





 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	DA/2020/1146
<b>Address</b>	152-156 Parramatta Road STANMORE NSW 2048
<b>Proposal</b>	Substantial demolition of existing improvements, retention of existing building facade and construction of a 5 storey boarding house containing 34 single boarding rooms, 1 managers room and 2 ground floor commercial tenancies
<b>Date of Lodgement</b>	23 December 2020
<b>Applicant</b>	Alain Assoum
<b>Owner</b>	Stenta Pty Ltd
<b>Number of Submissions</b>	Initial: 21 After Renotification: 1
<b>Value of works</b>	\$3,735,653.00
<b>Reason for determination at Planning Panel</b>	Variation to height and FSR development standards exceeds 10% Number of submissions
<b>Main Issues</b>	Lack of Clause 4.6 written request Exceedance of Height and FSR and resultant bulk and scale impacts Parking
<b>Recommendation</b>	Refusal
<b>Attachment A</b>	Reasons for refusal
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Legal Advice submitted by applicant
<b>Attachment D</b>	Draft Conditions of Consent should consent be granted
	
<b>LOCALITY MAP</b>	
Subject Site 	Objectors  
Notified Area 	Supporters 
Note: Due to scale of map, not all objectors could be shown. Objections were also received from tenants of the subject sites' existing commercial tenants.	

## 1. Executive Summary

This report is an assessment of the application submitted to Council for substantial demolition of existing improvements, retention of existing building facade and construction of a 5 storey boarding house containing 34 boarding rooms, 1 managers room and 2 ground floor commercial tenancies at 152-156 Parramatta Road, Stanmore.

The application was notified to surrounding properties and 21 submissions were received in response to the initial notification. During the assessment of the application the plans were amended. 1 submission was received in response to renotification of the amended proposal.

The main issues that have arisen from the application include:

- Non-compliance with Clause 4.3 - Height of Building development standard
- Non-compliance with Clause 4.4 - Floor Space Ratio development standard
- Bulk and scale impacts resulting from the proposed variations
- Massing and setbacks in relation to the period façade being retained
- Visual and acoustic privacy impacts from the location of the communal space and southern windows; and
- Non-compliant access to car parking and the inadequacy of the loading area proposed.

A formal written request for an exception to the development standards under Clause 4.6 of *Marrickville Local Environment Plan 2011 (MLEP 2011)* was not submitted. Therefore, there are insufficient environmental planning grounds to justify the non-compliances with the development standards and the legal mechanism to grant consent is not in place.

Overall, the non-compliances are considered unacceptable having regard to the bulk, scale, privacy and traffic and parking impacts associated with the proposal. Given the substantial variations from Council's controls and the substantiated concerns raised in public submissions, the development is not considered to be in the public interest. The application is unsupportable and in view of the circumstances, refusal of the application is recommended

## 2. Proposal

The application involves the substantial demolition of existing improvements, with the exception of the existing building facade and side walls and construction of a 5 storey boarding house containing 34 single boarding rooms, 1 managers room and 2 ground floor commercial tenancy.

Amended plans were submitted during the assessment of the application and are the subject of this assessment report. The plans propose the following on each level of the development:

### Demolition works

- Demolition of roof, internal slabs, walls and stairs & rear elevation wall of existing building
- Removal of existing vehicular crossing on Parramatta Road, reinstate to kerb and gutter
- Demolition of existing wall and glazed openings on ground floor of front façade
- Demolition of existing infills on first floor openings of front façade and reinstatement of glass in window frames behind
- Retention of front façade and side walls of existing building on all levels

Basement

- 19 car spaces including 3 accessible spaces
- 7 motorcycle spaces
- 8 bicycle spaces
- Accessed via a car lift from the ground floor

Lower Ground Floor (Parramatta Road Street level)

- 170sqm retail tenancy with access from Parramatta Road
- Pedestrian entry for boarding rooms to lift
- Central courtyard with void above
- 117sqm commercial/retail tenancy towards rear of site
- Accessible toilet
- Void (below ground level) at the rear of the site above basement facing Corunna Lane

Upper Ground Floor (Corunna Lane street level)

- Car lift accessed from Corunna Lane providing access to basement
- Loading bay
- Car share parking space
- Pedestrian entry for boarding rooms & commercial staff
- Residential waste room
- Bulky waste room
- Commercial waste room
- Pump room
- Voids above commercial spaces and central courtyard

Level 1

- 10 boarding rooms, 5 facing Parramatta Road and 5 facing Corunna lane
- Central Gallery – void over courtyard below
- 3 of the boarding rooms facing Corunna Lane to be accessible rooms
- Boarding rooms facing Parramatta Road containing balconies behind the retained façade
- Boarding rooms facing Corunna Lane have courtyards facing open gallery

Level 2

- 10 boarding rooms, 5 facing Parramatta Road and 5 facing Corunna lane
- Central Gallery – void over courtyard below
- 2 of the boarding rooms facing Corunna Lane to be accessible rooms
- Boarding rooms facing Parramatta Road containing balconies behind the retained façade
- Boarding rooms facing Corunna Lane have smaller courtyards/entries than level 1 with voids to level 1 below, facing open gallery

Level 3

- 10 boarding rooms, 5 facing Parramatta Road and 5 facing Corunna lane
- Central Gallery – void over courtyard below
- 2 of the boarding rooms facing Corunna Lane to be accessible rooms
- Boarding rooms facing Parramatta Road containing balconies behind the retained façade
- Boarding rooms facing Corunna Lane have smaller courtyards/entries than level 1 with voids to level 1 & 2 below, facing open gallery

Level 4

- 5 boarding rooms facing Parramatta Road (setback from parapet of retained façade)
- Central Gallery – void over courtyard below

- Communal room with accessible bathroom, communal deck and swimming pool with planters surrounding on the eastern and southern edges of the pool.

The proposal includes the retention of the existing front façade with the original openings on the first floor to be reinstated to glazed elements with operable windows as per existing level 2. A mural is proposed to be painted over the entire front façade.

### 3. Site Description

The subject site is located on the southern side of Parramatta Road between Northumberland Avenue and Bridge Road, Stanmore. The site consists of one allotment and is generally rectangular in shape with a total area of 671.7sqm, and is legally described as Lots 6,7 and 8 In Section O, Deposited 3474, 152-156 Parramatta Road Stanmore.

The site has a frontage of 18.565 metres to Parramatta Road and a secondary frontage of 18.25 metres to Corunna Lane.

The site supports a 3-storey commercial building with a range of uses currently operating within the building including a vehicle repair station on the lower level and portion of the middle level and creative and co-working spaces on the middle and upper levels. The adjoining properties support 2 storey commercial buildings.

The property is not located within a Heritage Conservation Area (HCA), however to the rear of the site on the opposite side of Corunna Lane is the Annandale Farm HCA, to the west of the site from No.162 Parramatta Road and westward bound is also the Parramatta Road Commercial Precinct HCA under Clause 5.10 of *MLEP 2011*.

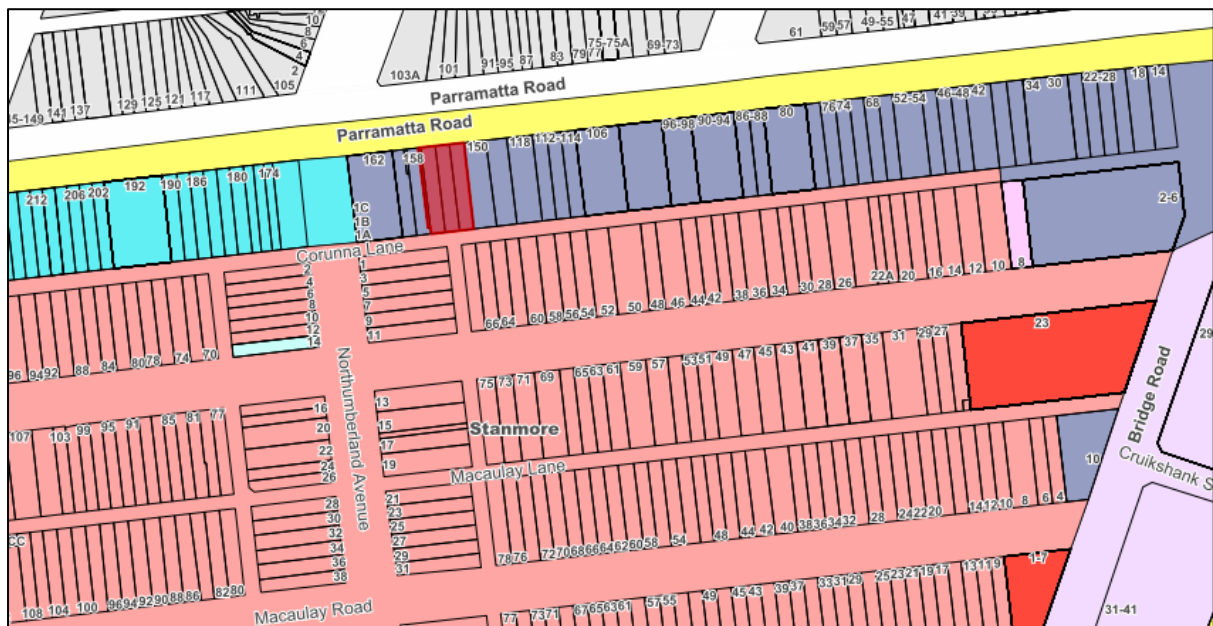
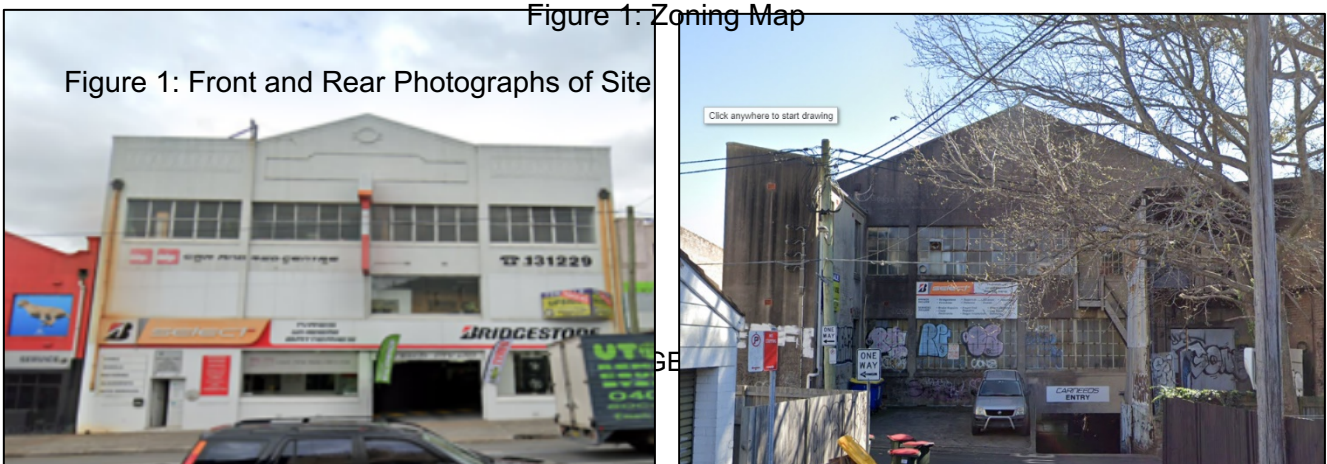


Figure 1: Zoning Map

Figure 1: Front and Rear Photographs of Site



## 4. Background

### 4(a) Site history

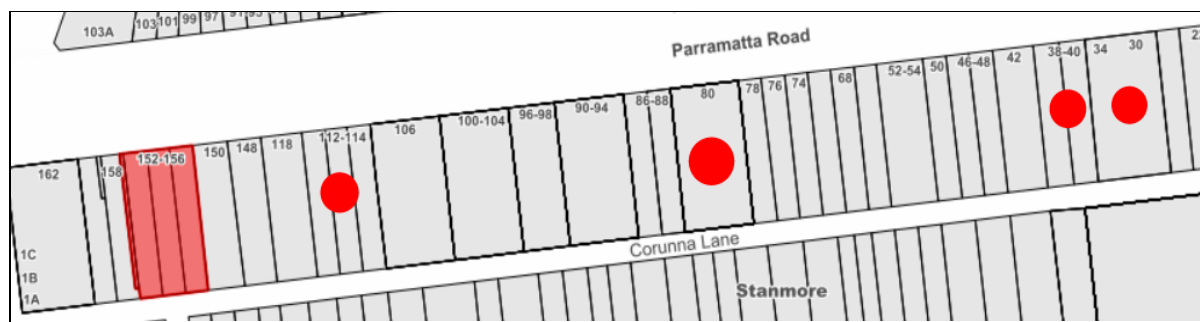
The following outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

#### Subject Site

Application	Proposal	Decision & Date
DA201400479	Use the second floor as artist studios	Approved under delegation 28 January 2015
DA201200368	To erect an illuminated projecting wall sign on the front façade of the building	Approved by Council 14 November 2012

#### Surrounding properties

Location	Application	Proposal	Decision & Date
112-114 Parramatta Road, Stanmore	DA201800055	To demolish existing improvements and construct a 5-storey mixed use building containing a shop and 35 boarding rooms including a manager's room with associated car parking.	<b>Refused by IWLPP</b> 18 December 2018.  **Approved on appeal to Land and Environment Court 27 March 2020 (changes to rear building envelope made)
38-40 Parramatta road, Stanmore	DA201700587	Demolition of all structures and construction of a mixed-use development including basement parking and five storeys comprising two commercial tenancies and 28 apartments	<b>Deemed Refusal</b>  ** Approved on appeal to Land and Environment Court 3 May 2019 (changes include retention of facades, deletion of level 5 and change to rear building envelope)
80 Parramatta Road, Stanmore	DA201500422	To demolish existing improvements and construct a mixed use development with commercial tenancies on the ground floor level and dwellings on the upper floors and associated car parking.	<b>Deferred Commencement Consent</b> 10 December 2016.  Consent made operative 1 March 2016.
30-34 Parramatta Road, Stanmore	DA201300457	To demolish the existing improvements and construct a four storey mixed use development comprising 2 commercial tenancies, parking and waste storage on the ground floor with the upper levels containing a 33 boarding room boarding house including a manager's room	<b>Deferred Commencement Consent</b> 10 December 2014.  Consent made operative 4 March 2015.
Location of sites of above approved developments shown below in context of subject site			



4(b) Application history

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

Date	Discussion / Letter / Additional Information
19 March 2021	A request for further information was issued to the applicant outlining concerns in relation to the proposal.
21 April 2021	Amended plans and additional information submitted
13 May to 3 June 2021	Renotification of amended plans
8 July 2021	Council indicated to the applicant that the proposal would not be supported and suggested withdrawal. No response was received to this correspondence.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Marrickville Local Environmental Plan 2011 (MLEP 2011)*

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. MDCP 2011 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has been used in the past for activities which could have potentially contaminated the site. A Detailed Site Investigation (DSI) was submitted and based on the findings of the investigation the report concluded that widespread, or gross, contamination was not present at the site. The land is considered suitable for the proposed (mixed use commercial and residential) development, in accordance with State Environmental Planning Policy 55 (SEPP 55) - Remediation of Land, provided that hazardous materials survey be prepared prior to demolition work along with classification of soil excavated on site and imported to the site. It

is considered that the site will not require remediation in accordance with the provisions of SEPP 55.

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

**Division 3 – Boarding Houses**

Clause	Standard	Proposed	Compliance
26 - Zone	The site is zoned R1, R2, R3, R4, B1, B2, B4	The site is zoned B4	Yes
29 (1) - FSR	1.5:1 or 1007.55sqm	2.27:1 or 1522.7sqm	No, discussed below in further detail
29 (2)(a) Height	14m (LEP)	18.15m	No, discussed below in further detail
29 (2)(b) Landscaped Area	Consistent with streetscape	The site has a nil setback to the front boundary, and this does not provide for landscaping. This is consistent with the streetscape.	Yes
29(2)(c) Solar Access	Min 3 hours direct sunlight between 9am-3pm for at least one communal living room	The communal room receives 3 hours of direct sunlight between 9am and 3pm on 21 June	Yes, however see discussion under Part 4.3 of MDCP 2011
29 (2)(d) Private Open Space	At least one of the following is provided (not in the front setback): <ul style="list-style-type: none"> <li>• 20sqm minimum dimension of 3 metres for use of lodgers</li> <li>• 8sqm minimum dimension of 2.5metres adjacent to managers room for manager</li> </ul>	<ul style="list-style-type: none"> <li>• 45sqm of private open space is provided for lodgers with a minimum dimension of 4m</li> <li>• 8sqm of private open space is directly adjacent to the managers room with a minimum dimension of 2.5m</li> </ul>	Yes
29 (2)(e) Parking	<ul style="list-style-type: none"> <li>• 0.5 spaces per boarding room</li> <li>• 1 space for each on site boarding manager</li> </ul>	<ul style="list-style-type: none"> <li>• 34 rooms = 17 spaces + 1 for manager = 18 spaces for boarding house component</li> <li>• 20 car parking spaces (including 1 car share and 3 accessible spaces) are provided on the site in total, specifications of which spaces are allocated to tenants, manager and commercial uses have not been provided.</li> </ul>	Yes the number of spaces is compliant – however parking arrangements for the overall development including commercial component is non-compliant and discussed under Section 5 (d) of this report
29 (2)(f) Accommodation Size	Excluding private kitchen and bathroom facilities each single lodger room is a minimum of 12sqm and 16sqm in any other case	35 single lodger rooms are proposed with a minimum area of 12sqm	Yes
30 (1)(a) Communal Room	If more than 5 rooms are proposed there is at least 1 common room	1 common room is provided	Yes
30 (1)(b) Maximum	No boarding room will have a	No rooms are greater than	Yes

room sizes	gross floor area of more than 25sqm excluding private kitchen or bathrooms	25sqm	
30 (1)(c) Maximum occupation	No more than 2 adult lodgers with occupy each room	A condition can be imposed requiring that a maximum of 1 adult lodger occupy each room	Yes (subject to condition)
30 (1)(d) Adequate facilities	Adequate bathroom and kitchen facilities are available for use of each lodger	Each lodger has been provided with their own private kitchen and bathroom	Yes
30 (1)(e) Manager	If there are more than 20 lodgers an on site dwelling must be provided for a boarding house manager	Room 105 on level has been provided for an on-site manager	Yes
30 (1)(f) Commercial Land	If the site is zones primarily for commercial purposes the ground floor cannot be used for residential uses	No residential use of the ground floor is proposed	Yes
30 (1)(h) Bicycle and Motorcycle parking	A minimum of 1 bicycle space and 1 motorcycle space is provided per 5 boarding rooms	8 bicycle and 7 motorcycle spaces are for the 34 rooms proposed	Yes

Clause 29 (1) – Floor Space Ratio

(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—

- (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or
- (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
- (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—
  - (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or
  - (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.

The applicant has provided their own legal advice (Attachment C) which advocates that given shop top housing is permissible with consent in the B4 zone under MLEP 2011, and that residential flat buildings (RFB's) can form part of shop top housing development, that this relatively deems RFBs permissible in the zone. Upon review of the material in the legal advice, Councils officers do not agree with this opinion.

In the B4 zone, residential accommodation is prohibited, with the exception of boarding houses (for which the application is for), shop top housing, hostels, group homes and seniors living development which are specifically listed as permissible with consent. Residential flat building and shop top housing are separately defined under the *Standard Instrument (Local Environmental Plans) Amendment Order 2011* and the use of shop top housing as a use permitted with consent cannot be taken to include the separately defined term of residential flat building.

None of the caselaw referenced specifically refers to a residential flat building also meaning shop top housing in the context of interpreting clause 29(C)(i) of SEPP ARH for the FSR bonus and therefore Council does not agree with the applicant's interpretation of this clause. It is Council's opinion that the site is in a zone in which residential flat buildings are



prohibited and as such a bonus FSR under clause 29(c) of SEPP ARH is not applicable and therefore the maximum FSR permitted is 1.5:1, as per MLEP 2011.

The application proposes a non-compliant FSR of 2.27:1 or 1522.7sqm which represents a variation of 515.15sqm or 51%.

Clause 29 provides for standards that cannot be used to refuse consent related to density and scale. In this case the development exceeds the maximum FSR for development on the land under MLEP 2011 and Clause 29(1) does not create any impediment to refusing consent on the grounds of density and scale. The variation to the development standard is discussed in further detail under Section 5(a)(iv) of this report.

#### Clause 29 (2)(a) - Height

The application proposes a maximum building height of 18.15m which exceeds the maximum height of building standard by 4.15metres. The variation to the development standard is discussed in further detail under Section 5(a)(iv) of this report.

#### Clause 30A – Character of the Local Area

Clause 30A of SEPP ARH states:

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

In considering the compatibility with the character of the area the applicable test is taken from the planning principal in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191, discussed hereunder:

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

In this case the physical impacts such as noise and overlooking are considered unacceptable. The location of the level 04 (fifth floor) communal space is considered to result in acoustic and visual privacy impacts. The main impact to surrounding development is considered to be the effect of bulk and dominance of the building upon both the period façade being retained and the adjacent low density residential land to the rear of the site which is unacceptable and exaggerated by the significant degree by which the design breaches height and FSR standards which apply to the site.

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

The non-compliant height of the proposal is of a significantly greater scale than the existing development site and the adjoining sites. The development controls along this section of Parramatta Road allow for a maximum building height of 4 storeys along the Parramatta Road frontage and 4 storeys within a constrained articulated rear building envelope control along Corunna Road.

The development standards in terms of scale of the built form have been consistently applied with some slight variations for some approvals in the block since the adoption of MLEP 2011. The development is located along a busy Parramatta Road frontage with a secondary frontage to Corunna Lane, of which is a low-density residential interface with the dwellings forming part of a heritage conservation area. The proposed development would exceed most recent approvals by a full storey to both frontages and the existing adjoining

and adjacent buildings by up to 3 storeys along Parramatta Road and 4 storeys along Corunna Lane.

The building height variation of close to 30% and FSR of 51% is well above any other approval granted for development in the immediate vicinity of the site (in this section of Parramatta Road). The scale of the development is not sympathetic or harmonious within its surroundings, nor does it meet the desired future character of the area. The proposed development would not provide for an appropriate transition to the current or any future compliant development adjoining the site or to the low-density sites to the south.

The development's visual bulk which can be directly linked to the excessive gross floor area of the proposal further adds to the lack of harmony with its surroundings. Whilst the proposed retention of the parapet on Parramatta Road and intended uplift of this façade is considered positive and as required under the control, this does not warrant an additional floor above that envisaged by the development standards and controls set out to achieve the desired future character of the area. In addition the lack of an adequate setback to the side and front boundary to the retained façade results in the proposed height exceedance being highly visible to the Parramatta Road frontage. The topmost floor and location of communal open space contribute to the developments lack of consideration for its surroundings.

An overall assessment finds that the development is not considered to be compatible with the character of the area and as a result the application is not supported.

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

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

**5(a)(iv) *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)***

***Development with frontage to classified road (Clause 101)***

The site has a frontage to Parramatta Road, a classified road. Under Clause 101 (2) of *SEPP Infrastructure 2007*, the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

The application was referred to Transport for NSW (TfNSW). TfNSW raised no objections to the proposal given the ingress and egress to the site from Parramatta Road will be removed and under the proposal will be limited to Corunna Lane. The application is considered acceptable with regard to Clause 101 of the *SEPP Infrastructure 2007*.

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

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

Parramatta Road has an annual average daily traffic volume of more than 40,000 vehicles. The applicant submitted a Noise Assessment Report with the application that demonstrates that the development can comply with the LAeq levels stipulated in Clause 102 of the SEPP.

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

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 – Heritage Conservation
- Clause 6.1- Earthworks
- Clause 6.5 - Development in areas subject to aircraft noise
- Clause 6.15 – Location of boarding houses in business zones
- Clause 6.20 – Design Excellence

(i) Clause 1.2 - Aims of the plan

Clause 1.2 prescribes the following aims of MLEP 2011:

- (a) *to support the efficient use of land, vitalisation of centres, integration of transport and land use and an appropriate mix of uses,*
- (b) *to increase residential and employment densities in appropriate locations near public transport while protecting residential amenity,*
- (c) *to protect existing industrial land and facilitate new business and employment,*
- (d) *to promote sustainable transport, reduce car use and increase use of public transport, walking and cycling,*
- (e) *to promote accessible and diverse housing types including the provision and retention of affordable housing,*
- (f) *to ensure development applies the principles of ecologically sustainable development,*
- (g) *to identify and conserve the environmental and cultural heritage of Marrickville,*
- (h) *to promote a high standard of design in the private and public domain.*

The proposal is generally considered to be consistent with the above aims of MLEP 2011 with the exception of aims b) and h). The development is considered to provide for increased residential density without protecting the amenity of the adjoining lower density residential development on Corunna Road which forms part of a heritage conservation area. Furthermore, the bulk and scale of the proposal does not promote a high standard of design.

The amended plans submitted to Council do not adequately address those concerns and the additional storey which exceeds the prescribed height limit exacerbates the Council's concerns in relation to the building envelope. The removal of the upper level and increased setbacks would result in a development that generally complies with Council's building envelope controls and the desired future character of the area, and potentially reduces the impact on the amenity of the adjoining low density residential development to the south of the site and improve the streetscape presentation to Parramatta Road by reducing the visibility of the new additions.

The development does not demonstrate consistency with the provisions of Clause 1.2 of MLEP 2011 and as such, the application is recommended for refusal.

