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## **Bayside Planning Panel**

**11/07/2017**

Item No	5.2
Application Type	Development Application – Boarding House
Application Number	DA-2016/55
Lodgement Date	12 April 2016
Property	<b>40 Middlemiss Street, Mascot</b>
Owner	Jessica and Anthony Parzakonis Payz Holdings Pty Ltd
Applicant	Simmons Architects
Proposal	Demolition of existing single dwelling and outbuildings, and removal of one mature tree in the rear yard. Construction of a two storey, nine room boarding house with associated landscaping and parking for 2 cars in the front setback.
No. of Submissions	First notification (4-18 May 2016)- two submissions (including one petition with 44 signatures) Second notification (31 May 2017 to 15 June 2017) – three submissions
Cost of Development	\$682,633.00
Report by	Katerina Lianos, Development Assessment Planner

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## **Officer Recommendation**

- 1 That Development Application DA-16/15 for the demolition of existing single dwelling and outbuildings, and removal of one mature tree in the rear yard, and construction of a two storey, nine room boarding house with associated landscaping and parking for 2 cars in the front setback at 40 Middlemiss Street Mascot be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
  - 2 That the objectors are advised of Councils decision.
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## **Attachments**

- 1 Supplementary Planning Assessment Report
- 2 Site Analysis Plan, Revision A
- 3 Site and Roof Plan, Revision D
- 4 Elevations, Revision E
- 5 Landscape Plans, Revision B
- 6 Plan of Management
- 7 Previous Report to BPP on 28 March 2017

## Location Plan

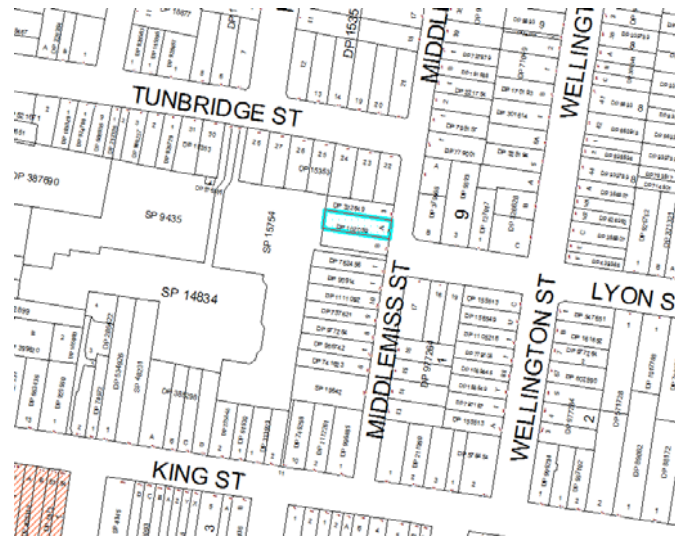


Figure 1: Locality Plan

# BAYSIDE COUNCIL

## Supplementary Assessment Report

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### Application Details

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<b>Application Number:</b>	DA-2016/55
<b>Date of Receipt:</b>	12 April 2016
<b>Property:</b>	40 Middlemiss Street, Mascot
<b>Owner:</b>	Jessica and Anthony Parzakonis Payz Holdings Pty Ltd
<b>Applicant:</b>	Simmons Architects
<b>Proposal:</b>	Demolition of existing single dwelling and outbuildings, and removal of one mature tree in the rear yard. Construction of a two storey, nine room boarding house with associated landscaping and parking for 2 cars in the front setback.
<b>Value:</b>	\$682,633
<b>No. of submissions:</b>	First notification (4-18 May 2016)- two submissions (including one petition with 44 signatures) Second notification (31 May 2017 to 15 June 2017) – three submissions
<b>Author:</b>	Katerina Lianos, Development Assessment Planner
<b>Date of Report:</b>	3 July 2017

### Response to applicant's submission

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On 28 March 2017, the subject Development Application was referred to the Bayside Planning Panel (BPP) for determination.

The BPP resolved as follows:

- 1 This matter be deferred to the Panel Meeting to be held on 9 May 2017 so that further clarification can be provided regarding tree removal and investigation of any tree permit, urban design issues regarding the roof, the condition updating the plan of management be amended and a revised landscape plan be submitted.
- 2 The objectors and owners of all adjoining properties be advised of the Panel's decision.

This Supplementary Report provides a response to the amended information provided by the applicant to address the outstanding matters raised by the BPP as well as the issues identified in the submissions received as part of the re notification process. The revised information has been reviewed and the application is recommended for approval subject to the conditions attached in this Supplementary Report.

## **Applicant's response to outstanding matters deferred by the panel**

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The BPP deferred the subject application for five reasons, each of these are discussed below.

### **1. Clarification regarding tree removal and investigation of any tree permit;**

Councils arborist confirmed that a separate approval for the removal of the tree has not been obtained. Notwithstanding this, as part of the scope of the proposal, which includes the removal of the mature tree, Councils arborist has raised no objection to the removal of the existing Cheese Tree at the rear, given that there was extensive fungal decay in the trunk.

Furthermore, Council arborist has provided the following comments in relation to the arborist report provided by the applicant (prepared by Dr Treegood) as well as his assessment of the tree in question:

- *We do not know why Mr William D Home T/A Dr Treegood made those statements in his report dated January 2016. No evidence or peer reviewed literature has been included in the report to support or negate the findings in the discussion. A conclusion must be developed from the discussion which should support the recommendation*
- *This arborist report was prepared some six months prior to the Council inspection (27 May 2017).*
- *As the photographs taken at the time of Councils inspection clearly show the tree to be in decline due to a combination of Bracket and Pathogenic fungus.*
- *The report states in 6.4 that the subject tree (Tree 2) would have to be removed to allow any form of building work within the rear garden. This has not been elaborated in the report and the report does not discuss any of the findings in the investigation. Justification for removal should be demonstrated by the consulting arborist which has not been explored in relation to the proposed development. Due to the condition of the subject tree at the time of inspection, Council did not require further information from the applicant in relation to this.*
- *The report states in 4.6 that (Tree 2) has good health and vigour with minimal structural defects as seen in photos 9 and 10. Photos 9 and 10 are not close and detailed images of the subject tree which would be required to note any defects, even if they were to be minimal as claimed in the report ANY defects noted at the time of the inspection should be highlighted in the report which is not clear.*

In addition, the health and the vigour of the tree is assessed under the short SULE (Safe Useful Life Expectancy) principal (as adopted by Jeremy Barrel). The SULE principal is as followed:

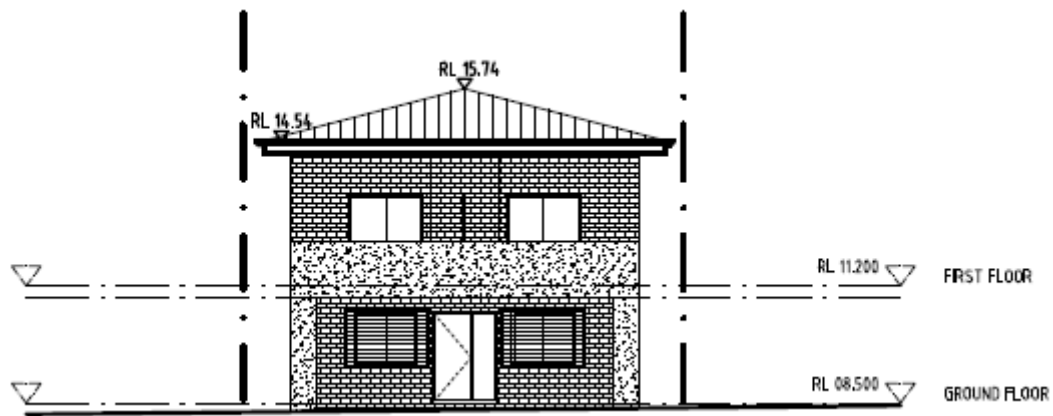
- *Short SULE: Trees that appear to be retainable at the time of assessment for 5 to 15 years with medium to high level of risk.*
  - o *3A. Trees that may only live for between 5 and 15 more years.*
  - o *3B. Trees that may live for more than 15 years, but would have to be removed for safety or nuisance reasons.*
  - o *3C. Trees that may live for more than 15 years, but should be removed to prevent interference with more suitable individuals or to provide space for new plantings.*

- *3D. Trees that require substantial intervention Works, and are only suitable for retention in the short term. If tree is to be retained an inspection frequency of 1-3 years by a competent inspector unless event monitored.*

Council arborist concluded that the tree has a short SULE of 3B meaning that there is up to 15 years of life remaining that it is causing a nuisance i.e. it is disrupting the boundary line and is affected by fungal decay.

**2. *Urban design issues regarding the roof;***

To ensure design consistency with the dwellings located adjacent to the subject site, the applicant has amended the roof form of the proposed development from a skillion to a hipped roof form.



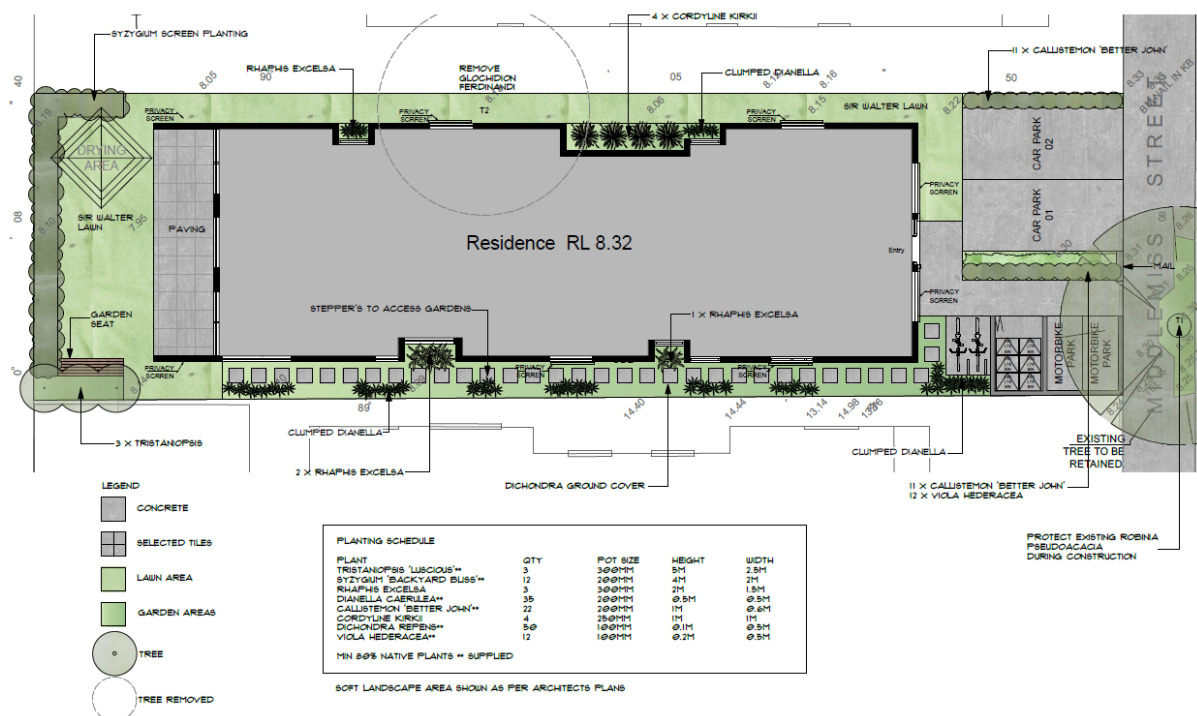
**Figure 2: Revised roof form to a hipped style**

**3. *The condition updating the plan of management be amended;***

A revised POM was prepared by the applicant and received by Council which correctly identified the development proposal, namely the development application number and the maximum occupancy rate. Furthermore, Council has since removed a recommended Condition that required the applicant to provide a revised POM to Council to address any discrepancies. Draft condition 51 recommends additional matters that are required to be included in the POM.

**4. *A revised detailed landscape plan;***

A revised landscape plan detailing the species types and locations was prepared and provided to Council. The amended landscape plan demonstrates that suitable landscaping has been provided within the front, side and rear setbacks of the subject site. Soft landscaping within the front setback has been designed to provide visual interest and to integrate the hard landscaped areas with the remainder of the development and Middlemiss Street streetscape.



**Figure 1: Revised landscape plan illustrating species details**

**5. Re-notify the subject application to all adjoining properties and head petitioners once the revised plans associated information has been provided to Council.**

The amended information received by Council included an amended roof plan, landscape plan, elevations and POM, which were re-notified to the adjoining properties, objectors and head petitioners for a period of 14 days from 31 May 2017 to 15 June 2017. Three submissions were received. The matters raised in the submissions relate to the removal of the tree at the rear, anti-social behaviour and noise from occupants, traffic congestion and car parking deficiencies. The matters raised in the submissions are discussed later in this supplementary report.

**Issues raised in the submissions received as part of the re-notification of the application**

As previously discussed Council received three submissions as part of the re-notification of the amended application, it should be noted that one of the submissions received was from one of the original objectors. The matters raised in the three submissions have been summarised below.

**1. No provision of landscaping to prevent overlooking from the rooms**

Comment: Adequate landscaping has been provided within the front, side and rear setbacks of the subject site. As previously stated in the original assessment of the application, in order to mitigate any overlooking into the adjoining properties, external privacy screens are proposed for windows at the side elevations in addition to highlight windows (within a minimum sill height of 1.5m). In addition, privacy screens are proposed at the side elevations of the rear patio area on the ground floor. As such the proposal is acceptable.

**2. The proposed development does not comply with the FSR controls**

Comment: As previously stated in the original assessment of the application, in accordance with the *State Environmental Planning Policy Affordable Rental Housing 2009* (ARHSEPP 2009) the proposed development is permitted to have an FSR of 1.35:1 (0.85:1 permissible under the BBLEP 2013 plus 0.5:1 bonus). The proposed development is to have a FSR of 0.83:1 – this is compliant with the relevant planning provisions.

**3. *The proposed development may bring excessive noise, homelessness and other anti-social behaviour to the local area***

Comment: As previously stated in the original assessment of the application anti-social behaviour may be mitigated by adhering to the Plan of Management and requirements on-site, issues relating to off-site social interaction and behaviour fall within the realm of other agency responsibilities and there is no evidence to warrant refusal of the application on these grounds.

Further reference is made to the Land and Environment Court Judgement *New Century Developments Pty Limited v Baulkham Hills Shire Council* in which it was recognised that the residents expressed fears about the nature of people who will occupy the property stating that 'there is no evidence that those fears will eventuate'. The test applied in the *New Century* hearing was 'that the subjective fears and concerns must have a rational basis and be amenable to objective assessment in order for any significant weight to be attached to them'.

Regarding the transient nature of tenants, this is the nature of boarding houses. Under the BBLEP 2013, boarding houses are defined as:

**'Boarding House:** a building that is wholly or partly let in lodgings, and provides lodgers with a principal place of residence for 3 months or more, and may have shared facilities, such as communal living room, bathroom, kitchen or laundry and has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers.'

The applicant has provided a Plan of Management which outlines that the minimum lease period will be three months, house rules in addition with an on-site manager residing in Room 1 on the ground floor. As such, the proposal is acceptable subject to the imposition of the recommended conditions of consent.

**4. *Typographical errors in the BPP report can be confusing for residents who read the report***

Comment: This is outside the scope of the application and is not a matter for consideration.

**5. *Lack of car parking within the neighbouring streets currently, the proposal will exacerbate the problem***

Comment: As previously stated in the original assessment of the application this is outside the scope of the application and is not a matter for consideration.

**6. *Insufficient car parking facilities***

Comment: As previously stated in the original assessment of the application, the proposal is compliant with the car parking requirements of the ARHSEPP 2009 and the BBDCP 2013, in addition the subject site is located within 400m of public transport. As such the proposal is acceptable.

**7. *Councils failure to notify adjoining property owners of BPP meeting date for the determination of the subject application***

Comment: In accordance with *Part 2 Notification and Advertising* of the *Botany Bay Development Control Plan 2013* Council is to notify those who have made a submission or the head petitioner of a group petition. Once the agenda has been confirmed, objectors and head petitioners are subsequently notified via the contact details provided on their respective submission.

**8. *Objection to the removal of the tree at the front of the property is not supported***

Comment: No tree is located within the front setback of the property.

**9. *Objection to the removal of the “healthy” mature tree on the northern boundary of the property***

Comment: As previously stated in the original assessment of the application as well as this Supplementary Report, Councils arborist has confirmed that a separate approval for the removal of the tree has not been obtained. Irrespective of this, as part of the scope of the proposal, which includes the removal of the mature tree, Councils arborist raised no objection to the removal of the Cheese Tree at the rear given that there was extensive fungal decay in the trunk.

As part of the objector's submission an independent assessment of the Cheese Tree by an AQF Level 5 arborist was provided. This letter stated that assessment of the tree was completed from the second story of an adjoining property and as such *“no assessment of its structural condition could be made”*. In addition *“The tree is exhibiting full canopy coverage and foliage consistent with a typical mature Cheese Tree with good health and vigour. In other words the tree appears to be healthy.”* The objector's arborist assessment of the subject tree has been noted and is insufficient as an assessment of the tree trunk or root system has not been completed. In addition, Council discussed the tree canopy further with Council arborist. He noted that the larger canopy could be due to environmental impacts such as the recent high rainfall in the area plus trees generally bloom towards the end of their cycle before they die. As such, Councils position on the removal of the tree is unchanged and as such no objection is raised to its removal.

**10. *Conflicting information in regards to Councils position on the removal of the tree at the rear***

Comment: The objector has provided a copy of a letter from the local member for Kingsford Smith dated 8 March 2016 informing the owner of a property that *“an independent arborist has inspected the tree in question and has made recommendation regarding the removal of deadwood and pruning branches but has otherwise found the tree to be safe and recommended to be retained”*. Council's arborist completed the assessment of the tree in question on 27 May 2016 as part of the assessment of the development application, which is after the date of the letter, as such this is the most recent assessment of the tree in its entirety. A detailed assessment of how Council's arborist came to the conclusion to support the removal of the tree is discussed above.



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## Attachment

### Schedule 1 – Conditions of Consent

**Premises: 40 Middlemiss Street, Mascot**

**DA No: 16/55**

#### **GENERAL CONDITIONS**

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

<b>Drawing No.</b>	<b>Author</b>	<b>Dated</b>
Site Analysis Plan, Drawing No. 00, Revision A	Simmons Architects	Dated 16 July 2015, Received by Council 12 April 2016
Site and Roof Plan, Drawing No. 01, Revision D	Simmons Architects	Dated 17 May 2017, Received by Council 17 May 2017
Ground Floor Plan, Drawing No. 02, Revision B	Simmons Architects	Dated 5 October 2016, Received by Council 26 October 2016
First Floor Plan, Drawing No. 03, Revision B	Simmons Architects	Dated 10 February 2017, Received by Council 10 February 2017
Elevations, Drawing No. 04, Revision E	Simmons Architects	Dated 17 May 2017, Received by Council 17 May 2017
Section and Streetscape Plan, Drawing No. 05, Revision C	Simmons Architects	Dated 11 October 2016, Received by Council 26 October 2016
Demolition Plan, Drawing No. 10, Revision A	Simmons Architects	Dated 10 June 2015, Received by Council 14 April 2016
Landscape Plans, Drawing ISS B, Page 1. Plan View	Tranquillity Landscape Design	Dated 11 May 2017, Received by Council 17 May 2017
Landscape Plans, Drawing ISS B, Page 2. Specifications	Tranquillity Landscape Design	Dated 11 May 2017, Received by Council 17 May 2017

<b>Reference Document</b>	<b>Author</b>	<b>Dated</b>
Statement of	Simmons Architects	Dated 26 February 2015,

Environmental Effects		Received by Council 12 April 2016
Additional Information Letter for DA 2016 55 at 40 Middlemiss Street	Simmons Architects	Dated 26 October 2016, Received by Council 26 October 2016
BASIX Certificate No. 713444S	Prepared By Max Brightwell	Dated 21 March 2016, Received by Council 12 April 2016
Waste Management Plan	Simmons Architects	Dated 2 February 2016, Received by Council 12 April 2016
Plan of Management	Simmons Architects	Dated 15 May 2017, Received by Council 17 May 2017
Site Survey, Detail and Level Survey of Lot A 102059	Helensburgh Surveying Services	Dated February 2014, Received by Council 12 April 2016
Aircraft Noise Intrusion Assessment	Acoustic Dynamics	Dated 22 July 2015, Received by Council 12 April 2016
Arborist Report	Dr.Treegood	Dated January 2016, Received by Council 12 April 2016
Stormwater Drainage Plan, Drawing No. SW1	ML Civil	Dated 30 June 2015, received by Council 12 April 2016
Mid-Winter Shadow Diagrams, Drawing No. DA07, Revision B	Simmons Architects	Dated 20 September 2016, Received by Council 26 October 2016
Privacy Section, Drawing No. 11, Revision A	Simmons Architects	Dated 11 October 2016, received by Council 26 October 2016

2. No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.
3. This Consent relates to land in Lot A in DP 102059 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
4. All building work must be carried out in accordance with the provisions of the Building Code of Australia
5. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificates (as referenced at Condition No. 1) for the development are fulfilled.

