

 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	D/2019/477
<b>Address</b>	14 Paul Street BALMAIN EAST NSW 2041
<b>Proposal</b>	Boundary adjustment, rear extension to existing house, new two-storey dwelling with basement and pool.
<b>Date of Lodgement</b>	22 November 2019
<b>Applicant</b>	Coso Architecture David Tow
<b>Owner</b>	Mr Philip J Harding
<b>Number of Submissions</b>	Initial: 4 After Renotification: 1
<b>Value of works</b>	\$550,880.00
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation exceeds 10%
<b>Main Issues</b>	View Loss, Heritage Streetscape
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Clause 4.6 Exception to Development Standards
<b>Attachment D</b>	Statement of Heritage Significance
	
LOCALITY MAP	
Subject Site	
Notified Area	
Objectors	
Supporters	
 N	

## 1. Executive Summary

This report is an assessment of the application submitted to Council for the re-subdivision of the existing two lots comprising the site so as to form two similar rectangular lots; alterations and additions to the existing dwelling on one lot, and to erect a new two-storey dwelling with basement and pool on the other lot at 14 Paul Street Balmain East.

The application was notified to surrounding properties and five (5) submissions were received in response to the initial notification. Two (2) submissions were received in response to renotification of the amended application

The main issues that have arisen from the application include:

- Heritage streetscape design of the new dwelling.
- Proposed lot sizes below the 200m<sup>2</sup> minimum in the Leichhardt LEP.
- Proposed site cover on the eastern lot (14 Paul Street) being in excess of the 60% maximum in the Leichhardt LEP.
- View loss.

The impacts and non-compliances are acceptable subject to the recommended conditions of consent and therefore the application is recommended for approval.

## 2. Proposal

The plans the subject of this report involves a development for the following:

- Re-subdivision of the existing two lots comprising the site so as to form two similar rectangular lots.
- Alterations and additions to the existing dwelling No.14. This dwelling to be sited on the eastern lot.
- Erect a new two-storey dwelling with basement and pool on the western lot No.14A.

The originally submitted plans included off-street parking provision for the new dwelling 14A. Amended plans were submitted in response to Council advice after assessment of the proposal.

The applicant has submitted further amended drawings which have not been accepted by Council and have not been notified or assessed.

## 3. Site Description

The subject site is located on the southern side of Paul Street, between Johnston Street and Weston Street. The site consists of 2 allotments. The eastern lot being rectangular, with the western lot being L-shaped with a total area of 158.898sqm.

The site has a frontage to Paul Street of 11.455 metres. The western lot comprising the site is traversed by a sewer main.

The site supports a two-storey terrace dwelling, generally within the existing eastern lot. The dwelling is one of a terrace row and is attached by common party wall to No.12 Paul Street to the east of the site. The adjoining property to the west of the site comprises a two-storey building on a site significantly higher than the subject site, containing two dwellings, one on each level of the building.

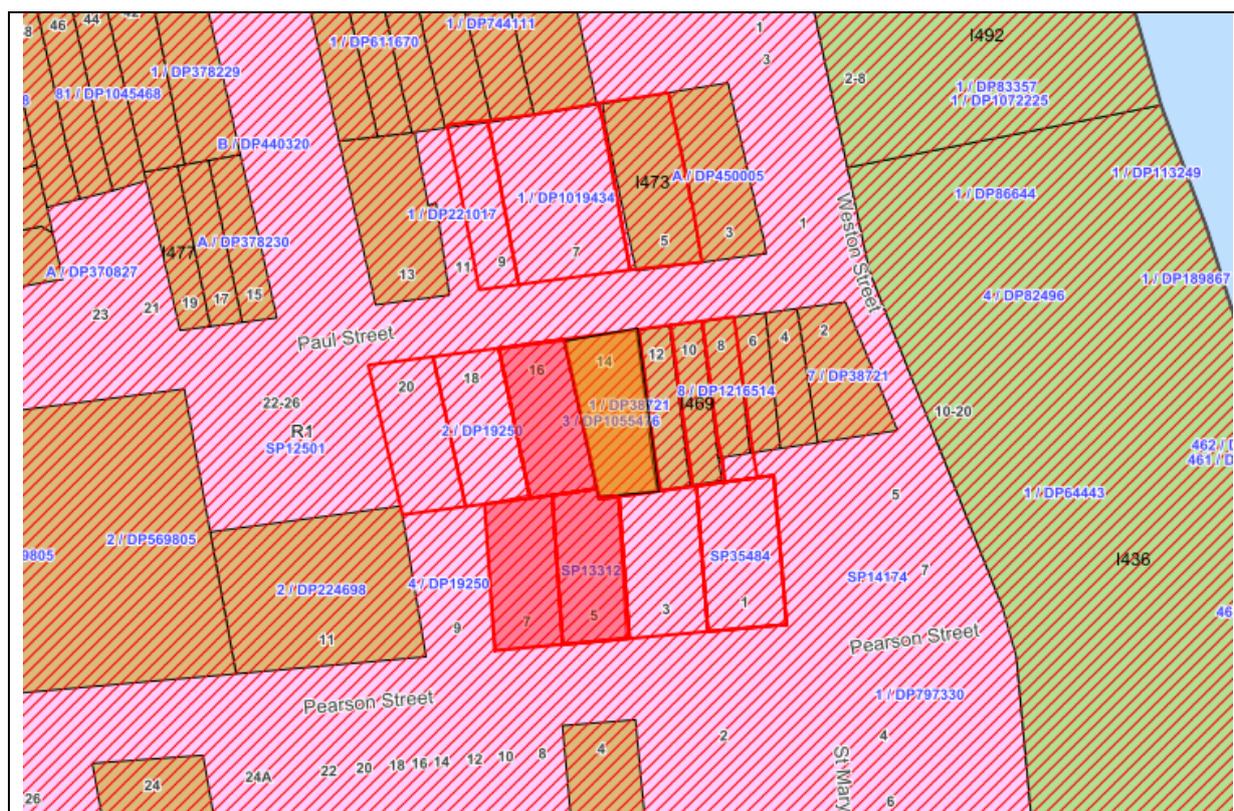
The subject site is listed as a heritage item. The property is located within a conservation area.

The following trees are located on the site and within the vicinity.

- *Frangipani* - located beside front side of the existing dwelling
- *Cabbage Tree Palm* (x2) - located adjacent to the western boundary of the subject site.
- *Macadamia* - located adjacent to the rear boundary of the subject site.
- *Red Iron Bark* - located adjacent to the rear boundary of the subject site.
- *Archontophoenix sp. (palm)* - located in the rear yard of the subject site.

The following Tree is to be retained:

- *Dypsis lutescens* (golden cane palm) located adjacent to the eastern rear side boundary of the subject site.



## 4. Background

### 4(a) Site history

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

#### Subject Site

Application	Proposal	Decision & Date
D/2015/351	Removal of one Cupressus sempervirens (Italian Cypress) tree located in front yard of property.	Approved 14/8/2015
PRED/2019/132	Rear extension to existing terrace house, erect new two-storey dwelling and subdivide site into two lots.	Issued 21/10/2019

## Surrounding properties

Application	Proposal	Decision & Date
<b>8 Paul Street</b>		
D/2014/368	Alterations and additions to the existing dwelling including ground floor rear extension and internal layout changes. Variations to Floor Space Ratio and Site Coverage development standards.	Approved 22/10/2014
D/2014/497	Pruning of Corymbia citriodora tree located within rear of property	Approved 21/10/2014
<b>16 Paul Street</b>		
D/2015/395	Removal of one Metrosideros excelsa 'Variegata' (Variegated NZ Christmas Tree) at rear of property.	Approved 11/9/2015
<b>5 Pearson Street</b>		
D/2014/16	Alterations and additions to existing dual occupancy including new deck to Unit 1 and extension of existing deck to Unit 2.	Approved 10/4/2014
M/2014/83	Section 96 application to modify D/2014/16 which approved alterations and additions to units 1 and 2. Modifications entail extension of the ground floor dining room towards the rear, relocation of deck and amendments to existing corners as detailed on plans.	Approved 23/7/2014
<b>7 Pearson Street</b>		
D/2018/42	Alterations and additions to existing residence, including new first floor balcony over front porch.	Approved 16/3/2018

## 4(b) Application history

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

Date	Discussion / Letter / Additional Information
20/4/2020	Council request for information/redesign
27/4/2020	Council provided further specific design advice
18/6/2020	Applicant lodged amended plans
3/8/2020	Council advice on view impacts in response to current amended plans
24/8/2020	Site Meeting to view surveyed height poles
31/8/2020	Draft plans submitted in response to height pole viewing [Not accepted]

## 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*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

*5(a)(viii) 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. Leichhardt DCP 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.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with *SEPP 55*.

*5(a)(ix) State Environmental Planning Policy (BASIX )*

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

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

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. It is considered that the carrying out of the proposed development is generally consistent with the relevant matters for consideration of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities for the following reasons:

*5(a)(xi) 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 originally lodged application sought the removal of vegetation from within the site. The application was referred to Council’s Tree Management Officer whose comments are summarised as follows:

That the *Dypsis lutescens* (Golden Cane Palm) located in rear property will need to be retained and protected. Also, that 3 x 75 (L) litre size additional trees will need to be planted (a minimum distance of 1.5 metres from any boundary or structure), per the locations and tree species specified in the Landscape Plan. (Arborliz, DWG No. DA01 - DA03, dated 14/11/19).

No objections are raised to the amended plans the subject of this report. However, given the proposed loss of site canopy cover, an additional two *Howea forsteriana* (Kentia Palms) must be included in the landscape design. This species is a slow growing native with a non-invasive root system. The species will cope with growing under the canopy of taller trees and within areas of limited soil volume. The additional plantings are considered to be a compromise in lieu of deleting the proposed *Banksia integrifolia* (Coast Banksia), as was depicted in previous Landscape Plan DWG DA01 dated 14/11/2019, so as to facilitate the construction of the proposed swimming pool.

The planting of a *Corymbia exima* (Yellow Bloodwood) in the front of the site as depicted in the amended Landscape Plan set, prepared by *Arborliz*, issue A, dated 11/06/2020, is

supported. This species is well adapted to shallow soil profiles and rocky escarpments and given the existing site constraints, it is an ideal species for the proposed location. Mature specimens can attain a height of 10m to 12m or more in favourable growing conditions. However, the growth patterns of trees in the urban environment are often influenced by limiting environmental factors. Mature specimens have broad domed canopies with an open branch structure that will allow for filtered views. It is considered that this planting will positively contribute to offsetting the loss of a prominent *Eucalyptus sideroxylon* (Mugga Ironbark) that is supported for removal, as well as maintaining site canopy cover and street amenity.

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and *Leichhardt DCP 2013* subject to the imposition of conditions, which have been included in the recommendation of this report.

5(a)(xii) *Leichhardt Local Environment Plan 2013 (LLEP 2013)*

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

Clause 1.2 - Aims of the Plan  
Clause 2.3 - Zone objectives and Land Use Table  
Clause 2.6 - Subdivision  
Clause 2.7 - Demolition  
Clause 4.1 - Minimum subdivision lot size  
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 5.10 - Heritage Conservation  
Clause 6.1 - Acid Sulfate Soils  
Clause 6.2 - Earthworks  
Clause 6.4 - Stormwater management

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

The site is zoned R1 under the *LLEP 2011*. The *LLEP 2013* defines the development as:

**attached dwelling** means a building containing 3 or more dwellings, where—

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

And,

**dwelling house** means a building containing only one dwelling.

The development is permitted with consent within the zone. The development is consistent with the objectives of the R1 zone.

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

**Lot A - No.14 (Eastern Lot)**

Standard	Proposal	non compliance	Complies
<b>Minimum subdivision lot size</b> Minimum permissible: 200sqm	124.2 sqm	75.8sqm or 37.9%	No
<b>Floor Space Ratio</b> Maximum permissible: 1:1 or 124.2sqm	0.93:1 or 115.4sqm	-	Yes
<b>Landscape Area</b> Minimum permissible: 15% or 18.63sqm	26% or 32.32sqm	-	Yes
<b>Site Coverage</b> Maximum permissible: 60% or 74.52sqm	62.48% or 77.6sqm	3.08sqm or 4.13%	No

**Lot B - No.14A (Western Lot)**

Standard	Proposal	non compliance	Complies
<b>Minimum subdivision lot size</b> Minimum permissible: 200sqm	134.698sqm	65.302sqm or 32.65%	No
<b>Floor Space Ratio</b> Maximum permissible: 1:1 or 134.698sqm	0.94:1 or 126.4sqm	-	Yes
<b>Landscape Area</b> Minimum permissible: 15% or 20.20sqm	18.56% or 16.2sqm	-	Yes
<b>Site Coverage</b> Maximum permissible: 60% or 80.82sqm	59.47% or 80.1sqm	-	Yes

Clause 4.6 Exceptions to Development Standards

As outlined in the table above, the proposal results in a breach of the following development standards:

- Clause 4.1 - Minimum subdivision lot size
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1 (Site Cover)

- The applicant seeks a variation to the Minimum subdivision lot size development standard under Clause 4.1 of the applicable local environmental plan by 37.9% (75.8sqm) for site No.14 [eastern lot] and by 37.9% (75.8sqm) for site No.14A [western lot].
- The applicant seeks a variation to the Site Cover development standard under Clause 4.3A of the applicable local environmental plan by 4.13% (3.08sqm) for site No.14 [eastern lot].

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

In order to demonstrate whether strict numeric compliance is unreasonable or unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the Leichhardt LEP below.

Clause 4.1 - Minimum subdivision lot size

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

- The proposal will result in a lot pattern that is compatible with the appearance to Paul Street and wider area and will increase the capabilities of both Lot A (14 Paul Street) and Lot B (14A Paul Street) to accommodate dwellings consistent with the existing built form in Paul Street.
- The resulting built form provides an appropriate response to the site and streetscape, consistent with existing residential development in Paul Street.
- The proposed boundary adjustment will ensure that the general density and residential character, and the subdivision pattern in the Paul Street streetscape will be maintained due to the proposed building scale at the street frontage and between buildings.
- The proposed lot sizes ensure that the resultant lot pattern is similar to the existing lot pattern arrangement along Paul Street, including Nos.2 to 12 Paul Street to the east of the site in terms of dimensions and size.

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

The relevant objectives of the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To improve opportunities to work from home.
- To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- To provide landscaped areas for the use and enjoyment of existing and future residents.
- To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

It is considered the development is in the public interest because it is consistent with the objectives of the R1 zone, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

The proposed breach would not be inconsistent with zone objectives given:

- The site currently comprises two lots.
- The proposed re-subdivision of the existing lots does not alter the lot widths to the street frontage.
- The proposed re-subdivision represents a boundary adjustment of the existing lots to improve the function of same.
- The proposed re-subdivision would be compatible with the character, style, orientation and pattern the immediately adjoining terrace row lots to the east of the site.

It is considered the development is in the public interest because it is consistent with the objectives of the Minimum subdivision lot size development standard, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

The development standard objectives are:

- (a) to ensure that lot sizes are able to accommodate development that is consistent with relevant development controls,
- (b) to ensure that lot sizes are capable of supporting a range of development types.

The proposal is considered to be consistent with these objectives for the following reasons:

- The proposal is able to demonstrate that dwellings on each lot can achieve compliance with both minimum landscaped area and floor space ratio controls. Lot B (14A Paul Street) will achieve compliance with the site coverage requirements.
- The proposal has been designed to ensure resultant lots can continue to accommodate development consistent with Council's key development controls.
- The proposal will result in a lot pattern that is compatible with and improves the appearance to Paul Street and wider area by increasing the development utility of both proposed lots, Lot A (14 Paul Street) and Lot B (14A Paul Street) so as to accommodate dwellings consistent with the existing built form in Paul Street. The resulting built form provides an appropriate response to the site and streetscape, consistent with existing residential development in Paul Street.
- The proposed boundary adjustment will ensure that the general density, character and subdivision pattern in the Paul Street streetscape will be maintained due to the proposed building scale at the street frontage and between buildings.
- The proposed lot sizes ensure that the resultant lot pattern is similar to that existing in Paul Street, such as Nos.2 to 12 Paul Street.

The concurrence of the Planning Secretary may be assumed for matters dealt with by Local Planning Panels.

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

#### Clause 4.3A - Landscaped areas for residential accommodation in Zone R1 (Site Coverage)

In order to demonstrate whether strict numeric compliance is unreasonable or unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the Leichhardt LEP below.

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

- The proposal is for a type of residential accommodation that is permissible in the R1 General Residential zone. The proposal will provide housing which will increase the housing stock.
- There is an existing dwelling on Lot A and this will not change.
- Through a rationalisation of existing lots and floorspace, the development will result in increased opportunities for home office space.
- The proposal has been designed to incorporate high quality landscaped areas for the use and enjoyment of future residents and to provide adequate separation between adjoining lots. The proposal is able to demonstrate compliance with the

minimum requirements for landscaped area, as well as positioning of private open space in areas adjacent to the internal living area.

- The contravention of the site coverage development standard will result in a development compatible in the surrounding area.
- The proposal is consistent with the existing development at adjacent sites and in Paul Street in terms of lot size, orientation, height, and density. The proposal is unlikely to result in adverse amenity impacts upon adjoining properties above those impacts that could be reasonably be expected of a development that is commensurate with the prevailing density and scale of existing site and surrounding context.
- The proposal provides landscaped areas that are consistent with Council's minimum landscaped area requirement and which are suitable for substantial tree planting and are of a size and arrangement suitable for the use and enjoyment of residents.

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 zone, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

The relevant objectives of the R1 zone are listed above.

The proposed breach would not be inconsistent with the zone objectives given:

- The proposed breach on proposed lot A (14 Paul St) of approximately 3sqm is minor.
- The site achieves compliance with the Landscaped Area development standard.
- There would not be any significant impact on the amenity of future users of the site.

It is considered the development is in the public interest because it is consistent with the objectives of the Maximum Site Cover development standard, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

The development standard objectives are:

- to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,
- to maintain and encourage a landscaped corridor between adjoining properties,
- to ensure that development promotes the desired future character of the neighbourhood,
- to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,
- to control site density,
- to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.

The proposal is considered to be consistent with the Development Standard objectives for the following reasons:

- Lot A is provided with 26% landscaped area which is well in excess of the minimum 15% required. This area is for the establishment of substantial vegetation for the enjoyment of residents on Lot A.
- The development has been designed to maximise landscaped corridors within the rear setback consistent with the intent of the standard.
- The built form arising from the non-compliance with the site coverage development standard is consistent and compatible with the context and built form in the surrounding streetscape.

The concurrence of the Planning Secretary may be assumed for matters dealt with by Local Planning Panels.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the Leichhardt LEP. For the reasons outlined above, there are sufficient planning grounds to justify the departure from maximum site cover and it is recommended the Clause 4.6 exception be granted.

(i) Clause 5.10 - Heritage Conservation

The revised drawings Amendment A, dated 15 June 2020, were submitted in response to Council request for redesign of the proposal.

The amended plans show the orientation of the proposed dwelling has been realigned so it is parallel with the adjoining terrace. This is an acceptable outcome as the dwelling will complement the rhythm of the row of heritage listed terraces it will adjoin. It is also positive as it will result in the retention of the existing rockface in the garden, which is consistent with the objectives O1 and O2 and controls C1a and C1b of Part C1.19 of the LDCP.

The following comments are provided with respect to the current amended plans in response to each of the itemised heritage design changes requested to the original design:

1. *The following amendments must be made to works associated with the existing terrace:*

*The bathroom proposed to be located in the existing bedroom 2 on the first floor must be designed so that its installation is reversible, so it can be easily removed in the future. This can be achieved with a low nib wall running around the existing wall for reticulation on a raised floor with a step for the new bathroom pod. There should only be one drainage point to minimise disturbance of the existing timber floor.*

Comment on Amended Plans:

The bathroom proposed in the existing bedroom 2 has been redesigned to include a low nib wall for the plumbing along the southern wall, which is a positive outcome, as it will minimise the impact on the original building fabric of the heritage item.

2. *The 2 existing window openings and the timber sash windows in the kitchen must be retained.*

Comment on Amended Plans:

These windows are retained.

3. *The proposed driveway and car parking space must be deleted.*

Comment on Amended Plans:

The driveway and parking have been deleted.

4. *The proposed roof form must be redesigned so that the front portion, containing the dining area on the ground floor and bedroom 1 on the first floor, is a complementary hipped roof form to the hipped roof form of the existing terrace, e.g. with a horizontal ridgeline between the hipped ends. The angle of the slopes of the roof must be complementary to the existing terrace.*

Comment on Amended Plans:

The roof form has been redesigned with a hip to the front elevation. A ridgeline continues to a gable end to the rear and a skillion roof form continues along the northern side. This is acceptable as views to the gable-end will be limited from the public domain.

5. *All openings to the front façade, including the entry and dining area on the ground floor and bedroom 1 and the void on the first floor, must consist of timber French doors and timber framed sash windows divided by timber mullions. The dominance of glazed areas must be reduced so that solid elements are dominant.*

Comment on Amended Plans:

The Materials & Finishes Schedule states that the doors to the front façade are proposed to be painted black timber doors. The schedule must be amended replacing the black with Pale Green from the Dulux Traditional colour range, or similar, to complement the colour of window frames within the adjoining row of heritage listed terraces.

6. *The main roof form must be set back over the main building form, e.g. behind the northern façade of bedroom 1, and with a separate skillion roof over the front verandah. The angle of the verandah roof must complement the angle of the verandah roof on the existing terrace and be set below the main the main roof form, similar to the existing terrace.*

Comment on Amended Plans:

The front roof form has been amended as above.

7. *Brickwork must be laid in a flush arrangement.*

Comment on Amended Plans:

The Materials & Finishes Schedule proposes “Burlesque” mid-toned flush-jointed brickwork in the front elevation. This dark colour is not acceptable as it is not characteristic of the colour of face brickwork within the vicinity, including the adjoining heritage listed terrace.

The “Burlesque” mid-toned flush-jointed brickwork must be replaced with “Limewash” from the *San Selmo Reclaimed* Austral bricks range. Alternatively, the front façade can be rendered and painted to match the colour schemes used on the row of heritage listed terraces adjoining. Colours can be Dulux “Snowy Mountains” or “Stowe White”, or similar.

The northern façade adjacent to the entry and the void above on level 1 is proposed to be all glazing. This is excessive and is not characteristic of window openings within the streetscape and the Balmain East HCA. Large expanses of glass are not to be used in areas visible from the public domain. Window and door openings must be vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame). Dominancy must be given to masonry/solid elements rather than glazed areas.

The glazing in the northern elevation adjacent to the entry on the ground floor and the void on the first floor, must be replaced with a solid facade constructed in face brickwork. This façade must be redesigned with a vertically proportioned door on the ground floor and a vertically proportioned window employing traditional design (timber sash) and materials (timber frame) on the first floor.

8. *The proposed basement level must be deleted.*

\*Planning comment:

Despite the proposed retention of a basement level in the new dwelling 14A, this aspect of the development does not raise any significant issues on planning grounds given the proposed on-site parking has been deleted and the new dwelling footprint has been reoriented on the site so as to reduce the loss of existing exposed rock shelf. Consequently, retention of the basement level is considered acceptable on planning grounds.

The amended plans are considered acceptable on heritage design grounds subject to amendments in accordance with the following design change conditions which should be included in any consent.

1. Design change:

- a. *The glazing in the northern elevation adjacent to the entry on the ground floor and the void on the first floor must be replaced with a solid facade constructed in face brickwork. A vertically proportioned door is to be located on the ground floor and a vertically proportioned window employing traditional design (timber sash) and materials (timber frame) on the first floor is to be located on the first floor.*
- b. *The Materials & Finishes Schedule must be updated in accordance with the following:*

- i. Replace the “Burlesque” mid-toned flush jointed brickwork proposed in the front elevation with “Limewash” from the San Selmo Reclaimed Austral bricks range. Alternatively, the front façade can be rendered and painted in Dulux “Snowy Mountains” or “Stowe White”, or similar.
- ii. Replace black for the timber French doors in the front elevation with Pale Green from the Dulux Traditional colour range, or similar.

#### Clause 6.4 - Stormwater management

The amended plans, the subject of this report, have been reviewed by Council’s Development Engineer whereby it was advised that the proposal was generally satisfactory subject to the following conditions being placed on any consent to the application:

- Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:
  - i. Stormwater runoff from all roof areas within the proposed new development being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of Paul Street via the OSD/OSR tanks.
  - ii. Stormwater runoff from all roof areas within the existing property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s) to existing site drainage system. The existing system 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.
  - iii. The stormwater drainage design on drawing No.19.552/SW1 prepared by E2 CIVIL & STRUCTURAL DESIGN is not accepted as the Stormwater Drainage Concept Plan. In this regard, the proposed pump-out system for the basement is not satisfactory. The basement must be fully tanked.

#### 5(b) Draft Environmental Planning Instruments

The application has been assessed against the relevant Draft Environmental Planning Instruments listed below and is considered to be consistent with the draft policy:

- Draft *State Environmental Planning Policy (Environment)*

#### 5(c) 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 particularly 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

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

<b>LDCP2013</b>	<b>Compliance</b>
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Not Applicable
B3.1 Social Impact Assessment	Not Applicable
B3.2 Events and Activities in the Public Domain (Special Events)	Not Applicable
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	Not Applicable
C1.6 Subdivision	Yes – see discussion
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Not Applicable
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	Not Applicable
C1.14 Tree Management	Yes – see discussion
C1.15 Signs and Outdoor Advertising	Not Applicable
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Not Applicable
C1.17 Minor Architectural Details	Not Applicable
C1.18 Laneways	Not Applicable
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Yes – see discussion
C1.20 Foreshore Land	Not Applicable
C1.21 Green Roofs and Green Living Walls	Not Applicable
<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.2.2 - East Balmain Distinctive Neighbourhood & C2.2.2.2(a) Eastern Waterfront Sub Area	Yes – see cl.5.10 discussion above
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	Yes – see cl.5.10 discussion above
C3.4 Dormer Windows	Not Applicable
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes – see discussion
C3.7 Environmental Performance	Yes

C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes – see discussion
C3.10 Views	Yes – see discussion
C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	Not Applicable
C3.14 Adaptable Housing	Not Applicable
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	
C4.1 Objectives for Non-Residential Zones	Not Applicable
C4.2 Site Layout and Building Design	Not Applicable
C4.3 Ecologically Sustainable Development	Not Applicable
C4.4 Elevation and Materials	Not Applicable
C4.5 Interface Amenity	Not Applicable
C4.6 Shopfronts	Not Applicable
C4.7 Bulky Goods Premises	Not Applicable
C4.8 Child Care Centres	Not Applicable
C4.9 Home Based Business	Not Applicable
C4.10 Industrial Development	Not Applicable
C4.11 Licensed Premises and Small Bars	Not Applicable
C4.12 B7 Business Park Zone	Not Applicable
C4.13 Markets	Not Applicable
C4.14 Medical Centres	Not Applicable
C4.15 Mixed Use	Not Applicable
C4.16 Recreational Facility	Not Applicable
C4.17 Sex Services Premises	Not Applicable
C4.18 Vehicle Sales or Hire Premises And Service Stations	Not Applicable
C4.19 Vehicle Repair Station	Not Applicable
C4.20 Outdoor Dining Areas	Not Applicable
C4.21 Creative Industries	Not Applicable
<b>Part D: Energy</b>	
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	Not Applicable
D2.5 Mixed Use Development	Not Applicable
<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required with Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Not Applicable
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	Not Applicable
E1.1.5 Foreshore Risk Management Report	Not Applicable
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	Not Applicable

E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	Not Applicable
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	Not Applicable
E1.3.1 Flood Risk Management	Not Applicable
E1.3.2 Foreshore Risk Management	Not Applicable

The following provides discussion of the relevant issues:

C1.6 Subdivision

With the exception of minimum required lot sizes discussed elsewhere in this report, the proposal is consistent with this Part.

C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls

An exposed rock shelf exists on the western boundary of the site. The amended plans relocate the new dwelling away from the western side boundary and retain a greater portion of the exposed rock shelf. A condition is recommended to be placed on any consent that the rock shelf is to be protected and retained with excavation and works not extending beyond the immediate walls of the new dwelling on the western lot, Lot B (14A Paul Street).

C3.2 Site Layout and Building Design

The amended plans, the subject of this report, result in a breach of the side setback controls to both side boundaries. However, given the dwelling works maintain the form of the attached terrace style dwellings to the east of the site, the proposed breaches are considered satisfactory.

The new dwelling at 14A Paul Street has been amended so that the rear alignment of the upper level matches that of the existing dwelling at 14 Paul Street. The rear alignment of the ground level of the new dwelling has been amended to comply with the ground level BLZ. The rear addition to the rear ground level of the existing dwelling on the site maintains the existing rear ground level alignment of that dwelling.

Although the amended proposal seeks to match the front BLZ by aligning the new dwelling with that of the existing dwelling on the site, this results in the loss of existing iconic views gained over the front of the site by 1/16 Paul Street. This is discussed elsewhere in this report. Consequently, a variation to the front BLZ in this instance is appropriate by way of condition of consent.

C3.6 Fences

Specific details of proposed fencing have not been provided. However, the submitted plans indicate a vertical palisade fence to the front boundary of the new dwelling at Lot B (14A Paul Street). A condition is recommended to be imposed on the consent limiting any front fence to a vertical palisade or picket fence having a maximum height no greater than 1.2m at any point, so as to maintain consistency with the streetscape

C3.9 Solar Access

Shadow diagrams submitted for the amended plans the subject of this report have been assessed as complying with controls under this part relating to north-south oriented sites.

Control C16 of the DCP requires that where surrounding dwellings have south facing private open space ensure solar access is retained for two hours between 9am and 3pm to 50% of the total area during the winter solstice.

In this regard, it is noted that the diagrams make allowance for a 1.8m high boundary fence between the subject site and adjoining sites. This includes the shared side boundary with 16 Paul Street where the existing boundary fence is currently approximately 1m high. No objection is raised to this allowance given that a 1.8m dividing fence is a reasonable expectation given such fences are facilitated by the *Dividing Fences Act*. As such, an application for such a fence may be made at any time in the future.

The proposal would result in increased shadows to the rear common yard of 16 Paul Street at 9am mid-winter. A minor shadow impact of 0.55sqm (beyond that expected from a 1.8m high boundary fence) to the rear common yard of 16 Paul Street would occur at 12noon mid-winter. The submitted shadow diagrams indicate that 16 Paul Street will continue to retain solar access to 50% of a 16sqm portion of the rear common yard area, being the minimum required private open space component under the DCP, for two hours between 9am and 3pm at mid-winter.

