

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2016SYE071
DA Number	DA-193/2016
Local Government Area	City of Canterbury-Bankstown
Proposed Development	Construction of a new age boarding house containing 25 boarding rooms and a manager's room.
Street Address	265-267 King Georges Road, Roselands
Applicant / Owner	Stimson and Baker Planning Evolve Housing and Pacific Link Housing Ltd
Number of Submissions	Submissions from four households have been received (including a total of five submissions from one household)
Recommendation	Approval
Report by	Shona Porter – Development Assessment Officer

Assessment Report and Recommendation

EXECUTIVE SUMMARY

- Council has received a Development Application (DA-193/2016) for the demolition of existing structures and construction of a new generation boarding house containing 25 boarding rooms and a managers room.
- This application has been referred to the Sydney East Joint Regional Planning Panel as per Schedule 4A (3) of Environmental Planning and Assessment Act 1979 as the application seeks consent for “Community Private Infrastructure and Community Facilities” with a capital investment value of more than \$5 million.
- The subject land is zoned R3 Medium Density Residential by Canterbury Local Environmental Plan 2012 (CLEP 2012). The proposed development is defined as a “boarding house” which is permissible with consent. The proposal complies with the relevant development standards of the CLEP 2012.
- An assessment of the proposal with regard to Division 3 of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) demonstrates that the proposal complies with Clauses 25-30A.
- The Canterbury Development Control Plan 2012 (CDCP 2012) does not contain specific controls relating to boarding houses. Though limited, an assessment has been undertaken against the relevant provisions including landscaping, waste management, stormwater management, crime prevention through design and solar access to adjoining neighbours. The proposal complies with the applicable CDCP 2012 controls.
- The development application was publicly exhibited and adjoining land owners notified in accordance with Part 7 of the CDCP 2012. Eight submissions were received, including five submissions from the same household. The submissions raised the following concerns:

- Excessive traffic and inadequate parking in the locality;
 - Building and wall height;
 - Visual bulk;
 - Tree impacts along the northern boundary;
 - Adequate ventilation; and
 - Safety concerns.
- The development application is recommended for approval.

BACKGROUND

- On 16 December 2015 pre-lodgement advice was provided to Evolve Housing regarding the demolition of existing structures and construction of a boarding house with 25 boarding rooms. The major issues raised in the written advice included:
 - FSR / maximum gross floor area;
 - Solar access to the communal living area;
 - Calculation of room sizes;
 - Private open space for the manager's accommodation;
 - Parking provision and location in the front setback;
 - Design of the built form in accordance with the surrounding character and appropriate articulation along the facades; and
 - Consideration of Part 2 Residential, Part 6.3 Crime Prevention and Part 6.4 Stormwater of the Canterbury Development Control Plan 2012.
- The application was made to Council on 6 May 2016.
- Between May 2016 and October 2016, several adjustments have been made to the application and additional information provided, including:
 - Overland flow study report, amended stormwater plans, amended landscaping plans and accessibility report;
 - Detailed solar access diagrams, amended waste management plan, revised waste storage plans and increased driveway width as requested by the RMS.

SITE & LOCALITY DETAILS

The site is located at 265-267 King Georges Road, Roselands and includes the following titles:

- Lot 21 in DP 558875
- Lot 22 in DP 558875

The combined sites front King Georges Road (a classified road) with the nearest crossroads being Penshurst Road and Hilton Avenue. The total site area is approximately 1,403sqm with a frontage of 22.98m. The lots, as consolidated, are generally rectangular in shape and are orientated east-west. The site gradually slopes away from King Georges Road towards the rear of the properties, by generally 300mm. Two access points currently service the battle axe arrangement of 265 and 267 King Georges Road. A drainage easement burdens the site along the southern boundary.

Located directly to the north is a three storey residential flat building and to the south is a single storey dwelling house. Improvements within the locality are generally single storey dwellings or residential flat buildings. Opposite the site to the east are three x three storey residential flat buildings, though the area is generally low density residential. The area is zoned R3 Medium Density Residential under the CLEP 2012.

The site is regularly serviced by bus stops within 100m of the site. Roselands Shopping Centre is located to the north west within 700m walking distance. The subject site and proposed development are shown in the figures below:



Figure 1 | Aerial view of 265-267 King Georges Road, Roselands, indicated in yellow. Source: SixMaps.

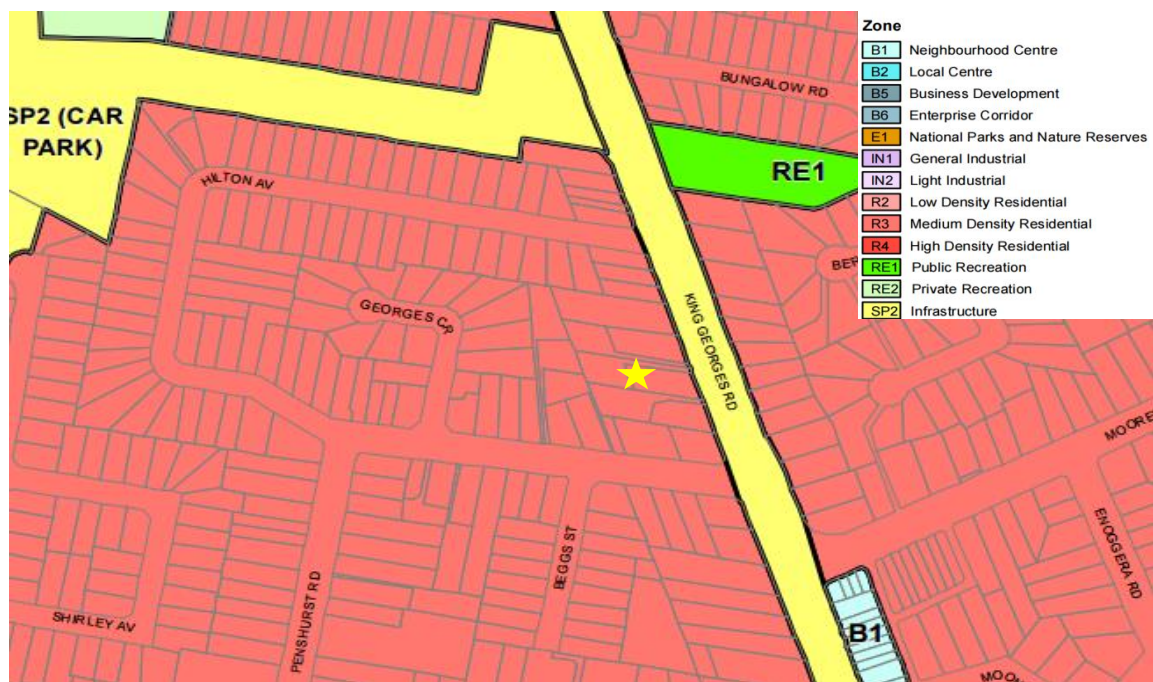


Figure 2 | Extract of the Zoning Map LZN_005 of the Canterbury Local Environmental Plan 2012.

Proposal

The proposed development involves the demolition of the existing dwellings and construction of a two-storey, 25 room boarding house under the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). In detail, the proposal involves the following:

Floor	Description
Ground Floor	11 accessible boarding rooms containing a bathroom and kitchen Managers room Office / Store Common room Stair access
First Floor	14 boarding rooms containing a bathroom and kitchen Stair access

Driveway access to the premises is from King Georges Road, a classified road. A total of six car parking spaces (including three accessible spaces) and five motorcycle spaces will be provided within the front setback. Bike racks are provided along the communal areas running parallel through the two rows of boarding houses.



