





			
DEVELOPMENT ASSESSMENT REPORT			
Application No.	MOD/2021/0174		
Address	2-8 Weston Street BALMAIN EAST NSW 2041		
Proposal	Modify approval to allow outdoor shade umbrellas over outdoor seating area; external coffee cart waiter's station; bin storage enclosure; air conditioning and cool room condensers located externally; glazed air lock to eastern entry; overhead shelving to existing bar/kitchen; and door threshold infill.		
Date of Lodgement	10 May 2021		
Applicant	The Fenwick Balmain Pty Ltd		
Owner	Inner West Council		
Number of Submissions	Initial: 3/ Initial Renotification: 17 Amended Plans Renotification: 11		
Value of works	\$352,000.00		
Reason for determination at Planning Panel	Council Land Number of Submissions		
Main Issues	Heritage Impact Intensification of use/Obstruction of pedestrian thoroughfare		
Recommendation	Approved with Conditions		
Attachment A	Recommended Modification to Conditions of Consent		
Attachment B	Architectural Plans – Rev. Q		
Attachment C	Approved Plan of Management - December 2019		
Attachment D	Modified Determination dated 8 December 2020		
Attachment E	Noise Emissions Assessment		
Attachment F	Heritage Impact Statement		
Attachment G	2-8 Weston Street Balmain East - Plan of Management		
Attachment H	Operations Plan of Management 2019		
			
LOCALITY MAP			
Subject Site		Objectors 	 N
Notified Area		Supporters 	

1. Executive Summary

This report is an assessment of the application submitted to Council for to modify development consent D/2015/299 approved on 23 August 2016. That approval was for the adaptive reuse of Fenwicks stone building as a licenced cafe with gallery space including associated accessibility improvements, public toilet facilities, new access path and reconfiguration of car parking in Illoura Reserve. The modification application the subject of this report seeks to allow outdoor shade umbrellas over outdoor seating area; external coffee cart waiter's station; bin storage enclosure; air conditioning and cool room condensers located externally; glazed air lock to eastern entry; overhead shelving to existing bar/kitchen; and door threshold infill in association with the current use at 2-8 Weston Street Balmain East.

The application was notified to surrounding properties and 3 submissions were received in response to the initial notification. 17 submissions were received in response to initial renotification. 11 submissions were received in response to renotification of the amended plans the subject of this report.

The application is recommended for approval.

2. Proposal

The application seeks to modify the approved form of the restaurant use to allow for the following:

- Provide a glazed air lock structure within the main eastern dining entry area.
- Installation of overhead shelving to the existing bar and kitchen area.
- Provision of outdoor shade umbrellas for the approved outdoor seating.
- Provide an external coffee cart/waiter's station.
- Provide an external bin storage enclosure at upper level western side of site.
- Install air conditioning, with location of associated plant, including cool room condenser external to the building under the northern site access stairs.

3. Site Description

The subject site is located on the eastern side of Weston Street, between Darling Street and Paul Street. The subject site consists of the Fenwick Building with lift access from Weston Street, accessible pathway and amenities. The subject site is irregular in shape with approximately 11.5m frontage to Weston Street however the Fenwick Building is oriented to the foreshore. Access to the building is available via the stairs or lift from Weston Street or from the foreshore pedestrian walkway.

Immediately to the north of the site is located the Darling Street Wharf and a bus turning area which is a major public transport interchange and a two storey serviced apartment building. The western side of Weston Street is occupied by a variety of two storey dwellings. Lands to the south comprise Illoura Reserve being a landscaped foreshore park with an existing playground located to the east of the existing access road.

The Fenwick stone building is listed as an item of state heritage significance, Illoura Reserve as a landscape heritage item, and the site is within a heritage conservation area. The site is not identified as a flood control lot.



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.

Application	Proposal	Decision & Date
D/2015/299	Adaptive reuse of Fenwicks stone building as a licenced cafe with gallery space including associated accessibility improvements, public toilet facilities, new access path and reconfiguration of car parking in Illoura Reserve.	Approved by Council 23/08/2016
MOD/2020/0174	Modify hours of operation of restaurant to allow evening use	Approved by Local Planning Panel 8/12/2020

4(b) Application history

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

Date	Discussion / Letter / Additional Information
9/11/2021	Request for Additional information
22/11/2021	Additional information submitted
24/11/2021	Request for Additional information – Amended Plans
23/12/2021	Additional information submitted

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 55 (Remediation of Land)*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

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

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

The site has been used in the past for activities which could have potentially contaminated the site. The proposed modification application seeks to carry out works within and adjacent the subject building, including the installation of plant, bin store, coffee cart and umbrellas on the surface of external areas. The proposal does not require remediation in accordance with SEPP 55.

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

The subject site falls within the Coastal Environment Area and Coastal Use area under the provisions of the Coastal Management SEPP. The proposed development seeks to undertake internal works to the building and provision of external air conditioning plant, coffee cart, umbrellas, and bin store for the existing approved use. No additional external seats are proposed as part of the proposal. The proposed works are considered ancillary to the current use of the site, have no significant effect on the foreshore area and remain compliant with the aims of the Policy.

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

The proposed development seeks to undertake internal works to the building and provision of external cooling equipment plant, coffee cart, umbrellas, and bin store for the existing approved use. No additional seats are proposed as part of the proposal.

The waterway adjoining the site is zoned W1 Maritime Waters. The proposed works are positioned above mean high water mark (MHWM) and therefore do not involve any works within a designated zoned area of SREP 2005.

The proposal does not fall within the definition of land-based development (i.e. boat sheds, reclamation works, sea walls, swimming pools and water front access stairs) or land/water interface development and therefore does not require consent pursuant to Clause 5(1).

Notwithstanding, the development site falls within the boundaries of this deemed SEPP and hence the proposal has been assessed and comments provided pursuant to the following clauses of SREP 2005:

Clause 2 – Aims of the Plan

The proposal is considered to be consistent with the aims of this Plan as the works the subject of the modification will promote public usage of the building and its surrounds whilst not adversely impacting onto the waterway or foreshore area of the harbour.

Clause 21 - Biodiversity, ecology and environment protection

The proposal will not adversely impact onto the water quality of the adjoining harbour.

Clause 22 - Public access to, and use of, foreshores and waterways

Existing public access along and to the foreshore will be maintained.

Clause 24 - Interrelationship of waterway and foreshore uses

The proposal involves works to a heritage listed building that does not involve works within the adjacent waterway. The proposal is not likely to affect or cause any conflicts with waterway activities along this section of the harbour.

Clause 25 - Foreshore and waterways scenic quality

The site is located at the northern end of Illoura Reserve along the Balmain East foreshore. The proposal does not alter the facades of the Fenwicks building with the new works being predominantly situated within the existing building. The proposed bin store, coffee cart umbrellas and cooling system plant are located externally in positions at the sides and rear of the building. These works will be visible from parts of the adjoining waterway. However, these works are of an appropriate form, scale and bulk and are located so as to be compatible with the building and foreshore setting.

Clause 26 - Maintenance, protection and enhancement of views

The proposed new works would not result in any significant impact on views to, and from, the waterway.

This DA was not required to be referred to the Foreshores and Waterways Advisory Committee pursuant to Clause 29.

5(a)(iii) *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 5.10 - Heritage Conservation
- Clause 6.5 - Limited development on foreshore area
- Clause 6.6 - Development on foreshore must ensure access

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

The site is zoned RE1 - Public Recreation under the LLEP 2013. The proposal is for the modification of an approved *food and drink premises*, which is defined as follows:

"Food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following-

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

A *Food and drink premises* is not permitted within the land use table. Despite this, Clause 5.10(10) *Conservation Incentives* of Leichhardt LEP 2013 allows consent for the use of a building that is listed as a heritage item for any purpose provided that certain criteria are satisfied.

The original application for the subject site (D/2015/299) demonstrated the proposal satisfied the criteria under this part and is a satisfactory use within the zone. The proposed development does not seek to intensify the use of the existing food and drink premises. The proposal does not seek to hinder the use of the public recreation areas and is consistent with the objectives of the RE1 zone.

Clause 5.10 - Heritage Conservation

As the original consent was subject to a S.60 approval from Heritage NSW, the current modification application was referred to Heritage NSW for any requirements. On 23 February 2022, Heritage NSW advised that the proposed modification was satisfactory subject to amended General Terms of Approval being placed on any modified consent. These terms are incorporated into the recommended conditions of consent attached to this report.

The Fenwick building is listed as an item of environmental heritage of state significance with the surrounds of the building and Illoura Reserve being listed as a landscaped item of heritage under Leichhardt LEP 2013. The subject site is located within a heritage conservation area. The site is also listed on the State Heritage Register (SHR) under the Heritage Act 1977.

The amended proposal includes six 2m x 2m umbrellas which are proposed to be set back approximately 2.7m behind the eastern (front) façade within the southern side setback of the building. Due to the potential impact on the setting of the Heritage Item it is considered that to reduce this impact the number of umbrellas should be reduced to five. Further, the size of the umbrellas should be no larger than the existing umbrellas used on the site (without consent) and that these must be set back a minimum 3.4m behind the front (east) elevation of the Fenwick building.

The application is silent with regard to external lighting in association with this outdoor seating area. However, the consent as modified by MOD/2020/0174 included the imposition of condition to control light spill in accordance with Australian Standard. Therefore, no further consideration of external lighting is required.

No lighting is currently provided in association with this seating. To reduce potential impacts of this seating area with umbrellas on the setting of the item, any approval should be conditioned so as not to include any additional external lighting for the outdoor seating area.

The amended plans the subject of this report provide for the small air conditioning condenser to be relocated underneath the foreshore access stairs to the north of the building in accordance with Heritage NSW recommendation.

Advice from Heritage NSW included that the cool room condenser was to remain internally within the building. The amended plans show a cool room condenser also proposed to be relocated underneath the foreshore access stairs to the north of the building.

Both the area in footprint and the eastern elevations of these condensers have been reduced in size. The air conditioning condenser is the larger of the two structures and the cool room condenser is proposed to sit directly in front of the air conditioning condenser. This will minimise the area of the eastern elevations of the structures visible from the waterfront. The location of the condensers underneath the existing steel framed foreshore access stairs will ensure the structures are partially obscured from view from the waterfront, which is a better outcome from an aesthetic perspective than the originally proposed size and location for the condensers directly beside the building.

The elevation and section drawings indicate a screen will be included under the stairs which will further obscure the structures from view from the public domain.

The proposal as amended is considered to be acceptable from a heritage perspective as it will not detract from the heritage significance of the Fenwick building and the Balmain East Heritage Conservation Area, subject to the design changes noted above and as contained in the recommendation to this report, to ensure the development is in accordance with the *Heritage Act 1977*, Clause 5.10 Objectives 1(a) and (b) in the Leichhardt LEP 2013 and the relevant objectives and controls in the Leichhardt DCP 2013.

Parks Department Comments

Consideration of this proposal included a review of the requirements of the Plan of Management for 2-8 Weston Street, Balmain and the 2009 Conservation Management Plan. In terms of adaptive use of the building and the surrounding curtilage and parkland the Plan of Management highlights that the park will be managed in a manner which preserves the Sydney Harbour and city vistas, acknowledges its cultural heritage value, protects the aesthetic, amenity and conservation values of the area and ensures that built structures on site have functional use for the enjoyment of the community.

The proposal does not represent an essential breach in terms of the opens space qualities of the parkland which would not be adversely impacted. Heritage design considerations have been addressed by Councils Heritage Advisor.

The Plan of Management does not require all works, such as the proposed A/C condensers to be kept within the Fenwick building.

Clause 6.5 - Limited development on foreshore area

The proposed works are not located within the Foreshore Area as defined by the Foreshore Building Line along this section of the foreshore.

Clause 6.6 - Development on foreshore must ensure access

The proposed works are not located within the Foreshore Area and would not be contrary to the provisions of this clause.

The application satisfies the provisions of the above Leichhardt Local Environmental Plan 2013.

5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

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

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Under the Draft IWLEP 2020 the subject site will remain as a listed heritage item. The development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Modification under Section 4.55 (1A) of the Environmental Planning and Assessment Act, 1979

Under Section 4.55 (1A) of the Environmental Planning and Assessment Act, 1979, Council, when considering a request to modify a Determination must:

- a) Be satisfied that the development as modified is of minimal environmental impact*

- b) Be satisfied that the development as modified is substantially the same development as the development for which consent was originally granted*
- c) Notify the application in accordance with the regulations*
- d) Consider any submissions made*
- e) Take into consideration the matters referred to in Section 4.15 that are relevant to the development the subject of the modification application.*

The development being modified is substantially the same development as the development for which consent was originally granted.

The modification was referred to the Heritage NSW for comment.

The application was notified in accordance with the regulations and Council's notification policy and the matter raised in submissions considered in assessment of the proposal.

The heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application.

5(e) 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.

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B3.1 Social Impact Assessment	Yes
B3.2 Events and Activities in the Public Domain (Special Events)	Yes

Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.7 Site Facilities	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.13 Open Space Design Within the Public Domain	Yes
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Yes
C1.20 Foreshore Land	Yes
Part C: Place – Section 2 Urban Character	
C.2.2.2.2 - Balmain East Distinctive Neighbourhood	Yes
C2.2.2.2(a) - Eastern Waterfront Sub Area	
Part C: Place – Section 3 – Residential Provisions	n/a
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	Yes
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	Yes
C4.5 Interface Amenity	Yes
C4.11 Licensed Premises and Small Bars	Yes
C4.20 Outdoor Dining Areas	Yes
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.4 Non-Residential Development	Yes
Part E: Water	n/a
Part F: Food	n/a
Part G: Site Specific Controls	n/a

The following provides discussion of the relevant issues:

C1.4 Heritage Conservation Areas and Heritage Items

As discussed elsewhere in this report, the amended plans the subject of this report or considered satisfactory with regard to heritage design and impact. The modifications to the existing approved development are consistent with the relevant objectives and controls of this Part.

C1.11 Parking

The proposal does not involve an intensification of the approved use of the site. Consequently, no additional parking is required.

C1.13 Open Space Design Within the Public Domain

The proposed installation of external air-conditioning condensers, bin store; and umbrellas to existing approved outdoor seating, are considered satisfactory on heritage grounds, would not significantly detract from the function of the public open space and minimises visual impact on the natural landscape.

C4.5 Interface Amenity

The objectives of this Part of the LDCP 2013 are as follows:

"To ensure that development does not impact the surrounding area or cause unreasonable nuisance to any other use by way of:

- a) noise;*
- b) odour;*
- c) vibration;*
- d) overshadowing; and*
- e) overly bulky or overbearing development that significantly reduces outlook or privacy.*

The proposed location of a bin store on the upper landing area of the site is consistent with existing location of bins associated with current use. These bins are located over 17m from the nearest dwelling in Weston Street. It is considered that the rationalisation of the existing bin/waste storage through the provision of formal bin enclosure is a positive proposal involving no increase in exposure to acoustic or visual impacts on neighbouring residential properties.

The proposed umbrellas to serve the existing outdoor seating of the use have been altered in the amended plans the subject of this report in response to heritage concerns and submissions on the ground of visual impact to the setting of the Fenwicks building and Illoura reserve, including the maintenance of public access past the Fenwicks building to the southern access stair and public toilet/lift facilities. The reduction in size of the proposed umbrellas has reduced potential for such conflict and is supported.

A Noise Emission Assessment has been submitted with the application which concludes that subject to the recommendations contained in the report, noise emissions from the operation of the site will not result in unacceptable noise impacts to neighbouring properties.

The proposed location of air conditioning plant has been altered in the amended plans the subject of this report in response to heritage concerns and in response to submissions on the ground of acoustic disturbance from such units. The proposed location beneath the northern access stairway of two condenser units for the uses cool room and air conditioning would increase separation distance from residential properties whilst minimising visual intrusion of such units within the curtilage of the Fenwicks Building and the public domain generally. Installation of these units external to the heritage listed Fenwicks building is considered satisfactory in the circumstances. The works are not contrary to the provisions of the Plan of Management for 2-8 Weston Street as it is considered that the location of these units within the building may adversely impact the heritage fabric.

The application does not include provision of outdoor lighting for the external seating area. It is considered that the use of such lighting to serve the external seating area would detract from the building, foreshore and setting of the Item of Heritage. Such lighting may also result in amenity impacts to neighbouring residential properties. These adverse impacts should be avoided. Consequently, any approval should be conditioned to specify that outdoor lighting/illumination shall not be provided to the external seating area at any time.

The location of the external plan and umbrellas would not result in any significant view impacts, either to, from or through the site.

C4.11 Licensed Premises and Small Bars

The premises is currently subject to an operating Plan of Management dated 2019. Any approval should be conditioned to revise the approved Plan of Management to reflect the development as modified.

C4.20 Outdoor Dining Areas

The proposal does not involve any enlargement or intensification of the existing use of the site/building.

It is considered prudent that as a result of any approval for umbrellas to the outdoor seating area, that a condition be placed on any consent to ensure satisfactory pedestrian movement at all times past the area containing umbrellas. In this regard a clear 1.5m wide path of travel is required to be maintained at all times on the southern side of the outdoor seating area to provide and facilitate pedestrian access between the foreshore and the southern access stairs and lift/ toilet facilities on the site.

Further, a condition should also be included requiring the proposed umbrellas to be safely anchored and secured for stability and have a minimum clearance height of 2.1 m to ground level.

5(e) The Likely Impacts

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

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

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

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 30 days to surrounding properties. Three (3) submissions were received in response to the initial notification. Seventeen (17) submissions were received in response to the initial renotification of the application and eleven (11) submissions were received in response to renotification of the amended plans the subject of this report.

The following issues raised in submissions have been discussed in this report:

- The proposed umbrellas are too large and will be permanently fixed in their locations.
- The proposal will result in conflict with pedestrians passing the external seating to the southern foreshore access stairway, lift and toilets.
- Adverse heritage impact of the A/C condenser location adjacent the building.
- Noise
- Possible use of external lighting of the seating/ visual impacts to/from the site.
- The proposal is contrary to the *2-8 Weston Street Plan of Management* due to external location of associated A/C infrastructure; adverse heritage impact of external A/C units; and loss of public views through the site.

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

Issue: The proposal represents an increased footprint and intensification of the use.
Comment: The proposal does not involve any increase to the number of approved seats or the intensification of the use on the site. It is noted that the proposed coffee cart represents an additional facility for a service offered by the current approved use.

Issue: The umbrellas and coffee cart represent a privatisation of the public space.
Comment: The proposed umbrellas and coffee cart are located adjacent the current approved use of the site. As such, these facilities are not considered to affect public land.

Issue: The existing kitchen exhaust causes late night noise/odour disturbance.
Comment: The issue of impacts of the current approved use are not altered by the proposed modification to the consent represented by this application. The proposed modifications do not relate to alteration to existing exhaust ventilation. This matter has been referred to Council Compliance Officers for investigation.

Issue: Increased parking demand and traffic conflict.
Comment: The works the subject of this modification do not result in an intensification of use. Therefore, there is no resultant increased demand for on-site parking for the approved use.

Issue: Increased hours of operation will increase noise disturbance.
Comment: The subject modification application does not propose an increase in hours of operation.

Issue: The provision of external seating area will increase parking demand.
Comment: The subject modification application does not propose an increase in seating. Therefore, there is no resultant increased demand for on-site parking for the approved use.

Issue: Submitted noise report does not reflect rail tunnelling work.
Comment: The acoustic impact of the proposed works has been assessed by Council Environmental Health Officer and considered satisfactory.

Issue: Conflict of interest as Council is landowner/landlord.
Comment: As Council is the landowner/landlord, the application is required to be referred to the Inner West Planning Panel for determination.

Issue: The Plan of Management precludes shade structures.
Comment: Shade and other structures are not precluded by the *2-8 Weston Street Plan of Management*

Issue: The proposal is contrary to the Conservation Management Plan.
Comment: The proposal has been assessed by Council's Heritage Advisor and is considered satisfactory.

Issue: The coffee cart location should be specified by condition of consent.
Comment: The location of the coffee cart is specified on the submitted plans. Any consent should be conditioned to ensure it remains in that position.

Issue: The proposal has not addressed Covid.
Comment: The proposed works to the site do not result in any increased covid risk to the public.

Issue: The proposed bin store encroaches on public land.
Comment: The relocated bin store is within the curtilage of the Fenwick Building and as noted elsewhere in this report, considered satisfactory on heritage grounds.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage
- Parks
- Environmental Health

6(b) External

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

- Heritage NSW

7. Section 7.11 Contributions/7.12 Levy

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

8. Conclusion

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

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55 of the *Environmental Planning and Assessment Act 1979*, grant consent to Modification Application No. MOD/2021/0174 to modify the approval to permit internal alterations, outdoor shade umbrellas, coffee cart, garbage store and various operational requirements such as mechanical/cooling installations at 2-8 Weston Street, Balmain East subject to the conditions listed in Attachment A below.

Attachment A - Recommended Modification to Conditions of Consent

A. Modify the following Condition/s to read as follows:

1. Development must be carried out in accordance with Development Application No. D/2015/299, as modified, and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
1418 Cover Sheet	Welsh+Major	November 2014
1418 Dwg No. DA 01 Issue C Site Plan (also referred to as Issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 02 Issue C Roof Plan (also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 03 Issue D Ground Floor Plan(also referred to as issue E)	Welsh+Major	9/10/2015
1418 Dwg No. DA 04 Issue C First Floor Plan (also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 05 Issue C Section AA (also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 06 Issue C Section BB (also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 07 Issue C South Elevation (also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 08 Issue C North Elevation(also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 09 Issue C West Elevation (also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 10 Issue C East Elevation (also referred to as issue D)	Welsh+Major	9/10/2015
DA 01 Accessible Walkway Concept	Leichhardt Council	2.12.14
DA 02 Sections Finish	Leichhardt Council	2.12.14
DA-01 Tree Planting Concept	Leichhardt Council	11.05.15
Proposed Angle Parking Dwg.No. A1-838	Leichhardt Council	4 December 2015
Survey Plan REF 23900 Over 6-8 Weston Street	Norton Survey Partners	11-7-14
Survey Plan Illoura Reserve Job Ref 34430DT	Lockley Land Title Solutions	11-11-2011
Stormwater Cover Sheet, Notes & Locality	Meinhardt	2/12/2014

Plan		
Stormwater Drainage Plans Rev A	Meinhardt	2.12.14
2017-046-A1000/Q COVER PAGE	BJB Architects	14/12/2021
2017-046-A1001/Q SITE ANALYSIS PLAN	BJB Architects	14/12/2021
2017-046-A1002/Q EXISTING GROUND FLOOR PLAN	BJB Architects	14/12/2021
2017-046-A1003/Q EXISTING FIRST FLOOR PLAN	BJB Architects	14/12/2021
2017-046-A1004/Q DEMOLITION PLAN GROUND FLOOR	BJB Architects	14/12/2021
2017-046-A1005/Q DEMOLITION PLAN FIRST FLOOR	BJB Architects	14/12/2021
2017-046-A1101/Q PROPOSED GROUND FLOOR PLAN	BJB Architects	14/12/2021
2017-046-A1102/Q PROPOSED FIRST FLOOR PLAN	BJB Architects	14/12/2021
2017-046-A1103/Q ROOF PLAN	BJB Architects	14/12/2021
2017-046-A1104/Q GROUND FLOOR FURNITURE PLAN	BJB Architects	14/12/2021
2017-046-A1105/Q FIRST FLOOR FURNITURE PLAN	BJB Architects	14/12/2021
2017-046-A1106/Q GROUND FLOOR RCP	BJB Architects	14/12/2021
2017-046-A1107/Q FIRST FLOOR RCP	BJB Architects	14/12/2021
2017-046-A1201/Q SECTION	BJB Architects	14/12/2021
2017-046-A1202/Q SECTION	BJB Architects	14/12/2021
2017-046-A1203/Q SECTION / SOUTH ELEVATION	BJB Architects	14/12/2021
2017-046-A1204/Q EAST ELEVATION	BJB Architects	14/12/2021
2017-046-A1205/Q NORTH ELEVATION	BJB Architects	14/12/2021
2017-046-A1206/Q WEST ELEVATION - SECTION	BJB Architects	14/12/2021
2017-046-A1401/Q SERVERY BELOW BENCH PLAN	BJB Architects	14/12/2021
2017-046-A1402/Q SERVERY ABOVE BENCH PLAN	BJB Architects	14/12/2021

2017-046-A1403/Q	SERVERY SECTION	BJB Architects	14/12/2021
2017-046-A1404/Q	SERVERY SECTION	BJB Architects	14/12/2021
2017-046-A1405/Q	SERVERY SECTION	BJB Architects	14/12/2021
2017-046-A1406/Q	SERVERY ELEVATION A	BJB Architects	14/12/2021
2017-046-A1408/Q	SERVERY DETAIL	BJB Architects	14/12/2021
2017-046-A1409/Q	SERVERY WINDOW DETAIL	BJB Architects	14/12/2021
2017-046-A1410/Q	SERVERY WALL DETAIL	BJB Architects	14/12/2021
2017-046-A1501/Q	BAR BELOW BENCH PLAN	BJB Architects	14/12/2021
2017-046-A1502/Q	BAR ABOVE BENCH PLAN	BJB Architects	14/12/2021
2017-046-A1503/Q	BAR SECTION	BJB Architects	14/12/2021
2017-046-A1504/Q	BAR SECTION	BJB Architects	14/12/2021
2017-046-A1505/Q	BAR ELEVATION A	BJB Architects	14/12/2021
2017-046-A1506/Q	BAR ELEVATION B	BJB Architects	14/12/2021
2017-046-A1701/Q	WATER STATION - PLAN & ELEVATION	BJB Architects	14/12/2021
2017-046-A1811/Q	ENTRY THRESHOLD DETAILS	BJB Architects	14/12/2021
2017-046-A1812/Q	ENTRY THRESHOLD DETAILS	BJB Architects	14/12/2021
2017-046-A1813/Q	ENTRY THRESHOLD DETAILS	BJB Architects	14/12/2021
2017-046-A1814/Q	ENTRY THRESHOLD DETAILS	BJB Architects	14/12/2021
2017-046-A1815/Q	ENTRY THRESHOLD DETAILS	BJB Architects	14/12/2021
2017-046-A1816/Q	ENTRY THRESHOLD DETAILS	BJB Architects	14/12/2021
2017-046-A1821/Q	OVERHEAD SHELVING DETAILS	BJB Architects	14/12/2021
2017-046-A1822/Q	OVERHEAD SHELVING DETAILS	BJB Architects	14/12/2021

2017-046-A1823/Q OVERHEAD SHELVING DETAILS	BJB Architects	14/12/2021
2017-046-A1824/Q OVERHEAD SHELVING DETAILS	BJB Architects	14/12/2021
2017-046-A1825/Q OVERHEAD SHELVING DETAILS	BJB Architects	14/12/2021
2017-046-A1826/Q OVERHEAD SHELVING DETAILS	BJB Architects	14/12/2021
2017-046-A1841/Q COFFEE CART DETAILS	BJB Architects	14/12/2021
2017-046-A1842/Q COFFEE CART DETAILS	BJB Architects	14/12/2021
2017-046-A1843/Q COFFEE CART DETAILS	BJB Architects	14/12/2021
2017-046-A1844/Q COFFEE CART DETAILS	BJB Architects	14/12/2021
2017-046-A1851/Q BIN STORAGE DETAILS	BJB Architects	14/12/2021
2017-046-A1852/Q BIN STORAGE DETAILS	BJB Architects	14/12/2021
M00\T1 - COVER SHEET LEGEND & NOTES	Pace Consulting Engineers	19/3/2020
M01\T1 - GROUND FLOOR LAYOUT	Pace Consulting Engineers	19/3/2020
M02\T1 - FIRST FLOOR LAYOUT	Pace Consulting Engineers	19/3/2020
Document Title	Prepared By	Dated
Arborist Report	Sydney Metro Tree Services	Nov 2014
Heritage Impact Statement - Fenwick's Stone Building	City Plan Services	23/11/15
Heritage Impact Statement - Proposed Works Illoura Reserve East Balmain	Musecape	26/1/2016
Archaeological Assessment	Casey & Lowe	May 2016
Site Waste Minimisation & Management Plan	Julian Oon	Undated
BCA Compliance Report	Environet Consultancy Pty Ltd	Dec 2014

Accessibility Report	Accessibility Solutions (NSW) Pty Ltd	2 nd Dec 2014
Noise Impact Assessment	Acoustic logic	26/5/2015
Traffic & Parking Impact Assessment	McLaren Traffic Engineering	20 April 2015
Construction Environmental Management Plan	Consara	22 May 2015
Summary of Environmental Condition and Assessment of Suitability	Consara	22 May 2015
Interpretive Signage Balmain Foreshore	Deuce Design	19/7/2013
Heritage Impact Statement	Paul Davies Pty Ltd	17/4/2020
Noise Emissions Assessment - 20191151.1/0305NRO/AS - Rev.0	Acoustic Logic	3/5/2020
Statement of Environmental Effects 2-8 & 10-20 Weston Street, East Balmain	SJB Planning	June 2015
Revised Final Plan of Management	ASPECT Studios	February 2008
Statement of Support	SJB Planning	17 June 2020

2. The proposed development shall comply with the following conditions attached to Section 60 Approval issued by the Office of Heritage dated 23/2/2022.

a) SHADE STRUCTURES

~~No shade structures are approved as part of this application. A separate approval under the provisions of the Heritage Act is required for any shade structures.~~

- The area used for the shade structures shall remain as the previously approved 24 patron seating area. The dimensions of this area including distance from the southern and eastern stone walls of the building must be submitted with the s.65A application for approval by the Heritage Council of NSW (or delegate).
- The approved six 2mx2m umbrellas must be lightweight/freestanding and be stored indoors outside of trading hours.

Reason: To minimise visual Impacts to SHR Item's setting and views.

c) NOMINATED HERITAGE CONSULTANT

- a) A heritage consultant is to provide advice on the detailed design, undertake on-site heritage inductions and inspect the demolition and removal of material to ensure that no significant fabric or elements are damaged or removed.

b) All work shall be carried out by suitably qualified tradespeople with practical experience in conservation and restoration of similar heritage items. The nominated heritage consultant shall be consulted prior to the selection of appropriate tradespeople.

d) SITE PROTECTION & WORKS

i) Significant building fabric and elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

~~ii) Significant trees are to be protected during the works from potential damage. Tree Protection Zones must be established to ensure significant trees are not damaged or removed. Any aboriginal management required must be carried out by trained arborists with appropriate experience in cultural landscapes.~~

ii) The installation of new services shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features.

f) DESIGN MODIFICATIONS

The proposed door D-01 must be reduced to a maximum width of 1.5m to match the width of door located above it (D-ex).

g) INTERNAL PARTITIONS

To ensure the original interior layout can be interpreted, the internal partitions on the ground level must not exceed 1350mm high and must be able to be easily removed in future when not required.

h) NEW SERVICES

Details of penetrations into significant fabric and excavations required for new Air-Conditioning and relocation of the coolroom condenser unit must be submitted with the s.65A application for approval by the Heritage Council of NSW (or delegate). If excavation is proposed an archaeological impact assessment must also be submitted.

Reason: To minimize impact on significant fabric.

i) SECTION 65A APPLICATION

An application under section 65A of the Heritage Act 1977 must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

Reason: To meet legislative requirements.

j) COMPLIANCE

If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

12A. That the Plan of Management dated 2019 shall be updated to reflect the development as amended by MOD/2021/0174.

14. All plant and associated equipment must be located within the approved building envelope and not be located on the roof, unless specified otherwise on the approved plans. Details on the location of all plant and equipment must be provided prior to the issue of a Construction Certificate for works.

B. Add the following Conditions to read as follows:

67. That the number of umbrellas within the outdoor seating area shall number no more than six.

68. That the umbrellas shall be no larger than those currently used on the site.

69. That the umbrellas shall be set back a minimum 3.4 metres behind the front (eastern) elevation of the Fenwick building.

70. That the umbrellas shall be safely anchored and secured for stability and have a minimum clearance height of 2.1 m to ground level.

71. That a clear path of travel of a minimum 1.5m width shall be maintained at all times on the southern side of the outdoor seating area so as to provide and facilitate pedestrian access between the foreshore and the southern access stairs, lift and toilet facilities on the site.

72. **Commercial Waste/Recycling Collection**

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area,

Garbage and recycling must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

73. **Noise – Consultant's Recommendations**

The recommendations contained in the acoustic report prepared by Acoustic Logic Pty Ltd reference 20191151.1/0305A/R0/AS dated 3/05/2020 must be implemented during operation of the premises.

FENWICK'S STONE BUILDING
2-8 WESTON STREET, BALMAIN

DRAWING REGISTER

Drawing No.	Revision	Date	Title
2017-066-A1000	0	14-12-2021	COVER PAGE
2017-066-A1001	0	14-12-2021	SITE ANALYSIS PLAN
2017-066-A1002	0	14-12-2021	EXISTING GROUND FLOOR PLAN
2017-066-A1003	0	14-12-2021	EXISTING FIRST FLOOR PLAN
2017-066-A1004	0	14-12-2021	DEMOLITION & GRASS GROUND FLOOR
2017-066-A1005	0	14-12-2021	DEMOLITION & FIRST FLOOR
2017-066-A1010	0	14-12-2021	PROPOSED GROUND FLOOR PLAN
2017-066-A1012	0	14-12-2021	PROPOSED FIRST FLOOR PLAN
2017-066-A1013	0	14-12-2021	ROOF PLAN
2017-066-A1014	0	14-12-2021	GROUND FLOOR PLANTIME PLAN
2017-066-A1015	0	14-12-2021	FIRST FLOOR PLANTIME PLAN
2017-066-A1016	0	14-12-2021	GROUND FLOOR ROOF
2017-066-A1107	0	14-12-2021	FIRST FLOOR ROOF
2017-066-A1201	0	14-12-2021	SECTION
2017-066-A1202	0	14-12-2021	SECTION
2017-066-A1203	0	14-12-2021	SECTION
2017-066-A1204	0	14-12-2021	SECTION
2017-066-A1205	0	14-12-2021	ELEVATION
2017-066-A1206	0	14-12-2021	ELEVATION
2017-066-A1207	0	14-12-2021	ELEVATION
2017-066-A1208	0	14-12-2021	ELEVATION
2017-066-A1209	0	14-12-2021	SECTION
2017-066-A1210	0	14-12-2021	SECTION
2017-066-A1402	0	14-12-2021	SEWERY DETAILS
2017-066-A1403	0	14-12-2021	SEWERY DETAILS
2017-066-A1404	0	14-12-2021	SEWERY DETAILS
2017-066-A1405	0	14-12-2021	SEWERY DETAILS
2017-066-A1406	0	14-12-2021	SEWERY DETAILS
2017-066-A1407	0	14-12-2021	SEWERY DETAILS
2017-066-A1408	0	14-12-2021	SEWERY DETAILS
2017-066-A1409	0	14-12-2021	SEWERY DETAILS
2017-066-A1410	0	14-12-2021	SEWERY DETAILS
2017-066-A1411	0	14-12-2021	SEWERY DETAILS
2017-066-A1412	0	14-12-2021	SEWERY DETAILS
2017-066-A1413	0	14-12-2021	SEWERY DETAILS
2017-066-A1414	0	14-12-2021	SEWERY DETAILS
2017-066-A1415	0	14-12-2021	SEWERY DETAILS
2017-066-A1416	0	14-12-2021	SEWERY DETAILS
2017-066-A1417	0	14-12-2021	SEWERY DETAILS
2017-066-A1418	0	14-12-2021	SEWERY DETAILS
2017-066-A1419	0	14-12-2021	SEWERY DETAILS
2017-066-A1420	0	14-12-2021	SEWERY DETAILS
2017-066-A1421	0	14-12-2021	SEWERY DETAILS
2017-066-A1422	0	14-12-2021	SEWERY DETAILS
2017-066-A1423	0	14-12-2021	SEWERY DETAILS
2017-066-A1424	0	14-12-2021	SEWERY DETAILS
2017-066-A1425	0	14-12-2021	SEWERY DETAILS
2017-066-A1426	0	14-12-2021	SEWERY DETAILS
2017-066-A1427	0	14-12-2021	SEWERY DETAILS
2017-066-A1428	0	14-12-2021	SEWERY DETAILS
2017-066-A1429	0	14-12-2021	SEWERY DETAILS
2017-066-A1430	0	14-12-2021	SEWERY DETAILS
2017-066-A1431	0	14-12-2021	SEWERY DETAILS
2017-066-A1432	0	14-12-2021	SEWERY DETAILS
2017-066-A1433	0	14-12-2021	SEWERY DETAILS
2017-066-A1434	0	14-12-2021	SEWERY DETAILS
2017-066-A1435	0	14-12-2021	SEWERY DETAILS
2017-066-A1436	0	14-12-2021	SEWERY DETAILS
2017-066-A1437	0	14-12-2021	SEWERY DETAILS
2017-066-A1438	0	14-12-2021	SEWERY DETAILS
2017-066-A1439	0	14-12-2021	SEWERY DETAILS
2017-066-A1440	0	14-12-2021	SEWERY DETAILS
2017-066-A1441	0	14-12-2021	SEWERY DETAILS
2017-066-A1442	0	14-12-2021	SEWERY DETAILS
2017-066-A1443	0	14-12-2021	SEWERY DETAILS
2017-066-A1444	0	14-12-2021	SEWERY DETAILS
2017-066-A1445	0	14-12-2021	SEWERY DETAILS
2017-066-A1446	0	14-12-2021	SEWERY DETAILS
2017-066-A1447	0	14-12-2021	SEWERY DETAILS
2017-066-A1448	0	14-12-2021	SEWERY DETAILS
2017-066-A1449	0	14-12-2021	SEWERY DETAILS
2017-066-A1450	0	14-12-2021	SEWERY DETAILS
2017-066-A1451	0	14-12-2021	SEWERY DETAILS
2017-066-A1452	0	14-12-2021	SEWERY DETAILS
2017-066-A1453	0	14-12-2021	SEWERY DETAILS

SCHEDULE OF CHANGES

- Outdoor shade umbrellas
- External office car / waters station
- Bin storage enclosure
- Air Conditioning
- Glassed in entrance
- Overhead stoking to existing bar and service
- Door threshold infill

The amendments included in this application (Revision Q) are as follows:

- Replace proposed fixed umbrellas with temporary umbrellas
- Coffie cart location changed
- Coolroom and A/C condenser location changed
- Bin enclosure location changed

Drawing No.	Revision	Date	Title
2017-06-A181	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A182	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A183	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A184	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A185	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A186	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A187	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A188	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A189	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A190	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A191	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A192	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A193	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A194	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A195	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A196	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A197	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A198	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A199	Q	14 12 2021	ENTRY THRESHOLD DETAILS
2017-06-A200	Q	14 12 2021	ENTRY THRESHOLD DETAILS

ARCHITECT

BJB

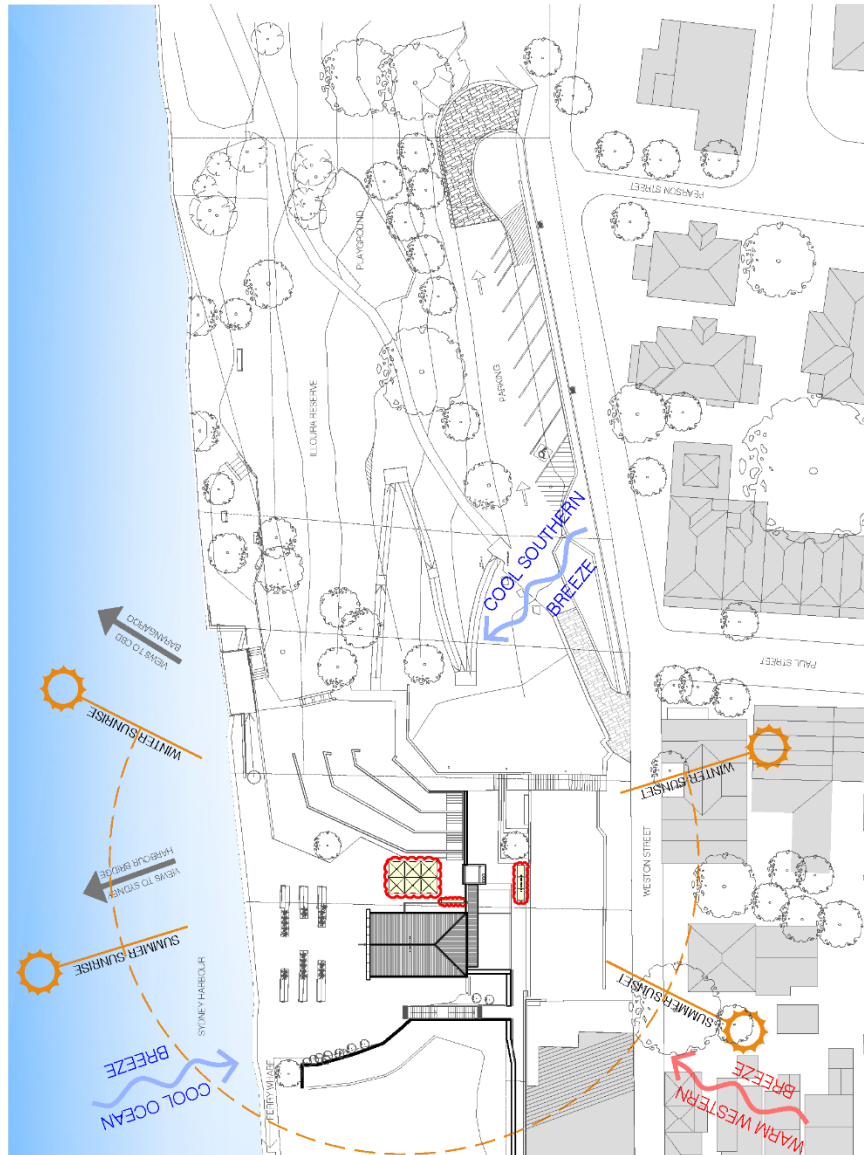
ARCHITECTS

S.B. Architects Pty Ltd
p: 037760577 | e: studio@bjbarchitects.com.au
nominal architect: Bary Bakhken NSW Reg No 8806

1000

ISSUE	AMENDMENT	DATE
L	Modified Construction Cost table	27.06.2019
M	Modified Construction Cost table	02.06.2019
N	As-Built Drawing	10.01.2019
O	As-Built Drawing 50-55	14.12.2020
P	50-55 As-Built Drawing	14.12.2020

COVER PAGE	
SCALE:	DATE: 14.12.2021
ISSUE: Q: 54	REV: 0: 54
2017-046 A1000	



SITE ANALYSIS PLAN	
SCALE: 1:500 @ A3	DATE: 14.12.2021
ISSUE: Q - \$4.55 AMENDMENTS	9 2017-046
A1001	

PROJECT	
FENWICK'S STONE BUILDING	
2 & WESTON STREET, BALMAIN	
ALTERATIONS AND ADDITIONS	
SYDNEY RESTAURANT GROUP	

ISSUE	AMENDMENT	DATE
L	Modified Construction Certificate	27.05.2019
M	Modified Construction Certificate	07.06.2019
N	As Built Drawing	19.07.2019
P	Final Drawing	11.01.2020
Q	\$4.55 Amendments	14.12.2021

