





# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA/2021/1117
<b>Address</b>	30 Eton Street CAMPERDOWN NSW 2050
<b>Proposal</b>	Alterations and additions to existing shop top housing, including construction of a new garage and creation of 3-bedroom dwelling above. Change of use of the shop to business premises (gallery) and fitout.
<b>Date of Lodgement</b>	16 November 2021
<b>Applicant</b>	William E Blackwell
<b>Owner</b>	William E Blackwell
<b>Number of Submissions</b>	3 (from 1 property)
<b>Value of works</b>	\$1,000,000.00
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation exceeds 10%
<b>Main Issues</b>	Clause 4.6 Variation – Floor Space Ratio Visual Privacy
<b>Recommendation</b>	Approval
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Clause 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to existing shop top housing, including construction of a new garage and creation of 3-bedroom dwelling above. Change of use of the shop to business premises (gallery) and fit out at 30 Eton Street CAMPERDOWN NSW 2050.

The application was notified to surrounding properties and 3 submissions were received in response.

The main issues that have arisen from the application include:

- Clause 4.6 variation to the FSR development standards.
- Visual privacy

The non-compliances are acceptable given the context and therefore the application is recommended for approval.

## 2. Proposal

The proposal seeks consent for alterations and additions to existing shop top housing, change of use from shop to business premises (gallery) and associated fit out. The proposal includes:

- New second floor addition;
- Reconfiguration to the commercial space to provide 2 gallery spaces and accessible bathrooms;
- New external courtyard;
- New rear garage;
- Reconfiguration and extension of existing first floor.

## 3. Site Description

The subject site is located at the end of Eton Street on the corner of Australia Street and Eton Lane. The site consists of one allotment and is regular in its shape with a total area of 136.6m<sup>2</sup> and is legally described as Lot 23 in DP 2036.

The site has a frontage to Eton Street of 5.435 metres, a frontage of 25.145 metres to Australia Street and 5.435 metres to Eton Street.

The site currently contains a shop and a single shop top housing unit. The adjoining properties consist of one and two storey attached dwellings.



5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

5(a)(ii) *SEPP (Building Sustainability Index: BASIX) 2004*

The applicant has included a BASIX Certificate as part of the lodgment of the application (lodged within 3 months of the date of the lodgment of this application in compliance with the regulations.

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

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 6.2 - Earthworks
- Clause 6.5 - Development in areas subject to aircraft noise

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

Standard	Proposal	Noncompliance	Complies
<b>Height of Building</b> Maximum permissible: 9.5m	9 m	N/A	Yes
<b>Floor Space Ratio</b> Maximum permissible: 0.85:1 or 116.11m <sup>2</sup>	1.16:1 or 158.05m <sup>2</sup>	41.94m <sup>2</sup> or 36.1%%	No

(i) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned B1 under the *MLEP 2011*. The *MLEP 2011* defines the development as:

**“business premises** means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.”

and

**“shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.”

The development is permitted with consent within the land use table. The development is consistent with the objectives of the B1 zone.

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the Clause 4.4 - Floor space ratio development standard.

The applicant seeks a variation to the floor space ratio development standard under Clause 4.4 of the *MLEP 2011* by 36.1% (41.94m<sup>2</sup>).

Clause 4.6 allows Council 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 the *Marrickville Local Environmental Plan 2011* below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the *MLEP 2011*. In justifying the proposed contravention of the development standard which is summarised as follows:

- The proposal is consistent with the objectives of the standard and the zone notwithstanding the noncompliance, so compliance is unnecessary;
- The proposed development is consistent with the desired future character statement for Newtown North and Camperdown Precinct (Precinct 4);
- The distribution of the bulk is such that the proposed development will not result in amenity impacts or visual bulk that would be perceived as inappropriate or jarring in a streetscape context;
- The proposal does not result in view impacts or significant overshadowing;
- The proposal maintains the existing mix of commercial and residential development;
- The proposal is compatible with the character of the area as applies by the planning principal within *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191; and
- Sufficient environmental planning grounds exists to vary the standard as the proposal is consistent with the objectives of the *EPA Act 1979*.

The applicant's written rationale adequately demonstrates compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority is required by clause 4.6(4)(a)(i) of *MLEP 2011* to consider if the proposal being in the public interest because it is consistent with the objectives of the zone and standard.

The objectives of the B1 Neighbourhood Centre Zone are:

- *"To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To provide for housing attached to permissible non-residential uses in development of a type and scale compatible with the surrounding neighbourhood.*
- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*
- *To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house."*

In considering if the development is consistent with the zone objectives the following is noted:

- The proposal provides for small scale business premises that will serve the needs of the people who work in the area;
- The proposal provides for housing above the permissible non-residential use;
- The commercial spaces at street level are of a size and configuration suitable for uses that generate and active street frontage; and
- The proposal is not for a dwelling house.

The proposal is, therefore, consistent with the objectives of the B1 Neighbourhood Centre Zone.

The objectives of the floor space ratio development standard are:

*"(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.”

In considering if the development is consistent with the objectives of the floor space ratio development standards the following is noted:

- The surrounding sites have a small site area and as a result clause 4.4(2A) of *MLEP 2011* would have a maximum FSR of 1.1:1. It can be expected that the surrounding dwellings when redeveloped would be of a similar scale and have an apparent visual bulk that is similar to that of the proposal;
- The apparent visual bulk of the proposal is similar to that of the existing building and considered appropriate in its context;
- The proposal does not increase the density of dwellings on the site;
- It is agreed that the proposal is compatible with the character of the area as discussed within the planning principal within *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191; and
- The proposal does not result in significant overshadowing or other amenity impacts and it can be said that the amenity impacts are minimised.

For the reasons above the proposal is considered to be consistent with the objectives of the floor space ratio development standard.

The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *MLEP 2011*. For the reasons outlined above, 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 be granted.

#### Clause 6.2 – Earthworks

The proposal involves earthworks to the rear of the site. The matters for consideration within clause 6.2(3) have been considered and don't present an impediment to consent being granted. The application is supported by a geotechnical that addresses the earthworks. The earthworks are not considered to cause significant amenity impacts.

#### Clause 6.5 - Development in areas subject to aircraft noise

The site is located in ANEF 20-25 and the clause is applicable due to the works being substantial alterations and additions to an existing building. The works include a dwelling so are likely to be impacted by aircraft noise. The works do not increase the number of dwellings but will increase the maximum occupancy of the dwelling. The location of the site in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021:2015 has been considered. The recommended conditions of consent allow the consent authority to be satisfied that the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015.

5(b) Draft Environmental Planning Instruments

There are no relevant draft environmental planning Instruments other than Draft IWLEP 2020.

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

The 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 amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) 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').

Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes
Part 2.8 – Social Impact	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	No – see discussion
Part 2.17 – Water Sensitive Urban Design	Yes
Part 2.18 – Landscaping and Open Space	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.25 – Stormwater Management	Yes
Part 5 – Commercial and Mixed Use Development	Yes
Part 9 – Strategic Context: Newtown North and Camperdown (Precinct 4)	Yes

The following provides discussion of the relevant issues:

Part 2.6 – Acoustic and Visual Privacy

The proposed development provides for a planter box to the rear and the amended proposal provides for a planter box on the side of the terrace to provide for suitable screening to prevent direct sight lines to the adjoining properties. The siting in relation to the surrounding residential properties is such that no other privacy issues from the proposal. The proposal does not create acoustic privacy issues.

Part 2.10 – Parking

The proposal involves a non-compliance with control C1 in part 2.10.5 of MDCP 2011 in that the site is required to provide 1 space for the shop and 1 space for the shop top unit. The development includes the provision of 1 off-street, car parking space which results in a shortfall of 1 space. Council’s Development Engineer advises that this is acceptable in the



circumstances. The proposal is considered to be consistent with the objectives for O1-O9 of part 2.10.1 of MDCP 2011 and acceptable on merit.

#### 5(e) The Likely Impacts

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

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

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

#### 5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

3 submissions (from 1 property) were received in response to the initial notification.

The submissions raised the following concerns which are discussed under the respective headings below:

Issue: Bulk and Scale

Comment: The apparent visual bulk associated with the proposed development is comparable to the surrounding dwellings. See above consideration of the clause 4.6 variation above.

Issue: Overlooking of 95 Australia Street bedroom and primary living area.

Comment: The application provides for an appropriately sized planter box to prevent direct overlooking of the windows of 95 Australia Street in compliance with control C3(v)(c) within Part 2.6.3 of the MDCP 2011.

Issue: Turning circles appear to be in conflict with existing structures.

Comment: Council's development engineer has reviewed the turning circles and is satisfied that the proposal has sufficient clearance to manoeuvre into the proposed parking space.

Issue: Bedroom 3 has no access to natural ventilation.

Comment: Bedroom 3 has access to natural light via the louvered skylights on the roof and has a window to the void over the living room.

#### 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. This is achieved in this instance.

## 6 Referrals

### 6(a) Internal

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

- Building Surveying
- Development Engineering
- Urban Forests
- Waste Management

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$10,000 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *MLEP 2011*.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of *Marrickville Local Environmental Plan 2011* in relation to Clause 4.4 Floor Space Ratio. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not 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 section 4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2021/1117 at 30 Eton Street CAMPERDOWN NSW 2050 subject to the conditions listed in Attachment A .

## Attachment A – Recommended conditions of consent

### Attachment A – Recommended 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
DA01 Revision A	Site Plans and Site Analysis	September 2021	Downie North
DA02 Revision B	Garage Floor Plan	April 2022	Downie North
DA03 Revision B	Ground Floor Plan	April 2022	Downie North
DA04 Revision A	First Floor Plan	September 2021	Downie North
DA05 Revision A	Second Floor Plan	September 2021	Downie North
DA06 Revision A	Roof Plan	September 2021	Downie North
DA07 Revision B	Section AA	April 2022	Downie North
DA08 Revision A	Section BB	September 2021	Downie North
DA09 Revision A	Elevation North East	September 2021	Downie North
DA10 Revision A	Elevations East / North West	September 2021	Downie North
DA13 Revisions A	Materials & Finishes Schedule	September 2021	Downie North
A425021	BASIX Certificate	8 September 2021	Downie North Architects
21274r01v01	Traffic Impact Statement	6 September 2021	Neil Caga

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.

<b>Security Deposit:</b>	\$8,432.00
<b>Inspection Fee:</b>	\$241.50

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\*:

\$10,000

\*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. Separation of Commercial and Residential Waste and Recycling**

The waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

**6. 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.

**7. 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, including any absorption trench or rubble pit drainage system, 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. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensuring no concentration of flows or nuisance to other properties.

A Silt Arrestor stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

**8. 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 throughout the development:

1	<i>Fraxinus griffithii</i> (Evergreen Ash)	Australia Street
2	<i>Banksia integrifolia</i> (Coast Banksia)	Australia Street
3	<i>Banksia integrifolia</i> (Coast Banksia)	Australia Street

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.

**9. 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.

**10. Works Outside the Property Boundary**

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

**11. Verification of Levels and Location**

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

**PRIOR TO ANY DEMOLITION**

**12. Resource Recovery and Waste Management Plan - Demolition and Construction**

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

**13. Hoardings**

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

**14. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining property (28 Eton St) to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

**15. Advising Neighbours 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.

**16. 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****17. Bin Storage Area - Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of residential garbage, and a fortnightly collection of residential recycling. Council provides commercial waste/recycling collection services in this area, or a private service can be contracted.

The bin storage area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Leichhardt DCP 2013 and must include doorways/entrance points of minimum 1200mm.

**18. Waste Transfer Route**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12.

**19. 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.

**20. Public Domain Works – Prior to Construction Certificate**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The construction of a light duty vehicular crossing to the vehicular access location. All works must be completed prior to the issue of an Occupation Certificate.

#### **21. Parking Facilities - Domestic**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. The garage slab must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
- b. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;
- d. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;
- e. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; and
- f. The external form and height of the approved structures must not be altered from the approved plans.

#### **22. Structural Certificate for retained elements of the building**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

**23. 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*

**24. 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.

**25. Fibre-ready Facilities**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a. The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

**26. Concealment of Plumbing and Ductwork**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

**27. Future Food Use - Mechanical Ventilation Provision**

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-

conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.

**DURING DEMOLITION AND CONSTRUCTION**

**28. Documentation of Demolition and Construction Waste**

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

**29. Tree Protection**

To protect the following tree/s, trunk protection must be installed prior to any works commencing in accordance with Council's *Development Fact Sheet—Trees on Development Sites*:

Tree No.	Botanical/Common Name/Location
1	<i>Fraxinus griffithii</i> (Evergreen Ash) Australia Street
2	<i>Banksia integrifolia</i> (Coast Banksia) Australia Street
3	<i>Banksia integrifolia</i> (Coast Banksia) Australia Street

**30. Construction Hours – Class 2-9**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

### **31. 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**

### **32. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. A Light duty concrete vehicle crossing at the vehicular access location; and
- b. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

**33. 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.

**34. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

**35. Parking Signoff – Minor Developments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

**36. Aircraft Noise –Alterations and Additions**

Prior to the issue of an 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.

**37. Smoke Alarms - Certification of upgrade to NCC requirements**

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

**ON-GOING****38. Bin Storage and Presentation**

All bins are to be stored within the site. Bins are to be returned to the property within 12 hours of having been collected.

Bins are to be presented for collection on the kerb, within the street frontage of the property, not along the boundaries of neighbouring properties.

