



# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA 10.2017.058.1
<b>Address</b>	11a Moonbie Street, Summer Hill NSW 2130
<b>Proposal</b>	Demolish existing improvements and construct a 2-storey mixed use building comprising a 27-room boarding house plus manager’s room with a Medical centre and associated basement parking for 12 vehicles, 6 motorbikes and 12 bicycles.
<b>Date of Lodgement</b>	19 April 2017
<b>Applicant</b>	Monument Design Partnership
<b>Owner</b>	MGC wealth Group
<b>Number of Submissions</b>	91 separate submitters and 1 Petition with 79 signatures
<b>Value of works</b>	\$ 4,500,000.00
<b>Reason for determination at Planning Panel</b>	Number of submissions received
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Stormwater management</li> <li>• Plan of Management</li> <li>• Heritage and design</li> <li>• Future use of the Medical centre</li> </ul>
<b>Recommendation</b>	Deferred commencement consent

Location Plan	Legend
	<p><b>Site</b></p> <p><b>Objections</b></p> <p>Not all submissions indicated as they fall outside the map</p>

## 1.0 Executive Summary

It is proposed to demolish all existing improvements and construct a 2-storey mixed use building comprising a ground floor Medical centre with a 27-room boarding house plus manager's room over 1-level of basement parking. The application was notified to all adjoining and nearby affected property owners and occupants and 91 persons made submissions. A petition with 79 signatures was also submitted.

During the assessment process, the proposal was amended to address several concerns raised by Council officers relating to drainage, car parking, heritage and general design matters. The amended proposal was not required to be notified in accordance with Council's Inner West Council Comprehensive Development Control Plan 2016.

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policy (*Affordable Rental Housing*) 2009 and Ashfield Local Environmental Plan 2013 (ALEP 2013).

The proposal is generally consistent with the aims, objectives and design parameters contained in Inner West Development Control Plan 2016 (IWDCP 2016) and the development is considered to satisfy the requirements of the Inner West Council Comprehensive Development Control Plan 2016.

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are acceptable given the context of the site. The application is suitable for the issue of a deferred commencement consent subject to the imposition of appropriate conditions.

## 2.0 Description of Proposal

Approval is sought to demolish existing improvements and construct a 2-storey mixed use building comprising a Medical centre on the ground floor with a 27-room boarding house plus manager's room and associated 1-level of basement parking. All boarding rooms are double rooms.

The works include the following:

### Demolition

Demolish previously approved private hospital, which is currently not in use, and existing attached Medical centre (drug rehabilitation clinic). Prior to closing, the private hospital provided aged care.

### Basement Level

12 car parking spaces are proposed (6 for boarding room and 6 for Medical centre) as well as 6 spaces for motorbikes, 12 bicycle parking spaces, secure resident storage area and lift for access to the ground floor level.

### Ground Floor

The ground floor of the building consists of:

- *Boarding rooms*
  - Separate pedestrian access and vehicle access off Moonbie Street.
  - 12 double boarding rooms (2 accessible x 30m<sup>2</sup>) plus 1 manager's room (31m<sup>2</sup>)

with its own private open space area. 3 of the boarding rooms (including the 2 accessible rooms) have a small private open space area. Every room has its own private kitchen and bathroom.

- A common room (31m<sup>2</sup>) opening onto an area of communal open space at the rear of the building and a proposed communal garden along the access handle from Bartlett Street.
- An accessible pathway is provided from Moonbie Street to the 2 accessible boarding rooms and lift access is provided to this level from the basement. The common room and the communal open space is accessible from the 2 accessible rooms.
- 2 bin waste storage rooms are provided (including a bulk waste storage area) for residents.
- *Medical centre*
  - The proposed Medical centre (151m<sup>2</sup>) is within the primary built form but with a separate accessible pathway from Moonbie Street. There is no access, except staff access, from the Medical centre to the residential entry off Moonbie Street.
  - 3 medical consulting rooms are proposed.
  - A separate bin waste storage room (5.5m<sup>2</sup>) is proposed for the Medical centre.
  - The application is silent whether the proposed Medical centre will function as a drug rehabilitation clinic.

#### First Floor

- 15 double boarding rooms (10 with a balcony) and each with its own private kitchen and bathroom.
- Stair access only is to be provided to this level.

The development can accommodate 54 boarders plus manager. There are 2 accessible boarding rooms on the ground floor.

The site does not contain any significant trees which may be affected by this development.

No subdivision of the site is proposed as part of this application.

### **3.0 Summary Recommendation**

The development is recommended for Deferred commencement Approval.

## **Background**

### **4.0 Site and Surrounding Development**

The site is located on the western side of Moonbie Street, bounded by Short Street to the north and Regent Street to the south. Surrounding development comprises single and double storey dwellings and 3-storey residential flat buildings.

The site is not in a Conservation Area but the adjoining properties to the south (15-17 Moonbie Street – I551) and to the west (rear) (8 & 10 Bartlett Street – I472 & I473) are Heritage Items.

The site is Lot C in DP 310221 and has an area of 1578m<sup>2</sup>

The previously approved private hospital building is currently vacant. The existing Medical centre is occupied and used as a drug rehabilitation clinic.

## 5.0 Development History

Previous building and development applications for the subject site include:

No.	Date	Proposal	Determination
6.62. 4288	30.11.1962	Convert dwelling to private hospital	Approved
6.1963.4449	28.03.1963	Operating theatre	Unknown
6.1963.4496	21.05.1964	Amendment to BA 4288/62	Approved
6.1976.74	15.03.1978	Internal alterations	Approved
6.1978.336	20.08.1978	Alterations to hospital	Approved
6.1978.440	30.10.1978	Internal alterations to hospital	Approved
16.2003.3	18.03.2003	Fire upgrade	Approved
10.2015.240	08.03.2016	Alterations and addition including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons and use of part of the building as a Medical centre	Refused

The following table shows the background to the current application:

Application Milestones	
Date	Event
19.04.2017	Development Application lodged.
16.05.2017	Notification period finished. 91 persons made submissions and a petition was received with 79 signatures.
08.08.2017	A meeting was held with the applicant's town planner to discuss amendments to the submitted design to address issues raised by Council's Engineer and Heritage Advisor.
25.08.2017	The applicant submitted amended plans in response to the issues discussed on 08.08.2017.

## Assessment

### 6.0 Zoning/Permissibility/Heritage

- The site is zoned R2 - *Low Density Residential* under the provisions of Ashfield LEP 2013.
- The property is not located within a Conservation Area.
- The property is not a heritage item.
- The property is located within the vicinity of a number heritage items and is opposite the *Tavistock Estate Conservation Area (C53)*.

The proposed development is permissible with Council consent.

## 7.0 Section 79C Assessment

The following is an assessment of the application under the heads of consideration listed in Section 79C of the EP&A Act.

### 7.1 The provisions of any Environmental Planning Instrument

#### 7.1.1 State Environmental Planning Policies

- **State Environmental Planning Policy No. 55 – Remediation of land**

The subject site has been used for many decades for the purposes of a private hospital/aged care facility and a Medical centre. The site was used for residential uses prior to the hospital. Given the history of the site, remediation is not considered necessary prior to the carrying out of the proposed development.

- **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

Not applicable.

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

A BASIX certificate has been submitted with this application (813216M). However, the Building Code of Australia ('BCA') does not require a BASIX for Class 3 buildings (a Class that applies to most boarding houses).

- **State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development)**

The development application was lodged on the 19 April 2017. The Provisions of the amended State Policy were published on the NSW legislation website on the 19 June 2015 with a commencement date of 17 July 2015.

It is noted that Clause 4(4) of the State Environmental Planning Policy 65 specifically states that the provisions of the planning instrument do not apply to a boarding house or a serviced apartment.

- **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.

**State Environmental Planning Policy (Affordable Rental Housing) 2009**

**Division 3 – Boarding Houses**

Requirement	Comply	No	N/A	Comment
<p><b>Clause 25 Definition</b></p> <p>In this Division:  <i>communal living room</i> means a room within a boarding house or on site that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreation room or games room.</p>	✓			A communal room is provided on the Ground Floor with a GFA of 31m <sup>2</sup> and this connects with an area of communal open space of 120m <sup>2</sup> + an area to be designated as a “ <i>communal vegetable garden</i> ”.
<p><b>Clause 26 Land to which Division applies</b></p> <p>This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:</p> <p style="padding-left: 40px;">Zone R1 General Residential,                      Zone R2 Low Density Residential,                      Zone R3 Medium Density Residential,                      Zone R4 High Density Residential,                      Zone B1 Neighbourhood Centre,                      Zone B2 Local Centre,                      Zone B4 Mixed Use.</p>	✓			The site is within zone R2 <i>Low Density Residential</i> zone
<p><b>27 Development to which Division applies</b></p> <p>(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.</p> <p>(2) Despite sub clause (1), this Division does not apply to development on land within Zone R2 <i>Low Density Residential</i> or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.</p> <p>(3) Despite sub clause (1), this Division does not apply to development on land within Zone R2 <i>Low Density Residential</i> or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.</p> <p><b>Note:</b> ‘<i>Accessible area</i>’ means land that is within:</p> <p style="padding-left: 40px;">800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates,</p> <p style="text-align: center;">or</p> <p style="padding-left: 40px;">400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station,</p> <p style="text-align: center;">or</p> <p style="padding-left: 40px;">400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</p> <p><i>walking distance</i> means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.</p>	✓			<p>The proposed development is for a Boarding House which on land within the R2 – <i>Low Density Residential</i> zone.</p> <p>The site is within an “<i>accessible area</i>” as the walking distance to Summer Hill rail station is approximately 450 metres.</p>



<p><b>28 Development may be carried out with consent</b></p> <p>Development to which this Division applies may be carried out with consent.</p>	<p>✓</p>		<p>Development consent is sought for a Boarding House (as defined), which is permissible with consent.</p>
<p><b>29 Standards that cannot be used to refuse consent</b></p> <p>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p>a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</p> <p>b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or</p> <p>c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</p>	<p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>The maximum permitted floor space ratio under the ALEP 2013 is 0.7:1.</p> <p>The floor space ratio of the development is calculated at 0.7:1 which complies.</p> <p>As residential flat buildings are not permitted in the R2 zone, the proposed development cannot rely on any density bonuses applicable under the State Planning Policy.</p> <p><i>Note: - The floor space ratio is defined in the Ashfield LEP which is based on the standard instrument. There is no definition of floor space ratio within the State Policy.</i></p>
<p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p><b>(a) building height</b> 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,</p> <p><b>(b) landscaped area</b> if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p> <p><b>(c) solar access</b> 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,</p> <p><b>(d) private open space</b> if at least the following private open space areas are provided (other than the front setback area):</p> <p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>(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,</p> <p><b>(e) parking</b> if:</p> <p>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>		<p>The overall height of the proposed development complies with the 8.5m maximum under the ALEP 2013.</p> <p>An adequate landscaped setback from Moonbie Street has been incorporated to align with the prevailing setback of adjoining development.</p> <p>The communal living room will receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid-winter.</p> <p>The communal open space area at the rear of the site exceeds 120m<sup>2</sup> with a minimum dimension of approximately 3.5m.</p> <p>The open space area set aside for the manager is approximately 39m<sup>2</sup> with a minimum dimension &gt;3.0m.</p> <p>The proposed 27 boarding rooms require 5.4 car spaces. 6 car spaces are nominated for the boarding house (including 2 accessible spaces and 1 space for the manager).</p>

<p>than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p> <p><b>(f) accommodation size</b></p> <p>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:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p> <p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p> <p>(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 sub clause (1) or (2).</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>		<p>All of the proposed boarding rooms are double rooms. Only the 2-ground floor boarding rooms fronting Moonbie Street have living areas (excluding kitchen and bathroom) below 16m<sup>2</sup>. The living area of these rooms is 15.82m<sup>2</sup>, which is such a small deviation from 16m<sup>2</sup> so as not to be discernible to future occupants and will not impact on the amenity of these rooms.</p> <p>Each boarding room has its own private kitchen and bathroom facilities.</p>
<p><b>Clause 30 Standards for boarding houses</b></p> <p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p> <p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p> <p>(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,</p> <p>(c) no boarding room will be occupied by more than 2 adult lodgers,</p> <p>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p> <p>(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,</p> <p>(f) (Repealed)</p> <p>(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,</p> <p>(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.</p> <p>(2) Sub clause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>		<p>A communal living room on the ground floor is to be provided.</p> <p>No boarding room has a living/bedroom space greater than 25m<sup>2</sup>.</p> <p>All boarding rooms will accommodate 2 persons.</p> <p>Each boarding room will have private bathroom and kitchen facilities.</p> <p>A condition is recommended requiring the Plan of Management to be revised to include reference to an on-site manager.</p> <p>The land is zoned R2 – <i>Low Density Residential</i> under the ALEP 2013.</p> <p>There are 27 boarding rooms, which require 6 bicycle and 6 motorcycle spaces. This number of spaces are provided in the basement car park.</p>
<p><b>30A Character of local area</b></p> <p>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.</p>	<p>✓</p>		<p>The subjective nature of the "<i>local character</i>" test allows a wide range of interpretation.</p> <p>Despite this, the L&amp;E Court has displayed a willingness to allow appeals - following refusal based on incompatibility with local character - and has provided some useful guidance as to how it can be shown that a proposal is compatible with the character of a local area.</p> <p>In determining whether a proposed development is compatible with the</p>



			<p>character of the local area, the Court will compare building height, bulk, scale, setbacks and landscaping to existing developments.</p> <p>Council's Heritage Advisor has reviewed the amended plans and has recommended a number of design changes and these have been included in the recommended conditions of consent.</p> <p>On balance, and having regard to the character of the existing streetscape and proximity of the site to several heritage items and the Tavistock Conservation Area it is considered that the proposed development responds to the character of the locality, which is typified by 2-storey structures with pitched roofs.</p>
<p><b>Part 4 Miscellaneous</b></p> <p><b>Clause 52 No subdivision of boarding houses</b></p> <p>A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.</p>	✓		<p>No subdivision is proposed as part of this application.</p>

7.1.2 Regional Environmental Plans

- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities.

