




	
DEVELOPMENT ASSESSMENT PANEL REPORT	
Application No.	DA/2025/0009
Address	28 Eton Street CAMPERDOWN
Proposal	Alterations and additions to an existing dwelling house, including partial demolition of existing structures, construction of basement storage, ground floor and first floor additions.
Date of Lodgement	8 January 2025
Applicant	Alexander Symes
Owner	Takashi Onishi Megan A Campbell
Number of Submissions	15 Submissions
Cost of works	\$492,000.00
Reason for determination at Planning Panel	<ul style="list-style-type: none"> Section 4.4 – Floor Space Ratio variation exceeds 10% Number of Submissions
Key Considerations	<ul style="list-style-type: none"> Section 4.4 – Floor Space Ratio variation Part 2.6 – Acoustic and Visual Privacy Part 2.7 – Solar Access and Overshadowing Part 2.18 – Landscaping and Open Spaces Part 4.1.4 – Good Urban Design Practice Matters raised in submissions
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
	
LOCALITY MAP	
Subject Site 	Objectors 
Notified Area 	Supporters 

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling house, including partial demolition of existing structures, construction of basement storage, ground floor and first floor additions at No. 28 Eton Street Camperdown.

The application was notified to surrounding properties and 14 submissions were received in response to the notification.

The main issues that have arisen from the application include:

- Section 4.4 – Floor Space Ratio variation
- Part 2.6 – Acoustic and Visual Privacy
- Part 2.7 – Solar Access and Overshadowing
- Part 2.18 – Landscaping and Open Spaces
- Part 4.1.4 – Good Urban Design Practice
- Matters raised in submissions

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 which require a reduction in the extent of the trafficable area on the proposed rooftop terrace.

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.

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

2. Proposal

The proposal seeks consent for alterations and additions to an existing dwelling house, including partial demolition of existing structures, construction of basement storage, ground floor and first floor additions. The proposal includes the following specific works:

- Excavation:
 - Excavation below existing decking for new storage room.
- Landscaping works:
 - New finish to existing decking area to rear of site;
 - New reflection pond within existing rear deck area;

- New garden terrace above existing car parking space with raised garden beds to perimeter;
- Extension of existing car parking space in rear yard; and
- New steps to raised garden terrace to rear of site.
- Proposed New Works to Dwelling:
 - New roof to entire dwelling with minor extensions to partition walls to support new roof;
 - New windows to first floor of the dwelling to the northern façade;
 - Upgrade existing glazing with high-performance double-glazed units;
 - New operable skylights and roof hatch to proposed roof;
 - Upgrade insulation and membranes to existing dwelling for improved thermal comfort and moisture proofing;
 - New subfloor storage room;
 - Alterations to existing internal layout and removal of external light well adjacent to staircase;
 - Additional bullnose roof to the southern façade; and
 - New downpipes and stormwater collection system from roof of dwelling.
- Proposed New Services:
 - Install new solar panel arrangement flush on rear roof;
 - New subfloor rainwater tanks; and
 - Relocate existing services on roof to be out of view of Eton Street public domain.

3. Site Description

The subject site is located on the northern side of Eton Street, between Australia Street and Denison Street. The site consists of one (1) allotment and is rectangular in shape with a total area of 126.4sqm and is legally described as Lot 24 in DP 2036.

The site has a frontage to Eton Street of 5.03m and a secondary frontage of 5.03m to Eton Lane.

The site supports a two-storey dwelling house, with a shed and hard stand off-street parking space to the rear of the subject site. The adjoining properties support two-to-three storey dwelling houses, with No. 30 Eton Street containing a commercial premises on ground floor and residential above (i.e., shop top housing).

The subject site contains a highly altered residential period building. The subject site is not located in a Heritage Conservation Area and is not located in the vicinity of any Heritage Items.



Figure 5: Photo of subject site as viewed from Eton Street



Figure 2: Photo of subject site as viewed from Eton Lane



Figure 3: Zoning Map (subject site in red)

4. Background

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	Date & Decision
DA200800436	To demolish the outbuildings, provide a car space and construct a roller door, deck and pergola.	16/12/2008, Deferred Commencement
DA201300194	To demolish the majority of the existing dwelling house; retain the front facade and construct a two-storey dwelling house incorporating the retained front façade.	28/06/2013, Approved

Surrounding properties

No. 30 Eton Street, Camperdown:

Application	Proposal	Date & Decision
DA/2021/1117	Alterations and additions to existing shop top housing, including construction of a new garage and creation of 3-bedroom dwelling above. Change of use of the shop to business premises (gallery) and fitout.	10/05/2022, Approved – Local Planning Panel

Application history

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

Date	Discussion / Letter / Additional Information
08/01/2025	Application Lodged.
14/01/2025 to 28/01/2025	Notification Period.
23/01/2025	Site Inspection.
06/03/2025 to 28/03/2025	A Request for Further Information letter was sent to the Applicant requiring amended plans to address outstanding matters including visual privacy, solar access and overshadowing, internal amenity, streetscape and design, stormwater management, parking, proposed pond, and submissions. A mezzanine plan was also requested.
28/03/2025	Amended plans and associated documentation received.
29/04/2025	Meeting held between Council and the Applicant to discuss the amended plans and requested changes.
19/05/2025	Amended plans and supporting documentation were received. Renotification was not required in accordance with Council's Community Engagement Strategy 2025-2029. The amended plans and supporting documentation are the subject of this report.

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 (EP&A Act 1979)*.

A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards 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.

SEPP (Sustainable Buildings) 2022

Chapter 2 Standards for residential development - BASIX

The application is accompanied by a BASIX Certificate (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EP&A Regulation 2021*.

Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

Part 1 – Preliminary

Section	Proposed	Complies
Section 1.2 Aims of Plan	<p>The proposal satisfies this Section as follows:</p> <ul style="list-style-type: none"> The proposal prevents adverse social, economic and environmental impacts on the local character of the Inner West; and The proposal prevents adverse social, economic and environmental impacts, including cumulative impacts. 	Yes, as conditioned

Part 2 – Permitted or prohibited development

Section	Proposed	Complies
Section 2.3 Zone objectives and Land Use Table <i>R2 – Low Density Residential</i>	<ul style="list-style-type: none"> The application proposes alterations and additions to an existing dwelling house, including partial demolition of existing structures, construction of basement storage, ground floor and first floor additions which is permissible with consent in the R2 – Low Density Residential zone. Dwelling houses are permissible with consent in the R2 zone; and The proposal is consistent with the relevant objectives of the zone, as the proposal seeks to enhance the existing dwelling that satisfies the needs of its occupants. 	Yes

Section	Proposed	Complies
Section 2.7 Demolition requires development consent	The proposal satisfies this Section as follows: <ul style="list-style-type: none"> Demolition works are proposed, which are permissible with consent; and Standard conditions are recommended to manage impacts which may arise during demolition. 	Yes, as conditioned

Part 4 – Principal development standards

Section	Proposed		Complies
Section 4.3 Height of buildings	Maximum	9.5m	Yes
	Proposed	8.9m	
Section 4.4 Floor space ratio	Maximum	1.1:1 or 139.04sqm	No – See discussion below
	Proposed	1.25:1 or 158.2sqm	
	Variation	13.78% or 19.6sqm	
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.		Yes
Section 4.6 Exceptions to development standards	The applicant has submitted a variation request in accordance with Section 4.6 to vary Section 4.4 – Floor Space Ratio.		See below under the relevant heading for further details

Section 4.6 – Exceptions to Development Standards

Section 4.4 – Floor Space Ratio (FSR) Development Standard

The Applicant seeks a variation to the above-mentioned development standard under Section 4.6 of the *IWLEP 2022* by 13.78% or 19.6sqm. Section 4.6 allows Council to vary Development Standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

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. 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.

Whether compliance with the development standard is unreasonable or unnecessary

In *Wehbe* at [42] – [51], Preston CJ summarises the common ways in which compliance with the Development Standard may be demonstrated as unreasonable or unnecessary. This is repeated in *Initial Action* at [16]. In the applicant's written request, the first method described in *Initial Action* at [17] is used, which is that the objectives of the Floor Space Ratio Development Standard are achieved notwithstanding the numeric non-compliance.

The **first objective of Section 4.4 – Floor Space Ratio** is *“to establish a maximum floor space ratio to enable appropriate development density”*. The written request states that the proposed alterations and additions under this development proposal will result in a negligible addition to the FSR provision and have little to no direct impact on the perceived scale of the dwelling within its context. The dwelling, as proposed within the design, is consistent in height, bulk and massing with existing dwellings which have been altered in the immediate context. As such, it is considered that the dwelling, as proposed, will enable an appropriate development density that will be in keeping with the prevailing streetscape pattern. Accordingly, the breach is consistent with the first objective.

The **second objective of Section 4.4 – Floor Space Ratio** is *“to ensure development density reflects its locality”*. The written request states that the development proposes a new roof to the dwelling which is largely non-visible from neighbouring properties and the public domain. In addition, the dwelling’s massing is in keeping with the prevailing scale and form of two and three storey dwellings which surround it. It is considered that the development proposed is in keeping with the prevailing streetscape pattern, and will be of a height, scale and density that reflects its locality (i.e., Nos. 26 and 30 Eton Street). Accordingly, the breach is consistent with the second objective.

The **third objective of Section 4.4 – Floor Space Ratio** is *“to provide an appropriate transition between development of different densities”*. The written request states that the dwelling maintains a compatible built form with the size of the land and a comparative building mass with the development evident across Eton Street. The proposed development is a two-storey form, and the areas resulting in additional Floor Space Ratio are non-habitable spaces which result in no perceivable building bulk to the streetscape or surrounding public domain. This is particularly evident when comparing the maximum RLs of the subject site and adjoining properties, as the subject site sits below No. 26 Eton Street and only sits 31mm higher than No. 30 Eton Street. Therefore, the development, as proposed, will continue to provide an appropriate transition between development of different densities. Accordingly, the breach is consistent with the third objective.

The **fourth objective of Section 4.4 – Floor Space Ratio** is *“to minimise adverse impacts on local amenity”*. The written request states that the proposed changes to the dwelling result in negligible additional overshadowing to the surrounding dwellings and public domain as a result of the additional floor area. As well as this, there is no view loss or additional overlooking resulting in a loss of privacy to neighbouring dwellings from the proposed Floor Space Ratio exceedance. As such, it is considered that the additional Gross Floor Area on-site will have minimal amenity implications on neighbouring properties and the public domain which is a satisfactory outcome. Accordingly, the breach is consistent with the fourth objective.

The **fifth objective of Section 4.4 – Floor Space Ratio** is *“to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain”*. The written request states that the proposed development seeks to increase the extent of landscaped area on the subject site and proposes the planting of extensive native flora and a deciduous tree within the rear setback. This provision allows for the considerable improvement of planting within the subject site. The development would improve the amenity, and the use and enjoyment of the subject site and when viewed from the public domain given the significant planting proposed above the garage which will improve the POS area from existing. It is

acknowledged that there currently is no capacity for deep soil tree planting on the site and the proposal does not alter this however does provide additional landscaping on the rooftop terrace. Accordingly, the breach is generally consistent with the fifth objective.

As the proposal achieves the objectives of the Floor Space Ratio Development Standard, compliance is considered unreasonable and unnecessary in this instance.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

Pursuant to Section 4.6(3)(b), the Applicant provides the following environmental planning grounds to justify contravening the Floor Space Ratio Development Standard:

Environmental Planning Ground 1 - *The proposal is consistent with the objectives of the Development Standard and the objectives of the zone.* This environmental planning ground is accepted because the proposal is consistent with the objectives of the R2 – Low Density Residential zone and the Floor Space Ratio Development Standard given that the proposed additions seek to provide for the housing needs of the occupants of the subject site, whilst ensuring the development density proposed is in keeping with the prevailing streetscape pattern and building bulk.

Environmental Planning Ground 2 - *The proposed development will improve the landscape and private open space conditions on the subject site.* This environmental planning ground seeks to justify the FSR variation by contending that the landscaping proposed would be an improvement on the site. Although the landscaping proposed may improve the outlook and amenity of the subject site's private open space when viewed from their ground floor rear deck (i.e., subject site's private open space), the landscaping provided will not technically improve the private open space. However a condition is included in the recommendation to reduce the trafficable area of the rooftop terrace to further enhance landscaping. This environmental planning ground is not accepted.

Environmental Planning Ground 3 - *The proposal only marginally increases the existing Floor Space Ratio provision. The existing dwelling, when calculated by the most conservative definition, will still only exceed the provision by 19.16sqm (13.78%).* This environmental planning ground is accepted because most of the additional calculable Gross Floor Area is contained within the existing building footprint. For example, the storage area is below the existing ground floor building footprint, and the Mezzanine Level is contained within the roof form and does not seek to further extend the rear building line as a result. Therefore, it is considered that the additional Gross Floor Area will have minimal amenity implications upon both public and private domains.

Cumulatively, the grounds are considered sufficient to justify contravening the Development Standard.

For the reasons outlined above, it is recommended that the Section 4.6 exception be granted

Part 6 – Additional local provisions

Section	Proposed	Complies
Section 6.2 Earthworks	<ul style="list-style-type: none"> The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability. 	Yes
Section 6.3 Stormwater Management	<ul style="list-style-type: none"> The proposal is satisfactory with respect to the provisions of this Section of the <i>IWLEP 2022</i> subject to conditions, and these conditions will remain in force as part of any future consent granted. 	Yes, as conditioned
Section 6.8 Development in areas subject to aircraft noise	<ul style="list-style-type: none"> The site is located within the ANEF 20-25 contour. The proposal is capable of satisfying this section as conditions have been included in the development consent to ensure that the proposal will meet the relevant requirements of Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015, thereby ensuring the proposal's compliance with the relevant provisions of Section 6.8 of the <i>IWLEP 2022</i>. 	Yes, as conditioned

B. Development Control Plans**Summary**

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

MDCP 2011	Complies
Part 2.1 – Urban Design	Yes – See discussion
Part 2.6 – Acoustic and Visual Privacy	Yes, as conditioned – See discussion
Part 2.7 – Solar Access and Overshadowing	Acceptable, on merit – See discussion
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes, as conditioned – See discussion
Part 2.11 – Fencing	Yes – See discussion
Part 2.18 – Landscaping and Open Space	Acceptable, on merit – See discussion
Part 2.21 – Site Facilities and Waste Management	Yes, as conditioned – See discussion
Part 2.25 – Stormwater Management	Yes, as conditioned – See discussion
Part 4.1 – Low Density Residential Development	Yes, as conditioned – See discussion
Part 9 – Strategic Context	Yes

The following provides discussion of the relevant issues:

Part 2 – Generic Provisions

Control	Assessment	Complies
Part 2.1 Urban Design	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> The proposal does not impact the definition between the public and private domain and is appropriate for the character of the locality given its form, massing, siting and detailing; and The proposal seeks to preserve the existing character of the streetscape by replicating design characteristics from the existing period building, such as utilising a bull-nose awning to the first floor to match the ground floor, and adopting a parapet wall, similar to the directly adjoining site – No. 30 Eton Street. 	Yes
Part 2.6 Acoustic and Visual Privacy	<p>The proposal will have a satisfactory impact on visual and acoustic levels of the surrounds as follows:</p> <p><u>Acoustic Privacy (dwelling):</u></p> <ul style="list-style-type: none"> A condition is recommended to ensure that the proposed alterations and additions are compliant with the relevant provisions of AS 2021:2015 in order to mitigate aircraft noise implications; In general the proposal maintains / proposes a low impact residential use and as such is unlikely to result in adverse acoustic impacts with the exception of the roof terrace which is discussed further in this section; The proposed off-street parking space (i.e., garage) will be in the same location as existing and as neighbouring properties, and therefore, the acoustic impacts generated from this area will be substantially the same and will have minimal impacts on neighbour's acoustic amenity, given that it is located substantially away from adjoining bedroom windows; and No air-conditioning units are proposed as part of this application. However, air conditioning units may be installed under the exempt development provisions for air conditioning under <i>State Environmental Planning Policy (Exempt and Complying Development) 2008</i>. <p><u>Visual Privacy – Glazing:</u></p> <ul style="list-style-type: none"> The proposal seeks to increase the extent of glazing to the rear elevation of the first floor (W03 and W04). No objections are raised regarding W04 given that this is a highlight window with a sill height that will not allow for any overlooking opportunities into neighbouring Private Open Space (POS) areas and / or glazing. Furthermore, W03 has been designed in a manner that protects the visual privacy of adjoining properties by including fixed perforated privacy fins to both 	Yes, as conditioned

Control	Assessment	Complies
	<p>side elevations of W03, and privacy glass and 120mm opening restrictors up to 1.7m above finished floor level to the windows beside W03. Considering that the window in question services a bedroom which is considered to be a low habitable and trafficable area within the dwelling in comparison to the primary living areas of the dwelling (i.e., kitchen, dining, lounge room, etc.), it is envisaged that W03 and the associated glazing beside the window will have minimal visual privacy implications with the aid of the visual privacy measures proposed. Further, it can be expected that the glazing in question will have the same, if not, reduced visual privacy impacts in comparison to the first-floor rear-facing glazing at No. 30 Eton Street which services the primary living areas of the dwelling. As such, it is considered that W03 and the associated glazing is in keeping with O1, C3(iii), and C3(v) of this Part of the MDCP 2011;</p> <ul style="list-style-type: none"> • The pop-up windows to the internal bedrooms on first floor (W07 and W08) are of a sill height that will not allow for any potential overlooking opportunities when occupying the mezzanine level of the bedrooms. Therefore, it is considered that W07 and W08 will have minimal visual privacy implications on adjoining properties; and • Concerns were raised as part of the submissions received that the proposed roof hatch to the first-floor void may cast adverse visual privacy implications. The roof hatch in question is not easily accessible given that it services a void, is not accessible from the mezzanine level, will be accessed via an access ladder (i.e., not a continued staircase), and will only be utilised for maintenance purposes to repair and maintain the skylights and solar panels to the roof. Further, by the angle of the roof and the number of services proposed to the roof's surface, it can be expected that this area will not be utilised for any trafficable purposes. As such, visual privacy screening to the roof hatch and / or the deletion of the roof hatch and access ladder is not necessary in this instance given the nominal impacts from this element of the proposal. <p><u>Acoustic and Visual Privacy – Private Open Space:</u></p> <ul style="list-style-type: none"> • The proposal seeks to construct a rooftop terrace with associated planter beds above the proposed garage to the rear yard of the subject site. <p>Attempts have been made with the amended plans to reduce the associated visual and acoustic privacy implications associated with the rooftop terrace by increasing the side setback of the trafficable area to the west (i.e., adjoining No. 26 Eton Street), increasing the depth of the planter beds to the rear elevation, and reducing the trafficable area of the rooftop terrace. Although these changes are supported, it is considered that the lack of setback provided to the east (i.e., adjoining No. 30 Eton Street), and reduced privacy screening</p>	

Control	Assessment	Complies
	<p>height to the west (i.e., adjoining No. 26 Eton Street) will still generate adverse visual and acoustic privacy implications upon both side-adjoining properties; thus, varying O1 and O3 of this Part of the MDCP 2011.</p> <p>Further, the trafficable area to the rooftop terrace is approximately 17sqm with a depth of 2.4m that varies C3(ii) of this Part of the MDCP 2011. It is considered that the lack of privacy measures proposed and implications of providing these which may result in additional overshadowing and associated bulk, along with the area and depth of the trafficable rooftop terrace will allow for unfavourable acoustic implications and overlooking opportunities into side and rear (both existing and future approved openings) adjoining POS areas and glazing. This is particularly because it acts as an extension to the existing rear deck and will allow for multiple people to occupy this one area at one time. It should be noted that the original scheme included extensive privacy screening, however this resulted in increased bulk and scale and overshadowing impacts and as such supports Council's assessment that an expansive roof terrace for this site would not be acceptable given the resultant impacts to adjoining properties.</p> <p>It is acknowledged that the directly adjoining property to the east – No. 30 Eton Street obtained approval for a similar rooftop terrace to the rear setback of the subject site. However, the adjoining property is located in the E1 – Local Centre zone, and the rooftop terrace is accessed from the commercial tenancy and does not act as an extension to the primary living areas of the dwelling, that terrace largely overlooks Australia Street is set away from the adjoining residential property at 28 Eton Street.</p> <p>Considering the above, the extent of trafficable area on the rooftop terrace as proposed is not supported due to the potential privacy impacts, acoustic and visual, and consequently a condition is included in the recommendation requiring a reduction in the trafficable area of the rooftop terrace to ensure visual and acoustic privacy outcomes that are in accordance with O1, O3, and C3(ii) of this Part of the MDCP 2011. Refer to <i>Attachment A – Recommended Conditions of Consent</i> of this report for the correct wording of this condition.</p>	
Part 2.7 Solar Access and Overshadowing	<p>The proposal will have a satisfactory impact in terms of solar access and overshadowing on the surrounds as follows:</p> <p><i>Overshadowing</i></p> <ul style="list-style-type: none"> The development will not result in adverse amenity impacts as a result of overshadowing; 	Acceptable, on merit – See discussion below

Control	Assessment	Complies
	<ul style="list-style-type: none"> The proposed additions will marginally shadow No. 30 Eton Street's solar panels at 3:00pm on June 21. Nevertheless, a minimum 4 hours of solar access is maintained to 100% of the solar panels in question during mid-winter, and therefore, the proposal is compliant with C7 of this Part of the MDCP 2011; The proposed additions will not result in additional overshadowing to Nos. 23-29, 26 and 30 Eton Street's main living room glazing which is a satisfactory outcome. Further, No. 23-29 Eton Street's POS will not be further overshadowed as a result of the development; No. 30 Eton Street's POS will be marginally overshadowed by the development from 2:00pm to 3:00pm on June 21; however, compliance is maintained with C2 of this Part of the MDCP 2011, as a minimum two (2) hours solar access from 9:00am to 3:00pm on June 21 is maintained to 50% of the POS; However, the extent of overshadowing cast to No. 26 Eton Street's POS will further reduce their access to sunlight during mid-winter resulting in less than two (2) hours solar access being maintained to 50% of the POS on June 21. The neighbouring property at No. 26 Eton Street currently has less than two (2) hours solar access to 50% of their POS during mid-winter, and the proposal further reduces this; thus, varying C2(i) of this Part of the MDCP 2011. See below for a detailed discussion of this variation; and An assessment of the Shadow Diagrams indicates that the extent of overshadowing cast to No. 26 Eton Street's POS from 9:00am to 10:00am is a result of the proposed privacy screening to the western elevation of the rooftop terrace. As discussed under <i>Part 2.6 – Acoustic and Visual Privacy</i> of this report, a condition is recommended to be imposed to reduce the extent of trafficable area to the rooftop terrace which will result in the deletion of the privacy screening to the western elevation of the rooftop terrace which is the main contributor of the additional shadows cast to No. 26 Eton Street's POS. Therefore, it can be expected that the extent of shadows cast to No. 26 Eton Street's POS (as a result of the design change conditions recommended to be imposed) will be the same as existing which is a satisfactory outcome given that the development will not further reduce the neighbouring property's access to sunlight to their POS on June 21. <p><i>Solar Access</i></p> <ul style="list-style-type: none"> The subject site's main living room glazing will not be further overshadowed as a result of the proposed development, which is a satisfactory outcome in terms of protecting the amenity of the occupants of the subject site; and The additions to the rear yard will result in the subject site's POS to be further overshadowed from 9:00am to 3:00pm on 	

Control	Assessment	Complies
	June 21, resulting in less than two (2) hours solar access to be maintained to 50% of their POS; thus, varying C8(ii) of this Part of the MDCP 2011. See below for a detailed discussion of this variation.	
<p><u>Consideration of non-compliances</u></p> <p>Part 2.7 Solar Access and Overshadowing</p> <p><i>Overshadowing</i></p> <p>The Shadow Diagrams provided demonstrate that the proposed additions will result in additional overshadowing to No. 26 Eton Street's POS from 9:00am to 12:00pm on June 21, resulting in less than two (2) hours solar access to be obtained to 50% of the entire surface area. The neighbouring property currently receives less than two (2) hours solar access to 50% of their POS during mid-winter, and the proposal seeks to further reduce this; thus, varying C2 of this Part of the MDCP 2011.</p> <p>Moreover, the proposed works will result in less than two (2) hours solar access to be obtained to 50% of the subject site's POS during the Winter Solstice; thus, varying C8(ii) of this Part of the MDCP 2011.</p> <p>Where a development proposal results in a decrease in sunlight available on 21 June resulting in less than two (2) hours of solar access for the subject site and adjoining property, the proposal may be considered on its merit with regard to the criteria of points a to d in C2 contained in Part 2.7 of the MDCP 2011. The planning principle regarding access to sunlight as developed in the case law <i>Benevolent Society v Waverley Council</i> [2010] NSWLEC 1082 is also used as a tool to interpret the following control.</p> <p>C2(ii) of Part 2.7.3 of MDCP 2011 states:</p> <p><i>If the development proposal results in a further decrease in sunlight available on 21 June, Council will consider:</i></p> <p><i>a. The development potential of the site;</i></p> <p>The development potential of the site prescribed by the Development Standards under the <i>IWLEP 2022</i> is a maximum 9.5m height limit and 1.1:1 Floor Space Ratio. In addition, the subject site is zoned R2 Low Density Residential under <i>IWLEP 2022</i>, which permits mainly low-density residential development.</p> <p>The following is noted with respect to this matter:</p> <ul style="list-style-type: none"> • As discussed earlier in this report, the proposal readily complies with the Height of Building Development Standard. However, the proposal does vary the Floor Space Ratio Development Standard, which is considered acceptable, and reasonable within the circumstances. Refer to <i>Section 4.6 – Exceptions to Development Standards</i> of this report for a detailed assessment; • The proposal retains the dwelling use, which is a form of low density, residential development permissible within the site's R2 Low Density Residential zone under the <i>IWLEP 2022</i>; • The proposal does not seek to alter the existing ground floor and first floor building footprints, and as such, the front, rear, and side setbacks will remain the same as existing. As such, it can be expected that the alterations and additions to the existing dwelling house will have substantially the same impact as existing upon adjoining properties and the streetscape; 		

Control	Assessment	Complies
	<ul style="list-style-type: none"> The proposal seeks to establish a mezzanine level on the subject site. No. 26 Eton Street contains an attic floor and No. 30 Eton Street contains a second floor, and therefore, the proposed mezzanine level will be mostly contained adjacent to both adjoining properties roof forms. For example, the proposed development will sit 579mm lower than No. 26 Eton Street and will sit 31mm higher than No. 30 Eton Street. Further, the shadows cast from the amended roof form will be strictly cast to neighbouring roof areas, façade walls and to Eton Street, which is well within allowable limits according to Part 2.7 – Solar Access and Overshadowing of the MDCP 2011. Overall, it is considered that the amended roof form to the existing dwelling will continue to protect the amenity of adjoining properties in terms of outlook, visual bulk and scale, solar access and overshadowing, and privacy; It is considered that the proposed side setbacks of the garage are acceptable given that the proposed nil setback to both side boundaries is consistent with the prevailing side setback pattern along Eton Street and the immediate vicinity of the subject site; thus, satisfying the side setback controls contained under Part 4.1.6 – Built Form and Character of the MDCP 2011. Further, it is considered that the overshadowing impacts derived from the proposed side setbacks of the garage are acceptable and reasonable; In order to improve the visual bulk and scale of the development and the associated overshadowing impacts, the applicant submitted revised plans whereby the proposed additions have been reduced in scale by reducing the finished floor level of the rooftop terrace, reducing the height of the rear boundary wall, deleting the privacy screening to the western boundary of the subject site, and increasing the depth of the planter beds to the rooftop terrace. Whilst this has been an improvement, there is more that can be done to mitigate impacts to the neighbour, and to ensure this a condition is included in the recommendation to reduce the extent of trafficable area on the terrace and the associated screen to the deleted portion can be removed potentially allowing for better solar access to 26 Eton Street as a result Based on the above, it is considered the development, as conditioned, is within its development potential and is of an appropriate bulk and scale that is supported by Council. <p><i>b. The particular circumstances of the neighbouring site(s), for example, the proximity of any residential accommodation to the boundary, the resultant proximity of windows to the boundary, and whether this makes compliance difficult;</i></p> <p>The following is noted with respect to this matter:</p> <ul style="list-style-type: none"> The natural topography of the site (i.e., slopes downwards to the rear) and existing built form (i.e., high boundary walls to the POS area at Nos. 26, 28 and 30 Eton Street) are significant constraints for the subject site's and neighbouring property's POS to obtain natural solar access. As such, the proposed built form is elevated in comparison to the subject site's and neighbouring POS areas; therefore, resulting in western adjoining properties to be naturally vulnerable to a reduction in solar access on June 21; Further, the existing rear and side boundary fencing at No. 26 Eton Street and the subject site self-shadows their POS due to the orientation of the subject site. Therefore, any additions to the laneway frontage (i.e., Eton Lane) on the subject site make compliance or near compliance more difficult due to the existing built form and orientation of the subject site and neighbouring properties; and The subject site and No. 26 Eton Street will still receive solar access as a result of this proposal to portions of their POS at various times of the day during mid-winter. <p><i>c. Any exceptional circumstances of the subject site such as heritage, built form or topography; and</i></p>	

Control	Assessment	Complies
<p>The following is noted with respect to this matter:</p> <ul style="list-style-type: none"> The existing built form on-site and the adjoining property – No. 30 Eton Street make compliance with solar access controls extremely challenging. The existing side and rear boundary wall heights to the rear yard of the subject site and the adjoining property – No. 30 Eton Street result in the enclosure of the subject site's POS area, which ultimately self-shadows the subject site's POS and No. 26 Eton Street's POS. Given that the existing built form contributes to non-compliances with C2 and C8(i) of Part 2.7 – Solar Access and Overshadowing of the MDCP 2011, any development on-site ultimately makes compliance with solar access controls challenging. <p><i>d. Whether the sunlight available in March to September is significantly reduced, such that it impacts upon the functioning of principal living areas and the principal areas of open space. To ensure compliance with this control, separate shadow diagrams for the March/September period must be submitted.</i></p> <p>Shadow Diagrams in plan form for the Equinox were submitted to demonstrate the development's impact during this time. Based on an assessment of these diagrams, the following is evident:</p> <ul style="list-style-type: none"> The submitted Equinox Shadow Diagrams show that No. 26 Eton Street's POS will not be further overshadowed from 9:00am to 3:00pm as a result of the proposed development. Although 50% of their POS does not maintain solar access for a minimum of two (2) hours during the Equinox, the development will ensure that this situation is not further reduced on-site which is a satisfactory outcome; and The submitted Equinox Shadow Diagrams show that the subject site maintains a minimum two (2) hours solar access to 50% of the POS which is a satisfactory outcome. <p>In assessment of the above and solar access principles, it is considered that the impacts are reasonable, and that the proposal satisfies the objectives of Part 2.7 of the MDCP 2011.</p>		
Part 2.10 Parking	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> One (1) car parking space is proposed. The configuration and design of the car parking is in accordance with this part of the Plan and can comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking, subject to standard conditions recommended to be imposed as part of this consent granted. 	Yes, as conditioned
Part 2.11 Fences	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> The proposal seeks to maintain the existing front fence and side boundary fences; and The proposal seeks to increase the rear boundary fence / wall above the garage roller door to accommodate the deep planter beds above the off-street parking space. The additional height to the rear boundary wall will be marginally higher than No. 26 Eton Street's rear boundary wall and will be set lower than No. 30 Eton Street's rear boundary wall. As such, it is considered that 	Yes

Control	Assessment	Complies
	the proposed changes to the rear boundary fence are in keeping with the established character of Eton Lane.	
Part 2.18 Landscaping and Open Spaces <u>Private Open Space (POS)</u> Min: 45sqm <u>Pervious Landscaping</u> Min: 50% of POS	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The entire front setback contains the front porch. Although no landscaping is provided to this area in accordance with C11 of this Part of the MDCP 2011, the front porch is an existing period contribution to the existing dwelling and is in keeping with the prevailing streetscape pattern along Eton Street. As such, the variation from C11 in this instance is acceptable; • The site currently does not provide for any deep soil planting, and the only form of vegetation is via limited planter boxes as the ground floor POS is also a dual use parking space and is paved • Subject to recommended design change conditions imposed under <i>Part 2.6 – Acoustic and Visual Privacy</i> of this report which reduces the extent of trafficable area of the terrace, the development will result in approximately 22sqm of POS to be provided in the rear yard (in the form of the elevated deck/terrace area). • Although this is a variation to C12(i) of this Part of the MDCP 2011, the extent of POS provided (as recommended to be conditioned) and the removal of the dual use POS/parking area to the rear is considered acceptable given that the new area of POS provided will allow for adequate recreational space, is generally in keeping with the streetscape and the immediate vicinity of the subject site, the proposal allows for increased landscaping on-site by way of implementing a green roof, and the POS area acts as an extension to the primary living areas of the dwelling at the same level. As such, the variation from C12(i) is acceptable given the demonstrated compliance with O1, O3, O7, O8, and O12 of this Part of the MDCP 2011; and • According to the Architectural Plans, technically no accessible landscaping (such as turf) is provided to the dedicated POS area on the subject site; thus, varying C12(ii) of this Part of the MDCP 2011 which requires the POS to be at least 50% pervious. Nevertheless, the proposal has substantially increased the amount of landscaping on-site (i.e., outside of the POS area) to allow for 13.5sqm of vegetation/planting above the proposed garage. This area will also be increased as a result of the recommended design change condition (refer to <i>Part 2.6 – Acoustic and Visual Privacy</i> of this Part of the MDCP 2011) which will further enhance the appearance and improve the amenity of the subject site; thus, satisfying O5 of this Part of the MDCP 2011. Considering the quantum of vegetation on the subject site as a result of this proposal, the technical variation from C12(ii) of this Part of the MDCP 2011 is acceptable in this instance. 	Acceptable, on merit

Control	Assessment	Complies
Part 2.21 Site Facilities and Waste Management	The proposed development satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> The application was accompanied by a waste management plan in accordance with the Part; and Standard conditions are recommended to ensure the appropriate management of waste during the construction of the proposal. 	Yes, as conditioned
Part 2.25 Stormwater Management	Standard conditions are recommended to ensure the appropriate management of stormwater.	Yes, as conditioned

Part 4 – Low Density Residential Development

Control	Assessment	Complies
Part 4.1.4 Good Urban Design Practice	The proposed development satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> The height, bulk and scale of the development complement existing developments in the street and the architectural style of the proposal is in keeping with the character of the area; and The proposal seeks to add pop-up windows (W07 and W08) to the roof form to service bedrooms 2 and 3 as a result of the modified roof form from a saw tooth roof (allowed for an operable highlight window to each bedroom), to a sloping skillion roof form. The change in roof form is required to mitigate any existing issues concerning water leaks, and mould. However, to ensure optimal amenity for the occupants of bedrooms 2 and 3, and to ensure compliance with the National Construction Code, a condition is recommended to be imposed as part of this consent granted to ensure that W07 and W08 are operable. 	Yes, as conditioned
Part 4.1.5 Streetscape and Design	The proposed development satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> 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 the character of the area; The dwelling house addresses the principal street frontage and is orientated to complement the existing pattern of development found in the street; and The architectural treatment of the façade interprets and translates positive characteristics in the locality. 	Yes
Part 4.1.6 Built form and character <u>Front setback</u>	The proposed development satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> Refer to <i>Part 4 – Principal Development Standards</i> of this report for a detailed assessment regarding Height of Building and Floor Space Ratio; 	Yes

Control	Assessment	Complies
<ul style="list-style-type: none"> • <i>Consistent with adjoining developments</i> <p><u>Side setbacks</u></p> <ul style="list-style-type: none"> • <i>Lot width <8m – On merit</i> <p><u>Rear setback</u></p> <ul style="list-style-type: none"> • <i>On merit</i> <p><u>Site coverage</u></p> <ul style="list-style-type: none"> • <i>On merit (0-300sqm lots)</i> 	<ul style="list-style-type: none"> • The existing ground floor and first floor front and rear setbacks of the dwelling are to remain unaltered by the proposal; • A mezzanine level is proposed which will be contained within the proposed roof form, and therefore, the front, rear, and side setbacks will not be visible from the public domain; • Similar to the above, the basement storeroom will be contained below the existing ground floor level, and therefore, will have no implications in terms of visual bulk and scale and pattern of development when viewed from adjoining properties, and the public domain; • The proposed garage will have a nil side setback to both side boundaries. The side setbacks proposed are acceptable given that the prevailing side setback pattern to rear structures (i.e., garages, carports, etc.) is minimal to zero setback. In addition, although hardstand parking spaces with associated landscaping and rear fences / roller doors are a predominant feature along Eton Street, there is a presence of garages / carport building footprints fronting Eton Lane and Australia Lane. Therefore, the introduction of a garage building footprint is considered to be in keeping with other previous approvals / existing development within the immediate vicinity of the subject site, and it is considered that a non-trafficable green roof would enhance the amenity and appearance of the subject site and the public domain. Further, the height of the structure has been reduced, and the recommended condition would reduce any associated amenity implications upon adjoining properties and the public domain; • The side setbacks would remain the same as existing and are considered satisfactory, as the proposal has an acceptable impact on adjoining properties in terms of overshadowing, visual bulk and privacy (as recommended to be conditioned, refer to <i>Part 2.6 – Acoustic and Visual Privacy</i> of this report for a detailed assessment). In addition, the proposed side setbacks are consistent with the established setback pattern of the street; • As part of the change in roof form, the proposal seeks to add two (2) pop-up windows (i.e., one (1) to each of the internal bedrooms on first floor). Although the proposal has increased the height of the existing building due to the altered roof form and associated pop-up windows, the height is acceptable given that any additional shadows cast are restricted to overshadowing neighbouring roof areas (which is well within allowable limits according to Part 2.7 – Solar Access and Overshadowing of the MDCP 2011), the window and roof height will be set lower than No. 26 Eton Street, and will be of minimal visibility when viewed from Eton Street and Eton Lane; and • The proposal seeks to increase the existing site coverage by a minor amount. The overall site coverage of the 	

Control	Assessment	Complies
	development is considered acceptable, as it is consistent with the pattern development of the street (i.e., No. 30 Eton Street) and the immediate vicinity of the site and will have an acceptable impact on adjoining properties.	
Part 4.1.7 Car Parking	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • Subject to recommended conditions, the garage and associated car parking space comply with the design requirements and minimum dimension for car parking within Part 2.10 of the MDCP 2011; • The garage is located to the rear of the site and is safely and conveniently located for use; • The design of the garage is appropriate to the dwelling house and the presentation of the garage to the laneway is consistent in height and form with other approved development in the laneway; and • The location of the driveway is suitable within the laneway and will not impact traffic or parking. 	Yes, as conditioned
Part 4.1.11 Additional controls for residential period dwellings	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The proposal retains, improves, and reinstates the façade of the period building visible from the street; • The proposal accommodates contemporary additions and alterations while retaining the significant components of the period building; • The proposal seeks to render the front façade and replace the existing glazing on the front elevation of the existing dwelling to match existing which is in accordance with C59 of this Part of the MDCP 2011; • 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 and will be of minimal visibility when viewed from the primary street frontage (i.e., Eton Street). Further, the additions to the rear of the subject site will be of height, bulk and scale that is in keeping with other laneway development to period buildings within the immediate vicinity of the subject site including Nos. 10 and 30 Eton Street and Nos. 61, 71-73 and 79 Australia Street. As such, it is considered that the proposed development is in keeping with the existing period building pattern of the street and the immediate vicinity of the subject site; and • Existing significant period features at the front have been retained and will be reinstated. 	Yes

C. The Likely Impacts

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality.

D. The Suitability of the Site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst similar uses to that proposed.

E. Submissions

The application was required to be notified in accordance with Council's Community Engagement Strategy 2025-2029 between 14 January 2025 to 28 January 2025.

A total of 13 submissions of objection were received in response to the notification. Two (2) submissions of support were received from the owner of No. 30 Eton Street and a nearby resident.

Issues raised as follows have been discussed in this report:

- Height, Bulk and Scale
- Acoustic and Visual Privacy
- Overdevelopment – Site Coverage
- Removal of the Dual-Use POS and Parking Area
- Solar Access and Overshadowing
- Streetscape / Period Building Character
- Open Space and Pervious Landscaping
- Stormwater and Drainage
- Rear Building Alignments
- Concerns regarding the Access Ladder and Roof Hatch
- Using No. 30 Eton Street as a Precedent for Development
- Floor Space Ratio
- Height of Building

Further issues raised in the submissions received are discussed below:

Concern	Comment
Rooftop terrace will become a concerning precedent	It is agreed that the rooftop terrace, as proposed, will become an undesirable precedent within the streetscape due to its adverse visual and acoustic privacy impacts on adjoining properties. As such, a condition is recommended to be imposed to reduce the trafficable area of the rooftop terrace to allow for more landscaping, and an overall reduction in amenity implications on adjoining properties and the public domain. Refer to <i>Part 2.6 – Acoustic and Visual Privacy</i> of this report for a detailed assessment.
Recent Determinations	Concerns were raised regarding different Council decisions / perspectives in the past regarding Development Applications at Nos. 26 and 30 Eton Street and No. 95 Australia Street. Consistency in the assessment of applications is open to interpretation and Council considers each site on an individual basis given each site is unique. An independent assessment

	<p>against the relevant planning controls / policies was carried out on the merits of the proposal. In summary, the proposal, as conditioned, is considered to satisfy the relevant provisions.</p>
Deep Soil Planting and Urban Heat Island Effect	<p>Although the proposal does not provide any planting from natural ground level, it is considered that the planter beds to the rooftop terrace are of a sufficient depth (1m) that will allow for the viable planting of substantial vegetation, including two (2) trees which is a satisfactory outcome given that only one (1) small garden bed is currently on-site.</p> <p>Moreover, it is considered that the development proposed will reduce the impacts associated with urban heat island effect as additional landscaping is proposed on-site in comparison to existing. Therefore, it is considered that the development, as conditioned, will have improved amenity impacts on the subject site and the public domain by aiding in moderating temperatures and improved air quality.</p>
Basement	<p>Concerns were raised regarding the location of the basement and the fact that it is not wholly contained within the existing building footprint. No objections are raised regarding the location of the basement given that there will be minimal amenity implications on adjoining properties as a result. Further, the basement will be contained mostly under natural ground level and will not be visible from the public domain and / or from adjoining properties. As such, it is considered that the basement will have minimal visual bulk and scale, solar access and overshadowing, visual and acoustic privacy, and streetscape presentation / character implications.</p> <p>Moreover, part of the basement has been included in Floor Space Ratio calculations as it does not meet the criteria of a “basement” according to the <i>IWLEP 2022</i> (i.e., part of the basement is located less than 1m below ground level (existing)).</p> <p>The basement was reviewed by Council's Development Engineer who raised no objections regarding the proposed stormwater and drainage impacts as a result of the basement, subject to compliance with conditions imposed as part of this consent granted.</p>
Garage and Associated Rooftop Terrace	<p>The proposal seeks to provide a green roof to the proposed garage which will have improved landscaped area and stormwater, and drainage impacts from existing given that the existing rear setback contained impervious areas (i.e., concrete). Further, it can be expected that the development, as conditioned, will have improved urban heat island effects from existing given that the proposal seeks to increase the amount of deep soil planting on-site from existing.</p> <p>Moreover, subject to conditions, it is considered that the rooftop terrace will have minimal visual and acoustic privacy implications on adjoining properties (refer to <i>Part 2.6 – Acoustic and Visual Privacy</i> of this report for a detailed assessment) and improved streetscape presentation outcomes with the implementation of vegetation within the rear setback of the site.</p>

	<p>Furthermore, the proposal was referred to Council's Development Engineer who raised no objections regarding the stormwater and drainage and / or potential flooding as a result removing the existing hardstand parking space and replacement with a garage to the rear setback. Therefore, subject to conditions, it is considered that the development will result in minimal stormwater and drainage implications to Eton Lane and No. 95 Australia Street.</p>
Visual Privacy Impacts associated with the Planter Beds	<p>Concerns are raised that the planter beds to the rooftop terrace will allow for a heightened platform that may contribute to adverse overlooking implications into neighbouring properties. It can be expected that access to the rooftop planters will be restricted to maintenance purposes. Nevertheless, standard conditions are recommended to be imposed as part of this consent granted to ensure that the planters will not be used for trafficable purposes in order to protect the visual and acoustic privacy of adjoining properties.</p>
Mezzanine Level	<p>As demonstrated throughout this report, Council has assessed the mezzanine level as though it is an additional storey to an existing two-storey dwelling house. The visual bulk and scale and associated height to accommodate the mezzanine level is well within allowable limits given that the shadows cast from this element of the proposal is restricted to neighbouring roof areas, façade walls and Eton Street which is allowable under Part 2.7 – Solar Access and Overshadowing of the MDCP 2011.</p> <p>Moreover, it is considered that the height, bulk and scale of the associated mezzanine level is in keeping with the established streetscape character / pattern of development as the proposal generally shares the same height as both adjoining properties – Nos. 26 and 30 Eton Street and is well screened from Eton Lane given the sloping skillion roof and the fact that the mezzanine level does not protrude to the rear first floor building line.</p> <p>Overall, it is considered that the mezzanine level and the development as a whole is within its development potential and is of an appropriate bulk and scale that is supported by Council.</p>
Bulk and Scale related to Privacy Screening	<p>As mentioned earlier in this report, a Request for Further Information letter was issued to the Applicant which requested that the proposal be amended to reduce the bulk and scale and overshadowing implications associated with the extensive privacy screening to the rooftop terrace. Amended plans were received which addressed this concern by providing greater setbacks from side and rear boundaries and deeper planter beds to assist in mitigating potential overlooking implications and reducing the massing when viewed from both public and private domains, instead of erecting tall privacy screening. Nevertheless, concerns are still raised regarding the privacy implications associated with the rooftop terrace. Refer to <i>Part 2.6 – Acoustic and Visual Privacy</i> of this report for a detailed assessment.</p>

Inadequate Diagrams	Shadow	It is considered sufficient details and information have been submitted with the application to allow for a complete assessment. An independent shadow assessment was conducted by Council against the relevant planning controls / policies on the merits of the proposal. In summary, the proposal is considered to satisfy the relevant provisions. Refer to <i>Part 2.7 – Solar Access and Overshadowing</i> of this report for a detailed assessment.
Enclosure of Existing Deck Area		Concerns are raised that the provision of a rooftop terrace on-site will allow for the enclosure of the existing POS area (i.e., the ground floor rear-facing deck). As discussed under <i>Part 2.6 – Acoustic and Visual Privacy</i> and <i>Part 2.18 – Landscaping and Open Spaces</i> of this report, a condition is recommended to be imposed as part of this consent granted to significantly reduce the trafficable area to the rooftop terrace and to utilise the existing deck area as the subject site's primary POS area. As a result of this condition, it is considered highly unlikely that the existing ground floor rear deck area will be enclosed as there will no available trafficable outdoor open space available on-site. Therefore, the impacts associated with the existing ground floor deck area will remain the same as existing.

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.

This has been achieved in this instance.

6. Section 7.11 / 7.12 Contributions

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of **\$4,920.00** would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

A condition requiring that contribution to be paid is included in the recommendation.

7. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Development Engineer.

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.

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. In relation to the proposal in Development Application No. DA/2025/0009 to contravene the Floor Space Ratio Development Standard under Section 4.4 of the *Inner West Local Environmental Plan 2022* the Inner West Local Planning Panel is satisfied that the Applicant has demonstrated that:
 - (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.
- 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/2025/0009 for alterations and additions to an existing dwelling house, including partial demolition of existing structures, construction of basement storage, ground floor and first floor additions at No. 28 Eton Street CAMPERDOWN NSW 2050 subject to the conditions listed in Attachment A below.

Attachment A – Recommended Conditions of Consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

	Condition
1.	<p>Boundary Alignment Levels</p> <p>Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary unless levels are otherwise approved by Council via a S138 approval.</p> <p>Reason: To allow for pedestrian and vehicular access.</p>
2.	<p>Permits</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • A concrete pump across the roadway/footpath; • Mobile crane or any standing plant; • Skip Bins; • Scaffolding/Hoardings (fencing on public land); • Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.; • Awning or street veranda over the footpath; • Partial or full road closure; and • Installation or replacement of private stormwater drain, utility service or water supply. <p>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.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p>

3.	<p>Insurances</p> <p>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.</p> <p>Reason: To ensure Council assets are protected.</p>																																
4.	<p>Dry-weather Flows</p> <p>Dry-weather flows of any groundwater including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively, the basement or any below ground structure must be designed to be “tanked” preventing the ingress of seepage or groundwater.</p> <p>Reason: To prevent continuous flow of groundwater in the kerb and gutter and to ensure no substance other than rainwater enters the stormwater system and waterways.</p>																																
5.	<p>Documents related to the consent</p> <p>The development must be carried out in accordance with plans and documents listed below:</p> <table><tr><th>Plan, Revision and Issue No.</th><th>Plan Name</th><th>Date Issued/Received</th><th>Prepared by</th></tr><tr><td>A1778356_03</td><td>BASIX Certificate</td><td>19/05/2025</td><td>Alexander Symes Architect Pty Ltd</td></tr><tr><td>DA-00, Rev D</td><td>Cover Page & Drawing Register</td><td>19/05/2025</td><td>Alexander Symes Architect</td></tr><tr><td>DA-02, Rev D</td><td>Proposed Site Plan</td><td>19/05/2025</td><td>Alexander Symes Architect</td></tr><tr><td>DA-06, Rev D</td><td>Proposed Garage Floor Plan</td><td>19/05/2025</td><td>Alexander Symes Architect</td></tr><tr><td>DA-07, Rev D</td><td>Proposed Ground Floor Plan</td><td>19/05/2025</td><td>Alexander Symes Architect</td></tr><tr><td>DA-08, Rev D</td><td>Proposed First Floor Plan</td><td>19/05/2025</td><td>Alexander Symes Architect</td></tr><tr><td>DA-09, Rev D</td><td>Proposed Roof & Stormwater</td><td>19/05/2025</td><td>Alexander Symes Architect</td></tr></table>	Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by	A1778356_03	BASIX Certificate	19/05/2025	Alexander Symes Architect Pty Ltd	DA-00, Rev D	Cover Page & Drawing Register	19/05/2025	Alexander Symes Architect	DA-02, Rev D	Proposed Site Plan	19/05/2025	Alexander Symes Architect	DA-06, Rev D	Proposed Garage Floor Plan	19/05/2025	Alexander Symes Architect	DA-07, Rev D	Proposed Ground Floor Plan	19/05/2025	Alexander Symes Architect	DA-08, Rev D	Proposed First Floor Plan	19/05/2025	Alexander Symes Architect	DA-09, Rev D	Proposed Roof & Stormwater	19/05/2025	Alexander Symes Architect
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		Managment Plan		
	DA-10, Rev D	Elevation South	-	19/05/2025
	DA-11, Rev D	Elevation North	-	19/05/2025
	DA-12, Rev D	Elevation East	-	19/05/2025
	DA-13, Rev D	Elevation West	-	19/05/2025
	DA-14, Rev D	Section A		19/05/2025
	DA-15, Rev D	Section B		19/05/2025
	DA-16, Rev D	Landscape Concept Plan		19/05/2025
	DA-38, Rev B	Proposed Loft Floor Plan		19/05/2025
	<p>As amended by the conditions of consent.</p> <p>Reason: To ensure development is carried out in accordance with the approved documents.</p>			
6.	<p>Works Outside the Property Boundary</p> <p>This development consent does not authorise works outside the property boundaries on adjoining lands.</p> <p>Reason: To ensure works are in accordance with the consent.</p>			
7.	<p>Storage of materials on public property</p> <p>The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.</p> <p>Reason: To protect pedestrian safety.</p>			
8.	<p>Other works</p> <p>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 <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Reason: To ensure compliance with legislative requirements.</p>			

9.	<p>National Construction Code (Building Code of Australia)</p> <p>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.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
10.	<p>Notification of commencement of works</p> <p>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:</p> <ol style="list-style-type: none"> In the case of work for which a principal contractor is required to be appointed: <ol style="list-style-type: none"> The name and licence number of the principal contractor; and The name of the insurer by which the work is insured under Part 6 of that Act. In the case of work to be done by an owner-builder: <ol style="list-style-type: none"> The name of the owner-builder; and If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>Reason: To ensure compliance with legislative requirements.</p>
11.	<p>Dividing Fences Act</p> <p>The person acting on this consent must comply with the requirements of the <i>Dividing Fences Act 1991</i> in respect to the alterations and additions to the boundary fences.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
12.	<p>Lead-based Paint</p> <p>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.</p> <p>Reason: To protect human health.</p>
13.	<p>Dial Before You Dig</p> <p>Contact "Dial Before You Dig" prior to commencing any building activity on the site.</p> <p>Reason: To protect assets and infrastructure.</p>

14.	<p>Asbestos Removal</p> <p>Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p>
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BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition				
15.	<p>Security Deposit - Custom</p> <p>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.</p> <table border="1" style="margin-left: 20px;"> <tr> <td>Security Deposit:</td><td>\$6,238.00</td></tr> <tr> <td>Inspection Fee:</td><td>\$389.90</td></tr> </table> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure required security deposits are paid.</p>	Security Deposit:	\$6,238.00	Inspection Fee:	\$389.90
Security Deposit:	\$6,238.00				
Inspection Fee:	\$389.90				

16.	<p>Dilapidation Report – Pre-Development – Minor</p> <p>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.</p> <p>Reason: To ensure Council assets are protected.</p>
17.	<p>Stormwater Drainage System – Minor Developments (OSD is not required)</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:</p> <ul style="list-style-type: none"> a. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road. b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP. c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage. d. The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes. e. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. f. No nuisance or concentration of flows to other properties. g. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required. h. A Silt Arrestor stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. i. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm. j. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings. k. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated. <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>

18.	<p>Parking Facilities - Domestic</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans and certification by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:</p> <ul style="list-style-type: none"> a. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors. b. The garage/parking space must have minimum clear internal dimensions of 5400 x 3000 mm (length x width). The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004. c. The external form and height of the approved structures must not be altered from the approved plans. <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP.</p>
19.	<p>Structural and Geotechnical Report</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:</p> <ul style="list-style-type: none"> a. The basement must be fully tanked to prevent the ingress of subsurface flows; b. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure; c. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years; d. All components of the basement, including footings, must be located entirely within the property boundary; e. No adverse impact on surrounding properties including Council's footpath and road; f. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development; g. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and

	<p>h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.</p> <p>Reason: To ensure that the design of the basement is structurally sound and has been appropriately certified.</p>
20.	<p>Long Service Levy</p> <p>Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.</p> <p>Reason: To ensure the long service levy is paid.</p>
21.	<p>Design Change</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:</p> <ul style="list-style-type: none"> a. The rooftop terrace is to be reduced in trafficable area such that it provides a minimum setback of 5.7metres from the rear boundary; b. As a result of Point (a) above, the area specified to be deleted under point A is to be replaced with non-trafficable rooftop planting and associated privacy screen to this non trafficable space can be deleted; and c. The pop-up windows to bedrooms 2 and 3 (W07 and W08) are to be operable. <p>Reason: To ensure that the design changes protect the amenity of the neighbourhood.</p>
22.	<p>Structural Certificate for retained elements of the building</p> <p>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.</p> <p>Reason: To ensure the structural adequacy of the works.</p>
23.	<p>Sydney Water – Tap In</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure relevant utility and service provides requirements are provided to the certifier.</p>

24.	<p>Acoustic Report – Aircraft Noise</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.</p> <p>Reason: To ensure all noise attenuation is in accordance with the relevant Australian Standard.</p>
25.	<p>Street Numbering</p> <p>If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to Street Numbering Application</p> <p>Reason: To ensure occupancies are appropriately numbered.</p>
26.	<p>Section 7.12 Development Contribution Payments</p> <p>In accordance with section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of \$4,920.00 shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.</p> <p>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:</p> <p>$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$</p> <p>Where:</p> <ul style="list-style-type: none"> • 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 being 140.9 for the March 2025 quarter. • 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 <p>Note: The contribution payable will not be less than the contribution specified in this condition.</p> <p>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.</p>

	<p>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.</p> <p>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.</p> <p>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.</p> <p>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).</p> <p>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.</p> <p>Reason: To ensure payment of the required development contribution.</p>
27.	<p>Green Roofs, Walls and Facades Report</p> <p>Prior to the issue of Construction Certificate, the Certifying Authority is to be provided with a report prepared by a suitably qualified person demonstrating that the proposed landscape plan and details of any green roofs, wall and facades are consistent with Inner West Council's Green Roof, Walls and Facades Technical Guidelines including but not limited to using species selected from the suggested species list, water proofing and drainage.</p> <p>Reason: To ensure landscaping is maintained.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
28.	<p>Hoardings</p> <p>The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.</p> <p>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.</p>

	<p>Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.</p> <p>Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.</p>
29.	<p>Waste Management Plan</p> <p>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.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
30.	<p>Erosion and Sediment Control</p> <p>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.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
31.	<p>Standard Street Tree Protection</p> <p>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.</p> <p>Reason: To protect and retain trees.</p>
32.	<p>Dilapidation Report</p> <p>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 identified properties (Nos. 26 and 30 Eton Street) 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.</p> <p>Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
33.	<p>Construction Fencing</p> <p>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.</p> <p>Reason: To protect the built environment from construction works.</p>

DURING BUILDING WORK

	Condition
34.	<p>Advising Neighbours Prior to Excavation</p> <p>At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation.</p> <p>Reason: To ensure surrounding properties are adequately notified of the proposed works.</p>
35.	<p>Construction Hours – Class 1 and 10</p> <p>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.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>
36.	<p>Survey Prior to Footings</p> <p>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.</p> <p>Reason: To ensure works are in accordance with the consent.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
37.	<p>No Encroachments</p> <p>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.</p> <p>Reason: To maintain and promote vehicular and pedestrian safety.</p>
38.	<p>Protect Sandstone Kerb</p> <p>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.</p> <p>Reason: To ensure Council assets are protected.</p>

39.	<p>Parking Signoff – Minor Developments</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the off street parking facility has been constructed in accordance with the approved design and relevant Australian Standards.</p> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's specifications.</p>
40.	<p>Aircraft Noise –Alterations and Additions</p> <p>Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a report from a suitably qualified person demonstrating that each of the commitments listed in Aircraft Noise Assessment Report required by this consent has been satisfied.</p> <p>Reason: To ensure all noise attenuation is in accordance with the relevant Australian Standard.</p>
41.	<p>Dilapidation Report</p> <p>Prior to the issue of an Occupation Certificate, the Certifying Authority and owners of identified properties must be provided with a second colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified properties (Nos. 26 and 30 Eton Street) 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.</p> <p>Reason: To determine potential construction impacts.</p>
42.	<p>Verification and Maintenance of Green Roofs, Walls and Facades Works</p> <p>Prior to the issue of an Occupation Certificate, the principal certifier is to be provided with written evidence demonstrating that the works have been carried out in accordance with the Green Roofs, Walls and Facades Report that was submitted at Construction Certificate Stage and a maintenance plan that is consistent with the Inner West Councils Green Roof, Walls and Facades Technical Guidelines.</p> <p>Reason: To ensure landscaping is maintained.</p>

OCCUPATION AND ONGOING USE

	Condition
43.	<p>Green Roofs, Walls and Facades Establishment</p> <p>The plantings within the Green Roofs, Walls and Facades as part of this consent are to be maintained in a healthy and vigorous condition from the issue of an Occupation Certificate.</p> <p>Reason: To ensure landscaping is maintained.</p>

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

	Condition
44.	<p>Hoardings</p> <p>The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.</p> <p>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.</p> <p>Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.</p> <p>Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.</p>

SUBDIVISION WORK

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

	Condition
45.	<p>Street Numbering</p> <p>If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to Street Numbering Application</p> <p>Reason: To ensure occupancies are appropriately numbered.</p>

CHANGE OF USE

ONGOING USE

	Condition
46.	<p>Rooftop Planter Beds</p> <p>The planter beds to the roof of the garage are not to be used for trafficable purposes. Access to the rooftop planter beds is strictly for maintenance purposes.</p> <p>Reason: To protect the acoustic and visual privacy of neighbours.</p>

Attachment B – Plans of Proposed Development

SEE ASSOCIATED DRAWING REGISTER FOR FULL LIST OF DRAWINGS

CHANGES IN REVISION D ARE CLOUDED & NOTED IN GREEN

DOCUMENTS BY OTHER CONSULTANTS

SURVEY PLAN BY KEVIN BROWN SURVEYS

BASIX CERTIFICATE BY ALEXANDER SYMES ARCHITECT PTY LTD

STATEMENT OF ENVIRONMENTAL EFFECTS BY ALEXANDER SYMES ARCHITECT PTY LTD

SECTION

EXISTING TO BE RETAINED

EXISTING TO BE DEMOLISHED

NEW CONSTRUCTION (SECTION / PLAN)

NEW CONSTRUCTION (ELEVATION)

WINDOW / DOOR TAG

MATERIAL TAG

LEVEL

RELATIVE LEVELS

SETBACKS / CONTROLS

BOUNDARIES

DRAWING BREAK

COVER PAGE & DRAWING REGISTER

DA-00 19/05/2025

REVISION D

SCALE 1 : 50 @ A3

ASAAlexander Symes Architect

FOR DEVELOPMENT APPLICATION ONLY - NOT FOR CONSTRUCTION

Project Details

Name: 10 COTTRELL HOUSE

Job #: 24014

Site: 28 Eton St, Carpendore NSW 2050

Client: Megan Campbell & Takash Onishi

Stage: DA

Drawn by: FHS

www.alexandersymes.com.au

Notated Architect Alexander Symes

VIC Reg No. 20070

TAS Reg No. 1432

NSW Reg No. 1432

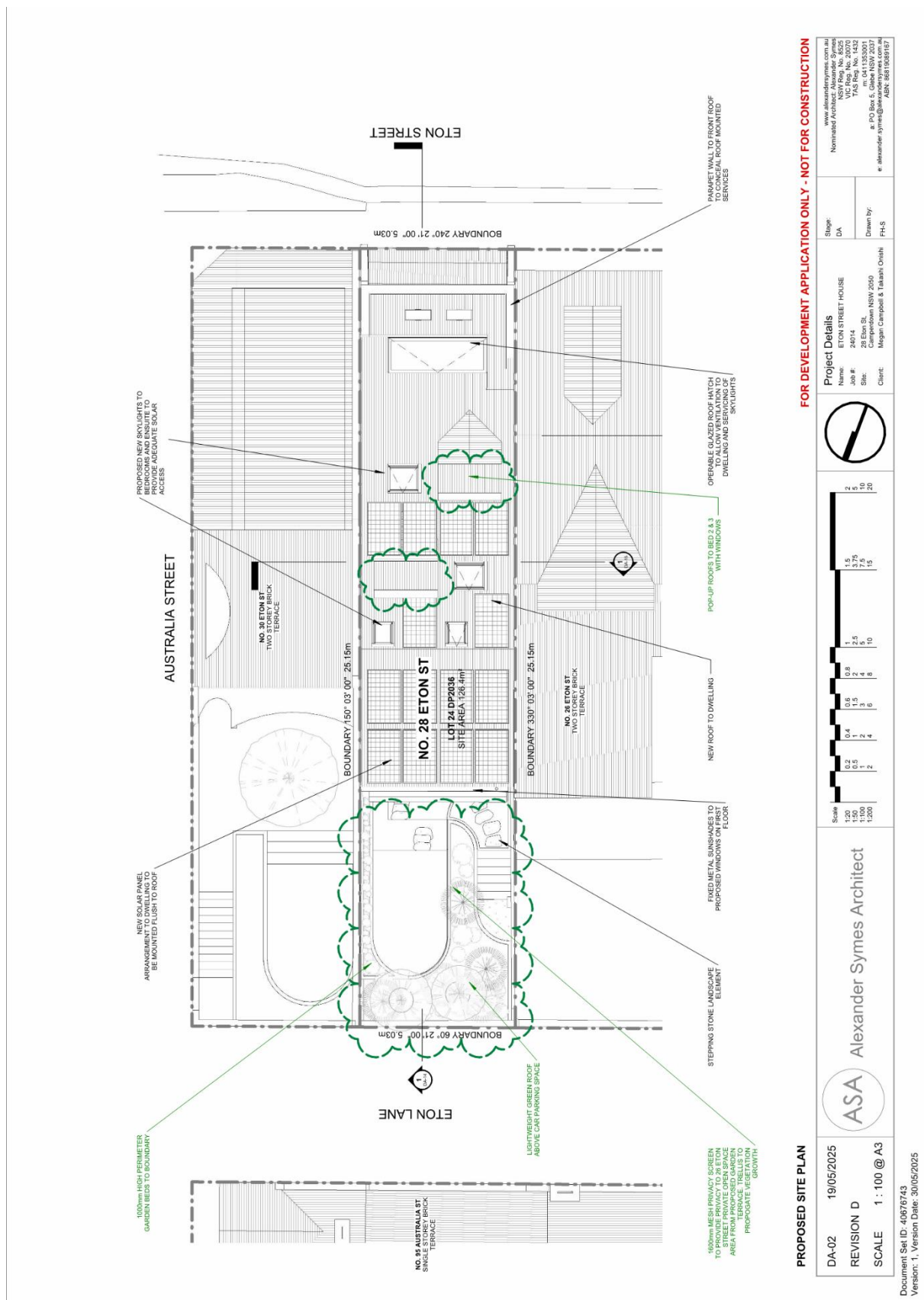
e: alexander.symes@alexandersymes.com.au

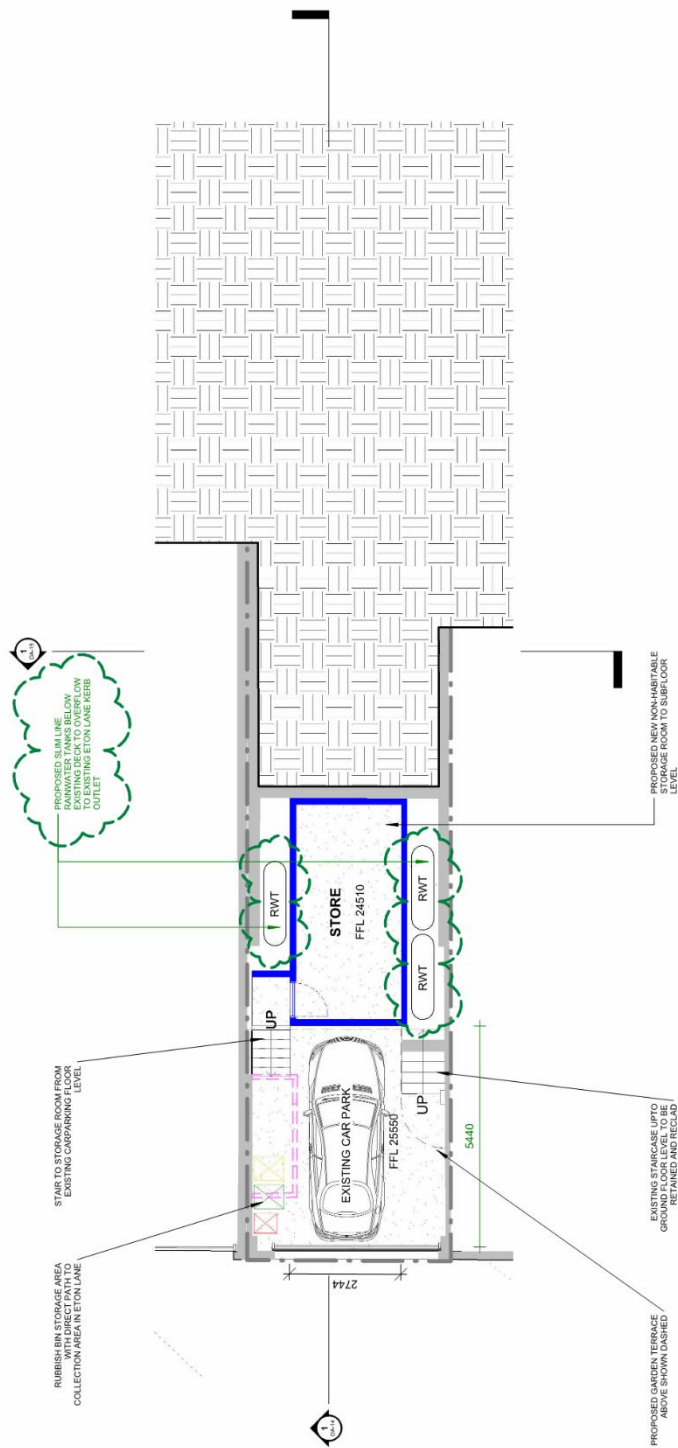
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Version: 1, Version Date: 30/05/2025

PAGE 590





PROPOSED GARAGE FLOOR PLAN

DA-06	19/05/2025
REVISION D	
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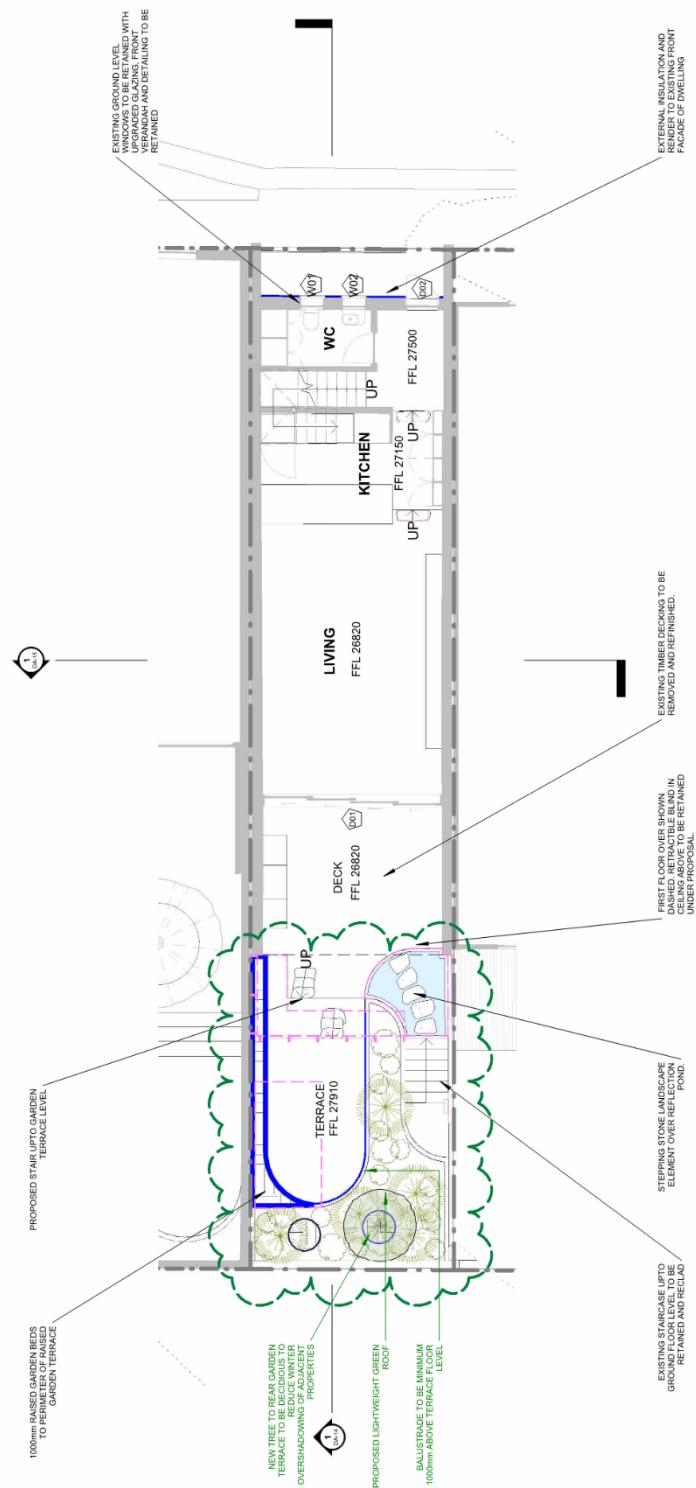
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Version: 1, Version Date: 30/05/2025

FOR DEVELOPMENT APPLICATION ONLY - NOT FOR CONSTRUCTION

[illegible]

ASA Alexander Symes Architect

<h2>Project Details</h2>		Stage: DA Drawn by: PH-S
Name:	ETON STREET HOUSE	
Job #:	2801 Eton St.	
Site:	2801 Eton St, NSW 2050	
Client:	Megan Campbell & Takashi Oishi	



PROPOSED GROUND FLOOR PLAN

DA-07	19/05/2025
REVISION D	
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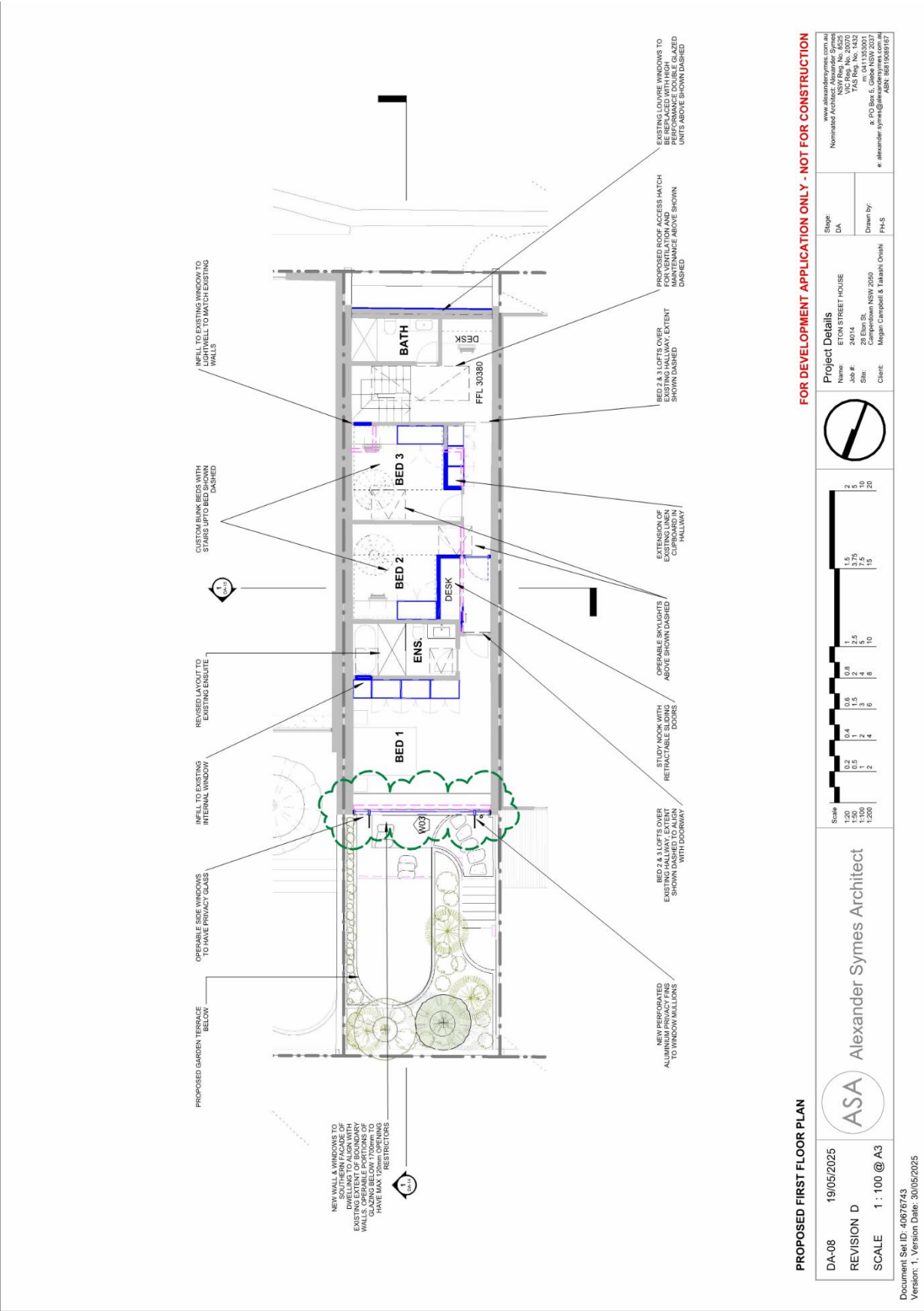
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Version: 1, Version Date: 30/05/2025

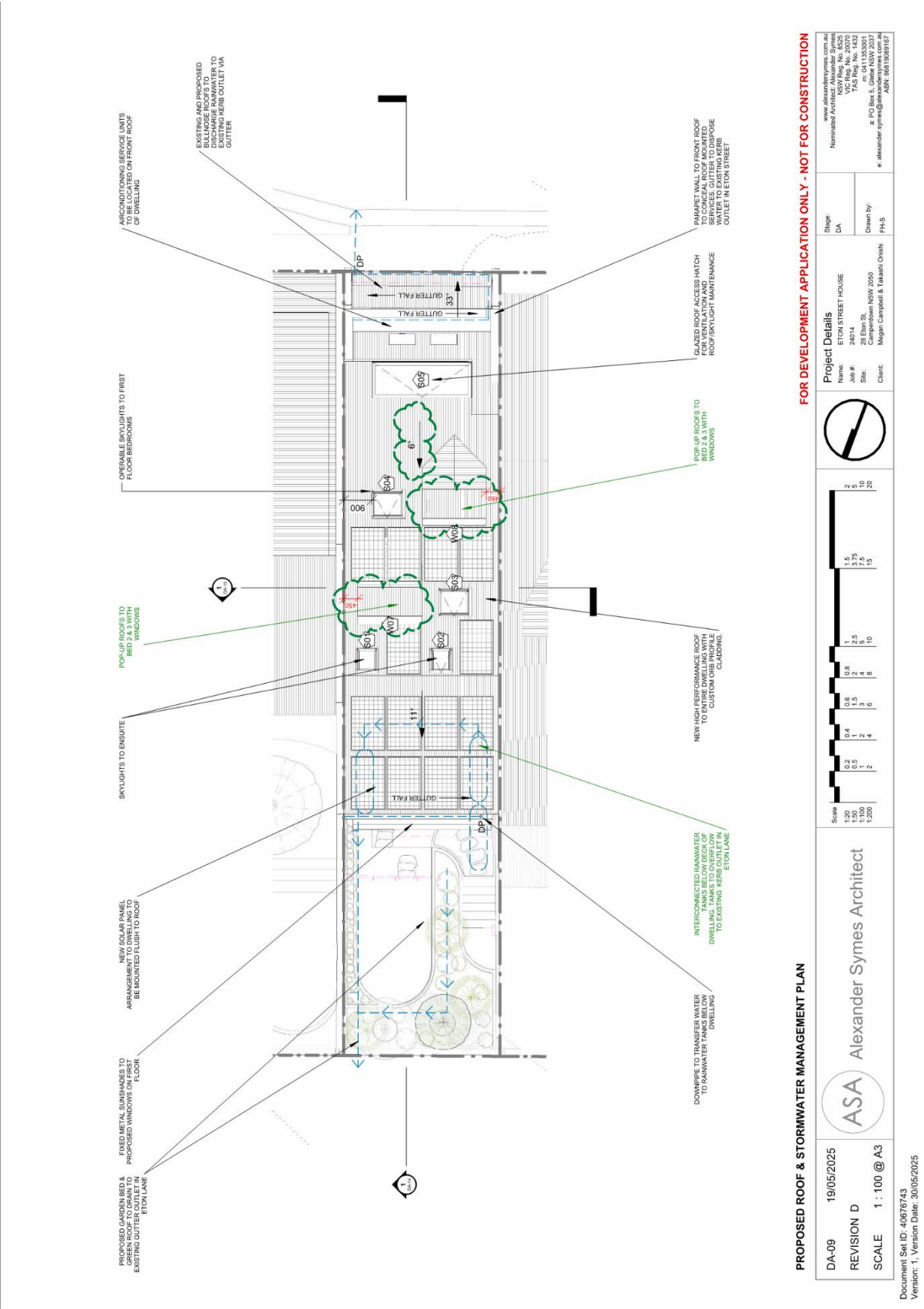
ASA Alexander Symes Architect

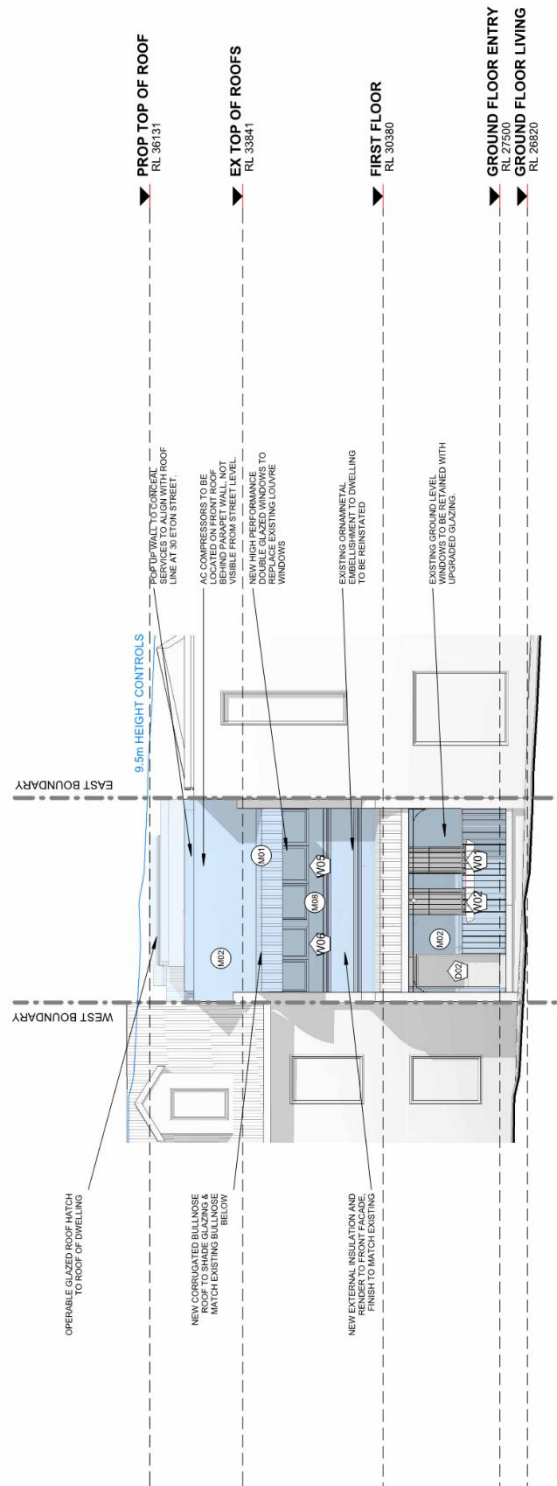


FOR DEVELOPMENT APPLICATION ONLY - NOT FOR CONSTRUCTION

Project Details	
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Site:	28 Eton St.
Job:	Competition NSW 2050
Client:	Megan Campbell & Takashi Ozaki
Stage:	Drawn by:
DA	FHS
<p>www.alexandersymes.com.au</p> <p>Nominated Architect: Alexander Symes</p> <p>Planning No. 2070</p> <p>IC No. 2070</p> <p>TAS Reg. No. 1432</p> <p>m. 0411353001</p> <p>p. 0411353001</p> <p>a. alexander@symes.com.au</p> <p>20/10 Box 5, Glebe NSW 2037</p> <p>ph. 02 9550 1000</p> <p>fax. 02 9550 1017</p>	







ELEVATION - SOUTH

DA-10	19/05/2025
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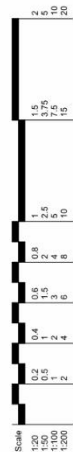
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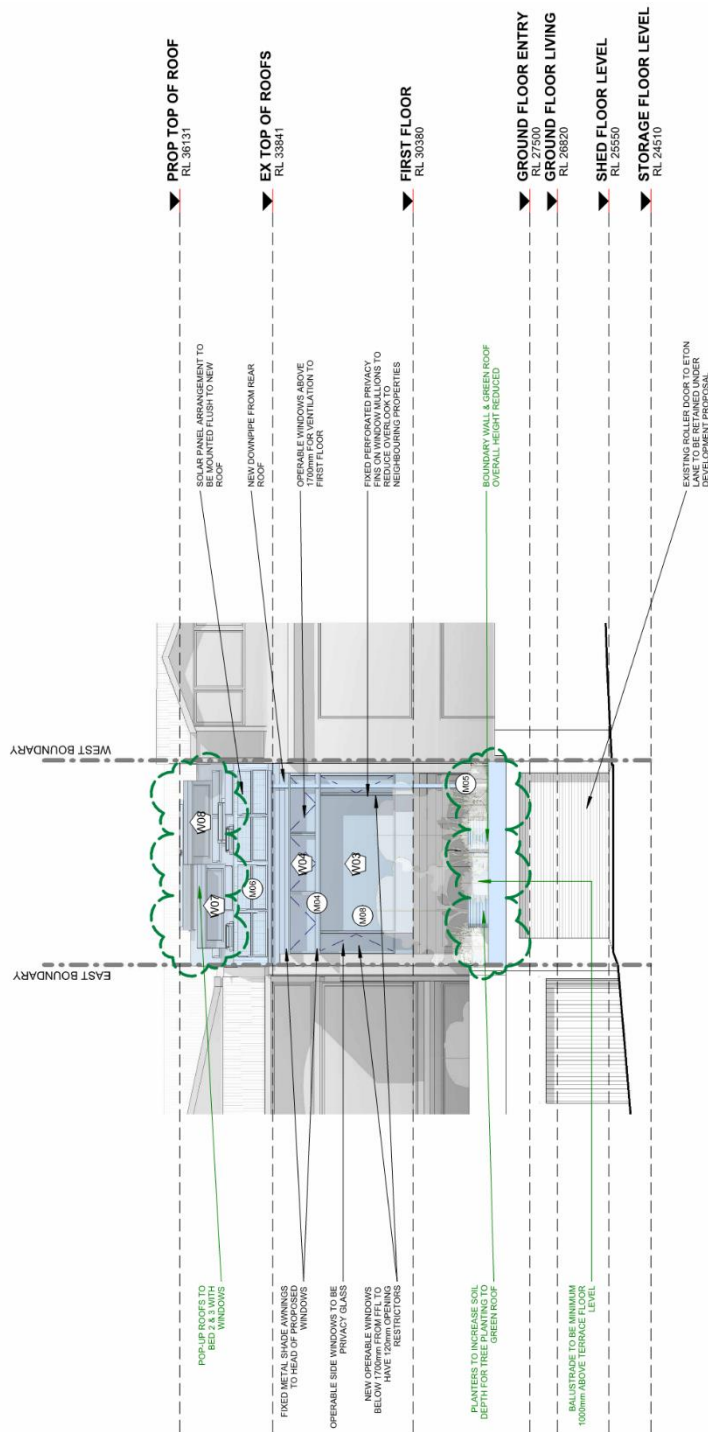
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Version: 1, Version Date: 30/09/2023

FOR DEVELOPMENT APPLICATION ONLY - NOT FOR CONSTRUCTION

Project Details		Stage: DA	www.alexandersymms.com.au
Name: ETON STREET HOUSE	28 Eton St.	Drawn by: F.H.S.	Nominated Architect: Alexander Symms
Site: 28 Eton St.	Perth Western NSW 2650		Project No. 24514
Job: Megan Campbell & Takashi Onishi			VIC Reg. No. 20070
			TAS Reg. No. 1432
			m 0411350001
			e alexander.symms@newsw.com.au
			ABN: 58819089167



ASA Alexander Symes Architect



ELEVATION - NORTH

DA-11	19/05/2025
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REVISION D

SCALE 1:100 @ A3

Document Set ID: 40676743
Version: 1, Version Date: 30/09/2018

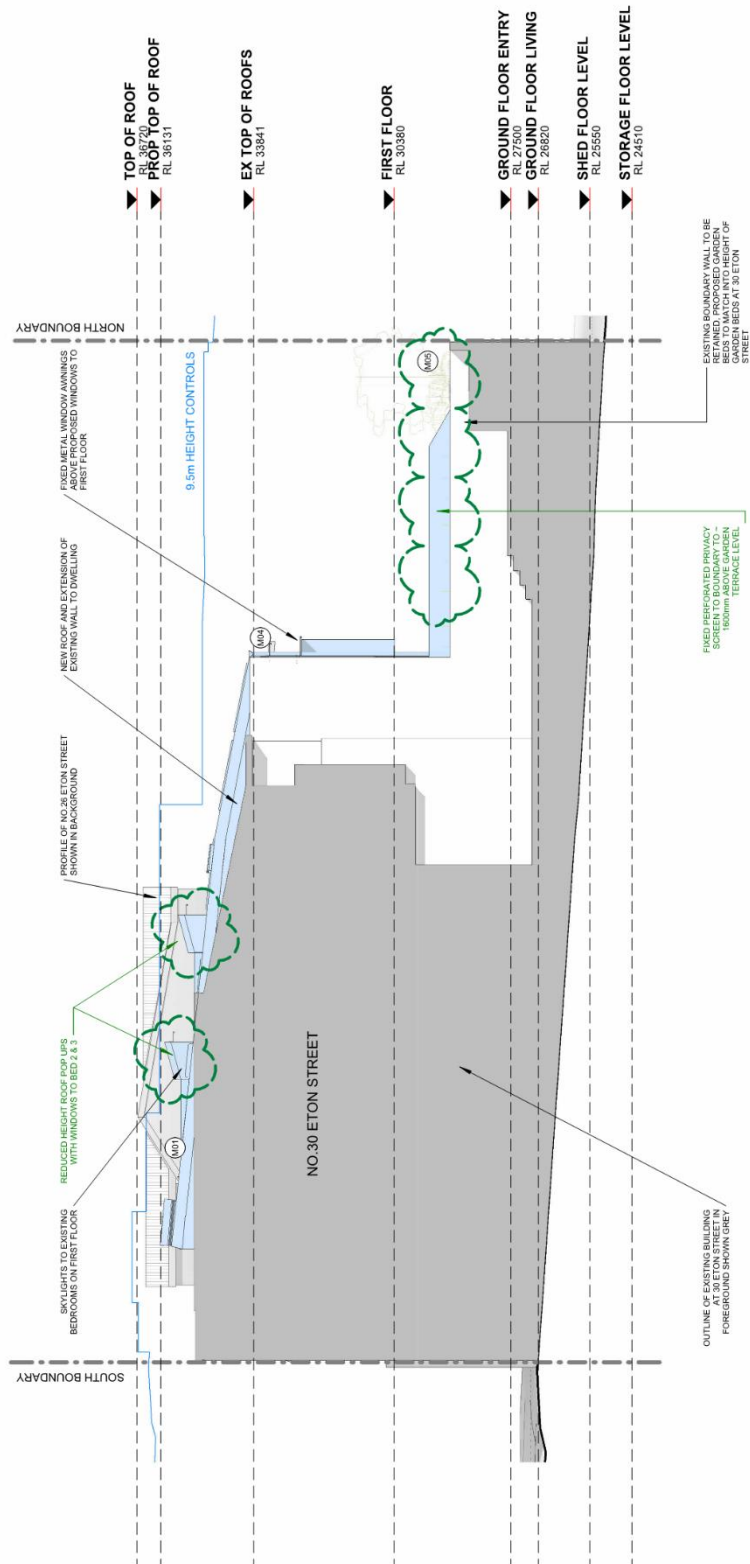
FOR DEVELOPMENT APPLICATION ONLY - NOT FOR CONSTRUCTION

Project Details		Stage:	DA	Drawn by:	FHS
Name:	ETON STREET HOUSE	Site #:	24014	Client:	Megan Campbell & Takashi Onishi
Address:	28 Eton St, Newtown NSW 2059	Job #:			
www.alexandermym.com.au Normalised ACP Form NSW Reg. No. 8535 VIC Reg. No. 20070 TAS Reg. No. 1432 m 041153001 e alexander.syme@alexandermym.com.au ABER 5881906187					

Alexander Symes Architect

ASA

Document Set ID: 40676743
Version: 1, Version Date: 30/05/2025



ELEVATION - EAST

DA-12	19/05/2025
REVISION D	
SCALE	1 : 100 @ A3

Document Set ID: 40676743
Version: 1, Version Date: 30/09/2018

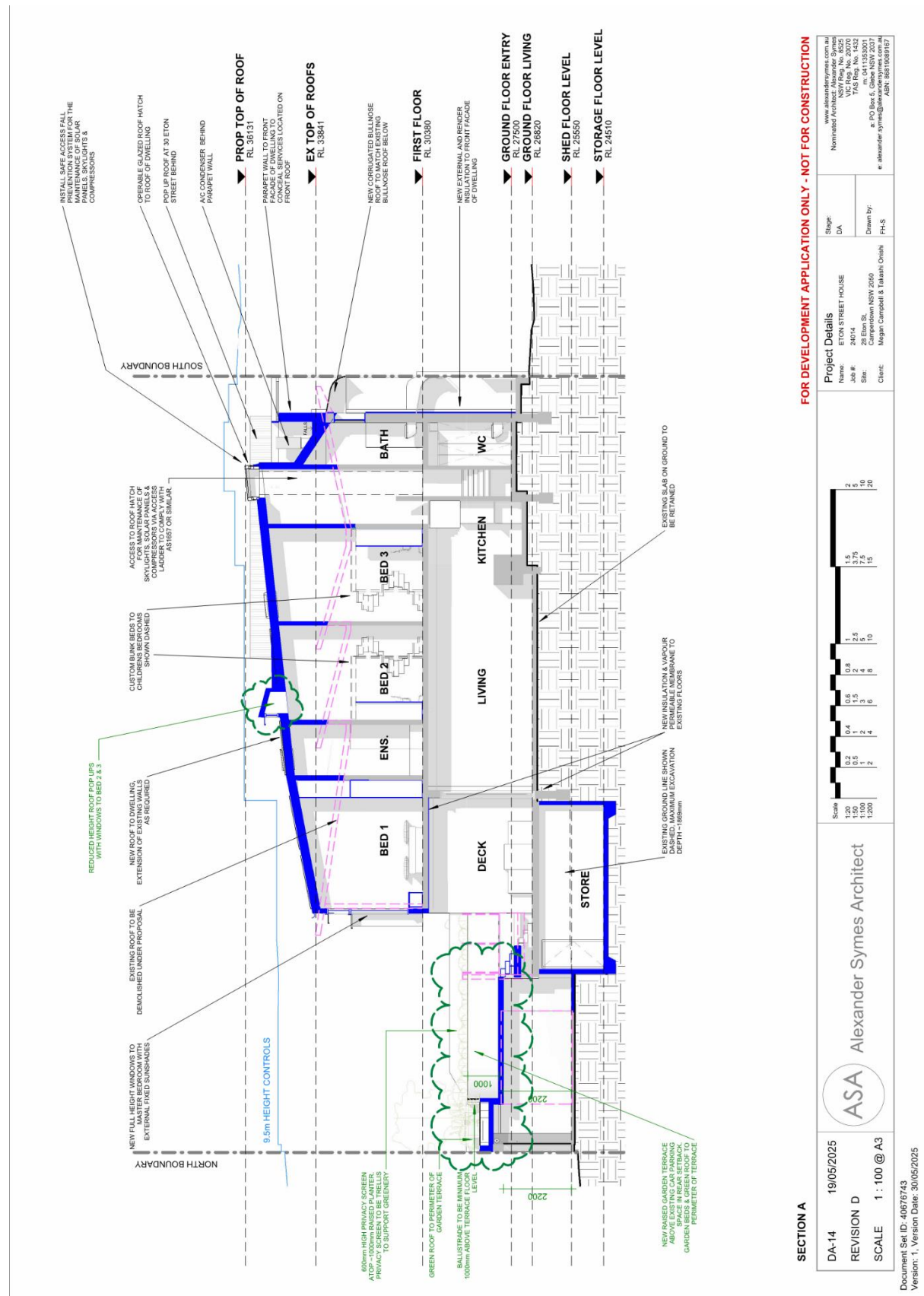
FOR DEVELOPMENT APPLICATION ONLY - NOT FOR CONSTRUCTION

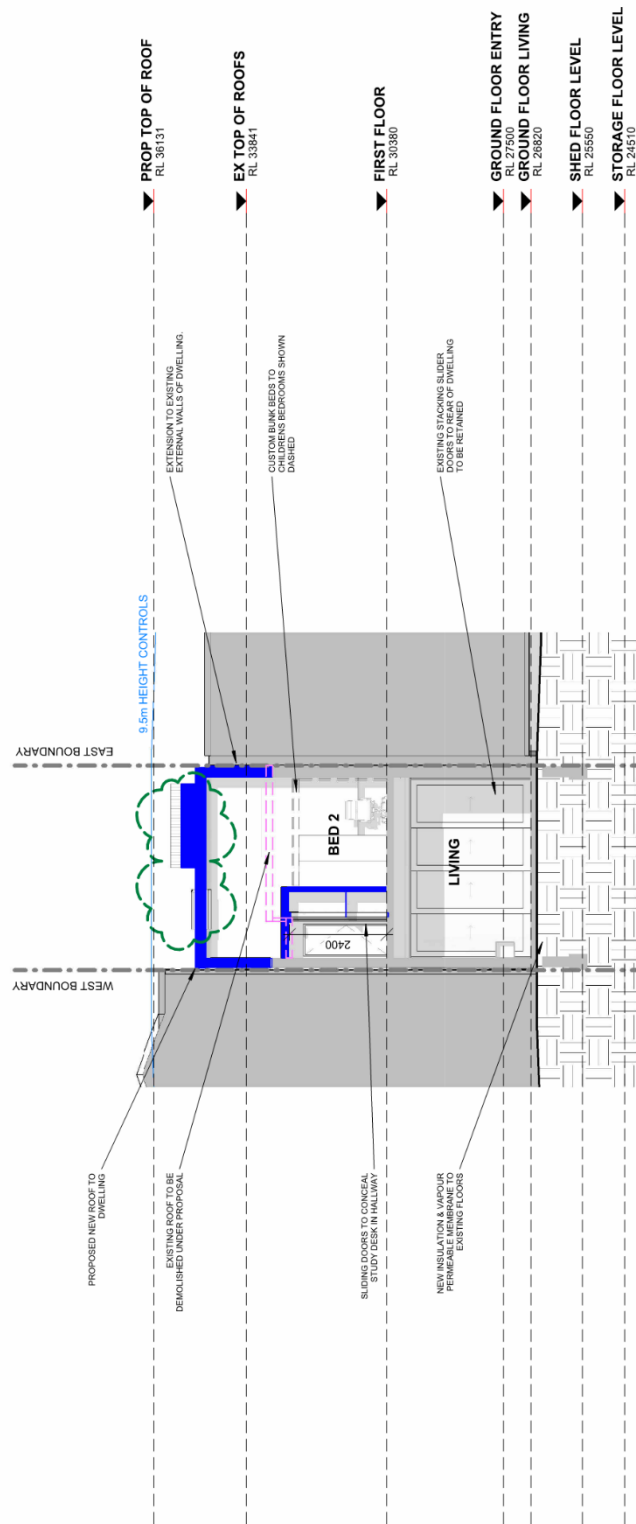
Project Details		Stage: DA	www.alexanderjones.com.au
Name: EYON STREET HOUSE	24/14	Norman Architects 145/151 Newry Street Sydney NSW 2000	
Site: 28 Eyon St Carpenters NSW 2050	Job #	TAS Reg No. 1432 m 0411350001	
Client: Megan Campbell & Takashi Onishi	Drawn by: FH-S	a PO Box 5, Glebe NSW 2037 e alexanderjones@Gmail.com ABN 8810089187	



ASA Alexander Symes Architect







SECTION B

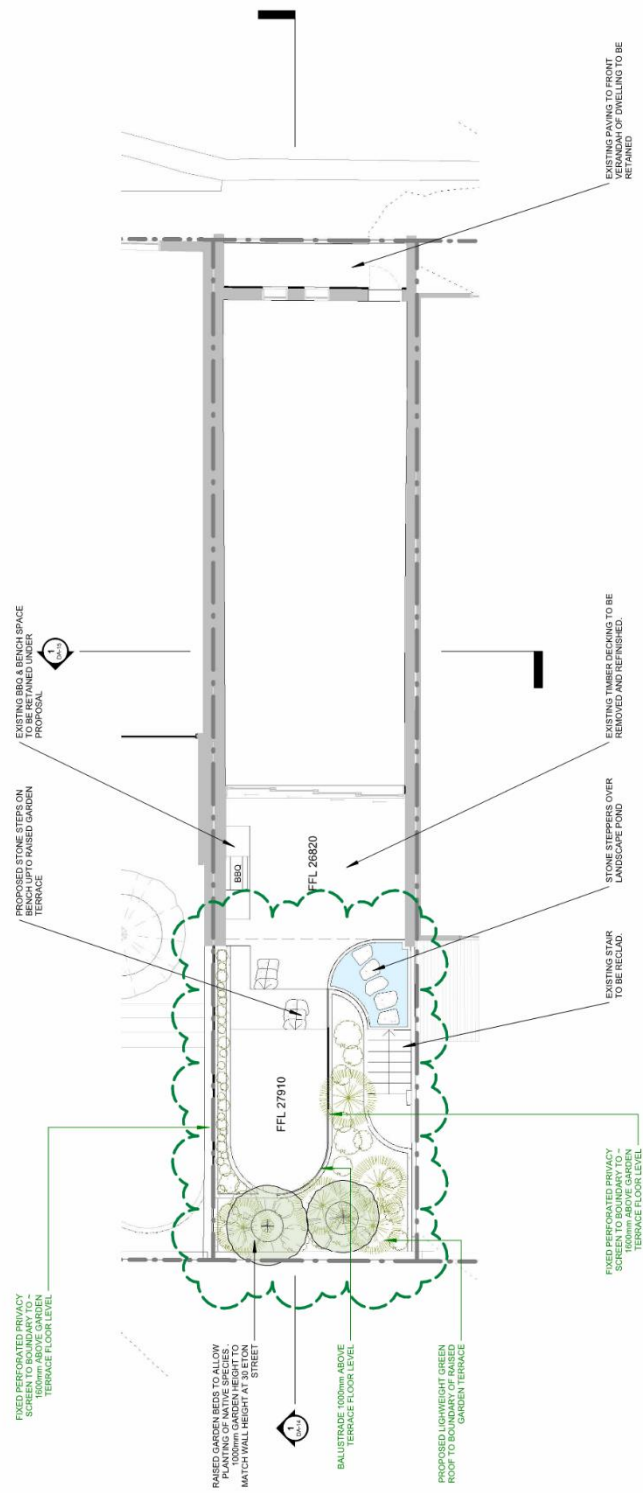
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REVISION D	
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Document Set ID: 40676743
Version: 1, Version Date: 30/09/2019

<h2>Project Details</h2>		Stage: DA Drawn by: FHS
Name: ETON STREET HOUSE Job #: 28 Eton St. Site: Camperdown NSW 2050 Client: Megan Campbell & Takashi Onishi	www.alexandersymms.com.au Nominated Architect: Alexander Symms Project No. 247014 VIC Reg. No. 20070 TAS Reg. No. 1432 m 0411350001 e alexander.symms@alexandersymms.com.au PO Box 5, Camperdown NSW 2050 ABER 581 90819167	

FOR DEVELOPMENT APPLICATION ONLY - NOT FOR CONSTRUCTION





LANDSCAPE CONCEPT PLAN

DA-16	19/05/2025
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REVISION D

SCALE 1:100 @ A3



Alexander Symes Architect



Project Details

Name: ETON STREET
Job #: 24014
City: 28 Eton St

Client: Megan Campbell

3	
---	--

Drawn by
FH-S

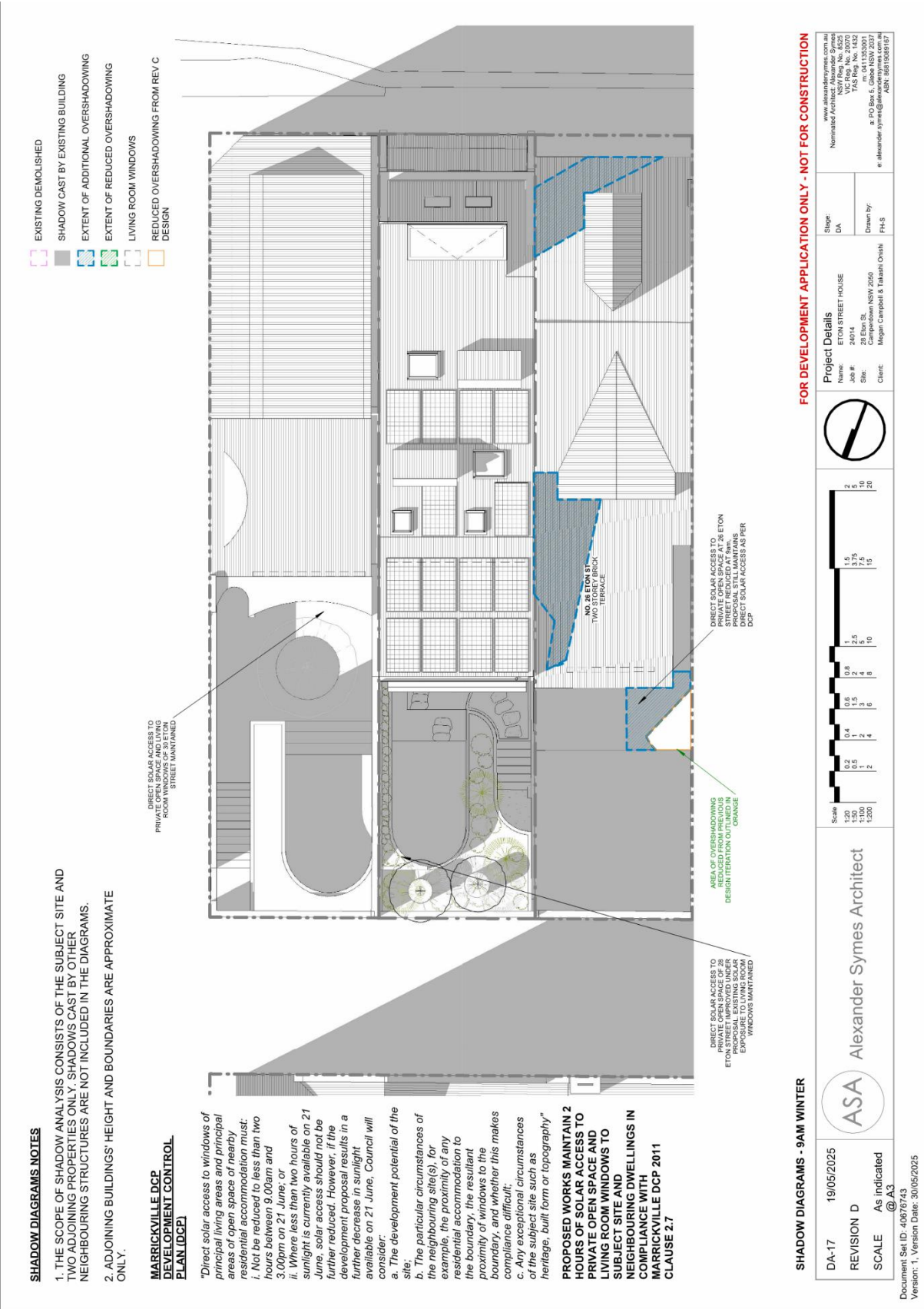
www.alexandersymes.com.au
Nominated Architect: Alexander Symes

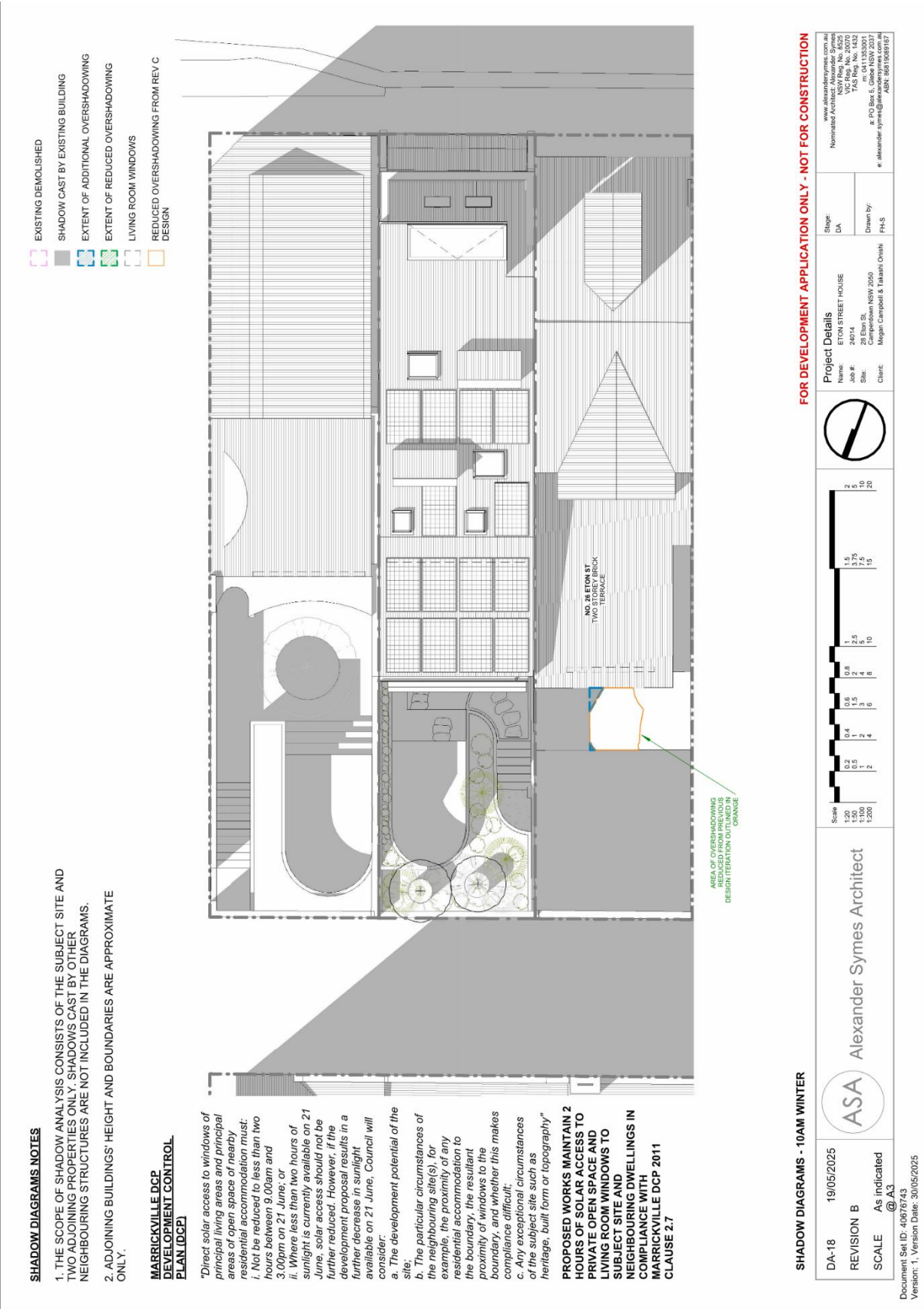
NSW Reg. No. 8525
VIC Reg. No. 20070
TAS Reg. No. 1432

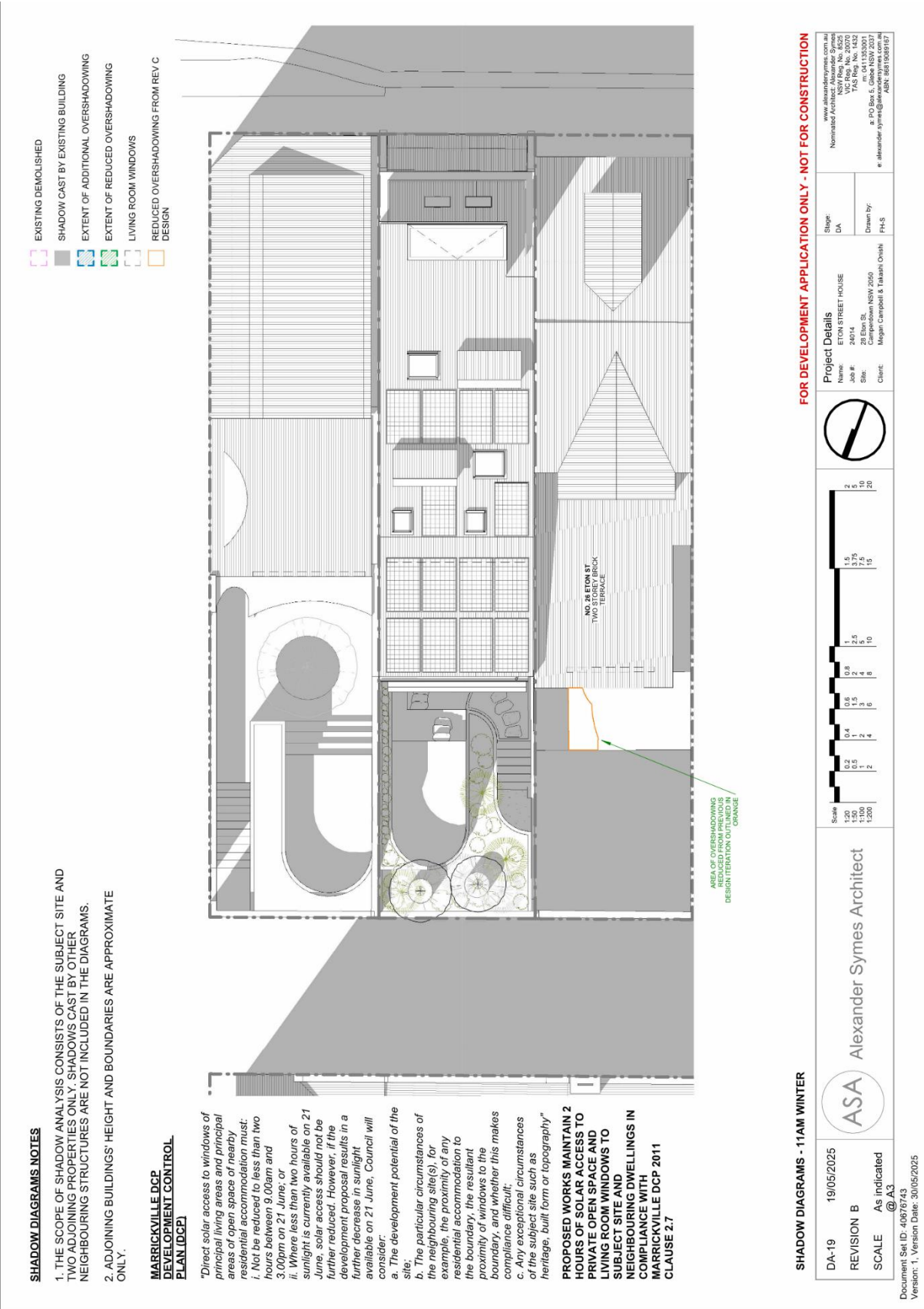
a: PO Box 5, Glebe NSW 2037
alexander.symes@alexandersymes.com.au
ARN: 86819259157

Document Set ID: 40676743

Version: 1, Version Date: 30/05/2025







SHADOW DIAGRAMS NOTES

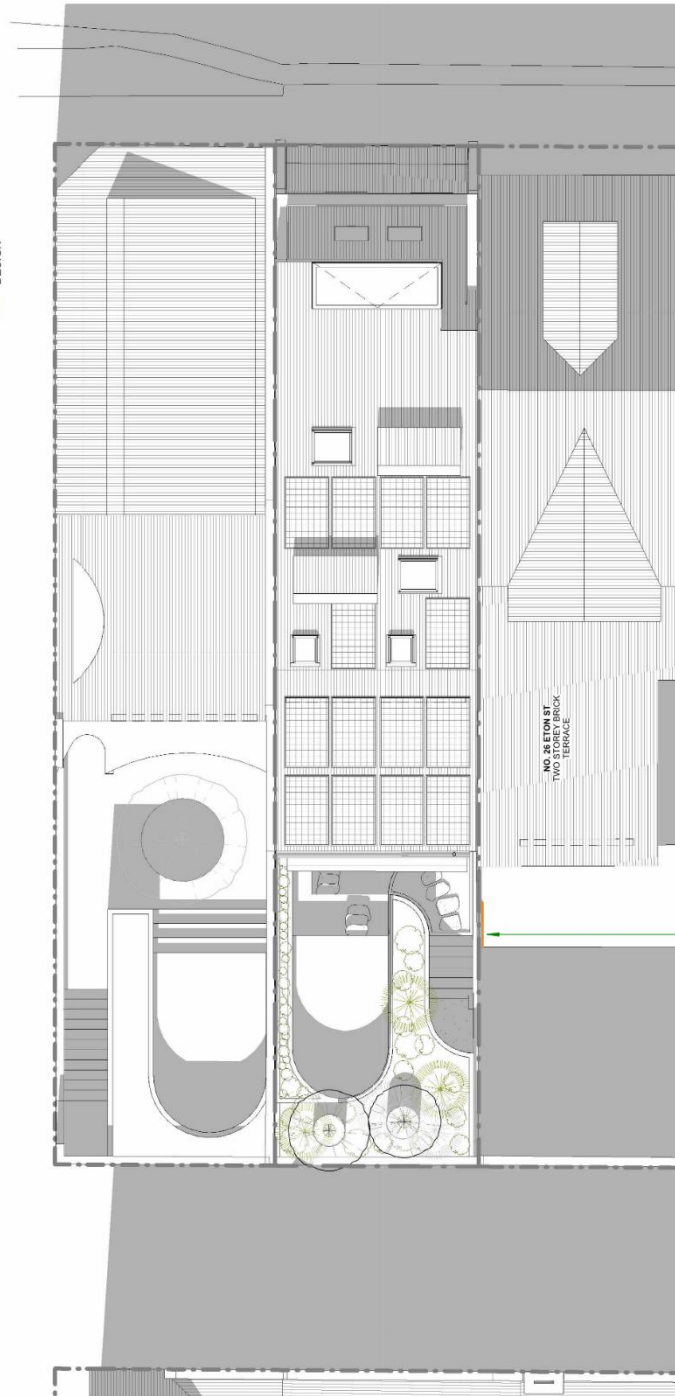
1. THE SCOPE OF SHADOW ANALYSIS CONSISTS OF THE SUBJECT SITE AND TWO ADJOINING PROPERTIES ONLY. SHADOWS CAST BY OTHER NEIGHBOURING STRUCTURES ARE NOT INCLUDED IN THE DIAGRAMS.
2. ADJOINING BUILDINGS' HEIGHT AND BOUNDARIES ARE APPROXIMATE ONLY.

MARRICKVILLE DCP
DEVELOPMENT CONTROL
PLAN (DCP)

"Direct solar access to windows of principal living areas and principal areas of open space of nearby residential accommodation must:
i. Not be reduced to less than two hours between 9.00am and 3.00pm on 21 June, or
ii. Where less than two hours of sunlight is currently available on 21 June, solar access should not be further reduced. However, if the development proposal results in a further decrease in sunlight available on 21 June, Council will consider:

- a. The development potential of the site;
b. The particular circumstances of the neighbouring site(s), for example, the proximity of any residential accommodation to the boundary, the resultant proximity of windows to the boundary, and whether this makes compliance difficult;
c. Any exceptional circumstances of the subject site such as heritage, built form or topography".

PROPOSED WORKS MAINTAIN 2 HOURS OF SOLAR ACCESS TO PRIVATE OPEN SPACE AND LIVING ROOM WINDOWS TO SUBJECT SITE AND NEIGHBOURING DWELLINGS IN COMPLIANCE WITH MARRICKVILLE DCP 2011 CLAUSE 2.7

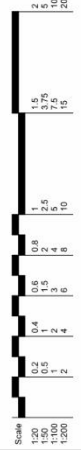


AREA OF OVERSHADOWING
REDUCED FROM PREVIOUS
DESIGN ITERATION OUTLINED IN
CONCEPT

SHADOW DIAGRAMS - 1PM WINTER

DA-21	19/05/2025
REVISION D	
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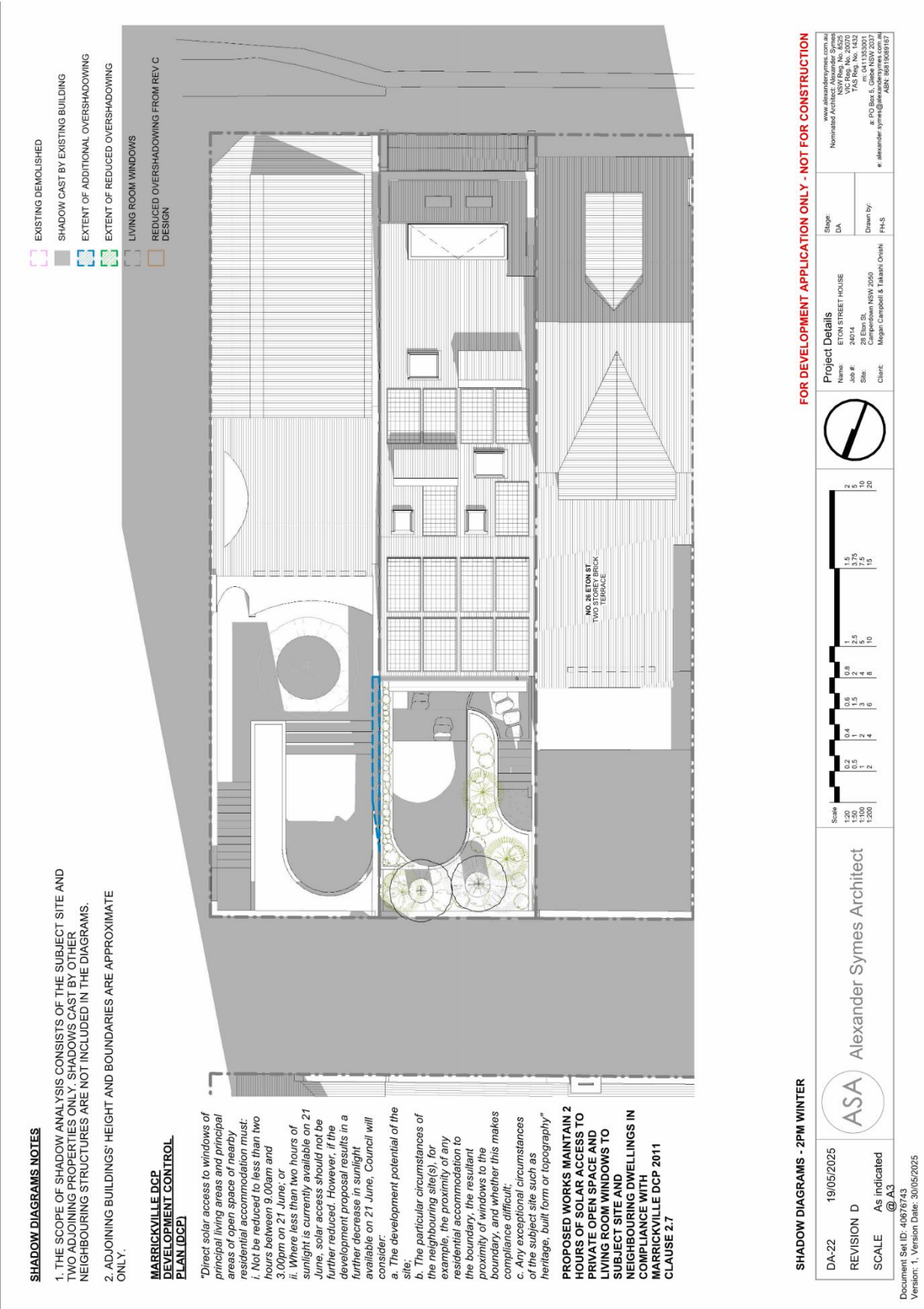
ASA Alexander Symes Architect

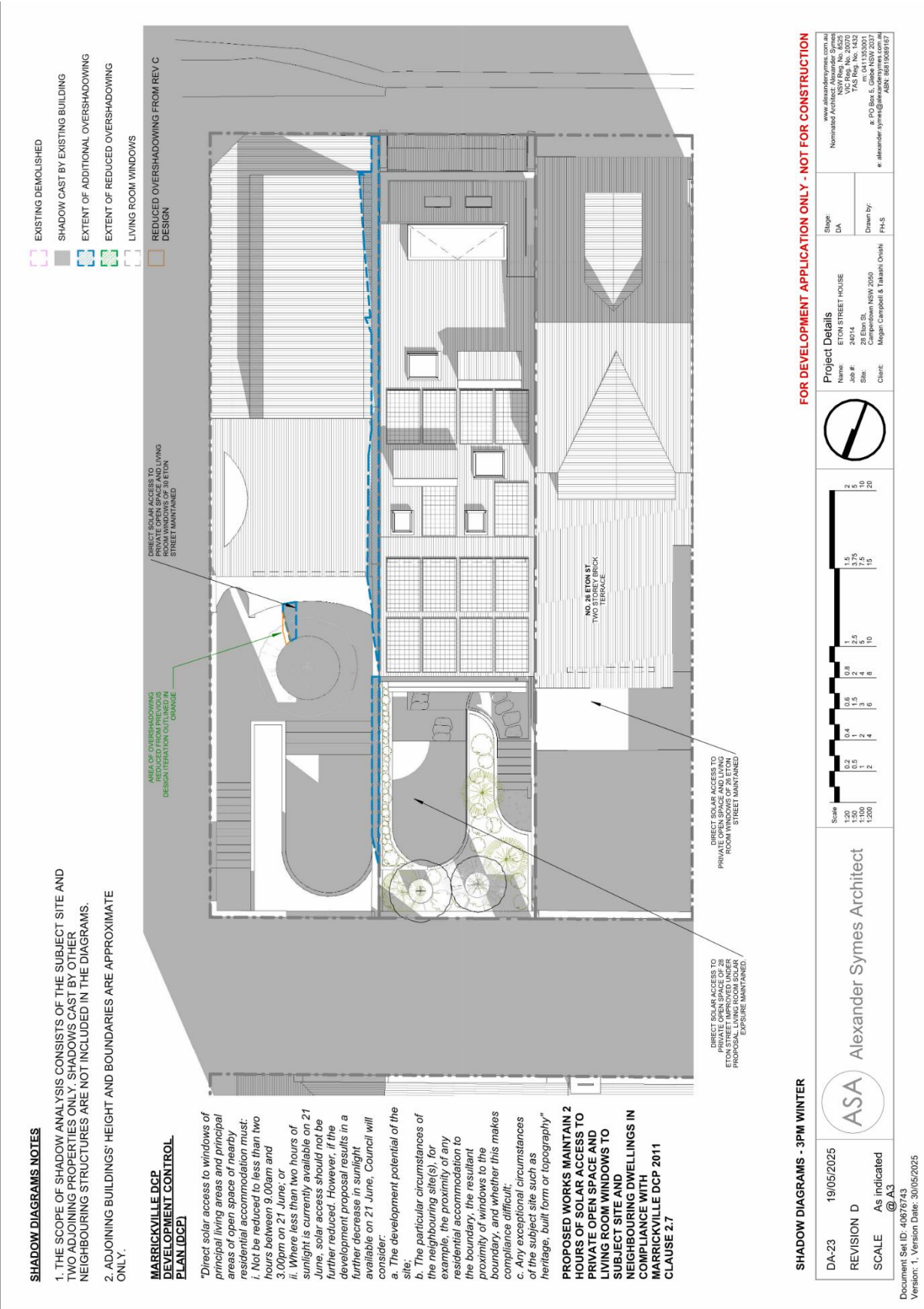


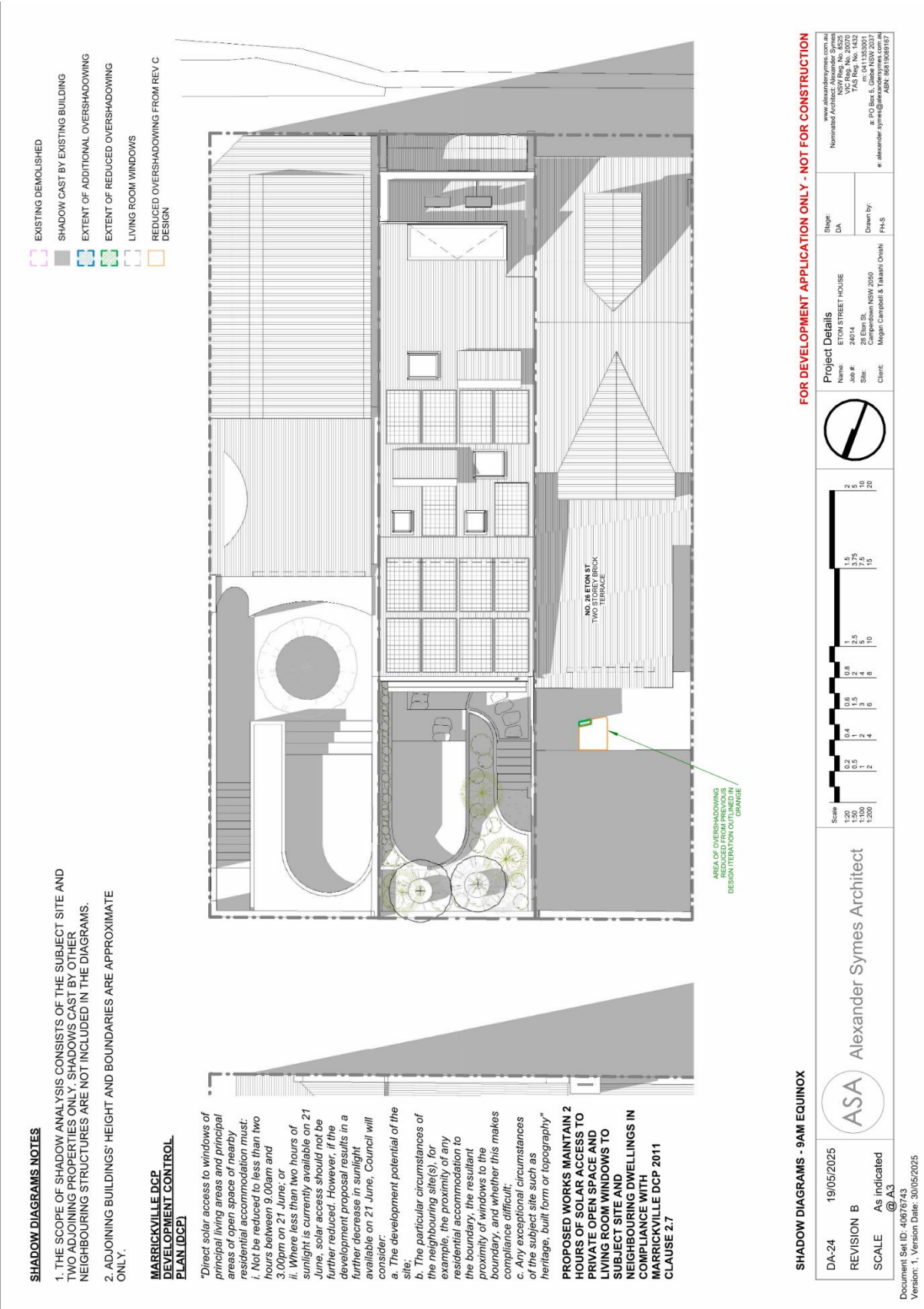
FOR DEVELOPMENT APPLICATION ONLY - NOT FOR CONSTRUCTION

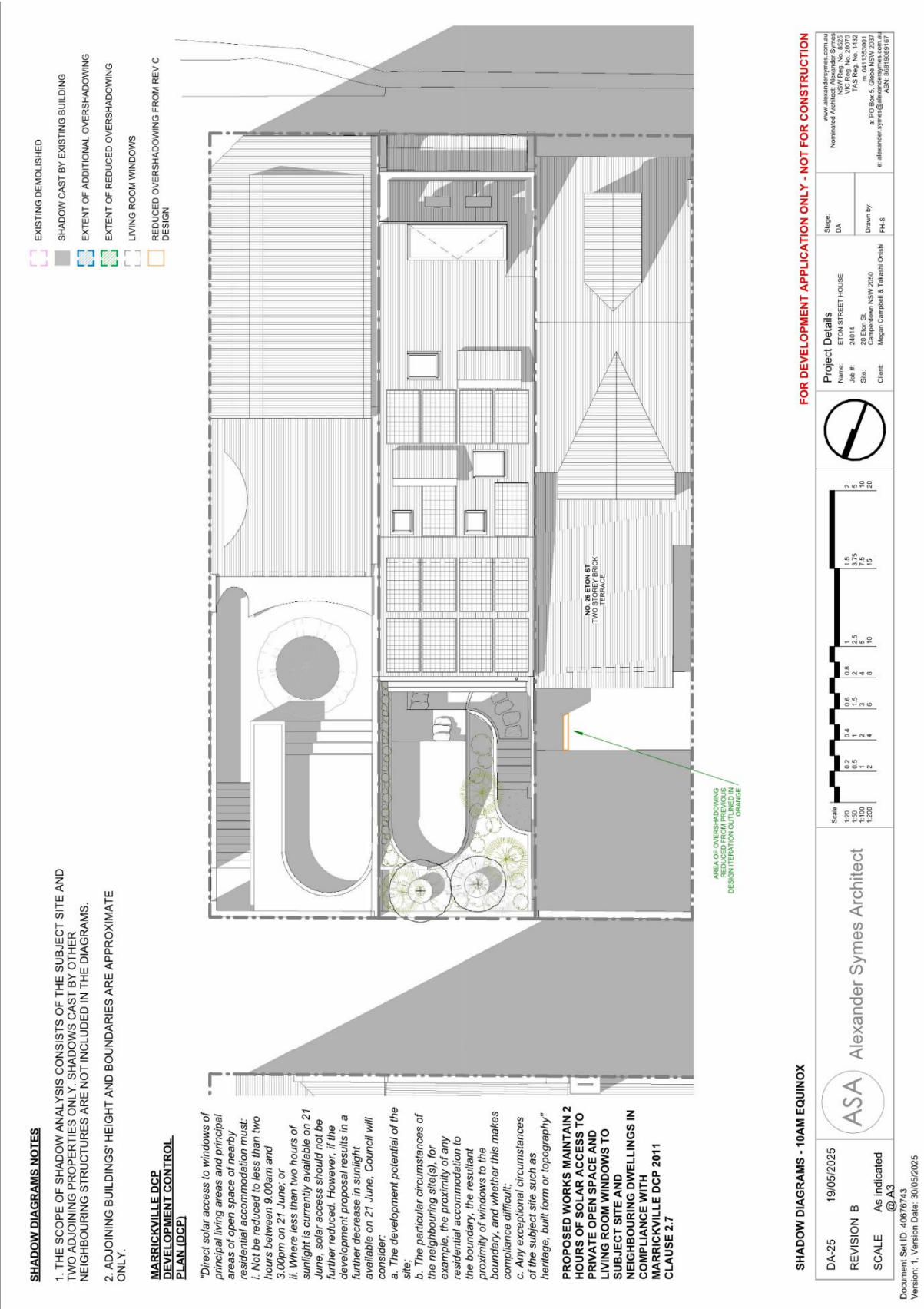
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Name:	ETON STREET HOUSE		
Job #:	2801 Eton St.		
Site:	2801 Eton St, NSW 2050		
Client:	Megan Campbell & Takashi Oishi		

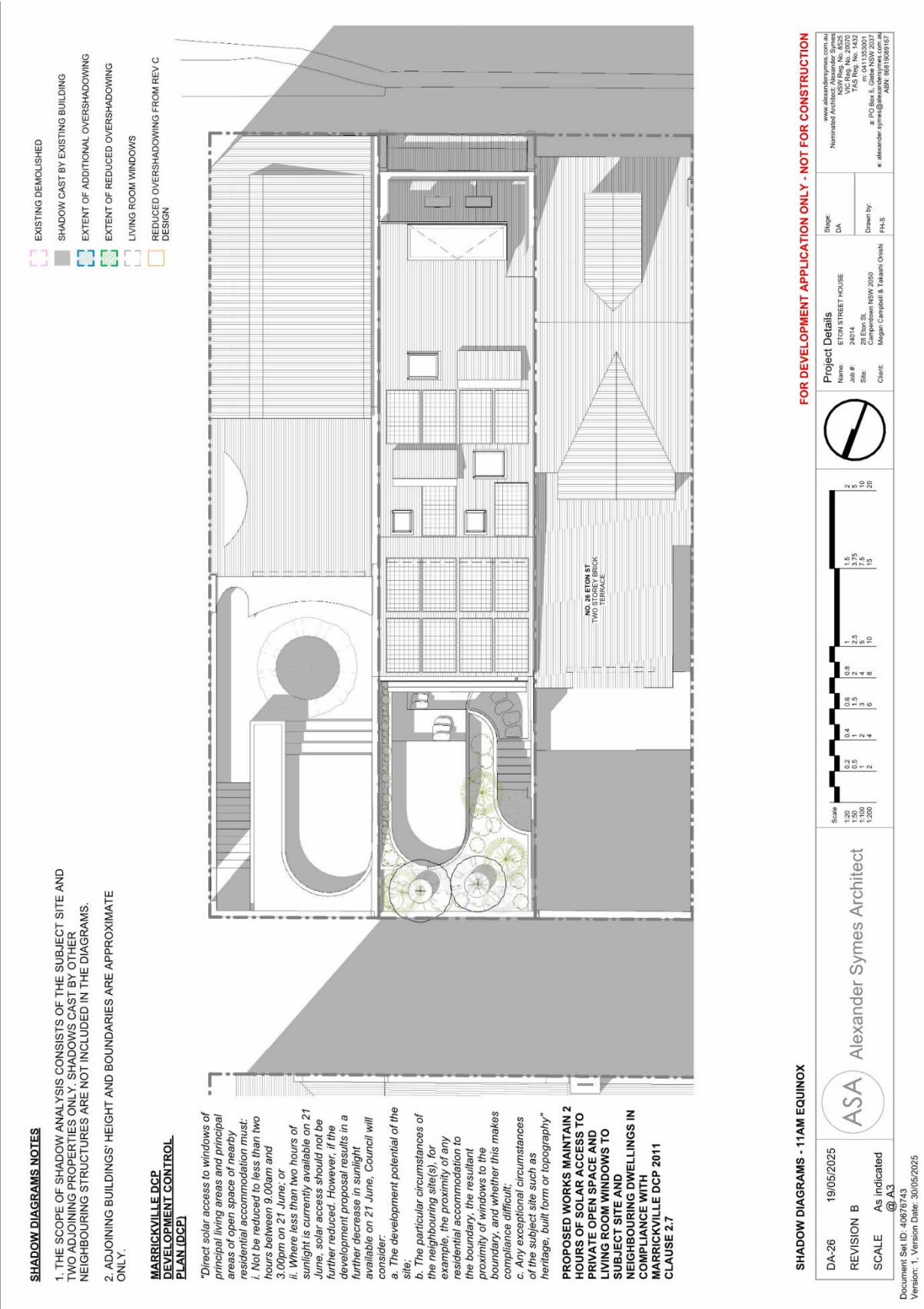
www.alexandersymes.com.au
Nominated Architect: Alexander Symes
NSW Reg. No. 8525
VIC Reg. No. 20070
TAS Reg. No. 1432
m. 0411353001
a. PO Box 5, Glebe NSW 2037
e: alexander.symes@alexandersymes.com.au
ABN: 96819089167

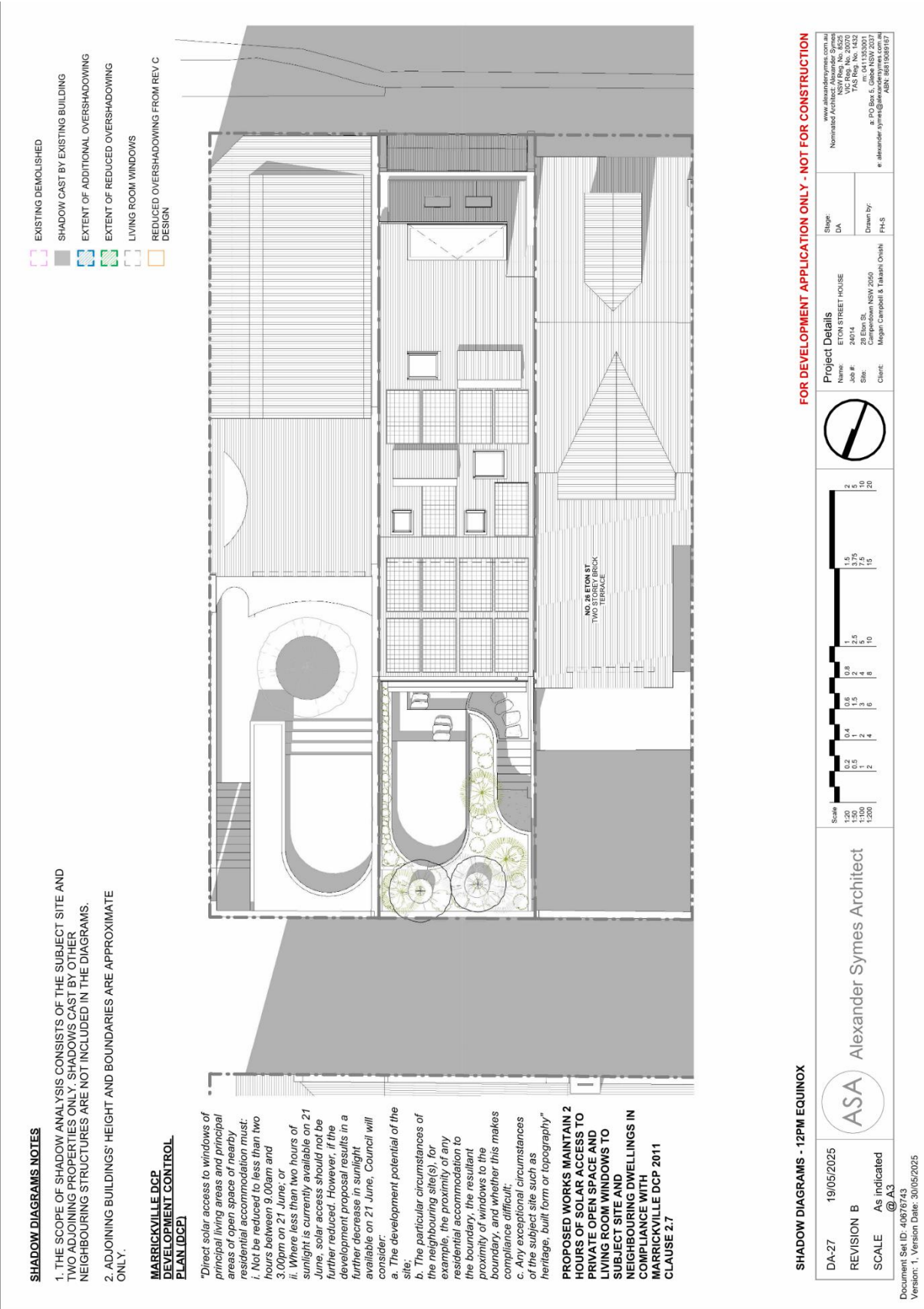


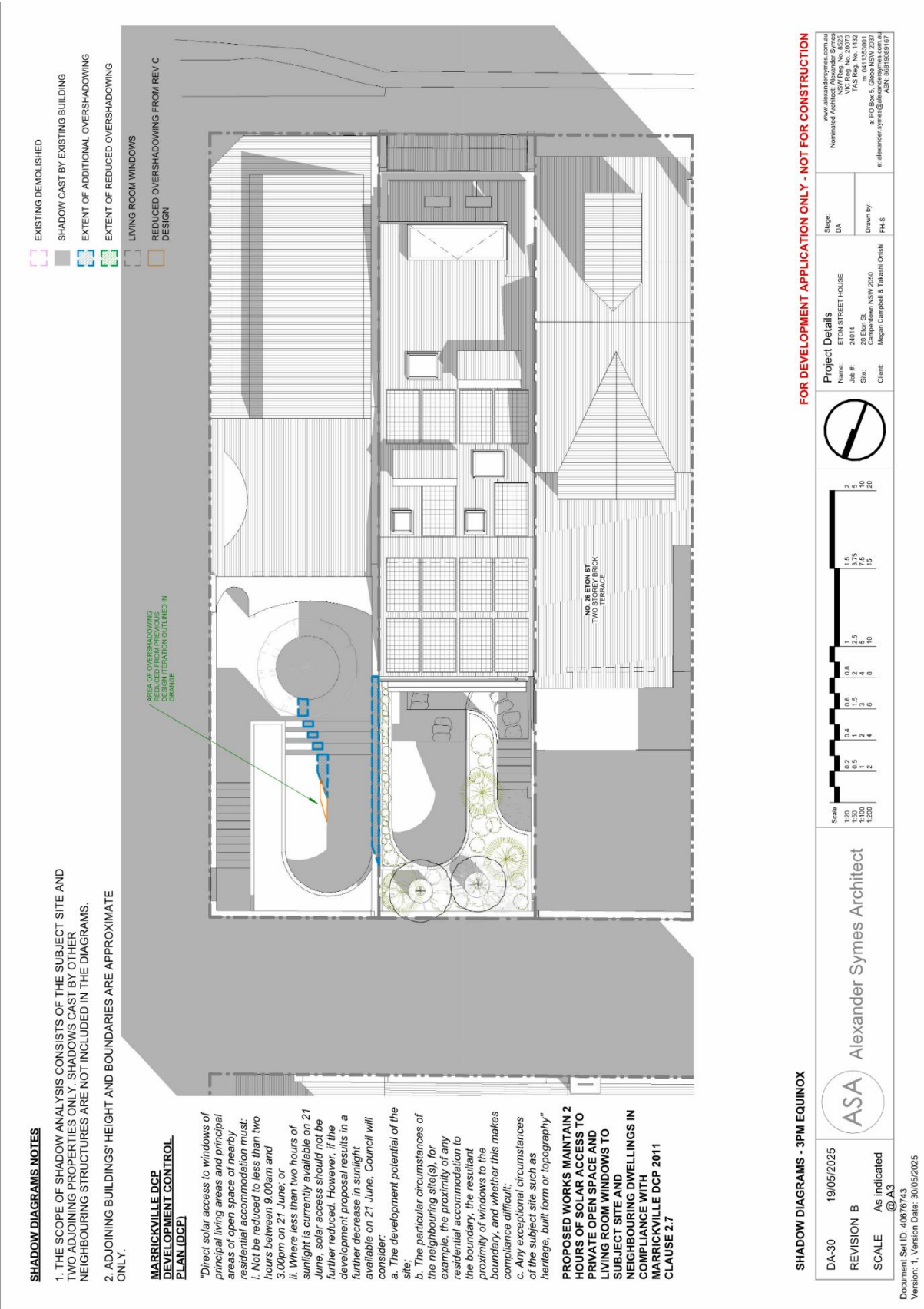


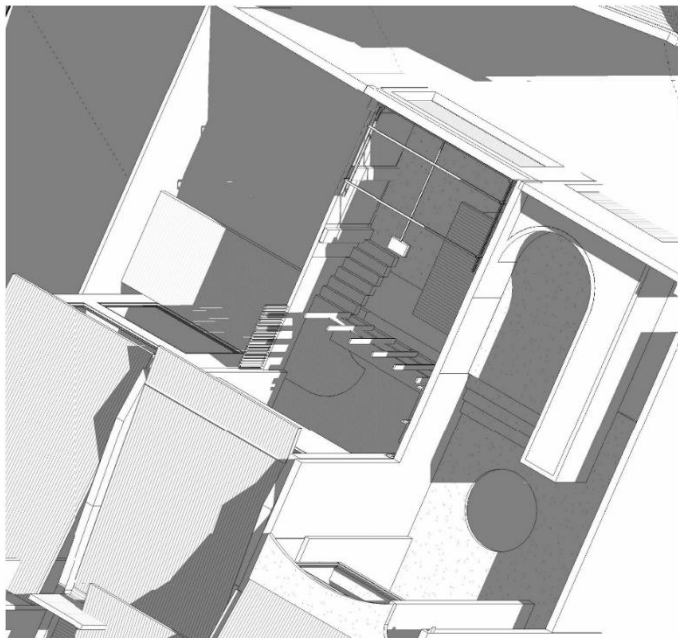
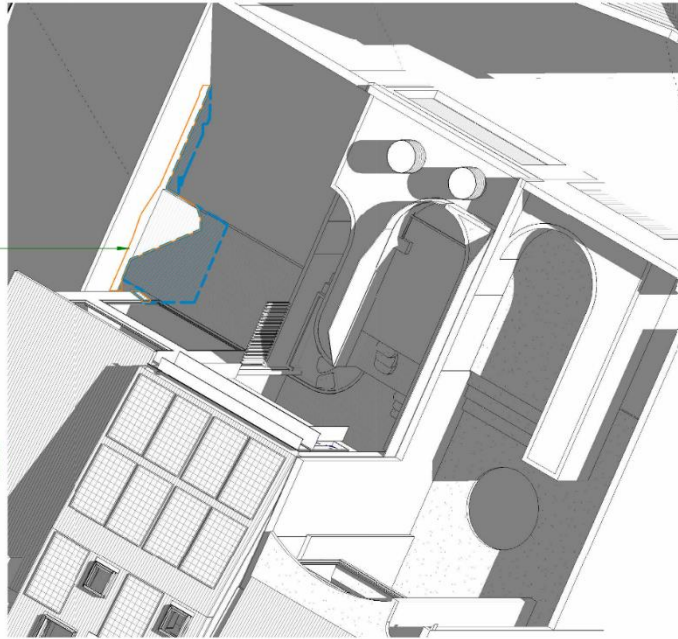












PROPOSED

EXISTING

VIEWS FROM SUN - 9AM SOLSTICE

DA-31	19/05/2025
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REVISION B

SCALE As indicated



Alexander Symes Architect

Project Details

Name: ETON STREET
Job #: 24014

Site: 28 Elton St.
Camperdown

Client: Megan Campbell

1000

Stage:

--	--

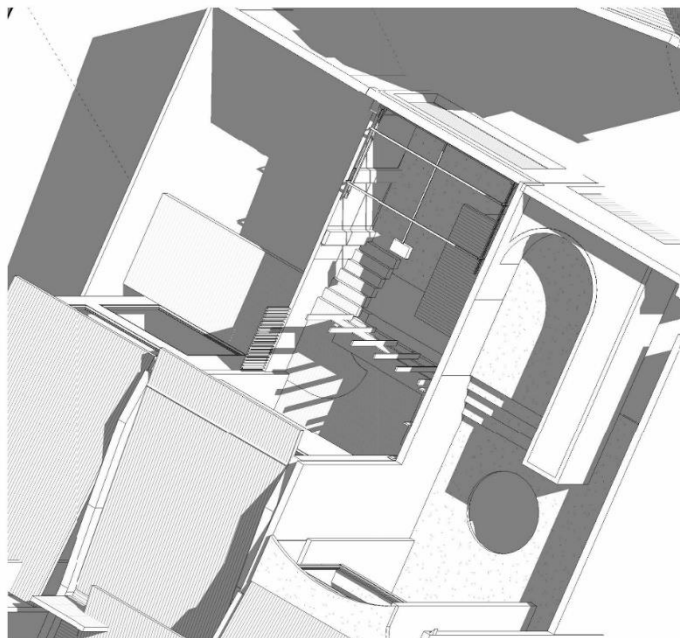
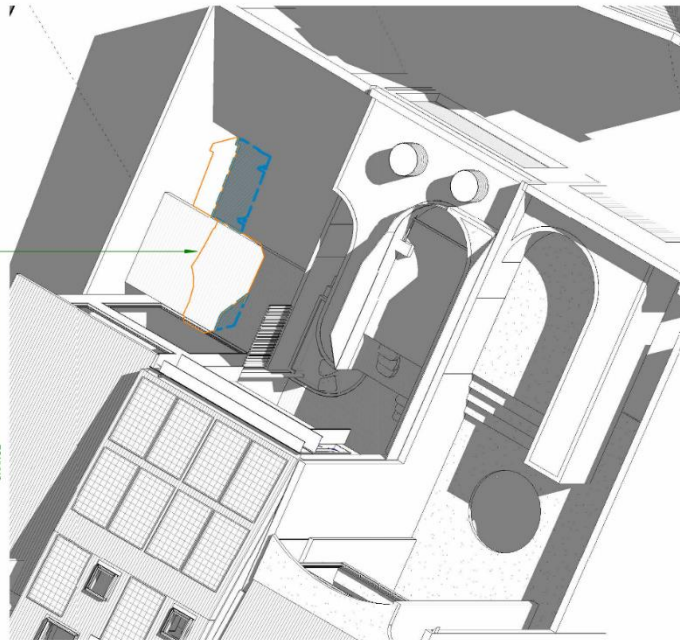
m: 0411353001
a: PO Box 5, Glebe NSW 2037
e: alexander.symes@alexandersymes.com.au

ABN: 86819089167

Document Set ID: 40676743
Version: 1, Version Date: 30/05/2025



AREA OF OVERSHADOWING
REDUCED FROM PREVIOUS
DESIGN ITERATION OUTLINED IN
ORANGE -



VIEWS FROM SUN - 10AM SOLSTICE

DA-32	19/05/2025
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REVISION B

SCALE As indicated @ A3



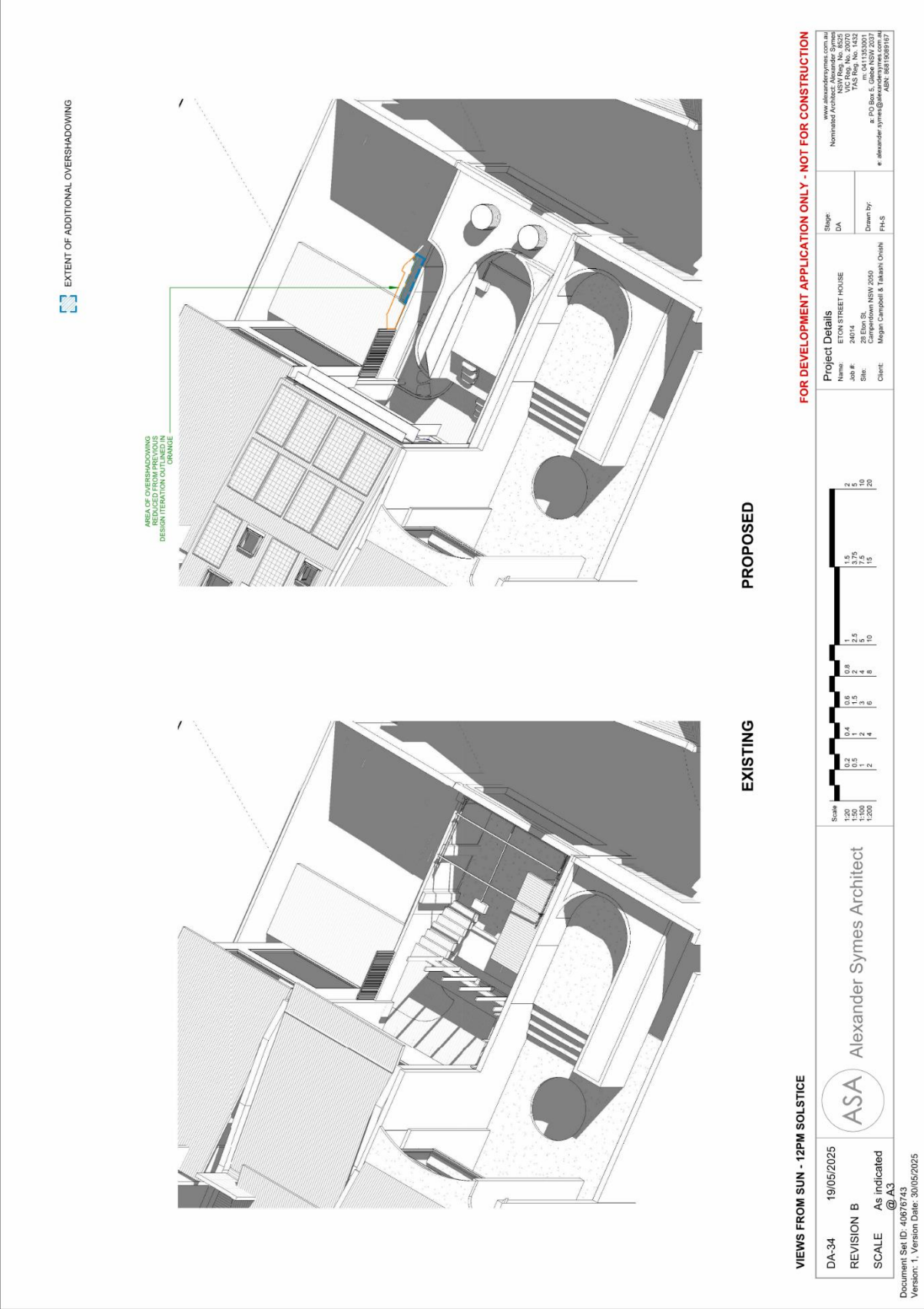
Alexander Symes Architect

Project Details
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 Job #: 24014
 Site: 28 Eton St,
 Campdown NSW 2055
 Client: Megan Campbell & Taki

Stage: DA	Drawn by: FH-S
--------------	-------------------

www.alexandersymes.com.au
Nominated Architect, Alexander Symes
NSW Reg. No. 8525
VIC Reg. No. 20070
TAS Reg. No. 1432
m: 0411393001
a: P.O. Box 5, Glebe NSW 2037
e: alexander.symes@alexandersymes.com.au
ABN: 86819089167

Document Set ID: 40676743
Version: 1, Version Date: 30/05/2025



EXTENT OF ADDITIONAL OVERSHADOWING



PROPOSED



EXISTING

VIEWS FROM SUN - 1PM SOLSTICE

DA-35	19/05/2025
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REVISION B

SCALE 1:200 @ A3

Document Set ID: 40676743
Version: 1, Version Date: 30/05/2018

FOR DEVELOPMENT APPLICATION ONLY - NOT FOR CONSTRUCTION

Project Details

Name: ETON STREET HOUSE
Job #: 24014
City: 26 ETON ST

Client: Megan Campbell & Takahashi

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150	0.5	1	1.5	2	2.5	3.75	5
100	1	2	3	4	5	7.5	10

Month	Number of Visitors
January	12
February	15
March	18
April	20
May	16
June	14
July	10
August	8
September	6
October	4
November	2
December	1

ASA Alexander Symes Architect

EXTENT OF ADDITIONAL OVERSHADOWING



PROPOSED



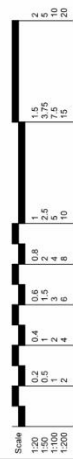
EXISTING

VIEWS FROM SUN - 2PM SOLSTICE

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REVISION B	
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Alexander Symes Architect

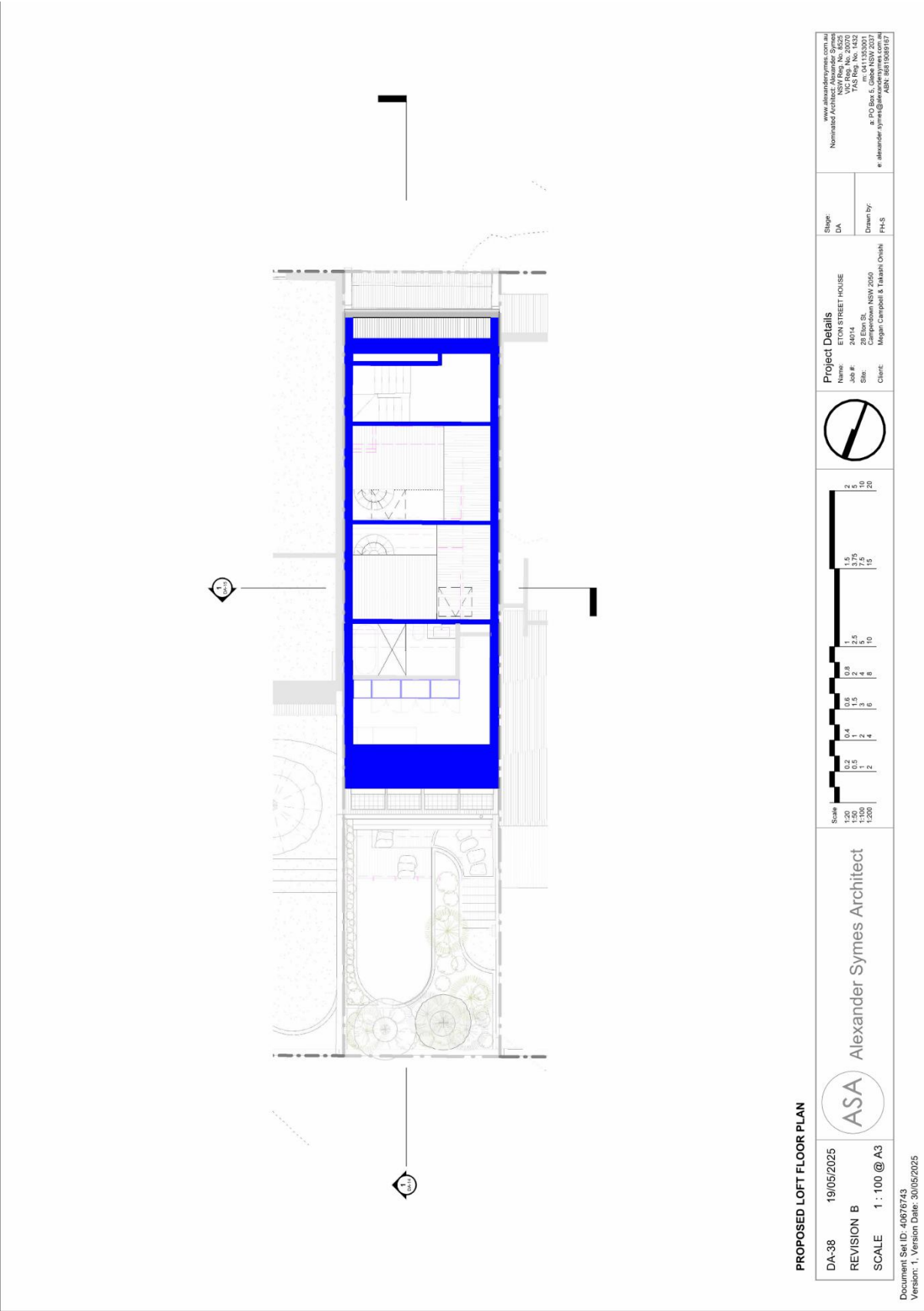


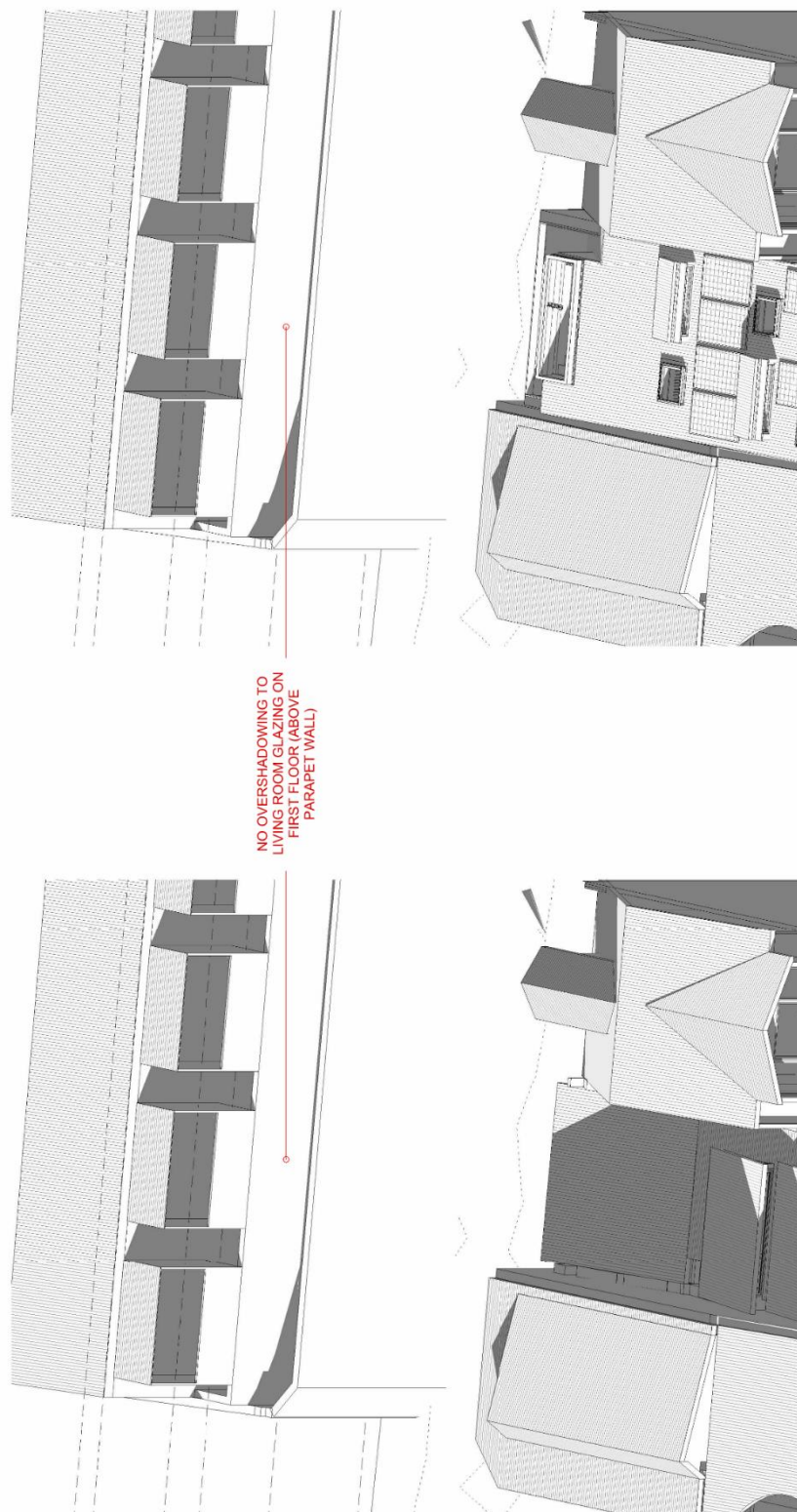
FOR DEVELOPMENT APPLICATION ONLY - NOT FOR CONSTRUCTION

Project Details	
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Job:	24014
Site:	28 Eton St, Camperdown NSW 2050
Client:	Megan Campbell & Lakshmi Onishi
Stage:	OA
www.alexandersymms.com.au Nominated Architect, Alexander Symms Planning No. 20070 VLS Reg. No. 2070 TAS Reg. No. 1432 m. 0411350001 a PO Box 5, Greter NSW 2070 e alexander.symms@alexander-symms.com.au ABR 6881009187	

Document Set ID: 40676743
Version: 1, Version Date: 30/05/2025







NO OVERSHADOWING TO
LIVING ROOM GLAZING ON
FIRST FLOOR (ABOVE
PARAPET WALL)

PROPOSED

EXISTING

23-29 ETON ST OVERSHADOWING 9am

DA-41	19/05/2025
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REVISION B

SCALE @ A3

ent Set ID: 40676743

Document Set ID: 40676743
Version: 1, Version Date: 30/05/2025

ASA
Alexander Symes Architect

ASA

DA-41	19/05/2025
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REVISION B

SCALE @ A3

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Version: 1, Version Date: 30/05/2025

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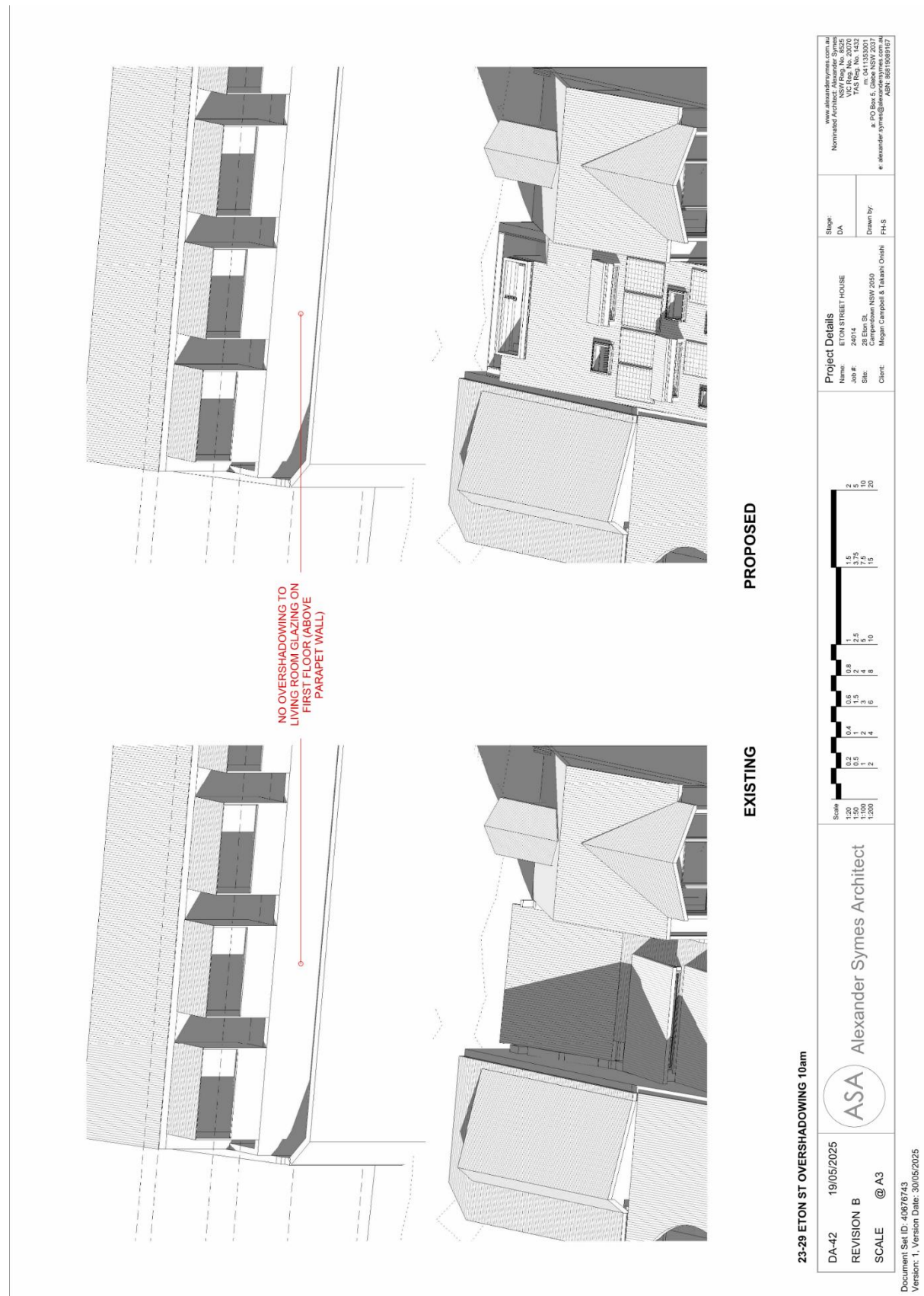
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Job #: 24014
Site: 28 Elton St.
Camperdown
Client: Megan Campbell

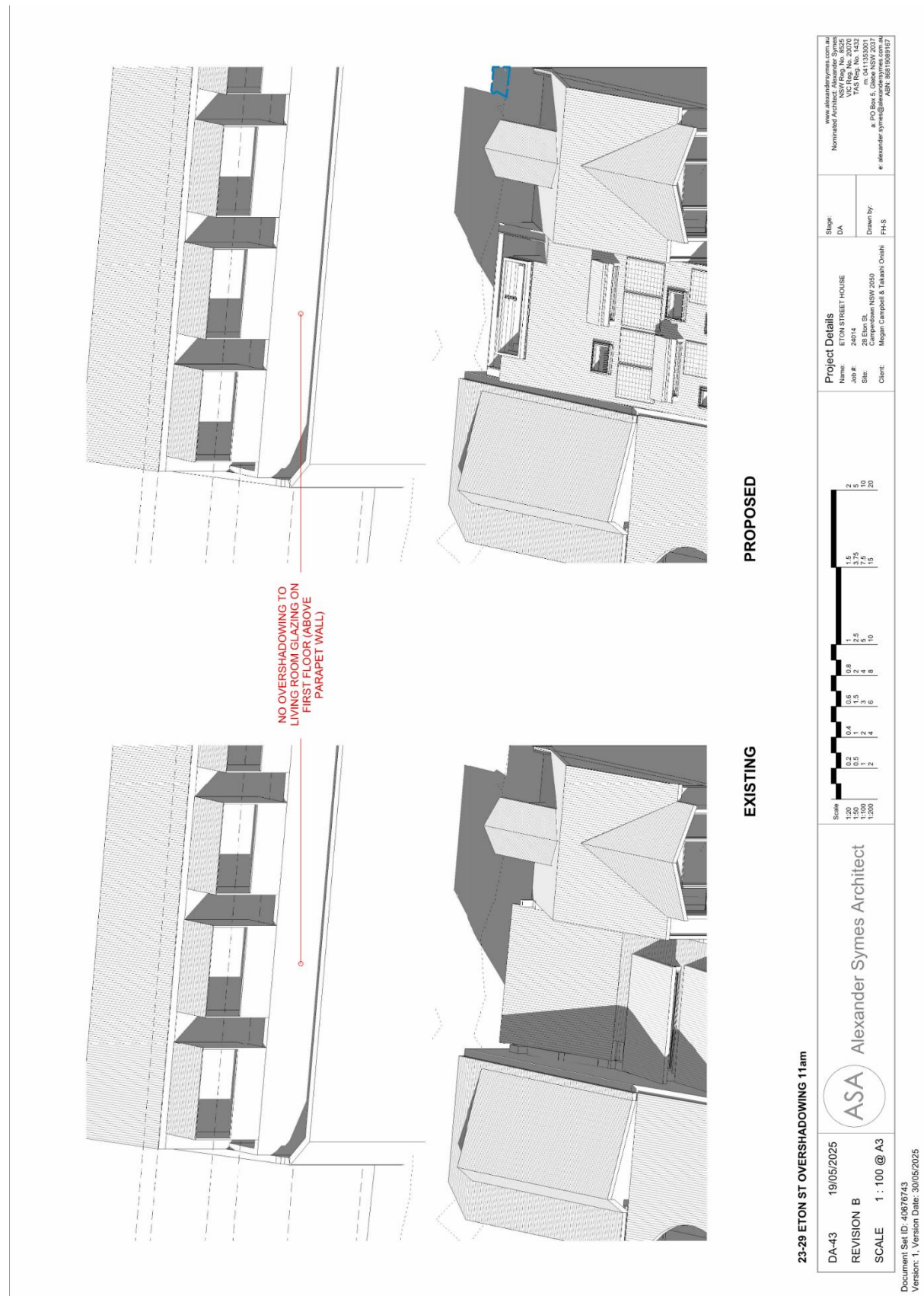
NSW 2050
bell & Takashi

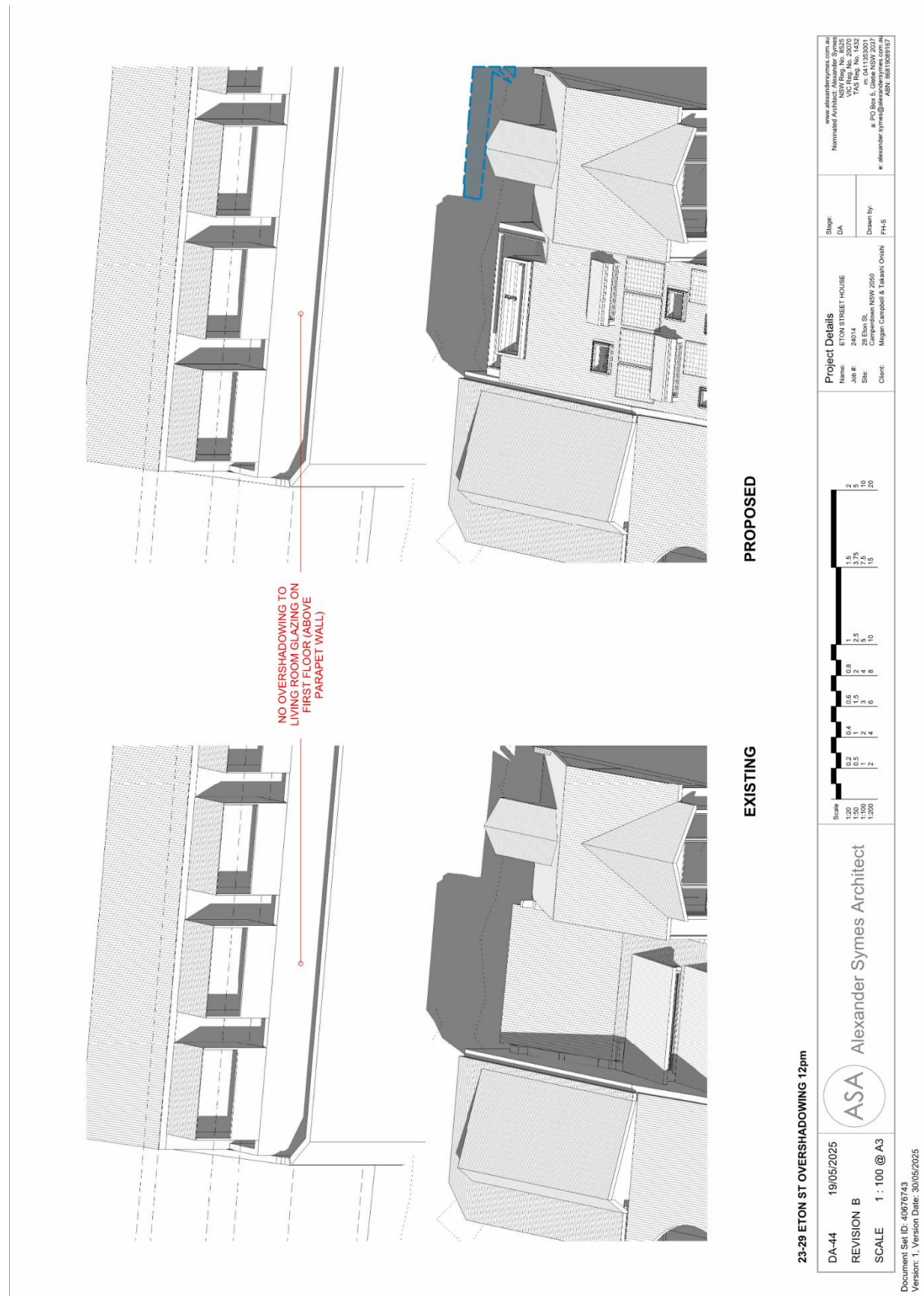
Onishi

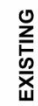
Stage: DA	Drawn by: FH-S
--------------	-------------------

www.alexandersydney.com.au
Nominated Architect: Alexander Symes
NSW Reg. No. 8525
VIC Reg. No. 20070
TAS Reg. No. 1432
m: 0411353001
a: P.O. Box 5, Glebe NSW 2037
e: alexander.sydney@alexandersydney.com.au
ABN: 86819089167









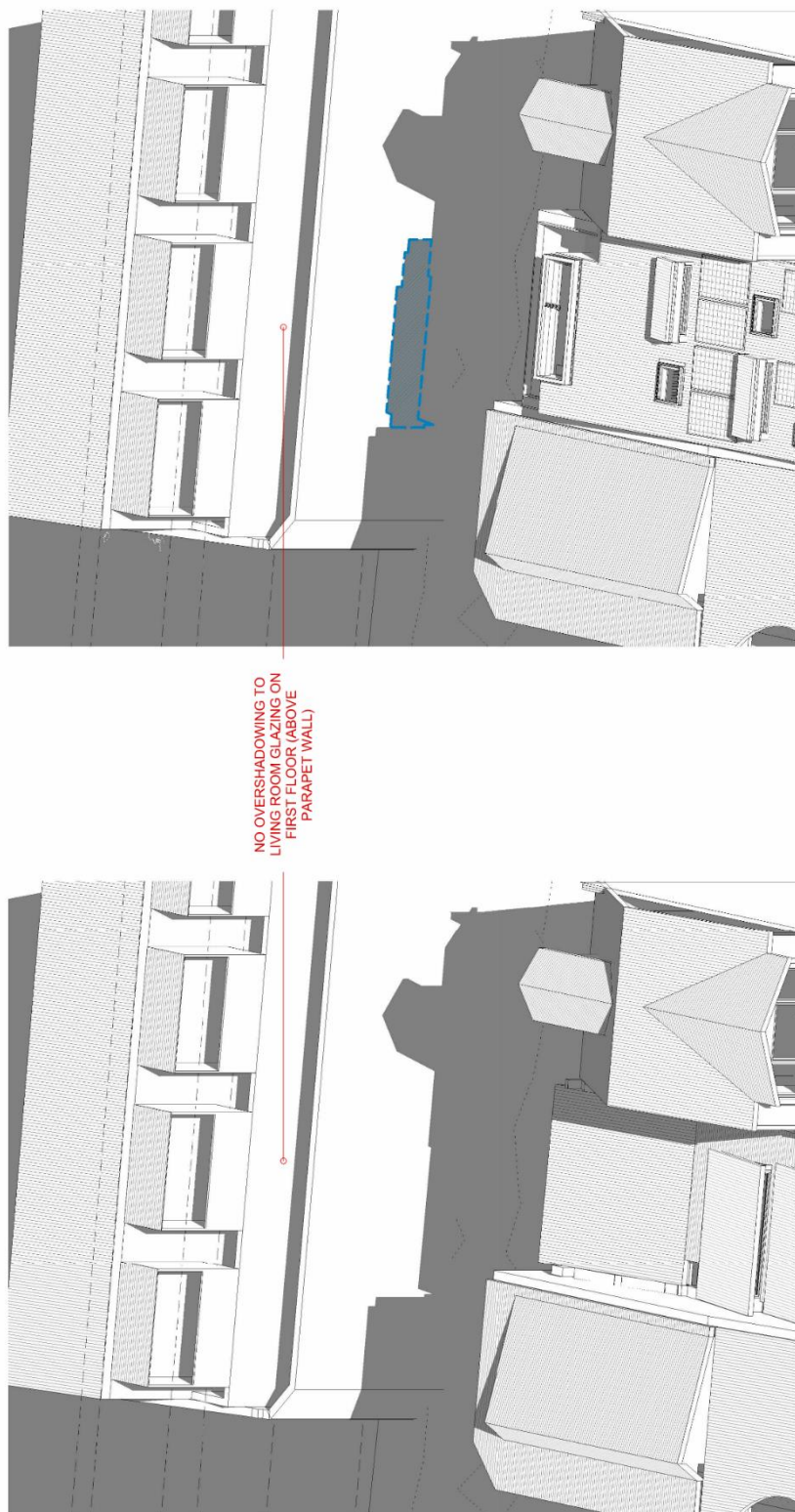


NO OVERSHADOWING TO
LIVING ROOM GLAZING ON
FIRST FLOOR (ABOVE
PARAPET WALL)

23-29 ETON ST OVERSHADOWING 1pm

DA-45	19/05/2025	 <p>ASA Alexander Symes Architect</p>	 <p>Scale: 1:200 1:20 1:50 1:100 1:200</p> <p>Dimensions: 2, 0.2, 0.4, 0.8, 0.5, 1.5, 2.5, 1, 2, 3, 4, 6, 10, 15, 20</p>	<p>Project Details</p> <p>Name: ETON STREET HOUSE</p> <p>Job #: 2414</p> <p>Site: 28 Eton St. Camperdown NSW 2050</p> <p>Client: Megan Campbell & Laura Ochi</p>	<p>Stage: DA</p> <p>Drawn by: FH-S</p>	<p>www.alexandersymes.com.au</p> <p>Nominated Architect: Alexander Symes</p> <p>Reg. No. 1350001</p> <p>VOC Reg. No. 20070</p> <p>TAS Reg. No. 1432</p> <p>m. 0411350001</p> <p>a. PO Box 5, Glenelg NSW 2037</p> <p>e. alexander.symes@gmail.com</p> <p>ABN: 85019389187</p>
REVISION B						
SCALE	1: 100 @ A3					

Document Set ID: 40676743
Version: 1, Version Date: 30/05/2025



PROPOSED

EXISTING


23-29 ETON ST OVERSHADOWING 2pm

DA-46


19/05/2025

REVISION B

SCALE 1:100 @ A3



Alexander Symes Architect



Scale	0.25	0.4	0.6	0.8	1	1.5	2
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1:50	1	2	3	4	5	7.5	10
1:100	2	4	6	8	10	15	20
1:200							

Project Details

Name:	ETON STREET HOUSE
Job #:	24014
Site:	28 Eton St, Camperdown NSW 2050
Client:	Megan Campbell & Takashi Otsuki

Stages:	DA
Drawn by:	FHS

www.alexandersymes.com.au
 Nominated Architect: Alexander Symes
 NSW Reg. No. 8505
 Architectural
 TAS Reg. No. 1432
 m. 041333001
 a PO Box 5, Glebe NSW 2037
 e alexander.symes@alexandersymes.com.au
 ABN: 66119081917

Document Set ID: 40676743
Version: 1, Version Date: 30/05/2025



NO OVERSHADOWING TO
LIVING ROOM GLAZING ON
FIRST FLOOR (ABOVE
PARAPET WALL)

PROPOSED

EXISTING

23-29 ETON ST OVERSHADOWING 3pm

[illegible]

Document Set ID: 40676743
Version: 1, Version Date: 30/05/2025

Attachment C – Section 4.6 Exception to Development Standards

28 Eton Street, Camperdown

**CLAUSE 4.6 VARIATION****CLAUSE 4.4 FLOOR SPACE RATIO (FSR)**

28 ETON STREET, CAMPERDOWN

PARTIAL DEMOLITION OF EXISTING DWELLING, ALTERATIONS AND ADDITIONS, REAR GARDEN TERRACE, LANDSCAPING AND ANCILLARY WORKS.



*Authored by Alexander Symes Architect Pty Ltd
Nominated Architect: Alexander Symes NSW ARB No. 8525 AIA 27271*

Project Data	
Property Address	28 Eton Street, Camperdown. NSW 2050
Lot/Section/DP	Lot 24 DP 2036
Site Area	126.4m ²
LGA	Inner West Council
Planning Instruments	Inner West Local Environmental Plan 2022 (LEP)
	Inner West Development Control Plan 2011 - Marrickville (DCP)
Zoning	R2 - Low Density Residential

To be read in conjunction with drawings prepared by Alexander Symes Architect (ASA)

DA

May 2025 - Rev C

1 of 6

28 Eton Street, Camperdown

Development Standard Attributes	
Environmental Planning Instrument	Inner West Local Environmental Plan 2022 (LEP)
Zoning	R2 - Low Density Residential
Standard to be varied	Floor space ratio - Clause 4.4
Development Standard	Maximum FSR - 1.1:1 (139.0m ²)
Proposed revised development	Proposed FSR - 1.25:1 (158.2m ²)
Variation	19.16m ² (13.78%)

Objectives	
Development Standard Objectives (Floor Space Ratio)	<ul style="list-style-type: none"> (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.
Zone Objectives	<ul style="list-style-type: none"> • 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 residential development that maintains the character of built and natural features in the surrounding area.

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EXTENT OF VARIATION

The current Gross floor area of the subject dwelling at 28 Eton Street is 120.00m², representing a FSR of 0.95:1, the Proposed alterations to the dwelling under the associated design will result in a minor increase to this existing provision, resulting in an FSR provision of 1.25:1.

This causes a technical variation of 19.16m² or a floor area 13.78% above the control outlined in the IWLEP 2022 for an FSR of 1.1:1 (139.0m²).

The proposed new works under this development application comprise primarily a new roof, internal alterations and a rear garden terrace and storage basement. The additional GFA which is proposed under the development involves parts of the store below the dwelling which have floor space above which is 1m or more above natural ground level and the 'loft level spaces' which are accessible from Bed 2 & 3. Whilst neither of these areas are habitable spaces, nor will be regularly used, they were included in the FSR calculation at Councils request. The increase to the FSR of the property does not result in additional material impact on adjoining properties, nor will it result in any considerable additional overshadowing to habitable spaces on the subject site or on any neighbouring lots.

The proposed minor breach of the development standard will not result in a development density that is in contrast to the surrounding dwellings and care has been taken in the process of design to ensure that the dwelling is in keeping with the streetscape. The additional FSR will cause no adverse impacts on the local amenity of the surroundings areas, as shown in the shadow diagrams which accompany the application and will not decrease the tree canopy or privacy of private open spaces.

The proposed development is within the scale of the development which occupies the immediate surroundings and greater LGA, and retains the existing character of the street while having no adverse impacts on amenity.

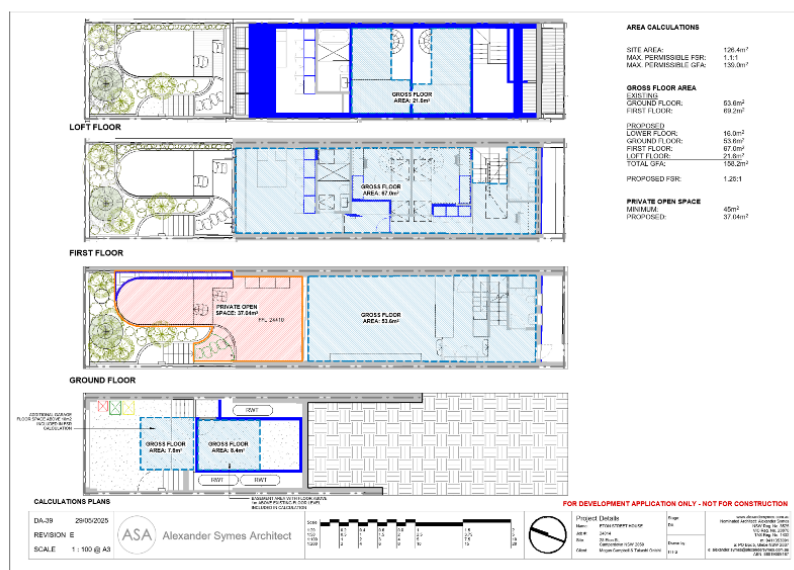


Plate 1: Calculations plan of the proposed development outlining the proposed FSR per floor level as well as the Private open space provision as requested by council.

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Clause 4.6(3)

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

CL4.6(3) (a) - Unreasonable or unnecessary

The position that compliance with the development standard its unreasonable or unnecessary is demonstrated through the clarification that the proposed FSR will result in the retention of the current development outcomes and will have no additional impact in the context of Clause 4.4 in the IWLEP. The proposal will result in negligible changes to perceivable bulk, overshadowing, privacy or view impacts to the surrounding dwellings nor will it infringe upon possible tree canopy outcomes.

In this particular case, it can be demonstrated that the objectives of the development standard are achieved notwithstanding non-compliance with the standard. The achievement of the specific objectives is outlined below:

Objective (a) - To establish a maximum floor space ratio to enable appropriate development density.

The appropriate scale of dwellings for the different centres within Inner west council is critical to retaining the essence of these areas. The proposed alterations and additions under this development proposal will result in a negligible addition to the FSR provision and have little to no direct impact on the perceived scale of the dwelling within its context. The development, as proposed within the design, is consistent in height, bulk and massing with existing dwellings which have been altered in the immediate context.

Eton Street currently maintains a varied scale of development, with many large dwellings with prominent alterations and additions evident. The proposal aims to have a minimal perceived additional form from the surrounding dwellings and streetscape and be in keeping with the existing development density, evident across the streetscape. The proposal is commensurate with the height and bulk evident at the recently approved 30 Eton Street and previously constructed 26 Eton Street, both of which were approved by Inner West council. The development density of the proposal results in negligible additional overshadowing, view loss or privacy losses to its context.

As such, notwithstanding the breach of the standard, the proposed development is considered to satisfy this objective.

Objective (b) - To ensure development density reflects its locality.

The proposal retains much of the existing fabric of the dwelling under the proposal and proposes a new roof which is largely non-visible from neighbouring properties and the public domain. In addition, the dwellings massing is in keeping with the prevailing scale and form of two and three storey dwellings which surround it. The proposal is not of a density which is above that evident within the streetscape, with many dwellings, including those directly adjacent to no.28, being of a similar or larger overall density.

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Subsequently it is considered that the dwelling satisfies this objective of the LEP in that the dwelling reflects the pattern of development evident in the locality.

Objective (c) - To provide an appropriate transition between development of different densities.

The proposed development will maintain a compatible built form with the size of the land and a comparative building mass with the development evident across Eton Street. The proposed development is a two storey form, and the areas resulting in additional FSR are non-habitable spaces which result in no perceivable building bulk to the street scape or surrounding public domain. There is a prevalence of dwellings along Eton Street which are 2 storeys as well as a number of 3 storey dwellings. The proposal is within the prevailing form of the two neighbouring developments and has been designed to continue the height and massing which is already prevalent across the terrace row.

As such, given the dwelling is of a two storey form within a pattern of similar sized dwellings, the proposed development is considered to satisfy this objective.

Objective (d) - To minimise adverse impacts on local amenity.

The proposed development has been carefully designed to ensure that no adverse impacts on local amenity were caused. It is reiterated that the additional FSR under the proposal is minor and results in no perceivable bulk to the dwelling. The proposal results in negligible additional overshadowing to the surrounding dwellings and public domain, retaining compliant provisions in this regard. As well as this, no view loss or additional overlooking resulting in a loss of privacy to neighbouring dwellings results from the proposed development. As the proposals overall envelope of the dwelling is in keeping with the neighbouring properties, the proposal causes no adverse amenity impacts to the streetscapes of Eton Street & Eton lane. In addition to this, the form, massing, setbacks and height of the dwelling are in keeping with the prevailing streetscape character and thus any impacts on the area will be in keeping with those caused by the existing dwelling and those of surrounding developments. It is noted that the FSR which is counted within the garage does not involve any further built area and is existing area which is becoming enclosed. As discussed within the submitted statement of environmental effects the increased FSR provision will result in no loss of visual or acoustic privacy.

As such, the proposal is considered to satisfy this objective of the IWLEP.

Objective (e) - To increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.

The proposed development seeks to increase the extent of landscaped area on the subject site and proposes the planting of extensive native flora and a deciduous tree within the rear setback. This provision allows for the considerable improvement of planting within the subject site. The additional FSR which is proposed under the development has no impact on the ability to plant additional flora within the subject site nor on neighbouring properties.

As well as this, the proposed additional FSR has no impact on the use and enjoyment of neighbouring dwellings and the public domain. The areas that are categorised as additional FSR under the proposal result in no further overlooking or direct overshadowing of the neighbouring properties and public domain. It is reiterated that both the primary spaces resulting in the additional FSR; the 'loft' and 'sub-floor store' areas, are not proposed to be habitable areas.

Accordingly, it is considered that the proposal is consistent with this objective.

CL4.6(3) (b) - Sufficient environmental planning grounds

The requirement in clause 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard has a better environmental planning outcome than a development that complies with the development standard.

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Further, a lack of environmental impact does not in itself provide for sufficient environmental planning grounds to vary a standard. It is however noteworthy that the proposal does not cause any view loss to neighbouring buildings or from the public domain, does not introduce adverse privacy impacts and results in negligible additional overshadowing of adjoining properties to the detriment of their amenity.

In this case there are sufficient environmental planning grounds to support a variation, including:

- The proposal is consistent with the objectives of the development standard and the objectives of the zone.
- The proposed development will improve the landscape and private open space conditions on the subject site.
- The proposal only marginally increases the existing FSR provision. The existing dwelling, when calculated by the most conservative definition, will still only exceed the provision by 19.16m² (13.78%).

CONCLUSION

This statement demonstrates that in this particular case a variation to clause 4.4 of the LEP is justified as there are no adverse impacts on the amenity of the surrounding streetscape and the proposed development results in an appropriate development density for its context. As such, Council's consent authority can be satisfied that the above justification adequately addresses clause 4.6(3) of the LEP.

The proposal will be in the public interest because it is consistent with the objectives of the standard and the objectives of the zone and provides a reasonable environmental planning outcome for the site.

It is reiterated that the exceedance of the provision is minor, resulting in an FSR which is only slightly above the provisions as outlined in the LEP.

There are no matters of state or regional planning significance as a result of the non-compliance, satisfying Clause 4.6. There is also no public benefit in enforcing the development standard in this particular case given that appropriate development density and local amenity is maintained by the proposed development. The proposal meets the zone and development standard objectives and has no unreasonable impacts on the amenity of the locality generally or the adjoining properties, satisfying the objectives of Clause 4.4.

The variation therefore is acceptable having regards to the considerations under Clause 4.6 of the LEP.