**39. Documentation of Businesses Waste Services**

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

**40. Hours of Operation**

The hours of operation of the business premises must not exceed the following:

Day	Hours
Monday-Sunday	7am-8pm

**ADVISORY NOTES**

**Notice to Council to deliver Residential Bins**

Council should be notified of bin requirements three weeks prior to the occupation of the building to ensure timely delivery.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

**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.

#### **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*.

**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.

**Disability Discrimination Access to Premises Code**

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

**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.

**Dividing Fences Act**

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

**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.

#### **Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

#### **Amenity Impacts General**

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

#### **Construction of Vehicular Crossing**

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for *Construction of a Vehicular Crossing & Civil Works* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

#### **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.

#### **Dial before you dig**

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

**Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>

Waste Service - SITA 1300 651 116  
Environmental Solutions [www.wasteservice.nsw.gov.au](http://www.wasteservice.nsw.gov.au)

Water Efficiency Labelling and Standards (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)

WorkCover Authority of NSW 13 10 50  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Enquiries relating to work safety and asbestos removal and disposal.

#### **Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

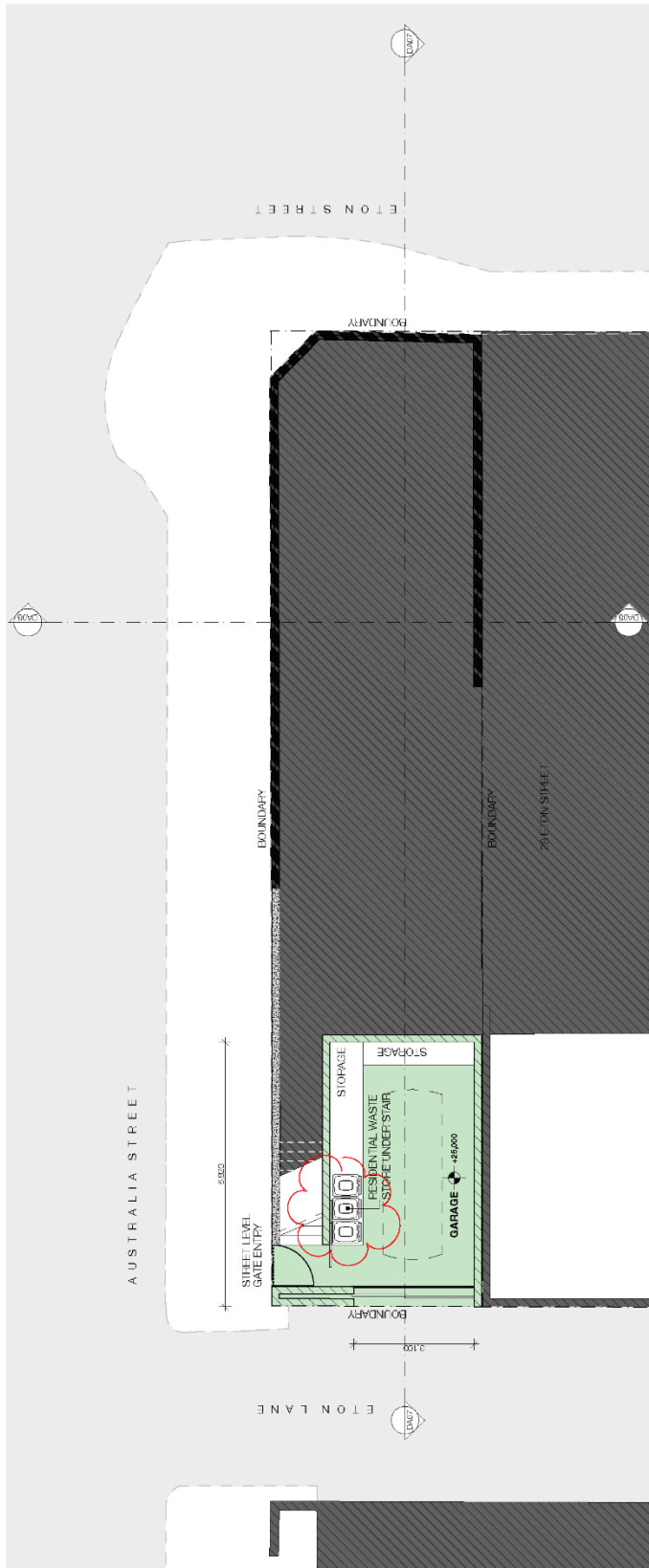
Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

#### **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



PROJECT TITLE  
**ETON GALLERIES & ARTIST RESIDENCE**  
 PROJECT ADDRESS  
 30 ETON STREET, CAMPERDOWN

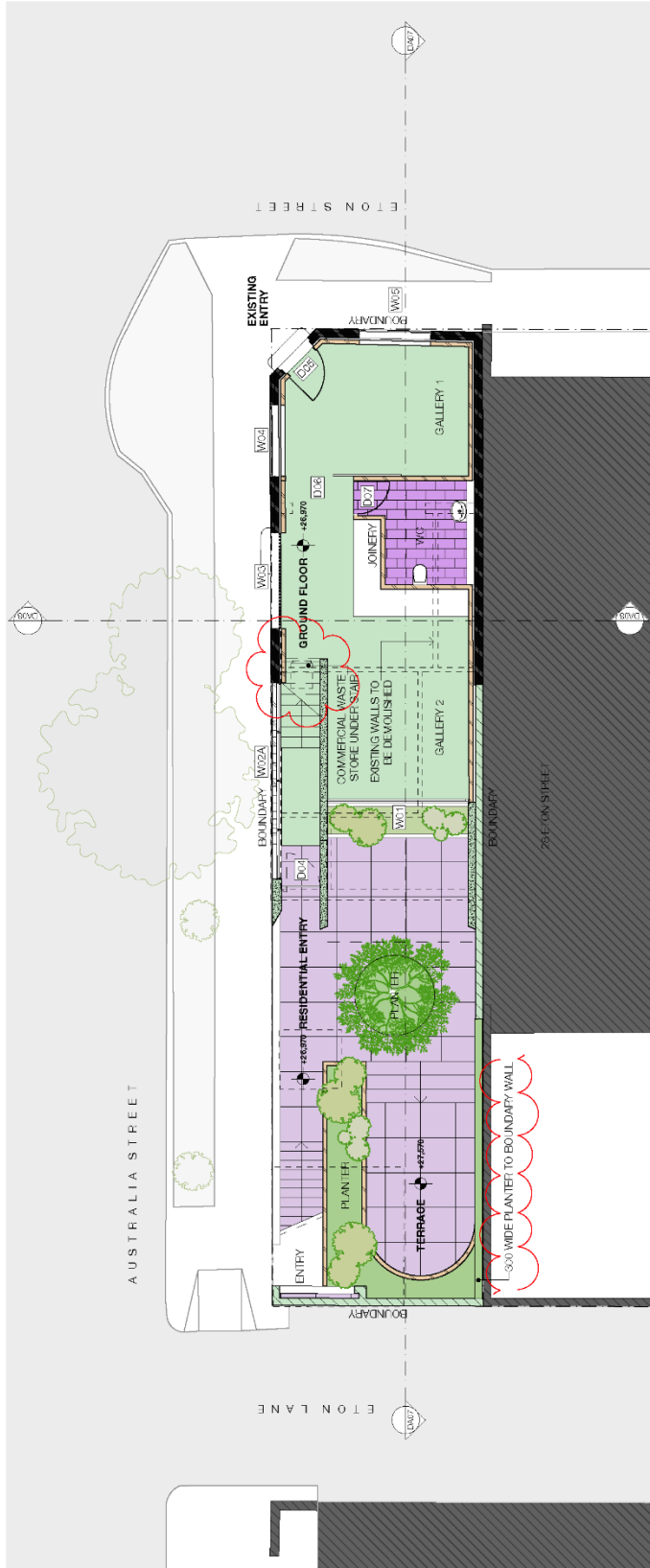
PROJECT NUMBER  
 2004  
 LOT/DP  
 LOT72/DP2036

DATE  
 08/11/2016  
 DRAWN BY  
 J. WILSON  
 CHECKED BY  
 J. WILSON  
 SCALE  
 1:1000/A3

PROJECT TYPE  
 GARAGE FLOOR PLAN  
 NO. REV.  
 DA02 B  
 DEVELOPMENT APPLICATION

**Downie North.**

102/5893/2043  
 STUDIO@DOWNIE.NORTH.COM  
 2588 AUSTRALIA  
 WWW.DOWNIE.NORTH.COM  
 WWW.WORKWITHDOWNIE.COM  
 NOMINATED ARCHITECT DANIE NORTH  
 DOWNE NORTH ARCHITECTS IS AN A/MEMBER  
 AUSTRALIAN INSTITUTE OF ARCHITECTS



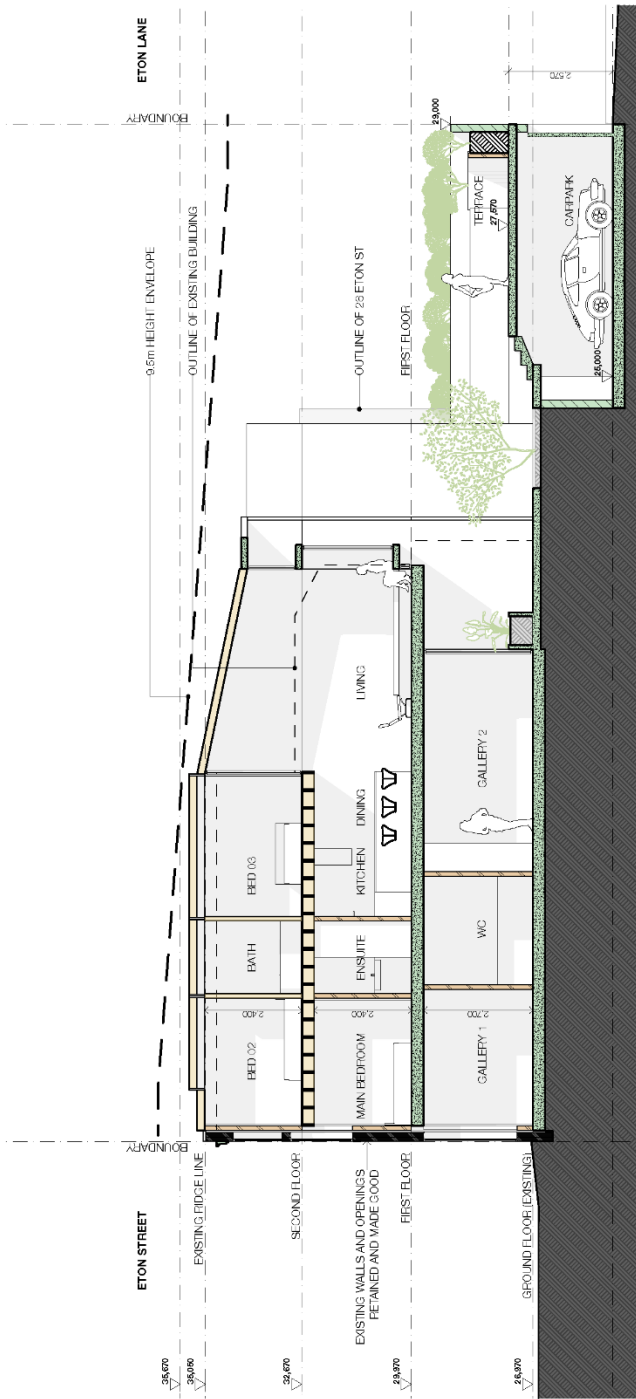
DATE: 20/06/2018  
 DRAWN BY: J. JAMES  
 CHECKED BY: J. JAMES  
 PROJECT NO: 2004  
 PROJECT NAME: 30 ETON STREET, CAMPERDOWN  
 SCALE: 1:100/0.6A3  
 DRAWING TITLE: GROUND FLOOR PLAN  
 NO: DA03\_B  
 REV: DEVELOPMENT APPLICATION

PROJECT NAME: 2004  
 LOT: LOT23/DP2036  
 THE DOCUMENT IS THE PROPERTY OF DOWNIE NORTH ARCHITECTS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DOWNIE NORTH ARCHITECTS.

