



 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	DA/2021/0257
<b>Address</b>	42 Mullens Street BALMAIN NSW 2041
<b>Proposal</b>	Ground, first and attic level alterations and additions to an existing two storey dwelling-house, new garage and terrace over and pool at rear and associated works
<b>Date of Lodgement</b>	13 April 2021
<b>Applicant</b>	Ballast Point Pty Ltd
<b>Owner</b>	Mr Anthony A Chandra Ms Sarah R Duignan
<b>Number of Submissions</b>	Nil
<b>Value of works</b>	\$610,600.00
<b>Reason for determination at Planning Panel</b>	Landscaped Area variation exceeds 10% / Officer delegations
<b>Main Issues</b>	Site Coverage and Landscaped Area variations
<b>Recommendation</b>	Approval 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



Figure 1: Locality Map

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for ground, first and attic level alterations and additions to an existing two storey dwelling-house, new garage and terrace over and pool at rear and associated works at 42 Mullens Street, Balmain.

The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- Site Coverage variation; and
- Landscape Area variation.

The non-compliances are acceptable given that, subject to recommended conditions, no undue adverse impacts arise. Therefore, the application is recommended for approval.

## 2. Proposal

The proposal includes the following:

- Demolition of the rear wing and the rear external ground floor wall;
- Ground and first floor alterations and additions;
- Attic level alterations and additions, including a skillion dormer to the rear roof plane;
- A new garage with roof terrace and pool above at the rear; and
- Demolition of internal walls.

## 3. Site Description

The subject site is located on the eastern side of Mullens Street, between Ennis Street to the north and Reynolds Street to the south. The site consists of one allotment and is generally rectangular in shape with a total area of 280.2sqm and is legally described as Lot 12 in DP 50.

The site has a frontage of 9.145 metres to Mullens Street at the front and to Tobruk Avenue at the rear.

The site supports a two storey dwelling house with a single storey rear addition. The adjoining properties support one and two storey buildings.

The subject site is not listed as a heritage item, nor located in the vicinity of any heritage items, however, is located within a Heritage Conservation Area. The property is not identified as a flood control lot. The land is zoned R1 General Residential.

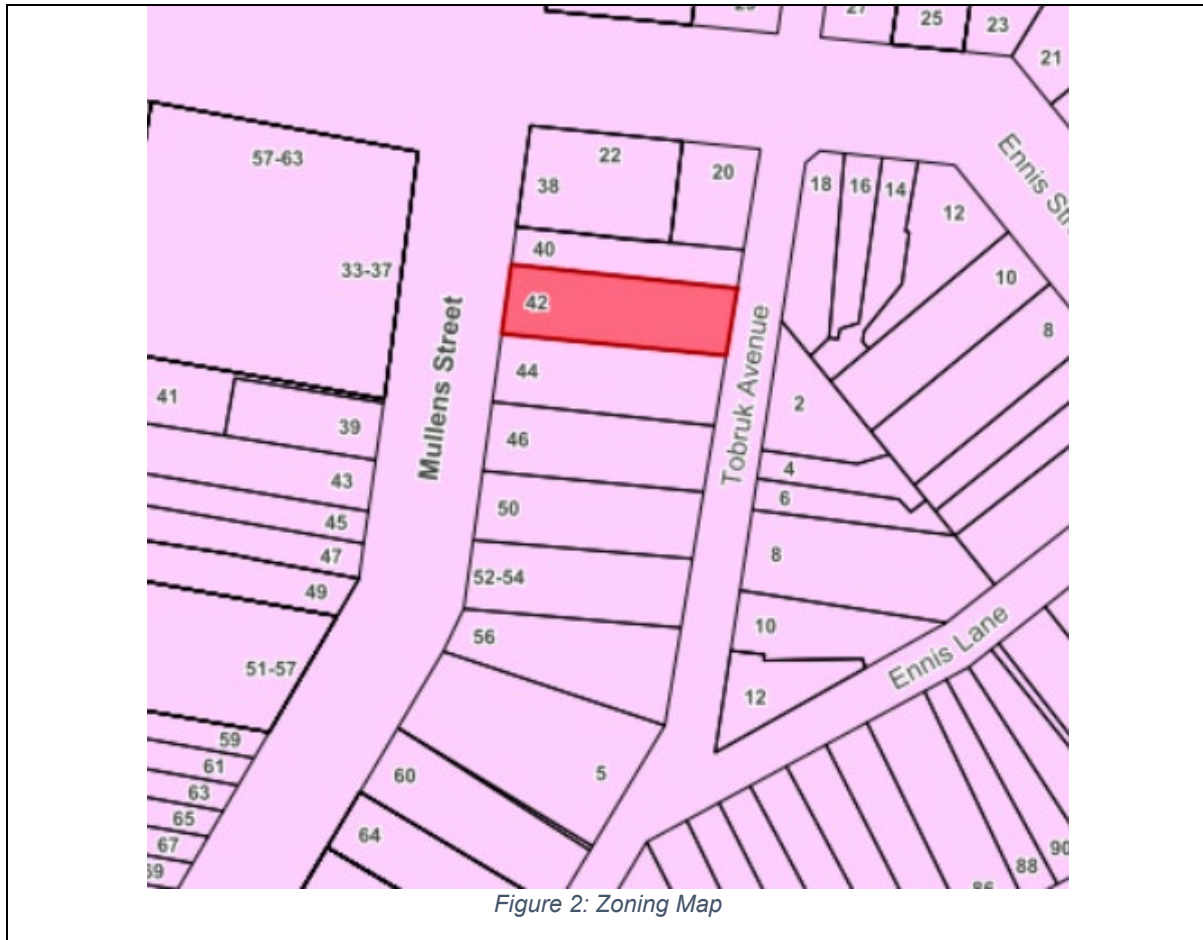


Figure 2: Zoning Map

#### 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
DA/2021/0123	Alterations and additions to an existing two storey dwelling, including partial demolition, new ground floor living areas, a small pool and associated landscaping, and a new double car garage.	Refused* 29/03/2021
* Refused due to lack of fee payment.		

## Surrounding properties

<b>44 Mullens Street</b>		
<b>Application</b>	<b>Proposal</b>	<b>Decision &amp; Date</b>
CDC/2021/0006	Alterations and additions.	Approved 09/03/2021
DA/2020/0735	Lower ground, ground and first floor alterations and Additions to existing dwelling house, and associated works, including new double garage and open space above to Tobruk Avenue and raising of rear garden level.	Approved 13/04/2021
<b>46 Mullens Street</b>		
<b>Application</b>	<b>Proposal</b>	<b>Decision &amp; Date</b>
PDA/2020/0299	Alterations and additions to existing dwelling-house.	Issued 29/09/2020
M/2014/45	Section 96 application to modify D/2011/642 for changes to approved sliding private shutters to pivot mesh, relocation of southern privacy screen of terrace, & increase depth of awning.	Approved 22/05/2014
M/2013/21	Section 96 application to modify D/2011/642 for extension of screen to the side boundaries and extend roof over landing.	Approved 02/04/2013
D/2011/642	Demolition of the existing dwelling (retaining primary facade and front rooms) and construction of a new two-storey dwelling and a detached double garage with rooftop terrace. SEPP No.1 objections for floor space ratio and landscaped area.	Approved 19/04/2012
D/2011/1	Alterations and additions to an existing dwelling. This application relies on SEPP No.1 objections to floor space ratio and landscaped area.	Refused 12/04/2011
<b>40 Mullens Street</b>		
<b>Application</b>	<b>Proposal</b>	<b>Decision &amp; Date</b>
D/2016/506	Installation of a vergola louvered roof system over existing deck at rear of dwelling.	Approved 09/11/2016
D/2010/27	Alterations and additions to existing dwelling including ground and second floor addition, new deck and dormer window and skylight plus regrade car parking area.	Approved 12/10/2010
<b>36 – 38 Mullens Street</b>		
<b>Application</b>	<b>Proposal</b>	<b>Decision &amp; Date</b>
D/2015/426	Part demolition of the existing dwelling to enable construction of a new second dwelling, alterations and additions to the existing dwelling and strata subdivision.	Approved 27/07/2016

#### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
02/07/2021	<p>Council contacted the applicant, requesting additional information and/or amended plans to address issues with regard to visual privacy and heritage impacts.</p> <p>In addition, Council requested additional hourly shadow diagrams depicting existing and proposed shadows cast between 9am and 3pm during the winter solstice in relation to the adjoining property at No. 44 Mullens Street, showing the existing conditions and the future conditions based on the proposal and the recently approved development under DA/2020/0735 at No. 44 Mullens Street.</p>
26/07/2021	<p>The applicant submitted amended plans and additional information via email, which were subsequently submitted via the NSW Planning Portal on 29/07/2021. These entailed the following:</p> <ul style="list-style-type: none"> <li>• Lowering of the proposed finished levels of the rear pool terrace and adjoining landscaped areas from RL26.25 and RL26.55 to RL25.92 and RL26.22 respectively;</li> <li>• Amending the dormer to the rear roof plane to a skillion dormer; and</li> <li>• Hourly shadow diagrams as requested by Council.</li> </ul> <p>The amended proposal represents a similar/lesser development to address issues raised by Council, and as such, re-notification was not required by Council's Community Engagement Framework.</p>

## 5. Assessment

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

#### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

*5(a)(i) State Environmental Planning Policy No 55—Remediation of Land*

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

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

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

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

It is noted that the subject site is not located within the foreshores and waterways area. 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 environment, the natural environment and open space and recreation facilities.

*5(a)(iv) 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 2.7 - Demolition
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 - Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater Management

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

The site is zoned LR1 under the *LLEP 2011*. The *LLEP 2013* defines the development as:

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

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

(ii) Clause 2.7 – Demolition

Clause 2.7 of the *LLEP 2013* states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council’s standard conditions relating to demolition are included in Attachment A.

(iii) Clause 4.3A - Landscaped areas for residential accommodation in Zone R1 & Clause 4.4 – Floor Space Ratio

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

Standard	Proposal	non compliance	Complies
<b>Floor Space Ratio</b> Maximum permissible: 0.9:1 or 252.18sqm	0.89:1 or 250.11sqm	Nil	Yes
<b>Landscape Area*</b> Minimum permissible: 20% or 56.04sqm	Nil*	100%*	No*
<b>Site Coverage</b> Maximum permissible: 60% or 168.12sqm	78.69% or 220.49sqm	31.15% or 52.37sqm	No

\* **A total Landscaped Area of 58.6sqm (21%) at least 1m wide and clear of any structures is proposed; however, pursuant to Clause 4.3A(4)(b)(ii), none of the proposed landscaped areas are included because the proposed external ground levels are greater than 500mm above existing ground level.**

(iv) Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A(3)(a)(ii) - Landscaped areas for residential accommodation in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential accommodation in Zone R1

Clause 4.3A(3)(a) - Landscaped areas for residential accommodation in Zone R1

The applicant seeks variations to the Landscaped Area and Site Coverage development standards under Clause 4.3A of the *LLEP2013* by 100% (56.04sqm) and 31.15% (52.37sqm), respectively.

The same objectives are applicable to both development standards under Clause 4.3A of the *LLEP 2013*.

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standards has been assessed against the objectives and provisions of Clause 4.6 of the *LLEP 2013* below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the *LLEP 2013* justifying the proposed contravention of the development standards, which is summarised as follows:

#### Landscaped Area

- The proposal has been designed to take advantage of the gradual slope from the front to the rear;
- The soft landscaping provided cannot strictly be included; however, the perceived total landscaped area is 20% (56.05sqm);
- The contravention is a small matter with no State or regional significance;
- The proposal poses no reduction to the public benefit;
- The proposed development is consistent with other developments in the lane;
- The proposal will make a positive contribution to the desired future character of the neighbourhood;
- Improved laneway appearance;
- The proposed areas of 'deep soil' landscaping will assist with the retention and absorption of surface drainage water;
- The proposed building footprint of the main dwelling is 9.7% (13.07m<sup>2</sup>) smaller than the existing;
- The impact of the proposed garage is minimised by adjusting site levels;
- The proposal provides a more functional private open space with soft landscaping and direct access from primary living areas at ground level;
- The proposal has no adverse impacts to adjoining sites not the public domain; and
- The proposal meets the objectives of the R1 zone and ensures that this site will continue to provide for the housing needs of the community.

#### Site Coverage

- The variation is minor;
- The footprint of the house is reduced;
- The proposal does not result in a change with regard to the dwelling setbacks;
- The proposal improves the amount of useable open space and soft planting areas;
- The contravention is a small matter with no State or regional significance;
- The proposed development is consistent with other developments in the lane;
- The proposal will make a positive contribution to the desired future character of the neighbourhood;
- Improved laneway appearance;
- The building bulk, form, and scale is consistent with the context;
- The development makes a positive contribution to the desired future character of the neighbourhood through the provision of improved off street parking and planting visible from the lane;
- The proposed new dwelling has been designed to improve upon the existing qualities identified in the streetscape and broader locale; and
- The proposal meets the objectives of the R1 zone and ensures that this site will continue to provide for the housing needs of the community.



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

The objectives of the Landscaped Area and Site Coverage development standards are as follows:

- *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.*

It is considered the development is in the public interest because it is consistent with the objectives of the standards, in accordance with Clause 4.6(4)(a)(ii) of the *LLEP2013* for the following reasons:

- The proposal provides Landscaped Areas that are suitable for substantial tree planting and for the use and enjoyment of residents;
- The proposal maintains and encourages a landscaped corridor between adjoining properties and is compatible with the desired future character;
- The proposal provides adequate retention and absorption of surface drainage water on the site;
- The proposal is of an acceptable density by way of complying with the Floor Space Ratio development standard, achieving compliant Landscaped Area if areas greater than 500mm above existing ground level could be included in the calculations, and a Site Coverage that is not out of character with the pattern of development in the street; and
- The proposal provides a suitable balance between private open space and built form.

The objectives of the R1 zone are as follows:

- *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.*
- *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 *LLEP 2013* for the following reasons:

- The development provides for the housing needs of the community;
- The development, as proposed and conditioned, provides housing that is compatible with the character, style, orientation and pattern of (existing and approved) surrounding buildings, streetscapes, works, Site Coverage and Landscaped Areas; and
- The development provides Landscaped Areas for the use and enjoyment of existing and future residents and does not result in any undue adverse amenity impacts.
- The proposed non-compliances will not result in any undue adverse amenity impacts on adjoining sites and improved on-site amenity outcomes.

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

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *LLEP 2013*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the Landscaped Area and Site Coverage development standards and it is recommended the Clause 4.6 exception be granted.

(v) Clause 5.10 - Heritage Conservation

The subject dwelling is a contributory dwelling, located within the 'The Valley Heritage Conservation Area' (C7 in Schedule 5 of the Leichhardt LEP 2013). The proposal, as amended, is generally acceptable from a heritage perspective as it will not detract from the significance of the 'The Valley Heritage Conservation Area', subject to the imposition of a recommended condition regarding the style of window in the proposed skillion dormer, which will ensure that the development is in accordance with this clause and the objectives and controls of the Leichhardt Development Control Plan 2013. A detailed heritage assessment is provided under the provisions of the LDCP 2013 under Heading 5c of this report.

(vi) Clause 6.1 - Acid Sulfate Soils

The lot is identified as being affected by class 5 acid sulfate soils. The proposed works will not lower the watertable below 1 metre AHD and is thereby satisfactory having regard to the provisions of Clause 6.1 of LLEP 2013.

(vii) Clause 6.2 – Earthworks

The proposal involves excavation of approximately 0.5 metres depth at the rear of the site. The area between the proposed additions to the dwelling and the rear boundary is proposed to be filled and raised by between, approximately, one (1) and three (3) metres to match the roof terrace level above the rear garage.

As outlined elsewhere in this report, the proposal will not result in undue amenity impacts to surrounding properties, nor disrupt drainage patterns. Council's Development Engineer raised no concerns with regard to this part of the proposal and, subject to Council's standard conditions, which are included in Attachment A, the proposal is considered satisfactory with regard to this clause.

(viii) Clause 6.4 - Stormwater management

The proposal generally complies with this clause. Council's Development Engineer has assessed the proposal and raised no concerns, subject to conditions, which are included in Attachment A.

## 5(b) Draft Environmental Planning Instruments

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

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

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

## 5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the 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	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	Yes, subject to conditions – see discussion below
C1.4 Heritage Conservation Areas and Heritage Items	Yes, subject to conditions – see discussion below
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes

C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	Yes, subject to conditions
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes, subject to conditions – see discussion below
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A – the rear of the site fronts Tobruk Avenue
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	Yes
<b>Part C: Place – Section 2 Urban Character</b>	
C.2.2.2.4: The Valley “Balmain” Distinctive Neighbourhood	Yes, subject to conditions – see discussion below
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes / No – see discussion below
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Yes – see discussion below
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes – see discussion below
C3.9 Solar Access	Yes / No – see discussion below
C3.10 Views	Yes
C3.11 Visual Privacy	Yes – see discussion below
C3.12 Acoustic Privacy	Yes, subject to conditions – see discussion below
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	
<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

<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	Yes
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	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
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	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
<b>Part F: Food</b>	N/A
<b>Part G: Site Specific Controls</b>	N/A

The following provides discussion of the relevant issues:

C1.3 Alterations and additions & C1.4 Heritage Conservation Areas and Heritage Items and C2.2.2.2 – The Valley “Balmain” Distinctive Neighbourhood and C3.4 Dormer Windows

As detailed above under Clause 5.10 – Heritage Conservation of the *LLEP 2013*, the site is located in a Heritage Conservation Area. It is also located within the ‘The Valley “Balmain” Distinctive Neighbourhood’.

In principle, the alterations and additions and works, as proposed and as recommended to be conditioned, will be of a form, size, scale, design and detail that will be compatible with and will not detract from the existing dwelling-house, the streetscape, nor the Heritage Conservation Area. As outlined elsewhere in this report, initially, Council’s Heritage Specialist raised concerns regarding the proposed dormer window to the rear roof plane of the existing dwelling; however, the amended plans and additional information submitted addressed most of the issues raised and Council’s Heritage Specialist supports the proposal, concluding that *“The proposal is acceptable from a heritage perspective as it will not detract from the heritage significance of The Valley Heritage Conservation Area”*, subject to conditions.

The following commentary was provided by Council’s Heritage Specialist with regard to the amended plans and additional information submitted.

The following heritage commentary is made in response to the revised architectural drawings prepared by Ballast Point, dated 20 July 2021. These drawings responded to the heritage commentary provided on 29 April 2021 in response to the original proposal, which was considered to be acceptable from a heritage perspective, subject to amendments.

Commentary from the original heritage referral is reiterated below in italics along with additional commentary in response to the revised drawings.

1. *It is recommended that the design be amended to incorporate the following design changes:*

a. *The proposed dormer window is to be redesigned to a traditional dormer form if a pitched roof is preferred. Alternatively, to reduce the height and bulk, the dormer is to be redesigned as a skillion type dormer and set a minimum 200mm below the ridge line, a minimum of 500mm from the side wall (ridgelines), and a minimum of 200mm up from the rear wall plate; and*

**Comment:** The proposed dormer window has been redesigned to a skillion type dormer generally in accordance with the above, which is acceptable from a heritage perspective.

b. *large expanses of glass are not to be used in areas visible from the public domain, e.g. the dormer window. Openings must be vertically proportioned, employing traditional design (timber sash) and materials (timber frame).*

**Comment:** The Materials Board shows black aluminium for windows and doors. It is recommended a condition be included in the consent requiring the window in the skillion dormer in the east (rear) elevation (W.04), must be a vertically proportioned, traditional design (timber sash) and materials (timber frame) and is to be painted white as it will be visible from the public domain and materials need to be complementary to characteristic materials used in the HCA.

2. *The applicant is encouraged to retain the:*

a. *original exterior walls adjacent to the existing bathroom and hall and the rear wall of the living area and incorporate into the addition. Should partial demolition be required, 300mm wall nibs and bulkheads should be retained and incorporated into the proposal; and*

b. *rear wing, including the roof form, and incorporate into the rear ground floor additions.*

**Comment:** No change. A better heritage outcome would be the retention of the existing rear wall at ground floor level, or at least retain nibs and header, and the rear wing of the dwelling. However, given the location at the centre of the site, and in the context of the proposed development, with the double garage proposed to the rear of the site, the works will not be visible from the public domain and will not affect the significance of The Valley HCA.

3. *The elevations and Materials Board are to be amended replacing the proposed timber battens to the garage door and entry door in the east elevation of the garage with more compatible materials, e.g. a roller door to the garage and a standard entry door.*

**Comment:** Amended to galvanised steel.

The proposal is acceptable from a heritage perspective as it will not detract from the heritage significance of The Valley Heritage Conservation Area. The design change condition below will need to be included in the consent to ensure the development is in accordance with Clause 5.10 Objectives 1(a) and (b) in the Leichhardt LEP 2013 and the relevant objectives and controls in the Leichhardt DCP 2013.

*The window in the skillion dormer in the east (rear) elevation (W.04), must be a vertically proportioned, traditional design (timber sash) and materials (timber frame) and is to be painted white.*

In summary, the proposed additions and works, as proposed and as conditioned, will be of a form, size, scale, materials, detail and general design and appearance that will be compatible with, and will not detract from, the existing dwelling-house, adjoining buildings and the Heritage Conservation Area and will satisfy the streetscape / heritage provisions of this part of the LLEP 2013 and those contained in the Leichhardt DCP 2013.

C1.11 Parking

The proposal generally complies with this part. Council’s Development Engineer has also assessed the proposal and raised no concerns, subject to the imposition of conditions, which are included in Attachment A.

C1.14 Tree Management

The proposal generally complies with this part. Council’s Arborist has assessed the proposal and raise no concerns, subject to conditions, which are included in Attachment A, noting the following:

*Although the applicant is applying for Clause 4.6 Exemption - Landscaped area, the deep soil areas could support 1 narrow tree or palm, as per the current Tree Management DCP requirement that nominates a canopy cover target of 40% for Land Zoning R1.*

As such conditions are included in the recommendation of this report requiring the provision of adequate on-site planting.

