



DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2023/0777
Address	38 Station Street NEWTOWN
Proposal	Alterations to rear façade of dwelling, refurbishment of existing courtyard, addition of a pool, external access stair and car lift with basement parking and associated turntable.
Date of Lodgement	21 September 2023
Applicant	Ms Leanne Mitchell
Owner	Mr Brett A Shearer Mrs Bronwyn J Shearer
Number of Submissions	Zero (0)
Value of works	\$231,000.00
Reason for determination at Planning Panel	Section 4.6 Floor Space Ratio (FSR) Variation exceeds 10%
Main Issues	Section 4.4 – FSR Variation Part 2.11 – Fencing
Recommendation	Approved with Conditions
Attachment A	Recommended Conditions of Consent
Attachment B	Plans of Proposed Development
Attachment C	Section 4.6 Exception to Development Standards
Attachment D	Heritage Impact Statement



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

Note: Due to scale of map, not all objectors could be shown.

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations to the rear façade of an existing dwelling house, refurbishment of the existing courtyard, addition of a pool, external access stair and car lift with basement parking and associated turntable at No. 38 Station Street Newtown.

The application was notified to surrounding properties and no submissions were received in response to the notification. Amended plans were received during the assessment of the application and are the subject of this assessment report. Renotification of the amended plans was not required.

The main issues that have arisen from the application include:

- Section 4.4 – FSR Variation
- Part 2.11 – Fencing

Despite the issues noted above, it is considered that the proposed development is capable of generally complying with the aims, objectives, and design parameters contained in the relevant State Environmental Planning Policies, *Inner West Local Environmental Plan 2022*, and the Marrickville Development Control Plan 2011, subject to the imposition of conditions included in the recommendation.

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development, given the context of the site and the desired future character of the precinct are considered acceptable.

Subject to the imposition of appropriate terms and conditions, the application is considered suitable for approval.

2. Proposal

The proposal seeks consent for alterations to the rear façade of the existing dwelling house, refurbishment of existing courtyard, addition of a pool, external access stair and car lift with basement parking and associated turntable. The proposal includes the following works:

- Installation of a car lift leading to the basement from ground floor level and associated excavation and stormwater pump;
- Installation of a turntable that leads to two (2) off-street parking spaces on basement level;
- Installation of a pool to replace the existing pond;
- Addition of a new upper-level glass-floored walkway with connecting spiral stair to the courtyard below;
- Installation of a carport roof form in the rear yard;
- Replacement of existing windows, doors and glass louvres with steel framed glass doors and windows to the rear façade;
- Installation of a retractable awning over the main rear doors;
- Extension to existing boundary wall on northern side to match original high wall on the southern side;
- Addition of a screen over the existing rear gate on Bailey Street to screen air conditioning equipment; and

- General upgrade to the existing walled courtyard including new tiling to the ground surface and painting existing walls internal to the courtyard.

3. Site Description

The subject site is located on the eastern side of Station Street, between Enmore Road and Holt Street. The site consists of one (1) allotment and is generally rectangular shaped with a total area of 379.4sqm and is legally described as Lot 1, in DP 81784.

The site has a frontage to Station Street of 12.745m and a secondary frontage of approximate 12.45m to Bailey Street.

The site supports a two-storey dwelling house with a basement level. The residential use of the subject site was approved in 1987. Prior to the residential use, the subject site was utilised as a Masonic Hall which is what it is historically regarded for.

The subject site is listed as a Local Heritage Item – Masonic Hall, including interiors and is located within the Enmore-Newtown Heritage Conservation Area (HCA).

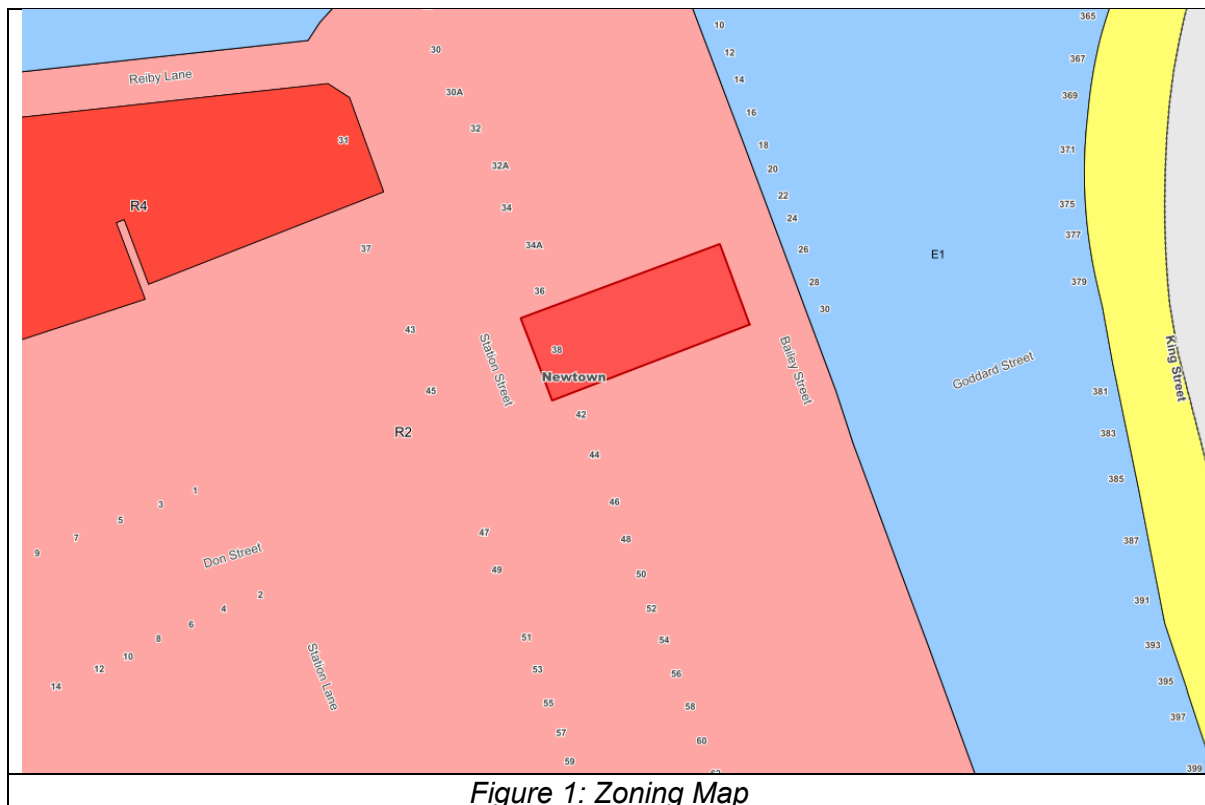


Figure 1: Zoning Map



Figure 2 – Front of Subject Site



Figure 3 – Rear of Subject Site

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
DA142/86	Application to use the premises for the purposes of a community centre for Islamic education for Muslim children, community function and a hall for public worship.	Refused, 03/09/1986
DA105/87	Application to use the premises as a centre for worship, and as a counselling centre with associated offices and residential accommodation.	Refused, 24/06/1987
BA876/87	Masonic temple conversion to dwelling house with artist's studio.	Approved, 18/12/1987
BA876/87, Amended	Minor internal alterations to an existing residence.	Approved, 24/02/1988
BC/2023/0190	Building Certificate - internal works previously undertaken to be regularised - da submitted.	Approved, 13/02/2024

Surrounding properties

Not applicable

4(b) Application history

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

Date	Discussion / Letter / Additional Information
21/09/2023	Application lodged.
04/10/2023 to 18/10/2023	Application notified.
24/10/2023	Site inspection.
13/11/2023	Request for Further Information letter issued.
04/12/2023	Request for Further Information submission received.
24/01/2024	Correspondence to the applicant was issued indicating that the Council's Development Engineer did not support the original parking scheme. Council gave the applicant the opportunity to amend their plans to provide parking within the existing basement.
03/02/2024	Amended parking scheme was submitted to Council.
13/02/2024	Building Information Certificate approved by Council addressing issues with unauthorised floor plan.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

The following provides further discussion of the relevant issues:

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

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

5(a)(iii) *Inner West Local Environmental Plan 2022 (IWLEP 2022)*

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.7 – Demolition requires development consent

- Section 4.3 – Height of buildings
- Section 4.4 – Floor space ratio
- Section 4.5 – Calculation of floor space ratio and site area
- Section 4.6 – Exceptions to development standards
- Section 5.10 – Heritage conservation
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management
- Section 6.8 – Development in areas subject to aircraft noise

Section 1.2 – Aims of Plan

The design of the proposal is considered to be of a high standard and has a satisfactory impact on the private and public domain and thus satisfies the applicable aims of the plan contained under Section 1.2 of the *IWLEP 2022*.

Section 2.3 Land Use Table and Zone Objectives

The site is zoned R2 – Low Density Residential under the *IWLEP 2022*. The *IWLEP 2022* defines the development as:

Dwelling house means a building containing only one dwelling.

The development is permitted with consent in the land use table. The development is consistent with the relevant objectives of the R2 – Low Density Residential zone as follows:

- The proposal provides for the housing needs of the community; and
- The proposal provides residential development that maintains the character of built and natural features in the surrounding area.

Section 2.7 – Demolition requires Development Consent

The proposal satisfies the provisions contained under Section 2.7 of the *IWLEP 2022* as follows:

- Demolition works are proposed, which are permissible with consent; and
- Standard conditions are recommended to manage impacts which may arise during demolition.

Section 4 – Principal Development Standards

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

Development Standard	Proposed	Variation	Compliance
Height of Building Maximum permissible: 9.5m	5.6m (new works)	N/A	Yes
Floor Space Ratio Maximum permissible: 0.6:1 or 227.64sqm	1.87:1 or 711.1sqm	212.4% or 483.5sqm	No

Section 4.5 – Calculation of Floor Space Ratio and Site Area

The site area and Floor Space Ratio for the proposal has been calculated in accordance with the section.

Section 4.6 – Exceptions to Development StandardsFloor Space Ratio (FSR) Development Standard

The applicant seeks a variation to the above mentioned under section 4.6 of the *IWLEP 2022* by 212.4% or 483.5sqm (it is noted than only 28.6sqm of this is increased by this application). Section 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 Section 4.6 of the *IWLEP 2022* below. A written request has been submitted to Council in accordance with Section 4.6(3) of the *IWLEP 2022* justifying the proposed contravention of the development standard which is summarised as follows:

- *As the existing GFA is already triple the allowable area, the additional area proposed is relatively small at 28.6m², however the non-compliance is effectively 483.5m² or 212.4% over the control. While this appears excessive, it is a minimal increase from the existing condition and can be justified;*
- *The development does not propose an increase to the existing building footprint;*
- *The additional GFA is contained within the existing building floor area currently used for storage (and therefore not included in existing GFA calculations);*
- *The additional GFA is contained within the existing basement area resulting in no change to the bulk or scale or character of the building and, visual and acoustic privacy and solar access and overshadowing impacts;*
- *The additional GFA is not visible from any public or private external spaces;*
- *The proposed GFA for an additional car space will improve the condition of on-street car parking in the locale as the occupants will no longer need to park on the street;*
- *The proposed increase to the existing GFA is only 4%;*
- *This building is listed as a heritage item in the Inner West LEP, Schedule 5 Environmental Heritage, Part 1, Heritage items. To comply with the standard would require demolition of the heritage building which would result in the loss of the heritage character of the area.*

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

It is considered the development, as conditioned, is consistent with the objectives of the R2 – Low Density Residential Zone in accordance with Section 2.3 of the *IWLEP 2022* for the following reasons:

- *To provide for the housing needs of the community within a low-density residential environment.*

Comment: The proposed alterations and additions seek to accommodate additional parking and enhanced private open space area from existing to cater towards the housing needs of the community.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

Comment: Not applicable.

- *To provide residential development that maintains the character of the built and natural features in the surrounding area.*

Comment: Subject to the imposition of a design change condition that seeks to maintain the character of the Heritage Item when viewed from Bailey Street, the proposal seeks to maintain the character of the built features of the historically significant building and the Enmore-Newtown HCA. Refer to *Part 2.11 – Fencing* of this report for a detailed assessment.

In accordance with the requirements of *Wehbe v Pittwater Council* [2007] NSWLEC 827 and 4.6(3)(a) of the *IWLEP 2022*, it is considered the applicant has demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case because the development is consistent with the objectives of the FSR Development Standard for the following reasons:

- *To establish a maximum floor space ratio to enable appropriate development density*

Comment: As discussed throughout this report, the existing building is a Heritage Item, and its significance is derived from its previous use as a Masonic Hall. The existing form of the building is substantially larger than other neighbouring development in the vicinity of the subject site due to its historic use and now that the existing building has been adaptively reused as a residential dwelling the density of the building is an anomaly in the area. Although the density of the subject site differs to the prevailing pattern along Station Street, the proposal does not seek to alter the existing and historically regarded building footprint. Therefore, the additional FSR variation is contained within the existing building footprint and is a result of changing the use of the existing basement storage area into a parking area (noting that parking that exceeds the prescribed parking rate constitutes GFA). Therefore, the development is considered to be of an appropriate density.

- *To ensure development density reflects its locality*

Comment: The development density of the site will continue to reflect the existing form as no additional GFA would be visible as it is contained within the basement. Whilst the existing built form is an anomaly in the locality as the subject site was originally a Masonic Hall and adjoining properties along Station Street are single and two storey dwelling houses, the retention of the existing form is considered to sit suitably within the locality.

- *To provide an appropriate transition between development of different densities*

Comment: The proposed development does not seek to alter the building footprint from existing. The additional GFA proposed is located within a basement and therefore will not be visible maintaining the existing transition between the subject site and surrounding development.

