



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201600108.01
Address	308-314 Stanmore Road Petersham
Proposal	To modify Determination No. 201600108 dated 29 September 2016 under Section 4.55 of the Environmental Planning and Assessment Act so as to modify the internal layout to increase the total number of hotel rooms from 12 to 21 rooms, alter the location of the florist and food and drink premises and carry out other internal modifications
Date of Lodgement	9 July 2018
Applicant	Preston Peterson
Owner	T Nguyen & V Tran
Number of Submissions	10 submissions
Value of works	\$2,000,000
Reason for determination at Planning Panel	Heritage Item; Breach to development standard; Number of submissions
Main Issues	Heritage; Parking
Recommendation	Consent subject to conditions
Attachment A	Recommended modified conditions of consent
Attachment B	Plans of proposed development
Attachment C	Officer's Report for DA201600108
Attachment D	Stamped Plans of DA201800108
Attachment E	Determination No. 201600108
Attachment F	Parking and Traffic Impact Assessment
Attachment G	Heritage Inventory Sheet



Subject Site:		Objectors:	
Notified Area:		<i>A majority of objectors are outside the map area.</i>	

1. Executive Summary

This report is an assessment of the application submitted to Council to modify Determination No. 201600108 dated 29 September 2016 under Section 4.55 of the Environmental Planning and Assessment Act to modify the internal layout to increase the total number of hotel rooms from 12 to 21 rooms, alter the location of the florist and food and drink premises and carry out other internal modifications at 308-314 Stanmore Road Petersham.

The application was notified to surrounding properties and 10 submissions were received.

The main issues that have arisen from the application include:

- The development proposes further modifications to the existing heritage item on the site being the (former) Stanmore Fire Station (Item I223) and increases the extent of alterations throughout the building;
- The increase in the number of hotel rooms proposed results in a further shortfall of onsite car parking and the existing site has no capacity to accommodate car parking on site; and
- The existing building and approved development at the site breach the maximum FSR and the proposal further increases this breach.

Despite the non-compliances, the proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011).

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable given the context of the site and the desired future character of the precinct. The application is therefore recommended for approval.

2. Proposal

Determination No. 201600108 dated 29 September 2016 approved an application to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café and florist which included the following:

- Minor internal alterations on the ground floor to provide a café, florist, function rooms, gym, reception area and 1 hotel room;
- Minor internal alterations on the first floor to provide 9 hotel rooms; and
- Alterations and additions within the attic space including an increase to the height of the existing ridgeline by approximately 450mm, the addition of 4 dormers fronting Stanmore Road and an extension to the rear to provide 2 hotels rooms (the only visible external modification).

Approval is now sought to modify the internal layout to increase the total number of hotel rooms from 12 to 21 rooms, alter the location of the florist and food and drink premises and carry out other internal modifications which includes the following:

- Minor modifications on the ground floor to remove the function rooms and provide a restaurant, florist, gym, reception area and 2 hotel rooms;
- Modifications on first floor to provide 13 hotel rooms (including 2 accessible rooms and 1 ambulant room);

- Modifications within the approved envelope of the second floor additions to provide 6 hotel rooms; and
- To increase the approved operating hours of the food and drink premises by 1 hour from 10.00am to 11.00pm daily.

The proposed modifications result in a number of proposed amendments to the existing conditions of consent including conditions related to the provision of accessible rooms, parking and the operation of the ancillary commercial uses. The following table outlines the conditions of Determination No. 201600108 dated 29 September 2016 to be modified as a result of the proposal.

Condition No.	Reason for Modification
Condition 1	To be modified as a result of amended plans submitted.
Condition 3	To be modified as a result of amended Plan of Management submitted.
Condition 5	To be modified as a result of the increase in room numbers which increases the number of accessible rooms required.
Condition 6	To be modified to remove reference to "café".
Condition 8	To be modified as a result of the change in patron numbers for the food and drink premises.
Condition 9	To be modified as a result of the function rooms being removed from the proposal.
Condition 10	To be modified as a result of a change in access point to the second floor balcony
Condition 11	To be modified as a result of the increase hotel patrons due an increase in rooms.
Condition 14	To be deleted as this condition is a repeat of Condition 5 and was originally imposed in error.
Condition 15	To be modified as a result of the increase in room numbers that increases the bicycle parking required to be provided.
Condition 27	To be modified as a result of the proposed change to operating hours of the food and drink premises and the removal of the function room use.
Condition 57	To be modified to reflect updated Section 7.12 contribution.
Condition 66	To be modified to reflect the increase in the number of accessible rooms required.

3. Site Description

The site is located on the southern side of Stanmore Road on the eastern corner of Albert Street, Petersham. The site is known as 308-314 Stanmore Road, Petersham and is legally described as Lot 1 in DP 723900 and Lot 1 in DP 723936. The site has a frontage of 33.5 metres to Stanmore Road and a 25.6 metre frontage to Albert Street, resulting in an approximate site area of 898.2sqm.

The building was originally constructed as a Fire Station in the late 1800's and the physical exterior of the original building remains largely intact. It is currently being used as a residential dwelling and ancillary office premises.

The entire site is listed as a Heritage Item and is located within the Petersham South Heritage Conservation Area under MLEP 2011. The site is located opposite a Heritage Item at 325 Stanmore Road (All Saints Anglican Church) listed under MLEP 2011.

Adjoining the site to the east is single storey grocery store/fruit market, to the south is a single storey residence and to the west on the opposite corner of Albert Street is a 2 storey mixed use building comprising as café on the ground floor with residence above. The

surrounding area is generally characterised by commercial development along Stanmore Road and residential development to the south of the site along Albert Street.



Image 1: View of the Site from Stanmore Road



Image 2: View of the Site from Albert Street

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site.

Application	Proposal	Decision & Date
DA201300226	Use of the premises as a residential dwelling and office premises, including the addition of a swimming pool, new fencing to Albert Street, new BBQ area with pizza oven, raised timber decking, new paving and landscaping works	Approval subject to conditions – 19 September 2013
DA201300593	To carry out alterations and additions to the premises to reinstate the former watchtower to the building on the north western corner of the building (not yet constructed)	Approval subject to conditions – 4 August 2014
DA201600108	To demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café and florist	Approval subject to conditions – 29 September 2016

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
29 September 2016	Determination No. 201600108 issued approval subject to conditions to convert the premises to a hotel.
9 July 2018	Subject application lodged under Section 4.55 to modify the previous determination to increase the number of hotel rooms to 24 through modifications to the internal layout and by increasing the extent of the approved second floor addition.
6 November 2018	Council wrote to the applicant raising concern with the further extension of the second floor on heritage grounds; the further increase in FSR; and traffic and parking impacts due to increased parking shortfall. Amended plans and an updated traffic report including a recent parking study was requested.
7 December 2018	Amended Traffic and Parking Assessment report submitted.
12 December 2018 & 16 January 2019	Amended plans requested to address concerns of Council's Heritage Specialist.
17 January 2019	Final amended plans submitted which resulted in the building envelope of the second floor addition being retained largely as approved and a reduction in proposed room numbers to 21.

It is noted that the modification application as originally submitted sought to increase the number of hotel rooms to 24 and expand the second floor addition towards to the rear of the site over the existing approved second floor balcony.

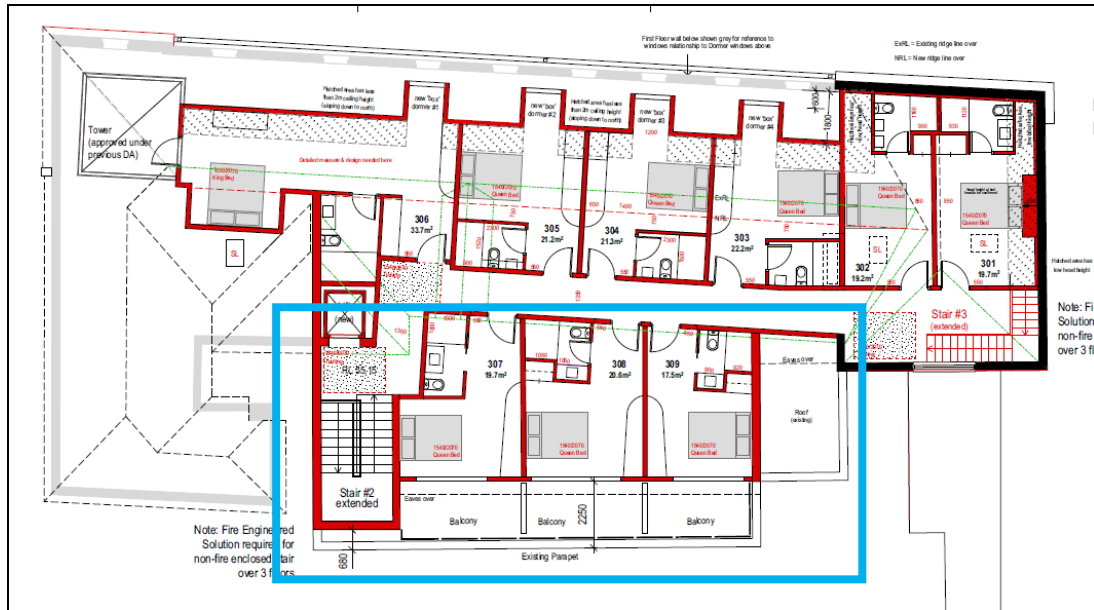


Image 3: Extract of Second Floor Plan original submitted showing extension of second floor (highlighted in blue)

However, during the assessment process Council raised concerns with the proposed increase to the second floor due to the increased visibility of the addition, the impacts to the heritage item and further increase to the FSR at the site. As such, final amended plans were submitted on 17 January 2019 removing the proposed increase to the second floor and maintaining the approved building envelope. This also resulted in the number of rooms being reduced to 21.

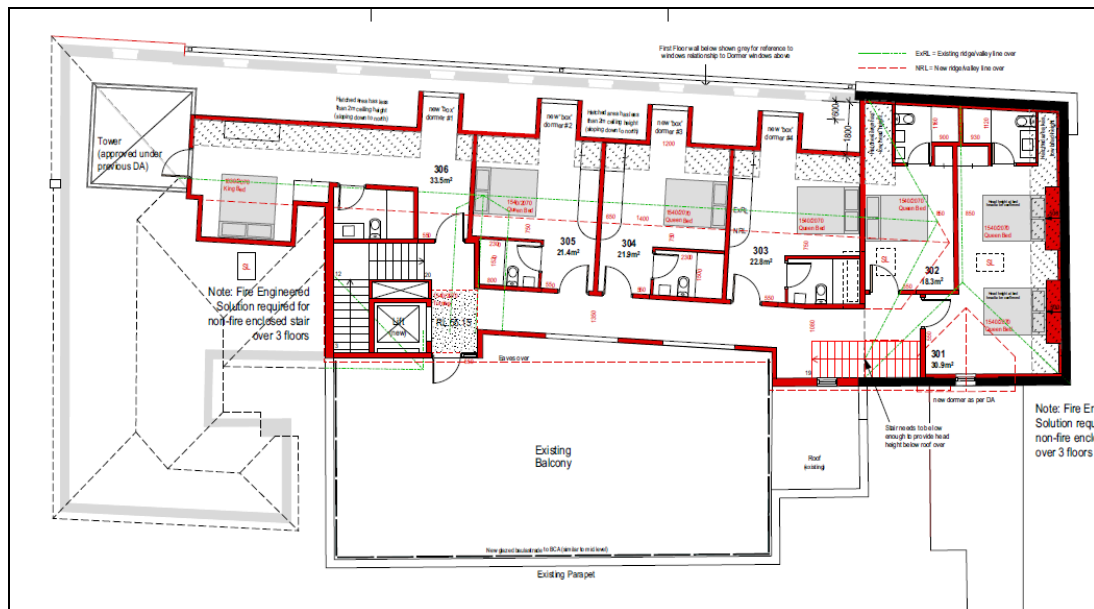


Image 4: Extract of final Second Floor Plan with the rear balcony retained

As such, the description of the application was amended accordingly to reflect the retention of the approved second floor and a reduction in room numbers proposed. The amended plans submitted on 17 January 2019 and the subject of the assessment report and are included at **Attachment B**.

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 (Infrastructure) 2007; and
- Marrickville Local Environmental Plan 2011

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy (Infrastructure) 2007

Development with frontage to classified road (Clause 101)

The site has a frontage to Stanmore Road, a classified road. Under Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007, (Infrastructure SEPP) the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

Vehicular access to the property is currently provided from Stanmore Road however the original determination approved the discontinuation of use of the existing vehicular access from Stanmore Road. The proposed development does not provide for on-site parking and this is discussed in greater detail later in this report, however, it is considered that the proposed development would not affect the safety, efficiency and on-going operation of the classified road.

Impact of road noise or vibration on non-road development (Clause 102)

Stanmore Road is a Classified Road, however it does not have an average annual daily traffic volume of more than 20,000 vehicles and as a result Clause 102 of the State Environmental Planning Policy (Infrastructure) 2007 is not required to be addressed in terms of acoustic privacy.

5(a)(ii) Marrickville Local Environmental Plan 2011 (MLEP 2011)

The application was assessed against the following relevant clauses of the Marrickville Local Environmental Plan 2011:

- 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 4.5 – Calculation of floor space ratio and site area;
- Clause 4.6 – Exception to development standards;
- Clause 5.10 – Heritage conservation;
- Clause 6.5 – Development in areas subject to aircraft noise; and
- Clause 6.6 – Airspace operations

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

Standard (maximum)	Development		% of non-compliance		Complies
	Approved	Proposed	Approved	Proposed	
Floor Space Ratio Required: 0.85:1 763.47sqm	1.26:1 1129.2sqm	1.28:1 1152sqm	48% (365.73sqm)	51% (388.53sqm)	No
Height of Building Required: 9.5 metres	10.82 metres	10.82 metres	13.9% (1.32 metres)	13.9% (1.32 metres)	No

The following provides further discussion of the relevant issues:

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

The property is zoned B1 – Neighbourhood Centre under the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011). The development is not permissible under the zoning provisions applying to the land, however the application has development consent pursuant to the Heritage Incentive provisions within Clause 5.10 of MLEP 2011. This matter is discussed in more detail later in this report under the *Clause 5.10 – Heritage Conservation* below.

(ii) Clause 4.3 – Height of Buildings

A maximum building height of 9.5 metres applies to the property as indicated on the Height of Buildings Map that accompanies MLEP 2011. The proposed development has a maximum building height of 10.82 metres which does not comply with the height development standard. It should be noted that the existing building has a maximum height of 11.52 metres and approved watch tower a height of 13.72 metres. The development does not propose to exceed either of these maximum heights.

This breach to the height of building development standard was considered acceptable having regard to the requirements of Clause 4.6 and approved by the original determination. This modification application does not propose any change to this approved height. Given the approved building height remains unchanged and as approved, the building height and breach to the development standard is acceptable as per the assessment of the original determination.

(iii) Clause 4.4 – Floor Space Ratio

A maximum floor space ratio (FSR) of 0.85:1 applies to the land as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development has a gross floor area (GFA) of 1152sqm which equates to a FSR of 1.28:1 on the 898.2sqm site which does not comply with the FSR development standard.

The original determination approved a 48% breach to the FSR development standard applying to the site, resulting in an approved FSR of 1.26:1 and a gross floor area of 1129.2sqm. This modification application proposes to further increase this breach by 22.8sqm, resulting in a proposed FSR of 1.28:1 and a variation of 51%.

A written submission in relation to the contravention of the FSR development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 is not required to be submitted to consider a modification to an approved development.

The FSR of the approved development was assessed as being acceptable having regard to the context of the site, the objectives of Clause 4.4 and the requirements of Clause 4.6, which can be seen at Attachment C.

The increase in FSR proposed by this modification application is nominal and remains consistent with the assessment of the original determination.

While this application results in some additional floor area, this is generated by a reduction in the number of staircases within the building which are excluded from the calculation of gross floor area, as per the definition of gross floor area within MLEP 2011.

The approved development included 5 staircases, one of which was mostly external. The modified proposal provides 4 staircases by removing the existing staircase at the north-western corner of the building and the mostly external staircase at the rear of the building and providing a new staircase within the building. This reduction in the number of staircases has resulted in additional floor area within the building and attributed to a nominal increase in the FSR of the development.

While the proposal includes a substantial increase in the number of rooms, all the works required to achieve this are confined within the building envelope of the existing approved development. The proposed modifications result in no additional floor area beyond the approved building envelope and the resultant modified floor area is a technical increase as a result of changes to the internal layout. The additional FSR will result in no discernible impact on the surrounding streetscape or neighbouring buildings and the bulk and scale of the approved development will remain unchanged. As such, the FSR assessment of the original determination remains applicable and relevant to this application and the proposal remains satisfactory with regard to the relevant matters under Clause 4.6 of MLEP 2011. The proposed FSR is considered acceptable.

(iv) Clause 5.10 – Heritage Conservation

The site is listed as a heritage item, namely (former) Stanmore Fire Station (Item I223) and is located within a Heritage Conservation Area (Heritage Conservation Area C18 – Petersham South) under MLEP 2011.

Under Clause 5.10 (10) of MLEP 2011 Council may grant consent to development for any purpose, of a building that is a heritage item or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by the Plan, if Council is satisfied that the development is consistent with the requirements of the Clause.

The original determination assessed the development as compliant and acceptable with the provisions of Clause 5.10 (10) of MLEP 2011. The original assessment can be seen at Attachment C.

The proposed modifications do not result in any change to the original assessment and the development remains acceptable having regard to the provisions of Clause 5.10 of MLEP 2011. The mix of approved uses is not proposed to be changed under the modification application.

The modified proposal maintains and expands the approved hotel use by increasing the number of rooms available while maintaining sympathetic alterations and addition to the heritage item and allowing the retention of significant fabric, while also providing a use that will ensure the ongoing economic viability of the site and conservation of the heritage item. The application was referred to Council's Heritage Specialist who raised no objection to the proposal on heritage grounds (with the exception of the extension to the second floor which was removed during the assessment process) and the modified proposal is generally in accordance with the approved Conservation Management Plan for the site. No existing conditions relating to heritage required modification.

Overall, the modified development is not considered to have any significant impacts on the heritage item and as such the proposal satisfies the heritage incentive provisions.

(v) Clause 6.5 – Development in areas subject to Aircraft Noise

The land is located within the 20-25 Australian Noise Exposure Forecast (2033) Contour.

The development is likely to be affected by aircraft noise. The carrying out of development would result in an increase in the number of people affected by aircraft noise.

Appropriate conditions have already been imposed on the approved development to ensure the development is appropriately noise attenuated and this will not be altered by the modifications sought. The development is acceptable in this regard.

(vi) Clause 6.6 – Airspace Operations

The subject land is within an area identified on the "Obstacle Limitation Surface Map" where the OLS level is set at RL 51 AHD. The proposal has a maximum RL of 58.4 metres AHD. Therefore, the development would penetrate the OLS. As such, the application was referred to Sydney Airports Corporation Limited (SACL) in accordance with the requirements of Clause 6.6 of MLEP 2011.

SACL have raised no objection to modified development, subject to conditions. Those conditions have already been imposed on the development and will not be altered by this modification. The development is acceptable in this regard.

5(b) Draft Environmental Planning Instruments

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 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

Part	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes – subject to conditions
Part 2.6 – Acoustic and Visual Privacy	Yes – subject to conditions
Part 2.7 – Solar Access and Overshadowing	Yes
Part 2.8 – Social Impact	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	No but acceptable – see discussion below
Part 2.16 – Energy Efficiency	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 5 – Commercial and Mixed Use Development	Yes – subject to conditions
Part 8 – Heritage	Yes
Part 9 – Strategic Context	Yes

The following provides discussion of the relevant issues:

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

Part 2.5 of MDCP 2011 requires consideration to be given to accessibility before granting development consent.

For a hotel development Part 2.5 of MDCP 2011 requires the following:

- 1 accessible room per 5 guest rooms (or part thereof);
- Appropriate access for all persons through the principal entrance of a building and a continuous accessible path of travel (CAPT), designed in accordance with the National Construction Code (Building Code of Australia) and relevant Australian Standards; and
- General access for all persons to appropriate sanitary facilities and other common facilities including kitchens, lunch room, shower facilities and outdoor recreational facilities.

Currently, Condition 5 of the existing consent requires the provision of 3 accessible rooms (based on the 12 hotel rooms). However, given the number of rooms is proposed to increase to 21, the modified development would require the provision of 5 accessible rooms. The modified plans provide 2 accessible rooms and 1 ambulant room on the first floor which does not comply with the requirements of MDCP 2011 and results in a shortfall of 3 fully accessible rooms.

An Access Report completed by Morris Goding Access Consultants was submitted with the application which assessed that the provision of an ambulant room would provide opportunities for the hotel to provide rooms for people with a range of disabilities, rather than only those in wheelchairs. This is generally accepted by Council and while not strictly in accordance with MDCP 2011, the provision of 1 ambulant room rather than a fully accessible room is considered acceptable.

Notwithstanding, the Access Report also miscalculated the number of accessible rooms that are required by Part 2.5, stating that only 3 accessible rooms are required. While Council is

can accept 1 ambulant room in lieu of 1 fully accessible room, the proposal still presents a shortfall of 2 accessible rooms. Given the proposal has lift access to all floors and is a substantial redevelopment of the site, it is considered reasonable for the development to comply with the requirements of Part 2.5 of MDCP 2011.

As such, a modification to Conditions 5 and 66 is included in Attachment A to provide 4 accessible rooms and 1 ambulant room. It is also proposed to delete Condition 14 relating to accessible rooms which was imposed in error and is unnecessary.

Subject to compliance with the above, the proposed development is considered reasonable having regard to the access controls contained in MDCP 2011.

(ii) Acoustic and Visual Privacy (Part 2.6)

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

The original development was assessed as being acceptable with regard to visual and acoustic privacy and the proposed modifications do not alter this, with no substantial modifications to the external windows proposed and a reduction in the extent of glazing at the southern elevation of the second floor.

However, the original development includes a balcony at the rear of the second floor which was originally accessible from only 1 room (being room 12 in the approved plans at Attachment D). The modified proposal maintains the balcony but it is now potentially accessible to all patrons of the hotel, being accessible from the common hallway on the second floor.

Condition 10 of the existing consent prohibits the balcony from being used for functions. While the balcony could now potentially be accessible by more people, the views from the balcony do not result in any adverse overlooking or visual privacy impacts to neighbouring properties. As such, the retention of Condition 10 in combination with existing conditions of consent relating to limiting noise is considered suitable to ensure the balcony is not used for a purpose that would result in unacceptable acoustic impacts to surrounding residents.

As such, a modification to Condition 10 is included in Attachment A to remove reference to room 12 and ensure the condition limits the use of the second floor balcony.

(iii) Parking (Part 2.10)

The site is located in Parking Area 2 under Part 2.10 of MDCP 2011. The following table summarises the car and bicycle parking requirements for the development:

Component	Control	Required	Proposed	Complies?
Car Parking				
Restaurant and Florist	1 space per 80sqm GFA for customers and staff	165sqm GFA = 2 spaces	Nil	No
Hotel or Motel Accommodation	1 space per 4 staff for staff + 1 per 3 units for residents	21 rooms + 3 staff = 8 spaces		
TOTAL REQUIRED : 10 spaces				

Bicycle Parking				
Hotel or Motel Accommodation	1 bicycle parking space per 20 units or rooms for staff and patrons	21 rooms = 1 space	2 bicycle racks	No
Restaurant	1 per 100sqm GFA for staff + 2 for customers	165sqm GFA = 4 spaces		
TOTAL REQUIRED: 5 Spaces				

The development as approved provides no onsite car parking which was considered acceptable given the heritage listing of the building limits the capacity for onsite parking and that the development was supported with a traffic and parking assessment report that demonstrated the surrounding streets could accommodate the shortfall in onsite car parking.

As such, the development has an existing approved shortfall of 7 car parking spaces. However, the proposed modifications and increase in room numbers proposed by this application generate a further shortfall of an additional 3 spaces, resulting in a total shortfall of 10 car parking spaces.

The application as submitted was supported with a traffic report however this report did not include any details of the existing car parking capacity surrounding the site and relied on the original parking study completed in 2015. The original parking study was considered outdated and may not fully represent the current car parking demand surrounding the site. As such, on 7 December 2018 the applicant submitted a Parking and Traffic Impact Assessment completed by Traffix which included a current parking study.

While the modified proposal further increases the shortfall of onsite parking generated by the development, the lack of onsite car parking is considered acceptable having regard to the circumstances of the site and the impact of the proposed shortfall on surrounding street parking and traffic movements for the following reasons:

- The site is a heritage listed building with no capacity to provide onsite car parking without requiring demolition to parts of the heritage building which is highly undesirable;
- The Parking and Traffic Impact Assessment completed by Traffix demonstrates that the streets surrounding the site maintain upwards of 100 on street car parking spaces available during peak demand times which are able to accommodate the proposed shortfall of 10 spaces without resulting in a saturation of on street car parking in the area;
- The Parking and Traffic Impact Assessment also demonstrates that the demand for car parking in the area has only increased by 2% between the surveys undertaken in 2015 and 2018 and there has not been a dramatic change in the on street car parking availability in the area;
- The site has access to numerous public transport options being within walking distance of Petersham Railway Station, Stanmore Railway Station and bus routes along Trafalgar Street;
- While the number of hotel rooms is substantially increasing, this generates a car parking shortfall beyond that already approved by only 3 spaces which can be accommodated by the surrounding streets without adverse impact;
- The Parking and Traffic Impact Assessment demonstrates that the traffic generation attributed to the development is nominal and would not be detrimental to traffic surrounding the site; and

- The modified proposal and Parking and Traffic Impact Assessment were reviewed by Council's Coordinator Development Engineering who supports the application for the reasons outlined above.

As such, the proposed shortfall or car parking is considered acceptable and a variation to the requirements of Part 2.10 of MDCP 2011 is supported in the circumstances.

A majority of the submissions received by Council raised concerns surrounding traffic and parking associated with the development including:

- The lack of onsite car parking is unacceptable;
- A further shortfall of parking at the site will result in unacceptable impacts to parking in the local area;
- Car parking within the vicinity of the site is already constrained and any further constraint will negatively impact residents;
- The increased traffic will negatively impact pedestrian safety in the area which is already considered very dangerous by some residents; and
- A holistic and updated traffic and parking study should be submitted with the modified application (i.e. not relying on 2015 data).

As discussed above, Council requested an updated traffic and parking assessment which was submitted and drew conclusions from current data surrounding the site. The assessment submitted demonstrated that the modified development will not result in increased adverse car parking impacts in the local area and the surrounding streets will be able to accommodate the shortfall of car parking proposed without saturating on street car parking for surrounding residents. Similarly, the assessment determines that traffic impacts generated by the development are nominal and unlikely to adversely impact the local area and therefore there is no evidence that the development would result in adverse impacts to pedestrian safety.

While it is generally desirable to provide onsite car parking, the circumstances of this site, containing a heritage listed building that covers a majority of the site, results in a very limited ability to provide onsite car parking. As such, in order to maintain the heritage listed building and allow a use for the site that is economically viable and will enable the continued conservation of the item, the shortfall in car parking is considered reasonable.

With regard to bicycle parking, the modified proposal provides 2 bicycle parking spaces when the increase in rooms generates the requirement for 5 bicycle spaces. The site has the ability to support these additional spaces and should comply. As such, a modification to Condition 15 is included in Attachment A requiring the provision of 5 bicycle spaces.

