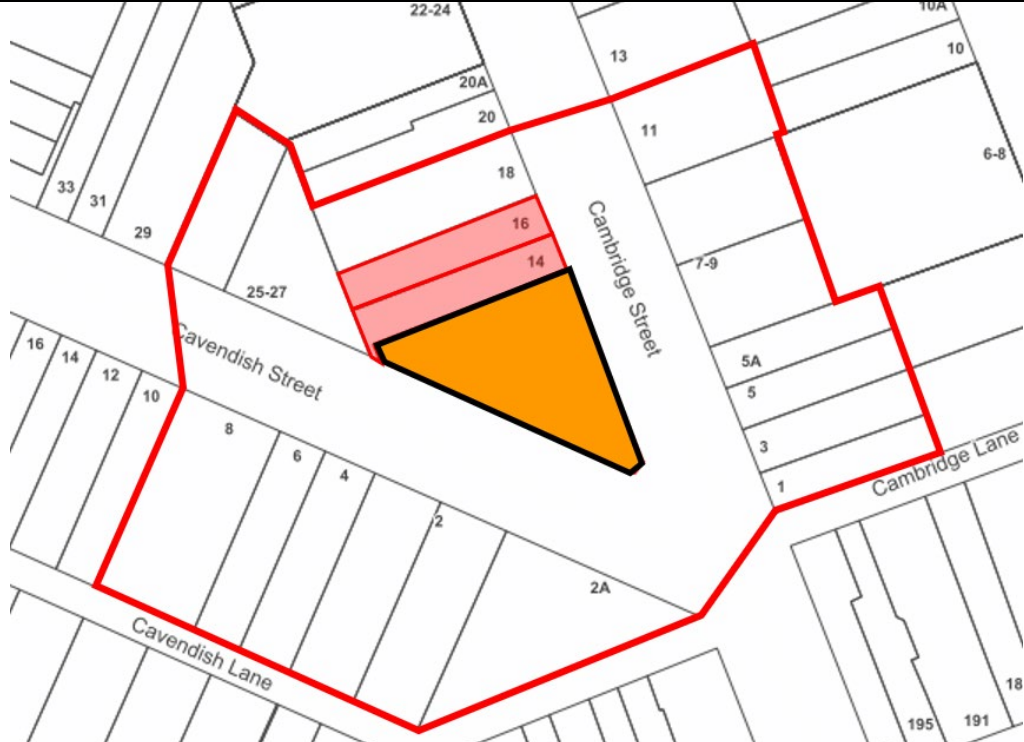





 DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2020/0932
Address	10 Cambridge Street ENMORE NSW 2042
Proposal	To demolish an existing garage and construct a two storey freestanding building containing a garage and shed on the ground floor and a secondary dwelling on the first floor
Date of Lodgement	13 November 2020
Applicant	Nigel White
Owner	Mr Robert A Wiltshire Mrs Karen L Wiltshire
Number of Submissions	Initial: 2
Value of works	\$218,995
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	<ul style="list-style-type: none"> • Floor space ratio non-compliance • Building form and character
Recommendation	Refusal
Attachment A	Recommended conditions should the application be approved
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
	
LOCALITY MAP	
Subject Site	
Notified Area	
Objectors	
Supporters	
 N	

1. Executive Summary

This report is an assessment of the application submitted to Council for the demolition of an existing garage and construction of a two storey freestanding building containing a garage and shed on the ground floor and a secondary dwelling on the first floor at 10 Cambridge Street Enmore NSW 2042.

The application was notified to surrounding properties and two (2) submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- The proposal does not satisfy the requirements of Clause 22 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* with respect to the maximum floor space ratio permissible;
- The proposal is not considered to satisfy Clause 1.2 Aims of Plan of *Marrickville Local Environmental Plan 2011* with respect to adverse impacts on the public domain and inappropriate building density;
- The proposal is not considered to satisfy the objectives of the R2 Low Density Residential Zone of *Marrickville Local Environmental Plan 2011*;
- The application proposes an 85% variation (equating to 210sqm over the maximum permitted) to Clause 4.4 Floor space ratio of *Marrickville Local Environmental Plan 2011*;
- The application proposes a built form and scale that is incompatible with the character of existing development in the vicinity of the site and the character of the streetscape, contrary to the objectives and controls contained in Parts 2.1, 4.1, and 9.8 of *Marrickville Development Control Plan 2011*; and
- As such, the Clause 4.6 request submitted with the application does not demonstrate sufficient environmental planning grounds to justify contravention of the standard, and the development is inconsistent with the objectives of the R2 low density residential zone.

Due to the issues raised above, it is considered that the proposal does not comply with the aims, objectives, and design parameters contained in the relevant State Environmental Planning Policies, *Marrickville Local Environmental Plan 2011*, and *Marrickville Development Control Plan 2011*.

The application is recommended for refusal.

2. Proposal

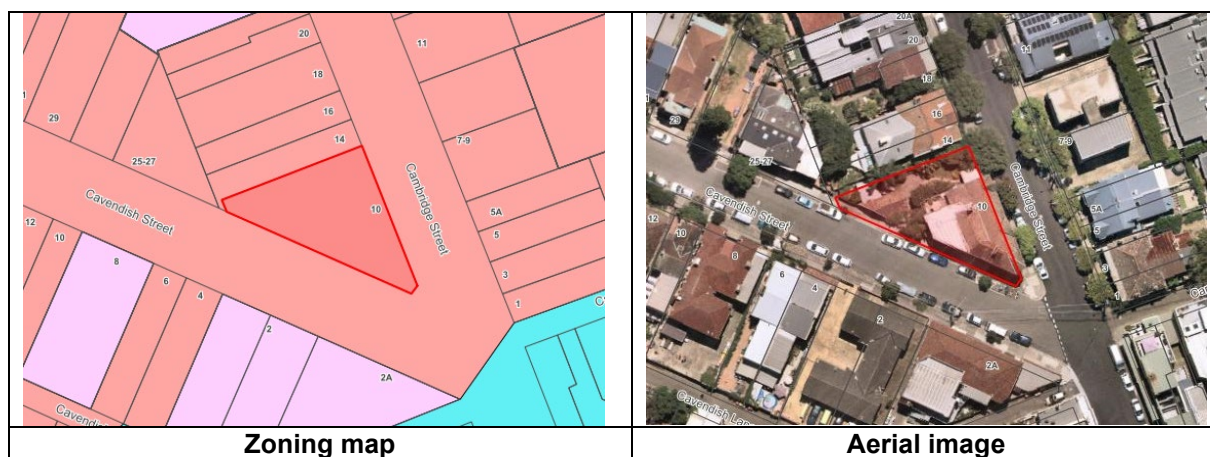
The application proposes tree removal and to demolish an existing single storey garage located at the rear of the site, with construction of a new two storey building containing a garage and storage area at the ground floor and a secondary dwelling at the first floor. The proposed secondary dwelling contains a bedroom, kitchen, and bathroom and separate access to Cavendish Street.

3. Site Description

The subject site is located on the north-western 'wedge' corner of Cambridge Street and Cavendish Street, Enmore. The site consists of one allotment and is generally triangular shaped with a total area of 492.3 sqm.

The site has a primary frontage to Cambridge Street of 31.675 metres and a secondary frontage to Cavendish Street of 41.58 metres.

The site supports a two storey detached dwelling and single storey garage / shed. The adjoining properties support single and two storey dwellings and residential flat buildings. A number of mature trees are located on the site and adjoining properties. Two *Syagrus romanzoffianum* (Cocos Palms) located within the rear yard are proposed to be removed as part of the application. A *Camellia japonica* (Japonica Camellia) located directly to the north of the proposed garage is proposed for retention.



4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site:

Application	Proposal	Decision & Date
DA201900443	Construction of garage with studio above	Withdrawn 28 February 2020
PDA/2020/0147	Construction of garage with studio above	Pre-DA advice issued 6 July 2020

4(b) Application history

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

Date	Discussion / Letter / Additional Information
13 November 2020	Application lodged.
19 November to 3 December 2020	Application notified.
16 December 2020	Request for information (RFI) letter issued requesting the following items to be addressed: <ul style="list-style-type: none"> • Floor space ratio • Building form and character • State Environmental Planning Policy (Affordable Rental Housing) 2009 • Submissions
22 January 2021	The following was submitted by the applicant in response to the request for information: <ul style="list-style-type: none"> • Amended architectural plans
9 February 2021	An amended Clause 4.6 variation request and FSR calculation plans were submitted by the applicant.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*;
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*;
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*; and,
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*;
- *Marrickville Local Environmental Plan 2011*.

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy No 55—Remediation of Land*

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. MDCP 2011 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the development will not require remediation in accordance with *SEPP 55*.

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

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) provides controls relating to various matters including height, floor space ratio, landscaped area, solar access, and private open space requirements for various types of affordable rental housing.

Clause 22 of *ARH SEPP* stipulates the following requirements for secondary dwellings:

Requirement	Proposal	Complies
(1) Development to which this Division applies may be carried out with consent.	Noted.	Yes
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	The proposal would result in the site comprising the existing principal dwelling and the proposed secondary dwelling.	Yes
(3) A consent authority must not consent to development to which this Division applies unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area	(a) The application proposes a total FSR of 0.93:1, which does not comply with the maximum permitted on the site. (b) The proposed secondary	No – see Section 5(a)(iv) below

<p>allowed for a dwelling house on the land under another environmental planning instrument, and</p> <p>(b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.</p>	<p>dwelling has a total floor area of approximately 50sqm.</p>	
<p>(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:</p> <p>(a) site area, if:</p> <p>(i) the secondary dwelling is located within, or is attached to, the principal dwelling, or</p> <p>(ii) the site area is at least 450 square metres,</p> <p>(b) parking, if no additional parking is to be provided on the site.</p>	<p>(a) The site is greater than 450sqm in area.</p> <p>(b) No additional car parking spaces are provided for the proposed secondary dwelling.</p>	<p>Yes</p>
<p>(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).</p>	<p>Noted.</p>	<p>Yes</p>

An assessment against the relevant provisions of the ARH SEPP was not provided by the applicant.

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

A BASIX Certificate was submitted with the application and could be referenced in the event that consent were granted.

5(a)(iv) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)

Vegetation SEPP concerns the protection and removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions contained in Part 2.20 of MDCP 2011.

The application seeks the removal of two *Syagrus romanzoffianum* (Cocos Palms) from the rear of the site. The proposed removal of the subject trees is considered generally acceptable with regard to the *Vegetation SEPP* and Part 2.20 of MDCP 2011 subject to suitable replacement plantings.

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

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

Control	Proposed	Compliance
<p>Clause 1.2 Aims of Plan</p>	<p>The proposal is inconsistent with the relevant aims of the Plan in that:</p> <ul style="list-style-type: none"> The proposal is not considered to have been 	<p>No</p>

	<p>adequately designed to result in acceptable impacts on the public domain; and,</p> <ul style="list-style-type: none"> The proposal does not result in an acceptable residential density in an appropriate location. 	
<p>Clause 1.8A Savings of provision relating to development applications</p>	<p>During the assessment of the application <i>MLEP 2011</i> was amended. The amendments to the current Plan that are of relevance to this application are as follows:</p> <ul style="list-style-type: none"> Amendments to the objectives of the R2 Low Density Residential zone; Amendments to the objectives of Clause 4.3 Height of buildings; and, Amendments to the objectives of Clause 4.4 Floor space ratio. <p>Although the above Clauses are not strictly applicable to the subject application as it was made prior to the commencement of the current Plan, the proposal is not considered to achieve the objectives of the R2 Low Density Residential zone or the Clause 4.4 and is therefore not supported.</p>	No
<p>Clause 2.3 Zone objectives and Land Use Table</p>	<p>The application proposes a structure ancillary to a dwelling house. Dwelling houses are permissible with consent in the R2 Low Density Residential zone.</p> <p>However, the proposal is inconsistent with the relevant objectives of the zone as the proposal results in a development that is not low density in scale.</p>	No
<p>Clause 4.3 Height of buildings <i>J – 9.5m maximum</i></p>	<p>The application does not propose an increase to the existing overall maximum building height. The proposed structure has a compliant building height of 6.1m.</p>	Yes
<p>Clause 4.4 Floor space ratio <i>F – 0.5:1 (246.15 sqm)</i></p>	<p>The application proposes a non-compliant floor space ratio of 0.93:1 (456sqm), which is an 85% variation to the maximum permissible FSR.</p>	No – see Section 5(a)(iv)(i) below
<p>Clause 4.5 Calculation of floor space ratio and site area</p>	<p>The site area and floor space ratio for the proposal has been calculated in accordance with this Clause.</p> <p>However, it is noted that the figures provided in the applicant’s Clause 4.6 variation request are inconsistent with those noted above and indicate that the floor space ratio has not been calculated correctly.</p>	Yes
<p>Clause 4.6 Exceptions to development standards</p>	<p>The applicant has submitted a variation request in accordance with Clause 4.6 to vary Clause 4.4 Floor space ratio of MLEP 2011.</p>	Not supported - see Section 5(a)(iv)(i) below
<p>Clause 5.4 Controls relating to miscellaneous permissible uses</p>	<p>The proposal satisfies the relevant provisions of Clause 5.4(9) with respect to secondary dwellings as the total floor area of the proposed secondary dwelling does not exceed 60 sqm or 35% of the total floor area of the principal dwelling.</p>	Yes
<p>Clause 6.5 Development in areas subject to aircraft noise</p>	<p>The site is located within the ANEF 20-25 contour. The proposal is capable of satisfying this clause subject to a standard condition, which has been included in the recommendation to ensure the proposal will meet the relevant requirements of Table 3.3 (Indoor Design Sound Levels for Determination of</p>	Yes – subject to conditions

	Aircraft Noise Reduction) in AS 2021:2015, thereby ensuring the proposal's compliance with the relevant provisions of Cl. 6.5 of MLEP 2011 and Part 2.6 of MDCP 2011, respectively.	
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(i) Clause 4.6 – Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of Clause 4.4 Floor space ratio of MLEP 2011 and seeks an 85% variation of the development standard, which equates to an area of 210sqm.

