



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2018.63.1
Address	43-45 Junction Road, Summer Hill
Proposal	Partial demolition of existing structures, construction of 15 room boarding house with associated car parking.
Date of Lodgement	17 April 2018
Applicant	Mr F Khalil
Owner	Mr F Khalil and Mrs R Mannino
Number of Submissions	82
Value of works	\$1,462,160
Reason for determination at Planning Panel	Number of submissions
Main Issues	Compliance with SEPP ARH Prohibited use Design Internal amenity Neighbouring amenity Parking Waste
Recommendation	Refusal
Attachment A	Plans of proposed development

Location Plan	Legend
	<p>Site</p> <p>Objections</p> <p>Neighbouring properties notified</p> <p>Please note some objections were from outside notification radius or did not provide an address.</p>



Picture 1: Site viewed from Junction Road.

1. Executive Summary

This report is an assessment of the application submitted to Council for partial demolition of existing structures and construction of a part two (2), part three (3) storey mixed-use building with a ground floor retail tenancy fronting Junction Road, a 15 room boarding house behind and a four (4) car ground floor car park at 43-45 Junction Road, Summer Hill. The application was notified to surrounding properties and advertised between 26 April and 29 May 2018 and 85 submissions were received.

The main issues that have arisen from the application include:

- Built form,
- Internal amenity,
- Neighbouring privacy,
- Waste,
- Building access/configuration, and
- Heritage.

2. Proposal

The proposal is for the partial demolition of existing structures, retention of the ground floor retail tenancy fronting Junction Road and construction of a part two (2), part three (3) storey boarding house.

The development includes fifteen (15) boarding rooms and a four (4) car space ground level car park.

Four (4) of the boarding rooms are for single lodgers (two of which are accessible), eleven (11) are for two (2) lodgers with a total of twenty-six (26) lodgers.

The proposal includes excavation to create a lower-ground level. Due to the slope of the land and the proposed excavation, the proposal presents as two (2) storeys from the front (Junction Road) and three (3) storeys from the side/rear.

The proposal retains the existing retail tenancy fronting Junction Road and incorporates a new vehicle entrance and gate.

3. Site Description

The subject site is located on the northern side of Junction Road, between Moonbie Street to the east and Bartlett Street to the west. The site is rectangular in shape, with an area of approximately 550.1sqm. The site falls approximately 2.5m from Junction Road to the north (rear boundary). The site is legally described as Lot 3 of DP388.

Currently the site is occupied by a part one (1), part two (2) storey mixed-use building. The front portion of the site which fronts Junction Road contains a single storey retail tenancy, behind this is a three (3) storey warehouse. The site is adjoined by a pair of part one (1), part two (2) storey semi-detached dwellings to the east and single storey townhouses to the west. Directly opposite the site on the southern side of Junction Road is Summer Hill Public School. The immediate area is largely characterised by single storey dwelling houses with some two (2) storey mid-century multi-dwelling houses and residential flat buildings.

The site is not identified as containing a heritage listed item but is located in the Trafalgar Square Heritage Conservation Area (C55).

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
10.2006.272	Change of use – Use and fit out of the premises as an arts and design consultancy office	Approved - 10 January 2007

Pre-DA History

Application	Proposal	Decision & Date
17.2017.17	Partial demolition and construction of a boarding house.	14 February 2017 – Not supported – generally the same issues as previous Pre-DA. It is noted that the drawings provided with the Pre-DA are very similar to those with the subject development application.

		25 July 2017 – Further comments were provided based on revised drawings however neither the applicant nor Council can locate a copy of these drawings. It is assumed the revised drawings are similar to those submitted with the subject development application. As discussed throughout this report, many of the significant issues raised in the Pre-DAs also apply to the subject development application.
17.2016.278	Partial demolition and construction of a boarding house.	25 October 2016 – Not supported – generally the same issues as previous Pre-DA.
17.2015.116	Partial demolition and construction of a boarding house.	4 January 2016 – Not supported – setbacks insufficient, 3-storey built form not consistent with area, excessive footprint, neighbouring privacy impacts from external stairs on eastern elevation and elevated rear terrace.

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
30 July 2018	<p>A request to withdraw the application was sent to the applicant due to a number of significant issues with the proposal including (but not limited to):- built form, car parking, internal amenity, neighbouring privacy, waste, building access/configuration, heritage and insufficient information. These issues are discussed in detail throughout the report.</p> <p>Subsequent meetings between Council staff and the applicant were held to discuss the issues. Council staff advised that a significant redesign would be required in order to adequately address the issues raised in the letter dated 30 July 2018 and that the redesign would not be substantially the same development. It was reiterated that the proposed development could not be supported in its current form and that it was advised that the application be withdrawn.</p> <p>No request to withdraw the application was received from the applicant.</p>

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Affordable Housing) 2008
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ashfield Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The supplied Geotechnical Report states that a Preliminary Site Investigation has been undertaken. The report concludes that ‘...the risk to human health and the environment associated with soil and groundwater contamination is low in relation to the proposed development for the subject site’. In order for the site to be made suitable for the proposed development, the report has recommended (amongst other things) a Detailed Site Investigation (DSI) is conducted post demolition.

If the development application were recommended for approval, a condition of consent requiring a DSI would be recommended.

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

A BASIX Certificate was not submitted with the application. Given that each room contains facilities that would allow it to be used as a self-contained domicile in accordance with recent case law (SHMH Properties Australia Pty Ltd v City of Sydney Council [2018] NSWLEC 66) in addition to the provisions at Part 6 PC3 of the Ashfield Development Control Plan 2016, a BASIX Certificate is required.

5(a)(iii) State Environmental Planning Policy (Affordable Housing) 2008

Standard	Compliance	Comment
Clause 29 – Standards that cannot be used to refuse consent		
(1)(a)	Yes	The proposal does not exceed the maximum allowable floor space ratio for the site.
(2)(a) Building Height	Yes	The proposal does not exceed the maximum allowable height for the site.
(2)(b) Landscaped Area	N/A	The proposal retains the existing driveway and the existing commercial tenancy which has a nil setback to Junction Road. There are therefore no opportunities for landscaping in a front setback.
(2)(c) Solar Access	Yes	The communal living room has north-facing windows which will ensure the room will receive at least 3 hours of direct sunlight during the winter-solstice in accordance this part of the policy.