(iv) Plan of Management (Part 5.3.1.1) {Commercial and Mixed use Development}

A modified Plan of Management (POM) was submitted with the development application. The Plan of Management is considered to outline the appropriate procedures for the management of the hotel accommodation and ancillary commercial uses and is acceptable having regard to the objectives and controls within Part 5.3.1.1.

Notwithstanding, as a result of the proposed modifications to the ancillary commercial uses, a number of existing conditions of consent will require modification to confirm the terms of the POM and ensure the suitable ongoing operation of the premises.

The major modifications to the POM are:

- Removal of the function room use;
- Modification of the café use to a restaurant with an increase in patron capacity; and
- Increase in the number of hotel patrons due to the increase in rooms.

The modifications to the ancillary commercial uses within the hotel are not considered to result in adverse amenity impacts to the surrounding locality and are overall being reduced by the modified proposal as a result of the removal of the function rooms.

As such, a modification to Conditions 3, 6, 8, 9 and 11 is included in Attachment A to ensure consistency the POM provided and reflect the modifications proposed.

(v) Hours of Operation (Part 5.3.1.4)

The proposal seeks modifications to the approved hours of operation for some ancillary uses within the hotel. The approved hours of operation are as follows:

Use	Approved Hours of Operation
Hotel	24 hours, 7 days a week
Hotel Reception	6.00am to 10.00pm daily
Outdoor Areas (cabana, courtyard, pool)	8.00am to 9.00pm daily
Café	7.00am to 10.00pm daily
Florist	7.00am to 8.00pm daily
Function Rooms	8.00am to 10.00pm daily

The modified proposal maintains the approved operating hours of the hotel, reception, outdoor areas and florist which is acceptable. The modified proposal includes a restaurant rather than a café, however this is the same use, being a food and drink premises.

The proposal includes a modification to the operating hours of the food and drink premises to be 7.00am to 11.00pm daily which is a 1 hour increase to the hours currently approved.

While the site is situated on Stanmore Road, the development is close proximity to residents to the south of the site and a further increase to late night trade may result in adverse amenity impact to the locality. The site has no onsite car parking and as such it is considered that patrons of the restaurant are highly likely to utilise street parking on Albert Street which may adversely impact residents when patrons are leaving the site at 11.00pm. Additionally, such late night trading is not particularly consistent with the trading of other business surrounding the site, especially Sundays to Wednesdays.

With the exception of The Public House at 292 Stanmore Road, other businesses cease trade at 10.00pm or earlier, indicating that trading until 11.00pm is not suitable for the locality. The hours are also inconsistent with the hours of operation for the remainder of the hotel, with all other uses ceasing at 10.00pm or earlier.

While this extension to the trading hours proposed is relatively minor, it is considered that further late night trading may result in adverse amenity impacts to the surrounding residents and is generally inconsistent with surrounding business operations. The information submitted with this modification application did not provide any discussion on the potential impacts of increased trading and no suitable justification has been put forward, having regard to the requirements of Part 5.3.1.4 of MDCP 2011.

As such, a modification to Condition 27 is included in Attachment A to delete the function room use and amend reference from “café” to “restaurant”, however the hours of operation for the restaurant will remain as approved being 7.00am to 10.00pm daily.

5(d) Section 4.55 of the Environmental Planning and Assessment Act

Under Section 4.55 of the Environmental Planning and Assessment Act, 1979, Council, when considering a request to modify a Determination, must:

- a) be satisfied that the development as modified is substantially the same development as the development for which consent was originally granted;
- b) consult with any relevant authority or approval body;
- c) notify the application in accordance with the regulations;
- d) consider any submissions made; and
- e) take into consideration the matters referred to in Section 4.15 as are of relevance to the development the subject of the application.

The development being modified is substantially the same development as the development for which consent was originally granted. No authorities or bodies were required to be consulted. The application was notified in accordance with the regulations and Council's policy. The submissions received have been considered.

Amended plans were submitted for the proposal during the assessment process. The plans were considered to have a reduced or similar impact on the adjoining properties and as such, in accordance with Council's notification policy, were not required to be re-notified.

5(e) The Likely Impacts

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

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

The site is zoned B1 – Neighbourhood Centre and although the approved use is not permissible in the zone, the use is considered acceptable under heritage incentive provisions of Clause 5.10(10) of MLEP 2011. 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 the Marrickville Development Control Plan 2011 for a period of 14 days to surrounding properties. A total of 10 submissions were received.

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

- Traffic and Parking – see section 5(c)(iii)
- Heritage – see section 5(a)(ii)(iv)

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

Issue: The proposal is an overdevelopment of the site

Comment: The submission contends that the proposal is an overdevelopment as the original application breached FSR, lacked onsite parking and does not provide suitable open space. The modified proposal results in a very minor increase to FSR which is considered acceptable and the issues of car parking have been discussed earlier in this report. As the proposal is for a hotel, there are no specified requirements for open space. However, the proposal maintains the existing level of open space at the rear of the site and this is considered acceptable to support a hotel use. While the proposal results in some non-compliance with the relevant planning controls, the increase in rooms proposed is not considered to result in an overdevelopment of the site as the areas of non-compliance are not considered to result in adverse impacts to the locality.

Issue: The second floor addition is unacceptable from a heritage perspective

Comment: The proposal as submitted included an extension of the second floor which was not supported by Council officers. Subsequently amended plans were submitted during the assessment depicting the envelope of the second floor as approved. The second floor addition was approved as part of the original determination and was assessed as acceptable on heritage grounds. This modification application is also acceptable having regards to heritage, as discussed in section 5(a)(ii)(iv) of this report.

Issue: View loss from top floor unit at 42 Albert St Petersham

Comment: A submission received raised concerns that the additional 12 rooms proposed would block views from the top floor balcony of a unit to the west of the site at 42 Albert Street. The unit current benefits from district views of the Sydney CBD and centre point tower. The proposal as submitted included an extension of the second floor which was not supported by Council officers. Subsequently amended plans were submitted during the assessment depicting the envelope of the second floor as approved in the original application. As such, the modified development does not result in any additional bulk, scale or height from the approved development and as such would not result in any further view loss than the approved development, despite the additional rooms proposed.

It is noted that no submissions raising view loss were received by Council during the assessment of the original application. Additionally, the views described by the submission are district views that are only obtainable by sightlines over other properties and such these views are generally difficult to maintain or protect.

Issue: The development will lower surrounding property values.

Comment: Property values are not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

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 section 5 above.

- Heritage Specialist; and
- Coordinator Development Engineering.

6(b) External

The application was referred to the following external bodies.

- Marrickville Heritage Society; and
- Ausgrid

Neither external referral body responded to the application within the legislative timeframe provided.

7. Section 7.11/7.12 Contributions

Section 7.12 contributions are payable for the proposal. Section 7.12 contributions were imposed by Condition 57 of the existing consent based on a development cost of \$1,130,000 in accordance with the Marrickville Section 94/94A Contributions Plan. The proposed modifications involve additional works and an increase in room numbers and a modified development cost of \$2,000,000 has been advised. As such, the Section 7.12 contribution amount has increased. A modification to Condition 57 is included in Attachment A reflecting the change in the contributions payable.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011. The development will not result in any significant impacts on the amenity of adjoining premises or the streetscape.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

That Council, the Inner West Local Planning Panel, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. 201600108.01 to modify Determination No. 201600108 dated 29 September 2016 under Section 4.55(2) of the Environmental Planning and Assessment Act so as to modify the internal layout to increase the total number of hotel rooms from 12 to 21 rooms, alter the location of the florist and food and drink premises and carry out other internal modifications at 308-314 Stanmore Road, Petersham subject to the conditions listed in Attachment A below.

Attachment A – Recommended modified conditions of consent

Recommended modified conditions of consent

- A. THAT the application under Section 4.55 of the Environmental Planning and Assessment Act 1979 to modify Determination No. 201600108 dated 29 September 2016 be **APPROVED** and a modified Determination be issued with the Determination being modified in the following manner:

- (i) THAT the description of the development being amended to read:

“to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 21 room hotel with a ground floor restaurant and florist”

- (ii) THAT the following conditions being amended to read:

1. The development being carried out substantially in accordance with plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA02, Revision C	Proposed Ground Floor	7 July 2016	Blue World Architecture	7 July 2016
DA03, Revision C	Proposed First Floor	7 July 2016	Blue World Architecture	7 July 2016
DA04, Revision C	Proposed Second Floor	7 July 2016	Blue World Architecture	7 July 2016
DA05, Revision C	Proposed Roof Plan	7 July 2016	Blue World Architecture	7 July 2016
DA06, Revision C	Elevations and Sections	7 July 2016	Blue World Architecture	7 July 2016
DA07, Revision C	Finishes & Photographs	7 July 2016	Blue World Architecture	7 July 2016
	Heritage Impact Assessment	March 2016	Paul Davies Pty Ltd	15 March 2016
Job No. 05-153	Plan of Management	1 September 2016	BBC Consulting Planners	1 September 2016
	Conservation Management Plan	April 2013	Howard Heritage Consultancy	1 September 2016
20151386.1/1111A/R0/GC	DA Environmental Noise Impact Assessment	11 November 2015	Acoustic Logic	15 March 2016

and details submitted to the Council on 15 March 2016, 6 and 7 July 2016, 23 August 2016 and 1 September 2016 with the application for development consent and as amended by the plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA02, Revision D	Proposed Ground Floor	17.11.2018	Preston Peterson	17.01.2019
DA03, Revision E	Proposed First Floor	20.12.2018	Preston Peterson	17.01.2019
DA04, Revision E	Proposed Second Floor	20.12.2018	Preston Peterson	17.01.2019
DA05, Revision E	Proposed Roof Plan	20.12.2018	Preston Peterson	17.01.2019

DA06, Revision F	Elevations and Sections	17.01.2019	Preston Peterson	17.01.2019
Job No. 05-153	Plan of Management	05.07.2018	BBC Consulting Planners	09.07.2018

and details submitted to the Council on 9 July 2018, 7 December 2018, 12 December 2018, 16 December 2018 and 17 January 2019 with the application under Section 4.55 of the Environmental Planning and Assessment Act and the following conditions.

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

3. The operation of the premises complying at all times with the Plan of Management prepared by BBC Consulting, dated 5 July 2018 submitted on 9 July 2018 to Council. The Plan of Management as approved shall not be amended without the prior written approval of Inner West Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

Reason: To ensure that the operation of the premises complies with the endorsed Plan of Management.

5. A minimum of four (4) adaptable rooms and one (1) ambulant room must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.

Reason: To make reasonable provision in the development to provide accommodation suitable for people with a disability.

6.
 - a) Staff employed by the restaurant/hotel being responsible to ensure that patrons are not loitering in front of adjoining residences.
 - b) Staff employed by the restaurant/hotel being responsible at all times to ensure the orderly dispersal of patrons from the premises.
 - c) Signs being appropriately located within the restaurant and hotel advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises and the proprietors of the restaurant and hotel ensuring that staff give appropriate directions to and take reasonable steps to control noisy or offensive behaviour of patrons entering or leaving the restaurant /hotel.

Reason: To ensure the quiet and orderly ingress and egress of patrons of the restaurant and to protect the amenity of the surrounding residential neighbourhood.

8. The use of the restaurant must be generally restricted to the former fire engine bays at the northern side of the ground floor with not more than 30 customer seats (including any outdoor seating) without the prior approval of Council.

Reason: To ensure that the number of customers on the premises at any one time is not increased without a further review.

10. The balcony accessible from the second floor must not be used for functions.

Reason: To minimise amenity impacts to neighbouring properties.

11. The maximum number of patrons residing within the hotel accommodation at any one time being restricted to 42 persons.

Reason: To ensure that the number of customers on the premises at any one time is not increased without a further review.

15. 5 off-street bicycle spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.

Reason: To ensure practical bicycle storage is available for the use of the premises.

27. The hours of operation of the site being restricted in the following manner for each use:

Hotel (accommodation only): Mondays to Sundays (including Public Holidays):	24 hours
Reception: Mondays to Sundays (including Public Holidays):	6:00am to 10:00pm
Outdoor areas (i.e. cabana, pool, courtyard): Mondays to Sundays (including Public Holidays):	8:00am to 9:00pm
Restaurant: Mondays to Sundays (including Public Holidays):	7:00am to 10:00pm
Florist: Mondays to Sundays (including Public Holidays):	7:00am to 8:00pm

Reason: To confirm the hours of operation.

57. A levy of \$20,000.00 has been assessed as the contribution for the development under Section 7.12 of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 7.12 Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 7.12 levy (as adjusted) must be paid to the Council in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card* before the issue of a Construction Certificate. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 7.12 levies **CANNOT** be made by Personal Cheque or Company Cheque.

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

(LEVY PAYMENT REFERENCE NO. DC002505)

NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

Reason: To ensure that the approved development makes a contribution towards the provision, extension or augmentation of public amenities and public services in the area.

66. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the following:
- Access to the premises via the principal place of entry to the building, complying with AS 1428.1- 2009 'Design for access and mobility';
 - An accessible toilet complying with AS 1428.1- 2009 'Design for access and mobility';

- c) An accessible lift must be installed. The stairway lift must be capable of transporting a wheelchair and designed in accordance with AS1735.7 'Lifts, escalators and moving walks, Part 7: Stairway Lifts' as a minimum requirement;
- d) The lift design must comply with AS 1735.12 -1999 'Lifts, escalators and moving walkways Part 12: Facilities for persons with disabilities' as a minimum requirement; and
- e) An accessible counter complying with AS 1428.2 - 2001 'Design for access and mobility';
- f) 4 adaptable hotel rooms and 1 ambulant hotel room being provided complying with AS 4299-1995 "Adaptable Housing".

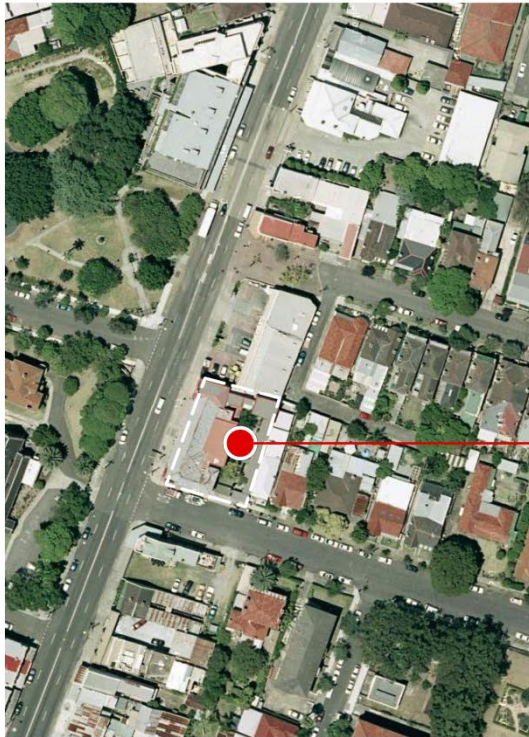
Reason: To ensure that the premises provide equitable access to all persons.

(iii) **THAT** conditions 9 and 14 be deleted.

- B. THAT** those persons who lodged submissions in respect to the proposal be advised of the Council's determination of the application.

Attachment B – Plans of Proposed Development

308-314 STANMORE ROAD, PETERSHAM NSW
SECTION 4.55 APPLICATION DOCUMENTATION
 documentation prepared by PrestonPeterson June 2018



the site

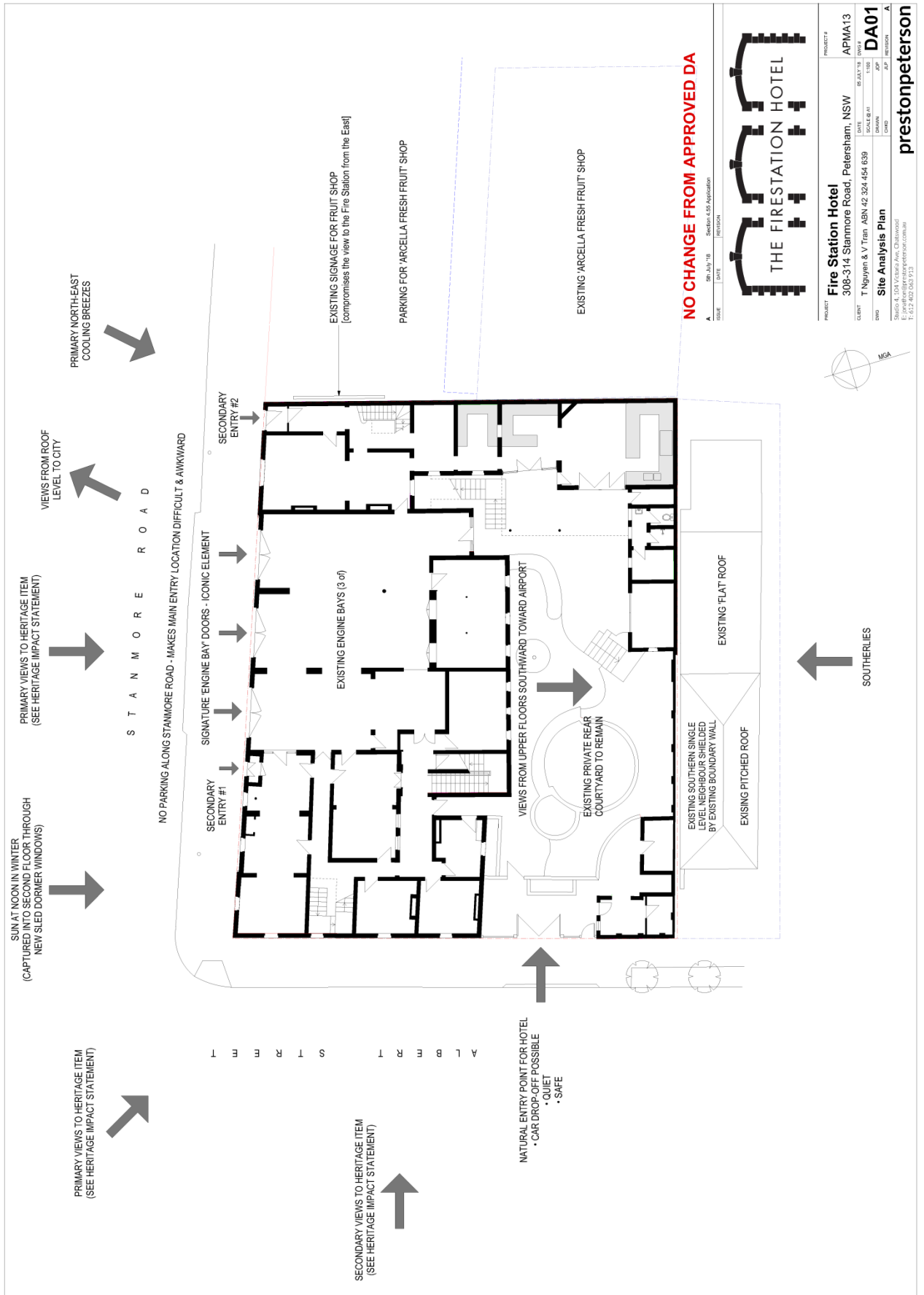
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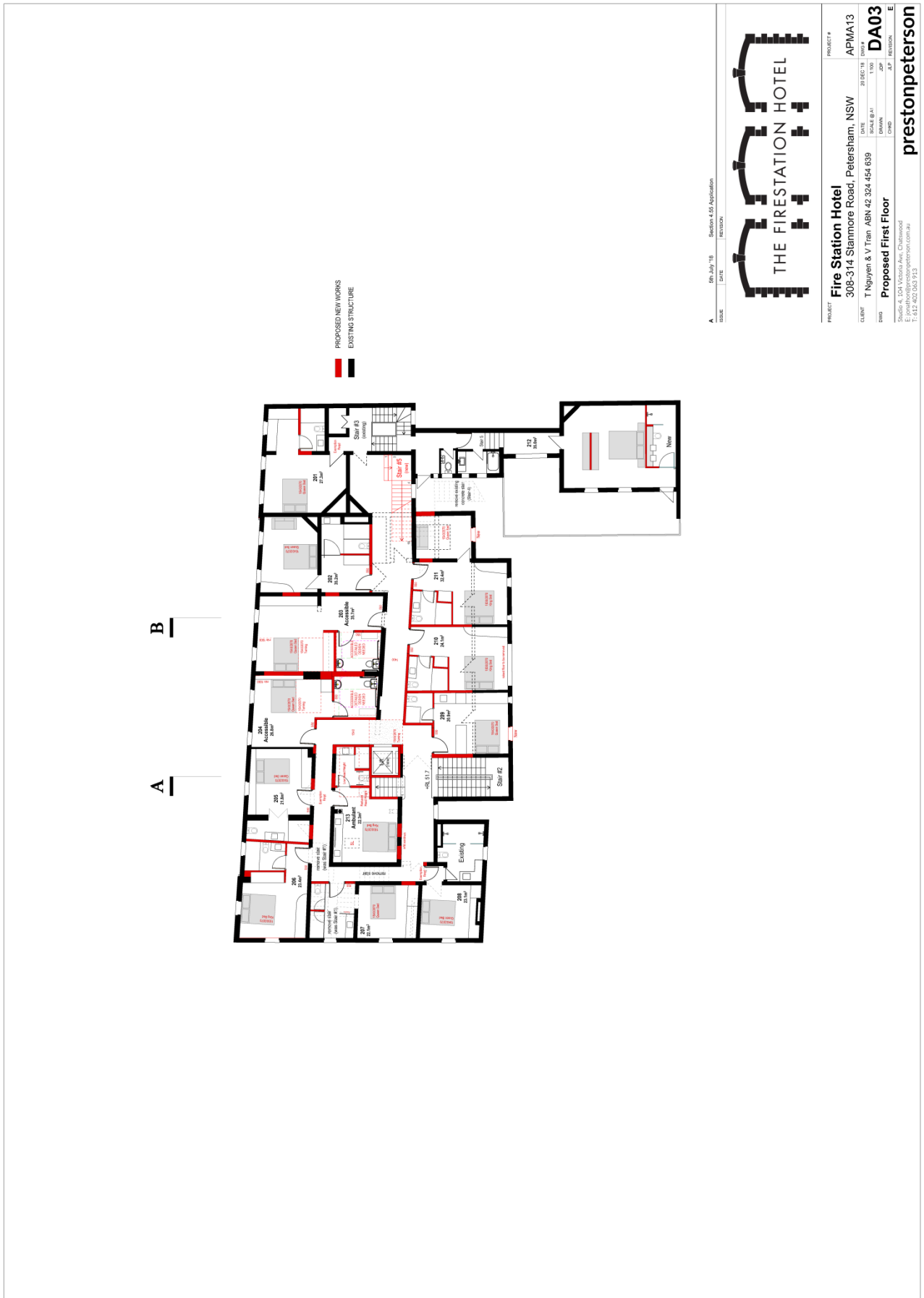
DRAWING NO	TITLE
DA00	COVER SHEET
DA01	SITE ANALYSIS PLAN
DA02	PROPOSED GROUND FLOOR
DA03	PROPOSED FIRST FLOOR
DA04	PROPOSED SECOND FLOOR
DA05	PROPOSED ROOF FLOOR
DA06	ELEVATIONS & SECTIONS
DA07	FINISHES & PHOTOGRAPHS
EX01	EXISTING GROUND FLOOR
EX02	EXISTING FIRST FLOOR
FSR01	GROUND FLOOR FSR
FSR02	FIRST FLOOR FSR
FSR03	SECOND FLOOR FSR
SH01	SHADOW ANALYSIS: 9AM 21ST JUNE
SH02	SHADOW ANALYSIS: NOON 21ST JUNE
SH03	SHADOW ANALYSIS: 3PM 21ST JUNE
L01	LANDSCAPE PLAN
ERS01	SEDIMENT & EROSION CONTROL PLAN
DRN01	DRAINAGE PLAN

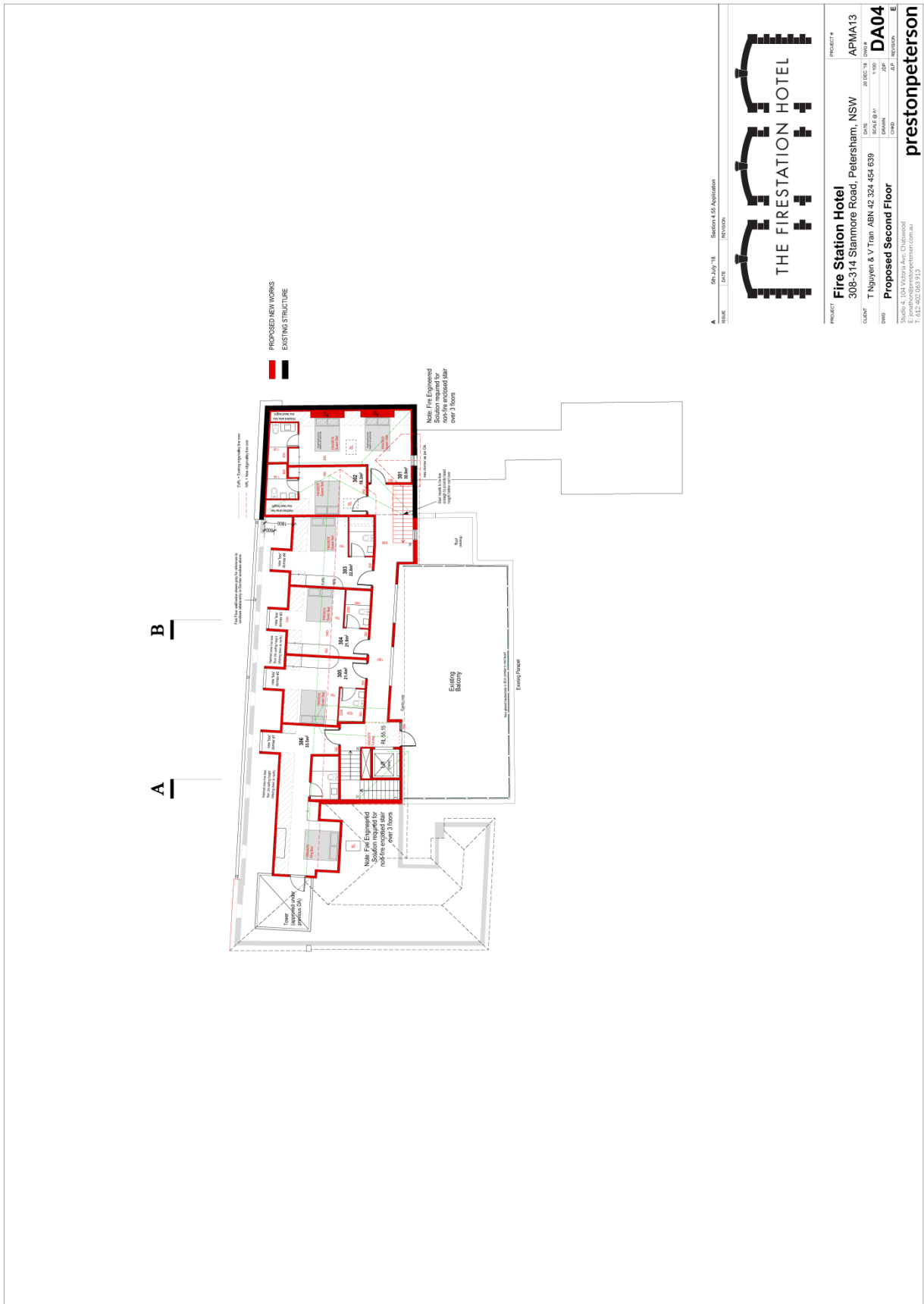
ISSUE	DATE	DESCRIPTION
A	20th July '18	Section 4.55 Application