7.1.1 Ashfield Local Environmental Plan 2013

As indicated by the table below, the proposal generally complies with the provisions of Ashfield LEP 2013.

Ashfield Local Environmental Plan 2013 Summary Compliance Table				
Clause No.	Clause	Standard	Proposal	Compliance
2.2	Zoning	Zone R2 <i>Low Density Residential</i>	As described in Section 1.0 of this report	Yes
4.1	Minimum subdivision lot size	500m <sup>2</sup>	No subdivision proposed Existing site area 1578m <sup>2</sup>	Yes.
4.3	Height of buildings	8.5m	The maximum height of the roof of the proposed development is 8.5m (expressed on the submitted plans as RL 37.363).	Yes
4.4	Floor space ratio	0.7:1 (ALEP 2013)	Site Area = 1578m <sup>2</sup> Proposed FSR = 0.7:1 GFA = 1105m <sup>2</sup>	Yes
5.9	Preservation of trees or	No significant trees or vegetation exist on this site.	A landscape plan has been submitted which includes the	Yes

	vegetation		use of the access handle to Bartlett Street as a communal vegetable garden	
5.10	Heritage Conservation	<ul style="list-style-type: none"> <li>• Not a Heritage Item</li> <li>• Not located in a Heritage Conservation Area</li> </ul>		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or the area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	Council's Heritage Advisor has raised no objections to the proposed development subject to conditions requiring several design changes.	Yes
5.10(5)	Heritage assessment	<p>The consent authority may, before granting consent to any development:</p> <ul style="list-style-type: none"> <li>(a) On land on which heritage item is located, or</li> <li>(b) On land that is within a heritage conservation area, or</li> <li>(c) On land that is within the vicinity of land referred to in paragraph (a) or (b),</li> </ul> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>The application is accompanied by a <i>Heritage Impact Statement</i>.</p> <p>Council's Heritage Advisor raised no objections to the proposed development.</p>	Yes

**7.2 The provisions of any Draft Environmental Planning Instrument**

Not applicable.

**7.3 The provisions of any Development Control Plan.**

- Inner West Council Comprehensive Development Control Plan 2016

The proposal has been considered against the following provisions of the *Inner West Council Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill*:

Section 1: Preliminary A:

*Part A: Preliminary*

*Part B: Notification & Advertising*

Section 2 – General Guidelines

*Part A: Miscellaneous*

1. Site & Context Analysis
2. Good Design

3. Flood Hazard
4. Solar Access & Overshadowing
5. Landscaping
6. Safety by Design
7. Access & Mobility
8. Parking
9. Subdivision
10. Signs & Advertising Structures
11. Fencing
12. Telecommunications Facilities
13. Development Near Rail Corridors
14. Contaminated Land

*Part B: Public Domain*

*Part C: Sustainability*

1. Building Sustainability
2. Water Sensitive Urban Design
3. Waste & Recycling Design & Management Standards
4. Tree Preservation & Management
5. Greenway
6. Tree Replacement & New Tree Planting

*Part D: Precinct Guidelines*

*Part F: Development Category Guidelines*

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The following provides discussion on the relevant clauses as necessary:

Section 1 - Chapter B – Notification & Advertising

The proposal was notified to all adjoining and nearby affected property owners and occupants from 21 April 2017 until 16 May 2017. Submissions have been received from 91 separate submitters and 1 Petition with 79 signatures.

Section 2 – Chapter A – Miscellaneous

Part 1 – Site and Context Analysis, Part 2 – Good Design & Part 6 – Safety by Design

The proposed development will add to the range of residential accommodation available in the Summer Hill locality and provide mixed use and business accommodation that meets the needs of local citizens and benefits the wider community.

The proposed development will provide a denser, more sustainable place which will help to create a walkable neighbourhood which retains and augments the existing heritage nature of the locality. It will bring together the traditional benefits of suburbia and the shared benefits of higher densities.

It is considered that the proposed development will provide satisfactory amenity to future occupants and to neighbours. The design has efficient boarding room layouts

with appropriate dimensions and shapes. Access to and through the proposed development is satisfactory. The design incorporates safety and security by maximising overlooking public and communal spaces while protecting internal privacy and the privacy of neighbours. Conditions are recommended to ensure that lighting to communal areas is designed to provide security for all users.

The building elements, textures, materials and colours are considered satisfactory.

#### Part 4 – Solar Access and Overshadowing

The existing private hospital is single storey. The proposed boarding house will be part single storey and part 2-storey. The 2-storey part of the development will be on the northern side of the dwelling at 15-17 Moonbie Street. This will result in an increased level of impact with regards to solar access to this adjoining property. However, the 2-storey component of the new development will be similar in terms of bulk and scale to any 2-storey residential development constructed on the subject site. A satisfactory amount of direct sunlight to the living rooms and the private open space areas of 15-17 Moonbie Street can be achieved as per the requirements of the DCP.

Having regard to the impact on the surrounding properties in relation to acoustic and visual privacy, solar access and overshadowing and visual bulk and scale, it is considered that the proposed development is satisfactory. A condition is recommended requiring privacy screening to be integrated for side facing windows likely to result in privacy impacts for 11 & 15-17 Moonbie Street.

#### Part 5 – Landscaping

Considering the context of the site being and being assessed as providing sufficient private and common open space for use by the occupants of the development, the development is considered reasonable.

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

#### Part 8 – Parking

The proposed boarding house complies with the parking requirements of State Environmental Planning Policy (*Affordable Rental Housing*) 2009.

Parking for the Medical centre is set by Part 8 – *Parking* of the DCP at the rate of 1 space per 25m<sup>2</sup> of gross floor area (GFA). The GFA of the Medical centre is proposed to be 151m<sup>2</sup> and accordingly, parking for 6 vehicles is required. 6 car spaces are proposed. In addition, 3 bicycle spaces are proposed for use by the Medical centre.

### Section 2 – Chapter F – Development Category Guidelines

#### Part 6 – Boarding Houses and Student Accommodation

The requirements of the DCP largely mirror the requirements of State Environmental Planning Policy (*Affordable Rental Housing*) 2009 and the proposed development is considered acceptable under the provisions of that Policy.

Overall, it is considered that the proposed development is satisfactory in this locality and meets the expected standards for boarding rooms, indoor recreation areas & facilities. The style and form, proportion, materials, textures and colours are

compatible with development in this locality.

#### **7.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.**

These matters have been considered in the assessment of this application.

#### **7.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.**

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have minimal significant adverse social or economic impacts upon the locality.

#### **7.6 The suitability of the site for the development**

These matters have been considered as part of the assessment of the development application. The proposed development is generally considered suitable in the context of the local built environment.

#### **7.7 Any submissions made in accordance with this Act or the regulations**

The proposal was notified to all adjoining and nearby affected property owners and occupants from 21 April 2017 until 16 May 2017. Submissions have been received from 91 separate submitters and 1 Petition with 79 signatures.

- Support

One submission supports the application on the basis that it is beneficial for future occupants to feel like they are part of a functioning society and not be marginalised to the fringes of the city, without good access to public transport.

- Objection

Submissions in objection to this application are:

- A letter from Jo Haylen MP (on behalf of Ms. R Honnery)
- A petition containing 79 signatures
- A form letter (A) from 43 persons
- A form letter (B) from 18 persons
- 28 individual submissions

The matters raised are summarised below, followed by comments in response:

- *There is a sufficient number of registered boarding houses in Summer Hill.*

#### Planner's Comment:

Council's Affordable Housing Officer has advised that research undertaken for the Affordable Housing Policy showed that most households needing affordable rental housing in the Inner West local government area (LGA) are excluded from affordable rental provided through the market. Development proposals that increase affordable housing supply and choice within the LGA are welcome subject to the LEP, existing building controls, a social impact assessment etc... As it is the applicant's intention of providing "*potential boarders on a very low to moderate income*" with affordable accommodation, then this would be consistent with Council's *Affordable Housing Policy*.

If the objective is to enhance housing choice for very low to moderate income households as indicated in this application, then this could be facilitated by applying a condition that requires a Registered Community Housing Provider to be the Managing Agent with the competence and the experience to effectively introduced and maintain an appropriate scheme to ensure a mix of very low, low and moderate-income households. A condition to this effect has been recommended.

- *The application fails to disclose United Gardens Clinic (UGC) as the intended tenant of the medical practice and this does not allow for informed community consultation, or for Inner West Council to meet its legal obligations, in consideration of this application. There is evidence of theft and anti-social behaviour connected to UGC's clients. The likely future use of the Medical centre is a drug treatment clinic. The proposed hours of operation are to be confirmed.*
- *The proposed co-location of a boarding house with UGC's drug rehabilitation clinic will likely lead to detrimental social and environmental impacts.*

Planner's Comment:

The application seeks consent for a Medical centre. A condition is recommended requiring separate development consent must be obtained for the use (including hours of operation) of the Medical centre prior to the occupation of that part of the premises. Notwithstanding, this application does not propose that the Medical centre will be used as a drug rehabilitation clinic.

- *Boarding houses traditionally target clientele with substance abuse issues, ex-offenders, victims of domestic violence and the mentally ill. The development poses a risk to both younger and older children who walk to school and around the neighbourhood unaccompanied.*

Planner's Comment:

Given the complexity of the duties involved relating to tenancy management, it is recommended that a Registered Community Housing Provider be contracted as Managing Agent. In terms of a division of labour relating to management responsibilities, it is suggested that the Managing Agent be responsible for the specified 'Duties of the Manager' while the 'on-site manager' be responsible for the enforcement of the House Rules and supervised by the Managing Agent. A condition to this effect has been recommended.

- *The parking requirements and traffic movements associated with this development present an unreasonable environmental impact.*

Planner's Comment:

As discussed previously in this report, the proposed provision of on-site parking is in accordance with the requirements of State Environmental Planning Policy (*Affordable Rental Housing*) 2009 and the Inner West Council Comprehensive Development Control Plan 2016. A condition is recommended requiring the design of the vehicular access and off-street parking facilities must be amended to address the relevant provisions of Australian Standards, including but not limited to AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS 2890.2-2002 Parking Facilities - Off-Street commercial vehicles facilities, AS/NZS 2890.6-2009 Off-street parking for people with disabilities and AS 2890.3-1993 Parking Facilities - Bicycle parking facilities.

- *It is unclear how management will ensure that there are no adverse impacts to surrounding residents. Under the Plan of Management, responsibility for controlling negative social impacts is left to 1 off-site manager.*

Planner's Comment:

A Deferred Commencement condition has been recommended requiring the submitted Plan of Management to be revised to include sufficient detail to Council's satisfaction to ensure proper management of the premises.

- *The design and management proposals do not make direct reference to the provision of services at the centre. Withholding this information leads to an incomplete evaluation of the impacts to the Summer Hill community.*



Planner's Comment:

It is unclear what services this submission refers to; but it is considered that this issue relates to the distrust by residents that UGC will be the tenant of the proposed Medical centre. Whether or not UGC will occupy these premises is not a material matter affecting the assessment of this development application.

- *There is no other development like this in Moonbie Street. It is out of character, without precedent and does not service the local community of Summer Hill. The appearance of the development is at odds with the heritage items in the street.*

Planner's Comment:

The proposed development has been considered by Council's Heritage Advisor who has had regard to the surrounding neighbourhood and the acceptability of the submitted design in relation to adjacent and nearby heritage properties. Subject to the recommended conditions requiring several design changes no objection has been raised against the proposal.

- *The proposal is an overdevelopment of the site.*

Planner's Comment:

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policy (*Affordable Rental Housing*) 2009 and Ashfield Local Environmental Plan 2013 (ALEP 2011). The proposal is generally consistent Inner West Council Comprehensive Development Control Plan 2016. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape.

- *The development will impact neighbouring properties by loss of visual and aural privacy. The 2nd storey windows on the southern elevation will impact on the privacy of No. 15 Moonbie Street.*

Planner's Comment:

The proposed development is considered acceptable in this regard subject to a condition requiring privacy screening to be integrated for side facing windows likely to result in privacy impacts for 11 & 15-17 Moonbie Street.

- *The southern access pathway from Moonbie Street will have adverse privacy impacts for No. 15 Moonbie Street being directly opposite the principal living areas and beneath a bedroom.*

Planner's Comment:

This access pathway is a secondary access is intended as an accessible pathway. As such, it is not expected that this pathway will be used extensively and impacts from its use on the privacy of No. 15 (adjoining property to the south) will be minimal.

- *Property values in the area may be negatively affected.*

Planner's Comment:

There is no evidence to substantiate that this development will have any impact on the value of surrounding properties.

- *The community vegetable garden for residents is worthwhile however, this should be closed so that it does not become a thoroughfare from the site to Bartlett Street.*

Planner's Comment:

There is no planning or legal reason to prohibit the access handle (proposed vegetable garden) being used by residents to access Bartlett Street.

- *Basement excavation poses a threat to the adjoining properties.*

Planner's Comment:

A condition of consent has been recommended requiring the applicant to complete dilapidation

reports (both pre- and post- construction) of the existing buildings adjoining the site at 11 and 15 Moonbie Street and 6 and 8 Bartlett Street, Summer Hill.

- *The topmost level of the building is bulky and only for air-conditioning units.*

Planner's Comment:

The amended plans which are now before Council have deleted this level and the accompanying air-conditioning units.

- *The overall height of the building requires confirmation.*

Planner's Comment:

The overall height of the building has been checked against the survey information submitted with this application. The measurement of building height is defined in the ALEP 2013 as being from existing ground level. In this instance, an existing building sits on the site and the measurement of the height of the proposed building relies on survey levels outside the footprint of the existing building. It is inevitable that some degree of extrapolation is required of the levels under the existing building.

- *The Medical centre entry is in a concealed and unsafe position.*

Planner's Comment:

A condition of consent has been imposed requiring the deletion of the public entrance to the Medical centre on the northern side of the building and having public access directly from Moonbie Street.

- *The development would be better if the boarding rooms were 1 & 2-bedroom units instead.*

Planner's Comment:

Council's Affordable Housing Officer has advised that there is demand for affordable boarding house accommodation in the LGA.