C3.2 Site Layout and Building Design

*Building Location Zone (BLZ)*

The proposal seeks to increase the rear setback of the ground floor, which is, as proposed, located behind the rear building alignment of the adjoining sites. As such, the proposed ground floor is located within the prescribed BLZ. No change is proposed with regard to the first floor BLZ. Therefore, the proposal complies.

*Side Boundary Setbacks*

A technical non-compliance with the side boundary setback graph as prescribed in C7 is proposed as identified in the below table.

Elevation	Proposed wall height (m)	Prescribed setback (m)	Proposed setback (m)	Complies
North (GF addition)	~ 3.9 – 4.1	0.64 – 0.75	Nil	No
North (garage, retaining wall, fence)	~ 3 – 3.9	0.12 – 0.64	Nil	No
South (GF addition)	~ 4.2 – 4.4	0.81 – 0.92	0.9	Yes and No
South (garage, retaining wall, fence)	~ 3.5 – 4.3	0.4 – 0.87	Nil	No

Control C8 states that Council may allow for a departure from the side setback control where:

- a. the proposal is consistent with the relevant Building Typology Statement as outlined in Appendix B of the DCP;
- b. the pattern of development in the streetscape is not compromised;
- c. the bulk and scale is minimised by reduced floor to ceiling heights;
- d. amenity impacts on adjoining properties are minimised and / or are acceptable; and
- e. reasonable access is retained for necessary maintenance of adjoining properties.

The proposed variations to the required side setback is considered acceptable on merit for the following reasons:

#### Dwelling

- With the exception of the addition of a skillion dormer, which is supported, the proposal retains the original roof form of the existing main building;
- Visibility from the public domain of the ground floor additions is minimised;
- The ground floor additions are set back further from the rear boundary compared with the existing. As such, bulk and scale impacts with regard to the northern side are reduced;
- Given that the existing ground floor at No. 44 Mullens Street has a lesser rear setback, the proposed additions will not be visible from this site. More importantly, the proposed ground floor additions have the same rear building alignment as the approved development under DA/2020/0735 at No. 44 Mullens Street;
- The proposal complies with the permitted FSR, BLZ and building envelope, provides acceptable site coverage, landscaped areas and private open space, and maintains reasonable ceiling heights; and
- As such, the proposal achieves a compatible bulk, form and scale that is consistent with the existing and desired future character along this section of Mullens Street;

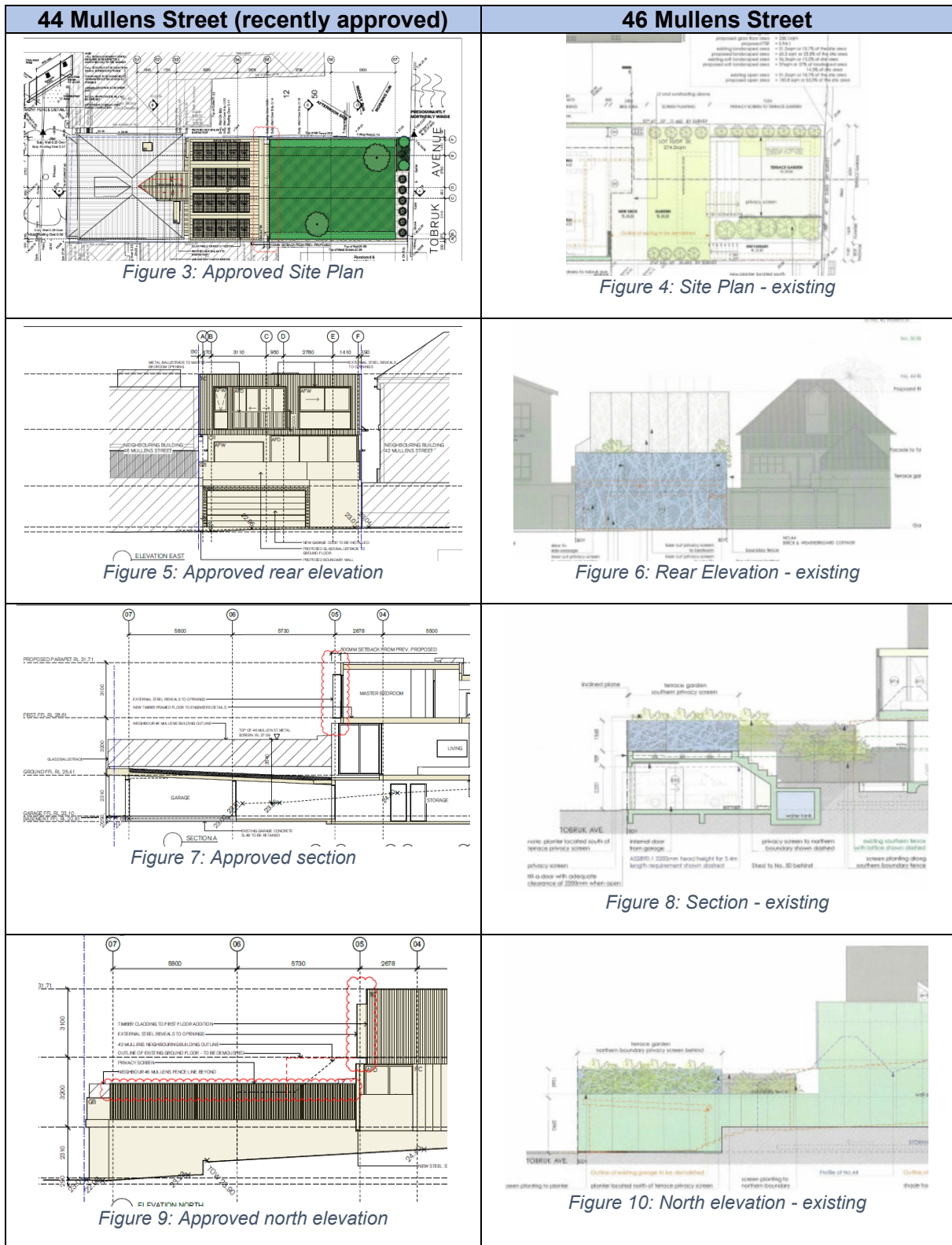
#### Raised Rear Yard, and Garage with Pool Terrace Above

- The proposed raised rear yard and garage with terrace above is of similar design and height and dimensions as the development at No. 46 Mullens Street and the recently approved development at No. 44 Mullens Street (featured below);
- No undue adverse amenity impacts will result from this part of the proposal. In this regard, the following is noted:
  - As outlined below, the proposal will not result in reduced solar access, as recently approved, at No. 44 Mullens Street and will not result in additional shadows cast onto other neighbouring sites;
  - As outlined below, the proposal will not result in undue visual and acoustic privacy impacts;
  - There will be no adverse bulk and scale impacts with regard to No. 44 Mullens Street as the finished level is similar to that recently approved at this site. In addition, it is noted that, even under existing conditions, the additional bulk along the southern boundary would not result in unreasonable bulk and scale as this would be largely screened by the existing rear ground floor addition at No. 44 Mullens Street or only impact the on-site parking at the rear of this property; and



- Bulk and scale to the raised rear deck at No. 40 Mullens Street will be reduced as the proposed retaining wall and fence adjacent to it is lower than the existing rear wing at No. 42 Mullens Street. Whilst there will be additional bulk impacts further to the rear, this is mostly adjacent to the parking space at No. 40 Mullens Street and a small landscaped area (2 metres in length) at ground level rearwards of the raised deck, which is the primary open space/outdoor recreation area at this site.

In addition, access arrangements for maintenance of adjoining properties will not be compromised and, as such, the proposal is considered acceptable on merit.



### C3.8 Private Open Space

The proposed private open space meets the numerical area and dimension requirements and is directly connected to the ground floor living area but is raised above existing ground level due to filling to match the roof terrace above the rear garage. However, the proposal is acceptable, given the proposed garage roof terrace level and associated boundary wall height are consistent with the existing adjoining garage roof terrace and associated boundary wall/fence height to the south at No. 46 Mullens Street and, as approved, at No. 44 Mullens Street. In addition, suitable privacy screening is proposed along the northern and southern boundaries to ensure that no undue adverse amenity impacts in terms of visual and acoustic privacy arise to adjoining properties.

### C3.9 Solar Access

The following controls with regard to solar access of neighbouring properties apply:

- *C12 Where the surrounding allotments are orientated east/west, main living room glazing must maintain a minimum of two hours solar access between 9am and 3pm during the winter solstice.*
- *C15 Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*
- *C18 Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.*
- *C19 Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

As shown on the submitted shadow diagrams, the proposal will not result in additional shadows cast onto main living room glazing on adjoining sites. With regard to solar access to neighbouring private open space, it is noted that only the private open space at No. 44 Mullens Street will be affected by the proposal.

As shown in the table below, the proposal will result in additional overshadowing that results in a non-compliance with the applicable controls to this private open space when considering the existing finished levels at No. 44 Mullens Street. With regard to the size of the private open space at No. 44 Mullens Street, it is noted that the submitted shadow diagrams do not clearly depict the current area and size of private open space at No. 44 Mullens Street as the existing parking spaces are not depicted. The calculations below are based on the existing private open space area, which has been calculated based on the survey (Figure 3) submitted as part of the recently approved DA at this site (DA/2020/0735).

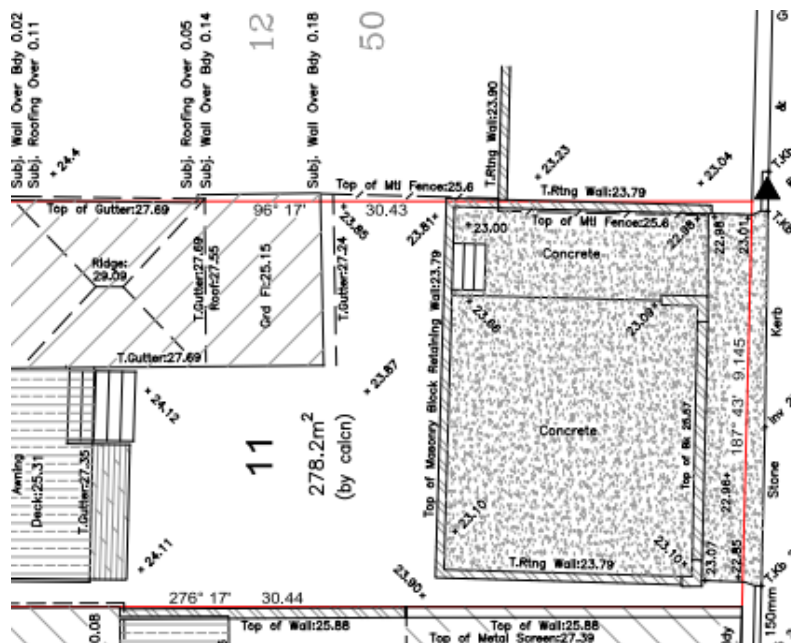


Figure 11: Survey submitted as part of DA/2020/0735

Time	POS size (sqm)	Existing Solar Access to POS (sqm)	Existing Solar Access to POS (%)	Proposed Solar Access to POS (sqm)	Proposed Solar Access to POS (%)	Change (sqm)	Existing Solar Access Retained (%)
9:00am	52.5	23.6	44.95%	0.9	1.71%	-22.7	3.81%
10:00am	52.5	21.9	41.71%	11.7	22.29%	-10.2	53.42%
11:00am	52.5	19	36.19%	14.6	27.81%	-4.4	76.84%
12:00pm	52.5	12.5	23.81%	11.9	22.67%	-0.6	95.20%
13:00pm	52.5	2.2	4.19%	2.5	4.76%	0.3	100%
14:00pm	52.5	0	0.00%	0	0.00%	0	0
15:00pm	52.5	0	0.00%	0	0.00%	0	0
<b>Total</b>		<b>79.2</b>	<b>21.55%</b>	<b>41.6</b>	<b>11.32%</b>	<b>-37.6</b>	<b>52.53%</b>

Notwithstanding the above, the proposal would result in a net increase in solar access to the private open space at No. 44 Mullens Street, and will comply with the applicable controls, under the future conditions, which are based on the subject proposal and the recently approved development under DA/2020/0735 at No. 44 Mullens Street.

As a result, the proposal is considered acceptable with regard to this part.

C3.11 Visual Privacy

The following controls are applicable:

- C1 Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.
- C2 Sill heights and screening devices should be provided to a minimum of 1.6m above finished floor level. Screening devices should have reasonable density (i.e. 75%) and have no individual opening more than 30mm wide, and have a total area of

*all openings that is less than 30 per cent of the surface area of the screen and be made of durable materials*

- *C4 Roof terraces will be considered where they do not result in adverse privacy impacts to surrounding properties. This will largely depend on the:*
  - *Design of the terrace;*
  - *The existing privacy of the surrounding residential properties;*
  - *Pre-existing pattern of development in the vicinity; and*
  - *The overlooking opportunities from the roof terrace.*
- *C7 New windows should be located so they are offset from any window (within a distance of 9m and 45 degrees) in surrounding development, so that an adequate level of privacy is obtained/retained where such windows would not be protected by the above controls (i.e. bathrooms, bedrooms).*
- *C10 Living areas are to be provided at ground floor level to minimise opportunities for overlooking of surrounding residential properties.*

The proposed raised levels at the rear, which includes the pool terrace over the garage, are considered acceptable, given that suitable privacy screening will be provided to the southern and northern boundaries. Therefore, no undue adverse impacts will arise to adjoining properties. In addition, it is noted that the finished level (RL25.7) at the rear at No. 44 Mullens Street, as recently approved, is similar to that of the proposed pool terrace, which is RL25.92.

With regard to the northern property, No. 40 Mullens Street, it is noted that the proposed fence/privacy screen has a height of 1.52 metres above the finished level of the pool terrace. Therefore, the proposal, technically, does not comply with C2. However, given that the northern edge of the pool terrace is set back by approximately 900mm from the northern boundary, which will improve visual privacy, the minor non-compliance with C2 is considered acceptable in this instance.

Given that there are no windows along the shared boundary on the adjoining site to the south, the proposed new windows to the ground floor southern elevation comply with this part. No new windows are proposed to the first floor and the proposed skillion dormer to the rear is not aligned with any windows on adjoining sites within 9 metres and 45 degrees.

In light of the above, the proposal is considered acceptable regarding visual privacy impacts.

### C3.12 Acoustic Privacy

The following controls are applicable:

- *C3 Noise generating areas that are not contained within buildings, such as private outdoor open space, parking and service equipment, are located and oriented away from bedroom windows on adjoining sites.*
- *C6 Electrical, mechanical or hydraulic plant achieves a maximum noise level of 5dBa above background sound levels at the boundary of the site.*
- *C8 Private open space is encouraged to be located away from bedrooms on adjoining properties to ensure minimal acoustic impacts.*

The location of the proposed private open space is consistent with other development and where it can be reasonably expected, i.e., at the rear of the site. The proposed pool is sufficiently set back from bedroom windows on adjoining sites. A condition is included in Attachment A to ensure that the proposed pool equipment does not exceed the noise levels prescribed in C6.

As such, subject to recommended conditions, the proposal is considered acceptable regarding acoustic privacy impacts.

#### 5(d) The Likely Impacts

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

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

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

#### 5(f) Any submissions

The application was notified in accordance with Council's Community Engagement Framework for a period of 14 days to surrounding properties.

No submissions were received in response to the notification.

#### 5(g) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Heritage
- Urban Forest
- Development Engineer

### 6(b) External

- Nil

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$6,106.00 would be required for the development under the 'Former Leichhardt Local Government Area 7.12 Developer Contributions Plan 2020'. 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 the *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 a written request, pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013*, to vary the Landscape Area and Site Coverage development standards in Clause 4.3(a)(ii) and 4.3(b) of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2021/0257 for ground, first and attic level alterations and additions to an existing two storey dwelling-house, new garage and terrace over and pool at rear, and associated works at 42 Mullens Street BALMAIN 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
DA-A11 Rev B	EXISTING PLANS GROUND AND LEVEL 01	20/07/2021	Ballast Point.
DA-A12 Rev B	EXISTING PLANS ROOF	20/07/2021	Ballast Point.
DA-D01 Rev B	BASEMENT Rev B	20/07/2021	Ballast Point.
DA-D02 Rev B	GROUND FLOOR PLAN	20/07/2021	Ballast Point.
DA-D03 Rev B	FIRST FLOOR PLAN	20/07/2021	Ballast Point.
DA-D04 Rev B	ATTIC FLOOR PLAN	20/07/2021	Ballast Point.
DA-D05 Rev B	ROOF PLAN	20/07/2021	Ballast Point.
DA-E01 Rev B	ELEVATIONS NORTH AND SOUTH	20/07/2021	Ballast Point.
DA-E02 Rev B	ELEVATIONS EAST AND WEST	20/07/2021	Ballast Point.
DA-F01 Rev B	SECTIONS A B AND C	20/07/2021	Ballast Point.
DA-M01 Rev B	MATERIALS BOARD	20/07/2021	Ballast Point.
MB119-H01 Issue 1	PROPOSED STORMWATER DRAINAGE	08/12/2020	Clapham Design Services
A397288_03	BASIX	01/04/2021	Ballast Point PL

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 window in the skillion dormer in the east (rear) elevation (W.04), must be a vertically proportioned, traditional design (timber sash) and materials (timber frame) and is to be painted white.

**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>	\$2,209.00
<b>Inspection Fee:</b>	\$236.70

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

#### 4. Section 7.12 (formerly section 94A) Development Contribution Payments

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with the *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*.

Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount\*:

\$6,106.00

\*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000))**. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **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.

#### 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. 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.

#### 7. Tree Protection

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

#### 8. 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.

#### **9. 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.

#### **10. 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.

#### **11. 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.

#### **12. Works Outside the Property Boundary**

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

### **PRIOR TO ANY DEMOLITION**

#### **13. Hoardings**

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

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

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

#### **14. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of the adjoining properties at No. 40 Mullens Street and No. 44 Mullens Street to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

#### **15. Advising Neighbors Prior to Excavation**

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

#### **16. Construction Fencing**

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

### **PRIOR TO CONSTRUCTION CERTIFICATE**

#### **17. 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.

#### **18. 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 detention (OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The Stormwater Drainage Concept plan on Drawing No. MB119-H01 prepared by CLAPHAM DESIGN SERVICES and dated 8 December 2020, must be amended to comply with the following;
- b. Stormwater runoff from all roof areas within the property 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 a public road;
- 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. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;
- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- f. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP;
- g. Where an On-site Stormwater Retention/re-use storage is proposed, only roof water is permitted to be connected to the storage tank. The over flow from the storage tank must be connected under gravity to Tobruk Avenue. Stormwater outlet pipe at a lower level of the storage tank is not required.
- h. 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;
- i. As there is no overland flow/flood path available from the rear and central courtyards to the Tobruk Avenue frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
  1. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
  2. The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building; and
  3. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- 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. No nuisance or concentration of flows to other properties;

- m. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- n. The design 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;
- o. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- p. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- q. 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 4.0 mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm;
- r. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- s. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- 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; and
- u. No impact to street tree(s).

#### **19. Parking Facilities - Domestic**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
- b. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;

- d. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 5600 mm (length x width) and a minimum door opening width of 5600 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;
- e. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;
- f. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004;
- g. The pedestrian entry door must be setback from the rear property boundary by at least minimum 900 mm to provide a landing/refuge area for pedestrians entering/exiting the property and sight lines between vehicles and pedestrians as there limited footpath is available; and
- h. The external form and height of the approved structures must not be altered from the approved plans.

#### **20. 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.

#### **21. 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****22. 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.

**23. 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****24. Public Domain Works**

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

- a. Light/Heavy duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone; and
- c. Other works subject to the *Roads Act 1993* approval.

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

**25. 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.

**26. Protect Sandstone Kerb**

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

**27. Parking Signoff – Minor Developments**

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

**28. 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 one (1) x 75 litre size tree/palm, which will attain a minimum mature height of six (6) metres, has been planted in a suitable location within the property, allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

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.

**ON-GOING****29. Tree Establishment**

The tree/s planted as part of this consent is/are to be maintained in a healthy and vigorous condition for 12 months from the issue of an Occupation Certificate. If any of the tree/s is/are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate it/they must be replaced with the same species within one (1) month (up to 3 occurrences).

## **ADVISORY NOTES**

### **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.

### **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.

**Tree Protection Works**

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

**Tree Pruning or Removal (including root pruning/mapping)**

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

**Prescribed Conditions**

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

**Notification of commencement of works**

At least 7 days before any demolition work commences:

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

**Storage of Materials on public property**

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

**Toilet Facilities**

The following facilities must be provided on the site:

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

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

**Infrastructure**

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

**Other Approvals may be needed**

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

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

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

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

#### **Disability Discrimination Access to Premises Code**

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

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

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

#### **Notification of commencement of works**

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

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

#### **Dividing Fences Act**

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

### Swimming Pools

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

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

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

### 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.

#### **Construction of Vehicular Crossing**

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

#### **Lead-based Paint**

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



**Dial before you dig**

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

**Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm	
	<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	



[www.sydneywater.com.au](http://www.sydneywater.com.au)

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.

