

Item 3.**Development Application: 180-182 Church Street, Newtown****File No.:** D/2020/1090**Summary**

Date of Submission:	The application was lodged on 22 October 2020. Amended plans were received on 12 February 2021.
Applicant:	Creative Resolution (Australia)
Architect/Designer:	Design Inc.
Owner:	Church Street Flats Pty Ltd
Planning Consultant:	Perica & Associates Urban Planning
DAPRS:	7 December 2020
Cost of Works:	\$5,231,813
Zoning:	The site is zoned B4 Mixed Use and R1 General Residential. The proposed use of a boarding house is permissible in both zones.
Proposal Summary:	<p>The application seeks consent for the demolition of existing site structures and construction of a 3-storey boarding house development (intended to be used as student accommodation) comprised of 32 rooms.</p> <p>The proposal is referred to the Local Planning Panel for determination as the development is reliant on a Clause 4.6 variation request to vary the motorcycle parking space development standard of the Affordable Rental Housing SEPP 2009 (ARH SEPP).</p>

The development as proposed provides no motorcycle parking but is required to provide 6 motorcycle parking spaces in accordance with the ARH SEPP. The applicant has lodged a written statement seeking a variation of the development standard and addressing the requirements of Clause 4.6 of the Sydney Local Environmental Plan 2012 with regard to non-provision of motorbike parking. The statement demonstrates that compliance with the standard is unreasonable and unnecessary, and there are sufficient environmental planning grounds to justify contravening the standard. The proposal is consistent with the objectives of the land use zone and the ARHSEPP and the proposed departure to the motorcycle parking requirement is supported in this instance.

The application was notified for a period of 21 days from 3 November to 25 November 2020. 14 submissions were received. Issues relate to the proposed use, the height and scale of the building, lack of on-site parking, the size of the boarding rooms and potential impacts from resident noise and waste collection.

Following a preliminary assessment of the application including consideration by the Design Advisory Panel - Residential Subcommittee, the applicant was requested to amend the application to address issues relating entrance and facade design, privacy impact and residential amenity.

Subject to the recommended conditions at Attachment A, the development application is generally consistent with the relevant planning controls and is recommended for approval.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1978
- (ii) State Environmental Planning Policy (Affordable Rental Housing) 2009
- (iii) State Environmental Planning Policy No 55 - Remediation of Land
- (iv) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (v) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- (vi) Sydney Local Environmental Plan 2012
- (vii) Sydney Development Control Plan 2012
- (viii) City of Sydney Development Contributions Plan 2015

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation Request - Motorcycle Parking

Recommendation

It is resolved that:

- (A) the Local Planning Panel support the variation sought to the minimum motorbike parking spaces required under Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 in accordance with Clause 4.6 'Exception to development standards' of the Sydney Local Environmental Plan 2012 in the circumstances of this application; and
- (B) consent be granted to Development Application No. D/2020/1090 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development complies with the objectives of the B4 mixed use zone and the R1 General Residential zone pursuant to the Sydney Local Environmental Plan 2012.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the motorcycle parking development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 30(1)(h) of SEPP (Affordable Rental Housing) 2009;
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone, the R1 General Residential zone and the SEPP (Affordable Rental Housing) development standards.
- (C) The proposal is consistent with the aims and objectives of Division 3 of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (D) The development complies with the permitted Floor Space Ratio pursuant to Clause 4.4. of the Sydney Local Environmental Plan 2012 and clause 29(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (E) The development, subject to conditions, demonstrates design excellence, appropriately responding to the context of the site, and is consistent with the desired future character of the area as per Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (F) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (G) Suitable conditions of consent have been applied and the development is considered to be in the public interest.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 101 in Deposited Plan 1268489, known as 180-182 Church Street, Camperdown. The site is rectangular in shape with a primary street frontage of 14.5m to Church Street and a secondary street frontage of 14.5m to Fitzgerald Street. The site is on the eastern side of Church Street, approximately 30m north of Raper Street and approximately 130m south of Carillon Avenue, Camperdown.
2. The site contains a 3-storey residential flat building containing 9 units. There are two existing on-site trees and four street trees along Church Street.
3. The surrounding area is characterised by a mixture of residential uses. Immediately adjoining the site to the north are two storey single dwellings. Directly to the south is an undeveloped driveway lot, with two storey single dwellings beyond. To the east, on the opposite side of Fitzgerald Street, is a 3-4 storey multi-unit residential building. To the west, on the opposite side of Church Street, are the rear of single dwellings with frontages to Northwood Street. 3-4 storey multi-residential buildings are located north-west of the site.
4. The site is not a heritage item but is located within the O'Connell Town Estate heritage conservation area (C43). The existing development on the site is identified as a detracting building.
5. A site visit was carried out on 12 November 2020. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from Church Street



Figure 3: Site viewed from Church Street



Figure 4: Looking south along Church Street



Figure 5: Looking north along Church Street



Figure 6: Looking west to opposite side of Church street viewed from subject site



Figure 7: Looking towards the northern boundary of the front setback to the building of the subject site



Figure 8: Looking towards the southern boundary of the subject of the front setback to the building of the site



Figure 9: Site viewed from Fitzgerald Street



Figure 10: Site viewed from Fitzgerald Street looking north



Figure 11: Looking east opposite Fitzgerald Street

History Relevant to the Development Application

Development Applications

6. The following applications are relevant to the current proposal:
 - The site was formerly two separate lots that have now been formally amalgamated. The two lots consisted Lot 1 in Deposited Plan 52178, which had an area of 502.2sqm. In June 2020, an area immediately adjoining to the west of the site (a closed former road area) was sold by Council to the owner of the site and amalgamated. The former closed road area had a site area of 88.8sqm.
 - **PDA/2020/47** – Pre-Development advice was provided by Council prior to the lodgement of the subject application. In correspondence dated 28 April 2020, Council staff raised concern with the three-storey form presented to Church Street. It was recommended that the third level be set back from Church Street in order to preserve the predominantly 2 storey form of adjoining development. Other concerns raised mainly related to tree impacts, side setbacks, internal separation and privacy, internal layout and design elements.

Amendments

7. The application was considered by the Design Advisory Panel - Residential Subcommittee on 7 December 2020.
8. Following a preliminary assessment of the proposed development by Council Officers, including input from the Design Advisory Panel, a request for amendments was sent to the applicant on 7 January 2021. Issues raised included the design of the entrances from Church Street and Fitzgerald Street, facade treatment, privacy impacts to the rear, appropriate provision of communal areas and internal room amenity.
9. The applicant responded to the request and submitted amended plans on 12 February 2021 addressing the above concerns.

Proposed Development

10. The application seeks consent for the demolition of existing site structures and construction of a 3-storey boarding house (intended to be used for student accommodation) development comprised of 32 rooms.
11. The following works are proposed:

Basement

- Excavation (approximately to a depth of 2.6m below existing ground level) to accommodate 24 bicycle parking spaces, waste storage room, plant and building services and a lift.