- *The boarding rooms are too small.*

Planner's Comment:

The boarding rooms comply with the requirements of State Environmental Planning Policy (*Affordable Rental Housing*) 2009 and are considered adequate for this use.

## 7.8 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 development is generally consistent with the aims, and design parameters contained in State Environmental Planning Policy (*Affordable Rental Housing*) 2009, Ashfield Local Environmental Plan 2013 and the Inner West Council Comprehensive Development Control Plan 2016 and other relevant Environmental Planning Instruments. As discussed throughout this report, the development will not result in any significant impacts on the amenity of adjoining premises and the streetscape and thus the development is considered to be in the public interest.

## 8.0 Referrals

### 8.1 Internal

- Heritage Advisor:

The amended plans were reviewed by Council's Heritage Advisor who raised no objection to the proposed development but recommended several design modifications. These have been incorporated in the recommended conditions of consent.

- Building:

No objections raised subject to conditions.

- Engineering:

Deferred commencement conditions have been recommended as follows:

1. *A plan and long section of the proposed Council pipe to be laid in Moonbie Street to join the site's stormwater into Council's existing pipe network, at the intersection of Moonbie and Short Street shall be submitted. This section shall show pipe grade, pipe depth, pipe chainages (10m intervals).*
2. *A method statement shall be submitted outlining the construction details to be used to construct the proposed pipeline in Henson Street. The aim of this statement shall be to show how the life of the existing Council trees can be maintained.*

- Health:

No objections raised subject to conditions.

- Waste:

No objections raised subject to conditions.

- Community Services:

Council's Affordable Housing Officer provided detailed comments in response to this application. A condition has been recommended requiring that a Registered Community Housing Provider be nominated as the Managing Agent with the competence and the experience to effectively introduce and maintain an appropriate scheme to ensure a mix of low and moderate-income households. This condition is recommended as a deferred commencement condition requiring the Plan of Management to be revised to Council's satisfaction prior to the consent becoming operational.

### 8.2 External

- Ausgrid:

A letter of advice was received from Ausgrid on 9 May 2017. Ausgrid consents to the development subject to the following condition:

***“Method of Electricity Connection***

*The method of connection will be in line with Ausgrid’s Electrical Standard (ES)1– ‘Premise Connection Requirements.’*

**9.0 Other Relevant Matters**

- Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent.

- Financial Implications

Section 94 contributions are payable for the proposal. The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of **\$76,729.36** is required for the development under Ashfield Council Development Contributions Plan. A condition requiring that contribution to be paid is included in the recommendation.

**10.0 Conclusion**

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act 1979, with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policy (Affordable Rental Housing) 2009 and Ashfield Local Environmental Plan 2013 (ALEP 2011). The proposal is generally consistent with the Inner West Council Comprehensive Development Control Plan 2016. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape.

The application is considered suitable for the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.

**Recommendation**

- A.** That Council, as the consent authority pursuant to section 80 of the Environmental Planning and Assessment Act 1979, grant deferred commencement consent to Development Application No: 10.2017.058 to demolish existing improvements and construct a 2-storey mixed use building comprising a Medical centre on the ground floor with a 27-room boarding house plus manager’s room above 1-level of basement parking at 11a Moonbie Street, Summer Hill subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS

DA 2017.58.1  
11A Moonbie Street SUMMER HILL 2130

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#### Description of Work as it is to appear on the determination:

Inner West Council, as the responsible authority, hereby grants consent to:

The demolition of existing improvements and construction of a 2-storey mixed use building comprising a 27-room boarding house plus manager's room with a Medical centre and associated basement parking for 12 vehicles, 6 motorbikes and 12 bicycles.

#### **A** 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. A plan and long section of the proposed Council pipe to be laid in Moonbie Street to join the site's stormwater into Council's existing pipe network, at the intersection of Moonbie and Short Street shall be submitted. This section shall show pipe grade, pipe depth, pipe chainages (10m intervals).
2. A method statement shall be submitted outlining the construction details to be used to construct the proposed pipeline in Henson Street. The aim of this statement shall be to show how the life of the existing Council trees can be maintained.
3. A revised Plan of Management shall be submitted. The plan shall include sufficient detail to Council's satisfaction to ensure proper management of the premises and is to include (but not limited to) the following details:
  - a. Nominate an on-site manager and this manager's after hours contact details
  - b. Nominate a Registered Community Housing Provider as the Managing Agent with the competence and the experience to effectively introduce and maintain an appropriate scheme to ensure a mix of low and moderate-income households. The Managing Agent be responsible for the specified '*Duties of the Manager*' while the on-site manager be responsible for the enforcement of the House Rules and other duties as nominated and supervised by the Managing Agent
  - c. The location of the display of the following 2 notices:
    - i. A sign (300mm x 300mm) indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises
    - ii. A schedule showing the numeral designating each bedroom and dormitory and the number of person permitted to be accommodated in each must be conspicuously displayed within the premises
  - d. Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom
4. The dormer window forms are to be entirely removed.
5. The doors are not to have multi-pane glazing, which is inconsistent with the otherwise modern design character.

6. The character of the balustrades (narrow spaced verticals in modern steelwork) are to be reflected exactly in the valances above, below the verandah roof edge, and these valances are to be at least 300mm in depth for appropriate visual weight.
7. The upper part of the basement garage entrance opening is to be infilled with a steel screen matching the balustrade and valance panels, to visually reduce the height of the opening and prevent visibility of the window to the waste management room. This screen is to be inset into the opening, on the line of the front wall inside the upper level verandahs and as extended in height as possible, leaving the required minimum vehicle clearance height on the ramp at this point. The security gate to the parking basement is to match this screen in character.
8. Steel gates continuing the theme and design in (7) are to be fitted to the central pedestrian entry opening in the front fence, and to the clinic entry path.
9. Privacy screening to be integrated for side facing windows likely to result in privacy impacts for 11 & 15-17 Moonbie Street.
10. The window to the eastern wall of the garbage room fronting Moonbie Street is to be deleted.
11. The public access to the medical centre is to be deleted from the northern side of the building and relocated to the northern most glazed opening on the eastern façade which is to maintain its proposed location and proportions. The eastern public entry is to be accessed directly from the street by way of a pathway of suitable width at right angles to the front façade. The space between the north façade and the north boundary previously occupied by a pathway is to be landscaped and not accessible for pedestrian use.
12. The western stair leading from ground level to the first floor is to be deleted. Access to rooms 225, 226 and 227 is to be achieved via the stair servicing rooms 213 to 224. It is noted that it may be necessary to delete room 222 to satisfy this condition but this is not essential.
13. The structures and associated excavation between the basement level caged storage area and the northern boundary is to be deleted with the exception of the fire egress to the western side.

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 12 months from the date of determination this consent will lapse.

Once operative the consent is subject to the following conditions:

**B General Conditions**

**(1) Approved plans stamped by Council**

The development must be carried out only in accordance with the plans, documents and specifications set out in the table below and stamped as approved by Council, and any other supporting documentation received with the application, except as amended by the conditions specified hereunder.

Drawing Number	Revision	Dated	Title	Prepared By
<b>Architectural Plans</b>				
DA 000	B	undated	Cover Sheet	Monument Design Partnership
DA 002	A	July 2016	Demolition Plan	Monument Design Partnership



DA 003	A	July 2016	Site Analysis	Monument Design Partnership
DA 004	A	July 2016	Site Plan	Monument Design Partnership
DA 005	A	July 2016	Basement Plan	Monument Design Partnership
DA 006	B	July 2016	Ground Floor	Monument Design Partnership
DA 007	B	July 2016	Level 1	Monument Design Partnership
DA 008	B	July 2016	Roof Plan	Monument Design Partnership
DA 009	B	July 2016	North/South Elevation	Monument Design Partnership
DA 010	B	July 2016	East/West Elevation & Streetscape	Monument Design Partnership
DA 011	B	July 2016	Sections	Monument Design Partnership
DA 012	A	July 2016	Landscape Plan	Monument Design Partnership
DA 013	A	July 2016	Accessible Units	Monument Design Partnership
DA 016	B	July 2016	Finishes Schedule	Monument Design Partnership
DA 017	B	July 2016	Schedules & Commitments	Monument Design Partnership
<b>Stormwater Plans</b>				
C00.01	B	24.08.2017	General Notes	Engineering Studio Civil & Structural
C01.01	B	24.08.2017	Roof Drainage, Sedimentation & Erosion Control Plan	Engineering Studio Civil & Structural
C02.01	B	24.08.2017	Ground Stormwater Drainage Plan	Engineering Studio Civil & Structural
C03.01	B	24.08.2017	Basement Stormwater Drainage Plan	Engineering Studio Civil & Structural
C03.02	B	24.08.2017	Stormwater Details Sheet 1	Engineering Studio Civil & Structural
C03.03	B	24.08.2017	Stormwater Details Sheet 2	Engineering Studio Civil & Structural
<b>Survey Plan</b>				
42348DT Sheets 1&2	-	20.08.2015	Plan of Detail and Levels over Lot C in DP310221 Known as 11A Moonbie Street Summer Hill	LTS Lockley Registered Surveyors

The development must be carried out in accordance with the recommendations set out in the following supplementary documents, which form part of the approved application.

Supplementary Documents	Date	Prepared By
Statement of Environmental Effects	12.04.2017	Monument Plan plc.
Heritage Impact Statement	05.04.2017	Monument Plan plc.
Social Impact Statement	10.04.2017	Monument Plan plc.
Plan of Management	12.04.2017	Monument Plan plc.
Waste Management Plan	10.04.2017	Elephants Foot Waste Compactors Pty Ltd
Access Report	17.03.2017	Code Performance Pty Ltd
DA Acoustic Assessment	30.03.2017	Acoustic Logic
BASIX Certificate Nos: 813216M	13.04.2017	GEC Consulting Pty Ltd
Assessor Certificate (Multiple Dwellings) Certificate Nos: 59346886	13.04.2017	GEC Consulting Pty Ltd
BCA Compliance Report	18.04.2017	Bacchus Partners (Paul Bacchus – Accredited Certifier BPB 2046)
Traffic and Parking Assessment Report (Draft)	30.03.2017	Varga Traffic Planning Pty Ltd

- In the event of any inconsistency between the approved plans/supplementary documents and the conditions, the conditions will prevail.
- Where there is an inconsistency between approved elevations and floor plan, the elevation shall 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.

**(2) Payment of any Additional Fees**

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

**C Design Changes**

N/A

**D Conditions that must be satisfied prior to issuing/releasing a Construction Certificate**

**(1) Design Quality**

To ensure the architectural and urban design quality of the development is retained:

- i) The design architect is to have direct involvement in the design documentation, contract documentation and construction strategies of the project
- ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project
- iii) Evidence of the design architect's commission is to be provided to the Council prior to the release of the construction certificate
- iv) The design architect of the project is not to be changed without prior notice and approval of the Council.

**(2) Letterboxes**

Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

**(3) Construction and Site Management Plan**

Prior to the issue of a Construction Certificate the applicant shall submit to Council or the Principal Certifying Authority a construction and site management plan that clearly sets out the following:

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,

- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles, or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an Principal Certifying Authority.

Where it is proposed to:

- o pump concrete from within a public road reserve or laneway, or
- o stand a mobile crane within the public road reserve or laneway, or
- o use part of Council's road/footpath area,
- o pump stormwater from the site to Council's stormwater drains, or
- o store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

An Activity Application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued.

**Note:** A separate application to Council must be made for the enclosure of a public place (hoarding).

**(4) Section 94 Development Contributions**

In accordance with Section 80A (1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development:

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	\$6,936.92
Local Public Transport Facilities	\$19,495.17
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$18,135.79
Local Community Facilities	\$16,091.38
Plan Preparation and Administration	\$16,070.11

<b>TOTAL</b>	<b>\$76,729.36</b>
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If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated based on the contribution rates applicable at the time of payment in the following manner:

$$\$C_C = \frac{\$C_P \times CPI_C}{CPI_P}$$

Where:

- $\$C_C$  is the amount of the contribution for the current financial quarter
- $\$C_P$  is the amount of the original contribution as set out in this development consent
- $CPI_C$  is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.
- $CPI_P$  is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at [www.ashfield.nsw.gov.au](http://www.ashfield.nsw.gov.au) or a copy may be inspected at Council's Administration Centre.

**(5) Erosion & sedimentation control-management plan**

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "*Pollution Control Manual for Urban Stormwater*", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharging off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environmental Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

- (a) "*Sedimentation and Erosion Control*" - Department of Conservation and Land Management.
- (b) "*Soil and Water Management for Urban Development*" - Department of Housing.

The plan must be submitted with the application for a construction certificate.

**(6) Long service levy**

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

**(7) Access and services for people with a disability**

Detailed plans drawn to the scale of 1:50 shall be submitted to the Principal Certifying Authority detailing compliance with the requirements of AS4299 and AS 1428 Part 1 and the provisions of Comprehensive Inner West Development Control Plan 2016 prior to the issue of a Construction Certificate, showing a minimum of 2 adaptable and accessible units within the development and details of complying levels, ramp slopes, door widths, circulation spaces within the development.

**(8) Services adjustment or relocation**

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority. (For information on the location of these services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate under Section 68 of the Local Government Act, 1993, for construction of the development.

**(9) Sydney Water - Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of an occupation or subdivision certificate.

**(10) Damage deposit/footpath, road, kerb and gutter**

A Damage Deposit of **\$20,000** is to be submitted prior to the release of any of the following:

- commencement of works or
- demolition or
- excavation upon the site or
- the issue of a Construction Certificate

whichever occurs first. The Damage Deposit covers repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc.

**Note:** Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

It must be an original with no end date and issued in favour of Council, details of the proponent's address shall be included.

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.

Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.

Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

The return of the Damage Deposit shall not be refunded until all conditions of Consent have been completed and the Occupation Certificate has been released.

**(11) Footpath/laneway- photographs to be submitted**

Prior to the release of a Construction Certificate, the applicant shall lodge with Council photographs of the roadway and footpath at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage, which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard. Failure to do this will result in the applicant being held accountable for the cost of all repair works in the area near / at the site.