(2)(d) Private Open Space	Yes	An area of at least 20sqm with a minimum dimension of 3m has been provided for private open space.
(2)(e) Parking	No	<p>The proposal is not carried out by or on behalf of a social housing provided, as such it is required to provide at least 0.5 parking spaces for each boarding room.</p> <p>The proposal has 15 rooms and as such 7 car spaces are required.</p> <p>The proposal provides 4 car spaces at ground level.</p> <p>It is noted that the car parking rate was increased from 0.2/unit on the 1 June 2018, after the subject application was lodged. Although there are no savings provision on the superseded rate of calculation, if the subject proposal was not recommended for refusal, consideration could be given to a reduced rate of car parking given the subject application was lodged a substantial time before the amendment. Any future boarding house development on the site would be required to comply with the revised car parking rate.</p>
(2)(f) Accommodation Size	Yes	<p>All rooms are to be used by a single lodger and are at least 12sqm (excluding private kitchens and bathrooms).</p> <p>All rooms are to be used by a two lodgers and are at least 16sqm (excluding private kitchens and bathrooms).</p>
Clause 30 – Standards for boarding houses		
(1)(a)	Yes	One communal living room is proposed.
(1)(b)	Yes	All of the rooms have an area of less than 25sqm (excluding any area used for the purposes of private kitchen or bathroom facilities).
(1)(c)	Yes	None of the rooms are proposed to be occupied by more than 2 adult lodgers.
(1)(d)	Yes	Adequate bathroom and kitchen facilities are provided for each lodger.
1(e)	No	<p>The proposed boarding house has capacity to accommodate 26 lodgers and as such a boarding room or on site dwelling must be provided for a boarding house manager.</p> <p>A boarding room or on site dwelling has not been provided for a boarding house manager.</p>
(1)(h)	No	<p>The proposal is required to provide three (3) bicycle spaces and three (3) motorcycle spaces in accordance with this part of the policy.</p> <p>The drawings show a space labeled as 'bicycles' on ground level however it has not been demonstrated that this space is sufficient to store at least three (3) bicycles in accordance with the Australian Standards: AS2890.1, AS2890.3 and AS2890.6.</p> <p>The proposal provides no motorcycle spaces.</p>
Clause 30A – Character of local area		
<p>Although the site is currently occupied by a warehouse structure with minimal side and rear setbacks, the built form in conjunction with the setbacks are an anomaly in the area and should not be replicated in any future development.</p> <p>It is noted that the adjoining site to the north at No. 34 Bartlett Street (No. 34) contains a warehouse structure (which has been adaptively reused as residential) with nil setbacks. If No. 34 was redeveloped and assessed under current planning controls, the replication of the existing structures built form and setbacks would be supported. As such, it is not a suitable precedent to be replicated elsewhere.</p> <p>The overall bulk and scale and its suitability within the local context is not acceptable. The transition between the subject site and the adjoining low density residential area has not been taken into consideration resulting in a design that is excessive in bulk and scale. The objectives of the B1 Neighbourhood Zone require new development to have regard to the character and amenity of the adjacent and nearby residential areas which the proposal has not demonstrated.</p> <p>The proposal does not respond to the predominant setback pattern which is characterised by landscaped rear setbacks. The proposed side setbacks, particularly at the upper levels, are insufficient.</p> <p>The proposed three (3) storey form towards the rear of the site is inconsistent with the predominately one (1) and two (2) storey character of the immediate area.</p>		

The proposal will detrimentally impact the character of the streetscape and the predominant low-density residential character of the area, including the adjoining heritage conservation area and nearby Heritage Items.

The proposal does not respond to its context, particularly to the scale, form, bulk and setbacks of the area and therefore fails to meet the character test in Part 30A of the SEPP.

5(a)(iv) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

5(a)(v) Ashfield Local Environment Plan 2013 (ALEP 2013)

The application was assessed against the following relevant clauses of the Ashfield Local Environmental Plan 2011.

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio Permissible: 1.5:1 (825.1sqm)	1.04:1 (574.56sqm)	N/A	Yes
Height of Building Permissible: 10m	8.96m	N/A	Yes

Land Use Table

The subject site is located within the B1 – Local Centre zone.

Boarding houses are permitted in the zone with consent.

Retail is prohibited in the zone. The proposal retains existing tenancy fronting Junction Road which is identified as being ‘retail’. The proposal is therefore relying on ‘existing use rights’ under Division 4.11 ‘Existing uses’ of the Environmental Planning and Assessment Act 1979 (the Plan).

The proposal includes a new accessible bathroom associated with the retail tenancy which is in accordance with Clause 41 of the Environmental Planning & Assessment Regulation 2000 (the Regs) which permits an existing use may be enlarged, expanded or intensified.

Nevertheless, contrary to Division 4.11 of the Plan, evidence has not been provided that the retail use is lawful (by way of a valid consent) and it has not been demonstrated that the use has not been abandoned (in that is has ceased to be used for a continuous period of 12 months since the use became prohibited). As such the proposed expansion or alteration of the retail use cannot be supported.

Earthworks

See discussion under the heading State Environmental Planning Policy No 55—Remediation of Land.

Heritage Conservation

Inappropriate documentation regarding heritage management and impacts upon heritage significance have been submitted as part of this development application. The supplied Heritage Impact Statement (HIS) is unacceptable as it is dated May 2014 and responds to an earlier scheme for the site.

The proposal does not acceptably respond to the heritage conservation area (HCA) in which it is located. The HCA is diverse and the subject site falls between buildings of different periods, styles and character. Elements that do however contribute to the character of the HCA is the predominantly single storey built form, predominantly residential character, overall small scale development and compact built form/footprint. The proposal does not respond to its context or adequately relate to the semi-detached dwellings to its west and east, specifically its scale, form and bulk.

The proposal is unsatisfactory, both in its impact upon the locality and setting for which it is proposed, and in the quality of its design. The streetscape impact of the building, and its impact as appreciated from the backyards it would adjoin, are also unsatisfactory.

5(b) Draft Environmental Planning Instruments

Draft Environment SEPP

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Comprehensive Inner West Development Control Plan 2016.

DCP 2016 - Chapter F, Part 6 – Boarding Houses and Student Accommodation				
Control No.	Control	Standard	Proposed	Compliance
DS1.1	Site and context	Development is supported by a Site and Context Analysis prepared in accordance with Part A1 – Site and Context Analysis of the DCP.	A Site and Context Analysis has been provided with the application.	Yes
DS2.1	Good design	Development addresses Part A2 – Good Design of this DCP.	As discussed elsewhere in this report, the proposal does not respond acceptably to its context in regards to scale and built form. The proposal does not ensure adequate internal amenity for future lodgers.	No

			See discussion under the issues section below.	
DS3.1	SEPPs	Compliance is required by the relevant provisions of the Affordable Rental Housing SEPP 2009, 'BASIX' SEPP and/or the Building Code of Australia as applicable.	As discussed elsewhere in this report the proposal does not comply with all of the relevant provisions of the SEPP ARH. The proposal is capable of complying with the BASIX SEPP. The proposal is capable of complying with the BCA.	No
DS4.1	Car parking	Car parking complies with car parking provisions for Boarding Houses contained within the Affordable Housing SEPP.	As discussed elsewhere in this report, the proposal does not comply with the car parking requirements of the SEPP.	No
DS6.1	Plan of Management	An Operational Plan of Management is to be submitted with each development application for a boarding house (including new and existing boarding houses) and shall address [the matters listed in this part of the plan]	Able to comply.	Yes
DS8.1	On-site management	All new boarding houses have a live-in, on-site manager.	As discussed elsewhere in this report, the proposal does not included a boarding room dedicated to a live-in, on-site manager.	No
DS9.1	Waste	Garbage and recycling facilities on the premises shall be provided in accordance with the requirements of Part C3- Waste Management of Inner West DCP 2016, and the specific requirements of any other Part of this DCP applicable to the development.	See discussion under the issues section below.	No

DCP 2016 - Chapter F, Part 1 – Residential – Low Density Zone				
Control No.	Control	Standard	Proposed	Compliance
DS13.1	Solar access	Sunlight to at least 50% (or 35m2 with minimum dimension 2.5m, whichever is the lesser) of private open space areas of adjoining properties is not to be reduced to less than three (3) hours between 9am and 3pm on 21 June.	The supplied shadow diagrams demonstrate that the proposal will maintain adequate solar access to the neighbouring sites in accordance with this part of the plan.	Yes
PC14	Visual privacy	Provides an adequate level of visual privacy for development and adjoining properties	See discussion under the issues discussion below.	No

DCP 2016 - Chapter A, Part 8 – Parking				
Control No.	Control	Standard	Proposed	Compliance
DS2.1	Bicycle and motor cycle parking	Retail – 1 staff bicycle and motor cycle space per 20 employees 1 customer bicycle and motor cycle space per 250sqm of gross floor area	The proposal includes no bicycle or motor cycle spaces for the retail tenancy.	No
DS3.1	Parking rates for specific land uses	Retail – 1 staff car space per 40sqm of gross floor area. For local 'corner' shops, parking will be assessed on a case-by-case basis.	Regardless of the retail tenancies permissibility, it has a gross floor area below 40sqm and therefore would not be subject to the car	Yes

			parking requirements in this part of the plan.	
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DCP 2016 - Chapter A, Part 2 – Miscellaneous				
Control No.	Control	Standard	Proposed	Compliance
PC6	Amenity	Provide amenity, ease of access, efficient layouts.	<p>The proposal will result in unreasonable amenity for future lodgers.</p> <p>The proposed access and layout is not acceptable.</p> <p>See discussions under the issues discussion below.</p>	No

The following provides discussion of the relevant issues:

Built form/Setbacks

As discussed elsewhere in this report, the built form and setbacks are not considered acceptable for the site or surrounding area. The proposed side and rear setbacks on all levels are insufficient to mitigate the visual bulk and dominance of the proposal, particularly when viewed from the adjoining properties.