- Entrances via Church Street and Fitzgerald Street
- Outdoor communal space
- Indoor communal area, including kitchen facilities
- Communal laundry facilities
- 8x boarding rooms (inclusive of the Manager's Room), including 5 rooms with private open space courtyards
- Second lift
- Landscaping works

- 12x boarding rooms

- 12x boarding rooms

12. Two trees are proposed for removal including 1 *Ficus micropara hilli* (Weeping Fig) and 1 *Cupressus torulosa* (Cypress). These trees are located within the front setback of the site.
13. Plans and elevations of the proposed development are provided below

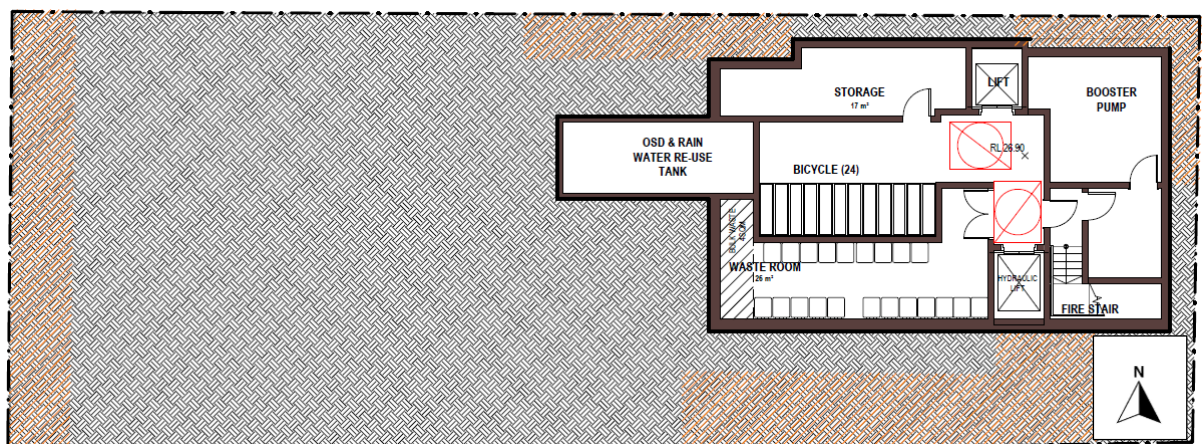


Figure 12: Proposed Basement Plan

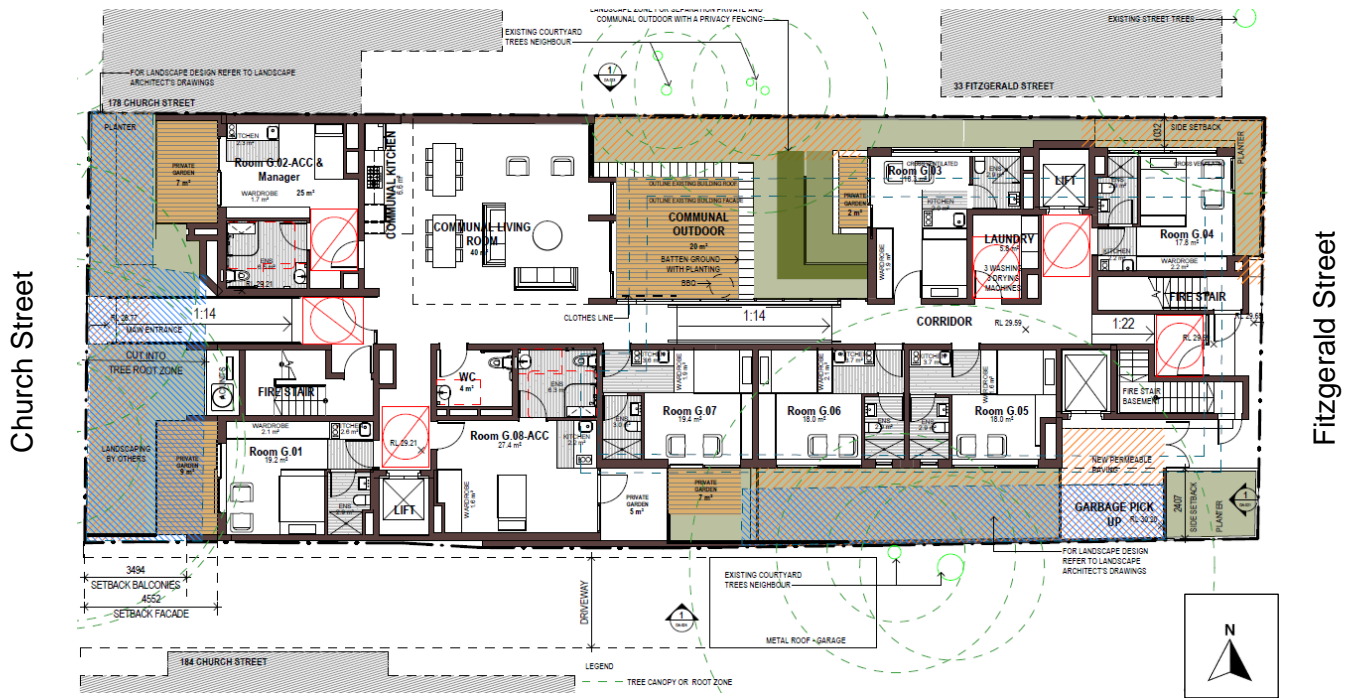


Figure 13: Proposed ground floor plan

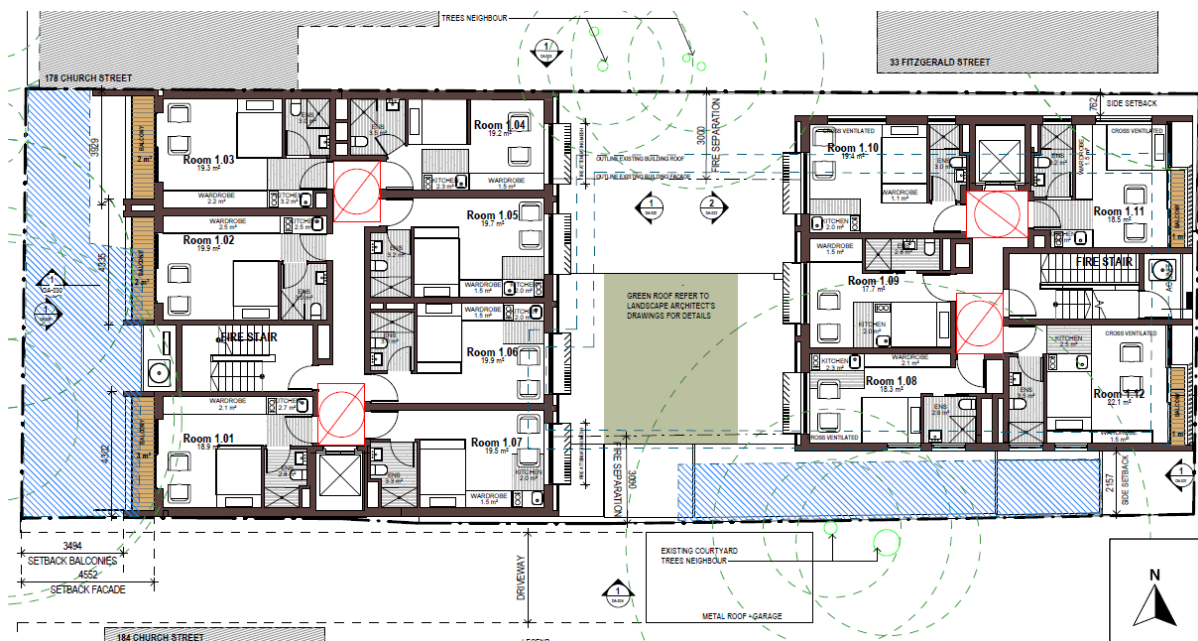


Figure 14: Proposed first floor plan

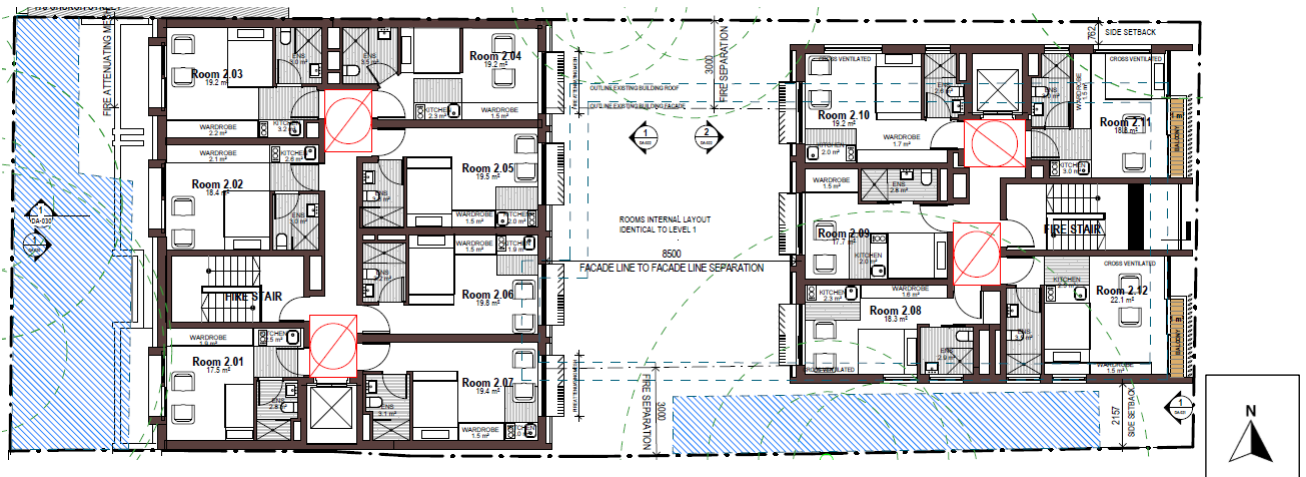


Figure 15: Proposed second floor plan



Figure 16: Proposed western (Church Street) elevation



Figure 17: Proposed eastern (Fitzgerald Street) elevation

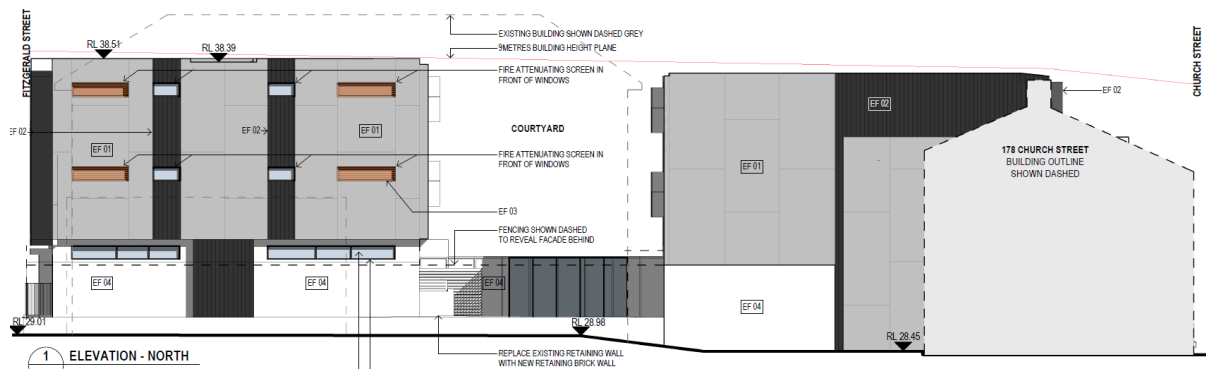


Figure 18: Proposed northern elevation

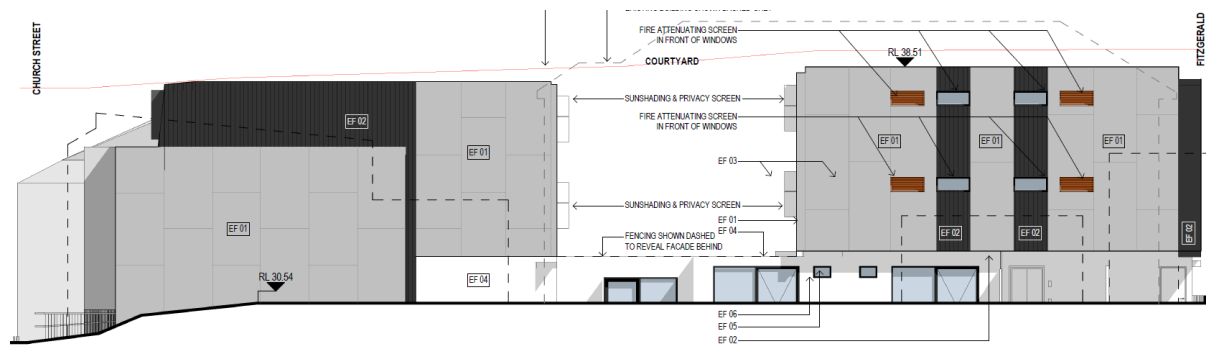


Figure 19: Proposed southern elevation

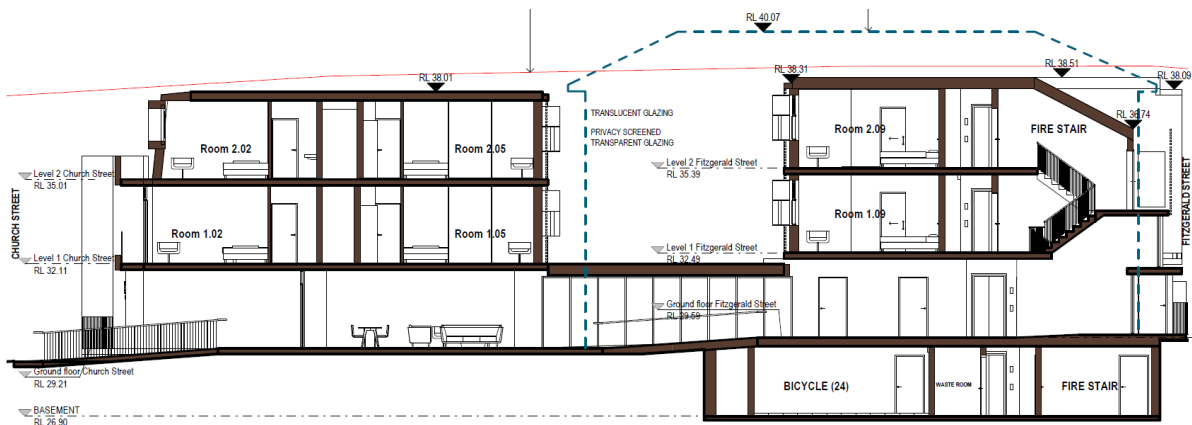


Figure 20: Proposed section



Figure 21: Photomontage of the proposed development as viewed from Church Street (not incorporating final amendments to scheme submitted in February 2021)

Assessment

14. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy No 55 - Remediation of Land

15. The aim of State Environmental Planning Policy (SEPP) No 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.
16. The applicant in their Statement of Environmental Effects noted that the proposal does not change the nature of the use (i.e. residential to residential). It was noted that the geotechnical investigation on the site did not identify any obvious signs of contamination. A review of the history of the site that formed part of the Heritage Impact Statement did not identify any history of any past land uses that would result in contamination on the site. On this basis, no further site investigation was submitted with the application.
17. The City's Environmental Health Officer reviewed the applicant's proposed development and SEPP 55 information. A search on City archives was undertaken and it is noted that it did not indicate any potential past use of the site that would contaminate the land.

18. The City's Health & Building Unit is satisfied that based on the information available the site is suitable for the proposed use. Standard conditions are recommended for classification of waste, asbestos removal and that the City and the Principal Certifier must be notified during works if any contamination is discovered.

State Environmental Planning Policy (Affordable Rental Housing) 2009

19. The aim of State Environmental Planning Policy (Affordable Rental Housing) (ARH SEPP) is to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing.

Part 2 - New Affordable Rental Housing

Division 3: Boarding Houses

20. Under Clause 29, compliance with any of the following standards must not be used to refuse consent for a boarding house. An assessment of the proposed boarding house against each standard is provided in the table below.

