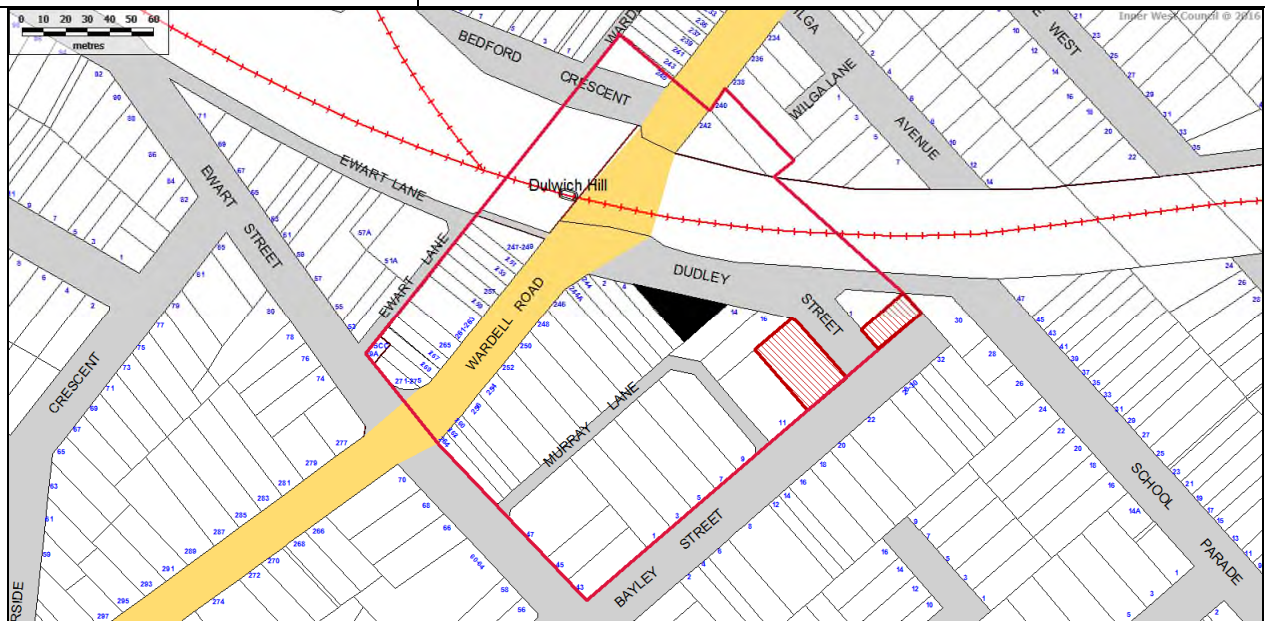







# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA201600696
<b>Address</b>	6-12 Dudley Street, Marrickville
<b>Proposal</b>	To demolish existing improvements and construct a 5 part 7 storey mixed use building comprising a retail tenancy on the ground floor with a 35 room boarding house above and associated 2 levels of basement parking
<b>Date of Lodgement</b>	23 December 2016
<b>Applicant</b>	Mahmoud Mearbany
<b>Owner</b>	H M Building Construction & Hire Pty Limited
<b>Number of Submissions</b>	9 submissions
<b>Value of works</b>	\$3,995,587
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation exceeds officer delegation
<b>Main Issues</b>	Height, Floor Space Ratio
<b>Recommendation</b>	Deferred commencement consent



<b>Subject Site:</b>		<b>Objectors:</b>	
<b>Notified Area:</b>		<i>Note: Some submissions were received from properties outside of the map area.</i>	

## 1. Executive Summary

This report concerns an application to demolish existing improvements and construct a 5 part 7 storey mixed use building comprising a retail tenancy on the ground floor with a 35 room boarding house above and associated 2 levels of basement parking. The application was notified in accordance with Council's Notification Policy and 9 submissions from 8 properties were received.

During the assessment process the proposal was amended to address a number of concerns raised by Council officers relating to car parking, bulk and scale and gross floor area. The amended proposal was not required to be notified in accordance with Council's Notification Policy.

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policy (Affordable Rental Housing) 2009 and Marrickville Local Environmental Plan 2011 (MLEP 2011). Notwithstanding, the proposal exceeds the maximum height of building development standard by 30% on Lot 2 and exceeds the maximum floor space ratio (FSR) development standard by 24% on Lot 1 and 6.5% on Lot 2. A written justification under Clause 4.6 of MLEP 2011 has been submitted by the applicant for these non-compliances and the justification provided is well founded and worthy of support.

The proposal is generally consistent with the aims, objectives and design parameters contained in Marrickville Development Control Plan (MDCP 2011) and the development is considered to satisfy the desired future character requirements of the Dulwich Hill Station South Planning Precinct as outlined in Part 9.22 of MDCP 2011.

This development has been classified as requiring Sydney Trains concurrence under Clause 86 of the State Environmental Planning Policy (Infrastructure) 2007. Sydney Trains concurrence was received during the assessment process. Deferred commencement conditions have been included in the recommendation at the request of the concurrence authority.

The application was referred to Council's Architectural Excellence Panel (AEP) who did not raise any concerns about the proposed development.

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable given the context of the site. The application is suitable for the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.

## 2. Proposal

Approval is sought to demolish existing improvements and construct a 5 part 7 storey mixed use building comprising a retail tenancy on the ground floor with a 35 room boarding house above and associated 2 levels of basement parking. The works include the following:

- Demolish the existing improvements on the site;

- Construct 2 levels of basement parking with vehicular access from Dudley Street;
- Ground floor level containing 1 commercial tenancy, residential lobby, waste services, driveway and landscaping;
- Levels 1 to 4 consist of 8 x double boarding rooms on each level with 2 accessible rooms on each level;
- Level 5 consists of 1 x double boarding room, a common room and large communal outdoor space; and
- Level 5 consists of 2 x double boarding rooms.

### 3. Site Description

The site is located on the southern side of Dudley Street, between Wardell Road and Bayley Street, Marrickville. The site contains the lots legally described as Lot 1 and Lot 2 in Deposited Plan 455549. The sites are triangular in shape and have a combined frontage of 43.51 metres to Dudley Street and have a combined area of 458.5sqm.

Lot 1 currently contains a single storey brick shop and Lot 2 currently contains a single dwelling house and garage. Vehicular access to the site is obtained from Dudley Street.

The surrounding area is generally characterised by 2-3 storey residential flat buildings to the south and newer larger mixed use developments to the west as the precinct undergoes transformation to higher densities. The sites to the east at Nos. 14 and 16 Dudley Street are the subject of previous approvals for 4 part 5 storey mixed use developments.

### 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

PreDA201600095 - to demolish existing improvements and construct a 7 storey mixed use development comprising a retail tenancy on the ground floor and a 6 storey 35 room boarding house above with associated 2 level basement parking on the land.

#### Surrounding properties

Application	Proposal	Decision & Date
16 Dudley Street, Marrickville DA201600253	To demolish the existing improvements and erect a 5 storey mixed use building above basement/lower level car parking containing 2 shops and 11 dwellings	Approval subject to conditions, 19 January 2017
14 Dudley Street, Marrickville DA201600321	To demolish the existing improvements and erect a 5 storey mixed use building above basement/lower level car parking containing 1 shop and 11 dwellings	Deferred commencement consent, 27 February 2017

2-4 Dudley Street, Marrickville DA201400252 (Class 1 Application)	To demolish an existing building and erect a 7 storey mixed use development over basement car parking containing a ground floor commercial tenancy and 30 dwellings	Consent Orders made, 8 May 2015
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#### 4(b) Application history

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

Date	Discussion / Letter/ Additional Information
8 May 2017	Concurrence received from Sydney Trains.
9 May 2017	Amended Public Domain Plan submitted to Council.
15 May 2017	Amended Plans submitted to Council indicating a reduction in overall height of the development, reconfiguration of basement and ground floor waste areas and other minor changes. The amended plans were not required to be renotified in accordance with Council's notification policy.

## 5. Assessment

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

### 5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Affordable Rental Housing) 2009

The following provides further discussion of the relevant issues:

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

##### Clause 86 – Excavation in, above or adjacent to rail corridors

Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 provides guidelines for development within 25 metres of a rail corridor which involve excavation in, above or adjacent to rail corridors. The site is located approximately 22 metres from the rail corridor and involves excavation to a depth of approximately 5.95 metres.

The application was referred to Sydney Trains for concurrence in accordance with Clause 86 of the State Environmental Planning Policy (Infrastructure) 2007. Sydney Trains concurrence was been received during the assessment process. Deferred commencement conditions have been included in the recommendation at the request of the concurrence authority.

### 5(a)(ii) 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 ARH SEPP, which commenced operation on 31 July 2009, provides controls relating to various matters including height, FSR, 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))

Under MLEP 2011, the maximum FSR permitted for any form of development permitted on the land is 3:1 on Lot 1 and 1.8:1 on Lot 2. The development has an FSR of 3.73:1 on Lot 1 and 1.91:1 on Lot 2. The proposal exceeds the maximum floor space ratio (FSR) development standard by 24% and 6.5% on Lot 1 and Lot 2 respectively.

As such the development does not comply with the maximum allowable FSR for the site for a boarding house development under Clause 29(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP).

A written request, in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011 was submitted with the application in relation to the development's non-compliance with the Density development standard in Clause 29(1) of the SEPP.

That request is discussed later in Section 5(a)(iii)(v) of this report under the heading "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 23 metres applies to Lot 1 and 17 metres applies to Lot 2 as indicated on the Height of Buildings Map that accompanies MLEP 2011. The development has a maximum building height of approximately 22.15 metres on Lot 1 which complies with the maximum building height permitted under the SEPP and 22.15 metres on Lot 2 which exceeds the maximum height of buildings development standard by 30%.

As such, the development on Lot 2 does not comply with the maximum building height permitted for the site for a boarding house development under Clause 29(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP).

A written request, in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011 was submitted with the application in relation to the development's non-compliance with the Density development standard in Clause 29(1) of the SEPP.

That request is discussed later in Section 5(a)(iii)(v) of this report under the heading "Exceptions to Development Standards (Clause 4.6)".

(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 development does not provide any landscape treatment to the front setback area. This is consistent with the streetscape along Dudley Street and the building envelope controls contained in Part 9 of MDCP 2011.

(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 development provides a communal living room on the sixth floor level that measures 40.21qm in area. The common room will receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid-winter.

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

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

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

The development provides an area of private open space on level 6, with minimum dimensions of 3 metres and measuring 126sqm in area which satisfies the requirement of Clause 29(2)(d).

Accommodation is provided on site for two boarding house managers. Both managers' rooms are provided with an area of private open space measuring at least 8sqm and having minimum dimensions of 2.5 metres.

(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.”*

The property is located in an accessible area being within 800 metres walking distance to a railway station (Dulwich Hill) and within 400 metres walking distance to a bus stop used by a regular bus services. The development provides 35 boarding rooms and as such is required to provide 7 car parking spaces including 1 space for the manager.

The development provides a total of 8 car parking spaces for use by the boarding house residents, including 5 accessible spaces with 1 space per adaptable boarding room and 1 car parking space for each of the boarding house managers. As such the development complies with the above requirement.

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

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

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

All rooms within the boarding house comply with the minimum accommodation size requirements for rooms to be used by two occupants of the SEPP ARH. The applicant provided detailed floor plans that included furniture layouts that indicate that the boarding rooms and caretaker’s residence will provide adequate levels of residential amenity.

(i) Standards for Boarding Houses (Clause 30)

Clause 30 of the Affordable Rental Housing 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.*

The development includes 35 boarding rooms and one communal living room is provided with an area of 40.21sqm which is acceptable in this regard.

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

No boarding room has a gross floor area exceeding 25sqm, excluding the area used for private kitchen and bathroom facilities.

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

No boarding room is proposed to be occupied by more than 2 adult lodgers.

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

Adequate kitchen and bathroom facilities are available for each lodger within each boarding room.

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

The boarding house has the capacity to accommodate 70 lodgers and an on-site dwelling is provided for two boarding house managers.

- (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 B1 – Neighbourhood Centre under MLEP 2011 and no part of the ground floor level is used for residential purposes.

- (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.*

The development includes 35 boarding rooms and as such 7 bicycle parking spaces and 7 motorcycle parking spaces are required under SEPP ARH. The development provides 8 motorcycle parking spaces and 26 bicycle parking spaces which exceeds the above requirement.

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

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

The site is zoned B1 – Neighbourhood Centre and has a height development standard allowing for developments up to 23 metres in height. The development is consistent with the built form of the neighbouring mixed use developments to the west fronting Wardell Road and recently approved developments to the east fronting Dudley Street. The development is considered to satisfy the desired future character requirements of the Dulwich Hill Station South Planning Precinct as outlined in Part 9.22 of MDCP 2011. The application was referred to Council's Architectural Excellence Panel who did not raise any matters for concern. Given the above, the application is supported.



**5(a)(ii) Marrickville Local Environment Plan 2011 (MLEP 2011)**

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

- (i) Clause 1.2 – Aims of the Plan
- (ii) Clause 2.3 - Land Use Table and Zone Objectives
- (iii) Clause 2.7 - Demolition
- (iv) Clause 4.3 - Height
- (v) Clause 4.4 - Floor Space Ratio
- (vi) Clause 4.6 - Exceptions to Development Standards
- (vii) Clause 6.2 - Earthworks
- (viii) Clause 6.1 - Acid Sulfate Soils
- (ix) Clause 6.2 - Earthworks
- (x) Clause 6.6 - Airspace Operations

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

Standard (maximum)	Proposal	% of non-compliance	Complies
<b>Floor Space Ratio</b> Lot 1: 3:1 Lot 2: 1.8:1	Lot 1: 3.73:1 Lot 2: 1.91:1	24% 6.5%	No No
<b>Height of Building</b> Lot 1: 23 metres Lot 2: 17 metres	Lot 1: 22.15 metres Lot 2: 22.15 metres	Nil 30%	Yes No

The following provides further discussion of the relevant issues:

**(i) Clause 1.2 – Aims of the Plan**

Clause 1.2 relates to the aims of the MLEP 2011. Aim 2(h) is to “promote a high standard of design in the private and public domain”. Both the Pre-Development Application (PDA) and Development Application for 6-12 Dudley Street were referred to Council’s Architectural Excellence Panel (AEP).

The comments provided by the AEP at Pre-DA stage (PDA201600095) are reproduced below. The internal planning was considered to be well-considered and the proposal was generally supported, provided that the following aspects should be addressed at DA stage:

- a) *High quality of architectural detailing and finishes is expected to be provided at DA stage, including a detailed Schedule of Materials and Finishes;*
- b) *Floor-to-floor heights at Levels 1 to 7 should be increased to 3.1 metres, rather than 3.0 metres. This will ensure consistency with AEP’s advice for proposals across the former Marrickville LGA, and particularly with the development proposals at 14 and 16 Dudley Street currently under assessment;*
- c) *Fine tuning of front setbacks and building articulation will be required at DA stage to ensure that the proposed setbacks/articulations create a good streetscape transition*

*between the Court approval at 2-4 Dudley Street, and the Das currently being assessed at 14 and 16 Dudley Street, particularly if the proposal seeks departure from MDCP 2011 controls. This will require Council to liaise with the three consulting teams to achieve an appropriate solution for the three sites (6-12A Dudley Street, 14 Dudley Street and 16 Dudley Street). At DA stage, a streetscape elevation that illustrates the proposals at 14, 16 and 2-4A Dudley Street should be provided to help the AEP and Council to assess the urban design merits of the proposal. Also, the architectural drawings should include the floor plans for 14 and 2-4A Dudley Street to help to assess the impacts and interface between the developments; and*

- d) *Cross ventilation to the boarding rooms at Levels 1 to 4 will only be achieved if transom windows are provided above the entry doors and/or windows are provided on bathrooms.*

The application was subsequently reviewed by Council's Architectural Excellence Panel (AEP) during assessment of the DA who provided further comments on the streetscape presentation and general appearance of the building including its materials.

The AEP's comments have been incorporated into the design of the proposed development and given this a high standard of design is achieved. The Panel concluded that: *This is an innovative and clever proposal that has been further refined since Pre-DA by a very capable architect in accordance with the Panel's earlier comments.*

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

The property is zoned B1 Neighbourhood Centre under the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011). Shop top housing is permissible with Council's consent under the zoning provisions applying to the land.

The development is considered acceptable having regard to the objectives of the B1 - Neighbourhood Centre zone.

(iii) 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.

(iv) Height (Clause 4.3)

The following maximum building heights apply to the land under MLEP 2011:

Site	Permitted	Proposed	% of non-compliance	Complies
Lot 1	23 metres	22.15 metres	N/A	Yes
Lot 2	17 metres	22.15 metres	30%	No

As indicated above, the maximum height on Lot 1 complies with the development standard but the maximum height on Lot 2 does not comply with the height development standard, representing a departure of 5.15 metres or 30%.

A written request, in relation to the development's non-compliance with the building height development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011, was submitted with the application. That request is discussed later in this report under the heading "Exceptions to Development Standards (Clause 4.6)".