Internal amenity

The lower ground boarding rooms will receive little if any direct sunlight, poor natural ventilation and insufficient privacy. The associated windows are located below the cantilevered ground floor corridor significantly reducing natural light and outlook.

The internal amenity of the lower ground and ground floor rooms will be further reduced as their only windows front the common corridors. The future tenants of these rooms will therefore need to keep their blinds/curtains permanently closed in order to ensure privacy is maintained, however this would be at the expense of natural light and ventilation. Future residents must not be required to choose between privacy and internal amenity.

The location of the ground and lower ground level communal open spaces in such close proximity to the boarding rooms it would further compound this issue as well as creating the potential for significant loss of acoustic privacy.

Communal open spaces

The location of the ground floor communal open space (labelled ‘terrace’ on the plans) is not supported. Due to the slope of the land, the space is significantly elevated from existing ground level of the subject and neighbouring sites. While the space includes 1.8m high privacy screens on the eastern (side) and northern (rear) elevations to prevent overlooking, the screens will create a sense of enclosure for the future residents using the space and will contribute to the bulk of the building.

The location and elevation of the communal open space also has the potential to create significant acoustic privacy of nearby properties. It is noted that the supplied Acoustic Report is dated 15 April 2016, is in relation to a previous scheme and does not address the acoustic impacts of the communal open space.

The location of the lower ground floor communal open space is also not supported. It is unlikely to be utilised as it is predominately covered by the ground floor terrace above, is located near the main thoroughfare of the external stairs and is in close proximity to a number of boarding rooms.

Neighbouring Privacy

The proposal includes first floor windows along the western (side) elevation which are setback between 1.4m – 1.5m from the western side boundary. The windows will significantly affect neighbouring privacy by facilitating the overlooking of the rear yards of Nos. 36, 38 and 40 Bartlett Street.

The proposal includes an exposed corridor on the eastern elevation. Due to the slope of the land, the corridor is significantly higher than the existing ground level and therefore presents unreasonable overlooking on the properties to the east.

Waste

The supplied Statement of Environmental Effects (SEE) states that a waste storage area has been provided at the front of the site. No waste storage areas are shown on the supplied drawings nor is there a sufficient area at the front of the site for waste storage and collection.

It is noted that Part C3 of the DCP requires 1x240L garbage bin and 1x240L recycling bin between 4 units. Therefore space for 4x240L garbage bins and 4x240L recycling bins is required. The proposal provides a storage area for 16x240L bins.

A separate dedicated space for commercial waste has also not been provided.

Presenting eight (8) mobile bins to the street frontage is not supported and therefore all waste must be collected on-site. It has not been demonstrated that the waste vehicles (whether they be small, medium or large rigid vehicles) could enter/exit the building forward facing and designated area for collection has been provided.

The Waste Management Plan for this application has failed to include a Waste and Recycling Service Plan as described in Section 1 of the DCP.

Laundry facilities

Insufficient laundry facilities have been provided for 25 lodgers. The supplied plans only indicate one washing machine and no drying facilities.

Building access

Access to the proposed boarding house is via a shared vehicle/pedestrian zone in the ground floor carpark which does not guarantee safe passage for lodgers/visitors.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality.

5(e) The suitability of the site for the development

The site is zoned B2 – Local Centre. It is considered that the proposal will have an adverse impact on the adjoining properties and therefore it is considered that the site is unsuitable to accommodate the proposed development.

5(f) Any submissions

The application was notified for a period of 28 days to surrounding properties. A total of 82 submissions were received, 2 of which were letters of support.

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

- Privacy,
- Neighbouring amenity impacts,
- Internal amenity,
- Not in keeping with character of the area.

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

Issue: Traffic and parking

Comment: As discussed, the proposal provides insufficient car parking spaces contrary to the current requirements in the SEPP ARH. Any future development would be required to comply with these requirements to minimise the impact on on-street parking and may be subject to a Traffic Impact Statement to demonstrate its impact on the local road network.

Issue: Construction impacts

Comment: If the proposal were recommended for approval, appropriate conditions relating to construction would have been imposed.

Issue: Suitability of site for a boarding house. Impacts on/proximity to the Summer Hill Public School.

Comment: The site is zoned B2 – Local Centre which permits boarding houses. Nothing explicitly prohibits boarding houses near educational facilities. Given the proposed car park only has 4 car spaces, safety concerns regarding traffic movements are not considered to be significant.

Issue: Social impacts

Comment: The proposal relates to a residential development which is permitted in the zone and consistent with the residential character of the area. Anti-social behavior by future tenants cannot be presumed and cannot form the basis of a planning objection.

5(g) The Public Interest

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

The proposal is contrary to the public interest.

6 Referrals

6(a) Internal

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

- *Heritage Officer*
 - o Council's heritage officer raises objection to the proposal in relation to its impact on the heritage conservation area.
- *Development Engineer*
 - o Council's engineer raised no objection subject to the imposition of conditions.

- *Health*
 - o Council's Health officer raised no objection subject to the imposition of recommended conditions.
- *Waste*
 - o Council's waste officer raises objection to the proposal as insufficient detail has been provided regarding the storage and collection of waste.

6(b) External

Nil.

7. Section 7.11 Contributions

Section 7.11 contributions would be applicable to the proposal if it were recommended for approval.

8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and Comprehensive Inner West Development Control Plan 2016. The development will result in unreasonable impacts on the amenity of adjoining premises and the streetscape. The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

