

74 – 75 CARLTON CRESCENT, SUMMER HILL

Panel Reference	2019ECI018DA
DA Number	DA 10.2018.220.1
LGA	Inner West
Proposed Development	Partial demolition of existing building and construction of a 180 room student accommodation building (Boarding House) over 4 levels, with associated management offices, common rooms and landscaping
Street Address	74 – 75 Carlton Crescent Summer Hill
Applicant/Owner	Iglu No. 210 Pty Ltd
Date of DA lodgement	20 December 2018
Number of Submissions	Seven (7)
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital investment value of \$33,440,000
List of all relevant s4.15(1)(a) matters	<p>State Environmental Planning Policy No. 55 – Remediation of Land</p> <p>State Environmental Planning Policy (Infrastructure) 2007</p> <p>State Environmental Planning Policy No.64 – Advertising and Signage</p> <p>State Environmental Planning Policy (Affordable Rental Housing) 2009</p> <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</p> <p>Ashfield Local Environmental Plan 2013</p> <p>Inner West Comprehensive Development Control Plan 2016</p> <p>Ashfield Section 94/94A Contributions Plan 2010.</p>
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Architectural Plans 2. Landscape Plans 3. Statement of Environmental Effects 4. Clause 4.6 variation request for Height 5. Clause 4.6 variation request for Floor Space Ratio 6. Traffic and Parking Assessment Report 7. Access Report 8. Heritage Impact Statement 9. Plan of Management 10. Green Travel Plan 11. Geotechnical Report 12. Flood Report & Flood Assessment Response 13. Flood Response Management Plan

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	14. Stormwater Drainage Concept Plan 15. Environmental Site Assessment – Phase 1 and 2 16. Remedial Action Plan 17. Noise Impact Assessment 18. Construction Methodology Assessment 19. Fire Engineering Capability Statement 20. Overhead Power Mains Assessment 21. Probable Maximum Flood Response
Report prepared by	Conor Wilson
Report date	20 August 2019

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

Synopsis

Development consent is sought for the partial demolition of existing on-site structures and construction of a student accommodation building (Boarding House). The proposal includes the retention of the historic Western Suburbs District Ambulance Station building.

The proposal has been designed over four levels and accommodates 180 rooms, with each room able to house two students. This results in the development able to accommodate up to 368 students.

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Currently located upon the site is the Former Western Suburbs District Ambulance Station, which is identified as being a contributory 1 building within the heritage conservation area. The site was previously managed and owned by a state government agency and the former Ambulance Station was identified in the Central District Area Health Service Section 170 Heritage and Conservation Register 1992. The subject site is identified as being flood affected. The site is within close proximity to the Inner West Railway corridor and Sydney Trains High Voltage Power Lines and as such requires concurrence from Sydney Trains.

The application was notified in accordance with Council's notification policy. Seven (7) submissions were received as a result of this notification. Primary concerns raised during the notification period relate to overdevelopment of the site, car parking and traffic generation, the suitability of the use for the location and impacts upon the heritage conservation area.

The applicant has failed to demonstrate compliance with clause 6.2 – Flood Planning within the Ashfield LEP 2013. Concerns are raised that the proposal is not compatible with the flood hazard of the land, that the development will significantly adversely affect flood behaviour, that there is not sufficient appropriate measures to manage risk to life from flood and that the development will result in unsustainable social and economic costs to the community as a consequence of flooding.

The applicant has submitted a flooding report to Council, which outlines that the site is protected from flooding during the 1% AEP storm, but during rarer events such as the Probable Maximum Flood (PMF) storm event that the court yard and ground floor units flood by up to 1.8m. Council's engineers have outlined that during the PMF event within a 30 minute duration a high rate of rise in the courtyard would be experienced and will significantly limit the available warning and evacuation time. The flood water in the proposed courtyard will also result in the ground floor boarding rooms experiencing significant exposure to flood risk, putting residents at high risk.

The proposal generally complies with the objectives of applicable planning controls. Departures from numeric controls include building height, floor space ratio, car parking and setbacks. The non-compliances with these planning controls are considered acceptable and are addressed within this report.

The application is recommended for refusal, due to the non-compliance with clause 6.2 of the ALEP and reasons outlined under the recommendation section of the report. However, if an adequate engineering and emergency risk response can be provided by the applicant, the remainder of the planning merits of the application are considered acceptable.

PART A - PARTICULARS

Location: 74 – 75 Carlton Crescent, Summer Hill NSW 2130

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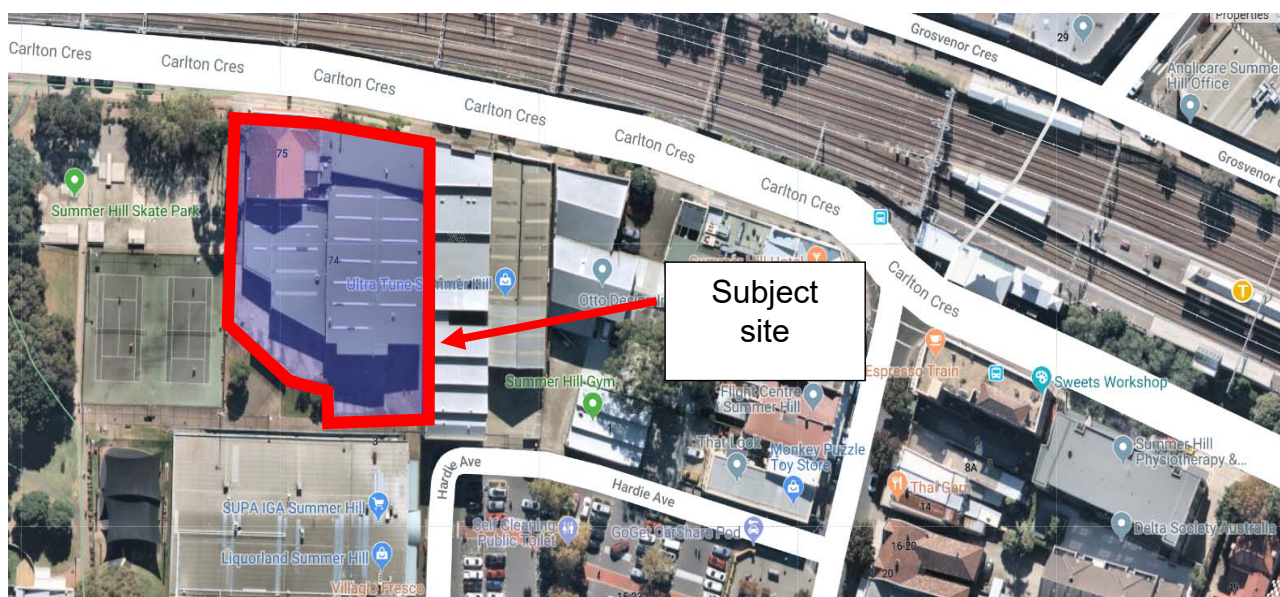


Figure 1: Aerial view of subject site.

D/A No: DA 10.2018.220

Application Date: 20 December 2018 (additional information submitted on 5 June 2019).

Proposal: Partial demolition of existing building and construction of a 180 room student accommodation building (boarding house) over 4 levels, associated management offices, common rooms and landscaping

Applicant: IGLU NO. 210 PTY LTD

Estimated Cost: \$33,440,000

Zoning: B2 - Local Centre

PART B - THE SITE AND ITS CONTEXT

Improvements:

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Figure 2: Site viewed from the Carlton Crescent– The Former Western Suburb District Ambulance Station (to be retained) - standing in Carlton Crescent looking south.



Figure 3: Site viewed from the Carlton Crescent– Warehouse forming eastern portion of the site (to be demolished) - standing in Carlton Crescent looking south-east.



Figure 4: Site viewed from the Darrel Jackson Gardens/Summer Hill Skate Park - Western Suburb District Ambulance Station to be retained.



Figure 5: Site viewed from the rear depicting warehouse element to be demolished - standing in Hardie Avenue looking north-west.

Current Use: The site is currently not in use, but was until recently utilised as an Ambulance Station by NSW Ambulance until the completion of the new “Super Station” in Haberfield.

Prior Determinations: Nil.

PART C - REQUIREMENTS

1 Zoning

Is the proposal permissible under zoning provisions? Yes

Zone B2 – Local Centre

The proposed use as Student Accommodation (Boarding House) is a permissible use within the B2 – Local Centre Zone under ALEP and is also permitted by *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

2 Development Standards (Statutory Requirements):

Type	Required	Proposed	% of non-compliance
Height of Building (max)	10m	9.7 - 12.85m	28% (2.8m)
Floor Space Ratio (max)	1.5:1	1.55:1	4% (177m ²)

3 Community Consultation:

Required: Yes (newspaper advertisement 22/1/2019, on-site notice and letter notification)

Submissions: 7 submissions (discussed below)

4 Other Requirements:

Ashfield Section 94/94A Contributions Plan 2010

PART D - ASSESSMENT

1. The Site and Surrounds

The development relates to a singular site known as 74 – 75 Carlton Crescent, Summer Hill, NSW 2130 – Lot 2 DP717782. The site measures approximately 2896.5m² in area, incorporating a 47.5m frontage to Carlton Crescent, a maximum site depth of 63.9m and a rear lane frontage of 52.3m. The subject site is within close proximity to the Summer Hill town centre, being roughly 150m walking distance from the Summer Hill train Station and directly opposite the IGA Supermarket.

Currently located upon the site are two distinguishable building typologies reflecting the various uses that have utilised the site over the years. The north-western portion of the site has historically been utilised for emergency services, with the Western Suburbs Ambulance Station (seen within figure 2 above) erected in 1924. This Ambulance Station is of high importance, contributing towards the significant history of the Summer Hill centre and reflecting one of the few historic purpose-built Ambulance Stations in suburban Sydney. The eastern portion of the site (which contains a warehouse building as seen in figure 3 above) is believed to have been originally constructed within the 1930's but has been extensively altered and re-built, as such it no longer retains any surviving fabric from the original 1930's configuration and holds no heritage significance.

NSW Health acquired the eastern portion of the site in the 1980s and repurposed it as an extension to the existing Ambulance Station. Until as recently at 2017 the site has been utilised by NSW Health and NSW Ambulance as an Ambulance Station. The site been vacant since the relocation of the NSW Ambulance Service to the new Haberfield 'Super Centre' Ambulance Station.

The subject site is identified as being flood affected in the 1% AEP Event, with the frontage to Carlton Crescent subject to peak depths of 0.3m and the rear of the site subject to depths of 0.7m. The subject site and the rear pedestrian link has been identified as an area of High Hazard Flooding due to the potential depths of flood waters. The site is also within close proximity to Sydney Trains High Voltage Power lines.

To the north of the site, beyond Carlton Crescent and the Railway line development primarily comprises of low and medium density residential development. To the south is the Summer Hill shopping village, with Romeo's IGA, Liquor Land and a food and drink premises, all housed within the existing building directly opposite the subject site. To the east of the subject site is a mix of commercial and industrial uses including the Summer Hill Hotel. To the west of the site is the Darrell Jackson Gardens Parkland (a local heritage item) and the Summer Hill Skate Park.

Immediately adjoining buildings are characterised as single to three storeys, however directly to the south above the supermarket is likely to be re-developed within the immediate future with DA 10.2016.169 providing consent for a new mixed use residential/ retail development three stories in height, with basement and ground floor retail, first and attic level residential.

The subject site is not identified as an item of local heritage significance under the Ashfield LEP as it was previously owned by NSW Health registered under the State Government Section 170 Heritage Register. The site currently enjoys multiple vehicular access points from Carlton Crescent and a rear vehicular/ pedestrian access point (via a right of way) from the rear to Hardie Avenue. The site is located within the Summer Hill Heritage Conservation Area and adjacent to an item of local heritage significance, the Darrell Jackson Gardens.

2. The Proposal

This development application seeks consent for the partial demolition of existing buildings and construction of a 3 – 4 storey student accommodation building with a total of 180 rooms in addition to communal facilities. The proposed student accommodation involves the retention and adaptation of the Western Suburbs District Ambulance Station and demolition of all other on-site structures.

In particular the development application seeks consent for the following works:

- Demolition of all on-site structures with the exception of the NSW Western Suburbs District Ambulance Station
- Construction of a 3 – 4 storey student accommodation building (boarding house), incorporating 180 rooms and capable of housing 368 students
- Construction of communal living rooms, media rooms and study rooms totalling 230m²
- Construction of a new internal courtyard totalling 580m², incorporating communal sitting areas and a BBQ space.
- Construction of a bike storage area accommodating up to 60 bicycles
- Construction of a laundry and waste rooms

The proposal has been designed to accommodate 36 rooms, a laundry room, communal lounge room, media room, waste rooms and courtyard on the lower ground floor. This level is not directly accessible to the frontage of Carlton Crescent, but is directly accessible to the rear lane leading to Hardie Avenue. It is expected that this level will be the most trafficked by residents.

The proposed ground floor has been designed to provide direct pedestrian access from Carlton Crescent and incorporates a reception, meeting area, communal lounge, two study rooms, a loading dock (accessed from Carlton Crescent) and 48 rooms. Level one of the development accommodates 62 rooms and a study room. The proposed level one incorporates a large part of the former Ambulance Station adaptation, utilising historic walls and layouts to form new rooms. Level 2 of the development incorporates 35 rooms and has been designed to be set in roughly 11.6m from the western boundary relating to Darrell Jackson Reserve.

3. Application History

On 22 March 2019 Council planners sent a letter to the applicant raising a number of concerns with the proposal. The main issues can be summarised as follows:

- Height
 - Council requested that the applicant provide height plane diagrams so that the exact location/ extent of the height variation could be clearly understood and assessed.
- Breezeways
 - The breezeway along the eastern boundary was initially not supported by Council as it was considered to rely on the amenity of the neighbouring site at 72 Carlton Crescent and would limit future development potential. This

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position has since been clarified through the submission of revised information by the applicant (see assessment below).

- **Parking**
 - The developments proximity to a town centre, and Summer Hill Train Station resulted in Council providing in principle support for the proposed parking variation, subject to the provision of a Green Travel Plan, analysing key statistics from other operational Iglu developments around Sydney.
- **Rear Lane**
 - The neighbouring site at 1 – 11 Hardie Avenue has an operational consent for a new supermarket (in a basement), shops facing the subject site at 74-75 Carlton Crescent and residential units above. Council requested additional information/amended plans providing a detailed analysis of the rear lane should the development approved at 1-11 Hardie Avenue be constructed and how the proposed development will contribute/present to this emerging pedestrian link.
- **Flooding**
 - Five different flood control measures were proposed/outlined to the applicant to ensure that the development is compliant with Council's requirements for flooding. These included:
 - Flood Control 1: Proposed Flood gates at the front of the site not supported. Instead it was recommended that the low-lying footpath at the south of Carlton Crescent (adjacent to the sites frontage) be raised to at least kerb height for the full frontage.
 - Flood Control 2: Proposed raised landscaping area at the north west of the site should be raised to RL 23.9m AHD. Preventing ingress of flood water to the building.
 - Flood Control 3: Details of the design of the proposed flood walls were to be submitted to Council and certified by a practising, appropriately accredited structural engineer. These flood walls were also required to be raised to a minimum height of RL 23.9m AHD for the northwest of the site and RL 21.2m AHD at the southern end of the site.
 - Flood Control 4: The proposed flood wall shall not continue past the change in direction at the section where the northwest – southeast wall alignment ends at the south of the site, as this may exacerbate High Hazard flood conditions, by training the flow of water and increasing depth.
 - Flood Control 5: The finished floor levels for the lower ground floor towards the rear of the site shall be set to a minimum RL of 20.6m AHD at the east of the site and RL 21.1m AHD at the west of the site.
- **Geotechnical/Stormwater**
 - The geotechnical report relies on the architectural layout, an amended report should be submitted with any amended plans.
- **Heritage**
 - Council requested that the design be amend to retain more than just the facade of the Western Suburbs District Ambulance Station keeping existing

fenestration, internal and external layout and place typical Ambulance Station doors in the historic Ambulance bays openings. Council also requested a schedule of conservation and repair works be prepared by a heritage architect for the retained facades.

- Loading Bay
 - Council requested that the development be amended to accommodate a loading bay so that deliveries and waste collection could be undertaken on site. This enables the development to be properly serviced without having to rely on surrounding streets.

On the 8 May 2019 Council met with the applicant to discuss the matters raised above and review draft design amendments prior to the formal submission of amended plans.

On 30 April 2019 the application was reviewed by Council's Architectural Excellence Panel, who were generally supportive of the proposal and outlined the high quality of the design.

On the 5 June 2019 the applicant submitted amended plans to address the above concerns raised by Council. This amended plan package forms the basis for the current development application and assessment below. This package generally addresses the concerns previously raised by Council. Note that the breezeway has not been altered by the amended plans, as Council has since clarified its previous position and now supports the design (see assessment below).

On the 10 July 2019 the applicant submitted an amended flooding report to Council. This report was reviewed by Council's engineers who outlined that the site is protected from the 1% AEP storm, but during rarer events that the courtyard and ground floor units flood by up to 1.8m in the Probable Maximum Flood (PMF) storm event. Council's engineers outlined that during the PMF event within a 30 minute duration a high rate of rise in the courtyard would be experienced.

On 18 July 2019 Council met with the applicant to discuss concerns regarding flooding and occupants safety during a PMF Event.

On 15 August 2019 the applicant submitted to Council amended plans, detailing the raising of the proposed flood wall, a flood response management plan and updated clause 4.6 for height and FSR.

On the 19 August Council's engineer provided comments which outlined that the submitted information did not satisfactorily address the previous concerns raised on 10 July 2019 and that the application should not be supported on this basis.

3. Approved Development at Neighbouring Sites

The site directly to the south (containing the IGA supermarket) and known as 1 -11 Hardie Avenue (as seen within figure 6 below) is likely to be re-developed within the immediate future with DA 10.2002.434 & 10.2016.169 providing consent for a new mixed use development, three stories in height.

