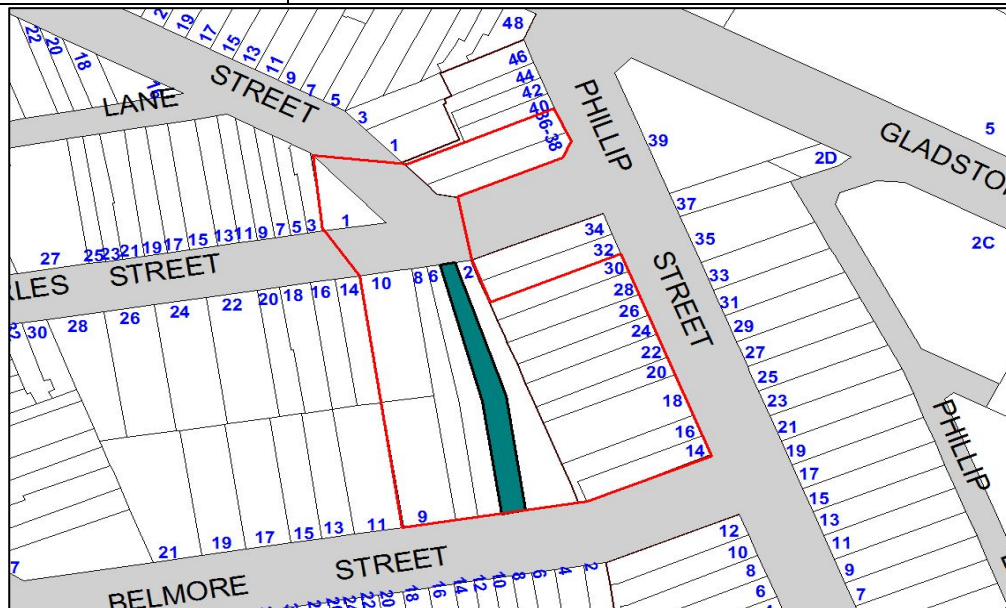




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201800488
Address	4 Charles Street, Enmore
Proposal	To demolish part of the premises and carry out first and second floor alterations and additions to a dwelling house to include a new second floor loft level and stair
Date of Lodgement	22 November 2018
Applicant	Ms J Matson
Owner	Ms Bryony Tutin Weiss & Mr Simon Christopher Greiner
Number of Submissions	None
Value of works	\$150,000
Reason for determination at Planning Panel	Variation to building height development standard exceeds officer delegations
Main Issues	Building Height
Recommendation	Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

1. Executive Summary

This report relates to an application to demolish part of the premises and carry out first and second floor alterations and additions to a dwelling house to include a new second floor loft level and stair. The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- The development exceeds the maximum height development standard under Clause 4.6 of the Marrickville Local Environmental Plan 2011.

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011), with the exception that the proposal exceeds the maximum permissible height of 9.5m by 3.24 metres or 34.1%. A written request under Clause 4.6 of MLEP 2011 has been submitted by the applicant for the variation and the request is considered to be well founded and worthy of support.

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable given the context of the site and the desired future character of the precinct. The application is suitable for approval subject to conditions.

2. Proposal

Approval is sought to demolish part of the premises and carry out first and second floor alterations and additions to a dwelling house to include a new second floor loft level and stair and includes the following works:

- New stairs on the first floor; and
- New loft floor containing one bedroom, study, and ensuite.

3. Site Description

The subject site is located on the southern side of Charles Street, between Phillip Street and London Street. The site consists of 1 allotment and has a secondary frontage to Belmore Street with a total area of 271.9 m² and is legally described as Lot C DP 445228.

The site has a frontage to Charles Street of 3.153 metres and a secondary frontage of approximate 4.972 metres to Belmore Street.

The subject site forms part of a group of 4 storey Victorian terraces which are identified as period buildings. The site is adjoined by 2 Charles Street to the east of the site which contains a two storey terrace house and loft. To the west of the site is 6 Charles Street which contains a two storey terrace house. The property frontage to Charles Street acts as a service area, consisting of a roller-door providing access to an off street car parking space with the main entrance to the dwelling accessed from Belmore Street. Charles Street contains a range of single and two storey dwelling houses and two storey terraces.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
DA201400265	To enclose the first floor balcony that fronts Belmore Street	Approval - 11 July 2014

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
25 February 2019	Additional information requested by Council seeking to amend the roof height and pitch, amend the positioning of window openings, amend the material schedules and amend the Clause 4.6 statement.
11 March 2019	Additional information was provided with an amended Clause 4.6, Revised BASIX and revised drawings.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and
- Marrickville Local Environmental Plan 2011.

The following provides further discussion of the relevant issues:

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

A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the development.

