

15 January 2021

RE: DA/2020/0578

2-18 Station Street, Marrickville NSW

Demolition of existing structures and construction of a mixed use development comprising a boarding house and commercial tenancy

Schedule of Amendments

The proposal has been amended as follows to address the outstanding contentions raised by Council in its letter of 15 December 2020 and is illustrated in the accompanying amended plans.

Table of Amendments Addressing Contentions		
No.	Issue	Amendment
1	<p>Height</p> <p>The current proposal has a significant non-compliance with height of buildings development standard within clause 4.3 of the MLEP 2011. The submitted variation does not provide an acceptable environmental planning justification. The proposed height is inconsistent with the desired future character as expressed within the development controls and fails to provide an appropriate transition between the height of the proposed development and that of the adjacent low density residential development.</p>	<p>The following amendments have been made to the height:</p> <ul style="list-style-type: none"> The overall height has been reduced from 34.7m to 32.7m; The rooftop terrace and access to it has been deleted and a smaller terrace provided on level 8; and The building has been stepped to the south from a maximum of 10 storeys to the north to 8 storeys to the south as recommended by the Architectural Excellence Panel; <p>to facilitate an improved transition to lower scale development adjacent the site and in its vicinity.</p> <p>An amended 4.6 request accompanies the amendments.</p>
2	<p>Floor space ratio and character</p> <p>The current proposal has a significant non-compliance with the floor space ratio development standard within clause 4.4 of the MLEP 2011. The calculations FSR exclude the breezeways which Landmark Group Australia Pty Ltd v Sutherland Shire Council [2016] NSWLEC 1577 suggests should be included. The submitted variation fails to provide sufficient environmental planning grounds to justify the variation. The bulk of the proposed building is inconstant with the desired future character as expressed within the development controls and is therefore inconsistent with the objectives of the FSR development standard.</p>	<p>The floor space ratio has been reduced from 4.99:1 to 4.66:1 as a result of the moderated height.</p> <p>An amended 4.6 request accompanies the amendments.</p>
3	<p>Compatibility with the character of the area</p> <p>The bulk and height of the proposal is not compatible with the character of the area having regard to Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191 and this is inconsistent with the requirements of 30AA of State Environmental Planning Policy (Affordable Rental Housing) 2009.</p>	<p>The building has been stepped to the south from a maximum of 10 storeys to the north to 8 storeys to the south as recommended by the Architectural Excellence Panel to provide a better transition to the adjacent development to the south and to the lower scale R2 zone to the east.</p>

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4	<p>Inconsistent with the Master plan provisions and rear setbacks requirements</p> <p>The proposed development is inconsistent with masterplan provision including setbacks and number of storeys provision within Part 9.40.7 of MDCP 2019.</p> <p>The proposed development fails to provide an appropriate transition to the adjoining R2 Low Density residential zone having regard to the objectives for the height development standard and the planning principal within Seaside Property Developments Pty Ltd v Wyong Shire Council [2004] NSWLEC 117.</p> <p>The proposal is not consistent with the setback and massing controls within 5.1.4.3 of MDCP 2011.</p>	<p>The building has been stepped to the south from a maximum of 10 storeys to the north to 8 storeys to the south as recommended by the Architectural Excellence Panel to provide a better transition to the adjacent development to the south and to the lower scale R2 zone to the east. Although still proposing some variation from the DCP Masterplan provisions, the proposal now achieves its objectives of providing a transition to surrounding development.</p>
5	<p>Active street frontage</p> <p>The proposed development fails to provide space that provide an active street frontage along Illawarra Road at street level with most of the frontage used for services. The proposal is therefore inconsistent with the objectives of the B2 Zone within the MLEP 2011 and the requirements of Part 9.40.7 c78 of MDCP 2011.</p>	<p>An active street frontage has now been provided to the entirety of the western and northern facades by relocating all of the services (ie substation, waste, basement entry, comms) to the eastern side of the ground floor facing the laneway.</p>
6	<p>Impacts on visual privacy</p> <p>The proposal fails to provide visual privacy for the nearby dwelling houses private open space (1 and 3 Leofrene Ave) and does not have regard to the planning principal within Meriton v Sydney City Council [2004] NSWLEC 313.</p>	<p>Visual privacy of the dwellings to the east along Leofrene Avenue has been improved by:</p> <ul style="list-style-type: none"> • Translucent glass to 1.6m to the vertical east facing windows on the corner rooms; • Privacy louvre screens to 1.7m high to the east facing ends of the open circulation corridors. <p>Note that the small east facing balconies of the east facing rooms have been retained as these are orientated towards Leofrene Avenue and would overlook only the street and the front gardens but not private open space areas. Despite this, if concern still remains, a condition could be applied to any consent rendering the balconies non-trafficable.</p>
7	<p>Insufficient boarding room managers</p> <p>The proposal provides for insufficient managers as is required by C3 of Part 4.3.3.4 of MDCP 2011. The scale of this development is such that Council requires full compliance with this development control. No evidence has been supplied to support the claim that the SEE makes that they are not needed and the proposal can't be said to be consistent with the relevant objectives within 4.3.1 O 4 and O5.</p>	<p>The number of manager's rooms has been increased from 1 to 2. This is consistent with the intended management of the facility and will allow a manager to be on duty at all times.</p>
8	<p>Insufficient private open space for manager room</p> <p>The manger room private open space provides poor amenity and fails to meet the minimum dimensions within C6 of 4.3.3.4 of MDCP 2011.</p>	<p>The managers' private open spaces have been amended to provide a minimum width of 2.5m to be fully compliant with the applicable controls. In addition, each manager's room has the benefit of an additional small balcony facing the north.</p>
9	<p>No communal living areas proposed on mid levels</p> <p>The proposal does not provide communal living room on each floor as is required by control C22 of Part 4.3.3.6 of MDCP 2011. The proposed outdoor spaces on each level don't satisfy this requirement and are located in left over spaces</p>	<p>The number and distribution of communal living rooms has been amended as follows:</p> <ul style="list-style-type: none"> • Number of rooms increased from 2 to 4; • The rooms have been distributed evenly over the height of the building with one placed on ever second floor;