(v) Floor Space Ratio (Clause 4.4)

The following maximum floor space ratio (FSR) applies to the land under MLEP 2011:

Site	Permitted	Proposed	% of non-compliance	Complies
Lot 1	3:1 423.75sqm	3.73:1 526.99sqm	24% 103.24sqm	No
Lot 2	1.8:1 571.05sqm	1.91:1 608.32	6.5% 37.27sqm	No

As indicated above, the development on both Lot 1 and Lot 2 result in an FSR that does not comply with the FSR development standard. Lot 1 represents a departure of 103.24sqm or 24% and Lot 2 represents a departure of 37.287sqm or 6.5%.

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. That request is discussed later in this report under the heading "Exceptions to Development Standards (Clause 4.6)".

(vi) Exceptions to Development Standards (Clause 4.6)

As detailed earlier in this report, the development exceeds the maximum building height development standard prescribed under Clause 4.3 of MLEP 2011 on Lot 2 and the development exceeds the floor space ratio development standard prescribed under Clause 4.4 of MLEP 2011 on Lot 1 and Lot 2. A written request in relation to the contravention to the building height and floor space ratio development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 was submitted with the application.

The Clause 4.6 variations for height and FSR both argue that compliance with the development standards would be unreasonable or unnecessary in the circumstances of the site and that there are sufficient environmental planning grounds to justify contravening the development standard as follows:

**Clause 4.3 - Height of buildings**

A maximum building height of 17 metres applies to Lot 2 under MLEP 2011. The development has a maximum building height of 22.15 metres which does not comply with the height development standard. Whilst the majority of Lot 2 complies with the

17 metre height limit, the common room and lift on level 5, and the lift overrun and a small portion of Unit 35 on level 6 exceeds the height standard for Lot 2. The highest point of the development on Lot 2 has a height of RL 44.45 AHD and thus results in a departure of 5.15 metres or 30% from the development standard.

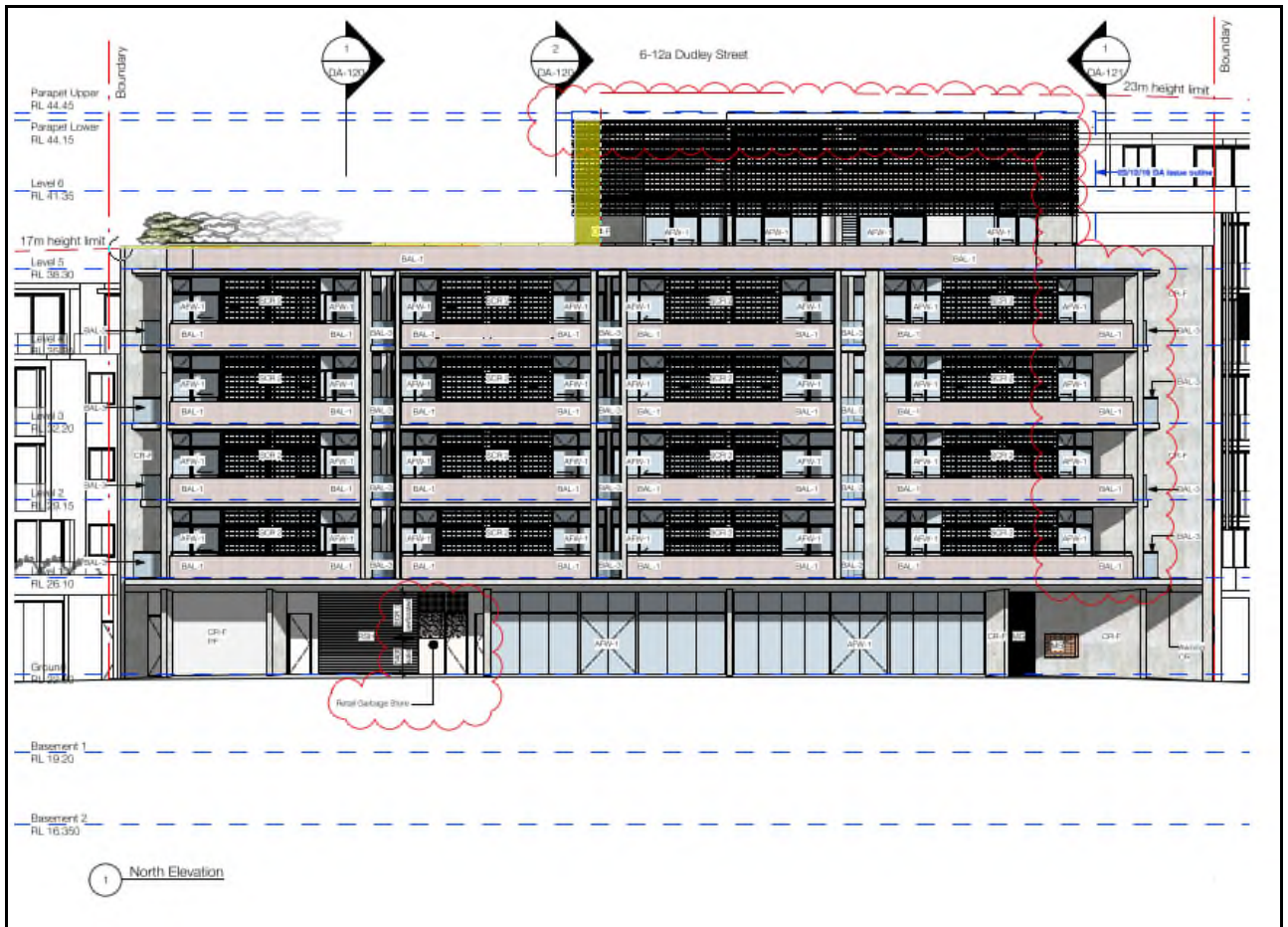


Image 1: Non-compliance with overall height (northern elevation) – highlighted in yellow

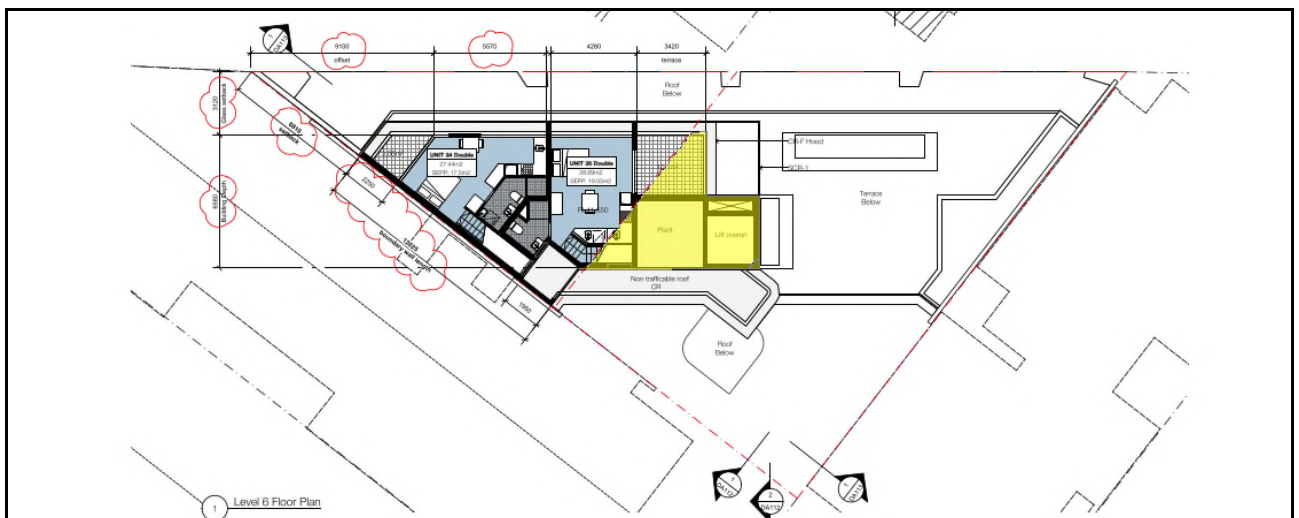


Image 2: Non-compliance with overall height (level 6 floor plan) – highlighted in yellow

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

- The Dudley Street façade and streetscape is exactly what was anticipated by the planning controls. The appearance of the building and built form outcome to Dudley Street is unchanged by this variation with the additional floor space sitting behind front façade where it cannot be viewed.
- The objectives of the standards are nonetheless met and no adverse amenity impacts such as overshadowing or overlooking will arise as a consequence of the variations.
- The proposed building would be compatible with the scale of buildings directly to the south and west of the site and does not facilitate overdevelopment of the site.
- The main building elements which exceed the height standard relate to the stair and lift overrun and small amount of floor space. The exceedances do not give rise to an overdevelopment of the site, nor will they be visible from Dudley Street in front of the site.
- The small elements of the site that exceed the maximum height of buildings are immaterial and have no overshadowing or privacy impacts.
- The development is consistent with the relevant objectives of the B1 zone. The development will provide additional opportunities for small scale business and service use, is of a scale and type that is compatible with the character and amenity of the area, provides additional housing that would increase social and economic activity in the centre, and is designed to promote walking and cycling by incorporating extensive open pedestrianised areas at ground level and providing car parking in basement levels.
- The second objective is most relevant. The proposal is consistent with this objective. The exceedance of the height standard has no material external impact, but allows for a better transition between the 2 height standards applying to the site and an overall building height that better marries with adjoining existing and approved buildings.
- The design maintains the place marker for a step in the height and scale of development along Dudley Street under the LEP.

The applicant considered that there is sufficient environmental planning grounds to justify contravening the development standard as the development:

- Is consistent with the objectives of the zone and the development standard for height contained in MLEP 2011.
- Is permissible with consent and complies with the relevant objectives and controls in the SEPP ARH.
- Is permissible with consent and complies with the relevant objectives and controls in MDCP 2011.
- Will enable the development of building of a height, bulk and scale anticipated by the planning controls within the Marrickville locality.
- Provides for the orderly and economic development of land, in response to the streetscape, rather than the existing lot layout, which is rendered ineffective due to the development and amalgamation patterns.
- It will result in a superior streetscape outcome as the dwelling will appear consistent in appearance with other recent developments adjoining the site which will be a comparable height, bulk and scale.
- The small elements of the site that exceed the maximum height of buildings are immaterial and have no overshadowing or privacy impacts.

- The design maintains the place marker for a step in the height and scale of development along Dudley Street under MLEP 2011.

Having regard to the proposed height of the development, the proposal is considered acceptable for the following reasons:

- The development achieves a building height that is consistent with the development on the adjoining sites to the north and south and provides an appropriate transition in scale;
- The development will result in a consistent streetscape appearance to Dudley Street;
- The additional building height will result in a level of impact compliant with Council's controls on the surrounding properties in relation to acoustic and visual privacy, solar access and overshadowing or visual bulk and scale;

The justification provided in the applicant's written submission is considered well founded and worthy of support. Considering the above justification, strict compliance with the development standard is considered unreasonable and unnecessary given the circumstances of the site.

The justification provides due regard to the following decisions of the NSW Land and Environment Court:

- Wehbe v Pittwater Council* [2007] NSWLEC 827;
- Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009;
- Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386;
- Moskovich v Waverley Council* [2016] NSWLEC 1015; and
- Zhang and anor v Council of the City of Ryde* [2016] NSWLEC 1179.

The contravention of the development standard does not raise any matter of significance for State and Regional environmental planning, and there is no public benefit in maintaining strict compliance with the standard.

#### **Clause 4.4 – Floor space ratio**

The following maximum floor space ratio (FSR) applies to the land under MLEP 2011:

Site	Permitted	Proposed	% of non-compliance	Complies
Lot 1	3:1 423.75sqm	3.73:1 526.99sqm	24% 103.24sqm	No
Lot 2	1.8:1 571.05sqm	1.91:1 608.32	6.5% 37.27sqm	No

As indicated above, the development on both Lot 1 and Lot 2 result in an FSR that does not comply with the FSR development standard. Lot 1 represents a departure of 103.24sqm or 24% and Lot 2 represents a departure of 37.287sqm or 6.5%.

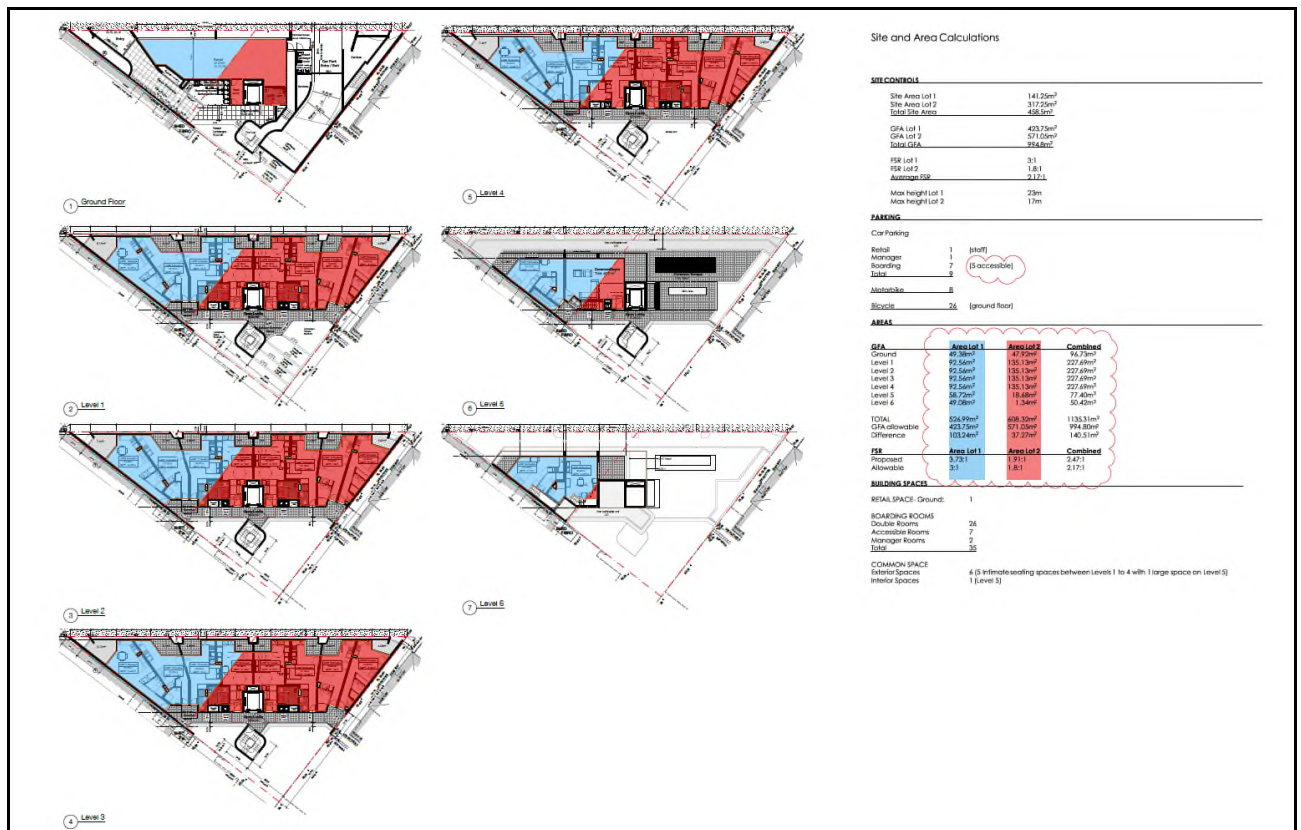


Image 3: Non-compliance with FSR development standard

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

- The additional floor space at this level improves the functionality of the rooms behind the façade by removing the oblique angles to ensure the dwellings are oriented perpendicular to Dudley Street.
- As the GFA was derived for a larger site, strict compliance with the planning controls would result in the loss of building mass from the top floor undermining the planning transition in height at this middle of the Dudley Street streetscape.
- The SEPP ARH contains a bonus floor space for boarding houses only where residential flat buildings are permissible in the zone. Boarding houses and shop top housing is permissible in this zone, residential flat buildings are not listed. The bonus is only permissible where residential flat buildings are permissible. It is unsure why the drafting excluded the bonus from zones where residential flat buildings are not permissible, particularly given shop top housing gives the same outcome in commercial zones, but the same aim of encouraging affordable housing would be satisfied.
- The transition between the 2 heights applying to the site and overall building heights marry closely with adjoining existing and approved buildings and provide space for an exceedance in FSR whilst providing compatible scale within the surrounding neighbourhood.
- The objectives of the standards are able to be met and no adverse amenity impacts will arise as a consequence of the variations.
- The Dudley Street façade and streetscape is exactly what was anticipated by the planning controls. The appearance of the building and built form outcome

to Dudley Street is unchanged by this variation with the additional floor space sitting behind the front façade where it cannot be viewed.

The applicant considered that there is sufficient environmental planning grounds to justify contravening the development standard as the development:

- Is consistent with the objectives of the zone and the development standard for height and FSR contained in MLEP 2011.
- Is permissible with consent and complies with the relevant objectives and controls in the SEPP ARH.
- Is permissible with consent and complies with the relevant objectives and controls in MDCP 2011.
- Will enable the development of building of a height, bulk and scale anticipated by the planning controls within the Marrickville locality.
- Provides for the orderly and economic development of land, in response to the streetscape, rather than the existing lot layout, which is rendered ineffective due to the development and amalgamation patterns.

