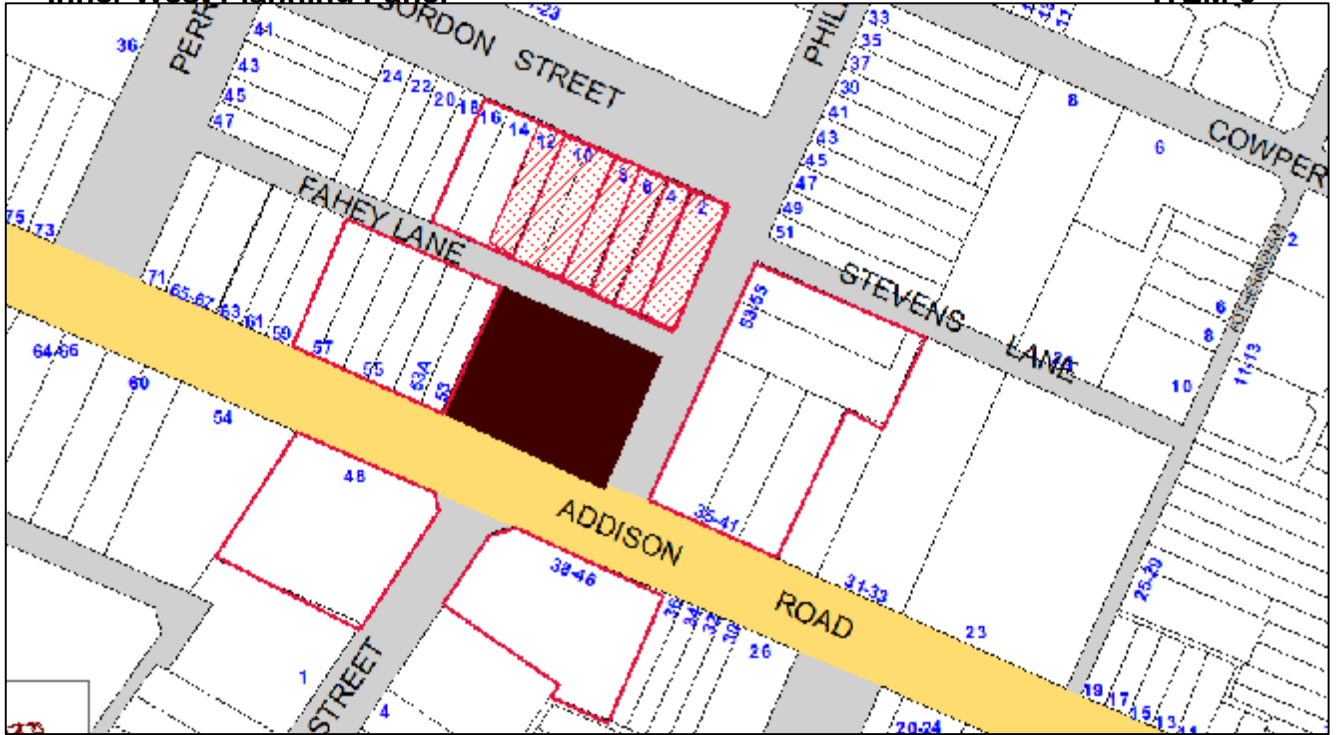



 INNER WEST COUNCIL	
DEVELOPMENT ASSESSMENT REPORT	
Application No.	201500736.01
Address	43-51 Addison Road, Marrickville
Proposal	Application under Section 82A of the Environmental Planning and Assessment Act to review Determination No.201500736, dated 21 November 2016, to demolish the existing industrial buildings and construct a 4 storey motel with a café/restaurant and basement parking.
Date of Lodgement	14 February 2017
Applicant	GAT & Associates
Owner	Vince Perry
Number of Submissions	62
Value of works	\$7,490,000
Reason for determination at Planning Panel	The officer's recommendation under the S82A review involves no substantial change to the prior determination.
Main Issues	Demolition of existing building, architectural expression/streetscape presentation, building height variation and calculation of gross floor area.
Recommendation	Refusal



Subject Site:		Objectors:	
Notified Area:			

Note: A number of submissions were received from properties outside of the notified area.

1. Executive Summary

This report concerns a review request under Section 82A of the Environmental Planning and Assessment Act to review Determination No.201500736, dated 21 November 2016, to demolish the existing industrial buildings and construct a 4 storey motel with a café/restaurant and basement parking. The review request was notified in accordance with Council's notification policy and 62 submissions were received.

The Section 82A review request was accompanied by amended plans and additional information. Whilst the amended scheme does address some of the reasons for refusal, the proposed development remains inconsistent with the objectives, development standards and design parameters contained in Marrickville Local Environmental Plan (MLEP) 2011 and Marrickville Development Control Plan (MDCP) 2011.

Accordingly, the Section 82A review request is considered unsupportable and in view of the circumstances, refusal of the review request is recommended.

In accordance with the requirements of the Environmental Planning & Assessment Act 1979 the review request must be determined no later than 21 May 2016.

2. Review Request

The applicant has requested that Council review the determination under Section 82A of the Environmental Planning and Assessment Act, 1979. The applicant has submitted amended plans and additional information with the review request.

The following is a summary of the amendments that have been made to the architectural drawings:

- The finished floor level of the ground floor has been raised by 260mm to RL9.90 to achieve compliance with flood planning levels;

- Design changes to the driveway ramp accessed off Philpott Street to achieve compliance with flood planning requirements;
- New retail tenancy (café/restaurant) on the corner of Addison Road and Philpott Street, resulting in deletion of 7 motel rooms from the ground floor;
- 510mm increase in the floor to floor height of the ground floor from 3.49 metres to 4 metres;
- 200mm decrease in the floor to ceiling height of the motel rooms on Levels 1, 2 and 3 from 2.6 metres to 2.4 metres;
- Relocation and reduced size of the booster assembly on the ground floor on the south (Addison Road) elevation;
- Deletion of the wintergardens on the Addison Road frontage; and
- Design changes to the building façade and architectural expression of the building.

The application refused by Council contained a total of 61 motel rooms. The amended proposal submitted with the Section 82A review request contains 54 motel rooms.

The following additional information was submitted with the review request:

- Social Impact Assessment prepared by Judith Stubbs & Associates;
- Letter of Advice in response to contamination prepared by STS GeoEnvironmental; and
- Statement of Heritage Impact prepared by NBRS & Partners.

3. Site Description

The site is located on the northern side of Addison Road, Marrickville between Philpott Street and Perry Street. The site is legally described as Lot 2308 in Deposited Plan 1134290, more commonly known as 43-51 Addison Road, Marrickville. The 1,193sqm site has three street frontages being 38.97 metres to Addison Road, 30.64 metres to Philpott Street and 38.85 metres to Fahey Lane.

The site contains a 1 part 2 storey warehouse/industrial style building. The 2 storey corner portion of the building which wraps from Addison Road around Philpott Street is a Victorian style building.

The surrounding area is mainly characterised by industrial and commercial developments along Addison Road, interspersed with residential properties of varying scale and density. At the rear of the site on the opposite side of Fahey Lane are low density single storey dwelling houses.

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
No.200800212	To use the premises as an artist's studio with associated storage.	Refusal dated 3 October 2008.
No.200800523	To demolish part of the premises and carry out alterations and additions to the existing industrial premises to convert the premises into backpackers accommodation containing 36 dormitory rooms, a communal lounge and kitchen, managers unit and office and associated facilities with off street car parking for 12 vehicles.	Refusal dated 26 February 2009.
No.200900152	To demolish part of the premises and carry out alterations and additions to the existing industrial premises to convert the premises into a backpacker's accommodation containing 36 dormitory rooms, a common lounge and kitchen, managers unit and office and associated facilities with off street car parking for 7 vehicles.	Refusal dated 4 November 2009.
No. 200900152.01	Application under Section 82A of the Environmental Planning & Assessment Act to review Determination No. 200900152	Confirm refusal dated 7 May 2010.
Land and Environment Court Determination No 10599 of 2010	Appeal against the refusal of Development Application No.200900152 for the partial demolition of existing building and alterations and additions to the remaining building for use as a backpacker's hostel.	Appeal dismissed, dated 23 November 2010.

Surrounding Properties

Application	Proposal	Decision & Date
No.201300345	To demolish existing improvements and construct a 5 storey mixed use development	Approval dated 27 June 2014.

	containing a ground floor commercial premises with 24 residential apartments over basement parking for 24 vehicles including strata title subdivision and land dedication.	
--	--	--

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
21 November 2016	Application No. DA201500736 to demolish the existing industrial buildings and construct a 4 storey motel comprising 61 rooms with basement car parking, was refused by Council under delegated authority.
14 February 2017	The subject Section 82A application to review Determination No.201500736 was submitted with Council.
15 February 2017	The applicant submitted a schedule of external colours and finishes.

5. Assessment

A review request under Section 82A of the Environmental Planning and Assessment Act, 1979 is not a new development application. Rather, a review request is a request for Council to review its determination of an already determined development application. Accordingly, the review request is required to be re-assessed against the planning instruments that applied to the proposal at the time of determination of the original development application.

The amended proposal submitted in the subject review request is substantially the same as that in the original development application. The amended proposal incorporates a number of amendments that attempt to address the reasons for refusal of the original development application.

A copy of the Assessment Report associated with the refusal of the original DA is included at Attachment A.

Below is an assessment of the additional information and amended plans provided by the applicant in the Section 82A review request having regard to the grounds of refusal of the original development application:

Reason 1: Insufficient documentation to confirm the presence and extent of contamination in order to determine the suitability of the site for the proposed development in accordance with State Environmental Planning Policy No. 55 – Remediation of Land.

The applicant has submitted a letter of advice from STS GeoEnvironmental in relation to the remediation and validation of the subject site. This application was referred to Council's Environmental Services who advised that, subject to conditions of consent to be imposed in if approval is granted, the application is capable of satisfying the requirements of SEPP 55.

Reason 2: The proposal is contrary to Clause 1.2(2)(h) of Marrickville Local Environmental Plan 2011 as it fails to promote a high standard of design in the private and public domain.

The amended plans are considered to provide an improved building design compared to the scheme refused by Council in the original development application. Nevertheless, the proposal is not considered to promote a high standard of design in respect of the following matters: External materials/finishes and architectural expression of the building, built form treatment of the corner on Addison Road and Philpott Street, site planning and landscape design and the floor to ceiling heights within the motel rooms.

It is noted that as per the analysis provided in the original assessment report, the architectural expression of the amended proposal lacks design coherence, presenting an overly complex composition of volumes, materials and articulation.

The Addison Road frontage is predominantly horizontal, resulting in a loss of the fine grained elements found in the existing facades of neighbouring development and in the immediate vicinity. The Philpott Street elevation lacks any detail and provides no surveillance to the street as it contains some highlight windows and is comprised primarily of rendered masonry. The corner elements are not well-considered and do not do justice to its prominent corner location. The proposed façades, therefore, negatively impact on the quality of the streetscape. These matters are discussed in greater detail under reasons for refusal numbered 6 and 8 later in this report.

Reason 3: The development exceeds the maximum height permitted on the land pursuant to Clause 4.3 of Marrickville Local Environmental Plan 2011.

A maximum building height of 14 metres applies to the property in accordance with Clause 4.3 of MLEP 2011. The proposed development has a maximum height of approximately 15.7 metres which represents a variation of 1.7 metres or 12%. The non-compliant building height relates to the lift overrun.

