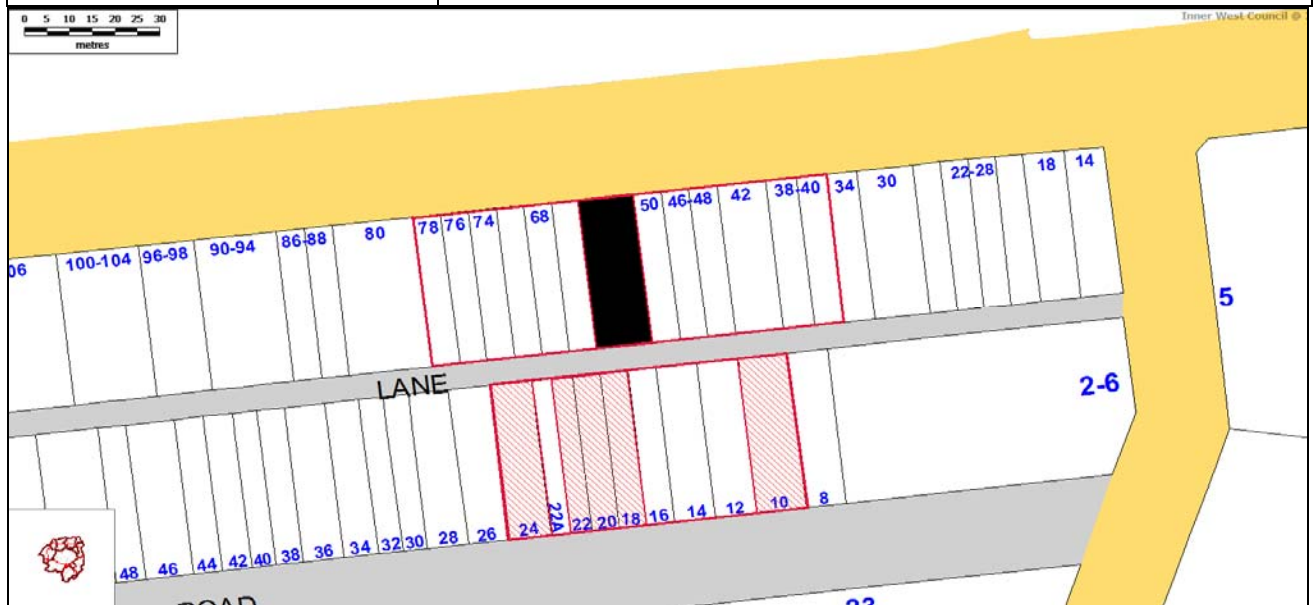




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	201500754
Address	52-54 Parramatta Road, Stanmore
Proposal	To demolish existing improvements and construct a four (4) storey mixed use development containing a shop on the ground floor and a 20 room boarding house with a manager's residence on the upper floors.
Date of Lodgement	23 December 2015
Applicant	Archispectrum
Owner	Phillip Hakim & Claude Hakim
Number of Submissions	5
Value of works	\$1,500,000
Reason for determination at Planning Panel	The extent of the departure from the FSR development standard exceeds staff delegation.
Main Issues	Floor Space Ratio
Recommendation	Deferred Commencement Consent



Subject Site:		Objectors:	
Notified Area:			

1. Executive Summary

This report is an assessment of the application submitted to Council for the demolition of existing improvements and the construction a four (4) storey mixed use development containing a shop on the ground floor and a 20 room boarding house with manager's residence on the upper floors at 52-54 Parramatta Road, Stanmore. The application was notified to surrounding properties and 5 submissions were received.

The main issues that have arisen from the application include:

- Extent of departure from Council's maximum FSR control (18%);
- Shortfall of 2 car parking spaces; and
- Solar access to communal open space.

The non-compliances are acceptable given the development is consistent with the predominant building pattern in the surrounding locality and will not give rise to adverse amenity impacts to adjoining properties or occupants of the development itself and therefore the application is recommended for approval.

2. Proposal

Approval is sought to demolish existing improvements and construct a four (4) storey mixed use development containing a shop on the ground floor and a 20 room boarding house with a manager's residence on the upper floors.

Built Form

The proposal contains a 91m² retail tenancy and residential entry and lobby at ground level. Also provided on the ground floor is a shared laundry for use by the boarding house residents, and access to the carpark located at the rear of the building, which is accessed via a driveway from Corunna Lane. The car park provides parking for 5 vehicles, including 2 accessible parking spaces, 4 motorbike spaces and bicycle racks. The commercial and residential garbage rooms are also located within the car park.

An area of communal open space is provided on the first floor, centrally between the 2 components of the building above ground level that contain boarding rooms. There are 3 levels of boarding rooms above the ground floor. Level 1 contains 6 boarding rooms, the manager's room and a communal room, Level 2 provides 8 boarding rooms, and Level 3 contains 5 boarding rooms and a communal room. The building is proposed to be constructed with a nil setback to all boundaries.

Parking

5 parking spaces including 2 accessible spaces are proposed, directly accessed from Corunna Lane via a driveway at the south-eastern corner of the site.

3. Site Description

52-54 Parramatta Road, Stanmore, is located on the southern side of Parramatta Road between Bridge Street and Northumberland Road, with a secondary frontage to Corunna Lane. The site is legally described as Lots 11 and 12 in DP 3526.

The site is regular in shape, has a 12.19 metre frontage to Parramatta Road and Corunna Lane and a total area of 440m². The site is currently occupied by a 2 storey commercial building with rear lane access comprising a rug and furniture store. The site has a slight slope from Corunna Lane to Parramatta Road. There is no vegetation existing at the site.

The site is adjoined by other commercial buildings, predominantly 2 and 3 storeys in height, with larger development further west of the site on Parramatta Road currently under construction.

The site is located within 60 metres walking distance to a bus stop operated by a regular bus services to surrounding suburbs and Railway Stations, the nearest being Stanmore Railway Station to the south-west.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
Pre-DA 200700081	To carry out alterations to the premises and to use the premises as a licensed restaurant with games area and micro-brewery including a roof top outdoor seating and smoking area	28 November 2007

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
2 June 2016	Council letter requesting addition information/amended plans
1 July 2016	Additional information lodged
27 September 2016	Council letter requesting addition information/amended plans
6 October 2016	Additional information lodged

5. Assessment

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

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Marrickville Local Environmental Plan 2011

The following provides further discussion of the relevant issues:

5(a)(xii) 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 that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The development site has been historically used for commercial purposes and there is no evidence to suggest the site is contaminated. However, as a Preliminary Site Investigation report was not submitted with the application, a deferred commencement condition has been included as follows:

“A Detailed Site Investigation is required to be undertaken and submitted to Council. Should remediation works be required, a Remediation Action Plan must accompany the Detailed Site Investigation.

Any contaminated soil excavated from the site is to be classified in accordance with the NSW Department of Environment, Climate Change and Water (2009) Waste Classification Guidelines and being carried out in accordance with the requirements of the NSW Office of Environment and Heritage.”

Subject to compliance with the above, the proposal is acceptable having regard to the relevant provisions contained within SEPP 55.

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

Development with frontage to classified road (Clause 101)

The site has a frontage to Parramatta Road which is a classified road. Clause 101 relates to development with a frontage to a Classified Road. Sub-clause (2) states that:

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Vehicular access to the property is provided from Corunna Lane and as such is provided from a road other than the classified road. As such, the development would not affect the safety, efficiency and on-going operation of Parramatta Road.

In accordance with the SEPP, the proposal is a form of development that is sensitive to traffic noise or vehicle emissions.

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

The site is located adjacent to a road corridor. Clause 102(3) relates to development in or adjacent to road corridors and road reservations and states the following:

- (1) *This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*
- (a) *a building for residential use,*
 - (b) *a place of public worship,*
 - (c) *a hospital,*
 - (d) *an educational establishment or child care centre.*
- (2) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) *If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
- (a) *in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*

- (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The *RMS Traffic Volume Maps for Noise Assessment for Building on land adjacent to Busy Roads* indicates Parramatta Road within the location of the site as having a volume of >40,000 annual average daily traffic volume.

An Acoustic Assessment was submitted with the application however this document does not address the provisions/requirements of the SEPP or demonstrate that the development will comply with the LAeq levels stipulated in Clause 102 of the SEPP. This document provides a more generic discussion on noise impact and provides that an acoustic report would be prepared following consent being issued.

To ensure that the proposed development can comply with the relevant noise provisions a deferred commencement condition has been included in the recommendation to require an acoustic report be submitted in accordance with the requirements prescribed by the SEPP.

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

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the ARH SEPP) 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 land is B4 - Mixed Use under the zoning provisions of MLEP 2011. A boarding house is permissible within the zone with the consent from Council.

Under MLEP 2011, the maximum floor space ratio (FSR) permitted for any form of residential accommodation permitted on the land is 1.5:1. 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 not permitted on the land an additional FSR of 0.5:1 under Clause 29(1)(c)(i) would not apply to the development. Consequently the maximum allowable FSR for the site for a boarding house development under the Affordable Rental Housing SEPP would be 1.5:1.

The development has a gross floor area (GFA) of approximately 779sqm and the site has a site area of approximately 440m² which would result in a FSR of 1.77:1. The boarding house therefore exceeds the density provisions prescribed by the Affordable Rental Housing SEPP. A Clause 4.6 variation statement has been prepared and submitted with the application. A detailed assessment of the variation is provided in “Part 5a(iv)(v)- Exceptions to Development Standards (Clause 4.6)”.

(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 MLEP 2011. The development has a maximum building height of approximately 13.5 metres which complies with the maximum building height permitted under the Affordable Rental Housing 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 commercial streetscape in the locality does not provide any landscaping within the front setback. The proposed nil setback to the front boundary is consistent with the commercial streetscape and therefore complies with the clause.

(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 proposal provides 2 common rooms, 1 on the first floor and 1 on the third floor. The common room on the third floor is located at the front of the building and will receive more than 3 hours direct sunlight during mid-winter, which complies with the clause.

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

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

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

A communal courtyard with an area of approximately 67m² is provided on the first floor for use by the residents, and a dedicated private open space area of approximately 13.5m² is provided adjoining the manager's dwelling. Each courtyard complies with the required area and minimum dimensions prescribed by the SEPP.

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

“If:

- (i) in the case of development in an accessible area - at least 0.2 parking spaces are provided for each boarding room, and*
- (ii) in the case of development not in an accessible area - at least 0.4 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.”*

An “accessible area” is defined in the SEPP as follows:

“accessible area means land that is within:

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or*
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.”*

The property is located in an accessible area being 60 metres walking distance to a bus stop operated by a regular bus service. The service provides bus travel to surrounding suburbs and train stations and therefore complies with the clause.

The required number of parking spaces is 3.8 spaces (0.2 spaces x 19 boarding rooms). The total number of parking spaces provided for use by the residents of the boarding house is 4 spaces. The proposal complies with the SEPP parking requirements.

(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."*

The following table below provides a breakdown of the size of each of the boarding rooms in the proposal:

Table 1: Proposed Room Sizes

Ground Floor			First Floor		
Room No.	Room Size (GFA) – m ²	Complies ?	Room No.	Room Size (GFA) – m ²	Complies ?
1	15.7	Yes	11	12.7	Yes
2	15.7	Yes	12	15.3	Yes
3	12.9	Yes	13	14.3	Yes
4	12.7	Yes	14	13.2	Yes
5	15.7	Yes	15	12.7	Yes
6	15.7	Yes	16	14.7	Yes
7	12.5	Yes	17	13.7	Yes
8	13.4	Yes	18	13.2	Yes
9	15.6	Yes	19	12.7	Yes
10	13.2	Yes	M*	16	Yes

** Manager's Room*

All rooms are single rooms and comply with the minimum accommodation size requirements prescribed by the SEPP.

(ii) Standards for Boarding Houses (Clause 30)

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

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

2 communal living rooms are provided, 1 in each building, therefore complying with the SEPP.

- (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.*

All rooms are less than 25m² in area, which complies with the above control.

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

All rooms are single rooms, which complies with the above control.

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

Each room contains a bathroom and kitchen facilities, which complies with the above control.

- (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.*

Despite the boarding house not requiring a Manager as it accommodates 19 lodgers, a room is provided on the first floor for a Manager.

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

The property is zoned B4 – Mixed Use under MLEP 2011, and as such the land is zoned primarily for commercial purposes. No part of the ground floor is used for residential purposes, which complies with the above control.

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

4 motorcycle parking spaces are required for the proposed 19 boarding rooms. 4 motorbike spaces are provided on the ground floor therefore achieving compliance with the control.

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

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

In relation to the built form context of the site, the proposed building is of a suitable scale and form and is compatible and complementary to adjoining development. The built form context of this section of Parramatta Road comprises a mix of 2 and 3 storey commercial buildings with newer developments under construction containing

ground floor commercial units and upper level residential development, between 3 and 4 storeys in height.