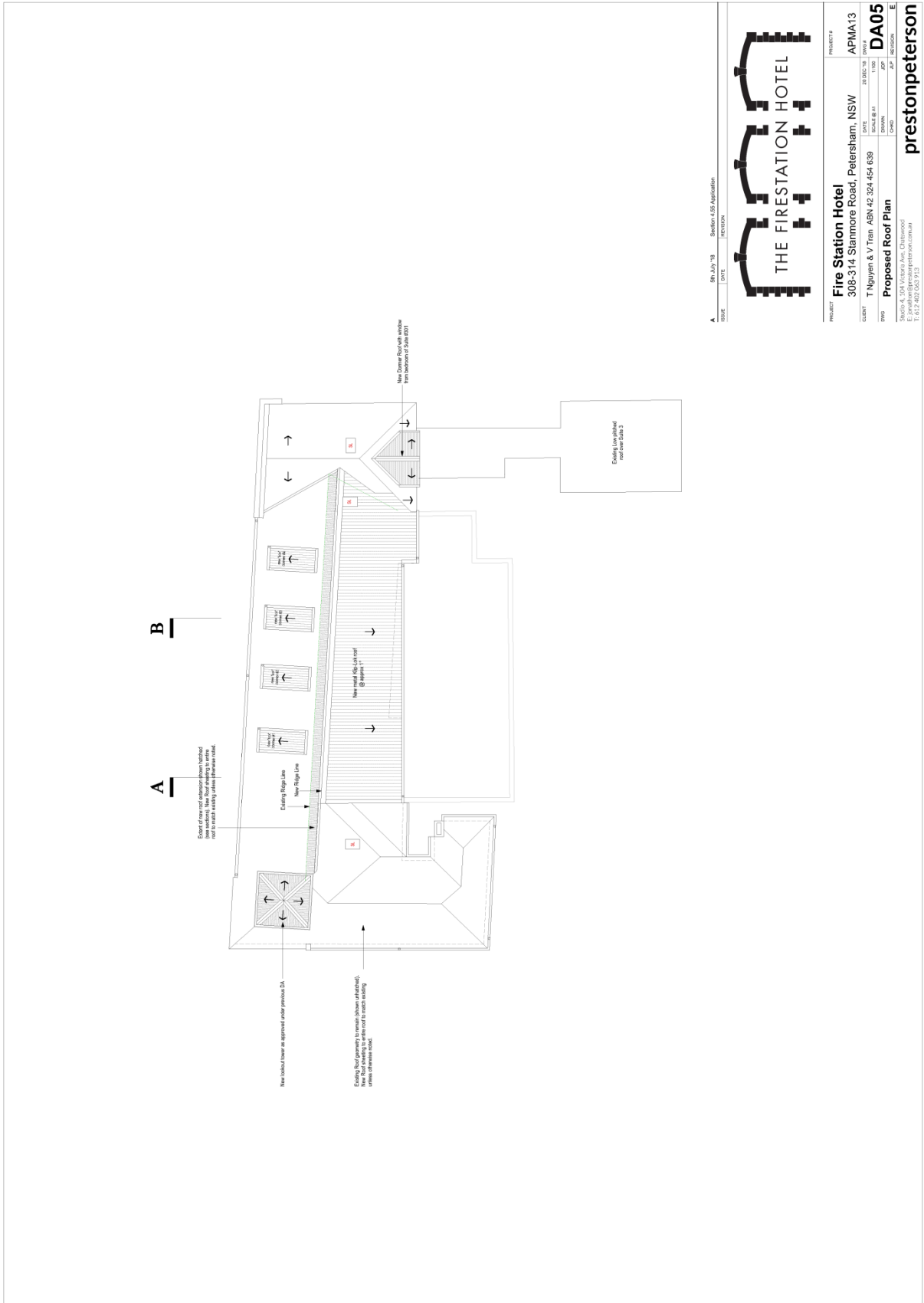


PROJECT	Fire Station Hotel	PROJECT #	APMA13
	308-314 Stanmore Road, Petersham, NSW		
CLIENT	T Nguyen & V Tran ABN 42 324 454 639	DATE	2018
DWG	COVER SHEET	DRAWN	DA00
		CHECKED	
		REVISION	A
Studio 4, 104 Victoria Ave, Chesham NSW 2155 T: 612 402 0669 P: 612 402 0669		prestonpeterson	









A 30 July 18 Section 4.5.5 Notation
 DATE PROJECT



PROJECT #		APMA13	
Fire Station Hotel			
308-314 Stanmore Road, Petersham, NSW			
CLIENT	T Nguyen & V Tran	DATE	30 JULY 18
ABN: 42 324 454 639		SCALE (B1)	1:100
DRAWN	CS	CHECKED	CS
PROPOSED ROOF PLAN			
STATUS	AP	REVISION	E
Studio 4, 104 Victoria Ave, Chelwood E: prestont@prestonpeterson.com.au P: 03 92 266 174			
prestonpeterson			

1 Proposed North Elevation - NO CHANGE FROM DA

2 Proposed West Elevation

3 Proposed South Elevation

4 Proposed East Elevation

5 Section A - Proposed

6 Section B - Proposed

THE FIRESTATION HOTEL

Fire Station Hotel
308-314 Stanmore Road, Petersham, NSW

PROJECT PROJECT 14
CLIENT APMA13
DATE 17 JAN 19
SCALE 1:100
DRAWN JJP
DATE 17 JAN 19
REVISION E

DA06

Elevations & Sections

prestonpeterson

Project 14
308-314 Stanmore Road, Petersham, NSW
E: preston@prestonpeterson.com.au
T: 612 852 06973

Attachment C – Officer’s Report for DA201600108

Council Meeting
27 September 2016

Item No: C0916 Item 5
Subject: DEVELOPMENT APPLICATION - 308-314 STANMORE ROAD, PETERSHAM
File Ref: DA201600108/105142.16

Prepared By: Kaitlin Zieme - Town Planner Development Assessment, Marrickville

Authorised By: Phil Sarin - Director, Planning and Environment

SUMMARY

This report concerns an application to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café, function rooms and florist.

The original application was notified in accordance with Council's Notification Policy and 12 submissions were received. During the assessment of the application, amended plans were submitted reducing the size of the second floor to be within the existing building envelope and reducing the number of hotel rooms from 13 to 12. The modifications are considered to be of a lesser impact and as a result re-notification was not required.

The development results in a departure of 1.32 metres (13.9%) from the height of building development standard and 365.73m² (48%) from the FSR development standard prescribed by Marrickville Local Environmental Plan (MLEP) 2011. The application was accompanied by written requests under Clause 4.6 of MLEP 2011 in support of the proposed variations which are accepted for the reasons outlined in this report. No additional height is proposed beyond the existing maximum ridge height.

The extent of the proposed non-compliances is not considered to result in any adverse impacts on the amenity of the adjoining developments and/or the streetscape and the variations are cumulative variations based on an existing non-compliant building. The proposal involves a change of use to the heritage listed item being the former Stanmore Fire Station which is an important element of the Stanmore Road streetscape and Petersham South Heritage Conservation Area.

The application is referred to Council for determination in view of the extent of the departures from the maximum building height and FSR development standards, which exceed officer's delegation.

RECOMMENDATION

That the application be approved subject to the imposition of conditions in accordance with Part E of this report, and including endorsement of actions B and C contained therein.

PART A - PARTICULARS

Location: Southern side of Stanmore Road on the eastern corner of Albert Street, Petersham.

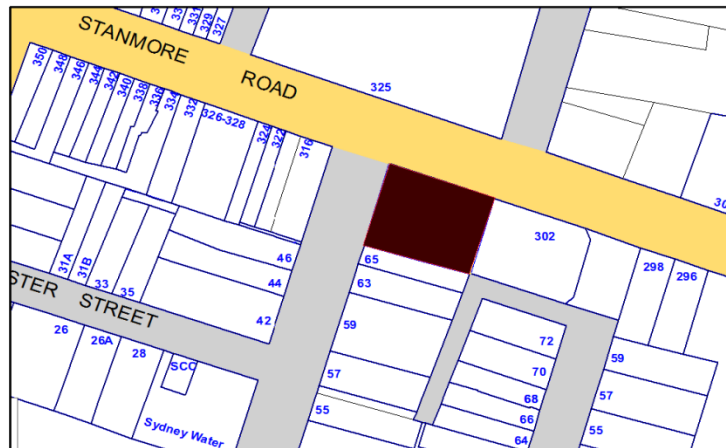


Image 1: Location Map

- D/A No:** 201600108
- Application Date:** 15 March 2016. Additional information submitted on 6 and 7 July 2016, 23 August 2016 and 1 September 2016.
- Proposal:** To demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café, function rooms and florist.
- Applicant:** 43 Hubert Street Pty Ltd - Scott Andrew Feneck
- Estimated Cost:** \$1,113,000.00
- Zoning:** B1 - Neighbourhood Centre

PART B - THE SITE AND ITS CONTEXT

- Improvements:** 2 storey with attic heritage listed former fire station



Image 2: The Site

Current Use: Dwelling house

Prior Determinations: Determination No. 9628, dated 30 August 1984, granted approval to an application to carry out alterations and additions to the existing fire station.

Determination No. 16677, dated 8 August 1996, granted approval to an application to carry out alterations to the premises and to use the premises for the purposes of a box manufacturing business, museum of box machinery and a dwelling. This Determination was modified on 11 September 1997.

Determination No. 200600113, dated 7 June 2006, granted a deferred commencement consent to an application to use the premises for administration and equipment storage associated with a construction, shop fitting and property maintenance business with an associated dwelling and to paint the exterior of the building. The deferred commencement matters were not satisfied and the consent subsequently lapsed.

Determination No.201300226, dated 19 September 2013, approved an application for the use of the premises as a residential dwelling and office premises, including the addition of a swimming pool, new fencing to Albert Street, new BBQ area with pizza oven, raised timber decking, new paving and landscaping works.

Determination No.201300593, dated 4 August 2014, approved an application to carry out alterations and additions to the premises to reinstate the former watchtower to the building on the north western corner of the building (not yet constructed).

Environment: A mixture of residential and commercial along Stanmore Road and residential to the south along Albert Street.

PART C - REQUIREMENTS

1. Zoning

Is the proposal permissible under zoning provisions? No *

* Clause 5.10 (Heritage Incentive) of Marrickville Local Environmental Plan 2011 permits prohibited uses where the applicant can demonstrate that the proposal will facilitate the conservation of a heritage item.

2. Development Standards (Mandatory Requirements):

Type	Required	Proposed
Height of Buildings (max)	9.5 metres	10.82 metres
Floor Space Ratio (max)	0.85:1	1.26:1

3. Departures from Council's Codes and Policies:

Type	Required	Proposed
Parking	(discussed in body of report)	

4. Community Consultation:

Required: Yes (newspaper advertisement, on-site notice and resident notification)
 Submissions: 12 submissions

5. Other Requirements:

ANEF 2033 Affection:20-25 ANEF
 Marrickville Section 94/94A Contributions Plan 2014 - \$11,130.00

PART D - ASSESSMENT

1. Background

Following a preliminary assessment of the application, Council requested submission of amended plans requiring a reduction in the proposed gross floor area of the additions on the second floor so that the size of the second floor/attic addition be contained within the existing building envelope. Amended plans were subsequently submitted, reducing the size of the second storey/attic and reducing the number of proposed hotel rooms from 13 to 12.

On 23 August 2016, an amended Clause 4.6 variation request was submitted in support of the FSR breach and on 1 September 2016, the applicant submitted an amended Plan of Management to reflect the reduction in the number of hotel rooms proposed.

2. The Site and Surrounds

The site is located on the southern side of Stanmore Road on the eastern corner of Albert Street, Petersham. The site is known as 308-314 Stanmore Road, Petersham and is legally described as Lot 1 in DP 723900 and Lot 1 in DP 723936. The site has a frontage of 33.5



Council Meeting
27 September 2016

metres to Stanmore Road and a 25.6 metre frontage to Albert Street, resulting in an approximate site area of 906m².

The building was originally constructed as a Fire Station in the late 1800's and the physical exterior of the original building remains largely intact. It is currently being used as a residential dwelling and ancillary office premises.

The entire site is listed as a Heritage Item and is located within the Petersham South Heritage Conservation Area under MLEP 2011. The site is located opposite a Heritage Item at 325 Stanmore Road (All Saints Anglican Church) listed under MLEP 2011.

Adjoining the site to the east is single storey grocery store/fruit market, to the south is a single storey residence and to the west on the opposite corner of Albert Street is a 2 storey mixed use building comprising as café on the ground floor with residence above.

The surrounding area is generally characterised by commercial development along Stanmore Road and residential development to the south of the site along Albert Street.

3. The Proposal

Approval is sought to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café, function rooms and florist.

The proposed development seeks the adaptive re-use of the heritage listed former Fire Station which is currently used as a dwelling house. The development would involve relatively minor internal alterations on the ground and first floor and the replacement of the existing attic with a slightly higher roof form and dormer windows to allow 2 hotel rooms/suites within the existing attic space (the only visible external modification).

The application proposes the following::

Ground floor:

- 41. 9sqm café and 36sqm florist to be open to the public,
- 2 functions rooms (former fire engine parking bays) to be utilised by private booking.
- General back of house hotel facilities including admin, office, disabled toilet, lift and plant services would be located at the rear of the hotel,
- Gym, existing kitchens, dining and bar area, swimming pool, cabana to be retained and utilised by hotel guests only.
- 1 hotel room located on the ground floor.

First floor

- 9 rooms (with ensuites) accessed via a new lift and multiple existing stairwells.

Second Floor

- 2 rooms, 1 of which is a penthouse style suite with internal kitchen, dining and lounge room.
- The attic modification also includes internal access to the watch tower approved by Determination No.201300593, dated 4 August 2014.

The following is an extract from the Statement of Environmental Effects submitted with the application which outlines the proposed operation of the premises:

The Hotel

The hotel is to operate as a boutique style 12 room premises.

A breakfast and casual lunch and dinner service will be included in the room tariff on demand in the rear dining area and courtyard.

Ancillary services available to hotel patrons include use of the in-house gym and swimming pool/ spa. These areas will not be open to the general public.

The hotel is to operate on a 24 hours basis with a night manager.

The reception is to operate between 6am and 10pm. The main access to the reception is to be via the Albert Street entry.

The night manager will be available on a 24 hour basis.

Ancillary Services

Behind the café various back-of-house space are provided they are:-

- 2 administrative spaces (23.1m²); and
- a staff area (18.9m²).

A gym room is provided for hotel guests on the ground floor, as are lounge, kitchen and dining areas. The central courtyard is also to be used by hotel guests only.

The café

The café will have floor area of 41.9 m² and will cater to less than 20 patrons at any one time. The premises will have access to a disabled toilet on the ground floor.

Limited cooking will take place within the café premises. Food to be served will be prepared off-site and major on-site cooking will take place within the hotel's kitchens.

The hours of operation sought for the café are 6am to 10pm - 7 days a week.

The Function Rooms

It is envisaged the use of the function room will be for social gathering generally as required by hotel guests and members of the general public by appointment only. These spaces are also envisaged to have a general utility function within the development e.g. functioning as on-site parking / loading if required.

Access to sanitary facilities on ground floor is provided for the function rooms.

The hours of operation sought for the function rooms are aligned to the hotel use however functions past 12 midnight are not envisaged.

The Florist

The florist is to be open to the general public and also function as an in-house florist for the hotel/ café use.

The Stanmore Road entry to the florist is also to function as an entry to the Café and a secondary entry to the hotel reception area.

The hours of operation sought for the florist are 6am to 8pm - 7 days a week.

Staff

Staff required for each use are:-

Staff Hotel x 3

Café x 2

Florist x 1

And occasional function room staff as required.”

A copy of the site plan, floor plans and elevations of the development submitted with the application are reproduced below:

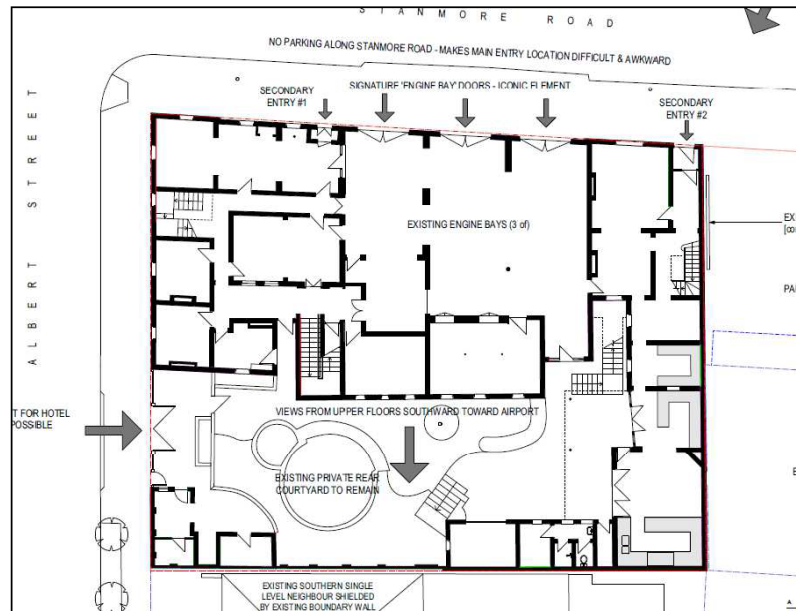


Image 3: Site Plan

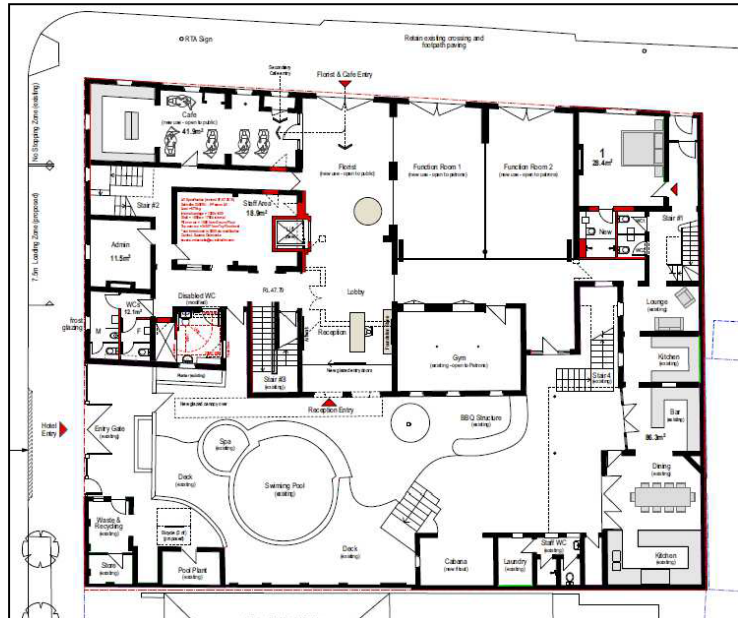


Image 4: Ground Floor Plan

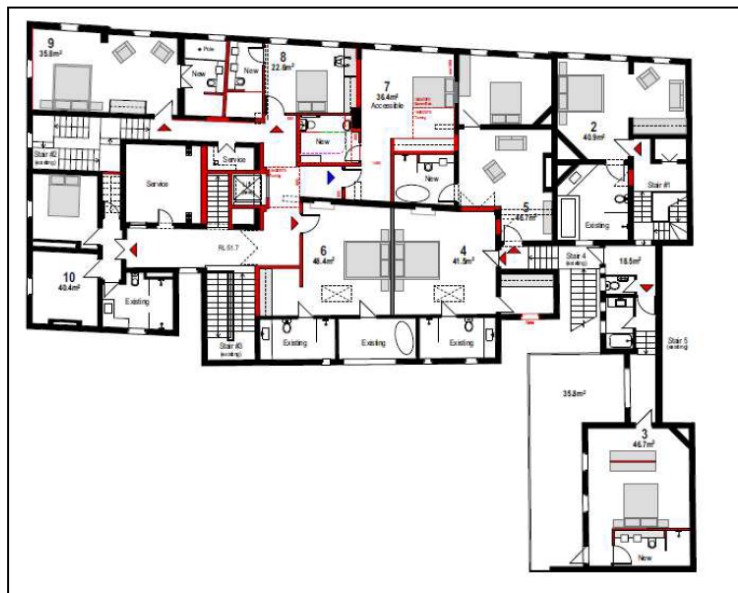


Image 5: First Floor Plan

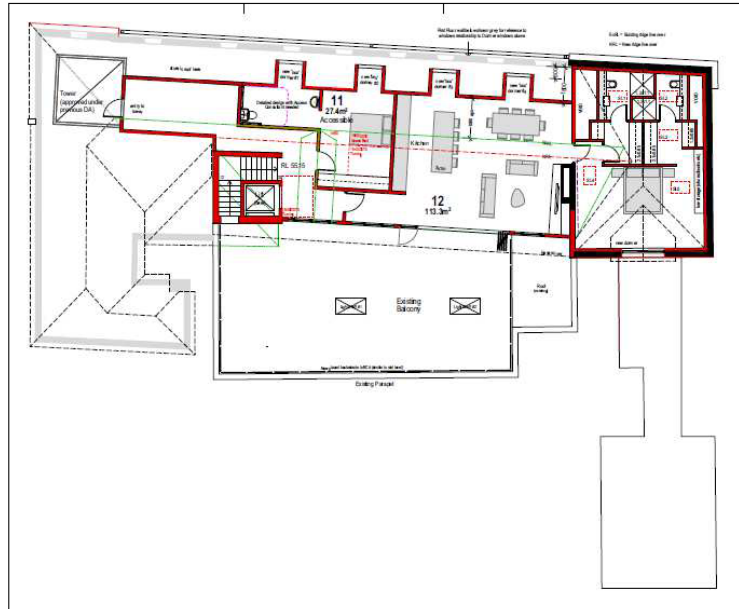


Image 6: Second Floor Plan

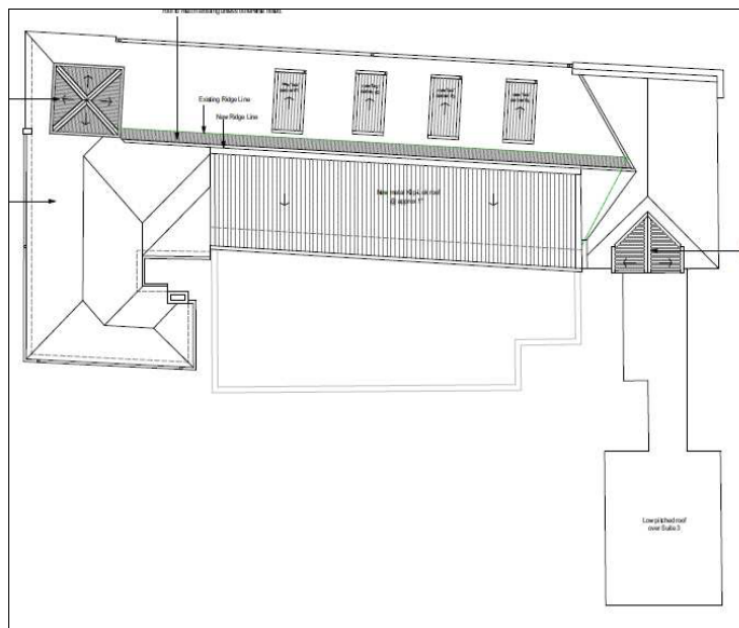


Image 7: Roof Plan



Image 8: Front (Northern) Elevation

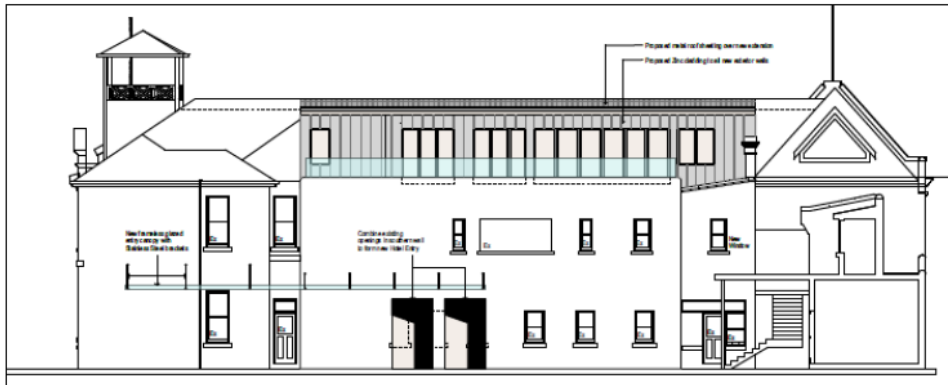


Image 9: Rear (Southern Elevation)



Image 10: Side (Western) Elevation

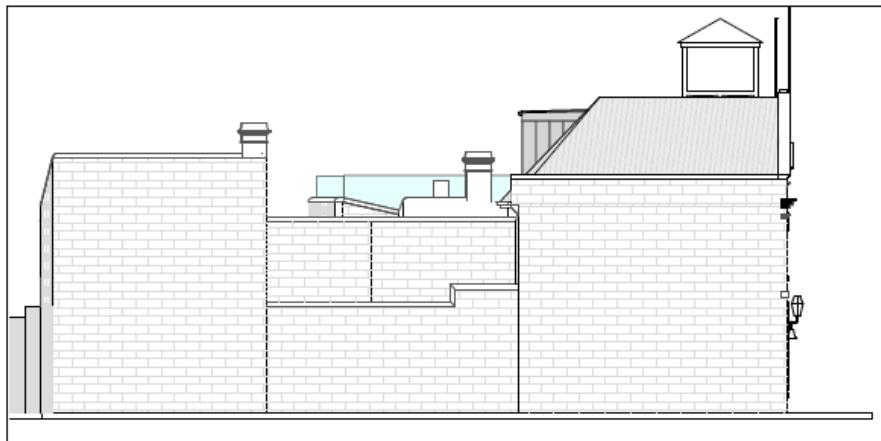


Image 11: Side (Eastern Elevation)

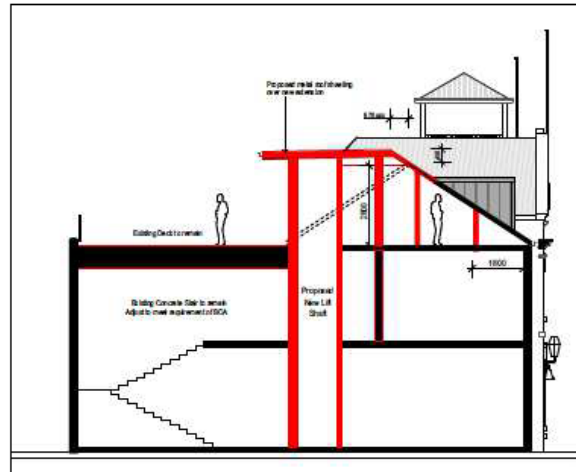


Image 12: Section

4. State Environmental Planning Policy (Infrastructure) 2007

The site has a frontage to Stanmore Road, a classified road. Under Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007, (Infrastructure SEPP) the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

Vehicular access to the property is currently provided from Stanmore Road however as part of the proposal it is proposed to discontinue the use of the existing vehicular access from Stanmore Road as the existing former fire engine bays (currently used for parking) will be used as a florist and function rooms. The proposed development does not provide for on-site parking and this is discussed in greater detail later in this report, however, it is considered that the proposed development would not affect the safety, efficiency and on-going operation of the classified road.