- *To minimise adverse impacts on local amenity*

Comment: As discussed throughout this report, the proposed alterations and additions to the basement, rear elevation of the building and the private open space area are unlikely to result in adverse impacts on the local amenity as the proposal in relation to these elements is compliant with the applicable planning controls in relation to visual bulk and scale, solar access and overshadowing and visual privacy. Therefore, the proposal continues to align with the abovementioned objective of this Section of the *IWLEP 2022* which is a satisfactory outcome.

- *To increase the tree canopy and to protect the use and enjoyment of private properties and the public domain*

Comment: The proposal does not seek to alter the existing rear setbacks. As such, the existing area of private open space and previous landscaping will remain unchanged. The proposal seeks to improve the private open space from existing by adding a pool, staircase leading to the primary living areas of the dwelling to the private open space area, and a transparent carport roof form in order to enhance the use and enjoyment of the space. Having regard to existing constraints there is no opportunity to increase tree canopy, however the proposal does not impact the use and enjoyment of other properties or the public domain.

The proposal thereby accords with the objective of section 4.6(1)(b) and requirements of section 4.6(3)(a) and (b) of the *IWLEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the FSR Development Standard and it is recommended the section 4.6 exception be granted.

Section 5.10 – Heritage Conservation

The site is listed as a Local Heritage Item under the *IWLEP 2022* as the Masonic Hall, including interiors (I1342) and is located within the Enmore-Newtown HCA. The building on the subject site is an adaptive reuse of a former Masonic Hall, now a single residence. The significance of both the building and the HCA have been appropriately recognised within the Heritage Impact Statement supporting the proposal.

The proposal is well-founded and appropriately detailed, all works are sympathetic to the heritage building and have minimal if any visibility from the two streetscapes it fronts. No objections are raised to the proposed fenestration changes to the rear façade of the existing building and the amended colour scheme and air-conditioning screen panel are of a material and shade that is appropriate and sympathetic to the existing Heritage Item and will make a positive contribution to the streetscape character of the HCA. Although the air-conditioning panel is supported on heritage grounds, it is recommended to be deleted, refer to *Part 2.11 – Fencing* of this report for a detailed assessment.

Overall, the proposed works are sympathetic additions to the existing building and will mostly not be visible from the public domain. Therefore, the development, as proposed, conserves the heritage significance of the Item and the HCA.

Section 6.2 – Earthworks

As determined by the submitted Geotechnical Investigation Report dated 18 September 2023, the ground conditions of the subject site are suitable for the extent of excavation works proposed.

Considering the above, the proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.

Section 6.3 – Stormwater Management

The proposal will remain satisfactory with respect to the provisions of this Section of the *IWLEP 2022* and subject to standard conditions would not result in any significant run off to adjoining properties or the environment.

Section 6.8 – Development in Areas subject to Aircraft Noise

Whilst the site is located within the ANEF 20-25 contour, the extent/scope of works to the dwelling do not warrant further attenuation requirements in accordance with the provisions of Section 6.8.

5(b) 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 2.6 – Acoustic and Visual Privacy	Yes, as conditioned – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes, as conditioned – see discussion
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes – see discussion
Part 2.11 – Fencing	Yes, as conditioned – see discussion
Part 2.18 – Landscaping and Open Space	Acceptable, on merit – See discussion
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.25 – Stormwater Management	Yes
Part 4.1 – Low Density Residential Development	Acceptable, on merit – see discussion
Part 8 – Heritage	Yes
Part 9 – Strategic Context	Yes

The following provides discussion of the relevant issues:

Part 2.6 – Acoustic and Visual Privacy

The proposal has been assessed against the requirements of Part 2.6 of the MDCP 2011 and is acceptable for the following reasons:

- The openings on ground and the first floor of the rear elevation of the existing building will overlook the subject site's boundary fencing / walls and Bailey Street and thus will have minimal opportunity to overlook into neighbouring main living room glazing and / or private open space which is a satisfactory outcome;
- The proposed first floor balcony on the rear elevation is in a location and is of a dimension that complies with C3(ii) and C3(iii) of this Part of the MDCP 2011 which is a satisfactory outcome. Further, the existing side boundary walls will restrict any adverse sightlines into neighbouring private open spaces and / or main living room glazing. Although the balcony services the main living areas of the dwelling, the balcony is of a depth (1m) that limits its ability to be used for entertaining purposes.
- A condition is included in the recommendation requiring that the proposed carport roof is not trafficable in order to protect the visual and acoustic privacy of adjoining properties;
- The proposed swimming pool is located away from adjoining bedroom areas in order to reduce the acoustic impacts when in use. Further, standard conditions are included in the recommendation to ensure that noise levels of the pool equipment do not exceed 5dBa above background sound levels at the boundary of the site.
- The proposed private open space is in a similar location to existing and will not generate additional acoustic and / or visual privacy impacts beyond existing; and
- As discussed under *Part 2.11 – Fencing* of this report, a condition is recommended to be included requiring the relocation of the air-conditioning unit to the south-western corner of the courtyard, adjacent to the first-floor balcony to remove visibility from the secondary streetscape (Bailey Street). The proposed air-conditioning unit, as conditioned, will be screened by the existing masonry walls and away from adjoining bedroom areas / main living room areas in order to protect the acoustic amenity of adjoining properties. In order to further protect the acoustic amenity of neighbours, a standard condition is recommended to be imposed as part of this consent granted to ensure that the operation of the air-conditioning unit does not produce "offensive noise" as defined by the Protection of the Environment (Operations) Act 1997.

Part 2.7 – Solar Access and Overshadowing

The proposal has been assessed against the requirements of Part 2.7 of the MDCP 2011 and is acceptable for the following reasons:

- As discussed under *Part 2.11 – Fencing* of this report, the proposed boundary wall extension on the northern boundary of the subject site is not supported and is conditioned to be deleted given that it will create additional overshadowing impacts to No. 36 Station Street's private open space. The deletion of the boundary wall extension will result in no additional overshadowing cast to adjoining properties which is a satisfactory outcome;

- No shadows will be cast to adjoining properties private open spaces (POS) and / or main living room glazing as a result of the proposal, as conditioned, which is a satisfactory outcome;
- The proposed structures in the rear yard (balcony, portion of the carport roof and staircase) are made of transparent materials to maximise the subject site's access to sunlight to the main living room glazing and private open space;
- The shadows cast from these structures will fall within the existing shadows cast from the 6.5m to 5m high historically significant boundary walls that surround the subject site's POS. Although a minimum 2 hour solar access to 50% of the subject site's private open space and / or main living room glazing will not be obtained, the proposed additions will not further restrict access to sunlight to the subject site's private open space and main living room glazing from existing, which is a satisfactory outcome.

Part 2.10 – Parking

According to C1 of Part 2.10 of the MDCP 2011, all dwelling houses are required a minimum of one (1) off-street parking space. The development seeks to add two (2) off-street parking spaces to the existing basement level which will be accessed via a car lift from the ground floor which will lead to a turntable on the basement floor that will direct the automobile to the provided parking areas. The proposal also seeks to retain the existing single off-street parking space on ground level. No objections are raised to the proposed off-street parking and associated mechanics (car lift and turn table). An advisory note is included in the recommended conditions of consent advising that the proposed basement parking is suitable only for small vehicles.

Part 2.11 – Fencing

The proposal seeks to extend the wall height to match the existing boundary wall profile on the northern side of the subject site. The proposed wall extension is not supported given that it will contribute to additional visual bulk and scale implications, particularly when viewed from Bailey Street and from No. 36 Station Street's private open space.

Additionally, the existing boundary walls that surround the subject site's private open space are part of the historically significant fabric of the Item and the proposed works seek to alter the original form of the northern side wall. Therefore, the proposed boundary wall extension will alter the original fabric of the Heritage Item and thus, impact the integrity and character of the historically significant and largely intact Heritage Item.

Furthermore, the Level 1 Floor Plan indicates that the proposed boundary wall extension encroaches the property boundary shared with No. 36 Station Street. Considering that neighbour's consent has not been provided, approval cannot be granted for the works that encroach across the property boundary.

In light of the above, a condition is included in the recommendation requiring the deletion of the proposed boundary wall extension on the northern side of the subject site.

Considering that the boundary wall extension is recommended to be deleted as part of this consent granted, the proposed air-conditioning unit to the rear elevation of the subject site will be highly visible when looking at the subject site from Bailey Street in a southerly direction. Although the metal screen seeks to conceal the air-conditioning unit from the public domain, it only screens views when looking at the subject site head-on from Bailey Street. As such, conditions are included in the recommendation to delete the metal screen on the rear elevation and to relocate the air-conditioning unit to the south-western corner of the courtyard, adjacent to the first-floor balcony in which the existing high boundary walls will be able to appropriately screen this structure from all views obtained from the public domain.

Part 2.18 – Landscaping and Open Spaces

The following controls apply under Part 2.18 of the MDCP 2011:

- C11 Landscaped area*
The entire front setback must be of a pervious landscape with the exception of driveways and pathways.
- C12 Private open space*
- i. The greater of 45sqm, or 20% of the total site area with no dimension being less than 3 metres, must be private open space.*
 - ii. A minimum 50% of private open space must be pervious.*

With regard to the above, the following is noted:

- The subject site consists of a nil setback to the front boundary and as such no pervious landscaping is currently evident and / or proposed within the front setback which is acceptable given that the existing building is a Heritage Item and the current and proposed built form does not allow for pervious landscaping to the front yard;
- The Lot size of the subject site is 379.4sqm. As such, private open space of, at least, 75.88sqm is required. The area of private open space provided is 58.7sqm. The proposal does not seek to reduce the existing area of private open space provided, and as such, the variation is supported in this instance; and
- No pervious landscaping is proposed to the private open space provided and thus varies C12(ii) of this Part of the MDCP 2011. The variation is supported in this instance as the existing private open space does not consist of pervious landscaping and the proposal does not seek to alter this situation. As such, the lack of pervious landscaping proposed is acceptable as it is substantially the same as existing and there will be no further amenity impacts beyond existing as a result of this shortfall. It is noted that application also seeks the provision of a green wall which seeks to add to the amenity of the rear yard which is considered a positive outcome.

Part 4.1 – Low Density Residential Development*Part 4.1.4: Good Urban Design Practice*

The proposal is considered to be consistent with Part 4.1.4 of the MDCP 2011 in that:

- The proposed materials and finishes to the rear façade of the existing building are compatible with the prevailing colour scheme of the HCA and the Heritage Item;
 - The proposed additions, as conditioned, will have minimal visibility from the public domain and will make a positive contribution to the streetscape character of the locality;
- and
- The design of the additions is appropriate in bulk and scale and in terms of maintaining internal privacy and mitigating the chance of adverse acoustic and visual privacy impacts to neighbouring properties.

Part 4.1.5: Streetscape and Design

The proposal satisfies the relevant objectives and controls contained under Part 4.1.5 of the MDCP 2011 as follows:

- The proposal does not propose to alter the front façade from existing. As such, the existing building will remain substantially the same when viewed from the primary streetscape - Station Street;
- The proposed changes to the rear elevation of the existing building are of minimal visibility to the secondary streetscape – Bailey Street, and are in keeping with the character of the existing building, streetscape, and HCA; and
- The proposed additions as conditioned are of a sympathetic design that complements and embellishes the character of the Heritage Item, HCA, and the streetscape.

Part 4.1.6: Built Form and Character

The following is noted with regard to the controls and objectives contained under Part 4.1.6 of the MDCP 2011:

- The proposal complies with the Height of Building Development Standard; however, will further vary the FSR Development Standard. Refer to *Section 4.6 – Exceptions to Development Standards* under *Section 5(a)(ii)* of this report for a detailed assessment;
- The proposal does not seek to alter the front, rear and / or side setbacks of the existing dwelling which is a satisfactory outcome in terms of maintaining bulk and scale of the existing dwelling and the street;
- The proposal does seek to add a car lift that will act as an extension to the basement level and rise to the ground floor level. As the car lift will not be visible from the public domain and is concealed by the existing boundary walls, the development, as proposed, presents the same built form minimising impacts to the street; and
- The proposal does seek to increase the site coverage on-site beyond existing by adding a carport roof form to the private open space. The Lot size of the subject site is 379.4sqm. As such, at least 45% or 170.7sqm of the site cannot be covered by structures / buildings according to C13 of this Part of the MDCP 2011. The submitted Architectural Plans indicates that approximately 87.4% or 331.4sqm of the site is covered in buildings / structures; thus, varying C13 of this Part of the MDCP 2011. The proposed variation is considered reasonable in this instance given that the existing building on-site is a Heritage Item which is not proposed to be extended and the proposed carport structure will be well concealed by the existing boundary walls and will not cast any visual bulk or overshadowing impacts on adjoining properties. Further, the proposed additions will not be visible from the public domain. Therefore, the proposed additions will be of an acceptable bulk and scale that will be consistent with the built form of the existing building on-site and will still allow for an appropriate residential use of the subject site and as such, the variation is acceptable. Whilst it is acknowledged that the site coverage assists in the provision/allocation of landscape area, having regard to the existing site constraints this is difficult to achieve on the subject site.

5(c) 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(d) 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(e) Any submissions

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

No submissions were received in response to the notification. Amended plans submitted with the application did not require renotification in accordance with Council's Community Engagement Framework.

5(f) The Public Interest

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

The proposal is not contrary to the public interest.

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.

- Development Engineering
- Heritage

7. Section 7.11 Contributions/7.12 Levy

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 \$2,310.00 would be required for the development under the Local Infrastructure Contributions Plan 2023. 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 *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

Subject to the imposition of a condition regarding the deletion of the boundary wall extension, the development will not result in any significant impacts on the amenity of the adjoining 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 Section 4.6 of the Inner West Local Environmental Plan 2022. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Floor Space Ratio Development 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 s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2023/0777 for alterations to rear façade of dwelling, refurbishment of existing courtyard, addition of a pool, external access stair and car lift with basement parking and associated turntable at No. 38 Station Street, NEWTOWN subject to the conditions listed in Attachment A below.