Clause 29 – Standards that cannot be used to refuse a boarding house

Provision	Compliance	Comment
<p>1 Density and scale expressed as floor space ratio</p> <p>An FSR of up to 1.25:1 plus 0.5:1 is permitted.</p>	Yes	<p>The site is zoned both B4 Mixed Use and R1 General Residential, both zones permits residential flat buildings. The site does not contain a heritage item. As such, the proposed development is eligible for an FSR bonus of 0.5:1.</p> <p>The permitted FSR for the portion of the site zoned B4 Mixed Use (502.2sqm of the site area) is 1.25:1, inclusive of the additional 0.5:1 FSR permitted under this clause of the ARH SEPP, the maximum permissible FSR for the development on this portion of the site is 1.75:1 (878.85sqm).</p> <p>The portion of the site zoned R1 General Residential (which was the land that was the former road area - 88.8sqm of the site area) does not have an allocated FSR control.</p> <p>The proposal has a GFA of 843.3sqm.</p> <p>Based on the amalgamated total site area of 590.7sqm, the development results in an FSR of 1.42:1, and complies with the FSR control of 1.75:1</p>

Provision	Compliance	Comment
		Noting that the former road area part of the site does not have a prescribed FSR control, an FSR calculation based on the site excluding this area (on an area of 502.2sqm) results in an FSR of 1.67:1, and still complies with the FSR control of 1.75:1. It is noted that the siting of the floor area of the development sits wholly within this site area.
2(a) Building height The proposed building height must not exceed the maximum building height of 9m permitted under the Sydney LEP 2012.	Yes	The development will not exceed the maximum building height permitted under the Sydney LEP 2012 of 9m. A height of 9m is proposed.
2(b) Landscaped area The front setback is to be compatible with the streetscape.	Yes	The proposal adopts a 4.5m front setback to allow a landscaped front setback which is compatible with the existing streetscape and site context and allows for the retention of the existing street trees that contribute to the streetscape character. It is noted that the predominant front setback along Church Street are nil boundary setbacks.
2(c) Solar access If more than one communal living area is provided, at least one of the rooms is to receive a minimum of 3 hours' direct sunlight between 9:00am and 3:00pm in mid-winter.	Yes	The ground level outdoor communal area is located to allow a good north-eastern orientation and allow direct access to the adjoining indoor communal open space. The communal living area / room receives direct sunlight at mid-winter (21 June) for 3 hours between 11am and 2pm.
2(d) Private open space (i) One area of at least 20sqm with a minimum dimension of 3m is provided for lodgers.	Yes	The common open space at ground level is 40sqm, complying with the minimum 20sqm requirements, with a width of 6.3m in excess of the minimum 3m requirement.

Provision	Compliance	Comment
(ii) If accommodation is provided for an onsite manager, one area of at least 8sqm with a minimum dimension of 2.5m, adjacent to the accommodation.		An on-site manager is provided with a private open space area of 7sqm. The on-site managers room is sensibly located adjoining the indoor communal area (Room G02) and near the front entrance off Church Street. Although the open space is slightly less than the 8sqm requirement it is adjacent the open landscaped set back to Church Street and is considered acceptable in this instance.
2(e) Parking (i) 0.2 parking spaces provided for each boarding house room for sites in an accessible area. (ii) 0.4 parking spaces provided for each boarding house room for sites not in an accessible area. (iii) Not more than 1 parking space for the on-site manager.	No, but assessed as acceptable	No on site vehicular parking is provided. The site is in an accessible location and supplemented by bicycle parking. The applicant has submitted a request to vary the motorcycle parking standard pursuant to Clause 4.6. See discussion under the heading Issues.
2(f) Accommodation size (i) Rooms intended to be used by a single lodger are to have a minimum GFA of 12sqm. (ii) Rooms intended to be used more than one person are to have a minimum GFA of 16sqm. (excluding any area used as a private kitchen/ bathroom)	Yes	All rooms meet the minimum boarding room size. Rooms range between 12.2sqm to 18sqm, excluding the area for ensuite and kitchen.

21. 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 provisions.

Clause 30 – Standards for boarding house

Provision	Compliance	Comment
1(a) At least one communal living room is to be provided.	Yes	The building contains a communal living room area on ground level.
1(b) No boarding room is to have a gross floor area (excluding private kitchen or bathroom facilities) of more than 25m ²	Yes	All boarding rooms are less than 25sqm. (excluding private kitchen or bathroom facilities).
1(c) No boarding room to be occupied by more than 2 adult lodgers	Yes	The submitted Plan of Management restricts the number of lodgers to no more than 2 adult lodgers per room.
1(d) Adequate bathroom and kitchen facilities available for use of each lodger	Yes	The boarding house provides adequate bathroom and kitchen facilities for each lodger in accordance with Section 4.4.1 of the Sydney DCP 2012.
(1e) 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	Yes	The development allows for one on-site boarding house manager on the ground level.
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	<p>The site is not zoned primarily for commercial purposes. The site does have a zoning of B4 Mixed Uses, however, in this instance, the surrounding locality is primarily residential uses.</p> <p>The development includes boarding rooms on the ground floor that front both Church Street and Fitzgerald Street and is acceptable in context.</p>

Provision	Compliance	Comment
1(h) At least 1 bicycle to be provided for every 5 rooms.	Yes	A minimum of 6 bicycle parking spaces is required. The development provides 24 bicycle parking spaces. A condition is recommended requiring the layout and design of the parking spaces to be consistent with Australian standards. As this information has not been provided, it is recommended that these details are provided to Council for satisfaction prior to issue of a construction certificate.
1(h) At least 1 motorcycle parking space to be provided for every 5 rooms.	No, but acceptable	The proposal is required to provide a minimum of 6 motorcycle parking spaces. The development provides no motorcycle parking. A Clause 4.6 variation to the motorcycle parking standard has been submitted and is supported. See discussion under the heading Issues.

Clause 30A – Character of the local area

22. Clause 30A states that a consent authority must not grant consent to development 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.
23. The site is located within a primarily residential area. The proposal is considered to be compatible with the character of the local area, retaining the residential nature of the area. The height bulk and scale are similar to other multi-unit developments along Church Street to the north and Fitzgerald Street to the east. The contemporary architectural detailing is compatible with the character of the locality. Refer to further discussion in the Issues section regarding height, scale and bulk of the development.

Part 3 - Retention of existing affordable rental housing

24. Clause 49 of Part 3 of the ARH SEPP states that this part applies to a low rental residential building on land within Greater Sydney.
25. A low rental residential building is defined by the ARH SEPP as a building that has been used during the relevant period as a residential flat building containing a 'low rental dwelling' or as a boarding house.

26. A low rental dwelling is defined as a dwelling that was let at a rental rate not exceeding the median rental levy at any time during the relevant period, as specified in the Rent and Sales Report, in relation to a dwelling of the same type, having the same number of bedrooms and located in the same local government area.
27. The 'relevant period' means the period commencing 5 years before the day on which the development application involving the building is lodged and ending on that day.
28. In order to address this part of the ARH SEPP, the applicant has provided rental ledgers for the previous 5 years, comparing these to the median rental levy at that time.
29. The site contains a mix of studio 'bedsitter' units and 1-bedroom units. It has been established that as of December 2018, the median rental rate for bedsitter apartments in the Sydney LGA was \$365. The bedsitter units within the subject site were rented out at a rate of \$380-395 in December 2018.
30. It has been established that as of December 2018, the median rental rate for 1-bedroom apartments in the Sydney LGA was \$470. The 1-bedroom units within the subject site were rented out at a rate of \$475 in December 2018.
31. Based on the information provided, Council staff are satisfied that the existing building does not contain dwellings that meet the definition of the ARH SEPP as being a low rental dwelling, and as such Part 3 does not apply to this application.

Clause 52 - No subdivision of boarding houses

32. Clause 52 states that a consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.
33. The application does not propose a strata subdivision. A suitable condition is recommended preventing the strata subdivision or community title subdivision of the boarding house development

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

34. A BASIX Certificate has been submitted with the amended development application.
35. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

State Environmental Planning Policy (Infrastructure) 2007

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

Clause 45 Determination of development applications – other development

37. The application is subject to Clause 45 of the SEPP as the development will be carried out within 5m of an exposed overhead electricity power line.
38. As such, the application was referred to Ausgrid. In correspondence dated 27 November, Ausgrid advised that they raise no objection to the proposal.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

39. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP. The SREP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
40. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017

41. The proposal includes the clearing of vegetation in a non-rural area and as such is subject to this SEPP.
42. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
43. The application seeks consent for the removal of 2 trees which will not adversely impact on the heritage conservation area subject to appropriate replacement planting. Council's Tree Management Officer supports the removal subject to recommended conditions. Refer to further details in the 'Discussion' section of this report.