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	in open walkways and inconsistent with C25 of Part 4.3.3.6 of MDCP 2011.	<ul style="list-style-type: none"> The level 1 room has direct access to a communal open space to allow added amenity; The Level 8 communal living room is larger in size and directly accesses a large communal open space placed on the roof of Level 7 .
10	Further details are required There are a number of details that require clarification:	See below.
10(a)	It is unclear how the balconies will or can connect to the drainage system given the design. Please provide detail how it can be achieved.	The balcony drainage would be concealed in the façade and not visible externally. The applicant is willing to accept a condition of consent to this effect.
10(b)	There are potential fire separation concerns along the southern boundary, if the future potential building on the adjacent property is proposed abutting from the side boundary. Please provide detail how it can be achieved.	This is a BCA compliance issue and would be addressed at CC stage. If a solid wall is required at this location, it could be the subject of a condition of consent.
10(c)	The plans do not dimension the floor to ceiling heights but they appear to be slightly below the minimum BCA requirements. Further details are needed to clarify the floor to ceiling heights and the width of the slabs between floors to clarify the proposal. It would be advisable to consider increasing the floor to ceiling heights (as part of an overall redesign of the as this will improve internal amenity).	The proposal allows 3m floor to floor and a ceiling height of 2.8m (which is 400mm greater than the minimum BCA requirement of 2.4m). This dimension could be conditioned in any consent if necessary.
10(d)	The submitted shadow diagrams fail to indicate the extent of overshadowing caused by the existing buildings and other buildings in the locality.	View from sun shadow diagrams have been prepared which clearly show the impact of all surrounding structures.
10(e)	The lift overruns (typically up to 4.5m above the last floor level served) are omitted from the proposal and this gives an unrealistic indication of the height of the proposal.	The scheme includes allowance for lift overruns.
10(f)	The submitted survey fail to provide site areas and is significantly dated.	A copy of the consolidated site survey nominating the site area forming the current deposited plan has been provided.
11	Laundry Facilities The proposal does not provide for laundry services and there is no drying areas provided. The rooms do not indicate that they are provided within the laundry services. Given the scale of the development laundry services must be provided in the development. The development does not provide for close drying facilities as is required by Part 2.21.3.1 C50 and C51 of MDCP 2011.	Each room has been provided with its own combined washer/dryer within the room.
12	Waste Management The proposed waste rooms do not comply with the requirements of 2.21.2.5 of MDCP 2011. The residential (8 x 660L general bins and 22 recycling bins are required on current occupancy), and commercial areas provide for far less bins than is required by the DCP, there	Waste management has been amended as follows: <ul style="list-style-type: none"> A bulky waste store; Separate residential and commercial bin areas; Increased bin numbers. Refer to accompanying amended Waste Management Plan.