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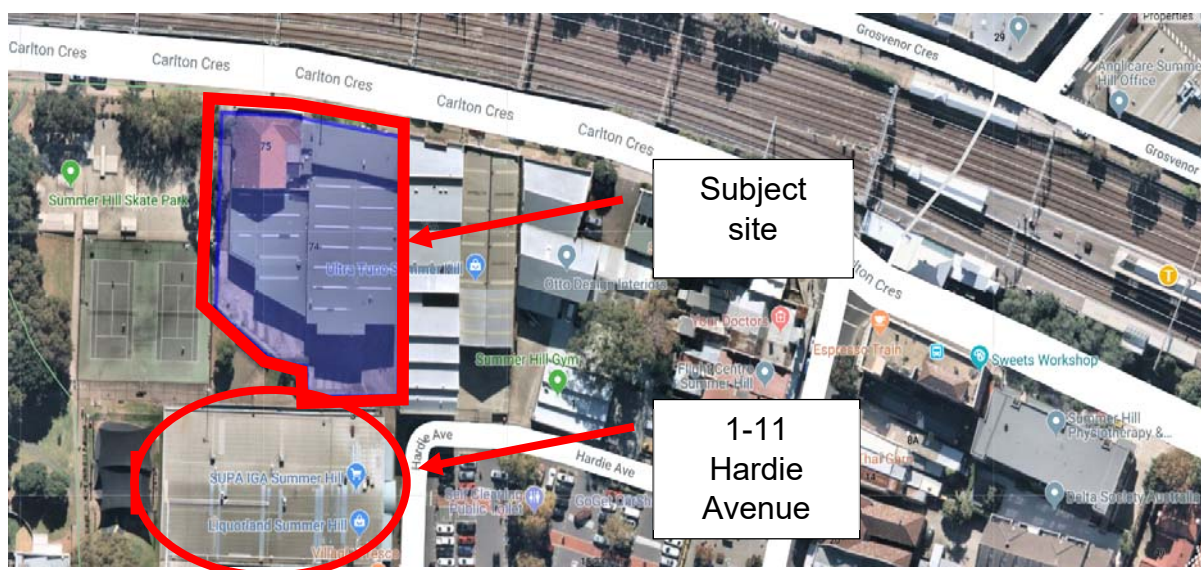


Figure 6: Aerial view of subject site.

Works approved under DA 10.2002.434 & 10.2016.169, include the following:

- Demolition of on-site existing structures
- Construction of three levels of basement car parking
- Construction of a new supermarket (located within a basement)
- Construction of new ground floor retail tenancies
- Construction of 36 residential units.

The scale of the development approved at 1-11 Hardie Avenue is best illustrated through figure 7 below, which depicts the northern elevation of the approved development and the facade that is to front to the rear pedestrian laneway and face the rear of the student accommodation development at the subject site.



Figure 7: Approved northern elevation of 1-11 Hardie Avenue. This elevation faces and relates directly to the rear of the subject site.

The close proximity of 1 – 11 Hardie Avenue, the significant scale of the proposed development and the relationship that both of these sites have with an existing pedestrian laneway (leading to the Darrell Jackson Gardens) results in these two sites having a high urban design importance. For this reason, Council requested that the applicant prepare amended plans showing the relationship and interface between the two developments relate against one another. The applicant has fulfilled this request and the scale of the two sites is demonstrated below in figures 8 and 9. An assessment of this relationship is undertaken later on within this report.

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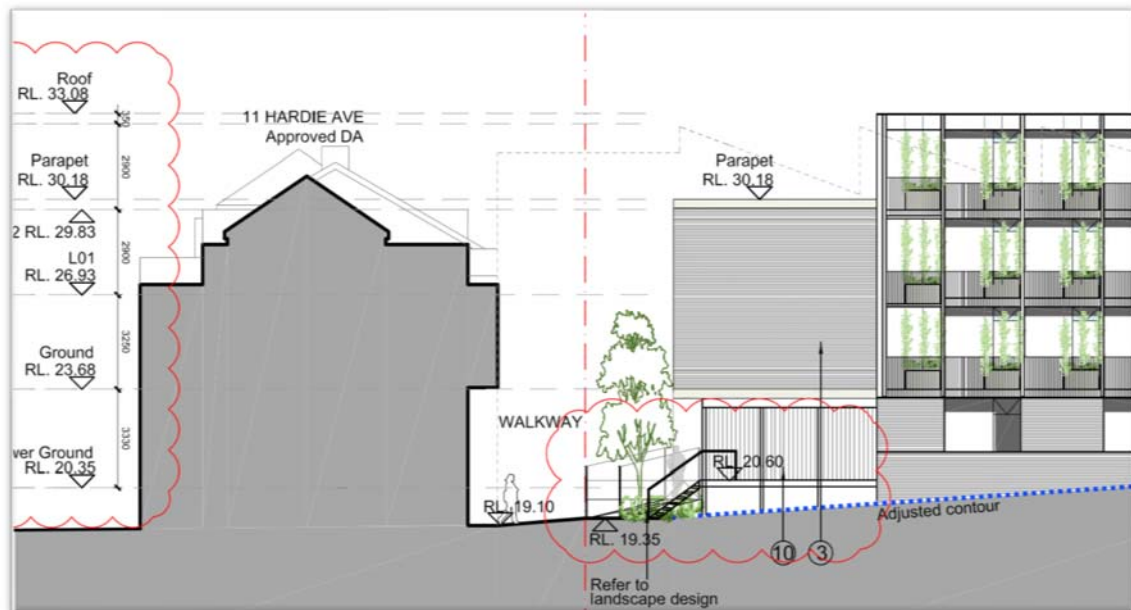


Figure 8: East Elevation - 74 Carlton Crescent showing relationship with approved development at 1-11 Hardie Avenue.



Figure 9: Long Section - 74 Carlton Crescent showing relationship with approved development at 1-11 Hardie Avenue.

4. State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) contains planning controls for the remediation of contaminated land. The policy states that the consent authority must be satisfied that the land is, or will be made, suitable for the proposed use prior to the granting of consent.

Clause 7 (1) (a), (b) and (c) of the SEPP states:

“7. Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

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

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

The applicant has undertaken a phase 1 and phase 2 Environmental Site Assessment which identified heavy metal, polycyclic aromatic hydrocarbon (PAH), aesthetic soil issues, asbestos in soil and the presence of five underground storage tanks (UST), which will require remediation or management. Since the completion of the phase 1 and once 2 Environmental Site Assessment Reports the applicant has submitted a remediation action plan (RAP) prepared by JBS&C which outlines that the site could be made suitable for the proposed development, subject to development and implementation of the site-specific RAP and Asbestos Management Plan (AMP). The submitted RAP details options and methods to remediate the site.

These measures have been reviewed by Council's Environmental Health Team, who have outlined that subject to compliance with the recommendations made within the provided RAP and supporting documentation that the site is suitable for the proposed use and development. Council is therefore satisfied that the land is suitable for the development and has recommended conditions to ensure compliance with the relevant environmental studies and RAP.

5. State Environmental Planning Policy No. 64 – Advertising and Signage

The State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64) contains planning controls for signage. This policy aims to achieve the following objectives as set out in clause 3(1):

(a) to ensure that signage (including advertising):

(i) is compatible with the desired amenity and visual character of an area, and

- (ii) provides effective communication in suitable locations, and
- (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

Clause 8 of SEPP 64 reads as follows:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3(1)(a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

Architectural plans submitted by the applicant detail the installation of a business identification sign to the eastern elevation of the Western Suburbs District Ambulance Station, as seen within figure 10 below.

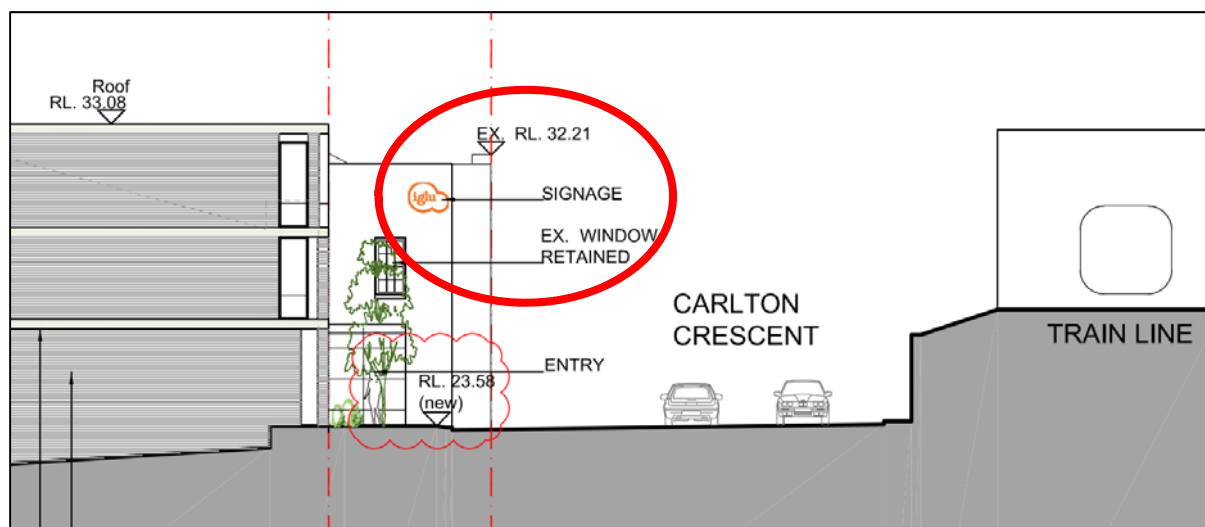


Figure 10: Business Identification Signage – Eastern Elevation of the Western Suburbs District Ambulance Station.

The applicant's architectural plans detail this signage with dimensions of approximately 1.2m x 1m, but do not indicate whether the sign is to be internally illuminated. The sign is to be flush with the wall of the Western Suburbs District Ambulance Station.

The proposal has been assessed against the relevant assessment criteria as set out in Schedule 1 of SEPP 64 and is not expected to result in significant impacts in terms of safety, streetscape, character or amenity for neighbouring residents or the locality. The proposed sign has been appropriately designed not to dominate the streetscape or be positioned in

such a manner that it may distract pedestrians or drivers and does not cover existing significant elements of the historic building.

An assessment against the provisions of SEPP 64 has found that the proposed signage will have a negligible impact upon surrounding land uses. Therefore, it is considered that the subject proposal meets the relevant objectives and regulations of SEPP 64.

6. State Environmental Planning Policy (Infrastructure) 2007

Development immediately adjacent to rail corridors

The site is located immediately adjacent to a rail corridor. Clauses 85 and 86 of State Environmental Planning Policy (Infrastructure) 2007 provide guidelines for development immediately adjacent to rail corridors including excavation in, above or adjacent to rail corridors. Clause 87 of the SEPP relates to the impact of rail noise or vibration on non-rail development, and for a development for the purpose of a building for residential use, requires appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded. In this regard those measures are to ensure that the following LAeq levels are not exceeded:

- “(a) in any bedroom in the building—35 dB(A) at any time between 10.00pm and 7.00am,*
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.”*

The application is supported by an Acoustic Report which states that subject to the recommendations, the proposal is capable of achieving adequate internal acoustic amenity. Appropriate conditions of consent have been recommended.

Correspondence with Sydney Trains has highlighted that the development is within close proximity (680mm) to 11KV High Voltage Aerial Lines which are owned and operated by Sydney Trains. During the course of assessment Sydney Trains outlined that the high voltage lines will be 2.7m above the highest point of the roof of the new building and required the applicant to prepare and submit for review, a blowout report and documents confirming any works within close proximity to these lines/ protective measures to ensure safety to workers and the public.

On the 28 June 2019 the applicant provided Sydney Trains with the required information for their review and on the 21 August the Sydney Trains provided correspondence outlining in principle support in accordance with clause 86 of the SEPP, subject to the imposition of conditions of consent with regards to works within close proximity to high voltage lines. These conditions have been incorporated into the consent.

Development with a frontage to a classified road

The development has a frontage to Carlton Crescent which is a classified road. Under Clause 101 (2) of the State Environmental Planning Policy (Infrastructure) 2007:

- “(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*

- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

At Council's request, the Development Application has been amended to provide a loading bay/ dock. This loading bay relates directly to, and is accessed via Carlton Crescent, utilising an existing driveway. The nature of the site is such that there is no other practical vehicular access to the land, other than via the classified road. This loading bay is to be utilised for deliveries to the site and private waste collection, the space is not to be used for vehicular parking. The proposed loading bay will not affect '*the safety, efficiency and ongoing operation of the classified road*' with the applicant providing a new turntable to achieve forward entry and exit from the site. The proposal was referred to the RMS who outlined no objection in their response dated 26 June 2019.

The proposal is a type of development that is sensitive to traffic noise and vehicle emissions. Subject to the recommendations in the supplied Acoustic Report and recommended conditions of consent, the development has been appropriately designed and incorporates appropriate measures to ameliorate the impacts of potential traffic noise or vehicle emissions.

7. State Environmental Planning Policy (Affordable Rental Housing) 2009

The development application has been made under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009. Under this SEPP the development application is classified as a Boarding House, as student accommodation does not have its own definition. The development application is required to be assessed against the provisions outlined by Clauses 25 to 30A. These clauses dictate permissible height and floor space ratio, and are also concerned with neighbourhood character, built form and scale, landscaping, amenity, safety and parking. The main, relevant design parameters are addressed below:

- (i) Standards that cannot be used to refuse consent (Clause 29)

Clause 29 of the ARH SEPP prescribes that a consent authority must not refuse consent to a Development Application for a boarding house if the development satisfies the following numerical controls:

- (a) Density - Floor Space Ratio (Clause 29(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 site is zoned B2 – Local Centre under the Ashfield Local Environmental Plan 2013. A boarding house is permissible within the zone with consent. Under the LEP a maximum FSR 1.5:1 is permissible. Within the B2 Local Centre Zoning, Residential Flat Buildings (RFB's) are not a permissible use, therefore the site is not able to benefit from the additional FSR granted by clause 29 (1)(c).

The development is therefore permitted to obtain a maximum floor space ratio of 1.5:1 or 4,345m². The development proposes to achieve a floor space ratio of 1.56:1 or 4,454m², a 4% variation from the development standard. The proposal is not compliant with the floor space ratio set by the SEPP. A detailed assessment of this variation is undertaken later within this report under the heading Clause 4.6 – Floor Space Ratio.

(b) *Building Height (Clause 29(2)(a))*

"If the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land."

A maximum building height of 10 metres applies to the site as indicated on the Height of Buildings Map that accompanies the LEP.

The drawings indicate that the proposal has a maximum height of 12.8 metres above existing ground level. This represents a 28% variation (in 'real' terms one storey) from the maximum height of buildings permitted on the site. A detailed assessment of this proposed variation is undertaken later within this report under the heading Clause 4.6 – Height of Buildings.

(c) *Landscaped Area (Clause 29(2)(b))*

"If the landscape treatment of the front setback area is compatible with the streetscape in which the building is located."

The development proposes 3.3m² of landscaping within the front setback to Carlton Crescent. This introduction of landscaping to the front setback is in-line with the existing streetscape, which currently integrates minimal landscaping, as existing buildings

incorporate nil boundary front setbacks. The proposed landscaping to the front setback is compatible with the streetscape in which the building is located and is in line with the SEPP.

Sydney Trains has highlighted that landscaping within the streetscape must be limited in height to ensure it will not interfere with the high voltage powerlines for the rail network running above, and conditions of consent can ensure that this requirement is imposed.

(d) Solar Access (Clause 29(2)(c))

“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 9.00am and 3.00pm in mid-winter.”

The communal lounge room on the ground floor has north-facing windows which will receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid-winter.

(e) Private Open Space (Clause 29(2)(d))

“If at least the following private open space areas are provided (other than the front setback area):

- (i) one area of at least 20 square metres with a minimum dimension of 3 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 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.”*

The development provides 672m² for the purpose of private open space for lodgers. This private open space is located within the centre of the site and acts as an internal courtyard.

The development does not propose to provide a student leader's (ie. manager's) private open space, instead relying upon the central courtyard for all of the site's open space. This arrangement is considered to be satisfactory given the large and high quality nature of the courtyard and Iglu's reputation as an established and reputable provider of student accommodation throughout Sydney. The applicant has successfully detailed multiple other examples within Sydney where the same system and centre management policy is in place and is working effectively.

(f) Parking (Clause 29(2)(e))

“If:

- (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and*
- (ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and*
- (iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and*

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- (iii) *in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,*

The development is not carried out on behalf of a social housing provider and as such a parking rate of at least 0.5 parking spaces for each boarding room are required under the SEPP. To comply with the SEPP the development would be required to provide a minimum of 91 vehicular parking spaces.

The development does not propose to provide any parking spaces for the boarding rooms. An assessment of this variation is provided under the relevant heading *Parking*, below.

(g) Accommodation Size (Clause 29(2)(f))

“If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

- (i) *12 square metres in the case of a boarding room intended to be used by a single lodger, or*
- (ii) *16 square metres in any other case.”*

The development proposes each room to be able to accommodate up to two lodgers, as such each room must be a minimum of 16m². The majority of the rooms are at approximately 16m², with the exception of rooms located within the retained Western Suburbs District Ambulance Station located upon level 1, which have been identified as rooms for the Student Leaders (Iglu’s version of an on-site manager).

(ii) Standards for Boarding Houses (Clause 30)

Clause 30 of the ARH SEPP prescribes that a consent authority must not consent to a development to which this division applies unless it is satisfied of each of the following:

- (a) *a boarding house has 5 or more boarding rooms, at least one communal living room will be provided.*

Communal living rooms have been provided on the lower ground floor and ground floor.

- (b) *no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres.*

No boarding room exceeds 25sqm (excluding private kitchens and bathrooms). However, two rooms located within the former Western Suburbs District Ambulance building do exceed the 25m² maximum and result in a maximum of 30m² (excluding bathroom and kitchen).

Discussions with the applicant has highlighted that these larger rooms are to be offered to student leaders who will work alongside staff to manage the premises. No objection is raised to the larger room layouts given that they respond to heritage significance and do not change the proposed use of the building. These rooms are not considered to relate to boarder rooms but are instead more properly classified as manager’s accommodation, which is exempt from the maximum 25m² limit.

The applicant has outlined that the increased room sizes, of rooms located upon level 1 is a direct result of a Council request to retain more historical significant fabric of the Western

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Suburbs Ambulance Station. The amended design has been appropriately created to ensure that where possible historic and original walls are retained and reutilised within the new use. This provides reference to the historically significant layout and past usages, incorporating the heritage significance into the new build.

(c) *no boarding room will be occupied by more than 2 adult lodgers.*

All rooms are for either one or two lodgers.

(d) *adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger.*

Adequate bathroom and kitchen facilities are provided within each boarding room.