Stanmore Road is a Classified Road, however it does not have a daily traffic volume of more than 40,000 vehicles and as a result Clause 102 of the State Environmental Planning Policy (Infrastructure) 2007 is not required to be addressed in terms of acoustic privacy.

5. Marrickville Local Environmental Plan 2011

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

The property is zoned B1 – Neighbourhood Centre under the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011). The development is not permissible under the zoning provisions applying to the land, however the application seeks Council's consent for the proposed development pursuant to the Heritage Incentive provisions within Clause 5.10 of MLEP 2011. This matter is discussed in more detail later in this report under the heading 5(v) below.



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(ii) Height (Clause 4.3)

A maximum building height of 9.5 metres applies to the property as indicated on the Height of Buildings Map that accompanies MLEP 2011. The proposed development has a maximum building height of 10.82 metres which does not comply with the height development standard. It should be noted that the existing building has a maximum height of 11.52 metres and approved watch tower a height of 13.72 metres. The development does not propose to exceed either of these maximum heights.

The application was accompanied by a written submission in relation to the contravention of the height development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011. The submission is discussed later in this report under the heading "*Exceptions to Development Standards (Clause 4.6)*".

(iii) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 0.85:1 applies to the land as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development has a gross floor area (GFA) of 1129.2sqm which equates to a FSR of 1.26:1 on the 898.2sqm site which does not comply with the FSR development standard.

The application was accompanied by a written submission in relation to the contravention of the FSR development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011. The submission is discussed later in this report under the heading "*Exceptions to Development Standards (Clause 4.6)*".

(iv) Exceptions to Development Standards (Clause 4.6)

The development exceeds the maximum building height development standard prescribed under Clause 4.3 of MLEP 2011 and maximum floor space ratio development standard prescribed under Clause 4.4 of MLEP 2011. The application was accompanied by a written submission in relation to the contravention of the development standards in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011.

Building Height

The application proposes a maximum building height of 10.82 metres which represents a variation of 1.32 metres or 13.9% and does not comply with the height development standard. It should be noted that the existing building has a height of 11.52 metres (21% variation) and the approved watch tower on the site has a height of 13.72 metres (44% variation). The development does not propose to exceed either of the existing and/or approved maximum building heights. Nonetheless, a Clause 4.6 variation request is required for the new portion of the building exceeding the maximum building height.

The applicant considers compliance with the development standard to be unreasonable and unnecessary for the following reasons:

- The non-compliance concerns a partial increase in height of the existing buildings main ridge by 450 millimetres, being the upper part of the rear attic and new dormers to Stanmore Road;
- The highest part of the building will still be maintained as the eastern roof ridge and street parapet and the approved and yet to be constructed watch tower;

- The increase will have a minor impact and is not detrimental to the presentation of the building to the public domain;
- The additional height will not have any significant additional overshadowing or overlooking impacts on adjoining properties being more than 20 metres from the residential properties to the rear;
- The additional height is contextually appropriate to the existing non-compliant building height and will not exceed the existing highest part of the building;
- The development is consistent with the desired future character of the area, maintaining the heritage item, with the additional height necessary for the viable and rational reuse of the existing building;
- The addition of a lift to improve the accessibility of the development results in a requirement to provide an increased height for the attic/second storey;
- The development would be in the public interest as it provides an appropriate and desirable heritage and land use outcome for the heritage listed site;
- The proposal is consistent with the objectives of Clause 4.6, the height control and land use and heritage objectives for the site. The additional height has an acceptable impact on the street presentation of the building.

The justification provided in the applicant's written submission is considered to be well founded and worthy of support. It is considered that there are sufficient environmental planning grounds as to why the FSR development standard should be varied in this particular circumstance based on the outcomes of planning principles such as contained in *Wehbe v Pittwater Council [2007] NSWLEC827*, *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90* or *Moskovich v Waverley Council [2016]*.

Compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standard in this instance given that:

- The proposed building height is 700 millimetres below the existing maximum height of the development and 2.9 metres below the approved watch tower to be re-instated at the site, as a result the non-compliance will be negligible in terms of the existing built form and its context within the streetscape;
- The non-compliance with the standard does not contribute to adverse environmental impacts in terms of overshadowing, visual impacts or view loss to the site or adjoining properties;
- The site is a heritage listed item, the proposed change of use and alterations and additions would ensure the longevity and retention of the significant building and allow for public utilisation of the building; and
- The high quality architectural design of the additions is supported by Council's Heritage Officer, the additional ridge height and dormers will read as sympathetic modern insertions and is small in proportion to the overall scale of the existing built form.

It is considered that the applicant's written submission has satisfactorily addressed the relevant matters under Clause 4.6 of MLEP 2011 and as such the proposal's non-compliance with the height development standard is considered acceptable. The contravention of the development standard does not raise any matter of significance for State and regional environmental planning, and that there is no public benefit in maintaining the development standard for the development.



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Floor Space Ratio

The application proposes a maximum floor area of 1129.2sqm resulting in an FSR of 1.26:1 on the 898.2sqm site. This is a variation of 365.73sqm or 48% from the prescribed development standard. The existing building currently has a non-compliant floor space of 957.4sqm, representing a variation of 193.93sqm or 25% from the prescribed standard. Consequently the only additional floor area proposed as part of this development is 171.8sqm (22.5% variation on top of the existing non-compliance).

It is noted that during the assessment of the application the proposed floor area was reduced at the request of Council to delete any additional floor area outside of the existing building envelope on the second or attic floor reducing the proposed FSR variation from 1.33:1 to 1.26:1.

The applicant considers compliance with the development standard to be unreasonable and unnecessary for the following reasons:

- The additional floor space proposed is an attic addition within the profile of the existing roof, with the only addition outside of this being the front and rear dormers and lift core to provide disabled access;
- The works provide for a change of use of the existing floor space within the existing building envelope that are compatible with and will conserve the existing heritage listed building;
- The scale, volume and heritage significance of the building justifies the additional floor space proposed;
- The additional floor area will not result in any visual or acoustic privacy impacts with the new windows of the attic addition windows more than 20 metres away from the adjoining property;
- There will be no additional overshadowing impacts on the adjoining properties as a result of the additional floor area;
- The sites heritage status is a site specific justification to support the variation and warrants a flexible and merit based approach to the additional floor space proposed. If strict compliance with the standard were to be applied the existing heritage fabric would need to be removed;
- The development is an adaptive re-use of a heritage item, the development would still satisfy the relevant objectives of the floor space ratio control and the B1 zone and therefore should be supported.

The justification provided in the applicant's written submission is considered to be well founded and worthy of support. It is considered that there are sufficient environmental planning grounds as to why the FSR development standard should be varied in this particular circumstance based on the outcomes of planning principles such as contained in *Wehbe v Pittwater Council [2007] NSWLEC827*, *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90* or *Moskovich v Waverley Council [2016]*. As detailed in this report, it is considered that the proposed development would not result in adverse environmental impacts on the surrounding neighbourhood.

Compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standard given that:

- The site is a heritage listed item and located within a heritage conservation area, the proposed additional floor area will mostly sit within the existing building envelope with minor modifications to the external appearance of the building to facilitate the additional

floor area which are considered complimentary to the existing architectural style of the building;

- The development would result in a building height which does not exceed the existing maximum ridge height;
- The non-compliance with the standard does not contribute to adverse environmental impacts in terms of overshadowing, visual impacts or view loss;
- The additional floor area will not result in any increased bulk and scale of the development and the adaptive re-use of the building will allow a viable commercial use which will fund the ongoing maintenance and preservation of the item and increased public patronage.

The current development proposes to vary the FSR development standard, however the outcome is considered to be better than a fully compliant development. The majority of the additional floor area fits within existing building footprint and the modification to the existing roof form and addition of the dormers to allow the additional floor area within the attic space is a form that is sympathetic to the existing heritage item. The change of use and additional floor space will allow for the continued preservation of the heritage item, re-instatement of the original watch tower and increased public use of the building.

It is considered that the applicant's written submission has satisfactorily addressed the relevant matters under Clause 4.6 of MLEP 2011 and relevant court principles and as such the proposal's non-compliance with the FSR development standard is considered acceptable. The contravention of the development standard does not raise any matter of significance for State and regional environmental planning, and that there is no public benefit in maintaining the development standard for the development.

(v) Heritage Conservation (Clause 5.10)

The site is listed as a heritage item, namely (former) Stanmore Fire Station (Item I223) and is located within a Heritage Conservation Area (Heritage Conservation Area C18- Petersham South) under MLEP 2011.

Under Clause 5.10 (10) of MLEP 2011 Council may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if Council is satisfied that:

- “(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.”*

The application was supported by a Heritage Impact Statement submitted with the application that satisfactorily addresses the relevant heritage conservation provisions contained in Clause 5.10 of MLEP 2011. The application was referred to Council's Heritage Advisor who provided the following comments in relation to the proposed development:



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"The item has been well conserved by the present owners, but its long term use as a residence, and therefore its continuing conservation will be dependent on its continuing to have a viable use. As a residence, it is unique, and in the long term it might not appeal to an owner with the will and means to continue its conservation. The proposed use would appear to offer prospects for this, and for that reason the use of the heritage incentives clause 5.10 (10) is supported.

The only major issue is the alterations to the roof. These involve the insertion of dormers and an increase in the ridge height.....The dormers will read as sympathetic modern insertions and on inspection, it was considered that the increase in the ridge height is small in proportion.....

On balance, the development is not considered to have any negative impacts on the heritage item or the heritage conservation area and will ensure the long term conservation of the heritage item and improve public access to and appreciation of the building.

In order to ensure the conservation works are carried out in their entirety including the reinstatement of the former watchtower (which forms part of a separate DA approval), a condition is included in the recommendation of this report requiring compliance with the conditions prescribed by Determination No.201300593, dated 4 August 2014, which approved an application to carry out alterations and additions to the premises to reinstate the former watchtower to the building on the north western corner of the building as well as compliance with the conservation works schedule identified in the Heritage Impact Statement submitted with the application prepared by Paul Davies dated March 2016.

The proposed development complies with the provisions of Clause 5.10 of MLEP 2011 for the following reasons:

- The conservation of the item, being the former Stanmore Fire Station, is further facilitated through the provision of a use that is compatible with the Item's heritage significance. The use as a hotel will also provide an economic justification for the conservation works required. A comprehensive scope of conservation works has been included with this development application;
- Whilst the building is in good condition at this point, the cost of conservation and maintenance to date has been significant and the ongoing maintenance costs are far beyond the costs of a typical dwelling house (which is its current use). Establishing a hotel use in the premises will ensure that the building is conserved to a high standard as the use depends on the quality of the building and its presentation;
- The proposed development is in accordance with the provided conservation management plan and compliance with this plan is included as a condition in the recommendation of this report;
- Small hotel use fits within the fabric of the building comfortably and does not present difficulties of amenity. While there may be other uses that could be contemplated on the site, most are likely to have adverse impacts on fabric whilst the proposed hotel use is able to be integrated into the building with minimal impact.
- The proposed development would have little if any impact on the amenity of surrounding residential development by way of bulk and scale;
- The works ensure the significance of the item is retained in the following manner;
 - a. The proposal retains a high level of heritage fabric;
 - b. The proposal works within existing room forms; and
 - c. The proposal seeks to reinstate an integral part of the former heritage fabric (the watch tower) and limits new interventions to areas of low significance in the new extended roof form



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The Statement of Environmental Effects submitted with the application satisfactorily addresses the relevant heritage conservation provisions contained in Clause 5.10 of MLEP 2011 and Part 8 of MDCP 2011. Overall, the development is not considered to have any significant impacts on the heritage item and satisfies the heritage incentive provisions.

The application was also referred to the Marrickville Heritage Society for an opportunity to comment on the proposal. That advice is as follows:

"The Marrickville Heritage Society is concerned that important features of the building will be compromised by the proposal to convert the Old Marrickville Fire Station to a hotel. The protection of the heritage values of the building must be given the highest priority as the applicants are proposing to use the 'conservation provisions' of the Marrickville LEP to apply for the change of use to a hotel, on the grounds that the new use will provide for the conservation of the building. The only work in the proposal that could be described as a positive heritage outcome for the building is the proposed reinstatement of the watch tower. This worthwhile proposal must be required work in any approval for development, and its completion must be required before an Occupation Certificate can be issued for the new hotel.

When the watchtower and chimneys were removed, the original roofing material would have also been removed. As this is an 1880s building it is likely that the original roofing was slate or tiles, and if further research confirms this, then the original roofing and chimney forms should be required to be reinstated as part of the conservation works to the building.

In regard to the internal works, the proposals to alter the existing room configurations and install new bathrooms and services must be fully reversible. Original interior features and finishes, including the timber stairs and pressed metal ceilings must be retained and restored.

The addition of new dormer windows to the main facade roof will have a substantial detrimental impact on the visual integrity of the main facade, and should be refused by Council.

Council must require that there is a substantial link between the provision of a new use for the building, and conservation works to protect its heritage values."

Whilst it is acknowledged that the Heritage Society object to the addition of the dormers, the application has been assessed by Council's Heritage Advisor who has advised that the proposed works are considered sympathetic to the existing building. As noted previously conditions are included in the recommendation of this report requiring compliance with the conservation works schedule identified in the Heritage Impact Statement. The works proposed are not considered contrary to the Conservation Management Plan, and a condition is also included to ensure the watchtower is constructed prior to the issue of an Occupation Certificate for use as a hotel. The application was accompanied by a conservation works schedule to ensure the work carried out adequately restores the building without compromising its historical significance. The recommendation to ensure that the works are fully reversible is considered somewhat onerous as the building has already been substantially modified to accommodate its current use as a residence. The proposed works do not substantially alter the original fabric of the original building and work within existing rooms structures. Overall, the development is not considered to have any significant impacts on the heritage item and ensures a sustainable and viable future use for the premises.



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(vi) Development in areas subject to Aircraft Noise (Clause 6.5)

The land is located within the 20-25 Australian Noise Exposure Forecast (2033) Contour.

The development is likely to be affected by aircraft noise.

The carrying out of development would result in an increase in the number of people affected by aircraft noise.

The development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts. Appropriate conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

(viii) Airspace Operations (Clause 6.6)

The subject land is within an area identified on the "Obstacle Limitation Surface Map" where the OLS level is set at RL 51 AHD. The proposal has a maximum RL of 58.4 metres AHD. Therefore, the development would penetrate the OLS. As such, the application was referred to Sydney Airports Corporation Limited (SACL) in accordance with the requirements of Clause 6.6 of MLEP 2011.

SACL have raised no objection to the construction of the development penetrating the Limit or Operations Surface, subject to conditions. Those conditions are included in the recommendation.

6. Marrickville Development Control Plan 2011

PART 2 - GENERIC PROVISIONS

(i) Urban Design (Part 2.1)

The development is acceptable having regard to the relevant aspects of the 12 urban design principles.

(ii) Site and Context Analysis (Part 2.3)

A site and context analysis was submitted with the development application and is acceptable.

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

Part 2.5 of MDCP 2011 requires consideration to be given to accessibility before granting development consent.

For a hotel development Part 2.5 of MDCP 2011 requires the following:

- 1 accessible room per 5 guest rooms (or part thereof);
- Appropriate access for all persons through the principal entrance of a building and a continuous accessible path of travel (CAPT), designed in accordance with the National Construction Code (Building Code of Australia) and relevant Australian Standards; and



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- General access for all persons to appropriate sanitary facilities and other common facilities including kitchens, lunch room, shower facilities and outdoor recreational facilities.

The applicant provided a Statement of Consistency as part of the development application that seeks to demonstrate that the proposal satisfies the access and mobility controls contained in MDCP 2011 in the following manner:

- 2 accessible rooms proposed;
- Appropriate access is provided for all persons through the principal entrance to the premises;
- The addition of a lift will ensure all levels of the development are accessible;
- A Continuous Accessible Path of Travel (CAPT) to and within the subject premises is provided which allows a person with a disability to gain access to all areas within the commercial areas of the development; and
- An accessible toilet is provided.

The development is required to provide 3 accessible hotel rooms in accordance with Part 2.5 of MDCP 2011 and only 2 are proposed. A condition is included in the recommendation of this report requiring that an additional accessible room be provided given that 12 rooms are proposed and there is lift access to the upper floors.

Subject to compliance with the above, the proposed development is considered reasonable having regard to the access controls contained in MDCP 2011.

Despite the above, the requirements of MDCP 2011 are effectively superseded by the introduction of the new Premises Standards. An assessment of whether or not these aspects of the proposal fully comply with the requirements of relevant Australian Standards and the new Premises Standards has not been undertaken as part of this assessment. That assessment would form part of the assessment under the Premises Standards at the Construction Certificate stage of the proposal.

(iv) Acoustic and Visual Privacy (Part 2.6)

The layout and design of the development ensures that the acoustic and visual privacy currently enjoyed by residents of adjoining residential properties is protected.

The development proposes the addition of windows on the second/attic floor level consisting of 4 dormer windows facing Stanmore Road which would overlook the street and would not have any privacy implications. Two windows, 2 sets of 3 pane sliding glass doors and one set of 6 pane sliding doors are proposed on the rear (southern) elevation of the development for room 12. The addition of the windows and doors would have minimal privacy implications, being setback more than 20 metres from adjoining property and would overlook the roofs of the adjoining properties.

The existing building footprint is proposed to remain relatively unchanged. With regard to acoustic privacy, the use of the outdoor swimming pool, bbq and cabana area which are existing structures and located at the rear of the property are to be restricted to patrons of the hotel accommodation only and would not be open to the public. The use of the external areas (i.e. the pool and courtyard) are to be restricted to 9:00pm and a condition is included in the recommendation to reflect this. Similarly, the existing large balcony located on the second floor off room 12 has the potential to create amenity impacts without restrictions on use and conditions are included in the recommendation requiring that this balcony not to be used for functions.



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Conditions regarding the noise levels of the hotel and trading hours are also included in the recommendation to protect the amenity of neighbouring residences.

An Acoustic Report was submitted with the application which details that the development could be noise attenuated and conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

Overall, subject to compliance with the above, the development maintains a high level of acoustic and visual privacy for the surrounding residential properties and would ensure a high level of acoustic and visual privacy for future occupants of the development itself.

(v) Solar Access and Overshadowing (Part 2.7)

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties and demonstrates that the proposed development complies with Council's overshadowing controls with additional shadowing generated by the proposed development at 9am to the neighbouring residence to the south being limited to over the roof and not impacting the provision of light to any windows. Increased shadowing at winter solstice to neighbouring development is nominal and unlikely to affect the amenity of adjoining development.

The development is located wholly within the existing building envelope with a minor modification to the second floor/attic roof form. The modifications will not result in any detrimental increased overshadowing impacts on the subject site or adjoining properties and is considered acceptable with regard to Part 2.7 of MDCP 2011.

(vi) Social Impact Assessment (Part 2.8)

The applicant submitted a Social Impact Statement as part of the application within the Statement of Environmental Effects. The applicant considers the development to have the following positive social impacts:

- The location of the site close to Newington College will cater for demand for accommodation facilities in the local area;
- The development is located in an area well served with the local community facilities and easy access to transportation services;
- The site is located along Stanmore Road, and will be an ideal addition to the local commercial uses in the area;
- The small scale is aimed at the boutique accommodation market and is unlikely to significantly increase the transient population;
- The development would provide for enhanced security and increased activity and natural surveillance after hours; and
- The site has excellent access to local recreation facilities and has provided for areas of recreation within the site which will contribute to the local activity in the Petersham area.

The contention that the proposal will have positive impacts with limited negative outcomes is generally agreed with. In view of the circumstances no objections are raised to the proposed development on social impact grounds.

(vii) Community Safety (Part 2.9)

The development is reasonable having regard to community safety for the following reasons:

- The entrances to the café, florist and hotel accommodation are visible from the street;
- No solid roller shutters are proposed on the building; and
- The entrance to the commercial uses and hotel accommodation will be well lit.

(viii) Parking (Part 2.10)*Car and Bicycle Parking Spaces*

The site is located in Parking Area 2 under Part 2.10 of MDCP 2011. The following table summarises the car and bicycle parking requirements for the development:

Component	Control	Required	Proposed	Complies?
Car Parking				
Café and Florist	1 space per 80sqm GFA for customers and staff	77sqm GFA = 1 space	Nil	No
Hotel or Motel Accommodation	1 space per 4 staff for staff + 1 per 3 units for residents	5 spaces		
Bar component of hotel	1 per 5 staff + 1 per 30 patrons	1 space		
TOTAL REQUIRED : 7 spaces				
Bicycle Parking				
Hotel or Motel Accommodation	1 bicycle parking space per 20 units or rooms for staff and patrons	0.6 space	2 bicycle racks	Yes
Café & florist	1 per 80sqm GFA for staff + 2 for customers	77sqm GFA = 1 space		
Florist	1 per 300sqm GFA for staff	36sqm GFA = 0 space		
TOTAL REQUIRED: 2 Spaces				

Table 1: Car and Bicycle Parking Control Compliance Table

The proposal provides 2 bicycle spaces at the rear of the site and complies with the requirements prescribed in this regard.

The proposed development generates the requirement for 7 on-site car parking spaces and 1 on-site loading space. The application does not propose any on-site parking or space for loading and unloading. The development as discussed earlier in this report involves the change of use of the existing dwelling (former fire station) into a hotel with ancillary commercial uses. The conversion of the premises into the hotel does not allow for any on-site parking, however the re-instatement of an existing vehicular crossing to the site along Albert Street to kerb and gutter would increase the amount of on-street parking available by 1 space. The existing former fire engine bays are currently utilised as parking for the dwelling, however due to the location on Stanmore Road and limited visibility to/from these spaces requiring reversing movements, it is considered that the use of the bays for parking would not be appropriate.



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The application was referred to Council's Local Traffic Committee as the application proposes the provision of an on-street loading zone along Albert Street to allow for the servicing of the hotel. The following is an extract from the report presented to the Local Traffic Committee on 4 August 2016 prepared by Council's Traffic Engineer:

"The Development Application proposal has a shortfall of 100% in off-street parking spaces and this directly impacts on-street parking which is highly utilised. Furthermore, on-street loading zones are typically provided for situations where a number of businesses can benefit from the zone rather than standalone situations. As part of any new development, it would be expected that the provision for loading and unloading is made on-site rather than on-street."

The provision of a loading zone on Albert Street was not supported by the Committee due to the absence of on-site parking for the proposal and therefore undersupply of parking provision under Council's DCP.

Whilst it is considered that the development would result in a shortfall of parking and intensification of use on the site, the heritage listing of the building and existing ancillary structures located at the rear of the site limit the capacity for on-site parking. The proposed commercial uses being a café, florist and private function rooms are small spaces with a combined area of 159sqm and it is considered the café and florist would be patronised by passing and local pedestrian traffic, and use by hotel patrons rather than a standalone destination that customers would drive to and require parking to visit. The site is located within 700 metres of Petersham Station and 650 metres of Stanmore Station and located in close proximity to regular bus services. Furthermore the applicant has stated that being a "boutique" hotel a centralised booking service for car share services would be provided to guests by the 24 hour hotel management.

With regard to the impact of the development on local traffic, the following was outlined in the Traffic Committee Report;

"The applicant's traffic consultant report stated that the estimated traffic generation from the proposed hotel with 13 rooms would be 5 vehicle trips per peak hour and the estimated traffic generation from the proposed retail businesses with GFA of 150m² would be 5 vehicle trips per peak hour. Therefore, the total estimated traffic generation from the proposed hotel and retail development would be 10 vehicle trips per peak hour. These estimated traffic generation rates are considered to be acceptable and can be accommodated with the surrounding road network."

Having regard to the above conclusion that the proposal is unlikely to impact negatively on traffic in the locality, the existing site constraints and the need to retain the heritage fabric, the limited number of hotel rooms proposed and that the site is highly accessible via public transport, the shortfall in parking is considered acceptable in this instance and can be supported.

Notwithstanding the above, the applicant's Plan of Management indicates that the existing former fire engine bays off Stanmore Road may intermittently be used for loading/unloading goods and the plan indicates the driveway crossing is to be maintained. However in order to ensure pedestrian safety, a condition is included in the recommendation of this report requiring that the redundant crossings fronting Stanmore Road be reinstated to kerb to ensure this area is not used for loading purposes which could interfere with the operation of Stanmore Road and jeopardise pedestrian and traffic safety.

Similarly there is a redundant driveway crossing on Albert Street. A condition included in the recommendation of this report requiring the applicant reinstate this crossing to sandstone kerb increasing the provision of on-street parking availability on Albert Street.

Subject to compliance with the above, the proposal is considered satisfactory having regard to Part 2.10 of MDCP 2011.

(ix) Signage and Advertising Structures (Part 2.12)

Part 2.12 of MDCP 2011 specifies Council's objectives and requirements for the erection and display of advertising signs. Those provisions are intended to protect the significant characteristics of retail/commercial strips, neighbourhoods, buildings, streetscapes, vistas and the skyline. The provisions include general controls for signage, prohibitions, preferred options for signage and size restrictions for signage.

The application seeks approval for the following signs:

- 1 flush wall sign on the western elevation (facing Albert Street): non illuminated 0.6 metres x 1.24 metres;
- 1 vertical projecting wall sign on the northern elevation (facing Stanmore Road) measuring: 0.6 metres x 2.4 metres; and
- 1 flush sign facing (Stanmore Road) measuring 0.56 metres x 0.8 metres

Part 2.12.4.2 of MDCP 2011 states that the total permissible area of all signs must not exceed 1sqm of advertising per 1.5 metre of street frontage.

The site has a frontage of 33.5 metres to Stanmore Road and a 25.6 metre frontage to Albert Street, consequently 22.3sqm of signage is permitted on the Stanmore Road frontage and 17sqm of signage is permitted for the Albert Street frontage.

The proposal seeks to provide 1.9sqm of signage to Stanmore Road and 0.74sqm of signage to Albert Street, well below the maximum area prescribed.

Notwithstanding the compliance with the size requirements prescribed, Control 30 in Part 2.12.4.9 of MDCP 2011 prescribes the following for signage on heritage items;

"Signs between the first floor level and the parapet of a heritage item are not permissible, unless it can be demonstrated that the signs are an important aspect of the heritage significance of heritage item."

The projecting wall sign fronting Stanmore Road cannot be supported as it bears no relationship to the significance of the item and a condition is included in the recommendation requiring the deletion of this sign.

Furthermore, the applicant has not provided detail with respect to finishes of the signage and a condition is included in the recommendation of this report requiring that the colour, materials and artwork of all signage to be submitted to the satisfaction of Council's Heritage and Urban Design Advisor before the issue of a Construction Certificate.

Subject to compliance with the above, the 2 flush wall signs are considered to be of a modest nature, compatible with the building and locality and are considered in keeping with the character of the Heritage Conservation Area and Heritage Item and is acceptable having regard to the controls contained in MDCP 2011.



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(x) Energy Efficiency (Part 2.16)

Part 2.16 of MDCP 2011 contains the objectives and controls relating to energy efficiency. Council's standard conditions are included in the recommendation relating to the provision of energy and water efficient fixtures and fittings for the development.