The proposed new dwelling on the western lot complies with the statutory development standards for Floor Space Ratio, Landscaped Area and Site Cover. The new dwelling does not result in a breach to the side setback control, if taking the proposed side setback of 0.35m at the rear corner of the upper floor side wall, and where the setback is measured from the existing ground level on 16 Paul Street at the side boundary. Given this consideration and the orientation of the subject site, it is likely that any two-storey dwelling complying with rear BLZ would result in shadow impacts to the rear common area of 16 Paul Street. However, the impact during the morning could be reduced through a reduction in roof bulk at the rear of the new dwelling. This could be achieved by replacing the proposed rear gable end with a modified hip form. A condition to this effect should be placed on any consent.

Solar access is maintained to the living room windows of 1/16 Paul Street between 9am until after 12noon mid-winter.

The rear courtyard of 1/5 Pearson Street would be affected by additional shadow until approximately 10am at midwinter. Consequently, the rear courtyard would retain solar access to 50% of its area for a period in of 3hrs midwinter. The proposal would have no impact to the windows of this property during assessment times.

### C3.10 Views

The Land and Environment Court has published a planning principle to establish a more structured approach in assessing the impact of development in terms of view sharing.

**The first** step requires the assessment of views which the proposal will affect and establishes a value system for assessing different kinds of views. It suggests that:

- 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).

The views from the enclosed study at the front of the ground level dwelling at 16 Paul Street over the front and side open space of the subject site, are water and iconic views to the Sydney Harbour Bridge, and the land-water interface along parts of the foreshore.

16 Paul Street contains a strata subdivided two-level building with a separate dwelling on each level. The dwellings share a common rear ground level yard area.

The views from the rear common yard of 16 Paul Street over the side boundaries and rear yards and roofs of the subject site and other multiple sites to the east, are partial views to the Sydney Harbour Bridge, with intervening vegetation.

The views from the side entrance to the ground level dwelling at 16 Paul Street over the side and front boundaries of the subject site, are partial skyline views of buildings on the lower north shore ridgeline.

The photos below demonstrate the existing views against a surveyed height pole arrangement representing the side elevation of the proposed upper front verandah roof to the new dwelling at No.14A.



Standing view from front ground floor room of 16 Paul Street



Standing view from front ground floor room of 16 Paul Street



Close-up standing view from front ground floor room of 16 Paul Street



Standing view from rear common area yard of 16 Paul Street



Standing view from side entrance of Ground level dwelling at 16 Paul Street



Standing view from rear ground floor deck of 7 Pearson Street over subject site to north-east. The amended proposal would not impact any significant view from this site.



Standing view from upper level side entrance of 5 Pearson Street over subject site to north. The amended proposal would not impact any significant view from this site.

Views from properties behind the subject site in Pearson Street will have negligible impact from the amended design which has moved the new dwelling forward on the subject site.

**The second** step is to consider how reasonable it is to expect to retain the views. It acknowledges the following:

- Protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.
- Views enjoyed from a standing or sitting position is also relevant as many people who have a view from sitting position consider that they have lost the view if they have to stand up to see it.

The views from the front room and the side entrance of the ground floor dwelling at 16 Paul Street over the subject site are across the side and front boundaries of the subject site.

The views from the rear common yard at 16 Paul Street over the subject site are across the multiple side boundaries.

**The third** step is to assess the extent of the impact and should consider that the impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). Whilst the impact may be assessed quantitatively it is more useful to assess the view loss qualitatively as:

- Negligible
- Minor
- Moderate
- Severe
- Devastating.

#### Front room of ground floor dwelling at 16 Paul Street

The affected views are available from the front side window of the dwelling. The view is almost whole and iconic. The view is available across 100% of the width of the room, with the visible portion of the Harbour Bridge varying from approximately 70% to 90% depending on standing position.

The impact of the proposed new dwelling verandah would reduce the existing viewing points in the room. The view of the Harbour Bridge would be visible, in the greater, from approximately 50% of the room. The maximum remaining portion of the view of the Harbour Bridge in view would be reduced to approximately 60%.

A partial view would be retained through the upper level verandah of the proposed new dwelling assuming no obstructions, such as screens or pot plants, were placed on this verandah at any time. Should such be the case the remaining view through the open verandah could be expected to be significantly affected.

It is considered that the amended proposal would have a severe impact on the view.

#### View of the Harbour Bridge from the rear common yard

The position of the works to the subject site would not significantly impact the existing partial view of the Harbour Bridge from the rear common yard of 16 Paul Street.

It is considered that the amended proposal would have a minor impact on the view.

#### North shore skyline view from the side entrance

The position of the works to the subject site would eliminate the north shore skyline view from the side entrance of the ground floor dwelling at No.16 Paul Street.

It is considered that the amended proposal would have a severe impact on the view.

#### Views from upper level dwelling at 16 Paul Street

Views available from the upper level dwelling at 16 Paul Street are unaffected by the proposed new dwelling.

It is considered that the amended proposal would have no impact on these views given the floor level of that dwelling relative to the maximum ridge height of the new dwelling.

It is noted that the originally submitted plans would have resulted in a greater loss of the existing Harbour Bridge view from the rear common yard. The applicant was requested to redesign the proposal so that the new dwelling was positioned further forward on the site so as to retain these views. Importantly, Council specified that the front verandah of the new dwelling was to be positioned not further forward than the existing front façade wall of 14 Paul Street ie. Approximately 1.3m rearward of the verandah of the existing dwelling. The

intention of that requirement was to negate impacts to the views from the front room of the ground floor dwelling at 16 Paul Street.

However, the amended plans have aligned the front façade wall and verandah with that of the existing dwelling at 14 Paul Street. This has resulted in the expected and assessed view loss.

**The fourth** and final step is to assess the reasonableness of the proposal that is causing the impact and the following factors should be considered:

- 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.

The proposal does not comply with the statutory minimum Lot Size and Site Coverage standards contained in Clauses 4.1 & 4.3A of LEP 2013.

Although the breach of site coverage is minor, and the proposed lot sizes are similar to those existing in the area, a relatively minor modification to the submitted design could ameliorate the assessed Harbour Bridge view loss impact to 1/16 Paul Street.

It is considered that a condition be placed on any consent requiring the front façade wall and verandah of the new dwelling be setback 1m from that indicated on the submitted amended drawings, ie. a point 2.8m setback from the front lot boundary line.

Such a setback would remove the majority of the view loss impact to 1/16 Paul Street caused by the new dwelling. In this regard, draft amended drawings were submitted on 24/8/2020 in response to a viewing of the height poles. These plans required further renotification and therefore were not accepted.

#### C3.11 Visual Privacy

The relocation of the new dwelling towards the street has improved separation with the rear boundary of the site. The design of the proposed works is considered satisfactory with respect to both visual and acoustic privacy to neighbouring properties.

#### 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 to surrounding properties. Five (5) submissions were received in response to the initial notification.

Two (2) submissions were received in response to renotification of the amended application drawing, the subject of this report.

The following issues raised in submissions to the originally lodged plans have been discussed in this report:

- View loss to neighbouring properties – Of the three submissions that raised view loss as an issue, only 1/16 Paul Street would suffer more than a negligible impact to existing outlooks. In this regard, although the proposed works would not result in any significant view losses to Nos. 2/5 and 7 Pearson Street, being at higher levels than the subject new dwelling, these properties may gain possible benefit in outlook due to the removal of existing tree canopy within the subject site. *See Section 5(d).*
- Overshadowing – The amended design has been assessed as complying with the Solar access provisions of the DCP. A condition is recommended to alter the rear roof end to a hip form so as to minimise shadow impacts.
- Lot Size – The re-subdivision of the existing two lots to create two rectangular lots is considered satisfactory in the circumstance of the case. *See Section 5(a)(iv)*
- Tree Loss – The proposed removal of trees within the subject site is considered satisfactory subject to condition. *See Section 5(a)(v)*

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

- Issue: Visual bulk –

Comment: An increase in visual bulk from the development to 1/16 Paul Street & 2/5 Pearson Street. The amended plans have reduced the apparent bulk of the proposal to properties in Pearson Street by reducing the rearward extent of the new dwelling.

The issues of view loss and overshadowing were raised again in the submission to the amended plans. These matters have been discussed above.

### 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.

## 6 Referrals

### 6(a) Internal

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

- Heritage
- Engineering
- Urban Forest

## 7. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$20,000 would be required for the development under the Leichhardt Section 94 Contributions Plans. A condition requiring that contribution to be paid is included in the recommendation.

## 8. Conclusion

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

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

- A. The applicant has made written requests pursuant to Clause 4.6 to vary Clauses 4.1 and 4.3A of the *Leichhardt Local Environmental Plan 2013*. After considering these requests, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variations. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standards and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel, exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. D/2019/477 for Boundary adjustment, rear extension to existing house, new two-storey dwelling with basement and pool at 14 Paul Street BALMAIN EAST NSW 2041 subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS OF CONSENT

#### DOCUMENTS RELATED TO THE CONSENT

##### 1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
BA01	Proposed Boundary Adjustment	15/6/2020	COSO Architecture
DA01/A	Basement Floor Plan	15/6/2020	COSO Architecture
DA02/A	Ground Floor Plan	15/6/2020	COSO Architecture
DA03/A	First Floor Plan	15/6/2020	COSO Architecture
DA04/A	Roof/Site Plan	15/6/2020	COSO Architecture
DA05/A	Front Elevation	15/6/2020	COSO Architecture
DA06/A	Rear Elevation	15/6/2020	COSO Architecture
DA07/A	Western Elevation	15/6/2020	COSO Architecture
DA08/A	Eastern Elevation	15/6/2020	COSO Architecture
DA09/A	Section AA	15/6/2020	COSO Architecture
DA10/A	Section BB	15/6/2020	COSO Architecture
DA11/A	Section CC	15/6/2020	COSO Architecture
DA12/A	Section DD	15/6/2020	COSO Architecture
DA13/A	Section EE	15/6/2020	COSO Architecture
DA19/A	Waste Management Plan	15/6/2020	COSO Architecture
DA21/A	Erosion & Sediment Control Plan	15/6/2020	COSO Architecture
DA22/A	Materials & Finishes	15/6/2020	COSO Architecture
DA01/a	Landscape Concept Plan - Ground Floor	11/6/2020	Arborliz
DA02/a	Landscape Concept Plan - First Floor	11/6/2020	Arborliz
DA03/a	Landscape Concept Plan - Plant List	11/6/2020	Arborliz
DA04/a	Landscape Concept Plan - Planting Details	11/6/2020	Arborliz

DA05/a	Landscape Concept Plan - Notes	11/6/2020	Arborliz
SW-1/B	Concept Basement Drainage Plan	11/6/2020	E2 Civil & Structural Design
SW-2/B	Concept Ground Drainage Plan	11/6/2020	E2 Civil & Structural Design
SW-3/B	Concept Roof Drainage Plan	11/6/2020	E2 Civil & Structural Design
A362854	BASIX Certificate (14 Paul Street)	18/11/2019	COSO Architects
1056317S_03	BASIX Certificate (14A Paul Street)	15/6/2020	COSO Architects
J3875	Heritage Impact Assessment	Nov 2019	Weir Phillips
-	Supplementary Heritage Impact Assessment - To Amended Plans	2/6/2020	Weir Phillips
2019-183/0	Geotechnical Site Investigation	18/11/2019	Crozier
1968A	Arborcultural Impact Assessment	14/11/2019	Arborliz

As amended by the conditions of consent.

**DESIGN CHANGE**

**2. Design Change**

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

- a. The glazing in the northern elevation adjacent to the entry on the ground floor and the void on the first floor must be replaced with a solid facade constructed in face brickwork. A vertically proportioned door is to be located on the ground floor and a vertically proportioned window employing traditional design (timber sash) and materials (timber frame) on the first floor is to be located on the first floor.
- b. *The Materials & Finishes Schedule must be updated in accordance with the following:*

1. Replace black for the timber French doors in the front elevation with Pale Green from the Dulux Traditional colour range, or similar
  2. Replace the "Burlesque" mid-toned flush jointed brickwork proposed in the front elevation with "Limewash" from the San Selmo Reclaimed Austral bricks range. Alternatively, the front façade can be rendered and painted in Dulux "Snowy Mountains" or "Stowe White", or similar. C. That the front façade wall and verandah of the new dwelling 14A (Lot B) shall be setback 1m from that indicated on the approved plans without change to the rear setback of the building.
- c. That the front façade wall and verandah of the new dwelling 14A (Lot B) shall be setback 1m from that indicated on the approved plans without change to the rear setback of the building.
- d. The proposed rear roof gable end on the new dwelling on the western lot No.14A Paul Street shall be replaced with hip form.
- e. That any front fence shall be of a vertical palisade or picket type, with a maximum height no greater than 1.2m at any point.
- f. That the plans shall be clearly marked to show that the rock shelf near the western boundary of the site shall be protected and retained, with excavation and associated works not to extend beyond the immediate walls of the new dwelling on the western lot, Lot B (14A Paul Street).

**FEES**

**3. Security Deposit - Custom**

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

<b>Security Deposit:</b>	\$2,152.50
<b>Inspection Fee:</b>	\$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.

**4. Section 7.11 (Former Section 94) Contribution**

Prior to the issue of a Construction Certificate or the issue of a Subdivision Certificate, whichever occurs first, written evidence must be provided to the Certifying Authority that a monetary contribution of

\$20,000 in accordance with Developer Contributions Plan No.1 – Open Space and Recreation; 'Developer Contributions Plan No.2 – Community Facilities and Services (2005); and Leichhardt Developer Contributions Plan – Transport and Access has been paid to the Council.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

<b>Local Infrastructure Type:</b>	<b>Contribution \$</b>
Open Space and Recreation	\$16,864.38
Community Facilities and Services	\$2,577.58
Access to Balmain Peninsula	\$535.74
Bicycle Works	\$22.30
<b>TOTAL</b>	<b>\$20,000</b>

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:  
<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

**The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card\*. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

\*NB A 0.75% credit card transaction fee applies to all credit card transactions.

**5. 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**

**6. Works to Trees**

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate. Trees are numbered in accordance with the submitted *Arboricultural Impact Assessment*, prepared by *Arborlize*, dated 14/11/2019:

Tree/location	Approved works
T1 <i>Plumeria spp.</i> (Frangipani) located front property.	Remove.
T2 and T3 <i>Livistona australis</i> (Cabbage Tree Palm) located in rear property.	Remove.
T4 <i>Macadamia spp</i> (Macadamia species) located in rear property.	Remove.
T5 <i>Eucalyptus sideroxylon</i> (Mugga Ironbark) located in rear property.	Remove.
T6 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) located in rear property.	Remove.

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

#### **7. Boundary Alignment Levels**

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

#### **8. Dry-weather Flows**

Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively, the basement or any below ground structure must be designed to be "tanked" preventing the ingress of seepage or groundwater.

#### **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. Standard Street Tree Protection**

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

**13. Works Outside the Property Boundary**

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

**PRIOR TO ANY DEMOLITION****14. Hoardings**

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

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

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

**15. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

**16. Advising 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.

**17. Construction Fencing**

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

**PRIOR TO CONSTRUCTION CERTIFICATE****18. Dilapidation Report – Pre-Development – Minor**

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

**19. Stormwater Drainage System – Minor Developments (OSD is required)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), 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 areas within the existing property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s) to existing site drainage system. The existing system 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.
- b. Stormwater runoff from all roof areas within the proposed new development being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of Paul Street via the OSD/OSR tanks as necessary; Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may be drained to an on-site dispersal system such as an absorption system or otherwise, subject to the roof areas being drained via a suitably sized rainwater tank, no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;

- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage; *The stormwater drainage design on drawing No.19.552/SW1 prepared by E2 CIVIL & STRUCTURAL DESGN is not accepted as Stormwater Drainage Concept Plan. The proposed pump out system for the basement is not permitted, the basement must be fully tanked.*
- e. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (100year ARI);
- g. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- h. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- i. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- j. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- k. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- l. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- m. No nuisance or concentration of flows to other properties;
- n. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- o. 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;
- p. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;

- q. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- r. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;
- s. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- t. Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system;
- u. No impact to street tree(s).

#### **20. 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. A 150mm step up must be provided between the finished surface level of the external area and the finished floor level of the internal rooms.

#### **21. Party Walls**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Structural Certificate from a practising structural engineer which verifies that the structural integrity of the existing "Party Walls" are adequate to accept the additional loads imposed thereon by the proposal. A copy of the Structural Certificate must be provided to all owners of the party wall/s.

#### **22. 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.

#### **23. 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**

**24. Tree Protection**

To protect the following tree, ground, trunk and branch protection must be installed prior to any works commencing in accordance with Council’s *Development Fact Sheet—Trees on Development Sites*. Tree number corresponds with the submitted *Arboricultural Impact Assessment*, prepared by Arborliz, dated 14/11/2019 :

Tree No.	Botanical/Common Name/Location
7	<i>Dypsis lutescens</i> (Golden Cane Palm) located in rear property.

**25. 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.

**26. 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**

**27. Certification of Tree Planting**

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF3 Certificate of Horticulture or Arboriculture that:

A minimum of 2 x 100 (L) litre size additional trees, which will attain a minimum mature height of ten (10) metres, must be planted a minimum distance of 1.5 metres from any boundary or structure allowing for future tree growth. All replenishment canopy trees must be planted on site in accordance with the locations and tree species specified in the submitted Landscape Plan, prepared by Arborliz, DWG No. DA01A - DA02A, dated 11/06/2020. The trees are to conform to AS2303—*Tree stock for landscape use* .

A minimum of 2x 300mm pot sized *Howea forsteriana* (Kentia Palm) must be planted on site in an appropriate location allowing for future tree growth in addition to the vegetation proposed within the submitted Landscape Plan.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species (up to 3 occurrences). If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

#### **28. 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.

#### **29. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

#### **30. Works as Executed – Site Stormwater Drainage System**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil 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:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed 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 Certifier stamped Construction Certificate plans.

#### **31. Operation and Management Plan**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site

detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

### **32. No Weep Holes**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that any weep holes to Council road or footpath resulting from the building works have been removed.

### **ADVISORY NOTES**

#### **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.

#### **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.

#### **Permits**

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

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

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

#### **Insurances**

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

#### **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.

**National Construction Code (Building Code of Australia)**

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

**Notification of commencement of works**

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

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

**Dividing Fences Act**

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

**Swimming Pools**

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

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

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

**Permits from Council under Other Acts**

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;

- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

#### **Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* 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.

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

Waste Service - SITA 1300 651 116  
Environmental Solutions [www.wasteservice.nsw.gov.au](http://www.wasteservice.nsw.gov.au)

Water Efficiency Labelling and Standards (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)

WorkCover Authority of NSW 13 10 50  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Enquiries relating to work safety and asbestos removal and disposal.

**Street Numbering**

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

Attachment B – Plans of proposed development

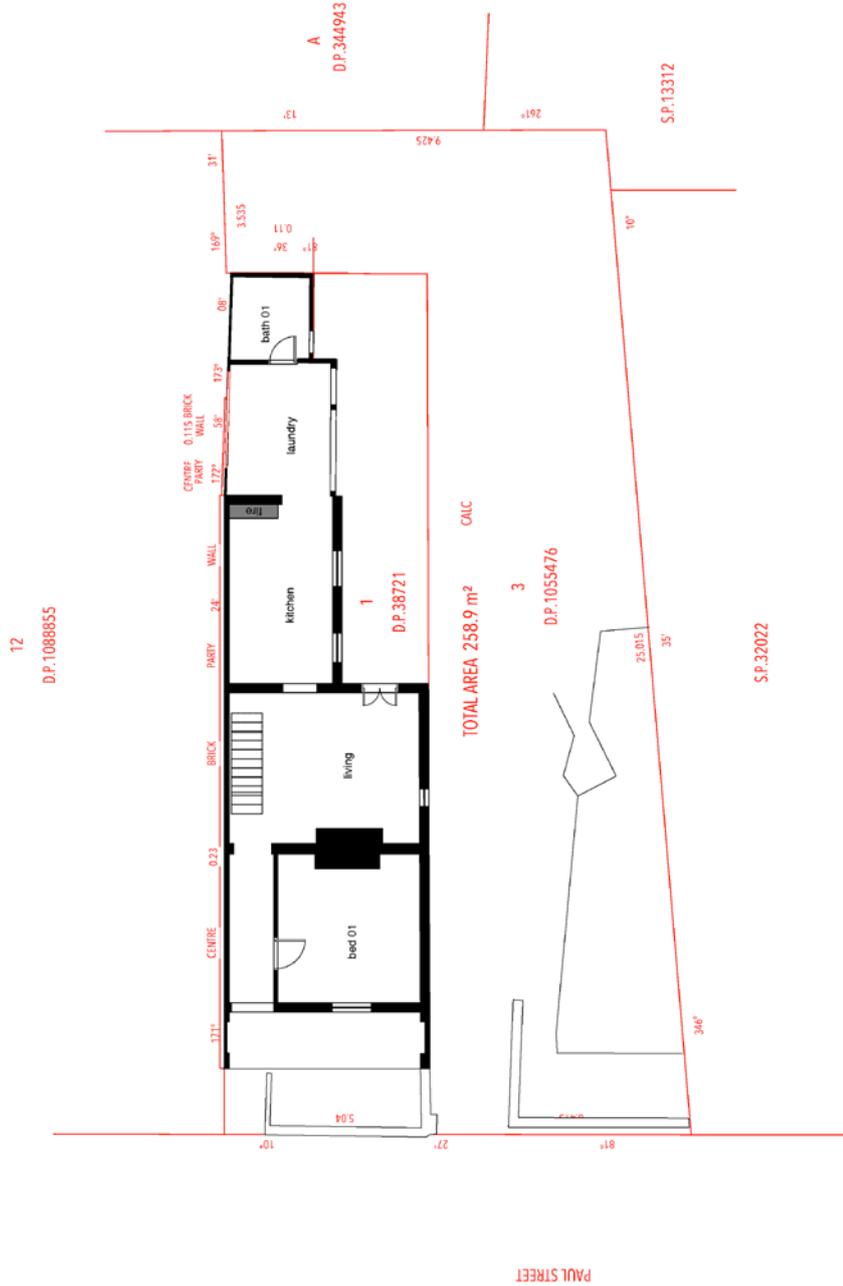
Paul Connor RAIA#7058 Anthony Saltemen RAIA#6464  
 The Coopers, Studio 4.04, 56 Bowman Street,  
 Pyrmont 2009 / ABRN (0) 1596 029 808  
 Phone: +61 (0)2 9666 2880 / Fax: +61 (0)2 9666 2888  
 Email: paul@coso.com.au / Website: www.coso.com.au



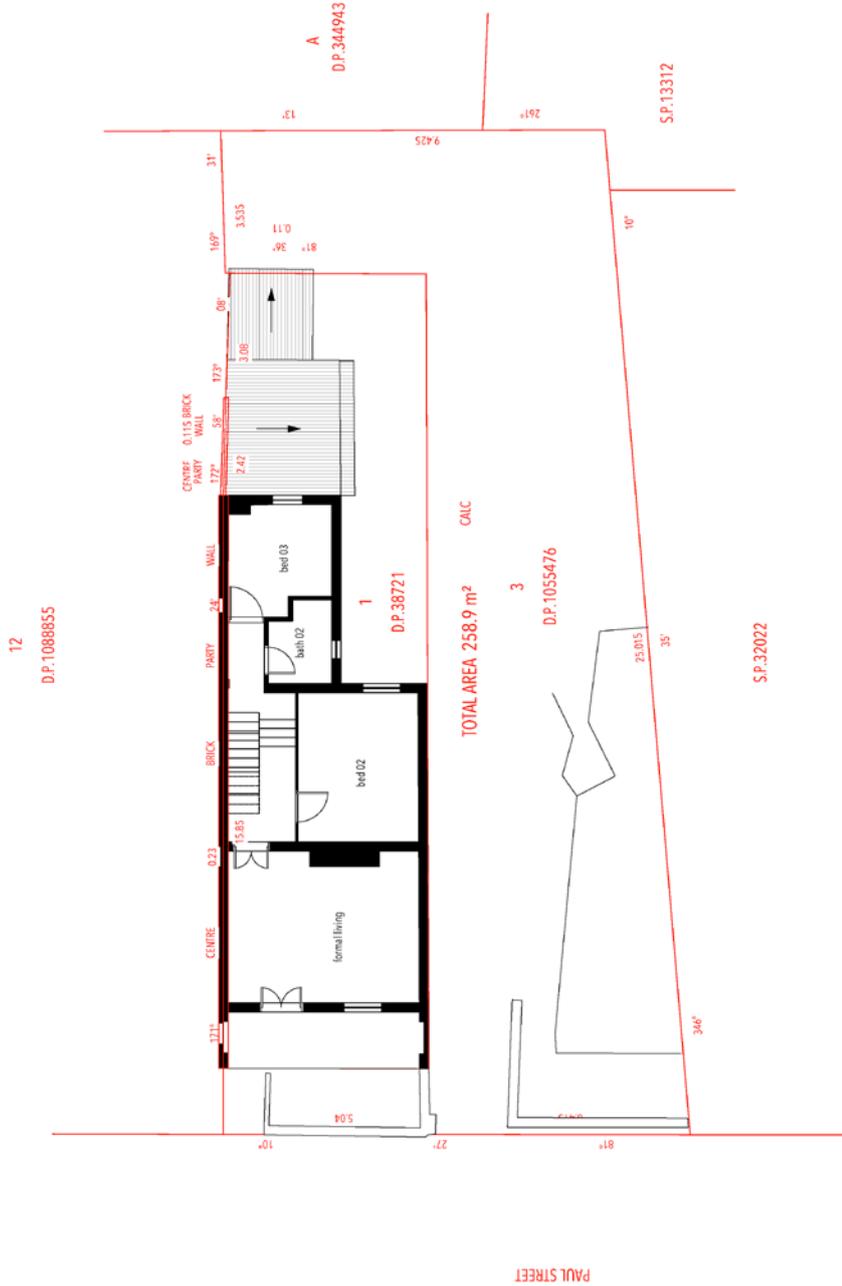
DEVELOPMENT APPLICATION D/2019/477 AMENDED DOCUMENTATION  
 14 PAUL STREET, BALMAIN EAST 2041

LOT/SECTION/PLAN NO:	1/-/DP38721 3/-/DP1055476	SUPPORTING DOCUMENTATION	14 Paul Street cont.
PREPARED FOR DAVID TOW		HYDRAULIC PLANS BY E2	
15th JUNE 2020		LANDSCAPE PLANS BY ARBORLIZ	
MD 01	EXISTING SITE PLAN	ARBORCULTURAL IMPACT ASSESSMENT BY ARBORLIZ	
MD 02	EXISTING GROUND FLOOR PLAN	GEO TECHNICAL REPORT BY CROZIERS	
MD 03	EXISTING FIRST FLOOR PLAN	HERITAGE IMPACT STATEMENT BY WEIR PHILLIPS	
MD 04	EXISTING ROOF PLAN	STATEMENT OF ENVIRONMENTAL EFFECTS SJB	
MD 05	EXISTING CALCULATIONS		
BA 01	PROPOSED BOUNDARY ADJUSTMENT		
DA 01	BASEMENT FLOOR PLAN		
DA 02	GROUND FLOOR PLAN		
DA 03	FIRST FLOOR PLAN		
DA 04	ROOF PLAN		
DA 05	FRONT ELEVATION		
DA 06	REAR ELEVATION		
DA 07	SIDE ELEVATION		
DA 08	SIDE ELEVATION		
DA 09	SECTION AA		
DA 10	SECTION BB		
DA 11	SECTION CC		
DA 12	SECTION DD		
DA 13	SECTION EE		
DA 14	CALCULATIONS		
DA 15	HERITAGE		
DA 16	WINTER SHADOWS 9AM		
DA 17	WINTER SHADOWS 12PM		
DA 18	WINTER SHADOWS 3PM		
DA 19	SITE ANALYSIS		
DA 20	WASTE MANAGEMENT PLAN		
DA 21	EROSION AND SEDIMENT CONTROL PLAN		
DA 22	MATERIALS SCHEDULE		





<p><b>COSO</b> ARCHITECTURE</p> <p>Pratt Connor RAJAAR7658 Anthony Sokolown RAJAAR7664 The Coopers, Studio 4.04, 56 Bowman Street, Sydney NSW 2000 Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2888 Email: studio@coso.com.au / Website: www.coso.com.au</p>	<p>DA 14 PAUL ST, BALMAIN EAST (LOT/SECTION/DP 1/-/DP38721 3/-/DP1055476)</p>	<p>PREPARED FOR DAVID TOW</p>
	<p>DATE: 15.08.2020 SCALE: 1:100 AT A3</p>	<p>DRAWING NO: <b>MD02</b></p>
<p>ARCHITECTURE</p>	<p>REVISION</p>	<p>REVISION</p>