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

The site is zoned B4 under *MLEP 2011*. *MLEP 2011* defines the mixed-use development as:

**“boarding house** means a building that—

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

and

**commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.”

The development is permitted with consent within the land use table. The development is not consistent with the objectives of the B2 Local Centre Zone as it is of a scale which is not commensurate with the local area. The proposal is consistent with the remaining objectives of the B2 Local Centre Zone.

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

Standard	Proposal	Variation	Complies
<b>Height of Building</b> Maximum permissible: 14 m	18.15 m	4.15m or 29.6%	No
<b>Floor Space Ratio</b> Maximum permissible: 1.5:1 or 1007.55sqm Site Area: 671.7sqm	Council’s Calculation 2.27:1 or 1522.7sqm  Applicant’s Calculation 2:1 or 1343sqm	Council’s Calculation 515.15sqm or 51%  Applicant’s Calculation No variation - entitled to 0.5:1 bonus under ARHSEPP	No

Note: the discrepancy in relation to the Council’s GFA calculation exceeding the applicant’s calculation relates to the applicant excluding the enclosed balconies/terraces for the north facing boarding rooms facing Parramatta Road on levels 01 and 02. Council’s calculation includes these areas given they have enclosing walls and roof above 1.4m as per the definition of gross floor area under *MLEP 2011*. A small area on the roof terrace and lower ground floor are included for similar reasons. These areas of difference are highlighted in light blue in figures 3 & 4 below.

Figure 3: Submitted GFA Diagrams with Council officer calculations shown.

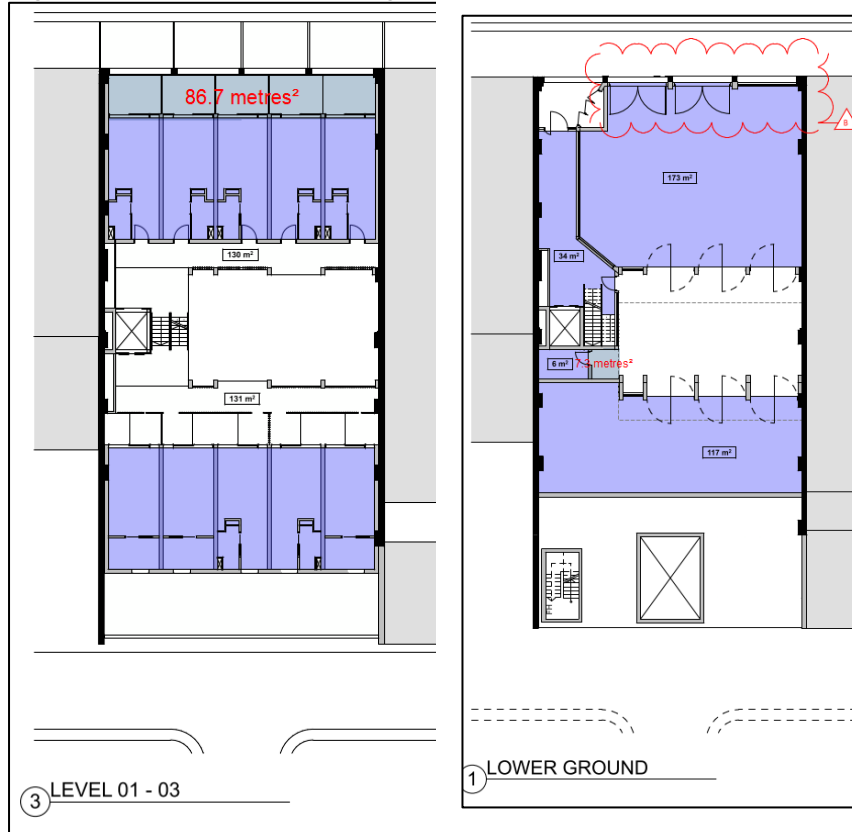


Figure 4: Submitted GFA Diagrams with Council officer calculations shown.

(iii) Clause 4.6 Exceptions to Development Standards

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

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

The proposal results in a variation to both the height of buildings and floor space ratio development standards under Clause 4.3 and 4.4 of MLEP 2011 respectively, as reflected under Clause 29 of ARHSEPP through the terminology of “*under another environmental planning instrument*”.

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. A written request for variations has not been submitted to Council justifying either of the proposed contraventions to the development standards. The applicant contends that a Clause 4.6 variation is not required for the subject application given that Clause 29 of the ARHSEPP is the mechanism for consent for the development. This is outlined in the following extract of the legal advice submitted as follows:

3.4 *The operation of cl 29(4) mandates that a consent authority is not required to consider a formal request to vary a development standard set out in cl 29 by way of cl 4.6 variation request and may approve the development before it whether or not the development complies with the standards set out in subclause (1) or (2) of cl 29.*

- 3.5 *Accordingly, there is no requirement for an assessment of any non-compliance with a development standard set out in cls. 1 or 2 against the terms of cl 4.6.*

As noted previously, Council disagrees with the applicants' assertion that an FSR bonus is applicable to the site in accordance with Clause 29 of the SEPPARH and has historically requested a Clause 4.6 variation be submitted to vary the development standards applicable as a result of Clause 29 of the SEPPARH for all applications of this type. Therefore, insufficient environmental planning grounds to justify a non-compliance with the development standard have been provided and the legal mechanism to grant consent is not in place. Notwithstanding this, and in the essence of providing the panel with a full assessment, consideration of these items a merit assessment is provided below:

#### **Clause 4.3 - Height of buildings**

The proposed development has a maximum height of 18.15 metres, with majority of the fourth floor exceeding the maximum height limit for the site of 14 metres. Whilst the existing façade parapet exceeds the height limit the remainder of the existing building does not.

The applicant provides justification for the breach in the SEE submitted given their approach that a 4.6 variation is not required as follows:

- *The additional height has been appropriately sited away from the northern and southern building boundary peripheries and encroach only marginally above the already established building parapet along Parramatta Road;*
- *The non-compliant elements are not responsible for any additional adverse amenity impacts (i.e. – overshadowing, privacy and the like); and*
- *The calculable gross floor area has been divided into two forms designed around a centralised void space. This in turn means the gross floor area is distributed elsewhere in the building.*

*If the variation to the height control is not allowed the development of the site would have less planning benefits than those are proposed. That is, there would be*

- *the absence of a rooftop communal open space with equitable access;-*
- *a reduction in the quality urban form; and*
- *less amenity, social cohesion and passive recreational opportunities for residents of the proposed boarding house.*

*The fact that the variation allows these benefits to be secured, without material adverse impact for the community is sufficient environmental planning grounds to justify the contravention.*

The justification for the exceedance to the height limit on the basis that if a compliant development was proposed then the rooftop communal space would not be provided is not accepted. The addition of level 04 being the fifth level of the building exceeds all the recently approved developments as outlined earlier in this report by a storey. It presents as a five-storey building to both Parramatta Road and Corunna Lane which contravenes the DCP controls for the site. The additional floor fronting Paramatta Road has no bearing on the provision of a rooftop communal area as indicated as the majority of the habitable floor exceeds the height limit in this portion of the building. The majority of the top level exceeds the height limit as illustrated in figures 5 and 6 below.

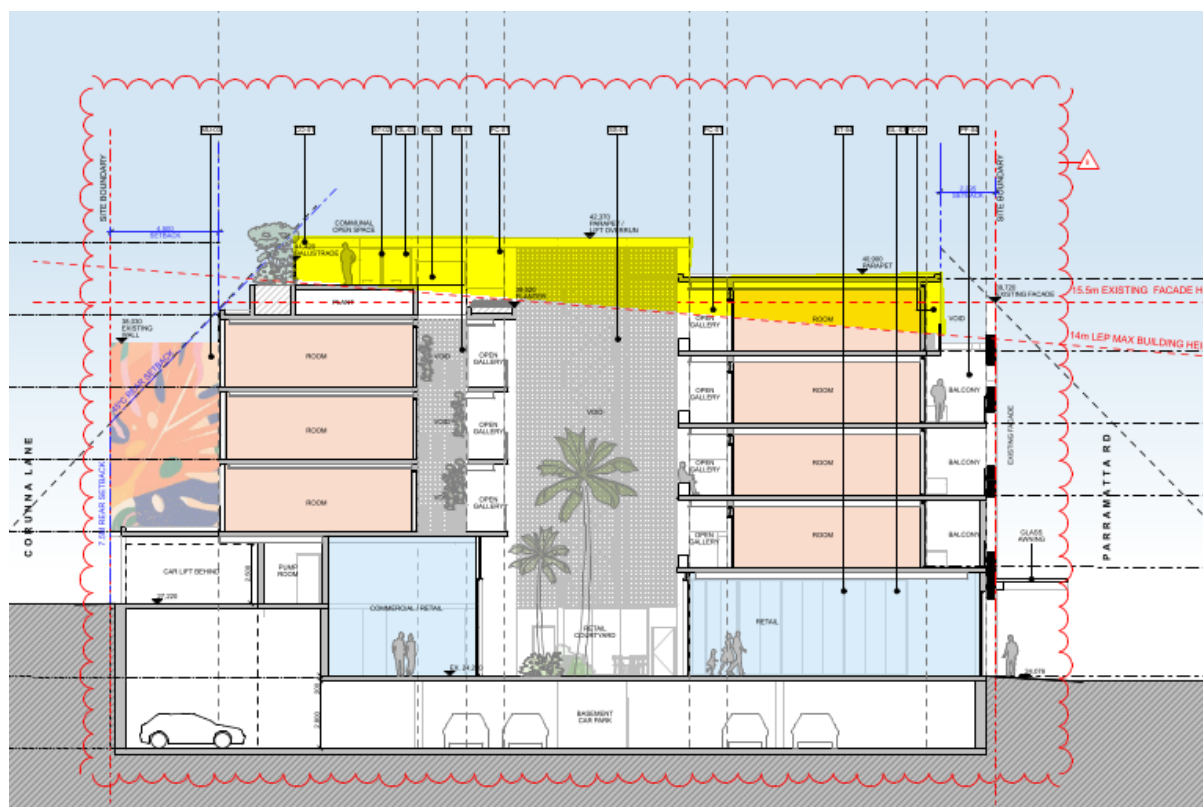


Figure 5: Section Plans with Height Exceedance highlighted in yellow

The proposal when considered in the context of the significant breach of the maximum floor space for the site, represents an overdevelopment of the site and the justification that the height exceedance is limited to a parapet for the lift overrun is false.

It is considered that the proposal fails to meet the objectives of the development standard in that the breach would result in a built form that would be inconsistent with the desired future character of the area. The controls for the site prescribe a 14 metre height limit to reduce the number of storeys to a maximum of 4 to allow for an appropriate transition to the adjacent low density residential zone which permits a maximum of 2-3 storeys under the 9.5m height limit. The transition is key to ensuring that the bulk presented to the rear yards of the dwelling houses adjacent to the site do not cause adverse impacts.

The development does not comply with the building envelope controls as contained within Part 5 of MDCP 2011, and thus the argument that the proposal is compliant with Council's other built form controls is not factual. The combination of built form controls in MLEP 2011 and MDCP 2011 inform the desired future character. The proposal is not considered to be compatible with the desired future character of the Parramatta Road (Commercial) precinct in relation to building bulk, form and scale and as a consequence, results in adverse streetscape and amenity impacts.

Similarly the height prescribed by Clause 4.3 of MLEP 2011 and Part 5 of MDCP 2011 seeks to ensure that new works do not compromise the integrity of the existing building and façade and to also ensure that new additions are not visible from the Parramatta Road frontage or impact adversely on neighbouring development.

The location of the communal space, lack of adequate setbacks of the top floor and large massing for the fifth floor in relation to the period façade is unacceptable. The proposal is contrary to not only the LEP controls but also DCP controls in relation to bulk, massing and

form. It has not been demonstrated that a compliant development would therefore be unreasonable or unnecessary in the circumstances of the development.



Figure 6: Section Plans with Height Exceedance areas highlighted in yellow

**Clause 4.4 - Floor space ratio**

The development breaches the maximum FSR of 1.5:1 by 515.15sqm or 51% with a FSR of 2.27:1. The applicant did not provide any justification for the breach of FSR as outlined earlier in this report as the SEE contends that the proposal is compliant with the suggested bonus FSR of 2:1. This has been shown above in figures 2 and 3 as an inaccurate calculation in accordance with Clause 4.5 of MLEP 2011.

In the absence of any justification for the variation and given the significant height breach and resultant bulk, scale and privacy impacts, there are insufficient environmental planning grounds to support the variation.

(iv) Clause 5.10 – Heritage Conservation

The subject site adjoins Corunna Lane and the opposite side of the lane is the Annandale Farm Heritage Conservation Area, and to the west of the site from No.162 Parramatta Road



west bound is also the Parramatta Road Commercial Precinct Heritage Conservation Area under Clause 5.10 of *MLEP 2011*. The development is considered to have a poor relationship with the low-density residential zone adjacent to the site in general and this is increasingly significant given it is also a HCA. The development presents increased bulk to the rear lane and adjoining HCA and is not supported.

(v) Clause 6.20 – Design Excellence

Clause 6.20 of MLEP 2011 applies to development that is greater than 14 metres in height and requires the consent authority to be satisfied that the proposed development exhibits design excellence. In considering whether the proposal exhibits design excellence, Council must consider the following:

- (4) *In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—*
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
  - (c) whether the development detrimentally impacts on view corridors,*
  - (d) whether the development detrimentally impacts on any land protected by solar access controls established in the Marrickville Development Control Plan,*
  - (e) the requirements of the Marrickville Development Control Plan,*
  - (f) how the development addresses the following matters—*
    - (i) the suitability of the land for development,*
    - (ii) existing and proposed uses and use mix,*
    - (iii) heritage issues and streetscape constraints,*
    - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
    - (v) bulk, massing and modulation of buildings,*
    - (vi) street frontage heights,*
    - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
    - (viii) the achievement of the principles of ecologically sustainable development,*
    - (ix) pedestrian, cycle, vehicular and service access and circulation requirements,*
    - (x) the impact on, and any proposed improvements to, the public domain.*

Having regard to the above, the application was referred to Council's Architectural Excellence Panel (AEP) for review on two occasions, the initial review was for the plans submitted with the application and the second review was against the amended plans which aimed to address issues initially raised by the Panel and Council officers. The AEP are generally supportive of the application and the amended plans submitted and provided the following discussion and recommendation:

- 1. The Panel discussed an appropriate basis for justifying any additional overshadowing caused by the relatively minor height non-compliance evident at the rear of the site. The Panel understands that the SEPP 65 Apartment Design Guide does not apply to this boarding house proposal, however it is Panel's preference that any resultant reduction in the extent of direct solar access received by the southern dwelling houses is no greater than 20%, as set out within the NSW Apartment Design Guide 3B-2 – overshadowing of the neighbouring properties. It appears from the shadow analysis drawings that any reduction will not be greater than 20%, however the impacts should be confirmed on the revised drawings.*
- 2. The Panel supports the proposed car lift configuration for this proposal, and would not support the design implications of a traditional vehicular ramp given*

*any such ramp would effectively sterilise the ground level. The site levels and requirement to access the site from the rear means the addition of a vehicular ramp for basement access would significantly diminish the quality and amenity of the entire ground floor, dramatically reducing the extent of activation achieved within the current ground floor configuration. The Panel appreciates the car lift is not a conventional traffic management solution, but it is strongly supported in this instance. The applicant is encouraged to provide proprietary system specifications, evidence of reliability and maintenance, and precedents of other successful projects where car lifts have been provided to support and further justify the proposed car lift.*

3. *As a suggestion, to relieve vehicle pressure on the proposed car lift, the Panel noted that the motorcycle spaces currently provided within the basement could be relocated to the laneway level.*
4. *The applicant should review the potential to omit the boundary wall parapet extensions along the eastern and the western rear site boundaries. The Panel notes there may be a potential fire safety concern along these side boundaries, and the suggested removal of these side walls should be reviewed by/with a certifier.*

The AEP and Council's assessment officer agree that the proposal to retain and reuse the existing façade of the building would make a positive streetscape contribution, creating the potential for design excellence.

However, there are a few areas of divergence, in particular the height and floor space non-compliances. It is considered that the proposal could still achieve design excellence if the height and floor space were reduced to alleviate the bulk and scale of the development on the adjoining properties and on the retained façade and Parramatta Road streetscape.

Whilst it is agreed that removal of the boundary walls at the rear would help alleviate some reduction in the bulk, the proposal being an additional storey above the existing and recently approved developments in the vicinity of the site, and the prescribed planning controls, would accentuate the scale of the development in the context of its surroundings.

Council requested a reduction in the height and floor space of the proposed development during the assessment process, however this was not undertaken in the set of amended plans submitted to Council. Furthermore, while the suggestion of the Panel to support a car lift is acknowledged, there are fundamental issues with the design of the car parking and loading arrangements (which are discussed in greater detail in section 5d of this report).

In addition, as discussed under the provisions of the ARHSEPP the proposal is not considered acceptable having regard to the character of the local area nor does it satisfy the requirements to meet the desired future character of the area due to its excessive bulk and scale.

The development is not considered to be consistent with the provisions of Clause 6.20 of the MLEP 2011 and is therefore does not achieve design excellence for the following reasons:

- The development does not achieve compliance with the requirements of Marrickville Development Control Plan 2011, specifically with regard to massing, setbacks, visual privacy and building envelope controls; □
- The development does not satisfactorily address the following matters:
  - the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
  - impact on the adjacent heritage conservation area,
  - bulk, massing and modulation of buildings,
  - environmental impacts which includes visual privacy

Overall, it cannot be considered that the proposal achieves design excellence as it has not been demonstrated that the relationship of the development with other developments, existing, approved or proposed on the neighbouring sites is appropriate, nor have the vehicular or service access and circulation requirements been met. Overall the excessive scale of the proposal combined with the numerous non-compliances with Council's controls demonstrate that the proposal fails to achieve design excellence.

### 5(b) Draft State Environmental Planning Policy (Housing) 2021

The explanation of intended effect (EIE) for the Draft Housing SEPP contains draft provisions that relate to the proposal as follows:

#### **Affordability of boarding houses**

The definition of boarding house would be amended to be an “*affordable rental building that ... is managed by a registered not for-profit community housing provider*”. This would empower the consent authority to impose conditions of consent requiring rental income to be within the definition of affordable housing under the *EPA Act 1979* and requiring the premises to be operated by a community housing provider. This amendment would not alter the form or scale of the development if the amendment was in operation, however would alter the operation/management of the premises.

#### **Floor Space Ratio**

It is proposed to reduce the bonus FSR that would be applicable under SEPP ARH to 20% for sites with an FSR of 2.5:1 or less where residential flat buildings are permissible. Council maintains its position that the subject application would not be entitled to a bonus FSR given that residential flat buildings are prohibited in the zone. It is purely noted that if the panel were of a mind to agree that the bonus was applicable that the bonus of 0.5:1 under Clause 29 would be reduced to 0.3:1. The discrepancy in the potential FSR bonus on this site is not beyond what could be considered in the context of a clause 4.6 variation if the instrument had been made, however Council contends that the bonus is nonetheless not applicable to the development.

#### **Communal Space**

Clause 2 (g) would require that a total of at least 30sqm of communal living area plus at least a further 2sqm for each boarding room in excess of 6 boarding rooms with a minimum dimension of 3 metres be provided. The communal room for the proposed development is 17sqm, under the draft SEPP a communal room with a minimum area of 86sqm would be required. This control is more in line with Part 4.3 of MDCP 2011 which requires 2sqm per resident and accommodate 50% of residents. As discussed earlier in this report the size of the proposed common room is considered constrained for the number of rooms proposed.

In considering the weight of this instrument it should be noted that this is a draft change to a SEPP that has been exhibited but not made. In this case the drafting of the final instrument is not available as would be with a draft LEP amendment awaiting ministerial consideration. The certainty of the amendment is lessened as the final form is not available and in consideration of the submission the Minister may make the instrument in a form that differs to the text of the EIE. In considering the case law in *Terrace Tower Holdings Pty Limited v Sutherland Shire Council [2003] NSWCA 289* it should be noted that the application does not undermine the intent of the instrument in a substantial way as the form of the development would not be radically different to the proposed development (as in *Lizard Apple Pty Ltd v Inner West Council [2019] NSWLEC 1146*). As a result, it is not considered that the Draft Housing diversity SEPP presents an impediment to the granting of a consent. Notwithstanding the proposal is not supported for other reasons outlined in this report.

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

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The Draft IWLEP 2020 contains provisions for the inclusion of an additional and amended objectives for Clause 4.3 – Height of Building, the relevant additions include:

*(c) to provide an appropriate transition in height to heritage items, heritage conservation areas and differing built forms.*

The objectives of Clause 4.4 Floor Space Ratio are also to be amended to include the following objective relevant to the proposal:

*(c) to provide an appropriate transition between development of different densities*

The strengthening of both the height of building and floor space ratio objectives further emphasizes the requirements for developments to provide for an appropriate transition to adjoining/adjacent development and in this case a heritage conservation area. The proposed development fails to meet the draft objectives of both Clause 4.3 and 4.4 of the Draft IWLEP 2020 which further demonstrates that the proposal is not suitable for the site.

5(d) Development Control Plans

MDCP 2011 Part of MDCP 2011	Compliance
Part A.26- Plan of Management (PoM)	Yes
Part 2.1 – Urban Design	No – see discussion 5 (a) (iv)(iii)
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes
Part 2.6 – Acoustic and Visual Privacy	No – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes – see discussion
Part 2.8 – Social Impact	Yes – report submitted and acceptable
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	No – see discussion
Part 2.16 – Energy Efficiency	Yes
Part 2.17 – Water Sensitive Urban Design	Yes
Part 2.18 – Landscaping and Open Space	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.24 – Contaminated Land	Yes – refer to assessment under 5 (a)(i) of this report
Part 2.25 – Stormwater Management	Yes
Part 4.3 – Boarding Houses	No – see discussion
Part 5 – Commercial and Mixed Use Development	No – see discussion
Part 9 – Strategic Context	No – see discussion

(i) Part 2.6 – Acoustic and Visual Privacy

An acoustic report was submitted which is considered sufficient to address aircraft and vehicular noise to the development. The report also includes recommendations for restrictions on the use of the communal rooftop to alleviate acoustic impacts to neighbouring properties.

The development has been designed so that majority of the boarding rooms overlook Parramatta Road and the central courtyard within the site as opposed to neighbouring properties. However, the rooms of the rear portion of the building have windows facing south overlooking Corunna Lane and would have sightlines to neighbouring properties private open space. The eastern and western most boarding rooms have been designed so that the southern window to the rooms serve a bathroom which is not considered to result in privacy impacts for adjoining properties, rather the future occupants of the development. The three middle rooms on levels 1, 2 and 3 (rooms 7, 8, 9 on each level) serve a corridor to storage and the bathroom. Whilst not considered an active use or space, they would offer full direct sight lines into the neighbouring properties private open space and as such are not considered appropriate as full floor to ceiling height windows.

The application also includes a roof terrace on the fifth floor of the development (level 04) with a communal room, deck, and swimming pool. While these facilities are considered to provide for greater amenity for the occupants of the boarding house, the location of these facilities is not considered appropriate in the context of the site. The applicant has proposed a planter to provide screening to the communal area, however the deck and planter have been proposed at the same level 40.420RL, this would not provide an appropriate level of privacy for adjoining property owners. Furthermore, reliance on planters to provide privacy does not give Council an appropriate level of certainty that privacy would be protected. Given that the communal space is almost entirely above the maximum height limit for the site, this compounds the view that the development is not appropriate for the site. The proposal has not been designed to meet objective O3 of Part 2.6 of MDCP as it would impact on the acoustic and visual amenity of the adjacent residential development.

(ii) Part 2.7 – Solar Access and Overshadowing

### **Solar Access**

The development meets the requirements for solar access as follows:

- C10 and C12 - The communal open space and the landscaped area receives a minimum of two hours of direct sunlight over 50% of its finished surface between 9.00am and 3.00pm on 21 June.
- C11 - 24 of the 35 being more than 65% of rooms provide a window positioned within 30 degrees east and 20 degrees west of true north and allow for direct sunlight over minimum 50% of the glazed surface for at least two hours between 9.00am and 3.00pm on 21 June.

### **Overshadowing**

Control C2 of Part 2.7 of MDCP 2011 requires that direct solar access to windows of principal living areas and principal areas of Private Open Space (POS) of nearby residential accommodation must:

- i. Not be reduced to less than two hours between 9.00am and 3.00pm on 21 June; or*
- ii. Where less than two hours of sunlight is currently available on 21 June, solar access should not be further reduced.*

*However, if the development proposal results in a further decrease in sunlight available on 21 June, Council will consider:*

- a. The development potential of the site;*
- b. The particular circumstances of the neighbouring site(s), for example, the proximity of any residential accommodation to the boundary, the resultant*

- proximity of windows to the boundary, and whether this makes compliance difficult;*
- c. Any exceptional circumstances of the subject site such as heritage, built form or topography; and*
  - d. Whether the sunlight available in March to September is significantly reduced, such that it impacts upon the functioning of principal living areas and the principal areas of open space. To ensure compliance with this control, separate shadow diagrams for the March/September period must be submitted in accordance with the requirements of C1; Where less than two hours of sunlight is currently available on 21 June and the proposal is not reducing it any further, Council will still consider the merits of the case having regard to the above criteria described in points a to d.*

The applicant has submitted shadow diagrams for both the 21 June and 21 March/September. The following is an analysis of the properties affected by the development:

*1A, 1B & 1C Northumberland – Commercial Building (Vet)*

Additional overshadowing will occur to the first-floor western elevation windows at 9am on 21 June, however these will still maintain a minimum of 2 hours of solar access to 50% of their surface on 21 June.