It is noted that the variation being sought by the applicant differs from that calculated by Council as demonstrated in the table above with the applicant's request noting a proposed FSR of 0.78:1 and seeking a variation of 56% (138sqm). A plan demonstrating how the applicant calculated the FSR was not submitted.

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of MLEP 2011 below.

A written request has been submitted to Council in accordance with Clause 4.6(3) of MLEP 2011 justifying the proposed contravention of the development standard, which is summarised as follows:

- The proposal represents an appropriate level of development for the subject site given the wide frontage to Cavendish Street, substantial separation between dwellings, the modest nature of the proposal and inherent benefits derived by the design benefitting the residents on-site and the public domain.
- The subject site is zoned low density residential and there are examples in the surrounding neighbourhood of dwellings with similar scale and FSR. The proposed building and FSR on the subject site will be consistent with these.
- The additional gross floor area above the maximum permitted does not add any undesirable bulk to the subject site when viewed from the public domain.
- Strict compliance with the FSR standard could not be achieved as the existing dwelling exceeds the control. The reconstruction of a single storey garage on-site would not generate any additional architectural integrity or urban design merit. The garage as a single storey structure would be out of place in the 2-3 storey environment. The proposed design achieves a complementary built form and building character.
- The proposed built form is not intrusive and maintains a lower scale than surrounding buildings and will remain subservient to the principal dwelling in terms of built form.

The applicant's written rationale does not adequately demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and it does not demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is not in the public interest because it is inconsistent with the objectives of the R2 Low Density Residential zone, having regard to Clause 4.6(4)(a)(ii) of MLEP 2011. The zone objectives read:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for multi dwelling housing and residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings.*
- *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.*
- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.*

The proposal is considered to be inconsistent with the relevant zone objectives for the following reasons:

- The design will not result in a development that is low density in nature, and which is consistent with the character of the area.
- The proposed development results in a GFA that far exceeds the maximum permitted on the site, and which is significantly greater than that of other dwelling houses in the locality. Rather, the proposed GFA is comparable to, and in some instances exceeds, that of residential flat buildings within the area. The visual bulk of the proposed development is therefore not considered to be low density in keeping with the desired future character of the area.
- The proposal is not considered to be compatible with the character and style of surrounding buildings or the architectural style and scale of ancillary buildings and parking structures in the streetscape.
- The proposal is inconsistent with the siting, orientation, and pattern of surrounding buildings as it proposes a two storey ancillary structure with building walls that are not perpendicular to the street that emphasise the overall bulk, scale, and dominance of the development within the street. The proposal therefore results in a development that disrupts the visual continuity and consistency that exists within the streetscape.

It is considered the development is not in the public interest because it is not consistent with the objectives of the floor space ratio development standard in accordance with Clause 4.6(4)(a)(ii) of MLEP 2011, which read:

- to establish the maximum floor space ratio,*
- to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,*
- to minimise adverse environmental impacts on adjoining properties and the public domain.*

The proposal is considered to be inconsistent with the relevant objectives of the development standard for the following reasons:

- The application proposes a residential development that is of a bulk and scale that is incompatible with the character of other low density development in the area.
- The proposal results in a bulk and scale that is inconsistent with the provision of *MLEP 2011* at the time the application was lodged, which stipulates a FSR of 0.5:1, nor the current provisions of *MLEP 2011* or draft provisions of Draft Inner West Local Environmental Plan 2020, which propose a FSR of 0.6:1 for the site.

- The proposed development does not satisfy the relevant built form objectives contained in MDCP 2011, particularly regarding building bulk, scale, and character, and streetscape.
- The examples of nearby infill buildings which have been cited by the applicant as adequate planning justification are generally on much smaller (by overall site size) or narrower lots, and as such they are proportionately smaller buildings and less visually apparent. In most instances they are infill terrace style development where the design seeks to rectify a lack of uniformity in the streetscape, rather than exacerbate it.

The proposal thereby fails to accord with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of MLEP 2011. For the reasons outlined above, it is not considered that there are sufficient planning grounds to justify the departure from the floor space ratio development standard and it is recommended the Clause 4.6 exception not be granted.

5(b) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*. The provisions of Draft IWLEP 2020 relevant to this application are discussed below.

Clause 1.2 Aims of Plan

- to achieve a high-quality urban form and open space in the public and private domain by ensuring new development exhibits architectural and urban design excellence,*
- to prevent adverse social, economic and environmental impacts including cumulative impacts.*

R2 Low Density Residential zone objectives

- *To provide for the housing needs of the community within a low density residential environment.*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

Clause 4.4 Floor space ratio

- to appropriately regulate the density of development, built form and land use intensity based on the capacity and location of existing and planned infrastructure,*
- to ensure that development is compatible with the desired future character,*
- to provide an appropriate transition between development of different densities,*
- to minimise adverse environmental and amenity impacts on adjoining properties, the public domain, heritage conservation areas and heritage items.*

As above, the proposal is considered inconsistent with these provisions as:

- The design is not considered to result in a high-quality urban form and will not exhibit architectural and urban design excellence, as the proposed bulk and scale is inconsistent with the form and character of other low density developments in the locality.
- The proposed development is also incompatible with the character, style, orientation, and pattern of surrounding buildings and the streetscape, as it proposes a two storey ancillary structure with building walls that are not perpendicular to the street and which emphasise the overall bulk, scale, and dominance of the development within

the street. The proposed development does not satisfy the relevant DCP built form objectives and is considered to result in adverse impacts to the streetscape and is therefore considered to adversely impact the public domain.

- The application proposes a density of development that is considered inappropriate for the site and which is inconsistent with the character of other surrounding low density development in the R2 zone.
- The proposal is incompatible with the existing and desired future character of the area, as discussed in Section 5(c)(i) below.

Furthermore, Clause 4.6 of Draft IWLEP 2020 contains the same provisions as those contained in *MLEP 2011*. As discussed in Section 5(a)(v)(i) above, the proposal is not considered to address the relevant provisions of this Clause.

Given the above, the application is considered to be inconsistent with the relevant provisions of Draft IWLEP 2020 and is therefore not supported.

5(c) Development Control Plans

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

Control	Proposed	Compliance
<i>Part 2 – Generic Provisions</i>		
Part 2.1 – Urban Design	The proposal is not considered to have been adequately designed to achieve the relevant urban design principles outlined in Part 2.1, as discussed in section (i) below.	No – see below
Part 2.3 – Site and Context Analysis	The applicant submitted a site and context analysis as part of the application that satisfies the controls contained in Part 2.3 of MDCP 2011.	Yes
Part 2.6 – Acoustic and Visual Privacy	The proposal will have a satisfactory impact on visual and acoustic levels of the surrounds in accordance with Part 2.6 as follows: <ul style="list-style-type: none"> • The windows proposed predominantly face into the site or are adequately offset from adjoining windows, thereby protecting existing privacy levels for surrounding occupiers; and, • The private open space to the proposed secondary dwelling is appropriately located to reduce adverse visual and acoustic privacy impacts to neighbouring properties. 	Yes
Part 2.7 – Solar Access and Overshadowing	The proposal will have a satisfactory impact in terms of solar access and overshadowing on the surrounds in accordance with Part 2.7 as follows: <ul style="list-style-type: none"> • The submitted shadow diagrams demonstrate the development maintains a minimum of 2 hours direct solar access to windows of principal living areas and principal areas of open space of nearby residential properties between 9:00am and 3:00pm on 21 June; • The development will not result in adverse amenity impacts as a result of overshadowing; and, 	Yes – subject to conditions

	<ul style="list-style-type: none"> The private open space provided for the dwelling house receives a minimum two hours of direct sunlight over 50% of its finished surface between 9.00am and 3.00pm on 21 June. <p>However, the proposal does not provide a window having an area not less than 15% of the floor area of the room, positioned within 30 degrees east and 20 degrees west of true north to at least one habitable room of the secondary dwelling that will allow for direct sunlight for at least two hours over a minimum of 50% of the glazed surface between 9:00am and 3:00pm on 21 June. Notwithstanding, a suitable window could be provided through conditions if consent was granted.</p>	
Part 2.9 – Community Safety	The proposal is not considered to address the relevant provisions of this Part in its current form as the principal entrance to the secondary dwelling is not visible from the street as it is located behind a 1.8m high fence and gate. Notwithstanding, this could be addressed through conditions requiring the fence and gate to be relocated such that the door is visible from the street, if consent was granted.	Yes – subject to conditions
Part 2.10 – Parking	The site is located in Parking Area 1 per Part 2.10 of MDCP 2011 and therefore requires one car parking space be provided for a dwelling house and secondary dwelling combined. One (1) car parking space is proposed, which complies with the relevant requirements.	Yes
Part 2.18 – Landscaping and Open Spaces	The proposal is satisfactory having regard to the relevant provisions of Part 2.18 as follows: <ul style="list-style-type: none"> The entire front setback is to consist of pervious landscaping with the exception of the pathway and driveway; A minimum area of 160 sqm, being approximately 33% of the total site area, with no dimension being less than 3 metres is to be retained as private open space for the principal dwelling; A minimum area of 16 sqm with no dimension being less than 4 metres is to be provided as private open space for the secondary dwelling; and, In excess of 50% of the private open space is to be maintained as pervious landscaping. 	Yes
Part 2.20 – Tree Management	See Section 5(a)(iv) above.	Yes – subject to conditions
Part 2.21 – Site Facilities and Waste Management	The proposal is capable of satisfying the relevant provisions of Part 2.21 subject to standard conditions.	Yes – subject to conditions
Part 2.25 – Stormwater Management	The development is capable of satisfying the relevant provisions of Part 2.25 subject to standard conditions.	Yes – subject to conditions
Part 4.1 – Low Density Residential Development		
Part 4.1.4 – Good Urban Design Practice	The proposal is not considered to achieve the relevant objective and controls of this Part, as	No

	discussed in (i) below.	
Part 4.1.5 – Streetscape and Design	The proposal is not considered to achieve the relevant objective and controls of this Part, as discussed in (i) below.	No
Part 4.1.6 – Built form and character	The proposal is not considered to achieve the relevant objective and controls of this Part, as discussed in (i) below.	No
Part 4.1.7 – Car Parking	The proposal is not considered to achieve the relevant objective and controls of this Part, as discussed in (i) below.	No
Part 4.1.9 – Additional Controls for Contemporary Dwellings	The proposal is considered to satisfy the relevant provisions of this Part with respect to colours, materials, and finishes. However, the proposal does not achieve the relevant controls regarding building form, as discussed in (i) below.	No
<i>Part 9 – Strategic Context</i>		
Part 9.8 – Enmore North and Newtown Central	The proposal is not considered to address Part 9.8, as discussed below.	No – see below

(i) Part 2.1 Urban Design, Part 4.1 Low Density Residential Development, and Part 9.8 Enmore North and Newtown Central

The application proposes a two storey detached ancillary structure comprising a single parking space and storage area at the ground floor and a secondary dwelling at the first floor. The structure is located at the rear of the site with a frontage to Cavendish Street.

Whilst in principle the demolition and construction of a new garage could generally be supported, the proposed secondary dwelling and two storey building form are considered to result in an FSR, bulk, and scale that is inconsistent with development in the locality and which is considered incompatible with the existing and desired future character of the area.

As demonstrated in the table below, only one other property (no. 7-9 Cambridge Street) in the vicinity of the site located within the R2 zone has a site area close to that of the subject site, while only two other properties (nos. 7-9 and 11 Cambridge Street) in the R2 zone have a total floor area comparable to that of the proposed development. The two properties with comparable FSRs contain a residential flat building (RFB) and an industrial building that has been converted into residential units, respectively, which by nature have a greater total floor area and overall bulk and scale than a dwelling house. It is also noted that these properties are located on and front Cambridge Street, and do not contribute to the streetscape that the proposed structure is located in (i.e. Cavendish Street).

While it is acknowledged that there are a number of existing developments that feature greater FSRs than the proposed development, the site area and resultant floor areas are significantly less than that of the subject site and therefore provide a built form that has a lesser overall bulk and scale than that of the proposed development. Furthermore, a number of these properties comply with Clause 4.4(2A) with respect to FSR as the provisions of this Clause enable greater FSRs on smaller sites by virtue of a ‘sliding scale’. It is also demonstrated in the table below that the majority of the properties that contain a greater total floor area than that of the proposed development are located in either the R1 General Residential or B2 Local Centre zones, which have a permissible FSR of 0.85:1 (minimum) and 1.5:1, respectively.

Regarding the anticipated bulk and scale of development, it is noted that while RFBs and multi-dwelling housing developments are listed as permissible forms of development in the R2 zone under the applicable LEP, these types of development are only permissible as part

of the conversion of existing industrial and warehouse buildings. As there are no sites within the locality that satisfy this requirement to enable a RFB or multi-dwelling development to be permitted, and as the current LEP and the provisions of Draft IWLEP 2020 prohibit RFBs and multi-dwelling developments in the R2 zone, it is considered that dwelling houses of a low density and scale will remain the primary form of anticipated development within the area and as such this forms the desired future character of the area.

INDICATIVE FSR CALCULATION					
Address	Zone	Storey	Site area(sqm)	Floor area(sqm)	FSR
22-24 Cambridge St	R1	2	680	670	0.98:1
20A Cambridge St	R2	3	160.6	287.5	1.8:1
20 Cambridge St	R2	2	181.4	228.4	1.26:1
18 Cambridge St	R2	2	302	154.5	0.51:1
16 Cambridge St	R2	2	169.27	192.8	1.14:1
14 Cambridge St	R2	2	170.9	195	1.14:1
10 Cambridge St	R2	2	492.3	384.02	0.78:1
13 Cambridge St	R2	2	286	250	0.87:1
11 Cambridge St	R2	3	286	490	1.7:1
7-9 Cambridge St	R2	3	550	510	0.92:1
5 Cambridge St	R2	2	156	150	0.96:1
5A Cambridge St	R2	2	156	150	0.96:1
3 Cambridge St	R2	2	169	165	0.97:1
1 Cambridge St	R2	2	169	165	0.97:1
197 Enmore Rd	B2	3	170	350	2.0 : 1
195 Enmore Rd	B2	2	170	200	1.17:1
191-193 Enmore Rd	B2	2	341.12	620	1.8:1
199 Enmore Rd	B2	3	328.85	864.7	2.63:1
201 Enmore Rd	B2	2	150	215	1.43:1
2A Cavendish St	R1	2	450	455.68	1.0 : 1
2 Cavendish St	R1	2	600.85	520.6	0.86:1
4 Cavendish St	R2	2	255.32	215.38	0.84:1
6 Cavendish St	R2	2	255.32	215.38	0.84:1
8 Cavendish St	R1	2	450.64	450	1.0 : 1
27 Cavendish St	R2	2	248.54	297.4	1.2:1

Figure 1: Applicant's non-exhaustive list of indicative FSR of nearby buildings (note: this table was submitted and calculated by the applicant; the exact FSR of the identified properties has not been calculated by Council).