Having regard to the proposed FSR of the development, the proposal is considered acceptable for the following reasons:

- The development achieves a bulk and scale that is consistent with the development on the adjoining sites to the north and south and provides an appropriate transition in scale;
- The additional gross floor area will not result in any unacceptable amenity impacts for surrounding properties in relation to acoustic and visual privacy, solar access and overshadowing or visual bulk and scale;

The justification provided above is considered well founded and worthy of support. The applicant has provided sufficient justification demonstrating that the development is capable of achieving the objectives of the development standards and that strict compliance with the numerical components of the development standards is unnecessary and unreasonable in the circumstances.

The justification provides due regard to the following decisions of the NSW Land and Environment Court:

- (a) *Wehbe v Pittwater Council* [2007] NSWLEC 827;
- (b) *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009;
- (c) *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386;
- (d) *Moskovich v Waverley Council* [2016] NSWLEC 1015; and
- (e) *Zhang and anor v Council of the City of Ryde* [2016] NSWLEC 1179.

The contravention of the development standard does not raise any matter of significance for State and Regional environmental planning, and there is no public benefit in maintaining strict compliance with the standard.

(vii) Preservation of Trees or Vegetation (Clause 5.9)

Clause 5.9 of MLEP 2011 concerns the protection of trees identified under MDCP 2011. There are no trees on the site covered by and protected under Marrickville Development Control Plan 2011.



(viii) Heritage Conservation (Clause 5.10)

The site is not listed as a heritage item under MLEP 2011, is not located within the vicinity of a heritage item and is not located within a Heritage Conservation Area under MLEP 2011.

(ix) Acid Sulfate Soils (Clause 6.1)

The site is identified as land being affected by Class 5 acid sulfate soils on the MLEP 2011 Acid Sulfate Soils Map. The site is located approximately 350 metres from nearby Class 2 land, however the works are not likely to have the effect of lowering the water table.

(x) Earthworks (Clause 6.2)

The development involves excavation works for the basement car parking level to a depth of approximately 5.95 metres. The excavation is considered to be minimal and thus the proposal is acceptable having regard to Clause 6.2 of MLEP 2011. Appropriate conditions from Sydney Trains have been included in the recommendation in relation to the excavation on site.

(xi) Airspace Operations (Clause 6.6)

The development has a maximum height of RL 44.45 AHD and as such would not penetrate the Obstacle Limitation Surface. The application was referred to Sydney Airport Corporation Limited in accordance with the requirements of Clause 6.6 of MLEP 2011 who raised no objection to the construction of the development subject to appropriate conditions which are included in the recommendation.

**5(c) Development Control Plans**

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

<b>Part</b>	<b>Compliance</b>
Part A.1.6 – Information to be submitted with a Development Application	<b>Yes – see discussion</b>
Part 2.5 Equity of Access and Mobility	<b>Yes – see discussion</b>
Part 2.6 Visual and Acoustic Privacy	<b>Yes – see discussion</b>
Part 2.7 Solar Access and Overshadowing	<b>Yes – see discussion</b>
Part 2.8 Social Impact Assessment	<b>Yes – see discussion</b>
Part 2.9 Community Safety	<b>Yes</b>
Part 2.10 Parking	<b>Yes – see discussion</b>
Part 2.16 Energy Efficiency	<b>Yes</b>

Part 2.18 Landscaping and Open Spaces	<b>Yes – see discussion</b>
Part 2.21 Site Facilities and Waste Management	<b>Yes</b>
Part 2.23 Acid Sulfate Soils	<b>Yes</b>
Part 2.25 Stormwater Management	<b>Yes</b>
Part 4.3 Boarding Houses	<b>Yes – see discussion</b>
Part 8 Strategic Context	<b>Yes – see discussion</b>

The following provides discussion of the relevant issues:

**PART A.1 - INFORMATION TO BE SUBMITTED WITH A DEVELOPMENT APPLICATION**

Part A.1.6 of MDCP 2011 requires a Plan of Management (PoM) to be submitted with applications for a boarding house describing how the ongoing operation of the premises would be managed in the most efficient manner and to reduce any adverse impacts upon the amenity of surrounding properties.

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

- Objective;
- Operation Details;
- Duties of Management;
- House Rules;
- Minimising impact on Residents and Neighbours;
- Lodger Arrival and Departure;
- Lodger's Guests;
- Maintenance of common areas and responsibilities;
- Waste management and collection;
- Fire safety and Emergency Services contacts and procedures;
- Security and Access; and
- Complaints.

The PoM sets out general regulations and rules associated with the on-going residency of the boarding house including the rules and regulations in relation to the boarding house residents' conduct to reduce any anti-social behaviour and any potential impacts that may arise.

The PoM submitted with the application is considered acceptable and appropriate conditions are included in the recommendation to ensure compliance with the PoM.

**PART 2 - GENERIC PROVISIONS**

(i) Urban Design (Part 2.1)

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

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

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

Control	Standard	Required	Proposed	Complies ?
Accessible Rooms	1 accessible bedroom for every 5 boarding rooms or part thereof	35 boarding rooms = 7 accessible rooms	7 accessible rooms	Yes
Access and Mobility	Access for all persons through the principal entrance and access to any shared laundries, kitchens, sanitary and other common facilities	All areas of the proposed development accessible by persons with a disability	All areas and shared facilities accessible by persons with a disability	Yes
Accessible Car Parking	1 accessible parking space for every 10 bedrooms	35 boarding rooms = 3.5 accessible spaces	5 accessible car parking spaces	Yes

*Table 1: Equity of Access and Mobility Compliance Table*

In addition to the above:

- Appropriate access is provided for all persons through the principal entrance to the premises;
- A Continuous Accessible Path of Travel (CAPT) to and within the subject premises is provide which allows a person with a disability to gain access to all areas within the shop; and
- An accessible toilet is provided.

As indicated above, the development complies with the requirements of Part 2.5 of MDCP 2011 and is acceptable. Despite the above, the requirements of MDCP 2011 are effectively superseded by the introduction of the new Premises Standards. An assessment of whether or not these aspects of the proposal fully comply with the requirements of relevant Australian Standards and the new Premises Standards has not been undertaken as part of this assessment. That assessment would form part of

the assessment under the Premises Standards at the Construction Certificate stage of any proposal.

(iii) Visual and Acoustic Privacy (Part 2.6)

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

The development presents to Dudley Street to the north and due to the triangular nature of the site does not have a rear frontage. To the north of the site is the suburban railway with the developments to the east and west of the site generally characterised by large scale mixed use developments.

- The development provides balconies to all boarding rooms along the northern elevation of the building. The balconies range in size from 3sqm to 12sqm. These balconies face over Dudley Street and the suburban railway to the north and as such no concern is raised in regards to visual or acoustic privacy.
- The development provides open common circulation space on each level at the southern side of the building. The circulation space provides some restricted views to the south however is generally blocked by the side walls of the developments at No. 2-4 to the west and No. 14 to the east and as such no concern is raised in regards to visual or acoustic privacy.

As such, it is considered that the development would maintain a high level of acoustic and visual privacy for the surrounding residential properties and ensure a high level of acoustic and visual privacy for future occupants of the development itself. The development is thus acceptable having regard to the provisions of Part 2.6 of MDCP 2011.

(iv) Solar Access and Overshadowing (Part 2.7)

### **Overshadowing**

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties. The development will not result in increased overshadowing of any areas of private open space or windows to principal living areas on adjoining sites to the east or west, nor the dwellings to the south fronting Bailey Street above what has already been approved on adjoining sites at 2-4 Dudley Street and 14 Dudley Street.

### **Solar Access**

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

**“C11** *At least 65% of habitable rooms within a boarding house, a hostel or a residential care facility must provide a window positioned within 30 degrees east and 20 degrees west of true north and allow for direct sunlight over*

*minimum 50% of the glazed surface for at least two hours between 9.00am and 3.00pm on 21 June.”*

The plans and shadow diagrams submitted with the application illustrate that the development complies with Council’s solar access controls above due to the orientation of the site.

(v) Social Impact Assessment (Part 2.8)

Part 2.8 of MDCP 2011 requires that development for the purpose of boarding houses with capacity to accommodate up to 20 residents require a Social Impact Comment (SIC).

The Statement of Environmental Effects submitted with the application includes comments on the social impact of the development which meets the requirements of Control C1 of Part 2.8.4.1 of MDCP 2011. The development has been assessed in accordance with the provisions of Part 2.8 of MDCP 2011 and is generally considered to comply with the objectives contained within part 2.8.3 of MDCP 2011 as the development is considered to have generally positive impacts with limited negative outcomes on the locality. As such the development is acceptable.

(vi) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains the following objectives relating to community safety. The development is considered reasonable having regard to community safety for the following reasons:

- The principal entrance to the residential and commercial component of the development is obvious and secure;
- The proposal adequately activates the street frontages;
- The natural topography of the site and built forms allow for territorial reinforcement and space management; and
- The dwellings are designed to overlook the street.

A condition has been included in the recommendation to require lighting details of the pedestrian areas, parking areas and all entrances. The development therefore satisfies Part 2.9 of MDCP 2011.

(vii) Parking (Part 2.10)

*Car, Bicycle and Motorcycle Parking Spaces*

The site is located in Parking Area 1 under Part 2.10 of MDCP 2011. MDCP 2011 prescribes car, bicycle and motorcycle parking. However, 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 is discussed in Section 5(a)(ii) of this report.

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

Component	Control	Required	Proposed	Complies ?
<b>Car Parking</b>				
Resident Car Parking	1 per caretaker + 0.2 per boarding room for residents	35 rooms = 7 spaces + 1 for each caretaker		
Commercial Car Parking	1 space per 100sqm GFA for customers and staff	91sqm GFA = 1 space		
	<b>Total required:</b>	<b>9 spaces</b>	<b>9 spaces</b>	<b>Yes</b>

<b>Bicycle Parking</b>				
Resident Bicycle Parking	1 per 2 boarding rooms for residents +	35 rooms = 17.5 spaces		
Visitor Bicycle Parking	1 per 10 boarding rooms for visitors	35 rooms = 3.5 spaces		
	<b>Total required:</b>	<b>21 spaces</b>	<b>25 spaces</b>	<b>Yes</b>
<b>Motorcycle Parking</b>				
Motorcycle Parking	5% of the total car parking requirement	5 car parking spaces required = 0 spaces		
	<b>Total required:</b>	<b>0 spaces</b>	<b>8 space</b>	<b>Yes</b>

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

The development complies with the car, bicycle and motorcycle parking requirements as detailed above. Appropriate conditions have been included in the recommendation to ensure the proposed car parking complies with the requirements contained within Part 2.10 of MDCP 2011.

#### *Vehicle Service and Delivery Area*

Control C24 in Part 2.10.16 of MDCP 2011 specifies a vehicle service and delivery area requirement for larger developments. The development is not a large development that meets any of the triggers in Table 6 in Part 2.10.16 of MDCP 2011 and therefore no vehicle service and delivery area requirements apply to the proposal. Notwithstanding this, it is noted that there is sufficient area within the ground floor and basement car parking areas for service vehicles to park for short term loading and unloading.

#### (viii) Water Sensitive Urban Design (Part 2.17)

Part 2.17 of MDCP 2011 contains objectives and controls relating to Water Sensitive Urban Design (WSUD) including requirements for shop top developments. The application was referred to Council’s Development Engineer who raised no objection to the proposal and recommended conditions that should be imposed on any consent granted. Those conditions are included in the recommendation of this report.

#### Landscaping and Open Spaces (Part 2.18)

##### *2.18.11.4 Boarding Houses*

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

- The communal open space on the roof level has an area of 1126sqm, with a minimum dimension of 3 metres and provides space for relaxation, outdoor dining and entertainment.
- The communal open space has been designed so that it can accommodate outdoor furniture such as chairs, tables and shade structures.
- The communal open space is located adjacent to, and connected to, the communal living area.

#### *2.18.11.7 Mixed use development*

The development is located in the B1 Neighbourhood centre zone and as such has been assessed in accordance with the controls for mixed use development.

#### **Landscaped area**

Control C25 specifies that landscape areas for mixed use developments will be determined on merit and depend on the overall streetscape and the desired future character for the area/precinct.

The development has a frontage to Dudley Street and is required to provide a nil front boundary setback and as such, it is not appropriate to provide pervious landscaping within the front setback of the development.

The development provides approximately 74sqm of landscaped area on the ground floor level, equating to 27% of the total site area. The landscaped area provides raised landscaping for passive outdoor recreation in addition to the 126sqm provided on the roof level for common open space. Considering the context of the site being within a business centre and being assessed as providing sufficient private and common open space for use by the occupants of the development, the development is considered reasonable.

A landscape plan and maintenance schedule was submitted with the application which is considered acceptable.

#### **Private open space**

The development is for the purpose of a boarding house and as such is not required to provide private open space. Notwithstanding, each dwelling is provided with a private open space in the form of a balcony ranging in area from 3sqm to 12sqm.

#### *2.18.11.12 Development within Business Centres*

The development is located within an area undergoing transition from low density residential accommodation to mixed use development. As such, the applicant has submitted a public domain plan indicating the following:

- Removal of the existing street tree to facilitate an awning;
- Replacement of 1 x street tree within the road reserve;
- Paving of the Dudley Street footpath for the length of the property; and
- Removing electricity services and replacement underground.

The public domain plan was referred to Council's Development Engineer and Tree Management Officer who raised no concern over the development subject to the imposition of appropriate conditions which have been included in the recommendation.

## **PART 4 - RESIDENTIAL DEVELOPMENT**

### **Part 4.3 – Boarding Houses**

#### *4.3.3.1 Character and amenity of the local area*

As discussed in Section 5(a)(ii) of this report under the provisions of Clause 30A of the ARH SEPP, applications for new boarding houses must satisfy a local character test which seeks to ensure developments proposed under the SEPP are consistent with the built forms and desired future character of the area. The development is compatible with the desired future character of the local area and ensures there are no undue impacts on the amenity of the local area.

#### *4.3.3.2 Boarding house capacity*

All boarding rooms are at least 16sqm in area and as such the maximum capacity of each room is 2 lodgers.

#### *4.3.3.3 Location*

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

#### *4.3.3.4 Management*

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

The boarding house has a capacity of 70 lodgers and 2 boarding rooms with a minimum area of 16sqm are provided as on-site dwellings for boarding house managers. The boarding rooms are located in different parts of the building, with one room being located on the first floor level (Unit 17) and one being located on the fifth floor level (Unit 35). The development provides areas of private open space with a minimum area of 8sqm adjacent to the manager's room.

There are sufficient car parking spaces in the basement of the development to provide 1 car parking space per manager.

#### *4.3.3.5 Boarding Rooms*

<b>Room type and facility</b>	<b>Minimum Requirement</b>	<b>Complies?</b>
<b>C10</b> Minimum area 2 person room	16sqm GFA*	Yes
<b>C11</b> Maximum room size	25sqm GFA*	Yes



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

As indicated above, the development generally complies with the exception of the areas of private open space. Some balconies exceed the maximum area (Units 9, 25, 33) and some do not provide the minimum dimension of 2sqm. Notwithstanding, the areas of private open space are considered to provide good amenity for the boarding rooms and receive adequate solar access. Furthermore, substantial common open space is provided on the roof level for outdoor recreation.

#### 4.3.3.6 Communal rooms and facilities

The development accommodates 35 boarding rooms and 1 communal living area is provided with a total area of 40.21sqm. Based on providing 2sqm per lodger, the communal living room has a capacity of 20 lodgers, being approximately 30% of the lodgers in the development at any one time.

The room has been designed to be accessible directly from the common open space of the development and receives 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. The development provides 115sqm of common open space directly accessible off the communal living area.

#### 4.3.3.7 *Communal Laundry*

A communal laundry is not provided as laundry facilities are provided in the individual boarding rooms.

#### 4.3.3.8 *Landscaped area and common open space*

The development provides 126sqm common open space area which receives a minimum 3 hours direct sunlight between the hours of 9.00am and 3.00pm mid-winter. The area is well designed and provides a reasonable level of amenity for occupants.

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

Part 5.1.3.3 contains massing and setback controls for commercial and mixed use developments. However the strategic context controls contained in Part 9.22 of the DCP provide more site specific massing and setback controls which are discussed later in this report under the provisions of Part 9.22 of MDCP 2011.

#### **General Commercial and Mixed Use Development Controls**

##### (i) Infill development (Part 5.1.2.4)

The proposal seeks to undertake comprehensive redevelopment of the site and would be considered to constitute “infill development” for the purpose of Part 5.1.2.4 of the MDCP 2011.

Part 5.1.2.4 discourages replication of existing or part architectural styles and forms, aiming to achieve contemporary building forms that complement and enhance the existing streetscape.

The proposal reflects a unique building form within the streetscape. Continuity and integration with surrounding development is achieved through maintaining and continuing the line of street level development characteristics, such as the nil boundary side setbacks, ground floor commercial with residential above and the awning structure.

##### (ii) Building form (Part 5.1.3)

###### 5.1.3.1 *Floor space ratio*

The matter of FSR is discussed in Section 5(a)(iii) of the report.