The proposal will be constructed with a nil setback to Parramatta Road, and nil side setbacks, that will be in keeping with the established street setback. Vehicular access is via Corunna Lane at the rear of the site.

The site is not located within a heritage conservation area or masterplanned precinct. The proposal will not detract from the existing or desired future character of the locality when viewed in conjunction with the adjoining buildings and the contemporary architectural expression of the proposal is considered complementary to adjoining development. For all of the reasons outlined above, the proposal satisfies the character test pursuant to Clause 30A of the SEPP.

Accordingly, the proposal is consistent with the objectives and intended outcomes of the SEPP.

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

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

- Clause 2.3 – Land Use Table and Zone Objectives
- Clause 2.7 – Demolition
- Clause 4.3 – Building Height
- Clause 4.4 – Floor Space Ratio
- Clause 4.6 – Exceptions to Development Standards
- Clause 5.9 – Heritage Conservation
- Clause 5.10 – Heritage Conservation
- Clause 6.5 - Development in areas subject to Aircraft Noise
- Clause 6.15 – Location of Boarding Houses in Business Zones

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

Standard (maximum)	Proposal	% of non-compliance	Compliance
Floor Space Ratio Maximum: 1.5:1	1.77:1 779m ²	18%	No
Height of Building Maximum: 14 metres	13.5 metres	-	Yes

The following provides further discussion of the relevant issues:

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

The site is zoned B4 - Mixed Use under the provisions of MLEP 2011. The development is permissible with Council's consent under the zoning provisions applying to the land.

The objectives of the B4 - Mixed Use zone are as follows:

- *To provide a mixture of compatible land uses;*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;*
- *To support the renewal of specific areas by providing for a broad range of services and employment uses in development which display good design;*
- *To promote commercial uses by limiting housing;*
- *To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house; and*
- *To constrain parking and restrict car use.*

The development is considered acceptable having regard to the objectives of the B4 - Mixed Use zone in that it will provide suitable co-location of uses at the site within an accessible location. The boarding house component will add to a diverse mix of residential accommodation in a suitable location that is close to services, shops and recreation.

(xii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works are included in the recommendation.

(xiii) Height (Clause 4.3)

A maximum building height of 14 metres applies to the site as indicated on the Height of Buildings Map that accompanies MLEP 2011. The development has a maximum building height of 13.5 metres which complies with the height development standard.

(xiv) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 1.5:1 applies to the site as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development has a gross floor area (GFA) of 779m² which equates to a FSR of 1.77:1 on the 440m² site which exceeds the FSR development standard.

A written request, in relation to the development's non-compliance with the FSR development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011, was submitted with the application. The submission is discussed below.

(xv) Exceptions to Development Standards (Clause 4.6)

Clause 4.6 contains provisions that provide a degree of flexibility in applying certain development standards to particular development. Under Clause 4.6 (2),

Development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

As detailed earlier in this report, the development exceeds the maximum floor space ratio development standard prescribed under Clause 4.4 of MLEP 2011. The application was accompanied by a written submission in relation to the contravention of the FSR development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011.

The application proposes a floor space ratio of 1.77:1 which represents an excess of 119m² or 18% variation. The applicant considered compliance with the development standard to be unreasonable and unnecessary for the following reasons:

“ *The proposed variation to the FSR development standard is consistent with the objectives of clause 4.6 as follows:*

- *The proposed form and scale of the building is consistent with the massing and scale of development on the Parramatta Road corridor and buildings within the visual catchment of the subject site including. 90 – 94 Parramatta Road, 96 – 98 Parramatta Road and 106 – 110 Parramatta Road. The proposal has been designed with a central void and generally consistent with the building envelope controls contained in Part 5 – Commercial and Mixed Use Development of the Marrickville DCP confirming the proposed floor area is consistent with the planning controls for the locality.*
- *A number of recent approvals for mixed use-shop top housing developments and boarding house developments on Parramatta Road including 30 – 34 Parramatta Road (1.87:1) assessed under the same planning controls varied the FSR development standard confirming flexibility has been applied to the FSR development standard. In my opinion the variation to the FSR development standard is acceptable for the subject site allowing for flexibility to be applied to the FSR control consistent with recent planning approvals on Parramatta Road and the proposal achieves a suitable built form to Parramatta Road compatible with the development in the visual catchment and the proposed FSR (built form) achieves good amenity for the boarding rooms in the development.*

The proposed building meets the objectives of the FSR development standard based on the following assessment:

- *The building generally meets the building envelope controls ensuring the bulk and scale of development is compatible with the planning controls for the locality.*
- *The form and scale of the building is consistent with the massing and scale of development on the Parramatta Road corridor and within the visual catchment of the subject site.*
- *The scale of the building will not result in unreasonable impacts to the surrounding properties noting adequate separation to the residential*

properties on the opposite side of Corunna Lane. The development proposal will not result unreasonable overshadowing to reduction of solar access to the principal living areas and open space at midwinter between 9am and 12 noon consistent with the controls contained in Part 2.7.3 of the Marrickville DCP.

- *The proposed development proposal encourages revitalization of development on Parramatta Road presenting a well-designed contemporary building form to Parramatta Road – public domain.*

Pursuant to clause 4.6(3)(a) of the LEP the variation to the FSR development standard is acceptable in the circumstances of this case and compliance with the development standard is considered unreasonable and unnecessary because it meets the objective of the FSR standard even though it does not strictly comply and based on the following:

The subject site currently contains a 2 storey building covering the site with an estimated FSR of 2:1. The development proposal results in a reduction of the floor area on site resulting in a built form consistent with the planning controls for the locality.

- *The development proposal presents a form and scale that is consistent with existing development to the west of the subject site 90 – 94 Parramatta Road, 96 – 98 Parramatta Road and 100- 104 Parramatta Road.*
- *As addressed Council have approved mixed use/shop top housing development on Parramatta Road assessed under the same planning controls varying the FSR of control 1.5:1 and Council approved a boarding house development at 30 – 34 Parramatta Road in with an FSR of 1.87:1.*
- *The form and scale of the building generally meets the building envelope controls contained in the Marrickville LEP 2011 and Part 5 of the Marrickville DCP.*
- *The development proposal has a 3 storey form to Parramatta Road with the upper level setback 6m presenting a compatible form of development to Parramatta Road.*
- *The development proposal meets the aims of SEPP – ARH contained in clause 3 of the SEPP.....*
- *The additional floor area does not result in unreasonable amenity impacts to surrounding properties in the mixed use locality. The solar access to the residential properties on the opposite side of Corunna Lane will not be significantly reduced as a result of the development proposal.*
- *The development proposal has been designed with a central courtyard-deep soil landscape area contributing the amenity of the building and breaking the scale of development.*

Pursuant to clause 4.6(3)(b) of the LEP the grounds for variation to the FSR control contained in this application confirms the variation is acceptable as the form and scale of development is suitable for the subject site with the building being compatible with development on Parramatta Road and planned for the locality.

The form and scale of the development is suitable for the subject site with the retail area at ground level contributing to the activation of Parramatta Road with the upper levels presenting a consistent form of development to Parramatta compared to the existing built form (90-94 Parramatta Road, 96-98 Parramatta Road and 100-104 Parramatta Road) and recent approvals under the current planning instrument.”

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

Compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances given that:

- The height of the building is consistent with the maximum permitted height of 14 metres under MLEP 2011;
- The site is within an accessible area as defined under SEPP (Affordable Rental Housing) 2009; and
- The proposal provides a suitable mixed use development that positively contributes to the streetscape.

There are sufficient environmental planning grounds to justify contravening the development standard given that:

- The non-compliance with the standard does not contribute to adverse environmental impacts in terms of overshadowing, visual impacts or view loss; and
- Positive contribution to the urban design and streetscape activation of Parramatta Road through the revitalisation of a site with a mixed use development that has architectural merit.

The majority of the additional floor area fits within the building envelope envisaged by Council's controls except with regard to the upper level residential encroachment at the rear. The compliant height and scale of the building proposed is consistent with the desired future character contemplated by Council's controls and the massing has been appropriately designed to minimise impacts.

It is considered that the applicant's written submission has satisfactorily addressed the relevant matters under Clause 4.6 of MLEP 2011 and as such the proposal's

non-compliance with the FSR development standard is considered acceptable. The contravention of the development standard does not raise any matter of significance for State and regional environmental planning, and that there is no public benefit in maintaining the development standard for the development.

(xvi) Heritage Conservation (Clause 5.10)

The site is located within the vicinity of a heritage item approximately 100 metres to the east at 2-6 Bridge Road, Stanmore (Item I236). Overall, the development would not have any significant impacts on the nearby heritage item given its distance from the site. The development satisfies Clause 5.10 of MLEP 2011 and Part 8 of MDCP 2011.

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

Clause 6.5 applies to development that is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise.

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

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

The development would need to be noise attenuated in accordance with AS2021:2000. The submitted acoustic assessment did not address Clause 6.3 of the LEP to confirm the methods by which the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2000.

Accordingly, a condition is included in the recommendation requiring noise attenuation measures to be incorporated into the development complying with Australian Standard 2021:2000 in relation to interior design sound levels in addition to the criteria prescribed by SEPP (Infrastructure) 2007.

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

The site is located within a B4 Mixed Use zone under MLEP 2011. No part of the boarding house is located at street level in accordance with Clause 6.15.

5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

5(c) Development Control Plans

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

Part	Compliance
Part A – INFORMATION TO BE SUBMITTED WITH A DEVELOPMENT APPLICATION	
Part A.2.6 – Plan of Management	Yes
Part 2 – GENERIC PROVISIONS	
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes
Part 2.6 – Visual and Acoustic Privacy	Yes – refer to discussion
Part 2.7 – Solar Access and Overshadowing	No – refer to discussion
Part 2.8 – Social Impact Assessment	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	No – refer to discussion
Part 2.16 – Energy Efficiency	Yes – conditions imposed
Part 2.17 – Water Sensitive Urban Design	Yes – conditions imposed
Part 2.18 – Landscaping and Open Space	No – refer to discussion
Part 2.21 – Site Facilities and Waste Management	No – refer to discussion
Part 4.3 – BOARDING HOUSES	
Part 4.3 – Boarding Houses <ul style="list-style-type: none"> • Character and amenity of the local area • Boarding house capacity • Location • Management • Boarding Rooms • Communal rooms and facilities • Communal laundry • Landscaped area and common open space 	Generally compliant – refer to discussion
Part 5 – COMMERCIAL & MIXED USE DEVELOPMENT	
Part 5.1.2.4 – Infill Development	Yes
Part 5.1.3 – Building Form <ul style="list-style-type: none"> • Massing and Setbacks • Depth • Building Separation 	No – does not comply with rear massing and roof top massing controls – refer to discussion
Part 5.1.4 – Building Detail <ul style="list-style-type: none"> • Building frontages • Active street frontage uses and shopfront design 	Yes
Part 5.1.5 – Building use <ul style="list-style-type: none"> • Mixed use development 	Yes
Part 8 - HERITAGE	
Part 8. – Within the vicinity of Item I236	Yes – discussed above in this report (5a(iv))
Part 9 – STRATEGIC CONTEXT	
Part 9.3 – Stanmore North (Precinct 3)	Yes

The following provides discussion of the relevant issues:

PART 2 - GENERIC PROVISIONS**(x) Visual and Acoustic Privacy (Part 2.6)**

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

The layout and design of the development would ensure that the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties is protected. The development would maintain a reasonable level of acoustic and visual privacy for the surrounding residential properties and ensure a reasonable level of acoustic and visual privacy for future occupants of the development itself through the provision of blank walls to the side boundaries, privacy louvres to internally facing windows, orientation of private balconies to the front and rear of the site, and appropriate noise conditions included within the recommendation.

Notwithstanding the above, the proposed balconies on the rear elevation facing Corunna Lane, while being quite small, do have the potential to overlook the rear yards of adjacent properties. To afford greater privacy to the units and to the neighbouring properties a condition is included requiring the south facing balconies fronting Corunna Lane to be obscurely glazed.

(xi) Solar Access and Overshadowing (Part 2.7)***Overshadowing***

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties and demonstrate that the development complies with Council's overshadowing controls.

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.”

Five (5) of the 19 rooms (26%) comply with the control and provide a window within the required position. These are the five (5) rooms that face Parramatta Road. Due to the nil setbacks to the side boundaries, which is consistent with the built form along this section of Parramatta Road, the development is unable to achieve the 65% requirement. Given the location of the site in a business zone and the character of the area having buildings built to nil side boundary setbacks, the non-compliance with the numerical control is reasonable.

(xii) Parking (Part 2.10)*Car, Bicycle and Motorcycle Parking Spaces*

The site is located in Parking Area 2 under Part 2.10 of MDCP 2011. MDCP 2011 prescribes car, bicycle and motorcycle parking.