*1 Northumberland Avenue – Boarding House*

The ground floor rear elevation contains a 3-pane window, and solid door. The window would maintain a minimum of 2 hours of solar access on 21 June, the door will not, however, given it is solid, this is acceptable. The first-floor rear elevation window is not impacted by the development

The first-floor northern elevation (along Corunna Lane) windows receive additional overshadowing in the morning, however, still receive minimum of 2 hours of solar access on 21 June.

The rear most ground floor window on the northern side elevation wall currently receives full sunlight at 9am and this will be removed as a result of the development. It is unclear what this room serves however it is noted that a development with a compliant height would also result in full overshadowing of the window.

The private open space does not currently receive 2 hours of solar access on 21 June. However, solar access is currently achieved to a portion of the Private Open Space (POS) for approximately an hour at 10am which will be removed as a result of the development. It is noted that the shadowing occurring is not because of the non-compliant height limit. Solar access to the POS in March/September is unaffected as a result of the development.

*3 Northumberland Avenue – Dwelling House*

Although the diagrams incorrectly label the rear ground floor room as storage instead of a family room, these ground floor rear elevation doors are not overshadowed by the development. Nor are any other windows at this address. Additional overshadowing of this property is limited to the roof of the garage at the rear of the site.

*No.68 Corunna Road, Stanmore – Dwelling House*

The POS of the dwelling does not currently receive 2 hours of solar access on 21 June. At 12pm there will be a reduction to a small area of solar access received under the awning at

the rear of the dwelling. Solar access to the POS would not be impacted on 21 March/September.

All other overshadowing impacts are within the shadows cast by the existing building or limited to the roofs of the properties along Corunna Road and No's.148 and 150 Parramatta Road. Overall, the development is considered to meet the objectives and controls of Part 2.7 of MDCP 2011.

(iii) Part 2.10 Parking

The following table indicates the required parking for the development under the requirements of Part 2.10 of MDCP 2011 or where applicable the SEPPARH as the prevailing policy. The site is located in parking area 2 for the purpose of calculation of the required car parking.

Plan	Control	Requirement	Proposed	Complies
	<b>CAR PARKING</b>			
SEPPARH	0.5 parking spaces per boarding room plus 1 per person employed	34 rooms = 17 spaces 1 manager room = 1 space TOTAL REQUIRED= 18 spaces	19 spaces in basement and 1 car share at grade – it has not been specified which parking is for which use	No
MDCP 2011	1 per 80sqm of GFA for customers and staff for retail and commercial spaces	287sqm = 3.58 = 4 spaces		
	TOTAL	22 SPACES	19 SPACES + 1 CAR SHARE SPACE	No
	<b>BICYCLE</b>			
SEPPARH	1 per 5 boarding rooms	34 rooms = 7 spaces	8 spaces	Yes
	<b>MOTORCYCLE</b>			
SEPPARH	1 per 5 boarding rooms	34 rooms = 7 spaces	7 spaces	Yes
	<b>LOADING</b>			
MDCP 2011	1 X 7.5m X 3m space for loading	1 small rigid vehicle space	1 standard vehicle space	No

The application proposes non-compliant car parking with a deficit of 2 parking spaces. The applicant submitted a revised traffic and car parking report which provides justification for the non-compliance through the provision of a car share space and the proximity of the site to public transport along Parramatta Road.

Whilst the shortfall of 2 spaces can be considered acceptable having regard to site constraints, several concerns have been raised by Council's Development Engineer with regard to the loading space required for the development and the access to the car parking and manoeuvrability within the car park. The application is not supported in this regard for the following reasons:

1. *Inadequate truck loading dock. Control C2 ii of Part 2.10.12 requires that the loading dock be designed for the servicing of the site by a truck. C24 requires the minimum*

- size of the loading dock to be a minimum of 7.5x3m. The proposal has only provided a standard car space for loading which is unsatisfactory.
2. The loading dock should be capable of accommodating a Small Rigid Vehicle (AS2890.2). This requires a minimum head room 3.5m. Headroom above the loading dock is only 2.5m. Access to the loading dock shall be verified using swept paths from AS2890.2  
(NOTE: this will require the height of the development to be further increased and provides further justification for reduction of the number of storeys and overall height of the development to be reduced)
  3. The car lift is not supported as it relies on mechanical means to access the basement carpark. Car lifts are prone to maintenance issues and can result in vehicles being trapped for months while repairs which can be costly are undertaken.
  4. No justification has been provided why a traditional car park at grade, ramp up or ramp down cannot be provided. All previous developments in the last 30 years along the 3km of Parramatta Road of the former Marrickville boundary have been able to provide traditional parking on site without needing a car lift.
  5. The car lift has been provided on the boundary to Corunna Lane which provides for inadequate sightlines to vehicles and pedestrians as required by AS2890.1.
  6. There has been no queueing area provided onsite. Cars are expected to queue on the narrow lane blocking traffic while waiting for up to 3 minutes for a lift. This is unsatisfactory.
  7. The parking report inaccurately states "Where traffic flow at a site entrance is restricted to a single lane and/or a garage door (effectively a control point), AS2890.1 - 2004 requires the 98th percentile queue to be accommodated on-site. That is, no waiting bay is required where the probability of a vehicle waiting is less than 2%. This is incorrect and the clause requires that the area be designed for the 98th percentile queue, not that if probability is less than 2% than it does not need to be accommodated. On site queuing area is required to be accommodated.
  8. No specification has been provided for the lift to detail how it will operate or be maintained or justify the cycle times proposed in the traffic report that appear underestimated
  9. No swept paths have been provided to detail access to the car lift. As the car lift has been designed to be located on the boundary swept paths are required to ensure that a vehicle is able to park perpendicular in the lift without having to make multiple manoeuvres in a public road to align the vehicle in the lift.
  10. The lift is proposed to be located on the boundary of a sloping lane while the lift has a flat floor, the lane (as shown on plan DA201) is required to be lifted by as much as 500mm which is not acceptable, and Council does not provide owners consent.
  11. The traffic and car parking report has uses RMS Sydney Average traffic generation rates for high density residential flat dwellings (from RMS Technical Direction - TDT 2013/04a) which are 0.19 vehicle trips/hour per unit in the AM peak and 0.15 vehicle trips/hour per unit in the PM peak are not suitable. This technical direction does not apply as all of the surveys conducted were on residential flat buildings of more than 6 stories in height. This development is 4-5 storeys in height. In addition, the RMS surveys used to derive these rates include surveys from St Leonards and Chatswood and other locations that that have very different traffic generation rates than the Inner West Council area are located within immediate vicinity of heavy rail to which the subject site and IWC area is not. The peak traffic generation of .29 vehicle trips/hour per dwelling must be used in line with The RMS Guide to Traffic Generating Developments (2002).

Having regard to the above, sufficient evidence to demonstrate that the proposed car lift has been designed in a manner to enable safe vehicular movements for future tenants has not been provided, nor is the proposed queuing of traffic on Corunna Lane considered appropriate. Furthermore, the lack of sufficient loading facilities for the commercial tenancies is unsatisfactory and the proposal in its current form is unsupportable.



Consequently, the proposal fails to satisfy the provisions of Part 2.10 of MDCP 2011 as the proposed car parking arrangements are unsatisfactory.

(iv) Part 4.3 – Boarding Houses

The proposed development is largely compliant with part 4.3 of MDCP with the exception of the following:

- The private open space areas for some boarding rooms exceed the maximum of 6sqm. This is considered acceptable given it provides for improved amenity to these rooms.
- The communal room proposed is 17sqm which does not meet the requirement of 2sqm per person and able to accommodate 50% of patrons, in this case 34sqm. Having regard to the number of tenants on the site, the provision of a generous communal space is important in ensuring adequate amenity for future occupants.
- Whilst the communal room receives some solar access for 3 hours on 21 June. It is not to 50% of the finished surface and it is considered that it could be more appropriately located to achieve better solar access.
- A communal room has not been provided on each level of the building

Having regard to the yield sought in this proposal which exceeds the prescribed development standards, compliance with the above requirements is not considered onerous, particularly when it affords for better amenity for future occupants. As such, the proposal fails to satisfactorily satisfy the provisions of Part 4.3 of MDCP 2011 with regard to communal facilities.

(v) Part 5 – Commercial and Mixed-Use Development

The site is listed as a 'period building' on the contributory and period buildings map under Part 5.1.2.2 as shown in figure 7 below. The controls require that the façade of the building be maintained at minimum. The proposal seeks to retain the front and side walls of the existing building and to paint the front façade with a mural, of which the specifics are to be determined with the applicant agreeing to a condition requiring a bond to ensure the outcome would be successful.

Amendments were made to the development as part of the amended plans to better integrate the proposed boarding rooms with the façade and use of the openings as windows for the enclosed terraces fronting Parramatta Road. Part 5 contains controls that apply to a development based on this retention and is classified as major alterations and additions.

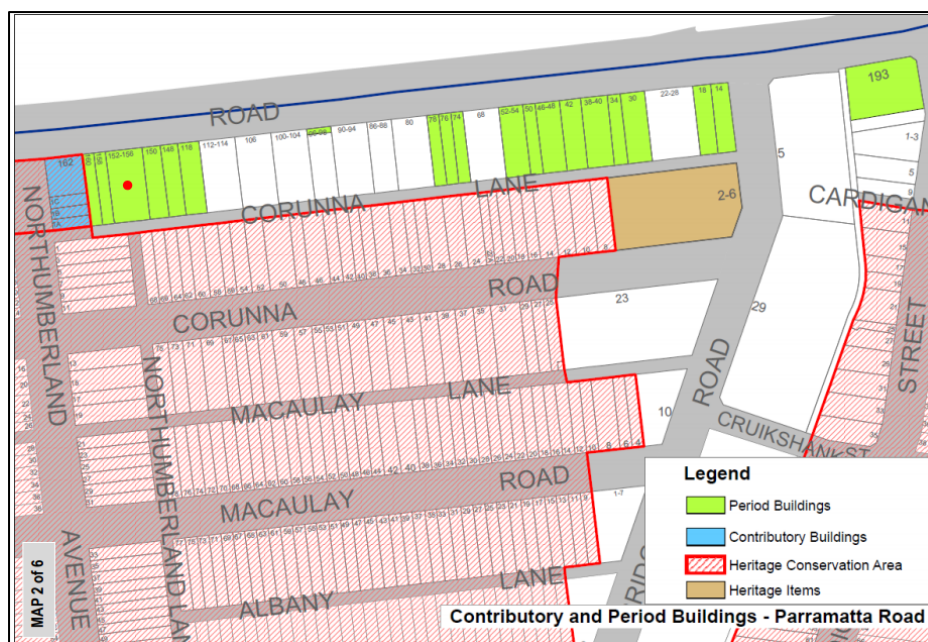


Figure 7: Contributory and Period Buildings Map for Parramatta Road

Control C3 requires that where whole existing contributory or period buildings or the street fronting portion of the existing contributory buildings are retained there must be no additions to the existing building mass within the front 6 metres of the building, except for 0.9 metres roof projection of the topmost dwelling occupancy level. The application proposes the addition of level 5 setback only 2.295 metres from the front setback and parapet. This results in increased visibility of the additions to the street front and it should be noted that these additions are also above the maximum height limit for the site.

The rear massing of the proposal technically complies with control C1(i) as the rear building envelope is contained within the combination of the rear boundary plane and a 45-degree sloping plane from a point 7.5 metres vertically above the lane ground level. However, given the development proposes that levels 01-03 are all setback 4.5 metres from the rear boundary with no articulation or variation this exacerbates the visual bulk of the rear massing of the building.

This is further compounded with the non-compliance of level 04 (fifth floor) with the proposed roof-top level massing. Control C15 prescribes the following for rooftop massing;

- ii. Where any structure is greater than 1.5 metres above the roof level directly below:
  - a. The perimeter of this area must be no greater than 20% of the roof perimeter area of the level directly below;
  - b. The roof top structure must not be visible when viewed from 1.8 metres above the footpath pavement on the edge of the road reserve on the opposite side of the street to the building;
  - c. The roof top structure must not be visible when viewed from 1.8 metres above the lane pavement or natural ground level of an adjoining property, 6 metres out from the rear boundary; and
  - d. If the roof top structure would be visible from oblique views if built to the side edge of the building (such as where adjoining buildings are low or the site is on a street corner), it must be setback 3 metres from the side edge of the building

The applicant has attempted to demonstrate the visibility of the additions; however, the drawing provided as shown in figure 8 is inaccurate as the distance provided of 10.5 metres is half the actual width of Parramatta Road and the height of the direct sight line is only 1.6 metres above the footpath level not 1.8 metres as required by the control. It has not been demonstrated that the fifth floor would not be visible as required. There have been no

attempts to comply with the control or reduce the visibility of the top floor through the increase of side and front setbacks and consequently as illustrated in figure 9, the additions sit well above the period façade and pitched parapet resulting in an unsympathetic addition to the period building. Additionally as the adjoining sites are largely undeveloped with low parapets, the top most level which is proposed to be constructed to the side boundaries will be highly visible.

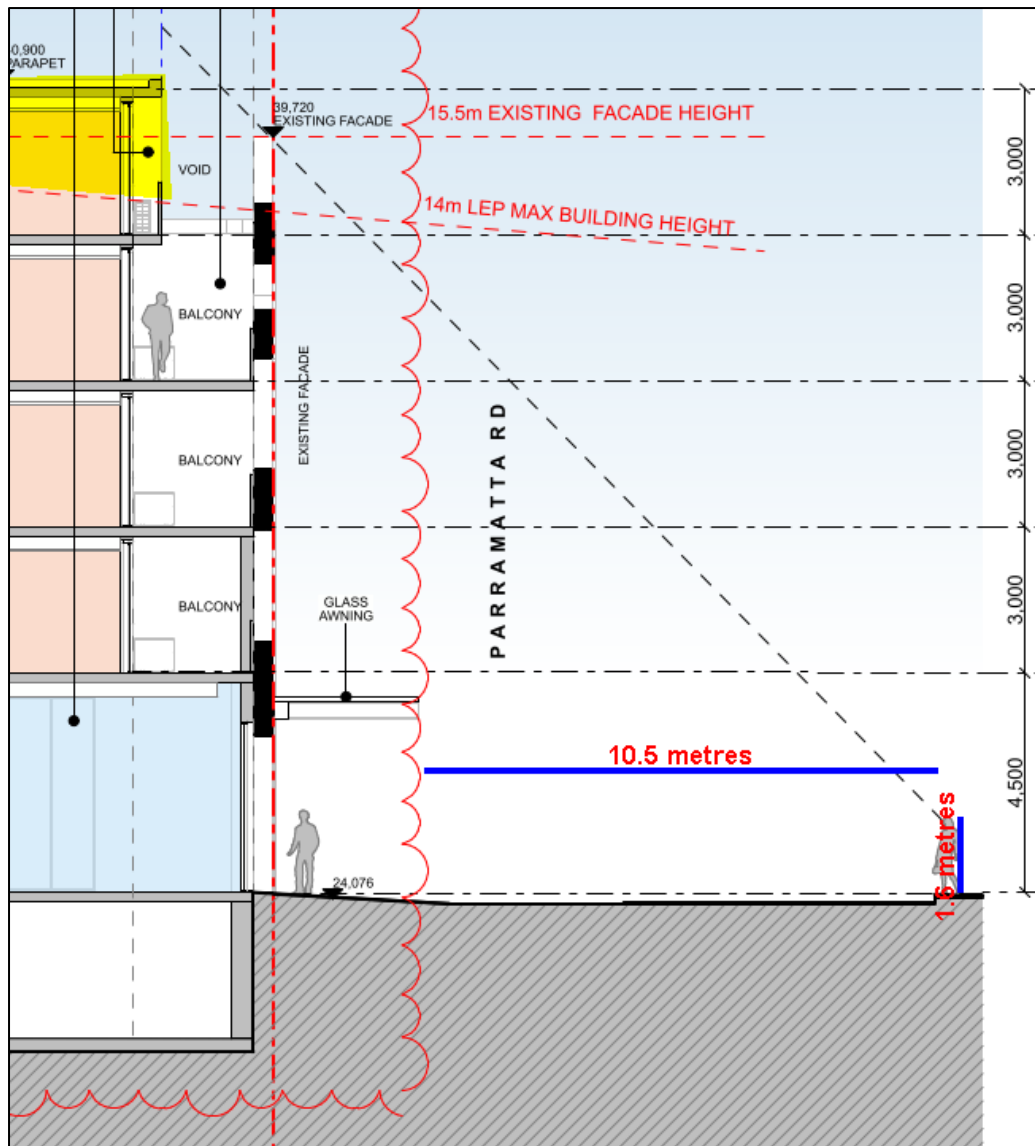


Figure 8: Section showing line of sight prepared by applicant with Council measurements



Figure 9: Front elevation with massing above period façade highlighted in yellow

The proposal complies with the required separation distance of 12 metres to the nearest habitable room of No.1 Northumberland Avenue, Stanmore, however as outlined earlier in this report the bulk of the additions towards the rear and location of communal space at the residential interface do not meet the requirements of objective O27 as it results in visual bulk and amenity impacts to the adjoining properties.

Overall the extent of development and setbacks of the topmost floor have detrimental streetscape impacts which are unsatisfactory and cannot be supported. The general massing and setbacks of the development fail to meet objectives O23, O24 and O25 of part 5.1.4.3 of MDCP 2011 and as a result the proposal is recommended for refusal.

#### (vi) Part 9.35 – Strategic Context

The site is located in the Parramatta Road (Commercial) precinct under Part 9.35 of MDCP 2011. Part 9.35.2 outlines the desired future character of the precinct. As outlined in this assessment report the proposed development fails to meet the desired future character for the following reasons:

- It fails to provide for sympathetic additions to the period building
- The development does not protect the residential amenity of adjoining and surrounding properties
- The car parking provision and design is not compliant with the required Australian standards and is therefore considered unacceptable

Part 9.35.4 provides precinct-specific planning controls, the massing, setback and scale of the development is not considered appropriate with regard to the applicable development

standards and controls under Part 5 of MDCP 2011 and therefore fails to meet control C1 relating to the period building on the site.

#### 5(e) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in terms of its visual bulk and scale, inappropriate setbacks and massing and the relationship with the new additions to the retained façade. The development would result in detrimental acoustic and visual privacy impacts that could be mitigated with a more sensitive design. The design and function of the parking arrangements are not acceptable and considered to result increased traffic impacts.

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

It is considered that the proposal will have an adverse impact on the adjoining properties and desired future character of the area and therefore it is considered that the site is unsuitable to accommodate the proposed development in its current form.

#### 5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 21 days to surrounding properties. 21 submissions were received in response to the initial notification, and 1 submission was received in response to renotification of the application.

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

- Height variation- See Section 5 (a)(i) & 5 (a)(iv)(ii)
- Bulk and scale - See Section 5 (a)(iv)(ii) & 5 (d)(v)
- Visual and acoustic privacy – See Section 5 (d)(i)
- Solar access and overshadowing – See Section 5 (d)(ii)
- Parking and traffic – See Section 5 (d)(iii)
- Inconsistent with streetscape and character – See Sections See Section 5 (a)(iv)(ii) & 5 (d)(v)
- Proximity to HCA – Section 5 (a)(iv)(iii)
- Waste management – See Section 5 (d)
- Setbacks and separation – See Section 5 (d)(v)
- Undesirable precedent – See Section 5 (e) & 5 (f)
- Social Impact – See Section 5 (d)

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

Issue: Reduced Property Values

Comment: This is not a matter for consideration under Section 4.15 of EP&A Act 1979, nor is there any evidence to suggest that the proposal would reduce property values of neighbouring development.

Issue: Loss of Creative space and small business

Comment: The application proposes a boarding house and commercial tenancies, both of which are permissible in the B4 zone of the site. Whilst the loss of existing creative space may occur there are no provisions for Council to refuse the application on this basis.

Issue: Precedent at No.112-114 Parramatta Road

Comment: The report has discussed relevant approvals in the vicinity of the site including this one and recommends the application be refused given the non-compliances proposed.

Issue: Illegal Dumping

Comment: This is not a matter for consideration. The proposal includes a room for bulky storage while awaiting council collection and any illegal dumping would be an operational function of Council to review and manage and for the manager of the boarding house if and when this occurs.

Issue: Intensification of number of boarding houses in the area

Comment: Council is not able to refuse the boarding house based on the number of other boarding houses in the area. The proposal is a permissible form of development, however, the application is not supported for other reasons outlined in this report.

Issue: Increase in antisocial behaviour

Comment: The application is accompanied by a Plan of Management which is considered satisfactory. Notwithstanding, there is no evidence to deduce a direct correlation between the use as a boarding house and potential antisocial behaviour.

#### 5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

Given the significant variations from Council's controls, unreasonable impacts on the amenity of adjoining residential development and the substantiated issues raised in public submissions, the proposal is considered to be contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Development Engineering
- Urban Forest
- Environmental Health
- Heritage
- Building
- Waste
- Architectural Excellence Panel

### 6(b) External

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

- Transport for NSW (TfNSW)

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions payable for the proposal.

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

## 8. Conclusion

The proposal does not comply with a number of aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and *Marrickville Development Control Plan 2011*.

The development which exceeds the FSR, height and building envelope controls, in addition to providing non-compliant vehicular access and arrangements would result in significant impacts on the amenity of the adjoining properties and the streetscape and is not considered to be in the public interest.

The proposal would set an undesirable precedent as the yield sought is substantially greater in height and scale having regard to the adjoining site context and previous approvals granted.

Insufficient environmental planning grounds have been provided to justify the non-compliance with the development standards and the legal mechanism to grant consent for the development is not in place.

The application is unsupportable and in view of the circumstances, refusal of the application is recommended.