In particular, the proposal is considered inconsistent with the following objectives and controls contained in MDCP 2011:

Part 2.1 – Urban Design

- Principle 9 – as the proposal does not preserve or enhance the characteristics of existing development in the locality, which features ancillary structures (including parking facilities) that are single storey in height and subordinate to the main building, and comprise walls that are perpendicular to the site boundaries.

Part 4.1 – Low Density Residential Development

- Objectives O8, O9, O10, O18, and O19, and Controls C2, C7, C8, C12, C14, C31, and C49 – as the proposed development results in a building bulk, scale, and height that does not contribute positively to or maintain the existing uniformity of the streetscape and which is considered incompatible with the character of the area.

Additionally, the second storey over the garage results in a further departure from the maximum FSR permitted on the site and results in a bulk and scale that forms a dominant element within the streetscape.

Part 9.8 – Enmore North and Newtown Central

- Item 4 – as the proposed two storey structure is not considered to protect, preserve, and enhance the existing character of the streetscape and does not propose a compatible building bulk, scale, and form; and,
- Item 9 – as the proposal is not considered to support excellence in contemporary design.

Considering the above, the proposal is considered unsupportable and refusal of the application is recommended.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the built environment of the locality as follows:

- The proposed development will result in a building density and form that does not meet the relevant objectives and controls of *MLEP 2011*, *Draft IWLEP 2020*, and *MDCP 2011* with respect to bulk, scale, and character.

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

It is considered that the proposal will have an adverse impact on the adjoining properties and therefore it is considered that the site is unsuitable to accommodate the proposed development.

5(g) Any submissions

The application was notified in accordance with the Inner West Council *Community Engagement Framework* for a period of 14 days to surrounding properties. Two (2) submissions were received in response to the initial notification.

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

- Building bulk and scale – see Section 5(c)(iv) above.

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

Submission	Comment
Concern was raised that the proposed development will damage the existing sewer lines of nos. 14 and 16 Cambridge Street, which traverse the western corner of the subject site towards Cavendish Street and which are not shown on the submitted plans.	The subject sewer line is a Sydney Water asset and it does not appear an easement exists over no. 10 Cambridge Street. If recommended for approval, a condition could be included in the consent requiring the applicant to obtain approval from Sydney Water prior to the Construction Certificate being issued that the sewer is appropriately encased or relocated

5(h) The Public Interest

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

The proposal is contrary to the public interest.

6 Referrals

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

- Tree Officer
- Development Engineer

7. Section 7.11 Contributions

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid should be imposed in the event that consent were granted.

8. Conclusion

The proposal does not comply with the relevant aims, objectives, and design parameters contained in the applicable State Environmental Planning Policies, *Marrickville Local Environmental Plan 2011*, Draft Inner West Local Environmental Plan 2020, and Marrickville Development Control Plan 2011.

The development would result in a built form that is of a density, bulk, and scale that is incompatible with surrounding low density development and which results in significant impacts on the streetscape and is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 to vary Clause 4.4 of *Marrickville Local Environmental Plan 2011*. After considering the request, the Panel is not satisfied that compliance with the standard is unnecessary in the circumstance of the case nor that there are sufficient environmental planning grounds to support the variation. The proposed development will not be in the public interest because the exceedance is inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2020/0932 for the demolition of an existing garage and construction of a two storey freestanding building containing a garage and shed on the ground floor and a secondary dwelling on the first floor at 10 Cambridge Street Enmore NSW 2042 for the following reasons:

- i. The proposal fails to demonstrate that it satisfies the following Clauses of *Marrickville Local Environmental Plan 2011*, having regard to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
 - a. Clause 1.2 Aims of Plan;
 - b. Clause 2.3 Zone Objectives and Land Use Table (Zone R2 Low Density Residential – 1 Objectives of zone);
 - c. Clause 4.4 Floor space ratio; and,
- ii. The applicant has submitted a request under Clause 4.6 of the *Marrickville Local Environmental Plan 2011* to vary Clause 4.4 of that Plan relating to Floor Space Ratio. Contrary to the requirements of Clause 4.6, the application has failed to demonstrate sufficient environmental planning grounds to vary the development standard and the proposal will be inconsistent with the objectives of the standard and the zone in which the development is to be carried out.
- iii. The proposal fails to demonstrate that it satisfies the following Clauses of Draft Inner West Local Environmental Plan 2020, having regard to Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*:
 - a. Clause 1.2 Aims of Plan;
 - b. Clause 2.3 Zone Objectives and Land Use Table (Zone R2 Low Density Residential – 1 Objectives of zone);
 - c. Clause 4.4 Floor space ratio; and,
 - d. Clause 4.6 Exceptions to development standards.
- iv. The proposal fails to demonstrate that it satisfies the following Parts of *Marrickville Development Control Plan 2011*, pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*:
 - a. Part 2.1 – Urban Design;
 - b. Part 4.1 – Low Density Residential Development; and,
 - c. Part 9.8 – Enmore North and Newtown Central.
- v. The proposal fails to demonstrate that it will not result in any significant impacts on the built environment, particularly with respect to establishing an undesirable bulk, scale, and streetscape impact, pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
- vi. The proposal fails to demonstrate that it is suitable for the site, having regard to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
- vii. The application fails to take into consideration the concerns raised in the submissions that were received following the notification of the application, having regard to Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*.
- viii. The application fails to demonstrate that it is in the public interest, having regard to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

Attachment A – Recommended conditions should the application be approved

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
P-206539 DA-CC 2/13 Rev 20	Site & Stormwater Plan	20/01/2021	Beechwood Homes
P-206539 DA-CC 3/13 Rev 20	Site Management Plan	20/01/2021	Beechwood Homes
P-206539 DA-CC /13 Rev 20	Site & Stormwater Plan	20/01/2021	Beechwood Homes
P-206539 DA-CC 5/13 Rev 20	Roof Plan & Sections	20/01/2021	Beechwood Homes
P-206539 DA-CC 6/13 Rev 20	Elevations	20/01/2021	Beechwood Homes
P-206539 DA-CC 8/13 Rev 20	Street Elevation	20/01/2021	Beechwood Homes

As amended by the conditions of consent.

FEES

2. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$2,209.00
Inspection Fee:	\$236.70

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

3. Section 7.12 (formerly section 94A) Development Contribution Payments

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Marrickville Section 94/94A Contributions Plan 2014*.

Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount*:

\$2,189.95

*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions); cash (to a maximum of \$10,000)**. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment**

contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

4. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

GENERAL CONDITIONS

5. Tree Protection

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Tree No.	Botanical/Common Name	Location
-	<i>Camellia japonica</i> (Japonica Camellia)	Rear

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;
- b. Red for trees to be removed;
- c. Blue for trees to be pruned; and
- d. Yellow for trees to be transplanted.

6. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

7. Works to Trees

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:

Tree/location	Approved works
2 x <i>Syagrus romanzoffianum</i> (Cocos Palms) / rear	Removal

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

8. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

9. Stormwater Drainage System – Simple

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, down pipe, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road.

10. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

11. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

12. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

PRIOR TO ANY DEMOLITION

13. Advising Neighbors Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

14. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

PRIOR TO CONSTRUCTION CERTIFICATE

15. Dilapidation Report – Pre-Development – Minor

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

16. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water’s online ‘Tap In’ program to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

17. Acoustic Report – Aircraft Noise

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

DURING DEMOLITION AND CONSTRUCTION

18. Tree Protection

To protect the following tree, tree protection fencing must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council’s *Development Fact Sheet—Trees on Development Sites*:

Tree No.	Botanical/Common Name/Location
-	<i>Camellia japonica</i> (Japonica Camellia) / rear

19. Tree Protection Zone

To protect the two street trees located within 7 metres of the works, the tree pits are to be fenced off at the perimeter to prevent any activities, storage or the disposal of materials within

the fenced area. The fencing must be maintained intact until the completion of all demolition/building work on site.

Tree No.	Botanical/Common Name	Radius in metres
-	<i>Tristaniopsis laurina</i> (Water Gum)	50 x 50mm timber stakes are to be installed at each corner of tree pit, parawebbing or shade cloth or similar to be installed and secured around the outside of the stakes.

20. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

21. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

PRIOR TO OCCUPATION CERTIFICATE

22. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

23. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

24. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

25. Aircraft Noise –Alterations and Additions

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a report from a suitably qualified person demonstrating that each of the commitments listed in Aircraft Noise Assessment Report required by this consent has been satisfied.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a

further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

ON-GOING

26. Tree Establishment

The tree/s planted as part of this consent is/are to be maintained in a healthy and vigorous condition for 12 months from the issue of an Occupation Certificate. If any of the tree/s is/are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate it/they must be replaced with the same species within one (1) month (up to 3 occurrences).

ADVISORY NOTES

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

Tree Pruning or Removal (including root pruning/mapping)

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

Permits

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;

- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Toilet Facilities

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

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

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council’s Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Useful Contacts

BASIX Information 1300 650 908 weekdays 2:00pm - 5:00pm
www.basix.nsw.gov.au

Department of Fair Trading 13 32 20
www.fairtrading.nsw.gov.au

Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Prior to You Dig 1100
www.dialprior toyoudig.com.au

Landcom 9841 8660

				To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments	131441		www.lspc.nsw.gov.au
NSW Food Authority		1300 552 406		www.foodnotify.nsw.gov.au
NSW Government				www.nsw.gov.au/fibro www.diysafe.nsw.gov.au
				Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555		www.environment.nsw.gov.au
Sydney Water		13 20 92		www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA	1300 651 116		www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)				www.waterrating.gov.au
WorkCover Authority of NSW		13 10 50		www.workcover.nsw.gov.au
				Enquiries relating to work safety and asbestos removal and disposal.

Lead-based Paint

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

Street Numbering

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

Attachment B – Plans of proposed development

NOTE: DIMENSIONS TO BE READ IN PREFERENCE TO SCALE AND ARE TO FACE OF STRUCTURAL ELEMENTS. DIMENSIONS MAY VARY SUBJECT TO SELECTED FINISHES.

NOTE: IMAGES NOT TO SCALE

PROPOSED:
BRICK VENEER GARAGE & STUDIO

CLIENT:
 KAREN WILTSHIRE

SITE ADDRESS:
 DP: 940038 | LOT 1, No.10
 CAMBRIDGE STREET
 ENMORE, NSW 2042

COUNCIL:
 INNER WEST

STAGE:
 DA PLAN

Date	Drawn	Revision
20/07/19	AN	AMENDED PLANS AS PER MARK UP DATED 19/07/19
18/10/19	AN	AMENDED PLANS AS PER MARK UP DATED 18/10/19
08/11/19	AN	AMENDED PLANS AS PER MARK UP DATED 08/11/19
18/12/19	AN	AMENDED PLANS AS PER MARK UP DATED 08/11/19
26/02/20	AN	AMENDED PLANS AS PER PROPOSED LAYOUT DATED 26/02/20
01/04/20	AN	AMENDED PLANS PER CLIENT EMAIL DATED 1/03/20
29/04/20	AN	AMENDED PLANS PER CLIENT EMAIL DATED 29/04/20
06/05/20	AN	COUNCIL PLAN 05/20
24/05/20	AN	AMENDED PLANS AS PER PLANNERS REQUIREMENT
21/09/20	AN	AMENDED PLANS PER CLIENTS REQUEST
12/10/20	AN	UPDATED WALL INSULATION RATE
28/10/20	SV	COLOUR CHANGES TO FACADE
21/10/20	SV	DA PLAN
20/11/21	AN	AMENDED STUDIO FRONT SETBACK

PROJECT ID: P-206539
SHEET #: 1/13
ISSUE DATE: 18.04.19
DRAWN BY: LB
REV. ID: 20

LODGE/MENT	PROJECT ID	SHEET #
DA-CC	P-206539	1/13

HOUSE TYPE: STUDIO
PLAN VARIATION: TERRAZZA
FACE: CLASSIC
BEESTOTAL: 1 BED
CHARGE: DG
POSITION: N/A
VERSION: 4.4a

BEECHWOOD HOMES (NSW) PTY. LTD.
 BEECHWOOD HOMES (NSW) PTY LTD TRADING AS BEECHWOOD HOMES
 ABN 50 632 870 104 | BUILDERS LICENCE 207785C

SUNNY BUSINESS CENTRE (HEAD OFFICE)
 SUITE 242/250 BRIDGE STREET, WENTWORTH PARK, NSW, 2164 | P (02) 8616 0888 | F (02) 8616 0891

