






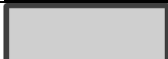
INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201800570
Address	319 Trafalgar Street, Petersham
Proposal	Construction of a three (3) storey plus attic level boarding house and basement car park.
Date of Lodgement	21 December 2018
Applicant	Peter Joseph Lonergan
Owner	Peter Phillips
Number of Submissions	2
Value of works	\$1,987,000
Reason for determination at Planning Panel	Development standard variation exceeds 10% (FSR)
Main Issues	Non-compliance with the Floor space ratio development standard; Inadequate Clause 4.6 request to vary development standard; Unacceptable amenity impacts on neighbouring land; Inadequate internal amenity; Site contamination; Inadequate motorcycle parking; Inadequate boarding house facilities; and Removal of street tree.
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors		 N
Notified Area				

1. Executive Summary

This report is an assessment of the application submitted to Council for the construction of a three (3) storey plus attic level boarding house and basement car park at 319 Trafalgar Street, Petersham. The application was notified to surrounding properties and two (2) submissions were received.

The main issues that have arisen from the application include:

- Non-compliance with the FSR development standard;
- Inadequate Clause 4.6 request;
- Amenity impacts on neighbouring properties;
- Inadequate internal amenity;
- Site contamination;
- Inadequate motorcycle parking;
- Inadequate boarding house facilities; and
- Removal of street tree.

The non-compliances and planning issues arising from the proposal are considered significant and are not acceptable. The application is recommended for refusal.

2. Proposal

The proposal involves the substantial demolition of the existing structure and construction of a three (3) storey plus attic level boarding house.

The boarding house has 28 rooms including 1 managers room.

The basement car park is accessed from Trafalgar Street and includes six (6) car spaces, three (3) motorcycle spaces and eight (8) bicycle spaces, as well as a bin storage area.

The proposal includes the removal of one (1) street tree on Trafalgar Street to facilitate a new vehicular crossover.

The proposal involves significant changes to the existing building including (but not limited to) the height, gross floor area, setbacks, built form, roof form and openings. The proposal is considered a new building and not 'alterations and additions'.

3. Site Description

The site is rectangular in shape with an area of approximately 381sqm. It is located on the southern side of Trafalgar Street, and has a primary street frontage to Trafalgar Street as well as a secondary frontage to Abels Lane to the east.

Currently the site is occupied by a two (2) storey commercial building with vehicle access from Abels Lane. The building is a warehouse typology. To the east the site is bounded by Abels Lane and is adjacent to a vehicle repair shop. To the south the site is adjoined by three (3) single dwelling houses. To the west the site is adjoined by a single storey warehouse building.

This part of the southern side Trafalgar Street is largely characterised by single storey commercial buildings and dwelling houses. The northern side of Trafalgar Street is wholly occupied by a rail corridor and associated Sydney Trains buildings. Petersham train station

is to the north-east of the site. The surrounding streets are largely characterised by single storey dwelling houses, and two (2) to three (3) storey residential flat buildings.

The site is not identified as containing a Heritage item and is not located within a heritage conservation area.



Figure 1: Aerial view showing subject site and context.



Figure 2: Site viewed from Trafalgar Street



Figure 3: Eastern (side) elevation of existing building



Figure 4: Rear elevation of existing building as viewed from Abels Lane.



Figure 5: Rear yards / private open spaces of neighbouring single dwelling houses adjoining the subject site at the rear. The subject existing building can be seen to the right of frame.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
DA201300590	<p>Alterations and additions to convert the premises into a residential flat building containing 9 dwellings with off street car parking for 6 vehicles and strata subdivide the premises into 9 lots.</p> <p>The proposal retained the existing warehouse structure and added a new habitable attic level within the existing roof and added front dormer window (see Figures below).</p> <p>It is noted the application was approved with a FSR of 1.8:1 (684sqm) which represents a variation of 39%.</p> <p>The variation was considered acceptable because (amongst other things) it was an adaptive reuse which largely retained the existing external building</p>	<p>11 June 2014. Deferred commencement.</p> <p>The application was activated the following year.</p>

envelope, and retained the existing level of residential amenity to the surrounding properties (most notably solar access).

The application was recommended for Deferred Commencement in order for the applicant to provide a Preliminary Site Investigation (PSI).



Figure 6: Photomontage of approved residential flat building (DA201300590).

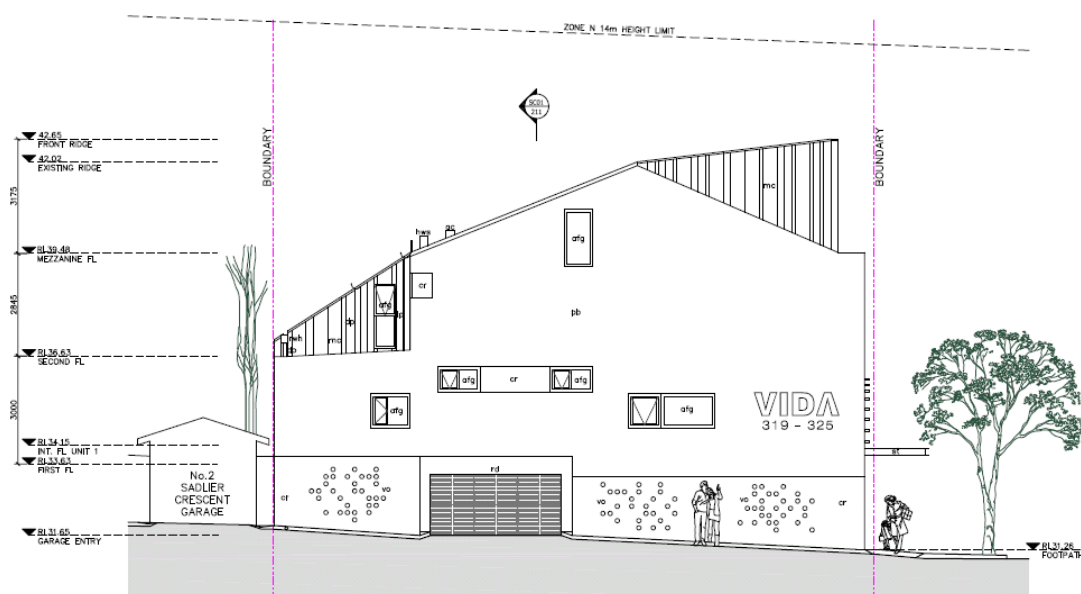


Figure 7: Eastern (side) elevation of approved residential flat building (DA201300590).

4(b) Application history

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

Date	Discussion / Letter / Additional Information
11 March 2019	<p>Council advised the applicant that the proposal is not likely to be supported in its current form due to the significant non-compliances with the Building Height (8%) and Floor space ratio (22%) development standards.</p> <p>The supplied Clause 4.6 request relied on Clause 6.9 of the MLEP 2011 which exempts developments from the prescribed Building height and FSR development standards if they are for the 'adaptive reuse' of industrial buildings. The applicant was advised that this clause does not apply to boarding houses and that the proposal is considered a new building, not 'alterations and additions' given the extent of changes to the existing building.</p>
19 March 2019	<p>The applicant provided a response to Council's concerns including;</p> <ul style="list-style-type: none"> - Existing floor plans; - Demolition plans; - Approved GFA plans of the previously approved development consent (DA201300590); - Written response / justification that the proposal should be characterised as 'alterations and additions' / an 'adaptive reuse', that it is 'substantially the same', and that the variations to the development standards are acceptable.
29 March 2019	<p>The applicant was advised that Council planners did not agree with the rationale provided and that the proposal is still not considered to be 'substantially the same' as the existing development on the site and therefore not 'alterations and additions'.</p> <p>The significant concerns with the proposal were again outlined and it was formally requested that the applicant withdraw the application. The issues most notably included:</p> <ul style="list-style-type: none"> - The incorrect characterisation of the proposal as 'alterations and additions' instead of a new building; - Significant variation to the FSR and Building Height development standards of 22% and 8% respectively; - Unsatisfactory Clause 4.6 requests; - Unacceptable solar and visual impacts on neighbouring residential properties; - Amenity impacts of neighbouring industrial use on future lodgers; and - Minimum 2.7m high ceiling heights not achieved.
30 April 2019	<p>Further correspondence was sent to the applicant stating that if the applicant wished to amend the proposal in response to Council's concerns, it is expected the proposal will comply with the FSR and Building Height development standards. It was also advised that comments from Council's Tree Unit had since been provided and the removal of the street tree is not supported.</p>
8 May 2019	<p>The applicant provided amended drawings and a cover letter in response to the matters raised by Council.</p> <p>As discussed in this report, the amended drawings do not adequately address the matters raised by Council.</p>

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. MDCP 2011 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

It is known that the site has been used in the past for activities which could have potentially contaminated the site.

A Preliminary Site Investigation (PSI) has not been provided with the application and as such the consent authority cannot form the requisite certainty that the site can be made suitable for the proposed use.

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

A BASIX Certificate was submitted with the application, however the certificate reflects the original and not the revised scheme and as such the requirements of the SEPP have not been met.

5(a)(iii) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)

Rail Corridors (Clause 85-87)

SEPP Infrastructure provides guidelines for development immediately adjacent to rail corridors including excavation in, above or adjacent to rail corridors. Clause 87 of the *SEPP Infrastructure 2007* relates to the impact of rail noise or vibration on non-rail development, and for a development for the purpose of a building for residential use, requires appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded.

An acoustic report accompanied the application and assessed the potential acoustic impacts of rail noise on the proposed development. The report contains recommendations to be incorporated into the proposed development in order to mitigate acoustic impacts and should

the application be otherwise supported the recommendations are to form conditions of consent.

The application was referred to Sydney Trains for concurrence in accordance with Clause 86 of the *SEPP Infrastructure 2007*. Sydney Trains granted concurrence to the development subject to conditions.

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

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP ARH) provides guidance for design and assessment of boarding house developments. The SEPP, which commenced operation on 31 July 2009, provides controls relating to various matters including height, floor space ratio, landscaped area, solar access and private open space requirements. The main design parameters are addressed below:

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

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

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

“A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:

- (a) *the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or*
- (b) *if the development is on land within a zone in which no residential accommodation is permitted - the existing maximum floor space ratio for any form of development permitted on the land, or*
- (c) *if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register - the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:*
 - (i) *0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or*
 - (ii) *20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.”*

Under the Interpretation provisions in Clause 4 of the SEPP existing maximum floor space ratio means as follows:

“existing maximum floor space ratio means the maximum floor space ratio permitted on the land under an environmental planning instrument or development control plan applying to the relevant land, other than this Policy or State Environmental Planning Policy No 1 - Development Standards.”

The site is zoned R4 – High Density Residential under the LEP. A boarding house is permissible within the zone with the consent from Council.

Under the LEP, the maximum floor space ratio (FSR) permitted on the land is 1.3:1. Whilst the site does not contain a heritage item that is identified in an Environmental Planning Instrument, interim heritage order, or the State Heritage Register, as residential flat buildings are permitted on the land an additional FSR of 0.5:1 under Clause 29(1)(c)(i) would apply to the development. Consequently the maximum allowable FSR for the site for a boarding house development under the Affordable Rental Housing SEPP would be 1.8:1.

The development has a gross floor area (GFA) of 765sqm which represent a FSR of 2:1.

The proposal does not comply with the floor space ratio requirements of the SEPP.

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

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

A maximum building height of 14 metres applies to the site as indicated on the Height of Buildings Map that accompanies the LEP.

The drawings indicate that the proposal has a maximum height of 13.7 metres above existing ground level which complies with the requirements of the SEPP.

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

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

The existing building has a nil front setback, which is not untypical of the immediate area.

The proposal seeks to maintain a nil front setback which is considered compatible with the streetscape.

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

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

The communal living room on the ground floor has south and east facing windows. It has not been demonstrated that the room will receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid-winter.

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

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

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

The proposal includes 21sqm of private open space adjoining the ground floor communal living room in accordance with the required minimum dimension, as well as two separate rooftop communal private open spaces of 20sqm in accordance with the required minimum

dimension. The proposal provides adequate private open space in accordance with the SEPP.

The ground level managers room has private open space of 6.5sqm with a minimum dimension of 1.3 metres, both of which do not comply with the requirements of this part of the SEPP.

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

"If:

- (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and*
- (ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and*
- (iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and*
- (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,*

The development is not carried out by or on behalf of a social housing provider, as such at least 0.5 parking spaces are required for each boarding room. The development has 28 boarding rooms (including one managers room) and therefore generates the requirement of 14 parking spaces. 6 parking spaces are provided in the proposed basement level. Although this does not comply with the suggested car parking rates, reduced on-site parking provision could be considered acceptable if the application were otherwise recommended for approval given that the site is in close proximity to Petersham Train Station (~200m) and is well serviced buses on Trafalgar Street and New Canterbury Road.

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

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

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

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

(ii) Standards for Boarding Houses (Clause 30)

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

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

A communal living room has been provided on the ground floor.

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

No room exceeds 25sqm (excluding private kitchens and bathrooms).

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

All rooms are for either one or two lodgers.

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

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

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

One boarding room has been provided for a boarding house manager on the ground floor.

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

N/A

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

3 motorcycle and 8 bicycle spaces are provided for 28 boarding rooms (including managers room). The proposal provides insufficient motorcycle parking (a shortfall of 2 spaces) contrary to the development standard and no Clause 4.6 request has been provided seeking a variation to this development standard. The proposal therefore cannot be supported.

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

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

The immediate area is largely characterised by single storey warehouse buildings, single storey dwelling houses, two (2) storey commercial buildings and a two (2) storey residential flat building.

The area is characterised by diverse building types, uses and scales. Given the diverse character of the area, the proposed land use is not inconsistent with the existing character of the area. However as discussed in Part 5(c)(x) of this report, the proposal, particularly in terms of its built form and resulting amenity impacts, is not consistent with the desired future character of the area outlined in the precinct controls in Part 9.6 of the MDCP 2011.

5(a)(v) Marrickville Local Environment Plan 2011 (MLEP 2011)

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- 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 - Exceptions to development standards
- Clause 6.5 - Development in areas subject to aircraft noise
- Clause 6.10 - Use of existing non-residential buildings in residential zones

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 14 m	13.7m	n/a	Yes
Floor Space Ratio Maximum permissible: 1.8:1 (679.7sqm) (1.3:1 LEP + 0.5:1 SEPP ARH 'bonus')	2:1 (765sqm)	86.3sqm (11.8%)	No

(iii) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned R4 – High Density Residential under the *MLEP 2011*. The *MLEP 2013* defines the development as:

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

The development is permitted with consent within the land use table. The development is consistent with the objectives of the zone.

Clause 4.4 Floor space ratio

The proposal has a maximum allowable floor space ratio of 1.8:1 (1.3:1 under the LEP + 0.5:1 'bonus' under Clause 29(1) of the SEPP ARH).

The proposal (as amended) has a floor space ratio of 2:1, representing a variation of 11.8% (86.3sqm).