Local Environmental Plans

Sydney Local Environmental Plan 2012

44. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	<p>The majority of the site is located within the B4 Mixed Use zone, with part of the site fronting Church Street located within the R1 General Residential zone.</p> <p>The proposed development is defined as a boarding house, which is permissible with consent in both zones. The proposal generally meets the objectives of the zones.</p>

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 9m is permitted. A height of 9m is proposed.
4.4 Floor space ratio	Yes	The development complies with the maximum permissible floor space for the site. Refer to ARH SEPP compliance table above.
4.6 Exceptions to development standards	Yes	<p>The proposed development seeks to vary the motorcycle parking development standard prescribed under ARH SEPP. The applicant has submitted a request to vary the motorcycle parking standard pursuant to Clause 4.6.</p> <p>See further details in the 'Discussion' section below.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is not a heritage item but is located within a heritage conservation area.</p> <p>The design is consistent with the existing character of the area. The scale is sympathetic to the streetscape with a generous setback to Church Street ensuring that it is visually recessive and does not dominate the streetscape and retains existing street trees.</p>

Provision	Compliance	Comment
		All existing views to and from the contributing buildings in the vicinity, and the character of the O'Connell Town Estate heritage conservation area will be retained and conserved.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	See further details in the 'Discussion' section below.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development	Yes	The parking provisions of SLEP 2012 do not provide a maximum parking rate for a boarding house. However, the ARH SEPP provides a minimum rate for bicycle and motorbike parking spaces. See further discussion of the motorbike parking spaces under the heading Issues.
7.14 Acid Sulphate Soils	Yes	The site is identified as Class 5 acid sulphate soil and is not located within 500m of Class 3 soils. The proposed development will not lower the water table by 1m or more as the proposal does not involve significant excavation. The development is not considered to represent a significant risk of exposing acid sulphate soils.
7.15 Flood planning	Yes	The subject site is not subject to flooding.
7.17 Development in areas subject to aircraft noise		The site is in an area identified as having an ANEF contour of 15 and as such is not subject to this Clause.

Provision	Compliance	Comment
7.19 Demolition must not result in long term adverse visual impact	Yes	Demolition of the building is permitted in conjunction with the proposed redevelopment and will not result in any long term adverse visual impacts with regards to the streetscape.

Development Control Plans

Sydney Development Control Plan 2012

45. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

46. The site is located within the North Newtown locality. The proposed development is in keeping with the unique character and the design principles of the locality. The design of the infill building is consistent with the height, massing and predominant horizontal and vertical proportions of existing buildings. The scale and massing of the front elevation is consistent with the locality.

Section 3 – General Provisions

Provision	Compliance	Comment
3.2. Defining the Public Domain	Yes	The public domain along both site frontages will require upgrading to replace existing redundant driveways and provide safe pedestrian thoroughfare. The likely work will involve new concrete footpath and kerb and gutter to replace redundant laybacks. The Church Street works will need to accommodate the root structure of existing street trees. In this regard a public domain works condition is recommended which will require the submission of a section 138 Roads Application to be made at Construction Certificate stage.
3.5 Urban Ecology	Yes	Subject to recommended conditions, the development will not have an adverse impact on the urban ecology. See further details in the 'Discussion' section below.

Provision	Compliance	Comment
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements.
3.7 Water and Flood Management	Yes	<p>The proposed development will result in an increase in impervious area and therefore an increase in the volume of stormwater runoff. Accordingly, Sydney Water have specified a 10m³ on-site detention system to minimise the impact on the downstream stormwater system.</p> <p>The applicant has submitted a stormwater concept plan with proposed detention system discharging to the kerb and gutter in Church Street. This has been reviewed by the City's Engineer and is considered acceptable. Details of the proposed connection can be provided at Construction Certificate stage and appropriate conditions of consent have been recommended.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	Strata subdivision is not proposed.
3.9 Heritage	Yes	<p>The proposal is consistent with the objectives relating to heritage conservation area. The proposal results in the demolition of a detracting building. The proposed new infill building will provide an acceptable and positive contribution to the heritage conservation area.</p> <p>The development will not adversely impact on the heritage significance of items and contributing buildings in the wider vicinity.</p>
3.11 Transport and Parking 3.11.3 Bike parking and associated facilities 3.11.4 Vehicle parking	Yes	<p>In accordance with the ARH SEPP requirements, as the development accommodates 32 boarding rooms, the proposed is required to provide 6 bicycle parking spaces and 6 motorcycle parking spaces.</p> <p>The application proposes 24 bicycle parking spaces, which exceeds the SEPP requirements.</p>

Provision	Compliance	Comment
		No motorcycle parking spaces are provided. The applicant has provided a Clause 4.6 written request seeking an exemption from this provision. Refer to further discussion in the Issues section of this report.
3.12 Accessible Design	Yes	<p>Part 3.12 states that 15% of rooms must be adaptable. As such, 4 rooms are required to be adaptable.</p> <p>The plans nominate 2 rooms on the ground floor as accessible rooms (G.02 and G.08). No details have been submitted on a further 2 rooms within the development that are capable of being adaptable in the future.</p> <p>It is noted that access can be provided to the ground floor from both Church Street and Fitzgerald Street. Access can be provided to the upper floor and basement level via the lifts. The communal facilities, including laundry, have been designed with be accessible.</p> <p>A condition is recommended requiring specific details of a further 2 adaptable units to be submitted to Council prior to Construction.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p> <p>The application and plan of management has been reviewed by Council's Safe City unit who raised no objection to the proposal.</p>
3.14 Waste	Yes	<p>A designated waste storage room is provided in the basement with adequate space for bins and bulky waste. On collection day, the bins will be transferred to a designated garbage pick up zone located on the ground floor of the subject site adjacent to Fitzgerald Street.</p> <p>A condition is recommended to ensure the proposal complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>

Provision	Compliance	Comment
3.17 Contamination	Yes	Refer to SEPP 55 discussion above.

4.4 Other Development Types and Uses

4.4.1 Boarding houses and student accommodation

Provision	Compliance	Comment
4.4.1.1 Subdivision	Yes	The application does not propose to subdivide the site.
4.4.1.2 Bedrooms	Yes	<p>All rooms meet the minimum boarding room size. Rooms range between 12.2 - 18sqm (excluding area for ensuite and kitchen).</p> <p>Each room has access to natural light with adequate ceiling heights of 2.7m</p> <p>The proposal will provide adequate amenity for the boarding room in accordance with this section.</p>
4.4.1.3 Communal kitchen areas	Yes	A communal kitchen is provided within the ground floor communal area with an area of approximately 7.7sqm, in compliance with the control of 6.5sqm.
4.4.1.4 Communal living areas and open space	Yes	<p><i>Indoor communal living areas</i></p> <p>The development provides 40sqm of communal living area on the ground floor. The space is adjacent to commonly used spaces such as communal kitchen and the communal open space. The area will receive 3 hours of solar access to at least 50% of the windows on 21 June between the hours of 10am and 1pm.</p> <p><i>Common open space</i></p> <p>Approximately 50sqm of common open space is provided on the ground floor along the northern boundary receiving good solar access in excess of the 20sqm requirement. More than 50% of the space receives sunlight at 21 June for 3 hours between 11am and 2pm.</p>

Provision	Compliance	Comment
		<p><i>Private open space</i></p> <p>4 rooms are provided with a private open space area between 5 and 9sqm, equating to 13% of the rooms, rather than 30%. Given that the development provides adequate levels of communal open space in an area that receives good solar access, non-compliance with private open space is considered acceptable in this instance. It is noted that 8 rooms include a small area of private open space in the form of a narrow/juliet balconies with areas of 1-3sqm. Whilst these do not meet the area requirements they do improve the amenity of the rooms.</p>
4.4.1.5 Bathroom, laundry and drying facilities	Yes	<p>Bathroom facilities are provided in each boarding room.</p> <p>A communal laundry and drying room is provided on ground level including 3 washers and 3 dryers.</p>
4.4.1.6 Amenity, safety and privacy	Yes	<p><i>Accessibility & Safety:</i></p> <p>The communal spaces are all in safe and accessible locations either on the ground floor.</p> <p><i>Visual Privacy:</i></p> <p>Visual privacy has been adequately addressed. Bedrooms facing the internal courtyard include a mixture of angled fixed louvres and operable glazing with vertical louvres to avoid direct views within the site and to neighbouring sites. Balconies facing Fitzgerald Street include louvred screening to reduce overlooking to the rear. New windows to the northern and southern (side) boundaries are highlight fixed windows limiting overlooking potential.</p>