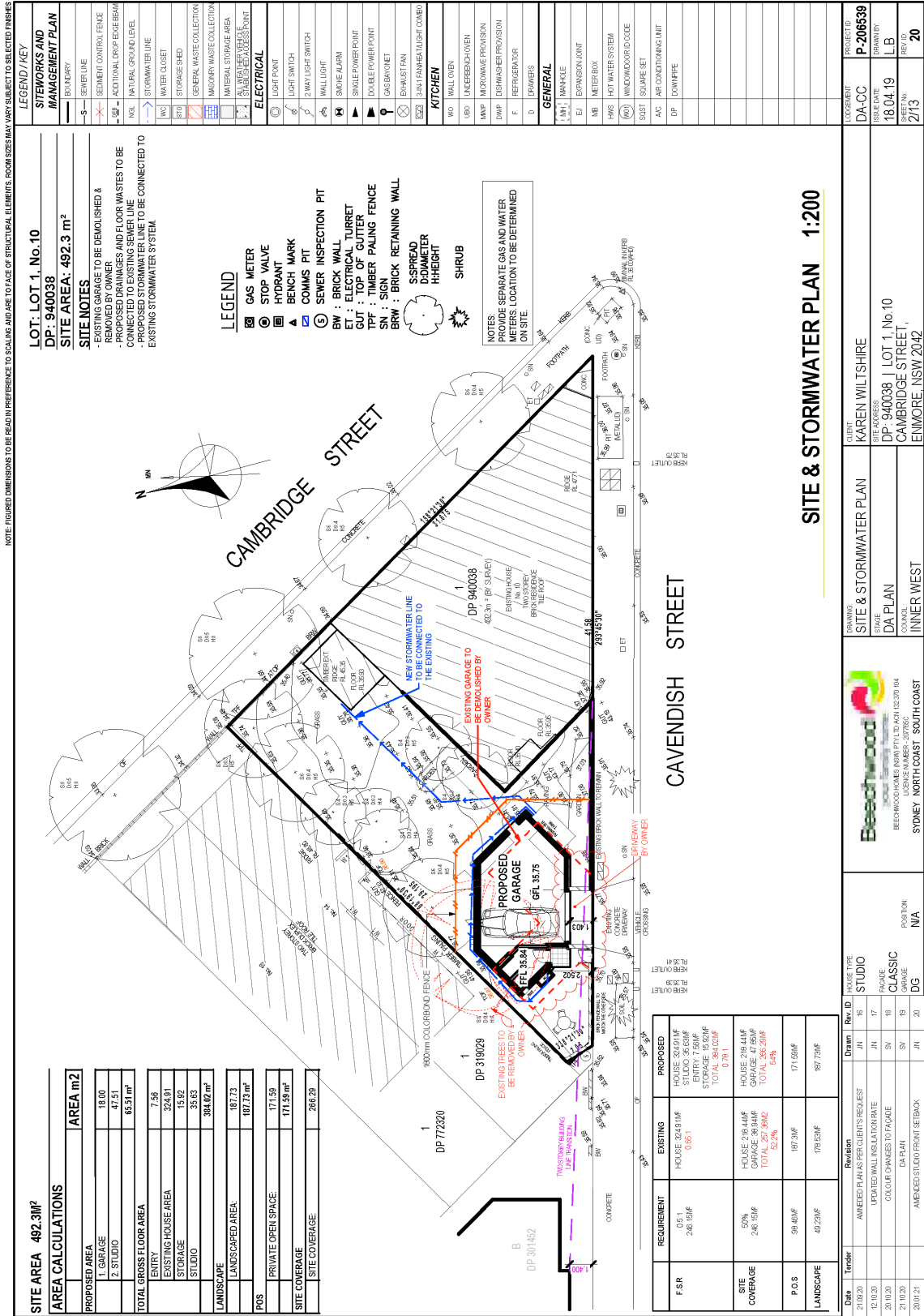
NORTH COAST BUSINESS CENTRE
 UNIT 4, 28 BALLOON DRIVE, BERESFIELD, NSW, 2322 | P (03) 4028 8716 | F (03) 4891 5288

SOUTH COAST BUSINESS CENTRE
 Cnr CAMDENHARRA ROAD & PRINCES HIGHWAY, BOMADERRY, NSW, 2541 | P (02) 4424 9500 | F (02) 4423 1002

General Notes

- Items liable to rot. Change points. Spine/intermediate system as per AS3660.1
- All structural drawings are to be used in conjunction with specifications provided.
- These drawings are to be used in conjunction with specifications provided.
- If engineers structural drawings are required, such must take preference to these drawings.
- All member dimensions are timber treated sizes only (exclude gypcrete lining).
- All dimensions are to face unless otherwise stated.
- Building work to be carried out strictly in accordance to these drawings - in the event of any alterations or discrepancies, Beechwood Homes is to be notified immediately.

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LEGEND / KEY

SITING AND MANAGEMENT PLAN

— BOUNDARY

— SEWER LINE

— GENERAL CONTROL FENCE

— ADDITIONAL LERP EDGE BEAM

— N.S.I. NATURAL GROUND LEVEL

— STORMWATER LINE

— WATER CLOSET

— STORAGE SHED

— GENERAL WASTE COLLECTION

— MASONRY WASTE COLLECTION

— MATERIAL STORAGE AREA

— 1.5m x 1.5m x 1.5m PAINT

ELECTRICAL

— LIGHT POINT

— LIGHT SWITCH

— 2 WAY LIGHT SWITCH

— WALL LIGHT

— SMOKE ALARM

— SINGLE POWER POINT

— DOUBLE POWER POINT

— GAS BAYONET

— EXHAUST FAN

KITCHEN

— W/O WALL OVEN

— I/B/O UNDERBENCH OVEN

— I/M/P MICROWAVE PROVISION

— D/WP DISHWASHER PROVISION

— F. REFRIGERATOR

— D. DRAWERS

GENERAL

— M.H. MANHOLE

— E/J EXPANSION JOINT

— M/B METER BOX

— H/W/S HOT WATER SYSTEM

— (W/D) WINDOW/DOOR CODE

— S/S ST SQUARE SET

— A/C AIR CONDITIONING UNIT

— D/P DOWNPIPE

LOT: LOT 1, No. 10

DP: 940038

SITE AREA: 492.3 m²

SITE NOTES

- EXISTING GARAGE TO BE DEMOLISHED & REPLACED BY PROPOSED GARAGE
- PROPOSED DRAINAGES AND FLOOR WASTES TO BE CONNECTED TO EXISTING SEWER LINE
- PROPOSED STORMWATER LINE TO BE CONNECTED TO EXISTING STORMWATER SYSTEM

LEGEND

- GAS METER
- STOP VALVE
- HYDRANT
- A BENCH MARK
- C SEWER INSPECTION PIT
- BW : BRICK WALL
- ET : ELECTRICAL TURRET
- GUT : TOP OF GUTTER
- TPF : TIMBER PALING FENCE
- SN : SIGN
- BRW : BRICK RETAINING WALL
- S:SPREAD
- D:DIAMETER
- H:HEIGHT
- SHRUB

NOTES:

- PROVIDE SEPARATE GAS AND WATER METERS. LOCATION TO BE DETERMINED ON SITE.

AREA CALCULATIONS

PROPOSED AREA	AREA m ²
1. GARAGE	18.00
2. STUDIO	47.51
TOTAL GROSS FLOOR AREA	65.51 m²
ENTRY	7.56
EXISTING HOUSE AREA	324.91
STORAGE	15.92
STUDIO	35.03
LANDSCAPE	384.02 m²
LANDSCAPED AREA:	187.73
PRIVATE OPEN SPACE:	187.73 m ²
SITE COVERAGE	171.59 m²
SITE COVERAGE	263.29

REQUIREMENT	EXISTING	PROPOSED
F.S.R	0/11 246.15M ²	HOUSE 204.91M ² STUDIO 36.59M ² ENTRY 7.56M ² STORAGE 15.92M ² TOTAL 265.00M ² 101% 0.3%
SITE COVERAGE	HOUSE 218.44M ² GARAGE 18.00M ² TOTAL 236.44M ² 101% 52.3%	HOUSE 218.44M ² GARAGE 18.00M ² TOTAL 236.44M ² 101% 54%
P.O.S	98.46M ²	171.59M ²
LANDSCAPE	492.30M ²	187.73M ²

REVISION

Date	Tender	Revision	Drawn	Rev. ID	HOUSE TYPE
21/10/20		AMENDED PLANS PER CLIENT'S REQUEST	JN	16	STUDIO
21/10/20		EXTRA WALL INSULATION RATE	JN	17	PACKAGE
21/10/20		COLOR CHANGES TO FAÇADE	SV	18	CLASSIC
21/10/20		DA PLAN	SV	19	GARAGE
20/12/21		AMENDED STUDIO FRONT SETBACK	JN	20	DG

CLIENT: KAREN WILTSHIRE

SITE ADDRESS: DP- 940038 | LOT 1, No. 10
CAMBRIDGE STREET,
ENMORE, NSW 2042

DRAWING: SITE & STORMWATER PLAN

STAGE: DA PLAN

COUNCIL: INNER WEST

PROJECT ID: P-206539

LOCKEY: DA-CC

ISSUE DATE: 18.04.19

DRAWN BY: L.B

SHEET NO.: 2/13

REV. ID: 20

BEACHWOOD

BEACHWOOD HOMES PRIVATE LTD (ACN 102 270 004)

SYDNEY NORTH COAST SOUTH COAST

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BEACHWOOD

BEACHWOOD HOMES PRIVATE LTD (ACN 102 270 004)

SYDNEY NORTH COAST SOUTH COAST

BEACHWOOD

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SYDNEY NORTH COAST SOUTH COAST

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BEACHWOOD

BEACHWOOD HOMES PRIVATE LTD (ACN 102 270 004)

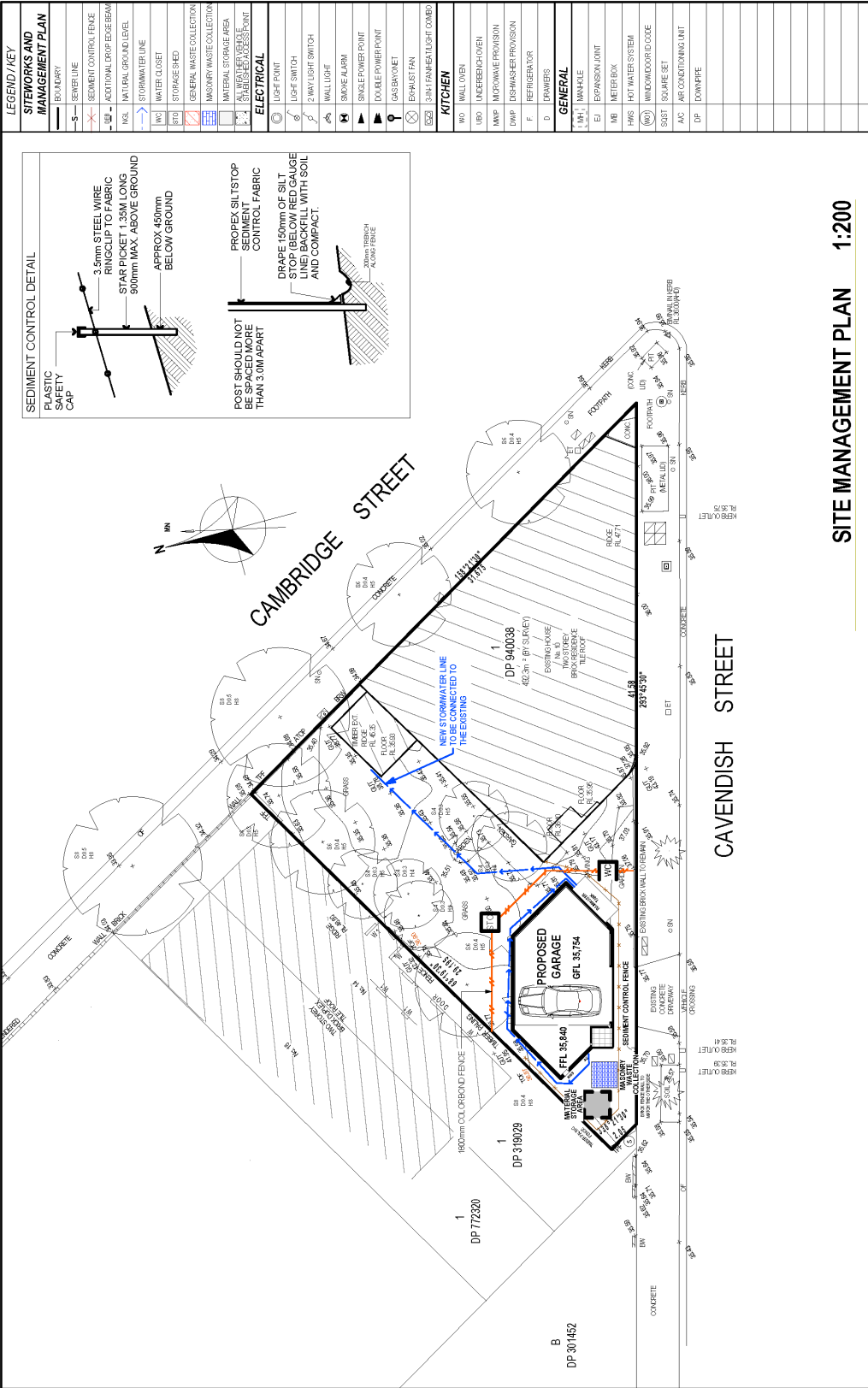
SYDNEY NORTH COAST SOUTH COAST

BEACHWOOD

BEACHWOOD HOMES PRIVATE LTD (ACN 102 270 004)

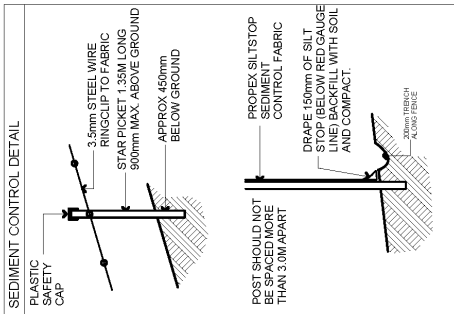
SYDNEY NORTH COAST SOUTH COAST

NOTE: FIGURED DIMENSIONS TO BE READ IN PREFERENCE TO SCALES AND ARE TO FACE OF STRUCTURAL ELEMENTS. ROOM SIZES MAY VARY SUBJECT TO SELECTED FINISHES