It is noted that the submitted Clause 4.6 exception states that the height variation is 15.25 metres or 8.9%, however based on the survey submitted to Council and architectural plans the height proposed is assessed as being 15.7 metres.

The refused plans depict the lift overrun at a height of RL25.00 with the finished floor level of the floor last served by the lift being RL19.30. The amended plans also depict the lift overrun at RL25.00 despite the floor last served increasing 400mm to RL19.70. The matter is queried.

A written request in relation to the contravention to the building height development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 was submitted with the application. A copy of the submitted Clause 4.6 Exception is provided at Attachment C. The applicant considers compliance with the

height development standard to be unreasonable and unnecessary for the following reasons (in summary):

- *The area along Addison Road in which the site is located has rezoned from an industrial area to a business zone. The proposed development reflects the desired future character of the immediate vicinity as a business zone, in that the existing industrial building on the site is proposed to be removed and replaced with a motel development which provides visitor accommodation for commercial purposes. In this regard the proposed development will be more suitable to the future character of the area than the existing built form on the site.*
- *A five storey building of similar bulk and scale to the proposed motel has been approved at 23-29 Addison Road. This building also breaches the height control through its lift overrun and sets a precedent for future development in this area which the proposal matches.*
- *The height of the building is also governed by the need to raise the ground floor due to the flood level, as Council's engineer has recommended that all habitable areas/rooms are to have a minimum floor level of RL 9.61.*
- *The proposed development is considered to be well articulated to Addison Road. The stepped design of level 3 to these elevations will ensure that the perceived bulk of the building is minimised.*
- *It is considered that the proposal is in keeping with the scale and character of existing multi-storey residential flat buildings in the immediate locality Perry Street, opposite the intersection with Fahey Lane.*
- *Properties located immediately to the north-west of the subject site are also provided with a maximum building height of 14 metres. Therefore, it can be considered that contextually, the proposed development will not be out of character within the desired future streetscape.*
- *The proposed variation is only to the lift overrun and will not have any impact on the perceived bulk and scale of the development. Given the location of the lift overrun behind the building line, it will not be visible from the primary street frontage of Addison Road and will therefore have no impact on the perceived bulk and scale of the building. No habitable floor area will exceed the maximum height limit. The lift overrun is a necessary part of the development as it provides access to all floors of the development, and therefore providing better amenity for guests.*
- *The proposed development is compliant with Council's floor space ratio control, demonstrating that the proposed density is appropriate for the site. The proposal provides for a better environmental outcome as the development responds to the desired future character of the locality whilst locating new visitor accommodation in an area well serviced by public transport services and local infrastructure.*

The justification provided in the applicant's Clause 4.6 is considered inadequate to support the variation to the building height development standard. The following comments are made:

- The additional height would be visible and does not contribute positively to the streetscape;

- The submitted Clause 4.6 exception states that the proposal is compliant with the FSR development standard. However, this is not concurred with for reasons discussed under reason for refusal number 4 in this report;
- To justify a height breach based on the 5 storey height afforded to the site to the east is unacceptable. Notwithstanding, the site at 23 Addison Road complies with the prescribed 17 metre height limit afforded to that site. The height limits set ensure that there is an adequate transition in height from east to west along Addison Road to reflect the change in development type to the low density residential development further east along Addison Road;
- The floor to ceiling heights for level 1, 2 and 3 have been reduced 200mm from 2.6 metres to 2.4 metres thereby compromising the amenity of the rooms for occupants which is not supported. An increased floor to ceiling height to improve the internal amenity and comply with Part 5 of MDCP 2011 would notably increase the extent of the building height breach across the entire building and may result in the deletion of an entire storey; and
- The design of the proposal is not considered to display design excellence.

The proposal does not result in a superior built form outcome than a development which complies with the building height development standard. On the basis of the current design, the non-compliance with the building height development standard is not supported.

Reason 4: The development exceeds the maximum floor space ratio permitted on the land pursuant to Clause 4.4 of Marrickville Local Environmental Plan 2011. No written submission in accordance with Clause 4.6 (Exception to Development Standards) of Marrickville Local Environmental Plan 2011 was submitted with the application and Council has no power to approve the FSR in the absence of a Clause 4.6 submission.

The site has a maximum allowable FSR of 1.75:1 (2087.75m²). The amended plans were accompanied by shaded gross floor area (GFA) diagrams which claim that the proposed development has an FSR of 1.74:1 (2077.5m²). However, the method of calculating GFA is not agreed with. This is because the applicant's calculations exclude the 25m² garbage room proposed adjacent to the lane at the rear of the site. It is noted that the garbage room does not contain a roof but is enclosed by walls that are approximately 2.9m high and is therefore required to be included in the FSR calculation in accordance with the definition of *gross floor area* in MLEP 2011. Inclusion of the garbage room would result in a 14.75m² FSR breach.

In addition, it is noted that the applicant's calculations also exclude the balconies on levels 1 and 2 of the northern (Fahey Lane) elevation which are enclosed by full height walls along the side elevations and full height external aluminium screening along the rear elevation. It is acknowledged that the screening proposed above the balustrade does have some spacing. See elevation and section extracts below:

Image 1: North elevation extract**Image 2: Section extract**

It is arguable that the north facing balconies with external screening should also be included in the calculation of gross floor area as they are largely enclosed, which would further increase the extent of the breach. Inclusion of the screened balconies would increase the extent of the FSR breach to approximately 106m².

In view of the above and given that no written Clause 4.6 exception has been submitted by the applicant, Council has no power to approve the application and refusal of the application is recommended.

Reason 5: The development fails to comply with the provisions of Clause 6.3 of Marrickville Local Environmental Plan 2011 as the floor levels are set below current flood levels.

The proposed floor levels have been altered to achieve the flood planning requirements. Council's Development Engineer has advised that the fire stairs at the rear of the site on Fahey Lane would need to be set at a height of RL 9.87AHD, which is slightly higher than the proposed height of RL 9.75.

Reason 6: The development fails contrary to the controls and objectives contained within Part 2 of Marrickville Development Control Plan 2011. In particular: Part 2.5 Equity of Access and Mobility, Part 2.7 Solar Access, Part 2.8 Social Impact Assessment, Part 2.9 Community Safety, Part 2.10 Parking, Part 2.17 Water Sensitive Urban Design, Part 2.21 Site Facilities and Waste Management and Part 2.22 Flood Management.

Part 2.5 – Equity of Access and Mobility

The amended proposal complies with the requirements of Part 2.5 within MDCP 2011.

Part 2.7 – Solar Access

Concern has previously been raised by Council in respect of the configuration of the manager's accommodation and its level of amenity, the 3.4 metre wall height adjacent to the ground floor motel rooms, the extent of south facing motel rooms and the ability of light to penetrate through the metal screening proposed on the northern elevation.

The design of the manager's accommodation on the ground floor has been simplified and is considered to be acceptable from a solar access perspective (however there are other amenity concerns discussed below for the manager's room). The information submitted with the application states that the 3.4 metre high wall along the driveway adjacent to the ground floor motel rooms has been lowered to 1.4 metres. The revised ground floor plan includes an annotation stating '3400mm high wall' whereas the section drawing and nominated top of wall RL's do appear to reduce the wall height to approximately 1.48 metres. On the basis of a 1.48 metre high wall, this modification would allow greater for greater solar access for the ground floor motel rooms.

The applicant contends that the solar amenity afforded to the remainder of the motel rooms is considered to be acceptable in view of the specific nature of the accommodation. The following comments are made by the applicant:

"In terms of solar access and outlooks, a motel is not a residential accommodation as motels are defined as short-term accommodation offered on a commercial basis.

The proposed rooms in the motel is on a nightly hire basis. In addition, the rooms are not self-contained suites i.e., there are no kitchen facilities within the rooms. Again, this is different to a serviced apartment, where amenities such as individual laundry facilities, cooking stoves, fridges and the like are provided to maintain long-term occupancy of guests.

It is in our view that a motel, based on the Standard Definition, is a not a dwelling nor a service apartment and would not require the same standard of living spaces that is required for residential accommodation".

Whilst it is acknowledged that a motel does not necessarily constitute residential accommodation requiring the same level of amenity as a residential flat building, some improvements could be made to the floor layout to improve solar access. Given the orientation of the site and Philpott Street facing east it is considered that the development has made no consideration for the solar access and ventilation opportunities that the elevation presents.

This results in greater reliance on rooms being artificially lit which is contrary to the sustainability and energy efficiency provisions prescribed under Part 2.16- Energy Efficiency of MDCP 2011. Part 2.16.5- Passive design principles identifies that the development should be designed to maximise the benefits of solar energy through appropriate orientation of which the proposal fails to do so.

Further no detail has been provided regarding the screens to be placed on the rooms fronting Fahey Lane, and as such the amenity of these rooms is difficult to ascertain, as the screen could compromise the ability to receive adequate solar access.

Concern was raised in the original assessment report regarding the amenity of the ground floor rooms, having regard to outlook and noise. The location of accommodation on the ground floor is considered to provide for inadequate amenity for the future occupants of the development. The north facing rooms would have a direct interface with the back of house services mainly being the car parking ramp and waste/loading unloading areas which is considered unsatisfactory.

Part 2.8 – Social Impact Assessment

The application was accompanied by a Social Impact Assessment prepared by Judith Stubbs & Associates, a social planning consultancy. In summary, this report assessed:

- The likely demography of the proposed motel's patrons;
- Characterisation of the proposed use;
- Likely amenity impacts (noise, disturbances, traffic and parking);
- The likely tariff for rooms;
- The crime environment of the locality;
- Review of surrounding land uses; and
- Relevant literature.

Whilst the impact assessment is comprehensive in providing a demographic analysis of the area and whether the proposal is a motel, there is no compelling evidence provided to suggest the need for a facility in this location.

Part 2.9 – Community Safety

The amended scheme provides a greater degree of community safety as required by Part 2.9 of MDCP 2011 on the Addison Road frontage as the amended plans incorporate an active land use at street level and balconies are provided to the motel rooms on the southern elevation, thereby allowing for passive surveillance to the street.

However the proposed interface at the rear of the site comprised largely of screened openings on the upper levels and blank walls on the ground floor and the limited openings along the eastern elevation (levels 1 and 2) do not promote additional surveillance of Philpott Street and Fahey Lane and is considered unsatisfactory.

Part 2.10 – Parking and Part 2.22 – Flood Management

The levels proposed in relation to the driveway access to the basement car park have been amended to meet the flood planning requirements.

The application was referred to Council's Development Engineer who maintains the following concern as outlined in the original assessment report:

- *The minimum aisle width in the carpark shall be 5.8m (only 5.5m has been provided).*

This aspect of the development therefore remains unresolved and cannot be supported.

Part 2.17 – Water Sensitive Urban Design

Part 2.17 of MDCP 2011 contains objectives and controls relating to Water Sensitive Urban Design (WSUD) including requirements for commercial developments.

A WSUD Strategy report and MUSIC model (including the music.sqz file) are required for the development in accordance with Part 2.17 of MDCP 2001. This information was not submitted with the application and is thus unresolved.

Part 2.21 – Site Facilities and Waste Management

The amended plans provide for sufficient bin storage space in accordance with the requirements of Part 2.21 of MDCP 2011.

Reason 7: The proposed development fails to comply with the active street frontage uses and shopfront design controls prescribed in Part 5.1.4.2 of Marrickville Development Control Plan 2011.