## 9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2020/1146 for substantial demolition of existing improvements, retention of existing building facade and construction of a 5 storey boarding house containing 34 boarding rooms, 1 managers room and two ground floor commercial tenancies at 152-156 Parramatta Road STANMORE NSW 2048 subject to the reasons for refusal listed in Attachment

## Attachment A – Recommended reasons for refusal

### REASONS FOR REFUSAL

1. The proposal is contrary to Clause 30A of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, as the proposed height and FSR exceeds that achievable on adjoining lots and the extent of development sought is out of character with this section of the commercial precinct, the additional yield is visible to both street frontages and the bulk presented to the low density residential heritage conservation area at the rear of the site is unsatisfactory.
2. The proposed development exceeds the Height of Building development standard under clause 4.3 of *Marrickville Local Environmental Plan 2011*. The proposed development is inconsistent with the stated objectives of the development standard. A clause 4.6 exception was not submitted with the application. Accordingly, Council has no statutory power to consent to the application.
3. The proposal exceeds the floor space ratio development standard under Clause 29 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* and Clause 4.4 of *Marrickville Local Environmental Plan 2011*. The proposed development is inconsistent with the stated objectives of the development standard. A clause 4.6 exception was not submitted with the application. Accordingly, Council has no statutory power to consent to the application.
4. The development is inconsistent with the aims of *Marrickville Local Environmental Plan 2011* and design excellence provisions as prescribed by Clauses 1.2 and 6.20 in that the development provides for increased residential density without protecting the amenity of the adjoining residential development and the bulk and scale of the proposal does not promote a high standard of design
5. The development results in unacceptable visual privacy impacts on adjoining residential development and does not demonstrate compliance with the objectives and controls contained in Part 2.6 of *Marrickville Development Control Plan 2011*.
6. The car parking arrangements via a car lift are considered inadequate in terms of its location, access and manoeuvrability, reliance on mechanical means and lack of specifications provided and would result in unacceptable traffic impacts and queuing in Corunna Lane.
7. The proposal does not comply with control C24 or C26 within part 2.10 of *MDCP 2011* and is inconsistent with the applicable objective O2 as it fails to provide for on-site service and deliveries as the proposed loading area is inadequate in size, height and manoeuvrability of the space has not been demonstrated in accordance with AS2890.2.
8. The proposed massing and setbacks of the development fail to meet objectives O23, O24 and O25a and Controls C3 and C15 of Part 5.1.4.3 of *Marrickville Development Control Plan 2011* in relation to the height, setbacks and building envelope of the development resulting in detrimental streetscape impacts..
9. The proposal will significantly impact on the amenity of the adjoining premises and streetscape and given the substantiated issues raised in submissions, pursuant to the provisions of Section 4.15(1)(d)(e) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposal would not be in the public interest



# Attachment B – Plans of proposed development

## STANMORE BOARDING HOUSE 152 - 156 PARRAMATTA ROAD STANMORE NSW 2048 DEVELOPMENT APPLICATION

**PREPARED BY:** ARCHITECTURE  
**CLIENT:** STANMORE BOARDING HOUSE  
**PROJECT NO.:** 2023/152-156 PARRAMATTA ROAD STANMORE NSW 2048  
**DRAWING NO.:** DA-100 TO DA-152  
**DATE:** 2023/09/29

NO.	DESCRIPTION	DRAWING SCALE	REVISION
DA-100	COVER SHEET	B	B
DA-101	DEVELOPMENT SUMMARY	B	B
DA-102	LOCAL DAY PLAN	B	B
DA-103	CONTEXT ANALYSIS	B	B
DA-104	CONCEPT DESIGN SHEET 01	B	B
DA-105	CONCEPT DESIGN SHEET 02	1:200	B
DA-106	CONCEPT DESIGN SHEET 03	B	B
DA-107	CONCEPT DESIGN SHEET 04	B	B
DA-108	CONCEPT DESIGN SHEET 05	B	B
DA-109	CONCEPT DESIGN SHEET 06	B	B
DA-110	DEMOLITION PLAN GROUND + LEVEL 01	1:100	B
DA-111	DEMOLITION PLAN LEVEL 02 + ROOF	1:100	B
DA-112	BASEMENT F1 PLAN	1:100	B
DA-113	LOWER GROUND + UPPER FLOOR PLAN	1:100	B
DA-114	LEVEL 01 + LEVEL 02 PLAN	1:100	B
DA-115	LEVEL 03 + LEVEL 04 PLAN	1:100	B
DA-116	ROOF PLAN	1:100	B
DA-117	NORTH AND SOUTH REPARTION	1:100	B
DA-118	EAST AND WEST REPARTION	1:100	B
DA-119	SECTION AA	1:100	B
DA-120	SECTION BB	1:100	B
DA-121	SHADOW DIAGRAM PLAN - 21 JUNE 3PM	1:200	B
DA-122	SHADOW DIAGRAM PLAN - 21 JUNE 10AM	1:200	B
DA-123	SHADOW DIAGRAM PLAN - 21 JUNE 12PM	1:200	B
DA-124	SHADOW DIAGRAM PLAN - 21 JUNE 3PM	1:200	B
DA-125	SHADOW DIAGRAM PLAN - 21 JUNE 3PM	1:200	B
DA-126	SHADOW DIAGRAM PLAN - 21 JUNE 3PM	1:200	B
DA-127	SHADOW DIAGRAM PLAN - 21 JUNE 3PM	1:200	B
DA-128	SHADOW DIAGRAM PLAN - 21 JUNE 3PM	1:200	B
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DA-150	SHADOW DIAGRAM PLAN - 21 JUNE 3PM	1:200	B
DA-151	SHADOW DIAGRAM PLAN - 21 JUNE 3PM	1:200	B
DA-152	SHADOW DIAGRAM PLAN - 21 JUNE 3PM	1:200	B



APPENDIX A LIST

1. DETAILS OF WALLS, CEILING AND FLOOR FINISHES AND TYPICAL SECTION THROUGH WALLS  
2. TYPICAL SECTION THROUGH ROOF  
3. TYPICAL SECTION THROUGH SLAB AND WALL  
4. TYPICAL SECTION THROUGH SLAB AND CEILING  
5. TYPICAL SECTION THROUGH SLAB AND FLOOR  
6. TYPICAL SECTION THROUGH SLAB AND ROOF  
7. TYPICAL SECTION THROUGH SLAB AND BALCONY  
8. TYPICAL SECTION THROUGH SLAB AND TERRACE  
9. TYPICAL SECTION THROUGH SLAB AND DRIVEWAY  
10. TYPICAL SECTION THROUGH SLAB AND GARAGE  
11. TYPICAL SECTION THROUGH SLAB AND STAIRS  
12. TYPICAL SECTION THROUGH SLAB AND LIFT  
13. TYPICAL SECTION THROUGH SLAB AND ELEVATOR  
14. TYPICAL SECTION THROUGH SLAB AND RAMP  
15. TYPICAL SECTION THROUGH SLAB AND ACCESS  
16. TYPICAL SECTION THROUGH SLAB AND ENTRANCE  
17. TYPICAL SECTION THROUGH SLAB AND WINDOW  
18. TYPICAL SECTION THROUGH SLAB AND DOOR  
19. TYPICAL SECTION THROUGH SLAB AND GLASS  
20. TYPICAL SECTION THROUGH SLAB AND BALCONY RAILING

APPROVED BY: ARCHITECT

DATE: 2023/09/29

PROJECT NO: 2023/152-156 PARRAMATTA ROAD STANMORE NSW 2048

DRAWING NO: DA-100 TO DA-152

SCALE: 1:100 TO 1:200

REVISION: B

**DEVELOPMENT SUMMARY**

**SITE INFO**  
**ADDRESS** 152 - 156 Parramatta Rd, Stannmore NSW 2248  
**SITE AREA** 6247 m<sup>2</sup>  
**FIELD** 35 TOTAL SINGLE BED ROOMS  
 287m<sup>2</sup> RETAIL

**COUNCIL DOP & LEP REQUIREMENTS / PROPOSAL SUMMARY**

**BUILDING HEIGHT (m)**  
 14m  
 PROPOSED  
 15m (ROOF SOUTH)  
 13.2m (SOUL PLANTER)  
 18.1m (SILET OVERALL PROSPECT)  
 134.5m<sup>2</sup>  
 2.0:1

**GFA** 1343.4m<sup>2</sup>  
**FSR** 1.3:1 \* 0.5:1 (ARK Bonus)  
**LAND USE** B4 - Mixed Use  
**SETBACKS** Parramatta Rd - NI  
 1.4 Setback 2.350m  
**Front** - GF to 1.3 Notion existing setback - NI  
**Side** - Retain existing setback - NI  
**Rear** - Setback 4.450m

**CAR PARKING**  
**PARKING AREA**  
 Boarding House - 19 Car Spaces  
 plus 12 shared spaces and 2.5 parking spaces per boarding room  
 Total: 18  
 1 Car Share Space  
 1 Lazing Bay  
**Business premises, retail premises, shops - Up to 500m<sup>2</sup>**  
 1 per dms/2 GFA for customers & staff  
 1800: 3  
 17m<sup>2</sup>

**COMMUNAL LIVING ROOM** Minimum 12m<sup>2</sup>  
 (5 or more boarding rooms)

**SEPP (AFFORDABLE RENTAL HOUSING) CONTROLS**  
**ROOM SIZE** Minimum 12m<sup>2</sup> for single boarding rooms:  
 15m<sup>2</sup> for doubles;  
 Maximum 25m<sup>2</sup>  
**MANAGEMENT** 20 or more residents must have an on site manager  
**CYCLE PARKING** Bicycles - 1 Space per 5 rooms  
 Motorcycle - 1 Space per 5 rooms  
**PRIVATE OPEN SPACE** Minimum 20m<sup>2</sup>  
 Minimum 5m<sup>2</sup>  
 adjacent to manage<sup>d</sup> accommodation

**GFA BREAKDOWN**  
 LOWER GROUND 332m<sup>2</sup>  
 RETAIL / COMMERCIAL 287m<sup>2</sup>  
 BOARDING HOUSE LOBBY 340m<sup>2</sup>  
 UPPER GROUND 744m<sup>2</sup>  
 LEVEL 01 251m<sup>2</sup>  
 LEVEL 02 251m<sup>2</sup>  
 LEVEL 03 241m<sup>2</sup>  
 LEVEL 04 150m<sup>2</sup>  
**TOTAL** 1343m<sup>2</sup>  
**FSR** 2.0:1

**PROPOSAL**  
 Minimum 12m<sup>2</sup> for single  
 Maximum 25m<sup>2</sup>  
 1 Room  
 8 Spaces (35 rooms / 8 = 7 Spaces)  
 7 Spaces (35 rooms / 5 = 7 Spaces)  
 8m<sup>2</sup>  
 8m<sup>2</sup>

**DEVELOPMENT SUMMARY**

**PREPARED BY:** CONSULTANTS

**DATE:** 2017

**PROJECT NAME:** BOARDING HOUSE PROJECT  
**CLIENT:** ...  
**ADDRESS:** ...  
**STATE:** ...  
**POSTAL CODE:** ...

**DRAWING NO.** ...  
**SCALE:** ...

**APPROVED BY:** ...  
**DATE:** ...

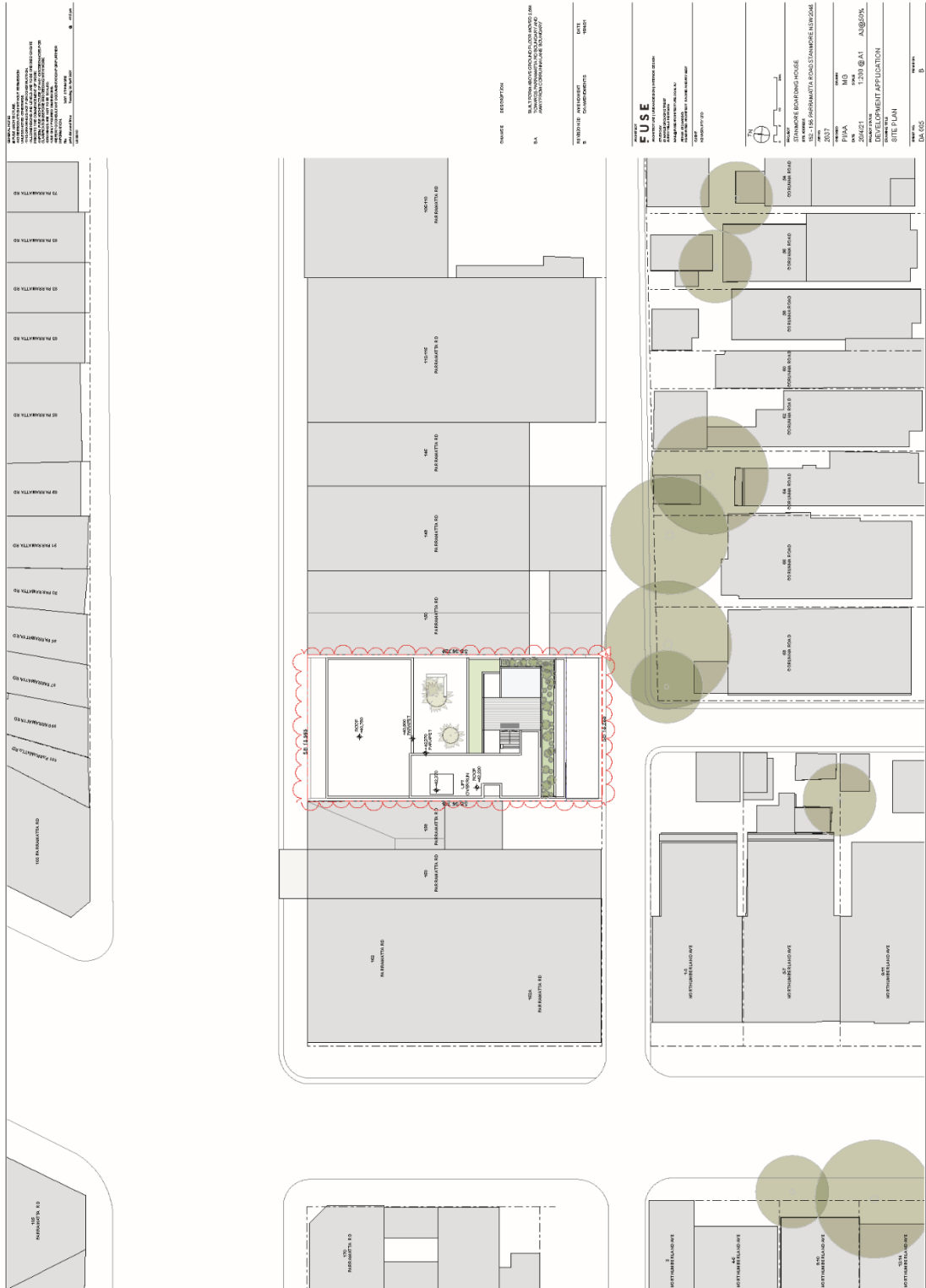
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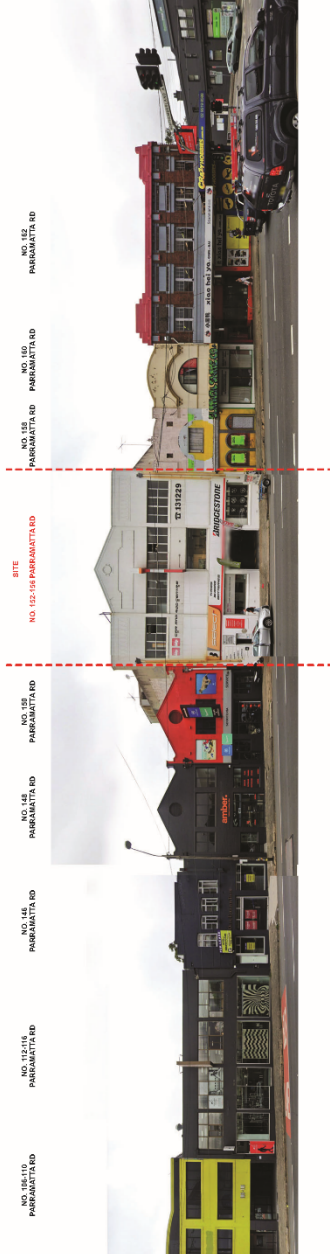








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 PROJECT NAME: 152/154 PARKAMANTIA RD  
 PROJECT TYPE: COMMERCIAL  
 PROJECT STATUS: PROPOSED  
 PROJECT VALUE: \$2,000,000  
 PROJECT DESCRIPTION: PROPOSED 4 STOREY COMMERCIAL BUILDING WITH 150 CAR PARKING SPACES  
 PROJECT CONTACT: DAVID WILSON  
 PROJECT ADDRESS: 152/154 PARKAMANTIA RD, SYDNEY NSW 1585  
 PROJECT PHONE: (02) 9550 0000  
 PROJECT FAX: (02) 9550 0000  
 PROJECT EMAIL: DAVID.WILSON@HOLCOMB.COM.AU  
 PROJECT WEBSITE: WWW.HOLCOMB.COM.AU  
 PROJECT MAP REF: DA 52006



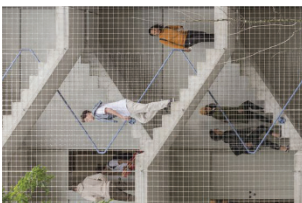
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 PROJECT ADDRESS  
 PROJECT PHONE  
 PROJECT FAX  
 PROJECT EMAIL  
 PROJECT WEBSITE  
 PROJECT MAP REF

**THE GOAL OF THE STRANDS CO-LIVING IS TO PROVIDE SIMPLE AND WELL DESIGNED HOUSING, COMMUNITY AND COMMERCIAL SPACE, AND A VIBRANT LOCALITY. THE PROJECT GOES BEYOND THE CONSTRUCTION OF A BUILDING. IT WILL INCLUDE THE DESIGN OF A VIBRANT LOCALITY WITH A MIX OF HOUSING, COMMUNITY AND COMMERCIAL SPACE. THE DESIGN WAS DEVELOPED AROUND THE EXISTING WAREHOUSE THAT WILL BE REDEVELOPED INTO A COMMUNITY AND COMMERCIAL SPACE. THE DESIGN WAS DEVELOPED AROUND THE EXISTING WAREHOUSE THAT WILL BE REDEVELOPED INTO A COMMUNITY AND COMMERCIAL SPACE. THE DESIGN WAS DEVELOPED AROUND THE EXISTING WAREHOUSE THAT WILL BE REDEVELOPED INTO A COMMUNITY AND COMMERCIAL SPACE.**

**THE GROUND LEVEL WILL BE ACTIVATED BY A DESTINATION RETAIL ACCOMMODATION OF CAFE/RESTAURANT/BAKERY/SHOP**

**OTHER STAIRS REFERENCE IMAGE**



**COURTYARD REFERENCE IMAGE**



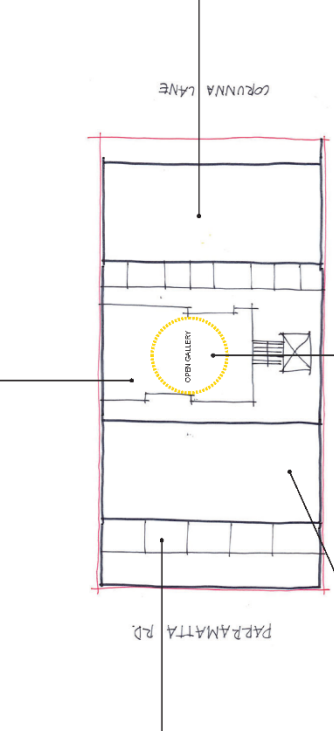
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**THE GROUND LEVEL WILL BE ACTIVATED BY A DESTINATION RETAIL ACCOMMODATION OF CAFE/RESTAURANT/BAKERY/SHOP**



CORUNNA LANE




PARRAMATTA RD

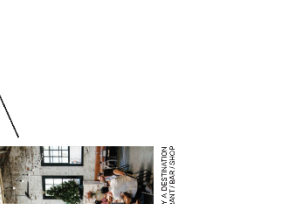
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**COURTYARD REFERENCE IMAGE**



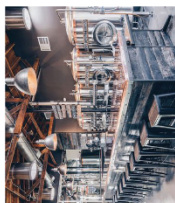
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**OTHER STAIRS REFERENCE IMAGE**



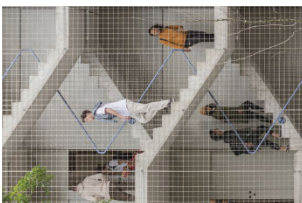
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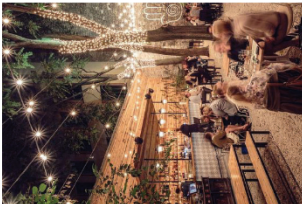
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**OTHER STAIRS REFERENCE IMAGE**



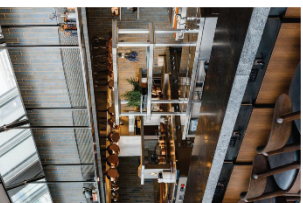
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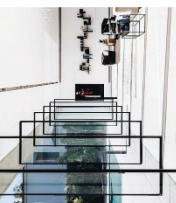
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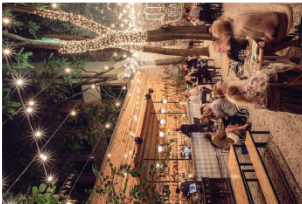
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**OTHER STAIRS REFERENCE IMAGE**



**COURTYARD REFERENCE IMAGE**



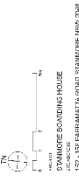
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 CHECKED BY: [Name]  
 PROJECT: [Name]  
 SHEET: [Name]

REVISION NO. / DESCRIPTION / DATE  
 01 / [Description] / [Date]

**FUSE**  
 ARCHITECTURE & INTERIOR DESIGN  
 127 - 131 PARRAMATTA ROAD STAMFORD NEW 2014  
 TEL: 02 9610 1234  
 WWW.FUSEARCHITECTURE.COM.AU



PROJECT NAME: [Name]  
 PROJECT NO: [Name]  
 SHEET NO: [Name]  
 DATE: [Date]  
 SCALE: [Scale]  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]



PROJECT NAME: FUSE  
 PROJECT ADDRESS: 111-113 PARLAMATTA ROAD, SYDNEY NSW 1585  
 PROJECT TYPE: COMMERCIAL/RESIDENTIAL  
 PROJECT STATUS: PRELIMINARY DESIGN  
 PROJECT CONTACT: JESSICA HARRISON  
 PROJECT PHONE: 02 9550 1234  
 PROJECT EMAIL: JESSICA.HARRISON@FUSE.COM.AU  
 PROJECT WEBSITE: WWW.FUSE.COM.AU  
 PROJECT REFERENCE: 15/00000-00000-00000-00000-00000  
 PROJECT DATE: 15/08/2017

DESIGNED BY: FUSE  
 DRAWN BY: JESSICA HARRISON  
 DATE: 15/08/2017

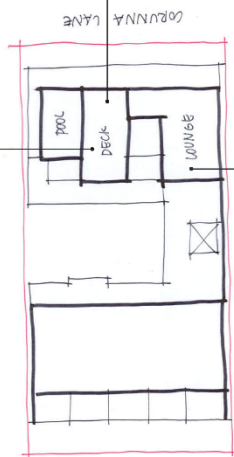
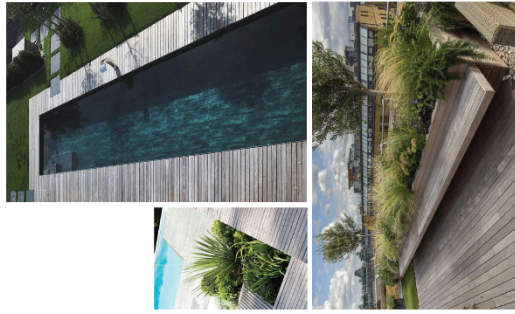
**FUSE**  
 FUSION OF USES  
 COMMERCIAL/RESIDENTIAL  
 111-113 PARLAMATTA ROAD, SYDNEY NSW 1585  
 PROJECT CONTACT: JESSICA HARRISON  
 PROJECT PHONE: 02 9550 1234  
 PROJECT EMAIL: JESSICA.HARRISON@FUSE.COM.AU  
 PROJECT WEBSITE: WWW.FUSE.COM.AU  
 PROJECT REFERENCE: 15/00000-00000-00000-00000-00000



PROJECT REFERENCE: 15/00000-00000-00000-00000-00000  
 PROJECT STATUS: PRELIMINARY DESIGN  
 PROJECT DATE: 15/08/2017

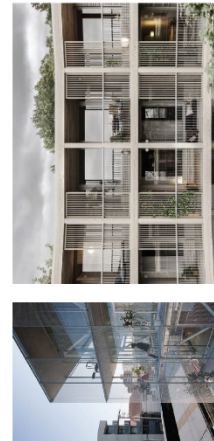
PROJECT CONTACT: JESSICA HARRISON  
 PROJECT PHONE: 02 9550 1234  
 PROJECT EMAIL: JESSICA.HARRISON@FUSE.COM.AU  
 PROJECT WEBSITE: WWW.FUSE.COM.AU  
 PROJECT REFERENCE: 15/00000-00000-00000-00000-00000

PROJECT DATE: 15/08/2017  
 PROJECT STATUS: PRELIMINARY DESIGN  
 PROJECT CONTACT: JESSICA HARRISON  
 PROJECT PHONE: 02 9550 1234  
 PROJECT EMAIL: JESSICA.HARRISON@FUSE.COM.AU  
 PROJECT WEBSITE: WWW.FUSE.COM.AU  
 PROJECT REFERENCE: 15/00000-00000-00000-00000-00000



PROJECT: FUSE  
 PROJECT NO: 2017/161  
 PROJECT ADDRESS: 30-32 WALKER STREET, NEWCASTLE  
 PROJECT TYPE: MULTI-UNIT RESIDENTIAL DEVELOPMENT  
 PREPARED BY: ARCHITECTURE  
 DATE: 15/11/17

**REMARKS:**  
 MULTI-UNIT RESIDENTIAL DEVELOPMENT WITH COLORFUL ARTWORK.  
 THE PROJECT IS PROPOSED TO BE A HIGH QUALITY DEVELOPMENT FOR THE AREA.