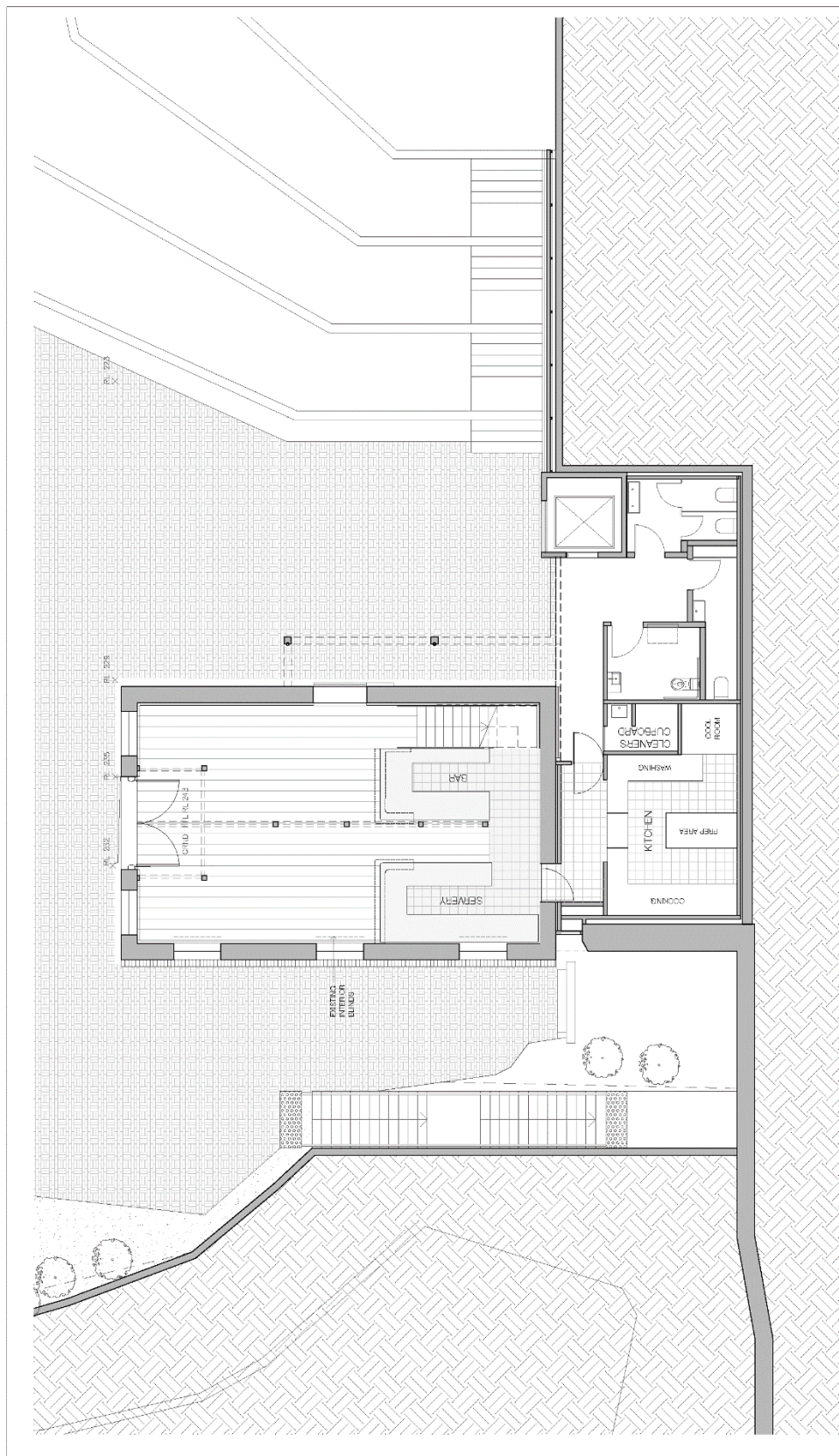


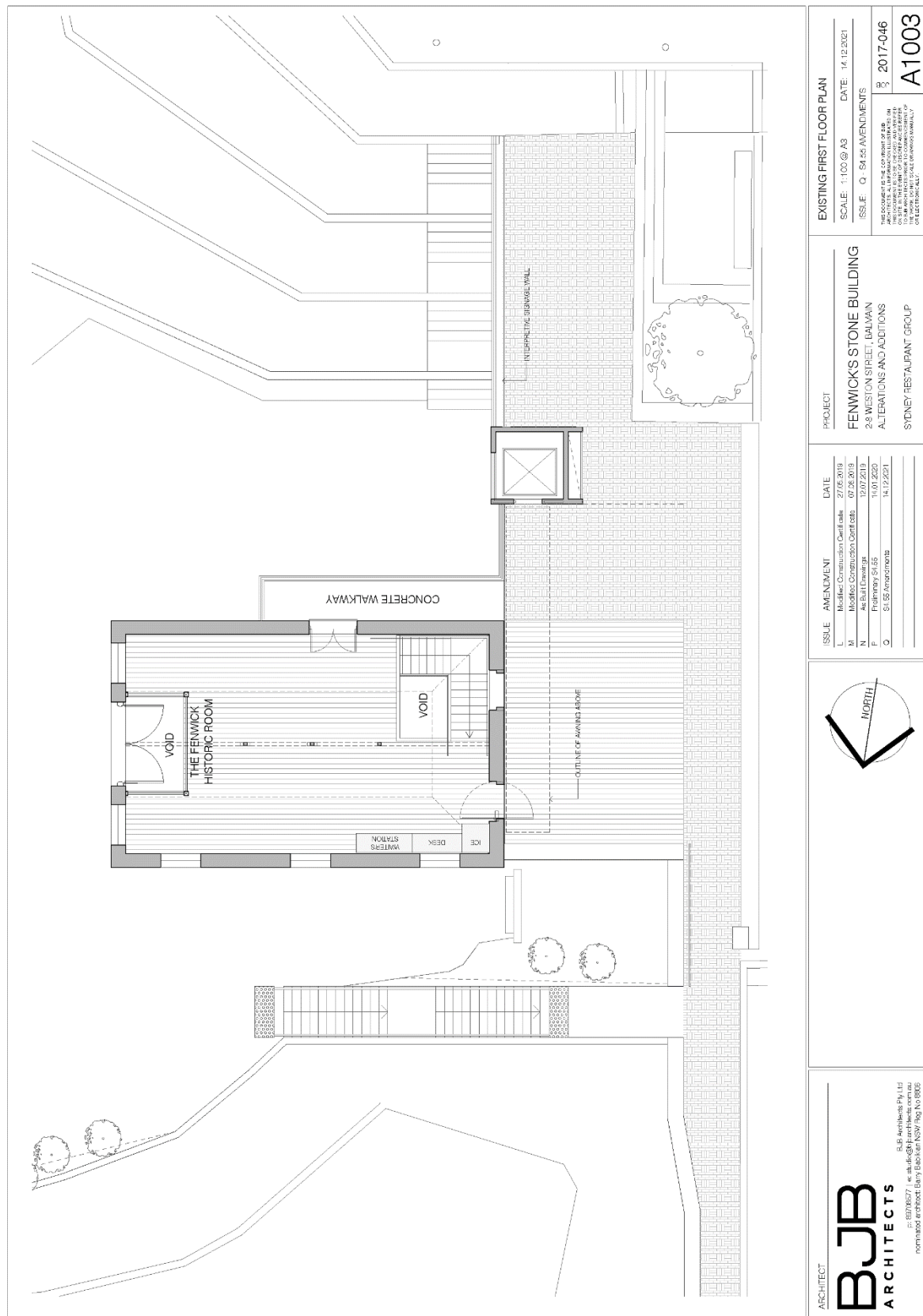
LEGEND
PROPOSED NEW WORK

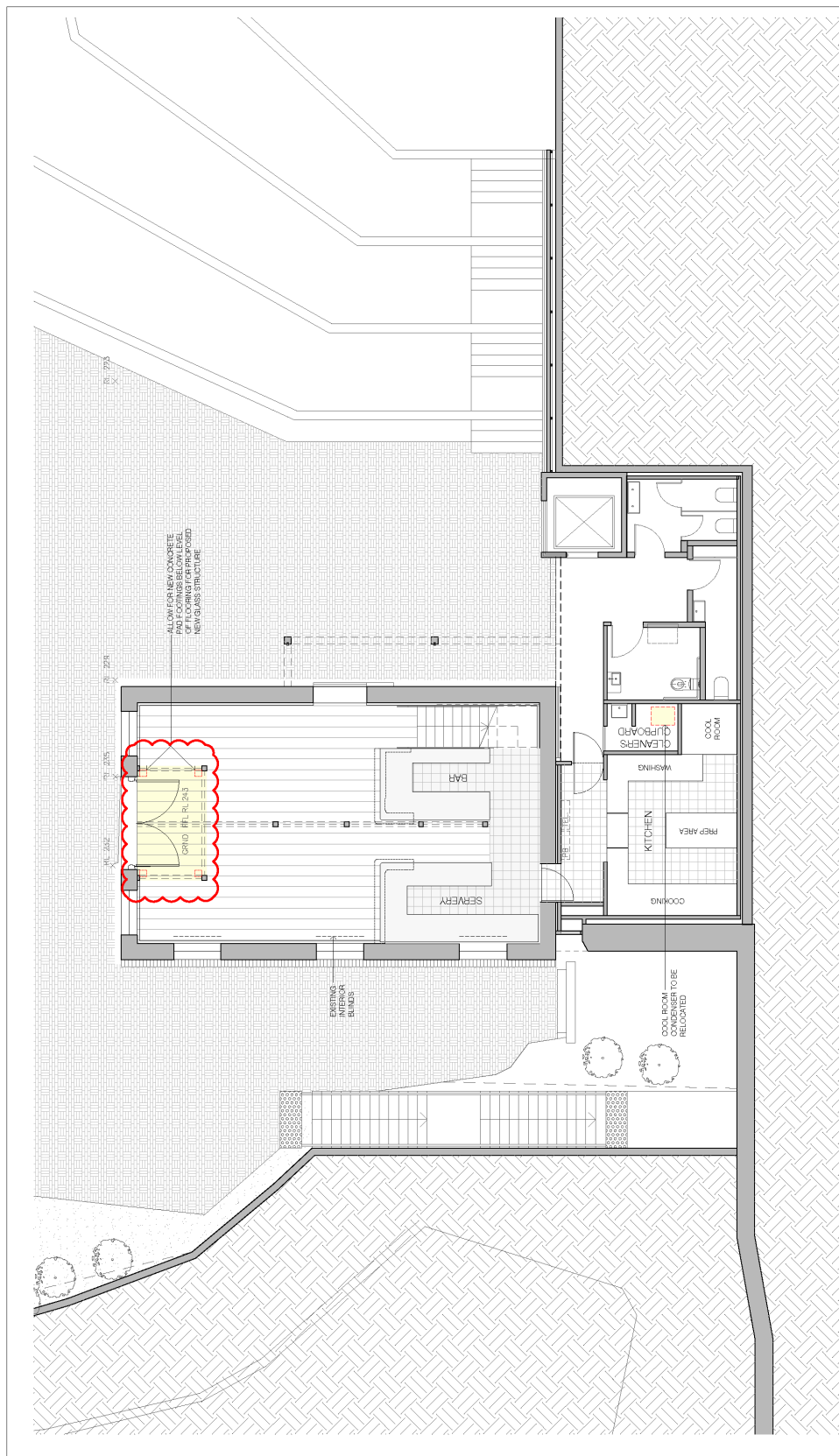
ARCHITECT

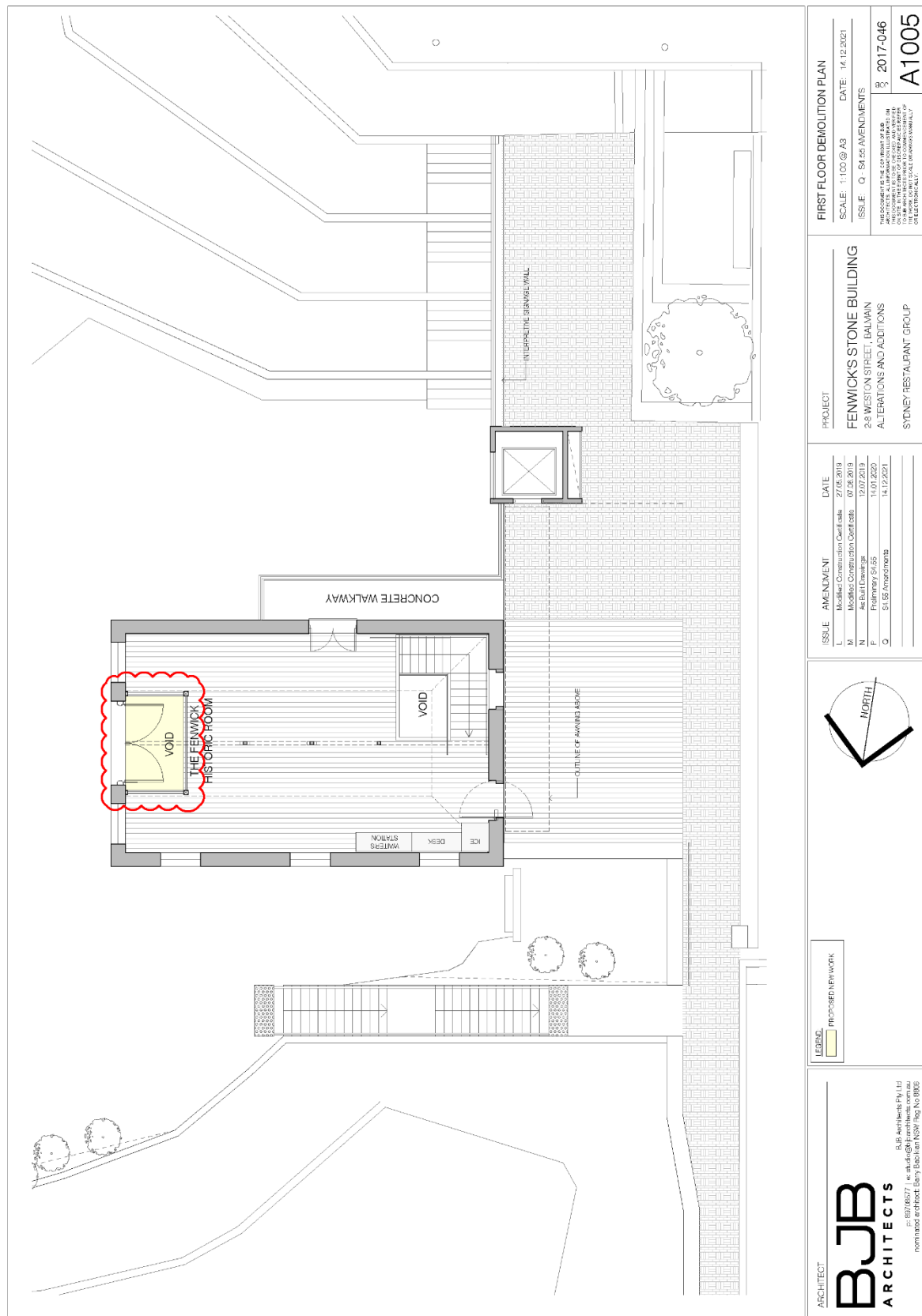
BJB
ARCHITECTS

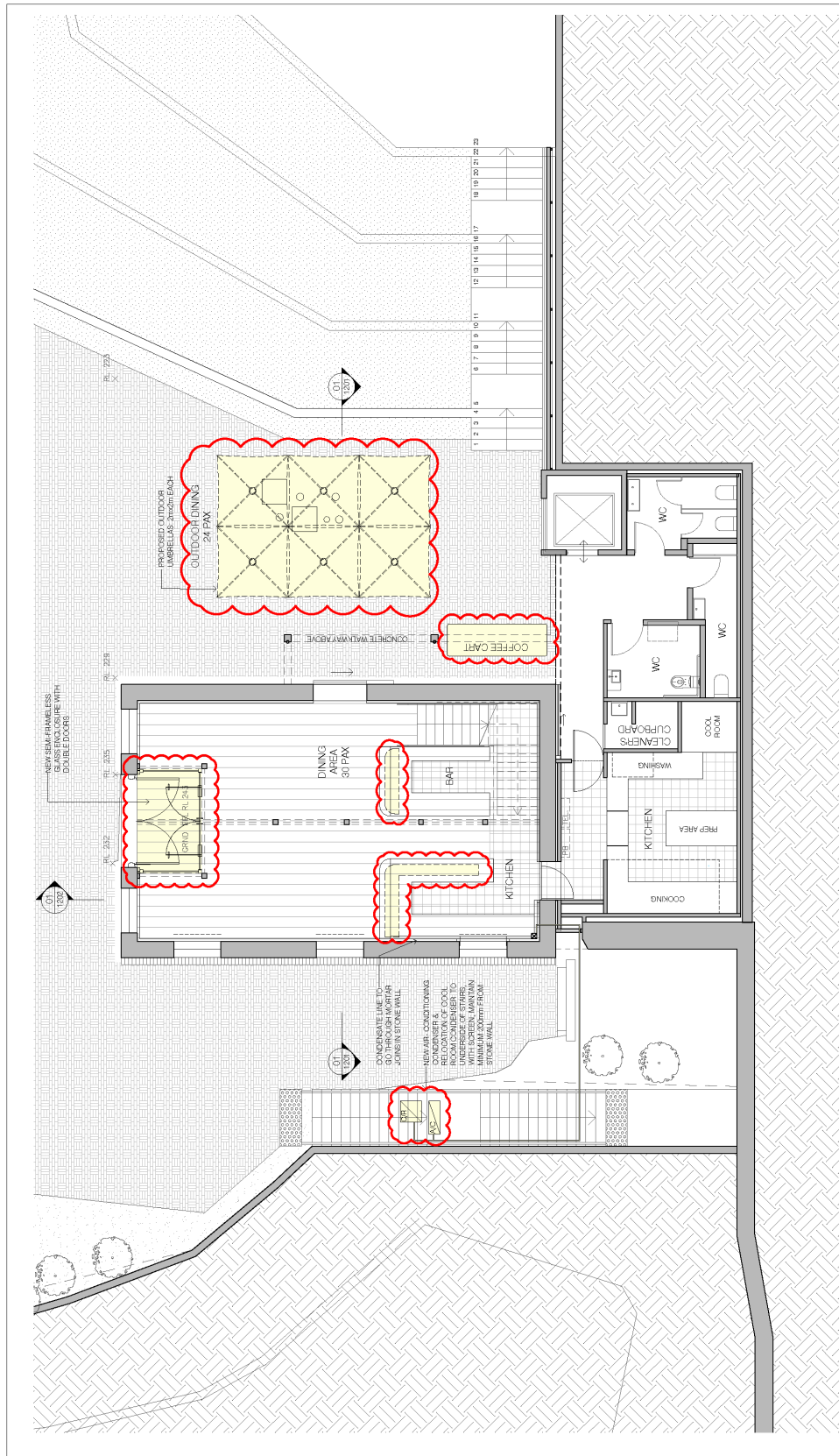
5/111 Amhursts Pk, Ltd
PO Box 90777, Leichhardt NSW 1585
nominated architect, Early Ballarat NSW Reg No 8895

[illegible]



[illegible]



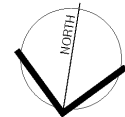


ARCHITECT

BJB
ARCHITECTS

BJB Architects Pty Ltd
s 93/95/977 (s 93/95/977)
nominated architect: Barry Ballaban NSW Reg No 18906

LEGEND
PROPOSED NEW WORK



ISSUE	AMENDMENT	DATE
L	Modified Construction Certificate	27.05.2019
M	Modified Construction Certificate	07.06.2019
N	As Built Drawings	12.07.2019
P	Preliminary S4.55	14.01.2020
Q	S4.55 Amendments	14.12.2021

PROJECT
FENWICK'S STONE BUILDING
2/3 WESTON STREET, BALMAIN
ALTERATIONS AND ADDITIONS
SYDNEY RESTAURANT GROUP

PROPOSED GROUND FLOOR PLAN

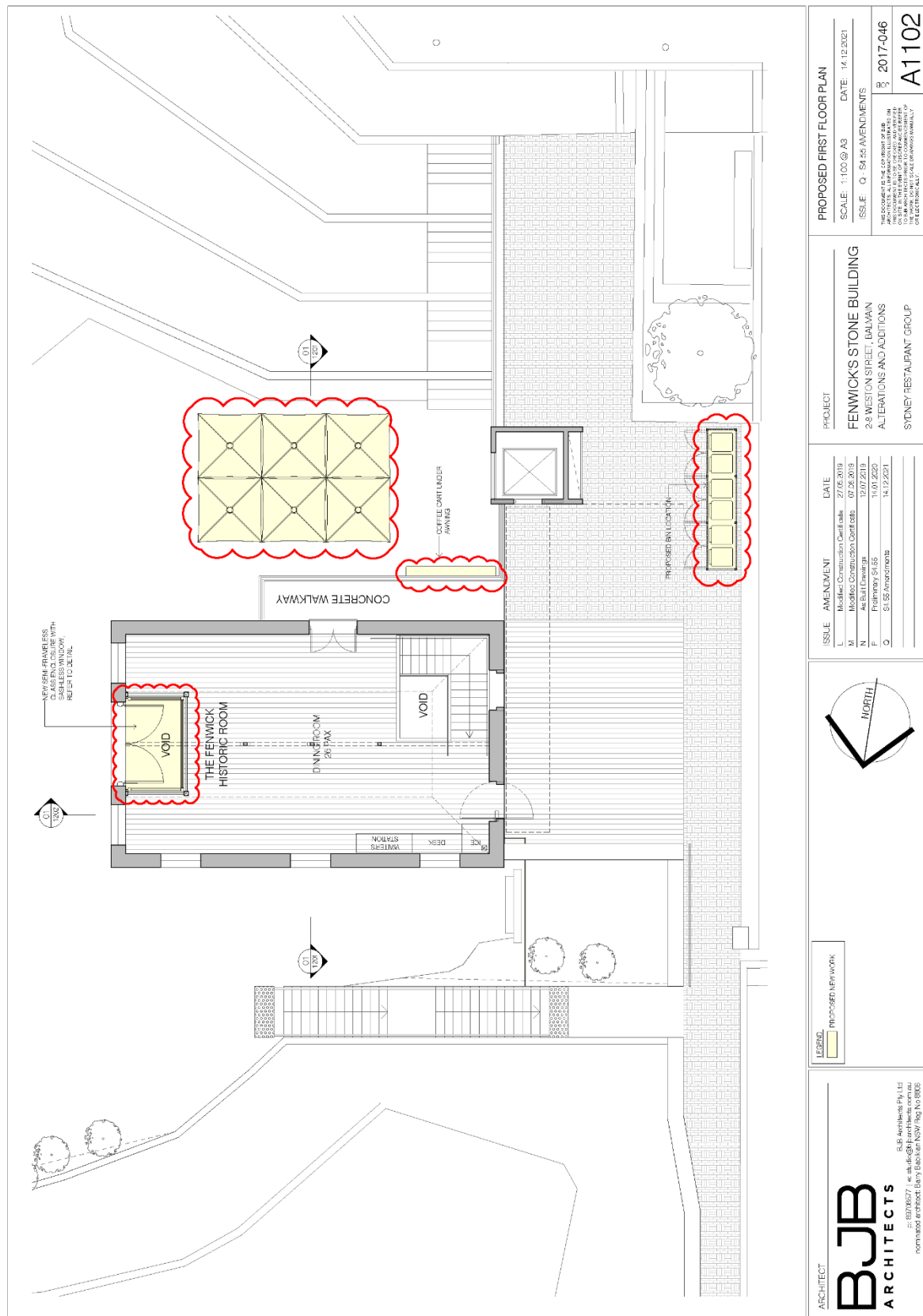
SCALE: 1:100 @ A3 DATE: 14.12.2021

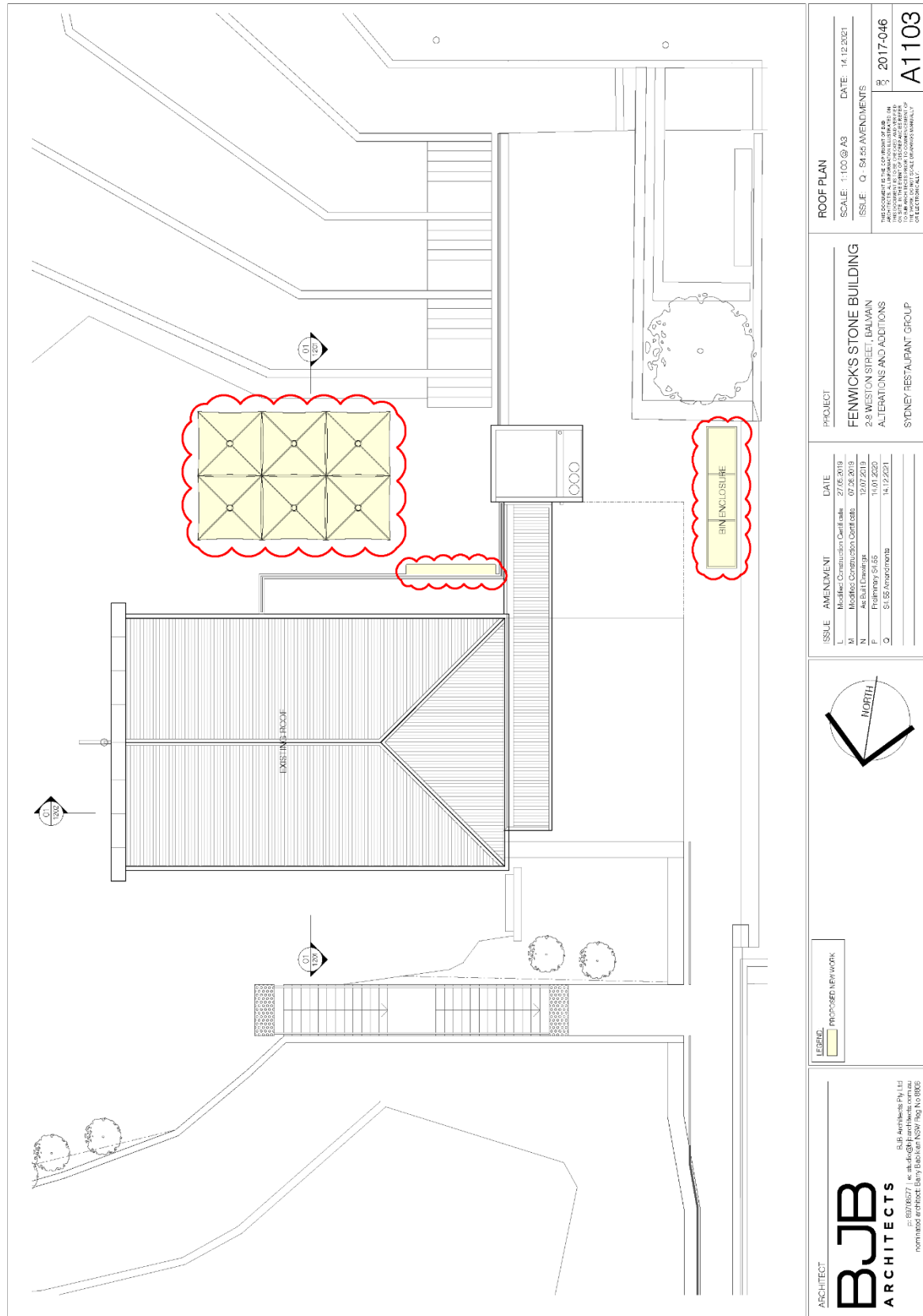
ISSUE: Q - S4.55 AMENDMENTS

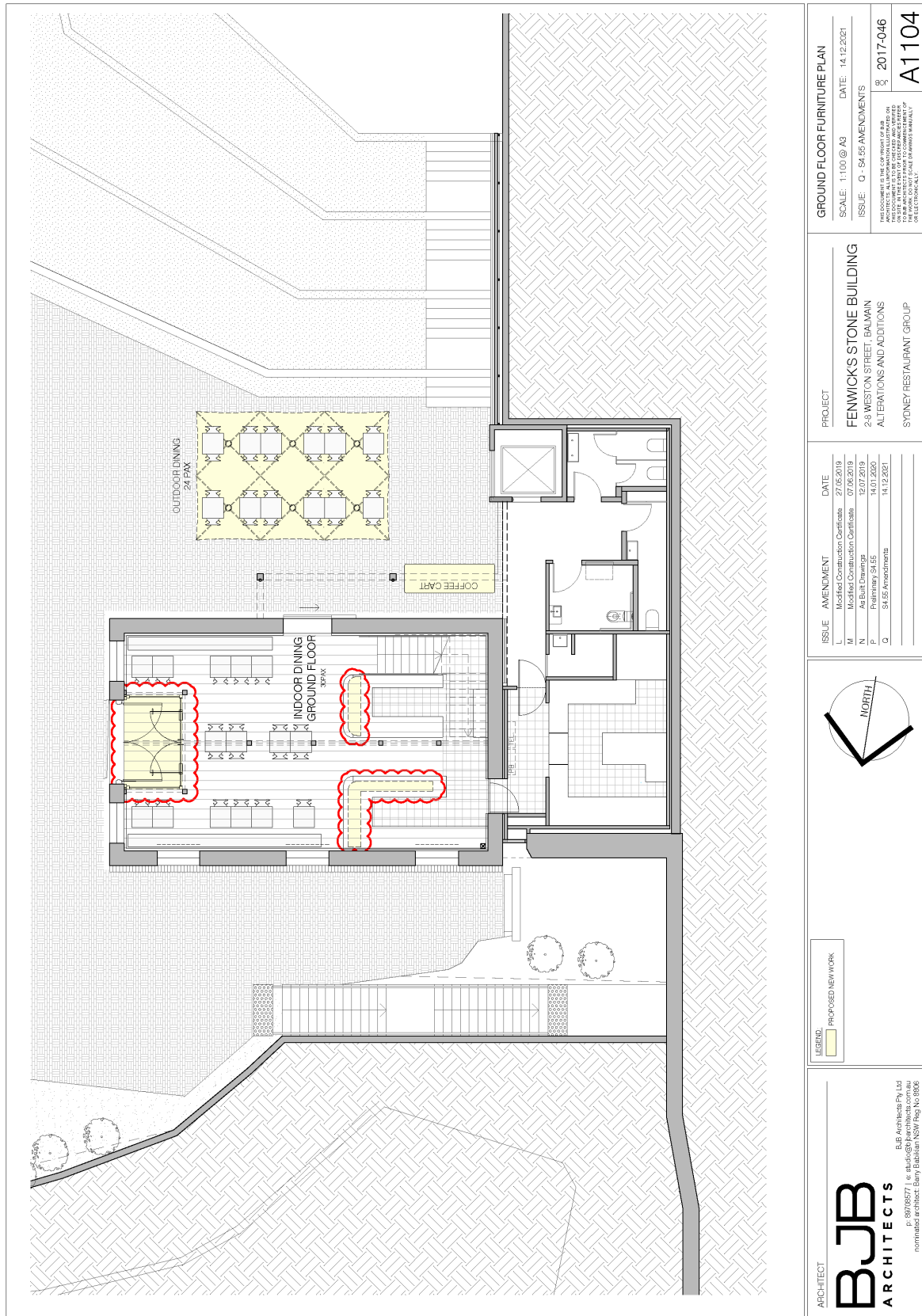
2017-046

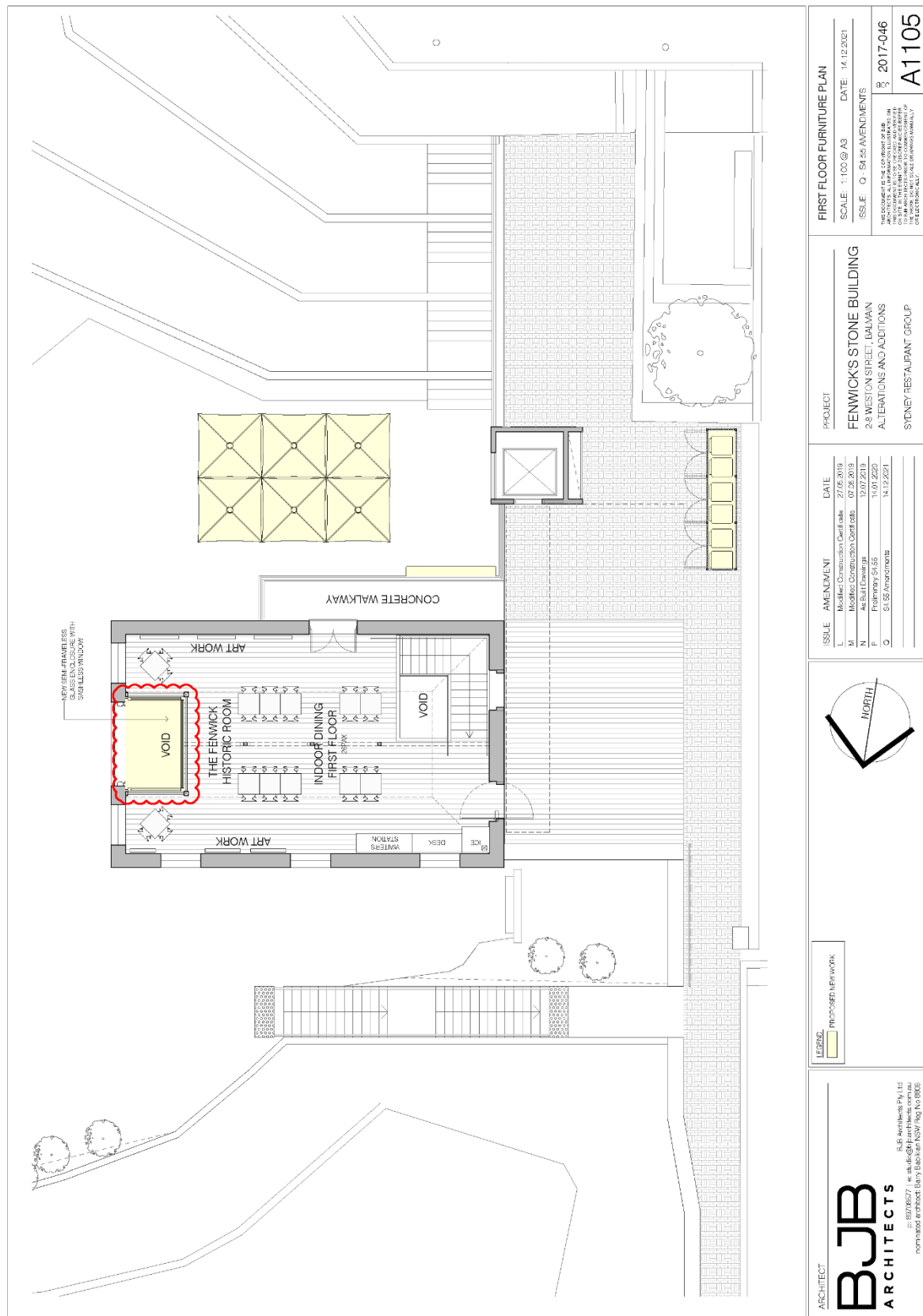
A1101

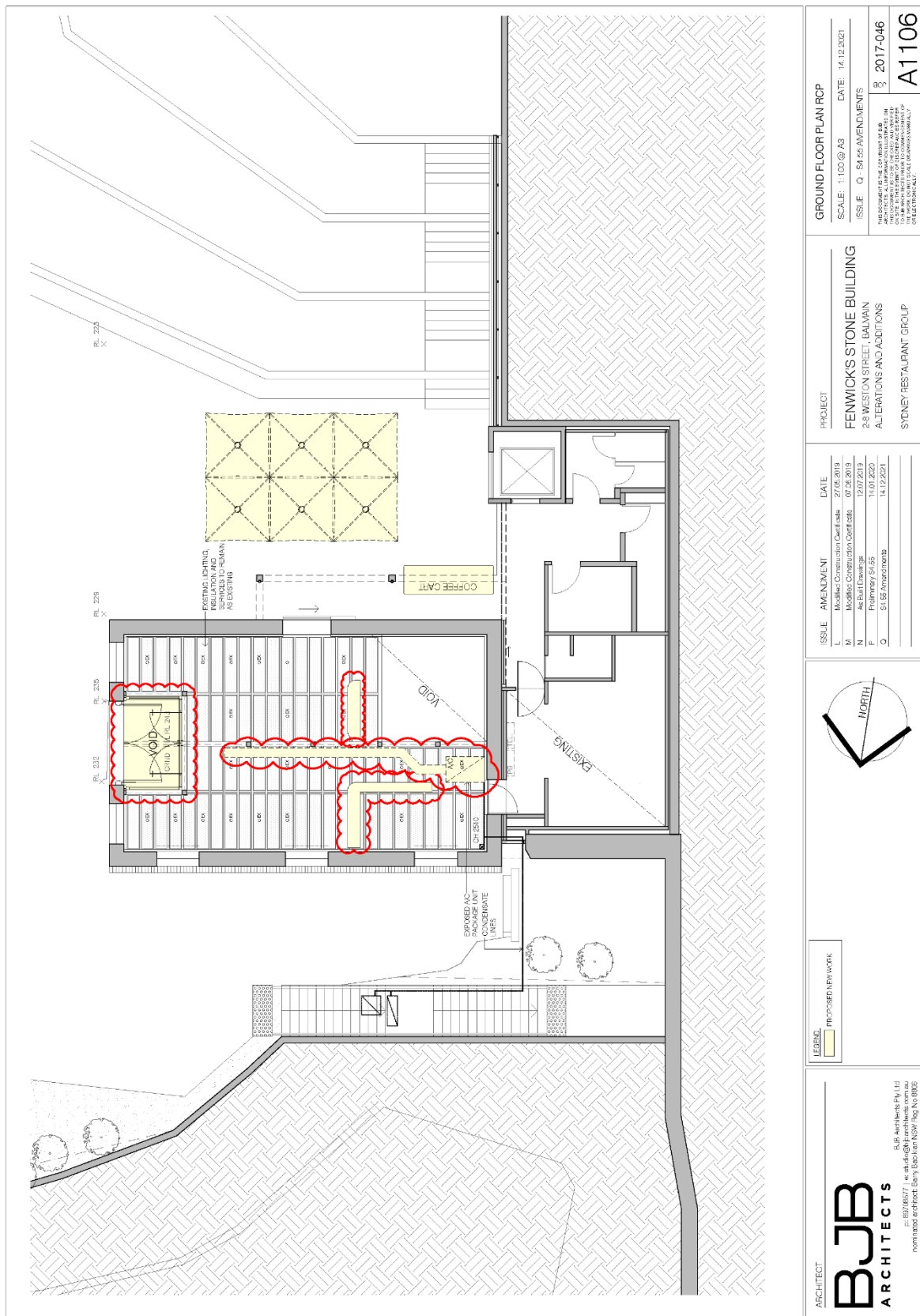
THIS DOCUMENT IS THE PROPERTY OF BJB ARCHITECTS. ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED AND NOT FOR RELEASE OR DISSEMINATION WITHOUT THE WRITTEN CONSENT OF BJB ARCHITECTS.