Attachment B – Plans of proposed development

DRAWING REG'S I/LR	DWG NO.	DRAWING TITLE	SCALE
<b>1. INTRODUCTORY DOCUMENTS</b>			
DA-A00		COVER SHEET AND DRAWING LIST	N/T
DA-A01		BASIC SUMMARY & AREA CALCULATIONS	1:250 @ A3
DA-A02		SITE PLAN	1:200 @ A3
DA-A11		EXISTING PLANS, GROUND AND LEVEL 01	1:100 @ A3
DA-A12		EXISTING PLANS, ROOF	1:100 @ A3
<b>2. GENERAL ARRANGEMENTS</b>			
DA-D01		BASIS PLAN	1:100 @ A3
DA-D02		GROUND FLOOR PLAN	1:100 @ A3
DA-D03		FIRST FLOOR PLAN	1:100 @ A3
DA-D04		ATTIC FLOOR PLAN	1:100 @ A3
DA-D05		ROOF PLAN	1:100 @ A3
DA-E01		ELEVATIONS NORTH AND SOUTH	1:100 @ A3
DA-E02		ELEVATIONS EAST AND WEST	1:100 @ A3
DA-F01		SECTIONS A, B AND C	1:100 @ A3
<b>3. APPENDICES</b>			
DA-M01		MATERIALS BOARD	1:100 @ A3
DA-P01		CAR PARKING AND VEHICLE CROSSING	1:150 @ A3
DA-P02		CAR PARKING AND VEHICLE CROSSING	1:25 @ A3
DA-S01		SHADOW DIAGRAMS - 21 JUNE 9AM	1:200 @ A3
DA-S02		SHADOW DIAGRAMS - 21 JUNE 10AM	1:200 @ A3
DA-S03		SHADOW DIAGRAMS - 21 JUNE 11AM	1:200 @ A3
DA-S04		SHADOW DIAGRAMS - 21 JUNE 12PM	1:200 @ A3
DA-S05		SHADOW DIAGRAMS - 21 JUNE 1PM	1:200 @ A3
DA-S06		SHADOW DIAGRAMS - 21 JUNE 2PM	1:200 @ A3
DA-S07		SHADOW DIAGRAMS - 21 JUNE 3PM	1:200 @ A3
<b>4. CONSULTANT DOCUMENTATION</b>			
200119		SITE SURVEY	1:200 @ A3

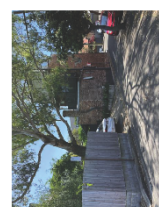
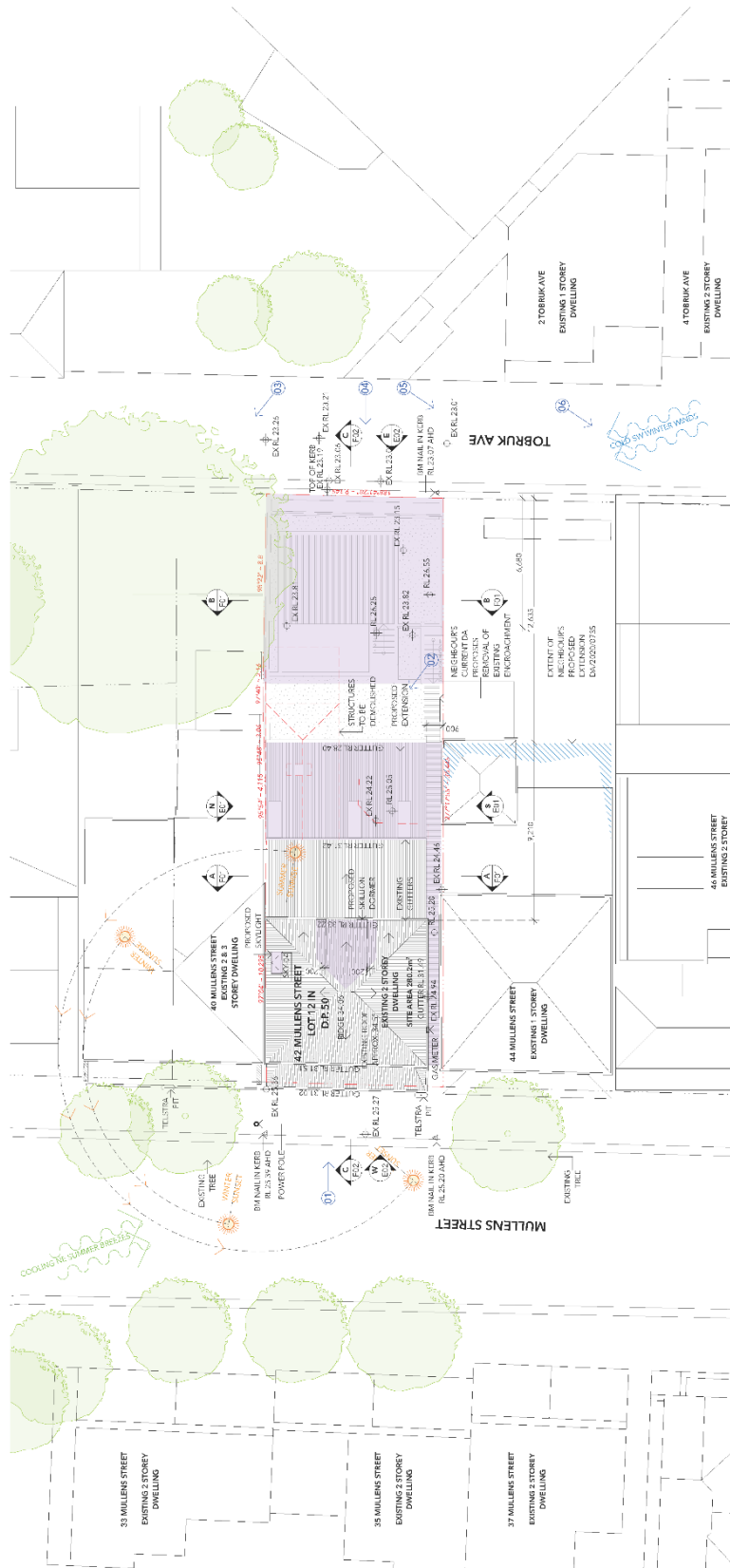


REV / DATE	DESCRIPTION	SCALE
A - 02/20	FOR DISCUSSION / APPLICATION	N/T
B - 28/21	FOR ENGINEER'S	N/T

DRAWING TITLE: INTRODUCTORY DOCUMENTS  
 COVER SHEET AND DRAWING LIST  
 PROJECT NO.: M0042  
 PROJECT: MULLENS ST RESIDENCE  
 42 MULLENS ST BALMAIN  
 LOT 12 D15-50  
 S.I.A.I.R. DEVELOPMENT APPLICATION  
 DRAWING NO.: DA-A00  
 CLIENT: ANTHONY CHANDRA & SARAH DUGINAN  
 ISSUE DATE: 10/12/20  
 REVISED BY:

**Ballast Point.**  
 46 Seane St Balmain  
 T: +61 2 9155 0946  
 all qualified tradesmen - joiners  
 and carpenters  
 1000-1000-1000





REV	DATE	DESCRIPTION	SCALE
A	10/12/20	FOR DEVELOPMENT APPLICATION	1:200 (W.A.)
B	20/01/21	COMPLIMENTARY	

PROJECT	PROJECT NO.	DRAWING TITLE
MULLENS ST RESIDENCE 42 MULLENS STREET MAIN LOT 12 DP 50	MU042	INTRODUCTORY DOCUMENTS SITE PLAN

CLIENT	DRAWING NO.	ISSUED	REVISION
ANTHONY CHANDRA & SARAH DUGNAN	DA-A02	10/12/20	B

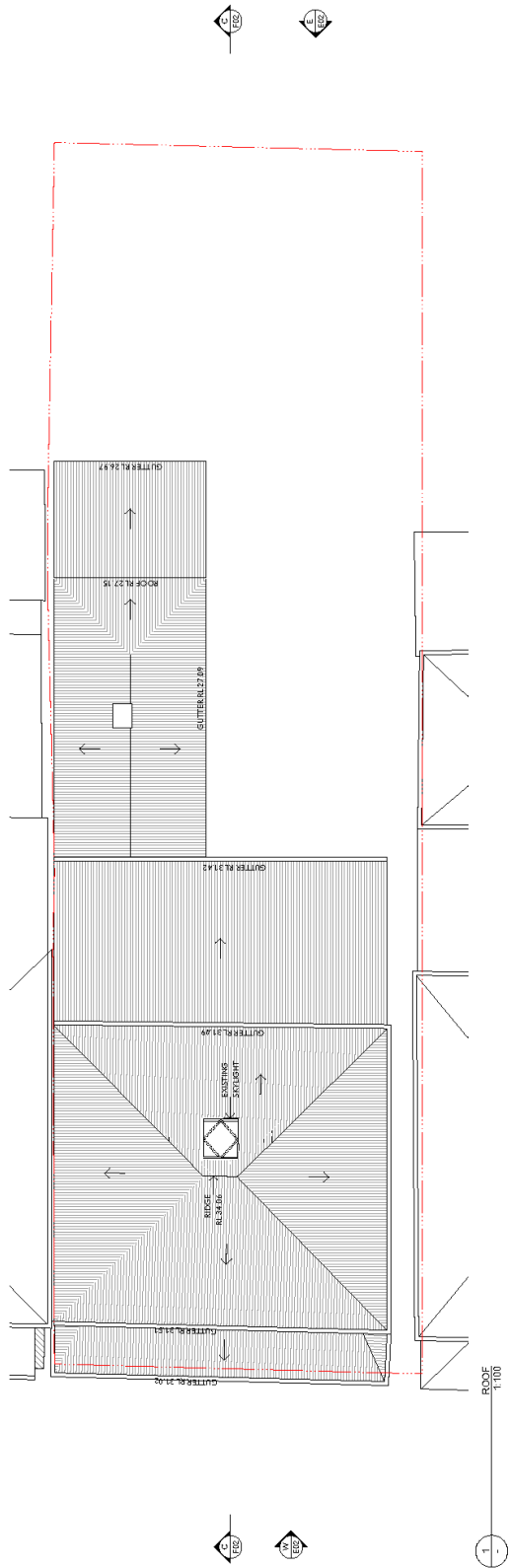
  

KEY	PROPOSED ADDITIONS / ADDITIONS
[Solid Grey]	EXISTING NEIGHBOURS TO BE RETAINED
[Dotted Grey]	EXISTING NEIGHBOURS TO BE DISMANTLED
[Red Dotted]	EXISTING TREES TO BE RETAINED
[Green Dotted]	EXISTING TREES TO BE REMOVED
[Blue Dotted]	EXISTING SITE PHOTOGRAPHY

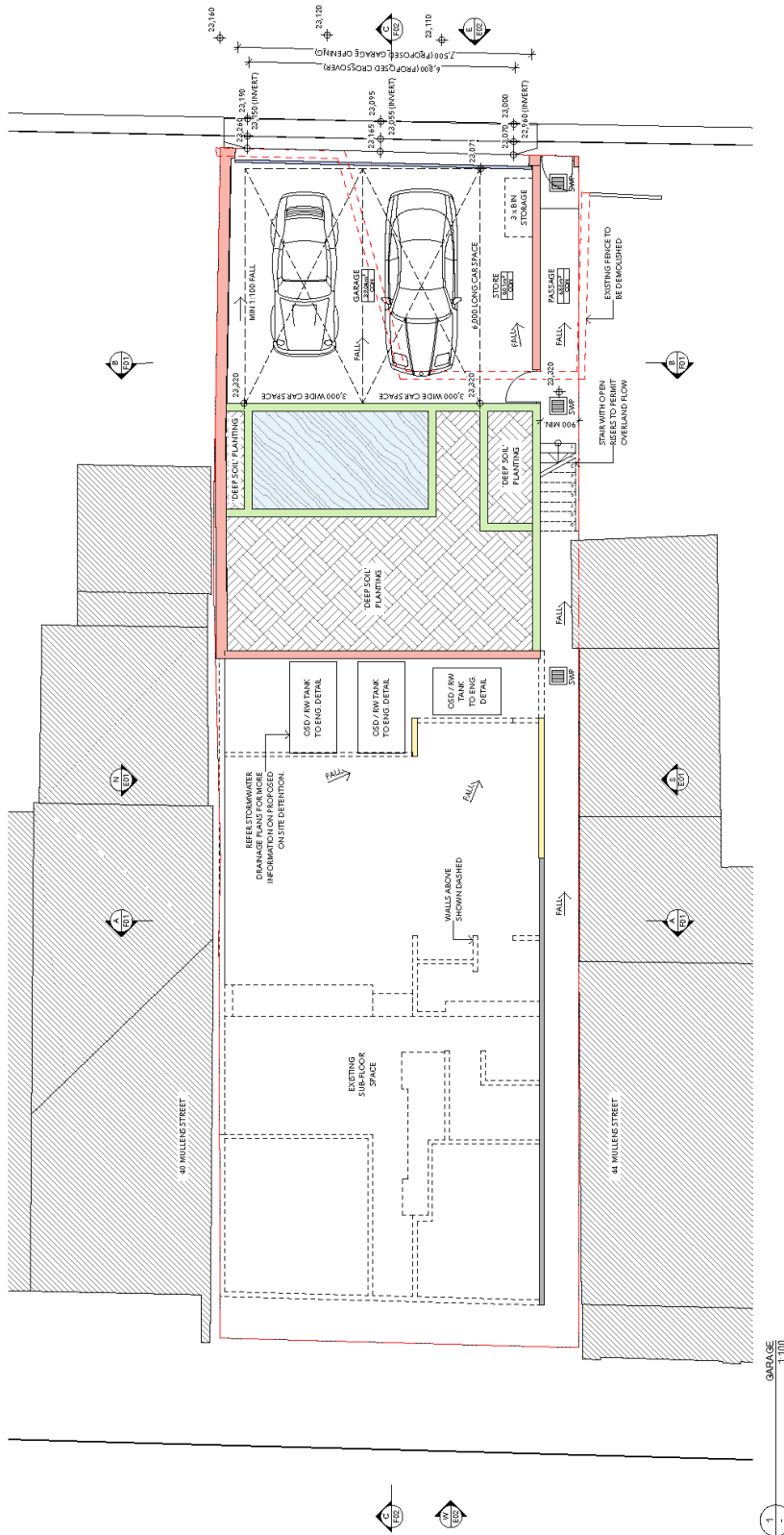
  

VIEW	DESCRIPTION
01	VIEW FROM TORBRUK AVE
02	VIEW FROM TORBRUK AVE
03	VIEW FROM TORBRUK AVE
04	VIEW FROM TORBRUK AVE
05	VIEW FROM TORBRUK AVE
06	VIEW FROM TORBRUK AVE



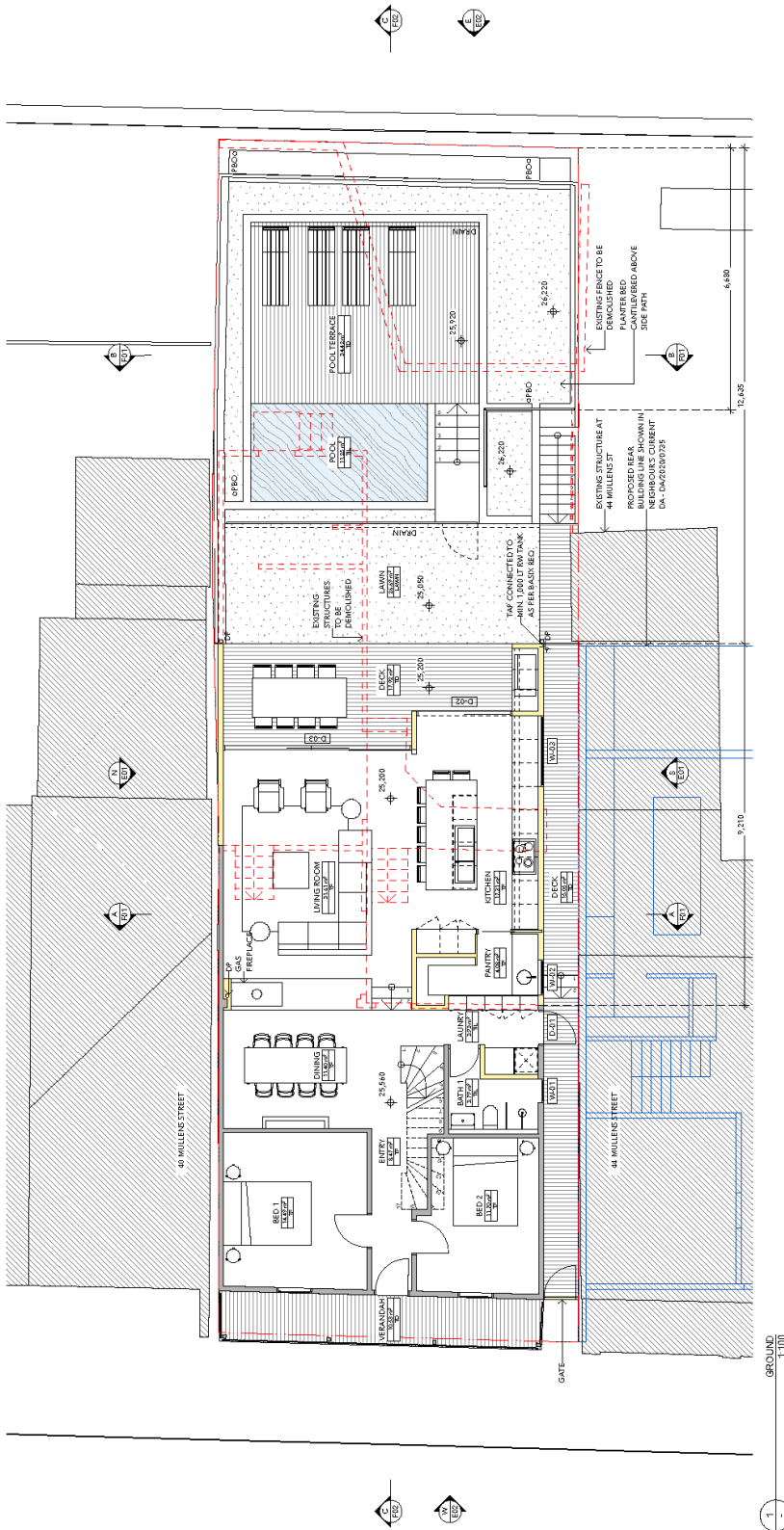


<p><b>Ballast Point.</b>                  46 Basmis St Balmain                  T: 4612 7115 6111                  E: info@ballastpoint.com.au                  ballastpoint.com.au</p>		<p><b>KEY</b></p> <ul style="list-style-type: none"> <li>--- EXISTING STRUCTURES TO BE DEMOLISHED</li> <li>--- EXISTING STRUCTURES TO BE MAINTAINED</li> <li>--- EXISTING CONCRETE STRUCTURE</li> <li>--- PROPOSED TIMBER FRAMED STRUCTURE</li> <li>--- PROPOSED METAL STRUCTURE</li> <li>--- PROPOSED GLAZING</li> </ul>	<p><b>FINISH/LEGEND</b></p> <ul style="list-style-type: none"> <li>AWN AWNING</li> <li>BKG BRICK GABLE</li> <li>BK FACE BRICK</li> <li>CON CONCRETE</li> <li>DP DOWN PIPE</li> <li>EL EXTERNAL LINNIS</li> <li>FR FRAMING</li> <li>FRN FRACE</li> </ul>	<p><b>GRID</b></p> <ul style="list-style-type: none"> <li>GR GRATED DRAIN</li> <li>MC METAL CLADDING</li> <li>PAV PAVING</li> <li>PT PAINT FINISH</li> <li>RWC RAIN WATER OUTLET</li> <li>SC METAL SHEET ROOF</li> </ul>	<p><b>REVISIONS</b></p> <table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>A</td> <td>10.12.20</td> <td>FOR DEVELOPMENT APPLICATION</td> </tr> <tr> <td>B</td> <td>20.12.21</td> <td>AMENDMENTS</td> </tr> </table>	REV	DATE	DESCRIPTION	A	10.12.20	FOR DEVELOPMENT APPLICATION	B	20.12.21	AMENDMENTS	<p><b>SCALE</b> 1:100 @ A3</p>	<p><b>PROJECT</b>                  MULLENS ST RESIDENCE                  42 MULLENS ST BALMAIN                  LOT 72 DP 50</p> <p><b>CLIENT</b>                  ANTHONY CHANDRA &amp; SARAH DAUGMAN</p>	<p><b>PROJECT NO.</b> M1042</p> <p><b>DRAWING TITLE</b>                  INTRODUCTORY DOCUMENTS                  EXISTING PLANS ROOF</p> <p><b>STATUS</b>                  DEVELOPMENT APPLICATION</p> <p><b>DRAWING NO.</b>                  DA-A12</p> <p><b>ISSUED</b>                  10.12.20</p> <p><b>REVISION</b>                  B</p>
REV	DATE	DESCRIPTION															
A	10.12.20	FOR DEVELOPMENT APPLICATION															
B	20.12.21	AMENDMENTS															



<p><b>Ballast Point.</b> 4/6 Bambera St, Baulabain T: 4412 7715 6747 M: 0800 666 666 ballastpoint.com.au ballastpoint.com.au</p>		<p><b>KEY</b></p> <ul style="list-style-type: none"> <li>EXISTING STRUCTURES TO BE DEMOLISHED</li> <li>EXISTING STRUCTURES TO BE MAINTAINED</li> <li>PROPOSED CONCRETE STRUCTURE</li> <li>PROPOSED TIMBER FRAMED STRUCTURE</li> <li>PROPOSED METAL STRUCTURE</li> <li>PROPOSED GLAZING</li> </ul>	<p><b>FINISHES/LEND</b></p> <ul style="list-style-type: none"> <li>AWN AWNING</li> <li>BRK FACE BRICK</li> <li>CON CONCRETE</li> <li>DP DOWN PIPE</li> <li>EL EXTERNAL LINNIS</li> <li>FIN FINISH</li> </ul>	<p><b>GRID</b></p> <ul style="list-style-type: none"> <li>GRATED DRAIN</li> <li>MU METAL CLADDING</li> <li>MC METAL CLADDING</li> <li>PAV PAVING</li> <li>PT PAINT FINISH</li> <li>RWC ROOF WATER OUTLET</li> <li>ST STEEL SHEET ROOF</li> </ul>	<p><b>SB</b></p> <ul style="list-style-type: none"> <li>STEEL BEAM</li> <li>SCR SCREEN</li> <li>SKR SKY LIGHT</li> <li>SP/WB SP/WOOD BOARD</li> <li>TF TIMBER FLOORING</li> <li>TIL TILE</li> <li>WC WALL CLADDING</li> </ul>	<p><b>REV</b> DATE DESCRIPTION</p> <p>A 10/12/20 FOR DEVELOPMENT APPLICATION</p> <p>B 20/12/21 CHANGES</p>	<p><b>SCALE</b> 1:100 @ A3</p>	<p><b>PROJECT NO.</b> MUD42</p> <p><b>PROJECT</b> MULLENS ST RESIDENCE 42 MULLENS ST BALMAIN LOT 72 DP 50</p> <p><b>CLIENT</b> ANTHONY CHANDRA &amp; SARAH DAUGMAN</p>	<p><b>DRAWING TITLE</b> GENERAL ARRANGEMENTS BASEMENT</p> <p><b>STATUS</b> DEVELOPMENT APPLICATION</p> <p><b>DRAWING NO.</b> DA-D01</p>	<p><b>ISSUED</b> 10/12/20</p> <p><b>REVISION</b> B</p>
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**Ballast Point.**  
46 Bamba St Ballarat  
T: 41 715 8111  
M: 08 9492 8888  
ballastpoint.com.au  
ballastpoint.com.au