**(12) Stormwater disposal-calculations**

- a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with **Council's Stormwater Management Code** and submitted to, and approved by, Council or Certifier prior to the release of the Construction Certificate.

The Construction Certificate plan to be submitted to Council must consist of the following items:

Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:

- (i) Roof areas.
  - (ii) Paved areas.
  - (iii) Grassed areas.
  - (iv) Garden areas.
  - (v) The percentages of Pre-development and Post-development impervious areas
- b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).



- c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan.
- d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100-year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.
- e) The depth and location of all services within the area affected by the development including the new 375mm stormwater pipeline to be laid in Moonbie Street (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site.
- f) All garbage and waste areas must drain to the sewer and not the stormwater system.

**(13) Pump out system specifications**

A pump out system may be permitted to discharge small volumes of stormwater from the basement car parking area. Full details of the pump size, capacity, performance curves, friction losses etc from the manufacturer's specifications must be submitted with the stormwater drainage calculations and prior to installation. These must demonstrate that the pump will function in accordance with the manufacturer's specifications for the required volume of stormwater at the subject total head. Minimum pump capacity allowable is for a 5 minute 1 in 20 ARI storm.

The drainage sump storage area for the pump shall be a bunded area able to cater for a 1 hour 1 in 20 ARI storm to minimise flooding in the event of a power blackout during a storm.

A dual pump arrangement will be necessary. (All pumps must be Class 1 Zone 2, if the pumps are located within a building (i.e. in the basement).

The stormwater volumes discharged from the pump outs are to be included in the permissible limited amount of stormwater discharged from the site as stated in other relevant conditions.

**(14) No external service ducts**

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

**(15) Access management plan**

An Access Management Plan must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate. Details of the Access Management Plan must include access to and within the accessible unit for people with disabilities. Plans at a scale of 1:50 must show internal circulation and access to facilities as per the requirements of Council's Development Control Plan.

**(16) Bicycle storage**

The bicycle storage area must accommodate a minimum of 12 bicycles and be designed in accordance with Australian Standard AS 2890.3:1993 Parking Facilities – Bicycle parking facilities. Details are to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

**(17) Outdoor lighting**

Prior to the issue of a Construction Certificate, the Principal Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings.

**(18) Adaptable dwelling construction**

Dwellings that are nominated as **adaptable and accessible dwellings** on the approved plans must be constructed to comply with *Adaptable House Class A* of AS 4299, AS 1428.1 and the requirements of the Comprehensive Inner West Development Control Plan 2016.

**(19) Entry control - safety**

At the entry to the basement car park, the following shall be provided:

- a security gate or shutter; and
- an intercom system between visitors and residents to enter and exit from the car park.

**(20) Colours and Finishes Schemes**

The materials and finishes of the building constructed pursuant to this consent must be in accordance with the materials and finishes identified in Finishes Schedule (Revision B) dated July, prepared by Monument Design. No changes may be made to these drawings except by way of an application under section 96 of the *Environmental Planning and Assessment Act 1979*. The colour scheme should be consistent with the Summer Hill Main Street Study by Godden Mackay Pty Ltd.

**(21) Waste**

Prior to the release of the Construction Certificate the following waste requirements are to be addressed: -

Residential

- a) The bin storage areas need to have enough space to hold recycling bins as well as garbage bins to encourage maximum resource recovery.
- b) The bin storage areas are to be in a position that is easily accessible to the residents of the building and provide easy access to the street for presentation for collection.
- c) The bulky items room should allow for enough space to ensure any bulky items (clean up material) can be stored when people are moving out, before an appropriate means of disposal is arranged.
- d) The bin storage areas need to:
  - o be well ventilated and not effecting the amenity of neighbours
  - o have access to hot and cold water for cleaning the bins and the water is to drain directly to the sewer.
- e) The bins and bin storage area should have clear signage indicating what type of bin it is (i.e. garbage or plastic recycling etc) and what is permitted to be put in the bin.
- f) The Caretaker of the property should wheel bins out in the rear lane for collection, these bins should be returned immediately to the bin room. Council's Collection contractor will collect all bins from this point.

Medical centre

- a) A separate bin storage area is to be allocated for the Medical centre waste bins.
- b) This waste and recycling storage area must be accessible by Council's or nominated contractor.

**(22) Building Foundations**

The building footings are to be constructed of concrete and piered to existing ground. Details are to be submitted prior to the issue of a Construction Certificate. If the building footings are not piered to the existing ground, a report from an Engineer whose qualifications are acceptable for the membership of the Institution of Engineers Australia, certifying that the building foundation has been designed to withstand a 1% AEP flooding conditions is to be provided. The report is to include an analysis of the soil characteristics of the ground and its impact on foundation during flooding.

**(23) Lighting to basement/pedestrian routes-safety**

Lighting which meets the relevant Australian Standard of 40 lux., spaced at appropriate intervals to provide the required surveillance shall be provided to the vehicular basement parking area and along pedestrian access routes for safety and security purposes during the evenings. Details to be shown on the Construction Certificate.

**(24) Car parking provision/layout**

The design of the vehicular access and off-street parking facilities must be amended to address the relevant provisions of Australian Standards, including but not limited to AS/NZS 2890.1-2004 *Parking Facilities - Off-Street Car Parking*, AS 2890.2-2002 *Parking Facilities - Off-Street commercial vehicles facilities*, AS/NZS 2890.6-2009 *Off-street parking for people with disabilities* and AS 2890.3-1993 *Parking Facilities - Bicycle parking facilities*. The following specific issues must be addressed in the design:

- All parking associated with the development must be contained on site under relevant development controls. No deficiency in parking will be tolerated.
- The entry/exit ramp to the carpark be made maximum 1 in 5 with transitions. The first 6metres of the main ramp in from the property line (at grade 1 in 20) must not be compromised in the alteration of the max ramp grade to 1 in 5.
- Customer parking spaces to the Medical centre shall be a minimum 2.6 metres wide under a user class 3 classification per AS2890.1:2004
- Sight view clearance for pedestrians is to be established and designed at the driveway exits to Section 3.2.4 Fig 3 of AS 2890.1:2004. It is essential that the clear/unobstructed angled pedestrian sight view splays as shown in figure 3 are provided for both sides of the driveway at the property line. If necessary, the right-hand side of the ramp wall, minimum distance 3.0 metres in from the property line, can be made see through, with or without a dwarf wall height of maximum 500mm.
- Appropriate measures shall be provided to warn motorists to give-way to opposing vehicles accessing the driveway and ramp (e.g. signs, mirrors, lights).
- All vehicles must enter and exit the site in a forward direction.

The external form & height of the approved structures must not be altered from that depicted on the approved plans to address this condition. If the applicant seeks a design that would require such, the approved plans must be modified in accordance with Section 96 of the Environmental Planning and Assessment Act 1979.

The design must be certified by a suitably qualified Civil Engineer and provided to the Principal Certifying Authority prior to the issue of the issue of a Construction Certificate.

**(25) Visitor car parking identification**

Visitor car parking shall be clearly identified by signposting and/or line marking and must be accessible by the public.

**(26) Stormwater disposal-calculations**

- (a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil Engineer in accordance with **Council's Stormwater Management Code** and submitted to, and approved by, Council or Certifier prior to the release of the Construction Certificate.

The Construction Certificate plan to be submitted to Council must consist of the following items:

Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:

- (i) Roof areas.
  - (ii) Paved areas.
  - (iii) Grassed areas.
  - (iv) Garden areas.
  - (v) The percentages of Pre-development and Post-development impervious areas
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).
- (c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan.
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100-year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.
- (e) All garbage and waste areas must drain to the sewer and not the stormwater system.

**(27) Stormwater detention storage facility**

- (a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage must be prepared and certified by a suitably qualified Civil Engineer and must be submitted to Council or Certifier prior to the release of the Construction Certificate.
- (b) All on-site stormwater detention pits must be located on Common Property and not on private property.
- (c) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:
- where the storage and silt arrestor pits are located
  - which parts of the system need to be accessed for cleaning and how access is obtained
  - description of any equipment needed (such as keys and lifting devices) and where they can be obtained
  - the location of screens and how they can be removed for cleaning
  - who should do the maintenance (i.e. commercial cleaning company)
  - how often it is to be done

The abovementioned maintenance schedule is to be submitted to and approved by Council prior to the release of the Occupation Certificate.

**(28) Electrical Installations**

All electrical installations are to comply with the relevant Australian Standards. In this regard, prior to the issue of a Construction Certificate, the applicant is to submit to Council documentary evidence indicating that the proposed electrical installations comply with Ashfield's Comprehensive Development Control Plan 2016, "Chapter A, Part 3 - Flood Hazard" and the approved flood risk management report prepared for this application, and that these electrical installations are located above the Standard Flood Level determined and approved for this site.

**(29) Connection to Council's street drainage**

Details of the proposed street drainage line in Moonbie Street shall be prepared by a suitably qualified professional civil engineer in accordance with Council's Stormwater Management Code, and submitted and approved by Council prior to the release of the Construction Certificate.

A long section shall be submitted of the proposed Council pipe line in Moonbie Street showing the pipe invert levels proposed pipe cover and the location of any obstacles lane (i.e. gas, water, sewer, electricity, Telstra, etc).

The depth and location of all services within the area affected by the new 375mm stormwater pipeline to be laid in Moonbie Street (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site prior to the release of the Construction Certificate.

**E Conditions that must be complied with before work commences**

**(1) Notice of Commencement – Notification of Works**

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

**(2) Requirement for a Construction Certificate**

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) Council; or
  - (ii) a Principal Certifying Authority; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (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 shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil Engineering inspections.

**WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A (2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

**(3) Inspections required by Principal Certifying Authority**

Inspections shall be carried out at different stages of construction by Council or an Principal Certifying Authority. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

**(4) Site Controls**

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in the Sydney Coastal Councils' *Stormwater Pollution Control Code for Local Government*.

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.

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall also include the protection of stormwater inlets or gutter systems within the immediate vicinity of the site.

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.

**(5) Building location - check survey certificate**

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: -

- (i) location of the building with respect to the boundaries of the site;
- (ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
- (iii) site coverage of the buildings on the site.

**(6) Crane permit**

Should the applicant need to use a crane during the course of building, it will be necessary to first obtain a "Crane Permit" from Council's One Stop Shop. A fee is payable for the permit. The approval of other authorities (e.g. Police Department, RMS) may be required for the use of a crane.

**(7) Site fencing/security**

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

**(8) Support for neighbouring buildings and notice to adjoining owners**

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and
  - (c) must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) 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 clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

**Notes:**

- (i) Details of underpinning works, prepared and certified by a practicing structural Engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works.
- (ii) allotment of land includes a public road and any other public place.

**(9) Sydney Water approval**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre 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. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: [www.sydneywater.com.au](http://www.sydneywater.com.au), see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

**(10) Structural Engineering Details**

Structural Engineer's details prepared and certified by a practising structural Engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

**(11) Dilapidation Reports**

A Dilapidation Report on the current structural condition of the existing buildings adjoining the site at 11 and 15 Moonbie Street and 6 and 8 Bartlett Street, Summer Hill must be prepared by a practicing structural Engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

**(12) Erosion, dust, topsoil and sediment control**

Temporary measures shall be provided during construction (e.g. bunding, shade cloth) to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing

such measures shall be submitted to Council and approved prior to the release of the Construction Certificate.

**(13) Public liability insurance – Works on Council/public lands**

The applicant or any contractors carrying out works on public or Council controlled lands shall have public liability insurance cover to the value of \$10 million and shall provide proof of such cover prior to carrying out the works.

**(14) Sanitary facilities - demolition/construction sites**

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

**(15) Traffic Management During Construction**

A Construction Traffic Management Plan (CTMP) shall be submitted to Council for approval prior to the commencement of works (including demolition, excavation and construction) commencing on site. The plan must detail how truck movements and deliveries are to be managed during the development-construction process (i.e. demolition, excavation and construction), and how the interface of the site with the road network will be controlled including, but not limited to, the following:

- a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, are to be provided to safely manage pedestrians and construction related vehicles in the frontage roadways.
- b) Turning areas must be provided within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- c) A dedicated unloading and loading point must be provided within the site for all construction vehicles, plant and deliveries.
- d) All vehicles associated with the development-construction activity (which includes demolition, excavation and construction) shall be accommodated on-site. An on-site parking area shall also be provided for employees, tradespersons and construction vehicles.
- e) The plan must outline the proposed haulage routes, estimated number of vehicle movements, and the frequency and maximum type and length of all construction vehicles accessing or servicing the site. In this particular situation trucks should be limited to only single boogie and maximum 8.8 MRV rigid vehicle size.
- f) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
- g) Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road).
- h) The plan must consider other development activity in the area.

All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.



Note that approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

**F Conditions that must be complied with during demolition or construction**

**(1) Plans to be available on site**

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

**(2) Signs to be erected on building and demolition sites**

- (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; and
  - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

**(3) Demolition/excavation/construction - hours of work**

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday.

Work is prohibited on Sundays, and on public holidays.

**(4) Demolition requirements/standards**

Demolition is to be carried out in accordance with the following:

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of

demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not to be allowed to enter the street gutter and stormwater systems.
- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

**(5) Waterproofing materials/installation – BCA/Australian Standards**

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

**(6) Safety Glazing - BCA**

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

**(7) BASIX Requirements**

The new works shall be constructed in accordance with, and comply with, the undertakings given on the BASIX (Building Sustainability Index) Certificate from the Department of Infrastructure, Planning and Natural Resources. For more information visit [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

**(8) Dust control**

Adequate measures are to be implemented, including, for example, water spraying/mesh barriers, to prevent dust from causing any nuisance.

**(9) Stormwater runoff-collection/discharge**

Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the nearest appropriate Council stormwater pit at a maximum Permissible Site Discharge (PSD) where the Pre-development discharge equals the Post-development discharge for all stormwater events up to a 1:100 ARI event.

Prior to works commencing a Council "Road Opening Permit" must be obtained.

**(10) Footpath, kerb and gutter protection**

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense.