PREPARED FOR DAVID TOW

DRAWING NO. **MD03**

REVISION

DRAWING NAME  
**EXISTING FIRST FLOOR PLAN**

DATE: 15.08.2020  
SCALE: 1:100 AT A3

DRAWING NO. 1/-/DP38721 3/-/DP1055476

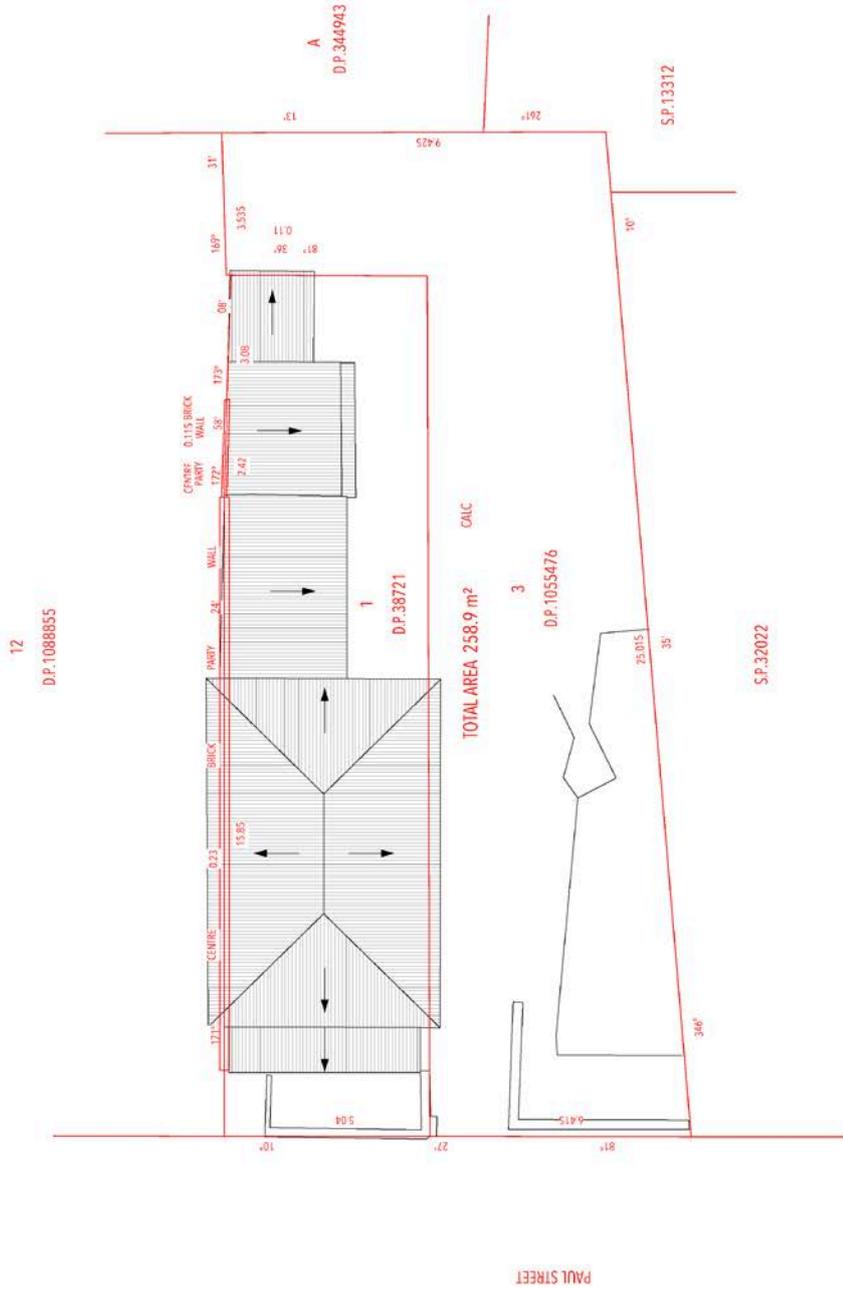
ARCHITECTURE

DAVID TOW ARCHITECTURE  
14 PAUL ST. BALMAIN EAST (LOT/SECTION/DP)

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**COSO**  
ARCHITECTURE



<p><b>COSO</b> ARCHITECTURE</p> <p>Paul Cosso RAIAA 7658 Anthony Solomons RAIAA 8764 The Cosperage Studio 4/04, 56 Bowman Street, Pyrmont NSW 1570 Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2888 Email: studio@coso.com.au / Website: www.coso.com.au</p>	<p>DA 14 PAUL ST, BALMAIN EAST (LOT/SECTION/DP ARCHITECTURE</p>	<p>1/-/DP28721 3/-/DP1055476)</p>	<p>PREPARED FOR DAVID TOW</p>
	<p>DATE: 15.06.2020 SCALE: 1:100 AT A3</p>	<p>EXISTING ROOF FLOOR PLAN</p>	<p>MD04</p>



**EXISTING SITE AREA**

LOT 1 D.P. 38721	108.56 m <sup>2</sup>
LOT 3 D.P. 1055476	152.366 m <sup>2</sup>

**GROUND FLOOR AREA**

LOT 1 D.P. 38721	60.77 m <sup>2</sup>
LOT 3 D.P. 1055476	- m <sup>2</sup>

**GROUND FLOOR AREA**

LOT 1 D.P. 38721	45.9 m <sup>2</sup>
LOT 3 D.P. 1055476	- m <sup>2</sup>

**EXISTING FLOOR SPACE RATIO**

LOT 1 D.P. 38721	0.98:1
LOT 3 D.P. 1055476	0.1

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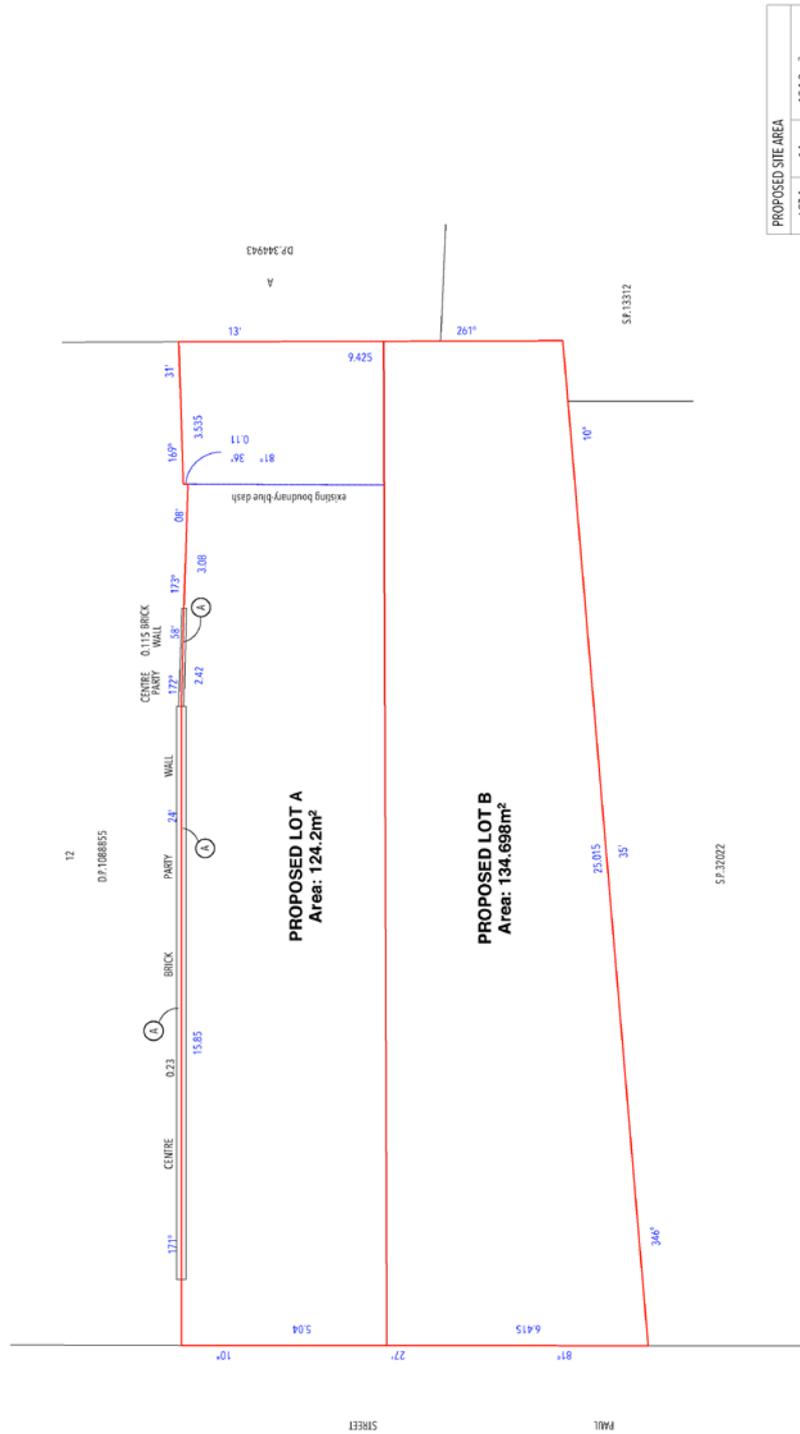
DA 14 PAUL ST, BALMAIN EAST (LOT/SECTION/DP 1/-/DP28721 3/-/DP1055476)

ARCHITECTURE

DATE: 15.06.20  
SCALE: 1:300 AT A3

PREPARED FOR DAVID TOW

REVISION



PROPOSED SITE AREA	
LOT A	124.2 m <sup>2</sup>
LOT B	134.698 m <sup>2</sup>

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Email: studio@coso.com.au / Website: www.coso.com.au

DA 14 PAUL ST, BALMAIN EAST (LOT/SECTION/DP  
ATTACHMENT: 1/-/DP38721\_3/-/DP1055476)

DATE: 15.08.2020  
SCALE: 1:100 AT A3

PROPOSED BOUNDARY ADJUSTMENT

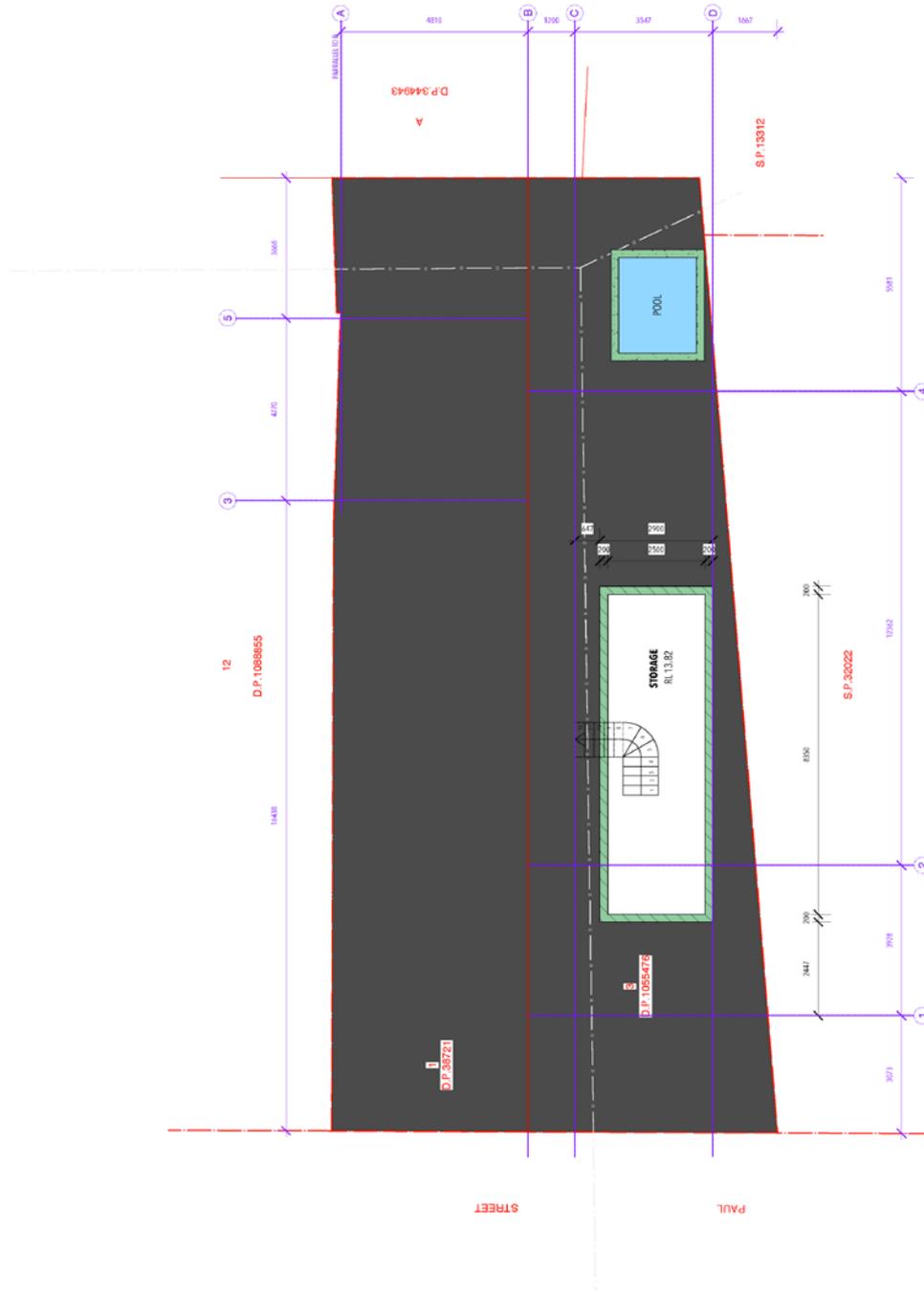
DATE: 15.08.2020  
SCALE: 1:100 AT A3

0 0.5 1 2 3 4 5 6 7 8 9 10 15 20 30 40 50

PREPARED FOR DAVID TOW

DRAWING NO: **BA01**

REVISION:



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PREPARED FOR DAVID TOW

DESIGNER NO: **DA01**  
REVISION: A

DATE: 15.06.2020  
SCALE: 1:100 AT AS

0 0.5 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

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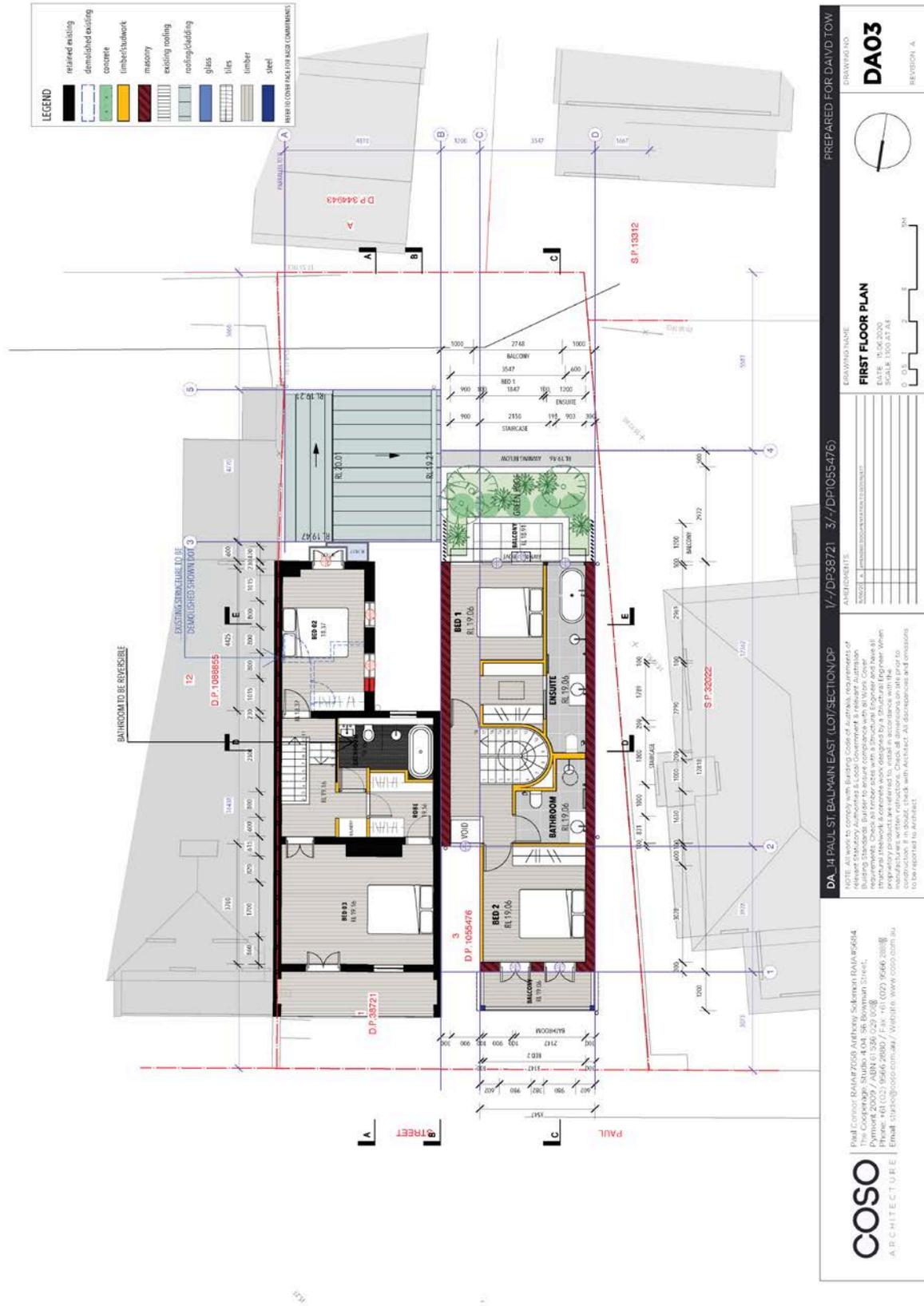
DA 14 PAUL ST BALMAIN EAST (LOT/SECTION/DP 1/-/DP38721 3/-/DP1055476)

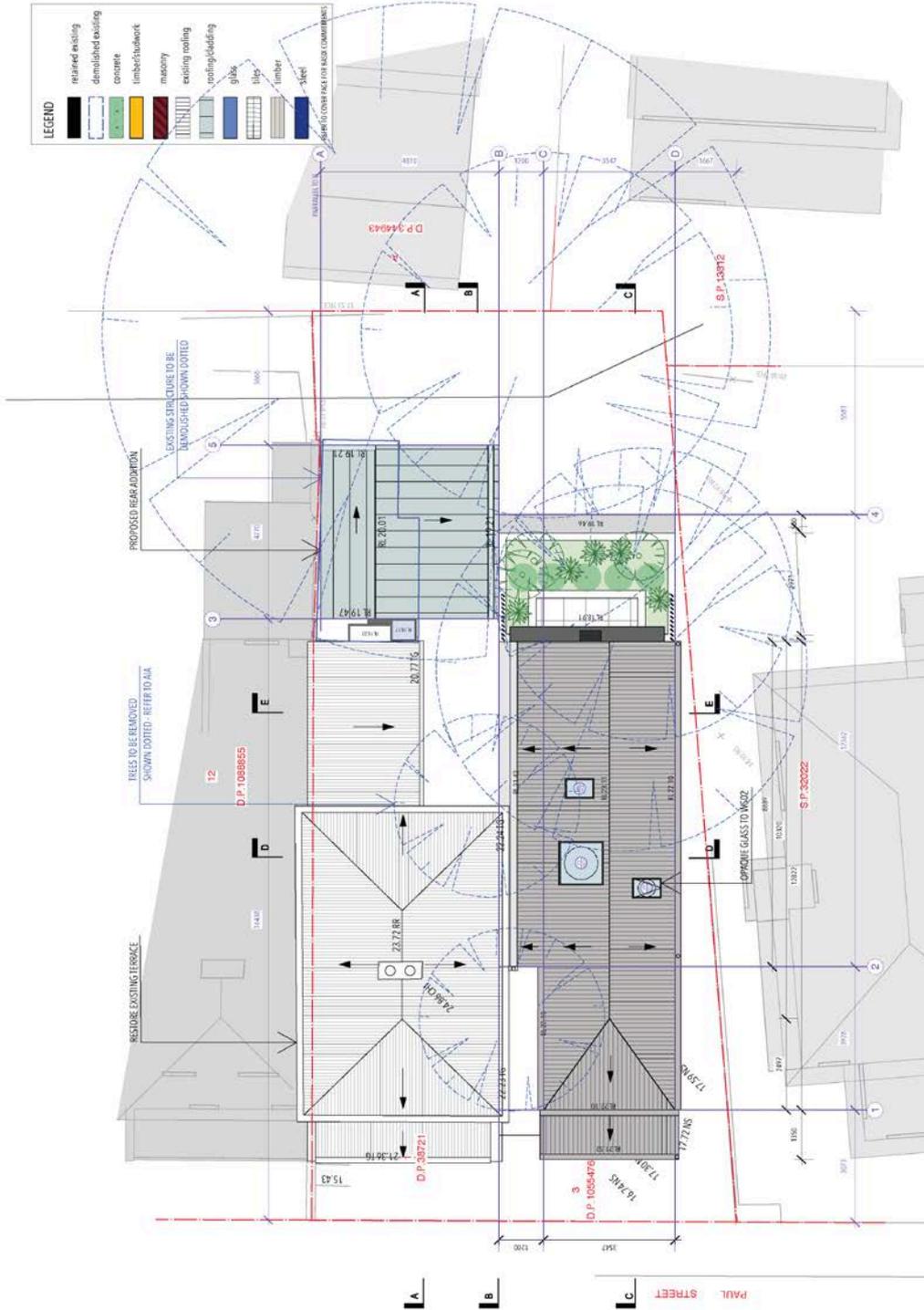
NOTE: ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CODES OF PRACTICE, THE PRESENTS OF RELEVANT STATUTORY AUTHORITIES & LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS. BUILDER TO ENSURE COMPLIANCE WITH ALL WORK COVERED BY THIS PLAN. ALL STRUCTURAL, MECHANICAL & ELECTRICAL WORK DESIGNED BY A STRUCTURAL ENGINEER. WHEN PREPARATORY PRODUCTS ARE REFERRED TO, INSTALL IN ACCORDANCE WITH THE RELEVANT STANDARDS TO BE USED IN CONSTRUCTION. IT IS GOING TO BE CHECKED WITH ARCHITECT. ALL DISCREPANCIES AND OMISSIONS TO BE REPORTED TO ARCHITECT.

REVISIONS

NO.	DESCRIPTION	DATE
0001	1. INITIAL SUBMISSION TO ARCHITECT	







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DA 14 PAUL ST BALMAIN EAST (LOT/SECTION/DP 1/-/DP1055476)

ROOF/SITE PLAN  
DATE: 15.06.2020  
SCALE: 1:100 AT A4

REVISION 4

PREPARED FOR DAVID TOW

**LEGEND**

	retained existing
	dismantled existing
	concrete
	timber/shedwork
	masonry
	existing roofing
	roofing/cladding
	glass
	tiles
	timber
	steel

REFER TO CONCEPT PLAN FOR COORDINATES



<p><b>COSO</b> ARCHITECTURE</p> <p>Paul Connor BAMB7059, Anthony Solomon BAMB6584 The Cooperative Studio - Lot 56 Bowman Street, Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2888 Email: studio@coso.com.au / Website: www.coso.com.au</p>	<p>DA 14 PAUL ST BALMAIN EAST (LOT/SECTION/DP 1/-/DP38721 3/-/DP1055476)</p> <p>DAVID PEARCE</p> <p>15/06/2020</p>	<p>PREPARED FOR DAVID TOW</p> <p>DA05</p> <p>REVISION 4</p>
	<p>DATE: 15/06/2020 SCALE: 1:100 AT A4</p> <p>0 1 2 3 4 5 6 7 8 9 10 M</p>	<p>FRONT ELEVATION</p>

NOTE: ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES & LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS. BUILDERS TO ENSURE COMPLIANCE WITH ALL RELEVANT CODES OF PRACTICE. ALL STRUCTURAL FRAMEWORK & CONCRETE WORK DESIGNED BY A STRUCTURE ENGINEER. WHEN PRELIMINARY PRODUCTS ARE REFERRED TO, ENSURE ALL DIMENSIONS AND FINISHES TO CONSTRUCTION. IT IS SOLELY THE RESPONSIBILITY OF THE ARCHITECT TO VERIFY ALL DIMENSIONS AND FINISHES TO BE REPORTED TO ARCHITECT.

**LEGEND**

	retained existing
	demolished existing
	concrete
	timber/subwork
	masonry
	existing roofing
	roofing/cladding
	glass
	tiles
	timber
	steel

REFER TO COVER PAGE FOR AISC COMMENTS

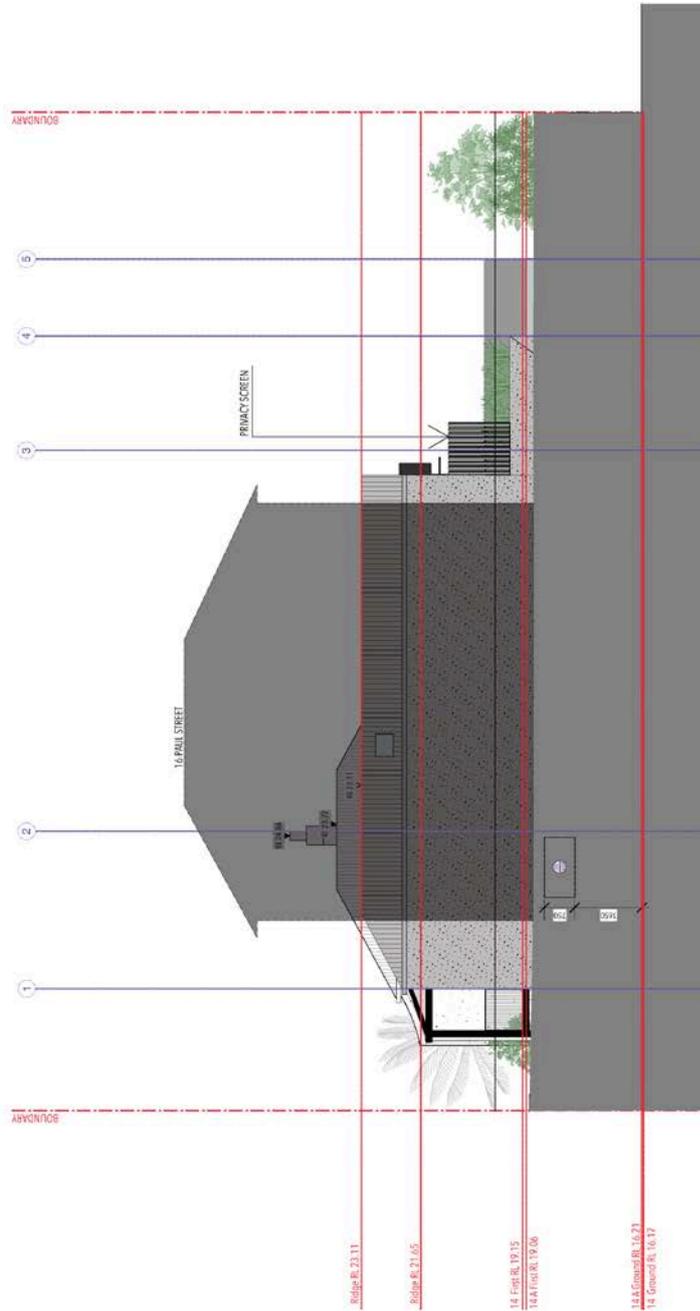


<p><b>COSO</b>                  Pivotal Concept RAJAAB ZUBER ARCHITECTURE SOLUTIONS RAJAAB ZUBER                  The Convergence Studio 4/04, 56 Bowman Street,                  Pyrmont NSW 1570                  Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2888                  Email: studio@coso.com.au / Website: www.coso.com.au</p>	<p>DA 14 PAUL ST, BALMAIN EAST (LOT/SECTION/DP 1/-/DP28721 3/-/DP1055476)</p>	<p>PREPARED FOR DAVID TOW</p>
	<p>DATE: 15.06.2020                  SCALE: 1:100 AT A3</p>	<p>REAR ELEVATION</p>
<p>ARCHITECTS:</p>	<p>DATE: 15.06.2020                  SCALE: 1:100 AT A3</p>	<p>REVISION: A</p>

**LEGEND**

	retained existing
	demolished existing
	concrete
	timber/charwork
	masonry
	existing roofing
	roofing/cladding
	glass
	tiles
	timber
	steel

REFER TO CONSTRUCTION DRAWINGS FOR MATERIALS

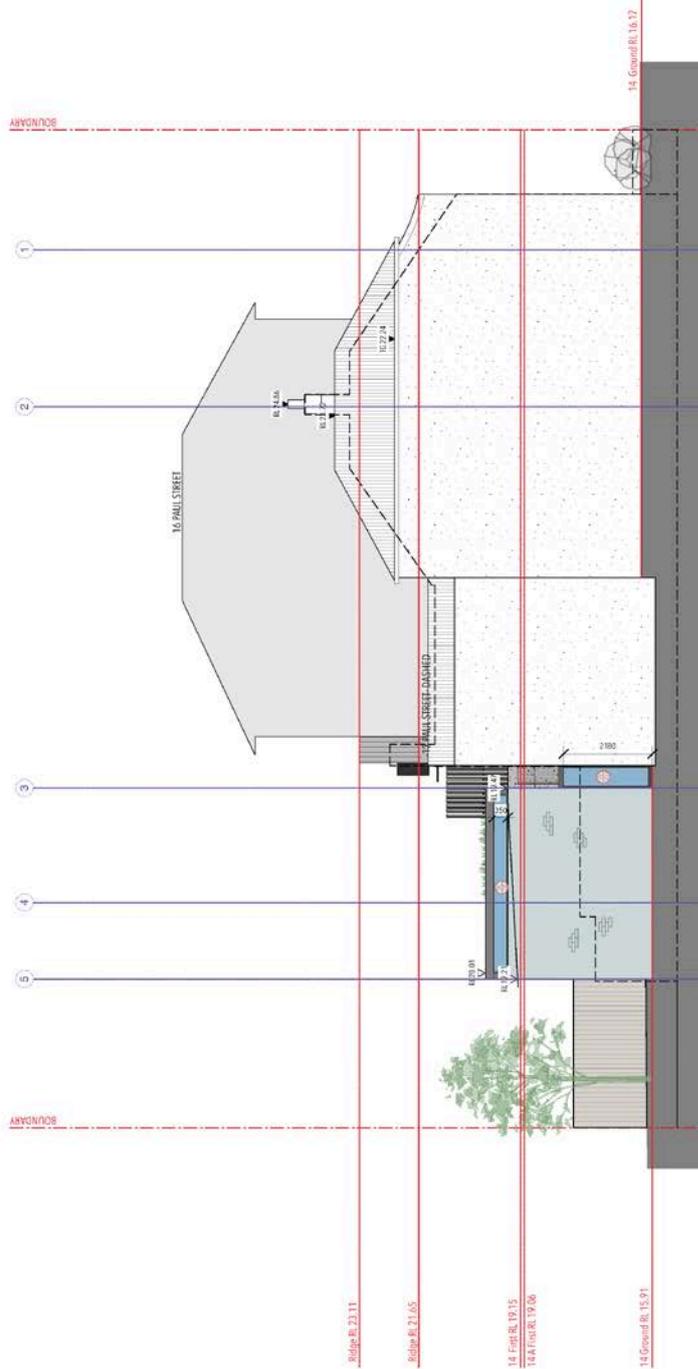


<p><b>COSO</b> ARCHITECTURE</p> <p>Paul Connor BAMB7059 Anthony Solomon BAMB6584 The Cooperative Studio - Lot 56 Bowman Street, Sydney NSW 1585 Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2888 Email: studio@coso.com.au / Website: www.coso.com.au</p>	<p>DA 14 PAUL ST BALMAIN EAST (LOT/SECTION/DP 1/-/DP38721 3/-/DP1055476)</p> <p>ARCHITECTS</p> <p>DATE: 15.04.2020 SCALE: 1:100 AT A3</p>	<p>PREPARED FOR DAVID TOW</p> <p>REVISION NO: <b>DA07</b></p> <p>REVISION: 4</p>
	<p>NOTE: ARCHITECTS ADVISED WITH EXISTING CONSTRUCTION DETAILS AND REPRESENTED BY RELEVANT STATUTORY AUTHORITIES &amp; LOCAL GOVERNMENT &amp; RELEVANT AUSTRALIAN BUILDING STANDARDS. BUILDERS TO ENSURE COMPLIANCE WITH ALL LOCAL GOVERNMENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS. ALL STRUCTURAL FRAMEWORK &amp; CONCRETE WORK DESIGNED BY A STRUCTURE ENGINEER. WHEN PREPARATORY PRODUCTS ARE REFERRED TO, VERIFY ALL INFORMATION IN ACCORDANCE WITH THE CONSTRUCTION. IT IS SOLELY CHECKED WITH ARCHITECT. ALL DISCREPANCIES AND OMISSIONS TO BE REPORTED TO ARCHITECT.</p>	<p>WESTERN ELEVATION</p>