Provision	Compliance	Comment
		<p><i>Acoustic Privacy:</i></p> <p>The applicant has provided an acoustic report, which was reviewed by Council's Health Officer and is considered acceptable subject to recommended conditions. The acoustic report details that communal outdoor areas should not be used after 10pm. A condition is recommended requiring compliance with the Acoustic Report.</p> <p>A condition is recommended requiring a noise and vibration management plan given the proximity to neighbouring residential properties.</p>
4.4.1.7 Plan of Management	Yes	<p>The application has submitted an amended Plan of Management. The amended Plan of Management was reviewed by Council's Environmental Health Unit and determined that the plan sufficiently addresses the operation and maintenance of the building in accordance with the clause. A condition is recommended to comply with the provided Plan of Management.</p>

Discussion

Clause 4.6 Request to Vary a Development Standard - Motorcycle Parking

47. The site is subject to a minimum motorcycle parking control of 6 spaces in accordance with Clause 30(1)(h), the 'minimum motorcycle parking' of the State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposed development provides no motorcycle parking spaces.
48. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:
 - a. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
 - b. That there are sufficient environmental planning grounds to justify contravening the standard;
 - c. The proposed development will be consistent with the objectives of the zone; and

- d. The proposed development will be consistent with the objectives of the standard.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

49. The applicant seeks to justify the contravention of the motorcycle parking development standard on the following basis:

- a. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - i. The underlying objectives of the development standard are achieved to the extent they are able to be adduced.
 - ii. The proposal does not thwart or hinder attainment of the objectives notwithstanding non-compliance with the control.
 - iii. Variations to the SEPP parking controls (or no provision of parking) are common in the City of Sydney
- b. That there are sufficient environmental planning grounds to justify contravening the standard:
 - i. The site is within a heritage conservation area, surrounded by housing. The provision of motorcycle parking would require a driveway crossing and likely roller shutter door, which may compromise pedestrian and vehicular safety and would compromise the ground level interface and integration with the public domain.
 - ii. An alternative form of parking is provided, being bicycle parking. This is provided at a rate that is over double the combined motorcycle parking rate (6 spaces) and bicycle parking rate (6 spaces). This is an appropriate form of travel for the building occupants, especially noting the inner-city location and targeted provision for student housing.
 - iii. The site has very good access to services, jobs and public transport, reducing the need for motorcycle parking, compared to sites further removed from such core assets.
- c. The proposed development will be consistent with the objectives of the zone:
 - i. The proposal provides an appropriate use for the site and a diversity of housing choice for the wider area, yet complementing the diverse nature of the area
 - ii. The site is well-connected to public transport, jobs and services, to encourage use of public transport, walking and cycling. The non-provision of car parking helps to achieve this objective, as does the over-provision of bicycle parking.

- iii. The use and density will support surrounding and wider centres, without competing uses to those commercial and retail uses encouraged in centres. The density and height comply with the LEP and DCP guidelines.
- d. The proposed development will be consistent with the objectives of the standard:
 - i. The proposal will achieve the delivery of new affordable and appropriate rental housing suited to the particular site. The objectives are achieved by providing additional rental housing close to places of work (such as along King Street).

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

50. Development consent must not be granted unless the consent authority is satisfied that:

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at Clause 4.6(3)(a)?

51. The applicant has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Primarily, the written statement justified that the objectives of the development standard are achieved notwithstanding non-compliance with the standard. Whilst there are no aims or objectives provided for Clause 30(1)(h) of ARH SEPP 2009, it is likely the requirements for motorcycle parking spaces is intended to enable alternative forms of transport (to cars) within the development. It is considered that in this instance and given that the development provides 24 bicycle parking spaces, that strict compliance with the motorcycle parking development standard is unreasonable and unnecessary.

Does the written request adequately address those issues at clause 4.6(3)(b)?

52. The applicant has adequately addressed that there are sufficient environmental planning ground to justify contravening the development standard. Although non-compliant with the ARH SEPP, the proposal is consistent with the objectives and provisions of the LEP and DCP in terms of transport and access and is located within a highly accessible area. The provision of no motorcycle parking spaces results in a more desirable streetscape outcome without the need for driveway access.

Is the development in the public interest?

53. The objectives of Clause 30 of ARH SEPP include:

- a. To provide a consistent planning regime for the provision of affordable rental housing,
- b. To facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,
- c. To facilitate the retention and mitigate the loss of existing affordable rental housing,
- d. To employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentive for the development of new affordable rental housing,
- e. To facilitate an expanded role for not-for-profit providers of affordable rental housing,
- f. To support local business centres by providing affordable rental housing for workers close to places of work,
- g. To facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

54. The proposal is consistent with the relevant aims of the ARH SEPP in that it achieves the delivery of new affordable housing in a form that is suitable to the subject site and provides for a new housing type encouraged by the SEPP (a boarding house) that is located close to places of work, such as within the B4 mixed use zone.

55. Whilst the aims of the ARH SEPP are to provide consistent application of development standards across NSW, it does not consider the City's transport policies and its access to public transport and services relative to other areas of the state. In this regard, Clause 7.1 of Sydney LEP 2012 specifically seeks to minimise the amount of vehicle traffic generated by development.

56. The objectives of the B4 Mixed Use zone relevant to the proposal include:

- a. To provide a mixture of compatible land uses
- b. To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- c. To ensure uses support the viability of centres.

57. The objectives of the R1 General Residential zone relevant to the proposal include:

- a. To provide for the housing needs of the community
- b. To provide for a variety of housing types and densities
- c. To enable other land uses that provide facilities or services to meet the day to day needs of residents
- d. To maintain the existing land use pattern of predominately residential use

58. The proposed development is consistent with the objectives of the land use zones. The site is within close proximity to public transport, jobs and services, which encourages walking, cycling and the use of transit. In not providing motorcycle parking, the development will encourage active transport and public transport, as will the provision of bicycle parking. The proposal had provided more than the required amount of bicycle parking spaces.

59. The development provides for new affordable housing for students within the local area and the use will support the surrounding wider centres.

60. The proposal is in the public interest as it is consistent with the aims of the ARH SEPP and the objectives of the B4 Mixed Use zone and R1 General Residential zones.

Conclusion

61. For the reasons provided above the requested variation to the motorcycle parking development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of ARH SEPP and the B4 Mixed Use zone and the R1 General Residential zone.

Height, Scale and Bulk/Character of the Locality and Design Excellence

62. The proposed boarding house satisfies the character test of Clause 30A of the ARH SEPP, which requires the design of the development to be compatible with the character of the local area. Clause 6.21 of the Sydney LEP 2012 requires that new development must exhibit design excellence. Considerations for design excellence are outlined at Clause 6.21(4) and include suitability of the site, heritage and streetscape considerations, bulk and massing, environmental impacts and the like.

63. The site has a 9m height of buildings development standard in accordance with the Sydney LEP 2012 and a 3-storey height in storeys control in accordance with the Sydney DCP 2012. The development does not exceed 9m and is 3 storeys in height, in compliance with both controls.

