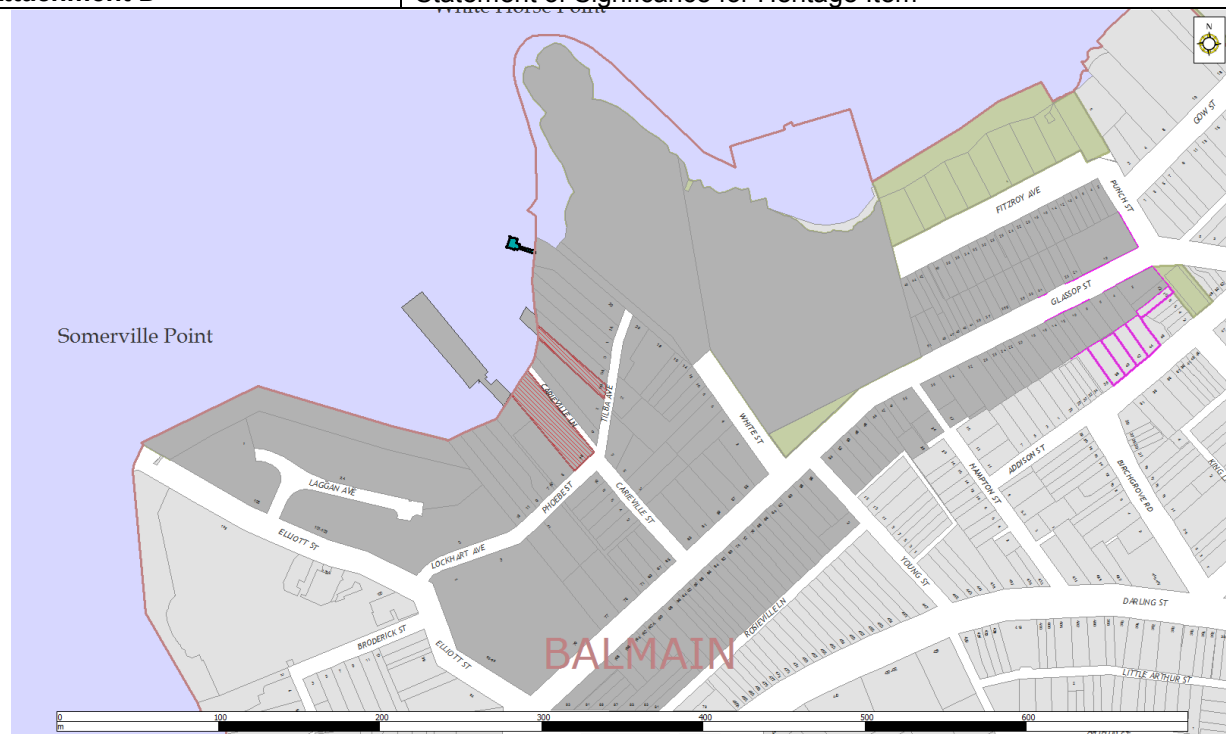




# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	M/2017/236
<b>Address</b>	Balmain Rowing Club, White Street, BALMAIN NSW 2041
<b>Proposal</b>	Modification of Development Consent D/2008/325 which approved alterations and additions to existing rowing club and associated works, including pathway, road works and site remediation. Modifications include: relocate side access way; modify staging and pontoon / configuration; reconfigure entry desk and service areas.
<b>Date of Receipt</b>	8 December 2017
<b>Applicant</b>	Balmain Rowing Club
<b>Owner</b>	Part Balmain Rowing Club & part Leichhardt Council [allows panel members to identify Council applications &/or conflicts]
<b>Number of Submissions</b>	17 submissions (3 objections and 14 letters of support)
<b>Value of works</b>	\$1,200,000
<b>Reason for determination at Planning Panel</b>	The Balmain Rowing Club premises is partly located on Council land, which is a landscaped heritage item
<b>Main Issues</b>	Navigational Safety; Marine Ecology; Heritage
<b>Recommendation</b>	Approval
<b>Attachment A</b>	Recommended conditions
<b>Attachment B</b>	Proposed Plans
<b>Attachment C</b>	Statement of Significance for Conservation Area
<b>Attachment D</b>	Statement of Significance for Heritage Item



### LOCALITY MAP

Subject Site



Objectors



N

Notified Area



Supporters



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

## 1. Executive Summary

This report is an assessment of the application submitted to Council for modification of Development Consent D/2008/325 which approved alterations and additions to existing rowing club and associated works, including pathway, road works and site remediation.

The application was notified to surrounding properties and 17 submissions were received (3 objections and 14 letters of support).

The main issues that have arisen from the application include:

- Navigational Safety
- Marine Ecology
- Heritage

The proposal does not result in any adverse marine ecology, heritage or amenity impacts and satisfactorily addresses the navigational safety issues related to the pontoon location previously raised by Roads and Maritime Services (RMS). Therefore, the application is recommended for approval.

## 2. Proposal

This application seeks consent to modify Development Consent No. 2008/325 pursuant to the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 in the following way:

- Remove existing access ramp on south-western side of the building and provide new access ramp on north-eastern side adjacent to the existing main entry walkway off footpath to facilitate improved external disabled access to the boat storage area;
- Adjust timber entry deck from existing footpath to main entry of building;
- Reconfigure internal amenities and service areas to facilitate improved disabled access within the building;
- Shift existing staging area and pontoon approximately 10.3m away from the existing north-western side of the pontoon maintaining in excess of a 6m offset from the mooring limit line (stage 1); and
- Provide a new pontoon with dimensions of 4.4m width and 19.5m length off an 18m long walkway and associated steel piles to the north and east of the approved pontoon location maintaining a full 6m offset from the mooring limit line (stage 2).

The purpose of the application is to facilitate improved access within the site and provide a new pontoon location addressing previous navigational safety concerns and reflecting a new RMS maritime lease area (shown in blue line in Figure 1). No changes are proposed to the external height and configuration or internal floor space of the existing building. The application has been accompanied with owner's consent from Council and 'Permission to Lodge' from RMS (also reflecting the reconfiguration of the RMS lease area to suit).

The original Development Application determined on 25 May 2009 gave approval for: 'Alterations and additions to existing rowing club plus pathway and road works. Includes remediation of site'. The originally approved development also included a new pontoon partly within the 6m offset from the mooring limit line (shown in green broken line in Figure 1).

On 13 November 2012, the approved development was modified under M/2012/18 to allow staging of construction work and minor changes to development detailing. However, a proposed adjustment to the pontoon location and approach angle (shown in red line in

Figure 1) was not approved due to navigational safety concerns raised by public submissions and the RMS arising from encroachment of the mooring limit line.

Extracts of the approved and proposed plans are shown in the figures below.

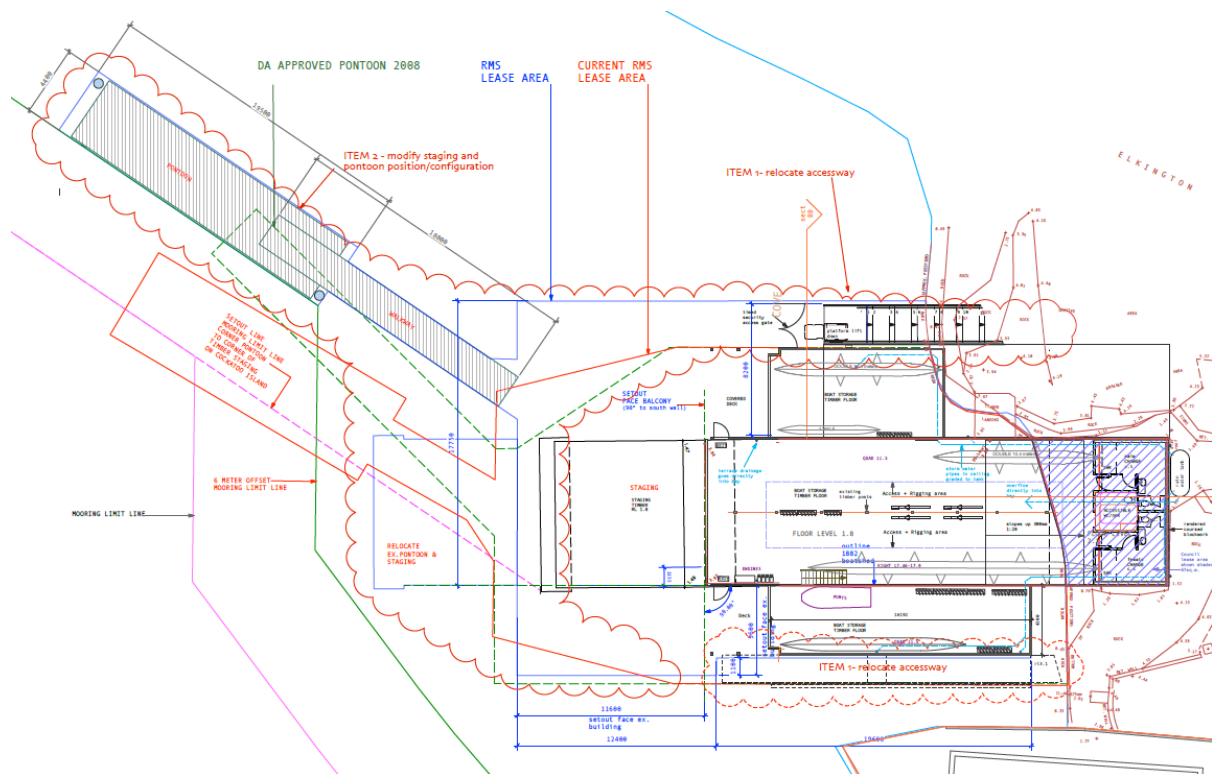


Figure 1: Lower Ground Plan indicating revised pontoon location at Balmain Rowing Club.

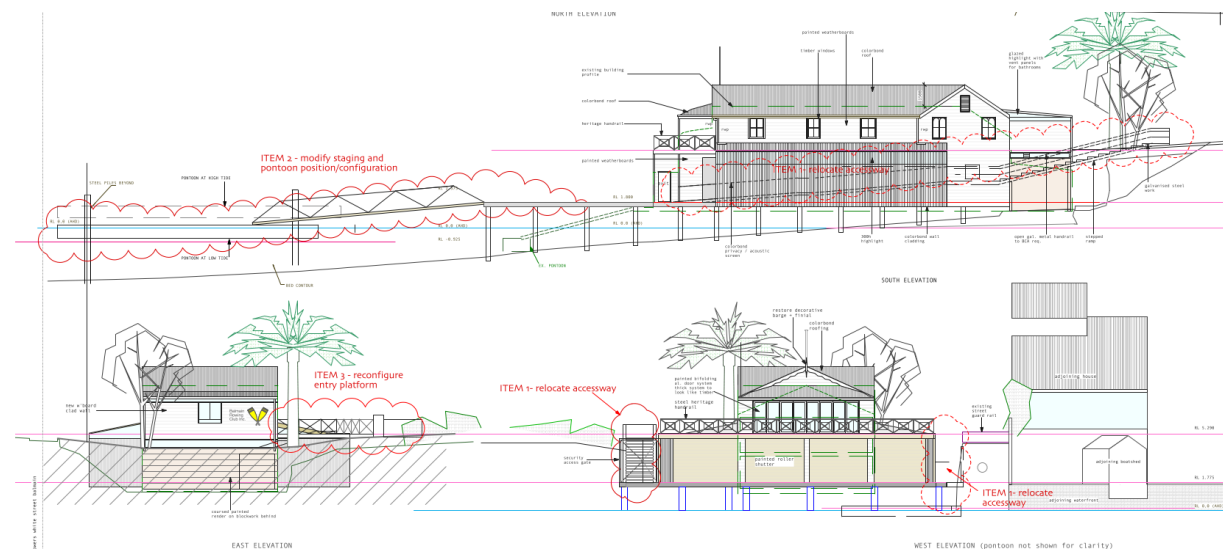


Figure 2: South, East and West Elevations indicating access ramp and pontoon at Balmain Rowing Club.

### 3. Site Description

The subject site is located at the north-western end of White Street Balmain on the foreshore of Elkington Park to the south of White Horse Point.

The site has frontage to White Street and comprises a leasehold lot from Council for the land component within Elkington Park and a maritime lease from the Roads and Maritime Services (RMS) for the structure over the water.

The site presently accommodates the Balmain Rowing Club (BRC) which is an elevated single storey building above a boat storage area and pontoon and staging area at water level.

The adjoining properties to the south consist of predominantly detached dwellings of a variety of styles and character. There are a number of existing jetties located along the foreshores to the south-west of the site and two commercial marinas (Cameron's and Balmain Marina) with numerous moorings located in the vicinity. Lands immediately to the north east comprise Elkington Park with grassed areas adjoining the site and sandstone cliff, rock platforms and a small tidal beach along part of the foreshore.

Part of the BRC premises is located on Council land, being Elkington Park, which is located within a conservation area and is identified as a landscaped heritage item (1238). However, the BRC building and associated structures do not form part of the item. The land is identified as a flood control and foreshore flood control lot.



**Figure 3:** Aerial Photo of site and surrounds.





Figure 4: Existing view of site from White Street looking north.



Figure 5: Aerial view of site and surrounds looking east.

## 4. Background

### 4(a) Site history

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

**Subject Site**

Application	Proposal	Decision & Date
D/2007/52	Alterations and additions to existing boat shed	Withdrawn
D/2008/325	Alterations and additions to existing rowing club plus pathway, road works and remediation of the site.	Approved 12/5/2009
M/2012/18	Amendments to allow staging of the construction work, internal and external changes and deletion of conditions of consent relating to landscape plan and stormwater drainage and roadworks requirements	Approved 13/11/2012

**Surrounding properties**

Not applicable.

**4(b) Application history**

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

Date	Discussion / Letter/ Additional Information
12/9/2018	The Applicant provided a BCA Report in response to Council's concerns
27/8/2018	Council wrote to the applicant requesting additional information relating to fire safety and BCA compliance
10/5/2018; 4/6/2018; 6/6/2018	The Applicant provided an Access Statement, revised SEE and documentary evidence of physical commencement in response to Council's concerns; and advised that the Manager Operations Sydney Harbour of the RMS was satisfied that the proposal does not create an unacceptable risk to navigational safety
19/4/2018	Council wrote to the applicant requesting additional information in relation to BCA compliance, accessibility, navigational safety, physical commencement of original consent, and a revised SEE addressing the relevant matters for consideration

**5. Assessment**

Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 requires the following matters to be assessed in respect of all applications which seek modifications to approvals.

The proposed modification is of minimal environmental impact.

The proposal seeks to facilitate improved access within the site with minor internal and external alterations and provide a new pontoon location addressing previous navigational safety concerns and reflecting a new RMS maritime lease area with a full 6m offset to the mooring limit line. No changes are proposed to the external height and configuration or internal floor space of the existing building. Further, the application was reviewed by the Department of Primary Industries (Fisheries NSW), NSW Office of Water, the Foreshores and Waterways Planning and Development Advisory Committee, and RMS and no objections were raised to the proposal.

The proposed modifications represent an improved outcome compared to the originally approved development and will not result in any adverse impacts in terms of heritage,

marine ecology, landscape, foreshore access or natural processes, navigational safety, amenity or streetscape. Therefore, this test is satisfied.

The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).

The proposal as modified involves minor internal alterations and external adjustments of approved elements and as such, is considered to be substantially the same as the originally approved development.

The application has been notified in accordance with the regulations, if the regulations so require, or a development control plan, if council's development control plan requires the notification or advertising of applications for modification of a development consent.

The application was advertised for a period of 30 days. The advertising period was between 25 January 2018 and 23 February 2018.

Consideration of any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan.

A total of 17 submissions were received (3 objections and 14 letters of support). Refer to discussion below under Section 5(f) of this Report.

Section 4.55(3) of the Environmental Planning and Assessment Act, 1979 requires the following matters to be assessed in respect of all applications which seek modifications to approvals.

Consideration of any of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application and the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Refer to discussion below under Section 5(a) to (g) of this Report. The proposed modifications do not alter the original reasons given for the grant of consent and represent an improved outcome compared to the originally approved development. In particular, the new pontoon location satisfactorily addresses previous navigational safety concerns raised under M/2012/18 and reflects the preferred RMS position of a full 6m offset to the mooring limit line.

## 5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy (Coastal Management) 2018
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

### 5(a)(1) State Environmental Planning Policy No 55—Remediation of Land—

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.



The proposal seeks to continue the existing use of the land and no changes are proposed to the previously approved remediation works. Therefore, it is considered that the proposed modification does not alter previous conclusions with respect to the remediation works in accordance with SEPP 55. On this basis, the site remains suitable for commercial use.

**5(a)(ii) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The proposal does not involve any tree removal and all existing trees are to be retained.

**5(a)(iii) State Environmental Planning Policy (Coastal Management) 2018**

The subject site is located within the 'coastal zone', being within the 'coastal environment area' and 'coastal use area' pursuant to Clauses 13 and 14 of the SEPP as identified on the maps to the SEPP. However, these specific provisions do not apply to land located within the Foreshores and Waterways Area Boundary under *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. In general terms, it is considered that the carrying out of the proposed development, being fully contained within the identified RMS lease area and representing a continuation of an ongoing lawfully established use, is generally consistent with the objectives of the Plan and would not be likely to cause increased risk of coastal hazards on the land or other land.

**5(a)(iv) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The subject site is located within the Foreshores and Waterways Area. Part of the site (i.e. waterway) is zoned W5 Water Recreation under Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. A recreational or club facility is defined under the Sydney Regional Environmental Plan as "*a building or place used exclusively for sporting or leisure activities, whether operated for the purpose of gain or not.*"

The proposal satisfies this definition and therefore is permissible within this zone.

Other clauses applicable under this Sydney Regional Environmental Plan are as follows:

- Clause 17 – Zone Objectives;
- Clause 18 – Development Controls in the waterways;
- Clause 20 – General;
- Clause 21 – Biodiversity, ecology and environment protection;
- Clause 22 – Public access to, and use of, foreshores and waterways;
- Clause 24 – Interrelationship of waterway and foreshore uses;
- Clause 25 – Foreshore and waterways scenic quality;
- Clause 26 – Maintenance, protection and enhancement of views;
- Clause 61 – Objectives;
- Clause 62 – Requirement for development consent; and
- Clause 63 – Matters for Consideration.

Assessment of the application indicates that the development proposal satisfies the objectives of the zone and will not detrimentally impact on the foreshore including sandstone cliff, rock outcrops or the adjacent parkland. From the water, the proposal will not dominate, being of a suitable design and scale along this foreshore with White Horse Point obscuring views from the north-east including most of Cockatoo Island.

The proposal will maintain public access to the foreshore by provision of a ramp facility from White Street and will continue to allow a local community club ready access to the waterway



for recreational water activities. The waterway in vicinity of the site comprises rocky inter tidal areas with rock platforms rather than areas of aquatic vegetation. Hence, the ecology and water quality of the area will not be adversely affected by the extensions.

The new pontoon has been designed to run parallel to the navigable channel with a 6m offset to the mooring limit line to avoid conflicting with swing moorings and being as close as possible to the foreshore. In this regard, the Manager Operations Sydney Harbour of the RMS has reviewed the proposal and advised that it does not create an unacceptable risk to navigational safety and results in improved access for all users compared to the originally approved development.

In addition, the application was reviewed by the Department of Primary Industries (Fisheries NSW), NSW Office of Water, the Foreshores and Waterways Planning and Development Advisory Committee, and the RMS, and no objections were raised to the proposal.

Therefore, the proposed development satisfies the above clauses of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

### Leichhardt Local Environment Plan 2013 (LLEP 2013)

The application was assessed against the following relevant clauses of the Leichhardt Local Environmental Plan 2013:

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.4 – Unzoned Land
- Clause 5.7 – Development below mean high water mark
- Clause 5.10 – Heritage conservation
- Clause 6.1 – Acid sulphate soils
- Clause 6.4 – Stormwater management
- Clause 6.5 – Limited development on foreshore area
- Clause 6.6 – Development on the foreshore must ensure access

The site is partly unzoned and partly zoned RE1 Public Recreation under the Leichhardt Local Environmental Plan 2013. The proposed modification is permissible with consent and is consistent with the planning objectives for the area in the Leichhardt Local Environmental Plan. The proposal reflects the ongoing use of the land by the Balmain Rowing Club.

The proposed modifications represent an improved outcome compared to the originally approved development and will not result in any adverse impacts in terms of heritage, marine ecology, landscape, acid sulfate soils, foreshore access or natural processes, navigational safety, amenity or streetscape.

In addition, the application was reviewed by the Department of Primary Industries (Fisheries NSW), NSW Office of Water, the Foreshores and Waterways Planning and Development Advisory Committee, and the RMS, and no objections were raised to the proposal.

The following provides discussion of the relevant issues:

#### Clause 5.10 – Heritage Conservation

As previously noted, part of the BRC premises is located on Council land, being Elkington Park, which is located within a conservation area and is identified as a landscaped heritage item (1238).

The statement of significance for the Iron Cove conservation area states:

- *One of a number of conservation areas that collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important for illustrating development particularly from 1870s–1910s, and this forms the major element of its identity, with later pockets of infill prior to World War II (ie pre-1939).*
- *Through the route of its main access roads, demonstrates the subdivision sections, closely related to the landform, drawn up by Surveyor Langley for the sale of Gilchrist's Balmain grant after 1852.*
- *Illustrates through its irregular small street layout, and varied allotment width and length (within a limited range), the many different groups of speculators and subdividers involved in the development of the area.*
- *Through the materials of its outer masonry walls, demonstrates the rapid advances in brick making in the Sydney area over the period 1870s–1910s.*
- *Through its now rare weatherboard buildings it continues to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs.*

The statement of heritage significance for Elkington Park states:

*Elkington Park is of local historic, aesthetic and social significance as part of an early subdivision and open public recreation space and waterfront park established by Balmain Council in c. 1880 with design and plantings also dating from the early 20th century. The Park has strong links with the Dawn Fraser Pool and has significantly continued to be used since its establishment. The Park retains significant trees and plantings and landmark point and retains early rotunda and features which make a positive contribution to the local area and Parramatta River.*

The proposed modification is relatively minor in nature and the bulk of works are concentrated on the waterway and foreshore and as such, will not result in any adverse impacts to the heritage significance of Elkington Park or the conservation area.

## 5(b) Draft Environmental Planning Instruments

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

### **Draft State Environmental Planning Policy (Environment)**

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

## 5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

Part	Compliance
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	N/A
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	N/A
C1.12 Landscaping	N/A
C1.13 Open Space Design Within the Public Domain	Yes
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Yes
C1.20 Foreshore Land	Yes
C1.21 Green Roofs and Green Living Walls	N/A
<b>Part C: Place – Section 2 Urban Character</b>	
Suburb Profile	
C2.2.2.6 Birchgrove Distinctive Neighbourhood	Yes
<b>Part C: Place – Section 3 – Residential Provisions</b>	N/A
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	N/A
<b>Part D: Energy</b>	Yes
<b>Part E: Water</b>	Yes
<b>Part F: Food</b>	N/A



<b>Part G: Site Specific Controls</b>	<b>N/A</b>

### Sydney Harbour Foreshores Area Development Control Plan

The subject site is designated within a Landscape Character Type 16 pursuant to Sydney Harbour Foreshores & Waterway Area Development Control Plan. This area is characterised by dense residential areas with waterside commercial, residential and industrial development dominating the foreshore. The proposal comprises upgrading works to existing building and pontoon that have previously been approved. These works will be readily visible from the adjoining waterways as discussed in a previous section of this report. From the elevated areas of the foreshore, such as Elkington Park, similar structures will still be visible. Therefore, the proposal satisfies the required performance criteria for this Landscape Character Type 16.

#### 5(d) The Likely Impacts

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

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

The site is zoned part W5 Water Recreation under SREP (Sydney Harbour Catchment) 2005 and part RE1 Public Recreation under Leichhardt LEP 2013. Provided that any adverse effects on adjoining properties and waterway are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

#### 5(f) Any submissions

The application was notified in accordance with Council's Policy for a period of 30 days to surrounding properties. A total of 17 submissions (3 objections and 14 letters of support) were received.

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

##### Previous DA approved in 2008 did not include a pontoon

The originally approved development under D/2008/325 did include a pontoon as shown on the approved plans. Further, the applicant has provided documentary evidence confirming that the originally approved development has been physically commenced. Therefore, the proposal as modified to incorporate a new pontoon location is considered substantially the same as the original approved development and is the subject of a valid, active consent.

##### Insufficient information in relation to marine ecology

As noted previously, the waterway in the vicinity of the site comprises rocky inter tidal areas with rock platforms rather than areas of aquatic vegetation. Hence, the ecology and water quality of the area will not be adversely affected by these extensions. Further, given the approval of the original development incorporated a pontoon, it is considered that the potential marine ecology impacts have been adequately addressed and the proposal as modified will not create any adverse marine ecology impacts. In this regard, the Department of Primary Industries (Fisheries) has reviewed the proposal in relation to potential harm to fish or fish habitat and raised no objections. Existing conditions addressing the requirements of Fisheries will remain in place and satisfactorily control the development.

A wider channel of minimum 9m width must be provided to ensure navigational safety and access for all users in the vicinity

As noted previously, the subject proposal has been lodged specifically to address previous navigational safety concerns under M/2012/18 and reflects a new RMS maritime lease area with a full 6m offset to the mooring limit line. Further, in response to concerns raised with respect to navigational safety and access for all users, Council sought specific advice from the Manager Operations Sydney Harbour of the RMS who advised as follows:

*In response to the submission received by Council regarding navigational safety, Maritime is still of the view that proposal does not create an unacceptable risk to navigational safety.*

*The access way for rowers into the bay next to Whitehorse Point will allow safe access for passive craft ie rowers. The introduction of fixed geographically lines to denote the boundaries of the mooring areas in the bay will assist in identifying vessels that encroach into the access channel to the rowing pontoon.*

*The proposed plan now meets the earlier concerns raised by RMS and has adopted the previous recommendations from 2012, therefore reducing the impacts to navigation.*

*The new location does not impede access to Balmain Marina or moorings nor access to the neighbours next to the Balmain Rowing Club. There is no marked channel on the western side of the Balmain Rowing Club.*

*The mooring limit line remains as agreed in the Plan of Management for Fig Tree Bay, if anything contrary to the AMC report the proposal improves access for all users.*

Therefore, the proposal is considered acceptable with respect to navigational safety and access.

## 5(g) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Heritage Officer: No objections to proposal as lodged
- Development Engineer: No objections to proposal as lodged
- Building: No objections subject to conditions to incorporate the requirements of the BCA Report and Access Statement.

## 6(b) External

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

- Department of Primary Industries (Fisheries NSW)
- NSW Office of Water
- Foreshores and Waterways Planning and Development Advisory Committee
- Roads and Maritime Services

## 7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the proposal.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in SREP (Sydney Harbour Catchment) 2005, Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will not result in any significant impacts on the amenity of adjoining premises, the streetscape, or the natural environment including the foreshore. The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority pursuant to Section 4.55 of the Environmental Planning and Assessment Act, 1979 modify Development Consent No. 2008/325 as outlined in Attachment A.



## Attachment A – Recommended conditions of consent

### A. AMEND THE FOLLOWING CONDITIONS TO READ:

#### Condition 1

1. Development must be carried out in accordance with Development Application No. D/2008/325 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Survey Plan	K.H Zeggelink & Associates Pty Ltd	16 July 2008
<b>1373 - Site Analysis s96/2 100a</b>	<b>Joseph Grech Architect</b>	<b>5 Dec 2017</b>
1373 Aerial photo composite Rev C	Joseph Grech Architect	June 2012
<b>1373 - Ground Floor Plan s96/2 101a</b>	<b>Joseph Grech Architect</b>	<b>5 Dec 2017</b>
<b>1373 - Lower Ground Floor plus Stormwater s96/2 102a</b>	<b>Joseph Grech Architect</b>	<b>5 Dec 2017</b>
<b>1373 - Building Sections Existing Floor Plan s96/2 103a</b>	<b>Joseph Grech Architect</b>	<b>5 Dec 2017</b>
<b>1373 - Elevations Finishes Sch s96/2 104a</b>	<b>Joseph Grech Architect</b>	<b>5 Dec 2017</b>
1373 - Detail Site Plan 105	Joseph Grech Architect	16 July 2008
1373 – Existing Shadow Diagram June 9am 201	Joseph Grech Architect	16 July 2008
1373 – Existing Shadow Diagram June 12pm 202	Joseph Grech Architect	16 July 2008
1373 – Existing Shadow Diagram June 3pm 203	Joseph Grech Architect	16 July 2008
1373 – Proposed Shadow Diagram June 9am 204	Joseph Grech Architect	16 July 2008
1373 – Proposed Shadow Diagram June 12pm 205	Joseph Grech Architect	16 July 2008
1373 – Proposed Shadow Diagram June 3pm 206	Joseph Grech Architect	16 July 2008

~~The new pontoon shall be in accordance with the following plans: The remainder of the development shall be in accordance with the above mentioned plans.~~

<del>1373 – Lower Ground Floor plus Stormwater 102</del>	<del>Joseph Grech Architect</del>	<del>16 July 2008</del>
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<del>1373 Building Sections Existing Floor Plan 103</del>	<del>Joseph Grech Architect</del>	<del>16 July 2008</del>
<del>1373 Elevations Finishes Sch 104</del>	<del>Joseph Grech Architect</del>	<del>16 July 2008</del>

Document Title	Prepared By	Dated
Statement of Environmental Effects	Joseph Grech Architects	16 July 2008
Statement of Environmental Effects S96 (1A) application	Joseph Grech Architects	February 2012
Heritage Study & Impact Statement Fabric Assessment	John Outram Heritage & Design	16 July 2008
Structural Inspection & Dilapidation Report for BRC Clubhouse	Professional Engineering Service P/L	16 July 2008
Environment Site Assessment	Urban Environment Consultants Pty Ltd	12 January 2009
Waste Management Plan	Joseph Grech Architect	22 January 2009
<b>BCA Statement</b>	<b>Steve Watson &amp; Partners</b>	<b>12 Sep 2018</b>
<b>Access Statement</b>	<b>Accessible Building Solutions</b>	<b>7 May 2018</b>

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

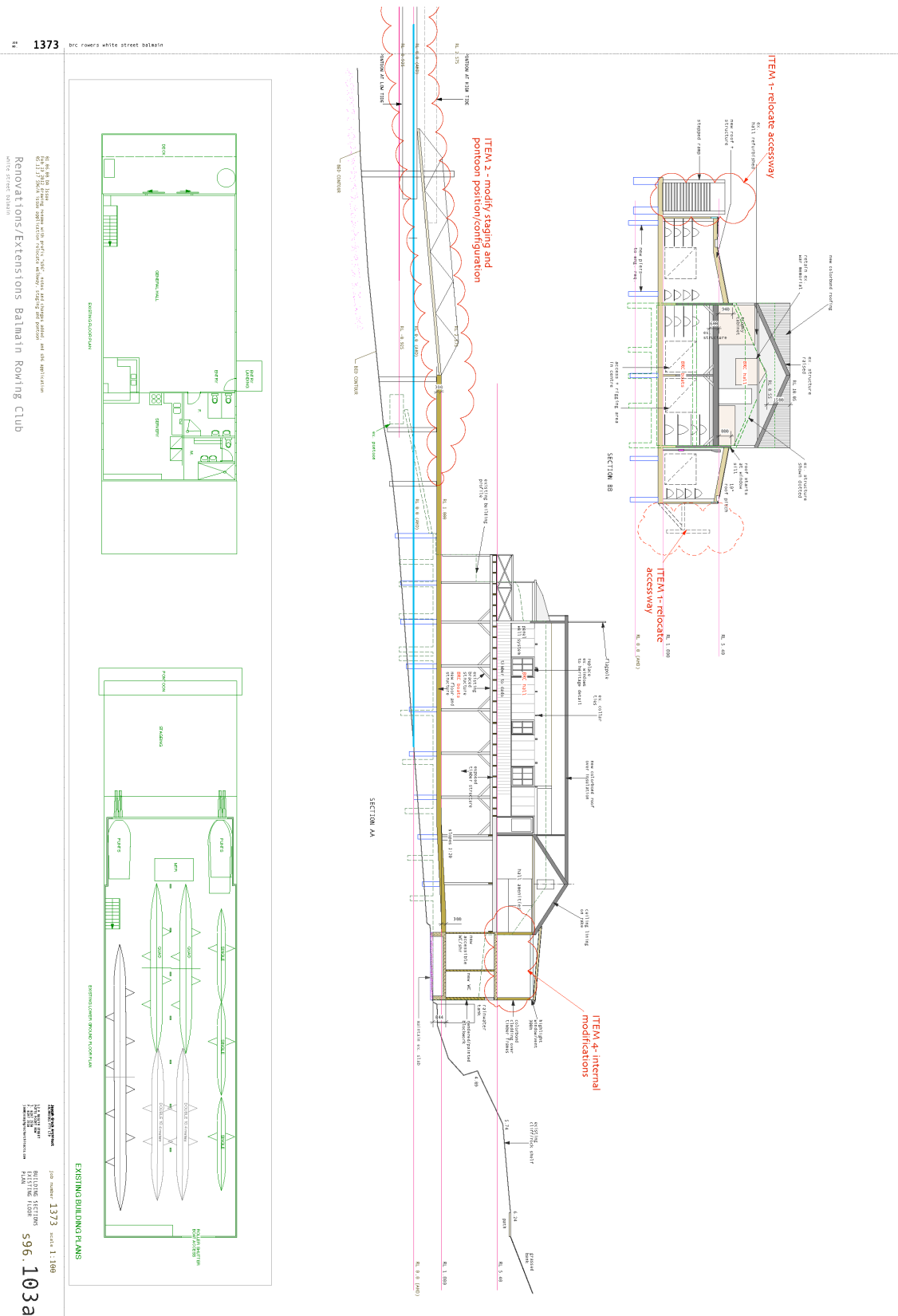
In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

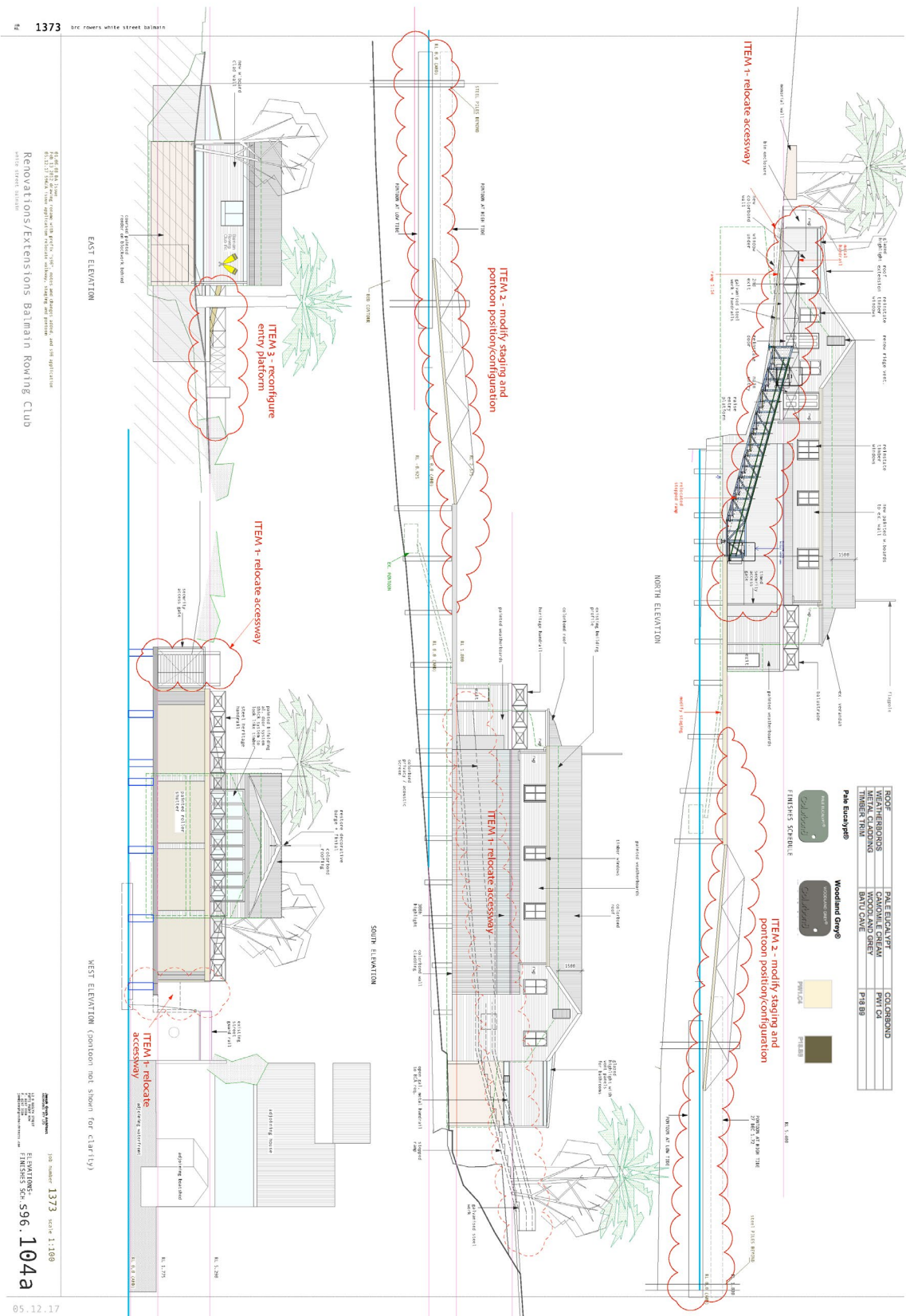
Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

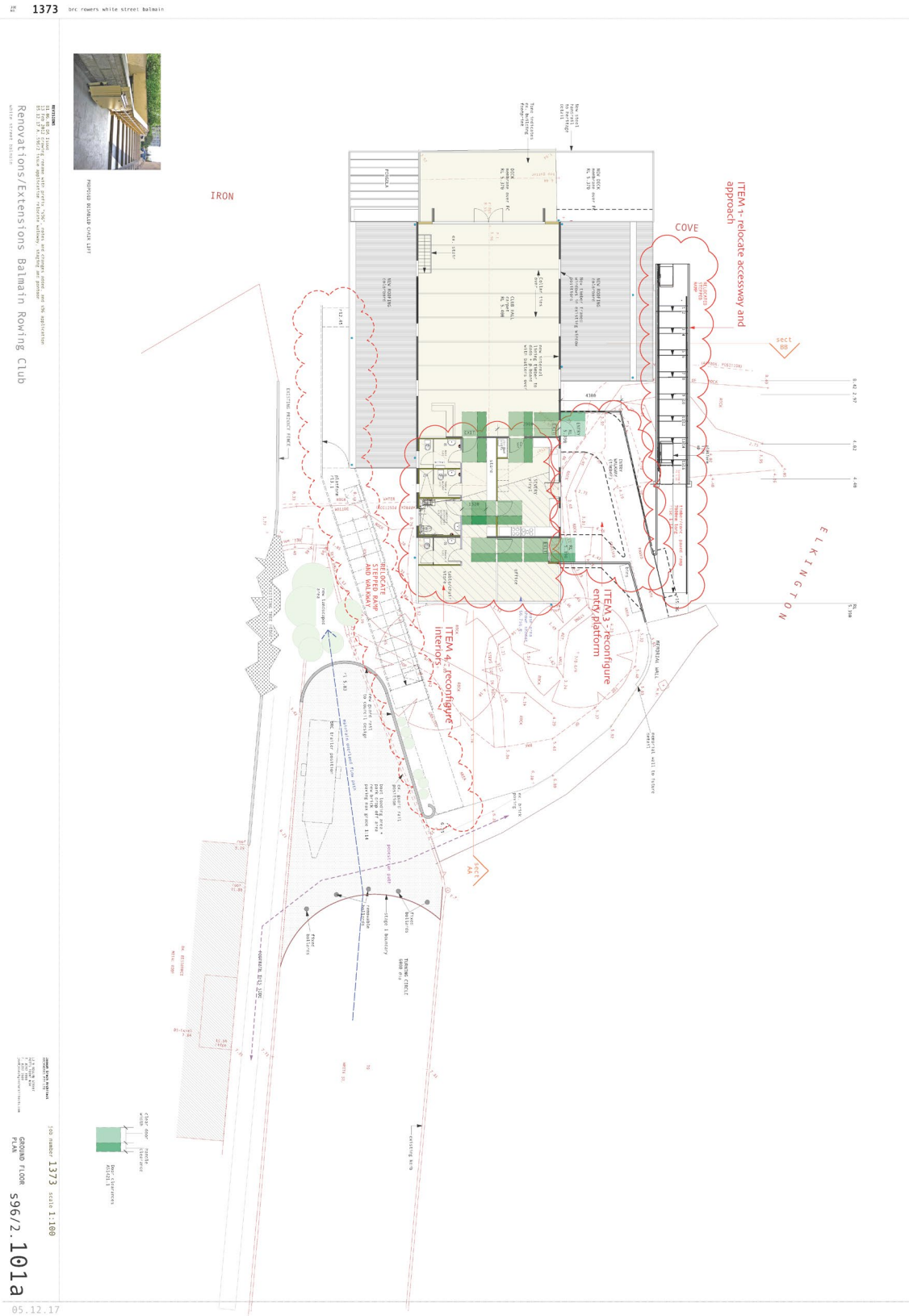
**(Condition modified under M/2017/236 on INSERT DATE)**

## Attachment B – Plans of proposed development



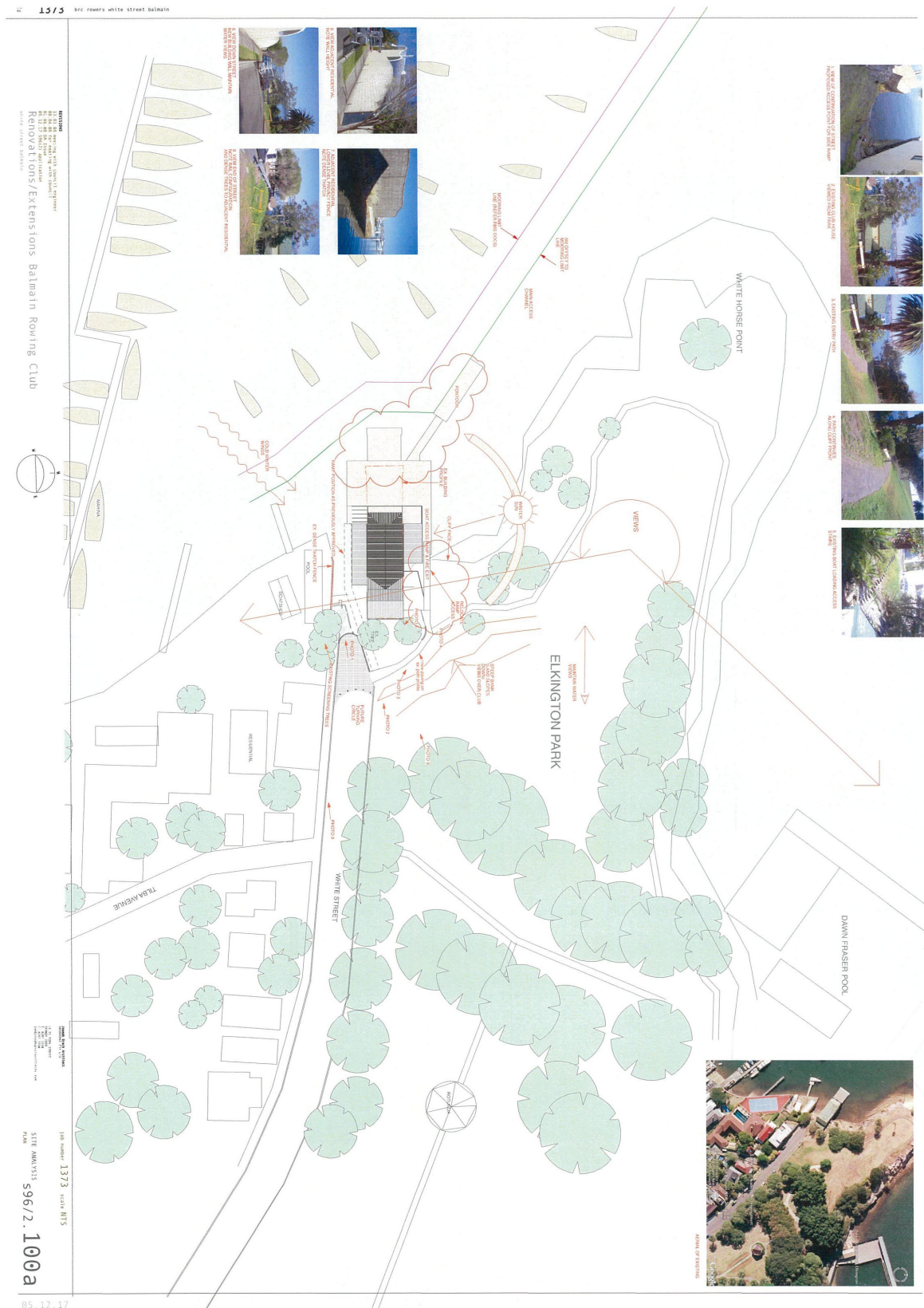


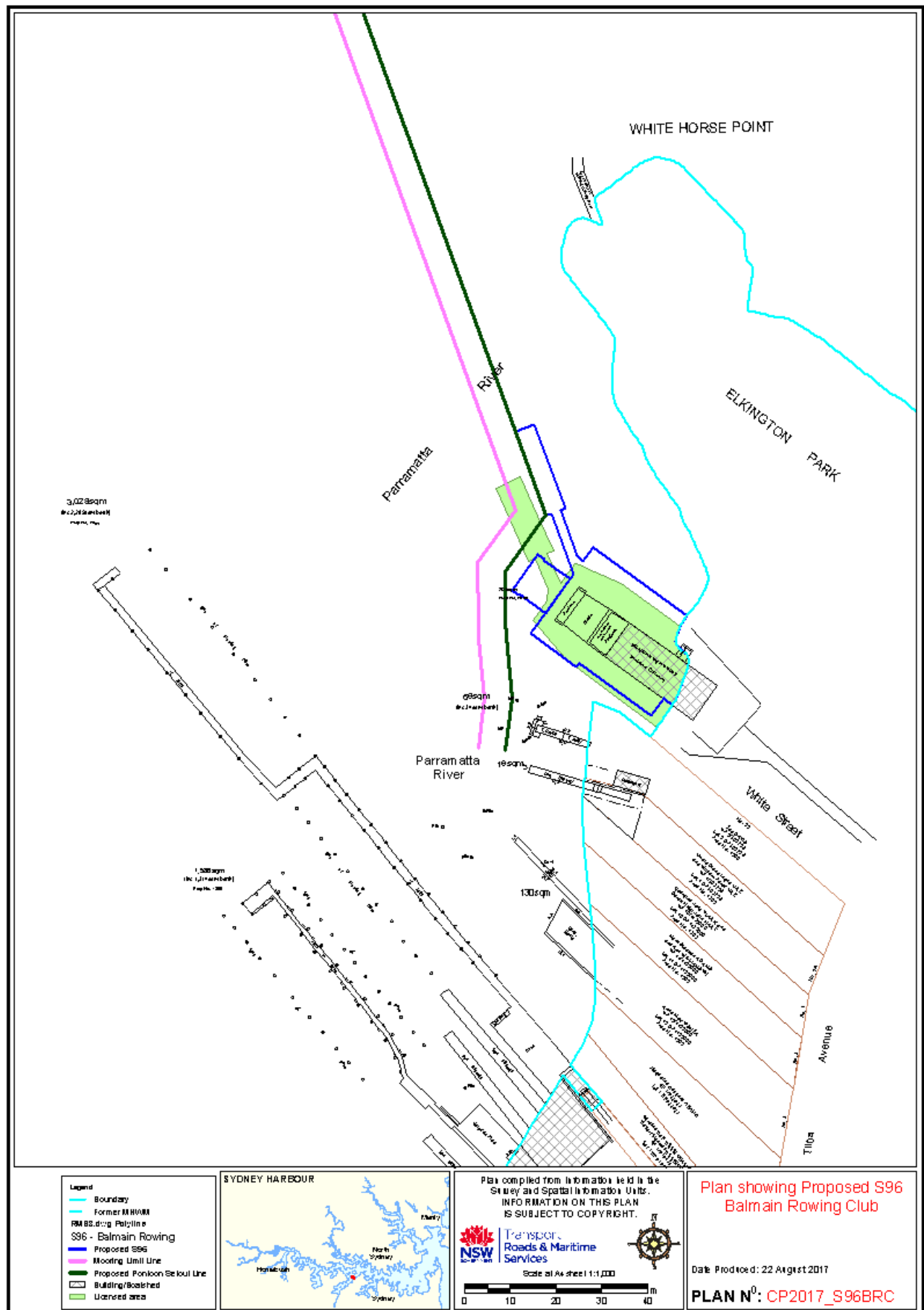












**Attachment C – Statement of Significance for Conservation Area**

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**Area 13** Iron Cove Conservation Area

## Landform

A northwest facing shoreline area, running from Victoria Road along the back of the Darling Street commercial zone and the Darling Street ridge to Rowntree Street and Cove Street. There are some relatively steep shoreline areas providing views to the Parramatta River, and a central flat plateau area around Turner Street.

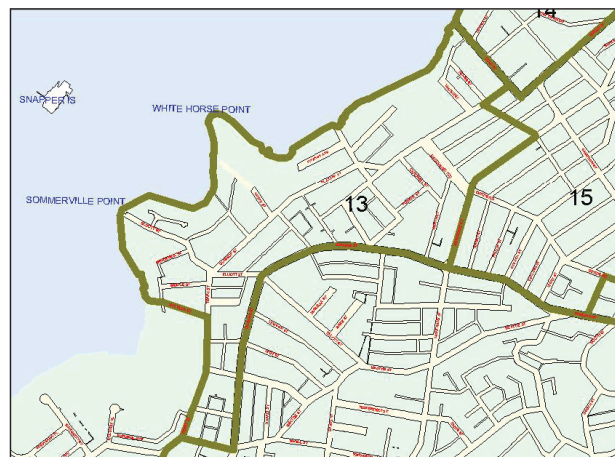


Figure 13.1 Iron Cove Conservation Area Map.

## History

When sales of John Gilchrist's Balmain grant of 550 acres were resumed in 1852, Surveyor Charles Langley subdivided the remaining acres into 46 (later 47) sections. He used existing routes such as Darling Street and Birchgrove Road, and other contour-hugging tracks, such as Terry Street/Glassop Street to delineate the parcels. The sections were purchased over the next thirty years by wealthy investors, local speculators and builders.

A group of busy speculators, William Paling, FH Reuss, Alfred Hancock, John Booth, George Weston, Owen Evans and others bought up the tract of land that stretched along the waterfront from Cove Street to just beyond Bayville Street, and broadly bounded by Birchgrove Road and Glassop Street. These same speculators were also involved in land from Darling Street down to Rozelle Bay, including much of the very densely developed area now known as The Valley. The remainder of the area was bought up in a similar fashion and subdivision of the Iron Cove area stretched over twenty-four years from 1853 to 1877. By 1891 the streets that laced this precinct were largely built up. Some steep parcels of land, because of their deep water frontages, were taken up initially for small water-based industries, which expanded over the twentieth century.

A large area of Housing Commission flats was constructed near the waterfront in the early postwar years.

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#### Sources

Information provided by Max Solling.

#### Significant Characteristics

- Contour hugging main access roads.
- Many irregular, narrow and wide minor roads.
- Stone steps providing public pedestrian access.
- Trees and street tree planting particularly noticeable along Glassop and Cove Streets and Macquarie Terrace.
- Elkington Park – mature trees, palm trees and Edwardian plantings.
- Irregular-shaped sections of subdivisions.
- Narrow allotments, with groups of allotments of uniform width.
- Buildings set back from the street alignment.
- Groups of shops along Darling Street with parapets and awnings.
- Corner shop buildings and other former commercial buildings.
- Garden space small, but a noticeable characteristic.
- Variety of housing:
  - terrace and semi-detached housing with groups of uniform development; and
  - some free-standing housing and Victorian villas.
- Landmarks: the Birchgrove Public School and the Elkington Park (with the Dawn Fraser Swimming Pool) are noticeable places within the area and visible from the harbour.
- Building materials vary:
  - plastered brick (generally pre-1890) and pockets of face brick (generally post-1890);
  - some timber cottages; and
  - occasional stone cottage or villa.
- Roofs of terracotta tiles, slate and iron.
- Fences – low or transparent fences: some iron palisade fences remain; early twentieth-century low brick fences contemporary with house.
- Sandstone kerbs and gutters, mostly uninterrupted by vehicular access.

#### Statement of Significance or Why the Area is Important

- One of a number of conservation areas that collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important for

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illustrating development particularly from 1870s-1910s, and this forms the major element of its identity, with later pockets of infill prior to World War II (ie pre-1939).

- Through the route of its main access roads, demonstrates the subdivision sections, closely related to the landform, drawn up by Surveyor Langley for the sale of Gilchrist's Balmain grant after 1852.
- Illustrates through its irregular small street layout, and varied allotment width and length (within a limited range), the many different groups of speculators and subdividers involved in the development of the area.
- Through the materials of its outer masonry walls, demonstrates the rapid advances in brick making in the Sydney area over the period 1870s-1910s.
- Through its now rare weatherboard buildings it continues to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs.

#### Management of Heritage Values

##### Generally

This is a conservation area. Little change can be expected other than modest additions and discrete alterations. Buildings which do not contribute to the heritage significance of the area may be replaced with sympathetically designed infill.

##### Retain

- existing width and alignment of the streets: avoid chicanes which cut diagonally across the carriageways.
- All remaining sandstone kerbs and gutters, uninterrupted by access driveways.
- All pre-1939 buildings and structures, especially weatherboard buildings.
- All original plaster finishes to external walls (as a rough rule of thumb this will mostly apply to pre-1890s buildings). Reconstruct where necessary.
- All original unplastered face brick external walls (usually applies to post-1890s buildings).
- All original external architectural detail, and encourage replacement of lost elements, but only where evidence is available.
- Any remaining original iron palisade or low brick fences.
- All street planting schemes and park planting; reinstate individual trees where they have been lost.
- Green front garden space.

##### Avoid

- Demolition of any pre-1939 building, especially timber buildings.



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- Removal of any plaster or decorative plaster to external walls, except where it is to remove more recent plaster/paint on face brick walls.
- Plastering and/or painting of original face brick walls.
- Removal of original architectural details.
- Second-storey additions to an original single-storey building, other than in a separated pavilion form.
- Alteration to the original roof form over the main part of any building.
- Additional architectural detail for which there is no evidence in the photographic record or on the building itself.
- Inappropriate fences such as high brick fences/walls, new iron palisades on high brick bases.
- Interruption of the kerb and gutter line for vehicular access.
- Development that encroaches upon the setting of important buildings/parks.

## Attachment D – Statement of Significance for Heritage Area

# Elkington Park

## Item details

<b>Name of item:</b>	Elkington Park
<b>Other name/s:</b>	White Horse Point Reserve
<b>Type of item:</b>	Landscape
<b>Group/Collection:</b>	Parks, Gardens and Trees
<b>Category:</b>	Urban Park
<b>Primary address:</b>	Glassop Street, Balmain, NSW 2041
<b>County:</b>	Cumberland
<b>Local govt. area:</b>	Leichhardt

### All addresses

Street Address	Suburb/town	LGA	Parish	County
Glassop Street	Balmain	Leichhardt		Cumberland

## Statement of significance:

Elkington Park is of local historic, aesthetic and social significance as part of an early subdivision and open public recreation space and waterfront park established by Balmain Council in c. 1880 with design and plantings also dating from the early 20th century. The Park has strong links with the Dawn Fraser Pool and has significantly continued to be used since its establishment. The Park retains significant trees and plantings and landmark point and retains early rotunda and features which make a

positive contribution to the local area and Parramatta River.

Note: This inventory sheet is not intended to be a definitive study of the heritage item, therefore information may not be accurate and complete. The information should be regarded as a general guide. Further research is always recommended as part of the preparation of development proposals for heritage items.

Council's Library Service has identified photos and/or subdivision plans relating to this item which may be viewed online through the council website at <http://www.leichhardt.nsw.gov.au/> Select Library & Local History to get to the Library online catalogue and keyword search "Balmain Map" and/or "Elkington Park" for results.

*Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the OEH **copyright and disclaimer**.*

## Description

**Builder/Maker:** Balmain Council

**Construction years:** 1880-

**Physical description:** Park area generally bounded by Glassop and White Streets with prominent point of land with natural stone edge extending into the Parramatta River. The park generally comprises of open grassed area with mature Fig trees and plantings and avenues of Bush Box and Phoenix Palms particularly about the perimeter and central section of the park. A sealed pathway extends around the point. A low stone fence with piers with curved capping extends along the Glassop Street frontage. Steps are located at the eastern end with landscaped entry also located at the corner of Glassop and White Street. A diagonal path bounded by an avenue of mature palms extends from the corner to steps which lead down to the Dawn Fraser Pool. The park also features terraced rock gardens, band rotunda and rose gardens. The rotunda is an Inter-War octagonal shaped structure constructed of face brick with rendered details and tiled pyramidal roof. A modern playground and small brick toilet block are also located in the middle

section of the park.

A single storey Federation period cottage surrounded by a small yard and fence is located in the eastern section of the park, near the end of Fitzroy Street. Constructed as a caretaker's residence it is a face brick structure with contrasting brick and rendered bands and details and gabled roof clad in slates with timber finials at some of the gable ends. An open verandah with hipped roof supported on chamfered timber posts wraps around the western façade and corners of the building. The north facing gable end also has timber fretwork details. A timber weatherboard and compressed fibrous cement clad addition extends from the eastern side of the house. Paths and roads also link Elkington Park to Fitzroy Avenue Park.

**Physical  
condition  
and/or  
Archaeological  
potential:**

In good condition. Some weathering of the stone fence/ wall along the Glassop Street frontage is evident. The central section has also been affected by a large Fig tree located adjacent.

**Date condition updated:**08 Dec 10

**Modifications  
and dates:**

Recent design adjacent to Fitzroy Ave by S.Pittenrigh & Associates. Site purchased by Balmain Council in 1880's for open space and swimming baths. First Pool constructed in 1883. The current planting is mainly Federation in style and period.

1989: Construction of a temporary skateboard facility (trial period 6 months on the foreshore terrace) ( DA/568/1989).

1993: BA/1993/714.

1994: BA/1994/687.

1995: BA/1995/278.

**Current use:** Public Park

**Former use:** Public Park

## History

**Historical** Surgeon William Balmain was granted 550 acres and most of the area

**notes:**

now encompassing Balmain in 1800. In 1801 the entire grant was transferred to fellow surgeon John Gilchrist. Gilchrist never actually lived in NSW and advertised the land for sale in 1823. However, the sale was not a success. He gave power of attorney to his Sydney-based agent and merchant, Frank Parbury, who commissioned Surveyor John Armstrong to subdivide part of the land. This subdivision and sale of this land took place in 1836 and commenced from the eastern end of the suburb (East Balmain) due to its proximity and convenient water access and later spread west. The early subdivision was, however, suspended in 1841 due to difficulties associated with Gilchrist's will, but was resumed in 1852 when Surveyor Langley divided it into 46 later 47 sections. Langley used existing routes such as Darling Street and other tracks such as Beattie and Mullens Streets, which followed the local topography and contours, to delineate the parcels. The sections were purchased over the next 30 years by wealthy investors, local speculators and builders.

The Park is located in Lot 37 of the 1852 subdivision and subsequently became part of land acquired by EW Cameron. The name of the point may have been derived from the story of "Captain Thunderbolt", Frederick Ward, a bushranger, who escaped from Cockatoo Island gaol in September 1863, swam ashore near the point and escaped on a horse provided by his lady.

Areas were not set aside for parks and recreation grounds until the 1880s, following the Land for Public Purposes Acquisition Act, 1880. Henry Parkes, in particular sought to ensure that land was dedicated for public recreation purposes as the tempo for development quickened. Resolutions for the establishment of Public Baths were made as early as 1877 with land for the Baths and Recreation grounds finally acquired by Balmain Council in May 1880 with additional area acquired in June of the same year. The purchase of the area, known as White Horse Point, was part of Council's plan to secure waterside property as important recreation grounds for Balmain. It would appear that the park was established from this time. The Baths, constructed in 1881 were in use by 1882. Early plans show that a Caretaker's Cottage was also constructed at this time. In November 1883 the baths were renamed the Elkington Park Bath, after a former Mayor, Alderman Elkington who was instrumental in acquiring the land from the Cameron estate.

A Sydney Water Plan (Balmain Sheet 27) dated 1888 and revised in the 1890s, shows the "White Horse Point Reserve" with Public Baths and cottage located in the crook of the cove. An access path and steps is shown extending from the south eastern corner of the site on Glassop Street, past the cottage to the Baths. The cottage occupies its own site with fenced yard and is located in the reserve area adjacent to the western end of Fitzroy Street. The Working Men's Rowing Club and Balmain Rowing Club are shown on the western site of point facing Long Cove. The Baths, now known as the Dawn Fraser Swimming Pool were redeveloped in 1902 and enlarged again in 1924. In 1904 the cottage was also altered/ rebuilt for the manager of the baths.

In July 1918 four Morton Bay Fig trees were planted by John and Ada Booth in memory of their son John Booth II who died in action in



Belgium in October 1917. The park design dates from the c. 1930s when it is assumed that Bandstand was added. In 1964 received a high commendation from the judges in the Sydney Morning Herald's Gardening Competition. The toilet block was constructed in 1965. In the 1990s various plans were made by Council for a facelift and works including the addition of a new pathway around the point to possibly link the area with the "Bay Run". Upgrade works were funded by the State Government grant which was given to assist works to a derelict jetty. It is assumed that Building Application dating from the mid 1990s relate to these works.

Since that time the Park has continued to be maintained by Leichhardt Council and provides access to the Dawn Fraser Swimming Pool.

## Historic themes

Australian theme (abbrev)	New South Wales theme
4. Settlement-Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages
8. Culture-Developing cultural institutions and ways of life	Leisure-Activities associated with recreation and relaxation

## Assessment of significance

**SHR Criteria a)**  
[Historical significance]

The Park is of local historic significance as part of an early subdivision and open public recreation space established by Balmain Council in c. 1880 with design and plantings also dating from the early 20th century.


**SHR Criteria b)**  
[Associative significance]

The Park is associated with Balmain and Leichhardt Councils and Dawn Fraser Swimming Pool. It is named after a former Mayor.

**SHR Criteria c)**  
[Aesthetic significance]

The Park is of local aesthetic significance as an open, waterfront space and early 20th century designed park that retains a sense of its early layout and elements including peripheral plantings, paths and avenues leading to Dawn Fraser Pool and around the point,

bandstand/ rotunda and large Fig trees. The Park retains a landmark point of land and enhances the surrounding residential development and makes a positive contribution to the local area.

<b>SHR Criteria d)</b> [Social significance]	The Park is of high local social significance that has provided public open waterfront space since the 1880s with strong links to the former swimming baths and Dawn Fraser Swimming Pool.
<b>SHR Criteria f)</b> [Rarity]	The Park is closely linked to the former Whitehorse Point Baths and Dawn Fraser Swimming Pool tidal pool that is now relatively rare in Sydney Harbour.
<b>SHR Criteria g)</b> [Representativeness]	The Park is one of a number of public recreation spaces and Parks established by Balmain Council in the late 19th century.
<b>Integrity/Intactness:</b>	High
<b>Assessment criteria:</b>	Items are assessed against the  <b>State Heritage Register (SHR) Criteria</b> to determine the level of significance. Refer to the Listings below for the level of statutory protection.

## Recommended management:

It is recommended that: - the Park, including perimeter fence and plantings, large Figs, palms and specimen plantings and rose gardens and rockeries, band rotunda, perimeter and central pathways and connections around the point and to the Dawn Fraser Pool and Fitzroy Avenue Park and surrounds be retained and conserved; - the toilet block and playground may be upgraded as required provided that care is taken to any significant plantings and elements; - the park area and its features should be regularly inspected and maintenance works should continue to be carried out as part of cyclical regime; - any major works should be undertaken in accordance with a current Plan of Management.