NO.	REVISION	DATE
1	ISSUED FOR APPROVAL	20/06/2018
2	FOR PRELIMINARY COMMENTS	20/06/2018
3	FOR PRELIMINARY COMMENTS	20/06/2018

00118389-2018  
 STUDIO DOWNIE NORTH ARCHITECTS PTY LTD  
 10/100 DOWIE NORTH DRIVE, SYDNEY NSW 1585  
 WWW.DOWNIENORTH.COM  
 DOWNIE NORTH ARCHITECTS IS AN A+ MEMBER  
 AUSTRALIAN INSTITUTE OF ARCHITECTS





**Downie North.**  
 601 8388 2623  
 STUDIO: DOWNIE NORTH ROOM  
 10/100 WILSON STREET, SYDNEY, AUSTRALIA  
 WWW.DOWNIE-NORTH.COM  
 DOWNIE NORTH ARCHITECT DANIEL NORTH  
 DOWNIE NORTH ARCHITECTS IS AN AA MEMBER  
 AUSTRALIAN INSTITUTE OF ARCHITECTS

REV.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	20/09/2018
2	REVISED PER PANEL COMMENTS	20/09/2018
3	REVISED PER PANEL COMMENTS	20/09/2018
4	REVISED PER PANEL COMMENTS	20/09/2018
5	REVISED PER PANEL COMMENTS	20/09/2018
6	REVISED PER PANEL COMMENTS	20/09/2018
7	REVISED PER PANEL COMMENTS	20/09/2018
8	REVISED PER PANEL COMMENTS	20/09/2018
9	REVISED PER PANEL COMMENTS	20/09/2018
10	REVISED PER PANEL COMMENTS	20/09/2018
11	REVISED PER PANEL COMMENTS	20/09/2018
12	REVISED PER PANEL COMMENTS	20/09/2018
13	REVISED PER PANEL COMMENTS	20/09/2018
14	REVISED PER PANEL COMMENTS	20/09/2018
15	REVISED PER PANEL COMMENTS	20/09/2018
16	REVISED PER PANEL COMMENTS	20/09/2018
17	REVISED PER PANEL COMMENTS	20/09/2018
18	REVISED PER PANEL COMMENTS	20/09/2018
19	REVISED PER PANEL COMMENTS	20/09/2018
20	REVISED PER PANEL COMMENTS	20/09/2018
21	REVISED PER PANEL COMMENTS	20/09/2018
22	REVISED PER PANEL COMMENTS	20/09/2018
23	REVISED PER PANEL COMMENTS	20/09/2018
24	REVISED PER PANEL COMMENTS	20/09/2018
25	REVISED PER PANEL COMMENTS	20/09/2018
26	REVISED PER PANEL COMMENTS	20/09/2018
27	REVISED PER PANEL COMMENTS	20/09/2018
28	REVISED PER PANEL COMMENTS	20/09/2018
29	REVISED PER PANEL COMMENTS	20/09/2018
30	REVISED PER PANEL COMMENTS	20/09/2018
31	REVISED PER PANEL COMMENTS	20/09/2018
32	REVISED PER PANEL COMMENTS	20/09/2018
33	REVISED PER PANEL COMMENTS	20/09/2018
34	REVISED PER PANEL COMMENTS	20/09/2018
35	REVISED PER PANEL COMMENTS	20/09/2018
36	REVISED PER PANEL COMMENTS	20/09/2018
37	REVISED PER PANEL COMMENTS	20/09/2018
38	REVISED PER PANEL COMMENTS	20/09/2018
39	REVISED PER PANEL COMMENTS	20/09/2018
40	REVISED PER PANEL COMMENTS	20/09/2018
41	REVISED PER PANEL COMMENTS	20/09/2018
42	REVISED PER PANEL COMMENTS	20/09/2018
43	REVISED PER PANEL COMMENTS	20/09/2018
44	REVISED PER PANEL COMMENTS	20/09/2018
45	REVISED PER PANEL COMMENTS	20/09/2018
46	REVISED PER PANEL COMMENTS	20/09/2018
47	REVISED PER PANEL COMMENTS	20/09/2018
48	REVISED PER PANEL COMMENTS	20/09/2018
49	REVISED PER PANEL COMMENTS	20/09/2018
50	REVISED PER PANEL COMMENTS	20/09/2018

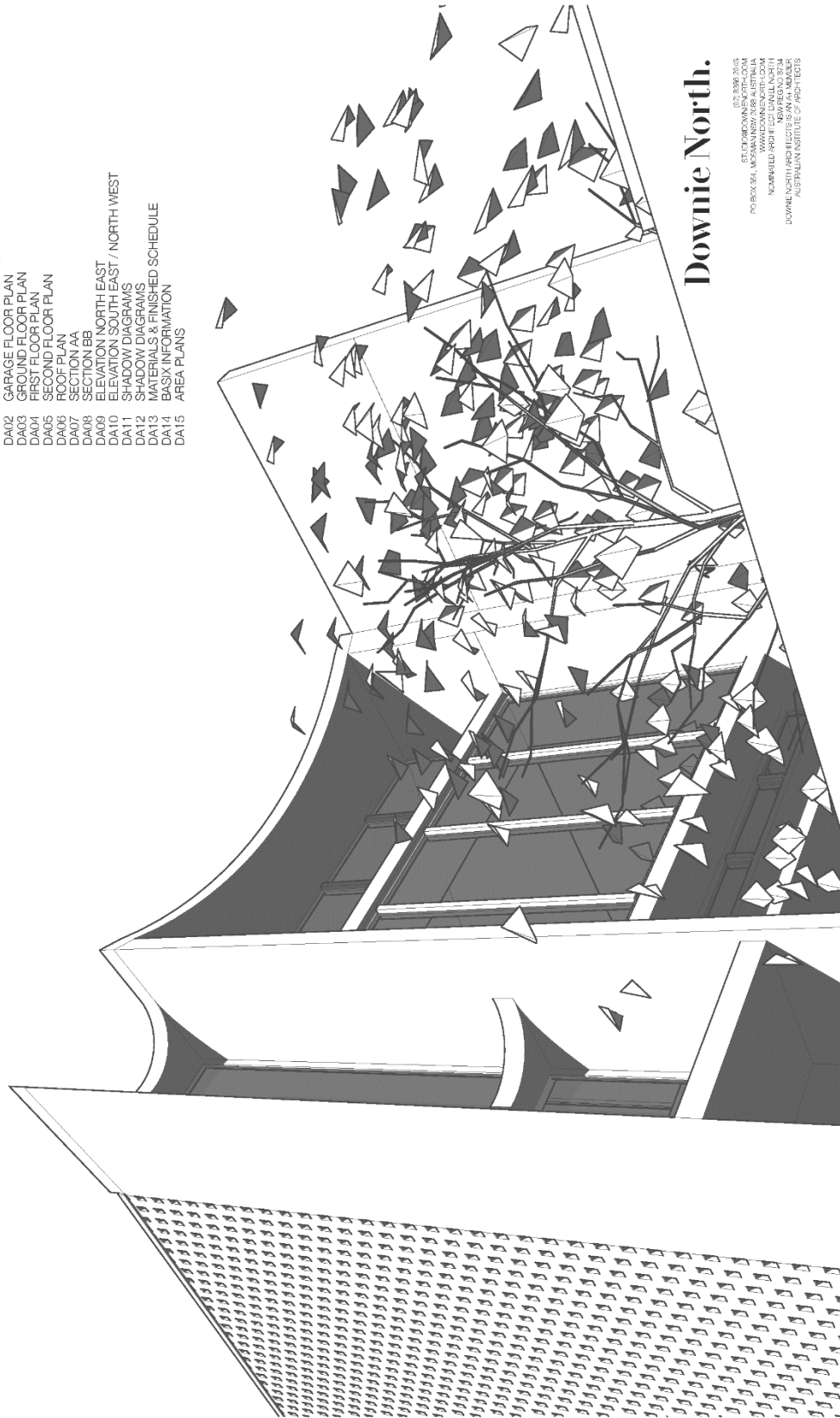
100.00% SITE  
**ETON GALLERIES & ARTIST RESIDENCE**  
 30 ETON STREET, CAMPERDOWN  
 PROJECT ADDRESS  
 SECTION AA  
 SCALE: 1:100/0.6A3  
 DRAWING TITLE  
 NORTH POINT  
 DATE: 20/09/2018  
 NO: DA07 B  
 REV: 0  
 DEVELOPMENT APPLICATION  
 THE DOCUMENT IS THE PROPERTY OF DOWNIE NORTH ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFIC FOR WHICH IT WAS PREPARED. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DOWNIE NORTH ARCHITECTS. THE DRAWING IS NOT VALID FOR CONSTRUCTION OF ANY STRUCTURE.

URBAN RENEWAL  
ETON GALLERIES & ARTIST RESIDENCE

DEVELOPMENT APPLICATION  
30 ETON STREET, CAMPERDOWN

CONTENTS

- DA01 SITE PLAN & SITE ANALYSIS
- DA02 GARAGE FLOOR PLAN
- DA03 GROUND FLOOR PLAN
- DA04 FIRST FLOOR PLAN
- DA05 SECOND FLOOR PLAN
- DA06 ROOF PLAN
- DA07 SECTION AA
- DA08 SECTION BB
- DA09 ELEVATION NORTH EAST
- DA10 ELEVATION SOUTH EAST / NORTH WEST
- DA11 SHADOW DIAGRAMS
- DA12 SHADOW DIAGRAMS
- DA13 MATERIALS & FINISHED SCHEDULE
- DA14 BASIS INFORMATION
- DA15 AREA PLANS

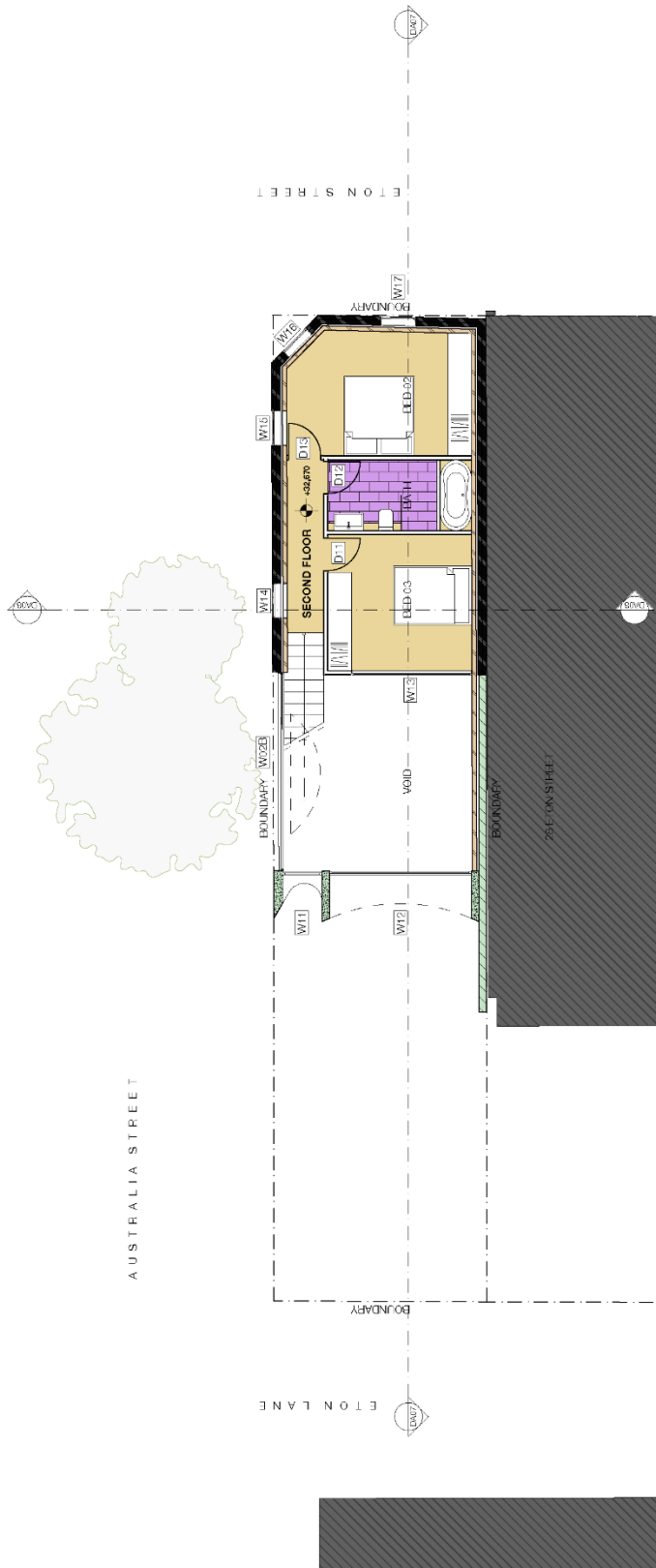


Downie North.

02 9599 7445  
 STUDIO@DOWNIE.NORTH.COM  
 170 BOX 361, MESSUMANN NSW 2058 AUSTRALIA  
 DOWNIE NORTH ARCHITECTS  
 DOWNIE NORTH ARCHITECTS PTY LTD  
 AUSTRALIAN INSTITUTE OF ARCHITECTS







DRAWING TITLE: SECOND FLOOR PLAN  
 PROJECT NAME: 2004  
 DATE: 2004  
 SCALE: 1:100/8A3  
 NO. REV: DA05 A  
 REVISED:

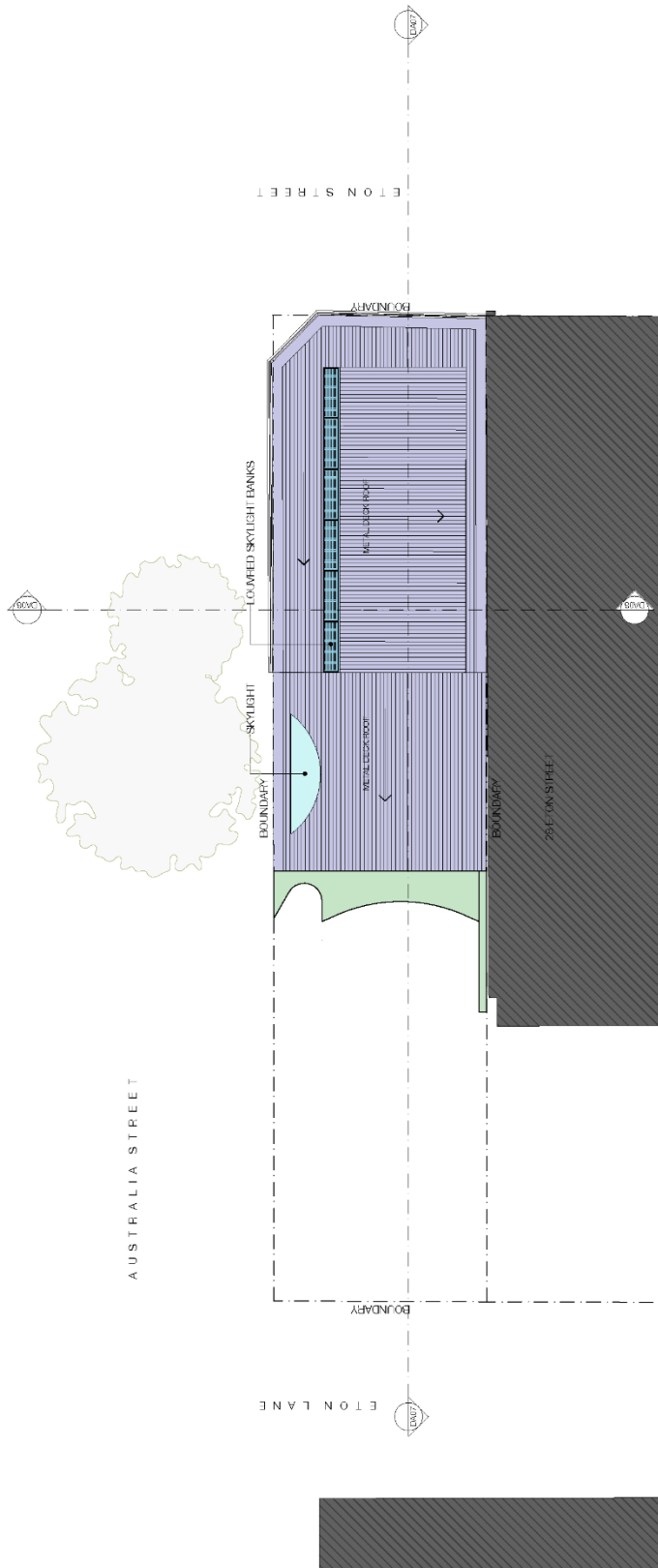
PROJECT NAME: 2004  
 LOT: LOT23/DP2036  
 ADDRESS: 30 ETON STREET, CAMPERDOWN  
 THE DOCUMENT HAS BEEN PREPARED BY DOWNIE NORTH ARCHITECTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE DEVELOPMENT APPLICATION ACT 1995. THE DOCUMENT IS NOT VALID UNLESS IT IS SIGNED BY A REGISTERED ARCHITECT.

NO.	REVISION	DATE
1	PREPARED FOR	
2	REVISIONS	
3		
4		
5		
6		
7		
8		
9		
10		

001 8388 2043  
 STUDIO: 2/110 NORTH LANE, SYDNEY, AUSTRALIA  
 WWW.DOWNNORTH.COM  
 DOWNIE NORTH ARCHITECTS IS AN A+ MEMBER  
 OF THE AUSTRALIAN INSTITUTE OF ARCHITECTS

**Downie North.**

DEVELOPMENT APPLICATION



DATE: 11/06/2013  
 DRAWING TITLE: ROOF PLAN  
 SCALE: 1:100/8A3  
 NO. REV: DA06 A  
 REVISED: 11/06/2013

PROJECT NAME: 2004 LOT23/DP2036  
 CLIENT: ETON GALLERIES & ARTIST RESIDENCE  
 PROJECT ADDRESS: 30 ETON STREET, CAMPERDOWN  
 THE DOCUMENTS HAVE BEEN PREPARED BY DOWNIE NORTH ARCHITECTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE DEVELOPMENT APPLICATION ACT 1995. THE DOCUMENTS DO NOT CONSTITUTE A CONTRACT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL COUNCIL AND THE STATE GOVERNMENT.

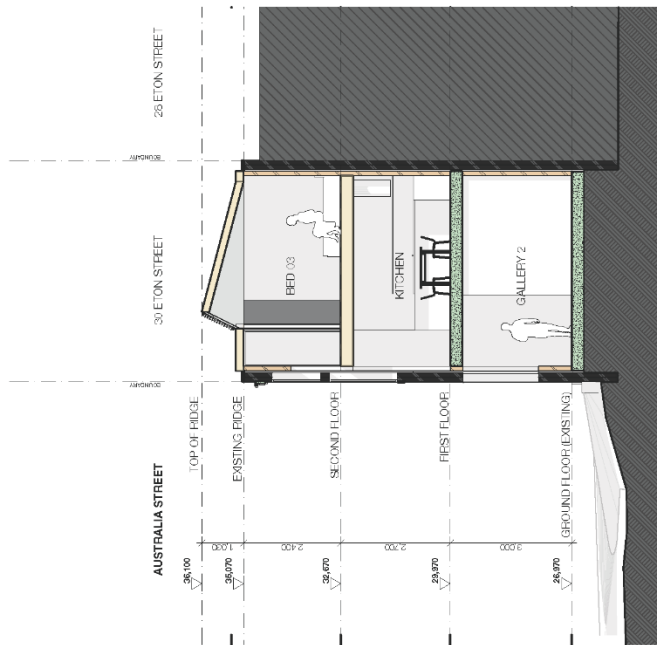
DATE: 11/06/2013  
 DRAWING TITLE: ROOF PLAN  
 SCALE: 1:100/8A3  
 NO. REV: DA06 A  
 REVISED: 11/06/2013

NO.	REVISION	DATE

00118389-2013  
 STUDIO: 2/110 NORTH LANE, SYDNEY NSW 2000, AUSTRALIA  
 PHONE: (02) 9550 1100  
 WWW.DOWNIENORTH.COM  
 DOWNIE NORTH ARCHITECTS IS AN A+ MEMBER  
 AUSTRALIAN INSTITUTE OF ARCHITECTS

**Downie North.**

DEVELOPMENT APPLICATION



SECTION BB  
SCALE: 1:100/8A3

2004  
LOT23/DP2036

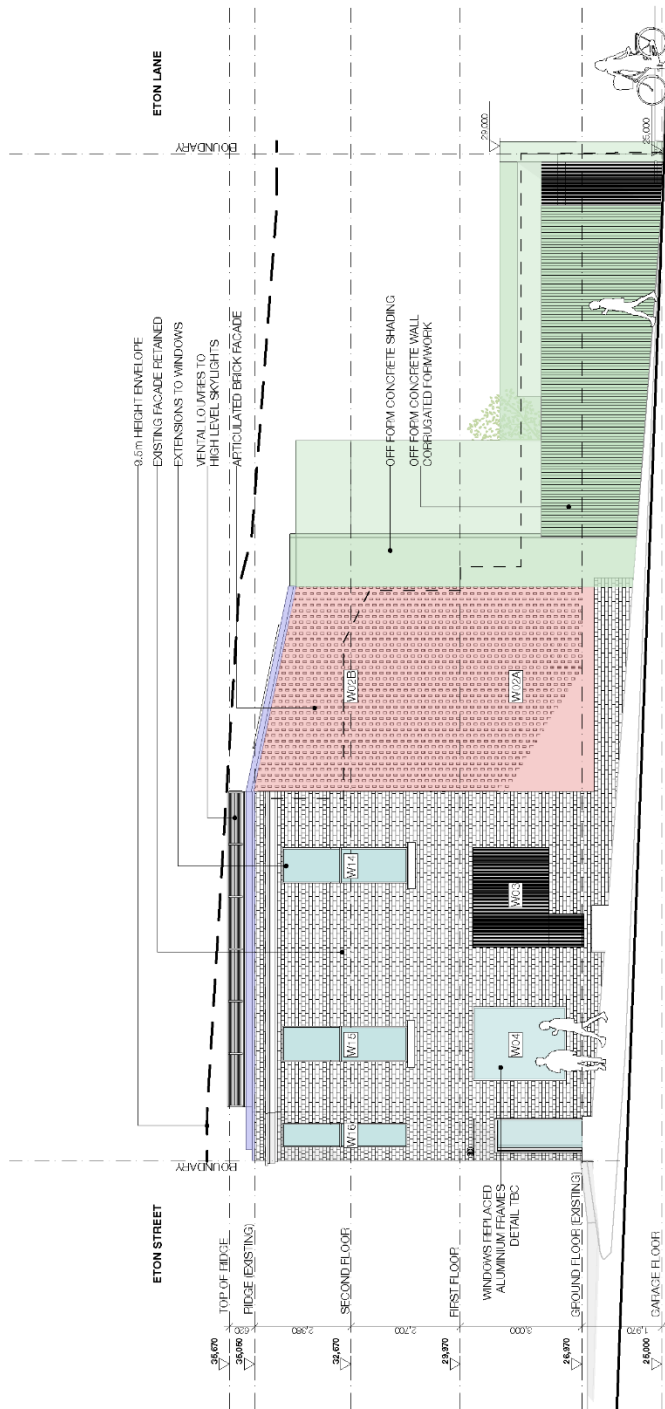
ETON GALLERIES & ARTIST RESIDENCE  
30 ETON STREET, CAMPERDOWN

REV.	DESCRIPTION	DATE
A	STRUCTURE APPROVED	20/08/2014

10/11/2014  
STUDIO/WORKSPACE/ARTIST ROOM  
10/11/2014  
WWW.DOWNIE.NORTH.COM  
DOWNIE NORTH ARCHITECTS IS AN A4 MEMBER  
AUSTRALIAN INSTITUTE OF ARCHITECTS

**Downie North.**

DEVELOPMENT APPLICATION  
DA08 A



NORTH EAST ELEVATION

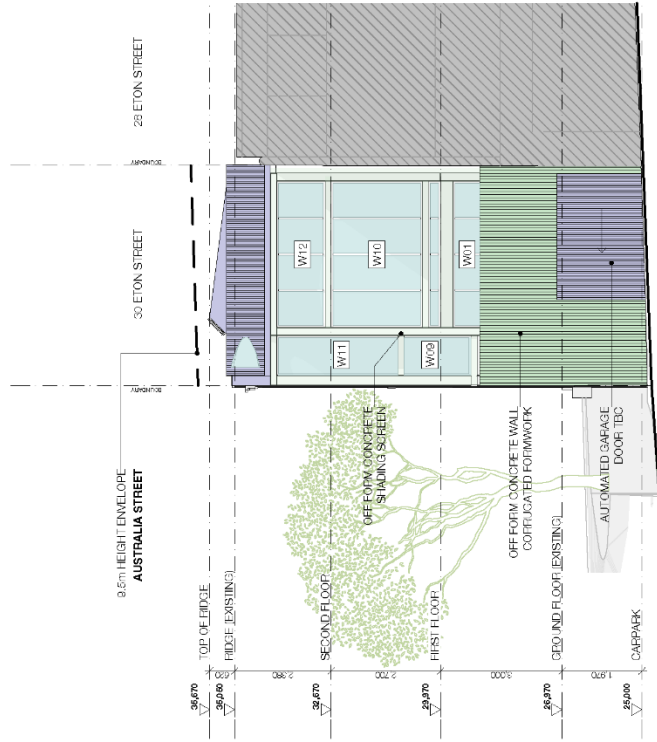
**Downie North.**  
 001 8388 2023  
 STUDIO@DOWNIE.NORTH.COM  
 WWW.DOWNIE.NORTH.COM  
 DOWNIE NORTH ARCHITECTS IS AN A+ MEMBER  
 AUSTRALIAN INSTITUTE OF ARCHITECTS

REV.	DESCRIPTION	DATE
1	PRELIMINARY APPROVAL	
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	
5	REVISIONS	
6	REVISIONS	
7	REVISIONS	
8	REVISIONS	
9	REVISIONS	
10	REVISIONS	

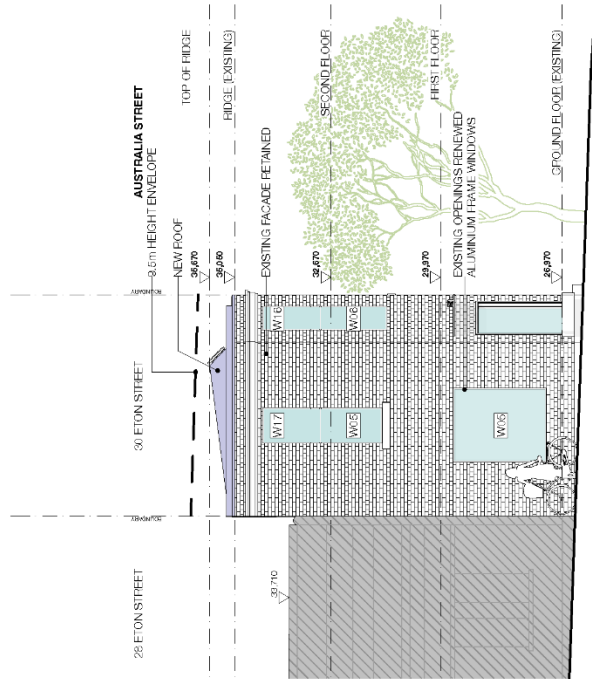
100 827 2112  
**ETON GALLERIES & ARTIST RESIDENCE**  
 30 ETON STREET, CAMPERDOWN  
 PROJECT NUMBER  
 LOT23/DP2036  
 DATE  
 2004  
 DRAWING NUMBER  
 ELEVATION NORTH EAST  
 SCALE  
 1:100/8A3

DATE  
 2004  
 DRAWING NUMBER  
 ELEVATION NORTH EAST  
 SCALE  
 1:100/8A3  
 DEVELOPMENT APPLICATION





NORTH WEST ELEVATION



SOUTH EAST ELEVATION

DATE: 03/08/2023  
 STUDIO: DOWNIE NORTH  
 NUMBER: 2004  
 PROJECT: 30 ETON STREET CAMPERDOWN  
 DRAWING TITLE: ELEVATION SOUTH EAST / NORTH WEST  
 SCALE: 1:100/0.6A3  
 DATE: 03/08/2023  
 DEVELOPMENT APPLICATION

PROJECT NUMBER: 2004  
 LOT: LOT23/DP2036  
 THE DOCUMENTS ARE THE PROPERTY OF DOWNIE NORTH ARCHITECTS AND WILL BE RETURNED TO THEM UPON REQUEST. THE DOCUMENTS ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF DOWNIE NORTH ARCHITECTS.

