

Item 6.**Development Application: 638 King Street, Erskineville**

File No.: D/2018/132

Summary**Date of Submission:** 16 February 2018**Applicant:** Place Studio**Architect:** Place Studio**Developer:** Mr E Daher**Owner:** Mr E Daher**Cost of Works:** \$300,000

Proposal Summary: Change of use for a three storey commercial building. It is proposed to convert the building into a nine room boarding house and a ground floor cafe fronting King Street.

The application is referred to the Local Planning Panel for determination as the proposed development does not include any motorcycle parking as required by State Environmental Planning Policy (Affordable Rental Housing) 2009, resulting in a departure of a development standard by more than 10%. No motorcycle parking is supported in this particular case given the physical constraints of the site and its close proximity to existing transport links.

The proposal includes the demolition of the previous non-compliant building works from a former brothel, repair of the front facade and reinstatement of the ground floor glazed shopfront. The majority of the proposed boarding house is contained within the existing building envelope, with the construction of a new two storey rear addition to contain the communal kitchen and living rooms and an accessible boarding room.

- Proposal Summary:** Amended plans were submitted to address amenity issues, including the reconfiguration of the accessible boarding room, communal living space and communal kitchen and dining room to ensure all communal spaces achieve direct access to natural light and ventilation. The boarding rooms on the upper floors were also reconfigured to increase the amount of functional space and the provision of bicycle parking was included on the ground floor.
- (continued)**
- The adaptive reuse of the building as a boarding house is considered to be in a suitable location within the King Street retail precinct and is acceptable subject to the recommended conditions outlined in Attachment A.
- The application was notified and advertised for 21 days. One submission was received relating to the provision of stormwater and sewerage services and potential noise and amenity concerns.
- Summary Recommendation:** The development application is recommended for approval, subject to conditions.
- Development Controls:**
- (i) State Environmental Planning Policy (Affordable Rental Housing) 2009
 - (ii) Sydney Local Environmental Plan 2012
 - (iii) Sydney Development Control Plan 2012
- Attachments:**
- A. Recommended Conditions of Consent
 - B. Architectural Drawings

Recommendation

It is resolved that:

1. Pursuant to the provisions of Clause 4.6 of the Sydney Local Environmental Plan (LEP) 2012, the variation sought to the provision of motorcycle parking contained in State Environmental Planning Policy (Affordable Rental Housing) 2009 be supported in this instance; and
2. Consent be granted to Development Application No. D/2018/132 subject to the conditions set out in Attachment A to this report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal is consistent with the objectives of the B2 - Local Centre zone and the relevant development controls for the site.
- (B) The non-compliance with the motorcycle parking development standard is offset by the site's close proximity to public transport nodes.
- (C) Subject to compliance with the recommended conditions, the proposed boarding house will provide acceptable amenity for occupants that will result in an improved active frontage to the streetscape.
- (D) The approval is not anticipated to result in any significant impacts on the surrounding land uses.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot B DP 444407 and is commonly known as 638 King Street, Erskineville.
2. The site is rectangular in shape with area of approximately 150m². The site falls to the rear south-east corner by approximately 1.2 metres. It has a frontage of 5.9 metres to King Street. The site is located close to the intersection of King Street and Bray Street, to the south.
3. A three storey commercial building is contained within the site that previously operated as a brothel known as 'Angel Town'. This use has since ceased and the building has remained vacant for a number of years.
4. Surrounding land uses are predominantly retail and commercial. The neighbouring site to the south is a single storey commercial building that extends the full depth of the site to Bray Lane at the rear. A two storey mixed use building adjoins the site to the north, which includes a retail shop on the ground floor and a residential dwelling on the first floor accessed through the rear yard.
5. Residential dwellings are also within close proximity to the site on Bray Street, including 1A Bray Lane, a residence located directly to the rear of the site. Commercial and residential buildings are located on the opposite side of King Street, which is within the Inner West Council local government area.
6. The site is not a heritage item but is located within the King Street Conservation Area (C47).
7. Photos of the site and surrounds are provided at Figures 1 to 7 inclusive.



Figure 1: Aerial image of subject site (in red) and surrounding area

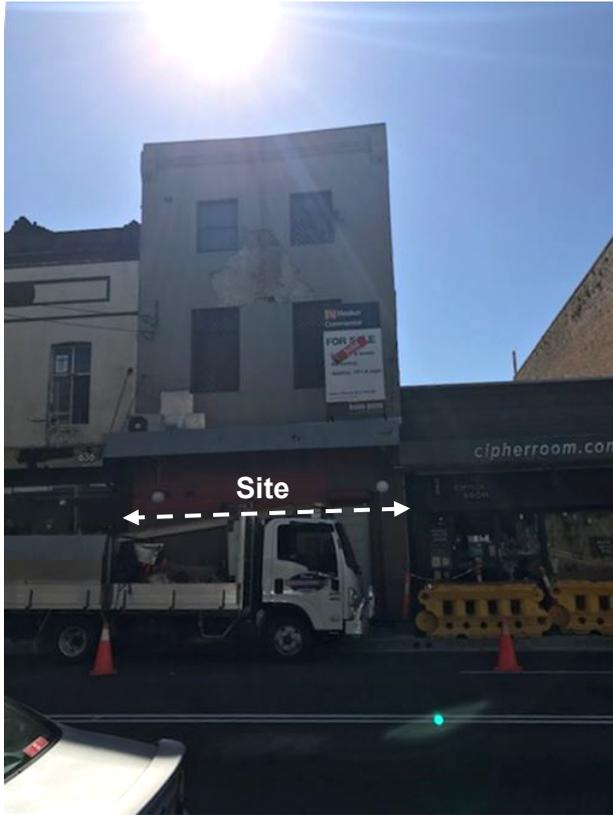


Figure 2: Site viewed from King Street.