The amended plans have removed the previously proposed motel rooms fronting Addison Road on the ground floor. The development now proposes a café/restaurant in this location to encourage an active frontage to the streetscape. This reason for refusal has been sufficiently addressed.

Reason 8: The bulk, scale and architectural expression of the proposed development would result in unacceptable impacts on streetscape amenity and is contrary to the requirements prescribed under Part 5 of Marrickville Development Control Plan 2011.

The following is an assessment of the proposal against the relevant controls within Part 5 of MDCP 2011:

Contributory Buildings (Part 5.1.1) and Types of Commercial and Mixed Use Development (Part 5.1.2)

Part 5.1.1 of MDCP 2011 outlines that individual buildings which make a positive contribution to the streetscape that are not included in the Contributory Building Maps should be assessed on merit as part of a general assessment of the building frontages.

The development proposes to demolish all existing structures on the site. The applicant has submitted a Statement of Heritage Impact which purports that the existing building has been highly modified with permanent modifications, does not reflect its original appearance and does not have intrinsic value to justify its retention. Council officers maintain its view that the existing building, or at least the façade, is worthy of retention. The comments made in the original assessment report by Council's Heritage and Urban Design Advisor on behalf of the Architectural Excellence Panel (re-produced below) are concurred with.

"The building at 43-51 Addison Road is a Victorian two storey corner commercial building. The building retains a number of external period elements notably the parapet displays a strong geometric pattern in high relief, the arched window and door heads with keystone details remain, window openings are generally retained at their original dimensions. The building is considered a contributory building and as a result the façade should be retained in any future re-development of the site.

The re-development of the subject site and contributory building provides a unique opportunity to provide a development that maintains the strong corner element and activate both streets and allow back of house services to be provided along Fahey Lane. The integration of a modern architectural design that is sympathetic to the original façade would enhance the streetscape.”

The development proposal has been designed as infill development, demolishing all structures on the site. Under Part 5.1.2.4 infill development is “*where the site is vacant or there is major demolition of the existing building and a substantially new building is erected that fronts onto the main street.*”

As outlined above, the re-development of the site is required to retain the existing corner façade of the contributory building and is required to address Part 5.1.2.3 of MDCP 2011, being major external alterations and additions “*involves large parts of the original building structure and/or building fabric being demolished at the rear but, as a minimum, the contributory front portion of the building being retained, and a substantial new building being constructed to the rear.*”

The development does not respond to the requirements of Part 5.1.2 of MDCP 2011 in terms of designing a new built form that is incorporated into the retention of the existing façade and as a result cannot be supported.

Corners, Landmarks and Gateways (Part 5.1.3.6)

The site is located on the corner of Addison Road and Philpott Street. The development has been designed with limited regard to the context of the site which has a strong corner element. Notwithstanding the requirement to retain the existing contributory façade, the development in its current form bears no relationship between the Addison Road and Philpott Street elevations. The elevation along Philpott Street is unresolved and has insufficient architectural merit and presents as a side elevation rather than secondary frontage. The corner elements are not well-considered and do not do justice to its prominent corner location. The development proposes a lack of high quality materials and finishes. The vast majority of the building is comprised of rendered concrete, resulting in a poor streetscape presentation and exacerbating its bulk and scale visible from the public domain.

The proposal fails to address the context of the site and its setting and is not supported. The architectural expression and external materials and finishes are not considered to be of quality that is expected in such a location.

Some additional concerns raised by Council’s Development Engineer are outlined below:

- *A 2mx2m splay corner shall be provided at the intersection of Fahey Lane and Philpott Street and the land shall be dedicated to Council for road widening and sight distance purposes; and*
- *A 3mx3m splay corner shall be provided at the intersection of Addison Road and Philpott Street and the land shall be dedicated to Council for road widening and sight distance purposes.*

The splays shall continue both above and below with no encroachments of the building into the splays (except for awnings).

The amended scheme does not provide the splay corners as outlined above and therefore does not conform to Control C27 within Part 5.1.3.6 of MDCP 2011.

Ceiling heights (Part 5.1.5.3)

The floors to ceiling heights proposed on the ground floor are generally acceptable. The floor to ceiling heights for level 1, 2 and 3 have been reduced 200mm from 2.6 metres to 2.4 metres, thereby compromising the amenity of the rooms for occupants and not achieving the 2.7 metres requirement set out in MDCP 2011. The provision of a 2.7 metres floor to ceiling height would result in a building height that further exceeds the maximum allowable height under clause 4.3 of MLEP 2011.

This aspect of the proposed development is unresolved and is not supported.

Reason 9: The inefficient floor layout would result in poor amenity for future users of the site.

The inefficiencies relating to the lobby and the manager's accommodation have been somewhat resolved. Nevertheless, there are opportunities for the floor layout to be further improved to enable a greater level of internal amenity. In particular, given the orientation of the site and Philpott Street facing east it is considered that the development has made no consideration for the solar access and ventilation opportunities that the elevation presents.

The location of accommodation on the ground floor is considered to provide for inadequate amenity for the future occupants of the rooms. The north facing rooms would have a direct interface with the back of house services mainly being the car parking ramp and waste/loading unloading areas.

Further no detail has been provided regarding the screens to be placed on the rooms fronting Fahey Lane, and as such the amenity of these rooms is difficult to ascertain, as the screen could compromise the ability to receive adequate solar access.

These matters remain unresolved.

Reason 10: The proposed development results in a significant number of non-compliances with the planning controls and is therefore considered inappropriate. The non-compliances are an indication that the proposal is an overdevelopment of the site therefore failing to satisfy Section 79(C)(1)(c) of the Environmental Planning and Assessment Act, 1979.

Whilst the amended scheme makes design changes which address some of the reasons for refusal, there are various non-compliant elements to the proposal which are not supported and have not been adequately addressed through the amended plans.

Reason 11: The development does not promote the orderly development of land in accordance with the objectives of the Environmental Planning and Assessment Act, 1979.

The proposal results in a poor planning outcome on the site, has a detrimental impact on streetscape amenity, provides inadequate surveillance to Fahey Lane and Philpott Street and provides for poor amenity for future users of the site and is not considered to promote the orderly development of the land.

Reason 12: The development would not be in the public interest, therefore failing to satisfy Section 79(C)(1)(e) of the Environmental Planning and Assessment Act, 1979.

It is noted that the consent authority is to have regard to the objectors' concerns pursuant to section 79C(1)(d) and (e) of the Environmental Planning and Assessment Act 1979, it is recommended that the review request should not be approved having regard to the matters raised in the submissions received by Council as detailed in the assessment report herein, insofar as those matters coincide with the concerns raised in this report.

Other comments

Rear landscaped area

The corner of the site at the intersection of Philpott Street and Fahey Lane contains a grassed area with a steel palisade fence. This area seems to serve no purpose and has no direct connection to the motel as it adjoins the fire stair and basement entry and is therefore generally inaccessible and unable to be maintained. This area affords no surveillance to the lane and provides no active presentation to the street.

Plan inaccuracy

The east elevation and floor plans depict 2 windows on Level 01 and 2 windows on Level 02, whereas the perspective drawings appear to show 3 windows on each of these levels. See Image 3 and 4 below:



Images 3 and 4: East elevation and perspective

Similarly the ground floor plans illustrate the provisions of a booster on the front façade adjoining the entry yet the northern elevation does not depict this and illustrates the provision of glazing serving the shopfront.

5(a) Any submissions

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's Notification Policy. A total of 62 submissions were received.

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

- Poor architectural design;
- Waste management;
- Height non-compliance;
- FSR non-compliance
- Streetscape character;
- Amenity;
- Community safety;
- Flood planning requirements;
- Social impacts associated with the motel;
- Proposal is not in the public interest;
- Non-orderly development of land;
- Heritage façade; and
- Overdevelopment.

The concerns raised above are concurred with insofar as those matters coincide with the concerns raised in this report.

The following matters were also raised in the submissions but did not form the basis of reasons for refusal in the original determination. Whilst these matters have been considered in the assessment of the subject S82A review, they do not constitute reasons for refusal in their own right:

- Traffic congestion and parking;
- Visual and acoustic privacy;
- Use as backpackers accommodation; and
- Anti-social behaviour.

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

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.

- Environmental Services (Contamination);
- Development Engineer;

- Waste Management;

6(b) External

The application was not required to be referred to any external bodies.

7. Conclusion

The request has been reviewed in accordance with Section 82A of the Environmental Planning and Assessment Act and the heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration. The Section 82A review request is considered unsupportable and in view of the circumstances, refusal of the review request is recommended.

8. Recommendation

That Council, as the consent authority pursuant to section 80 of the Environmental Planning and Assessment Act 1979, refuse consent to the review request under Section 82A of the Environmental Planning and Assessment Act to review Determination No.201500736, dated 21 November 2016, for the following reasons:

1. The proposal is contrary to Clause 1.2(2)(h) of Marrickville Local Environmental Plan 2011 as it fails to promote a high standard of design in the private and public domain.
2. The development exceeds the maximum height permitted on the land pursuant to Clause 4.3 of Marrickville Local Environmental Plan 2011. There are insufficient planning reasons to justify the building height variation.
3. The development exceeds the maximum floor space ratio permitted on the land pursuant to Clause 4.4 of Marrickville Local Environmental Plan 2011. No written submission in accordance with Clause 4.6 (Exception to Development Standards) of Marrickville Local Environmental Plan 2011 was submitted with the application and Council has no power to approve the FSR in the absence of a Clause 4.6 submission.
4. The architectural expression, selection of external materials and finishes and corner treatment of the proposed development would result in a poor streetscape outcome and is contrary the requirements prescribed under Part 5 of Marrickville Development Control Plan 2011.
5. The existing building façade is worthy of retention in accordance with Part 5.1 of Marrickville Development Control Plan 2011.
6. The proposed development seeks to demolish the existing structures but does not provide splay corners as required by Part 5.1.3.6 of Marrickville Development Control Plan 2011.
7. The proposed development is contrary to the controls and objectives contained within Part 2 of Marrickville Development Control Plan 2011. In particular:

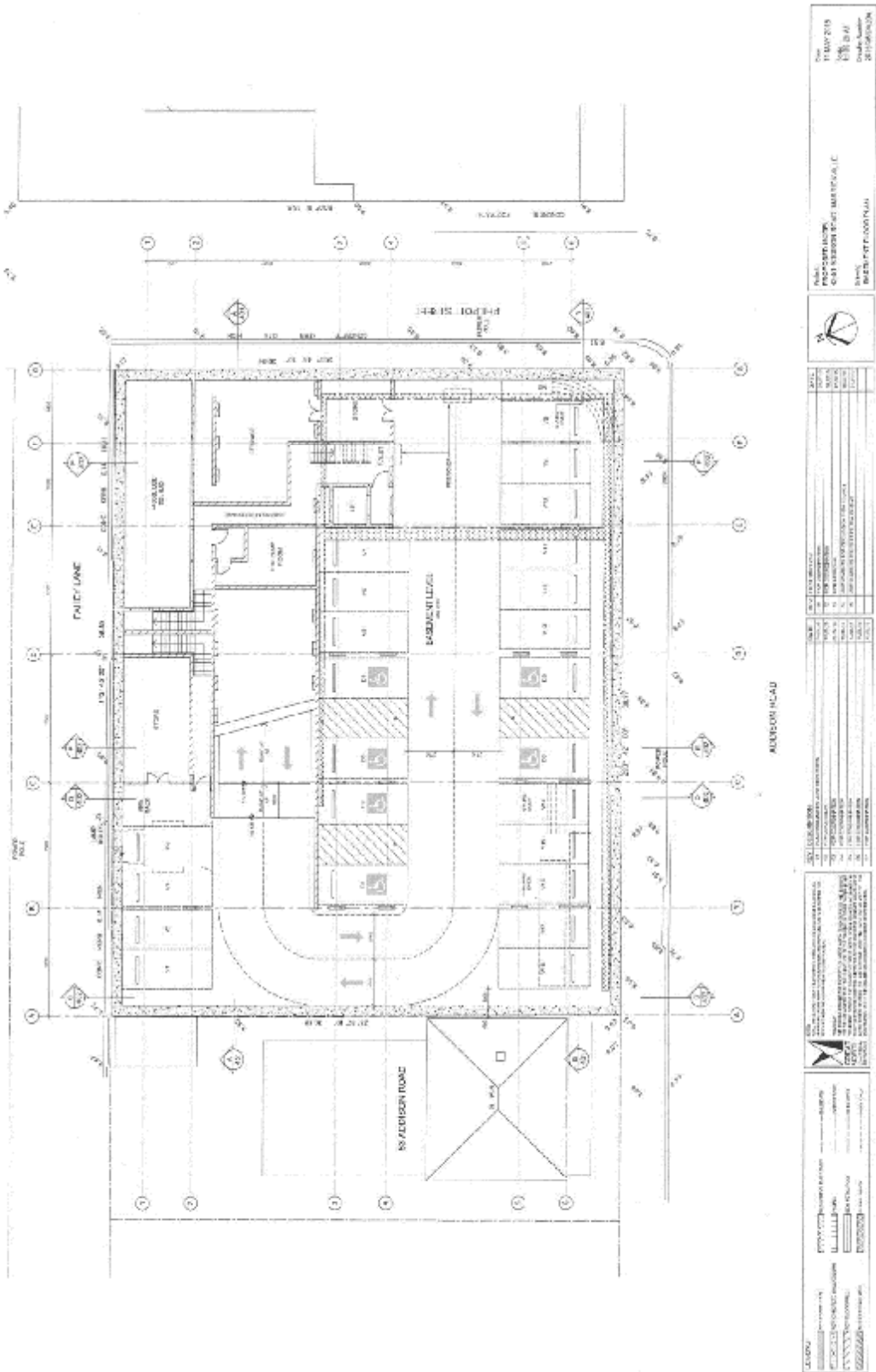
Part 2.9 Community Safety, Part 2.10 Parking and Part 2.17 Water Sensitive Urban Design.

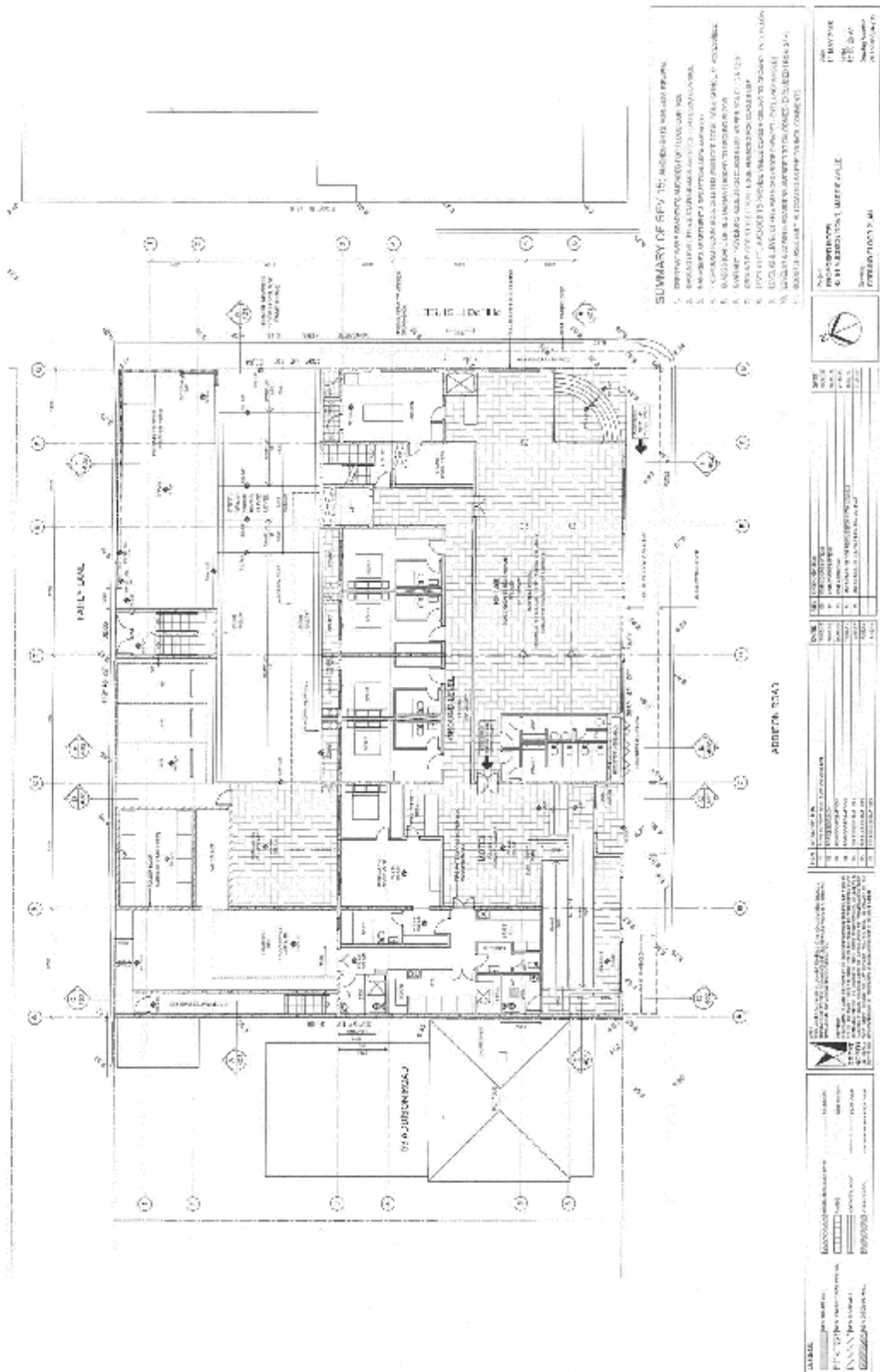
8. The inefficient floor layout would not maximise the amenity for future users of the site.
9. The proposed development results in a significant number of non-compliances with the planning controls and is therefore considered inappropriate. The non-compliances are an indication that the proposal is an overdevelopment of the site therefore failing to satisfy Section 79(C)(1)(c) of the Environmental Planning & Assessment Act 1979.
10. The development would not be in the public interest, therefore failing to satisfy Section 79(C)(1)(e) of the Environmental Planning & Assessment Act 1979.

Attachment A – Draft Conditions

To be furnished.

