part of the outdoor area at any time.
76. The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days, where a proprietor takes over an existing, or begins operating a new, registrable boarding house.

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

77. The boarding house must be operated in accordance with the Boarding Houses Act 2012.
78. The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.
79. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
80. The boarding house is not to be subdivided.
81. The boarding house is to operate and comply with the Management Plan that forms part of this consent.
82. A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.
83. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued.

84. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
- the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.

ONGOING CONDITIONS OF CONSENT

85. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
86. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
87. The Operation and Management Plan for the on site detention facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
88. The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.
89. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. boarding house without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a boarding house, is defined under the *Leichhardt Local Environmental Plan 2013*.

PRESCRIBED CONDITIONS

A. BASIX Commitments

Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Inner West Council written notice of the following:
 - 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, or
 - 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.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

D. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

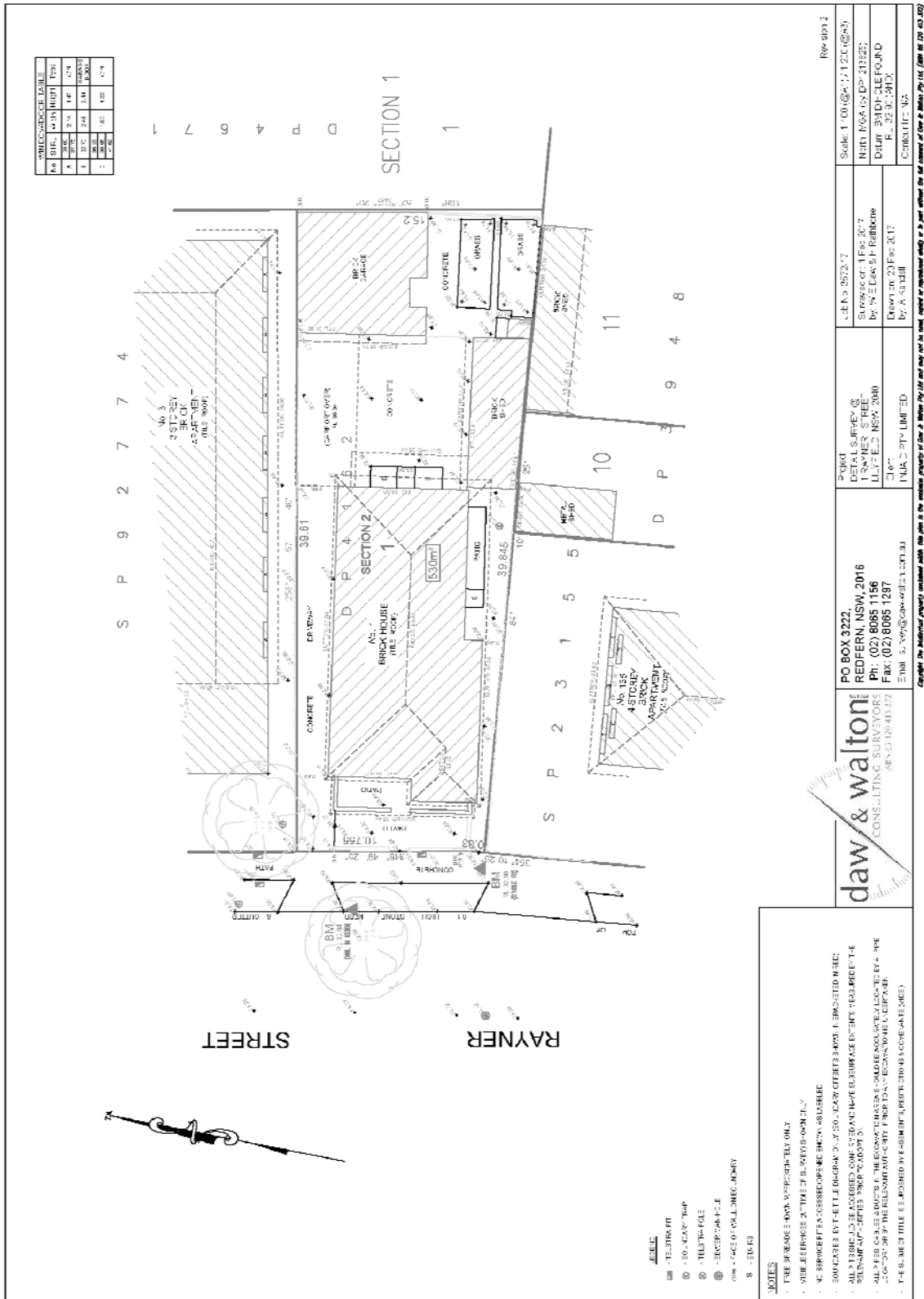
- (1) For the purposes of section 4.17 (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