###### 5.1.3.2 *Height*

The matter of building height is discussed in Section 5(a)(iii) of the report.

(i) Massing and Setbacks (Part 5.1.3.3)

Part 5.1.3.3 contains massing and setback controls for commercial and mixed use developments. However the strategic context controls contained in Part 9.22 of the DCP provide more site specific massing and setback controls.

(iii) Building Detail (Part 5.1.4)5.1.4.1 *Building Frontages*

Part 5.1.4.1 of MDCP 2011 includes the following objectives and controls relating to building frontages:

**O20** *To ensure the street front portion of the building mass reads as the continuous dominant element in the streetscape, with upper levels above the street frontage being visually subservient.*

**C28** *The street front portion of the building mass must be designed to maintain or emphasise the street front portion of the building mass as the continuous dominant element in the streetscape.*

**C29** *Building levels above the street front portion of the building mass that are visible in the streetscape must be visually subservient as a complementary backdrop to the street front portion of the streetscape.*

**C31** *Air-conditioning facilities must not be visible from the shopping street and any other major side street."*

The street front elevation of the development reads as the continuous dominant element in the streetscape. A condition has been included in the recommendation requiring that no air conditioning units should be visible from Dudley Street.

5.1.4.2 *Active street frontage uses and shopfront design*

Part 5.1.4.2 of MDCP 2011 specifies controls for active street frontage uses and shopfront design of relevance to the development. The development is acceptable having regard to those objectives and controls in that:

- The shopfront design is a contemporary infill development design and is acceptable giving consideration to the streetscape context;
- The development is consistent with the width and height proportions of the existing shopfronts evident within the streetscape;
- The shop has floor levels that relate to the footpath level and the shopfront provides visual transparency and direct access between the footpath and the shop;
- The active use component of the building provides a viable area to accommodate a variety of commercial premise uses;
- The active frontage component of the building:
  - i. Is built to the front and side boundaries except for recessed entries;
  - ii. Includes a frontage to the street that contains more than 80% of clear glazing;
  - iii. Includes a clearly identifiable pedestrian entry from the street; and
  - iv. Includes a pedestrian awning;
- The development provides only non-residential uses at street level; and
- The entries to residential uses at upper floor levels are:

- i. Separate to commercial entries and clearly identifiable as the residential entry;
- ii. Sheltered, well lit and highly visible spaces to enter the building, meet and collect mail;
- i. Of adequate size for the movement of residential goods; and
- ii. Provided directly from the street frontage.

(iv) Building Use (Part 5.1.5)

5.1.5.1 *Mixed use development*

Part 5.1.5.1 of MDCP 2011 provides objectives and controls for mixed use developments. The development is acceptable having regard to those objectives and controls in that:

- The ground floor level of the site area that relates to the active street frontage is predominantly used for commercial floor area, with the exception of access to the residential lobby;
- Any proposed use of the ground floor shopfront will be assessed in accordance with the relevant controls to ensure that there will be a reasonable level of compatibility between different uses within the building and between adjoining properties and a reasonable level of amenity can be maintained for the different uses appropriate for a commercial centre context.

5.1.5.3 *Ceiling heights*

The development provides minimum ceiling heights in accordance with the requirements of Part 5.1.5.3 of MDCP 2011.

**PART 9 - STRATEGIC CONTEXT**

The property is located in the Dulwich Hill Station South Precinct (Precinct 22) under Marrickville Development Control Plan 2011.

(i) Desired future character (Part 9.22.2)

The development is considered to be consistent with the desired future character of the Dulwich Hill Station South Precinct as it achieves the following objectives:

- “1. *To protect and enhance the predominantly mixed density residential character of the precinct and to continue its role in providing a mix of housing types close to public transport.*
2. *To protect and enhance the character of streetscapes and public domain elements within the precinct including views and vistas, prevailing subdivision patterns, building typologies, materials and finishes, setbacks, landscaping, fencing, open space, carriageway and footpath design and kerb and guttering.*
9. *To facilitate urban renewal in appropriate locations, especially within the Dulwich Hill neighbourhood centre with substantial increase in density as mixed use development.*

10. *To revitalise the neighbourhood shops within the Dulwich Hill neighbourhood centre, including the consolidation of residential properties on the eastern side of Wardell Road and expansion into Dudley Street.*
11. *To take advantage of the characteristics of Dudley Street with low traffic; wide street carriageway; gentle footpath gradient; northern aspect and railway cutting that shields rail noise, to create a new high amenity mixed-use streetscape (maximising potential for shopfronts and residential oriented perpendicular to Dudley Street, widened footpaths, landscaping improvements, outdoor dining space and Local Area Traffic Management).*
12. *To ensure orderly development on masterplan sites in accordance with the principles of the masterplan vision, including allotment amalgamations where required, that are not detrimental to achieving the overall masterplan structure and achieve an efficient and high quality built outcome.*
13. *To support excellence in contemporary design.*
14. *To ensure that higher density development demonstrates good urban design and environmental sustainability and provides suitable amenity for occupants of those developments.*
15. *To ensure the design of higher density development protects the residential amenity of adjoining and surrounding properties.*
17. *To promote sustainable transport (public transport, walking and cycling) by providing higher development density around Dulwich Hill Station; restricting the provision of off-street car parking around Dulwich Hill Station; increasing provision of bicycle parking and car-sharing (off-street and on-street) and carefully managing general on-street car parking.*
18. *To ensure the provision and design of any parking and access for vehicles is appropriate for the location, efficient, minimises impact to streetscape appearance and maintains pedestrian safety and amenity.”*

(ii) Site-specific planning controls (Part 9.22.5)

9.22.5.1 *Masterplan Area (MA 22.1)*

The site is located within Masterplan Area (MA 22.1) which is shown below and provides massing controls for the development of the subject site:



Image 4: Plan Diagram for Masterplan Area MA 22.1

The following assessment is made with respect to the performance of the proposal against the Masterplan Area controls within Part 9.22.5 of MDCP 2011:

### Site Amalgamation

The desired site amalgamation pattern as shown in Figure 22.1b within Part 9.22.5 of MDCP 2011 includes Lot 1 amalgamating with the adjoining property to the west at No. 2-4 Dudley Street and Lot 2 amalgamating with the adjoining properties to the east at Nos. 14 and 16 Dudley Street. Controls C11 and C12 prescribe the following in relation to site amalgamation:

**“C11** The redevelopment of the land shaded in Figure (22.1a) must wherever possible conform to the amalgamation pattern in the control diagram in Figure (22.1b).

**C12** Amalgamation of allotments must not result in any adjoining sites being isolated to the extent that it is not possible for development to occur in accordance with the urban design vision for the Masterplan Area.”

The properties on either side of the subject site are the subject of separate applications, and it is evident that the owners of these sites have intentions to redevelop the respective sites separately. In respect of C12 above, there are no adjoining sites which would be isolated as a result of the development of the subject site, as consents have already been issued for the redevelopment of these sites.

## **Building height**

Control C13 specifies that the development must conform to the building height expressed in number of storeys as shown in the Masterplan extract above in Image 4. Image 4 specifies a 5 storey high street wall façade, up to a total height of 6 storeys on Lot 1 and a 3 storey high street wall façade, up to a total height of 4 storeys on Lot 2.

The development provides a 5 storey street wall to Dudley Street along the length of the site, with a sixth and seventh floor set back slightly from the street on Lot 1 only. Whilst the development includes an additional floor on the seventh level, the storey is generally contained within the 23 metre height limit for Lot 1 as per MLEP 2011 and is acceptable. The additional floors to Lot 2 are generally consistent with the mixed use developments found nearby on Wardell Road and recent approvals on neighbouring sites and is acceptable given the context of the site.

Considering the above, the development is generally consistent with the building height control.

## **Boundary setbacks**

### *Front boundary*

The development provides a nil front boundary setback which conforms to the control diagram and is acceptable given the context of the street.

### *Rear boundary*

The rear elevation of the development is required to be setback from the rear, however the control diagram does not specify a distance. The site is triangular in shape and as such does not have a rear boundary. Notwithstanding, the development provides a setback of approximately 14 metres from the rear apex of the two side boundaries, and not produces excessive bulk and scale to the rear lane which is acceptable.

### *Side boundary*

The development provides nil side boundary setbacks to the sites at No. 2-4 to the west and No. 14 to the east in accordance with the control diagram which is acceptable.

## **Sustainable envelopes and occupant amenity**

The siting, orientation, depth and separation of the development achieves sufficient internal amenity for occupants of the dwellings and is acceptable.

## **Articulation zones**

The development provides shallow articulation zones to Dudley Street at the front of the site.

## Domain interface and structure

The development complies with the control diagram in relation to the location of active land uses and frontages at ground level; and the location and extent of public domain infrastructure and is acceptable.

The site has been isolated to the extent that vehicular access cannot be obtained from Murray Lane to the rear. However, the site seeks consent to replace the existing vehicular crossing to Dudley Street which does not comply with the control diagram but is considered acceptable given the circumstances.

### 5(d) The Likely Impacts

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

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

The site is zoned B1 - Neighbourhood Centre under MLEP 2011. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

### 5(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 Notification Policy. A total of 9 submissions were received from 8 properties.

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

- Overdevelopment of the site - See discussions throughout Section 5(a);
- Overshadowing on dwellings to the south - See Section 5(c)(iii);
- Provision of car parking- See Section 5(c)(v);
- The increase in visual bulk and scale from the development - See discussions throughout Section 5(c)(xiii) to (xviii);

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

Issue: Proposed use of the site as a boarding house.

Comment: A number of submissions raised concern over the proposed use of the site as a boarding house, raising concerns such as 'not a suitable location given proximity to park', 'nature of potential tenants', 'safety of children', 'increased crime' and claims that tenants suffer from 'drug, alcohol and mental health issues'.

It is noted that boarding houses are like all other forms of residential accommodation in respect of their occupant's civil liberties to consume alcohol. The application includes a Plan of Management which specifies



the house rules for the boarding house, including a zero tolerance approach to illicit drugs and advice regarding the responsible consumption of alcohol. Matters concerning illicit drugs and disorderly behaviour should be reported to NSW Police. Council does not have any controls relating to the location of boarding houses near educational establishments or childcare centres and thus there is nothing to suggest the proposed location is inappropriate.

**Issue:** Development is of a poor quality and design and is out of character with Dulwich Hill.

**Comment:** A number of submissions raise concern over the architectural quality of the building. The development was referred to Council's Architectural Excellence Panel who raised no concern over the development from an urban design perspective. The materials used are of a high quality and durability and the development provides a significant quality of internal amenity for future occupants.

Furthermore, the development includes public domain improvements including a new street tree, new footpath paving and awning, removal of overhead power lines and new bus stop furniture. The development will represent a significant streetscape improvement to Dudley Street.

### 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 development is generally consistent with the aims, and design parameters contained in State Environmental Planning Policy (Affordable Rental Housing) 2009, Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan and other relevant Environmental Planning Instruments. As discussed throughout this report, the development will not result in any significant impacts on the amenity of adjoining premises and the streetscape and thus the development is considered to be in 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
- Tree Management Officer
- Waste Management
- Architectural Excellence Panel (AEP)

## 6(b) External

The application was referred to the following external body and issues raised in that referral have been discussed in Section 5 above.

- Sydney Trains
- Sydney Airport Corporation Limited

## 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 \$678,890.82 would be required for the development under Marrickville Section 94 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 State Environmental Planning Policy (Affordable Rental Housing) 2009 and Marrickville Local Environmental Plan 2011 (MLEP 2011) with the exception that the proposal exceeds the maximum height of building and floor space ratio development standards. The proposal is generally consistent Marrickville Development Control Plan 2011 (MDCP 2011). The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.

## 9. Recommendation

- A. That the variation to Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio of Marrickville Local Environmental Plan 2011 be supported under the provisions of Clause 4.6 exceptions to development standards.
- B. That Council, as the consent authority pursuant to section 80 of the Environmental Planning and Assessment Act 1979, grant deferred commencement consent to Development Application No: 201600696 to demolish existing improvements and construct a 5 part 7 storey mixed use building comprising a retail tenancy on the ground floor with a 35 room boarding house above and associated 2 levels of basement parking at 6-12 Dudley Street, Marrickville subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### GENERAL

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

Plan No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
DA-100 DA02	Basement Plans	8 March 2017	Hill Thalys	15 May 2017
DA-101 DA02	Ground & Level 1 Floor Plans	8 March 2017	Hill Thalys	15 May 2017
DA-102 DA02	Level 2 & Level 3 Floor Plans	8 March 2017	Hill Thalys	15 May 2017
DA-103 DA02	Level 4 & Level 5 Floor Plans	8 March 2017	Hill Thalys	15 May 2017
DA-104 DA02	Level 6 Floor Plans & Roof Plan	8 March 2017	Hill Thalys	15 May 2017
DA-110 DA02	North & East Elevations	8 March 2017	Hill Thalys	15 May 2017
DA-111 DA02	South & West Elevations	8 March 2017	Hill Thalys	15 May 2017
DA-120 DA02	Sections	8 March 2017	Hill Thalys	15 May 2017
DA-121 DA02	Sections	8 March 2017	Hill Thalys	15 May 2017
DA-131 DA	Dudley Street Sections	22 December 2016	Hill Thalys	15 May 2017
DA-132 DA	Materials/Finishes	22 December 2016	Hill Thalys	15 May 2017
LS01 E	Landscape Plan/Public Domain/Ground Floor	5 May 2017	Melissa Wilson	15 May 2017
LS02 D	Landscape Plan/Level 1/Roof Terrace	5 May 2017	Melissa Wilson	15 May 2017
2016-667	Acoustic Report	15 December 2016	Acoustic Noise & Vibration Solutions Pty Ltd	23 December 2016
-	Boarding House Management Plan	December 2016	Applicant	23 December 2016

And details submitted to Council on 23 December 2016, 9 May 2017 and 15 May 2017 with the application for development consent and as amended by the matters referred to in Part A of this Determination and the following conditions.

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

2. In order to ensure the architectural and urban design excellence of the development is retained:
  - i) The design architect is to have direct involvement in the design documentation, contract documentation and construction strategies of the project;
  - ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
  - iii) Evidence of the design architect's commission is to be provided to the Council prior to the release of the construction certificate.
  - iv) The design architect of the project is not to be changed without prior notice and approval of the Council.
3. 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 33 lodger's rooms and 2 on-site manager's rooms with not more than 68 adult lodgers and 2 adult on-site managers residing in the premises at any one time;
  - g) Not more than 2 lodgers 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.
4. 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.
5. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes identified in External Material Finishes dated 22 December 2016, prepared by Hill Thalys (DA-132 DA). 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*.
6. Where boarding rooms are provided with separate individual hot water systems, these must be located within the internal area of the boarding room and not on any balcony or terrace.
7. A minimum of 7 adaptable boarding rooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
8. A total of 9 off-street car parking space must be provided, paved and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The car parking spaces should be allocated as follows:

- a) A total of 7 car parking spaces being provided for the occupants of the boarding house. A minimum of 5 of those spaces being accessible car parking spaces provided for use by the occupants of the adaptable boarding rooms. These spaces must be marked as disabled car parking spaces;
- b) 1 car parking space for the boarding house manager and
- c) 1 car parking space for use by the commercial tenancy.

All parking spaces and turning area thereto being 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.

9. A minimum of 7 off-street motorcycle parking spaces are to 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.

All motorcycle parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and being used exclusively for motorcycle parking and not for storage or any other purpose.

10. 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.
11. All trade waste must be stored within the site boundaries and contained in such a manner so as not to cause a nuisance.
12. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
13. No air conditioning units are to be installed on the Dudley Street frontage of the development or any position visible from the public domain without the prior approval of Council.
14. 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.
15. Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition the by-laws of any future residential strata plans created for the property shall reflect this restriction.
16. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Council's 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.

17. 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.
18. 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.
19. The development is approved to a maximum height of 44.50 metres above Australian Height Datum (AHD). Should the height be exceeded a new application must be submitted in accordance with the Civil Aviation (Building Control) Regulations 1988.
20. Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
21. Sydney Trains and Transport for NSW, and persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
22. Each boarding house room must be used exclusively as such and not be adapted for use as backpackers' accommodation, serviced apartments and not be used for any industrial or commercial purpose.
23. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
24. The use of the boarding house or retail premises, including 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 shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
25. 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.
26. The following is a waste condition:
  - a) The owners of the property appointing a designated person(s) responsible for moving waste bins from their usual storage spaces on each residential floor to the place to the collection point for the storage of domestic bins on the ground floor being in accordance with details to be submitted to Council's satisfaction. The owner's corporation being responsible to ensure compliance with this condition.
  - b) Tenants (commercial and residential) shall be advised to anticipate heightened noise levels during garbage collection;

- c) Council is to be provided with key access to the ground floor parking area to facilitate on-site garbage collection.
  - d) Should the waste conditions not be met, Council reserves the right to reconsider servicing the site for garbage collection, in accordance with Council's Fees and Charges.
  - e) No compaction of waste is permitted within the development in accordance Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management.
  - f) The person acting on this consent shall advise any purchaser or prospective tenant of this condition.
27. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25 metres of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
28. No rock anchors/bolts are to be installed into Dudley Street, Marrickville.
29. All instruments under Section 88B of the Conveyancing Act used to create positive covenants, easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Inner West Council.