LEGEND / KEY

SITING AND MANAGEMENT PLAN	
[Symbol]	BOUNDARY
[Symbol]	GENERAL LINE
[Symbol]	SEDIMENT CONTROL FENCE
[Symbol]	ADDITIONAL DRIP EDGE BEAM
[Symbol]	NATURAL GROUND LEVEL
[Symbol]	STORMWATER LINE
[Symbol]	WATER CLOSET
[Symbol]	STORAGE SHED
[Symbol]	GENERAL WASTE COLLECTION
[Symbol]	MASONRY WASTE COLLECTION
[Symbol]	MATERIAL STORAGE AREA
[Symbol]	STABLE EXISTING POINT
ELECTRICAL	
[Symbol]	LIGHT POINT
[Symbol]	LIGHT SWITCH
[Symbol]	2 WAY LIGHT SWITCH
[Symbol]	WALL LIGHT
[Symbol]	SMOKE ALARM
[Symbol]	SINGLE POWER POINT
[Symbol]	DOUBLE POWER POINT
[Symbol]	GAS BAYONET
[Symbol]	EXHAUST FAN
[Symbol]	3.6M FRAMER LIGHT COVER
KITCHEN	
[Symbol]	WO WALL OVEN
[Symbol]	LIBO LINER/EM/POVEN
[Symbol]	IMP MICROWAVE PROVISION
[Symbol]	DWP DISHWASHER PROVISION
[Symbol]	F REFRIGERATOR
[Symbol]	D DRAWERS
GENERAL	
[Symbol]	1.5M ² HANDBLE
[Symbol]	EJ EXPANSION JOINT
[Symbol]	MB METER BOX
[Symbol]	HWS HOT WATER SYSTEM
[Symbol]	(ND) WINDOW/DOOR CODE
[Symbol]	SOST SQUARE SET
[Symbol]	AC ARC CONDITIONING UNIT
[Symbol]	DP DOWNPIPE



SITE MANAGEMENT PLAN 1:200

Date	Tender	Revision	Drawn	Rev. ID	HOUSE TYPE
14/07/19		PLANS AMENDED AS PER CLIENT'S REQUEST	LB	01	STUDIO
21/10/20		DA PLAN	SV	19	HOUSE
20/01/21		AMENDED STUDIO FRONT SETBACK	JN	20	CLASSIC GARAGE
					POSITION
					MA

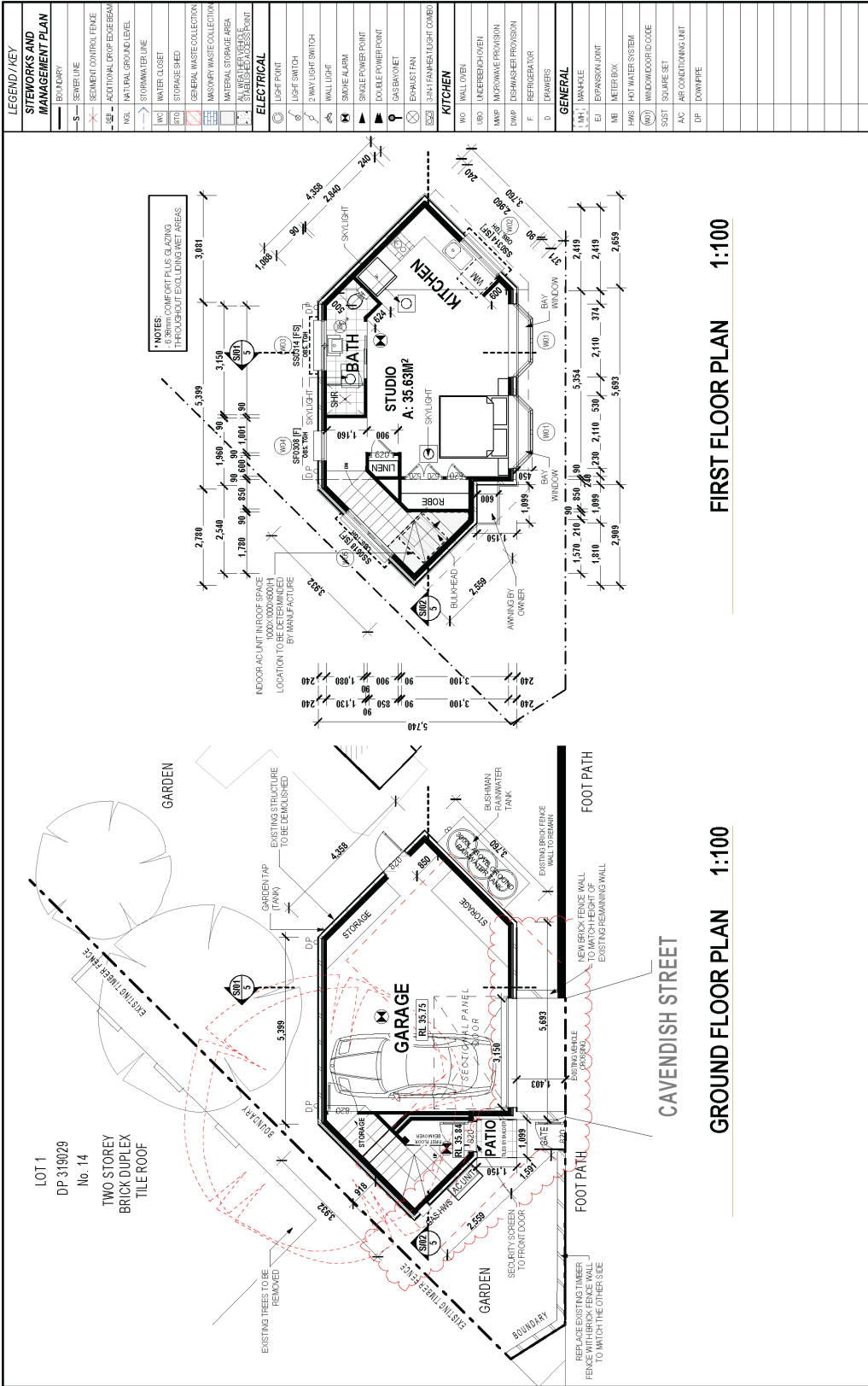
Drawings	Client
SITE MANAGEMENT PLAN	KAREN WILTSHIRE
DA PLAN	DP-940038 LOT 1, No.10
COUNCIL	CAMBRIDGE STREET, ENMORE, NSW 2042

Locksheet	Project ID
DA-CC	P-206539
ISSUE DATE	18.04.19
SHEET NO.	3/13
REV. ID.	20



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LEGEND / KEY

SITING AND MANAGEMENT PLAN	
—	BOUNDARY
—	SEWER LINE
—	SEWAGE CONTROL FENCE
—	ADDITIONAL DRAIN EDGE BEAM
—	NATURAL GROUND LEVEL
—	STORMWATER LINE
—	WATER CLOSET
—	STORAGE SHED
—	GENERAL WASTE COLLECTION
—	MASONRY WASTE COLLECTION
—	MATERIAL STORAGE AREA
—	STAIRS
—	STAIR CASE
—	STAIR CASE

ELECTRICAL

⊙	LIGHT POINT
⊙	LIGHT SWITCH
⊙	2 WAY LIGHT SWITCH
⊙	WALL LIGHT
⊙	SMOKE ALARM
⊙	SINGLE POWER POINT
⊙	DOUBLE POWER POINT
⊙	GAS BAYONET
⊙	EXHAUST FAN
⊙	EXHAUST FAN (LIGHT COVERED)

KITCHEN

⊙	W/O WALL OVEN
⊙	L/B/O LINER/END PANE
⊙	M/MP MICROWAVE/FRONZON
⊙	D/W/P DISHWASHER/PROVISION
⊙	R/REFRIGERATOR
⊙	D/ DRAWERS

GENERAL

⊙	M/H/1 MANKLE
⊙	EJ/ EXPANSION JOINT
⊙	MB/ METER BOX
⊙	M/MS HOT WATER SYSTEM
⊙	(W/O) WINDOW/DOOR/COZE
⊙	S/OST SQUARE SET
⊙	A/C AIR CONDITIONING UNIT
⊙	DP DOWNPIPE

Drawn	Rev. ID	HOUSE TYPE
JIN	16	STUDIO
JIN	17	PACKAGE
SV	18	CLASSIC
SV	19	GARAGE
JIN	20	DG
JIN	21	N/A

Revision	AMENDED PLANS PER CLIENT'S REQUEST
12/10/20	EXPANDED WALL INSULATION RATE
20/10/20	COLOR CHANGES TO FACADE
21/10/20	DA PLAN
20/01/21	AMENDED STUDIO FRONT SETBACK

Date	Tender	Client
		KAREN WILTSHIRE
		DP-940038 LOT 1, No.10
		CAMBRIDGE STREET,
		ENMORE, NSW 2042

Drawings	Client
FLOOR PLANS	KAREN WILTSHIRE
DA PLAN	DP-940038 LOT 1, No.10
INNER WEST	CAMBRIDGE STREET,
	ENMORE, NSW 2042

Project ID	Locksheet
P-206539	DA-CC
Issue Date	Drawn By
18.04.19	L.B
Sheet No.	Rev. ID
4/13	20

Beachwood
BEACHWOOD HOMES FINANCIAL LTD (ACN 152 270 104)
SYDNEY NORTH COAST SOUTH COAST

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NOTE: FIGURED DIMENSIONS TO BE READ IN PREFERENCE TO SCALES AND ARE TO FACE OF STRUCTURAL ELEMENTS. ROOM SIZES MAY VARY SUBJECT TO SELECTED FINISHES

LEGEND / KEY	
SITING AND MANAGEMENT PLAN	
—	BOUNDARY
S	SEWER LINE
—	SEWER CONTROL FENCE
—	ADDITIONAL DRIP EDGE BEAM
—	NATURAL GROUND LEVEL
—	STAIRWATER LINE
—	WATER CLOSET
—	STORAGE SHED
—	GENERAL WASTE COLLECTION
—	MASONRY WASTE COLLECTION
—	MATERIAL STORAGE AREA
—	STAIRWELL
—	STAIRCASE
ELECTRICAL	
—	LIGHT POINT
—	LIGHT SWITCH
—	2 WAY LIGHT SWITCH
—	WALL LIGHT
—	SMOKE ALARM
—	SINGLE POWER POINT
—	DOUBLE POWER POINT
—	GAS BAYONET
—	EXHAUST FAN
—	3/4" FRAME LIGHT COVER
KITCHEN	
—	WO WALL OVEN
—	LIBO UNDERBENCH OVEN
—	MMP MICROWAVE PROVISION
—	DWP DISHWASHER PROVISION
—	F REFRIGERATOR
—	D DRAWERS
GENERAL	
—	M-H-1 MANHOLE
—	EJ EXPANSION JOINT
—	MB METER BOX
—	MWS HOT WATER SYSTEM
—	(W) WINDOW/DOOR/CLOZE
—	SOST SQUARE SET
—	AC AIR CONDITIONING UNIT
—	DP DOWNPIPE

FRONT ELEVATION 1:100

REAR ELEVATION 1:100

EAST ELEVATION 1:100

WEST ELEVATION 1:100

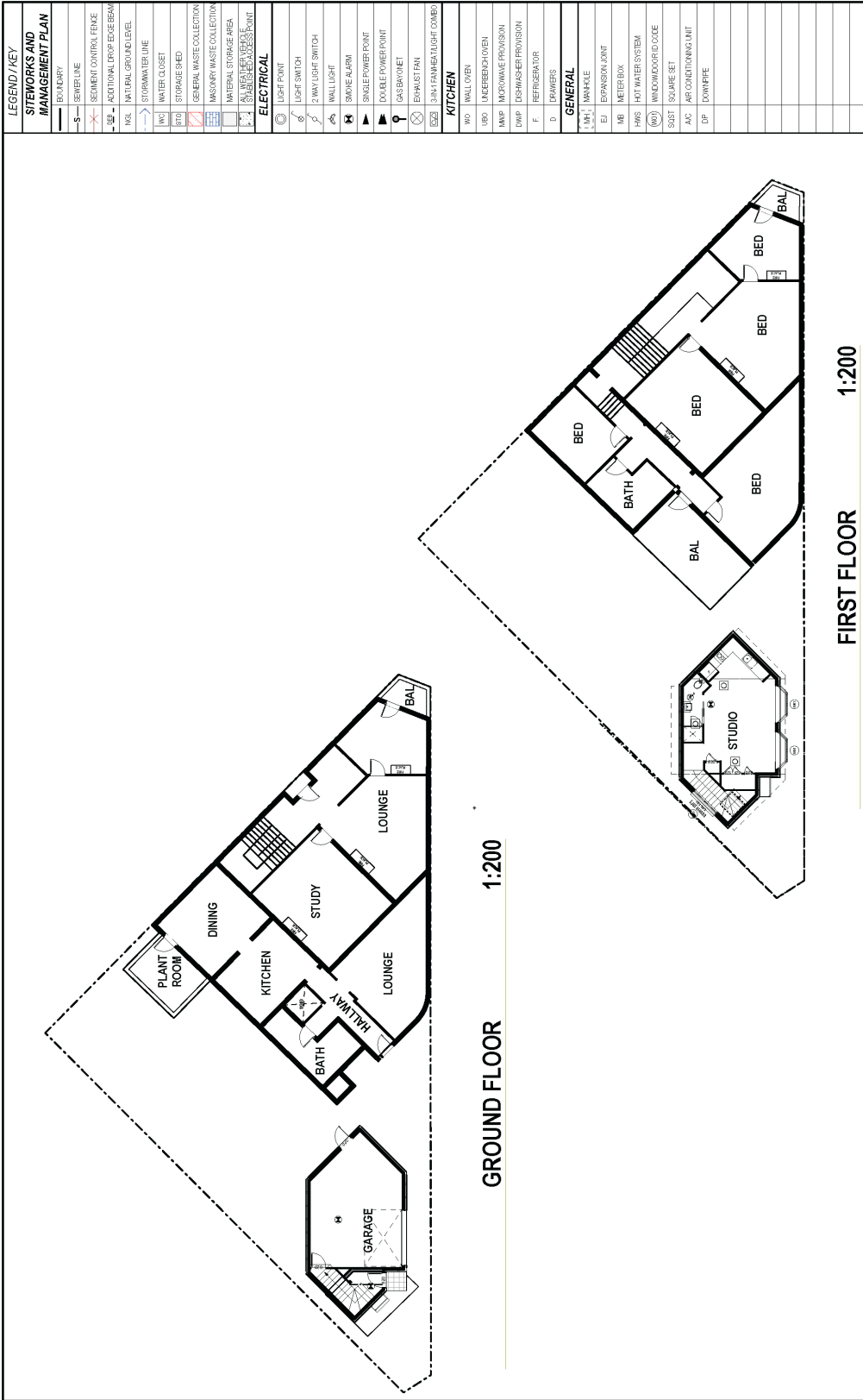
Date	Tender	Revision	Drawn	Rev. ID	HOUSE TYPE
21/09/20		AMENDED PLAN AS PER CLIENT'S REQUEST	JN	16	STUDIO
12/10/20		UPDATED WALL INSULATION RATE	JN	17	HOUSE
20/10/20		COLOUR CHANGES TO FAÇADE	SV	18	CLASSIC
21/10/20		DA PLAN	SV	19	GARAGE
20/01/21		AMENDED STUDIO FRONT SETBACK	JN	20	DG