Figure 3 | Proposed Streetscape from Sissons Architects

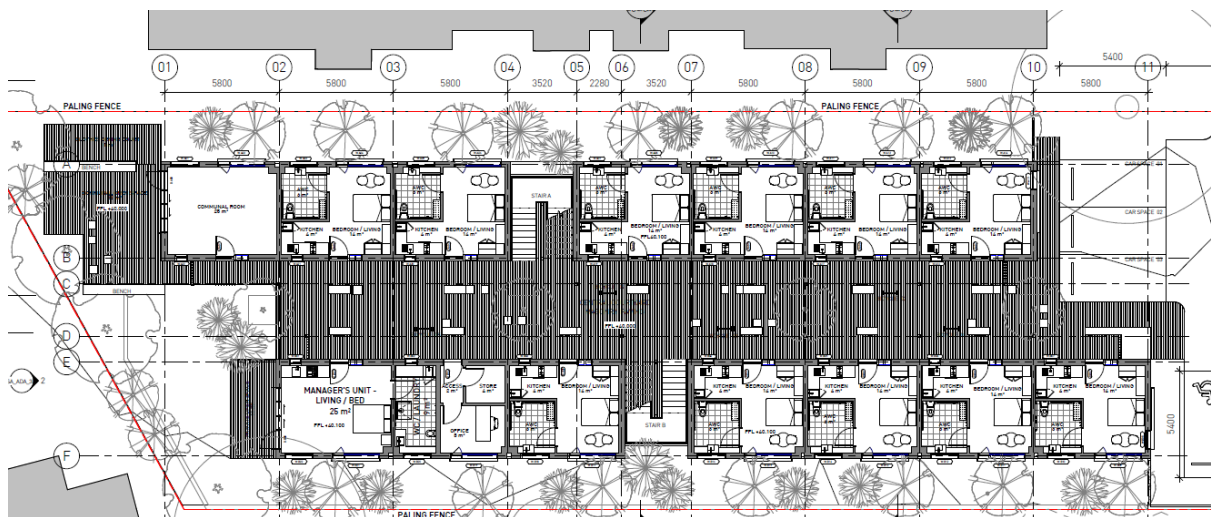


Figure 4 | Proposed Ground Floor from Sissons Architects

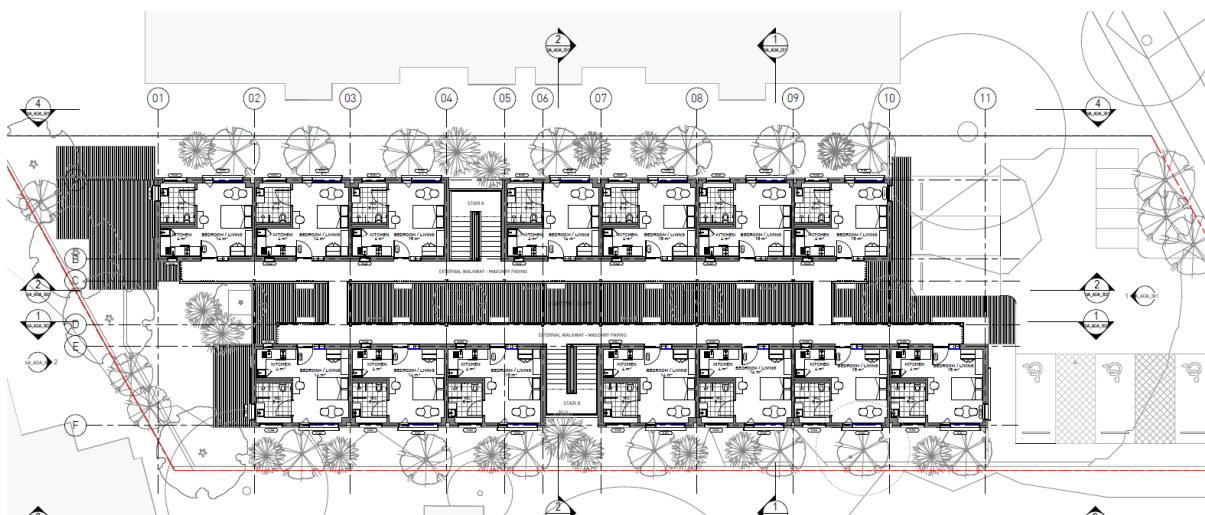


Figure 5 | Proposed First Floor from Sissons Architects

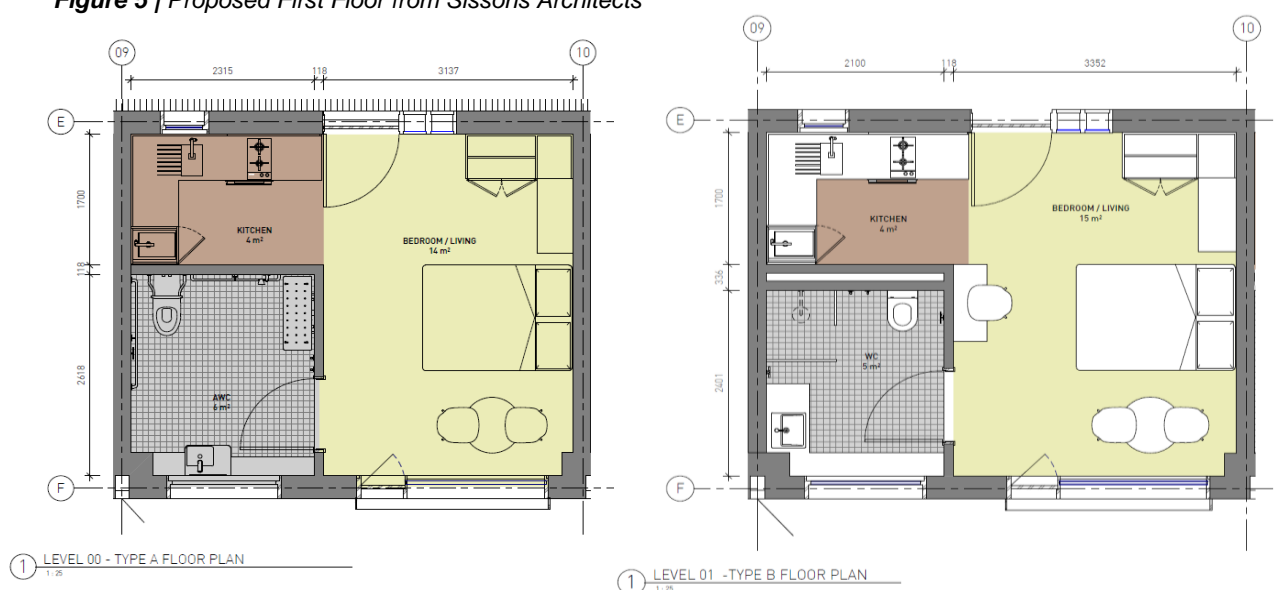


Figure 6 | The two types of boarding rooms proposed within the development - Type A and Type B from Sissons Architects

STATUTORY CONSIDERATIONS

When determining this application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans and (DCPs), codes and policies are relevant:

- State Environmental Planning Policy 55 – Contaminated Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan 2012
- Canterbury Development Contributions Plan 2013

ASSESSMENT

The development application has been assessed with regard to s79C of the Environmental Planning & Assessment Act 1979, as detailed below:

- **State Environmental Planning Policy 55 – Contaminated Land**
The site has been likely used for residential purposes since the land was first subdivided. The risk of contamination is also thereby low and it is considered unlikely that the site is contaminated.
- **State Environmental Planning Policy (Infrastructure) 2007**
Clause 101 of the SEPP 2007 applies to development fronting a classified road. The Clause seeks to ensure that new development does not compromise the ongoing operation and functionality of classified road as well preventing potential traffic noise and emissions on development adjacent classified roads.