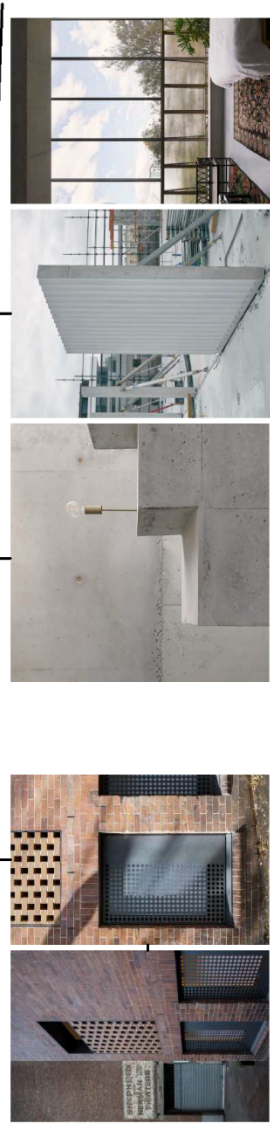
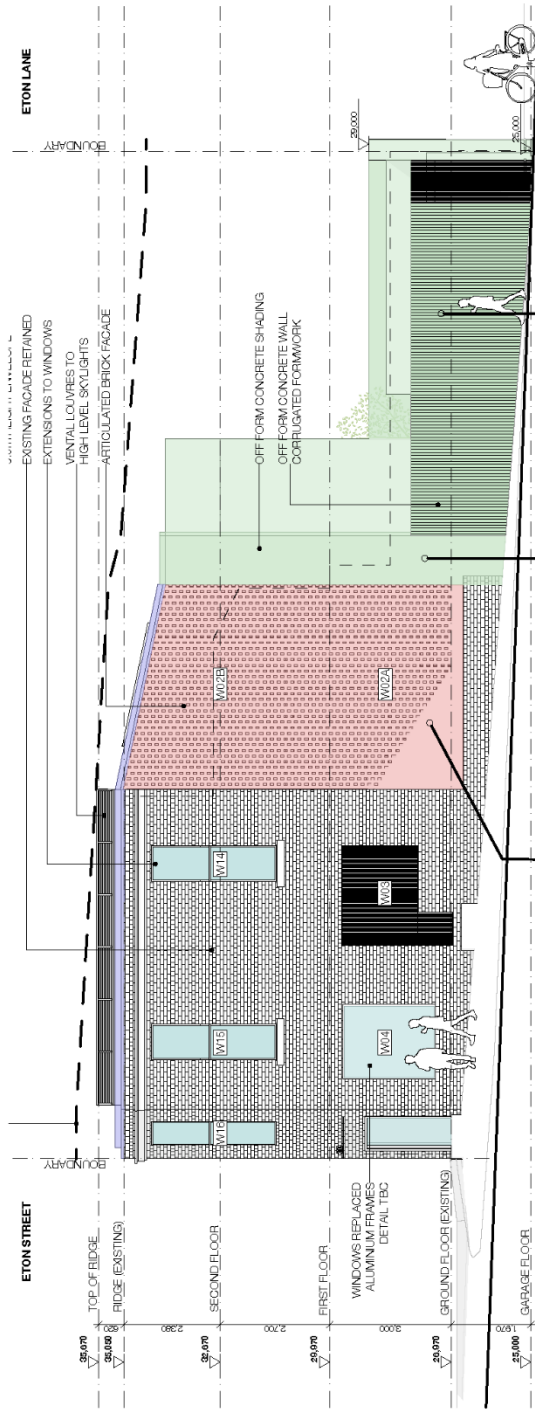
NO.	REVISION	DATE

03/08/2023  
 STUDIO: DOWNIE NORTH  
 NUMBER: 2004  
 PROJECT: 30 ETON STREET CAMPERDOWN  
 DRAWING TITLE: ELEVATION SOUTH EAST / NORTH WEST  
 SCALE: 1:100/0.6A3  
 DATE: 03/08/2023  
 DEVELOPMENT APPLICATION

**Downie North.**  
 DOWNIE NORTH ARCHITECTS IS AN A4 MEMBER  
 AUSTRALIAN INSTITUTE OF ARCHITECTS







HT & MISS BRICK FACADE & WINDOW INSERTS  
 NATURAL CONCRETE  
 CORRUGATED CONCRETE  
 DARK ALUMINUM WINDOW FRAMES

**Downie North.**  
 (01) 9389 0013  
 STUDIO@DOWNIE-NORTH.COM  
 1/11, WILSON ROAD, WILSONS CREEK NSW 1570  
 WILSONS CREEK NSW 1570  
 DOWNIE NORTH ARCHITECTS DANIEL NORTH  
 DOWNIE NORTH ARCHITECTS SANAA MEMBER  
 AUSTRALIAN INSTITUTE OF ARCHITECTS

PROJECT TITLE: **ETON GALLERIES & ARTIST RESIDENCE**  
 PROJECT NUMBER: **30 ETON STREET, CAMPERDOWN**  
 DATE: **2004**  
 LOT: **LOT29/DP2038**

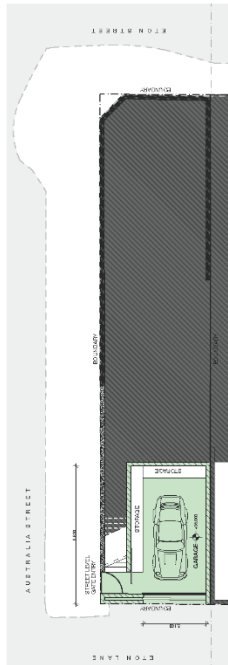
SCALE: **1:100@A3**

DATE: **DATE 13 A**

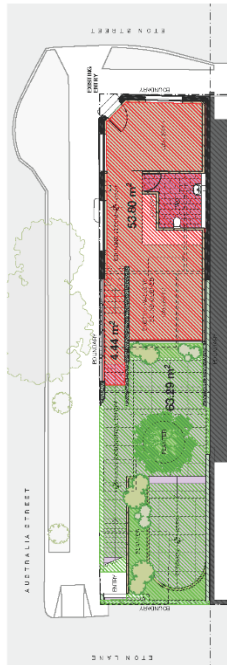
DEVELOPMENT APPLICATION

THE DOCUMENTS ARE THE PROPERTY OF DOWNIE NORTH ARCHITECTS. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DOWNIE NORTH ARCHITECTS.

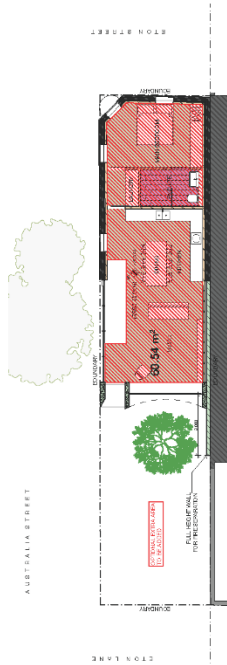




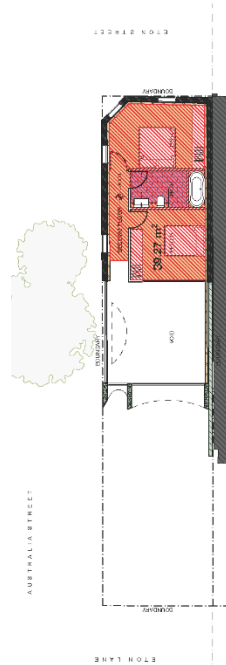
**GARAGE FLOOR PLAN**  
AREA: EXEMPT



**GROUND FLOOR PLAN**  
GALLERY SPACE: 53.80m<sup>2</sup>  
APARTMENT ENTRY: 4.44m<sup>2</sup>



**FIRST FLOOR PLAN**  
APARTMENT: 60.54m<sup>2</sup>



**SECOND FLOOR PLAN**  
APARTMENT: 39.12m<sup>2</sup>

**TOTALS**

GALLERY SPACE:	53.80m <sup>2</sup>
APARTMENT:	104.25m <sup>2</sup>
<b>TOTAL GFA:</b>	<b>158.05m<sup>2</sup></b>
<b>SITE AREA:</b>	<b>135.96m<sup>2</sup></b>
<b>FSR:</b>	<b>1.16:1</b>

**Downie North.**  
 (02) 8589 2042  
 ST LUCIA, NEWNORTH COAST, 2086, AUSTRALIA  
 WWW.DOWNIENORTH.COM  
 WWW.DOWNIENORTH.COM  
 DOWNIE NORTH ARCHITECTS IS AN A4 MEMBER  
 AUSTRALIAN INSTITUTE OF ARCHITECTS

DATE: \_\_\_\_\_  
 REFERENCE: \_\_\_\_\_  
 PROJECT ADDRESS: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_  
 PROJECT NAME: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_

PROJECT NAME: **ETON GALLERIES & ARTIST RESIDENCE**  
 LOTS: **30 ETON STREET, CAMPERDOWN**  
 LOT: **30 ETON STREET, CAMPERDOWN**  
 THE DOCUMENTS ON THIS PLAN DO NOT REPRESENT A CONTRACT. ANY DISCREPANCY BETWEEN THE DOCUMENTS AND THE ACTUAL PROPERTY SHALL BE RESOLVED BY THE LOCAL COUNCIL. THE DOCUMENTS ON THIS PLAN DO NOT REPRESENT A CONTRACT. ANY DISCREPANCY BETWEEN THE DOCUMENTS AND THE ACTUAL PROPERTY SHALL BE RESOLVED BY THE LOCAL COUNCIL.

PROJECT NAME: **ETON GALLERIES & ARTIST RESIDENCE**  
 LOTS: **30 ETON STREET, CAMPERDOWN**  
 LOT: **30 ETON STREET, CAMPERDOWN**

DATE: \_\_\_\_\_  
 REFERENCE: \_\_\_\_\_  
 PROJECT ADDRESS: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_  
 PROJECT NAME: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_

DATE: \_\_\_\_\_  
 REFERENCE: \_\_\_\_\_  
 PROJECT ADDRESS: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_  
 PROJECT NAME: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_

DATE: \_\_\_\_\_  
 REFERENCE: \_\_\_\_\_  
 PROJECT ADDRESS: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_  
 PROJECT NAME: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_

DATE: \_\_\_\_\_  
 REFERENCE: \_\_\_\_\_  
 PROJECT ADDRESS: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_  
 PROJECT NAME: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_

DATE: \_\_\_\_\_  
 REFERENCE: \_\_\_\_\_  
 PROJECT ADDRESS: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_  
 PROJECT NAME: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_

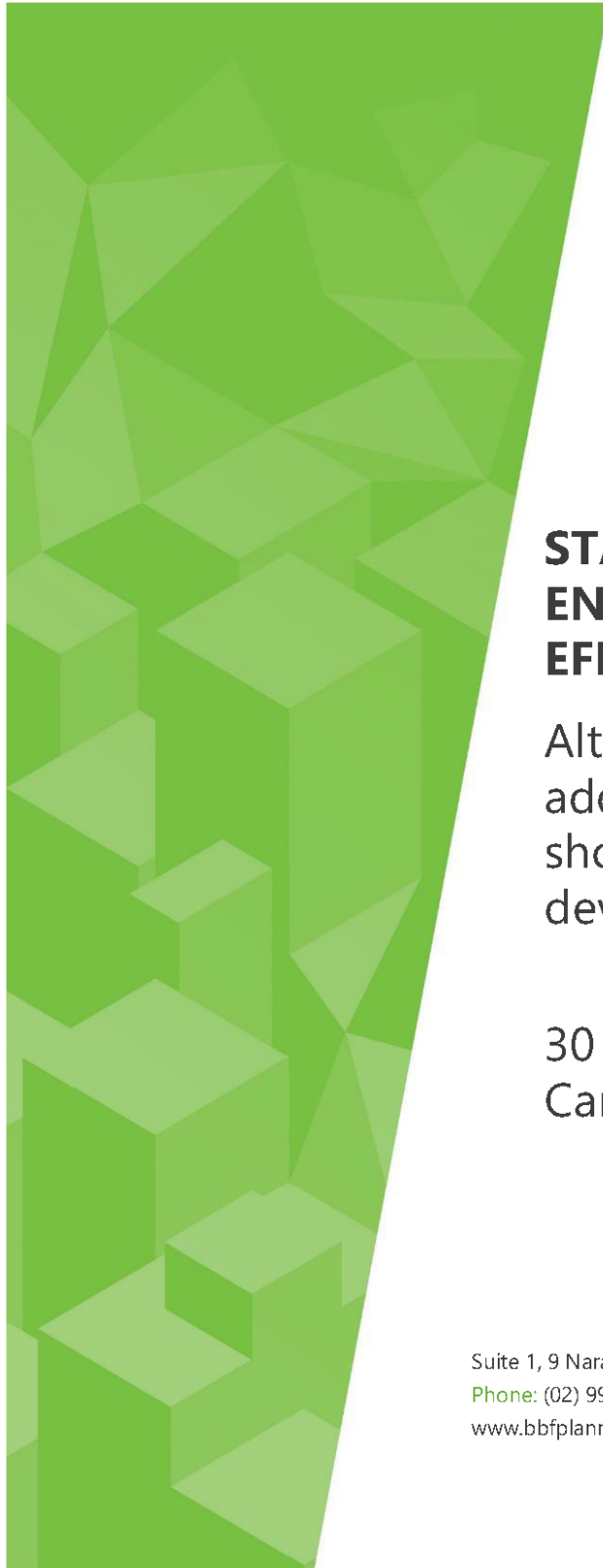
DATE: \_\_\_\_\_  
 REFERENCE: \_\_\_\_\_  
 PROJECT ADDRESS: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_  
 PROJECT NAME: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_