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	is no bulky waste storage, and no capacity for on site collection.	
13	Engineering issues	See below.
13(a)	The application does not comply with controls C24 and C25 of Part 2.10 Parking Management of the Marrickville DCP 2011. A loading dock must be provided to service the proposed 130 boarding development which includes 266sqm of retail space given the size of the development the loading dock must be designed for a minimum MRV.	Refer to accompanying Traffic Report.
13(b)	The collection of waste must also occur from the service area and not from the narrow section of Station Street at the east of the site. Station Street is a one way street that carries a single lane of traffic in a clockwise direction. Loading/unloading activities on this section of Station Street will result the road being blocked with vehicles having to wait behind trucks while loading/unloading activities are taking place. This arrangement is unsatisfactory. Station Street is a busy local road next to a train station with lots of pedestrian activity and vehicles arriving frequently for pick-up and drop-off activities.	Refer to accompanying Waste Management Report.
13(c)	Swept paths must be provided for the largest truck required to use the site (minimum MRV) detailing that the vehicle is able to manoeuvre around the narrow 90 degree bends in Station Street and the loading dock	Refer to accompanying Traffic Report.
13(e)	Alternatively, as proposed in a previous application to Council, the eastern narrow section of Station Street shall be widened to allow loading activities to be undertaken on the road way while still allowing vehicles to pass. This will require the dedication of land from the adjacent property at 1 Leofrene Avenue. I understand that 1 Leofrene Avenue and 2-18 Station Street are still in common ownership. The application does not comply with the car parking provision as required by Control C1 of Part 2.10.5 of Marrickville DCP 2011. The application is for 130 boarding houses and 1 Manager's room. Based on Table 1 of Part 2.5- Parking Management of DCP 2011 the provision of parking must be at a rate of 0.5 spaces per boarding room plus 1 space per resident employee. Based on these rates 66 car spaces are required. Additionally, 3 spaces will be required for the retail space of 266sqm. Therefore, a total of 69 carspaces a required and only and only 46 have been provided leaving a shortfall of 23 spaces (shortfall of over 33%). Such a large shortfall is not acceptable.	Refer to accompanying Traffic Report.
13(f)	To allow vehicle drivers adequate visibility to pedestrians the vehicle ramp at Station Street must be redesigned so that the maximum grade	Refer to accompanying Traffic Report.

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	does not exceed 1 in 20 (5%) within 6m of the property boundary as required by Clause 3.3(a) of AS2890.1-2004 and Control C9 of Marrickville DCP 2011 Part 2.10 Parking Management.	
13(g)	In accordance with C 26 of Part 5 Commercial and Mixed use Development of MDCP 2011, street corner sites must dedicate splay corners, as public land, for road widening purposes and to improve sight distance at intersections for both vehicles and pedestrians. This is especially required at the north eastern corner of the site where Station Street narrows to allow for the manoeuvre of heavy vehicles around Station Street. Splays shall 2m x 2m.	A splay has been provided in the location requested.
13(h)	It appears some of the balconies and elements of the building encroach the road reserve. The plans shall be amended to remove all encroachments except for the awning which is permitted.	The balconies have been amended to sit entirely within the site boundaries.

As a result of the above changes, the general development data is now as follows:

Development Summary			
Item	Original Application		Amended Application
Existing Use	Various commercial premises		No change.
Proposed Use	Mixed use development comprising boarding house and commercial premises		No change.
Demolition	All existing structures on the site		No change.
Tree Removal	None		No change.
Storeys	10 storeys		8 storeys
GFA	3,467.6m ²		3,241m ²
Boarding Rooms	Total	130 (incl. 9 accessible)	118
	Single	16	15
	Double	114	103
Manager's Room	1 (double)		2 (double)
Residents	Maximum 244 boarders plus 2 manager		Maximum 221 boarders plus 4 manager
Parking	Residents	46 (incl. 3 disabled)	41
	Manager	1	No change.
	Motorcycle	26	No change.
	Bicycle	28	No change.
	Commercial	3 (incl. 1 disabled)	No change.
	Courier	-	1
Subdivision	Not proposed.		No change.

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