The proposed development seeks to remove the existing vehicular crossings on King Georges Road and consolidate into one driveway. The RMS initially withheld their concurrence subject to widening of the proposed driveway. Upon receipt of amended plans, the RMS has provided concurrence subject to the imposition of conditions of consent.

Clause 102 of the SEPP 2007 applies to buildings used for residential purposes *“on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration”*. The site is located on King Georges Road which averages daily traffic numbers of 76,200 per day (as per the RMS daily traffic map). In this regard the provisions of SEPP 2007 apply to the proposed development given that it relates to a residential development located adjacent to King Georges Road.

An acoustic report prepared by Parsons Brinckerhoff, report number 2303741PA, issue 1, dated 12 April 2016; accompanies the subject application. The acoustic report includes recommendations to achieve the acoustic levels outlined in Clause 102 of SEPP 2007. The report contains recommendations based on the double brick construction of the development and includes acoustic measures to doors, floors and windows through fibre cement paneling and double glazed glass (amongst others).

The measures proposed are consistent with the Department of Planning and Environment’s guidelines relating to development near busy roads and they will contribute to achieving reductions to the noise impacts from Canterbury Road on the development. An appropriate condition is included in the recommendation requiring the development to be constructed in accordance with this report.

- **State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004**
A BASIX Certificate accompanied the application. The Certificate makes a number of energy and resource commitments in regard to water and energy consumption and thermal comfort. These commitments have been shown on the DA plans, and satisfy the policy’s requirements.
- **State Environmental Planning Policy (Affordable Rental Housing) 2009**
The ARH SEPP aims to facilitate the delivery of affordable housing in NSW through incentivising home owners, developers and social housing providers to invest and

create new, diverse affordable rental housing. The subject site is zoned R3 Medium Density Residential and triggers Division 3 of the ARH SEPP, as per Clause 26.

As per Clause 27, the subject site is located within an accessible area, being 400m from a bus stop that provides the required hourly services.

Division 3 (Clauses 25-30) of the ARH SEPP provides the planning framework for the facilitation of boarding houses. Clause's 29-30A provide the development standards for the assessment of a boarding house. An assessment of the proposal against these standards is provided below:

Clause 29: Standards that cannot be used to refuse consent		
Requirement	Proposal	Complies
<p>1 Floor Space Ratio</p> <p>A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <ul style="list-style-type: none"> • The existing maximum floor space ratio for any form of residential accommodation permitted on the land • N/A • N/A 	<p>The subject site is 1,403.7sqm. The proposed development has a gross floor area of 708sqm and a floor space ratio of 0.5:1.</p>	Yes
<p>2 (a) Building Height</p> <p>If the building height of all proposed buildings is not more than the maximum building height permitted under another EPI for any building on the land.</p>	<p>The maximum building height under the CLEP 2012 is 8.5m. The proposed development is 8.06m at its highest point as calculated below.</p> <p>Underneath the uppermost ridge level of the development (RL47.55) the lowest point of the existing GL is 39.49.</p>	Yes
<p>2 (b) Landscaped Area</p> <p>If the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.</p>	<p>The subject site is located along a major arterial road, being King Georges Road. The area contains a mix of historical three storey flat building developments within the visual catchment. Directly adjoining the site to the north is a three storey residential flat building (261 King Georges Road).</p> <p>The landscaping treatment of adjoining sites includes landscaping within the front setback. Predominantly, the single dwellings in the catchment contain a single driveway and landscaping within the front setback. However the landscaping at the adjoining 261 King</p>	Yes

	<p>Georges Road includes a permeable area and a two way driveway. The three x three storey residential flat buildings adjacent to the site present minimal landscaped front setbacks and hardstand driveway areas.</p> <p>The proposal seeks to locate the required car parking in the front setback with landscaped beds along the front boundary interface. The setback of the proposed built form facilitates sufficient space to accommodate both the required car parking and permeable areas adjacent to the footpath. The proposed interface between the development and the public domain is therefore reflective of the current landscaped front setbacks in the visual catchment.</p> <p>Further, Council's landscape architect has reviewed the plans and is satisfied with the proposed landscaping scheme.</p> <p>Accordingly, subject to the implementation of the landscaping scheme, the proposal is compatible with the existing streetscape and envisaged medium density character of the area.</p>	
<p>(c) Solar Access</p> <p>Where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>The proposed ground floor communal room is located to the north of the development. The site is overshadowed by the adjoining northern neighbour. Upon request, the applicant has provided detailed solar access diagrams including a direct sunlight and daylight analysis of the proposed design. These included hourly breakdowns and wall crawl diagrams.</p> <p>An assessment of these diagrams demonstrates that the communal living room meets the required three hours of solar access in mid-winter between 9am and 3pm.</p>	Yes
<p>(d) Private Open Space</p> <p>If at least the following private open space areas are provided (other than the front setback area):</p> <p>i) One area of at least 20sqm with a minimum dimension of 3</p>	<p>i) Communal open space is provided to the rear of the site totalling 33sqm and meets the minimum 3m dimension.</p> <p>ii) A boarding house manager is provided due to the number of boarding rooms. 11sqm has been provided</p>	Yes

metres is provided for the use of the lodgers, ii) If accommodation is provided on site for a boarding house manager – one area of at least 8sqm with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.	adjacent to the managers room.	
(e) Parking i) In the case of development in an accessible area – at least 0.2 parking spaces are provided for each boarding room. ii) N/A iii) in the case of any development – not more than 1 parking space is provided for each person employed in connection with the development and who is a resident on site.	The proposed development is located within 400m of a bus stop that meets the requirements of 'accessible area'. Accordingly, the applicable rate is 0.2 spaces per boarding room. 0.2 x 26 (inc managers room) = 5.2 spaces. 6 car spaces are proposed, including 3 accessible spaces and 1 space exclusively for the manager.	Yes
(f) Accommodation Size i) If each boarding room has a gross floor area of at least: 12sqm in the case of a boarding room intended to be used by a single lodger, or ii) 16sqm in any other case	All rooms are self-contained with private bathroom and kitchen facilities. As per the definition, after excluding the kitchen and bathroom facilities the room sizes are between 14-15sqm and will be used by one lodger.	Yes
3 A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	All rooms contain private kitchen and bathroom facilities.	Yes
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).	The development complies with the above requirements.	N/A

Clause 30: Standards for boarding houses		
Requirement	Proposal	Complies
1. A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following: (a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be	A communal room is provided for the use of all future residents.	Yes

provided,		
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25sqm,	Excluding private bathroom and kitchen areas, all rooms are under 25sqm.	Yes
(c) no boarding room will be occupied by more than 2 adult lodgers,	The Statement of Environmental Effects indicates one lodger per room only. A condition of consent has been recommended in this regard.	Yes
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Each room is self-contained with a kitchen and bathroom.	Yes
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	A boarding room is provided for a boarding house manager.	Yes
(f) repealed	-	-
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another EPI permits such a use.	N/A	N/A
(h) at least one parking space will be provided for a bicycle and motorcycle for every 5 boarding rooms.	26/5 = 5.2 spaces required. 5 motorcycle spaces and 5 bicycle spaces have been provided.	Yes
2 Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.	The proposed development is a new boarding house development.	N/A

Clause 30A Character of local area

Clause 30A of the ARH SEPP states that:

*“A consent authority must not consent to development 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”.*

The subject site is located on King Georges Road. The existing character is a mix of three storey residential flat buildings and detached dwellings. The desired future character of the area is R3 Medium Density Residential which seeks to:

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

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

Relevant to this application, permissible land uses in the Medium Density zone include attached dwellings, boarding houses, child care centres, community facilities, group homes, multi dwelling housing, places of public worship, respite day care centres, semi-detached dwellings and seniors housing.