Figure 3: Looking north along King Street towards the subject site.



Figure 4: Internal view of the entrance hallway to the proposed boarding house.



Figure 5: Internal view of the proposed ground floor retail tenancy.



Figure 6: External view of the rear yard and proposed communal open space.



Figure 7: View of the rear of the adjoining building. Adjoining the site to the north-west, no 636 King Street, containing ground floor retail and a residential dwelling on the first floor.

Proposal

8. The application seeks consent for the change of use of the existing three storey building to a boarding house comprising of nine rooms and a ground floor retail tenancy. Both uses are accessed directly from King Street. The front facade is to be repaired and a shop front provided to the new café tenancy. The majority of the proposal will be contained within the existing building envelope with a new two storey rear addition to be constructed. The fitout of the former brothel, including all previous non-compliant building works will be demolished to allow for new internal partition walls for boarding house rooms.
 - (a) **Lower Ground Floor**
 - (i) New BCA compliant stairs and lift.
 - (ii) Communal living room.
 - (iii) Accessible communal laundry and WCs.
 - (iv) Landscaped communal open space.
 - (b) **Ground Floor**
 - (i) One commercial (café) tenancy (28sqm) fronting King Street with one unisex accessible bathroom and internal bin storage room.
 - (ii) Entry to boarding house including accessible stair lift.
 - (iii) New BCA compliant stairs and lift.
 - (iv) Communal dining room and shared kitchen facilities located internally on the ground floor.
 - (v) One accessible room including accessible bathroom.
 - (c) **Levels 1 - 2**
 - (i) Eight boarding house rooms, each with private bathroom ensuite. Four per floor
 - (ii) Repair and upgrade to existing stairs
9. The development application has been amended during the course of assessment. Council staff requested a number of amendments to the proposed development including an improved ground floor building expression to suit the site's retail context; bicycle storage on the ground floor; reconfiguration of the boarding rooms on the upper floors to maximise the functional living space; Juliet balconies to the boarding rooms on the rear elevation; reconfiguration of the ground floor accessible boarding room to the northern boundary of the site; and reconfiguration of the communal kitchen and dining room and communal living between the lower ground floor to the ground floor.
10. The application was not renotified as the amendments will result in improved amenity for boarding room occupants as a result of direct access to natural light and ventilation and will not result in any loss of privacy or additional noise impacts to neighbours.

11. Plans of the proposed development are provided in Attachment B and in Figures 8 to 12 inclusive.

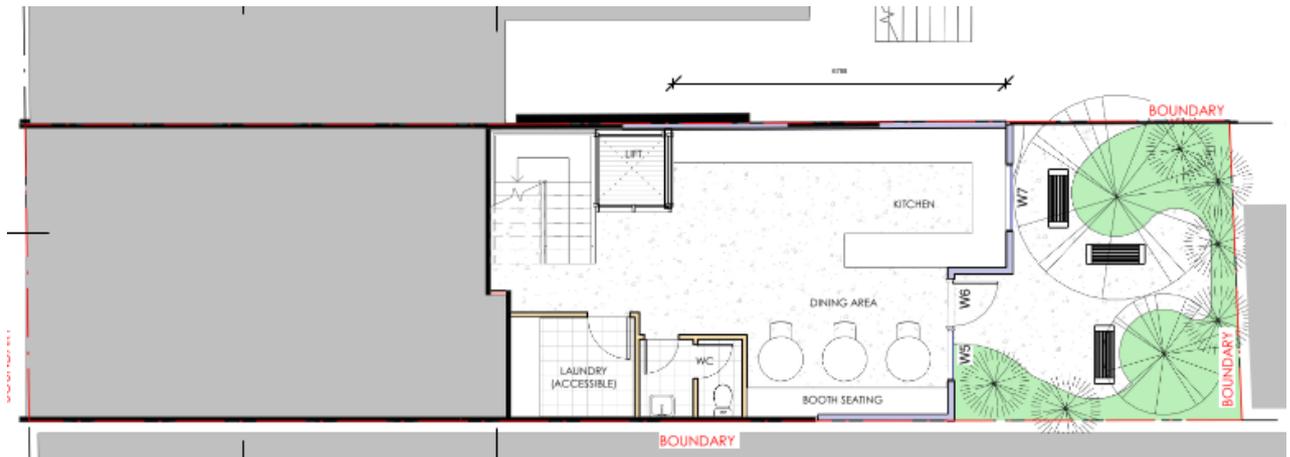


Figure 8: Proposed lower ground floor and communal open space.