**Ballast Point.**

REV	DATE	DESCRIPTION	SCALE	PROJECT NO.	DRAWING TITLE
A	10/12/20	FOR DEVELOPMENT APPLICATION	1:100 @ A3	M/D042	GENERAL ARRANGEMENTS
B	20/12/21	AMENDMENTS			GROUND FLOOR PLAN

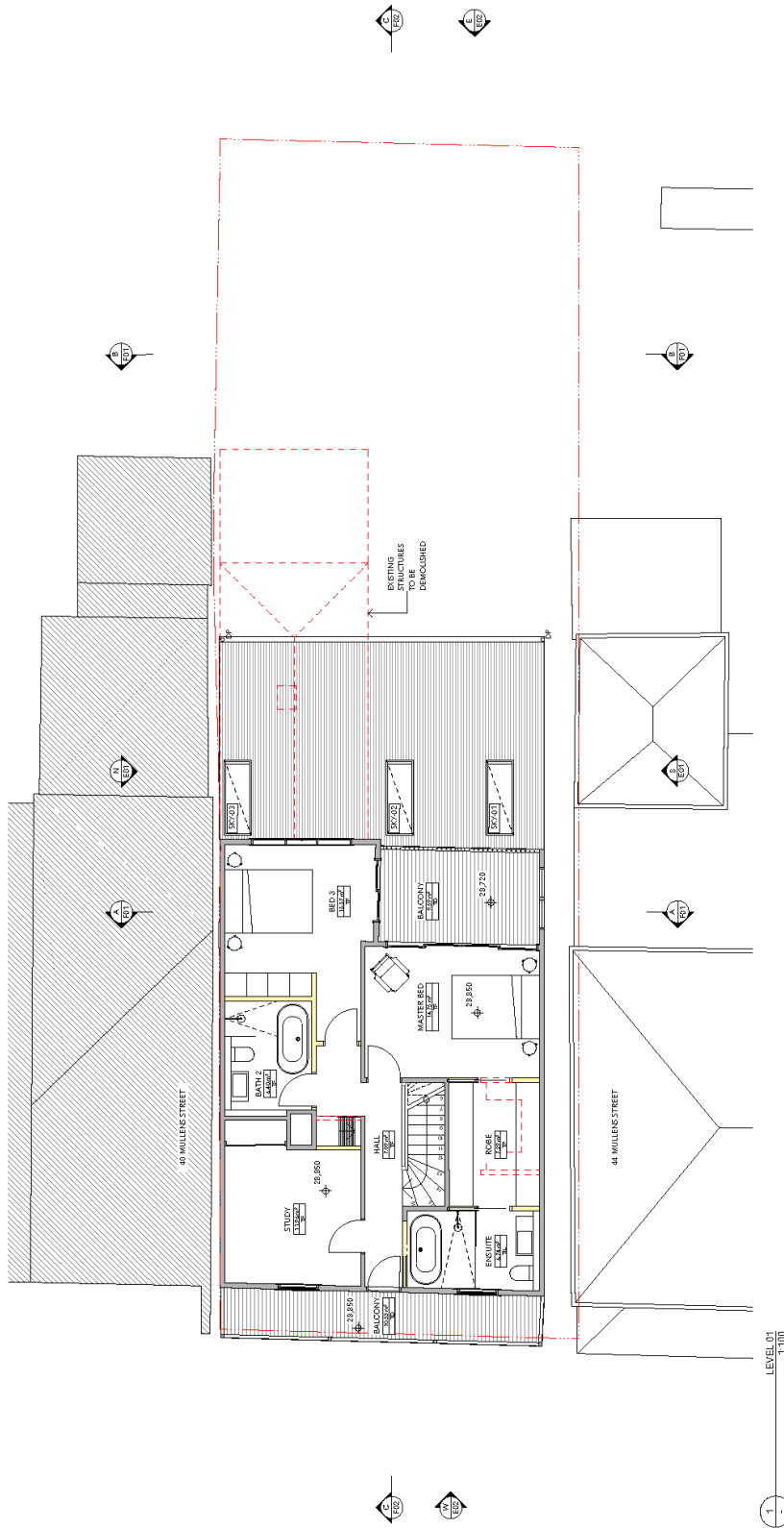
STATUS	ISSUED
DEVELOPMENT APPLICATION	10/12/20
DRAWING NO.	REVISION
DA-D02	B

PROJECT	CLIENT
MULLENS ST RESIDENCE 42 MULLENS ST BALMAIN LOT 72 DP 50	ANTHONY CHANDRA & SARAH DAUGMAN

DESCRIPTION	SCALE
FOR DEVELOPMENT APPLICATION	1:100 @ A3

KEY	DESCRIPTION
---	EXISTING STRUCTURES TO BE DEMOLISHED
---	EXISTING STRUCTURES TO BE MAINTAINED
---	EXISTING CONCRETE STRUCTURE
---	PROPOSED TIMBER FRAMED STRUCTURE
---	PROPOSED METAL STRUCTURE
---	PROPOSED GLAZING

FINISH/LEADER	SYMBOL
AWN	STEEL BEAM
BRK	SCREEN
CON	SKYLIGHT
DP	DOWN PIPE
EL	EXTERNAL LINISH
FIN	FRACE
GR	GRAVEL
HD	HEAVY DUTY
MC	METAL CLADDING
PAV	PAVING
PT	PAINT FINISH
RWC	RAIN WATER OUTLET
ST	STEEL SHEET PILING
TR	TIMBER FLOORING
TL	TILE
WC	WATER CLOSET



**Ballast Point.**  
46 Basmia St, Balmain  
T: 4612 7115 (M/F)  
H: 4612 7115 (M/F)  
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ballastpoint.com.au

**KEY**

- EXISTING STRUCTURES TO BE DEMOLISHED
- EXISTING STRUCTURES TO BE MAINTAINED
- EXISTING CONCRETE STRUCTURE
- PROPOSED TIMBER FRAMED STRUCTURE
- PROPOSED METAL STRUCTURE
- PROPOSED GLAZING

**FINISHES/LEND**

- AWN AWNING
- BRK BRICK
- CON CONCRETE
- DP DOWN PIPE
- EL EXTERNAL LINENS
- FRM FRAMING
- FRN FRACE

**CD**

- GRATED DRAIN
- METAL CLADDING
- MACHINERY PAVING
- PAINT FINISH
- RAIN WATER OUTLET
- RWC RAIN WATER COLLECTION
- ST METAL SHEET ROOF

**SB**

- STEEL BEAM
- SCREEN
- SKYLIGHT
- TILE
- TIMBER FLOORING
- WC TOILET PAN

**REV**

REV	DATE	DESCRIPTION
A	10/12/20	FOR DEVELOPMENT APPLICATION
B	20/1/21	CHANGES

**SCALE**

1:100 @ A3

**PROJECT**

MULLENS ST RESIDENCE  
42 MULLENS ST BALMAIN  
LOT 72 DP 50

**CLIENT**

ANTHONY CHANDRA & SARAH DAUGMAN

**DRAWING TITLE**

GENERAL ARRANGEMENTS  
FIRST FLOOR PLAN

**STATUS**

DEVELOPMENT APPLICATION

**DRAWING NO.**

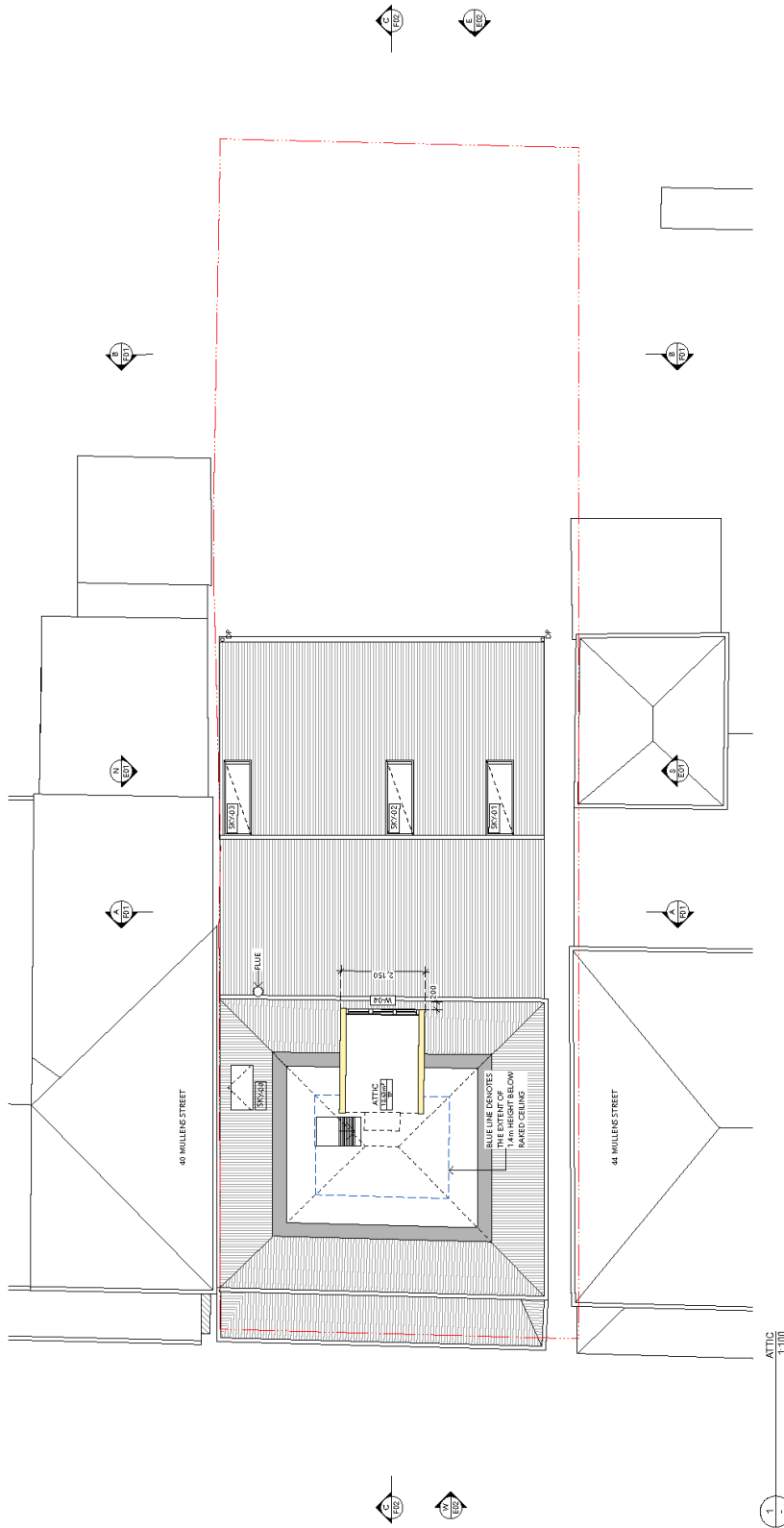
DA-D03

**ISSUED**

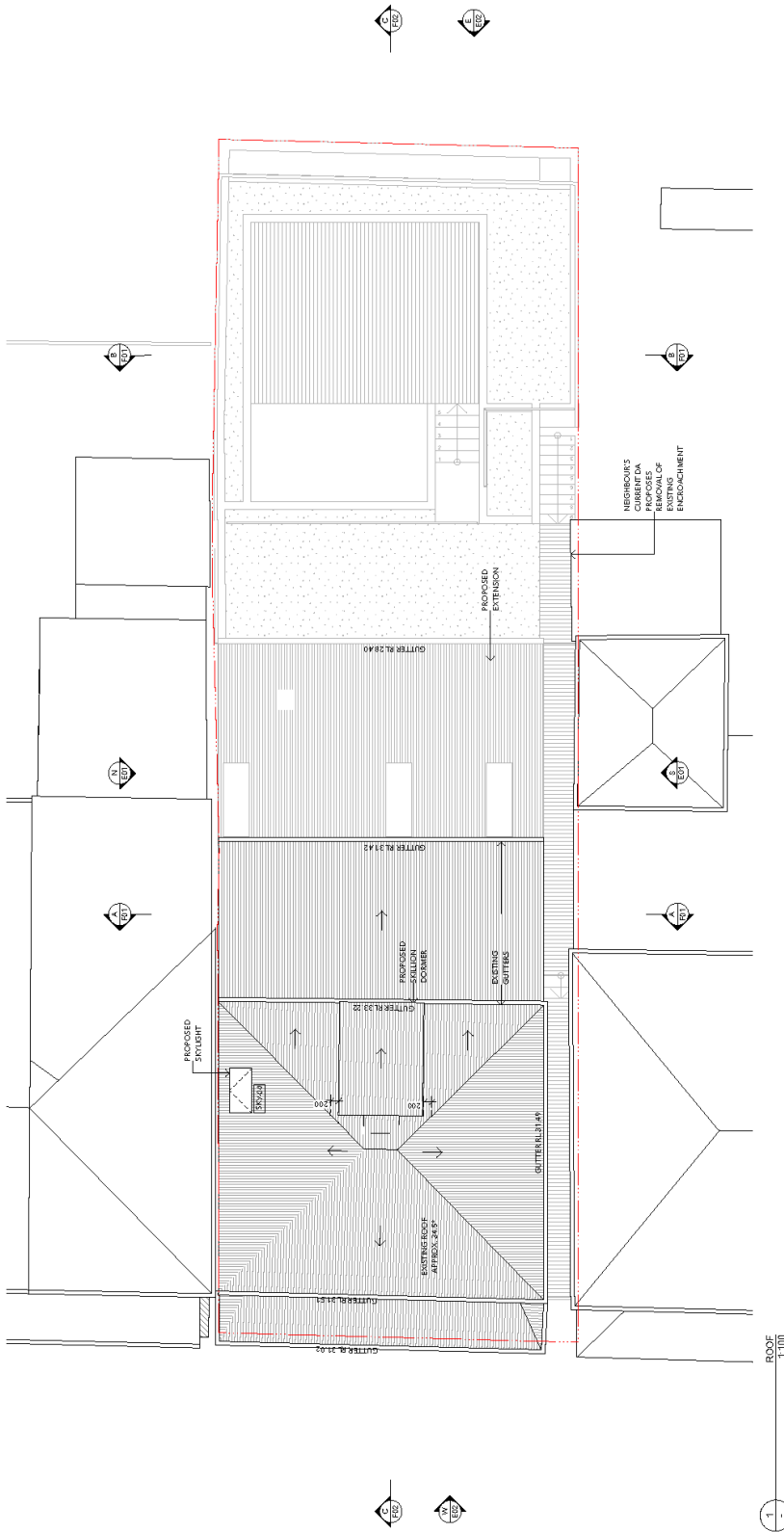
10/12/20

**REVISION**

B

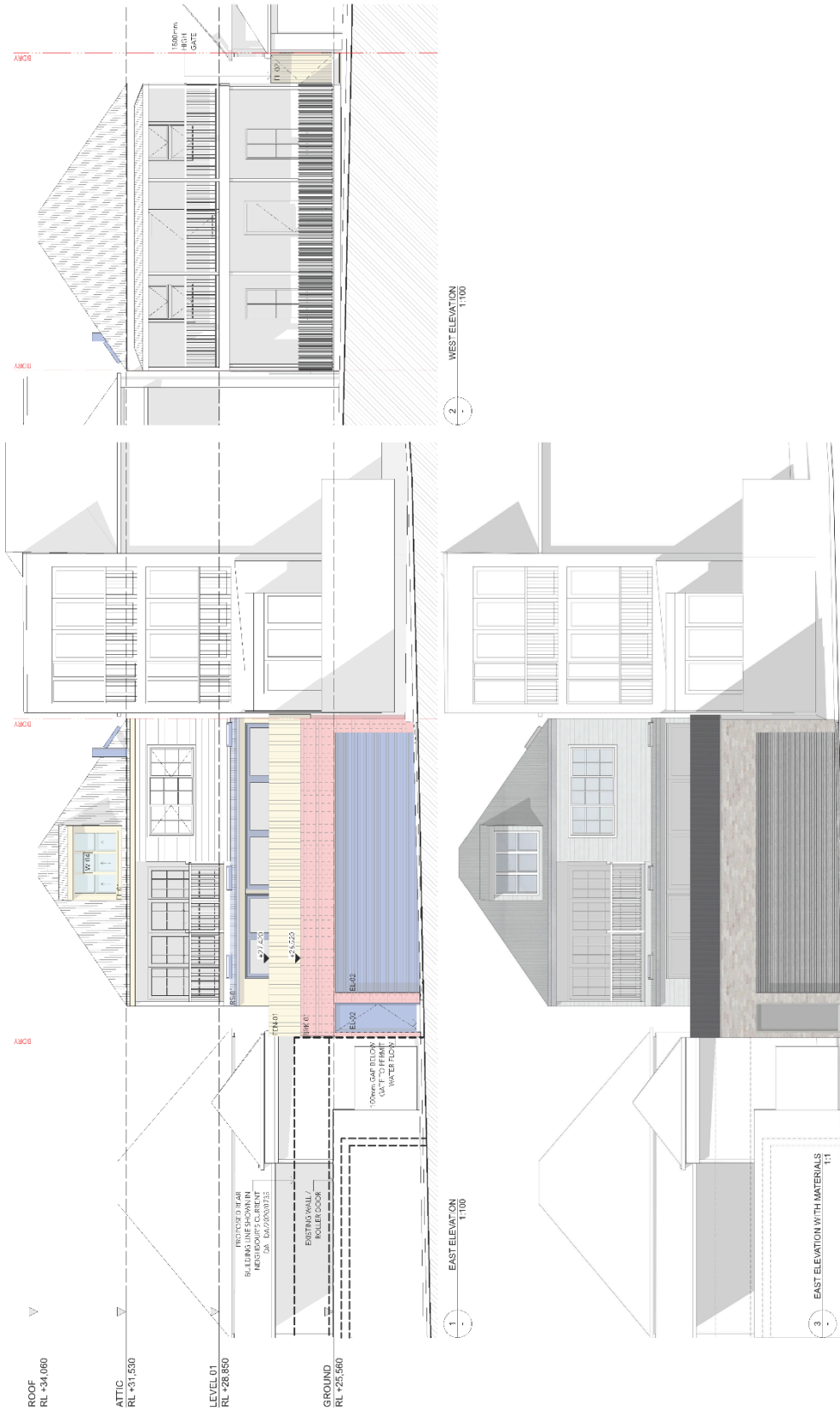


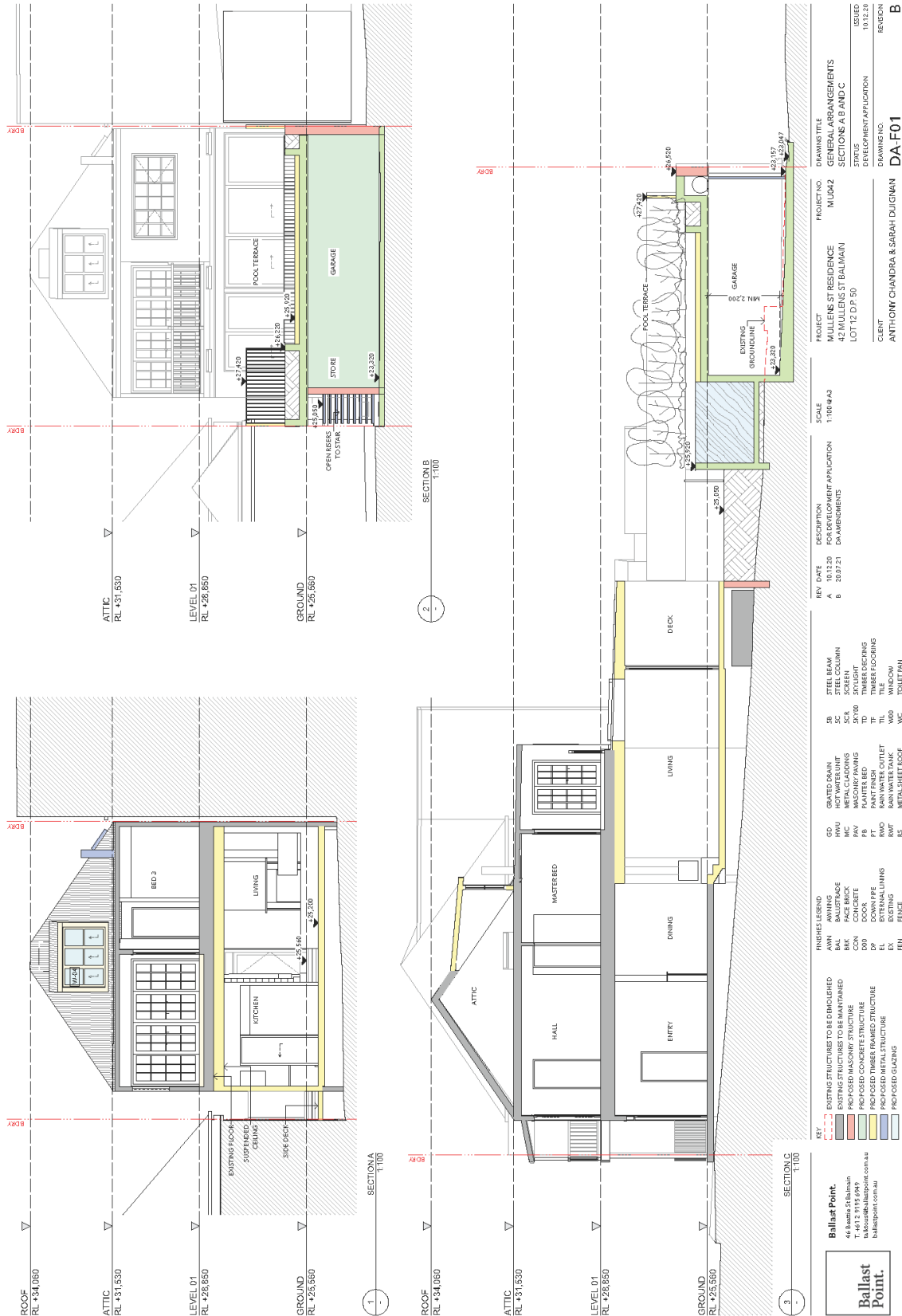
<b>Ballast Point.</b> 46 Basmis St, Basmis T: 461 2 7155 BSM B: 020 461 27155 BSM ballastpoint.com.au ballastpoint.com.au		<b>KEY</b> --- EXISTING STRUCTURES TO BE DEMOLISHED --- EXISTING STRUCTURES TO BE MAINTAINED --- EXISTING CONCRETE STRUCTURE --- PROPOSED TIMBER FRAMED STRUCTURE --- PROPOSED METAL STRUCTURE --- PROPOSED GLAZING	<b>FINISHES/LEND</b> AWM AWNING BRK BRICK CON CONCRETE DOW DOWN PIPE EL EXTERNAL LINNIS FRA FRACE	<b>GRID</b> GR GRATED DRAIN MC METAL CLADDING PAV PAVEMENT PT PAINT FINISH RWC RAIN WATER OUTLET SS METAL SHEET ROOF	<b>REVISIONS</b> A 10/12/20 FOR DEVELOPMENT APPLICATION B 20/1/21 DIMENSIONS	<b>PROJECT</b> MULLENS ST RESIDENCE 42 MULLENS ST BALMAIN LOT 72 DP 50	<b>PROJECT NO.</b> M/D042	<b>DRAWING TITLE</b> GENERAL ARRANGEMENTS ATTIC FLOOR PLAN
<b>PRINCIPAL MATERIALS</b> SB STEEL BEAM SC SCREEN SK SKYLIGHT TF TIMBER FLOORING TIL TILE WC TOILET PAN		<b>SCALE</b> 1:100 @ A3	<b>CLIENT</b> ANTHONY CHANDRA & SARAH DAUGMAN	<b>STATUS</b> DEVELOPMENT APPLICATION ISSUED: 10/12/20 REVISION: B	<b>DRAWING NO.</b> DA-D04	<b>CLIENT</b> ANTHONY CHANDRA & SARAH DAUGMAN	<b>DRAWING NO.</b> DA-D04	