Component	Control	Required	Proposed	Complies?
Car Parking				
Boarding House	0.25 car parking spaces per boarding room	19 rooms x 0.25 = 4.75 spaces	4 spaces	No 1.75 spaces deficient
	1 car parking space per caretaker	1 space		
	TOTAL:	5.75 spaces		
Commercial Car Parking	1 space per 80sqm GFA for customers and staff	91sqm GFA = 1 space	1 space	Yes
Bicycle Parking				
Boarding House Bicycle Parking	1 bicycle parking space per 2 rooms	19 rooms = 9.5 (9) spaces	9 spaces	Yes
Boarding House Visitor Bicycle Parking	1 bicycle parking space per 10 units	19 rooms = 1.9 (2) spaces	1 spaces	No 1 space deficient
Commercial Bicycle Parking - Staff	1 bicycle parking space per 300sqm GFA	91sqm GFA = 1 space	1 spaces	Yes
Commercial Bicycle Parking - Customers	NA	NA	NA	NA
Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	5.75 car parking spaces required = 0.28 (1) space	4 spaces	Yes

Table 3: Car, Bicycle and Motorcycle Parking Control Compliance Table

As detailed above, the development does not comply with the car parking requirements.

The proposed development is deficient by 1.75 resident car parking spaces and 1 bicycle parking space which is considered acceptable given the site's location close to public transport routes and the compliance with the required provision of accessible car parking spaces.

In any case, the ARH SEPP 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 has been discussed above in this report under Heading 51(iii).

(xiii) Landscaping and Open Spaces (Part 2.18)

Part 2.18.11.4 of MDCP 2011 prescribes landscaped area and common open space controls for boarding houses. However, the ARH SEPP prescribes landscaping and open space requirements for boarding house developments which prevail over the provisions of the MDCP 2011.

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

2.21.2.1 Recycling and Waste Management Plan

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

The RWMP submitted with the application indicates that waste collection will occur from Corunna Lane. Council's Resource Management Officer reviewed the application and raised issues that have been addressed through the plan revisions and discussed below.

2.21.2.5 Residential Waste

A minimum of 4 x 240litre recycling and 4 x 240litre general waste bins are required to be provided for the development. A waste room is provided at each level with the exception of the third level (northern building portion) which comprises only one (1) bedroom – Bed 9.

A bin storage area is proposed on the ground floor level of the development with a capacity to accommodate the required waste facilities for recycling and general waste under Part 2.21. Green waste bins are not required for the site due to the lack of landscaping proposed.

Bulky goods are able to be stored within the residential garbage room. As the proposal is for a boarding house, the amount of bulky goods waste is not expected to require the full 8m³ as required for a residential flat development. The area provided within the waste store room is considered acceptable for the nature and size of the development.

A garbage chute has not been provided for the proposed development (required for 4 or more storeys). Given the development serves 20 bedrooms only, is at the lower end of the number of storeys threshold and that suitable waste transfer can be achieved to the garbage room located at the ground level, the proposal is supported despite absence of a garbage chute and reduced bulky goods area.

2.21.2.6 Commercial Waste

A separate waste room is provided for the commercial component. The rate for retail (non-food) is based on 50 litres per day per 100m² of floor area (50 x 7 = 350L) and the commercial unit is 91m², the provision of 2 x 240L general waste and 2 x 240L recycling bins is acceptable. The bin storage area is proposed within the ground floor level of the development and has suitable capacity to accommodate waste facilities for recycling and general waste for the commercial component of the development under Part 2.21.

PART 4 - RESIDENTIAL DEVELOPMENT

The property is located on land in a B4 – Mixed Use zone. Development applications for boarding houses in B4 Mixed Use zone are assessed in accordance with the relevant controls in Part 4.3 of MDCP 2011.

Part 4.3 – Boarding Houses

(i) Character and Amenity of the Local Area (Part 4.3.3.1)

As discussed above in 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. The development is compatible with the desired future character of the local area and ensures there are no significant impacts on the amenity of the local area.

(ii) Boarding House Capacity (Part 4.3.3.2)

The total number of residents have is determined based on the gross floor area of the boarding rooms. The development has 19 rooms exceeding 12m², as such a total of 19 lodgers would be permitted within the boarding rooms.

(iii) Location (Part 4.3.3.3)

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

(iv) Management (Part 4.3.3.4)

The boarding house has a capacity of 19 lodgers. No on-site manager is required however one (1) is proposed to facilitate operation of the boarding house.

The development proposes one (1) on-site manager boarding room with a minimum area of 16m² with an open space of at least 8m² located on Level 1. The development also provides one (1) car parking space for the on-site manager.

The development satisfies the requirements of Part 4.3.3.4.

(v) Boarding Rooms (Part 4.3.3.5)

Room type and facility	Minimum Requirement	Complies?
C9 Minimum area 1 person room	12sqm GFA*	Yes
C10 Minimum area 2 person room	16sqm GFA*	NA – all single rooms
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	Yes
C14 Occupation of share rooms – per room	Maximum of 2 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. 	Yes
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
C18 Private open space	<ul style="list-style-type: none"> • Maximum area 6sqm; and • Minimum dimension 2 metres <p>NB private open space is not a requirement but may be provided in a courtyard or balcony that adjoins a room</p>	Yes

(vi) Communal Rooms and Facilities (Part 4.3.3.6)

The development accommodates 19 boarding rooms (19 lodgers) and two (2) communal living areas are provided with a total area of 36.3m² (17.3m² (rear building) and 19m² (front building)). A communal living room is required to accommodate at least 50% of residents at capacity (as a guide 2m² per resident). The proposed communal living rooms have a capacity of 19 lodgers, being 100% of the lodgers in the development.

The room in the rear building has been designed to be accessible directly from the common open space of the development, and would receive the required 3 hours of solar access in mid-winter. The communal living room is well designed and provides a reasonable level of amenity, accessibility and capacity for the development. The front building communal living room is located on the third floor and will receive more than 3 hours direct sunlight in mid-winter as it faces north.

The development satisfies the requirements of Part 4.3.3.6.

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

The outdoor common open space area would not receive a minimum 3 hours direct sunlight between the hours of 9.00am and 3.00pm mid-winter. Despite this non-compliance, the common room facing Parramatta Road will receive sunlight all day during mid-winter due to its northern orientation. Given the location of the site on Parramatta Road in a business zone, and the character of the built form surrounding the site, the proposed design of the development and location of common open space area is considered suitable. In addition, the SEPP prevails over the DCP and it does not require landscaped open space to receive a minimum amount of sunlight. It is noted that the proposal does comply with the SEPP requirement for solar access to the common room.

PART 5 - COMMERCIAL AND MIXED USE DEVELOPMENT

Part 5 of MDCP 2011 contains controls for commercial and mixed use developments.

General Commercial and Mixed Use Development Controls

(viii) Building form (Part 5.1.3)

(a) Massing and Setbacks (Part 5.1.3.3)

Part 5.1.3.3 contains massing and setback controls for commercial and mixed use developments.

Rear massing

Control C13 of Part 5.1.3.3 of MDCP 2011 specifies the following controls for rear massing where the building adjoins a lane:

C13 *Where the rear boundary adjoins a lane:*

- i. The rear building envelope must be contained within the combination of the rear boundary plane and a 45 degree sloping plane from a point 7.5 metres vertically above the lane ground level, measured at the rear boundary, and contain a maximum of two storeys on the rear most building plane;*
- ii. Notwithstanding point i., building envelopes may exceed the above building envelope control where it can be demonstrated that any rear massing that penetrates above the envelope control will not cause significant visual bulk or amenity impacts on neighbouring properties to the rear;*
- iii. The rear building envelope must contribute positively to the visual amenity of the laneway, and encourage rear lane activation through measures such as providing appropriate lighting and opportunities for passive surveillance.*

The ground floor is built to the rear boundary, and the upper levels are setback 3 metres from the rear lane. A small section of Level 4 breaches the building envelope plane. The proposed encroachment relates to two boarding rooms on the proposed upper floor (Level 3) facing the rear of the site. Development to the south of the site contains the rear yards of properties with frontage to Corunna Road. As the layout of Level 3 replicates the layout of the levels below, it is considered the minor encroachment of the upper floor will not have any significant adverse amenity impacts on the residential properties to the south. Despite the minor encroachment of the rear massing control, the variation is supported as the upper levels are setback 3 metres from the rear boundary which reduces the bulk of the building when viewed from the south, and the windows and small balconies activate the laneway and provide opportunity for passive surveillance. Furthermore, as detailed above, the shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties and demonstrate that the development complies with Council's overshadowing controls.

Roof-top level massing

Control C15 of Part 5.1.3.3 of MDCP 2011 specifies the following additional roof top massing control:

C15 *For development where the Height of Building standard is equal to or greater than 14 metres and the proposed development will involve roof top structures within the topmost 3 metres of the maximum height control, the following provisions apply:*

- i. The top 3 metres of the building must not contain a dwelling or part of a dwelling; and*
- ii. Where any structure is greater than 1.5 metres above the roof level directly below:*
 - a. The perimeter of this area must be no greater than 20% of the roof perimeter area of the level directly below;*
 - b. The roof top structure must not be visible when viewed from 1.8 metres above the footpath pavement on the edge of the road reserve on the opposite side of the street to the building;*

- c. *The roof top structure must not be visible when viewed from 1.8 metres above the lane pavement or natural ground level of an adjoining property, 6 metres out from the rear boundary; and*
 - d. *If the roof top structure would be visible from oblique views if built to the side edge of the building (such as where adjoining buildings that are separated or low or the site is on a street corner), it must be setback 3 metres from the side edge of the building.*
- iii. *Any parapets or balustrades must be a maximum 1 metre above the roof level directly below.*

The property has a maximum 14 metre building height control under MLEP 2011, and as such the top 3 metres of the development on the land must not contain a dwelling or part of a dwelling. The proposal partly complies with this requirement. Due to the slope of the land to the rear lane, the building occupies up to 12.5 metres of the 14 metre height limit at the street front, and up to 11 metres at the rear of the building adjoining Corunna Lane. This variation as a result of the site topography is supported in this circumstance.

(d) Building Depth (Part 5.1.3.4)

Part 5.1.3.4 of MDCP 2011 specifies the following controls for building depth of relevance to the proposed development:

C16 *For building levels on the first floor and above that are designed for residential premises:*

- i. *The building envelope depth must be:*
 - a. *A maximum depth of 22 metres; and*
 - b. *Generally a minimum depth of 10 metres.*
- ii. *The internal plan depth must be:*
 - a. *A maximum depth of 18 metres; and*
 - b. *Generally a minimum depth 10 metres.*

NB *Freestanding buildings or parts of buildings where there are windows on multiple sides may have greater depth if they still achieve satisfactory direct solar access and natural light and ventilation.*

The overall depth of the building is 33 metres, however the building is broken up by a central common open space area achieving a 13.34 metres long (northern building) portion and 12.1 metres long (southern building) portion which is acceptable given the level of natural ventilation achieved by the units.

5(d) The Likely Impacts

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

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

The site is zoned B4 – Mixed Use. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) 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 policy.

A total of 5 submissions were received.

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

- Floor space – see Section 5(a)(iv)(iv)
- Solar access – see Section 5(c)(iv)
- Noise – see Section 5(c)(v); and
- Privacy – see Section 5(c)(v).

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

(xii) Traffic

Comment: The number of parking spaces complies with the boarding house controls in SEPP (Affordable Rental Housing) 2009 and the MDCP 2011 in relation to parking for the commercial tenancy. In addition the site is in a highly accessible location and well serviced by public transport.

(xiii) Demolition

Comment: Suitable conditions of consent have been included to ensure the safe removal of all building materials in accordance with relevant Australian Standards.

(xiv) Conversion into studio apartments.

Comment: A condition has been included in the consent stating conversion of the boarding rooms into any other form of residential development is prohibited.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Development Engineer
- Resource Management

7. Section 94 Contributions

Section 94 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$171,357.60 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011. The development will not result in unreasonable impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.

9. Recommendation

That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: DA201500754 to demolish existing improvements and construct a 4 storey mixed use development containing a shop on the ground floor and a 20 room boarding house with managers residence above at 52-54 Parramatta Road, Stanmore subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent**PART A - DEFERRED COMMENCEMENT CONSENT**

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

1. A Detailed Site Investigation is required to be undertaken and submitted to Council. Should remediation works be required, a Remediation Action Plan must accompany the Detailed Site Investigation.

Any contaminated soil excavated from the site is to be classified in accordance with the NSW Department of Environment, Climate Change and Water (2009) Waste Classification Guidelines and being carried out in accordance with the requirements of the NSW Office of Environment and Heritage.