Attachment A – Recommended Conditions of Consent

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
A1736615	BASIX Certificate	20/02/2024	Ms Leanne L Mitchell
DA11, Rev 3	Basement Drainage & Parking Plan	11/02/2024	L. Mitchell
GN1, Issue A	General Notes	07/12/2023	NITMA Consulting
SC1, Issue A	Sediment Control Plan	07/12/2023	NITMA Consulting
1L1, Issue A	Level 1 Drainage Plan	07/12/2023	NITMA Consulting
GL1, Issue A	Ground Level Drainage Plan	07/12/2023	NITMA Consulting
BL1, Issue A	Basement Drainage Plan	07/12/2023	NITMA Consulting
SD2, Issue A	Standard Details (Cont'd)	07/12/2023	NITMA Consulting
Unknown, Rev 01	Geotechnical Investigation Report	18/09/2023	ESWNMAN Pty Ltd
DA04, Rev 4	Existing Courtyard & Demolition	09/12/2023	L. Mitchell
DA05, Rev 4	Existing Courtyard Elevations	09/12/2023	L. Mitchell
DA06, Rev 4	Proposed Plans	09/12/2023	L. Mitchell
DA07, Rev 4	Proposed Courtyard Sections / Elevations	09/12/2023	L. Mitchell
DA08, Rev 4	Proposed Courtyard Sections / Elevations	09/12/2023	L. Mitchell

DA09, Rev 4	Proposed Street Elevation & Finishes Schedule	09/12/2023	L. Mitchell
DA10, Rev 4	Pool Details & Material Selection	09/12/2023	L. Mitchell

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a. The proposed wall height extension to the northern side boundary wall is to be deleted;
- b. The proposed metal screen over the existing gate on the rear elevation of the subject site is to be deleted; and
- c. The proposed air-conditioning unit is to be relocated to the south-western corner of the courtyard, adjacent to the first-floor balcony.

FEES

3. Security Deposit - Custom

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

Security Deposit:	\$2,996.00
Inspection Fee:	\$374.50

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.

4. Section 7.12 Development Contribution Payments

In accordance with section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of **\$2,310.00** shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.

At the time of payment, the monetary contribution payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

- C_{payment} = is the contribution at time of payment
- C_{consent} = is the contribution at the time of consent, as shown above
- CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated.
- CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres on 9392 5000 or council@innerwest.nsw.gov.au to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment can be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

GENERAL CONDITIONS

5. 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 existing site stormwater drainage system.

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

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

6. Dry-weather Flows

Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets.

7. Rock Anchors

This consent does not grant consent for any rock anchors on the road reserve or Council land.

8. Noise Levels and Enclosure of Pool/spa Pumping Units

Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control) Regulation 2008*.

Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

9. Waste Management Plan

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

10. 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.

11. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

12. Works Outside the Property Boundary

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

13. Air Conditioning Noise

Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
 - i) 10:00pm to 7:00am on Monday to Saturday: and
 - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15min noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

PRIOR TO ANY DEMOLITION

14. 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.

15. 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 properties 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.

16. 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.

17. 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**18. 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.

19. 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

20. 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.

DURING DEMOLITION AND CONSTRUCTION**21. Construction Hours – Class 1 and 10**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

22. 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**23. No Encroachments**

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

24. Protect Sandstone Kerb

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

25. 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.

ON-GOING**26. Bin Storage**

All bins are to be stored within the site.

27. Carport Roof

The proposed carport roof is not to be used as a trafficable area.

ADVISORY NOTES**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.

Rock Anchors

If you are seeking to use temporary anchors, you must make a request for approval for a Permit under Section 138 of the Roads Act 1993. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a. Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.
- b. Demonstrate how the temporary anchors will be removed or immobilised and replaced by full support from structures within the subject site by completion of the works.
- c. The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

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.

Swimming Pools

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

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*.

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.

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

Waste Service - SITA 1300 651 116
Environmental Solutions www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50
www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² 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.

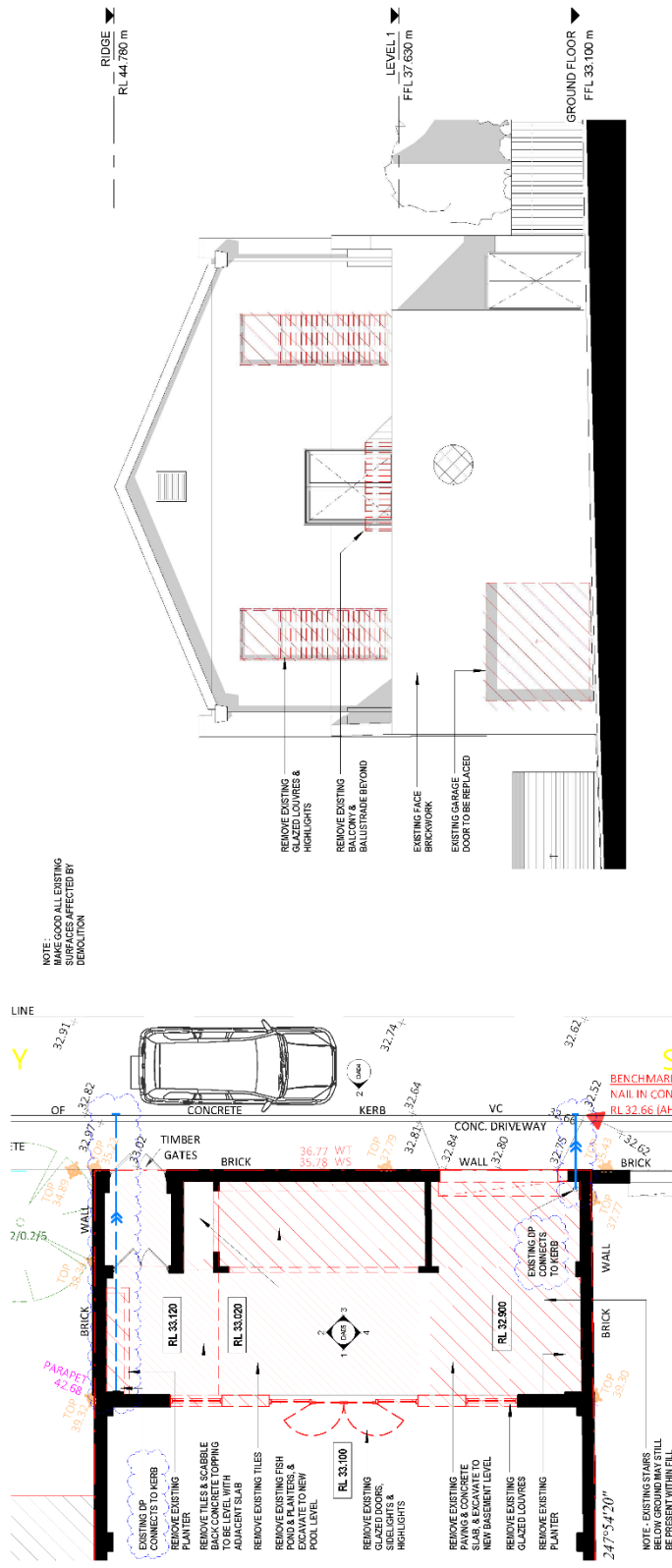
Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. 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.

Use of Basement Parking

The basement parking is only suitable for small vehicle parking as the car lift provided is only suitable for small vehicles.

Attachment B – Plans of Proposed Development



2 BAILEY STREET (REAR) ELEVATION
1:100

1 GROUND FLOOR PLAN
1:100

NOTE: MAKE GOOD ALL EXISTING SURFACES AFFECTED BY DEMOLITION

NOTE: EXISTING STAIRS TO BE DEMOLISHED & FILL BE PRESENT WITHIN FILL

- KEY:**
- PROPERTY BOUNDARY
 - EXISTING BUILDINGS
 - DEMOLITION
 - PROPOSED NEW WORKS (SECTION)
 - PROPOSED NEW WORKS (ELEVATION)
 - PLANTING
- RELATIVE LEVEL**
- RL FINISHED FLOOR LEVEL
 - FFL
 - DP DOWNPIPE
 - COV PIPE
 - HT HOSE TAP
 - RWC RAINWATER OUTLET
 - SS SEWER STACK
 - Ex EXISTING
- REFER TO DA09 FOR FINISHES
- STORMWATER:** [Symbol]
- SEWER:** [Symbol]
- NOTE: EXISTING SEWER RUNS TO STATION STREET