<b>Ballast Point.</b> 46 Bamba St Balmain T: 4612 7115 6111 M: 0800 666 666 ballastpoint.com.au ballastpoint.com.au		<b>KEY</b> --- EXISTING STRUCTURES TO BE DEMOLISHED --- EXISTING STRUCTURES TO BE MAINTAINED --- PROPOSED CONCRETE STRUCTURE --- PROPOSED TIMBER FRAMED STRUCTURE --- PROPOSED METAL STRUCTURE --- PROPOSED GLAZING	<b>FINISH/LEGEND</b> AWN AWNING BRK FACE BRICK CON CONCRETE DP DOWN PIPE EL EXTERNAL LINING FRA FENCE	<b>GRID</b> GRD GRATED DRAIN MC METAL CLADDING PAV PAVED PT PAINT FINISH RWC RAIN WATER OUTLET SS METAL SHEET ROOF	<b>ROOF BEAM</b> SCR STEEL BEAM SCK SCREEN SKY SKYLIGHT TIF TIMBER FLOORING TIL TILE WCC WALL CLADDING WCF WALL CLADDING	<b>REV</b> DATE DESCRIPTION FOR DEVELOPMENT APPLICATION A 10/12/20 20/01/21 CHANGEMENTS B 20/01/21	<b>SCALE</b> 1:100 @ A3	<b>PROJECT</b> MULLENS ST RESIDENCE 42 MULLENS ST BALMAIN LOT 72 DP 50 <b>CLIENT</b> ANTHONY CHANDRA & SARAH DAUGMAN <b>DRAWING NO.</b> DA-D05	<b>PROJECT NO.</b> M/D042 <b>DRAWING TITLE</b> GENERAL ARRANGEMENTS ROOF PLAN <b>STATUS</b> DEVELOPMENT APPLICATION <b>ISSUED</b> 10/12/20 <b>REVISION</b> B
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REV	DATE	DESCRIPTION	SCALE	PROJECT NO.	DRAWING TITLE
A	10/12/20	FOR DEVELOPMENT APPLICATION	1:100 @ A3	MJ042	GENERAL ARRANGEMENTS
B	20/12/21	CHANGES			SECTIONS A/B AND C

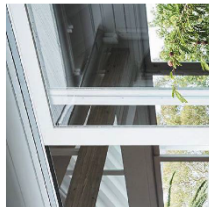
DESCRIPTION	FINISH/LEADER	FINISH/LEADER	FINISH/LEADER
STEEL BEAM	AWN AWNING	EXISTING STRUCTURES TO BE DEMOLISHED	EXISTING STRUCTURES TO BE MAINTAINED
SCREEN	BRK FACE BRICK	EXISTING CONCRETE STRUCTURE	PROPOSED CONCRETE STRUCTURE
SKYLIGHT	CON CONCRETE	PROPOSED TIMBER FRAMED STRUCTURE	PROPOSED TIMBER FRAMED STRUCTURE
TILE	DP DOWN PIPE	PROPOSED METAL STRUCTURE	PROPOSED METAL STRUCTURE
TIMBER FLOORING	EL EXTERNAL LINING	PROPOSED GLAZING	
TILE	FINA FINISH		
WC TOILET PAN			

**Ballast Point.**  
 46 Basmis St Balmain  
 T: 41 12 7115 81MP  
 E: [info@ballastpoint.com.au](mailto:info@ballastpoint.com.au)  
[ballastpoint.com.au](http://ballastpoint.com.au)

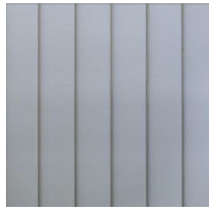
PROJECT: MULLENS ST RESIDENCE  
 42 MULLENS ST BALMAIN  
 LOT 72 DP 50

CLIENT: ANTHONY CHANDRA & SARAH DAUGMAN  
 DRAWING NO: DA-F01

ISSUED: 10/12/20  
 REVISION: B



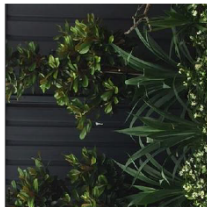
**D.\*\* & W.\*\***  
**DOOR & WINDOW FRAMES**  
 TYPE: ALUMINIUM ANODISED  
 COLOUR: BLACK



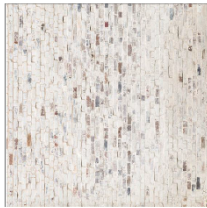
**EL-01**  
**WEATHERBOARDS, PAINTED**  
 TYPE: DULUX WEATHERSHIELD  
 COLOUR: SILKWOOT OR SIMILAR



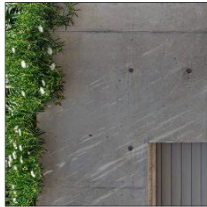
**RS-01**  
**METAL ROOF**  
 TYPE: CORRUGATED SHEET  
 FINISH: GALVANISED STEEL



**FEN-01**  
**TIMBER FENCE**  
 TYPE: LAPPED & CAPPED  
 FINISH: WOODSMAN IRKO



**BRK-01**  
**BRICK**  
 TYPE: RECYCLED BRICK  
 COLOUR: LIGHTLY BAGGED



**CON-01**  
**CONCRETE**  
 TYPE: CLASS 2 CONCRETE  
 COLOUR: STANDARD CEMENT



**PB**  
**PLANTER BED**  
 LOW TO MEDIUM HEIGHT VARIETIES  
 LOW MAINTENANCE



**TD-01**  
**TIMBER DECKING**  
 TYPE: BLACKBUTT OR SIMILAR  
 FINISH: CLEAR OIL



**EL-02**  
**METAL**  
 TYPE: GALVANISED STEEL



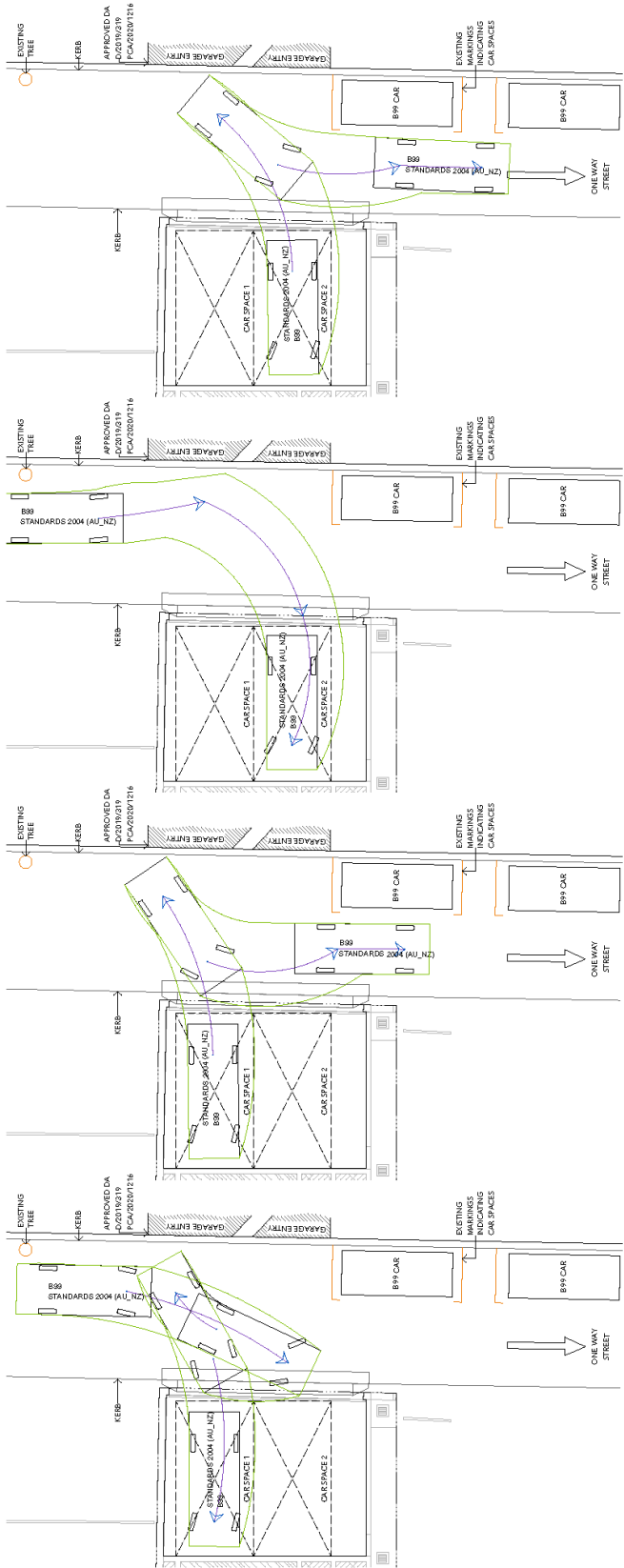
MATERIALS LOCATION KEY

REV	DATE	DESCRIPTION	SCALE	SCALE	PROJECT NO.	DRAWING NO.
A	10.12.20	FOR DEEP CONSULTATION	1:100 (R&S)	1:100 (R&S)	M01042	APPENDICES
B	20.02.21	DATE REVISIONS			MULLENS ST RESIDENCE	MATERIALS BOARD
					42 MULLENS ST JAIL MAIN	STATUS
					1 LOT 1D D/F 5D	DATE OF PREPARATION
					CLEVT	ISSUED
					ANTHONY CHANDRA & SARAH DUGMAN	10.12.20
					DA-M01	REVISION
						B

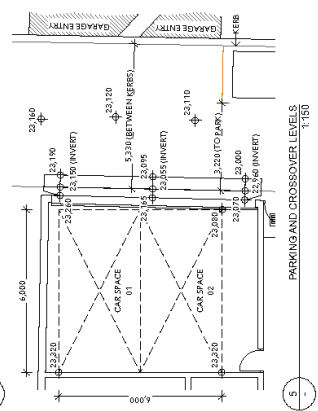
FINISH	CD-01	CD-02	CD-03	CD-04	CD-05	CD-06	CD-07	CD-08	CD-09	CD-10	CD-11	CD-12	CD-13	CD-14	CD-15	CD-16	CD-17	CD-18	CD-19	CD-20	CD-21	CD-22	CD-23	CD-24	CD-25	CD-26	CD-27	CD-28	CD-29	CD-30	CD-31	CD-32	CD-33	CD-34	CD-35	CD-36	CD-37	CD-38	CD-39	CD-40	CD-41	CD-42	CD-43	CD-44	CD-45	CD-46	CD-47	CD-48	CD-49	CD-50	CD-51	CD-52	CD-53	CD-54	CD-55	CD-56	CD-57	CD-58	CD-59	CD-60	CD-61	CD-62	CD-63	CD-64	CD-65	CD-66	CD-67	CD-68	CD-69	CD-70	CD-71	CD-72	CD-73	CD-74	CD-75	CD-76	CD-77	CD-78	CD-79	CD-80	CD-81	CD-82	CD-83	CD-84	CD-85	CD-86	CD-87	CD-88	CD-89	CD-90	CD-91	CD-92	CD-93	CD-94	CD-95	CD-96	CD-97	CD-98	CD-99	CD-100
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**Ballast Point.**  
 46-50 Kings Road  
 Tel: 02 9195 8888  
 www.ballastpoint.com.au



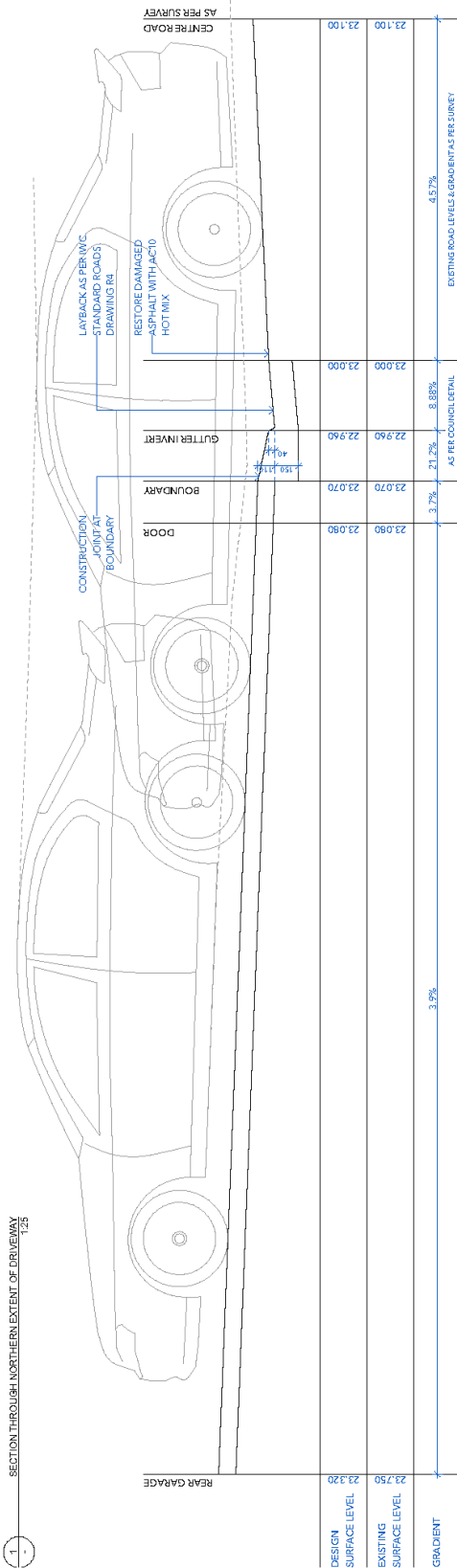
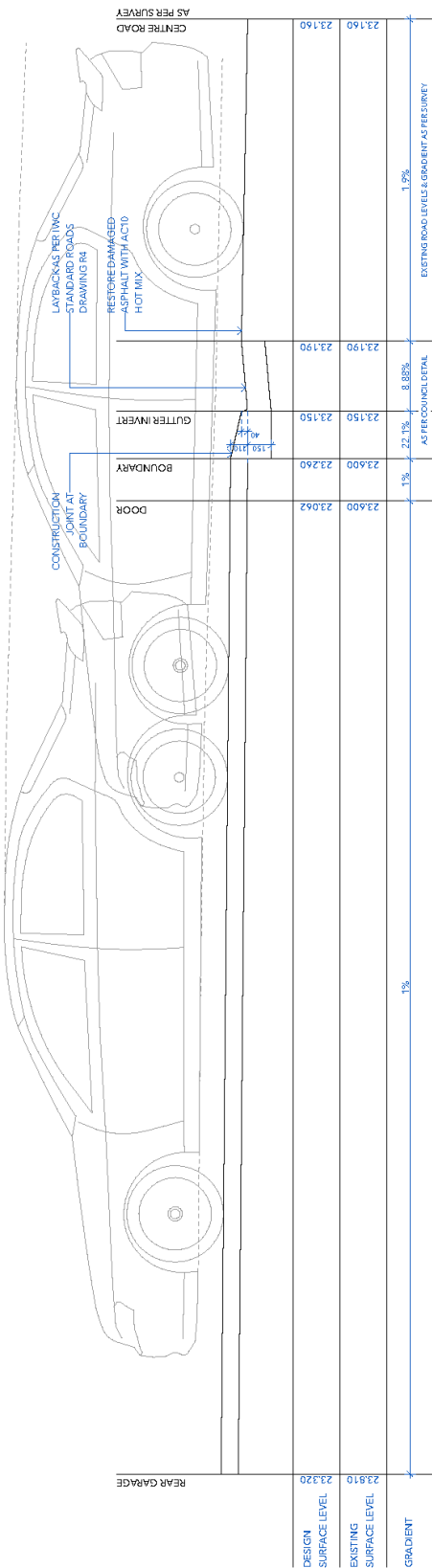


1 POSITION 1 - SWEEP PATH ANALYSIS - ENTERING 1:150  
 2 POSITION 1 - SWEEP PATH ANALYSIS - EXITING 1:150  
 3 POSITION 2 - SWEEP PATH ANALYSIS - ENTERING 1:150  
 4 POSITION 2 - SWEEP PATH ANALYSIS - EXITING 1:150



5 PARKING AND CROSSOVER LEVELS 1:150

<p><b>Ballast Point.</b>                  46 Basmis St Balmain                  T: 4612 7715 6NRP                  ballastpoint.com.au                  ballastpoint.com.au</p>		<p>REV DATE DESCRIPTION                  A 10/12/20 FOR DEVELOPMENT APPLICATION                  B 20/07/21 DIMENSIONS</p>	<p>SCALE                  1:150 @ A3</p>	<p>PROJECT                  MULLENS ST RESIDENCE                  42 MULLENS ST BALMAIN                  LOT 12 DP 50</p>	<p>PROJECT NO.                  M1042</p>	<p>DRAWING TITLE                  APPENDICES                  CAR PARKING AND VEHICLE CROSSING</p>
<p><b>Ballast Point.</b></p>		<p>CLIENT                  ANTHONY CHANDRA &amp; SARAH DUGNAN</p>	<p>DRAWING NO.                  DA-P01</p>	<p>STATUS                  DEVELOPMENT APPLICATION</p>	<p>ISSUED                  28/01/21</p>	<p>REVISION                  B</p>