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

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

PART 5 - COMMERCIAL AND MIXED USE DEVELOPMENT

Part 5 of MDCP 2011 contains controls for commercial and mixed use developments. The controls contained within Part 5, generally pertain to large modifications and infill development, overall the proposal would be consistent with the controls for commercial and mixed use developments and would not result in any environmental or amenity impacts.

(i) Plan of Management (Part 5.3.1.1)

A Plan of Management (PoM) was submitted with the development application. The PoM sets out general regulations and rules and guidelines associated with the on-going use of the premises as for hotel accommodation and the general operation of the commercial uses within the hotel.

The Plan of Management has appropriately addressed the following matters referred to in Part A.2.6 of MDCP 2011:

- Objectives of the PoM;
- Operational Details including hours of operation;
- Deliveries and loading/unloading;
- Security and Safety;
- Customers and Patrons;
- Details of Ancillary Services;
- Transport Services;
- Occupancy;
- Signage;
- Waste Management (expanded further in WMP);
- Maintenance;
- Amenity;
- Noise;
- Staff responsibilities;
- In-house guest reception;
- Management of retail uses;
- Review of PoM;
- Evacuation plan; and
- Staff Training;

The Plan of Management is considered to outline the appropriate procedures for the adequate management of the hotel accommodation and ancillary commercial uses. A condition is included in the recommendation to ensure that the PoM is implemented and complied with to ensure the ongoing operation of the premises complies with the plan.

(ii) Noise and Vibration Generation (Part 5.3.1.2)

The application was accompanied by an acoustic report and plan of management which aims to protect the acoustic amenity of the adjoining properties and of the building itself. Conditions restricting trading hours, operation of machinery and noise levels, maximum number of patrons etc. are included in the recommendation which will mitigate any potential acoustic impacts on surrounding developments.

(iii) Hours of Operation (Part 5.3.1.4)

The application seeks approval to use the premises as hotel accommodation on a 24 hour basis with a night manager. Specific areas of the premises are proposed to operate as follows:

Reception – 6.00am to 10.00pm - Monday to Sunday including public holidays (accessed via Albert Street) however night manager will be available 24 hours a day. Maximum 32 guests within the hotel accommodation at any given time.

Café – 6.00am to 10.00pm - Monday to Sunday including public holidays – Maximum 20 persons within the café at any one time

Florist – 6.00am to 8.00pm - Monday to Sunday including public holidays

Function Rooms- no times provided in application however indicated that functions shall not extend past 12:00am midnight.

Café Hours

The application seeks early morning trading for the café and florist from 6:00am, however an analysis of nearby properties indicates that there are no other premises trading at this time.

The adjoining area is characterised by commercial developments along Stanmore Road with some shop top housing and low density residential development to the south of the site along Albert Street.

It is noted that the approved operating hours of the adjacent café (Big Brekky) at 316 Stanmore Road are as follows;

7.00am to 6.00pm Mondays to Wednesdays,
7.00am to 10.00pm Thursdays and Fridays,
7.00am to 10.00pm Saturdays,
8.00am to 4.00pm Sundays and
8.00am to 10.00pm Public Holidays.

The Public House at 292 Stanmore Road has approved hours of:

9.00am to Midnight Monday – Saturday and
9.30 am to 8.00pm Sundays and Public Holidays.

Having regard to the above, trading from 6:00am as proposed is not supported given the adjoining site context, however trading from 7:00am is considered more appropriate. The proposal to trade until 10:00pm for the café, considering the limited number of seats within the premises (20), is unlikely to have amenity impacts on the surrounding neighbourhood. To ensure the quiet and orderly ingress and egress of patrons of the café and to protect the amenity of the surrounding residential neighbourhood a condition is included in the recommendation requiring that signs being appropriately located within the café and hotel advising patrons of the nearby residences and seeking quiet and orderly ingress and egress



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from the premises with the proprietors of the café/hotel ensuring that staff take reasonable steps to control noisy behaviour of patrons entering or leaving the premises.

Florist

The application seeks to trade from 6:00am to 8:00pm seven days a week including Public Holidays for the florist. As per the trading hours of the café discussed above, the proposed hours florist are extensive, and the opening time of the florist should be consistent with the café. Having regard to the small size of the premises and the limited foot traffic anticipated with such a use, these amended hours are unlikely to affect the amenity of surrounding development and are considered acceptable.

Hotel/reception

As anticipated with any Hotel, its use extends over 24 hours. Reception is proposed to be available from 6:00am to 10:00pm which is considered acceptable as this component of the use is unlikely to have any amenity impacts.

Function Rooms

The application has not specified hours for the use of the function rooms but has indicated that functions would not extend beyond midnight. It is considered that the use of the function rooms should be restricted to 8:00am to 10:00pm Monday to Sundays including public holidays and that a total maximum number of people within both function rooms be limited to 35 persons at any one time, with the use of these rooms managed/operated by the Hotel.

Hotel Amenities

Whilst the SEE and PoM specify that the in-house gym, courtyard, swimming pool, spa, cabana, kitchen and dining areas would be restricted to use by hotel guests only, operating times for these facilities have not been specified. It is considered that the use of the outdoor areas such as the courtyard and pool should be restricted to 8:00am to 9:00pm Monday to Sunday including public holidays to ensure the amenity of the adjoining residential property to the south is maintained and a condition is included in the recommendation to this effect.

Deliveries

The PoM proposes that deliveries shall occur between 7:00am and 6:00pm and is considered satisfactory.

Subject to compliance with the above and the measures outlined in the Plan of Management submitted with the development application, the recommended hours of operation, maximum patron numbers and imposition of amenity conditions, the proposed use is unlikely to cause any unreasonable impacts to the residential amenity of the area.

PART 9 - STRATEGIC CONTEXT

The property is located in the Newington Planning Precinct (Precinct 9) under Marrickville Development Control Plan 2011.

The development would be consistent with the desired future character of the area as it would allow for the preservation and protection of the existing heritage listed building within the precinct and would protect the identified values of the Petersham South Heritage Conservation Area.



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7. Marrickville Section 94/94A Contributions Plan 2014

A Section 94A levy of \$11,130.00 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that levy to be paid is included in the recommendation.

8. Community Consultation

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. 12 submissions were received raising the following concerns which have already been discussed throughout the main body of this report:

- (i) Traffic and Parking;
- (ii) Heritage;
- (iii) Use of the pool at all hours by non-hotel patrons;
- (iv) Acoustic Impacts/Noise; and
- (v) Permissibility.

Other concerns raised are addressed below;

"The function rooms is of concern given they are of major significance with the potential to generate a lot of vehicle traffic and pedestrian activity and noise...unlimited hours of the function centre"

Comment:

The application does not propose the provision of a function centre, but function rooms within the hotel. Any functions will be managed by the hotel operators. The function rooms have a combined area of approximately 72sqm and as discussed in the body of this report to minimise any potential impacts conditions are included in the recommendation of this report restricting the number of people utilising these spaces to a maximum of 35 persons at any one time between the hours of 8:00am and 10:00pm.

"If the application is approved with no-off street parking I would request that the Council then ensure the streets around the development: Albert Street, Chester Street, John Street, Hopetoun Street, Frederick Street be upgraded to "2 hour parking, 8:00am to 10:00pm Monday to Sunday Resident Permit Excepted".

Comment:

The application was accompanied by a Traffic Report and the matters concerning parking have been discussed in the body of this report under Heading 6(viii). Whilst amending the resident parking scheme in the vicinity of the site can be investigated by Council's Infrastructure Services Division, it is unlikely that any overflow of parking associated with the subject use would be as widespread as suggested, and the provision of a resident parking scheme is not within the scope of the assessment of this development application.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act have been discussed in the report.



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9. Conclusion

The application seeks consent to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café, function rooms and florist.

The heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application.

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental 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 suitable for approval subject to the imposition of appropriate conditions.

PART E - RECOMMENDATION

- A. THAT the development application to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café, function rooms and florist be **APPROVED** subject to the following conditions:

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
DA02, Revision C	Proposed Ground Floor	7 July 2016	Blue World Architecture	7 July 2016
DA03, Revision C	Proposed First Floor	7 July 2016	Blue World Architecture	7 July 2016
DA04, Revision C	Proposed Second Floor	7 July 2016	Blue World Architecture	7 July 2016
DA05, Revision C	Proposed Roof Plan	7 July 2016	Blue World Architecture	7 July 2016
DA06, Revision C	Elevations and Sections	7 July 2016	Blue World Architecture	7 July 2016
DA07, Revision C	Finishes & Photographs	7 July 2016	Blue World Architecture	7 July 2016
	Heritage Impact Assessment	March 2016	Paul Davies Pty Ltd	15 March 2016
Job No. 05-153	Plan of Management	1 September 2016	BBC Consulting Planners	1 September 2016
	Conservation Management Plan	April 2013	Howard Heritage Consultancy	1 September 2016
20151386.1/1111A/R0/GC	DA Environmental	11 November	Acoustic Logic	15 March 2016



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	Noise Impact Assessment	2015		
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and details submitted to Council on 15 March 2016, 6 and 7 July 2016, 23 August 2016 and 1 September 2016 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.

Reason: To ensure the development is carried out in accordance with this Determination.

3. The operation of the premises complying at all times with the Plan of Management prepared by BBC Consulting, dated 1 September 2016 submitted on 1 September 2016 to Council. The Plan of Management as approved shall not be amended without the prior written approval of Marrickville Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

Reason: To ensure that the operation of the premises complies with the endorsed Plan of Management.

4. The premises being used exclusively as a hotel and not being adapted for use as a residential flat building, backpackers' hostel, serviced apartments or boarding house.

Reason: To ensure that the premises are used exclusively as a hotel.

5. A minimum of three (3) adaptable rooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.

Reason: To make reasonable provision in the development to provide accommodation suitable for people with a disability.

6.
 - a) Staff employed by the café/hotel being responsible to ensure that patrons are not loitering in front of adjoining residences.
 - b) Staff employed by the café/hotel being responsible at all times to ensure the orderly dispersal of patrons from the premises.
 - c) Signs being appropriately located within the café and hotel advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises and the proprietors of the café and hotel ensuring that staff give appropriate directions to and take reasonable steps to control noisy or offensive behaviour of patrons entering or leaving the café/hotel.

Reason: To ensure the quiet and orderly ingress and egress of patrons of the cafe and to protect the amenity of the surrounding residential neighbourhood.

7. The use of amenities within the premises, i.e., gym, courtyard and pool are restricted to Hotel patrons only.



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- Reason: To confirm the terms of Council's approval
8. The use of the café must be restricted to the north western corner of the ground floor with not more than 20 customer seats (including outdoor seating) without the prior approval of Council.
Reason: To ensure that the number of customers on the premises at any one time is not increased without a further review.
 9. The maximum number of patrons within the function rooms (combined) must be restricted to not more than 35 persons without the prior approval of Council. Management/booking of the function rooms shall be operated by the Hotel.
Reason: To ensure that the number of patrons utilising the function rooms on the premises at any one time is not increased without a further review.
 10. The balcony attached to room 12 not be used for functions.
Reason: To minimise amenity impacts to neighbouring properties.
 11. The maximum number of patrons residing within the hotel accommodation at any one time being restricted to 32 persons.
Reason: To ensure that the number of customers on the premises at any one time is not increased without a further review.
 12. No live music or entertainment must be provided within the premises.
Reason: To protect the amenity of the surrounding neighbourhood.
 13. A footpath licence must be obtained from Council for the use of that part of the footpath area adjacent to the site before using such area. The usage of that part of the footpath must only be carried out whilst the footpath licence remains in force.
Reason: To confirm the terms of Council's approval.
 14. A minimum of 3 adaptable rooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
Reason: To make reasonable provision in the development to provide accommodation suitable for people with a disability.
 15. 2 off-street bicycle spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
Reason: To ensure practical bicycle storage is available for the use of the premises.
 16. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.
 17. The use of the premises must not give rise to:
 - a) transmission of unacceptable vibration to any place of different occupancy;
 - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting,
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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).

Reason: To prevent loss of amenity to the area.

18. The installation of any sign on a heritage item must be carried out in a reversible manner without damage to the significant fabric. In the case of a sign affixed to any stone or brick wall of a heritage item the sign is to be fixed in such a way that stone is not damaged and any fixings are put only into mortar joints.

Reason: To ensure the signage does not impact the heritage item.

19. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage approved in this consent. The shop windows must not be painted with advertisements and no flashing lights must be installed on the premises. The projecting wall sign on Stanmore Road is to be deleted.

Reason: To confirm the terms of Council's approval.

20. The advertising structure(s) and associated advertisement(s) must be properly and safely maintained at all times.

Reason: To ensure that the signage does not have any detrimental effect upon the amenity of the area or endanger the safety of the public.

21. Any advertisement to be displayed must be only to identify the premises, the occupier of the site, the activity conducted thereon or the goods and services available on the premises associated with the use approved in this development consent.

Reason: To ensure that all signs on the premises relate to the approved use.

22. The signage must:

- a) not flash, move, be animated, or be decorated with rotating or flashing lights;
- b) not have any apparatus attached to it which will provide sound of any description whether associated with the sign or other object or activity;
- c) be neatly affixed to the building and any damage to the building caused to the exterior of the building by the erection of the advertising structure must be promptly repaired with materials to match those of the existing building;
- d) comply with the Advertising Code of Ethics; and
- e) comply with the requirements of the Roads and Maritime Services Authority.

Reason: To confirm the terms of Council's approval.

23. No storage of goods or equipment external to any building on the site being permitted.

Reason: To ensure the premises are kept in a neat and tidy manner.

24. 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.

Reason: To prevent the public footpath from being obstructed.

25. All loading and unloading in connection with the use must be carried out during the approved hours of operation in such a manner as not to cause inconvenience to the public. Loading/unloading shall only occur between the hours of 7:00am to 6:00pm Mondays to Saturdays.

Reason: To ensure loading and unloading operations do not interfere with traffic and



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pedestrian movements in the area.

26. All machinery must be installed in accordance with the manufacturer's specifications and being maintained at all times if in use.

Reason: To ensure that such machines are properly installed and maintained so as to prevent noise generation, vibration and any other disturbances to adjoining premises.

27. The hours of operation of the site being restricted in the following manner for each use:

Hotel (accommodation only):

Mondays to Sundays:

(including Public Holidays): 24 hours

Reception:

Mondays to Sundays:

(including Public Holidays): 6:00am to 10:00pm

Outdoor areas (i.e. cabana, pool, courtyard):

Mondays to Sundays:

(including Public Holidays): 8:00am to 9:00pm

Cafe:

Mondays to Sundays:

(including Public Holidays): 7:00am to 10:00pm

Florist:

Mondays to Sundays:

(including Public Holidays): 7:00am to 8:00pm

Function Rooms:

Mondays to Sundays:

(including Public Holidays): 8:00am to 10:00pm

Reason: To confirm the hours of operation.

28. 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.

Reason: To ensure that the development is adequately serviced.

29. All trade waste must be stored within the site boundaries and must be contained in such a manner so as not to cause a nuisance.

Reason: To provide for correct storage of wastes.

30. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).

Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).

31. The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises.

NOTE: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website

www.standards.com.au

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au.

- Reason: To ensure that the premises comply with the relevant Acts and standards so as to promote sound hygiene and public health.
32. The storage and/or handling of food products externally of the approved food premises are prohibited.
Reason: To ensure that the premises comply with the relevant Acts and standards so as to promote sound hygiene and public health.
33. The construction, fit-out and finishes of the food premises must comply with the Food Act 2003, the Australian and New Zealand Food Standards Code and Australian Standard 4674 - Design, Construction and Fit-out of Food Premises.
Reason: To ensure that the premises comply with the relevant Acts and standards so as to promote sound hygiene and public health.
34. All waste and waste receptacles associated with the usage of the premises are to be stored within the site boundaries of the subject premises and are to be contained in such a manner so as to comply with the requirements of the Food Act 2003 and Australian Standard 4674 - Design, Construction and Fit-out of Food Premises.
Reason: To ensure waste and waste receptacles do not pose a nuisance, danger or risk to public health and safety
35. The building must not exceed a maximum height of 58.4 metres AHD, inclusive of all lift over runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
Reason: Department of Infrastructure and Regional Development requirement.
36. The proponent must advise Airservices at least 3 business days prior to the controlled activity commencing by emailing pds.obs@airservicesaustralia.com and quoting "SY-CA-302".
Reason: Department of Infrastructure and Regional Development requirement.
37. Separate approval **must be sought** under Regulations for any cranes required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
Reason: Department of Infrastructure and Regional Development requirement.
38. At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.
Reason: Department of Infrastructure and Regional Development requirement.
39. Owners, staff 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.
Reason: To ensure the development does not reduce the amount of "on street" parking currently available.
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40. 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.
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the National Construction Code (Building Code of Australia).

41. No work must commence until:
- A PCA has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
 - A minimum of 2 days written notice given to Council of the intention to commence work.
- Reason: To comply with the provisions of the Environmental Planning and Assessment Act.
42. 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.
Reason: To comply with the provisions of the Environmental Planning and Assessment Act.
43. 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.
Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.
44. All demolition work must:
- 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
 - 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.
- Reason: To ensure that the demolition work is carried out safely.
45. Where any loading, unloading or construction is to occur from a public place, Council's
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Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

Reason: To protect the amenity of the area.

46. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
Reason: To ensure that the demolition work is carried out safely.
47. 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 must be submitted to and accepted by the PCA before work commences.
Reason: To ensure the appropriate disposal and reuse of waste generated on the site.
48. 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.
Reason: To secure the area of the site works maintaining public safety.
49. 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 must include:
- The name, address and telephone number of the PCA;
 - A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
- Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.
50. 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:
- Where the builder's materials and waste are to be stored;
 - Where the sediment fences are to be installed on the site;
 - 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
 - How access to the site will be provided.
- All devices must be constructed and maintained on site while work is carried out.
- Reason: To prevent soil erosion and sedimentation of the stormwater network.
51. All wastewater arising from the use of the premises must be directed to the Sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The person acting on this consent is advised that pre-treatment of wastewater may be a requirement of the corporation prior to the discharge to sewer. Details of the Corporation's requirements must be obtained prior to the commencement of work.
Reason: To comply with the requirements of Sydney Water Corporation for the installation and maintenance of grease traps.
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52. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
Reason: To ensure all necessary approvals have been applied for.
53. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.
Reason: To ensure that all restoration works are in accordance with Council's Code.
54. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.
Reason: To secure the site and to maintain public safety
55. 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 proposed truck parking areas, construction zones, crane usage, truck routes etc.
Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.
56. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.
Reason: To ensure the existing condition of Council's infrastructure is clearly documented.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue the Construction Certificate.

57. A levy of \$11,130.00 has been assessed as the contribution for the development under Section 94A of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 94A Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 94A levy (as adjusted) must be paid to the Council in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card* before the issue of a Construction Certificate. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 94A levies **CANNOT** be made by Personal Cheque or Company Cheque.

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

(LEVY PAYMENT REFERENCE NO. DC001576)

NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

Reason: To ensure that the approved development makes a contribution towards the provision, extension or augmentation of public amenities and public services in the area.

58. A comprehensive fully costed schedule of conservation and maintenance works to be submitted to the satisfaction of Council's Heritage and Urban Design Advisor before the issue of a Construction Certificate.
Reason: To confirm the terms of Council's approval.
59. Details of all finished surface materials, including colour and texture, to be used in development, must be submitted to the satisfaction of Council's Heritage and Urban Design advisor before the issue of a Construction Certificate.
Reason: To ensure the materials and colours are compatible with the development and surrounding buildings.
60. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction illustrating the deletion of the projecting wall sign fronting Stanmore Road.
Reason: To ensure compliance with part 2.12.4.9 of Marrickville development Control Plan 2011.
61. The colour, materials and artwork of all signage to be submitted to the satisfaction of Council's Heritage and Urban Design Advisor before the issue of a Construction Certificate.
Reason: To ensure the proposed signage is sympathetic to the heritage item.
62. A photographic archival record of the subject property is to be prepared in accordance with 'Guide to Photographic Archival Records' available on Council's website:

<http://www.marrickville.nsw.gov.au/Documents/Marrickville%20Assets/guide%20to%20archival%20records%202012.pdf>.

The record is to be submitted to and approved by Council's Heritage and Urban Design Advisor prior to the issue of a Construction Certificate.
Reason: To provide an archival record of a locally significant building prior to development.
63. An Interpretation Plan for the building prepared by a suitably qualified heritage consultant, providing for at least one informative panel located so as to be readily visible to visitors, is to be submitted to and approved by Council's Heritage and Urban Design Advisor before the issue of a Construction Certificate.
Reason: To ensure the significance of the building and fabric is clearly identified for guests.
64. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction indicating the existing buildings being upgraded to comply with the provisions of the Building Code of Australia.
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- Reason: To ensure the building is suitable for the proposed use.
65. 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).
Reason: To ensure that the premises are accessible to all persons.
66. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the following:
- a) Access to the premises via the principal place of entry to the building, complying with AS 1428.1- 2009 'Design for access and mobility';
 - b) An accessible toilet complying with AS 1428.1- 2009 'Design for access and mobility';
 - c) An accessible lift must be installed. The stairway lift must be capable of transporting a wheelchair and designed in accordance with AS1735.7 'Lifts, escalators and moving walks, Part 7: Stairway Lifts' as a minimum requirement;
 - d) The lift design must comply with AS 1735.12 -1999 'Lifts, escalators and moving walkways Part 12: Facilities for persons with disabilities' as a minimum requirement; and
 - e) An accessible counter complying with AS 1428.2 - 2001 'Design for access and mobility';
 - f) 3 adaptable hotel rooms being provided complying with AS 4299-1995 "Adaptable Housing".
- Reason: To ensure that the premises provide equitable access to all persons.
67. 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.
http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm
- Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.
68. To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 - Design, Construction and Fitout of Food Premises, and must be:
- a) Provided with a hose tap connected to the water supply;
 - b) Paved with impervious floor materials;
 - c) Coved at the intersection of the floor and walls;
 - d) Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
 - e) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause
-

offensive odour as defined by the Protection of the Environment Operations Act 1997;
 and

- f) Fitted with appropriate interventions to meet fire safety standards in accordance with the National Construction Code (Building Code of Australia).

Detailed plans and specifications for the construction of the waste storage area must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure the storage facility for garbage and recyclable matter are suitable for the volume and types of garbage and recyclable material produced by the food business and to ensure that the facility does not provide a breeding ground for pests and must be capable of being easily and effectively cleaned without any waste water entering the stormwater system.

69. Noise attenuation measures being incorporated into the development generally in accordance with the recommendations contained in the DA Environmental Noise Assessment, Document No. 20151386.1/1111A/R0/GC, prepared by Acoustic Logic, dated 11 November 2015 and complying with requirements contained in the Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.

Reason: To reduce noise levels within the development from aircraft.

70. Before the issue of a Construction Certificate the owner or builder must sign a written undertaking that they are responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

71. The person acting on this consent shall provide to Council a bond in the amount of \$19,569.60 and pay the related Section 138 (Roads Act) inspection fee of \$209.00 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.

Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.

72. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

73. The footpaths adjacent to the site shall be reconstructed and upgraded in accordance with the Draft Marrickville Public Domain Code and Draft Technical Manual. 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. If in the event that the Public Domain Code has not been adopted at the time of undertaking the



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works then the footpath shall be reconstructed to Council's standard plans and specification in place at the time the works are undertaken. Plans shall include the removal of all redundant vehicular crossings to the site on both Stanmore Road and Albert Street.

Reason: To ensure appropriate public domain works are consistent with Council's desired future character for the area and of a satisfactory quality.

74. A plan detailing the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes, and proposed site levels being submitted to and accepted by Council before the issue of a Construction Certificate. Plans shall include any repairs or augmentation of the existing system including the repair/reinstatement of the defective stormwater down pipes and kerb outlets.

Reason: To assess the adequacy of the proposed/existing site drainage.

SITE WORKS

75. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

76. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.

Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

77. 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'.

Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

78. 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.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

79. The works must 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.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the National Construction Code (Building Code of Australia).

80. If it is necessary to excavate below the level of the base of the footings of a building on the adjoining allotments, including a public place such as footways and roadways, the person acting on this consent must ensure that:
- a) At least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice must include complete details of the work; and
 - b) Any building is preserved and protected from damage.

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.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the

event that any damage is caused during work on site.

81. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
Reason: To ensure dust and other particles are not blown from vehicles associated with the use.
82. 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.
Reason: To ensure all works are contained within the boundaries of the allotment.
83. A clear unobstructed path of travel of not less than 1,000mm must be provided to all exits and paths of travel to exits.
Reason: To provide safe egress in case of fire or other emergency.
84. The coolroom which is of sufficient size for a person to enter must have:
- a door which is capable of being opened by hand from inside without a key;
 - internal lighting controlled only by a switch which is located adjacent to the entrance doorway inside the coolroom;
 - an indicated lamp positioned outside the coolroom which is illuminated when the interior lights are switched on; and
 - an alarm that is -
 - located outside but controllable only from within the coolroom; and
 - able to achieve a sound pressure level outside the coolroom of 90dB(A) when measured 3 metres from the sounding device, in accordance with Clause G1.2 of the National Construction Code (Building Code of Australia).
- Reason: To ensure the safety of users of the coolroom.
85. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals must have a minimum 3 Star WELS rating.
NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
Reason: To conserve water.
86. New or replacement toilets must have a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.
NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
Reason: To conserve water.
87. 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 Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code and Australian Standard AS3500.3-2003 'Stormwater Drainage'.
Reason: To provide for adequate site drainage.
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BEFORE OCCUPATION OF THE BUILDING

88. 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.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

89. 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.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

90. The informative panel/s which form part of the Interpretation Plan for the building to be installed in readily a visible location to visitors to the satisfaction of Council's Heritage and Urban Design Advisor Council's Heritage and Urban Design Advisor before the issue of an Occupation Certificate.

Reason: To ensure the significance of the building and fabric is clearly identified for guests.

91. Before the issue of any Occupation Certificate (interim or final), the works described in Conservation Works Schedule within the Heritage Impact Assessment by Paul Davies dated March 2016 must be completed and certified by Council's Heritage and Urban Design Advisor.

Reason: To ensure the ongoing conservation of the Heritage Item in accordance with the Management Document.

92. Before the issue of any Occupation Certificate (interim or final), compliance with the terms and conditions of Determination No. 201300593 dated 4 August 2014, to reinstate the former watchtower to the building being completed in accordance with the approval with a Final Occupation Certificate issued.

Reason: To ensure the re-instatement of the watchtower is undertaken prior to the occupation of the building.



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93. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:
- 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
 - 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.

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

94. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination, and prior to the occupation of the development a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2000 as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the development from aircraft and to ensure that the noise attenuation measures incorporated into the development satisfactorily comply with the relevant sections of Australian Standard 2021-2000.

95. Before the issue of an Occupation Certificate, Council must be notified that the premises are being used for the preparation, manufacture or storage of food for sale so that the premises can be registered on Council's food premises database.

Reason: To notify Council of your intention to commence the business so as to be included on Council's Food Safety register.

96. Before the commencement of food handling operations, the food business operator must notify the NSW Food Authority. You may notify the NSW Food Authority via the Internet on www.foodnotify.nsw.gov.au or by contacting the Council for a notification form.

Reason: To comply with the requirements of the Food Act 2003.

97. 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 the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

Reason: To ensure person acting on this consent completes all required work.

98. 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
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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.

Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council

99. 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.
Reason: To ensure that items of local heritage value are preserved.
100. All redundant vehicular crossings to the site along Stanmore Road and Albert Street 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.
Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.
101. The footpaths adjacent to the site on Stanmore Road and Albert Street shall be reconstructed in accordance with the Draft Public Domain Technical Manual and Council's standard plans and specification. The above works shall be undertaken at no cost to Council and before the issue of the Occupation Certificate.
Reason: To provide suitable means of public pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.
102. 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 Civil 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.
Reason: To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

ADVISORY NOTES

- 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 those 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.
- Any natural light or ventilation gained by the window(s) within 900mm of the boundary will not be taken into consideration in the event that the adjoining property owner makes application to Council to carry out building works on their property. The window has been



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consented to on the basis that alternative sources of light and ventilation are available to the room.

- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.
- 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 www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 131441 www.lspc.nsw.gov.au
NSW Food Authority	☎ 1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au



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WorkCover Authority of NSW

☎ 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

- B. THAT those persons who lodged submissions in respect to the proposal be advised of the Council's determination of the application.
- C. THAT the Department of Planning and Environment be advised, as part of the quarterly review of the monitoring of Clause 4.6 of Marrickville Local Environmental Plan 2011 - Exceptions to Development Standards, that Council has agreed to the variation of the following development standards:

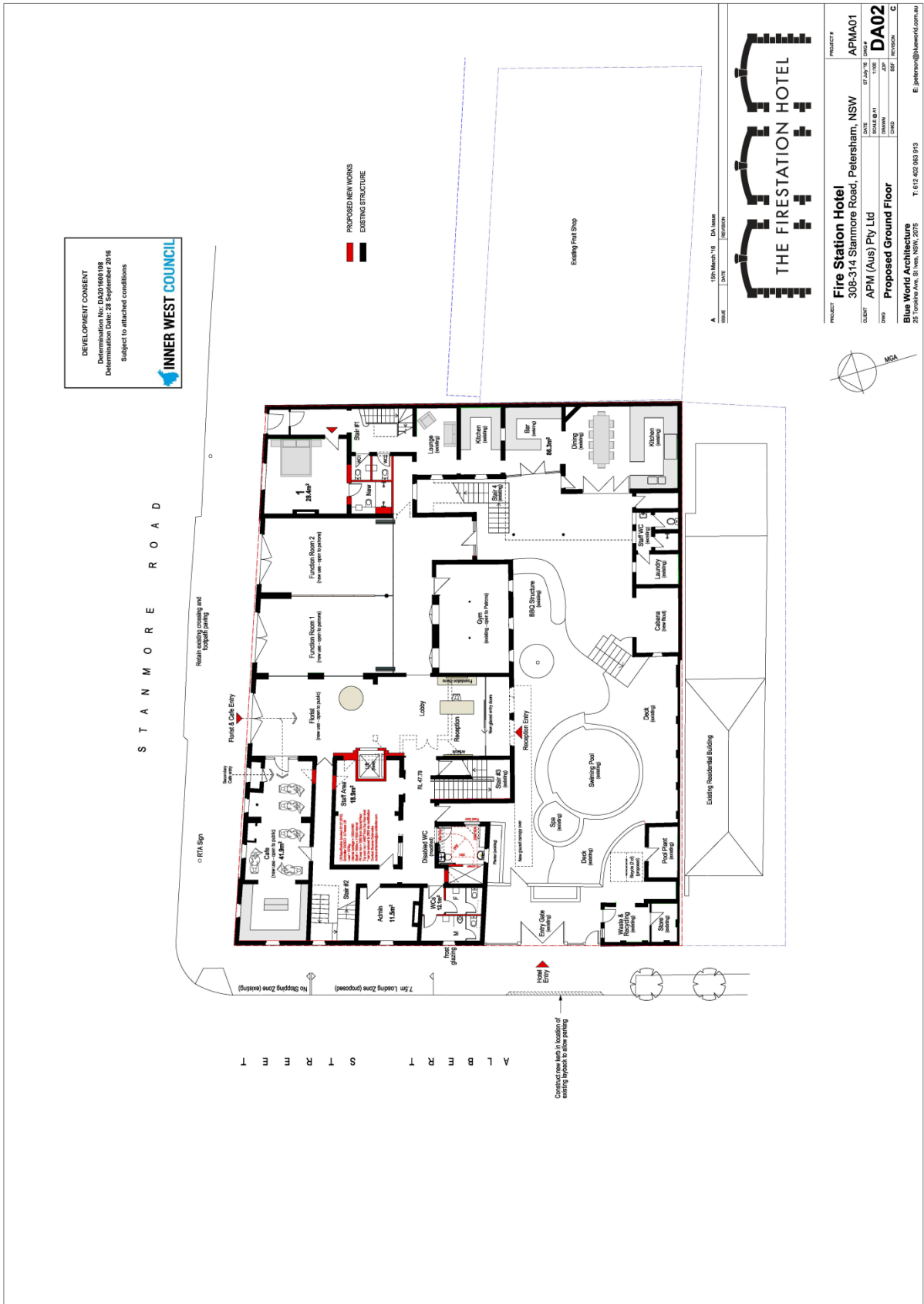
<u>Premises:</u>	308-314 Stanmore Road PETERSHAM
<u>Applicant:</u>	43 Hubert Street Pty Ltd/ Scott Andrew Feneck
<u>Proposal:</u>	to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café and florist
<u>Determination:</u>	Approval
<u>DA No:</u>	201600108
<u>Lot and DP:</u>	Lot 1 in DP 723900 and Lot 1 in DP 723936
<u>Category of Development:</u>	14. Other
<u>Environmental Planning Instrument:</u>	Marrickville Local Environmental Plan 2011
<u>Zoning of Land:</u>	Neighbourhood Centre B1
<u>Development Standard(s) varied:</u>	Clause 4.3 Height Clause 4.4 Floor Space Ratio
<u>Justification of variation:</u>	Height of the existing heritage listed building already exceeds prescribed limit and works are within the existing approved height of the building FSR- building already exceeds FSR and additional floor area is within a proposed attic area
<u>Extent of variation:</u>	Height: 13.9% FSR: 48%
<u>Concurring Authority:</u>	Council under assumed concurrence of the Secretary of the Department of Planning and Environment
<u>Date of Determination:</u>	

<u>Premises:</u>	308-314 Stanmore Road PETERSHAM
<u>Applicant:</u>	43 Hubert Street Pty Ltd/ Scott Andrew Feneck
<u>Proposal:</u>	to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 13 room hotel with a ground floor café and florist.
<u>Determination:</u>	Consent subject to conditions
<u>DA No:</u>	201600108

ATTACHMENTS

Nil.

Attachment D – Stamped Plans of DA201800108



DEVELOPMENT CONSENT
 Determination No: DA201601018
 Determination Date: 28 September 2016
 Subject to attached conditions



PROPOSED NEW WORKS
 EXISTING STRUCTURE



A 1:500 15th March 2016 DA Issue
 SCALE DATE PROJECTS



PROJECT #	308-314 Stanmore Road, Petersham, NSW	PROJECT #	APMA01
CLIENT	APM (Aus) Pty Ltd	DATE	07 July 16
DRAWN	DAVID CHAN	SCALE (B1)	1:100
CHECKED	DAVID CHAN	DATE	07 July 16
PROJECT NAME	Proposed First Floor	DATE	07 July 16
PROJECT NO	DA03	DATE	07 July 16
PROJECT CONTACT	E.janetson@blumwood.com.au	DATE	07 July 16
PROJECT ADDRESS	Blus World Architects 25 Thomas Ave, St. Leon, NSW, 2075	PROJECT CONTACT	E.janetson@blumwood.com.au
PROJECT PHONE	T. 612 402 063 913	PROJECT CONTACT	E.janetson@blumwood.com.au

DEVELOPMENT CONSENT
 Determination No: DA931600108
 Determination Date: 28 September 2016
 Subject to attached conditions



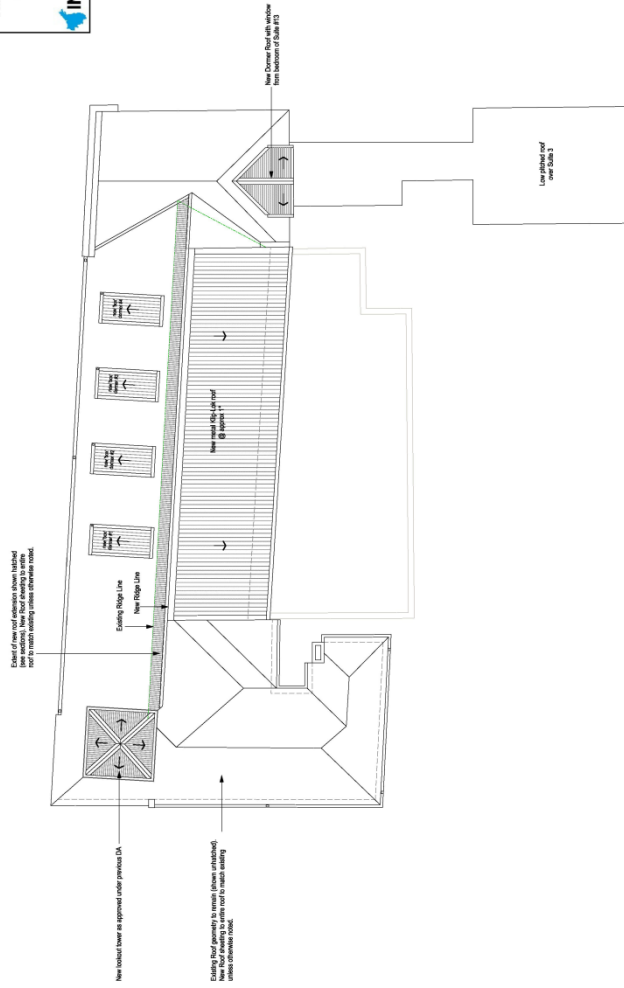

ISSUE	DATE	DESCRIPTION
A	15th March 16	DA Issue



PROJECT #	APMA01
PROJECT	Fire Station Hotel 308-314 Stammer Road, Petersham, NSW
CLIENT	APM (Aus) Pty Ltd
DATE	27 JAN 16
DRAWN BY	DAVID
CHECKED BY	DAVID
PROJECT #	DA04
PROJECT	Proposed Second Floor
CLIENT	Blue World Architecture
DATE	25 TORONTO AVE, ST IVES, NSW, 2075
PHONE	T 612 402 069 913
EMAIL	E jpeterson@blueworlds.com.au

DEVELOPMENT CONSENT
 Determination No: DA291880988
 Determination Date: 28 September 2016
 Subject to attached conditions

INNER WEST COUNCIL

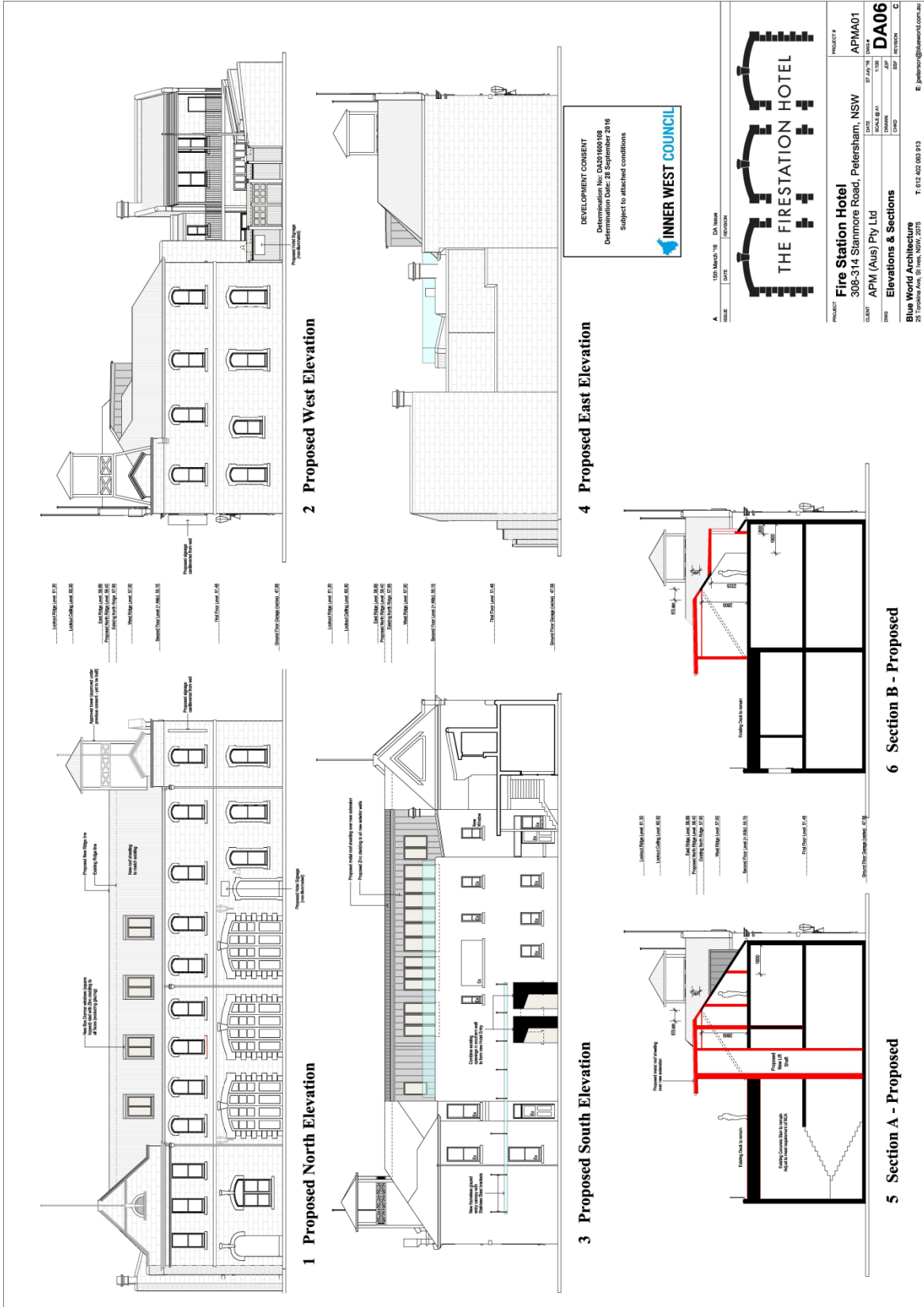


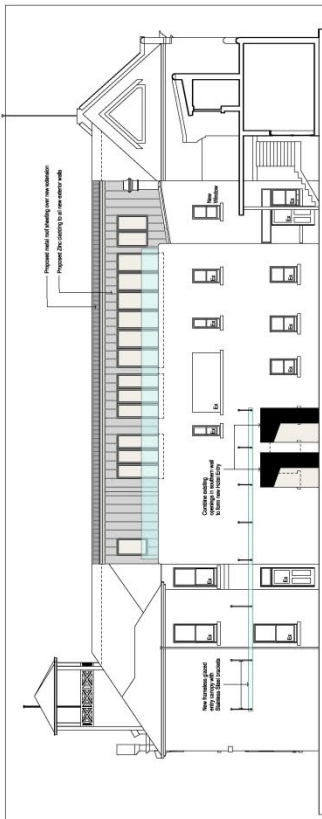
NO.	DATE	DESCRIPTION
A	15th March '16	DA Issue



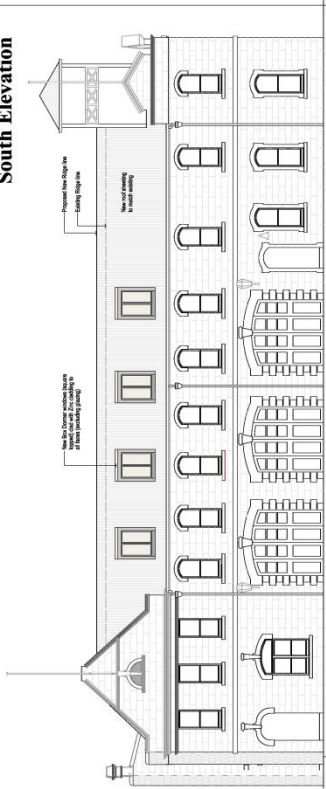
PROJECT	PROJECT #
Fire Station Hotel	APMA01
308-314 Stanmore Road, Petersham, NSW	
CLIENT	DATE
APM (Aus) Pty Ltd	08 July '16
DRAWN	SCALE & P1
Proposed Roof Plan	A1
CHECKED	DATE
	08 July '16
APPROVED	DATE
	08 July '16
PROJECT #	SCALE & P1
APMA01	A1
DRAWN	DATE
Proposed Roof Plan	08 July '16
CHECKED	DATE
	08 July '16
APPROVED	DATE
	08 July '16
PROJECT #	SCALE & P1
APMA01	A1
DRAWN	DATE
Proposed Roof Plan	08 July '16
CHECKED	DATE
	08 July '16
APPROVED	DATE
	08 July '16

Blue World Architecture
 25 Cornhill Ave, St. Leon, NSW, 2053
 T 612 422 823 973
 E j.pedron@blueworld.com.au





South Elevation



North Elevation

DEVELOPMENT CONSENT
 Determination No: DA201600188
 Determination Date: 28 September 2016
 Subject to attached conditions



Zinc Cladding
 (for proposed new 2nd Floor external walls)

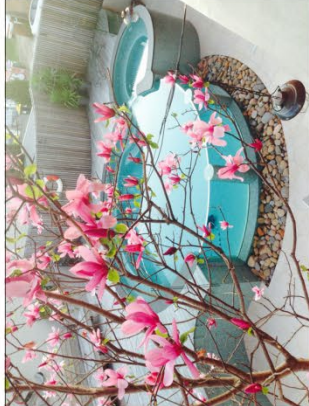
ISSUE	DATE	DESCRIPTION
A	19th March '16	DA Issue



PROJECT #		PROJECT #
Fire Station Hotel		APMA01
308-314 Stanmore Road, Petersham, NSW		
CLIENT	DATE	DATE
APM (Aus) Pty Ltd	07 JULY 16	DATE
DRAWN	CHECKED	DATE
Finishes & Photographs		2016
		DATE
		DATE
		DATE

DA07

Blue World Architecture
 25 Yorkville Ave, St. Ives, NSW, 2075
 T: 612 402 083 813
 E: jackson@blueworld.com.au



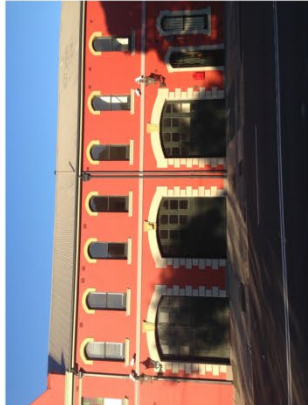
4 Existing Rear Courtyard Swimming Pool



5 Existing Rear Courtyard from East looking West



1 Existing View from North East



2 Engine Bays from North



6 Project Inspiration - Chiltern Firehouse, London



3 Existing Entry from North

Attachment E – Determination No. 201600108



DA201600108 CLEN4

DETERMINATION NO. 201600108

29 September 2016

43 HUBERT STREET PTY LTD
 SCOTT ANDREW FENECK
 48-54 Fitzroy Street
 MARRICKVILLE NSW 2204

Dear Sir/Madan

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ("THE ACT")
 NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Pursuant to Section 81 of the Act, notice is hereby given of the determination by the Council of **Development Application No. 201600108** to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café and florist relating to property situated at:

308-314 STANMORE ROAD PETERSHAM

In determining this application, the Council considered all matters listed under Section 79C of the Act that were relevant to the Development Application.

The Development Application was determined on 29 September 2016 by the granting of **CONSENT** subject to the following conditions:

GENERAL

- 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
DA02, Revision C	Proposed Ground Floor	7 July 2016	Blue World Architecture	7 July 2016
DA03, Revision C	Proposed First Floor	7 July 2016	Blue World Architecture	7 July 2016
DA04, Revision C	Proposed Second Floor	7 July 2016	Blue World Architecture	7 July 2016

Customer Service Centres

Petersham | P (02) 9335 2222 | E council@marrickville.nsw.gov.au | 2-14 Fisher Street, Petersham NSW 2049

Leichhardt | P (02) 9367 9222 | E leichhardt@lmc.nsw.gov.au | 7-15 Wetherill Street, Leichhardt NSW 2040

Ashfield | P (02) 9716 1800 | E info@ashfield.nsw.gov.au | 260 Liverpool Road, Ashfield NSW 2131

DA05, Revision C	Proposed Roof Plan	7 July 2016	Blue World Architecture	7 July 2016
DA06, Revision C	Elevations and Sections	7 July 2016	Blue World Architecture	7 July 2016
DA07, Revision C	Finishes & Photographs	7 July 2016	Blue World Architecture	7 July 2016
	Heritage Impact Assessment	March 2016	Paul Davies Pty Ltd	15 March 2016
Job No. 05-153	Plan of Management	1 September 2016	BBC Consulting Planners	1 September 2016
	Conservation Management Plan	April 2013	Howard Heritage Consultancy	1 September 2016
20151386.1/1111A/R0/GC	DA Environmental Noise Impact Assessment	11 November 2015	Acoustic Logic	15 March 2016

and details submitted to Council on 15 March 2016, 6 and 7 July 2016, 23 August 2016 and 1 September 2016 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.

Reason: To ensure the development is carried out in accordance with this Determination.

3. The operation of the premises complying at all times with the Plan of Management prepared by BBC Consulting, dated 1 September 2016 submitted on 1 September 2016 to Council. The Plan of Management as approved shall not be amended without the prior written approval of Marrickville Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

Reason: To ensure that the operation of the premises complies with the endorsed Plan of Management.

4. The premises being used exclusively as a hotel and not being adapted for use as a residential flat building, backpackers' hostel, serviced apartments or boarding house.

- Reason: To ensure that the premises are used exclusively as a hotel.
5. A minimum of three (3) adaptable rooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
Reason: To make reasonable provision in the development to provide accommodation suitable for people with a disability.
6. a) Staff employed by the café/hotel being responsible to ensure that patrons are not loitering in front of adjoining residences.
b) Staff employed by the café/hotel being responsible at all times to ensure the orderly dispersal of patrons from the premises.
c) Signs being appropriately located within the café and hotel advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises and the proprietors of the café and hotel ensuring that staff give appropriate directions to and take reasonable steps to control noisy or offensive behaviour of patrons entering or leaving the café/hotel.
Reason: To ensure the quiet and orderly ingress and egress of patrons of the cafe and to protect the amenity of the surrounding residential neighbourhood.
7. The use of amenities within the premises, i.e., gym, courtyard and pool are restricted to Hotel patrons only.
Reason: To confirm the terms of Council's approval
8. The use of the café must be restricted to the north western corner of the ground floor with not more than 20 customer seats (including outdoor seating) without the prior approval of Council.
Reason: To ensure that the number of customers on the premises at any one time is not increased without a further review.
9. The maximum number of patrons within the function rooms (combined) must be restricted to not more than 35 persons without the prior approval of Council. Management/booking of the function rooms shall be operated by the Hotel.
Reason: To ensure that the number of patrons utilising the function rooms on the premises at any one time is not increased without a further review.
10. The balcony attached to room 12 not be used for functions.
Reason: To minimise amenity impacts to neighbouring properties.
11. The maximum number of patrons residing within the hotel accommodation at any one time being restricted to 32 persons.
Reason: To ensure that the number of customers on the premises at any one time is not increased without a further review.
12. No live music or entertainment must be provided within the premises.
Reason: To protect the amenity of the surrounding neighbourhood.
13. A footpath licence must be obtained from Council for the use of that part of the footpath area adjacent to the site before using such area. The usage of that part of the footpath must only be carried out whilst the footpath licence remains in force.
Reason: To confirm the terms of Council's approval.

14. A minimum of 3 adaptable rooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
Reason: To make reasonable provision in the development to provide accommodation suitable for people with a disability.
15. 2 off-street bicycle spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
Reason: To ensure practical bicycle storage is available for the use of the premises.
16. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.
17. The use of the premises must not give rise to:
- a) transmission of unacceptable vibration to any place of different occupancy;
 - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
- Reason: To prevent loss of amenity to the area.
18. The installation of any sign on a heritage item must be carried out in a reversible manner without damage to the significant fabric. In the case of a sign affixed to any stone or brick wall of a heritage item the sign is to be fixed in such a way that stone is not damaged and any fixings are put only into mortar joints.
Reason: To ensure the signage does not impact the heritage item.
19. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage approved in this consent. The shop windows must not be painted with advertisements and no flashing lights must be installed on the premises. The projecting wall sign on Stanmore Road is to be deleted.
Reason: To confirm the terms of Council's approval.
20. The advertising structure(s) and associated advertisement(s) must be properly and safely maintained at all times.
Reason: To ensure that the signage does not have any detrimental effect upon the amenity of the area or endanger the safety of the public.

21. Any advertisement to be displayed must be only to identify the premises, the occupier of the site, the activity conducted thereon or the goods and services available on the premises associated with the use approved in this development consent.

Reason: To ensure that all signs on the premises relate to the approved use.

22. The signage must:

- a) not flash, move, be animated, or be decorated with rotating or flashing lights;
- b) not have any apparatus attached to it which will provide sound of any description whether associated with the sign or other object or activity;
- c) be neatly affixed to the building and any damage to the building caused to the exterior of the building by the erection of the advertising structure must be promptly repaired with materials to match those of the existing building;
- d) comply with the Advertising Code of Ethics; and
- e) comply with the requirements of the Roads and Maritime Services Authority.

Reason: To confirm the terms of Council's approval.

23. No storage of goods or equipment external to any building on the site being permitted.

Reason: To ensure the premises are kept in a neat and tidy manner.

24. 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.

Reason: To prevent the public footpath from being obstructed.

25. All loading and unloading in connection with the use must be carried out during the approved hours of operation in such a manner as not to cause inconvenience to the public. Loading/unloading shall only occur between the hours of 7:00am to 6:00pm Mondays to Saturdays.

Reason: To ensure loading and unloading operations do not interfere with traffic and pedestrian movements in the area.

26. All machinery must be installed in accordance with the manufacturer's specifications and being maintained at all times if in use.

Reason: To ensure that such machines are properly installed and maintained so as to prevent noise generation, vibration and any other disturbances to adjoining premises.

27. The hours of operation of the site being restricted in the following manner for each use:

Hotel (accommodation only):

Mondays to Sundays:

(including Public Holidays): 24 hours

Reception:

Mondays to Sundays:

(including Public Holidays): 6:00am to 10:00pm

Outdoor areas (i.e. cabana, pool, courtyard):

Mondays to Sundays:

(including Public Holidays): 8:00am to 9:00pm

Cafe:
Mondays to Sundays:
(including Public Holidays): 7:00am to 10:00pm

Florist:
Mondays to Sundays:
(including Public Holidays): 7:00am to 8:00pm

Function Rooms:
Mondays to Sundays:
(including Public Holidays): 8:00am to 10:00pm

Reason: To confirm the hours of operation.

28. 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.

Reason: To ensure that the development is adequately serviced.

29. All trade waste must be stored within the site boundaries and must be contained in such a manner so as not to cause a nuisance.

Reason: To provide for correct storage of wastes.

30. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).

Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).

31. The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises.

NOTE: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au.

Reason: To ensure that the premises comply with the relevant Acts and standards so as to promote sound hygiene and public health.

32. The storage and/or handling of food products externally of the approved food premises are prohibited.

Reason: To ensure that the premises comply with the relevant Acts and standards so as to promote sound hygiene and public health.