(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.*

The development proposes to provide two “student leader” (manager) accommodation rooms for 2 – 4 residents who, alongside other administrative staff, will be on the premises 24 hours a day 7 days a week to manage the operation of the premises.

This arrangement is considered to be satisfactory given the proposed use as student accommodation and Iglu’s reputation as an established and reputable provider of student accommodation. The applicant has successfully detailed multiple other examples within Sydney where the Iglu centre management policy is in place and is working effectively.

(g) *if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.*

The site is located within the B2 – Local Centre zone, which is a zone utilised typically for mixed use purposes, often with commercial and retail premises operating below or alongside higher density residential uses. The development by nature operates as a commercial enterprise, employing managers, staff, cleaners, although it has a distinctly residential element as the site will be a home to many students for significant periods. The “service” (non-residential) aspects of the use have been designed to be located upon the ground floor facing Carlton Crescent and provide an active frontage/ nature similar to that of a commercial floor. As such, it is considered that the proposed design and configuration of the ground floor interface is acceptable.

(h) *at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.*

The development does not propose to provide any parking spaces for the boarding rooms, an assessment of this variation is provided in the *Parking* section later within this report. One on-site parking space is proposed within the loading bay and is to be utilised for the servicing of the site.

(iii) Character of Local Area (Clause 30A)

Under the provisions of Clause 30A of the ARH SEPP, applications for new boarding houses must satisfy a local character test which seeks to ensure developments proposed under the ARH SEPP are consistent with the design of the area.

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The immediate area is currently characterised by a mix of commercial and residential buildings, ranging in height from single storey to three stories. The subject site is currently bound by the Darrell Jackson Park (an area of public recreation) and an commercial/industrial premises three stories in height.

The proposal is considered to respond to the context of the site and the Carlton Crescent frontage in its scale, massing, proposed material expression of face brick and articulation. The development has been appropriately designed to present a 2 – 3 storey building facade to Carlton Crescent and a 3 storey façade to the rear pedestrian lane. The proposed face brick frontage to Carlton Crescent is expected to tie in directly with the existing face brick building located at 72 Carlton Crescent, while the two to three storey nature presents a building form and scale anticipated within the locality.

The proposed new building has been appropriately designed to retain and not overwhelm the heritage-significant Ambulance Station, with the portion of new building set back at an increasing splay 0.7m – 4.3m from the frontage to Carlton Crescent toward the heritage Ambulance Station, providing greater attention and focus to the existing heritage building and providing opportunities for new landscaped area. This is illustrated in figure 11 below.



Figure 11: Photomontage of completed development – viewed from Carlton Crescent.
(Note north east corner of upper level façade has been amended to be set back)

The elevation to the Darrell Jackson Reserve parkland has been designed to be of a three storey nature, with the fourth storey set back and incorporating planting to reduce the perceived bulk from the public domain. This western elevation continues on a slim profile brick facade, which is expected to tie in with the existing brick of the Ambulance Station, best detailed in figure 12 below. This façade is then softened by landscaping, which was reviewed by Council’s Architectural Excellence Panel who commented that;

“The panel notes the incorporation of a detailed landscape plan accompanying the development proposal, including screen planting along the western elevation adjoining the

park, façade planting via planter boxes and climbers, and a central courtyard, which if implemented & maintained will provided a good degree of amenity”



Figure 12: Photomontage of completed development – viewed from Darrel Jackson Reserve.

The rear of the site has been designed to be of a three storey nature and is a maximum of 8mm higher than the adjacent DA approved development at 1-11 Hardie Avenue (IGA) and 2.4m lower than the rear of the existing three storey commercial/industrial building located at 72 Carlton Crescent. The proposal has been setback 2.9m from the rear pedestrian walk way, to enable reduced visual bulk and enclosure for pedestrians in this locality.

The overall design has been reviewed and assessed by Council’s Architectural Excellence Panel who outlined that;

“the scheme is architecturally well-resolved and will produce a positive built form outcome”.

Overall the development is considered to meet the character test under clause 30A of the SEPP.

8. Ashfield Local Environmental Plan 2013

An assessment of the development having regard to the relevant provision of the Ashfield Local Environmental Plan 2013 (ALEP2013) is provided below:

(i) Land Use Table and Zone Objectives (Clause 2.3)

The subject site is zoned B2 – Local Centre under the provisions of the ALEP 2013. The proposal is defined as a Boarding House, which is permissible with consent under the zoning provisions applying to the land.

The objectives of the B2 – Local Centre are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage residential accommodation as part of mixed use development.*

The development is considered acceptable having regard to the objectives of the B2 – Local Centre Zone with the development generally addressing the above objectives. The proposal promotes a well-connected neighbourhood by creating new linkages, upgrading the public domain and facilitating/ encouraging the use of a number of modes of transport including public transport, cycling and walking, by reducing dependency on private vehicles.

The proposal is to be run as a commercial enterprise and while its main purpose will be for residential accommodation, it will also encourage employment opportunities in the area through the creation of new jobs associated with the development. Such examples include cleaners, receptionists and centre managers.

The provision of increased high-density student accommodation with excellent access to public transport is also a good planning outcome for the centre. The development is within a highly accessible location for both residents and employees. The development will also ensure increased patronage for local business such as the Summer Hill Hotel, IGA and other local shops/cafes, assisting to ensure the viability and long term operation of the Summer Hill town centre.

(ii) Demolition (Clause 2.7)

Clause 2.7 of ALEP 2013 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works on-site. Conditions relating to demolition works are included in the recommendation. These conditions provide for protection of the heritage significant Ambulance Station, methods of demolition and the handling of hazardous materials.

(iii) Height (Clause 4.3)

A maximum height limit of 10m applies to the site as indicated on the Height of Buildings Map that accompanies ALEP 2013.

The development has a maximum building height of 12.8m, which represents a 28% (2.8m) variation from the development standard. Figure 13 below details a height plane analysis provided by the applicant and clearly details elements of the proposal which exceed the 10m height limit. The most significant elements of the proposal which exceed the height control, as shown in the diagram below, are located at central section of the rear (south) of the site, in two slots adjacent to the courtyard, which result in a maximum variation of 2.45m - 2.85m, (in real terms, one storey) as seen within figure 13 above.

The application was accompanied by a written submission in relation to the development's non compliances with the building height development standard in accordance with Clause 4.6 (Exception to Development Standards) of ALEP 2013. The submission is discussed later in this report under the heading *"Exceptions to Development Standards (Clause 4.6)"*.

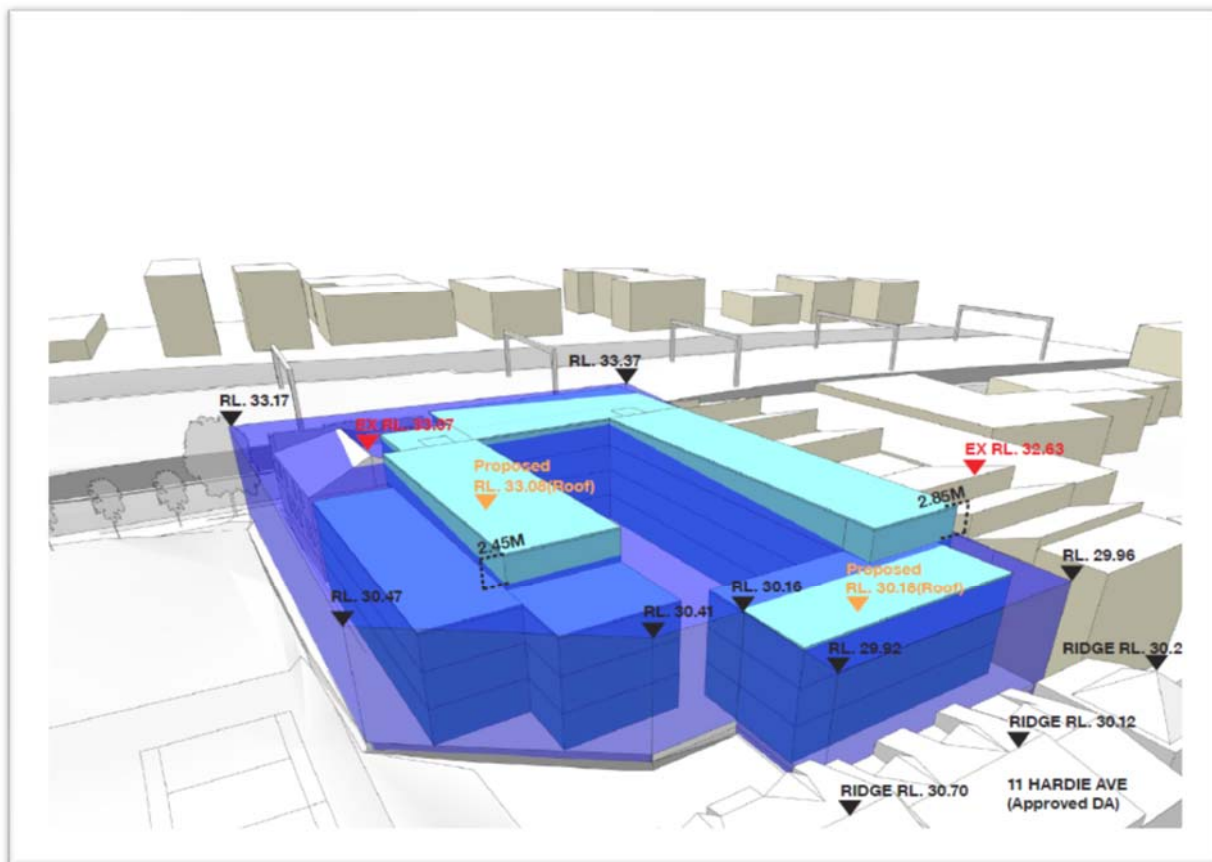


Figure 13: Height Plane Analysis

(iv) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio of 1.5:1 or 4,345m² as indicated on the Floor Space Ratio Map that accompanies the ALEP 2013 applies to the site.

The development proposes to achieve a floor space ratio of 1.56:1 or 4,454m², a 4% variation from the development standard.

The application was accompanied by a written submission in relation to the development's non-compliance with the floor space ratio development standard in accordance with Clause 4.6 (Exception to Development Standards) of ALEP 2013 which is discussed below.

(v) Exceptions to Development Standards (Clause 4.6)

Building height

The applicant seeks a variation to the building height development standard under Clause 4.3 of the ALEP 2013, seeking consent for the development to extend to a maximum height of 12.8m.

Clause 4.6 of the ALEP 2013 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

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Clause 4.6(4) of the ALEP 2013 specifies that:

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

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) the concurrence of the Secretary has been obtained.

Clause 4.6(3) of the ALEP 2013 specifies that:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

A written request has been submitted by the applicant that addresses both Clauses 3(a) and (b) as follows:

- The proposed development has provided a high quality built form for the subject site that integrates with the existing built form. This has been achieved through a process that considers the existing site context and future occupants of the student accommodation building. The scale of the building is logical continuation of the scale established by Western Districts Ambulance Building, which is identified as a contributory building to the local heritage conservation area. The prominence of this building is given priority by pulling the façade of the new building back and keeping the height of the proposed building at a height that is reflective of the Carlton Crescent Parapet. The additional height of the building above 10m is not experienced from the Carlton Crescent frontage.*
- The fall of the topography from Carlton Crescent frontage to the rear of the site is evident in viewing the western façade of the building from the adjoining park. This elevation of the Western District Ambulance Building was not always visible, as there were private buildings that existed in this location before it was turned into a park (see the attached Heritage Impact Statement prepared by Weir Phillips). This is evident considering the western elevation of the Western District Ambulance Building contrasts with the Carlton Crescent façade. The proposed building has used materials and scale to compliment the existing building, by proposing consistent floor levels, repetition of the windows and bricks along this side elevation.*

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- The western elevation has been designed so that the parapet of the new building (30.18) generally correspond with the height of the eaves of the existing building (RL29.29), whilst the top storey has been setback 7.55m from the building face and is under the ridge height of the existing Western District Ambulance Station. The design of the building has also ensured an extensive internal courtyard for the enjoyment of future occupants. This internal courtyard acts as an external room, for the student accommodation to look out into as well as a space for study, activates and relaxation. Furthermore the design has incorporated extensive vertical and ground plan landscaping that will enhance the built form in the surrounding context.
- No additional shadow is cast across the adjoining park or allotments to the south as a result of the portions of the building that are not compliant with the height of building control.
- The development has also proposed a scale that transitions from the surrounding local center buildings into the adjoining park, by integrating a large internal courtyard that is revealed from Carlton Crescent through clever use of openings and voids. Furthermore the height of the building transitions from the center of the site to the western facade wall. The use of landscaping is also integrated into the building design to soften the hard edges of the Local Centre buildings into the green parkland.
- The existing adjoining buildings are commercial and industrial in nature. The subject site does not unreasonably restrict solar access to these existing buildings. The proposed development only provides minimal overshadowing to the adjoining parkland during mid-winter, with no impact from the proposed building after 11am. The portions of the building that exceed the height limit to not provide any additional overshadowing to the public open space or the building to the south of the subject site.

The written request also sets out the environmental planning grounds the applicant relies on to justify contravention.

- The additional height has afforded the ability to maximize open space at the center of the site, which provides a heightened standard of amenity for users.
- The higher building envelope has facilitated the opportunity for rooms to be single loaded off breezeways. The design has worked hard to utilize this approach to ensure the maximum number of rooms can be naturally cross ventilated; a level of amenity not normally afforded to student accommodation.
- Additional height has maximized the solar access to the individual rooms as well as maximized the solar access to the internal courtyard space. A thicker building envelope would reduce the courtyard and solar access to it.
- From an urban design standpoint, the proposed development matches the scale of surrounding development. The floor levels have been provided to match the adjoining building, with references to the eaves of the existing building establishing the height of the eastern façade and the highest point of the development referencing the pitch of the existing roof. The development provides a consistent built form edge to the adjoining park.

Comment:

These elements of building which exceed the height control (as shown in Figure 13 above) have been appropriately designed to be located within the centre of the site and are located 11.6m from the western boundary and 9.9m from the southern boundary. The proposed

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location of the building mass and setbacks from the side boundaries ensures that the height of the building will not be visually dominant when seen from the public domain.

The western elevation of the proposed building will incorporate the most visible portion of the height variation. This western façade addressing Darrell Jackson Gardens has been designed to visually align with the existing ridge of the Ambulance Station and extends the existing ridge height. The design ensures that the new portion of building is in keeping with the context of existing on-site structures and results in a height variation that is not visually registered from the public domain.

Portions of the proposed level 2 which result in the proposed height variation have been setback 7.5m from the lower levels of the new building, resulting in a 11.6m setback from the boundary shared with the Darrell Jackson Gardens. This ensures minimal impacts of bulk/scale and lessens visual intrusion of the development. The proposed level 2 will be screened by landscaping further softening the visibility of the structure. The western façade and the subsequent height variation has been assessed by the Architectural Excellence Panel who found substantial merits with the design and raised no objection. The design of the western elevation is best demonstrated within figure 14 below.



Figure 14: Photomontage of view from Darrell Jackson Gardens – Photomontage demonstrates that building height variation is in-line with the existing ridge of the Ambulance Station.

The eastern elevation of the new building also incorporates a height variation, but relates to an existing building immediately adjoining at No. 72 Carlton Crescent. As such it is not as readily visible from the public domain. A review of this variation in context with the neighbouring 72 Carlton Crescent has highlighted that the proposed development will sit 450mm (at the highest point) taller. This context comparison is best highlighted through figure 15 below, which details the existing height of 72 Carlton Crescent in red lines, overlayed on the proposed eastern elevation. From this context analysis it is evident that the proposed height variation will be within the context of neighbouring buildings and does not result in a significant visual impact on the public domain.

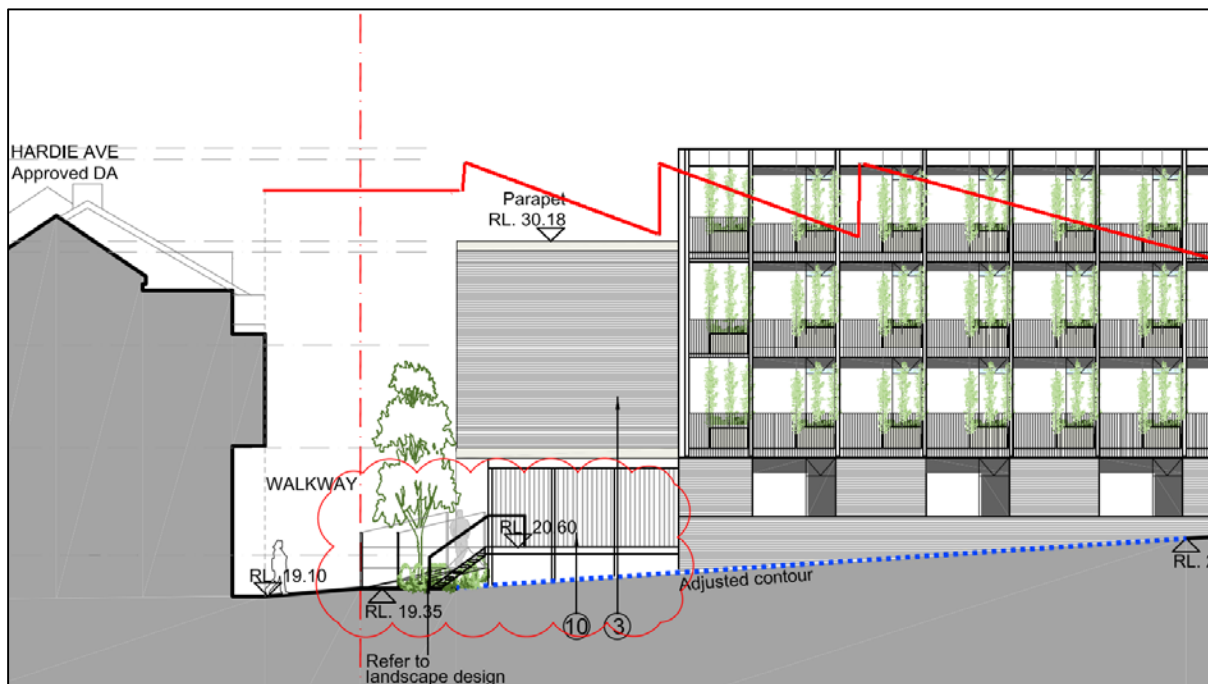


Figure 15: Proposed height variation (eastern elevation) when compared contextually to existing and proposed buildings in the locality. No. 72 Carlton Crescent existing building outlined by red lines.