Note:

- a) Relevant BASIX Certificate means:
    - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
    - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
  - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
6. The consent given does not imply that works can commence until such time that:
- a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:-
    - i) The consent authority; or,
    - ii) An accredited certifier; and
  - b) The person having the benefit of the development consent:-
    - i) Has appointed a principal certifying authority; and
    - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
    - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
7. The construction of the development will be timed in four stages as follows:
- a) Demolition
  - b) Subdivision into two allotments
  - c) Construction of the buildings
  - d) Internal fitout, driveways and landscaping

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**

- 8. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- 9. Prior to the issue of the Construction Certificate the applicant must pay the following

fees:-

- |    |                           |                                |
|----|---------------------------|--------------------------------|
| a) | Builders Security Deposit | \$6,700.00 (Condition No. 12)  |
| b) | Development Control       | \$1,260.00                     |
| c) | Section 94 Contributions  | \$51,762.42 (Condition No. 10) |
10. The payment of the following monetary contributions in accordance with Council's Section 94 Contributions Plan 2016. This result is a total contribution of **\$51,762.42**, to be paid to Council prior to the issue of the Construction Certificate.
11. Prior to the issue of the Construction Certificate, amended plans are to be provided to the Principal Certifying Authority illustrating the deletion of the cooking facilities from each boarding room.
12. Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.
- Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicants expense
13. Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of \$6,700.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
14. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, a full photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and the Principal Certifying Authority.
- The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the applicant being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
15. Prior to the issue of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.
16. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval. *(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan*

*'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans. The plans shall incorporate but not limited to:*

- a) Provisions made in the Stormwater Management Plans by ML Civil Consultants dated 30 June 2015.
17. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to the habitable areas shall be submitted to the Principal Certifying Authority for approval. The plans shall incorporate but not limited to:
- a) The floor level of the habitable areas of the building shall be at least RL 8.50 AHD.
18. Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04 and E-07.

As part of this development, a new concrete driveway shall be constructed. A new five (5) metre wide driveway layback shall be constructed as part of each new driveway. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter.

The design should be submitted to the PCA for approval. The approved design form part of the future road opening permit application.

19. The Landscape Concept Plan by Tranquility Landscape Decking and Design (Drawing ISS B, Issue B, dated May 2017) shall be submitted to and approved by Councils Landscape Architect prior to the Issue of the Construction Certificate. The landscape documentation shall be revised to reflect the approved architectural design and is to be prepared by a suitably qualified Landscape Architect, in accordance with Council's Landscape DCP and include the following amendments:
- a) A minimum of one (1) evergreen tree minimum 400 litre pot size, shall be installed in the rear setback of the property to soften the development, provide screening and privacy for adjoining residents and act as a replacement for the Cheese Tree that is proposed for removal. The species selected should be native, have low water requirements, be suited to the local soils and have a minimum height at maturity of 8 metres.
  - b) Screen planting shall be installed along the boundaries of the property to provide screening and privacy for adjoining residents. Screening plants shall be minimum pot size 25L.
  - c) A minimum of one (1) evergreen tree minimum 75 litre pot size, shall be installed in the front setback of the property to soften the development and provide amenity to the streetscape. The species selected should be native, have low water requirements, be suited to the local soils and have a minimum height at maturity of 6 metres.
20. The building shall be constructed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to Principal certifying authority prior to the release of the Construction

Certificate and the building plans endorsed with the required acoustical measures.

The measures required shall be undertaken in accordance with the provisions of AS 2021 – 2000: *Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

- a) Appropriate acoustic glazing to stated windows and doors,
- b) Detailed roof and ceiling construction,
- c) Wall and ceiling corner details and,
- d) External door specification,
- e) Acoustically treated mechanical ventilation.

**Note:** In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner (advice concerning noise from air conditioners is attached below).

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK**

21. The Principal Certifying Authority must be satisfied that: -

- a) In the case of work to be done by a licensee under the Home Building Act: -
  - i) Has been informed in writing of the licensee name and contractor licence number, and;
  - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,
- b) In the case of work to be done by any other person: -
  - i) Has been informed in writing of the persons name and owner-builder permit number, or;
  - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.

22. Prior to the commencement of works, the applicant must inform Council, in writing, of:

- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
- b) The name and permit number of the owner-builder who intends to do the work;

- c) The Council also must be informed if: -
  - i) A contract is entered into for the work to be done by a different licensee; or
  - ii) Arrangements for the doing of the work are otherwise changed.
- 23. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
- 24. Building plans must be lodged through a Sydney Water Tap In Service for approval prior to commencement of works.
- 25. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 26. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. These device shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
- 27. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate: -
 

*(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)*

  - a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
  - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
  - c) Permit for roads and footways occupancy (long term/ short term)
  - d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
  - e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
  - f) Permit to place skip/waste bin on footpath and/or nature strip

- g) Permit to use any part of Council's road reserve or other Council lands
28. In order to ensure that one (1) Council street tree (*Robinia pseudoacacia*) in the nature strip fronting the property is retained and protected during construction, and its health and structural stability ensured, the following is required:
- a) A Consultant Arborist AQF Level 5 shall be engaged from site establishment to the post-construction period to erect tree protection zones and signage, inspect and advise on all works during the entire construction period, monitor tree health and to authorize and undertake tree canopy and root pruning where necessary only and to the minimum only so that the health or structural stability of the trees is not impacted.
  - b) Tree to be retained is to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground.
  - c) Prior to commencing demolition/any works the tree/s is/are to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction. The fence shall remain in place until construction is complete.
  - d) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).
  - e) Before any works commence on site, the Applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced TPZ's. Council approval is required prior commencement of any work.
  - f) All detailed Construction Certificate plans shall show trees to be protected and the TPZ.
  - g) The TPZ's are "No-Go" zones. There shall be no access to the property excluding the existing crossover, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer or Consultant Arborist.
  - h) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.
  - i) Excavation within the TPZ and within a nominated radial dimension from the tree trunk as determined by the consultant Arborist in accordance with AS 4970 : 2009 – Protection of Trees on Development Sites shall be carried out manually using hand tools or light machinery to minimise root damage or disturbance.
  - j) No tree roots greater than 30mm in diameter shall be pruned without further assessment by Council's Tree Officer and the consulting Arborist and only following the submission of further Arborists reports to Council so as not to



unduly impact or stress the tree.

- k) Ensure no damage to the canopy, trunk or root system (including the surrounding soil) of any tree to be retained. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under application from the consultant Arborist. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.
- l) For retained trees on the private property adjoining, the developer is required to consult with Council and advise prior to any tree works taking place.
- m) Care shall be taken with construction work in the primary root zone of all existing neighbouring trees to be retained. Trees must be retained and construction works are to accommodate tree roots, branches and canopy without damage or impact. Trees are not to be pruned back to the boundary fence line under any circumstances. The canopy may otherwise overhang the property.
- n) The Applicant will be required to undertake any tree maintenance or remedial pruning works required by Council or the Consultant Arborist at the completion of construction.

If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage.

- 29. Any sub-surface OSD tank or infiltration trench is required to be partially or wholly located underneath the driveway or paved areas to maximize the area available for deep soil, effective and site responsive tree planting and landscaping on the property. If this cannot be achieved the OSD shall cover no more than 50% of the landscape area, be appropriately located to allow effective tree planting and be constructed so that the top of the structure is 1.2m below final surface levels.

### **DURING WORKS**

- 30. The proposed development shall comply with the following:
  - a) 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:
    - i) Stating that unauthorised entry to the work site is prohibited;
    - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
    - iii) The Development Approval number; and
    - iv) The name of the Principal Certifying Authority including an after hours contact telephone number.
  - b) Any such sign is to be removed when the work has been completed.

31. Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
32. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with AS2601:1991 – ‘Demolition of Structures’, the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
  - b) Induction training for on-site personnel;
  - c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
  - d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
  - e) Disconnection of Gas and Electrical Supply;
  - f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
  - g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
  - h) Waterproofing of any exposed surfaces of adjoining buildings;
  - i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
  - j) Working hours, in accordance with this Development Consent;
  - k) Confinement of demolished materials in transit;
  - l) Proposed truck routes, in accordance with this Development Consent;
  - m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
  - n) Sewer – common sewerage system ad08.
33. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
    - a) Protection of site workers and the general public.
    - b) Erection of hoardings where appropriate.
    - c) Asbestos handling and disposal where applicable.

- d) Any disused service connections shall be capped off.
  - e) The disposal of refuse is to be to an approved waste disposal depot.
34. Hazardous or Special Wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment, Climate Change and Water and with the provisions of the:
- a) Occupational Health and Safety Act, 2000;
  - b) Occupational Health and Safety Regulation 2001;
  - c) Protection Of the Environment Operations Act 1997 (NSW); and
  - d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
35. Any material containing asbestos found on site during the demolition process the shall be removed and disposed of in accordance with:
- a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m2 of bonded asbestos and/or any friable asbestos;
  - b) Protection of the Environment Operations Act 1997;
  - c) Protection of the Environment Operation (Waste) Regulation;
  - d) DECC Waste Classification Guidelines 2008.
  - e) No demolition materials shall be burnt or buried on the site.
36. The demolition and disposal of materials incorporating lead such as lead paint and dust shall be conducted in accordance with:
- a) AS2601-2001 - Demolition of structure.
  - b) AS4361.2-1998 – Guide to Lead Paint Management-Residential and Commercial Buildings
37. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
38. No demolition materials shall be burnt or buried on the site.
- 39.
- a) To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall: -
    - i) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.
    - ii) Negotiate with the utility authorities (eg Energy Australia, Sydney Water

and Telecommunications Carriers) and Council in connection with: -

- 1 The additional load on the system; and
  - 2 The relocation and/or adjustment of the services affected by the construction.
- b) Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.
40. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
41. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
42. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
43. The following shall be complied with during construction and demolition:
- a) Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997.
  - b) Level Restrictions
    - i) Construction period of 4 weeks and under:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
    - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
  - c) Time Restrictions
    - i) Monday to Friday 7:00am to 05:00pm
    - ii) Saturday 8:00am to 01:00pm
    - iii) No Construction to take place on Sundays or Public Holidays.
  - d) Silencing

All possible steps should be taken to silence construction site equipment.

44. The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
- 45.
- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
  - b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
  - c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
  - d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
  - e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
46. During demolition, excavation and construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
47. During construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.
48. Inspections must be conducted by Council's Engineer at the following occasions:
- a) Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,
  - b) Formwork inspection of Council's kerb and gutter prior to laying of concrete,

- c) Formwork inspection of Council's footpath prior to laying of concrete,
- d) Final inspection of driveway layback and adjacent kerb and gutter,
- e) Final inspection of Council's kerb and gutter,
- f) Final inspection of Council's footpath.

#### **CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

- 49. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.
- 50. Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
- 51. Prior to the issue of the Occupation Certificate, the Plan of Management is to be amended to include:
  - a) Outdoor Communal area can only be used between 7:30am to 10.00pm daily;
  - b) No more than two (2) cars and two (2) motorbikes are to be parked on site at any one time;
  - c) No parties are to be held on site at any time;
  - d) Loading and unloading is to be carried out from within the site and is to be restricted to daylight hours;
  - e) Details relating to residential lease agreement and the minimum period of tenancy for boarders;
  - f) Provision for a Complaints Register to be provided in an electronic form (i.e. dedicated email address) providing the boarding house manager's number to adjoining residents in the case of a complaint;
  - g) The method by which the incoming tenants will be made aware of the Plan of Management and House Rules together with a requirement that the tenants abide by the Plan of Management and House Rules;
  - h) The draft operational House Rules are to be submitted to Council for approval prior to the issue of the Occupation Certificate. Should the Rules provide a guideline for the occupants of the boarding house as to what is considered to be acceptable behaviour, e.g. controlling of loud amplified music, noise, visiting times, and the general cleanliness of rooms and common areas;
  - i) A Operational Plan of Management is to be submitted to Council for approval prior to the issue of the Occupation Certificate to ensure that the proposed premises operates in a manner that maintains a high level of amenity. This plan should correctly reference the maximum number of occupants and the Development Application number; and

- j) Prior to the issue of the Occupation Certificate for the building, an Emergency Management and Evacuation Plan must be prepared for the building and approved by a suitably qualified person. The staff shall be trained in relation to the operation of the approved Emergency Management and Evacuation Plan.
52. Prior to the issue of an Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.
  53. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
  54. Prior to the issue of any Occupation Certificate(s), a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
    - a) Restriction on Use of Land for On-Site Infiltration System. Refer to Appendix A of the Stormwater Management Technical Guidelines for suggested wording.
  55. Prior to the issue of any Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
  56. Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works:
    - a) On Middlemiss Street, adjacent to development, reconstruct the existing footpath for the full length of the proposed new properties in accordance with Council Infrastructure Specifications; and
    - b) On Middlemiss Street, adjacent to development, reconstruct the existing kerb and gutter for the full length of the proposed new properties in accordance with Council Infrastructure Specifications.
  57. The Council nature strip in Middlemiss Street shall be repaired and/or replaced and maintained in accordance with Council Specification at the completion of all construction work at the Applicant's expense.
  58. An application shall be made to Council for the registration of the boarding house prior to the release of the Occupation Certificate.
  59. Prior to the issue of the Occupation Certificate A report prepared by a qualified air quality/mechanical engineer certifying that the mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997 shall be submitted to Council within 21 days of the installation of the system and prior to the occupation of the premises.

60. Prior to release of the Occupation Certificate the developer must submit to the Principal Certification Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

**CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE**

61. Ongoing maintenance of the road verge, footpath and nature strip shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.
62. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
63. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A of the Noise Control Act, 1975*, and *AS2201, Parts 1 and 2 - 1978 Intruder alarm systems*.
64. A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
- a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
  - b) Before 7 am or after 10 pm on any other day.
65. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.

The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

- 66.



- a) A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area of the boarding house; and
  - b) A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.
- 67. The use of the external communal open space or common areas shall be restricted between 7.30am to 10.00pm, seven days a week.
- 68. A maximum of nine (9) double occupancy rooms including Room 1 allocated to the boarding house manager are to be provided and that a maximum of 18 people are to be accommodated in the boarding house in anyone time.
- 69. The building is approved as a boarding house for use and occupation by lodgers only. It shall not be used for other residential accommodation.
- 70. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration or odour.
- 71. Two (2) off-street car parking bays, two (2) off-street motorcycle parking bay and the two (2) off-street bicycle parking shall be provided on-site in accordance with the approved plans. All parking areas shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for storage of goods or machinery
- 72. All waste and recycling containers shall be stored in a designated waste storage area. The waste containers shall not be over filled and the lids kept closed at all times except when material is being put in them. The owner/ live-in caretaker shall be responsible for the following:
  - a) Where waste and recycling containers need to be moved to the street,
  - b) Movement of the waste and recycling containers to the footpath for collections, and the return of waste and recycling containers to the waste storage area,
  - c) Refuse containers are to be returned to the waste storage area on the same day as the refuse is collected,
  - d) Refuse containers are not to be left on the street for longer than 24 hours.
  - e) Cleaning and maintaining the waste storage area, any drainage installations and waste collection containers.
  - f) Providing and maintaining signage and information to uses to encourage recycling.
- 73.
  - a) That before entering a lease/occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes;

- b) Prior to the issue of the Occupation Certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as on a notice board in the communal room, where it can easily be observed and read by persons entering the building.
74. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/55 dated as 12 April 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.



NO.	REVISION	DATE	NO.	REVISION	DATE
P1	PRELIMINARY FOR DISCUSSION	27-11-14			
P2	PRE DA	16-03-15			
P3	Issued for consultant information	18-06-15			
A	Issued for DA LODGEMENT	16-07-15			

PROJECT  
PROPOSED BOARDING HOUSE DEVELOPMENT AT  
40 MIDDLEMISS STREET MASCOT

SIMMONS ARCHITECTS

ARCHITECTURE • INTERIORS • DESIGN & DEVELOPMENT MANAGEMENT

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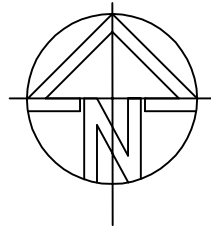
DRAWING  
SITE ANALYSIS

DRAWING No.	PROJECT No.	DATE	SCALE	ISSUE
00		16/07/15	1:200 @ A3	A

FILE No.  
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE STARTING ANY WORK OR MAKING ANY SHOP DRAWINGS. FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALE READINGS.  
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AK-SR	GS

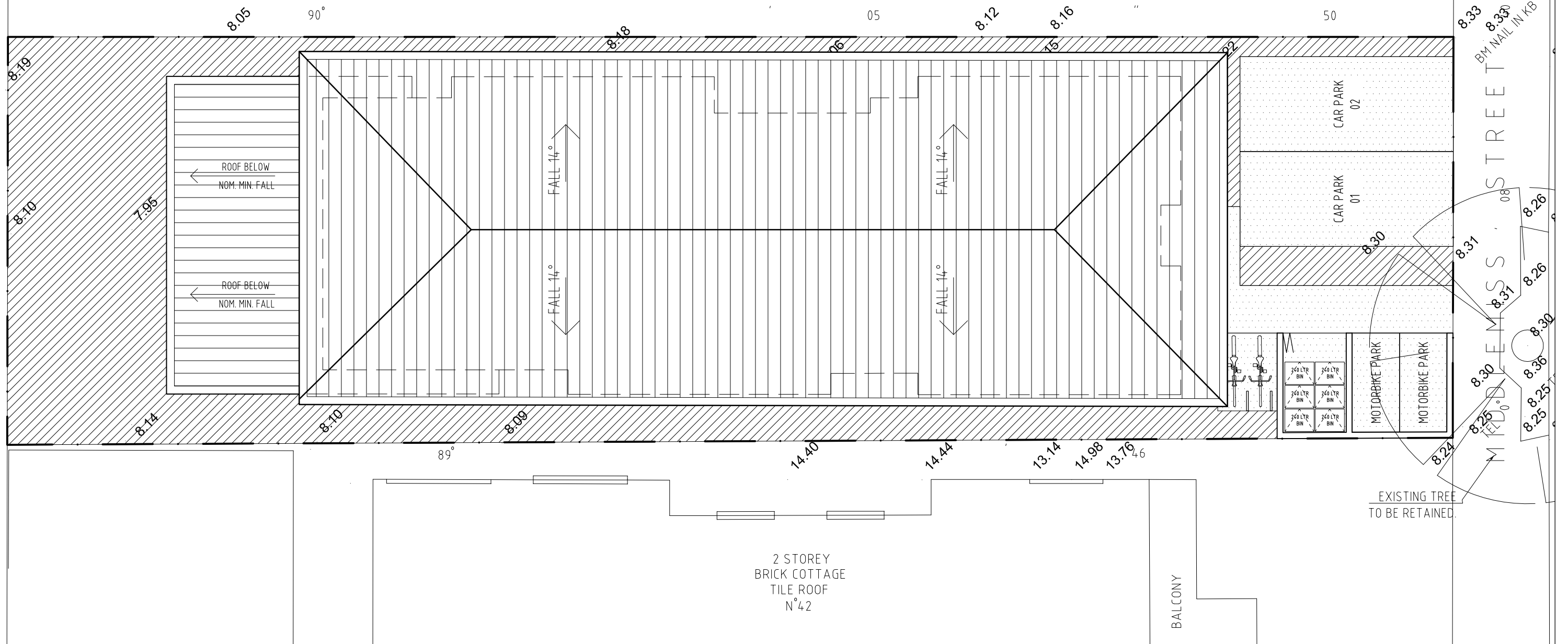


SOFT LANDSCAPE



HARD LANDSCAPE

D. P. 3 2 2 8 4 9  
CLAD COTTAGE  
TILE ROOF  
N°38



NO.	REVISION	DATE	NO.	REVISION	DATE
P1	PRELIMINARY FOR DISCUSSION	27-11-14	D	MODIFICATION TO ROOF DESIGN	17-05-17
P2	PRE DA	16-03-15			
P3	Issued for consultant information	18-06-15			
A	Issued for DA LODGEMENT	16-07-15			
B	REVISED ROOF.	20-07-16			
C	FOR LODGEMENT.	11-10-16			

PROJECT

PROPOSED BOARDING HOUSE DEVELOPMENT AT  
40 MIDDLEMISS STREET MASCOT

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DRAWING

SITE & ROOF PLAN

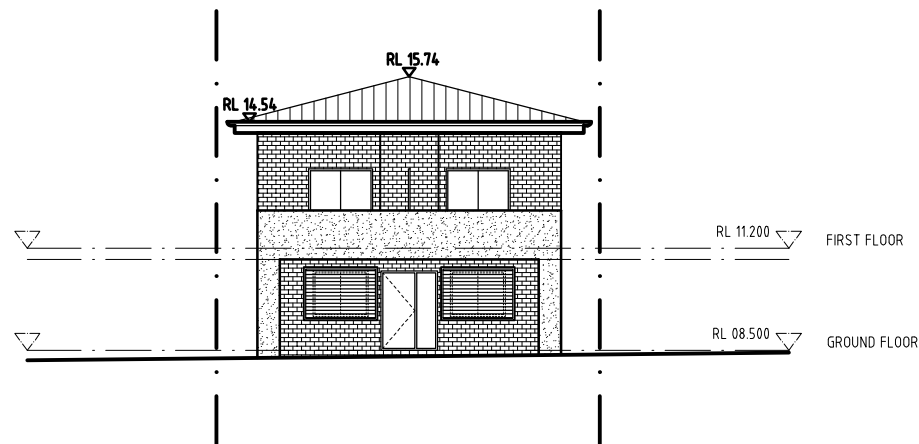
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FILE No.