64. In establishing that the development is compatible with the immediate locality and that it is considered to exhibit design excellence, the following has been concluded:
- a. The built form immediately adjoining the site predominantly includes 2-storey single dwellings. However, when considering the wider surrounding locality along Church Street and Fitzgerald Street, the area is not limited to 2-storey forms. As illustrated in Figure 24, below, there are 3-4 storey multi-unit housing development located approximately 30m north west of the site along Church Street. As illustrated in Figure 25, below, there are 3-4 storey multi-unit housing located approximately 10m directly east of the site opposite Fitzgerald Street.
 - b. Notwithstanding compliance with the height of building and height in storeys control, the third storey has been set back from the Church Street frontage so that the upper floor will not visually dominate views from the streetscape and the heritage conservation area, as demonstrated in Figures 22 and 23 below. The overall form of the new building is contextually appropriate and is not excessive, particularly having regard to the existing building, planning controls, and context.
 - c. The height is able to accommodate adequate 2.7m floor to ceiling heights and still achieve 3 storeys within the prescribed height control.
 - d. Although the site is located within a heritage conservation area, the immediate locality contains a number of contemporary buildings, for example at 33 Fitzgerald street to the north. The proposed contemporary building will not have an adverse impact on the conservation area.
 - e. The proposal improves the relationship of the building / site and the public domain through an improved massing, improved activation / surveillance and removal of driveway crossings in favour of pedestrian activity. Street trees are retained, and a landscaped front setback is incorporated along Church Street.
 - f. The development is well designed to overcome environmental impacts, including achieving compliance with the ARH SEPP and Section 4.4 of the Sydney DCP 2012. The development will achieve reasonable solar access and visual privacy to future occupants and neighbouring properties.
 - g. The submitted materials and finishes schedule illustrates use of a mixture of cladding materials including render, concrete and Colourbond vertical cladding. Whilst the materials provided are generally acceptable and compatible with the area, the detailing is general and incomplete. A condition is recommended requiring a final material and finishes schedule to be submitted to Council prior to the issue of a construction certificate.
65. In view of the above, the proposed development demonstrates design excellence in accordance with Clause 6.21 of the Sydney LEP 2012 and is considered to satisfy the character test of Clause 30A of the ARH SEPP.

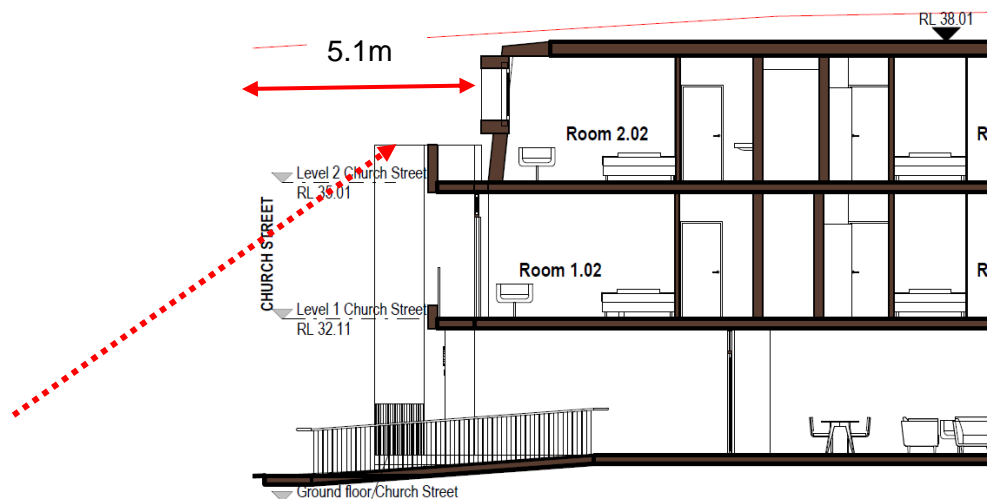


Figure 22: Illustrating site lines from Church Street and the 5.1m setback of the third floor



Figure 23: Photomontage as viewed from Church Street



Figure 24: 2-4 storey development along Church Street located north-west of the site (located in the Inner West Council Local Government Area)



Figure 25: 3-4 storey development along Fitzgerald Street located directly east of the site

Tree Management

Street Trees

66. There are four street trees on Church Street that have potential to be affected by the proposed development, identified as T1, T2, T3 and T4 in Figure 26 below. The street trees are in good condition and must be appropriately retained and protected during construction. A condition is recommended requiring tree protection plans be prepared and submitted prior to construction commencement and conditions are recommended for imposition which detail specific street tree protection measures. A condition has been included requiring the entry footpath from Church Street to be on or above existing grade and not require the pruning of any street tree roots.

Tree removal on site/Replacement Planting

67. There are two on-site trees that are proposed for removal and are identified as T5 and T6 in Figure 26 below. Council's Tree Management Unit supports the removal of these trees subject to appropriate tree replacement.
68. Section 3.5 of the Sydney DCP 2012 requires development sites to provide a minimum canopy coverage equivalent to 15% of the total site area. The applicant has submitted a landscape plan calculating site canopy coverage equivalent to 35% of the site area, however, has included overhanging canopy from street trees and neighbouring trees. Overhanging canopy does not contribute to the overall canopy coverage of the site. It is recommended that the landscape plan be amended through a condition of consent to provide a deep soil area within the front setback, rather than planter boxes, to provide suitable medium-large canopy trees.
69. Similarly, the communal outdoor area is capable of providing deep soil with suitable tree plantings. It is recommended the final landscape plan be required to be submitted to Council for approval prior to the issue of a Construction Certificate.

Trees on neighbouring properties

70. There is an existing retaining wall and level drop between the subject site and the property at 2 Raper Street along the southern boundary where a large lemon-scented gum tree is located. A condition is recommended requiring retention of this wall to limit any potential impacts to the structural root zone of the tree. Should the wall require demolition, a structural engineer's report, and work methodology statement by an AQF Level 5 Arborist will be required to be submitted to Council prior to the issue of a Construction Certificate.

71. There are three trees located along the north boundary within 178 Church Street and 33 Fitzgerald Street. These trees are not likely to be significantly impacted as the communal outdoor area is adjacent to the trees. The three trees will likely require minor pruning to facilitate the development. Appropriate conditions are recommended.

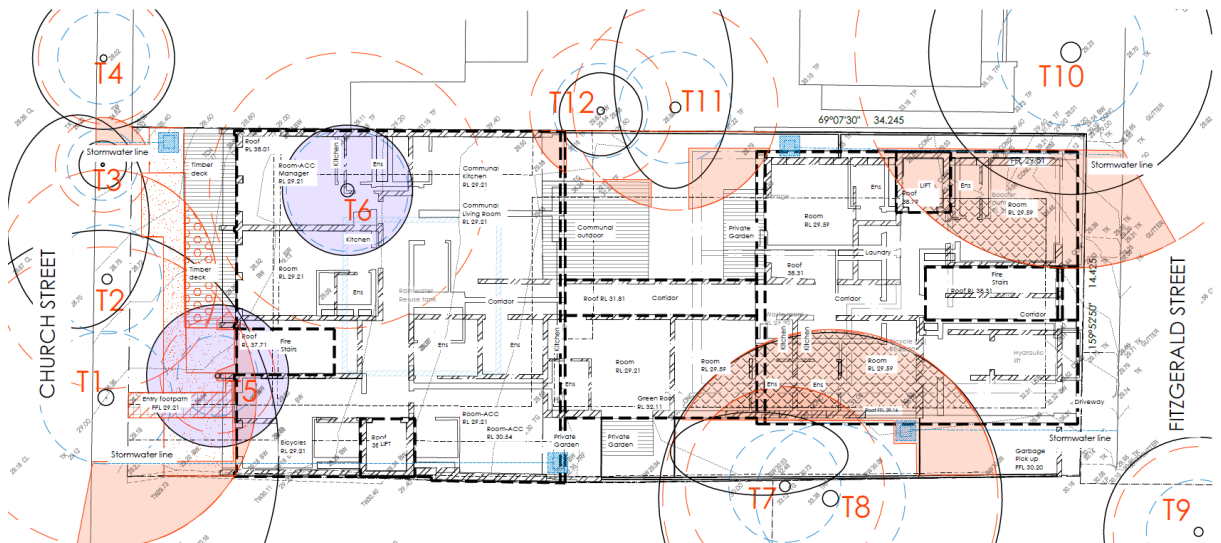


Figure 26: Tree Location Plan

Overshadowing Impact

72. The development will not cause adverse overshadowing impact to surrounding properties. New shadows will fall to the south of the subject site, upon Nos. 184-188 Church Street and 2-6 Rapper Street. It is noted that some areas experience reduced shadowing compared to the shadows cast by the existing three-storey built form.
73. No. 183 Church Street, located directly south, is comprised of a driveway with no built form. No. 186 and 188 Church Street, both comprised of single dwellings, will benefit from reduced overshadowing impact during mid-winter due to the low scale connecting building element located centrally within the site adjacent to the central courtyard.
74. No. 2 Rapper Street comprises a single dwelling, and this property will experience some increased overshadowing to its rear private open space area during mid-winter (21 June). Notwithstanding this, this property will still receive direct sunlight to an area of more than 16sqm of for 2 hours in the morning at 9am and 11am. It is noted that in the afternoon at 3pm, the dwelling will experience improved sunlight to the internal living room.
75. No. 4-6 Raper Street is unaffected by the proposal, receiving near full sunlight to the private open space area for over 2 hours on 21 June.