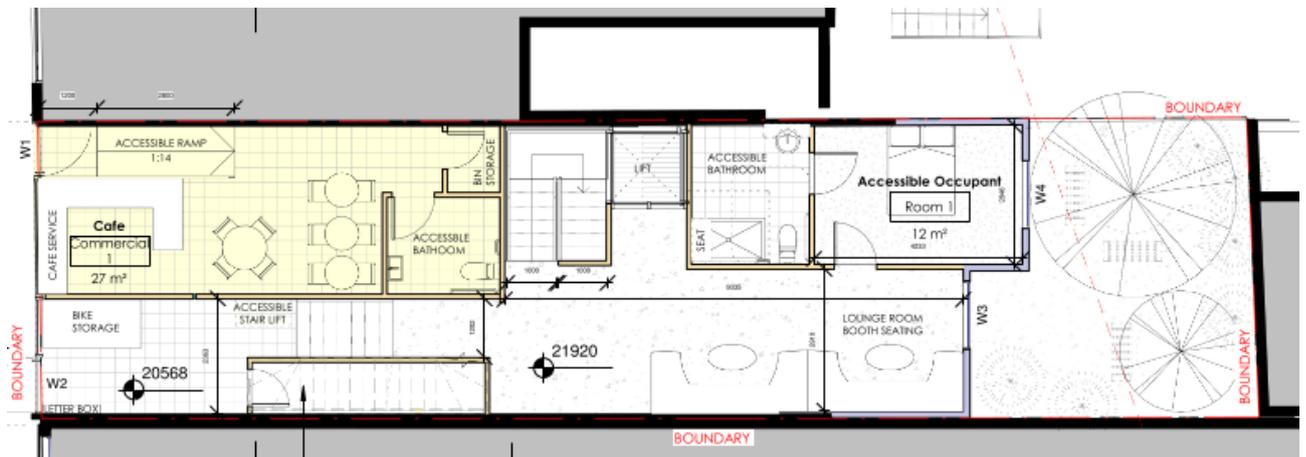


Figure 9: Proposed ground floor, including retail/café premises.

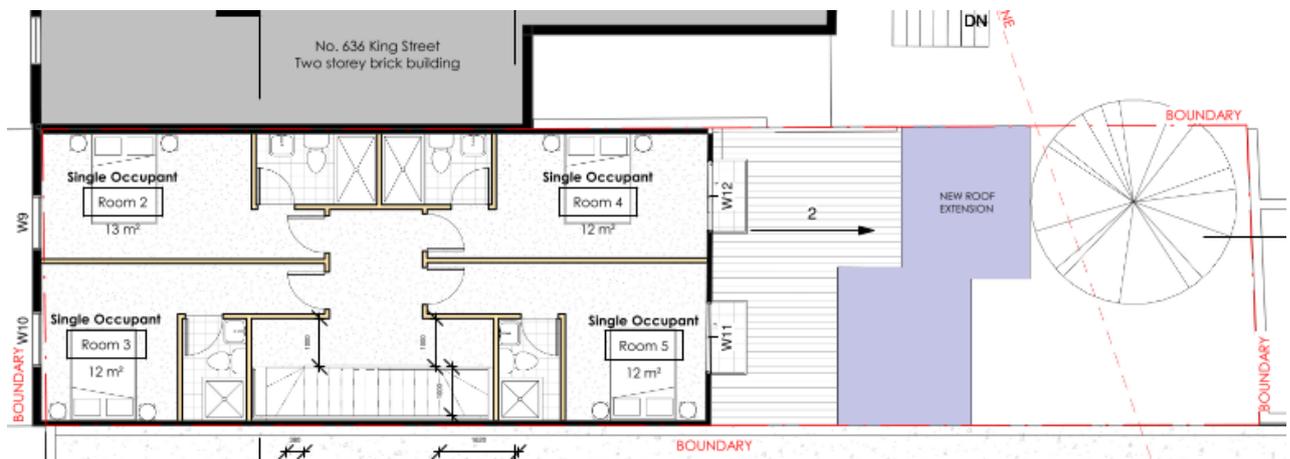


Figure 10: Proposed first floor.