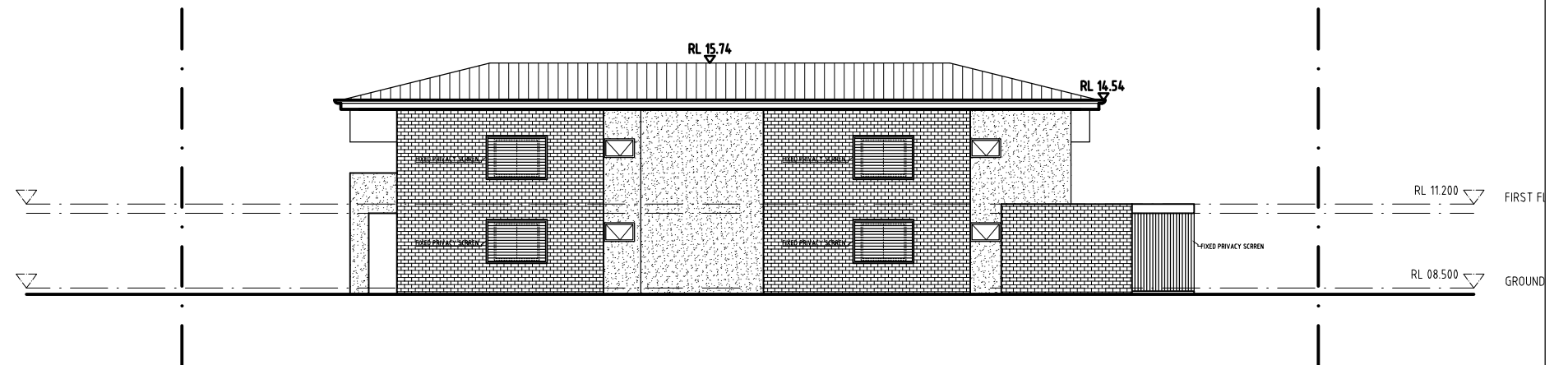
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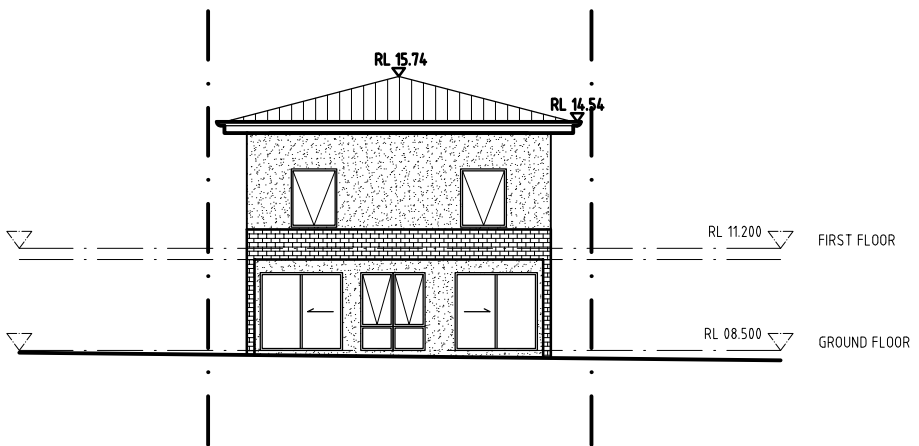
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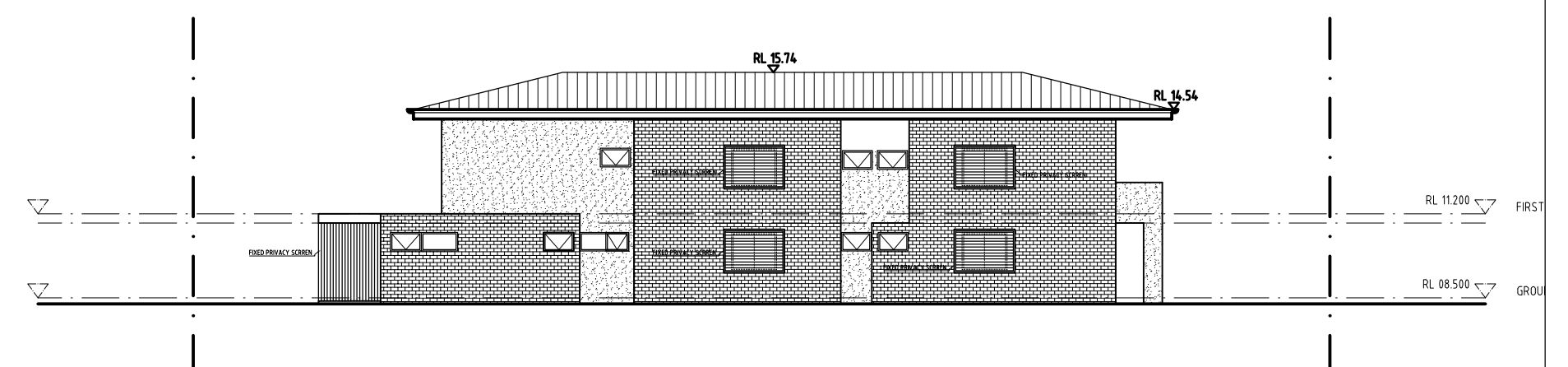
EAST (STREET) ELEVATION



NORTH ELEVATION



WEST (REAR) ELEVATION



SOUTH ELEVATION

NO.	REVISION	DATE	NO.	REVISION	DATE
P1	PRELIMINARY FOR DISCUSSION	27-11-14	D	Windows/privacy screens amended.	10-02-17
P2	PRE DA	16-03-15	E	Modification to Roof Design	17-05-17
P3	Issued for consultant information	18-06-15			
A	Issued for DA LODGEMENT	16-07-15			
B	ROOF & LEVELS CHANGED.	20-09-16			
C	FOR LODGEMENT.	11-10-16			

PROJECT

PROPOSED BOARDING HOUSE DEVELOPMENT AT  
40 MIDDLEMISS STREET MASCOT

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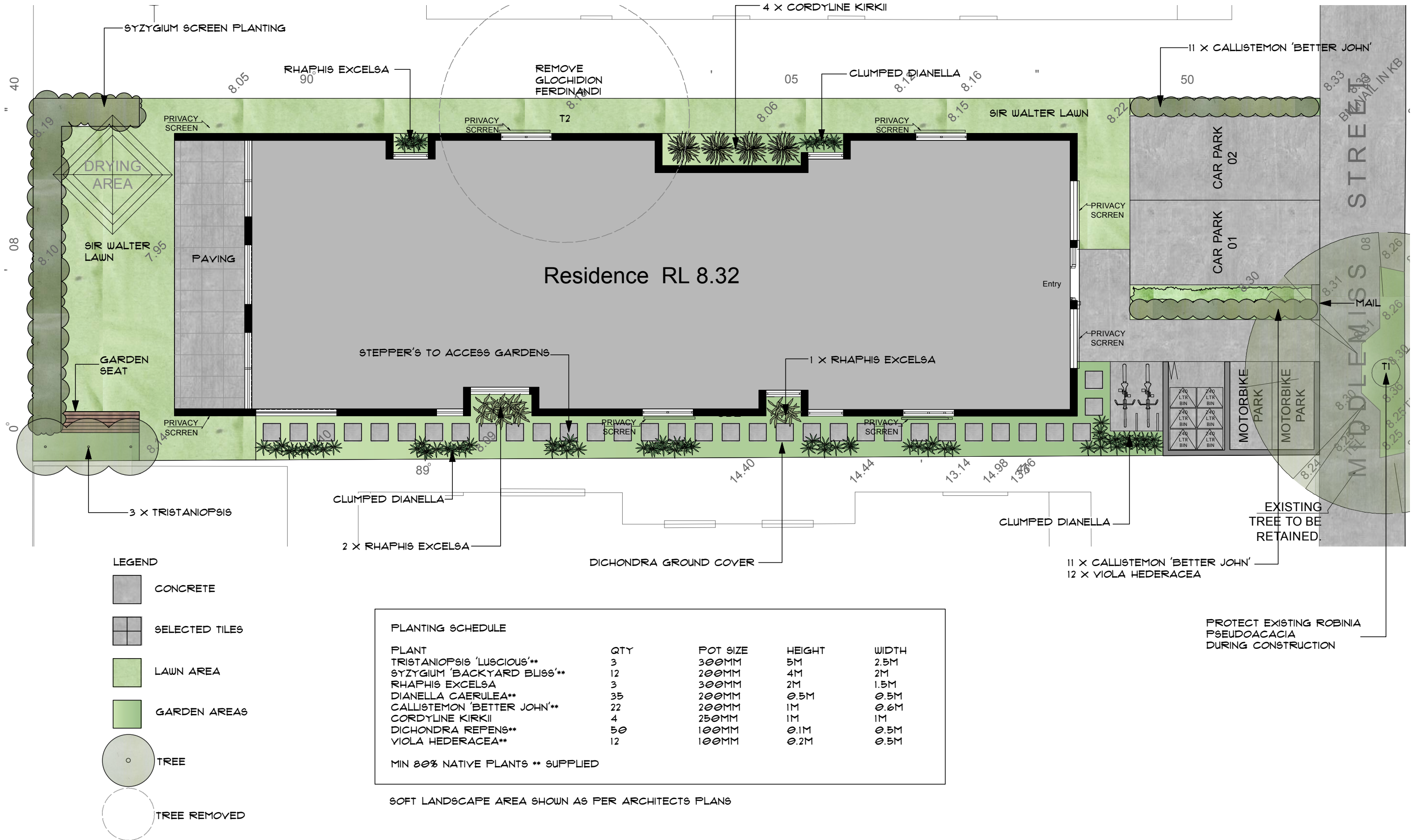
DRAWING


ELEVATIONS

NOT FOR CONSTRUCTION

DRAWING ELEVATIONS			DRAWN AK-SR	CHECKED GS
DRAWING No. 04	PROJECT No.	DATE 16/07/15	SCALE 1:200 @ A3	ISSUE E

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<div> <div>SITE ADDRESS</div> <div>40 MIDDLEMISS STREET MASCOT</div> </div> <div> <div>CLIENT</div> <div>JESSICA PARZAKONIS</div> </div>	<div>PLAN TYPE</div> <div>LANDSCAPE PLANS</div>	<div>SITE / DRAWING INFORMATION</div> <div>           ALL DIMENSIONS TO BE VERIFIED ONSITE.            ALL WORKS TO BE IN ACCORDANCE WITH            BCA AND RELEVANT GOVERNMENT CODES.         </div>	<div>DRAWING / ISSUE</div> <div>ISS B</div> <div>DATE</div> <div>11/5/17</div>	<div>SCALE</div> <div>1:100@A3</div> <div>PAGE</div> <div>1. PLAN VIEW</div>	<div>  <div>Page 36</div> </div>
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SPECIFICATIONS

SITE PREPARATION  
PLANTED MATERIAL TO BE STORED IN POTS ON SITE IN ORDER TO BE REPLANTED WHERE SPECIFIED.  
ANY EXISTING TREES AND VEGETATION TO BE RETAINED SHALL BE PRESERVED AND PROTECTED FROM DAMAGE OF ANY SORT DURING THE EXECUTION OF LANDSCAPE WORK. IN PARTICULAR, ROOT SYSTEMS OF EXISTING PLANTS MUST NOT BE DISTURBED. ANY NEARBY  
SITE WORKS SHOULD BE CARRIED OUT CAREFULLY USING HAND TOOLS. STORAGE OF MATERIALS, MIXING OF MATERIALS, VEHICLE PARKING, DISPOSAL OF LIQUIDS, MACHINERY REPAIRS AND REFUELING, SITE OFFICE AND SHEDS, AND THE LIGHTING OF FIRES SHALL NOT OCCUR WITHIN THREE (3) METRES OF ANY EXISTING OR NEW TREES. DO NOT STOCKPILE SOIL, RUBBLE OR OTHER DEBRIS CLEARED FROM THE SITE, OR BUILDING MATERIALS WITHIN THE DRIP LINE OF EXISTING OR NEW TREES. ALL VEGETATION NOT SHOWN ON PLAN TO BE REMOVED. NO TREE REMOVAL IS TO OCCUR WITHOUT THE PRESENCE OF THE ARBORIST.

SERVICES  
SERVICES AND UTILITIES SHOWN HAVE BEEN LOCATED BY PHYSICAL EVIDENCE AND/OR BY REFERENCE TO SURVEYS PROVIDED. FITS MAY NOT HAVE BEEN OPENED TO VERIFY THE TYPE OF UTILITY. EXCAVATION HAS NOT BEEN CARRIED OUT TO CONFIRM UNDERGROUND LOCATION. SERVICE DETAILS SHOULD BE CONFIRMED WITH THE RELEVANT SERVICE AUTHORITY DURING DESIGN AND PRIOR TO COMMENCEMENT OF CONSTRUCTION.

SOIL PREPARATION  
REMOVE MIN 300MM OF EXISTING SITE SOIL WHERE IT DOES NOT INTERFERE WITH THE ROOTS OF THE EXISTING TREES PROVIDE SOIL PROFILES AS FOLLOWS:

PLANTER BOX MIX  
SIMILAR TO THAT SUPPLIED BY ANL TO ALL GARDEN BEDS AS SPECIFIED ON THE PLAN  
ANY IMPORTED SOIL OR SOIL BLENDS USING SITE TOPSOIL MATERIALS USED IN THE TOP 600MM OF ANY LANDSCAPED AREA FINISHED SOIL PROFILE SHALL MEET THE REQUIREMENTS OF AS 4419 - 2003 'SOILS FOR LANDSCAPING AND GARDEN USE'. SOILS SHALL BE PLACED AND COMPACTED IN LAYERS TO PREVENT UNDUE SETTLEMENT.  
SUB-BASE FILLING AND PLACEMENT SHALL MEET THE ENGINEERS MATERIAL AND COMPACTION REQUIREMENTS.

EROSION CONTROL  
WHERE GRADIENTS IN FINISHED SURFACE LEVEL EXCEED 1:2.5 MULCH IS TO BE HELD IN PLACE WITH AN UNOBTRUSIVE BIODEGRADABLE FIT FOR PURPOSE NETTING WITH THE NETTING TO BE FIXED IN PLACE AS THE MANUFACTURERS SPECIFICATION FOR THIS PARTICULAR SITUATION.

STAKING  
ALL TREES NOT SELF SUPPORTING AND TREES GENERALLY SHALL BE PROVIDED WITH POINTED HARDWOOD STAKES AS FOLLOWS:  
TREES UP TO CONTAINER SIZE OF 25L - 2 X 25MM X 25MM X 1M HIGH STAKES AT EACH  
TREES ABOVE CONTAINER SIZE OF 25L - 2 X 50 X 50 X 2.1 HIGH STAKES EACH  
TIES SHALL BE OF 50MM WIDE JUTE MESH WEBBING TIED 'FIGURE EIGHT PATTERN' TO SUPPORT THE PLANT AND TIES TO BE FIXED SECURELY TO STAKES

SOIL IMPROVEMENT  
WHERE SITE TOPSOIL IS TO BE USED IT SHALL BE IMPROVED BY ADDING BOTANY HUMAS OR SIMILAR AT A RATIO OF 1:3 BY VOLUME.

PLANTING MATERIALS  
PLANTS SHALL CORRESPOND TO THE PLANTING INDEX. THERE SHALL BE NO SUBSTITUTION IN QUALITY OR QUANTITY OF MATERIAL UNLESS OTHERWISE SPECIFIED BY THE LANDSCAPE ARCHITECT. THE LANDSCAPE ARCHITEC RESERVES THE RIGHT TO REFUSE ANY MATERIAL SHOWING SIGNS OF DISEASE, DISTORTED GROWTH HABIT OR MALPRACTICE. PLANTS TO BE PLACED IN THE GROUND NO MORE THAN 48 HOURS AFTER ARRIVAL ON SITE. PLANTS TO BE PLANTED IN ACCORDANCE WITH THE PLANTING DETAIL. PLANTING HOLES TO BE DUG DOUBLE THE WIDTH OF THE POT SIZE AND BACKFILLED WITH ORGANIC SOIL AND NATIVE FERTILIZER. THE FINISHED LEVEL OF THE PLANT IS TO FINISH FLUSH WITH THE EXISTING POT LEVEL. NO BACKFILLING AROUND THE STEM OF THE PLANT WITH EITHER SOIL OR MULCH.

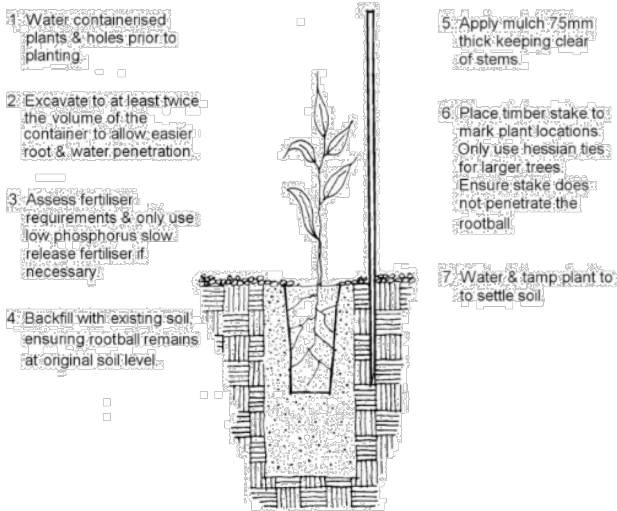
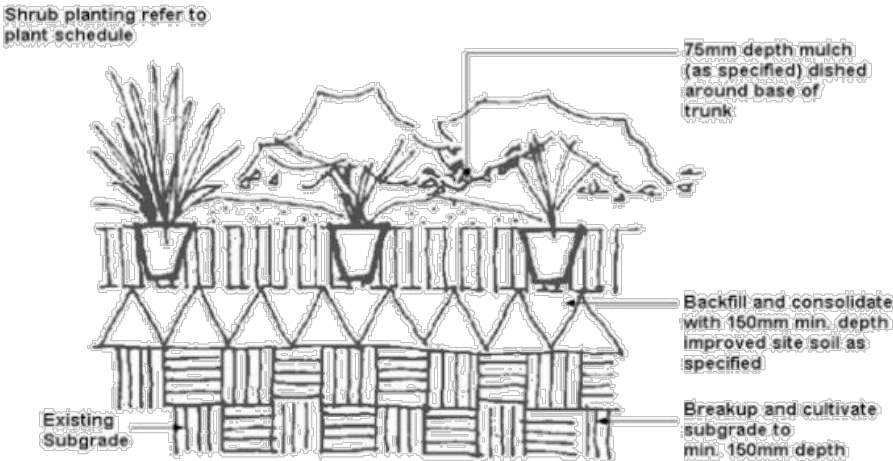
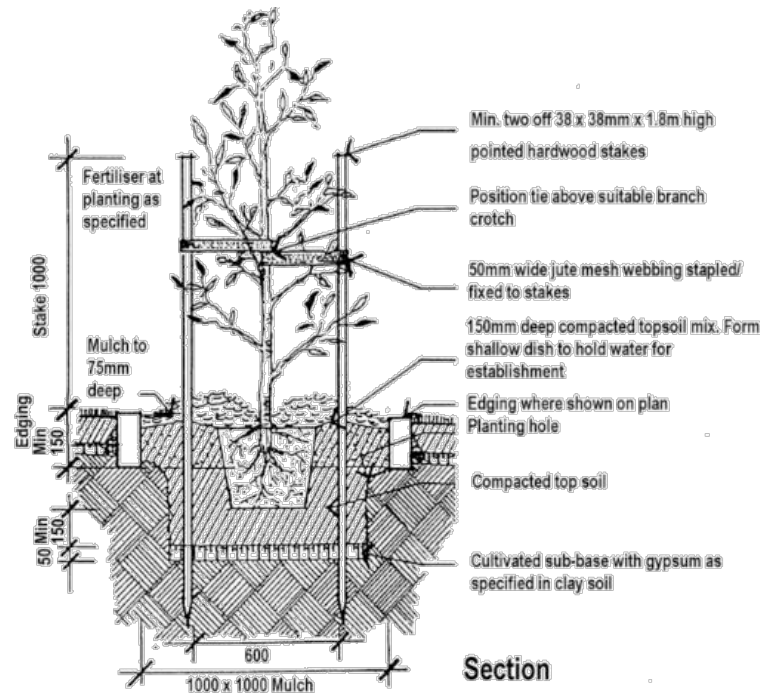
EDGING  
PAVER EDGE INSTALLED ON MORTAR AND BRICKTOR BTW LAWN AND GARDENS

TURF  
USE PREMIUM SIR WALTER LAWN OVER 250MM RIPPED SUBGRADE WITH MINIMUM OF 50MM TURF UNDERLAY.


MULCH  
ALL PLANTER BEDS AND GARDEN AREAS SHALL HAVE CYPRESS MULCH.. ALL MULCH IS TO BE FREE OF DELETERIOUS MATTER SUCH AS SOIL, WEEDS AND STICKS.

MAINTENANCE  
ON COMPLETION OF WORK ALL PLANTING AREAS ARE TO BE FERTILISED WITH ORGANIC LIFE, SLOW RELEASE FERTILISER (OSMOCOTE 8-9 MONTH) WHICH IS TO BE SUFFICIENTLY WATERED IN, AS WELL AS A SOLUBLE FERTILISER SIMILAR TO SEASOL APPLIED IN ACCORDANCE WITH THE MANUFACTURERS DETAILS. REAPPLY AS PER DIRECTIONS.  
'WATERING IN' PERIOD OF 3 MONTHS IS APPLICABLE. WATER SHOULD BE APPLIED DURING THIS PERIOD SO AS PLANTS DO NOT GET TO THE STAGE OF WILTING.  
TIP PRUNING IS ENCOURAGED AT 3 MONTHS TO PROMOTE FULLER GROWTH

HARD CONSTRUCTION  
ALL CIVIL, STRUCTURAL AND HYDRAULIC WORK ASSOCIATED WITH THIS PROJECT SHALL BE TO CONSULTING ENGINEER'S DETAILS. ALL EXTERNAL STAIRS TO BE CONSTRUCTED IN ACCORDANCE WITH CLAUSE D2.13 OF THE BUILDING CODE OF AUSTRALIA.



PLANTING SPECIFICATIONS

SITE ADDRESS	
40 MIDDLEMISS STREET MASCOT	
CLIENT	
JESSICA PARZAKONIS	
PLAN TYPE	
LANDSCAPE FOR DA	
PAGE	
2. SPECIFICATIONS	
SITE INFORMATION	
ALL DIMENSIONS TO BE VERIFIED ONSITE. ALL WORKS TO BE IN ACCORDANCE WITH BCA AND RELEVANT GOVERNMENT CODES.	
DRAWING	
ISS B	
DATE	
11/5/17	
ISSUE	SCALE
B	
 LANDSCAPE DESIGN	
ALL DIMENSIONS TO BE VERIFIED ONSITE. ALL WORKS TO BE IN ACCORDANCE WITH BCA AND RELEVANT GOVERNMENT CODES.	