2. An acoustic report providing details of noise attenuation measures to be incorporated into the development must be provided to Council's satisfaction complying with Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

GENERAL

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA01, Rev B	Proposed Ground Floor Plan	6/10/16	Archispectrum	6/10/16
DA02, Rev B	Proposed First Floor Plan	28/6/16	Archispectrum	1/7/16
DA03, Rev B	Proposed Second Floor Plan	28/6/16	Archispectrum	1/7/16
DA04, Rev B	Proposed Third Floor Plan	28/6/16	Archispectrum	1/7/16
DA05, Rev A	Proposed Roof Plan	22/12/15	Archispectrum	23/12/15
DA06, Rev A	Proposed Site & Roof Plan	22/12/15	Archispectrum	23/12/15
DA07, Rev A	Proposed North Elevation	22/12/15	Archispectrum	23/12/15
DA08, Rev B	Proposed South Elevation	6/10/16	Archispectrum	6/10/16

DA09, Rev A	Proposed East Elevation	22/12/15	Archispectrum	23/12/15
DA10, Rev A	Proposed West Elevation	22/12/15	Archispectrum	23/12/15
DA11, Rev B	Proposed Rear Elevation (Block A)	6/10/16	Archispectrum	6/10/16
DA12, Rev B	Proposed Rear Elevation (Block B)	6/10/16	Archispectrum	6/10/16
DA13, Rev B	Proposed Section AA	6/10/16	Archispectrum	6/10/16
DA18a	External Finishes Schedule	22/12/15	Archispectrum	23/12/15
DA19a	Concept Landscape Plan	22/12/15	Archispectrum	23/12/15
DA20a	BASIX Commitments	22/12/15	Archispectrum	23/12/15
-	Plan of Management	22 July 2014	Chapman Planning	22/7/16
Issue A	Acoustic Assessment	December 2015	Archispectrum	23/12/15

and details submitted to Council on 23 December 2015, 1 July 2016, 22 July 2016 and 6 October 2016 with the application for development consent as amended by the matters referred to in Part A of the determination and as amended by the following conditions.

2. Where any plans and/or information forming part of a construction certificate issued in relation to this consent are inconsistent with:

- (a) the plans and/or information approved under this consent; or
- (b) any relevant requirements of this consent,

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

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.

3. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes identified in Drawing No. DA18a dated 22/12/15, prepared by Archispectrum. No changes may be made to these drawings except by way of an application under section 96 of the *Environmental Planning and Assessment Act 1979*.
4. Where rooms are provided with separate individual hot water systems, these must be located within the internal area of the unit/dwelling and not on any balcony or terrace.
5. The use of the premises as a boarding house must comply at all times with the following:

- a) The use must comply at all times with the Plan of Management referred to in condition 1 above and as amended by the conditions in this Determination;
 - b) A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
 - c) A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
 - d) The Plan of Management must not to be amended without the prior consent of Council;
 - e) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
 - f) The premises must be used exclusively as a boarding house containing a maximum total of 19 lodger's rooms and one on-site manager's room with not more than 19 adult lodgers and 1 adult on-site manager residing in the premises at any one time;
 - g) Not more than one lodger must occupy each boarding room;
 - h) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
 - i) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and
 - j) Each self contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times.
6. All tenancy/occupation agreements for rooms within the premises must be for a minimum period of 3 months.
 7. The premises must be used exclusively as a boarding house containing a maximum total of 19 lodger's rooms and 1 on-site manager's room with not more than 19 adult lodgers and 1 adult on-site manager residing in the premises at any one time. The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building.
 8. All common rooms, recreation rooms and e-libraries must be maintained at all times for the use of the lodgers.
 9. A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times.
 10. All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service and room tariffs must not include a separate charge for those services.
 11. Separate Development Consent or Complying Development Certificate must be obtained for the use of the ground floor shops/commercial suites prior to the occupation of that part of the premises.
 12. The ongoing use of the ground floor commercial tenancy complying with the following requirements at all times:

- a) The areas to be used as shops must be restricted to the ground floor commercial tenancies;
 - b) The shop window display areas must be maintained at all times with no roller shutters being installed across the shop fronts;
 - c) The hours of operation are restricted to between the hours of 7.00am to 7.00pm Monday to Saturday and not at any time on Sundays or public holidays;
 - d) All loading and unloading in connection with the use that is carried out from the rear of the site must be done so during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public;
 - e) No storage of goods or equipment external to any building on the site is permitted; and
 - f) No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.
13. A total of 5 off-street car parking spaces must be provided, paved, line marked and must be maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use. The car parking spaces must be allocated as follows:
- a) 3 car parking space being provided for lodgers;
 - b) 1 car parking space being provided for on-site managers at a rate of 1 space per on-site manager;
 - c) 1 car parking space being provided for the commercial tenancy; and
 - d) 2 of the 3 lodger parking spaces must be provided for persons with a disability and marked as disabled car parking spaces.
- All parking spaces and turning area thereto must be provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose. A sign legible from the street must be permanently displayed to indicate that visitor parking is available on site.
14. A minimum of 11 off-street bicycle storage spaces must be provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use.
15. A minimum of 4 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use.
16. A minimum of 4 accessible bedrooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.

17. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, particulate matter, the exposure to view of any unsightly matter or otherwise.
18. The use of any plant and equipment must not give rise to:
 - a) transmission of unacceptable vibration to any place of different occupancy;
 - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level must be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
19. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to "offensive noise" as defined by The Protection of the Environment Operations Act 1997 (NSW).
20. Separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any advertisements or advertising structures. The shop windows must not be painted with advertisements and no flashing lights are to be installed on the premises.
21. Domestic waste bins from the boarding house must be presented on Corunna Lane for collection. The domestic waste bins are not to be placed in the road frontage until after 7.00pm on the day prior to collection and are to be returned to their storage location within the building within two (2) hours of the bins being collected by Council. Waste from the commercial tenancy must be collected via a private contractor.
22. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
23. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
24. The proposed awning shall be of cantilever type and be set back at least 600mm from the kerb line. The proposed awning shall be designed so as to be easily removed if required in future. The awning shall include pedestrian lighting (Category P3-AS1158) and shall be maintained and owned by the property owner(s). The owner shall maintain, modify or remove the structure at any time if given notification by Council to do so. All works shall be at no cost to Council.

25. Owners and occupants of the proposed building shall not be eligible for any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition.
26. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

27. No work must commence until:
 - a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
 - b) A minimum of 2 days written notice must be given to Council of the intention to commence work.
28. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
29. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.

Facilities must be located so that they will not cause a nuisance.

30. All demolition work must:
 - a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
 - b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.

31. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
32. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
33. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.
34. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
35. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.
36. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:
 - a) The name, address and telephone number of the PCA;
 - b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
37. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:
 - a) Where the builder's materials and waste are to be stored;
 - b) Where the sediment fences are to be installed on the site;
 - c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
 - d) How access to the site will be provided.

All devices must be constructed and maintained on site while work is carried out.

38. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at 50 and 56 Parramatta Road, Stanmore, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.
39. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.
40. Where it is proposed to carry out in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings in the amount as provided for in Council's adopted fees and charges.
41. The person acting on this consent must apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
42. The person acting on this consent must provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent must submit a hoarding application and pay all relevant fees before commencement of works.
43. Alignment levels for the site at all pedestrian and vehicular access locations must be obtained from Council before the commencement of construction. The alignment levels must match the existing back of footpath levels at the boundary. Failure to comply with this condition will result in vehicular access being denied.
44. If new street numbers or a change to street numbers (this includes unit and shop numbers) are required, a separate application must be made to and approved by council prior to those street numbers being displayed.
45. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.

46. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

Please refer to the web site www.sydneywater.com.au for:

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

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

48. The separate lots comprising the development must be consolidated into one lot and under one title and registered at the NSW Department of Lands before the issue of a Construction Certificate.
49. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
50. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
51. Fixtures for bathroom and kitchen taps, showerheads, dishwashers and toilet cisterns must have a minimum 3 Star WELS rating for the commercial tenancy.
NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
52. New or replacement toilets must have a minimum 3 Star WELS rating and be 6/3 litre dual flush or more efficient for the commercial tenancy.
NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.

53. Section 94 Contribution

- a) This condition is imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.
- b) Before the issue of a Construction Certificate, the Council must be paid a monetary contribution of \$171,357.60 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 08 November 2016.

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

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

(CONTRIBUTION PAYMENT REFERENCE NO. DC001661)

- c) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Community Facilities	\$22,833.24
Plan Administration	\$3,359.97
Recreation Facilities	\$150,146.18
Traffic Facilities	\$-4,981.79

- d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.
- e) The contribution must be paid either in **cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card***.

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

54. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction demonstrating that the balustrades of the south facing balconies fronting Corunna Lane are obscurely glazed.

55. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction addressing the requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).

56. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

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

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation. www.lspc.nsw.gov.au

57. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
58. The person acting on this consent shall provide to Council a bond in the amount of \$19,892.40 and pay the related Section 138 (Roads Act) inspection fee of \$206.00 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.
59. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.
60. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:
- The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc shall be reconstructed and upgraded in accordance with the Street Tree Masterplan, the Draft Marrickville Public Domain Code and Draft Design Guide or Council's standard plans and specification in place for Parramatta Road at the time the works are undertaken;
 - The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
 - New kerb and gutter along the frontage of the site. The kerb type shall be sandstone along Parramatta Road or as directed by the RMS; and
 - Alignment levels to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations.

Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate with all works completed prior to the issue of an Occupation Certificate.

61. The site stormwater drainage and water re-use measures shall be constructed generally in accordance with the Stormwater Drainage Plans PR52 Sheets 1 and 2 submitted by Dynamic Structural Engineers subject to the following amendments;
- a) Details of the proposed water re-use (including a detailed schematic connection of the rainwater tank to all toilets, and external taps for irrigation) shall be provided in accordance with the deemed to comply requirements of Part 2.17 of Marrickville Development Control 2011;
 - b) The BASIX Certificate must be amended to include the above re-use measures as noted on the stormwater drainage plans;
 - c) The stormwater drainage plans shall be amended so as to include a direct connection of the site stormwater to Council's drainage system on Parramatta Road via the installation of a junction pit. This shall include the inclusion of a non-return reflux valve to ensure no backflow into the internal drainage system.

Evidence of compliance with the above conditions shall be submitted to and approved by Council before the issue of a Construction Certificate.

62. The vehicular access ramp and carpark layout must comply with AS2890.1-2004 and must be amended as follows:
- i. Carspace 6 shall have a minimum 1.8m clearance under the stairs and be a minimum 2.7m wide; and
 - ii. Vehicle swept paths shall be used to confirm that vehicles parked in Carspace 1 are able to enter and leave the site in a forward direction.

Details of compliance with the above requirement shall be submitted to and approved by Council before the issue of a Construction Certificate.

SITE WORKS

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

All trucks and vehicles associated with the construction, including those delivering to or removing material from the site, must only have access to the site during the hours referred to in this condition. No waste collection skips, spoil, excavation or demolition material from the site or building materials associated with the construction of the development must be deposited on the public road, footpath, public place or Council owned property without Council's approval, having first been obtained. The developer is responsible to ensure

that all contractors associated with the development are fully aware of these requirements.

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

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

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

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

68. All fill imported on to the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site must also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
 - b) Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.
69. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:
- a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and
 - c) at least 7 days' notice must be given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging

and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report must be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

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

70. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
71. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.
72. The disposal of contaminated soil must be carried out in accordance with the requirements of the New South Wales Department of Environment, Climate Change and Water.
73. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
74. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.
75. All stormwater drainage being designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
76. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the water may be stored separately on site and reused for the watering of landscaped areas.

BEFORE OCCUPATION OF THE BUILDING

77. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:
- a) A copy of the determination;
 - b) Copies of any documents that were lodged with the Occupation Certificate application;
 - c) A copy of Occupation Certificate, if it was issued;
 - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
 - e) A copy of any missed inspections; and
 - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
78. Occupation of the building must not be permitted until such time as:
- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
 - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
 - c) An Occupation Certificate has been issued.
79. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:
- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
 - b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

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

80. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
- a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and

this can take some time. This can also impact on other services and building, driveway or landscape design.

- b) Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.

81. The landscaping of the site must be carried out before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate) in accordance with the approved details and must be maintained at all times to Council's satisfaction.

Reason: To ensure adequate landscaping is maintained.

82. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and

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

83. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.

84. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

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

85. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a

result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.

86. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever is permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
87. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.
88. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
89. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
90. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
91. The existing overhead power cables along the Parramatta Road frontage of the site must be relocated underground with appropriate street lighting and new metal columns being installed at no cost to Council and before the issue of an Occupation Certificate. The street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid and must meet lighting category required by RMS. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.
92. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

ADVISORY NOTES

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

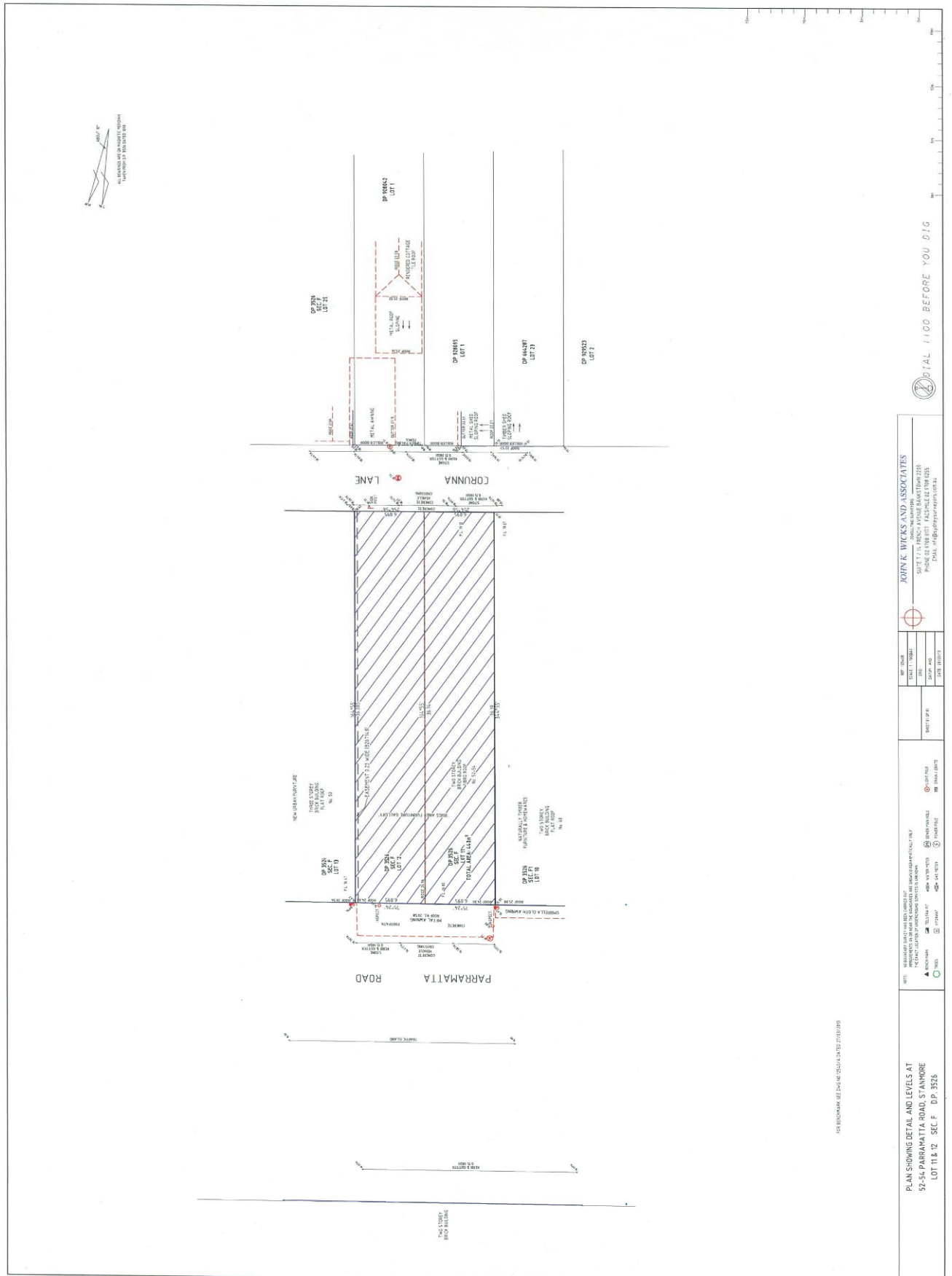
BASIX Information	 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	 1100 www.dialbeforeyoudig.com.au
Landcom	 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	 131441 www.lspc.nsw.gov.au
NSW Food Authority	 1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	 131 555 www.environment.nsw.gov.au

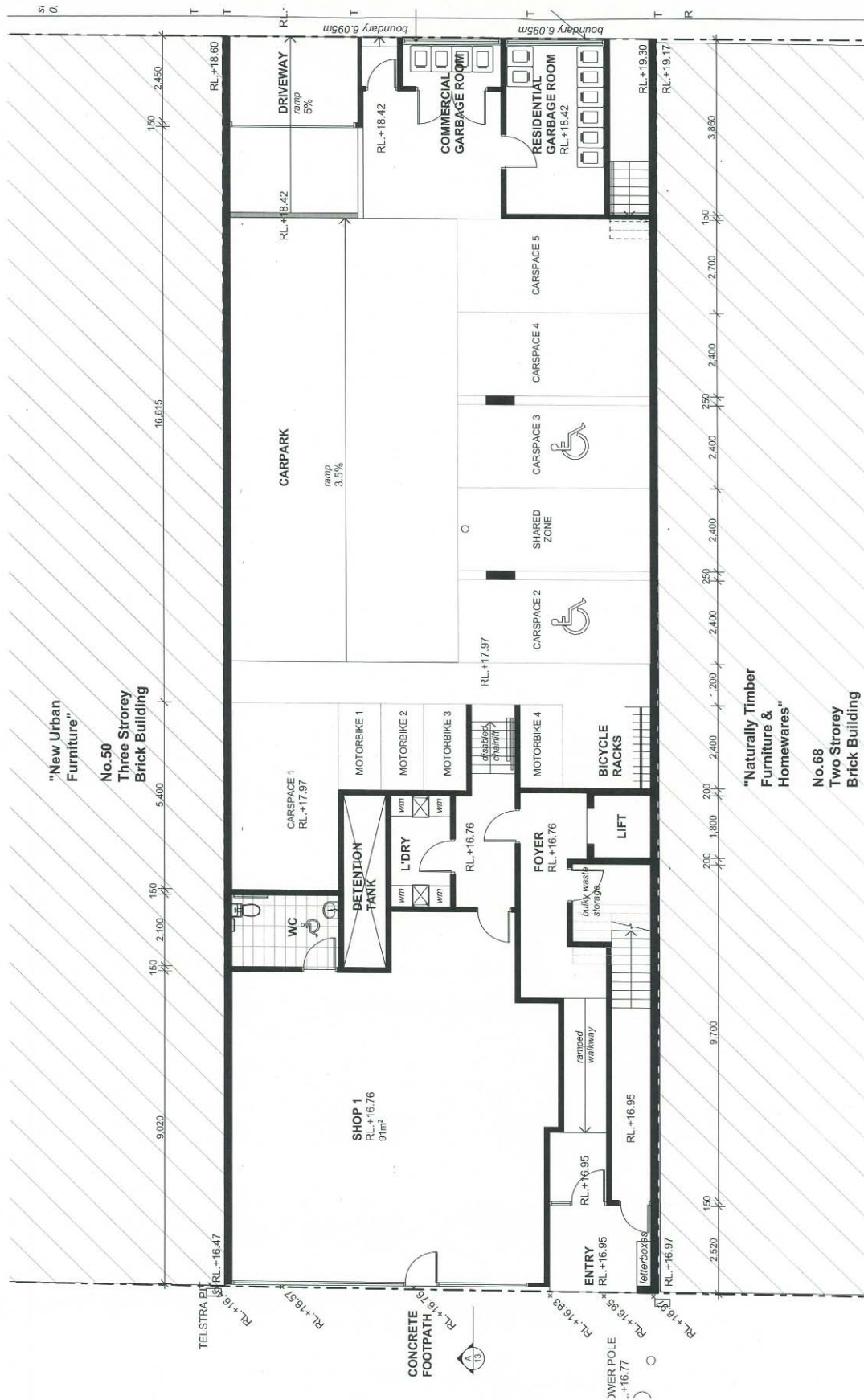
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

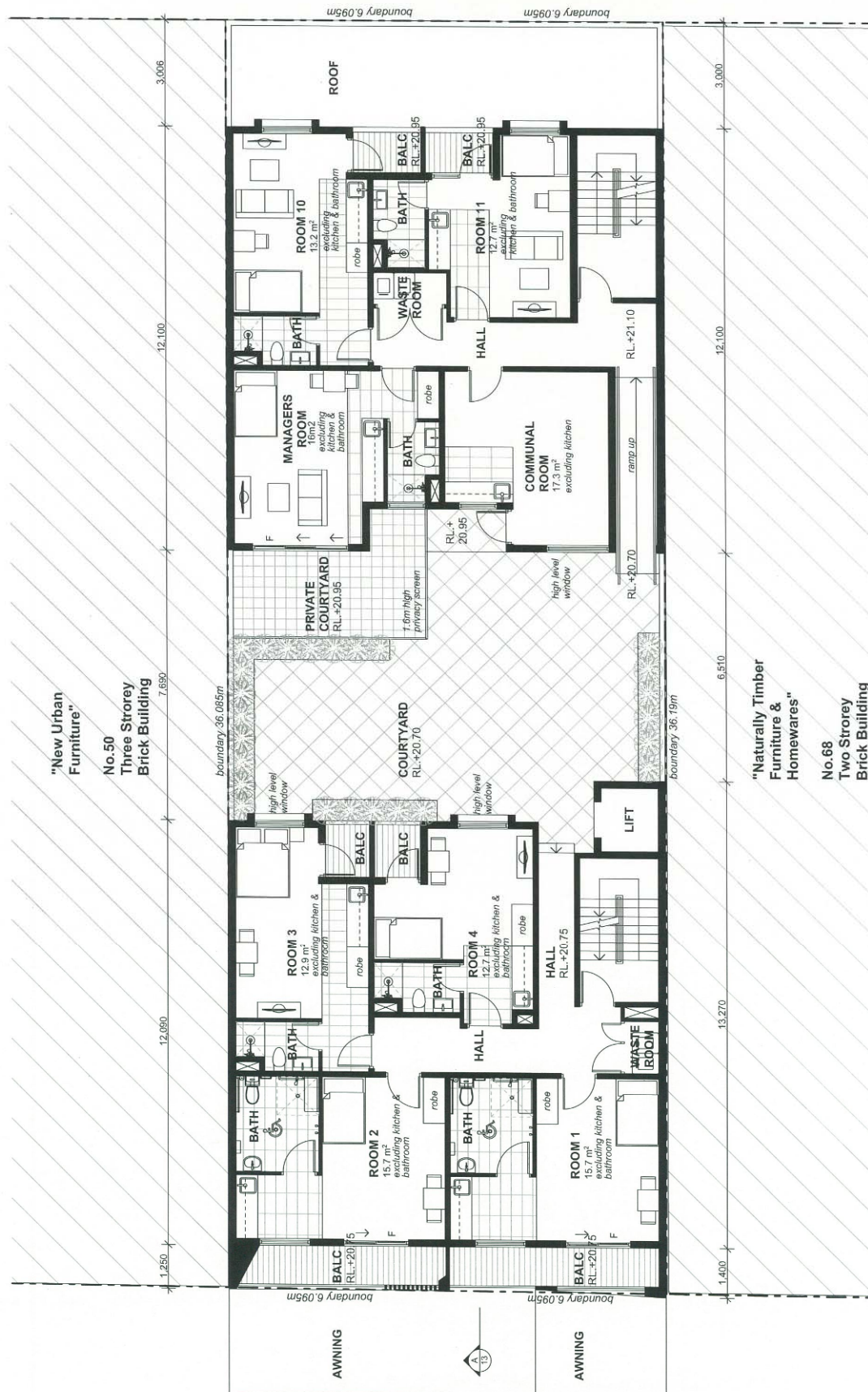
- B. THAT** those persons who lodged submissions in respect to the proposal be advised of the Council's determination of the application.
- C. THAT** the Department of Planning and Environment be advised, as part of the quarterly review of the monitoring of Clause 4.6 of Marrickville Local Environmental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

<u>Premises:</u>	52-54 Parramatta Road, Stanmore
<u>Applicant:</u>	Archispectrum
<u>Proposal:</u>	To demolish existing improvements and construct a four (4) storey mixed use development containing a shop on the ground floor and a 20 room boarding house with a manager's residence on the upper floors.
<u>Determination:</u>	Deferred Commencement Consent
<u>DA No:</u>	201500754
<u>Lot and DP:</u>	Lot 11 & 12 Section F in DP3526
<u>Category of Development:</u>	9: Mixed
<u>Environmental Planning Instrument:</u>	Marrickville Local Environmental Plan 2011
<u>Zoning of Land:</u>	B4 - Mixed Use zone
<u>Development Standard(s) varied:</u>	Floor Space Ratio (Clause 4.4)
<u>Justification of variation:</u>	The proposal does not result in any unreasonable amenity impacts to adjoining properties; is consistent with the objectives of the development standard and the zone; is appropriate in the street context; complies with the height development standard; and the additional floor area generally fits within the building envelope envisaged by the DCP.
<u>Extent of variation:</u>	Floor Space Ratio – 119m ² (18%)
<u>Concurring Authority:</u>	Council under assumed concurrence of the Secretary Department of Planning and Environment
<u>Date of Determination:</u>	

Attachment B – Plans of proposed development



[illegible]