The built form of the proposed development is similar to the built form for a multi dwelling housing development, a permissible land use in the zoning. The presentation of the proposed two storey development to the street is consistent, albeit smaller in scale, than the adjoining residential flat building, thereby maintaining a built form relationship with the existing detached dwellings in the street which may take the form of two storey dwellings or potential multi unit development in the future.

The development proposes similar setbacks to the existing dwellings on site and is comparable to the existing front setbacks in the visual catchment. The proposed side and rear setbacks are also consistent with that envisaged under the Canterbury Development Control Plan 2012 for multi-dwelling development (being 2.5m and 5m respectively). The proposed landscaping and driveway scheme is similar to those existing within the area and as envisaged for a medium density zoning; thereby respecting both the existing character and envisaged future character of the catchment.

The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access or privacy impacts.

In this regard, the proposal is considered to offer a quality design outcome within the context of the surrounding area. The proposal contributes in a positive manner to the quality and identity of the precinct. Overall it is demonstrated that the proposal meets the relevant standards set out in the ARH SEPP and is therefore worthy of support.

- **Canterbury Local Environmental Plan 2012 (CLEP 2012)**

The subject site is zoned R3 Medium Density Residential under the Canterbury Local Environmental Plan 2012. The controls applicable to this development application are as follows:

Provision/ Standard	Requirement	Proposal	Complies
Part 2 Permitted or Prohibited Development			
2.1-2.4 Land Use	Boarding House	The proposal satisfies the definition of “boarding housing” and is permitted with development consent.	Yes
Part 4 Principal Development Standards			

Provision/ Standard	Requirement	Proposal	Complies
4.3 Height of Buildings	8.5 metres max.	The proposed development is 8.06m at its highest point as calculated from the lowest existing ground level of 39.49 beneath the highest ridge point of RL47.55.	Yes.
4.4 Floor Space Ratio	0.5:1	0.5:1.	Yes
Part 5 Miscellaneous Provisions			
5.9 & 5.9AA Preservation of Trees & Vegetation	Requires approval to remove or damage trees or vegetation, when prescribed (cl 5.9) or not (cl 5.9AA) by a DCP.	Ten trees require removal as part of the application. Development consent would authorise removal of the trees and is supported as per the recommendations within the submitted Arboricultural Impact Report prepared by Landscape Matrix. The tree protection measures recommended by the report for the remaining trees are included as a condition of consent.	Yes.
6.4 Stormwater Management	Consent must not be granted unless: (a) Water permeable surfaces are maximized having regard to soil characteristics affecting on-site stormwater infiltration (b) Includes on-site detention if practical as an alternative means of water supply (c) Avoids significant impacts of run-off on adjoining land or the environment or minimises and mitigates impacts.	Council's stormwater engineer has undertaken an assessment of the submitted overland flow study and amended plans. The proposal is satisfactory subject to appropriate conditions of consent.	Yes

Provision/ Standard	Requirement	Proposal	Complies
6.6 Essential Services	Consent must not be granted unless Council is satisfied access to or is able to be provided to the development: (a) Water supply (b) Electricity supply (c) Sewage disposal (d) Stormwater drainage or on-site conservation (e) Suitable vehicular access.	All services are available to the site.	Yes.

The proposal demonstrates full compliance with the relevant development standards of the Canterbury Local Environmental Plan 2012.

- **Canterbury Development Control Plan 2012 (CDCP 2012)**

Part 2 – Residential Zones

Part 2 of the CDCP 2012 relates to the construction of new development within residential zones. The proposal is submitted under the remit of the ARH SEPP, and as such the controls as contained within Part 2 are limited in their applicability.

However, an assessment of the relevant controls within Part 2 is provided below:

Standard	Requirement	Proposed	Complies
Isolation of sites	No isolation of neighbouring properties so that it is incapable of being reasonably developed.	No isolation of neighbouring properties	Yes
Roof design	Relate roof design to the desired built form and/or context Design roofs to respond to the orientation of the site, for example by using eaves and skillion roofs to respond to solar access	The proposed roof structure responds to the orientation of the site and provides additional solar access to future occupants. The scheme is generally consistent with the desired future built form and context of the area	Yes
Design Controls	Clearly identifiable entries, provide main common entry	Clear entry is provided from King Georges Road	Yes
	Habitable room windows to face communal areas	Habitable rooms overlook side and front setbacks.	Yes
	No obstruction to views from street to development and vice versa	Sufficient natural surveillance to areas surrounding proposed areas	Yes

The proposal demonstrates full compliance with the applicable controls contained within Part 2 of the CDCP 2012.

Part 6.1 – Access and Mobility

An Access Review Report prepared by Morris Goding Accessibility Consulting accompanies the development application and demonstrates the proposed can achieve compliance with the access provisions contained within the National Construction Code and associated Disability Discrimination Act 1992 and Disability (Access to Premises – Buildings) Standard 2010. Council raises no objection to the proposed development subject to compliance with the requirements of the report and conditions of consent.

Part 6.2 – Climate and Resource Efficiency

Part 6.2.6(i) of the CDCP 2012 requires that new residential developments provide adjoining living room windows and principal ground level open space with at least two hours solar access between 9am and 3pm in midwinter.

The overshadowing diagrams provided demonstrate that the affected southern neighbour continues to receive the required two hours solar access to both living rooms and ground level open space in accordance with part 6.2.6(i).

Part 6.3 – Crime Prevention through Environmental Design

The development has been assessed against Part 6.3 of the CDCP 2012. As the development is a residential development, the CPTED element of ownership is assumed due to the use of the building. CPTED elements of natural surveillance and access points require special consideration and are summarised as follows:

Requirements	Proposal	Complies
Location of front door – visible to street and other properties	Location of the entrance is visible to the street and other properties	Yes
Habitable rooms with windows to the front street or adjacent to public areas	Habitable room windows address the primary frontage and rear open space	Yes
Visibility to street/public areas – not obstructed by new/existing landscaping or fencing	Visibility of development will not be obstructed by a front fence or landscaping.	Yes

As highlighted above, the application is consistent with the objectives and controls as outlined in Part 6.3 of the CDCP 2012.

Part 6.4 – Development Engineering, Flood and Stormwater

The stormwater proposal submitted with the application has been assessed by our Development Engineer. The requested overland flow study report and amended plans have been assessed and are in accordance with Canterbury's stormwater disposal requirements. No objection is raised subject to conditions of consent being attached to any consent granted.

Part 6.6 – Landscaping and Part 6.7 - Preservation of Trees or Vegetation

The proposal has been reviewed by our Landscape Architect who has advised that no objection is raised to the amended plans from a landscaping perspective, subject to appropriate conditions being imposed on any consent issued.

Part 6.9 – Waste Management

The proposal has been assessed by Council's Waste Contracts Coordinator who raises no objection to the amended plans submitted, subject to conditions.