The applicant has this incorrectly calculated the proposed FSR as 1.72:1 (650.34sqm), instead of 2:1 (762sqm). The supplied gross floor calculation drawings show that the applicant has incorrectly excluded internal access corridors from the calculations. The definition of 'gross floor area' in the LEP only excludes the following from gross floor area calculations:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and

- (i) terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) voids above a floor at the level of a storey or storey above.*

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard/s:

- Clause 4.4 - Floor space ratio

The proposal (as amended) has a floor space ratio of 2:1, representing a variation of 11.8% (86.3sqm).

It is noted that a Clause 4.6 written request seeking to vary the Floor space ratio development standard by 22% was provided with the original scheme.

A revised Clause 4.6 written request has not been provided to accompany the amended proposal.

The written request does not relate to the amended proposal nor does it not adequately demonstrate that the matters under Clause 4.6(3) are satisfied, being that compliance with the standard is unreasonable or unnecessary, and there are sufficient environmental planning grounds to justify contravening the development standard.

In addition to the requirements of Clause 4.6(3), the consent authority must be satisfied that the proposal complies with the Objectives of the relevant development standard and applicable land use zone in order for the proposal to be considered to be in the public interest in accordance with Clause 4.6 (4)(a)(ii).

The objectives of the floor space ratio development standard in Clause 4.4 of the MLEP 2011 are as follows:

- (a) to establish the maximum floor space ratio,*
- (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,*
- (c) to minimise adverse environmental impacts on adjoining properties and the public domain.*

Comment:

- As discussed elsewhere in this report, it has not been demonstrated that the proposal will minimise adverse environmental impacts on adjoining properties. Most notably, the adverse solar as well as visual and acoustic privacy impacts will be unreasonable on the neighbouring low density residential properties chiefly to the south and south-west of the site.
- As also discussed elsewhere in this report, the proposal is contrary to the objectives for the precinct in Part 9.6 of the MDCP 2011 in that it does not preserve and enhance the period building or represent sympathetic alteration or restoration;
- The removal of the street tree on Trafalgar Street is not supported, is contrary to the MDCP 2011 and therefore the proposal does not minimise adverse environmental impacts on the public domain.

The objectives of the R4 – High Density Residential zone in the Land Use Table of the MLEP 2011 are as follows:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.
- To provide for retail premises in existing buildings designed and constructed for commercial purposes.
- To provide for well connected neighbourhoods that support the use of public transport, walking and cycling.

Comment:

- The proposal generally satisfies the relevant objectives of the zone.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. The concurrence of the Secretary may be assumed in accordance with Clause 4.6(4)(b) of the LEP.

The proposal does not accord with the objective in Clause 4.6(1)(b) and the requirements of Clause 4.6(3)(b) of the applicable local environmental plan. For the reasons outlined above, there are not sufficient planning grounds to justify the departure from the Floor Space Ratio development standard and it is recommended the Clause 4.6 exception be refused.

5(b) Draft Environmental Planning Instruments

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

- Draft Marrickville Local Environmental Plan 2011 (Amendment 4)

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

The amended provisions contained in the Draft LEP Amendment 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 the Marrickville Development Control Plan 2011.

MDCP 2011 Part of MDCP 2011	Compliance
Part A.1.6 - Plan of Management (PoM)	No – has not been updated to reflect revised scheme.
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	No – see discussion
Part 2.6 – Acoustic and Visual Privacy	No – see discussion
Part 2.7 – Solar Access and Overshadowing	No – see discussion
Part 2.8 – Social Impact	Yes

Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	No – see discussion
Part 2.16 – Energy Efficiency	No – a revised BASIX Certificate has not been provided
Part 2.18 – Landscaping and Open Space	No – see discussion
Part 2.20 – Tree Management	No – see discussion
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.24 – Contaminated Land	No – see discussion elsewhere in this report
Part 2.25 – Stormwater Management	Yes
Part 4.3 – Boarding Houses	No – see discussion
Part 9 – Strategic Context	No – see discussion

The following provides discussion of the relevant issues:

PART 2 - GENERIC PROVISIONS

(i) Urban Design (Part 2.1)

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

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

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

Control	Standard	Required	Proposed	Complies?
Accessible Rooms	1 accessible bedroom for every 5 boarding rooms or part thereof.	28 boarding rooms = 6 accessible rooms.	2 accessible rooms.	No
Access and Mobility	Access for all persons through the principal entrance and access to any shared laundries, kitchens, sanitary and other common facilities.	All areas of the proposed development accessible by persons with a disability.	The level of the common private open space and rear yard are 10cm below the FFL of the ground floor which includes the communal living area.	No
Accessible Car Parking	1 accessible parking space for every 10 boarding rooms.	28 boarding rooms = 2.8 (rounded up to 3) accessible spaces.	1 accessible car parking space.	No

Table 1: Equity of Access and Mobility Compliance Table

In addition to the above, the proposal does not provide equitable access for all persons through the principal entrance to the premises. Accessible entry into the building is only gained via a lift in the basement level.

As indicated above, the development does not comply with the requirements of Part 2.5 of MDCP 2011.

(iii) Visual and Acoustic Privacy (Part 2.6)

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

The openings on the northern (front) elevation fronting Trafalgar Street include inset balconies and screening ensuring adequate internal privacy is maintained. The openings on this elevation will not adversely affect the privacy of any nearby residential properties given they front Trafalgar Street and are opposite a railway corridor.

The proposal includes extensive ground, first and second floor operable windows on the southern (rear) elevation which are setback only 3m from the common boundary and contain no privacy treatment or screening. The windows will overlook and adversely affect the privacy of the private open spaces and the north-facing windows of the neighbouring properties to the south (Nos. 2, 4 and 6 Sadlier Crescent) which contain single dwelling houses.

The proposal includes two (2) rooftop communal terraces on the southern (rear) elevation. The terraces will not create any significant overlooking or visual privacy impacts on nearby properties given the 2.2m deep planter boxes on the rear edges, however as the terraces are for communal use, are significantly elevated and could facilitate large numbers of people, they could create unreasonable acoustic impacts on nearby residential properties. The Plan of Management was not amended to reflect the revised scheme, and as such no management procedures are proposed for the terraces.

As such, it is considered that the development would not maintain a high level of acoustic and visual privacy for the surrounding residential properties. The development is thus unacceptable having regard to the provisions of Part 2.6 of MDCP 2011.

(iv) Solar Access and Overshadowing (Part 2.7)

Overshadowing

No shadow diagrams have been provided with the revised scheme, thus it is unclear to what extent the proposal will overshadow neighbouring residential properties.

The shadow diagrams provided with the original scheme show significant additional shadows to the rear yards and north-facing windows of the single dwelling houses to the south and south-west, most notably Nos. 2, 4 and 6 Sadlier Crescent, between 9.00am and 3.00pm during the winter solstice. The shadows cast by the original scheme unreasonably reduce solar access to the neighbouring residential properties contrary to Council requirements. This was made known to the applicant in Council's correspondence dated 29 March 2019.

As the revised scheme is not substantially different to the original scheme with regard to height, building envelope and setbacks, it appears that the revised proposal will also unreasonably reduce solar access to neighbouring properties.

Considering the above, it has not been demonstrated that the development is acceptable having regard to the overshadowing controls contained within Part 2.7 of MDCP 2011.

Solar Access

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

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

The plans and shadow diagrams submitted with the application illustrate that 75% of the boarding rooms will receive direct solar access between 9:00am and 3:00pm by way of a window or balcony.

(v) Parking (Part 2.10)

Car, Bicycle and Motorcycle Parking Spaces

The site is located in Parking Area 1 under Part 2.10 of MDCP 2011. MDCP 2011 prescribes car, bicycle and motorcycle parking rates. However, the SEPP ARH also contains car parking, bicycle and motor cycle spaces parking rates for boarding house developments which prevail over the parking rates prescribed in MDCP 2011 and this is discussed in Section 5(a)(i) of this report.

Notwithstanding, the following table summarises the car, bicycle and motorcycle parking requirements for the development:

Component	Control	Required	Proposed	Complies?
Car Parking				
Resident Car Parking	1 per caretaker + 0.25 per boarding room for residents	28 rooms = 7 spaces + 1 for each caretaker		
	Total required:	8 spaces	6 spaces	No
Bicycle Parking				
Resident Bicycle Parking	1 per 2 boarding rooms for residents	28 rooms = 14 spaces		
Visitor Bicycle Parking	1 per 10 boarding rooms for visitors	28 rooms = 3 spaces		
	Total required:	17 spaces	8 spaces	No
Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	8 car parking spaces required = 0.4 spaces		
	Total required:	0 spaces	3 spaces	Yes

Table 2: Assessment of proposal against Part 2.10 of MDCP 2011

Although the development does not comply with the car parking requirements, as discussed in Section 5(a)(ii) of this report under the provisions of Clause 30A of the SEPP ARH the proposed number of car spaces is considered acceptable given the site is in close proximity to Petersham Train Station (~200m) and is well serviced buses on Trafalgar Street and New Canterbury Road.

The development is deficient 9 bicycle parking spaces. Notwithstanding, the SEPP ARH also contains bicycle parking rates for boarding house developments which prevail over the parking rates prescribed in MDCP 2011. The development complies with the rates prescribed by the SEPP ARH.

Should the application be otherwise supported, appropriate conditions are to be included in the consent to ensure the proposed car parking complies with the requirements contained within Part 2.10 of MDCP 2011.

(vi) Landscaping and Open Spaces (Part 2.18)

2.18.11.4 Boarding Houses

Landscaped area

Control C17 prescribes the following for boarding houses:

“C17 Landscaped area (Residential zones)

- i. The entire front setback must be of a pervious landscape with the exception of driveways and pathways.*
- ii. The greater of 4 metres or a prevailing rear setback must be kept as pervious landscaped area.*
- iii. In addition to the front setback, a minimum of 45% of the site area is to be landscaped area at ground level.*
- iv. A minimum of 50% open space must be pervious landscape.”*

The DCP defines ‘landscaped area’ as ‘...a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.’

The proposal includes 43sqm of landscaped area. The areas designated as ‘artificial grass’ have not been included in Council’s calculations.

The proposal increases existing on-site landscaped area from nil to 43sqm (11%). The proposal maintains the existing nil front setback thus not making it possible to provide landscaped area fronting Trafalgar Street.

A minimum of 50% of the rear common open space is pervious landscaping.

C18 of Part 2.18.11.4 prescribes common open space controls for boarding houses. The development is acceptable having regard to C18 in that:

- The proposal includes 21sqm of private open space adjoining the ground floor communal living room in accordance with the required minimum dimension, as well as two separate rooftop communal private open spaces of 20sqm in accordance with the required minimum dimension.
- The communal open space has been designed so that it can accommodate outdoor furniture such as chairs, tables and shade structures.

- At least one communal open space is located adjacent to, and connected to, the communal living area.

(vii) Part 2.20 – Tree Management

Council's Tree Officer does not support the removal of the street tree of Trafalgar Street to accommodate a vehicular crossing. The tree is mature, appears to be in good health and makes a positive contribution to the streetscape. Its removal is not consistent with the objectives of the Matrickville Street Tree Master Plan (2014) or the Urban Forest Strategy (2010). Alternatives for the location of the vehicle crossing should be investigated.

(viii) Boarding Houses (Part 4.3)

4.3.3.1 Character and amenity of the local area

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

As discussed in under the heading 5(c)(x) of this report, the development is not compatible with the desired future character of the local area and there will be undue impacts on the amenity of the local area.

4.3.3.2 Boarding house capacity

All boarding rooms are at least 16sqm in area and as such the maximum capacity of each room is 2 lodgers. The proposal therefore has a total capacity of 56 lodgers.

4.3.3.3 Location

A site analysis plan outlining the services available to the site has been submitted with the development application and is acceptable.

4.3.3.4 Management

Control C3 of Part 4.3.3.4 specifies that if the boarding house has capacity to accommodate 40 lodgers but not more than 79 lodgers, two (2) boarding rooms or on site dwellings are required to be provided for two (2) boarding house managers.

As all rooms are over 16sqm in area, the boarding house has a capacity of 56 lodgers and as such two (2) boarding rooms with a minimum area of 16sqm are required for on-site boarding house managers.

Only one (1) boarding room for an on-site boarding house manager is proposed contrary to this part of the DCP.

The proposed boarding house managers private open space has an area of 6.4sqm with a minimum dimension of 1.3m contrary to the minimum required 8sqm and minimum dimension of 2.5m.

One (1) car space could be dedicated to the boarding house manager in the proposed basement car park.

4.3.3.5 Boarding Rooms

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

As indicated above, the development generally complies with the exception of the ceiling heights, kitchenettes and the areas of private open space. All balconies do not provide the minimum dimension of 2sqm. Notwithstanding, the areas of private open space are considered to provide reasonable amenity for the boarding rooms as they are north-facing, receive adequate solar access and are a useable size (4.2sqm).

C13 *Minimum room ceiling height*

All boarding rooms only have ceiling heights of 2350mm, significantly below the minimum 2700mm room ceiling height of this part of the DCP and below the minimum 2400mm habitable ceiling height of the BCA.

The proposed ceiling heights will provide substandard internal amenity for the boarding rooms and are not supported. The provision of private open spaces and north-facing aspects of some of the units do not compensate for the reduced internal amenity resulting from insufficient ceiling heights.

4.3.3.6 *Communal rooms and facilities*

The development accommodates 28 boarding rooms (including 1 managers rooms) and 1 communal living area with an area of 15.19sqm. Based on providing 2sqm per lodger, the communal living room has a capacity of 7 lodgers. As the boarding house has a maximum capacity of 56 lodgers, only 13% of the lodgers could use the communal living area in the development at any one time.

Contrary to Control C21 of Part 4.3.3.6, the communal living room will not be able to accommodate at least 50% of residents at capacity.

Contrary to Control C22, the communal living room will not receive the required 3 hours of direct sunlight between 9.00am – 3.00pm during the winter solstice.

4.3.3.7 *Communal Laundry*

A washing machine is proposed within each boarding room.

4.3.3.8 *Landscaped area and common open space*

As revised shadow diagrams or sun-eye view diagrams have not been provided, it is unclear whether at least one area of communal open space will receive a minimum 3 hours direct sunlight between the hours of 9.00am and 3.00pm mid-winter.

(ix) Period Industrial buildings (Part 6.7)

The subject building is a warehouse typology built before 1940 and is therefore subject to the provisions in this part of the MDCP 2011.

The proposed changes to the building are significant and compromise the architectural character, significant fabric and contribution to the area. The proposal is contrary to the following objectives:

O53 To ensure alterations and additions to warehouse/factory buildings do not compromise their structural integrity or robust architectural character.

O54 To retain significant fabric and some ability to interpret original spatial qualities (for example, at the entrance area and in wider than usual circulation spaces).

O55 To maintain the contribution warehouses and factories make to an area's character through their characteristic form, massing, scale, proportions and materials.

Furthermore, the proposal is contrary to the following Controls in this part of the DCP:

C103 The rhythm of openings must be respected. For main entries and vertical circulation it may be possible to combine two smaller openings with careful design so long as there is no removal of, or awkward relationships with, original significant fabric and structure.