#### **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 Building Code of Australia.

30. No work must commence until:
- a) A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). 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.
31. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
32. The PCA must be provided with either of the following documents before work commences on site.
- a) A copy of the 'Contract of Insurance' (where the value of work exceeds \$12,000) and the details of the name and licence number of the builder/contractor who has been contracted to do or intends to do the work; or
  - b) A copy of a current owner-builder's permit (where the value of work exceeds \$5,000) issued by the Department of Fair Trading stating the name and permit number of the owner-builder who intends to do the work.

If these arrangements change, work must cease until the Council has been given written notification of the updated information.

For information regarding Home Warranty insurance or owner-builder permits contact the Department of Fair Trading.

33. 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.
34. 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.
35. Sanitary facilities are to 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 are to be located so that they will not cause a nuisance.
36. 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.
37. 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'.
38. 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 shall 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.
39. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
40. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.
41. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.



- 42. 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.
- 43. 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.
- 44. If required by Sydney Trains, before commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

**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.

- 45. 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).

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

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

- 46. 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 \$678,890.82 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 08 May 2017.

**\*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. DC001879)**

- 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	\$77,344.38
Plan Administration	\$13,311.69
Recreation Facilities	\$588,868.35
Traffic Facilities	\$-633.61

- 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.

- 47. Bicycle storage with the capacity to accommodate a minimum of 7 bicycles must be provided in accordance with the requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
- 48. 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.
- 49. 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 in accordance with Part 2.9 of MDCP 2011.
- 50. Noise attenuation measures must be incorporated into the development 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 and in accordance with details being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2000, 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".
- 51. 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).
- 52. 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.
- 53. The person acting on this consent shall provide to Council a bond in the amount of \$9,198.60 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.  
Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.
- 54. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.  
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

55. 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:
- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc shall be reconstructed and upgraded in accordance with the Street Tree Masterplan and the Marrickville Public Domain Design Guide. This shall include a street tree within a kerb blister at the eastern boundary of the site and details of a new bin and bench seat;
  - b) All signage including the Bus Stop and Loading Zone signage shall be indicated on the plans;
  - c) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
  - d) New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Infrastructure Services Division on 9335 2000; and
  - e) Alignment levels to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath shall be set at 2.5%.  
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.
56. The site stormwater drainage shall be constructed generally in accordance with stormwater drainage plans C-101 (P3), C-102 (P2), C-103 (P2), C-201 (P3) and C202 (P2) submitted by TDL Engineering Consulting P/L subject to the following amendments/additional information being submitted;
- a) The outlets pipes shall be maximum 100mm diameter or 100mm high RHS sections so as to provide sufficient cover under the footpath at the kerb;
  - b) A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken;
- Evidence of compliance with the above conditions shall be submitted to and approved by Council before the issue of a Construction Certificate.
57. Before the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
58. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
59. If required by Sydney Trains, before the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

60. Before the issue of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
61. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement before the issue of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
62. Before the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

#### SITE WORKS

63. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
64. 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 material containing asbestos is to be carried out by suitably qualified persons 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 are to be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan - 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 are to 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 is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

65. Trees to be removed shall be removed in a safe and environmentally responsible manner by a practicing arborist who has a minimum qualification of Certificate 3 in Arboriculture, in compliance with WorkCover NSW Code of Practice: Amenity Tree Industry 1998.
66. 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 shall comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'.
67. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:
  - a) protect and support the adjoining premises from possible damage from the excavation, and
  - b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and
  - c) give the owners of the adjoining land at least seven (7) days notice 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 is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

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

68. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
69. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
70. All roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.
71. 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.

72. 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.
73. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals must have a minimum 3 Star WELS rating for the commercial tenancy and boarding house.

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

74. You shall 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 two (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.
75. 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.
76. 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 shall be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

77. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
  - a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

- b) Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.
78. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery to arrange the following number of bins in relation to the residential component of the approved development:
- 6 x 240L litre bins for general waste streams;
  - 12 x 240L litre for recycling waste streams; and
  - Up to 6 x 240L green waste bins.
79. Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery and confirm the key lock system to be installed on the residential interim waste storage areas accessible from Dudley Street.
80. The terms of the right of carriageway (under sections 88B and E of the Conveyancing Act 1919) shall be made upon properties Lot 1 and 2 in DP 455549 in the following manner:
1. Full and free right for the Authority Benefited, its employees, contractors and every person authorised by it, to, at all times:
    - i. Go, pass, repass and stand upon the Lot Burdened for the purpose of the removal of recyclable products, general waste and green waste products with or without vehicles; and
    - ii. Enter upon the Lot Burdened and remain there for a reasonable time for the purpose of the removal of recyclable products, general waste and green waste products.
  2. The owner of the Lot Burdened cannot make any claim against the Authority Benefited, its employees, contractors and every persons authorised by it, for any repair, damage, loss or nuisance caused to the Lot Burdened as a result of the Authority Benefited, its employees, contractors or every persons authorised by it, exercising their right as set out in Clause 1.
  3. The owner of the Lot Burdened indemnifies the Authority Benefited, its employees, contractors and persons authorised by it, against any future claim for repair, damage, loss or nuisance as a result of the Authority Benefited removing recyclable products, general waste and green waste products from the Lot burdened, except to the extent that such damage or loss is a result of the negligence of the Authority Benefited, its employees, contractors or persons authorised by it.
  4. Where a building has secured access, the Authority Benefited, it's employees, contractors and persons authorised by it, must be supplied an unlocking device to enable access to bins containing recyclable products, general waste and green waste products, to be emptied at the time of collection.
81. 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.
82. 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.
83. Before the issue of an Occupation Certificate, the Certifying Authority must be satisfied that all landscape works have been undertaken in accordance with the approved plan and conditions of consent and must be maintained at all times to Council's satisfaction.
84. All public domain works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
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 shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of an 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 an 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 an 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 an 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 an Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage and water quality measures have been constructed in accordance with the approved plans shall be submitted to and accepted by Council. The Certificate shall also state that no dry-weather flows of seepage or groundwater have been connected to any kerb outlets. 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. With the regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate. The Positive Covenant shall include the following:
- a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility as per the approved plans;
  - b) The Proprietor shall have the stormwater quality treatment facilities inspected annually by a competent person and must provide the WSUD maintenance plan approved under this Consent to competent person to record the annual inspections.
  - c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved; and recover the costs of any such works from the proprietor.
92. The existing overhead power cables along the Dudley Street frontage of the site must be relocated underground with appropriate street lighting 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. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.
93. Before the issue of an 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.
94. Before the issue of an Occupation Certificate, the Principal Certifying Authority shall certify in writing that the conditions relating to tree planting have been complied with. The PCA shall report breaches of the condition to Inner West Council.

#### ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

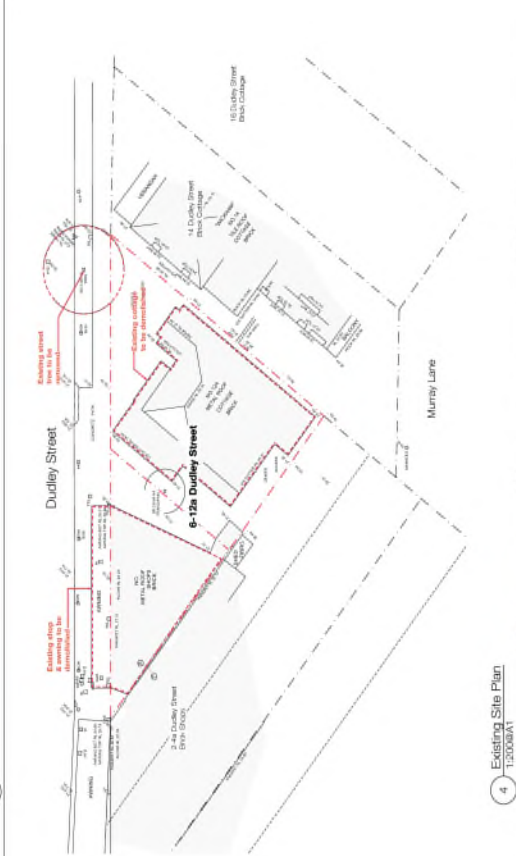
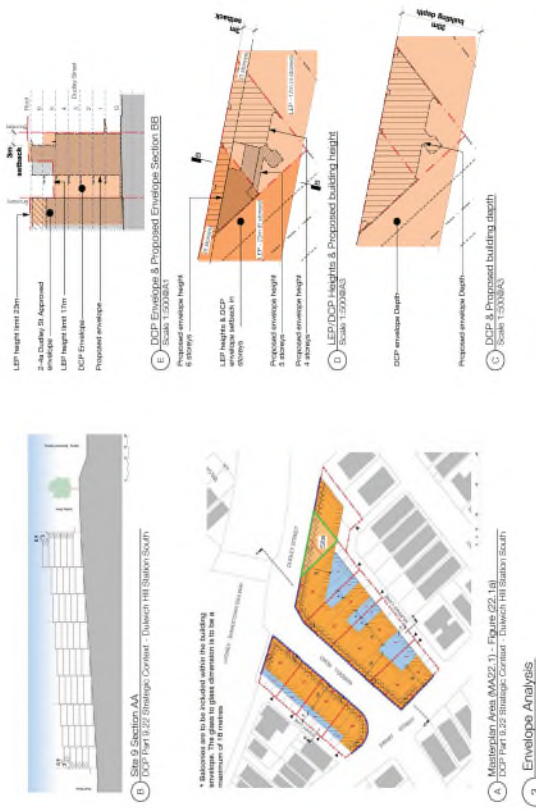
BASIX Information	☎ 1300 650 908 weekdays 2.00pm-5.00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	☎ 13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 <a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a>
Landcom	☎ 9841 8660 to purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 13 14 41 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> and <a href="http://www.diySAFE.nsw.gov.au">www.diySAFE.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment & Heritage	☎ 131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	☎ 13 20 92 <a href="http://www.sydneypwater.com.au">www.sydneypwater.com.au</a>
Waste Services NSW - SITA Environmental Solutions	☎ 1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	☎ 13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

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

- D. THAT the Department of Planning and Environment be advised, as part of the quarterly review of the monitoring of Clause 4.6 of Marrickville Local Environmental Plan 2011 - Exceptions to Development Standards, that Council has agreed to the variation of the following development standards:

<u>Premises:</u>	6 Dudley Street, Marrickville
<u>Applicant:</u>	Mahmoud Mearbany
<u>Proposal:</u>	To demolish existing improvements and construct a 5 part 7 storey mixed use building comprising a retail tenancy on the ground floor with a 35 room boarding house above and associated 2 levels of basement parking
<u>Determination:</u>	Deferred commencement consent
<u>DA No:</u>	201600696
<u>Lot and DP:</u>	Lot 1 and Lot 2 in Deposited Plan 455549
<u>Category of Development:</u>	3 New Boarding House
<u>Environmental Planning Instrument:</u>	Marrickville Local Environmental Plan 2011
<u>Zoning of Land:</u>	Neighbourhood Centre
<u>Development Standard(s) varied:</u>	Maximum Height, Floor Space Ratio
<u>Justification of variation:</u>	Compliance with the development standards unreasonable or unnecessary in the circumstances of the site, sufficient environmental planning grounds to justify contravening the development standards.
<u>Extent of variation:</u>	Height Lot 2: 30% FSR Lot 1: 24% FSR Lot 2: 6.5%
<u>Concurring Authority:</u>	Council under assumed concurrence of the Secretary Department of Planning and Environment
<u>Date of Determination:</u>	June 2017

Attachment B – Plans of proposed development



Site and Area Calculations

**SITE CONTROLS**

Site Area Lot 1	141.25m <sup>2</sup>
Site Area Lot 2	317.25m <sup>2</sup>
Total Site Area	458.5m <sup>2</sup>
GFA Lot 1	423.25m <sup>2</sup>
GFA Lot 2	177.25m <sup>2</sup>
Total GFA	600.5m <sup>2</sup>
SR Lot 1	1.81
SR Lot 2	1.81
Average SR	2.121
Max Height Lot 1	29m
Max Height Lot 2	17m

**TAKINGS**

Car Parking	1	(1m <sup>2</sup> )
Retail	1	(5 accessible)
Scouring	7	
Total	9	
Mobobike	8	
Bicycle	26	(ground floor)

**AREAS**

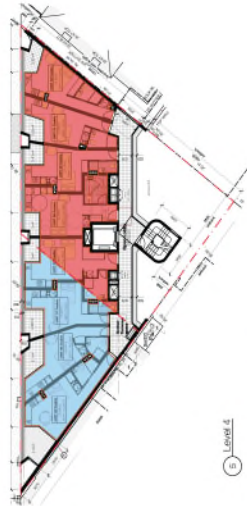
<b>GFA</b>	<b>Area Lot 1</b>	<b>Area Lot 2</b>	<b>Combined</b>
Level 1	92.5m <sup>2</sup>	33.1m <sup>2</sup>	125.6m <sup>2</sup>
Level 2	92.5m <sup>2</sup>	33.1m <sup>2</sup>	125.6m <sup>2</sup>
Level 3	92.5m <sup>2</sup>	33.1m <sup>2</sup>	125.6m <sup>2</sup>
Level 4	92.5m <sup>2</sup>	33.1m <sup>2</sup>	125.6m <sup>2</sup>
Level 5	92.5m <sup>2</sup>	33.1m <sup>2</sup>	125.6m <sup>2</sup>
Level 6	92.5m <sup>2</sup>	33.1m <sup>2</sup>	125.6m <sup>2</sup>
Total	547.5m <sup>2</sup>	198.1m <sup>2</sup>	745.6m <sup>2</sup>
<b>SR</b>	<b>Area Lot 1</b>	<b>Area Lot 2</b>	<b>Combined</b>
Proposed	3.721	1.81	2.471
Allowable	1.81	1.81	1.81

**BUILDING SPACES**

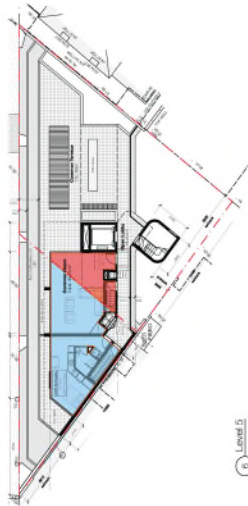
<b>RETAIL SPACE - Ground:</b>	1
BOILER ROOMS	26
DOUBLE KITCHENS	7
ACCESSIBLE KITCHENS	7
LARGER ROOMS	35
Total	76

**COMMON SPACE**

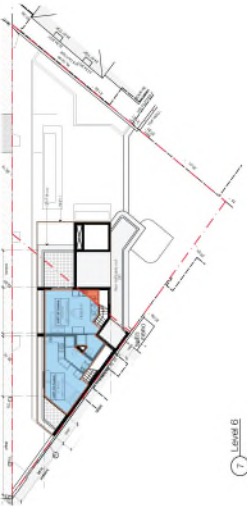
Entered spaces	4 (5 intimate seating spaces between Levels 1 to 4 with 1 large space on Level 5)
Interior spaces	1 (Level 5)



④ Level 4



⑤ Level 5



⑥ Level 6



① Ground Floor



② Level 1



③ Level 2



⑦ Level 3

**hill thalys**

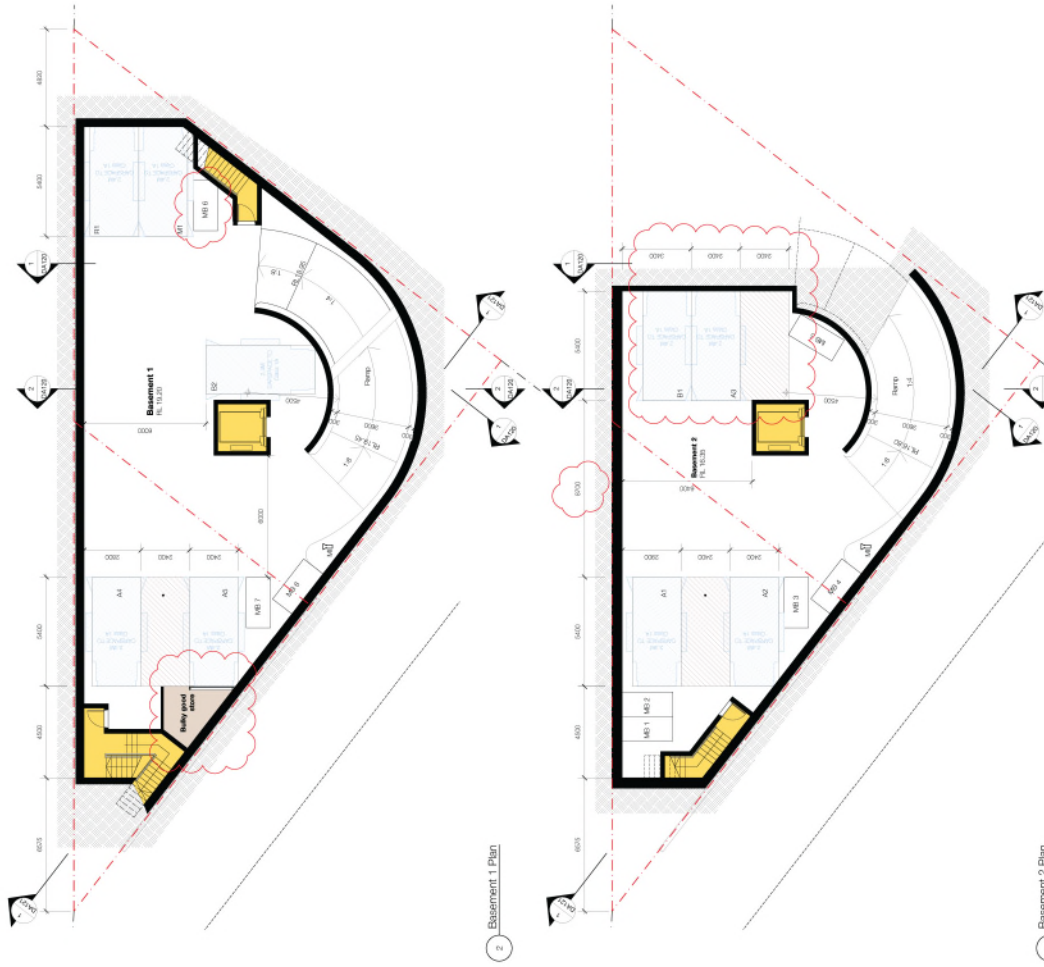
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**DEVELOPMENT APPLICATION**

1:200 @ A1

DA-002

DA2



2 Basement 1 Plan

1 Basement 2 Plan

**NOT FOR CONSTRUCTION**

THIS DOCUMENT IS THE PROPERTY OF HILL THALIS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF HILL THALIS.

