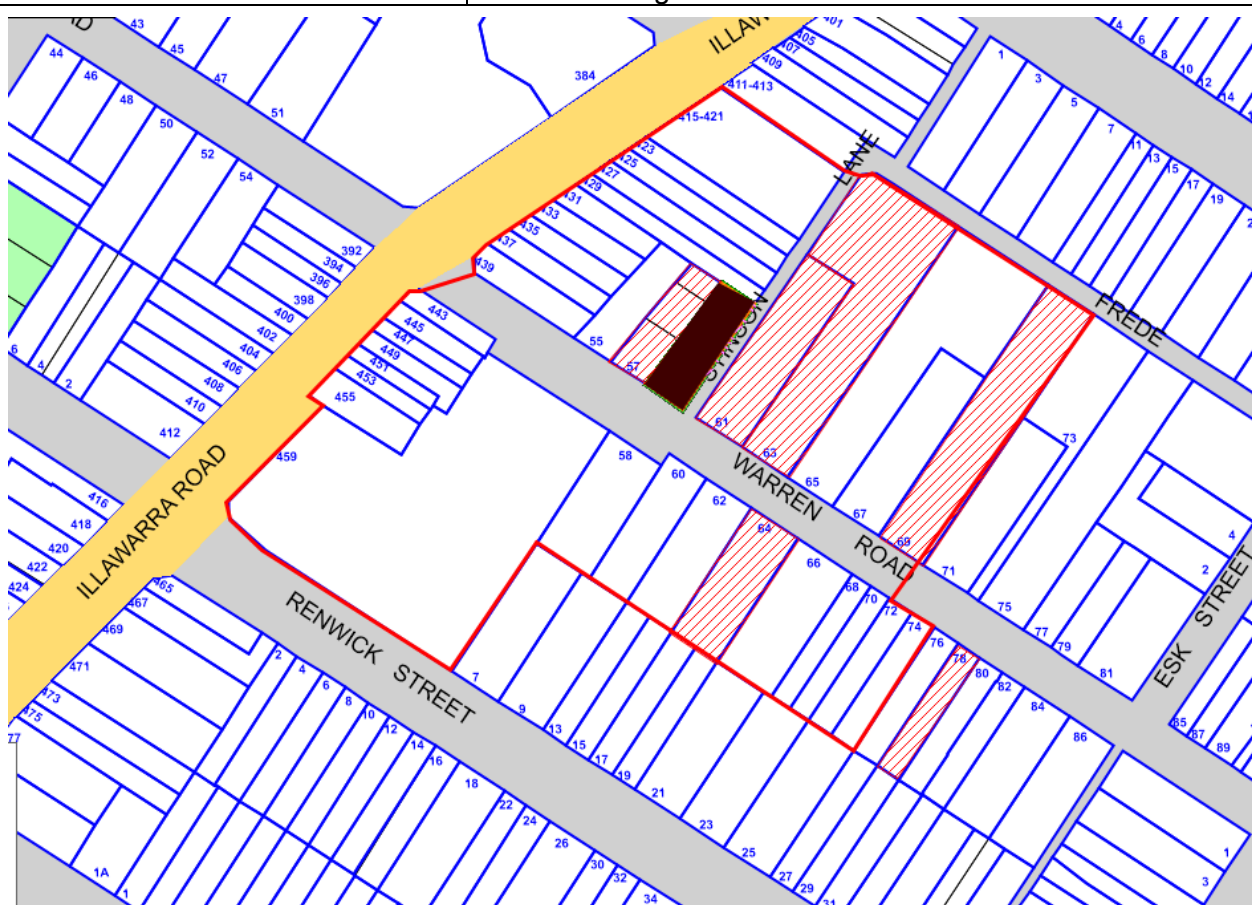







# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA201800235
<b>Address</b>	59 Warren Road Marrickville
<b>Proposal</b>	To demolish existing improvements and construct a 5 storey mixed use building containing a shop and 20 boarding rooms with associated car parking.
<b>Date of Lodgment</b>	31 May 2018
<b>Applicant</b>	MGA Architects Pty Ltd
<b>Owner</b>	Newbury Ventures Pty Ltd
<b>Number of Submissions</b>	15
<b>Value of works</b>	\$3,576,399.00
<b>Reason for determination at Planning Panel</b>	Number of submissions
<b>Main Issues</b>	Car Parking
<b>Recommendation</b>	Consent subject to conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Plan of Management



Subject Site:   
 Notified Area: 

Objectors:   
 • All other objectors outside of map area

## 1. Executive Summary

This report is an assessment of the application submitted to Council to demolish existing improvements and construct a 5 storey mixed use building containing a shop and 20 boarding rooms with associated car parking at 59 Warren Road Marrickville. The application was notified to surrounding properties and 15 submissions were received.

The main issue that has arisen from the application relates to car parking. The proposal is generally consistent with the relevant planning controls.

Overall the proposal is considered acceptable given the development would result in a high quality architectural outcome which conforms to the desired future character under the precinct controls for the area and therefore the application is recommended for approval.

## 2. Proposal

To demolish existing improvements and construct a 5 storey mixed use building containing a shop on the ground floor and 20 boarding rooms (including 1 managers room) above with associated car parking at 59 Warren Road Marrickville. Details of the proposed works are provided on a level by level basis as follows:

### Basement

- 3 car parking spaces utilized via car stackers

### Ground Floor

- 71sqm commercial premises;
- 3 car parking spaces in car stackers;
- 2 accessible at grade spaces;
- 4 motorcycle parking spaces;
- 4 bicycle spaces;
- Separate residential and commercial bin rooms and entry points;
- Lift to upper floors accessed via lobby entry from corner of Warren Road and Stinson Lane;
- Removal of street tree and replacement with 2 new street trees.

### First Floor

- 3 x double lodger rooms (2 of which are accessible);
- 2 x single lodger rooms;
- 1 x managers room;
- 1x communal room with terrace;
- Waste and recycling and storage rooms

### Second Floor

- 4 x double lodger rooms (2 of which are accessible);
- 2 x single lodger rooms;
- 1 x communal room;
- 1 x waste and recycling room

### Third & Fourth Floor

- 3 x double lodger rooms;
- 1 x single lodger room;
- 1 x waste and recycling room

## 3. Site Description

The subject site is located on the northern side of Warren Road on the corner of Stinson Lane between Illawarra Road and Stinson Lane. The site consists of 3 allotments and is generally rectangular shaped with a total area of 394sqm and is legally described as 1, 2 and 3 in Deposited Plan 1080937

The site has a frontage to Warren Road of 12.42 metres and a secondary frontage of approximately 35.05 metres to Stinson Lane.

The site supports a single storey federation style brick dwelling house. The adjoining property at No.57 Warren Road contains a single storey brick dwelling house. On the opposite side of Stinson Lane at No. 61 Warren Road is a heritage listed two storey dwelling house with studio outbuilding. The surrounding context of the site is highly varied including single and 2 storey dwelling houses along Warren Road, with a number of 3 storey residential flat buildings to the east, to the south on the opposite side of Warren Road is the loading dock for Marrickville Woolworths and to the north-west along Illawarra Road contains mixed use shop top housing varying up to 7 storeys in height.



*Image 1: Front of existing dwelling at No.59 Warren Road.*





*Image 2: Side elevation of existing dwelling No.59 Warren Road.*



*Image 3: Streetscape opposite of site looking south from the front of the site*



*Image 4: Streetscape looking north in front of the site and adjoining properties*



## 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
Pre-DA (PDA201200122) – 55,57 & 59 Warren Road Marrickville	Demolition of the existing structures, amalgamation of three lots into one lot, the construction of a 5 storey mixed use development containing 3 commercial tenancies and 36 dwellings (shop top housing) and basement car parking	Meeting – 9 November 2012 Letter Issued - 28 February 2013
Pre –DA (PDA201600094)	Demolition of the existing improvements and construct a 5 part 6 storey mixed use building containing a shop and 31 boarding rooms	Meeting – 19 October 2016 File note issued
Pre-DA (PDA201700054)	Demolition of the existing improvements and construct a 5 part 6 storey mixed use building containing a shop and 20 boarding rooms with associated car parking.	Meeting – 24 August 2017, Letter issued – 6 September 2017

#### Surrounding properties

Application	Proposal	Decision & Date
DA201200486 - 415 -421 Illawarra Road Marrickville	Demolition of the existing improvements and erect a six (6) storey mixed use development containing four (4) ground floor commercial/retail tenancies, 32 dwellings with basement level providing parking for 22 cars	Deferred Commencement – 12 June 2013, activated and amended under modified determination No.201200486.02 dated 22 December 2014
DA2016001221 – 392-396 Illawarra Road Marrickville	Partial demolition of the existing improvements, consolidation of 3 allotments into 1 allotment, retention and restoration of 2 storey traditional commercial shopfronts and construction of a 6 storey mixed use development containing 1 ground floor commercial tenancy, 17 dwellings with associated car parking and landscaping	Approved – 14 November 2016
DA201600228 – 61 Warren Road Marrickville	Demolition of the existing garage and construction of a studio and carport at the rear of the site.	Approved – 22 August 2016

### 4(b) Application history

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

Date	Discussion / Letter/ Additional Information
7 August 2018	Request for additional information sent to applicant regarding site isolation, car parking, architectural excellence panel comments, FSR,

	occupancy information, BASIX requirements, plan of management, shadow diagrams, trees and waste management.
21 August 2018	Applicant submitted additional information in response to Council's letter.
12 September 2018	Request for additional information regarding site isolation, vehicular access and car parking, trees and plan of management.
25 September 2018	Applicant submitted additional information in response to Council's letter
22 October 2018	Updated Plan of Management Submitted.

## 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 No 64 – Advertising and Signage
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

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. LDCP 2013 provides controls and guidelines for remediation works. 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 site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with SEPP 55.

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

A BASIX Certificate was submitted with additional information during the assessment of the application at the request of Council. The BASIX certificate outlines compliance for the self-contained boarding rooms. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the development.

#### 5(a)(iii) State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPPARH) provides guidance for design and assessment of boarding house developments. The SEPP, which commenced operation on 31 July 2009, provides controls relating to various matters



including height, floor space ratio, landscaped area, solar access and private open space requirements. The main design parameters are addressed below:

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

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

(a) Density - Floor Space Ratio (Clause 29(1))

The land is zoned B2 - Local Centre under the zoning provisions of MLEP 2011. A boarding house is permissible with the consent from Council.

Under MLEP 2011, the maximum floor space ratio (FSR) permitted for any form of residential accommodation permitted on the land is 2.5:1. Residential flat buildings are not permitted on the land therefore additional FSR of 0.5:1 under Clause 29(1)(c)(i) would not apply to the development. Consequently the maximum allowable FSR for the site for a boarding house development under the Affordable Rental Housing SEPP would be 2.5:1.

The development has a gross floor area (GFA) of approximately 856.8sqm and the site has a site area of approximately 394sqm which would result in a FSR of 2.18:1. The boarding house therefore complies with the density provisions prescribed by the Affordable Rental Housing SEPP.

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

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

A maximum building height of 20 metres applies to the site as indicated on the Height of Buildings Map that accompanies MLEP 2011. The development has a maximum building height of approximately 18.5 metres which complies with the maximum building height permitted under the Affordable Rental Housing SEPP.

The height of the development is discussed later in this report under the heading "Marrickville Local Environmental Plan 2011".

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

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

The typical streetscape character of Warren Road is mixed with residential and businesses adjoining Illawarra Road. The business zone wraps around from Illawarra Road to Warren Road and typically contains commercial shop fronts with a nil front boundary setback and shop-top housing above. The proposed commercial shopfront is compatible with the desired future character dictated by the zoning of the land and precinct controls which is to ensure there are active commercial fronts to new buildings facing onto streets to create a vibrant and safe streetscape. The lack of landscape treatment in the front setback is therefore acceptable.

*Landscape Plan*

A landscape plan and maintenance schedule were required to be amended during the assessment of the application. Landscaping is proposed in a number of planter boxes on the

upper levels of the development. The application was referred to Council's Tree Management Officer who raised no objection to the amended landscape plan subject to conditions which are included in the recommendation.

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

*"Where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid-winter."*

Both communal living rooms and the communal terrace located off communal living room 1 will receive more than the prescribed 3 hours direct sunlight between 9.00am and 3.00pm in mid-winter.

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

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

- (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers;*
- (ii) if accommodation is provided on site for a boarding house manager - one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation."*

A 29sqm communal terrace is proposed to be located with direct access from communal living room 1. A 17sqm private terrace is also located with direct access from room 6 which is designated as the manager room.

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

- (iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and*
- (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.*

The development proposes 19 boarding rooms and 1 manager's room requiring 9.5 spaces for lodgers and 1 parking space for the boarding house manager.

During the assessment of the application the SEPPARH was amended to increase the required car parking spaces with regard to boarding houses as outlined above. The applicable parking rate to the development at the time of lodgment was 0.2 parking spaces per boarding house room as the development is located in an "accessible area" within the definition of the term set out in the SEPP. The previous parking rate generated a requirement for 3.8 spaces and 1 space for the manager.

The development proposes 8 car parking spaces, 6 of these spaces are provided utilizing a car stacker system of 3 vehicles stacked below ground with 3 stacked above these at ground level. The other 2 parking spaces proposed are at grade and accessible as required by Part 2.10 of Marrickville Development Control Plan 2011 (MDCP). The development is also required by MDCP 2011 to provide 1 car parking space for the commercial tenancy, this results in a proposed break down of the car parking allocation as follows:

- 1 x manager space
- 6 x lodger spaces (2 of which are accessible)
- 1 x commercial tenancy space



The development results in a shortfall of 3.5 spaces for lodgers when assessed against the revised provisions of Clause 29 (2) (e) of the ARHSEPP. However, when assessed against Part 2.10 of MDCP 2011 and the superseded ARHSEPP provisions, both require 0.2 spaces per lodger room and 1 for boarding house manager. The development exceeds the requirements of this rate by 2 spaces.

Whilst complying with the provisions of Part 2.10 of MDCP 2011, the shortfall required by the revised ARHSEPP of 3.5 spaces is considered justified, given the application complied at lodgment, the number of spaces provided and the accessibility of the area

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

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

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

All rooms within the boarding house comply with the minimum accommodation size requirements of the Affordable Rental Housing SEPP.

(ii) Standards for Boarding Houses (Clause 30)

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

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

A total of 2 communal rooms are provided within the development.

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

None of the boarding rooms would exceed 25sqm in area when excluding the bathrooms and kitchens contained within the rooms.

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

All boarding rooms are restricted to either single or double lodger. There are a total of 6 single lodger rooms and 13 double lodger rooms.

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

All boarding rooms are proposed to have adequate kitchen and bathroom facilities within the individual rooms.

- (e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager.*

A managers' room is proposed and located on the first floor as identified on the plans.

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

The proposal is located in a B2- Local Centre Zone and the ground floor of the development would contain a commercial premises as required by the zone. No residential accommodation would be provided on the ground floor level.

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

4 motorcycle and 4 bicycle spaces are proposed which complies with the above requirements.

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

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

The surrounding area of No.59 Warren Road is characterized by an eclectic blend of single and 2 storey dwelling houses, residential flat buildings, shop top housing developments, and the Woolworths loading dock fronting Warren Road adjacent to the site. The proposed 5 storey mixed use development is considered compatible with the character and design of the area, bringing a high quality contemporary building into the streetscape which is consistent in form and architectural style to similar recently approved/constructed developments along Illawarra Road. The use of face brick is consistent with the materiality of a number of residential flat buildings and dwellings in the streetscape, similarly the form picks up cues from the streetscape and is consistent with the built form controls in the MDCP 2011 in that levels 4 and 5 are setback from the streetscape, with the lower 3 floors becoming the dominant element in the streetscape consistent with the residential flat building on the opposite side of the street.

Overall the development will be compatible with the design and character of the existing streetscape and the desired future character which is for developments of a similar size and scale adjoining the site and along Illawarra Road which forms the Marrickville Commercial Centre.

#### **5(a)(iv) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 concerns the protection/removal of vegetation identified under Marrickville Development Control Plan 2011 (MDCP 2011). There are a number of trees protected by MDCP 2011 which are discussed later in this report under the provisions of Part 2.20 of MDCP 2011.

#### **5(a)(v) Marrickville Local Environmental Plan (MLEP 2011)**

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor Space Ratio
- Clause 5.10 - Heritage conservation
- Clause 6.10 - Acid sulfate soils
- Clause 6.2 - Earthworks
- Clause 6.15 - Location of boarding houses in business zones



### Aims of the Plan

MLEP 2011 identifies aims of the plan. The plan is considered consistent with the aims for the following reasons;

- The proposal supports the efficient use of land, adds to the vitalisation of the center, and provides an appropriate mix of uses, i.e., both commercial and residential;
- Increases residential and employment densities in an appropriate location near public transport;
- facilitates new business and employment through the provision of new commercial floor area,
- promotes sustainable transport with reduced car use and increase use of public transport, walking and cycling, and
- promotes a high standard of design in the private and public domain.

In particular, in order to ensure the proposal complies with Clause 1(2)(h) of MLEP 2011 which requires a development to promote a high standard of design in the private and public domain, the application was referred to Council's Architectural Excellence Panel.

Council's Architectural Excellence Panel had previously reviewed the proposed development at Pre-DA stage, with the subject DA taking on board the AEP comments from the PDA and implementing these into the revised design for DA. The application was referred back to the AEP during the DA assessment with minor recommendations provided to the applicant with regards to improvements to the materials and finishes and subtle design and functionality changes. Amended plans were submitted which addressed these recommendations.

It is considered that the proposal presents as a high quality architectural outcome for the site in terms of bulk, scale and amenity for the future occupants which is in line with the desired future character for the area. The use of high-quality materials, good articulation and distribution of form meets the criteria of Clause 1.2 of MLEP 2011 which strives for developments to achieve a high standard of design in the private and public domain.

#### (i) Height (Clause 4.3)

A maximum building height of 20 metres applies to the site as indicated on the Height of Buildings Map that accompanies MLEP 2011. The development has a maximum building height of 18.5 metres which complies with the height development standard.

#### (ii) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 2.5:1 applies to the site as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development has a gross floor area (GFA) of 856.8sqm which equates to a FSR of 2.18:1 on the 394sqm site which complies with the FSR development standard.

#### (iii) Heritage Conservation (Clause 5.10)

The site is not a heritage listed item or in a heritage conservation area, however it is located within the vicinity of a heritage item, namely the Victorian Italianate style villa at No.61 Warren Road, Marrickville (Item I354).