C105 Existing floor levels must be maintained except where:

- i. Floor to ceiling heights allow for mezzanine or loft levels to be inserted;*
- ii. Additional floors can be inserted into the building envelope while preserving the original facade proportions which do not adversely impact on windows (new floor plates must not be visible from the street or external spaces); and*
- iii. New floor construction satisfies the above conditions and complies with the Building Code of Australia.*

C106 Large gable spaces may accommodate mezzanine or loft spaces provided the roof trusses remain visible and the main roof structure is not altered. Light and air may be admitted through the use of shallow type dormers or skylights in the roof plane spaced well apart so they do not become dominant elements in the roof form.

(x) Strategic Context (Part 9.6)

The site is located in the Petersham South (Precinct 6) area.

The proposal does not wholly comply with the desired future character of the area outlined in Part 9.6.2, most notably:

- 1. To protect, preserve and enhance contributory and period buildings within the precinct and require their sympathetic alteration or restoration.*
- 12. To ensure that the design of higher density development provides adequate amenity for the intended occupants of the building and protects the residential amenity of adjoining and surrounding properties.*
- 13. To ensure that the provision and design of any parking and access for vehicles is appropriate for the location, efficient, minimises impact to streetscape appearance and maintains pedestrian safety and amenity.*

Regarding points 1 and 12 - as discussed elsewhere in this report, the proposed alterations are not sympathetic to the period building and the proposal will not maintain adequate neighbouring amenity.

Regarding point 13 - existing vehicle access if provided from Abels Lane. The proposal includes new access for vehicles from Traflagar Street which is a Regional Road, will require the removal of on-street car spaces as well as the removal of a street tree.

The applicant has not provided adequate information to demonstrate that Abels Lane cannot be used for vehicle access. It is considered that the existing vehicle access from Abels Lane is more appropriate location to minimise impacts to streetscape appearance and maintain pedestrian safety and amenity.

9.6.5.4 Masterplan Area (MA 6.4)

The proposal generally complies with the site specific controls in Part 9.6.5.4 of the DCP.

The proposal is a three (3) storey building plus attic level, therefore complying with the three (3) storey height control.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality for the reasons discussed in this report.

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

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

5(f) Any submissions

The application was notified in accordance with Marrickville Development Control Plan 2011 for a period of 15 days to surrounding properties. A total of two (2) submissions were received.

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

- Loss of solar access to neighbouring properties – see Section 5(c) Part 2.
- Overlooking and privacy impacts, specifically from rear elevation – see Section 5(c) Part 2.
- Insufficient on-site car parking and impacts on street parking - see Section 5(a)(iv) and Section 5(c) Part 2.
- Noise generated from proposal - see Section 5(c) Part 2.

5(g) The Public Interest

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

The proposal seeks to make use of bonus provisions for boarding houses but the layout is of a substandard quality and amenity. The design will affect the amenity of neighbouring land. The proposal is contrary to the public interest.

6 Referrals

6(a) Internal

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

Trees

Council's Tree Officer does not support the removal of the street tree of Trafalgar Street to accommodate a vehicular crossing. The tree is mature, appears to be in good health and makes a positive contribution to the streetscape. Its removal is not consistent with the objectives of the Marrickville Street Tree Master Plan (2014) or the Urban Forest Strategy (2010).

Waste

Council's Waste Unit raised no objections to the proposal subject to the imposition of conditions of consent.

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

Sydney Trains

Concurrence was provided by Sydney Trains subject to the imposition of conditions of consent.

7. Section 7.11 Contributions

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid would need to be imposed in the event that the development were to be approved.

8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and *Marrickville Development Control Plan 2011*.

The development will result in significant impacts on the amenity of the adjoining properties and the streetscape and is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

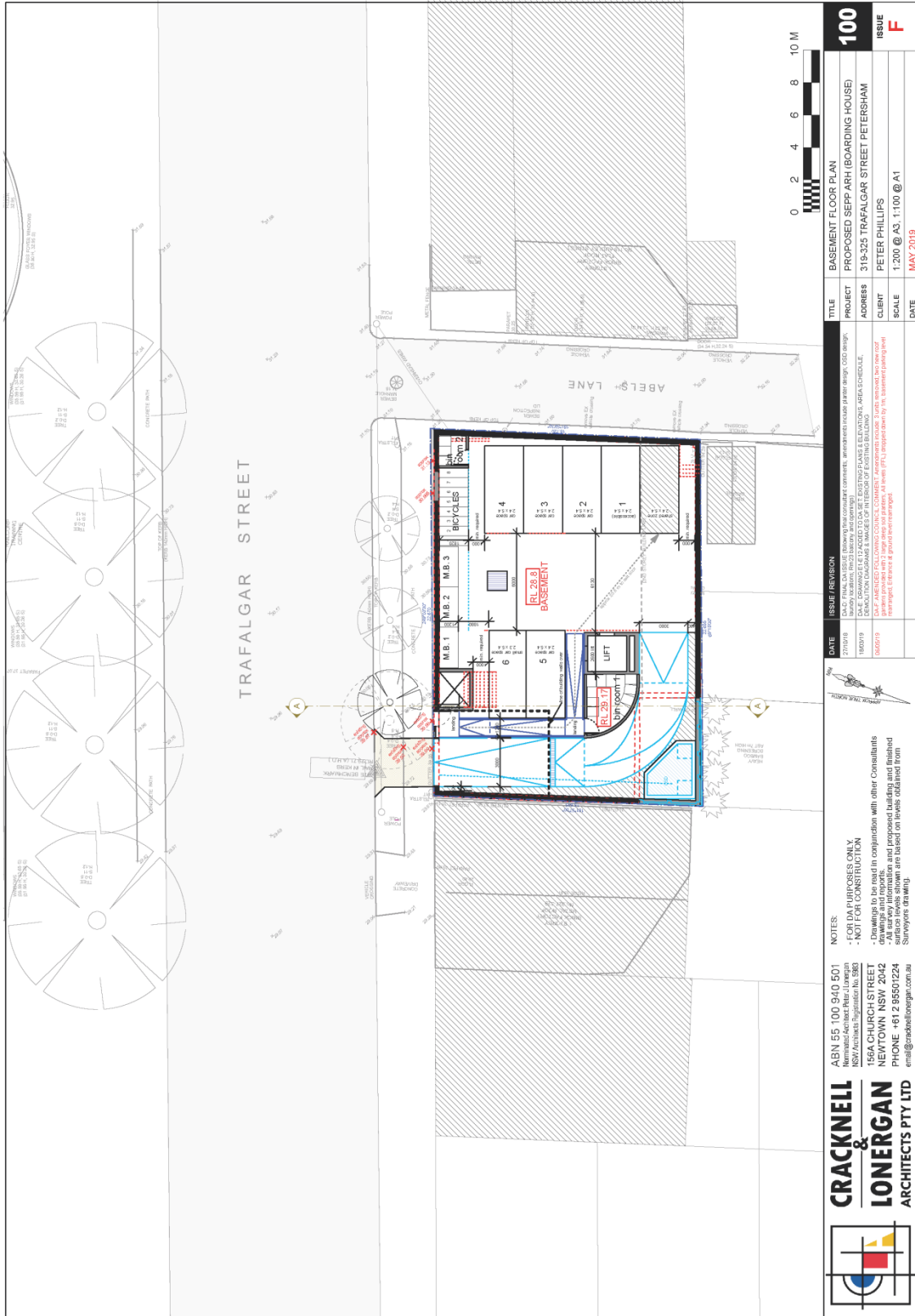
- A. The applicant has made a written request pursuant to Clause 4.6 of the *Marrickville Local Environmental Plan 2011*. After considering the written request, the Panel is not satisfied it adequately demonstrates that the matters under Clause 4.6(3) are satisfied being that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will not be in the public interest because the exceedance is inconsistent with the objectives of the development standard.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA201800570 for construction of a three (3) storey plus attic level boarding house and basement car park at 319 Trafalgar Street, Petersham for the reasons found in Attachment A.

Attachment A – Reasons for Refusal

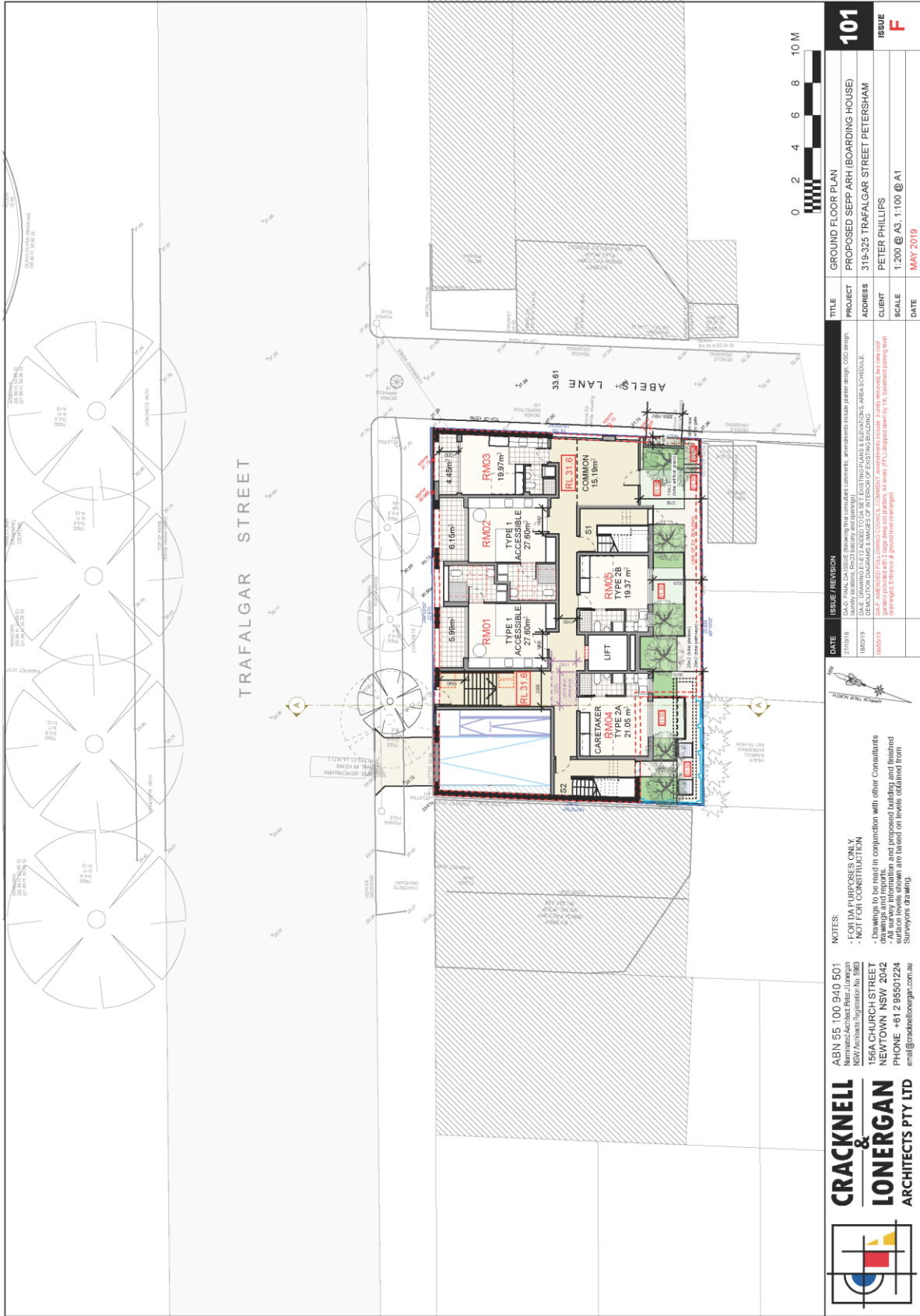
1. Contrary to the State Environmental Planning Policy No. 55—Remediation of Land, the consent authority is not satisfied that the site is, or can be made, suitable for the proposed use.
2. A BASIX Certificate was submitted with the application, however the certificate reflects the original and not the revised scheme and as such the requirements of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 have not been met.
3. Contrary to Clause 29(2)(c) of the SEPP ARH and to Part 4.3.3.6 of the MDCP 2011, it has not been demonstrated that the room will receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid-winter.
4. Contrary to Clause 29(2)(d)(ii) of the SEPP ARH and Part 4.3.3.4 of the MDCP 2011, the private open space associated with the managers room smaller than 8sqm in size and has a minimum dimension of less than 2.5m
5. Contrary to Clause 30(h) of the SEPP ARH, three (3) motorcycle spaces have not been provided. A Clause 4.6 variation to development standards has also not been provided in support of this variation.
6. The proposal has a floor space ratio of 2:1 (765sqm) exceeding the Floor space ratio development standard for the site of 1.8:1 (679.7sqm) representing an 11.8% variation. The supplied Clause 4.6 request to vary a development standard does it not adequately demonstrate that the matters under Clause 4.6(3) of the MLEP 2011 are satisfied, being that compliance with the standard is unreasonable or unnecessary, and there are sufficient environmental planning grounds to justify contravening the development standard.
7. Contrary to Part 2.5 of the MDCP 2011;
 - a) Six (6) accessible boarding rooms have not been provided;
 - b) All areas of the proposed development are not accessible by persons with a disability; and
 - c) Three (3) accessible car parking spaces have not been provided.
8. Contrary to Part 2.6 of the MDCP 2011, the proposal will overlook and adversely affect the privacy of the private open spaces and the north-facing windows of the neighbouring properties to the south (Nos. 2, 4 and 6 Sadlier Crescent) which contain single dwelling houses.
9. Contrary to Part 2.6 of the MDCP 2011, the proposed elevated communal rooftop terraces on the southern (rear) elevation could create unreasonable acoustic impacts on nearby residential properties.
10. Contrary to Part 2.7 of the MDCP 2011, it has not been demonstrated that the proposal will not unreasonably reduce solar access to neighbouring properties during the winter solstice.
11. The removal of the street tree on Trafalgar Street is not supported as it is contrary to Part 2.20 of the MDCP 2011 and the objectives of the Marrickville Street Tree Master Plan (2014) or the Urban Forest Strategy (2010).
12. Contrary to Part 4.3.3.5 of the MDCP 2011, the boarding rooms do not have ceiling heights of at least 2700mm.