**(11) Connection to Council's street drainage**

The connection to Council's street drainage system shall be constructed at the applicant's expense. It shall consist of a pipeline across to the street kerb with the pipeline then continuing under the kerb and gutter or the central carriageway to Council's existing pipe network.

The pipes shall be 375 mm diameter reinforced concrete spigot and socket with rubber ring joins. A pit shall be constructed at the property boundary and at the kerb line.

Any adjustment required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained prior to works commencing.

Prior to works commencing a Council "Road Opening Permit" must be obtained.

**(12) Road opening permit- Council controlled lands**

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Engineering Services for details.

This road opening permit covers the direct costs involved in the repair/replacement of works where the public or Council controlled lands are specifically damaged/saw cut etc... for the construction of services, stormwater pipes, kerb works, bitumen works, footpath works etc. It is *separate* from a Damage Deposit as listed elsewhere in these Conditions of Consent.

**(13) Inspection of works**

Where works are to be carried out on a public roadway, or involve Council owned / operated structures, then advance notice and inspections will be required at specified stages during the works to ensure compliance with any requirements or conditions.

An inspection by Council's staff will be required for the reconstruction of the existing vehicle crossing at the following stages:

- (i) after excavation
- (ii) after the erection of formwork and placement of reinforcement and prior to pouring of concrete
- (iii) on completion of the works

A minimum of 24 hours' notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved. All works are to be carried out in accordance with Council's specifications and in accordance with Council's construction standards.

**(14) Check Survey**

A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.

**(15) Traffic control on public roads**

Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads", particularly regarding traffic movement controllers, advance warning signs and directions to motorists, shall be provided. Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

**(16) Finished ground surface levels at property boundary**

Finished ground surface levels shall match existing levels at the property boundary.

**(17) Spoil and building materials on road and footpath**

All building materials shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

**(18) Ausgrid Requirements**

Ausgrid shall be consulted and its requirements met in the construction of the development. Regard is to be given to Ausgrid's letter to Council dated 9 May 2017.

**(19) Surface water – regraded areas**

Any regraded areas shall be free draining, away from the building, and shall not direct surface water into adjoining properties.

**(20) Stormwater runoff**

Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties

**(21) Redundant vehicular crossings – removal and replacements**

All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council at the applicant's expense.

**G Conditions that must be complied with prior to installation of services**

N/A

**H Conditions that must be complied with prior to the issue of an Occupation Certificate**

**(1) Approval to use/occupy building**

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

**Note:** If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

**(2) Street Number**

A street number appropriately designed to complement the character of the area must be displayed in a position clearly visible from the street, in numbers having a height of not less than 150 mm. The number must be in place before the premises can be occupied.

**(3) Fire safety certificate**

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.

**(4) Waste management**

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.

**(5) Engineering conditions to be satisfied prior to the issue of occupation certificate**

Prior to the release of an Occupation Certificate when the on-site building works are completed there are three (3) conditions that must be satisfied.

They are:

**(a) *Work-As-Executed Plans***

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size
- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

(b) *Engineer's Certificate*

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

- the soundness of the storage structure;
- the capacity of the detention storage;
- the emergency overflow system being in place;
- the works being constructed in accordance with the Council approved plans; and
- the freeboard from maximum water surface level to the finished floor and garage/parking levels are at or above the minimum required in Council's Stormwater Code.

(c) *Restriction-As-To-User*

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

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

**(6) Compliance with approved plans**

Prior to the issue of an Occupation Certificate, written verification from a suitably qualified professional civil Engineer shall certify that the new building works have been designed and built in accordance with Ashfield's Comprehensive Development Control Plan 2016, "Chapter A, Part 3 - Flood Hazard" and the approved flood risk management report prepared for this application, which would include building materials and electrical works.

**(7) Positive Covenant-stormwater detention/surface flow paths-occupation certificate**

A Positive Covenant under Section 88E of the *Conveyancing Act* shall be created on the title of the property providing that during the lifetime of the building constructed pursuant to this consent:

- (i) the stormwater detention facility as described in the approved plan and the conditions of consent shall not be altered or removed in whole or in part without the written approval of Inner West Council;
- (ii) the registered proprietor at its expense is to maintain, renew and repair the stormwater detention facility so that it functions in a safe and efficient manner and keep it clean and free of silt, rubbish and debris;
- (iii) Inner West Council employees are to be entitled upon reasonable notice to access the land to inspect the facility;
- (iv) the registered proprietor is to comply with any notices issued by Inner West Council regarding maintenance, renewal and repair of works (and, in default of

same, Council and/or its authorised agents may enter and carry out the specified work and recover the costs from the registered proprietor);

- (v) the registered proprietor shall not modify or permit modification of finished ground and/or pavement levels within the flow path in whole or in part without the written approval of Inner West Council; and
- (vi) the registered proprietor shall ensure that at all times the stormwater surface flow path is kept unobstructed by fences or any physical structures or barriers.

The wording in the Instrument shall be submitted to and approved by Inner West Council prior to lodgement at the *Department of Lands (Land and Property Information)* and prior to the release of the Occupation Certificate. The Instrument shall be registered prior to the completion of development.

To ensure that the on-site detention system is properly maintained the owner of the site shall each year provide Council with a Certificate from a practicing civil Engineer stating that the on-site detention system is functioning correctly and has not been compromised in any manner.

**(8) Driveways, parking and service area - PCA**

A qualified practicing Civil or Structural Engineer shall certify to the Principal Certifying Authority that driveways, parking and services areas have been constructed in accordance with approved specifications. Such certification shall be submitted prior to occupation of the building.

**(9) Sign posting/line-marking – access/car parking**

The direction of traffic flow and off-street car parking spaces are to be signposted/line-marked on site prior to occupation of the building.

**(10) Final Site Inspection**

Prior the issue of the Occupation Certificate, a final site inspection relating to the public area shall be arranged by the applicant, and shall be undertaken by the applicant's supervising Engineer and Council's authorised officer. The purpose of the inspection is to ensure that notwithstanding the submission of any certifications required by an approval that all impacts within the public area from the development have been satisfactorily addressed. A fee is payable for this inspection.

**(11) Building Height-ALEP 2013**

Prior to the issue of the Occupation Certificate a registered surveyor shall provide certification that the proposed building height complies with the approved plans condition 1 of this consent.

**(12) Floor Space Ratio-ALEP 2013**

Prior to the issue of the Occupation Certificate a registered surveyor shall provide certification that the Floor Space Ratio (FSR) complies with the approved plans in condition 1 of this consent.

**(13) Footpath, kerb and gutter reconstruction**

The public footpath and kerb and gutter outside the site shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense.

This shall also include the following works being carried out by the applicant:

1. A minimum of three trees consistent with the requirements/specifications of the street tree strategy and the Ashfield Town Centre Study shall be planted in front of the site. Each tree shall have a minimum 45 litre root ball and have a tree guard placed

around it and porous paving located at the base. Council shall approve all the above items mentioned above prior to installation.

2. All kerb works shall be to the satisfaction of both Council.
3. A permit to carry out these works on Public land will be required to be obtained. In order for Council to grant approval for these works plans and details shall be submitted to Council for approval.

This work shall be carried out prior to the issue of an Occupation Certificate.

**(14) Vehicle access driveways**

The existing vehicular access driveway shall be reconstructed in accordance with Council's standard drawing and specifications. The driveway shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve. The driveway shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

This work shall be carried out prior to the release of an Occupation Certificate.

**I Conditions that are ongoing requirements of development consents**

**(1) Approved use**

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

- a) The use must comply always with the approved Plan of Management 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 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 always;
- d) The Plan of Management must not to be amended without the written approval of Council; and once approval is given, an updated copy is to be provided to Council within seven (7) days;
- e) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
- f) The premises must be used exclusively as a boarding house containing a maximum total of 27 lodger's rooms and 1 on-site manager's room with not more than 54 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 always for the use of the lodgers; and
- j) Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order always.
- k) 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.
- l) The premises must be used as a boarding house as defined in Section 516(1A) of the Local Government Act 1993, being a building wholly or partly let as lodging in which each letting provides the tariff-paying occupant with a principal place of



residence. Each tariff charged must not exceed the maximum tariff for boarding houses or lodging houses for the time being determined by the Minister by order published in the Government Gazette.

**(2) Neighbourhood amenity**

No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particle matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

**(3) Medical centre**

Separate Development Consent must be obtained for the use of the Medical centre prior to the occupation of that part of the premises including hours of operation. The proposed medical centre shall not be used as a drug rehabilitation clinic.

**(4) Annual fire safety statement**

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.

**(5) Air conditioners - noise control - Protection of the Environment Operations Act 1997**

Any air conditioning unit installed in accordance with the Exempt provisions of SEPP Exempt and Complying Development 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. Domestic air conditioners must not be audible in nearby dwellings between 10:00pm to 7:00am on Monday to Saturday and 10:00pm to 8:00am on Sundays and Public Holidays. Details of the acoustic measures to be employed to achieve compliance with this condition must be provided prior to the issue of a Construction Certificate.

**(6) Medical centre waste storage**

Medical centre waste is to be stored separately from resident garbage and recycling waste. The Medical centre area shall be a secure space and not accessible to residents. The number of bins required will depend on the tenancy of the Medical centre and this area is to have sufficient space for interim storage of re-usable commercial items such as crates, pallets and similar items. This area must be designed and maintained in accordance with the requirements of State agencies and legislation.

**(7) Garbage bin storage/placement for collection**

All garbage/recycling bins are to be kept in the approved garbage bin storage area. Bins are only to be placed in the designated pick up area on the day of garbage collection and are to be returned to the storage area immediately after collection by the Manager.

**(8) Garbage recyclables and green waste - Council to be indemnified**

Council and its servants shall be indemnified against any claim for damages resulting from collection of recyclable and green waste or the collection of garbage material from the site.

**(9) Accessibility to be maintained**

A continuous path of travel not exceeding 1:14 grade or complying with AS 1428 and/or a lift is to be maintained between the main street entrance to the residential complex, adaptable units, accessible car parking spaces, letter boxes, garbage storage area, recreation areas and clothes drying areas.

**(10) Air conditioners**

To preserve the streetscape, air conditioners or any plant equipment shall not be placed along the street façade or any place/part of the building that is visible from the public domain without the prior approval of the Council.

**(11) Waste collection**

Neither residential nor commercial waste bins are to be left on the footpath (either in Moonbie Street or Bartlett Street) before, during or after collection. All waste bins are to be returned to their respective bin rooms on the site immediately after collection.

**(12) Parking spaces and loading areas – maintenance/line-marking/use**

The off-street car parking spaces provided on site shall be maintained and line marked in accordance with AS/NZS 2890.1-2004 *Parking Facilities - Off-Street Car Parking*, AS 2890.2-2002 *Parking Facilities - Off-Street commercial vehicles facilities*, AS/NZS 2890.6-2009 *Off-street parking for people with disabilities*. Under no circumstances are such spaces to be used for the storage of goods or waste products.

**(13) Parking Access – Medical centre**

The parking bays proposed for the Medical centre of the development must be easily accessible and be clearly designated, marked, and signed. Access to these bays must not be restricted in any way by security doors or intercom access during business hours approved for the commercial development.

**(14) Parking Access - Residential**

The parking bays proposed for the residential component of the development must be inaccessible to visitors to the commercial component of the development and shall be clearly designated, marked, and signed. In addition, the parking bays must be appropriately marked or signed to indicate which residential unit they have been allocated to.

**(15) Parking Permits**

Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition, the by-laws of any future strata plans created for the property shall reflect this restriction.

**J Advisory Notes****(1) Other approvals**

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an Application for Approval under Section 68 of the *Local Government Act 1993* for any proposed activity under that Act, including any erection of a hoarding. All such applications must comply with the *Building Code of Australia*.
- an Application for Approval under Section 68 of the *Local Government Act 1993* for a Place of Public Entertainment if proposed. Further building work may also be required for this use in order to comply with the *Building Code of Australia*. If there is any doubt as to what constitutes "Public Entertainment" do not hesitate to contact Council's Fire Officer.
- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.

**Note:** An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

- an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- an Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973*, if strata title subdivision of the development is proposed.
- a development application for demolition approval under the *Environmental Planning and Assessment Act 1979* if consent for demolition is not granted by this consent.

**(2) Works and requirements of other authorities**

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

**(3) Application for a Construction Certificate**

The required application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

**WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A (2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result action in the Land and Environment Court and orders for demolition.