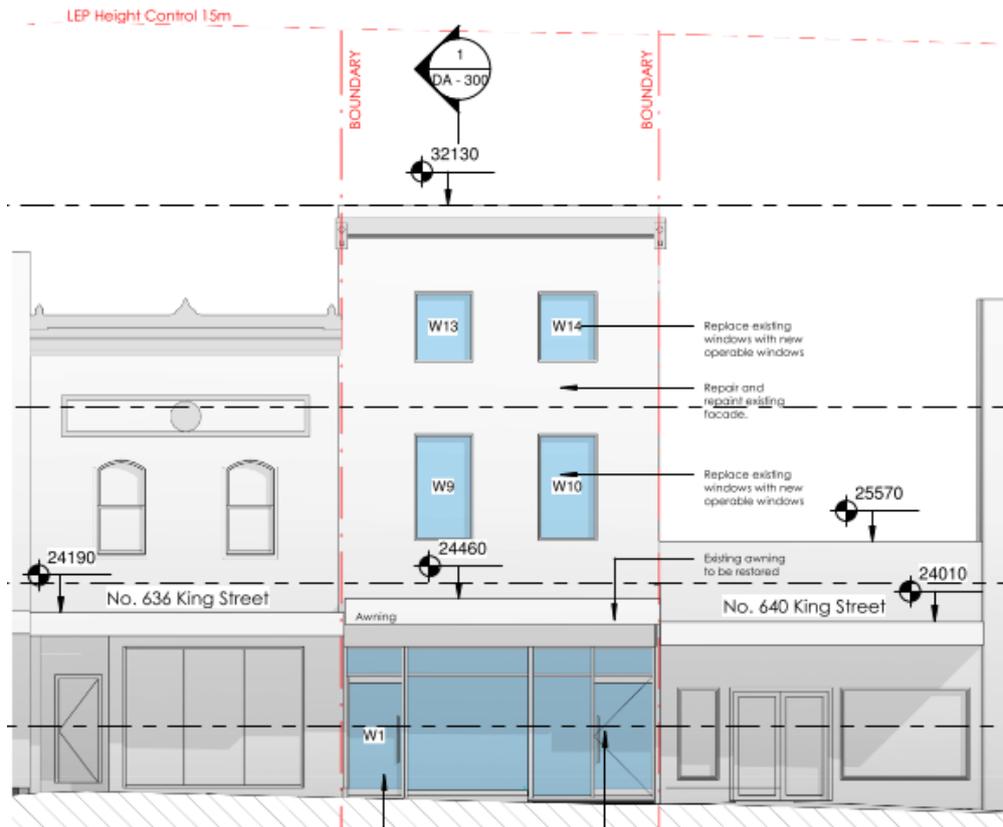


Figure 11: Proposed front elevation

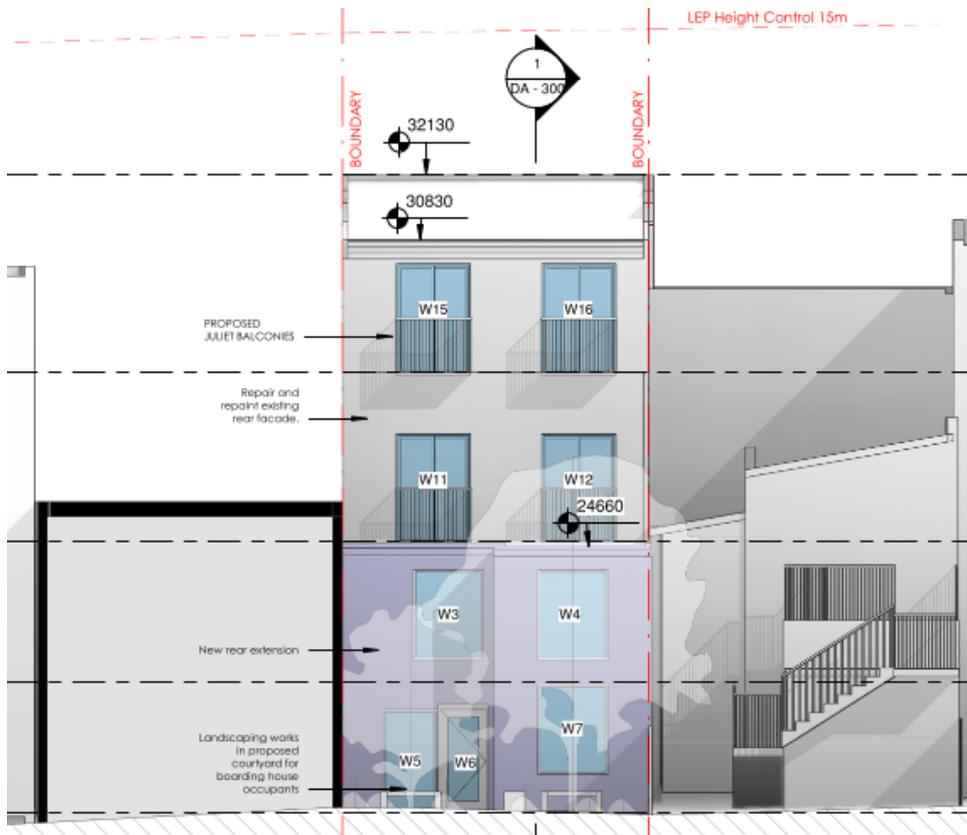


Figure 12: Proposed rear elevation.

History Relevant to the Development Application

12. On 27 May 1998, development application D/1998/8 granted deferred commencement consent for the continued use of the premises as a brothel. This consent was never activated due to a number of ongoing compliance matters.
13. On 12 April 2006, development application D/2005/719 approved the use of the premises as a commercial brothel, including legitimising the existing unauthorised use and the creation of a new ground floor shop premises.
14. On 23 August 2017, development application D/2017/674 was withdrawn as result of a number of significant non-compliances with the Sydney DCP 2012. The proposal sought consent for the substantial demolition of the existing commercial building and the construction of a new four storey mixed-use building consisting of three residential apartments, new retail and commercial spaces on the ground floor retail and a communal rooftop terrace.