13. Contrary to the National Construction Code, the boarding rooms do not have ceiling height of at least 2400mm.
14. Contrary to Part 4.3.3.6 of the MDCP 2011, the communal living room will not be able to accommodate at least 50% of residents at capacity.
15. Contrary to Part 4.3.3.8 of the MDCP 2011, it has not been demonstrated that at least one area of communal open space will receive a minimum 3 hours direct sunlight between the hours of 9.00am and 3.00pm mid-winter.
16. Contrary to Part 6.7 of the MDCP 2011, the proposal compromises the architectural character of the period industrial building, does not retain its significant fabric, and does not maintain the contribution of the warehouse to the areas character as it unsympathetically alters its form, massing, scale, proportions and materials.
17. Contrary to Part 9.6 of the MDCP 2011;
 - a) The proposal does not preserve and enhance the period building or represent sympathetic alteration or restoration;
 - b) The proposal does not ensure that the design of higher density development provides adequate amenity for the intended occupants of the building and protects the residential amenity of adjoining and surrounding properties; and
 - c) It has not been demonstrated that the provision and design of any parking and access for vehicles is appropriate for the location, efficient, minimises impact to streetscape appearance and maintains pedestrian safety and amenity.
18. The proposed development results in unreasonable environmental and social impacts on the locality, and is not in the public interest, contrary to Clauses 4.15(1)(b) and (e) of the Environmental Planning and Assessment Act 1979.

Attachment B – Plans of Proposed Development



<p>CRACKNELL & LONERGAN ARCHITECTS PTY LTD</p> <p>ABN 55 100 940 501 Nominated Architect Peter J Lonergan NSW Architect Registration No. 5883 156A CHURCH STREET NEWTOWN NSW 2042 PHONE +61 2 95501224 email@cracknellonergan.com.au</p>	<p>NOTES: - FOR DA PURPOSES ONLY - NOT FOR CONSTRUCTION - Drawings to be read in conjunction with other Consultants drawings and reports. All proposed building and landscape surface levels shown are based on levels obtained from Surveyors drawing.</p>	<p>DATE</p> <p>27/04/19</p> <p>18/07/19</p> <p>18/08/19</p>	<p>ISSUE REVISION</p> <p>DA-2: FINAL DA SUBMIT (Following site consultant comments, amendments including minor survey, CDD brand, DA-2. DRAWINGS FILED ACCORD TO DA-2. EXISTING PLANS & ELEVATION AREA SCHEDULE. DEVELOPMENT DIAGRAMS & IMAGES OF EXISTING BUILDING)</p> <p>DA-1: PRELIMINARY DA SUBMIT (Following site consultant comments, amendments including minor survey, CDD brand, DA-1. DRAWINGS FILED ACCORD TO DA-1. EXISTING PLANS & ELEVATION AREA SCHEDULE. DEVELOPMENT DIAGRAMS & IMAGES OF EXISTING BUILDING)</p>	<p>TITLE</p> <p>BASEMENT FLOOR PLAN</p>	<p>PROJECT</p> <p>PROPOSED SEPP ARH (BOARDING HOUSE)</p>
	<p>ADDRESS</p> <p>319-325 TRAFALGAR STREET PETERSHAM</p>	<p>CLIENT</p> <p>PETER PHILLIPS</p>	<p>SCALE</p> <p>1:200 @ A3, 1:100 @ A1</p>	<p>DATE</p> <p>MAY 2019</p>	<p>100</p>



101	GROUND FLOOR PLAN
PROJECT	PROPOSED SEPPARH (BOARDING HOUSE)
ADDRESS	319-325 TRAFALGAR STREET PETERSHAM
CLIENT	PETER PHILLIPS
SCALE	1:200 @ A3, 1:100 @ A1
DATE	MAY 2019
ISSUE	F

DATE	ISSUE / REVISION
2019/05	ISSUE FOR CONSTRUCTION
18/05/19	REVISION: REVISION TO COMMON AREA, REVISION TO COMMON AREA SCHEDULE, REVISION TO COMMON AREA SCHEDULE, REVISION TO COMMON AREA SCHEDULE, REVISION TO COMMON AREA SCHEDULE
08/05/19	DA APPROVED FOLLOWING COUNCIL COMMENT: APPROVED FOR THE COMMON AREA SCHEDULE, APPROVED FOR THE COMMON AREA SCHEDULE, APPROVED FOR THE COMMON AREA SCHEDULE, APPROVED FOR THE COMMON AREA SCHEDULE

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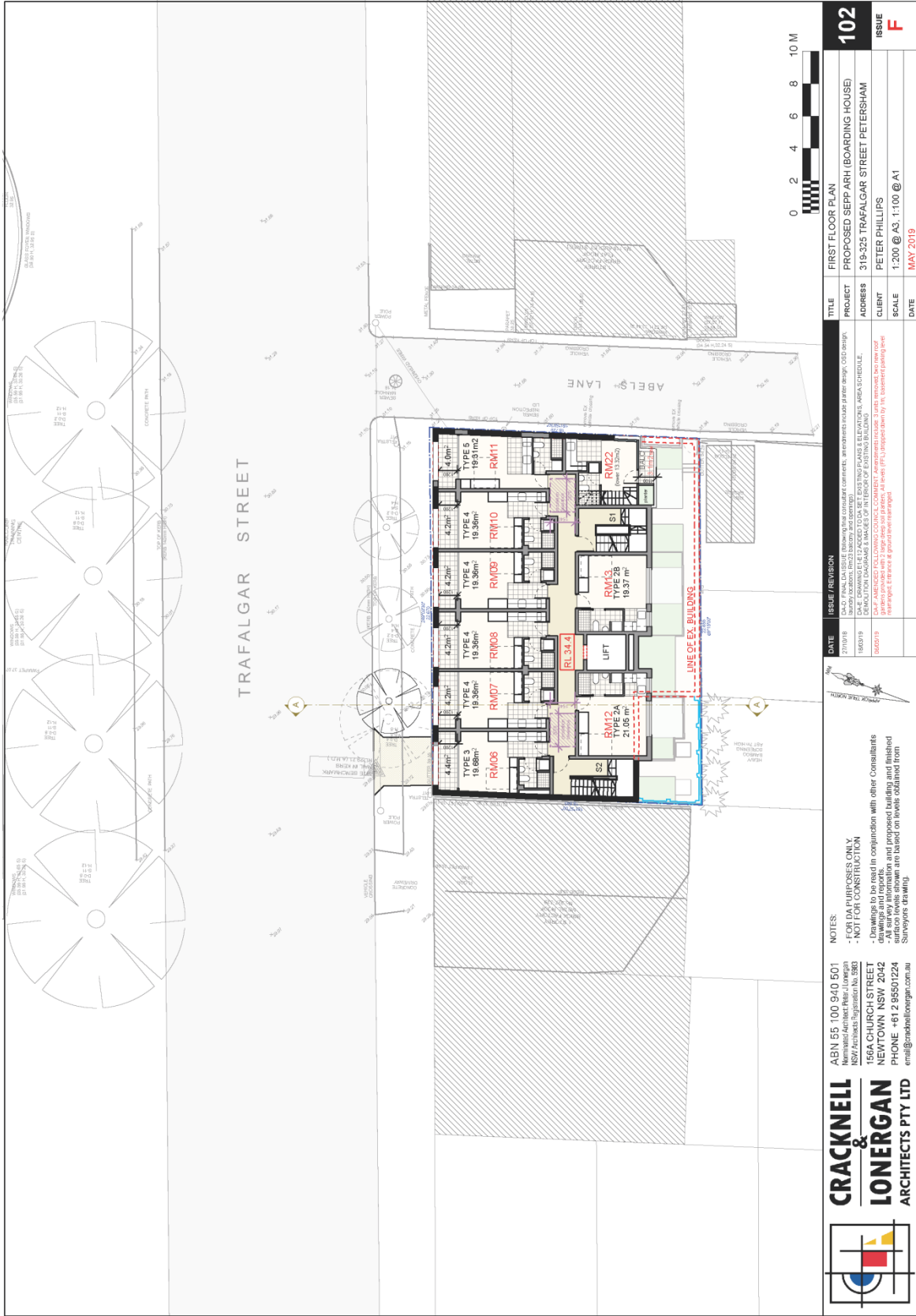
- FOR DA PURPOSES ONLY.
- NOT FOR CONSTRUCTION
- Drawings to be read in conjunction with other Consultants
- Site survey information and proposed building and finished surface levels shown are based on levels obtained from Surveyors data only.

ABN 55 100 940 501
 18/05/19
 18/05/19
 08/05/19

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 ARCHITECTS PTY LTD

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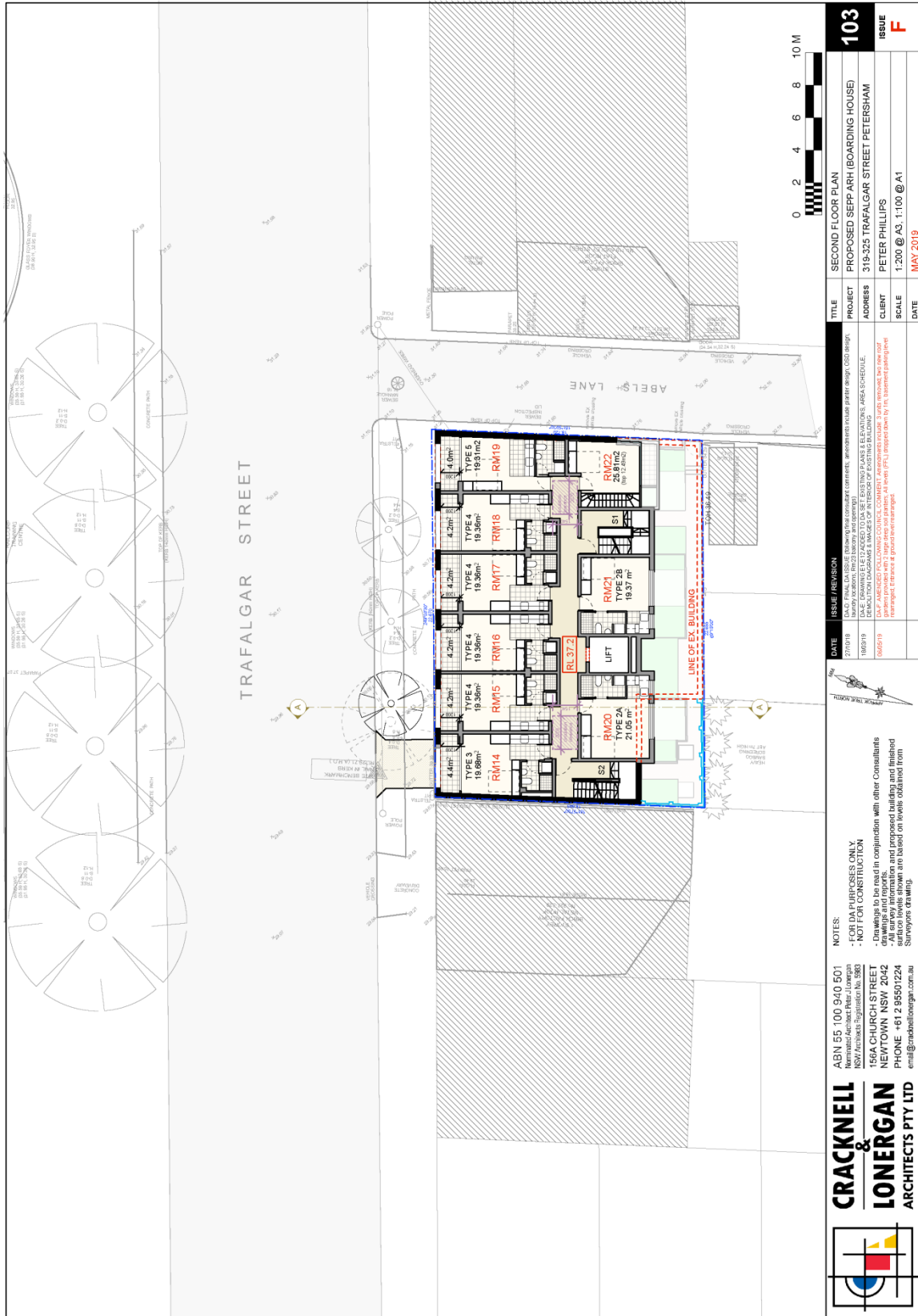
ISSUE / REVISION	DATE	TITLE
102	18/05/19	PROPOSED SEPP ARR (BOARDING HOUSE)
101	18/05/19	319-325 TRAFALGAR STREET PETERSHAM
100	18/05/19	PETER PHILLIPS
99	18/05/19	1:200 @ A3, 1:100 @ A1
98	18/05/19	MAY 2019

NOTES:

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ISSUE / REVISION: 102
 DATE: 18/05/19
 TITLE: PROPOSED SEPP ARR (BOARDING HOUSE)
 PROJECT: 319-325 TRAFALGAR STREET PETERSHAM
 ADDRESS: PETER PHILLIPS
 CLIENT: PETER PHILLIPS
 SCALE: 1:200 @ A3, 1:100 @ A1
 DATE: MAY 2019



DATE	ISSUE / REVISION	TITLE	SECOND FLOOR PLAN
27/01/19	1. INITIAL DESIGN (CLIENT, ARCHITECTURE, MECHANICAL, ELECTRICAL, PLUMBING, SANITARY, GAS, DESIGN, LIFT, BATTERY LOCATION, FIRE, SMOKE BATTERY AND SMOKE) (REVISED)	PROJECT	PROPOSED SEPP ARH (BOARDING HOUSE)
18/09/19	2. REVISED DESIGN (CLIENT, ARCHITECTURE, MECHANICAL, ELECTRICAL, PLUMBING, SANITARY, GAS, DESIGN, LIFT, BATTERY LOCATION, FIRE, SMOKE BATTERY AND SMOKE) (REVISED)	ADDRESS	319-325 TRAFALGAR STREET PETERSHAM
06/05/19	3. REVISED DESIGN (CLIENT, ARCHITECTURE, MECHANICAL, ELECTRICAL, PLUMBING, SANITARY, GAS, DESIGN, LIFT, BATTERY LOCATION, FIRE, SMOKE BATTERY AND SMOKE) (REVISED)	CLIENT	PETER PHILLIPS
		SCALE	1:200 @ A3, 1:100 @ A1
		DATE	MAY 2019

103
ISSUE F

NOTES:
 - FOR DA/PURPOSERS ONLY
 - NOT FOR CONSTRUCTION
 Drawings to be read in conjunction with other Consultants
 - All survey information and proposed building and finished surface levels shown are based on levels obtained from Siteprobe Geophysics