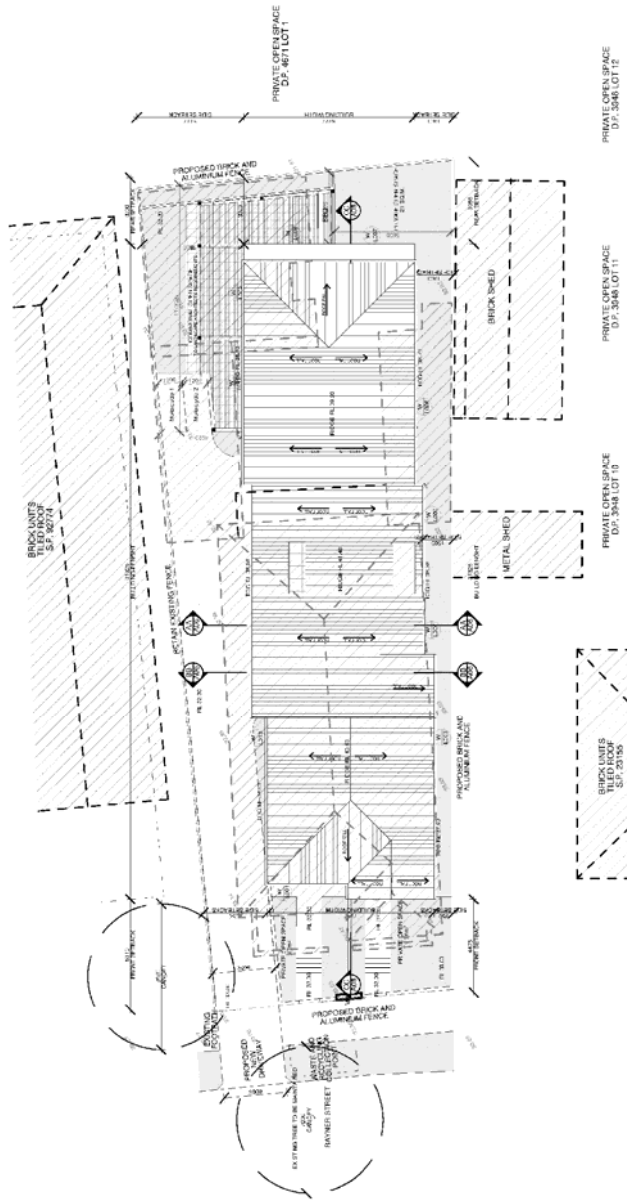
NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of determination
2. 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.
3. 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*.
4. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
5. 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) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
6. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.
7. 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 'Application for Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a

bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

Attachment B – Plans of proposed development

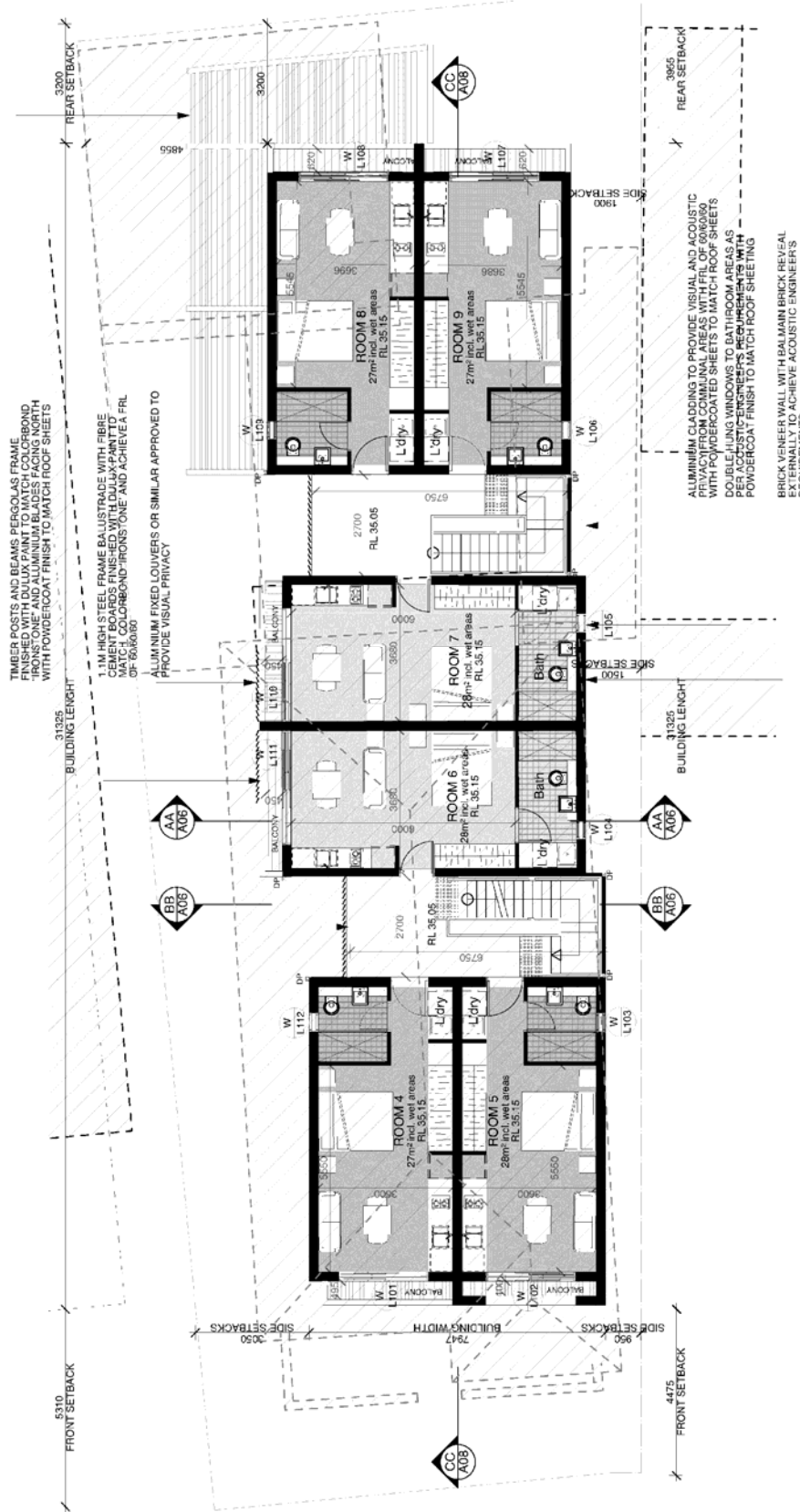




Existing landscaping: 25m² or 5% of the site area
 Proposed landscaping: 120m² or 23% of the site area

LEGEND	
[---]	EXISTING ADJOINING BUILDINGS
[---]	LANDSCAPING
[---]	EXISTING STRUCTURE TO BE DEMOLISHED

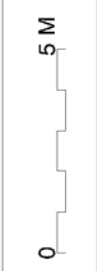
J	Metaphor studios makes edited	2/7/18	Project	Residential development	Drawn Date	Project No.
I	Sketch amended	6/8/18	Client	1 Rayner Street Lilyfield	JULY 2015	1374
H	Issued for review	27/3/18	Checked By	Eddie Gittany	Scale	Drawing No. Rev
G	Issued for review	6/3/18	Checked By	Eddie Gittany	1:200@A3	DA02 J
F	Issued for review	25/1/18	Title	Site / roof plan		
E	Issued for SDA Amendment	20/08/17				
D		08/08				
Architects Becerra		102/95/2/2889 102/95/2/2889 102/95/2/2889 www.abcba.com.au				