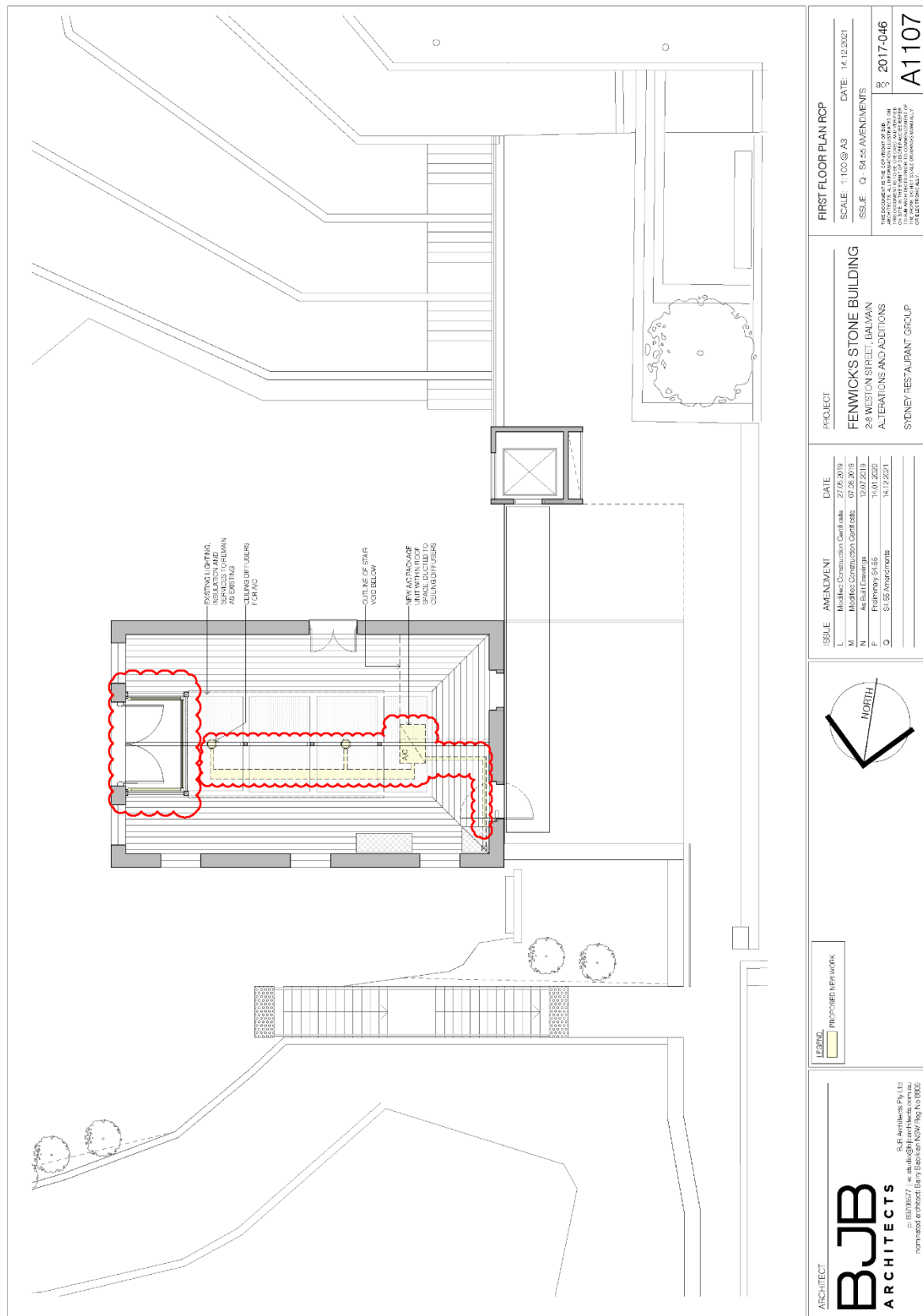


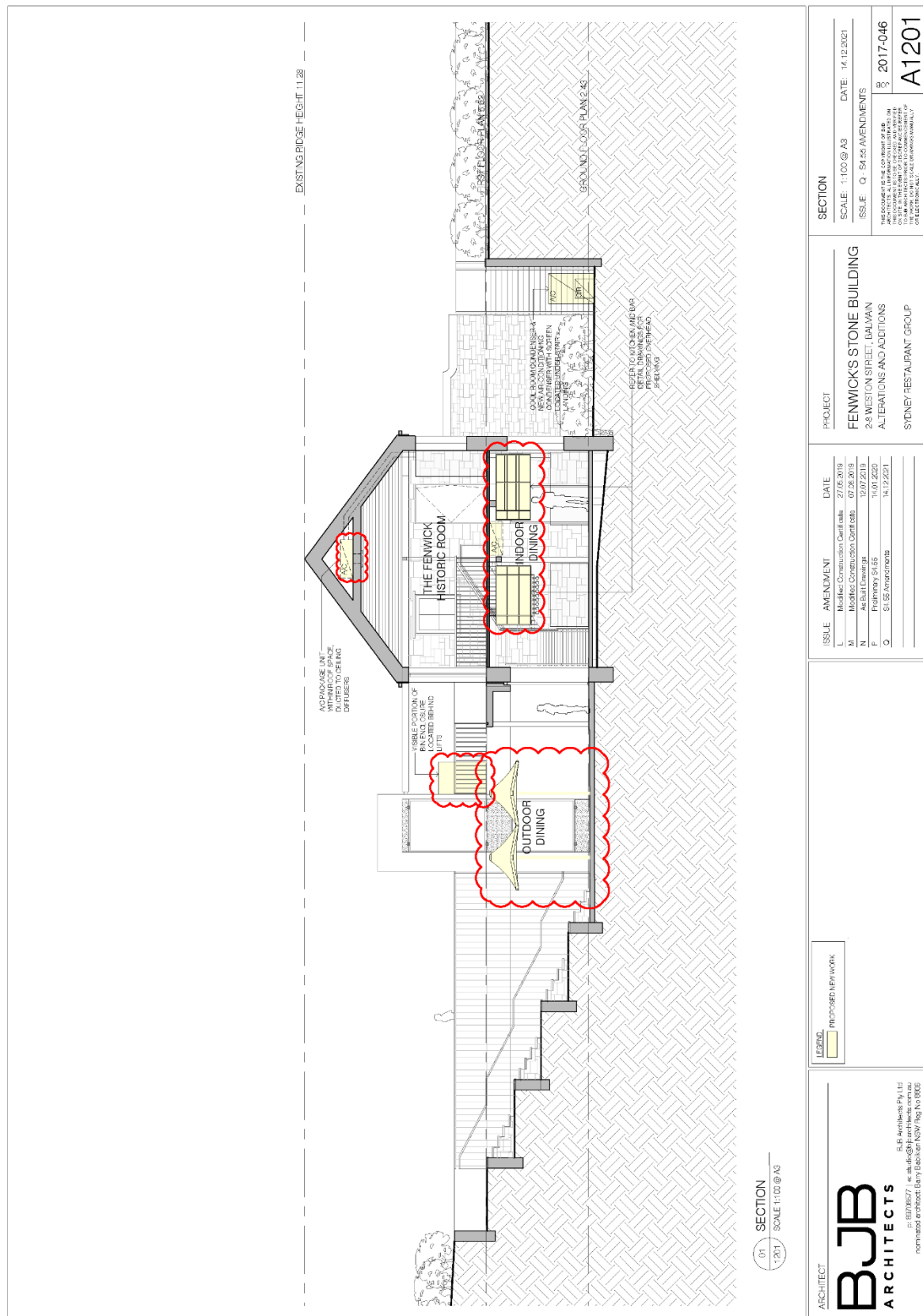


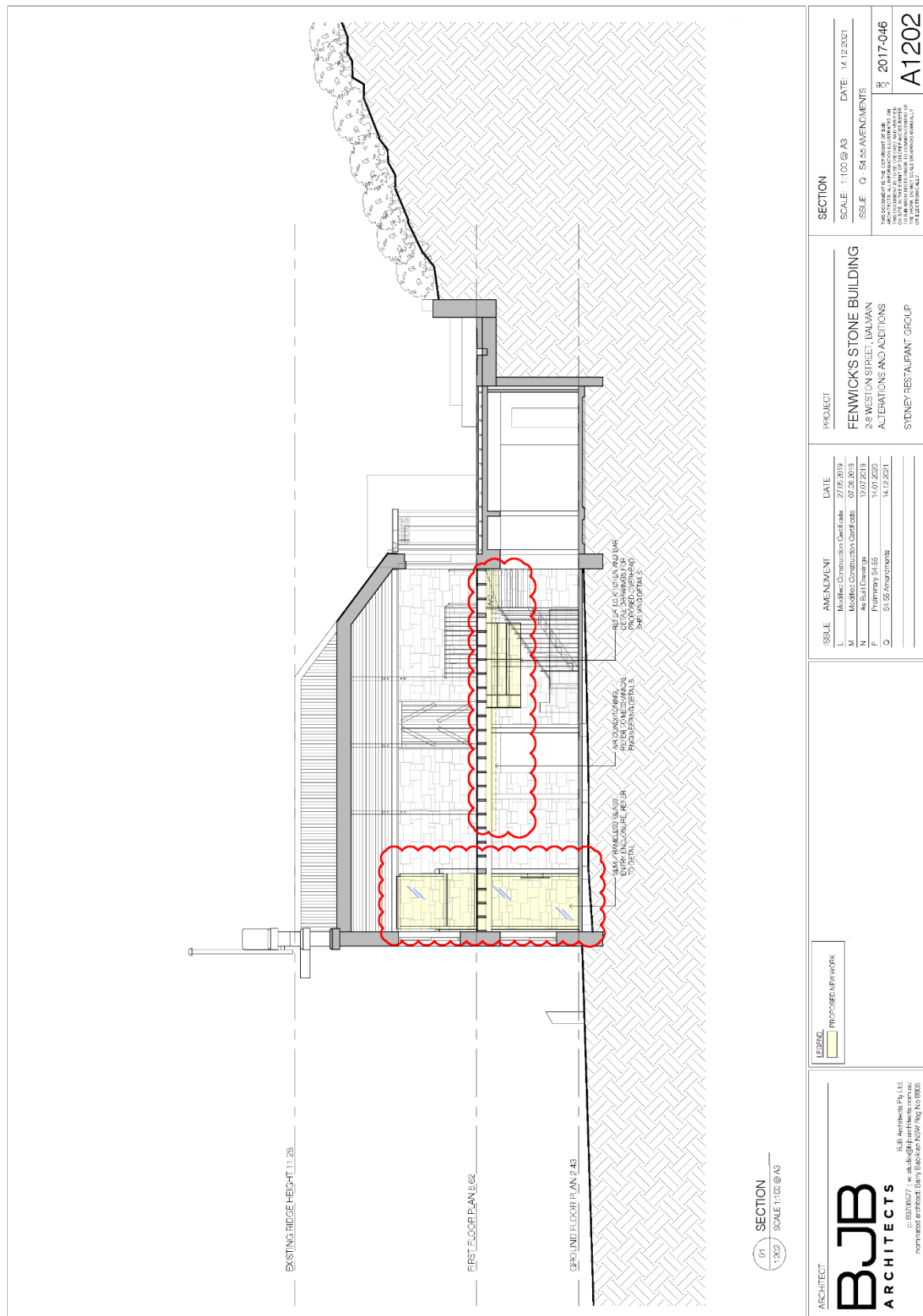


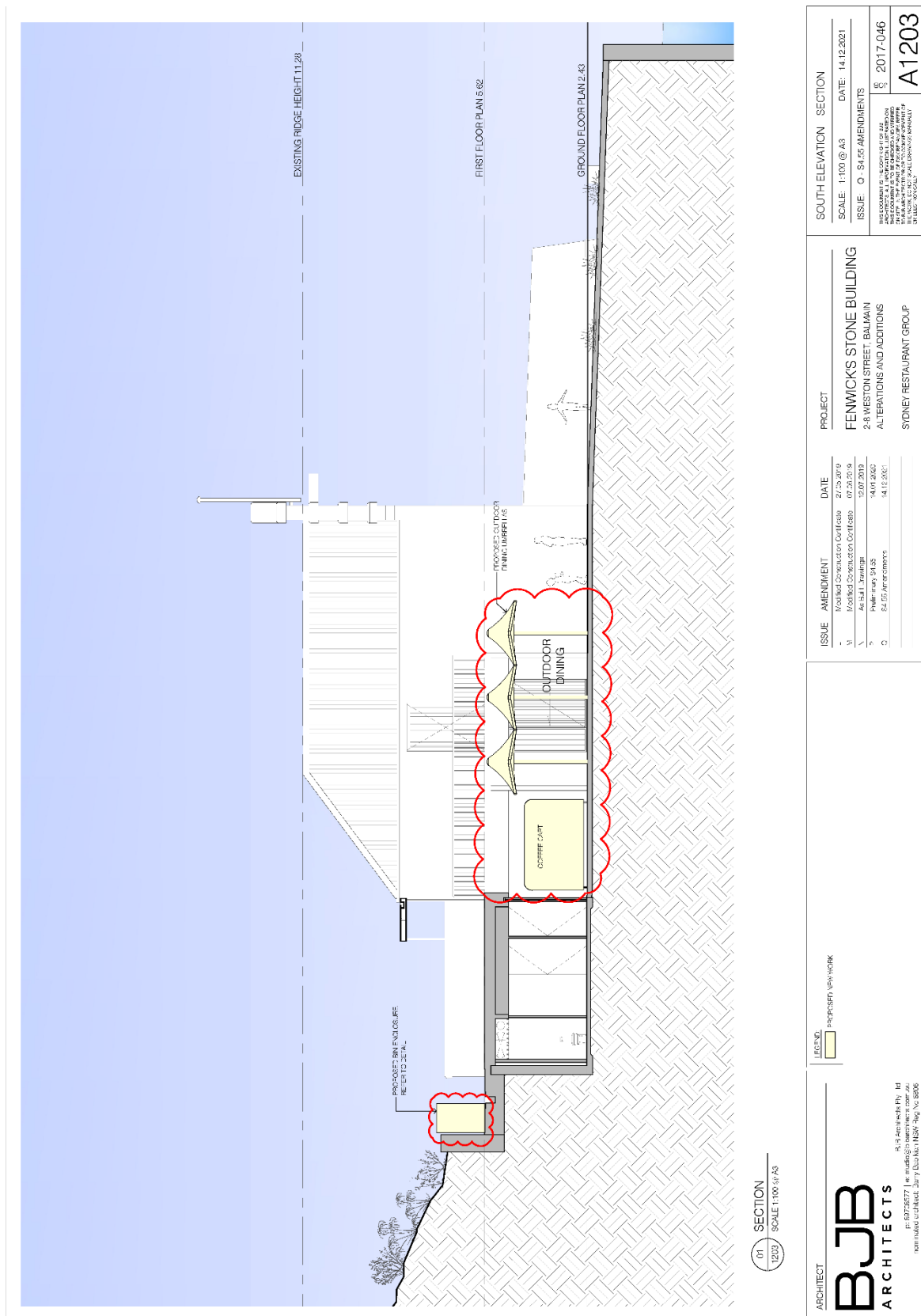


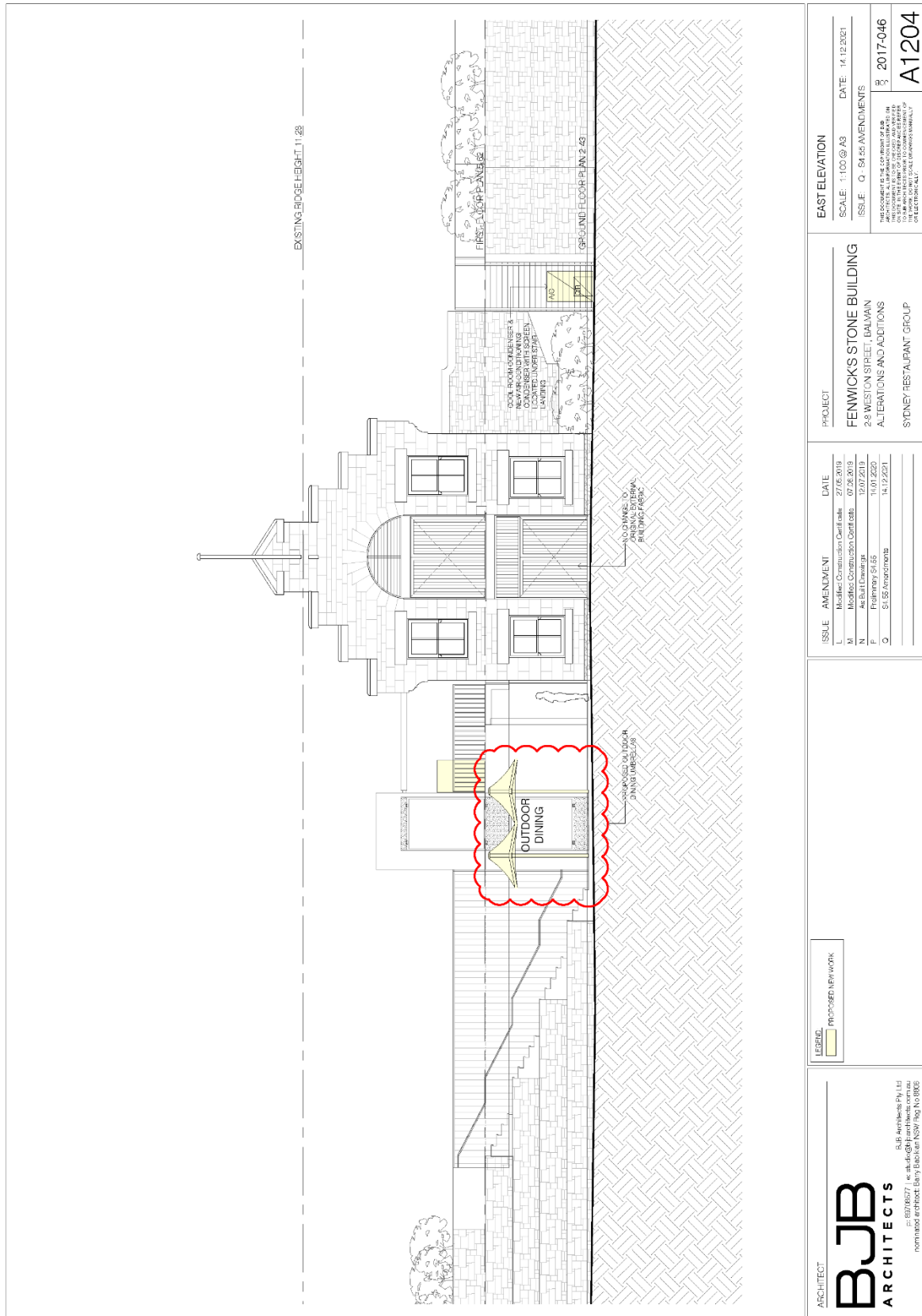


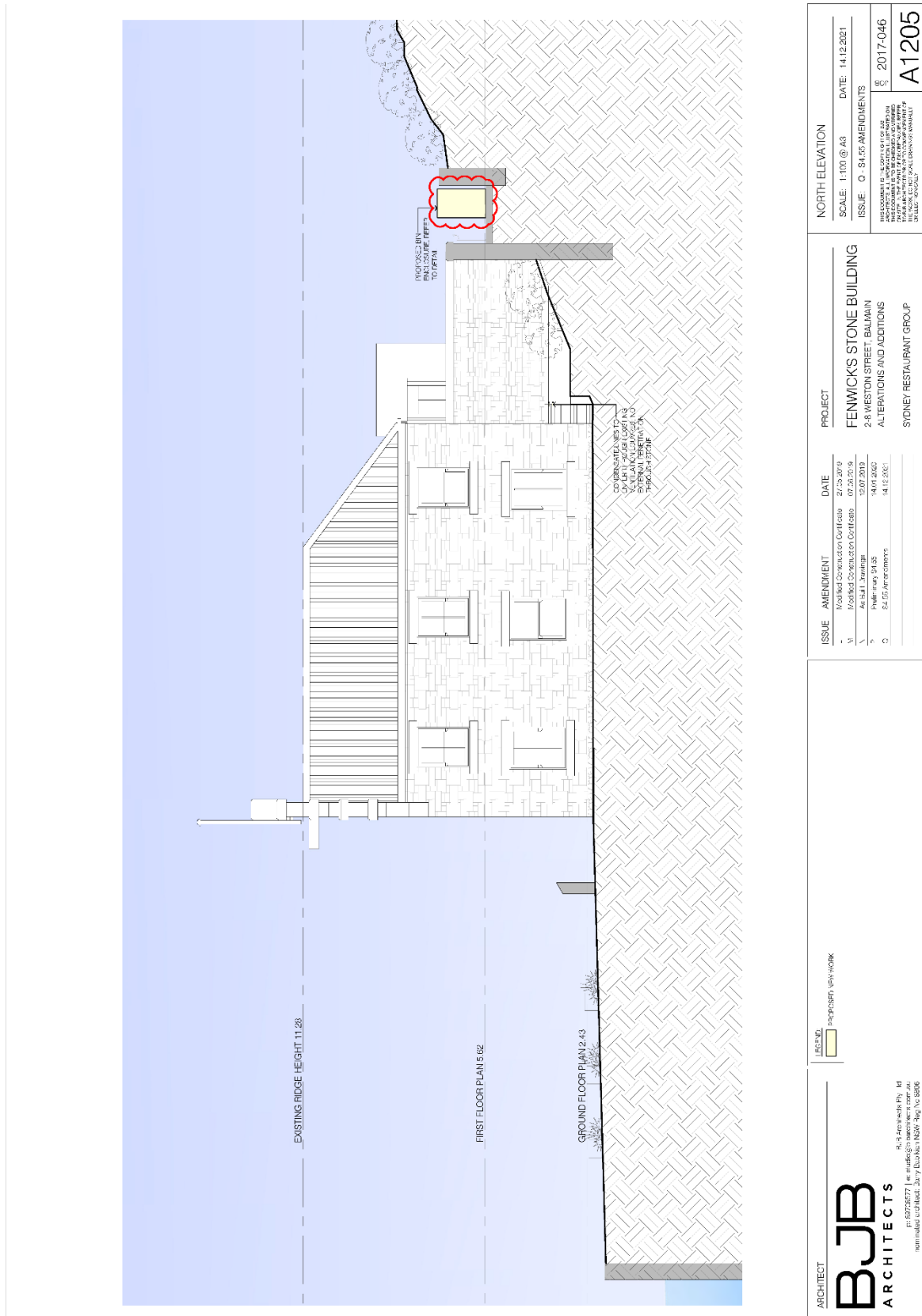




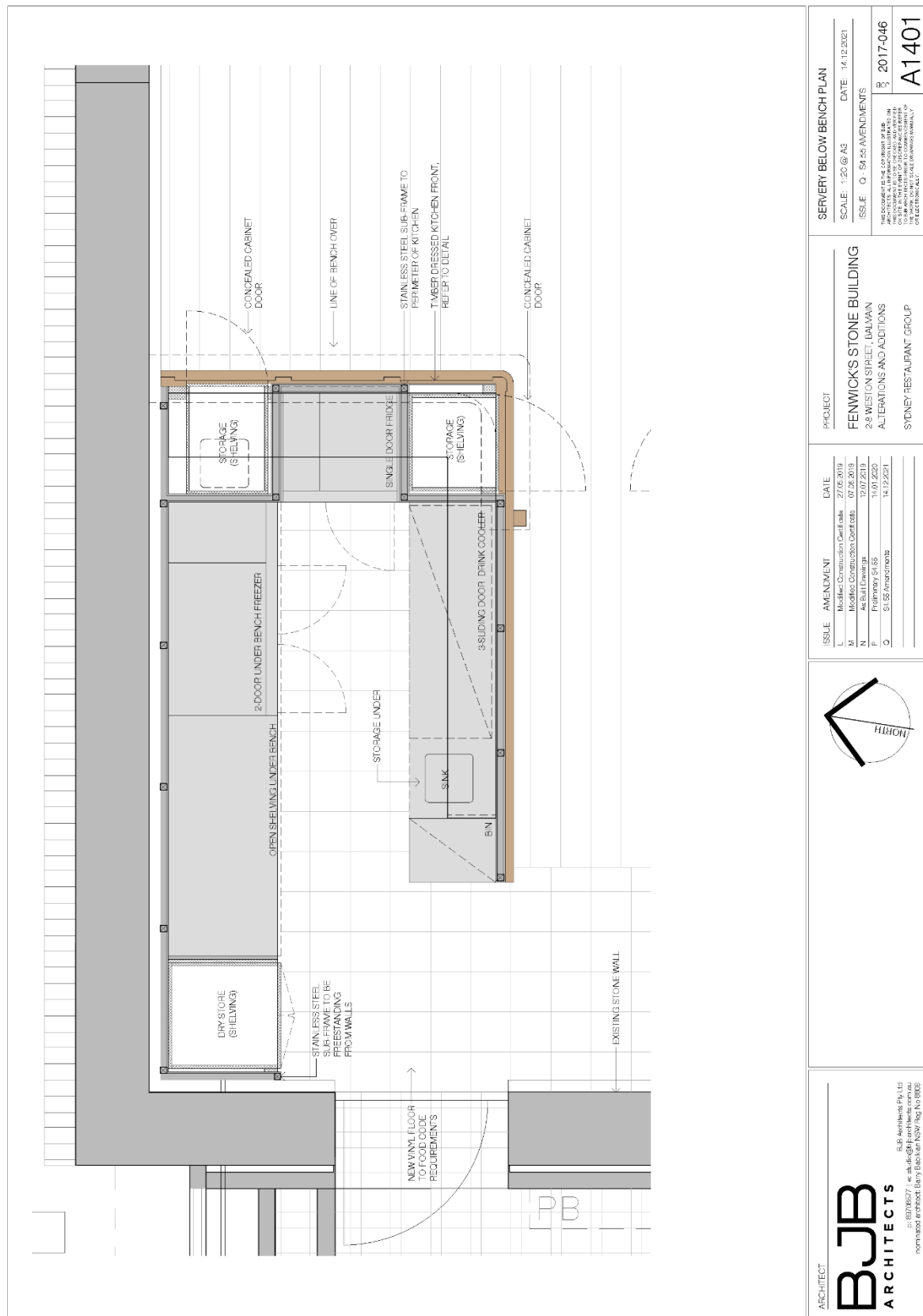


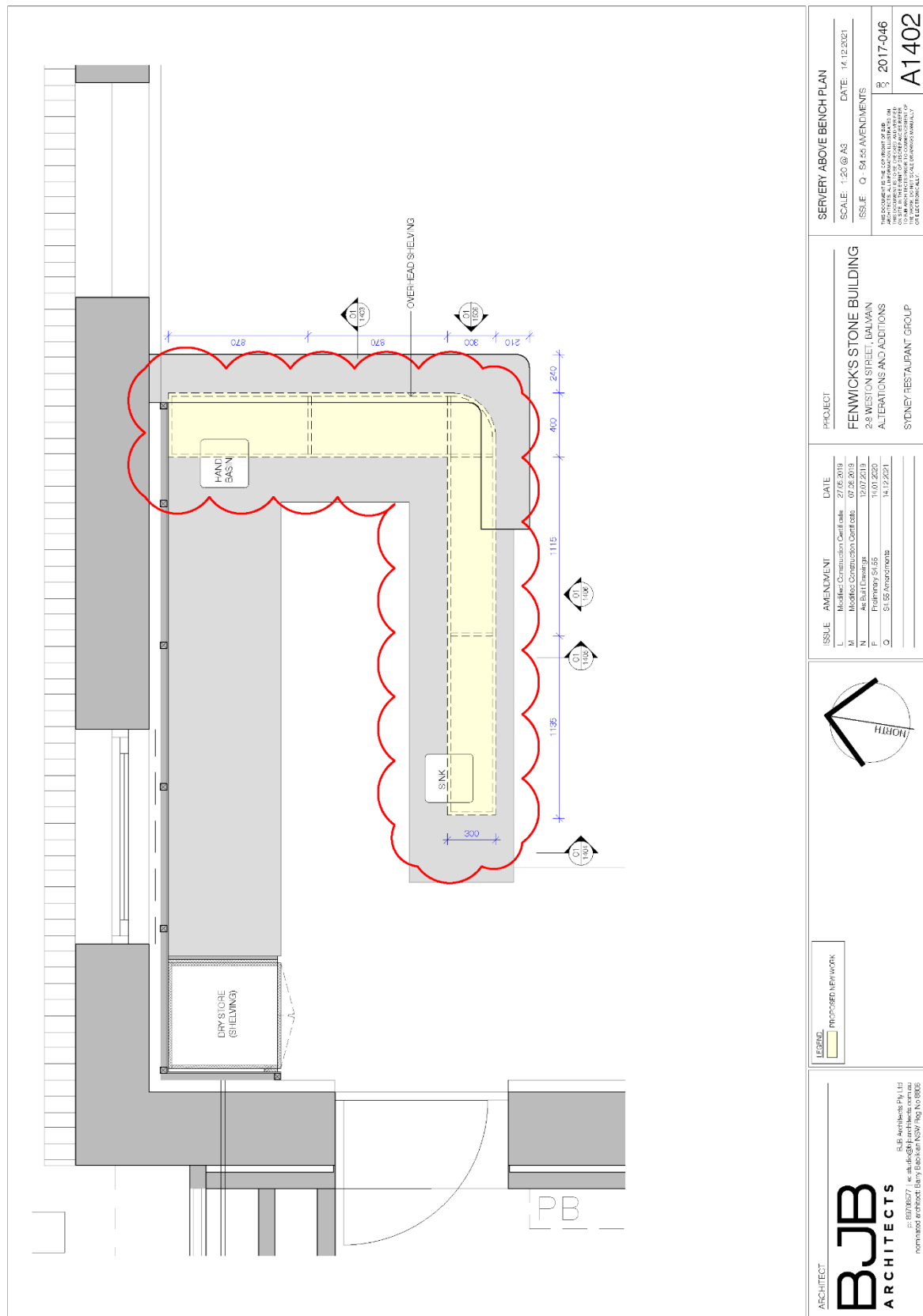






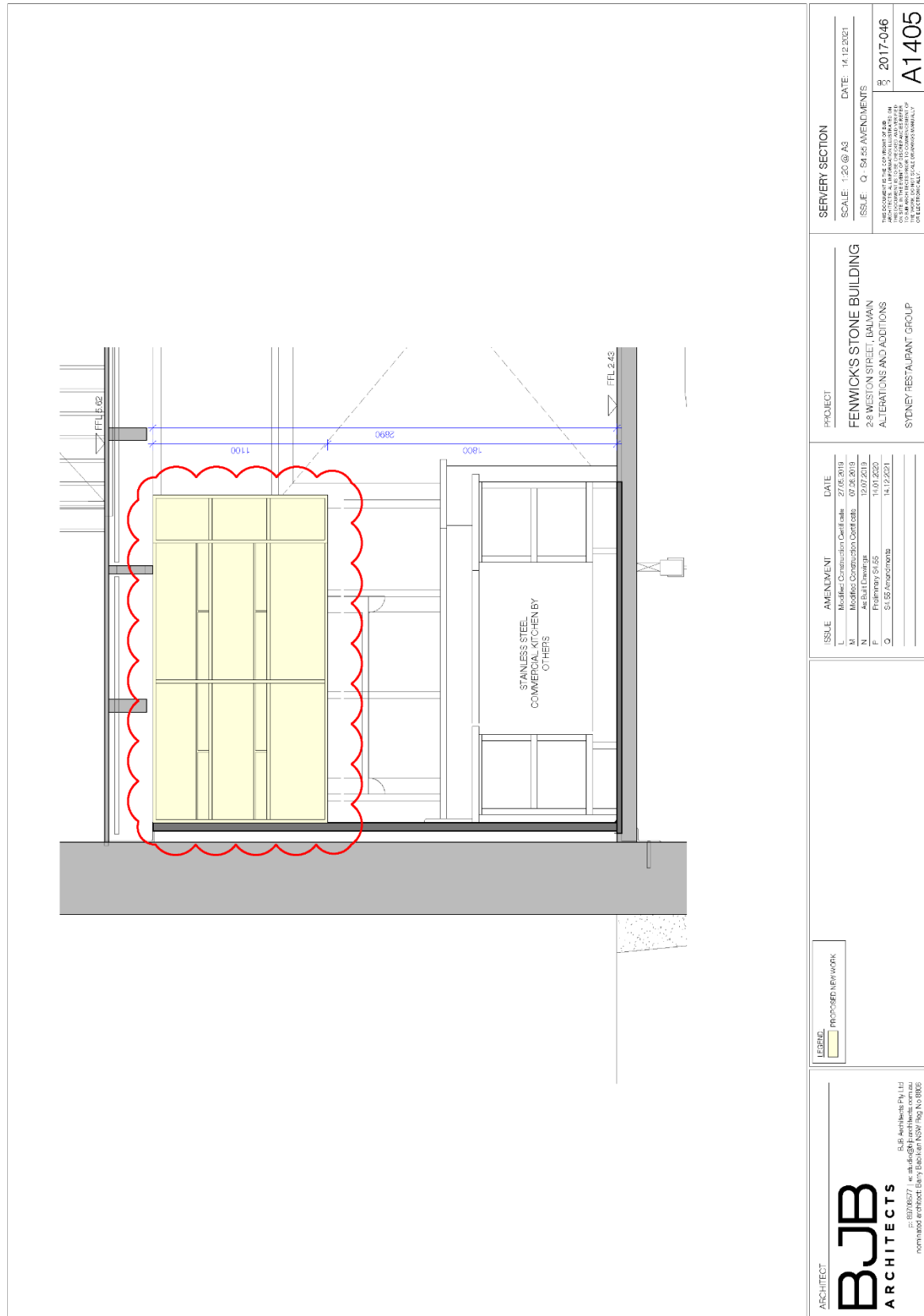




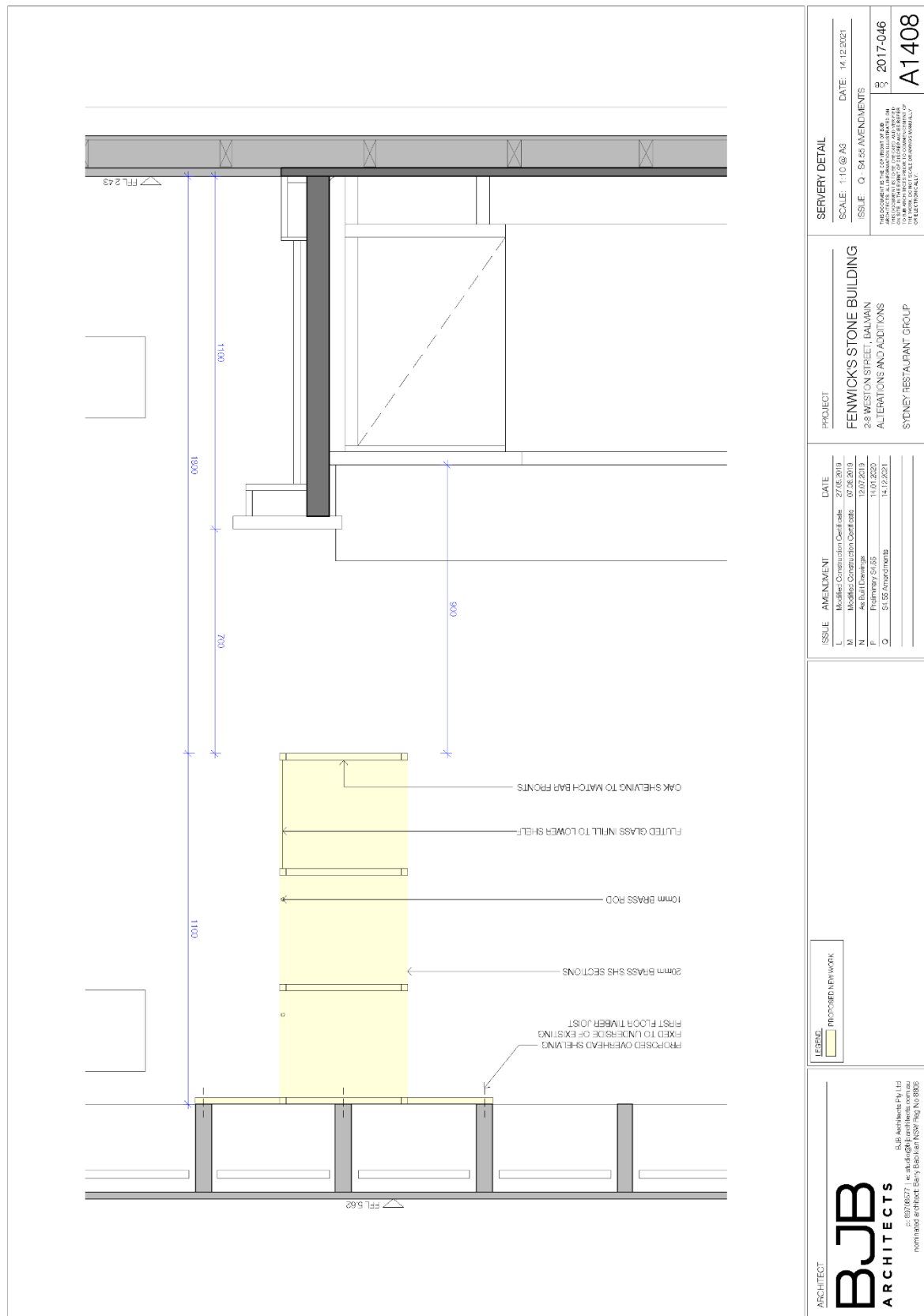


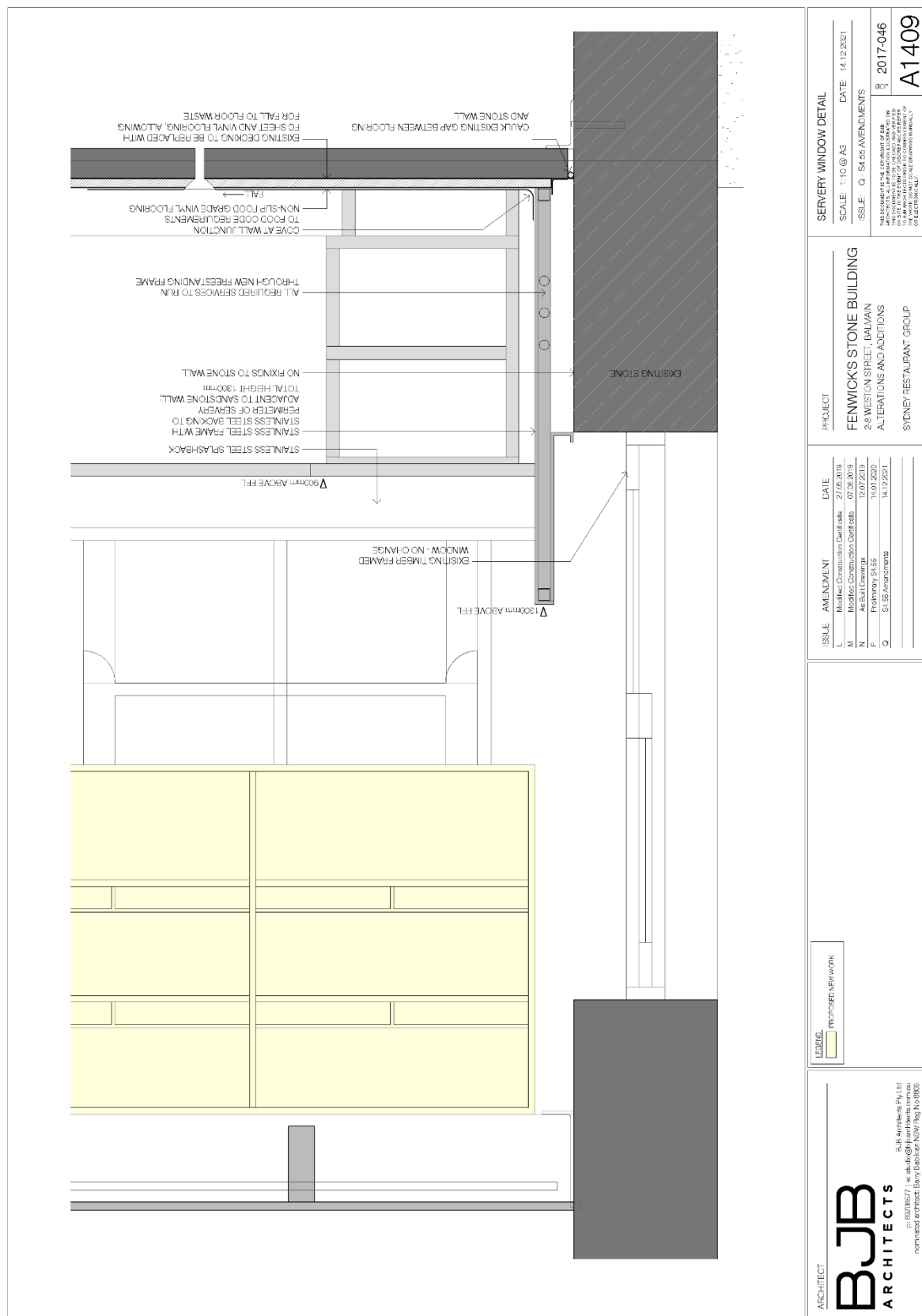






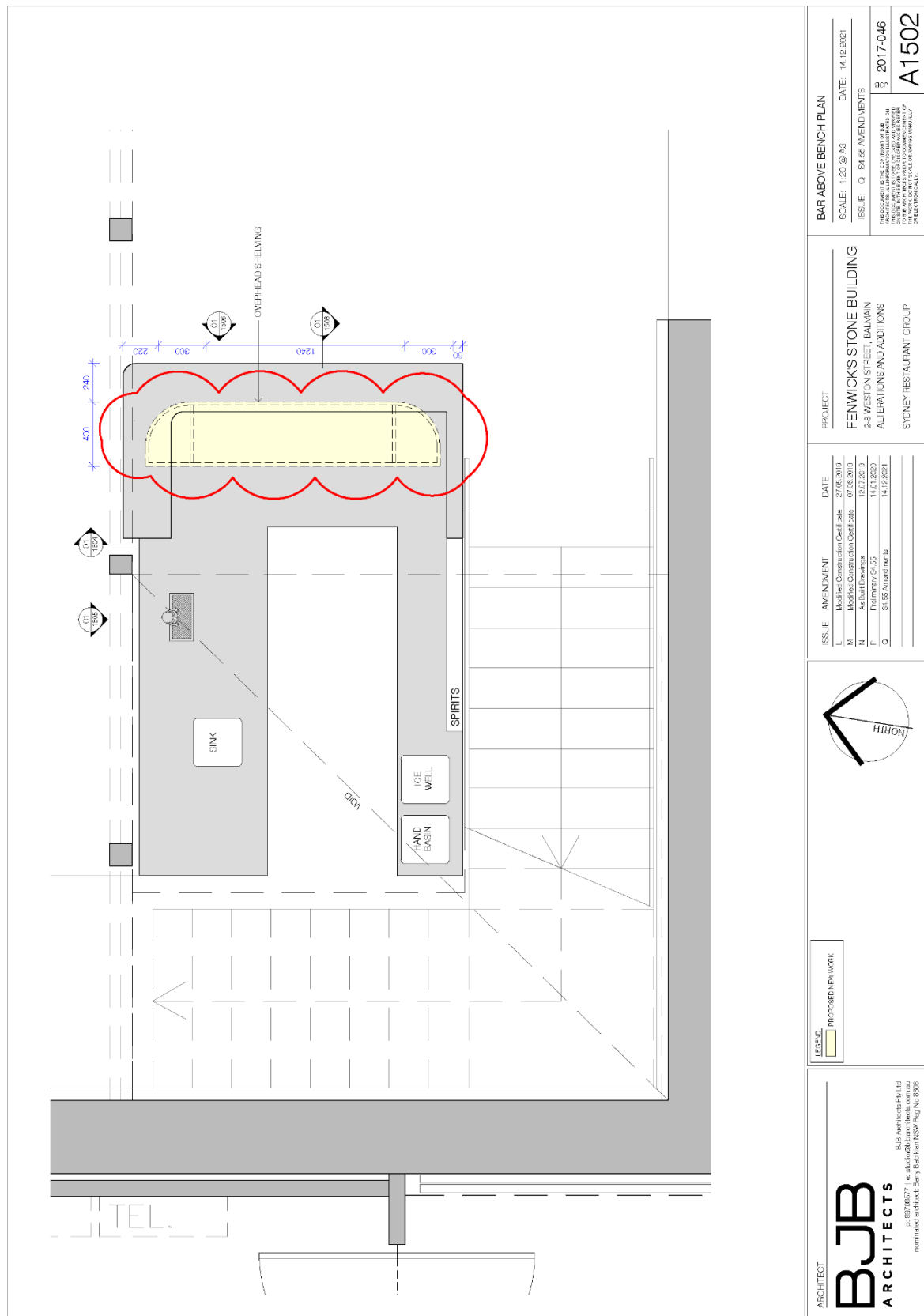


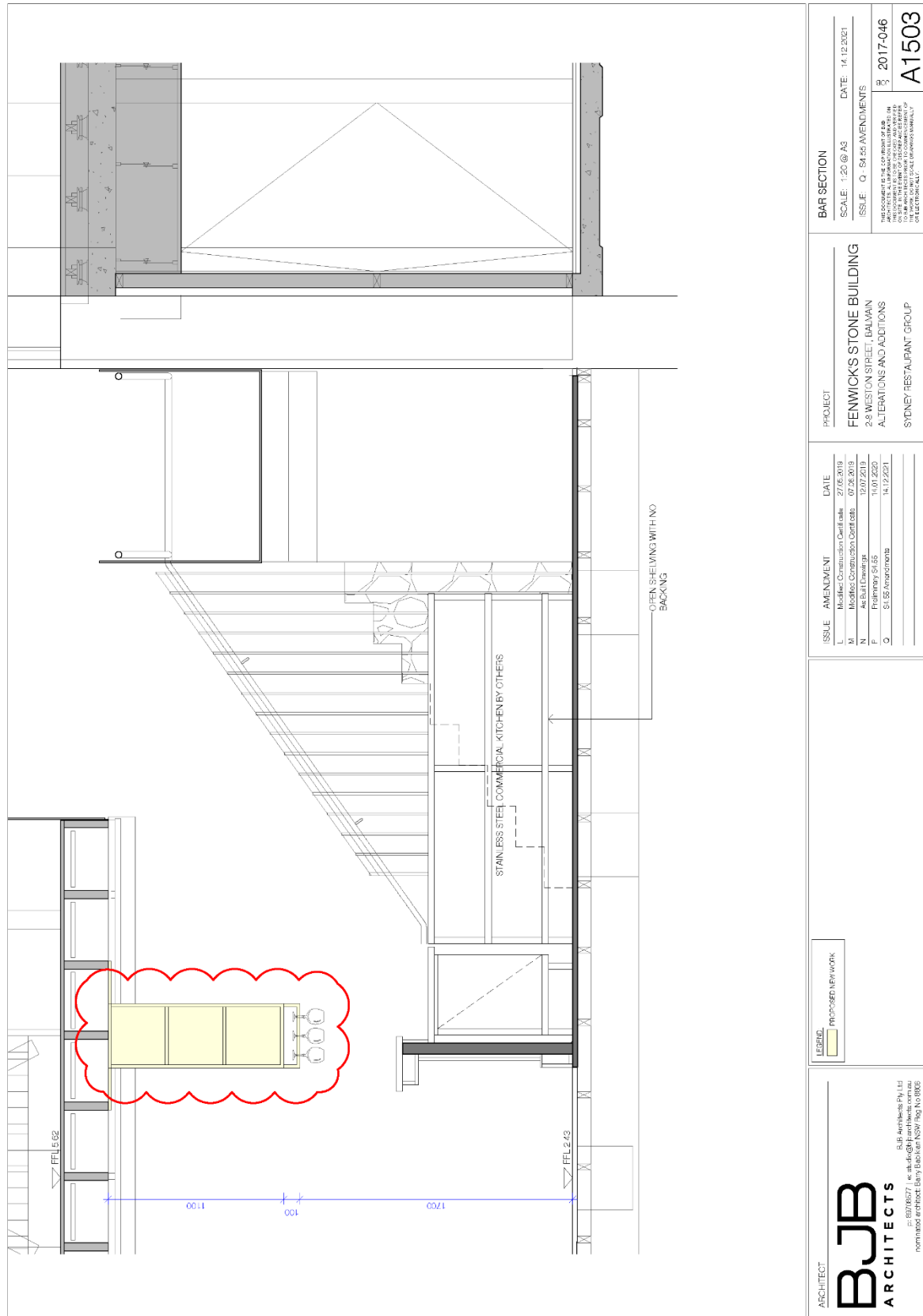


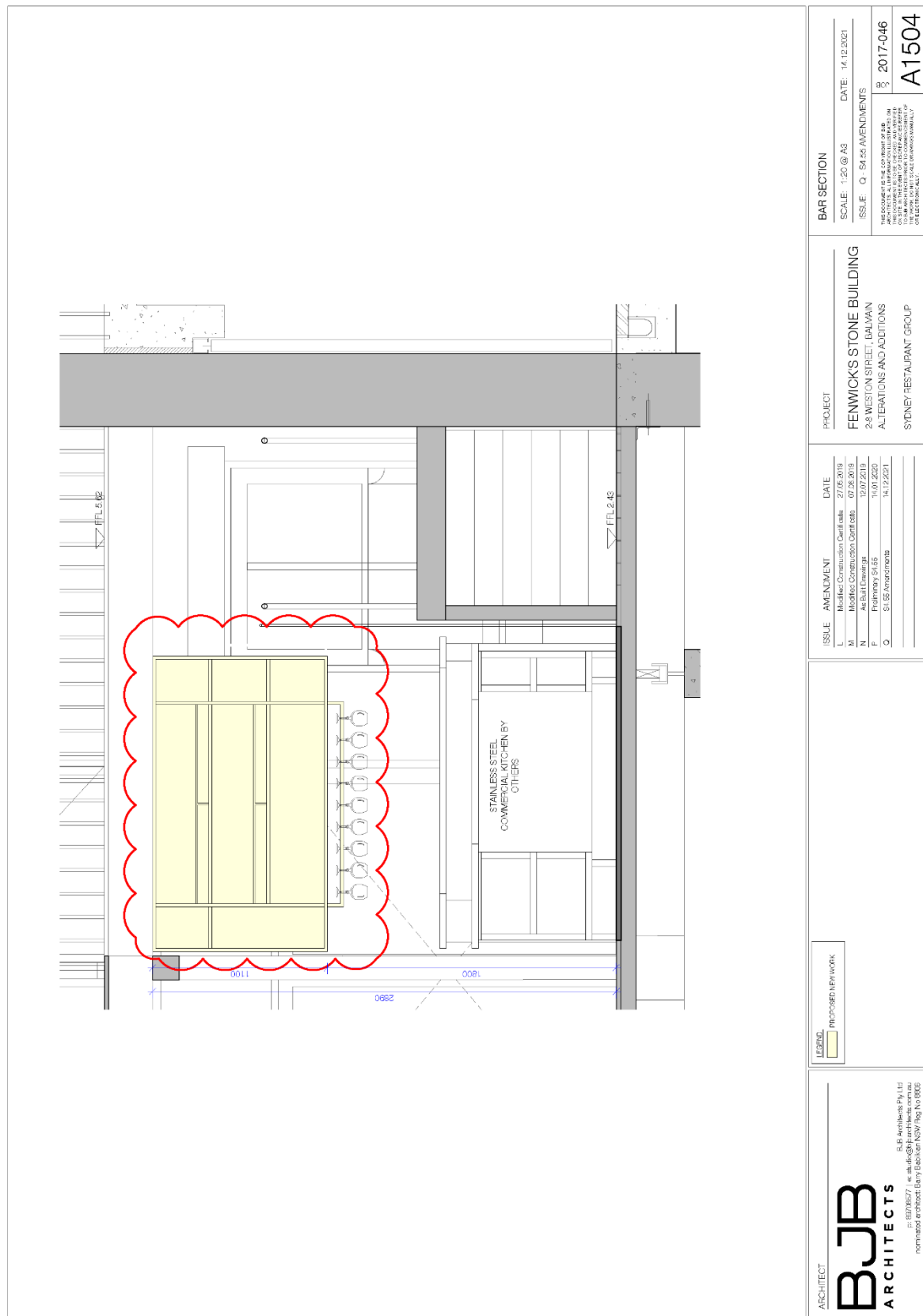


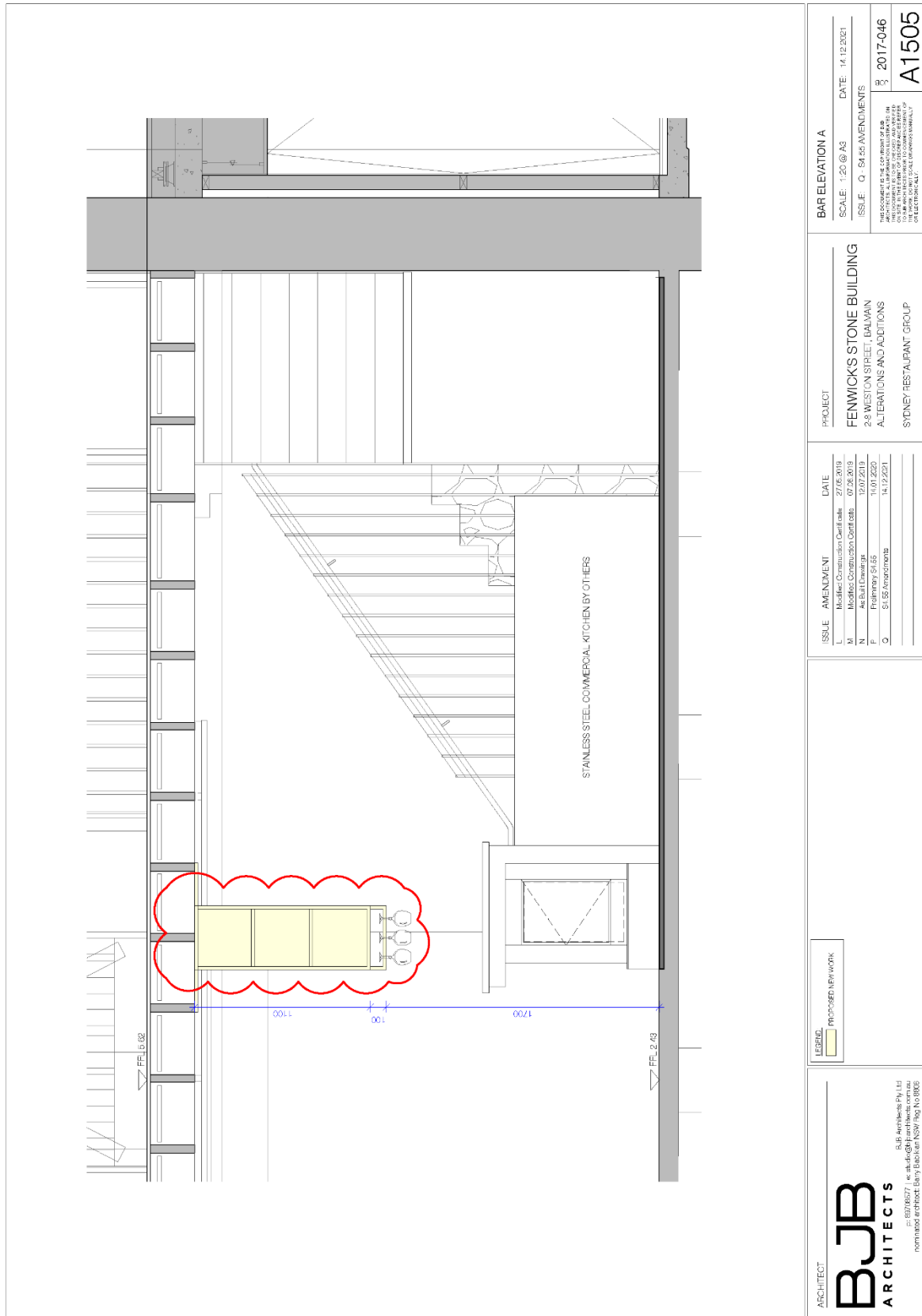


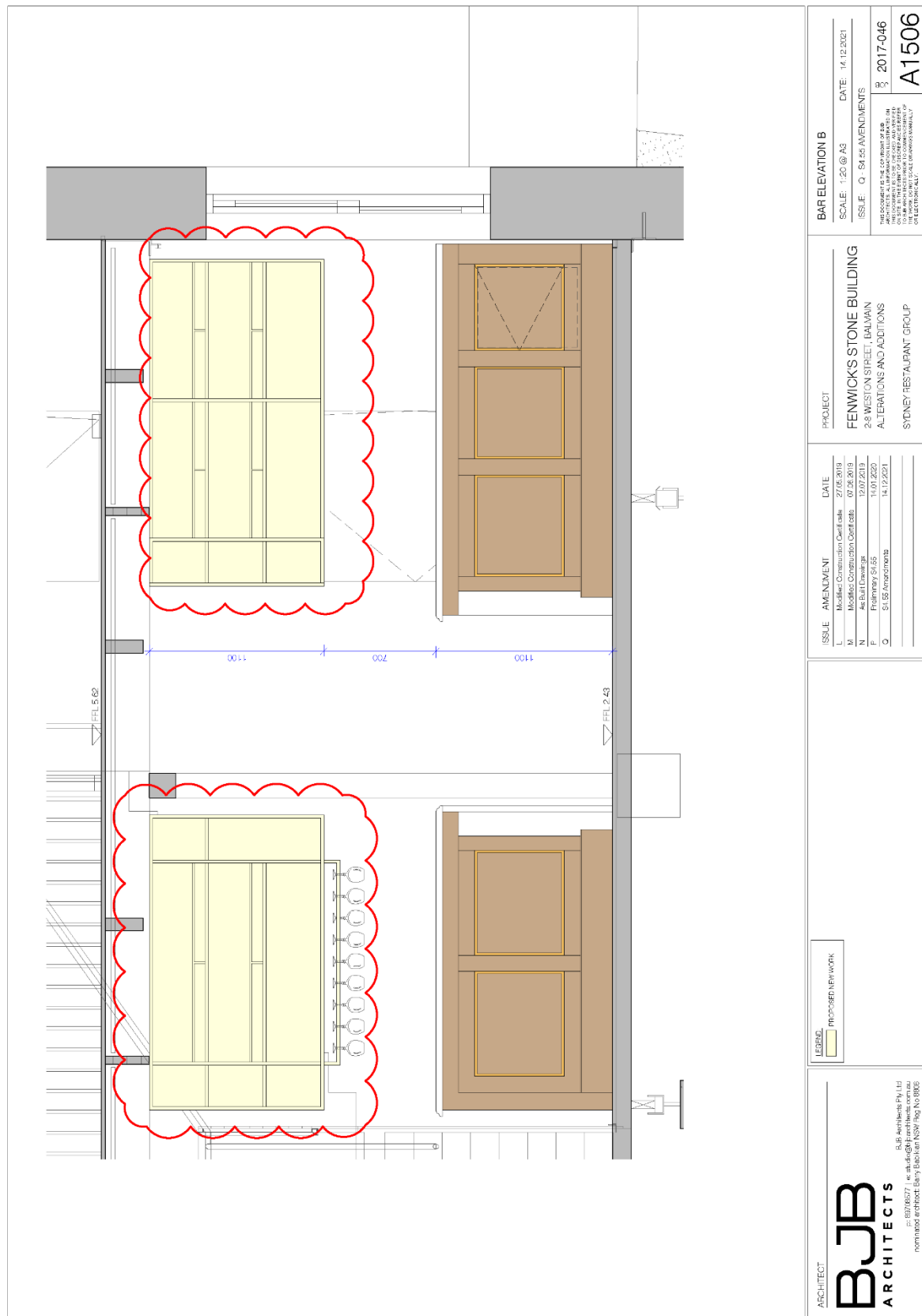


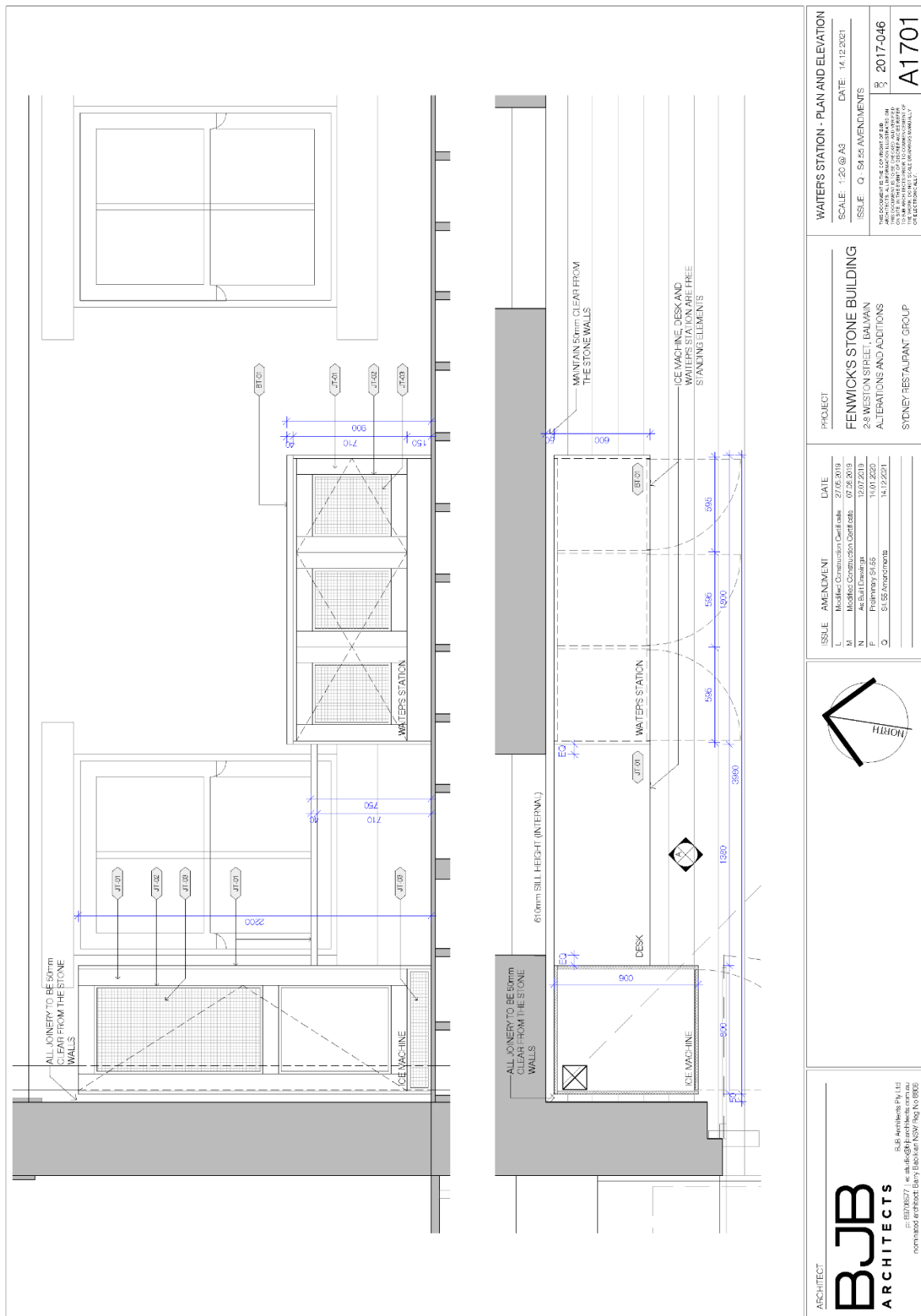


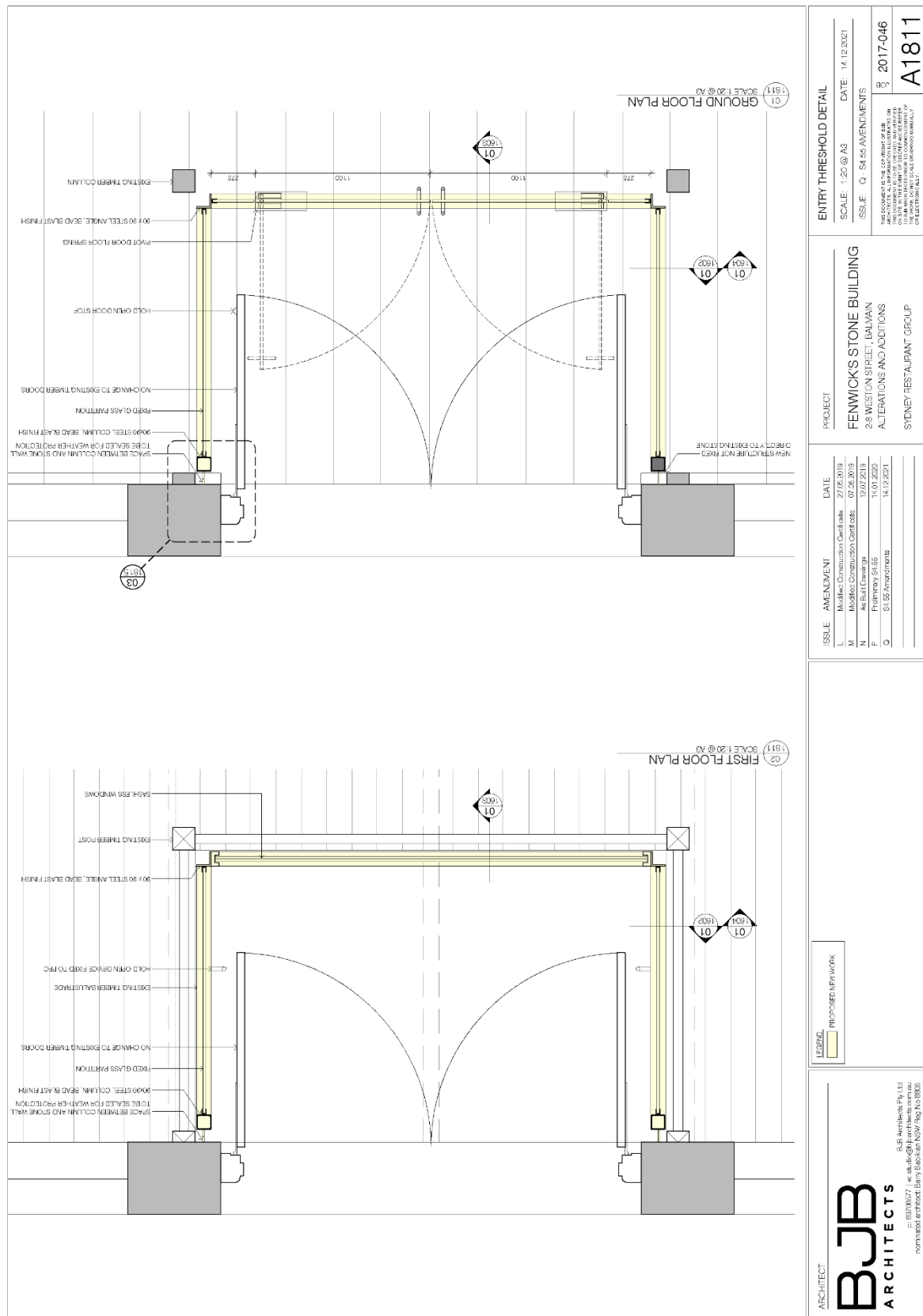


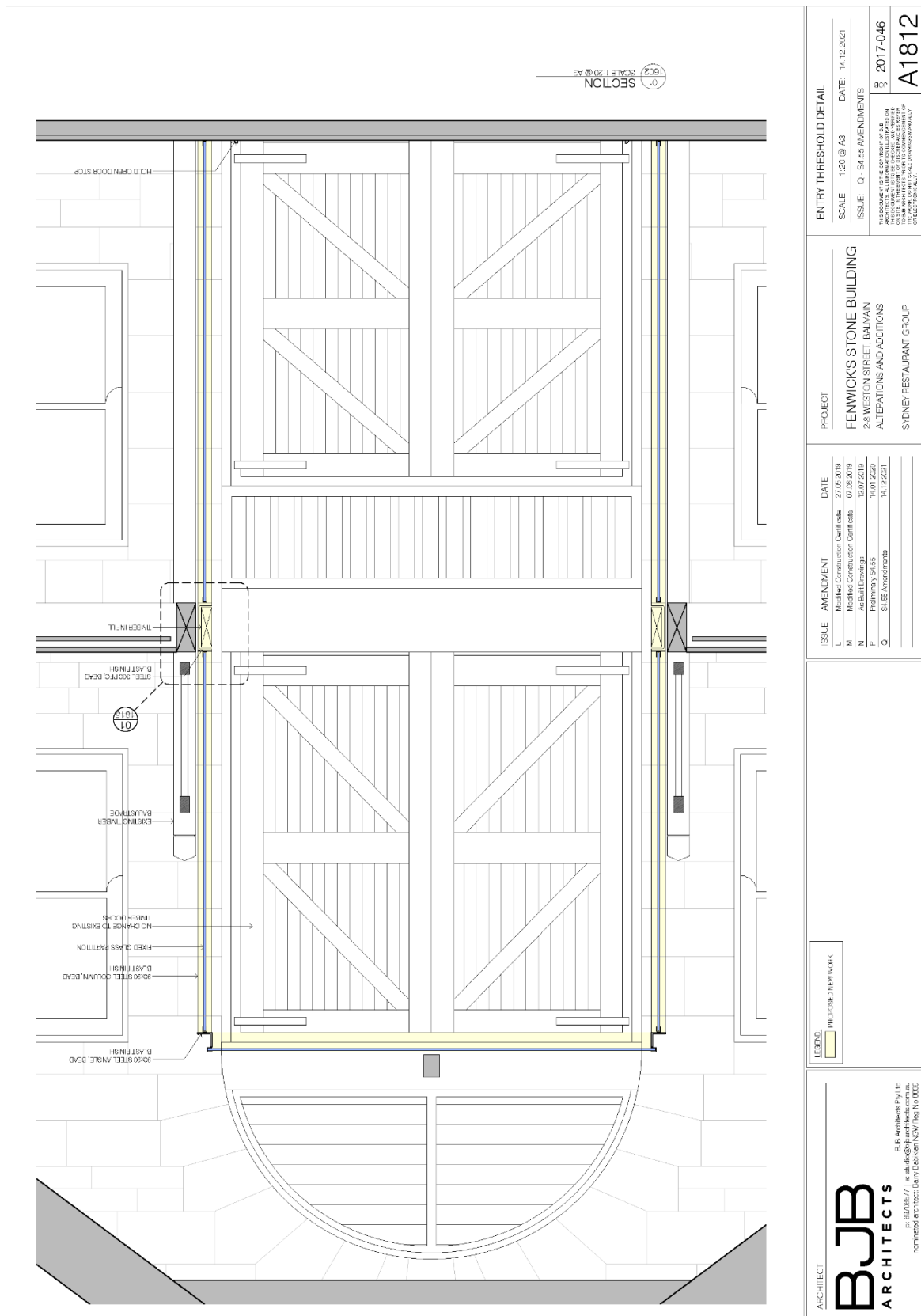


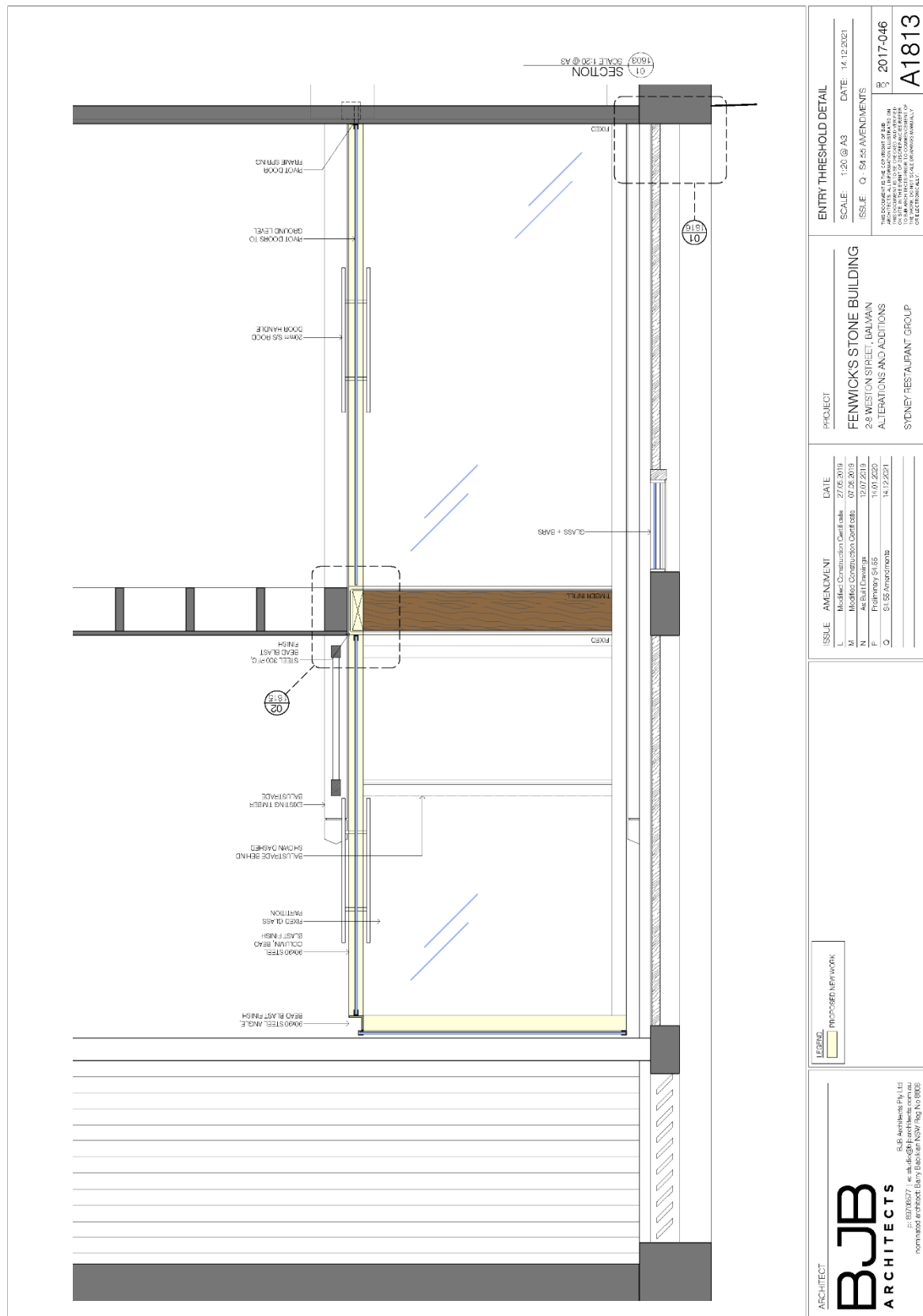


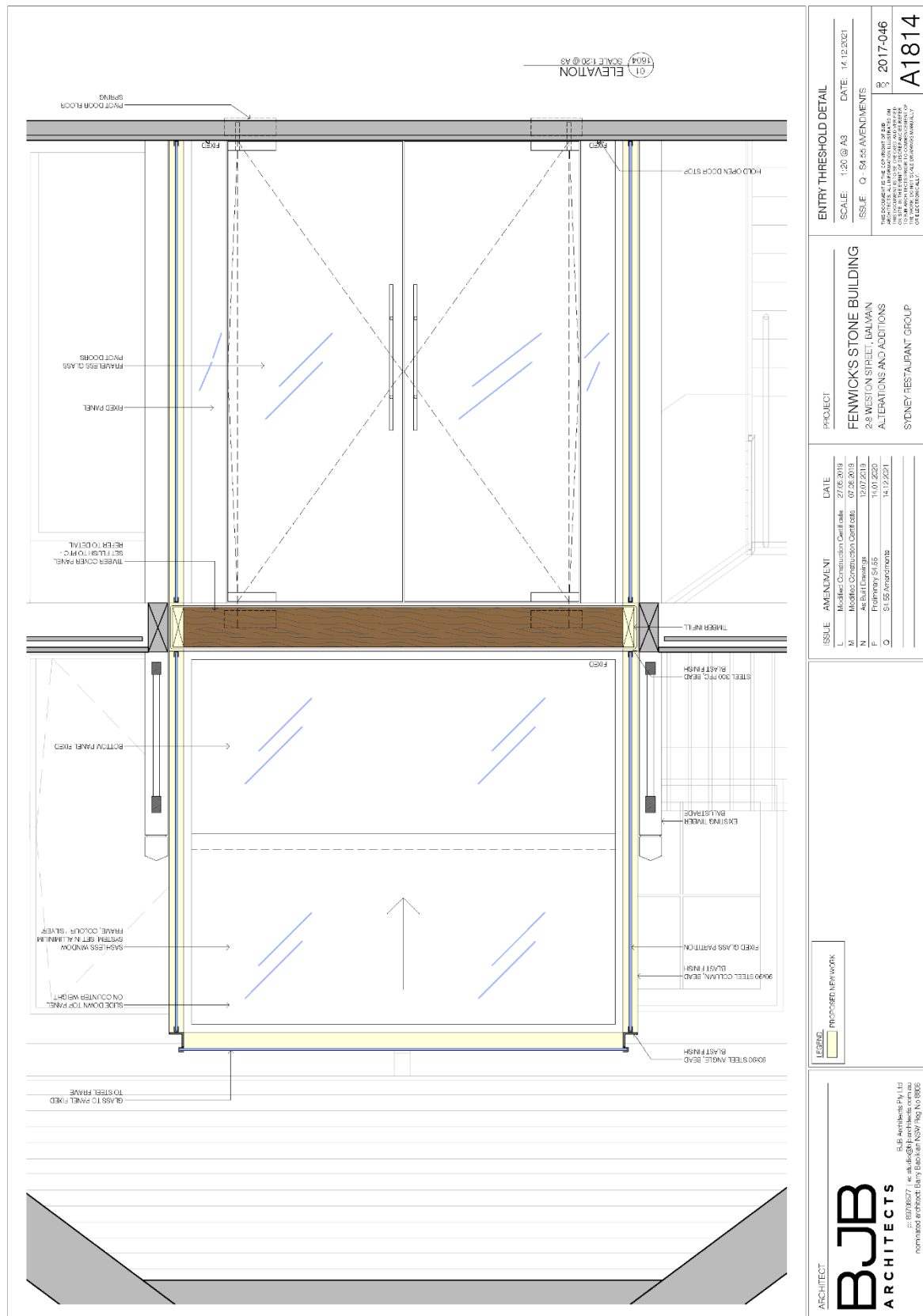


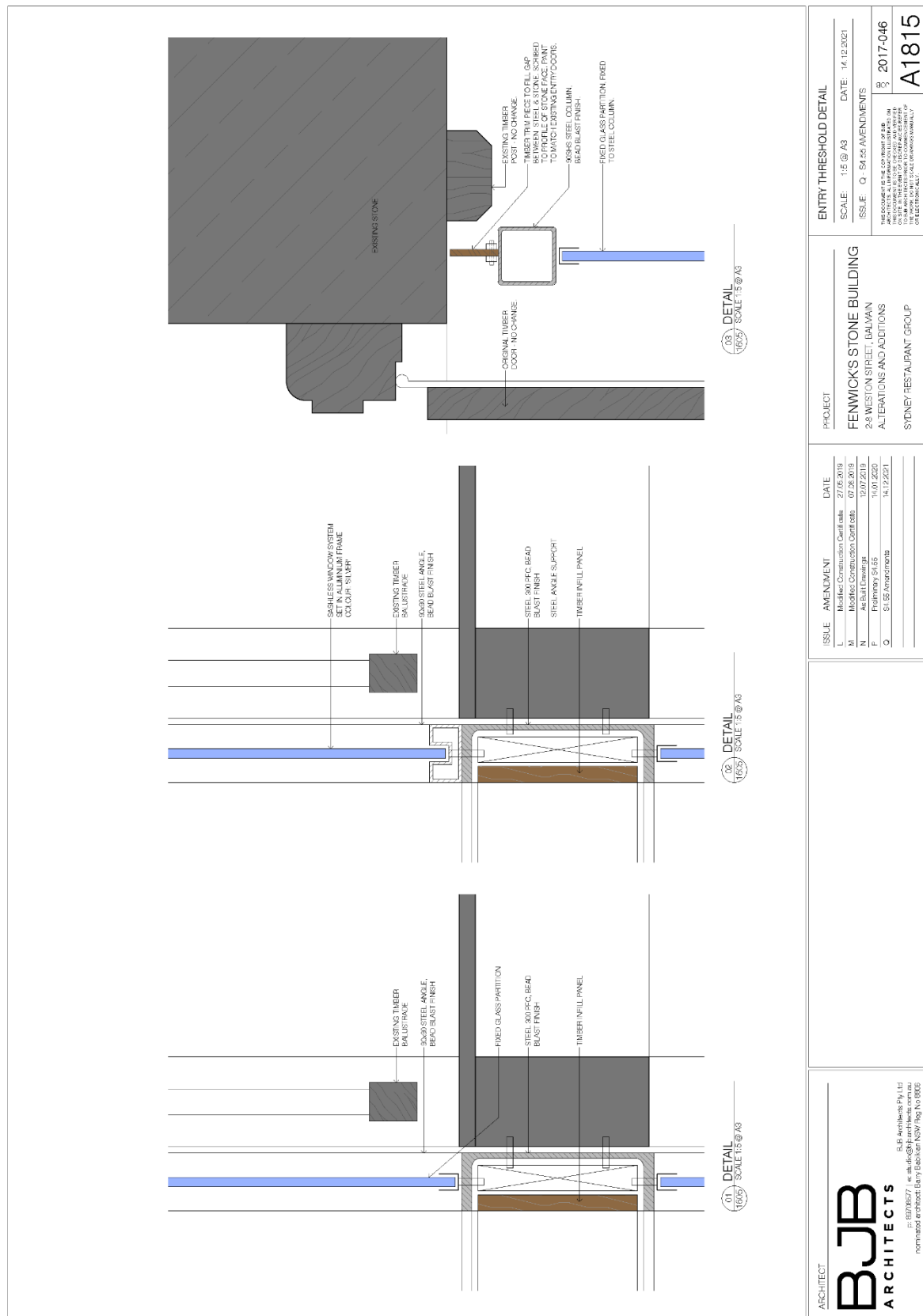






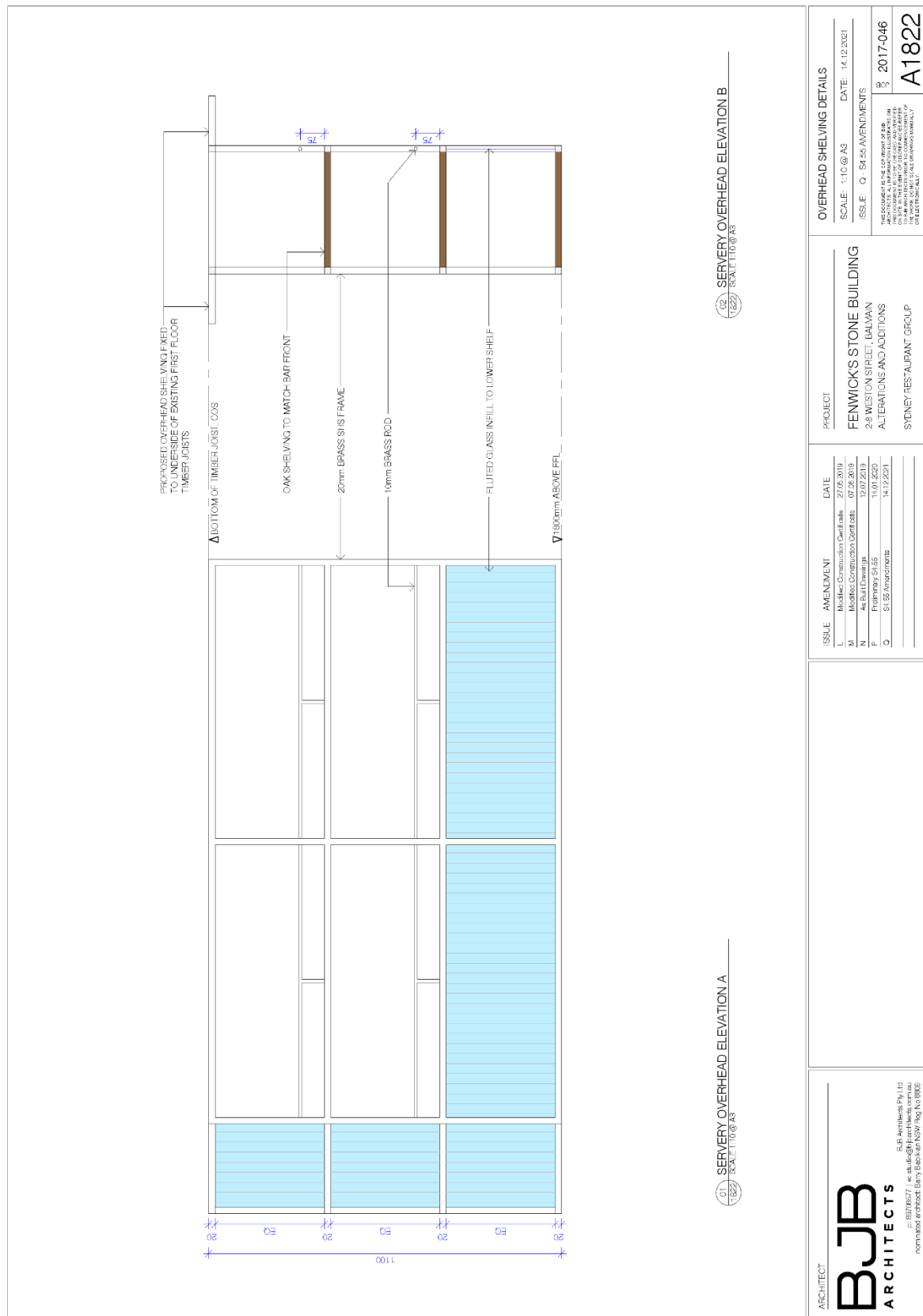


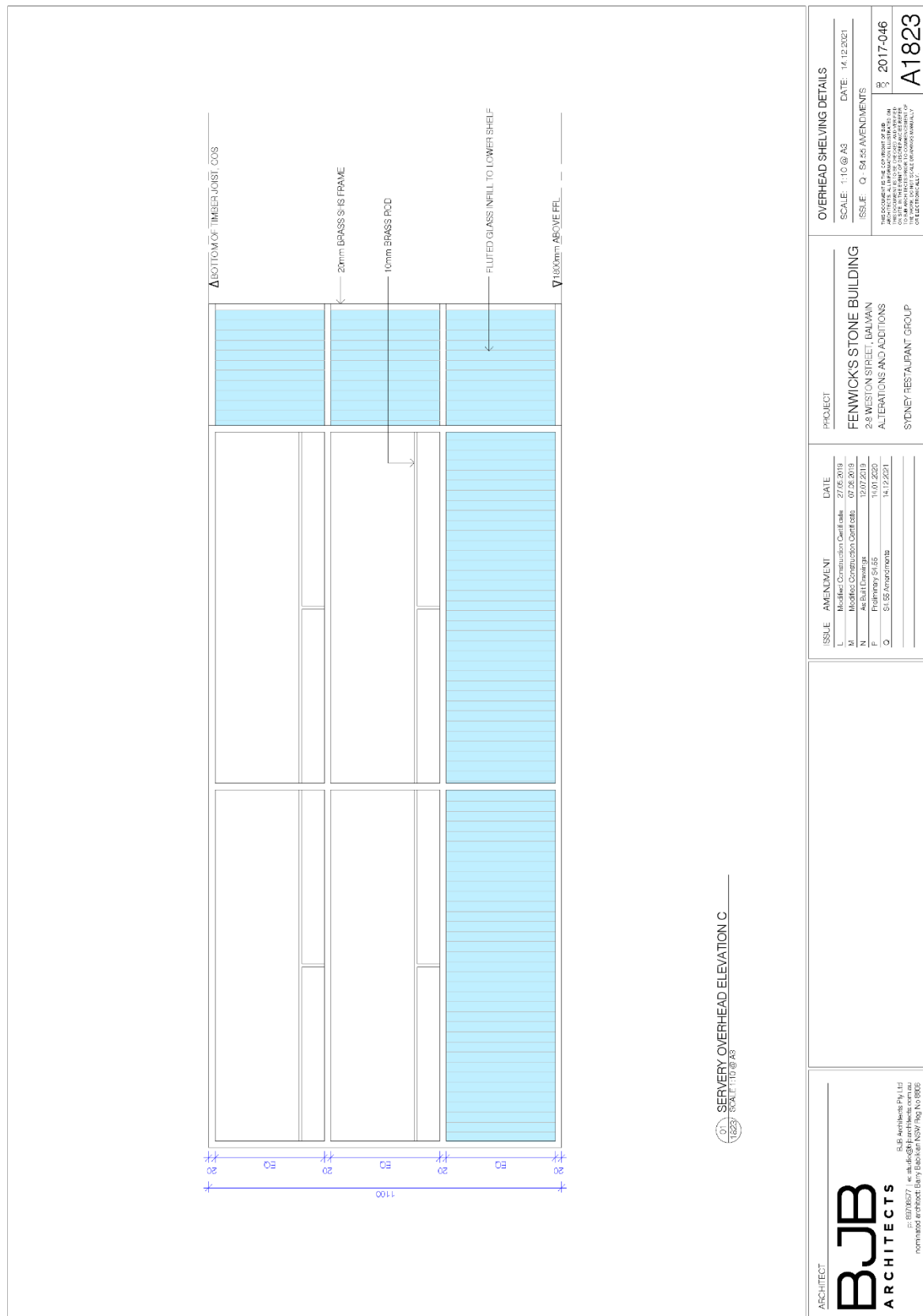


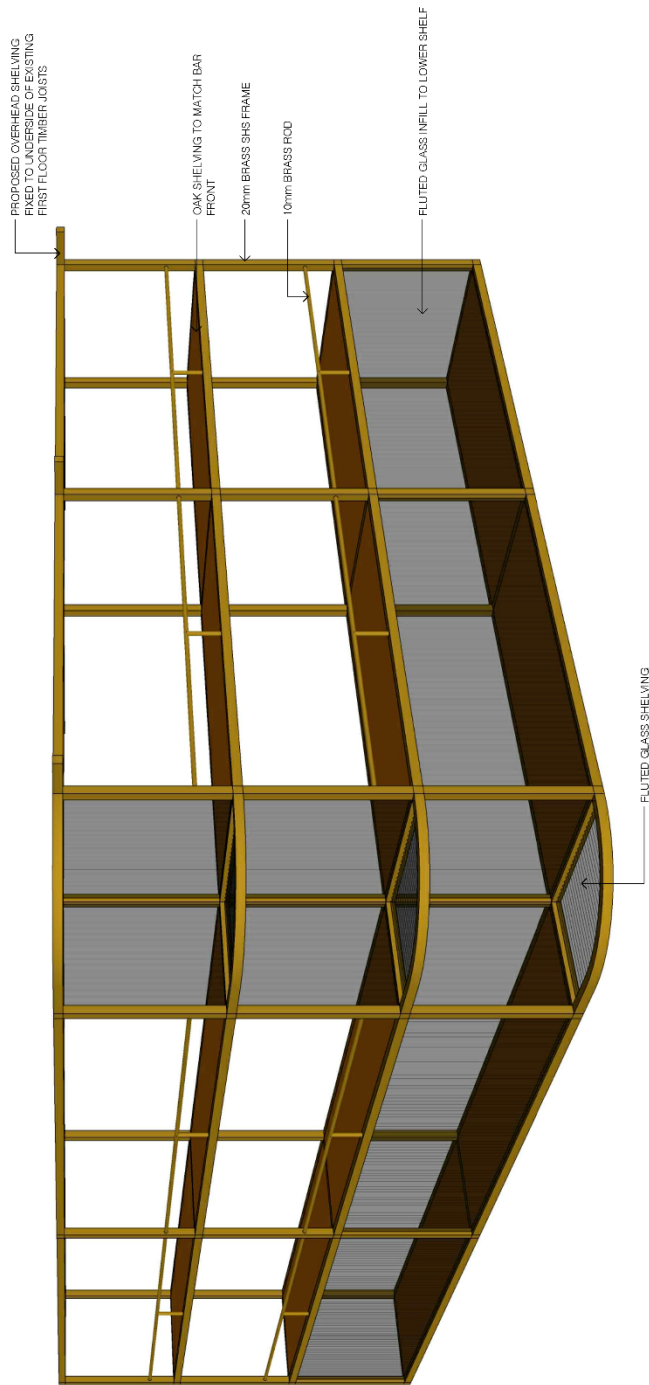












ARCHITECT

BJB
ARCHITECTS

14th Architects Pty Ltd
14/1500/2017 - 14/1500/2017
nominal architect: 14/1500/2017 (14/1500/2017)

PROJECT

FENWICK'S STONE BUILDING
28 WESTON STREET BALMAIN
ALTERATIONS AND ADDITIONS
SYDNEY RESTAURANT GROUP

ISSUE	AMENDMENT	DATE
L	Modified Construction Certificate	27/05/2019
M	Modified Construction Certificate	07/06/2019
N	As Built Drawings	19/07/2019
P	Preliminary S4.1a	14/01/2020
Q	S4.1a / Amendments	14/12/2021

OVERHEAD SHELVING DETAILS

SCALE: 1:10 @ A3 DATE: 14/12/2021

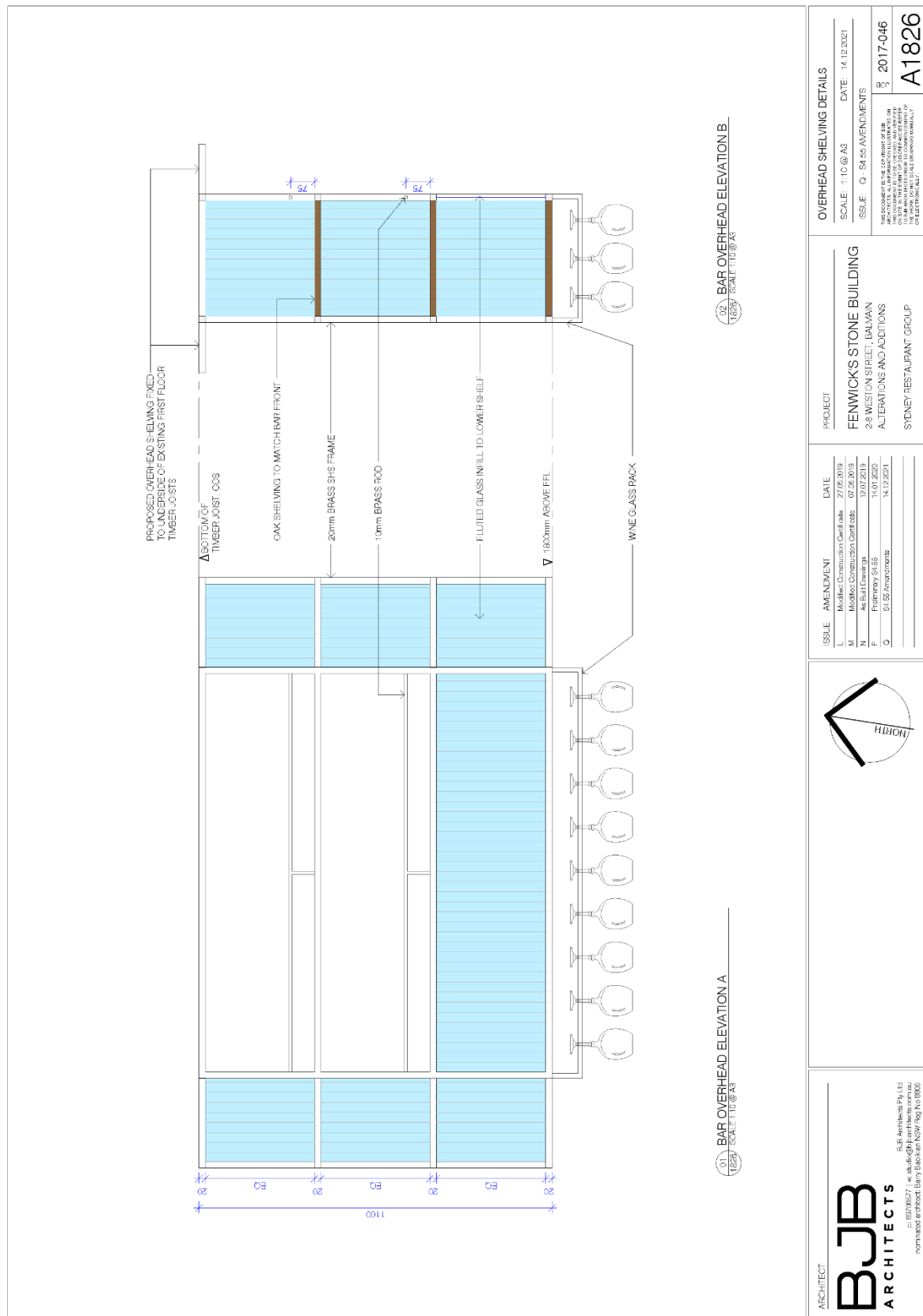
ISSUE: Q - S4.1a AMENDMENTS

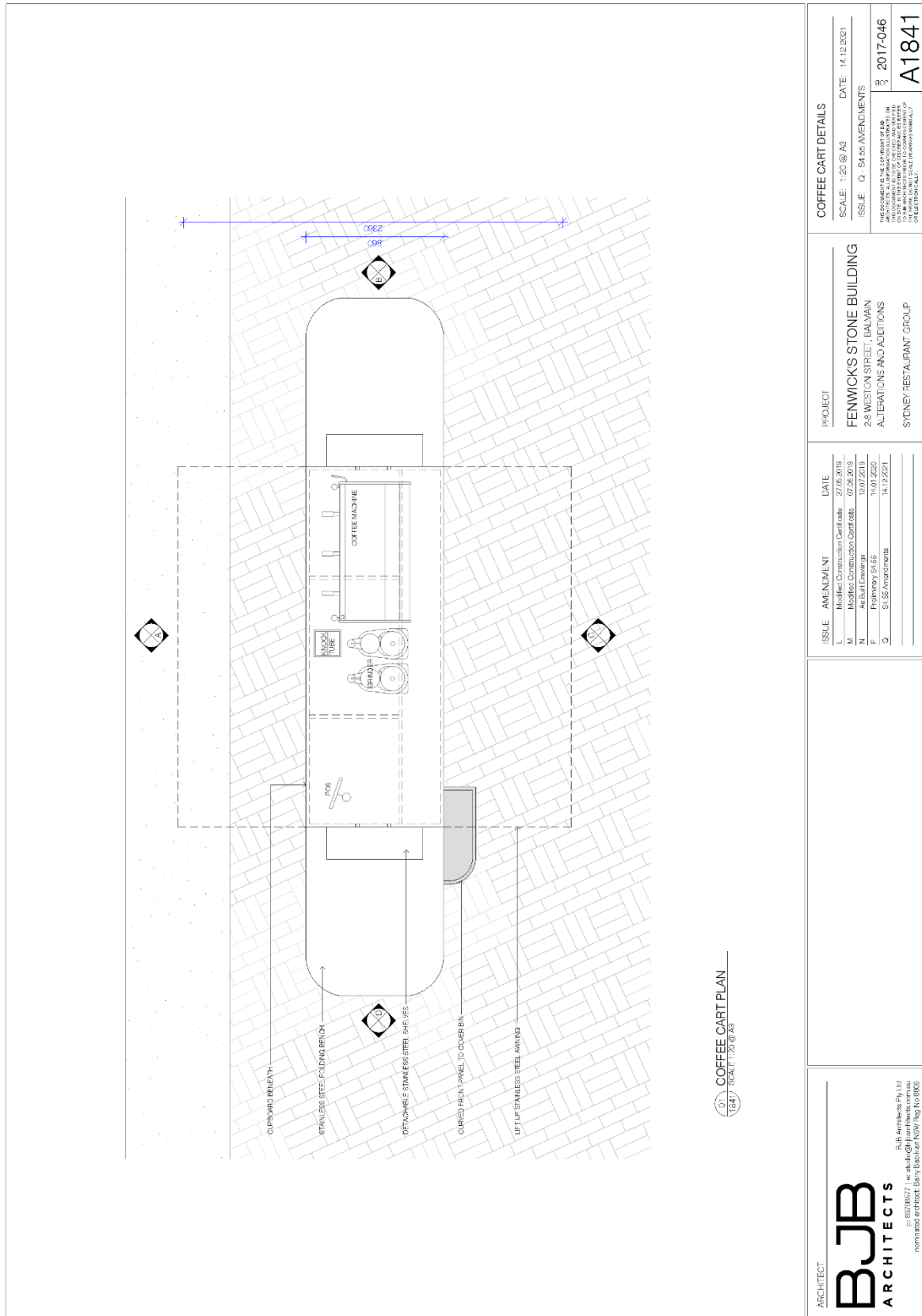
2017-046

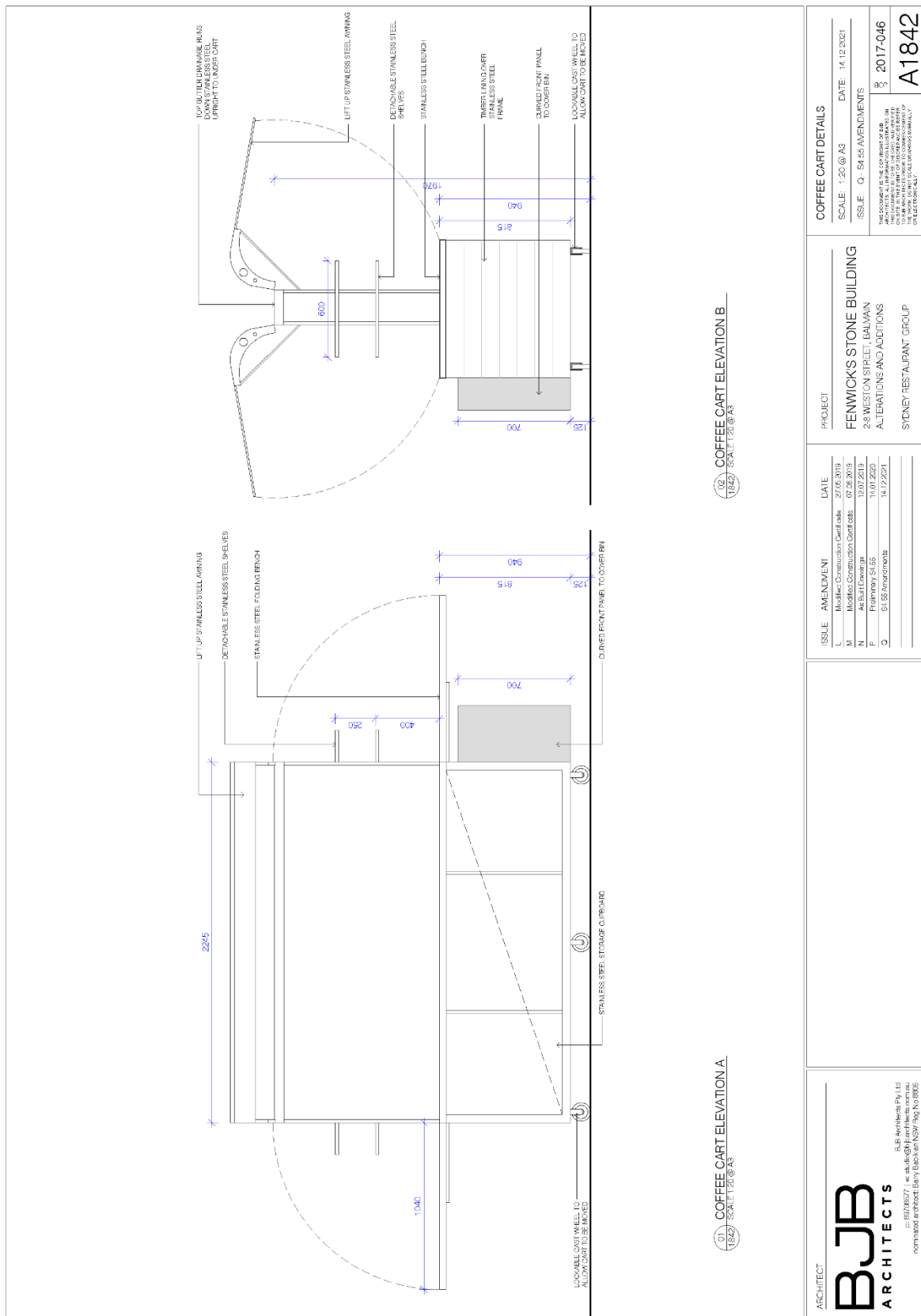
A1824

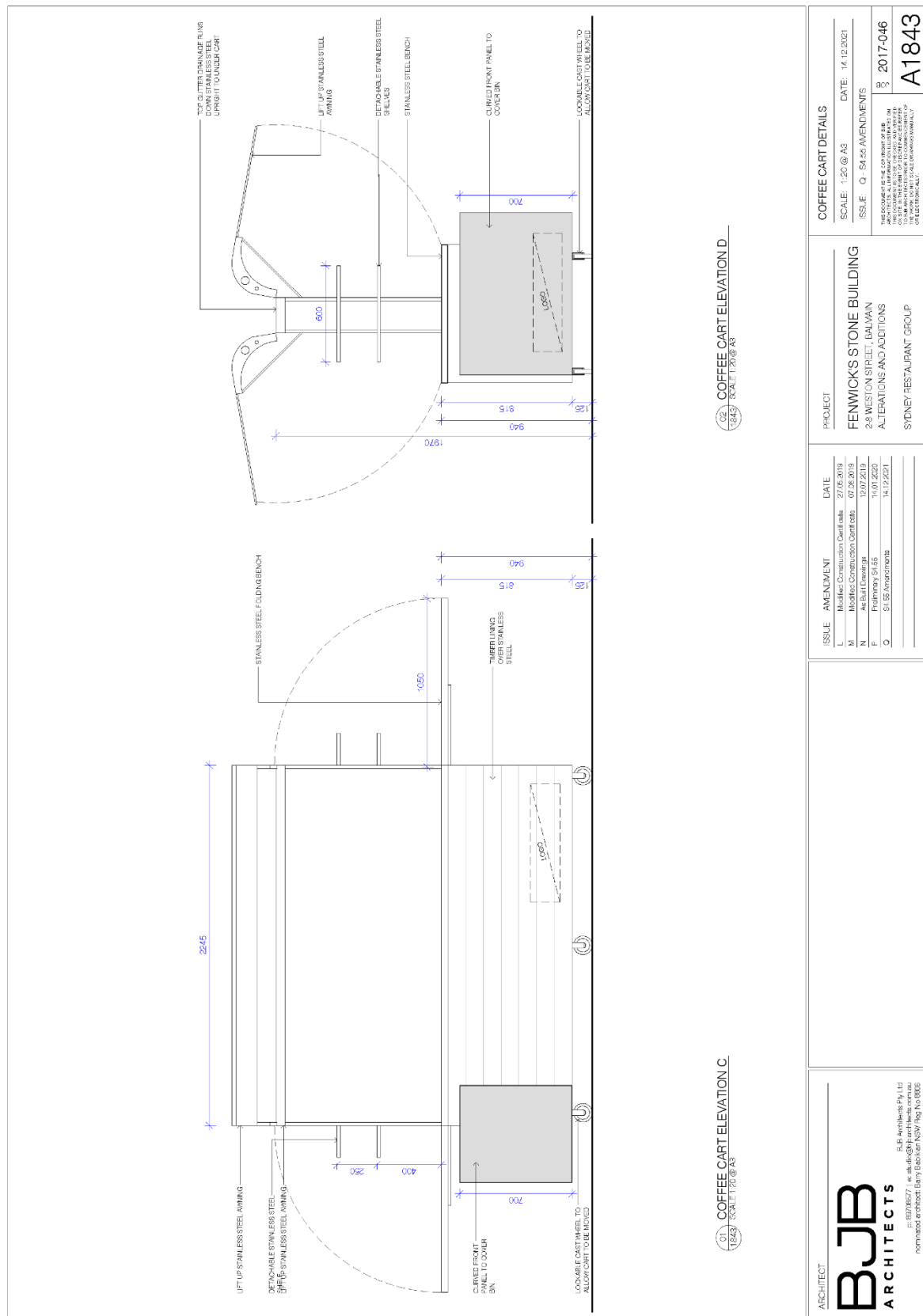
THIS DOCUMENT IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO ENSURE THAT THE DESIGN IS SUITABLE FOR THE PROJECT AND THAT ALL NECESSARY APPROVALS ARE OBTAINED BEFORE CONSTRUCTION.

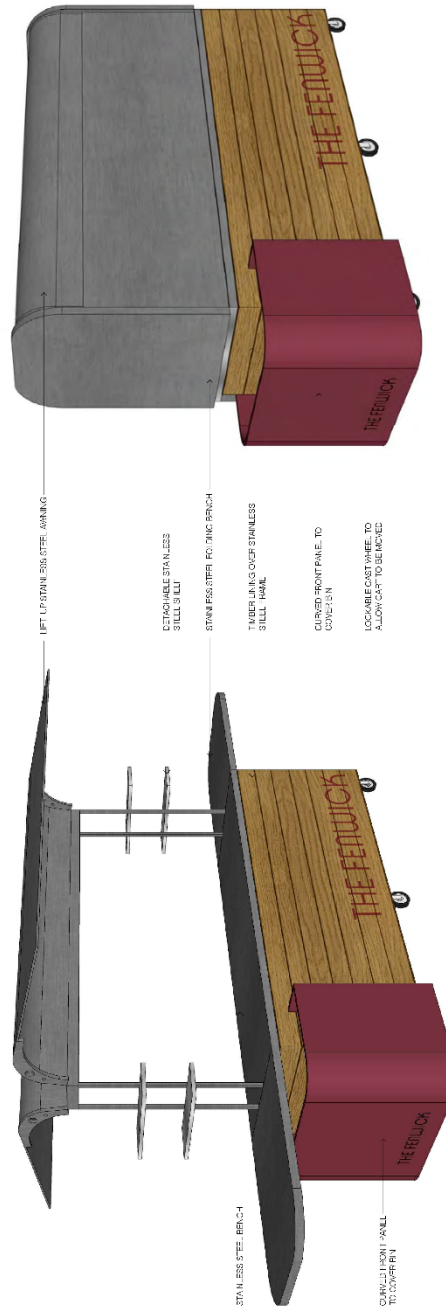












CLOSED POSITION

OPEN POSITION

ARCHITECT

BJB
ARCHITECTS

BJB Architects Pty. Ltd.
10/100/10077 - 10/100/10077
normalised direct local planning panel

PROJECT

FENWICK'S STONE BUILDING

2-8 WESTON STREET, BALMAIN

ALTERATIONS AND ADDITIONS

STONEY RESTAURANT GROUP

COFFEE CART DETAILS

SCALE: 1:20 @ A3

DATE: 14.12.2021

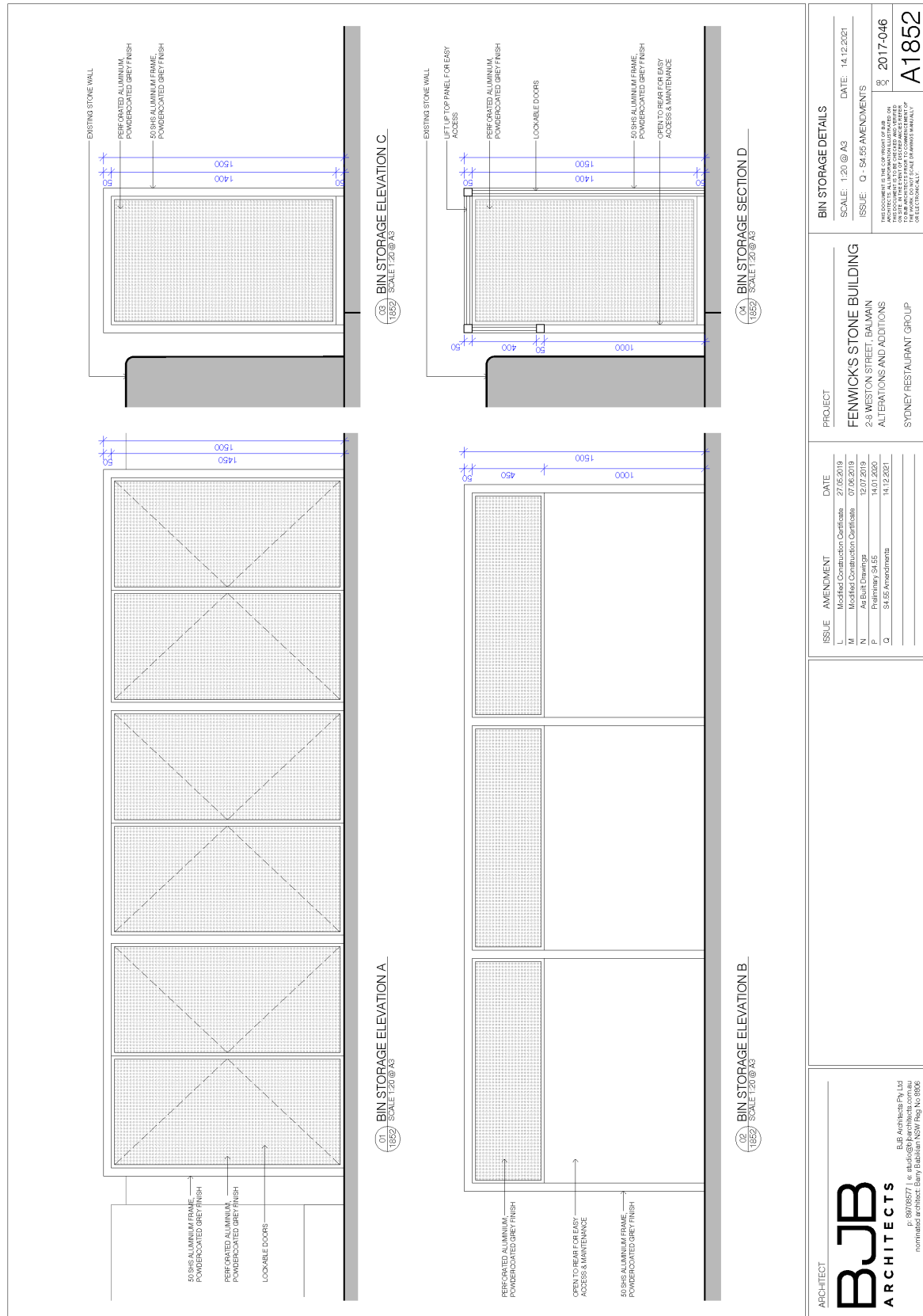
ISSUE: Q - S4.55 AMENDMENTS

2017-046

A1844

THIS DOCUMENT IS THE PROPERTY OF BJB ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. IT IS NOT TO BE REPRODUCED OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF BJB ARCHITECTS.





SJB Planning

2-8 Weston Street, Balmain East

Plan of Management

December 2019

Document Set ID: 33708222
Version: 1, Version Date: 03/06/2020

Contact Details:

SJB Planning
Level 2, 490 Crown Street
Surry Hills NSW 2010
Australia

T: 61 2 9380 9911
planning@sjb.com.au
www.sjb.com.au

SJB Planning (NSW) Pty Ltd
ABN 47 927 618 527
ACN 112 509 501

Table of Contents



1.0	Introduction and Objectives of This Plan	4
1.1	Overview	4
1.2	Objectives of the Plan	4
1.3	Annual Review	4
2.0	Operation of the Premises	5
2.1	Hours of Operation	5
2.2	Patron Capacity	5
2.3	Set-up and Clean-up	5
2.4	Closing Procedures	5
2.5	Deliveries	5
2.6	Waste Management	6
3.0	Amenity of Neighbourhood	7
3.1	Overview	7
3.2	Noise Emission Controls	7
4.0	Behaviour Of Patrons	8
4.1	Licensee/Approved Manager and Staff Expectations	8
4.2	Venue Requirements	8
4.3	House Policy	8
4.4	Responsible Service of Alcohol (RSA)	9
4.4.1	Licensee/Approved Manager's Responsibilities and Requirements	9
4.4.2	Staff	9
4.5	Preventing Underage Drinking	10
4.6	Preventing Intoxication	10
4.6.1	Overview	10
4.6.2	Prevention Measures	10
4.7	Preventing Disruptive or Antisocial Behaviour	10
4.8	Illicit Drugs	11
4.9	Transport	11
5.0	Complaint Resolution	12
5.1	Complaint Handling Policy and Logbook	12
5.2	Complaint Response and Reporting	12
6.0	Declaration of Licensee	13
7.0	Declaration of Owner	14

L2/490 Crown Street, Surry Hills
Sydney NSW 2010

planning@sjb.com.au
sjb.com.au

T 61 2 9380 9911
F 61 2 9380 9922

Document Set ID: 33708222
Version: 1, Version Date: 03/06/2020

1.0 Introduction and Objectives of This Plan

1.1 Overview

This Plan of Management (POM) is for the operations of the food and drink premises at 2-8 Weston Street, East Balmain known as 'The Fenwick'.

The content of the Fenwick POM is informed by the Conditions of Consent for D/2015/299 issued by Inner West Council on 30 August 2016. D/2015/299 granted consent for the adaptive reuse of the Fenwick Building and its use as a licensed café with gallery space.

In the event of an inconsistency between the conditions of consent and this POM, the conditions of consent prevail. All managers and staff of the Fenwick are to familiarise themselves with the requirement of this POM.

1.2 Objectives of the Plan

The objectives of the plan are:

- To enable compliance with the relevant conditions of approval for the The Fenwick;
- Outline the relevant conditions of consent including patron numbers, staff numbers, waste disposal and waste transfer for retail premises;
- Minimise the potential impact of operations of the site on nearby residents;
- Minimise and manage antisocial behaviour;
- Manage and respond to resident complaints;
- Ensure responsible service of alcohol; and
- Outline patron management and security measures.

A copy of the POM will be kept in a readily accessible place on-site, and will be made available to all persons involved in the operation and management of the venue. It will be made available for inspection by the Police, inspectors of Liquor and Gaming New South Wales (L&GNSW) or Council upon request.

The venue shall be under the supervision of a suitably qualified Licensee or approved managers, who will be in attendance during the hours of operation to ensure that the venue is managed in accordance with this POM and its objectives. The primary focus of the venue is as a food and drink premises, with the service of alcohol accompanying meals.

1.3 Annual Review