**LEGEND**

	retained existing
	demolished existing
	concrete
	timber/shedwork
	masonry
	existing roofing
	roofing/cladding
	glass
	tiles
	timber
	steel

REFER TO CONSTRUCTION DRAWINGS FOR MATERIALS

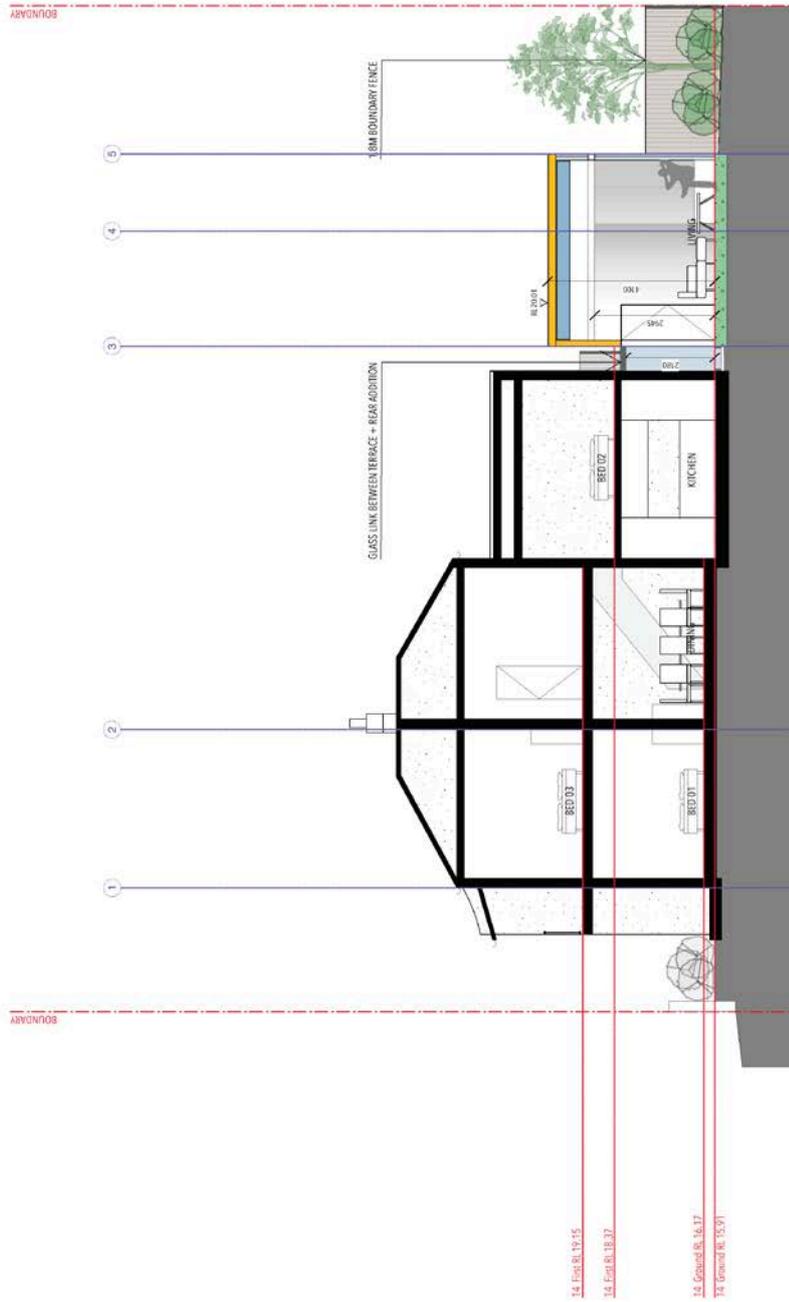


<p>PREPARED FOR DAVID TOW</p> <p>PROJECT NO. <b>DA08</b></p> <p>REVISION: A</p>	
<p>PROJECT NAME: <b>EASTERN ELEVATION</b></p> <p>DATE: 15.06.2020</p> <p>SCALE: 1:100 AT A4</p>	
<p>PROJECT NO. 17/DP38721 3/-/DP1055476</p>	
<p>NOTE: ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AND ITS COMPLIANCE WITH RELEVANT REGULATORY AUTHORITIES &amp; LOCAL GOVERNMENT &amp; RELEVANT AUSTRALIAN BUILDING STANDARDS. IN ORDER TO ENSURE COMPLIANCE WITH ALL RELEVANT REGULATORY AUTHORITIES &amp; LOCAL GOVERNMENT &amp; RELEVANT AUSTRALIAN BUILDING STANDARDS, ALL STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND OTHER SERVICES SHALL BE DESIGNED BY A REGISTERED PROFESSIONAL ENGINEER. ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AND ITS COMPLIANCE WITH RELEVANT REGULATORY AUTHORITIES &amp; LOCAL GOVERNMENT &amp; RELEVANT AUSTRALIAN BUILDING STANDARDS. IN ORDER TO ENSURE COMPLIANCE WITH ALL RELEVANT REGULATORY AUTHORITIES &amp; LOCAL GOVERNMENT &amp; RELEVANT AUSTRALIAN BUILDING STANDARDS, ALL STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND OTHER SERVICES SHALL BE DESIGNED BY A REGISTERED PROFESSIONAL ENGINEER.</p>	
<p><b>COSO</b>                  Paul Connor BA1617030 Architect, Solicitor BA1616584                  The Cooperative Studio - Lot 36 Bowman Street,                  Sydney NSW 2009                  Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2888                  Email: studio@coso.com.au / Website: www.coso.com.au</p>	

**LEGEND**

	retained existing
	demolished existing
	concrete
	timber/subwork
	masonry
	existing roofing
	roofing/cladding
	glass
	tiles
	timber
	steel

REFER TO COVER PAGE FOR AISC COMMENTS

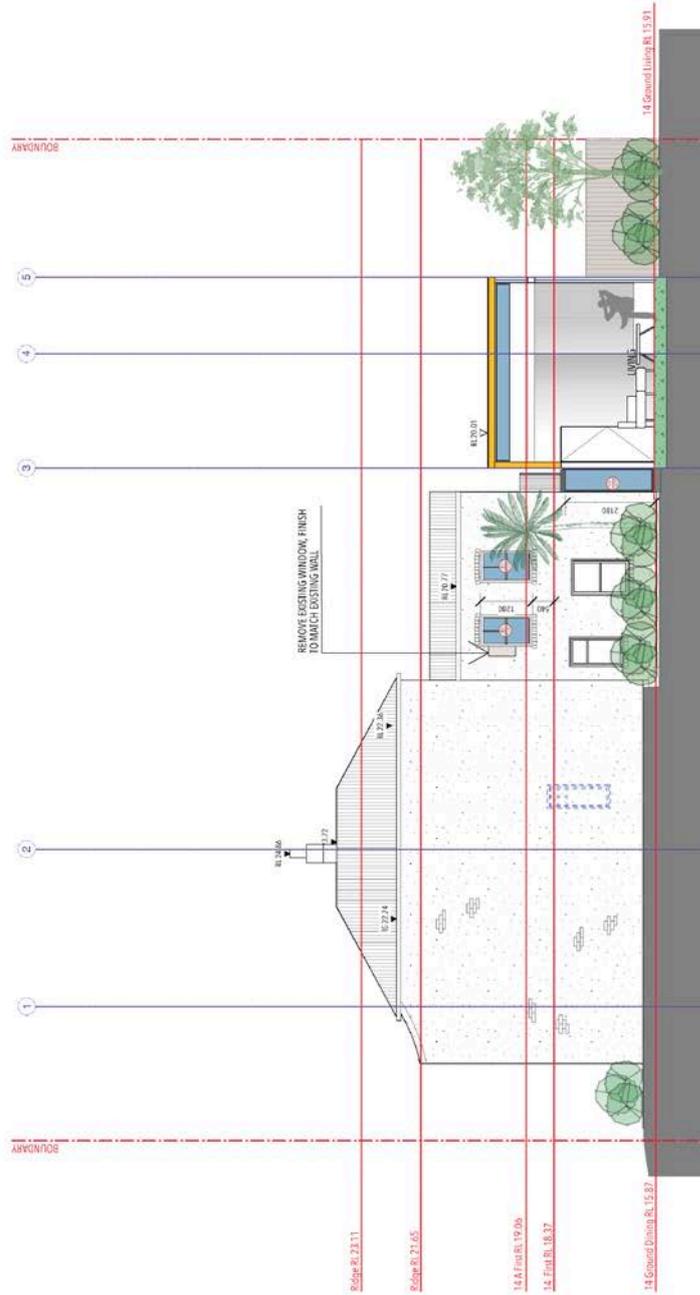


<p><b>COSO</b> ARCHITECTURE</p> <p>Pratt Corbett RAIA/AR 7058R Anthony Solukwin RAIA/AR 6764 The Convergence Studio 4/04, 56 Bowman Street, Pyrmont NSW 1570 Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2888 Email: studio@coso.com.au / Website: www.coso.com.au</p>	<p>DA 14 PAUL ST, BALMAIN EAST (LOT/SECTION/DP 1/-/DP28721 3/-/DP1055476)</p> <p>ARCHITECTS</p> <p>SECTION AA</p> <p>DATE: 15.08.2020 SCALE: 1:100 AT A3</p>	<p>PREPARED FOR DAVID TOW</p> <p>DA09</p> <p>REVISION: A</p>
	<p>DATE: 15.08.2020 SCALE: 1:100 AT A3</p> <p>1/-/DP28721 3/-/DP1055476</p>	<p>1/-/DP28721 3/-/DP1055476</p>

**LEGEND**

	retained existing
	demolished existing
	concrete
	timber/cladwork
	masonry
	existing roofing
	roofing/cladding
	glass
	tiles
	timber
	steel

REFER TO CONSTRUCTION DRAWINGS FOR DIMENSIONS

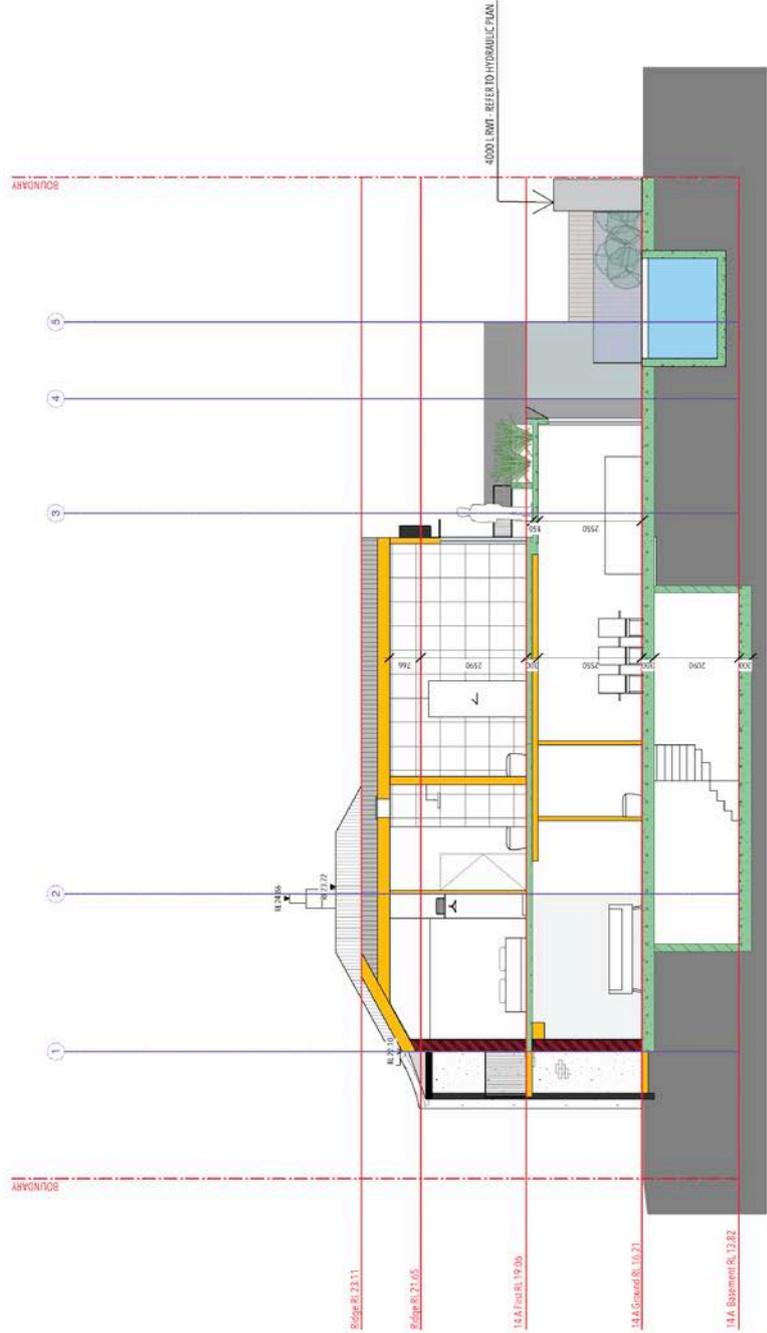


<p><b>COSO</b>                  PRACTICE                  The Cooperative Studio - Lot 56 Bowman Street,                  Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2888                  Email: studio@coso.com.au / Website: www.coso.com.au</p>	<p>DA 14 PAUL ST BALMAIN EAST (LOT/SECTION/DP 1/-/DP38721 3/-/DP1055476)</p>	<p>PREPARED FOR DAVID TOW</p>
	<p>DATE: 15.04.2020                  SCALE: 1:100 AT A4</p>	<p>REVISION: 4</p>

**LEGEND**

	retained existing
	demolished existing
	concrete
	timber/shedwork
	masonry
	existing roofing
	roofing/cladding
	glass
	tiles
	timber
	steel

REFER TO OTHER PAGE FOR ASSESS COMMENTS



**COSO**  
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PREPARED FOR DAVID TOW

SECTION CC

DATE: 15.04.2020  
SCALE: 1:50 AT A4

REVISION: 4

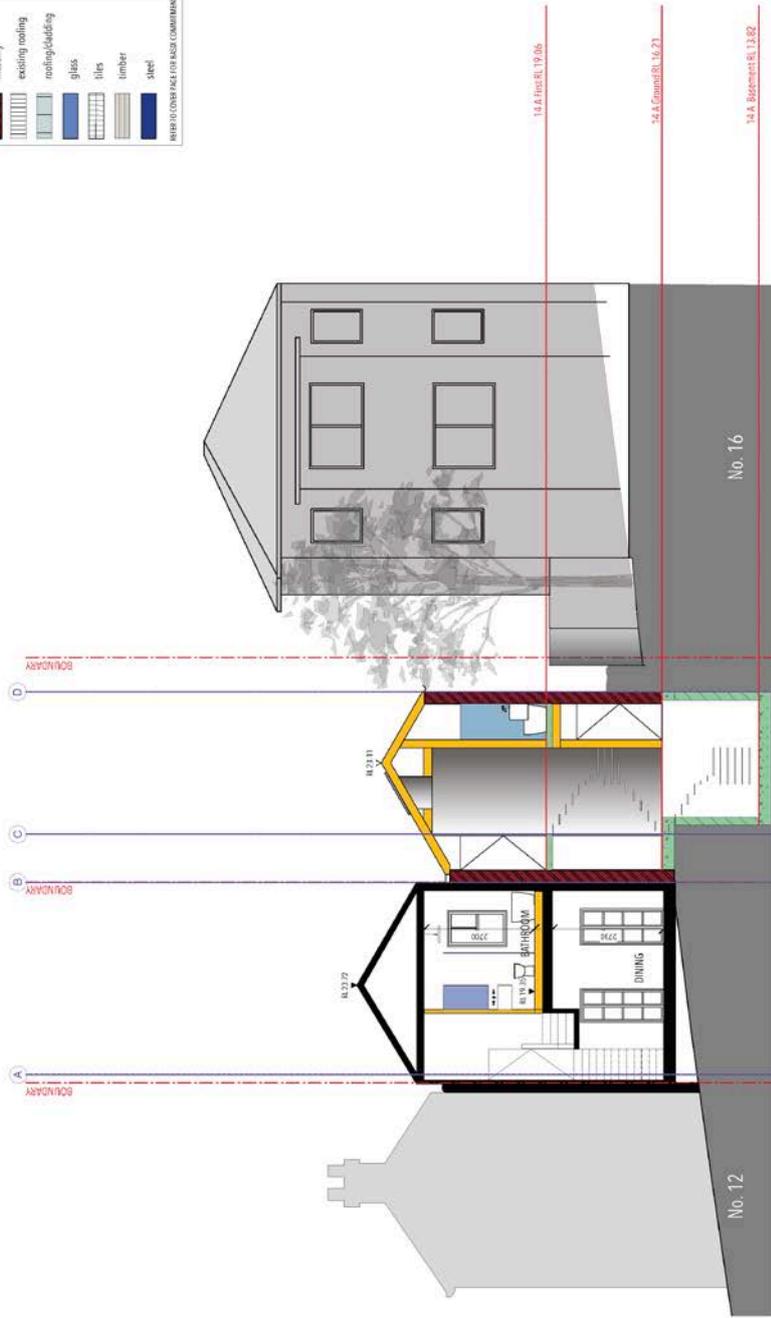
DA 14 PAUL ST BALMAIN EAST (LOT/SECTION/DP 1/-/DP38721 3/-/DP1055476)

NOTE: ARCHITECTS, ENGINEERS, BUILDING DESIGNERS, SURVEYORS, AND OTHERS MUST BE REGISTERED WITH THE RELEVANT PROFESSIONAL BODIES AND GOVERNMENTS AND RELEVANT AUSTRALIAN BUILDING STANDARDS. BUILDERS TO ENSURE COMPLIANCE WITH ALL RELEVANT GOVERNMENT REGULATIONS AND STANDARDS. ALL STRUCTURAL, MECHANICAL, ELECTRICAL, AND PLUMBING WORK DESIGNED BY A STRUCTURAL ENGINEER. WHEN PREPARATORY PRODUCTS ARE REFERRED TO, ENSURE ALL INFORMATION IS IN ACCORDANCE WITH THE CONSTRUCTION. IT IS SOLELY THE ARCHITECT'S RESPONSIBILITY TO CHECK ALL DISCREPANCIES AND OMISSIONS TO BE REPORTED TO ARCHITECT.

**LEGEND**

	retained existing
	dismantled existing
	concrete
	timber/charwork
	masonry
	existing roofing
	roofing/cladding
	glass
	tiles
	lumber
	steel

REFER TO COMPASS FOR FACE ORIENTATIONS



DA 14 PAUL ST BALMAIN EAST (LOT/SECTION/DP  
 DP38721 DP105476  
 No. 14 No. 14 A

NOTE: ARCHITECTS, ENGINEERS, SURVEYORS AND OTHER PROFESSIONALS MUST BE REGISTERED WITH THE RELEVANT PROFESSIONAL REGULATORY AUTHORITIES & LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS. PRIOR TO ASSESSING COMPLIANCE WITH ALL RELEVANT GOVERNMENT REGULATIONS, STANDARDS AND RELEVANT AUSTRALIAN BUILDING STANDARDS. ALL STRUCTURAL FRAMEWORK & CONCRETE WORK DESIGNED BY A STRUCTURE ENGINEER. WHEN PREPARATORY PRODUCTS ARE REFERRED TO, UNDERSTAND THAT THEY ARE SUBJECT TO APPROVAL AND CONSTRUCTION. IT IS SOLELY THE ARCHITECT'S RESPONSIBILITY TO CHECK ALL DISCREPANCIES AND OMISSIONS TO BE REPORTED TO ARCHITECT.

PREPARED FOR DAVID TOW  
 DA12  
 REVISION: 4

SECTION DD  
 DATE: 15.04.2020  
 SCALE: 1:100 AT A4

0 0.5 1 2 3 4 5 6 7 8 9 10 M

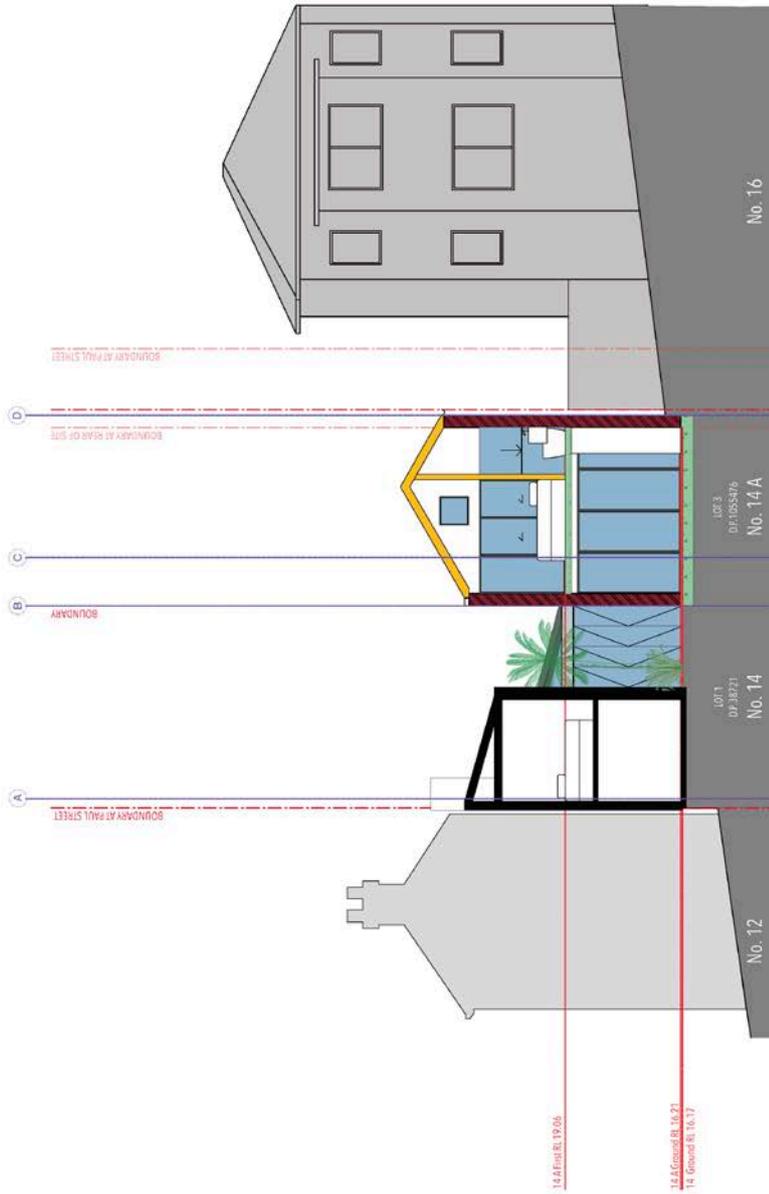
DAVID TOW ARCHITECTS  
 1/105476  
 1/DP38721 3/-/DP1055476

PAUL CONNOR DAVID TOW ARCHITECTS  
 The Coopers - Studio 401, 56 Bowman Street,  
 Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2888  
 Email: studio@coopers.com.au / Website: www.coop.com.au

**LEGEND**

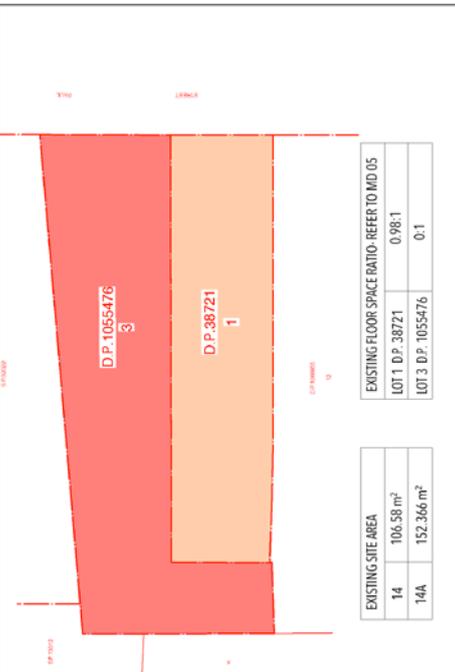
	retained existing
	demolished existing
	concrete
	timber/charwork
	masonry
	existing roofing
	roofing/cladding
	glass
	tiles
	timber
	steel

REF TO CONTR PAGE FOR FACE COMPARISONS



<p><b>COSO</b> A B C H I T E C T U R E Paul Connor BA1617030 Author, Solomon BA1616584 The Cooperative Studio - Lot 36 Bowman Street, Sydney NSW 2000 Phone: +61 (0)2 9566 2800 / Fax: +61 (0)2 9566 2858 Email: studio@coso.com.au / Website: www.coso.com.au</p>	<p>DA 14 PAUL ST BALMAIN EAST (LOT/SECTION/DP 1/-/DP38721 3/-/DP1055476)</p>	<p>PREPARED FOR DAVID TOW</p>
	<p>SECTION EE DATE: 15.06.2020 SCALE: 1:100 AT A4</p>	<p>DA13 REVISION: 4</p>

SITE AREA
LANDSCAPING
GROUND FLOOR AREA
FIRST FLOOR AREA



14	106.58 m <sup>2</sup>
14A	152.366 m <sup>2</sup>

LOT 1 D.P. 38721	0.98:1
LOT 3 D.P. 1055476	0:1



14	124.2 m <sup>2</sup>
14A	134.698 m <sup>2</sup>

14	33.2m <sup>2</sup>
14A	25.7m <sup>2</sup>

14	77.998 m <sup>2</sup>
14A	72.622m <sup>2</sup>

14	69.932 m <sup>2</sup>
14A	59.893 m <sup>2</sup>

14	45.900 m <sup>2</sup>
14A	43.294m <sup>2</sup>

LEP	14	COMPLIES
SITE COVERAGE	60%	60%
LANDSCAPING	15%	15%
FLOOR SPACE RATIO	1:1	1:1

LEP	14 A	COMPLIES
SITE COVERAGE	60%	54%
LANDSCAPING	15%	19%
FLOOR SPACE RATIO	1:1	103.187/0.77:1

**LEP COMPLIANCE SUMMARY**

**14 PAUL STREET**

LEP	14	COMPLIES
SITE COVERAGE	60%	62.6%
LANDSCAPING	15%	26.7%
FLOOR SPACE RATIO	1:1	115.832/0.93:1

**14A PAUL STREET**

LEP	14 A	COMPLIES
SITE COVERAGE	60%	54%
LANDSCAPING	15%	19%
FLOOR SPACE RATIO	1:1	103.187/0.77:1

**DA 14 PAUL ST BALMAIN EAST (LOT/SECTION/DP)** 1/-/DP38721 3/-/DPI055476

NOTE: ALL WORKS TO BE DONE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, THE REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES & LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS. BUILDER TO ENSURE COMPLIANCE WITH ALL WORKS COVERED BY THIS DA. ALL STRUCTURAL, MECHANICAL, ELECTRICAL & PLUMBING WORK TO BE DESIGNED BY A REGISTERED STRUCTURAL ENGINEER. WHEN PREPARATORY PRODUCTS ARE REFERRED TO, INSTALL IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. IT IS THE ARCHITECT'S RESPONSIBILITY TO ENSURE ALL PRODUCTS TO BE CONSTRUCTED ARE IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. ALL DISCREPANCIES AND OMISSIONS TO BE REPORTED TO ARCHITECT.

**COSO** ARCHITECTURE

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 Parramatta NSW 2150  
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 Email: studio@coso.com.au / Website: www.coso.com.au

PREPARED FOR DAVID TOW

DA14

REVISION A



**PROPOSAL** - a modern infill and a sensitive rear addition

The modern infill dwelling is set 6 metres back from the front facade of the heritage item, and is a modern interpretation of the heritage form has a clearly articulated, recessive link between the existing and the proposed, and does not touch the neighbouring terrace, and retains the existing rock outcrop, which combined with planting along the street boundary further reduces its impact on the heritage item

The building fabric of the heritage terrace is proposed to be restored in its entirety, with the 1980 rear additions removed and replaced with a kitchen pavilion.

The new structure is finely gratted onto the original fabric by way of an enclosed glass link.

important note: the modern infill and the heritage item are on separate titles



Fenwick Stone Building Balmain East, 2019 National Trust Winner



Burton Street Tabernacle Darlinghurst, 2014 Lachlan Macquarie Award for Heritage Architects national award



New entry to Australian Museum, 2016 Australian Institute of Architects NSW award.



The Sydney Mint exterior



Newtown Residence



The Sydney Mint interior

**SUPERSEDED**

**WINNING MODERN ADDITIONS TO HERITAGE LISTED BUILDINGS CASE STUDIES**

**NSW HERITAGE COUNCIL GUIDELINES FOR THE ADAPTION OF HISTORIC BUILDINGS, CASE STUDIES**

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 Email: studio@coso.com.au / Website: www.coso.com.au

DA 14 PAUL ST BALMAIN EAST (LOT/SECTION)DP  
 1/-/DP38721 3/-/DP1055476

PREPARED FOR DAVID TOW  
 BSA/VWS/HP

FOR WHICH I HAVE  
**HERITAGE PRECEDENT STUDY**

REVISION

**DA15**



**SUN WINTER SOLSTICE**  
 Altitude 19°, Azimuth 42° East of North  
 Day Length 14h 45m

Existing  
 Proposed  
 Existing neighbour shadow

**COSO ARCHITECTURE**  
 Paul Connor BAIA17033 Anthony Solomon BAIA16584  
 The Coopersage Studio 4/04 36 Borromean Street,  
 Cammeray NSW 1585  
 Phone: +61 (0)2 9566 2800 / Fax: +61 (0)2 9566 2858  
 Email: studio@coso.com.au / Website: www.coso.com.au

**DA 14 PAUL ST BALMAIN EAST (LOT/SECTION/DP 1/-/DP38721 3/-/DP1055476)**

PREPARED FOR DAVID TOW

DATE: 15.06.2020  
 SCALE: 1:100 AT A3  
 0 0.5 1 2 3 4 5M

REVISION A



**12PM WINTER SOLSTICE**  
 ABRUAK 22<sup>nd</sup> / 22<sup>nd</sup> March North

Existing      Proposed

Existing Neighbour shadows

**COSO**  
 A B C H I T E C T U R E  
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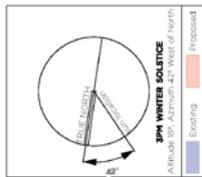
**DA 17**  
 REVISION: A

**SHADOW DIAGRAM 12PM**  
 DATE: 15.06.2020  
 SCALE: 1:100 AT A4

PREPARED FOR DAVID TOW

1/DP38721 3/-/DP1055476

NOTE: ARCHITECTS, ENGINEERS, SURVEYORS, AND OTHER PROFESSIONALS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE RELEVANT TERRITORY AUTHORITIES AND LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS. BUILDERS TO ENSURE COMPLIANCE WITH ALL RELEVANT AUSTRALIAN BUILDING STANDARDS. PRELIMINARY DESIGN AND CONSTRUCTION WORK DESIGNED BY A STRUCTURE ENGINEER. WHEN PRELIMINARY PRODUCTS ARE REFERRED TO, UNDERSTAND THAT THEY ARE PRELIMINARY AND SUBJECT TO CONSTRUCTION. IT IS SOLELY THE RESPONSIBILITY OF THE ARCHITECT TO DISCOVER AND OBTAIN ALL NECESSARY APPROVALS AND PERMISSIONS TO BE REPORTED TO ARCHITECT.