**KEY**

**MATERIALS LEGEND**

1	Concrete	200mm
2	Brickwork	200mm
3	Blockwork	200mm
4	Insulation	100mm
5	Plasterboard	12.5mm
6	Timber Decking	30mm
7	Timber Joists	40mm
8	Timber Floorboards	20mm
9	Timber Stair Treads	20mm
10	Timber Stair Risers	20mm
11	Timber Stair Stringers	40mm
12	Timber Stair Nosing	20mm
13	Timber Stair Balustrade	40mm
14	Timber Stair Handrails	40mm
15	Timber Stair Posts	40mm
16	Timber Stair Brackets	40mm
17	Timber Stair Balusters	40mm
18	Timber Stair Spindles	40mm
19	Timber Stair Caps	40mm
20	Timber Stair Bases	40mm
21	Timber Stair Finishes	40mm
22	Timber Stair Hardware	40mm
23	Timber Stair Accessories	40mm
24	Timber Stair Components	40mm
25	Timber Stair Details	40mm
26	Timber Stair Elements	40mm
27	Timber Stair Parts	40mm
28	Timber Stair Pieces	40mm
29	Timber Stair Sections	40mm
30	Timber Stair Subsections	40mm
31	Timber Stair Subparts	40mm
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**PROPOSED BOARDING HOUSE - FIRE BUILDING**

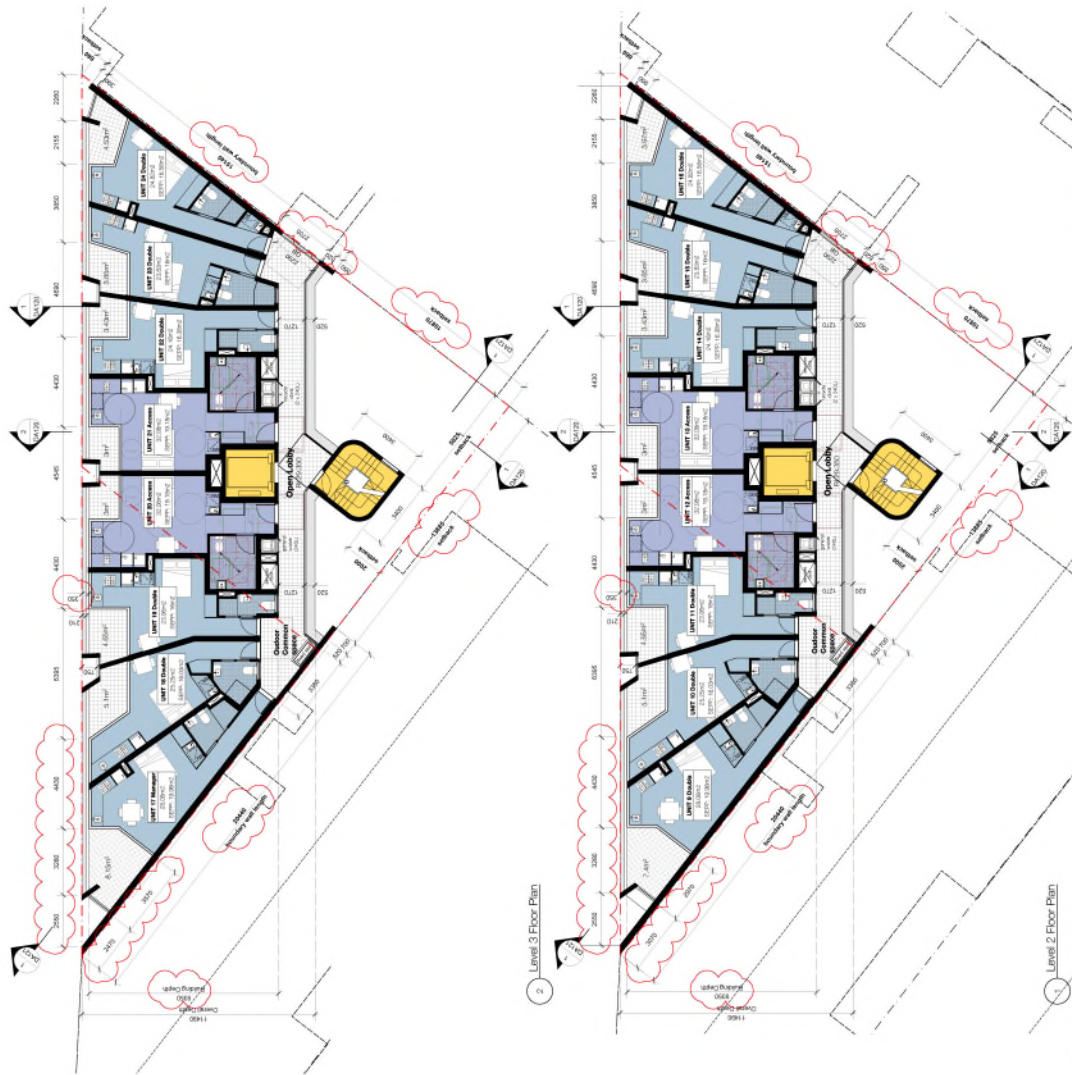
PROJECT NO: 11008/A1

DATE: 16.47

SCALE: DA2

DEVELOPMENT APPLICATION





Level 3 Floor Plan

Level 2 Floor Plan

**NOT FOR CONSTRUCTION**

hills thalis

Proposed Boarding House - Fire Building

DEVELOPMENT APPLICATION

1:1008/A1 DA-102

16.47

DA2

KEY

DATE: 20/03/2014  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

REVISIONS:

NO.	DATE	DESCRIPTION
1	20/03/2014	Issue for comment
2	20/03/2014	Issue for comment
3	20/03/2014	Issue for comment
4	20/03/2014	Issue for comment
5	20/03/2014	Issue for comment
6	20/03/2014	Issue for comment
7	20/03/2014	Issue for comment
8	20/03/2014	Issue for comment
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100	20/03/2014	Issue for comment

PROJECT: Proposed Boarding House - Fire Building  
 DRAWING NO: DA-102  
 SCALE: 1:1008/A1  
 DATE: 20/03/2014  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]





**NOT FOR CONSTRUCTION**

1. All dimensions in millimetres.  
 2. All dimensions are to the face of the work unless otherwise stated.  
 3. All dimensions are to be checked and confirmed by the contractor.  
 4. All dimensions are to be checked and confirmed by the contractor.

**KEY**

**LEVEL 5 FLOOR PLAN**

**LEVEL 4 FLOOR PLAN**

**MAINTENANCE LOCATIONS**

**UNIT 41** (1423-1427)  
**UNIT 42** (1428-1432)  
**UNIT 43** (1433-1437)  
**UNIT 44** (1438-1442)

**Common Room** (1038-1042)  
**Open Lobby** (1423-1427)  
**Common Terrace** (1428-1432)  
**Outdoor Gymnasium** (1428-1432)