The site is separated from the development by Stinson Lane and would not result in any detrimental environmental or amenity impacts on the heritage item. The development satisfies Clause 5.10 of MLEP 2011 and Part 8 of MDCP 2011.

(iv) Location of Boarding Houses in Business Zones (Clause 6.15)

The site is located within a B2 – Local Centre zone under MLEP 2011. No part of the boarding house is located at street level in accordance with Clause 6.15, thereby satisfying this criteria.

5(b) Draft Marrickville Local Environmental Plan 2011 (Amendment 4)

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The amended provisions contained in the Draft LEP Amendment contains an additional Clause in the LEP to be known as Clause 6.19 – Design Excellence which aims to deliver the highest standard of architectural, urban and landscape design in the LGA. The clause would be applicable to the development site as it has a maximum permitted building height of more than 14 metres and requires an assessment of whether the proposal exhibits design excellence. The quality of the proposed design has been assessed under Clause 1.2 of MLEP 2011 as part of this assessment and is considered acceptable.

Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

5(c) Marrickville Development Control Plan 2011 (MDCP)

The application has been assessed and the following provides a summary of the relevant provisions of MDCP 2011.

Part of MDCP 2011	Compliance
Part A.26- Plan of Management (PoM)	Yes – see discussion
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes – see discussion
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes – see discussion
Part 2.8 – Social Impact	Yes – see discussion
Part 2.9 – Community Safety	Yes – see discussion
Part 2.10 – Parking	No but acceptable – see detailed discussion under Part 5 (a)(iii)(i)(f) of report
Part 2.16 – Energy Efficiency	Yes
Part 2.17 – Water Sensitive Urban Design	Yes
Part 2.18 – Landscaping and Open Space	Yes
Part 2.20 – Tree Management	Yes – see discussion



Part 2.21 – Site Facilities and Waste Management	Yes – see discussion
Part 2.24 – Contaminated Land	Yes
Part 2.25 – Stormwater Management	Yes
Part 4.3 – Boarding Houses	Yes – see discussion
Part 5 – Commercial and Mixed Use Development	Yes – see discussion
Part 9 – Strategic Context	Yes – see discussion

**PART A.2 - INFORMATION TO BE SUBMITTED WITH A DEVELOPMENT APPLICATION**

Part A.2.6 of MDCP 2011 requires a Plan of Management (PoM) to be submitted with applications for a boarding house describing how the ongoing operation of the premises would be managed in the most efficient manner and to reduce any adverse impacts upon the amenity of surrounding properties.

A PoM was submitted with the application which provided details regarding the following matters:

- Objectives - Plan of Management;
- Operation Details;
- House Management and Lodge Managers;
- House Rules;
- Lodger Arrival and Departure;
- Lodger’s Guests;
- Maintenance of common areas and responsibilities;
- Pest control;
- Waste management and collection;
- Fire safety and Emergency Services contacts and procedures;
- Security and Access;
- Complaints; and
- Review of this Plan of Management.

During the assessment process the PoM was required to be updated to reflect certain elements of the development including occupant numbers, minimum length of stay, house rules and review procedures. Overall the PoM outlines appropriate measures to help ensure an appropriate level of amenity is provided to the future occupants and adjoining properties. Conditions of consent are included in the recommendation requiring compliance with the PoM at all times.

**PART 2 - GENERIC PROVISIONS**

(i) Equity of Access and Mobility (Part 2.5)

Part 2.5 of MDCP 2011 requires consideration to be given to equity of access and mobility before granting development consent. The table below summarizes the minimum access requirements with regard to accessible facilities, dwelling and parking requirements as prescribed by Part 2.5.10 of MDCP 2011 and the proposal’s compliance with those requirements:

Control	Standard	Required	Proposed	Complies?
Accessible Rooms	1 accessible bedroom for every 5 guest/tenant rooms or part thereof	4 accessible rooms	4 accessible rooms	Yes
Access and Mobility	Access for all persons through the principal entrance and access to any shared laundries, kitchens, sanitary and other common facilities	All areas of the proposed development accessible by persons with a disability	All areas and shared facilities accessible by persons with a disability	Yes
Accessible Car Parking	1 accessible parking space for every 10 bedrooms	2 spaces for 19 boarding rooms*	2 accessible car parking spaces	Yes

Table 2: Equity of Access and Mobility Compliance Table

\* The on-site manager’s room has not been included in the calculation of the required accessible car parking spaces. This is due to the requirement for on-site managers to be able bodied in order to ensure that they can appropriately manage the premises.

As outlined in table 2, the development complies with the accessibility requirements of Part 2.5 of MDCP 2011. Rooms 1, 2, 7 and 8 are nominated on the plans as being accessible and the 2 accessible car parking spaces are also indicated on the plans.

(ii) Visual and Acoustic Privacy (Part 2.6)

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic and visual privacy.

The development is not considered to result in any adverse privacy impacts.

Southern Elevation

The proposed front elevation contains a shopfront and balconies on the first 3 levels with a nil front boundary setback, with the upper levels also containing balconies which are setback 3.3 metres from the front boundary. The front elevation would overlook the streetscape and front yards of the adjoining properties and would not result in any privacy impacts. The location of the shop entry and resident’s entry facing Warren Road reduces the acoustic impacts to the laneway which would be restricted to vehicular access.

Western Elevation

The western side elevation adjoins No.57 Warren Road. As it is proposed to build to the boundary, no windows are proposed on this elevation. All balcony side walls on the western elevation are comprise of solid balustrades or walls and would not result in any privacy impacts on existing or future developments. It is noted that the side elevation balcony wall for room 15 only proposes a wall up to 1 metre in height. To protect the privacy of the adjoining properties under any future development to the west, a condition is included recommending that the side balcony wall be increased to a height of 1.5 metres. Subject to the implementation of this condition the privacy for the adjoining properties from the western elevation is considered acceptable.

Northern Elevation

The rear elevation has varying setbacks which increase as the development increases in height. The ground floor has a nil boundary setback, with the first floor terraces set above this with a minimum 1 metre setback. The two terraces serve the level 1 communal room as a communal terrace and the manager's private open space. Both terraces have solid balustrades for visual privacy. Given the orientation of the site adjoining at the rear, these terraces would overlook the garages and car parking of No.427-429 Illawarra Road which is considered acceptable.

The setbacks are generally consistent with the requirements of MDCP 2011 and it is considered appropriate that the manager's room is located adjacent to the communal room and terrace to enable monitoring of the noise impacts of these terraces. The PoM was updated during the assessment to restrict the use of the terrace to prohibit noise after 10.00pm by restricting access to the terrace after this time. Similarly the house rules in the PoM state no loud music or television noise after 10.00pm.

Level 2 is setback a minimum of 6.5 metres and levels 3 and 4 are setback a minimum of 10 metres from the rear boundary. The upper level setbacks are considered to reduce any privacy impacts, and this coupled with solid balustrades are considered to protect the privacy of the future occupants and adjoining properties.

It is considered that even if the sites at No.427-429 and 423 Illawarra Road were to redevelop that these developments would be built to the shared boundary and would most likely contain balconies overlooking the Stinson Lane similar to the approved development at No.419-421 Illawarra Road which contains solid walls and balconies facing the rear elevation as shown in Image 5 below.



*Image 5: Photograph looking north of the site to the side boundary of No.419-421 Illawarra Road.*

Eastern Elevation

The eastern elevation adjoins Stinson Lane. The side elevation will face the adjoining property at No.61 Warren Road. The ground floor windows serve the entry to the foyer/residential entry lift and would be screened by the existing boundary fence at No.61 Warren Road (see Image 6 below). The first and second floors contain a number of windows facing the side boundary; these windows serve the bathrooms, bedrooms and kitchenettes of the units. The northernmost windows serve the communal room and as such screening is proposed. Similarly a planter box is proposed along this side of the communal terrace to increase the setback to the adjoining property.

The dwelling at No.61 Warren Road is significantly setback from the street and the allotment is significantly longer in depth than the subject site (see Image 7 below). This results in the development directly overlooking the side elevation of the dwelling only and not the rear private open space. As shown in Image 5 referred to in the previous paragraph, the adjoining property contains significant screening vegetation along its side boundary which would reduce the ability of the proposed windows to overlook the site. It is considered that the smaller size of the windows on the side boundary and screening of the communal windows protects the visual privacy of the adjoining property. The upper floors are setback a minimum of 3 metres from the side boundary and the planter boxes and balconies do not extend into the side setback and are non-trafficable.

Overall, it is considered that the layout and design of the development would ensure that the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties is protected. The development would maintain a high level of acoustic and visual privacy for the surrounding residential properties and ensure a high level of acoustic and visual privacy for future occupants of the development itself.



*Image 6: Stinson Lane (looking north between No.59 Warren (L) and No.61 Warren (R))*



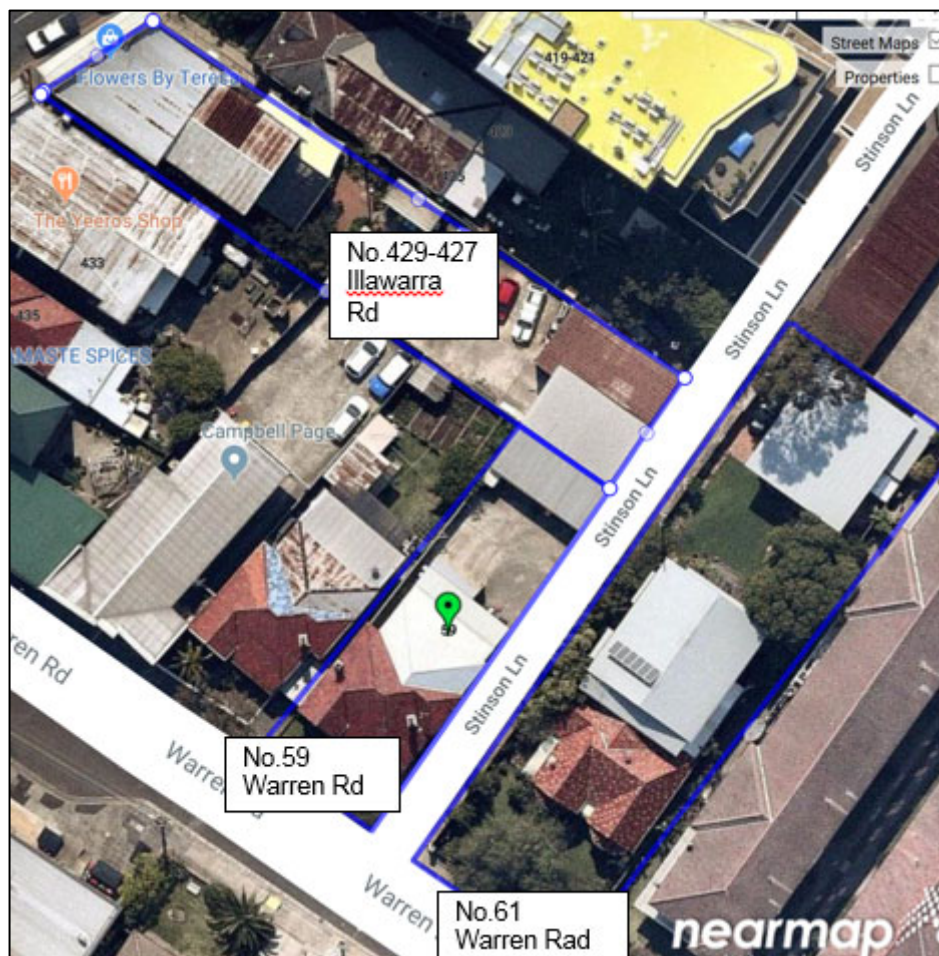


Image  
Image  
and

7: Aerial  
of site

surrounding allotments

(iii) Solar Access and Overshadowing (Part 2.7)

*Overshadowing*

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties and demonstrate that the development complies with Council’s overshadowing controls. The majority of the shadows cast by the proposed development on 21 June would fall over Warren Road. The development would not result in detrimental overshadowing to the private open space or primary living area of any property. The development complies with the objectives and controls of Part 2.7 of MDCP 2011.

*Solar Access*

Although the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 include provisions relating to solar access requirements for communal living areas in boarding house developments, those provisions do not specify any solar access requirements for the individual rooms within a boarding house. In this regard, control C11 of MDCP 2011 requires that:

**“C11 At least 65% of habitable rooms within a boarding house, a hostel or a residential care facility must provide a window positioned within 30 degrees east and 20 degrees west of true north and allow for direct sunlight over minimum 50% of the glazed surface for at least two hours between 9.00am and 3.00pm on 21 June.”**

The plans and shadow diagrams submitted with the application illustrate that the development complies with Council’s solar access controls above. 70% of the rooms would

have a window or glazed sliding doors facing north or east. Overall the development is considered to achieve good solar amenity to a large percentage of the boarding rooms.

(iv) Social Impact (Part 2.8)

Part 2.8 of MDCP 2011 requires that development for the purpose of boarding houses with capacity to accommodate 20 or more residents require a Social Impact Statement (SIS).

The SIS submitted with the application highlighted the following social issues that are relevant to the proposal:

- Provision of rental accommodation;
- Tenant profile;
- Anti-social behavior;
- Scale of development;
- Compatibility with neighborhood; and
- Amenity of neighbors.

The SIS outlined a general overview of the community profile and characteristics which would complement the proposed use of self-contained boarding rooms and potential social impacts, these being:

- An above average number of lone households;
- A below average number of households with children;
- A professional workforce above average;
- High proportion of group households; and
- A below average rate of car ownership.

Consideration was also made mention of Council's rezoning of the local area in 2011 by the adoption of MLEP 2011 which seeks a higher FSR and Height to facilitate the required housing targets for the LGA which the applicant believes highlights that the appropriate social impacts have been considered as part of that process.

It is considered that overall the development would not result in any detrimental social impacts when properly managed in line with the PoM submitted. The development would provide an increase in variety of housing types in the locality and increase the vitality of the commercial center.

(v) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains objectives and controls relating to community safety. Those controls are based on the Crime Prevention Through Environmental Design principles including Surveillance, Access Control, Territorial Reinforcement and Space Management and Maintenance. The development is acceptable having regard to the provisions in the following ways:

- The provision of balconies off many of the boarding rooms fronting Warren Road would allow overlooking of the street;
- The commercial tenancy fronting Warren Road encourages active surveillance; and
- The communal room and communal open space of the boarding house overlook Stinson Lane, along with the upper floor boarding room balconies which would provide improved passive surveillance of the rear lane.

(vi) Tree Management (Part 2.20)

The proposal requires the removal of the street tree on Warren Road in the front of the existing dwelling due to a conflict with the branches and proposed awning. Council's Tree

Management Officer accepts the removal of the street tree and requires 2 new street trees to be planted.

Subject to the recommended conditions of consent, the proposal is considered acceptable with regard to the provisions of Part 2.20 of MDCP 2011.

(vii) Site Facilities and Waste Management (Part 2.21)

*2.21.2.1 Recycling and Waste Management Plan*

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate.

*2.21.2.5 Residential Waste*

Temporary waste storage rooms are located on each level of the building. A bin storage area is proposed on the ground floor level of the development with a capacity to accommodate the required waste facilities for recycling and general waste under Part 2.21. The bin storage room is accessed via Stinson Lane, with roller door access directly from the lane into the bin storage room which is considered easily serviced by Council's Resource Recovery Services.

The proposal is considered acceptable with regard to Part 2.21.2.5 of MDCP 2011 and is supported.

*2.21.2.6 Commercial Waste*

A separate commercial waste room is provided on the ground floor which provides for 1 general waste and 1 recycling bin.

*2.21.3.2 Public utilities*

The design and provision of public utilities will be required to conform to the requirements of the relevant servicing authority in accordance with the conditions included in the recommendation.

*2.21.3.3 Mail boxes*

Details regarding the location of mail boxes is shown on the ground floor adjacent to the entry door. This is considered to meet the requirements of part 2.21.3.3 of MDCP 2011.

*2.31.3.4 Building identification numbers*

A condition is included in the recommendation requiring appropriate numbering to be placed on the site and the application for street numbering be approved by Council before the issue of an Occupation Certificate.

*2.21.3.5 Telecommunication facilities*

A condition is included in the recommendation requiring the provision of suitable telecommunication facilities in accordance with Part 2.21.6 of MDCP 2011.

**PART 4 - RESIDENTIAL DEVELOPMENT**

Development applications for boarding houses in B2 zones are assessed in accordance with the relevant controls in in Part 4.3 of MDCP 2011.

**Part 4.3 – Boarding Houses**(i) Character and Amenity of the Local Area (Part 4.3.3.1)

As discussed in Section 5 (a) (iii) of this report under the provisions of Clause 30A of the ARH SEPP, applications for new boarding houses must satisfy a local character test which seeks to ensure developments proposed under the SEPP are consistent with the built forms and desired future character of the area.

(ii) Boarding Rooms (Part 4.3.3.5)

Room type and facility	Minimum Requirement	Complies?
<b>C9</b> Minimum area 1 person room	12sqm GFA*	Yes
<b>C10</b> Minimum area 2 person room	16sqm GFA*	Yes
<b>C11</b> Maximum room size	25sqm GFA*	Yes
<b>C12</b> Calculation of room size	*The areas referred to in Controls C9 – C11 inclusive exclude kitchenettes (excluding circulation space), bathrooms and corridors.	Yes
<b>C13</b> Minimum room ceiling height	2,700mm	Yes
<b>C14</b> Occupation of share rooms – per room	Maximum of 2 adults	Yes
<b>C15</b> Fit out room only	Rooms must be able to accommodate: <ul style="list-style-type: none"> <li>• Bed/s for the potential number of occupants,</li> <li>• Enclosed and open storage for clothes, linen and personal items,</li> <li>• At least one easy chair and a desk with chair,</li> <li>• Plus safe and convenient circulation space.</li> </ul>	Yes
<b>C16</b> Area of self-contained facilities	<ul style="list-style-type: none"> <li>• Maximum of 5sqm for a kitchenette;</li> <li>• A kitchenette is not to be located along the wall of a corridor; and</li> <li>• Minimum 3sqm and maximum 4sqm for en-suite bathroom.</li> </ul>	Yes – all kitchenettes have been relocated away from the corridor entries to the rooms
<b>C17</b> Energy efficiency & internal climate	<ul style="list-style-type: none"> <li>• All habitable rooms are to have access to natural ventilation through an external window;</li> <li>• Natural light is to be available from an external window or from a light well – not from a skylight;</li> <li>• Light and air from an internal courtyard is acceptable if the courtyard is an adequate size</li> </ul>	Yes
<b>C18</b> Private open space	<ul style="list-style-type: none"> <li>• Maximum area 6sqm; and</li> <li>• Minimum dimension 2 metres</li> </ul>	No –the balconies exceed the 6sqm metre maximum,



	<p><b>NB</b> private open space is not a requirement but may be provided in a courtyard or balcony that adjoins a room</p>	<p>however these are considered to provide a high level of amenity for the future occupants and are supported.</p>
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Table 3: Part 4.3 MDCP 2011 Compliance Table

(iii) Communal Rooms and Facilities (Part 4.3.3.6)

The development accommodates 19 boarding rooms (32 lodgers) and 2 communal living areas are provided with a total area of 57sqm. The proposed communal living rooms have the capacity for lodgers, being 89% of the lodgers in the development which is well above the 50% requirement.