Consultation

Internal Referrals

76. The conditions of other sections of Council have been included in the proposed conditions. The following units have been consulted:
- (a) Urban Designer
 - (b) Environmental Health Officers
 - (c) Heritage Specialist
 - (d) Public Domain Unit
 - (e) Transport Planner
 - (f) Building Services
 - (g) Specialist Surveyor
 - (h) Waste Management Officers
 - (i) Landscape Officer
 - (j) Tree Management Officer
 - (k) Safe City Unit
77. The above advise that the proposal is acceptable subject to conditions. Any particular issues raised are addressed in this report.

Advertising and Notification

78. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 21 days between 3 November 2020 and 25 November 2020. A total of 496 properties were notified and 14 submissions were received.
79. The submissions raised the following issues:
- **Issue:** The proposal is an overdevelopment of the site
 - **Response:** The proposed density is acceptable with consideration that the development does not exceed the permissible floor space ratio and height permitted under the SLEP 2012 and the ARH SEPP.
 - **Issue:** More boarding houses are not needed in the area there are already new boarding houses in the area at Church and Salisbury Streets.

- **Response:** Boarding houses are a type of residential development that is permissible within the B4 Mixed Use zone and the R1 General residential zone. The City must assess the development and use as lodged against the applicable planning controls.
- **Issue:** Rooms are too small and it still won't be affordable. Small apartments would be a much better option - more dignity for residents, more independence, less transience. Single low-income tenants should not be condemned to live in an area the size of a prison cell
- **Response:** In accordance with NSW State Environmental Planning Policy - Affordable Rental Housing controls, boarding rooms must not be greater than 25sqm and no less than 12sqm. The proposed boarding rooms are compliant with both the minimum and maximum size/area requirements of this policy.
- **Issue:** The third storey building form will overlook Northwood Street and the third storey should be substantially set back from Church Street.
- **Response:** The subject site has a 3-storey height in storeys control consistent with the development. Council staff consider that the third storey has been appropriately set back from Church Street (approximately 5.1m) in order to reduce impacts on the streetscape. The development also complies with the 9m total building height control. The third storey will have approximately 18m separation distance to the rear private open spaces of the dwellings fronting Northwood Street. The separation distance will limit overlooking and view lines down into private areas and outlook will generally be across roof spaces.
- **Issue:** Concerned that proposed development being on our boundary wall. The building footings being so close to ours may affect the structural integrity of our terrace which is around 140 years old. Additionally, the reduced sunlight to that side of our building could result in dampness to our building. We would like to suggest that the building has a setback from the boundary wall with our property to allow for good ventilation as per the 762mm side set back at the rear of the development, facing Fitzgerald Street.
- **Response:** A geotechnical report has been provided by the applicant detailing appropriate excavation and building techniques suitable for the site. A condition is recommended requiring a dilapidation report to be prepared by a qualified structural engineer prior to the commencement of any demolition / excavation works. A condition is recommended requiring a flashing to be provided to boundary wall to prevent water entering between the proposed and existing external boundary wall of adjoining properties.

Whilst there will be loss of direct light to the southern wall of the terrace building to the north, the development is not considered to cause adverse overshadowing. New shadows will generally fall to the south of the site at mid winter and generally complies with Council's solar access controls under Section 4.1 of the Sydney DCP 2012.

- **Issue:** The development will devalue adjacent property and there is a potential for rental properties to be untenanted during construction.

- **Response:** This is not a planning consideration under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.
- **Issue:** The development provides no off-street parking resulting in increased traffic and a decrease in resident street parking. Studies show that 1/3 boarding house occupants own a car.
- **Response:** The City's planning controls support development with no car parking provision regardless of the use. Developments with zero parking instead utilise alternative means of transport such as walking, cycling and the use of public transportation. Bicycle parking above the minimum requirements of the planning controls have been provided in the development and the site is highly acceptable to public transport options.
- **Issue:** Increased noise from influx of students
- **Response:** An acoustic report has been provided demonstrating that the development is capable of complying with Council and State noise emission requirements. A condition is included requiring compliance with the Acoustic Report. The report recommends that the communal areas should not be used by residents between the hours of 10pm - 7am to limit noise impacts to neighbouring properties.
- **Issue:** Which street would a private contractor collect waste from the development and how many bins would be involved and how would contractors be monitored for collecting rubbish too early.
- **Response:** A waste management plan has been submitted with the application outlining the role of the on-site manager / waste contractor to transfer bins from the basement to the street for collection and post collection. Waste will be collected via Fitzgerald Street and conditions of consent have been imposed requiring the collection of waste to comply with Councils Guidelines for Waste Management in New Developments 2018 which requires facilities to minimise and manage waste and recycling generated by the proposal.
- **Issue:** If the development has zero car spaces for the self-contained rooms how many parking permits would be supplied by the adjoining Council (Inner West Marrickville) as there is zero parking available on the COS side where the development is and time limited parking on the IWC side.
- **Response:** Residents will not be entitled to parking permits under the City of Sydney policy. COS council staff cannot comment on the provision of parking permits for Inner West Council.
- **Issue:** Every room should have designated bike parking
- **Response:** The development is only required to provide 6 bicycle parking spaces in accordance with the ARH SEPP. The development provides 24 bicycle parking spaces exceeding the requirements.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

80. The development is subject to a Section 7.11 development contribution under the provisions of the City of Sydney Development Contributions Plan 2015.
81. Credits have been applied for the most recent use of the site, being a residential flat building with 9 single bedroom units. The applicant has identified that the development is proposed for student accommodation.
82. A condition relating to this development contribution has been included in the recommended conditions of consent in the Notice of Determination. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Conclusion

83. The application seeks approval for the demolition of existing structures and construction of a three-storey boarding house comprised of 32 rooms.
84. The proposal has been amended to address a number of issues identified by Council officers during the assessment of the application relating to design and residential amenity.
85. A Clause 4.6 written request seeking to vary Clause 30(1)(h), the 'minimum motorcycle parking' development standard of the State Environmental Planning Policy (Affordable Rental Housing) 2009, has been submitted. The development provides no motorcycle parking spaces, where the SEPP states that 6 spaces are required.
86. The proposed request to vary the motorcycle parking standard is well founded. The statement provided demonstrated compliance with the motorcycle parking standard is unreasonable and unnecessary in this instance, and that there are sufficient environmental planning grounds to justify the variation. The motorcycle parking variation is consistent with the objectives of ARH SEPP, the B4 Mixed Use zone and the R1 General Residential zone, and therefore is in the public interest.

87. The proposal presents a building envelope that is appropriate with consideration for the permissible floor space ratio and is set back at its upper level such that its upper level will not be visually dominating over the streetscape. The proposed development is considered to be consistent with the character test of ARH SEPP and to exhibit design excellence in accordance with the provisions of Clause 6.21 of the Sydney LEP 2012.
88. Subject to conditions, the development is in the public interest and is recommended for approval.

ANDREW THOMAS

Executive Manager Planning and Development

Christina Robinson, Planner