Economic/Social/Environmental Impacts

15. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
 - (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 55—Remediation of Land

16. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
17. The City's Health Unit is satisfied that subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Infrastructure) 2007

18. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 101

19. The application is subject to Clause 101 of the SEPP as the site has frontage to King Street, which is a classified road.
20. An acoustic report accompanied the application. The application is considered to satisfy Clause 101 of the Infrastructure SEPP subject to conditions of consent, as it does not provide vehicular access to the site from the classified road and acoustic conditions have been included within the recommended Conditions of Consent. See discussion under the heading Issues.

State Environmental Planning Policy (Affordable Rental Housing) 2009

21. The SEPP aims to provide a consistent planning regime for the provision of affordable rental housing and to facilitate the delivery of new affordable rental housing by providing incentives by way of identifying non-discretionary development standards.

22. Under Clause 29, compliance with any of the following standards must not be used to refuse consent (i.e. if the development complies with the following standards, this cannot be used as part of any recommended refusal)

Clause 29 – Standards that cannot be used to refuse a boarding house (i.e. if the development complies with the standard this cannot be used as part of any refusal)		
Standard	Complies	Comment
1 Density and scale expressed as FSR	Yes	A maximum FSR of 2.5:1 is permitted. A FSR of 2.15:1 is proposed.
2(a) Building height The proposed building height must not exceed the maximum permitted under an EPI	Yes	A maximum height of 15m is permitted. The maximum height of the proposed rear addition is 5.4m. No change to the 11.4m front facade or main building is proposed.
2(b) Landscaped area Front setback to be consistent with streetscape	N/A	The front facade is consistent with neighbouring buildings. A landscaped area and communal open space is located at the rear of the building.
2(c) Solar access	Yes	The proposal can achieve a minimum of 3 hours direct sunlight between 9:00am and 3:00pm in midwinter.
2(d) Private open space	Yes	The application proposes 31sqm of communal private open space and is consistent with the 20sqm requirement.
2(e) Parking	No	The development does not provide onsite car or motorcycle parking. Given the physical constraints of the site, this is considered acceptable, see discussion under the heading Issues.
2(f) Accommodation size	Yes	The minimum boarding room size for the proposed single rooms is 12sqm. However the floor space calculation for rooms 3 and 5 on the first floor and 7 and 9 on the second floor includes the entrance corridor to the room and as such results in an undersized room. See discussion under the heading Issues.

Clause 30 states that a consent authority must not grant development consent to which Division 3 applies unless it is satisfied of each of the following:

Clause 30 – Standards for boarding house		
1(a) At least one communal living room is to be provided	Yes	The building contains two communal spaces: a ground floor communal living space; and communal kitchen and dining room on the lower ground floor. The amended location of the communal spaces receive direct natural light and ventilation and as such achieve acceptable amenity for occupants.
1(b) No boarding room is to have a gross floor area (excluding private kitchen or bathroom facilities) of more than 25m ²	Yes	None of the proposed boarding rooms exceed 25sqm.
1(c) No boarding room to be occupied by more than 2 adult lodgers	Yes	Each of the boarding rooms are for a single occupant only.
1(d) Adequate bathroom and kitchen facilities available for use of each lodger	Yes	The proposal includes a communal kitchen on the ground floor and each of the rooms has a private bathroom and is considered acceptable.
1(e) A boarding room or on-site dwelling to be provided for a boarding house manager if boarding house has a capacity of 20 or more lodgers	N/A	The boarding house will have a maximum of 9 occupants and therefore no manager accommodation is required to be provided on site.
1(g) If the boarding house is zoned primarily for commercial purposes, no part of the ground floor that fronts a street will be used for residential purposes except where permitted under an EPI.	Yes	With the exception of the access the proposal does not include a residential use on the ground floor at the front of the boarding house.

Clause 30 – Standards for boarding house		
1(h) At least 1 bicycle and 1 motorcycle parking space to be provided for every 5 rooms.	No	The application does not include any bicycle or motorcycle parking. This has triggered referral to LPP for determination. The variation from the standard is supported as discussed in the issues section below.

Clause 30A – Character of the local area

23. Clause 30A states that a consent authority must not consent to development consent for a boarding house unless it has taken into consideration whether the design of the development is compatible with the character of the local area.
24. The site is located within a mixed use area that is generally characterised by retail and commercial land uses with shop-top housing above. The proposed boarding house and ground floor retail is compatible with the character of the surrounding area. As such the application is consistent with clause 30A of the SEPP.
25. The proposed use and intensity is commensurate with the character of the surrounding area and the proposed facade upgrade will improve the building's appearance. The application is therefore consistent with clause 30A of the SEPP.