33. The construction, fit-out and finishes of the food premises must comply with the Food Act 2003, the Australian and New Zealand Food Standards Code and Australian Standard 4674 - Design, Construction and Fit-out of Food Premises.
Reason: To ensure that the premises comply with the relevant Acts and standards so as to promote sound hygiene and public health.
34. All waste and waste receptacles associated with the usage of the premises are to be stored within the site boundaries of the subject premises and are to be contained in such a manner so as to comply with the requirements of the Food Act 2003 and Australian Standard 4674 - Design, Construction and Fit-out of Food Premises.
Reason: To ensure waste and waste receptacles do not pose a nuisance, danger or risk to public health and safety
35. The building must not exceed a maximum height of 58.4 metres AHD, inclusive of all lift over runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
Reason: Department of Infrastructure and Regional Development requirement.
36. The proponent must advise Airservices at least 3 business days prior to the controlled activity commencing by emailing pds.obs@airservicesaustralia.com and quoting "SY-CA-302".
Reason: Department of Infrastructure and Regional Development requirement.
37. Separate approval **must be sought** under Regulations for any cranes required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
Reason: Department of Infrastructure and Regional Development requirement.
38. At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.
Reason: Department of Infrastructure and Regional Development requirement.
39. Owners, staff 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.
Reason: To ensure the development does not reduce the amount of "on street" parking currently available.
40. 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.
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the National Construction Code (Building Code of Australia).

41. 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 given to Council of the intention to commence work.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

42. 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.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

43. 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.

Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

44. 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.

Reason: To ensure that the demolition work is carried out safely.

45. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

Reason: To protect the amenity of the area.

46. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
Reason: To ensure that the demolition work is carried out safely.
47. 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 must be submitted to and accepted by the PCA before work commences.
Reason: To ensure the appropriate disposal and reuse of waste generated on the site.
48. 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.
Reason: To secure the area of the site works maintaining public safety.
49. 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 must include:
- The name, address and telephone number of the PCA;
 - A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
- Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.
50. 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:
- Where the builder's materials and waste are to be stored;
 - Where the sediment fences are to be installed on the site;
 - 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
 - How access to the site will be provided.
- All devices must be constructed and maintained on site while work is carried out.
- Reason: To prevent soil erosion and sedimentation of the stormwater network.
51. All wastewater arising from the use of the premises must be directed to the Sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The person acting on this consent is advised that pre-treatment of wastewater may be a requirement of the corporation prior to the discharge to sewer. Details of the Corporation's requirements must be obtained prior to the commencement of work.
Reason: To comply with the requirements of Sydney Water Corporation for the installation and maintenance of grease traps.

52. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
Reason: To ensure all necessary approvals have been applied for.
53. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.
Reason: To ensure that all restoration works are in accordance with Council's Code.
54. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.
Reason: To secure the site and to maintain public safety
55. 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 proposed truck parking areas, construction zones, crane usage, truck routes etc.
Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.
56. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.
Reason: To ensure the existing condition of Council's infrastructure is clearly documented.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue the Construction Certificate.

57. A levy of \$11,130.00 has been assessed as the contribution for the development under Section 94A of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 94A Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 94A levy (as adjusted) must be paid to the Council in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card* before the issue of a Construction Certificate. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 94A levies **CANNOT** be made by Personal Cheque or Company Cheque.

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

(LEVY PAYMENT REFERENCE NO. DC001576)

NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

Reason: To ensure that the approved development makes a contribution towards the provision, extension or augmentation of public amenities and public services in the area.

58. A comprehensive fully costed schedule of conservation and maintenance works to be submitted to the satisfaction of Council's Heritage and Urban Design Advisor before the issue of a Construction Certificate.

Reason: To confirm the terms of Council's approval.

59. Details of all finished surface materials, including colour and texture, to be used in development, must be submitted to the satisfaction of Council's Heritage and Urban Design advisor before the issue of a Construction Certificate.

Reason: To ensure the materials and colours are compatible with the development and surrounding buildings.

60. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction illustrating the deletion of the projecting wall sign fronting Stanmore Road.

Reason: To ensure compliance with part 2.12.4.9 of Marrickville development Control Plan 2011.

61. The colour, materials and artwork of all signage to be submitted to the satisfaction of Council's Heritage and Urban Design Advisor before the issue of a Construction Certificate.

Reason: To ensure the proposed signage is sympathetic to the heritage item.

62. A photographic archival record of the subject property is to be prepared in accordance with 'Guide to Photographic Archival Records' available on Council's website:

<http://www.marrickville.nsw.gov.au/Documents/Marrickville%20Assets/guide%20to%20archival%20records%202012.pdf>.

The record is to be submitted to and approved by Council's Heritage and Urban Design Advisor prior to the issue of a Construction Certificate.

Reason: To provide an archival record of a locally significant building prior to development.

63. An Interpretation Plan for the building prepared by a suitably qualified heritage consultant, providing for at least one informative panel located so as to be readily visible to visitors, is to be submitted to and approved by Council's Heritage and Urban Design Advisor before the issue of a Construction Certificate.

Reason: To ensure the significance of the building and fabric is clearly identified for guests.

64. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction indicating the existing buildings being upgraded to comply with the provisions of the Building Code of Australia.

Reason: To ensure the building is suitable for the proposed use.

65. 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).

Reason: To ensure that the premises are accessible to all persons.

66. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the following:

- a) Access to the premises via the principal place of entry to the building, complying with AS 1428.1- 2009 'Design for access and mobility';
- b) An accessible toilet complying with AS 1428.1- 2009 'Design for access and mobility';
- c) An accessible lift must be installed. The stairway lift must be capable of transporting a wheelchair and designed in accordance with AS1735.7 'Lifts, escalators and moving walks, Part 7: Stairway Lifts' as a minimum requirement;
- d) The lift design must comply with AS 1735.12 -1999 'Lifts, escalators and moving walkways Part 12: Facilities for persons with disabilities' as a minimum requirement; and
- e) An accessible counter complying with AS 1428.2 - 2001 'Design for access and mobility';
- f) 3 adaptable hotel rooms being provided complying with AS 4299-1995 "Adaptable Housing".

Reason: To ensure that the premises provide equitable access to all persons.

67. 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.

http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

68. To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 - Design, Construction and Fitout of Food Premises, and must be:
- Provided with a hose tap connected to the water supply;
 - Paved with impervious floor materials;
 - Coved at the intersection of the floor and walls;
 - Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
 - Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997; and
 - Fitted with appropriate interventions to meet fire safety standards in accordance with the National Construction Code (Building Code of Australia).

Detailed plans and specifications for the construction of the waste storage area must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure the storage facility for garbage and recyclable matter are suitable for the volume and types of garbage and recyclable material produced by the food business and to ensure that the facility does not provide a breeding ground for pests and must be capable of being easily and effectively cleaned without any waste water entering the stormwater system.

69. Noise attenuation measures being incorporated into the development generally in accordance with the recommendations contained in the DA Environmental Noise Assessment, Document No. 20151386.1/11111A/R0/GC, prepared by Acoustic Logic, dated 11 November 2015 and complying with requirements contained in the Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.

Reason: To reduce noise levels within the development from aircraft.

70. Before the issue of a Construction Certificate the owner or builder must sign a written undertaking that they are responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

71. The person acting on this consent shall provide to Council a bond in the amount of \$19,569.60 and pay the related Section 138 (Roads Act) inspection fee of \$209.00 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.

Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.

72. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

73. The footpaths adjacent to the site shall be reconstructed and upgraded in accordance with the Draft Marrickville Public Domain Code and Draft Technical Manual. 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. If in the event that the Public Domain Code has not been adopted at the time of undertaking the works then the footpath shall be reconstructed to Council's standard plans and specification in place at the time the works are undertaken. Plans shall include the removal of all redundant vehicular crossings to the site on both Stanmore Road and Albert Street.

Reason: To ensure appropriate public domain works are consistent with Council's desired future character for the area and of a satisfactory quality.

74. A plan detailing the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes, and proposed site levels being submitted to and accepted by Council before the issue of a Construction Certificate. Plans shall include any repairs or augmentation of the existing system including the repair/reinstatement of the defective stormwater down pipes and kerb outlets.

Reason: To assess the adequacy of the proposed/existing site drainage.

SITE WORKS

75. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

76. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.

Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

77. 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'.

Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

78. 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 having 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.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

79. The works must 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.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the National Construction Code (Building Code of Australia).

80. If it is necessary to excavate below the level of the base of the footings of a building on the adjoining allotments, including a public place such as footways and roadways, the person acting on this consent must ensure that:
- a) At least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice must include complete details of the work; and
- b) Any building is preserved and protected from damage.

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.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

81. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

82. 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.

Reason: To ensure all works are contained within the boundaries of the allotment.

83. A clear unobstructed path of travel of not less than 1,000mm must be provided to all exits and paths of travel to exits.

Reason: To provide safe egress in case of fire or other emergency.

84. The coolroom which is of sufficient size for a person to enter must have:
- a door which is capable of being opened by hand from inside without a key;
 - internal lighting controlled only by a switch which is located adjacent to the entrance doorway inside the coolroom;
 - an indicated lamp positioned outside the coolroom which is illuminated when the interior lights are switched on; and
 - an alarm that is -
 - located outside but controllable only from within the coolroom; and
 - able to achieve a sound pressure level outside the coolroom of 90dB(A) when measured 3 metres from the sounding device, in accordance with Clause G1.2 of the National Construction Code (Building Code of Australia).

Reason: To ensure the safety of users of the coolroom.

85. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals must have a minimum 3 Star WELS rating.

NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.

Reason: To conserve water.

86. New or replacement toilets must have a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.

NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.

Reason: To conserve water.

87. 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 Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code and Australian Standard AS3500.3-2003 'Stormwater Drainage'.

Reason: To provide for adequate site drainage.

BEFORE OCCUPATION OF THE BUILDING

88. 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.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

89. 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.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

90. The informative panel/s which form part of the Interpretation Plan for the building to be installed in readily a visible location to visitors to the satisfaction of Council's Heritage and Urban Design Advisor Council's Heritage and Urban Design Advisor before the issue of an Occupation Certificate.

Reason: To ensure the significance of the building and fabric is clearly identified for guests.

91. Before the issue of any Occupation Certificate (interim or final), the works described in Conservation Works Schedule within the Heritage Impact Assessment by Paul Davies dated March 2016 must be completed and certified by Council's Heritage and Urban Design Advisor.

Reason: To ensure the ongoing conservation of the Heritage Item in accordance with the Management Document.

92. Before the issue of any Occupation Certificate (interim or final), compliance with the terms and conditions of Determination No. 201300593 dated 4 August 2014, to reinstate the former watchtower to the building being completed in accordance with the approval with a Final Occupation Certificate issued.

Reason: To ensure the re-instatement of the watchtower is undertaken prior to the occupation of the building.

93. 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.

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

94. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination, and prior to the occupation of the development a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2000 as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and

- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the development from aircraft and to ensure that the noise attenuation measures incorporated into the development satisfactorily comply with the relevant sections of Australian Standard 2021-2000.

95. Before the issue of an Occupation Certificate, Council must be notified that the premises are being used for the preparation, manufacture or storage of food for sale so that the premises can be registered on Council's food premises database.

Reason: To notify Council of your intention to commence the business so as to be included on Council's Food Safety register.

96. Before the commencement of food handling operations, the food business operator must notify the NSW Food Authority. You may notify the NSW Food Authority via the Internet on www.foodnotify.nsw.gov.au or by contacting the Council for a notification form.

Reason: To comply with the requirements of the Food Act 2003.

97. 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 the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2- "Roadworks Specifications".
Reason: To ensure person acting on this consent completes all required work.
98. 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.
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council
99. 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.
Reason: To ensure that items of local heritage value are preserved.
100. All redundant vehicular crossings to the site along Stanmore Road and Albert Street 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.
Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.
101. The footpaths adjacent to the site on Stanmore Road and Albert Street shall be reconstructed in accordance with the Draft Public Domain Technical Manual and Council's standard plans and specification. The above works shall be undertaken at no cost to Council and before the issue of the Occupation Certificate.
Reason: To provide suitable means of public pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.
102. 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 Civil 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.
Reason: To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

ADVISORY NOTES

- 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 those 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.
- Any natural light or ventilation gained by the window(s) within 900mm of the boundary will not be taken into consideration in the event that the adjoining property owner makes application to Council to carry out building works on their property. The window has been consented to on the basis that alternative sources of light and ventilation are available to the room.
- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.
- 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 www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 To purchase copies of Volume One of "Soils and Construction"

Long Service Payments Corporation	☎ 131441 www.lspc.nsw.gov.au
NSW Food Authority	☎ 1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

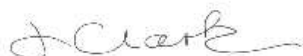
This consent is effective and operates from 29 September 2016. The consent will lapse unless the proposed development is commenced in accordance with Section 95 of the Act.

Under Section 82A of the Act you may, within six (6) months of receipt of this notice, request Council to review this determination. A review request of this determination may be made under Section 82A of the Act. That review request must be made and determined by Council within six (6) months of the date hereon.

Under Section 97 of the Act you may, within six (6) months of receipt of this notice, appeal to the Land and Environment Court if you are dissatisfied with the Council's determination.

All conditions imposed by the Council must be observed. Breach of a condition is a breach of the Act and may also constitute an offence.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'J. Clark', written in black ink.

Judy Clark
Manager Development Assessment

Enquiries: Ruba Osman on 9335 2113.

Ref: **D1** TRIM No: 111689.16

Attachment F – Parking and Traffic Impact Assessment



Reference: 18.303r01v05

6 December 2018

T Nguyen & V Tran Partnership
C/- Preston Peterson
Studio 4, 104 Victoria Avenue
CHATSWOOD NSW 2067

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traffic & transport planners

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director Graham Pindar
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abn: 66065132961

Attention: Mr Jonathon Peterson, Architect

**Re: Fire Station Hotel – 308-304 Stanmore Road, Petersham
Section 4.55 Application – Traffic Impact Statement**

Dear Jonathon,

We refer to the subject property and confirm TRAFFIX has been commissioned by T Nguyen & V Tran Partnership to prepare this Traffic Impact Statement to accompany a Section 4.55 Application. We understand approval is sought for alterations and additions that will result in a mixed-use development containing 21 hotel rooms, a restaurant and a florist.

Having reviewed the architectural drawings prepared by Preston Peterson, we now advise as follows.

✦ Existing Conditions

Site and Location

The site is located at 308-314 Stanmore Road in Petersham, on the southeast corner of the intersection of Albert Road. In a regional context it is situated approximately 390 metres southeast of Petersham Station and 5.5 kilometres southwest of Sydney central business district.

The site is rectangular in configuration with a site area of 891.6m². It has a northern frontage to Stanmore Road of approximately 33.7 metres, as well as a western frontage to Albert Street of approximately 27.7 metres. The eastern and southern boundaries are shared with neighbouring mixed use developments of approximately 25.9 metres and 33.9 metres, respectively.

The site is currently used as a residence, comprising of a two storey heritage listed building. In this regard, the site has a 15m wide vehicular crossover on Stanmore Road (leading to three garages) and a vehicular access on Albert Street measuring 7.5m wide.

Under the *Marrickville Development Control Plan (DCP) 2011*, the subject site is designated within 'Parking Area 2'.

Reference should be made to the Photographic Record presented in **Attachment 1**, which provides an appreciation of the general character of the key attributes in the proximity of the site.



Parking Restrictions

A site inspection in June 2018 revealed the following parking restrictions along the site frontage:

- Stanmore Road: A Clearway operates between 3:00pm and 7:00pm Monday to Friday. From east to west, the site frontage is signposted as No Stopping for approximately three (3) metres and No Parking for approximately 30 metres to the intersection of Albert Street. However, the last 10 metres has been painted with an unbroken line, implying No Stopping would apply for this distance, consistent with the mandatory 10 metres of No Stopping applying on approach to intersections.
- Albert Street: From north to south, the site frontage is signposted as No Stopping for approximately 10 metres, permits unrestricted parking for approximately 10 metres, has a 7.5m vehicular crossing (No Parking) before resuming to unrestricted parking again.

● Parking Surveys

2015 Parking Survey

In reference to the Traffic Impact Assessment (TIA) prepared by TRAFFIX (*Ref: 15.503r01v4 dated 5 February 2016*), which accompanied the original Development Application (DA), a parking survey was commissioned to gain a better understanding of the on-street parking demands within the locality.

This parking survey was conducted on 23 October 2015, between 6:00pm and 10:00pm for a total capacity of 468 on-street spaces, located within 300 metres of the subject site. The results of that survey are summarised as follows:

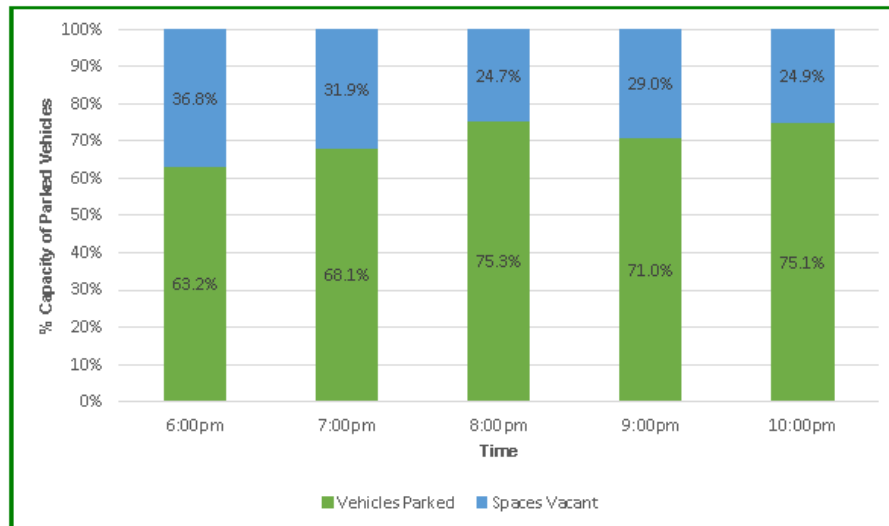
- The maximum demand identified was 69.0%, with 145 spaces vacant; and
- The average demand equated to 64.1%, with 168 spaces vacant.

2018 Parking Survey

To account for present conditions, an on-street parking survey was re-undertaken on 23 November 2018. These counts were conducted on a typical Friday between 6:00pm and 11:00pm (coinciding with peak check-in times) and focused primarily on parking areas within 300 metres of the subject site (total capacity for 486 spaces). Reference should be made to the detailed parking surveys provided in **Attachment 2**, with the results summarised in **Chart 1**, overleaf.



Chart 1 – 2018 On-Street Car Parking Demand



The maximum demand for on-street parking occurred at 8:00pm, with 366 spaces (75.3%) occupied and 120 spaces (24.7%) vacant. There was an overall average parking demand for 343 spaces (70.5%), resulting in an average vacancy for 143 spaces (29.5%) within the locality.

When comparing the results of both the 2015 and 2018 parking surveys, it is evident that there is an average increase in demands of approximately 2% per year. This average increase is considered minor and consistent with background growth. Nevertheless, both parking surveys indicate spare capacity within 300 metres of the site.

Public Transport

The subject site is located approximately 450 metres walking distance to Petersham Station (and approximately 600 metres walking distance to Stanmore Station), which lies on the T2 Inner West & Leppington Line. Services operate between the Sydney central business district in the east and Leppington to the southwest.

The site is also within 400 metres walking distance of bus stops on Trafalgar Street, which are serviced by the following routes:

- 412 – Campsie to City (Martin Place) via Earwood
- 444 – Balmain East Wharf to Campsie
- 445 – Campsie to Balmain East Wharf via Leichhardt Marketplace

The site is therefore considered to have very good access to public transport, with direct connections to the Sydney central business district as well as the surrounding region.



Description of Approved Development

Consent was granted on 29 September 2016 by Inner West Council for Development Application No. 201600108 for the following work:

“Alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café and florist.”

The approved development also provides two function room areas accessed from the Stanmore Road frontage. It is also noteworthy that the approved development does not contain any on-site parking and proposed the restoration of the existing crossing on Albert Street to a kerbed section to allow for on-street parking.

Reference should also be made to the TIA prepared by TRAFFIX (Ref: 15.503r01v4 dated 5 February 2016) which accompanied the DA.

📍 Description of Proposed Development

A full description of the proposed development can be found in the Statement of Environmental Effects prepared separately. In summary, the Section 4.55 Application seeks approval for alterations and additions to the existing structure, and for the construction of an additional storey. The proposed hotel will now comprise of 21 accommodation rooms (3 staff), with a restaurant (5 staff) and florist (1 staff). A summary of the modifications are shown in **Table 1** below:

Table 1: Summary of Modifications

Type	Approved	Modified
<i>Hotel</i>		
Rooms	12	21
<i>Retail</i>		
Café	36m ² GFA	-
Restaurant	-	165m ² GFA
Florist	36m ² GFA	30m ² GFA
<i>Function Rooms</i>		
Rooms	72m ² GFA	-

In addition, it should be noted that in accordance with the *Marrickville Local Environmental Plan 2011 (LEP)*, hotel accommodation is defined as:

“A building or place that provides temporary or short-term accommodation on a commercial basis and that:

- a) Comprises rooms or self-contained suites, and*
- b) May provide meals to guests or the general public and facilities for the parking of guests’ vehicles”.*

The restaurant for the proposed development is therefore considered to be ancillary to the hotel, regardless of whether it will be available to the general public.

Reference should be made to the architectural plans prepared by Preston Peterson and presented at reduced scale in **Attachment 3**. The parking requirements and traffic impacts arising from the Section 4.55 is assessed below.



➤ Parking Requirements

Car Parking

The *Marrickville Development Control Plan (DCP) 2011* requires car parking for hotel and retail developments in 'Parking Area 2' to be provided in accordance with the rates shown listed in **Table 2**. It should be noted that despite the restaurant being classified as ancillary to the hotel, as per the LEP, the restaurant rates and provision are also accounted for, as a conservative assessment.

Table 2: DCP Car Parking Rates

Type	Number / GFA	DCP Parking Rate	Spaces Required ¹	Spaces Provided
<i>Hotel Accommodation (Parking Area 2)</i>				
Hotel Rooms	21	1 per 3 hotel rooms	7	0
Staff	3	1 per 4 staff	1	0
<i>Sub-Total</i>			8	0
<i>Retail (Parking Area 2)</i>				
Restaurant	165m ² GFA	1 per 80m ² GFA for customers and staff	2	0
Florist	30m ² GFA		0	0
<i>Sub-Total</i>			2	0
Total			10	0

¹ Fractions must be rounded up or down to the nearest whole figure in accordance with DCP.

It can be seen that the proposed development is conservatively required to provide 10 off-street parking spaces. However, the approved development, which included a café and florist, was assessed (in the previous TIA report) to have a parking requirement for seven (7) off-street parking spaces. In this regard, a net increase in demand for three (3) parking spaces will arise from the Section 4.55 Application.

In response, the proposed development will not provide any parking spaces and is supported for the following reasons:

- The approved development contains no on-site parking following a Pre-DA advisory panel supporting the preference for the use of existing parking areas for commercial use, in order to activate use of the heritage listed structure;
The historic use of the site being a fire station provided no on-site parking. This was considered a significant travel generator, with traffic generation numbers outweighing that of the proposed development. As such, it would be acceptable to claim a parking credit for its previous use;
- The updated 2018 parking survey revealed that the on-street parking supply within 300 metres of the site does not exceed 75.3% utilisation, with 143 vacant spaces. It is therefore evident that the parking demands for the proposed development, which generates a DCP requirement for 10 spaces, can be accommodated with minimal impacts.
- The parking rate under the DCP does not distinguish between different types of accommodations. It is understood that the proposed hotel is intended to be an upmarket offering for visitors to Sydney whom would arrive by taxi or ride share services, which is in contrast to a motel type development which typically draw motorists and have been historically associated with the Inner West area.
- The restaurant, which ordinarily has a requirement for two (2) parking spaces, is ancillary to the hotel. Accordingly, a substantial number of patrons would be expected to be guests of the hotel,



thereby not generating any parking demand. This contrasts with the approved scheme, with a café and function centre having a higher potential to draw external customers/patrons;

- The site is considered to have very good access to public transport, being situated within walking distance of Petersham Station as well as bus stops on Trafalgar Street. In this respect a Transport Access Guide can be prepared to raise awareness of public and active transport alternatives, inclusive of walking and cycling routes;
- It is emphasised that the increased parking requirement over the approved development is limited to three (3) spaces, to which it is also confirmed that there will be no increase in the number of staff. As such, it is anticipated that the parking impacts for the proposed development to be considered minimal.
- The approved development will allow for the 7.5m wide existing vehicular crossing on Albert Street to be restored to kerb. This will result in a continuous section of unrestricted parking allowing for greater efficiency; and
- The hotel will benefit approximately 20 metres of No Parking signposted across the site frontage on Stanmore Road. This will allow for three (3) vehicles to drop-off or pick-up guests. Taxis are permitted to stop when the Clearway is operational (3:00pm to 7:00pm, Monday to Friday) under Rule 176 of the NSW Road Rules 2014.

Accessible Parking

The DCP stipulates the following accessible parking rate for hotels containing five or more rooms:

- One (1) accessible parking space per 10 hotel rooms; and (hotel)
- One (1) accessible parking space per 10 car parking spaces. (restaurant and retail)

Application of this rate will equate to a parking provision of three (3) accessible parking spaces. In response, the proposed development does not provide any off-street car parking spaces for the reasons described above and will therefore provide no accessible car parking spaces.

Bicycle Parking

The DCP requires bicycle parking for hotel developments to be provided in accordance with the rates shown in **Table 3**.

Table 3: DCP Bicycle Parking Rates

Type	Number / GFA	Parking Rate	Spaces Required ¹	Spaces Provided
<i>Hotel</i>				
Rooms	21	1 per 20 rooms for staff and patrons	1	1
<i>Restaurant</i>				
Floor Space	162m ²	1 per 100m ² GFA for staff + 2 for customers	4	1
<i>Florist</i>				
Floor Space	30m ²	1 per 300m ² GFA for staff + 1 per 500m ² GFA for customers (if premises over 1000m ² GFA)	0	0
Total			5	2

¹ Fractions must be rounded up or down to the nearest whole figure in accordance with DCP.

It can be seen from Table 3, that the proposed development is required to provide a total of five (5) bicycle parking spaces. In response, the proposed development will retain the bicycle parking



provision from the previously approved development, being a total of two (2) bicycle spaces located at the courtyard area. This results in a bicycle parking deficiency of three (3) spaces. This provision is considered appropriate due to the primary attractor for bicycle parking, being the restaurant is defined as ancillary to the hotel, as per the LEP.

In addition, the Marrickville DCP 2011 also require the following end-of-trip facilities for staff:

- 1 clothes locker per 3 staff spaces; and
- 1 shower, plus extra on merit.

In response, the proposed development will retain the end-of-trip facilities from the previously approved development, being one (1) shower facility and one (1) staff area.

Motorcycle Parking

The DCP stipulates that all types of developments should provide motorcycle parking according to the following rate:

- 5% of the car parking requirement (rounded up or down to the nearest whole figure).

Application of this rate results in a requirement for no motorcycle parking spaces when rounding to the nearest whole number. In response, no motorcycle parking spaces are proposed, as permissible under the DCP.

Service Vehicles

The DCP stipulates the following service vehicle parking rates for the hotel component:

- One (1) service vehicle space per 50 bedrooms or bedroom suites up to 200, plus one (1) space per 100 thereafter; and
- One (1) service vehicle space per 1,000m² of public area set aside for bar, tavern, lounge and restaurant.