Drawings	Elevations	Client	KAREN WILTSHIRE
Stage	DA PLAN	Site Address	DP-940038 LOT 1, No.10 CAMBRIDGE STREET, ENMORE, NSW 2042
Council	INNER WEST		

Project ID	P-206539
Locksheet	DA-CC
Issue Date	18.04.19
Drawn By	L.B
Sheet No.	6/13
Rev. ID	20

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Date	Tender	Revision	Drawn	Rev. ID	HOUSE TYPE
21/09/20		AMENDED PLANS AS PER CLIENT'S REQUEST	JN	16	STUDIO
12/10/20		UPDATED WALL INSULATION RATE	JN	17	CLASSIC
20/10/20		COLOUR CHANGES TO FACADE	SV	18	CLASSIC
2/10/20		DA PLAN	SV	19	GARAGE
20/01/21		AMENDED STUDIO FRONT SETBACK	JN	20	DG

LEGEND / KEY	
SITING NETWORKS AND MANAGEMENT PLAN	
—	BOUNDARY
—	SEWER LINE
—	SEWAGE CONTROL FENCE
—	ADDITIONAL LERP EDGE BEAM
—	NATURAL GROUND LEVEL
—	STORMWATER LINE
—	WATER CLOSET
—	STORAGE SHED
—	GENERAL WASTE COLLECTION
—	MASONRY WASTE COLLECTION
—	MATERIAL STORAGE AREA
—	WATER SERVICES POINT
ELECTRICAL	
—	LIGHT POINT
—	LIGHT SWITCH
—	2 WAY LIGHT SWITCH
—	WALL LIGHT
—	SMOKE ALARM
—	SINGLE POWER POINT
—	DOUBLE POWER POINT
—	GAS BAYONET
—	EXHAUST FAN
—	3-4-1 EXHAUST LIGHT COVERED
KITCHEN	
—	WO WALL OVEN
—	LBO LINER/EMPHOVEN
—	MWP MICROWAVE PROVISION
—	DWP DISHWASHER PROVISION
—	F REFRIGERATOR
—	D DRAWERS
GENERAL	
—	MH+1 HANDHOLE
—	EJ EXPANSION JOINT
—	MB METER BOX
—	MWS HOT WATER SYSTEM
—	MO WINDOW/DOOR/DOZE
—	SOST SQUARE SET
—	AC AIR CONDITIONING UNIT
—	DP DOWNPIPE

Beechwood	
BECHWOOD HOMES PRIVATE LTD A/CN 152/270 104 SYDNEY NORTH COAST SOUTH COAST	
DRAWING	FLOOR PLAN WITH EXISTING
STAGE	DA PLAN
COUNCIL	INNER WEST
CLIENT	KAREN WILTSHIRE
SITE ADDRESS	DP- 940038 LOT 1, No.10 CAMBRIDGE STREET, ENMORE, NSW, 2042
PROJECT ID	P-206539
LOCKED BY	DA-CC
ISSUE DATE	18.04.19
ISSUE DATE	L.B
SHEET NO.	7/13
REV. ID.	20

NOTE: FIGURED DIMENSIONS TO BE READ IN PREFERENCE TO SCALING AND ARE TO FACE OF STRUCTURAL ELEMENTS. ROOM SIZES MAY VARY SUBJECT TO SELECTED FINISHES.

LEGEND / KEY		SITING AND MANAGEMENT PLAN	
BOUNDARY		EXISTING HOUSE	
SEWER LINE		EXISTING GARAGE	
SEWAGE CONTROL FENCE		PROPOSED STUDIO	
ADDITIONAL LERP EDGE BEAM		EXISTING HOUSE	
NSL NATURAL GROUND LEVEL		EXISTING HOUSE	
STORMWATER LINE		EXISTING HOUSE	
WATER CLOSET		EXISTING HOUSE	
STORAGE SHED		EXISTING HOUSE	
GENERAL WASTE COLLECTION		EXISTING HOUSE	
MASONRY WASTE COLLECTION		EXISTING HOUSE	
MATERIAL STORAGE AREA		EXISTING HOUSE	
STAIRS		EXISTING HOUSE	
ELECTRICAL		EXISTING HOUSE	
LIGHT FIXTURE		EXISTING HOUSE	
LIGHT SWITCH		EXISTING HOUSE	
2 WAY LIGHT SWITCH		EXISTING HOUSE	
WALL LIGHT		EXISTING HOUSE	
SMOKE ALARM		EXISTING HOUSE	
SINGLE POWER POINT		EXISTING HOUSE	
DOUBLE POWER POINT		EXISTING HOUSE	
GAS BAYONET		EXISTING HOUSE	
EXHAUST FAN		EXISTING HOUSE	
3/4" FRAMES LIGHT COVER		EXISTING HOUSE	
KITCHEN		EXISTING HOUSE	
WO WALL OVEN		EXISTING HOUSE	
LBO LINER/EMPHOVEN		EXISTING HOUSE	
MMP MICROWAVE PROVISION		EXISTING HOUSE	
DWP DISHWASHER PROVISION		EXISTING HOUSE	
F REFRIGERATOR		EXISTING HOUSE	
D DRAWERS		EXISTING HOUSE	
GENERAL		EXISTING HOUSE	
M-H HANDLE		EXISTING HOUSE	
EJ EXPANSION JOINT		EXISTING HOUSE	
MB METER BOX		EXISTING HOUSE	
MWS HOT WATER SYSTEM		EXISTING HOUSE	
WIND WINDOW DOOR CODE		EXISTING HOUSE	
SOST SQUARE SET		EXISTING HOUSE	
AC AIR CONDITIONING UNIT		EXISTING HOUSE	
DP DOWNPIPE		EXISTING HOUSE	

EXISTING STREET ELEVATION 1:200

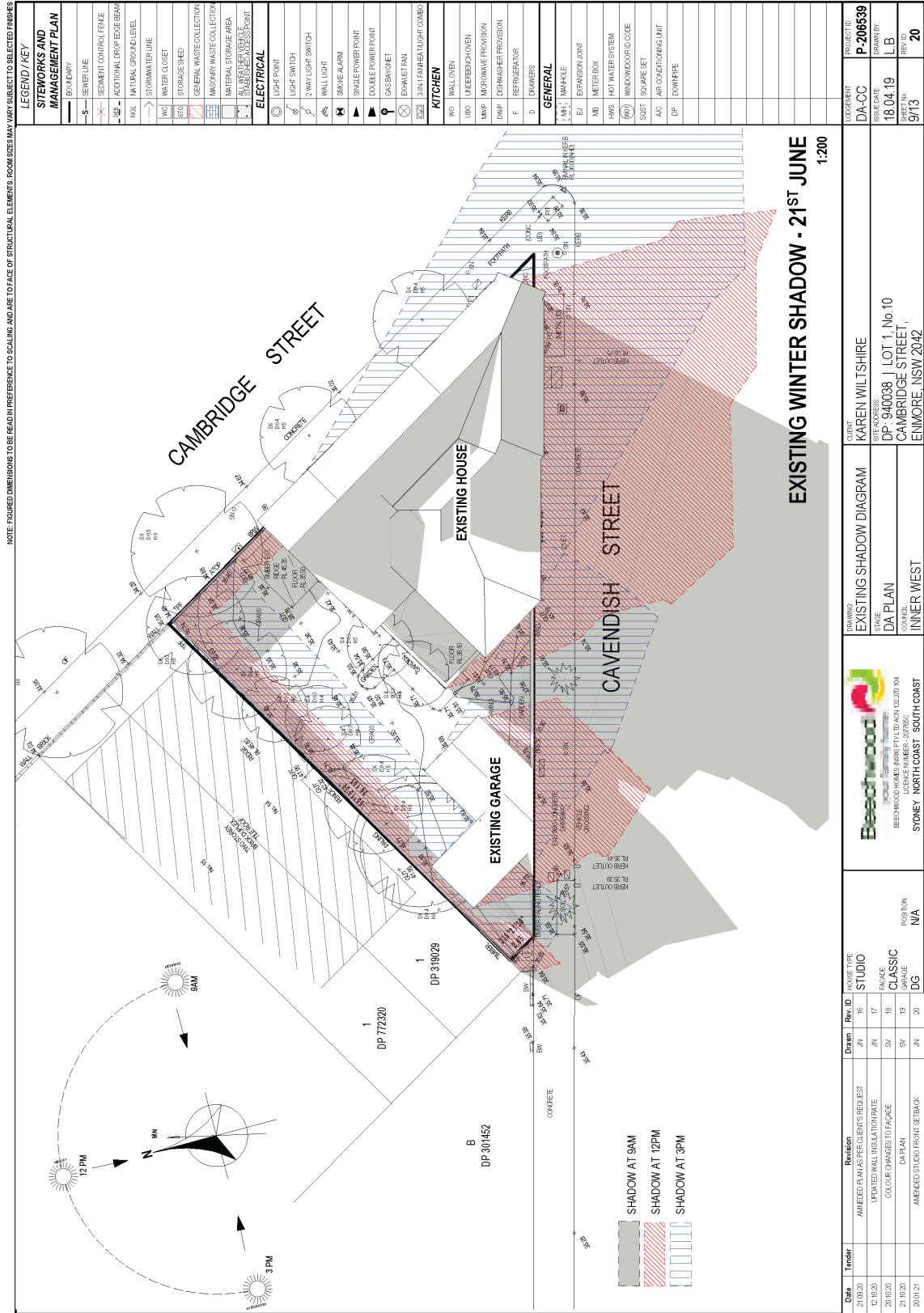
PROPOSED STREET ELEVATION 1:200

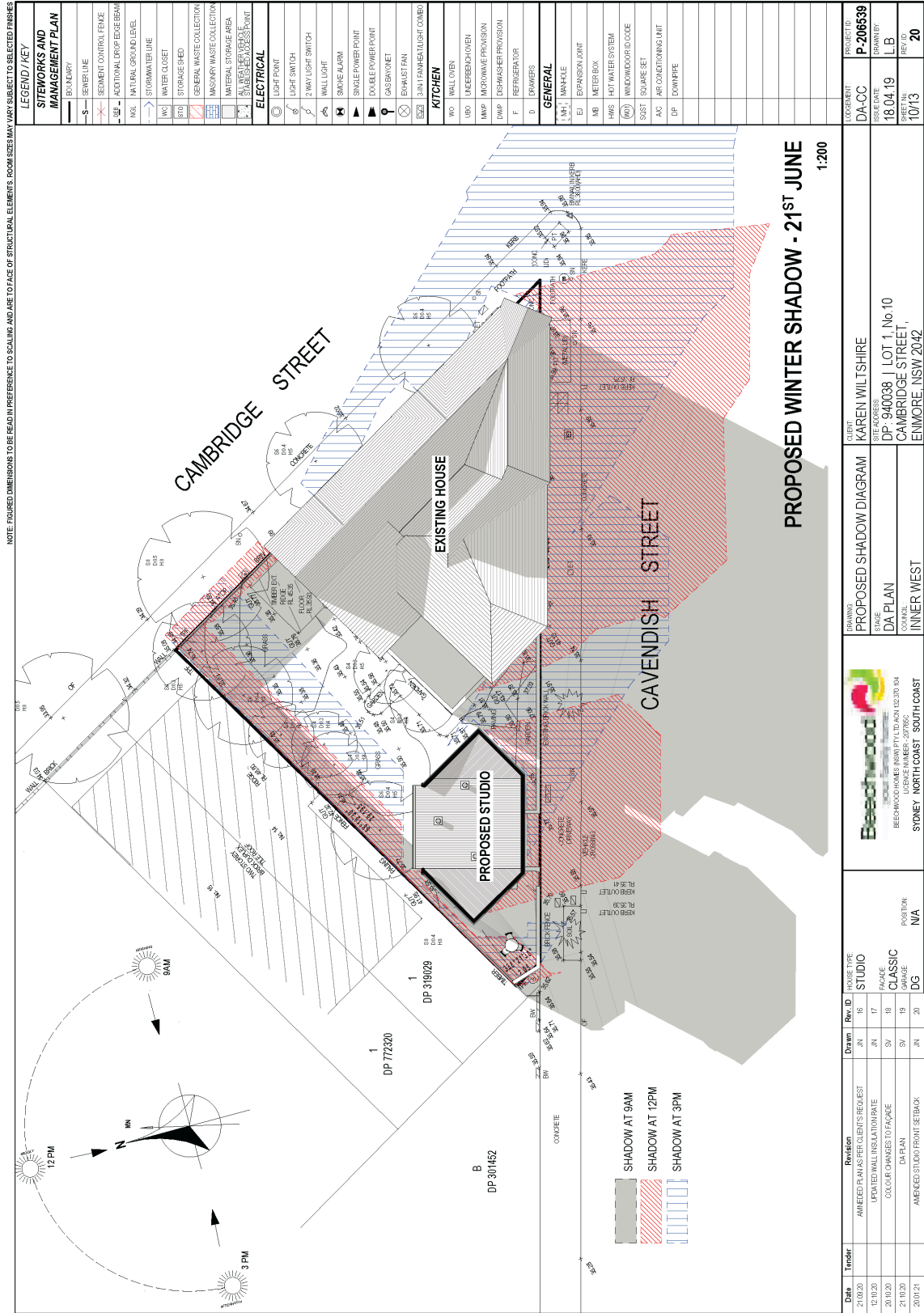
Date	Tender	Revision	Drawn	Rev. ID	HOUSE TYPE
27.09.20		AMENDED PLANS PER CLIENT'S REQUEST	JN	16	STUDIO
12.10.20		UPDATED WALL INSULATION RATE	JN	17	FAÇADE
20.10.20		COLOR CHANGES TO FAÇADE	SV	18	CLASSIC
21.10.20		DA PLAN	SV	19	GARAGE
20.01.21		AMENDED STUDIO FRONT SETBACK	JN	20	DG