PERMITTING PACKAGE



CONCEPT DESIGN SHEETS



CONCEPT DESIGN SHEETS

DATE: 15/11/17  
 DRAWN BY: ARCHITECTURE  
 CHECKED BY: ARCHITECTURE

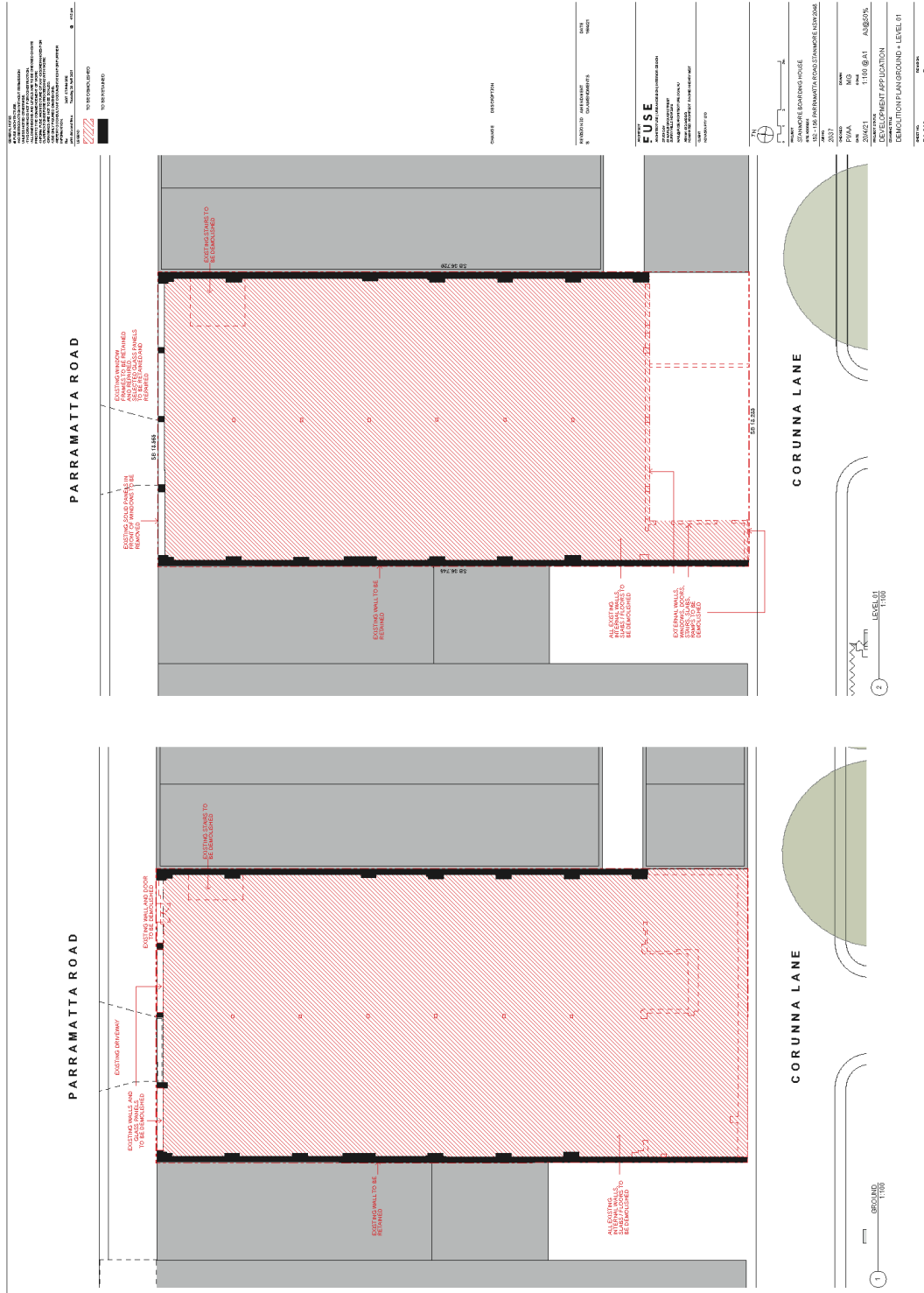
**FUSE**

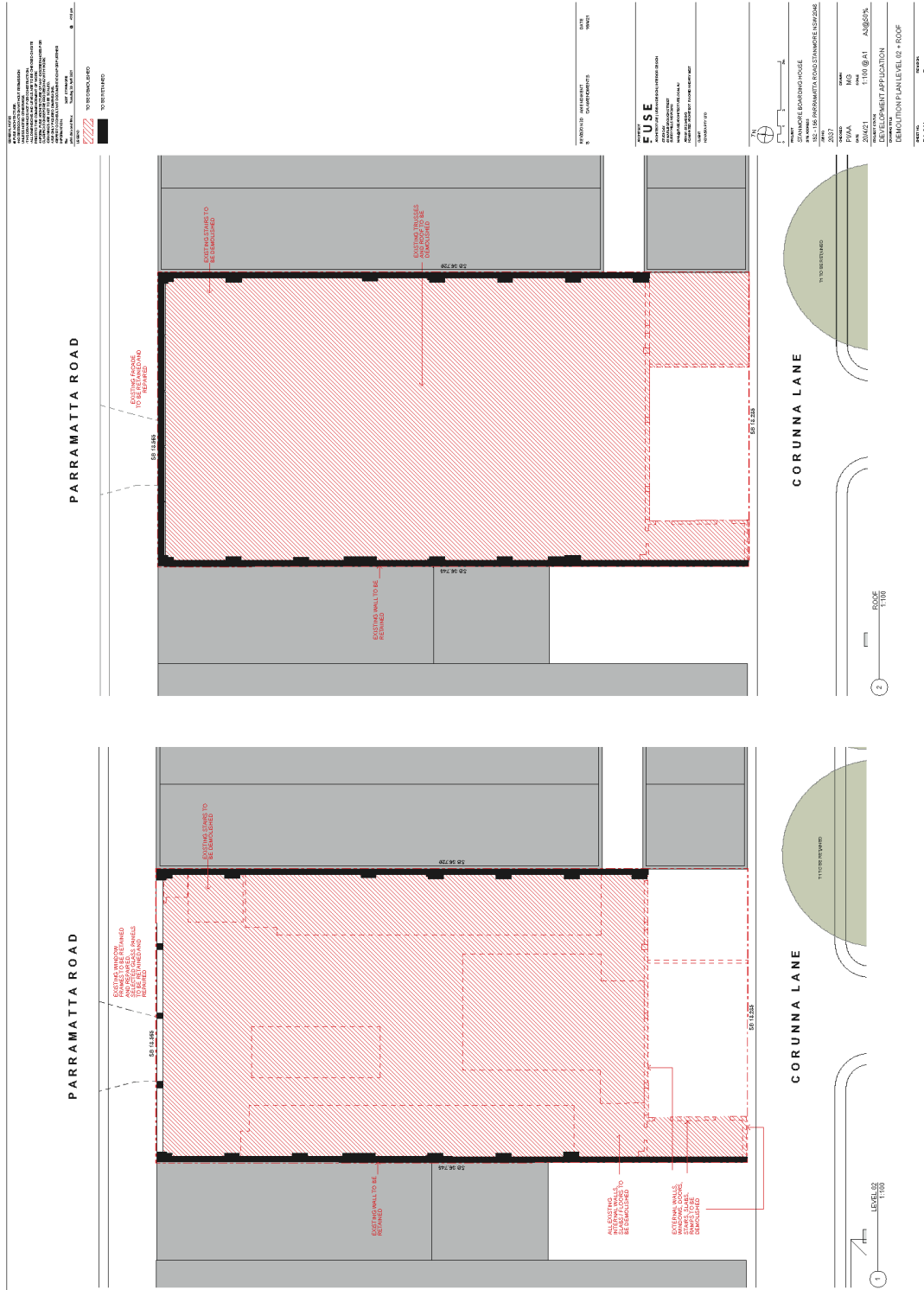
30-32 WALKER STREET, NEWCASTLE  
 PROJECT NO: 2017/161  
 PROJECT TYPE: MULTI-UNIT RESIDENTIAL DEVELOPMENT



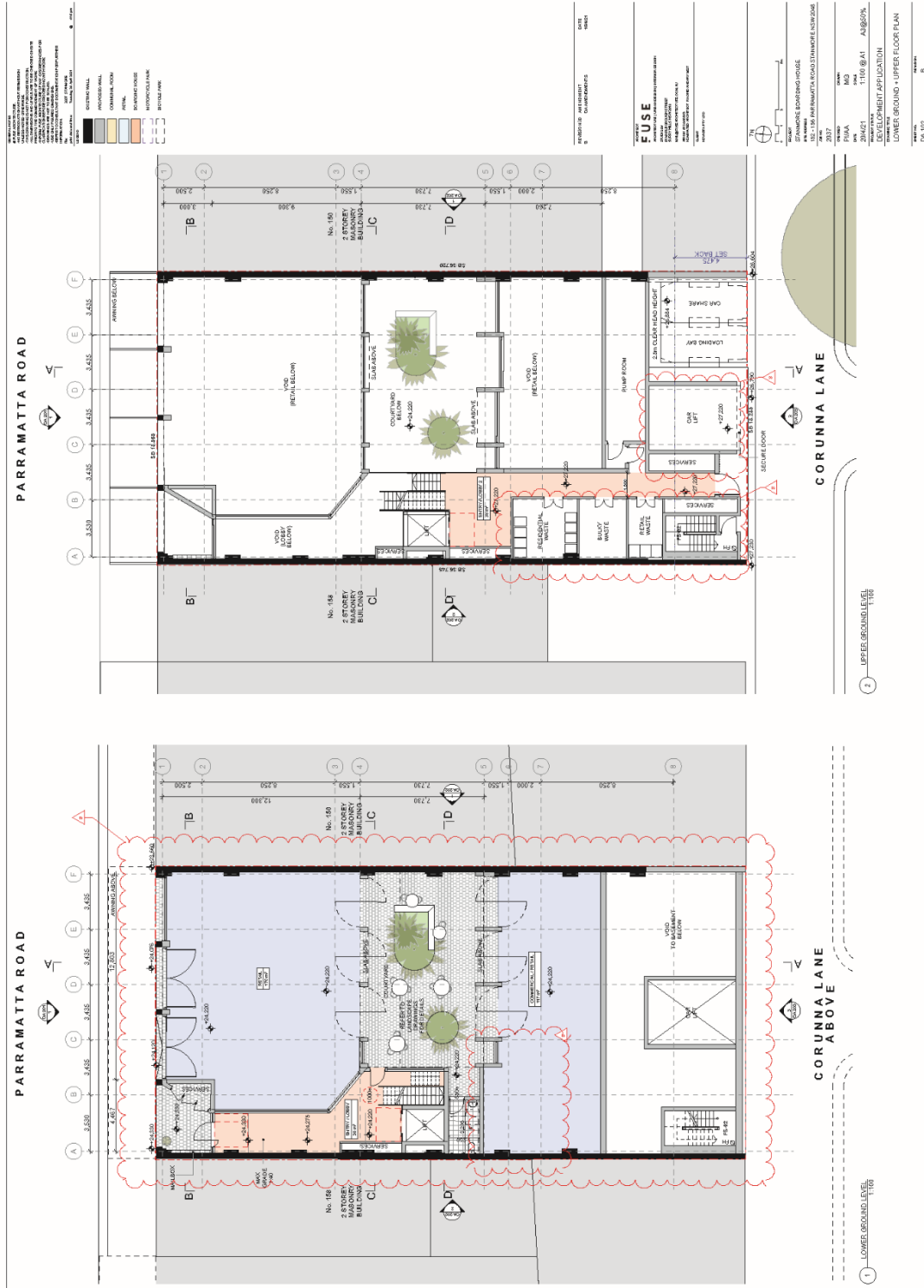
PROJECT NO: 2017/161  
 PROJECT ADDRESS: 30-32 WALKER STREET, NEWCASTLE  
 PROJECT TYPE: MULTI-UNIT RESIDENTIAL DEVELOPMENT

DATE: 15/11/17  
 DRAWN BY: ARCHITECTURE  
 CHECKED BY: ARCHITECTURE  
 DEVELOPMENT APPLICATION NO: 2017/161  
 CONCEPT DESIGN SHEETS  
 DRAWN BY: DAVID B