LEVEL 1 TOTAL GFA: 210.1m²

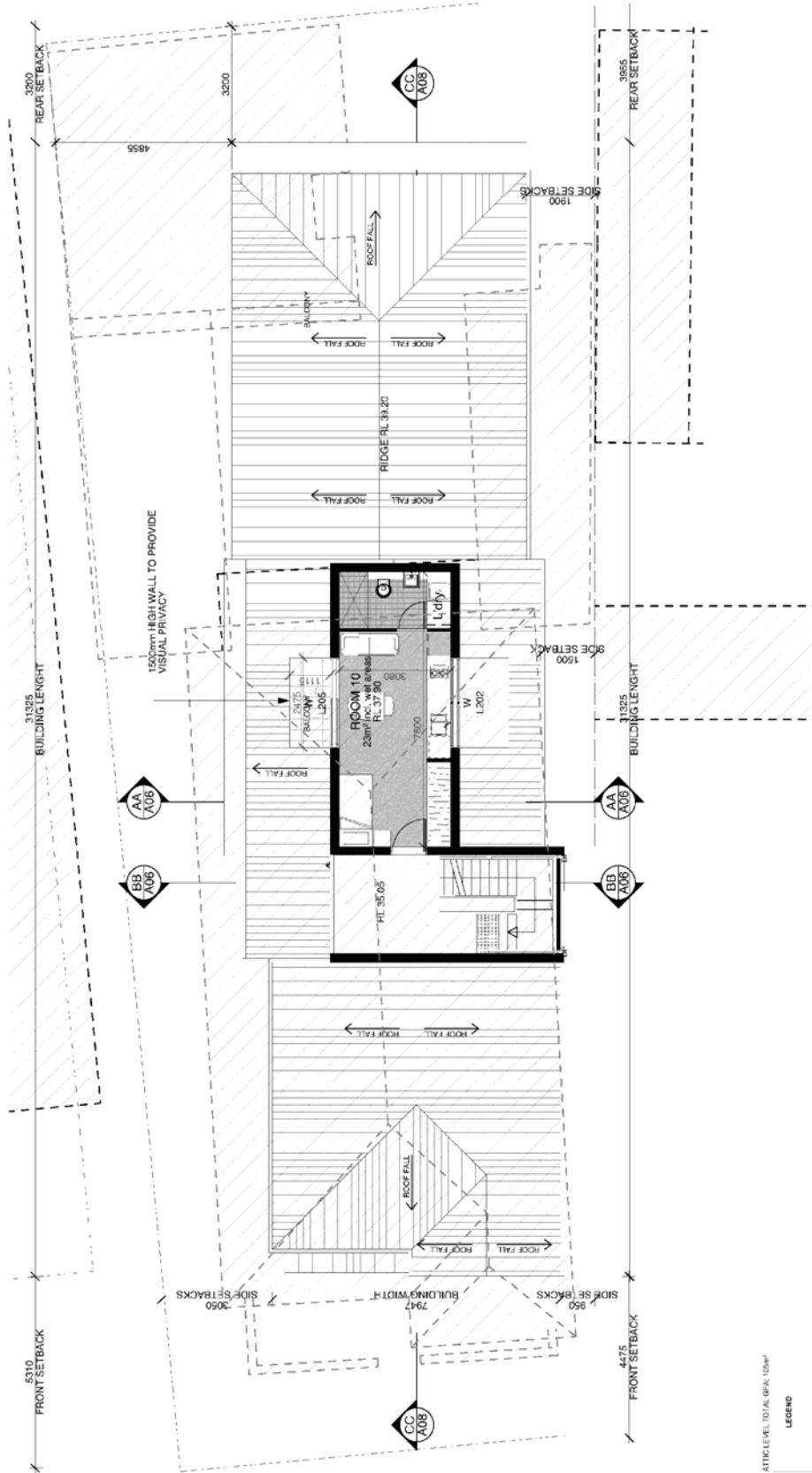
- LEGEND**
- [---] EXISTING ADJOINING BUILDINGS
 - [---] LANDSCAPING
 - [---] EXISTING STRUCTURE TO BE DEMOLISHED