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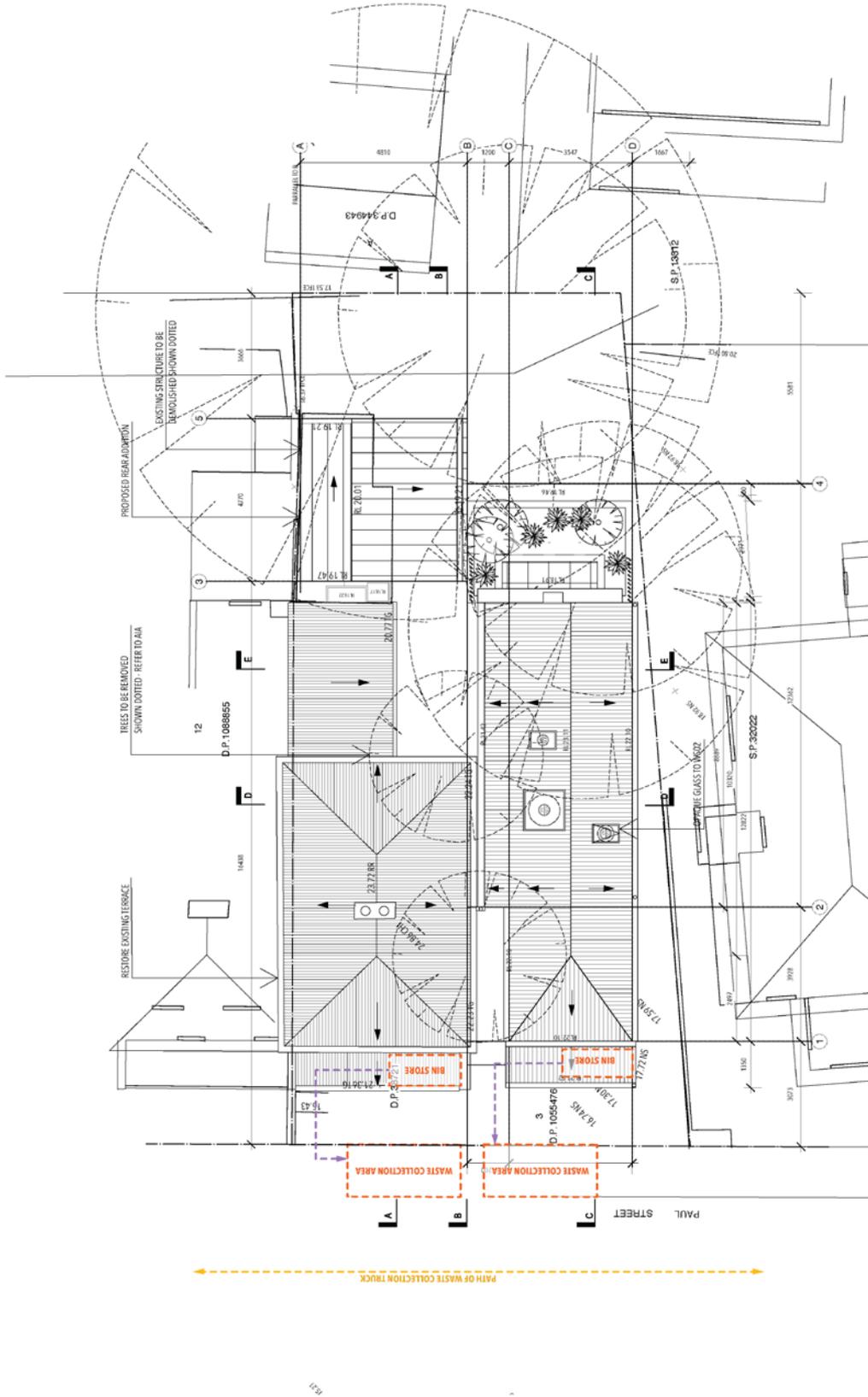
DA 14 PAUL ST BALMAIN EAST (LOT/SECTION/DP 1/-/DP38721 3/-/DP1055476)

DATE 15/06/2020  
SCALE 1:100 (A3)

SHADOW DIAGRAM 3PM

DA 18

REVISION A



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ARCHITECTURE

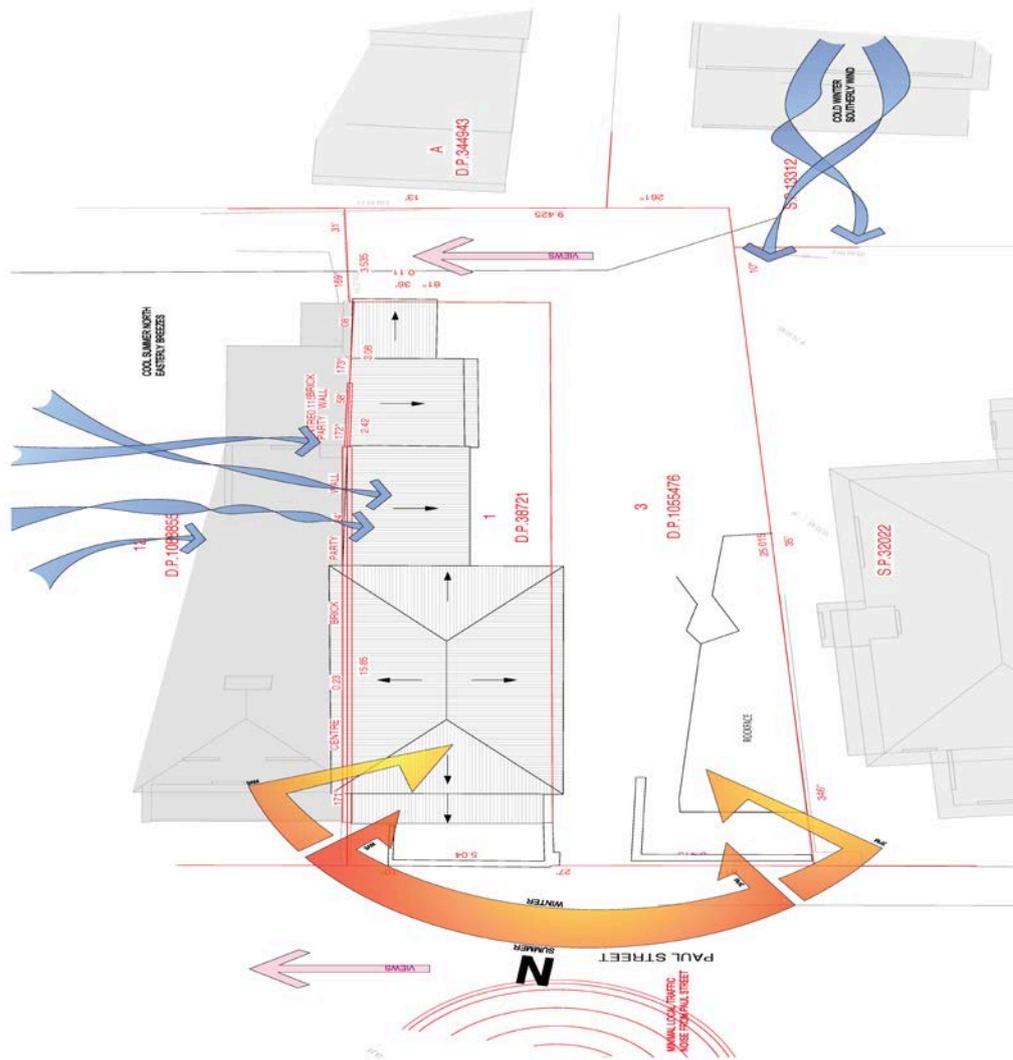
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DA 14 PAUL ST BALMAIN EAST (LOT/SECTION/DP  
1/-/DP38721 3/-/DP1055476)

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DATE: 15.06.2020  
SCALE: 1:100 AT A3

REVISION: A



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DA 31 PAUL ST GALVAN EAST (LOT SECTION 2P 31) (DP/38721 31/DP/1055476)

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**SITE ANALYSIS**  
 DATE: 03/02/2020  
 SCALE: 1:100 AT A3  
 0 1 2 3 4 5 6 7 8 9 10

DA20 REGION A





Doors to Front Facade  
(off Bed 1 and Living)  
Black timber framed doors



Roofing Material  
Half Round Gutters, rolled barges  
Corrugated Galvanised Iron



Glazed Recessed Entry Link  
Dark metal framed  
Front Elevation face 'Burlesque'  
mid-toned flush jointed brickwork



Verandah metal balustrading  
in black

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DA\_14 PAUL ST BALMAIN EAST (LOT SECTION) DP

1/-/DP38721 3/-/DPI055476

PREPARED FOR DAVID TOW

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**MATERIALS + FINISHES**



REVISION: A

DA22







## Attachment C- Clause 4.6 Exception to Development Standards

SJB Planning



### Clause 4.6 – Exceptions to Development Standards Request to Vary Clause 4.1 – Minimum subdivision lot size (Clause 4.1)

**Address:** 14 Paul Street, Balmain East (Lot 1 DP 38721 & Lot 3 DP 1055476)

#### 1.0 Introduction

This is a written request to seek to contravene a development standard pursuant to Clause 4.6 – Exceptions to Development Standards of the Leichhardt Local Environmental Plan (LLEP) 2013. The development standard for which the contravention is sought is Clause 4.1 – Minimum subdivision lot size under LLEP 2013.

#### 1.1 Overview of the proposal

The proposal seeks consent for:

- Boundary adjustment between Lot 1 DP 38721 (14 Paul Street) & Lot 3 DP 1055476 (14A Paul Street);
- Alterations and additions to existing dwelling at Lot 1 DP 38721 (14 Paul Street); and
- New two (2) storey dwelling at Lot 3 DP 1055476 (14A Paul Street).

#### 2.0 Description of the planning instrument, development standard and proposed variation

##### 2.1 What is the name of the environmental planning instrument that applies to the land?

Leichhardt Local Environmental Plan (LLEP) 2013.

##### 2.2 What is the zoning of the land?

The land is zoned R1 General Residential.

##### 2.3 What are the objectives of the zone?

The objectives of the zone are:

- *"To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *"To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To improve opportunities to work from home.*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*

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· *To protect and enhance the amenity of existing and future residents and the neighbourhood."*

**2.4 What is the development standard being varied?**

The development standard being varied is the "minimum subdivision lot size" development standard.

**2.5 Is the development standard a performance based control? Give details.**

No. The minimum subdivision lot size development standard is a numerical control.

**2.6 Under what clause is the development standard listed in the environmental planning instrument?**

The development standard is listed under Clause 4.1 of LLEP 2013.

**2.7 What are the objectives of the development standard?**

The objectives of the minimum lot size development standard are contained in Subclause 4.1(1)(a)-(6), and are:

- "(a) to ensure that lot sizes are able to accommodate development that is consistent with relevant development controls,*
- (b) to ensure that lot sizes are capable of supporting a range of development types."*

**2.8 What is the numeric value of the development standard in the environmental planning instrument?**

Clause 4.1 (2) and (3) and the associated Lot Size Map prescribes a minimum subdivision lot size of 200m<sup>2</sup> (refer to Figure 1).

**Lot Size Map - Sheet LSZ\_011**



Figure 1: Extract of LLEP 2013 Minimum subdivision lot size (site outlined in red)

**2.9 What is the proposed numeric value of the development standard in the development application and what is the percentage variation (between the proposal and the environmental planning instrument)?**

Clause 4.1 of LLEP 2013 prescribes a minimum subdivision lot size of 200m<sup>2</sup>. The proposal involves a boundary adjustment between Lot 1 DP 38721 and Lot 3 DP 1055476. The existing lot areas are outlined below:

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- Lot 1 DP 38721 (14 Paul Street) - 106.58m<sup>2</sup>
- Lot 3 DP 1055476 (14A Paul Street) – 152.366m<sup>2</sup>

It is noted that the area of both existing lots are below the minimum lot size requirement.

Table 1 demonstrates the proposed lot size and degree of non-compliance with the 200m<sup>2</sup> minimum subdivision lot size control as well as the degree of variation with the minimum subdivision lot size control.

Proposed Lot	Control	Proposed Lot size	Compliance	Variation	% Varied
A.	200m <sup>2</sup>	124.2m <sup>2</sup>	No	75.8m <sup>2</sup>	38%
B.	200m <sup>2</sup>	134.698m <sup>2</sup>	No	65.302m <sup>2</sup>	33%

Table 1: Minimum subdivision lot sizes of proposed development

The proposed boundary adjustment will result in a reduction of 17.7m<sup>2</sup> to Lot 3 DP 1055476 (14A Paul Street) from 152.366m<sup>2</sup> to 134.698m<sup>2</sup>. It also will result in a 17.62m<sup>2</sup> increase in the lot size to Lot 1 DP 38721 (14 Paul Street) from 106.58m<sup>2</sup> to 124.2m<sup>2</sup>.

A visual representation of the abovementioned boundary adjustment and resultant lot sizes is provided in Figure 2.

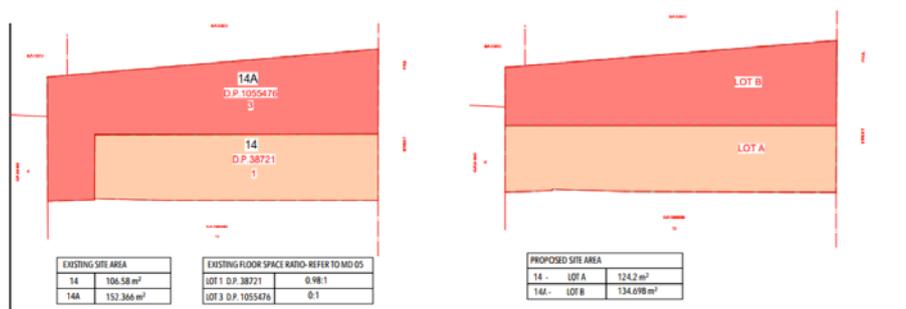


Figure 2: Existing and proposed lot sizes

### 3.0 Assessment of the Proposed Contravention

#### 3.1 Overview

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan and reads as follows.

“4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other

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*environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
    - i. *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - ii. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - (b) *the public benefit of maintaining the development standard, and*
  - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence."*

This request has been prepared having regard to the authorities on Clause 4.6, contained in the following guideline judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*
- *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1');*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2');*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3');*
- *Micaul Holdings Pty Limited v Randwick City Council [2015] NSWLEC 1386;*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7;*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118;*
- *RebelMH Neutral Bay v North Sydney Council [2019] NSWCA 130;*
- *Baron Corporation v The Council of the City of Sydney [2019] NSWLEC 61; and*
- *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245.*

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**3.2 Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case**

**3.2.1 The objectives of the development standard can be achieved notwithstanding non-compliance with the development standard**

The objectives of the minimum subdivision lot size standard are addressed as follows:

*(a) to ensure that lot sizes are able to accommodate development that is consistent with relevant development controls*

The proposal is able to demonstrate that dwellings on each lot can achieve compliance with both minimum landscaped area and floor space ratio controls. Lot B (14A Paul Street) will achieve compliance with the site coverage requirements. The proposal has been designed to ensure resultant lots can continue to accommodate development consistent with Council's key development controls. (There will be a non-compliance with site coverage for Lot A (14 Paul Street).

A separate Clause 4.6 request to vary the site coverage requirements under Clause 4.3A has been provided to address the non-compliance at Lot A (14 Paul Street). That separate Clause 4.6 request should be read in conjunction with this written request.

The proposal will result in a lot pattern that is compatible with and improves not only the appearance to Paul Street and wider area but will increase the capabilities of both Lot A (14 Paul Street) and Lot B (14A Paul Street) to accommodate dwellings consistent with the existing built form in Paul Street. The resulting built form provides an appropriate response to the site and streetscape, consistent with existing residential development in Paul Street.

The proposed boundary adjustment will ensure that the general density and residential character, as well as the subdivision pattern and the Paul Street streetscape will be maintained due to the proposed building scale at the street frontage and between buildings.

Additionally, the proposed lot sizes ensure that the resultant lot pattern is similar to the existing lot pattern arrangement along Paul Street, notably adjoining lots 2 – 12 Paul Street to the east of the proposed site.

As such the proposal is generally consistent with the existing lot pattern elsewhere in the street in terms of dimension and size.

The development satisfies Objective (a).

*(b) to ensure that lot sizes are capable of supporting a range of development types*

The boundary adjustment does not alter the range of development types on the lots as proposed and is capable of supporting development compatible with the streetscape and anticipated by the controls. As such the proposal is consistent with the objective.

The development satisfies Objective (b).

A development that strictly complies with the minimum subdivision lot size development standard of 200m<sup>2</sup> is unreasonable or unnecessary in this circumstance for the following reasons:

- The proposal satisfies the objectives of the R1 General Residential zone and the objectives of the minimum subdivision lot size standard;

- The site comprises two (2) existing lots both below the minimum 200m<sup>2</sup> standard, being at 106.58m<sup>2</sup> and 152.366m<sup>2</sup> for Lot 1 DP 38721 (14 Paul Street) and Lot 3 DP 1055746 (14A Paul Street) respectively;
- No additional lots are created as a result of this proposal;
- The proposal will retain two (2) lots, in a more regular subdivision pattern consistent with the allotment pattern in the street;
- The form and scale of the proposed buildings arising from the proposed lots responds to the broader context of the site, including the row of attached terrace housing east of the site at 2-12 Paul Street;
- Contravention of with the standard does not contribute to adverse environmental impacts in terms of visual impacts, privacy, view loss for adjacent sites or loss of landscape setting; and
- The overall development will have positive outcomes for the conservation area and heritage significance of the broader precinct.

It is unreasonable to deny a contravention that would encourage dwelling housing development in a R1 General Residential zone in circumstances where the variation can occur without significant adverse impacts and is compatible with the character of the streetscape.

### **3.2.2 *Is the underlying objective or purpose of the standard not relevant to the development?***

The objectives of the standard are relevant and have been addressed in this written request. Notwithstanding the contravention of the standard the objectives are met.

### **3.2.3 *Would the underlying objective or purpose be defeated or thwarted if compliance was required?***

The underlying objective or purpose of the development standard would not be defeated or thwarted if compliance was required, but it must be noted that the two existing lots do not meet the standard and are unable to do so.

### **3.2.4 *Has the development standard been virtually abandoned or destroyed by the Council's own actions in departing from the standard?***

The development standard cannot be said to be abandoned or destroyed.

### **3.2.5 *Is the zoning of the land unreasonable or inappropriate?***

The zoning of the land is reasonable and appropriate given the sites location, which has a history of varied residential development and densities.

### **3.2.6 *Other reasons***

#### Consistency with the Objectives of the R1 General Residential Zone

- *To provide for the housing needs of the community.*

The proposal is for residential development that is permissible in the R1 General Residential zone. The proposal will provide residential lots and associated housing which will increase the housing stock within an existing residential locality. The proposal is consistent with the above objective.

- *To provide for a variety of housing types and densities.*

The proposed lots and associated housing arising will add to the existing housing in the vicinity which includes a mixture of single dwellings, attached dwellings and residential flat buildings. As such the proposal will increase the variety and supply of housing within the LGA responding to the needs of the local community and is consistent with the objective.

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

The proposal is for two lots and the resultant housing and does not seek consent for other uses.

- *To improve opportunities to work from home.*

The proposed lot sizes to accommodate the proposed dwellings results in a rationalisation of existing floor space in one dwelling and the addition of a new dwelling. The development will result in increased opportunities for home office space.

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*

The proposed lot sizes will provide dwellings that are complementary to, and compatible with, the character, style, orientation, pattern, and density of surrounding buildings. The proposal will be compatible with the streetscape and landscaped setting of the site.

- *To provide landscaped areas for the use and enjoyment of existing and future residents.*

The contravention of the development standard does not hinder the adequate provision of landscaped areas.

The proposal has been designed to incorporate high quality landscaped areas for the use and enjoyment of future residents and to provide adequate separation between adjoining lots. The proposal is able to demonstrate compliance with the minimum requirements for landscaped area.

- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*

The proposal will provide for a more regular subdivision pattern consistent with the allotment pattern in Paul Street and surrounding area. The proposal will therefore allow for development in a manner that is in keeping with residential development at adjacent sites in terms of siting, orientation, setback and height.

- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

The proposal is consistent with the existing development at adjacent sites and those along Paul Street in terms of lot size and orientation. The proposal is unlikely to result in adverse amenity impacts upon adjoining properties above those impacts that could be reasonably be expected of a development that is commensurate with the prevailing density and scale of existing site and surrounding context.

**3.3 Are there sufficient environmental planning grounds to justify contravening the development standard?**

**3.3.1 Environmental planning grounds**

Yes. It is considered that there are sufficient environmental planning grounds to justify contravening the development standard, being:

- The proposal satisfies the objectives of the R1 General Residential zone, and the objectives of the development standard as described in Section 3.2 above;
- The contravention of the minimum subdivision lot size development standard will not prevent compliance with the requirements of landscaped area and FSR across the lots;
- Contravention of the standard does not contribute to adverse environmental, social, or economic impacts;
- The minimum lot size standard, working together with FSR and height standards seeks to limit the extent of built form, whilst ensuring dwelling densities do not result in unacceptable bulk, scale and amenity issues for adjacent residential development. In this regard the proposal ensures acceptable outcomes through the compliance with the 1:1 FSR standard and exceedance of landscape area requirements. As such the proposal will result in a density and scale not dissimilar to other dwellings on Paul Street and the wider area;
- The contravention of the standard does not result in a lot configuration that is out of character with the surrounding subdivision pattern, but rather will allow for development that better responds to the pattern of urban form and context of dwellings along Paul Street. The lot sizes will allow for dwellings to be sited and designed on the site in a manner that is unlikely to result in significant adverse impacts upon adjacent properties or the public realm by way of overshadowing, visual massing, view loss or privacy impacts;
- The proposed lot sizes respond to the environmental and planning objectives whilst considering and adapting to the context, especially, the current and future alignment of adjacent residential development and the topography of the site; and
- The lot sizes allow for a high-quality housing development that is appropriate for the location.

An assessment of comparable lot sizes has been undertaken for a number of lots along Paul Street. These comparable lots are identified in Figure 3 and at Table 2. A total of 19 lots have been identified and for the purpose of this assessment, and are referred to as Lots A to Z. It is noted that Lots identified as U and V is the subject site.

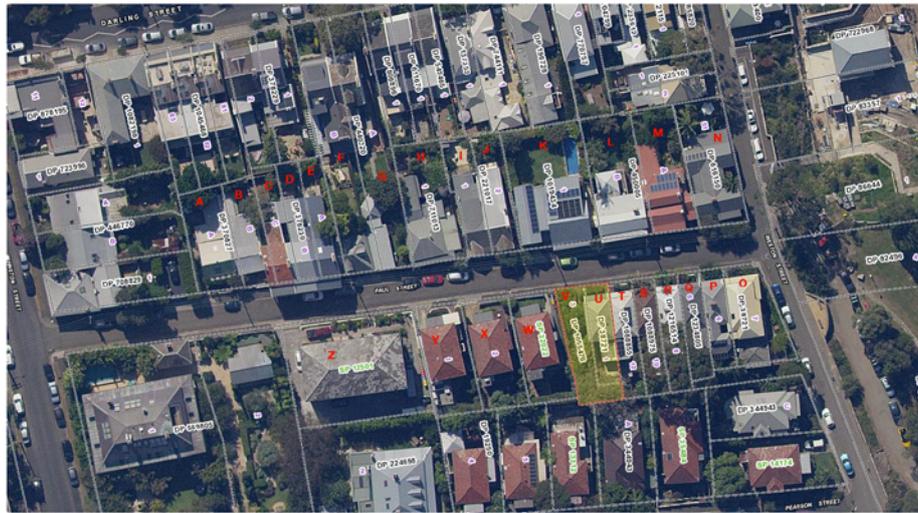


Figure 3: Comparable lot sizes, Paul Street (Source Six Maps)

No.	Lot and DP	Address	Lot Size (Approx.)	Dwelling Type
A	Lot A DP 370827	23 Paul Street, Balmain East	209m <sup>2</sup>	Dwelling house – single storey
B	Lot B DP 370827	21 Paul Street, Balmain East	159m <sup>2</sup>	Dwelling house – single storey
C	Lot C DP 370827	19 Paul Street, Balmain East	124m <sup>2</sup>	Dwelling house – 2 storey
D	Lot B DP 378230	17 Paul Street, Balmain East	124m <sup>2</sup>	Dwelling house – 2 storey
E	Lot A DP 378230	15 Paul Street, Balmain East	132m <sup>2</sup>	Dwelling house – 2 storey
F	Lot B DP 440320	38 Darling Street, Balmain East	411m <sup>2</sup>	Dwelling house – 2 storey (double frontage)
G	Lot A DP 440320	36 Darling Street, Balmain East	397m <sup>2</sup>	Dwelling house – 2 storey (double frontage)
H	Lot 1 DP 711013	13 Paul Street, Balmain East	284m <sup>2</sup>	Dwelling house – single storey
I	Lot 1 DP 221017	11 Paul Street, Balmain East	145m <sup>2</sup>	Dwelling house – single storey
J	Lot 2 DP 221017	9 Paul Street, Balmain East	157m <sup>2</sup>	Dwelling house – single storey
K	Lot 1 DP 1019434	7 Paul Street, Balmain East	445m <sup>2</sup>	Dwelling house – 2 storey
L	Lot B DP 450005	5 Paul Street, Balmain East	286m <sup>2</sup>	Dwelling house – 2 storey

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M	Lot A DP 450005	3 Paul Street, Balmain East	252m <sup>2</sup>	Dwelling house – 2 storey
N	Lot 51 DP 616150	1 Paul Street, Balmain East	281m <sup>2</sup>	Dwelling house – 2 storey
O	Lot 7 DP 38721	2 Paul Street, Balmain East	223m <sup>2</sup>	Dwelling house – 2 storey
P	Lot 6 DP 38721	4 Paul Street, Balmain East	107m <sup>2</sup>	Dwelling house – 2 storey
Q	Lot 6 DP 1234805	6 Paul Street, Balmain East	111m <sup>2</sup>	Dwelling house – 2 storey
R	Lot 8 DP 1216514	8 Paul Street, Balmain East	123m <sup>2</sup>	Dwelling house – 2 storey
S	Lot 10 DP 1088975	10 Paul Street, Balmain East	121m <sup>2</sup>	Dwelling house – 2 storey
T	Lot 12 DP 1088855	12 Paul Street, Balmain East	126m <sup>2</sup>	Dwelling house – 2 storey
U	Lot 1 DP 38721	14 Paul Street, Balmain East (Subject Site)	106m <sup>2</sup>	Dwelling house – 2 storey
V	Lot 3 DP 1055476	14 Paul Street, Balmain East (Subject Site)	153m <sup>2</sup>	Dwelling house – 2 storey
W	SP 32022	16 Paul Street, Balmain East	237m <sup>2</sup>	Duplex / RFB
X	Lot 2 DP 19250	18 Paul Street, Balmain East	236m <sup>2</sup>	Dwelling house
Y	Lot 1 DP 19250	20 Paul Street, Balmain East	231m <sup>2</sup>	Duplex / RFB
Z	SP 12501	22-26 Paul Street, Balmain East	637m <sup>2</sup>	Residential flat building

Table 2. Comparable lot sizes

Figure 3 and Table 2 show that those comparable lots cover a range of dwelling typologies consistent with the R1 General Residential zone, including single and attached dwellings and a residential flat building. Importantly they also show that 12 of the 19 lots (i.e. 63%) have a lot size under the required minimum lot size of 200m<sup>2</sup>.

In the circumstances of the current DA, the particular nature of the site, the absence of significant adverse impacts and the compatibility of the development with the clearly established pattern of development in Paul Street (not least the pattern of similar densities) warrants a variation to the minimum subdivision lot size development standard.

Increasing the minimum subdivision lot size will provide no additional benefit and would detract from the specific potential of the site and how it relates to its surroundings. The development as proposed is consistent with the provisions of orderly and economic development.

It is therefore considered that there are sufficient environmental planning grounds to justify the departure of the development standard and compliance with the standard is unreasonable and unnecessary for this specific proposal, as the proposal will comply with the objectives of the standard.

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### 3.3.2 *The Public Interest*

The proposal is in the public interest as it is consistent with the objectives of the minimum subdivision lot size development standard and the R1 General Residential zone pursuant to LLEP 2013, as discussed in detail above.

In the circumstances of the case, there are sufficient planning grounds, particular to the site, to justify contravening the development standard as the non-compliant elements do not create any additional unreasonable adverse amenity impacts when compared to a building constructed across a compliant lot size.

Given the circumstances of the case, the provision of a strict numerical compliance would be unreasonable on the basis that the proposed development achieves compliance with the objectives of the standard and is compatible with the desired future character of the General Residential zone.

### 3.4 *Matters for the Consent Authority to Consider*

Subclause 4.6(4) sets out matters that the consent authority must be satisfied, in granting consent to a development that breaches a development standard. These matters are briefly outlined below.

#### 3.4.1 *Has the written request adequately addressed subclause 4.6(3)*

The matters required to be addressed are detailed at Section 3.2 and 3.3. It is considered that the objection is well founded in this instance and that granting an exception to the development can be supported in the circumstances of the case.