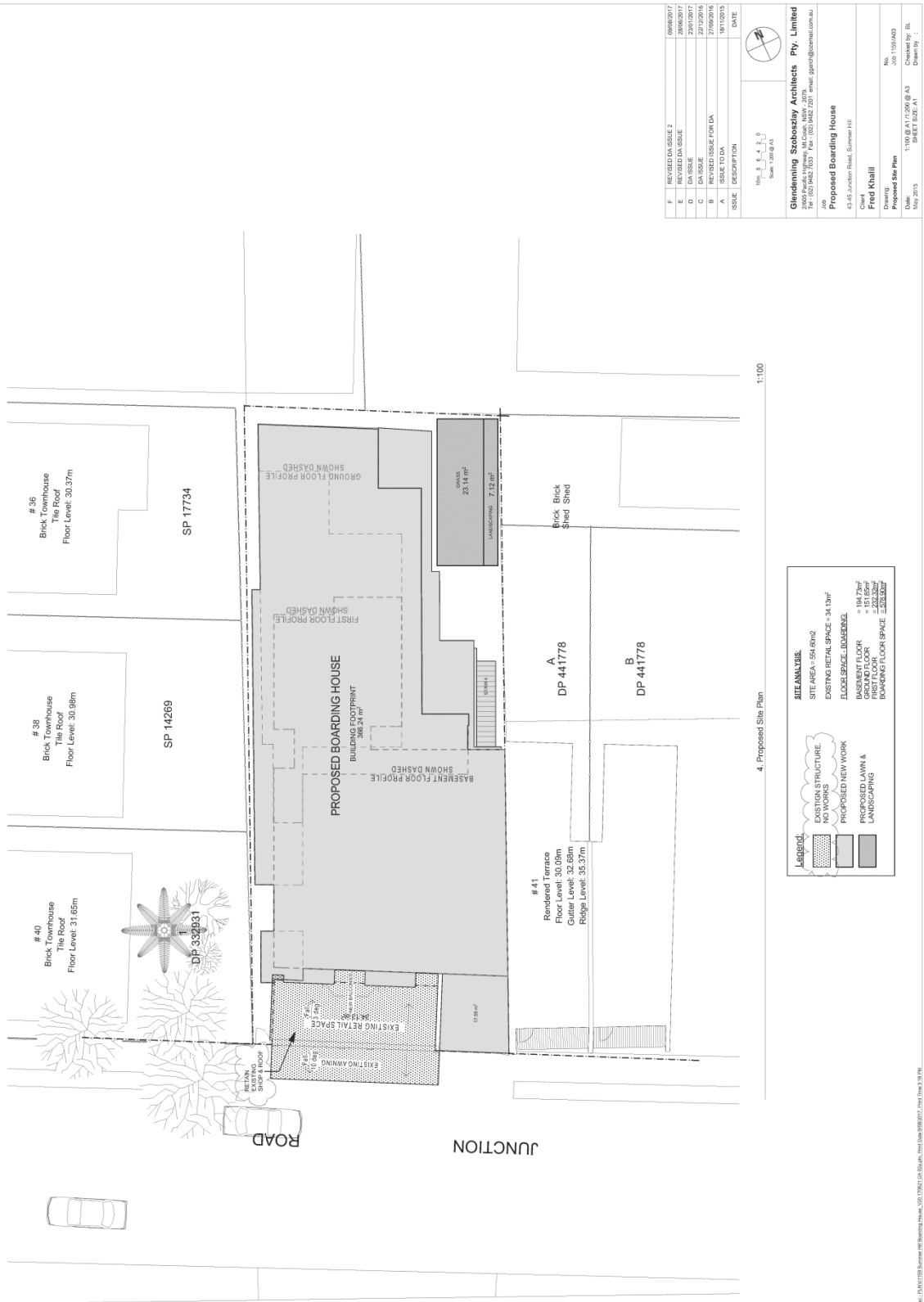
9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, refuse Development Application No: 10.2018.63 for demolition of existing structures, construction of 15 room boarding house with associated car parking at 43-45 Junction Road, Summer Hill for the following reasons:

1. The proposal involves enlarging/expanding/intensifying the 'retail' use of the front tenancy which is prohibited in the B1 – Local Centre Zone. Contrary to Division 4.11 of the Environmental Planning and Assessment Act 1979, evidence has not been provided that the retail use is lawful (by way of a valid consent), nor has it been demonstrated that the use has not been abandoned (in that it has ceased to be used for a continuous period of 12 months since the use became prohibited).
2. Contrary to Clause 29 (2)(e) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH), the proposal does not provide at least seven (7) car spaces.
3. Contrary to Clause 30 (1)(e) of the SEPP ARH, a boarding room or on site dwelling has not been provided for a boarding house manager.
4. Contrary to Clause 30 (1)(h) of the SEPP ARH, three (3) motorcycle spaces have not been provided and it has not been demonstrated that adequate space or facilities have been provided to park at least three (3) bicycles.
5. The proposal does not respond to its context, particularly to the scale, form, bulk and setbacks of the area and is therefore not compatible with the character of the area contrary to Part 30A of the SEPP ARH.

6. The proposal is inconsistent with the aims set out in Clause 1.2(2) of the Ashfield Local Environmental Plan 2013 (ALEP) as the proposal does not enhance the amenity and quality of life for local communities, nor does it achieve a high quality form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of the subject locality.
7. Contrary to Clause 5.10(4) (Heritage Conservation) of the ALEP, the development will unreasonably effect the heritage significance of the heritage conservation area in which it is located. Contrary to Clause 5.10(5) of the ALEP, an adequate heritage management document has not been provided.
8. Contrary to Performance Criteria PC2.1 of Chapter A, Part 2 of the Comprehensive Inner West Development Control Plan 2016 (DCP), the development will have inadequate internal amenity for future lodgers.
9. Contrary to Performance Criteria PC6 of Chapter A, Part 2 of the DCP, the development does not provide a safe or clear access/passage for future lodgers/visitors.
10. Contrary to Development Standard DS2.1 of Chapter F, Part 6 of the DCP, the development does not respond to its context in regards to scale and built form.
11. Contrary to Development Standard DS9.1 of Chapter F, Part 6 of the DCP, no waste storage areas have been provided and a Waste and Recycling Service Plan has not been supplied.
12. Contrary to Performance Criteria PC14 of Chapter F, Part 1 of the DCP, the development will not maintain adequate privacy for the neighbouring residential uses.
13. In view of the above, the proposal is considered not to be in the public interest and is contrary to Section 4.15(1) (e) of the Environmental Planning and Assessment Act 1979. The proposal will have adverse amenity impacts to the residents of the neighbouring building.

Attachment A – Plans of proposed development



4. Proposed Site Plan 1:100

Legend

- EXISTING STRUCTURE
- NO WORKS
- PROPOSED NEW WORK
- PROPOSED LAWN & LANDSCAPING

SITE ANALYSIS

- SITE AREA - 504.0m²
- EXISTING RETAIL SPACE - 34.3m²
- FLOOR SPACE - 1040.0m²
- BASINMENT FLOOR = 155.85m²
- GROUND FLOOR = 194.79m²
- BOARDING FLOOR SPACE = 232.00m²

ISSUE DESCRIPTION	DATE
F	REVISED DA ISSUE 2
E	REVISED DA ISSUE 1
D	DA ISSUE
C	DA ISSUE
B	REVISED ISSUE FOR DA
A	ISSUE TO DA

100 0 50 25 0
Scale 1:100 @ A1

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Proposed Boarding House
42-43 Junction Road, Summer Hill