Letter	Description	Issue No.	Date
L	Rebates approved	20/11/18	
K	Issued for review	20/11/18	
J	Issued for review	20/11/18	
I	Issued for review	20/11/18	
H	Issued for review	20/11/18	
G	Issued for additional information	20/11/17	
F	Revised	20/11/17	
E	Amendment	20/11/17	
D	Issue	20/11/17	



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 Cannonvale NSW 2030
 www.thebecerrastudio.com.au

Project Residential development
1 Rayner Street Lilyfield
Client Eddie Gittany
Drawn By PB
Checked By Eddie Gittany
Scale 1:100@A3
Project No. 1374
July 2015
Drawing No. DA04 L
First level

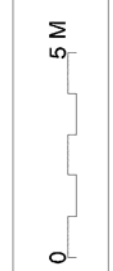


ATTIC LEVEL TOTAL GFA: 1056m²

LEGEND

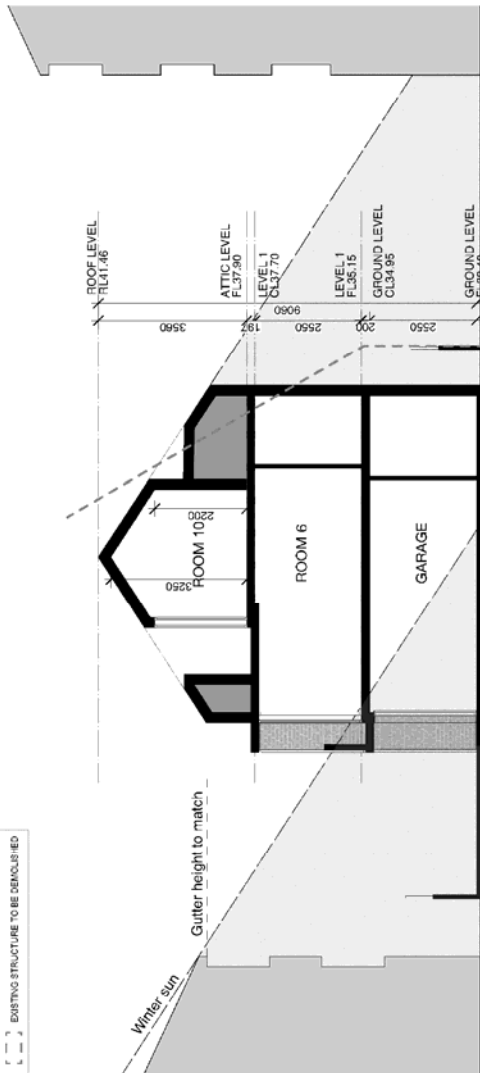
- [---] EXISTING ADJOINING BUILDINGS
- [---] LANDSCAPING
- [---] EXISTING STRUCTURE TO BE DEMOLISHED

By	Date	Revision
VG	14/9/17	F
VG	20/10/17	G
VG	20/10/18	H
VG	20/10/18	M
VG	20/10/18	N
VG	27/02/19	J
VG	27/02/19	K