- **Canterbury Development Contributions Plan 2013**

The provisions of the Canterbury Section 94 Plan apply to the proposed development in that it will provide residential dwellings in the form of boarding rooms on the subject site. The proposal will attract a payment of \$106,331.84 for open space and recreation, community facilities and plan administration. Having regard to the provisions of the plan, this will be imposed via a condition of consent.

Other Considerations

- **Standards for Places of Shared Accommodation**

The proposal is regulated by the Standards for Places of Shared Accommodation under the Local Government (General) Regulation 2005. These Standards refer to the Public Health (General) Regulation 2002. A total of 25 boarding rooms accommodated by no more than one lodger at any one time, which will be imposed as a condition of consent should approval be granted.

A condition will be imposed requiring compliance with the Places of Shared Accommodation Standard, which requires the premises to be kept in a clean and tidy state and for furniture to be maintained in good order.

To ensure compliance with the above standard, annual inspections are carried out by Council of all places of shared accommodation. Therefore, these premises would be subject to an annual inspection as required by the Local Government Regulation.

Notification

In accordance with the requirements of Part 7 of the CDCP 2012, the application was exhibited from 30 June 2016 to 3 August 2016. A total of eight submissions were received in relation to the boarding house, including five from the same household. The following concerns have been raised:

- **Ausgrid requirements**

Ausgrid submitted that the proposed development will require a formal application to Ausgrid to ascertain any impacts that may occur on the existing infrastructure supply or Ausgrid assets.

All requirements included in the submission from Ausgrid have been included as conditions of consent.

- **Not in keeping with the residential zoning**

The proposed development is a permissible residential land use and is in keeping with the objectives of the R3 Medium Density zone as per the CLEP 2012, as previously discussed.

Further, consideration of Clause 30A states that a 'consent authority must not consent to development 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'. As assessed in that section of the report, the proposal is considered to offer a quality design outcome within the residential context of the surrounding area.

- **Occupancy will be transitory whilst the surrounding residential is longer term accommodation**

Boarding house accommodation must be for a minimum of three months as per the definition of 'boarding house' in the CLEP 2012 which provides the following:

“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”. (emphasis added by author)*

The leasing conditions of a boarding house are therefore similar to the leasing arrangements for a dwelling.

- **Building and wall height does not comply with Part 2 Residential of the CDCP 2012**

The Canterbury Development Control Plan 2012 (CDCP 2012) does not contain maximum building height or wall height controls that apply to boarding houses.

The submission requests that the development comply with the maximum building height in accordance with Clause 29(2a) of the ARH SEPP. This clause relates to the maximum height under the CLEP 2012. The maximum building height applicable to the site is 8.5m.

Various existing ground levels are quoted in the submission, including RL39.53 and RL39.50. It is agreed that the site's lowest point is approximately RL39.49 underneath the highest point of the ridge line, proposed at 47.55. The resultant height is 8.06m; which complies with Clause 4.3 of the CLEP 2012 and therefore Clause 29 (2a) of the ARH SEPP.

Further, the proposed building height, maximised on the northern edge of both proposed buildings, seeks to provide some form of solar access to the boarding house rooms. The adjoining northern three storey residential flat building overshadows the subject site and the proposed built form includes pitched roofs in order to capture as much sunlight as possible for future occupants.

The compliant height is therefore considered acceptable when balancing the provision of solar access to future occupants without detrimentally impacting the amenity of the northern residential flat building with regard to 'visual bulk' and 'ventilation' as discussed below.

- **Visual bulk**

The submission raises concerns about the visual outlook from the objector's balcony to the external wall height of the proposed development.

The building separation between the two developments is approximately 5.5m. The proposed development, as a whole, generally complies with the applicable building siting controls. As a consequence of the proximity of the adjoining developments balconies, the proposal seeks to treat the northern boundary with landscaping works including tree planting to a height of 8-15m. The proposed landscaping plan includes a mix of fast growing and slow growing trees. The slower growing varieties will not reach maturity for approximately 15-20 years. However other varieties, such as the *angophora costata*, are fast growing trees which will grow to 6-8m in approximately five years.

In the urban context that characterises the immediate locality, the proposed building is of a density and built form as anticipated by the current planning framework. Accordingly the outlook between the existing balconies at 261 King Georges Road and the proposed development is appropriate given the medium density context of the area.

- **Ventilation**

One of the submissions received requested for a change of roof fall direction to facilitate natural ventilation.

As detailed above in 'visual bulk' the proposed development responds appropriately to the anticipated character of the locality. The proposal is setback 2.5m from the northern boundary and complies with the building envelope controls. The proposed setback and two storey height of the proposed development will continue to facilitate adequate ventilation to the adjoining northern units. It is considered that a reversal in roof fall (with the uppermost ridge line located on the southern side of each building) would not create a noticeable difference in airflow between the two developments.

The submission also raises concern that the proposed windows would reflect heat into the objectors unit. The layout and dimensions of the proposed glass windows are similar to that of any residential development. The proposal does not contain excessive glass that would reflect heat to a magnitude not otherwise anticipated by any residential improvement to the subject site.

The anticipated impacts with regard to ventilation and heat are therefore considered acceptable in this instance.

- **Trees along northern boundary**

One submission raises concerns with the proposed privacy/landscaping treatment along the subject site's northern boundary. The submission requests that the landscaping and privacy measures, being trees, be deleted from the proposed development or reduced to fence height. The submission raises concerns about the loss of sunlight and resultant 'damp areas' from the shade of the trees.

The Canterbury DCP 2012 does not contain any privacy measures for bedrooms and as such, the proposed trees are not solely for the provision of privacy between the two developments.

As per the submission, the adjoining units face south. The submission raises concerns that the trees may have some impact on how quickly the soil dries after the rain. The proposed trees are not considered to significantly remove sunlight to the southern units (located north of the subject site) given the

orientation of the adjoining units. Instead, it is considered that the trees will positively result in an improved landscaped area between the two developments.

To this point, outlook impacts between the two development were raised by another submission in the same building, of which will be improved between the two developments as a result of the proposed boundary trees.

With regard to the maintenance of the trees and associated drainage issues from leaf matter, it is reasonable to expect that landscaping would be provided along side setbacks. The maintenance of the proposed trees is the responsibility of the subject site's landowner.

- **Inadequate parking provided and traffic impacts**

Clause 29(2)(e) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 requires that the proposal provide at least 0.2 car parking spaces for each unit proposed. The proposal seeks consent for 25 boarding rooms and one managers room. In accordance with the rates as required by this clause, the proposal is to provide 5.2 car parking spaces. The development proposes six car parking spaces. The proposal complies with the parking requirements of the ARH SEPP.

Further, the site is located within close proximity to Roselands Shopping Centre and truly 'accessible' public transport as defined by the ARH SEPP. As such, it is anticipated that tenants either use public transport or walk to such locations.

Conversely, the submissions also raise concern about the increased traffic impacts. The current parking provided on site is four car spaces (two car spaces for each of the two existing dwellings). An addition of two car spaces and motor cycle parking will not create detrimental traffic impacts as supported by the RMS and the submitted Traffic Impacts report.

- **Car headlight's beaming into adjoining properties**

The proposed development provides six car spaces for occupants. The parking provided is similar to the two car space requirements existing that service the two existing dwellings. The addition of two car spaces and motor cycle parking is unlikely to create a noticeable increase in headlight pollution across King Georges Road into the adjacent occupants housing.