In addition, the DCP also states the following service vehicle parking rates for the florist component:

- One (1) truck space per 400m² GFA up to 2,000m² GFA, plus one (1) truck space per 1,000m² thereafter.

Application of these rates to the proposed hotel, restaurant and florist will result in a service vehicle requirement of one (1) service vehicle parking space. In response, the proposed development will provide no on-site service vehicle parking, resulting in no net change to the approved service vehicle parking provision. The lack of provision is considered to remain appropriate for the following reasons:

- There are several retail and restaurant developments in the locality that do not provide on-site service vehicle spaces. As such, the development will retain the existing and approved on-street services; and
- As evident by the previously performed parking survey, the availability of on-street parking is adequate to allow for service vehicle parking. Due to this, the existing on-street parking on Albert Street will be sufficient to provide service vehicle parking for the hotel development without impacting the local residents or obstructing traffic flow.



📍 Traffic Impacts

Trip Generation

The Traffic Impact Assessment for the approved scheme adopted a peak hourly trip generation rate of 0.4 vehicle trips per hotel room, occurring during the PM peak period. Application of this rate to the 21 hotel rooms proposed results in a maximum of 8 vehicle trips per hour generated during peak periods.

For restaurants, the Roads and Maritime Services (RMS) *Guide to Traffic Generating Developments* recommends an hourly peak trip generation rate of 5 vehicle trips per 100m² gross floor area, occurring during the PM peak period. Application of this rate to the proposed 165m² restaurant results in a maximum of 8 vehicle trips per hour during peak periods.

For secondary retail stores, the RMS guide recommends an hourly peak trip generation rate of 4.6 vehicle trips per 100m² gross leasable floor area (GLFA), occurring during the PM peak period. Assuming GLFA to be equivalent to GFA, the 30m² GFA florist is estimated to generate a maximum of 1 vehicle trip per hour during peak periods.

Having regard for the above uses, the proposed development is estimated to nominally generate a maximum of 17 vehicle trips per hour during peak periods.

Traffic Impacts

The above volumes do not account for the traffic generation of the approved development. The previous Traffic Impact Assessment estimated this to be 10 vehicle trips per hour during peak periods and as such, the proposed development will have a nominal increase in seven (7) vehicle trips per hour during peak periods.

The net increase in traffic equates to no more than an additional vehicle trip being generated every 8.5 minutes during peak periods, which is expected to have minimal impacts on the surrounding road network. Furthermore, this assessment is considered to be conservative given that the restaurant will be ancillary to the hotel, with a substantial majority of customers expected to be guests of the hotel.

📍 Conclusion

The proposed alterations and additions have been assessed to generate minimal parking impacts, having regard for updated surveys to account for present on-street conditions. The Section 4.55 Application is therefore supported on transport planning grounds.

Thank you for referring this matter for our consideration and, in the meantime, please contact us should you have any queries.

Yours faithfully,

traffic

Kedar Ballurkar
Senior Engineer

Encl: Attachment 1 – Photographic Record
Attachment 2 – Updated Parking Surveys
Attachment 3 – Architectural Plans (Reduced Scale)

Attachment 1

Photographic Record



View looking southeast from Stanmore Road towards the subject site.



View looking east from Albert Street towards western frontage of the subject site.





View looking south from Stanmore Road towards existing parking restrictions.



View looking south from Albert Street towards existing parking restrictions.



Attachment 2

Updated Parking Surveys



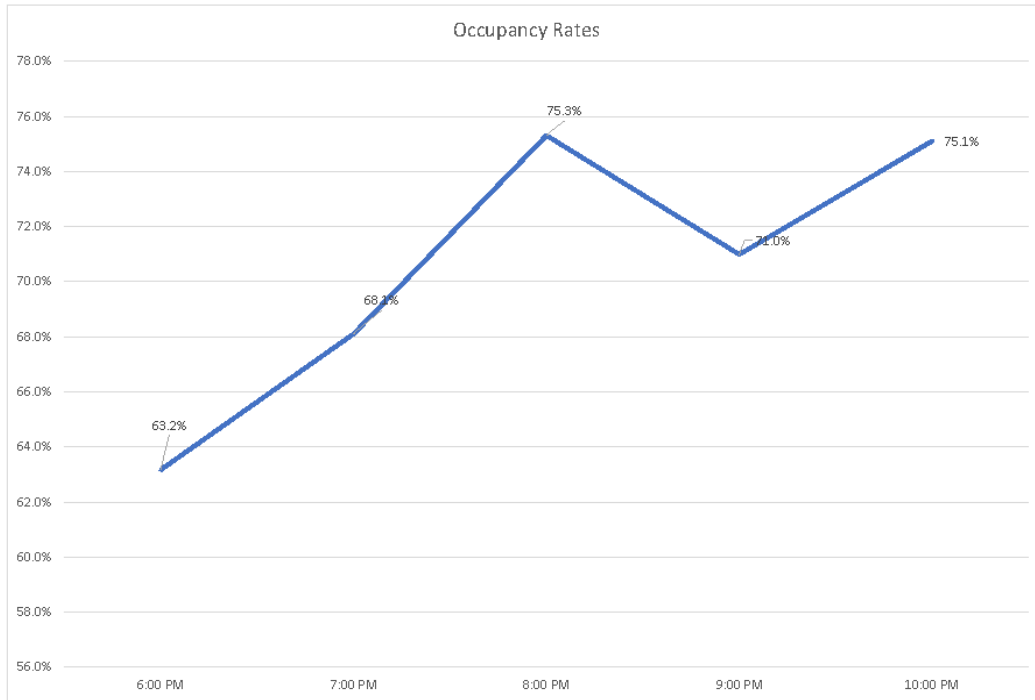
Location	309 - 314 Stanmore Road
Suburb	PETERSHAM
Client	TRAFFIX
Job No/Name	18149
Survey Duration	5 Hours
Day/Date	Friday, 23 November 2018

ZONE	Location	Capacity	8:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM
1	Tratlgar Street North / Side	0	0	0	0	0	0
2	Tratlgar Street South / Side	0	0	0	0	0	0
3	Tratlgar Street South / Side	0	0	0	0	0	0
4	Crystal Street East / Side	7	0	0	0	0	0
5	Crystal Street East / Side	0	0	0	0	0	0
6	Crystal Street West / Side	6	0	4	6	5	6
7	Crystal Street West / Side	5	0	0	1	1	3
8	Federick Street North / Side	0	0	0	0	0	0
9	Federick Street North / Side	9	7	9	9	6	7
10	Federick Street South / Side	0	0	0	0	0	0
11	Federick Street South / Side	7	7	5	5	6	5
12	Church Street West / Side	8	6	7	5	7	7
13	Church Street West / Side	19	8	9	10	13	11
14	Church Street East / Side	18	7	6	9	9	9
15	Church Street East / Side	0	0	0	0	0	0
16	Hopebun Street West / Side	9	6	8	6	6	6
17	Hopebun Street West / Side	18	13	15	15	16	16
18	Hopebun Street East / Side	29	20	27	27	26	26
19	Canterbury Road North / Side	8	0	0	5	1	3
20	Canterbury Road South / Side	15	0	1	5	0	5
21	Stanmore Road North / Side	3	0	2	3	3	3
22	Stanmore Road North / Side	10	0	3	7	5	6
23	Stanmore Road North / Side	9	8	8	7	6	6
24	Stanmore Road South / Side	3	0	0	2	3	2
25	Stanmore Road South / Side	16	0	1	4	2	3
26	Stanmore Road South / Side	0	0	0	0	0	0
27	Shaw Street East / Side	0	0	0	0	0	0
28	Shaw Street East / Side	6	6	6	6	5	5
29	Shaw Street East / Side	8	5	5	6	5	5
30	Shaw Street West / Side	0	0	0	0	0	0
31	Shaw Street West / Side	0	0	0	0	0	0
32	Chester Street North / Side	14	7	12	11	11	12
33	Chester Street North / Side	15	11	9	13	12	13
34	Chester Street South / Side	15	14	13	15	15	15
35	Chester Street South / Side	10	14	8	9	10	10
36	James Street North / Side	13	11	12	14	13	12
37	James Street South / Side	10	11	10	11	8	10
38	Oxford Street North / Side	12	4	6	8	8	9
39	Oxford Street South / Side	12	4	4	5	6	7
40	Albert Street West / Side	8	5	7	8	8	8
41	Albert Street West / Side	8	7	8	8	8	8
42	Albert Street West / Side	8	8	8	8	8	8
43	Albert Street West / Side	8	8	7	8	8	7
44	Albert Street East / Side	28	24	25	25	27	27
45	Albert Street East / Side	13	6	10	8	9	10
46	Newington Road North / Side	9	3	3	2	3	4
47	Newington Road North / Side	8	6	5	6	6	6
48	Newington Road South / Side	8	4	5	5	4	5
49	Newington Road South / Side	9	5	5	5	6	6
50	John Street West / Side	13	13	13	13	11	10
51	John Street East / Side	11	11	11	11	9	10
52	Denning Street South / Side	4	3	3	3	3	3
53	Denning Street North / Side	5	4	6	4	4	4
54	Marshall Street West / Side	6	6	4	6	6	6
55	Marshall Street West / Side	7	7	7	7	6	6
56	Marshall Street East / Side	19	18	14	15	14	15
Total Vehicles Parked		488	307	331	366	345	365
Number of Vacant Spaces			179	155	120	141	121
% of Capacity Used			63.2%	68.1%	75.3%	71.0%	75.1%

Traffic Information Specialists

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Email info@trafficinfospecialist.com.au



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 ACN: 42 633 389 923
 Email: info@trafficspecialist.com.au



308 - 314 Stanmore Road, PETERSHAM

Traffic Information Specialists
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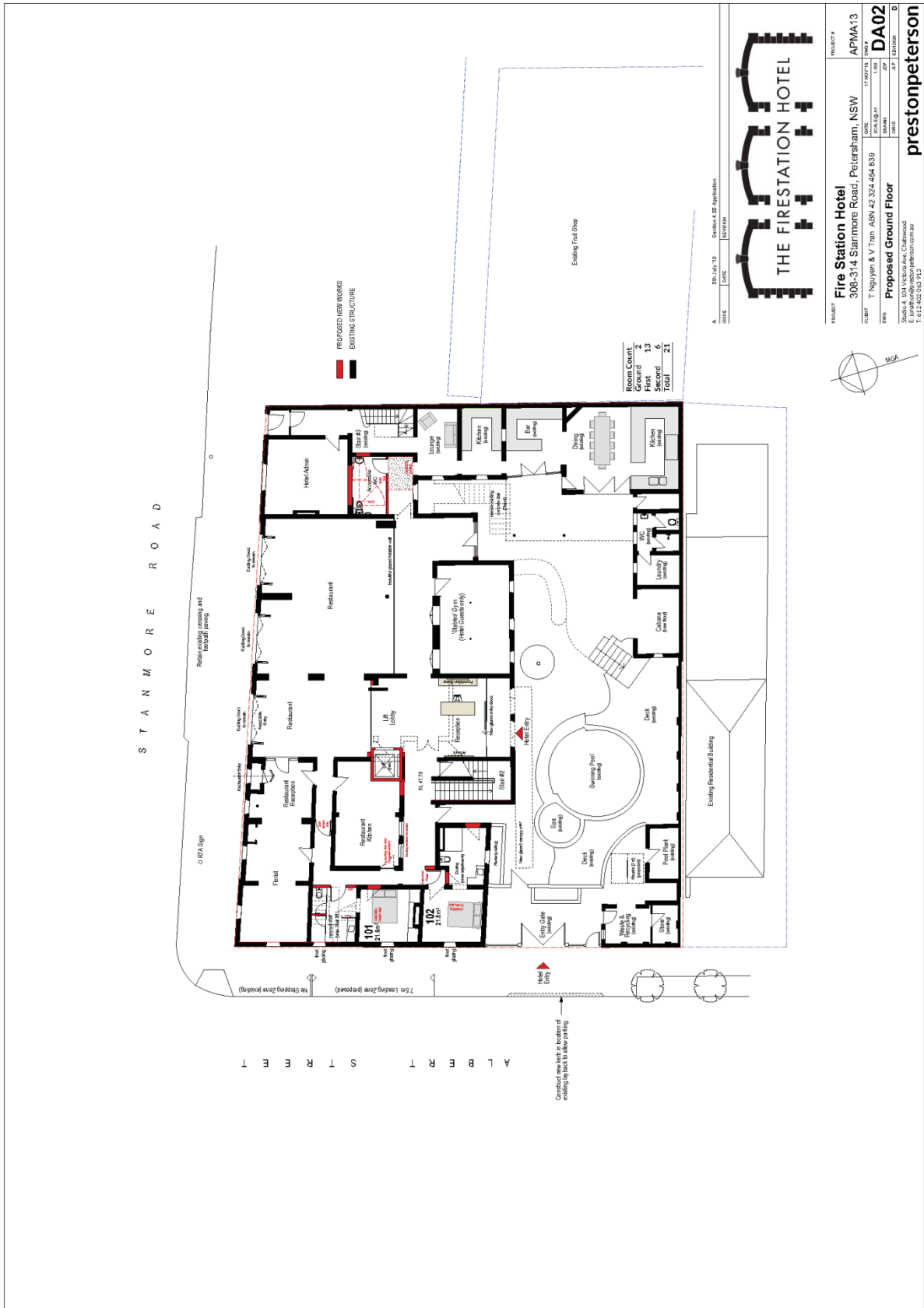
1	Trafalgar Street North / Side	0	Bays	0.00%	Total Capacity
2	Trafalgar Street South / Side	0	Bays	0.00%	Total Capacity
3	Trafalgar Street South / Side	0	Bays	0.00%	Total Capacity
4	Crystal Street East / Side	7	Bays	1.44%	Total Capacity
5	Crystal Street East / Side	0	Bays	0.00%	Total Capacity
6	Crystal Street West / Side	6	Bays	1.23%	Total Capacity
7	Crystal Street West / Side	5	Bays	1.03%	Total Capacity
8	Frederick Street North / Side	0	Bays	0.00%	Total Capacity
9	Frederick Street North / Side	9	Bays	1.85%	Total Capacity
10	Frederick Street South / Side	0	Bays	0.00%	Total Capacity
11	Frederick Street South / Side	7	Bays	1.44%	Total Capacity
12	Church Street West / Side	8	Bays	1.65%	Total Capacity
13	Church Street West / Side	19	Bays	3.91%	Total Capacity
14	Church Street East / Side	18	Bays	3.70%	Total Capacity
15	Church Street East / Side	0	Bays	0.00%	Total Capacity
16	Hopetoun Street West / Side	9	Bays	1.85%	Total Capacity
17	Hopetoun Street West / Side	18	Bays	3.70%	Total Capacity
18	Hopetoun Street East / Side	29	Bays	5.97%	Total Capacity
19	Canterbury Road North Side	8	Bays	1.65%	Total Capacity
20	Canterbury Road South Side	15	Bays	3.09%	Total Capacity
21	Stanmore Road North / Side	3	Bays	0.62%	Total Capacity
22	Stanmore Road North / Side	10	Bays	2.06%	Total Capacity
23	Stanmore Road North / Side	9	Bays	1.85%	Total Capacity
24	Stanmore Road South / Side	3	Bays	0.62%	Total Capacity
25	Stanmore Road South / Side	16	Bays	3.29%	Total Capacity
26	Stanmore Road South / Side	0	Bays	0.00%	Total Capacity
27	Shaw Street East / Side	0	Bays	0.00%	Total Capacity
28	Shaw Street East / Side	6	Bays	1.23%	Total Capacity
29	Shaw Street East / Side	8	Bays	1.65%	Total Capacity
30	Shaw Street West / Side	0	Bays	0.00%	Total Capacity
31	Shaw Street West / Side	0	Bays	0.00%	Total Capacity
32	Chester Street North / Side	14	Bays	2.88%	Total Capacity
33	Chester Street North / Side	15	Bays	3.09%	Total Capacity
34	Chester Street South / Side	15	Bays	3.09%	Total Capacity
35	Chester Street South / Side	10	Bays	2.06%	Total Capacity
36	James Street North / Side	13	Bays	2.67%	Total Capacity
37	James Street South / Side	10	Bays	2.06%	Total Capacity
38	Oxford Street North / Side	12	Bays	2.47%	Total Capacity
39	Oxford Street South / Side	12	Bays	2.47%	Total Capacity
40	Albert Street West / Side	8	Bays	1.65%	Total Capacity
41	Albert Street West / Side	8	Bays	1.65%	Total Capacity
42	Albert Street West / Side	8	Bays	1.65%	Total Capacity
43	Albert Street West / Side	8	Bays	1.65%	Total Capacity
44	Albert Street East / Side	28	Bays	5.76%	Total Capacity
45	Albert Street East / Side	13	Bays	2.67%	Total Capacity
46	Newington Road North / Side	9	Bays	1.85%	Total Capacity
47	Newington Road North / Side	8	Bays	1.65%	Total Capacity
48	Newington Road South / Side	8	Bays	1.65%	Total Capacity
49	Newington Road South / Side	9	Bays	1.85%	Total Capacity
50	John Street West / Side	13	Bays	2.67%	Total Capacity
51	John Street East / Side	11	Bays	2.26%	Total Capacity
52	Denning Street South / Side	4	Bays	0.82%	Total Capacity
53	Denning Street North / Side	5	Bays	1.03%	Total Capacity
54	Marshall Street West / Side	6	Bays	1.23%	Total Capacity
55	Marshall Street West / Side	7	Bays	1.44%	Total Capacity
56	Marshall Street East / Side	19	Bays	3.91%	Total Capacity
Total Capacity		486	Bays		

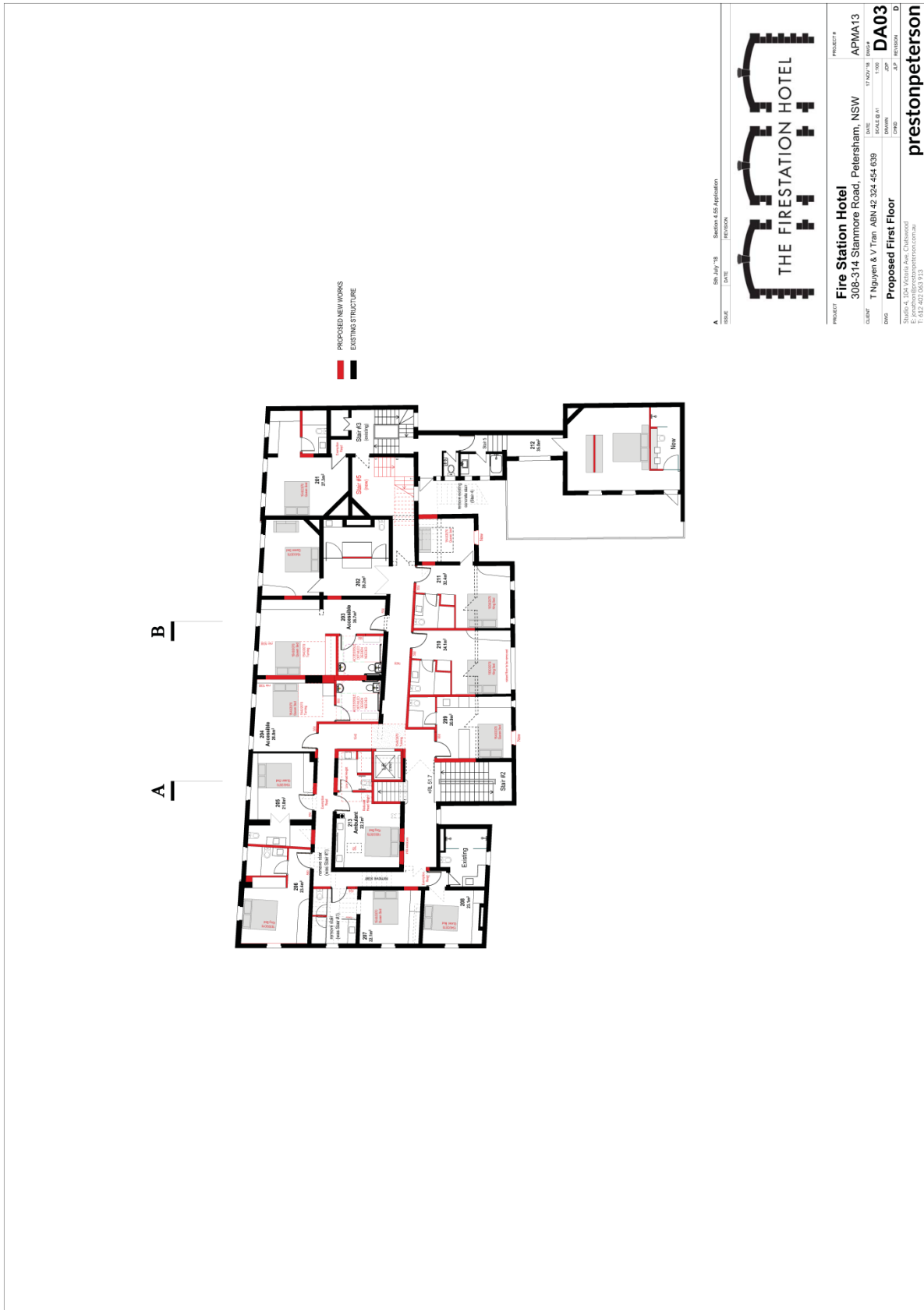
Traffic Information Specialists

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 Email: info@trafficspecialists.com.au

Attachment 3

Architectural Plans (Reduced Scale)





A 26 July 18 Section 4.55 Application
 DATE HERRISON



PROJECT # APMA13
 Fire Station Hotel
 308-314 Stanmore Road, Petersham, NSW
 CLIENT T Nguyen & V Tran ABN 42 324 454 639
 DATE 17 NOV '18
 SCALE B A1 1:100
 DRAWN 1002
 CHECKED 1002
 PROJECT NO. DA03
 PROJECT TYPE AP
 REGION D
 Studio 4, 324 Victoria Ave, Cabramatta
 E: preston@prestonpeterson.com.au
 T: 61 2 947 847 731
prestonpeterson

PROPOSED NEW WORKS
EXISTING STRUCTURE

A ————— B

<p>A 26 July 18 Section 4.55 Application DATE: HIRSHON</p>	<p>THE FIRESTATION HOTEL</p>
-----------------------------------------------------------------------	-------------------------------------

<p>Project # Fire Station Hotel 305-314 Stanmore Road, Petersham, NSW</p>	<p>Project # APMA13</p>
<p>Client T Nguyen & V Tran ABN 42 324 454 639</p>	<p>Scale 1:100</p>
<p>DWG Proposed Second Floor</p>	<p>Scale 1:100</p>
<p>Drawn by E. Prestonpeterson</p>	

prestonpeterson

A **B**

Extent of new roof structure shown hatched
New roof structure to be removed
New roof structure to be retained

Existing Roof Structure to remain (shown unshaded)
Existing structure to be removed

New Ridge Line

Existing Ridge Line

New local beam as approved under previous DA

Building Footprint

THE FIRESTATION HOTEL

PROJECT # APMA13
 PROJECT Fire Station Hotel
 306-314 Stanmore Road, Petersham, NSW
 DATE 17 NOV 18
 CLIENT T Nguyen & V Tran ABN 42 324 454 639
 DRAWN J.P.
 CHECK J.P.
 REGION D

PROPOSED ROOF PLAN
 306-314 STANMORE AVE, PETERSHAM
 T: 012 452 060 913
 PRESTONPETERSON

1 Proposed North Elevation - NO CHANGE FROM DA

2 Proposed West Elevation

3 Proposed South Elevation

4 Proposed East Elevation

5 Section A - Proposed

6 Section B - Proposed

THE FIRESTATION HOTEL

Fire Station Hotel
306-314 Stanmore Road, Petersham, NSW

PROJECT # APMA13

CLIENT T Nguyen & V Tam A/N 42 324 454 839

DATE 02.03.17

SCALE 1:100

PROJECT # **DA06**

Elevations & Sections

Architect: prestonpeterson
1612 450 913

Attachment G – Heritage Inventory Sheet

Stanmore Fire Station, including interiors | NSW Environment & Heritage

Page 1 of 4



Home > Topics > Heritage places and items > Search for heritage

Stanmore Fire Station, including interiors

Item details

Name of item: Stanmore Fire Station, including interiors

Type of item: Built

Group/Collection: Utilities - Fire Control

Category: Fire Station

Primary address: 308 - 314 Stanmore Road, Petersham, NSW 2049

Local govt. area: Marrickville

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
308 - 314 Stanmore Road	Petersham	Marrickville			Primary Address
Albert Street	Petersham	Marrickville			Alternate Address

Statement of significance:

A prominent building on Stanmore Road, the Fire Station is closely associated with the civic and retail centre which developed around the intersection of Stanmore Road and New Canterbury Road in the 1880's. It reflects the establishment of the Fire Brigades Board of Sydney in 1884.

The Mastertouch collection (piano roll machiner and equipment) now housed within the Stanmore Fire Station, has been classified by the National Trust as being of international significance.

Date significance updated: 11 Jan 12

Note:
The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the OEH **copyright and disclaimer**.

Description

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID...> 21/01/2019

Physical description:	This long two storey building has a rendered facade with simple raised detailing to the windows, and heavy quoins and keystones to the doors. It has a raised triangular pediment to one end and a gable parapet to the other. The gable parapet is part of a later (c. 1916) addition. Pressed metal ceilings and concertina timber doors.
Physical condition and/or Archaeological potential:	Fair
	Date condition updated: 19 Jan 99
Modifications and dates:	Minor modifications. In August 1984 consent was given to carry out alterations and additions to the existing fire station. In June 2006 consent was given to paint the exterior of the building. In December 2013 consent was given to reinstate the former watch tower on the north-west elevation.
Current use:	Vacant

History

Historical notes:	The Stanmore Fire Station was opened on 29 May 1886 as a suburban branch of the Metropolitan Fire Brigade. Originally known as the Marrickville Fire Station.
	The Mastertouch Collection (equipment of the Mastertouch Plano Roll) was relocated from 96 Crystal Street to the Stanmore Fire Station in the 1990s.

Assessment of significance

SHR Criteria a) [Historical significance]	Local
SHR Criteria c) [Aesthetic significance]	Local
SHR Criteria d) [Social significance]	Local
SHR Criteria e) [Research potential]	Local
SHR Criteria g) [Representativeness]	Local
Integrity/Intactness:	The building remains intact and retains its integrity.

Assessment criteria: Items are assessed against the  **State Heritage Register (SHR) Criteria** to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Recommended management:

General maintenance required

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Marrickville LEP 2011	1223	12 Dec 11	2011/645	
Local Environmental Plan	Marrickville Local Environmental Plan 2001		18 May 01	86	
Within a conservation area on an LEP	within draft cons. area Marrickville LEP 2001				
Heritage study					

Study details

Title	Year	Number	Author	Inspected by	Guidelines used
Marrickville Heritage Study	1986	2.53	Fox and Associates	November 1984	No
Marrickville Heritage Study Review	1997	2030095	Tropman & Tropman Architects	1997-1999	Yes

References, internet links & images

None

Note: internet links may be to web pages, documents or images.



(Click on thumbnail for full size image and image details)

Data source

The information for this entry comes from the following source:

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID...> 21/01/2019

Name: Local Government

Database number: 2030095

File number: 2.53

[Return to previous page](#)

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