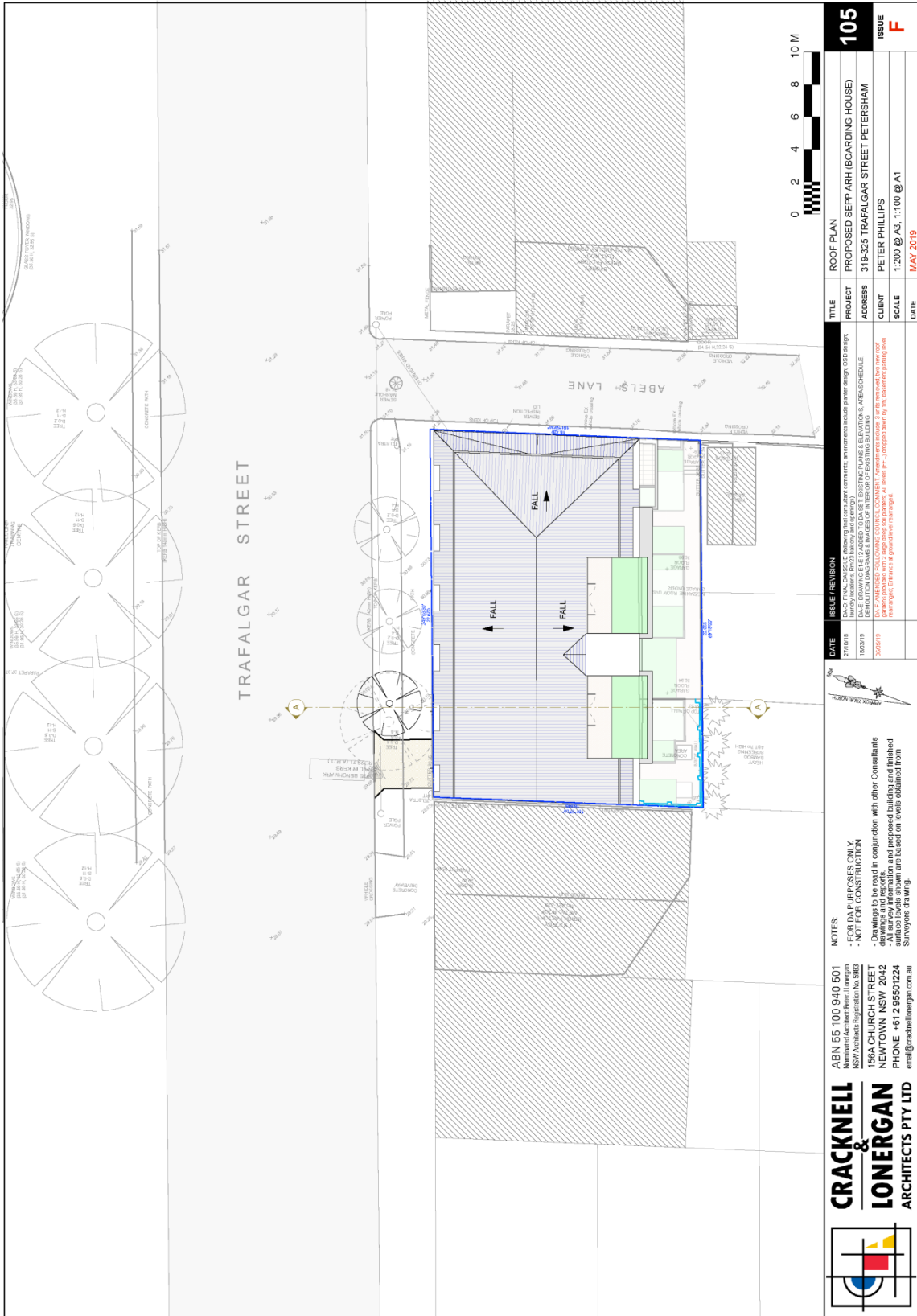
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DATE	ISSUE REVISION	TITLE
27/01/19	19/01/19	PROPOSED SEPP ARH (BOARDING HOUSE)
19/05/19	19/05/19	315-325 TRAFALGAR STREET PETERSHAM
		PETER PHILLIPS
		1:200 @ A3, 1:100 @ A1
		MAY 2019

NOTES:

- FOR DA PURPOSES ONLY
- NOT FOR CONSTRUCTION
- Drawings to be read in conjunction with other Consultants
- All survey information and proposed building and finished surface levels shown are based on levels obtained from Suntoparc drawing.

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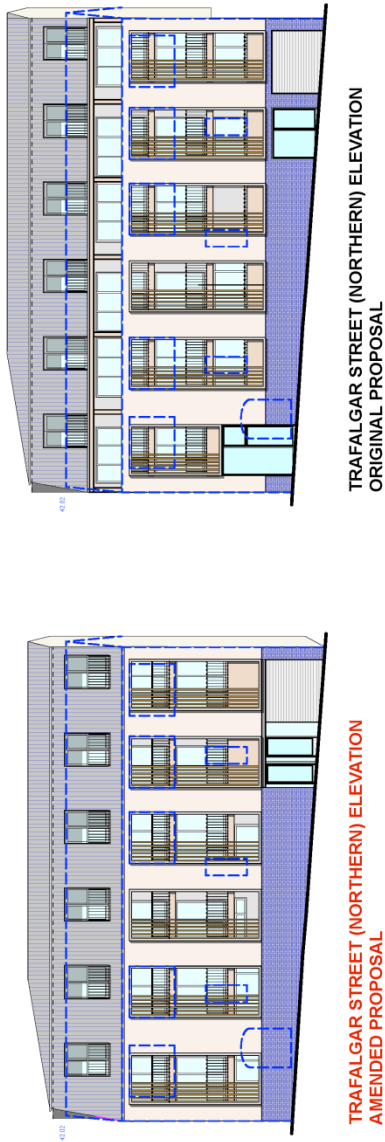
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Drawings to be read in conjunction with other Consultants drawings and reports.
All necessary information and proposed detailing and finished work are detailed on these drawings.
Surveyors drawing.

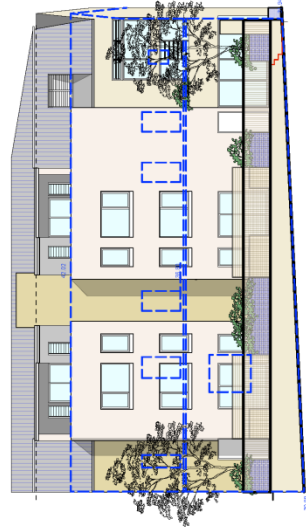
DATE	ISSUE / REVISION	TITLE	ROOF PLAN
27/05/19	ISSUE FINAL (AS BUILT) CONSULTANT COMMENTS, APPROVED FOR PERMITS, DESIGN, CONSTRUCTION, INSPECTION, PROVISIONAL AND COMPLETED EXISTING PLANS, ELECTRICAL, WATERING, AREA SCHEDULE, DEMOLITION DRAWINGS & IMAGE OF INTERIOR OF EXISTING BUILDING	PROJECT 319-325 TRAFALGAR STREET PETERBOROUGH	PROPOSED SEPPARH (BOARDING HOUSE)
18/05/19	ISSUE 01	ADDRESS 319-325 TRAFALGAR STREET PETERBOROUGH	105
06/05/19	ISSUE 02 Revised drawings and plans. All issues are to be approved by the relevant planning authority. Erection of ground cover structures.	CLIENT PETER PHILLIPS	ISSUE
		SCALE 1:200 @ A3, 1:100 @ A1	F
		DATE MAY 2019	

DIAGRAM 1: amended NORTH and SOUTH elevations compared to original DA proposal



TRAFALGAR STREET (NORTHERN) ELEVATION ORIGINAL PROPOSAL

TRAFALGAR STREET (NORTHERN) ELEVATION AMENDED PROPOSAL



REAR (SOUTHERN) ELEVATION ORIGINAL PROPOSAL

REAR (SOUTHERN) ELEVATION AMENDED PROPOSAL



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Nominated Architect Peter J LonerGAN
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email@cracknellonerGAN.com.au

NOTES:
- FOR DA PURPOSES ONLY
- NOT FOR CONSTRUCTION
Drawings to be read in conjunction with other Consultants drawings and reports.
Not proposed building is not finished surface levels shown are based on levels obtained from Surveyors drawing.



DATE 27/01/19
ISSUE / REVISION 18/03/19
DATE 06/05/19
DATE 06/05/19

DATE 06/05/19
ISSUE / REVISION 18/03/19
DATE 27/01/19

DATE 06/05/19
ISSUE / REVISION 18/03/19
DATE 27/01/19

TITLE	ELEVATION COMPARISON DIAGRAMS
PROJECT	PROPOSED SEPP ARH (BOARDING HOUSE)
ADDRESS	319-325 TRAFALGAR STREET PETERSHAM
CLIENT	PETER PHILLIPS
SCALE	1:200 @ A3, 1:100 @ A1
DATE	MAY 2019

203
ISSUE
F

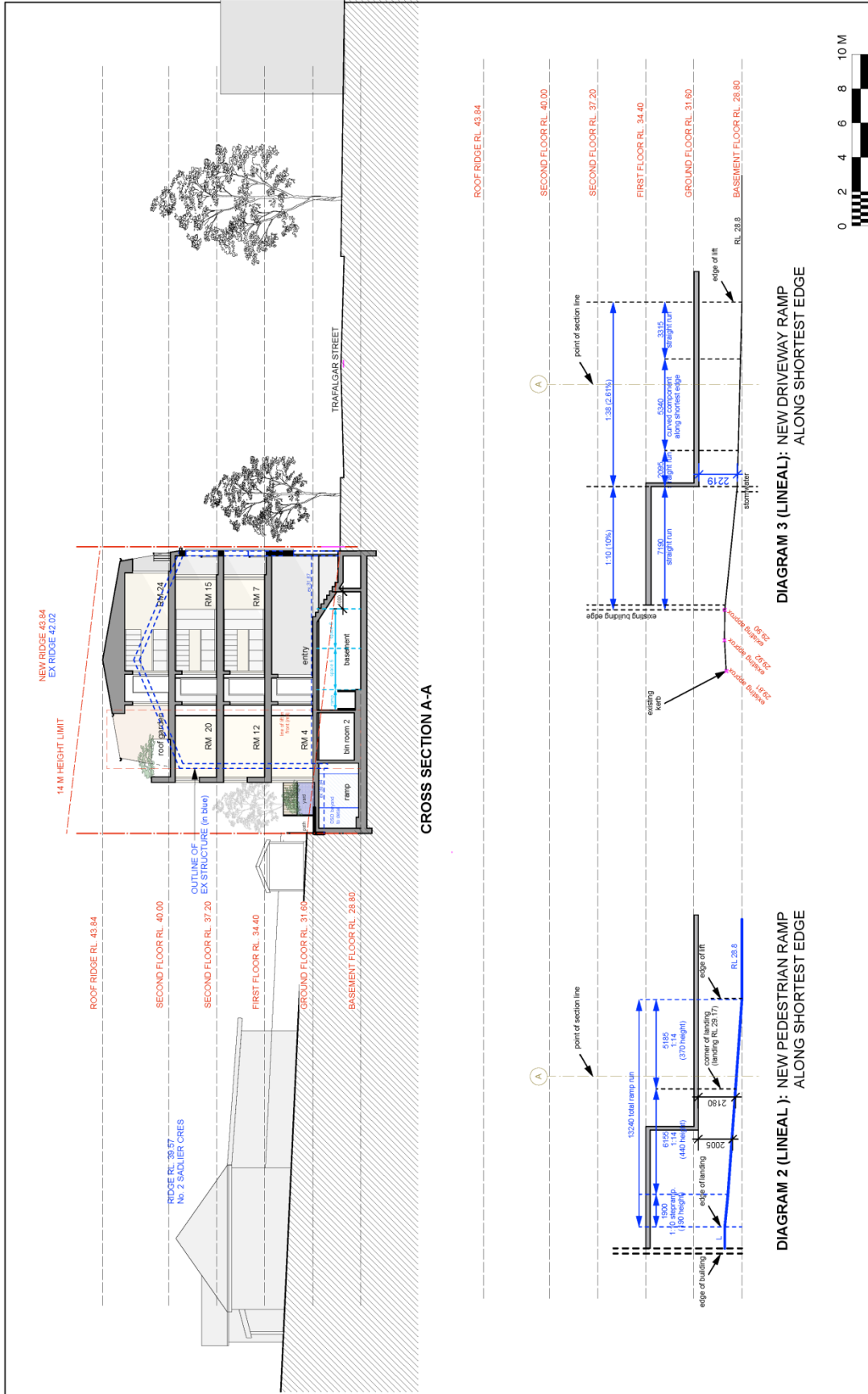
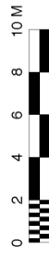


DIAGRAM 2 (LINEAL) : NEW PEDESTRIAN RAMP ALONG SHORTEST EDGE

DIAGRAM 3 (LINEAL): NEW DRIVEWAY RAMP ALONG SHORTEST EDGE



DATE	ISSUE / REVISION	TITLE	CROSS SECTION
27/09/18	DATE: FINAL DESIGN (Following final consultant comments, amendments include planer design, CFD, safety)	PROJECT	PROPOSED SEPP ARI (BOARDING HOUSE)
18/03/19	DATE: PRELIMINARY DESIGN (Following final consultant comments, amendments include planer design, CFD, safety)	ADDRESS	319-325 TRAFALGAR STREET PETERSHAM
08/05/19	DATE: PRELIMINARY DESIGN (Following final consultant comments, amendments include planer design, CFD, safety)	CLIENT	PETER PHILLIPS
		SCALE	1:200 @ A3, 1:100 @ A1
		DATE	MAY 2019

DATE	ISSUE / REVISION	TITLE	CROSS SECTION
27/09/18	DATE: FINAL DESIGN (Following final consultant comments, amendments include planer design, CFD, safety)	PROJECT	PROPOSED SEPP ARI (BOARDING HOUSE)
18/03/19	DATE: PRELIMINARY DESIGN (Following final consultant comments, amendments include planer design, CFD, safety)	ADDRESS	319-325 TRAFALGAR STREET PETERSHAM
08/05/19	DATE: PRELIMINARY DESIGN (Following final consultant comments, amendments include planer design, CFD, safety)	CLIENT	PETER PHILLIPS
		SCALE	1:200 @ A3, 1:100 @ A1
		DATE	MAY 2019