This Plan of Management is to be reviewed annually by the venue management and owners

8722A_Plan of Management_19/12/2

4 / 14

2.0 Operation of the Premises

2.1 Hours of Operation

The hours of operation of the restaurant are as follows:

- 7:00am to 11:00pm, Monday to Sunday.

The outdoor dining area of the venue will also shut at 11:00pm.

The actual trading hours of the venue may vary from time to time such that it may close prior to 11:00pm, however any trading will always be between the hours detailed above.

2.2 Patron Capacity

The maximum total occupancy for patrons is 80 persons / seats. This is inclusive of the outdoor seating area.

The maximum occupancy of the outdoor area is 24 persons / seats.

2.3 Set-up and Clean-up

Set-up and clean-up of the retail premises are restricted to one (1) hour before and one (1) hour after opening and closing times. All doors and windows must remain closed during set-up and cleaning where possible.

Set-up and clean-up operations of the outdoor seating area is to occur during operating hours.

2.4 Closing Procedures

The following measures are to be incorporated for the closure of the food and drink premises;

- 30 minutes prior to closure – Service to cease;
- 15 minutes prior to closure – Patrons reminded that venue will be closing shortly;
- Closure time – Lights put on (if dimmed) and patrons asked to quietly vacate the premises;

In addition, signs are to be displayed at the entrance of the venue reminding patrons to minimise noise when departing the premises.

Patrons are not to remove glass, opened cans, bottles or alcohol from the premises.

Note: Similar procedures should be enacted for the closure of the outdoor dining area prior to the closure of the remainder of the venue.

2.5 Deliveries

Deliveries to the Fenwick are only permitted between 7:00am and 6:00pm daily, restricted to outside non-peak hours in this period.

Delivery vehicles are limited to a maximum B99 (large cars and utility vans).

8722A_Plan of Management_191212

5 / 14

2.6 Waste Management

The following waste management procedures apply:

- The pickup of commercial waste and recyclables from the site is only permitted between 8:00am and 9:00pm daily; and
- Waste bins are only to be moved kerbside on the same day as waste collections. Empty waste bins are not to remain at the kerbside.

8722A_Plan of Management_191212

6 / 14

3.0 Amenity of Neighbourhood

3.1 Overview

At all times staff and the Licensee/Approved Manager of the venue shall consider the amenity of the neighbours and take all reasonable measures to eliminate the potential for adverse impact on surrounding areas.

The Licensee/Approved Manager shall take all reasonable measures to ensure that the behaviour of staff and patrons upon entering and leaving the venue does not adversely affect the amenity of the neighbourhood. The behaviour of contractors servicing the venue is also to be monitored by the manager on duty.

The email of the Licensee/Approved Manager of the venue will be distributed to neighbours in the immediate vicinity in order to let them know that any problems or issues that arise will be dealt with directly by the Licensee/Approved Manager, and that the Licensee should be contacted in the first instance if a concern arises.

3.2 Noise Emission Controls

The following noise emission controls will be imposed for the venue:

- Use of the indoor area is to cease at 11:00pm;
- Use of the outdoor area is to cease at 11:00pm;
- The outdoor dining area is for seated diners only;
- After 6:00pm, all windows and doors on the northern, western and southern facades of the building are to remain closed when the venue is in use. The door on the southern side can be open for egress to the outdoor dining area only until 11:00pm;
- No music is to be played on the outdoor areas of the venue;
- Only background music is allowed within the internal areas of the site, with a maximum sound pressure level of 65dB(A)Leq;
- Disposal of bottles/waste should be undertaken prior to 10:00pm; and
- Signs reminding patrons to leave the site quietly at night time will be installed at exit points.

4.0 Behaviour Of Patrons

4.1 Licensee/Approved Manager and Staff Expectations

The Licensee/Approved Manager will take all reasonable steps to manage the behaviour of patrons in the venue and when entering and leaving the venue. Staff shall encourage patrons to leave the vicinity of the venue promptly and quietly to minimise possible noise impacts on the local community.

The Licensee/Approved Manager and staff shall take all reasonable steps to ensure that persons do not loiter in the vicinity of the venue if they have been refused admittance or after leaving the venue. If patrons refuse to leave the vicinity the police will be contacted for assistance.

Staff are to encourage patrons to drink responsibly. Patrons will be required to leave the venue if they become intoxicated, violent or aggressive. If patrons refuse to leave police will be contacted for assistance.

Groups of patrons will be managed in the same manner as individuals due to the small nature of the restaurant. If the group or a member of the group becomes intoxicated, violent or aggressive they will be asked to leave. If they refuse the police will be contacted.

The majority of the venue's patrons especially at evening sittings are expected to be prior bookings. Walk-ins will be managed on the availability of seating. Should patrons arrive without a booking and no tables are available, staff will take the patrons phone number and contact them once a table becomes available. Patrons will be expected to leave the vicinity of the venue whilst waiting for a table to become available.

4.2 Venue Requirements

Low alcohol beer and non-alcoholic beverages will be available at all times. Drinking water will be available at all times without charge during opening hours.

4.3 House Policy

In the interest of patron and staff safety, the venue will adopt practices to ensure the responsible service of alcohol. The following measures are to ensure the enjoyment of the venue for staff and patrons and to minimise impact on surrounding residents.