**(4) Modifications to your consent - prior approval required**

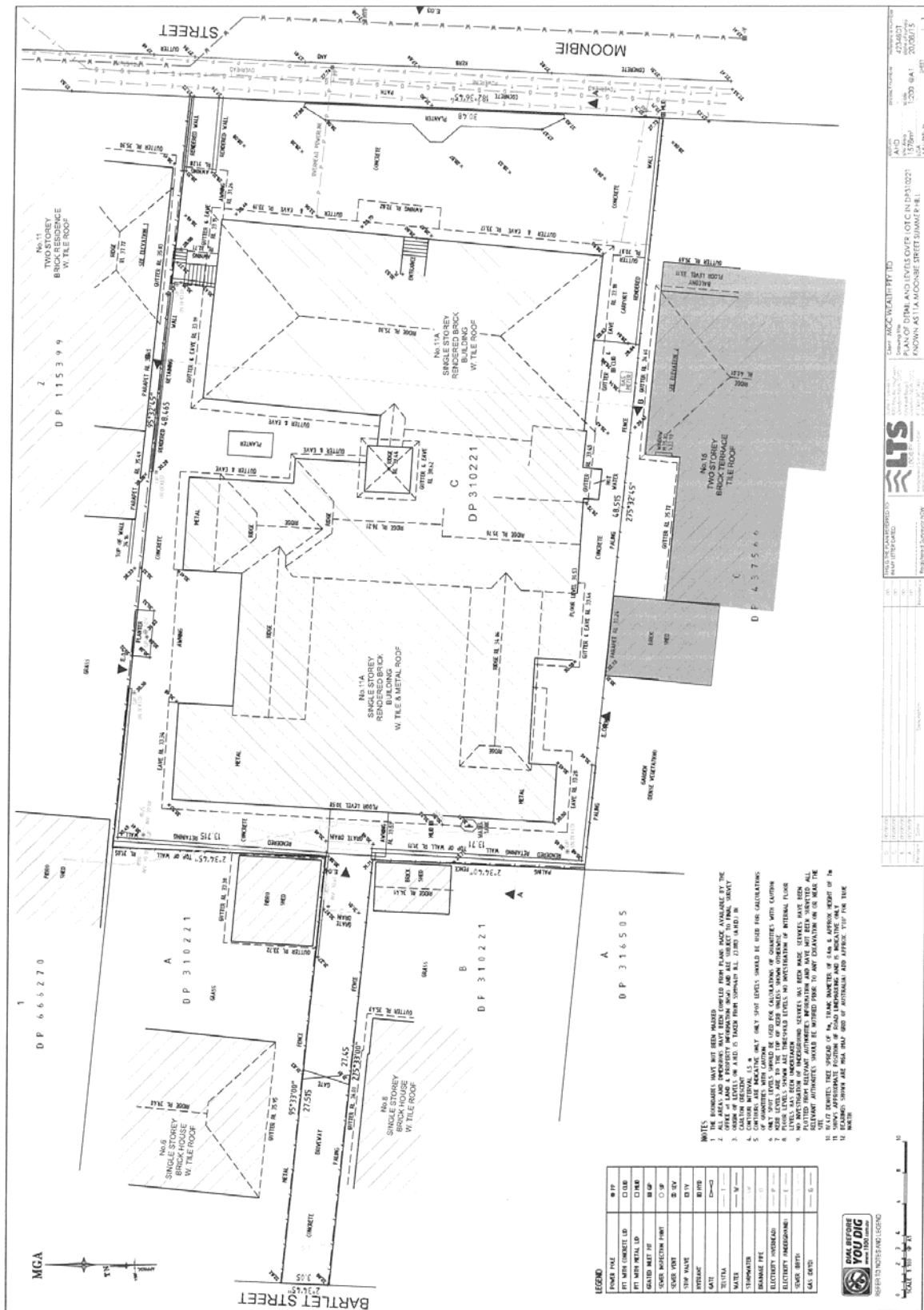
Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

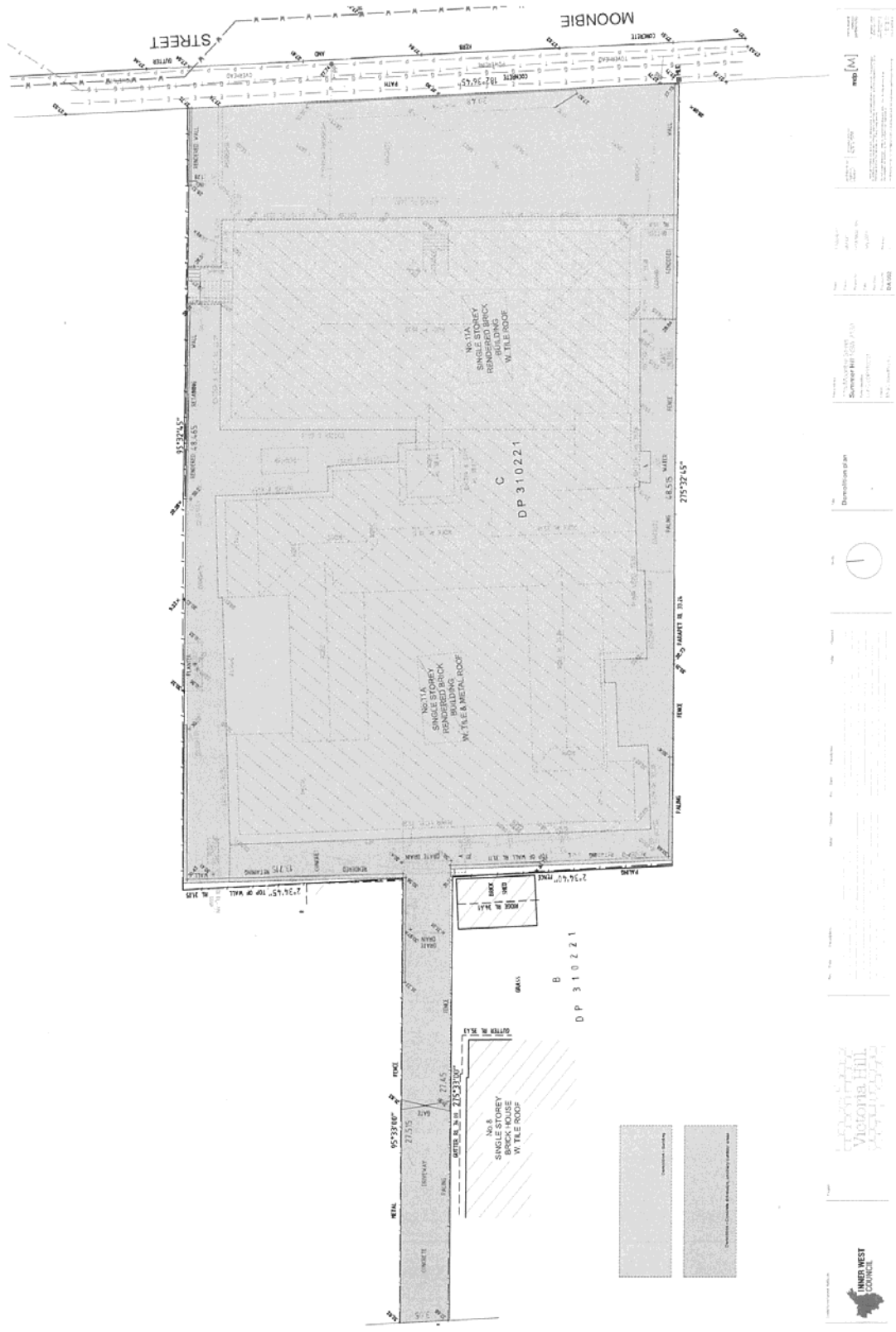
**Warning:** There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