- **Safety concerns**

Boarding houses are a valid alternative type of residential accommodation that addresses the needs of various sections of the community. The applicant has provided an Operational Management Plan which provides house rules to ensure the safety and amenity of future occupants and adjoining residents is maintained. To ensure minimal disruptions from the boarding house on the neighbouring properties, further details in relation to the day to day operation of the boarding house will be incorporated into the submitted Plan of Management. Should consent be granted this will be imposed as a condition of consent.

Further, the operation of boarding houses are regulated by the *Boarding Houses Act 2012*, the *Boarding Houses Regulation 2013* and are inspected by Council on a regular basis. If the premises are operated in accordance with the consent and the approved Plan of Management, it is unlikely that the

use will adversely impact upon the surrounding area above that of any other form of residential development.

- **Applicable legislation**

Concerns were raised in a submission with regard to the applicable legislation. In this instance, the primary planning framework that shapes the built form of boarding house development in the former Canterbury Local Government Area is the ARH SEPP. Other SEPPs quoted, specifically the State Environmental Planning Policy (Exempt and Complying) 2008 (Codes SEPP), do not apply.

As discussed above, the Canterbury DCP 2012 does not contain design controls for boarding houses and has limited applicability. Other diagrams within the submissions appear to be from repealed DCPs or DCPs from other LGAs.

Further, as raised by a submission, the proposal is not a government agency but a private community housing provider. As demonstrated throughout the assessment report, the provider complies with the relevant planning framework.

- **Notification plans**

A submission raised concern that the development application package showed the adjoining three storey residential flat building as a single storey dwelling. A review of the development application package demonstrates that the proposal has correctly identified the northern residential flat building correctly on the plans submitted.

It is noted that the southern neighbour is a single dwelling.

Suitability of the site for the development

In light of the assessment against the provisions of the applicable environmental planning instruments and the environmental impacts summarised above, the site is suitable for the residential development for which consent is sought.

The public interest

Having regard to the matters discussed above, the proposed development is considered to be satisfactory and worthy of support.

Conclusion

The proposal seeks consent for the construction of a boarding house development lodged pursuant to the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). The development fully complies with the requirements of that Policy, including the minimum standards which cannot be used to refuse development consent.

The proposal is permissible within the R3 Medium Density Residential zone, subject to development consent, under the provisions of the Canterbury Local Environmental Plan 2012. As demonstrated, the proposal is consistent with the core residential development standards as contained within the Plan.

As outlined in the report, the site is capable of accommodating the proposed residential development and is not expected to have a detrimental impact upon the amenity of the wider locality. The development application has been assessed

pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, and all relevant development control plans, codes and policies. In this regard, the proposal is considered to be a suitable and compliant development and recommended for approval, subject to conditions of consent.

RECOMMENDATION

THAT the Joint Regional Planning Panel approve Development Application DA-193/2016, for the demolition of existing structures and construction of new generation boarding housing comprising 25 boarding rooms and one managers room, subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1 Details of:
 - Protection from termites
 - Structural Engineering Plan
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan
 - Hydraulic Plan
 - Fire Separation
 - Soil and Waste Management Plan
 - BASIX Certification
 - Mechanical ventilation
 - 1.2 Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
 - 1.3 Payment to Council of:

Kerb and Gutter Damage Deposit	\$3,395
Section 94 Contributions	\$106,331.84
Certificate Registration Fee	\$36.00
Long Service Levy	\$19,006.55
Long Service Levy Commission	\$19.80
 - 1.4 If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$17,513
Building Inspection Fees	\$4,085
Occupation Certificate Fee	\$1,347

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986.

Note 2: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 3: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and

2.2. you must appoint a Principal Certifying Authority (either Canterbury-Bankstown Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).

2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:

2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or

2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
- 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
- 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
- 4.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

5. Demolition must be carried out in accordance with the following:
- (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - (c) Demolition being carried out in accordance with the requirements of the Occupational Health and Safety Regulation 2001.
 - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - (e) Demolition of buildings is only permitted during the following hours:
7.00 a.m. – 5.00 p.m. Mondays to Fridays
7.00 a.m. – 12.00 noon Saturdays
No demolition is to be carried out on Sundays or Public Holidays.
 - (f) Burning of demolished building materials is prohibited.
 - (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.

- (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the NSW Community LEAD Advisory Service on 9716 0132 or 1800 626086 (freecall)
- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

6. The development being carried out in accordance with the plans, specifications, details and recommendations as set out in the table below except where amended by the conditions specified in this Notice:

Plan No.	Plan Title	Prepared by	Received by Council on
SA_ADA_101 Revision E	L01 GA Plan	Sissons Architects	20 October 2016
SA_ADA_102 Revision E	Roof Plan	Sissons Architects	20 October 2016
SA_ADA_201 Revision E	GA Sections	Sissons Architects	20 October 2016
SA_ADA_301 Revision E	GA Elevations - External	Sissons Architects	20 October 2016
SA_ADA_302 Revision E	GA Elevations - Courtyard	Sissons Architects	20 October 2016
SA_ADA_303 Revision E	Streetscape Elevation	Sissons Architects	20 October 2016
LP01/B	Landscape Plan	Black Beetle	1 August 2016
SA_ADA_003 Revision B	Demolition Plan	Sissons Architects	6 May 2016
SA_ADA_007 Revision A	Soil and Water Management Plan	Sissons Architects	6 May 2016
SA_ADA_100 Revision D	L00 GA Plan	Sissons Architects	1 September 2016

SA_ADA_501 Revision C	Boarding Room Details – Type A	Sissons Architects	6 May 2016
SA_ADA_502 Revision C	Boarding Room Details – Type B	Sissons Architects	6 May 2016
SA_ADA_503 Revision A	Bin Storage Details	Sissons Architects	1 September 2016
SA_ADA_700 Revision C	Materials and Finishes 01	Sissons Architects	6 May 2016
SA_ADA_700 Revision B	Materials and Finishes 02	Sissons Architects	6 May 2016
C01 Revision P2	Coversheet, Locality Plan, Legends and Drawing Schedule	Taylor Thomson Whitting	1 August 2016
C02 Revision P2	Catchment Plan	Taylor Thomson Whitting	1 August 2016
C03 Revision P2	Siteworks and Stormwater Plan	Taylor Thomson Whitting	1 August 2016
C04 Revision P2	Siteworks and Stormwater Plan (sections)	Taylor Thomson Whitting	1 August 2016
-	Arboricultural Impact Report	Landscape Matrix Pty Ltd	6 May 2016
-	Maintenance Plan	Black Beetle Pty Ltd	1 August 2016
-	Noise Impact Assessment	WSP Parsons Brinckerhoff	6 May 2016
-	BCA Compliance Assessment Report	AED Group	6 May 2016
-	Operation Plan of Management	Evolve Housing and Pacific Link	6 May 2016
-	Waste Management Plan	Stimson and Baker Planning	6 May 2016
No. 722777M	BASIX Certificate Multi Dwelling	-	6 May 2016
-	DA Access Review	Morris Goding Accessibility Consulting	1 August 2016

6.1 All RL levels provided on the plans received by Council on 20 October 2016 shall be adopted across all approved plans. The FFL of the first floor shall be no higher than FFL 43.330 and the overall height shall be no higher than FFL 47.550. Amended plans must be submitted demonstrating prior to the issues of a Construction Certificate.