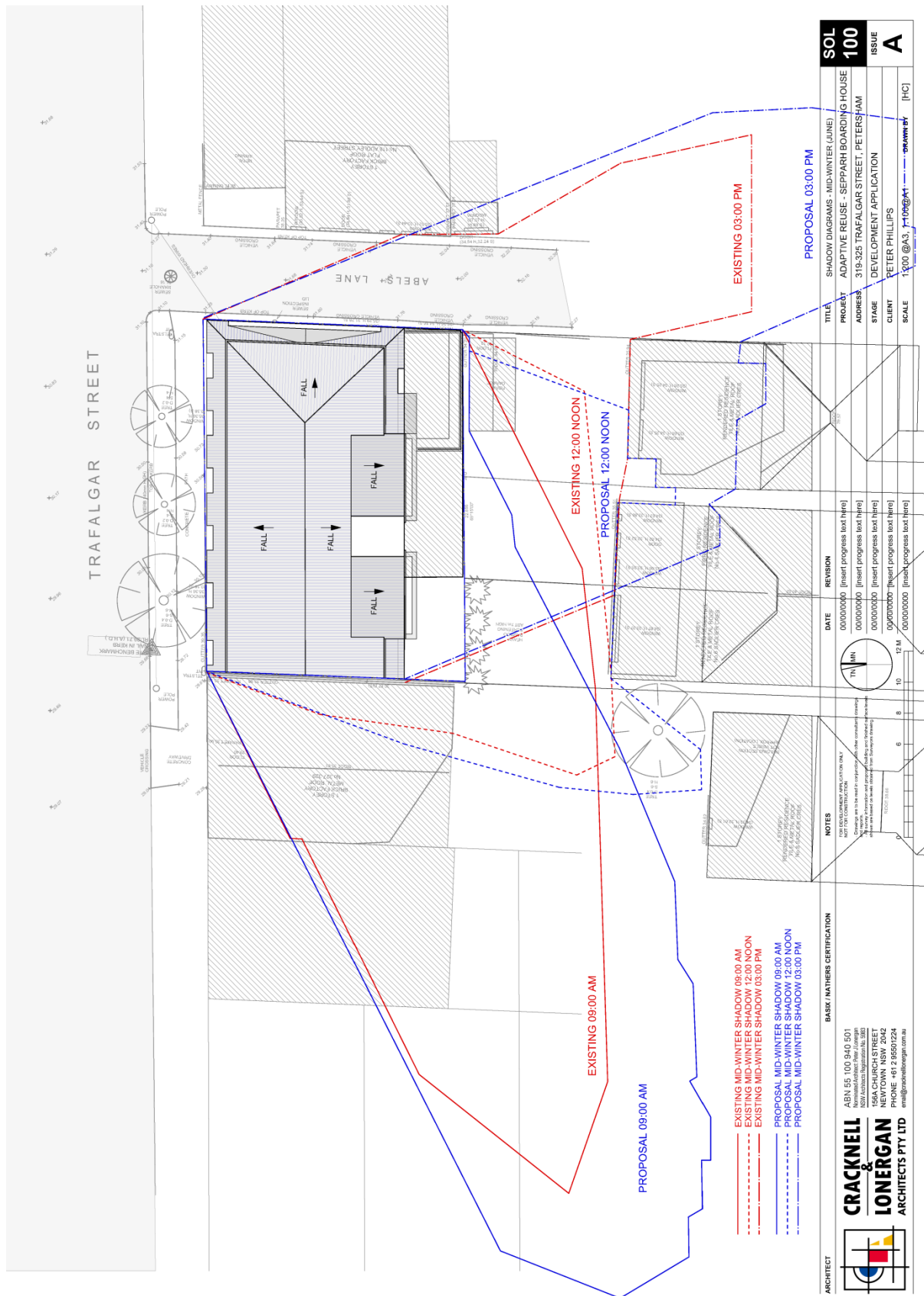
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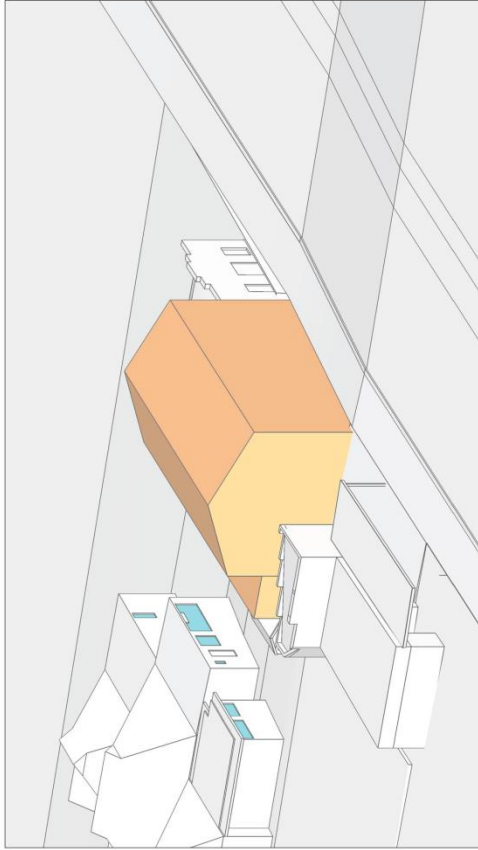
- FOR DA PURPOSES ONLY
- NOT FOR CONSTRUCTION
- Drawings to be used in conjunction with other Consultants drawings and reports
- All survey information and proposed building and finished ground levels are based on levels obtained from Surveyors drawing

CRACKNELL & IONERGAN ARCHITECTS PTY LTD

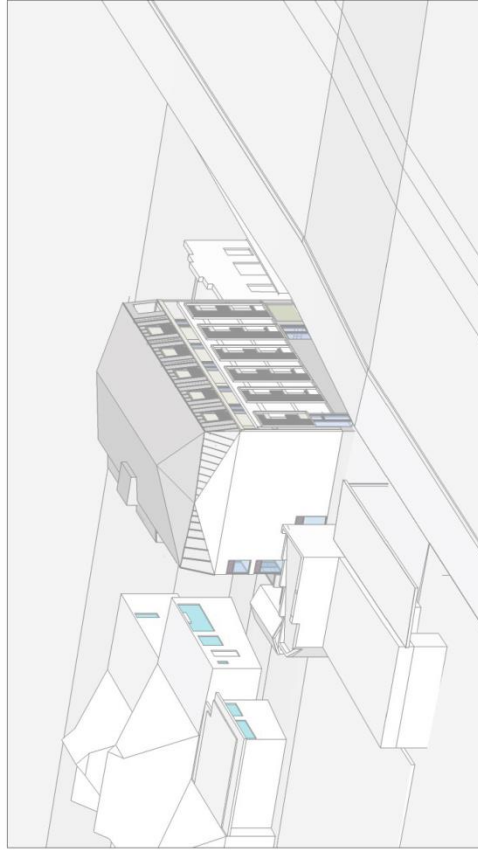
ABN 55 100 940 501
 Registered Architect: Peter J. Ionerган
 NSW Architects Registration No. 5983
 156A CHURCH STREET
 NEWTOWN NSW, 2042
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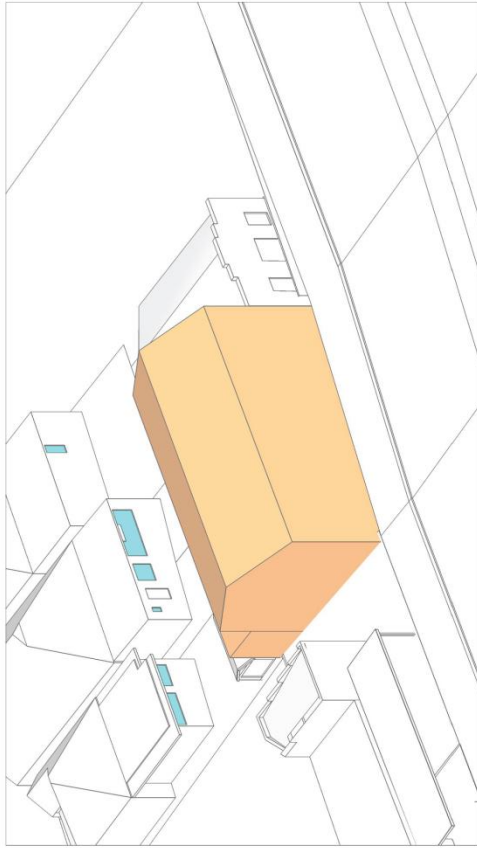


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VIEW FROM THE SUN - MID-WINTER
PROPOSAL CONDITION 09:00 AM

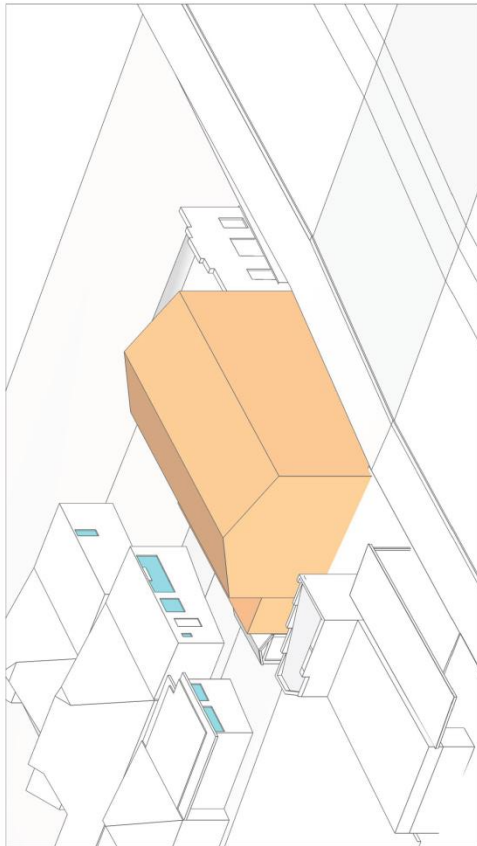
ARCHITECT  CRACKNELL & LONERGAN ARCHITECTS PTY LTD ABN 55 100 940 501 158A CHURCH STREET NEWTOWN NSW 2042 PHONE +61 2 95501224 email@cracknellonergan.com.au	BASIX / MATTERS CERTIFICATION		NOTES FOR EXCLUSIVE ARCHITECTS ONLY NOT FOR CONSTRUCTION This drawing is for information only and is not to be used for construction purposes. It is the responsibility of the client to ensure that all relevant BASIX and other requirements are met. All other matters should be referred to the relevant BASIX and other requirements.	DATE 00/00/0000 [insert progress text here] 00/00/0000 [insert progress text here] 00/00/0000 [insert progress text here] 00/00/0000 [insert progress text here]	REVISION 00/00/0000 [insert progress text here] 00/00/0000 [insert progress text here] 00/00/0000 [insert progress text here]	TITLE VIEWS FROM THE SUN - MID-WINTER	SOL 101
	PROJECT ADAPTIVE REUSE - SEPPARH BOARDING HOUSE		DATE 00/00/0000 [insert progress text here]	REVISION 00/00/0000 [insert progress text here]	TITLE ADAPTIVE REUSE - SEPPARH BOARDING HOUSE	SOL 101	
	ADDRESS 31B-325 TRAFALGAR STREET, PETERSHAM		DATE 00/00/0000 [insert progress text here]	REVISION 00/00/0000 [insert progress text here]	TITLE 31B-325 TRAFALGAR STREET, PETERSHAM	SOL 101	
	STAGE DEVELOPMENT APPLICATION		DATE 00/00/0000 [insert progress text here]	REVISION 00/00/0000 [insert progress text here]	TITLE DEVELOPMENT APPLICATION	SOL 101	
	CLIENT PETER PHILLIPS		DATE 00/00/0000 [insert progress text here]	REVISION 00/00/0000 [insert progress text here]	TITLE PETER PHILLIPS	SOL 101	
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VIEW FROM THE SUN - MID-WINTER
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
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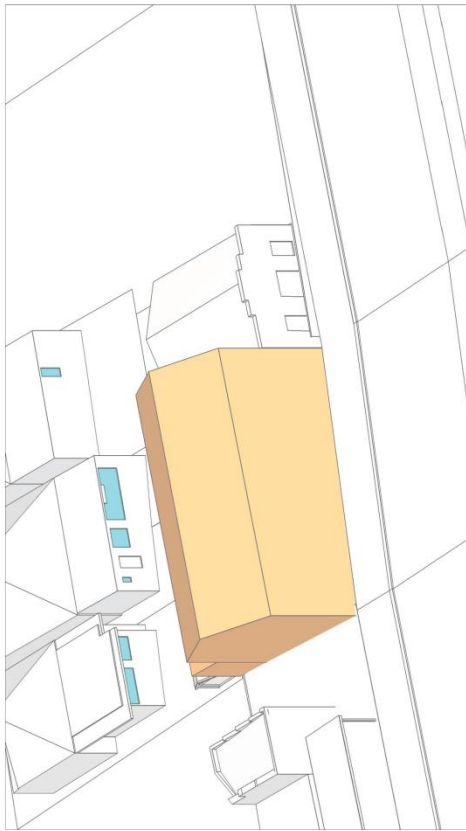


VIEW FROM THE SUN - MID-WINTER
EXISTING CONDITION 10:00 AM



VIEW FROM THE SUN - MID-WINTER
PROPOSAL CONDITION 10:00 AM

 <p>CRACKNELL & LONERGAN ARCHITECTS PTY LTD</p>	<p>ABN 55 100 9410 501 156A CHURCH STREET NEWTOWN NSW 2042 PHONE: +61 2 95507024 info@cracknell-lonergan.com.au</p>	<p>BABX / MATHERS CERTIFICATION</p>	<p>NOTES</p> <p>FOR DEVELOPER APPLICATION ONLY</p> <p>Changes are to be made in conjunction with the consultant's drawings. All drawings, specifications and program building will be checked and approved before construction commences. All drawings are based on site information from Surveyors drawings.</p>		<p>DATE</p> <p>00000000 [insert progress text here]</p>	<p>REVISION</p> <p>00000000 [insert progress text here]</p>	<p>TITLE</p> <p>ADAPTIVE REUSE - SEPPARH BOARDING HOUSE</p>	<p>VIEW FROM THE SUN - MID-WINTER</p>	<p>SOL</p>
					<p>PROJECT</p> <p>319-325 TRAFALGAR STREET, PETERSHAM</p>	<p>ADDRESS</p> <p>DEVELOPMENT APPLICATION</p>	<p>STAGE</p> <p>PETER PHILLIPS</p>	<p>CLIENT</p> <p>PETER PHILLIPS</p>	<p>SCALE</p> <p>[HC]</p>



VIEW FROM THE SUN - MID-WINTER
EXISTING CONDITION 12:00 NOON



VIEW FROM THE SUN - MID-WINTER
EXISTING CONDITION 01:00 PM



VIEW FROM THE SUN - MID-WINTER
PROPOSAL CONDITION 12:00 NOON



VIEW FROM THE SUN - MID-WINTER
PROPOSAL CONDITION 01:00 PM

ARCHITECT		CRACKNELL & LONERGAN ARCHITECTS PTY LTD		BASEK / MATHERS CERTIFICATION		NOTES		DATE		REVISION		TITLE		SOL	
ABN 55 100 940 501 156A CHURCH STREET NEWTOWN NSW 2042 PHONE +61 2 85601224 email@cracknellandlonegan.com.au		NOT TO BE USED FOR ANY OTHER PROJECTS THIS CERTIFICATE IS VALID FOR THE PROJECT AND SITE ONLY All drawings are to be read in conjunction with other consultants' coverage and approvals. This is not a guarantee of any kind. The drawings are the property of the architect and are not to be used for any other project without the architect's written consent.		00/00/0000 [insert progress text here] 00/00/0000 [insert progress text here] 00/00/0000 [insert progress text here] 00/00/0000 [insert progress text here]		00/00/0000 [insert progress text here] 00/00/0000 [insert progress text here]		00/00/0000 [insert progress text here] 00/00/0000 [insert progress text here]		00/00/0000 [insert progress text here] 00/00/0000 [insert progress text here]		PROJECT ADAPTIVE REUSE - SEPPARRI BOARDING HOUSE ADDRESS 319-325 TRAFALGAR STREET, PETERSHAM STAGE DEVELOPMENT APPLICATION CLIENT PETER PHILLIPS SCALE DRAWN BY [HC]		103 ISSUE A	