**hill thalys**

**Proposed Mixed Use Building - Mixed Use Building**

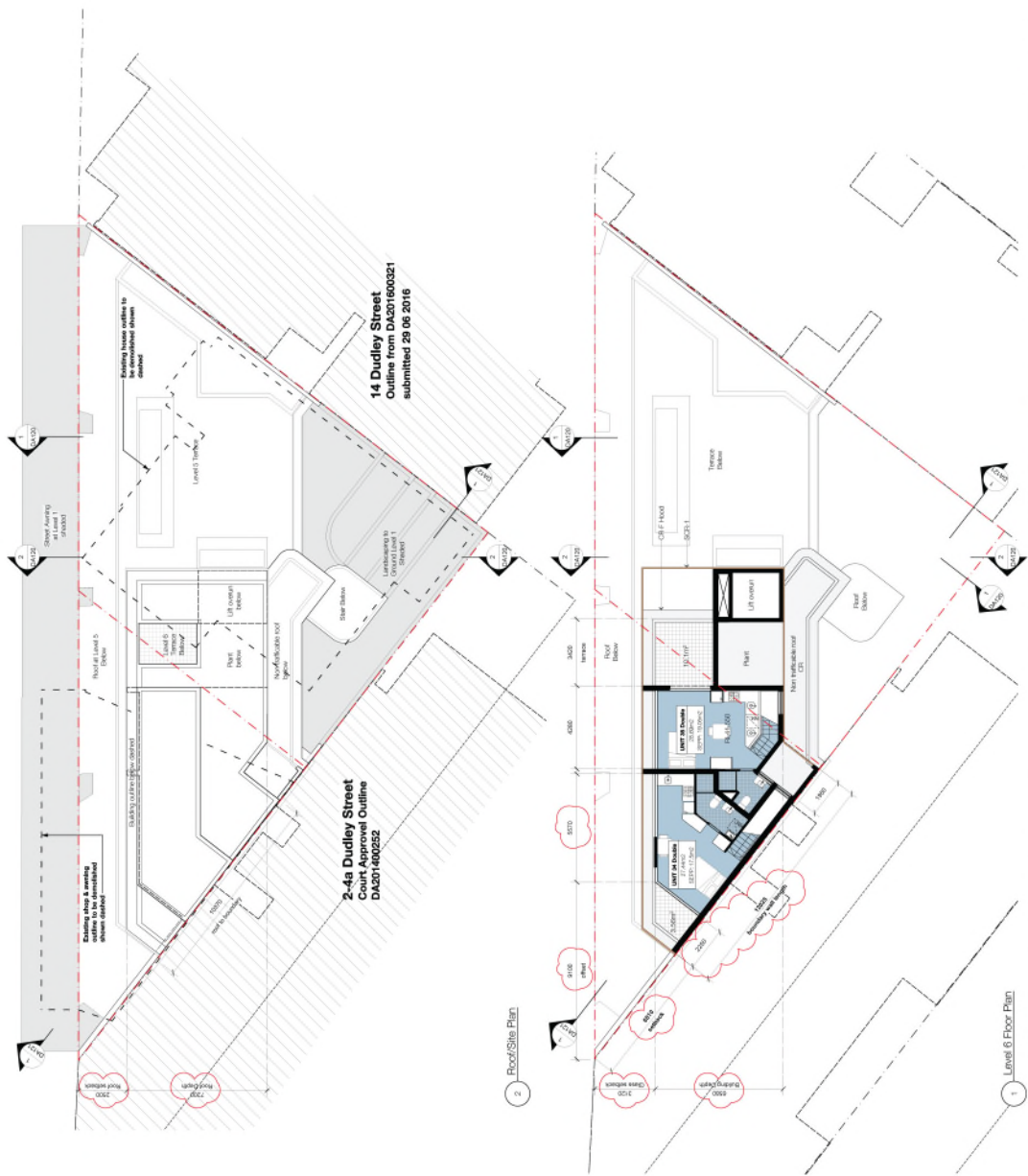
**DEVELOPMENT APPLICATION**

**1:100@A1**

**DA-103**

**16.47**

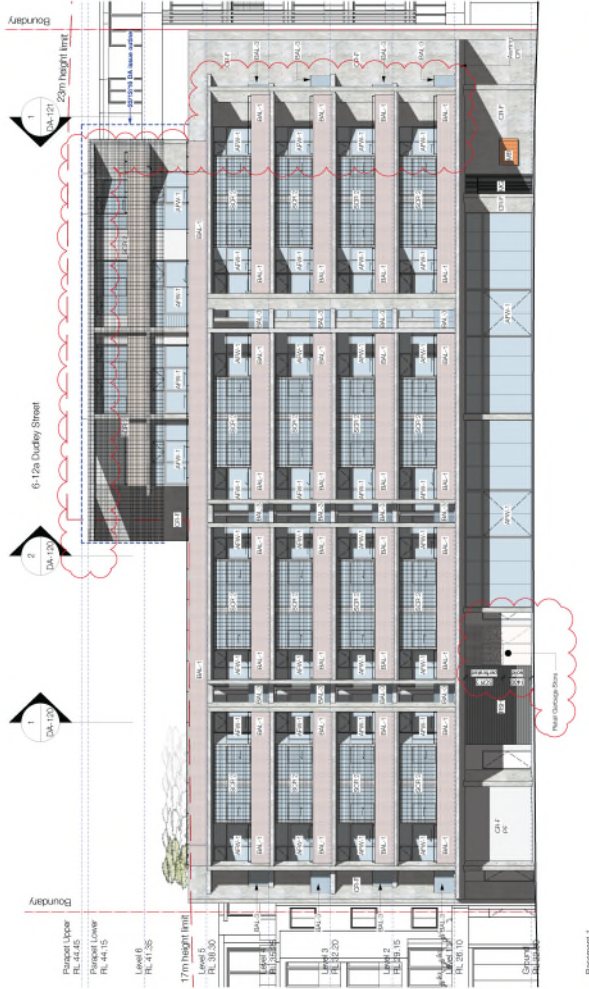
**DA2**



<p><b>NOT FOR CONSTRUCTION</b></p> <p>THIS DOCUMENT IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS DOCUMENT MUST BE APPROVED BY THE ARCHITECT.</p>		<p>KEY</p> <ul style="list-style-type: none"> <li>1. EXISTING BUILDING FOOTPRINT</li> <li>2. PROPOSED BUILDING FOOTPRINT</li> <li>3. EXISTING DRIVEWAY</li> <li>4. PROPOSED DRIVEWAY</li> <li>5. EXISTING FOOTPATH</li> <li>6. PROPOSED FOOTPATH</li> <li>7. EXISTING ROADWAY</li> <li>8. PROPOSED ROADWAY</li> <li>9. EXISTING CURB</li> <li>10. PROPOSED CURB</li> <li>11. EXISTING SIDEWALK</li> <li>12. PROPOSED SIDEWALK</li> <li>13. EXISTING LANDSCAPE</li> <li>14. PROPOSED LANDSCAPE</li> <li>15. EXISTING UTILITY</li> <li>16. PROPOSED UTILITY</li> <li>17. EXISTING TREE</li> <li>18. PROPOSED TREE</li> <li>19. EXISTING WALL</li> <li>20. PROPOSED WALL</li> <li>21. EXISTING FENCE</li> <li>22. PROPOSED FENCE</li> <li>23. EXISTING GATE</li> <li>24. PROPOSED GATE</li> <li>25. EXISTING SIGN</li> <li>26. PROPOSED SIGN</li> <li>27. EXISTING LIGHT</li> <li>28. PROPOSED LIGHT</li> <li>29. EXISTING BENCH</li> <li>30. PROPOSED BENCH</li> <li>31. EXISTING BIKE RACK</li> <li>32. PROPOSED BIKE RACK</li> <li>33. EXISTING WASTE BIN</li> <li>34. PROPOSED WASTE BIN</li> <li>35. EXISTING WATER TAP</li> <li>36. PROPOSED WATER TAP</li> <li>37. EXISTING ELECTRICAL METER</li> <li>38. PROPOSED ELECTRICAL METER</li> <li>39. EXISTING GAS METER</li> <li>40. PROPOSED GAS METER</li> <li>41. EXISTING AIR CONDITIONER</li> <li>42. PROPOSED AIR CONDITIONER</li> <li>43. EXISTING ROOF</li> <li>44. PROPOSED ROOF</li> <li>45. EXISTING BALCONY</li> <li>46. PROPOSED BALCONY</li> <li>47. EXISTING TERRACE</li> <li>48. PROPOSED TERRACE</li> <li>49. EXISTING PATIO</li> <li>50. PROPOSED PATIO</li> <li>51. EXISTING PORCH</li> <li>52. PROPOSED PORCH</li> <li>53. EXISTING STAIR</li> <li>54. PROPOSED STAIR</li> <li>55. EXISTING ELEVATOR</li> <li>56. PROPOSED ELEVATOR</li> <li>57. EXISTING RAMP</li> <li>58. PROPOSED RAMP</li> <li>59. EXISTING LIFT</li> <li>60. PROPOSED LIFT</li> <li>61. EXISTING SHOWER</li> <li>62. PROPOSED SHOWER</li> <li>63. EXISTING BATH</li> <li>64. PROPOSED BATH</li> <li>65. EXISTING BED</li> <li>66. PROPOSED BED</li> <li>67. EXISTING SOFA</li> <li>68. PROPOSED SOFA</li> <li>69. EXISTING CHAIR</li> <li>70. PROPOSED CHAIR</li> <li>71. EXISTING TABLE</li> <li>72. PROPOSED TABLE</li> <li>73. EXISTING STOOL</li> <li>74. PROPOSED STOOL</li> <li>75. EXISTING CUPBOARD</li> <li>76. PROPOSED CUPBOARD</li> <li>77. EXISTING BENCHTOP</li> <li>78. PROPOSED BENCHTOP</li> <li>79. EXISTING SINK</li> <li>80. PROPOSED SINK</li> <li>81. EXISTING STOVE</li> <li>82. PROPOSED STOVE</li> <li>83. EXISTING REFRIG</li> <li>84. PROPOSED REFRIG</li> <li>85. EXISTING DISHWASHER</li> <li>86. PROPOSED DISHWASHER</li> <li>87. EXISTING LAUNDRY</li> <li>88. PROPOSED LAUNDRY</li> <li>89. EXISTING STORAGE</li> <li>90. PROPOSED STORAGE</li> <li>91. EXISTING HANGING</li> <li>92. PROPOSED HANGING</li> <li>93. EXISTING DRAWER</li> <li>94. PROPOSED DRAWER</li> <li>95. EXISTING DOOR</li> <li>96. PROPOSED DOOR</li> <li>97. EXISTING WINDOW</li> <li>98. PROPOSED WINDOW</li> <li>99. EXISTING SHUTTER</li> <li>100. PROPOSED SHUTTER</li> <li>101. EXISTING BLIND</li> <li>102. PROPOSED BLIND</li> <li>103. EXISTING CURTAIN</li> <li>104. PROPOSED CURTAIN</li> <li>105. EXISTING CARPET</li> <li>106. PROPOSED CARPET</li> <li>107. EXISTING FLOOR</li> <li>108. PROPOSED FLOOR</li> <li>109. EXISTING WALL</li> <li>110. PROPOSED WALL</li> <li>111. EXISTING CEILING</li> <li>112. PROPOSED CEILING</li> <li>113. EXISTING LIGHT</li> <li>114. PROPOSED LIGHT</li> <li>115. EXISTING SWITCH</li> <li>116. PROPOSED SWITCH</li> <li>117. EXISTING OUTLET</li> <li>118. PROPOSED OUTLET</li> <li>119. EXISTING VENT</li> <li>120. PROPOSED VENT</li> <li>121. EXISTING DUCT</li> <li>122. PROPOSED DUCT</li> <li>123. EXISTING PIPE</li> <li>124. PROPOSED PIPE</li> <li>125. EXISTING CABLE</li> <li>126. PROPOSED CABLE</li> <li>127. EXISTING ROD</li> <li>128. PROPOSED ROD</li> <li>129. EXISTING SCREW</li> <li>130. PROPOSED SCREW</li> <li>131. EXISTING NAIL</li> <li>132. PROPOSED NAIL</li> <li>133. EXISTING GLUE</li> <li>134. PROPOSED GLUE</li> <li>135. EXISTING PAINT</li> <li>136. PROPOSED PAINT</li> <li>137. EXISTING STAIN</li> <li>138. PROPOSED STAIN</li> <li>139. EXISTING SEAL</li> <li>140. PROPOSED SEAL</li> <li>141. EXISTING ADHESIVE</li> <li>142. PROPOSED ADHESIVE</li> <li>143. EXISTING FINISH</li> <li>144. PROPOSED FINISH</li> <li>145. EXISTING COLOR</li> <li>146. PROPOSED COLOR</li> <li>147. EXISTING TEXTURE</li> <li>148. PROPOSED TEXTURE</li> <li>149. EXISTING PATTERN</li> <li>150. PROPOSED PATTERN</li> </ul>	<p>PROPOSED BOARDING HOUSE - 4 UNIT BUILDING</p> <p>DA201600321</p> <p>1:100 @ A1</p> <p>DA-104</p> <p>DA2</p>	
			<p>PROPOSED BOARDING HOUSE - 4 UNIT BUILDING</p> <p>DA201600321</p> <p>1:100 @ A1</p> <p>DA-104</p> <p>DA2</p>	<p>PROPOSED BOARDING HOUSE - 4 UNIT BUILDING</p> <p>DA201600321</p> <p>1:100 @ A1</p> <p>DA-104</p> <p>DA2</p>
			<p>PROPOSED BOARDING HOUSE - 4 UNIT BUILDING</p> <p>DA201600321</p> <p>1:100 @ A1</p> <p>DA-104</p> <p>DA2</p>	<p>PROPOSED BOARDING HOUSE - 4 UNIT BUILDING</p> <p>DA201600321</p> <p>1:100 @ A1</p> <p>DA-104</p> <p>DA2</p>



2 South East Boundary Elevation



1 North Elevation

Basement 1  
R. 19.20

Basement 2  
R. 16.90

Basement 1  
R. 19.20

Basement 2  
R. 16.90

<b>NOT FOR CONSTRUCTION</b>			<p><b>KEY</b></p> <ul style="list-style-type: none"> <li>Red dashed line: Proposed boundary</li> <li>Blue dashed line: Proposed boundary</li> <li>Green dashed line: Proposed boundary</li> <li>Yellow dashed line: Proposed boundary</li> <li>Black dashed line: Proposed boundary</li> <li>Red dashed line: Proposed boundary</li> <li>Blue dashed line: Proposed boundary</li> <li>Green dashed line: Proposed boundary</li> <li>Yellow dashed line: Proposed boundary</li> <li>Black dashed line: Proposed boundary</li> </ul>	<p><b>MATERIALS LEGEND</b></p> <ul style="list-style-type: none"> <li>1. Brickwork</li> <li>2. Concrete</li> <li>3. Glass</li> <li>4. Metal</li> <li>5. Stone</li> <li>6. Timber</li> <li>7. Paint</li> <li>8. Render</li> <li>9. Tiles</li> <li>10. Slate</li> <li>11. Zinc</li> <li>12. Copper</li> <li>13. Aluminium</li> <li>14. Steel</li> <li>15. Iron</li> <li>16. Lead</li> <li>17. Tin</li> <li>18. Zinc</li> <li>19. Copper</li> <li>20. Aluminium</li> <li>21. Steel</li> <li>22. Iron</li> <li>23. Lead</li> <li>24. Tin</li> <li>25. Zinc</li> <li>26. Copper</li> <li>27. Aluminium</li> <li>28. Steel</li> <li>29. Iron</li> <li>30. Lead</li> <li>31. Tin</li> <li>32. Zinc</li> <li>33. Copper</li> <li>34. Aluminium</li> <li>35. Steel</li> <li>36. Iron</li> <li>37. Lead</li> <li>38. Tin</li> <li>39. Zinc</li> <li>40. Copper</li> <li>41. Aluminium</li> <li>42. Steel</li> <li>43. Iron</li> <li>44. Lead</li> <li>45. Tin</li> <li>46. Zinc</li> <li>47. Copper</li> <li>48. Aluminium</li> <li>49. Steel</li> <li>50. Iron</li> <li>51. Lead</li> <li>52. Tin</li> <li>53. Zinc</li> <li>54. Copper</li> <li>55. Aluminium</li> <li>56. Steel</li> <li>57. Iron</li> <li>58. Lead</li> <li>59. Tin</li> <li>60. Zinc</li> <li>61. Copper</li> <li>62. Aluminium</li> <li>63. Steel</li> <li>64. Iron</li> <li>65. Lead</li> <li>66. Tin</li> <li>67. Zinc</li> <li>68. Copper</li> <li>69. Aluminium</li> <li>70. Steel</li> <li>71. Iron</li> <li>72. Lead</li> <li>73. Tin</li> <li>74. Zinc</li> <li>75. Copper</li> <li>76. Aluminium</li> <li>77. Steel</li> <li>78. Iron</li> <li>79. Lead</li> <li>80. Tin</li> <li>81. Zinc</li> <li>82. Copper</li> <li>83. Aluminium</li> <li>84. Steel</li> <li>85. Iron</li> <li>86. Lead</li> <li>87. Tin</li> <li>88. Zinc</li> <li>89. Copper</li> <li>90. Aluminium</li> <li>91. Steel</li> <li>92. Iron</li> <li>93. Lead</li> <li>94. Tin</li> <li>95. Zinc</li> <li>96. Copper</li> <li>97. Aluminium</li> <li>98. Steel</li> <li>99. Iron</li> <li>100. Lead</li> <li>101. Tin</li> <li>102. Zinc</li> <li>103. Copper</li> <li>104. Aluminium</li> <li>105. Steel</li> <li>106. Iron</li> <li>107. Lead</li> <li>108. Tin</li> <li>109. Zinc</li> <li>110. Copper</li> <li>111. Aluminium</li> <li>112. Steel</li> <li>113. Iron</li> <li>114. Lead</li> <li>115. Tin</li> <li>116. Zinc</li> <li>117. Copper</li> <li>118. Aluminium</li> <li>119. Steel</li> <li>120. Iron</li> <li>121. Lead</li> <li>122. Tin</li> <li>123. Zinc</li> <li>124. Copper</li> <li>125. Aluminium</li> <li>126. Steel</li> <li>127. Iron</li> <li>128. Lead</li> <li>129. Tin</li> <li>130. Zinc</li> <li>131. Copper</li> <li>132. Aluminium</li> <li>133. Steel</li> <li>134. Iron</li> <li>135. Lead</li> <li>136. Tin</li> <li>137. Zinc</li> <li>138. Copper</li> <li>139. Aluminium</li> <li>140. Steel</li> <li>141. Iron</li> <li>142. Lead</li> <li>143. Tin</li> <li>144. Zinc</li> <li>145. Copper</li> <li>146. Aluminium</li> <li>147. Steel</li> <li>148. Iron</li> <li>149. Lead</li> <li>150. Tin</li> <li>151. Zinc</li> <li>152. Copper</li> <li>153. Aluminium</li> <li>154. Steel</li> <li>155. Iron</li> <li>156. Lead</li> <li>157. Tin</li> <li>158. Zinc</li> <li>159. Copper</li> <li>160. Aluminium</li> <li>161. Steel</li> <li>162. Iron</li> <li>163. Lead</li> <li>164. Tin</li> <li>165. Zinc</li> <li>166. Copper</li> <li>167. Aluminium</li> <li>168. Steel</li> <li>169. Iron</li> <li>170. Lead</li> <li>171. Tin</li> <li>172. Zinc</li> <li>173. Copper</li> <li>174. Aluminium</li> <li>175. Steel</li> <li>176. Iron</li> <li>177. Lead</li> <li>178. Tin</li> <li>179. Zinc</li> <li>180. Copper</li> <li>181. Aluminium</li> <li>182. Steel</li> <li>183. Iron</li> <li>184. Lead</li> <li>185. Tin</li> <li>186. Zinc</li> <li>187. Copper</li> <li>188. Aluminium</li> <li>189. Steel</li> <li>190. Iron</li> <li>191. Lead</li> <li>192. Tin</li> <li>193. Zinc</li> <li>194. Copper</li> <li>195. Aluminium</li> <li>196. Steel</li> <li>197. Iron</li> <li>198. Lead</li> <li>199. Tin</li> <li>200. Zinc</li> </ul>	<p><b>PROPOSED BOARDING HOUSE - Hill thalis</b></p> <p>11008/A1</p> <p>1:1008/A1</p> <p>DA-110</p> <p>DA2</p>
<p>DATE: 20/10/2024</p> <p>SCALE: 1:100</p> <p>PROJECT NO: 11008/A1</p> <p>CLIENT: Hill thalis</p> <p>DESIGNER: Hill thalis</p> <p>ARCHITECT: Hill thalis</p> <p>ENGINEER: Hill thalis</p> <p>PLUMBER: Hill thalis</p> <p>ELECTRICIAN: Hill thalis</p> <p>MECHANICAL: Hill thalis</p> <p>PAINTER: Hill thalis</p> <p>TILER: Hill thalis</p> <p>GLAZIER: Hill thalis</p> <p>ROOFER: Hill thalis</p> <p>CONCRETE: Hill thalis</p> <p>STEELER: Hill thalis</p> <p>WELDER: Hill thalis</p> <p>JOINER: Hill thalis</p> <p>CARPENTER: Hill thalis</p> <p>PAINTER: Hill thalis</p> <p>TILER: Hill thalis</p> <p>GLAZIER: Hill thalis</p> <p>ROOFER: Hill thalis</p> <p>CONCRETE: Hill thalis</p> <p>STEELER: Hill thalis</p> <p>WELDER: Hill thalis</p> <p>JOINER: Hill thalis</p> <p>CARPENTER: Hill thalis</p>	<p>16.47</p>				





① Cross Section 1

② Cross Section 2

**NOT FOR CONSTRUCTION**

DA 1001141 - Hill Thais Building  
 2nd - 6th Duxbury Street  
 DA0011400000000

Site Name: Hill Thais Building  
 Site Address: 2nd - 6th Duxbury Street  
 DA0011400000000

DA 1001141 - Hill Thais Building  
 2nd - 6th Duxbury Street  
 DA0011400000000

**hill thais**  
 ARCHITECTS  
 2nd - 6th Duxbury Street  
 DA0011400000000

**PROPOSED BOARDING HOUSE - 5 BUILDING**  
 2nd - 6th Duxbury Street  
 DA0011400000000

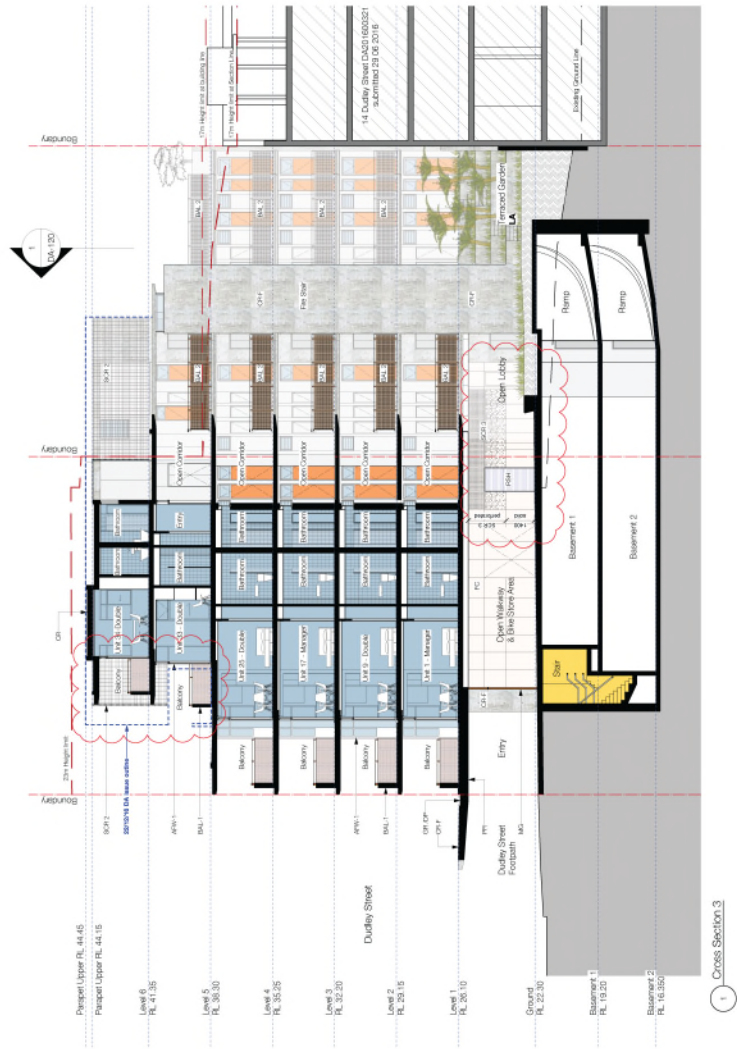
DEVELOPMENT APPLICATION

1:100@A1

DA-120

1.6.47

DA2



1 Cross Section.3

<b>NOT FOR CONSTRUCTION</b>		<b>KEY</b>		<b>DATE</b>		<b>BY</b>		<b>PROJECT</b>		<b>CLIENT</b>		<b>SCALE</b>		<b>NO.</b>	
<p>1. This drawing is for information only.</p> <p>2. It is not to be used for construction.</p> <p>3. It is not to be used for any other purpose.</p> <p>4. It is not to be used for any other purpose.</p>		<p>1. Proposed Building Footprint</p> <p>2. Proposed Building Footprint</p> <p>3. Proposed Building Footprint</p> <p>4. Proposed Building Footprint</p>		<p>1. 10/10/18</p> <p>2. 10/10/18</p> <p>3. 10/10/18</p> <p>4. 10/10/18</p>		<p>1. [Name]</p> <p>2. [Name]</p> <p>3. [Name]</p> <p>4. [Name]</p>		<p>1. [Name]</p> <p>2. [Name]</p> <p>3. [Name]</p> <p>4. [Name]</p>		<p>1. [Name]</p> <p>2. [Name]</p> <p>3. [Name]</p> <p>4. [Name]</p>		<p>1. [Name]</p> <p>2. [Name]</p> <p>3. [Name]</p> <p>4. [Name]</p>		<p>1. [Name]</p> <p>2. [Name]</p> <p>3. [Name]</p> <p>4. [Name]</p>	
<b>NOT FOR CONSTRUCTION</b>		<b>KEY</b>		<b>DATE</b>		<b>BY</b>		<b>PROJECT</b>		<b>CLIENT</b>		<b>SCALE</b>		<b>NO.</b>	
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**NOT FOR CONSTRUCTION**

- Shaded areas indicate proposed construction.
- Construction work shall be in accordance with the approved Development Application.
- Construction shall be in accordance with the approved Building Plans.
- Construction shall be in accordance with the approved Engineering Plans.

KEY

NO	SYMBOL	DESCRIPTION
1	[Symbol]	PROPOSED CONSTRUCTION
2	[Symbol]	EXISTING CONSTRUCTION
3	[Symbol]	EXISTING DRIVEWAY
4	[Symbol]	EXISTING DRIVEWAY
5	[Symbol]	EXISTING DRIVEWAY
6	[Symbol]	EXISTING DRIVEWAY
7	[Symbol]	EXISTING DRIVEWAY
8	[Symbol]	EXISTING DRIVEWAY
9	[Symbol]	EXISTING DRIVEWAY
10	[Symbol]	EXISTING DRIVEWAY
11	[Symbol]	EXISTING DRIVEWAY
12	[Symbol]	EXISTING DRIVEWAY
13	[Symbol]	EXISTING DRIVEWAY
14	[Symbol]	EXISTING DRIVEWAY
15	[Symbol]	EXISTING DRIVEWAY
16	[Symbol]	EXISTING DRIVEWAY
17	[Symbol]	EXISTING DRIVEWAY
18	[Symbol]	EXISTING DRIVEWAY
19	[Symbol]	EXISTING DRIVEWAY
20	[Symbol]	EXISTING DRIVEWAY
21	[Symbol]	EXISTING DRIVEWAY
22	[Symbol]	EXISTING DRIVEWAY
23	[Symbol]	EXISTING DRIVEWAY
24	[Symbol]	EXISTING DRIVEWAY
25	[Symbol]	EXISTING DRIVEWAY
26	[Symbol]	EXISTING DRIVEWAY
27	[Symbol]	EXISTING DRIVEWAY
28	[Symbol]	EXISTING DRIVEWAY
29	[Symbol]	EXISTING DRIVEWAY
30	[Symbol]	EXISTING DRIVEWAY

MATERIALS LEGEND:

NO	SYMBOL	DESCRIPTION
1	[Symbol]	RENDER
2	[Symbol]	PLASTER
3	[Symbol]	CONCRETE
4	[Symbol]	BRICK
5	[Symbol]	TILE
6	[Symbol]	GLASS
7	[Symbol]	STEEL
8	[Symbol]	ALUMINIUM
9	[Symbol]	WOOD
10	[Symbol]	PALLET
11	[Symbol]	ROOFING
12	[Symbol]	LANDSCAPE
13	[Symbol]	PAVING
14	[Symbol]	CONCRETE
15	[Symbol]	ASPHALT
16	[Symbol]	GRAVEL
17	[Symbol]	CLAY
18	[Symbol]	SAND
19	[Symbol]	GRAVEL
20	[Symbol]	CONCRETE
21	[Symbol]	ASPHALT
22	[Symbol]	GRAVEL
23	[Symbol]	CONCRETE
24	[Symbol]	ASPHALT
25	[Symbol]	GRAVEL
26	[Symbol]	CONCRETE
27	[Symbol]	ASPHALT
28	[Symbol]	GRAVEL
29	[Symbol]	CONCRETE
30	[Symbol]	ASPHALT

MATERIALS LIST:

NO	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	RENDER	1000	m <sup>2</sup>	10	10000
2	PLASTER	1000	m <sup>2</sup>	10	10000
3	CONCRETE	1000	m <sup>3</sup>	100	100000
4	BRICK	10000	unit	10	100000
5	TILE	10000	unit	10	100000
6	GLASS	10000	m <sup>2</sup>	100	1000000
7	STEEL	10000	m <sup>2</sup>	100	1000000
8	ALUMINIUM	10000	m <sup>2</sup>	100	1000000
9	WOOD	10000	m <sup>3</sup>	1000	10000000
10	PALLET	10000	m <sup>2</sup>	100	1000000
11	ROOFING	10000	m <sup>2</sup>	100	1000000
12	LANDSCAPE	10000	m <sup>2</sup>	100	1000000
13	PAVING	10000	m <sup>2</sup>	100	1000000
14	CONCRETE	10000	m <sup>3</sup>	100	1000000
15	ASPHALT	10000	m <sup>2</sup>	100	1000000
16	GRAVEL	10000	m <sup>3</sup>	100	1000000
17	CLAY	10000	m <sup>3</sup>	100	1000000
18	SAND	10000	m <sup>3</sup>	100	1000000
19	GRAVEL	10000	m <sup>3</sup>	100	1000000
20	CONCRETE	10000	m <sup>3</sup>	100	1000000
21	ASPHALT	10000	m <sup>2</sup>	100	1000000
22	GRAVEL	10000	m <sup>3</sup>	100	1000000
23	CONCRETE	10000	m <sup>3</sup>	100	1000000
24	ASPHALT	10000	m <sup>2</sup>	100	1000000
25	GRAVEL	10000	m <sup>3</sup>	100	1000000
26	CONCRETE	10000	m <sup>3</sup>	100	1000000
27	ASPHALT	10000	m <sup>2</sup>	100	1000000
28	GRAVEL	10000	m <sup>3</sup>	100	1000000
29	CONCRETE	10000	m <sup>3</sup>	100	1000000
30	ASPHALT	10000	m <sup>2</sup>	100	1000000

Project Information:

PROJECT NAME: **Proposed boarding house - Fire Building**

CLIENT: **hill thalis**

120/151-153 Dudley Street, Sydney NSW 1512

PROJECT CONTACT: **DEVELOPMENT APPLICATION**

DATE: **1.2020/8/1**

SCALE: **1:100**

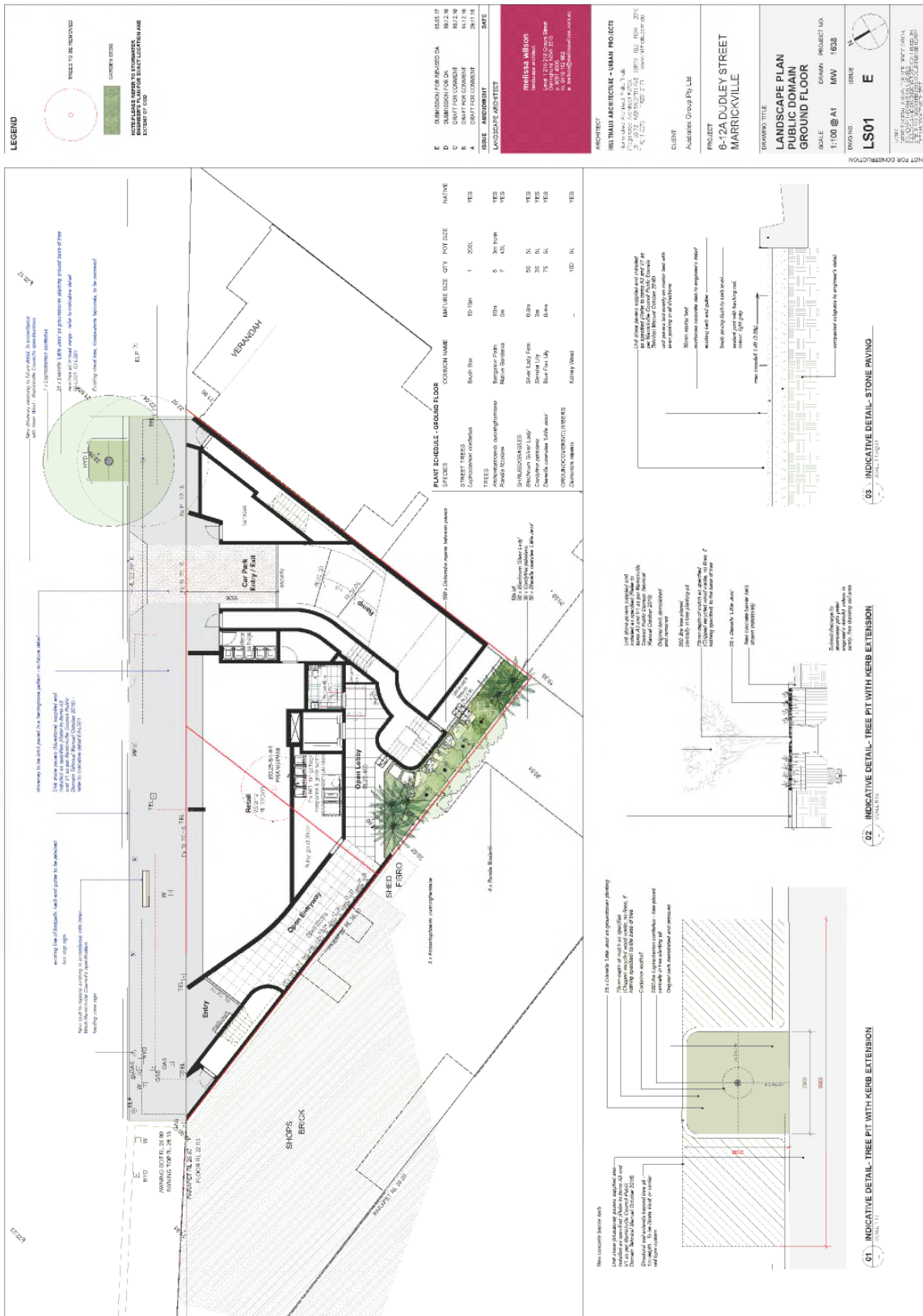
DRAWN BY: **DA2**

Checked By: **DA2**

Project Number: **DA-130**







### LEVEL 1

PLANT SPECIES	COMMON NAME	MATURE SIZE	QTY	POT SIZE	NOTE
ARBORETUM INDIA	Crepe Myrtle	4-6m	6	75L	YES
SHRUBS	Bleed Heart	4-7 m	40	150mm pot	YES
SHRUBS	Blue Holly	1.5m	30	5L	YES
SHRUBS	Bliss on Tree	1.5m	30	5L	YES
SHRUBS	Wedge Flower	0.6m	20	5L	YES
GEORGIAS	Penstemon	-	3	5L	YES

**PLANT SCHEDULE - LEVEL 1**

SPECIES	COMMON NAME	MATURE SIZE	QTY	POT SIZE	NOTE
Tree	Discolorata Palm	10m	4	240mm	YES
Tree	Hawaiian Plumeria	5m	7	75L	YES
Tree	Great Discolorata Elm	1-2m	30	5L	YES
Tree	White Plumeria	5m	30	5L	YES
Tree	Blue Holly	0.4m	50	5L	YES
Shrub	Isopogon	-	200	5L	YES
Shrub	Chamaecrista	-	20	5L	YES
Shrub	Stylidium	-	20	5L	YES

### LEVEL 5 ROOF TERRACE

PLANT SPECIES	COMMON NAME	MATURE SIZE	QTY	POT SIZE	NOTE
Tree	Blue Holly	1.5m	40	5L	YES
Tree	White Plumeria	5m	30	5L	YES
Tree	Blue Holly	0.4m	50	5L	YES
Shrub	Isopogon	-	200	5L	YES
Shrub	Chamaecrista	-	20	5L	YES
Shrub	Stylidium	-	20	5L	YES

INDICATIVE PLANTING IMAGES

**LEGEND**

- THINGS TO REMOVED
- CHARACTERISTICS
- NEW LANDSCAPE PLANTING TO BE INSTALLED IN THE COURTYARD AND ROOF TERRACE

E	EXHIBITION ROOM	18.12.18
D	RECEPTION	14.12.18
C	OFFICE	14.12.18
B	OFFICE	14.12.18
A	OFFICE	14.12.18
ISSUE	AMENDMENT	DATE

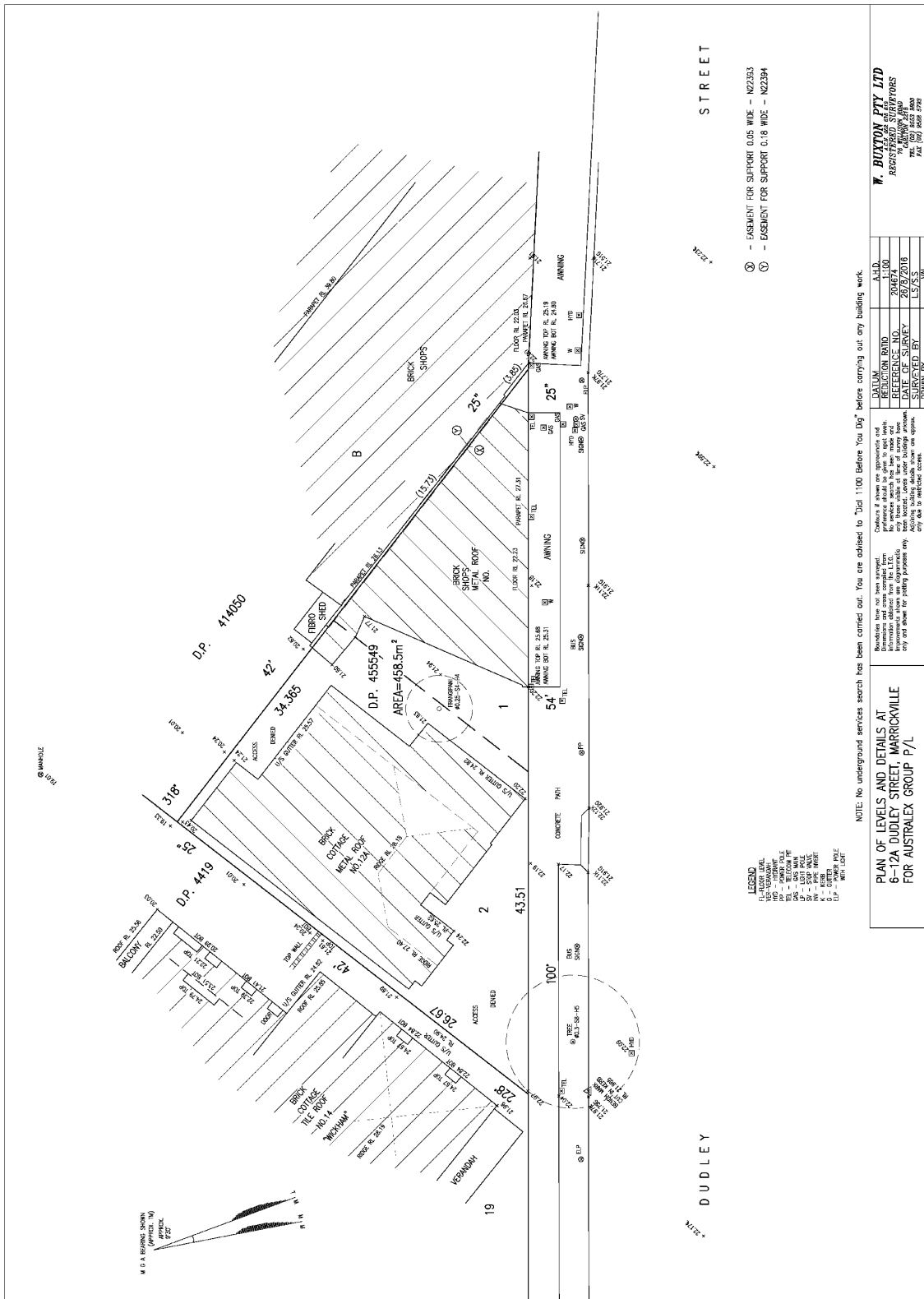
**CLIENT:** AIRBORNE GROUP PTY LTD  
**PROJECT:** 8/26 DUDLEY STREET MARRICKVILLE

**ARCHITECT:** melissa wilson  
 melissa.wilson@mw.com.au  
 02 9439 8300  
 02 9439 8303  
 02 9439 8304

**ISSUE:** LANDSCAPE ARCHITECT

**DATE:** 14.12.18

**ISSUE:** LANDSCAPE PLAN LEVEL 1 ROOF TERRACE  
**SCALE:** 1:100 @ A1  
**PROJECT NO.:** 1638  
**DATE:** 14.12.18



NOTES