ARCHISPECTRUM

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PROJECT
 Proposed Boarding House at:
 52-54 Parramatta Road, Stanmore NSW 2048

CLIENT
 Phillip Hakim

DESCRIPTION
 Issue for DA
 Revised DA to Council

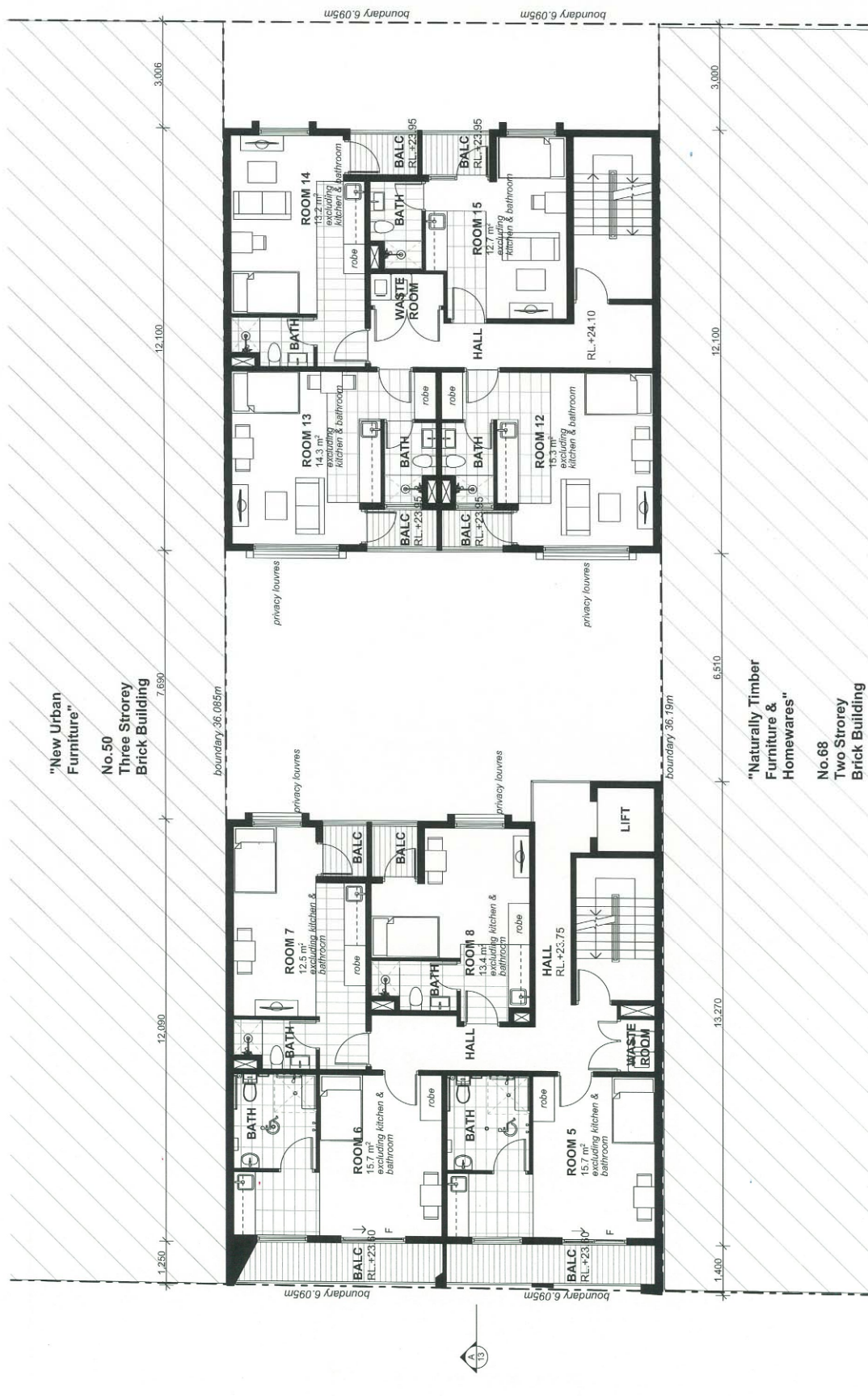
ISSUE
 A 23/12/2015
 B 28/06/2016

PROJECT TITLE
 Proposed First Floor Plan

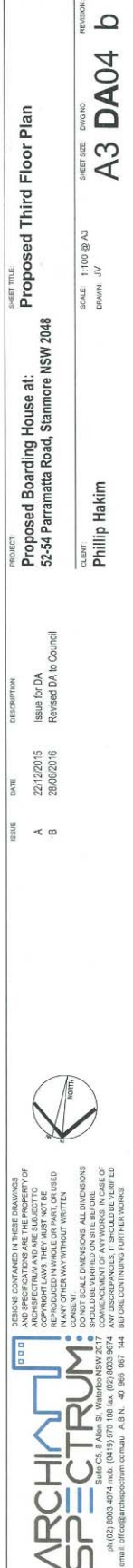
SCALE
 1:100 @ A3

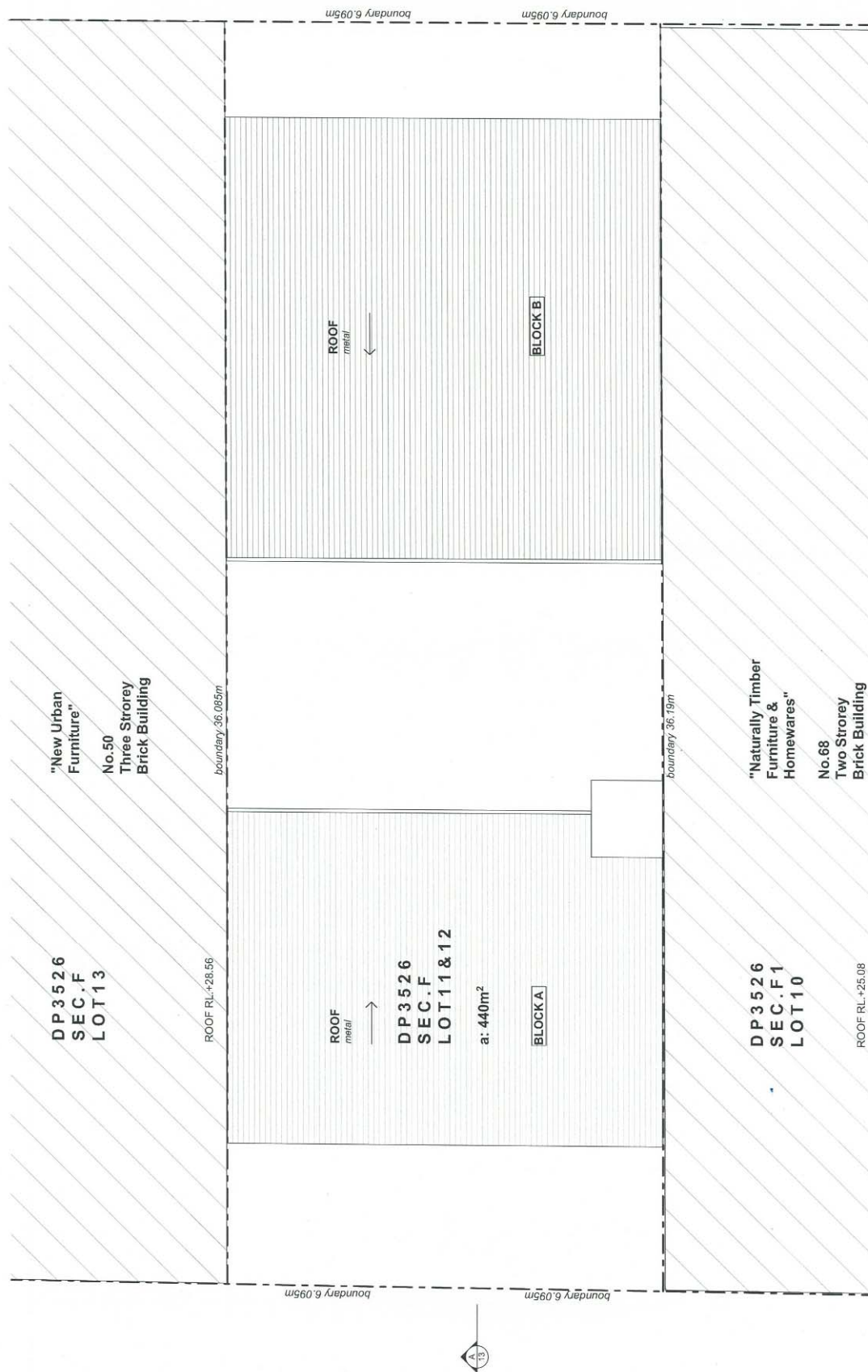
SHEET SIZE
 A3 DA02 b

REVISION

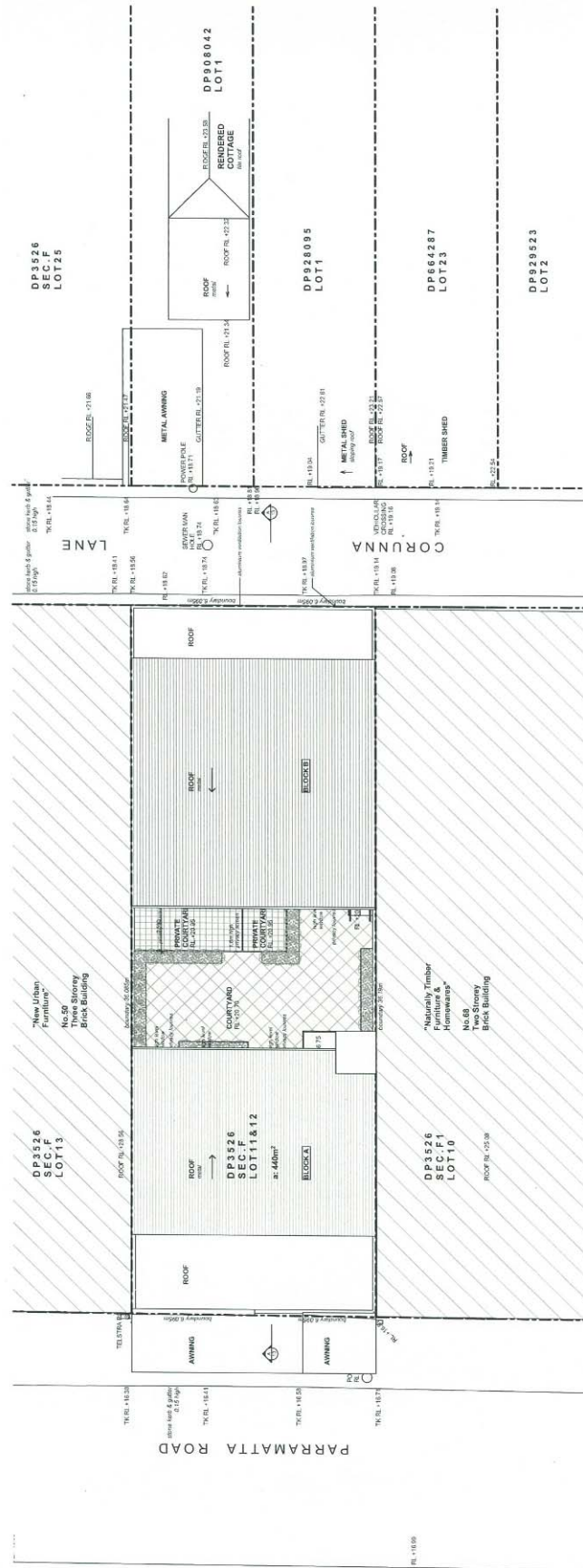


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<p>PROJECT</p>	<p>Proposed Boarding House at:</p>	<p>52-54 Parramatta Road, Stanmore NSW 2048</p>	<p>CLIENT</p>	<p>Philip Hakim</p>	<p>SCALE</p>	<p>1:100 @ A3</p>	<p>DRAWN</p>	<p>JV</p>
<p>SHEET TITLE</p>	<p>Proposed Second Floor Plan</p>	<p>REVISION</p>	<p>A3 DA03 b</p>	<p>SCALE</p>	<p>1:100 @ A3</p>	<p>DRAWN</p>	<p>JV</p>	<p>REVISION</p>





DESIGNER	DATE	DESCRIPTION	PROJECT	SHEET TITLE	REVISION
ARCHITECTURE SPECTRUM	A	Issue for DA	Proposed Boarding House at: 52-54 Parramatta Road, Siamore NSW 2048	Proposed Roof Plan	
Scale: 1:100 @ A3	22/12/2015	Issue for DA	CLIENT: Philip Hakim	SCALE: 1:100 @ A3	A3 DA05 a
DO NOT SCALE DIMENSIONS. ALL DIMENSIONS SHALL BE VERIFIED BY THE CLIENT. ANY DISCREPANCIES, IT SHOULD BE VERIFIED BEFORE COMMENCEMENT OF ANY WORKS. IN CASE OF ANY DISCREPANCIES, IT SHOULD BE VERIFIED BEFORE COMMENCEMENT OF ANY WORKS.					