It is the venue's policy to:

- Prevent underage drinking by requiring proof of age be provided by any person requested to do so, particularly any person who appears to be under the age of 25 years;
- Prevent intoxication by recognising the signs of intoxication and refusing service to patrons who reach this point. Any person who is already intoxicated when attempting to enter the venue will be refused entry;
- Non-alcoholic beverages will be available at all times the venue is open for trade within licenced hours. Drinking water will be available at all times without charge during opening hours;
- Harm minimisation and the Responsible Service of Alcohol (RSA);
- The prevention of intoxication on the premises;
- Prevent disruptive and/or antisocial behaviour of patrons within and when leaving the venue;

8722A_Plan of Management_19/12/2

8 / 14

- Ensure the noise from the operation of the venue does not unduly affect any residence or business within the vicinity of the venue; and
- Ensure the operation does not result in an increase in litter in the vicinity of the venue.

4.4 Responsible Service of Alcohol (RSA)

4.4.1 Licensee/Approved Manager's Responsibilities and Requirements

The restaurant Licensee/Approved Manager (the Licensee) will ensure that at all times alcohol is served responsibly and in accordance with the *Liquor Act 2007* ('the Act'), the Liquor Regulation 2008 ('the Regulation') and this Plan.

The Licensee/Approved Manager will ensure that all staff involved in the sale, service and supply of liquor have completed an approved RSA course.

The Licensee/Approved Manager will ensure that copies of Competency Cards and/or RSA certificates for the Licensee and all staff members engaged in the sale, supply or service of alcohol are kept in the venue at all times and are to be made available for inspection by request from Police Officers, Council Inspectors or L&GNSW Inspectors.

The Licensee/Approved Manager will ensure that all statutory signage required by the Act and/or Regulation is prominently displayed within the restaurant.

4.4.2 Staff

Staff must carry their Competency Card with them at all times during operating hours and will produce it when requested to do so by the relevant authorities.

Staff will ensure that the service of alcohol is monitored in such a way as to minimise inappropriate behaviour of patrons while at and when leaving the venue.

Staff will refuse entry to any person deemed intoxicated, aggressive or unruly by taking the following steps:

- Tell the person that the law does not allow them to enter the premises;
- Tell the person that the law requires them to move on more than 20m away from the venue and observe or supervise that person's removal to that point; and
- If the patron fails to comply, the police are to be called.

Staff will refuse service to any patron approaching intoxication or displaying unruly and/or aggressive behaviour by taking the following steps:

- Tell the patron that the law does not allow them to continue to be served alcohol;
- Tell the patron that the law requires them to leave the venue; and
- If the patron fails to comply, the police are to be called.

4.5 Preventing Underage Drinking

It is the responsibility of every staff member to ensure that alcohol is not supplied to a minor. Any patron suspected of being under the age of 25 years is to be asked to provide approved documentary proof of age before being supplied with liquor. Accepted forms of identification are:

- A current driver's licence;
- A current passport; or
- A photo card or similar issued by the NSW Government or by another state or territory of Australia which clearly displays the person's date of birth and a start and expiry date.

Failure by a person to provide suitable identification to a staff member upon being requested will result in alcohol not being served to that person and that they are asked to leave the venue.

If staff are in any doubt as to the age of the patron, they are to check the patron's identification. If the patron objects to providing identification, staff are to explain that it is a requirement of the law.

4.6 Preventing Intoxication

4.6.1 Overview

It is an offence to sell or supply liquor to any person who is in a state of intoxication. A "state of intoxication" is where that person's behaviour, balance, speech and coordination are noticeably affected through the consumption of alcohol.

4.6.2 Prevention Measures

The Licensee/Approved Manager and staff are to ensure that intoxication is prevented from occurring on the licensed premises by compliance with the venue's House Policy:

- Non-alcoholic beverages being available at the restaurant at all times;
- Refusal of service to patrons showing signs of intoxication; and
- Not allowing intoxicated persons to enter or remain on licensed premises.

Free drinking water will be available to patrons at all times during trading hours.

Any patron exhibiting signs of intoxication are to be refused service and requested to leave the venue. Failure to comply with the request to leave by a staff member will result in the police being called to remove the patron from the venue.

Patrons exhibiting signs of approaching a state of intoxication are to be advised by staff and offered an alternative to consuming alcohol, such as soft drinks or water. Any person who exhibits signs of approaching intoxication will be monitored and requested to leave the venue if signs of intoxication are subsequently exhibited.

4.7 Preventing Disruptive or Antisocial Behaviour

The Licensee/Approved Manager and staff are not to allow disruptive, violent or antisocial behaviour to occur within or in the vicinity of the venue by patrons who have been in attendance at the venue. Staff are to ensure that this is prevented by:

- Not tolerating any conduct or behaviour which a reasonable person would consider undesirable; and
- Identifying potential problems and taking steps to prevent this behaviour from escalating.

4.8 Illicit Drugs

Illicit drugs are strictly prohibited in the venue at all times.

Any person found using, supplying or possessing illicit drugs shall be immediately removed and if necessary, the police called to escort the offender from the venue.

For the purpose of this Plan, "illicit drugs" includes any drugs made illegal by the laws of the State of New South Wales or the Commonwealth of Australia.

4.9 Transport

The Licensee/Approved Manager and Management shall endeavour to promote the use of alternative forms of transport to the venue as follows:

- Staff shall arrange (without charge) for taxis to collect any patron from the venue if requested to do so;
- Management and staff are to familiarise themselves with the operations including destinations and regularity of the ferry services from Balmain East Wharf to provide information to patrons as requested;
- Management and staff are to familiarise themselves with the operations including destinations and regularity of the bus services on Darling Street to provide information to patrons as requested; and
- If further specific information is requested regarding public transport, e.g. bus timetables, the patron is to be advised of the number for the Transport Info Line which is 131 500 and it's website <http://www.transportnsw.info/>. The website is configured to be used with smartphones.

5.0 Complaint Resolution

5.1 Complaint Handling Policy and Logbook

The Licensee/Approved Manager will implement a complaint handling policy to address any complaints received from residents or other business operators located in the vicinity of the venue. This policy will seek to resolve the complaint without the involvement of the Council or NSW Police.

The complaint handling policy will require a log book to be maintained that records the time, date and nature of each complaint together with the name and address of the complainant(s). Further, the log book will record the practices adopted by the Licensee and/or staff to resolve the complaint.

In addition to the above, any incident at the venue whereby medical assistance is required or the incident involved violence or antisocial behaviour will be recorded by the Licensee/Approved Manager or staff including details of the response from the venue in relation to the incident.

5.2 Complaint Response and Reporting

Any complaint received at the venue is to be responded to by the Licensee/Approved Manager (and in their absence by Management) within two (2) working days of its receipt. The Licensee/Approved Manager is to be available to meet with the complainant(s) at a reasonable time and mutually suitable date with a view to resolving any concerns regarding the operation of the venue.

In the event that a complaint is of a nature that local Council and/or Police should be notified, management will communicate to local Council and/or Police the details of the complaint.

6.0 Declaration of Licensee

The Licensee

Has read and agreed to the implementation of the Plan of Management dated for the operation of The Fenwick.

The Licensee will ensure the premises are managed in accordance with the Plan of Management and restrictions of the license dated

Licensee Date

Manager Date

8722A_Plan of Management_191212

13 / 14

7.0 Declaration of Owner

The Owner

Has read and agreed to the implementation of the Plan of Management dated for the operation of the Fenwick at 2-8 Weston Street, Balmain East and will ensure that the Licensee or Manager implements and operates the premises in accordance with the Plan of Management.

Owner Date

8722A_Plan of Management_191212

14 / 14

Attachment D - Modified Determination - MOD 2020 0174 - dated 8 December 2020



NOTICE OF DETERMINATION - APPROVAL

Issued under Section S4.55 of the Environmental Planning and Assessment Act 1979

Development Application No.	D/2015/299
Applicant	The Fenwick Balmain Pty Ltd
Land to be developed	2-8 Weston Street BALMAIN EAST NSW 2041
Approved development	Adaptive reuse of Fenwicks stone building as a licenced cafe with gallery space including associated accessibility improvements, public toilet facilities, new access path and reconfiguration of car parking in Illoura Reserve.
Cost of development	\$1,141,030.00
Determination	This S4.55(2) modification application was determined by Local Planning Panel and was granted consent subject to the conditions attached.
Other Approvals	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
Date of Development Consent:	23 August 2016
Date of Modification of Consent:	08 December 2020
Modification Number:	MOD/2020/0174

Inner West Council
innerwest.nsw.gov.au
02 9392 5000

council@innerwest.nsw.gov.au
PO Box 14, Petersham NSW 2049

Reasons for conditions

To protect the environmental amenity of the area and the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 8.9 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in [Section 8.10](#) of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. Section 8.2 does not apply to complying development, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that is already subject to a Section 8.2 review.

For further information please contact **Katerina Lianos** on **02 9392 5850** or **katerina.lianos@innerwest.nsw.gov.au**.



Luke Murtas
Manager Development Assessment (South)

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2015/299 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
1418 Cover Sheet	Welsh+Major	November 2014
1418 Dwg No. DA 01 Issue C Site Plan (also referred to as Issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 02 Issue C Roof Plan (also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 03 Issue D Ground Floor Plan(also referred to as issue E)	Welsh+Major	9/10/2015
1418 Dwg No. DA 04 Issue C First Floor Plan (also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 05 Issue C Section AA (also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 06 Issue C Section BB (also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 07 Issue C South Elevation (also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 08 Issue C North Elevation(also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 09 Issue C West Elevation (also referred to as issue D)	Welsh+Major	9/10/2015
1418 Dwg No. DA 10 Issue C East Elevation (also referred to as issue D)	Welsh+Major	9/10/2015
DA 01 Accessible Walkway Concept	Leichhardt Council	2.12.14
DA 02 Sections Finish	Leichhardt Council	2.12.14
DA-01 Tree Planting Concept	Leichhardt Council	11.05.15
Proposed Angle Parking Dwg.No. A1-838	Leichhardt Council	4 December 2015
Survey Plan REF 23900 Over 6-8 Weston Street	Norton Survey Partners	11-7-14
Survey Plan Illoura Reserve Job Ref 34430DT	Lockley Land Title Solutions	11-11-2011
Stormwater Drainage Plans Rev A	Meinhardt	2.12.14
Document Title	Prepared By	Dated
Arborist Report	Sydney Metro Tree Services	Nov 2014

Heritage Impact Statement Fenwick's Stone Building	City Plan Services	23/11/15
Heritage Impact Statement Proposed Works Illoura Reserve East Balmain	Musecape	26/1/2016
Archaeological Assessment	Casey & Lowe	May 2016
Site Waste Minimisation & Management Plan	Julian Oon	Undated
BCA Compliance Report	Environet Consultancy Pty Ltd	Dec 2014
Accessibility Report	Accessibility Solutions (NSW) Pty Ltd	2 nd Dec 2014
Noise Impact Assessment	Acoustic logic	26/5/2015
Traffic & Parking Impact Assessment	Mc Laren Traffic Engineering	20 April 2015
Construction Environmental Management Plan	Consara	22 May 2015
Summary of Environmental Condition and Assessment of Suitability	Consara	22 May 2015
Interpretive Signage Balmain Foreshore	Deuce Design	19/7/2013

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

2. The proposed development shall comply with following conditions attached to Section 60 Approval issued by the Office of Heritage dated 7 July 2016.
 - a) SHADE STRUCTURES
No shade structures are approved as part of this application. A separate approval under the provisions of the Heritage Act is required for any shade structures.
 - b) ARCHAEOLOGY
 - i) All archaeological works shall be in accordance with the approved research design and methodology outlined in Archaeological Impact Assessment, Research Design and s60 Documentation, 2-8 Weston Street and Illoura Reserve, Balmain, prepared by Casey and Lowe, dated May 2016 and revised in June 2016.
 - ii) This archaeological approval does not cover the removal of any State significant relics. This approval covers the archaeological monitoring and salvage of locally significant relics only.
 - iii) If substantial, intact State significant relics are discovered during works they must be left undisturbed in-situ and works must be re-designed around them.
 - iv) The Heritage Council of NSW or its Delegate must be informed in writing of the start of the archaeological investigation at least five (5) days prior to the

- commencement of, and within five (5) days of the completion of on-site archaeological work.
- v) The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in 'Archaeological Impact Assessment, Research Design and s60 Documentation, 2-8 Weston Street and Illoura Reserve, Balmain, prepared by Casey and Lowe, May 2016 and revised in June 2016 are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
 - vi) The applicant must ensure that the nominated Excavation Director, Dr Nadia Iacono is present at the site supervising all excavation activity likely to expose relics.
 - vii) The Applicant must ensure that the nominated Excavation Director, Dr Nadia Iacono takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with the NSW Heritage Office guidelines, 'How to Prepare Archival Records of Heritage Items' (1998) and 'Guidelines for Photographic Recording of Heritage Items' (2006).
 - viii) The Applicant is responsible for the safe-keeping of any relics recovered from the site. The Applicant must ensure that the nominated Excavation Director cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.
 - ix) The Applicant must ensure that a final excavation report is prepared by the nominated Excavation Director, to publication standard, within one (1) year of the completion of the field based archaeological activity unless an extension of time or other variation is approved by the Heritage Council of NSW. Further copies of the report should be lodged with the local library and/or another appropriate local repository in the area in which the site is located.
 - x) Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage (Enviroline 131 555) is to be notified in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment & Heritage.
- c) **NOMINATED HERITAGE CONSULTANT**
- i) A heritage consultant is to provide advice on the detailed design, undertake

on-site heritage inductions and inspect the demolition and removal of material to ensure that no significant fabric or elements are damaged or removed.

- ii) A landscape heritage consultant with experience in cultural landscapes is to provide advice on the detailed design of Illoura Reserve, undertake on-site heritage inductions, identify significant plantings, and inspect the demolition and removal of material to ensure that no significant fabric or elements are damaged or removed.
 - iii) All work shall be carried out by suitably qualified tradespeople with practical experience in conservation and restoration of similar heritage items, structures and materials. The nominated heritage consultant shall be consulted prior to the selection of appropriate tradespeople.
- d) **SITE PROTECTION & WORKS**
- i) Significant building fabric and elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
 - ii) Significant trees are to be protected during the works from potential damage. Tree Protection Zones must be established to ensure significant trees are not damaged or removed. Any aboricultural management required must be carried out by trained arborists with appropriate experience in cultural landscapes.
 - iii) The installation of new services shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features.
- e) **COMMENCEMENT OF WORKS**
- This approval shall be void if the activity to which it refers is not physically commenced within five years after the date of the approval or within the period of consent specified in any relevant development consent granted under the Environmental Planning and Assessment Act 1979, which occurs first.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

3. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
- a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Certifying Authority."
 - b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.

- c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions, the Building Code of Australia and the relevant Australian Standards.

- 3A. Prior to release of a Construction Certificate confirmation of the appointment of the Heritage Consultant (referred to in condition 2) is to be received.
- 4. Pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000* new work is required to be brought into conformity with the Building Code of Australia. Plans and specifications demonstrating conformity are to be provided prior to the issue of a Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility.
- 5. Materials and finishes must closely match the original finishes and materials of the building. Highly reflective roofing materials must not be used. Details demonstrating compliance with this requirement must be provided prior to the issue of a Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility to the satisfaction of the Certifying Authority.
- 6. Consent is granted for the demolition of minor elements associated with the existing building, subject to strict compliance with the following conditions:
 - a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
 - b) Written notice is to be given to Council / Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by Council / Certifying Authority:
 - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

NOTE: Council requires 24 hours notice to carry out inspections. Arrangement for inspections can be made by phoning 93679222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Department of Environment and Climate Change NSW.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.

- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to Council / Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority prior to the commencement of building works.
- q) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
 - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works

7. A total of one (1) car parking space for use by persons with a disability must be provided as part of the total car parking requirements.

All details must be prepared in accordance with Australian Standard AS/NZS 2890.1:2004 *Parking Facilities – Off street car parking* and the relevant provisions of Australian Standard 1428.1:2001 *Design for Access and Mobility – General requirements for access - New building work* and Australian Standard 1428.4:2002 *Design for Access and Mobility – Tactile indicators*.

8. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

An acoustic report prepared by a suitably qualified and experienced acoustic consultant shall be provided to the satisfaction of the Principal Certifying Authority demonstrating that noise and vibration from the operation of the premises including the use, plant and equipment will satisfy the stipulated criteria above and relevant provisions of the Protection of the Environment Operations Act 1997 and Regulations and relevant state and local policies and guidelines. Recommendations must be consistent with the approved plans.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility/lift.

9. The LA_{10^*} noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz– 8k Hz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.

The LA_{10^*} noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz – 8k Hz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the premises must not be audible within any habitable room in any residence between the hours of 12:00 midnight and 7:00am.

For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises or restaurant.

Details of the acoustic measures to be employed to achieve compliance with this condition must be provided prior to the issue of a Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility/lift. Such measures must be in accordance with the approved acoustic report and plans.

10. The premises are to be designed, constructed and operated in accordance with the:

- Food Act 2003
- Food Regulation 2010
- Australia and New Zealand Food Standards Code
- Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises)
- Australian Standard AS 1668 Part 1 – 1998
- Australian Standard AS 1668 Part 2 – 2012; and
- Building Code of Australia

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility/lift .

11. There are to be no emissions or discharges from the premises which will give rise to an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

Emission control equipment shall be provided in the mechanical exhaust system serving the appliances, to effectively minimise the emission of odours, vapours and oils. Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility and shall be positioned away from nearby residential properties where possible.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility.

12. A Plan of Management is to be provided to Council prior to the issue of a Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility/lift. The Plan of Management is to cover (but is not limited to) the following issues:

- Ensure compliance with the relevant conditions of approval,
- Minimise the potential impact of the operation of the premises on nearby residents,
- Effectively minimise and manage anti-social behaviour,
- Minimise noise emissions and associated nuisances,
- Effectively manage and respond to resident complaints,
- Ensure responsible service of alcohol and harm minimisation, and
- Patron conductivity and security.

a) Security Management

The plan must specify security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site.

No signage visible from the public domain is to be installed that advertises directly or indirectly, the gaming machines on site.

b) Patron Management

Patrons must be prevented from removing glass, opened cans, bottles or alcohol from the premises (except from any approved bottle shop).

Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving to do so quickly and quietly, having regard to the amenity of the area.

A sign detailing the maximum number of persons permitted in the premises, in letters not less than 25mm, must be displayed at the main front entrance of the premises within the building.

The management/licensee is responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.

No automatic teller machines are permitted to be installed in the same room in single level premises and on the same floor in multi level premises containing gaming machines.

c) Recycling and Waste Collection

The sorting and/or collection of waste and recycling must only not occur after 6pm unless it can be done in a manner that does not have adverse acoustic impacts on surrounding properties or tenancies.

d) Public Entertainment

Details of how public entertainment will be managed to ensure minimal impacts on surrounding properties including acoustic impacts, parking and traffic. Details of sound limiters and/or acoustic provisions including management of patrons, closing of doors and windows etc. Such entertainment must be carried out in accordance with any approved acoustic reports & traffic reports identified within this consent.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility/lift.

- e) The Plan of Management be amended to include the requirement that the applicant monitor the parking impacts of the proposal on the local street networks during the 12-month trial. In addition, the applicant should investigate the (transport) modal split of the patrons during the 12-month trial period.
(Condition added 8 December 2020 under MOD/2020/0174)

13. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997. Domestic air conditioners must not be audible in nearby dwellings between 10:00pm to 7:00am on Monday to Saturday and 10:00pm to 8:00am on Sundays and Public Holidays.

Details of the acoustic measures to be employed to achieve compliance with this condition must be provided prior to the issue of a Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility/lift.

14. All plant and associated equipment must be located within the approved building envelope and is not be located on the roof. Details on the location of all plant and equipment must be provided prior to the issue of a Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility/lift.
15. A Soil and Water Management Plan must be provided prior to the issue of any Construction Certificate. The Soil and Water Management plan must be compatible with the Construction and Site Management Plan referred to in condition 16 of this Development Consent and must address, but is not limited to the following issues:

- a) Minimise the area of soils exposed at any one time.
 - b) Conservation of top soil.
 - c) Identify and protect proposed stockpile locations.
 - d) Preserve existing vegetation. Identify revegetation technique and materials.
 - e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
 - f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
 - g) Sediment and erosion control measures in place before work commences.
 - h) Materials are not tracked onto the road by vehicles entering or leaving the site .
 - i) Details of drainage to protect and drain the site during works.
 - j) A durable sign, available from Council must be erected during the works in a prominent location on site, warning of penalties should appropriate measures required by the Soil and Water Management Plan not be maintained.
16. Prior to the issue of any Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan:
- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.

- vii) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
- viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil works or a survey company of Registered Surveyors with "preliminary accreditation" from the Institution of Surveyors New South Wales Inc. or an accredited certifier.

- b) Construction Noise
During excavation, demolition and construction phases, noise generated from the site must be controlled.
- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Traffic Authority publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

17. A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposal additional, or altered structural loads must be provided prior to the issue of a Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility to the satisfaction of the certifying authority.
18. An Access Management Plan must be provided prior to the issue of any Construction Certificate. Details of the Access Management Plan must include:
 - a) Access to the building for people with disabilities.
 - b) Sanitary facilities for people with disabilities. Such facilities must be accessible to all persons working in or using the building.
 - c) One motor vehicle parking space within the Illoura Reserve car park for the exclusive use of people with disabilities.
19. Prior to the issue of a Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility/lift, the Certifying Authority must be satisfied that all outdoor lighting including lighting of the public toilets is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of Australian Standard AS 1158.3:2005 *Pedestrian area (Category P) lighting – Performance and design requirements* and Australian Standard AS 4282:1997 *Control of the obtrusive effects of outdoor lighting*.
20. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Service Centre 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. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneypwater.com.au see Building Developing and Plumbing then Quick Check or telephone 132092.

The Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility/lift.
21. Details and location of the proposed garbage room and the on street collection area are to be provided prior to the issue of a Construction Certificate for works to the Fenwick Building and the new toilets/kitchen facility/lift. Rooms used for the storage of garbage and rooms used for the washing and storage of garbage receptacles are to be constructed of solid material, cement rendered and trowelled to a smooth even surface and subject to the following requirements:

- a) The floor must be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room.
 - b) Garbage rooms must be vented to the external air by natural or mechanical ventilation.
22. A stormwater drainage design prepared by a Civil Engineer must be provided prior to the issue of any Construction Certificate. The design must be prepared/ amended to make provision for the following:
- a) The design must be generally in accordance with the stormwater drainage plan on Drawing No. 113251-00-MIE010 prepared by Meinhardt and dated 2 December 2014.
 - b) All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage
 - c) Plans must specify that any components of the existing system to be retained must be checked 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.
23. An engineering design of the reconstruction of the existing carpark in Illoura Reserve must be prepared by a qualified practicing Civil Engineer, generally in accordance with Drawing No A1-838 prepared by Leichhardt Council dated October 2014.
- The design must be approved by Council under Section 138 of the Roads Act 1993 prior to the issue of a Construction Certificate for these works.
24. A landscape plan generally in accordance with the Tree Planting Concept is to be prepared by a qualified Landscape Architect or Landscape Consultant and must be approved by Council prior to the issue of any Construction Certificate. The plan must include:
- a) Location of all proposed and existing planting delineating existing trees to be retained, removed or transplanted.
 - b) A detailed planting schedule including species by botanical and common names, quantities, pot sizes and estimated size at maturity.
 - c) Any new soft landscaping shall be plant species appropriate to the locality to meet the following:

- Known to be part of the original landscape design for the parklands;
 - Environmentally sustainable;
 - Non-invasive.
- d) Surface finishes and colours of the car park and pedestrian path be chosen from a colour palette to minimise visual impact when viewed from public domain.
- e) Details of planting procedure.
- f) Details of earthworks including mounding and retaining walls
- g) A landscape maintenance strategy for the owner / occupier to administer over a twelve (12) month establishment period.
- h) Details of drainage and watering systems.

25. The trees identified below are to be retained:

- a) Bangalay (*Eucalyptus botryoides*);
- b) Swamp mahogany (*Eucalyptus robusta*);
- c) Swamp mahogany (*Eucalyptus robusta*);
- d) Brushbox (*Lophostemon confertus*).

Details of the trees to be retained must be included on the landscape plan prior to the issue of any Construction Certificate.

PRIOR TO COMMENCEMENT OF WORKS

26. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form and details of the appointed Principal Certifying Authority shall be submitted to Council.
27. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
28. Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the erection or demolition of a building is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a

telephone number at which that person may be contacted at any time for business purposes and outside working hours.

- c) The name, address and telephone number of the Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

29. The site must be secured and fenced prior to works commencing. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property 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.

Separate approval is required to erect a hoarding or temporary fence on public property prior to the commencement of works. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed.

30. Trees 1, 2, 3 and 4 shall require trunk protection during construction works including the establishment of Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) and be implemented in accordance with the Arborist Report prepared by Sydney Metro Tress Services dated November 2014. If any retained tree is damaged a qualified Arborist should be contacted as soon as possible. The Arborist will recommend remedial action so as to reduce any long term adverse effect on the tree's health.

DURING WORKS

31. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
32. Excavation, building or subdivision work must be restricted to the hours of 7:00am to 5:30pm Monday to Friday inclusive, 7:00am to 1:00pm Saturday. Work is not be carried out on Sunday or Public Holidays.
33. A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.

34. The development site must be inspected at the following stages during construction:
- At the commencement of the building work, and
 - Prior to covering any stormwater drainage connections, and
 - After the building work has been completed and prior to any occupation certificate being issued in relation to the building
34. 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.
35. The requirements of the Soil and Water Management Plan must be maintained at all times during the works and any measures required by the Soil and Water Management Plan shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.
36. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works unless specifically approved in this consent.
37. Measures shall be taken to ensure that during construction there is no runoff or spillage of concrete, adhesives or other waste from the site that might have a negative impact on the place or other adjoining areas.
38. Any arboricultural management during the proposed works should only be carried out by trained arborists with extensive experience in significant cultural landscapes. All work should be carried out in accordance with Australian Standard AS4373 Pruning of Amenity Trees.

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

39. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in compliance with the approved Construction Certificate plans and all conditions of this Development Consent.
- 40A. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be satisfied that a Fire Safety Certificate for all essential fire or other safety measures has been completed.

40B. Prior to the issue of an Occupation Certificate the nominated Heritage Consultant is to certify that the work has been carried out in accordance with this approval.

41. A report prepared by a suitably qualified and experienced acoustic consultant shall be submitted to Council prior to an Occupation Certificate being issued for the development which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Industrial Noise Policy and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval.

Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

42. Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the *EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999* and the *Protection of the Environment Operations Act 1997*.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

43. Food premises notification shall be obtained from the NSW Food Authority prior to commencement of business operations /issue of an Occupation Certificate and a copy of the notification shall be submitted to the Principal Certifying Authority. Notification can be completed on the NSW Health Department's website at www.foodnotify.nsw.gov.au

Prior to the commencement of business operations/issue of an Occupation Certificate the owner of the business is to complete and submit Council's food business registration form which can be obtained from Council's website at www.leichhardt.nsw.gov.au. Evidence of registration must be submitted to the Principal Certifying Authority.

Should Council be the nominated Principal Certifying Authority, then the applicant shall notify Council not less than forty-eight (48) hours prior to the proposed occupation of the premises to arrange for a final compliance inspection.

The applicant shall not operate the food premises until an Occupation Certificate has been issued.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

44. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include:
- Description and documentation of all works performed
 - Results of validation testing and monitoring
 - Validation results if any imported fill was transferred to site
 - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied

Confirmation and justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

45. To ensure that adequate provision is made for the treatment of waste water from the premises, floor plans accompanying the Occupation Certificate application shall include provision for a Sydney Water approved grease trap.

The grease trap installation shall service all commercial sections of the development and be designed, constructed and operated in accordance with:

- Australian Standard AS 3500; and
- National Plumbing & Drainage Code

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

46. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

47. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the reconstruction of the existing carpark in Illoura Reserve has been completed.

Written notification from the Leichhardt Council Manager – Parks and Assets, that the works have been completed to its satisfaction must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

ONGOING CONDITIONS OF CONSENT

48. The L_{A10} noise level emitted from the premises, measured between the hours of **7am and 12 midnight**, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive) by more than 5 dB, when measured at the boundary of any adjoining residence.

The L_{A10} noise level emitted from the premises, measured between the hours of **midnight and 7am**, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive), when measured at the boundary of any adjoining residence.

49. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

50. There is to be no entertainment in the form of amplified music on any part of the outdoor area at any time. Only background music is allowed within the internal areas of the building, with a maximum sound pressure level of 65dB(A)Leq.
51. The number of patrons using the ground floor outdoor area is restricted to twenty (four) 24 persons at any time.
52. The rear deck shall not be used for outdoor dining or functions.
53. Deliveries of food products, equipment and the like are restricted to the following hours:

Monday to Sunday: 7:00am – 6:00pm and restricted to outside non peaking operating hours

Delivery vehicles shall be limited to a max B99 (large cars or utility van).

54. The use of the premises shall 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 shall not give rise to the transmission of a vibration nuisance or damage other premises.
55. The premises including the outdoor area are only to be open for business and used for the purpose approved within the following hours.

	Indoor Area	Outdoor Area
Monday to Sunday	7:00am – 5:00pm	7:00am – 5:00pm
Public Holidays	7:00am – 5:00pm	7:00am – 5:00pm

- b) For a period of not more than 12 months from the determination of MOD/2020/0174, the hours of operation of the premises must not exceed the following

	Indoor Area	Outdoor Area
Monday to Saturday	7:00am – 11:00pm	7:00am – 10:00pm
Sundays	7:00am – 11:00pm	7:00am – 9:00pm
Public Holidays	7:00am – 11:00pm	7:00am – 10:00pm

- c) A continuation of the extended hours will require a further application under the Environmental Planning and Assessment Act 1979.

Set-up and clean-up operations must commence no earlier or later than 1 hour before opening and 1 hour after closing hours (as stipulated by this condition). All doors and windows must remain closed during set up and cleaning where possible.

Set up and clean up operations for outdoor areas must occur during the relevant operating hours.

Service is to cease 30 minutes before closing time/ ceasing of operating hours.

(Condition Modified 8 December 2020 under MOD/2020/0174)

56. This approval is for a restaurant/café only and does not authorise live musical or other forms of entertainment, separate Development Consent would be required for such activities/events. Background pre-recorded music may be played indoors subject to ensuring that it does not have adverse impacts on surrounding properties or tenancies.
57. Commercial waste and recyclable material generated by the premises must be collected between the hours 8am and 9pm only.
58. Waste bins shall be required to be placed and returned from the on street designated waste collection area on the same day as collection. Empty waste bins shall not remain kerbside.
59. An annual Fire Safety Statement must be given to Council and the New South Wales Fire Brigade commencing within twelve (12) months after the date on which the initial Interim / Final Fire Safety Certificate is issued.
60. All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and must comply with, where relevant, Australian Standard AS 1158.3:2005 *Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance* and design requirements and Australian Standard AS 4282:1997 *Control of the obtrusive effects of outdoor lighting*.
61. A full and current copy of the Development Consent for the operation of the licensed premises and the Plan of Management must be kept on-site and made available to Police or Council Officers upon request.
- The use must always be operated and managed in accordance with the Plan of Management.
62. This approval is for a café and gallery only and does not authorise musical or other forms of entertainment.
63. The premises shall not be used for any purpose other than that stated in the Development Application, (i.e. café and gallery) without the prior consent of the Council unless the change to another use is permitted as exempt development under *Leichhardt Development Control Plan 35 – Exempt and Complying Development*.
64. The seating capacity of the restaurant is restricted to a maximum of 80 patrons at any one time.

A notice is to be displayed in the premises stating that:

- a) The maximum total occupancy of the premises allowed by this consent inclusive of all external seating is 80 persons / seats.
 - b) The maximum occupancy of the outdoor area is 24 persons / seats.
65. Within 3 months of the issue of the modified consent, that is by 08 February 2021, the applicant must consult with the relevant unit in Council to explore the possibility of installing bicycle parking infrastructure adjacent to the premises on Weston Street. Bicycle stands capable of safely securing 4 bicycles without impeding pedestrians on the footpath are to be installed.

The bicycle parking infrastructure must be installed at the cost of the applicant and in accordance with Council's relevant guidelines.

(Condition added 8 December 2020 under MOD/2020/0174)

66. Waste Disposal

8:00am to 9:00pm 7 days per week.

(Condition added 8 December 2020 under MOD/2020/0174)

PRESCRIBED CONDITIONS

A. BASIX Commitments

Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is

- applicable to the development when this development consent is modified); or
- (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - 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, or
 - 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.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy

issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

D. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.

2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 82A.
3. If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. 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.
5. 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 96 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. 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.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Have you made a political donation?

If you (or an associate) have made a political donation or given a gift to a Councillor, political party or candidate at the local government elections during the last two (2) years you may need to include with your application a full disclosure of this matter. For information go to Council's website at www.leichhardt.nsw.gov.au/Political-Donations.html. If you have made a reportable donation, failure to provide a completed declaration with your application is an offence under the Environmental Planning and Assessment Act, 1979 for which you may be prosecuted.



MATTHEW PALAVIDIS
VICTOR FATTORETTO
MATTHEW SHIELDS

2-8 Weston St, Balmain East

Noise Emissions Assessment

SYDNEY

9 Sarah St
MASCOT NSW 2020
(02) 8339 8000

ABN 11 068 954 343
www.acousticlogic.com.au

The information in this document is the property of Acoustic Logic Consultancy Pty Ltd ABN 11 068 954 343 and shall be returned on demand. It is issued on the condition that, except with our written permission, it must not be reproduced, copied or communicated to any other party nor be used for any purpose other than that stated in particular enquiry, order or contract with which it is issued.

I:\Jobs\2019\20191151\20191151.1\20200503ASA_R0_Noise_Emissions_Assessment.docx

1

Project ID	20191151.1
Document Title	Noise Emissions Assessment
Attention To	The Fenwick Pty Ltd

Revision	Date	Document Reference	Prepared By	Checked By	Approved By
0	3/05/2020	20191151.1/0305A/R0/AS	AS		VF

TABLE OF CONTENTS

1	INTRODUCTION	4
2	SITE DESCRIPTION AND PROPOSED WORKS.....	5
3	NOISE DESCRIPTORS	7
4	SURVEY OF AMBIENT NOISE.....	8
5	NOISE EMISSION CRITERIA.....	9
5.1	OLGR ACOUSTIC REQUIREMENTS.....	9
6	NOISE EMISSION ASSESSMENT.....	10
6.1	NOISE EMISSION LEVELS	10
6.1.1	Coffee cart.....	10
6.1.2	Condensing unit.....	10
6.2	PREDICTED NOISE LEVELS DURING NIGHT TIME PERIOD (10PM-11PM)	11
7	RECOMMENDATIONS.....	12
8	CONCLUSION.....	12
	APPENDIX 1 – NOISE MONITOR MEASUREMENTS	13
	APPENDIX 2 – CONDENSER UNIT AND COFFEE CART LOCATIONS.....	23

1 INTRODUCTION

Acoustic Logic Consultancy (ALC) have been engaged to conduct an environmental noise emission assessment for the proposed outdoor coffee cart and condenser unit at a licensed restaurant located at the Fenwick, 2-8 Weston Street, Balmain. This office had previously assessed noise emissions from the Fenwick to address extended operation hours and a proposed outdoor dining area (Ref: 20191151.1/2110A/R0/AS, dated 13th March 2019).

In this report we will:

- Identify relevant noise emission criteria applicable to the site.
- Identify nearby noise sensitive receivers and the potential to adversely impact them.
- Predict operational noise emissions from the coffee cart and condenser unit at the nearest residential receivers and assess the predicted noise levels against acoustic criteria.
- If necessary, determine building and/or management controls necessary to ensure ongoing compliance with the noise emission goals.

2 SITE DESCRIPTION AND PROPOSED WORKS

The project site is known as the Fenwick and is located at 2-8 Weston Street, Balmain. Sensitive noise receivers in the vicinity of the project site are:

- Receiver 1: Two storey residential receiver at 10 Darling Street, located approximately 11m north-west of the site.
- Receiver 2: Two storey residential receiver at 1-3 Weston Street, located approximately 25m west of the project site.

The Balmain East Wharf is located approximately 50m north east of the site.

This report will assess the noise emissions from the outdoor coffee cart located to the south-east of the building and the outdoor condenser unit located to the north west (see Appendix 2).

There is an existing 4m high retaining western wall which provides some noise screening between the outdoor coffee cart and condenser unit to both receivers.

Refer to figure 1 below for an aerial view of the existing site.

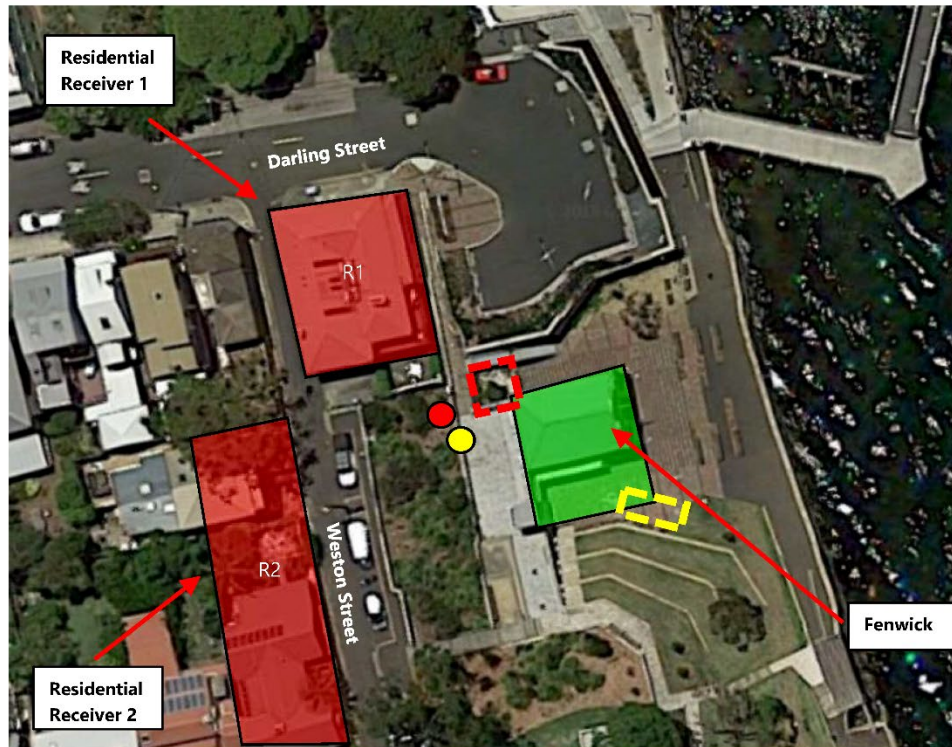


Figure 1 – Site Map
(Sourced from Google Maps)

- Noise Monitor Location
- Attended Measurement Location
- Condenser Unit
- Coffee Cart

3 NOISE DESCRIPTORS

Environmental noise constantly varies. Accordingly, it is not possible to accurately determine prevailing environmental noise conditions by measuring a single, instantaneous noise level.

To accurately determine the environmental noise a 15-20 minute measurement interval is utilised. Over this period, noise levels are monitored on a continuous basis and statistical and integrating techniques are used to determine noise description parameters.

In analysing environmental noise, three-principle measurement parameters are used, namely L_{10} , L_{90} and L_{eq} .

The L_{10} and L_{90} measurement parameters are statistical levels that represent the average maximum and average minimum noise levels respectively, over the measurement intervals.

The L_{10} parameter is commonly used to measure noise produced by a particular intrusive noise source since it represents the average of the loudest noise levels produced by the source.

Conversely, the L_{90} level (which is commonly referred to as the background noise level) represents the noise level heard in the quieter periods during a measurement interval. The L_{90} parameter is used to set the allowable noise level for new, potentially intrusive noise sources since the disturbance caused by the new source will depend on how audible it is above the pre-existing noise environment, particularly during quiet periods, as represented by the L_{90} level.

The L_{eq} parameter represents the average noise energy during a measurement period. This parameter is derived by integrating the noise levels measured over the 15 minute period. L_{eq} is important in the assessment of traffic noise impact as it closely corresponds with human perception of a changing noise environment; such is the character of environmental noise.

4 SURVEY OF AMBIENT NOISE

Background levels were conducted as part of the original development application (Ref: 20141055.1/2909A/R0/JL dated 29/09/2014). Additional background measurements have been conducted between the 24th September to 2nd October – measurement data shown in Appendix 1 (refer to figure 1).

A survey of existing ambient noise at the site was undertaken using a long-term noise logger installed on site. The logger was installed on the first floor of the existing building with the microphone sticking out of a window on the eastern facade.

Background noise levels measured here will be indicative of the background noise levels at nearby residences.

Monitoring was conducted from the 24th of September to the 2nd of October 2019 using an Acoustic Research Laboratories noise monitor set to A-weighted fast response. The monitor was calibrated at the start and end of the monitoring period using a Rion NC-73 calibrator. No significant drift was noted. Noise logger data is provided in Appendix 1.

Results are presented below:

Table 1 – Background Noise Levels at 2-8 Weston Street, Balmain

Location	Time	Background Noise Level dB(A)L ₉₀
2-8 Weston Street, Balmain	7am-6pm	51
	6pm-10pm	47
	10pm-11pm	44

In addition, a background noise spectrum on the site was measured on the 9th September 2014 at 9pm near residential receiver 1 (refer to figure 1). The background noise spectrum is presented below.

Table 2 – Background Noise Spectrum (dB)

31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-weighted level
53	53	50	46	42	41	36	28	18	46

5 NOISE EMISSION CRITERIA

5.1 OLGR ACOUSTIC REQUIREMENTS

When assessing noise emissions from a licensed premise, noise emissions must comply with the acoustic requirements imposed by the Office of Liquor Gaming and Racing:

The requirements are set out below:

- *That the L_{10} noise level emitted from the premises shall not exceed 5dB above the background L_{90} sound level in any Octave Band Centre Frequency (31.5kHz to 8kHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the boundary of the nearest affected residential premises.*
- *L_{10} noise level emitted from the premises shall not exceed the background L_{90} sound level in any Octave Band Centre Frequency (31.5kHz to 8kHz inclusive) after midnight when assessed at the boundary of the nearest affected residential premises.*
- *After midnight, noise emissions from the Place of Public Entertainment are to be inaudible within any habitable rooms in nearby residential properties.*

The site is not proposed to operate after midnight. Corresponding noise emission goals from coffee cart and condenser unit is as follows:

**Table 3 – Background Noise Spectrum and Noise Emission Goals
Evening Time Period (6pm-10pm) - (dB)**

	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-weighted level
Background Noise Level – $dB_{L_{90}}$	54	54	50	47	43	43	37	34	29	47
Noise Emission Goal – $dB_{L_{10}}$	59	59	55	52	48	48	42	39	34	52

**Table 4 – Background Noise Spectrum and Noise Emission Goals
Night Time Period (10pm-11pm) - (dB)**

	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-weighted level
Background Noise Level – $dB_{L_{90}}$	51	51	47	44	40	40	34	31	26	44
Noise Emission Goal – $dB_{L_{10}}$	56	56	52	49	45	45	39	36	31	49

6 NOISE EMISSION ASSESSMENT

This section of the report presents our assessment of operational noise emissions from the restaurant's proposed outdoor coffee cart and condenser unit.

Noise levels are predicted at the property boundaries of the nearest residential receivers:

- Predictions at receiver 1 are made at the second floor window
- Predictions at receiver 2 are made at the second floor window.

These locations have been chosen because at an elevated location noise screening provided by the western retaining wall is reduced at these locations.

The noise emissions are predicted taking into account the noise screening between the outdoor coffee cart and condenser unit areas located on the ground floor and the nearest residence provided by the retaining wall (along the western side of the outdoor dining area). There is also noise screening provided by the restaurant building itself for the coffee cart area to receiver 1.

6.1 NOISE EMISSION LEVELS

6.1.1 Coffee cart

Noise emissions from the coffee cart have been predicted using measurements conducted of a similar outdoor coffee cart which yielded the following noise level:

Table 5 –Noise Emission Spectrum for Outdoor Coffee Cart (dB)

	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-weighted level
Noise Emission – dBL ₁₀	70	70	67	66	67	66	62	58	52	70

6.1.2 Condensing unit

Noise emissions from the condensing unit have been predicted using manufacturers data for the unit sound power level, as indicated below.

Table 6 –Noise Emission Spectrum for Condenser Unit (dB)

	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-weighted level
Noise Emission – dBL ₁₀	86	86	78	78	74	71	66	59	54	76

6.2 PREDICTED NOISE LEVELS DURING NIGHT TIME PERIOD (10PM-11PM)

The noise emission goals of 6pm-10pm are less stringent than the noise emission goals from 10pm-11pm due to the higher background noise levels measured on site (see Table 3 and 4). Therefore, the predicted noise emissions were compared to the criterion of the night time period (10pm-11pm). If compliance is achieved for the 10pm-11pm period, it will also be achieved earlier in the evening.

The predicted noise levels at the nearest residential receivers during the night time period are presented in the tables below.

Table 7 – Predicted Noise Emissions to The Second Floor Window at Residential Receiver 1 (10 Darling Street)

10pm-11pm	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-weighted level
Noise Emission Goal – dBL ₁₀	56	56	52	49	45	45	39	36	31	49
Predicted Noise Emission – dBL ₁₀	50	50	42	40	37	34	28	23	16	39
Complies	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Table 8 – Predicted Noise Emissions to the Second Floor Window at Residential Receiver 2 (1-3 Weston Street)

10pm-11pm	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-weighted level
Noise Emission Goal – dBL ₁₀	56	56	52	49	45	45	39	36	31	49
Predicted Noise Emission – dBL ₁₀	45	45	33	32	28	24	19	14	8	30
Complies	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

The predicted A-weighted noise emissions from the coffee cart and condenser unit to each of the receivers is below the night time A-weighted noise level criteria by more than 10dB(A). Given the predicted noise levels are typically more than 10 dB below the assessment criteria, noise emissions from the cart will not result in a cumulative noise increase above the criteria when added to other noise emissions from the site.

Provided the recommendations in Section 7 are adopted operational noise from the outdoor coffee cart and condenser unit is predicted to be compliant with the criteria set out in Section 5.1.

7 RECOMMENDATIONS

We recommend the following management controls in order to achieve compliance with the noise emission criteria outlined in section 5.1:

- Operation of the outdoor air conditioning condenser unit and coffee cart to cease at 11pm
- Management to install signs reminding patrons to respect neighbouring residents and leave the site quietly at night time if the cart operates past 10pm.

8 CONCLUSION

Noise emissions associated with the proposed outdoor coffee cart and condenser unit at the licensed restaurant Fenwick located at 2-8 Weston Street, Balmain have been assessed with reference to the acoustic requirements of the NSW Office of Liquor, Gaming and Racing.

With the recommendations presented in Section 7 of this report adopted, noise emissions from the operation of the site will comply with acoustic criteria set out in Section 5, ensuring no unacceptable noise impact on the amenity of the nearest surrounding properties.

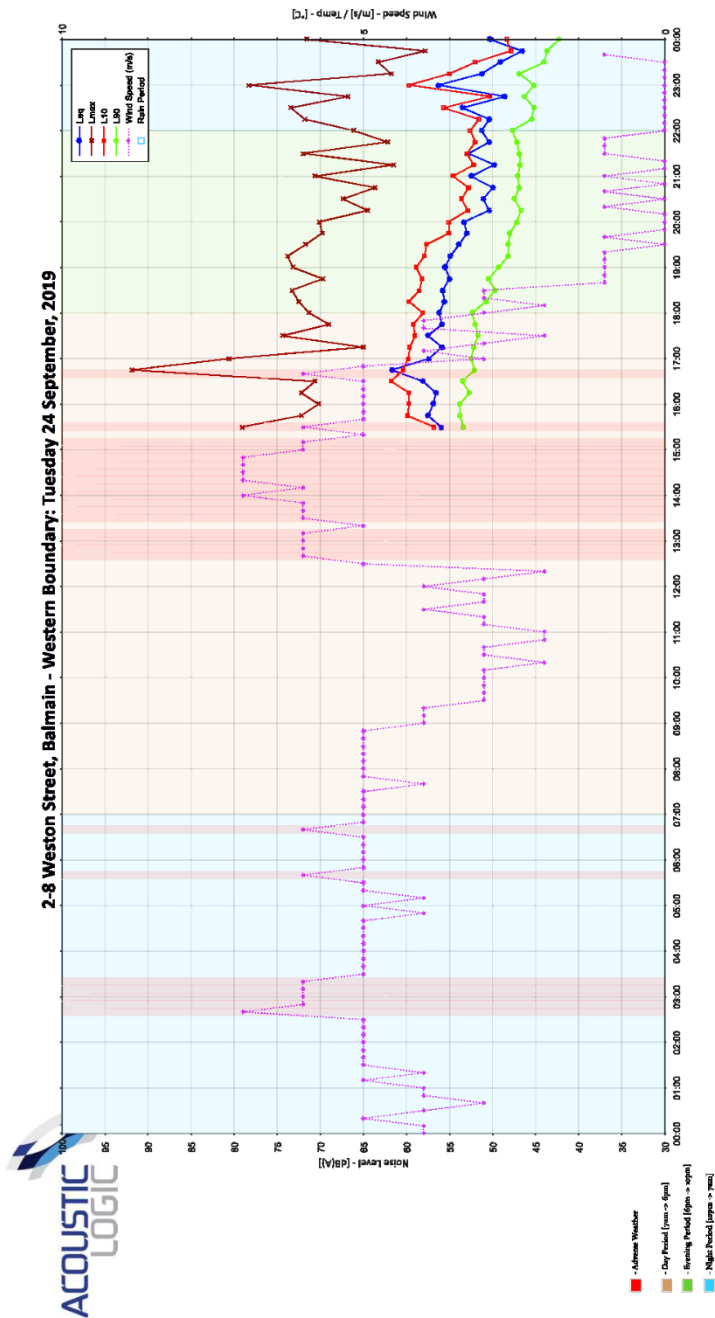
We trust this information is satisfactory. Please contact us should you have any further queries.