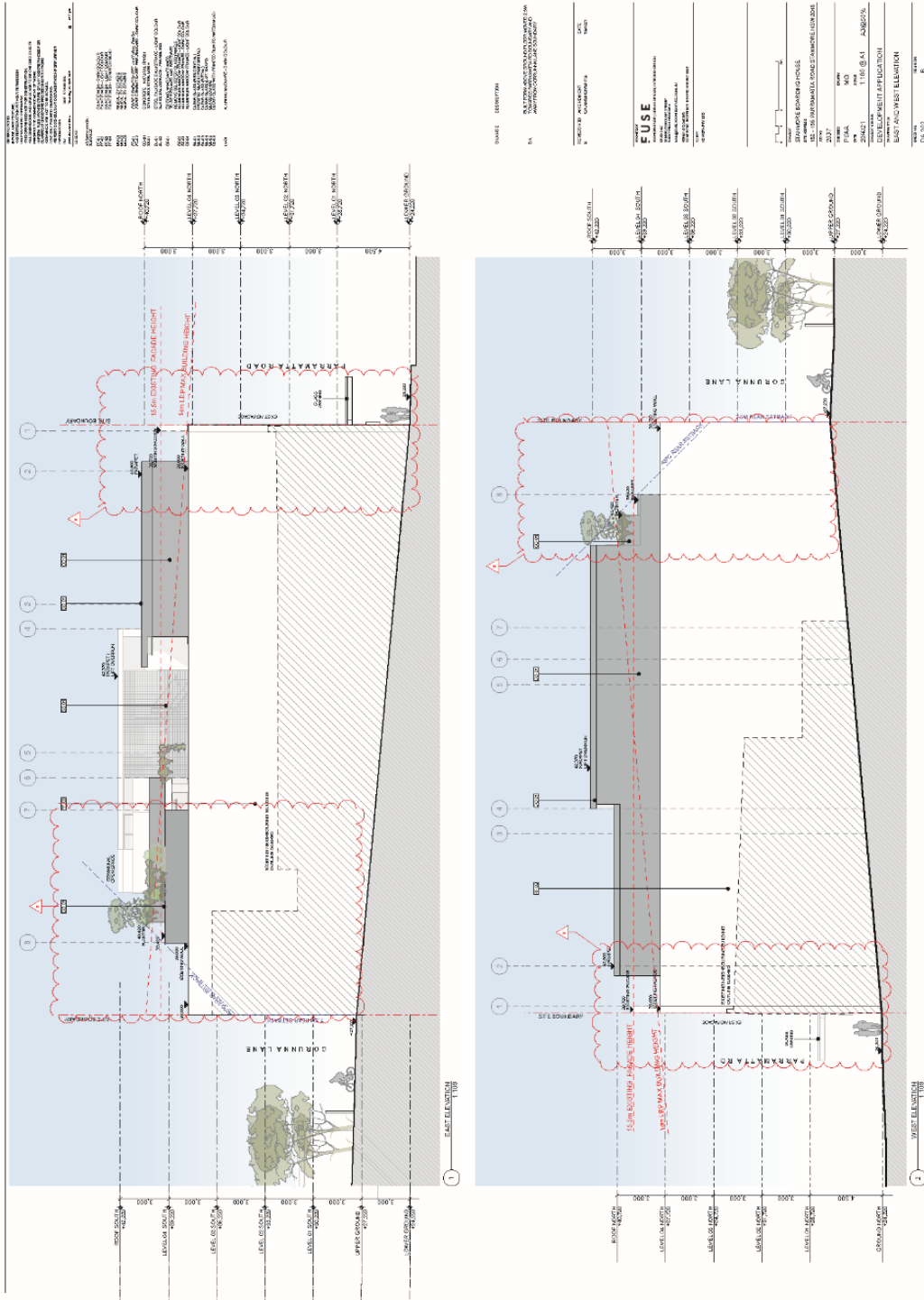


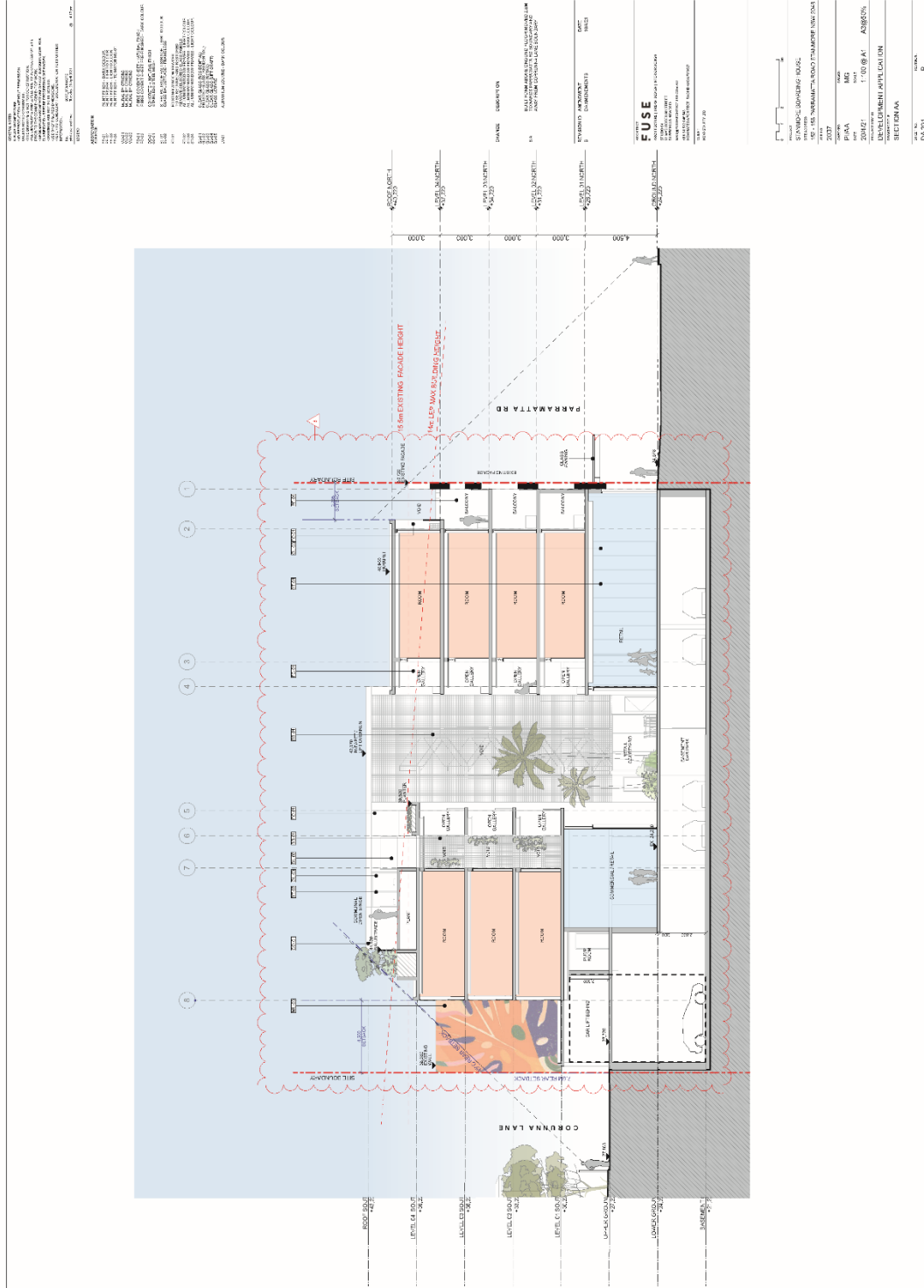




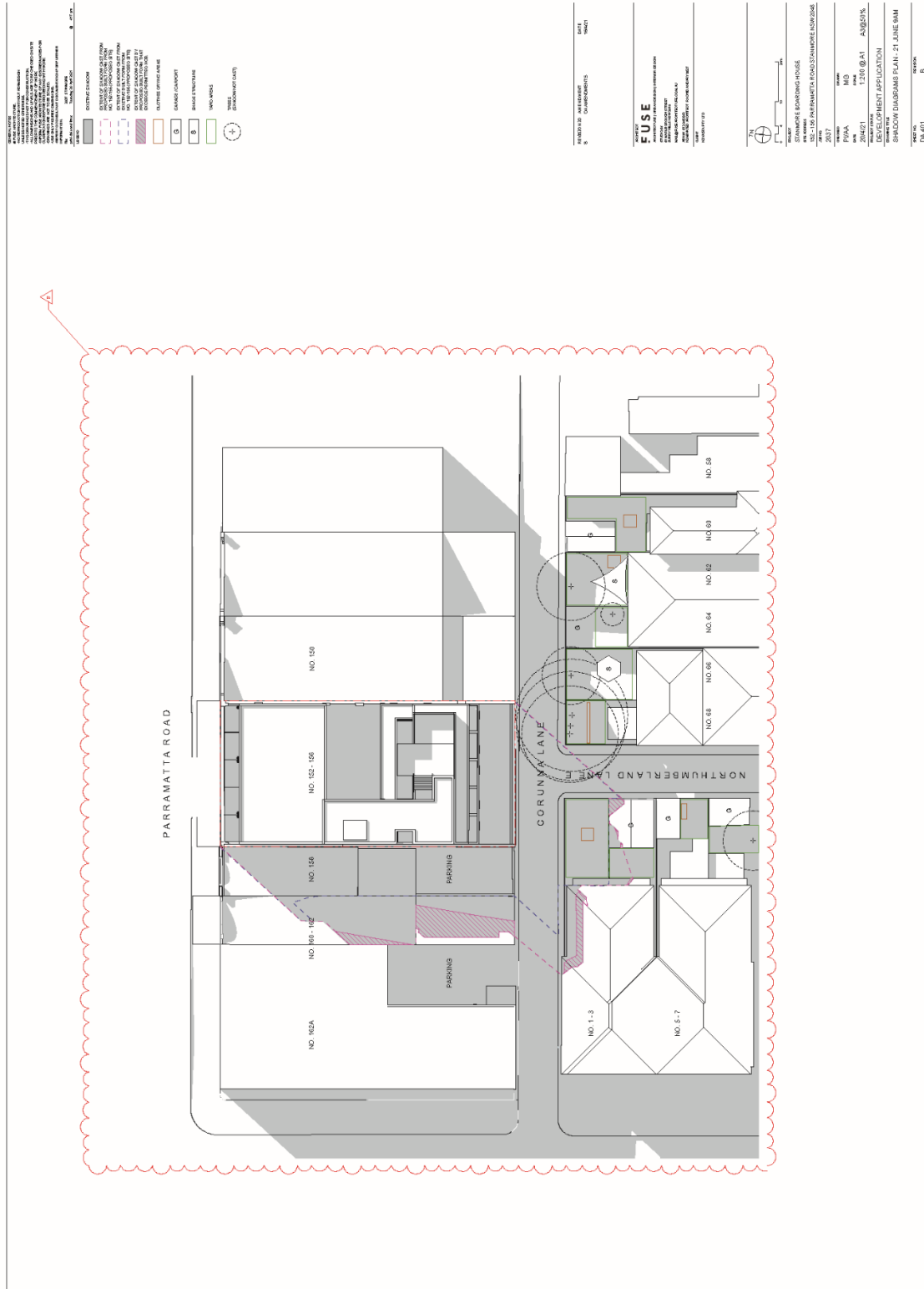




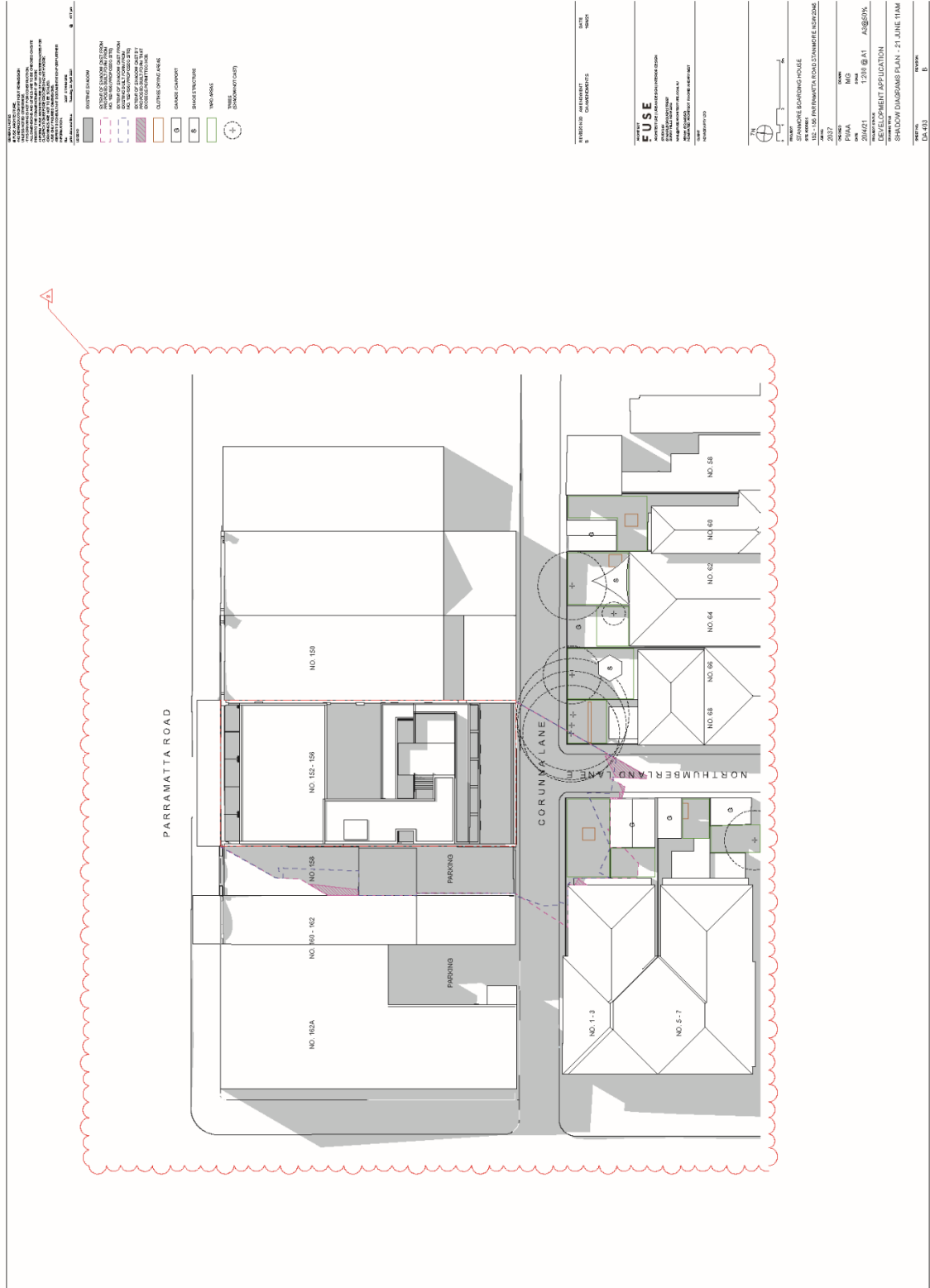






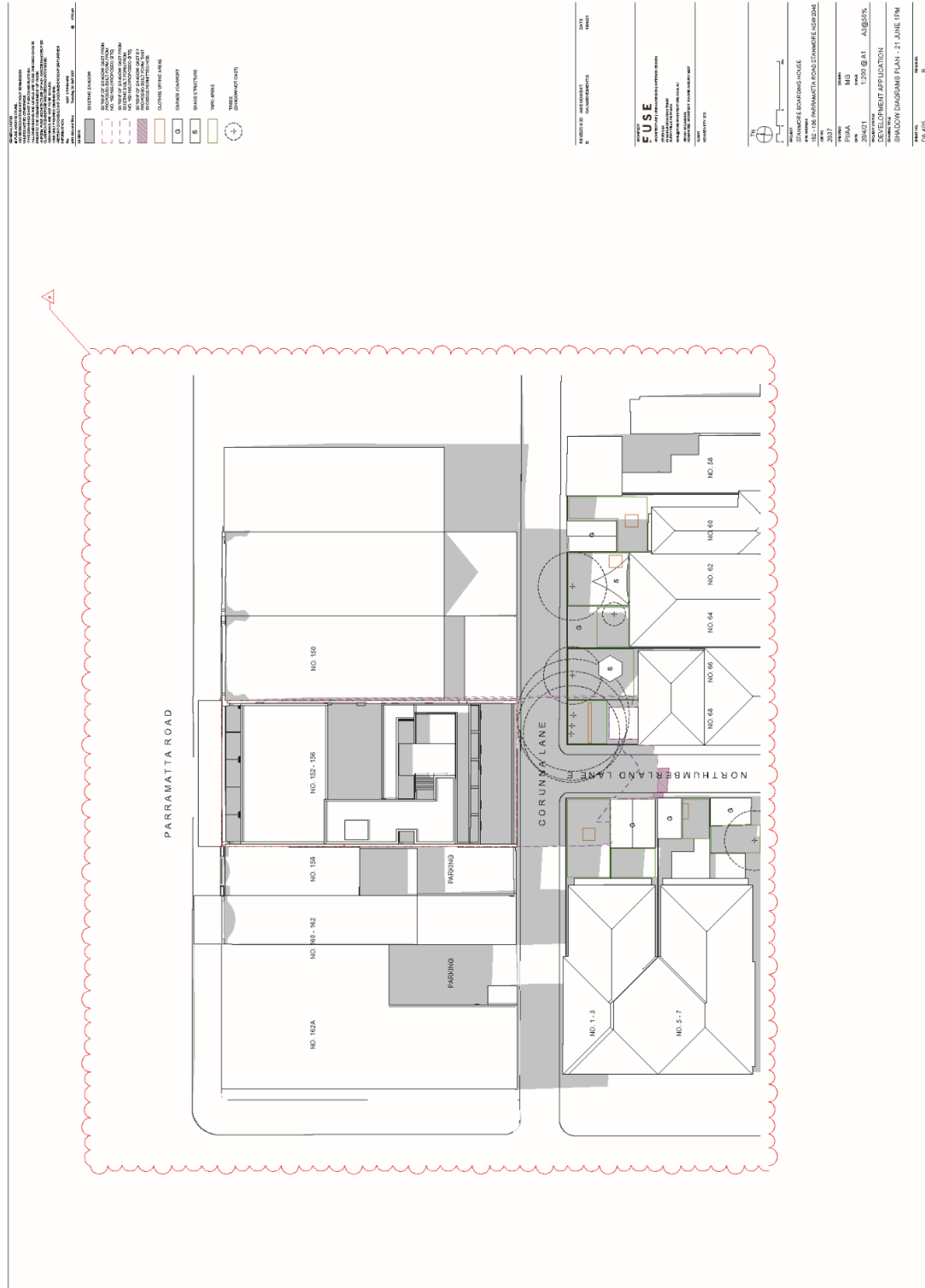






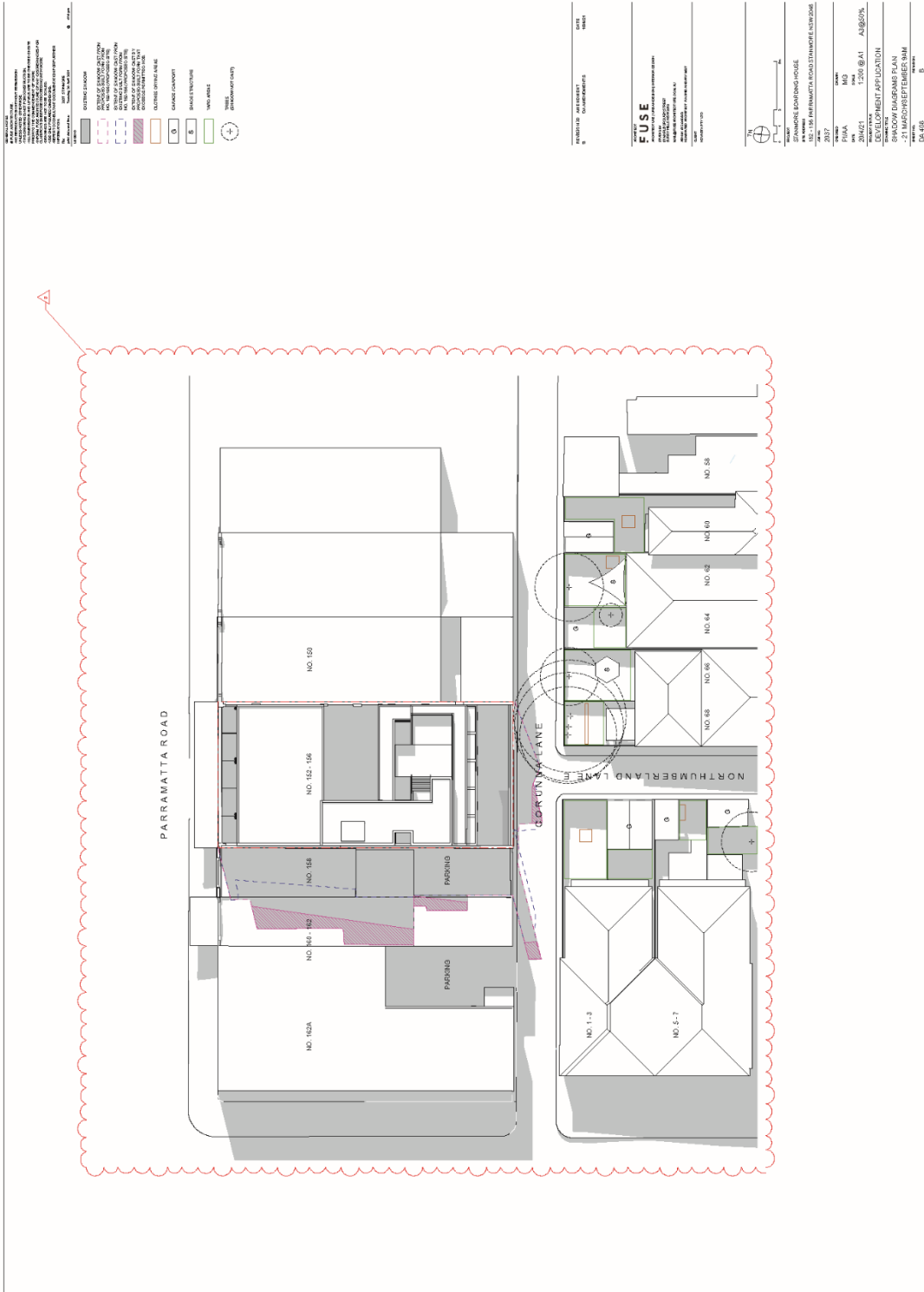




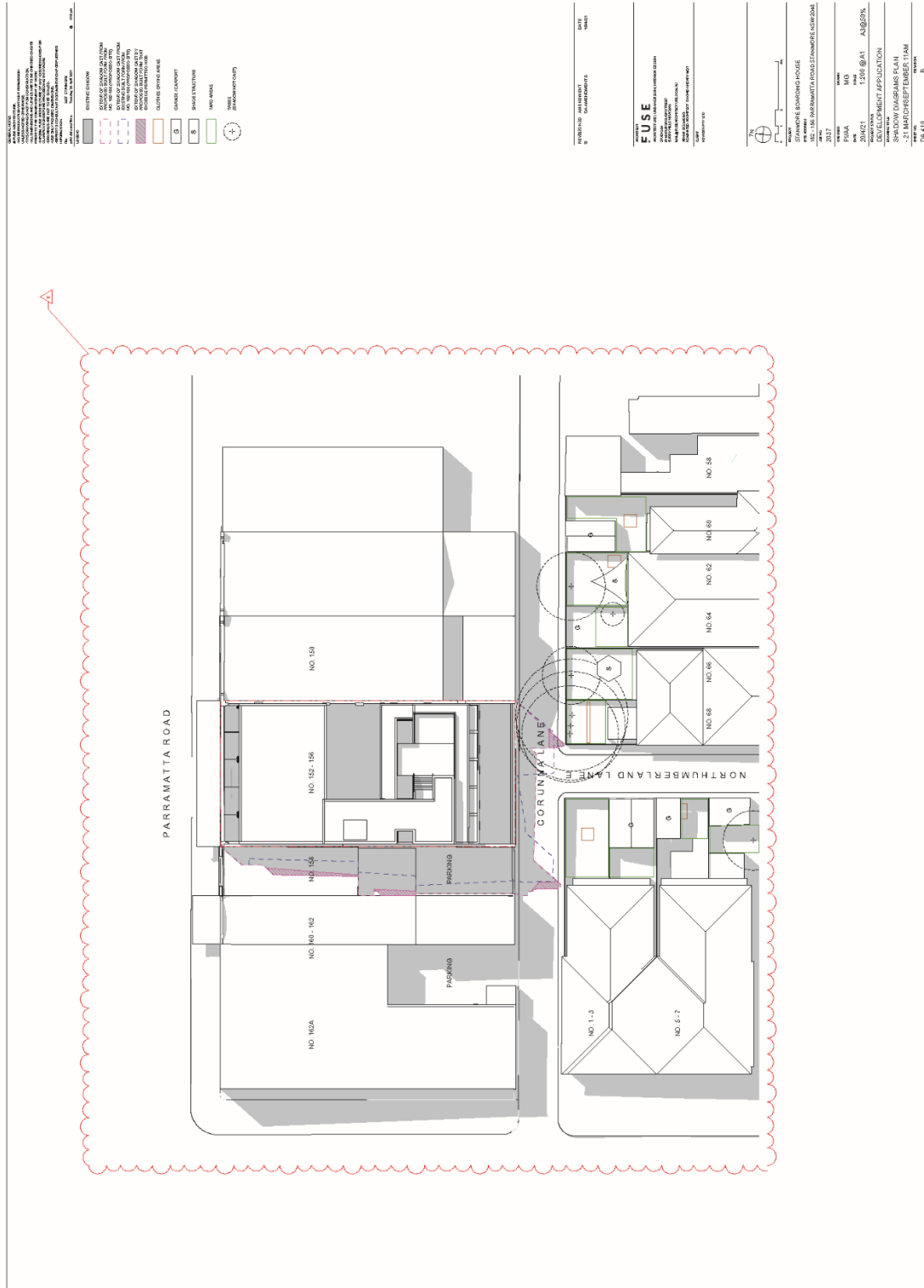


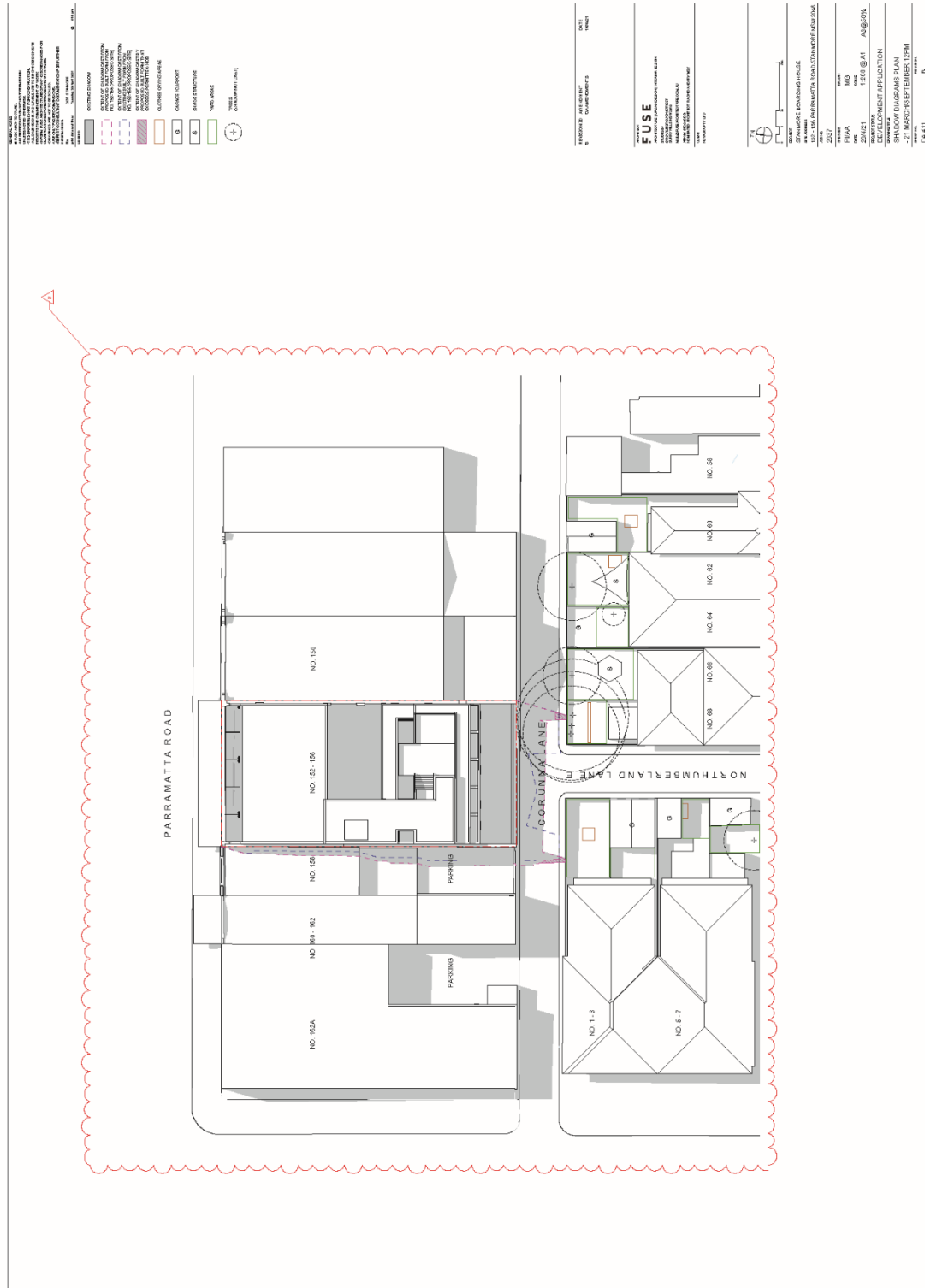












**LEGEND**

- EXISTING CURBLINE
- PROPOSED CURBLINE
- EXISTING DRIVEWAY
- PROPOSED DRIVEWAY
- EXISTING ROADSIDE FOOTPATH
- PROPOSED ROADSIDE FOOTPATH
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- EXISTING SIDEWALK
- PROPOSED SIDEWALK

**SYMBOLS**

- DRIVEWAY
- ROAD
- ROAD
- ROAD
- ROAD
- ROAD
- ROAD
- ROAD
- ROAD
- ROAD
- ROAD
- ROAD
- ROAD
- ROAD
- ROAD
- ROAD
- ROAD

**PROJECT INFORMATION**

PROJECT NAME: FUSE

PROJECT ADDRESS: 1-168 @ A1

PROJECT SUBMISSION DATE: 21 MARCH 2018

PROJECT PREPARED BY: [Name]

**DATE**

DATE: [Date]

**SCALE**

SCALE: 1:1000

**PROJECT OFFICE**

PROJECT OFFICE: [Address]

**PROJECT OFFICER**

PROJECT OFFICER: [Name]

**PROJECT CONTACT**

PROJECT CONTACT: [Phone Number]

**PROJECT CONTACT**

PROJECT CONTACT: [Email Address]

**PROJECT CONTACT**

PROJECT CONTACT: [Address]

**PROJECT CONTACT**

PROJECT CONTACT: [Address]









<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>EXISTING SHADOW</li> <li>PROPOSED SHADOW</li> <li>EXISTING BUILDING FOOTPRINT</li> <li>PROPOSED BUILDING FOOTPRINT</li> <li>EXISTING DRIVEWAY</li> <li>PROPOSED DRIVEWAY</li> <li>EXISTING DRIVEWAY WIDTH</li> <li>PROPOSED DRIVEWAY WIDTH</li> <li>EXISTING SIDEWALK</li> <li>PROPOSED SIDEWALK</li> </ul> <p><b>PLANES</b></p> <ul style="list-style-type: none"> <li>K - KITCHEN</li> <li>L - LIVING/DINING</li> <li>B - BEDROOM</li> <li>BA - BATHROOM/LAUNDRY</li> <li>ST - STORAGE/COMMERCIAL</li> <li>C - COMMERCIAL</li> </ul>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"><b>PROJECT</b></td> <td><b>FUSE</b></td> </tr> <tr> <td><b>PROJECT TYPE</b></td> <td>RESIDENTIAL/COMMERCIAL DEVELOPMENT</td> </tr> <tr> <td><b>PROJECT ADDRESS</b></td> <td>25/27-29/421 PARRAMATTA ROAD, PARRAMATTA NSW 2150</td> </tr> <tr> <td><b>PROJECT OWNER</b></td> <td>FUSE DEVELOPMENT PTY LTD</td> </tr> <tr> <td><b>DATE</b></td> <td>NOV 2021</td> </tr> </table>	<b>PROJECT</b>	<b>FUSE</b>	<b>PROJECT TYPE</b>	RESIDENTIAL/COMMERCIAL DEVELOPMENT	<b>PROJECT ADDRESS</b>	25/27-29/421 PARRAMATTA ROAD, PARRAMATTA NSW 2150	<b>PROJECT OWNER</b>	FUSE DEVELOPMENT PTY LTD	<b>DATE</b>	NOV 2021
<b>PROJECT</b>	<b>FUSE</b>										
<b>PROJECT TYPE</b>	RESIDENTIAL/COMMERCIAL DEVELOPMENT										
<b>PROJECT ADDRESS</b>	25/27-29/421 PARRAMATTA ROAD, PARRAMATTA NSW 2150										
<b>PROJECT OWNER</b>	FUSE DEVELOPMENT PTY LTD										
<b>DATE</b>	NOV 2021										
<p style="text-align: center;">1 9AM</p>	<p style="text-align: center;">2 10AM</p>										
<p style="text-align: center;">3 11AM</p>	<p style="text-align: center;">4 12PM</p>										



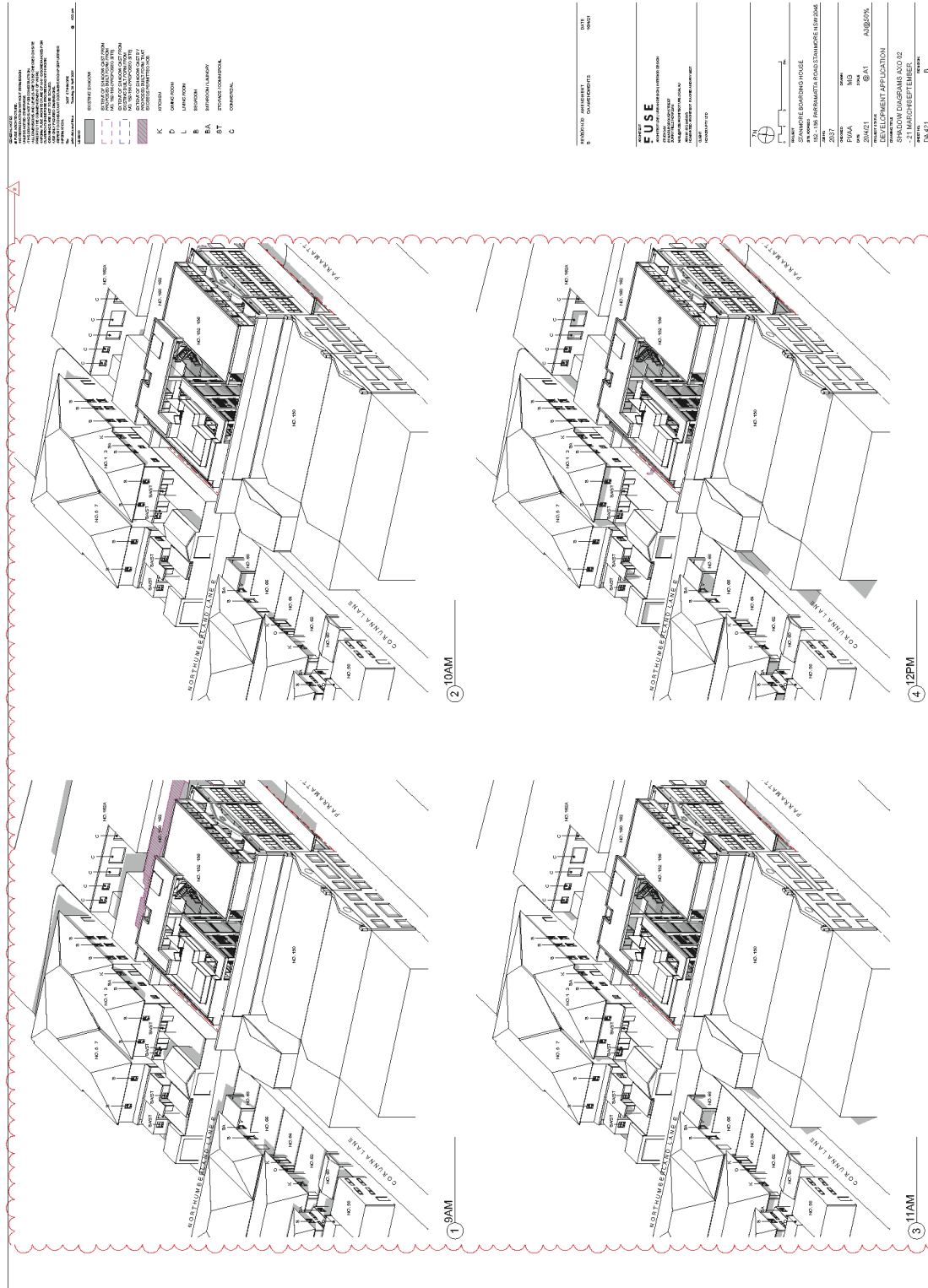












**LEGEND**

- EXISTING BUILDING
- EXISTING CONCRETE
- EXISTING MASONRY
- EXISTING GLASS
- EXISTING ROOF
- EXISTING FLOOR
- EXISTING WALL
- EXISTING CEILING
- EXISTING STAIR
- EXISTING ELEVATOR
- EXISTING MECHANICAL
- EXISTING ELECTRICAL
- EXISTING PLUMBING
- EXISTING HVAC
- EXISTING LIGHTING
- EXISTING FINISH
- EXISTING LANDSCAPE
- EXISTING SITEWORK
- EXISTING UTILITIES
- EXISTING INFRASTRUCTURE
- EXISTING SERVICES
- EXISTING UTILITIES
- EXISTING INFRASTRUCTURE
- EXISTING SERVICES

**SECTION 1**

**SECTION 2**

**SECTION 3**

**PROJECT INFORMATION**

**PROJECT NAME:** FUSE

**CLIENT:** [REDACTED]

**ARCHITECT:** [REDACTED]

**ENGINEER:** [REDACTED]

**DATE:** [REDACTED]

**SCALE:** [REDACTED]

**PROJECT ADDRESS:** [REDACTED]

**PROJECT REFERENCE:** [REDACTED]

**PROJECT NUMBER:** [REDACTED]

**PROJECT DATE:** [REDACTED]

**PROJECT STATUS:** [REDACTED]

**PROJECT LOCATION:** [REDACTED]

**PROJECT ZONING:** [REDACTED]

**PROJECT DESCRIPTION:** [REDACTED]

**PROJECT CONTACT:** [REDACTED]

**PROJECT PHONE:** [REDACTED]

**PROJECT EMAIL:** [REDACTED]

**PROJECT WEBSITE:** [REDACTED]

**PROJECT SOCIAL MEDIA:** [REDACTED]

**PROJECT MAP:** [REDACTED]

**PROJECT AERIAL:** [REDACTED]

**PROJECT STREET VIEW:** [REDACTED]

**PROJECT 3D RENDER:** [REDACTED]

**PROJECT VIDEO:** [REDACTED]

**PROJECT PHOTO:** [REDACTED]

**PROJECT DOCUMENT:** [REDACTED]

**PROJECT FILE:** [REDACTED]

**PROJECT FOLDER:** [REDACTED]

**PROJECT DRIVE:** [REDACTED]

**PROJECT SERVER:** [REDACTED]

**PROJECT CLOUD:** [REDACTED]

**PROJECT BACKUP:** [REDACTED]

**PROJECT SECURITY:** [REDACTED]

**PROJECT ACCESS:** [REDACTED]

**PROJECT PERMISSION:** [REDACTED]

**PROJECT SHARING:** [REDACTED]

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**PROJECT ADDRESS:** [REDACTED]

**PROJECT COORDINATE:** [REDACTED]

**PROJECT ELEVATION:** [REDACTED]

**PROJECT DISTANCE:** [REDACTED]

**PROJECT DIRECTION:** [REDACTED]

**PROJECT VELOCITY:** [REDACTED]

**PROJECT ACCELERATION:** [REDACTED]

**PROJECT FORCE:** [REDACTED]

**PROJECT ENERGY:** [REDACTED]

**PROJECT POWER:** [REDACTED]

**PROJECT CURRENT:** [REDACTED]

**PROJECT VOLTAGE:** [REDACTED]

**PROJECT RESISTANCE:** [REDACTED]

**PROJECT CAPACITANCE:** [REDACTED]

**PROJECT INDUCTANCE:** [REDACTED]

**PROJECT FREQUENCY:** [REDACTED]

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**PROJECT AMPLITUDE:** [REDACTED]

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**PROJECT POWER:** [REDACTED]

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**PROJECT FREQUENCY:** [REDACTED]

**PROJECT PERIOD:** [REDACTED]

**PROJECT PHASE:** [REDACTED]

**PROJECT AMPLITUDE:** [REDACTED]

**PROJECT WAVELENGTH:** [REDACTED]

**REVISIONS**

NO. DATE BY

1 21/06/2017 [Name] [Initials]