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

The application was assessed against the following relevant clauses of MLEP 2011:

- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio
- Clause 4.6 – Exceptions to Development Standards
- Clause 6.5 – Development in areas subject to aircraft noise

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

Standard (maximum)	Proposal	% of non compliance	Compliance
Floor Space Ratio 0.8:1	0.63:1	N/A	Yes
Height of Buildings 9.5 metres	12.74 metres	34.1%	No

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

The property is zoned R2 – Low Density Residential under the provisions of MLEP 2011. The development, being for alterations and additions to an existing dwelling house is permissible with consent under the zoning provisions applying to the land and is acceptable having regard to the objectives of the R2 – Low Density Residential zone.

(ii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works are included in the recommendation.

(iii) Height (Clause 4.3)

The site is located in an area where the maximum height of buildings is 9.5m as indicated on the Height of Buildings Map that accompanies MLEP 2011. The development has a height of approximately 12.74 metres which contravenes the development standard. The development results in a variation to the development standard by 3.24m or 34.1%.

The existing dwelling has a height of 11.24m which does not comply with the maximum height prescribed by Clause 4.3 of MLEP 2011. The proposal further increases the variation to the prescribed height.

The application was accompanied by a written submission in relation to the contravention of the development standard in accordance with Clause 4.6 of MLEP 2011. The request to vary the development standard is discussed in detail below but is, in brief, considered acceptable as the proposal is consistent with the objectives of the applicable zone and the development standard for building height.

(iv) Floor Space Ratio (Clause 4.4)

Clause 4.4(2A) of MLEP 2011 specifies a maximum floor space ratio for a dwelling house on land labelled "F" on the Floor Space Ratio Map that is based on site area as follows:

Site area	Maximum floor space ratio
>250sqm but ≤300sqm	0.8:1

The property has a site area of 271.9sqm. The development has a Gross Floor Area (GFA) of 172.2sqm and an FSR of 0.63:1 which complies with the development standard.

(v) Clause 4.6 Exceptions to Development Standards

As outlined above, the proposal results in a variation to the maximum height development standard prescribed by Clause 4.3 of MLEP by 3.24 metres or 34.1%.

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

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

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

- The proposed height does not exceed that of development on the adjacent site at no. 2 Charles St Enmore where a similar loft addition has already been constructed;
- The maximum height of the existing dwelling is 11.24m which exceeds the specified maximum building height for the site;
- The proposed works are concealed behind the front parapet of the existing dwelling and set back approximate 36m from the Charles Street frontage; they will not be visible from Charles Street frontage and do not detract from the character and significance of the existing building, or the streetscape of Charles Street;
- The height and bulk of the proposed works is appropriate within the context of this neighbourhood, the new addition will match the height of the neighbouring dwelling at no. 2 Charles Street;
- The proposal will be visible from Belmore Street. However only the rear of the terrace dwellings is visible from Belmore Street. The rear of the terrace dwellings at no. 2 & 4 Charles St (as seen from Belmore Street) have already been substantially altered and do not have a strong heritage character;
- There is minimal overshadowing or privacy impacts on neighbouring dwellings as a result of the contravention.

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

It is considered the development is in the public interest because it is consistent with the objectives of the R2 – Low Density Residential zone, in accordance with Clause 4.6(4)(a)(ii) of MLEP 2011.

It is considered the development is in the public interest because it is consistent with the objectives of the height development standard, in accordance with Clause 4.6(4)(a)(ii) of Marrickville Local Environmental Plan 2011 for the following reasons:

- The bulk and scale of the proposed development is considered acceptable and does not result in any amenity impacts to the adjoining properties;
- The proposal maintains the low density residential form which is consistent with the desired future character of the area;
- The additional height above the height controls is contributed to by the requirement to match the adjoining terrace at 2 Charles Street to ensure the dwellings are read sympathetically.
- The proposal will create a development that is comparable to the building types and built form of dwellings within the streetscape;
- The architectural style is sympathetic to the adjoining properties and is considered acceptable; and
- The proposal will not result in adverse environmental impacts on the adjoining properties or public domain as a result height proposed, as discussed throughout this report.
- Strict compliance with the built form controls will result in an inconsistent urban design outcome and it is considered that the reduction of height to the maximum building height of 9.5 metres would result in an inferior planning and urban design outcome. The additional height provides a built form and urban design outcome that is sympathetic to Charles Street, the adjoining property at 2 Marian Street and the group of Victorian terraces which have a uniform building type and are identified as period buildings.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of MLEP 2011. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the height development standard and it is recommended the Clause 4.6 exception be granted.

(vi) Development in areas subject to Aircraft Noise (Clause 6.5)

Clause 6.5 applies to development on that that (in part) is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise.

The property is located within the 20-25 Australian Noise Exposure Forecast (2033) Contour. The development is likely to be affected by aircraft noise.

The development would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report accompanied the application. The development could be noise attenuated

from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2000. Conditions are included in the recommendation to ensure that the development is appropriately noise attenuated.