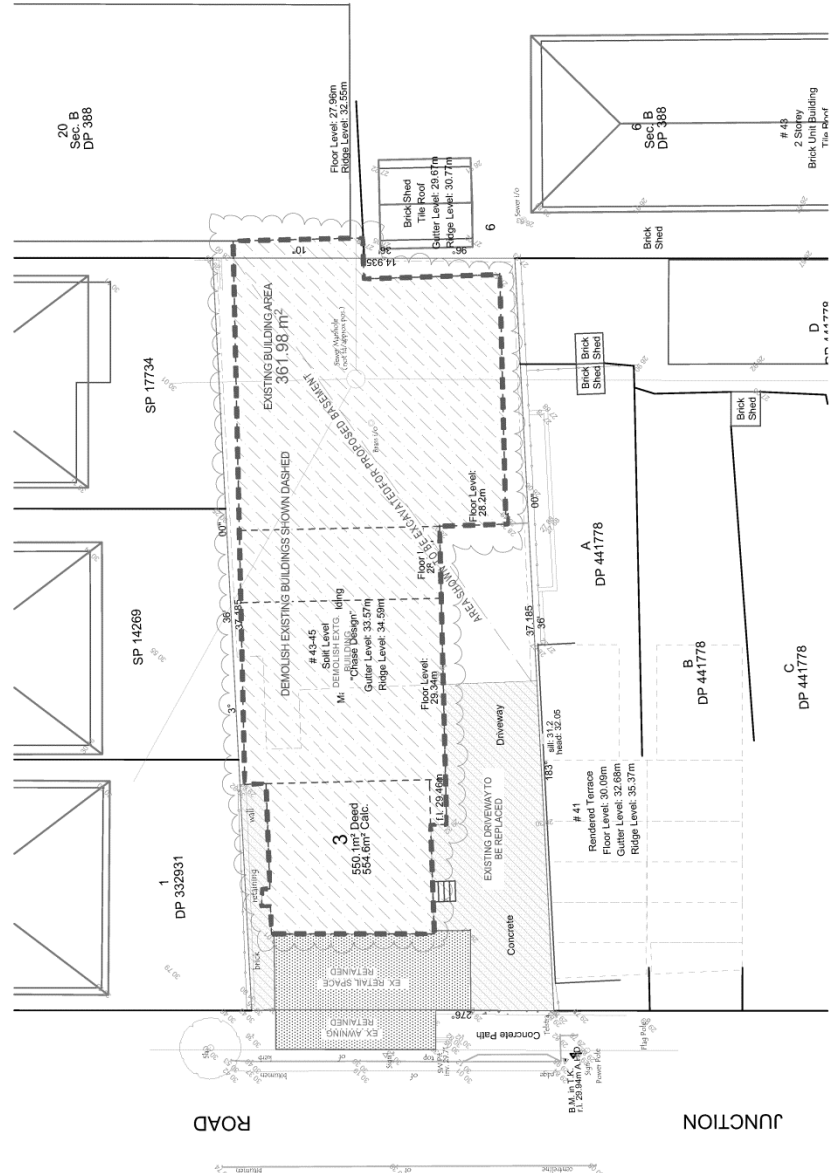
Fred Kjaall

Client: Proposed Site Plan No. 159/A03
Date: 11/05/2015 @ A1:1:200 @ A3 Checked by: BL
SHEET SIZE: A1 Drawn by: ;

LEGEND:

- Existing Structures. No work
- Structure to be Demolished
- Concrete paved surface to be removed

SITE AREA = 560.47 m²
 EXISTING FLOOR SPACE = 542.17 m²
 EXT. SITE COVER = 96.7%

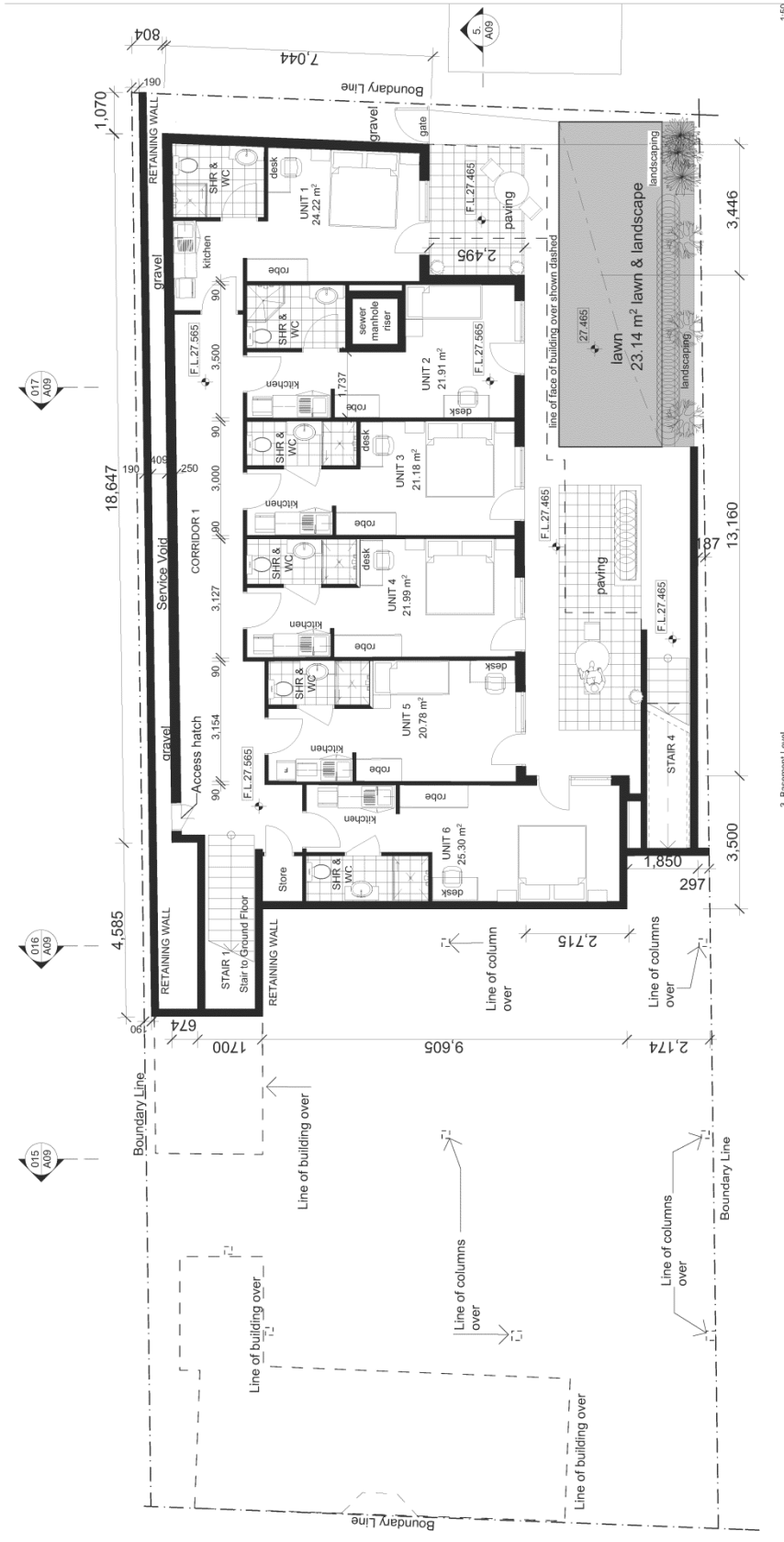


1:100

0. Demolition Plan

ISSUE	DESCRIPTION	DATE
F	REVISED DRAWING 2	09/04/2017
E	REVISED DRAWING	17/04/2017
D	DA ISSUE	20/07/2017
C	DA ISSUE	22/12/2016
B	REVISED ISSUE FOR LIA	27/09/2016
A	ISSUE TO DA	08/12/2015

No. 4, 4, 2, 0 Book - 508 (p. 4)	
Glenidlem Szecsozsky Architects Pty. Limited 5/100 Sturt Street, North Sydney NSW 1585 Phone: (02) 9550 6200 Fax: (02) 9550 6222 Email: glenid@glenid.com.au	
Proposed Boarding House 4-15 Junction Road, Summer Hill	
Client:	Fred Khalil
Drawing:	Demolition Plan
Date:	11/08/16 11:20 AM (8:43 AM 2016)
Drawn by:	BL
Checked by:	BL
Scale:	SHEET SIZE: A1



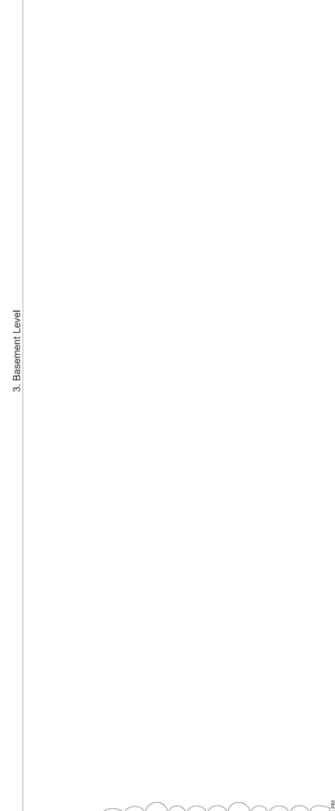
ISSUE	DESCRIPTION	DATE
A	ISSUE TO D/A	18/11/2015
B	REVISED ISSUE FOR D/A	27/06/2016
C	DA ISSUE	20/02/2016
D	DA ISSUE	20/02/2016
E	REVISED DA ISSUE	20/06/2017
F	REVISED DA ISSUE 2	09/09/2017