NOT For Construction

JOB No	2001
DATE	DEC 2023
SCALE	A3 @ 1:100
DWG No	DA04 4

TITLE

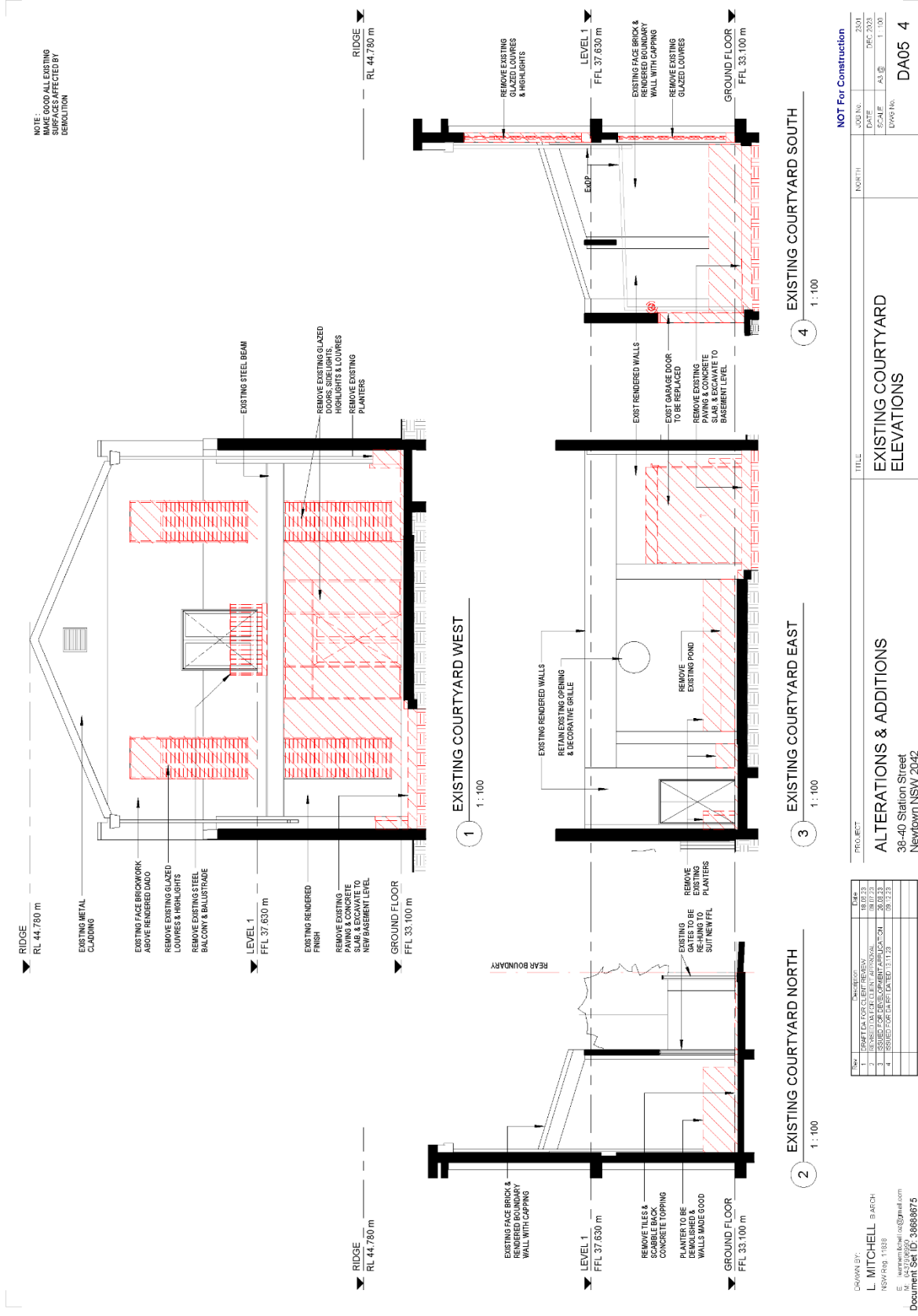
EXISTING COURTYARD & DEMOLITION

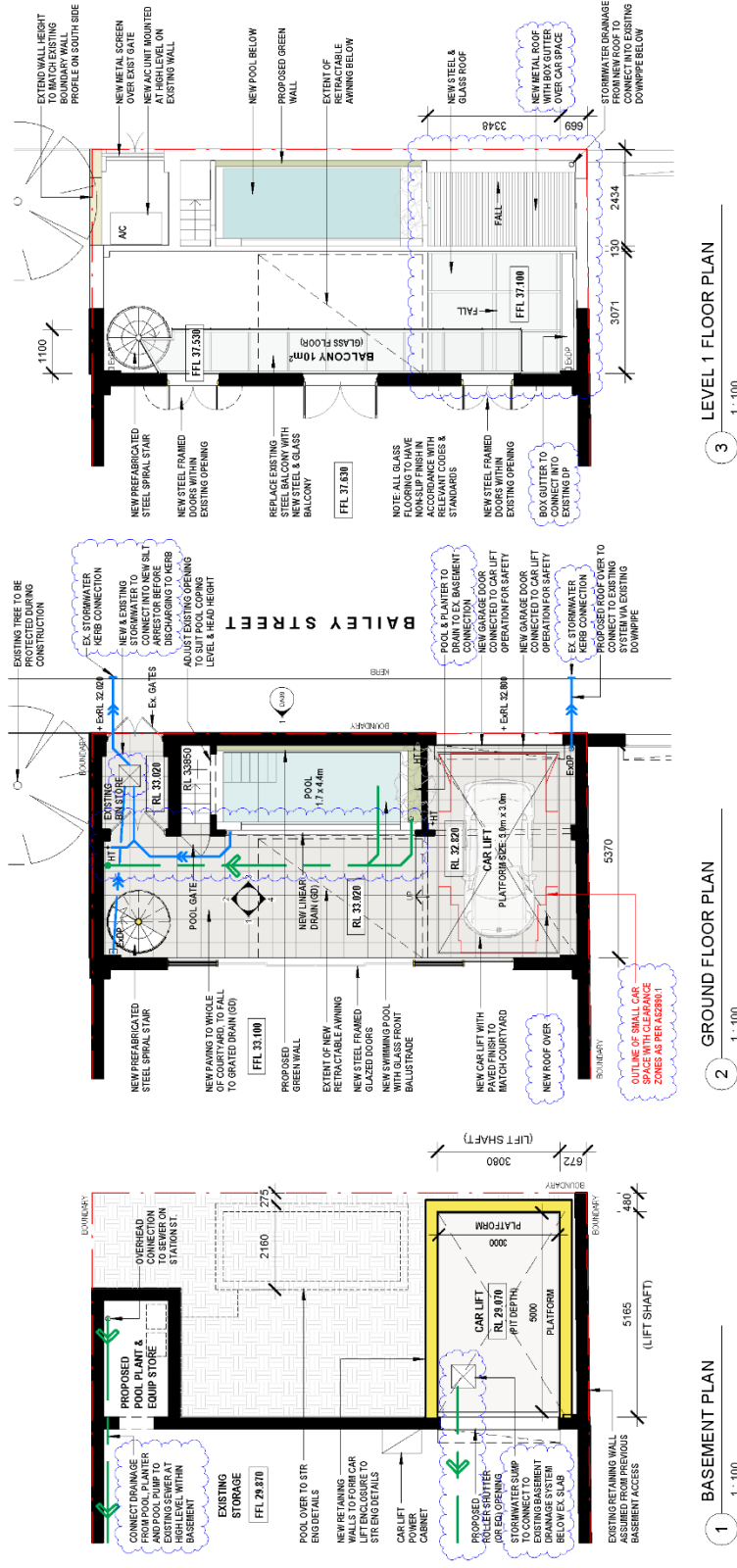
PROJECT

AL ALTERATIONS & ADDITIONS
38-40 Station Street
Newtown NSW 2042

Rev	Description	Date
1	ISSUED FOR PRELIMINARY APPROVAL	09/12/23
2	ISSUED FOR DEVELOPMENT APPLICATION	28/08/23
3	ISSUED FOR DA09 DATED 15/11/23	09/12/23
4	ISSUED FOR DA09 DATED 15/11/23	09/12/23

DRAWN BY: L. MITCHELL, B. ARCH
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P. 02 9529 9200
Document Set ID: 39689675
Version: 1, Version Date: 21/02/2024





1 BASEMENT PLAN 1:100

2 GROUND FLOOR PLAN 1:100

3 LEVEL 1 FLOOR PLAN 1:100

- KEY:**
- PROPERTY BOUNDARY
 - EXISTING BUILDING
 - DEMOLITION
 - PROPOSED NEW WORKS (SECTION)
 - PROPOSED NEW WORKS (ELEVATION)
 - PLANTING
- RELATIVE LEVEL**
- RL FINISHED FLOOR LEVEL
 - BD DOWN PIPE
 - HT HOSE TAP
 - RWO RAINWATER OUTLET
 - AC AIR CONDITIONING UNIT
 - SS SEWER STACK
 - EX EXISTING
- REFER TO DA06 FOR FINISHES

JOB No.	2301
DATE	DEC 2023
SCALE	A3 @ 1:100
DWG No.	DA06 4

PROPOSED PLANS

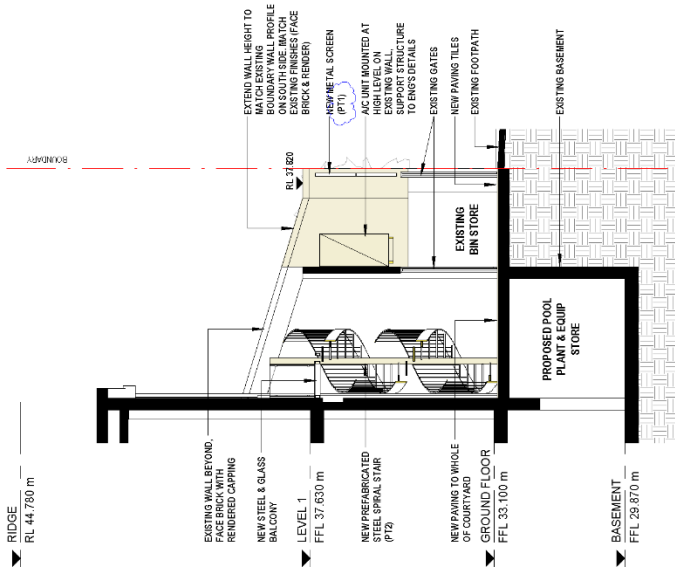
ALTERATIONS & ADDITIONS

38-40 Station Street
Newtown NSW 2042

No.	REV.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	18/07/23	
2	ISSUED FOR DEVELOPMENT APPLICATION	08/08/23	
3	ISSUED FOR PERMIT	08/11/23	
4	ISSUED FOR PERMIT	15/11/23	

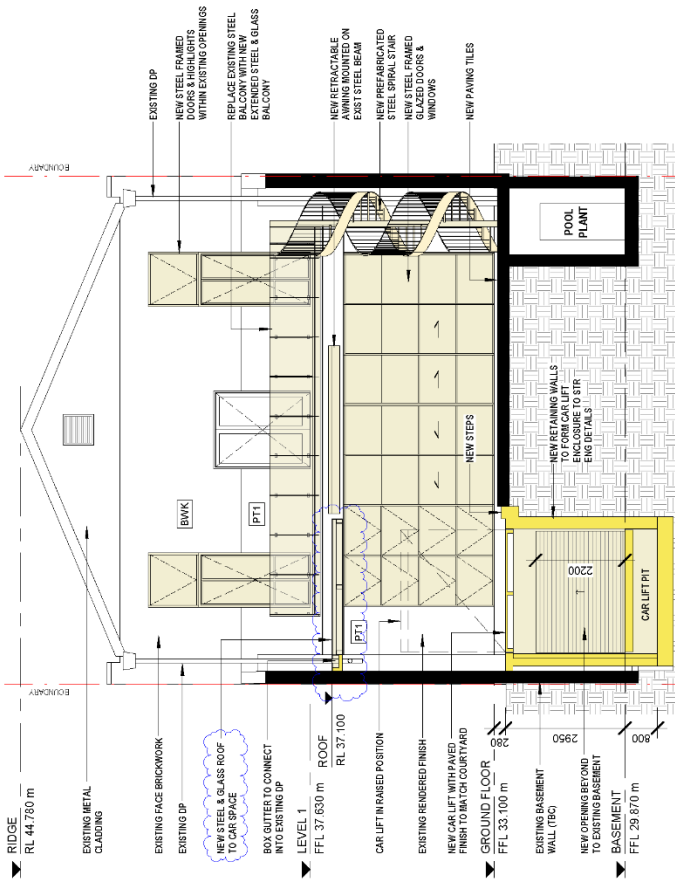
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Document Set ID: 36868875
Version: 1, Version Date: 21/02/2024



2 PROPOSED COURTYARD NORTH

1:100



1 PROPOSED COURTYARD WEST

1:100

KEY:

- PROPERTY BOUNDARY
- █ EXISTING BUILDING
- ██ DEMOLITION
- ██ PROPOSED NEW WORKS (SECTION)
- ██ PROPOSED NEW WORKS (ELEVATION)
- ██ PLANTING

RELATIVE LEVEL

- RL FINISHED FLOOR LEVEL
- DF DOWN PIPE
- HT HOSE TAP
- RWO RAINWATER OUTLET
- ACV AIR CONDITIONING UNIT
- SS SEWER STACK
- EX EXISTING

REFER TO DA08 FOR FINISHES

STORMWATER:

SEWER:

NOTE: EXISTING SEWER RUNS TO STATION STREET

NO.	DATE	DESCRIPTION	BY
1	08.08.23	ISSUED FOR DEVELOPMENT APPLICATION	LM
2	08.08.23	REVISED AS PER DEVELOPMENT APPLICATION	LM
3	08.08.23	ISSUED FOR DEVELOPMENT APPLICATION	LM
4	08.07.23	ISSUED FOR PERMIT (REVISED)	LM

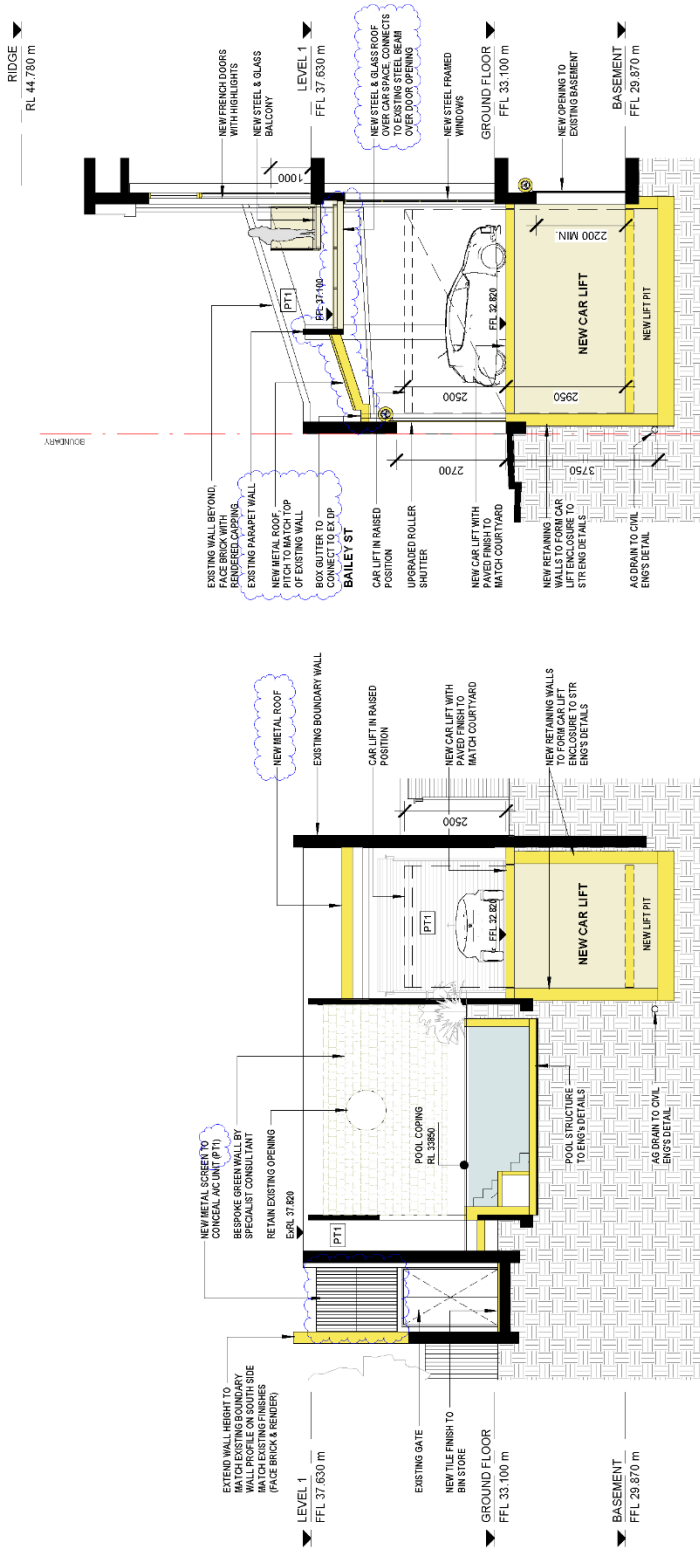
ALTERATIONS & ADDITIONS
38-40 Station Street
Newtown NSW 2042

NOT For Construction

JOB No. 2301
DATE DEC 2023
SCALE A3 @ 1:100
DWG No. DA07 4

PROPOSED COURTYARD SECTIONS / ELEVATIONS

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Document Set ID: 36868875
Version: 1, Version Date: 21/02/2024



4 PROPOSED COURTYARD SOUTH
1:100

3 PROPOSED COURTYARD EAST
1:100

- KEY:**
- PROPERTY BOUNDARY
 - █ EXISTING BUILDING
 - ZZZ DEMOLITION
 - █ PROPOSED NEW WORKS (SECTION)
 - █ PROPOSED NEW WORKS (ELEVATION)
 - █ PLANTING
- RELATIVE LEVEL**
- RL FINISHED FLOOR LEVEL
 - DP DOWN PIPE
 - HT HOSE TAP
 - RWO RAINWATER OUTLET
 - ACV AIR CONDITIONING UNIT
 - SS SEWER STACK
 - EX EXISTING
- REFER TO DA08 FOR FINISHES
- STORMWATER:** (Blue arrows)
- SEWER:** (Green arrows)
- NOTE: EXISTING SEWER RUNS TO STATION STREET