**(5) Disability Discrimination Act 1992**

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

Attachment B – Plans of proposed development

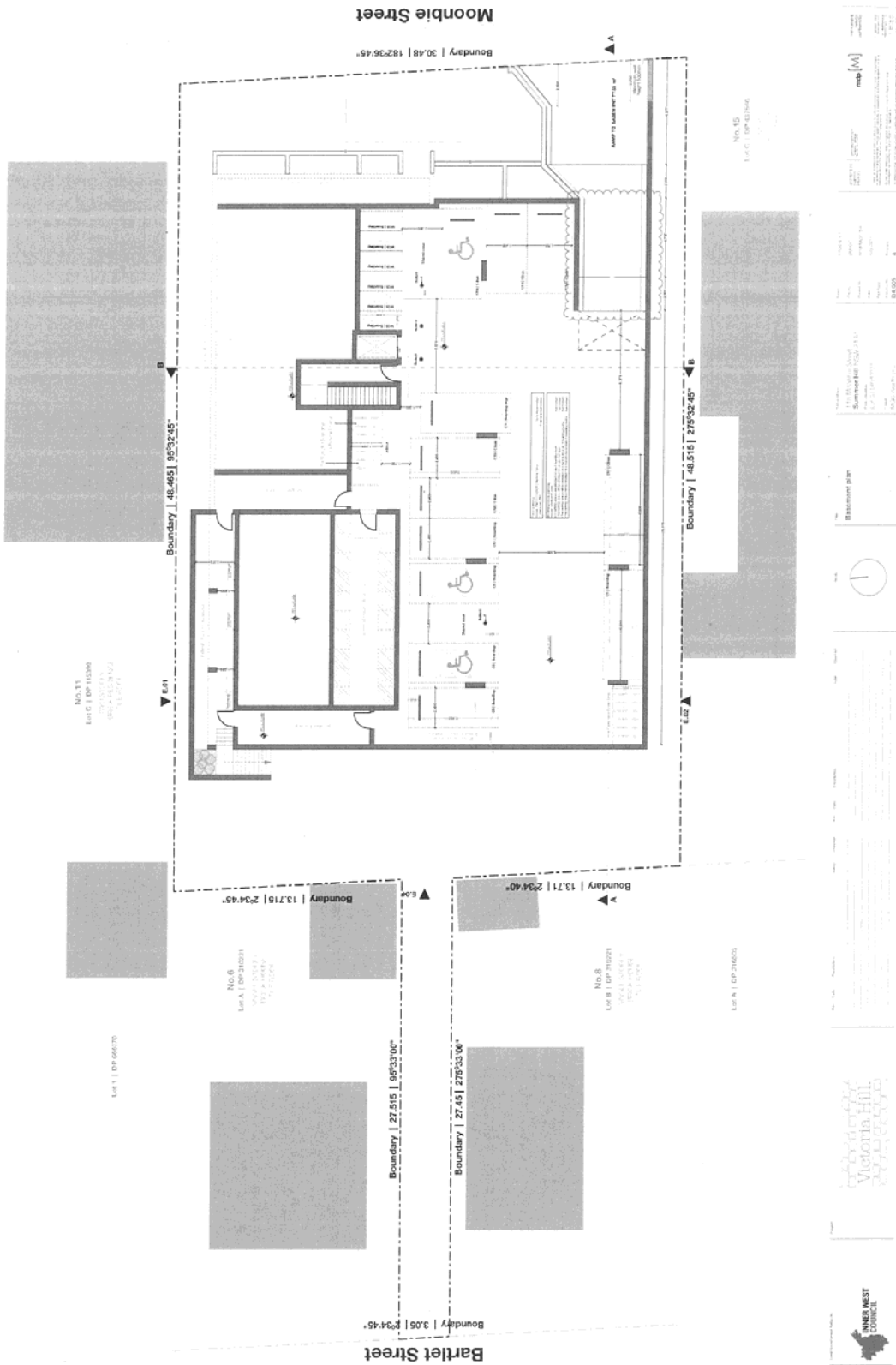


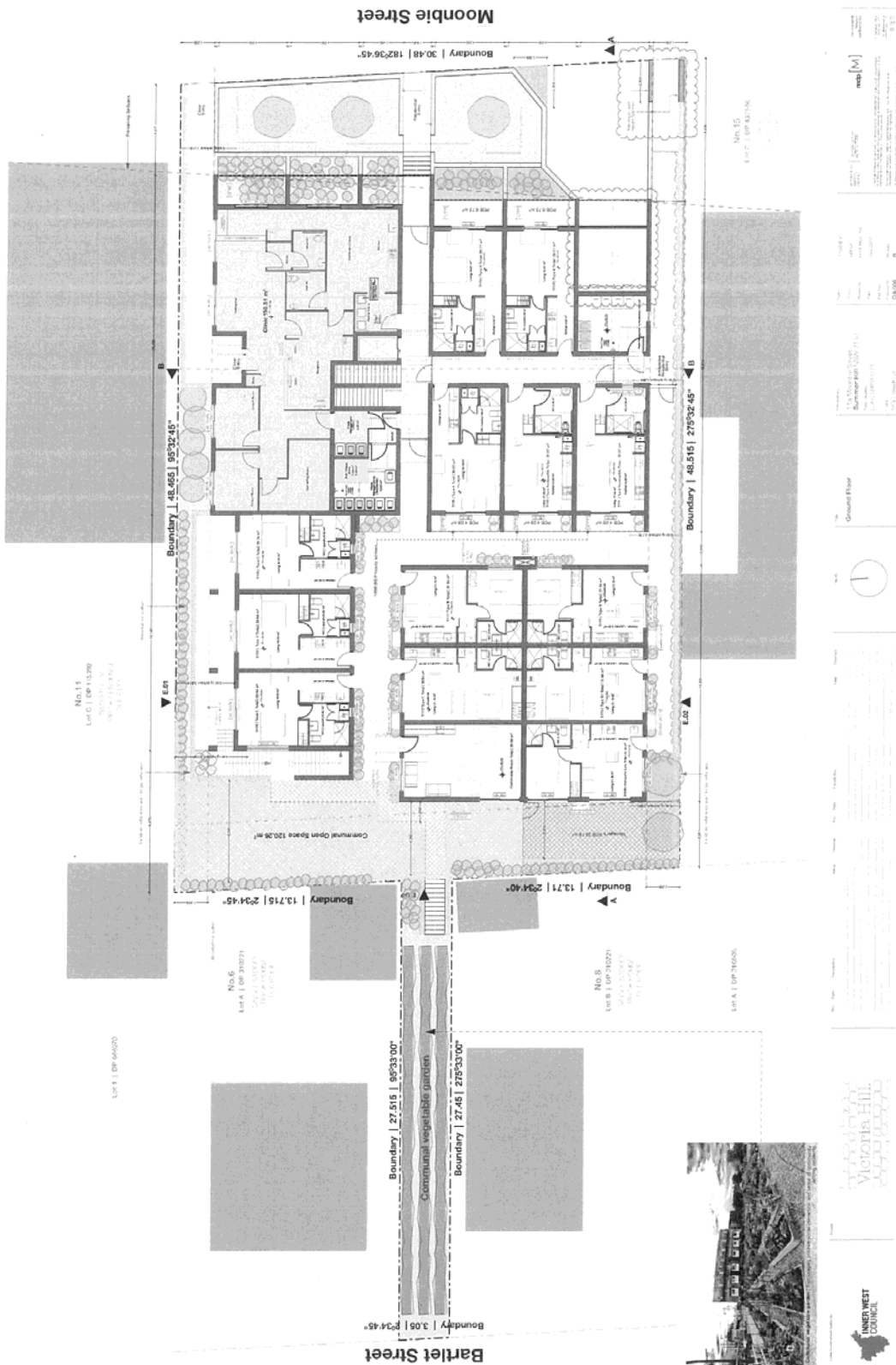


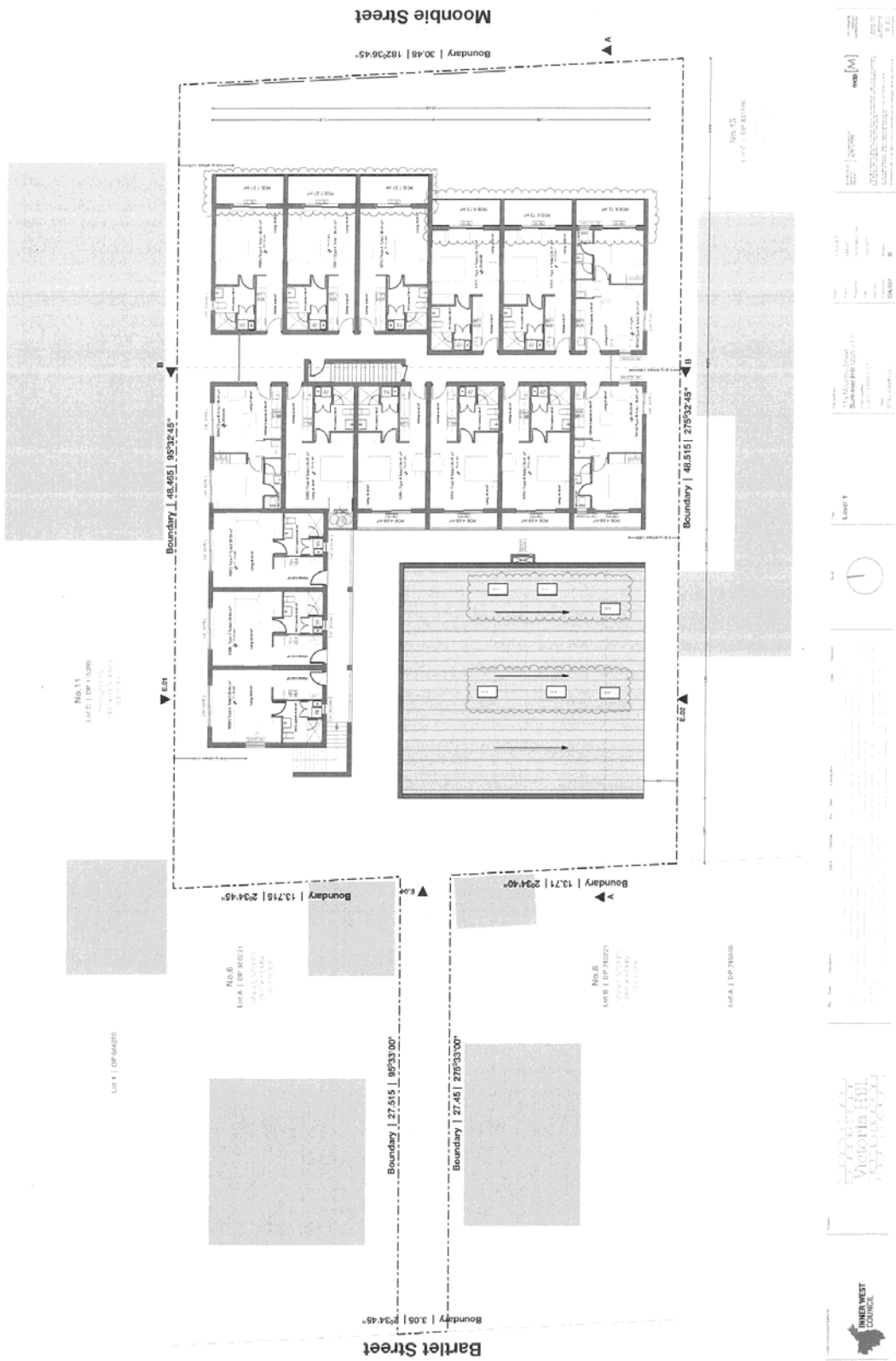




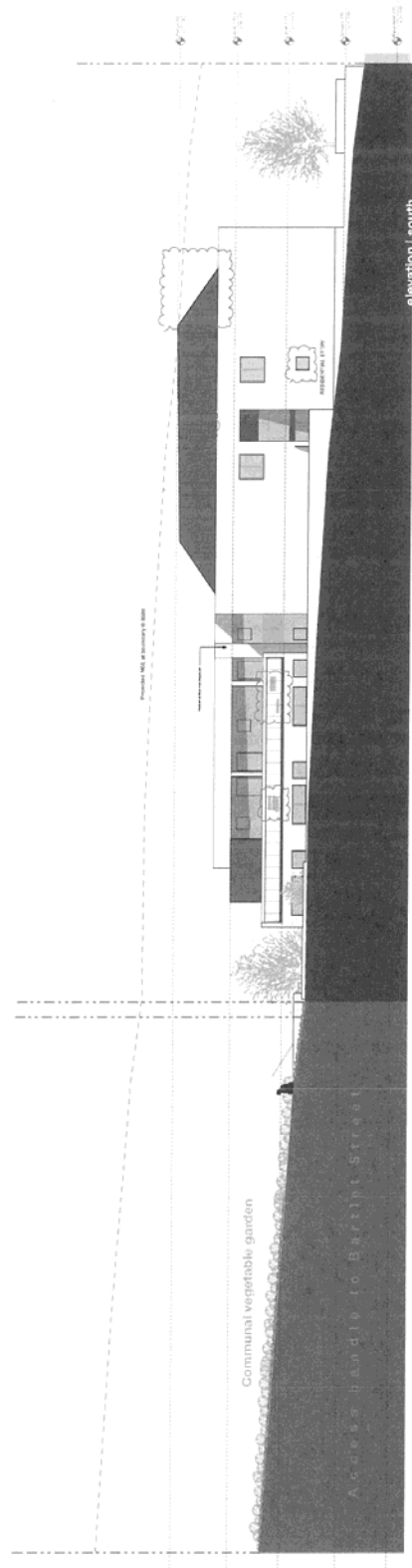
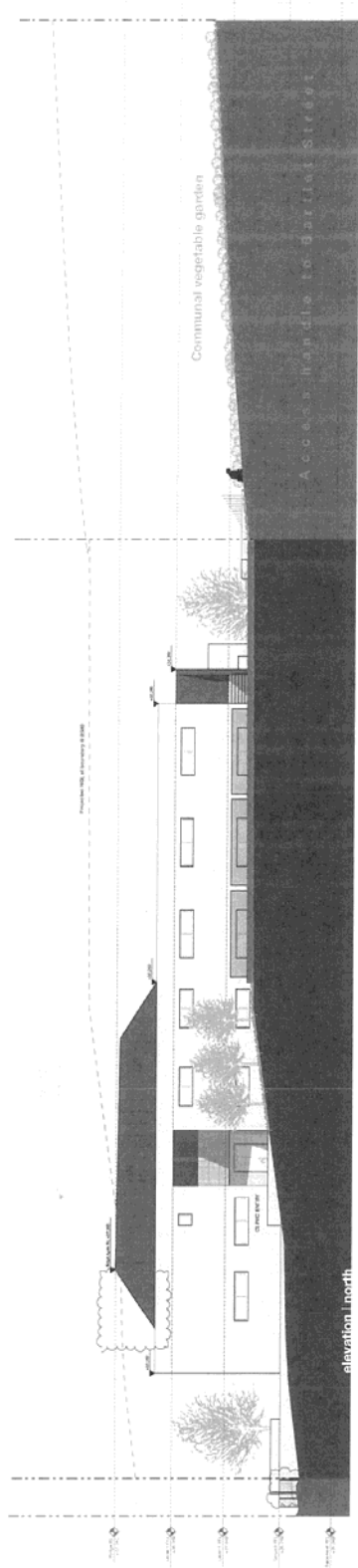










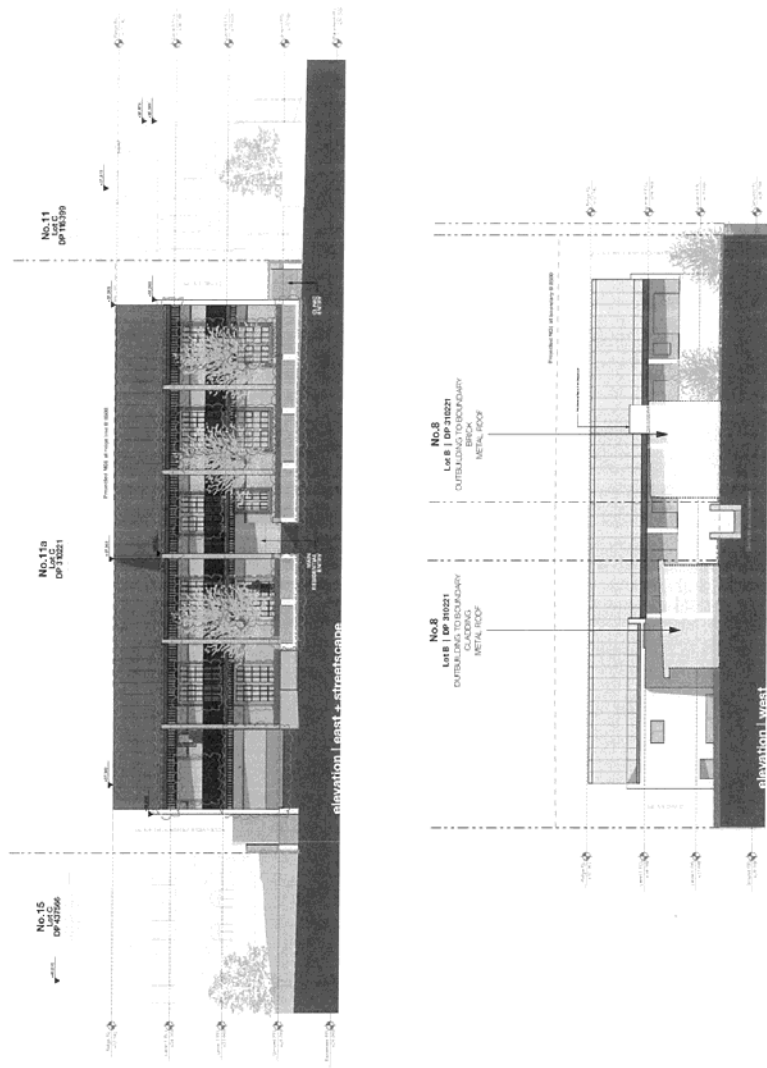






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Architect	NorthSouth Group
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Drawn by	[Name]
Checked by	[Name]
Project No.	[Number]
Sheet No.	[Number]
Scale	1:100
Date	10/10/2023
Drawn by	[Name]
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Inner West Council  
 Victoria Hill  
 NorthSouth Group



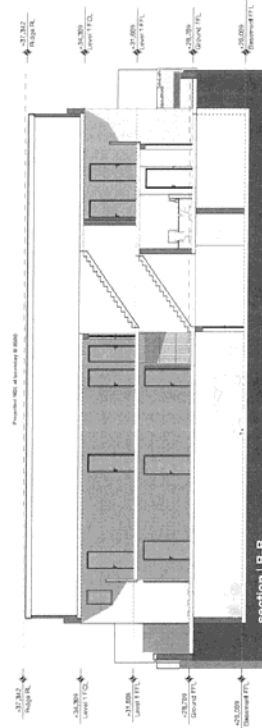
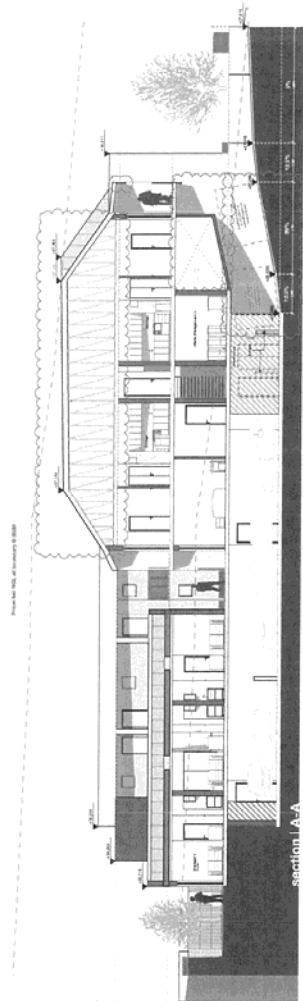
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**Inner West Council**  
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**Project Information**  
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 Project Address: [REDACTED]  
 Project Number: [REDACTED]  
 Project Stage: [REDACTED]

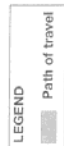
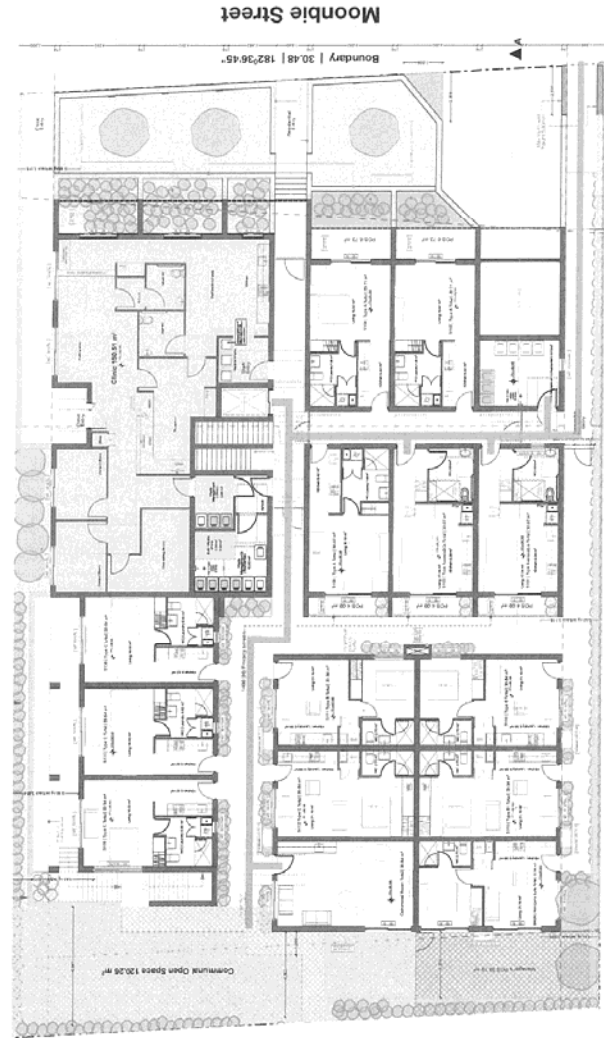
**Client Information**  
 Client Name: [REDACTED]  
 Client Address: [REDACTED]  
 Client Contact: [REDACTED]