2 21/06/2017 [Name] [Initials]

3 21/06/2017 [Name] [Initials]

4 21/06/2017 [Name] [Initials]

**PROJECT INFORMATION**

PROJECT NAME: [Name]

CLIENT: [Name]

ADDRESS: [Address]

DATE: [Date]

SCALE: [Scale]

DRAWN BY: [Name]

CHECKED BY: [Name]

DATE: [Date]

1 JUNE 21 - 9AM

2 JUNE 21 - 10AM

3 JUNE 21 - 11AM

4 JUNE 21 - 12PM

**LEGEND**

SHADING TO INDICATE DISTANCE

SHADING TO INDICATE DISTANCE

**PROJECT INFORMATION**

**PROJECT NAME:** FUSE  
**PROJECT ADDRESS:** 100-102 (PARTIAL) DANKS ST ANNANDALE NSW 2037  
**PROJECT TYPE:** COMMERCIAL  
**PROJECT DESCRIPTION:** COMMERCIAL DEVELOPMENT  
**PROJECT OWNER:** FUSE  
**PROJECT CONTACT:** FUSE  
**PROJECT CONTACT PHONE:** 02 9550 1000  
**PROJECT CONTACT EMAIL:** info@fuse.com.au

**PROJECT LOCATION**

**PROJECT LOCATION:** ANNANDALE NSW  
**PROJECT COORDINATES:** 33.851111, 151.211111  
**PROJECT REFERENCE:** 100-102 (PARTIAL) DANKS ST ANNANDALE NSW 2037  
**PROJECT REFERENCE:** 100-102 (PARTIAL) DANKS ST ANNANDALE NSW 2037  
**PROJECT REFERENCE:** 100-102 (PARTIAL) DANKS ST ANNANDALE NSW 2037

**1** JUNE 21 - 1PM

**2** JUNE 21 - 2PM

**3** JUNE 21 - 3PM

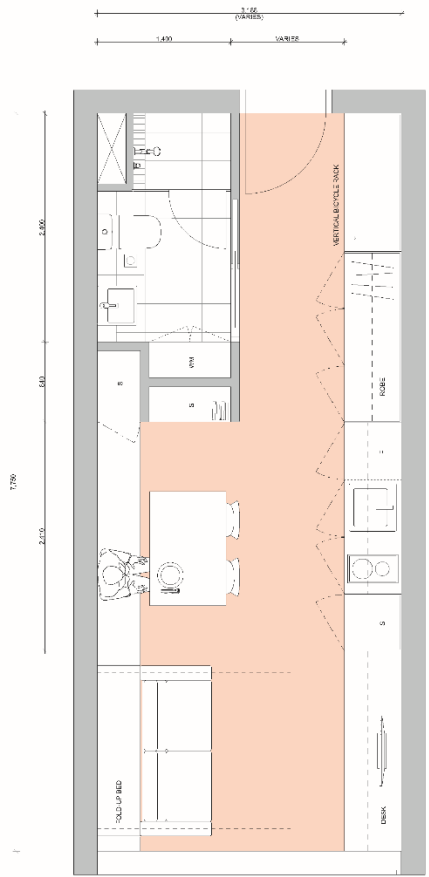
**LEGEND**

SOLAR PANELS  
 SOLAR PANELS  
 SOLAR PANELS





MR J. MULLIGAN  
 10/100 WILSON STREET  
 SYDNEY NSW 1570  
 TEL: 02 9550 2222  
 FAX: 02 9550 2223  
 WWW.MULLIGANARCHITECTS.COM.AU  
 U.T.I.1  
 UNIT 11 - DAY MODE (SOFA)  
 UNIT 11 - NIGHT MODE (BED)  
 TYPICAL ROOM LAYOUT



UT1.1 - DAY MODE (SOFA)

DRAWING INFORMATION  
 TITLE: UNIT 11 - DAY MODE (SOFA)  
 DRAWN BY: J. MULLIGAN  
 CHECKED BY: J. MULLIGAN  
 DATE: 11/11/2017

REVISIONS  
 NO. DESCRIPTION  
 DATE  
 1.0

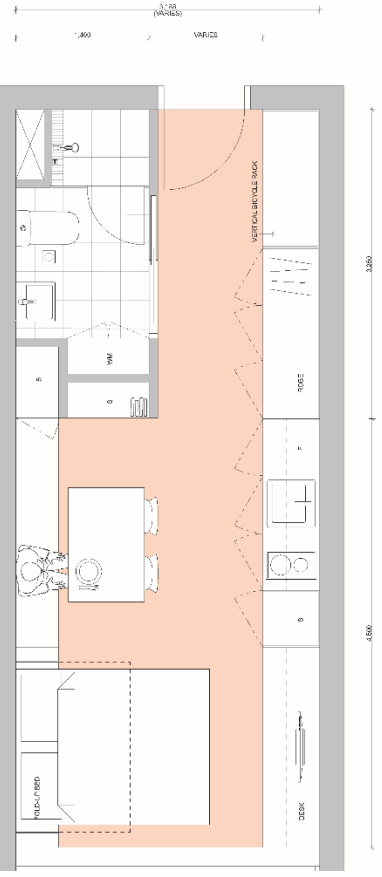
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 CLIENT: FUSE  
 ADDRESS: 10/100 WILSON STREET  
 SYDNEY NSW 1570  
 PROJECT NO: 10/100 WILSON STREET  
 DRAWING NO: 10/100 WILSON STREET

ARCHITECT INFORMATION  
 FIRM: MULLIGAN ARCHITECTS  
 ADDRESS: 10/100 WILSON STREET  
 SYDNEY NSW 1570  
 TEL: 02 9550 2222  
 FAX: 02 9550 2223  
 WWW.MULLIGANARCHITECTS.COM.AU

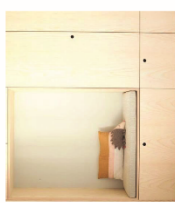
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 SYDNEY NSW 1570  
 PROJECT NO: 10/100 WILSON STREET  
 DRAWING NO: 10/100 WILSON STREET

PROJECT INFORMATION  
 PROJECT NAME: FUSE  
 CLIENT: FUSE  
 ADDRESS: 10/100 WILSON STREET  
 SYDNEY NSW 1570  
 PROJECT NO: 10/100 WILSON STREET  
 DRAWING NO: 10/100 WILSON STREET

ARCHITECT INFORMATION  
 FIRM: MULLIGAN ARCHITECTS  
 ADDRESS: 10/100 WILSON STREET  
 SYDNEY NSW 1570  
 TEL: 02 9550 2222  
 FAX: 02 9550 2223  
 WWW.MULLIGANARCHITECTS.COM.AU



UT1.1 - NIGHT MODE (BED)



FOLD-UP BED



ENTRY - BENCH SEAT



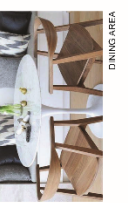
ENTRY - BICYCLE STORAGE



LAUNDRY



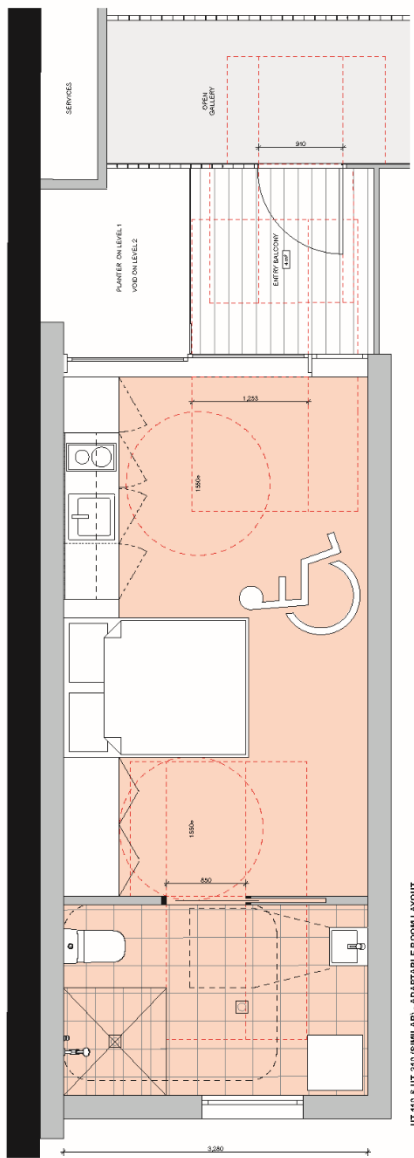
KITCHEN



DINING AREA



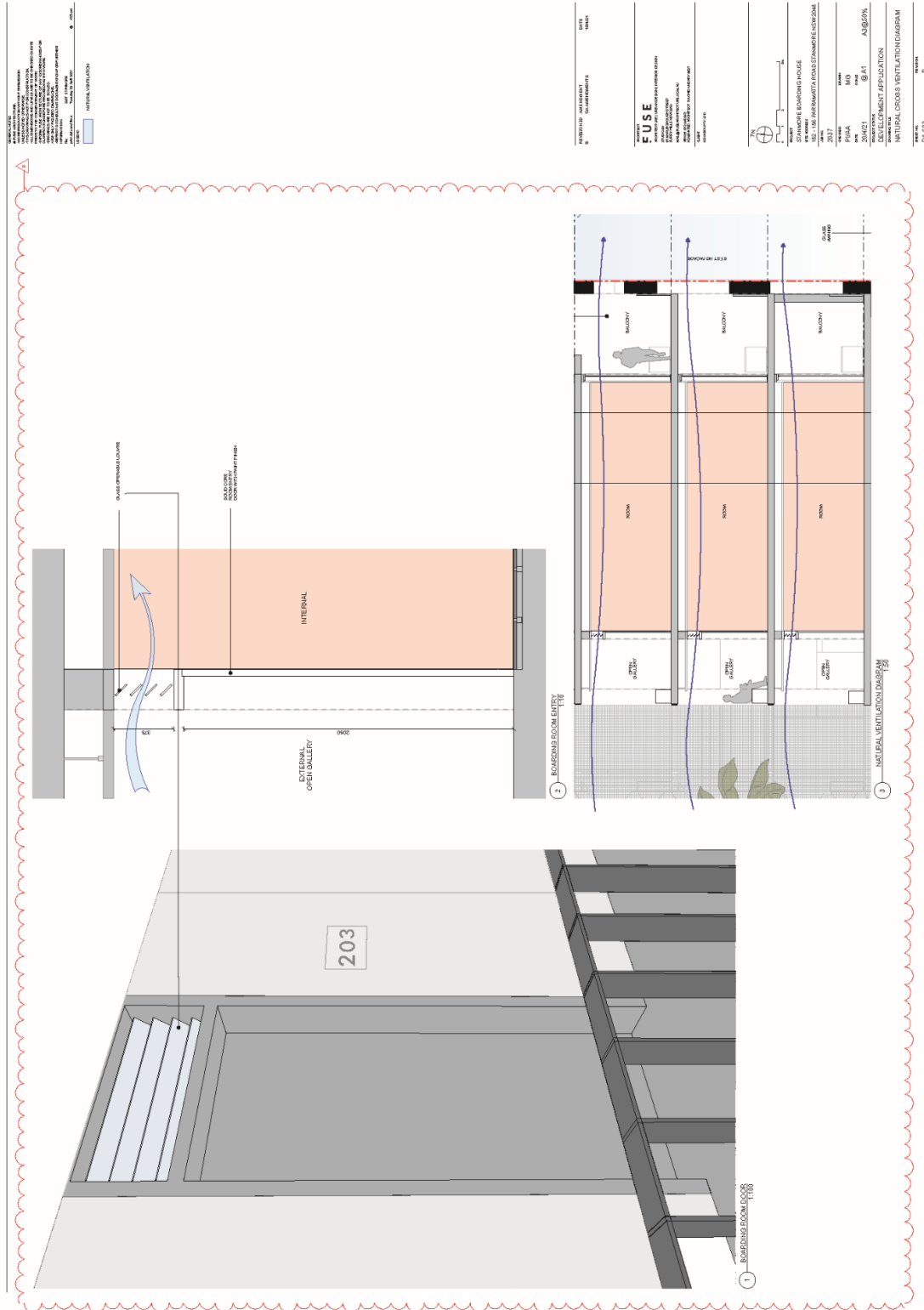
**UT1.2** (ADAPTATION) -  
 THE ADAPTED HOUSE  
 IS TO BE CONSIDERED AS A  
 SEPARATE DWELLING UNIT  
 WITH ITS OWN SERVICES  
 AND TO BE TREATED AS  
 A SEPARATE DWELLING UNIT  
 FOR THE PURPOSES OF  
 THIS APPLICATION.  
 THE ADAPTED HOUSE IS TO  
 BE CONSIDERED AS A  
 SEPARATE DWELLING UNIT  
 WITH ITS OWN SERVICES  
 AND TO BE TREATED AS  
 A SEPARATE DWELLING UNIT  
 FOR THE PURPOSES OF  
 THIS APPLICATION.



UT 110 & UT 210 (SIMILAR) - ADAPTABLE FLOOR LAYOUT

**CUSE**  
 CONCEPTUAL USE  
 THE CONCEPTUAL USE IS  
 TO BE CONSIDERED AS A  
 SEPARATE DWELLING UNIT  
 WITH ITS OWN SERVICES  
 AND TO BE TREATED AS  
 A SEPARATE DWELLING UNIT  
 FOR THE PURPOSES OF  
 THIS APPLICATION.

**UT 1.2**  
 (ADAPTATION) -  
 THE ADAPTED HOUSE  
 IS TO BE CONSIDERED AS  
 A SEPARATE DWELLING UNIT  
 WITH ITS OWN SERVICES  
 AND TO BE TREATED AS  
 A SEPARATE DWELLING UNIT  
 FOR THE PURPOSES OF  
 THIS APPLICATION.



**MATERIALS AND FINISHES SCHEDULE**  
 152 - 156 PARRAMATTA ROAD STAMMCRE NSW 2018

**FUSE-ARCHITECTS**  
 ARCHITECTURAL DESIGN AND INTERIOR DESIGN  
 27 WALTON ROAD, SYDNEY NSW 2010  
 TEL: 02 9550 1234  
 WWW.FUSE-ARCHITECTS.COM.AU

**PF-01** PAINT FINISH - DARK COLOUR  
**PF-02** PAINT FINISH - LIGHT COLOUR  
**PF-03** PAINT FINISH - LIGHT COLOUR  
**MU-01** MURAL BY OTHERS  
**MU-02** MURAL BY OTHERS  
**MU-03** MURAL BY OTHERS  
**MU-04** MURAL BY OTHERS  
**FC-01** FIBRE CEMENT SHEET (PRE-FINISHED) - DARK COLOUR  
**FC-02** FIBRE CEMENT SHEET (PRE-FINISHED) - DARK COLOUR  
**CO-01** CONCRETE - NATURAL FINISH  
**SS-01** STAINLESS STEEL MESH

**BL-01** STEEL BALUSTRADE - BRUSHED  
**BL-02** GLASS BALUSTRADE - FRAMELESS  
**ST-01** EXISTING WINDOW FRAMES TO BE RETAINED AND RESTORED; REMOVE SELECTED GLASS PANELS  
**ST-02** ALUMINUM WINDOW FRAMES - LIGHT COLOUR - FRONT & VOID FACADES  
**ST-03** ALUMINUM WINDOW FRAMES - LIGHT COLOUR - REAR FACADE  
**ST-04** ALUMINUM WINDOW FRAMES - LIGHT COLOUR - REAR FACADE  
**GL-01** CLEAR GLASS - RESIDENTIAL  
**GL-02** FROSTED GLASS - RESIDENTIAL  
**GL-03** CLEAR GLASS - LIFT SHUTT  
**GL-04** CLEAR GLASS - LIFT SHUTT  
**GL-05** ALUMINUM LOUVRE - DARK COLOUR  
**LV-01** ALUMINUM LOUVRE - DARK COLOUR

**PE-01** PAINT FINISH - DARK COLOUR  
**PE-02** PAINT FINISH - LIGHT COLOUR  
**PE-03** PAINT FINISH - LIGHT COLOUR  
**MU-01** MURAL BY OTHERS  
**MU-02** MURAL BY OTHERS  
**MU-03** MURAL BY OTHERS  
**MU-04** MURAL BY OTHERS  
**FC-01** FIBRE CEMENT SHEET (PRE-FINISHED) - DARK COLOUR  
**FC-02** FIBRE CEMENT SHEET (PRE-FINISHED) - DARK COLOUR  
**CO-01** CONCRETE - NATURAL FINISH  
**SS-01** STAINLESS STEEL MESH

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**ST-04** ALUMINUM WINDOW FRAMES - LIGHT COLOUR - REAR FACADE  
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**GL-02** FROSTED GLASS - RESIDENTIAL  
**GL-03** CLEAR GLASS - LIFT SHUTT  
**GL-04** CLEAR GLASS - LIFT SHUTT  
**GL-05** ALUMINUM LOUVRE - DARK COLOUR  
**LV-01** ALUMINUM LOUVRE - DARK COLOUR

**CDM SMITH**  
 127 RIVERVIEW DRIVE  
 NORTH SYDNEY NSW 1585  
 TEL: 0025 104 000  
 WWW.CDMSMITH.COM.AU  
 CD00000178 - 101 PARAMOUNT RD, NEWCASTLE  
 2057  
 DATE: 12/05/2017  
 TIME: 10:51 AM  
 DRAWING NO: 101-101-2017-01



**PROPOSAL:** RESIDENTIAL  
**PROJECT NO:** 2017/0201  
**PROPOSAL NO:** 101-101-2017-01  
**CLIENT:** CDM SMITH  
**DATE:** 12/05/2017  
**TIME:** 10:51 AM  
**PROJECT:** 101 PARAMOUNT RD, NEWCASTLE  
**2057**

**NAME:** STEWARD BUILDING UNIT  
**USE:** 101 PARAMOUNT RD, NEWCASTLE NSW 2057  
**2057**  
**DATE:** 12/05/2017  
**TIME:** 10:51 AM  
**PROJECT:** 101 PARAMOUNT RD, NEWCASTLE  
**2057**  
**CLIENT:** CDM SMITH  
**DATE:** 12/05/2017  
**TIME:** 10:51 AM  
**PROJECT:** 101 PARAMOUNT RD, NEWCASTLE  
**2057**



1. The proposed development is consistent with the objectives of the Inner West Local Planning Panel.
   
2. The proposed development is consistent with the objectives of the Inner West Local Planning Panel.
   
3. The proposed development is consistent with the objectives of the Inner West Local Planning Panel.
   
4. The proposed development is consistent with the objectives of the Inner West Local Planning Panel.
   
5. The proposed development is consistent with the objectives of the Inner West Local Planning Panel.
   
6. The proposed development is consistent with the objectives of the Inner West Local Planning Panel.
   
7. The proposed development is consistent with the objectives of the Inner West Local Planning Panel.
   
8. The proposed development is consistent with the objectives of the Inner West Local Planning Panel.
   
9. The proposed development is consistent with the objectives of the Inner West Local Planning Panel.
   
10. The proposed development is consistent with the objectives of the Inner West Local Planning Panel.

PROJECT: **WINDMILLS** DATE: **15/04/2017**
  
 PREPARED BY: **ARCHITECTURE**

**PROJECT FUSE**
  
 PROJECT: **WINDMILLS**
  
 ADDRESS: **100-110 PARRAMATTA ROAD, SYDNEY NSW 1585**
  
 CLIENT: **ARCHITECTURE**
  
 DATE: **15/04/2017**

TITLE: **STRONGER BELONGING HOME**
  
 PROJECT: **100-110 PARRAMATTA ROAD, SYDNEY NSW 1585**
  
 DATE: **2017**
  
 DRAWING NO: **01**
  
 SCALE: **1:500**
  
 AUTHOR: **ARCHITECTURE**
  
 DEVELOPMENT APPLICATION: **PERFECTIVE (2) COURTYARD**
  
 DRAWING NO: **DA 1502**

## Attachment C- Legal advice submitted by applicant



20 April 2021

Fuse Architecture  
Studio 64  
61 Marlborough St  
SURRY HILLS NSW 2010

**By Email:** [alain@fusearchitects.com.au](mailto:alain@fusearchitects.com.au)

Dear Alain

**Mills Oakley**  
ABN: 51 493 069 734

Your ref:  
Our ref: MDSS/SZBS/3511923

All correspondence to:  
PO Box H316  
AUSTRALIA SQUARE NSW 1215  
DX 13025 Sydney Market Street

**Contact**  
Shiv Bhargava +61 2 8289 5884  
Email: [sbhargavamillsOakley.com.au](mailto:sbhargavamillsOakley.com.au)  
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**Partner**  
Matt Sonter +61 2 8035 7850  
Email: [msonter@millsOakley.com.au](mailto:msonter@millsOakley.com.au)

**Advice re permissibility and FSR bonus pursuant to *State Environmental Planning Policy (affordable Rental Housing) 2009***  
**Property: 152-156 Parramatta Road Stanmore NSW 2048**  
**Development Application No. DA 2020/1146**

We refer to the above property and your request to provide advice in relation to the permissibility of the proposed development. Specifically, you have asked us to advise on whether the proposed development benefits from the 'bonus' floor space ratio provisions contained within the cl 29(c)(i) of *State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH)*. In providing this advice you have also requested that we consider whether the proposed development is permissible in the absence of a cl 4.6 request for any development standard.

#### Summary advice

In our view, based upon a review of the development application details, relevant planning controls and consideration by Land and Environment Court and Court of Appeal in relation to the principles of statutory interpretation which apply, we advise as follows:

- The proposed development benefits from the 'bonus' FSR provision contained in cl 29(c)(i) of SEPP ARH.
- The residential component of a shop top housing development is a 'residential flat building' within the meaning SEPP ARH - being a building (or part of a building) containing 3 or more dwellings and accordingly, satisfies the requirement for the bonus in cl 29(c)(i).
- The proper construction of the definition of *shop top housing* permits and requires it to be broken into its two component elements (see *EPS Constructions Pty Ltd v Holroyd City Council* (No 2) [2014] NSWLEC 126).
- The Land and Environment Court and Court of Appeal have held that when interpreting the provisions of an EPI and especially, those relating to definitions, one is required to read the definition of each term into the relevant provision in order to fully understand it.
- Irrespective of whether the proposed development complies with the development standards contained within cl 29 of SEPP ARH (including FSR), a consent authority may lawfully approve the proposed development (see *193 Liverpool Road Pty Ltd v Inner West Council* [2017] NSWLEC 13)

#### Background

##### NOTICE

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MELBOURNE | SYDNEY | BRISBANE | CANBERRA | PERTH  
MILLS OAKLEY | ABN: 51 493 069 734 | [info@millsOakley.com.au](mailto:info@millsOakley.com.au) | [www.millsOakley.com.au](http://www.millsOakley.com.au)

Document1



We understand that the following background details are relevant to the advice which you have sought.

- You have lodged a development application which seeks consent for partial demolition of existing improvements, retention of existing building facade and construction of a 5 storey boarding house containing 34 boarding rooms, 1 managers room and a ground floor commercial tenancy at 152-156 Parramatta Road, Stanmore (**the Development Application**).
- The Site is zoned *B4 - Mixed Use* pursuant to the terms of the *Marrickville Local Environmental Plan 20211* (**the LEP**).
- The Development Application proposes a floor space ratio of 1.99:1.
- The applicable floor space ratio (**FSR**) within the LEP is 1.5:1.
- The Development Application has sought to rely on the bonus FSR provisions within cl 29(c)(i) of SEPP ARH.
- Inner West Council has provided you with a request for additional information and queried the application of the bonus 0.5:1 FSR to the proposed development on the basis that *residential flat buildings* are not a nominated permissible use within the B4 zone and residential accommodation is only permitted above ground floor retail in the form of *shop top housing*.
- You have sought our (Mills Oakley) advice in relation to whether the bonus contained within cl 29(c)(i) if SEPP ARH applies to the proposed development.

#### Detailed Advice

##### 1. Legislative framework

- 1.1 The LEP zones the site B4 – Mixed Use.
- 1.2 The land use table for the B4 zone provides as follows:

##### 3 Permitted with consent

**Boarding houses:** *Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hostels; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; **Shop top housing**; Tank-based aquaculture; Any other development not specified in item 2 or 4*

##### 4 Prohibited

*Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture Port facilities; Recreation facilities (major); **Residential accommodation**; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair*



stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

- 1.3 Relevantly, shop top housing is defined as follows:

**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

- 1.4 Residential accommodation, a prohibited purpose (apart from those forms specifically nominated as permissible) within the B4 zone is defined as follows:

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,**
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,**
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,**

but does not include tourist and visitor accommodation or caravan parks.

- 1.5 Residential flat building is defined by the LEP as follows:

**residential flat building** means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.

- 1.6 A building is defined by s. 1.4 of the *Environmental Planning and Assessment Act 1979* as:

**building** includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the *Local Government Act 1993*.

- 1.7 Clause 29(1)(c) of SEPP ARH provides:

(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—...

**(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—**

**(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or**

**(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.**

- 1.8 The applicable FSR control pursuant to the terms of the LEP is 1.5:1.





**2. Does the bonus FSR provisions in cl 29(1)(c)(i) of SEPP ARH apply to the Development Application?**

2.1 In short, yes.

2.2 Despite what appears as a blanket prohibition in the B4 zone on development for the purpose of *residential accommodation* a number of forms of residential development are in fact expressly nominated as permissible. These include boarding houses and shop top housing.