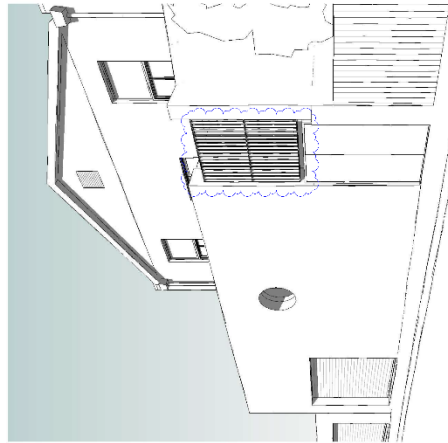
NO.	REVISION	DATE
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2	ISSUED FOR DEVELOPER APPLICATION	08.08.23
3	ISSUED FOR DEVELOPER APPLICATION	08.08.23
4	ISSUED FOR DEVELOPER APPLICATION	08.08.23

PROJECT	TITLE	DATE	SCALE	DWG. No.
38-40 Station Street Newtown NSW 2042	ALTERATIONS & ADDITIONS SECTIONS / ELEVATIONS	DEC 2023	A3 @ 1:100	DA08 4

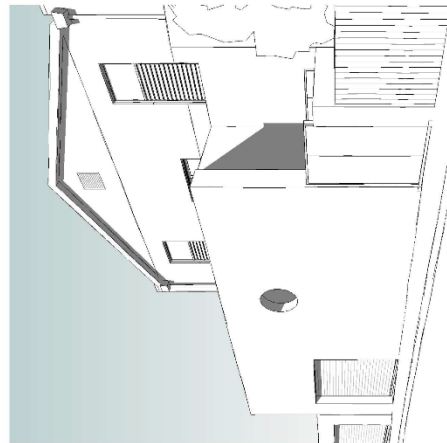
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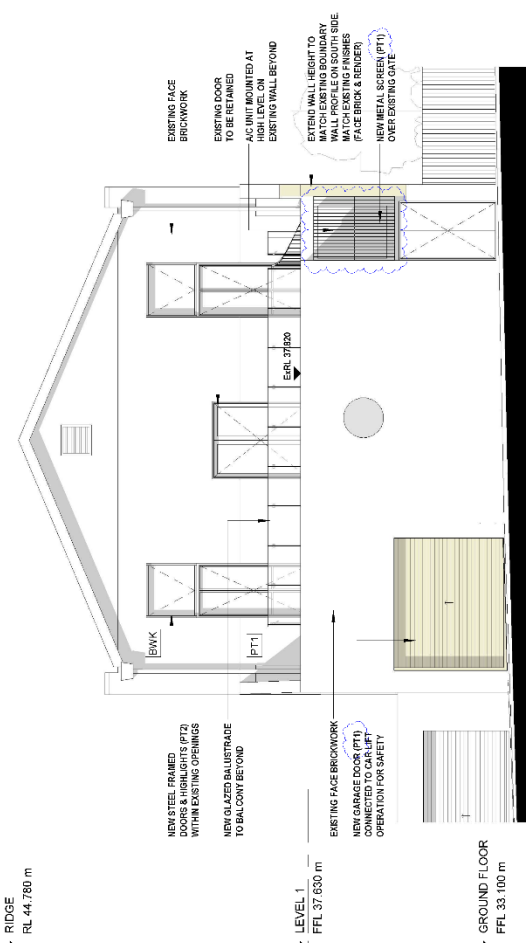
Document Set ID: 36686875
 Version: 1, Version Date: 21/02/2024



3 PROPOSED REAR LANE VIEW



2 EXISTING REAR LANE VIEW



1 BAILLEY STREET PROPOSED ELEVATION (REAR)

1:100

FINISHES SCHEDULE:

	PT1 - PAINT FINISH DULUX: BEGE ROYAL HALF		PT2 - POWDERCOAT FINISH COLORED: MONUMENT		LIMESTONE PAVING SURFACE GALLERY SILVER ROYAL		GLASS MOSAIC TILES ECO OUTDOOR-HAVEN		EXISTING BRICKWORK
	<ul style="list-style-type: none"> Internal Courtyard Walls to be Rendered & Painted to match existing where making good) 	<ul style="list-style-type: none"> Steel Window Frames Exposed Structural Steel Garage Door Balustrade 	<ul style="list-style-type: none"> Courtyard Paving Paving to Car Lift Platform Post Coping (seeled in accordance with supplier's recommendations) 			<ul style="list-style-type: none"> Peel Tiles 			

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Version: 1, Version Date: 21/02/2024

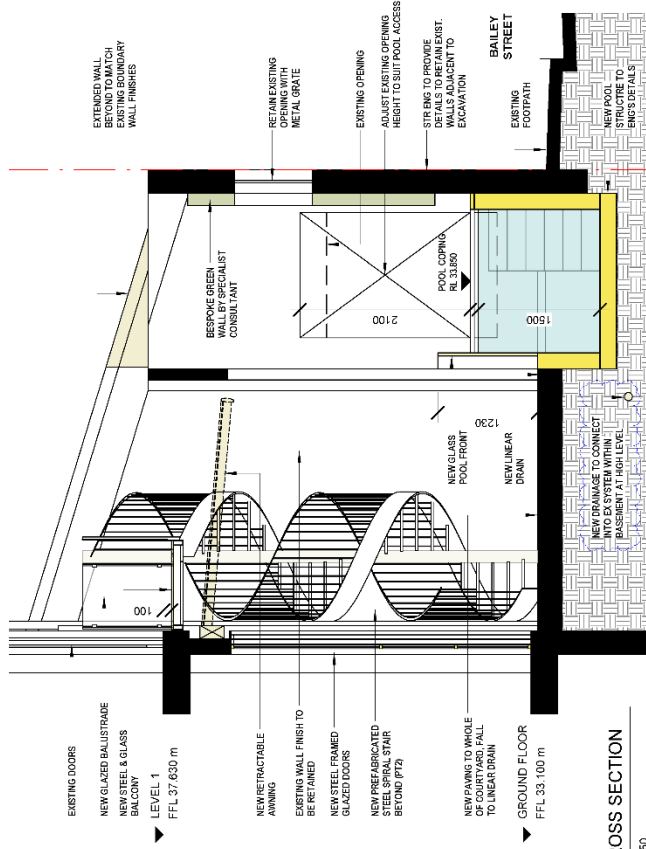
Rev	Description	Date
1	ISSUED FOR PRELIMINARY REVIEW	09/07/23
2	ISSUED FOR PRELIMINARY REVIEW	20/08/23
3	ISSUED FOR FINAL PRELIMINARY APPLICATION	20/08/23
4	ISSUED FOR MARKET DATED 13/11/23	08/12/23

PROJECT
ALTERATIONS & ADDITIONS
38-40 Station Street
Newtown NSW 2042

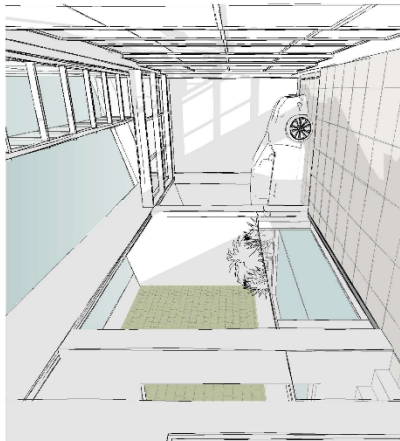
TITLE
PROPOSED STREET ELEVATION
& FINISHES SCHEDULE

NOT For Construction

JOB No: 2301
DATE: DEC 2023
SCALE: A3 @ 1:100
DWG No: DA09 4



2 CROSS SECTION
1 : 50



1 PROPOSED COURTYARD & POOL VIEW

POOL COMPLIANCE NOTES

- All fences to comply with AS1926.1 Swimming Pool Safety Standards and the Swimming Pools Act
- Ensure a 'Warning/Resuscitation' Sign is displayed in accordance with the Swimming Pools Act
- Ensure gate free of obstructions that could hold gate open and is self closing and self latching
- Ensure pool fence is a minimum of 1200mm high (measured outside pool area)
- Ensure maximum 100mm gap under pool fence
- Ensure pool side in accordance with Swimming Pools Act
- Remove any landscaping that intrudes into the non climbable zones in accordance with the Swimming Pools Act

Further Notes:

- Water from a swimming pool must be discharged in accordance with an approval under the Local Government Act 1993 if the lot is not connected to a sewer main.
- The pool filter and equipment must be housed in a suitable structure.
- The pool capacity is approximately 11,500L.

MATERIALS PRECEDENCE:



RETRACTABLE AWNING

GLASS WALKWAY & BALUSTRADE

STEEL SPIRAL STAIR

GLASS FRONTED POOL WITH GREEN WALL

STEEL WINDOW FRAMES

NOT For Construction
JOB No: 2201
DATE: DEC 2023
SCALE: A3 @ As Indicated
DWG No: DA10 4

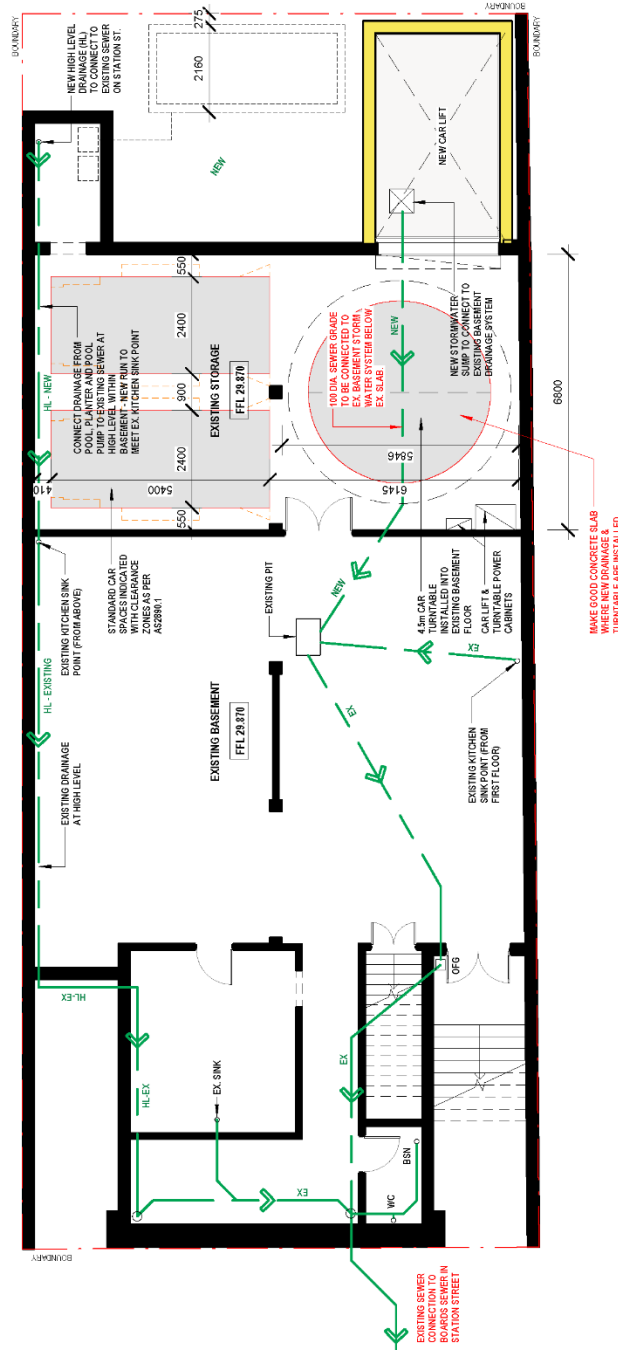
NORTH

TITLE
POOL DETAILS & MATERIAL SELECTION

PROJECT
ALTERATIONS & ADDITIONS
38-40 Station Street
Newtown NSW 2042

Rev	Description	Date
1	ISSUED FOR CLIENT APPROVAL	09/12/23
2	ISSUED FOR DEVELOPMENT APPLICATION	20/02/24
4	ISSUED FOR DA REF DATED: 15/11/23	09/12/23

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Version: 1, Version Date: 21/02/2024



1 BASEMENT DRAINAGE PLAN
1:100

NOT For Construction

JOB NO.	2301
DATE	DEC 2023
SCALE	A3 @ 1:100
DWG No.	DA11 3

TITLE

BASEMENT DRAINAGE & PARKING PLAN

PROJECT

ALTERATIONS & ADDITIONS

38-40 Station Street
Newtown NSW 2042

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	09.10.23
2	SUBMIT FOR DA REF - LOCAL PLANET	09.10.23
3	ISSUED FOR DA REF - SEWER NOTES ADDED	11.03.24

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Version: 1, Version Date: 21/02/2024

Attachment C- Section 4.6 Exception to Development Standards

Leanne Mitchell
23 James Street
Enmore 2042
0437 906 990

25th February 2024
Ref #23-01

Inner West Local Environmental Plan (LEP) 2022 Clause 4.6 – Exceptions to Development Standards

Site address: 38-40 Station Street
Newtown 2042

DA Ref: DA/2023/0777

Consent Authority: Inner West Council

Land Zoning: R2 Low Density Residential

Planning Instrument: Inner West Local Environmental Plan (LEP) 2022

Subject Clause: Clause 4.4 Floor Space Ratio

1.0 Site description

The site is situated at Lot 1 in Deposited Plan 81784 on the eastern side of Station Street, near the intersection of Don Street, and runs through to Bailey Street which provides rear access to the property. The existing dwelling was originally a Masonic Hall that has been converted into a four-bedroom, three-bathroom residence. It boasts very high ceilings and a full-size basement. It was built c. 1934 in the Inter War Free Classical architectural style. The rear courtyard, while open to the sky, sits within the existing high walls of the original structure. The change of use from a communal / commercial structure to a residence, presents a number of challenges for compliance within the LEP & DCP residential zoning frameworks.