5(b) Draft Environmental Planning Instruments

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

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

5(c) Development Control Plans

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

Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes
Part 2.7 – Solar Access and Overshadowing	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes
Part 2.11 – Fencing	Yes
Part 2.16 – Energy Efficiency	Yes
Part 2.18 – Landscaping and Open Spaces	Yes
Part 2.20 – Tree Management	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.23 – Acid Sulfate Soils	Yes
Part 2.25 – Stormwater Management	Yes
Part 4.1 – Low Density Residential Development	Yes
Part 9 – Strategic Context	Yes

The following section provides discussion of the relevant issues:

1. Acoustic and Visual Privacy (Part 2.6)

The layout and design of the development ensures that the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties are protected.

The loft proposes a number of windows servicing the study, hallway and a bedroom. Two windows identified as BW03 and BW04 service the study. BW03 overlooks the roof and BW04 overlooks the private open space of the subject site towards Belmore Street both windows serve a low use area and match the size of the windows of the adjoining property at 2 Charles Street.

One window identified as BW02 services the hallway and overlooks the roof of the subject site. All three windows are setback a considerable distance from Belmore Street and no visual or acoustic privacy concerns are raised regarding these windows.

One window is proposed serving bedroom 1 which is identified as BW01 and serves a low use area. The window overlooks the subject sites private open spaces towards Charles Street and no visual or acoustic concerns are raised regarding this window.

The proposal is acceptable having regard to the objectives and controls within Part 2.6 of MDCP 2011.

2. Solar Access and Overshadowing (Part 2.7)

The shadow diagrams illustrate that the solar access to adjoining properties will not be adversely impacted upon by the carrying out of the development with the majority of the additional overshadowing cast to the roof of the subject site and roof of the adjoining properties.

The level of solar access is maintained to the neighbouring properties as the proposed loft is considered an acceptable size and the orientation of the site does not affect the primary open space of the subject site or that of adjoining properties which is fronting Charles Street.

Given the double frontage lots which contain courtyards at the rear fronting Belmore Street and large gardens fronting Charles Street at least 2 hours of solar access to private open space to the subject site and adjoining properties on June 21 between 9am and 3pm is achieved and maintained which is considered acceptable.

Minor additional shadowing is cast to the neighbouring property to the west of the subject site at 6 Charles Street at 11am though the majority of the courtyard is in shadow and additional overshadowing at 12.00pm to is cast to the courtyard at 6 Charles Street. Notwithstanding, the solar access to the garden at the front of the terraces receives adequate solar access which complies with Part 2.7 and this is considered acceptable.

3. Tree Management (Part 2.20)

There are a number of trees located on the subject site. The application was referred to Council's Tree Management Officer who provided the following comments:

"There are two mature trees located within the front setback (frontage to Charles Street) that are nominated for retention. As the works are confined to the existing building footprint above ground level these trees will not be directly impacted by the proposed works however tree protection will be required to ensure that they are not damaged during construction.

The Jacaranda mimosifolia (Jacaranda) is in a grassed area on the middle terrace between a retaining wall and a gabion wall that both run perpendicular to the side boundary fence. Tree protection fencing can be installed along the eastern side of the existing path between the walls. Condition provided.

The Eucalyptus species (Eucalyptus) is located on the top terrace and the entire area (apart from a small setback to the trunk) is paved. Trunk protection can be provided to mitigate the likelihood of damage during construction. Materials can be stored if required (but no wash out) on the existing pavement. Condition provided.

The submitted plans indicate that the new stormwater is to be connected to the existing drainage system. Provided the line shown within the Tree Protection Zones (TPZ in accordance with AS4970 'Protection of trees on development sites') is existing and no excavation is required that will impact tree roots this acceptable from a tree management perspective. Condition provided.

There are two (2) small Lilly Pilly trees located adjacent to the south side of the carport. These trees are not subject to the Council's Tree Management Controls".

Council's Tree Management Officer is supportive of the proposal and conditions are imposed addressing tree protection measures.

PART 4 – RESIDENTIAL DEVELOPMENT

Part 4 – Low Density Residential Development

(i) Good Urban Design Practice (Part 4.1.4)

The development maintains the height, bulk and scale of the period dwelling house as perceived from the street and is in keeping with the character of the area. Given the above the development is reasonable having regard to the objectives and controls relating to good urban design contained in MDCP 2011.

The development has been designed to match the adjoining loft of the adjoining property at 2 Charles Street. The roof form, the building height and the materials and finishes complement the locality which is considered acceptable.

(ii) Streetscape and Design (Part 4.1.5)

The development satisfies the streetscape and design controls outlined in MDCP 2011 in that:

- The development complements the uniformity and visual cohesiveness of the bulk, scale and height of the existing streetscape;
- The proposal is a contemporary design that complements and embellishes the character of the area; and
- The dwelling house addresses the principal street frontage and is orientated to complement the existing pattern of development found in the street.

4.1.10 Residential Period Buildings

Part 4.1.11 of MDCP 2011 contains objectives and controls in relation to period dwellings.