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

26. The BASIX Certificate has been submitted with the development application.
27. Clause 3 of the Environmental Planning and Assessment Regulation defines a BASIX affected building as "any building that contains one or more dwellings, but does not include a hotel or motel". The Sydney LEP 2012 defines a dwelling as a "room or suite or rooms occupied or used or so constructed or adapted as to be capable of building occupied or used as a separate domicile".
28. Given that all rooms are provided with kitchenettes and ensuite bathrooms, they comprise separate domiciles as defined above, a BASIX Certificate is required.
29. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

Sydney LEP 2012

30. The site is located within the B2 - Local Centre zone. The proposed use is defined as boarding house and is permissible with consent.
31. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 15m is permitted. The maximum height of the proposed rear addition is 5.4m. No change to the front facade and the existing building height of 11.4m is proposed.
4.4 Floor Space Ratio	Yes	A maximum FSR of 2.5:1 is permitted. A FSR of 2.15:1 is proposed.
5.10 Heritage conservation	Yes, subject to conditions	The subject site is located in a heritage conservation area. See discussion under the heading Issues.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
Division 4 Design excellence	Yes, subject to conditions	The proposal seeks to repair and restore the upper facade of the building and replace the window openings that have been covered over with new operable windows. The glazed shopfront to the ground floor café will be reinstated as part of the proposal, restoring an active frontage to King Street, satisfying the requirements of this provision.

Part 7 Local Provisions - General	Compliance	Comment
7.14 Acid Sulphate Soils	Yes	The site is identified as Class 5 Acid Sulphate Soil. The development is not considered to represent a significant risk of exposing acid sulphate soils.

Sydney DCP 2012

32. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – 2.7.4 King Street retail strip

The subject site is located in the King Street retail strip locality. The proposed boarding house is considered to be in keeping with the character of the area and design principles in that it provides a land use that is commensurate to the retail character of the area and reinstates an active retail ground floor use.

3. General Provisions	Compliance	Comment
3.2 Defining the Public Domain	Yes	The proposed ground floor café and glazed shopfront will provide a positive contribution to the public domain by reinstating an active street frontage that is consistent with the adjoining retail uses.
3.9 Heritage	Yes, subject to conditions	The subject site is located in a heritage conservation area. See discussion under the heading Issues.
3.11 Transport and Parking	No	The State Environmental Planning Policy (Affordable Rental Housing) 2009 requires one motorbike space is provided. As the site does not include rear lane access, no vehicle parking is proposed. Given the physical constraints of the site, this is considered acceptable, see discussion under the heading Issues.
3.12 Accessible Design	Yes	An accessible boarding room is located at ground floor, which can be accessed by a stair lift located adjacent to the building entry. The communal living and open space can be accessed by a lift between the ground and lower ground floors. A condition of consent is recommended requiring the development comply with relevant standards for accessibility.
3.13 Social and Environmental Responsibilities	Yes	The proposal provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.

3. General Provisions	Compliance	Comment
3.14 Waste	Yes	A waste area is provided within the site. Conditions of consent are recommended requiring compliance with the Waste Minimisation Code For New Developments and the owner to enter into an agreement with a private waste contractor.
3.15 Late Night Trading Management	Yes	The proposal includes a ground floor cafe tenancy. The proposed trading hours are 7.00am to 5.00pm Monday to Sunday. These hours are consistent with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2009 and will not result in an adverse impact to the surrounding amenity and as such are considered acceptable.
3.16 Signage and Advertising	Yes	No signage is proposed. A condition is recommended to advise that any future signage will be subject to a separate development application.

4. Development Types	Compliance	Comment
4.4.1 Boarding houses		
4.4.1.2 Bedrooms	Yes	The DCP requires bedroom sizes of 12sqm minimum for single occupants. The application states that all of the proposed boarding rooms comply with these requirements, however the calculations for some of the rooms includes the entrance corridor to the room and as such results in an undersized room. See discussion under the heading Issues.
4.4.1.3 Communal kitchen areas	Yes	Communal kitchen and dining facilities are provided on the lower ground floor, consistent with the DCP provisions.

4. Development Types 4.4.1 Boarding houses	Compliance	Comment
4.4.1.4 Communal living areas and open space	Yes	The communal living area located on the ground floor has a total area of 27sqm and is considered acceptable. The proposed communal open space of 31sqm is provided to the rear of the property and directly accessed from the internal communal dining room and is consistent with DCP requirements in terms of size, location and solar access.
4.4.1.5 Bathroom, laundry and drying facilities	Yes	Each of the boarding rooms has private bathrooms facilities. The proposed ensuite bathrooms are a minimum size of 2.8sqm and are acceptable. Sufficient communal WC and laundry facilities are provided for occupants.
4.4.1.5 Amenity, safety and privacy	Yes	<p>Amenity</p> <p>The proposed boarding rooms are generally consistent with the various DCP requirements, however the amenity in some rooms may be improved.</p> <p>The floor space calculation of some of the boarding rooms includes the entrance corridor to the room and as such results in an undersized room. See discussion under the heading Issues.</p> <p>Privacy</p> <p>The proposed development provides an acceptable level of visual privacy for residents. The rear elevation looks onto the blank boundary wall of the rear neighbour, the garage of the adjoining neighbour to the north and the roof of the commercial building to the south. Neighbouring properties will therefore not result in a significant loss of visual privacy as a result of the proposal.</p>