2.0 Proposed development

Development consent is being sought for alterations and additions to the existing rear courtyard & existing Basement. Works are proposed to include:

- Installation of a car lift to the existing off-street car parking space and associated excavation and stormwater measures,
- Installation of a pool to replace the existing pond,
- Addition of a new balcony with connecting spiral stair to the courtyard below,
- Addition of a new roof over the existing off-street car parking space
- Replacement of existing windows, doors and glass louvres with steel framed glass doors and windows to the rear façade,
- Installation of a retractable awning over the main rear doors,
- General upgrade to the existing walled courtyard,
- Alterations to the existing Basement to accommodate two car spaces including a car turntable and operating equipment.

1 of 8

Application background

The initial DA submission did not propose the basement alterations for additional car spaces. The intention was to provide an additional car space within the car lift / stacker. Upon assessment by the Inner West Council engineer, our planner presented their response to the proposal as follows:

As discussed, Council's Development Engineer does not support the proposed parking space within the car lift as the size of the car lift does not comply with the minimum off-street car parking dimensions stipulated by the Australian Standards.

The deletion of the car lift and the associated parking space can be conditioned to be deleted as part of this consent granted; however, we would like to give you the opportunity to take this to your client and see whether you would like to pursue basement parking instead.

As suggested, we took the opportunity to add proposed car parking for two cars to the existing basement storage area.

The addition of these two car spaces has resulted in an increase of GFA, as only one car space is allowable under the Inner West (Marrickville) DCP 2011 – Part 2.10.5 Car Parking Provision, C1: 1 per dwelling house or 1 per principal dwelling and secondary dwelling combined; and C2iii: Required parking is to be excluded from GFA calculations, with any parking in excess of those requirements included in GFA calculations;

Gross Floor Area (GFA) by definition in the Inner West LEP 2022 excludes any:

(g) car parking to meet any requirements of the consent authority (including access to that car parking),

It is for this reason we seek a variation to the standard.

3.0 The EPI we wish to seek a variation for is the Inner West Local Environmental Plan (LEP) 2022

4.0 The site is zoned R2 Low Density Residential

5.0 Development standard to be varied

This document is a formal request to vary Development Standard 4.4 – Floor Space Ratio.

The relevant objectives pertaining to the site as per the Inner West Local Environmental Plan (LEP) 2022 are:

- (1) *The objectives of this clause are as follows—*
 - (a) *to establish a maximum floor space ratio to enable appropriate development density,*
 - (b) *to ensure development density reflects its locality,*
 - (c) *to provide an appropriate transition between development of different densities,*
 - (d) *to minimise adverse impacts on local amenity,*
 - (e) *to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.*
- (2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*
- (2D) *The maximum floor space ratio for development for the purposes of residential flat buildings on land shown edged red on the Floor Space Ratio Map may be greater than the maximum floor space ratio shown for the land on the Floor Space Ratio Map by up to 0.25:1.*

6.0 Development Standard 4.4 – Floor Space Ratio is a numerical standard

7.0 Floor Space Ratio (FSR) & Gross Floor Area (GFA) Calculations

The maximum allowable floor space ratio in accordance with the Inner West LEP clause 4.4 (2) and the FSR Map is 0.6:1, which equates to 227.6m² GFA based on the site area of 379.4m².

While clause 4.4 (2D) applies to the site, this is only relevant to residential flat buildings and therefore not applied in this case.

8.0 Existing & Proposed Gross Floor Area (GFA) & Floor Space Ratio (FSR) Calculations

Area calculation plans have been provided on drawing DA-12 and have been calculated as follows:

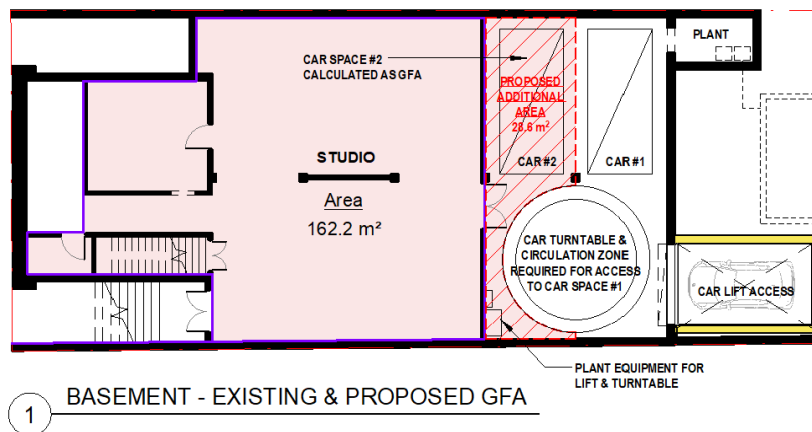
	Allowable	Existing	Proposed	Increase to existing	Variation
Site Area	-	379.4m ²	-	-	
GFA					
Basement		162.2m ²	190.8m ²	28.6m ²	
Ground Floor		260.3m ²	260.3m ²	-	
First Floor		260.0m ²	260.0m ²	-	
GFA Total	227.6m ²	682.5m ²	711.1m ²	28.6m ² (4.19%)	483.5m ²
FSR	0.6 : 1	1.80 : 1	1.87 : 1	0.07 : 1	212.4%

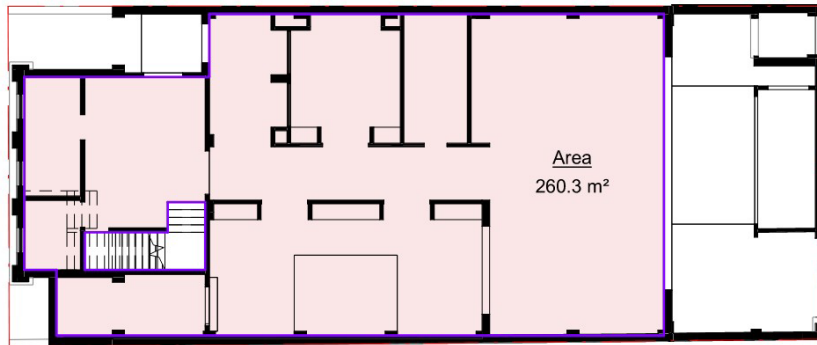
As the existing GFA is already triple the allowable area, the additional area proposed is relatively small at 28.6m², however the non-compliance is effectively 483.5m² or 212.4% over the control.

While this appears excessive, it is a minimal increase from the existing condition and can be justified as demonstrated throughout this document.

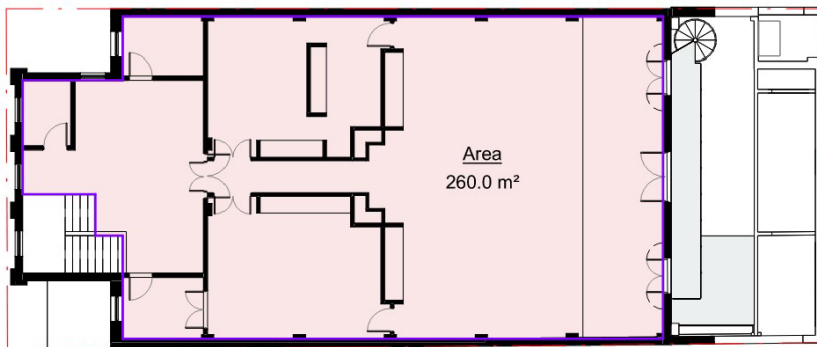
9.0 Existing & Proposed Gross Floor Area (GFA) & Floor Space Ratio (FSR) Calculation Plans

The following area calculation plans are included on drawing DA12 forming part of the DA submission:





2 GROUND FLOOR - EXISTING GFA



3 LEVEL 1 - EXISTING GFA

10.0 Justification of the non-compliance with Development Standard 4.4 Floor space ratio

a) Are the objectives of the development standard achieved notwithstanding the non-compliance?

The overall objective of the standard is to control density in a way that is appropriate to the locale. The proposed additional GFA, resulting in an increase to the FSR and a non-compliance with the standard, will have no impact on the existing density of the locale for the following reasons:

- The development does not propose an increase to the existing building footprint.
- The additional GFA is contained within the existing building floor area currently used for storage (and therefore not included in existing GFA calculations).
- The additional GFA is contained within the existing basement area resulting in no change to the bulk or scale or character of the building.
- The additional GFA is not visible from any public or private external spaces.

- The proposed GFA for an additional car space will improve the condition of on-street car parking in the locale as the occupants will no longer need to park on the street.
- The proposed increase to the existing GFA is only 4%

Despite the breach of the maximum FSR control, the proposal achieves the objectives for FSR in Clause 4.4 as outlined below:

Clause 4.4 Objective (1)	Assessment
(a) to establish a maximum floor space ratio to enable appropriate development density,	With exceptions as per clause 4.6 allowing flexibility in applying certain development standards to particular development
(b) to ensure development density reflects its locality,	The existing density reflects its locality being in close proximity to the commercial and medium density zones of Newtown as well as Newtown train station.
(c) to provide an appropriate transition between development of different densities,	The site provides an appropriate transition between development of different densities.
(d) to minimise adverse impacts on local amenity,	As there is no change to the use of the building, or to its appearance as a result of the increase in FSR, there are no adverse impacts on local amenity, and the provision of private car spaces will improve the car parking issues experienced within the locale.
(e) to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.	As the existing site provides no opportunity for tree growth, there is no change to the existing condition in relation to tree canopy protection.

Despite the FSR breach the proposal also satisfies the R2 zone objectives

Clause 2.3 Zone Objectives and Land Use Table	Assessment
(1) The Land Use Table at the end of this Part specifies for each zone— (a) the objectives for development, and (b) development that may be carried out without development consent, and (c) development that may be carried out only with development consent, and (d) development that is prohibited.	Land Use Table for zone R2 noted below.
The Land Use Table for Zone R2 - Low Density	Residential sets out the following objectives:
1 Objectives of zone	
• To provide for the housing needs of the community within a low-density residential environment.	Complies - existing condition unchanged
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.	N/A
• To provide residential development that maintains the character of built and natural features in the surrounding area.	Complies – existing condition unchanged
2 Permitted without consent	
Home occupations	Complies.
3 Permitted with consent	N/A as complies with 2 above.
4 Prohibited	None of the listed items are proposed on the site.

For the above reasons, compliance with the development standard is considered unreasonable and unnecessary, as the development standards' objectives are maintained as a result of the proposed development which poses no change to the current buildings footprint, use, character, bulk or scale, and is compatible to the residential zoning in which it is situated.

b) Are the underlying objectives or purpose of the development standard not relevant to the development?

In our opinion, the underlying purpose of the development standard is to present a building that is compatible with the context and character of the locality whilst preserving the amenity of adjoining properties. The proposed additional GFA resulting in an increase to the FSR, will have no impact on the existing character of the locale nor will it impact the amenity of neighbours for the following reasons:

- The development does not propose an increase to the existing building footprint.
- The additional GFA is contained within the existing building floor area currently used for storage (and therefore not included in existing GFA calculations).
- The additional GFA is contained within the existing basement area resulting in no change to the bulk or scale or character of the building.
- The additional GFA is not visible from any public or private external spaces.
- The proposed GFA for an additional car space will improve the condition of on-street car parking in the locale as the occupants will no longer need to park on the street.
- The proposed increase to the existing GFA is only 4%

For the above reasons, compliance with the development standard is considered unreasonable and unnecessary, as the development standards' underlying purpose is maintained as a result of the proposed development which poses no change to the current buildings footprint, use, character, bulk or scale, and is compatible to the residential zoning in which it is situated.

Note: The questions posed in a) and b) above represent the first two tests extracted from the '5-part test' or the 'Wehbe test' (from the case of *Wehbe v Pittwater Council* [2007] NSWLEC 827). For the purpose of this variation request, only the first two of the Wehbe principles are relevant.

11.0 Environmental Planning Grounds

It is considered that there are sufficient environmental planning grounds to justify breaching the FSR standard in this instance because:

- The proposed FSR variation is due only to the change in use from a basement storage area to a car parking area for two cars, and one of those car spaces must be included in GFA calculations to be in accordance with the Marrickville DCP 2011 – Part 2.10.5. As discussed with the assigned planner, this triggers the need to request a variation to the development standard, however we are advised this variation will be supported by the IWC.
- The proposed FSR variation will not have any visual impact on the character and context of the locale as there are no external changes proposed to the existing building as a result of the non-compliance.
- The proposed FSR variation does not create any visual or acoustic privacy issues as there are no external changes proposed to the existing building as a result of the non-compliance.
- The proposed FSR variation does not create any overshadowing or solar access issues as there are no external changes proposed to the existing building as a result of the non-compliance.
- The FSR breach does not affect the compliance with other Inner West DCP (2011) or LEP (2022) requirements other than being over and above the requirements for off-street car parking. This is seen as a positive result for the locality as the occupants will no longer need to park in the surrounding streets. General compliance of the development is demonstrated within the Statement of Environmental Effects forming part of the development application.

- The non-compliant element of the proposal satisfies the relevant matters outlined in section 1.3 of the Environmental Planning and Assessment Act 1979. The relevant objectives of the act are outlined below:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

This building is listed as a heritage item in the Inner West LEP, Schedule 5 Environmental Heritage, Part 1, Heritage items. To comply with the standard would require demolition of the heritage building which would result in the loss of the heritage character of the area.

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

Demolition of the heritage structure would be both environmentally and economically reckless as it would be a waste of existing resources and energy for no gain to the occupants or the locale.

(c) to promote the orderly and economic use and development of land,

The use of the existing structure to provide additional FSR is considered to be economically sound in that no new building is required to provide the space.

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

The proposed variation does not create the removal of any trees or other significant vegetation. The proposed variation has no implications for threatened species, ecological communities or habitats.

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

This building is listed as a heritage item in the Inner West LEP, Schedule 5 Environmental Heritage, Part 1, Heritage items. To comply with the standard would require demolition of the heritage building which would result in the loss of the heritage character of the area.