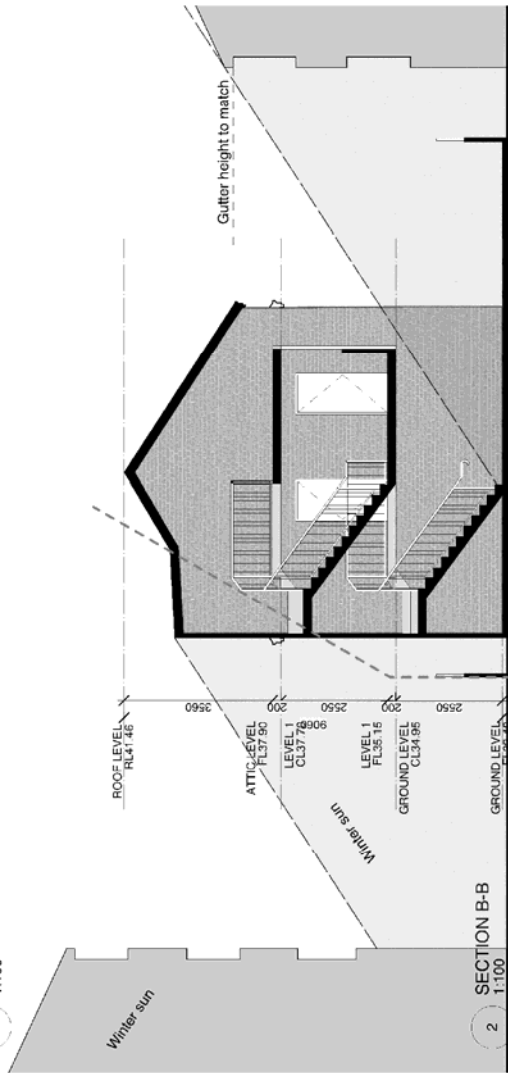


Architects Baccerra
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 Cammeroyne NSW 2050
 architects@arb.com.au
 102 9557 2889
 102 9557 2887
 www.arb.com.au

Project	Client	Checked By	Project No.
Residential development 1 Rayner Street Lilyfield	Eckle Giffany	Attic level	1374
Drawn By	Scale	Project No. <td>DA05 K</td>	DA05 K
PB	1:100@A3	Revision	
July 2015		DA05 K	