2.3 Importantly, the definition of *shop top housing* is very broad and captures many forms of residential development (otherwise defined) as long as it is located above retail premises.

2.4 This reflects the provisions of cl 2.3(3) of the LEP which provides:

*(3) In the Land Use Table at the end of this Part—*

*(b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.*

2.5 As is apparent from the definitions set out above (and clause 2.3(3)) development types may be defined in ways that overlap.

2.6 The following decisions of the Court have confirmed this view: *Hawkesbury City Council v Sammut* [2002] NSWCA 18 at [21] and [24]; *Abret v Wingecarribee Shire Council* [2011] NSWCA 107 at [61]-[62], [67]; *Woolworths Limited v Randwick City Council* [2017] NSWCA 179 at [10], [18], [21] and [85]-[90]; and *193 Liverpool Road Pty Ltd v Inner West Council* [2017] NSWLEC 13 at [85].

That is, the mere existence of two definitions in the LEP does not restrict some forms of development falling into both categories.

2.7 Having regard to the terms of the relevant definitions in the current scenario, this makes sense.

2.8 For example, a residential flat building is simply defined to be a building (or part of a building picking up the definition from the EPA Act) which contains three or more dwellings but expressly excludes two forms of development which do not constitute an RFB.

2.9 Importantly, it is only attached dwellings and multi dwelling housing that the definition excludes – leaving open, expressly, the possibility that an RFB could be configured in a range of different manners and still satisfy the definition.

2.10 Importantly, the definition does not define where the relevant 3 dwellings are to be, or can be, located. At most it indicates that they cannot be configured in a manner which would constitute attached or multi dwelling housing but there is no prohibition on whether they can be provided in conjunction with another use or form of development (dealt with in detail below).

2.11 Similarly, the shop top housing definition provides no limitation on the form of development apart from the fact that it must be located above retail premises. For example, two dwellings would normally be classified as a *dual occupancy* however, the definition of *shop top housing* permits that form of development under the broad umbrella so long as it is located above retail premises.

2.12 This type of situation was dealt with by the Chief Judge of the Land and Environment Court in *Botany Bay City Council v Pet Carriers International* [2013] NSWLEC 147. In those proceedings, his Honour concluded at [28] that a use of land can be for two or more purposes. The purposes may or may not be conflicting. Non-conflicting purposes have similarities in character. Non-conflicting purposes can arise when there is a 'genus-species' relationship.



- 2.13 In the present circumstances we consider that a 'genus-species' relationship exists. The 'genus' is a 'residential flat building' while the species is considered to be 'shop top housing', a form in this instance of a residential flat building.
- 2.14 The definitions exist to provide an aid in interpreting a substantive provision in an environmental planning instrument. When a definition applies, the only proper course is to read the words of the definition into the substantive provision and then interpret the substantive provision (*Kelly v The Queen* [2004] HCA 12; (2004) 218 CLR 216 at [103]; *Cranbrook School v Woollahra Council* [2006] NSWCA 155 at [39]).
- 2.15 This means that, in a general sense, definitions that are not used in the substantive provision of an environmental planning instrument and are irrelevant.
- 2.16 What is in fact required is to read the words from the definition into the substantive provision.
- 2.17 Doing so in the present circumstances provides:

*(c) if the development is on land within a zone in which a building, including part of a building, containing 3 or more dwellings is permitted*

- 2.18 As can be seen, when read using the words from the relevant definitions the question of whether the relevant provision applies to zones in which shop top housing is permitted is readily satisfied.
- 2.19 Clearly, there can be three or more dwellings located above ground floor retail so as to satisfy the requirements contained within cl 29(1)(c)(i).

*Can uses be separated when characterising a form development?*

- 2.20 Justice Sheehan's decision in the matter of *EPS Constructions Pty Ltd v Holroyd City Council* (No 2) [2014] NSWLEC 126 dealt with whether a development could have a dual characterisation as being for 'shop top housing' and a 'residential flat building'.
- 2.21 The decision needed to be answered for the purposes of deciding whether clause 10(1) of the Affordable Housing SEPP applied. This provision triggered a scheme of bonus floor space in relation to development for the purposes of 'dual occupancies, multi dwelling housing or residential flat buildings'. However, it could only apply (under clause 10(1)(a) if:
- "the development concerned is permitted with consent under another environmental planning instrument"*
- 2.22 In the relevant zone, the local environmental plan prohibited 'residential flat buildings', but permitted a 'residential flat building attached to .... a shop or commercial premises' (at [16]).
- 2.23 The applicant had described the development (at [3]) as:
- a residential flat building ... attached to shops*
- 2.24 The development comprised of:
- (a) a ground floor consisting of two retail units and two residential units;
  - (b) a first floor consisting of four residential units; and
  - (c) a second floor consisting of two residential units, (at [12]).
- 2.25 In concluding that the development comprised a residential flat building for the purpose of the provision within SEPP ARH, the Court decided the following:
- (a) The use of the word 'building' in the definition of 'residential flat building' used in the Affordable Housing SEPP also means 'part of a building' (as per the definition in section 4 of the EP&A Act): [93] and [100].



(b) The development concerned is a building a **part of which comprised of residential dwellings with associated car parking. That part of the building is a 'building', by definition, in its own right. It is that (part of the) building which is 'development for the purposes of [a] residential flat building'** within the meaning of clause 10(1) of the Affordable Housing SEPP ([66] and [101]).

(c) This outcome does not give to rise to absurd or illogical results. The development concerned is for a residential flat building albeit attached to two 'shops', the latter word being a separately defined development type. The Affordable Housing SEPP plainly applies to that part of the development that is intended to be used as dwellings ([66] and [101]).

(d) Conversely, not to apply the Affordable Housing SEPP in this way militates against the attainment of the aims of the policy. The Affordable Housing SEPP is an instrument intended to work beneficial social outcomes. It is not an instrument to benefit developers through the provision of incentives but encourage developers to provide affordable rental housing in parts of their developments. Its provisions should be given a broad and beneficial construction and interpretation so as to best achieve the desired and important social outcomes ([66] and [101]).

2.26 As a result of the decision of Justice Sheehan in *EPS* we are of the view that the part of the building located above any retail premises can properly be characterised as being for the purpose of a *residential flat building* for the purpose of SEPP ARH.

2.27 As a result, it follows that the bonus FSR provisions within cl 29(1)(c)(i) apply to the development, which takes the permissible FSR from 1.5:1 to 2:1.

### 3. Is the proposed development required to comply with the development standards set out in cl 29 of SEPP ARH.

3.1 In short, no.

3.2 Cl 29(4) of SEPP ARH provides:

*(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).*

3.3 The effect of this clause has been considered by the Court on numerous occasions however, his Honour Justice Moore's decision in *193 Liverpool Road* provides a concise summary of its effect at [48]:

*48. I do not consider that a strict cl 4.6-like approach is mandated because there is nothing in the terms of this provision of the SEPP that purports to impose fetters on the exercise of the discretion given by it in the fashion that arises from the very structured testing regime that flows from cl 4.6 itself. The absence of such a regime, in my view, means that it is inappropriate to infer that such a strict regime would be required to be applied.*

*49. A proper merit assessment, having regard to the matters pressed by the Council in its contentions, would, in my view, be the appropriate course to follow. I undertake this process below.*

3.4 The operation of cl 29(4) mandates that a consent authority is not required to consider a formal request to vary a development standard set out in cl 29 by way of cl 4.6 variation request and may approve the development before it *whether or not the development complies with the standards set out in subclause (1) or (2) of cl 29.*

3.5 Accordingly, there is no requirement for an assessment of any non-compliance with a development standard set out in cls. 1 or 2 against the terms of cl 4.6.



If you have any questions or require further information, please do not hesitate to contact Matt Sonter on +61 2 8035 7850 or [msonter@millsOakley.com.au](mailto:msonter@millsOakley.com.au).

Yours sincerely

A handwritten signature in blue ink, appearing to be 'MS' with a flourish.

**Matt Sonter**  
Partner

## Attachment D – Conditions of consent

### CONDITIONS OF CONSENT

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

#### A. Deferred Commencement

This consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

1. Full detailed specifications including warranties and a maintenance schedule of the proposed car lift shall be provided for review;
2. The car lift shall be provided with an on site waiting area (or queue length) of 6m minimum so as not to impede through traffic on Corunna Lane. The lift location shall be relocated to allow for waiting area;
3. Adequate sight lines shall be provided to both pedestrians and vehicles in accordance with AS2890.1:2004;
4. Swept paths shall be provided to demonstrate adequate access to and from the loading dock and car lift; and
5. The loading dock should be redesigned to able to accommodate a Small Rigid Vehicle (AS2890.2) with minimum dimensions of 7.5m x 3m and minimum head room 3.5m.

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

### DOCUMENTS RELATED TO THE CONSENT

#### 1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA 010, Revision B	Demolition Plan Ground + Level 01	20/4/21	Fuse Architecture
DA 011, Revision B	Demolition Plan level 02 + Roof	20/4/21	Fuse Architecture
DA 101, Revision B	Basement 01 Plan	20/4/21	Fuse Architecture
DA 102, Revision B	Lower Ground + Upper Floor Plan	20/4/21	Fuse Architecture
DA 103, Revision B	Level 01 + Level 02 Plan	20/4/21	Fuse Architecture
DA 104, Revision B	Level 03 + Level 04 Plan	20/4/21	Fuse Architecture
DA 105, Revision B	Roof Plan	20/4/21	Fuse Architecture
DA 201, Revision B	North and South Elevation	20/4/21	Fuse Architecture
DA 202, Revision B	East and West Elevation	20/4/21	Fuse Architecture
DA 301, Revision B	Section AA	20/4/21	Fuse Architecture

DA 302, Revision B	Section BB, CC, DD	20/4/21	Fuse Architecture
DA 601, Revision B	Typical Room Layout	20/4/21	Fuse Architecture
DA 603, Revision B	Natural Cross Ventilation Diagram	20/4/21	Fuse Architecture
-	Materials and Finishes Schedule	-	Fuse Architecture
DA 801, Revision B	Perspective 01 Parramatta Road	20/4/21	Fuse Architecture
DA 802, Revision B	Perspective 02 Courtyard	20/4/21	Fuse Architecture
20222_201110_Noise Impact Assessment_BW_R1.docx	Noise Impact Assessment	7/4/21	White Noise Acoustics
-	Plan of Management	December 2020	-
E24903.E02_Rev1	Detailed Site Investigation	11/12/20	Ei Australia
C20482-NCC-r1	NCC Assessment Report	4/12/20	Credwell
1159890M_02	BASIX	7/12/20	Credwell Energy

As amended by the conditions of consent.

### **DESIGN CHANGE**

#### **2. Design Change**

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

- a. The architectural plans have been amended to match the alignment levels approved by Council under a Section 138 approval of public domain plans to be submitted as a condition of this consent.

### **FEES**

#### **3. Section 7.11 (Former Section 94) Contribution**

Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution of \$313,045.74 indexed Marrickville Section 94/94A Contributions Plan 2014 ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at [11 August 2021].

\*Ashfield delete if not applicable\***NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

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

Public Amenities Type:	Contribution \$
Recreation Facilities	277,865.92
Community Facilities	41,489.59
Traffic Facilities	-12,447.92
Plan Administration	6,138.15
<b>TOTAL</b>	<b>\$313,045.74</b>

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

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

Payment methods:

The required contribution must be paid either *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000).* It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

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

**4. Long Service Levy**

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

**5. Security Deposit - Custom**

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

Security Deposit:	\$32,000
Inspection Fee:	\$241.50

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

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

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the

environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

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

### **GENERAL CONDITIONS**

#### **6. Separation of Commercial and Residential Waste and Recycling**

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

#### **7. Noise – Consultant's Recommendations**

All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by White Noise Acoustics, dated 17 April (ref: 20222\_201110\_Noise Impact Assessment\_BW\_R1.docx ) must be implemented including the following:

- a. Section 7.2 Noise Impact Assessment

#### **8. Hazardous Materials Survey**

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

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

#### **9. Privacy**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating all the southern elevation windows being amended to have a minimum sill height of 1.6 metres above the finished floor level.

#### **10. Car Parking**

The development must provide and maintain within the site:

- a. 19 car parking spaces must be paved and line marked;
- b. 3 of the above car parking spaces, must be provided for persons with a disability and marked as disabled car parking spaces;
- c. 7 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times;
- d. 8 Bicycle storage capacity within the site;
- e. 1 car share bay. A sign legible from the street must be permanently displayed to indicate that car share is available on site; and



- f. 1 Loading bay.

**11. Boarding House**

The development must provide and maintain:

- a. A minimum of 7 Accessible boarding rooms; and
- b. All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service.

**12. Air Conditioning Systems**

Where boarding rooms are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.

**13. Erosion and Sediment Control**

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

**14. Standard Street Tree Protection**

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

**15. Verification of Levels and Location**

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

**16. Works Outside the Property Boundary**

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

**17. Awnings with Lighting**

The proposed awning must be of cantilever type and be set back at least 600mm from the kerb line. The awning must include pedestrian lighting (Category P3-AS1158) and must be maintained and owned by the property owner(s). The proposed awning must be designed to be easily removed if required in future. The owner must maintain, modify or remove the structure at any time if given notification by Council to do so. The lighting must be not be obtrusive and should be designed so that it does not shine into any adjoining residences.

**18. Rock Anchors**

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

**19. Dry-weather Flows**

Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council/RMS stormwater system. Alternatively, the basement or any below ground structure must be designed to be "tanked" preventing the ingress of seepage or groundwater.

**20. No eligible for Resident Parking**

Prior the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that measures have been put in place to advise future owners and occupants/tenants of the proposed building that they are not 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 residential strata plans created for the property shall reflect this restriction.

**21. Maintenance of car lift**

The owner of the land is to service and maintain the car lift system for the life of the development in accordance with the manufacturer's requirements/recommendations. Any breakdown of the car lift systems must be repaired within 3 business days of any breakdown. A copy of the proposed maintenance schedule shall be submitted to Council before the installation of the car lift. The car lift is to be operative before occupation of the site.

**PRIOR TO ANY DEMOLITION**

**22. Resource Recovery and Waste Management Plan - Demolition and Construction**

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

**23. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

**24. Advising Neighbors Prior to Excavation**

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

**25. Construction Fencing**

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

**26. Hoardings**

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

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

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

**27. Construction Traffic Management Plan – Detailed**

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by

the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

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

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

#### **PRIOR TO CONSTRUCTION CERTIFICATE**

##### **28. Redundant Vehicular Crossing**

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with evidence of approval from TfNSW of the design plans of the replacement kerb and gutter to match existing along Parramatta Road frontage.

*Note: To gain TfNSW approval, all documentation is required to be submitted to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW*

**29. Bin Storage Area - Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate a minimum of 24 x 240L mobile wheelie bins. The bin storage area must include doorways/entrance points of 1200mm.

**30. Bulky Waste Storage Area – Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area doorways area minimum of 1200mm wide.

**31. Waste Transfer Route**

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

**32. Noise General – Acoustic Report**

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

**33. Light Spill**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

**34. Enclosure of Fire Hydrant**

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

**35. Structural Certificate for retained elements of the building**

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

**36. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine

whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92*

#### **37. Acoustic Report – Aircraft and Road Noise**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction and State Environmental Planning Policy (Infrastructure) 2007.

#### **38. Fibre-ready Facilities**

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

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

#### **39. Concealment of Plumbing and Ductwork**

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

#### **40. Green Roofs, Walls and Facades Report**

Prior to the issue of Construction Certificate, the Certifying Authority is to be provided with a report prepared by a registered landscape architect demonstrating that the proposed landscape plan and details of any green roofs, wall and facades are consistent with [Inner West Councils Green Roof, Walls and Facades Technical Guidelines](#) including but not limited to using species selected from the suggested species list, water proofing and drainage.

#### **41. Consolidation of Lots**

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

#### **42. Bond for mural/artwork**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that an unconditional bank guarantee by an Australian bank (in favour of Council) for an agreed sum with Team Leader Arts, Culture & Recreation & Development Assessment Team is to be provided to Council to ensure the proper completion of the art work to the northern elevation proposed as part of this development and as required under separate consent under the terms of this approval. In such case that the works are not completed or to a satisfactory standard, Council may draw on that bank guarantee to rectify the works.

#### **43. Stormwater Drainage System – Major Developments**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD) and Stormwater Quality Improvement Devices

(SQIDS), certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the design of the site drainage system complies with the following specific requirements:

- a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. D01 to D09 prepared by Smart Structures Australia and dated November 2020, as amended to comply with the following;
- b. The plans must be amended to suit the amended architectural plans;
- c. Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged by gravity to directly to Council's piped drainage system via the OSD/OSR tanks;
- d. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than for the pump-out of subsurface flows and surface flows from the driveway from the basement;
- f. A pump-out system for drainage of surface flows from the basement ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
  1. Comply with all relevant Australian Standards;
  2. An overflow, flashing light and audible alarm is to be provided to warn of pump failure;
  3. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months;
  4. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 20-year ARI storm event;
  5. Where OSD facilities are required by this consent, the pump system must be discharged to the OSD storage tank;
  6. Subsurface flows must be collected at the point of ingress to the basement i.e. at the basement walls;
  7. The subsurface drainage system must have sufficient capacity to collect and convey all surface flows to the pump out system; and
  8. Inlet pits and drains for subsurface drainage must be designed to minimise potential for pollutants from cars or other sources to enter the subsurface drainage system. e.g.. isolate any subsurface drains at boundary walls, inspection pits with solid covers, etc.
- g. No nuisance or concentration of flows to other properties;
- h. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- i. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- j. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- k. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;

- l. A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council's water quality targets. For sites with a GFA greater than 2000sqm a MUSIC model (including .sqz file) must be included with the report;
- m. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken.
- n. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively, the basement must be fully "tanked" so as not to allow the ingress of seepage or groundwater.

#### 44. Structural and Geotechnical Report

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

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

#### 45. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The public domain along all frontages of the site inclusive of footpath and kerb and gutter must be reconstructed and upgraded in accordance with the Public Domain Design Guide or scheme;
- b. The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- c. New footpath and kerb and gutter along the frontages of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determined by the Council Engineer;

- d. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary;
- e. In addition long sections at the boundary, top of kerb and invert shall be provided; and
- f. Direct connection of the private drainage system to the piped drainage system in Parramatta Road via a kerb inlet pit to be constructed at the frontage to the site.

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

#### **46. Dilapidation Report – Pre-Development – Major**

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

- a. Half width of Parramatta Road, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the full frontage of the site plus one property either side;
- b. Full width of Corunna Lane adjacent the site, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath for the property frontage plus two properties either side
- c. The dilapidation report is to be prepared by a practising Civil/Structural Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).

### **DURING DEMOLITION AND CONSTRUCTION**

#### **47. Documentation of Demolition and Construction Waste**

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

#### **48. Contamination – New Evidence**

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

#### **49. Imported Fill Materials**

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

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

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

#### **50. Construction Hours – Class 2-9**

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

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);



- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

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

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

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

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

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

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

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

#### **51. Survey Prior to Footings**

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

### **PRIOR TO OCCUPATION CERTIFICATE**

#### **52. Noise – Acoustic Report**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Noise Policy for Industry and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

#### **53. Contamination – Disposal of Soil**

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

**54. Aircraft and Road Noise**

Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 and SEPP Infrastructure 2007 with regard to the noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

**55. Section 73 Certificate**

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

**56. Verification and Maintenance of Green Roofs, Walls and Facades Works**

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

**57. Separate Application for artwork/mural**

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier is required to be provided with evidence that a separate application for the artwork on the northern elevation has been approved by Council's Public Art Team.

**58. Public Domain Works**

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

- a. Heavy duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone;
- c. The existing concrete footpath across the frontage of the site must be reconstructed;  
and
- d. Other works subject to the *Roads Act 1993* approval.

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

**59. No Encroachments**

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

**60. Protect Sandstone Kerb**

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

**61. Undergrounding Power – Major development**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the existing overhead power cables along Parramatta Road frontage of the site have been relocated underground with appropriate street lighting and new steel standard poles. The street lighting must be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid and must meet the lighting category required by Council and RMS. In addition the design must also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light.

**62. Parking Signoff – Major Development**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property.

- a. The car park has been completed, line marked and all signage relating to car parking erected;
- b. A notice has been clearly displayed at the Parramatta frontage to indicate parking is available within the property with access from Corunna Lane;
- c. A waiting bay has been provided on the property for vehicles entering the proposed car lift; and
- d. A suitable loading bay 7.5m x 3.0m has been provided with clear headroom of 3.5m.

**63. Public Domain - Major Developments**

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

**64. Dilapidation Report – Post-Development**

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

**65. Works as Executed – Site Stormwater Drainage System**

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

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system

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

#### **66. Operation and Management Plan**

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

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

#### **67. Easements, Restrictions on the Use of Land and Positive Covenants**

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

- a. Restrictions on the Use of Land related to on Site Stormwater Detention System or stormwater quality improvement devices;
- b. Restriction on the use of land related to a car share space
- c. Positive Covenant related to on-site stormwater detention and/or retention system;
- d. Positive Covenant related to stormwater quality improvement devices; and
- e. Positive Covenant related to Maintenance of the car lift.
- f. Positive Covenant related to Maintenance of the car share space.

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

#### **68. Basement/Retaining Wall Signoff – Major Development**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards and that the basement is fully tanked construction such that pump-out of subsurface flows is not required.

### **ON-GOING**

#### **69. Bin Storage**

All bins are to be stored within the site. All bins are to be returned to the property within 12 hours of having been emptied.

#### **70. Documentation of Businesses Waste Services**

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

**71. Commercial bins and Reusable Item Storage**

All commercial bins and re-usable items such as milk crates and bread trays are to be stored on-site.

**72. Noise General**

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

**73. Commercial Waste/Recycling Collection**

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

Garbage and recycling must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

**74. Hours of Operation - Communal Open Space**

- a. The use of the communal open space including deck and swimming pool at the premises must not exceed the following:

Day	Hours
Monday to Saturday	7:00am-10:00pm
Sundays and Public Holidays	8:00am-10:00pm

**75. Boarding House**

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

- a. The use must comply at all times with the Plan of Management referred to in this consent and as amended by the conditions in this Determination;
- b. A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c. A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
- d. The Plan of Management must not be amended without the prior consent of Council and must be made available to Council officers and the Police upon request;
- e. All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
- f. The premises must be used exclusively as a boarding house containing a maximum total of 34 lodger's rooms and 1 on-site manager's room with not more than 1 adult lodger and 1 adult on-site manager residing in each room at any one time;
- g. Not more than 1 lodgers must occupy each boarding room;
- h. The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
- i. All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and
- j. Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times.

**76. Green Roofs, Walls and Facades Establishment**

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

**77. Plan of Management - Operation**

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

**78. Operation and Management Plan**

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

**79. Loading/unloading on site**

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

**ADVISORY NOTES****Underground Cables**

Special care should be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

**Transport for NSW**

The following requirements are provided by Transport for NSW (TfNSW)

- All buildings and structures including signage, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Parramatta Road boundary.
- Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
- The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

- All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Parramatta Road.
- A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Parramatta Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

**Notice to Council to deliver Residential Bins**

Should the property requires 660L bins, the building owner or manager should notify Council three months prior to the occupation of the building to ensure timely delivery. Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

**Mechanical Ventilation System Certification**

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

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

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

**Storage of Hazardous and Dangerous Goods**

Dangerous and hazardous goods must be stored in accordance with NSW WorkCover requirements and AS1940-2004, The Storage and Handling of Flammable and Combustible Liquids.

**Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

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

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

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

**Transport and Disposal of Hazardous and Dangerous Goods**

Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.

**Health Premises Registration – Generic**

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

- a. *Food Shop - Food Act 2003;*
- b. *Hairdressing Salon / Barber - Public Health Act 2010 and the Local Government (General) Regulation 2005;*
- c. *Skin Penetration - Public Health Regulation 2012;*
- d. *Cooling Tower / Warm Water System - Public Health Act 2010 and Public Health Regulation 2012; and*
- e. *Boarding House / Shared Accommodation - Boarding Houses Act 2012 and the Local Government (General) Regulation 2005.*

**Prescribed Conditions**

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

**Notification of commencement of works**

At least 7 days before any demolition work commences:

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

**Storage of Materials on public property**

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

**Toilet Facilities**

The following facilities must be provided on the site:

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

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

**Infrastructure**

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

**Other Approvals may be needed**

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



**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

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

**Disability Discrimination Access to Premises Code**

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

**National Construction Code (Building Code of Australia)**

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

**Notification of commencement of works**

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

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

**Dividing Fences Act**

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

**Swimming Pools**

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

**Permits from Council under Other Acts**

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

**Amenity Impacts General**

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

**Fire Safety Certificate**

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

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

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

**Boarding House – Registration with Fair Trading**

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

**Lead-based Paint**

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

**Dial before you dig**

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

**Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>

NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA	1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Environmental Solutions	
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

#### Rock Anchors

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

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

#### Electrical Substations

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

#### Permits

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

- Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- A concrete pump across the roadway/footpath;
- Mobile crane or any standing plant;
- Skip Bins;
- Scaffolding/Hoardings (fencing on public land);
- Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- Awning or street veranda over the footpath;
- Partial or full road closure; and

- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

#### **Easement and Covenant Process**

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

- a. Work-As-Executed Plans

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

- b. Engineer's Certificate

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

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

- c. Restriction-As-To-User

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

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

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

- d. A Maintenance Schedule.

#### **Insurances**

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

works. The Policy must be valid for the entire period that the works are being undertaken on public property.