The subject property is part of a group of 4 two storey Victorian terraces which are period buildings, as defined in the Marrickville Development Control Plan 2011.

The application was referred to Council's Heritage Advisor who provided the following comments:

"The Marrickville LEP 2011 and Section 9.8: Enmore North and Newtown Central (Precinct 8) in the Marrickville DCP 2011 apply to the proposal. The heritage provisions in Part 8: Heritage of the Marrickville DCP 2011 do not apply to the proposal as the site is not listed as a heritage item, or located within a heritage conservation area.

The row of 4 terraces the subject terrace is part of is unusual in that they are constructed on the back half of the lots with an unusually large setback from Charles Street. The rear of the terraces faces Belmore Street to the south. The terraces have 2 storey verandahs to the front (northern) elevation with a decorative parapet above which is concealed from the street by the established vegetation. The rear of the terraces is visible to the south from Belmore Street.

The proposal is for a second floor addition with a master bedroom, ensuite and study to the terrace. This is not consistent with the desired future character for the Enmore North and Newtown Central (Precinct 8) because of its location over the main building form, its height and its proximity to the parapet of the existing terrace. The proposal will increase the bulk, height and scale of the terrace which is inconsistent with Point 1 of Section 9.8.2 of Part 9.8 of the DCP which is to protect period buildings within the precinct with sympathetic alteration and restoration.

In 2012 an additional level was constructed at the adjoining terrace at No. 2 Charles Street. The SEE states the roof pitch is proposed to be higher than that approved at No. 2 so that the ceiling to bedroom 2 is not required to be lowered (not known if original). The SEE states that many of the original features in the terrace have been removed including removal of internal walls, new staircase and removal of many original features.

As the subject terrace is part of a row of 4 Victorian terraces, it is appropriate that the proposed addition at least complement the existing roof height and pitch of the second floor addition at No. 2. An acceptable floor to ceiling height for bedrooms is 2.4m which can be lowered to 2.1m. The proposal is to be amended so that the roof height and pitch matches that of the approved second floor addition at No. 2. The acceptable floor to ceiling height for bedrooms should be able to be achieved for the proposed bedroom 1 without having to lower the ceiling of bedroom 2 below.

The proposed fenestration (positioning of window openings and dimensions) of the second floor addition is to be redesigned to match that approved at No. 2 Charles Street. This will maintain consistency between the existing addition, the proposed addition and potential future second floor additions to the terraces at Nos. 6 and 8".

It is noted that during the assessment process Council officers raised concerns regarding the roof height and pitch of the loft addition, the proposed positioning of the window openings and the materials proposed. The applicant subsequently addressed these issues through the submission of final amended plans on 11 March 2019.

As the subject terrace is part of a row of period buildings and the rear is highly visible from Belmore Street the changes above were requested to ensure that the design of the loft would reduce the overall bulk, form and scale of the addition and that by lowering the proposed roof height and pitch this would match the second floor addition at 2 Charles Street.

The applicant responded in relation to the repositioning of the windows that the proposal cannot achieve the same window configuration of the addition to the adjoining terrace and that the height of the stair window would be reduced to ensure all the windows are the same height. It was requested that all the windows should be evenly spaced to ensure that the rear elevation is symmetrical.

The applicant responded with a number of options in relation to grouping the windows together. Council's Heritage Advisor suggested that the 3 windows could be grouped together centrally within the façade of the dormer window which will complement the grouping of the windows to 2 Charles Street. The windows were amended to be evenly spaced along the rear elevation which was considered acceptable.

The proposal satisfies the period dwelling controls as outlined in MDCP 2011 in that:

- The proposal retains the front garden (and side garden where part of the front garden) of period buildings, including elements such as fences, gates, paths, carriageway, walls and plant beds;
- The proposal retains the facade and main external body of the period building visible from the street, including proportions, materials, details and elements (such as front verandahs or barge boards), roof forms, materials, setbacks and number of storeys, chimneys and scale;
- The proposal accommodates contemporary additions and alterations while retaining the significant components of the period building and garden;
- The alterations and additions at the rear and the side and above the roof line, are subordinate to the main body of the period dwelling when viewed from the street;
- Finishes other than those typical to the period building have not been used and unfinished surfaces such as face brick and stone have been retained;
- Existing significant period features at the front have been retained; and
- The alterations and additions at the front have a minimal impact on the period dwelling.

(iii) Details, materials and colour schemes for period buildings (Section 4.1.12)

The architectural plans and the schedule of materials and finishes submitted satisfy the details, materials and colour schemes for period building controls as outlined in Marrickville DCP 2011.

The amended plans are considered acceptable and comply with the controls outlined in Part 4.1 of MDCP 2011.

5(d) 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(e) The suitability of the site for the development

The site is zoned R2 – Low Density Residential under MELP 2011. 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(f) Any submissions

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property was notified in accordance with Council's Notification Policy and no submissions were received.

5(g) 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.

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.