7. Finishes and materials including the treatment of external walls, windows, balustrading and guttering being in accordance with the details presented in the Materials and Finishes 01 and 02 prepared by Sissons Architects, Revision B, Project No. 15-022, dated: 5 May 2016 and as received by Council on 6 May 2016. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
8. The building not being used at any future time other than for the purpose of a 25 room boarding house with one managers room.
9. Each boarding room sleeping no more than one person.
10. The use shall be operated in accordance with the approved Plan of Management (Dated: received by Council on 6 May 2016) at all times. The applicant/operator of the use shall, as part of the Plan of Management, provide Council and neighbouring properties in a 400m radius in King Georges Road with a 24-hour telephone contact

number to be used for the registering of complaints. The applicant/operator of the use is to monitor the number and nature of complaints, shall formally register all complaints received and shall detail the action taken to rectify the problems that have arisen. This information shall be collated into a Complaints Log and be made readily available to Council at any time upon request.

11. The new building shall continue to be used exclusively for the purposes of a boarding house within the meaning of State Environmental Planning Policy (Affordable Rental Housing) 2009.
12. Strata subdivision of the boarding house is not permitted.
13. Six (6) off-street car spaces, including two disabled car spaces, being designed in accordance with AS 2890.1, provided in accordance with the submitted plans and being sealed and linemarked to the satisfaction of the Principal Certifying Authority.
14. Car spaces No. 4 and 5, as shown on the approved plans, must be designated for disability access and be appropriately signposted in accordance with the provisions of the Disability (Access to Premises – Buildings) Standards 2010. Car space 5 shall be redesigned in accordance with the requirements of the RMS.
15. Access to the premises should be provided for people with disabilities. Any step, lip or significant level change should be addressed by means of a ramp complying with AS 1428.1. An uninterrupted path of travel should be maintained from the entrance to the premises in King Georges Road to the wheelchair accessible rooms and the communal living room area. Unimpeded access must also be provided for people with disabilities to the waste, recycling and mail box areas.
16. Ground floor rooms in the boarding house are to be accessible to a person who uses a wheelchair and must comply with all relevant requirements of AS1428.1 and the Disability (Access to Premises – Buildings) Standards 2010.
17. The proposed development must be constructed and provided to comply with all applicable provisions as outlined in AS1428.1, AS1735.14 and the Disability (Access to Premises – Buildings) Standards 2010.
18. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general.
19. All building construction work must comply with the National Construction Code.
20. The proposed structure being erected so as to stand wholly within the boundaries of the allotment.
21. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
22. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
23. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00a.m.-5.00p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
24. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
25. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
26. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
27. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
28. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.

29. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
30. Under clause 97A(2) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."

RMS

31. In accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-streetcar parking), the driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary to allow for two-way simultaneous entry and exit.
32. All vehicles shall enter and exit the site in a forward direction. A swept path plan, demonstrating vehicles entering and exiting the site in a forward direction, shall be submitted to Council.
33. The driveway shall be designed and constructed in accordance with AS2890.1 — 2004. Vehicles exiting the subject site should have adequate sight distance to pedestrians and cyclists on the footway.
34. The design and construction of the gutter crossing on King Georges Road shall be in accordance with Roads and Maritime's requirements. Details of these requirements should be obtained from Roads and Maritime's Statewide Delivery Section (9598 7798). Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the commencement of any road worksA plan checking fee and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.
35. Should there be changes to the Roads and Maritime's drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. A plan checking fee will be payable and a performance bond may be required before Roads and Maritime's approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime's Project Engineer, External Works Ph: 8849 2114.
36. A Road Occupancy Licence should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on King Georges Road during construction activities.
37. All demolition and construction vehicles are to be contained wholly within the site as a work zone permit will not be approved on King Georges Road.
38. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth) along the King Georges Road boundary.
39. The disabled car parking space close to King Georges Road is to be removed or relocated as accessing this car parking space will impact on the vehicles entering the site from King Georges Road.

AUSGRID

40. The developer is required to make a formal submission to Ausgrid by means of a duly completed Connection Application and/ or Preliminary Enquiry form to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site). In general, works to be considered by Ausgrid include, but are not limited to, the following:
 - a. Changes in electrical load requirements
 - b. Changes to Ausgrid's infrastructure (i.e. asset relocations, decommissioning substations etc.)
 - c. Works affecting Ausgrid's easements, leases and/ or right of ways
 - d. Changing the gradients of any roads or paths
 - e. Changing the level of roads or foot paths
 - f. Widening or narrowing of roads
 - g. Closing roads or laneways to vehicles
 - h. Land subsidence and vibration impact on Ausgrid assets as a result of excavation / reinforcement activities
 - i. In all cases Ausgrid is to have an unimpeded 24 hour access to all its assets.
41. Any work undertaken near our assets needs to be done in accordance with various standards, rules and guidelines including:
 - a. Ausgrid's Network Standards
 - b. Ausgrid's Electrical Safety Rules.
42. The developer is to ensure that the proposed works do not contravene Ausgrid's Technical Standards and statutory requirements with regards to the safe and reliable operation and maintenance of its network.

ENVIRONMENT

43. Noise, dust, fumes, vibration etc interference
All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
44. Places of shared accommodation
Outfitting and operation of the use in accordance with Schedule 1 (below) of the Local Government (General) Regulation 2005. Council's City Planning Division conducts routine annual inspections in order to ensure compliance with the requirements of the Schedule and a written report of the result of the inspection is issued by the Environmental Officer. A fee is payable for this service under Section 608 of the Local Government Act 1993.

Local Government (General) Regulation, 2005
Schedule 1 – Standards For Places Of Shared Accommodation

Maximum number of boarders and lodgers

1. (1)The number of occupants (not including children under the age of 5 years) must not exceed the maximum number of persons determined by the council to be accommodated in each bedroom or dormitory and in the whole premises.
(2)The maximum number of persons accommodated in a bedroom, or in a cubicle of a dormitory, must not exceed the number determined by allowing a minimum floor area within the bedroom or cubicle of 5.5 square metres for each person.

Notices

2. (1)A sign indicating the permissible maximum length of time during

which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.

(2) A schedule showing the numeral designating each bedroom and dormitory and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.

(3) Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.

Light and ventilation

3. (1) Adequate light and ventilation must be maintained in the premises.

(2) All partitions forming cubicles in a dormitory must be adequately constructed and provide adequate ventilation.

Kitchen facilities

4. (1) Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.

(2) The floor of any kitchen must have an approved impervious surface.

General cleanliness

5. (1) All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.

(2) Pans, receptacles or other waste storage devices must be kept covered and all waste must be deposited in appropriate pans, receptacles or other waste storage devices.

Furniture and fittings

6. Appropriate furniture and fittings must be provided and maintained in good repair.

Long term residences

7. If the place is one in which persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds curtains or similar devices to screen bedroom and dormitory windows for privacy must be provided for the occupants.

WASTE

45. The waste bin storage areas must be designed and constructed in accordance with clause 6.9.4.1 and 6.9.4.2 of the CDCP.

46. Unobstructed and unrestricted access must be provided to the waste bin presentation area on collection days from 5.00am. The bins must not be presented on the road.

LANDSCAPING

47. The landscaping must be completed according to the submitted Landscape plan (drawn by Black Beetle Landscape Architects, drawing no. BB1142 LP01/A, submitted to council on the 6th of May 2016) and Maintenance Plan (prepared by Black Beetle Landscape Architects and submitted to council on the 1st of August 2016) except where amended by the conditions of consent.

48. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
49. All scheduled plant stock shall be **pre-ordered**, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
50. An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.
51. The existing neighbouring trees identified as Tree no. 3, 6, 7 and 14 in the Arboricultural Impact Report (prepared by Guy Paroissien of Landscape Matrix and submitted to council on the 6th of May, 2016) are to be retained and protected during demolition and construction in accordance with all recommendations, advise and guidelines provided in the Arboricultural Assessment report.
52. A Tree Management Plan is to be prepared by an AQF Level 5 Registered Consulting Arborist with a minimum 5 years industry experience to specify measures to be implemented during demolition and construction to protect the trees to be retained as specified above in accordance with AS4970-2009 and submitted to Council prior to the issue of the Construction Certificate. This is to include:
 - a. An AQF Level 5 Registered Arborist must be engaged as a project arborist. Contact details of this project arborist are to be forwarded to council and the consenting authority prior to the issue of Construction Certificate.
53. A project arborist is to be employed by the applicant to carry out the following:
 - a. Carry out the protection of the trees to be retained during demolition and construction in accordance with all recommendations, advise and guidelines provided in the Arboricultural Assessment report (prepared by Guy Paroissien of Landscape Matrix and submitted to council on the 6th of May, 2016) and the Tree Management Plan to be submitted prior to Construction Certificate.
 - b. Establishment of the tree protection zone and erection of fencing and signage as per the above mentioned requirements.
 - c. Attendance on site regularly in accordance with section 5.4.1 of AS 4970 - 2009. Particularly, during the demolition and construction of any works within the tree protection zones.
 - d. Any roots greater than 25mm in diameter that is exposed within 1m of the TPZ must be cleanly cut and kept moist.
 - e. Any remedial works that might be required for the tree, should these conditions and the tree protection plan have not be complied with.
 - f. Provide a final assessment of the tree condition, details of any works conducted to the tree and provision of certification that the tree protection works have been carried out in accordance with the requirements listed above at minimum as set out in Section 5.5.2 of AS 4970-2009. This certification is to be provided to the principle certifying authority and council at practical completion.
54. The existing concrete driveway within the tree protection zone of Tree 3 is to be retained in situ with drilled holes for moisture infiltration during construction. It may be removed during the final construction phase using methods which allow the root system of the tree to remain preserved and intact such as hand digging methods. The new driveway/parking and footpath areas are to be installed above grade with all

- existing levels to be maintained using porous surfaces to allow for moisture infiltration and gaseous exchange.
55. An amended landscape plan to address the issues outlined below is to be submitted to Council or certifier prior to the issue of the Construction Certificate;
- g. Provide Construction Details including:
 - h. Standard constructions and details drawings (eg. Sections through mass planting beds, tree planting and mulching details, paths, steps and retaining walls)
 - i. Provide a planting schedule with botanical and common names, container size, spacing, quantities, mature height and staking requirements.
 - j. New driveway/parking and footpath areas within the TPZ of Tree 3 are to be installed above grade with all existing levels to be maintained **using porous surfaces** to allow for moisture infiltration and gaseous exchange.
 - k. Please nominate porous surfaces to these areas in the Landscape Plan and Legend.

ENGINEERING - PRIOR TO CONSTRUCTION CERTIFICATE

56. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
- a) The design must be generally in accordance with the plans, specifications and details received by Council on 01st August 2016; drawing number C01-C04, prepared by Taylor Thompson Whitting Pty Ltd.
 - b) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
57. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
58. The street alignment levels are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
59. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:
- a) The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
 - b) The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
 - c) The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of AS/NZS 2890.1-2004.
 - d) Minimum lines of sight for pedestrian safety must be provided in accordance Figure 3.3 of AS/NZS 2890.1:2004.
 - e) All gates if any must be inward opening within its own boundary, and must not obstruct the pedestrian pathway.
60. Retaining walls greater than 1000 mm high or retaining more than 600 mm of cut or fill proposed to be located within one metre of a boundary are to be designed by a Structural Engineer and must have subsoil drainage connected to the site stormwater system. Design plans prepared by an appropriately qualified and practising structural engineer must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.

All components of any retaining walls, including subsoil drainage, must be located entirely within the property boundary. The subsoil drainage lines of the retaining walls must be shown on the stormwater drainage concept plan.

61. The Principal Certifying Authority must ensure that the design and construction of the proposed development must incorporate the recommendations of the overland flow study report received by council on 1st August 2016, prepared by Taylor Thompson Whitting Pty Ltd.

ENGINEERING - PRIOR TO AND DURING CONSTRUCTION

62. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
63. A Work Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
64. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 5.5 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
65. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.

ENGINEERING - PRIOR TO OCCUPATIONAL CERTIFICATE

66. That the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
67. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
68. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.
69. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans has been prepared and implemented for the OSD and basement pump out facilities. The Plan must set out the following at a minimum:

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

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

- 70. The Operation and Management Plan for the OSD and basement pump out facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
- 71. Prior to the issue of an Occupational Certificate, the Principal Certifying Authority must ensure retaining walls have been constructed in accordance with the design plans. If the retaining walls do not require structural design certification may be provided by the builder. If the retaining walls require structural design certification must be provided by a qualified structural engineer that the retaining walls have been built in accordance with the plans submitted with the Construction Certificate.

PUBLIC IMPROVEMENTS

- 72. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 73. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting King Georges Road is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

STREET ADDRESSING

- 74. Allocation of street numbers has been based on the NSW Address Policy and Rural and Urban Addressing Standard AS/NZS 4819:2011.
- 75. Future Street Addressing for the proposed development within DA-193/2016 is advised as follows: 265 King Georges Road, Roselands.
- 76. Unit numbering must be unique, including the Manager's Unit. Unit numbering is as follows:
 - a. Ground Floor Unit Numbers: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12;
 - b. First Floor Unit Numbers: 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26.
- 77. The applicant is advised to contact Councils' Mapping & GIS Services to confirm Street Addressing prior to the issue of an Occupation Certificate.

SYDNEY WATER REQUIREMENTS

- 78. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at www.sydneywater.com.au/SW/plumbing-building-developing, Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

CRITICAL INSPECTIONS

- 79. Critical inspections required for Class 2, 3 or 4 Buildings
79.1. At the commencement of the building work, and

- 79.2. Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
 - 79.3. Prior to covering any stormwater drainage connections, and
 - 79.4. After the building work has been completed and prior to any occupation certificate being issued in relation to the building.
80. If you appoint Council as the Principal Certifying Authority the following additional stage inspections must be carried out.
81. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work, as nominated in this development consent.
- To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

- 82. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.
- 83. Prior to the issue of an Occupation Certificate, under the Boarding Houses Act 2012, Boarding House proprietors are required to register their boarding house with NSW Fair Trading. Failure to do so is an offence and action may be taken.

OTHER APPROVALS

- 84. Outfitting and operation of the use in accordance with Schedule 2 (Part 1- STANDARDS FOR PLACES OF SHARED ACCOMMODATION) of the Local Government (General) Regulation 2005. Council's City Planning Division conducts routine annual inspections in order to ensure compliance with the requirements of the Schedule and a written report of the result of the inspection is issued by the Environmental Officer. A fee is payable for this service under Section 608 of the Local Government Act 1993.

WE ALSO ADVISE

- 85. This application has been assessed in accordance with the National Construction Code (NCC).
- 86. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Evidence of compliance with NCC Section J
 - Waterproofing
 - Glazing
 - Final Fire Safety Certificate
- 87. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
- 88. The relevant Council Manuals and AUS-SPEC specifications referred to are available from Council for a fee.
- 89. Private contractors shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
- 90. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can effect layout of garden beds and plantings.
- 91. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.

92. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
93. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
94. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
95. If you are not satisfied with this determination, you may:
 - 95.1 Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made within 6 months of the date of receipt of this Notice of Determination; or
 - 95.2 Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.