**Ballast Point.**  
44 Banna St Ballwin  
T: 4812 7155 6MP  
E: info@ballastpoint.com.au  
Ballast Point Group

REV DATE DESCRIPTION SCALE  
A 10/12/20 FOR DEVELOPMENT APPLICATION 1:25 @ A3  
B 20/1/21 DIMENSIONS

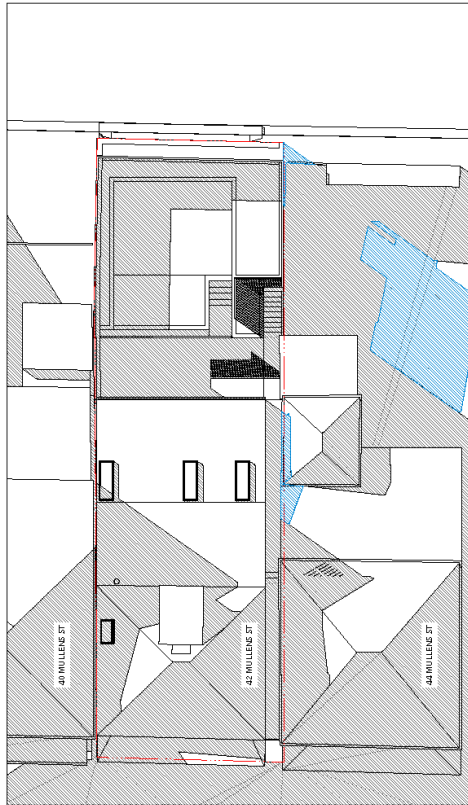
PROJECT MULLENS ST RESIDENCE  
42 MULLENS ST BALMAIN  
LOT 12 DP 50

PROJECT NO. MUD42  
DRAWING TITLE APPENDICES  
CAR PARKING AND VEHICLE CROSSING

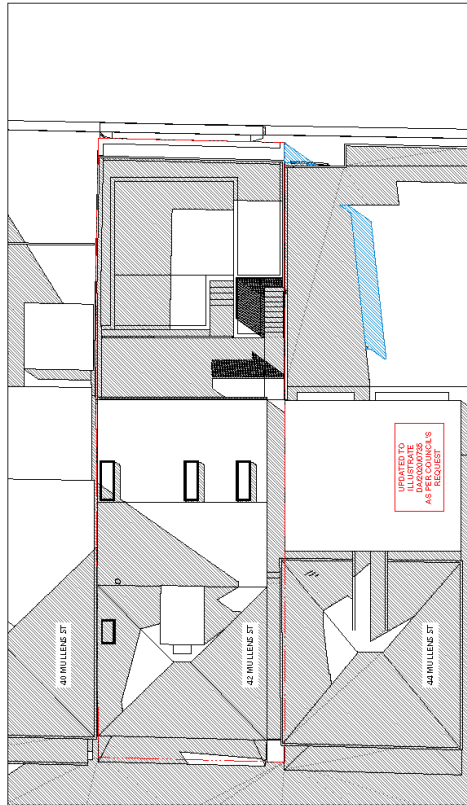
CLIENT ANTHONY CHANDRA & SARAH DUGMAN

DRAWING NO. DA-P02  
REVISION B

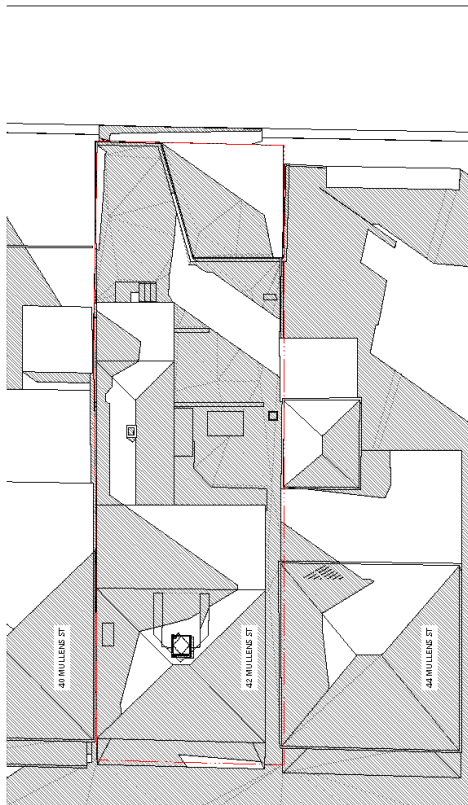




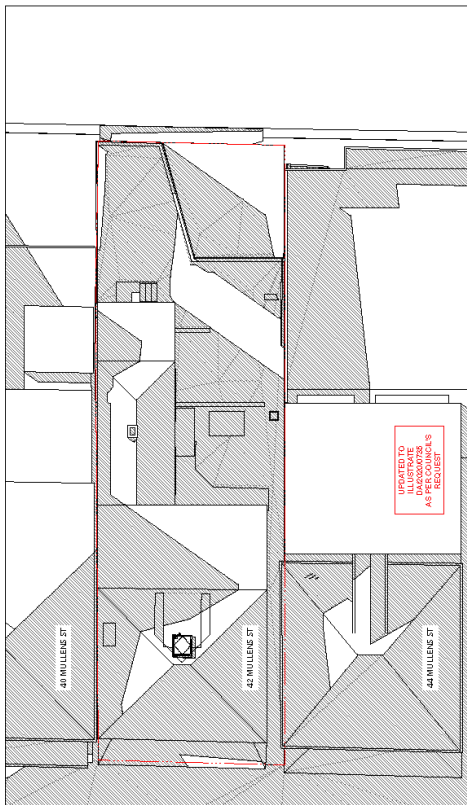
2-1 21 JUNE - 9AM - PROPOSED  
1:200



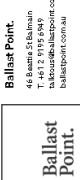
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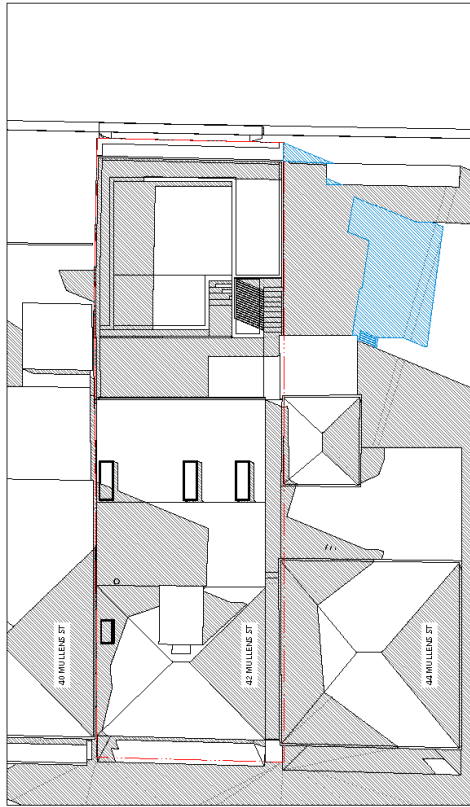


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1:200

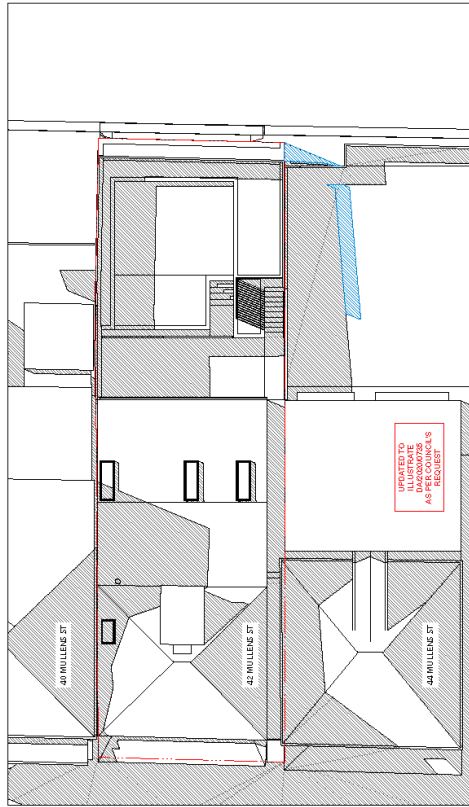


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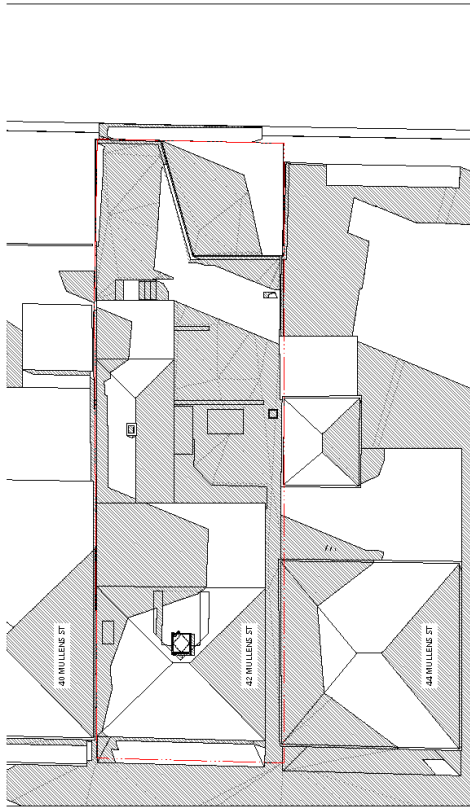
 <p><b>Ballast Point.</b> 44 BARRA ST BALMAIN T: 4412 7755 BNP bnp@ballastpoint.com.au ballastpoint.com.au</p>		<p><b>KEY</b></p> <ul style="list-style-type: none"> <li>EXISTING SHADOW</li> <li>ADDITIONAL SHADOW OUTSIDE SITE BOUNDARY</li> <li>PROPOSED SHADOW OUTSIDE SITE BOUNDARY</li> </ul>	<p><b>REV DATE DESCRIPTION</b></p> <p>A 10/12/20 FOR DEVELOPMENT APPLICATION</p> <p>B 20/1/21 AMENDMENTS</p>	<p><b>SCALE</b></p> <p>1:200 @ A3</p>	<p><b>PROJECT</b></p> <p>MULLENS ST RESIDENCE 42 MULLENS ST BALMAIN LOT 72 DP 50</p>	<p><b>PROJECT NO.</b></p> <p>MU042</p>	<p><b>DRAWING TITLE</b></p> <p>APPENDICES SHADOW DIAGRAMS - 21 JUNE 9AM</p>
<p><b>CLIENT</b></p> <p>ANTHONY CHANDRA &amp; SARAH DAUGMAN</p>		<p><b>STATUS</b></p> <p>DEVELOPMENT APPLICATION</p>	<p><b>DRAWING NO.</b></p> <p>DA-S01</p>	<p><b>ISSUED</b></p> <p>10/12/20</p>	<p><b>REVISION</b></p> <p>B</p>		



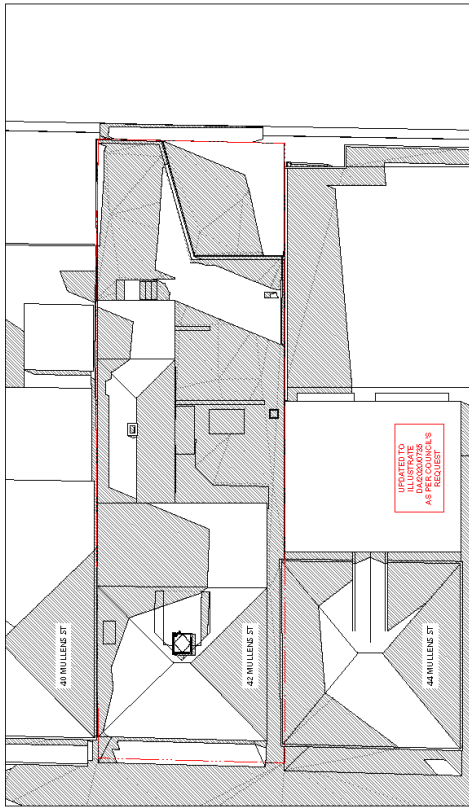
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4 - 21 JUNE - 10AM - PROPOSED - AMENDED TO SHOWING DA 1:200

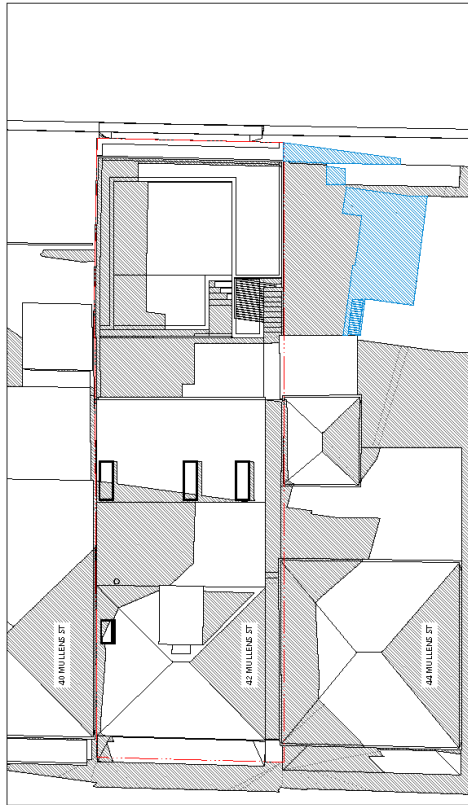


1 - 21 JUNE - 10AM - EXISTING - AMENDED TO SHOWING DA 1:200

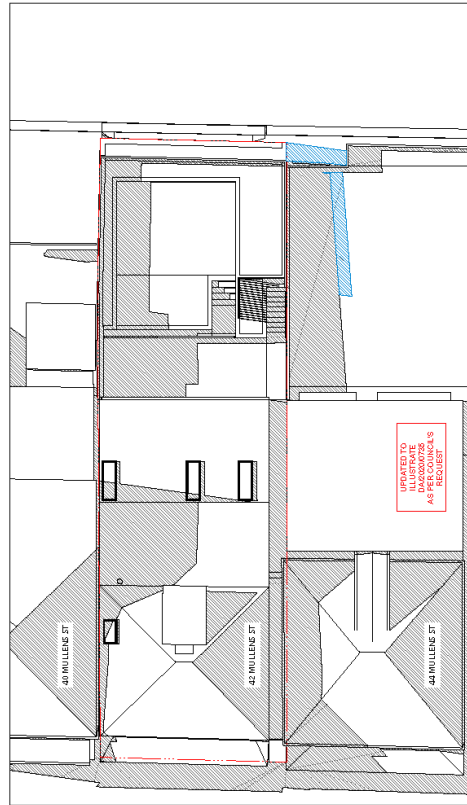


3 - 21 JUNE - 10AM - EXISTING - AMENDED TO SHOWING DA 1:200

 <p><b>Ballast Point.</b> 46 Banna St, Balmain T: 461 2 7755 6767 info@ballastpoint.com.au ballastpoint.com.au</p>		<p><b>KEY</b></p> <ul style="list-style-type: none"> <li> EXISTING SHADOW</li> <li> ADDITIONAL SHADOW OUTSIDE SITE BOUNDARY</li> <li> NEGATIVE SHADOW OUTSIDE SITE BOUNDARY</li> </ul>	<p><b>REV DATE</b> A 20/07/21</p> <p><b>DESCRIPTION</b> DA-AMENDMENTS</p> <p><b>SCALE</b> 1:200 @ A3</p> <p><b>PROJECT</b> MULLENS ST RESIDENCE 42 MULLENS ST BALMAIN LOT 72 DP 50</p> <p><b>PROJECT NO.</b> M10042</p> <p><b>DRAWING TITLE</b> APPENDICES SHADOW DIAGRAMS - 21 JUNE 10AM</p>	<p><b>CLIENT</b> ANTHONY CHANDRA &amp; SARAH DAUGMAN</p> <p><b>DRAWING NO.</b> DA-S02</p> <p><b>STATUS</b> DEVELOPMENT APPLICATION</p> <p><b>ISSUED</b> 10.12.20</p> <p><b>REVISION</b> A</p>
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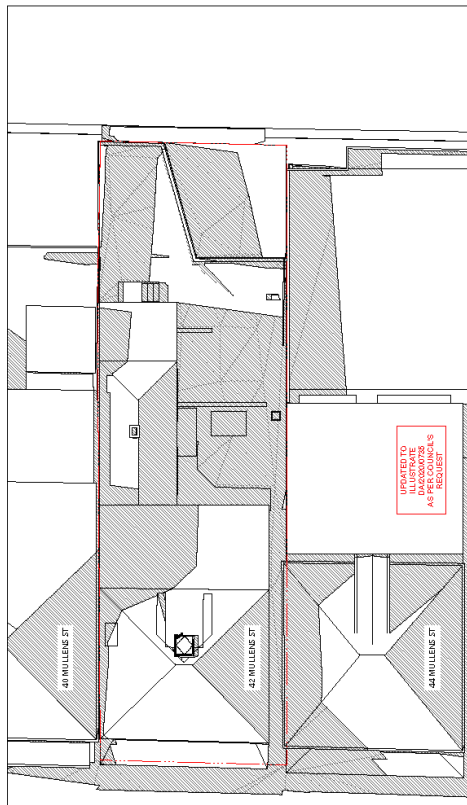
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4 - 21 JUNE - 11AM - PROPOSED - AMENDED TO SHOW NO. 44 APPROVED DA - 1:200

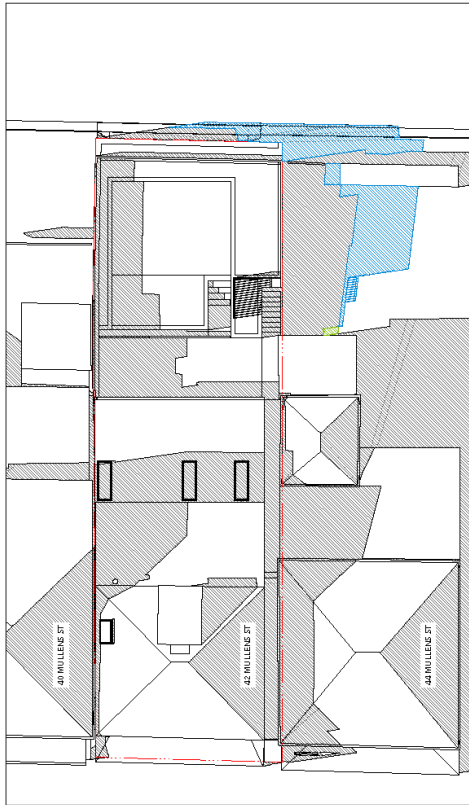


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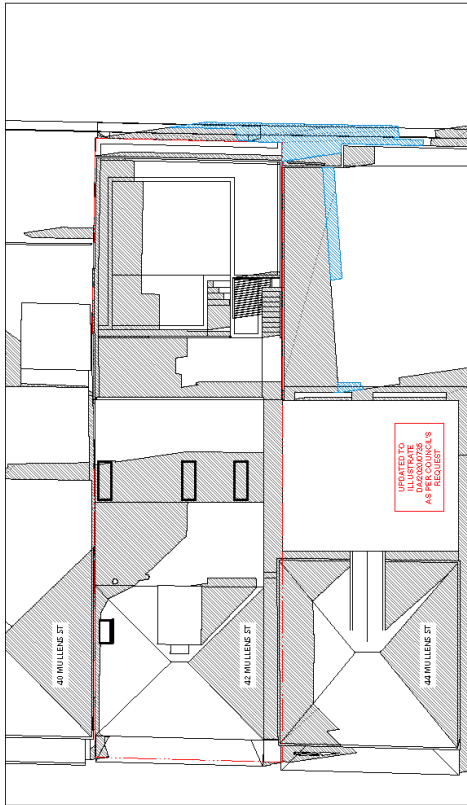


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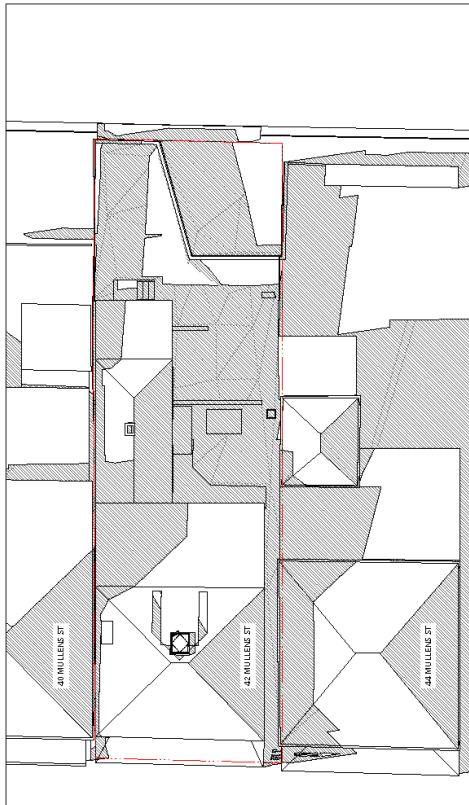
<p><b>Ballast Point.</b> 44 Bains St, Bayside T: 4412 7755 BNP info@ballastpoint.com.au BallastPoint.com.au</p>		<p>KEY</p> <ul style="list-style-type: none"> <li>EXISTING SHADOW</li> <li>ADDITIONAL SHADOW OUTSIDE SITE BOUNDARY</li> <li>REMOVED SHADOW OUTSIDE SITE BOUNDARY</li> </ul>	<p>PROJECT NO. MUD42</p> <p>PROJECT MULLENS ST RESIDENCE 42 MULLENS ST BALMAIN LOT 72 DP 50</p> <p>SCALE 1:200 @ A3</p> <p>DESCRIPTION DA-AMENDMENTS</p> <p>REV DATE A 20/07/21</p>	<p>DRAWING TITLE SHADOW DIAGRAMS - 21 JUNE 11 AM</p> <p>STATUS DEVELOPMENT APPLICATION</p> <p>ISSUED 10.12.20</p> <p>REVISION A</p>
<p>CLIENT ANTHONY CHANDRA &amp; SARAH DAUGMAN</p> <p>DRAWING NO. DA-S03</p>		<p>PROJECT MULLENS ST RESIDENCE 42 MULLENS ST BALMAIN LOT 72 DP 50</p> <p>SCALE 1:200 @ A3</p> <p>DESCRIPTION DA-AMENDMENTS</p> <p>REV DATE A 20/07/21</p>	<p>DRAWING TITLE SHADOW DIAGRAMS - 21 JUNE 11 AM</p> <p>STATUS DEVELOPMENT APPLICATION</p> <p>ISSUED 10.12.20</p> <p>REVISION A</p>	



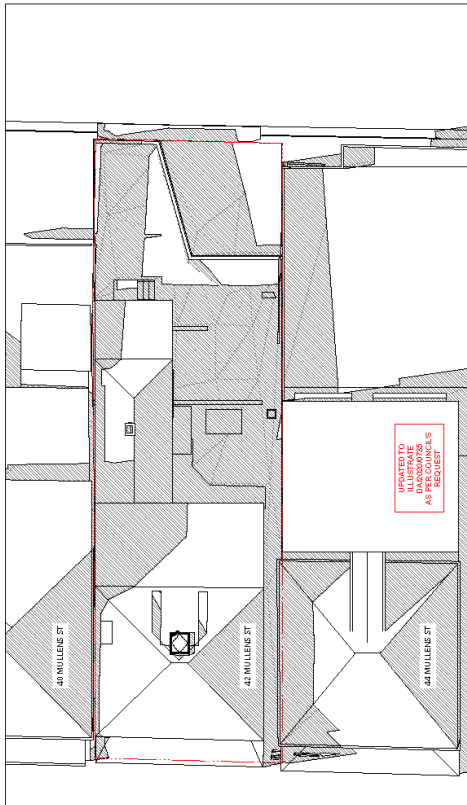
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1:200