 <p>ARCHITECTURAL SPECTRUM Suite C5, 8 Allen St, Waterloo NSW 2017 ph (02) 8003 4074, mob (0419) 670 100 fax (02) 8003 8974 email office@architecturalspectrum.com.au ALN . -d) 366 007 144</p>	<p>DESIGNS CONTAINED IN THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF ARCHITECTURAL SPECTRUM. THEY ARE NOT TO BE REPRODUCED IN WHOLE OR PART OR USED FOR ANY OTHER PROJECT WITHOUT WRITTEN CONSENT.</p> <p>DO NOT SCALE DIMENSIONS. ALL DIMENSIONS SHOWN ON THESE DRAWINGS ARE TO BE CONSIDERED THE CORRECT DIMENSIONS. IN CASE OF ANY DISCREPANCIES, IT SHOULD BE VERIFIED BEFORE COMMENCING FURTHER WORK.</p>		<p>ISSUE A DATE 22/12/2015 DESCRIPTION Issue for DA</p>	<p>PROJECT Proposed Boarding House at: 52-54 Parramatta Road, Stanmore NSW 2048</p>	<p>SHEET TITLE Proposed Site & Roof Plan</p>	<p>CLIENT Philip Hakim</p>	<p>SCALE 1:200 @ A3 DRAWN JV</p>	<p>SHEET SIZE A3 DRAWING NO. A3 DA06</p>	<p>REVISION a</p>



Proposed North Elevation (Streetscape)
Scale 1:100

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Proposed South Elevation (Rear)
Scale 1:100

ARCHITECTURAL SPECTRUM

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 email: info@architecturalspectrum.com.au A.S.N. 14 095 05 144

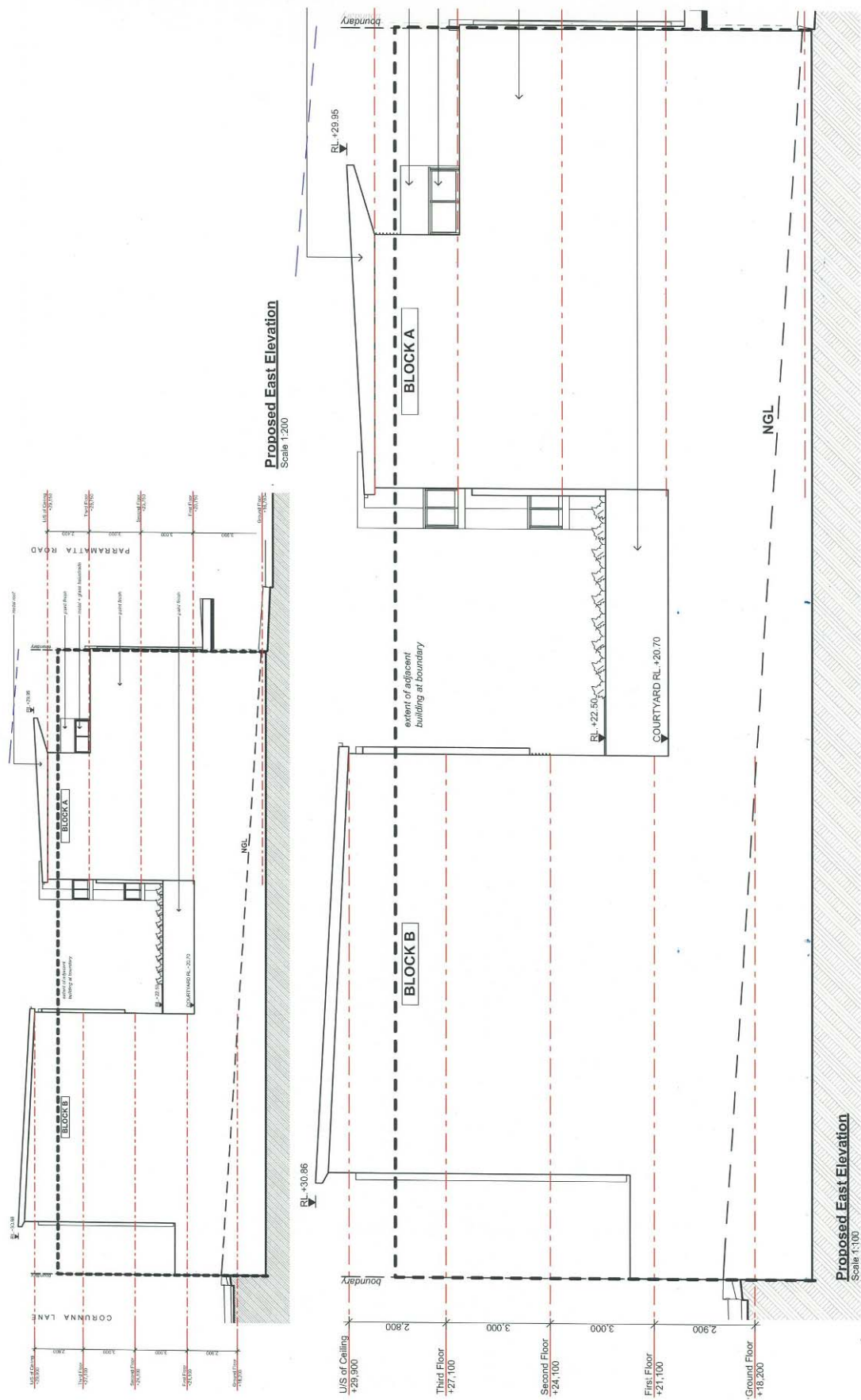
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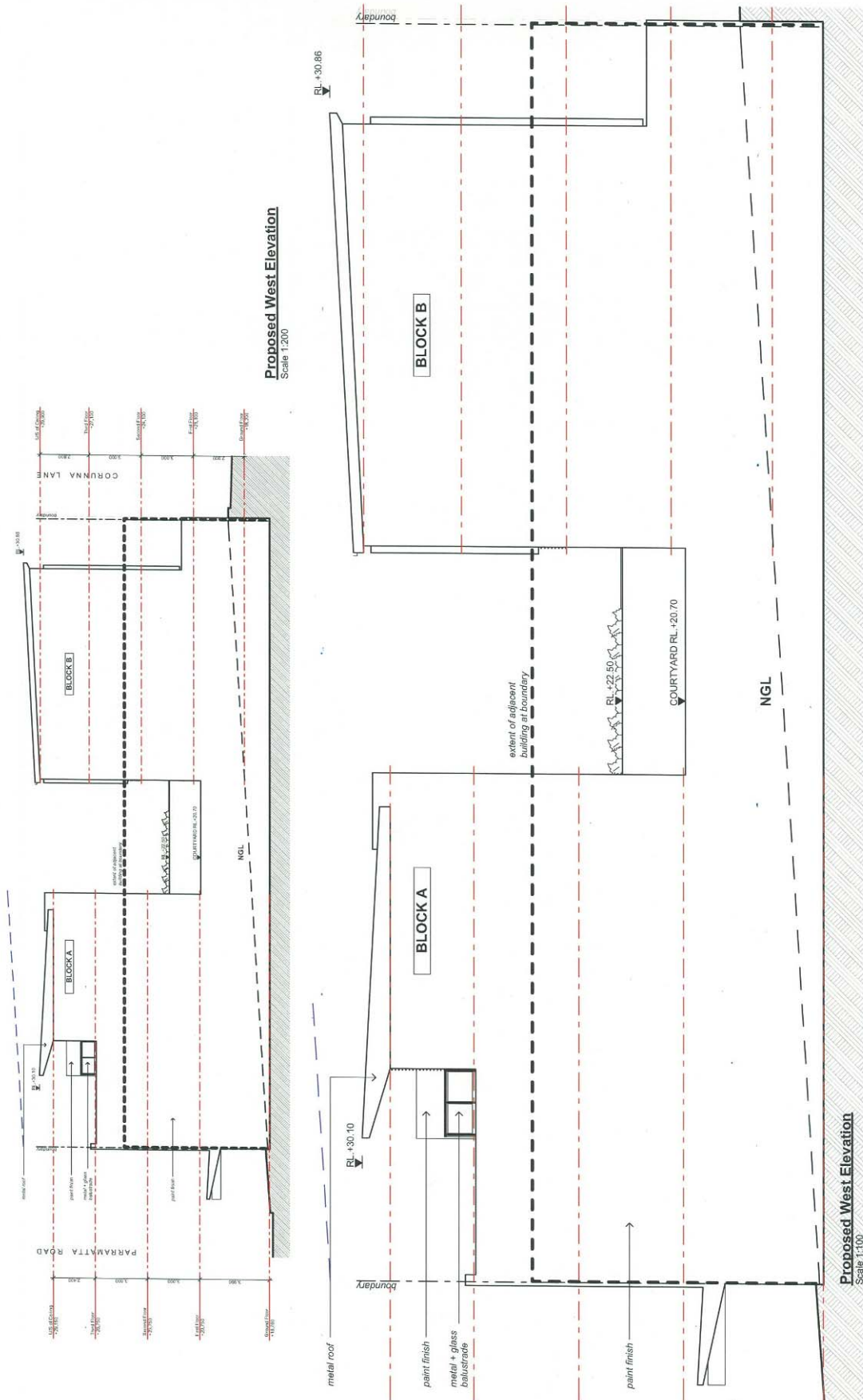
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ISSUE	DATE	DESCRIPTION	PROJECT	SHEET TITLE
A	22/12/2015	Issue for DA	Proposed Boarding House at:	Proposed South Elevation (Rear)
B	06/10/2016	Amendments to Carpark	52-54 Paramatta Road, Stanmore NSW 2048	

CLIENT: Philip Hakim

SCALE: 1:100 @ A3
 DRAWN: JV
 SHEET NO: A3
 REVISION: DA08 b

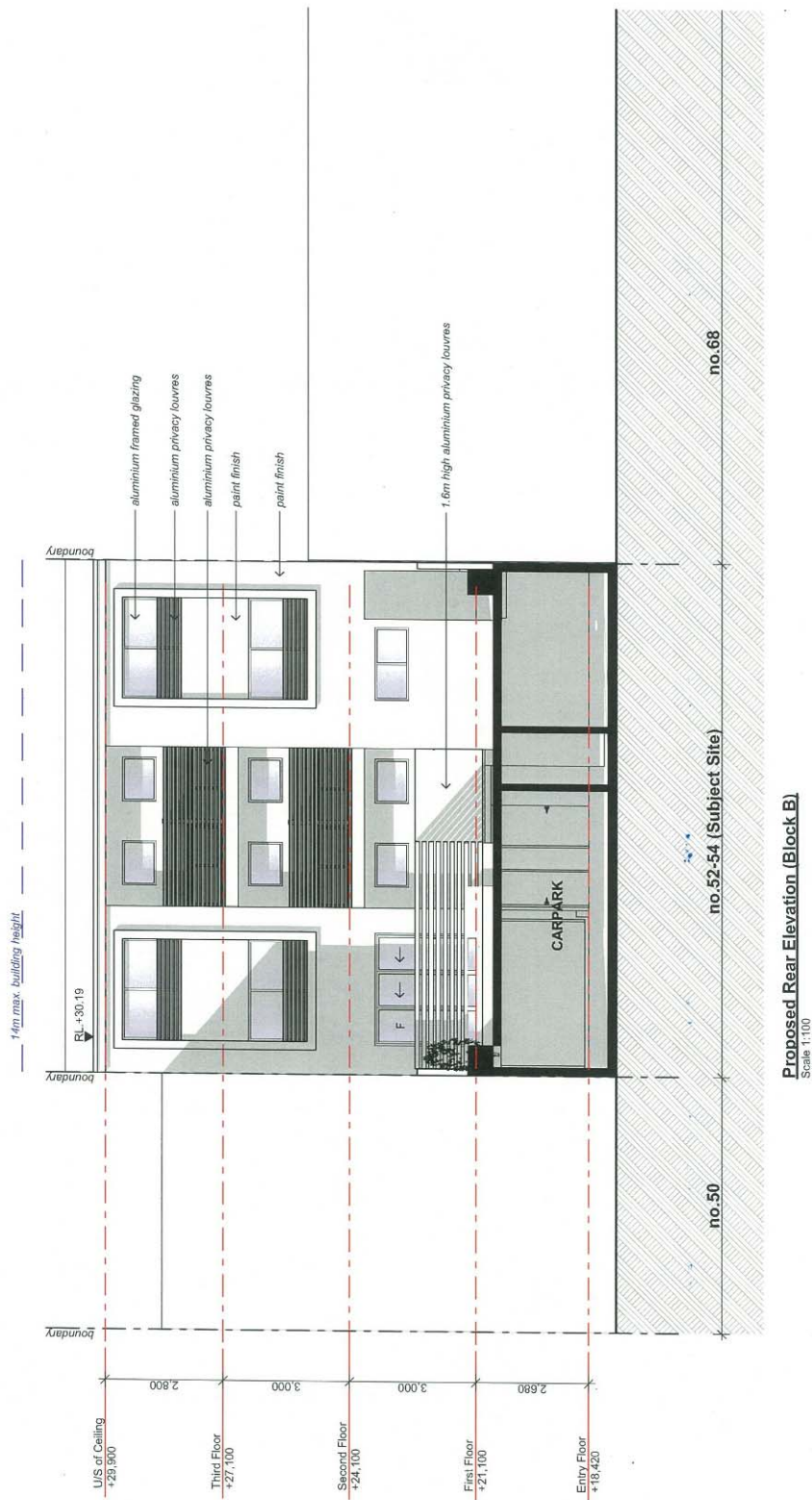






Proposed Rear Elevation (Block A)
Scale 1:100

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PROJECT	SHEET TITLE	REGION
Proposed Boarding House at: 52-54 Parramatta Road, Stanmore NSW 2048	Proposed Rear Elevation of Block B	
CLIENT	SCALE	SHEET NO
Phillip Hakim	1:100 @ A3	A3 DA12 b
DRAWN	JV	