Attachment B – Plans of Proposed development

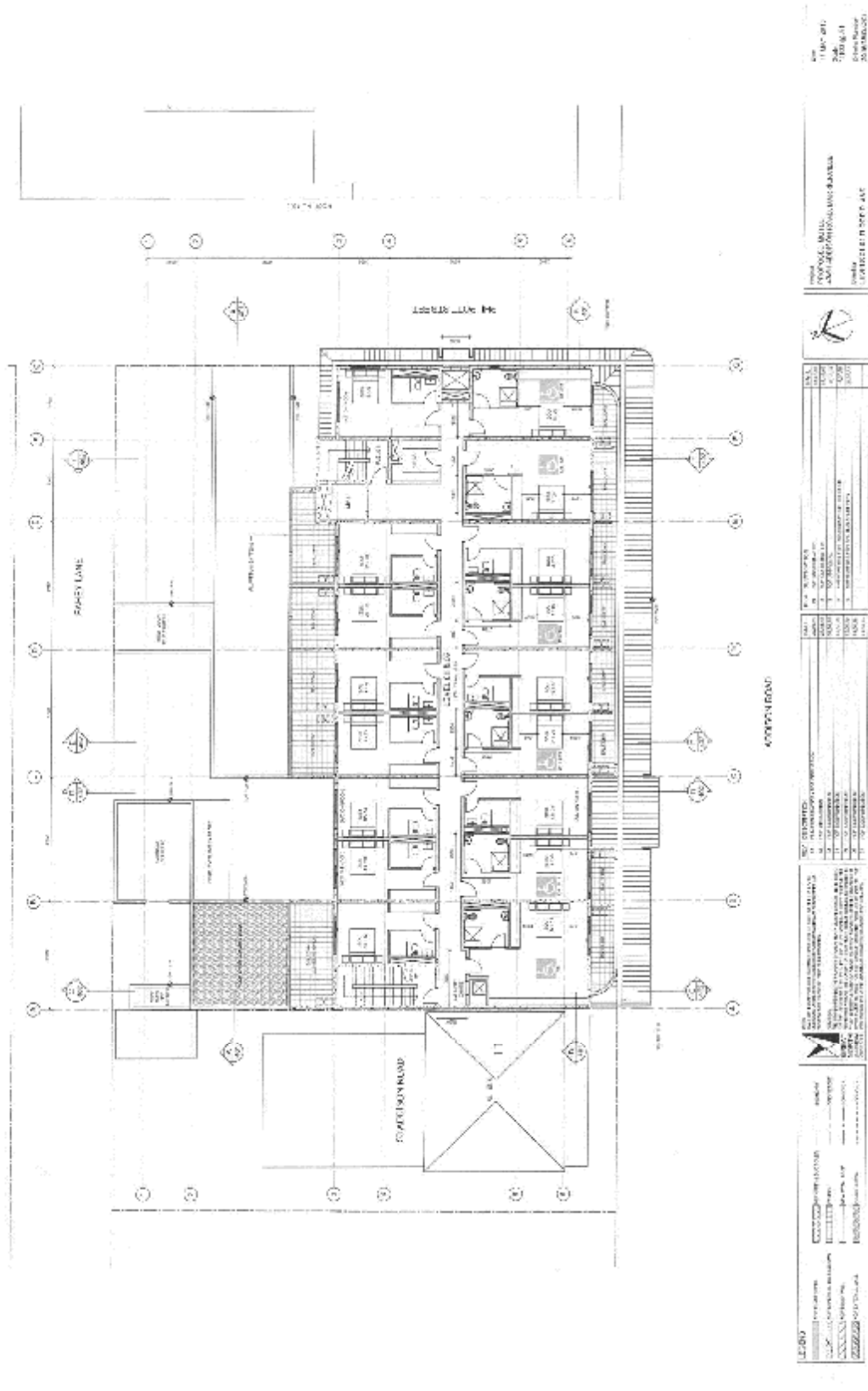


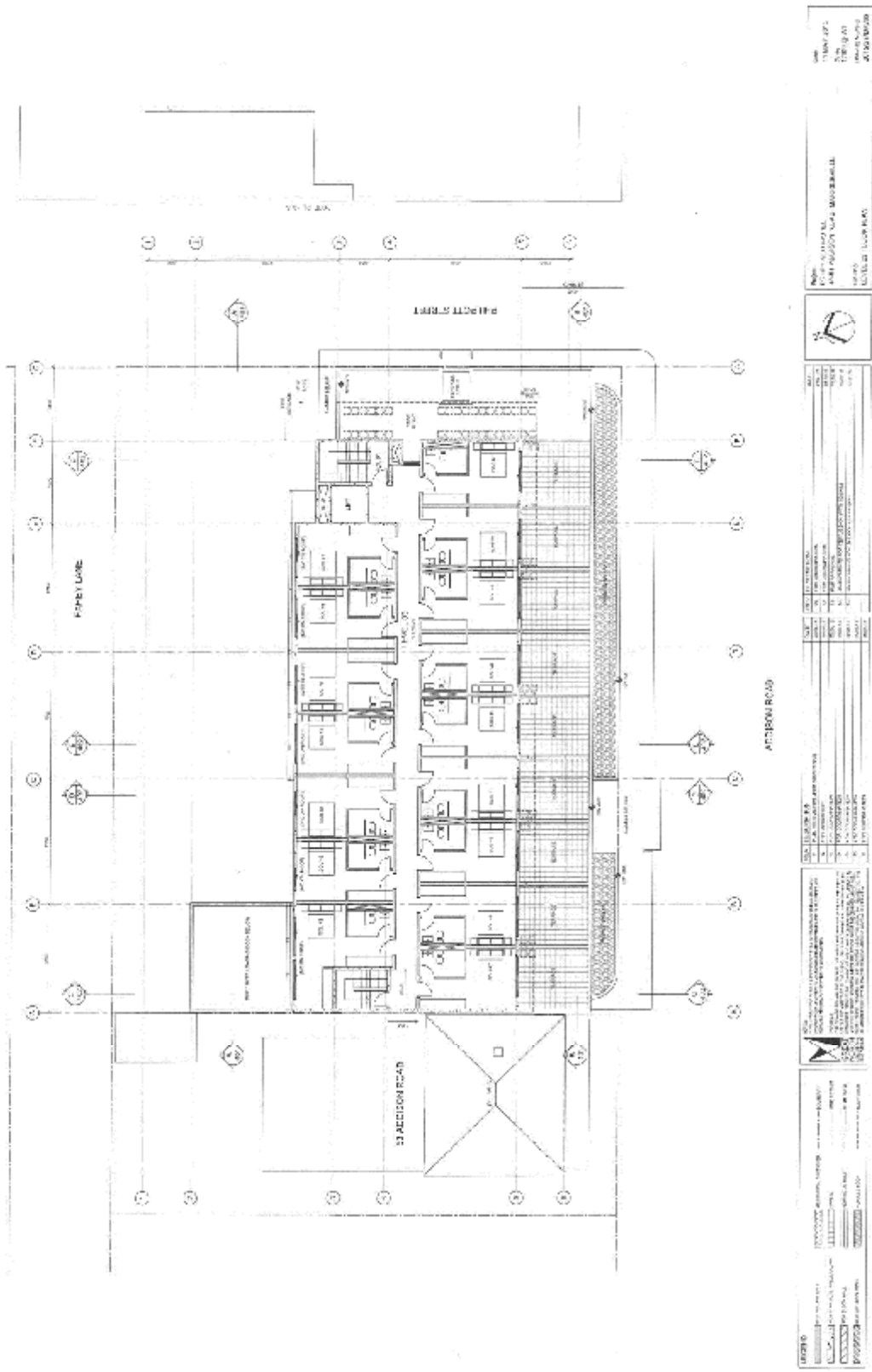


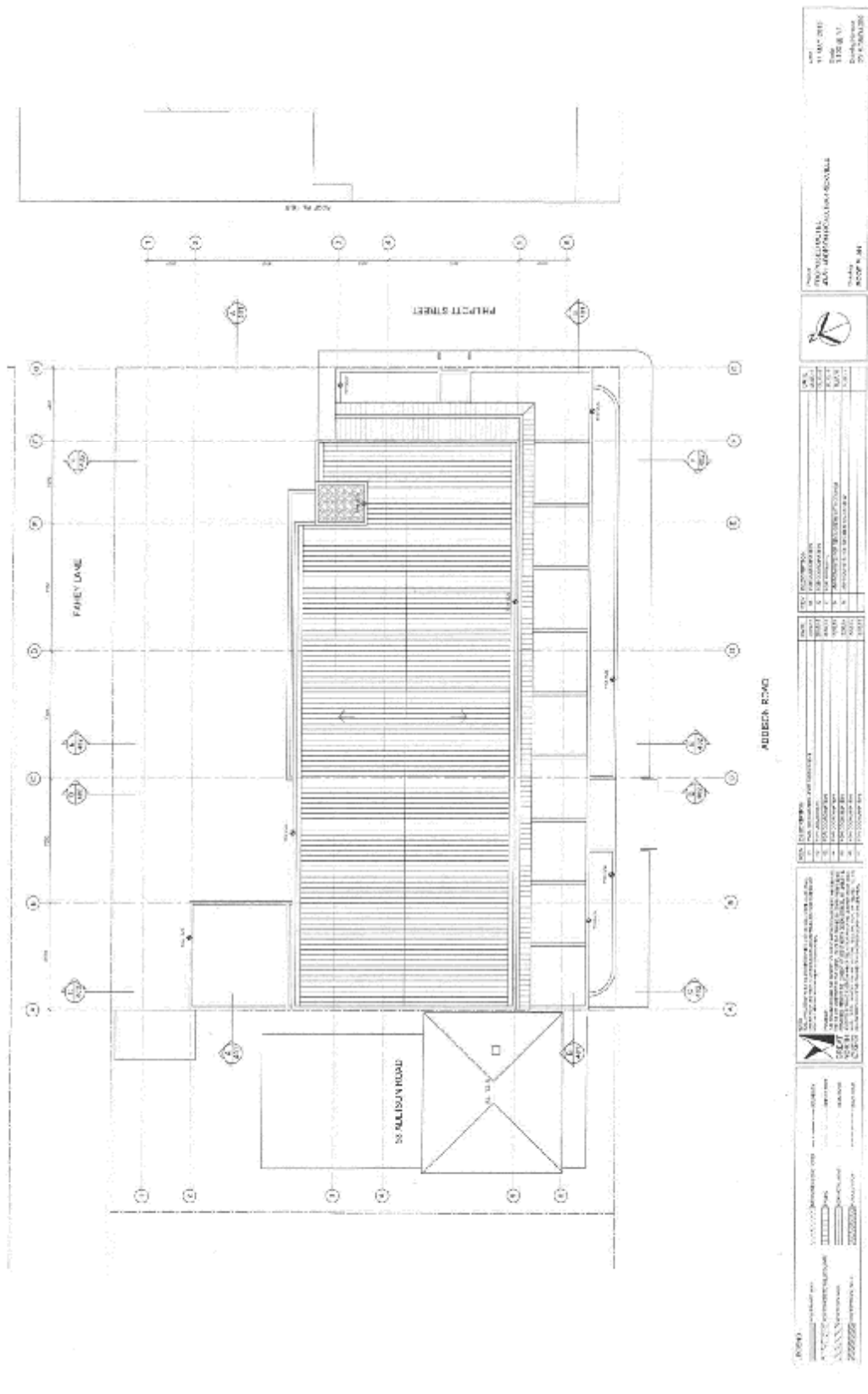
SUMMARY OF REV'S: MODIFIED TO ADD PERMITS

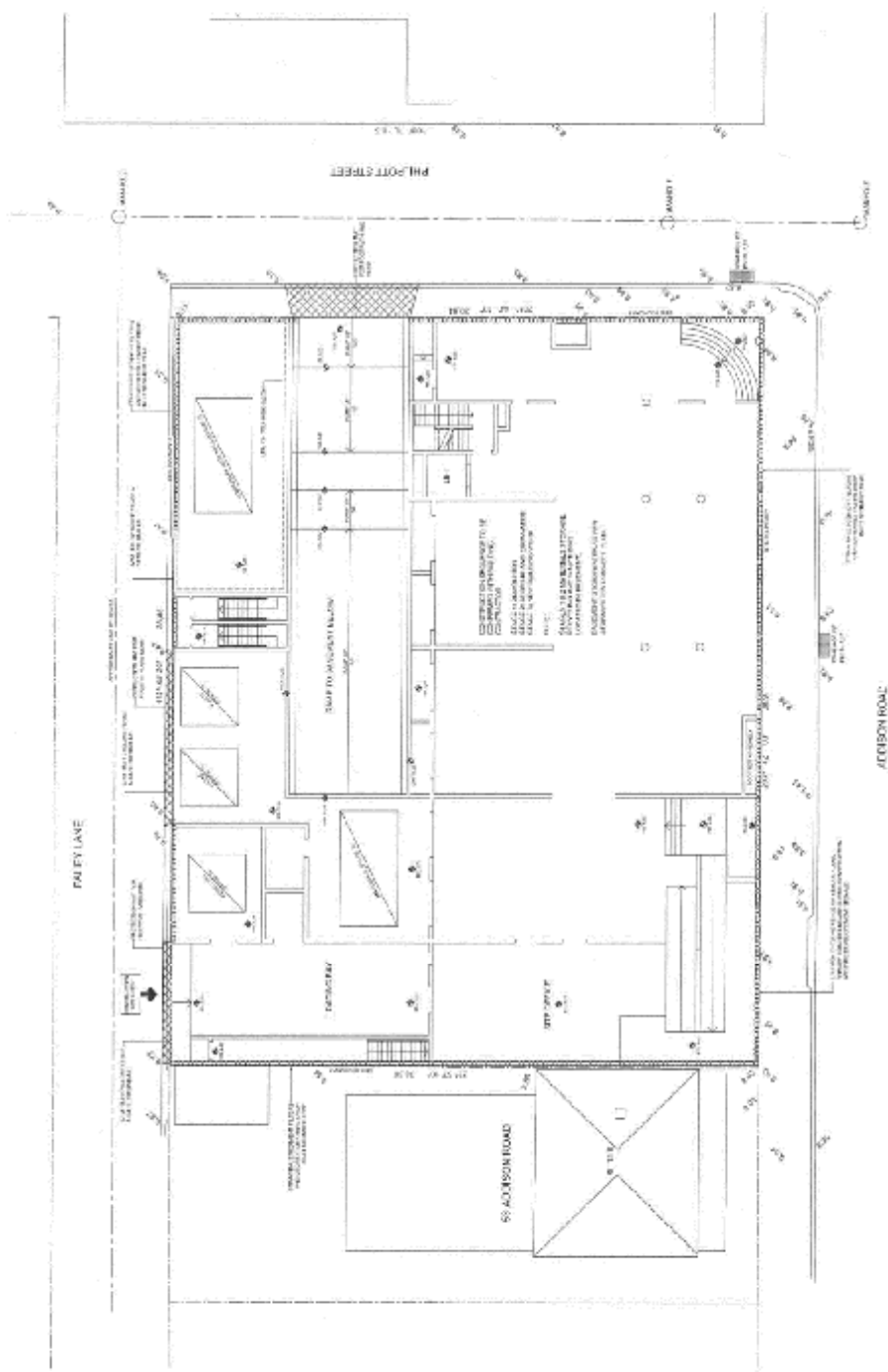
1. REVISED PERMITS CHECKLIST (SEE SHEET 10)
2. REVISED PERMITS CHECKLIST (SEE SHEET 10)
3. REVISED PERMITS CHECKLIST (SEE SHEET 10)
4. REVISED PERMITS CHECKLIST (SEE SHEET 10)
5. REVISED PERMITS CHECKLIST (SEE SHEET 10)
6. REVISED PERMITS CHECKLIST (SEE SHEET 10)
7. REVISED PERMITS CHECKLIST (SEE SHEET 10)
8. REVISED PERMITS CHECKLIST (SEE SHEET 10)
9. REVISED PERMITS CHECKLIST (SEE SHEET 10)
10. REVISED PERMITS CHECKLIST (SEE SHEET 10)
11. REVISED PERMITS CHECKLIST (SEE SHEET 10)
12. REVISED PERMITS CHECKLIST (SEE SHEET 10)
13. REVISED PERMITS CHECKLIST (SEE SHEET 10)
14. REVISED PERMITS CHECKLIST (SEE SHEET 10)
15. REVISED PERMITS CHECKLIST (SEE SHEET 10)
16. REVISED PERMITS CHECKLIST (SEE SHEET 10)
17. REVISED PERMITS CHECKLIST (SEE SHEET 10)
18. REVISED PERMITS CHECKLIST (SEE SHEET 10)
19. REVISED PERMITS CHECKLIST (SEE SHEET 10)
20. REVISED PERMITS CHECKLIST (SEE SHEET 10)