4 -

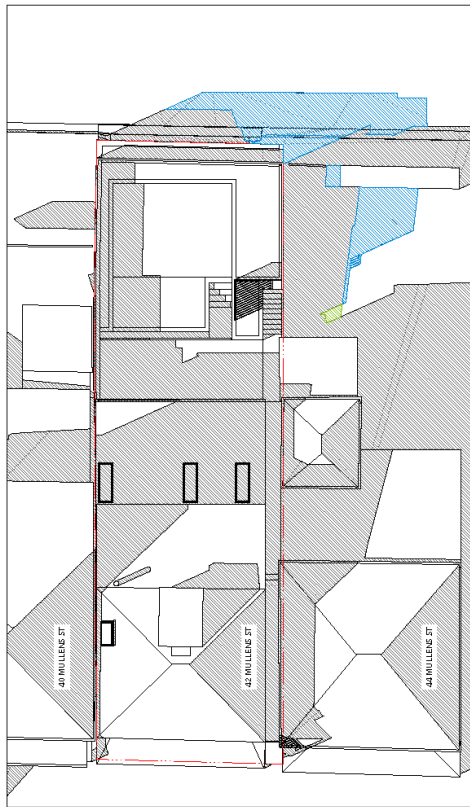


1 - 21 JUNE - 12PM - EXISTING - AMENDED TO SHOW NO. 44 APPROVED DA  
1:200

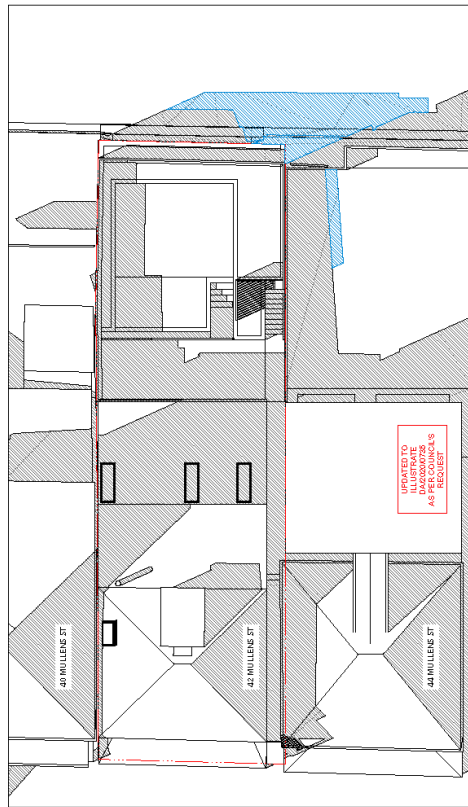


3 -

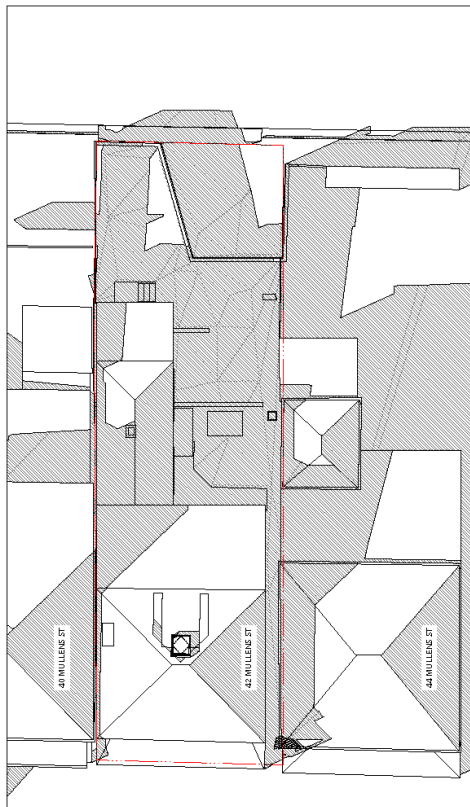
<p><b>Ballast Point.</b> 44 Bains St, Bayswater T: 441 2 7755 6PM info@ballastpoint.com.au ballastpoint.com.au</p>		<p>KEY</p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #cccccc; margin-right: 5px;"></span> EXISTING SHADOW</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #e0e0e0; margin-right: 5px;"></span> ADDITIONAL SHADOW OUTSIDE SITE BOUNDARY</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #d3d3d3; margin-right: 5px;"></span> EXISTING SHADOW INSIDE SITE BOUNDARY</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #f0f0f0; margin-right: 5px;"></span> PROPOSED SHADOW OUTSIDE SITE BOUNDARY</li> </ul>
<p>REV DATE DESCRIPTION</p> <p>A 10/12/20 FOR DEVELOPMENT APPLICATION</p> <p>B 20/01/21 AMENDMENTS</p>	<p>SCALE 1:200 @ A3</p> <p>DESCRIPTION FOR DEVELOPMENT APPLICATION</p> <p>AMENDMENTS</p>	<p>DRAWING TITLE APPENDICES</p> <p>PROJECT NO. M/0042</p> <p>PROJECT MULLENS ST RESIDENCE</p> <p>42 MULLENS ST BALMAIN</p> <p>LOT 12 DP 50</p> <p>STATUS DEVELOPMENT APPLICATION</p> <p>ISSUED 10/12/20</p> <p>REVISION</p>
<p>CLIENT ANTHONY CHANDRA &amp; SARAH DAUGMAN</p> <p>DRAWING NO. DA-S04</p>		<p>PROJECT NO. M/0042</p> <p>PROJECT MULLENS ST RESIDENCE</p> <p>42 MULLENS ST BALMAIN</p> <p>LOT 12 DP 50</p> <p>STATUS DEVELOPMENT APPLICATION</p> <p>ISSUED 10/12/20</p> <p>REVISION</p>



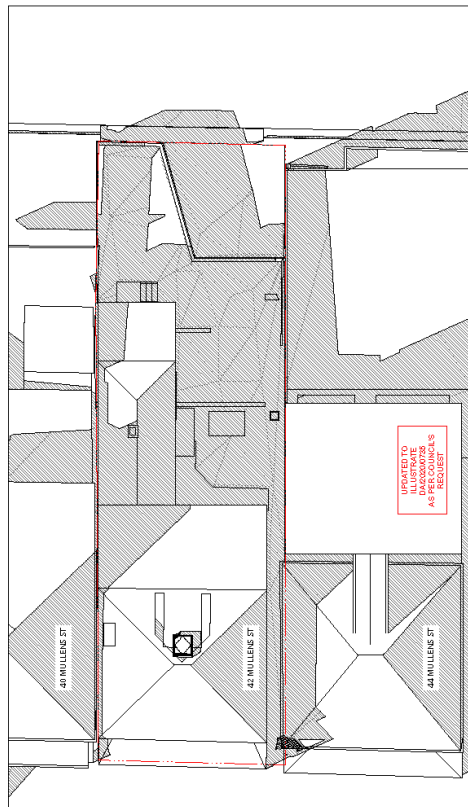
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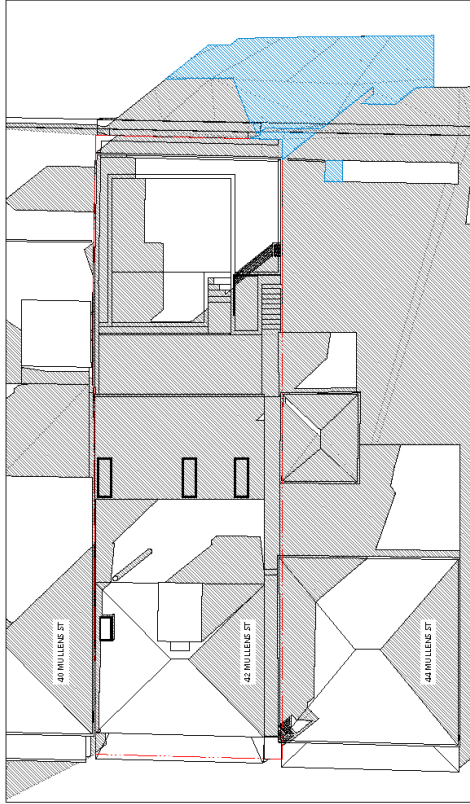
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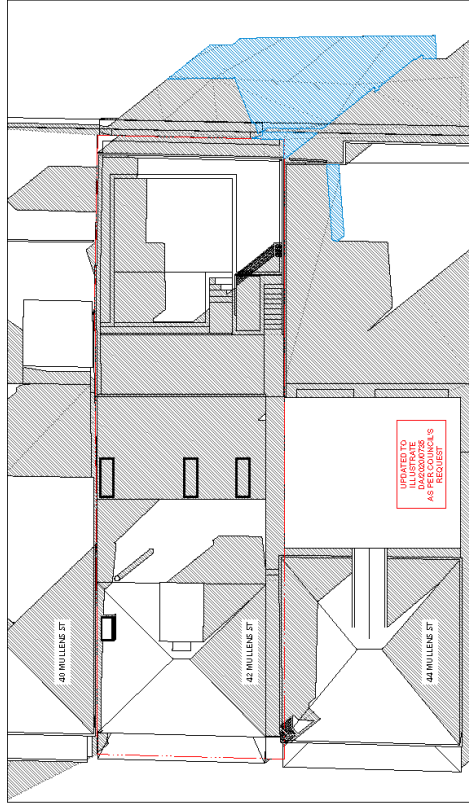
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<p><b>Ballast Point.</b> 46 Bainsie St, Balmain T: 461 2 7755 6767 info@ballastpoint.com.au ballastpoint.com.au</p>		<p>KEY</p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #cccccc; margin-right: 5px;"></span> EXISTING SHADOW</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #e0e0e0; margin-right: 5px;"></span> ADDITIONAL SHADOW OUTSIDE SITE BOUNDARY</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #ffff00; margin-right: 5px;"></span> EXISTING SHADOW</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #ffff00; margin-right: 5px;"></span> PROPOSED SHADOW OUTSIDE SITE BOUNDARY</li> </ul>	<p>PROJECT NO. MUD42</p> <p>PROJECT MULLENS ST RESIDENCE</p> <p>42 MULLENS ST BALMAIN</p> <p>LOT 12 DP 50</p> <p>CLIENT ANTHONY CHANDRA &amp; SARAH DAUGMAN</p> <p>DRAWING NO. DA-S05</p>	<p>DRAWING TITLE SHADOW DIAGRAMS - 21 JUNE IPM</p> <p>STATUS DEVELOPMENT APPLICATION</p> <p>ISSUED 10.12.20</p> <p>REVISION A</p>
<p>REV DATE A 20/07/21</p>	<p>DESCRIPTION DA-AMENDMENTS</p>	<p>SCALE 1:200 @ A3</p>	<p>PROJECT MULLENS ST RESIDENCE</p> <p>42 MULLENS ST BALMAIN</p> <p>LOT 12 DP 50</p> <p>CLIENT ANTHONY CHANDRA &amp; SARAH DAUGMAN</p> <p>DRAWING NO. DA-S05</p>	

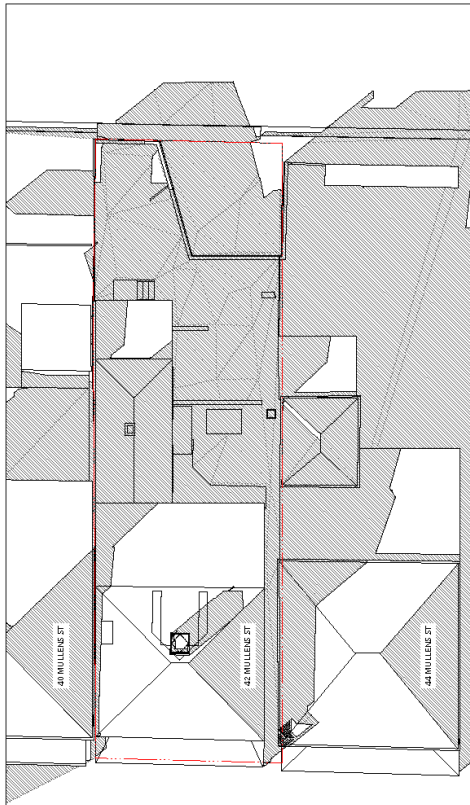




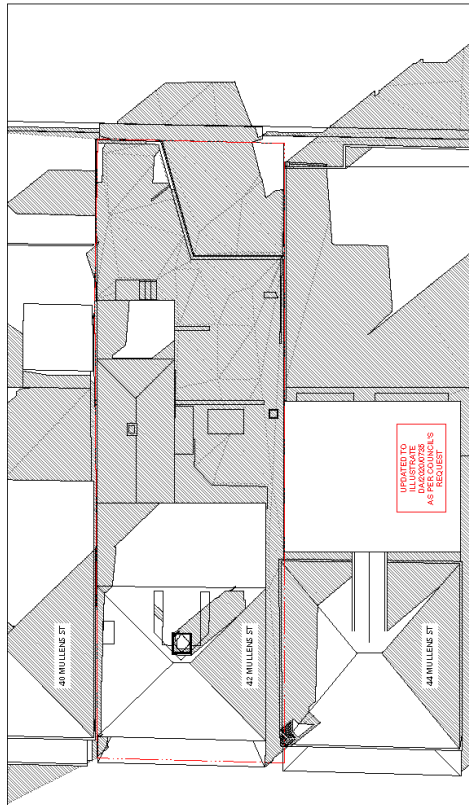
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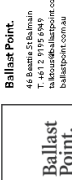




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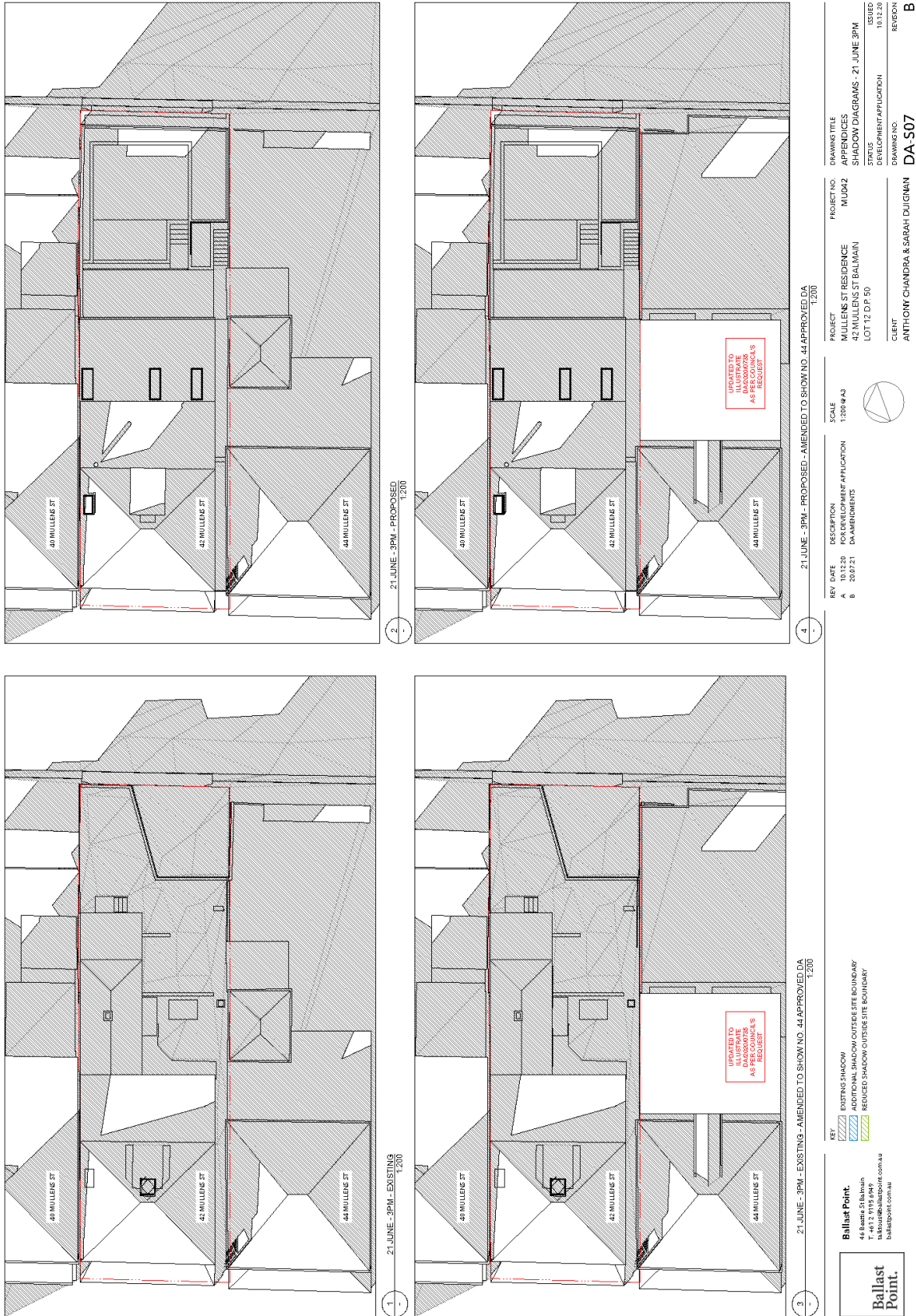


21 JUNE - 2PM - EXISTING  
1:200



21 JUNE - 2PM - EXISTING - AMENDED TO SHOW NO. 44 APPROVED DA  
1:200

 <p><b>Ballast Point.</b> 46 Banna St, Balmain T: 461 2 7755 6767 info@ballastpoint.com.au ballastpoint.com.au</p>		<p><b>KEY</b></p> <ul style="list-style-type: none"> <li> EXISTING SHADOW</li> <li> ADDITIONAL SHADOW OUTSIDE SITE BOUNDARY</li> <li> RECEIVED SHADOW OUTSIDE SITE BOUNDARY</li> </ul>	<p><b>PROJECT</b></p> <p>MULLENS ST RESIDENCE 42 MULLENS ST BALMAIN LOT 12 DP 50</p>	<p><b>PROJECT NO.</b></p> <p>MU042</p>	<p><b>DRAWING TITLE</b></p> <p>APPENDICES SHADOW DIAGRAMS - 21 JUNE 2PM</p>
<p><b>REV DATE</b></p> <p>A 20/07/21</p>	<p><b>DESCRIPTION</b></p> <p>DA AMENDMENTS</p>	<p><b>SCALE</b></p> <p>1:200 @ A3</p>	<p><b>CLIENT</b></p> <p>ANTHONY CHANDRA &amp; SARAH DAUGMAN</p>	<p><b>STATUS</b></p> <p>DEVELOPMENT APPLICATION</p>	<p><b>DRAWING NO.</b></p> <p>DA-S06</p>
<p><b>ISSUED</b></p> <p>10.12.20</p>		<p></p>	<p><b>REVISION</b></p> <p>A</p>		



REV	DATE	DESCRIPTION	SCALE	PROJECT NO.	DRAWING TITLE
A	10/12/20	FOR DEVELOPMENT APPLICATION	1:200 @ A3	MU042	APPENDICES
B	20/1/21	AMENDMENTS		MULLENS ST RESIDENCE	SHADOW DIAGRAMS - 21 JUNE 20PM
				42 MULLENS ST BALMAIN	STATUS
				LOT 12 DP 50	DEVELOPMENT APPLICATION
				CLIENT	ISSUED
				ANTHONY CHANDRA & SARAH DAUGMAN	10/12/20
				DRAWING NO.	REVISION
				DA-S07	B

REV	DATE	DESCRIPTION	SCALE	PROJECT NO.	DRAWING TITLE
A	10/12/20	FOR DEVELOPMENT APPLICATION	1:200 @ A3	MU042	APPENDICES
B	20/1/21	AMENDMENTS		MULLENS ST RESIDENCE	SHADOW DIAGRAMS - 21 JUNE 20PM
				42 MULLENS ST BALMAIN	STATUS
				LOT 12 DP 50	DEVELOPMENT APPLICATION
				CLIENT	ISSUED
				ANTHONY CHANDRA & SARAH DAUGMAN	10/12/20
				DRAWING NO.	REVISION
				DA-S07	B

KEY	EXISTING SHADOW	EXISTING SHADOW - AMENDED TO SHOW NO. 44 APPROVED DA
	ADDITIONAL SHADOW - OUTSIDE SITE BOUNDARY	ADDITIONAL SHADOW - OUTSIDE SITE BOUNDARY
	RECEIVED SHADOW - OUTSIDE SITE BOUNDARY	RECEIVED SHADOW - OUTSIDE SITE BOUNDARY

**Ballast Point.**  
 46 Bamba St, Balmain  
 T: 461 2 7755 6767  
 E: info@ballastpoint.com.au  
 www.ballastpoint.com.au

Description of project

**BASIX<sup>®</sup>Certificate**

Building Sustainability Index [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

**Alterations and Additions**

Certificate number: A397288\_03

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Secretary

Date of issue: Thursday, 01 April 2021

To be valid, this certificate must be lodged within 3 months of the date of issue.



Project address	
Project name	42 Mullens Street Balmain_03
Street address	42 Mullens Street Balmain 2041
Local Government Area	Inner West Council
Plan type and number	Deposited Plan 50
Lot number	12
Section number	
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and includes a pool (and/or spa).