ATTENTION THE GENERAL MANAGER

DATE Rev 2 15.05.17

COMPANY BOTANY BAY CITY COUNCIL

TOTAL NO. OF PAGES INCLUDING COVER

PHONE NUMBER

FAX NUMBER

RE: **40 MIDDLEMISS STREET MASCOT DEVELOPMENT AS A BOARDING HOUSE**  
PLAN OF MANAGEMENT

This Plan of Management forms part of the Development Application for the Boarding House development of 40 Middlemiss Street Mascot.

It aims to ensure that it operates in a manner that minimises impacts on adjoining owners and maintains a high level of amenity for residents.

The boarding house shall operate in accordance with the terms of this Plan as well as all conditions of development consent DA No 16/55 granted by Bayside Council Council.

Any replacement of fixtures or appliances are to be in accordance with the energy ratings required by the approved BASIX certificate

## **SITE MANAGEMENT**

### **Manager**

The onsite manager and resident caretaker will occupy room 1, immediately adjacent to the entry and common room.

The manager's contact details will be displayed at the entry and on each floor adjacent to the lifts.

The manager will have overall responsibility for the operation, administration, cleanliness, maintenance and fire safety of the premises.

The owners will maintain a public liability cover of \$10 million.

### **Leasing agent**

The leasing agent shall be familiar with and aware of his or her responsibilities under such legislation as the OHS Act 2000, OHS Regulation 2001 and the Innkeepers Act.

The WorkCover website lists the OHS Act and Regulations and other helpful information – visit [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) for boarding houses NSW

### **Short stay accommodation**

At no time is any room to be advertised or made available for short stay accommodation such as that associated with backpacker hostels, motels, hotels or the like.

### **Common areas**

An information board will be located in the Common Room on Ground Level adjacent to the main entrance.

A barbeque area with cooking facilities and seating is located in the common open area located adjacent to the common room.

The booking of the barbeque facilities is to be through the resident manager

### **Maintenance and cleaning**

All boarders shall be responsible for disposing their waste to the garbage store and are to utilise the general waste, paper/cardboard and bottle/can recycling provisions. Separate sorting bins are to be provided within each room.



A contracted cleaner is to be engaged to service the common areas weekly and is also to be responsible for taking garbage rooms to and from the street.

The bins are to be taken to Middlemiss Street.

A floor waste and hose cock is to be provided adjacent to the garbage store to ensure that the room is kept in a high state of cleanliness.

The external presentation of the premises to be maintained to a high standard with all rendered surfaces to be cleaned and painted as necessary.

### Community Relations

The Management company is responsible for establishing contact and maintaining a relationship with the neighbours of the boarding house within a 100m radius by:

- Letter boxing all mail boxes within 100 m radius nominating methods of contact (at least two after hours numbers) should any matter arise that warrants addressing.
- Providing a clear sign at the front of the boarding house with the contact details

### BOARDER REGISTRATION

A hard copy of this plan is to be provided to each new boarder upon arrival by the Leasing Agent.

Failure to adhere to this plan will result in cessation of occupation.

Each boarder is to be registered by a leasing agent and a copy of the plan is to be signed by the boarder.

The leasing agent shall require photo ID (eg: typically either passport or driver's license). Where the person is an Australian and does not hold a drivers license then alternative ID which may not hold a photo can be accepted.

An accommodation register will be maintained providing details of all occupants, length of stay and payment details.

Each lodger is to sign an Occupancy Agreement and House Rules Agreement and the minimum term is 3 months.

Upon arrival lodgers are issued with an information sheet. This document will provide general information about the premises as well as a note that there are residential developments in the vicinity and that lodgers need to take the neighbours' interests into account when leaving and entering.

### OCCUPANCY AGREEMENT

The Occupancy Agreement is attached to this Plan as Appendix A

Upon signing an Occupancy Agreement each lodger will be provided with a printed copy of the publication:

*Guide to NSW services for international students* (NSW Community Relations Commission), Available at <http://www.crc.nsw.gov.au>

*Crime Stoppers Fact Sheets* (NSW Police) in English, Chinese and Korean languages. Available at: [http://www.police.nsw.gov.au/can\\_you\\_help\\_us/crime\\_stoppers](http://www.police.nsw.gov.au/can_you_help_us/crime_stoppers)

*The Boarders & Lodgers Legal Information Kit* (Redfern Legal Centre) Available at: <http://www.rlc.org.au/publications/>

*Fact Sheet 14 – Boarders and Lodgers* (Tenants Union of NSW) Available at: <http://www.tenants.org.au>

### ROOM FURNISHING

All rooms are to be fully furnished and no boarder may bring their own furniture to the premises.

Each room shall be provided with:

- Double bed including base, mattress and mattress protector
- Wardrobe

- Mirror,
- Table and chair
- Suitable lighting including night light
- Waste receptacles including recyclables
- Curtains/blinds or other privacy device
- Kitchenette to include sink, bench, storage, bar fridge and microwave
- Washing machine

No furniture (except for a table and chairs) or storage of any household items are permitted to be stored on the balconies.

The boarder shall advise the Leasing Manager of any broken furniture or faulty services within each room or laundry. The Leasing Manager shall be responsible for replacement of furniture as required.

Each boarder shall permit the Leasing Manager access as required to check cleanliness, condition of furniture and maintenance of services (fridge, microwave oven).

The Resident Manager must give each boarder at least 1 day's notice of an inspection.

## HOUSE RULES

The House rules are appended to this plan as Appendix 2

The house rules will be contained in a manual to be given by hand to each new occupant and the application of those rules explained to the new occupant.

The rules will be permanently displayed in the common room, main entry and adjacent to the lifts on each floor.

## VISITOR POLICY

No more than 2 adult boarders shall be permitted in the double rooms.

Visitors to the premises are only permitted between 9am and 9pm.

Greater occupancy than those registered shall result in cessation of occupancy.

Any boarder inviting visitors to the premises must accept full responsibility for them and their behaviour.

## OCCUPANCY RATE

Plans will be provided outlining the occupancy rate for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with disabilities.

The boarding house shall be restricted to a maximum of 9 double boarding rooms one of which being the on site managers room.

## Schedule of occupancy

ROOM NO	AREA M2	NO OF RESIDENTS
<b>GROUND LEVEL</b>		
1 On site managers room	22.6	2
2	21.5	2
3	22.3	2
4 accessible	21.5	2
<b>LEVEL 1</b>		
5	27.3	2
6	22.6	2
7	24.4	2
8	22.6	2
9	24.2	2
Total	9	18

Measures will be taken to minimise unreasonable impact to the habitable areas and open spaces, which, for this boarding house located within a residential areas and adjoining sites contain residential activities, will be restricted to 10pm.

This will be facilitated by the on site caretaker manager, to solve any issues immediately.

## **WASTE MANAGEMENT**

All boarders shall be responsible for taking their waste and recycling materials to the garbage store and are to utilise the general waste, paper/cardboard and bottle/can recycling provisions. Separate sorting bins are to be provided within each room.

The contracted cleaner shall be responsible for taking the bins to and from the street on collection day.

A floor waste and hose cock is to be provided adjacent to the garbage store to ensure that the room is kept in a high state of cleanliness.

A waste minimisation, recycling and collection procedure will form part of the manual to be given to all new occupants will be put in place,

This will include the servicing of any 'sharps' and/or sanitary napkin receptacles.

## **PROFESSIONAL CLEANING**

Professional cleaning and vermin control arrangements will include the weekly professional cleaning of shared facilities such the common halls, stairs, common room and waste management room.

## **SAFETY AND SECURITY MEASURES**

Safety and security measures will include, but are not limited to:

- A Fire Safety Evacuation Plan will be prepared prior to occupation of the premises. The plan is to contain pictorial instructions detailing evacuation procedures in the case of an emergency
- The entry foyer will be locked and a security intercom connected to each room
- A peephole will be provided to each room entry door
- Perimeter lighting will be provided and designed to avoid casting light on windows
- Surveillance or security camera systems will be provided
- Fencing and secure gates provided
- Room and access keys or swipes will be provided
- A landline telephone for residents to ring emergency services in the event of an emergency will be provided at the main entry adjacent to the common room.

## **INTERNAL SIGNAGE ARRANGEMENTS**

Internal signage arrangements will include:

An information board will be located in the common room which will include current events and issues as well as the information sheet issues to lodgers on arrival.

- The name and contact number of the on site property caretaker and manager
- Emergency contact numbers for essential services
- House rules

- A copy of the annual fire safety statement and current fire safety schedule
- Floor plans that will be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.

## COMPLAINTS PROCEDURE

The leasing manager is responsible for recording any complaints in a complaints register which is to be available to surrounding neighbours and Council upon request. The register shall detail how and when any complaints are dealt with.

The leasing Manager will be available during business hours 9am to 6pm, Monday to Saturday, to deal with any complaints as to the operation and management of the premises. An after hours number is to be provided, with such phone number being publicly available in the common room.

There will be a register of all complaints. The register will contain:

- Complaint date and time
- Name of person/police/council making the complaint
- Contact details
- Nature of the complaint
- Action taken (by whom and when)
- Outcome and/or further action required

All complaints shall be dealt with by management within 24 hours of notification. The Complaints Register is to be made available to Police and Council upon request.

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## **Bayside Planning Panel**

**28/03/2017**

Item No	4.5
Application Type	Development Application – Boarding House
Application Number	DA-2016/55
Lodgement Date	12 April 2016
Property	<b>40 Middlemiss Street, Mascot</b>
Owner	Jessica and Anthony Parzakonis Payz Holdings Pty Ltd
Applicant	Simmons Architects
Proposal	Demolition of existing single dwelling and outbuildings, and removal of one mature tree in the rear yard. Construction of a two storey, nine room boarding house with associated landscaping and parking for 2 cars in the front setback.
No. of Submissions	Two submissions (including one petition with 44 signatures)
Cost of Development	\$682,633.00
Report by	Katerina Lianos, Development Assessment Planner

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## **Panel Decision**

- 1 This matter be deferred to the Panel Meeting to be held on 9 May 2017 so that further clarification can be provided regarding tree removal and investigation of any tree permit, urban design issues regarding the roof, the condition updating the plan of management be amended and a revised landscape plan be submitted.
  - 2 The objectors and owners of all adjoining properties be advised of the Panel's decision.
- 

## **Officer Recommendation**

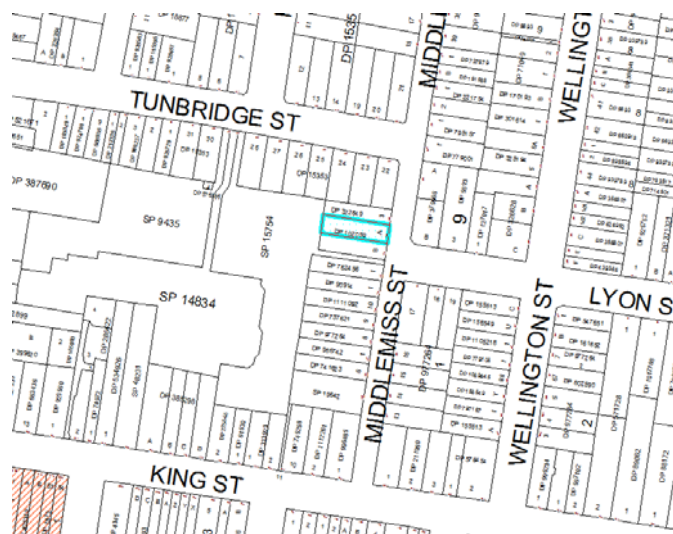
- 1 That Development Application DA-16/15 for the demolition of existing single dwelling and outbuildings, and removal of one mature tree in the rear yard. Construction of a two storey, nine room boarding house with associated landscaping and parking for 2 cars in the front setback at 40 Middlemiss Street Mascot be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report; and
  - 2 That the objectors are advised of Councils decision.
- 

## **Attachments**

- 1 Planning Assessment Report;
- 2 Site Analysis Plan, Drawing No. 00, Revision A, prepared by Simmons Architects, Dated 16 July 2015, Received by Council 12 April 2016;

- 3 Section and Streetscape Plan, Drawing No. 05, Revision C, prepared by Simmons Architects, Dated 11 October 2016, Received by Council 26 October 2016;
- 4 Mid-Winter Shadow Diagrams, Drawing No. DA07, Revision B, prepared by Simmons Architects, Dated 20 September 2016, Received by Council 26 October 2016;
- 5 Privacy Section, Drawing No. 11, Revision A, prepared by Simmons Architects, Dated 11 October 2016, received by Council 26 October 2016; and
- 6 Elevations, Drawing No. 04, Revision D, prepared by Simmons Architects, Dated 10 February 2017, Received by Council 10 February 2017.

## Location Plan



**Figure 1: Locality Plan**

# BAYSIDE COUNCIL

## Planning Assessment Report

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### Application Details

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<b>Application Number:</b>	2016/55
<b>Date of Receipt:</b>	12 April 2016
<b>Property:</b>	40 Middlemiss Street, Mascot
<b>Owner:</b>	Jessica and Anthony Parzakonis Payz Holdings Pty Ltd
<b>Applicant:</b>	Simmons Architects
<b>Proposal:</b>	Demolition of existing single dwelling and outbuildings, and removal of one mature tree in the rear yard. Construction of a two storey, nine room boarding house with associated landscaping and parking for 2 cars in the front setback.
<b>Value:</b>	\$682,633.00
<b>No. of submissions:</b>	Two submissions (including one petition with 44 signatures)
<b>Author:</b>	Katerina Lianos, Development Assessment Planner
<b>Date of Report:</b>	13 March 2017

### Key Issues

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The former City of Botany Bay received Development Application No. 16/55 on 12 April 2016 seeking consent for the demolition of existing single dwelling and outbuildings, and removal of one mature tree in the rear yard. Construction of a two storey, nine room boarding house with associated landscaping and parking for 2 cars in the front setback.

The application was placed on public exhibition for a 14 day period from 4 May to 18 May 2016. Two submissions were received (inclusive of one petition with 44 signatures).

On 20 July 2016, Council requested additional information from the applicant, address the issues raised in the submissions (this includes amenity impacts, sizes of communal rooms, visual impact on the existing streetscape, tree removal, asbestos removal, car and motorcycle parking deficiencies, social impacts and DCP compliance matters), clarification regarding the total number of rooms proposed, privacy impacts from the northern elevation windows, overshadowing impacts to the adjoining dwelling, landscaped area, stormwater management matters, requirement for an acoustic assessment. This information was provided for consideration on 26 October 2016.

Key issues in the assessment of the proposal relate to the matters raised in the submission. The proposal is a permissible form of development within the R3 –Medium Density Zone, satisfies the objectives of the Botany Bay Local Environmental Plan 2013 (BBLEP 2013) and is compliant with the requirements of the *Affordable Rental Housing State Environmental Planning Policy 2009* (ARHSEPP 2009). The proposal has adopted a contemporary two storey built form to remain consistent with the existing dwellings whilst minimising any overshadowing impacts to the adjoining dwelling to the south. The development has not utilised the bonus Floor Space Ratio provisions permitted under the AHEPP 2009, as such the overall bulk and scale of the proposal is similar to that of a two storey dwelling. In addition Council does not



support the installation of cooking facilities within each room as each room would subsequently become a separate domicile and therefore a residential flat building. Therefore a condition has been imposed requiring that no cooking facilities are provided within the kitchenette of each room.

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for approval, subject to conditions of consent.

## **Recommendation**

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As per attached cover page.

## **Background**

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### **History**

Development Application No. 1984/404 approved on 13 December 1984 for the construction of a car port.

The application was placed on public exhibition for a 14 day period from 4 May to 18 May 2016. Two submissions were received (inclusive of one petition with 44 signatures).

On 20 July 2016, Council requested additional information from the applicant, address the issues raised in the submissions (this includes amenity impacts, sizes of communal rooms, visual impact on the existing streetscape, tree removal, asbestos removal, car and motorcycle parking deficiencies, social impacts and DCP compliance matters), clarification regarding the total number of rooms proposed, privacy impacts from the northern elevation windows, overshadowing impacts to the adjoining dwelling, landscaped area, stormwater management matters, requirement for an acoustic assessment. This information was provided for consideration on 26 October 2016.

### **Proposal**

The development application, in its amended form, seeks consent for demolition of existing single dwelling and outbuildings, and removal of one mature tree in the rear yard. Construction of a two storey, nine room boarding house with associated landscaping and parking for 2 cars in the front setback. The specifics of the proposal are as follows:

#### Demolition and Site Clearing

- Demolition of all existing structures on the site including the dwelling house, attached front veranda and rear shed; and
- Removal of on tree (cheese tree) from the rear year.

#### Ground Floor (both dwellings)

- Ground floor comprises of four single occupancy studios (including one adaptable room). Each studio is self-contained and comprises of their own bed, ensuite, kitchen, and wardrobe;
- Communal living area measuring 23.3m<sup>2</sup> and a minimum 8.38m<sup>2</sup> including kitchen, laundry space and bathroom amenities;



- External storage bin storage area within the front setback at the southern boundary – large enough to accommodate six 240L bins;
- Two motorcycle and bicycle car spaces within the front setback at the southern boundary – both of which are hard landscaped;
- Two car parking spaces within the front setback towards the northern boundary – these are to be hard landscaped;
- Installation of 13 windows, seven at the side (southern) elevation (common area, bathroom, laundry, two bedrooms and ensuites); two at the front (eastern) elevation (two bedrooms); and four at the side (northern) elevation (two bedrooms and ensuites);
- Installation of three glass doors at the rear (eastern) elevation (kitchen and two from the common area);
- Installation of six external privacy screens (in front of the bedrooms windows at the side and front elevations);
- Erection of two fixed privacy screens at the side elevations, these are to be 2.5m high and extend 2m beyond the rear building line;
- Installation of a underground absorption rainwater tank underneath the hardstand parking space;
- Metal awning over the private open space at the rear of the building;
- Clothes line to be installed within the rear yard on the northern side of the site;
- Landscaping works within the rear and front of the site;
- Internal staircase to be located at the northern side of the building.

#### First Floor

- First floor comprises of four (4) self-contained single occupancy rooms. Each room consists of a bedroom, ensuite, kitchen and wardrobe;
- Two balconies off Room 7 and 8 are to be constructed at the front elevation, each being 6m<sup>2</sup>;
- Installation of 11 windows, three at the side (southern) elevation (two bedrooms and three ensuites), two at the rear (western) elevation (bedrooms) and four at the side (northern) elevation (two bedrooms and ensuites);
- Installation of two glass doors at the front elevation off Room 7 and 8 (leading onto the balconies)
- Installation of four external privacy screens (in front of the bedroom windows at the side elevations);
- Internal staircase is to be located on the western side of the building; and
- Skillion roof (fall of 10 degrees to the southern boundary).

#### Plan of Management

The applicant submitted an amended Plan of Management (PoM) (dated 13 November 2014, received by Council 12 April 2016) together with House Rules to ensure the boarding house when in use and operation is managed in an appropriate manner. The PoM provided with the original application stated that *the boarding house shall be restricted to a maximum of 46 double boarding rooms*, the applicant confirmed in the additional information package provided to Council on 26 October 2016 that the application is for a nine bedroom boarding house only. A condition has been imposed that prior to the issue of any Occupation Certificate that a revised POM shall be provided to Council for approval to that it correctly reflects the development proposal.

The POM requires:

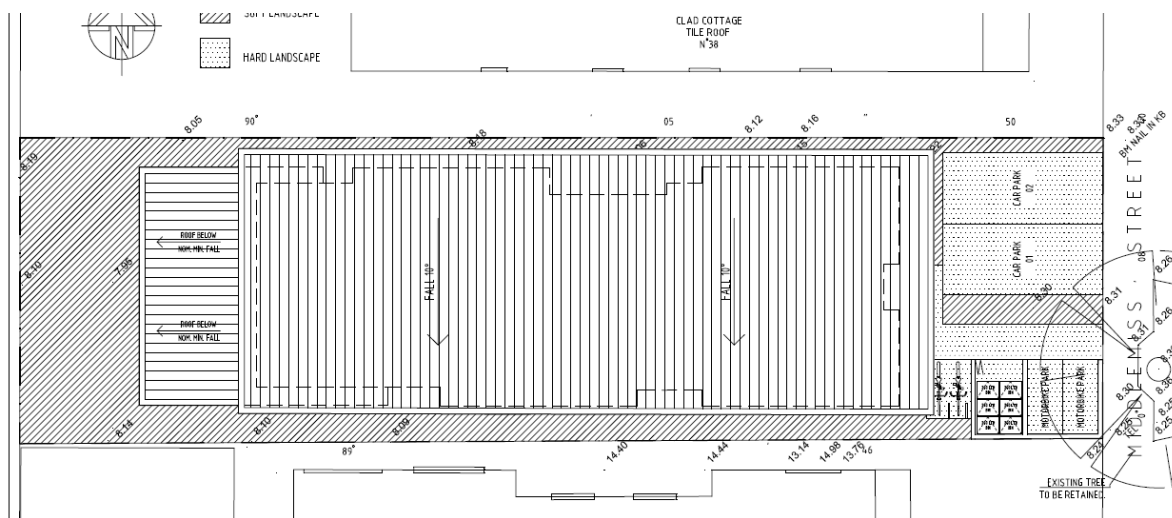
- That the development is carried out in accordance with the conditions of consent imposed;
- Limits the number of boarders;

- Arrangements for a live in caretaker to reside within the premise and their responsibilities;
- Address and respond to complaints made by tenants and adjoining residents,
- Address and respond unacceptable or inappropriate behaviour of residents and visitors; and
- The maintenance of the building and emergency contact details.