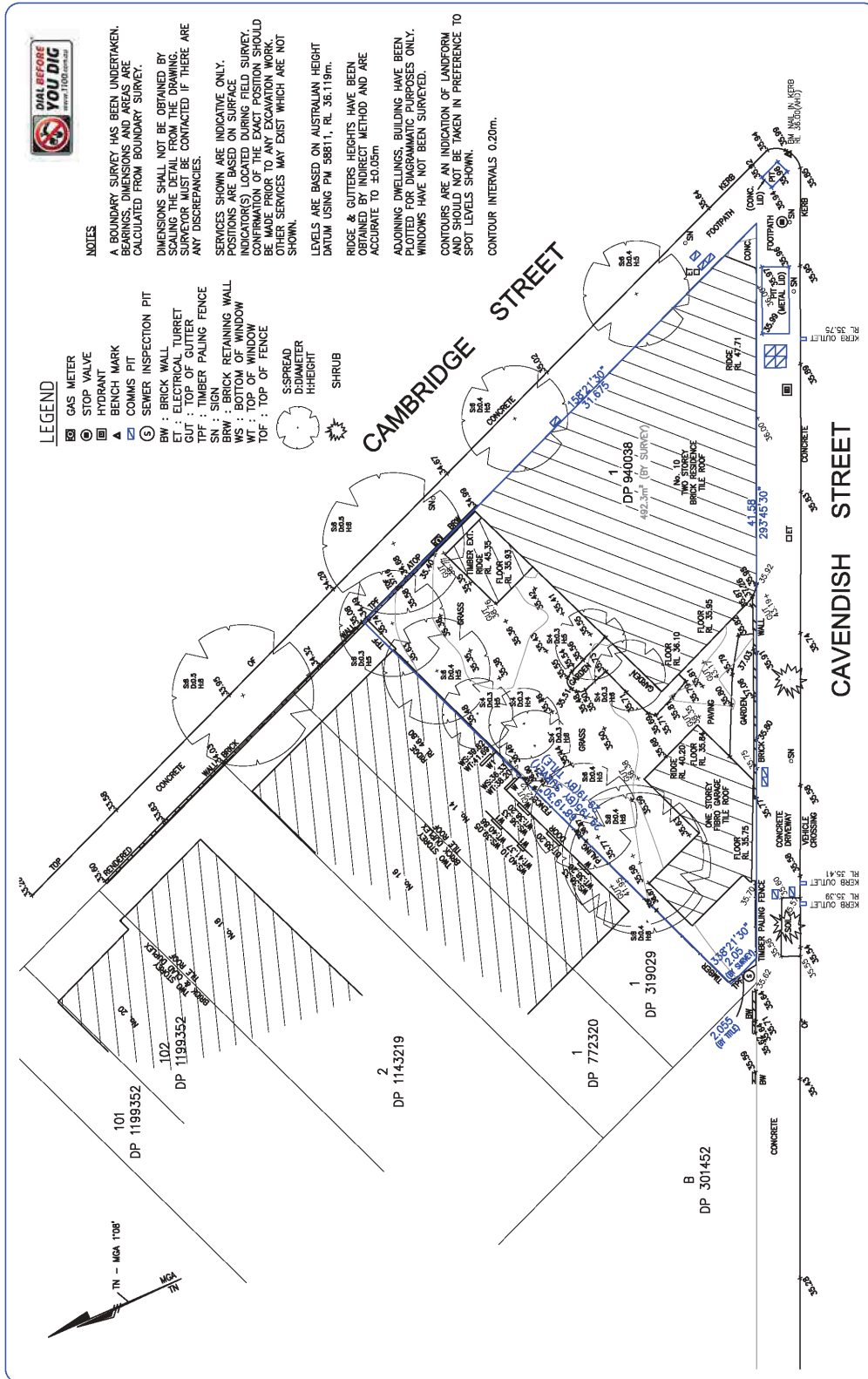
Drawings	Client	Project ID
STREET ELEVATION	KAREN WILTSHIRE	P-206539
DA PLAN	SITE ADDRESS	DA-CC
INNER WEST	DP-940038 LOT 1, No.10	ISSUE DATE
	CAMBRIDGE STREET,	18.04.19
	ENMORE, NSW 2042	ISSUE DATE
		8/13
		20

Revision	Drawn	Rev. ID	HOUSE TYPE
AMENDED PLANS PER CLIENT'S REQUEST	JN	16	STUDIO
UPDATED WALL INSULATION RATE	JN	17	FAÇADE
COLOR CHANGES TO FAÇADE	SV	18	CLASSIC
DA PLAN	SV	19	GARAGE
AMENDED STUDIO FRONT SETBACK	JN	20	DG

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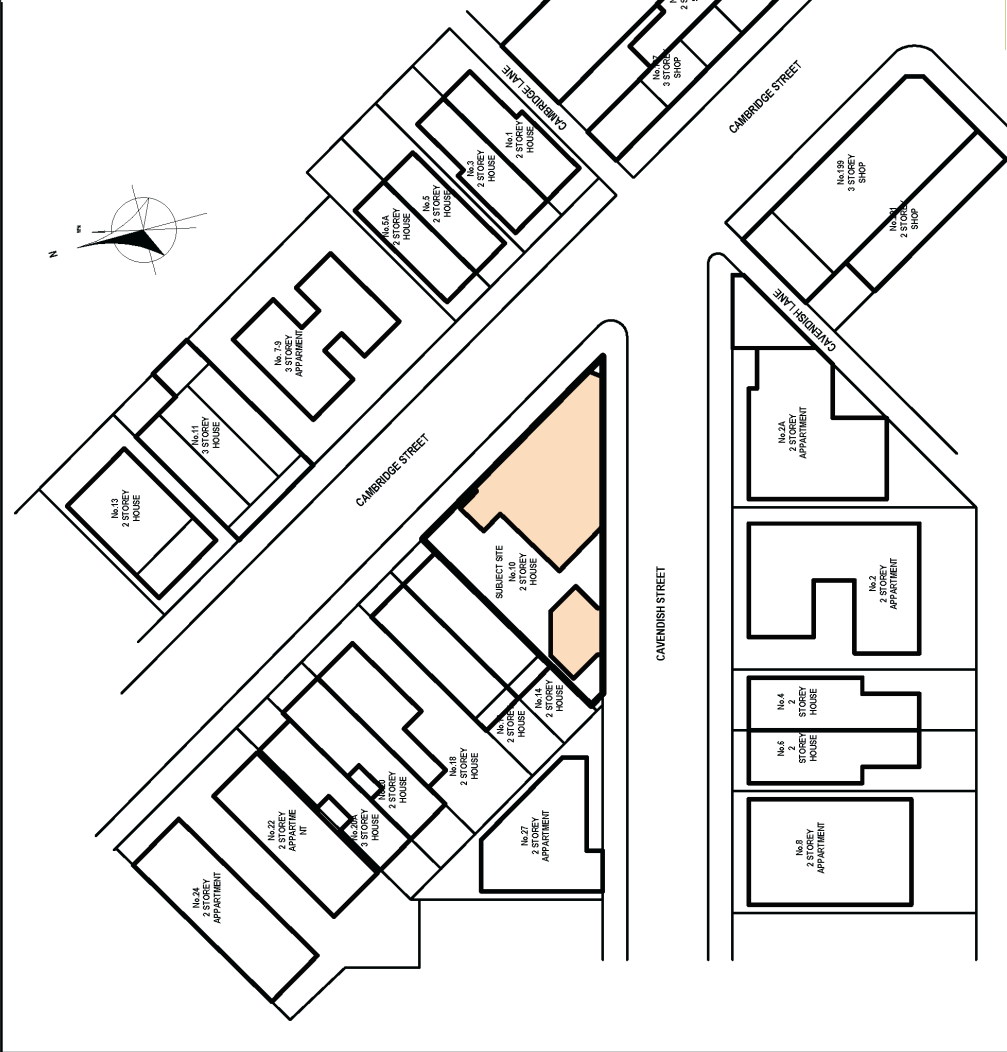




A	16.07.19	INITIAL ISSUE											CAD REF CA\190887.dwg
B	11.12.19	ADDITIONAL INFO ADDED											DRAWING NO 190887/001
													SHEET NO 1
													JOB NAME DP
													REV P-208183 B

NOTE: FIGURED DIMENSIONS TO BE READ IN PREFERENCE TO SCALING AND ARE TO FACE OF STRUCTURAL ELEMENTS. ROOM SIZES MAY VARY SUBJECT TO SELECTED FINISHES

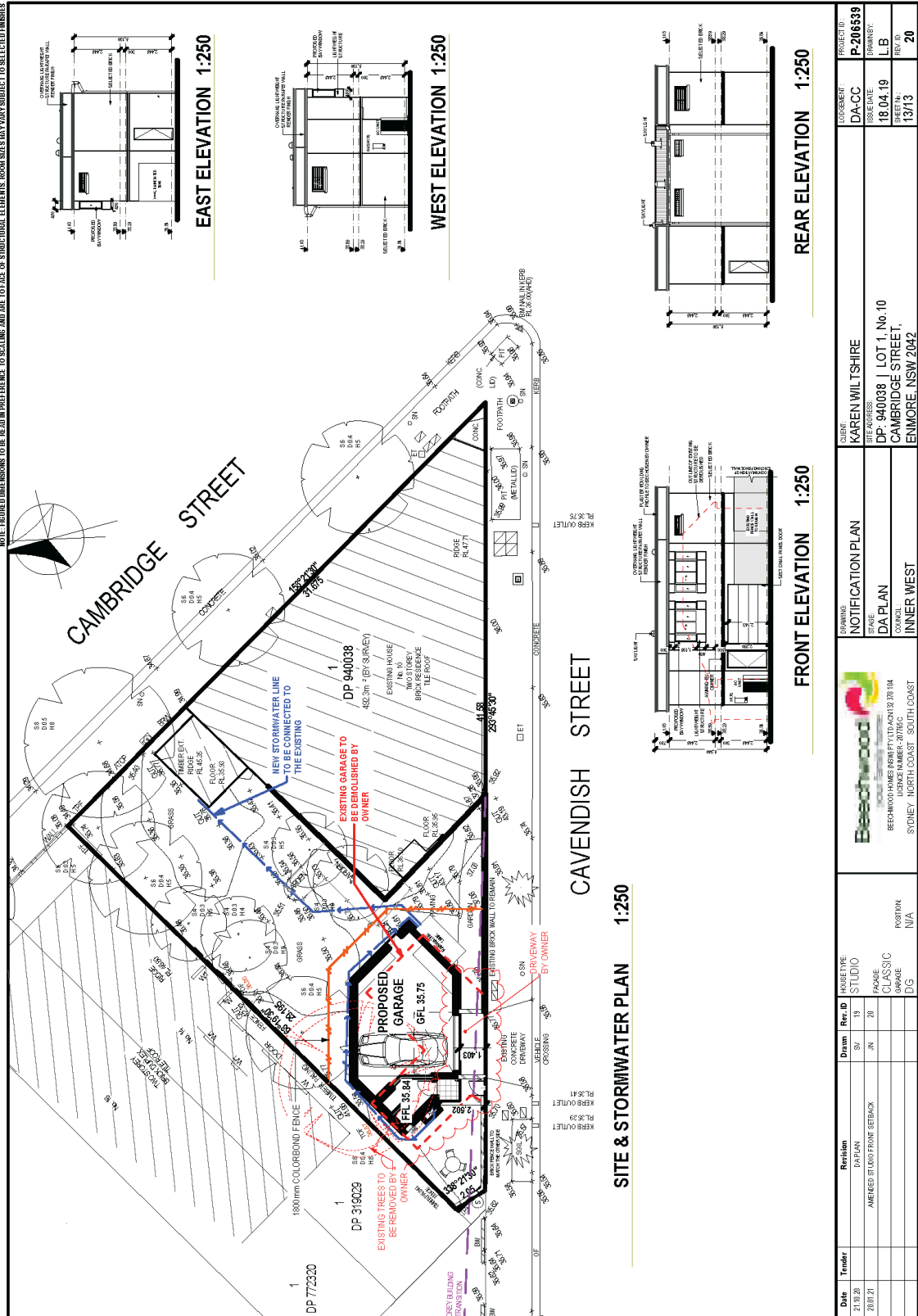
INDICATIVE FSR CALCULATION			
Address	Storey	Site Area (sqm)	FSR
17 Cambridge St	2	150.6	0.811
22 Cambridge St	2	150.6	0.811
23 Cambridge St	2	150.6	0.811
24 Cambridge St	2	150.6	0.811
25 Cambridge St	2	150.6	0.811
26 Cambridge St	2	150.6	0.811
27 Cambridge St	2	181.4	1.261
28 Cambridge St	2	228.4	1.611
29 Cambridge St	2	176.5	0.511
30 Cambridge St	2	152.77	1.141
31 Cambridge St	2	152.77	1.141
32 Cambridge St	2	152.77	1.141
33 Cambridge St	2	152.77	1.141
34 Cambridge St	2	402.3	0.741
35 Cambridge St	2	296	0.871
36 Cambridge St	2	296	0.871
37 Cambridge St	2	296	0.871
38 Cambridge St	2	296	0.871
39 Cambridge St	2	296	0.871
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FSR CALCULATION PLAN 1:500