Scale: 1:100 @ A3

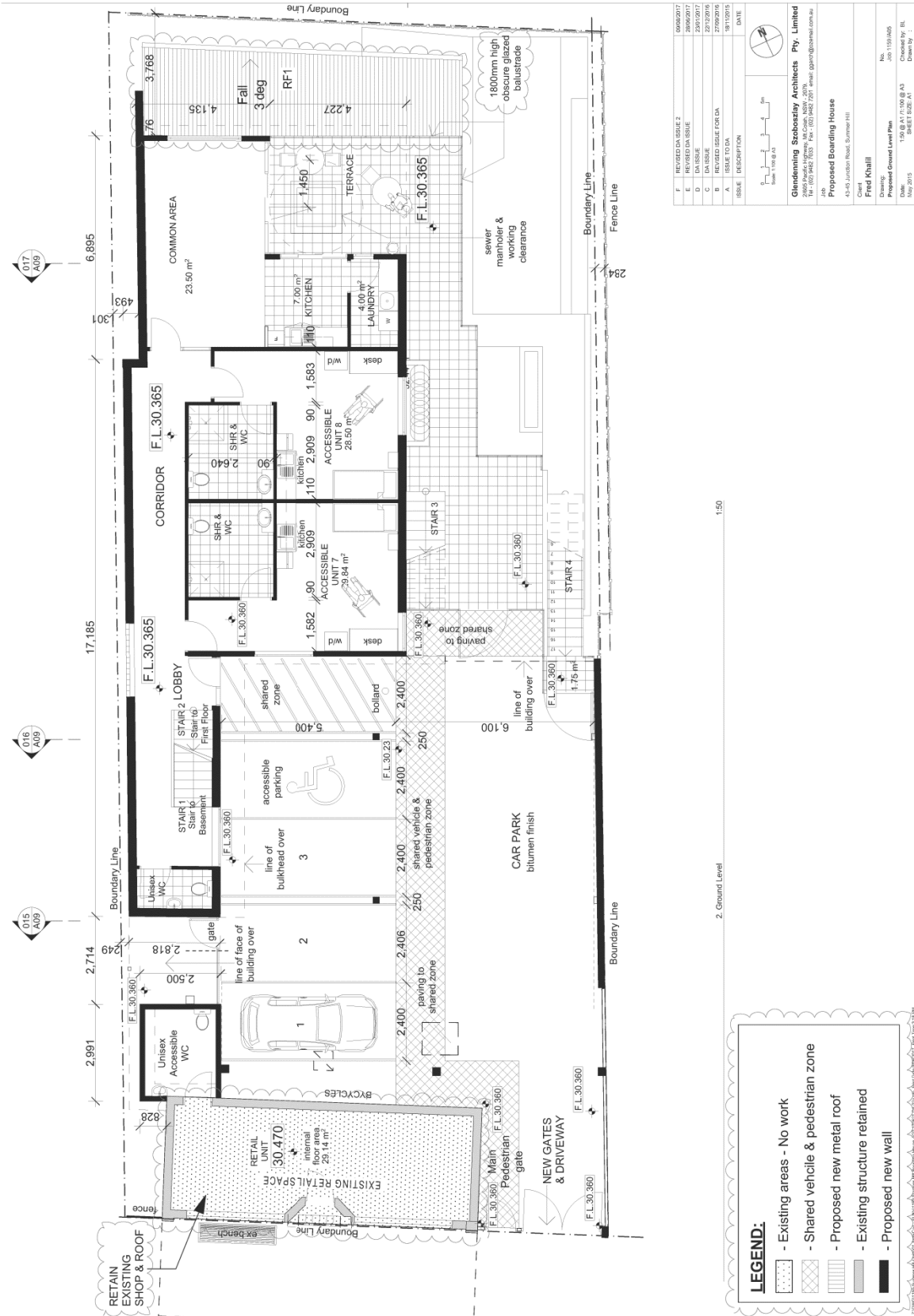
Glendinning Schoobday Architects Pty. Limited
 2/605 Pacific Highway, Mt. Clear NSW, 2070.
 Tel: (02) 9462 1033 Fax: (02) 9462 2011 email: sgarn@glendinning.com.au

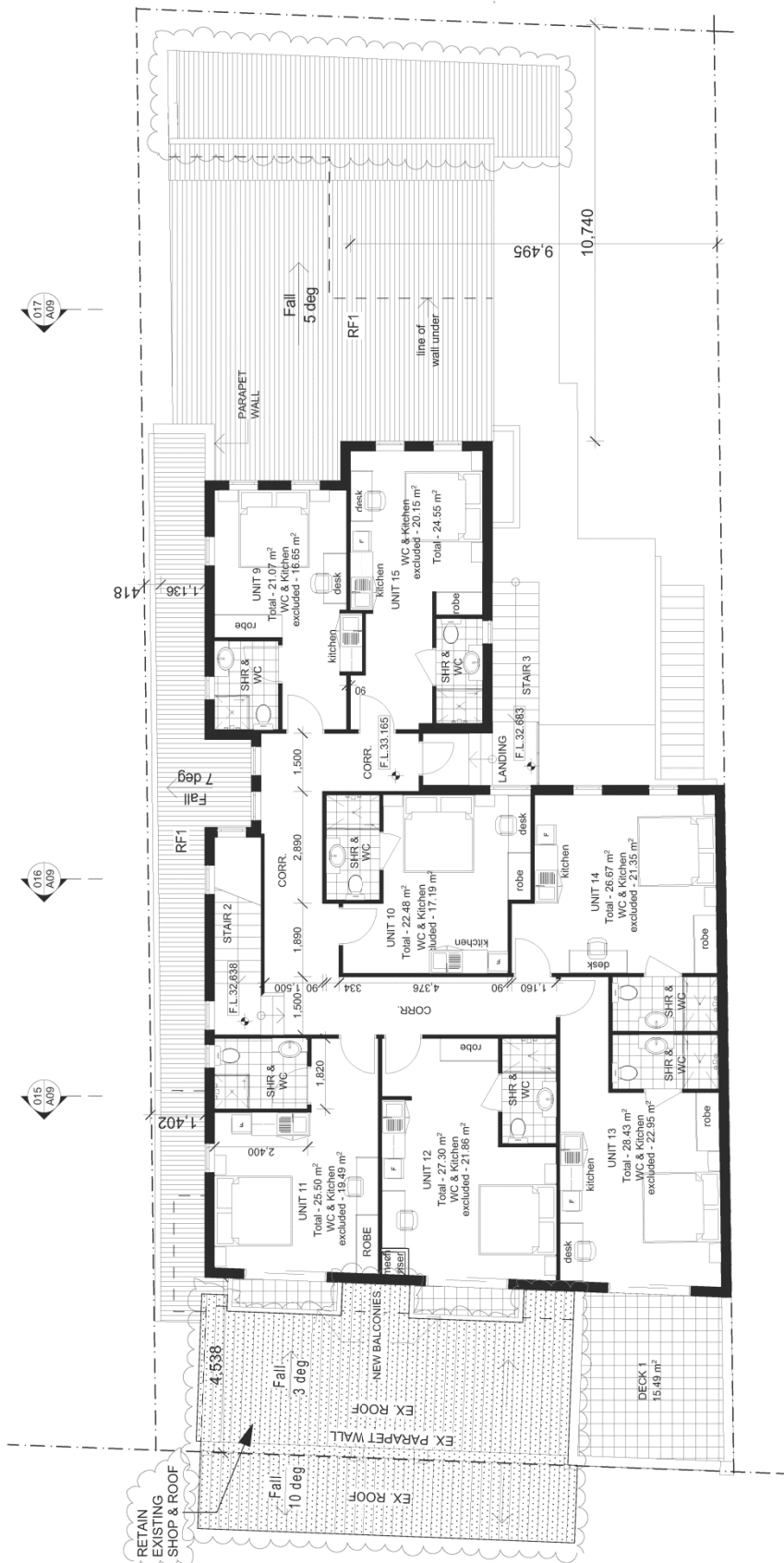
Proposed Boarding House
 42-43 Junction Road, Summer Hill

Drawn by: **Fred Khalil**
 No: J00-1150/004
 Proposed Basement Plan
 Checked by: BL
 Date: 15/05/2015
 SHEET 7 (SCALE A1)



3. Basement Level





F	REVISED DRAWING	06/04/2017
G	ISSUE FOR DA	20/01/2017
H	DA SEAL	22/12/2016
I	ISSUE FOR DA	27/09/2016
J	ISSUE TO DA	18/11/2015
K	DATE	

Scale: 1:100 @ A3

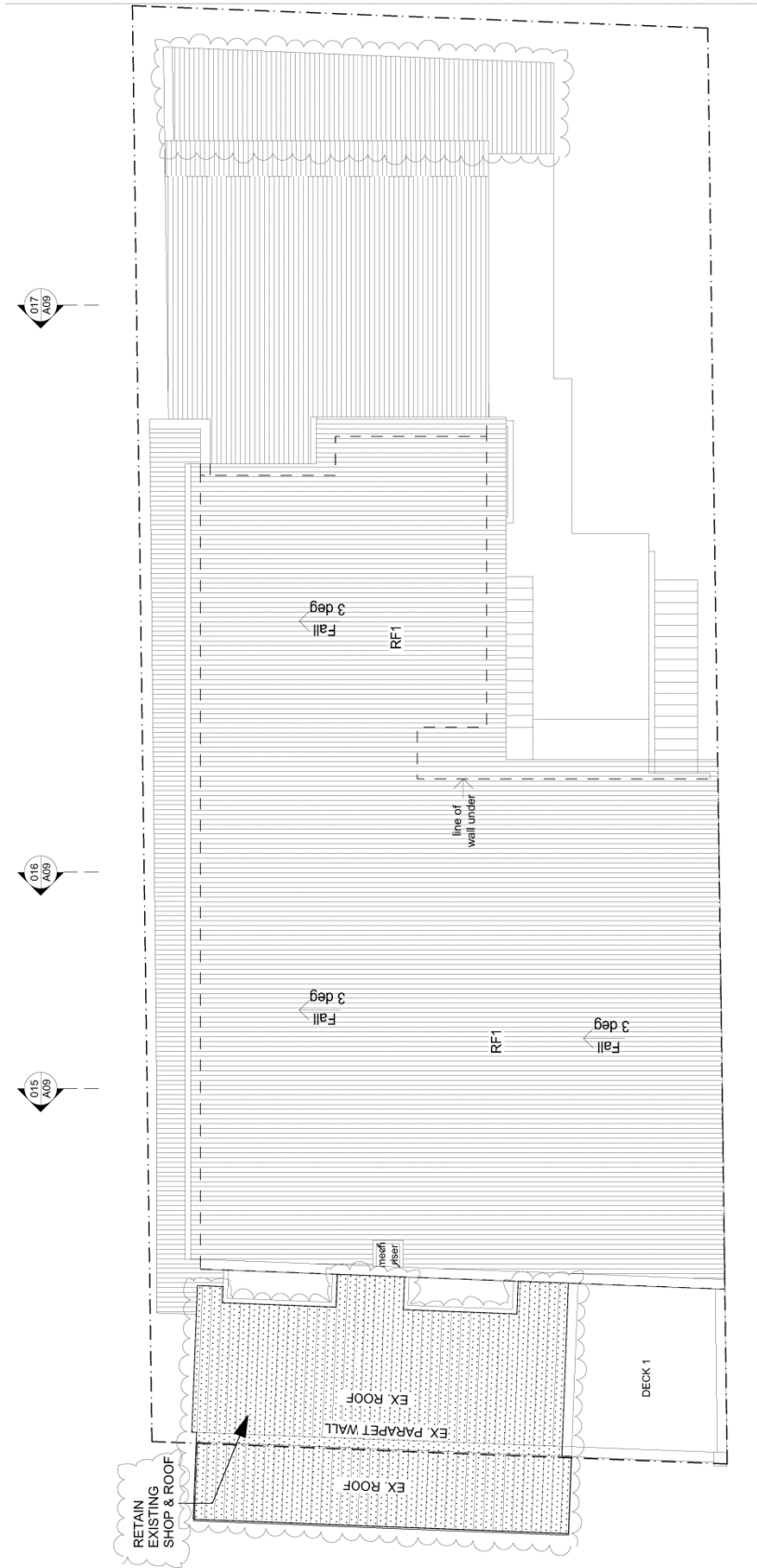
Glendinning Szoboszlai Architects Pty. Limited
 2/965 Pacific Highway, Mt. Coothra NSW, 2070.
 Ph: (02) 9452 1022 Fax: (02) 9452 1247 Email: gsa@glendinning.com.au

Proposed Boarding House
 43-45 Junction Road, Summer Hill

Client: **Fred Khalil**
 No: J06 1590/M06
 Drawing: **Proposed First Level Plan**
 Date: 19/07/2015
 Checked by: BL
 Drawn by: J

LEGEND:

- Existing areas - No work
- Shared vehicle & pedestrian zone
- Proposed new metal roof
- Existing structure retained
- Proposed new wall



4. Roof Level

F	REVISED DRAWING	08/09/2017
E	REVISED DRAWING	28/06/2017
D	DRAWING	23/01/2017
C	DRAWING	27/02/2016
B	REVISED ISSUE FOR DA	27/09/2016
A	ISSUE TO DA	18/11/2015
ISSUE	DESCRIPTION	DATE



Scale: 1:100 @ A3
 Glendinning Sketching Architects Pty. Limited
 2000 Pacific Highway, Macquarie Park, NSW, 2070
 Tel: (02) 9482 7033 Fax: (02) 9482 7291 email: info@glendinning.com.au

Job: Proposed boarding house
 42-45 Junction Road, Summer Hill

Drawn by: Fred Khalil
 Checked by: BL
 Date: May 2015
 No: JWB 150/A07
 Project: Proposed Roof Level Plan
 SHEET 022E.A1
 Drawn by: 1

LEGEND:

- Existing areas - No work
- Shared vehicle & pedestrian zone
- Proposed new metal roof
- Existing structure retained
- Proposed new wall

LEGEND:

- MR - Metal Roof
- CR - Cement Render
- BR - Brick
- BDY - Balustrade
- BAL - Balustrade
- FB - Face Brick

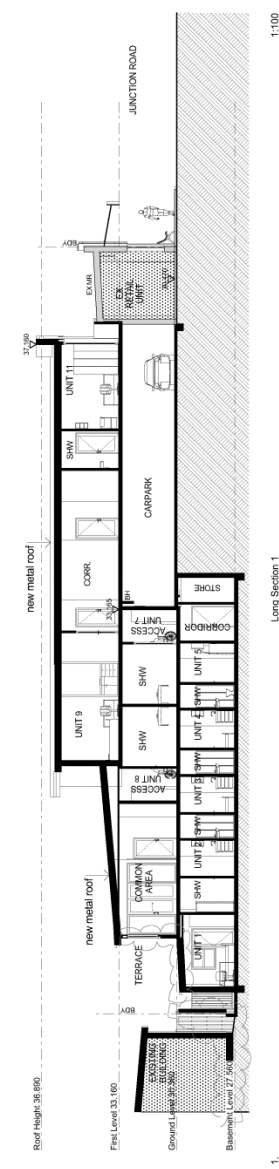
ISSUE	DESCRIPTION	DATE
F	REVISED ON ISSUE 2	09/06/2017
E	REVISED ON ISSUE	26/06/2017
D	ON ISSUE	23/01/2017
C	ON ISSUE	22/02/2016
B	REVISED FOR DA	18/02/2016
A	ISSUE TO DA	28/12/2015

100%_E-A-2_0
 Scale: 1:200 @ A1

Greening Scaboslay Architects Pty. Limited
 43-45 Junction Road, Summer Hill
 Tel: (02) 9422 7823 Fax: (02) 9422 7201 Email: gscaboslay@scaboslay.com.au

Proposed Boarding House
 Client: Fred Khalil
 No: JKH-1150/A08
 Proposed Elevations
 Drawn by: RL
 Checked by: RL
 Date: May 2015
 SHEET E2.02.E.A1

LEGEND:
 [Hatched] Existing areas - No work
 [Dotted] Existing structure retained
 [Solid] Proposed new wall



Long Section 1

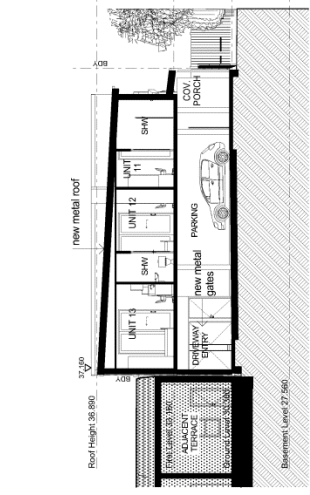
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Long Section 2

1:100

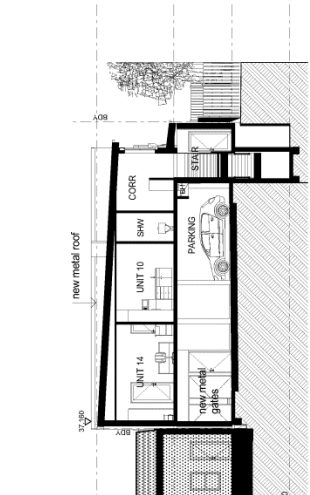
Long Section 3

1:100



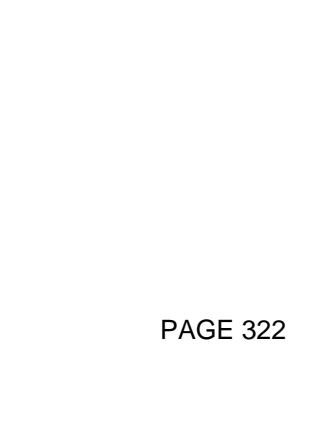
Cross Section 1

1:100



Cross Section 2

1:100



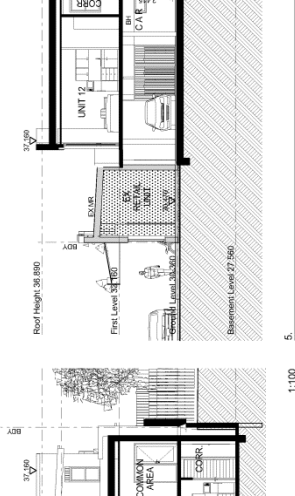
Cross Section 3

1:100



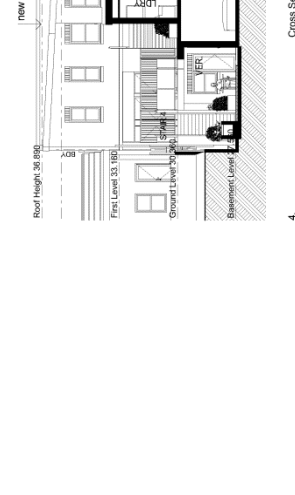
Long Section 2

1:100



Long Section 3

1:100



Cross Section 2

1:100

Cross Section 3

1:100

NO.	REVISED	DESCRIPTION	DATE
F	REVISED	DA ISSUE 2	08/06/2017
E	REVISED	DA ISSUE	28/06/2017
D	REVISED	DA ISSUE	22/06/2017
C	DA ISSUE		22/02/2016
B	REVISED	ISSUE FOR DA	27/09/2016
A	ISSUE TO DA		18/11/2015

No. 8, 8, 4, 2, 0
 New wall @ 4.5
 Proposed Boarding House
 43-45 Junction Road, Summer Hill
 Client: **Fred Khalil**
 Drawn: [Name]
 No: 150/150/ANP
 Proposed Sections: 150/ANP/11/160 @ A3
 Checked by: EL
 Date: July 2015
 Drawn by: [Name]

Glennings Szoboszlai Architects Pty Limited
 2/855 Beardsley Highway, Mt. Cash, NSW, 2070.
 Tel: (02) 9462 1235 Fax: (02) 9462 2277 email: glennings@glennings.com.au
 Lic: 124



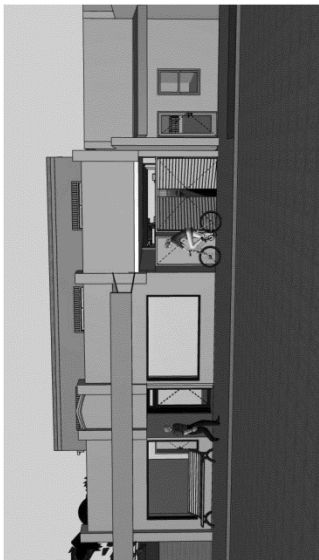
Street View 2



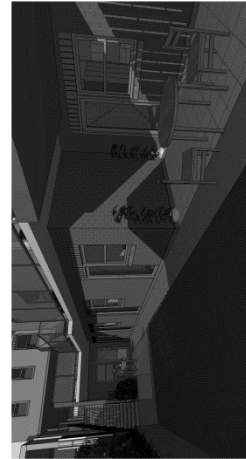
Street View 4



Street View 1



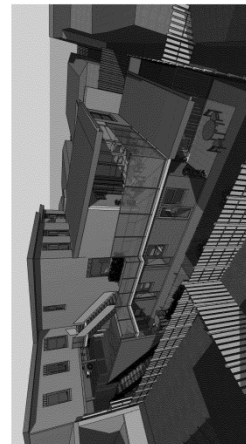
Street View 3



Courtyard Perspective



Blade Wall Perspective



North-East Perspective

ISSUE	DESCRIPTION	DATE
E	REVISED DA ISSUE 2	08/06/2017
E	REVISED DA ISSUE 2	28/06/2017
D	DA ISSUE	23/01/2017
C	DA ISSUE	22/12/2016
B	REVISED ISSUE FOR DA	21/02/2016
A	ISSUE FOR DA	18/02/2016
ISSUE	DESCRIPTION	DATE

Glennings Schoobaday Architects Pty. Limited
 11/111-113/115 Summer Hill Road, Summer Hill, NSW 1585
 Tel: (02) 9433 7279 Fax: (02) 9433 7271 email: gpa@gsa.com.au

Proposed Boarding House
 41-45 Junction Road, Summer Hill
 Client: **Fred Kneill**
 Drawing No: 20171024-03
 Perspectives
 Date: 10 May 2015
 Drawn by: EL
 SHEET SIZE: A1

J:\2015\115 Summer Hill\111-113 Summer Hill Boarding House - 20171024-03.dwg Plot Date: 10/05/2015 Plot Time: 11:04