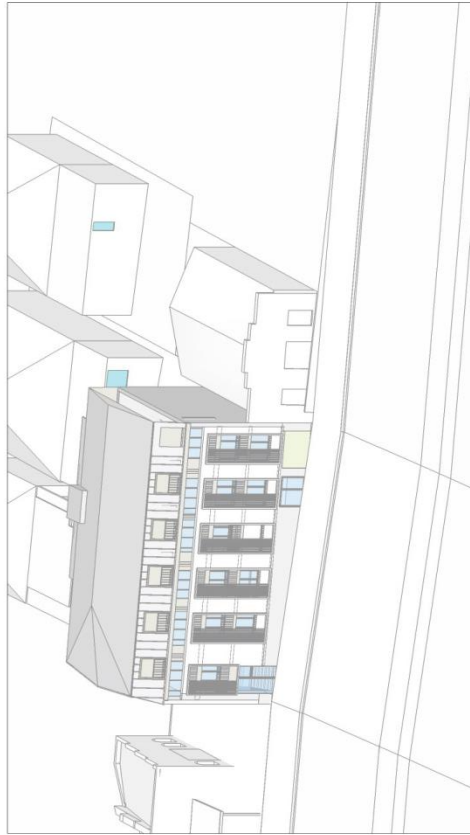
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VIEW FROM THE SUN - MID-WINTER
PROPOSAL CONDITION 03:00 PM



VIEW FROM THE SUN - MID-WINTER
EXISTING CONDITION 02:00 PM



VIEW FROM THE SUN - MID-WINTER
PROPOSAL CONDITION 02:00 PM

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NOTES

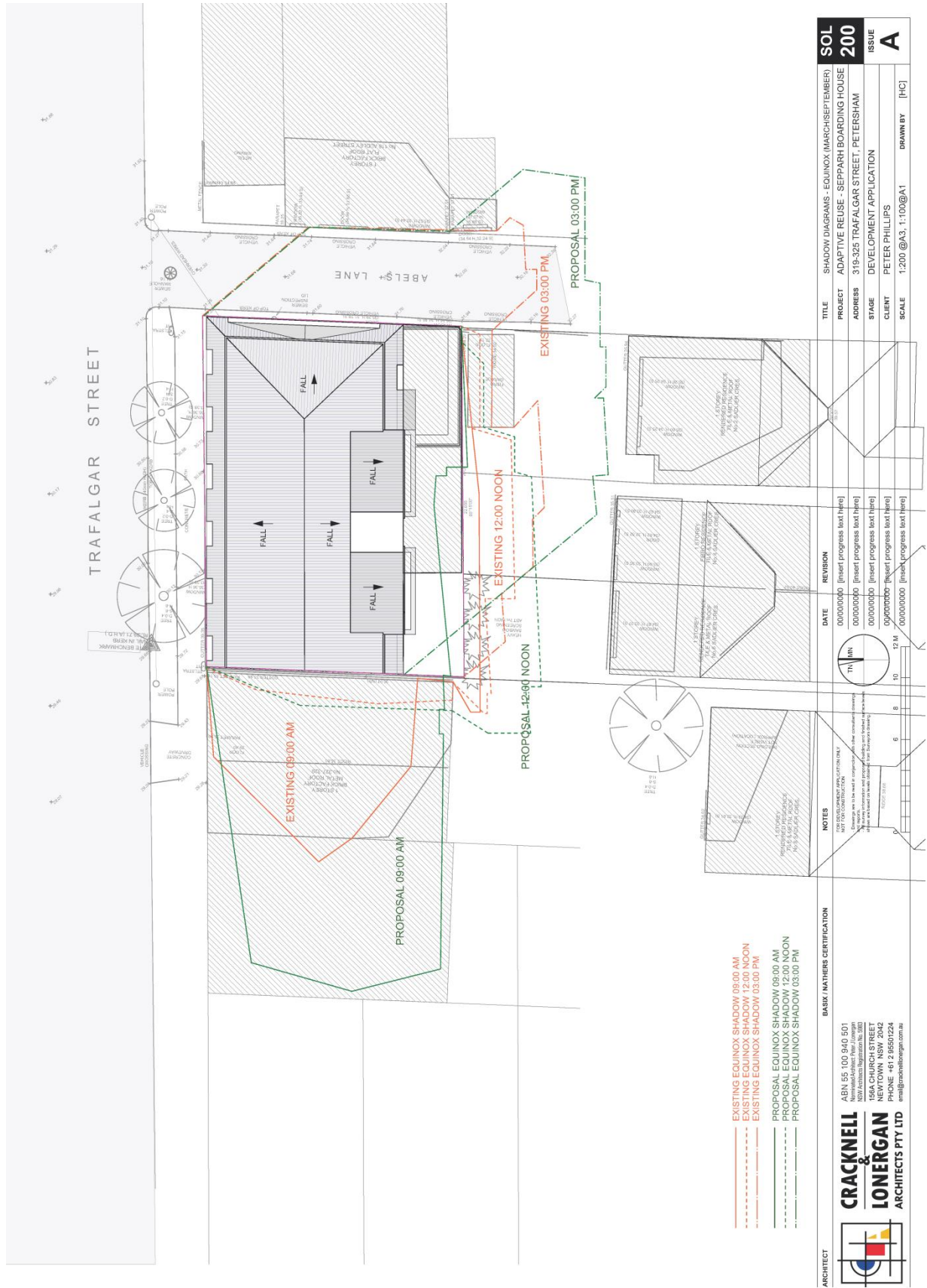
FOR DEVELOPER APPLICATION ONLY

Drawings are to be used in conjunction with the consultant's reports and other information and proposed building and landscape plans. Any other use without the consent of the architect is prohibited.

DATE	REVISION	TITLE	VIEW FROM THE SUN - MID-WINTER
00/00/0000	[insert progress text here]	PROJECT	ADAPTIVE REUSE - SEPPARH BOARDING HOUSE
00/00/0000	[insert progress text here]	ADDRESS	319-325 TRAFALGAR STREET, PETERSHAM
00/00/0000	[insert progress text here]	STAGE	DEVELOPMENT APPLICATION
00/00/0000	[insert progress text here]	CLIENT	PETER PHILLIPS
00/00/0000	[insert progress text here]	SCALE	BRAWNBY [HC]

ARCHITECT

SOL 104
ISSUE
A

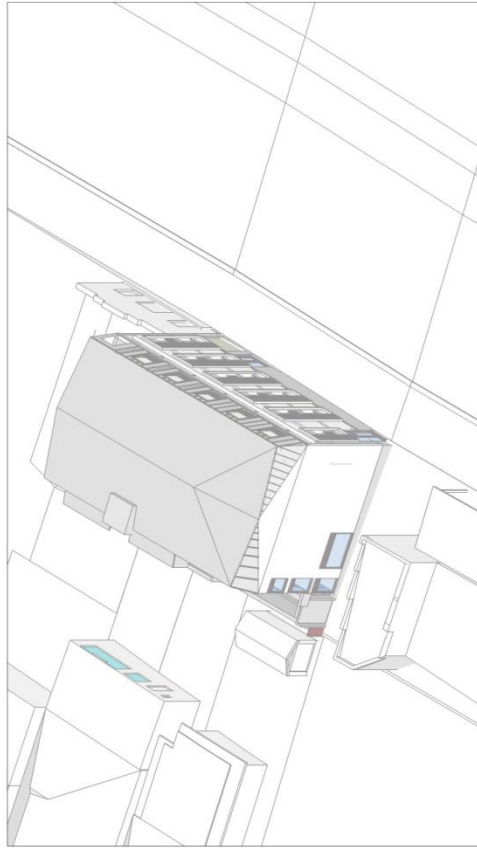




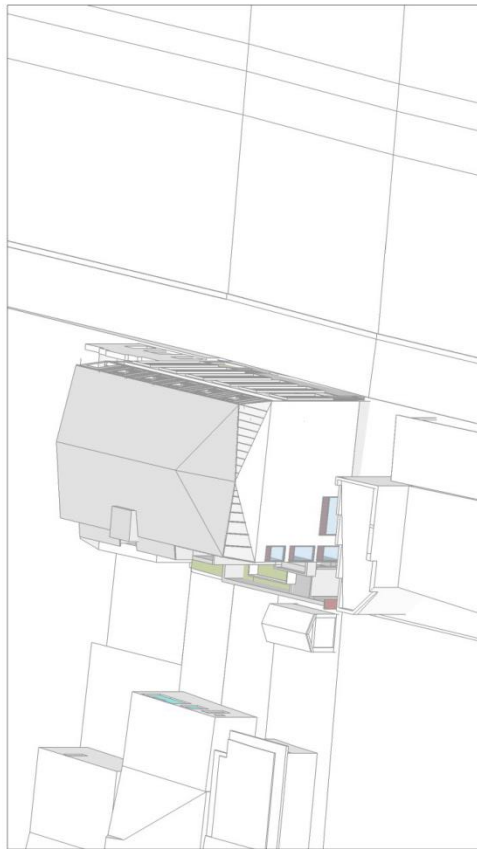
VIEW FROM THE SUN - EQUINOX
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VIEW FROM THE SUN - EQUINOX
EXISTING CONDITION 09:00 AM



VIEW FROM THE SUN - EQUINOX
PROPOSAL CONDITION 10:00 AM



VIEW FROM THE SUN - EQUINOX
PROPOSAL CONDITION 09:00 AM

ARCHITECT
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NOTES
 THIS DEVELOPMENT APPLICATION IS NOT FOR CONSTRUCTION.
 It is intended to be used in conjunction with the construction contract.
 All drawings, materials and product details are to be checked and approved by the relevant authorities.
 All drawings are based on the latest information available from the relevant authorities.

DATE **REVISION**
 00/00/0000 [Insert progress text here]
 00/00/0000 [Insert progress text here]
 00/00/0000 [Insert progress text here]
 00/00/0000 [Insert progress text here]

PROJECT **TITLE**
 ADAPTIVE REUSE - SEPPARH BOARDING HOUSE
 319-325 TRAFALGAR STREET, PETERSHAM

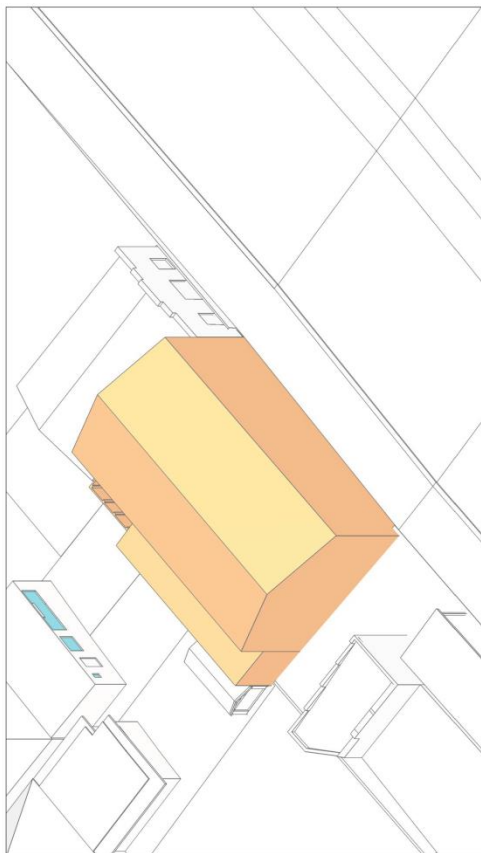
STAGE **CLIENT**
 DEVELOPMENT APPLICATION
 PETER PHILLIPS

SCALE **DRAWN BY**
 [Insert progress text here] [HC]

SOL 201
ISSUE A



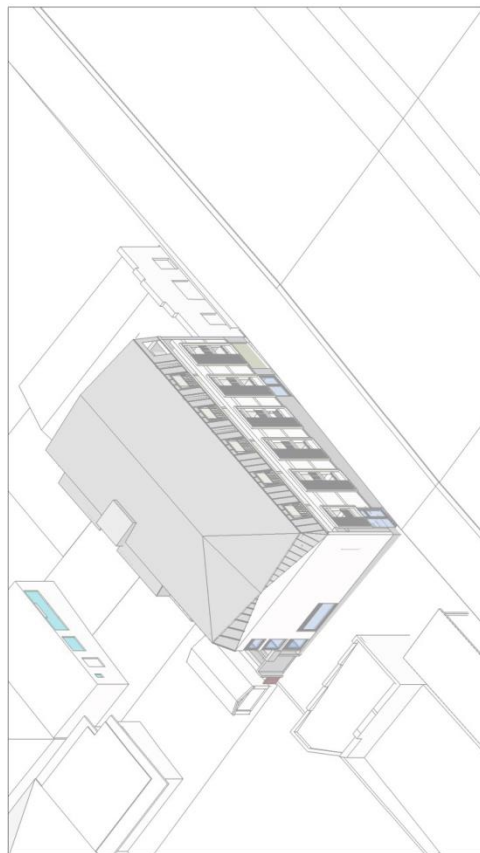
VIEW FROM THE SUN - EQUINOX
EXISTING CONDITION 11:00 AM




VIEW FROM THE SUN - EQUINOX
EXISTING CONDITION 12:00 NOON



VIEW FROM THE SUN - EQUINOX
PROPOSAL CONDITION 11:00 AM



VIEW FROM THE SUN - EQUINOX
PROPOSAL CONDITION 12:00 NOON

 <p>CRACKNELL & LONERGAN ARCHITECTS PTY LTD</p>	<p>ARCHITECT</p>		<p>DATE</p>		<p>REVISION</p>		<p>TITLE</p>		<p>SOL</p>	
	<p>ABN 55 100 940 501 Newmarket Road, Newmarket Newtown NSW 2042</p>		<p>0000/0000 [insert progress text here]</p>		<p>0000/0000 [insert progress text here]</p>		<p>ADAPTIVE REUSE - SEPPARH BOARDING HOUSE</p>		<p>202</p>	
	<p>156A CHURCH STREET NEWTOWN NSW 2042 PHONE +61 2 95501224 email@cracknellorgan.com.au</p>		<p>0000/0000 [insert progress text here]</p>		<p>0000/0000 [insert progress text here]</p>		<p>31B-325 TRAFALGAR STREET, PETERSHAM</p>		<p>ISSUE</p>	
	<p>BASIX / NATURES CERTIFICATION</p>		<p>NOTES</p>		<p>0000/0000 [insert progress text here]</p>		<p>DEVELOPMENT APPLICATION</p>		<p>A</p>	
	<p>ARCHITECT'S CERTIFICATION</p>		<p>NOTES</p>		<p>0000/0000 [insert progress text here]</p>		<p>CLIENT</p>		<p>DRAWN BY</p>	

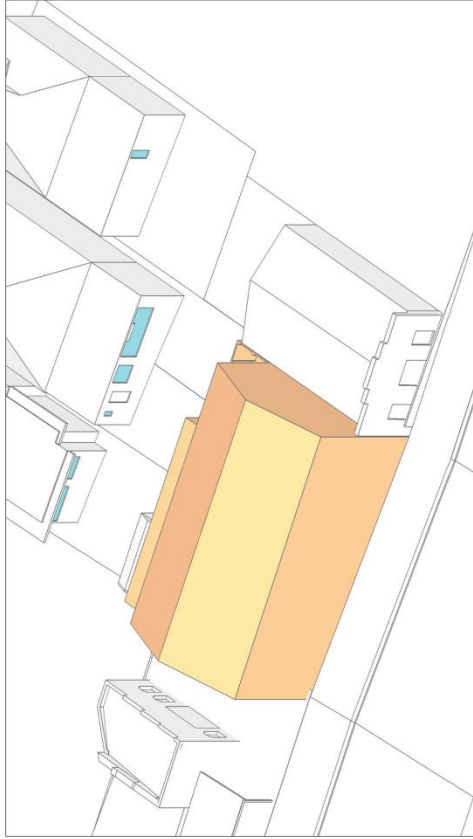
ARCHITECT'S CERTIFICATION

NOTES

NOT FOR CONSTRUCTION

Approved as the basis for comparison with other construction proposals. All other construction proposals must be approved by the Council prior to construction.