LEGEND / KEY	
	BOUNDARY
	SEWER LINE
	SEDIMENT CONTROL FENCE
	ADDITIONAL DROP EDGE BEAM
	STORMWATER LINE
	WATER CLOSET
	STORAGE SHED
	GENERAL WASTE COLLECTION
	MATERIAL STORAGE AREA
	MASONRY WASTE COLLECTION
	ELECTRICAL
	LIGHT POINT
	LIGHT SWITCH
	WALL LIGHT
	SMOKE ALARM
	SINGLE POWER POINT
	DOUBLE POWER POINT
	GAS BAYONET
	EXHAUST FAN
	KITCHEN
	W/O WALL OVEN
	L/O LINEAR OVEN
	M/MP MICROWAVE PROVISION
	D/MP DISHWASHER PROVISION
	F REFRIGERATOR
	D DRAWERS
	GENERAL
	H/H HANDLE
	EJ EXPANSION JOINT
	MB METER BOX
	H/W HOT WATER SYSTEM
	(C/D) WINDOW/DOOR/DOORCODE
	S/ST SQUARE SET
	A/C AIR CONDITIONING UNIT
	DP DOWNPIPE

Date	Tender	Revision	Drawn	Rev. ID	HOUSE TYPE												
21/09/20		AMENDED PLANS PER CLIENT'S REQUEST	JIN	16	STUDIO												
20/10/20		EXTRA WALL INSULATION RATE	JIN	17	HOUSE												
21/10/20		COLOR CHANGES TO FAÇADE	SV	18	CLASSIC												
20/01/21		AMENDED STUDIO FRONT SETBACK	JIN	20	DG												
Copyright © *All rights reserved. No part of this plan may be reproduced, stored in a retrieval system or transmitted in any form or by any means electronic, mechanical, photocopying, recording or otherwise without written permission.*																	
<table border="1"> <tr> <td>CLIENT</td> <td>KAREN WILTSHIRE</td> </tr> <tr> <td>SITE ADDRESS</td> <td>DP- 940038 LOT 1, No.10 CAMBRIDGE STREET, ENMORE, NSW 2042</td> </tr> <tr> <td>STAGE</td> <td>DA PLAN</td> </tr> <tr> <td>COUNCIL</td> <td>INNER WEST</td> </tr> </table>						CLIENT	KAREN WILTSHIRE	SITE ADDRESS	DP- 940038 LOT 1, No.10 CAMBRIDGE STREET, ENMORE, NSW 2042	STAGE	DA PLAN	COUNCIL	INNER WEST				
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Attachment C – Clause 4.6 Exception to Development Standards

Statement of Environmental Effects - No 10 Cambridge Street Enmore page No 1

APPENDIX A - CLAUSE 4.6 JUSTIFICATION

Introduction - Content of the clause 4.6 request

Clause 4.4 of the LEP relates to Floor Space Ratio (FSR). The maximum permissible floor space ratio for the subject site is 0.5:1.

The proposed development has a total FSR of 0.78:1 being non-compliant with the maximum floor space ratio applicable to the subject site.

Given the above non-compliance with clause 4.4 of the LEP, consideration of the matter is given pursuant to the provisions of clause 4.6 of the MLEP 2011.

The objectives of clause 4.6 of the LEP are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6 of the LEP notably is designed to provide **flexibility when applying development standards particularly when the variation of the standard enables a better development outcome.**

The proposed floor space ratio in this instance is comparable to that of neighbouring properties within the visual catchment of the subject site. Refer to the Floor Space Ratio map provided with the development plans. It is apparent that the broad based FSR control applying to the R2 Low Density Residential zone is not reflective of existing built form in the precinct and should not be construed as being the determining development control to guide future development in the zone/precinct.

The subject property generates a current FSR of 0.66:1. The floor space on site occurs in a triangular shaped dwelling benefitting with zero setbacks to both streets and enables a large expanse of open space at the rear. The proposed development increases the FSR to 0.78:1 however maintains a similar site coverage and sense of openness on-site.

Given the circumstances of the case, an appropriate degree of flexibility to the application of the FSR development standard is warranted.

The proposed building is modest in size and contemporary in design offering quality floor space opportunities to a future resident.

The proposed development has been site specifically designed for ease of streetscape integration and to negate direct impacts to the adjoining western property. It should be noted that the proposed FSR is less than that of many adjoining dwellings/flat buildings.

It is significant to note that the variation does not result in excessive building height or development density. The variation does not manifest in an overdevelopment of the site, as the additional FSR is sited above the garage.

No adverse planning consequences (shadowing, privacy, visual impact, urban design/streetscape, heritage, neighbourhood character) arise as a result of the variation. Rather, in this particular case the variation facilitates the provision of quality internal spaces supplemented by proportionate private open space in the form of a small courtyard for the secondary dwelling and a large courtyard for the principal dwelling.

The proposed development will sit comfortably in its context in terms of scale, massing and form. The variation to the floor space ratio standard will not be discernible to the casual observer from a streetscape perspective given that the subject site will retain a sense of openness and a large landscaped area.

For reasons expressed in this submission the ‘flexibility’ provided by clause 4.6 of the LEP facilitates a design outcome that does not impact on any adjoining property despite the proposed variation to the floor space ratio standard.

Application of Clause 4.6

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

Clause 4.6(2) of the LEP provides that development consent may be granted for development even though the development would contravene a development

standard imposed by this or any other environmental planning instrument. However, this does not apply to a development standard that is expressly excluded from the operation of this clause.

Clause 4.4 of the LEP is not expressly excluded from the operation of clause 4.6 and thus Council would have the authority to grant consent to a breach of the specified development standard under clause 4.4 subject to being satisfied of other matters under clause 4.6.

Contravention of a Development Standard

Clause 4.6(4)(a)(i) of the LEP provides that Council, as consent authority, must not grant development consent for a development that contravenes a development standard unless it is satisfied that a written request prepared by or for the applicant (as required under clause 4.6(3)) has adequately addressed the matters required to be demonstrated by clause 4.6(3).

The matters required to be demonstrated by clause 4.6(3) are considered below.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks 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, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) 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, and

(b) the concurrence of the Planning Secretary has been obtained.

Clause 4.6(3)(a) - Unreasonable and Unnecessary

Clause 4.6(3)(a) requires the applicant to provide a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

This, with clause 4.6(4)(a)(i) requires Council to consider the written request and to form an opinion that it satisfactorily demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances, rather than Council undertaking its own enquiry and forming a direct opinion of satisfaction on whether compliance with the development standard is unreasonable or unnecessary in the circumstances.

The term “unreasonable or unnecessary” is not defined in the relevant environmental planning instruments or in the Act. Preston CJ in *Wehbe v Pittwater Council* [2007] NSWLEC 827 at [42] – [49] identifies 5 ways by which strict compliance with a development standard may be unreasonable or unnecessary. This written request adopts the first way identified by Preston CJ.

42... .. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).”

In *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, the Chief Judge of the Land and Environment Court stated that the commonly cited tests he set out in *Wehbe* remain relevant to a consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances under clause 4.6.

Justice Preston’s analysis requires the following questions to be answered.

1. What are the objectives of the development standard?

2. Does the development proffer an alternative means of achieving the objectives of the development? (unnecessary)
3. Would no purpose be served if strict compliance was required? (unreasonable)

Provided below is a commentary in relation to the above three considerations.

1 Objectives of development standard

The objectives of clause 4.4 - FSR control are:

- (1) The objectives of this clause are as follows—*
- (a) to establish the maximum floor space ratio,*
 - (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,*
 - (c) to minimise adverse environmental impacts on adjoining properties and the public domain.*

The proposal does not undermine the objective to provide effective control of building bulk for future development as the proposed building is compliant at two storey and provided in situ of the existing garage; the building represents an appropriate level of development for the subject site given the wide frontage to Cavendish Street, substantial separation between dwellings, the modest nature of the proposal and inherent benefits derived by the design benefitting the residents on-site and the public domain.

The subject site is zoned low density residential and the adjoining lots incorporate dwellings with similar scale and FSR. The proposed building and FSR on the subject site will be consistent in this regard.

There will be no disruption of views, loss of privacy or any loss of solar access given the site context and orientation and design resolution.

There will be no erosion of bushland or scenic quality as a result of the FSR.

The additional gross floor area above the maximum permitted under clause 4.4 does not add any undesirable bulk to the subject site when viewed from the public domain.

Compliance unnecessary

The development proffers alternative means of achieving the objective of the floor space ratio standard. The surrounding precinct maintains residential dwellings of a two storey scale, which have an equal and/or greater FSR than that proposed for the subject site.

The proposed development achieves an acceptable residential character without comprising the amenity of the surrounding area in terms of visual impacts and solar access.

The additional floor space on the subject site is effectively contained within the existing site coverage with only a minor increase in site coverage occurring. The minor departure from the site coverage is not discernible from the public domain.

As the development proffers alternative means of achieving the objectives of clause 4.4 based on the site context, strict compliance is unnecessary.

Compliance unreasonable

There would be no purpose served if strict compliance was required by the consent authority given that the proposed FSR is comparable to and/or less than the FSR displayed in surrounding sites.

As will be detailed in subsequent parts of this request the variation does not manifest in any adverse planning consequences in terms of streetscape, neighbourhood character or amenity (shadowing and privacy). There are no adverse 'flow on' non compliances or adverse environmental impacts arising from the variation in this instance.

A compliant development (in relation to floor space) would have a similar performance in regards to overshadowing and bulk/scale as it would necessitate the removal of floor space in the existing dwelling. Such a measure is draconian and unnecessary given that the FSR development control is not reflective of the built form within the visual catchment. The purpose of planning is to improve amenity not erode it.

Despite the floor space ratio variation, a compliant building height and consistent setbacks are achieved facilitating the orderly and economic development of the land.

No particular benefit would be derived from the strict application of the floor space ratio standard in this instance, particularly in terms of streetscape considerations; strict compliance is therefore unreasonable.

The proposed design represents an orderly and economic outcome for the site.

Clause 4.6(3)(b) - Sufficient Environmental planning grounds

Clause 4.6(3)(b) requires the applicant's written request to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.

This, with clause 4.6(4)(a)(i) requires Council to consider the written request and to form an opinion that it satisfactorily demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard, rather than Council undertaking its own enquiry and forming a direct opinion of satisfaction on whether there are sufficient environmental planning grounds to justify contravening the development standard.

The term "environmental planning grounds" is broad and encompasses wide environmental planning grounds beyond the mere absence of environmental harm or impacts : Tuor C in *Glenayr Avenue Pty Ltd v Waverley Council* [2013] NSWLEC 125 at [50].

In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1008, Pearson C held at [60] that environmental planning grounds as identified in clause 4.6 must be particular to the circumstances of the proposed development on a site. This finding was not disturbed on appeal (Pain J in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 & Meaher JA; Leeming JA in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248.

In this particular case the variation to the floor space ratio control does not impact on the ability to accord with all other development standards and controls.

Strict compliance with the floor space ratio control in this instance could not be achieved as the existing dwelling exceeds the control. Notwithstanding the reconstruction of a single storey garage on-site would not generate any additional architectural integrity or urban design merit. The garage as a single storey structure would be out of place in the 2-3 storey environment.

The proposed design of the building achieves a complementary built form and building character relative to the principal dwelling on-site and the adjoining dwellings.

Compliance with the building height control demonstrates that a suitable modulation of built form has been achieved.

The proposed built form is not intrusive and maintains a lower scale than surrounding buildings. The building will remain subservient to the principal dwelling in terms of built form and use as a garage and secondary dwelling.

In addition, there are no adverse amenity impacts arising, which affect existing residential properties.

Having regard to the above there are well founded environmental planning grounds to vary the development standard in this instance.

Clause 4.6(4) Public Interest

Clause 4.6(4)(a)(ii) of the LEP provides that Council, as consent authority, must not grant development consent for a development that contravenes a development standard unless it is satisfied that 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.

Unlike clause 4.6(4)(a)(i), this requires Council, as consent authority to form a direct opinion of satisfaction the proposed development will be in the public interest (rather than considering whether the applicant's written request demonstrates that the proposed development will be in the public interest).

A consideration of the public interest aspects of the development is provided in the following, to assist Council form the requisite opinion of satisfaction.

The proposed development will be in the public interest because it is consistent with the objective of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

With regards to the objectives for FSR, it is noted that the scale and form of the proposed building is consistent with the group of buildings within its visual catchment.

The objectives of the R2 Low density zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for multi dwelling housing and residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings.*
- *To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.*
- *To provide for retail premises in existing buildings designed and constructed for commercial purposes.*

The proposed development is consistent with the zone objectives as follows:

The proposed development provides an appropriate low-density infill development and contemporary construction.

Provides for the housing need of the community by permitting residentially zoned land to be used for residential purposes of an appropriate low density and scale.

Is not inconsistent with, or incapable of, existing in harmony with other developments in the immediate locality.

The building height, scale and massing of the development is considered to be compatible with the established built character of the area.

The floor space ratio variation is of no consequence in respect of the zone objective. Approval of the proposed development will have no impact on any other nearby development opportunities.

The floor space generated on-site does not result in any significant view loss, loss of privacy or overshadowing in the context of the site. There are no adverse heritage impacts associated with the proposed development. The height and scale of the development is typical within the residential context.

Standard floor to ceiling heights are proposed inclusive of a low roof profile.

Having regard to the above the proposal is consistent with the objectives of the floor space ratio control and the objectives of the zone.

Concurrence of the Planning Secretary

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

It is expected that the Council will obtain the concurrence of the Planning Secretary as required (possibly through delegation).

The variation to the floor space ratio standard does not raise any matter of significance for State or regional environmental planning.

There is no public benefit that would be achieved by maintaining strict adherence with the development standard or compromised by approving the building.

It is contextually appropriate not to strictly apply the development standard in this instance and it is not an abandonment of the standard.

Conclusion

The proposed development maintains a consistent built form and a compatible architectural style with the principal dwelling on the subject site and adjoining buildings.

The proposed building has been site specifically designed after undertaking a site analysis process.

Amenity considerations has been reasonably resolved through design.

Strict compliance with the development standard is therefore unnecessary and unreasonable given the circumstances of the site and context.

There are sufficient environmental grounds to justify the breach in this instance.

The FSR as construed is in the public interest.

It is recommended that Council invoke its powers pursuant to clause 4.6 and approve the application.

It is noted that Acting Commissioner P Clay (SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112) in a recent consideration in relation to the consideration of clause 4.6, deemed that there is no numerical limitation to the extent of the variation sought. Such will be determined on merit.

In consideration of the merits of the application, the proposal is reasonable.