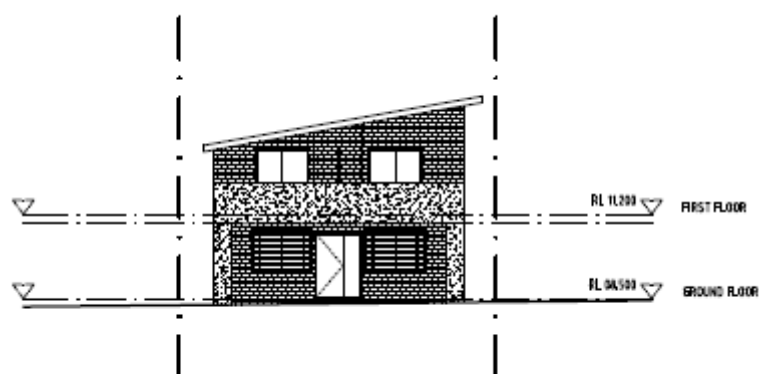
### Materials of Construction

The proposed development will be constructed using the following materials and colours:

- Face brick and rendered external walls;
- Powder coated aluminium framed clear glazed windows; and
- Zincalume roofing.

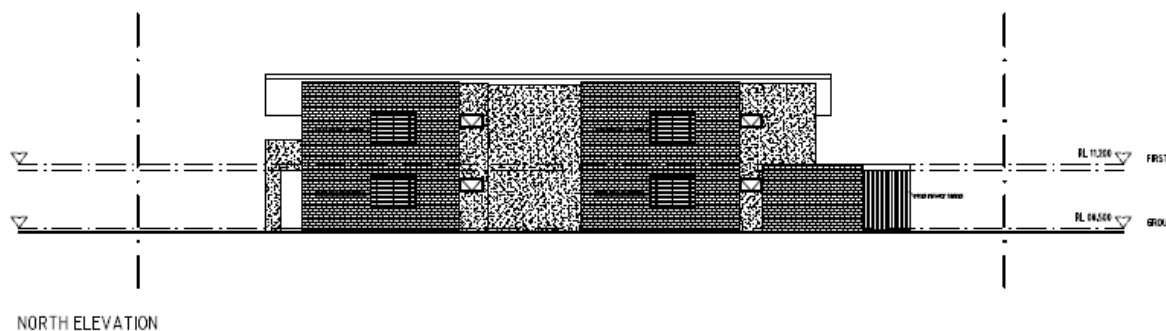


**Figure 1. Proposed Site Plan**

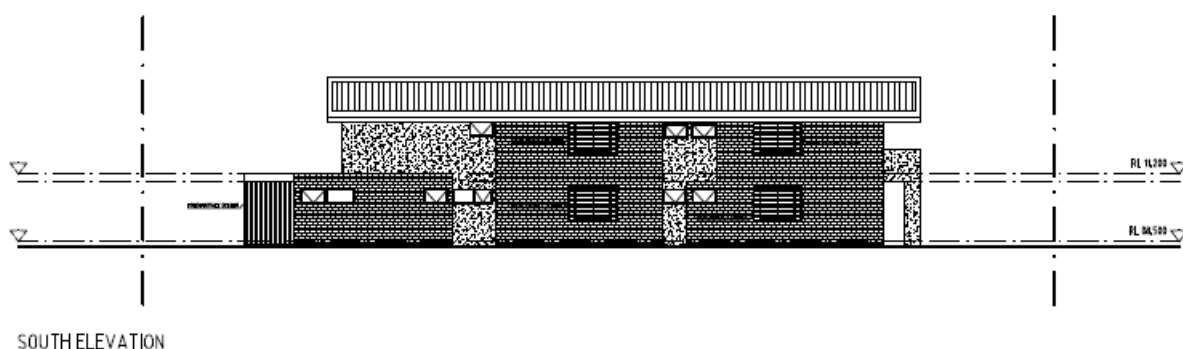


**EAST (STREET) ELEVATION**

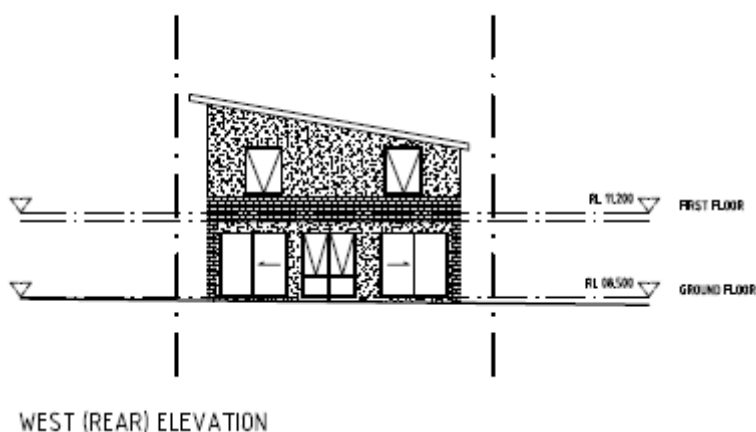
**Figure 2. Proposed front (eastern) elevation**



**Figure 3. Proposed side (northern) elevation**



**Figure 4. Proposed side (southern) Elevation**



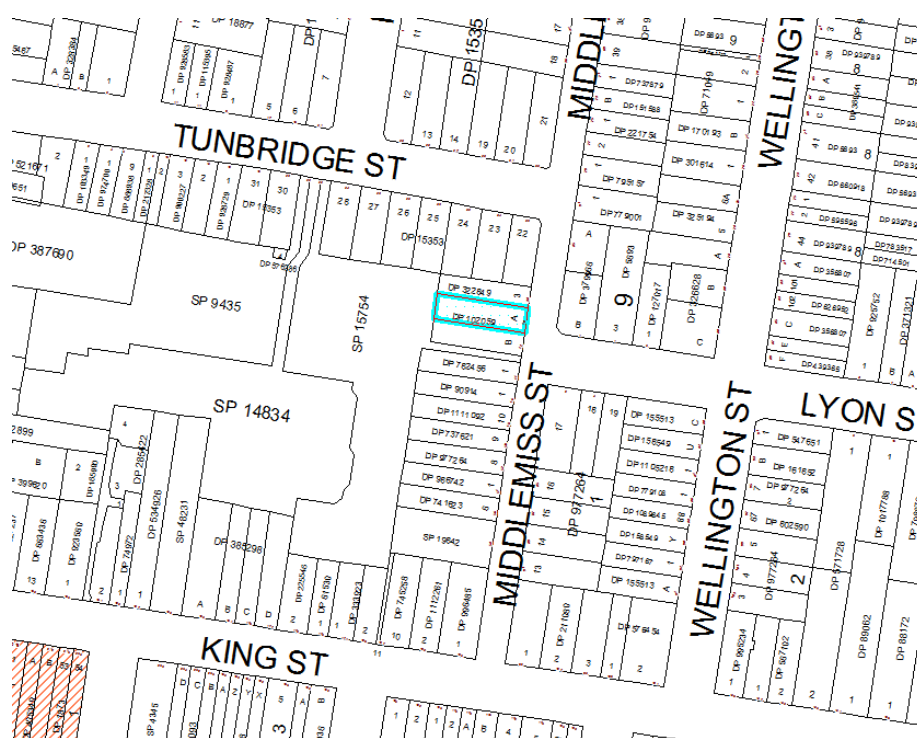
**Figure 5. Proposed rear (western) Elevation**

### Site Description

The site is legally known as Lot A in DP 102059. The subject site is located on the eastern side of Middlemiss Street between Tunbridge Street to the north and King Street to the south. The site has an east to west orientation with east being the front of the site (Middlemiss Street) and west being the rear of the site. The site is located in the R3 – Medium Density Zone.

The subject site is relatively flat and rectangular in shape with a total area of 374.1m<sup>2</sup>. The site has a street frontage width and boundary width of 10.14 and side boundary depths of 36.6m. The site currently has a single storey clad and fibro cottage with a metal roof, a fibro shed at the rear and a tree at the northern boundary within the rear yard.

The adjoining property to the north at 38 Middlemiss Street comprises of a single storey clad cottage with a detached shed at the rear, whilst to the south at 42 Middlemiss Street is a two storey brick cottage with a detached outbuilding at the rear. Surrounding development consists of single storey and two storey detached dwelling houses to the north, south and east. At the rear of the subject site is a series of three storey walk-up apartments. The site is located in the 20-25 ANEF Contour.



**Figure 6. Locality Plan (subject site outlined in blue)**



**Figure 7. Aerial Map of subject site (Subject site outlined in blue)**



**Figure 8: View of the existing dwelling at 40 Middlemiss Street, Mascot**



**Figure 9: View of the existing streetscape to the south of the subject site**





**Figure 10: View of the properties immediately adjoining the subject site**

## Referrals

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The development application was referred to Council's Development Engineer, Landscape Architect, Building Surveyor and Environmental Health Officer for comments. Appropriate conditions have been imposed on the development consent to address the relevant issues raised relating to engineering, acoustic treatments and landscaping.

## Statutory Considerations

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An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979*.

### **S.79C(1) - Matters for Consideration – General**

#### **S.79C(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

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

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* ("BASIX") applies to the proposed development. The development application was accompanied by BASIX Certificate No. 713444S dated 21 March 2016 (prepared by Max Brightwell) and received by Council on 14 March 2016 committing to environmental sustainable measures.

#### **State Environmental Planning Policy No. 55 – Remediation of Land**

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 3K- Contamination of the Botany Bay Development Control Plan 2013. The likelihood of encountering contaminated soils on the subject site is considered to be extremely low given the following:

1. The site appears to have been continuously used for residential purposes;
2. The adjoining and adjacent properties are currently used for residential purposes;
3. The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guide in SEPP 55, in particular industrial, agricultural or defence uses.

On this basis, the site is considered suitable in its present state for the proposed residential development. No further investigations of contamination are considered necessary.

### State Environmental Planning Policy Affordable Rental Housing 2009 (ARHSEPP 2009)

Standard	Control	Proposed	Compliance
Clause 26 (c)– Land to which division applies	R3 – Medium Density Zone	The proposed development is located within the R3 – Medium Density zone.	Yes
Clause 27(3) – Development to which Division Applies	Development on land within zone R2 Low Density Residential that is in an accessible area (400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 0.600 and 21.00 each day from Monday to Friday (both days inclusive) and between 0.800 and 18.00 on each Saturday and Sunday.)	The subject site is located within the R3 – Medium Density Zone. Irrespective of this, the subject site is located within 400m of the B2 – Local Zone along Botany Road and King Street – this being the Mascot Local Centre. Bus services are available on both Botany Road and King Street.	Yes
Clause 29(1)(c) – FSR	1.35:1 (0.85:1 permissible under the BBLEP 2013 plus 0.5:1 bonus)	Site Area: 374.1m <sup>2</sup> Proposed GFA: 313.4m <sup>2</sup> Proposed FSR: 0.83:1	Yes
Clause 29(2)(a) – Building Height	Not more than permitted under an LEP. BBLEP 2013 Height Control 12m	The development achieves a maximum building height of 6.8m from the Natural Ground Level (NGL). This complies with the 12m height requirement for the site.	Yes
Clause 29(2)(b) – Landscape area	Compatible with streetscape	Landscape treatment provided within the front setback is compatible with the streetscape.	Yes

Standard	Control	Proposed	Compliance
Clause 29(2)(c) – Solar Access	One communal area receive 3 hours of direct sunlight between 9am and 3pm in mid-winter	The communal living area and common open space is located on the northern side of the site and will receive the minimum 3 hours of sunlight, between 9am to 3pm mid winter.	Yes
Clause 29(2)(d)- Private Open Space	(i) One area at least 20m <sup>2</sup> with a minimum 3m width.	The internal common area at the rear of the building is 23.3m <sup>2</sup> and has a minimum width of 3.8m.  The private common open space area at the rear of the building is approximately 45m <sup>2</sup> and has a minimum depth of 6m.	Yes
	• Manager area – 8m <sup>2</sup> with a minimum dimension of 2.5m	The applicant has identified in the POM submitted with the application that the manager and resident care taker will occupy Room 1 – this is immediately adjacent to the common room on the ground floor at the rear. This room is 22.6m <sup>2</sup> with a minimum dimension of 3.1m.	Yes, acceptable
Clause 29(2)(e) - Parking	• 0.2 parking spaces are provided for each boarding room	There are a total of nine rooms (including a boarding house manager's room) in the development. Therefore the site requires two parking spaces. The development proposed two car parking spaces within the front setback.	Yes
	• Not more than 1 space per person employed.	The boarding house manager will be assigned one parking space.	Yes
Clause 29(2)(f)- Accommodation size	• 12m <sup>2</sup> per single boarding room, excluding ensuite and kitchenette.	All rooms are single rooms with minimum net living areas of 12m <sup>2</sup> (excluding bathroom and kitchenette).	Yes
Clause 29(3) – bathroom and kitchen amenities	• A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	Each room has a kitchenette and bathroom facilities. A common bathroom facility (with shower) and kitchen area is also provided on the ground floor.  A condition has been imposed requiring that no cooking facilities are	Yes



Standard	Control	Proposed	Compliance
		provided within the kitchenette of each room.	
Clause 30(1)(a) – Communal Living room	At least one communal living room for 5 or more rooms.	One communal living room (23.3m <sup>2</sup> ) is proposed on the ground floor level.	Yes
Clause 30(1)(b) – Size of rooms	No rooms more than 25m <sup>2</sup>	None of the rooms exceed the maximum 25m <sup>2</sup> living area (which excludes bathroom and kitchen).	Yes
Clause 30(1)(c) – Number of Lodgers	No more than 2 lodgers per room	The Plan of Management indicates that no more than two lodgers are permitted in the double rooms.	Yes
Clause 30(1)(d) – Bathroom & Kitchen Facilities	Access be provided to each lodger to use a bathroom and kitchen	All units are self-contained having their own bathroom and kitchenette. A small kitchenette, bathroom and laundry space is also provided within the communal area.	Yes
Clause 30(1)(e) – On site Manager	20 lodgers or more	The proposed development can accommodate a maximum of 18 lodgers. The applicant has identified in the POM submitted with the application that the manager and resident care taker will occupy Room 1.	Yes
Clause 30(1)(g) – Commercial Zoned Land	Not Applicable	The site is not zoned within a commercial area.	N/A
Clause 30(1)(h) – Bicycle & Motorcycle Parking	At least one per 5 boarding rooms	Two motorcycle and bicycle car spaces within the front setback at the southern boundary – both of which are hard landscaped.	Yes
Clause 30(a) – Character of Local Area	Development must be compatible with the character of the local area.	The proposed development has acceptable physical impact on the surrounding development and is in harmony with the buildings and character of the street. A skillion roof is proposed to reduce the solar amenity impacts to the adjoining property to the south.	Yes

### Botany Bay Local Environmental Plan 2013

Botany Bay Local Environmental Plan 2013 has been considered in the assessment of the Development Application and the following information is provided:

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
Land use Zone	Yes	The site is zoned R3 – Medium Density Residential zone under the Botany Bay Local Environmental Plan 2013.
Is the proposed use/works permitted with development consent?	Yes	<p>The proposed use as boarding house is permissible with Council's consent under the Botany Bay Local Environmental Plan 2013.</p> <p>Council does not support the installation of cooking facilities within each room as each room would subsequently become a separate domicile and therefore a residential flat building. Therefore a condition has been imposed requiring that no cooking facilities are provided within the kitchenette of each room.</p>
Does the proposed use/works meet the objectives of the zone?	Yes	<p>The proposed development is consistent with the objectives of the R2 zone which are:</p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community within a medium density residential environment;</i></li> <li>• <i>To provide a variety of housing types within a medium density residential environment;</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents;</i></li> <li>• <i>To encourage development that promotes walking and cycling.</i></li> </ul>
<p>What is the height of the building?</p> <p>Does the height of the building comply with the maximum building height?</p>	Yes	<p>A maximum height of 12m applies to the subject site.</p> <p>The development achieves a maximum building height of 6.8m from the Natural Ground Level (NGL). This complies with the 12m height requirement for the site.</p>
<p>What is the proposed Floor Space Ratio?</p> <p>Does the Floor Space Ratio of the building comply with the maximum Floor Space Ratio?</p>	<p>-</p> <p>Yes</p>	<p>A maximum FSR of 0.85:1 applies to the subject site. However Clause 29(1)(c) of the ARHSEPP 2009 allows a 0.5:1 FSR bonus for any site that is located within a zone in which residential flat buildings are permitted and the land does not include a heritage item. Therefore the maximum FSR permitted on the subject site is 1.35:1.</p> <p>Site Area: 374.1m<sup>2</sup></p> <p>Proposed GFA: 313.4m<sup>2</sup></p>

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
		Proposed FSR: 0.83:1
Is the site within land marked "Area 3" on the Floor Space Ratio Map?  If so, does it comply with the sliding scale for Floor Space Ratio in Clause 4.4A?	N/A	The subject site is not located within "Area 3".
Is the land affected by road widening?	N/A	The subject site is not affected by road widening.
The following provisions in Part 6 of Botany Bay Local Environmental Plan apply–		
<ul style="list-style-type: none"> <li>6.1 – Acid Sulfate Soils</li> </ul>	Yes	The subject site is classified as Class 4. The likely disruption or effect on the soil conditions, in addition to possible site contamination has been appropriately considered and is found to be acceptable in this instance. As there is no significant excavation, namely no works 2m below the NGL, an Acid Sulfate Soil Management Plan is not warranted.
<ul style="list-style-type: none"> <li>6.2 – Earthworks</li> </ul>		There is no proposed excavation works are involved as part of this proposal.
<ul style="list-style-type: none"> <li>6.3 – Stormwater Management</li> </ul>	Yes	The proposed development has provided on-site infiltration systems located within the front yard of the development – all stormwater will drain to this systems. Additionally, one 1,000L rainwater tank will be installed along the northern side setback.
<ul style="list-style-type: none"> <li>6.9 – Development in areas subject to aircraft noise</li> </ul>	Yes	The provisions of AS2021-2000 have been considered in the assessment of the development application, as the subject site is located within the 20-25 ANEF contour. The proposal is permissible subject to a condition requiring compliance with the requirements of AS2021-2000. As such, the development is considered to be acceptable with regard to the provisions contained in Clause 6.9. An acoustic report prepared by Acoustic Dynamics dated 22 July 2015, received by Council 12 April 2016 was provided with the application. Relevant conditions have been imposed in the consent relating to aircraft noise intrusion.

**S.79C(1)(a)(ii) - Provisions of any Draft EPI's**

There are no current Draft EPIs applicable to this development

**S79C(1)(a)(iii) - Provisions of any Development Control Plan****Botany Bay Development Control Plan 2013**

The development proposal has been assessed against the controls contained in the Botany Bay Development Control Plan 2013 as follows:

***Part 3A – Parking & Access***

Part	Control	Proposed	Complies
<b>3A.2.</b> Parking Provisions of Specific Uses	<b>C2</b> – Table 1 - As per requirements stipulated in State Environmental Planning Policy (Affordable Rental Housing) 2009	IN accordance with the ARHSEPP 2009 0.2 parking spaces are to be provided for each boarding room.  There are a total of nine rooms (including a boarding house manager's room) in the development. Therefore the site requires two parking spaces. The development proposed two car parking spaces within the front setback.	Yes

***Part 3C – Access and Mobility***

The development has provided one accessible room on the ground floor at the front of the building, the bathroom has been fitted to comply with AS-1428. This room is located towards the front of the development with an accessible path of travel to the communal areas as well as the access and egress points on the site.

***Part 3G- Stormwater Management***

The proposed development has provided on-site infiltration systems located within the front yard of the development. All stormwater will drain to these systems. Additionally, one 1,000L rainwater tank will be installed along the northern side setback. The application was referred to Council's Development Engineer for comment who raised no objection to the proposal subject to appropriate conditions recommended in the consent.

***Part 3J- Aircraft Noise and OLS***

The provisions of AS2021-2000 have been considered in the assessment of the development application, as the subject site is located within the 20-25 ANEF contour. The proposal is permissible subject to a condition requiring compliance with the requirements of AS2021-

2000. Appropriate conditions have been imposed in the attached Schedule of conditions of consent.

### ***Part 3K- Contamination***

The relevant requirements and objectives have been considered in the assessment of the development application. The subject site has long been used for residential purposes and contamination is unlikely. Furthermore, the application has been assessed against SEPP 55 and is found to be satisfactory. Site investigation is not required in this instance.

### ***Part 3L- Landscaping and Tree Management***

The subject site comprises of one tree (cheese tree) at the northern boundary within the rear yard. An arborist report prepared by Dr Treegood dated January 2016 provided to Council on 12 April 2016 with the application. The application was referred to Council Landscape officer who raised no objection to the removal of the tree given that there was extensive fungal decay in the trunk. Given the amendments to the design of the proposal, namely the relocation of the motorcycle parking from the rear of the site to the front, no revised landscaped plan was provided to Council. As such a condition has been imposed requesting a revised landscape plan be provided to Council. The development proposes approximately 119m<sup>2</sup> (32%) of soft landscaped areas, these areas are predominately within the rear and side setbacks.

### ***Part 3N- Waste Minimisation & Management***

A Waste Management Plan (WMP) was submitted with the application. Conditions are included to ensure all waste generated will be stockpiled, managed and disposed of appropriately.