#### 3.4.2 *The proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development in the zone*

As detailed in Section 3.3.2 above, the proposal is considered to be in the public interest as it is consistent with the objectives of the building height standard and the objectives of the R1 General Residential zone.

#### 3.4.3 *Concurrence of the Secretary has been obtained*

In granting concurrence, the consent authority is required to consider the following matters.

- “(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence”*

The contravention of the development standard in this case does not raise an issue of State or regional planning significance as it relates to local and contextual conditions.

Generally speaking, there is public benefit in maintaining standards. However, there is also public benefit in maintaining a degree of flexibility in specific circumstances. For reasons outlined in Section 3.2 and 3.3 in the specific circumstances of this case, there is no public benefit in maintaining the development standard.

Regarding other matters required to be taken into consideration, it is noted that the concurrence of the Secretary has been assumed.

#### 4.0 Conclusion

The proposed variation is based on the reasons contained within this formal request for a contravention of the development standard.

The variation facilitates the continuation of two (2) existing lots, whilst providing a more regular subdivision pattern consistent with the allotment pattern in the street.

The proposed lot sizes and lot configuration are consistent with and compatible with the prevailing subdivision pattern in the street.

The proposal accords with the stated objectives for the R1 General Residential zone and Clause 4.1 Minimum subdivision lot size development standard. The reduced lot sizes do not contribute to significant adverse amenity impacts by way of excessive bulk and scale, non-compliant setbacks or privacy impacts and does not result in a building that is out of proportion or scale with surrounding existing and anticipated development.

Contextually, the proposal will provide lot sizes and subsequent development of a form, scale and density that appropriately responds to the sites' location within the general residential zone. The built form outcomes are appropriate to the locality and will result in a building across both lots that respond to the Paul Street streetscape and the arrangements of existing residential dwellings in the vicinity of the site.

It is concluded that the objection is well founded as compliance with the standard is both unnecessary and unreasonable.

SJB Planning



## Clause 4.6 – Exceptions to Development Standards

Request to Vary Clause 4.3A – Landscaped areas for residential accommodation in Zone R1 (Clause 4.3A)

**Address:** 14 Paul Street, Balmain East (Lot 1 DP 38721 & Lot 3 DP 1055476)

### 1.0 Introduction

This is a written request to contravene a development standard pursuant to Clause 4.6 – Exceptions to Development Standards of the Leichhardt Local Environmental Plan (LLEP) 2013. The development standard for which the contravention is sought is Clause 4.3A – landscaped areas for residential accommodation in Zone R1 under LLEP 2013.

The contravention is in relation to site coverage on one lot only. In all other respects both lots comply with all other provisions of Clause 4.3A.

#### 1.1 Overview of the proposal

The proposal seeks consent for:

- Boundary adjustment between Lot 1 DP 38721 (14 Paul Street) & Lot 3 DP 1055476 (14A Paul Street);
- Alterations and additions to existing dwelling at Lot 1 DP 38721 (14 Paul Street); and
- New two (2) storey dwelling at Lot 3 DP 1055476 (14A Paul Street).

### 2.0 Description of the planning instrument, development standard and proposed variation

#### 2.1 What is the name of the environmental planning instrument that applies to the land?

Leichhardt Local Environmental Plan (LLEP) 2013.

#### 2.2 What is the zoning of the land?

The land is zoned R1 General Residential.

#### 2.3 What are the objectives of the zone?

The objectives of the zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To improve opportunities to work from home.*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*

8832\_5\_Clause 4.6 Statement\_Min Landscape Area\_Final\_20200618

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- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood."*

**2.4 What is the development standard being varied?**

The development standard being varied is Clause 4.3A. Landscaped areas for residential accommodation in Zone R1 - specifically Clause 4.3A (3) (b) as it relates to site coverage.

**2.5 Is the development standard a performance based control? Give details.**

No. The development standard at Clause 4.3A (3) (b) is a numerical control.

**2.6 Under what clause is the development standard listed in the environmental planning instrument?**

The development standard is listed under Clause 4.3A (3) (b) of LLEP 2013.

**2.7 What are the objectives of the development standard?**

The objectives of the development standard are contained in Subclause 4.3A(1)(a)-(e), and are:

- "(a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
- (b) to maintain and encourage a landscaped corridor between adjoining properties,*
- (c) to ensure that development promotes the desired future character of the neighbourhood,*
- (d) to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*
- (e) to control site density,*
- (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space."*

**2.8 What is the numeric value of the development standard in the environmental planning instrument?**

Clause 4.3A(3) prescribes:

- A minimum landscaped area of 15% of the site area for lots equal to or less than 235m<sup>2</sup>;
- A minimum landscaped area of 20% of the site area for lots greater than 235m<sup>2</sup>;
- A maximum site coverage of 60%.

Clause 4.3A (4) prescribes:

- Requirements for calculating both site coverage and landscape area.

This request to contravene a development standard is in respect to the site coverage on one lot only. In all other respects both lots comply with the landscaped area provisions of Clause 4.3A.

Table 1 demonstrates compliance with the minimum landscape area for proposed Lot A (14 Paul Street) and Lot B (14A Paul Street), as well as the degree of variation.

Proposed Lot	Control (min)	Proposed landscape area	Compliance	Variation	% Varied
A.	15% (18.63m <sup>2</sup> )	33.2m <sup>2</sup> (26.9%)	Yes	N/A	N/A
B.	15% (20.2047m <sup>2</sup> )	25.7m <sup>2</sup> (19%)	Yes	N/A	N/A

Table 1. Proposed minimum landscape area

For both 14 Paul Street and 14A Paul Street, the minimum requirements of 15% landscape area will be exceeded by 14.57m<sup>2</sup> (78.2%) and 5.4953m<sup>2</sup> (27%) respectively.

Table 2 demonstrates the degree of compliance and non-compliance with the maximum site coverage requirements, as well as the degree of variation.

Proposed Lot	Control (max)	Proposed site coverage	Compliance	Variation	% Varied
A.	60% (74.52m <sup>2</sup> )	77.998m <sup>2</sup> (62.8%)	No	-3.478m <sup>2</sup>	4.7%
B.	60% (80.82m <sup>2</sup> )	72.622m <sup>2</sup> (54%)	Yes	N/A	N/A

Table 2. Proposed maximum site coverage

The proposed development will contravene the site coverage by -3.478m<sup>2</sup> (4.7%) at 14 Paul Street. The proposed site coverage for 14A Paul Street will comply with the requirement.

A visual representation of the abovementioned proposed landscape area and site coverage is provided in Figure 1. The calculation of both site area and landscape area has been undertaken in accordance with Clause 4.3A(4).

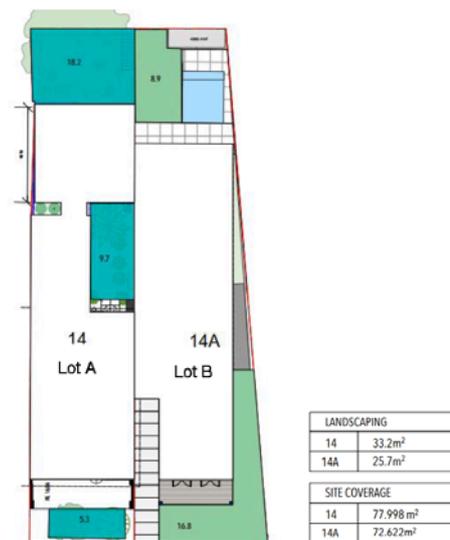


Figure 1. Proposed Landscape Area

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### 3.0 Assessment of the Proposed Contravention

#### 3.1 Overview

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan and reads as follows.

*“4.6 Exceptions to development standards*

- (1) *The objectives of this clause are as follows:*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
  - (a) *the consent authority is satisfied that:*
    - i. *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - ii. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
  - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - (b) *the public benefit of maintaining the development standard, and*
  - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.”*

This request has been prepared having regard to the authorities on Clause 4.6, contained in the following guideline judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*
- *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (‘Four2Five No 1’);*

- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2');*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3');*
- *Micaul Holdings Pty Limited v Randwick City Council [2015] NSWLEC 1386;*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7;*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118;*
- *RebelMH Neutral Bay v North Sydney Council [2019] NSWCA 130;*
- *Baron Corporation v The Council of the City of Sydney [2019] NSWLEC 61; and*
- *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245.*

**3.2 Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case**

**3.2.1 The objectives of the development standard can be achieved notwithstanding non-compliance with the development standard**

The contravention is solely related to the site coverage on proposed Lot A. Lot B exceeds the minimum landscaped area standard, and is well below the maximum site coverage standard.

The objectives of the standard for residential accommodation in Zone R1 standard are addressed as follows:

- (a) *to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*

On Lot A the 26.9% landscaped area will be suitable to allow for the establishment of substantial vegetation. There are landscaped areas at the front and at the rear. The distribution of landscape areas across the site will allow for planting within deep soil zones and increased opportunities for multiple and diverse open space areas for the enjoyment of residents on Lot A.

The contravention of the site coverage requirement on Lot A will not prevent the objective being achieved.

- (b) *to maintain and encourage a landscaped corridor between adjoining properties,*

The development has been designed to maximise landscaped corridors within the rear setback. Compliance with the rear BLZ will allow for a rear setbacks consistent with existing adjacent residential development. Furthermore, the varying side setback at the interface of 14A Paul Street and adjoining 16 Paul Street to the west provides important visual separation and relief between these two lots, whilst also acknowledging the change in ground levels between the two lots.

The contravention of the site coverage requirement on Lot A will not prevent the objective being achieved.

- (b) *to ensure that development promotes the desired future character of the neighbourhood,*

The desired future character is derived from the full suite of planning controls applicable.

In this case landscaped area will provide for substantial planting and a landscaped corridor, consistent with the intent of the standard.

The resultant built form arising from the non-compliance with the site coverage development standard is consistent and compatible with the context and built form in the surrounding streetscape.

- (d) *to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*

The proposed development is supported by sufficient landscaped area that will contribute to the protection and enhancement of the hydrological and ecological health of the site and wider catchment area. Furthermore, the development at Lot B will maximise opportunities for retention of surface drainage water on site, with the provision of rainwater a pump out pit and 4000L rainwater tank.

- (e) *to control site density,*

The proposed site coverage on Lot A, notwithstanding the contravention, will nonetheless be compatible with the density of development in Paul Street and surrounding area. On proposed Lot A both FSR and landscape area compliance is achieved.

Lot A has less floor space than permissible under the LLEP 2013 FSR standard, this being the principal standard controlling development density.

- (f) *to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

The proposal provides a generous amount of landscaped area above the minimum requirements on Lot A, allowing for deep soil planting of species that will provide for canopy planting in and around the development.

The general arrangement of landscape area and open space across the lot will allow for areas of Principal Private Open Space to be provided at ground level adjacent to internal living room area.

A development that strictly complies with the site coverage on Lot A is unreasonable and unnecessary in this circumstance for the following reasons:

- The proposal satisfies the objectives of the R1 General Residential zone and the objectives of the landscaped areas for residential accommodation in Zone R1 standard;
- The contravention of the site coverage standard facilitates a permissible form of residential accommodation on Lot A in a manner that achieves amenity outcomes with the inclusion of more (78.2% above minimum) landscaped area;
- The contravention of the development standard does not result in and excessive scale and density of development on the Lot. The proposed FSR of 0:93:1 is comfortably below the maximum standard of 1:1;
- The form and scale responds to the broader context of the site, including the terrace style residential development in Paul Street;
- Contravention of the standard does not contribute to adverse environmental impacts in terms of visual impacts, privacy, view loss for adjacent sites or loss of landscape setting;
- The proposed site coverage will not give rise to adverse overshadowing, bulk and scale, noting that the proposed development will comply with the BLZ requirements of the LDCP 2013.

### **3.2.2 *Is the underlying objective or purpose of the standard not relevant to the development?***

The clear objective of the development standard is to provide for an appropriate area for landscaping and site coverage to facilitate planting, areas of principle private open space, ecological sustainable development (ESD), as well as promoting a scale and intensity of development that responds to the R1 General Residential zone.

The underlying objective and purpose of the standard is relevant to the proposal and has been addressed in detail above.

**3.2.3 *Would the underlying objective or purpose be defeated or thwarted if compliance was required?***

The underlying objective or purpose of the development standard would not be defeated or thwarted if compliance was required.

However, the proposed site coverage maintains the following planning outcomes:

- A development that is able to demonstrate compliance with the minimum requirement for landscape area;
- A development that is able to demonstrate compliance with the maximum floor space ratio (FSR) control requirement, ensuring density on the site is consistent with the envisaged site densities for the R1 General Residential zone;
- Opportunities for the promotion of deep soil planting, areas of PPOS, and rear landscape corridor;
- A development that responds to the character of the location and the streetscape of dwelling character of Paul Street; and
- Appropriate front and rear setbacks in line with existing building location zones (BLZs) to ensure building footprints respond to adjacent dwellings.

**3.2.4 *Has the development standard been virtually abandoned or destroyed by the Council's own actions in departing from the standard?***

The development standard cannot be said to be abandoned or destroyed.

**3.2.5 *Is the zoning of the land unreasonable or inappropriate?***

The zoning of the land is reasonable and appropriate given the sites location, which has a history of varied residential development and densities.

**3.2.6 *Other reasons***

Consistency with the Objectives of the R1 General Residential Zone

- *To provide for the housing needs of the community.*

The proposal is for a type of residential accommodation that is permissible in the R1 General Residential zone. The proposal will provide housing which will increase the housing stock within an existing residential locality. The proposal is consistent with the above objective.

- *To provide for a variety of housing types and densities.*

There is an existing dwelling on Lot A and this will not change.

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

The proposal is for residential accommodation and does not seek consent for other uses.

- *To improve opportunities to work from home.*

Through a rationalisation of existing lots and floorspace, the development will result in increased opportunities for home office space.

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*

The proposal notwithstanding the contravention will be compatible for the reasons outlined earlier in Section 3.

- *To provide landscaped areas for the use and enjoyment of existing and future residents.*

The proposal has been designed to incorporate high quality landscaped areas for the use and enjoyment of future residents and to provide adequate separation between adjoining lots. The proposal is able to demonstrate compliance with the minimum requirements for landscaped area, as well as positioning of PPOS in areas adjacent to the internal living area.

- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*

The contravention of the site coverage development standard will result in a development compatible in the surrounding area.

- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

The proposal inclusive of the contravention of the development standard is consistent with the existing development at adjacent sites and those along Paul Street in terms of lot size, orientation, height, and density. The proposal is unlikely to result in adverse amenity impacts upon adjoining properties above those impacts that could be reasonably be expected of a development that is commensurate with the prevailing density and scale of existing site and surrounding context.

The proposal provides landscaped areas that are consistent with, or in excess of Council's minimum landscaped area requirement and which are suitable for substantial tree planting and are of a size and arrangement suitable for the use and enjoyment of residents.

### **3.3 Are there sufficient environmental planning grounds to justify contravening the development standard?**

#### **3.3.1 Environmental planning grounds**

It is considered that there are sufficient environmental planning grounds to justify contravening the development standard, being:

- The non-compliance with the site coverage development standard at 14 Paul Street will not prohibit compliance with the requirements for landscaped area and FSR.
- The non-compliance will allow for sympathetic alterations and additions and upgrades to an important heritage item and facilitation of an improved heritage response to the conservation area.
- The site coverage control, working in unison with minimum landscape area, seeks to limit the extent of built form across the site to minimise bulk and scale and amenity issues for the site and adjacent low residential development. In this regard the proposal ensures these outcomes through the compliance and exceedance with front and rear setback controls, maximum FSR standards and minimum landscape area requirements. The compliant rear setbacks result in a development that is able to provide deep soil landscaped area (impervious area) to above Council's minimum requirements. As such the proposal will result in an enhanced landscaped setting for the dwellings.

- The element of the development that does contribute to non-compliance with the site coverage across Lot A is positioned in the rear at ground level. Combined with the rear setbacks, the non-compliant element will not result in adverse bulk and scale impacts when viewed from the public domain or from adjacent and surrounding residential properties.
- The non-compliance with the standard does not result in a scale of building that is out of character with the surrounding development but rather will allow for development that better responds to the pattern of urban form and context of dwellings along Paul Street.
- The proposed dwelling configuration responds to the environmental and planning objectives whilst considering and adapting to the context, especially, the current and future alignment of adjacent residential development and the topography of the site.
- The built form outcome is appropriate to the locality and will result in a building that will display architectural merit whilst maintaining a desire to provide high levels of amenity for future occupants of the site and adjacent sites.
- The development provides for a visually interesting façade and composition that minimises disruption to the existing dwelling at Lot A (14 Paul Street) and adjoining dwelling to the east at 12 Paul Street, whilst providing landscaped area and deep soil planting opportunities for future residents.

In the circumstances of the current DA, the particular nature of the site, the absence of significant adverse impacts and the compatibility of the development with the clearly established pattern of development in Paul Street (not least the pattern of similar densities) warrants a variation to the site coverage development standard.

It is therefore considered that there are sufficient environmental planning grounds to justify the departure of the development standard and compliance with the standard is unreasonable and unnecessary for this specific proposal, as the proposal will comply with the objectives of the standard.

### **3.3.2 The Public Interest**

The proposal is in the public interest as it is consistent with the objectives of the landscaped areas for residential accommodation in Zone R1 development standard and the R1 General Residential zone pursuant to LLEP 2013, as discussed in detail above.

In the circumstances of the case, there are sufficient planning grounds, particular to the site, to justify contravening the development standard as the contravening element does not create any additional unreasonable adverse amenity impacts when compared to a building with a compliant site coverage.

Given the circumstances of the case, the provision of a strict numerical compliance would be unreasonable on the basis that the proposed development achieves compliance with the objectives of the standard and is compatible with the desired future character of the General Residential zone.

### **3.4 Matters for the Consent Authority to Consider**

Subclause 4.6(4) sets out matters that the matters that the consent authority must be satisfied, in granting consent to a development that breaches a development standard. These matters are briefly outlined below.

#### **3.4.1 Has the written request adequately addressed subclause 4.6(3)**

The matters required to be addressed are detailed at Section 3.2 and 3.3. It is considered that the objection is well founded in this instance and that granting an exception to the development can be supported in the circumstances of the case.

**3.4.2 The proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development in the zone**

As detailed in Section 3.3.2 above, the proposal is considered to be in the public interest as it is consistent with the objectives of the building height standard and the objectives of the R1 General Residential zone.

**3.4.3 Concurrence of the Secretary has been obtained**

In granting concurrence, the consent authority is required to consider the following matters.

- “(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence”*

The contravention of the development standard in this case does not raise an issue of State or regional planning significance as it relates to local and contextual conditions.

Generally speaking, there is public benefit in maintaining standards. However, there is also public benefit in maintaining a degree of flexibility in specific circumstances. For reasons outlined in Section 3.2 and 3.3 in the specific circumstances of this case, there is no public benefit in maintaining the development standard.

Regarding other matters required to be taken into consideration, it is noted that the concurrence of the Secretary has been assumed.

**4.0 Conclusion**

The proposed variation is based on the reasons contained within this formal request for an exception to the standard.

The proposal accords with the stated objectives for the R1 General Residential zone and Clause 4.3A landscaped areas for residential accommodation in Zone R1 development standard. The additional site coverage does not contribute to significant adverse amenity impacts and does not result in a building that is out of proportion or scale with surrounding existing and anticipated development.

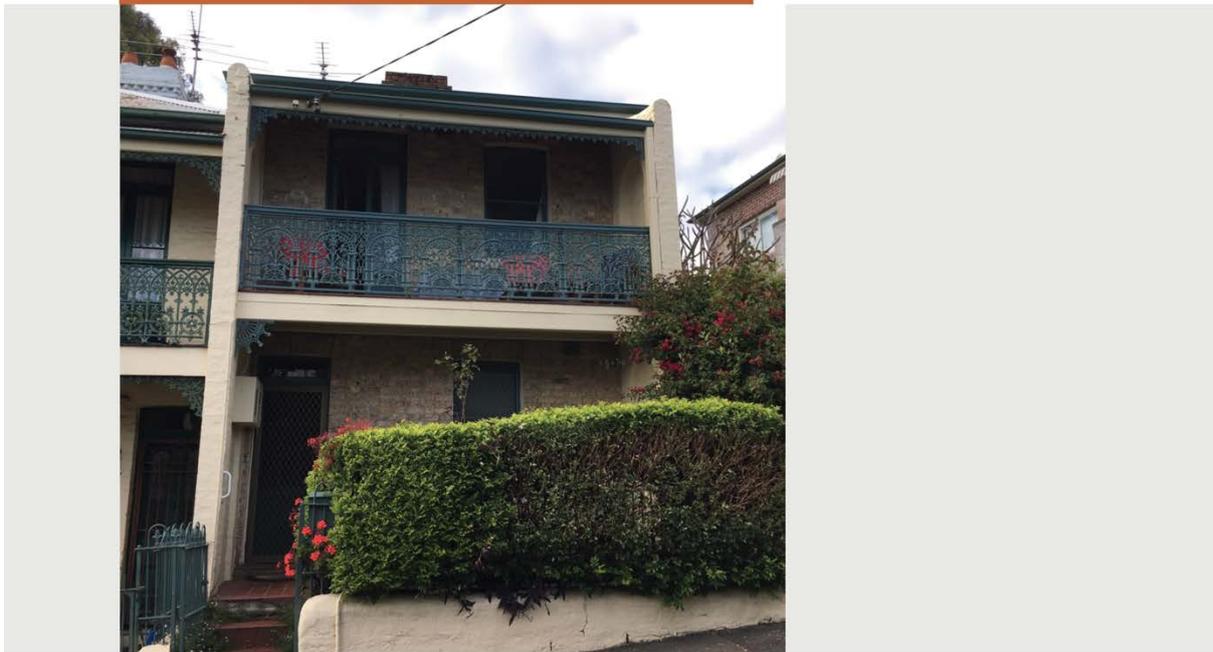
The overall aesthetic appearance and scale of the development is compatible with the desired future character of locality.

Contextually, the proposal will provide a development of scale and density that appropriately responds to the sites' location within the general residential zone. The built form outcomes, with particular attention on proposed site coverage, are appropriate to the locality and will result in a building across proposed Lot A (14 Paul Street) that responds to the Paul Street streetscape and the arrangements of existing residential dwellings in the vicinity of the site.

It is concluded that the objection is well founded as compliance with the standard is both unnecessary and unreasonable.

Attachment D – Statement of Heritage Significance

# HERITAGE IMPACT STATEMENT



14 Paul Street, Balmain East

November 2019 | J3875

**Weir  
Phillips**  
Heritage  
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## 1 INTRODUCTION

### 1.1 Preamble

This Heritage Impact Statement (HIS) has been prepared in conjunction with a Development Application for alterations and additions to an existing dwelling at No. 14 Paul Street, Balmain East and the construction of a new dwelling on an existing separate title.

The site is located within the Inner West Council area. The principal planning control for the site is the *Leichhardt Local Environment Plan 2013 (LEP 2013)*. The site is listed as a heritage item under Schedule 5, Part 1 of the *LEP 2013* (Item No. 1471). It is located within the vicinity of local heritage items and lies within the Balmain East Heritage Conservation Area under Schedule 5, Parts 1 and 2 of the *LEP 2013*.

Under Part 5.10 of the *LEP 2013*:

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The appropriate heritage management document in this instance is a Heritage Impact Statement (HIS).

This statement has been prepared at the request of the owner of the site and accompanies plans prepared by COSO Architecture.

### 1.2 Authorship and Acknowledgements

This HIS was prepared by Elliot Nolan, B.A. (Anc.Hist.Hons), M. Mus.Herit.Stud., M.Herit.Cons. (cand.), and James Phillips, B.Sc. (Arch.), B.Arch., M.Herit.Cons. (Hons), of Weir Phillips Heritage and Planning.

### 1.3 Limitations

The history contained in this statement was prepared using the readily available resources listed under Section 1.6 below.

No Aboriginal or historical archaeology was carried out on the site.

#### 1.4 Methodology

This assessment has been prepared with reference to the *NSW Heritage Manual* update *Statements of Heritage Impact* (2002) and with reference to the Council planning controls listed under Section 1.6.

#### 1.5 Physical Evidence

A site visit was carried out in October 2019. Unless otherwise stated, the photographs contained in this statement was taken by the author on this occasion.

#### 1.6 Documentary Evidence

##### 1.6.1 General References

- *Australian*, [No title], 4 May, 1841.
- *Daily Telegraph*, 'Nos. 2 to 14 Paul Street', 3 June, 1925.
- McDonald McPhee Pty Ltd, Craig Burton and Wendy Thorpe, *Leichhardt Municipality Heritage Study* (Leichhardt Council, 1990).
- Reynolds, P., 'Peacock, Weston, Pearson and Paul, how "Suburbanisation" Began in Balmain: Peacock Point to Darling Street Wharf', *Leichhardt Historical Journal*, Volume 11 (1982).
- Spearritt, *Sydney Since the Twenties* (Sydney: Hale & Ironmonger, 1978).

##### 1.6.2 Heritage Listing Sheets

- Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940493>, accessed 19 September, 2019.
- Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940489>, accessed 10 October, 2019.
- Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940488>, accessed 10 October, 2019.
- Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940487>, accessed 10 October, 2019.
- Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940492>, accessed 10 October, 2019.
- Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940491>, accessed 10 October, 2019.
- Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940490>, accessed 10 October, 2019.
- Office of Environment & Heritage, 'House', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940494>, accessed 10 October, 2019.
- Office of Environment & Heritage, 'House', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940495>, accessed 10 October, 2019.
- Office of Environment & Heritage, 'Single storey stone house, 1842-44', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940496>, accessed 10 October, 2019.

##### 1.6.3 Historic Plans and Photographs

- Aerial Photograph of No. 14 Paul Street (1943). SIX Maps.
- Photograph of Eastcliff Terraces (pre. 1989). Inner West Council.

- 'Proposed alterations and additions to No. 14 Paul Street, Balmain for Mr and Mrs. Harding' by J. Greenwood (1984). Inner West Council Archives.
- Water Board Map of Balmain (1891). State Library of New South Wales.

#### 1.6.4 NSW LPI Records

- NSW LPI, Old System Deeds, Book 219-No. 504.

#### 1.6.5 Planning Documents

- *Leichhardt Development Control Plan 2013.*
- *Leichhardt Local Environment Plan 2013.*

#### 1.7 Site Location

No. 14 Paul Street, Balmain East is located on the south side of Paul Street (Figure 1). The site is identified as Lot 1, D.P. 38721, which contains the dwelling, described below, and Lot 3, D.P. 1055476, a largely vacant lot.



**Figure 1: Map of No. 14 Paul Street. The subject site is outlined in red.**  
SIX Maps, 2019

## 2 BRIEF OUTLINE OF THE HISTORICAL DEVELOPMENT

### 2.1 Aboriginal History

While an Aboriginal history is not provided for, it is acknowledged that the original inhabitants of the Balmain area were the Wangal people.

### 2.2 Early European History

Following the arrival of the First Fleet in 1788, Governor Arthur Phillip established the official boundaries of the Township of Sydney in December 1792. The former Municipality of Leichhardt (now Inner West Council) was located well outside these boundaries. From January 1793, successive governors granted land outside the boundaries in order to open up the Colony to settlement and augment food supplies. The size of the early land grants

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depended on the status of the aspiring landowner, with the largest land grants being made to military and government officials and the smallest to emancipated convicts.

Fifteen land grants were made in the area within the former Leichhardt Municipality between 1789 and 1821. The new landowners varied in status from Dr. William Balmain, the colony's assistant surgeon, to various persons with grants of 30-acres. Balmain received a more substantial grant of 550-acres in 1800, which covered the greater part of the Balmain Peninsula, with the exception of modern-day Birchgrove. It is on this land that No. 14 Paul Street is located.

Despite the allocation of the above grants and the driving need for the Colony to become self-sufficient, the Balmain Peninsula remained sparsely populated into the 1830s. Until this time the Township of Sydney operated substantially within its own boundaries. Areas outside the boundaries were nevertheless exploited for natural resources.

### 2.3 Balmain Estate

Balmain retained his grant for one year before transferring it to John Gilchrist for five shillings in 1801. He returned to England where he died in 1803. The circumstances surrounding this transaction were shrouded in secrecy and resulted in decades of ownership struggles. Gilchrist was a Scottish surgeon who had spent time in Calcutta in the service of the East India Company. He returned to Scotland in 1804, where he founded a bank and later became a Professor of Hindustani for the Company. Gilchrist, however, never actually visited Sydney.

The transfer of the land to Gilchrist was unknown to the executors of Balmain's will, who advertised the sale of the land in 1818. None of the land was sold at this time, and when Gilchrist made his own advertisement in 1823, the transfer came to light. Under financial strain, Gilchrist made renewed attempts to let the land on the Balmain Estate in 1836, either wholly or in lots from 10 to 100-acres.

The first planned thoroughfares on the Peninsula were laid out by Surveyor John Armstrong. Darling, Nicholson and Johnston Streets were established. The distance from Sydney and the lack of reliable transport made the area unattractive to most, although the natural sandstone outcrops attracted quarrymen and stonemasons. In 1836, Gilchrist commissioned Frank Parbury to advertise twenty-two 2-to-4 acre lots in the area that now comprises Balmain East. Captain James Pearson, a master mariner, purchased Lot 4. It is on this land that the subject dwelling lies.

The natural sandstone outcrops of the point attracted quarrymen and stonemasons. Villas built of local material slowly began appear, alongside the weatherboard, stone and brick houses of the tradesmen and their families. The 1846 census reveals that Balmain contained 296 dwellings and boasted a population of 1,337 people.<sup>1</sup> Less than twenty years later, Balmain was the fourth largest suburb (behind Newtown, Redfern and Glebe) by percent of population ringing the City of Sydney (1860). In 1861, Balmain was incorporated as the Municipality of Balmain. In 1862, the area was brought closer to the City when a bridge was opened between Balmain and Pyrmont.

Around the time of these sales, John Balmain, a distant cousin of William, contested Gilchrist's title to the estate. Another distantly related family, the Bruce's, also investigated the potentiality of claiming the Balmain Estate; a claim they continued to make without success as late as 1925.

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<sup>1</sup> McDonald McPhee Pty Ltd, Craig Burton and Wendy Thorpe, *Leichhardt Municipality Heritage Study* (Leichhardt Council, 1990), p. 39.