4. Development Types 4.4.1 Boarding houses	Compliance	Comment
		<p>The accompanying acoustic report states that the proposal is capable of complying with the relevant noise criteria and will achieve an acceptable level of acoustic privacy. However the rooms fronting King Street can only achieve compliance with Council's Noise requirements with the windows closed. A condition is recommended to ensure any air conditioning units are located away from the front facade.</p> <p>Security</p> <p>The submitted Plan of Management provides acceptable controls on the use of outdoor spaces, waste management and measures to protect the amenity of the surrounding area.</p>
4.4.1.7 Plan of management	Yes	The application was accompanied by a Plan of Management that addresses the operation and maintenance of the building.

Issues

Transport and parking

33. The proposed development includes 9 single boarding rooms. State Environmental Planning Policy (Affordable Rental Housing) 2009 stipulates that one motorcycle parking space is to be provided for every 5 boarding rooms.
34. The application does not include the provision of any car, motorcycle and bicycle parking, resulting in a departure of a development standard by more than 10%.
35. The applicant has requested that an exception to the motorcycle parking development standard in accordance with Clause 4.6 of the Sydney LEP 2012. The Local Planning Panel may grant an exception pursuant to section 9.1 direction granted by the Minister of Planning on 23 February 2018.

36. The applicant submits that the proposal is consistent with the objectives for boarding houses within the State Environmental Planning Policy (Affordable Rental Housing) 2009 in that:
- (a) The provision of vehicle parking within the proposed boarding house is not possible due to the physical constraints of the subject site;
 - (b) The site has single frontage to King Street, a classified road with high volumes of vehicle traffic and does not have access at the rear to a street/lane and as such, car and motorcycle parking is not achievable on the subject site.
 - (c) The proposed boarding house is in a highly-accessible area, within 100 metres of two bus stops and approximately 200 metres from St Peters train station.
 - (d) It is anticipated that café patrons and occupants of the boarding house will utilise local public transport links and as such the proposal is not considered to result in an excessive amount of traffic generation.
37. The proposed departure from the motorcycle parking development standard is considered acceptable in this instance and is consistent with the objectives contained in the State Environmental Planning Policy (Affordable Rental Housing) 2009 as:
- (a) The proposed development provides a suitable use within a highly accessible location to maximise public transport patronage and is therefore consistent with the objectives of the B4 - Mixed Use zone;
 - (b) The proposal includes the provision of affordable rental housing for workers in a suitable location that is close to local business centres and public transport; and
 - (c) The proposed boarding house without motorcycle parking will not result in any significant additional traffic generation or adverse amenity impacts to surrounding development.
38. It is therefore considered that the written statement provided by the applicant has sufficiently justified that strict compliance with the development standard is unreasonable and unnecessary in this instance.
39. For the reasons outlined above, there are sufficient environmental planning grounds to justify contravening the motorcycle parking development standard and it is recommended that a Clause 4.6 exception be granted.
40. The amended proposal includes bicycle storage space for occupants on the ground floor adjacent to the boarding house entry.

Boarding Room Size

41. The application states that all of the proposed boarding rooms comply with the minimum room size as required by the State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Sydney DCP 2012 of 12sqm for a single room.
42. The floor space calculation for rooms 3 and 5 on the first floor and 7 and 9 on the second floors however includes the hallway to the entry of the room, resulting in an undersized room size of approximately 10sqm, as shown in Figure 13 below.

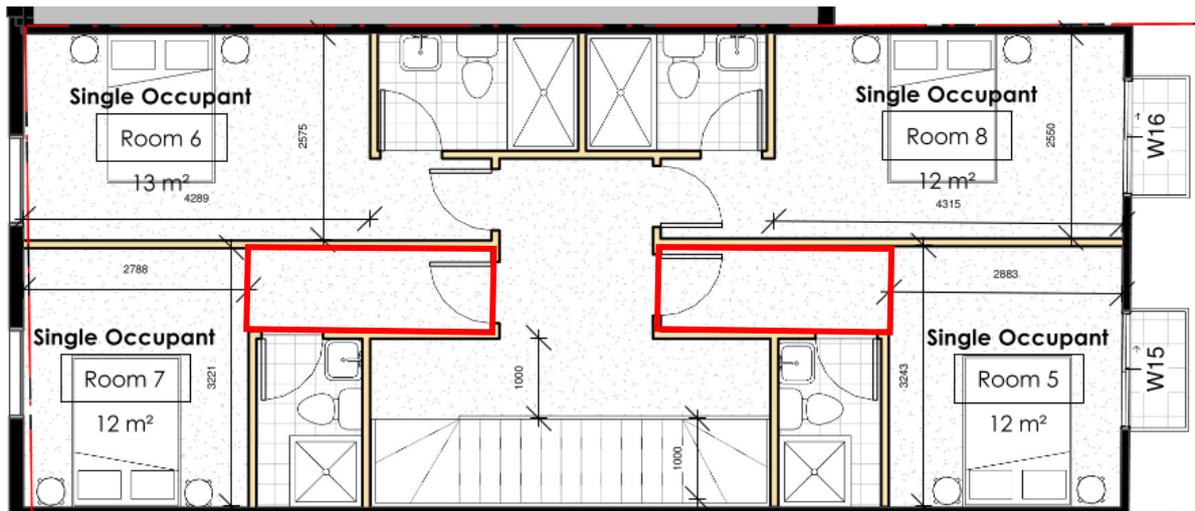


Figure 13: Second level floor plan detailing the non-functional hallway area (in red) of the boarding rooms.