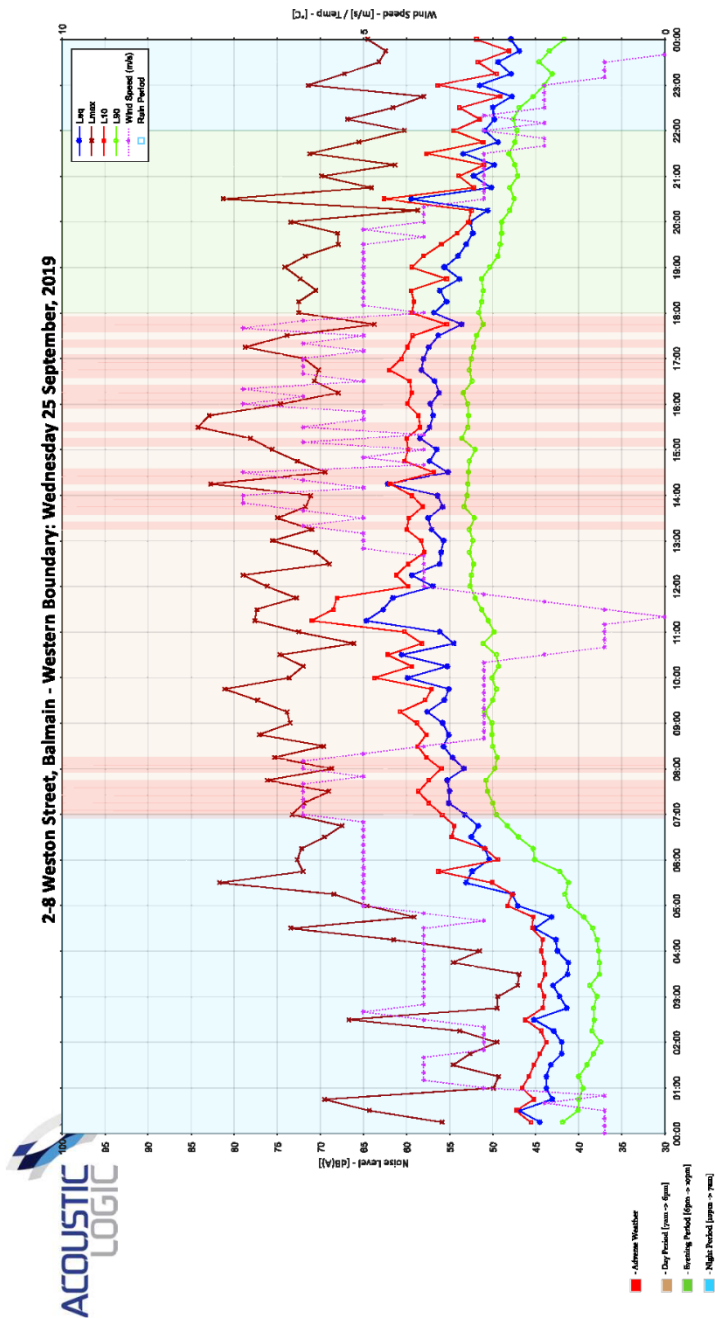
Yours faithfully,



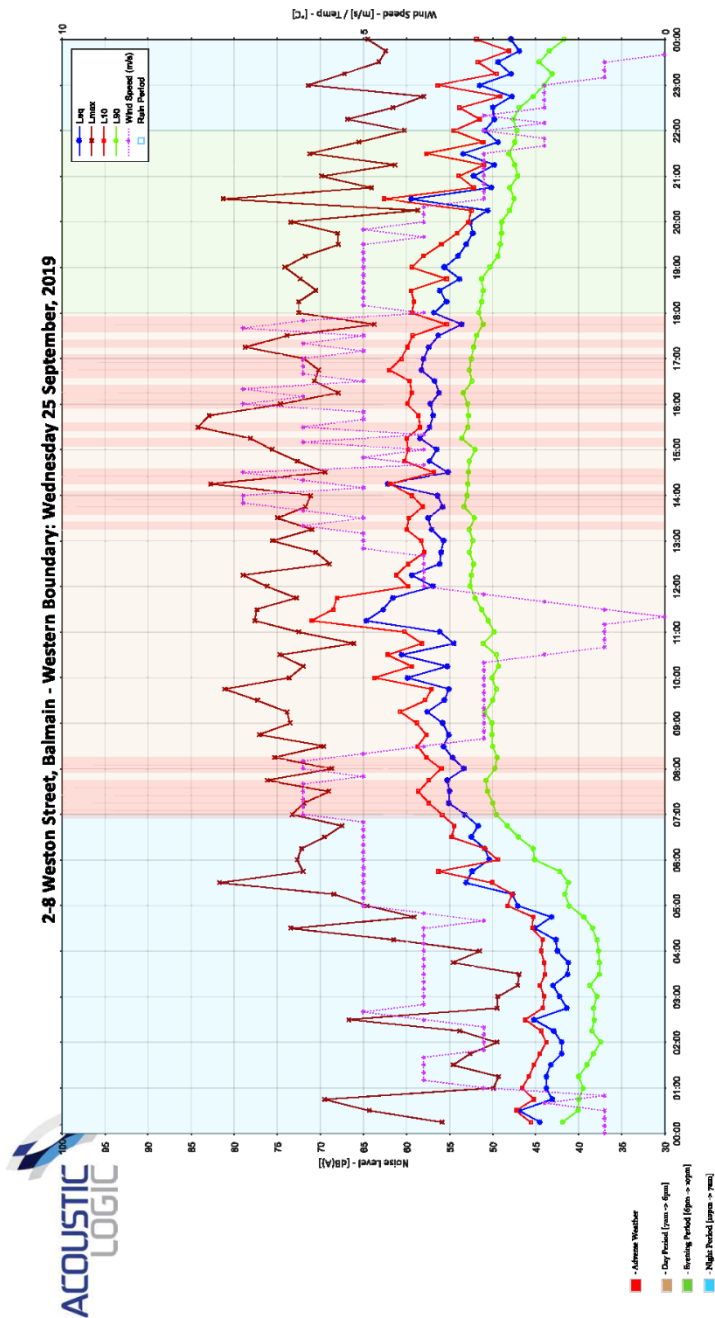
Acoustic Logic Consultancy Pty Ltd
Alex Salazar

APPENDIX 1 – NOISE MONITOR MEASUREMENTS

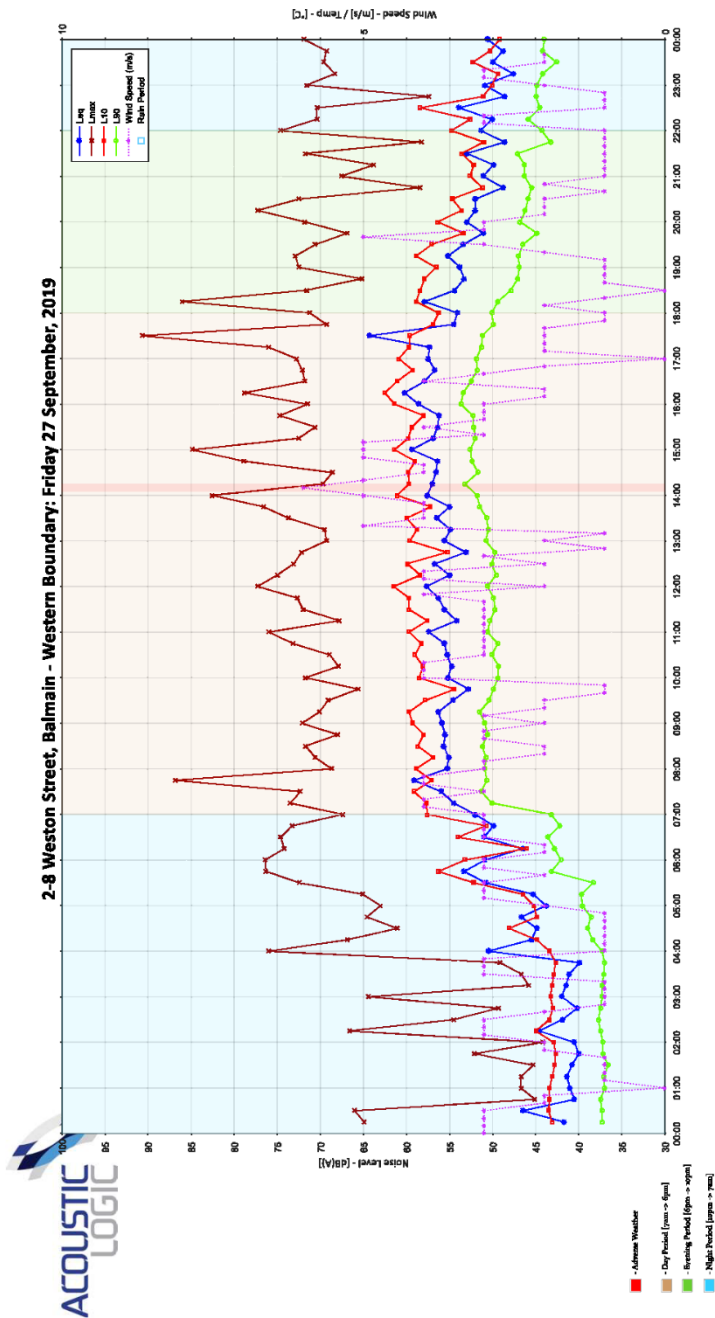




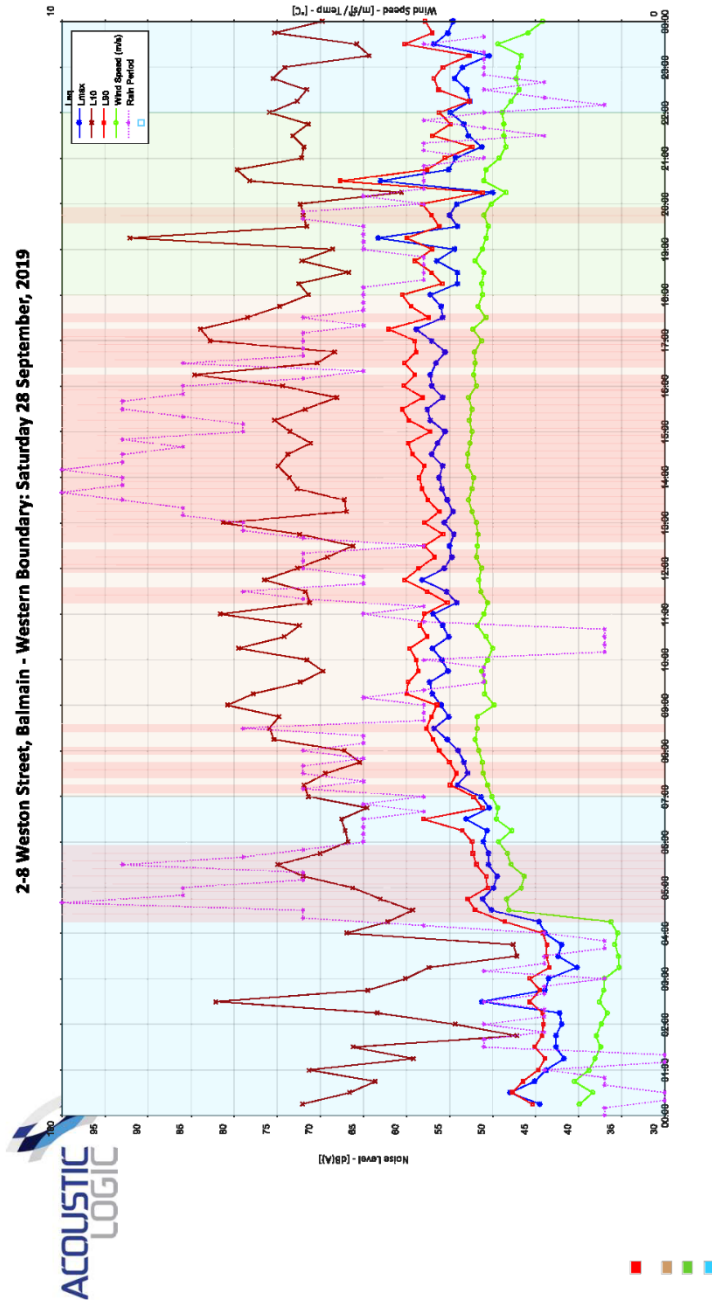
I:\Jobs\2019\20191151\20191151\20200503ASA_R0_Noise_Emissions_Assessment.docx



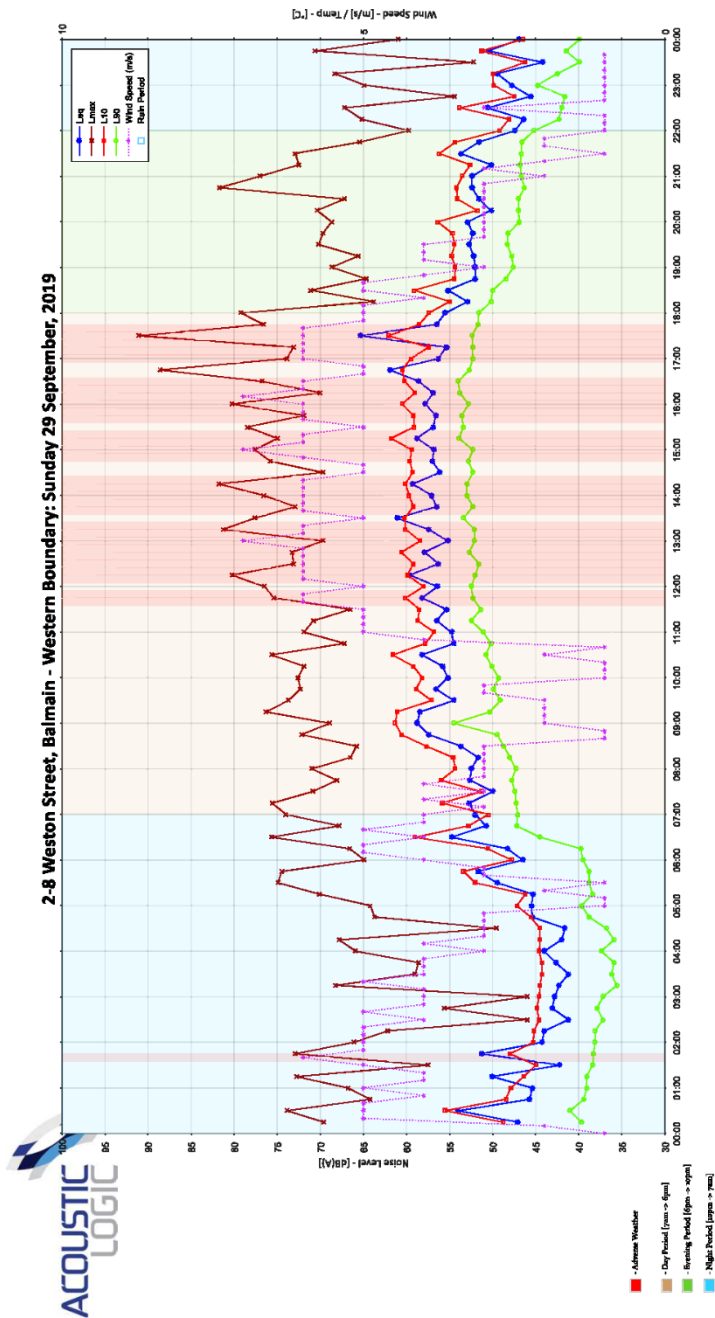
I:\Jobs\2019\20191151\20191151\20200503ASA_R0_Noise_Emissions_Assessment.docx



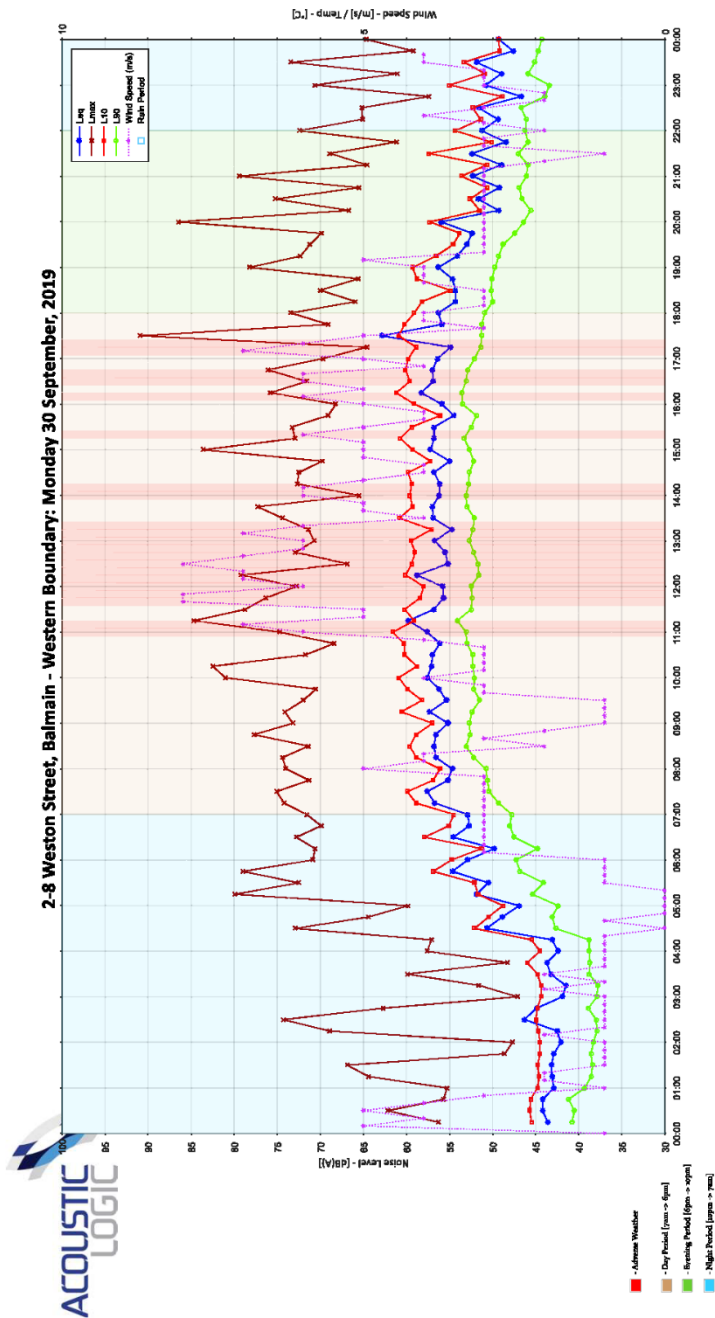
I:\Jobs\2019\20191151\20191151\20200503ASA_R0_Noise_Emissions_Assessment.docx

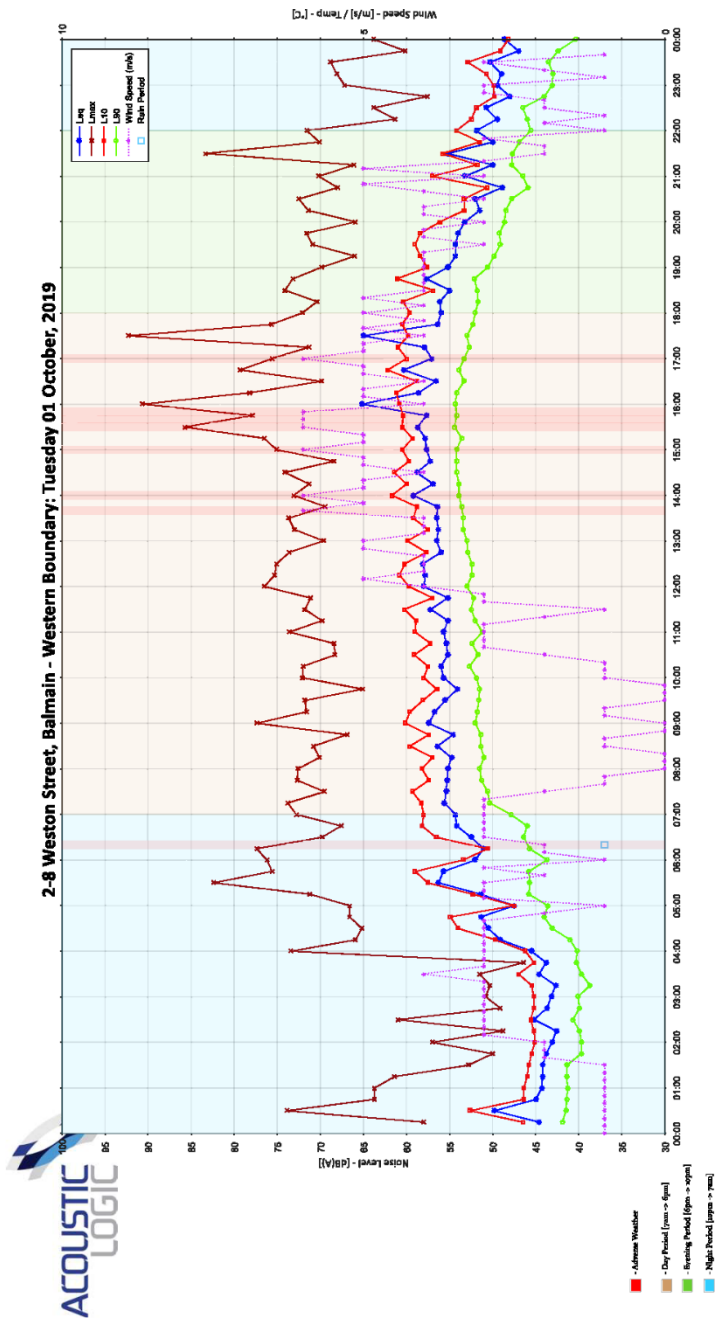


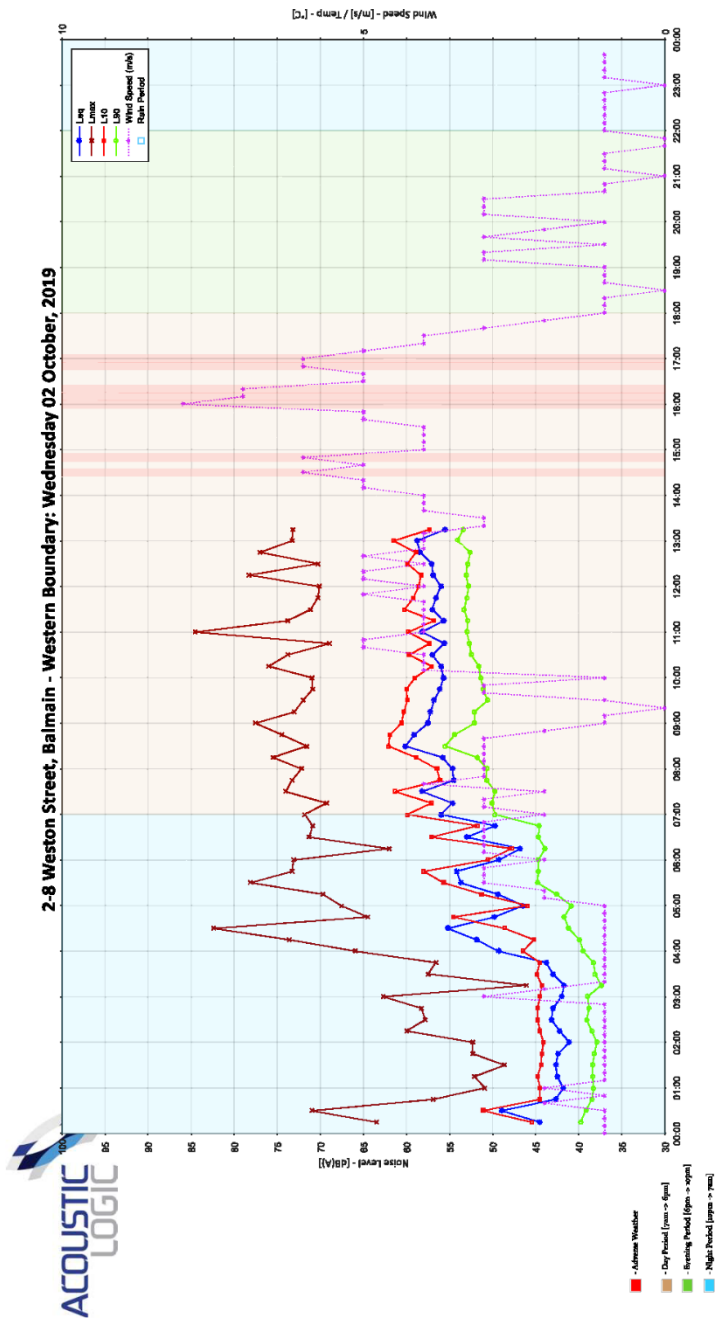
I:\Jobs\2019\20191151\20191151\20200503ASA_R0_Noise_Emissions_Assessment.docx



I:\Jobs\2019\20191151\20191151\20200503ASA_R0_Noise_Emissions_Assessment.docx







APPENDIX 2 – CONDENSER UNIT AND COFFEE CART LOCATIONS

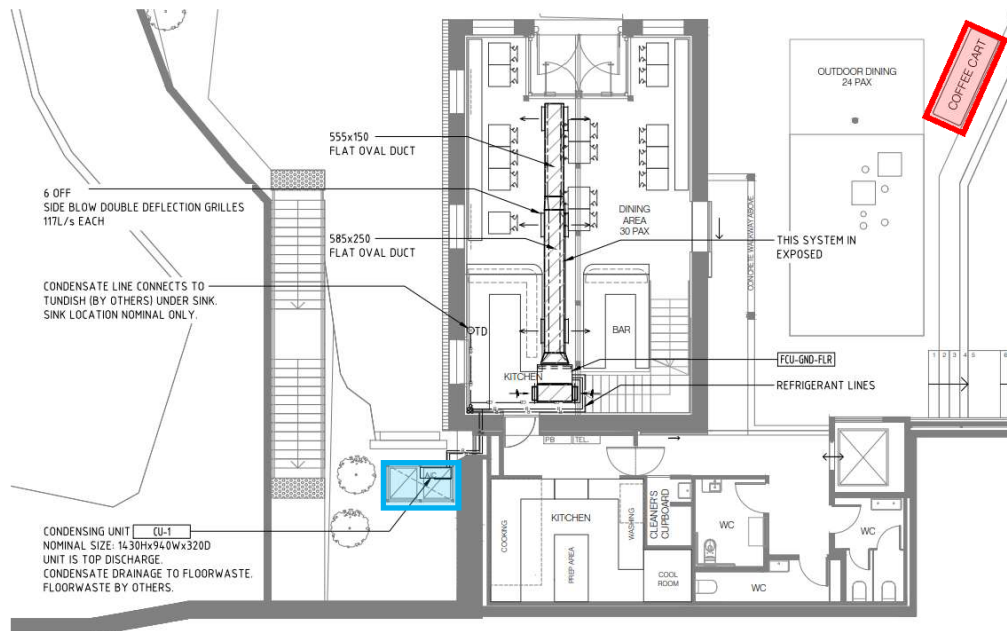


Figure 1 – Proposed location of outdoor condenser unit and coffee cart at the Fenwick



Coffee Cart



Condenser Unit

Attachment F - Heritage Impact Statement dated April 2020

Fenwick's stone building
2-8 Weston Street, Balmain East
Heritage Impact Statement

April 2020



prepared by Paul Davies Pty Ltd
for Sydney Restaurant Group



Revision	Date	Issued By
1	17 April 2020	Wendy Crane

©Document copyright of Paul Davies Pty Ltd

This report (which includes all attachments and annexures) has been prepared by Paul Davies Pty Ltd for its Client and is intended for the use only by that Client.

This Report has been prepared pursuant to a contract between Paul Davies Pty Ltd and its Clients is therefore subject to:

- a) Paul Davies Pty Ltd in respect of the work covered by the Report;
- b) The limitation defined in the Clients' brief to Paul Davies Pty Ltd
- c) The terms of the contract between Paul Davies Pty Ltd and the Client, including terms limiting the liability of Paul Davies Pty Ltd.

If the Client, or any person, provides a copy of this Report to any third party, such third party must not rely on this Report, except with the express written consent of Paul Davies Pty Ltd which, if given, will be deemed to be upon the same terms, conditions, restrictions and limitations as apply by virtue of (a), (b), and (c) above.

Any third party who seeks to rely on this Report without the express written consent of Paul Davies Pty Ltd does so entirely at their own risk and to the fullest extent permitted by law, Paul Davies Pty Ltd accepts no liability whatsoever, in respect of any loss or damage suffered by any such third party.



7 Broughton Street Drummoyne NSW 2047 PO Box 296 Balmain NSW 2041 T+61 2 9818 5941 F+61 2 9818 5982
E pdavies@heritage-architects.com.au ABN 65 074 633 015 Nominated Architect Paul Davies Reg No, 6653

TABLE OF CONTENTS

1.0 INTRODUCTION/BACKGROUND	1
1.1. THE BRIEF	1
1.2. APPROACH AND METHODOLOGY	1
1.3. PREVIOUS REPORTS	1
1.4. LIMITATIONS	1
1.5. AUTHOR IDENTIFICATION	1
1.6. DEFINITIONS	2
1.7. SITE LOCATION	3
1.8. STATUTORY LISTINGS AND CONTROLS	4
NSW HERITAGE ACT 1977 (AS AMENDED)	4
LOCAL ENVIRONMENTAL PLAN	5
1.9. NON- STATUTORY LISTINGS	6
2.0 HISTORICAL BACKGROUND	7
3.0 PHYSICAL DESCRIPTION	10
3.1. SITE AND CONTEXT	10
3.2. THE BUILDING	14
4.0 ASSESSMENT OF HERITAGE SIGNIFICANCE	36
4.1. EXISTING SUMMARY STATEMENTS OF SIGNIFICANCE	36
4.2. ELEMENTS OF SIGNIFICANCE	37
5.0 PROPOSAL	37
6.0 HERITAGE ASSESSMENT OF PROPOSAL	41
6.1. MATTERS FOR CONSIDERATION UNDER SECTION 62 OF THE NSW HERITAGE ACT 1977 (AS AMENDED)	41
6.2. ASSESSMENT OF PROPOSAL AGAINST 2011 CMP CONSERVATION POLICIES	41
6.3. ASSESSMENT OF HERITAGE IMPACT AGAINST LEICHHARDT LEP 2013 HERITAGE CONTROLS	45
6.4. ASSESSMENT OF HERITAGE IMPACT AGAINST RELEVANT LEICHHARDT DCP HERITAGE CONTROLS	45
7.0 CONCLUSION	47
ATTACHMENTS	48
7.1. ATTACHMENT 1: PROPOSAL PLANS PREPARED BY	48
BJB ARCHITECTS FOR SYDNEY RESTAURANT GROUP	48

FIGURES

Figure 1: Location of Fenwick's stone building located at 2-8 Weston Street Balmain East (site is shaded in yellow and outlined in red). Source: NSW Land Registry Services Six maps.....	3
Figure 2: Current aerial view of Fenwick's stone building located at 2-8 Weston Street, Balmain East (site is shaded in yellow and outlined in red). Source: NSW Land Registry Services Six maps.....	4
Figure 3: Location of Fenwick's stone building in 1943 (site is shaded in yellow and outlined in red). Source: NSW Land Registry Services Six maps.....	4
Figure 4: The Fenwick's stone building State Heritage Register listing curtilage. Source: SHR form. NSW OEH.....	5
Figure 5: Extract of Leichhardt LEP Heritage Map 011 extract showing the subject site as Item No. 1492 (indicated with blue arrow).....	6
Figure 6: View of the south-eastern corner of Fenwick's stone building. Note the modern concrete lift and elevated concrete walkway to the southern elevation, constructed in 2015.....	10
Figure 7: View of the north-eastern corner of Fenwick's stone building. The stepped parapet was reconstructed in 2011.....	11
Figure 8: View of the landscaping and new concrete lift and stairs on the southern side of Fenwick's stone building, constructed in 2015.....	11
Figure 9: View of the new sandstone retaining wall and bus turning circle located to the north of Fenwick's stone building.....	12
Figure 10: View of the north-western corner of Fenwick's stone building with the new bus turning circle in the foreground. The new concrete lift structure is visible to the right of the building.....	12
Figure 11: View of the Balmain East Ferry wharf located to the north-east of Fenwick's stone building.....	13
Figure 12: View from in front of Fenwick's stone building across Sydney Harbour towards the Sydney Harbour Bridge.....	13
Figure 13: View of the east elevation of the Fenwick's stone building, with the stepped parapet reconstructed in 2011.....	14
Figure 14: View of the eastern and northern elevations of Fenwick's stone building. The approximate location of the proposed air conditioning condenser is marked with a red arrow.....	15
Figure 15: View of the northern elevation of Fenwick's stone building. The outdoor seating proposed will not be visible from this angle. The approximate location of the proposed air conditioning condenser is marked with a red arrow.....	15
Figure 16: View of the north elevation and western corner of Fenwick's stone building, from Weston Street, showing the roof. The outdoor seating proposed will not be visible from this angle. The air conditioning condenser proposed would also not be visible in this view. A bin storage enclosure is proposed behind the existing sandstone wall marked with a red arrow. This enclosure will be lower than the height of the sandstone wall and will not be visible from this angle.....	16
Figure 17: View of the western elevation of Fenwick's stone building, facing Weston Street. The awning shown was constructed in 2015. The outdoor seating proposed will not be visible from this angle. A new bin storage enclosure is proposed adjacent to the existing sandstone wall marked with a red arrow. The bin storage enclosure will be lower than the existing sandstone wall and will not be visible when approaching the site from the north.....	16
Figure 18: View of the south-western corner of Fenwick's stone building and the modern concrete lift structure and covered walkway constructed in 2015. The outdoor seating area proposed will be slightly visible from this angle, looking down to the level below.....	17
Figure 19: View of the south-western corner of Fenwick's stone building showing new covered walkway to the western side of the building and concrete walkway along the southern side of the building, constructed in 2015. The outdoor seating area proposed will be slightly visible from this angle, looking down to the level below. A new bin storage enclosure is proposed adjacent to the existing sandstone wall marked with a red arrow. The bin storage enclosure will be lower than the existing sandstone wall and will not be visible when approaching the site from the north.....	17
Figure 20: View of the southern elevation of the Fenwick's stone building showing new concrete lift and concrete walkway along the southern side of the building, constructed in 2015. The paved area at right next to the southern elevation is the area proposed for outdoor seating, umbrellas and coffee cart.....	18
Figure 21: View of the south-eastern corner Fenwick's stone building showing new concrete lift and concrete walkway along the southern side of the building, constructed in 2015. Note the paved area in centre foreground is the area proposed for outdoor seating, umbrellas and coffee cart, between the southern elevation of the building and the retaining wall at left.....	18
Figure 22: View of the southern side of Fenwick's stone building showing new concrete lift and concrete walkway along the southern side of the building constructed in 2015. The paved area in foreground is the area proposed for the outdoor seating.....	19
Figure 23: View of the new southern ground floor entry to Fenwick's stone building constructed in 2015 showing new concrete walkway along the southern side of the building. This new entry point was constructed to provide level disabled access from the reserve. This doorway will be used to service the outdoor seating area proposed.....	19

Figure 24: View of the new toilet block built behind the Fenwick's stone building to the west of the building. This was constructed in 2015.	20
Figure 25: View of the paved area to the south of Fenwick's stone building. Part of the paved area in the foreground, adjacent to the retaining wall at right, is the area proposed for outdoor seating, umbrellas, and a coffee cart.	20
Figure 26: View of the paved area to the south of Fenwick's stone building, where outdoor seating, umbrellas and coffee cart are proposed.	21
Figure 27: View of the ground floor interior, looking east. Note unpainted stone walls, timber columns, reinstated timber flooring.	21
Figure 28: View of the ground floor east elevation doors. A new semi-frameless glass enclosure is proposed to the existing void space to allow the existing solid doors to be open during operating hours but still provide weather protection for visitors.	22
Figure 29: Detail view of the sandstone sill to the double doors on the eastern elevation.	22
Figure 30: Detail view of the modern opening cut through the sandstone walls to the southern elevation.	23
Figure 31: View of the ground floor looking West showing the contemporary stair to the first floor and new door opening to the modern kitchen and sanitary facilities wing (constructed in 2015) located behind the original building to the west, and the new kitchen and bar fitout.	23
Figure 32: View of ceiling to the ground floor.	24
Figure 33: View of the contemporary stair internal stair between the ground and first floor.	24
Figure 34: View of the contemporary stair internal stair between the ground and first floor and bar to the ground floor.	25
Figure 35: View of the First Floor looking east. A new semi-frameless glass enclosure is proposed to the existing void space. The existing timber balustrade is to be retained.	25
Figure 36: View of the void and timber balustrade to the eastern door openings. A new semi-frameless glass enclosure is proposed to the existing void space. The existing timber balustrade is to be retained.	26
Figure 37: View of the timber double doors to the first floor void.	26
Figure 38: View of the timber double doors to the first floor void and arched vent over.	27
Figure 39: View of the void and timber balustrade to the eastern door openings.	27
Figure 40: View of the column detail to the first floor.	28
Figure 41: View of the base of column detail to the first floor.	28
Figure 42: View of the first floor looking west.	29
Figure 43: View the new door opening to the western elevation of the first floor.	29
Figure 44: View of the new door opening and concrete threshold on the first floor western elevation.	30
Figure 45: View the flexible sealing between the timber floors and sandstone walls.	30
Figure 46: View of the contemporary steel stair from the first floor down to the ground floor.	31
Figure 47: View of the contemporary steel and concrete stair (installed in 2015) and new bar fitout.	31
Figure 48: View of the modern sanitary facilities adjacent to the new concrete lift built to the west of the original building, constructed in 2015.	32
Figure 49: View of the modern concrete ceiling to the amenities lobby, constructed in 2015.	32
Figure 50: View of the corridor to the kitchen located to the west of the original building. This western section was constructed in 2015.	33
Figure 51: View of the modern kitchen wing constructed in 2015, looking north-west.	33
Figure 52: View of the modern kitchen wing, constructed 2015, looking south.	34
Figure 53: View of the modern door opening cut through the original sandstone walls and modern concrete threshold between the original building and the new kitchen wing to the west.	34
Figure 54: View of the modern door opening cut through the original sandstone walls to the original building connecting to the new kitchen wing to the west. The new kitchen wing was constructed in 2015.	35
Figure 55: Extract of BJB architects proposal plans, South elevation showing proposed outdoor dining area to the ground floor and proposed bin enclosure to the first floor.	38
Figure 56: Extract of BJB Architects proposal plans, East elevation showing both the proposed outdoor seating/dining area to the south side of the building and the proposed air conditioning condenser with acoustic and visual screen to the north side of the building.	39

Figure 57: Extract of BJB Architects proposal plans, North elevation showing the proposed air conditioning condenser with acoustic and visual screen. The proposed bin enclosure is located behind the existing sandstone wall marked with a red arrow and will not be visible when approaching the site from the north.39

Figure 58: Extract of BJB Architects proposal plans, West elevation showing the proposed air conditioning condenser with acoustic and visual screen located to the north of the building. The proposed bin enclosure is located behind the existing sandstone wall and will not be visible when approaching the site from the north.40

TABLES

Table 1: Real property details for the subject site.....	3
Table 2: Listing details for 2-8 Weston Street, Balmain East from the Leichhardt LEP 2013 Schedule 5: Environmental Heritage.....	5
Table 3: Heritage items in the vicinity of the subject site.....	6
Table 4: Chronology for Fenwick's stone building.....	7
Table 5: Elements of significance for the Fenwick's stone building	37
Table 6: Response of the proposal to relevant 2011 CMP Conservation policies	42
Table 7: The relevant heritage objectives & controls of Section C1.4, Leichhardt DCP 2013 & proposal responses.....	46

1.0 INTRODUCTION/BACKGROUND

1.1. THE BRIEF

This heritage impact statement (HIS) has been prepared on behalf of Sydney Restaurant Group to accompany a Section 65A application to the NSW Office of Environment & Heritage and a S4.55 modification of consent DA/2015/299 to Inner West Council for proposed adaptive reuse, internal fitout of the Fenwick's stone building, and installation of separate outdoor dining area with umbrella shading at 2-8 Weston Street, Balmain East.

1.2. APPROACH AND METHODOLOGY

This HIS reviews the relevant statutory heritage controls, assesses the heritage impact of the proposal, and provides recommendations to mitigate any heritage impacts, noting that heritage advice has been provided by Paul Davies into the formulation of the proposal plans in order to minimise heritage impacts on the building.

The methodology used in this report is in accordance with the principles and definitions set out in the Australia ICOMOS Burra Charter 2013 and its Practice Notes, the guidelines of the NSW Heritage Manual and in accordance with the latest version of The NSW Heritage Division, Office of Environment & Heritage (OEH) Statements of Heritage Impact guidelines.

1.3. PREVIOUS REPORTS

Previous reports which have been referred to in preparing this report are:

- *Fenwick's Stone Building, 2-8 Weston Street, Balmain NSW 2041 Conservation Management Plan*, NBRS + Partners, January 2009 (referred to in this report as the 2009 CMP)
- *Heritage Impact Statement: Fenwick's Stone Building, 2-8 Weston Street, Balmain* Prepared by City Plan Services, submitted to Welsh + Major Architects on behalf of Leichhardt Municipal Council, April 2015 (referred to in this report as the 2015 HIS).

1.4. LIMITATIONS

The site was visited by Paul Davies, Director/Heritage Architect and Wendy Crane, Graduate Architect of Paul Davies Pty Ltd on 23 January 2019. The subject site was inspected and photographed. The inspection was undertaken as a visual inspection only. There was no demolition, opening up or clearing.

The history in this report has been summarised from the 2009 CMP prepared by NBRS + Partners.

An archaeological assessment has not been included, as the proposed work does not involve excavation of any original ground levels.

1.5. AUTHOR IDENTIFICATION

This report was prepared by Paul Davies Pty Ltd, Architects and Heritage Consultants, 180 Darling St Balmain NSW 2041.

This report was authored by Chery Kemp, Heritage Specialist, and Wendy Crane, Architectural Graduate with the history from the previous NBRS + Partners 2009 Conservation Management Plan (2009 CMP) relied on.

1.6. DEFINITIONS

For the purposes of this report

Local	Refers to Inner West Council area
State	refers to New South Wales

The following definitions used in this report and are from **Article 1: Definitions** of The Burra Charter 2013, the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance.

Place	means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
Cultural significance	means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the <i>place</i> itself, its <i>fabric</i> , <i>setting</i> , <i>use</i> , <i>associations</i> , <i>meanings</i> , records, <i>related places</i> and <i>related objects</i> . Places may have a range of values for different individuals or groups.
Fabric	means all the physical material of the <i>place</i> including elements, fixtures, contents and objects.
Conservation	means all the processes of looking after a <i>place</i> so as to retain its <i>cultural significance</i> .
Maintenance	means the continuous protective care of a <i>place</i> , and its <i>setting</i> . Maintenance is to be distinguished from repair which involves <i>restoration</i> or <i>reconstruction</i> .
Preservation	means maintaining a <i>place</i> in its existing state and retarding deterioration.
Restoration	means returning a <i>place</i> to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
Reconstruction	means returning a <i>place</i> to a known earlier state and is distinguished from <i>restoration</i> by the introduction of new material.
Adaptation	means changing a <i>place</i> to suit the existing <i>use</i> or a proposed use.
Use	means the functions of a <i>place</i> , including the activities and traditional and customary practices that may occur at the place or are dependent on the place.
Compatible use	means a <i>use</i> which respects the <i>cultural significance</i> of a <i>place</i> . Such a use involves no, or minimal, impact on cultural significance.
Setting	means the immediate and extended environment of a <i>place</i> that is part of or contributes to its <i>cultural significance</i> and distinctive character.
Related Place	means a <i>place</i> that contributes to the <i>cultural significance</i> of another place.
Related object	means an object that contributes to the <i>cultural significance</i> of a <i>place</i> but is not at the place.
Associations	mean the connections that exist between people and a place.
Meanings	denote what a place signifies, indicates, evokes or expresses to people.
Interpretation	means all the ways of presenting the cultural significance of a place.

1.7. SITE LOCATION

The Fenwick's stone building is located on the foreshore at Balmain East, with a western frontage to Weston Street, and accessways onto Darling Street, as shown in Figures 1 to 3 below.

Real property details for the site are outlined in Table 1 below.

Table 1: Real property details for the subject site

Street address	Real property description
2-8 Weston Street, Balmain East	Lot 1, DP 722968; Lot 1, DP 83357; Lot 1 DP 89648

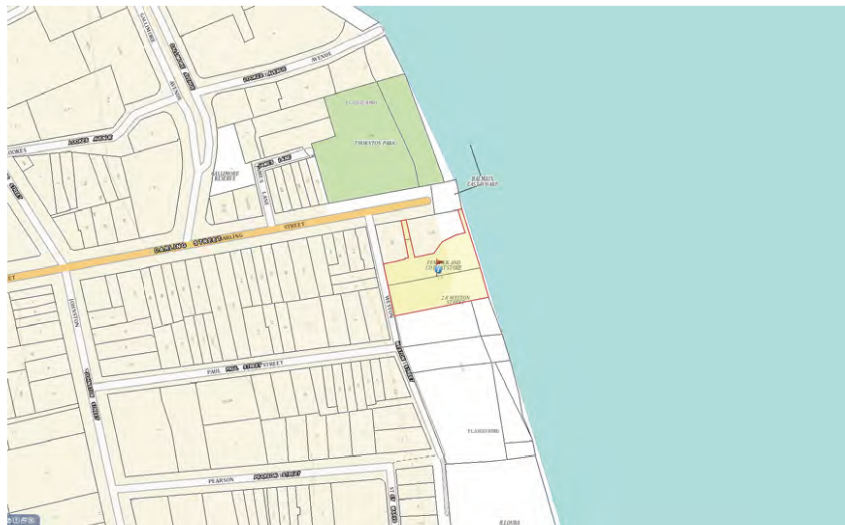


Figure 1: Location of Fenwick's stone building located at 2-8 Weston Street Balmain East (site is shaded in yellow and outlined in red).
Source: NSW Land Registry Services Six maps



Figure 2: Current aerial view of Fenwick's stone building located at 2-8 Weston Street, Balmain East (site is shaded in yellow and outlined in red). Source: NSW Land Registry Services Six maps



Figure 3: Location of Fenwick's stone building in 1943 (site is shaded in yellow and outlined in red). Source: NSW Land Registry Services Six maps

1.8. STATUTORY LISTINGS AND CONTROLS

NSW HERITAGE ACT 1977 (AS AMENDED)

The property is included on the State Heritage Register (SHR) under listing no. 01396, gazetted on 9 June 2000. The curtilage of the SHR listing is outlined in Figure 4 below. Note the SHR curtilage is identical to the LEP heritage listing curtilage, as outlined below.



The Leichhardt LEP 2013 includes the 'Fenwick and Co boat store, including interiors' at 2-8 Weston Street, Balmain East as a heritage item of State significance in Schedule 5: Environmental Heritage, Part 1: Heritage Items as part of the listing outlined in Table 2 below.

Suburb	Item Name	Address	Property Description	Significance	Item No.
Balmain East	Fenwick and Co boat store, including interiors	2-8 Weston Street	Lot 1 DP 722968; Lot 1 DP 89648; Lot 1 DP 83357	State	1492

FENWICK'S STONE BUILDING
2-8 WESTON STREET, BALMAIN EAST
HERITAGE IMPACT STATEMENT

Table 3: Heritage items in the vicinity of the subject site

Suburb	Item Name	Address	Property Description	Significance	Item No.
Balmain East	Illoura Reserve	Edward Street, 10–20 Weston Street and land in Weston Street	Lot 4, DP 82496; Lot 1, DP 86644; Lot 1, DP 113249; Lot 1, DP 189867; Lot 1, DP 64443; Lots 461–463, DP 752049; Lots 1–2, DP 708327; Lots 1, 2, 5 and 6, DP 213143; Lot 1, DP 213449	Local	I436
Balmain East	Formerly "The Shipwright's Arms", including interiors	10 Darling Street	Lot A, DP 366527	Local	I364
Balmain East	House, "Waterman", including interiors	12 Darling Street	Lot 1, DP 85820	Local	I365

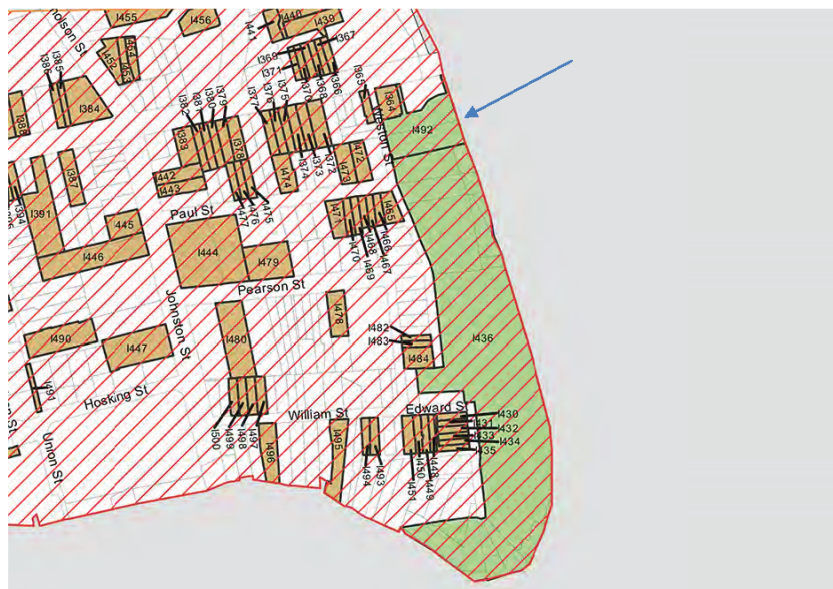


Figure 5: Extract of Leichhardt LEP Heritage Map 011 extract showing the subject site as Item No. I492 (indicated with blue arrow).

1.9. NON- STATUTORY LISTINGS

The property is included on the NSW National Trust register.

2.0 HISTORICAL BACKGROUND

The following historical information is summarised from the 2009 CMP, with the chronology (Table 4 below) providing a snapshot of the basic historical information. The 2009 CMP should be referred to for a complete history of the site.

J. Fenwick & Co., a tug boat company, was one of the longest running waterfront industries in Balmain, established in 1870, acquiring the subject site in 1883, and operating continuously on the site until 1986 when Brambles purchased the site.

As outlined in Table 4 below, major alterations were undertaken to the site and Fenwick's stone building in 1963, however since the preparation of the NBRS + Partners CMP in 2009 Council has undertaken works to Fenwick's stone building and its surrounding reserve to implement the recommendations of the CMP to restore the original external appearance of the building, provide an appropriate context and prepare Fenwick's stone building for a new active use as a café/gallery as recommended in the CMP. The majority of the conservation, restoration, reinstatement works and additions and alterations to prepare the building for adaptive reuse were undertaken in the period 2011-2015, and the majority of those works are detailed in the 2015 HIS.

Table 4: Chronology for Fenwick's stone building

Year/Date	Event
1800	The site was part of a land grant by Governor Hunter to William Balmain
1836	Following subdivision, part of Balmain's land grant, including the subject site, was purchased by auctioneer George William Paul. Weston Street was set out to its present alignment.
July 1840	The subject site was sold to Harry Lambert Brabagan
August 1840-1841	The subject site was sold to shipwright John Bell, who built a residence on the corner of Darling and Weston Streets in 1841, a stone wharf and a shipwright's yard. While being a notable Balmain boat builder from the 1830s onwards, John Bell's shipyards on the site were not a large operation, as he was also operating the hotel.
1844	John Bell's residence was converted to The Dolphin Hotel
1846	The name of the hotel was changed to The Shipwright's Arms
1870	J Fenwick & Co, a tug boat company, was established by John Fenwick and his brother Thomas on another site in Balmain.
1883	Fenwick & Co purchased Bell's shipyard (the subject site). The property included a wharf, store and the Shipwright Arms Hotel.
1901	John Fenwick died, and his sons carried on the business of Fenwick & Co.
1950	The Shipwright Arms hotel was sold by Fenwick & Co, who had originally acquired it as part of their original 1883 land acquisition. The hotel was acquired by Miller's Brewery.
1960s	When buses replaced trams along Darling Street the yard to the north of the Fenwick's stone building was partly acquired by the NSW Government to construct a bus turning circle at the end of Darling Street.
1963	Fenwick's Holdings Ltd redeveloped the site, including demolition of two terrace houses on West Street, demolition of the structure formerly between the Fenwick's stone building and the seawall, and acquisition of the adjoining lot to the south where a new L-shaped administration building was constructed fronting Weston Street. The Fenwick's stone building was heavily modified in 1963 by removal of much of its eastern gable, lowering of its roof and modification of its setting which included raising ground levels on the southern and western sides. At that time, an administration building was erected on the adjacent site.