2.4 14 Paul Street

As noted above, Captain James Pearson purchased Lot 4 from the 1836 Gilchrist sale. This land comprised two-acres which bordered what is now Paul Street to the north, Pearson Street to the south, Weston Street to the east and Johnston Street to the west. Refer to Figure 2. Pearson erected two stone cottages, a wharf and a villa (No. 11 Pearson Street). The cottages have since been demolished. In 1841, he subdivided the land, however, it appears by 1844 only part of the waterfront land had been sold. This was due in part to a looming economic depression. The auctioneer, T. Stubbs, referred to the land as the 'front face of Balmain' and:

Stone there is in abundance, and of the best quality... It only requires some man of energy and spirit to step forward and rescue the magnificent freestone which there abounds from its inorganic bed, and it would seem that no situation in the harbour is more calculated, or offers greater facilities, for constructing buildings of the first magnitude as warehouses for storing oil or wood, or cargoes generally, or premises for boat builders, coopers, ropemakers, and in fact every sort of business where convenience of distance, economy of means and extent of purpose are requisite.<sup>2</sup>

14 allotments from Pearson's subdivision, as well as all the dwellings that had been erected upon them were purchased by John Croft, a Sydney merchant. Pearson thereafter left Sydney and went to live at Mt. Ridley in Victoria.<sup>3</sup>

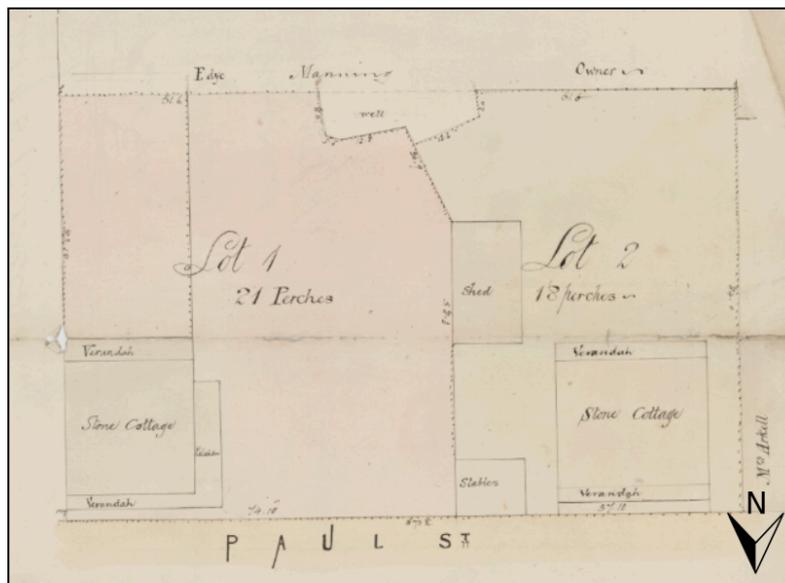


Figure 2: In pink, the land purchased by Pearson (n.d). State Library of New South Wales

<sup>2</sup> *Australian*, [No title], 4 May, 1841.

<sup>3</sup> Peter Reynolds, 'Peacock, Weston, Pearson and Paul, how "Suburbanisation" Began in Balmain: Peacock Point to Darling Street Wharf', *Leichhardt Historical Journal*, Volume 11 (1982), p. 18.

Croft gradually sold off the allotments and dwellings between 1854 and 1858, as by this time the Gilchrist case had been resolved. What is now No. 11 Pearson Street was purchased by Theodore James Jacques. He renamed the property 'Eastcliff'. Jacques was a solicitor and the Registrar General of New South Wales. The site which now comprises Nos. 2-14 Paul Street was bought by his brother, Arthur, who constructed Nos. 4-14 Paul Street between 1879 and 1880.<sup>1</sup>

Arthur then sold it to Dr. David Edwards who added a seventh dwelling at No. 2 Paul Street. Research has not ascertained anything definitive about either of these individuals, although Jacques is said in the heritage listing sheet to have been a solicitor as well.

The 'Eastcliff Terrace' first appears in *Sands' Directories* in 1880, where they are identified as Nos. 1-6 Paul Street. This particular street numbering does not appear again until 1886 when the order changed, which makes the subject dwelling difficult to identify.

It is not until the 1891 *Sands' Directories* that the current numbering was established. In this year, John Murray, a surveyor, is listed at No. 14 Paul Street. Other occupations held by those living at the 'Eastcliff Terrace' include 'tea merchant' and 'bookbinder' which shows it was a relatively well-to-do area. Figure 3 shows a Water Board Map from 1891 of Paul Street. The subject dwelling is clearly outlined, and is largely similar in footprint to the existing, although the skillion at the rear had not been constructed. In addition, the rocky outcrop to the west of the dwelling is also visible. The site adjoined an accessway which extended across the south boundaries of the dwellings, but has since been incorporated into the land of the respective sites.



**Figure 3: Water Board Map of Balmain (1891). The red arrow indicates the subject site.**  
State Library of New South Wales

The last known tenant was G. Poulton in 1932-33 from *Sands' Directories*. The terraces were described for sale in 1925 as follows:

<sup>1</sup> NSW LPI, Old System Deeds, Book 219-No. 504.

A terrace of 7 Brick Houses, with slate and iron roofs, each having verandah and balcony in front, and containing  $\frac{1}{2}$  hall, 5 rooms, kitchen, bathroom, and laundry (No. 2 has 6 rooms).<sup>5</sup>

A title search has not been carried out to identify later owners of the 'Eastcliff Terraces' or the subject dwelling, however, historic plans show that alterations and additions were carried out in 1984/85 to the rear of the dwelling for Mr. and Mrs. A. Harding. See Section 4.3 for further information.

## 2.5 Balmain in the Present Day

By the time that the last *Sands' Directory* was published, the Balmain peninsula was a place of considerable social and industrial disruption. Although unemployment had always been a problem in Balmain, the effects of the early Great Depression of the 1930s were devastating. In 1933, for example, 38.1% of the Balmain work force was unemployed. With the high percentage of unskilled labour in the suburb, unemployment remained high until the commencement of World War II (1939).

Social commentators of the early 1960s noted upon the start of the movement of the ever-expanding 'professional' classes into inner city suburbs.<sup>6</sup> The steady loss of factories evident from the 1960s onwards accelerated: between 1971 and 1981 the municipality lost half its established manufacturing establishments. An awareness of the heritage of the area and its architectural stock occurred, as is exemplified by the formation of the Balmain Association in 1965. Today, the coal mines and wharves have closed, and the Balmain Peninsula is again characterised by middle-class professionals.

The only known historic photograph of No. 14 Paul Street in Figure 4 below. The image quality is low; however, it appears by this date that the paint had been stripped from the façade. The metalwork has been repainted and the tree in the front garden removed since this time.



Figure 4: Eastcliff Terraces (pre. 1989). No. 14 Paul Street is to the right. Inner West Council

<sup>5</sup> *Daily Telegraph*, 'Nos. 2 to 14 Paul Street', 3 June 1925.

<sup>6</sup> Peter Spearritt *Sydney Since the Twenties* (Sydney: Hale & Ironmonger, 1970), p. 215.

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No. 14 Paul Street is now owned by David Tow.

### 3 SITE ASSESSMENT

#### 3.1 The Site

For the following, refer to Figure 5, an aerial photograph over the site, and to the survey that accompanies this application.



**Figure 5: Aerial photograph of No. 14 Paul Street. The subject site is outlined in red.**  
SIX Maps, 2019

The subject is located on a rectangular block comprising two allotments addressing Paul Street.

The dwelling is set towards the front of the east lot behind a metal palisade gate and fence on a painted and bagged stone base with a garden located within the front setback. The garden is located within the west lot and comprises a brick tiled courtyard, sandstone outcrop and mature trees. The site is bound by a brick wall to the west, a timber paling fence to the south and a metal wire fence to the north. The total site area is 260.94m<sup>2</sup>. Refer to Figures 6 and 7 which illustrate the rear garden.



Figure 6: West boundary wall, also showing adjacent dwelling at No. 16 Paul Street.



Figure 7: Rear garden viewed from Paul Street.

### 3.2 Exterior

No. 14 Paul Street is a two-storey Victorian terrace made from face brick and rendered masonry with a hipped roof clad in corrugated metal with a face brick chimney. It comprises a two-storey principal building form with a two-storey rear wing a single-storey skillion.

The front elevation comprises a timber balcony on the first-floor with a cast iron lace balustrade, behind which lie French doors with a top light and a timber-framed window. The open verandah on the ground-floor is tiled. The east side has a timber-framed window with a projecting sill. The entry is via a glass panelled entry door. The other elevations to

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the principal building form are constructed of rendered brick. The west elevation has a single timber-framed window at ground-floor level.

A two-storey wing made from rendered brick with a gabled roof clad with a rendered brick chimney projects from the principal building form. It lies below the gutter line of the main roof and has timber-framed windows with projecting sills to all elevations.

The rear skillion is mainly timber with a rendered brick rear elevation.

Refer to Figures 8 to 12 which illustrate the exterior of the dwelling.



Figure 8: Front elevation to the principal building form viewed from Paul Street.



Figure 9: West elevation viewed from Paul Street.



Figure 10: Rear elevation of the rear wing.



Figure 11: Rear elevation of the rear wing, also showing part of the rear skillion.



Figure 12: Timber skillion.

3.3 Interior

Ground-Floor

For the following, refer to Figure 13, a current internal floorplan of the ground-floor.



Figure 13: Ground-floor plan.  
Harris Partners, 2019

From the front entry, a narrow hallway leads down the west side of the dwelling with one bedroom leading off to the east before opening into the living room. These rooms are characterised by timber floors, profiled timber architraves and skirting boards and plaster walls and ceilings with cornices. The living room has a carpeted floor and a fireplace with a large timber mantelpiece with a mirror inset and decorative tile surrounds.

A French door on the east side leads to the garden, while an opening on the west side leads to the kitchen, laundry and bathroom, located within the rear wing and skillion. The kitchen has painted rendered brick walls and a timber floor and ceiling. The two windows in the kitchen have profiled timber architraves. One is a sash window; the sashes in the second window have been replaced with a modern leadlight window (Figure 17). The laundry and bathroom have plaster walls and ceiling with a modern tiled floor. Refer to Figures 14 to 19 which illustrate the ground-floor.



Figure 14: Hallway, looking towards the front door.



Figure 15: Living room.



Figure 16: Kitchen.



Figure 17: A modern stained-glass set replacing the original window sashes.

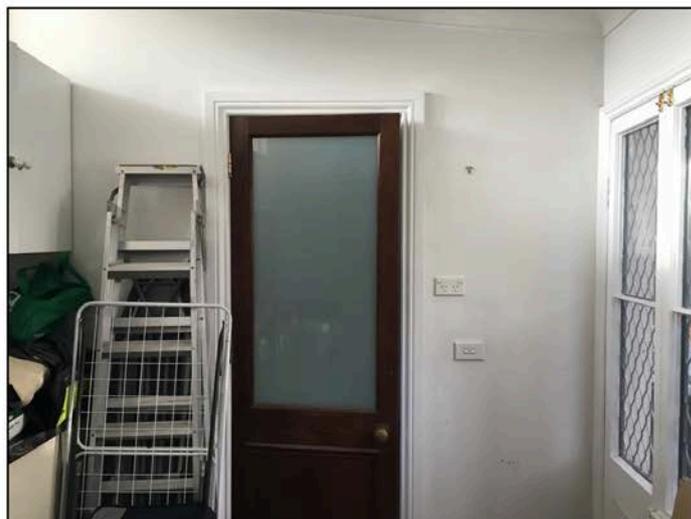


Figure 18: Laundry.



Figure 19: Bathroom.

**First-Floor**

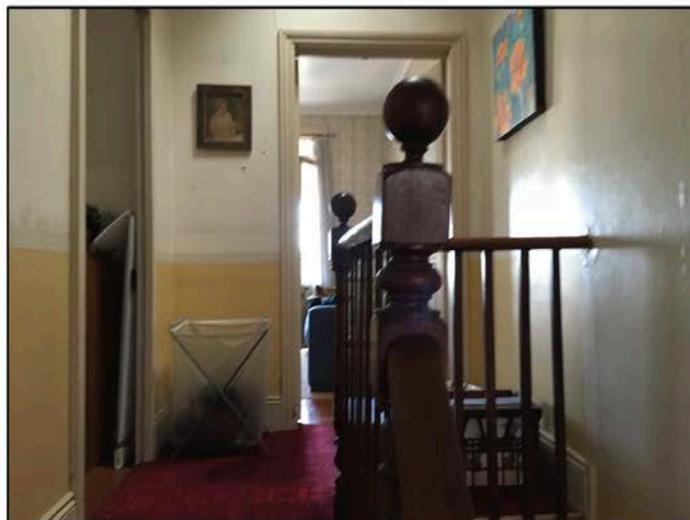
For the following, refer to Figure 20, a current internal floorplan of the first-floor.



**Figure 20: First-floor plan.**  
Harris Partners, 2019

A carpeted timber staircase leads from the west side of the living room to the first-floor. The landing is also carpeted and has a single skylight inset to the ceiling. This floor comprises bedrooms and a bathroom. These rooms have timber floors, plaster walls and ceilings and profiled timber architraves and skirting boards. The front room ('formal living' in Figure 20) has a fireplace.

Refer to Figures 21 to 23 which illustrate the first-floor of the dwelling.



**Figure 21: First-floor landing.**



Figure 22: Modern skylight over the landing.



Figure 23: Front room.

### 3.4 The Surrounding Area

#### 3.4.1 The General Area

For the following, refer to Figure 24, an aerial photograph of the site and its surrounds.



**Figure 24: Aerial photograph of surrounding area. The red arrow points to the subject site.**

SIX Maps, 2019

This part of Balmain is primarily residential with a commercial hub centred around Darling and Nicholson Streets. Most lots are relatively small containing one and two-storey semidetached dwellings with a wide variety in architectural style ranging from mid-Victorian to Federation and Inter-War as well as modern infill. The streets are lined with small and medium sized trees. There is a significant amount of open space in Balmain with several parks and the harbour foreshore available.

#### 3.4.2 Paul Street

Paul Street falls to the east from Johnston Street to terminate at Weston Street. It is residential in character. Most of the dwellings are one and two-storey Victorian cottages and terraces, although there is modern infill.

The road is narrow and carries two-way traffic with parking on the north side. Asphalt footpaths with sandstone remnant kerbs line both sides of the street. There are no street trees.

The adjacent dwelling to the east is No. 12 Paul Street, a two-storey Victorian terrace forming part of the same terrace. The adjacent dwelling to the west is No. 16 Paul Street, a two-storey Inter-War flat. Refer to Figures 25 to 27.



Figure 25: No. 12 Paul Street to the east.



Figure 26: No. 16 Paul Street to the west.



Figure 27: No. 16 Paul Street viewed from within the subject site.

#### 4 ASSESSMENT OF SIGNIFICANCE

##### 4.1 Summary of Statutory Heritage Listings

No. 14 Paul Street, Balmain East:

- Is listed as a local heritage item under Schedule 5, Part 1 of the *Leichhardt LEP 2013*, where it is identified as 'Eastcliff Terraces' (1471). The listing covers Lot 1, D.P. 38721 and Lot 3, D.P. 1055476.
- Is located within the Balmain East Heritage Conservation Area under Schedule 5, Part 2 of the *Leichhardt LEP 2013*.
- Is not listed as a State heritage item under the auspices of the *NSW Heritage Act 1977*.

The State Heritage Inventory provides the following Statement of Significance for No. 14 Paul Street:

No. 14 Paul Street is of local historic and aesthetic significance as a good and intact example of a late Victorian terrace constructed c. 1879-1881. The building retains its original external scale, form, fabric and details as it presents to Paul Street including exposed party walls, ground floor verandah, first floor balcony and associated decorative details, distinctive roof form and chimney and front fence. The building makes a positive contribution to the group (Nos. 2-14) and Paul Street streetscape and enhanced by the western setback and garden setting.<sup>7</sup>

Inner West Council provides the following Statement of Significance for the Balmain East Heritage Conservation Area:

<sup>7</sup> Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940493>, accessed 19 September, 2019.

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One of a number of conservation areas that collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important for illustrating development particularly from 1870s–1910s, and this forms the major element of its identity, with later pockets of infill prior to World War II (ie pre-1939).

Demonstrates through the siting of recent public parks, the location of former waterfront industries. Through these parks and its remaining waterfront activities East Balmain can interpret Sydney's port history from the early 1840s, and the role of Balmain's deep water frontages in that story.

Demonstrates through the line of its narrow streets the earliest subdivision sections of the large 550-acre Balmain grant.

Demonstrates through its steps and cuttings the way in which early roads and pedestrian routes were forged out of the sandstone bedrock.

Demonstrates through its mixture of sandstone villas and timber and brick cottages the major themes that formed this suburb – marine villa development and investment, port and waterfront activities, and the continuing layering of these developments.

Through its remaining timber buildings it continues to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs, and the proximity of the timber yards around the Balmain waterfront.

It is of aesthetic significance for its dramatic sandstone landscape, closely related to the harbour, and clearly revealed below the modest scale of its nineteenth century and early twentieth century buildings. It stands in contrast with the nearby city where twentieth-century technology has forged an equally dramatic but very different man-made landscape.<sup>8</sup>

These statements are adopted for the purposes of this assessment.

GML also provides the following significant characteristics that define the area:

- Dramatic sandstone topography.
- Views down streets, between buildings and across the headland to harbor, harbor bridge and city. Main streets all end with city/harbor/industry views.
- Main streets all terminate at water or at cliff top.
- Many very narrow, steep minor streets and rights of way follow boundaries of the first twenty-two allotments.
- Sandstone steps cut into the bedrock transfer pedestrians between levels.
- Some dense stands of trees.

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<sup>8</sup> Godden Mackay Logan, 'Balmain East C3', <https://www.innerwest.nsw.gov.au/ArticleDocuments/1688/Balmain%20East%20C3.pdf.aspx>, accessed 19 September, 2019.

- Intermix of buildings – sandstone villas, sandstone, weatherboard and brick cottages and terraces, school, maritime industrial buildings, corner stores (former), shops and pub.
- Rare early buildings, mainly in timber and stone.
- Neighbourhood shops and pubs grouped around the Darling/Johnston and Nicholson Streets intersection.
- Low fences – some early iron palisade fences remain.
- Sandstone kerbs and gutters.

**4.2 Heritage Items Within the Vicinity of the Site**

Refer to Figure 28, which shows heritage items within the vicinity of the site. In this plan, heritage items are coloured brown and numbered and Conservation Areas are hatched red. The subject site is identified as I471.

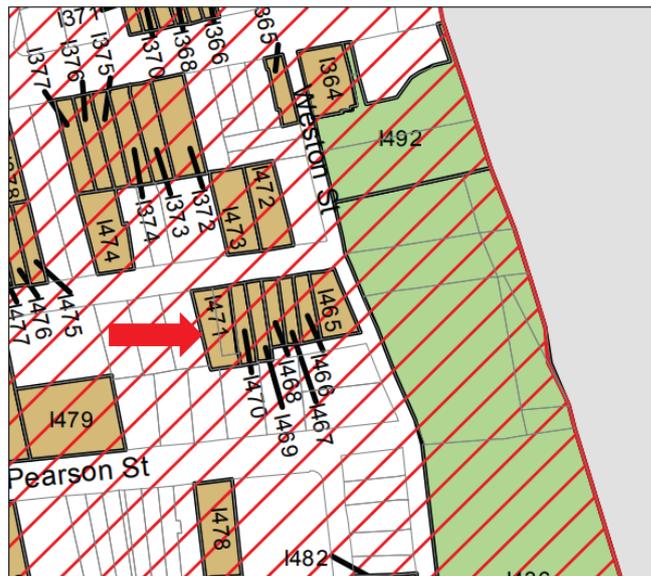


Figure 28: HER 011 showing heritage items and Conservation Areas in relation to the subject site.  
Leichhardt LEP 2013

For the following, 'within the vicinity' has been determined with reference to physical proximity, existing and potential view corridors and the nature of the proposed works.

**4.2.1 State Listings**

There are no State heritage items listed under the auspices of the *NSW Heritage Act 1977* within the vicinity of the site.

**4.2.2 Local Listings**

There are nine heritage items within the vicinity of the subject site as defined by Schedule 5, Part 1 of the *LEP 2011* as follows:

- 'Eastcliff Terraces', No. 2 Paul Street, Balmain East

This item is located to the east of the subject site and is separated by intermediate buildings. It is identified as I465 in Figure 28 above.

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The State Heritage Inventory provides the following Statement of Significance for this item:

No. 2 Paul Street is of local historic and aesthetic significance as a good and intact example of a late Victorian terrace constructed c. 1881-1883. Despite some additions to the rear and along the Weston Street boundary, the building retains its original external form, fabric and details such as exposed party walls, open verandah and balcony and associated decorative details, distinctive roof form and chimney and front fence as it presents to Paul Street and the corner of Weston Street. The building occupies an elevated corner site and makes a positive contribution to the group (Nos. 2-14) and to the Paul and Weston Street streetscapes.<sup>9</sup>

- **'Eastcliff Terraces', No. 4 Paul Street, Balmain East**

This item is located to the east of the subject site and is separated by intermediate buildings. It is identified as I466 in Figure 28 above.

The State Heritage Inventory provides the following Statement of Significance for this item:

No. 4 Paul Street is of local historic and aesthetic significance as a good and intact example of a late Victorian terrace constructed c. 1879-1881. The building retains its original external scale, form, fabric and details as it presents to Paul Street including exposed party walls, open verandah and balcony and associated decorative details, distinctive roof form and chimney and front fence. The building makes a positive contribution to the group (Nos. 2-14) and Paul Street streetscape.<sup>10</sup>

- **'Eastcliff Terraces', No. 6 Paul Street, Balmain East**

This item is located to the east of the subject site and is separated by intermediate buildings. It is identified as I467 in Figure 28 above.

The State Heritage Inventory provides the following Statement of Significance for this item:

No. 6 Paul Street is of local historic and aesthetic significance as a good and intact example of a late Victorian terrace constructed c. 1879-1881. The building retains its original external scale, form, fabric and details as it presents to Paul Street including exposed party walls, open verandah and balcony and associated decorative details, distinctive roof form and chimney and front fence. The building makes a positive contribution to the group (Nos. 2-14) and Paul Street streetscape.<sup>11</sup>

- **'Eastcliff Terrace', No. 8 Paul Street, Balmain East**

This item is located to the east of the subject site and is separated by intermediate buildings. It is identified as I468 in Figure 28 above.

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<sup>9</sup> Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940487>, accessed 10 October, 2019.

<sup>10</sup> Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940488>, accessed 10 October, 2019.

<sup>11</sup> Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940489>, accessed 10 October, 2019.

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The State Heritage Inventory provides the following Statement of Significance for this item:

No. 8 Paul Street is of local historic and aesthetic significance as a good and relatively intact example of a late Victorian terrace constructed c. 1879-1881. The building retains its original external scale, form, fabric and details as it presents to Paul Street including exposed party walls, first floor balcony and associated decorative details, distinctive roof form and chimney and front fence. The building makes a positive contribution to the group (Nos. 2-14) and Paul Street streetscape.<sup>12</sup>

- **'Eastcliff Terrace', No. 10 Paul Street, Balmain East**

This item is located to the east of the subject site and is separated by intermediate buildings. It is identified as I469 in Figure 28 above.

The State Heritage Inventory provides the following Statement of Significance for this item:

No. 10 Paul Street is of local historic and aesthetic significance as a good and relatively intact example of a late Victorian terrace constructed c. 1879-1881. Despite changes to the roof and chimney the building generally retains its original external scale, form, fabric and decorative details as it presents to Paul Street including exposed party walls, ground floor verandah, first floor balcony spaces and associated decorative details and front fence. The building makes a positive contribution to the group (Nos. 2-14) and Paul Street streetscape.<sup>13</sup>

- **'Eastcliff Terraces', No. 12 Paul Street, Balmain East**

This item is adjacent to the subject dwelling. It is identified as I470 in Figure 28 above.

The State Heritage Inventory provides the following Statement of Significance for this item:

No. 12 Paul Street is of local historic and aesthetic significance as a good and relatively intact example of a late Victorian terrace constructed c. 1879-1881. Despite some changes to the ground floor verandah the building retains its original external scale, form, fabric and details as it presents to Paul Street including exposed party walls, ground floor verandah, first floor balcony and associated decorative details, distinctive roof form and chimney and front fence. The building makes a positive contribution to the group (Nos. 2-14) and Paul Street streetscape.<sup>14</sup>

Refer to Figure 29 which illustrates the Eastcliff Terraces.

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<sup>12</sup> Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940490>, accessed 10 October, 2019.

<sup>13</sup> Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940491>, accessed 10 October, 2019.

<sup>14</sup> Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940492>, accessed 10 October, 2019.



Figure 29: Eastcliff Terraces.

- **'House', No. 3 Paul Street, Balmain East**

This item is located to the northeast of the subject site. It is identified as I473 in Figure 28 above.

The State Heritage Inventory provides the following Statement of Significance for this item:

No. 3 Paul Street is of local historic, aesthetic and technological significance as a good and intact example of an early Victorian stone dwelling constructed in c. 1842-1844. Despite some additions the building retains its original external scale, form, fabric and details as it presents to Paul Street including exposed stone façade, ground floor verandah and first floor balcony, simple pattern of openings and roof form. The building makes a positive contribution to the Paul Street streetscape and is enhanced by No. 5 and Nos. 2-14 Paul Street.<sup>15</sup>

Refer to Figure 30 which illustrates the item.

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<sup>15</sup> Office of Environment & Heritage, 'House', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940494>, accessed 10 October, 2019.



Figure 30: No. 3 Paul Street.

- 'House', No. 5 Paul Street, Balmain East

This item is located to the northeast of the subject site. It is identified as I472 in Figure 28 above.

The State Heritage Inventory provides the following Statement of Significance for this item:

No. 5 Paul Street is of local historic, aesthetic and technological significance as a good and intact example of an early Victorian stone dwelling constructed in c. 1843-1844. The building retains its early external scale, form and fabric as it presents to Paul Street including exposed stone facade, roof form, ground floor verandah and first floor balcony and pattern of openings. The building makes a positive contribution to the Paul Street streetscape and is enhanced by No. 3 and Nos. 2-14 Paul Street.<sup>16</sup>

Refer to Figure 31 which illustrates the item.

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<sup>16</sup> Office of Environment & Heritage, 'House', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940495>, accessed 10 October, 2019.



Figure 31: No. 5 Paul Street.

- **'Single storey stone house, 1842-44', No. 13 Paul Street, Balmain East**

This item is located to the northwest of the subject site. It is identified as 1474 in Figure 28 above.

The State Heritage Inventory provides the following Statement of Significance for this item:

No. 13 Paul Street is of local historic, aesthetic and technological significance as a good and intact example of an early Victorian stone dwelling constructed in c. 1842-1844. The building retains its early external scale, form and fabric as it presents to Paul Street including exposed stone facade, roof form, front verandah and pattern of openings. The building makes a positive contribution to the Paul Street streetscape.<sup>17</sup>

Refer to Figure 32 which illustrates the item.

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<sup>17</sup> Office of Environment & Heritage, 'Single storey stone house, 1842-44', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940496>, accessed 10 October, 2019.



Figure 32: No. 13 Paul Street.

4.3 Integrity

For the following, refer to Figure 33, an aerial photograph of the subject site from 1943.

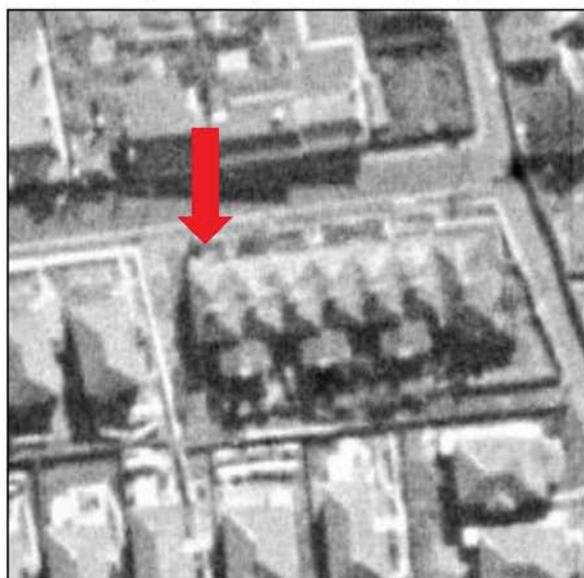


Figure 33: Aerial photograph of No. 14 Paul Street (1943). The red arrow points to the site.  
SIX Maps, 2019

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No. 14 Paul Street demonstrates a high degree of integrity, particularly with respect to the principal building form and its interior. Alterations and additions were undertaken in 1984/85, mainly to the rear.<sup>18</sup> This comprised the following:

**Site**

- The rear courtyard was repaved.
- A tiled plinth was added adjacent to the western elevation of the laundry.

**Exterior**

- The existing laundry was renovated. It had earlier been a smaller, semi-enclosed structure at the rear. The roof was raised and some walls removed. The new walls were weatherboard and the roof corrugated to match the materials of the original laundry.
- The design of the laundry was changed prior to construction or altered at a later date. The plans note decorative concrete columns to either side of the western elevation and two glazed windows instead of the existing three.
- The west ground-floor window on the western elevation was previously a door opening. The opening was bricked up and a window from the dining room installed. It is not known whether this is the existing window.
- A new timber-framed window was added to replace the ground-floor dining room window on the southern elevation. The sill height was lowered. This is now a door opening indicating a later alteration.

**Interior**

- The stairs were added between the dining room and kitchen.
- A partition wall was removed from the middle of the kitchen.
- A new timber floor was added to the kitchen.
- A new timber ceiling was added to the kitchen.
- The existing kitchen fit-out was installed.
- New glazed doors between the kitchen and laundry were added.
- New glazed doors between the first-floor staircase landing and rear hallway were added.
- The first-floor bathroom was installed. This required the removal of partition walls.

In addition to these modifications, the following is noted:

- The paint finish has been removed from the front elevation.
- A new WC was constructed at the rear of the laundry after 1984. This replaced an earlier WC.

Refer to Figures 34 to 38 which show the 1984 plans for the proposed alterations and additions.

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<sup>18</sup> Inner West Council Archives, BA 22925; DA 518/84.