43. Notwithstanding the above, the proposal is however considered acceptable as the communal spaces, including the communal living space and open space exceed the minimum size requirements as stipulated in the Affordable Rental Housing SEPP and the Sydney DCP 2012 and will therefore provide occupants with several living spaces of acceptable amenity.
44. Following discussions with Council staff, the amended proposal includes Juliet balconies to the boarding rooms on the rear elevation of the upper floors, to improve the amenity of the occupants. As the proposed boarding house is adjoined by commercial properties to the north and south and the blank masonry wall of the residential dwelling to the rear of the site, the proposed Juliet balconies would not result in an adverse amenity impact to the adjoining sites and are supported by Council's Heritage and Urban Design Specialists.

Heritage

45. The site is located within a Conservation Area and is therefore subject to the heritage provisions of this DCP.
46. The application proposes to repair and repaint the upper building facade, including the reinstatement of the previously boarded up upper windows and the glazed shopfront to the ground floor retail tenancy. As the proposal seeks to restore and reinstate the original character of the commercial terrace contributing to its appearance within the streetscape, it is considered acceptable.
47. Conditions are however recommended to ensure that the upper level windows are timber framed double hung sash windows, in keeping with the style and period of the building and the string of pearl lighting on the awning is retained and a heritage colour scheme consistent with the King Street and Enmore Road colour scheme is adopted.
48. The amended proposal seeks to reinstate the glazed shopfront to the ground floor café and the front entrance of the boarding house. The reinstated glazing permits natural light to the entry hallway of the boarding house and allow for greater passive surveillance of the public domain.

49. Furthermore, a condition is recommended which prohibits the installation of air conditioning units on the front King Street elevation and requiring that the location of any air conditioning and mechanical ventilation equipment is shown on plans prior to the issue of a Construction Certificate.
50. Subject to the recommended conditions as discussed above, the proposal generally complies with the relevant aims, objectives and controls of the DCP.

Access

51. Access for disabled persons can be provided to the premises.

Other Impacts of the Development

52. The proposed development is capable of complying with the BCA. It is Class 3 and 6.
53. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

54. The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.

Internal Referrals

55. The conditions of other sections of Council have been included in the proposed conditions.
56. The application was discussed with the Heritage and Urban Design Specialists; Building Services Unit and Waste Management; who advised that the proposal is acceptable subject to the recommended conditions.
57. The application was discussed with the City's Environmental Health unit who advised that as the ground floor café does not include cooking or food preparation on the premises the proposal is acceptable. Appropriate conditions are included in the recommended conditions of consent to reflect this.

External Referrals

58. The application was referred to RMS on 21 February 2018, no response has been received as at the date of this report.

Notification, Advertising and Delegation (Submission Received)

59. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 21 days between 21 February 2018 and 15 March 2018. As a result of this notification one submission was received which raised the following issues:

- (a) Provision of stormwater and sewerage drainage.

Response - The proposed development is required to be referred to Sydney Water prior to construction who will advise on the suitability of the existing sewerage and stormwater drainage system and may require upgrade works to be undertaken if deemed necessary.

- (b) Loss of amenity due to increased noise and people smoking in courtyard and on balconies.

Response - The application does not include any balconies and the submitted Plan of Management advises that smoking within the premises is prohibited. Furthermore, use of the rear courtyard is to cease by 10.00pm each night and as such will not result in a significant adverse impact to neighbouring amenity.

Public Interest

60. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

S7.11 Contribution

61. The development is subject of a S7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015.

62. The following monetary contribution is required towards the cost of public amenities:

(a) Open Space	\$55,790.95
(b) Community Facilities	\$11,793.15
(c) Traffic and Transport	-\$1,727.97
(d) Stormwater Drainage	-\$683.30
Total	\$65,172.83

Relevant Legislation

63. The Environmental Planning and Assessment Act 1979.

Conclusion

64. The proposal seeks consent for a 9 room boarding house and ground floor café, including the adaptive reuse of the existing commercial building and the construction of a 2 storey rear extension to including communal spaces and an accessible boarding room.
65. The proposed development is consistent with the development standards and zone objectives of the Sydney LEP 2012 and is generally consistent with the relevant provisions of the Sydney DCP 2012 and the State Environmental Planning Policy (Affordable Rental Housing) 2009. Conditions are however recommended to provide sufficient occupant amenity and ensure the heritage elements of the facade are adequately restored.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Daniel Thorpe, Planner