### ***Part 7A – Boarding House***

<b>Part</b>	<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
<b>7A.4.1</b> General Requirements	<b>C1</b> Boarding Houses shall comply with the relevant parts of Part 4 - Residential Development.	<u>Site Coverage</u> The subject site has a total area of 313.4m <sup>2</sup> , the proposal will result in a total site coverage of 211m <sup>2</sup> (67%) – the maximum site coverage permitted for dwelling houses on lots greater than 300m <sup>2</sup> is 50%. Although the proposal is not for a dwelling house, the proposal is considered suitable, irrespective of a deviation of 17% from the BBDCP 2013 provisions. The proposal is compliant with maximum allowable FSR permitted under the ARHSEPP 2009, the setbacks have been articulated so as to preserve the visual and solar amenity of the	Yes

Part	Control	Proposed	Complies
		adjoining dwellings; and the proposal is complaint with the minimum landscaped area for a dwelling – As such this deviation is acceptable.	
		<u>Landscaped Area:</u> The development proposes approximately 211m <sup>2</sup> (31%) if soft permeable areas, this is complaint with the minimum 30% required for dwelling houses.	Yes
		<u>Setbacks:</u> The subject site has a lot width of 10.14m. The proposal shall have a 6.9m front setback which is consistent with the prevailing front setback along Middlemiss Street – this being approximately 6m. The proposal shall have a rear setback of 6m to the rear of the dwelling on the ground floor and 7.9m on the first floor. A varied rear setback on the first floor minimises overshadowing and visual privacy impacts and to the adjoining property. To avoid large expanses of solid walls the proposal seeks have a varied setback of 1m (minimum) – 1.5 (maximum) at the northern elevation and 1.1m (minimum) – 1.8m (maximum). These varied setbacks shall provide articulation with the building.	Yes
		<u>Visual Privacy:</u> In order to mitigate any overlooking into the adjoining properties,	Yes

Part	Control	Proposed	Complies
		external privacy screens are proposed for windows at the side elevations in addition to highlight windows (within a minimum sill height of 1.5m).	
		<p><u>Solar Access:</u></p> <p>The subject site has an east (front) to west (rear) orientation, as such any increase in height will overshadow the property to the south, this being 42 Middlemiss Street.</p> <p>The applicant originally proposed a hipped roof form which would predominately overshadow the northern elevation of No. 42. As a result of the additional information request by Council the applicant has since amended the roof design to a skillion roof to mitigate overshadowing to the adjoining dwelling. The skillion roof has a fall of 10 degrees from the northern to the southern boundary. As the pitch is located at the northern side of the building this ensures that the level of solar amenity provided to the neighbouring dwelling is maximises (given the orientation of the site).</p> <p>The proposal is similar in scale to that of the neighbouring two storey dwelling, compliant with the maximum allowable height permitted on the site and the FSR requirements stipulated by the ARHSEPP 2009.</p>	Yes
<b>7A.4.1</b> Design	<b>C3</b> Outdoor recreational areas e.g. courtyards and gardens should be located,	The internal common area at the rear of the building is	Yes

Part	Control	Proposed	Complies
	if possible, away from bedrooms and habitable rooms of adjoining residences.	23.3m <sup>2</sup> and has a minimum width of 3.8m.  The private opens space area at the rear of the building is approximately 45m <sup>2</sup> and has a minimum depth of 6m.	
	<b>C5</b> Boarding houses are to be located in close proximity to public transport i.e. within 400 metres.	The site is located within 150m from Botany Road Local Centre and is in close proximity to public transport (i.e. bus stops on Botany Road).	Yes
<b>7A.4.1</b> Operation and Management	<b>C8</b> A Plan of Management (POM) is required to be submitted.	A detailed PoM was provided with the subject application. Due to discrepancies in occupancy numbers between the development proposal and the POM a condition has been imposed that prior to the issue of any Occupation Certificate that a revised PoM shall be provided to Council for approval to that it correctly reflects the development proposal.	Yes
<b>7A.4.1</b> Sleeping Room Requirements	<b>C13</b> An acoustic report prepared by a suitably qualified acoustical consultant is required.	An acoustic report prepared by Acoustic Dynamics dated 22 July 2015, received by Council 12 April 2016 was provided with the application. Relevant conditions have been imposed in the consent.	Yes
	<b>C14</b> An application for a boarding house incorporating 75 or more bedrooms is to be supported by a Traffic Report prepared by a suitably qualified person.	The proposed development will have nine rooms which includes one room for an on-site boarding house manager. Two car spaces are provided on site, this is compliant with the ARHSEPP 2009 and BBDCP 2013 parking requirements.	N/A
	<b>C18</b> The gross floor area of a bedroom is to be at least:		



Part	Control	Proposed	Complies
	(i) 12m <sup>2</sup> (including 1.5m <sup>2</sup> required for wardrobe space);	The proposal includes nine rooms – all of which can accommodate up to two occupants. The room sizes vary from 21.5m <sup>2</sup> (minimum) to 27.3m <sup>2</sup> (maximum), thus compliant with Councils requirements.	Yes
	(ii) 4m <sup>2</sup> when a second adult occupant is intended (which must be clearly shown on plans); plus		
	(iii) 2.1m <sup>2</sup> for any ensuite (which must comprise a hand basin and toilet);	All rooms are provided with ensuite & shower that meet Council's requirements.	Yes
	(iv) 0.8m <sup>2</sup> for any shower in the ensuite;		
	(v) 1.1m <sup>2</sup> for any laundry (which must comprise a wash tub and washing machine); and	None of the rooms comprised of laundry facilities. A communal laundry is available on the ground floor near the common area.	Yes
	(vi) 2m <sup>2</sup> for any kitchenette (which must comprise a small fridge, cupboards and shelves and microwave).		
<b>7A.4.1</b> Kitchen, Dining, Communal Recreation and Living Areas	<b>C20</b> At least 1 of the bedroom provided must incorporate disabled access, meeting the requirements under the BCA.	The development has provided one accessible room on the ground floor at the front of the building, the bathroom has been fitted to comply with AS-1428.	Yes
	<b>C22</b> The minimum ceiling height of any bedroom containing double bunks is 2.7 metres.	No double bunks are proposed. The ceiling height of all rooms are compliant with the BCA requirements.	Yes
	<b>C23</b> 30% of all bedrooms are to have access to private open space with a	Two of the nine bedrooms have access to a 6m <sup>2</sup> balcony, these balconies	Yes

Part	Control	Proposed	Complies
	minimum area of 4m <sup>2</sup> in the form of a balcony or terrace area.	are at the front of the dwelling and overlook Middlemiss Street and not the adjoining dwellings.  As such the proposed development is deficient in one private open space area in the form of a balcony or terrace area. This non-compliance is acceptable given that any additional balconies or terrace areas would impede on the visual amenity of the neighbouring dwellings. Furthermore Room 7 is 27.3m <sup>2</sup> – this is approximately 4m <sup>2</sup> larger than the average room size within the development (22m <sup>2</sup> ), this larger internal living area compensates for the lack of third room with a private open space area.	
	<b>C25</b> A communal kitchen is to be provided with a minimum area that is 6.5m <sup>2</sup> or 1.2m <sup>2</sup> for each resident occupying a bedroom without a kitchenette.	A communal kitchen (8.38m <sup>2</sup> ) is provided adjacent to the communal living area. All rooms are self-contained.	Yes
<b>7A.4.1</b> Bathrooms, Laundries and Drying Facilities	<b>C26</b> The communal kitchen is to contain:  (i) One (1) sink for every 6 people, or part thereof, with running hot and cold water; and  (ii) One (1) stove top cooker for every 6 people, or part thereof, with appropriate exhaust ventilation.	The communal kitchen provides a sink and stove top, this is acceptable given that each room has a self-contained kitchenette (complete with sink and stove top).  A condition has been imposed requiring that no cooking facilities are provided within the kitchenette of each room.	Yes
	<b>C27</b> The communal kitchen is to contain, for each resident occupying a bedroom without a kitchenette:	Each room is self-contained with their own fridge/freezer/cupboard space.	Yes

Part	Control	Proposed	Complies
	<p>(i) 0.13 cubic metres of refrigerator storage space;</p> <p>(ii) 0.05 cubic metres of freezer storage space; and</p> <p>(iii) 0.30 cubic metres of lockable drawer or cupboard storage space.</p>		
	<b>C28</b> An indoor communal living area with a minimum area of 20m <sup>2</sup> or 1.25m <sup>2</sup> per resident with a minimum width of 3 metres is to be provided.	An internal communal living area with a minimum width of 3m is located on the ground floor (23.3 <sup>2</sup> ), this is compliant with the Council requirement of 22.5m <sup>2</sup> .	Yes
	<b>C32</b> Communal open space is to be provided with a minimum area of 20m <sup>2</sup> and a minimum dimension of 3 metres.	The communal open space area at the rear of the building is approximately 45m <sup>2</sup> and has a minimum depth of 6m, this included the terrace area (16m <sup>2</sup> ).	Yes
	<p><b>C35</b> Communal bathroom facilities accessible to all residents 24 hours per day are provided with at least:</p> <p>(i) One (1) wash basin, with hot and cold water, and one toilet for every seven (7) residents, or part thereof, for each occupant of a room that does not contain an ensuite; and</p> <p>(ii) One shower or bath for every seven (7) residents, or part thereof, for each occupant of a room that does not contain a shower.</p>	Each room comprises of their own ensuite. There is a communal bathroom with wash basin and shower available on the ground floor adjacent to the common area.	N/A
	<p><b>C36</b> Laundry facilities are to be provided and are to include:</p> <p>(i) One (1) 5kg capacity automatic washing machine and one</p>	None of the rooms comprised of laundry facilities. A communal laundry is available on the ground floor near the common area.	Yes

Part	Control	Proposed	Complies
	domestic dryer for every twelve (12) residents or part thereof; and  (ii) At least one large laundry tub with hot and cold running water.		

#### *Part 8 – Character Precinct*

Part 8.7.2 Desired Future Character of the Mascot Precinct has been considered in the assessment of the application. This section provides rationale for determining the appropriateness and descriptive strategic direction for development in Mascot. The site is located within the R3 Medium Density Residential zone of the Mascot Precinct on Middlemiss Street between Tunbridge Street to the north and King Street to the south.

The proposal has been designed to give the appearance of a dwelling house to ensure that the design is consistent with the prevailing Middlemiss streetscape pattern, namely front setbacks, built form and height. The architectural design of the boarding house is modern in style which is different to those properties immediately adjacent to the subject site. Irrespective of this development in the street and surrounding streets are experiencing gradual redevelopment to newer style housing. The proposed modern skillion roof form allows the adjoining property to the south, this being No. 42 Middlemiss Street, to receive the maximum level of solar amenity given the orientation of the site (this being east to west).

The R3 Medium Density Residential Zone permits boarding houses and encourages a variety of residential forms. The scale of the proposal is suitable for the existing and desired future character of the area, the development complies with the relevant FSR requirements without the reliance of the bonus provisions for boarding houses under the ARHSEPP 2009. The applicant has identified that given the area of the subject site the maximum yield has not been reached due to site constraints, namely the visual privacy and solar amenity impacts.

Accordingly, the proposal is suitable for the subject site and is compatible with the desired future character as described in the BBDP 2013 for the Mascot precinct.

#### **S.79C(1)(a)(iv) - Provisions of regulations**

The proposed development is not inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

#### **S.79C(1)(b) - Likely Impacts of Development**

As outlined in the assessment above, the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

#### **S.79C(1)(c) - Suitability of the site**

The issue of likely site contamination has been considered, however, given the nature of the development, and the long standing use of the land for residential purposes, onsite investigation is not warranted.

The site is impacted by overland flow therefore the finished floor level of the ground floor is to be raised to meet Council's requirements. The application was referred to Councils

Stormwater and Development Engineer who required the finished floor level of the ground floor to be raised to 300mm above the adjacent top of kerb. The applicant has since amended the plans to meet the required finished floor level. To minimise the overshadowing impacts to the adjoining property to the south the proposal has adopted a skillion roof form. In addition, to prevent overlooking into the adjoining properties, external privacy screens are proposed for windows at the side elevations in addition to highlight windows (within a minimum sill height of 1.5m). As the subject site falls within 20-25 ANEF contours an acoustic report was provided with the subject application and is acceptable.

Accordingly, it is considered that the site is suitable to accommodate the development.

#### **S.79C(1)(d) - Public Submissions**

In accordance with Part 2 of the Botany Bay DCP 2013 – Notification and Advertising the development application was notified to surrounding property owners for a 14 day period from 4 May to 18 May 2016. Two submissions (including one petition with 44 signatures) were received as part of the proposal. The issues raised in the submissions are summarised as follows:

- ***The development is not in keeping with the character of the area – it is not compatible with the bulk and scale of the existing and desired future character of the area***

Comment: Although the application is not in character with the existing dwellings immediately adjacent to the subject site, the desired future character of the Mascot area encourages a variety of built forms. The proposal is of modern design and remains consistent with the prevailing streetscape pattern in terms of bulk and scale – as such the proposal is acceptable.

- ***The proposal is an overdevelopment of the site and therefore poses privacy issues for neighbouring properties***

Comment: In order to mitigate any overlooking into the adjoining properties, external privacy screens are proposed for windows at the side elevations in addition to highlight windows (within a minimum sill height of 1.5m). In addition, privacy screens are proposed at the side elevations of the rear patio area on the ground floor. As such the proposal is acceptable.

- ***Lack of information concerning the size and location of the windows, privacy screens can be moved and therefore overlooking can occur***

Comment: Windows are permitted at side elevations to ensure that natural light and ventilation can be provided to the rooms within the boarding house. The privacy screens proposed are to be fixed and as such further mitigate any potential overlooking into the adjoining property. As such the proposal is acceptable.

- ***Overshadowing impacts***

Comment: The applicant provided amended plans illustrating a skillion roof to mitigate overshadowing to the adjoining dwelling. The skillion roof has a fall of 10 degrees from the northern to the southern boundary. As the pitch is located at the northern side of the building this ensures that the level of solar amenity provided to the neighbouring dwelling is maximised (given the orientation of the site). As such the proposal is acceptable.

- ***The application dwarfs the adjoining property***

Comment: The proposal is compliant in terms of FSR, height and setbacks, furthermore the proposal does not rely on the bonus FSR provisions permitted under the ARHSEPP 2009 – as such, the application would be compliant for a dwelling. As such the proposal is acceptable.

- ***Do not support the removal of the mature tree on the northern boundary of the property as it will decrease the green landscape and visual appeal of the area***  
Comment: The application was referred to Council Landscape officer who raised no objection to the removal of the tree given that there was extensive fungal decay in the trunk. As such the proposal is acceptable and a separate tree removal permit has been approved independent to this Development Application.
- ***Removal of Asbestos and fibre cement sheeting from the existing dwelling***  
Comment: A condition will be imposed ensuring the safe removal of asbestos from the subject site. As such the proposal is acceptable.
- ***Lack of parking facilities for the development and the impacts of this after 6pm when parking restrictions end***  
Comment: The proposal is compliant with the car parking requirements of the ARHSEPP 2009 and the BBDCP 2013, in addition the subject site is located within 400m public transport. As such the proposal is acceptable.
- ***Impacts of the lack of parking facilities in the street, namely after 6pm when the parking restrictions end.***  
Comment: This is outside the scope of the application and is not a matter for consideration.
- ***Inappropriate location of motorcycle parking***  
Comment: The applicant provided revised plans to Council illustrating the amended location for the motorcycle parking – this being within the front setback towards the southern boundary. This allows easier access for motorcycles rather than at the rear of the subject site. As such the proposal is acceptable.
- ***Discrepancies in the total number of occupants within the development***  
Comment: The application will have total of nine rooms (one of which being for the manager), the maximum occupancy rate for the development is 12 persons (two people per room). Due to discrepancies in occupancy numbers between the development proposal and the POM a condition has been imposed that prior to the issue of any Occupation Certificate that a revised POM shall be provided to Council for approval to that it correctly reflects the development proposal.
- ***The type of development may bring anti-social behaviour to the area***  
Comment: While these may be mitigated by adhering to the Plan of Management and requirements on-site, issues relating to off-site social interaction and behaviour fall within the realm of other agency responsibilities and there is no evidence warranting refusal of the application on these grounds.

Further reference is made to the Land and Environment Court Judgement *New Century Developments Pty Limited v Baulkham Hills Shire Council* in which it was recognised that the residents expressed fears about the nature of people who will occupy the property stating that ‘there is no evidence that those fears will eventuate’. The test applied in the *New Century* hearing was ‘that the subjective fears and concerns must have a rational basis and be amenable to objective assessment in order for any significant weight to be attached to them’.

Regarding the transient nature of tenants, this is the nature of boarding houses. Under the BBLEP 2013, boarding houses are defined as the following: ‘a building that is wholly or partly let in lodgings, and provides lodgers with a principal place of residence for 3

months or more, and may have shared facilities, such as communal living room, bathroom, kitchen or laundry and has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers.' The applicant has provided a Plan of Management which outlines that the minimum lease period will be three months, house rules in addition with an on-site manager residing in Room 1 on the ground floor. As such the proposal is acceptable.

- **Non-compliance with the BBDCP 2013 requirements – indoor communal living areas:**

Comment: In relation to the location of indoor communal living areas the BBDCP 2013 Control 7A.4.1 C30 (iv) states that these rooms are to be provided *on each level of a multi-storey boarding house, where appropriate*. No indoor communal living areas are provided on the first floor of the development, Council raises no objection to this as an adequate internal common area is provided on the ground floor at the rear. In addition having an internal common area on the first floor may create potential visual privacy concerns to the adjoining dwellings. As such the proposal is acceptable.

- **Non-compliance with the BBDCP 2013 requirements – no stormwater plan was provided with the application**

Comment: A stormwater plan was provided with the subject application. The application was referred to Council's Development Engineer for comment who raised no objection to the proposal subject to appropriate conditions recommended in the consent. As such the proposal is acceptable.

- **Non-compliance with the BBDCP 2013 requirements – no landscape plan was provided with the application**

Comment: A landscape plan was provided with the application. The application was referred to Council Landscape officer who raised no objection to the proposal. Given the amendments to the design of the proposal, namely the relocation of the motorcycle parking from the rear of the site to the front, no revised landscaped plan was provided to Council. As such a condition has been imposed requesting a revised landscape plan be provided to Council. As such the proposal is acceptable.

- **Lack of information in relation to the disabled room, communal living room, common laundry area, managers room**

Comment: The revised plans provided to Council illustrate that the accessible boarding room is located at the front of the building on the ground floor; the common living room is located at the rear of the development; the common laundry room is located on the ground floor towards the rear at the southern side of the building; and the manager will occupy Room 1 – this is located on the ground floor at the rear.

#### **S.79C(1)(e) - Public interest**

Granting approval to the proposed development will have no significant adverse impact on the public interest. Issues from the general public have been appropriately addressed. The approval of this application will provide modern accommodation services for the local population.

#### **Section 94 Contributions**

The City of Botany Bay's Section 94 Development Contributions Plan 2016 became effective on 14 June 2016. The Plan applies to all development applications lodged before the

commencement of this Plan, but not yet determined. The subject DA was lodged before the commencement of the Plan and is not yet determined and as such is applicable.

#### Contribution Rates

9 beds x \$5,751.38 (remainder of LGA): \$51,762.42

#### Total contribution

The total Section 94 Contribution applicable to the proposed development is **\$51,762.42**. In accordance with the Plan, the contribution is to be paid prior to the release of the Construction Certificate.

### **Conclusion**

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Development Application No.16/55 for the demolition of existing single dwelling and outbuildings, and removal of one mature tree in the rear yard at 40 Middlemiss Street, Mascot has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*.

The major issues that were raised within the report relate to the matters raised in the submissions, namely the overall bulk and scale of the development, visual privacy impacts, overshadowing impacts and discrepancies in the POM. Amended plans provided to Council on 26 October 2016 address all these matters with a revised design including a skillion roof to minimise overshadowing, fixed louvre privacy screens and high sill windows to minimise overshadowing and the relocate the motorcycle car parking to the front setback. Council has imposed conditions to ensure that a revised POM be provided to Council to correctly reflect the number of occupants permitted within the building, the requirement for an on-site manager and a revised landscape plan is to be provided to Council to ensure that with the relocation of the motorcycle parking at the rear considered the site is suitably landscaped. The development complies with the applicable requirements of ARHSEPP 2009, BBLEP 2013 and BBDCP 2013, therefore the development is recommended for approval, subject to conditions of consent.

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### **Attachment**

#### **Schedule 1 – Conditions of Consent**

**Premises: 40 Middlemiss Street, Mascot**

**DA No: 16/55**

#### **SCHEDULE OF CONSENT CONDITIONS**

##### **GENERAL CONDITIONS**



1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

<b>Drawing No.</b>	<b>Author</b>	<b>Dated</b>
Site Analysis Plan, Drawing No. 00, Revision A	Simmons Architects	Dated 16 July 2015, Received by Council 12 April 2016
Site and Roof Plan, Drawing No. 01, Revision C	Simmons Architects	Dated 11 October 2016, Received by Council 26 October 2016
Ground Floor Plan, Drawing No. 02, Revision B	Simmons Architects	Dated 5 October 2016, Received by Council 26 October 2016
First Floor Plan, Drawing No. 03, Revision B	Simmons Architects	Dated 10 February 2017, Received by Council 10 February 2017
Elevations, Drawing No. 04, Revision D	Simmons Architects	Dated 10 February 2017, Received by Council 10 February 2017
Section and Streetscape Plan, Drawing No. 05, Revision C	Simmons Architects	Dated 11 October 2016, Received by Council 26 October 2016
Demolition Plan, Drawing No. 10, Revision A	Simmons Architects	Dated 10 June 2015, Received by Council 14 April 2016

<b>Reference Document</b>	<b>Author</b>	<b>Dated</b>
Statement of Environmental Effects	Simmons Architects	Dated 26 February 2015, Received by Council 12 April 2016
Additional Information Letter for DA 2016 55 at 40 Middlemiss Street	Simmons Architects	Dated 26 October 2016, Received by Council 26 October 2016
BASIX Certificate No. 713444S	Prepared By Max Brightwell	Dated 21 March 2016, Received by Council 12 April 2016
Waste Management Plan	Simmons Architects	Dated 2 February 2016, Received by Council 12 April 2016
Plan of Management	Simmons Architects	Dated 13 November 2014, Received by Council 12 April 2016

Site Survey, Detail and Level Survey of Lot A 102059	Helensburgh Surveying Services	Dated February 2014, Received by Council 12 April 2016
Aircraft Noise Intrusion Assessment	Acoustic Dynamics	Dated 22 July 2015, Received by Council 12 April 2016
Arborist Report	Dr.Treegood	Dated January 2016, Received by Council 12 April 2016
Stormwater Drainage Plan, Drawing No. SW1	ML Civil	Dated 30 June 2015, received by Council 12 April 2016
Mid-Winter Shadow Diagrams, Drawing No. DA07, Revision B	Simmons Architects	Dated 20 September 2016, Received by Council 26 October 2016
Privacy Section, Drawing No. 11, Revision A	Simmons Architects	Dated 11 October 2016, received by Council 26 October 2016

2. No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.
3. This Consent relates to land in Lot A in DP 102059 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
4. All building work must be carried out in accordance with the provisions of the Building Code of Australia
5. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificates (as referenced at Condition No. 1) for the development are fulfilled.