DATE	11/11/2011
BY	11/11/2011
PROJECT	11/11/2011
CLIENT	11/11/2011
SCALE	11/11/2011
REVISIONS	11/11/2011
APPROVED	11/11/2011
DESIGNED	11/11/2011
DRAWN	11/11/2011
CHECKED	11/11/2011
DATE	11/11/2011
BY	11/11/2011
PROJECT	11/11/2011
CLIENT	11/11/2011
SCALE	11/11/2011
REVISIONS	11/11/2011
APPROVED	11/11/2011
DESIGNED	11/11/2011
DRAWN	11/11/2011
CHECKED	11/11/2011



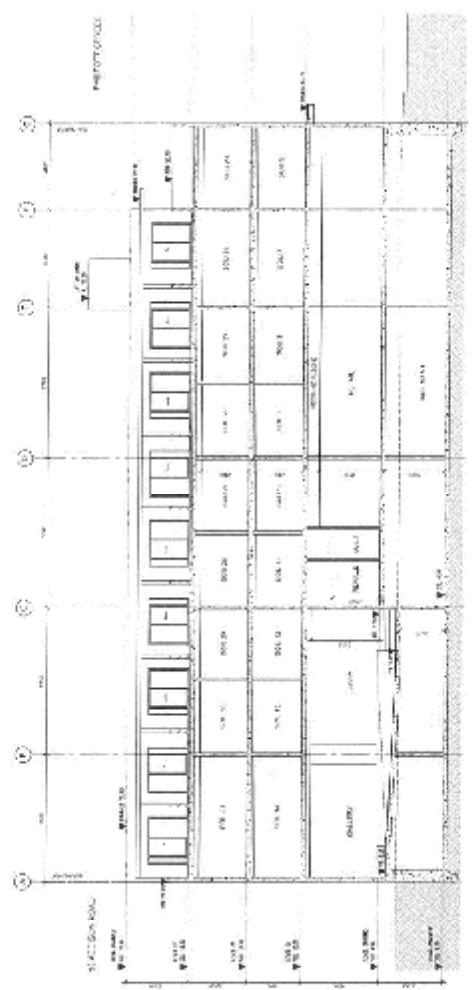
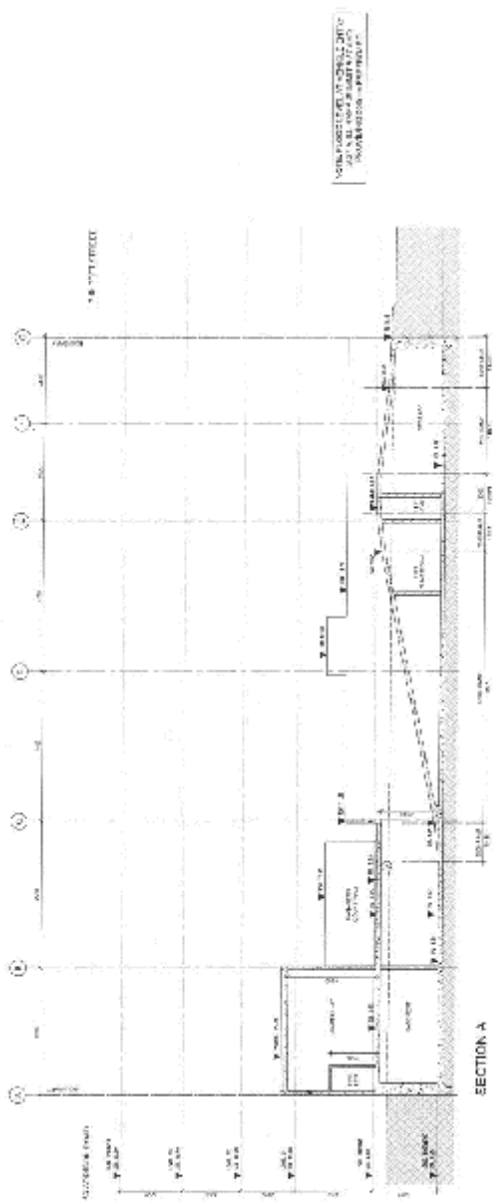




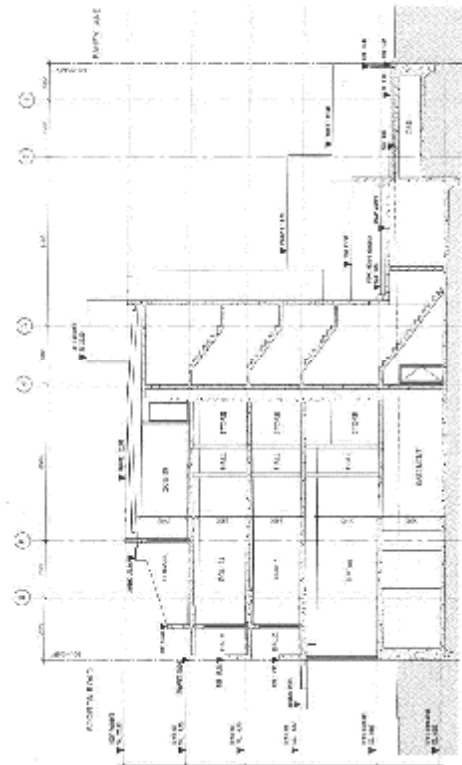


EROSION & SEDIMENT CONTROL PLAN

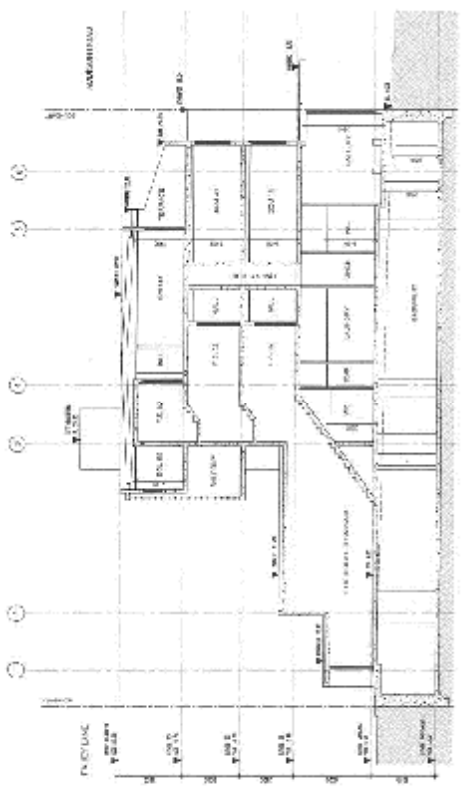
<p>PROJECT: 55 ADISON ROAD</p> <p>CLIENT: [REDACTED]</p> <p>DATE: 15/12/2011</p> <p>SCALE: 1:100</p> <p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p>	<p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p> <p>SCALE: [REDACTED]</p> <p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p>	<p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p> <p>SCALE: [REDACTED]</p> <p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p>	<p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p> <p>SCALE: [REDACTED]</p> <p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p>	<p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p> <p>SCALE: [REDACTED]</p> <p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p>	<p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p> <p>SCALE: [REDACTED]</p> <p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p>	<p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p> <p>SCALE: [REDACTED]</p> <p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p>	<p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p> <p>SCALE: [REDACTED]</p> <p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p>	<p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p> <p>SCALE: [REDACTED]</p> <p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p>	<p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p> <p>SCALE: [REDACTED]</p> <p>PROJECT NO: [REDACTED]</p> <p>DATE: [REDACTED]</p>
--	--	--	--	--	--	--	--	--	--



<p>PROJECT: Inner West Planning Panel</p> <p>CLIENT: Council of the City of Sydney</p> <p>DATE: 15/05/2014</p> <p>SCALE: 1:100</p> <p>PROJECT NO: 15/05/2014</p> <p>DRAWING NO: 15/05/2014</p>		<p>PROJECT: Inner West Planning Panel</p> <p>CLIENT: Council of the City of Sydney</p> <p>DATE: 15/05/2014</p> <p>SCALE: 1:100</p> <p>PROJECT NO: 15/05/2014</p> <p>DRAWING NO: 15/05/2014</p>	
<p>PROJECT: Inner West Planning Panel</p> <p>CLIENT: Council of the City of Sydney</p> <p>DATE: 15/05/2014</p> <p>SCALE: 1:100</p> <p>PROJECT NO: 15/05/2014</p> <p>DRAWING NO: 15/05/2014</p>		<p>PROJECT: Inner West Planning Panel</p> <p>CLIENT: Council of the City of Sydney</p> <p>DATE: 15/05/2014</p> <p>SCALE: 1:100</p> <p>PROJECT NO: 15/05/2014</p> <p>DRAWING NO: 15/05/2014</p>	
<p>PROJECT: Inner West Planning Panel</p> <p>CLIENT: Council of the City of Sydney</p> <p>DATE: 15/05/2014</p> <p>SCALE: 1:100</p> <p>PROJECT NO: 15/05/2014</p> <p>DRAWING NO: 15/05/2014</p>		<p>PROJECT: Inner West Planning Panel</p> <p>CLIENT: Council of the City of Sydney</p> <p>DATE: 15/05/2014</p> <p>SCALE: 1:100</p> <p>PROJECT NO: 15/05/2014</p> <p>DRAWING NO: 15/05/2014</p>	