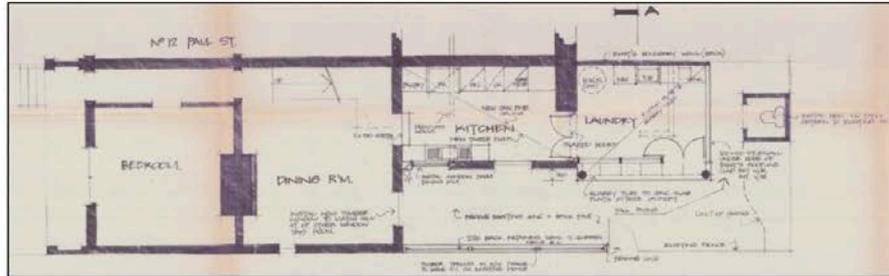


Figure 34: Proposed ground-floor plan. J. Greenwood (1984).  
Inner West Council Archives

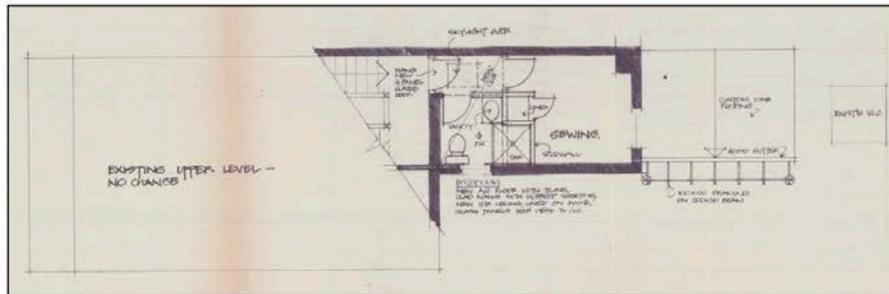


Figure 35: Proposed first-floor plan. J. Greenwood (1984).  
Inner West Council Archives

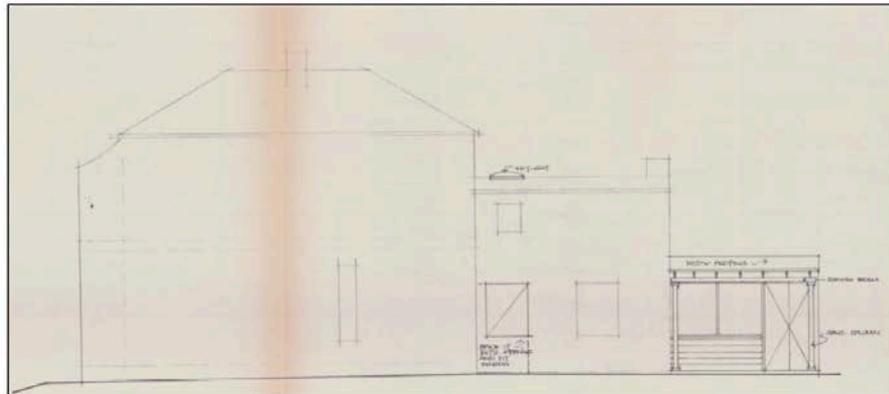


Figure 36: Proposed western elevation. J. Greenwood (1984).  
Inner West Council Archives





Figure 39: Looking west along Paul Street towards the subject site.



Figure 40: Looking east along Paul Street towards the subject site.



Figure 41: Looking east down Paul Street from the subject site.



Figure 42: Looking west up Paul Street from the subject site.

**4.5 Contribution to the Conservation Area**

Although the façade has been slightly altered, No. 14 Paul Street is highly intact externally and internally. It forms part of a row of terraces constructed during one of the key periods of subdivision in Balmain East. The vegetation in the adjacent lot contributes to the garden setting of the area. As such, it makes a positive contribution to the streetscape and the Balmain East Conservation Area.

**5 THE PROPOSAL**

The following should be read in conjunction with the plans prepared by COSO Architecture:

**Existing Dwelling – Lot 1, D.P. 38721**

- Repoint the existing face brick front elevation.
- Replace existing rectangular downpipes with circular downpipes.

- 
- Remove the rear skillion comprising laundry and bathroom.
  - Construct new one-storey addition comprising a kitchen pavilion to be connected to the existing dwelling via an enclosed glass link.
  - Remove the existing windows in the west elevation of the rear wing at ground-floor level. Install new timber French doors.
  - Remove the existing window to the bathroom at the first-floor and finish to match existing wall. Install two new windows.
  - Remove existing bathroom at first-floor to create a larger bedroom within the rear wing.
  - Reconfigure the existing bedroom 2 at first-floor to create new bathroom, WIR and laundry within the principal building form.
  - Install balcony with door at the rear of the first-floor.
  - Adjust the boundary between the two lots.

#### **New Dwelling – Lot 3, D.P. 1055476**

- Construct two-storey, two-bedroom dwelling with basement storage.
- Construct single-car driveway with entry from Paul Street.
- Carry out new landscaping, including removal of some existing trees and the planting of new trees. The sandstone outcrop will be retained.

## **6 EFFECT OF WORK**

### **6.1 Methods of Assessment**

The following is a merit-based assessment. It does not consider compliance or otherwise with Council's numerical controls except where non-compliance would result in a heritage impact. Refer to the Statement of Environmental Effects that accompanies this application. The following assessment is made with an understanding of the objectives and controls provided by the *Leichhardt LEP 2013* and the *Leichhardt DCP 2013*.

### **6.2 Effect of Work on No. 14 Paul Street**

#### **6.2.1 Exterior**

The proposed works will have an acceptable impact on No. 14 Paul Street for the following reasons:

- The repointing of the existing façade will have an acceptable impact as it will help restore the appearance of the dwelling.
- The replacement of the downpipes will have a positive impact as the proposed circular downpipes are traditional to the type and style of the dwelling.
- The removal of the rear skillion will have an acceptable impact as the 1984/85 plans indicate most of the fabric of the original laundry was replaced.
- The existing WC is not original.
- The construction of the new kitchen pavilion will have an acceptable impact. It is clearly contemporary which is an appropriate response to new development and maintains the integrity of the fabric record. The following is noted:
  - It is connected via an enclosed glass link which will ensure the existing and new fabric remain distinct from one another.
  - The pavilion is lower than the ridge height of the rear wing of the existing dwelling which will ensure it is recessive to the principal building form and rear wing.
  - The pavilion will not be visible from Paul Street due to the proposed new dwelling blocking views towards it from Paul Street.
- The removal of the existing windows to the ground-floor kitchen will have an acceptable impact as these are located at the rear and will not be visible from the public domain.

- 
- Further to this, the west side opening was originally a door that has been bricked up. The plans indicate the existing window was originally installed to the dining room.
  - The proposed timber French doors are sympathetic to the period and style of the dwelling and will have an acceptable impact.
  - The removal of the existing first-floor window to the bathroom and its replacement with two new windows will have an acceptable impact as they are vertically proportioned, timber-framed and work in conjunction with the surrounding brick sills and headers to ensure they easily integrate.
  - The proposed first-floor balcony will have an acceptable impact as it is located to the rear which has less significance than the front. It will not be visible from the street.
  - The loss of the existing garden will have an acceptable impact. The garden has undergone significant change over the decades. While it makes a positive contribution to the streetscape, it is not vital towards understanding the significance of the dwelling.
  - The boundary adjustment will have an acceptable impact as it will not impact on the ability to understand the significance of the dwelling and it will not result in the dislocation of the significant elements on the site.

#### 6.2.2 Interior

The proposed works will have an acceptable impact on No. 14 Paul Street for the following reasons:

- The ground-floor of the principal building form is significant in indicating the original layout and use of the dwelling and is largely unaltered. It will be retained.
- The reconfiguration of the existing bedroom on the first-floor into a new bathroom, WIR and laundry will have an acceptable impact because the changes will be reversible if necessary.
- The removal of the existing bathroom on the first-floor will have an acceptable impact as it is a modern addition with no original fabric.

#### 6.2.3 New Dwelling

The proposed works will have an acceptable impact on No. 14 Paul Street for the following reasons:

- The proposed dwelling will have an acceptable impact as it is a sympathetic but clearly contemporary interpretation of the heritage item.
  - The openings to the front elevation are vertically proportioned which will ensure the new dwelling integrates easily into the streetscape.
  - The terrace style and roof form of the proposed dwelling is a respectful response to the street context and architectural style of the adjacent item.
- The dwelling breaks the predominant pattern of shallow setbacks from the street. This will have an acceptable impact as it retains and incorporates into its design the existing sandstone outcrop, of which the *DCP 2013* encourages the retention.
- The new planting at the front will significantly reduce the visual impact and ensure it does not dominate the existing dwelling.

### 6.3 Effect of Work on Conservation Area

#### 6.3.1 Existing Dwelling

The proposed works will have an acceptable impact on the Conservation Area for the following reasons:

- The proposed removal of the existing skillion will have an acceptable impact. The 1984/85 renovations significantly altered the laundry and removed most of the original fabric.
- The existing WC is not original.

- 
- The replacement of the downpipes will have a positive impact as the proposed circular downpipes are traditional to the type and style of the dwelling.
  - The proposed rear addition is single-storey and will read as subservient to the principal building form.
  - The addition will read as new work. It will remain clearly defined from the original dwelling to which it is connected.
  - The removal of the kitchen windows will have an acceptable impact. The plans show the west side opening was originally a door and the existing window is not original to it.
  - The proposed new door will have an acceptable impact as it is timber-framed and sympathetic to the style and period of the dwelling.
  - The addition of two new windows to replace the existing single window to the first-floor western elevation will have an acceptable impact as it has less significance than the façade and will not be visible from the public domain.
  - The reconfiguration of the first-floor interior will have an acceptable impact as the front room will be retained and the other modifications are reversible. This part of the first-floor was altered in the 1984/85 renovations.
  - The changes will not be visible from the public domain.

#### 6.3.2 New Dwelling

The proposed works will have an acceptable impact on the Conservation Area for the following reasons:

- The proposed new dwelling will have an acceptable impact as it is sympathetic in style, through its terrace form and vertically proportioned openings, to the Victorian streetscape.
- It is set back from the street to ensure the retention of the sandstone outcrop so that it will have only minimal visibility from the street and will not block or reduce view corridors towards contributory items.
- The incorporation of the outcrop into the site will have a positive impact as it will ensure the significance of the area and its relationship with sandstone as a material is preserved.
- The proposed driveway to the new dwelling will have an acceptable impact as it is a characteristic element to the streetscape. See for example:
  - No. 3 Paul Street
  - No. 7 Paul Street
  - No. 16 Paul Street
  - No. 23 Paul Street

#### 6.4 Effect of Work on Heritage Items Within the Vicinity

##### 6.4.1 Existing Dwelling

###### Nos. 2-12 Paul Street, Balmain East

The proposed works will have an acceptable impact on Nos. 2-12 Paul Street for the following reasons:

- The proposed kitchen pavilion to the existing dwelling will be partly visible from the rear gardens of the items, however, it is lower in height than the rear of the adjacent dwelling at No. 12 Paul Street which will ensure it remains recessive despite the difference in ground level.
- Where visible, it will read as a sympathetic modern addition that is consistent with the character of the area.
- The proposed alterations to the west and south elevations of the rear wing of the subject dwelling will have no impact as these will not be visible from the items.
- The proposed alterations to the interior will have no impact as these will not be visible from the items.
- The items will continue to read as an intact row of Victorian terraces.

- 
- No significant view corridors towards or from these items will be impacted on.
  - The setting which is characterised by one and two-storey terraces and cottages of various periods will be retained.

**No. 3 Paul Street, Balmain East**

The proposed works will have an acceptable impact on No. 3 Paul Street for the following reasons:

- The proposed works to the rear will have no impact as it will not be visible from the item due to intermediate dwellings, particularly No. 12 Paul Street.
- The proposed works to the west and south elevations of the rear wing will have no impact as they will not be visible from the item.
- The item will continue to read as a Victorian sandstone cottage.
- No significant view corridors towards or from this item will be impacted on.
- The setting which is characterised by one and two-storey terraces and cottages of various periods will be retained.

**No. 5 Paul Street, Balmain East**

The proposed works will have an acceptable impact on No. 5 Paul Street for the following reasons:

- The proposed works to the rear will have no impact as it will not be visible from the item due to intermediate dwellings, particularly No. 12 Paul Street.
- The proposed works to the west and south elevations will have no impact as they will not be visible from the item.
- The item will continue to read as a Victorian sandstone cottage.
- No significant view corridors towards or from this item will be impacted on.
- The setting which is characterised by one and two-storey terraces and cottages of various periods will be retained.

**No. 13 Paul Street, Balmain East**

The proposed works will have an acceptable impact on No. 13 Paul Street for the following reasons:

- The proposed works to the rear will have no impact as it will not be visible from the item due to intermediate dwellings, particularly No. 16 Paul Street.
- The proposed works to the west and south elevations will have no impact as they will not be visible from the item due to the proposed dwelling blocking views.
- The item will continue to read as a Victorian sandstone cottage.
- No significant view corridors towards or from this item will be impacted on.
- The setting which is characterised by one and two-storey terraces and cottages of various periods will be retained.

**6.4.2 New Dwelling****Nos. 2-12 Paul Street, Balmain East**

The proposed works will have an acceptable impact on Nos. 2-12 Paul Street for the following reasons:

- The proposed dwelling is sympathetic in form and style to the Victorian terrace row; however, it is set back from the street under a simply detailed elevation so as to ensure it does not dominate or otherwise visually detract from the items.
- The dwelling will be partly visible from the rear garden of these items, although views towards the majority of the principal building form will be blocked by No. 14 Paul Street and its proposed rear addition.
- The proposed side setback of 4.66m will also help to reduce its perceived bulk by creating a clearly defined physical and visual separation from the existing dwelling at No. 14 Paul Street.

- 
- The items will continue to read as an intact row of Victorian terraces.
  - No significant view corridors towards or from this item will be impacted on.
  - The setting which is characterised by one and two-storey terraces and cottages of various periods will be retained.

**No. 3 Paul Street, Balmain East**

The proposed works will have an acceptable impact on No. 3 Paul Street for the following reasons:

- The proposed dwelling is sympathetic in form and style to the Victorian streetscape. It is set back from the street to as to ensure it does not dominate or otherwise visually detract from the item.
- It may be partly visible at oblique angles, but views towards it will be largely blocked by No. 14 Paul Street.
- The item will continue to read as a Victorian sandstone cottage.
- No significant view corridors towards or from this item will be impacted on.
- The setting which is characterised by one and two-storey terraces and cottages of various periods will be retained.

**No. 5 Paul Street, Balmain East**

The proposed works will have an acceptable impact on No. 5 Paul Street for the following reasons:

- The proposed dwelling is sympathetic in form and style to the Victorian streetscape. It is set back from the street to as to ensure it does not dominate or otherwise visually detract from the item.
- It may be partly visible at oblique angles, but views towards it will be largely blocked by No. 14 Paul Street.
- The item will continue to read as a Victorian sandstone cottage.
- No significant view corridors towards or from this item will be impacted on.
- The setting which is characterised by one and two-storey terraces and cottages of various periods will be retained.

**No. 13 Paul Street, Balmain East**

The proposed works will have an acceptable impact on No. 13 Paul Street for the following reasons:

- The proposed dwelling is sympathetic in form and style to the Victorian streetscape. It is set back from the street to as to ensure it does not dominate or otherwise visually detract from the item.
- It may be partly visible at oblique angles, but views towards it will be largely blocked by No. 16 Paul Street.
- The item will continue to read as a Victorian sandstone cottage.
- No significant view corridors towards or from this item will be impacted on.
- The setting which is characterised by one and two-storey terraces and cottages of various periods will be retained.

**7 CONCLUSION**

This Heritage Impact Statement has been prepared in conjunction with a Development Application for alterations and additions to an existing dwelling at No. 14 Paul Street, Balmain East and the construction of a new dwelling on an existing separate title. The subject site is listed as a local heritage item and is located within the vicinity of heritage items and lies within the Balmain East Heritage Conservation Area as defined by Schedule 5, Parts 1 and 2 of the *Leichhardt LEP 2013*.

The proposed works to the existing dwelling will have an acceptable impact because the exterior works are located to the rear in a secondary elevation and the interior works

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maintain the original layout or are reversible. The proposed addition is contemporary but relates sympathetically in form and style to the dwelling. It will remain distinct through its glass link and will read as clearly recessive to the principal building form.

The proposed new dwelling will have an acceptable impact on the existing dwelling as it is a sympathetic and contemporary interpretation of the heritage item. It is an appropriate response to the context of the street. It is largely set back behind a sandstone outcrop. While this breaks with the pattern in the street, it does assist in the retention of the sandstone outcrop which helps interpret the history of the area.

The proposed works to the existing dwelling at No. 14 Paul Street will have an acceptable impact on the Conservation Area. The rear skillion has no significance as it was constructed outside the key periods of interest for the area. Most of the works, including the new kitchen pavilion and alterations to the west and south elevations of the rear wing will not be visible from the street. The restoration of the dwelling will have a positive impact as it will enable a clearer understanding of the style of the dwelling.

The proposed new dwelling will have an acceptable impact on the Conservation Area as it is sympathetic in style to the Victorian streetscape. The incorporation of the outcrop into the landscaping will have a positive impact given the significance of sandstone in the topography of Balmain East and its use as a material for housing. The proposed driveway will have an acceptable impact as there are other examples in the immediate streetscape.

The proposed works to the existing dwelling will have an acceptable on heritage items within the vicinity. The kitchen pavilion will be obscured from view of most items and where visible will read as a sympathetic modern addition consistent in character with the area. The proposed external and internal alterations to the existing dwelling will have no impact as these will not be visible from the items.

The proposed new dwelling will have an acceptable impact on heritage items within the vicinity as it is sympathetic in form and style to the Victorian streetscape. It is sufficiently set back from the street so that it does not dominate or visually detract from the items. It may be partly visible at oblique angles, however, views towards it will largely be blocked by the principal building forms at No. 14 and No. 16 Paul Street.

The proposed works fulfil the aims and objectives of the *Leichhardt LEP 2013* and the *Leichhardt DCP 2013* by improving the quality and diversity of housing options in Balmain East while respecting the heritage significance of the area in which it lies.

## Weir Phillips Heritage and Planning

2 June, 2020

Re: **14 Paul Street, Balmain East DA 2019/477**  
**Supplementary Heritage Impact Statement to Accompany Amended Plans**

### 1.0 Introduction

This supplementary Heritage Impact Statement (HIS) has been prepared to accompany amended plans prepared by COSO for a current Development Application for

‘Boundary adjustment, rear extension to existing house, and new two storey dwelling with basement and off street parking space’

at No. 14 Paul Street, Balmain East, New South Wales.

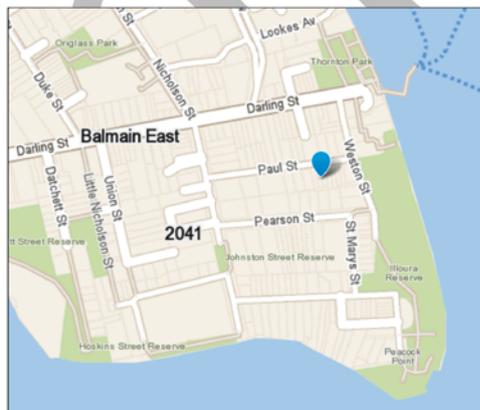
This statement is designed to be read in conjunction with the Heritage Impact Statement, prepared by Weir Phillips Heritage and Planning, dated November 2019, that accompanied the DA. This earlier Heritage Impact Statement is hereafter referred to as the *HIS 2019*.

As set out in the *HIS 2019*, the site is listed as a heritage item under Schedule 5, Part 1 of the *Leichhardt Local Environment Plan 2013 (LEP 2013)* (Item No. 1471). It is also located within the vicinity of other heritage items listed by this Schedule. It lies within the Balmain East Heritage Conservation Area as defined by Schedule 5 Part 1 and 2 of the *LEP 2013*.

This supplementary statement has been prepared to accompany revised plans prepared by COSO and at the request of the owners of the site.

### 2.0 Site Location

No. 14 Paul Street, Balmain East is located on the south side of Paul Street (Figure 1). The site is identified as Lot 1, D.P. 38721 and Lot 3, D.P. 1055476. The listing under the *LEP 2013* includes both lots.



**Figure 1:**  
**Site Location.**  
Whereis.com.au

## Weir Phillips Heritage and Planning

### 3.0 The Site of the Proposed Works

A detailed site description can be found in the *HIS 2019*.

The site comprises two lots. Lot 1, D.P. 38721, on which a dwelling is located, and Lot 3, D.P. 1055476, which is, with the exception of vegetation and a sandstone outcrop, an otherwise vacant lot.

The dwelling is a two storey terrace, part of the row Nos. 2-14 Paul Street, built in c.1879-80. It is built of brick and rendered masonry with a hipped roof clad in corrugated metal. It comprises a two storey principal building form, a two storey rear wing and a single storey skillion. Refer to Figures 2 and 3.



Figure 2: Front elevation to the principal building form viewed from Paul Street.



Figure 3: Rear wing and skillion.

## Weir Phillips Heritage and Planning

### 4.0 Setting

Paul Street falls to the east from Johnston Street and is residential in character. The dwellings lining the street are predominantly one and two storey Victorian period cottages and terraces; there is some modern infill. The street is narrow, with footpaths to either side. There are no street trees. To the east of the site is a two storey terrace, part of the same row. To the west, lies a two storey Interwar period residential flat building.

### 5.0 Significance

The State Heritage Inventory provides the following Statement of Significance for No. 14 Paul Street:

No. 14 Paul Street is of local historic and aesthetic significance as a good and intact example of a late Victorian terrace constructed c. 1879-1881. The building retains its original external scale, form, fabric and details as it presents to Paul Street including exposed party walls, ground floor verandah, first floor balcony and associated decorative details, distinctive roof form and chimney and front fence. The building makes a positive contribution to the group (Nos. 2-14) and Paul Street streetscape and enhanced by the western setback and garden setting.<sup>1</sup>

Inner West Council provides the following Statement of Significance for the Balmain East Heritage Conservation Area:

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

Demonstrates through the siting of recent public parks, the location of former waterfront industries. Through these parks and its remaining waterfront activities East Balmain can interpret Sydney's port history from the early 1840s, and the role of Balmain's deep water frontages in that story.

Demonstrates through the line of its narrow streets the earliest subdivision sections of the large 550-acre Balmain grant.

Demonstrates through its steps and cuttings the way in which early roads and pedestrian routes were forged out of the sandstone bedrock.

Demonstrates through its mixture of sandstone villas and timber and brick cottages the major themes that formed this suburb – marine villa development and investment, port and waterfront activities, and the continuing layering of these developments.

Through its remaining timber buildings it continues to demonstrate the nature

<sup>1</sup> Office of Environment & Heritage, 'Eastcliff Terraces', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940493>, accessed 19 September, 2019.

## Weir Phillips Heritage and Planning

of that major construction material in the fabric of early Sydney suburbs, and the proximity of the timber yards around the Balmain waterfront.

It is of aesthetic significance for its dramatic sandstone landscape, closely related to the harbour, and clearly revealed below the modest scale of its nineteenth century and early twentieth century buildings. It stands in contrast with the nearby city where twentieth-century technology has forged an equally dramatic but very different man-made landscape.<sup>2</sup>

These statements are adopted for the purposes of this assessment.

### 6.0 Heritage Items in the Vicinity of the Site of the Proposed Works

As set out in *the HIS 2019*, the following heritage items are located in the vicinity of the site:

- *Eastcliff Terraces*, Nos. 2-14 Paul Street.
- *House*, No. 3 Paul Street.
- *House No. 5 Paul Street*.
- *Single storey stone house*, No. 13 Paul Street.

### 7.0 The Original Proposal

The DA submitted was for the following works:

#### Existing Dwelling – Lot 1, D.P. 38721

- Repoint the existing face brick front elevation.
- Replace existing rectangular downpipes with circular downpipes.
- Remove the rear skillion comprising laundry and bathroom.
- Construct new one-storey addition comprising a kitchen pavilion to be connected to the existing dwelling via an enclosed glass link.
- Remove the existing windows in the west elevation of the rear wing at ground-floor level. Install new timber French doors.
- Remove the existing window to the bathroom at the first-floor and finish to match existing wall. Install two new windows.
- Remove existing bathroom at first-floor to create a larger bedroom within the rear wing.
- Reconfigure the existing bedroom 2 at first-floor to create new bathroom, WIR and laundry within the principal building form.
- Install balcony with door at the rear of the first-floor.
- Adjust the boundary between the two lots.

#### New Dwelling – Lot 3, D.P. 1055476

- Construct two-storey, two-bedroom dwelling with basement storage.
- Construct single-car driveway with entry from Paul Street.
- Carry out new landscaping, including removal of some existing trees and the planting of new trees. The sandstone outcrop will be retained.

<sup>2</sup> Godden Mackay Logan, 'Balmain East C3', <https://www.innerwest.nsw.gov.au/ArticleDocuments/1688/Balmain%20East%20C3.pdf.aspx>, accessed 19 September, 2019.

## Weir Phillips Heritage and Planning

### 8.0 Amended Proposal

Following consultation with Council, the following amendments have been made to the submitted plans:

- The roof form over No. 14A Paul Street has been amended to provide a hip to the front and a gable to the rear.
- The two ground floor windows in the western elevation of the rear wing will now be retained.
- The proposed new dwelling at No. 14a Paul Street has been re-orientated to follow the orientation of No. 14 Paul Street.
- The proposed new dwelling at No. 14a Paul Street has been moved forward to align with No. 14 Paul Street.
- The reorientation of No. 14a Paul Street and moving the footprint forward will result in the removal of a window in the western wall of the existing living room (ground floor level) of No. 14 Paul Street. The internal floor plan of No. 14a Paul Street, and the link between it and No.14 Paul Street, has also been revised.
- The rear setback of the first floor of the proposed dwelling at No. 14a Paul Street has been amended to align with the first floor setback of No. 14 Paul Street. The first floor will open onto a balcony and roof terrace to the rear.
- The detailing and finishes of the street facing elevation of No. 14a Paul Street have been amended.
- The proposed onsite car parking has been removed.
- Changes have been made to the proposed landscaping, including the addition of a pool within the rear yard of No. 14a Paul Street.

It is noted that the proposed new bathroom in No. 14 Paul Street at first floor level is still located within Bedroom 2. In line with Pre-DA comments, this can be detailed in a way that makes it fully reversible.

### 9.0 Effect of Works

Each amendment is assessed below as to impact.

*The roof form over No. 14A Paul Street has been amended to provide a hip to the front and a gable to the rear.*

The proposed roof form over the front of No. 14a Paul Street has been amended in line with Council's recommendations. The front of the roof now compliments the hipped roof form of No. 14 Paul Street in that it has a single, horizontal ridge line and complementary angles.

*The two ground floor windows in the western elevation of the rear wing will now be retained.*

This work will have a positive impact because additional original fabric is retained, together with a traditional void to solid ratio.

*The proposed new dwelling at No. 14a Paul Street has been re-orientated to follow the orientation of No. 14 Paul Street.*

The original proposal followed the splay of the western boundary as opposed to the orientation of No. 14 Paul Street. This maximised the separation towards the front between Nos. 14 and 14a and acknowledged the slight change in lot orientation to the west of the site. The amendment has been made at the request of Council. The amended orientation relates more closely to No. 14 Paul Street and the pattern established by the row No. 12-14 Paul Street to which it is

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attached. It maintains a sufficient separation between the front sections of No. 14 and 14a Paul Street.

*The proposed new dwelling at No. 14a Paul Street has been moved forward to align with No. 14 Paul Street.*

The deeper setback was proposed to enable the retention of as much of the rocky outcrop on the front of the site as possible in line with Council DCP controls. The amendment has been made at the request of Council. The proposed setback follows the established pattern in the street.

*The reorientation of No. 14a Paul Street and moving the footprint forward will result in the removal of a window in the western wall of the existing living room (ground floor level) of No. 14 Paul Street. The internal floor plan of No. 14a Paul Street, and the link between it and No.14 Paul Street, has also been revised.*

Removal of the window in the western wall of the principal building form has come about because the footprint of No. 14a Paul Street has been moved forward. This is a small window located within a secondary elevation. It is not a prominent streetscape element and not fundamental to the ability to understand this terrace as a late Victorian period terrace.

The proposed link will continue to be simple in form. It remains well set back from the street, a 'light weight' steel and glazed structure and will not have undue prominence in the streetscape.

Changes to the internal layout of No. 14a Paul Street will have no impact on the significance of the site as No. 14a Paul Street is a new building.

*The rear setback of the first floor of the proposed dwelling at No. 14a Paul Street has been amended to align with the first floor setback of No. 14 Paul Street. The first floor will open onto a balcony and roof terrace to the rear.*

This modification has a positive planning outcome in that it maintains views from the adjoining residential flat building. There will be no impact on heritage significance arising out of this modification. The proposed rear setback is greater than for the adjoining terraces to the east.

*The detailing and finishes of the street facing elevation of No. 14a Paul Street have been amended.*

The proposed amendments provide a solid to void ratio that is more consistent with No.14 Paul Street and the terrace row it is part of. This will have a positive impact.

The proposed finishes are appropriate for an infill development. The buildings in Paul Street are constructed of face brick, painted brick, rendered and painted brick and stone. Face brickwork, laid flush, is thus an appropriate material. The bricks in street front elevations are of varying tones. No. 14 Paul Street is a sandstock brick, typical of the Victorian period; No. 16 Paul Street is a dark brick, typical of the Interwar period. Similarly, painted walls are of varying colours and tones. The proposed brick will sit comfortably within this mixed streetscape, its dark colour will be recessive and will clearly identify the proposed dwelling as a new dwelling. The French doors are contemporary in design. They make reference to traditional doors within the Conservation Area in that they are timber framed with horizontal glazing bars. Only the upper part of the doors will be read from the street. The lower part will be concealed by the fence (at ground floor level) or the balcony (at first floor level).

*The proposed onsite car parking has been removed.*

This work will have a positive impact. Onsite car parking is not characteristic of the Conservation Area. A garden setting is provided to the front of the site.

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*Changes have been made to the proposed landscaping, including the addition of a pool within the rear yard of No. 14a Paul Street .*

The proposed changes to the landscaping to the rear, including the swimming pool, will have no additional impact. The construction of the pool does not involve the removal of any additional significant landscape elements or trees. The pool will not be visible from the public domain.

The changes to the landscape to include removal of a greater amount of the rocky outcrop as a result of Council's request to move the dwelling forward. Parts of the rocky outcrop are, however, retained along the western boundary.

### 11.0 Conclusion

The proposed amendments will better integrate the new works into the Conservation Area. They assist in maintaining a clear distinction between the existing dwelling on the site and the proposed new dwelling that will adjoin it. The former will remain the dominant element on the site and will remain clearly identifiable as a late Victorian period terrace, part of the row Nos. 2-14 Paul Street.

Please do not hesitate to contact me on 02 8076 5317 if you have any questions.

Yours faithfully,



Alice Fuller | Heritage Consultant