**Design Team**  
 Architect: [REDACTED]  
 Engineer: [REDACTED]  
 Designer: [REDACTED]

**Approval Information**  
 Approved by: [REDACTED]  
 Approved on: [REDACTED]







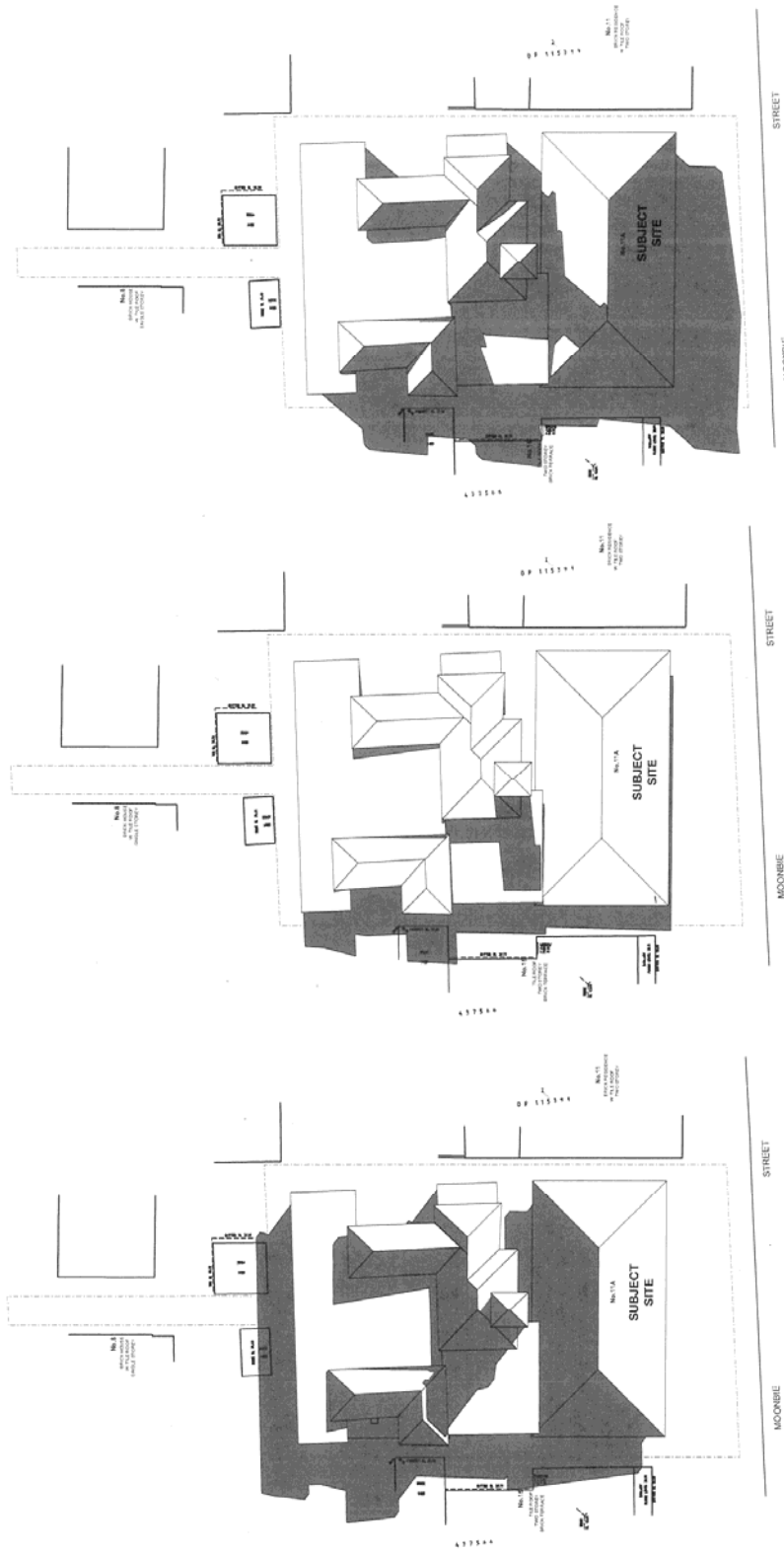
**ADDITIONAL INFORMATION**

- 1 ONE SECTION OF THE KITCHEN BENCH TO BE ADJUSTABLE IN HEIGHT TO 750-800MM ABOVE THE FFL
- 2 DOORS TO HAVE 850MM CLEAR WIDTH
- 3 CIRCULATION SPACES TO BE IN ACCORDANCE WITH AS128.1 AND AS129
- 4 LOCATION OF FUTURE THRESHOLD RAMP FOR ACCESS OVER HOB, BY FUTURE UNIT OWNER
- 5 WALL TO PROVIDE SECURE FIXINGS FOR FUTURE GRABRAILS
- 6 ALLOW FOR SEPARATE FUTURE CIRCUIT WIRING FOR RELOCATION OF OVEN
- 7 DOOR THRESHOLD AT WET AREAS TO HAVE A MINIMUM CLEARANCE HEIGHT OF 100MM BETWEEN ADJACENT FLOOR FINISHES
- 8 EXISTING WASTE TO BE CAMPED OFF AFTER ADAPTATION
- 9 BALCONY TO HAVE CREN TIMBER COCKING OR SIMILAR TO PROVIDE ACCESS FROM DOORWAY BY FUTURE UNIT OWNER
- 10 ENSURE SUFFICIENT WIRING TO ALLOW FOR RELOCATION OF REFRIGERATOR TO MAXIMUM 300MM ABOVE FFL AND MAXIMUM 300MM FROM FRONT OF BENCH. GPO TO INCLUDE ISOLATION SWITCH FOR THE REFRIGERATOR GPO. WIRING TO BE CONCEALED WITHIN THE REFRIGERATOR SPACE IN ACCORDANCE WITH AS3000
- 11 ALL LIGHT SWITCHES TO BE BETWEEN 900-1100MM ABOVE THE FFL
- 12 ENSURE ILLUMINATION LEVELS HAVE SUFFICIENT LIGHT LEVELS
- 13 ENSURE GPO'S SHOWN LOWER THAN GORAM ABOVE FFL HAVE SUFFICIENT WIRING TO ALLOW FOR RELOCATION TO 600MM ABOVE FFL
- 14 ALL ADAPTABLE UNITS TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE BCA TO ENSURE THAT BALLUSTRADE COMPLIES WITH BCA
- 15 HYDRAULIC DRAWINGS TO SHOW FUTURE ADAPTABLE UNITS AND DRAINAGE TO BE INSTALLED PRE-ADAPTATION

Project Name: [REDACTED]  
 Client: [REDACTED]  
 Date: [REDACTED]  
 Scale: 1:100  
 Drawing No: [REDACTED]  
 Revision: [REDACTED]

Prepared by: [REDACTED]  
 Checked by: [REDACTED]  
 Approved by: [REDACTED]

Inner West Council  
 Victoria Hill

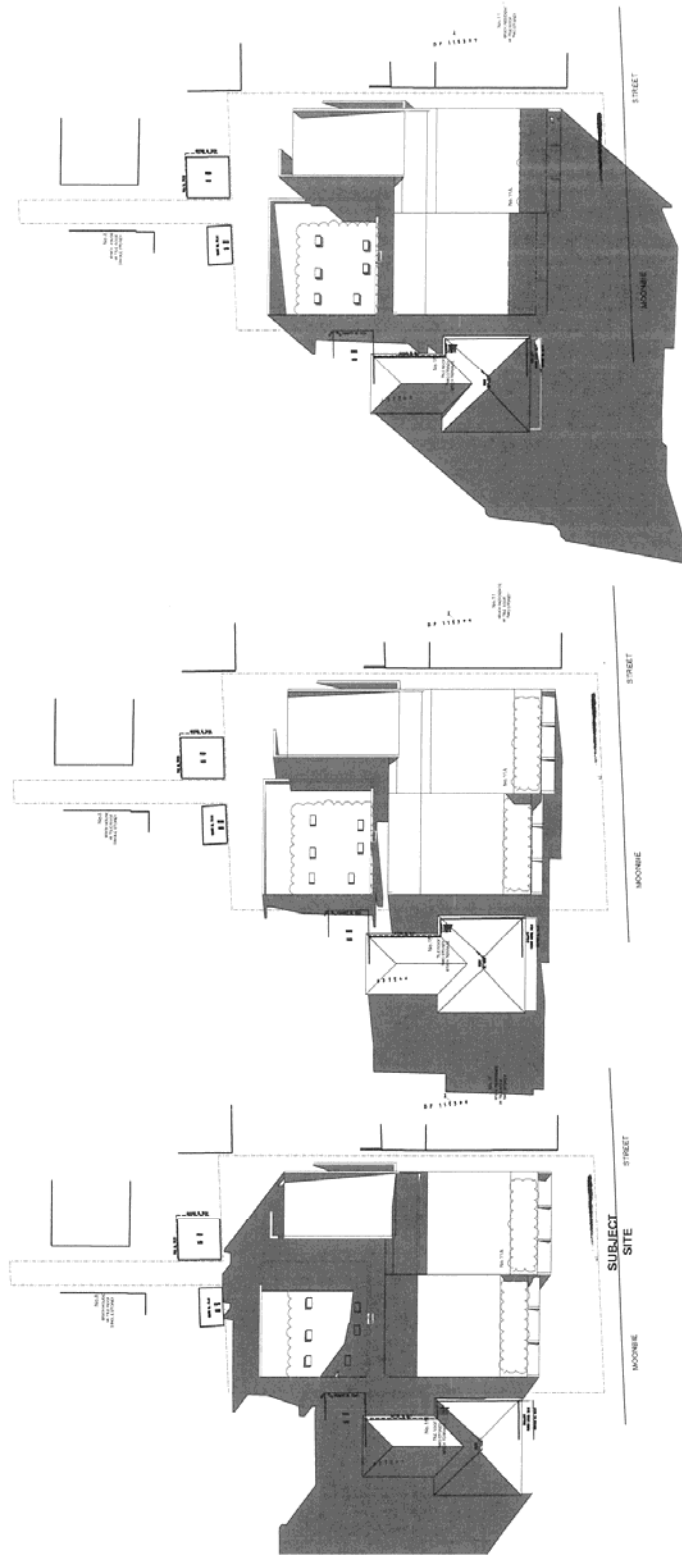


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<p>Inner West Council</p>	<p>Victoria Hill</p>	<p>Northcote Community Centre</p>	<p>Northcote Community Centre</p>	<p>Northcote Community Centre</p>
<p>Project Name: [REDACTED]</p>	<p>Project Name: [REDACTED]</p>	<p>Project Name: [REDACTED]</p>	<p>Project Name: [REDACTED]</p>	<p>Project Name: [REDACTED]</p>
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<p>Approved By: [REDACTED]</p>	<p>Approved By: [REDACTED]</p>	<p>Approved By: [REDACTED]</p>	<p>Approved By: [REDACTED]</p>	<p>Approved By: [REDACTED]</p>



21 | 06 | @ 1500

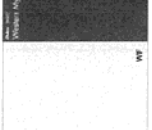
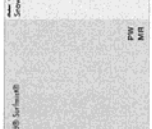
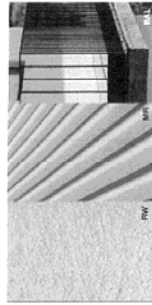
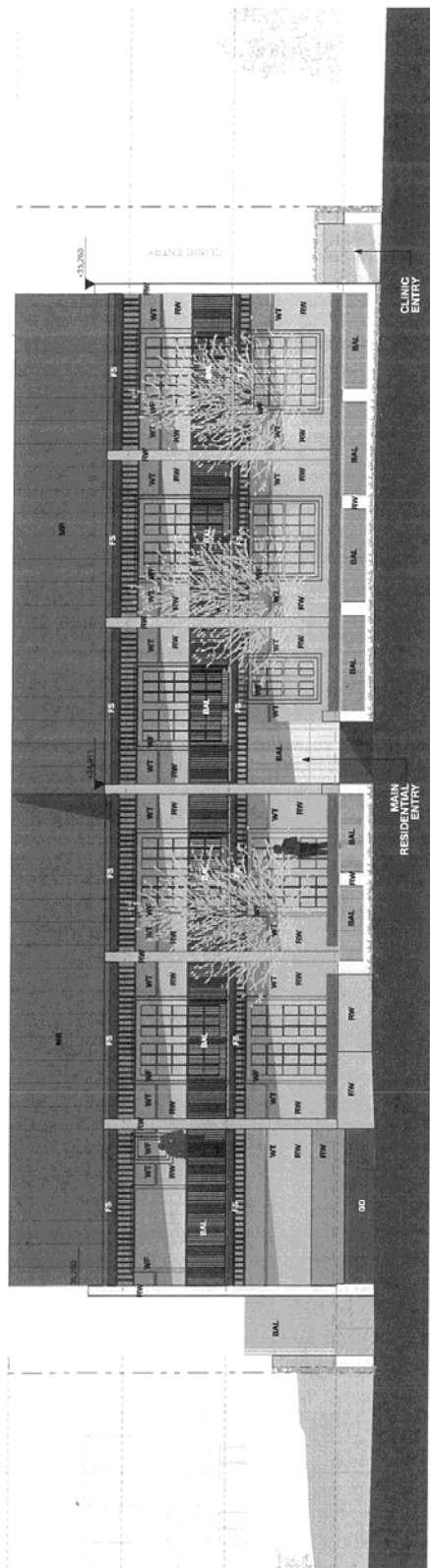
21 | 06 | @ 1200

21 | 06 | @ 0900







Window frames  
Aluminium powdercoating  
White. Dark grey finish  
11335

Frames & Finishes  
Dulux Western Myth  
S4027

Material  
Dark Charcoal Surface  
C1

Roofing  
Dulux Acrythane  
S2315

Handrails  
Dark Grey  
S2315

Blindcase & gutter - composite - gips  
Monument