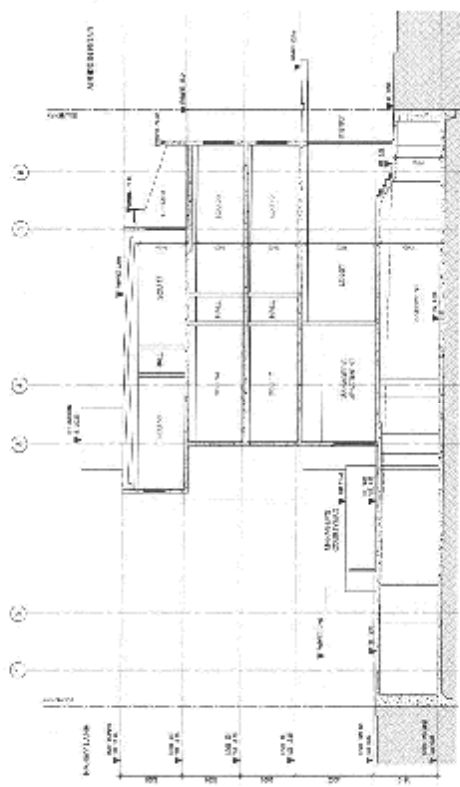
SECTION F



SECTION G

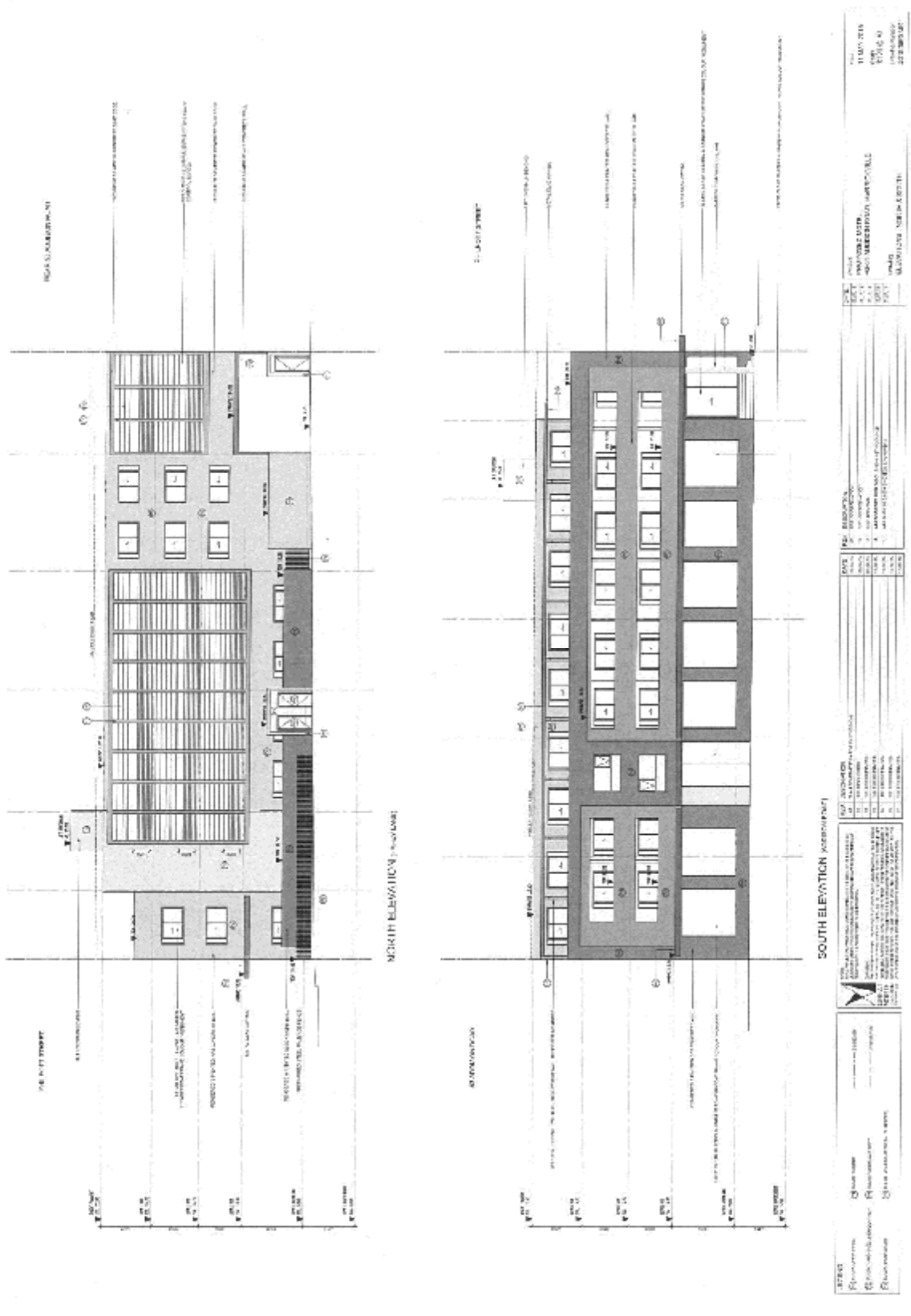


SECTION H



SECTION I

<p>PROJECT: STATION D</p> <p>DATE: 11/03/2015</p> <p>SCALE: 1:100</p> <p>PROJECT NO: 15/0000000000</p> <p>CLIENT: NSW RAIL</p> <p>DESIGNER: ARCADIS</p> <p>APPROVED BY: [Signature]</p>		<p>NO. 1</p> <p>DATE 11/03/2015</p> <p>BY [Signature]</p> <p>CHECKED BY [Signature]</p> <p>SCALE 1:100</p> <p>PROJECT NO 15/0000000000</p> <p>CLIENT NSW RAIL</p> <p>DESIGNER ARCADIS</p>							
<p>REVISIONS:</p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>ISSUED FOR PERMIT</td> <td>11/03/2015</td> </tr> </table>		NO.	DESCRIPTION	DATE	1	ISSUED FOR PERMIT	11/03/2015	<p>PROJECT NO: 15/0000000000</p> <p>CLIENT: NSW RAIL</p> <p>DESIGNER: ARCADIS</p> <p>DATE: 11/03/2015</p> <p>SCALE: 1:100</p> <p>PROJECT NAME: STATION D</p>	
NO.	DESCRIPTION	DATE							
1	ISSUED FOR PERMIT	11/03/2015							

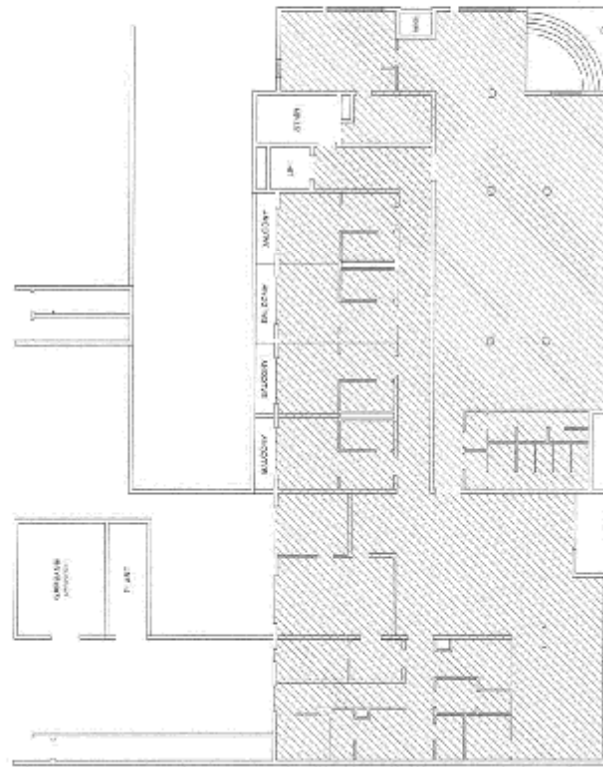
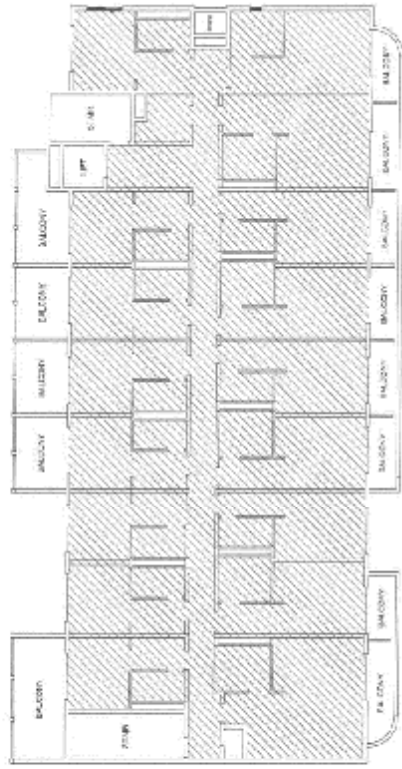
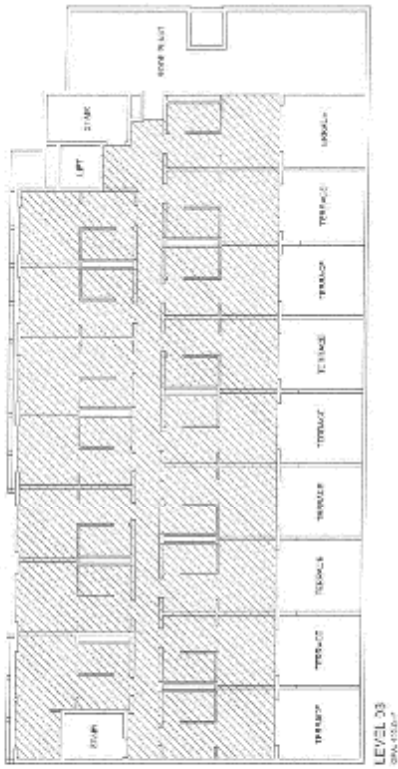




<p>CLIENT</p> <p>City of Sydney</p> <p>City of Sydney</p> <p>City of Sydney</p> <p>City of Sydney</p> <p>City of Sydney</p> <p>City of Sydney</p>		<p>PROJECT</p> <p>11 BLVD</p> <p>11 BLVD</p> <p>11 BLVD</p> <p>11 BLVD</p> <p>11 BLVD</p> <p>11 BLVD</p>	
<p>DATE</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p>		<p>PROJECT NO.</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p>	
<p>PROJECT NO.</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p>		<p>PROJECT NO.</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p>	
<p>PROJECT NO.</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p>		<p>PROJECT NO.</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p> <p>11/11/2014</p>	

AREA SCHEDULE:

GROUND FLOOR GFA:	566.3sqm
LEVEL 01 GFA:	590.1m ²
LEVEL 02 GFA:	500.1m ²
LEVEL 03 GFA:	466.0m ²
TOTAL GFA:	2077.5m²
SITE AREA:	1190.0m ²
ALLOWABLE FSR:	1.75:1
FSR:	1.74:1



LEGEND

[Hatched Box]	REAR PATIO
[Hatched Box]	REAR BALCONY

NOTES:

1. REFER TO ARCHITECTURAL DRAWINGS FOR FURTHER DETAILS.
2. REFER TO STRUCTURAL DRAWINGS FOR FURTHER DETAILS.
3. REFER TO MECHANICAL DRAWINGS FOR FURTHER DETAILS.
4. REFER TO ELECTRICAL DRAWINGS FOR FURTHER DETAILS.
5. REFER TO PLUMBING DRAWINGS FOR FURTHER DETAILS.
6. REFER TO SANITARY DRAWINGS FOR FURTHER DETAILS.
7. REFER TO FIRE SAFETY DRAWINGS FOR FURTHER DETAILS.
8. REFER TO LANDSCAPE ARCHITECTURE DRAWINGS FOR FURTHER DETAILS.
9. REFER TO CIVIL ENGINEERING DRAWINGS FOR FURTHER DETAILS.
10. REFER TO SITE SPECIFIC DRAWINGS FOR FURTHER DETAILS.