As addressed in the applicant's clause 4.6 submission, the height variations do not result in additional shadows cast across allotments to the south. However, it is acknowledged that the development in its entirety will result in a loss of solar access for the approved (but at present un-built) residential units to the south at 1-11 Hardie Avenue. Such impacts of overshadowing are considered be unavoidable given the orientation of the sites, resulting from the time of original subdivision and the permissible height limits under the LEP. In this instance the development has been appropriately designed to minimise such impacts of overshadowing where possible. In particular it is noted that the proposed variation to the height limit itself does not result in this additional overshadowing, and neighbouring buildings will comply with solar access requirements.

The development as a whole will result in minor impacts of overshadowing to the neighbouring park from 9am – 11am during the winter solstice. Analysis of the shadow diagrams provided by the applicant details that the worst impacts of overshadowing to the park (located to the west of the site), occur at 9am, with substantial reductions to the extent of overshadowing by 10am and minimal to negligible overshadowing impacts by 11am. Such impacts of overshadowing are compliant with Council controls for solar access and neighbouring sites, with the park achieving greater than 50% of the space obtaining more than the minimum required 3 hours solar access at midwinter.

The proposed setbacks and centralisation of the building elements which result in a variation to the 10m height limit ensures that the development will not unduly limit potential for sky exposure and visual outlook to neighbouring sites.

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With regard to Clause 4.6(4) of the ALEP2013, if it can be demonstrated that the proposal complies with the objectives of the relevant development standard and applicable land use zone, the proposal is considered to be in the public interest.

The objectives of the building height development standard in Clause 4.3 of the ALEP 2013 are as follows:

- (a) to achieve high quality built form for all buildings,*
- (b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,*
- (c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,*
- (d) to maintain satisfactory solar access to existing buildings and public areas*

Comment:

It is considered the development is in the public interest because it is consistent with the objectives of the building height development standard, in accordance with Clause 4.6(4)(a)(ii) of the ALEP 2013 for the following reasons:

- The proposal has been appropriately designed to integrate with the existing built form, consider the amenity of future occupants and relate to the neighboring public domain. The scale of the building is a continuation of the existing Ambulance Station and is therefore not out of context with its surroundings. The proposal has been reviewed by Council Architectural Excellence Panel who outlined that the scheme is architecturally well-resolved and will produce a positive built form outcome.
- The proposal results in minimal overshadowing for neighboring sites, maintaining generally existing levels of solar access. Elements of the proposal which exceed the height limit have been designed to be centralized to the site and setback 11.6m and 9.9m from the site boundaries. Such setbacks will ensure no blocking sky exposure/outlook for neighboring sites or the public domain.
- The development has provided primacy to the existing Ambulance Station, by pulling back the façade along Carlton Crescent and exposing the side elevation of the building. The development has been designed to visually align with the height and scale of the Ambulance building as to not dominate the heritage significant building and to ensure compliance with the existing scale. The use of increased setbacks and landscaping, where adjoining the neighboring park ensures that the development does not come to an abrupt end, but instead transitions into the public domain.
- Impacts of overshadowing are considered to be minimal and compliant with Councils controls for solar access for neighbouring sites. Impacts of overshadowing are considered to be unavoidable due to the orientation of the sites, resulting from the pattern of original subdivision and the 10m height limit permitted by the ALEP 2013.

The objectives of the B2 – Local Centre zone in the Land Use Table of the ALEP 2013 are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

- *To encourage residential accommodation as part of mixed use development.*

Comment:

It is considered the development is in the public interest because it is consistent with the objectives of the B2 – Local Centre zone, in accordance with Clause 4.6(4)(a)(ii) of the ALEP 2013 for the following reasons:

- The nature of the development as student accommodation will increase demand for services within the Summer Hill Town Centre, strengthening the economy and encourage a vibrant local centre. The proposed height variation does not compromise this objective.
- Servicing the development will create employment opportunities for local business through increase demand on services. Likewise the day to day operation of the premises will promote employment for jobs such as centre managers, receptionists, cleaners ect. The site is in a highly accessible location 150m from the Summer Hill Train Station.
- The absence of car parking associated with the development and the proximity to public transport provides strong encouragement for public transport patronage and removes any encouragement for private vehicle ownership. The development proposes through site connections for students and staff to the town centre and 60 bicycle spaces for the use of occupants. This is to maximize public transport patronage and encourage walking and cycling.
- The proposal is a permitted use within the zone. The development will provide an increase to residential accommodation types within the locality and promote the local economy. The development by nature is to be run as a commercial enterprise, employing managers, staff, cleaners and the like. These have been designed to be located upon the ground floor facing Carlton Crescent and provide an active frontage/ a nature similar to that of a commercial floor.

As such, the proposal will not result in a detrimental impact on the public interest and can satisfy the objectives of the Height of Buildings development standard and B2- Local Centre Zone and therefore Clause 4.6(4)(a)(i) and (ii) have been satisfied.

Concurrence from the Secretary is assumed for matters to be determined by the Panel.

Floor space ratio

The applicant seeks a variation to the FSR development standard under Clause 4.4 of the ALEP 2013.

A maximum FSR of 1.5:1 applies to the site as indicated on the Floor Space Ratio Map that accompanies ALEP 2013. The development has maximum FSR of 1.55:1 or 177m², which represents a 4% variation from the development standard.

Clause 4.6 of the ALEP 2013 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

A written request has been submitted by the applicant that addresses both Clauses 3(a) and (b) in respect of FSR as follows:

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- *The proposed development represents a minor departure of the 4% from the development standard. The additional GFA does not equate to additional intensity of the use on the site. Under clause 40 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHR SEPP) the development is only required to provide 1 x communal living room. A communal living room is defined as “a room within a boarding house or on the site that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreational room or games room”. However the applicant recognizes the benefit to providing multiple internal communal spaces for students. These spaces are located at the lower ground floor and ground floor of the proposal. Compliance with the FSR control would result in a reduction in the additional communal living room area that is afforded to the future applicants, not the number of rooms.*
- *The proposed building envelope has been designed to correspond with the surrounding context. This has been achieved by:*
 - *Providing a three storey elevation addressing Carlton Crescent, the adjoining park and the rear boundary, with the height of the elevation referenced off the existing eaves of the Ambulance Building*
 - *Provision of a fourth storey addressing the adjoining park, which is setback from the park and located under the ridgeline of the Ambulance Building*
 - *Taking proposed height on the eastern elevation from the height of the adjoining building*
- *The density of the development does not provide any adverse impact on the conservation area and associated heritage items and identified contributory buildings.*
- *The proposed portion of the building fronting Carlton Crescent is that of a similar massing and scale to the building it replaces. The increased massing and scale proposed to the rear of the Carlton Crescent frontage will not be read from Carlton Crescent.*
- *The increased massing and scale of the built form on the site as viewed from the south and west proposes an acceptable impact because no significant view corridors into the conservation area will be blocked. The setback of the new building from the western boundary matches the setback of the original building in this location.*
- *Weir Phillips also note that the proposal has no adverse impact on the ability to read the historic significance of the adjoining Darrell Jackson Gardens.*
- *The proposed development does not restrict the enjoyment of solar access to adjoining land uses.*
- *The proposed development actively encourages alternative forms of transport. No private vehicle parking is provided on the site. Therefore the proposed use does not contribute to traffic congestion or traffic noise.*

The written request also sets out the environmental planning grounds the applicant relies on to justify the contravention.

- *The additional FSR generated is a result of the provision of additional common areas, which will reduce the overall impact of the development on surrounding social infrastructure. The common spaces provide places for study as well as socializing and gathering. Providing significant communal spaces on the site for these activities to take place limits the reliance on public spaces to provide this service. Actively reducing the GFA of the proposal would result in the reduction of the additional communal areas to one space (as required under the ARH SEPP) and not rooms.*

The reduction of the GFA would result in additional pressure on public spaces to provide space for the occupants to congregate, study and socialize.

- *The sites for Iglu's purpose-built facilities are chosen for their accessible locations, that allow students to move about the local area on foot or bicycle and able to utilize public transport to travel afield. Furthermore, staff are actively encouraged to utilize public transport options that are available to all Iglu developments. Iglu currently successfully operates 8 facilities in Sydney, Melbourne and Brisbane, none of which provide any car parking for students or staff. The proposal therefore provides little to no traffic generation.*
- *The aim of the ARH SEPP includes to 'facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards'. The ARH SEPP advances this aim by providing FSR incentives for boarding houses, where more attractive and lucrative land uses are permissible (i.e. residential flat buildings). This incentive includes an additional 0.5:1 FSR on sites with an existing maximum floor space ratio of 2.5:1 or less. This implies that there is a greater public benefit for providing boarding houses to diversify the housing typology in an area where residential flat buildings are permissible. In the case of the subject site residential flat buildings are not permissible (and therefore in accordance with Clause 29 of the ARH SEPP the 0.5:1 bonus FSR does not apply), however the dwelling typology can still be delivered on the site through "shop top housing" land use. Shop top housing facilitates the ability to deliver an apartment style dwelling typology (as could be established within a residential flat building) on the site, albeit above a commercial use. The ARH SEPP clearly demonstrates that boarding house style development provides a public benefit by diversifying the housing product in locations where more attractive and lucrative dwelling typologies are permitted. The proposal seeks a variation to the FSR control of 0.03:1 to facilitate the establishment of a boarding house style development in the form of student accommodation, in a location where apartment style dwelling typologies are permitted (in the form of shop top housing). The proposed development will diversify the housing product in the location and will provide less of an impact on the surrounding services.*

Comment:

The development is generally consistent with the desired future character of the area in regards to bulk and scale prescribed by the ALEP 2013 and Inner West Comprehensive DCP 2016. The 4% variation (177m²) is not readily registered from the public domain and does not result in a development that is inconsistent with neighboring sites, with regards to bulk and scale. As discussed within this report the additional floor space does not result in additional environmental impacts for neighboring sites or the public domain, with the proposal being carefully designed to respond to context and site constraints.

The applicant has correctly outlined that the proposal provides 2 large internal common rooms and 3 internal study rooms, which goes above the minimum requirement of 1 communal room under ARH SEPP. These rooms have been designed with high regards for occupant amenity and reducing infrastructure demand placed upon the public domain. These common rooms result in a GFA of roughly 324.2m² and directly attribute to the developments FSR variation. In this instance enforcement of strict compliance with the maximum floor space ratio control will not reduce the intensity (number of rooms associated with the development), but is instead likely to drive the applicant to remove the amount of

GFA associated with common rooms. Such an outcome is undesirable as it forces greater dependence upon surrounding public domain and would likely result in a reduced amenity for occupants and a greater demand on nearby public parkland.

The development has been designed with the context of the locality in mind and while resulting in a numerical non-compliance, the high quality architectural design promotes techniques to lessen the buildings visual bulk and scale and provide a significant improvement upon streetscape. This improvement is undertaken through the provision of extensive glazing to the façade and sight lines through the ground floor and out onto the internal courtyard. This is best illustrated through an analysis of figure 16 below and the ground floor plan within the architectural package. Such a design assists to limit potential visual bulk/scale and density when viewed from the public domain.



Figure 16: Perspective view of Carlton Crescent frontage – perspective details the extensive glazing and potential for through site views to the extensive courtyard within.

As stated above the developments FSR variation is not visibly registerable from the public domain, therefore enforcement of strict compliance will not result in a reduction to building bulk, scale or intensity. Likewise a reduction to ensure strict compliance will not result in any improvement to environmental impacts for neighboring sites or the public domain. Instead numerical compliance will offer little or no change to the outward building form or design. For this reason it is considered that the proposed variation is worthy of support and is in keeping with the intention of clause 4.6, which is to provide flexibility to controls to achieve a better environmental planning outcome.

In regards to Clause 4.6 (4) of the ALEP2013, if it can be demonstrated that the proposal complies with the objectives of the relevant development standard and applicable land use zone, the proposal is considered to be in the public interest.

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The objectives of the floor space ratio development standard in Clause 4.4 of the ALEP 2013 are as follows:

- (a) *to establish standards for development density and intensity of land use,*
- (b) *to provide consistency in the bulk and scale of new development with existing development,*
- (c) *to minimise adverse environmental impacts on heritage conservation areas and heritage items,*
- (d) *to protect the use or enjoyment of adjoining properties and the public domain,*
- (e) *to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation.*

Comment:

It is considered the development is in the public interest because it is consistent with the objectives of the floor space ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the ALEP 2013 for the following reasons:

- Strict compliance with the development standard will not result in a significant reduction to the overall building form or density/intensity. Instead it will result in the loss of internal communal areas, forcing greater demand of public infrastructure and poorer amenity of occupants.
- The developments scale is in in-line with that of neighboring sites and has been designed to ensure compatibility with locality context. The proposed variation of 4% will not be registerable/visible from the public domain and as such ensures a development that is comparable to existing and approved neighboring sites.
- The development has been designed to result in an adaptive re-use of a significant heritage building. The development will not dominate the existing heritage significant building, instead providing a design that improves viability and ensures long term survivability. The proposal has been assessed by Council's Heritage Advisors who outlined that the development will have minimal impact to the heritage conservation area.
- The development does not unduly restrict the solar access of neighboring site or the neighboring public domain. Likewise the scale of the development being in-line with that of neighboring sites ensures that impacts of bulk/scale are no greater than existing buildings, ensuring enjoyment of neighboring sites is not diminished by bulk/scale.
- The development is of a height, scale and density currently enjoyed by neighboring sites and soon to be enjoyed by 1-11 Hardie Avenue.

The objectives of the B2 – Local Centre zone in the Land Use Table of the ALEP 2013 are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage residential accommodation as part of mixed use development.*

Comment:

It is considered the development is in the public interest because it is consistent with the objectives of the B2 – Local Centre zone, in accordance with Clause 4.6(4)(a)(ii) of the ALEP 2013 for the following reasons:

- The nature of the development as student accommodation will increase demand for services within the Summer Hill town centre, strengthening the economy and encourage a vibrant local centre. The proposed FSR variation does not compromise this objective.
- Servicing the development will create employment opportunities for local business through increase demand on services. Likewise the day to day operation of the premises will promote employment for jobs such as centre managers, receptionists, cleaners ect. The site is in a highly accessible location 150m from the Summer Hill Train Station.
- The absence of car parking associated with the development and the proximity to public transport provides strong encouragement for public transport patronage and removes any encouragement for private vehicle ownership. The development proposes through site connections for students and staff to the town Centre and 60 bicycle spaces for the use of occupants. This is to maximize public transport patronage and encourage walking and cycling.
- The proposal is a permitted use within the zone. The development will provide an increase to residential accommodation types within the locality and promote the local economy. The development by nature is to be run as a commercial enterprise, employing managers, staff, cleaners ect. These services have been designed to be located upon the ground floor facing Carlton Crescent and provide an active frontage/ a nature similar to that of a commercial floor.

As such, the proposal will not result in a detrimental impact on the public interest and can satisfy the objectives of the floor space ratio development standard and B2- Local Centre Zone and therefore Clause 4.6(4)(a)(i) and (ii) have been satisfied.

Concurrence from the Secretary is assumed for matters to be determined by the Panel.

(vi) Heritage Conservation (Clause 5.10)

The site is not listed as a heritage item under ALEP 2013, but is located within the vicinity of a heritage item (Darrell Jackson Memorial Gardens) and within the Summer Hill Heritage Conservation Area under ALEP 2013.

The former Ambulance Station has been identified as being a contributory item with a contributory 1 rating within the conservation area. Contributory 1 buildings are buildings that clearly reflect the key period of significance for the HCA and are key elements of the character of the HCA. The building was managed and operated by a state government agency and the former Ambulance Station was identified as an item with heritage significance in the Central District Area Health Service Section 170 Heritage and Conservation Register in 1992.

The Statement of Significance for the Summer Hill Central Conservation Area is as follows:

*The Summer Hill Central Heritage Conservation Area is of local heritage significance.
The Summer Hill Central area is of historical significance as an area of retail*

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streetscapes developed in the period from 1878 through to the 1940s, in response to lobbying for and the actual opening of the Summer Hill Railway Station in 1879.

The area is of aesthetic significance for its varied mix of predominantly retail buildings dating from 1878 to the 1940s, illustrating architectural styles including Victorian Italianate, Victorian Filigree, Federation Free Classical and Inter-war Functionalist, unified by building alignments to the street frontage and awnings over the street, and predominantly 2 storey building heights.

The Ambulance Station falls within the key period of significance for this Conservation Area.

The provided Statement of Environmental Effects and Heritage Impact Statement submitted with the application satisfactorily addresses the relevant heritage conservation provisions contained within Clause 5.10 of the ALEP 2013. The applicant has provided sufficient documentation which demonstrates that the proposed development will not have a detrimental effect on the former Ambulance Station a category 1 contributory building within the heritage conservation area, the Summer Hill Heritage Conservation Area as a whole and the neighbouring heritage item - Darrell Jackson Memorial Gardens. The development satisfies Clause 5.10 of ALEP 2013.

(vii) Earthworks (Clause 6.1)

The proposal involves extensive earthworks to facilitate the new lower ground floor and remediation of the site (e.g. remove existing fuel storage tanks and other contaminants in the soil). The application has been supported by a Geotechnical Report which has assessed the subsurface conditions and other geotechnical conditions such as groundwater, footing design and earthworks.

Subject to compliance with the recommendations made by the provided geotechnical report, the proposed development will not have detrimental effect on drainage patterns, soil stability, amenity of adjoining properties or adverse impacts on waterways/ riparian land.

(viii) Flood Planning (Clause 6.2)

The subject site has been identified as being flood affected by the Hawthorne Canal Flood Study and is within close proximity to a high hazard flood risk area to the south east of the site in the 1% Annual Exceedance Probability (AEP) flood event. The applicant has submitted a flooding report to Council, which outlines that the site is protected from flooding during the 1% AEP storm, but during rarer events such as the Probable Maximum Flood (PMF) storm event that the court yard and ground floor units could flood by up to 1.8m.

The applicant has failed to demonstrate satisfy Council's Engineer as to compliance with clause 6.2 – Flood Planning within the Ashfield LEP 2013. Concerns are raised that the proposal is not compatible with the flood hazard of the land, that the development will significantly adversely affect flood behaviour, that there are not sufficient appropriate measures to manage risk to life from flood and that the development will result in unsustainable social and economic costs to the community as a consequence of flooding.

Council's engineers have outlined that during the PMF event within a 30 minute duration a high rate of water rise in the courtyard would be experienced and that it will significantly limit the available warning and evacuation time for occupants. The flood water in the proposed courtyard will also result in the ground floor units experiencing significant damage, putting residents at high risk.

The applicant has provided a response letter outlining how they have addressed the requirements of clause 6.2, through the submission of the Flood Response Management Plan, emergency warning system and the provision of access to an area of refuge above the PMF event on other levels of the development.

Council's engineers have reviewed the amended plans and flood response management plan and maintain that the development still fails to adequately address the requirements of clause 6.2 of the ALEP 2013. Of significant concern with the proposal is the 30 minute duration until high rate of water rise in the courtyard and the subsequent limited time available for warning and evacuation of occupants. The high rate of water rise over a short time period is considered to result in a risk to life, once the existing flood wall has been breached.

The provided Flood Response Management Plan does not provide or cater for "reliable" access for pedestrians to a place of refuge above the PMF nor does it provide adequate warning or orderly evacuation due to the depth and speed of inundation.

The reliance on a Flood Response Management Plan for people to be able to be evacuated in a timely and efficient manner, in the case of a PMF event within 30 minutes is unrealistic. The use of a Flood Response Management Plan as the sole measure to reduce the risk is unsatisfactory and design changes are required to provide refuge on site to a level above the PMF. Council's Engineer advises that Flood Response Plans are subject to human error and require ongoing vigilance and awareness which are difficult to maintain when events are rare, because people become complacent, systems such as water level sensors can fail and electricity disruptions are not uncommon during severe weather conditions rendering most warning systems inactive.

The proposal is therefore recommended for refusal, on the grounds that clause 6.2 – Flood Planning, a significant "lime and limb" safety risk in a proposal for a high-density student housing project, has not been satisfactorily addressed.

9. Inner West Comprehensive Development Control Plan 2016

An assessment of the development having regard to the relevant provisions of the Inner West Comprehensive Development Control Plan 2016 (Comprehensive DCP 2016) is provided below.

Chapter A: Miscellaneous

(i) Good Design

Part 2 of Chapter A: Miscellaneous provides objectives for the provision of Good Design. These objectives require developments to:

- *Respond and contribute to its context*
- *Contribute to the quality and identify of the area*
- *Suit the scale of the street and surrounding buildings*
- *Is appropriate for the site and buildings purpose in terms of alignments, proportions and building elements*
- *Provide internal amenity and outlook*
- *Incorporates landscaping that integrates with the building*
- *Provide amenity through high quality physical, spatial and environmental design*

As assessed above the proposal provides a built form that matches neighbouring sites in terms of bulk, scale, height and density. The Development Application was referred to and reviewed by Councils Architectural Excellence Panel (AEP) who were generally supportive of the proposal and outlined the high quality nature of the design. Key points arising from the AEP assessment include:

- The Panel considers that the proposal generally responds to the context of the site and the streetscape of Carlton Crescent in its scale, massing, proposed material expression of face brick and articulation.
- The Panel supports the proposed primary access from Carlton Crescent with secondary access to Hardie Avenue at the rear.
- It is the opinion of the panel, that the scheme offers good opportunities for natural light and passive ventilation.
- The Panel notes the incorporation of a detailed landscape plan accompanying the development proposal, including screen planting along the western elevation adjoining the park, facade planting via planter boxes and climbers, and a central courtyard, which if implemented & maintained will provide a good degree of amenity.
- The Panel notes that, while part of the communal area to the north of the site is located within a basement, this is mitigated by the use of double height space which provides the capacity to provide adequate light, ventilation and solar access.
- The Panel queried the quality of the amenity to the proposed 'breezeway'; providing access to the eastern wing, adjoining the brick wall forming the western elevation of the adjoining former industrial building. However, following inspection, the Panel is of the view that the proposal is acceptable, and that the shortcomings of the proposed access are mitigated by the benefits of natural ventilation and views from these units to the central courtyard.

The development is considered acceptable having regard to the relevant objectives for good design. The proposal is expected to respond to its context, suit the scale of the street, provide adequate internal amenity and outlook and incorporate landscaping that integrates with the building and surrounds.

(ii) Flood Hazard

The development application is accompanied by a flood report, which took into consideration matters such as the likely depth and nature of possible floodwaters, flood classification and risk posed to the development by flood waters. Since initial lodgement, the proposal has been amended to address concerns raised by Council Engineers regarding flooding impacts and the dispersal of water to neighbouring sites. These amendments included; the raising of the footpath along Carlton Crescent, amendments to the height and length of the proposed flood barrier wall along the western boundary and the raising of the finished floor level height of the proposed bicycle storage and communal BBQ area.

As discussed above the applicant has failed to demonstrate compliance with clause 6.2 – Flood Planning within the Ashfield LEP 2013. Council's Engineer advises that the proposal is not compatible with the flood hazard of the land, that the development will significantly adversely affect flood behaviour, that there are not sufficient appropriate measures to manage risk to life from flood and that the development will result in unsustainable social and economic costs to the community as a consequence of flooding, even after taking into account the applicant's amendments. The proposal is therefore recommended for refusal, as LEP Clause 6.2 – Flood Planning has not been satisfactorily addressed.

(iii) Parking

SEPP ARH Clause 29 (2)(e) requires boarding houses to provide a minimum of 0.5 spaces for each boarding room, while the DCP requires boarding houses to provide a minimum of 1 space per staff member. This results in the proposal being required to provide a minimum of 91 parking spaces. In this instance the applicant has submitted that the provision of car parking is not required for the proposed development. Outlining that the proposed use of the building, as student accommodation attracts low car ownership from future occupants and noting that the site is at a very accessible location, being 150m walking distance from the Summer Hill Train Station and Summer Hill Town Centre for bus services.

The proposed boarding house is purpose designed for a specific user group, being tertiary students, with the applicant outlining that this premises will be further narrowly marketed towards international post graduate students. This makes the management of travel demand easier than other forms of development due to the ability to clearly identify the needs of the users and provide alternatives to encourage public transport and other forms of transport such as walking or cycling.

The car parking requirements contained within the SEPP ARH and the DCP do not consider the specific car parking demand of purpose-built student accommodation or access to public transport. In this instance to provide a more reasonable consideration of the car parking demand the applicant was required to provide a Green Travel Plan as well as a Traffic and Parking Assessment Report. This plan and report required the applicant to research car ownership of occupants of similar developments (within Sydney) and assess factors that will influence modes of travel for future occupants including availability of parking, price of parking, frequency of public transport services and likely locations commuters will be traveling to/from. The assessment of these factors concludes that the primary attraction of the proposed development for future occupants is the ease of access to public transport with a high frequency of services to desirable destinations, such as tertiary institutions.

The applicant has correctly outlined that the Summer Hill Train Station is serviced by the T2 Inner West and Leppington Line, which offers occupants a 13-16 minute trip to Redfern and Central Stations, where several major universities are located. Analysis of this service highlights that during the morning peak trains run at a frequency of 5 minutes to the City from the Summer Hill Station and 10 – 15mins during the evening peak. The subject site is also a 10 minute walk (900m) to the Lewisham West Light Rail Station, which services the Station every 5-8 minutes in the AM peak and has a travel time of 32 minutes to the city from Lewisham Station. It is important to note that the majority of trips to be made by students are likely to be to places such as universities, which traditionally do not accommodate readily available on-site parking for students (especially institutions located within the centre of Sydney). Likewise these institutions traditionally do not provide free on-site parking for students.

There are at least 6 universities directly accessible on the T2 line from Summer Hill, either at Chippendale (UTS, USyd and Notre Dame) as well as at least 3 in the other direction at Parramatta (CSU, UWS and UNE). Many other tertiary colleges are directly accessible by rail or bus from the site.

The applicants Green Travel Plan also analyses 2016 ABS Census data of five statistical areas around the Summer Hill Train Station and determined that the primary mode of travel to work for residents living within these areas is via the train with a 52% mode share, while

cars have a 36% mode share. It is considered that given the exclusive and purpose-built use of the premises for student accommodation, that students will be far less likely to own a car than existing residents within the locality and that therefore car usage for the development would be even less than the “model” 36%.

Examination of the existing kerb side parking restrictions within the locality has also highlighted the following arrangement:

- Unrestricted parking on the northern side of Carlton Crescent
- No stopping restriction on the southern side of Carlton Crescent
- 2 hour parking restriction further on for the southern side of Carlton Crescent
- No stopping restrictions in Hardie Avenue
- 2 hour parking restriction within the Summer Hill Centre carpark

These existing parking arrangements result in limited availability of on-street parking within the locality surrounding the proposed development and work to actively prohibit students from being able to park within the vicinity long term. This further encourages public transport usage and discourages car ownership. In this instance it is considered acceptable that to encourage other modes of transport with no parking be provided to students.

The applicant's Green Travel Plan has outlined a number of existing and proposed cycle routes (including the Greenway project) and pedestrian links that will enable students of the development to access alternative areas of the Inner West and Sydney without reliance upon a motor vehicle, while also encouraging active living. This Green Travel Plan also details the location of a number of existing Car Share Facilities within the locality that are available to students in the occasional event that a motor vehicle is required.

However, it must be noted that that the development does not rely on these car share facilities to offset a lack of on-site parking, but instead outlines that there is existing services within the locality that students may take advantage of should they occasionally require a car. Instead, the applicant points out the specific usage of the site, the highly accessible nature and subsequent reduced dependence of vehicle ownership among users.

To ensure that the premises is utilised for student accommodation and to ensure minimal impacts on surrounding streets Council recommends a condition of consent, which restricts the occupants of the proposed development to tertiary students (a condition agreed to by the applicant) and a further condition which outlines that students/staff of the development will not be entitled to a residential parking permit.

Furthermore it is recommended that the proposed non-provision of car spaces for the residents of the development be supported for the following additional reasons:

- Unavailability of parking within the vicinity will force travel demand to public transport and removing potential for additional traffic generation/ congestion within the Summer Hill Town Centre
- The construction of a basement to accommodate the required parking spaces, would require extensive excavation and potentially impact the heritage significant Ambulance Station and result in a poor streetscape frontage to either Carlton Crescent or Hardie Avenue which has the potential to impact pedestrian safety, which is not within the public interest.

Services, Loading and Waste Storage

The applicant has submitted amended plans which detail the provision of a new loading dock along the eastern boundary of the subject site. This loading dock has been designed to accommodate small vans or small vehicles only and is intended to be utilised for the day to day servicing of the site. Events such as furniture delivery or other large bulky goods is considered to be an annual event, with Iglu providing beds, desks and other facilities needed for day to day living and as such does not require students to move such facilities in and out. It is considered that the development is unlikely to require servicing via a large vehicle on a regular basis and as such the provision of a large loading dock is considered unnecessary.

This loading dock is to be utilised as a means for on-site waste collection, which is to be undertaken via a private contractor. This space has been designed to ensure direct access from internal lifts and close relation to the waste storage areas located upon the lower ground floor, facilitating easy waste removal. Private contractors are able to utilise a greater range of vehicles for waste collection and can undertake waste collection via a small van or similar vehicle to enable on-site waste collection. The loading dock has been designed to incorporate a turning bay to ensure forward entry and exit of any vehicle which may utilise the space. The loading bay has been designed to utilise the existing driveway previously used by NSW Ambulance and as such does not result in a loss of any on street parking.

Parking for People With Disabilities

The BCA and NCC codes outline the rate of disabled spaces for a class 3 development under table D3.5 of the BCA. Under this table class 3 developments are required to provide:

1 space for every 100 car parking spaces or part thereof.

In this instance the development application does not propose to provide any car parking associated with the development and as such the requirement outlined above, is not applicable.

The applicant has provided an access report which has reviewed and assessed the development against the provisions of the relevant legalisation, development standards and DCP controls. This report has found that the development results in a high level of compliance. The report also notes that travel along Carlton Crescent are of an appropriate width and gradient, ensuring that any residents with a disability are also able to utilise the proximity of public transport. The proposal is therefore considered to be compliant with the relevant requirements regarding parking and access for people with disabilities.

(iv) Signs and Advertising Structures

The proposed business identification sign has been assessed against the relevant provisions of SEPP 64 and is considered to comply. The proposed sign has been appropriately located not to cover up significant architectural features of the existing Ambulance building and will not diminish or impact the heritage significance of the existing building. The sign is appropriately located to ensure access and maintenance can be undertaken from the subject site and is not reliant upon neighbouring properties. The proposed sign has been designed not to project above or beyond the wall to which it is attached and relates to that shape and architectural features of the building. The proposed signage is compliant with the requirements of the DCP.

(v) Development Near Rail Corridors

The proposal is supported by an acoustic report prepared by a suitably qualified and experienced person. This report has been reviewed by Council's Environmental Health Team who outlined that the report is sufficient and that the proposal is able to comply with the relevant provisions regarding noise levels, when measured from bedrooms. Appropriate conditions regarding background noise levels and compliance with recommendations made with the acoustic report has been recommended for the consent. This is considered sufficient to ensure compliance with the DCP.

(vi) Privacy

The proposal has generally been designed to ensure minimal privacy impacts for neighbouring residents and future residents of the development. This has been achieved through appropriate placement/design of windows and the nature of the site being surrounded by public recreation spaces and existing commercial structures with limited windows along the site elevations. A review of the proposed levels of units facing the rear pedestrian walkway and the approved finished floor level of units relating to the development at 1-11 Hardie Avenue has confirmed similar finished floor levels and subsequent potential for window alignments.

These two structures are to be separated by a minimum of 10m (window to window) and as such any window alignments is likely to result in minimal privacy impacts. It is considered that any privacy impacts resulting from potential window alignments can be mitigated through the instillation of blinds or curtains to windows. In this instance the proximity of the two structures is results from the approved development at 1-11 Hardie Avenue, which is situated on a nil boundary setback. The subject development is currently setback 3m from the boundary to offset bulk/scale and provide separation for privacy, any increase to this setback will unjustly limit development potential to the site and is considered unnecessary for the reasons listed above.

The proposed corridors incorporate a steel skin material along the walkways created through the provision of columns and vertical plantings. This design feature provides a partial enclosure to the walkways and ensures that lines of sight into and out of the development are partially obscured. This architectural feature is considered to be sufficient to ensure privacy for residents and neighbouring sites.

(vii) Stormwater Management

Council's Development Assessment Engineers have reviewed the provided stormwater management plan and outlined that the proposed scheme is satisfactory, subject to conditions of consent requiring compliance with the relevant Australian Standards and the creation of an easement for drainage over downstream properties (lots DP 717782 and DP 1102625) in accordance with the stormwater management plan submitted with the applicant. These conditions have been recommended for the consent as an operational condition of consent and a deferred commencement condition.

Chapter D: Precinct Guidelines – Summer Hill Urban Village

The subject site is located within the Summer Hill Urban Village and as such must be assessed against the controls outlined within Chapter D: Precinct Guidelines. An assessment of the relevant controls has been undertaken below.

(i) Building Height

The proposed variation to building height has been assessed above under clause 4.6 – Height of Buildings and is considered to be acceptable. The proposal results in a variation to the parapet control height of 9m for the front façade as required by the DCP, with a parapet height of 9.7m proposed. This variation has been assessed and is considered to be acceptable as the proposed parapet is in line with that of neighbouring sites and the existing Ambulance Station. The proposed variation will not result in a building form out of character, does not result in increased overshadowing and provides a scale not overbearing to visual presence. The proposed variation is recommended for support.

(ii) Building Alignment / Breezeways

Clauses DS3.1 – 3.4 of the DCP outline controls for building alignments within the Summer Hill Town Centre and require developments to match that of adjoining buildings and/or predominant street alignment, be continuous and not stepped back at street level or upper level to the height of the tallest immediate neighbour and remain aligned with the street frontage. The proposal has been assessed against these requirements and is generally compliant. The development has been designed to match that of neighbouring sites, only incorporates a stepped back façade in order to accommodate the blow out requirements dictated by Sydney Trains, regardless of this the proposal is generally in alignment with the street and the proposed setback maintains a high quality façade to Carlton Crescent. Council raises no objections to the proposed building alignment.

Eastern Boundary Breezeway

Analysis of the proposed eastern boundary of the development highlights the provision of an open corridor/breezeway design, located upon a nil boundary setback for each of the levels. As outlined above (under application history) Council initially raised an objection to this design outlining concerns that such a layout would rely on the amenity of neighbouring 72 Carlton Crescent and hinder re-development potential. Following a review by Council's Architectural Excellence Panel and further information provided by the applicant, Council amended this position and no longer raises no objection to the design.

In this instance acceptance of this design element is based upon the merits of the application and surrounding sites. This eastern breezeway element of the proposal currently relates to a blank industrial building wall, with 72 Carlton Crescent development to a nil boundary setback. As a result the development does not result in any privacy loss for the neighbouring site or future residents of the proposal. Likewise the current use of the building a commercial/industrial premises ensures minimal acoustic impacts for both future residents and neighbouring tenants, with limited openings along the elevation of 72 Carlton Crescent assisting to limit noise transfer.

As part of the response to address Council concerns regarding this proposed breezeway, the applicant has created building form sketches. These sketches are based off a current floor space ratio of 1.5:1 and the most sensitive current permissible use - shop top housing. These sketches are provided below, titled figures 17 and 18. The sketches are considered to be a reasonable building form under current controls and clearly detail that the neighbouring site at 72 Carlton Crescent is able to develop a scheme which meets current LEP and DCP controls, while maintaining a high degree of amenity for occupants of both sites. The

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development of such a design as outlined within figures 17 and 18 below demonstrates that the proposed breezeways do not impact amenity currently and will not impact amenity in the event of re-development.

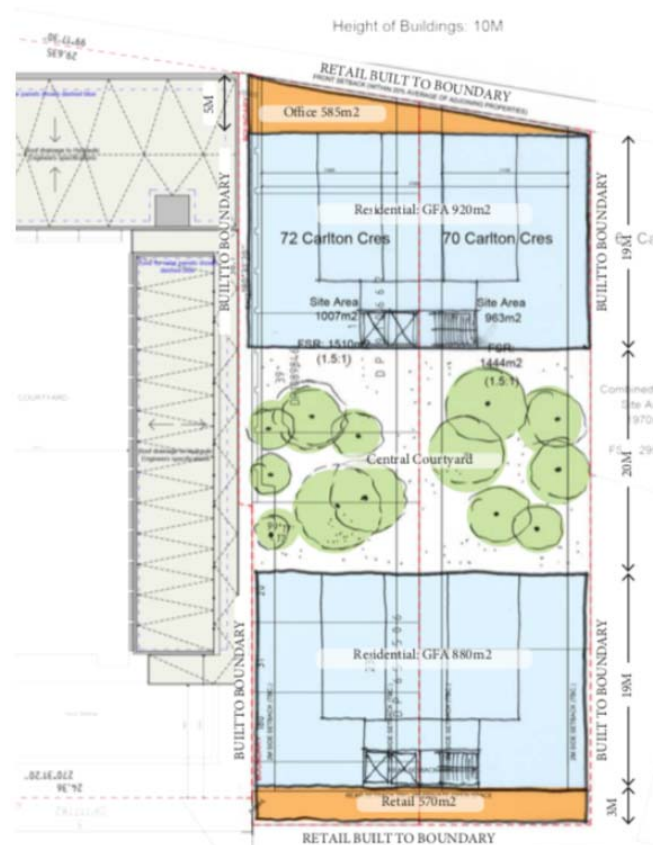


Figure 17: 72 Carlton Crescent potential re-development building form

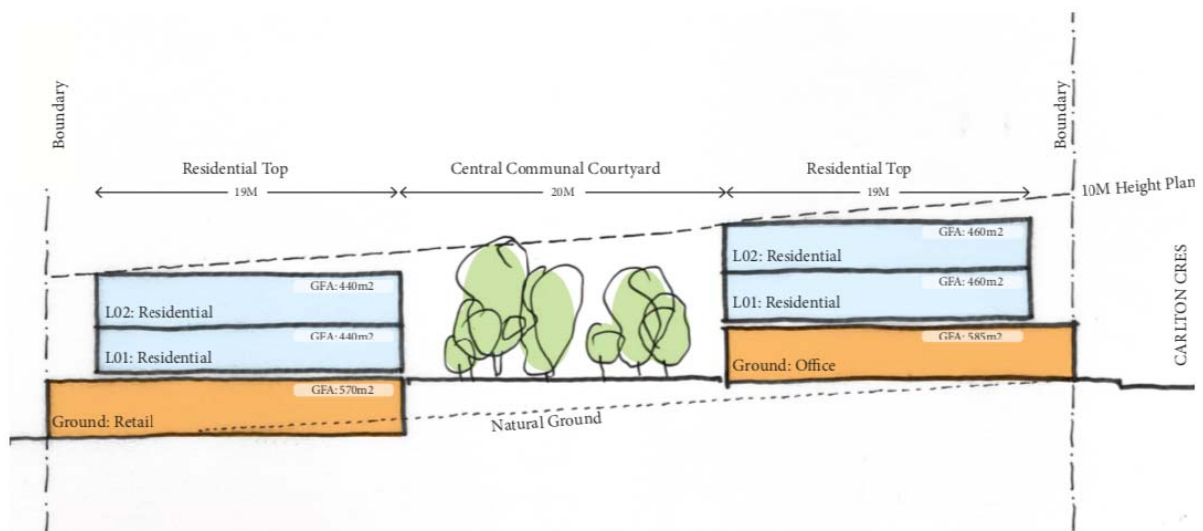


Figure 18: 72 Carlton Crescent potential re-development building form – Section

Council's Architectural Excellence Panel has also reviewed this design element and made the following comments:

- The Panel queried the quality of the amenity to the proposed 'breezeway; providing access to the eastern wing, adjoining the brick wall forming the western elevation of the adjoining former industrial building. However, following inspection, the panel is of the view that the proposal is acceptable, and that the shortcomings of the proposed access are mitigated by the benefits of natural ventilation and views from these units to the central courtyard.

The applicant has also pointed out to Council the amenity benefits of keeping the current design and the breezeway in its current location. As discussed above the proposal incorporates an extensive internal courtyard, with high quality landscaping. Large windows are assigned to each of the rooms along the eastern section of the site and have been designed to relate to primary living spaces and beds, ensuring that they overlook the courtyard. While less significant spaces such as bathrooms and kitchens relate to the entry of the units and do not achieve any outlook. A requirement to flip or relocated the breezeways/rooms would result in these large windows facing the blank industrial/commercial wall and provide less amenity to the occupants. These breezeways are to be screened with vertical plantings as seen below in figure 19. This planting is to break up the industrial wall and contribute to the character of the development, providing a visually interesting back drop with the existing industrial building in the background. Any requirement to enclose these breezeways is expected to result in reduced cross ventilation to the development and a reduction to landscaped area.

Concerns regarding fire safety and compliance with the BCA from the openings being located upon a nil boundary setback have been addressed by the applicant through the submission of a fire engineering capability statement. This statement confirms that the building's compliance with the fire safety requirements will not result in any material changes to the building design presented in the current architectural drawings.



Figure 19: Photomontage of finished hallway design.

(iii) Solar Access

The Inner West Comprehensive DCP 2016 outlines a solar access control for developments located within the Summer Hill Urban Village, the intention of this control is to ensure that adequate solar access is provided to existing open spaces within the commercial precinct and surrounding space. The control states that:

- *No development shall significantly reduce solar access to the plaza area, open space or adjacent properties*

The development is considered to largely comply with this control and will not significantly reduce solar access to the plaza area, open space or adjacent properties. Council has undertaken an assessment of the likely solar access impacts resulting from the development for both neighbouring sites and the subject site and is outlined below.

Neighbouring Sites

The development in its entirety will result in a loss of solar access for approved residential units to the south at 1 -11 Hardie Avenue. Analysis of the approval at 1-11 Hardie Avenue has highlighted that areas overshadowed by the proposed development, relate to private open spaces of shop top housing units. Impacts of overshadowing for these units are the most significant at 9:00am, improving as the day progresses until near total solar access is returned by 1pm. The development has been appropriately designed to minimise

overshadowing for the majority of shop top housing units located at the neighbouring 1-11 Hardie Avenue, with only units located on the south east corner impacted by the proposal.

Such impacts of overshadowing are considered be unavoidable given the orientation of the site, resulting from the time of original subdivision and the permissible height limits under the LEP. Sites impacted by the proposed solar access loss are expected to obtain partial to total solar access to primary living areas from 12:00pm to 3:00pm on 21 June which is compliant with Council's requirements for solar access and residential developments.

The development will also result in minor impacts of overshadowing to the neighbouring park and associated tennis courts between 9:00 am and 11:00 am during the winter solstice. Analysis of the shadow diagrams provided by the applicant details that the worst impacts of overshadowing to the tennis courts (located to the west of the site), occur at 9am, with substantial reductions to the extent of overshadowing by 10am and minimal to negligible overshadowing impacts by 11am. Such impacts of overshadowing are compliant with Councils controls for solar access and neighbouring sites, with the park as a whole achieving greater than 50% of the space obtaining more than 3 hours solar access on 21 June. The development is not considered to significantly reduce solar access to the neighbouring open space and is compliant with the solar access control.

Subject site

As outlined above the subject development has been designed to incorporate an extensive and high quality internal courtyard, to be made readily available for staff and students of the student accommodation development. An analysis of this internal courtyard has highlighted that the space is to experience near total overshadowing between 9:00am to 11:00am at midwinter. This extent of overshadowing was raised as a concern by Council's Design Excellence Panel. In this instance the extent of overshadowing is considered to be unavoidable and resultant from the sites orientation and the central courtyard design. It is considered that any external space located upon this site would experience similar impacts of overshadowing both from potential development and neighbouring sites. No alternative design (which extends to the maximum permissible development standards) is expected to result in improved solar access and as such the extent of overshadowing to the courtyard is considered acceptable. The centralisation of the courtyard assists in internalising of the impacts of the dense student housing design and is therefore acceptable.

(iv) Relationship with 1 – 11 Hardy Avenue/ Pedestrian Walkway

Analysis of the provided sections and elevations highlights that the development results in a height similar to that approved at 1-11 Hardie Avenue. The proposal has been setback roughly 3.7m from the pedestrian walkway to reduce the overall bulk of the development from the public domain/ neighbouring residential units and ensure the pedestrian walkway is inviting for the public.

The proposal has been designed in context with the development at 1-11 Hardie Avenue and results in the creation of a public walkway with significant passive surveillance and activity. The location of the bike storage and rear entry for students ensures that the laneway is not treated as a secondary space and creates an opportunity for high traffic-ability. This combined with the proposed café/shops associated with the development at 1 -11 Hardie Avenue, assists for this laneway to become an extension of the Summer Hill Town Centre. This combination is expected to encourage the existing pedestrian link and provide greater

usage of the Darrell Jackson Gardens. Council raises no objection to the proposal's interface with the rear pedestrian walkway and approved development at 1-11 Hardie Avenue.

Chapter E1: All Heritage Items and Conservation Areas (Except Haberfield)

(i) Contributory Buildings (Buildings rankings contributory 1 and 2)

The proposal has been designed to ensure that the contributory Ambulance Station is kept and conserved within its significant setting, largely keeps intact the existing roof and maintains the front or main section of the Ambulance Station. As such the proposed design is in-line with the requirements of the DCP and reflects the desired future character of the Summer Hill Conservation Area. Council's Heritage Advisor has reviewed the proposal and outlined no objection to the proposed development, outlining that the development will not impact the significance of the Ambulance Station or the conservation area.

(ii) Form, Massing and Scale

The proposal has been designed to reflect the bulk, mass, scale, orientation and setbacks of surrounding buildings and the significant elements of the conservation area. The proposed works complement the predominate architectural scale and does not imitate the existing style of building, instead providing a modern form. Council's Heritage Advisor has reviewed the proposed building form and outlined no objection.

Chapter F: Development Category Guidelines

(i) Boarding House and Student Accommodation

Plan of Management

The applicant has submitted an operational plan of management which has been assessed by Council and deemed to be generally acceptable. This plan of management outlines requirements for fire safety, cleaning, emergency procedures, staffing arrangements, house rules and waste management. To ensure compliance with Councils requirements for plans of management and to ensure all relevant information is contained within the plan of management and that it is made available to all staff and students an appropriate condition of consent has been recommended for the consent.

Other matters contained within the Boarding House and Student Accommodation section of the DCP have been assessed elsewhere within this report, as they relate to management of the site, car parking and waste.

The proposal is compliant with Councils requirements for student accommodation and boarding houses, as outlined within the DCP.

10. Ashfield Section 94/94A Contributions Plan 2010

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$163,443.74 would be required for the development under Ashfield Section 94/94A Contributions Plan 2010.

This contribution has been calculated based off the construction of a new boarding house with 180 beds and the site incorporating an existing commercial GFA of 3,157m².

A condition requiring that contribution to be paid is included in the recommendation.

11. The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have an unacceptable impact in the locality as the proposal does not comply with the flooding requirements. It is therefore recommended that the proposal be refused until such a time that flooding matters have been resolved.

12. The suitability of the site for the development

The site is not currently considered suitable to accommodate the proposed development, as outstanding flooding matters remain to be suitably addressed.

13. Community Consultation

The application was notified in accordance with Inner West Comprehensive Development Control Plan (DCP) 2016 for a period of 28 days to surrounding properties. A total of seven (7) submissions were received as a result.

The submissions raised the following concerns which are discussed under the respective headings below:

Issue: Misuse of SEPP ARH for commercial profit
Comment: This matter is not a planning consideration for the assessment of this development application. The development has been assessed against the provisions of the SEPP ARH above and is considered to generally comply.

Issue: Request for Council to impose a rental cap on the development
Comment: The development is not nominating to be operated by or on behalf of a social housing provider and as such the consent authority is not able to impose a rental cap on the development.

Issue: Non-complaint with desired future character
Comment: The development has been assessed against the provisions of the local character provision within the SEPP ARH and the relevant LEP and DCP controls. The proposal is considered to be compliant with the desired future character. See assessment section of report.

Issue: Developer and owners should be required to consult with domestic violence services, women's refugee centres.
Comment: This matter is not a planning consideration for the assessment of this development application. The development has been assessed against the provisions of the SEPP ARH above and is considered to generally comply.

Issue: Non-compliant with height limit and FSR as expressed by LEP
Comment: An assessment of the proposed variations to height and FSR have been undertaken in accordance with clause 4.6 of the LEP. See assessment above titled exceptions to development standards (clause 4.6).

Issue: Non-complaint with minimum parking requirements/ traffic generation

Comment: The non-compliant parking provision has been assessed above under sub-heading 10 – Inner West Comprehensive Development Control Plan 2016 – Chapter A; Miscellaneous.

Issue: Safety concerns for community, with high turnover of residents.

Comment: The character of future lodgers cannot be assumed during the assessment of the application. The proposal has been appropriately designed to provide surveillance both to the public domain and internal elements of the site. The proposal is considered to comply with the requirements of crime prevention through Environmental Design. The applicant has also provided a Plan of Management with the application, which has been assessed and is considered to be acceptable. A condition outlining requirements for compliance with the submitted plan of management have been included in the consent.

Issue: Concerns over potential change of use in the future

Comment: Council has recommended a restriction to user condition limiting the use of the building to student accommodation. This condition outlines that the accommodation portion of the building to be used only by students and not as residential accommodation or as serviced apartments, private hotel, boarding house, tourist or backpackers accommodation or the like. This is sufficient to ensure the premises is utilised in accordance with the approved use.

Issue: Confirmation of no vehicular access from the site to the rear Hardie Avenue

Comment: No vehicular access is proposed from the site to the rear Hardie Avenue. All vehicular access is to be obtained from Carlton Crescent.

Issue: Council cannot grant consent until stormwater drainage matters regarding the creation of an easement have been resolved.

Comment: The application is recommended for a deferred commencement consent, with a condition requiring the creation of an easement for drainage and/or services over downstream properties prior to the consent becoming operational. This is sufficient to ensure appropriate drainage from the new development and is in-line with the purpose of deferred commencement consent and is a standard condition of Council.

14. The public Interest

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

The proposal is contrary to the public interest as the above matters have not been adequately demonstrated at this time.

15. Referrals

Internal

The application was referred to the following internal officers:

- *Environmental Health* – Council's Environmental Health Team have reviewed the provided phase 2 environmental study, the provide remediation action plan, acoustic report and plan of management. Correspondance from the Environmental Health Team has confirmed that these documents are sufficient to ensure the remediation of the site for the intended use and that the development can be constructed in a manner to comply with the relevant acoustic requirements required by for development near rail corridors. Council's Environmental Health team have outlined that the preferred method of remediation is excavation, classification and validation. Council's Environmental Health Team have provided conditions of consent regarding the remediation of land, removal of asbestos, acoustic compliance and registration of the premises with Council. These conditions are considered satisfactory to ensure proper operation of the site and to minimise any impacts for neighbouring sites. The conditions provided by Council's Environmental Health team have been recommended for the consent.
- *Heritage Advisor* – Council's Heritage Advisor has reviewed the amended proposal and notes that the design is now acceptable on heritage grounds, as it includes the retention of sufficient internal fabric to provide indication of the original character of the residential portion of the former Ambulance Station. The proposal is now substantially in accordance with the heritage status of the building, as a C1 contributory item to the Summer Hill Central Conservation Area (and identified under the NSW Heritage Act in a State Government Agency Section 170 Heritage Register as being of heritage significance). To ensure the protection of significant fabric conservation works have been conditioned. This includes a condition requiring a fire engineered solution to be developed to retain the significant internal detailing including skirting boards, architraves and high waisted panelled doors. The Heritage Door Kit method developed by the NSW Heritage Office is one method of retaining panelled doors. Fire rating can be achieved by retaining existing decorative fibrous plaster ceilings and installing firecheck. The replacement of ceilings can only occur if the ceilings are plain.
- *Development Assessment Engineering and Traffic* – The proposal was reviewed by Councils Development Engineers and Traffic Engineers who outlined an objection to the proposal not providing on-site parking. Council Engineers have outlined that Statistics of Resident Mode Share for the locality, show 36% of residents travel by private car and that student car ownership statistics will most likely be even higher. The proposed target of 0% in the Green Travel Plan was outlined as being unrealistic and unlikely to be met. This lack of on-site parking will further increase the present competition for on-street parking, which is unacceptable.

These concerns/objection to the proposed lack of parking were considered during the assessment of the development application. However for the reasons outlined above within the assessment report Council planners determined not to require on-site parking and accepted the applicants request for no parking.

Council Development Engineers also reviewed the proposal with regards to flooding. With regards the flooding Council Engineers have outlined that the amended proposal does not satisfactory address or comply with the relevant requirements of the LEP and that the application should not be supported. The application is subsequently recommended for refusal.

With regard to Stormwater Council Engineers have outlined no objection, but noted that the development relies upon an easement for drainage to the rear Hardie Avenue. This easement has not yet been created and a deferred commencement condition requiring

the creation and registration of the easement for stormwater prior to a an operational consent being issued. Council engineers have also outlined other standard conditions of consent regarding stormwater management and compliance with the relevant Australian Standards has been recommended for a consent should the application be approved.

- *Resource Recovery* – Council’s Resource Recovery Team have reviewed the proposal and recommend that the applicant use 240L bins for recycling, and having a mix of yellow and blue in each waste room. The current design will result in tenants contaminating both recycling bins, as they will not be inclined to visit both waste rooms to separate their recycling. This would mean ensuring the waste rooms 1 and 2 could take 1x660L garbage bin, and 3x240L recycling bins each (e.g. 2 yellow + 1 blue in one waste room, and 1 yellow and 2 blue in the second). This recommendation has been passed onto the applicant for them to review and where necessary amend their proposed bin arrangement to suit the needs of staff and students. No other objections from Council’s Resource Recovery Team has been received. Conditions regarding submission of a waste management plan and documentation (including receipts) regarding the destination and disposal methods of waste materials leaving the site has been recommended by the team and recommended for the consent.