(g) to promote good design and amenity of the built environment,

The additional FSR will provide the amenity of car parking to the occupants in an area where on-street parking is difficult. This is considered to have a public benefit.

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

The change of use within the basement which increases the FSR will promote an upgrade to the current basement structure improving the health and safety of the occupants.

The FSR non-compliance will not be inconsistent with existing and future planning objectives for the locality, and for the reasons stated above, it is our opinion that there are sufficient environmental planning grounds to justify contravening the development standard in the particular circumstances of this case.

12.0 Other considerations to support the development standard variation

Compliance with the development standard is considered unreasonable and unnecessary as this building is of a unique typology with heritage significance and compliance with the standard would require demolition of more than 50% of the existing building. This would be detrimental to the preservation of the local heritage fabric and character of the area. Demolition of such a structure would be both environmentally and economically reckless and would be in breach of the objectives of the Inner West Local Environmental Plan (LEP) 2022 clause 5.10 – Heritage Conservation.

Compliance with the standard would therefore result in an unsatisfactory planning outcome.

Conclusion

This submission demonstrates that both the objectives of the maximum FSR clause and the zone objectives are achieved, and that numerical compliance with Clause 4.4 of Inner West LEP 2022 is unreasonable and unnecessary in the circumstances of the case, as strict compliance with the clause would have an adverse effect on the character of the locale.

This submission also demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard.

Additionally, the proposal is considered to be in the public interest in that it alleviates car parking issues within the locale and preserves a Heritage listed building.

Pursuant to clause 4.6 of the Inner West LEP, the consent authority can be satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) being:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The applicant submits that the consent authority should be satisfied of each of the requirements, for all of the reasons set out in this request, and also having regard to the locality and this particular building.

For these reasons it is our opinion that the variation is appropriate, consistent with the intent of Clause 4.6, and should be supported.

Attachment D - Heritage Impact Statement

23-02 – Heritage Impact Statement

HERITAGE IMPACT STATEMENT FOR ALTERATIONS & ADDITIONS TO REAR COURTYARD AT 38-40 Station Street, Newtown, 2042



CONTENTS

- 1.0 Site Description and Contextual Analysis
- 2.0 Description of the Proposal
- 3.0 Assessment of Heritage Impact
- 4.0 Compliance with Heritage Development Controls and Standards
- 5.0 Conclusion

Prepared by: Leanne Mitchell NSW reg #11838
20th August 2023
Rev. 1

23-02 – Heritage Impact Statement

Heritage Impact Statement

This Heritage Impact Statement (HIS) forms part of a Development Application (DA) seeking development consent for alterations and additions to the rear courtyard of the existing dwelling house at 38-40 Station Street, Newtown (the site).

This report has been prepared by Leanne Mitchell B.Arch for the owners Bronwyn and Brett Shearer.

1.0 SITE DESCRIPTION AND CONTEXTUAL ANALYSIS

- | | |
|-----------------------|--|
| 1.1 Site Location | Lot 1 in Deposited Plan 81784
The site is situated on the eastern side of Station Street, near the intersection of Don Street, and runs through to Bailey Street which provides rear access to the property. |
| 1.2 Site Description | The site has a predominantly east / west orientation and falls approximately 1.5m to the front boundary from the rear. The dwellings primary facade is set on the front boundary with its ground floor elevated approximately 1.2-1.5m above street level. A tiled path and external steps lead up to the main entrance recessed on the north side, and, steps down on the south side lead to a secondary basement entrance. There are some small street trees to the front footpath. The dwelling is built hard to the side boundaries. There is a high walled rear courtyard which consists of paving, narrow raised planter beds and a disused pond. The rear courtyard is at natural ground level and has direct pedestrian and vehicular access to Bailey Street. |
| 1.3 Existing Dwelling | The existing dwelling was originally a Masonic Hall that has been converted into a four-bedroom, three-bathroom luxury residence. It boasts very high ceilings and a full-size basement. It was built c. 1934 in the Inter War Free Classical architectural style. The rear courtyard, while open to the sky, sits within the existing high walls of the original structure. |
| 1.4 Present Context | Station Street is a two-way street with a mix of dwelling types. The eastern side of the street, is primarily two storey terrace houses with the exception of a single storey dwelling at no. 36 built to the common boundary of the subject site. The western side of Station Street comprises of some unique dwellings in the form of 3 storey semi-detached houses, a large corner terrace, and a double fronted cottage. The street also contains a residential unit block and Reiby Hall to the north, and Heritage listed terraces to the south. |
| 1.5 Heritage Status | The site is within the Enmore-Newtown Heritage Conservation Area. The site is identified as a Heritage Item #11342 General (Local) - Masonic Hall, including interiors. |

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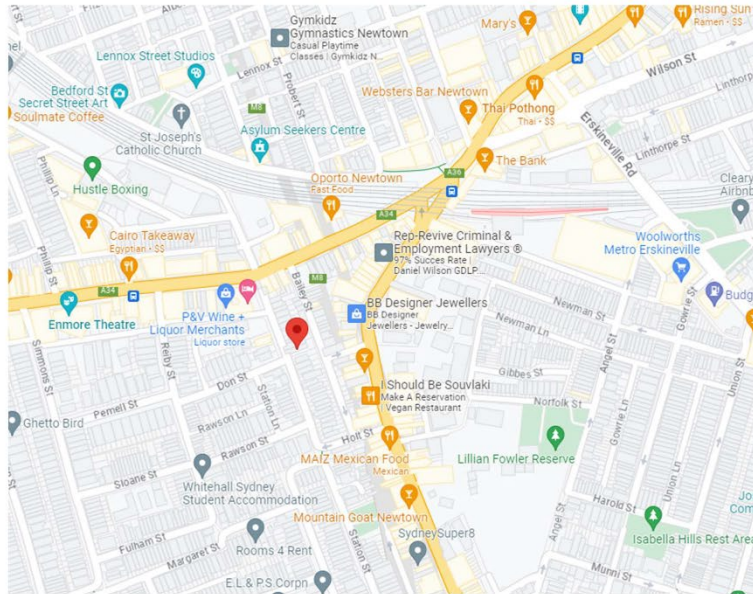


Figure 1. Location map (source: Google maps)



Figure 2. Ariel view of site (source: Mecone Mosaic) - approximate site shown in yellow

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Figure 3. Station Street View Looking South with the dominant façade of the Masonic Hall #38-40 (Source: Google maps Streetview)



Figure 4. Rear view of the site from Bailey Street

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Figure 5. Facade and Main Entrance, 38-40 Station Street. (Source: Realestate.com.au)



Figure 6. Interior Image. (Source: Realestate.com.au)

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2.0 DESCRIPTION OF THE PROPOSAL

2.1 Outline of the Proposal

Development consent is being sought for alterations and additions to the existing rear courtyard at 38-40 Station Street, Newtown. Works are proposed to include:

- Installation of a car lift to the existing off-street car parking space and associated excavation and stormwater pump,
- Installation of a pool to replace the existing pond,

Addition of a new upper-level glass-floored terrace and walkway with connecting spiral stair to the courtyard below,

- Replacement of existing windows, doors and glass louvres with steel framed glass doors and windows to the rear façade,
- Installation of a retractable awning over the main rear doors,
- Extension to existing boundary wall on north side to match original high wall on south side,
- Addition of a batten screen over the existing rear gate on Bailey Street to screen air conditioning equipment,
- General upgrade to the existing walled courtyard including new tiling to the ground surface and painting existing walls internal to the courtyard.

Architectural drawings reflecting the above have been prepared in accordance with Inner West (Marrickville) Council requirements. For further information, refer to the Statement of Environmental Effects also forming part of the DA submission.

2.2 Concept Design

The proposed alterations and additions have been designed to provide improved and extended outdoor amenity to the residents of 38-40 Station Street, within the constraints of the Masonic Hall's heritage structure.

The entire dwelling will remain untouched, retaining the existing original internal and external features. The proposed window replacements to the rear façade will replace the current modern building elements that do not form part of the original building.



Figure 8. Existing Rear Street View

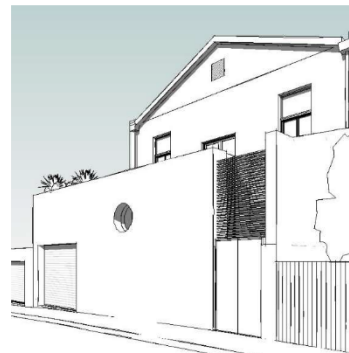


Figure 9. Proposed Rear Street View

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3.0 ASSESSMENT OF HERITAGE IMPACT

3.1 Significance of Items in the Vicinity & the HCA

The subject site is located in close proximity to a number of Heritage items listed on Schedule 5 of the Marrickville LEP 2011, listed below:

Newtown	Masonic Hall, including interiors	38 Station Street	Lot 1, DP 81784	Local	I1342
Newtown	Ulster House and Ulster Terrace—Victorian terrace houses, including interiors	48–80 Station Street	Lots 1–6 and 8–17, DP 913687; Lot 71, DP 819632	Local	I1343
Newtown	Terrace housing, including interiors	51, 51A, 53, 53A, 55, 55A, 57, 57A, 59, 59A, 61, 61A, 63, 63A, 65 and 67 Station Street	Lots 1–8, Section 2, DP 339	Local	I1344
Newtown	Reiby House Archaeological site	31–35 Station Street	Lots 1–64 and CP/SP 13845	Local	A20



Figure 10. Extract from the Inner West LEP 2022, Heritage Map HER_009

The majority of Heritage listed items in the area are examples of groups, runs and sets of terraces from the mid to late Victorian era that demonstrate strong streetscape qualities including cohesiveness of form, rhythm and materials. While this is the case for most of the Station Street Heritage items in the vicinity, the mix of building typologies breaks down between Don Street and Enmore Road, accentuated by the addition of the Masonic Hall built after the core period of heritage significance for the locale.

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3.2 Significance of the Site

The Masonic Hall is of local heritage significance for its physical grandeur as well as its social and community contribution. Home to the Freemasons for over 40 years, it also hosted weddings, Christmas parties and the like. It is a unique building style for the area and has an imposing presence amongst the modest terrace houses on Station Street. It features Masonic symbols throughout its internal architectural details, and is aptly listed as a being of local heritage significance.

3.3 Impacts of Previous Works

The Hall was converted into a residence and artist studio in the late 1980's by artist Tom Arthur and wife Sandra who successfully preserved the original design and the ambience of the hall. The rear courtyard, to which the DA pertains to, was fashioned out of the service end of the building, by removing a roof that covered a single storey rear dock and closing in the service stair that accessed the basement. The high surrounding walls were retained, as were parts of the internal walls which gave the residential courtyard an industrial feel. The rear elevation of the building was punctuated with new openings to provide daylight and ventilation into the newly created living spaces of the residence.

The photograph below was taken during the building's conversion. The windows and glazed doors in between was constructed to form a new rear facade. The deep steel beam above these doors and windows, spans the full width of the rear wall which the proposed opening to this façade will utilise.



Figure 11. Building conversion c. 1988

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The courtyard created as part of the residence included a tiled terrace with a large koi pond, narrow planter boxes on all three sides, a service zone for bins & storage with access to Bailey St, and an off-street car parking space. Thirty years later, the ivy that had been planted in the planter boxes entirely engulfed the brick walls, and unfortunately began to cause structural damage.

The photographs below show the courtyard before and after the ivy was removed.

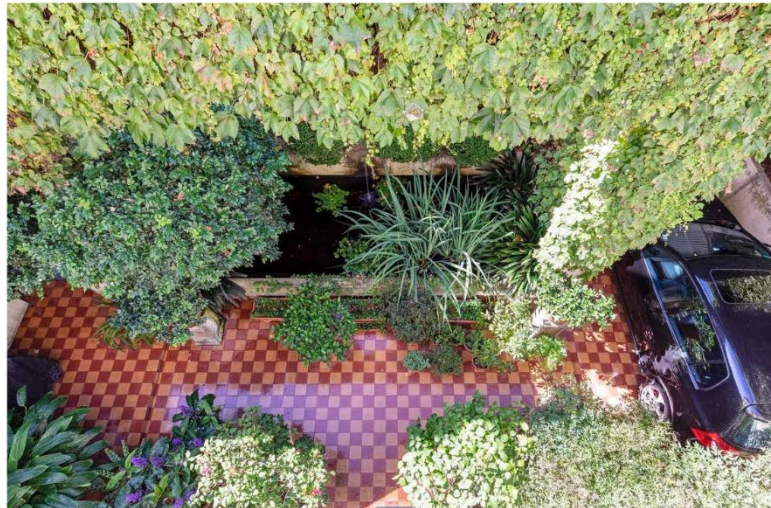


Figure 12. Courtyard with Ivy 2020 (Source: Realestate.com.au)



Figure 13. Rear Lane with Ivy (Source: Google Streetview)

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Figure 14. Courtyard with ivy removed 2022 (Source: Structural Report by Luff Pier Engineering)

As a result of the structural assessment carried out by Luff Pier Engineering in September 2022, the ivy was removed and remedial works were undertaken. All existing brick walls were made structurally sound allowing the heritage fabric of the courtyard to be retained.



Figure 14. Remedial works completed (July 2023)

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3.4 Impacts of Proposed Works

With the remedial works complete, the courtyard is ready for a new lease on life and the residents would like to maximise their outdoor amenity within the confines of the existing heritage walls.

All alterations and additions proposed are contained within the high walls of the original structure, not visible from the rear street, with the exception of the north boundary wall extension and the small extent of batten screening fronting Bailey Street.

The upper-level terrace is set slightly lower than the first-floor level and surrounded by planter boxes to ensure visual and acoustic privacy to and from the adjoining properties. The height of the existing boundary wall to the south provides privacy from the adjoining rear yard at #42.