Communal room 1 has been designed to be accessible directly from the common open space of the development and would receive the required 3 hours of solar access in mid-winter. Both communal living rooms are well designed and provide a high level of amenity, accessibility and capacity for the development. The development satisfies the requirements of Part 4.3.3.6.

(iv) Communal Laundry (Part 4.3.3.7)

A communal laundry is not shown on the plans, it is considered that the storage room on level 1 of the development is capable of accommodating a communal laundry room and would be adjacent to the communal room. A condition is included in the recommendation to this effect.

(v) Landscaped Area and Common Open Space (Part 4.3.3.8)

The common open space area would receive a minimum 3 hours direct sunlight over more than 50% of the area between the hours of 9.00am and 3.00pm mid-winter. Whilst not providing any soft landscaped area, plantings are proposed along the eastern edge to provide an increased setback and buffer to the laneway and adjoining property at No.61 Warren Road. The common open space is considered acceptable.

**PART 5 - COMMERCIAL AND MIXED USE DEVELOPMENT**

Part 5.1.3.3 contains massing and setback controls for commercial and mixed use developments. However the strategic context controls contained in Part 9.40.4.3 of the DCP provide more site specific massing and setback, building depth, roof projection and height controls which effectively supersede the Part 5 controls. In this instance the development site is not typical of any scenario presented in Part 9 controls, therefore for the purpose of a more detailed assessment the proposal is assessed against the massing controls of Part 5 of MDCP 2011.

The following assessment relates to controls which are not replicated within Part 9.40 of MDCP 2011:

**General Commercial and Mixed Use Development Controls**(a) Corners, Landmarks and Gateways (Part 5.1.3.6)

The proposal results in the development being built to the street-frontage of both Warren Road and Stinson Lane, with the exception of the 2m x 2m splay which is required to be dedicated to Council as per the criteria specified and is therefore consistent with Part 5.1.3.6 of MDCP 2011.

(b) Building Detail (Part 5.1.4)

It is considered that the streetfront portion of the development is appropriately massed at 3 storeys to Warren Road and Stinson Lane. The provision of a setback for levels 4 and 5 ensures the upper levels are recessive in appearance. The use of off-form concrete and facebrick on the lower levels and more lightweight colorbond cladding and painted concrete on the upper levels also reinforces the lower levels as being the leading element of the development. The side walls of the development on the western side have been treated with differing materials for the lower and upper levels to bring visual interest until such time that redevelopment of the adjoining property occurs.

As discussed in Section 5(a)(v)(i) of this report, the application has been assessed by Council's Architectural Excellence Panel (AEP) throughout the pre-DA and DA process and is considered both by the panel and by Council to result in a high-quality architectural form and materiality which conforms to the building detail controls of Part 5.1.4.1 of MDCP 2011.

(c) Active street frontage uses and shopfront design (Part 5.1.4.2)

Part 5.1.4.2 of MDCP 2011 specifies controls for active street frontage uses and shopfront design. The proposal is considered to comply with these provisions for the following reasons;

- The shopfront design is consistent with the contemporary infill development design as a whole, giving consideration to the streetscape context;
- The new shopfront is consistent with the width and height proportions of the existing shopfronts evident within the streetscape and surrounding commercial precinct;
- The shop has floor levels that relate to the footpath level; and
- The shopfront provides visual transparency through the use of a glass window and door façade and direct access between the footpath and the shop.

(d) Massing and Setbacks (Part 5.1.4.3)

The development complies with the massing and setback controls for new infill development in that:

*Front Massing*

The streetfront portion of the development is contained within 3 storeys and is less than 12 metres in height. There is generally a nil setback to the front and side boundaries for the first 3 floors at the streetfront in line with the controls

*Upper Level Massing*

The upper level front elevation wall is setback 6 metres to the front and 3 metres to the secondary frontage. However, there are 4 balconies of the upper levels that extend into the 6 metre setback requirement, these elements are considered to provide visual interest and amenity to the boarding rooms and would not result in any privacy or amenity impacts. The protrusion of the balconies into the 6 metre setback would not result in increased bulk or

scale and the use of planters on level 3 will provide for some greenery' for the development softening the facade in this location.

Similarly, planter boxes and a non-trafficable roof which extends into the 3 metre setback from Stinson Lane on Level 3 is considered acceptable as it does not add to the bulk of the building and would not result in any privacy impacts as it is not accessible for use by occupants.

*Rear Massing*

The rear boundary of the site is a common boundary with the side boundary of No.427-429 Illawarra Road. The rear massing is compliant with the required rear boundary setback and a 45 degree sloping plane from a point 5 metres vertically above the ground level with the exception of 2 points which are shown in Image 8 below. A slight intrusion into the sloping plane is proposed at level 3, which is considered nominal and relates to a corner of the roof, however a larger protrusion is proposed at level 5 with a portion of the level 5 boarding rooms intruding in the sloping plane. In this instance the slight variations are considered acceptable as it results in a consistent rear alignment of the upper levels, rather than a setback for level 5 which would result in tiered wedding cake effect. The variation would not result in any privacy or amenity impacts as these boarding room windows service the area for bed placement and are potentially overlooking the side boundary element of any future development of No.427-429 Illawarra Road which would be built with a blank boundary wall.

Overall the high-quality design would result in a strong corner development in the streetscape and provide a transition between the massing of higher density development on Illawarra Road and transition to a mixed lower density on Warren Road.

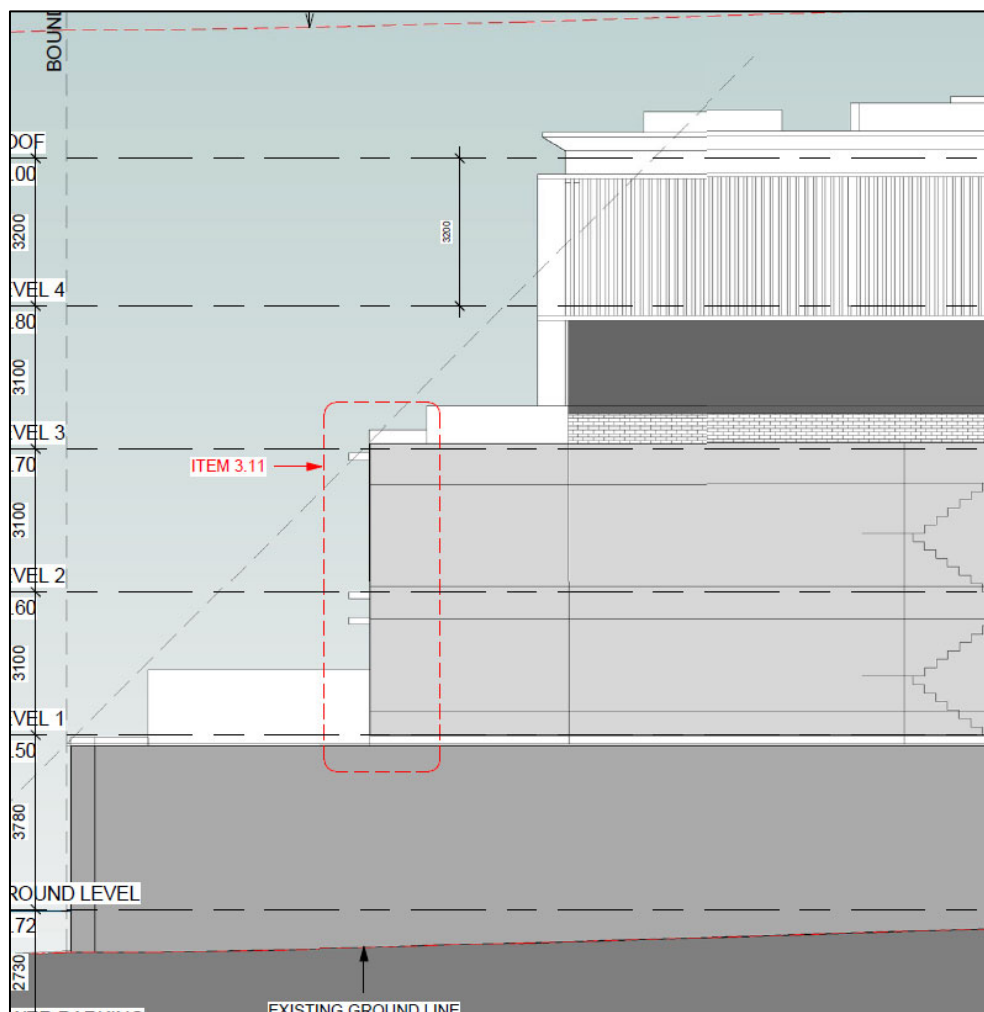


Image 8: Western Side Elevation showing encroachments into rear massing controls

(e) Building Use (Part 5.1.5)

(i) Mixed use development (Part 5.1.5.1)

The commercial tenancy proposed is 71sqm in area and has a frontage to Warren Road. The floor level of the tenancy is consistent with the footpath adjacent and it is considered that the development would provide for an active street front and transition into the adjacent residential zone for the remainder of Warren Road. The proposal complies with Part 5.1.5.1 of MDCP 2011.

(f) Ceiling Heights (Part 5.1.5.3)

The ground floor commercial and parking areas have a ceiling height of 3.7 metres, with the remainder of the development having floor to floor heights of 3.1 metres which complies with Part 5.1.5.3 of MDCP 2011.

**PART 9 - STRATEGIC CONTEXT**

The site is located in the Marrickville Town Centre (Commercial Precinct 40) under MDCP 2011.

Part 9.40 of the DCP prescribes site specific planning controls to achieve the desired future character for the Marrickville Town Centre Precinct. The development site is not included in the masterplan controls within the precinct, however as the development sits within the B2 zone, assessment against the following controls is required.

(a) Part 9.40.2.2

The development meets the requirements of Control C4 and is considered acceptable to be built to full height and FSR given the frontage is greater than 12 metres in width and the site is greater than 325sqm in area.

Control C8 prescribes that for developments within land zoned B2 Local Centre in the precinct that the:

- i. Height (in storeys);*
- ii. Massing;*
- iii. Maximum building depth;*
- iv. Minimum setback; and*
- v. Maximum roof projection*

*for a redevelopment must be in accordance with the control diagrams in the following figures for the respective scenarios.*

The subject development would be most conforming to a Scenario 1 (shown in image 9 below) development, however the development does not adjoin a rear laneway and is a corner allotment, therefore in this instance the controls contain within Part 5 of MDCP 2011 with respect to massing, setbacks, rear roof projection and depth have been used to assess the application as they are considered more appropriate to the nature and context of the site.

Notwithstanding this the development is generally compliance with the required massing, depth and setbacks of Scenario 1, with the exception of the upper levels balconies being located within the 6 metre front setback. This is consistent with the non-compliance of Part 5 and is considered justified as discussed earlier in this report. Similarly, as discussed earlier in this report, given the site is not adjoining a laneway to the rear the rear setback controls have been assessed in accordance with Part 5, being more relative to a property with a shared boundary wall.



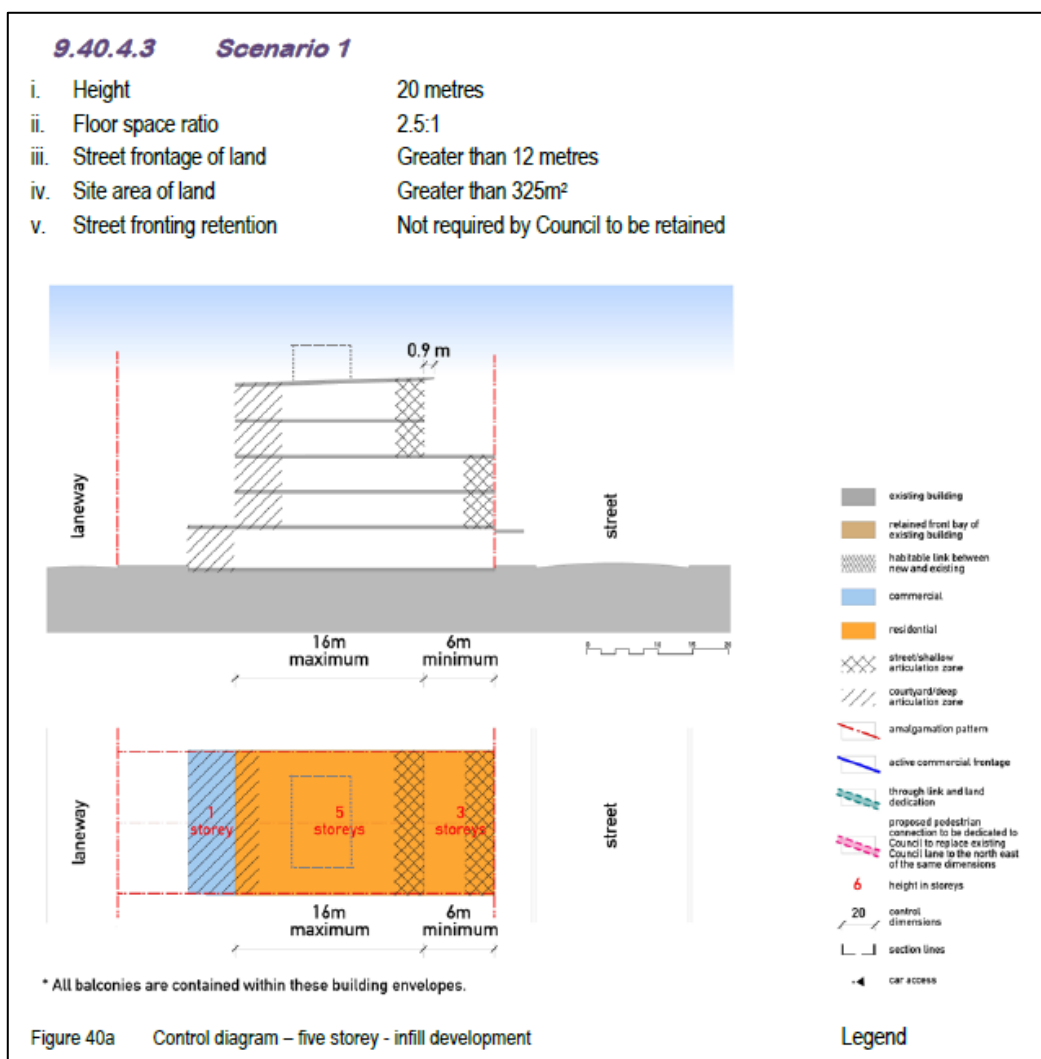


Image 9: Extract of Scenario 1 diagrams – Part 9.4 of MDCP 2011

### 5(d) Site Isolation

Approval of the proposed development may result in No.57 Warren Road being isolated. No. No.57 Warren Road is situated in between the subject site and No.55 Warren Road Marrickville.

Whilst Council’s controls do not provide any specific site amalgamation requirements, i.e. minimum lot size and/or minimum frontage requirement, it is considered prudent to consider the planning principles of site isolation.

In *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 consideration was given to the following questions when a site is to be isolated through redevelopment:

1. Is the amalgamation of the sites feasible?
2. Can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?

The following Land and Environment Court planning principles are to be applied in determining when answering the above questions:

- Negotiations for amalgamations of sites commenced early, prior to the lodgement of a development application,

- If negotiations were not successful, details of the negotiations, including at least one recent independent valuation (which considers the property as being part of a complying amalgamated site) and include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property, and
- Where it has been shown that reasonable efforts have been undertaken to facilitate amalgamation of the isolated properties, and where no resolution can be reached between the parties, applicants must include with their development application a plan of adjoining lots excluded from the amalgamation which shows a schematic design of how the site may be developed, for the orderly and economic development of the isolated site. This should include an envelope for that site, indicating height, building form, setbacks and separations (building and basement) sufficient to understand the relationship between the proposed development and the isolated site and the streetscape implications.

The applicant sought to negotiate with the owners of Nos. 55 and 57 Warren Road Marrickville with a joint pre-development application lodged for the 3 properties for a 5 storey mixed use development on 12 October 2012. A number of modifications were required to the proposal if a development application was to be pursued. Following the pre-DA meeting and letter being issued, a large number of emails were exchanged between the owner of No.59 Warren Road and No's 55 and 57 Warren Road between December 2012 and August 2013 which were submitted to Council during the assessment of the application.

Email exchanges provided to Council reveal a willingness of the owners of No.55 and 57 Warren Road to sell to the owner of No.59 Warren Road. Upon consideration of this offer, the owner decided not to proceed to purchase and to offer his property (No.59 Warren Road). On 9 February 2013, the owner of No.55 advised an unwillingness to purchase the property and suggested an 18 month option to purchase. This was not pursued. Further emails exchanged detail further potential arrangements for potential purchase of the subject site by the owner of No.55 Warren Road, including him advising the owner of No.59 that a development proposal would be proceeding for a 2 lot development. Whilst no valuation was provided, the email exchange reveals a genuine attempt by the owners of No.55 and No.59 to negotiate a joint development or purchase of each other properties, to no fruition.

During the assessment of the application, the applicant submitted concept plans for a compliant development for Nos. 55 and 57 Warren Road as per the advice by the owner of No.55 Warren Road in the email trails as being what was proposed moving forward (however Council has no current or approved applications for these sites). It should be noted that Council has received 3 Pre-Development Applications from No.55 Warren Road for a single site development in 2013, 2014 and one in 2015 which was subsequently withdrawn.