Scale: 1:100



VIEW FROM THE SUN - EQUINOX
EXISTING CONDITION 02:00 PM



VIEW FROM THE SUN - EQUINOX
EXISTING CONDITION 01:00 PM



VIEW FROM THE SUN - EQUINOX
PROPOSAL CONDITION 02:00 PM



VIEW FROM THE SUN - EQUINOX
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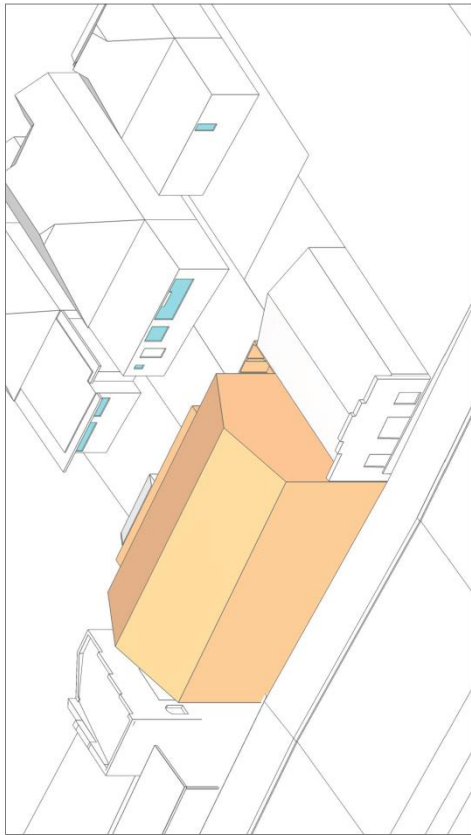
ARCHITECT
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 186A CHURCH STREET
 NEWTOWN NSW 2042
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 email@cracknellandlorgan.com.au

BASEK / MATHERS CERTIFICATION

NOTES
 THIS DOCUMENT IS FOR THE CLIENT ONLY
 NOT FOR CONSTRUCTION
 All drawings are to be read in conjunction with other consultants' drawings
 and specifications. No liability is accepted for errors or omissions in this drawing
 should any conflict arise with other drawings or specifications.

DATE	REVISION	TITLE	VIEW FROM THE SUN - EQUINOX (MAR/SEPT)	SOL
00/00/0000	[insert progress text here]	PROJECT	ADAPTIVE REUSE - SEPPARH BOARDING HOUSE	203
00/00/0000	[insert progress text here]	ADDRESS	319-325 TRAFALGAR STREET, PETERSHAM	ISSUE
00/00/0000	[insert progress text here]	STAGE	DEVELOPMENT APPLICATION	A
00/00/0000	[insert progress text here]	CLIENT	PETER PHILLIPS	
00/00/0000	[insert progress text here]	SCALE		[HC]
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VIEW FROM THE SUN - EQUINOX
EXISTING CONDITION 03:00 PM



VIEW FROM THE SUN - EQUINOX
PROPOSAL CONDITION 03:00 PM

 <p>CRACKNELL & LONERGAN ARCHITECTS PTY LTD</p>		<p>ARCHITECT</p>
<p>BASIC / MATERS CERTIFICATION</p> <p>ASN 155 100 840 E01 New South Wales 158A CHURCH STREET SYDNEY NSW 2009 PHONE +61 2 68501224 www.cracknellandlonergan.com.au</p>		<p>NOTES</p> <p>FOR OFFICIAL USE ONLY</p> <p>Ensure this is to be read in conjunction with the conditions of the contract and the terms, conditions and provisions of the building and related documents.</p> <p>Other information in these documents may be subject to change.</p>
<p>DATE</p> <p>00/00/0000 [insert progress text here]</p>	<p>REVISION</p> <p>00/00/0000 [insert progress text here]</p>	<p>TITLE</p> <p>VIEWS FROM THE SUN - EQUINOX (MAR/SEPT)</p>
<p>PROJECT</p> <p>ADAPTIVE REUSE - SEPPARH BOARDING HOUSE</p>	<p>ADDRESS</p> <p>319-325 TRAFALGAR STREET, PETERSHAM</p>	<p>SOL</p> <p>204</p>
<p>STAGE</p> <p>DEVELOPMENT APPLICATION</p>	<p>CLIENT</p> <p>PETER PHILLIPS</p>	<p>ISSUE</p> <p>A</p>
<p>SCALE</p> <p>[insert progress text here]</p>	<p>DRAWN BY</p> <p>[HC]</p>	

Attachment C- Clause 4.6 Exception to Development Standards

6.0 Statutory Considerations

6.8 Marrickville LEP 2011 Clause 4.6 Exceptions to development standards

Clause 4.6 Exemption to Development Standards Assessment
(1) (a) To provide an appropriate degree of flexibility in applying certain development standards to a particular development.
<p>It is necessary to note that the objectives of the clause are designed to provide flexibility in application of the development standards, particularly in circumstances where a better development outcome may be ensured.</p> <p>- Floor Space Ratio: The permissible FSR for subject site is 1.3:1 (Marrickville Local Environmental Plan 2011) and Clause 29 SEPP ARH for boarding house permits additional 0.5:1. Proposed development FSR is 2.25:1 and as such exceeds the permissible FSR.</p> <p>- Height: Due to reuse of existing subject site structure and footprint and sloping topographical nature of the site the proposed height has a minor variation of exceeding the maximum height standard. This is evident at the western end of property site as the topography of the subject site slopes down. The topographical constraint results in a minor 8.3% variation to the 14.0 metre height limit (Marrickville Local Environmental Plan 2011).</p> <p>- Notwithstanding this, the FSR and permissible Height is not applicable as Marrickville LEP 2011 states in Clause 6.9 (Converting industrial or warehouse buildings to multi dwelling housing, office premises or residential flat buildings in residential zones) where they are part of an adaptive reuse of existing industrial buildings or warehouse buildings and as cited.</p> <p>(4) Despite clause 4.3 (2) or 4.4, development carried out under this clause is not subject to any height or floor space ratio limits shown for the land on the Height of Buildings Map or the Floor Space Ratio Map. Hence permissible FSR for this proposed boarding house does not apply.</p> <p>Flexibility in application of the development standard is appropriate in this instance given that-</p> <p>-In spite of the contravention of FSR and Height the proposal is in scale with the street scape as it is consistent with existing buildings in Trafalgar Street and further south of Abels Lane where majority of structures on the street are apartments.</p> <p>-The scale, massing and bulk of the proposal does not dominate the street as Trafalgar Street is expansive and tree lined. Buildings opposite (NSW RTA Training Centre), distance being four lanes away, provides an expansive back drop and as such the proposed development is within the context of surrounding buildings and width of streets.</p> <p>-The proposed development retains the original footprint and structure of the existing building. The proposed development incorporates an additional storey to existing building envelope and is further articulated with the use of mansard roof and recessed balconies providing a breaking down of the massing This is aesthetically more appealing on the corner site and distinguishable, an architectural characteristic that people will be able to identify with.</p> <p>- The sloping nature of the site along Trafalgar Street also contributes to the breakdown of massing and height variation of 8% does not dominate. The bulk and articulation of the proposal provides appropriate transition to adjoining buildings.</p> <p>- The Land Use is Zoned R4;High Density Residential. It comprises 3 and 4 storey residential apartments, large industrial and institutional buildings. Even with the FSR and height deviation from the numerical control, the proposed development is consistent with a majority of preexisting buildings in the locality.</p> <p>- The existing structure (warehouse) of subject site is suitable for an adaptive reuse boarding house scheme. The facade of proposed development facing Trafalgar Street is articulated by the use of recessed balconies, mansard roof, and mixed use of materials. This further expresses the massing of the building as multi dwelling housing and also replaces the existing monolithic type warehouse. As such, residential amenity is improved in the area and adaptive reuse activates the street frontage.</p>

6.0 Statutory Considerations

6.8 Marrickville LEP 2011 Clause 4.6 Exceptions to development standards

Clause 4.6 Exemption to Development Standards Assessment
<p>-The proposal improves upon the available housing stock in the area, replacing an aging industrial building with a new structure in compliance with current design standards and amenity provisions.</p> <p>-In spite of the contravention of FSR and Height standards, both are addressed sympathetically and appropriately respond to the established context of the surrounding area.</p> <p>- Car parking: Clause 29 (2) (e) (ia) in SEPP ARH states at least 0.5 parking spaces are provided for each boarding room. For proposed development x 31 rooms = 15 car park spaces are required. In this case the proposed development does not have enough car space to meet the SEPP requirements.</p> <p>- Despite this Clause 2.10.5 Car Parking Provision Marrickville DCP 2011 on-site car parking requirements for boarding houses requires 1 car space per caretaker and 0.2 per room. For proposed development x 31 rooms = 6 car park spaces are required. Proposed development therefore complies making provision for 6 car park spaces.</p> <p>-The proposed development is within an 'accessible area' as defined in Marrickville DCP 2011. The additional car space required can be easily accommodated by unrestricted on site street parking on Trafalgar Street. The accessible area of the subject site is considered to be accessible enough not to warrant the need for so many parking spaces. It is within walking distance of the suburban rail lines as well as bus stations to Sydney CBD.</p> <p>- Provision has been made for permissible number of 6 motorcycle and 6 bicycle parking spaces which will help to encourage sustainable transport modes for residents.</p> <p>-Refer Traffic Report.</p> <p>- The proposal seeks to ensure that proposed affordable housing will be a positive addition to the community. The proposed development is designed for young singles and couples who wish to live near the city or young students who are studying in nearby colleges and universities. There is less likelihood that this group of people would own a car and as such use of public transport would be their preferred method of transport. The suitability of the proposed development location for boarding house is warranted as it is in an accessible area. Accessible bus and train services and close proximity to shops are located within the vicinity of subject site.</p>

6.0 Statutory Considerations

6.8 Marrickville LEP 2011 Clause 4.6 Exceptions to development standards

Clause 4.6 Exemption to Development Standards Assessment
(1) (b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.
<p>The adaptive reuse of an aging and unremarkable existing warehouse into multi dwelling housing providing affordable housing will successfully add to the diversity and density of the area. The proposals architectural characteristics defined by its scale, bulk and materiality result in a new architectural building which integrates with surrounding building types and activates street frontage.</p>
(2) Development consent may, subject to this clause be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
<p>The proposed variation is to Clause 4.3 Height of Buildings and Clause 4.4 FSR. This clause is not expressly excluded from the operation of Clause 4.6 and therefore a written justification explaining the contravention of these development standards are permissible. As noted FSR and permissible Height are not applicable as Marrickville LEP 2011 Clause 6.9. In spite of this both planning layers have been addressed in the design process for best outcome</p>
(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case
<p>Compliance with the development standard is also considered unnecessary because:</p> <ul style="list-style-type: none"> -The proposal does not impact upon significant views of adjoining properties (including Heritage Item) and successfully maintains the principle of view sharing. - The proposal is able to successfully maintaining solar access during mid winter. - Adjoining single storey properties in Trafalgar Street may in the future be developed with similar urban density as the expansive nature of Trafalgar Street favours it in the zoned R4 High Density Residential. - Neighbouring apartment buildings are evident on Trafalgar Street located west and towards Gordon Street - that are four and five storeyed with basement car park.

6.0 Statutory Considerations

6.8 Marrickville LEP 2011 Clause 4.6 Exceptions to development standards

Clause 4.6 Objectives
(3) (b) That there are sufficient environmental planning grounds to justify contravening a development standard.
<p>- The reuse of a dormant existing industrial warehouse and converting it to a proposed SEPPAHR boarding house will reduce energy consumption, rather than demolishing the current structure. Reuse of materials on site will also be environmentally favourable.</p> <p>- The reuse of the existing warehouse structure also provides additional housing stock within the inner city, without the need for urban sprawl and retains the original buildings embodied energies and is environmentally, more sustainable.</p> <p>-The constraints of the existing warehouse structure is a factor in the design process of the proposed development which affects height, FSR and car parking of the building. The positive environmental benefits outweigh and do justify the minor variation in development standard as does the outcome of social and economic benefits.</p> <p>-As shown in the BASIX commitments and development complies with national environmental standards. The proposal includes BASIX Report and NaTHERS rating. The orientation of the building, boarding rooms as well as maximising solar and ventilation components ensures that the greenhouse gas and energy dependency is minimised.</p>
(4) Development consent must not be granted for development that contravenes a development standard unless:
<p>(a) the consent authority is satisfied that: (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>Relevant matters pertaining to Clause 4.6 have been addressed in Sub Clause 3 and 1(a)</p>
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
<p>The proposal is in the public interest because:</p> <p>-The proposal does not contravene or adversely impact upon public domain elements or neighbours. The proposal has an appropriate scale and height which respects the density of development within the area.</p> <p>-The proposed SEPPARH boarding house improves the existing warehouse in an adaptive reuse strategy. The impact the proposed development has on the streetscape is appropriate and positive within the High Density Residential Zone.</p> <p>-The proposal improves upon the residential amenity of the area by providing a SEPPARH boarding house building which will meet current design standards by replacing an existing aging warehouse building.</p> <p>-The proposal is perceived to have a positive impact on accommodation and in particular affordable housing. The proposal seeks to ensure that adequate housing standards are met and that the proposed affordable housing will be a positive addition to the community.</p> <p>-The proposed development adds to the dynamic of housing options available to people fro different backgrounds such as students and people with disabilities. The proposal will have significant positive impact upon housing choices currently available in Petersham.</p>

6.0 Statutory Considerations

6.8 Marrickville LEP 2011 Clause 4.6 Exceptions to development standards

Clause 4.6 Objectives
(b) the concurrence of the Secretary has been obtained.
Not applicable to this submission
(5) In deciding whether to grant concurrence, the Secretary must consider
a) Whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
Not applicable to this submission
(b) the public benefit of maintaining the development standard, and
Not applicable to this submission
(c) any other matters required to be taken into consideration by the Secretary before granting concurrence
Not applicable to this submission
(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
Not Applicable. The Clause 4.6 Application does not seek to contravene a standard which relates to the development zones stipulated here.
(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard
Not Applicable. This application does not involve sub division of land.
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3)
Not Applicable.