The bulk and scale of the proposal is in keeping with its context. The impact from Bailey Street is negligible with the proposed boundary wall height extension being in keeping with the original structure. The footprint of the existing dwelling is unchanged and the addition of the upper-level terrace is contained within the existing structure and sits over the existing off-street car space.

The construction of all new planter boxes and proposed green walls will strictly comply with all waterproofing codes and best practices, and will include drainage layers, root barrier protection boards and the like. Non-invasive plants will be selected by a suitably qualified landscaper.

The construction of the car lift to the existing basement level will require a detailed excavation plan by qualified civil and structural engineers to ensure all existing brick walls are stabilised and there is no risk of damage to neighbouring properties. It is known that the original stair to the basement was located on the southern boundary. The stair is not considered to contribute to the heritage significance of the building, and will be removed if found during excavation. Reconnecting the basement to the courtyard in some ways alludes to the original purpose of the yard.

As the extent of the proposed works is confined to the rear and external parts of the building, parts of which have already undertaken major changes and are not visible to the public, the impact on the Heritage of the building and its surrounds, should be considered negligible.

4.0 COMPLIANCE WITH DEVELOPMENT CONTROLS AND STANDARDS

4.1 Compliance with Inner West LEP 2022

Part 5 Miscellaneous Provisions

5.10 Heritage Conservation

(1) **Objectives**

The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Inner West,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The Site is listed in Schedule 5 of the LEP as item #1342 – Local Significance

The Site is identified on the LEP Heritage Map as being in a Conservation Area – General

As demonstrated in section 3.4 of this statement, the proposal adheres to all of the objectives from clause 5.10 of the LEP, and is therefore considered to be acceptable from a heritage perspective.

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4.2 Compliance with Marrickville DCP 2011 (Parts 8 & 9)

Part 8 Heritage

8.1.1 Objectives

- O1 To conserve heritage items and maintain appropriate setting and views.
- O2 To retain evidence of historic themes of development evident in the Marrickville LGA, through the proper care and maintenance of individual heritage items, HCAs and period buildings.
- O3 To provide guidelines for alterations and additions which complement and do not detract from the heritage significance of individually listed heritage items, HCAs and period buildings.
- O4 To protect those items, areas and buildings of value to the local community.
- O5 To encourage new development which complements existing heritage items and heritage conservation areas in a modern context.

The Site is identified in DCP Part 8 as being within the Enmore-Newtown Heritage Conservation Area HCA 12. Refer to clause 8.2.14 in the table below.

Controls	Proposed	Compliance Y/N	Comments
8.1.7 Heritage Items			
C1 - Heritage items must be conserved and new development must not diminish the significance of the item.	Proposed works are confined to the rear elevation and courtyard and contained within the original structure.	Y	
C2 - An experienced heritage architect or conservation specialist must be engaged for works to a heritage item.	Leanne Mitchell NSW reg. 11838	Y	
C3 - Significant internal and external features of heritage items must be maintained in their original form.	No original features are being altered.	Y	
C4 - Subdivision of a site containing a heritage item must leave an adequate curtilage to the heritage item.	N/A		
C5 - New development need not seek to replicate period details of original buildings, but rather, demonstrate respect for the form and scale of the immediate area.	The proposed materials to the additions are steel and glass and will be inserted within the original brick fabric in a way that can be removed in the future, easily distinguishing the new works from the original building.	Y	
C6 - Alterations and additions must not adversely impact the significant features of the heritage item.	No original features are being altered.	Y	
C7 - Changes must maintain the significant form, proportion, scale, details and materials of the item.	Proposed works are contained within the original structure.	Y	
C8 - Extensions must not compete with the integrity, scale or character of the item. Extensions can best meet this requirement if: i) Separation from the original building is maximised; and ii) They are designed in a simple, unobtrusive style and size.	Proposed works are contained within the original structure. The proposed materials to the additions are steel and glass and will be inserted within the original brick fabric in a way that can be removed in the future, distinguishing it from the original building.	Y	
C9 - Alterations and additions must be located so as to reduce their visibility and prominence	Proposed works are confined to the rear elevation and courtyard and contained within the original structure.	Y	

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from any point in the street or adjoining streets, and the height must not be seen above the main ridgeline of the building.			
C10 - New side additions may be permitted	N/A		
C11 - Ancillary buildings on the same site as an individual heritage item must be located in a place that does not obscure the significant elements.	N/A		
C12 - Alterations to alleviate aircraft, rail or road noise must not detract from the streetscape values of individual buildings by removing or covering significant building fabric or details.	N/A		
C13 - Solar water heater storage tanks, solar panels, ventilators, air conditioning units, satellite dishes and antennae and the like must not be located on the principal roof elevations of heritage items including on the roof or awning.	An air conditioning unit is proposed at high level within the existing service zone, the extension of the boundary wall height will provide visual and acoustic protection to the neighbouring property from the unit. Batten screening to the rear elevation will visually conceal the A/C unit from the rear lane.	Y	
C14 - Any proposed changes to the external finishes (unless otherwise advised by Council) require development consent, including paint removal, re-skinning, painting unpainted brickwork or render of timber or of an unrendered surface.	External materials proposed to the courtyard are not visible from the rear lane with the exception of the batten screen.	Y	
C15 - Development must seek to reconstruct missing architectural detailing, such as bargeboards, finial trim, window awnings and front verandahs or balconies.	N/A		
C16 - Re-painting of timber detailing and facades must use original period colours. Avoid the use of single colour solutions and attempt a complementary colour combination. Contemporary colours are not discouraged, but must be combined in a complementary way.	N/A		
C17 - Where cement render can proceed, gain a proper understanding of the different types of cement render and how it was used in different architectural styles. Rough cast, pebbledash and smooth render have been used in different ways and applied to different architectural elements. The appropriate material must be consistent with the building form and style.	All existing render to be retained and made good where affected by the construction of new works.	Y	
C18 - Do not paint or render face brick; the original wall treatment must be retained.	The existing courtyard wall finishes include part face brick and part rendered brick which will remain in place.	Y	

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C19 - When new windows are to be inserted into the existing fabric, the proportion of those windows must respect the form and scale of the architectural style period.	Existing windows to the rear elevation are being replaced, however the existing windows are not original. The proposed windows will be of a more uniform design in a style fitting of what was the service end of the original building.	Y	
8.2 Heritage Conservation Areas			
8.2.14 Enmore-Newtown Heritage Conservation Area - HCA12			
8.2.14.6 Applicable conservation controls: Relevant heritage conservation area DCP section: <ul style="list-style-type: none"> Mixed residential streetscapes (Type B). See Section 8.3. Primary relevant historic architectural style. See Section 8.5 (note: other styles will exist for some buildings in the area): <ul style="list-style-type: none"> Victorian Italianate/Victorian Filigree, and Federation. Additional area-specific controls: <ul style="list-style-type: none"> Nil 	See Sections 8.3 & 8.5 below	-	
8.3 Controls for residential HCAs			
8.3.1 – HCA TYPE B Mixed Residential HCA's	It should be noted that the heritage listed building does not fit in to these style categories. It should also be noted that the proposed works are located behind the existing façade fronting Bailey Street, to the rear of the site. There are no works proposed to the primary façade on Station Street.	-	
8.3.2 Residential HCA Controls			
C1 - New development must be consistent with the recorded elements that contribute to the consistency of the streetscape in HCAs (refer to the relevant HCA sheet in Section 8.2).	N/A		
C2 - Disturbance to paving, planting or kerbing for the provision of services must be minimised.	Can Comply	-	
C3 - Existing sandstone and brick kerbing, guttering or drainage must be maintained or repaired in preference to replacement. Sandstone kerb blocks or brick footpaths must not be removed to provide concrete vehicular cross-overs.	Can Comply	-	
C4 - Any dislodged bricks must be re-laid promptly and neatly by a qualified paver/bricklayer.	Can Comply	-	
C5 - Concrete panels with inlaid street names must be retained in-situ for a distance of at least 500mm from the lettering.	N/A		
C6 - Brick paving must be maintained and weeded to ensure bricks are not dislodged by growth.	N/A		
C7 – C10 Subdivision	N/A		
C14 - Original front building setbacks must be retained from	N/A		

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front boundaries and to side boundaries.			
C15 - New construction including carports and garages must not be built between the original building line and the street boundary.	The proposed car lift is located over an existing off-street car space.	-	
C16 - Driveway-width setbacks beside the house must not be built over unless there is no pattern of side setbacks within the street group or where rear lane access is available for vehicles to the back garden. Extensions over existing driveways must not be used to justify the erection of garages or carports on driveway setbacks adjacent to buildings.	The proposed car lift is located over an existing off-street car space.	-	The existing parking conditions remain unchanged.
C17 - Existing patterns of building setback must be retained and matched by any new development within the group or terrace.	N/A	-	
C18 - All vehicular access must be provided from rear lanes.	The existing driveway crossing will be retained.	Y	
C19 - New development (including extensions to the rear) that will be visible from the street must be no higher than the existing roof form or height of the building and must not overwhelm the existing built form.	The proposed first floor terrace is not visible from the (rear) street as it sits behind the existing courtyard walls.	Y	
C20 - Terraces, decks, staircases or other elements must not be accessible from roof or attic spaces.	The proposed terrace is set lower than the existing first floor level and connects to the ground floor courtyard via a proposed external stair.	Y	
C21 - Extensions and alterations visible from the street must be consistent with the overall massing and form of the property (refer to the specific style sheets) and must not dominate the existing building form.	No additions providing internal space are proposed to the building. No external additions are visible from the primary street front.	Y	
C22 - C34 Roof Forms	N/A	-	
C36 - The original scale, proportion, materials and detailing of street facades must be retained.	N/A	-	
C37 - C40 Verandahs	N/A	-	
C41 - C44 Windows and Doors	Existing windows to the rear elevation are being replaced, however the existing windows are not original.	Y	
C45 - C52 Façade materials	The existing face brick rear wall fronting Bailey Street will remain in place. No works are proposed to the primary street front.	Y	
C53 - C55 Security	N/A	-	
C56 - C62 Fences	N/A	-	
C63 - C66 Car parking	Existing condition – accessed from rear Street.	-	

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Part 9 Strategic Context

The Site is identified in DCP Part 9 as being within Camdenville (Precinct 14).

9.14.2 Desired future character

The desired future character of the area is:

1. To protect and preserve the identified period buildings within the precinct and encourage their sympathetic alteration or restoration.
2. To protect the identified Heritage Items within the precinct.
3. To maintain distinctly single storey streetscapes within the precinct.
4. 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.
5. To preserve the predominantly low to medium density residential character of the precinct.
6. To ensure the provision and location of off-street car parking does not adversely impact the amenity of the precinct.
7. To protect the identified values of the Enmore -Newtown Heritage Conservation Area, Enmore House Estate Heritage Conservation Area and the Holmwood Estate Heritage Conservation Area .
8. To ensure orderly development on the masterplan site in accordance with the principles of the masterplan vision, including allotment amalgamations, where required, that are not detrimental to achieving the overall masterplan structure and achieve an efficient and high-quality built outcome.
9. To facilitate the redevelopment of the underutilised industrial site at 32 -60 Alice Street, Newtown for a mix of uses that will contribute to the character and diversity of the precinct.
10. To ensure that higher density development demonstrates good urban design and environmental sustainability and provides suitable amenity for occupants of those developments.
11. To ensure that the design of higher density development protects the residential amenity of adjoining and surrounding properties.

Controls	Proposed	Compliance Y/N	Comments
9.14.4 Precinct specific planning controls			
C1 - Built form and subdivision proposals must:			
i. Encourage re-instatement of original fencing materials and dimensions;	N/A	-	
ii. Retain existing outhouses within this precinct	N/A	-	
iii. Retain original building alignments and setbacks;	The original building was built to the rear boundary.	Y	
iv. Consider allowing additional density along rear lanes where the impact on the precinct will be minimal, through maintaining the original building and roof forms as visible from the public domain;	The proposed works are located behind the existing façade fronting Bailey Street, to the rear of the site.	Y	
v. Carefully consider amendments to the existing subdivision in accordance with historic pattern of development; and	N/A	-	
vi. Encourage the redevelopment of buildings on the southern side of James Street to enable the dedication of the front portions of those lots for future road widening	N/A	-	[Note: This control should is no longer relevant for road widening and would destroy newly listed heritage items]

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HCA 12 Enmore-Newtown Heritage Conservation Area has been identified as containing the following streetscapes:			
a. Mixed Residential Streetscapes (Type B). Refer to Section 8.3 of this DCP for relevant controls.	Refer to section 8.3 in previous table.	-	
Relevant Architectural Style Sheets for HCA 12 Enmore-Newtown Heritage Conservation Area include:			
b. Victorian Italianate/Victorian Filigree. Refer to Section 8.5.1 of this DCP for relevant controls.	This style is not relevant to the subject site.	-	
c. Federation styles. Refer to Section 8.5.2 of this DCP for relevant controls.	This style is not relevant to the subject site.	-	

5.0 CONCLUSION

Having regard to the heritage characteristics of the site and its location, the proposed development is considered appropriate in that:

- No changes are proposed to the front or interior of the heritage item;
- The existing streetscape is retained to both Station Street (front) and Bailey Street (rear);
- The proposed works are located behind the existing façade fronting Bailey Street, to the rear of the site.
- The proposed works are clearly distinguishable from the original structure and improve the outdoor amenity of the occupants.

As demonstrated throughout this Statement, the proposed development is consistent with the relevant heritage controls and objectives of the Inner West LEP 2022 and the Marrickville DCP 2011 and will not impact the Heritage significance of the listed item, or the heritage conservation area HCA12, and is therefore worthy of council's consent.