DATE: \_\_\_\_\_  
 REFERENCE: \_\_\_\_\_  
 PROJECT ADDRESS: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_  
 PROJECT NAME: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_

DATE: \_\_\_\_\_  
 REFERENCE: \_\_\_\_\_  
 PROJECT ADDRESS: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_  
 PROJECT NAME: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_

DATE: \_\_\_\_\_  
 REFERENCE: \_\_\_\_\_  
 PROJECT ADDRESS: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_  
 PROJECT NAME: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_

Attachment C – Clause 4.6 Variation – Floor Space Ratio



**STATEMENT OF ENVIRONMENTAL EFFECTS**

Alterations and additions to an existing shop top housing development

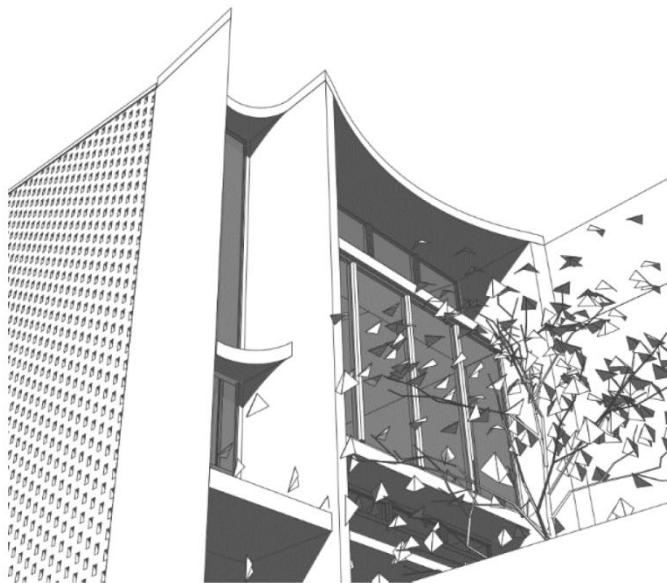
30 Eton Street,  
Camperdown

Suite 1, 9 Narabang Way Belrose NSW 2085  
Phone: (02) 9986 2535 | Fax: (02) 9986 3050 |  
[www.bbfplanners.com.au](http://www.bbfplanners.com.au)

## Statement of Environmental Effects

Alterations and additions to an existing shop top housing development

30 Eton Street, Camperdown



**Greg Boston**

B Urb & Reg Plan (UNE) MPIA

**Boston Blyth Fleming Pty Ltd**

**Town Planners**

(ACN 121 577 768)

Suite 1/9 Narabang Way  
Belrose NSW 2085

Tel: (02) 99862535

October 2021



**TABLE OF CONTENTS**

**1 Introduction.....4**

**2 Site Analysis .....5**

2.1 Site Description and Location.....5

**3 Description of Proposed Development.....10**

3.1 Details of the Proposed Development.....10

**4 Statutory Planning Framework .....11**

4.1 Marrickville Local Environmental Plan 2011.....11

4.1.1 Zoning and Permissibility.....11

4.1.2 Height of Buildings.....11

4.1.3 Floor Space Ratio.....12

4.1.4 Earthworks.....13

4.2 Marrickville Development Control Plan 2011 .....14

4.2.1 Commercial and Mixed Use Development.....17

4.2.2 Strategic Context - Newtown North and Camperdown Precinct (Precinct 4).....32

4.3 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended.....33

4.3.1 The provision of any Planning Instrument, draft environmental planning instrument, development control plan or regulations .....33

4.3.2 The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality. ....33

4.3.3 The suitability of the site for the development.....36

4.3.4 Any submissions received in accordance with this act or regulations.....36

4.3.5 The public interest .....36

**5 Conclusion.....37**

**Attachment 1**      **Clause 4.6 variation request – FSR**

## 1 Introduction

This Statement of Environmental Effects (SoEE) has been prepared in support of a development application proposing legitimate alterations and additions to the existing shop top housing development including garage accommodation and landscaping.

The architect has responded to the client brief to incorporate the existing historically significant period building façades into a contemporary mixed use development accommodating ground level gallery space with a residential dwelling above. The application also proposes the provision of an off-street carparking space in the form of a garage of compliant geometry accessed from the Eton Lane frontage. The application also proposes the implementation of an integrated first floor terrace landscape regime and the retention and restoration of the existing primary building façades.

Consideration has been given to the impact of the proposal on the amenity of surrounding development with this report demonstrating that the proposed works will not give rise to any adverse streetscape, heritage conservation or residential amenity impacts. In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979,
- Marrickville Local Environmental Plan 2011, and
- Marrickville Development Control Plan 2011

A complete set of architectural drawings including floor plans, elevations, section and shadow diagrams have been prepared in relation to the development proposed. The application is also accompanied by a site survey, historical background report, geotechnical investigation report, stormwater management plans, traffic impact statement and BASIX certificate.

This report addresses the relevant provisions contained within Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011 and demonstrates that, having regard to the heads of consideration pursuant to section 4.15 of the Act, the proposal is consistent with the applicable statutory planning regime, will not give rise to any adverse streetscape, residential amenity or heritage conservation impacts and is appropriate for the granting of consent.

Whilst not heritage listed or located within a heritage conservation area the retention of the existing building façades is consistent with the desired future character statement for the Newtown North and Camperdown Precinct (Precinct 4) which seeks to protect period buildings and require their sympathetic alteration or restoration. The proposal achieves this outcome and to that extent is consistent with the desired future character of the area.

Whilst the application requires Council to give favourable consideration to a variations to the FSR development standard, the accompanying clause 4.6 variation request demonstrates that strict compliance is unreasonable under the circumstances with sufficient environment planning grounds to justify the variation sought. Such variation request is well founded.

## 2 Site Analysis

### 2.1 Site Description and Location

The site is known as Lot 23 in DP 2036, No.30 Eton Street, Camperdown. The subject site is rectangular in shape and located on the corner of Eton Street and Australia Street with tertiary frontage to Eton Lane. The property has frontage to Eton Street and Eton Lane of 5.435 metres with frontage to Australia Street of 25.145 metres. The site has an area of 135.783m<sup>2</sup>, falls approximately 2 metres across its surface in a northerly direction and contains no trees or vegetation as depicted on the accompanying survey extract at Figures 1 below.

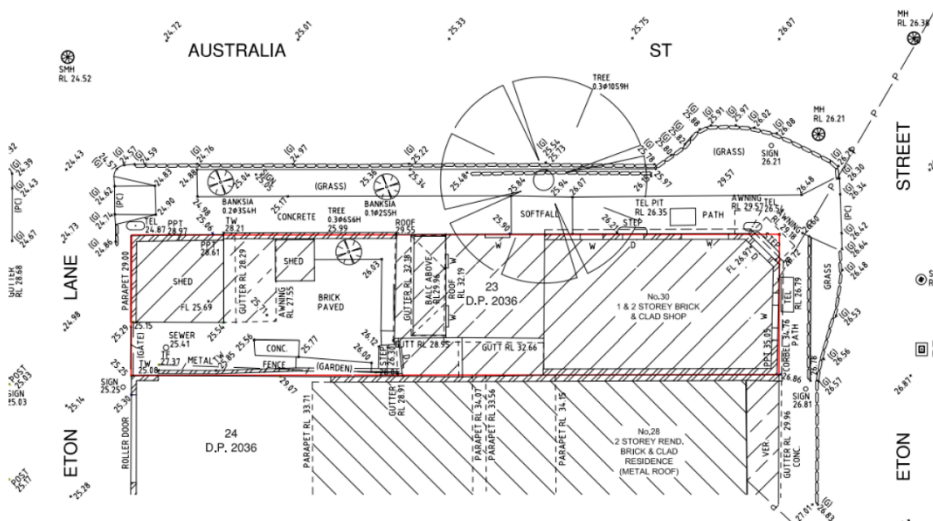


Figure 1 - Site survey extract

The property is currently occupied by a 1 and 2 storey brick and clad shop with a 2 bedroom dwelling above constructed around 1888 with a brick paved area and various sheds occupying the north-western portion of the site. A gate provides access to Eton Lane with no offstreet car parking. A Historical Background report prepared by Nick Jackson accompanies this submission with the existing building form contributing significantly to the character of the immediate streetscape. An aerial location/context photograph and photographs of the subject property are at Figures 2, 3 and 4 over page.

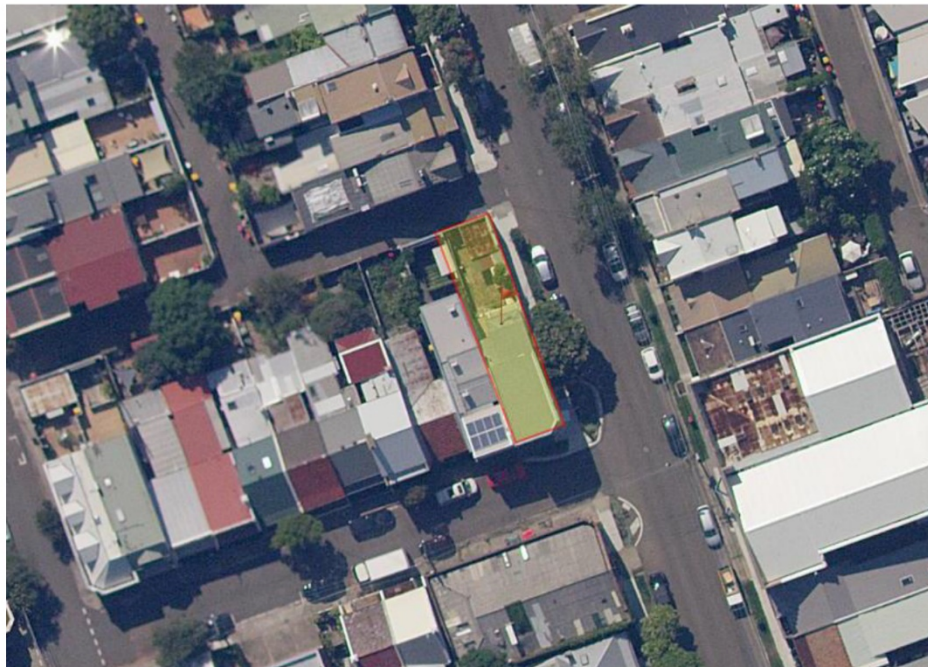


Figure 2 - Aerial location/context photograph (Source: SIX maps)



Figure 3 - Photograph of subject property as viewed from intersection of Eton and Australia Streets



**Figure 4** - Photograph of subject property as viewed from intersection Australia Street and Eton Lane

The immediately adjoining property to the west of the subject site, No. 28 Eton Street, is occupied by a 2 storey terrace house of similar age to the existing property. The property located to the south of the site on the corner of Eton and Australia Streets, No. 101 Australia Street, is occupied by a recently constructed mixed use development incorporating retained building façade elements whilst the balance of development within the sites visual catchment is eclectic in nature comprising 1 and 2 storey commercial development, 4 storey residential flat development and 1 and 2 storey detached, semi detached and terrace style housing with photographs depicting the sites immediate surrounds over page.

The site is not heritage listed or located within a heritage conservation area however is located within general proximity of a number of heritage conservation areas and heritage items.



Figure 5 - Photograph looking west along Eton Street from subject property



Figure 6 - Photograph looking north along Australia Street from subject property



Figure 7 - Photograph looking south along Australia Street from subject property

### 3 Description of Proposed Development

#### 3.1 Details of the Proposed Development

The application proposes legitimate alterations and additions to the existing shop top housing development including garage accommodation and landscaping. The development is depicted on Architectural plans DA01 to DA14 prepared by Downie North Architects. Specifically, the application results in the following floor plate and land use outcomes:

##### **Garage Floor Plan RL 25.00m AHD**

- The construction of a single garage with automatic door and ancillary storage accessed from Eton Lane, and
- the construction of a formal residential access gate and entry threshold from the Australia Street frontage with stair access to the residential terrace above.

##### **Ground Floor Plan – RL 26.970m AHD**

- The reconfiguration of existing internal retail floor space to accommodate 2 gallery spaces and new accessible bathroom facilities,
- The replacement of existing street facing fenestration,
- The construction of a new residential entry and courtyard/terrace area with integrated planting to the north of the gallery floor space with internal access to the residential floor plate above

##### **First Floor – RL 29.970m AHD**

- The construction of a new floor plate incorporating an open plan kitchen and living area, laundry and master bedroom with ensuite, and
- Internal access to the residential floor plate above.

##### **First Floor – RL 32.6700m AHD**

- This floor plate incorporates 2 additional bedrooms and an open void over the living space below.

The acceptability of the minor excavation required to accommodate the proposed garage is addressed in the accompanying geotechnical report prepared by White Geotechnical Group with all stormwater gravity drained to the existing street drainage system as detailed on the accompanying stormwater plans prepared by ACOR Consultants.

The acceptability of the quantum and arrangement of off-street carparking is detailed in the accompanying report prepared by Traffix it being noted that the proposal does not represent a significant intensification of use on this particular site.