Year/Date	Event
1965	The Shipwright's Arms hotel closed, and the license was transferred. Note this is a separate property, now addressed as 10 Darling Street, Balmain East.
1986	Brambles Group purchased the site
1993	Proposal for demolition of two storey office building on the site and construction of eight dwellings was submitted and subsequently refused by Leichhardt Council
2003	Leichhardt Council acquired the Bell's Foreshore site which includes the Fenwick's stone building
2007	Repair and reconstruction of the sea wall were undertaken by Leichhardt Council.
2008	The adjacent administration building (constructed in 1963) was demolished to extend the open space of Illoura Reserve and realise part of a Council plan for a continuous foreshore park
January 2009	A Conservation Management Plan (CMP) was prepared by NBRS + Partners for Leichhardt Council.
2011	<p>Council undertook works to the reserve (new forecourt, turf banks and terraced outlooks) also basic restoration to the Fenwick's stone building (new roof and eastern stone gable, repairs/replacement of windows and doors, as recommended by the CMP). Council consulted the public re future uses, asking for photos of 1890s-1900s period (City News, 22/9/11).</p> <p>The surrounds of the Fenwick's stone building were opened up with the removal of various structures, including the removal of a ramp on the southern side of the building.</p>
2015	<p>Leichhardt Council had a DA proposal prepared by Welsh + Major Architects with a Heritage Impact Statement prepared by City Plan Services. Works were to enable the building's use for a café/gallery and included:</p> <p>Modifications to and within the existing building including:</p> <ul style="list-style-type: none"> • New ground floor suspended timber floor structure • Reconfigured internal staircase including a new BCA compliant balustrade, handrails and tactile indicators to the top and bottom of the stairs. • New internal steel framed balustrade around the first floor void to replace the existing non-original timber balustrade. • New external wall entry openings: • The creation of a new accessible doorway through the southern façade into ground floor of the existing building. • The creation of a new accessible entry into the 1st floor of the existing building from the upper terrace level by lowering the sill height of one of the existing west-facing windows to create a doorway. • The creation of a new opening through the rear western wall of the building to provide doorway access to the new commercial kitchen to be located to the rear. • Acoustic treatment panels to ground and 1st floors • New servery counters to ground and first floors to facilitate licensed café with gallery space operations.

Year/Date	Event
2015 Continued	<p>Additions adjacent to the existing building including:</p> <ul style="list-style-type: none"> The construction of a new commercial kitchen (base building works only), bin store and cleaners store including mechanical exhaust system within the existing undercroft void to the west of the existing stone building. The construction of new WC facilities within the existing undercroft void comprising a unisex accessible toilet with baby change facilities, an ambulant male toilet and two female toilet cubicles including one ambulant cubicle. WC facilities are for use by the licensed café with gallery space and are to be available to the general public. The construction of a new publicly accessible lift adjacent to the building between the upper parkland terrace level and the ground foreshore level. The construction of covered accessway from the upper level of the lift to the new western door of the Fenwick Stone Building on the first floor. The construction of a new first floor balcony structure to provide access to the existing first floor double doors on the southern façade and provide covered access from the lift to the new accessible entrance on the ground floor below. The balcony to also incorporate a small outdoor dining area. The construction of new deck/paved area over existing void to the rear (west) of the existing building on the first floor. Re-laying of paving in the external area adjacent to the new ground floor southern accessible entry to create level access through the proposed door. This area is also proposed as an outdoor dining area. Construction of new zinc cladding to the existing landscaping wall and balustrade to the south of the proposed lift incorporating interpretive signage panels to the western balustrade wall. A new handrail will also be constructed on the adjacent existing stair. External signage and lighting adjacent to the existing building to support the licensed café with gallery space usage. Directional and statutory signage including wayfinding signage to the accessible entries, the lift and the public toilet facilities are also proposed. A location and size for future tenancy signage adjacent to the existing building is also proposed however the details of this signage would be subject to a future tenancy fitout Development Application. Realignment of an existing handrail on the upper walkway to Darling Street to the north of the building to be supported off the existing sandstone kerb wall so as to provide minimum 1m clearance for an accessible pathway. <p>Landscape works to Illoura Reserve including:</p> <ul style="list-style-type: none"> Modifications to Illoura Reserve carpark to create 4 No. 45° angle bike parking spaces and 6 No. 45° angle car parking spaces including 1 No. new accessible car parking space. Works also to include line marking, traffic and parking signage. Construction of a new accessible pathway and steps from the carpark to the upper terrace level adjacent to the Fenwick Stone Building. <p>Building and infrastructure services associated with the proposed use of the building as a licensed café with gallery space.</p>

3.0 PHYSICAL DESCRIPTION

3.1. SITE AND CONTEXT

The State heritage listed Fenwick's stone building is located at the far eastern end of Balmain East, south of Darling Street, with a frontage to Weston Street. As outlined earlier in this report, the heritage listed Illoura Reserve is located to the south of the Fenwick's stone building and the heritage listed Former Shipwright's Arms Hotel is located to the north, on the corner of Darling Street & Weston Street.

The site is also wholly within the C3 Balmain East Heritage Conservation Area.

The Fenwick's stone building underwent extensive conservation and reconstruction works in the period 2011-2015 including the reinstatement of the stepped gable end to the eastern façade, reinstatement of the original roof form, and concrete additions to the rear and southern side shown in Figures 9 and 11 below. The additions and alterations undertaken at this time were to provide disabled access from Weston Street and prepare the building for future adaptive reuse by installing a new internal stair, toilets, and kitchen facilities. These works are detailed in the 2015 HIS.



Figure 6: View of the south-eastern corner of Fenwick's stone building. Note the modern concrete lift and elevated concrete walkway to the southern elevation, constructed in 2015.



Figure 7: View of the north-eastern corner of Fenwick's stone building. The stepped parapet was reconstructed in 2011.



Figure 8: View of the landscaping and new concrete lift and stairs on the southern side of Fenwick's stone building, constructed in 2015



Figure 9: View of the new sandstone retaining wall and bus turning circle located to the north of Fenwick's stone building.



Figure 10: View of the north-western corner of Fenwick's stone building with the new bus turning circle in the foreground. The new concrete lift structure is visible to the right of the building.



Figure 11: View of the Balmain East Ferry wharf located to the north-east of Fenwick's stone building.

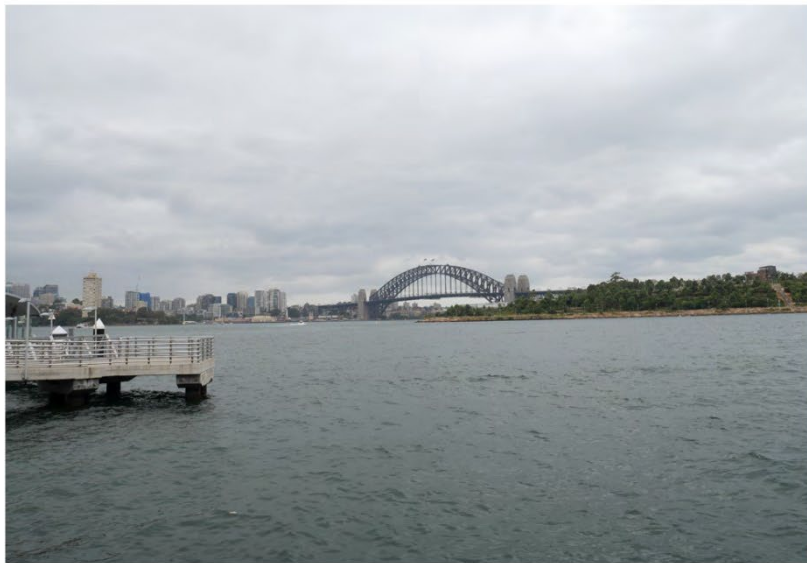


Figure 12: View from in front of Fenwick's stone building across Sydney Harbour towards the Sydney Harbour Bridge.

3.2. THE BUILDING

The Fenwick's stone building has been restored in the period 2011-2015 including the reinstatement of the original roof profile and the stepped eastern gable end, and the restoration of the interior. Additions and alterations have also been undertaken in this period, including new internal stairs and concrete additions to the rear (west) and south to provide lift access from Weston Street, new toilets and kitchen areas.

The building is a rectangular 2-storey sandstone Victorian period vernacular warehouse with elements of the Victorian Romanesque style (arched door opening to the eastern elevation), and features a gabled corrugated zincalume roof (eastern end, adjoining the parapet) and a hipped roof at the western end, multi-paned timber-framed windows, and timber double doors to both levels on the eastern (front) elevation, within a semi-circular arched opening. The building backs onto Weston Street on the western side (rear) and the façade faces the waterfront to the east. The Balmain East wharf is to the north-west of the building.



Figure 13: View of the east elevation of the Fenwick's stone building, with the stepped parapet reconstructed in 2011.



Figure 14: View of the eastern and northern elevations of Fenwick's stone building. The approximate location of the proposed air conditioning condenser is marked with a red arrow.



Figure 15: View of the northern elevation of Fenwick's stone building. The outdoor seating proposed will not be visible from this angle. The approximate location of the proposed air conditioning condenser is marked with a red arrow.



Figure 16: View of the north elevation and western corner of Fenwick's stone building, from Weston Street, showing the roof. The outdoor seating proposed will not be visible from this angle. The air conditioning condenser proposed would also not be visible in this view. A bin storage enclosure is proposed behind the existing sandstone wall marked with a red arrow. This enclosure will be lower than the height of the sandstone wall and will not be visible from this angle.



Figure 17: View of the western elevation of Fenwick's stone building, facing Weston Street. The awning shown was constructed in 2015. The outdoor seating proposed will not be visible from this angle. A new bin storage enclosure is proposed adjacent to the existing sandstone wall marked with a red arrow. The bin storage enclosure will be lower than the existing sandstone wall and will not be visible when approaching the site from the north.



Figure 18: View of the south-western corner of Fenwick's stone building and the modern concrete lift structure and covered walkway constructed in 2015. The outdoor seating area proposed will be slightly visible from this angle, looking down to the level below.



Figure 19: View of the south-western corner of Fenwick's stone building showing new covered walkway to the western side of the building and concrete walkway along the southern side of the building, constructed in 2015. The outdoor seating area proposed will be slightly visible from this angle, looking down to the level below. A new bin storage enclosure is proposed adjacent to the existing sandstone wall marked with a red arrow. The bin storage enclosure will be lower than the existing sandstone wall and will not be visible when approaching the site from the north.



Figure 20: View of the southern elevation of the Fenwick's stone building showing new concrete lift and concrete walkway along the southern side of the building, constructed in 2015. The paved area at right next to the southern elevation is the area proposed for outdoor seating, umbrellas and coffee cart.



Figure 21: View of the south-eastern corner Fenwick's stone building showing new concrete lift and concrete walkway along the southern side of the building, constructed in 2015. Note the paved area in centre foreground is the area proposed for outdoor seating, umbrellas and coffee cart, between the southern elevation of the building and the retaining wall at left.



Figure 22: View of the southern side of Fenwick's stone building showing new concrete lift and concrete walkway along the southern side of the building constructed in 2015. The paved area in foreground is the area proposed for the outdoor seating.



Figure 23: View of the new southern ground floor entry to Fenwick's stone building constructed in 2015 showing new concrete walkway along the southern side of the building. This new entry point was constructed to provide level disabled access from the reserve. This doorway will be used to service the outdoor seating area proposed.



Figure 24: View of the new toilet block built behind the Fenwick's stone building to the west of the building. This was constructed in 2015.



Figure 25: View of the paved area to the south of Fenwick's stone building. Part of the paved area in the foreground, adjacent to the retaining wall at right, is the area proposed for outdoor seating, umbrellas, and a coffee cart.



Figure 26: View of the paved area to the south of Fenwick's stone building, where outdoor seating, umbrellas and coffee cart are proposed.



Figure 27: View of the ground floor interior, looking east. Note unpainted stone walls, timber columns, reinstated timber flooring.



Figure 28: View of the ground floor east elevation doors. A new semi-frameless glass enclosure is proposed to the existing void space to allow the existing solid doors to be open during operating hours but still provide weather protection for visitors.

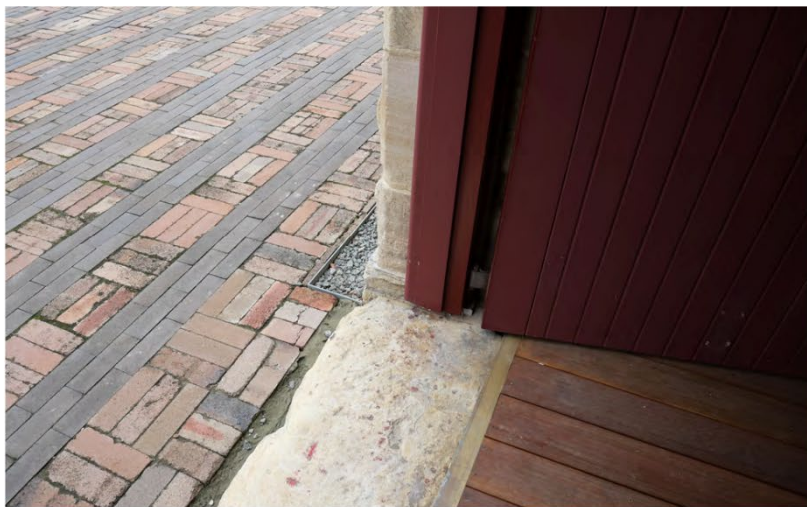


Figure 29: Detail view of the sandstone sill to the double doors on the eastern elevation.



Figure 30: Detail view of the modern opening cut through the sandstone walls to the southern elevation.



Figure 31: View of the ground floor looking West showing the contemporary stair to the first floor and new door opening to the modern kitchen and sanitary facilities wing (constructed in 2015) located behind the original building to the west, and the new kitchen and bar fitout.



Figure 32: View of ceiling to the ground floor.



Figure 33: View of the contemporary stair internal stair between the ground and first floor.

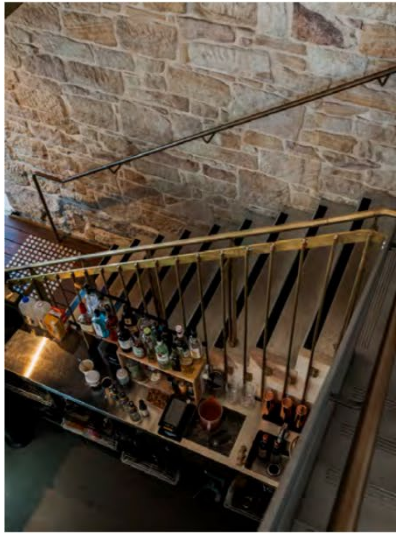


Figure 34: View of the contemporary stair internal stair between the ground and first floor and bar to the ground floor.



Figure 35: View of the First Floor looking east. A new semi-frameless glass enclosure is proposed to the existing void space. The existing timber balustrade is to be retained.



Figure 36: View of the void and timber balustrade to the eastern door openings. A new semi-frameless glass enclosure is proposed to the existing void space. The existing timber balustrade is to be retained.



Figure 37: View of the timber double doors to the first floor void.



Figure 38: View of the timber double doors to the first floor void and arched vent over.

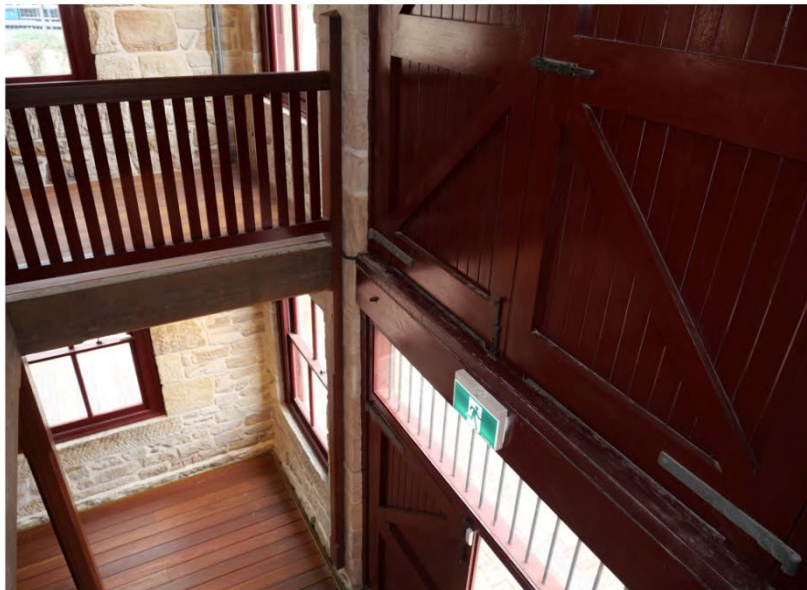


Figure 39: View of the void and timber balustrade to the eastern door openings.

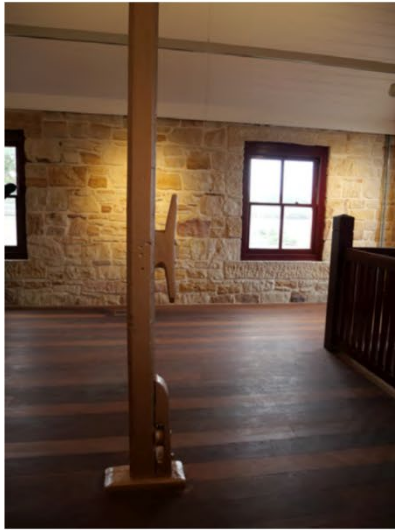


Figure 40: View of the column detail to the first floor.



Figure 41: View of the base of column detail to the first floor.



Figure 42: View of the first floor looking west.



Figure 43: View the new door opening to the western elevation of the first floor.



Figure 44: View of the new door opening and concrete threshold on the first floor western elevation.



Figure 45: View the flexible sealing between the timber floors and sandstone walls.



Figure 46: View of the contemporary steel stair from the first floor down to the ground floor.



Figure 47: View of the contemporary steel and concrete stair (installed in 2015) and new bar fitout.



Figure 48: View of the modern sanitary facilities adjacent to the new concrete lift built to the west of the original building, constructed in 2015.



Figure 49: View of the modern concrete ceiling to the amenities lobby, constructed in 2015.

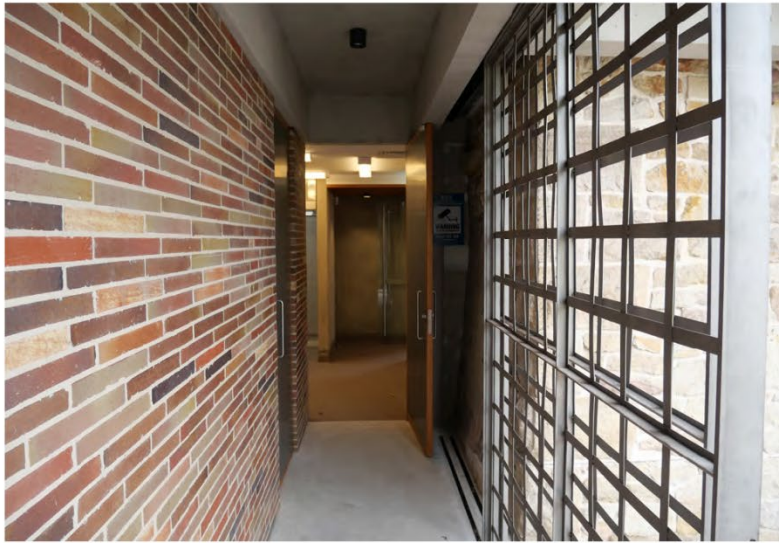


Figure 50: View of the corridor to the kitchen located to the west of the original building. This western section was constructed in 2015.



Figure 51: View of the modern kitchen wing constructed in 2015, looking north-west.



Figure 52: View of the modern kitchen wing, constructed 2015, looking south.

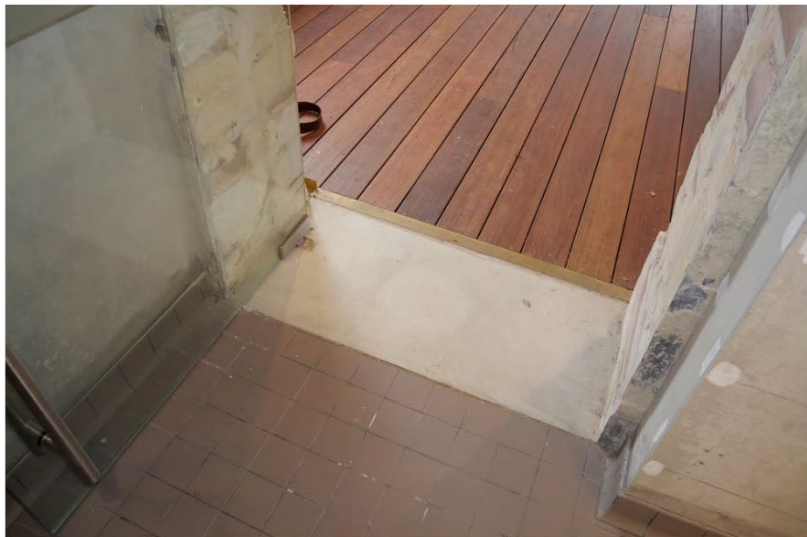


Figure 53: View of the modern door opening cut through the original sandstone walls and modern concrete threshold between the original building and the new kitchen wing to the west.

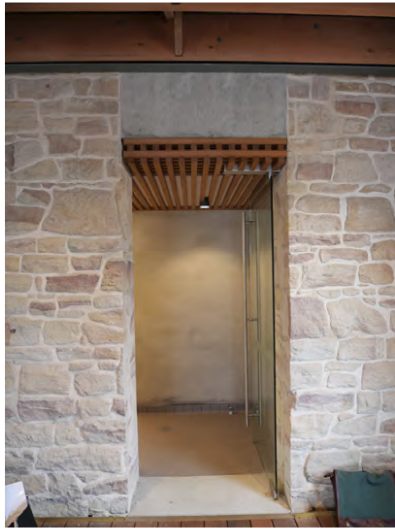


Figure 54: View of the modern door opening cut through the original sandstone walls to the original building connecting to the new kitchen wing to the west. The new kitchen wing was constructed in 2015.

4.0 ASSESSMENT OF HERITAGE SIGNIFICANCE

4.1. EXISTING SUMMARY STATEMENTS OF SIGNIFICANCE

The following Summary of Statement of Significance is from the 2009 NBR's *Conservation Management Plan for the Fenwick's stone building, 2-8 Weston St, East Balmain NSW 2040*:

Fenwick's stone building is of cultural heritage significance because:

- It has associations with J. & T. Fenwick and family who established and ran the pre-eminent tug boat operation on Sydney Harbour between the 1870s and 1986 which was an integral part of shipping at Australia's premier port;
- It is a remnant which demonstrates the former maritime industrial uses at East Balmain on the western shore of Darling Harbour from the early subdivision of the land to the late twentieth century;
- Of its landmark value from the water on the western shore of Darling Harbour and adjacent to the Darling Street wharf which indicates arrival at Balmain via water at the bottom of Darling Street which is reinforced by its relationship with the former Shipwright's Arms; and
- In spite of its incompleteness, it is an example of a permanent sandstone industrial building designed and constructed with elements of the Victorian Romanesque style which demonstrates quality materials and workmanship.

The following Statement of Significance is from the State Heritage Register (SHR) listing form for the Fenwick's stone building (available online):

The site of the J. Fenwick & Co. Boat Store is significant because of its continuous association with the growth and development of maritime industries in Balmain, from the earliest days of Balmain's subdivision. This is due to the formation and operation of Bell's Shipyard and the subsequent operations of J. Fenwick & Co.

The site has important links with the development of the port of Sydney because of its association with the use of tug boats as an integral part of shipping operations (Howard, 1993).

The stone store is a rare surviving built element of Balmain's former links with the maritime service industries of Sydney Harbour, and as such contributes to the cultural significance of the Harbour. The stone store physically demonstrates the role of Balmain in the working of Sydney Harbour until recent times (Heritage Office).

The stone store is an early surviving record of maritime industry, not only in Balmain and Sydney, but in New South Wales; and for its long association with the Fenwick Tug Boat Company, which was the earliest and pre-eminent tugboat operator on Sydney Harbour (McDonald, 1999).

4.2. ELEMENTS OF SIGNIFICANCE

The 2009 CMP outlined the High or Moderate significance of the following elements (See Table 5 below). Note that elements identified in the 2009 CMP as being of little significance or intrusive elements have been removed in the 2011-2015 restoration and upgrading works.

Table 5: Elements of significance for the Fenwick's stone building

Level of significance	Elements
High	<p>Eastern façade generally.</p> <p>Northern façade generally.</p> <p>All windows on northern and eastern façades.</p> <p>Remnant open area to the east and north of the building.</p> <p>Martin's (type) anchor discovered on-site.</p> <p>Tug boat 'winch'.</p> <p>Original 6 timber posts of ground and first floors including horn cleat and pulley block associated with lost cat head beam.</p>
Moderate	<p>Southern façade and wall generally.</p> <p>Eastern façade and wall generally.</p> <p>First floor original timber floor and floor framing.</p> <p>Doors.</p> <p>Early northern window on western wall.</p>

5.0 PROPOSAL

The proposal for interior and exterior alterations to the existing fitout of Fenwick's stone building for restaurant use is shown on drawings prepared by BJB Architects (included in this report for reference as **Attachment 1**).

The proposal involves the following interior works to the building and its vicinity.

Ground floor

- Installation of semi-frameless steel and glass entry structure internally, recessed from the existing main timber double entry door openings to both levels (eastern elevation), while maintaining the existing external timber double entry doors. This is detailed to minimise impact on heritage fabric (see attached plans).
- New air-conditioning services (see attached plans)
- New overhead shelving to existing kitchen and bar (see attached plans)

First floor

- Installation of new semi-frameless glass enclosure within the main timber double entry doors which open onto a void space. This is detailed to minimise impact on heritage fabric (see attached plans).
- New air-conditioning services (see attached plans)

In the vicinity of the building:

- Separate covered outdoor dining/seating area to the south, involving 800mm deep excavation for square pad footings 800mm x 800mm, for cover structure (see Figures 20-26 above for location). See Figure 54 below and Attachment 1 for detail. The outdoor seating area is set back from the main east elevation, and tucked away in the existing paved area to the south of the building.
- Air-conditioning condenser and cool room condenser with acoustic and visual screen to be located to the rear north-western corner adjacent to an existing doorway into the existing rear addition (see Figures 14 and 15 above for the location). See Figures 55 and 56 below and Attachment 1 for details. The air conditioning condensate line is to be installed through the stonework mortar joints at the rear of the building into the main interior space.
- New bin storage enclosure at the first floor level on the western side of the building. The proposed bin enclosure will sit below the height of the existing sandstone wall adjacent. And will not be visible when approaching the site from the north.

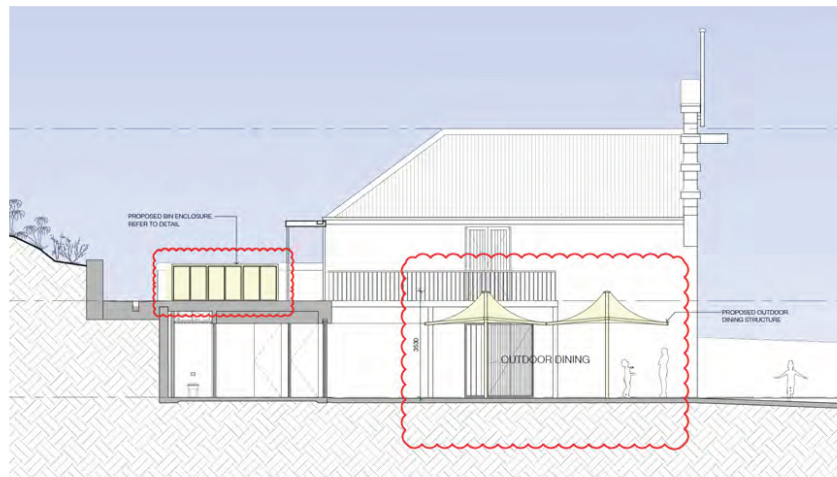


Figure 55: Extract of BJB architects proposal plans, South elevation showing proposed outdoor dining area to the ground floor and proposed bin enclosure to the first floor.



Figure 56: Extract of BJB Architects proposal plans, East elevation showing both the proposed outdoor seating/dining area to the south side of the building and the proposed air conditioning condenser with acoustic and visual screen to the north side of the building.



Figure 57: Extract of BJB Architects proposal plans, North elevation showing the proposed air conditioning condenser with acoustic and visual screen. The proposed bin enclosure is located behind the existing sandstone wall marked with a red arrow and will not be visible when approaching the site from the north.

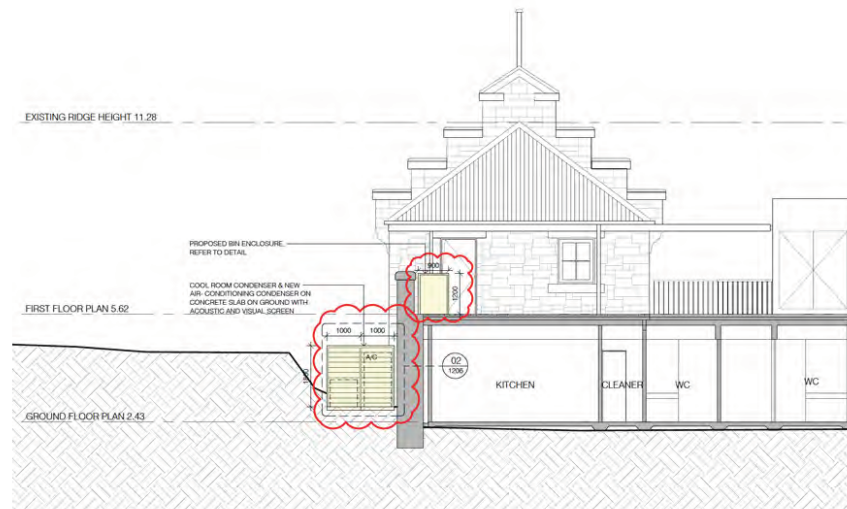


Figure 58: Extract of BJB Architects proposal plans, West elevation showing the proposed air conditioning condenser with acoustic and visual screen located to the north of the building. The proposed bin enclosure is located behind the existing sandstone wall and will not be visible when approaching the site from the north.

6.0 HERITAGE ASSESSMENT OF PROPOSAL

6.1. MATTERS FOR CONSIDERATION UNDER SECTION 62 OF THE NSW HERITAGE ACT 1977 (AS AMENDED)

Section 62 of the NSW Heritage Act sets out the matters for consideration of the NSW Heritage Council or its delegates in assessing an application under Section 60 of the Act. While these matters are for consideration of the approval body (being the Heritage Council of NSW or its delegates), however it is worth considering them here.

(a) The extent to which that application, if approved, would affect the significance of any item as an item of the environmental heritage.

As outlined in the sections below, the proposal is predominantly an adaptive reuse & internal fitout proposal which essentially implements recommendations of the 2011 CMP for the site. The only external work proposed is the installation of a separate outdoor dining area shaded by umbrellas in the vicinity of the building on the southern side, set back from the main east elevation, and an air conditioning condenser with an acoustic and visual screen in a discreet location on the northern side of the building. Heritage advice of Paul Davies has been followed in formulating the proposal plans to ensure no adverse heritage impact will result from the proposed works.

(b) the representations, if any, made with respect to that application under section 61 (3),

This is matter for NSW Heritage Council consideration.

(c) such matters relating to the conservation of that item or land as to it seem relevant,

This is matter for NSW Heritage Council consideration.

(c1) Any applicable Conservation Management Plan (within the meaning of Section 38A), endorsed by the Heritage Council, and

The response of the proposal to relevant 2011 CMP policies is addressed in Section 6.2 below. It is not certain whether the 2011 CMP prepared for Leichhardt Council was ever endorsed by the NSW Heritage Council.

(d) Such other matters as are deemed relevant.

The compliance of the proposal with relevant heritage objectives and controls in the Leichhardt LEP and DCP is considered relevant and is covered in Sections 6.3 and 6.4 below.

6.2. ASSESSMENT OF PROPOSAL AGAINST 2011 CMP CONSERVATION POLICIES

Table 6 below outlines the relevant conservation policies from the 2011 CMP and explains how the proposal responds to these. Note that many policies are no longer relevant as the recommended works have been undertaken as part of the 2011 restoration works. Note that it is now crucial to both retain original fabric and to retain the integrity of the 2011 conservation works to the building, which have reinstated its original appearance, while noting that the 2011 works included neutral elements such as the new staircase to the interior of the building, the new rear (western) addition and the western walkway and lift.

Table 6: Response of the proposal to relevant 2011 CMP Conservation policies

<i>CMP Conservation Policy</i>	<i>Response</i>
6.2.1 Management and Conservation Processes	
6.2.1 Recommendation 1: The future conservation and development of the place should be carried out in accordance with the principles of the Australia ICOMOS Burra Charter	Note the Burra Charter was updated in 2013, therefore the latest (currently 2013) version should be referred to. The proposal has been developed with input from Paul Davies Pty Ltd and modified prior to submission to ensure compliance with Burra Charter principles.
6.2.1 Recommendation 2: The Statement of Significance in this plan should be adopted as a basis for future decision making, planning and work on the place.	The proposal has been formulated with the Statement of Significance for the place in mind.
6.2.1 Recommendation 3: The recommended policies and conservation options discussed in this document should be adopted as a guide to future conservation and development of the place irrespective of the use to which it is put.	The proposal complies as the restaurant use has been suggested as an adaptive reuse option in the 2009 CMP.
6.2.1 Recommendation 7: Evidence of associations of the place with the Fenwick's tug boat operations and that which conveys the past maritime industrial use of the site should be retained on site, conserved and interpreted.	The proposal complies.
<p>6.2.2 Statements of Heritage Impact</p> <p>The significance of Fenwick's Stone Building is in part reliant on the character and quality of its surviving fabric. Wherever the issue of removing or altering significant fabric from its original form and location arises, an assessment of the effects that such action will have on the overall significance of the place needs to be undertaken. Such an assessment will review the identified significance level of the part to be removed or altered, the impact that the action will have on the element itself and the resulting impact on the place as a whole. This can be done by assessing the compliance of actions against the conservation policies/recommendations set out in this conservation plan.</p> <p>In general terms, an adverse effect on any item or aspect of significance may be acceptable provided:</p> <ul style="list-style-type: none"> • It makes possible the recovery of aspects of greater significance, • It helps to secure the future security of the place, • There is no feasible alternative, • Care is taken to minimise the adverse effect, and • The effect is assessed in a Statement of Heritage Impact demonstrating compliance with these recommendations before it is realised. 	This Statement of Heritage Impact has been submitted in compliance with this policy.
6.2.2 Recommendation 8: Proposals for change should be assessed in Statements of Heritage Impact which include an indication of the degree to which the proposals comply with the policies set out in this conservation management plan. The	This Statement of Heritage Impact has been submitted in compliance with this policy. This table assesses the proposal's heritage impacts against the CMP policies.

<i>CMP Conservation Policy</i>	<i>Response</i>
Statements of Heritage Impact should provide mitigating measures for potentially adverse impacts.	
6.2.3 Access & Security	
6.2.3 Recommendation 9: Public access around the building and secure supervised access to interiors and objects should be provided in any adaptive use to which the building and its setting are put.	This has been achieved.
6.2.4 Consultation and Development Consents	
6.2.4 Recommendation 10: Consultation with the Heritage Branch of the Department of Planning and other stakeholders should continue. In particular where change to the fabric including adaptation, demolition or other work are proposed the specific consent of the Department of Planning via Section 60 applications and other processes should be sought.	Consultation with the NSW Office of Environment & Heritage (OEH) was not considered useful or necessary, as the application is essentially implementing the recommendations of the CMP for the site. A Section 60 application is being submitted to OEH with this report to seek NSW Heritage Council consent for the proposed works.
6.2.5 Adaptive Reuse	
6.2.5 Recommendation 12: Compatible uses include those that allow the retention and recovery of the original character and identified cultural significance of the place and do not require additional accommodation beyond that provided for in the scope of the conservation recommendations (policy) or require operations which go against the policy such as partitioning interior spaces or introduction of intrusive services. The proposed uses of café/gallery supported by a subterranean services structure to the west and outside the existing building are generally compatible with the significance of the place and have considerable potential to be an appropriate adaptive reuse of the building. The café appears to allow greater public access and appreciation of the setting and interiors than a gallery use.	The proposal is alterations and additions for an existing restaurant use of the building, an adaptive reuse option envisaged in this policy. Conservation, restoration and reinstatement works and additions to the building have taken place in 2001-2015 including the western addition, which facilitates the current restaurant use. The proposed use and restaurant fitout are in compliance with this policy. The proposed separate outdoor dining area shaded by umbrellas is located to the south of the building and set back from the main façade, is discreet and supports the restaurant use of the building, allowing the public to enjoy the setting and views of the place.
6.2.5 Recommendation 13: Proposed changes of use to any part of the building should only be considered in the context of a coordinated plan for the whole building.	The proposal complies as the restaurant use has been considered for use of the whole building.
6.2.5 Recommendation 14: In adapting parts of the building, original fabric or fabric otherwise found to be of significance and which is capable of reuse on site should be relocated within the building.	This principle has been complied with in formulating this proposal. There has been no need to relocate significant elements as part of this proposal.
6.2.5 Recommendation 15: Proposed adaptation or changes which would require the introduction of particular services and/or structural alterations which would have a strong adverse effect on the character and/or heritage significance of the building are unacceptable.	New services have already been installed in the building as part of the 2011-2015 works to the building. The current proposal does not include any alteration to existing services except for the installation of a new air conditioning system. The air conditioning system has been carefully designed to ensure there are no adverse impacts on heritage fabric arising from this.
6.2.6 Maintenance and Repair	
6.2.6 Recommendation 18: Care should be taken by both tradespeople and supervisory staff that significant fabric is not damaged by maintenance and repair activities.	A Condition of consent may be imposed on the approval to ensure compliance with this policy.

<i>CMP Conservation Policy</i>	<i>Response</i>
6.2.6 Recommendation 19: Colour schemes: Whenever painting or refinishing is contemplated for significant external fabric only authenticated colour schemes should be adopted. This should involve investigation of the physical evidence of surviving schemes.	No change to the external colour scheme is proposed.
6.2.6 Recommendation 20: Only surfaces originally painted should be repainted. Painted stonework should only be repainted internally with porous paints which allow the underlying stone to 'breathe' rather than modern plastic paints which seal in moisture.	No changes to the existing painting regime to the exterior or interior are proposed.
6.3 Recording Change	
6.3 Recommendation 22: Elements that are to be demolished or adapted should be recorded photographically and in drawn form and the record kept on durable stock in a permanent archive.	As the major conservation phase was completed to the building in 2015, this recording process is no longer considered necessary.
6.4 Research, Training & Resources	
6.4 Recommendation 24: Relevant and expert trade and professional conservation advice should be provided for all conservation, adaptation and repair works proposals and programs at the place.	A condition of consent can be imposed on the approval to ensure compliance with this policy.
6.5 Interpretation & Promotion	
<p>6.5 Recommendation 27: Interpretation for the site should include:</p> <ul style="list-style-type: none"> • Consistent naming of the structure as Fenwick's Stone Building; • The landscape setting of the building (the Park) should be named in a way which confirms and interprets the historical association with the Fenwick family and the business it ran on the site for most of the twentieth century; • Encouraging public access to the site, building and interpretive material; • Interpretation of the former shoreline, site features including removed structures and landscape elements as identified in the CMP and the HACMP should be indicated in the landscape treatment; • Preservation and display of relics including the Martin's anchor and the tug 'winch'; and • Interpretive signage on site and at key approaches including Darling Street Wharf. 	<p>This Heritage Impact Statement has complied with this naming convention, however noting that the LEP listing and the SHR listing do not.</p> <p>Not an issue relating to this proposal.</p> <p>The proposed restaurant use and the separate outdoor dining area proposed will encourage public access to the site.</p> <p>Not an issue relating to this proposal.</p> <p>The location of these items is not currently known. The 2015 HIS does not specify what actions have been taken concerning these items.</p> <p>Interpretation of the site is not considered to be an issue for this proposal.</p>
6.7 Fire and Building Code Regulations	
6.7 Recommendation 31: The building should be upgraded to meet fire and building code regulations when adapting the place for a new use, but this should not be done in a way which adversely impacts or intrudes upon the existing fabric or spaces of significance.	The building has been upgraded in accordance with this policy in the period 2011-2015. This is not an issue which relates to this proposal as no changes to existing building fire services are proposed.
6.9 Services	

<i>CMP Conservation Policy</i>	<i>Response</i>
6.9 Recommendation 34: New services should not visually intrude into areas of moderate to high significance or be visible on the eastern and northern facades and roof. Conduits for services should be surface mounted and restricted to the interior of the building or concealed behind the outer (now buried) side of the western wall.	This is not an issue which relates to this proposal as no changes to existing building services are proposed. The proposed conduit for the air-conditioning units is to penetrate existing mortar joints only.
6.12 The Eastern facade	
Recommendation 41: The variation in rock-faced and coursed ashlar stonework evident in the remnant facade should be continued in the detailing of the reconstructed arched opening and stepped parapet gable so as to match as closely as possible existing work. The reconstruction of the gable should be explained in interpretive media adjacent to the structure.	The eastern facade has been conserved, restored and the stepped parapet reconstructed in 2011 in accordance with this CMP policy. This is not an issue as there is no proposed change to the stonework in the current proposal. This is considered to be an issue for Council in designing interpretation for the reserve and the vicinity of the building.
6.15 Interior	
6.15 Recommendation 50: The interior spaces of the first and ground floors should be retained as open spaces with no long term partitions above 1350mm above floor level.	The proposal complies.
6.15 Recommendation 51: The interior walls should be retained as exposed rubblework which may be painted with permeable paints where painted before.	The proposal complies.

6.3. ASSESSMENT OF HERITAGE IMPACT AGAINST LEICHHARDT LEP 2013 HERITAGE CONTROLS

The proposal complies with Clause 5.10 of the LEP as it will not have adverse impacts on the heritage significance of Fenwick's stone building, the proposal conserves the heritage significance of the building and enables an active use enhancing the ability of the public to access and appreciate the building. The proposed external works, including outdoor dining area located on the south side, air conditioning condenser with acoustic and visual screen located on the north side and bin storage enclosure located on the west side of the building in discreet locations, are set back from the main east elevation of the building and will have minimal visual impact. A Development Application is being submitted with this Heritage Impact Statement in accordance with Clause 5.10 (2) and Clause 5.10 (5).

6.4. ASSESSMENT OF HERITAGE IMPACT AGAINST RELEVANT LEICHHARDT DCP HERITAGE CONTROLS

Table 7 below outlines the relevant objectives and provisions of the Leichhardt DCP 2013 Section C1.4 Heritage Conservation Areas and Heritage Items, and how the proposal responds to these.

Table 7: The relevant heritage objectives & controls of Section C1.4, Leichhardt DCP 2013 & proposal responses.

<i>DCP Provision</i>	<i>Response</i>
Section C1.4 - Objectives	
<p>O1 Development:</p> <p>a. does not represent an unsympathetic alteration or addition to a building;</p> <p>b. encourages the protection, restoration, continued use and viability of buildings for their original purpose;</p> <p>c. encourages the removal of unsympathetic elements;</p> <p>d. is compatible with the setting or relationship of the building with the Heritage Conservation Area in terms of scale, form, roof form, materials, detailing and colour of the building and conforms with the Burra Charter (Refer to: http://australia.icomos.org/publications/charters/;</p> <p>e. conserves and enhances the fabric and detail of a building that contributes to the cultural significance of the building in its setting;</p> <p>g. makes an appropriate visual and physical distinction between the existing building and new parts of the building;</p>	<p>a. The proposal has been designed to be a sympathetic adaptive reuse of the building.</p> <p>b. The proposal encourages the continued conservation and use of the building, though not for the original purpose, which is redundant.</p> <p>c. Not relevant as unsympathetic elements have been removed during works 2011-2015</p> <p>d. The proposed restaurant use is compatible with the setting of the building within the Balmain East Heritage Conservation Area, as an active use for a heritage listed building within a public foreshore reserve. The exterior of the building is not altered, and the proposal complies with the principles of the ICOMOS Burra Charter. The proposed external elements of the works — outdoor dining area, air conditioning condenser with acoustic and visual screen, and bin enclosure — are separate, and located in discreet locations to the south, north and west of the building, set back from the main east elevation.</p> <p>e. Conservation works have already been undertaken in the period 2011-2015.</p> <p>g. The proposal complies.</p>
Section C1.4 – Controls – General – C1	
<p>C1 Development maintains the characteristics and is consistent with the objectives and controls for the relevant building type contained in Appendix B – Building Typologies of this Development Control Plan.</p> <p>Under Appendix B the building conforms to some characteristics of the Warehouses & Factories typology.</p> <p>Objectives</p> <p>Objective O1 to facilitate development that is compatible with this Building Typology.</p> <p>Controls C1-C10</p>	<p>The proposal is consistent with the objective as the proposal is for a sympathetic alterations and adaptive reuse of the building for a restaurant use, one of the recommended future uses in the 2009 CMP for the building.</p> <p>All these controls relate to exterior alterations and additions and are not relevant to the current interior fitout & adaptive reuse proposal.</p>

<i>DCP Provision</i>	<i>Response</i>
<p>C2 The fabric of an existing building is to be the subject of appropriate conservation practices including:</p> <p>a. retention of original detail and finishes such as:</p> <p>i. original face brick which should not be painted over or rendered;</p> <p>ii. original decorative joinery and iron work which is not to be removed;</p> <p>b. conservation of original elements;</p> <p>c. reconstruction or restoration of original elements where deemed appropriate;</p> <p>d. retention of the original cladding material of original roofs where viable;</p> <p>e. consideration of suitable replacement materials should be based on original material, and where a property is part of a group or row, replacement materials should have regard to the integrity of the group.</p>	<p>Original details and finishes have been retained in previous conservation and restoration works undertaken 2011-2015. The building is in good condition and further conservation work is not considered necessary at this time.</p>
<p>Statements of Heritage Impact (SOHI)</p> <p>Consent must not be granted for any development in respect of a Heritage Item unless a Statement of Heritage Impact is submitted to Council for consideration, (with some exceptions not relevant to current proposal)</p>	<p>This Heritage Impact Statement has been submitted in compliance with this provision.</p>

7.0 CONCLUSION

The proposal has been formulated taking into account heritage advice from heritage architect Paul Davies and is considered to be a sympathetic adaptive reuse proposal which will activate the building and increase public access to and appreciation of the building.

The proposed alterations to the current restaurant use involving a separate outdoor dining area to the south, air conditioning condenser with acoustic and visual screen to the north, new bin enclosure to the west and new overhead shelving to the ground floor kitchen and bar is recommended for approval by the NSW Heritage Council under Section 65A of the NSW Heritage Act and by Inner West Council under the NSW Environmental Planning & Assessment Act, as it essentially:

- Implements the adaptive reuse policy recommendations of the 2011 Conservation Management Plan
- Complies with the relevant Sections 60-62 of the NSW Heritage Act,
- Complies with the relevant heritage objectives and provisions of the Leichhardt LEP 2013 & Leichhardt DCP 2013.
- Will not have any adverse impacts on the Fenwick's stone building or its setting.