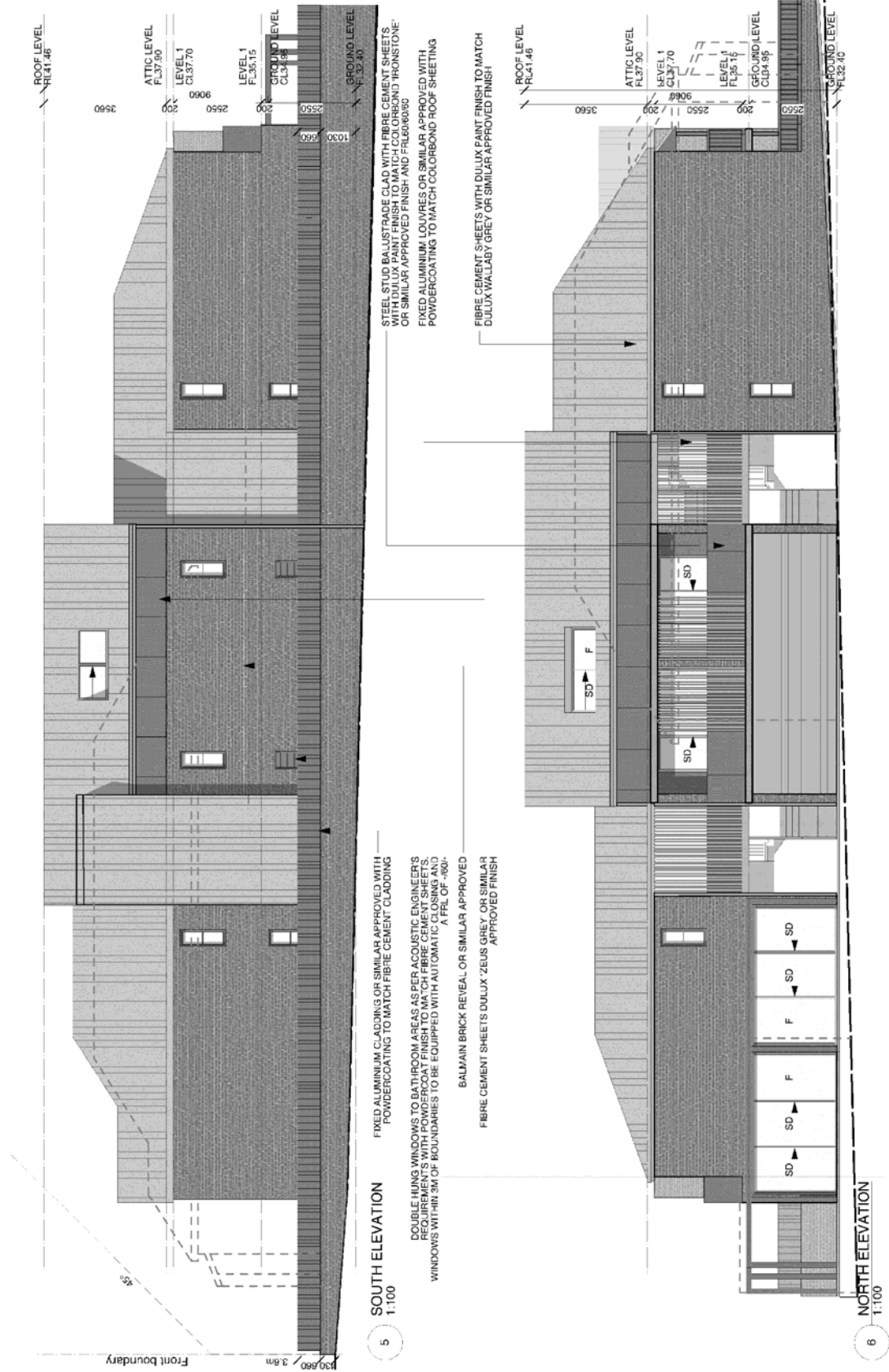
3 WEST ELEVATION
1:100



4 EAST ELEVATION
1:100

<p>Architects Becerra 1/100-110/112 St Leonards Campbell NSW 2060 e architects@becrb.com.au www.architectsbecerra.com.au</p>	<p>Project Residential development 1 Rayner Street Lilyfield Eddie Gittany Sections and elevations</p>	<p>Drawn By PB Checked By Eddie Gittany Scale 1:100@A3 Project No. 1374 July 2015 Rev J</p>
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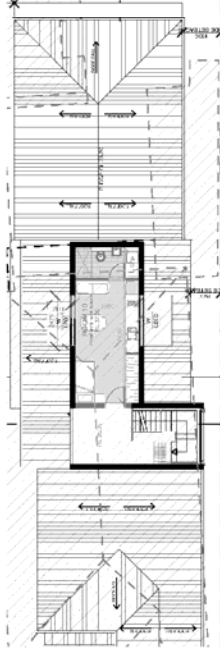
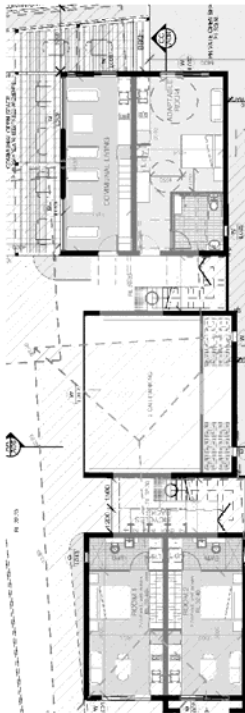
<p>LEGEND - - - - - EXISTING STRUCTURE TO BE DEMOLISHED</p>	<p>1 SECTION A-A 1:100</p>	<p>2 SECTION B-B 1:100</p>	<p>0 5 10 5 M</p>	<p> J Sitecheck amended I Issued for review H Issued for review G Issued for review F Issued for review E Issued for review Revision Arrangement By Date VG 8/6/16 VG 27/5/18 VG 5/9/18 VG 25/1/18 VG 14/6/17 VG 14/6/17 </p>
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<p>Architects Becerra 001 1 Laven Street 100 9527 2288 www.architectsbecerra.com.au</p>	<p>Project Residential development 1 Rayner Street Lilyfield Eddie Glitany Elevations</p>	<p>Drawn By PB</p> <p>Checked By Eddie Glitany</p>	<p>Project No. 1374</p> <p>Draw No. Rev</p> <p>Scale 1:100@A3</p>	<p>Prog Date July 2015</p>
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<p>0 5 M</p>	<p>0 5 M</p>
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<p>1 Details amended</p>	<p>08/01/16</p>
<p>2 Issued for review</p>	<p>27/01/16</p>
<p>3 Issued for review</p>	<p>16/01/16</p>
<p>4 Issued for review</p>	<p>25/11/16</p>
<p>5 Issued for review</p>	<p>20/01/17</p>
<p>6 Issued for review</p>	<p>14/01/17</p>
<p>7 Approved</p>	<p>14/01/17</p>