## 4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

### 4.1 Marrickville Local Environmental Plan 2011

The Marrickville Local Environmental Plan 2011 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

#### 4.1.1 Zoning and Permissibility

The site is zoned B1 Neighbourhood Centre pursuant to the provisions of the Marrickville Local Environmental Plan 2011 with shop top housing is permissible with consent in the zone. The objectives of the zone are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To provide for housing attached to permissible non-residential uses in development of a type and scale compatible with the surrounding neighbourhood.*
- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*
- *To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.*

The application proposes the construction of shop top housing incorporating retained building façade and floor elements ensuring that the development remains consistent with the zone objectives through the provision of housing attached to permissible non-residential uses in a type and scale which is compatible with the surrounding neighbourhood.

#### 4.1.2 Height of Buildings

Pursuant to clause 4.3 of the LEP the maximum height on the subject site is 9.5m. The objectives of this clause are as follows:

- *to establish the maximum height of buildings,*
- *to ensure building height is consistent with the desired future character of an area,*
- *to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
- *to nominate heights that will provide an appropriate transition in built form and land use intensity.*

The proposed development sits below the 9.5 metre development standard as depicted on section AA Plan DA07(A) and to that extent is "deemed to comply" with the associated objectives. A plan extract demonstrating compliance is at Figure 8 below.

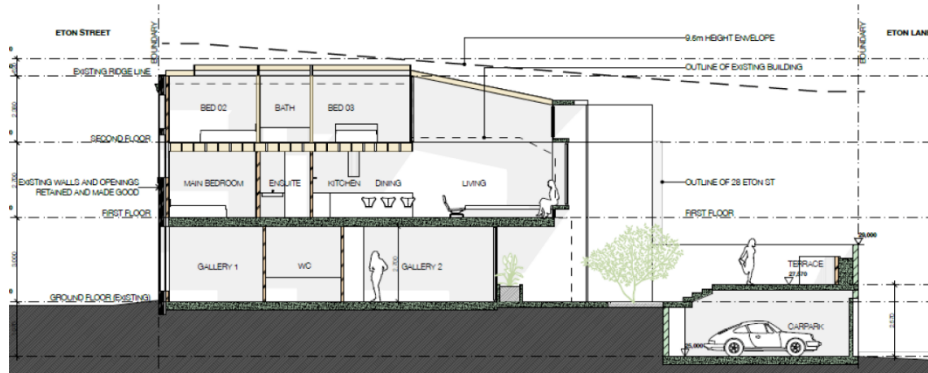


Figure 8 - Plan extract section AA DA07(A) showing compliance with the 9.5 metre height of building standard

4.1.3 Floor Space Ratio

Pursuant to clause 4.4 the objectives are as follows:

- 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 maximum prescribed FSR for development on the site is 0.85:1 which, based on a site area of 135.783m<sup>2</sup>, represents an allowable gross floor area (GFA) of 115.41m<sup>2</sup>. The development proposes a GFA of 158.71m<sup>2</sup> which represents an FSR of 1.16:1 which exceeds the maximum prescribed FSR of 0.85:1 by 43.3m<sup>2</sup> or 37.5%.

Clause 4.6 of LLEP provides a mechanism by which these development standards can be varied. In this regard, we rely on the clause 4.6 variation requests at Attachment 1 which demonstrates that compliance is unnecessary given the developments ability to satisfy the underlying objectives of the standards and the objectives of the zone with sufficient environment planning grounds to justify such variations. The clause 4.6 variation requests are well-founded.

#### 4.1.4 Earthworks

Pursuant to clause 6.2 of MLEP 2011 the application is accompanied by a geotechnical report prepared by White Geotechnical Group which addresses the relatively minor excavation proposed to accommodate the garage with the report confirming that the earthworks can be managed in such a way as to not result in any significant adverse impacts to the local environment or surrounding properties.

4.2 Marrickville Development Control Plan 2011

4.2.1 General Provisions

Part 2 of the DCP contains general controls that apply to development with the performance of the development when assessed against these provisions detailed in the table below.

Control	Requirement	Proposed	Compliance
<p><b>Site and context analysis</b></p> <p><b>2.3</b></p>	<p>Minimise overshadowing, loss of privacy and views</p> <p>Improve energy efficiency</p> <p>Integrated design with adjoining development and the wider streetscape</p>	<p>The proposed development has been designed through detailed site analysis which is outlined in the architectural plans provided. The existing streetscape is to be maintained with the existing street facing building façades retained and the overall development displaying a complementary and compatible building form.</p> <p>A BASIX report is provided with this application.</p>	<p>Yes</p>
<p><b>Acoustic and Visual Privacy</b></p> <p><b>2.6</b></p>	<p>To ensure new development and alterations and additions to existing buildings provide adequate visual and acoustic privacy for the residents and users of surrounding buildings.</p> <p>To design and orientate new residential development and alterations and additions to existing residential buildings in such a way to ensure adequate acoustic and visual privacy for occupants.</p>	<p>The proposed alterations and additions have been designed to minimise the impacts to the privacy and acoustic amenity of neighbouring properties.</p> <p>No windows are proposed along the common boundary with the adjoining property with an integrated privacy wall provided along the edge of the elevated courtyard area</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>To ensure new development does not unreasonably impact on the amenity of residential and other sensitive land uses by way of noise or vibration.</p>	<p>to restrict direct overlooking opportunities into the adjoining property.</p> <p>It is considered that there will be no unacceptable impact on the acoustic amenity to that immediate neighbouring dwelling.</p>	
<p><b>Solar Access and Overshadowing</b> <b>2.7</b></p>	<p>Direct solar access to windows of principal living areas and principal areas of open space of nearby residential accommodation must:</p> <ul style="list-style-type: none"> <li>• Not be reduced to less than two hours between 9.00am and 3.00pm on 21 June; or</li> <li>• Where less than two hours of sunlight is currently available on 21 June, solar access should not be further reduced.</li> </ul> <p>At least one habitable room (other than a bedroom) must have 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 and allow for direct sunlight for at least two hours over minimum of 50% of the glazed surface between 9.00am and 3.00pm on 21 June.</p>	<p>The Shadow Diagrams provided with this application show that surrounding buildings will continue to receive compliant levels of solar access.</p> <p>The shadow diagrams show that the proposed additions and the private open space areas of the dwelling will receive compliant levels of solar access.</p>	<p>Yes</p> <p>Yes</p>

Control	Requirement	Proposed	Compliance
	Private open space receives a minimum two hours of direct sunlight over 50% of its finished surface between 9.00am and 3.00pm on 21 June.		
<b>Residential Fencing</b>  <b>2.11.4</b>	Side fences (behind the front building setback) and rear fences must not be higher than 1.8 metres.	No site fencing is proposed.	N/A
<b>Stormwater Management</b>  <b>2.25</b>	<p>To protect the urban environment from the effects of otherwise uncontrolled surface stormwater flows resulting from infrequent (and lesser) storm events.</p> <p>To minimise or negate disruption and/or danger to both pedestrian and vehicular traffic that may be caused by otherwise uncontrolled surface stormwater flows resulting from frequent storm events.</p> <p>To protect the quality of receiving waters, adjacent and downstream land-use and the rights of adjacent and downstream landowners.</p>	A stormwater management plan prepared by ACOR accompanies this application.	Yes

4.2.2 Commercial and Mixed Use Development

Section 5.1 of the DCP contains general Commercial and Mixed Use Development Controls with the performance of the development when assessed against these provisions detailed in the table below.

**Building form**

	Minimum Requirement	Proposed	Compliance
<b>5.1.4.1 FSR</b>			
Objective			
<b>O19</b>	<b>O19 To ensure the density of development is compatible with the future desired character of the relevant commercial centre.</b>		
<b>O20</b>	<b>O20 To ensure the density of development is appropriate to the contextual constraints of the site.</b>		
Controls			
<b>C1</b>	Maximum permitted floor space ratio (FSR) for any development must be consistent with the FSR standards prescribed within MLEP 2011 and any applicable precinct-specific planning controls.	We rely on the accompanying clause 4.6 variation request in support of the FSR variation proposed	No Strict compliance unreasonable and unnecessary with sufficient environmental planning grounds to justify the variation.
<b>5.1.4.2 Height</b>			
Objectives			
<b>O21</b>	<b>To ensure the height of development is compatible with the future desired character of the relevant commercial centre.</b>		
<b>O22</b>	<b>To ensure the height of development is appropriate to the contextual constraints of the site.</b>		
Controls			

<b>C2</b>	Maximum permitted HOB for any development must be consistent with the HOB standards prescribed within MLEP 2011 and any applicable precinct-specific planning controls.	The proposal complies with the height of buildings development standard	Yes
<i>5.1.4.3 Massing and setbacks</i>			
<b>Objectives</b>			
<b>O23</b>	<b>To preserve the prevailing building frontage edge of the streetscape.</b>		
<b>O24</b>	<b>To ensure the massing of any permitted fourth and fifth storeys are setback to be subservient to the street building frontage.</b>		
<b>O25</b>	<b>To ensure the massing of any roof top level is not visually dominant.</b>		
<b>O26</b>	<b>To reinforce the local topography of Marrickville LGA's commercial centres as ridge roads, visible at their highest points in the neighbourhoods.</b>		
<b>O27</b>	<b>To ensure the rear massing of developments does not cause significant visual bulk or amenity impacts on neighbouring properties to the rear.</b>		
<b>Controls</b> <i>Additions to contributory and period buildings</i>			
<b>C3</b>	Where whole existing contributory buildings or the street fronting portion of the existing contributory buildings are retained there must be no additions to the existing building mass within the front 6 metres of the	The building is a period building. This control is unable to be achieved given the geometry of the site although the primary building façades are retained.	No Acceptable given geometry of site



	building, except for 0.9 metres roof projection of the topmost dwelling occupancy level.		
<b>C4</b>	Development involving third storey alterations and additions to retained two storey contributory or period buildings: i. Must not be visible when viewed from 1.8 metres above the footpath pavement on the edge of the road reserve on the opposite side of the street to the building or obliquely from 30 metres either side of the site; and ii. Where involving attic rooms within an existing pitched roof, the roof form must have sufficient volume, and dormers must comply with Section 4.1.8 of this DCP. Skylights must be confined to the rear roof plane. Raising the roof ridge, entire roof or otherwise making major changes to the existing roof form to accommodate roof additions is not permitted.	The habitable third level floor space is located below the level of the existing building parapet and to that extent will not be visible when viewed from 1.8 m above the footpath pavement on the edge of the road reserve on the opposite side of the street.	Yes
<b>Front massing for new infill development</b>			
<b>C7</b>	For new infill developments, where the HOB standard is set as 14 metres or greater, the street front portion of the building mass in the front 6 metres must have a maximum height (measured from the footpath level up to the highest point on the front portion of the building) of 12 metres and contain a maximum of three storeys.		N/A

<p><b>C8</b></p>	<p>The street front portion of the building mass generally must be built to the predominant front building line, which will usually require alignment with the street front boundary (zero front setback) to reinforce a continuous street fronting building edge to the streetscape.</p>		<p>N/A</p>
<p><b>C9</b></p>	<p>Side setbacks are generally not permitted in the front portion of the building where zero side setbacks are the typical pattern of the streetscape.</p>		<p>N/A</p>
<p><b>C10</b></p>	<p>Front or side setbacks in the front portion of the building that vary from the typical streetscape pattern are only permitted where:</p> <ul style="list-style-type: none"> <li>i. A setback is appropriate for the situation (that is, where a forecourt or a widened footpath is required and appropriate);</li> <li>ii. The new development has a non-retail frontage and the setback allows the provision of transition space between the public and private domain;</li> <li>iii. The setback is required as part of the setting for an adjacent heritage item to enable visual appreciation. In this instance it may be an alternative to height reduction; and/or</li> <li>iv. The setback reveals an important parapet corner return on an adjacent</li> </ul>		<p>N/A</p>

	building. In this instance the building may be setback at the upper level but lower floors must be built to the typical pattern.		
<b>Upper level massing</b>			
<b>C11</b>	Upper levels above the street front portion of the building mass must be setback a minimum 6 metres from the street front of the building (required to both frontages when the site is located on the corner of two major streets), except for 0.9 metres roof projection of the topmost dwelling occupancy level.	Refer to response for Control C3	No Acceptable given geometry of site
	On corner properties where the secondary frontage is to a minor street or laneway, the upper levels above the street front portion of the building mass facing the secondary frontage must be setback a minimum 3 metres from the secondary street frontage of the building, except for 0.9 metres roof projection of the topmost dwelling occupancy level.	Refer to response for Control C4	No Acceptable given geometry of site
<b>Rear massing</b>			
<b>C13</b>	Where the rear boundary adjoins a lane: i. The rear building envelope must be contained within the combination of the rear boundary plane and a 45	The building complies with the rear boundary plane is projected from Eaton Lane	Yes

	<p>degree sloping plane from a point 7.5 metres vertically above the lane ground level, measured at the rear boundary, and contain a maximum of two storeys on the rear most building plane; ii. Notwithstanding point i., building envelopes may exceed the above building envelope control where it can be demonstrated that any rear massing that penetrates above the envelope control will not cause significant visual bulk or amenity impacts on neighbouring properties to the rear ; iii. The rear building envelope must contribute positively to the visual amenity of the laneway, and encourage rear laneway activation through measures such as providing appro</p>		
<b>5.1.4.4 Depth</b>			
<b>Objectives</b>			
<b>O28</b>	<b>To control the bulk and scale of development.</b>		
<b>O29</b>	<b>To provide adequate amenity for building occupants in terms of direct solar access and natural light and ventilation.</b>		
<b>O30</b>	<b>To facilitate the use of dual aspect building design.</b>		
<b>Controls</b>			
<b>C16</b>	<p>For building levels on the first floor and above that are designed for residential premises:</p> <p>i. The building envelope depth must be:</p> <p>a. A maximum depth of 22 metres; and</p>	The development satisfies these provisions.	Yes