Note:

- a) Relevant BASIX Certificate means:
  - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
  - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
- b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.

6. The consent given does not imply that works can commence until such time that:
  - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:-
    - i) The consent authority; or,
    - ii) An accredited certifier; and
  - b) The person having the benefit of the development consent:-
    - i) Has appointed a principal certifying authority; and
    - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
    - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
7. The construction of the development will be timed in four stages as follows:
  - a) Demolition
  - b) Subdivision into two allotments
  - c) Construction of the buildings
  - d) Internal fitout, driveways and landscaping

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**

8. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
9. Prior to the issue of the Construction Certificate the applicant must pay the following fees:-
  - a) Builders Security Deposit                      \$6,700.00 (Condition No. 12)
  - b) Development Control                              \$1,260.00
  - c) Section 94 Contributions                          \$51,762.42 (Condition No. 10)
10. The payment of the following monetary contributions in accordance with Council's Section 94 Contributions Plan 2016. This result is a total contribution of **\$51,762.42**, to be paid to Council prior to the issue of the Construction Certificate.

11. Prior to the issue of the Construction Certificate, amended plans are to be provided to the Principal Certifying Authority illustrating the deletion of the cooking facilities from each boarding room.
12. Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.

Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicants expense

13. Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of \$6,700.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
14. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, a full photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and the Principal Certifying Authority.

The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the applicant being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

15. Prior to the issue of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.
16. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval. *(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.* The plans shall incorporate but not limited to:
  - a) Provisions made in the Stormwater Management Plans by ML Civil Consultants dated 30 June 2015.

17. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to the habitable areas shall be submitted to the Principal Certifying Authority for approval. The plans shall incorporate but not limited to:

a) The floor level of the habitable areas of the building shall be at least RL 8.50 AHD.

18. Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04 and E-07.

As part of this development, a new concrete driveway shall be constructed. A new five (5) metre wide driveway layback shall be constructed as part of each new driveway. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter.

The design should be submitted to the PCA for approval. The approved design form part of the future road opening permit application.

19. The Landscape Concept Plan by Tranquility Landscape Decking and Design (Drawing L-01, Issue B, dated July 2015) shall be submitted to and approved by Councils Landscape Architect prior to the Issue of the Construction Certificate. The landscape documentation shall be revised to reflect the approved architectural design and is to be prepared by a suitably qualified Landscape Architect, in accordance with Council's Landscape DCP and include the following amendments:

a) A minimum of one (1) evergreen tree minimum 400 litre pot size, shall be installed in the rear setback of the property to soften the development, provide screening and privacy for adjoining residents and act as a replacement for the Cheese Tree that is proposed for removal. The species selected should be native, have low water requirements, be suited to the local soils and have a minimum height at maturity of 8 metres.

b) Screen planting shall be installed along the boundaries of the property to provide screening and privacy for adjoining residents. Screening plants shall be minimum pot size 25L.

c) A minimum of one (1) evergreen tree minimum 75 litre pot size, shall be installed in the front setback of the property to soften the development and provide amenity to the streetscape. The species selected should be native, have low water requirements, be suited to the local soils and have a minimum height at maturity of 6 metres.

20. The building shall be constructed in accordance with *AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to Principal certifying authority prior to the release of the Construction Certificate and the building plans endorsed with the required acoustical measures.

The measures required shall be undertaken in accordance with the provisions of *AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor

design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

- a) Appropriate acoustic glazing to stated windows and doors,
- b) Detailed roof and ceiling construction,
- c) Wall and ceiling corner details and,
- d) External door specification,
- e) Acoustically treated mechanical ventilation.

**Note:** In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner (advice concerning noise from air conditioners is attached below).

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK**

21. The Principal Certifying Authority must be satisfied that: -

- a) In the case of work to be done by a licensee under the Home Building Act: -
  - i) Has been informed in writing of the licensee name and contractor licence number, and;
  - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,
- b) In the case of work to be done by any other person: -
  - i) Has been informed in writing of the persons name and owner-builder permit number, or;
  - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.

22. Prior to the commencement of works, the applicant must inform Council, in writing, of:

- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
- b) The name and permit number of the owner-builder who intends to do the work;
- c) The Council also must be informed if: -

- i) A contract is entered into for the work to be done by a different licensee;  
or
  - ii) Arrangements for the doing of the work are otherwise changed.
- 23. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
- 24. Building plans must be lodged through a Sydney Water Tap In Service for approval prior to commencement of works.
- 25. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 26. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. These device shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
- 27. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate: -

*(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)*

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
- c) Permit for roads and footways occupancy (long term/ short term)
- d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
- e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
- f) Permit to place skip/waste bin on footpath and/or nature strip
- g) Permit to use any part of Council's road reserve or other Council lands

28. In order to ensure that one (1) Council street tree (*Robinia pseudoacacia*) in the nature strip fronting the property is retained and protected during construction, and its health and structural stability ensured, the following is required:
- a) A Consultant Arborist AQF Level 5 shall be engaged from site establishment to the post-construction period to erect tree protection zones and signage, inspect and advise on all works during the entire construction period, monitor tree health and to authorize and undertake tree canopy and root pruning where necessary only and to the minimum only so that the health or structural stability of the trees is not impacted.
  - b) Tree to be retained is to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground.
  - c) Prior to commencing demolition/any works the tree/s is/are to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The area within the fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction. The fence shall remain in place until construction is complete.
  - d) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails).
  - e) Before any works commence on site, the Applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced TPZ's. Council approval is required prior commencement of any work.
  - f) All detailed Construction Certificate plans shall show trees to be protected and the TPZ.
  - g) The TPZ's are "No-Go" zones. There shall be no access to the property excluding the existing crossover, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer or Consultant Arborist.
  - h) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.
  - i) Excavation within the TPZ and within a nominated radial dimension from the tree trunk as determined by the consultant Arborist in accordance with AS 4970 : 2009 – Protection of Trees on Development Sites shall be carried out manually using hand tools or light machinery to minimise root damage or disturbance.
  - j) No tree roots greater than 30mm in diameter shall be pruned without further assessment by Council's Tree Officer and the consulting Arborist and only



following the submission of further Arborists reports to Council so as not to unduly impact or stress the tree.

- k) Ensure no damage to the canopy, trunk or root system (including the surrounding soil) of any tree to be retained. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under application from the consultant Arborist. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.
- l) For retained trees on the private property adjoining, the developer is required to consult with Council and advise prior to any tree works taking place.
- m) Care shall be taken with construction work in the primary root zone of all existing neighbouring trees to be retained. Trees must be retained and construction works are to accommodate tree roots, branches and canopy without damage or impact. Trees are not to be pruned back to the boundary fence line under any circumstances. The canopy may otherwise overhang the property.
- n) The Applicant will be required to undertake any tree maintenance or remedial pruning works required by Council or the Consultant Arborist at the completion of construction.

If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage.

- 29. Any sub-surface OSD tank or infiltration trench is required to be partially or wholly located underneath the driveway or paved areas to maximize the area available for deep soil, effective and site responsive tree planting and landscaping on the property. If this cannot be achieved the OSD shall cover no more than 50% of the landscape area, be appropriately located to allow effective tree planting and be constructed so that the top of the structure is 1.2m below final surface levels.

### **DURING WORKS**

- 30. The proposed development shall comply with the following:
  - a) 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:
    - i) Stating that unauthorised entry to the work site is prohibited;
    - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
    - iii) The Development Approval number; and
    - iv) The name of the Principal Certifying Authority including an after hours contact telephone number.

- b) Any such sign is to be removed when the work has been completed.
31. Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
32. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with AS2601:1991 – ‘Demolition of Structures’, the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
  - b) Induction training for on-site personnel;
  - c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
  - d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
  - e) Disconnection of Gas and Electrical Supply;
  - f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
  - g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
  - h) Waterproofing of any exposed surfaces of adjoining buildings;
  - i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
  - j) Working hours, in accordance with this Development Consent;
  - k) Confinement of demolished materials in transit;
  - l) Proposed truck routes, in accordance with this Development Consent;
  - m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
  - n) Sewer – common sewerage system ad08.
33. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
- a) Protection of site workers and the general public.
  - b) Erection of hoardings where appropriate.

- c) Asbestos handling and disposal where applicable.
  - d) Any disused service connections shall be capped off.
  - e) The disposal of refuse is to be to an approved waste disposal depot.
34. Hazardous or Special Wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment, Climate Change and Water and with the provisions of the:
- a) Occupational Health and Safety Act, 2000;
  - b) Occupational Health and Safety Regulation 2001;
  - c) Protection Of the Environment Operations Act 1997 (NSW); and
  - d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
35. Any material containing asbestos found on site during the demolition process the shall be removed and disposed of in accordance with:
- a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m2 of bonded asbestos and/or any friable asbestos;
  - b) Protection of the Environment Operations Act 1997;
  - c) Protection of the Environment Operation (Waste) Regulation;
  - d) DECC Waste Classification Guidelines 2008.
  - e) No demolition materials shall be burnt or buried on the site.
36. The demolition and disposal of materials incorporating lead such as lead paint and dust shall be conducted in accordance with:
- a) AS2601-2001 - Demolition of structure.
  - b) AS4361.2-1998 – Guide to Lead Paint Management-Residential and Commercial Buildings
37. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
38. No demolition materials shall be burnt or buried on the site.
- 39.
- a) To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall: -

- i) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.
  - ii) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with: -
    - 1 The additional load on the system; and
    - 2 The relocation and/or adjustment of the services affected by the construction.
  - b) Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.
- 40. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Councils road reserve must also have prior approval of Council.
- 41. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
- 42. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
- 43. The following shall be complied with during construction and demolition:
  - a) Construction Noise
 

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997.
  - b) Level Restrictions
    - i) Construction period of 4 weeks and under:
 

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
    - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:
 

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).
  - c) Time Restrictions
    - i) Monday to Friday                      7:00am to 05:00pm

ii) Saturday 8:00am to 01:00pm

iii) No Construction to take place on Sundays or Public Holidays.

d) Silencing

All possible steps should be taken to silence construction site equipment.

44. The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.

45.

a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,

b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.

c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.

d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.

e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

46. During demolition, excavation and construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

47. During construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.

48. Inspections must be conducted by Council's Engineer at the following occasions:
- a) Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,
  - b) Formwork inspection of Council's kerb and gutter prior to laying of concrete,
  - c) Formwork inspection of Council's footpath prior to laying of concrete,
  - d) Final inspection of driveway layback and adjacent kerb and gutter,
  - e) Final inspection of Council's kerb and gutter,
  - f) Final inspection of Council's footpath.

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

49. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.
50. Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
51. Prior to the issue of the Occupation Certificate, the Plan of Management is to be amended to include:
- a) Maximum number of occupants be restricted to 18 persons, this is inclusive of one onsite manager/care-taker;
  - b) Outdoor Communal area can only be used between 7:30am to 10.00pm daily;
  - c) No more than two (2) cars and two (2) motorbikes are to be parked on site at any one time;
  - d) No parties are to be held on site at any time;
  - e) Loading and unloading is to be carried out from within the site and is to be restricted to daylight hours;
  - f) Details relating to residential lease agreement and the minimum period of tenancy for boarders;
  - g) Provision for a Complaints Register to be provided in an electronic form (i.e. dedicated email address) providing the boarding house manager's number to adjoining residents in the case of a complaint;
  - h) The method by which the incoming tenants will be made aware of the Plan of Management and House Rules together with a requirement that the tenants abide by the Plan of Management and House Rules;

- i) The draft operational House Rules are to be submitted to Council for approval prior to the issue of the Occupation Certificate. Should the Rules provide a guideline for the occupants of the boarding house as to what is considered to be acceptable behaviour, e.g. controlling of loud amplified music, noise, visiting times, and the general cleanliness of rooms and common areas;
  - j) A Operational Plan of Management is to be submitted to Council for approval prior to the issue of the Occupation Certificate to ensure that the proposed premises operates in a manner that maintains a high level of amenity. This plan should correctly reference the maximum number of occupants and the Development Application number; and
  - k) Prior to the issue of the Occupation Certificate for the building, an Emergency Management and Evacuation Plan must be prepared for the building and approved by a suitably qualified person. The staff shall be trained in relation to the operation of the approved Emergency Management and Evacuation Plan.
52. Prior to the issue of an Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.
53. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
54. Prior to the issue of any Occupation Certificate(s), a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:
- a) Restriction on Use of Land for On-Site Infiltration System. Refer to Appendix A of the Stormwater Management Technical Guidelines for suggested wording.
55. Prior to the issue of any Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
56. Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works:
- a) On Middlemiss Street, adjacent to development, reconstruct the existing footpath for the full length of the proposed new properties in accordance with Council Infrastructure Specifications; and
  - b) On Middlemiss Street, adjacent to development, reconstruct the existing kerb and gutter for the full length of the proposed new properties in accordance with Council Infrastructure Specifications.

57. The Council nature strip in Middlemiss Street shall be repaired and/or replaced and maintained in accordance with Council Specification at the completion of all construction work at the Applicant's expense.
58. An application shall be made to Council for the registration of the boarding house prior to the release of the Occupation Certificate.
59. Prior to the issue of the Occupation Certificate A report prepared by a qualified air quality/mechanical engineer certifying that the mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997 shall be submitted to Council within 21 days of the installation of the system and prior to the occupation of the premises.
60. Prior to release of the Occupation Certificate the developer must submit to the Principal Certification Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

#### **CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE**

61. Ongoing maintenance of the road verge, footpath and nature strip shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.
62. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
63. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A of the Noise Control Act, 1975, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems*.
64. A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
  - a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
  - b) Before 7 am or after 10 pm on any other day.
65. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property



greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.

The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

66.

- a) A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area of the boarding house; and
- b) A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.

67. The use of the external communal open space or common areas shall be restricted between 7.30am to 10.00pm, seven days a week.

68. A maximum of nine (9) double occupancy rooms including Room 1 allocated to the boarding house manager are to be provided and that a maximum of 18 people are to be accommodated in the boarding house in anyone time.

69. The building is approved as a boarding house for use and occupation by lodgers only. It shall not be used for other residential accomodation.

70. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration or odour.

71. Two (2) off-street car parking bays, two (2) off-street motorcycle parking bay and the two (2) off-street bicycle parking shall be provided on-site in accordance with the approved plans. All parking areas shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for storage of goods or machinery

72. All waste and recycling containers shall be stored in a designated waste storage area. The waste containers shall not be over filled and the lids kept closed at all times except when material is being put in them. The owner/ live-in caretaker shall be responsible for the following:

- a) Where waste and recycling containers need to be moved to the street,

- b) Movement of the waste and recycling containers to the footpath for collections, and the return of waste and recycling containers to the waste storage area,
- c) Refuse containers are to be returned to the waste storage area on the same day as the refuse is collected,
- d) Refuse containers are not to be left on the street for longer than 24 hours.
- e) Cleaning and maintaining the waste storage area, any drainage installations and waste collection containers.
- f) Providing and maintaining signage and information to uses to encourage recycling.

73.

- a) That before entering a lease/occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes;
- b) Prior to the issue of the Occupation Certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as on a notice board in the communal room, where it can easily be observed and read by persons entering the building.

74. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/55 dated as 12 April 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.



NO.	REVISION	DATE	NO.	REVISION	DATE
P1	PRELIMINARY FOR DISCUSSION	27-11-14			
P2	PRE DA	16-03-15			
P3	Issued for consultant information	18-06-15			
A	Issued for DA LODGEMENT	16-07-15			

PROJECT  
PROPOSED BOARDING HOUSE DEVELOPMENT AT  
40 MIDDLEMISS STREET MASCOT

SIMMONS ARCHITECTS

ARCHITECTURE • INTERIORS • DESIGN & DEVELOPMENT MANAGEMENT

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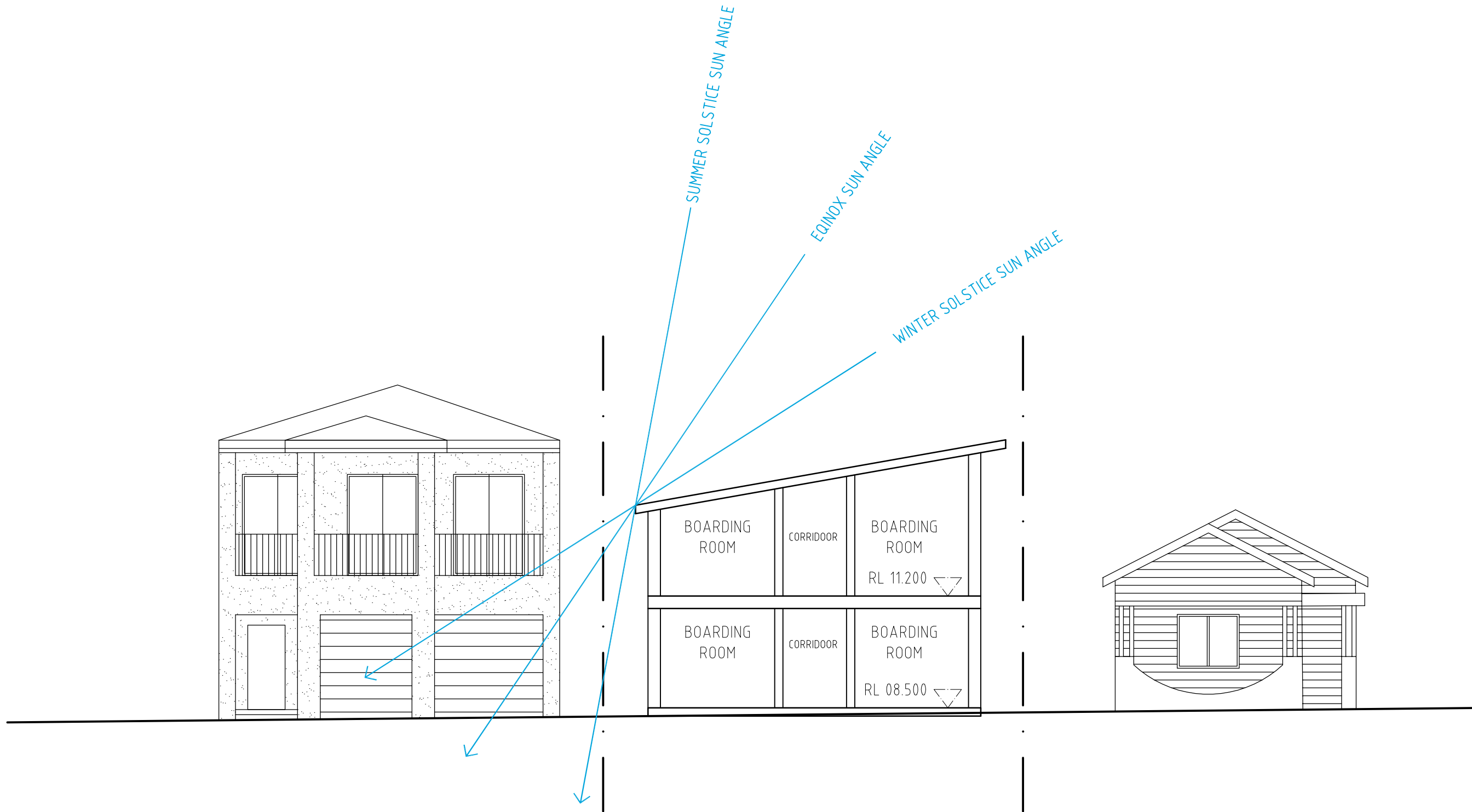
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SITE ANALYSIS

DRAWING No.	PROJECT No.	DATE	SCALE	ISSUE
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FILE No.  
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SECTION

NO.	REVISION	DATE	NO.	REVISION	DATE
P1	PRELIMINARY FOR DISCUSSION	27-11-14			
P2	PRE DA	16-03-15			
P3	Issued for consultant information	18-06-15			
A	Issued for DA LODGEMENT	16-07-15			
B	ROOF & LEVELS CHANGED.	20-09-16			
C	FOR SUBMISSION.	11-10-16			

PROJECT  
PROPOSED BOARDING HOUSE DEVELOPMENT AT  
40 MIDDLEMISS STREET MASCOT

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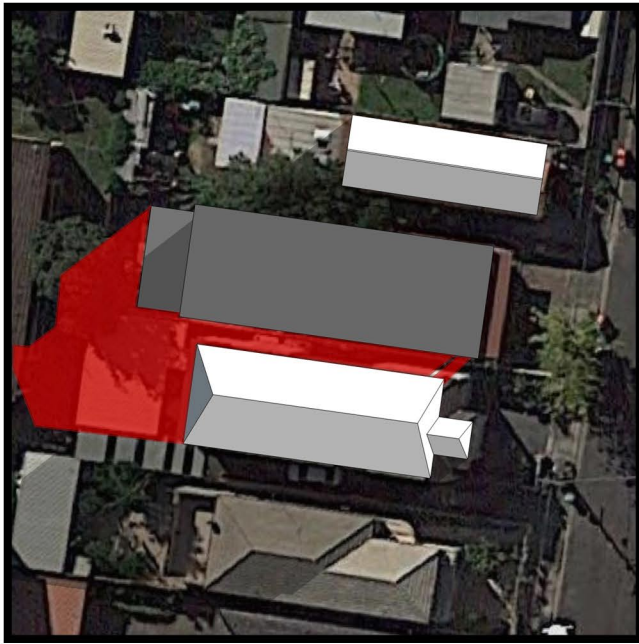
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Reg. No. 4479 A.C.N. 002 064 959 A.B.N. 21 002 064 959 Phone: 02 9719 3545 Mob: 0408 116 618 Email: [grant@simmonsarchitects.com.au](mailto:grant@simmonsarchitects.com.au)

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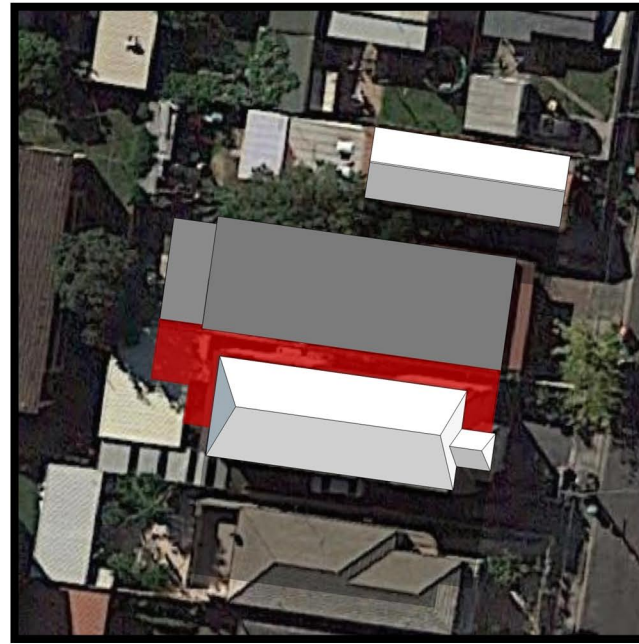
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FILE No.					