- Council's Heritage Officer
- Council's Tree Management Officer

All internal Council Officers generally supported the application subject to the imposition of appropriate conditions which are included in the recommendation.

7. Section 7.11 Contributions

A Section 7.12 levy of \$750.00 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014 and a condition requiring the above levy to be paid has been included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011.

The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.4 of the *Marrickville Local Environmental Plan 2011*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. 201800488 for to demolish part of the premises and carry out first and second floor alterations and additions to a dwelling house to include a new second floor loft level and stair at 4 Charles Street, Enmore subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Attachment A – Recommended conditions of consent

GENERAL

1. The development must be carried out in accordance with plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA-01, B	Demolition & Sediment Control Plan	22 November 2018	Jessica Matson Architecture	11 March 2019
DA-02, B	Roof/Site Plan	22 November 2018	Jessica Matson Architecture	11 March 2019
DA-03, B	Ground & First Floor Plan	22 November 2018	Jessica Matson Architecture	11 March 2019
DA-04, B	Loft Addition Floor Plan	22 November 2018	Jessica Matson Architecture	11 March 2019
DA-05, B	East Elevation	22 November 2018	Jessica Matson Architecture	11 March 2019
DA-06, B	West Elevation	22 November 2018	Jessica Matson Architecture	11 March 2019
DA-07, B	North & South Elevations	22 November 2018	Jessica Matson Architecture	11 March 2019
DA-08, B	Section A	22 November 2018	Jessica Matson Architecture	11 March 2019
DA-09, B	Section B	22 November 2018	Jessica Matson Architecture	11 March 2019
DA-1, B	Schedule of Finishes	22 November 2018	Jessica Matson Architecture	11 March 2019
A326013_02	BASIX Certificate	11 March 2019	Jessica Matson Architecture	11 March 2019

and details submitted to Council on , 11 March 2019 and 29 March 2019 with the application for development consent and as amended by the following conditions.

2. Where any plans and/or information forming part of a Construction Certificate issued in relation to this consent are inconsistent with:
 - a) the plans and/or information approved under this consent; or
 - b) any relevant requirements of this consent,

the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.

3. 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.
4. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
5. All prescribed trees shall be retained and protected in accordance with the conditions of consent and with As4970 'Protection of trees on development sites' unless their removal is explicitly approved under the terms of this consent.
Details of the trees to be retained must be included on the Construction Certificate plans

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

6. No work must commence until:
 - a) A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
 - b) A minimum of 2 days written notice given to Council of the intention to commence work.
7. A Recycling and Waste Management Plan (RWMP) being prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
8. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
9. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.

Facilities must be located so that they will not cause a nuisance.
10. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and are to be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at 2 Charles Street and 6 Charles Street, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.
11. 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, before work commences.
12. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign is to be maintained at all times until all work has been completed. The sign must include:

- a) The name, address and telephone number of the PCA;
 - b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
13. Sediment control devices must be installed before the commencement of any work and must be maintained in proper working order to prevent sediment discharge from the construction site.
14. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall 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
 - 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.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

15. To preserve the following tree no work shall commence until the Protection Zone (in accordance with AS4970-*Protection of trees on development sites*) is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fences shall be maintained intact until the completion of all demolition/building work on site.
16. Tree protection fencing shall be installed along the eastern side of the existing path between the retaining wall and gabion wall that are located on either side of the *Jacaranda mimosifolia* (Jacaranda) on the Charles Street frontage.
17. The tree protection fencing being constructed of star pickets (located clear of roots) and connected by 4 strands of 2mm wire at 300mm wide spacing to a minimum height of 1.5 metres in height prior to work commencing. Requirements of this condition are to be met prior to works commencing. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.
18. Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions. Requirements of this condition are to be met prior to works commencing.

19. Prior to works commencing tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metre intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form (lettering should comply with AS 1319-*Safety signs for the occupational environment*), the following information:
- Tree protection zone;
 - This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted;
Requirements of this condition are to be met prior to works commencing.
20. To preserve the Eucalyptus species (Eucalyptus) facing the Charles Street frontage no work shall commence until the trunk/s/branches are protected (in accordance with AS4970-*Protection of trees on development sites*) by the placement of 2 metre lengths of 50 x 100mm timbers spaced at 150mm centres and secured by wire/hoop strap over suitable protective padding material (i.e. underlay or carpet). The trunk/branch protection shall be maintained intact until the completion of all work on site.

Requirements of this condition are to be met prior to works commencing. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

21. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NOTE: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.
http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

22. A levy of \$750.00 has been assessed as the contribution for the development under Section 7.12 of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 7.12 Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 7.12 levy (as adjusted) must be paid to the Council in cash or by **unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card*** before the issue of a Construction Certificate. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 7.12 levies **CANNOT** be made by Personal Cheque or Company Cheque.

*NB A 1% credit card transaction fee applies to all credit card transactions.

(LEVY PAYMENT REFERENCE NO. DC002564)

NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

23. Plans fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

NOTE: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate issued no earlier than 3 months before the date of lodgement of the application for the Construction Certificate. (Refer to Clause 6A of Schedule 1 to the Regulation).

24. The existing building must be upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke detection systems in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
25. Prior to the commencement of demolition works or before the issue of a Construction Certificate (whichever occurs first), a security deposit and inspection fee must be 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 (FOOT)	\$2100.00
Inspection fee (FOOTI)	\$225.00

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 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 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.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

26. Sediment control devices must be constructed and maintained in proper working order to prevent sediment discharge from the construction site. Sediment control plans and specifications must be submitted to the Principal Certifying Authority before the issue of a Construction Certificate.

27. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021-2015 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2015. Plans fully reflecting the selected commitments must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
28. Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the State Environmental Planning Policy shall be prepared. Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

SITE WORKS

29. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
30. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
31. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'.
32. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:
 - a) after excavation for, and prior to the placement of, any footings;
 - b) prior to pouring any in-situ reinforced concrete building element;
 - c) prior to covering of the framework for any floor, wall, roof or other building element;
 - d) prior to covering waterproofing in any wet areas;
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
33. All demolition work must be carried out in accordance with the following:
 - a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
 - b) all works involving the demolition, removal, transport and disposal of material containing asbestos must be carried out by suitably qualified persons in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;

- c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
 - d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
 - e) the generation of dust and noise on the site must be controlled;
 - f) the site must be secured to prohibit unauthorised entry;
 - g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
 - h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
 - i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
 - j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
 - k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.
34. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:
- a) protect and support the adjoining premises from possible damage from the excavation;
 - b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents shall be obtained prior to the required works commencing; and
 - c) at least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received shall be forwarded to the PCA before work commences.

35. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.
36. If the proposed work is likely to cause obstruction of the public place and/or is likely to endanger users of the public place, a suitable hoarding or fence approved by Council must be erected between the work site and the public place.
37. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.

38. The person acting on this consent must comply with the requirements of the Dividing Fences Act in respect to the alterations and additions to the boundary fences.
39. No disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.
40. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.
Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

BEFORE OCCUPATION OF THE BUILDING

41. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:
 - a) A copy of the determination;
 - b) Copies of any documents that were lodged with the Occupation Certificate application;
 - c) A copy of Occupation Certificate, if it was issued;
 - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
 - e) A copy of any missed inspections;
 - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
42. The Certifying Authority must be satisfied that each of the commitments listed in Aircraft Noise Assessment Report required by this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
43. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
44. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.
45. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development must be completed before the issue of an Occupation Certificate. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

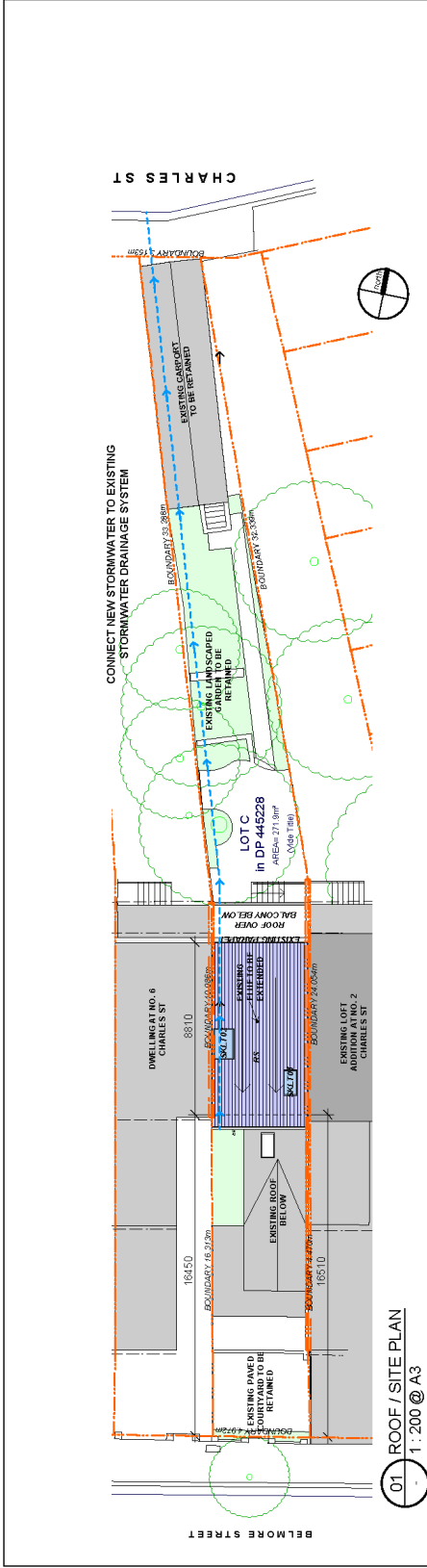
USE OF THE BUILDING

46. The premises must be used exclusively as a single dwelling house and must not be adapted for use as a residential flat building or boarding house and must not be used for any industrial or commercial purpose

ADVISORY NOTES

- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- Contact "Dial Before You Dig" before 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 Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 131441 www.lspc.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diy-safe.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 Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.



01 ROOF / SITE PLAN
1:200 @ A3

EXISTING STRUCTURE TO BE RETAINED
 BE RETAINED OR DEMOLISHED DURING
 DEMOLITION OR CONSTRUCTION TO BE SUBSTANTIALLY
 UNSOUND OR RISK TO THE HEALTH AND SAFETY OF FUTURE OCCUPANTS
 MATCH EXISTING

ZONING		CONTROL		PROPOSED		COMPLIANCE	
L2A_003	PERMITS RESIDENTIAL	N/A	0.5 - 1.1	271.96m ²	N/A	YES	N/A
FSP_003	ALLOWABLE SR = 0.8:1.1 - REFER TO CLAUSE 4.4 OF LEP	0.5 - 1.1	0.5 - 1.1	0.5 - 1.1	0.5 - 1.1	YES	YES
HER_003	NOT IN A HERITAGE CONSERVATION ZONE	450mm or 1200mm or 1.2m or 5% of Min 50% of private open space	450mm or 1200mm or 1.2m or 5% of Min 50% of private open space	1200mm or 1.2m or 5% of Min 50% of private open space	N/A	NO	NO
ASS_003	N/A	open space	open space	open space	open space	YES	YES

ZONING
 L2A_003 PERMITS RESIDENTIAL
 FSP_003 ALLOWABLE SR = 0.8:1.1 - REFER TO CLAUSE 4.4 OF LEP
 HER_003 NOT IN A HERITAGE CONSERVATION ZONE
 ASS_003 N/A

ADDITIONS & ALTERATIONS
4 CHARLES ST
ENMORE

JOB NO: 18-03
 DRAWN: MB
 CHECKED: JM

SCALE: 1:200 @ A3
 DATE: 18-03

PROJECT: 4 CHARLES ST
 DRAWING: GROUND & FIRST FLOOR PLANS
 CLIENT: DA-02
 DATE OF FIRST ISSUE: 22.11.18

DEVELOPMENT APPLICATION
JESSICA MATSON // ARCHITECTURE
 Nominated Architect NSW no.848 ABN: 9071983678
 39 EDWIN ST TEMPE NSW 2044
 1 02 955 6888 9444
 www.jessicamatson.com.au

DATE: 22.11.18
 BY: BRYONY WEISS & SIMON GREINER

NOT FOR CONSTRUCTION

LEGEND REFER TITLE SHEET FOR FULL LEGEND

WALL TYPES
 NEW MASONRY WALLS
 PROTECT SIGNING AND USE OF SHEET
 CONSTRUCTION - MAKE GOOD
 AUSTRALIA
 ENCLOSURE
 STORMWATER DRAINAGE LINE

ANAL. AFFECTS/IMPACT NATURAL & CULTURAL LEVEL - FROM SURVEY
 C/S CHECK DIMENSION ON SITE
 E/S EXISTING MASONRY WALLS TO BE RETAINED
 M/S MASONRY WALLS TO BE DEMOLISHED
 F/S FILL
 H/S HERITAGE SIGNAGE TO BE RETAINED
 T/S TIMBER SLAT SCREEN

REVISIONS

No.	Date	Description
1	22.11.18	ISSUE FOR DEVELOPMENT APPLICATION
2	11.03.19	REVISION RESPONSE TO COUNCIL FEEDBACK

© Copyright in all documents and drawings prepared by Jessica Matson and in any works executed from these documents and drawings shall remain the property of Jessica Matson or an creation as in Jessica Matson.

Attachment C – Clause 4.6 Exception

JESSICA MATSON // ARCHITECTURE

Nominated Architect NSW no. 8448 ABN: 90 719 836 078
39 EDWIN ST TEMPE NSW 2044
t: 02 9558 1046 f: 02 8580 4942 m: 0412 888 222
jess@jmarchitecture.com.au www.jmarchitecture.com.au

WRITTEN REQUEST TO JUSTIFY CONTRAVENTION OF A DEVELOPMENT STANDARD

REISSUED: 29.03.19

1.0 INTRODUCTION

This statement is submitted in support of the Development Application for proposed additions and alterations to the existing terrace dwelling at no. 4 Charles St Enmore.

2.0 RELEVANT STANDARD

The proposed works seek to contravene the following development standard in Marrickville Local Environmental Plan 2011:

Clause 4.3 Height of buildings

(1) The objectives of this clause are as follows:

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

3.0 EXTENT OF VARIATION

The maximum allowable height on the Height of Buildings Map is 9.5m.

The maximum height of the proposed works is 12.74m.

The height proposed is 3.24 metres over the height development standard which equates to 34.1%

4.0 OBJECTIVES OF THE ZONE

The property is located within **Zone R2: Low Density Residential**. The objectives of this zone are as follows:

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

5.0 JUSTIFICATION OF CONTRAVENTION

The proposed development will be consistent with the objectives of **Zone R2: Low Density Residential** as follows:

OBJECTIVE	RESPONSE
To provide for the housing needs of the community within a low density residential environment.	The proposal ensures that the dwelling will continue to be used as housing. The increased accommodation makes the dwelling more suitable for families who wish to stay in the area.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	N/A
To provide for multi dwelling housing and residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings.	N/A
To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.	N/A
To provide for retail premises in existing buildings designed and constructed for commercial purposes.	N/A

The proposed development will be consistent with the objectives of the Standard as follows:

OBJECTIVE	RESPONSE
(a) to establish the maximum height of buildings	N/A
(b) to ensure building height is consistent with the desired future character of an area	<p>The proposed building height is consistent with the desired future character of the Enmore North and Newtown Central Distinctive Neighbourhood (Precinct 8).</p> <p>The proposal supports the following objectives contained in Marrickville DCP 2011:</p> <p><i>“1. To protect, preserve and enhance the identified period buildings within the precinct.”</i></p> <p>The proposal includes the retention of the existing Victorian terrace dwelling and ensures that it is protected, preserved and enhanced.</p> <p><i>“3. To protect, preserve and enhance other significant public domain elements within the precinct including landscaping, fencing, open space, kerb and guttering, views and vistas and prevailing subdivision patterns:</i></p> <p>No public domain elements are impacted by the proposed works.</p> <p><i>Continued overpage</i></p>

OBJECTIVE	RESPONSE
<p>(b) to ensure building height is consistent with the desired future character of an area (continued)</p>	<p><i>"4. To maintain distinctly single storey streetscapes within the precinct."</i></p> <p>Charles and Belmore Street do not have a single storey character. Both streets feature mainly two-storey dwellings. No. 4 Charles Street is one of a group of 4 two storey terrace dwellings. Its neighbour at no. 2 Charles Street has an existing loft addition giving this dwelling a three-storey character.</p> <p><i>"5. To protect, preserve and enhance the existing character of the streetscapes where only compatible development is permitted."</i></p> <p>The proposed works do not detract from the streetscape of Enmore. The character is protected, preserved and enhanced;</p> <p><i>"9. To support excellence in contemporary design."</i></p> <p>The proposal continues the pattern of contemporary additions to homes in the Enmore area. It is contiguous with the existing loft addition at 2 Charles Street.</p> <p><i>"10. To ensure that higher density development demonstrates good urban design and environmental sustainability and provides suitable amenity for occupants of those developments. "</i></p> <p>The proposal demonstrates excellent contemporary design and environmental sustainability. It also provides high quality living spaces for the residents of the dwelling.</p>
<p>(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight</p>	<p>The proposal does not affect exposure to the sky and sunlight of buildings and public areas.</p>
<p>(d) to nominate heights that will provide an appropriate transition in built form and land use intensity</p>	<p>The height of the proposal is in keeping with the adjacent loft addition at no. 2 Charles St. The height of this row of terraces already exceeds Council's height limit.</p>

6.0 ADDITIONAL CONSIDERATIONS

The compliance with the development standard is unnecessary and unreasonable and the environmental planning grounds to justify the variation are:

- The proposed height does not exceed that of development on the adjacent site at no. 2 Charles St Enmore where a similar loft addition has already been constructed;
- The maximum height of the existing dwelling is 11.24m which exceeds the specified maximum building height for the site;
- The proposed works are concealed behind the front parapet of the existing dwelling and set back approximate 36m from the Charles Street frontage; they will not be visible from Charles Street frontage and do not detract from the character and significance of the existing building, or the streetscape of Charles Street;
- The height and bulk of the proposed works is appropriate within the context of this neighbourhood, the new addition will match the height of the neighbouring dwelling at no. 2 Charles Street;
- The proposal will be visible from Belmore Street. However only the rear of the terrace dwellings is visible from Belmore Street. The rear of the terrace dwellings at no. 2 & 4 Charles St (as seen from Belmore Street) have already been substantially altered and do not have a strong heritage character;
- There are minimal overshadowing or privacy impacts on neighbouring dwellings as a result of the contravention. Please refer accompanying shadow diagrams.

Refer attached streetscape images.

7.0 SUMMARY

Compliance with the development standard in this instance would be unreasonable and unnecessary. There are sufficient environmental planning grounds to justify contravening the development standard.

8.0 STREETScape IMAGES

8.1 View towards subject site from Charles Street. The dwellings are set well back from the Charles Street frontage and are of minimal visibility.



APPROXIMATE OUTLINE OF PROPOSED ADDITION AT NO 4 CHARLES ST

EXISTING LOFT ADDITION AT NO. 2 CHARLES STREET



8.2 View of terrace row from Belmore Street showing first floor addition at no. 2 Charles Street and approximate outline of proposed addition at no. 4.