External

The application was referred to the following external bodies:

- *NSW Police – Crime Prevention* – At the time of this report no comments or feedback has been received by the NSW Police. Appropriate conditions regarding lighting, security and surveillance have been recommended for the consent.
- *Sydney Trains* – The proposal was referred to Sydney Trains who outlined that the development is within close proximity (680mm) to 11KV High Voltage Aerial Lines which are owned and operated by Sydney Trains. During the course of assessment Sydney Trains outlined that the high voltage lines will be 2.7m above the highest point of the roof of the new building and as such resulted in the applicant being required to be prepare and submit for review a blowout report and construction methodology report. These reports were required to confirm any works within close proximity to these lines/ protective measures to ensure safety to workers and the public, the provided blow out report also confirmed that the development will not touch the HV lines in the event of sagging but required the top floor of the frontage to Carlton Crescent to be setback 1m. On the 28 June 2019 the applicant provided Sydney Trains with the required information for their review and on the 21 August the Sydney Trains provided correspondence outlining in principle support in accordance with clause 86 of the SEPP, subject to the imposition of conditions of consent with regards to works within close proximity to high voltage lines. These conditions have not been provided at the time of this report being completed, but will be provided and placed into the draft consent for the determination meeting.
- *Roads Marine Services (RMS)* – The proposal was referred to the RMS under Clause 104 of the Infrastructure SEPP, due to the proposed loading dock being accessed via Carlton Crescent. The RMS have reviewed the proposal and outlined no objection to the loading bay being accessed via Carlton Crescent. The RMS have provided a recommended condition of consent regarding works that may impact traffic flow along Carlton Crescent. This condition has been incorporated into the consent.

16. Conclusion

The relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been taken into consideration in the assessment of this application.

The proposal for the partial demolition of existing structures and the construction of a Boarding House to be used for student accommodation has not satisfied the requirements of clause 6.2 within the ALEP 2013 and is therefore recommended for refusal.

Other departures from the controls including Building Height, FSR, car parking and setbacks have been assessed and are considered to be worthy of support, should the matters regarding clause 6.2 be resolved. The applicant has adequately addressed the relevant matters under Clause 4.6 of the ALEP 2013 and the variations to development standards for Height and Floor Space Ratio are supported in this instance.

The application is not currently considered suitable and is recommended for refusal for the reasons outlined below.

PART E – RECOMMENDATION

The applicant has made a written request pursuant to Clause 4.6 of the ALEP 2013 to vary the development standards for building height set out in Clause 4.3 and floor space ratio set out in 4.4 of the *Ashfield Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the consent authority is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation.

The proposed development would be in the public interest should matters regarding clause 6.2 of the Ashfield Local Environmental Plan 2013 be resolved, because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.

THAT the development application for the partial demolition of existing onsite structures and the construction of a boarding house for student accommodation be **REFUSED** subject based on the following reasons:

Reasons For Refusal

1. The proposal does not satisfy the following parts of the Ashfield Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
 - i) Clause 6.2 – Flood Planning
2. The proposal is considered to result in adverse environmental impacts on the built environment pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
3. The application has not demonstrated that the proposal is suitable for the site in its current form pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, specifically having regard to the flooding constraints and risks which apply to the land.

Should the application be approved or matters regarding clause 6.2 be resolved then it is recommended that the application be approved as a **deferred commencement** and the following conditions be imposed upon the consent:

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

Partial demolition of existing building and construction of a 180 room student accommodation building (boarding house), associated management offices, common rooms over 4 levels and landscaping.

PART A - DEFERRED COMMENCEMENT CONSENT

This consent shall not operate until such time as the following additional/revised information is provided to the satisfaction of Council:

1. *An easement for drainage over downstream properties (lots DP 717782 and DP 1102625) is required to be created, to provide stormwater drainage to the property, as detailed in the approved stormwater plan. A satisfactory legal agreement to create an easement over the land of the above properties shall be submitted to Council.*
2. *The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards>):*
 - a. *Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.*
 - b. *Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.*
 - c. *Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.*
 - d. *Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.*
 - e. *If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.*

f. *If required by Sydney Trains, a Monitoring Plan.*

This information is required to be provided and approved by Council within 24 months of the date of the approval. Failure to satisfy the above requirements by the specified date will result in lapse of consent.

The correspondence issued by Council, once the above conditions are satisfied, and any associated documents submitted to satisfy the deferred commencement condition are to form part of this consent. The submission of this additional information may result in new conditions being added to the consent.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Providing the above matters are satisfied by Council by the specified date, general conditions of consent are:

PART B – Operational Conditions

A General Conditions

(1) Approved plans stamped by Council

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

Drawing Number	Revision	Dated	Title	Prepared By
Architectural Plans				
A01.010	C	24/6/2019	Demolition Plan	Bates Smart
A01.000	C	24/6/2019	Site Plan	Bates Smart
A03.100	E	7/8/2019	Lower Ground Plan	Bates Smart
A03.000	C	24/6/2019	Ground Plan	Bates Smart
A03.001	C	24/6/2019	L01 Plan	Bates Smart
A03.002	C	24/6/2019	L02 Plan	Bates Smart
A03.003	C	24/6/2019	Roof Plan	Bates Smart
A07.000	C	24/6/2019	North Elevation	Bates Smart
A07.001	C	24/6/2019	West Elevation	Bates Smart
A07.002	E	7/8/2019	South Elevation	Bates Smart
A07.003	E	7/8/2019	East Elevation	Bates Smart
A08.000	C	24/6/2019	NS Long Section 01	Bates Smart
A08.001	E	7/8/2019	NS Long Section 02	Bates Smart

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A08.002	C	24/6/2019	EW Cross Section 01	Bates Smart
A08.003	C	24/6/2019	EW Cross Section 02	Bates Smart
A08.004	E	7/8/2019	NS Long Section 03	Bates Smart
A11.000	C	24/6/2019	External Finishes	Bates Smart
Landscape Plans				
L-DA-04	B	6/12/2018	Landscape Plan – Lower Ground Floor	360 Degrees Landscape Architects
L-DA-06	B	6/12/2018	Landscape Plan – Ground Floor	360 Degrees Landscape Architects
L-DA-07	B	6/12/2018	Landscape Plan – Level 01 Plan	360 Degrees Landscape Architects
L-DA-08	B	6/12/2018	Landscape Plan – Level 02 Plan	360 Degrees Landscape Architects
L-DA-09	B	6/12/2018	Façade & Vertical Planter Plant Information	360 Degrees Landscape Architects
L-DA-010	B	6/12/2018	Façade & Vertical Planter Plant Information	360 Degrees Landscape Architects
L-DA-011	B	6/12/2018	Façade & Vertical Planter Details	360 Degrees Landscape Architects
L-DA-012	B	6/12/2018	Planting Palette (sheet 1)	360 Degrees Landscape Architects
L-DA-013	B	6/12/2018	Planting Palette (sheet 2)	360 Degrees Landscape Architects
Stormwater plans				
C0000	A	30/11/2018	Cover Sheet and Drawing List	TTW – Taylor Thomson Whitting
C0010	P1	30/11/2018	Sediment and Erosion Control Plan	TTW – Taylor Thomson Whitting
C0110	P1	30/11/2018	Site works Plan	TTW – Taylor Thomson Whitting

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

Supplementary Documents	Date	Prepared By
BCA Compliance Statement for DA Submission	November 2018	Steve Watson & Partners
Phase 1 and Phase 2 Environmental Site Assessment	30 November 2018	JBS&G
Site Flood Assessment	7 December 2018	TTW – Taylor Thomson Whitting
Flood Impact Assessment	10 July 2019	WMA Water
Flood Response Management Plan	14 August 2019	TTW – Taylor Thomson Whitting
Geotechnical Investigation	30 November 2018	JK Geotechnics
Noise Impact Assessment	4 December 2018	Acoustic Logic
Construction Methodology Assessment – REV D	27 June 2019	TTW – Taylor Thomson Whitting

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Access Report	4 December 2018	A Architecture & Access
Environmentally Sustainable Design (ESD) Assessment Report	5 December 2018	Integrated Group Services
Fire Engineering Capability Statement	7 December 2018	Olsson Fire & Risk Consulting Engineers
NCC Section J – JV3 Assessment Report (Energy Efficiency)	30 November 2018	Integrated Group Services
Operational Management Plan	-	Iglu Pty Limited
Remedial Action Plan	14 January 2019	JBS&G Australia Pty Ltd

- In the event of any inconsistency between the approved plans/supplementary documents and the conditions, the conditions will prevail.

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

(2) Updating of Plans/ Documents

The approved, landscape plans, stormwater plans and supplementary documents must all be updated to reflect the approved architectural plans.

(3) RMS Conditions

A Road Occupancy Licence must be obtained from Transport Management Centre for any works that may impact traffic flows on Carlton Crescent during construction activities.

A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

(4) Payment of any Additional Fees

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

(5) Student Accommodation Requirements

The use of the premises as student accommodation must comply at all times with the following:

- The use must comply at all times with the Plan of Management submitted to Council, prepared by Iglu Pty Limited, and as amended by the conditions specified hereunder;
- A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- 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;
- The Plan of Management must not be amended without prior consent of Council;
- All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
- Not more than 2 lodgers must occupy each of the rooms.

- g) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and
- h) Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, microwave, fridge and storage space with such utilities being maintained in working order at all times.

(6) Restriction to Users

The following restriction applies to the building hereby approved for student accommodation:

- a) The accommodation portion of the building may only be used for residential accommodation for *students* as hereinafter defined and not otherwise as residential accommodation, or as serviced apartments, private hotel, boarding house, tourist or backpackers accommodation or the like.
- b) For the purpose of this condition “student” means a person over 16 years of age enrolled with a tertiary institution in Australia and enrolled in an accredited course of tertiary education in Australia whether part time or full time, but excludes any non-award programs.
- c) Upon ceasing to be enrolled to attend a tertiary educational course with a tertiary institution in Australia, the now former student shall vacate the residential accommodation within 6 months of the expiration of the tertiary course.

Prior to the issue of an occupation certificate, a restrictive covenant is to be registered on the title of the premises in the above terms in favour of Council to the satisfaction of Council at the full expense of the developer.

It is the responsibility of the operator of the premises to verify any occupants of the approved development with respect to the restriction to users required by this condition of consent. This must include verifying confirmation of enrolment prior to occupation by any persons into the development and an updated register of such information at all times. The register must be available for inspection by Council upon request.

(7) Hot Water Systems

Where boarding rooms are provided with separate individual hot water systems, these must be located within the internal area of the boarding room only.

(8) Adaptable Housing

A minimum of 2 adaptable boarding rooms must be provided in accordance with the Universal Accessible Design requirements and Section 2, Chapter A, Part 7 of Comprehensive Inner West Development Control Plan 2016.

(9) Annual Fire Safety Statement

Attention is directed to Clause 177 of the Environmental Planning and Assessment Regulation 2000 regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(10) Bicycle Parking

A total of 60 off-street bicycle spaces are to be provided, paved and maintained at all times. All spaces must be provided in accordance with the design requirements set out in Section 2, Chapter A, Part 8 of the Comprehensive Inner West Development Control Plan 2016 and must be used exclusively for parking and not for storage or any other purpose.

(11) Air Conditioning

No air conditioning units are to be installed in any position visible from the public domain without the prior approval of Council.

(12) Parking Permits

Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any prospective tenant of this condition.

(13) Electrical Substation

Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.

(14) Remediation of Land

Remediation and validation of contaminated land must be carried out in accordance with State Environmental Planning Policy No 55 – Remediation of land, the Contaminated Land Management Act 1997, Development Control Plan 2013 and the following documentation:

Document Title	Prepared By	Dated
Iglu No.210 Pty Ltd Remedial Action Plan Former Summer Hill Ambulance Station 74-75 Carlton Crescent Summer Hill, NSW 2130	JBS&G Australia Pty Ltd	14 January 2019

(15) Fire Engineered Solution – Significant Internal Fabric

A fire engineered solution is to be developed to where possible retain the significant surviving internal fabric of the first floor of the former Ambulance Station including skirtings, high waisted panelled doors, glazed doors, architraves, fanlights and door hardware, window sills and surrounds, picture rails and any original cornices and decorative fibrous plaster ceilings.

(16) Retention of the Fireplace – First Floor Study Room Drawing A03.001- L01 Plan

The surviving fireplace, chimney breast, hearth and decorative plasterwork is to be retained. Any installation of a modern heater to the fireplace is to be undertaken in such a manner that the hearth and decorative plasterwork remain evident.

(17) Reinstatement of Ambulance Station Doors Drawing A07.000 North Elevation

Additional research is to be undertaken to confirm and resolve the detail of the Ambulance Station doors. Typically the lower section of the door was boarded. In this case the upper section of each door appears to have been a single pane of glass and not four panes. The timber frame is to have the same width as is evident in the historic photographs (and not the thin frames as current shown on the elevations). The doors may have been grained however this should be confirmed by historic photographs. Revised drawings are to be submitted to Council (along with the colour scheme) that also show the impact of the raising of levels due to localised flooding issues.

(18) Reinstatement of External Shutters Drawing A07.000 North Elevation

The external shutters to the main façade are to be re-instated based on historic photographs.

(19) Acoustic Treatment – External Windows

The Acoustic Treatment of external windows to the facades is to be developed in conjunction with the Heritage Architect to ensure that the original window sashes are retained and that the windows sashes and shutters will continue to be operable.

(20) Retention of Nibs Drawing A03.001- L01 Plan

Nibs are to be retained where existing original walls are to be removed (as shown on the L01 floor plan) and the bulkheads in the hallway are to be retained. Nibs and bulkheads are to be shown on the Construction Certificate drawings as being retained..

(21) Salvaged Building Material

Masonry, joinery, roof tiles and decorative architectural elements approved to be demolished, which may include windows and doors and timber flooring, must be catalogued, labelled, salvaged and where practical reused on the project or transferred to an established second building material dealer for recycling. Documentation of the salvage methodology must be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of demolition.

(22) Signage on Facades

The existing logo and signage from the Ambulance station phase of occupation of the building is to be painted out in the similar colour as the body of the wall or the colour of the parapet. New signage is to be fixed into the joints of existing brickwork or is to be separated from the masonry by non-ferrous spacers.

(23) Interpretive Panels (two)

Two interpretive panels are to be installed within the shared rooms (study, meeting room or lounge) within the former Ambulance Station that detail the original design and use of the building and include high quality reproductions of historic photographs and newspaper articles. The art work for the panels should be submitted to Council for approval.

(24) Stormwater Drainage

All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2015 ‘Stormwater Drainage’ and Council’s Stormwater Policy. Pipe and channel drainage systems shall be designed to cater for the fifty (50) year A.R.I. storm. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.

The site stormwater drainage shall be constructed generally in accordance with Stormwater Drainage Plans 181975 C0000, C0010 and C0110 by TTW Pty Ltd, dated 30/11/18.

(25) Sydney Trains Condition 1

Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:

- Overhead Power Mains Assessment Summer Hill 74 Carlton Cres, Revision Final 2.0 prepared by AA Power Engineering dated 18 July 2019.

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- Appendix A Blow-Out Model (Level 2 Plan 11kv Sydney Trains Blow-Out Report), prepared by AA Power Engineering dated 18 July 2019.
- Appendix B Blow-Out Model (Elevation Plan 11kv Sydney Trains Blow-Out Report), prepared by AA Power Engineering dated 18 July 2019.
- Appendix C Sag Tension Temperature Calculation Results, Project Name 76M, prepared BY AA Power Engineering dated 18 July 2019.
- Appendix D Sag Tension Temperature Calculation Results, Project Name 106, prepared BY AA Power Engineering dated 18 July 2019.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/ certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

(26) Sydney Trains Condition 2

If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

(27) Sydney Trains Condition 3

If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(28) Sydney Trains Condition 4

The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

(28) Sydney Trains Condition 5

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development

Assessment Guideline titled “Development Near Rail Corridors and Busy Roads - Interim Guidelines” as set down in the subject condition of this consent. Such a 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, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

(29) Sydney Trains Condition 6

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

(30) Sydney Trains Condition 7

Sydney Trains advises there is an 11kV High voltage Aerial Transmission Lines in close proximity to the proposed works. All works within 6 metres of the nearest transmission line conductor must comply with:

- ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
- The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.

(31) Sydney Trains Condition 8

The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(32) Sydney Trains Condition 9

If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(33) Sydney Trains Condition 10

Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

(34) Sydney Trains Condition 11

Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance

(34) Sydney Trains Condition 12

If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains Engineering & Maintenance Interface to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

(35) Sydney Trains Condition 13

If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

(36) Sydney Trains Condition 14

Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

(37) Sydney Trains Condition 15

Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

(38) Sydney Trains Condition 16

Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

(39) Sydney Trains Condition 17

Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with

specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

(40) Sydney Trains Condition 18

If required by Sydney Trains, the Applicant must give Sydney Trains written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:

- a. site investigations;
- b. foundation, pile and anchor set out;
- c. set out of any other structures below ground surface level or structures which will transfer any load or bearing;
- d. foundation, pile and anchor excavation;
- e. other excavation;
- f. surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
- g. other concreting; or
- h. any other event that Sydney Trains has notified to the Applicant.

(41) Sydney Trains Condition 19

The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- a. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- b. acts as the authorised representative of the Applicant; and
- c. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

(42) Sydney Trains Condition 20

Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

(43) Sydney Trains Condition 21

Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

B Design Changes

Nil

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

(1) Waste Management Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Waste Management Plan in accordance with the provisions of Inner West Council Comprehensive Development Control Plan 2016 - Planning For Less Waste and the Waste Planning Guide for

Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

- (a) Estimations of quantities and type of materials to be reused, recycled or left over for removal from site;
- (b) Identification on a plan of on site material storage areas during construction, waste storage, recycling and composting areas;
- (c) Details of construction materials and methods to be used to minimise the production of waste in the completion of the new building work.
- (d) How waste is to be treated on the site.
- (e) How any residual non-reusable and non-recyclable waste is to be disposed of and including details of the approved waste disposal outlets where disposal will take place.

(2) Construction and Site Management Plan

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

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

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

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

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

(3) Erosion & sedimentation control-management plan

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

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

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

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

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

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

Further information may be obtained from:

Environment Protection Officer
Environment Protection Authority
Inner Sydney Region
Locked Bag 1502
BANKSTOWN NSW 2200

(4) Permits – General

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

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

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

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity

(5) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be

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provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

(6) Section 7.12 Contributions

A Section 7.12 Contribution fee of **\$163,443.74** is to be paid in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979*. The fee has been calculated based upon the construction of 180 boarding house rooms with a credit for 3,157m² of existing commercial GFA.

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	-\$3,579.05
Local Public Transport Facilities	\$63,109.56
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$0.00
Local Community Facilities	\$53,488.18
Plan Preparation and Administration	\$50,425.04
TOTAL	\$163,443.74

(7) Services and infrastructure adjustment/relocation

The applicant shall meet the full cost for Telstra, Sydney Water, Energy Australia, AGL Electricity/AGL Retail Energy or alternative service/energy providers to adjust/relocate their services/infrastructure as required. The applicant shall make the necessary arrangements with the relevant service authority or relevant retail energy company.

(For information on the location of services contact the “Dial before you Dig” service on 1100.)

Documentary evidence from the utility authorities/retail energy company confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate.

(8) Energy Efficiency

The development must be designed and constructed to maximise energy efficiency, including wall and ceiling insulation and energy efficient appliances/hot water/cooling systems. Documentation detailing the energy efficiency features of the development is to be shown on the plans to be provided with the Construction Certificate.

(9) Footpath/laneway – photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway, footpath and/or laneway at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard.

(10) Erosion, dust, topsoil and sediment control

Temporary measures shall be provided during construction eg. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted and approved by Council/certifier prior to the release of the Construction Certificate.

(11) Lighting Details

Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction prior to the release of the Construction Certificate. External lighting must be provided, including, at a minimum, at the main pedestrian entry to a building and all communal areas and should be directed towards access or egress routes. To avoid creating a nuisance by light spillage onto neighbouring properties, outdoor lighting must comply with Australian Standard *AS4281-1997-Control of the obtrusive effects of outdoor lighting for details*.

(12) General Acoustic

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

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

An acoustic report prepared by a suitably qualified and experienced acoustic consultant shall be provided to the satisfaction of the Principal Certifying Authority demonstrating that noise and vibration from the operation of the premises including the use, plant and equipment will satisfy the stipulated criteria above and relevant provisions of the Protection of the Environment Operations Act 1997 and Regulations and relevant state and local policies and guidelines. Recommendations must be consistent with the approved plans.

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

(13) Air Conditioning

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

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
 - i) 10:00pm to 7:00am on Monday to Saturday; and
 - ii) 10:00pm to 8:00am on Sundays and Public Holidays.

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- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

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

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

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

(14) Acoustic – Road & Rail

To minimise the impact of noise from the adjoining major road and / or rail corridor on the occupants, the Construction Certificate plans shall incorporate and the building constructed in accordance with the recommendations of the following acoustic report approved as part of this application.

Prepared by	Dated	Reference
Acoustic Logic	4 December 2019	Project No. 20181687.1

Details demonstrating compliance with the requirements of this condition are to be detailed on the plans and accompanying documentation submitted to satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(15) Schedule of Conservation Works

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with a Schedule of Conservation Works. The detailed documentation of the conservation works to the former Ambulance Station, 73-75 Carlton Crescent is to be prepared by a qualified Heritage Architect in accordance with the Australia ICOMOS Burra Charter 2013.

The schedule is to detail the conservation of all significant fabric, including but not limited to the following: double hung or casement windows, brickwork, terracotta tilework to the front façade and roof, internal detailing including timber floors, timber skirting boards, timber panelled doors and fanlights, fireplaces, picture rails and any fibrous plaster ceilings (above the existing lowered ceilings). All of these elements are to be repaired not replaced, where possible.

The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building. The schedule of conservation works is to include patching once redundant services, including air conditioning units, have been removed.

Each element that is to be retained and conserved is to be identified as such on the Construction Certificate Drawings, including the existing Ambulance Station signage and logo

(16) Painting of Facades

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an external Colour Scheme including elevations from a suitably qualified Heritage Architect indicating:

- a) External paint or limewash colours that are based on the original colour scheme and surface finish, evidence of which is to be provided with the Colour Schedule. The original colours of

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the Ambulance Service logo, the string course and friezes, including the decorative frieze at ground level and the rafters and soffit are to be confirmed.

- b) Existing unpainted brickwork is not to be painted, bagged or rendered or sealed but to remain as original brickwork.
- c) Breathable finishes such as a cement paint, limewash or mineral paint are to be employed where the existing masonry or render had a paint finish.
- d) Modern paint films which do not allow moisture transmission and have a tendency to blister are not to be used.
- e) All original brickwork is to be depicted on the elevations with a notation that they are to remain unpainted.
- f) Face brickwork is not to be sealed or cleaned using abrasive technique or acid washing.

(17) Security Damage Bond

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

Security Deposit	\$83,906.34
Inspection fee	\$230.65

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

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

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

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

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

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

(18) Public Domain works

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In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:

- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc. shall be reconstructed and upgraded in accordance with the Public Domain Design Guide;
- b) New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location.
- c) 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 shall be set at 2.5%. These sections will set the alignment levels at the boundary.
- d) SW Pipe in Hardie Avenue including, long section, pit details, services, backfill and restoration details.

Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate with all works completed before to the issue of an Occupation Certificate.

(19) Plant and Equipment Location

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

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

(20) Redundant crossing removal fee

Any redundant crossings are to be removed and replace with kerbing and other ancillary works where necessary. Note: Cost of this work to be borne by the applicant.

(21) Security devices/measures

In order to achieve satisfactory levels of surveillance and ongoing security on the site, the following shall occur:

- (a) To Street/Road ground and first floor level windows, shall have fitted security locking devices, which comply with the relevant Australian Standard.
- (b) Ground floor and entry porticos shall have as a minimum double barrel security and fire locks.

Details to be shown on the construction certificate.

(22) Preparation of geotechnical report

To ensure that the structural integrity of the proposal and neighbouring buildings will be maintained, a full geotechnical report must be submitted to the Council or the PCA prior to the issue of a construction certificate and prior to the commencement of excavation works. The report must include an investigation of site and soil conditions as well as the proposed means of construction and must contain, where required, recommendations to ensure that excavation, backfilling and construction, including temporary works during construction, will not affect the structural integrity of neighbouring buildings or the structural stability of neighbouring public land, property or services. The report is to be prepared and certified by an appropriately qualified practicing geotechnical engineer.

All demolition, excavation, backfilling and construction must be undertaken in accordance with the recommendations of the geotechnical report.

Details are to be submitted with the Construction Certificate.

(23) Plantation or recycled timbers

To minimise the damage to the environment, no rainforest timbers or timbers cut from old growth forests are to be used in the construction of buildings.

The Construction Certificate is to specify the timbers to be used. These are to be limited to plantation timbers grown on Australian farms, or State Forest Plantations, or recycled timbers.

(24) Water conservation

Water saving devices must be fitted to all showers and dual flush cisterns installed within all WC/ sanitary facilities provided throughout the development to reduce ongoing water consumption. Documentation to be shown on the plans to be provided with the Construction Certificate

(25) Ventilation

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- (a) *Building Code of Australia.*
- (b) AS 1668.1 - 1998.
- (c) AS 1668.2 - 1991.
- (d) *Public Health Amendment Regulation 2003*
- (e) *Public Health Act 1991*
- (f) Work Cover Authority.
- (g) AS/NZS 3666.1 - 2002.

Evidence from an appropriately qualified person certifying that these design requirements have been met shall accompany the application for the Construction Certificate.

(26) Water efficient irrigation system

The communal open space areas shall be provided with a water efficient irrigation system to enable effective landscape maintenance. Details shall be included with the landscape plan to be submitted with the Construction Certificate.

(27) Garbage Bay

To ensure that waste water from washing bin is treated in an acceptable manner the garbage bay shall be designed and constructed to ensure that waste water is discharged to the sewer in accordance with the requirements of Sydney Water.

The bin storage area must:

- be well-lit with artificial lighting to be provided. Control switches to be located both outside and inside the room in close proximity to the entry door (DCP-DS 1.6)
- have hot and cold water outlet with hose cock for cleaning of the bins and storage areas (DCP- DS 1.5)
- drain to sewer
- have adequate ventilation which complies with provisions of Australian Standard 1668.2012 (DCP- DS 1.7)

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

(28) Registration of Easement

Before the issue of the Construction Certificate deposited plans detailing the creation of the required stormwater easement must be submitted for registration with the relevant authority.

All documentation must be in accordance with the requirements of Section 88B of the Conveyancing Act.

D Conditions that must be complied with before work commences**(1) Notice of Commencement – Notification of Works**

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

(2) Requirement for a Construction Certificate

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

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

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

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

(3) Inspections required by Principal Certifying Authority

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

(4) Sanitary facilities - demolition/construction sites

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

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

(5) Site Controls

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

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

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

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

(6) Layout of buildings

The layout of all external walls, including retaining walls and contiguous piling must be checked and verified by survey prior to the commencement of construction to ensure that building construction complies with the development consent and does not encroach beyond the boundaries of the site.

(7) Building location - check survey certificate

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

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

(8) Boundary identification prior to construction

The boundary shall be identified by survey prior to the pouring of any footings and concrete slabs.

(9) Crane permit

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

(10) Site fencing/security

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

(11) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing buildings at 72 Carlton Crescent, Summer Hill must be prepared by a suitability qualified individual. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

In the event that access to the site cannot be obtained then the principle certifying authority may issue a construction certificate without the dilapidation report being completed. Note that this is to only occur once it has been demonstrated that reasonable attempts to gain access have been made. Copies of such attempts must be submitted to Council as part of any Construction Certificate.

(12) Site fencing/security

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

(13) Support for neighbouring buildings and notice to adjoining owners

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Notes:

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

(14) Demolition work plan

Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

(15) Structural Engineering Details

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

(16) Asbestos Removal

An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

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

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

(17) Archival Record

Prior to the commencement of works on site a detailed photographic record is to be made of the original section of the Ambulance Station, including the exterior, the ground and first floor level and the main portion of the roof. Each wall is to be photographed. Typical repeated elements such as windows and doors are also to be photographed. The images are to be cross referenced on floor plans. The original ceilings are to be photographed once the later lower ceilings have been removed. This record is to be submitted as PDFs with the Construction Certificate and lodged with Council.

(18) Dilapidation – minor

The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.

(19) Hoardings

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

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

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

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

(20) Traffic Management Plan

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 RMS 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

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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.

(21) Public Liability Insurance

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

E Conditions that must be complied with during construction or demolition

(1) Plans to be available on site

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

(2) Locate structures within boundaries

The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment.

(3) Spoil and building materials on road and footpath

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

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

(4) Signs to be erected on building and demolition sites

(1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited; and
- (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.

(2) Any-sign shall be maintained and not removed until work has been finished.

(5) Demolition/excavation/construction - hours of work

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

- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

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

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours. This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

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

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

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

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

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

(6) Demolition requirements/standards

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

- (a) Australian Standard 2601 and any requirements of the SafeWork NSW.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the SafeWork NSW.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with SafeWork Requirements (in particular the SafeWork standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.

- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(7) Materials and colour schemes

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder.

(8) Footpath, kerb and gutter protection

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

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

(9) Road opening permit – Council controlled lands

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

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

(10) Roof guttering and drainage system/disposal of stormwater

The roof shall be provided with a complete guttering and drainage system. Roofwater shall be disposed of by approved drainage lines discharging into the street gutter.

(11) Surface run-off

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

(12) Termite treatment

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;

- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

(13) Waterproofing materials/installation – BCA/Australian Standards

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

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

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

(14) Safety Glazing - BCA

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

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

(15) Fire Detection/Alarm System installation and certification

Smoke alarms must be installed in dwellings in accordance with Clause 3.7.2.3 of the Building Code of Australia (BCA) and AS 3786 on or near the ceiling in -

- (a) any storey containing bedrooms -
 - between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms
- (b) any storey not containing bedrooms.

Smoke alarms must be connected to the consumer mains power and have a stand-by power supply.

The licensed Electrical Contractor shall on completion of the installation of the smoke alarm system, submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786:1993.

(16) Vibration Criteria – Excavation or Construction

Vibration caused by excavation and construction at any residence or structure outside the site must be limited to:

- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and

- b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006).

Vibratory compactors must not be used in the vicinity of residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

(17) New contamination evidence

Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

(18) Maintenance Works

The applicant shall, within fourteen (14) days of notification by Council, execute any and all maintenance works required by Council. In the event that the applicant fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security bond and Council may recover any costs in excess of the security from the applicant.

(19) Stormwater

To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's Stormwater Policy. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.

(20) Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations shall match the proposed back of footpath levels at the boundary. For vehicular access off rear laneways the level at the boundary shall match the invert level of the adjacent gutter plus 150mm at both sides of the vehicle entry.

F Conditions that must be complied with prior to installation of services

Nil

G Conditions that must be complied with before the building is occupied

(1) Compliance with submitted ridge height

A survey report to be submitted upon completion of the works and prior to occupation verifying compliance with the approved ridge height details.

(2) Approval to use/occupy building

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

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

(3) Landscaping

Before the issue of an Occupation Certificate, the Certifying Authority must be satisfied that all landscape works have been undertaken in accordance with the approved plan and conditions of consent and must be maintained at all times to Council's satisfaction.

(4) Acoustic report – demonstrating compliance

A report prepared by a suitably qualified and experienced acoustic consultant shall be submitted to Council prior to an Occupation Certificate being issued for the development which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Industrial Noise Policy and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval.

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

(5) Contamination Management Plan

Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports:

Title	Prepared by	Date
Contamination Investigation (Phase 1 and 2), Report No. 52961/110780 (Rev 2)	JBS&G Australia Pty Ltd	30 November 2018

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:

- a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
- c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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

(6) Petroleum storage – decommissioned in accordance with requirements

A validation report prepared by a suitably qualified and experienced person shall be submitted to Council. The report is to confirm that the underground petroleum storage system has been removed, replace or decommissioned in accordance with The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, The Protection Environment Operations Act 1997 and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

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

(7) Disposal of soil

Any soil proposed to be disposed of, off site must be classified, removed and disposed of in accordance with the *EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999* and the *Protection of the Environmental Operations Act 1997*.

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

(8) Registration of Use with Council

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

Boarding House - Boarding Houses Act 2012.

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

(9) Remediation Validation

A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include:

- Description and documentation of all works performed
- Results of validation testing and monitoring
- Validation results if any imported fill was transferred to site
- Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied

Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminants.

(10) Public Domain works

All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

(11) Redundant Vehicle Crossing

All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.

(12) No encroachments

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

(13) Service adjustments

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

(14) Protect sandstone kerb

The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled. Non-compliance with this condition will result in loss of your security deposit.

(15) Kerb and gutter reconstruction

The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of the Occupation Certificate.

(16) Footpath reconstruction

The existing concrete footpath across the frontage of the site shall be reconstructed in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of an Occupation Certificate.

The applicant shall provide security, in a manner satisfactory to Council for the proper maintenance of the public domain works in an amount of \$1,500.00 for a period of twelve (12) months from the date of completion of the public domain works as surety for the proper maintenance of these works.

(17) Dilapidation report – OC

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

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

(18) Public domain – Council signoff

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

(19) Positive Covenant

With regard to the Flood Wall, a Positive Covenant shall be placed on the Title in favour of Council to ensure maintenance of the wall, before the issue of the Occupation Certificate.

All instruments under Section 88B of the Conveyancing Act used to create positive covenants, easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Council.

(20) Creation of Easement

Before the issue of the Occupation Certificate (interim or final) the required stormwater easement must be registered in accordance with Section 88B of the Conveyancing Act.

H Conditions that are ongoing requirements of development consents**(1) Acoustic impacts – compliance**

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

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

(2) Acoustic – Outdoor areas

There is to be no entertainment in the form of amplified music on any part of the outdoor area at any time.

The operating hours of all outdoor communal areas is restricted to 9:00am – 10:00pm Monday to Sunday.

(3) Boarding house registration & inspection

The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days, where a proprietor takes over an existing, or begins operating a new, registrable boarding house.

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

The boarding house must be operated in accordance with the Boarding Houses Act 2012.

(4) Health Impacts

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

(5) Waste – Commercial collection time

To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 9pm and 8am.

(6) Neighbourhood Amenity

No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a

nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

The use of the boarding house, including any plant and equipment, must not give rise to:

- a) transmission of unacceptable vibration to any place of different occupancy;
- b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

(7) Washing and Drying Facilities

A minimum of two (2) washing machines and two (2) dryers must be available for resident use at all times, unless each room is provided with individual washing and drying facilities.

I Advisory Notes

(1) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 4.55 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 4.55 modification is required.

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

(2) Occupational health and safety

All site works must comply with the occupational health and safety requirements of the SafeWork NSW.

(3) Tree preservation

Where tree removal or work has not been approved by this Development Consent, the developer is notified that a general Tree Preservation Order applies to all trees (with the exception of certain species) in the Municipality of Ashfield with a height greater than five (5) metres. This order prohibits the ringbarking, cutting down, topping, lopping*, pruning, transplanting, injuring or wilful destruction of such trees except with the prior approval of the Council. Written consent from Council for such tree works must be in the form of a "Tree Preservation Order Permit for Pruning or Removal of Protected Trees" to be obtained from Council.

- * Lopping may be carried out without consent only to maintain a minimum clearance of 500mm from power lines, pruning to remove dead wood/branches and minor pruning of branches overhanging buildings to a height of 2 metres only with the agreement of the owner of the tree. Contact Council's One Stop Shop - telephone 9716 1800, for details of the Tree Preservation Order.

(4) Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

Reason for the imposition of conditions

Unrestricted consent would be likely to cause injury:

- a) to the amenity of the neighbourhood
- b) to the heritage significance of the area
- c) to the heritage significance of the property
- d) to the amenity of the neighbourhood due to the emission of noise
- e) to the amenity of the neighbourhood due to the creation of a traffic hazard

and further, would not be in the public interest.

Compliance with Building Code of Australia

- (1) All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187 or 188.

NOTES

- (i) This approval does not relieve an applicant of the obligation to obtain any other approval required under Section 68 of the Local Government Act, 1993 and Ordinances or Section 4.12 of the Environmental Planning & Assessment Act, 1979 or any other Act or Regulation.
- (ii) Further approval(s) – see above, may be required in addition to this development consent. Plans and specifications submitted for building works must comply with the Building Code of Australia, any relevant condition of development consent and/or other code or requirement of Council at the time of approval.

Ask Council if you are unsure of what procedures you need to follow.

SECTIONS 8.2, 8.7 AND 4.53 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

You are advised that:

- Under the provisions of Section 8.2 of the Environmental Planning and Assessment Act, 1979, an applicant may request Council to review a determination of the applicant's development application, other than an application for designated development. Any request for a review must be made within six (6) months of the date on which the applicant received notice, given in accordance with the regulations, of the determination of the application and be accompanied by the fee prescribed in Section 257 of the Regulations.
- If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.
- Under the provisions of Section 4.53 of the Environmental Planning and Assessment Act, 1979, unless the development, which is the subject of this consent, is commenced within five (5) years from the date of determination, the consent will lapse.