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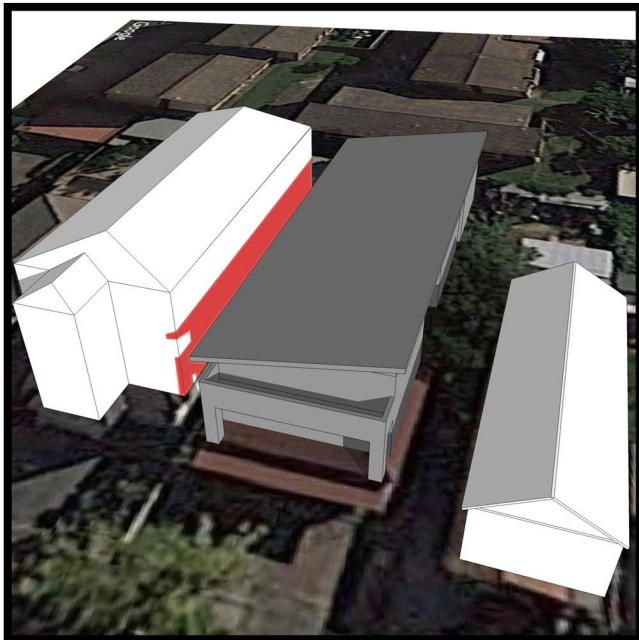
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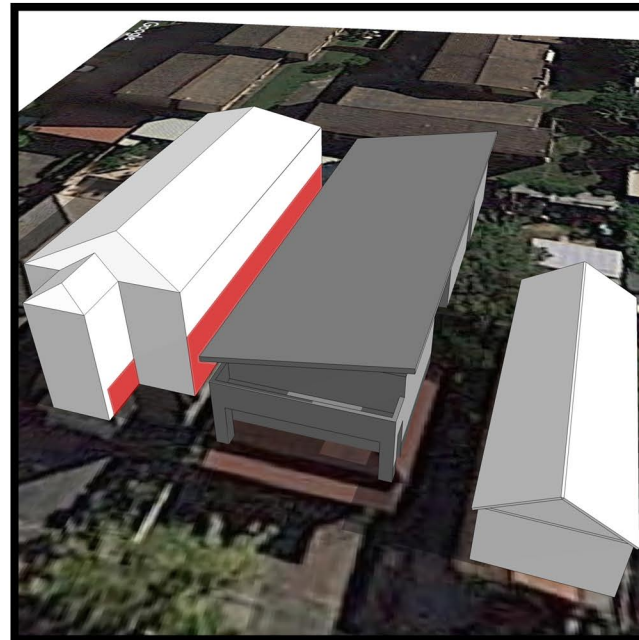
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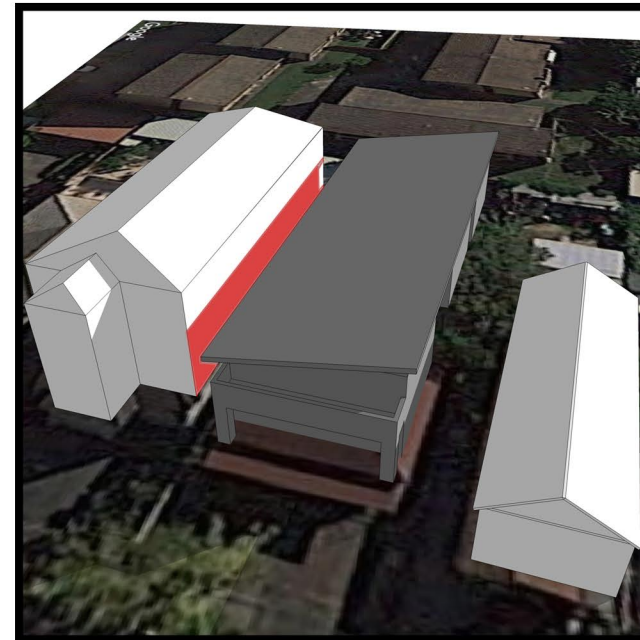
15:00PM



09:00AM



12:00PM



15:00PM

MID WINTER SHADOW DIAGRAMS,  
TAKEN ON THE 21ST JUNE,  
OF THE PROPOSED BUILDING AT:

40 MIDDLEMISS STREET,  
MASCOT.

NO.	REVISION	DATE	NO.	REVISION	DATE
B	FOR DA SUBMISSION.	20/09/2016			

PROJECT  
PROPOSED BOARDING HOUSE AT:  
40 MIDDLEMISS ST, MASCOT.

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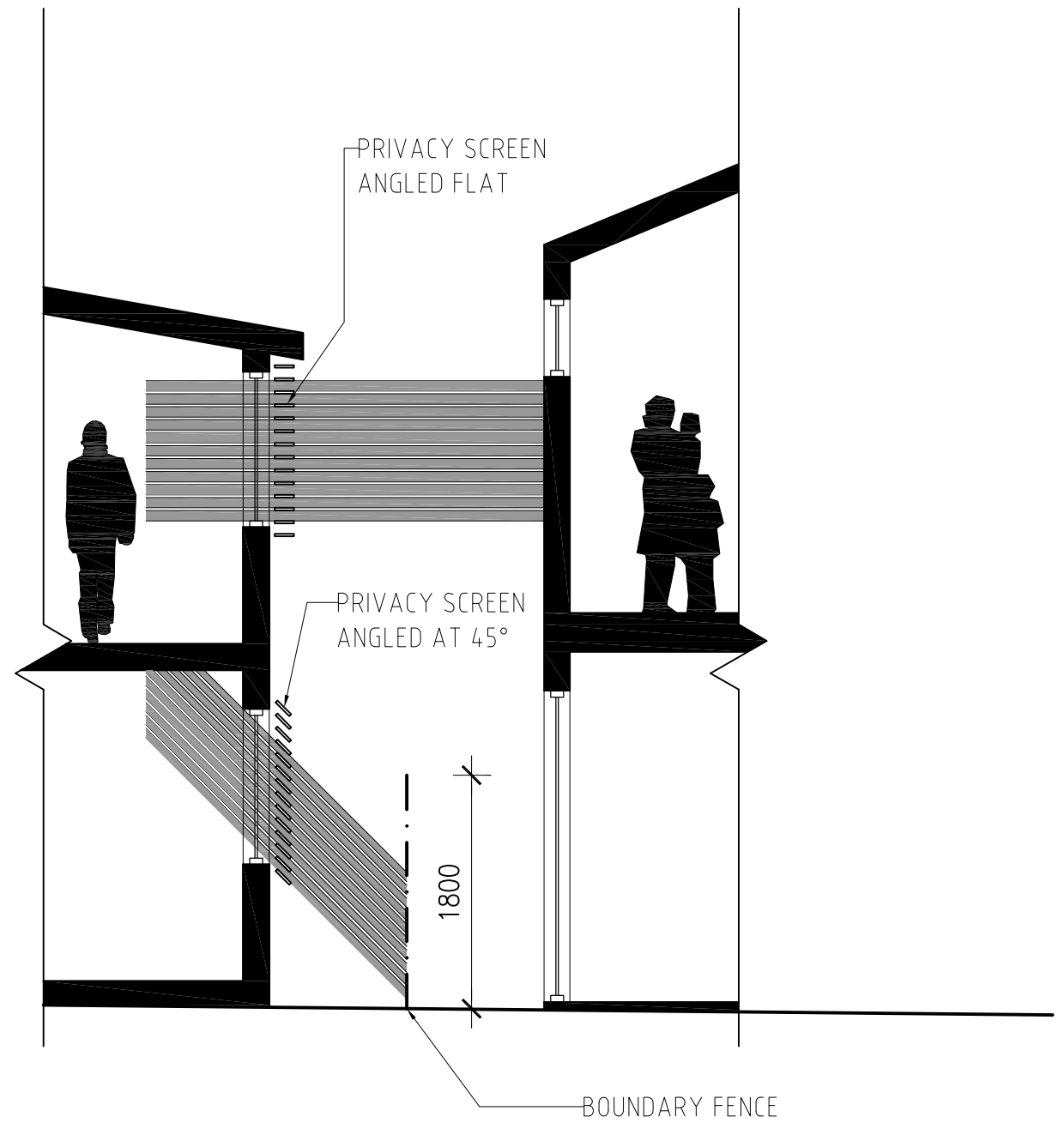
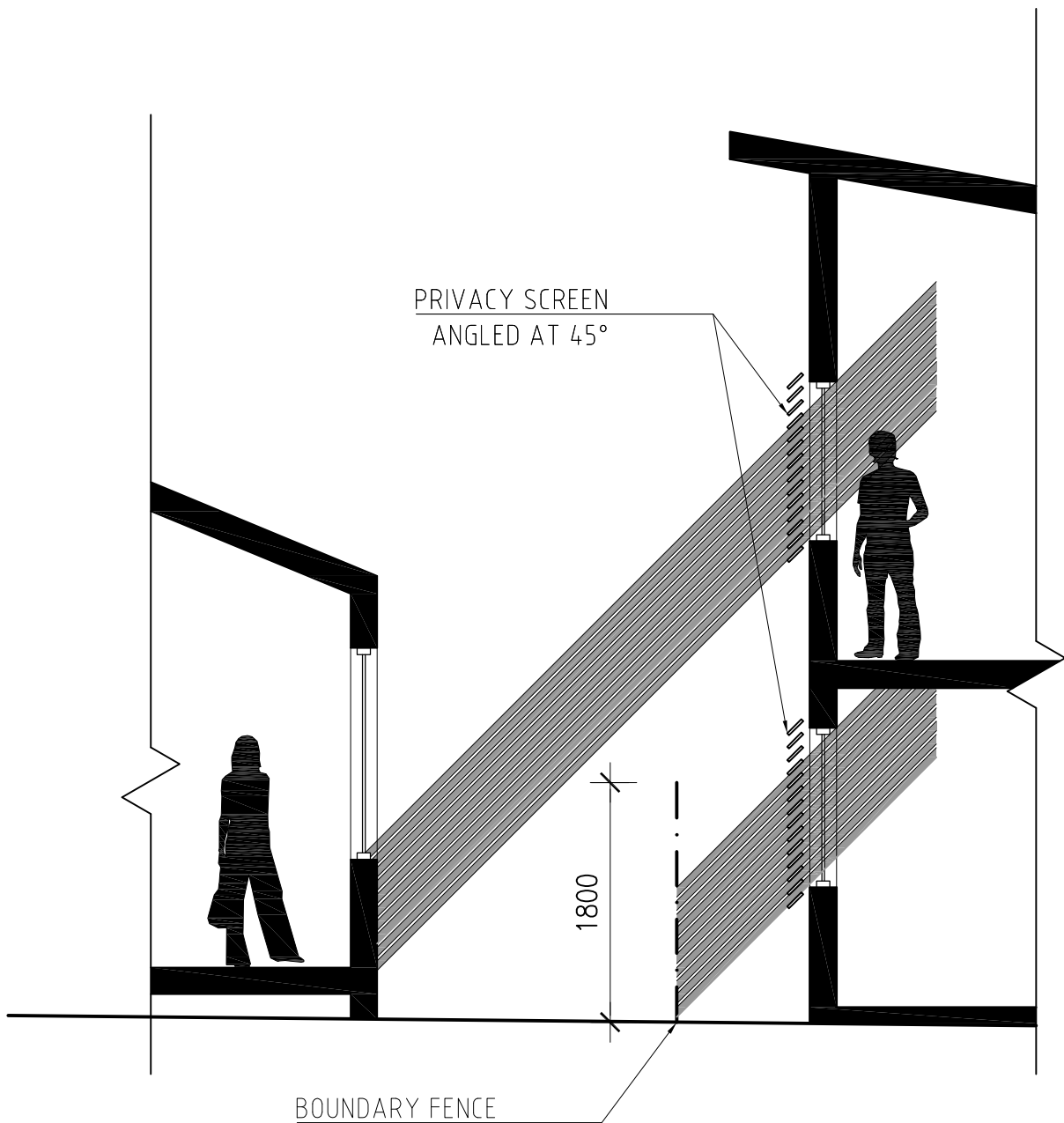
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FILE No.					

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38 MIDDLEMISS STREET

PROPOSED SITE

42 MIDDLEMISS STREET



NO.	REVISION	DATE	NO.	REVISION	DATE
P1	PRELIMINARY FOR DISCUSSION	07-10-16			
A	FOR SUBMISSION.	11-10-16			

PROJECT  
PROPOSED BOARDING HOUSE DEVELOPMENT AT  
40 MIDDLEMISS STREET MASCOT

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DRAWING

PRIVACY SECTION

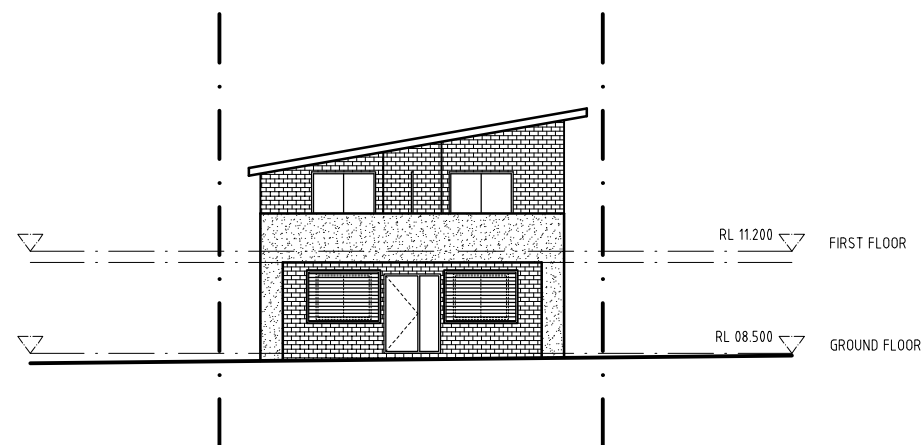
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11		07/10/16	1:50 @ A3	A

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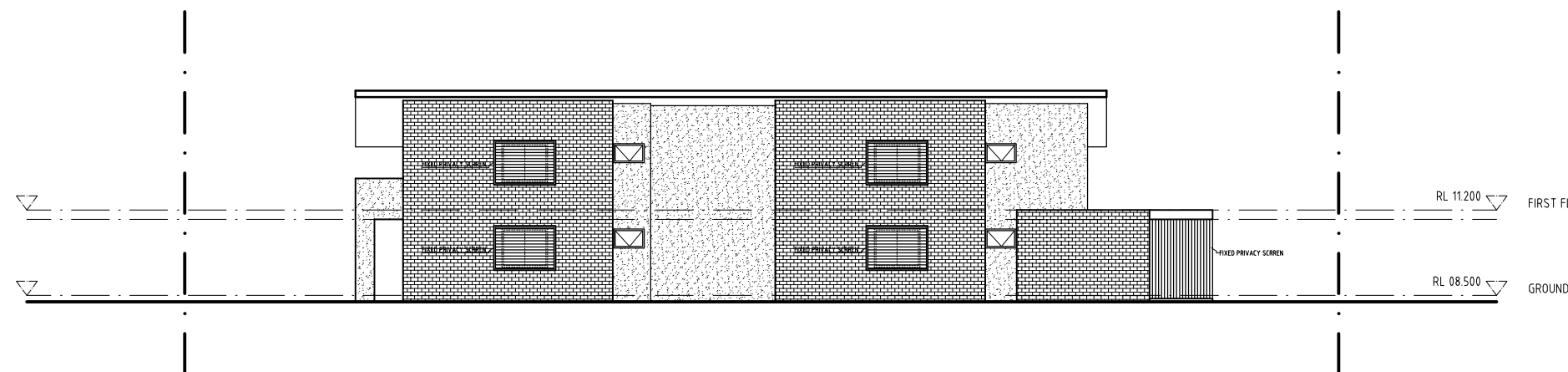
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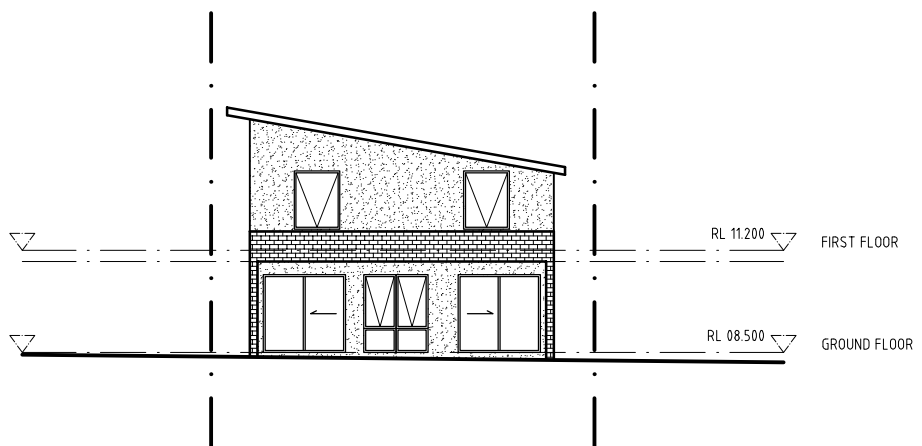
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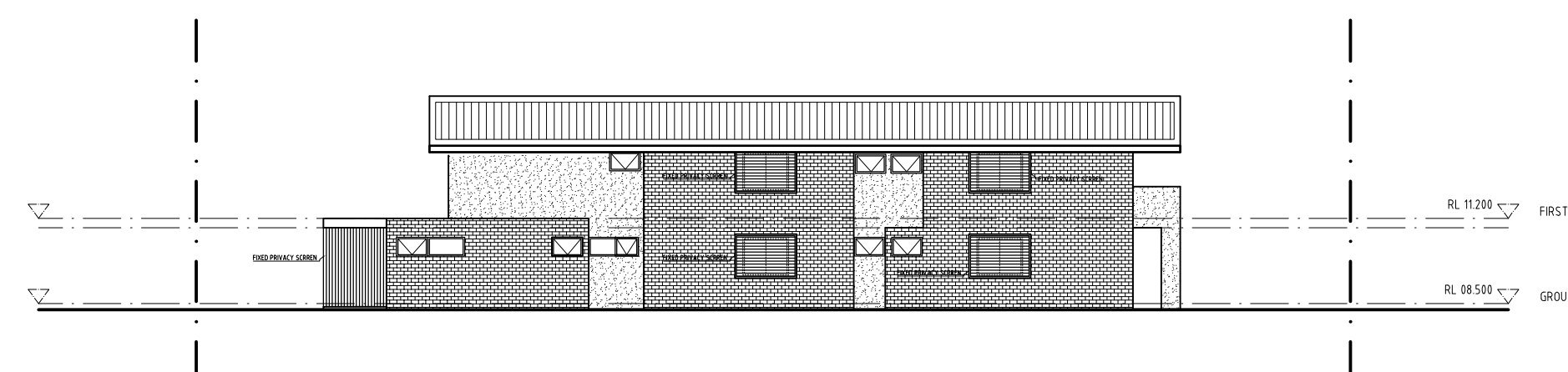
EAST (STREET) ELEVATION



NORTH ELEVATION



WEST (REAR) ELEVATION



SOUTH ELEVATION

NO.	REVISION	DATE	NO.	REVISION	DATE
P1	PRELIMINARY FOR DISCUSSION	27-11-14	D	Windows/privacy screens amended.	10-02-17
P2	PRE DA	16-03-15			
P3	Issued for consultant information	18-06-15			
A	Issued for DA LODGEMENT	16-07-15			
B	ROOF & LEVELS CHANGED.	20-09-16			
C	FOR LODGEMENT.	11-10-16			

PROJECT

PROPOSED BOARDING HOUSE DEVELOPMENT AT  
40 MIDDLEMISS STREET MASCOT

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DRAWING

ELEVATIONS

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DRAWING No.	PROJECT No.	DATE	SCALE	ISSUE
04		16/07/15	1:200 @ A3	D

FILE No.

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