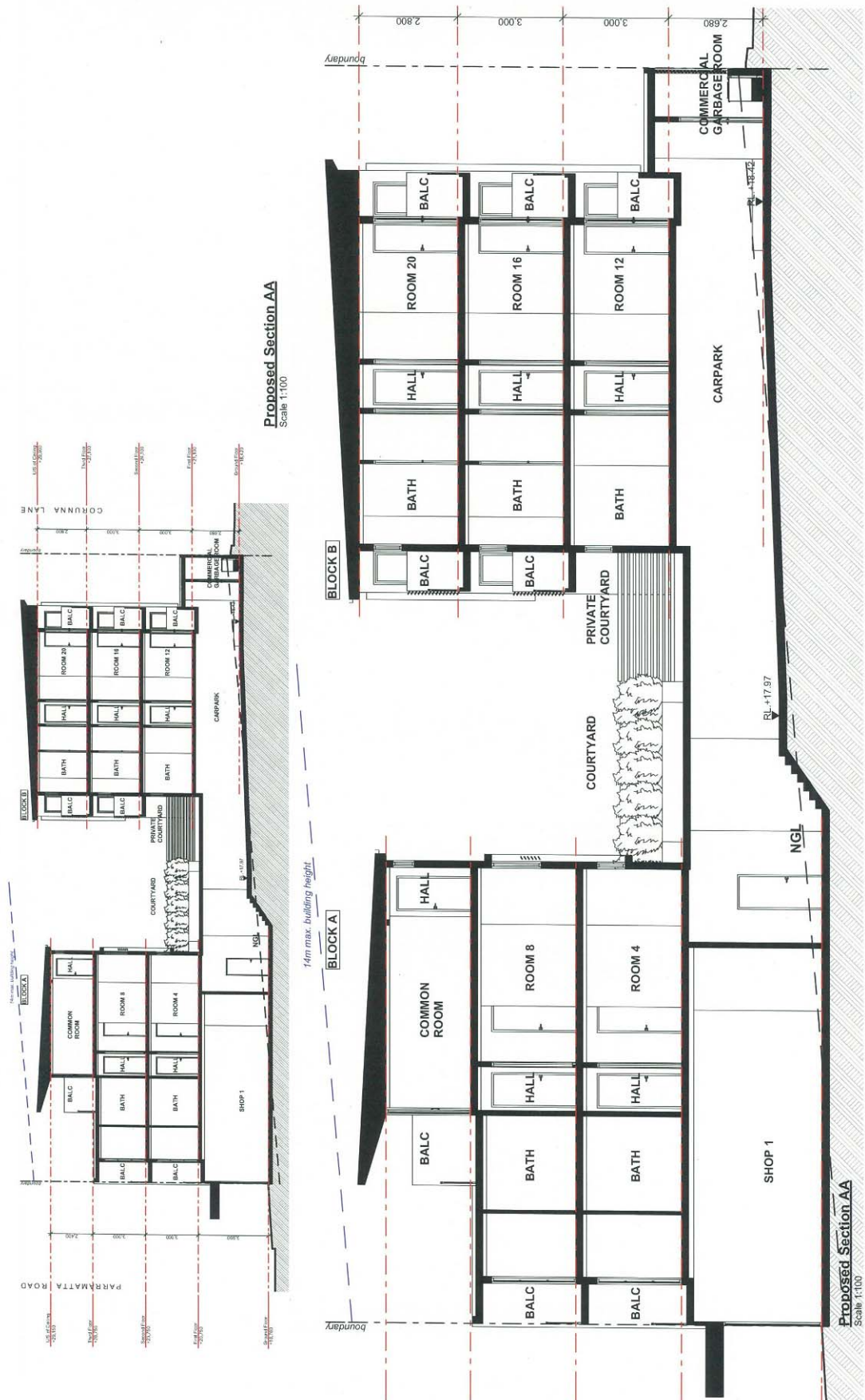
DESCRIPTION	DATE	ISSUE
Issues for DA	22/12/2015	A
Amendments to Carpark	06/10/2016	B

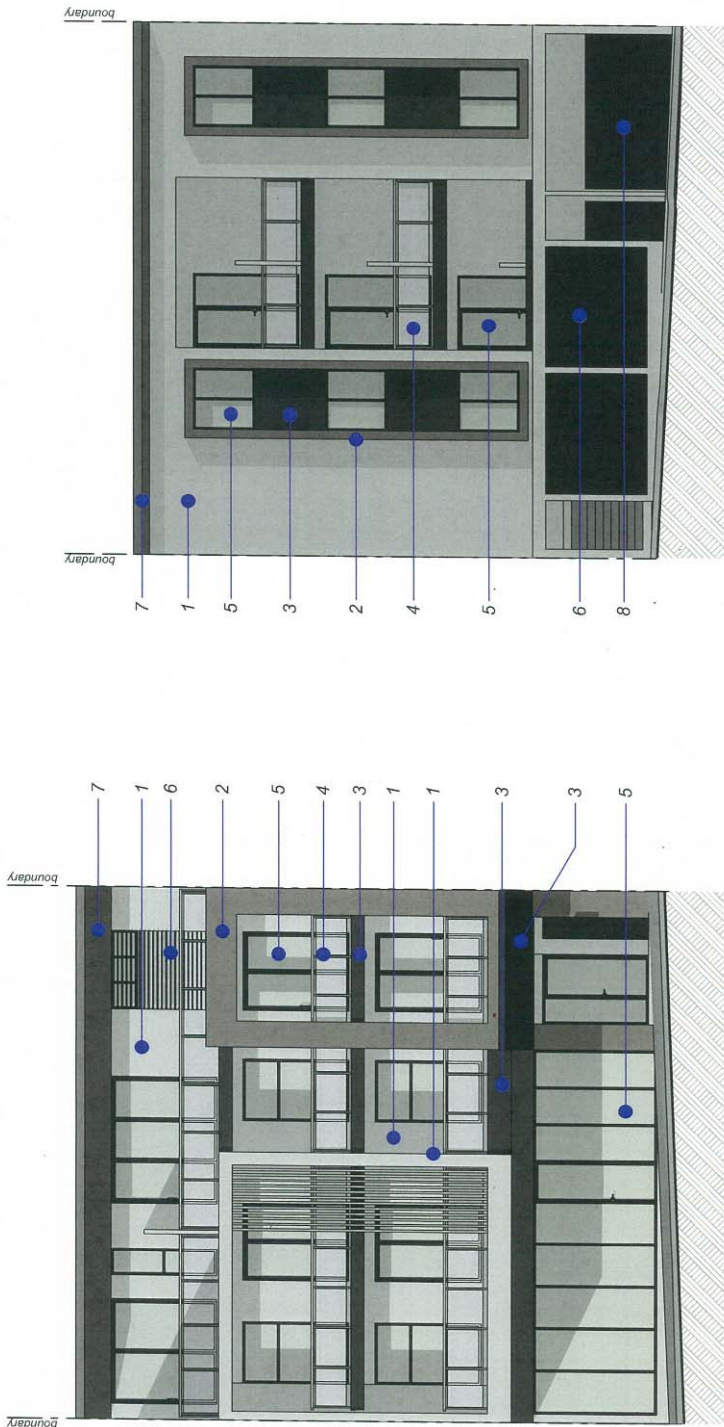
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Proposed Block B Front Elevation (Corunna Lane)

Scale 1:100

Proposed Block A Front Elevation (Streetscape)

Scale 1:100

1

Natural White

2

Light Grey

3

Charcoal Grey

4

Glass & Metal
Balustrade

5

Aluminium Framed
Glazing

6

Aluminium Louvres

7

Alucobond Cladding
Anthracite Grey

8

Lowered
Garage Door

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PROJECT: Proposed Boarding House at: 52-54 Parramatta Road, Starmore NSW 2048

SHEET TITLE: Finishes Schedule

CLIENT: Philip Hakim

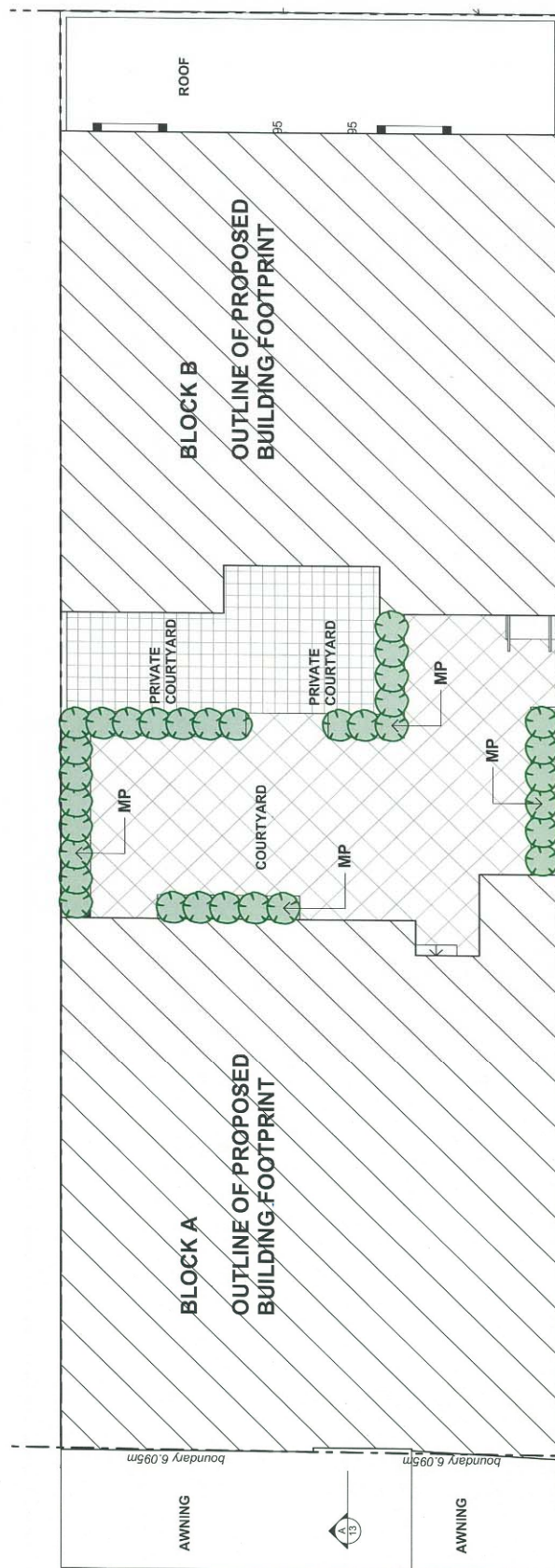
SCALE: 1:100 @ A3

DRAWN: JV

REVISION: a

A3 DA18

8



Concept Landscape Plan

Scale 1:100

KEY:



Muraya paniculata
(Orange Jessamine)
Height: 0.7m, (150mm Pots)
(Native)

TILED AREA (COURTYARD)



TILED AREAS



MAINTENANCE

Maintenance applies to all landscape materials installed by landscape contractor. Maintain area for 120 days, unless stated otherwise by council.

- water all garden areas, twice weekly
- remove all weed
- replace plants which fail to establish with plants of similar size & quantity
- prune & shape plants where necessary
- make good any erosion
- make good deficits which may occur
- remove rubbish weekly
- lawn areas are to be mowed once grass has reached a height of 75mm



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PROJECT: Proposed Boarding House at:
52-54 Paramatta Road, Stanmore NSW 2048

SHEET TITLE: **Concept Landscape Plan**

CLIENT: Philip Hakim
SCALE: 1:100 @ A3
DRAWN: JW
SHEET SIZE: DWG NO
REVISION
A3 DA19 a