Provide below are schematic plans of the potential redevelopment of Nos.55 and 57 Warren Road as submitted by the applicant for the development:



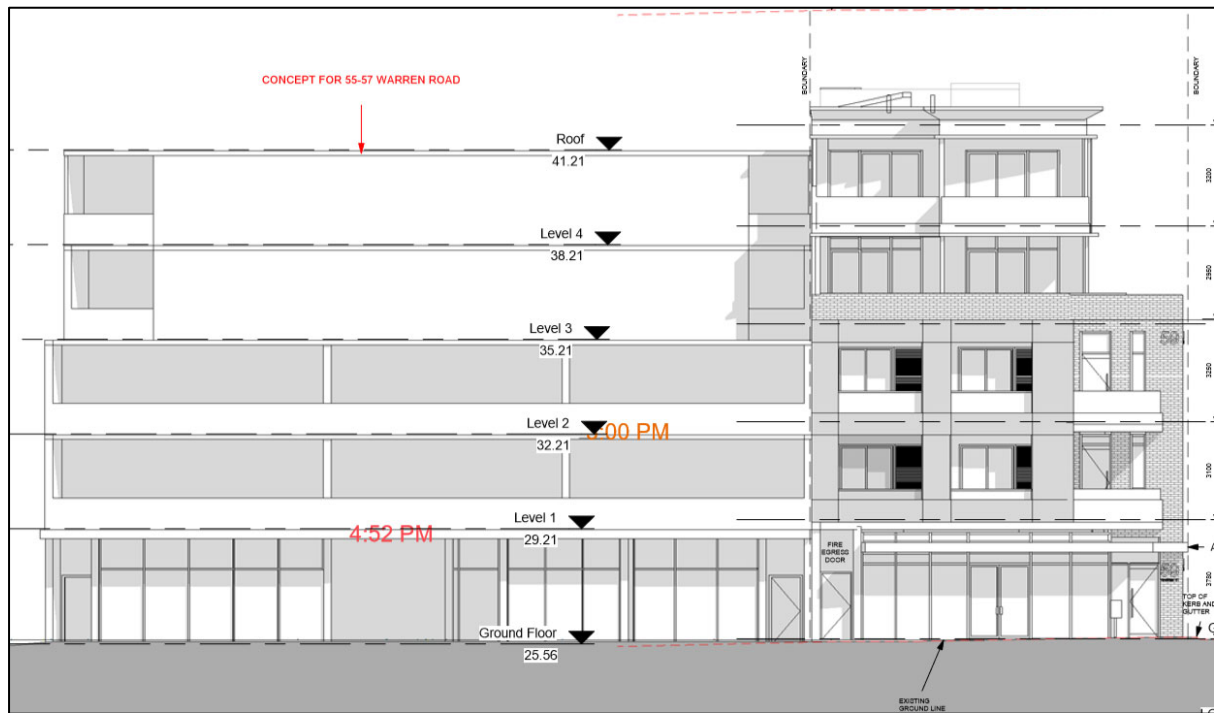


Image 12: Extract of concept front elevation of No.55&57 Warren Road

Based on the above, the applicant has made attempts to acquire the adjoining site or to sell to the adjoining property owner. Whilst not strictly in accordance with the Land and Environment Court planning principles, it is considered that the adjoining site is assessed as being capable of being orderly and economically redeveloped. The re-development of No.59 Warren Road in isolation is acceptable as it is not considered to isolate the adjoining lots.

### 5(e) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact on the locality.

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

The site is zoned B2 – Local Centre. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

### 5(g) Any submissions

The application was notified in accordance with Marrickville Development Control Plan 2011 for a period of 14 days to surrounding properties. A total of 15 submissions were received.

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

1. Site isolation - see section 5 (d)
2. Not in keeping with desired future character & Streetscape – see sections 5(a)(iii)(iii) and 5(c) (Part 9 (a))
3. Floor Space Ratio – see sections 5(a)(iii)(i)(a) & 5 (a)(v)(iii)
4. Car parking and traffic- see section 5(a)(iii)(i)(f)
5. Height and number of storeys – see section 5(a)(iii)(i)(b) & 5(a)(v)(ii)
6. Bulk, scale & massing – see section 5(c)(Part 5 & 9 controls)
7. Overshadowing and Solar Access – see section 5(c)(part 2.7) (iii)
8. Architectural design and building aesthetic – see section 5 (a) (v) (i)

9. Landscaping/Trees – see section 5 (c) (Part 2.20) (vi)
10. Visual and Acoustic Privacy – see section 5(c) (part 2.6) (ii)
11. Setbacks – see section 5(c)(part 5 (b) & 9 (a)controls)
12. Suitability of development – see part 5 (f)

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

Issue: *Site has wrong zoning and density under development standards*

Comment: The site is zoned B2- Local Centre which seeks to enable a continuation of the Illawarra Road commercial centre to Warren Road. It provides an appropriate transition to the residential zone along Warren Road which is of mixed density. This zone was applied under Marrickville Local Environment Plan 2011 to provide for an increased density in the area. The 20 metre height limit and 2.5:1 FSR compliment the zone and transition from higher density development along Illawarra Road. The suitability of the site for the zone is not a consideration of this proposal and the zoning suitability has been considered extensively in the review of the zoning provisions applying to the land forming part of the formulation and adoption of MLEP 2011.

Issue: *Request for Warren Road to be made one way*

Comment: Holistic changes to traffic management on Warren Road are not a matter for consideration in the assessment of this proposal and such changes would need to be considered by Council's Local Traffic Committee as a separate matter.

Issue: *Use of the development as a brothel*

Comment: These claims are unfounded. Conditions of consent regarding the use of the premises as a boarding house are included in the recommendation. Notwithstanding, claims regarding the property being used for another purpose are not substantiated.

Issue: *Transient nature of boarding house occupants*

Comment: Boarding houses are a permissible use under the B2- Local Centre Zone applying to the site. The nature of the future occupants is not a valid consideration as part of the assessment of the application.

Issue: *Request under Freedom of information for councillors and relatives who own property on Renwick, Cary and Grove St*

Comment: This is not a matter for consideration in the assessment of this application and any such request must be made to Council through a formal GIPA request.

Issue: *Use of Stinson Lane during construction*

Comment: The use of Stinson Lane during construction will be subject to a detailed Traffic Management Plan to cater for construction traffic and this is required to be submitted to and approved by Council before commencement of works. Council's Development Engineer has specified that details shall include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities. If any occupation of the road is required then the appropriate permits must be applied for and approved by Council.



### 5(h) The Public Interest

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

The proposal is not 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 sections 4 and 5 above.

1. Architectural Excellence Panel – no objections raised to amended proposal.
2. Development Engineer – no objections subject to conditions.
3. Tree Officer – no objections subject to conditions
4. Waste Management – no objections subject to conditions

### 6(b) External

The application was not required to be referred to any external officers or agencies.

## 7. Section 94 Contributions

Section 94 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A financial contribution would be required for the development under Marrickville Section 94 Plan for the sum of \$335,648.47 (a credit for the existing dwelling house was given).

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

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environment Plan 2011 and Marrickville Development Control Plan 2011. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: 201800235 for the demolition of existing improvements and construction of a 5 storey mixed use building containing a shop and 20 boarding rooms with associated car parking at No.59 Warren Road, Marrickville subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### Attachment A – Recommended conditions of consent

#### GENERAL

1. The development must be carried out in accordance with plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
A100, Issue C	Lower Parking Pit Floor Plan	25.09.2018	MGA Architects	7.11.2018
A101, Issue C	Ground Floor Plan Option 1	25.09.2018	MGA Architects	7.11.2018
A102, Issue C	Level 1	25.09.2018	MGA Architects	7.11.2018
A103, Issue C	Level 2	25.09.2018	MGA Architects	7.11.2018
A104, Issue C	Level 3	25.09.2018	MGA Architects	7.11.2018
A105, Issue C	Level 4	25.09.2018	MGA Architects	7.11.2018
A106, Issue C	Roof Plan	25.09.2018	MGA Architects	7.11.2018
A200, Issue C	Elevations East and West	25.09.2018	MGA Architects	7.11.2018
A201, Issue C	Elevation South	25.09.2018	MGA Architects	7.11.2018
A202, Issue C	Elevation North	25.09.2018	MGA Architects	7.11.2018
A400, Issue A	Materials and Finishes Schedule	31.05.2018	MGA Architects	22.10.2018
A401, Issue B	Materials and Finishes Schedule	27.08.2018	MGA Architects	22.10.2018
A402, Issue B	Material and Finishes Schedule – Elevation Thru Warren Road (West)	27.08.2018	MGA Architects	22.10.2018
A403, Issue B	Material and Finishes Schedule – East Elevation	27.08.2018	MGA Architects	22.10.2018
A404, Issue B	Material and Finishes Schedule – North Elevation	27.08.2018	MGA Architects	22.10.2018
A405, Issue B	Material and Finishes Schedule- South Elevation	27.08.2018	MGA Architects	22.10.2018
A300, Issue B	Section	27.08.2018	MGA Architects	22.10.2018
A303, Issue B	Detailed Section through C-C	27.08.2018	MGA Architects	22.10.2018
A302	Detailed Section through B-B	11.05.2018	MGA Architects	22.10.2018
A002, Issue C	Photomontage Streetscape Elevation	27.09.2018	MGA Architects	22.10.2018
A0003, Issue C	3D Views	27.09.2018	MGA Architects	22.10.2018
20180174.1/1804A /RO/MF	DA Acoustic Assessment	18.4.2018	Acoustic Logic	31.05.2018

Pages 1-6	Car Stacker Specifications Data Sheet Woehr Parklift 450	05.2018	WOHR Autoparksysteme GmbH	25.09.2018
954525M	BASIX Certificate	20.08.2018	Brian Teplicanec Consultancy	21.08.2018
LSDA-201, Issue C	Landscape Concept Plan Ground	28.02.2018	greenplan	21.08.2018
LSDA-202, Issue C	Landscape Concept Plan Level 1	21.08.2018	greenplan	21.08.2018
LSDA-203, Issue C	Landscape Concept Plan Level 3	21.08.2018	greenplan	21.08.2018
LSDA-301, Issue B	Landscape Details Planting and Construction	21.08.2018	Greenplan	21.08.2018
-	Management Plan	August 2018	Bruce Threlfo	7.11.2018

and details submitted to Council on 31 May 2018, 20 & 21 August 2018, 25 & 27 September 2018, 22 October 2011, 7 November 2018 with the application for development consent and as amended by the following conditions.

Reason: To confirm the details of the application submitted by the applicant.

2. Where any plans and/or information forming part of a construction certificate issued in relation to this consent are inconsistent with:
  - (a) the plans and/or information approved under this consent; or
  - (b) any relevant requirements of this consent,

the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.
3. In order to ensure the architectural and urban design excellence of the development is retained:
  - i) The design architect is to have direct involvement in the design documentation, contract documentation and construction strategies of the project;
  - ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
  - iii) Evidence of the design architect's commission is to be provided to the Council prior to the release of the construction certificate.
  - iv) The design architect of the project is not to be changed without prior notice and approval of the Council.
4. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes identified in Drawing Nos. A400-A405 dated 31.05.2018 and 27.08.2018, prepared by MGA Architects. No changes may be made to these drawings except by way of an application under section 4.55 of the *Environmental Planning and Assessment Act 1979*.

5. Where rooms are provided with separate individual hot water systems, these must be located within the internal area of the unit/dwelling and not on any balcony or terrace.  
Reason: To ensure the aesthetics of the building and architecture are maintained.
6. The use of the premises as a boarding house must comply at all times with the following:
  - a) The use must comply at all times with the Plan of Management referred to in condition 1 above and as amended by the conditions in this Determination;
  - b) A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
  - c) A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
  - d) The Plan of Management must not be amended without the prior consent of Council;
  - e) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
  - f) The premises must be used exclusively as a boarding house containing a maximum total of 19 lodger's rooms and 1 on-site manager's rooms with not more than 32 adult lodgers and 1 adult on-site managers residing in the premises at any one time;
  - g) Not more than 1 lodger must occupy boarding rooms 4, 5, 10, 11, 14 and 18, not more than 2 adult lodgers must occupy all other rooms;
  - h) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
  - i) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and
  - j) Each self contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times.
7. All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service and room tariffs must not include a separate charge for those services.
8. Separate Development Consent or Complying Development Certificate must be obtained for the use of the ground floor shops/commercial suites prior to the occupation of that part of the premises.
9. The ongoing use of the ground floor commercial tenancy complying with the following requirements at all times:
  - a) The area to be used as a shop/office must be restricted to the ground floor commercial tenancies;
  - b) The shop window display areas must be maintained at all times with no roller shutters being installed across the shop fronts;
  - c) The hours of operation are restricted to between the hours of 7.00am to 7.00pm Monday to Saturday and not at any time on Sundays or public holidays;
  - d) All loading and unloading in connection with the use must be carried out wholly within the property from the commercial parking space at the rear of the site, during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public;
  - e) No storage of goods or equipment external to any building on the site is permitted; and
  - f) No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.
10. A total of 8 off-street car parking spaces must be provided, paved, line marked and must be maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use. The car parking spaces must be allocated as follows:

- a) 6 car parking spaces being provided for lodgers, with 2 of these being provided for persons with a disability and marked as disabled car parking spaces;
- b) 1 car parking space being provided for on-site manager; and
- c) 1 car parking spaces being provided for the commercial tenancy staff.

All parking spaces and turning area thereto must be provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose. A sign legible from the street must be permanently displayed to indicate that visitor parking is available on site.

11. A minimum of 4 off-street bicycle storage spaces must be provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use.
12. A minimum of 4 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use.
13. A minimum of 4 accessible rooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
14. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, particulate matter, the exposure to view of any unsightly matter or otherwise.
15. The use of any plant and equipment must not give rise to:
  - a) transmission of unacceptable vibration to any place of different occupancy;
  - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level must be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
16. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to "offensive noise" as defined by The Protection of the Environment Operations Act 1997 (NSW).
17. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any advertisements or advertising structures. The shop windows must not be painted with advertisements and no flashing lights are to be installed on the premises.
18. All prescribed trees shall be retained and protected in accordance with these conditions and with the Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 unless their removal, pruning or other works is explicitly approved under the terms of this consent. The street tree in front of the subject property may be removed in accordance with these conditions.
19. The proposed awning shall be of cantilever type and be set back at least 600mm from the kerb line. The proposed awning shall be designed so as to be easily removed if required in future. The awning shall include pedestrian lighting (Category P3-AS1158) and shall be maintained and owned by the property owner(s). The owner shall maintain, modify or remove the structure at any time if given notification by Council to do so. All works shall be at no cost to Council.

20. Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition the by-laws of any future residential strata plans created for the property shall reflect this restriction.
21. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2015 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
22. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
23. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the basement or any below ground structure shall be design to be "tanked" preventing the ingress of seepage or groundwater.
24. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
25. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).

**BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK**

26. No work must commence until:
  - a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
  - b) A minimum of 2 days written notice must be given to Council of the intention to commence work.
27. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
28. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.  
  
Facilities must be located so that they will not cause a nuisance.
29. All demolition work must:
  - a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and



- b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.
30. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
31. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.
32. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
33. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.
34. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:
- a) The name, address and telephone number of the PCA;
  - b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
  - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
35. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:
- a) Where the builder's materials and waste are to be stored;
  - b) Where the sediment fences are to be installed on the site;
  - c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
  - d) How access to the site will be provided.
- All devices must be constructed and maintained on site while work is carried out.
36. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a copy being provided to Council and the property owner of the identified property, before work commences, on the buildings on the adjoining property at No.57 Warren Road, Marrickville, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.
37. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:
- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.

- b) A concrete pump across the roadway/footpath
- c) Mobile crane or any standing plant
- d) Skip bins
- e) Scaffolding/Hoardings (fencing on public land)
- f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- g) Awning or street verandah over footpath
- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

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

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

- 38. The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.
- 39. The person acting on this consent shall ensure the site is secured with temporary fencing prior to any works commencing.

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

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

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

- 40. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities.
- 41. The person acting on this consent shall apply for a Work Zone along the site frontage for construction vehicles. A minimum of 2 months should be allowed for the processing of the application.
- 42. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
- 43. The landscape plan and detail shall be amended to provide two new street trees in front of the subject property and shall be submitted to and approved by council before work commences. The species of trees shall be *Elaeocarpus eumundii* (Eumundi quandong). They shall be planted in an expanded soil vault that extends the length of the property

frontage and from boundary to the road. WSUD principles shall be incorporated to irrigate the two trees.

Reason: To compensate for the street tree that is removed and to ensure that local amenity and urban forest canopy is sustained.

44. The citrus tree in the back yard of the neighbouring property, 57 Warren Road, shall be plotted on all relevant working plans. A 2.0 metre radius Tree Protection Zone (TPZ) shall be shown around the tree.

#### **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

45. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Plumbing, building and developing then Quick Check agents and
  - Guidelines for Building Over/Adjacent to Sydney Water Assets – see Plumbing, building and developing then Plan submissions
- or telephone 13 20 92.

The stamped plans must be submitted to Certifying Authority satisfaction before the issue of a Construction Certificate.

46. The separate lots comprising the development must be consolidated into one lot and under one title and registered at the NSW Department of Lands before the issue of a Construction Certificate.
47. Amended Plans demonstrating the following are required to be submitted to the Principal Certifying Authority's satisfaction prior to the Issue of a Construction Certificate:
- a) An increase in wall height to minimum of 1.5 metres above floor level on the western side elevation balcony walls for Room 15 ; and
  - b) Conversion of the storage room on level 1 to a communal laundry containing a minimum of 2 washing machines and 2 dryers.
48. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.
49. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
50. Adequate outdoor clothes drying areas must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
51. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
52. Plans fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

**NOTE:** The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted

or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation).

53. a) This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.
- b) Before the issue of a Construction Certificate, the Council must be paid a monetary contribution of \$335,648.47 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 05 November 2018.

**\*NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

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

**(CONTRIBUTION PAYMENT REFERENCE NO. DC002453)**

- c) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:
- |                       |              |
|-----------------------|--------------|
| Community Facilities  | \$35,561.44  |
| Plan Administration   | \$6,581.41   |
| Recreation Facilities | \$292,743.28 |
| Traffic Facilities    | \$762.34     |
- d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.
- e) The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card\*.

\*NB A 1% credit card transaction fee applies to all credit card transactions.

**Reason:** To ensure provision is made for the increase in demand for public amenities and services required as a consequence of the development being carried out.

54. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction addressing the requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).
55. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

**NOTE:** The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation. [www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au)

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

Security Deposit	\$24,000
Inspection fee	\$230.65

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

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

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

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

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

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

57. The stormwater drainage concept plans 6065-C4, 6065-C5, 6065-C6, 6065-C7, 6065-C8 and 6065-C9 (Rev A) shall be amended and/or additional information provided as follows;
- i. Detailed calculations for sizing of the OSD system to be provided for assessment;
  - ii. Details of the 1 in 100 year overflow route/paths in case of failure/blockage of the drainage system shall be provided, This shall include any existing overland flow routes from upstream;
  - iii. The plans shall be amended so as to exclude all charged lines;
- The above additional information shall be submitted to and approved by Council before the issue of a Construction Certificate.
58. a) To provide for sight-distance for vehicles and pedestrians at intersections a 2m x 2m splay must be created at the property corner of Warren Road and Stinson Lane, and dedicated to the public for road widening before the issue of an Occupation Certificate.
- b) Amended Architectural plans must be submitted to and approved by Council before the issue of a Construction Certificate demonstrating the following:
- i. incorporating the splay corner;
  - ii. deleting all encroachments above and below the 2m x 2m splay. This will require the balcony serving room 3 on level 1 and room 9 on level 2 to be amended to have a maximum length of 1.9 metres (so as to maintain a square shape and not a splayed edge).

59. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:
- The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc. shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide;
  - The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
  - New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Infrastructure Services Division on 9335 2000; and
  - Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 2.5%. These sections will set the alignment levels at the boundary.
- Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate with all works completed before to the issue of an Occupation Certificate.
60. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 *Parking Facilities: Off-street car parking*, AS/NZS 2890.6-2009 *Parking facilities: Off-street parking for people with disabilities* so that. In addition the vehicle egress must be designed such that there are no obstructions to sight lines. Amended plans shall be submitted to and approved by Council before the issue of a Construction Certificate.
61. The design of the car stacker shall address the following criteria:
- Ensure operating noise and vibration levels are limited to acceptable levels in accordance with appropriate standards and any plant equipment is housed in noise attenuating housing as required/appropriate;
  - Provide manufacturer specifications;
  - Provide operational details/management plan of the entire facility, demonstrating safe and functional access for all users; including details of safety protection systems for users and non-users.
- The design shall be certified by a suitably qualified Civil Engineer and be provided to the Principal Certifying Authority before the issue of a Construction Certificate.

#### **SITE WORKS**

62. Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
  - 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
  - at no time on Sundays or public holidays.

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

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



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

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

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

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

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

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

63. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
64. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'.
65. All demolition work must be carried out in accordance with the following:
  - a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
  - b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
  - c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
  - d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
  - e) the generation of dust and noise on the site must be controlled;
  - f) the site must be secured to prohibit unauthorised entry;
  - g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
  - h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
  - i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
  - j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
  - k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

66. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:
- a) At the commencement of the building work;
  - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
  - c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
  - d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

67. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:
- a) protect and support the adjoining premises from possible damage from the excavation, and
  - b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and
  - c) at least 7 days' notice must be given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report must be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

68. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
69. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.
70. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
71. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. For vehicular access off rear laneways the level at the boundary shall match the invert level of the adjacent gutter plus 150mm at both sides of the vehicle entry. Note: This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the above alignment levels. Failure to comply with this condition will result in vehicular access being denied.
72. The applicant shall, within fourteen (14) days of notification by Council, execute any and all maintenance works required by Council. In the event that the applicant fails to undertake

such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security bond and Council may recover any costs in excess of the security from the applicant.

73. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.
74. A 2.0-metre radius area around the citrus tree in the back yard of the neighbouring property, 57 Warren Road, shall be designated Tree Protection Zone (TPZ). The TPZ need not be fenced but the activities listed in Section 4.2 of the Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 shall not be permitted within the designated TPZs. No excavation is permitted within the 2.0 metre radius TPZ.  
Note: Australian Standards can be purchased via the Standard Australia publisher SAI Global Limited at [www.saiglobal.com](http://www.saiglobal.com).
75. The street tree approved to be removed shall be removed no earlier than one week prior to the commencement of works. It shall be removed by a practicing arborist who has a minimum qualification of Certificate 3 in Arboriculture, in compliance with the Safe Work Australia *Guide to Managing Risks of Tree Trimming and Removal Work*, July 2016.
76. Following completion of construction and prior to the issue of the Occupation Certificate, two new street trees shall be planted.
77. The two new trees shall be planted in accordance with the following criteria:
  - a) The new trees shall be located in accordance with the approved amended landscape plan.
  - b) The species of the new tree shall be *Elaeocarpus eumundii* (Eumundi quandong) or as otherwise approved in writing by Council's Coordinator Public Trees.
  - c) The planting stock size shall be at least 75 litres.
  - d) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
  - e) The new trees shall be planted in accordance with the tree planting detail submitted to and approved by Council before the start of works. The trees shall be planted in a soil vault that extends the width of the frontage of the subject property and from the street to the boundary. Irrigation shall be provided for the trees utilising Water Sensitive Urban Design (WSUD) principles.
  - f) The soil vault shall be installed and the new trees shall be planted by a qualified and suitably experienced horticulturist, arborist, or landscape contractor approved by Council's Coordinator Public Trees.
  - g) The new trees shall be maintained in a healthy and vigorous condition in accordance with a maintenance schedule approved by Council's Coordinator Public Trees for two years after planting.
  - h) If either tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

#### **BEFORE OCCUPATION OF THE BUILDING**

78. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:
  - a) A copy of the determination;

- b) Copies of any documents that were lodged with the Occupation Certificate application;
  - c) A copy of Occupation Certificate, if it was issued;
  - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
  - e) A copy of any missed inspections; and
  - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
79. Occupation of the building must not be permitted until such time as:
- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
  - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
  - c) An Occupation Certificate has been issued.
80. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:
- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
  - b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).
- Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.
81. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
- a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
  - b) Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.
82. The landscaping of the site must be carried out before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate) in accordance with the approved details and must be maintained at all times to Council's satisfaction.
83. The Principal Certifying Authority shall certify in writing before the issue of the Occupation Certificate that the conditions relating to tree protection and tree planting have been complied with, or if not, detail the nature of any departure from the conditions and shall report breaches of the conditions to Inner West Council.
84. Prior to the issue of the occupation certificate, Council shall be notified in writing that the new trees have been planted in accordance with these conditions and an inspection of the new trees shall be facilitated at any future date thereafter if council wishes to inspect the new tree.
85. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.

86. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
87. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).
88. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
89. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" must be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
90. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
91. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
92. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
93. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled. Non-compliance with this condition will result in loss of your security deposit.
94. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of the Occupation Certificate.
95. The existing unsatisfactory road pavement in Stinson lane Street shall be repaired using a 30mm Mill and Fill treatment for the full frontage of the site. Any failed section shall be boxed out and replaced with deeplift asphalt before the Mill and Fill treatment.
96. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater *drainage, re-use and quality measures* have been constructed in accordance with the approved plans shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.

97. With the regard to the On Site Detention System (OSD), a Positive Covenant in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code shall be placed on the Title in favour of Council before the issue of the Occupation Certificate.
98. All instruments under Section 88B of the Conveyancing Act used to create positive covenants, easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.
99. To provide for sight-distance for vehicles and pedestrians at intersections a 2m x 2m splay must be created at the property corner of Warren Road and Stinson Lane, and dedicated to the public for road widening before the issue of an Occupation Certificate.
100. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard plans and specifications. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the approved plans and specifications before the issue of the Occupation Certificate. In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works.
101. The applicant shall provide security, in a manner satisfactory to Council for the proper maintenance of the public domain works in an amount of \$3,000 for a period of twelve (12) months from the date of completion of the public domain works as surety for the proper maintenance of these works.
102. The Principal Certifying Authority shall ensure that an Operation and Management Plan has been prepared and implemented for the car stacker. The Plan shall set out the following, at a minimum:
  - a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners;
  - b) The proposed method of management of the facility, including procedures, directions to users, safety protection systems, emergency response plan in the event of mechanical failure, etc.; and
  - c) Any person required to operate the parking system must be trained to do so.The Plan shall be prepared by a suitably qualified professional and provided to the Principal Certifying Authority before the issue of an Occupation Certificate. The Operation and Management Plan for the car stacker shall be implemented and kept in a suitable location on site at all times.
103. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

#### **ADVISORY NOTES**

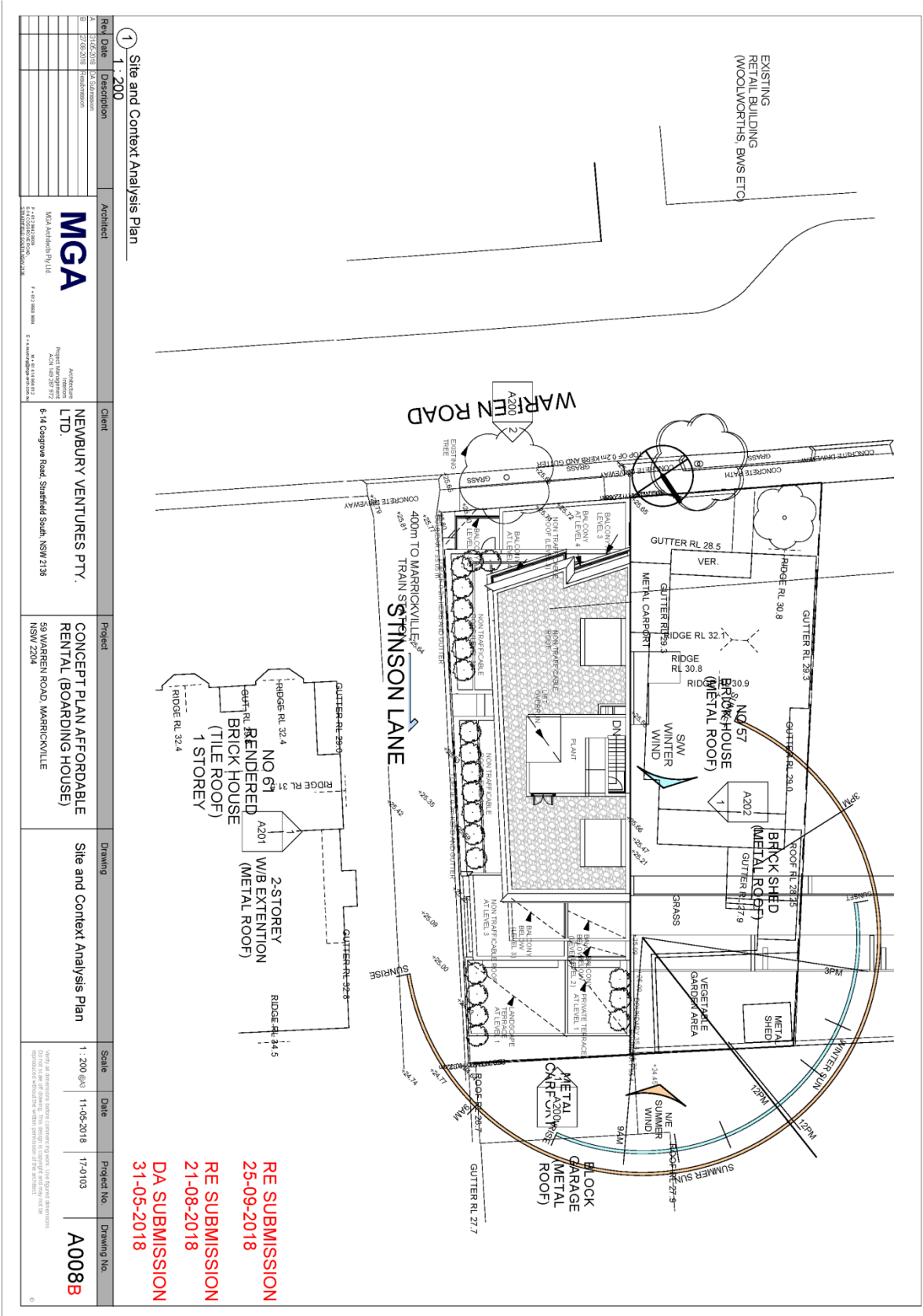
- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.



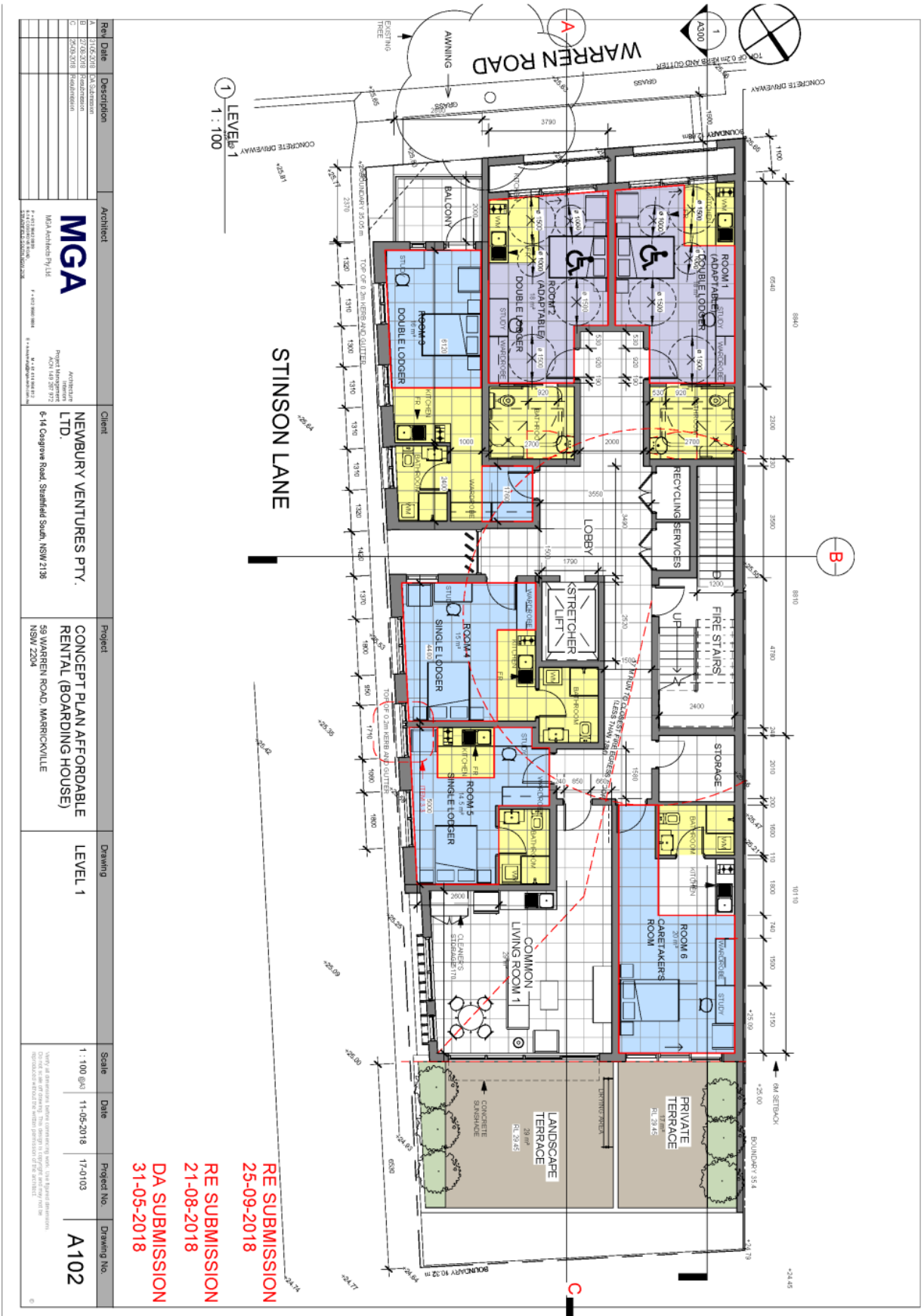
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	☎ 13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 <a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a>
Landcom	☎ 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	☎ 1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diy-safe.nsw.gov.au">www.diy-safe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	☎ 131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	☎ 13 20 92 <a href="http://www.sydneypwater.com.au">www.sydneypwater.com.au</a>
Waste Service - SITA Environmental Solutions	☎ 1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	☎ 13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Plans of proposed development







RE SUBMISSION  
25-09-2018

RE SUBMISSION  
21-08-2018

DA SUBMISSION  
31-05-2018

Rev	Date	Description
A	31-05-2018	DA Submission
B	21-08-2018	Re-submission
C	25-09-2018	Re-submission

**MGA**  
MGA Architects Pty Ltd  
Architects  
Project Managers  
4/111 Macquarie Street  
Sydney NSW 2000  
T: +61 2 9231 2000  
F: +61 2 9231 2001  
E: info@mga.com.au  
www.mga.com.au

**Client**  
NEWBURY VENTURES PTY. LTD.  
6-14 Caspary Road, Shellfield South, NSW 2138

**Project**  
CONCEPT PLAN AFFORDABLE RENTAL (BOARDING HOUSE)  
59 WARREN ROAD, MARRICKVILLE NSW 2204

Scale	Date	Project No.	Drawing No.
1:100 (A4)	11-05-2018	17-0103	A102



① LEVEL 2  
1 : 100

② LEVEL 2 Detail  
1 : 50

RE SUBMISSION  
25-09-2018

RE SUBMISSION  
21-08-2018

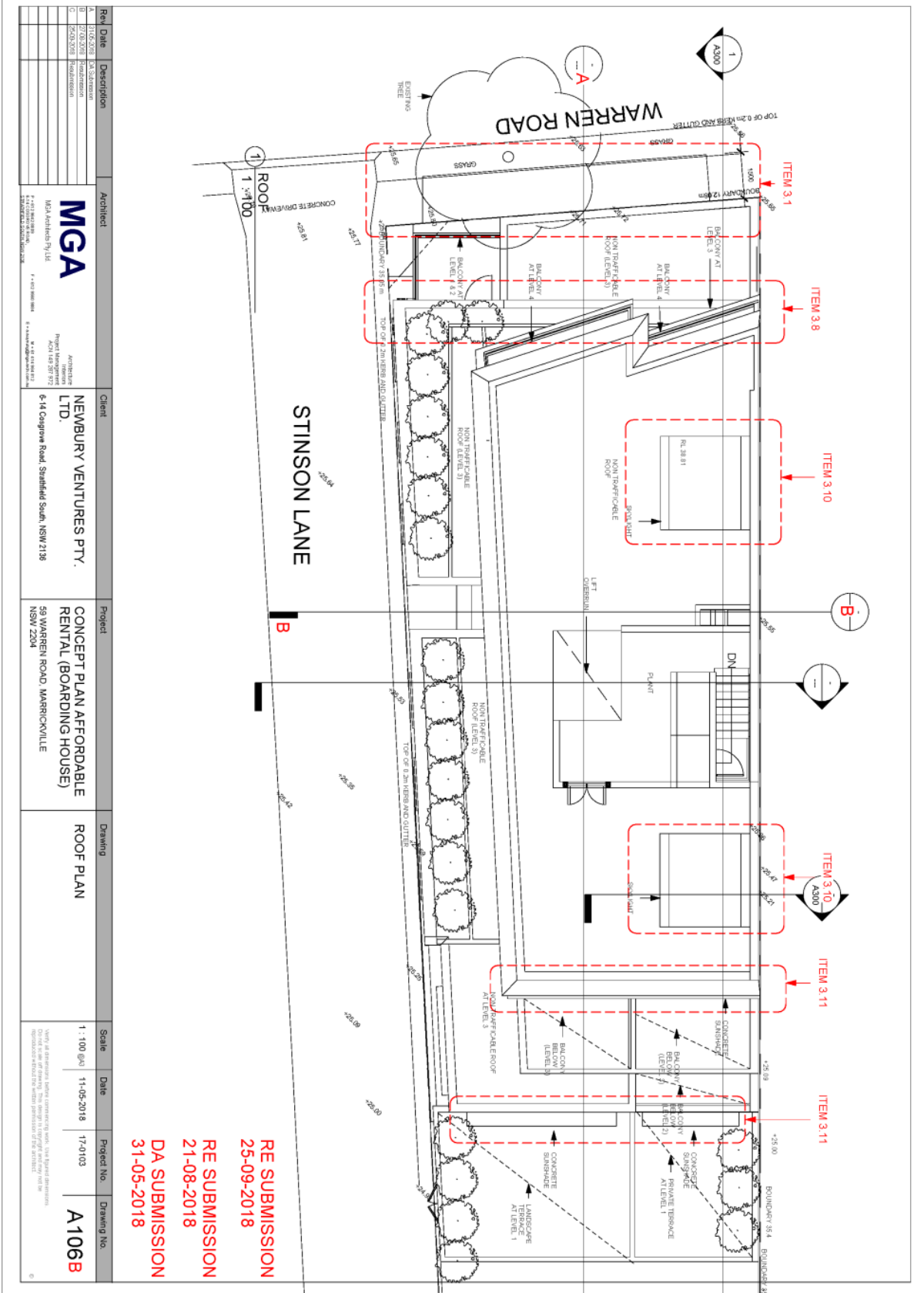
DA SUBMISSION  
31-05-2018

Rev	Date	Description	Architect	Client	Project	Drawing	Scale	Date	Project No.	Drawing No.
A	31-05-2018	DA Submission	<b>MGA</b> MGA Architects Pty Ltd Architects 6-14 Caspary Road, Sutherland South, NSW 2136 Phone: 02 9539 1233 Fax: 02 9539 1234 Email: info@mga.com.au www.mga.com.au	<b>NEWBURY VENTURES PTY. LTD.</b> 6-14 Caspary Road, Sutherland South, NSW 2136	<b>CONCEPT PLAN AFFORDABLE RENTAL (BOARDING HOUSE)</b> 59 WARREN ROAD, MARRICKVILLE NSW 2204	LEVEL 2	As indicated	14-05-2018	17-0103	A103
B	27-08-2018	Re Submission								
C	25-09-2018	Re Submission								
D	21-08-2018	Re Submission								
E	31-05-2018	DA Submission								









RE SUBMISSION  
25-09-2018

RE SUBMISSION  
21-08-2018

DA SUBMISSION  
31-05-2018

Rev	Date	Description	Architect	Client	Project	Drawing	Scale	Date	Projed No.	Drawing No.
A	31-05-2018	DA Submission	MGA	NEWBURY VENTURES PTY. LTD.	CONCEPT PLAN AFFORDABLE RENTAL (BOARDING HOUSE)	ROOF PLAN	1:100 (DA)	11-05-2018	17-0103	A106B
B	27-03-2018	Re-submission								
C	25-09-2018	Re-submission								

**MGA**  
 MGA Architects Pty Ltd  
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 333333333333333333  
 444444444444444444  
 555555555555555555  
 666666666666666666  
 777777777777777777  
 888888888888888888  
 999999999999999999  
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Client: NEWBURY VENTURES PTY. LTD.  
 6-14 Coogee Road, Shellharbour, NSW 2138

Project: CONCEPT PLAN AFFORDABLE RENTAL (BOARDING HOUSE)  
 59 WARREN ROAD, MARRICVILLE, NSW 2204

Drawing: ROOF PLAN

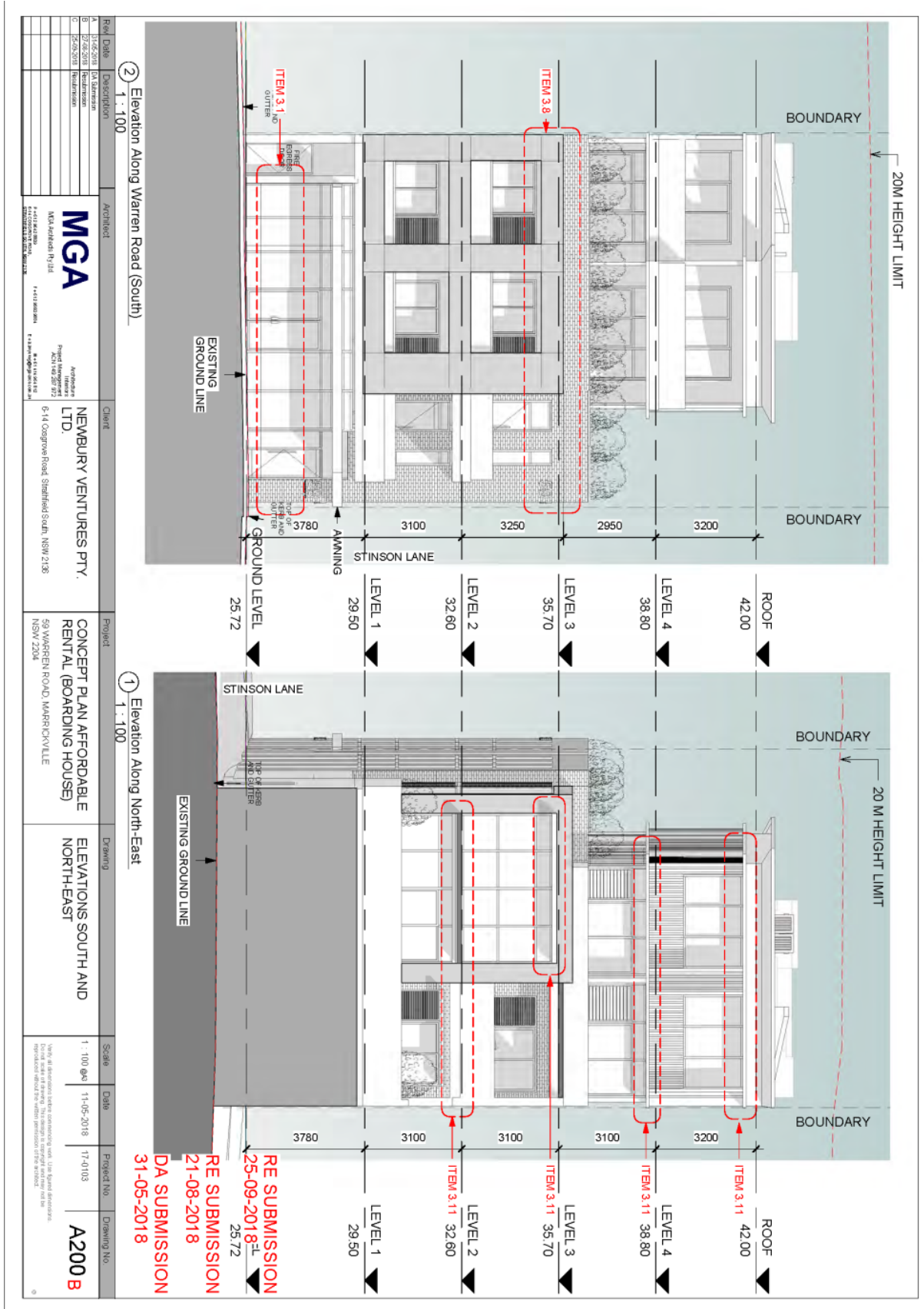
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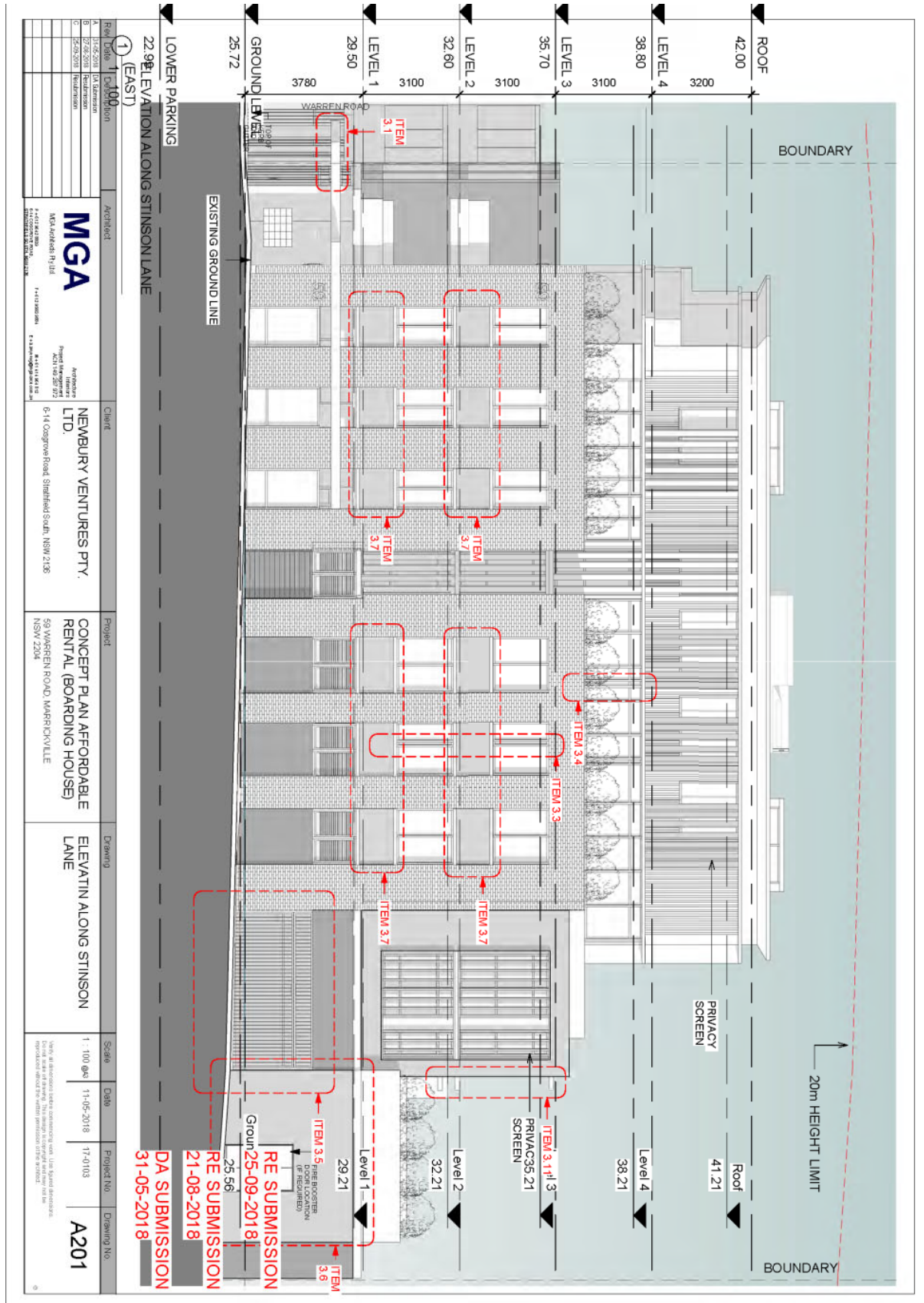
Date: 11-05-2018

Projed No.: 17-0103

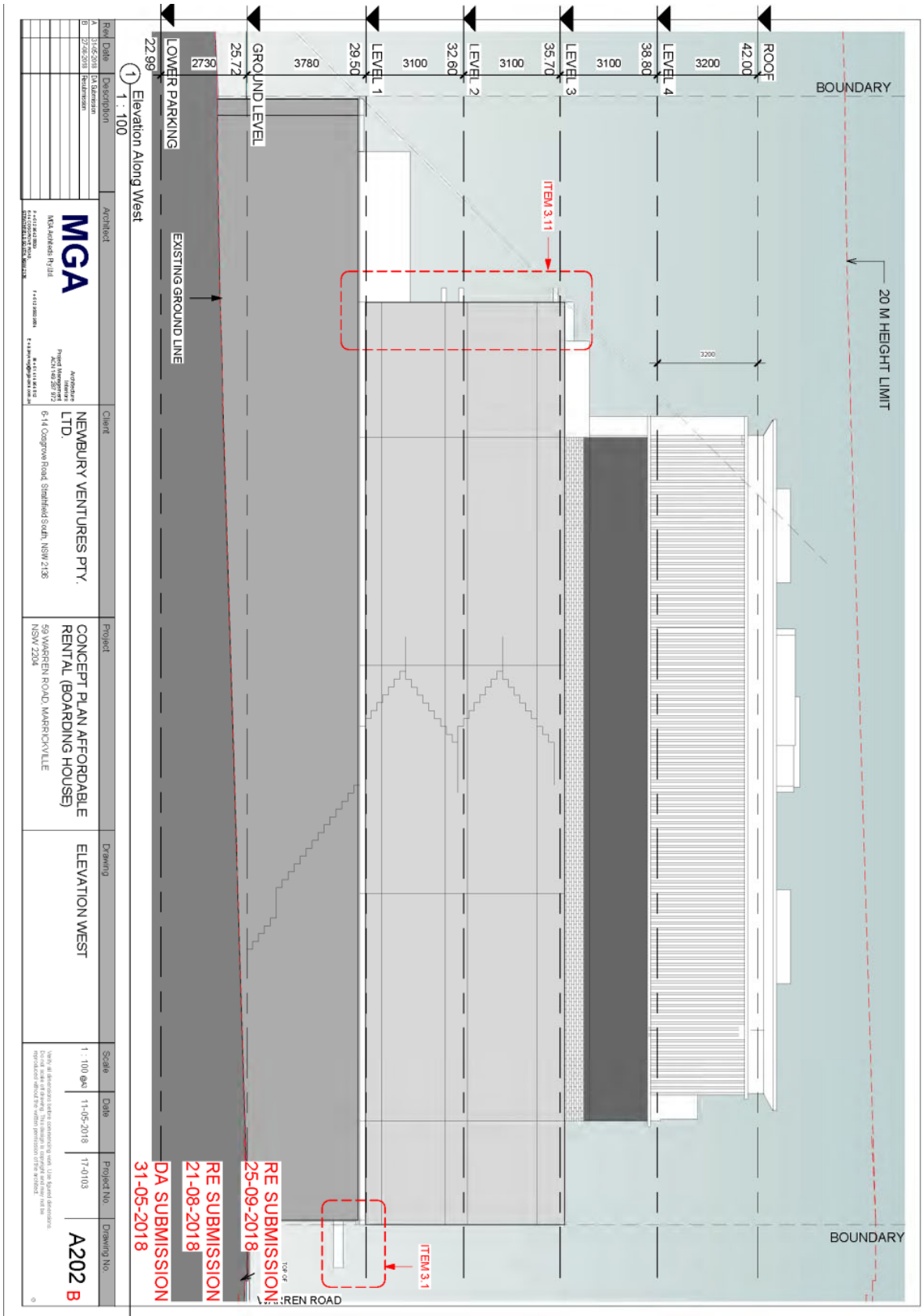
Drawing No.: A106B

Note: All dimensions are approximate and subject to change. The final design is subject to the approval of the relevant authorities. Reproduction without the written permission of the architect.










DA SUBMISSION  
16-05-2018


RE SUBMISSION  
21-08-2018  
DA SUBMISSION  
31-05-2018

**1**




BOWRAL FACE  
BRICKS  
EVERYDAY  
LIFE,  
UNWIND

**4**




DULUX,  
VIVID WHITE  
PAINTED  
CONCRETE

**2**




OFF FORMED  
CONCRETE  
NATURAL

**5**




DULUX,  
WAYWARD GREY  
PAINTED CONCRETE

**3**




LYSAGHT  
LONGLINE 305  
SHEETING  
AS CLADDING  
COLORBOND  
WALLABY  
COLOUR

**6**




DULUX,  
ENDLESS DUSK  
PAINTED CONCRETE

Rev	Date	Description	Architect	Client	Project	Drawing	Scale	Date	Project No.	Drawing No.
A	31-05-2018	DA Submission	 <p><b>MGA</b> ARCHITECTURE PROJECT MANAGEMENT 5/21 WARREN ROAD NSW 2204 P.O. BOX 1000 WARRICKVILLE NSW 2204 TEL: 02 9550 1111 WWW.MGAArchitect.com.au</p>	<p>NEWBURY VENTURES PTY. LTD. 6-14 Congrove Road, Stanfield South, NSW 2136</p>	<p>CONCEPT PLAN AFFORDABLE RENTAL (BOARDING HOUSE) 59 WARREN ROAD, WARRICKVILLE NSW 2204</p>	<p>MATERIALS AND FINISHES SCHEDULE</p>	<p>0/4</p>	14-05-2018	17-0103	A400B




**7**




VIRIDIAN GLASS  
VFLOAT,  
SUPERCLEAR  
CLEAR VISION, 6MM

**8**




VIRIDIAN GLASS  
COMFORTPLUS,  
TRANSLUCENT  
6.38MM

**9**




STEEL LINE  
GARAGE DOORS,  
LOUVER GARAGE  
DOORS

**10**




POWDER COATED ALUMINIUM  
WINDOW FRAME - BLACK

**11**



ECO AWNINGS  
VERTICAL  
LOUVERS  
11a: 300mmX50mm  
11b: 200mmX50mm  
POWDER COATED  
WHITE

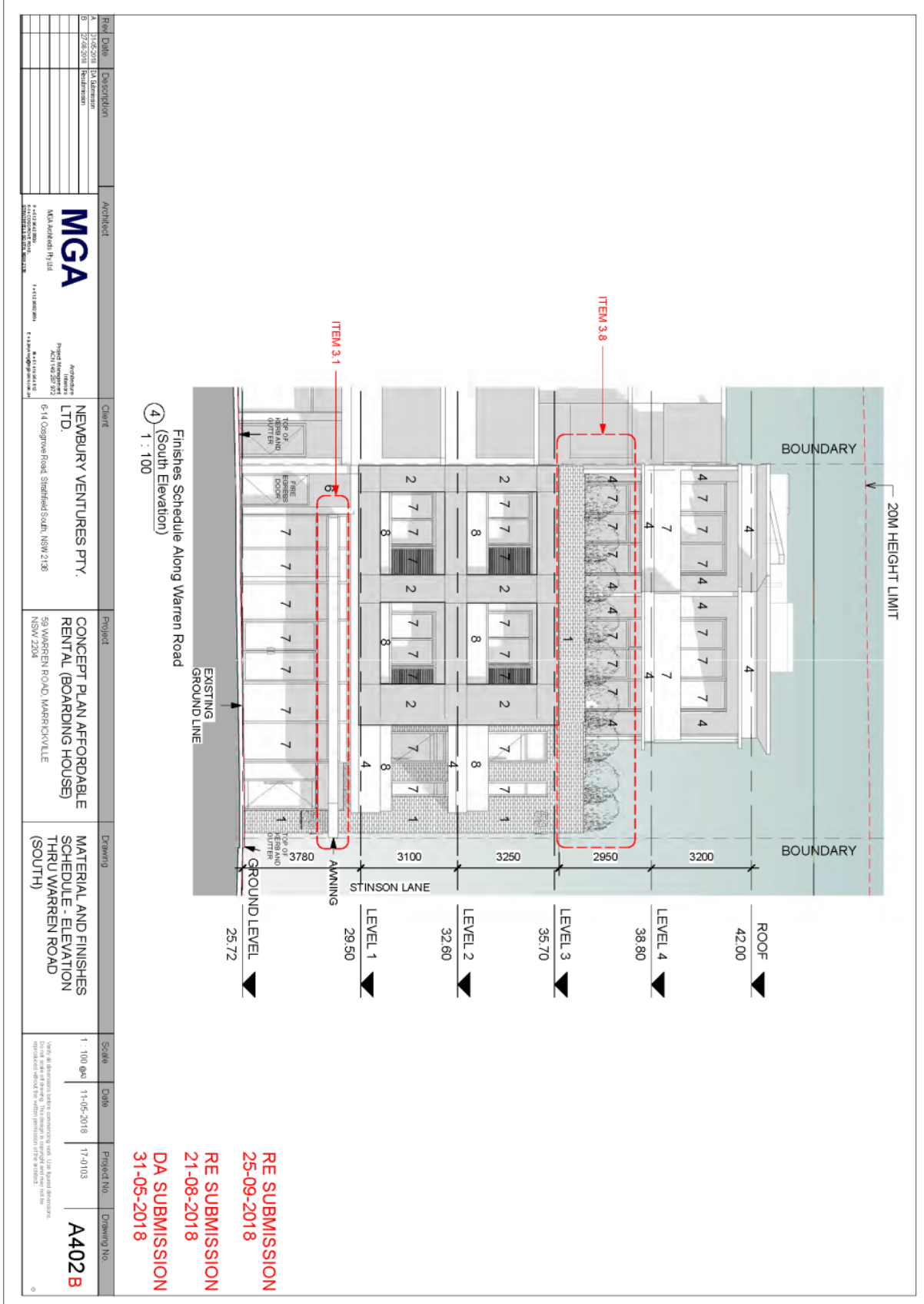
**12**



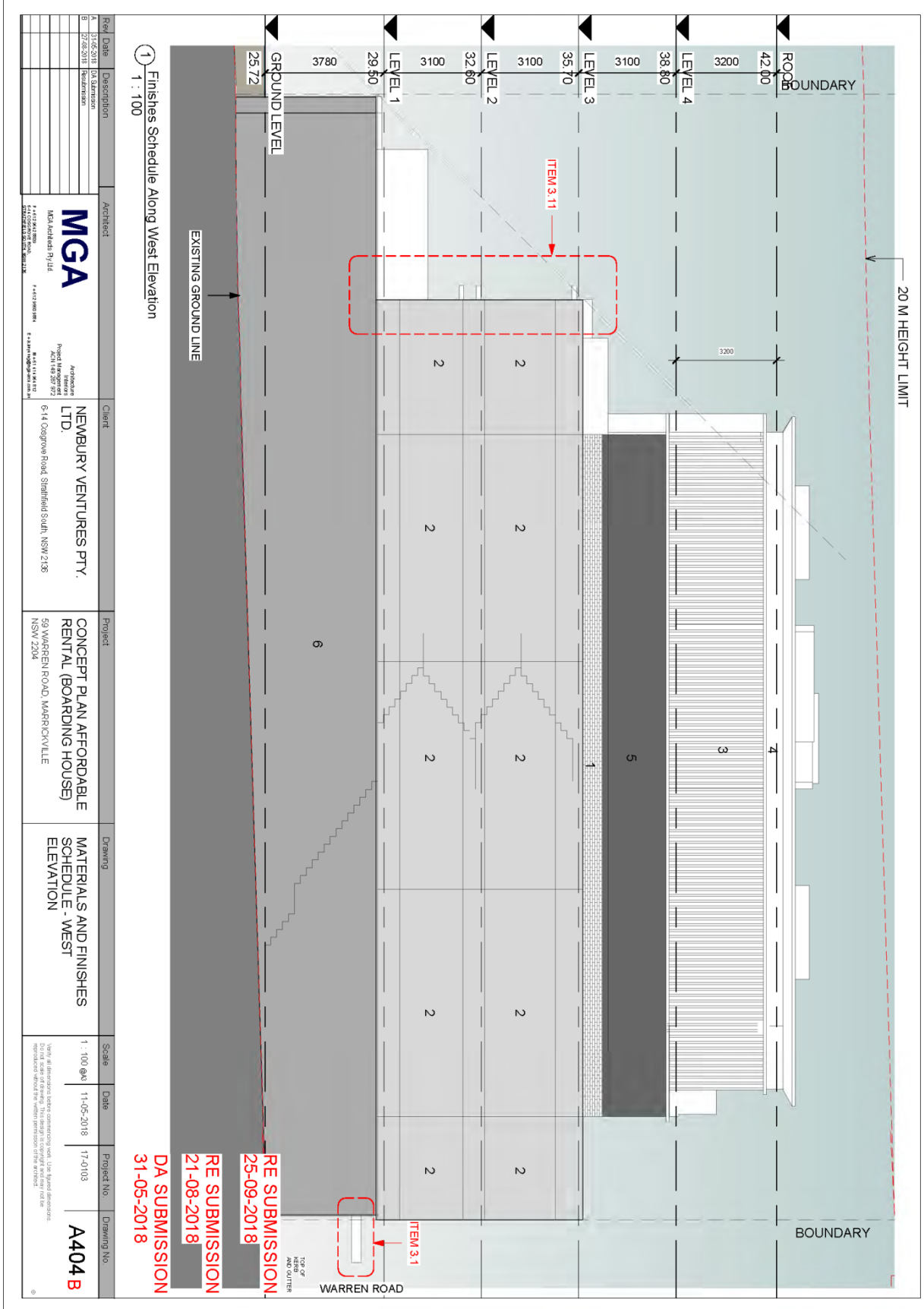
ALLWOOD  
CHESTNUT  
WALL AND CEILING  
EXTERIOR  
ALUMINIUM  
CLADDING

**RE SUBMISSION**  
21-08-2018  
**DA SUBMISSION**  
31-05-2018

Rev	Date	Description	Architect	Client	Project	Drawing	Scale	Date	Project No.	Drawing No.
A	31-05-2018	DA Submission	<p><b>MGA</b></p> <p>Architects MGA Architects Pty Ltd 11-13/2022 St Helier Manly, NSW 150</p>	<p>NEWBURY VENTURES PTY. LTD. 6-14 Congrove Road, Stanfield South, NSW 2136</p>	<p>CONCEPT PLAN AFFORDABLE RENTAL (BOARDING HOUSE) 59 WARREN ROAD, MAPRICVILLE NSW 2204</p>	<p>Materials and Finishes Schedule</p>	<p>1:1</p>	<p>11-05-2018</p>	<p>17-01-03</p>	<p><b>A401</b></p>
B	27-08-2018	Redirection								



























1 PHOTOMONTAGE



2 VIEW ALONG WARREN ROAD



3 VIEW ALONG STINSON LANE



4 VIEW FROM STINSON LANE

**RE-SUBMISSION**  
25-09-2018  
**RE-SUBMISSION**  
21-08-2018  
**DA SUBMISSION**  
31-05-2018

<table border="1"> <tr><td>NO.</td><td>DATE</td><td>DESCRIPTION</td></tr> <tr><td>1</td><td>2018-05-31</td><td>DA SUBMISSION</td></tr> <tr><td>2</td><td>2018-08-21</td><td>RE-SUBMISSION</td></tr> <tr><td>3</td><td>2018-09-25</td><td>RE-SUBMISSION</td></tr> </table>	NO.	DATE	DESCRIPTION	1	2018-05-31	DA SUBMISSION	2	2018-08-21	RE-SUBMISSION	3	2018-09-25	RE-SUBMISSION	<p><b>ARCHITECT</b> <b>MGA</b> PROJECT NO. 18/18/0001 27700000 0001/01 1/18/18/0001/01</p>	<p><b>CLIENT</b> NEWBURY VENTURES PTY. LTD. 1/18/18/0001/01</p>	<p><b>PROJECT</b> CONCEPT PLAN ATFORDS DALE RESIDENTIAL (59 STINSON LANE)</p>	<p><b>DRAWING</b> PHOTOMONTAGE, STREETSCAPE ELEVATION</p>	<p>Scale: 1:1000 Project No.: 18/18/0001 Drawing No.: A002</p>
NO.	DATE	DESCRIPTION															
1	2018-05-31	DA SUBMISSION															
2	2018-08-21	RE-SUBMISSION															
3	2018-09-25	RE-SUBMISSION															



1 VIEW ALONG WARREN ROAD



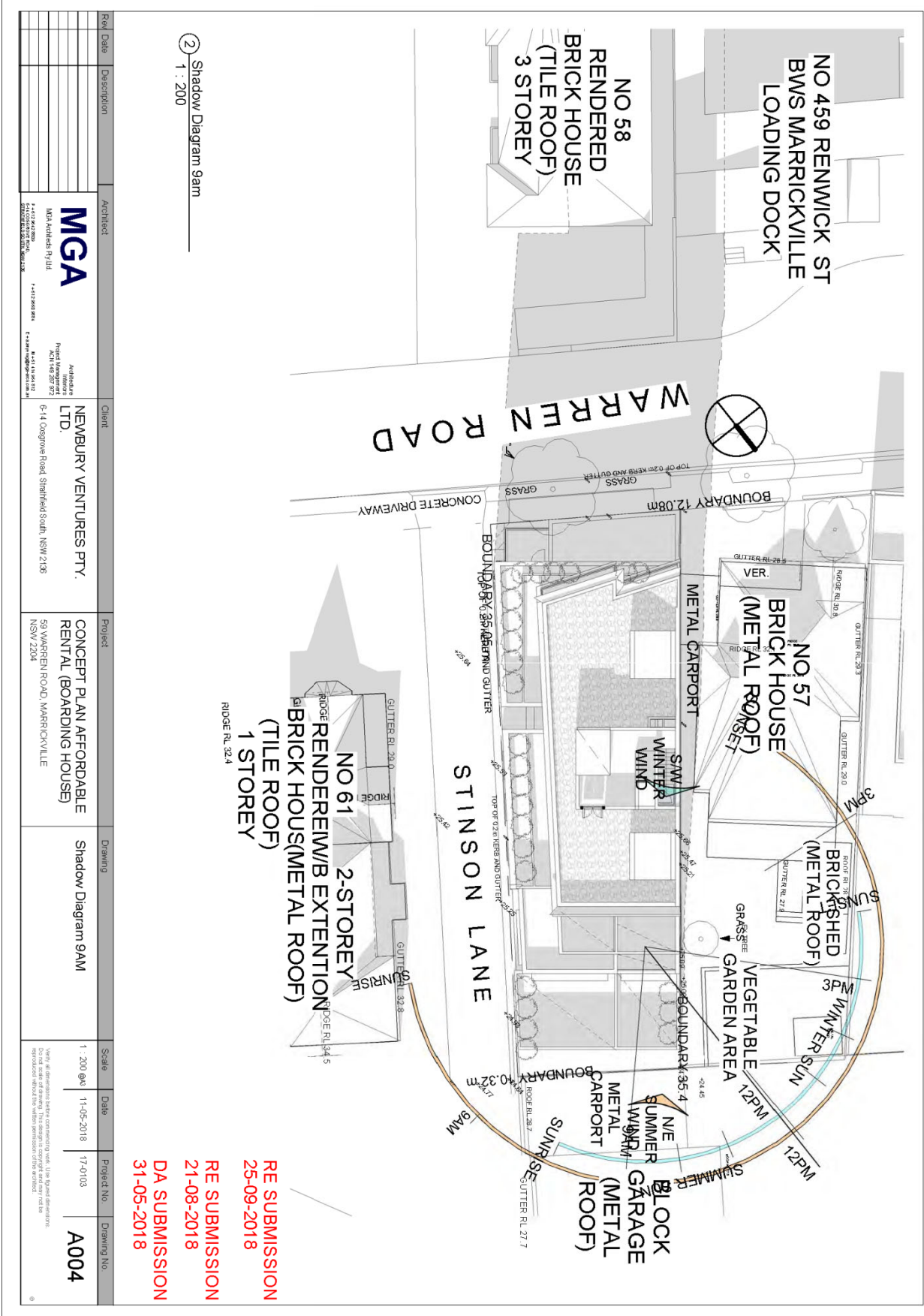
2 VIEW ALONG WARREN ROAD

<p>Architect</p> <p><b>MGA</b></p> <p>177-179 WILSON ROAD, NEWCASTLE NSW 2300</p> <p>PH: 02 4929 2000</p> <p>WWW.MGAArchitects.com.au</p>		<p>Client</p> <p>NEWBURY VENTURES PTY LTD</p> <p>177-179 WILSON ROAD, NEWCASTLE NSW 2300</p>		<p>Project</p> <p>CONCEPT PLAN FOR COMMERCIAL RENTAL (50-55 WILSON ROAD)</p>		<p>DRAWINGS</p> <p>3D VIEWS</p>		<p>Scale</p> <p>1:100</p> <p>Project No. Drawing No.</p> <p>03   10000001   10000001   A003B</p>	
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RE-SUBMISSION  
25-09-2018

RE-SUBMISSION  
21-08-2018

DA SUBMISSION  
31-05-2018

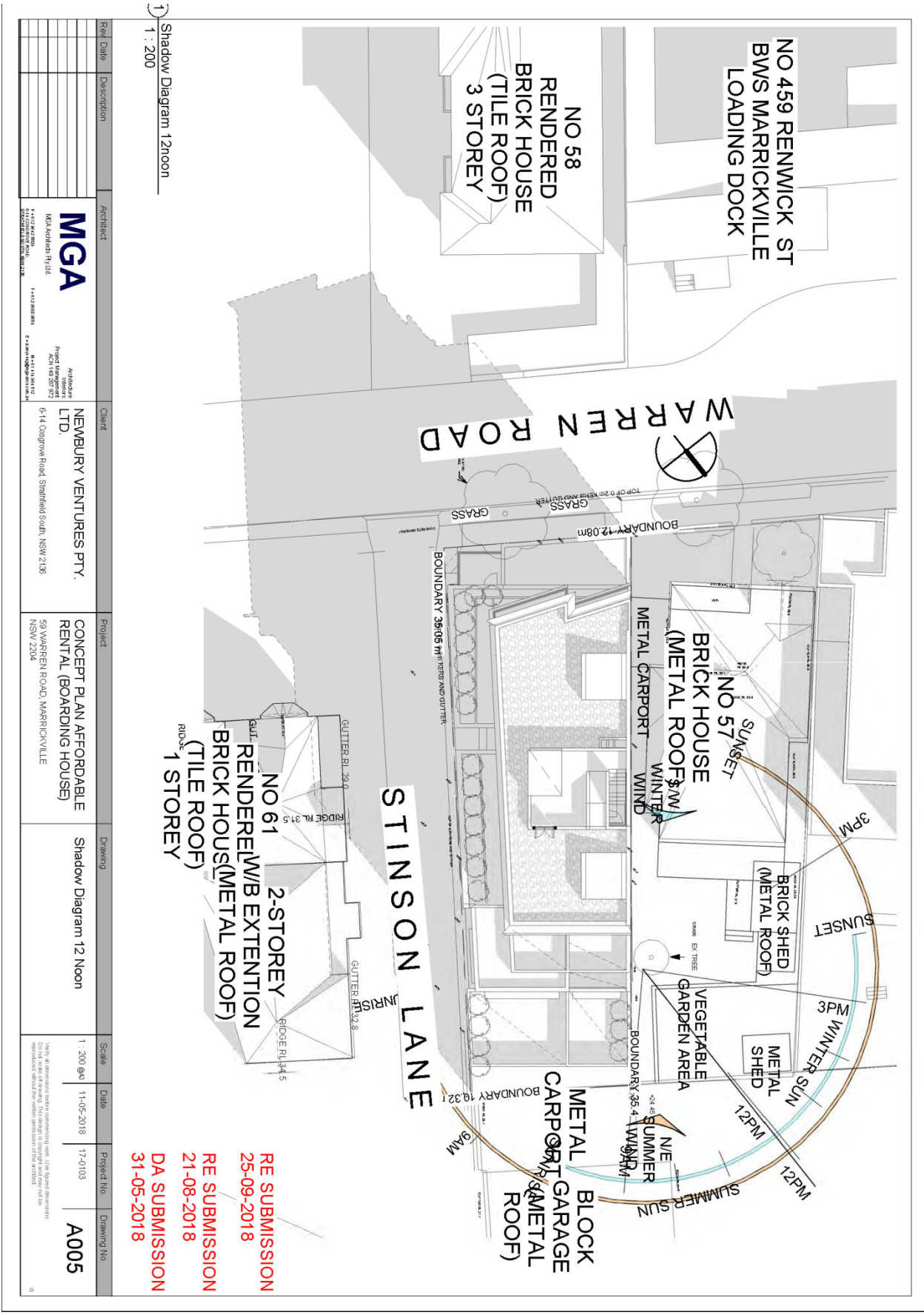


② Shadow Diagram 9am  
1 : 200

- RE SUBMISSION  
25-09-2018
- RE SUBMISSION  
21-08-2018
- DA SUBMISSION  
31-05-2018

Rev	Date	Description	Architect	Client	Project	Drawing	Scale	Date	Project No	Drawing No
			<b>MGA</b> MGA Architects Pty Ltd 14-15/100-102/104 14-15/100-102/104 14-15/100-102/104	NEWBURY VENTURES PTY. LTD. 6-14 Osgrove Road, Stanfield South, NSW 2138	CONCEPT PLAN AFFORDABLE RENTAL (BOARDING HOUSE) 59 WARREN ROAD, MARRICKVILLE NSW 2204	Shadow Diagram 9AM	1 : 200 @N	11-05-2018	17-0103	A004





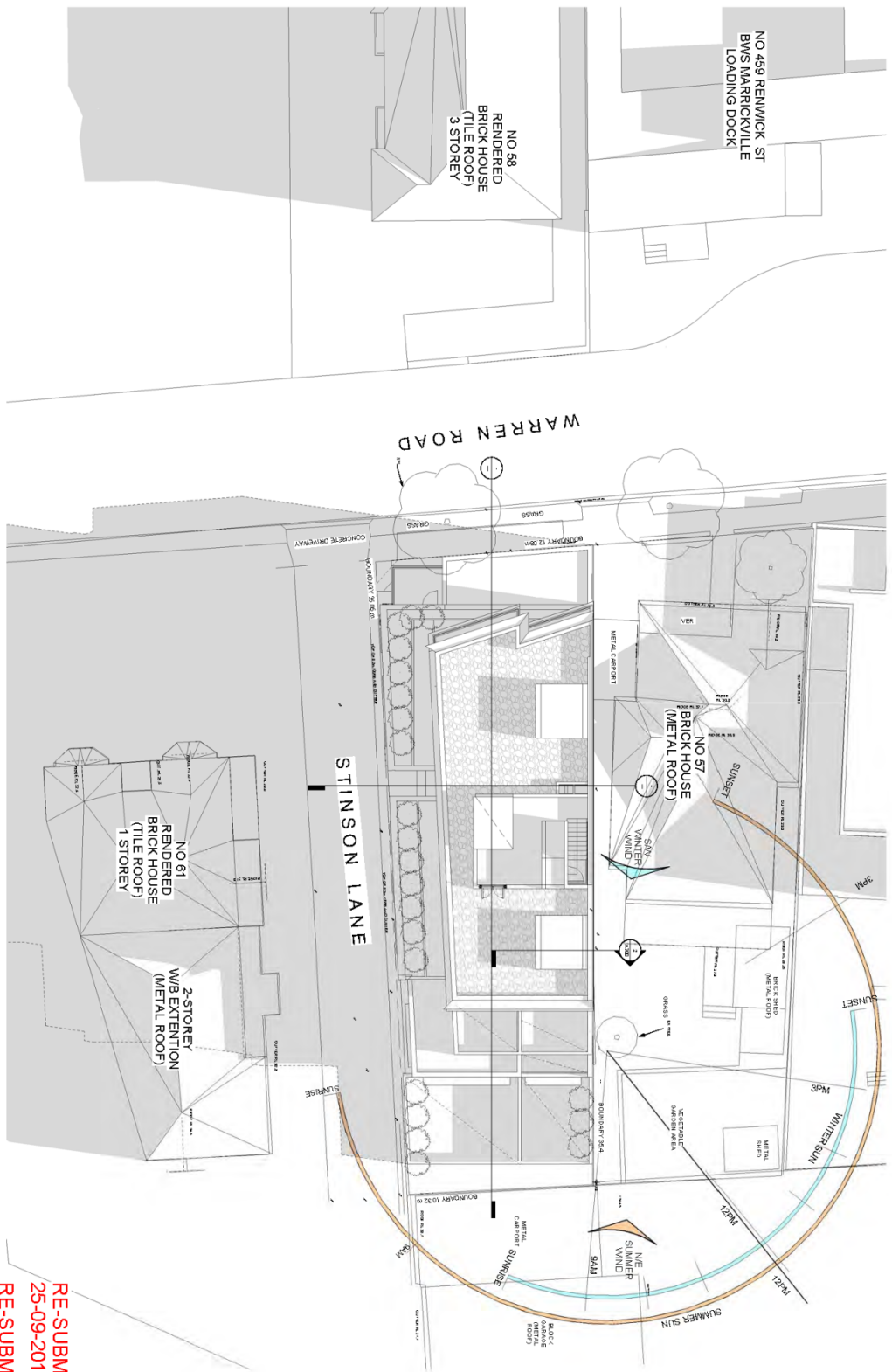
RE SUBMISSION  
25-09-2018

RE SUBMISSION  
21-08-2018

DA SUBMISSION  
31-05-2018

Rev	Date	Description	Architect	Client	Project	Drawing	Scale	Date	Project No	Drawing No
			<b>MGA</b> MGA Architects Pty Ltd 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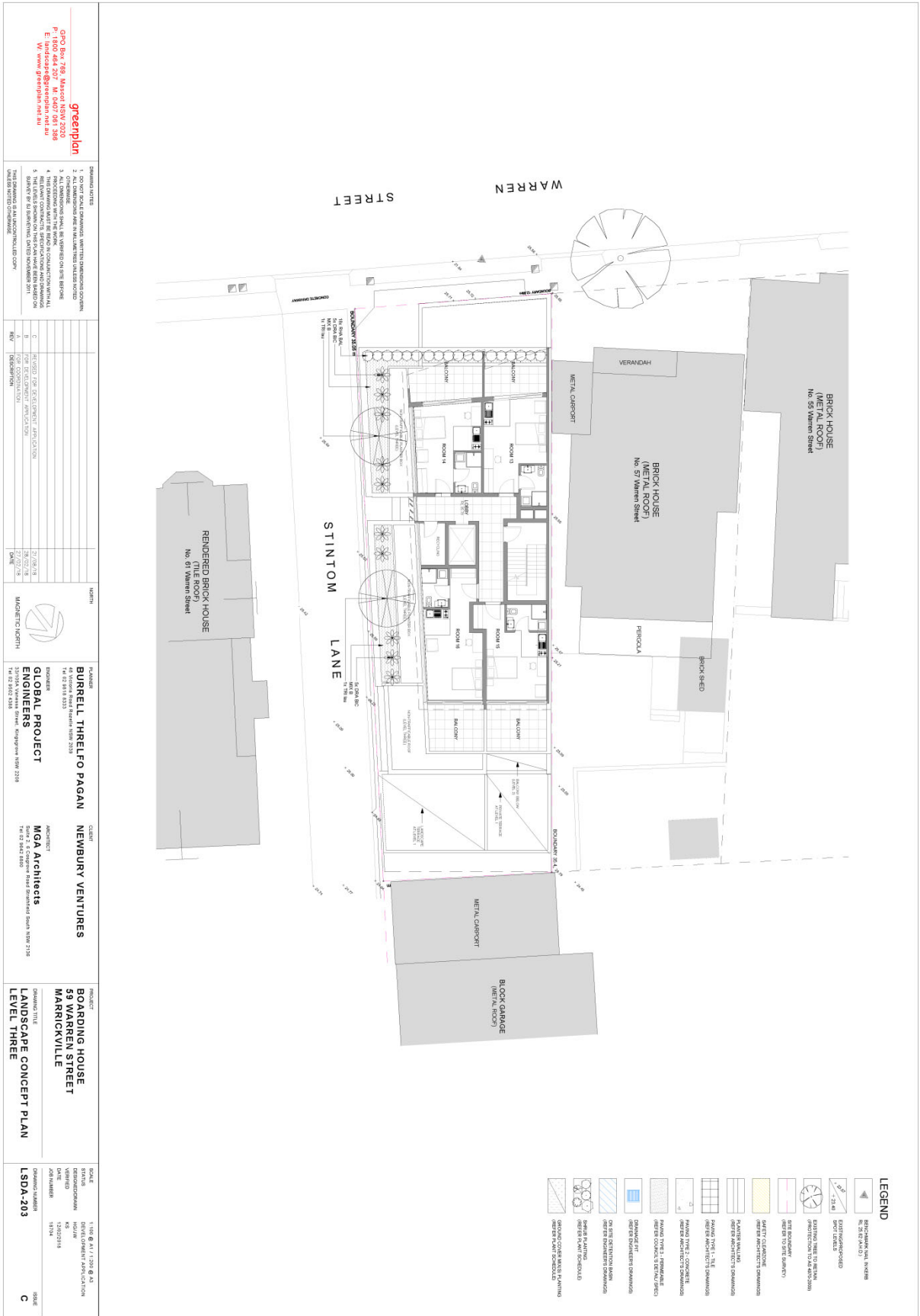
Shadow Diagram 3pm ITEM 8

Client	Architect	Project	Drawing
NEWBURY VENTURES PTY LTD 100/102 WARRICKVILLE ROAD WARRICKVILLE VIC 3024	MGA ARCHITECTS 100/102 WARRICKVILLE ROAD WARRICKVILLE VIC 3024	CONCEPT PLAN AFFORDABLE RESIDENTIAL (50/50/10/10/50)	Shadow Diagram - 3PM
DATE	SCALE	CAD	PROJECT NO.
	1:100		A006

RE-SUBMISSION  
25-09-2018  
RE-SUBMISSION  
21-08-2018  
DA SUBMISSION  
31-05-2018







<p><b>greenplan</b>                  GPO Box 7186, Mareson NSW 2020                  P: 1300 464 207 M: 0407 045 386                  E: info@greenplan.net.au                  W: www.greenplan.net.au</p>		<p><b>DRAWING NOTES</b></p> <ol style="list-style-type: none"> <li>1. THIS DRAWING IS AN UNCONTROLLED COPY</li> <li>2. FOR ALL INFORMATION REGARDING THIS DRAWING CONTACT THE PROJECT MANAGER</li> <li>3. CHANGES TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT</li> <li>4. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES</li> <li>5. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES</li> <li>6. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES</li> </ol>	
<p><b>CLIENT</b>                  NEWBURY VENTURES</p>		<p><b>PROJECT</b>                  BOARDING HOUSE                  59 WARREN STREET                  MARRICKVILLE</p>	
<p><b>PLANNER</b>                  BURELL THRELFLO PAGAN</p>		<p><b>ARCHITECT</b>                  MGA Architects</p>	
<p><b>ENGINEER</b>                  GLOBAL PROJECT ENGINEERS</p>		<p><b>DATE</b>                  14/02/2024</p>	
<p><b>SCALE</b>                  1:100 @ A4, 1:200 @ A3</p>		<p><b>DATE</b>                  14/02/2024</p>	
<p><b>PROJECT NUMBER</b>                  15/2024</p>		<p><b>PROJECT NUMBER</b>                  15/2024</p>	
<p><b>PROJECT NUMBER</b>                  15/2024</p>		<p><b>PROJECT NUMBER</b>                  15/2024</p>	





**Attachment C – Plan of Management**

**MANAGEMENT PLAN**

for

**BOARDING HOUSE**

at

**59 WARREN ROAD, MARRICKVILLE**



**Prepared by**

**Bruce Threlfo  
Burrell Threlfo Pagan Pty Limited  
48 Victoria Road, Rozelle NSW 2039  
Telephone: 9818 8333  
Updated August 2018**

**Prepared For  
Newbury Ventures PTY Ltd  
6-14 Cosgrove Road, Strathfield South, NSW 2136**

59 Warren Road, Marrickville – Management Plan

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## 1. INTRODUCTION

- 1.1 This Plan of Management provides directions and controls on the use and management of the premises as a Boarding House. The directions and controls are to be strictly adhered to in the operation of the Boarding House, to ensure compliance with the conditions of Development Consent and health and amenity requirements both for occupants and surrounding residents.
- 1.2 The Boarding House is to be managed by the on-site Manager, who will be familiar with the content of the Plan of Management:

## 2. DEFINITIONS

In this Plan of Management:

**Building** means the building known as 59 Warren Road, Marrickville.

**Business** means the operation of the building as a Boarding House.

**Common Room** means the room identified as the common room on the approved plans.

**Common Areas** means the common room, hallways, and stairs as identified on the approved plans.

**Common Open Space Area** means the external common open space as identified on the approved plans.

**Council** means Inner West Council.

**Boarder or Lodger** means a person having the benefit of the use of a nominated bedroom and the common rooms and areas within the building.

**Manager** means the Manager engaged by the business proprietor who will reside on site in room 6.

**Owner** means the registered proprietor/s of the building.

**Room** means that part of the building occupied and used by a Lodger.

## 3. DUTIES OF THE MANAGER

- 3.1 The Proprietor must engage a Manager who, without limitation on his or her other responsibilities, must –
- a. Be contactable between the hours of 8.00 am to 6.00pm.
  - b. Oversee all residential concerns.
  - c. Enforce the minimum occupancy period.
  - d. Organise the cleaning and maintenance of the common areas and common open space areas.
  - e. Enforce the maximum occupancy levels.
  - f. Provide Lodgers with appropriate information prior to the commencement of occupation.
  - g. Carry out inspections to ensure that the building is maintained in a clean and tidy condition and that all facilities and fittings are appropriately maintained.



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- h. Record all inspections in a log book, which must be made available to Council upon request.
- i. Organise the waste collection and facility needs for the boarding house, the ongoing storage and collection of waste on-site, the transfer of waste to and from collection points for the waste collection service as required and regular cleaning of bins/waste storage areas.
- j. Maintain an incident register.
- k. Maintain the electrical circuits to a safe standard.
- l. Manage allocation of car parking spaces.

**4. MAXIMUM NUMBER OF LODGERS AND LENGTH OF STAY**

- 4.1 Rooms 4, 5, 10, 11, 14 and 18 are single rooms with a maximum of 1 lodger permitted. All other rooms are permitted to have a maximum occupancy of 2 lodgers
- 4.2 The minimum occupation period is 3 months
- 4.3 It is the Manager's responsibility to ensure that this number is not exceeded.

**5. MINIMISING IMPACTS ON RESIDENTS**

- 5.1 To minimise adverse impacts upon the residents of adjoining premises as well as residents of the building, the following rules are to apply:
  - a. No loud music or loud television noise is permitted after 10.00pm.
  - b. No parties or gatherings are permitted upon the premises after 12.00pm.
  - c. No smoking is permitted in areas that may affect the amenity of other residents of the boarding house or of residents of neighbouring properties.
  - d. No use of the outdoor area is permitted after 10.00pm.

**6. DISPLAY OF HOUSE RULES**

- 6.1 The House Rules, which are to be clearly displayed throughout the premises, must include details of the following:
  - a. Behaviour of Lodgers, including prohibited activities
  - b. Use of communal areas and facilities, noise and quiet enjoyment
  - c. Tenants are to be responsible for the conduct of their visitors in accordance with s. 5 above.
  - d. Hours of use of outdoor common areas
  - e. Emergency contact details
  - f. Advice about the responsible consumption of alcohol
  - g. A zero tolerance policy on illegal drugs
  - h. Keeping shared facilities clean and tidy
  - i. Keeping of pets
  - j. The use of parking spaces for car, bicycles and motorcycles

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**7. FIRE SAFETY**

- 7.1 An Emergency Management and Evacuation Plan and Fire Mitigation Plan are to be prepared to form part of this Plan of Management.
- 7.2 All fire safety features within the building are to be regularly maintained in accordance with any statutory requirements.
- 7.3 A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area.
- 7.4 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.
- 7.5 All Lodgers are to be made aware of the fire safety features of the building and what to do in the event of an emergency.
- 7.6 All staff must be trained in the operation of the approved Emergency Management & Evacuation Plan.

**8. CLEANING AND MAINTENANCE**

- 8.1 The premises, including fixtures and fittings, are to be maintained in a safe, healthy and operative condition at all times. All common areas, including fixtures and fittings, are to be cleaned to a professional standard at least once a week.
- 8.2 All Lodgers are to be made aware, upon their entering into an agreement to occupy, of their responsibilities for maintenance and cleaning of the premises.

**9. BOARDER/LODGER INFORMATION**

- 9.1 All Lodgers are to be made aware of the contents of the approved Plan of Management and their obligations under it.
- 9.2 A full copy of the approved Plan of Management is to be permanently displayed in each boarding room and in each common area.
- 9.3 A copy of the approved Plan of Management is to be made available upon request.

**10. BOARDING HOUSE FURNITURE AND FACILITIES**

- 10.1 Each boarding room is to be provided with:
  - a. One (1) bed, mattress and bedding
  - b. One (1) student desk, chair and desk lamp
  - c. Clothes storage of capacity 1 cubic metre
  - d. Window furnishing/curtain/blind
  - e. Kitchenette with benchtop, sink, bar refrigerator and microwave oven
  - f. Bathroom with shower, basin and toilet
  - g. Washing machine
  - h. easy chair

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- 10.2 The common room is to be provided with seating, benchtop, sink, bar fridge and microwave oven and storage for broom, bucket and mop for use by Lodgers.
- 10.3 The entry door to the building and to each boarding room is to be fitted with a dead-bolt classroom latch able to be opened from the inside by a single-handed motion.

**11. WASTE MANAGEMENT AND RECYCLING**

- 11.1 Residents of the facility are to be encouraged to take advantage of Council's waste and recycling facilities. It is the responsibility of each Lodger to sort garbage and place it in the appropriate receptacle.
- 11.2 Collection responsibilities of the Manager include all regular garbage and recycling collection services, as well as household clean-up collection, ensuring goods for collection are managed in accordance with Council's collection requirements.
- 11.3 The Manager shall be responsible for cleaning of the lift in conjunction with the transfer of recycling bins to and from the rooms on each floor to the residential waste room.

**12. SAFETY AND SECURITY**

- 12.1 The following items are to be provided within the property:
- Internal signage indicating the Managers' name and contact numbers
  - Emergency contact numbers for emergency services (Fire and Rescue, Ambulance, Police) and utility services such as gas, electricity and plumbing
  - Entry lighting
  - Individual room keys (a master key is to be held by the Manager and made available to emergency services)

**13. COMPLAINTS HANDLING PRECEDURE.**

- 13.1 Management must maintain a 'Complaints and Incident Register'. The register will contain:-
- Complaint/Incident date and time
  - Name of person/police/council making the complaint or notifying of the incident
  - Contact details
  - Nature of the complaint/incident
  - Action taken (by whom and when)
  - Outcome and/or further action required

**14. AMENDMENT TO THIS PLAN**

- 14.1 If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the premises, that modification shall be made to the plan only with the consent of Council, which consent shall not be unreasonably withheld.

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**HOUSE RULES (DRAFT)**

Emergency contact details are:

- Manager ?????
- Police ????
- Ambulance ?????
- Fire brigade ????

Tenants shall be courteous to other tenants and visitors to the premises.

No loud music or loud television noise is permitted after 10.00pm.

No parties or gatherings are permitted upon the premises after 12.00pm.

smoking is permitted only on private balconies

No use of the outdoor terrace is permitted after 10.00pm.

The common room and outdoor terrace shall be kept in a tidy condition when being used by tenants.

Tenants are to be responsible for the conduct of their visitors.

The common room and outdoor area shall not be used for the storage of personal belongings.

Tenants may not keep pets in their room

The consumption of illegal drugs is not permitted on the premises.

Car parking spaces shall only be used by tenants who have the authorisation of the manager.