DATE: 17 MAY 2015

PROJECT: 15/150-0000-0000-0000-0000

CLIENT: [REDACTED]

ARCHITECT: [REDACTED]

ENGINEER: [REDACTED]

PLUMBING: [REDACTED]

ELECTRICAL: [REDACTED]

LANDSCAPE: [REDACTED]

CIVIL: [REDACTED]

SCALE: 1:200

DRAWN BY: [REDACTED]

CHECKED BY: [REDACTED]

DATE: 17 MAY 2015

PROJECT: 15/150-0000-0000-0000-0000

CLIENT: [REDACTED]

ARCHITECT: [REDACTED]

ENGINEER: [REDACTED]

PLUMBING: [REDACTED]

ELECTRICAL: [REDACTED]

LANDSCAPE: [REDACTED]

CIVIL: [REDACTED]

SCALE: 1:200

DATE: 17 MAY 2015

PROJECT: 15/150-0000-0000-0000-0000

CLIENT: [REDACTED]

ARCHITECT: [REDACTED]

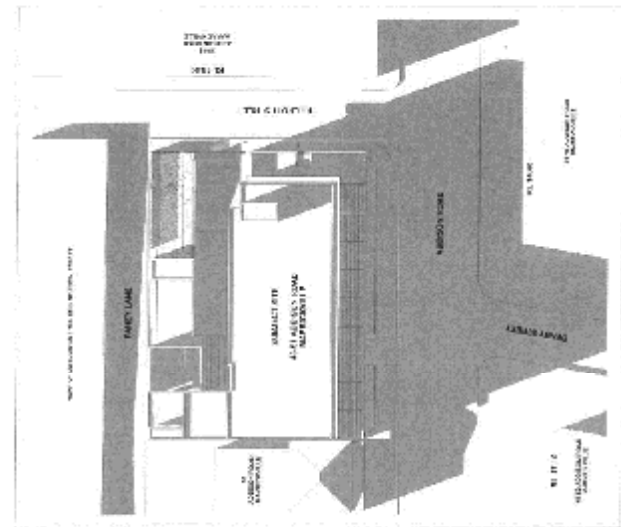
ENGINEER: [REDACTED]

PLUMBING: [REDACTED]

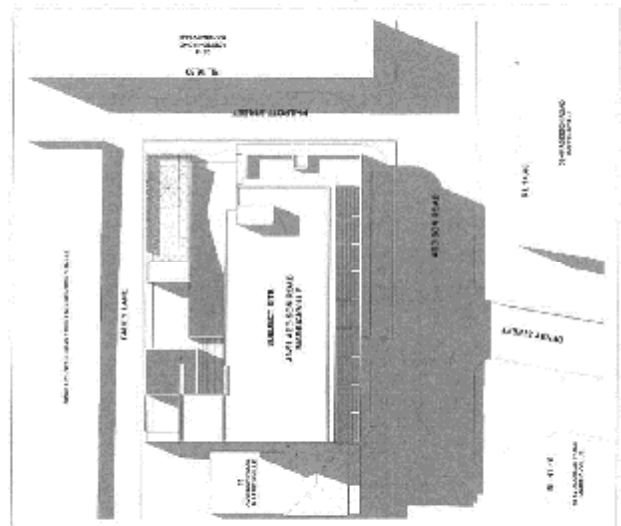
ELECTRICAL: [REDACTED]

LANDSCAPE: [REDACTED]

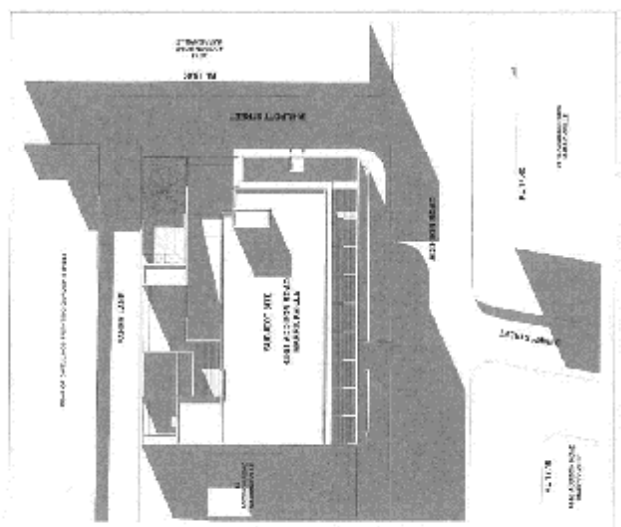
CIVIL: [REDACTED]



View - North East 21st July 2015

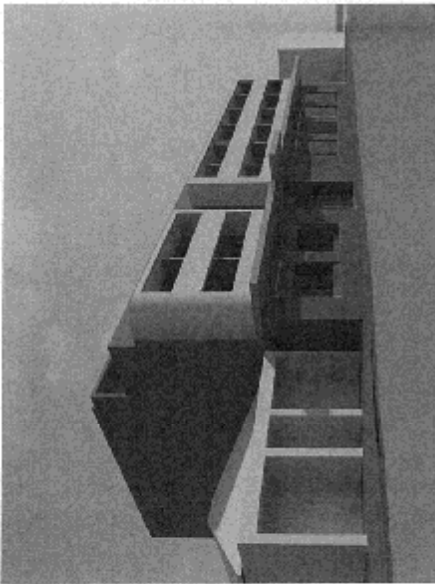


View - North West 21st July 2015

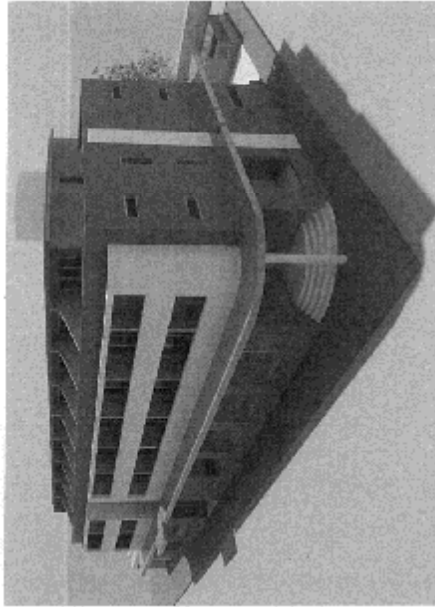


View - South East 21st July 2015

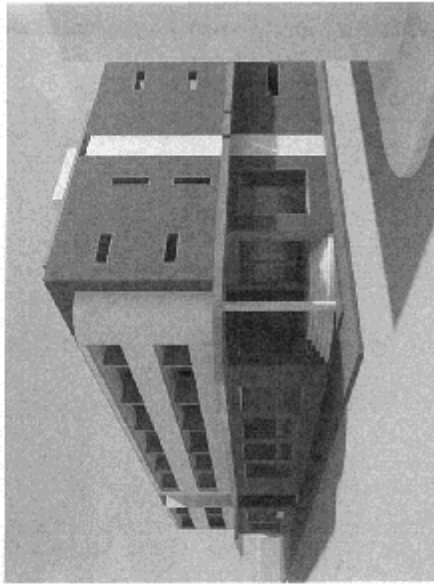
<p>Site: 1/1000 8 1/1000 9 1/1000 10 1/1000 11 1/1000 12 1/1000 13 1/1000 14 1/1000 15 1/1000 16 1/1000 17 1/1000 18 1/1000 19 1/1000 20 1/1000 21 1/1000 22 1/1000 23 1/1000 24 1/1000 25 1/1000 26 1/1000 27 1/1000 28 1/1000 29 1/1000 30 1/1000 31 1/1000 32 1/1000 33 1/1000 34 1/1000 35 1/1000 36 1/1000 37 1/1000 38 1/1000 39 1/1000 40 1/1000 41 1/1000 42 1/1000 43 1/1000 44 1/1000 45 1/1000 46 1/1000 47 1/1000 48 1/1000 49 1/1000 50 1/1000 51 1/1000 52 1/1000 53 1/1000 54 1/1000 55 1/1000 56 1/1000 57 1/1000 58 1/1000 59 1/1000 60 1/1000 61 1/1000 62 1/1000 63 1/1000 64 1/1000 65 1/1000 66 1/1000 67 1/1000 68 1/1000 69 1/1000 70 1/1000 71 1/1000 72 1/1000 73 1/1000 74 1/1000 75 1/1000 76 1/1000 77 1/1000 78 1/1000 79 1/1000 80 1/1000 81 1/1000 82 1/1000 83 1/1000 84 1/1000 85 1/1000 86 1/1000 87 1/1000 88 1/1000 89 1/1000 90 1/1000 91 1/1000 92 1/1000 93 1/1000 94 1/1000 95 1/1000 96 1/1000 97 1/1000 98 1/1000 99 1/1000 100</p>		<p>Project: PASSENGER RAIL - MARRIBELLE 1/1000 8 1/1000 9 1/1000 10 1/1000 11 1/1000 12 1/1000 13 1/1000 14 1/1000 15 1/1000 16 1/1000 17 1/1000 18 1/1000 19 1/1000 20 1/1000 21 1/1000 22 1/1000 23 1/1000 24 1/1000 25 1/1000 26 1/1000 27 1/1000 28 1/1000 29 1/1000 30 1/1000 31 1/1000 32 1/1000 33 1/1000 34 1/1000 35 1/1000 36 1/1000 37 1/1000 38 1/1000 39 1/1000 40 1/1000 41 1/1000 42 1/1000 43 1/1000 44 1/1000 45 1/1000 46 1/1000 47 1/1000 48 1/1000 49 1/1000 50 1/1000 51 1/1000 52 1/1000 53 1/1000 54 1/1000 55 1/1000 56 1/1000 57 1/1000 58 1/1000 59 1/1000 60 1/1000 61 1/1000 62 1/1000 63 1/1000 64 1/1000 65 1/1000 66 1/1000 67 1/1000 68 1/1000 69 1/1000 70 1/1000 71 1/1000 72 1/1000 73 1/1000 74 1/1000 75 1/1000 76 1/1000 77 1/1000 78 1/1000 79 1/1000 80 1/1000 81 1/1000 82 1/1000 83 1/1000 84 1/1000 85 1/1000 86 1/1000 87 1/1000 88 1/1000 89 1/1000 90 1/1000 91 1/1000 92 1/1000 93 1/1000 94 1/1000 95 1/1000 96 1/1000 97 1/1000 98 1/1000 99 1/1000 100</p>	



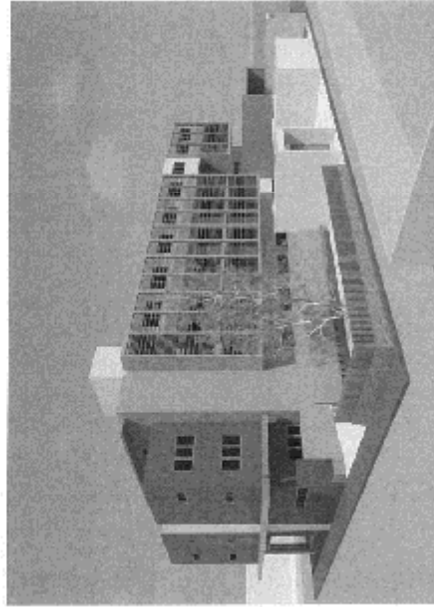
VIEW 01: 53 ADDISON ROAD ADJACENT TO MOTEL ENTRY



VIEW 02: BIRDSEYE - CORNER ADDISON ROAD & PHILPOTT STREET



VIEW 03: CORNER ADDISON ROAD & PHILPOTT STREET



VIEW 04: BIRDSEYE - CORNER PHILPOTT STREET & FINLEY LANE

REV	DESCRIPTION	DATE
15	APPLICABLE FOR CIRCULATION ONLY	8/11/15

DATE	DESCRIPTION

Project PROPOSED MOTEL 43-61 ADDISON ROAD, MARRICKVILLE FOR VINCE FERRY	Date 11 MAY 2015
Drawing PERSPECTIVES	Drawing Number 20/538/DATE01

NOTES: