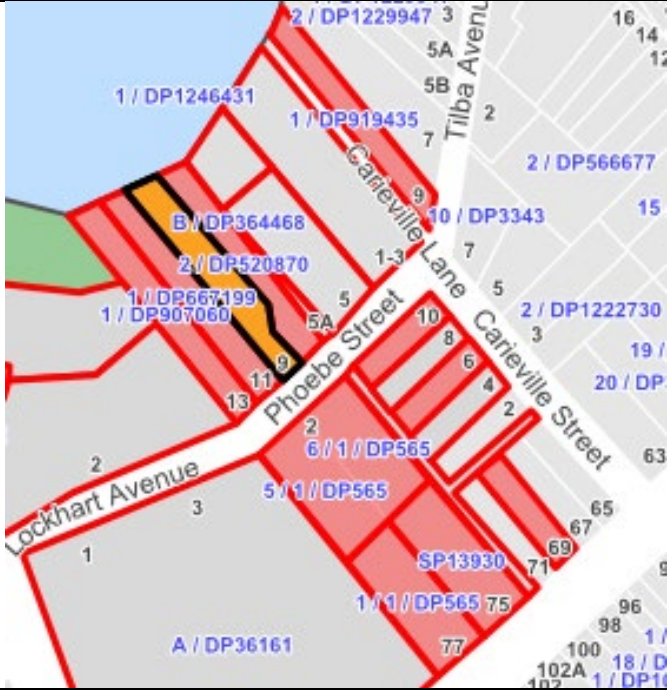




 DEVELOPMENT ASSESSMENT REPORT				
Application No.	D/2019/400			
Address	9 Phoebe Street BALMAIN NSW 2041			
Proposal	Alterations and additions to an existing dwelling including new extension and garaging, associated landscaping, pool and remediation works.			
Date of Lodgement	14 October 2019			
Applicant	David Mitchell Architects			
Owner	Ms Lisa A Wong			
Number of Submissions	23 submissions in total 1 in support 17 objections from first notification period 5 objections from subsequent notifications from people who had objected originally.			
Value of works	\$1,276,330.00			
Reason for determination at Planning Panel	Number of submissions			
Main Issues	Public and private view loss; streetscape appearance within conservation area; ; parking arrangement; stormwater drainage and number of objections.			
Recommendation	Deferred Commencement Approval			
Attachment A	Recommended conditions of consent			
Attachment B	Plans of proposed development			
Attachment C	Statement of Heritage Significance			
				
LOCALITY MAP				
Subject Site		Objectors		↑ N
Notified Area		Supporters		
Note: Due to scale of map, not all objectors could be shown.				

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling including new extension and garaging, associated landscaping, pool and remediation works at 9 Phoebe Street, Balmain.

The main issues that have arisen from the application include:

- Public and private view loss
- Streetscape appearance within heritage conservation area
- Parking arrangement
- Stormwater drainage
- Number of objections received

The above issues can be resolved by recommended conditions including deletion of car stacker parking and provision of a single width garage and minor changes to the studio level 2 above. Accordingly, the application is recommended for deferred commencement approval.

2. Proposal

The proposal is for alterations and additions to an existing detached dwelling house. The proposal includes the following:

- Landscaping works in rear garden that fronts Parramatta River. The landscaping works include a pool; BBQ area with awning; provision of stepped levels down the garden.
- Lower ground level – substantial excavation works to create a secondary living room, bathroom, laundry and 2 bedrooms in addition to the existing bedroom on this level;
- Upper ground level – demolition of parts of internal walls and existing staircase to create a more open plan kitchen, living and dining area. New additions including excavation works to include a new staircase, study nook, bathroom, bedroom and a new courtyard and balcony with stairs down to the rear yard.
- Level 1 - master bedroom with ensuite, walk in wardrobe and study, stairway, entry foyer and garage entrance to a 2 car stacker which drops down below street level for the second car.
- Level 2 – office / studio with bathroom and balcony.

3. Site Description

The subject site is located on the northern side of Phoebe Street, between Carieville Street and Elliott Street. The site consists of one allotment and is an irregular shape being narrower at the front of the site than at the rear of the site with a total area of 496.8 sqm and is legally described as 9 Phoebe Street Balmain.

The site has a frontage to Phoebe Street of 6.26 metres and a waterfront frontage of 8.59m to Parramatta River. The site falls significantly from Phoebe Street down to the Parramatta River.

The site supports a three storey detached dwelling that is setback approximately 13m from the Phoebe Street frontage. The adjoining property to the east at No.7 is a three storey dwelling which presents principally as a garage with dormer window above to Phoebe Street and is built principally to the boundary with Phoebe Street. No.7 is significantly elevated above natural ground level at the rear of the dwelling, the site also contains a boat shed and a large garden shed in the rear yard close to the Parramatta River. The adjoining property to the west at No.11 is a three storey dwelling that steps down the site towards the Parramatta River.

No.11 presents as a single storey flat roofed garage/carport built principally to the boundary with Phoebe Street.

The property is located within a conservation area. The property is identified as a Foreshore Flood Control Lot.

There are no significant trees on site or in the immediate vicinity that are considered to be impacted by the proposal.



9 Phoebe Street



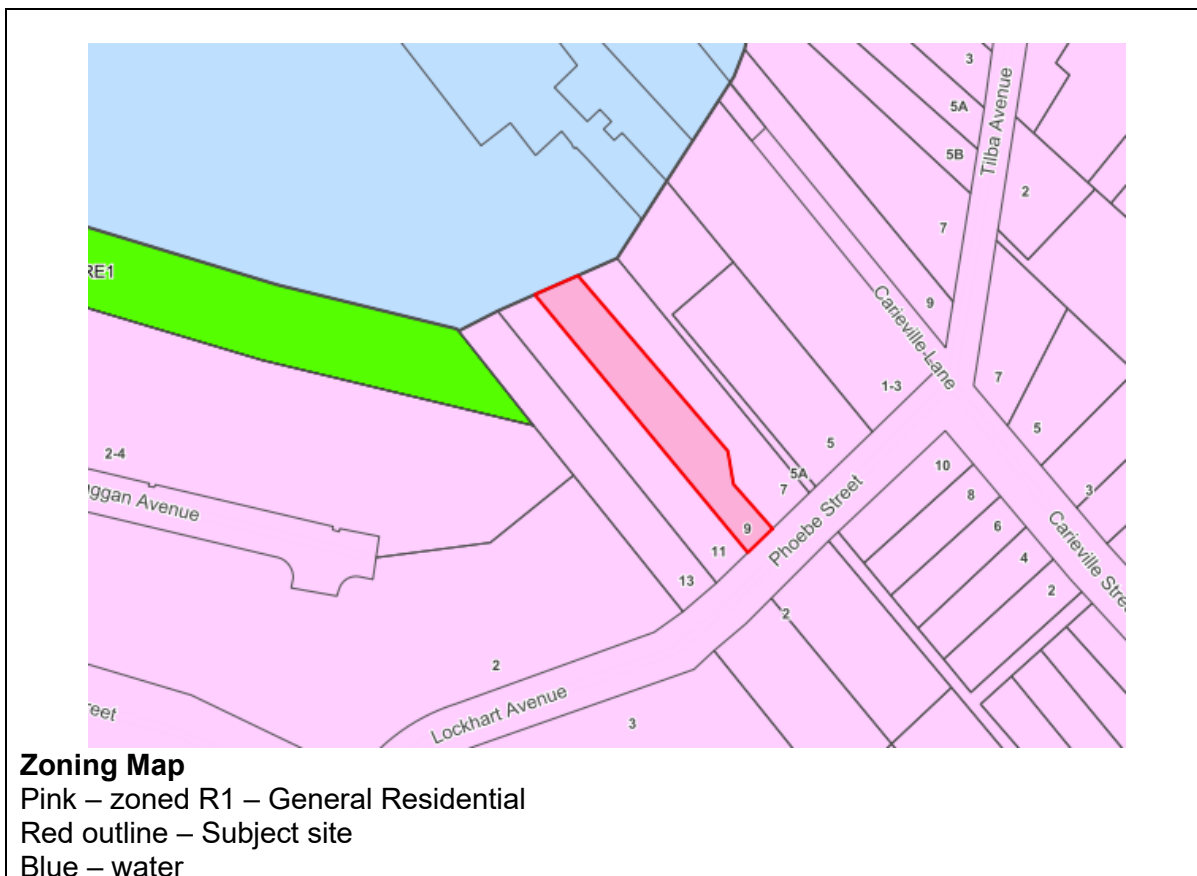
Front garden of 9 Phoebe Street looking south towards the road



Northern elevation of dwelling which faces the water



Water view from rear garden of property



Zoning Map
Pink – zoned R1 – General Residential
Red outline – Subject site
Blue – water

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
T/2010/202	Removal of 1 x Eucalyptus nicholii	Approved 19.7.2010

Surrounding properties

7 Phoebe Street

Application	Proposal	Decision & Date
D/2007/330	Demolish existing dwelling and erection of a new house.	Approved 24.1.2008

11 Phoebe Street

Application	Proposal	Decision & Date
D/2015/155	Alterations and additions including works to carport (street entry) and new lift.	Approved 22.5.2015
M/2017/39	Modification of Development Consent D/2015/155 which approved alterations and additions including works to carport (street entry) and new lift. Modifications involve various changes including: delete W01 and W02; modify SW elevation door to highlight window; raise garage roof parapet by 250mm; and reduce width of SW	Approved 5.5.2017

4(b) Application history

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

Date	Discussion / Letter / Additional Information
10.1.2020	<p>Council sent a letter requesting further information to the applicant including the following issues:</p> <ul style="list-style-type: none"> • Owners consent required • Contamination investigations required • Survey with offsets or boundary survey to be provided • Existing dwelling – amended plans required including roof terrace to be deleted; existing doors, windows and balconies on northern elevation to be retained as is; other changes required to proposed door openings and glazing. • Structural engineering details required for dwelling due to extent of excavation proposed. • Streetscape – Level 1 and 2 in the front garden are not supported. A single carport with open walls is to be provided and a height not greater than No.11.

	<ul style="list-style-type: none"> • Parking – the car stacker cannot be supported and is to be replaced by a single carport. • View loss – the front additions are not considered appropriate given view loss issues. • Privacy – roof terrace is a privacy concern and is to be deleted • Plans – further details to be included on some of the plans. • Materials & finishes schedule – with greater detail required. • Rear garden – pool to be setback from side boundary, retention of rock outcrop required, bbq are to be relocated away from boatshed of neighbour • Solar access – overshadowing of solar panels of adjoining dwelling • FSR – calculations appear to exceed permissible FSR. • SEE – additional information required • Stormwater drainage – additional information required in relation to stormwater drainage concept plan, pedestrian entrance from footpath, Council stormwater pit location and a foreshore risk management report required. • Structural and geotechnical engineering report required in relation to adjacent road reserve • Cost of works – appears underestimated. • BASIX – updated BASIX certificate required • Determination – due to the number of objections will be required to be determined by the Inner West Planning Panel.
13.1.2020	<p>Applicant met with Council officers to discuss letter of 10.1.2020 and advised that they would be submitting amended plans.</p>
3.2.2020	<p>Applicant submitted amended plans Issue B with additional information and the following main changes to the original proposal:</p> <ul style="list-style-type: none"> • Roof terrace deleted; • Windows, doors and balconies retained as in on northern elevation; • Glazing and door / passageway openings amended; • Front garage and floor above amended in size and form to provide a “view corridor”; • Retention of rock outcrop and relocation of pool.
7.5.2020	<p>Following a phone call with the assessing officer who advised that there were still issues with the application the applicant contacted the team leader and requested to submit further amended plans.</p> <p>The applicant submitted further amended plans Issue C. The main changes to these plans include:</p> <ul style="list-style-type: none"> • replacing the splayed wall of the garage with a stepped wall; • a revised roof form to the garage, • lowering the roof of the garage and level 2 above by 100mm; • reducing the floor to ceiling height in the garage to 2400mm; • deletion of the internal lift. <p>These plans (issue C) form the subject of this report.</p>

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *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)(i) *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 the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

A Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) prepared by WITT Consulting Pty Ltd have been provided to address the management of contaminated soil and disposal of any contaminated soils and contamination issues prior to determination. The contamination documents have been reviewed and found that the site can be made suitable for the proposed use after the completion of the RAP. To ensure that these works are undertaken, it is recommended that conditions are included in the recommendation in accordance with Clause 7 of *SEPP 55*.

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

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

5(a)(iii) *State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)*

Vegetation SEPP concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council’s DCP.

The application was referred to Council’s Tree Management Officer whose comments are summarised as follows:

- There are no objections to the application in general as there was no significant vegetation on site or adjoining properties that was assessed to be negatively impacted by the proposal.
- A small *Plumeria acutifolia* (Frangipani) located in the rear of the site will likely be impacted by the proposal. Removal is supported subject to adequate compensatory replenishment planting.

- The applicant is encouraged to explore all options to transplant and repurpose this specimen in the landscape due to its small size and tolerance for root disturbance.
- A *Glochidion ferdinandi* (Cheese Tree) located along the boundary to the south-west on adjoining property was noted to be within close proximity to the proposed grade changes associated with landscaping works and installation of belowground OSD tank in the rear of the site. However, the exiting landscape features, including stone block work and hardstand appear to have confined its potential root spread to the adjoining property. It is not anticipated that this specimen will be impacted during works.

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and C1.14 Tree Management within the Leichhardt Development Control Plan 2013 subject to the imposition of conditions, which have been included in the recommendation of this report.

5(a)(iv) State Environmental Planning Policy (Coastal Management) 2018

The proposed alterations and additions including the pool adjacent to Parramatta River are considered acceptable with regard to the Aim of Policy. It is noted that the site is considered to be Coastal Environment Area (clause 13) and Coastal Use Area (clause 14) however the requirements of both these clauses do not apply to land in the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 which is discussed below. Accordingly, the proposal is considered acceptable with regard to SEPP (Coastal Management) 2018.

5(a)(v) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site backs onto Parramatta River and there are views to the water from the public footpath on Phoebe Street principally along the eastern side of the property. There are also views from private properties to the water from properties on the other side of the street and to the sides of the property.

The proposal has been assessed against the SREP Sydney Harbour Catchment as follows.

Part 1 Preliminary

The Aims of plan with regard to the SREP include the following:

(2)(b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores.

The proposal is considered to result in some public view loss of views to the water from the site as a result of the garage. However a small view corridor is still able to be maintained.

Part 2 Planning Principles

The proposal is acceptable with regard to the Planning principles set out within Part 2 with regard to protecting the waterway.

Part 3 Foreshores and Waterways Area

Division 1 – Development Control

In accordance with Part 3 Foreshores and Waterways Area the site is identified as being adjacent to W5 Water Recreation zone (being the Parramatta River). The proposal is not considered to be contrary to the objectives of the zone.

The application was referred to Roads and Maritime Service in accordance with Clause 29 of the SREP. The response was “Decision not required”.

Division 2 - Matters for consideration,
 Clause 26 – Maintenance protection and enhancement of views.

The matters to be taken into consideration in relation to the maintenance, protection and enhancement of views are as follows –

- (a) Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,*
- (b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,*
- (c) The cumulative impact of development on views should be minimised.*

Overall, the proposal is not considered to enhance public views however does still retain a small view corridor down the eastern side of the dwelling.

5(a)(vi) *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 Plan
 Clause 2.3 - Zone objectives and Land Use Table
 Clause 2.7 - Demolition
 Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
 Clause 4.4 – Floor Space Ratio
 Clause 4.5 - Calculation of floor space ratio and site area
 Clause 4.6 - Exceptions to development standards
 Clause 5.7 - Development below mean high water mark
 Clause 5.10 - Heritage Conservation
 Clause 6.1 - Acid Sulfate Soils
 Clause 6.2 - Earthworks
 Clause 6.3 - Flood Planning
 Clause 6.4 - Stormwater management
 Clause 6.5 - Limited development on foreshore area
 Clause 6.6 - Development on foreshore must ensure access

(iv) Clause 1.2 – Aims of Plan

The proposal is not considered to satisfy the following Aims of Plan with respect to the proposed garage and level 2 above:

- (c) to identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt*
- k) to protect and enhance –*
 - (i) views and vistas of Sydney Harbour, Parramatta River, Callan Park and Leichhardt and Balmain civic precincts from roads and public vantage points, and*
 - (ii) views and view sharing from and between private dwellings*
- (l) to ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area,*

Council's heritage advisor has recommended some changes to the form of the garage and level 2 above to make it more appropriate in the conservation area. The proposed level 2 results in some minor view loss to nearby properties of the Parramatta River as further discussed under the DCP view assessment. The proposed garage will result in some public view loss from Phoebe Street however still maintains a small view corridor to the east of the

dwelling. Subject to recommended deferred commencement consent conditions to change the garage and level 2 above the proposal could be made acceptable with regard to the Aims of Plan.

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

The site is zoned R1 General Residential under the *LLEP 2013*. The *LLEP 2013* defines the development as:

Dwelling house means a building containing only one dwelling.

The development is permitted with consent within the zone. The development is not consistent with the following objectives of the R1 General Residential zone.

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood*

The proposed garage and level 2 above are not considered to satisfy the above objectives. It is recommended that the materials be altered from off form concrete and that the garage stepped area be deleted. At level 2 the office is required to align with the garage below and have a roof form pitching from the ceiling below with the planter bed above the garage deleted. Subject to recommended deferred commencement consent conditions to satisfy these requirements the proposal is considered to be able to satisfy the objectives of the R1 General Residential zone.

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

Standard	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 0.7:1 or 347.76 sqm	0.69:1 345.94sqm	or -	Yes
Landscape Area Minimum permissible: 20% or 99.36 sqm	34.23% 170.05sqm	or -	Yes
Site Coverage Maximum permissible: 60% or 298.08 sqm	36.08% 179.23sqm	or -	Yes

(vi) Clause 5.10 - Heritage Conservation

The proposal was referred to Council's heritage advisor who advised the following:

The subject property is a contributory dwelling located within the Iron Cove Heritage Conservation Area.

Council's heritage advisor's comments in relation to Issue B of the plans included the following:

Garage:

The design of the garage has been amended with a pitched roof to the street to minimise view loss. This has included the deletion of the dormer to the front and lowering of the ridge height by 700mm which is an improvement. The proposed planter box above the garage door is

uncharacteristic of the streetscape and must be deleted. The springing line of the southern roof plane of the garage must be lowered so it sits at the same height, or below, the ceiling height of the garage. The roof pitch must be amended to a slope of 35° to complement other roof forms within the streetscape.

The proposed garage has an angled eastern elevation which is not characteristic of other garages within the streetscape, which are perpendicular to the street. The plan of the garage and the studio and office above on Level 2, must be amended so it is square, e.g. so the eastern elevation is perpendicular to the street. The walls of the garage and Level 2 above are proposed to be finished in off form concrete. This must be amended to a rendered, painted, finish, e.g., to the same as “B” in the material schedule.

Council’s heritage advisor has reviewed the Issue C plans and has provided the following comments:

- The proposed planter box above the garage door must be deleted.
- The springing line of the southern roof plane must be lowered so it sits at the same height, or below the ceiling height of the garage;
- The roof pitch of the southern roof plane of the garage must be amended to a slope of 40°
- The plan of the garage and the studio and office above on Level 2, must be amended so it is a regular shape, not stepped, and perpendicular to the street with a maximum 3m internal width to the garage.
- The finish to walls of the garage and Level 2 above must be amended to a rendered, painted finish, the same as “B” in the material schedule instead of off form concrete.
- Annotations on the drawings referring to the original proposal must be removed, e.g. the annotation on the east elevation “frameless glazed balustrade to abut chimney” and the “A” arrows pointing to the existing roof must be deleted as they indicate off form concrete in the materials schedule.
- Balustrading to all levels of the northern balcony be retained as part of the works.

The proposal remains generally acceptable from a heritage perspective as it will not detract from the heritage significance of the Iron Cove Heritage Conservation Area.

Accordingly, subject to recommended deferred commencement conditions to alter the garage and level 2 in line with the comments above the proposal is considered acceptable with regard to Clause 5.10 – Heritage Conservation.

(vii) Clause 6.1 - Acid Sulfate Soils

The detailed site contamination investigation report prepared by WITT Consulting addressed Acid Sulfate soils and advised as follows:

A review of the Leichhardt Local Environmental Plan 2013 maps indicates that the site is predominantly located in a zone defined as acid sulfate soils class 5. A small portion of the site adjacent to the foreshore is mapped as acid sulfate soil class 2.

Works at the site are anticipated to be undertaken in fill, above the water table. We do not anticipate that works would impact on the groundwater level on land site or adjacent sites mapped as Class 2. It is our opinion that no further investigation works with regard to acid will be required at the site where the acid sulfate soils Class 2 has been identified.

(viii) Clause 6.2 – Earthworks

Significant excavation works are proposed on site. The proposal is considered acceptable with regard to Clause 6.2. Contaminated fill is proposed to be removed from the site as

addressed in the contamination documentation submitted. The application is also supported by a letter from an engineer that states that the parts of the building being retained can be retained. Given the extent of excavation proposed adjacent to Council's road, Council's engineers have also recommended conditions. A condition requiring dilapidation reports for the adjoining properties is also recommended.

(ix) Clause 6.3 - Flood Planning

The site is identified as a foreshore flood control lot. The application was referred to Council's engineers who have recommended appropriate conditions in this regard. Please also refer to Part E – Water DCP assessment below for further discussion.

(x) Clause 6.4 - Stormwater management

The application was referred to Council's engineers who have advised that the stormwater plans are not satisfactory as provided however could be made acceptable subject to recommended conditions. Please refer to Part E – Water DCP assessment below for further discussion.

(xi) Clause 6.6 - Development on foreshore must ensure access

The site does not currently provide foreshore public access. The proposal does not provide foreshore access but does not prevent its occurrence in the future with the pool set back sufficiently from the foreshore.

5(b) Draft Environmental Planning Instruments

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

- Draft Remediation of Land SEPP
- Draft Environment SEPP
- Draft Inner West Local Environmental Plan 2020

5b(i) Draft Remediation of Land SEPP

It is proposed that the new land remediation SEPP will:

- provide a state-wide planning framework for the remediation of land
- maintain the objectives and reinforce those aspects of the existing framework that have worked well
- require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land
- clearly list the remediation works that require development consent
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

The proposal is considered acceptable with regard to the draft Remediation of Land SEPP.

5b(ii) Draft Environment SEPP

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of the natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018.

This consolidated SEPP proposes to provide a single set of planning provisions for catchments, waterways, bushland and protected areas. Changes proposed include consolidating seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

There is currently no draft Environment SEPP that has been published therefore it is considered that the conclusions made above under Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 would be the same or similar for the Draft Environment SEPP given it consolidates the existing SREP into the new legislation.

5(b)(iii) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

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

5(d) Development Control Plans

- Leichhardt Development Control Plan 2013
- Sydney Harbour Foreshores Area Development Control Plan

5(d)(i) Leichhardt Development Control Plan 2013

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	No – see discussion
C1.4 Heritage Conservation Areas and Heritage Items	No – see discussion
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	No – see discussion
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	No – see discussion
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
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
Part C: Place – Section 2 Urban Character	
C2.2.2.6 - Birchgrove Distinctive Neighbourhood	No – see discussion
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	No – see discussion
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	No – see discussion
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	No – see discussion
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	No – see discussion
C3.10 Views	No – see discussion
C3.11 Visual Privacy	No – see discussion
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	No – see discussion
E1.1 Approvals Process and Reports Required With Development Applications	
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A

E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	Yes – see discussion
E1.2 Water Management	
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	No – see discussion
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	No – see discussion
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	Yes – see discussion
Part F: Food	N/A
Part G: Site Specific Controls	
Insert specific control if relevant	N/A

The following provides discussion of the relevant issues:

C1.9 – Safety by Design

The proposed alterations and additions do not meet some of the objectives and controls by not providing direct sight lines to the street from the front entrance however the benefit of providing a view corridor to the water outweighs the loss of causal surveillance to the street as such surveillance is provided by other properties. The pathway to the front entrance will be obvious from the street. The proposal is considered acceptable in this instance.

C1.3 – Alterations and additions

The proposed alterations and additions specifically with regard to the appearance of the additions being the garage and level 2 above are not considered to satisfy the following objectives and controls:

- O1 *To ensure that development:*
 - a. *Complements the scale, form and materials of the streetscape including wall height and roof form;*
 - b. *Where an alterations or addition is visible from the public domain it should appear as a sympathetic addition to the existing building;*
 - c. *Makes a positive contribution to the desired future character of the streetscape and any heritage values associated with it.*
 - f. *maintains views and glimpses from the public domain to natural and built elements that contribute to local character and sense of place;*
 - g. *reasonably protects views obtained from surrounding development and promotes view sharing.*

- C1 *The overall form of alterations and additions shall:*
 - b. *be compatible with the scale, form and material of the existing dwelling and adjoining dwellings, including wall height and roof form;*

- C5 *New materials and fenestrations of alterations and additions shall be compatible with the existing building*

The proposed form of the garage and level 2 above are required to be of a more appropriate form within the heritage conservation area. View sharing is maintained to private dwellings and a view corridor is maintained along the eastern side setback of the dwelling. Subject to recommended deferred commencement conditions the proposal can be made acceptable with regard to the above objectives and controls of C1.3 – Alterations and additions.

C1.4 – Heritage Conservation Areas and Heritage Items

The proposed alterations and additions with respect to the proposed level 2 are not considered to satisfy the following objective and controls:

- O1 *Development:*
- a. *Does not represent an unsympathetic alteration or addition to a building;*
 - g.
 - h.
- C3 *Development of dwellings within Heritage Conservation Areas must:*
- c. *be for a rear addition which does not dominate the existing building or substantially change the relationship of the building to the street when viewed from the street;*
- C6 *Within Heritage Conservation Areas, whole roof forms should be retained where possible and roofs of additions should be subservient to the main roof (in scale, form, location and materials). Changes to the form of the existing roof or extension of the ridge cannot be supported.*

Although the additions face Phoebe Street, the dwelling is essentially designed to have its main frontage to Parramatta River. It is considered that the form of the garage and level 2 above should be amended to fit more appropriately within the conservation area including deletion of the planter bed above the garage, having a rectangular shaped garage, reducing the width of level 2 to be in line with the garage below and altering the roof form of the garage to be more acceptable within the streetscape. Subject to recommended deferred commencement conditions in this regard the proposal is considered to be able to meet the above objectives and controls.

Please also refer to the heritage assessment above under the LEP.

C1.11 - Parking

The proposal includes creating a new single width driveway crossover to access a garage with a car stacker for 2 cars. Although it is not preferable to have parking in the front setback, the house essentially fronts Parramatta River and both adjoining dwellings have a double width crossover therefore it is considered reasonable in this instance to permit a single width crossover.

The proposal was referred to Council's engineer who has advised that the car stacker is to be deleted and replaced by a single width garage. There is inadequate headroom clearance to allow either car to be moved out of the stacker meaning that the top car would have to be backed out onto Phoebe Street to allow the lower car to exit. Phoebe Street is a narrow street and is often parked out which would block other traffic unnecessarily if cars were being backed out to allow the lower level car in the stacker to be used.

The design of a new car space must comply with the AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and Council's boundary level. Council's Engineer has advised that it is likely that the floor level of the parking space would be required to be raised up further and hence the overall height of the roof over Level 2 may be required to be raised.

The proposal in its current form is not considered to satisfy the following objectives and controls of C1.11 – Parking.

- O6 *To accommodate on-site parking that is safe, accessible, well laid out and appropriately lit.*
- O8 *The impact of car parking areas on the urban fabric of the neighbourhood should be minimised.*
- O12 *Vehicle access, manoeuvring and parking will:
...enable the safe, convenient and efficient movement of vehicles, pedestrians and cyclists.*
- C1 *Approval for any new off-street parking space will be subject to meeting the requirements of Australian Standard AS 2890.1 Parking facilities and any relevant clauses outlined within this Development Control Plan.*
- C36 *Car lifts, stackers and turntable will only be permitted where there is no viable alternative to accommodate an additional off-street parking space and where provision is made for vehicles to independently enter and exit the device.*

Accordingly, deferred commencement consent conditions are recommended requiring the car stacker be deleted and replaced with a single car space.

C2.2.2.6 - Birchgrove Distinctive Neighbourhood

The proposed alterations and additions specifically with regard to the proposed garage and level 2 above are not considered to satisfy the following controls.

- C3 *Preserve and where practicable, enhance public and private views over Snails Bay and Parramatta River. Buildings on the waterfront should follow the slope and help preserve view lines by stepping down with the contours.*
- C8 *Maintain the diverse character of the area by ensuring new development is complementary in terms of its architectural style, built form and materials.*
- C12 *Conserve and complement the established streetscape with regard to setbacks, street trees and general lack of driveway crossings.*
- C18 *New development shall maintain the use of hipped, pitched or gabled roof forms and designs shall be complementary to the existing unadorned built form. Flat roofs may be appropriate where the style of architecture is contemporary and view lines may be affected.*
- C19 *Building material used shall be consistent with the existing character of the streetscape, including rendered and painted surfaces and roof materials such as corrugated iron as well as timber windows.*

The proposed garage and level 2 do not specifically enhance existing public and private views of the Parramatta River however they are considered to allow for adequate view sharing by still providing a water view corridor along the eastern side of the dwelling and minimising view loss to private dwellings, both of which outcomes have been achieved by reducing the size of level 2 from the original proposal. The proposed roof form of level 2 needs further amendment to be more appropriate within the conservation area likewise the garage is required to be rectangular in shape by deleting the stepped eastern elevation. The use of off form concrete is not considered appropriate in the conservation area and is recommended to be replaced with a rendered painted finish. Although new driveway crossovers are generally discouraged, it is considered a single crossover is acceptable in this instance given the adjoining dwellings have double width crossovers.

Subject to recommended deferred commencement conditions to delete level 2 and provide a partially open flat roofed carport to allow public views down to the waterfront the proposal can be made acceptable with regard to the Birchgrove Distinctive Neighbourhood controls.

C3.1 - Residential General Provisions

The proposed garage and level 2 above are not considered to entirely satisfy the following objectives and controls:

- O3 *To ensure that alterations, additions to residential buildings and new residential development are compatible with the established setting and character of the suburb and neighbourhood and compatible with the desired future character and heritage significance of the place and its setting.*
- O4 *To ensure that all residential development is compatible with the scale, form, siting and materials of existing adjacent buildings.*
- C1 *Residential development is not to have an adverse effect on:*
- a. *The amenity, setting or cultural significance of the place, including the portion of the existing building to be retained;*
- C2 *Additions to an existing building are generally:*
- b. *Subservient to the form of the existing building; and*
c. *of a design which is compatible with but does not compete with the architectural character of the existing building or the Building Typologies; and*
d. *of a scale, proportion (including proportion of doors and openings) and material which is compatible with the existing building.*

The proposed garage is required to be made smaller by deletion of the stepped eastern side and have level 2 above in line with the garage below. The proposed off form concrete elements of the garage, planter bed above the garage and associated form of the level 2 southern roof plane are also not considered appropriate in their current form within the conservation area.

Subject to recommended deferred commencement conditions to alter the garage and level 2 above the proposal can be made acceptable with regard to the objectives and controls of C3.1 – Residential General Provisions.

C3.2 - Site Layout and Building Design

The principal controls that apply to the proposal are building location zone (BLZ), side setbacks and building envelope as discussed further below. Overall, the proposal is not considered to satisfy the following objectives:

- O2 *To ensure the character of the existing dwelling and/or desired future character and established pattern of development is maintained.*
- O3 *To ensure that buildings are constructed within an appropriate Building location Zone (BLZ) from the front and rear boundary to protect neighbourhood features such as streetscape, private open space, solar access and views.*
- O4 *To ensure that development:*
- a. *reinforces the desired future character and distinct sense of place of the streetscape, neighbourhood and Leichhardt;*
c. *complements the siting, scale and form of adjoining development; and*

- d. *creates a high level of residential amenity for the site and protects existing or enhances residential amenity of adjoining sites in terms of visual and acoustic privacy, air circulation, solar access, daylight, outlook and views.*

Building Location Zone

The building location zone technically does not include garages however given the proposed garage is linked to the overall dwelling with a floor above it, in this instance it is considered appropriate to consider the garage as part of the overall BLZ. The proposal with regard to the garage does not comply with the front BLZ however it's location is considered acceptable in this instance. The adjoining dwellings have their garage/carport doors built to the front boundary line. The proposal is for a garage setback approximately 2.3m from the front boundary to try and preserve partial views of the water.

With regard to level 2 proposed above the garage there is essentially no building location zone as only one adjoining dwelling has a floor at this level being No.7. The proposal echoes that building style and is considered reasonable within the built context of the street.

Side setbacks

Both the eastern and western elevations of the proposed additions to the dwelling have a nil side setback however the lower ground and upper ground are essentially excavated and below existing ground level. If measured by wall height the side setback required for the eastern elevation for the upper ground floor would be approximately 2m. The side setback required for the eastern elevation of the garage and level 2 above would be approximately 2.5m. The side setback required for the western elevation would be greater than 6m. Given that the site is only 6.2m wide the side setbacks need to be considered in relation to the adjoining dwellings. No.7 has a nil setback adjacent to No.9 in the location of the proposed additions. No.11 has a nil to less than 900mm setback adjacent to No.9. It is considered that the side setbacks are acceptable in the context of surrounding development.

Building envelope control

A maximum wall height of 6m applies to the neighbourhood therefore the proposed additions including level 2 comply with the numeric control.

C3.3 - Elevation and Materials

The proposed planter box above the garage door is uncharacteristic of the style which the garage/studio seeks to rely upon and the springing line of the southern roof plane is raised above this planter bed which is also uncharacteristic of the styling. The planter should be deleted so as to maintain the clear-cut loft style addition of the studio, and maintain traditional roof plane proportions appropriate to the conservation area.

C3.5 - Front Gardens and Dwelling Entries

The proposed alterations and additions do not meet some of the objectives and controls as the front entrance is not oriented towards the street to enable casual surveillance. However this is to allow water views to be retained from the public domain therefore the non-compliance is considered acceptable in this instance. The pathway to the front door will be obvious to anyone entering the property.

C3.9 – Solar Access

In accordance with Council's solar access controls, the site and immediately adjoining sites are considered to have a north south orientation. The proposal does not result in additional overshadowing of private open space or living rooms of adjoining properties. The proposal would result in overshadowing of solar panels on the roof of 11 Phoebe Street. Control C8 states:

Proposals for new development are to maintain solar access to existing solar collectors having regard to performance, efficiency, economic viability and reasonableness of their location. A development proposal may be required to be modified to protect solar access to existing solar collectors, where the development doesn't comply with the suite of controls in this Development Control Plan.



Image showing location of solar panels on the roof of 11 Phoebe with the existing dwelling at 9 Phoebe in the background.

No.11 Phoebe Street has an extensive solar panel installation on their roof however between one quarter and one third would be overshadowed in whole or part between 9am and approximately 11.00am at 21 June which would accordingly impact on their operational efficiency. It is noted however that for the greater part of each day during the greater part of the year shadow impacts on the panels would be marginal.

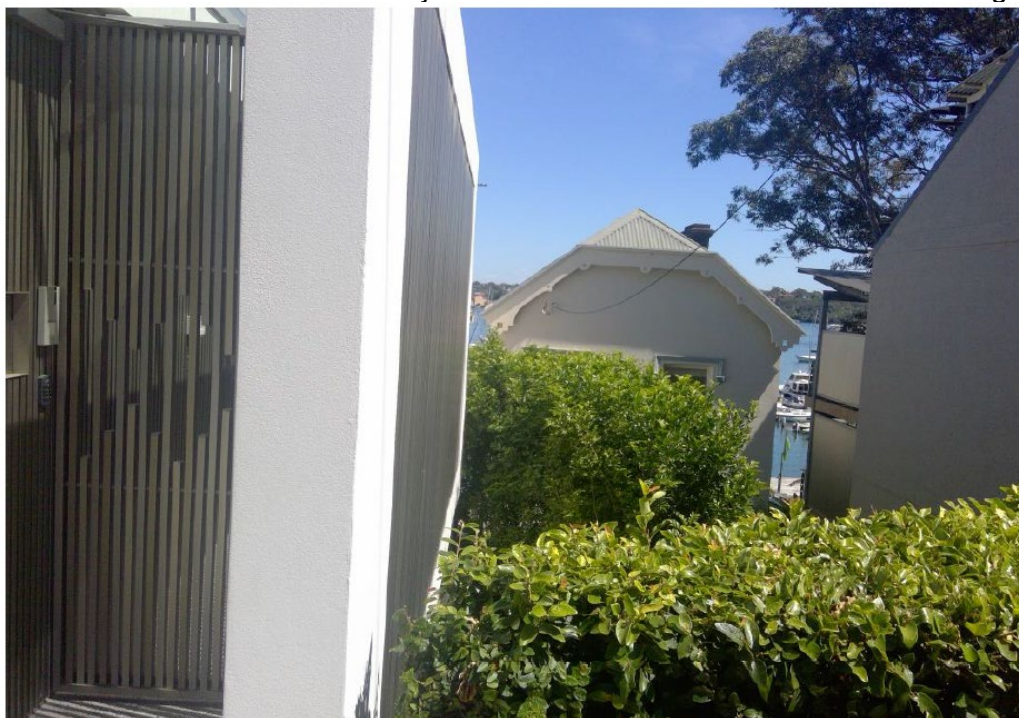
C3.10 - Views

The following objectives and controls are of particular relevance to the proposal:

- O1 *Protect views and vistas from the public domain.*
- O2 *Recognition of the value of existing views from private dwellings and allow for the reasonable sharing of views between private properties.*
- C1 *New development should be designed to promote view sharing (i.e minimise view loss to adjoining and adjacent properties and/or the public domain while still providing opportunities for views from the development itself).*
- C2 *Design solutions must respond graphically to the site analysis outcomes through the use of plans, elevations, photographs and photomontages to demonstrate how view sharing is to be achieved and illustrate the effect of development on views. In some cases, reasonable development may result in the loss of views, but new development must not significantly obstruct views.*
- C3 *Development shall be designed to promote view sharing via:*
 - a. *appropriately addressing building height, bulk and massing;*
 - c. *minimise lengthy solid forms;*
 - f. *use open materials for balustrades, balconies, decks, fences, car ports and the like.*



View from on Phoebe Street subject site between No.11 to left and No.7 to right.



Public view from footpath taken from adjacent to No.11 Phoebe Street (white pillar is No.11)



View on footpath in front of front gate of No.9 Phoebe

Currently the site principally has public views along the eastern side boundary of the property. The proposal will result in the loss of some public views to the water and there will be some private view loss as well.

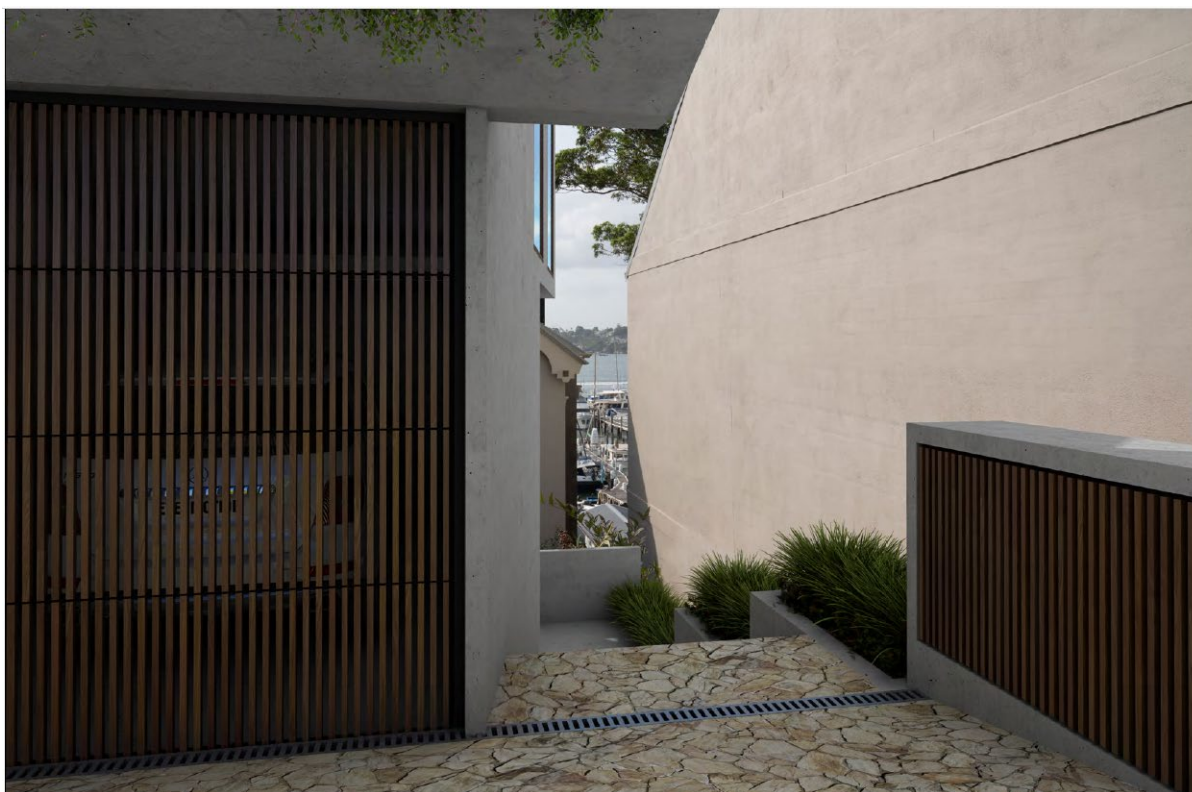


Photo montage provided by architect for Issue B plans showing garage



Existing view of the site from the street provided by the architect

Public view loss

There are existing views to the water including part of the marina along the eastern side of the property from the footpath and road of Phoebe Street. The applicant has provided a photo montage demonstrating that there will still be a view to the water given the garage has been setback from the front boundary. Given that the existing view of the water is not extensive it is considered that the remaining view obtained is sufficient in this instance.

Private view loss

With respect to private view loss, the NSW Land and Environment Court Planning Principle - Tenacity is referred to. The Tenacity principle is a four step process which is discussed as follows:

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg. Of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or services areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For*

example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

- 4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of the neighbours. If the answer to that question is no, then view impact of a complying development would probably be considered acceptable and view sharing reasonable.*

Existing views from properties to the south of the site over No.9 are not to iconic views but are to the water including Snapper Island, the water and the land/water interface of Woolwich / Hunters Hill. The view loss would be to the immediate water and would be minimal with respect to the overall views obtained from uphill properties however would be resultant from the level 2 addition. View objections have been received from the property to the south at 2 Phoebe Street and from properties on Glassop Street. The property that is considered to be most impacted would be 2 Phoebe Street as the other dwellings are higher up than 2 Phoebe Street therefore their view is minimally impacted.

An assessment of views in relation to Tenacity for 2 Phoebe Street is as follows:

1. Views are not iconic and are to the water including Snapper Island and the land/water interface of Woolwich / Hunters Hill.
2. Water views are available from large parts of the property given No.2 has a wide street frontage. The views are from the front balcony, front living room, dining room and pool area and a bedroom all at raised ground level. At first floor level views are obtained from an office with front balcony. Views are enjoyed from sitting and standing positions.
3. The extent of the impact is considered to be minor to moderate. The existing water views are partially obscured by the existing roof of No.9 and the current views obtained around the roof where it is angled on the side elevations would be boxed out and increased in height as shown in the photomontage. View loss would not be as significant at the upper level of No.2 due to the height above ground level.
4. The view loss is resultant from level 2 which is the office room above the garage. The proposal complies with the Leichhardt LEP 2013 controls including floor space ratio and complies with the building envelope control in the Leichhardt DCP 2013. There is not considered to be a more skilful design which would allow the level 2 office as the architect has minimised ceiling heights and provided a view corridor along the eastern side of the property

It is noted that conditions are recommended to reduce the level 2 width and the planter box above the garage therefore the view impacts would be slightly less than shown in the photomontage. Overall, the proposal is considered acceptable with regard to the objectives and controls in relation to C3.10 – Views.



Photomontage provided by architect for Issue B plans



01 EXISTING VIEW FROM L1 BALCONY - OUTDOOR LIVING
Existing view provided by architect

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client: MR & MRS BRAD AND LISA WONG

project: 9 PHOEBE ST, BALMAIN

job no.: 3163

drawing: VIEW LOSS ANALYSIS

scale: NTS

drawing no.: DA 1952
date: 29.01.20

drawing issue: B



Photo taken by Council officer View from front balcony of 2 Phoebe Street. View taken in standing position.



Photomontage provided by architect for issue B plans. Photo taken from front living room of No.2 Phoebe Street to the south of 9 Phoebe Street.



Existing view provided by architect



Photomontage provided by architect for Issue B plans. Photo taken from upper level balcony accessed from study



Existing view provided by architect

C3.11 - Visual Privacy

The main issues in relation to privacy relate to the side balcony at upper ground level and the balcony at level 2. The side upper ground level balcony is close to windows of 7 Phoebe Street. Accordingly, a condition is recommended that a timber fence be erected along the splayed boundary that has a height of 1.8m from the floor level of the balcony. The balcony at level 2 is 2.5m wide x 2.3 depth. Condition 9 of the privacy controls only permits balconies to have a maximum depth of 1.2m and length of 2m which the proposed balcony exceeds. Given the level 2 balcony is accessed not from a bedroom it could be used an entertainment area with associated privacy impacts and is accordingly recommended to be reduced in size to be no greater than 1.2 x 2m with privacy screens on the eastern and western elevations..

Section 1 – Sustainable Water and Risk Management and E1.2.2 - Managing Stormwater within the Site

The application was referred to Council’s engineers who have advised that the submitted stormwater plans are not satisfactory. However, subject to recommended conditions it is considered that stormwater drainage of the site could be made satisfactory.

E1.1.5 – Foreshore Risk Management Report and E1.3.2 - Foreshore Risk Management

The site is identified as a foreshore flood control lot. Works near the foreshore include a pool and BBQ area. The applicant was advised that they did not require a Foreshore Risk Management Report as part of the development application documentation however one would be required as a condition of consent for any approval. Accordingly, Council’s engineers have recommended appropriate conditions including the requirement for a foreshore flood risk management plan.

E1.2.6 Building in the vicinity of a Public Drainage System

There is an existing stormwater pit on Phoebe Street in front of the site that is required to be maintained. Council's engineers have advised that where modification/relocation to the pit is required to facilitate vehicular access to the site, a new pit with lintel must be constructed upstream of the driveway such that the inlet capacity into the Council stormwater drainage system is not reduced. Plans detailing the proposed works to Council's stormwater assets must be provided and accordingly an appropriate condition is recommended.

5(d)(ii) Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

Part 2 – Ecological Assessment

In accordance with the DCP the site is located within an area defined as Urban Development with Scattered Trees which is regarded as a terrestrial ecological community of low conservation value. The proposal is considered acceptable with regard to the performance criteria of the ecological community it is located within.

Part 3 – Landscape Assessment

The general aims include minimising any significant impact on views and vistas from and to public places. The proposed garage is considered to impact on views from the public footpath in Phoebe Street to the water however still allows a small view corridor to the water along the eastern side of the dwelling.

The landscaped character type is identified as 16 which applies to the dense residential areas of the Parramatta River including Fern and Drummoyne Bays. The proposal is considered to satisfy the statement of character and intent and performance criteria.

Part 5 – Design guidelines for land -based developments

As per 5.3, the siting of buildings and structures should not obstruct views and vistas from public places to the waterway. The proposed garage is considered to obstruct some water views from the Phoebe Street footpath however a small view corridor is retained which is considered acceptable in this instance.

5.13 – Swimming pools – the proposed swimming pool is considered acceptable with regard to the requirements of this section.

Overall the proposal is considered acceptable with regard to the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005.

5(e) The Likely Impacts

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

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

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

5(g) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days for the initial notification period from 22 October 2019 to 12 November 2019. The amended plans (Issue B) were notified to surrounding properties from 5 May to 21 May and 13 May to 8th June to cover the 30 day period required due to remediation works proposed for the site. Issue C was not required to be renotified as it includes minor alterations to the previous issue and does not constitute further impacts than the previously notified plans.

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

View loss

- Public view loss of the water and the land water interface.
- Sets a precedent on this street if they can block out the views of the harbour. View corridors should be preserved.
- The amended plans have only opened the water view slightly. Views to the water are an important aspect of the amenity of the area. The proposal should allow for these views.
- The applicant has a disregard for the precedent of preserving non-waterfront neighbour's views by building a single storey and low level garage that has been followed by most of the waterfront houses from Phoebe Street all the way along Tilba Avenue.
- We live on sloping land that should allow everyone to share in the beauty of the harbour. The applicant already has 3 storeys of uninterrupted water views. The extra floor above the garage causes concern to a number of properties to the south of the site as it will affect the amenity of living spaces with associated view loss.
- Generally the neighbours in the area have not impinged on the enjoyment of the shared vistas and open nature of the environment. Allowing the proposed development will mean the bay will soon become for the sole enjoyment of those right on the water.
- Other properties have built politely to ensure we retain our view corridor over the roof of other houses. If this DA is allowed it will significantly impact views of a lot of residents.
- The site has one of the few remaining water glimpses available in the area which is very unique.
- Even a single storey garage at street level would adversely affect the view from street level to the water.
- Significant adverse impacts in relation to private view loss and non-compliance with Council's DCP provision relating to views and view sharing.
- The proposal does not accommodate view sharing in relation to private views as has been recently done at No.11. Instead the application pursues an approach like No.7 which increases the walling in of phoebe streets with consequential loss of views and land/water interface.

Comment:

Public and private view loss is discussed in further detail above within C3.10 – Views in the DCP Assessment above. .

Street parking

- Loss of a street car parking space in an already highly congested area.
- It is noted that Council's DCP discourages the creation of new driveway crossings within the Birchgrove Distinctive Neighbourhood.

Comment:

New crossovers are able to be supported where they are single width only in the Birchgrove Distinctive Neighbourhood. There will be a loss of one on-street parking space

as a result of the proposal which is considered acceptable in this instance as the street has already established this pattern for the private dwellings which front the waterside. It is noted that both adjoining properties have double garages, which originate in planning allowances from many years prior to the current controls. These limit the availability of on street parking to be right in front of No 9. It is not considered reasonable to penalise No 9 for the impact of those prior approvals. Parking is discussed further in the DCP assessment above under C1.11 – Parking.

Roof garden (now deleted from proposal)

- Visual and acoustic privacy impacts from proposed roof garden. An unacceptable heritage impact as viewed from the waterway and visual bulk.
- The amended plans still retain references to a roof terrace which is probably an error however it is requested these are deleted.

Comment:

The roof garden has now been deleted from the proposal. Erroneous annotations on the plans are recommended to be deleted from the plans as part of the conditions.

Bulk and scale / Streetscape

- Bulk and scale of the development at the front of the property is out of keeping with the existing streetscape and existing dwelling on site.
- The bulk of the building at 7 Phoebe Street which is being used as an envelope guideline is already too big and not a form that should be replicated.
- Overdevelopment of the property.
- The proposal takes away the open nature of the suburb. The owners do not consider all those living close to them.
- The proposal would block the view to the heritage house, it is excessive to build a house on the front lawn of another house especially one with heritage character.
- The design could simply incorporate an open single storey garage area on the level of the street with no roof or limited roof that would solve many issues residents have.
- It is not in keeping with the heights of most of the surrounding houses which are single storey. The new and existing buildings were all kept to one storey above street level. The DA referenced the height of only one house being next to it which is not indicative of the character of the houses in the street.
- The second level for the proposed office is of a shape and height which disconnects the street from harbour sight lines, sits above the roof line of the existing house and adds an imposing bulk to the street landscape.
- The owners should be made to keep within the envelope of the existing structure and shouldn't be allowed to build over their front garden.
- The development will create a high wall of buildings at the street front where now there is a setback to a beautiful garden and older style roof line.
- The infill additions unsympathetically alters the setting of the dwelling in the conservation area.
- The result is a further walling in of the street and will lead to an unrelieved run of garage doors in this section of Phoebe Street.
- There were very strict height-limit parameters imposed upon the DA for 11 Phoebe Street in relation to the carport and we expect that the same limitation should be imposed on No.9.

Comment:

The proposal has been amended from the original proposal which occupied the entire frontage of the site. The current plans occupy approximately half of the street frontage which will allow partial views of the original dwelling. Deferred commencement conditions are recommended to alter the garage to have a rectangular shape with a maximum internal width of 3m and have the first floor aligned with the side garage walls below. A deferred commencement condition is also recommended to delete the planter box above the garage door and have the springing line of the southern roof plane lowered accordingly such that the garage and floor are more appropriate within the conservation area.

Overshadowing of solar panels

- The proposal will overshadow solar panels on the roof of No.11 which will impact on their operation.

Comment:

Overshadowing is discussed under the DCP Assessment above under C3.9 – Solar Access.

Blocking of light / ventilation louvres

- No.7 has a light / ventilation louvres on the boundary with No.9 which provides light and ventilation to 2 bathrooms and a storeroom and assists with the ventilation to a cavity dish drain system and a sump. The proposed bedroom 4 at ground floor level and planter beds adjacent to the entrance path would block these louvres. Suggest that the planter bed be deleted and bedroom 4 have a lower floor to ceiling height to allow the louvre to retain existing light and ventilation.

Comment:

The louvre with adjacent lightwell of No.7 are built to the boundary and therefore can't be enforced to be protected given that there is no easement to protect it in place. It is not considered reasonable to require No.9 to lower the ceiling height of a bedroom to protect the lightwell. Deletion of the garden bed is not recommended either as it likely to direct overland stormwater flow into the louvred courtyard. The owner of No.7 could discuss the planter bed height with the architect / owners as there is no set height required for the planter bed adjacent to the louvres. Otherwise mechanical light and ventilation would be required for No.7.

Construction impacts

- Potential impacts of excavation upon adjoining dwelling and boathouse. Request a detailed geotechnical report in relation to the dwelling and boathouse incorporating a vibration management plan and ongoing vibration monitoring during the excavation works. Dilapidation reports should also be prepared.
- Concern regarding waste management at street level given the narrow property frontage. A traffic management operating plan during construction should be required.

Comment:

Appropriate conditions are recommended including the requirement for a dilapidation report for the adjoining sites and construction management conditions.

Noise from Car stacker

- Concern regarding noise from car stacker. Request that any plant for the car stacker be contained in a sound attenuated enclosure.

Comment:

The car stacker is not supported as further discussed under the DCP Assessment C1.11 – Parking. A deferred commencement condition is recommended requiring it to be deleted from the proposal and replaced with a single width garage.

Landscaping

- Concern regarding fill in the backyard and changing existing levels which may require retaining walls along the side boundary and then have consequences for boundary fencing.
- All excavated fill for the pool and surrounds should be removed from the site and not used for landscaping fill.

Comment:

Any retaining walls would need to be within the boundaries of No.9. Fencing is a civil matter between the neighbours. Any contaminated fill will be required to be dealt with in accordance with the Remediation Action Plan for the site.

Notification

- The notification area should have been wider to more properties given potential view loss from properties on other streets.
- Notice should have been given to the surrounding streets as it is the closest street to the harbour and a main walking route for many.
- Request that you consider reissuing notice letters so that the surrounding community can have a voice.

Comment:

Notification of properties / owners was in accordance with Council's development control plan requirements. It is also noted that notices were put on the front fence of the property during the notification periods. It would also appear that many people have found out about the proposal as a large number of submissions other than immediately surrounding properties have made a submission.

5(h) The Public Interest

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

The proposal is not contrary to the public interest subject to recommended conditions.

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.

- Engineering – acceptable subject to recommended conditions including deletion of car stacker and amending the parking design to comply with the Australian Standards and appropriate stormwater drainage requirements.
- Heritage – acceptable subject to recommended conditions.
- Health – acceptable subject to recommended conditions.
- Landscaping – acceptable subject to recommended conditions.

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.

- Roads and Maritime Service – No objection to proposal.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013* and *Leichhardt Development Control Plan 2013*.

The development as conditioned 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 the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.

9. Recommendation

- A. 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 deferred commencement consent to Development Application No. D/2019/400 for alterations and additions to an existing dwelling including new extension and garaging, associated landscaping, pool and remediation works at 9 Phoebe Street Balmain subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

A. Deferred commencement consent

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matters:

Amended plans and details are to be submitted to Council incorporating the following:

- A. The planter box above the garage is to be deleted. The springing line of the southern roof plane of the roof to level 2 is to sit at the same height, or below the ceiling height of the garage. The roof pitch of the southern roof plane of the garage must be amended to a slope of 40 degrees.
- B. The car stacker is to be deleted and replaced with a single hardstand parking space.
- C. The garage shall have a maximum internal width of 3m and be rectangular in shape by deletion of the stepped eastern elevation. The entry foyer is to be reduced in extent to align with the eastern wall of the garage.
- D. Level 2 shall have a maximum internal width of 3m and have its eastern and western walls align with the garage below.
- E. The balcony accessed from level 2 is to have a maximum depth of 1.2m and a maximum width of 2m. The eastern and western elevations of the balcony are to have privacy screens to a height of 1.6m from the floor level of the balcony.
- F. The finish to the walls of the garage and Level 2 above is to be amended to a rendered painted finish, the same as "B" on the materials schedule.
- G. All references to the now deleted roof balcony/terrace on the plans and elevations are to be deleted from the plans.
- H. Balustrading to all levels of the existing balconies on the northern elevation are to be retained and marked as such on the plans.
- I. The existing rock outcrop adjacent to the BBQ area in the rear yard is to be retained as is and marked as such on the plans.

Evidence of the above matters must be submitted to Council within 2 years otherwise the Consent will not operate.

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
Dwg No. DA 1102 Issue C	Lower Ground Level Plan	07.05.20	David Mitchell Architects
Dwg No. DA 1103 Issue C	Upper Ground Level Plan	07.05.20	David Mitchell Architects
Dwg No. DA 1104 Issue C	Level 1 Plan	07.05.20	David Mitchell Architects
Dwg No. DA 1105 Issue C	Level 2 Plan	07.05.20	David Mitchell Architects
Dwg No. DA 1106 Issue C	Roof Plan	07.05.20	David Mitchell Architects
Dwg No. DA 1107 Issue C	Roof plan	07.05.20	David Mitchell Architects
Dwg No. DA 1101 Issue C	Lower ground level - part plan	07.05.20	David Mitchell Architects
Dwg No. DA 1201 Issue C	Section A	07.05.20	David Mitchell Architects
Dwg No. DA 1202 Issue C	Section A	07.05.20	David Mitchell Architects
Dwg No. DA 1203 Issue C	Section B	07.05.20	David Mitchell Architects
Dwg No. DA1204 Issue C	Section B	07.05.20	David Mitchell Architects
Dwg No. DA 1301 Issue C	Elevation - South	07.05.20	David Mitchell Architects
Dwg No. DA 1302 Issue C	Elevation - North	07.05.20	David Mitchell Architects
Dwg No. DA 1303 Issue C	Elevation - East	07.05.20	David Mitchell Architects
Dwg No. DA 1304 Issue C	Elevation - East	07.05.20	David Mitchell Architects
Dwg No. DA 1305 Issue C	Elevation - West	07.05.20	David Mitchell Architects
Dwg No. DA 1306 Issue C	Elevation - West	07.05.20	David Mitchell Architects
A359861_03	BASIX Certificate	24.7.2020	David Mitchell Architects
WittC-DMA-R-E	Detailed Site Contamination Investigation	January 2020	Witt Consulting
WittC-DMA-R-F	Site Remedial Action Plan	January 2020	Witt Consulting
WittC-DMA-R-D	Desktop Geotechnical Site Investigation	September 2018	Witt Consulting

WittC-DMA-L-N	Structural and Geotechnical Engineer Report Relating to Adjacent Road Reserve	31 January 2020	Witt Consulting
WittC-DMA-L-M	Structural Certificate, Structural Engineering Details - Dwelling	31 January 2020	Witt Consulting

As amended by the conditions of consent

FEES

2. Security Deposit - Standard

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

Security Deposit:	\$8,056.50
Inspection Fee:	\$230.65

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

3. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

GENERAL CONDITIONS**4. Contamination – Remedial Action Plan (No Site Auditor Engaged)**

The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared by Witt Consulting Pty Ltd reference WittC-DMA-R-Fdated January 2020 the *Contaminated Land Management Act 1997* and the *State Environmental Planning Policy No 55*.

5. Works Outside the Property Boundary

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

6. Rock Anchors

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

7. Permits

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
- b. A concrete pump across the roadway/footpath
- c. Mobile crane or any standing plant
- d. Skip Bins
- e. Scaffolding/Hoardings (fencing on public land)
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- g. Awning or street veranda over the footpath
- h. Partial or full road closure
- a. Installation or replacement of private stormwater drain, utility service or water supply

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity or where required by this consent, prior to Construction Certificate.

8. Balcony Privacy Screening

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating the erection of a privacy screen on the splayed eastern side of the upper ground level balcony having a minimum block out density of 75% and a height of 1.8 metres above the finished floor level of the balcony and located within the site boundary of No.9 Phoebe Street.

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

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

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

10. Waste Management Plan

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

11. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

12. Approved works - Trees

Approval is given for the following works to be undertaken to trees on the site:

Tree/location	Approved works
<i>Plumeria acutifolia</i> (Frangipani) located in the rear of the site	Remove.

PRIOR TO ANY DEMOLITION

13. Hoardings

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

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

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

14. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties (7 Phoebe (including boathouse) and 11 Phoebe 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.

15. Advising Neighbors Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

16. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

PRIOR TO CONSTRUCTION CERTIFICATE**17. Changes to Levels**

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

- a. The proposed 2 Car Stacker must be deleted and replaced by a single internal hardstand parking space within the Garage.
- b. The Entry Foyer on Level 1 Plan must be raised from RL13.02m AHD to RL13.17m AHD to provide a 150mm step down from the internal levels to the adjacent external levels.

18. Dilapidation Report – Pre-Development – Minor

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

19. Stormwater Drainage System – Minor Developments (OSD is not required)

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:

- 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 Parramatta River.
- 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 Leichhardt DCP2013.
- c. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm.
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage.
- e. 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.
- f. The driveway to the Garage must be designed to include an appropriate transition up (e.g. bull nose and ramp up) from external driveway levels to the level of the internal garage slab to provide suitable protection from surface flows.
- g. An overland flowpath must be provided within the setback to the north eastern side boundary between the Phoebe Street frontage and the Parramatta River frontage of the site. The driveway at the Phoebe Street frontage of the site must be graded so that bypass flows from the site drainage system are directed to the overland flowpath and all structures/fences/railing must be open type to permit flows to pass along the overland flow path.
- h. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas.

- i. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- j. No nuisance or concentration of flows to other properties.
- k. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- l. 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.
- m. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

20. Parking Facilities - Domestic

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:

- a. The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with the Alignment Levels issued with this consent.
- b. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
- c. 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.
- d. The driveway to the Garage must be designed to include an appropriate transition up (e.g. bull nose and ramp up) from external driveway levels to the level of the internal garage slab to provide suitable protection from surface flows.
- e. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.
- f. The garage must have minimum clear internal dimensions of 6000 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.
- g. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces.
- h. The proposed 2 Car Stacker must be deleted at replaced by a single internal hardstand parking space.
 - a. The external form and height of the approved structures must not be altered from the approved plans.
 - b. A modification to the development consent where the above requirements are unable to be satisfied.

21. Foreshore Flood Affected Site

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with certification by a suitably experienced Civil Engineer that the works comply with the following specific requirements::

- a. A foreshore risk management plan has been prepared including the following recommendations:

- a. Types of materials to be used to ensure the structural integrity of the pool and any other structures below RL3.5mAHD to immersion and impact of velocity and debris and buoyancy.
 - b. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections below RL3.5mAHD.
 - c. Flood warning signs/depth indicators for areas that may be inundated
 - d. A flood evacuation strategy.
 - e. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above RL3.5mAHD including those related to the pool.
- b. All relevant plans and documents have been updated to reflect and incorporate the recommendations of the foreshore risk management plan. All documents referenced must be included in the certification.

22. Public Domain Works – Prior to Construction Certificate

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

- a. The construction of light duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site.
- b. New concrete footpath and kerb and gutter along the frontage of the site.
- c. Longsections along each edge of the vehicular crossing and cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Existing and proposed levels must be shown. Note, the cross fall of the footpath must be set at 2-2.5%. These sections will set the alignment levels at the boundary.
- d. Vehicular swept for entry/exit into the site and relocation of Council's existing stormwater pit including lintel to accommodate the vehicular crossing.
- e. All structural design plans and certifications related to the support of the public road as required by Condition Structural and Geotechnical Report – Basement and the interface between the vehicular crossing slab, internal driveway structure and structures that support the road.

All works must be completed prior to the issue of an Occupation Certificate.

23. Structural and Geotechnical Report

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 practising 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:

- 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 and new retaining walls, including footings and subsoil drainage, must shown on the plans and 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.
- h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.
- a. Any other relevant information.

24. Structural Certificate for retained elements of the building

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

25. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

DURING DEMOLITION AND CONSTRUCTION

26. Contamination – New Evidence

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

27. Imported Fill Materials

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods:

- a. Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b. Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995).

28. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

29. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

PRIOR TO OCCUPATION CERTIFICATE**30. Contamination – Disposal of Soil**

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the *Protection of the Environmental Operations Act 1997*.

31. Contamination – Validation (Site Audit Statement Required)

Prior to the issue of an Occupation Certificate, the Certifying Authority and Council must be provided with a Section A Site Audit Statement prepared by a NSW Environment Protection Authority accredited Site Auditor.

The Site Audit Statement must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use.

32. Public Domain Works

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

- a. Light duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. The existing concrete footpath and kerb and gutter across the frontage of the site must be reconstructed
- c. Relocation of the Council stormwater pit and lintel; and
- d. Other works subject to the *Roads Act 1993* approval.

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

33. Stormwater Drainage and Road Works – Certification

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority and Council must be provided with Certification by a suitably experienced and qualified Engineer(s) in relevant engineering field(s) that:

- a. All works required to be undertaken on public roads have been constructed in accordance with Council's approved plans.
- b. Includes the date(s) of inspection. All works must be inspected on-site and any CCTV footage reviewed.
- c. Photographic Inspection and Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia carried out by an accredited

operator has been of completed for stormwater drainage works that are to revert to Council and have been submitted to Council.

- d. Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council.

34. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with Certification by a suitably qualified and experienced Civil Engineer that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped Construction Certificate plans.

35. Light Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that a light duty concrete vehicle crossing(s), in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" have been constructed at the vehicular access locations.

36. No Encroachments

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

37. Basement/Retaining Wall Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that all structures including basement, retaining walls and driveway etc has been constructed in accordance with the development consent and relevant Australian Standards such that the adjacent public road is appropriately supported by the structures.

38. Foreshore Flood Risk Management Plan - Certification

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified practising Civil Engineer that all aspects of the foreshore risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.

39. Parking Signoff – Minor Developments

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

ON-GOING**40. Noise General**

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

41. Flood Risk Management Plan

The Foreshore Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

42. Tree Establishment

The canopy tree/s required by this consent is/are to be maintained in a healthy and vigorous condition until it/they attain a height of 5 metres whereby it/they will be protected by Council's Tree Management Controls. If the tree is found/Any of the trees found faulty, damaged, dying or dead it/they shall be replaced with the same species within 1 month (up to 3 occurrences).

ADVISORY NOTES**Public Domain and Vehicular Crossings**

The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public Domain Works – Step 2* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;

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

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Swimming Pools

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

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

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

Noise

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

Amenity Impacts General

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

Construction of Vehicular Crossing

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

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au

Landcom	9841 8660	To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441	www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406	www.foodnotify.nsw.gov.au
NSW Government		www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA 1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)		www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50	www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

Tree Pruning or Removal (including root pruning/mapping)

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

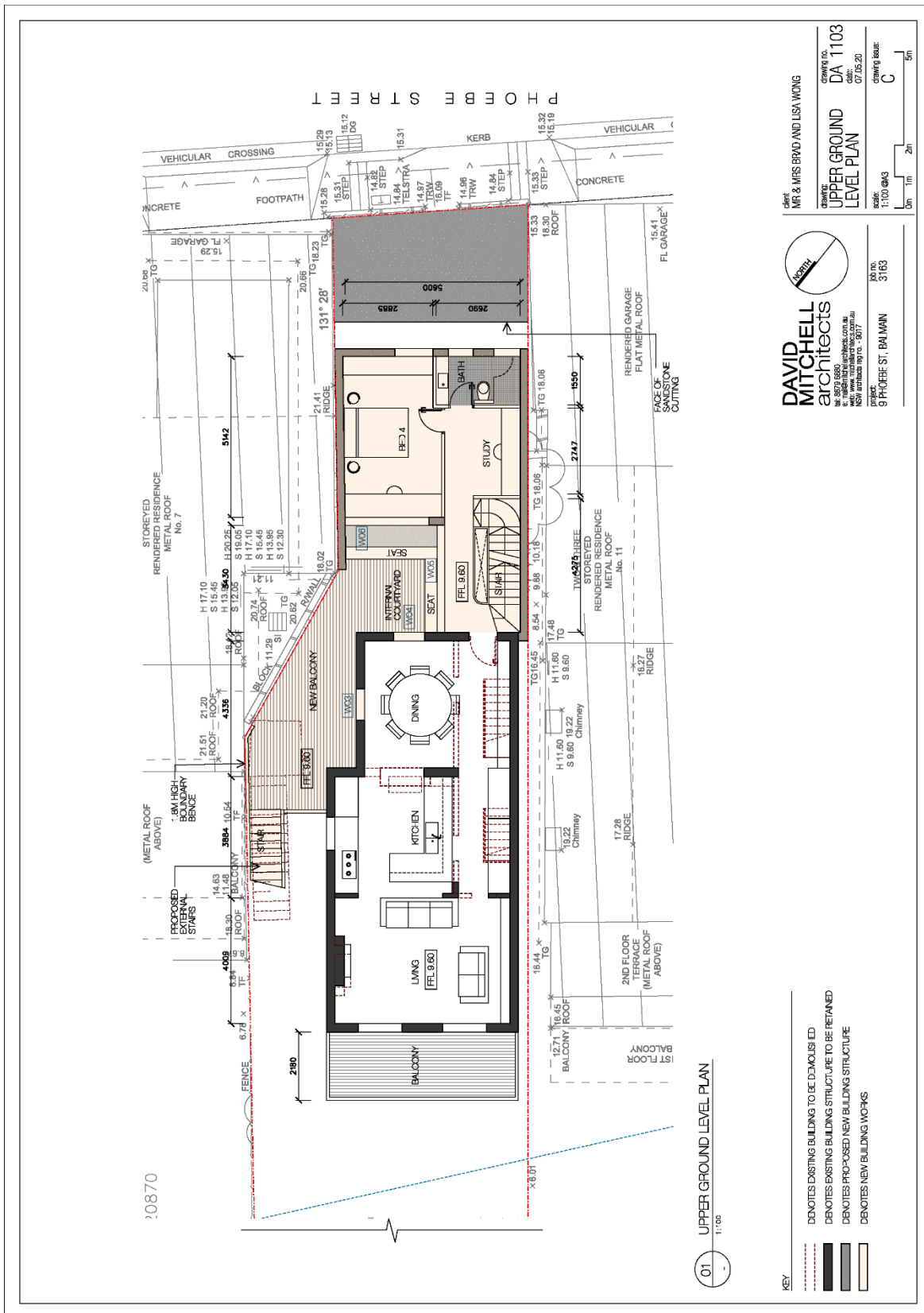
Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Attachment B – Plans of proposed development



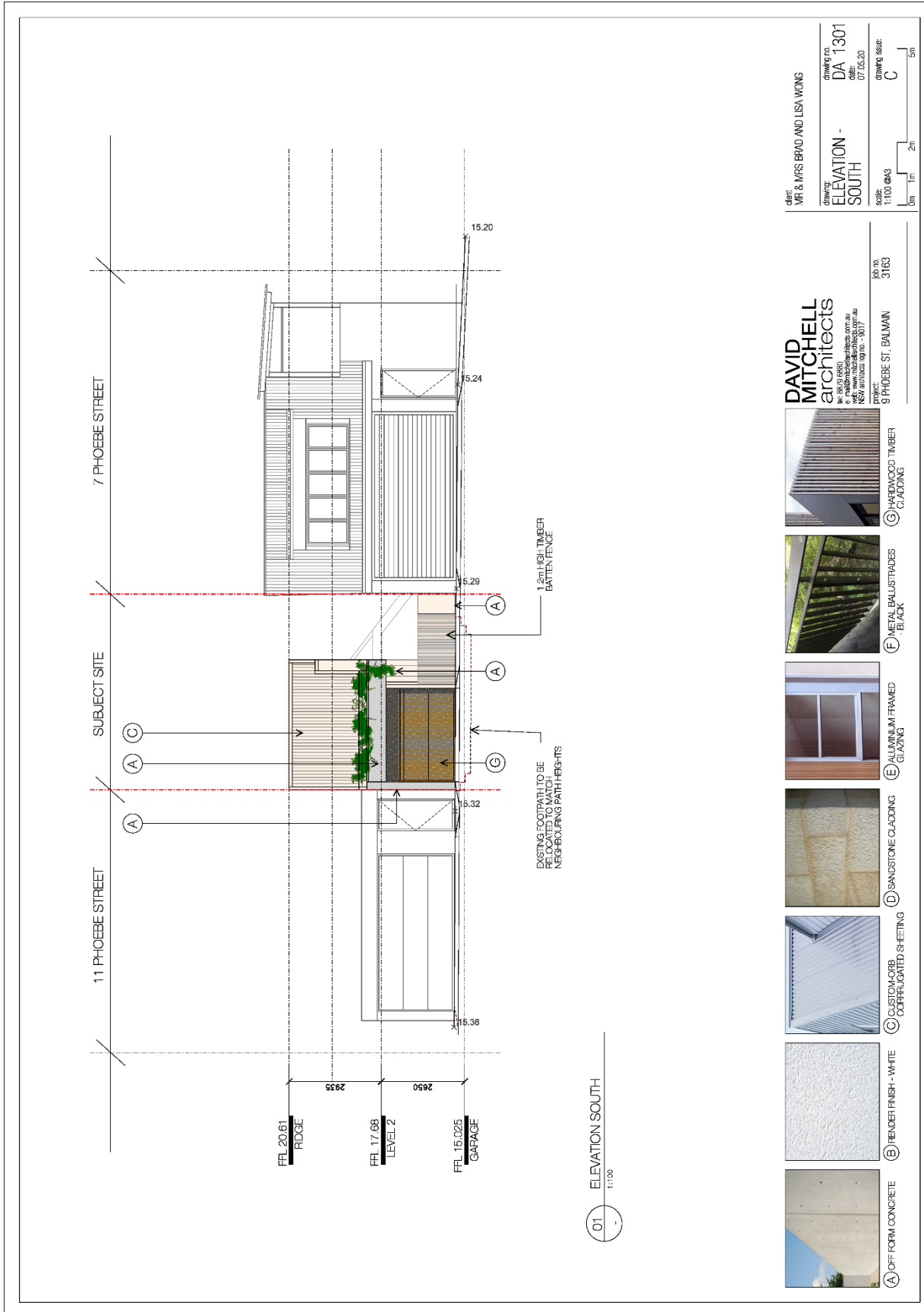
DAVID MITCHELL architects
 architects
 91 PROPER ST. BALMAIN
 NSW 1585
 Tel: 02 9550 1234
 Fax: 02 9550 1235
 Email: david@dmitchell.com.au
 Website: www.davidmitchell.com.au

PROJECT: 91 PROPER ST. BALMAIN
 DRAWING NO: 3163
 DATE: 07.05.20
 DRAWING SCALE: C

DESIGNED BY: MR & MRS ERIC AND LISA WONG
 DRAWING NO: DA 1103
 DATE: 07.05.20
 DRAWING SCALE: C

01 UPPER GROUND LEVEL PLAN
 1:100

- KEY**
- DENOTES EXISTING BUILDING TO BE DEMOLISHED
 - DENOTES EXISTING BUILDING STRUCTURE TO BE RETAINED
 - DENOTES PROPOSED NEW BUILDING STRUCTURE
 - DENOTES NEW BUILDING WORKS



DEF: MR & MRS BRAD AND LISA WONG

drawing no: DA 1301
drawing title: ELEVATION - SOUTH
date: 07.05.20

scale: 1:100 @A3
drawing size: C
0m 1m 2m 5m

DAVID MITCHELL architects

16/55/95/980
www.davidmitchell.com.au
NSW architect reg no. - 36117

project: 9 PHOEBE ST, BALMAIN
job no: 3163



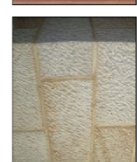
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(F) METAL BALUSTRADES BLACK



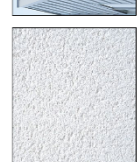
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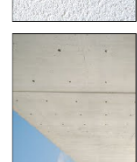
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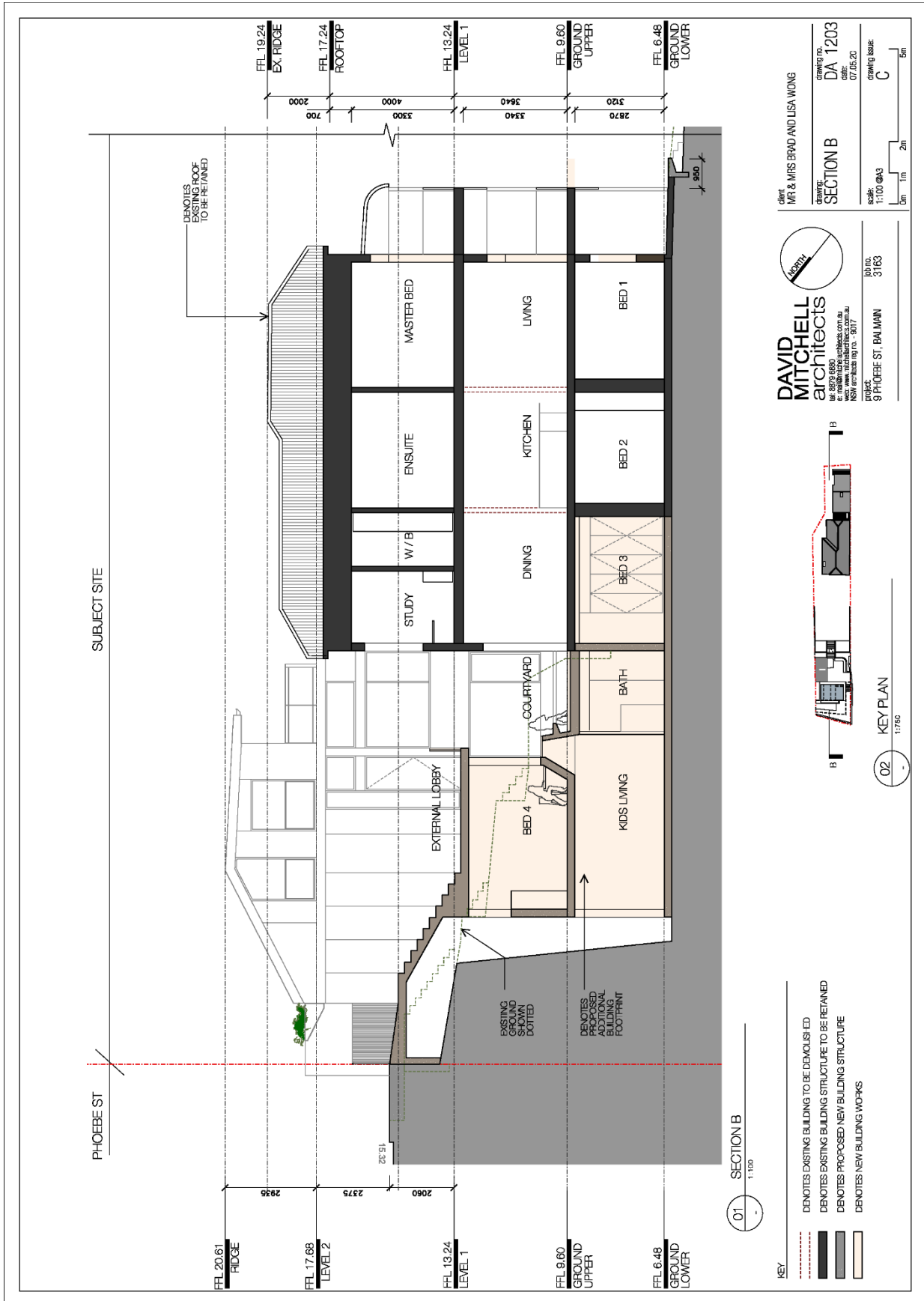
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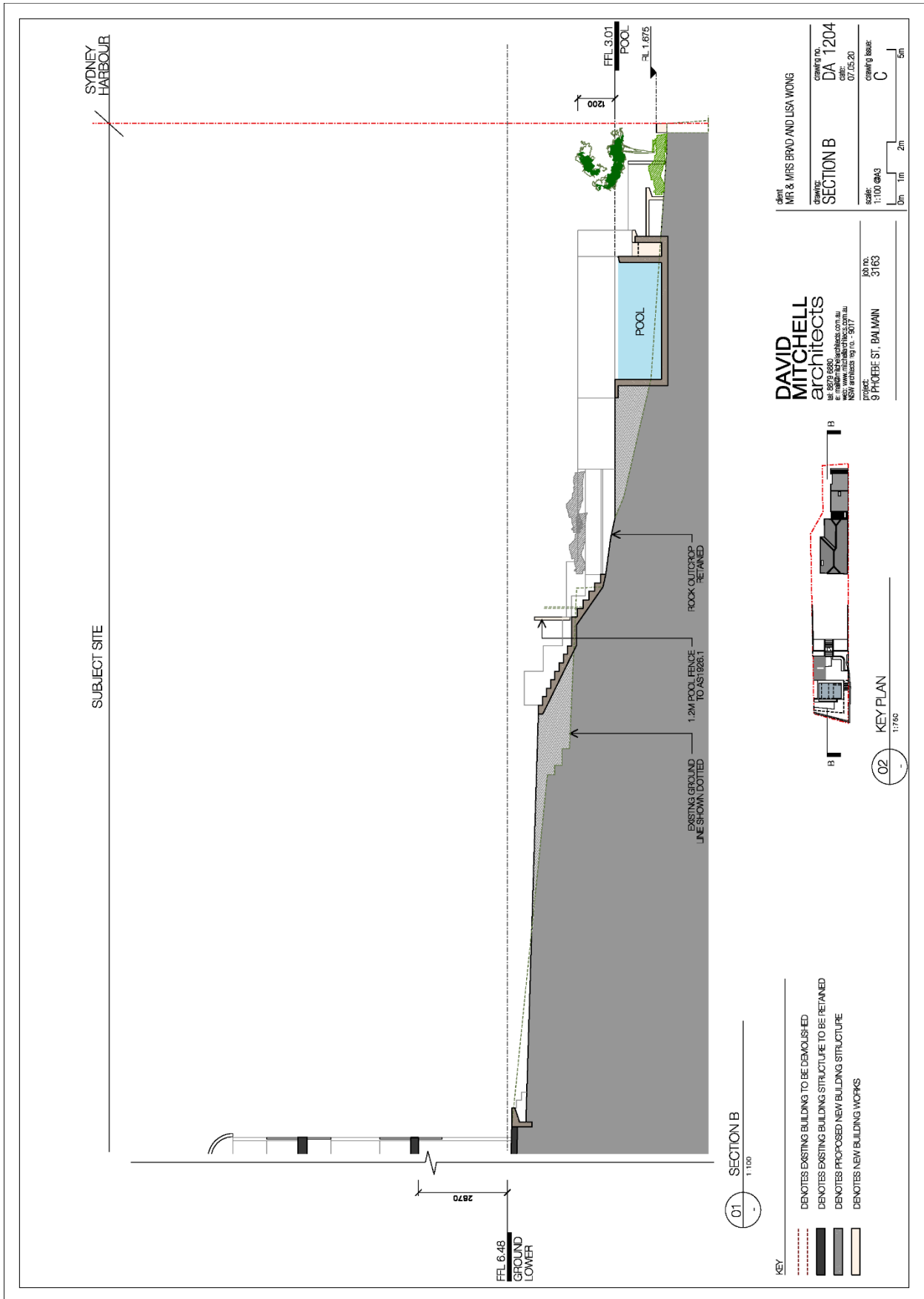


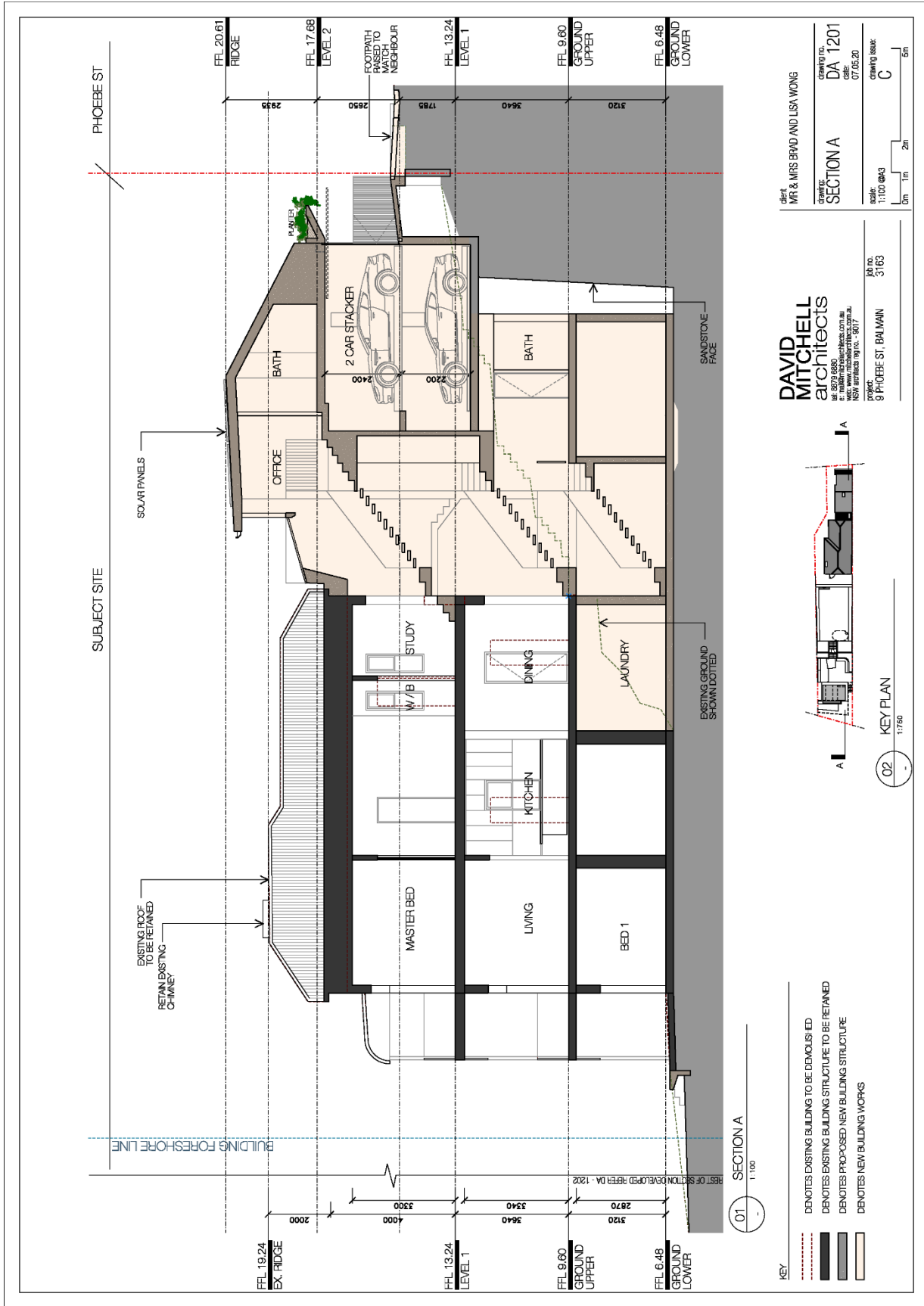
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(A) OFF-FORM CONCRETE







client
MR & MRS BRAD AND LISA WONG

drawing no.
DA 1201

drawing issue
07.05.20

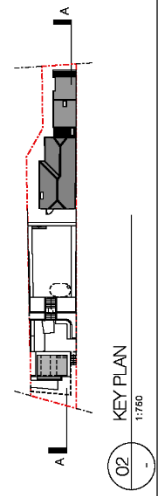
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C

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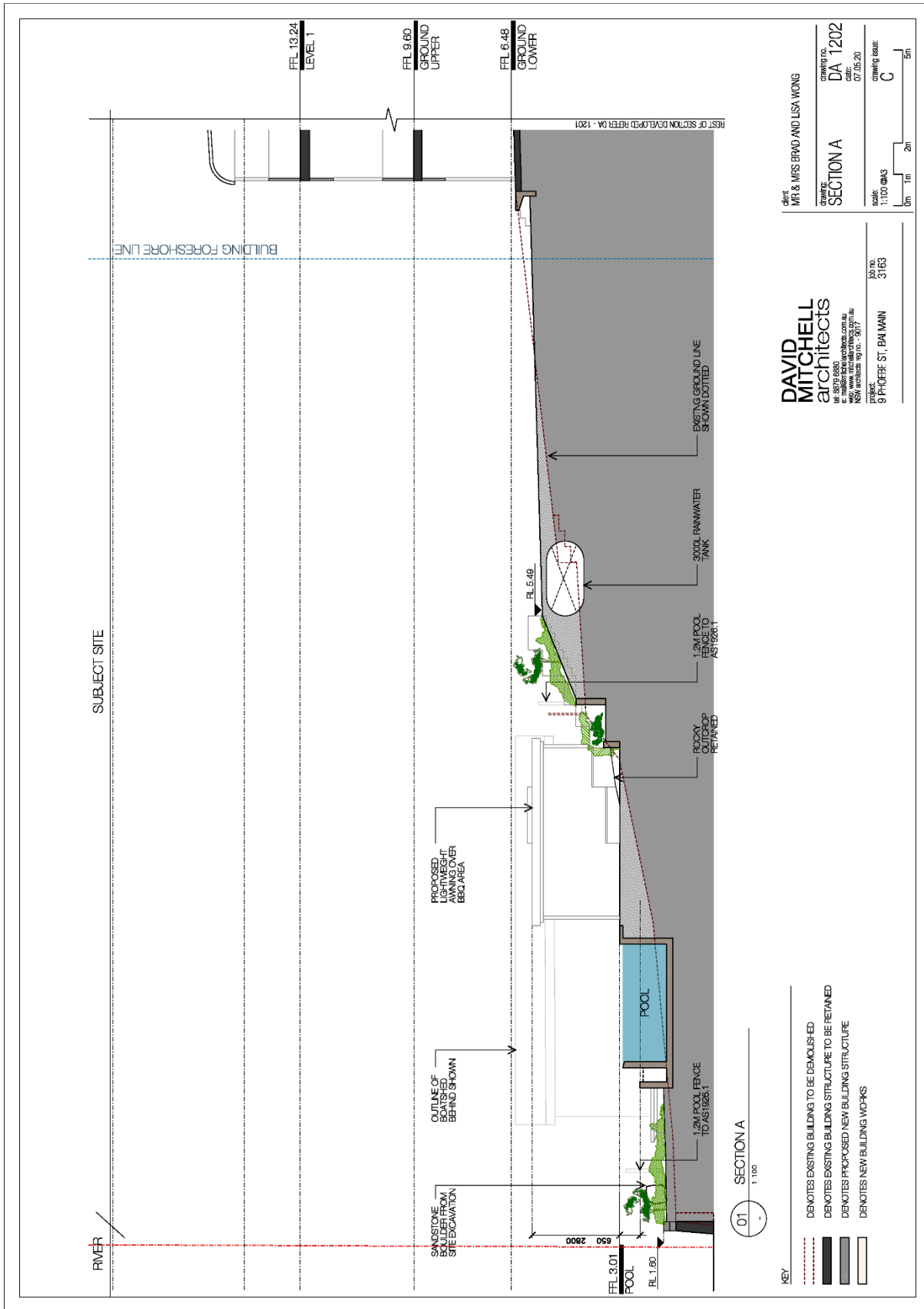
DAVID MITCHELL architects
www.davidmitchell.com.au
1111 PHOEBE ST. BALMAIN NSW 1513

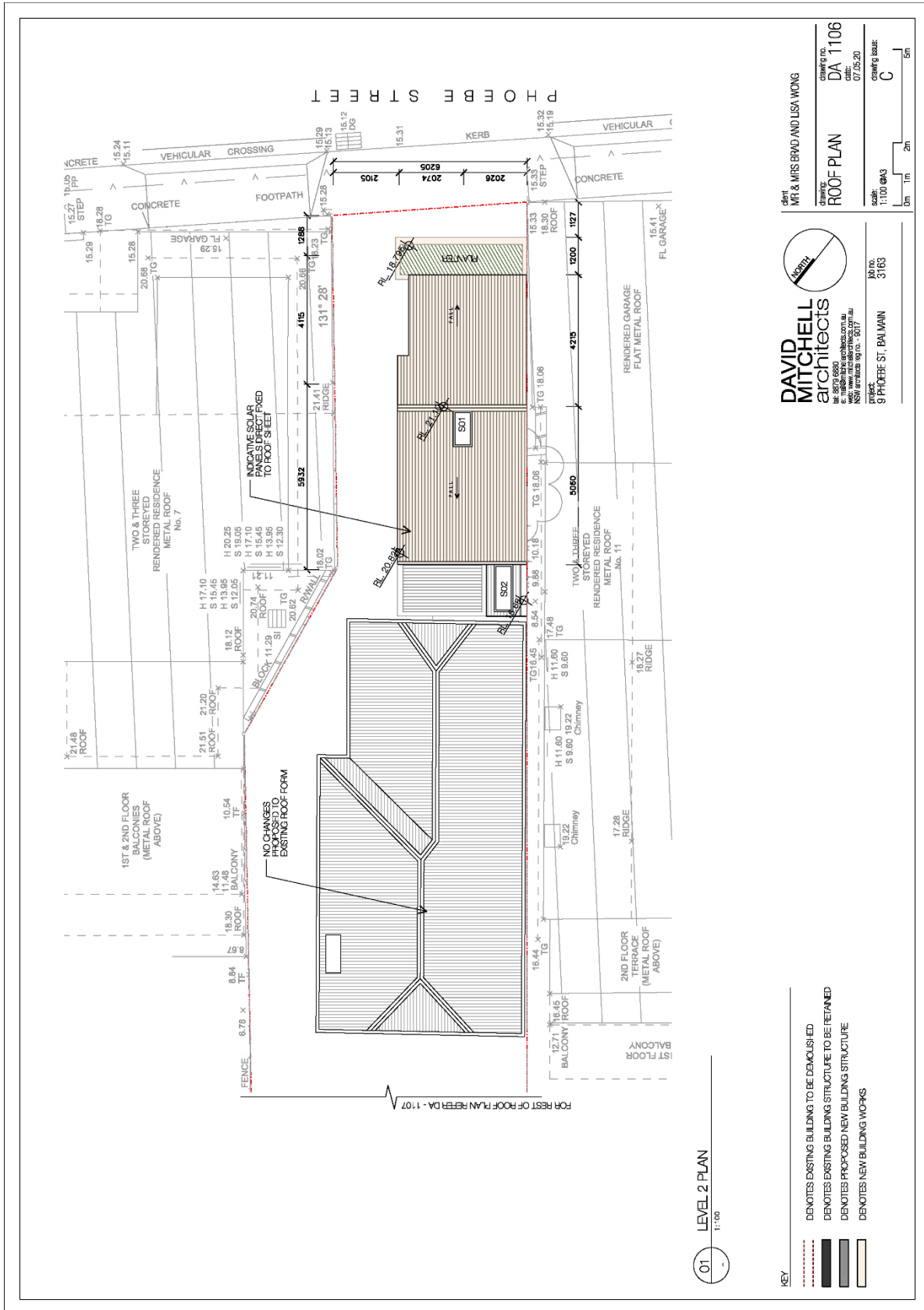
9 PHOEBE ST. BALMAIN NSW 1513
3163

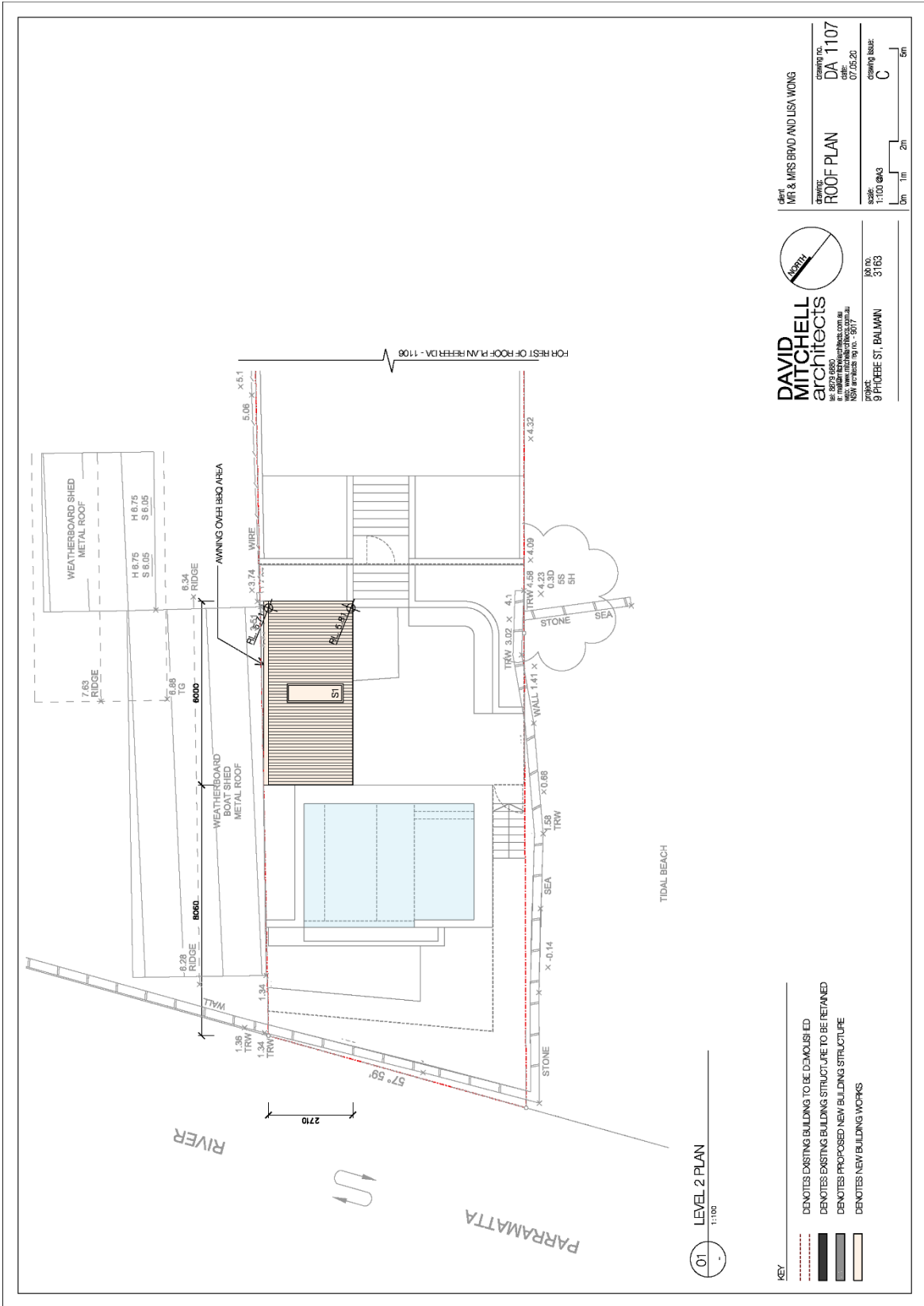



KEY

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- ▨ DENOTES EXISTING BUILDING STRUCTURE TO BE RETAINED
- ▩ DENOTES PROPOSED NEW BUILDING STRUCTURE
- ▭ DENOTES NEW BUILDING WORKS



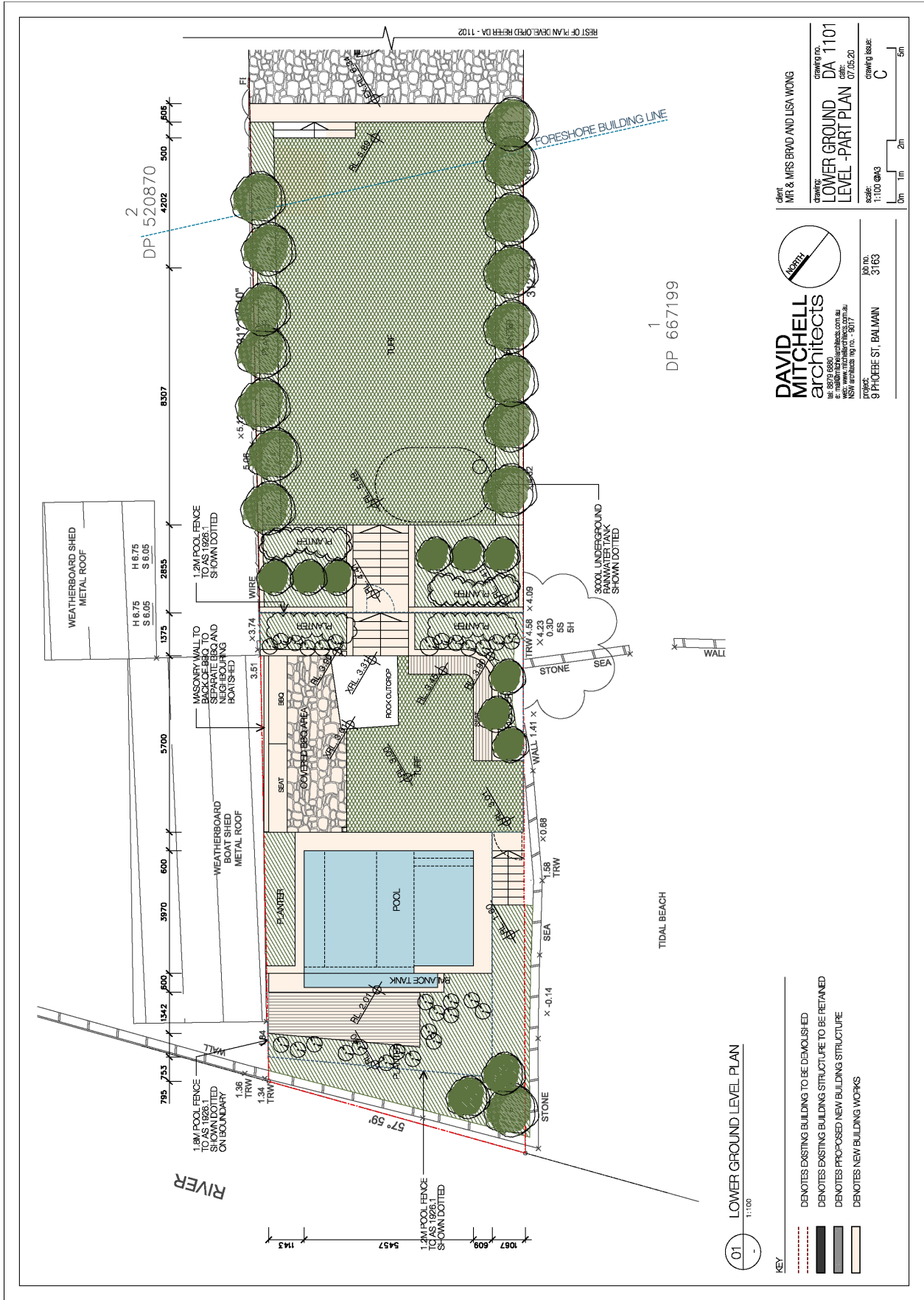





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 NSW AUSTRALIA 1511
 t: 02 9550 1111
 e: david@dmitchellarchitects.com.au
 www.davidmitchellarchitects.com.au

client: MPT & MRS BRAD AND LISA WONG
 drawing no: DA 1107
 drawing title: ROOF PLAN
 scale: 1:100 @A3
 drawing issue: C
 sheet: 1 of 1
 date: 07.05.20

project: 9 PHOENIX ST. BALMAIN
 lot no: 3163



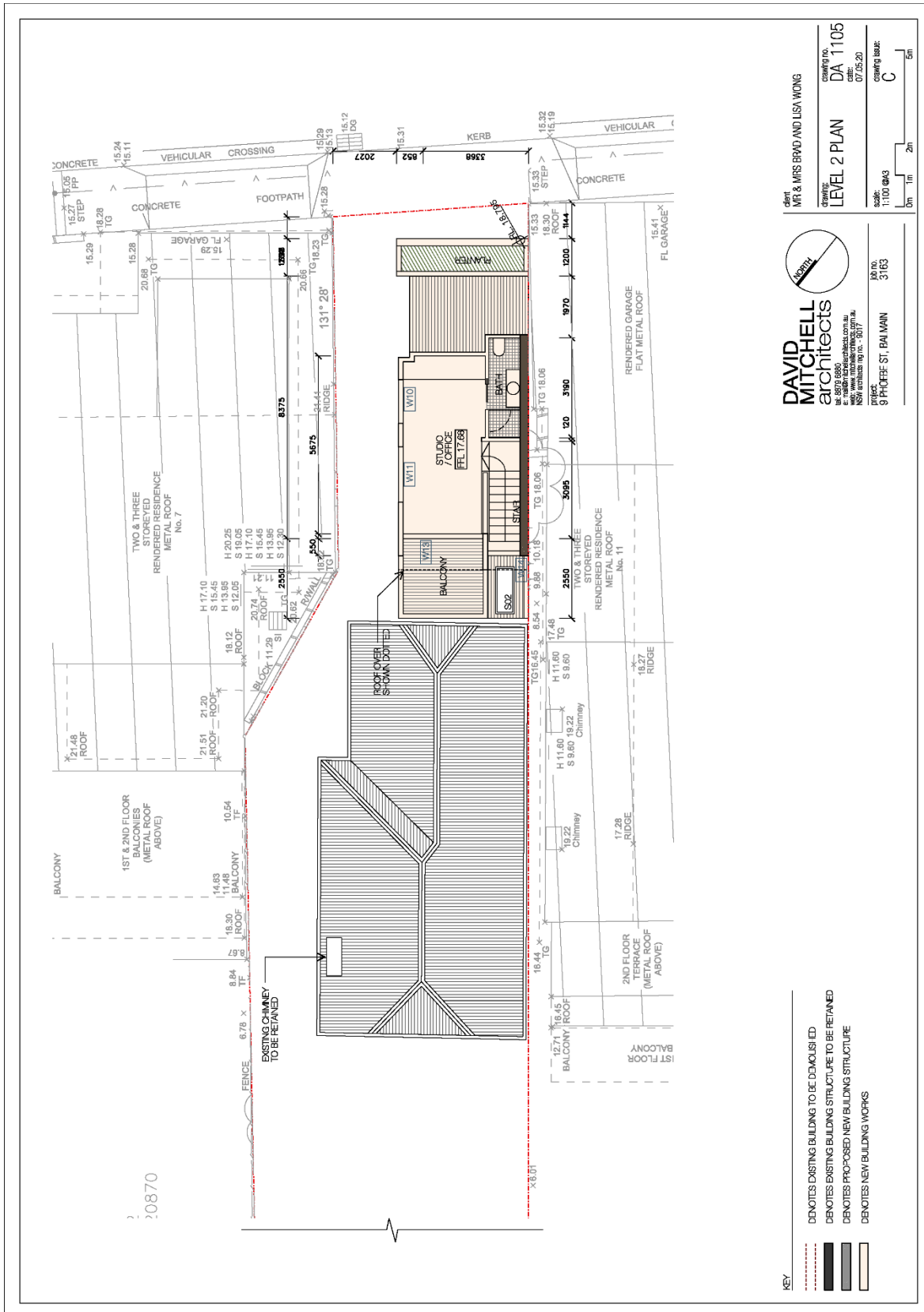
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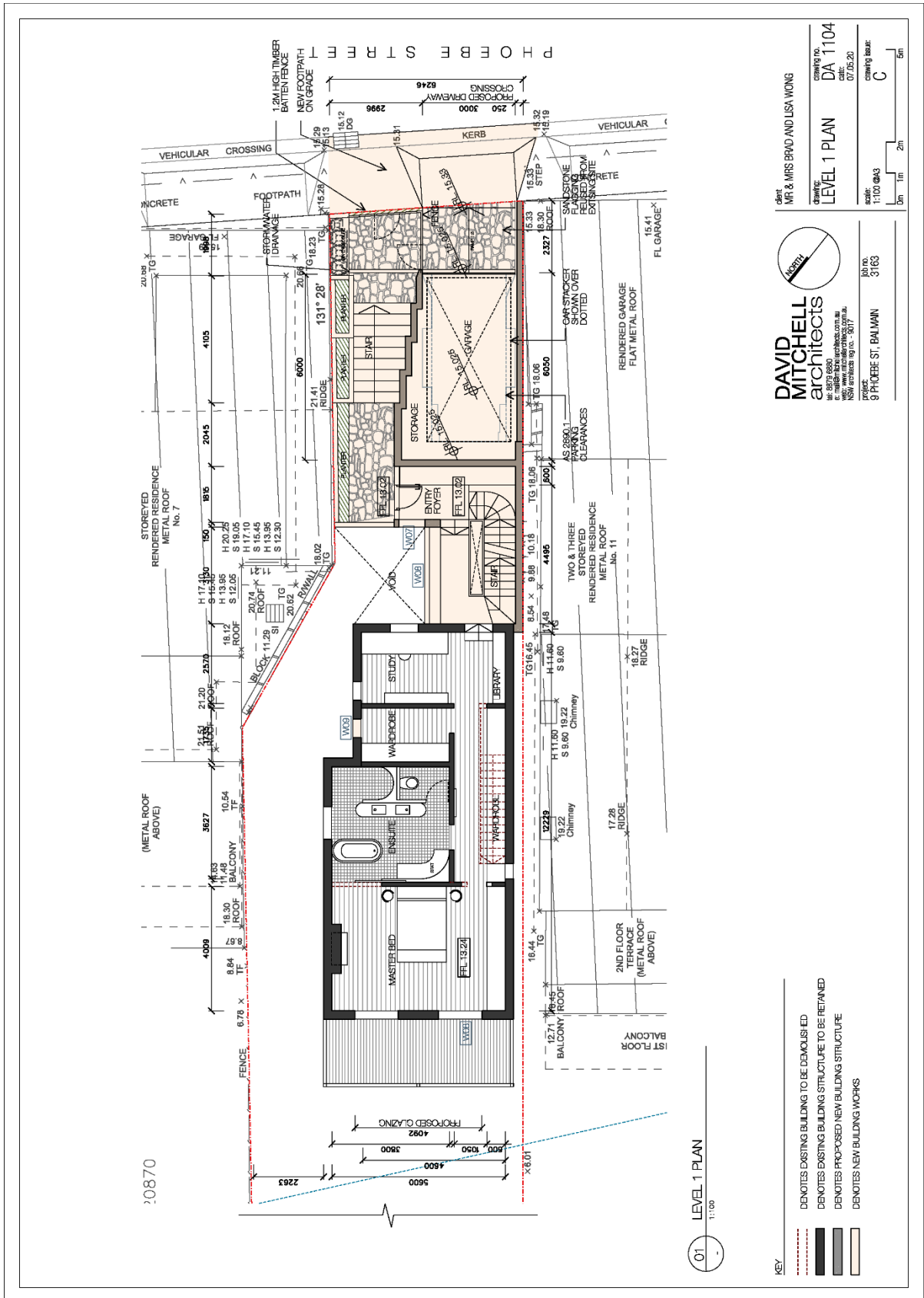
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1:100
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 - SOLID LINE: DENOTES EXISTING BUILDING STRUCTURE TO BE RETAINED
 - THICK SOLID LINE: DENOTES PROPOSED NEW BUILDING STRUCTURE
 - THIN SOLID LINE: DENOTES NEW BUILDING WORKS

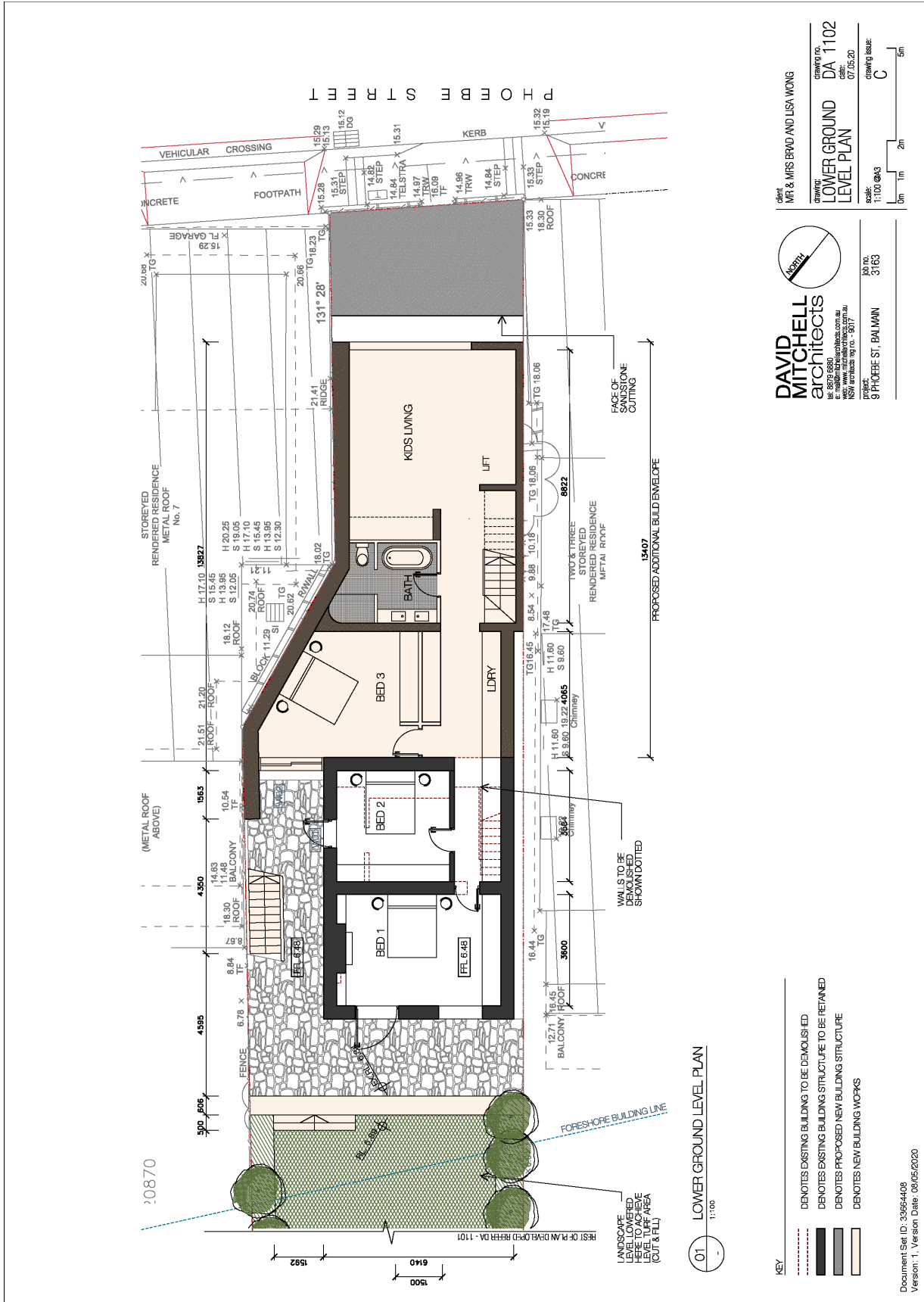
DAVID MITCHELL architects
 91 Phillip Street, Balmain
 NSW 1585
 Tel: 02 9539 8885
 Email: dm@dmarchitects.com.au
 Website: www.dmarchitects.com.au

client: MR & MRS ERIC AND LISA WONG
drawing no.: LOWER GROUND DA 1101
level - PART PLAN
date: 07.05.20
scale: 1:100 (plan)
drawing issue: C

proj. no.: 3163
9 PHOEBE ST. BALMAIN







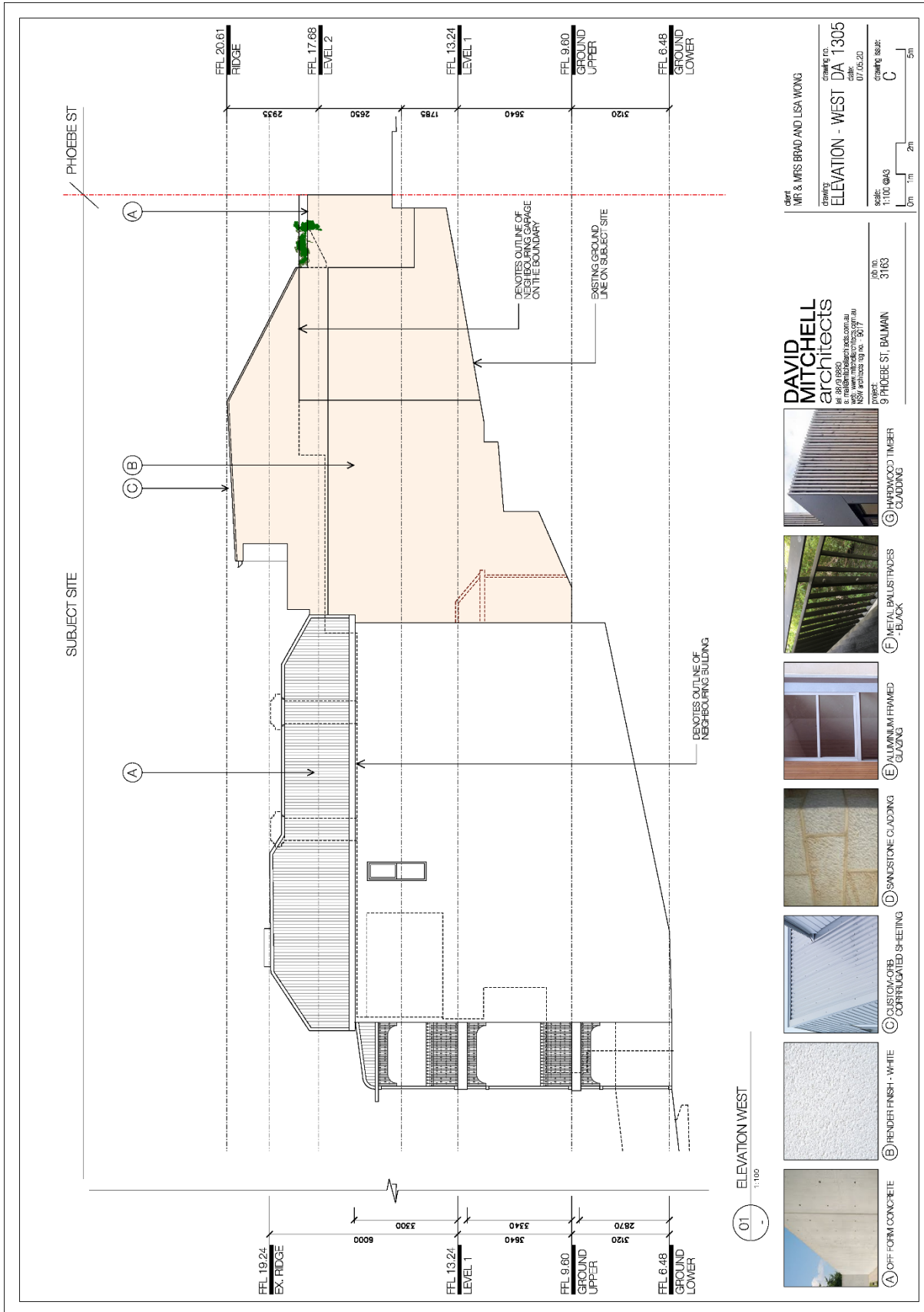
client: MR & MRS BRAD AND LISA WONG
 drawing no: DA 1102
 project: LOWER GROUND LEVEL PLAN
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 drawing base: C
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DAVID MITCHELL architects
 14/879 6890
 e: davidmitchellarchitects.com.au
 nsw architects reg no: 5817
 project: 3 PHOEBE ST, BALMANN
 lot no: 3163

01 LOWER GROUND LEVEL PLAN
 1:100

- KEY
- DENOTES EXISTING BUILDING TO BE DEMOLISHED
 - ▬ DENOTES EXISTING BUILDING STRUCTURE TO BE RETAINED
 - ▬ DENOTES PROPOSED NEW BUILDING STRUCTURE
 - ▬ DENOTES NEW BUILDING WORKS

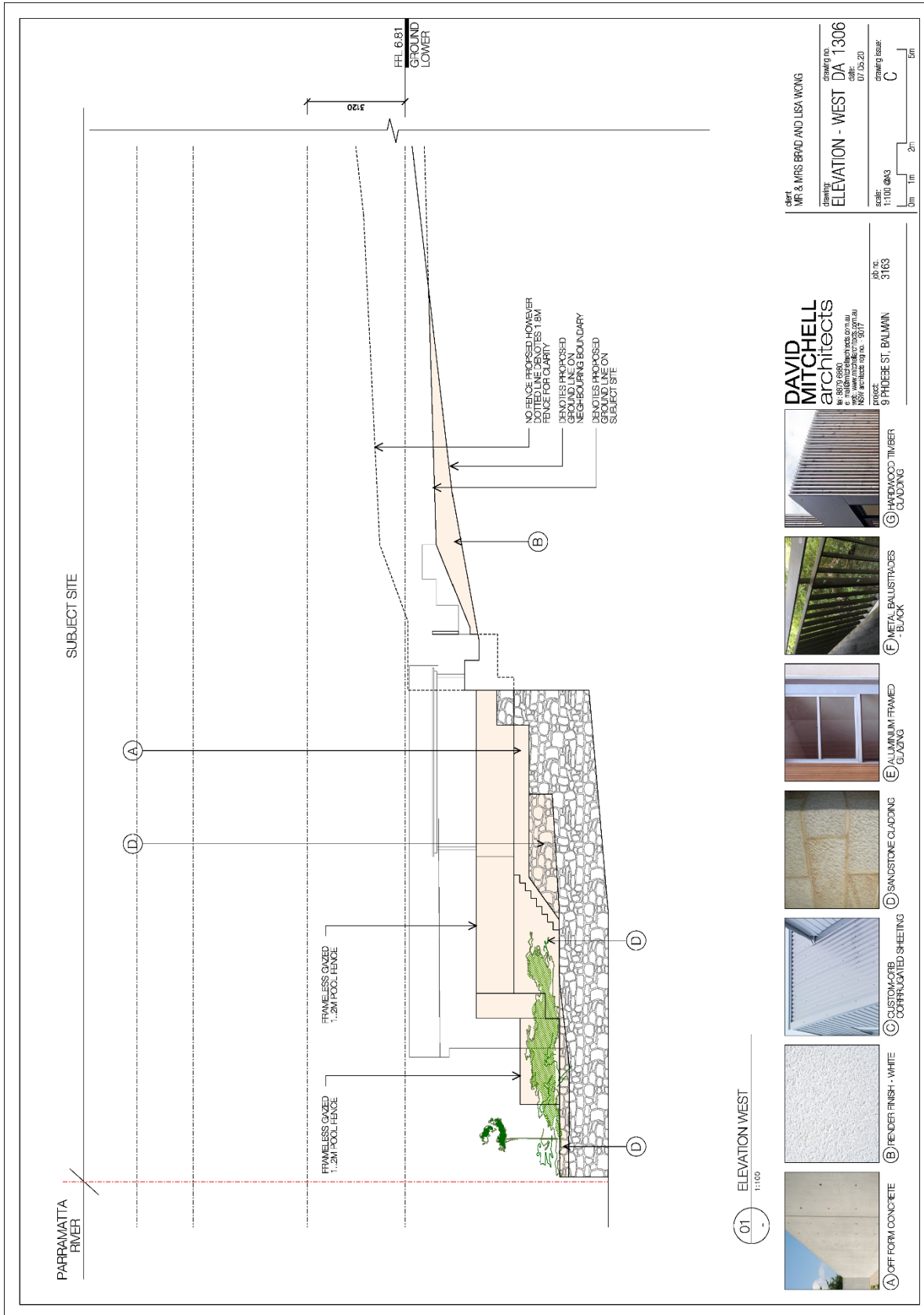
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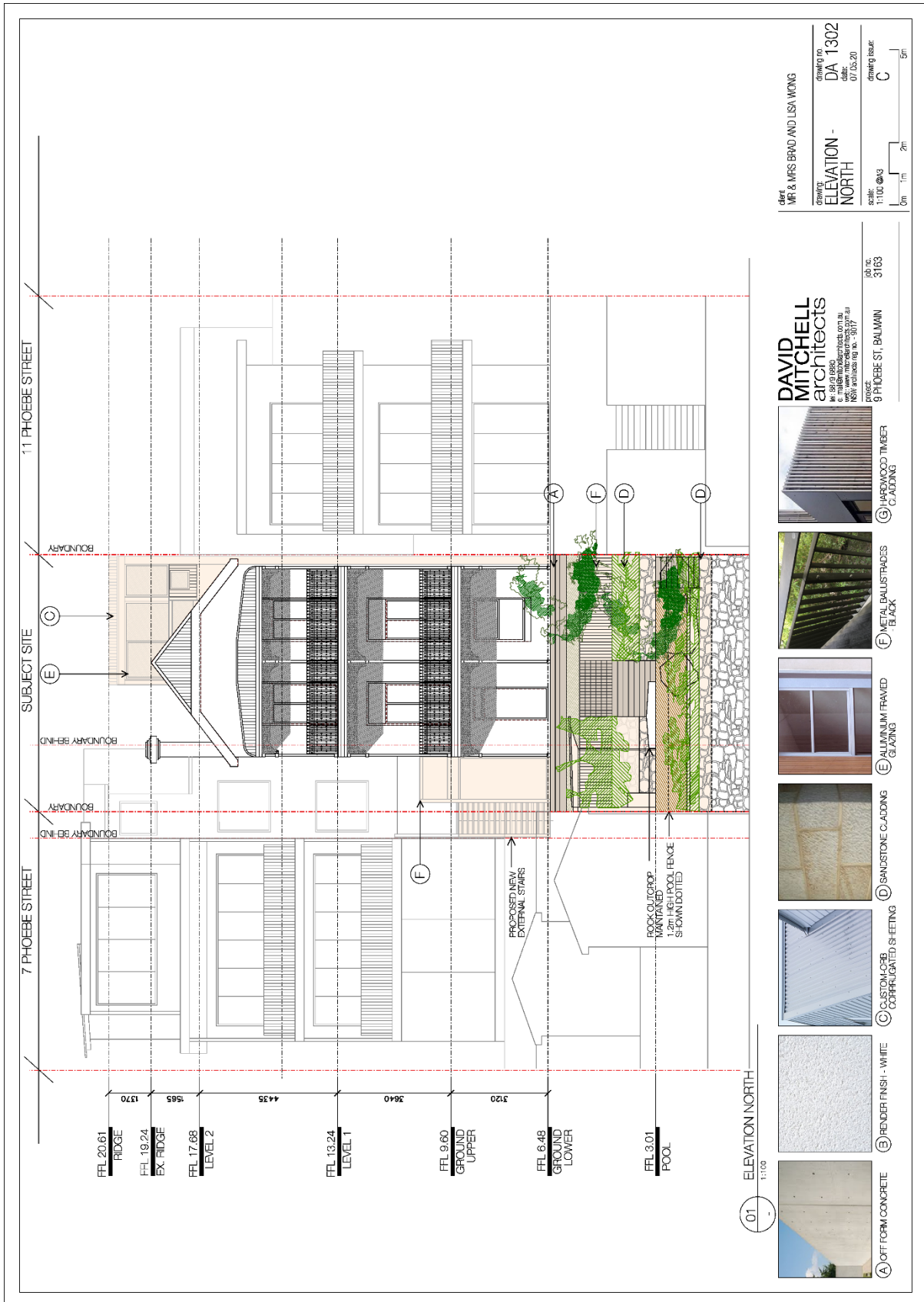


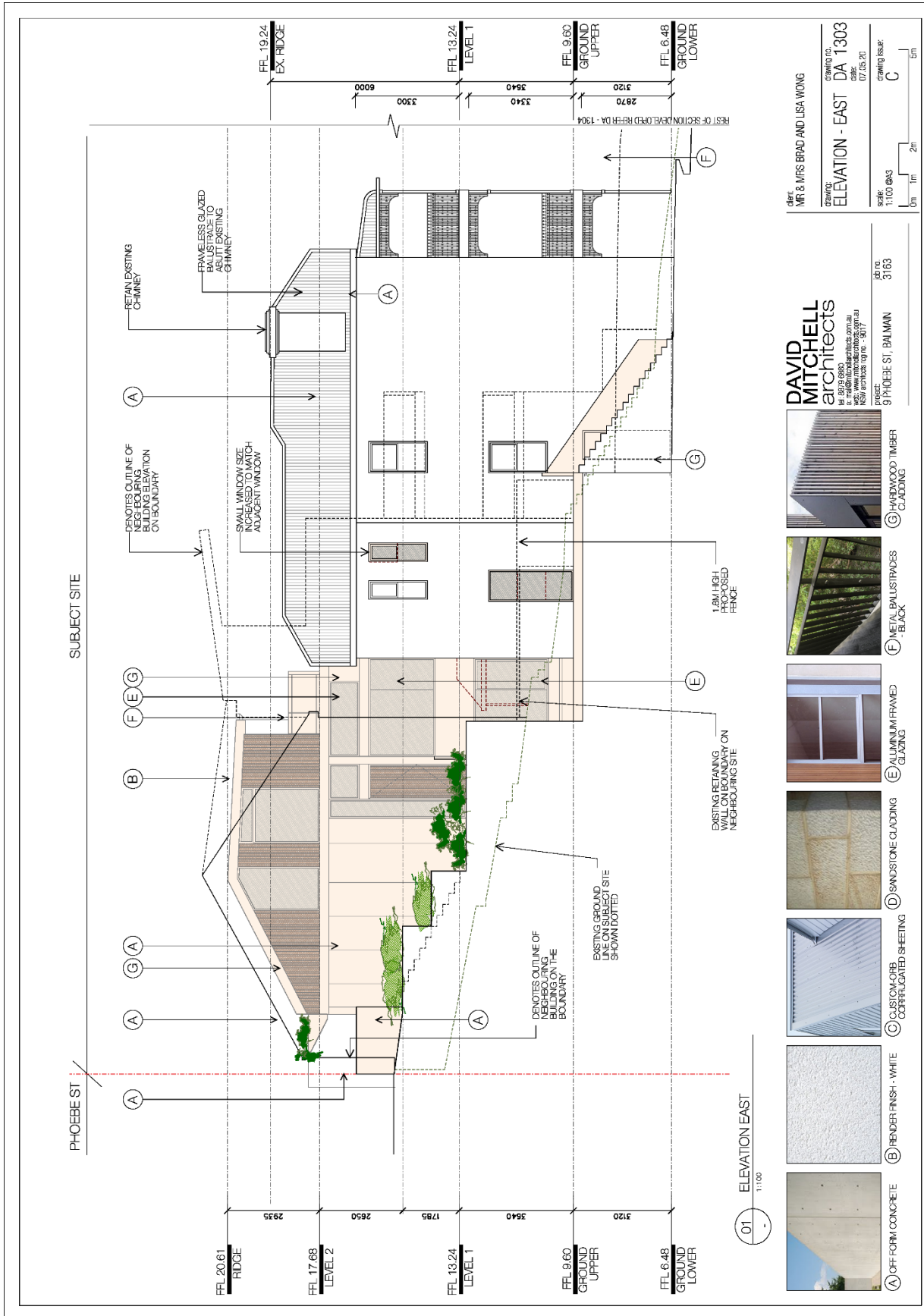
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 drawing no.: ELEVATION - WEST DA 1305
 drawing date: 07.05.20
 scale: 1:100 @ A3
 drawing scale: C

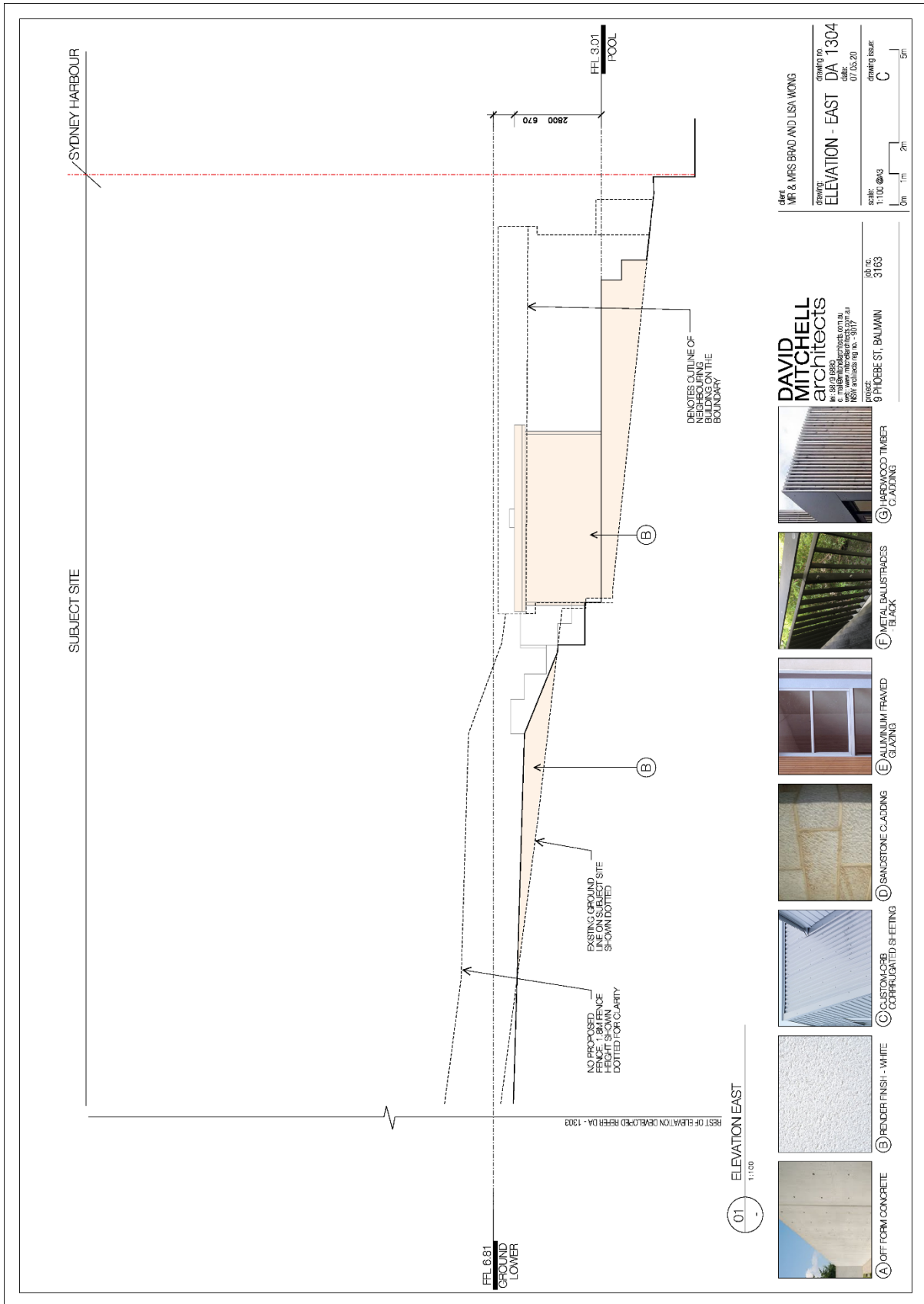
project: 9 PHOEBE ST, BALMAIN
 job no.: 3163
DAVID MITCHELL architects
 18/22 BRIDGE ROAD, BALMAIN NSW
 www.davidmitchell.com.au
 NSW architect reg no.: 8077

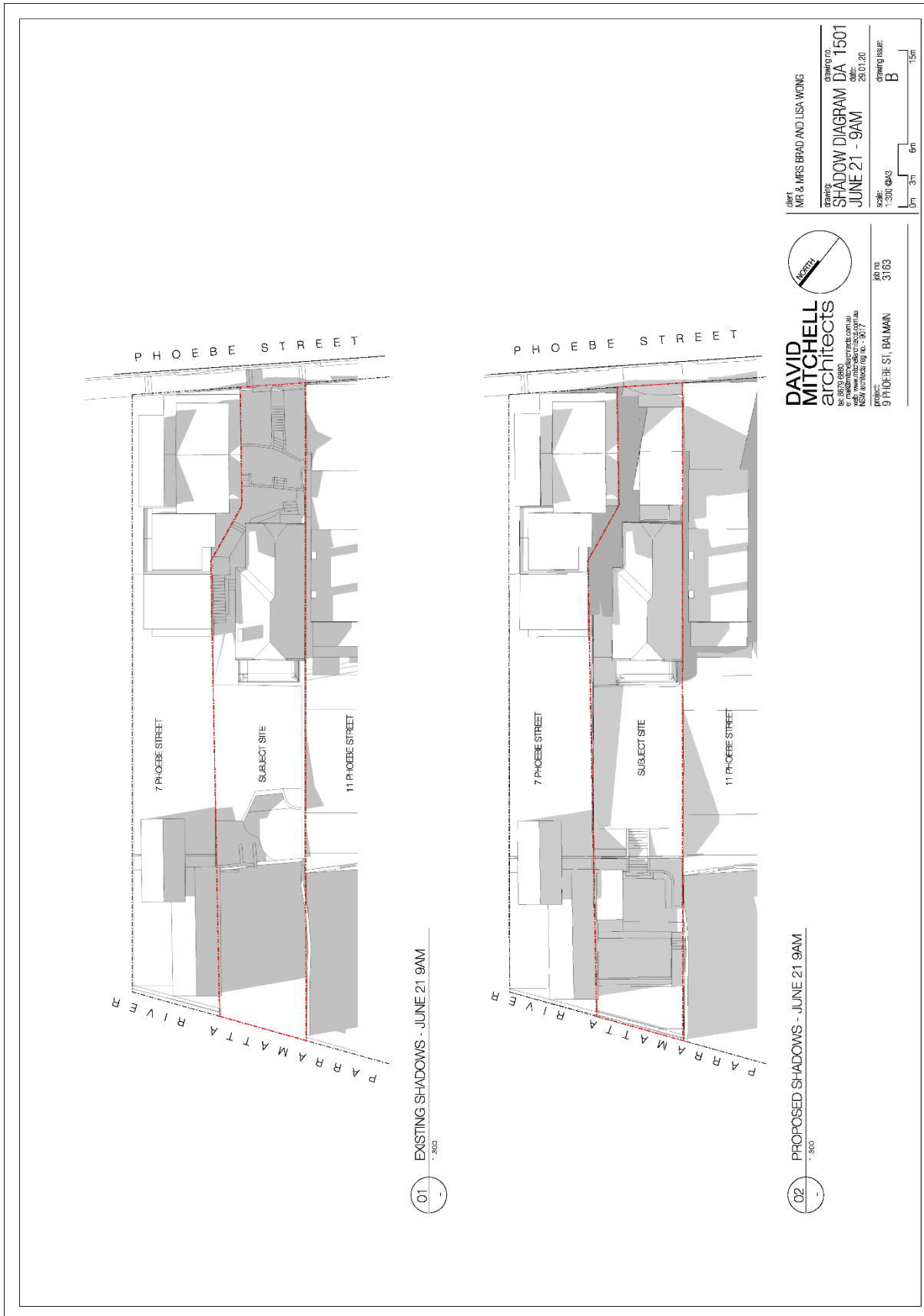
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- (B) RENDER FINISH - WHITE
- (C) CUSTOM-ORIB CORRUGATED SHEETING
- (D) SANDSTONE CLADDING
- (E) ALUMINIUM FRAMED GLAZING
- (F) METAL BALLUSTRADES - BLACK
- (G) HARDWOOD TIMBER CLADDING

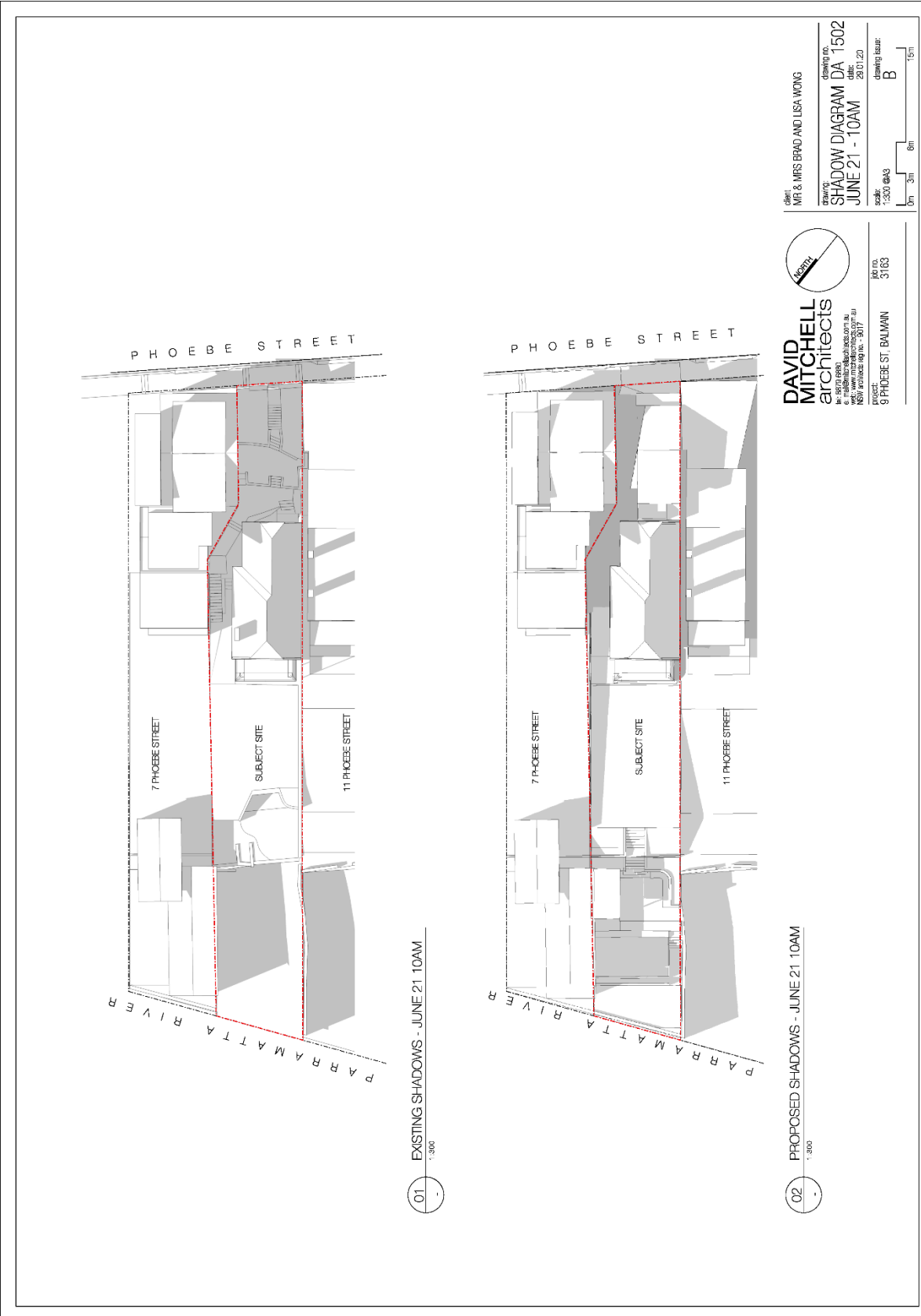








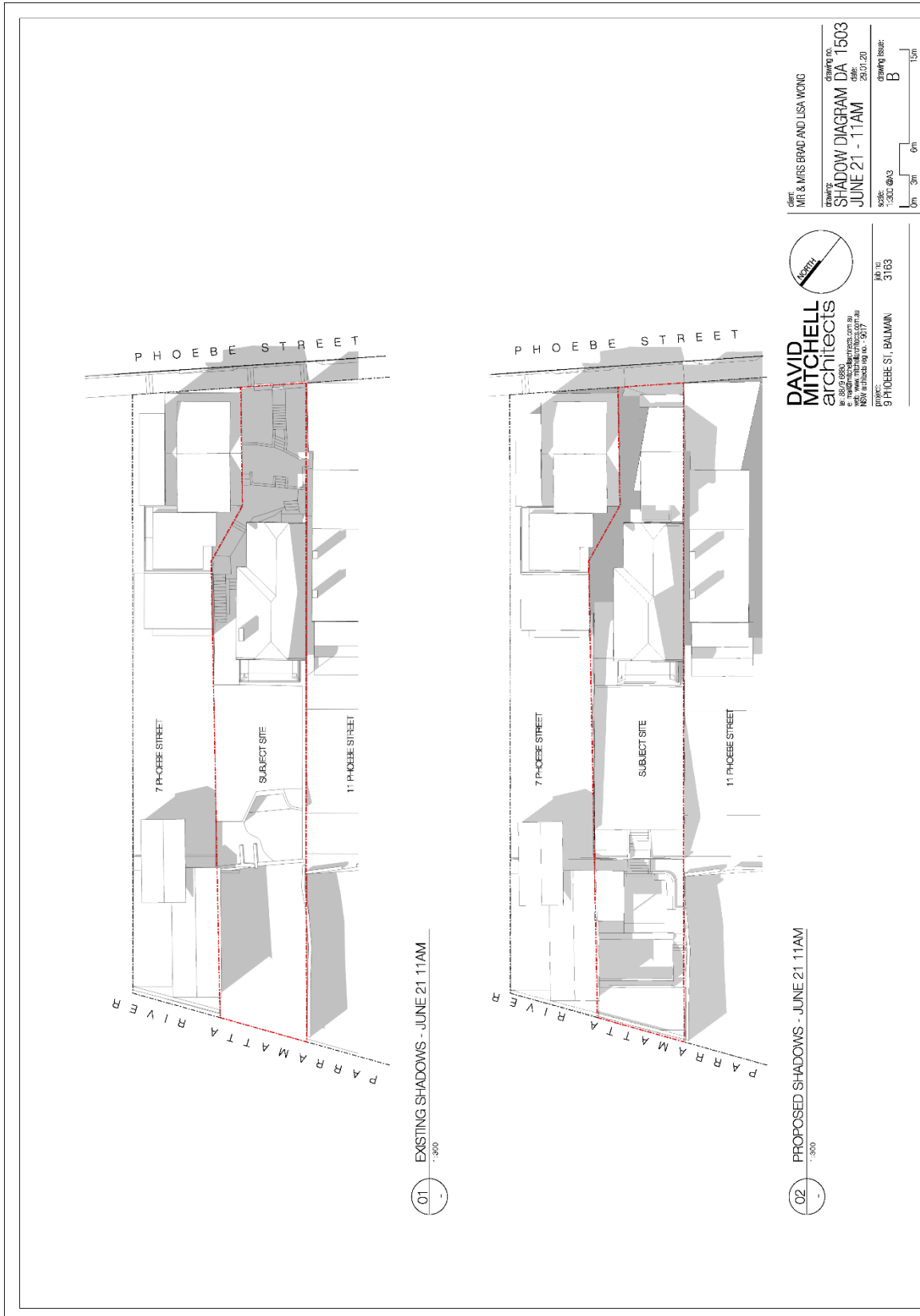


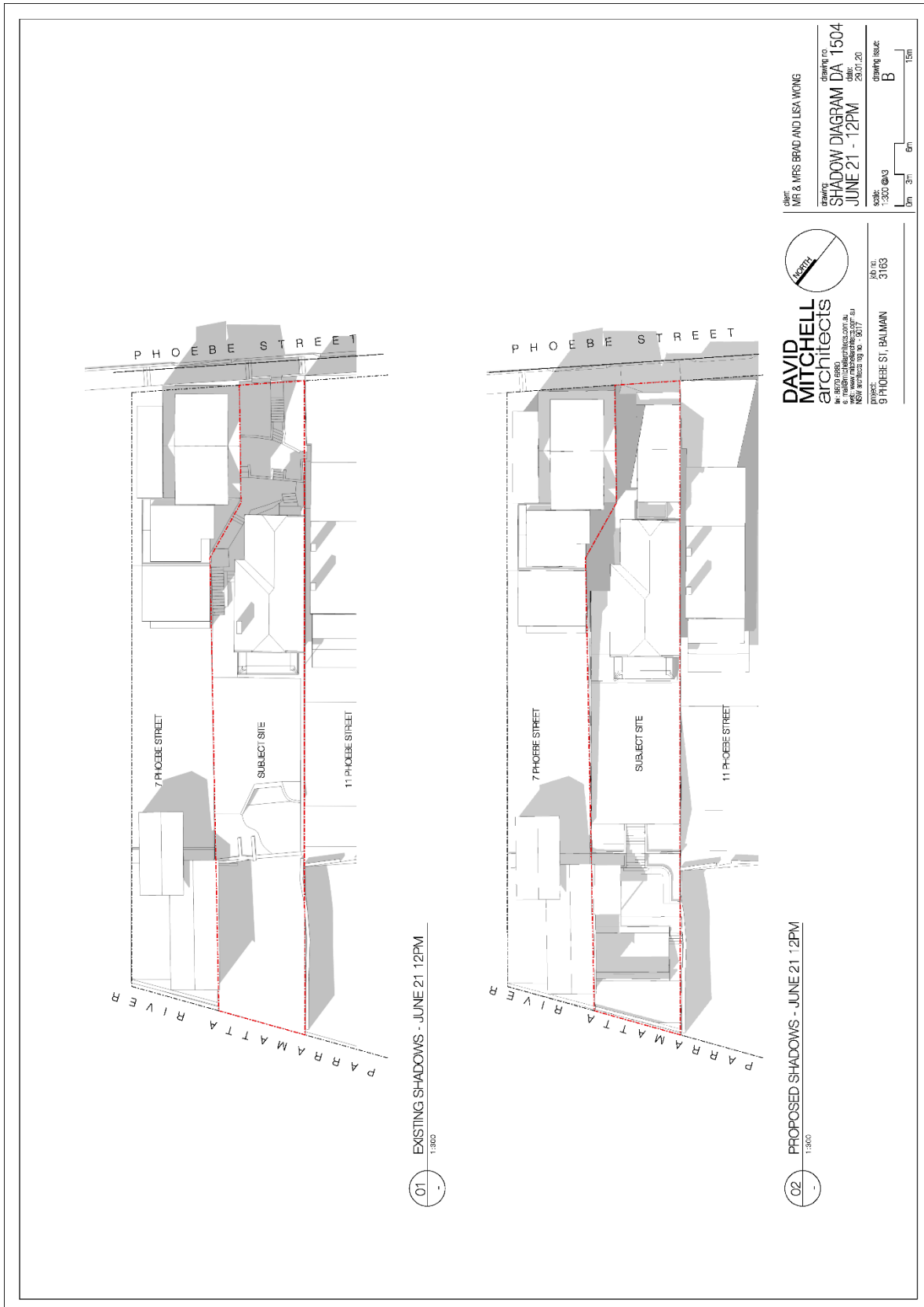


Client: MR & MRS BRAD AND LISA WONG
Drawing no: SHADOW DIAGRAM DA 1502
Drawing date: 29.01.20
Drawing scale: 1:300 @A3
Drawing sheet: B

DAVID MITCHELL architects
Level 3/379 BRAY Street, Parramatta NSW
www.davidmitchellarchitects.com.au
NSW Architecture no. 3017

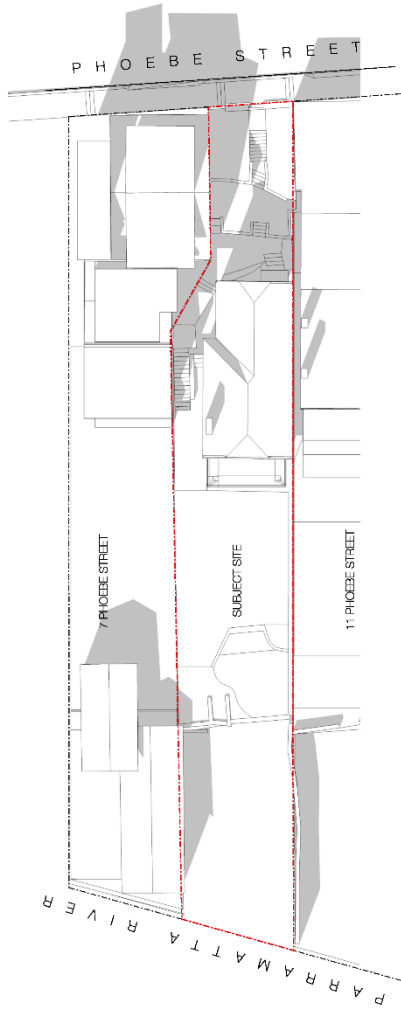
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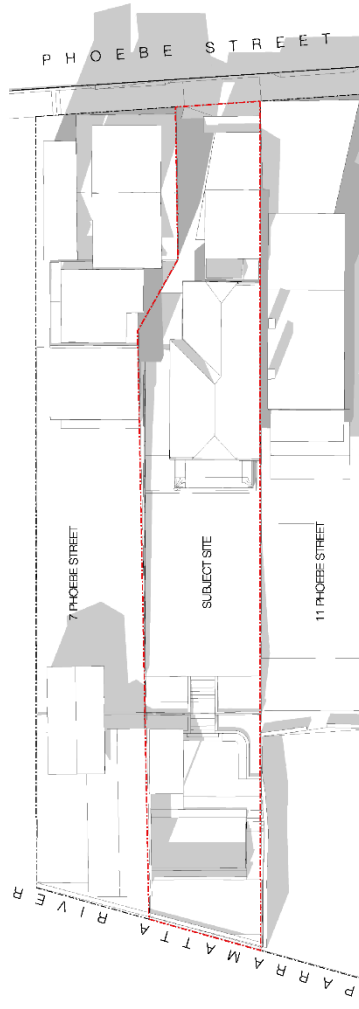


CLIENT: MR & MRS BRAD AND LISA WONG
DRAWING NO: SHADOW DIAGRAM DA 1504
DATE: JUNE 21 - 12PM
23.01.20
SCALE: 1:300 @A3
DRAWING NO: B
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DAVID MITCHELL architects
Level 15, 150 Pitt Street, Sydney NSW 2000
Tel: (61) 2 9251 1500
Fax: (61) 2 9251 1501
www.davidmitchell.com.au
NSW WORKS LIC NO: 50177
JOB NO: 3163
PROJECT: 9 PHOEBE ST, BALMAIN



01 EXISTING SHADOWS - JUNE 21 1PM
1:300



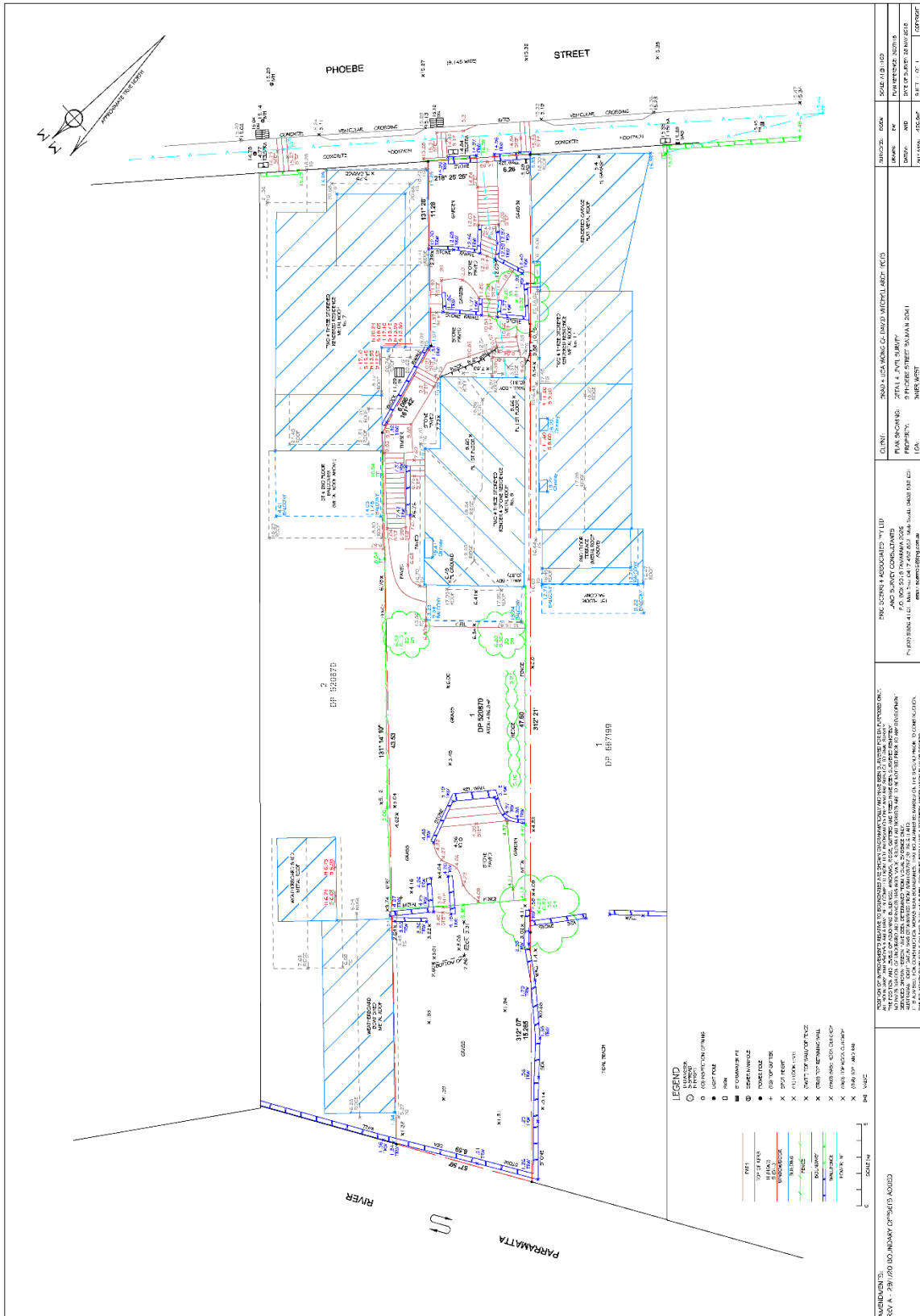
02 PROPOSED SHADOWS - JUNE 21 1PM
1:300



DAVID MITCHELL architects
 11/287/8800
 www.davidmitchellarchitects.com.au
 25th Anniversary 1991-2017
 9 PHOEBE ST, BALMAIN
 NSW 1500

client: MR & MRS BRAD AND LISA WONG
 drawing no: SHADOW DIAGRAM DA 1505
 date: 23.01.20
 drawing issue: B

scale: 1:300 @A3
 0m 3m 6m 15m



<p>NOTE: THIS PLAN IS PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT ACT 1995 AND THE LOCAL GOVERNMENT (GENERAL) REGULATIONS 2007. THE CLIENT HAS ADVISED THAT THE INFORMATION PROVIDED IN THIS PLAN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND FOR THE RESULTS OF ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN. THE CLIENT HAS ADVISED THAT THE INFORMATION PROVIDED IN THIS PLAN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND FOR THE RESULTS OF ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN.</p>	<p>ENGINEERING ASSOCIATED PTY LTD AND SURVEY CONSULTANTS 17/100 BIRCH AVE, MARRICKVILLE NSW 2122 PH: 02 9550 4422 FAX: 02 9550 4422 WWW: www.easurveys.com.au</p>	<p>CLIENT: 2840 + LISA WONG CO (MAYO) MICHAEL ANDY (RCS) FROM: PHOENIX 274/1-4 PHOENIX STREET PROPERTY: 274/1-4 PHOENIX STREET MARRICKVILLE (CA) NARRAVILLE</p>	<p>DATE: 20/07/2016 DRAWN: PK CHECKED: WJD SCALE: AS SHOWN SHEET NO: 1 OF 1 COPYRIGHT:</p>
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Attachment C- Statement of Heritage Significance

Godden Mackay Logan

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.

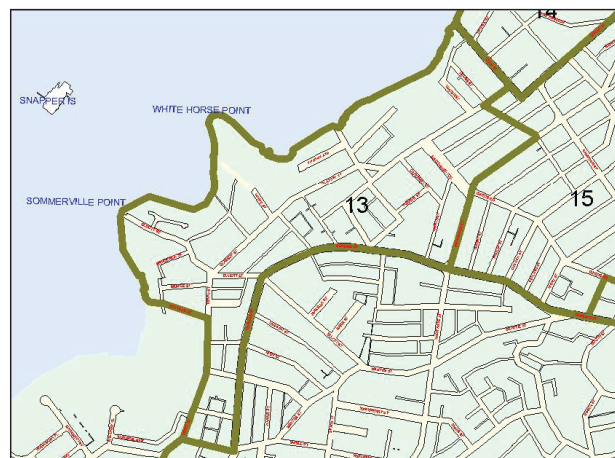


Figure 13.1 Iron Cove Conservation Area Map.

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

Godden Mackay Logan

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.

Godden Mackay Logan

- 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.