FSR CALCULATION:

Site area: 528.9m²

Permitted FSR: 0.5/1+0.5/1(bonus) = 1/1

Site coverage: 240m² or 45%

Permitted GFA: 528.9m²

Proposed GFA

GROUND FLOOR: 202.7m²

1ST FLOOR: 199.3m²

ATTIC FLOOR: 33.9m²

TOTAL: 435.9m²

Proposed FSR: 0.82/1

Existing landscaping: 25m² or 5% of the site area

Proposed landscaping: 117m² or 22% of the site area



EXTEND OF PROPOSED CUT AND FILL SHOWN HATCHED

1 SECTION C-C
1:100



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 Cammeray NSW 1585
 architects@berra.com.au
 www.berra.com.au



K	Submits amended	VG	8/8/15
J	Issued for review	VG	2/2/15
I	Issued for review	VG	6/2/15
H	Issued for review	VG	25/1/15
G	Issued for SDA	VG	26/10/12
F	Issued for SDA	VG	26/10/12
E	Revision	VG	26/10/12
D	Revision	VG	26/10/12
C	Revision	VG	26/10/12
B	Revision	VG	26/10/12
A	Revision	VG	26/10/12

Project	Residential development	Drawn By	FP
Client	1 Rayner Street Lilyfield	Checked By	Eddie Giffany
Title	Section and FSR	Scale	1:100@A3
Project No.	1374	Draw No.	DA08 K
Draw No.	1374	Rev	
Date	JULY 2015		

1 RAYNER ST, LILYFIED- CONCEPT STORMWATER DRAINAGE LAYOUT



SITE LOCATION PLAN

STORMWATER DRAINAGE

- 1. STORMWATER DRAINAGE SHALL BE GENERALLY IN ACCORDANCE WITH CLEAR SITE, STRIP TOPSOIL, CUT AND FILL, AND PREPARATIONS OF...

ASPHALT PAVEMENT

- 1. PREPARATION OF ASPHALT PAVEMENT SHALL BE IN ACCORDANCE WITH CLEAR SITE, STRIP TOPSOIL, CUT AND FILL, AND PREPARATIONS OF...

CONCRETE PAVEMENT

- 1. PREPARATION OF CONCRETE PAVEMENT SHALL BE IN ACCORDANCE WITH CLEAR SITE, STRIP TOPSOIL, CUT AND FILL, AND PREPARATIONS OF...

LANDSCAPING

- 1. ALL RETAINED AREAS TO BE RETAINED WITH TOPSOIL 100MM LAYER AND PAVEDMENT MERRINGS, ROAD FINISH, LIGHT AND SIGN POSTINGS...

SURVEY

- 1. ALL SURVEY INFORMATION FOR THE PROJECT IS OBTAINED FROM AN ACCREDITED SURVEYOR ENGAGED TO SUPPLEMENTARY WORKS...

ALL WORKS TO BE IN ACCORDANCE WITH INNER WEST COUNCIL SPECIFICATIONS

- 1. UNDESIGNED SERVICES SHALL BE CARRIED OUT AS SERVICES SEARCH BY THE CONTRACTOR SHALL LOCATE AND LEVEL ALL EXISTING SERVICES...

Table with 2 columns: SHEET DESCRIPTION and DRAWING NO. Includes rows for GENERAL NOTES, CONCEPT STORMWATER & SEDIMENT CONTROL PLAN, and STORMWATER DETAILS PLAN.

SHEET INDEX

- 1. OVERLAY AREA OF EXISTING SERVICES, ALL EXISTING SERVICES SHALL BE CARRIED OUT AS SERVICES SEARCH BY THE CONTRACTOR...

EARTHWORKS

- 1. OVERLAY AREA OF EXISTING SERVICES, ALL EXISTING SERVICES SHALL BE CARRIED OUT AS SERVICES SEARCH BY THE CONTRACTOR...

Project information table including site name (M'EEDE GITTANY), location (1 RAYNER STREET, LILYFIELD), drawing title (ROOF BOP AND HOUSE), and engineering details (ENGINEERING & CONSULTING P/L).