<b>Certificate Prepared by</b> (please complete before submitting to Council or PCA)
Name / Company Name: Ballast Point PL
ABN (if applicable): 15604551886

Pool and Spa	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
<b>Rainwater tank</b>			
The applicant must install a rainwater tank of at least 907 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rainwater runoff from at least 42 square metres of roof area.		✓	✓
The applicant must connect the rainwater tank to a tap located within 10 metres of the edge of the pool.		✓	✓
<b>Outdoor swimming pool</b>			
The swimming pool must be outdoors.	✓		✓
The swimming pool must not have a capacity greater than 21 kilolitres.	✓		✓
The swimming pool must have a pool cover.	✓		✓
The applicant must install a pool pump timer for the swimming pool.		✓	✓
The applicant must install the following heating system for the swimming pool that is part of this development: solar (gas boosted).		✓	✓

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
<b>Hot water</b>			
The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓
<b>Lighting</b>			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
<b>Fixtures</b>			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	✓

Construction		Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
<p><b>Insulation requirements</b></p> <p>The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m<sup>2</sup>, b) insulation specified is not required for parts of altered construction where insulation already exists.</p>				
Construction	Additional insulation required (R-value)	Other specifications		
suspended floor with enclosed subfloor: framed (R0.7)	R0.60 (down) (or R1.30 including construction)		✓	✓
floor above existing dwelling or building.	nil			
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)			
flat ceiling, flat roof: framed	ceiling: R1.80 (up), roof: thermocellular reflective	light (solar absorptance < 0.475)		

Glazing requirements		Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																																		
<p><b>Windows and glazed doors</b></p> <p>The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.</p> <p>The following requirements must also be satisfied in relation to each window and glazed door:</p> <p>Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.</p> <p>Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.</p> <p>For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.</p> <p>Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.</p> <p>Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.</p>					✓	✓	✓	✓																														
<p><b>Windows and glazed doors glazing requirements</b></p> <table border="1"> <thead> <tr> <th rowspan="2">Window / door no.</th> <th rowspan="2">Orientation</th> <th rowspan="2">Area of glass inc. frame (m<sup>2</sup>)</th> <th colspan="2">Overshadowing</th> <th rowspan="2">Shading device</th> <th rowspan="2">Frame and glass type</th> </tr> <tr> <th>Height (m)</th> <th>Distance (m)</th> </tr> </thead> <tbody> <tr> <td>W-01</td> <td>S</td> <td>1.26</td> <td>0</td> <td>0</td> <td>none</td> <td>timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)</td> </tr> <tr> <td>W-02</td> <td>S</td> <td>0.64</td> <td>0</td> <td>0</td> <td>none</td> <td>timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)</td> </tr> <tr> <td>W-03</td> <td>S</td> <td>1.28</td> <td>0</td> <td>0</td> <td>none</td> <td>timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)</td> </tr> </tbody> </table>					Window / door no.	Orientation	Area of glass inc. frame (m <sup>2</sup> )	Overshadowing		Shading device	Frame and glass type	Height (m)	Distance (m)	W-01	S	1.26	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)	W-02	S	0.64	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)	W-03	S	1.28	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)	✓	✓	✓	✓
Window / door no.	Orientation	Area of glass inc. frame (m <sup>2</sup> )	Overshadowing					Shading device	Frame and glass type																													
			Height (m)	Distance (m)																																		
W-01	S	1.26	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)																																
W-02	S	0.64	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)																																
W-03	S	1.28	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)																																

Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type		
			Height (m)	Distance (m)				
W-04	E	3.7	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single polyolytic low-e, (U-value: 3.99, SHGC: 0.4)		
D-01	S	1.89	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)		
D-02	E	7.1	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)		
D-03	E	14	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)		
<b>Skylights</b>								
The applicant must install the skylights in accordance with the specifications listed in the table below.								
The following requirements must also be satisfied in relation to each skylight:								
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.								
Skylights glazing requirements								
Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type					
SKY-01	1.25	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)					✓
SKY-02	1.25	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)					✓
SKY-03	1.25	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)					✓
SKY-04	0.8	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)					✓



Glazing requirements		Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Skylight number	Area of glazing inc. frame (m2)			
	Shading device			
	Frame and glass type			
	U-value: 2.5, SHGC: 0.456			

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a "✓" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

## Attachment C- Clause 4.6 Exception to Development Standards

### **CLAUSE 4.6 EXCEPTION – LANDSCAPED AREA Under Clause 4.3A(3)(a) of the Leichhardt Local Environmental Plan 2013**

**Proposed alterations and additions to an existing dwelling  
at 42 Mullens Street Balmain**

**For:** Anthony Chandra and Sarah Duignan

**By:** Ballast Point  
46 Beattie St  
Balmain NSW 2041  
T: (02) 9195 6949

**Date:** November 2020

**Issue:** A For Development Application

CONTENTS

- 1 INTRODUCTION
- 2 DEVELOPMENT STANDARD AND THE VARIATION SOUGHT
- 3 IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNECESSARY?
- 4 ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD?
- 5 IS THE PROPOSED DEVELOPMENT CONSISTENT WITH THE OBJECTIVES OF THE PARTICULAR STANDARD AND THE RELEVANT ZONE?
- 6 CONCLUSION

## 1 INTRODUCTION

This written request is made pursuant to the provisions of Clause 4.6 of the Leichhardt Local Environmental Plan 2013 (LEP 2013)

This application seeks a variation of the Landscaped areas for residential accommodation in Zone R1 Development Standard as the proposal at No. 42 Mullens St will not meet the minimum Landscaped Area outlined in Clause 4.3A(3)(a) under Leichhardt LEP 2013.

## 2 DEVELOPMENT STANDARD AND THE VARIATION SOUGHT

*Clause 4.3A Landscaped areas for residential accommodation in Zone R1 (3) Development consent must not be granted to development to which this clause applies unless—*

- (a) the development includes landscaped area that comprises at least—*
- (i) where the lot size is equal to or less than 235 square metres—15% of the site area, or*
  - (ii) where the lot size is greater than 235 square metres—20% of the site area, and*

As per the land survey accompanying this application, the subject lot area is 280.2m<sup>2</sup>, therefore, the minimum required landscaped area is 20% (56.04m<sup>2</sup>).

The existing landscape area is 29.8% (83.42m<sup>2</sup>) and the proposed landscaped area is 9.4% (26.43m<sup>2</sup>).

## 3 IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNECESSARY?

Although the proposal seeks a variation to the numerical control of the development standard outlined in Clause 4.3A(3)(a), it is considered that the development complies with the objectives of the clause. In the following points the circumstances specific to the design are outlined.

- The proposal has been designed to take advantage of the gradual slope from the front to the rear of the site by locating the proposed garage beneath the rear private open space. While this has significant benefits for the provision of useable open space, the soft landscaping provided above the garage cannot strictly be included in the Landscaped Area calculation based on restrictions outlined in Clause 4.3A(4) of the LEP –

*(b) any area that—*

- (i) has a length or a width of less than 1 metre, or*
- (ii) is greater than 500mm above ground level (existing),*

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CLAUSE 4.6 EXCEPTION – LANDSCAPED AREA – 42 MULLENS STREET BALMAIN Page 2 of 6

is not to be included in calculating the proportion of landscaped area,

- The additional soft landscaping area excluded by the LEP is equal to 10.6% of the site area (29.62m<sup>2</sup>). When combined with the conventional landscape area calculation, the perceived total landscaped area is 20% (56.05m<sup>2</sup>). Refer Figure 1.

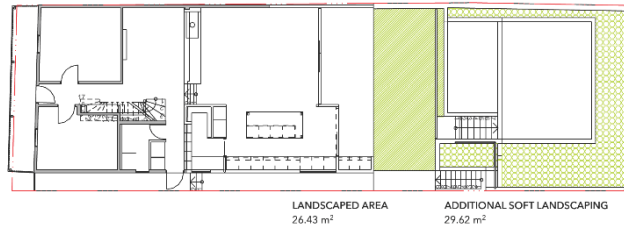


Figure 1: Landscaped Area calculations.

- Although located on a garage roof, the landscape design steps only 1.2m in association with the proposed pool and pool fence detail. This is a familiar detail associated with pool design and the garden will therefore feel continuous and integrated.
- Based on the points above, it is considered both unreasonable and unnecessary to strictly comply with the minimum landscaped area development standard in this instance. When considering the specific circumstances of the design it can be seen that it is reasonable to consider the raised landscaped areas in this instance and in doing so the design would meet the minimum 20% requirement.

**4 ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD?**

*Clause 4.6 Exceptions to development standards*

*(5) In deciding whether to grant concurrence, the Secretary must consider:*

- (a) whether contravention of the development standard raises and 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.*

The following comments are provided to assist consideration of the points outlined above.

- The proposed contravention of the minimum landscaped area for residential accommodation in Zone R1 is a small matter with no State or regional significance.
- The proposed alterations and additions pose no reduction to the public benefit.

- The proposed development is consistent with other developments in the lane and will make a positive contribution to the desired future character of the neighbourhood.
- The public will benefit from an improved laneway appearance with a proposal that includes positive improvements such as cars and bins being concealed from the street, improved safety by design through removal of the existing parking alcove, and a raised planter for the length of the boundary.

It is therefore considered that the overall impacts on the public will be positive and the development will not have unreasonable adverse effects.

## 5 IS THE PROPOSED DEVELOPMENT CONSISTENT WITH THE OBJECTIVES OF THE PARTICULAR STANDARD AND THE RELEVANT ZONE?

*Clause 4.3A Landscaped areas for residential accommodation in Zone R1*

*(1) The objectives of this clause are as follows—*

- (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.*

As detailed in previous sections of this request, it is considered that the proposed development is compatible with the future character of the area. Significant areas of 'deep soil' landscaping will assist with the retention and absorption of surface drainage water on site, and the large raised planters will play a role in this as well. The proposed building footprint of the main dwelling is 9.7% (13.07m<sup>2</sup>) smaller than the existing, and the impact of the proposed garage is minimised by adjusting site levels to extend the garden above.

*Zone R1 General Residential*

*1 Objectives of zone*

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

The proposed alterations and additions represent significant upgrades to the existing site by providing a more functional private open space with soft landscaping and direct access from primary living areas at ground level. The development also makes a positive contribution to the desired future character of the neighbourhood through the provision of planting visible in the lane. It is therefore considered that the proposal meets the objectives of the zone and ensures that this site will continue to provide for the housing needs of the community well into the future.

#### **11 CONCLUSION**

For the reasons outlined in the SEE and this Clause 4.6 Request, there are strong environmental planning grounds to justify contravening the Development Standard.

On this point, there are no adverse impacts to adjoining properties or the public domain and the modified private open space will ensure the sustainable long term provision of housing on this site. Furthermore, the proposed new landscaped area has been carefully designed to respect and improve upon the existing desirable qualities identified in the streetscape and broader locale.



**CLAUSE 4.6 EXCEPTION – SITE COVERAGE  
Under Clause 4.3A(3)(b) of the Leichhardt Local  
Environmental Plan 2013**

**Proposed alterations and additions to an existing dwelling  
at 42 Mullens Street Balmain**

**For:** Anthony Chandra and Sarah Duignan

**By:** Ballast Point  
46 Beattie St  
Balmain NSW 2041  
T: (02) 9195 6949

**Date:** November 2020

**Issue:** A For Development Application

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## 1 INTRODUCTION

This written request is made pursuant to the provisions of Clause 4.6 of the Leichhardt Local Environmental Plan 2013 (LEP 2013)

This application seeks a variation of the Landscaped areas for residential accommodation in Zone R1 Development Standard as the proposal at No. 42 Mullens St will exceed the maximum Site Coverage requirement outlined in Clause 4.3A(3)(b) under Leichhardt LEP 2013.

## 2 DEVELOPMENT STANDARD AND THE VARIATION SOUGHT

*Clause 4.3A Landscaped areas for residential accommodation in Zone R1 (3) Development consent must not be granted to development to which this clause applies unless—*  
*(b) the site coverage does not exceed 60% of the site area.*

As per the land survey accompanying this application, the subject lot area is 280.2m<sup>2</sup>, therefore, the maximum allowable site coverage is 168.12m<sup>2</sup>.

The existing site coverage is 47.9% (134.36m<sup>2</sup>) and the proposed site coverage is 62.7% (175.78m<sup>2</sup>).

## 3 IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY?

Although the proposal seeks a variation to the numerical control of the development standard outlined in Clause 4.3A(3)(a), it is considered that the development complies with the objectives of the clause. In the following points the circumstances specific to the design are outlined.

- The exception to the development standard is minor on this relatively large site by Balmain standards, being only 2.7% (7.66m<sup>2</sup>) out of a total 280.2m<sup>2</sup>.
- The existing development does not include an internal garage or covered carport that would impact site coverage. When considering the house only, the proposed house coverage is 121.29m<sup>2</sup> compared to the existing house coverage of 134.36m<sup>2</sup>. This represents a 9.7% (13.07m<sup>2</sup>) reduction in the footprint of the house. While the garage cannot be excluded from the site coverage as it is defined in the LEP, the objectives of the control are to limit building footprints to allow for recreational spaces and soft landscaping, both of which are accommodated above the proposed garage and represent a net increase to the useable outdoor area on the site.
- There is no change to the front or side setbacks, and the rear setback is increased, adhering to Building Location Zone (BLZ) principles.

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CLAUSE 4.6 EXCEPTION – SITE COVERAGE – 42 MULLENS STREET BALMAIN Page 2 of 6

- Based on the points above, it is considered both unreasonable and unnecessary to strictly comply with the Site Coverage development standard in this instance. The exception sought is relatively minor and the proposal significantly improves the amount of useable open space and soft planting areas.

#### 4 ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD?

*Clause 4.6 Exceptions to development standards*

*(5) In deciding whether to grant concurrence, the Secretary must consider:*

- (a) whether contravention of the development standard raises and 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.*

The following comments are provided to assist consideration of the points outlined above.

- The proposed contravention of the maximum site coverage area for residential accommodation in Zone R1 is a small matter with no State or regional significance.
- The proposed alterations and additions pose no reduction to the public benefit. As detailed in the previous section of this report, the proposed rear extension adheres to Building Location Zone (BLZ) principles outlined in the DCP and the proposed garage is consistent with the subject lane and laneways generally.
- The proposed development is consistent with other developments in the lane and will make a positive contribution to the desired future character of the neighbourhood.
- The public will benefit from an improved laneway appearance with a proposal that includes positive improvements such as cars and bins being concealed from the street, improved safety by design through removal of the existing parking alcove, and a raised planter for the length of the boundary.

**5 IS THE PROPOSED DEVELOPMENT CONSISTENT WITH THE OBJECTIVES OF THE PARTICULAR STANDARD AND THE RELEVANT ZONE?**

*Clause 4.3A Landscaped areas for residential accommodation in Zone R1*

*(1) The objectives of this clause are as follows—*

- (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.*

As detailed in previous sections of this request, it is considered that the proposed development is compatible with the future character of the area. The proposal provides significantly improved landscaping and private open space and the building bulk, form, and scale is consistent with the context.

*Zone R1 General Residential*

*1 Objectives of zone*

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

The proposed alterations and additions represent significant upgrades to the existing site by providing a more functional private open space with soft landscaping and direct access from primary living areas at ground level. The development also makes a positive contribution to the desired future character of the neighbourhood through the provision of improved off street parking and planting visible from the lane. It is therefore considered that the proposal meets

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CLAUSE 4.6 EXCEPTION – SITE COVERAGE – 42 MULLENS STREET BALMAIN Page 4 of 6

the objectives of the zone and ensures that this site will continue to provide for the housing needs of the community well into the future.

#### **11 CONCLUSION**

For the reasons outlined in the SEE and this Clause 4.6 Request, there are strong environmental planning grounds to justify contravening the Development Standard.

On this point, there are no adverse impacts to adjoining properties or the public domain and the modified dwelling will ensure the sustainable long term provision of housing on this site. Furthermore, the proposed new dwelling has been designed with careful architectural articulation and consideration to maintain and improve upon the existing desirable qualities identified in the streetscape and broader locale.

## Attachment D – Statement of Heritage Significance

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### Area 12 The Valley (Rozelle and Balmain)

#### Landform

This conservation area comprises a large but tightly formed valley which falls south and east from the Darling Street ridge towards White Bay affording enclosed views to industrial workings of the port city in the bay.

It includes a number of subdivisions/part subdivisions around the highest land in the Leichhardt Municipality on either side of the Darling Street ridge and across Victoria Road. It includes land east of Wellington Street to White Bay. It also includes the civic buildings and the commercial zone of Rozelle on both sides of Victoria Road, the land east of the Darling Street ridge beyond the commercial zone, the civic and commercial buildings of Balmain retail centre, small groups of shops along Darling Street and the former retail area of Evans and Beattie Streets.

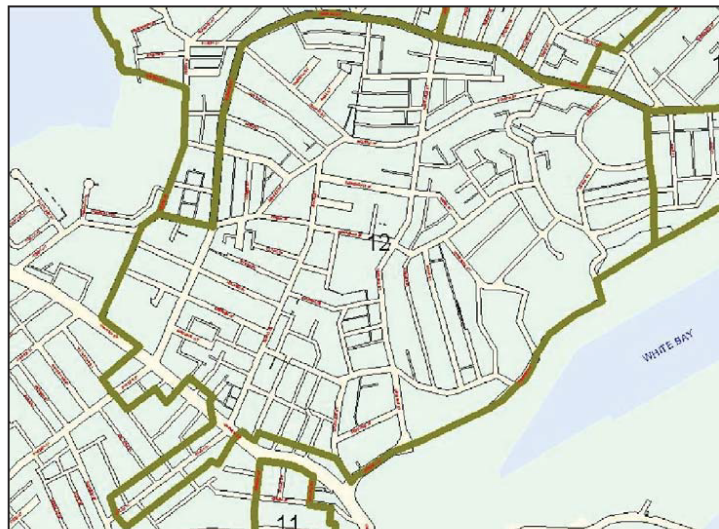


Figure 12.1 The Valley Conservation Area Map.

#### History

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

The largest of the estates put together from Langley's subdivisions was the 19 acres of the Merton Estate purchased by piano importers Paling and Starling, druggists George and Frederick Elliott and estate agent Alfred Hancock. It occupied the land between Terry Street and Evans Street. It was subdivided by its owners into 197 allotments generally 30ft x 100ft with 50ft-wide grid

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pattern of roads, and was auctioned by local agent and developer, Alfred Hancock from 1874.

A miscellaneous collection of service and consumer trades servicing these new dwellings appeared along Evans Street in the 1870s making it the main commercial thoroughfare along the upper reaches of the Balmain peninsula.

By the 1880s the growth of industry, including noxious industry, in White Bay and along Whites Creek, made the south and east-facing slopes of the Darling Street ridge unattractive for a more affluent residential market. Those who could find employment in these industries would seek housing within walking distance, as public transport – then the horse drawn bus or later the steam tram – were too expensive. Canny speculators, such as Hancock (later Mayor of Balmain) sold to small builders who constructed very dense workers' housing for rentees or purchasers on small budgets. By 1891 a large part of this area had been built upon.

The arrival of the government-owned steam tram at the junction of Darling Street and Victoria Road in 1892, provided relatively more affluent residents along its route with transport to the city, and a greater choice of employment away from places within immediate walking distance from home. The advent of the tramway probably explains the major impetus to growth in the area particularly to the west of Evans Street, so that in the 1890s much of Terry, Wellington, Merton and Nelson Streets were built upon with one-storey brick semis, pairs or small groups of terraces (two to an allotment) and double-fronted single-storey houses (one to an allotment). Most of these buildings were constructed by local builders such as Robert Gordon, William Whitehorn and James Gibson, whose small-scale operations are indicated by the small groups of similar houses or terraces.

From the 1850s, Booth's Saw Mill on White Bay provided a cheap source of timber and weatherboards, promoting weatherboard houses as the norm for workers' housing throughout Balmain until brick terrace housing became prevalent in the late nineteenth century.

The extension of the steam tram service along Darling Street by 1900 encouraged shopkeepers to relocate there to catch the passing trade, and Evans Street was superseded as a commercial centre.

The Metropolitan Detail Survey Sydney Water Archive<sup>1</sup> suggests that almost all the land east of Wellington Street was built upon by 1905.

By 1907 the precinct was generally known as Rozelle.

#### Sources

Solling, M and Reynolds, P 1997, 'Leichhardt: on the margins of the city', *Leichhardt Historical Journal*, Vol. 22, Allen and Unwin.

Further information provided by Max Solling.

#### Significant Characteristics

- Contour hugging main roads – Evans, Beattie and Reynolds.



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- Outline of subdivisions, size and aspect of allotments, determined by route of main roads.
- Wider residential roads off Darling Street ridge, with grid subdivision pattern, but
- Generally narrow roads between main access roads.
- Narrow, often shallow allotments.
- Back lanes are rare.
- Dense urban environment.
- Continuous lines of buildings create sharply defined lineal spaces.
- Buildings stepped up and down hill, following the topography.
- Houses sited close to road near Darling Street ridge; and sited onto the road alignment nearer to White Bay.
- Small front gardens near Darling Street; there are fewer gardens towards White Bay.
- Tree planting is minimal except where wider main access roads provide enough room – Langley, Roseberry, Llewelyn and Reynolds Street.
- Large stands of trees in parks and open spaces.
- Small range of housing types: single-fronted, single-storey timber terraces, two-storey terraces, free-standing timber or stone single-storey cottages.
- Some larger villas on high land around Smith Street, and more generous terraces in similar locations.
- Scale predominantly limited to one or two storeys.
- Pubs with verandahs act as punctuation marks in the streetscape.
- Corner stores.
- Commercial premises (and former commercial premises) with attached dwellings along Evans and Darling Streets.
- Small industrial/warehouse buildings occur throughout the area.
- Variety of materials – large number of timber, plastered brick, some later (1890s+) face brick and a few stone buildings.
- Roof materials vary – iron is common, terracotta tiles, some slate.
- Stone retaining walls.
- Remnants of iron palisade fences define some street frontages.
- Suspended awnings to commercial facades along Darling and Evans Streets.
- Sandstone kerbs and gutters.

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

- One of a number of conservation areas which 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 for workers' and artisan housing particularly from 1871-1891 which forms the major element of its identity. It is significant for its surviving development from that period and the later infill development up to World War II (ie pre-1939).
- Retains evidence of all its layers of growth within that period from the late-1870s.
- Through its important collection of weatherboard buildings, including the now rare timber terraces, it continues to demonstrate the nature of this important/major construction material in the fabric of early Sydney suburbs, and the proximity of Booth's saw mill and timber yards in White Bay.
- Through the mixture of shops, pubs and industrial buildings it demonstrates the nature of a Victorian suburb, and the close physical relationship between industry and housing in nineteenth century cities before the advent of the urban reform movement and the separation of land uses.
- Demonstrates through the irregular pattern of its subdivision the small-scale nature of the spec builders responsible for the construction of the suburb.
- Demonstrates the nature of some private subdivisions before the introduction of the Width of Streets and Lanes Act of 1881 required roads to be at least one chain wide.

#### Maintenance of Heritage Values

##### Generally

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

##### Retain

- Existing width and alignment of streets: avoid chicanes which cut diagonally across the carriageway.
- Existing back lanes.
- All buildings pre-1939 and particularly all timber buildings
- All original plaster finishes to external walls - reconstruct where necessary.
- All original unplastered face brick walls.
- All original external architectural detail, decorative tiles, plaster mouldings, chimneys, roof ridges and finials, commercial signs etc.

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Encourage replacement of lost elements, but only where evidence is available.

- All remaining sandstone kerbs and gutters.
- All corner stores, corner pubs and industrial buildings within the residential areas, and encourage their restoration. Consider small-scale commercial or professional uses for these buildings, if original uses no longer operate, as a reference to their original uses.
- Street and park planting; reinstate where necessary

Avoid

- Amalgamation that might lead to a change in the densely developed streetscape.
- Demolition of any pre-1939 building, particularly those pre-1910.
- Demolition of any remaining timber building.
- Additional storeys above the existing form of the building.
- Posted-verandahs over footpaths to commercial premises where no evidence can be provided to support their reconstruction. Encourage restoration of verandahs where evidence exists.
- Removal of plaster to external walls, where part of the original construction. Removal of original architectural details.
- Additional architectural detail for which there is no evidence.
- Inappropriate fences such as high brick walls, new iron palisades on high brick bases.
- Interruption to the almost continuous kerb and gutter line.

Endnotes

<sup>1</sup> Solling & Reynolds, p 81.

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