	<p>b. Generally a minimum depth of 10 metres.</p> <p>ii. The internal plan depth must be:</p> <p>a. A maximum depth of 18 metres; and</p> <p>b. Generally a minimum depth 10 metres.</p>		
<b>C17</b>	<p>For building levels on the first floor and above that are designed for commercial premises, the building envelope depth and internal plan depth must be:</p> <p>i. A maximum depth of 22 metres; and</p> <p>ii. Generally a minimum depth of 10 metres.</p>	N/A	N/A
<b>5.1.4.5 Building separation</b>			
<b>Objectives</b>			
<b>O31</b>	<b>To ensure new development is scaled to support the future desired character with appropriate massing and spaces between buildings.</b>		
<b>O32</b>	<b>To provide visual and acoustic privacy for building occupants.</b>		
<b>O33</b>	<b>To control overshadowing of adjacent properties and private or shared open space.</b>		
<b>O34</b>	<b>To provide for open space with appropriate size and proportion for recreational activities for building occupants.</b>		

Controls			
<b>C18</b>	<p>Separation dimensions within a development and between adjoining properties must be:</p> <ul style="list-style-type: none"> <li>i. Up to five storeys:                             <ul style="list-style-type: none"> <li>a. 12 metres between habitable rooms or balconies of dwellings and habitable rooms or balconies of dwellings;</li> <li>b. 9 metres between habitable rooms or balconies of dwellings and non-habitable rooms of dwellings or commercial uses; and</li> <li>c. 6 metres between non-habitable rooms of dwellings or commercial uses and non-habitable rooms of dwellings or commercial uses.</li> </ul> </li> </ul>	<p>The proposal maintains the existing nil boundary setback to the only immediately adjoining property. The maintenance of the established setbacks will satisfy the objectives of the control.</p>	Yes
<b>C19</b>	<p>Zero building separation is permitted and appropriate:</p> <ul style="list-style-type: none"> <li>i. When blank walls abut or would allow for future abutment while achieving compliance with other DCP controls;</li> <li>ii. When it is appropriate in the streetscape context; and</li> <li>iii. When it allows for acceptable occupant amenity for all affected properties.</li> </ul>	As above.	Yes
<b>C20</b>	<p>Where the building separation is between buildings across property boundaries, the building separation distance is generally to be shared equally between adjoining</p>	N/A	N/A

---

	<p>property landowners in proportion to the building element use as follows:</p> <ul style="list-style-type: none"><li>i. Up to five storeys:<ul style="list-style-type: none"><li>a. 6 metres from the boundary for habitable rooms or balconies of dwellings;</li><li>b. 3 metres from the boundary for non-habitable rooms of dwellings or commercial uses; and</li><li>c. 0 metres from the boundary for blank walls.</li></ul></li></ul>		
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

**Building Detail**

<i>5.1.4.6 Corners, landmarks and gateways</i>	Minimum Requirement	Proposed	Compliance
<b>Objectives</b>			
<i>O35 To retain and maintain existing buildings and design features that reinforce corner, landmark or gateway locations.</i>			
<i>O36 To identify corner sites, sites suitable for landmark buildings or sites suitable for gateway buildings, where visually significant elements will enhance the streetscape character.</i>			
<i>O37 Where appropriate for the site and context, to encourage the building form and detail of new development to emphasise corner, landmark or gateway locations, considering the desired future character.</i>			



<b>Controls – Alterations and additions</b>			
C22	<i>An existing building or part of a building that creates a strong corner, landmark and/or gateway is generally required to be retained, unless it is demonstrated for other reasons that it is more appropriate to be demolished.</i>	The existing building defines the intersection of Eaton and Australia streets in a strong robust form and to that extent the part of the building that creates a strong corner element has been retained.	Yes
C23	<i>Alterations and additions proposed to street corner sites, sites suitable for landmark buildings, sites suitable for gateway buildings or buildings where the corners, landmarks or gateways are poorly defined should be developed in an appropriate way to strengthen those buildings as corners, landmarks or gateways.</i>	N/A	N/A
5.1.5.1 Building frontages	<b>Minimum Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Objectives</b>			
<b>O38 To ensure the street front portion of the building mass reads as the continuous dominant element in the streetscape, with upper levels above the street frontage being visually subservient.</b>			
<b>Controls</b>			
C28	The street front portion of the building mass must be designed to maintain or emphasise the street front portion of the building mass as the continuous dominant element in the streetscape.	The front portion of the building mass as it presents to both street frontages is maintained.	Yes

C29	Building levels above the street front portion of the building mass that are visible in the streetscape must be visually subservient as a <b>complementary</b> backdrop to the street front portion of the streetscape.	The proposed upper level habitable floor space sits below the established building parapet and to that extent are not visually prominent and streetscape.	
C30	Where development will result in the long term exposure of a side boundary wall from surrounding streets, such a wall is to be appropriately designed/finished as an integrated part of the building frontage composition.	N/A	N/A
C31	Air -conditioning facilities must not be visible from the shopping street and any other major side street.	Satisfied	Yes
<b>Alterations and additions to retained contributory and period buildings</b>			
<b>Objectives</b>			
<b><i>O39 To ensure any alterations and additions made to contributory or period buildings are not detrimental to the visual presentation of the contributory building or the streetscape and broader townscape character.</i></b>			
<b>Controls</b>			
C32	Where the existing building is identified as a contributory or period building, as a minimum, the front portion of the building (being the front most original structural bay where this is intact) must be retained.	The front portion of the building is retained.	Yes

C33	Development must not create voids behind the front façade.	Satisfied	Yes
C34	Private open space must not be located at the front of any retained front portion except where this relates to existing front balconies.	Satisfied	Yes
C35	Restoration or reconstruction of elements of an existing building located behind the front portion and visible from the streetscape must be consistent with the period and style of the building (where there is reasonable evidence to establish the original design).	N/A	N/A
<b>5.1.5.2 Active street frontage uses and shopfront design</b>			
<b>Objectives</b>			
<b>O25</b>	<b>To retain and restore contributory shopfronts for contributory buildings.</b>		
<b>O26</b>	<b>To encourage the reconstruction of shopfronts, as appropriate.</b>		
<b>O27</b>	<b>To encourage high quality contemporary architecture.</b>		
<b>O28</b>	<b>To ensure shopfronts complement the streetscape character.</b>		
<b>O29</b>	<b>To provide active street frontages.</b>		

O30	To ensure the area provided for active frontage uses makes a variety of uses viable.		
O31	To ensure residential entries provide for adequate residential amenity without impacting on the viability and vitality of the retail frontage.		
O32	To preserve the visual amenity of commercial centres outside normal trading hours while providing shopfront security.		
<b>Controls</b>			
C42	The shopfront design of infill development must be consistent with the contemporary infill development design as a whole, giving consideration to the streetscape context.	A contemporary shop front design is proposed with an appropriate level of street activation.	Yes

**Building Use**

<i>5.1.6.1 Mixed use development</i>	Minimum Requirement	Proposed	Compliance
<b>Objectives</b>			
O50	To encourage mixed use development that is compatible with the role and character of the commercial centre.		
O51	To ensure the ground floor that relates to the active street frontage		

	<b>predominantly accommodates commercial uses.</b>		
<b>O52</b>	<b>To encourage a range of uses above ground level that will complement the role of the commercial centre.</b>		
<b>O53</b>	<b>To encourage a variety of land uses in the commercial centres, that are active at different hours of the day, to increase vitality, safety, security and environmental sustainability, while maintaining a reasonable level of compatibility and protection of amenity.</b>		
<b>Controls</b>			
<b>C51</b>	The ground floor level of the site area that relates to the active street frontage must be predominantly used for commercial floor area or other street activating uses permitted in the zone under MLEP 2011, with the area dedicated for any other uses being kept as an ancillary component.	These provisions are satisfied.	Yes
<b>C52</b>	The floor levels above the ground floor level that relate to the active street frontage may be used for a mixture of uses as permitted in the zone under MLEP 2011.	These provisions are satisfied.	Yes

<b>C53</b>	A mixture of land uses and land uses that operate outside of normal business hours are permitted and encouraged, provided it is demonstrated that there will be a reasonable level of compatibility between different uses within a building and between adjoining properties and a reasonable level of amenity can be maintained for the different uses appropriate for a commercial centre context.	These provisions are satisfied.	Yes
------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------	-----

4.2.3 Strategic Context - Newtown North and Camperdown Precinct (Precinct 4)

Pursuant to section 9.4 of the DCP the desired future character for this precinct is as follows:

1. *To protect and preserve contributory and period buildings within the precinct and require their sympathetic alteration or restoration*

Comment: The period building is protected with sensitive alterations and additions proposed. Satisfied.

2. *To protect the identified Heritage Items within the precinct.*

Comment: Satisfied.

3. *To maintain distinctly single storey streetscapes that exist within the precinct.*

Comment: All habitable floor space is located below the established parapet levels and to that extent the established streetscape is maintained.

4. *To protect groups or runs of buildings which retain their original built form including roof forms, original detailing and finishes.*

Comment: Satisfied.

5. *To protect significant streetscapes and/or public domain elements within the precinct including landscaping, fencing, open space, sandstone kerbing and guttering, views and vistas and prevailing subdivision patterns.*

Comment: Satisfied.

6. *To preserve the predominantly medium density residential character of the precinct.*

Comment: Satisfied.

7. *To support pedestrian and cyclist access, activity and amenity including maintaining and enhancing the public domain quality.*

Comment: Satisfied.

8. *To ensure that the provision and location of off-street car parking does not adversely impact the amenity of the precinct.*

Comment: The proposed off-street car parking has been sensitively integrated onto the site with no adverse streetscape or amended consequences. Satisfied.

9. *To protect the identified values of the Camperdown Park Estate Heritage Conservation Area, North Kingston Estate Heritage Conservation Area and the Hopetoun -Roberts -Federation Streets Heritage Conservation Area*

Comment: Satisfied.

#### **4.3 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

##### **4.3.1 The provision of any Planning Instrument, draft environmental planning instrument, development control plan or regulations**

The proposed alterations and additions are permissible and consistent with the intent of section 4.15 of the Environmental Planning and Assessment Act 1979, Marrickville Local Environmental Plan and Development Control Plan as they are reasonably applied to the proposed works.

##### **4.3.2 The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.**

###### *Context and Setting*

i. *What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*

- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

The proposed alterations and additions will maintain the existing character of the streetscape and are appropriate in its bulk, height and design. The dwelling will maintain the existing façade with the proposed additions being disguised behind the front retrained portion of the building such that they will not be prominent in the streetscape.

ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the controls.

*Access, transport and traffic:*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The development does not represent a significant intensification of use on land which is well served by roads and public transport services. The development will not create any traffic or parking impact

*Public Domain*

The proposed development will have no adverse impact on the public domain.



*Utilities*

Existing utility services will continue to service the dwelling house.

*Flora and Fauna*

The proposal does not require the removal of any flora or fauna.

*Waste Collection*

Normal domestic and commercial waste collection applies to the development.

*Natural hazards*

N/A.

*Economic Impact in the locality*

The proposed development will not have any significant effect on economic factors within the area apart from short term employment opportunities during construction.

*Site Design and Internal Design*

i) *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

The matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the policy controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on future occupants

#### *Construction*

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

#### **4.3.3 The suitability of the site for the development**

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

#### **4.3.4 Any submissions received in accordance with this act or regulations**

It is envisaged that Council will appropriately consider any submissions received during the notification period.

#### **4.3.5 The public interest**

The proposed works are permissible and consistent with the intent of the EP&A 1979, LEP and DCP controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

## 5 Conclusion

The architect has responded to the client brief to incorporate the existing historically significant period building façades into a contemporary mixed use development accommodating ground level gallery space with a residential dwelling above. The application also proposes the provision of an off-street carparking space in the form of a garage of compliant geometry accessed from the Eton Lane frontage. The application also proposes the implementation of an integrated first floor terrace landscape regime and the retention and restoration of the existing primary building façades.

Consideration has been given to the impact of the proposal on the amenity of surrounding development with this report demonstrating that the proposed works will not give rise to any adverse streetscape, heritage conservation or residential amenity impacts. In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979,
- Marrickville Local Environmental Plan 2011, and
- Marrickville Development Control Plan 2011

A complete set of architectural drawings including floor plans, elevations, section and shadow diagrams have been prepared in relation to the development proposed. The application is also accompanied by a site survey, historical background report, geotechnical investigation report, stormwater management plans, traffic Impact statement and BASIX certificate.

This report addresses the relevant provisions contained within Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011 and demonstrates that, having regard to the heads of consideration pursuant to section 4.15 of the Act, the proposal is consistent with the applicable statutory planning regime, will not give rise to any adverse streetscape, residential amenity or heritage conservation impacts and is appropriate for the granting of consent.

Whilst not heritage listed or located within a heritage conservation area the retention of the existing period building façades is consistent with the desired future character statement for the Newtown North and Camperdown Precinct (Precinct 4) which seeks to protect period buildings and require their sympathetic alteration or restoration. The proposal achieves this outcome and to that extent is consistent with the desired future character of the area.

Whilst the application requires Council to give favourable consideration to a variations to the FSR development standard, the accompanying clause 4.6 variation request demonstrates that strict compliance is unreasonable under the circumstances with sufficient

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic in a streetscape context having regard to the built form characteristics of development within the sites visual catchment.



Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance and should be worthy of approval.