ATTACHMENTS

- 7.1. ATTACHMENT 1: PROPOSAL PLANS PREPARED BY
BJB ARCHITECTS FOR SYDNEY RESTAURANT GROUP

D R A W I N G R E G I S T E R

Drawing No.	Gender	Date	Title
2017-06-01-002	F	8/10/2016	100% BLOOD
2017-06-01-003	F	8/10/2016	100% BLOOD
2017-06-01-004	F	8/10/2016	100% BLOOD
2017-06-01-005	F	8/10/2016	100% BLOOD
2017-06-01-006	F	8/10/2016	100% BLOOD
2017-06-01-007	F	8/10/2016	100% BLOOD
2017-06-01-008	F	8/10/2016	100% BLOOD
2017-06-01-009	F	8/10/2016	100% BLOOD
2017-06-01-010	F	8/10/2016	100% BLOOD
2017-06-01-011	F	8/10/2016	100% BLOOD
2017-06-01-012	F	8/10/2016	100% BLOOD
2017-06-01-013	F	8/10/2016	100% BLOOD
2017-06-01-014	F	8/10/2016	100% BLOOD
2017-06-01-015	F	8/10/2016	100% BLOOD
2017-06-01-016	F	8/10/2016	100% BLOOD
2017-06-01-017	F	8/10/2016	100% BLOOD
2017-06-01-018	F	8/10/2016	100% BLOOD
2017-06-01-019	F	8/10/2016	100% BLOOD
2017-06-01-020	F	8/10/2016	100% BLOOD
2017-06-01-021	F	8/10/2016	100% BLOOD
2017-06-01-022	F	8/10/2016	100% BLOOD
2017-06-01-023	F	8/10/2016	100% BLOOD
2017-06-01-024	F	8/10/2016	100% BLOOD
2017-06-01-025	F	8/10/2016	100% BLOOD
2017-06-01-026	F	8/10/2016	100% BLOOD
2017-06-01-027	F	8/10/2016	100% BLOOD
2017-06-01-028	F	8/10/2016	100% BLOOD
2017-06-01-029	F	8/10/2016	100% BLOOD
2017-06-01-030	F	8/10/2016	100% BLOOD
2017-06-01-031	F	8/10/2016	100% BLOOD
2017-06-01-032	F	8/10/2016	100% BLOOD
2017-06-01-033	F	8/10/2016	100% BLOOD
2017-06-01-034	F	8/10/2016	100% BLOOD
2017-06-01-035	F	8/10/2016	100% BLOOD
2017-06-01-036	F	8/10/2016	100% BLOOD
2017-06-01-037	F	8/10/2016	100% BLOOD
2017-06-01-038	F	8/10/2016	100% BLOOD
2017-06-01-039	F	8/10/2016	100% BLOOD
2017-06-01-040	F	8/10/2016	100% BLOOD

The proposed modifications included in this application are as follows:

- Outdoor shade umbrellas
- External coffee cart / waters station
- Bin storage enclosure
- Air Conditioning
- Glazed air lock
- Overhead shelving to existing bar and service
- Door threshold infill

[illegible]

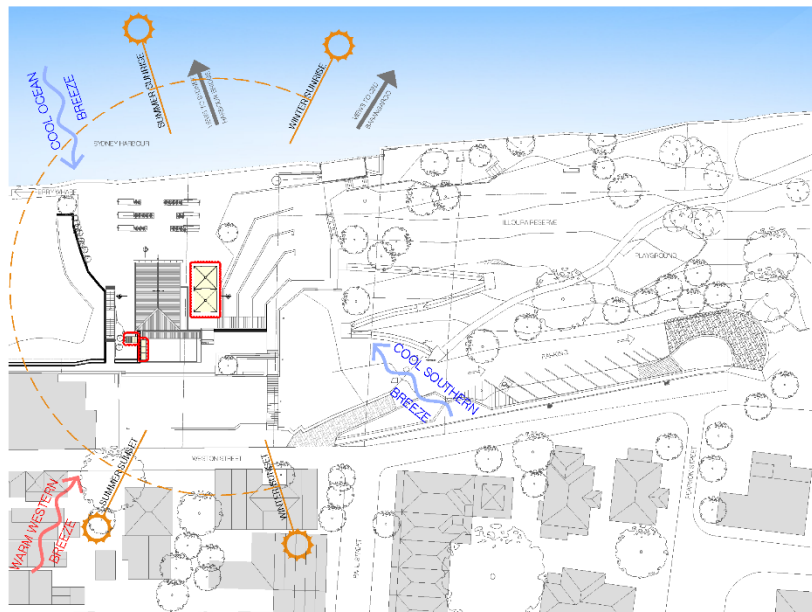
ARCHITECT
BJB
ARCHITECTS

BJB Architects Pty Ltd
p 08 938 6777 w www.bjbarchitects.com.au
some noted architects: Barry Hobbs, Niall Ring, Niall Ring

ISSUE	AVENUEMENT	DATE
L	Verfied Contract on Contracts	27.05.2013
M	Verfied Contract on Contracts	07.06.2013
N	As Built Drawings	23.07.2013
P	Handing over NDA's	14.11.2013

PROJECT
FENWICK'S STONE BUILDING
24 WESTON STREET, GALVAIN
ALTERATIONS AND ADDITIONS
SYDNEY RESTAURANT GROUP

COVER PAGE	
SCALE	DATE: 4.01.2020
ISLE P. PRELIMINARY \$1.25	
1. THE INTERVIEWER HAS CONDUCTED AN INTERVIEW OF THE SUSPECT AND HAS DETERMINED THAT THE SUSPECT IS A MALE, DATED 10/10/19, BORN 10/10/19, AND IS CURRENTLY RESIDING AT 10101 101ST AVE, SUITE 101, BOSTON, MA 02110. THE INTERVIEWER HAS DETERMINED THAT THE SUSPECT IS A MALE, DATED 10/10/19, BORN 10/10/19, AND IS CURRENTLY RESIDING AT 10101 101ST AVE, SUITE 101, BOSTON, MA 02110.	3 2017-046 A1000



ARCHITECT

BJB

ARCHITECTS

BJB Architects Pty Ltd
p. 08 8361 7777 e. info@bjbarchitects.com.au
www.bjbarchitects.com.au BJB 001 No. 3000

ISSUE	AVENUE/VENT	DATE
L	Verified Contract on Certificate	27.05.2018
M	Verified Contract on Certificate	07.06.2018
N	As Built Drawings	23.07.2018
P	As Built Drawings	14.01.2019

PROJECT

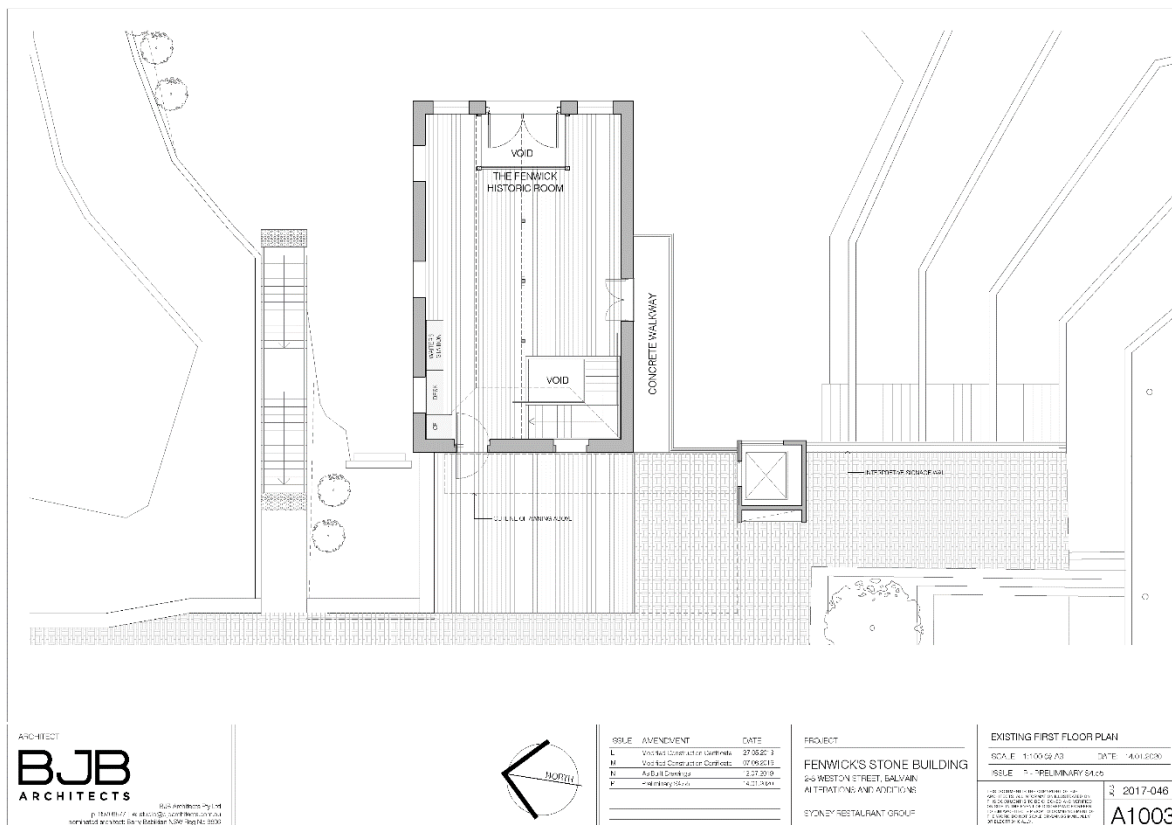
FENWICK'S STONE BUILDING
2-6 WESTON STREET, BALVAIN
ALTERATIONS AND ADDITIONS

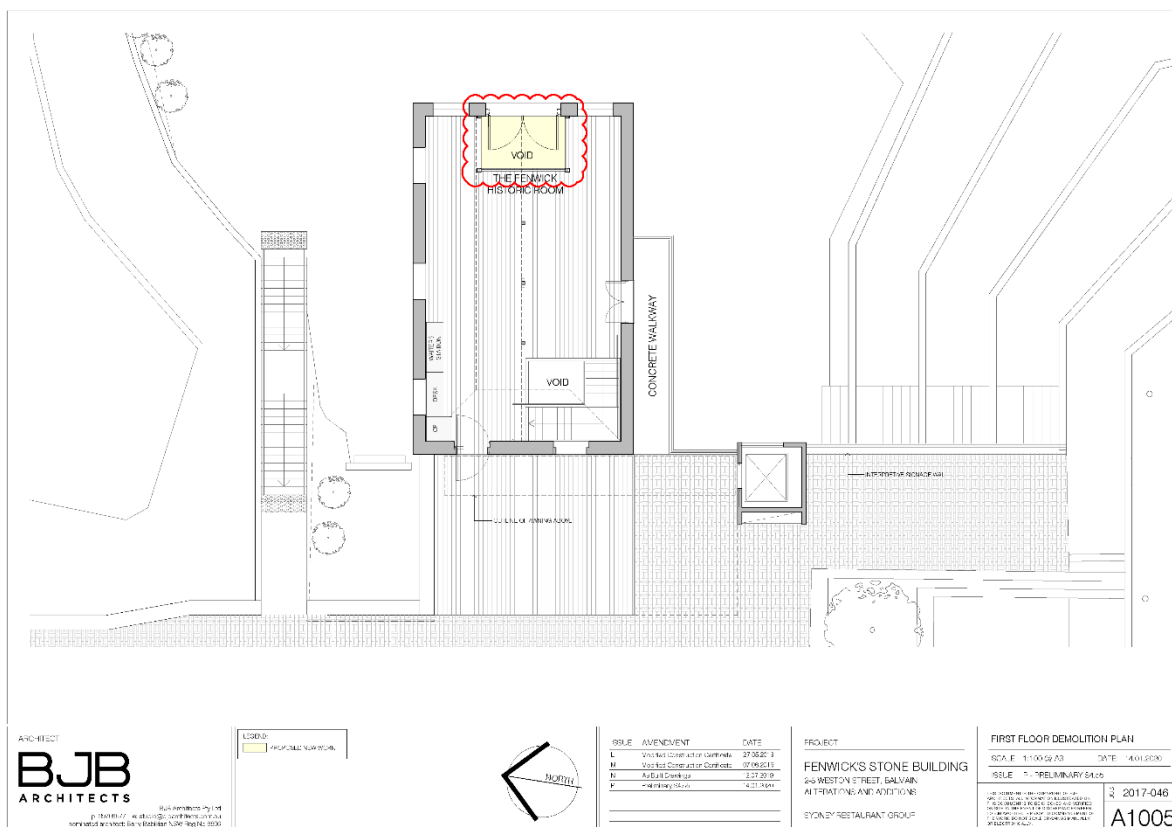
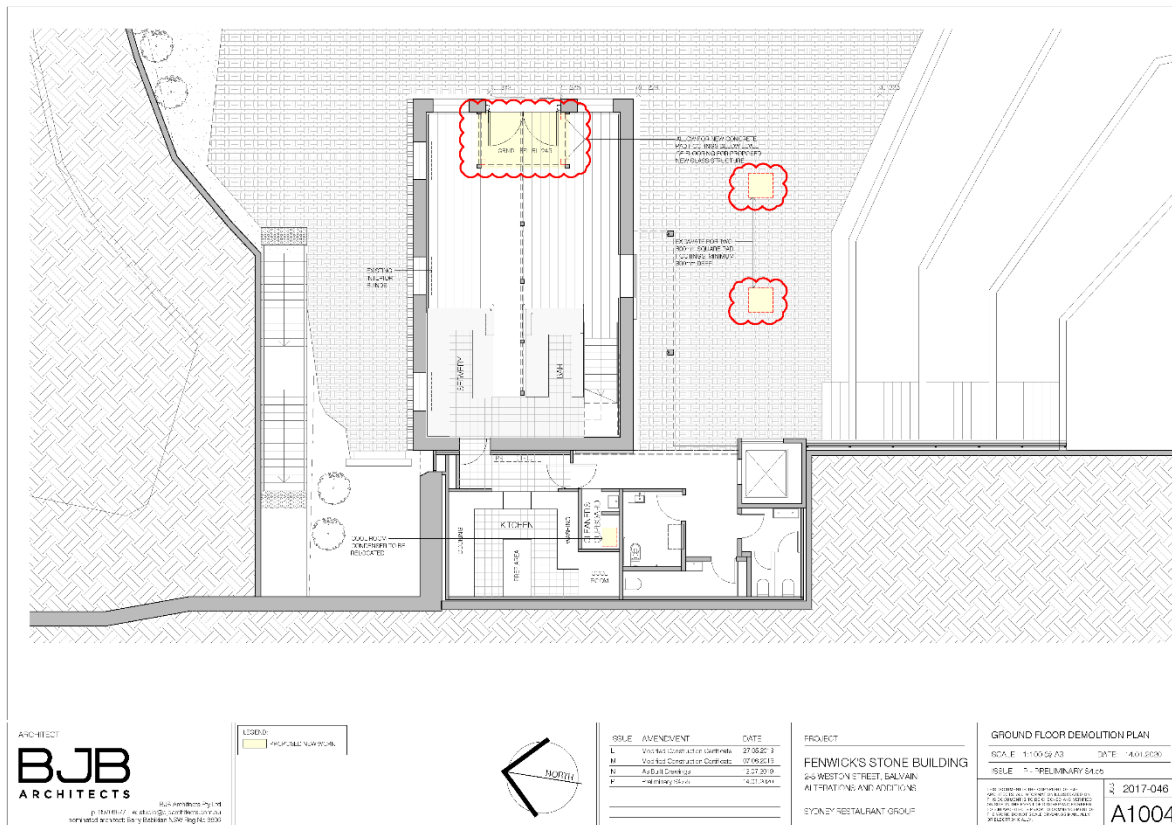
SYDNEY RESTAURANT GROUP

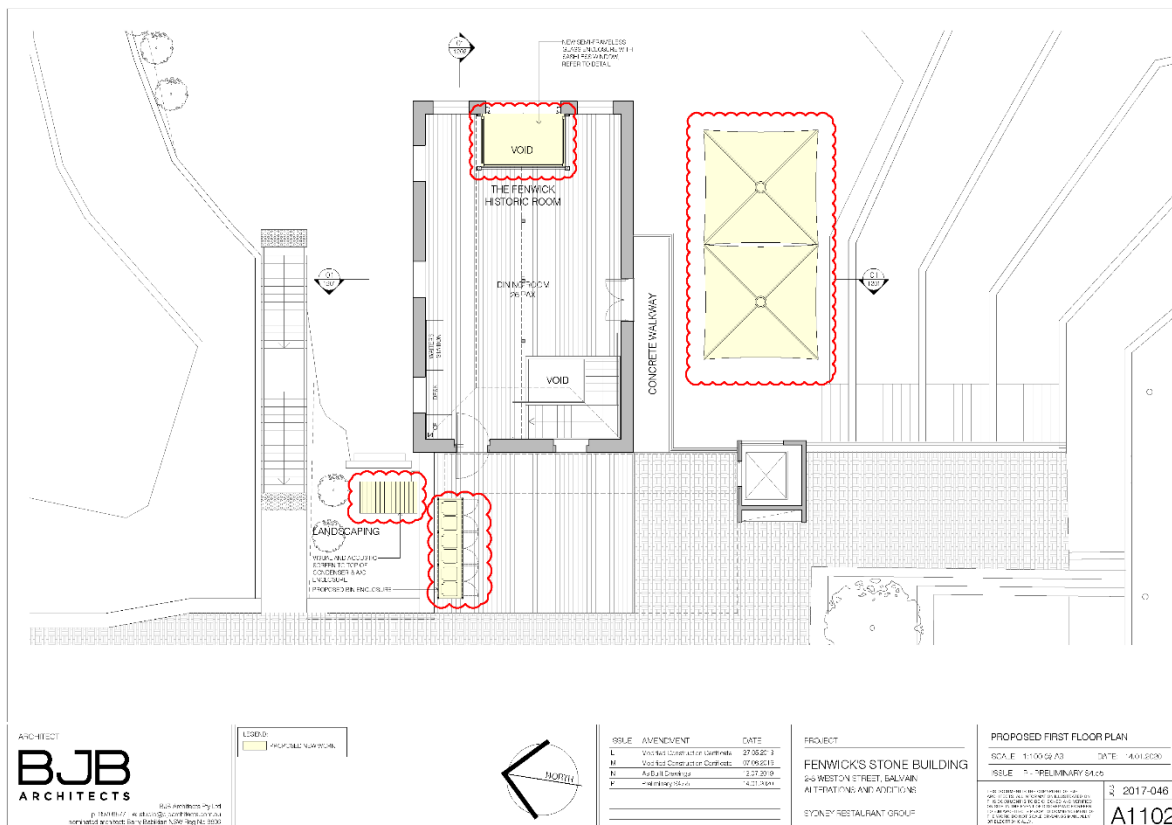
SITE ANALYSIS PLAN

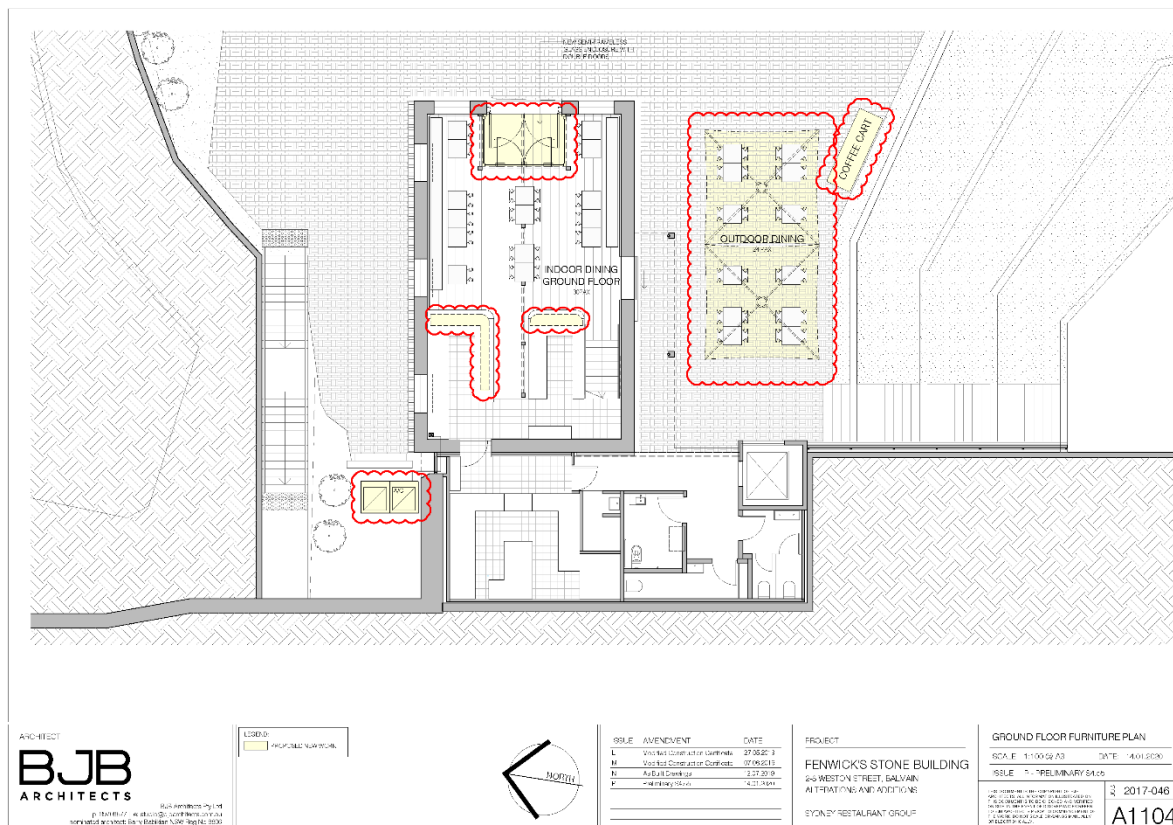
SCALE	1"=500' (AS SHOWN)	DATE	11/01/2020
SHEET	1 - PRELIMINARY SITE PLAN		

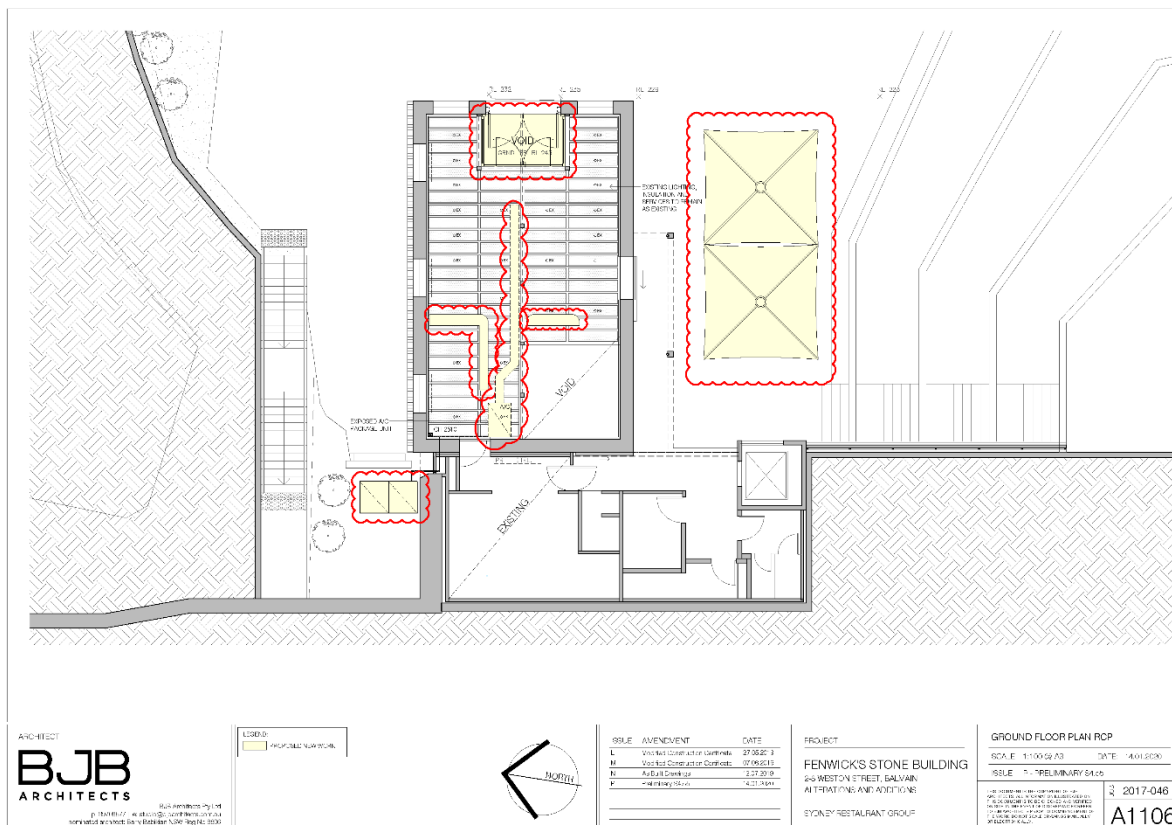
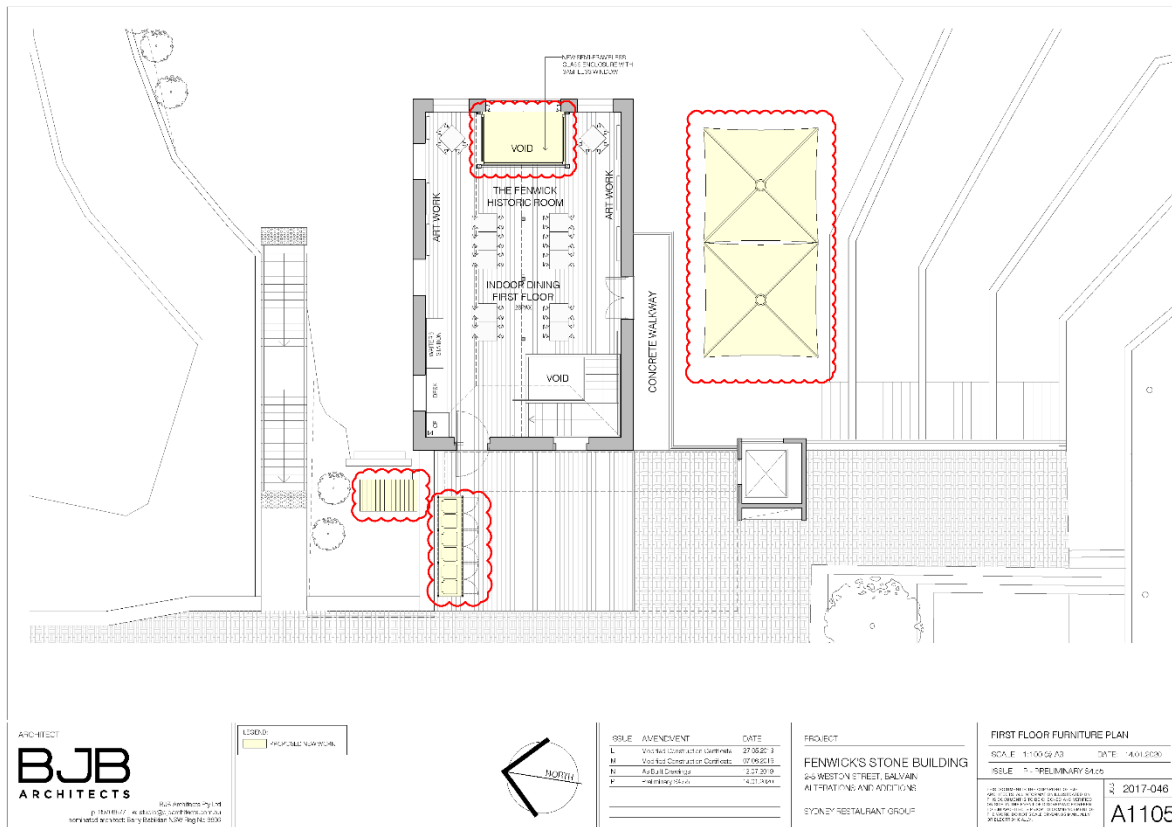
3 2017-046
A1001

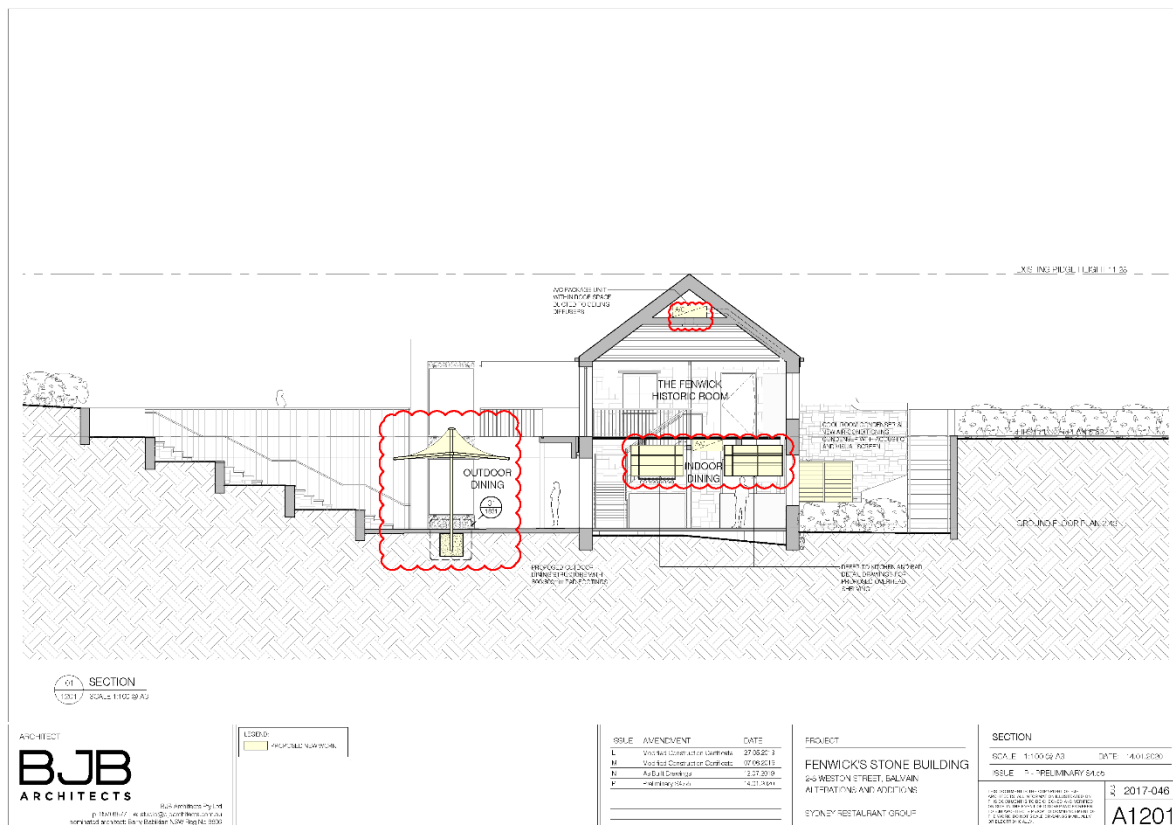


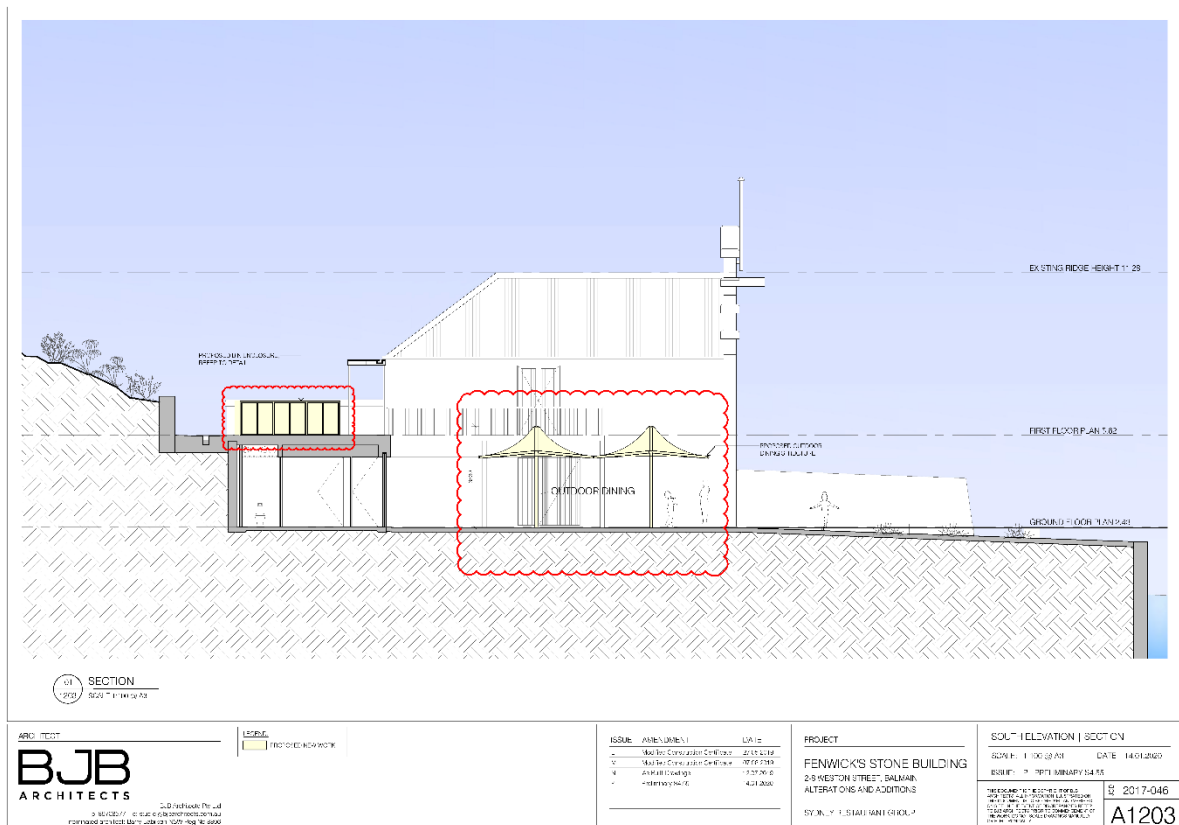
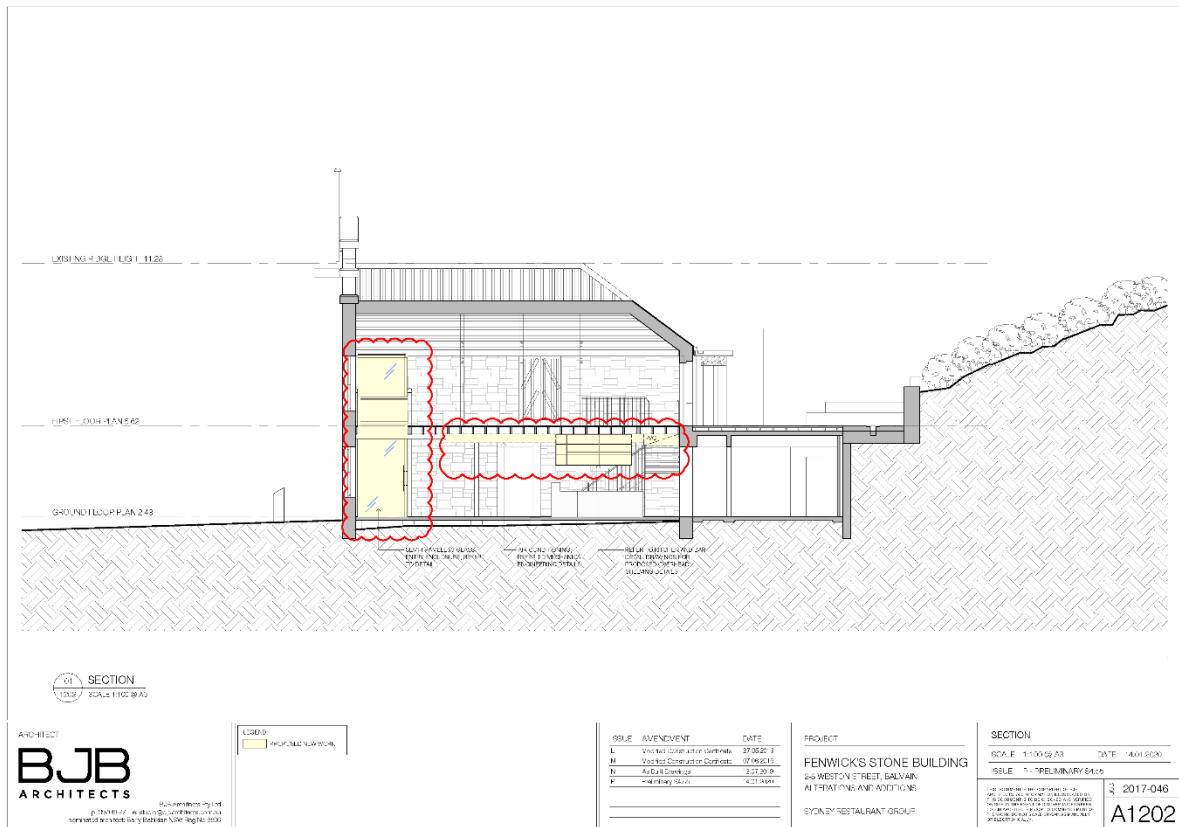


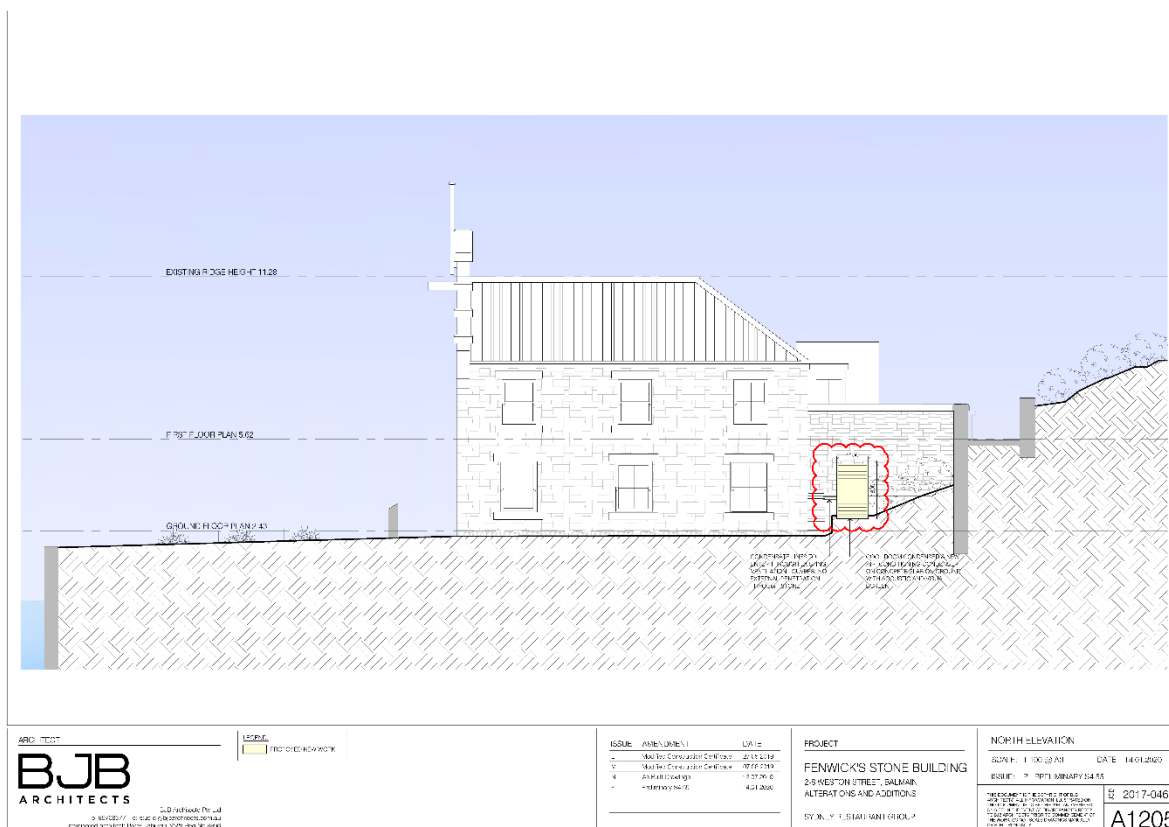
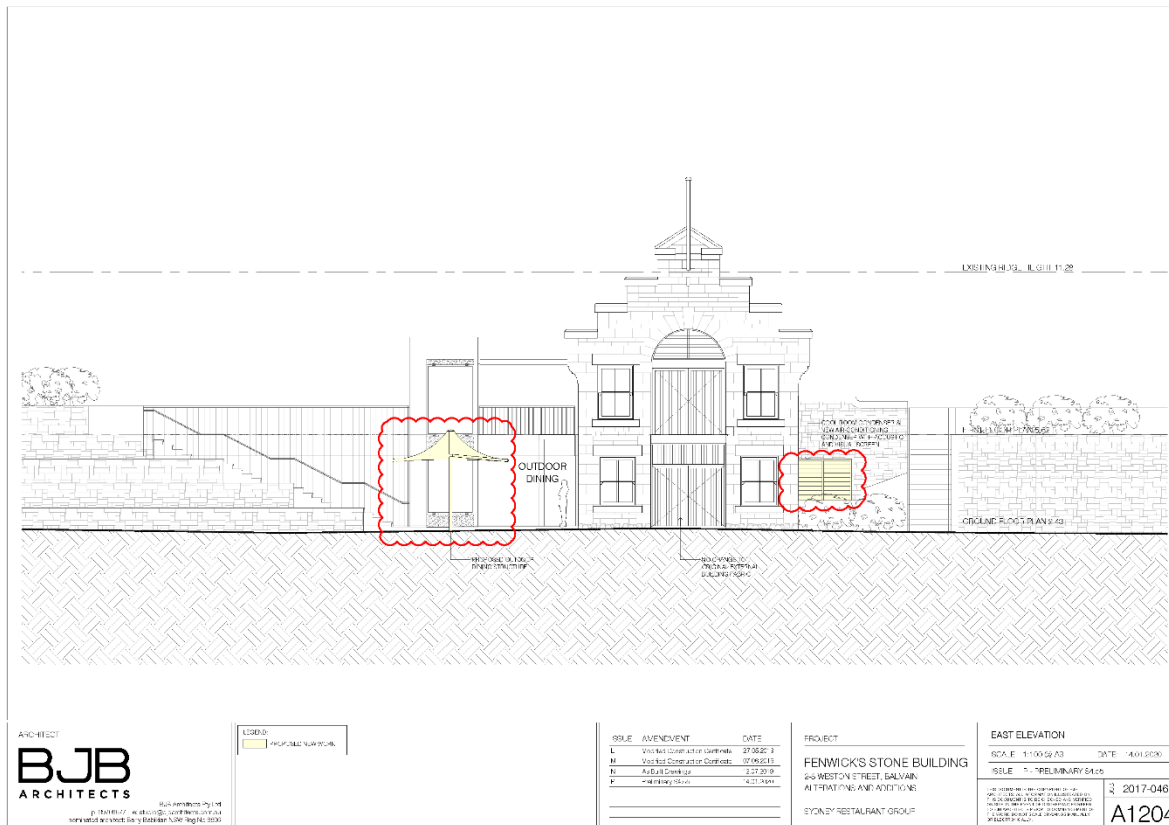


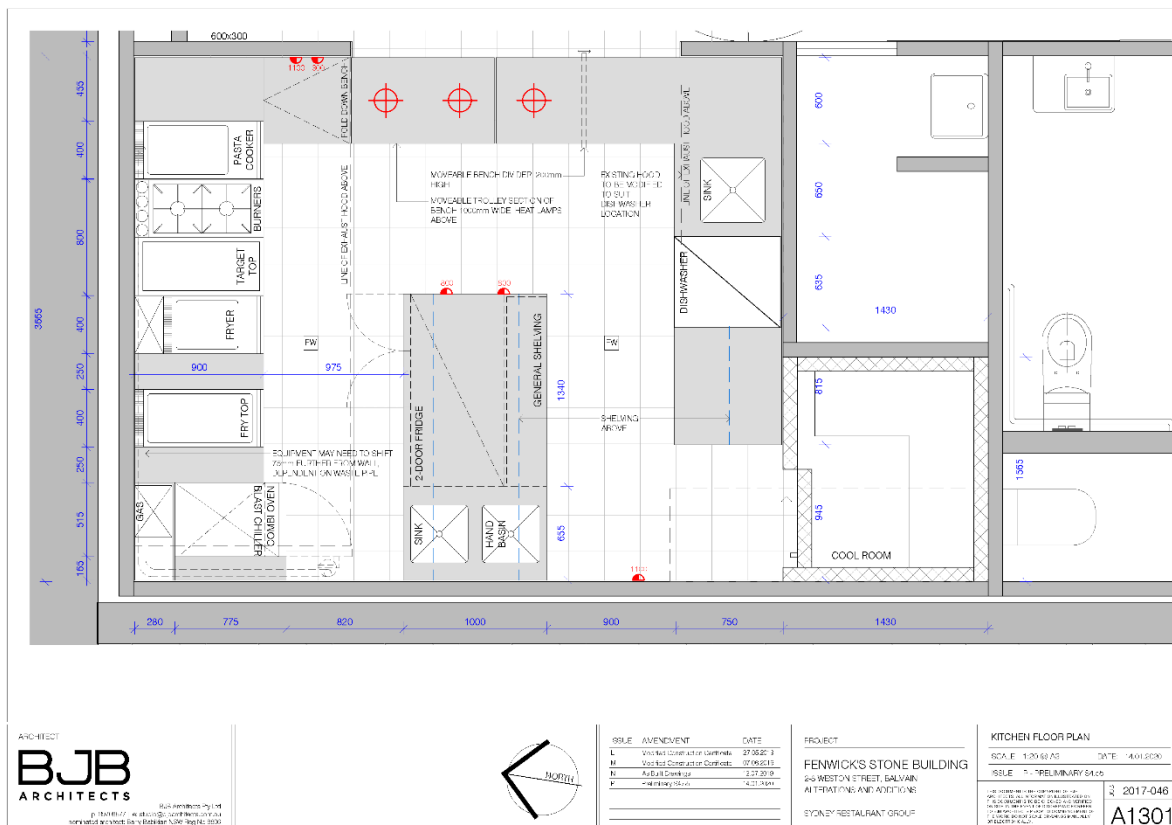
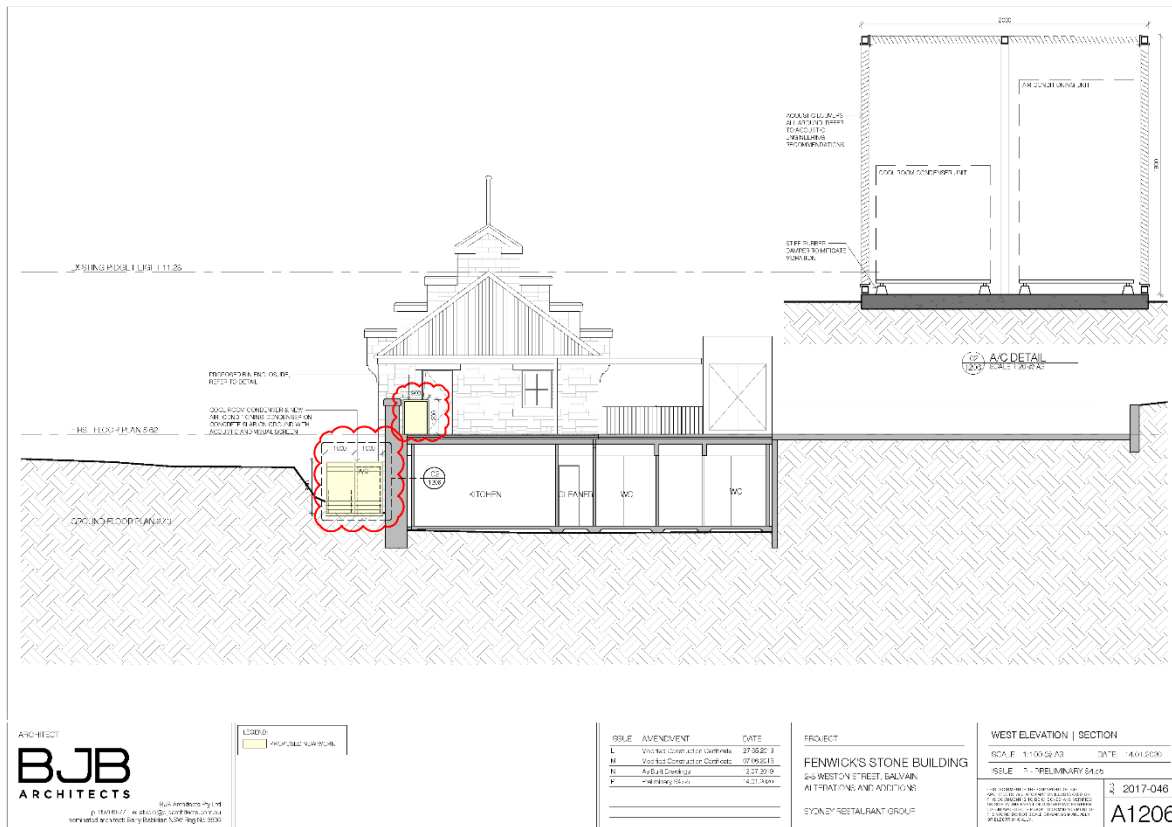


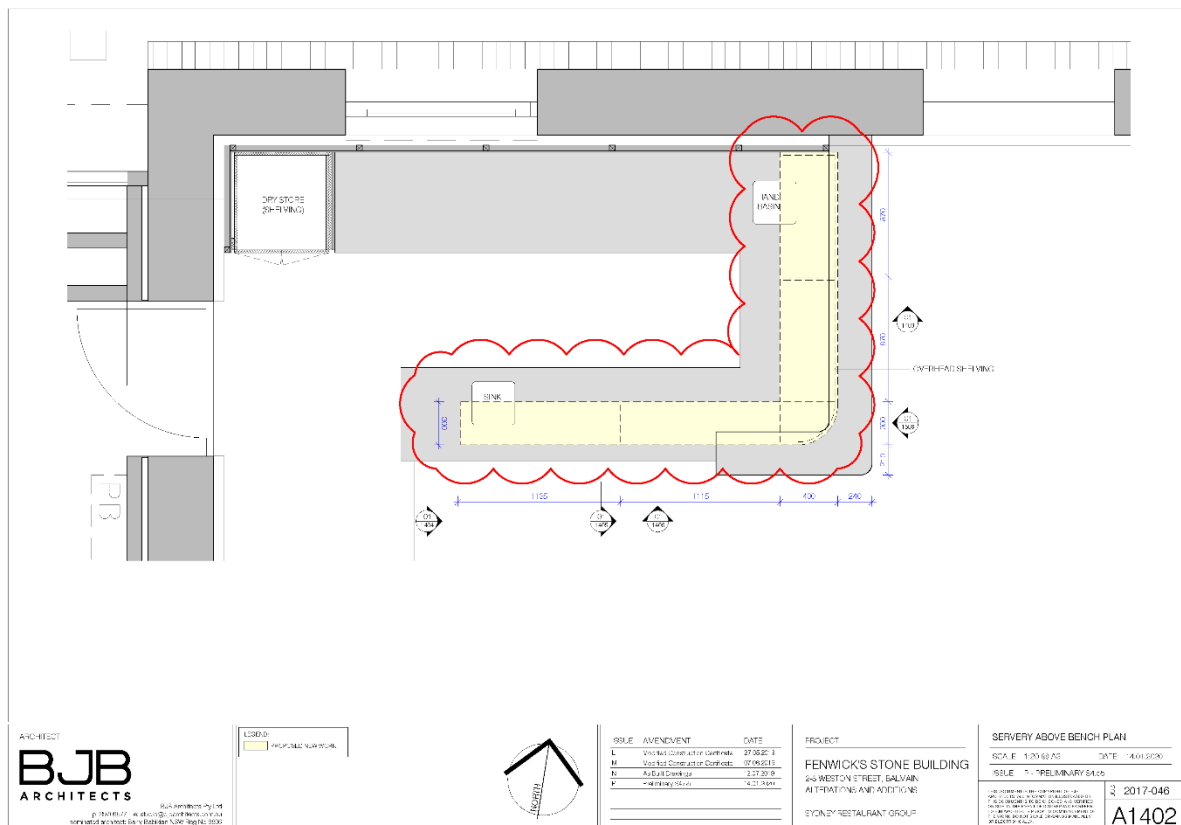
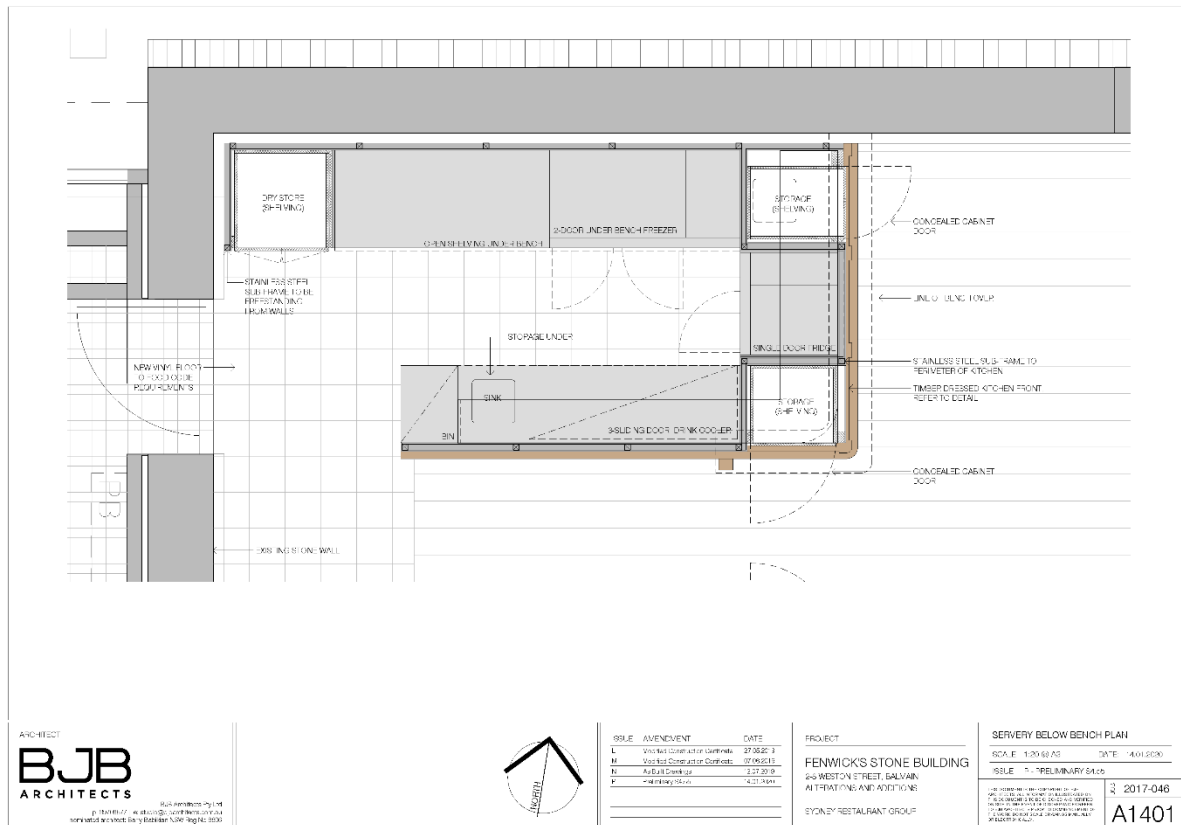


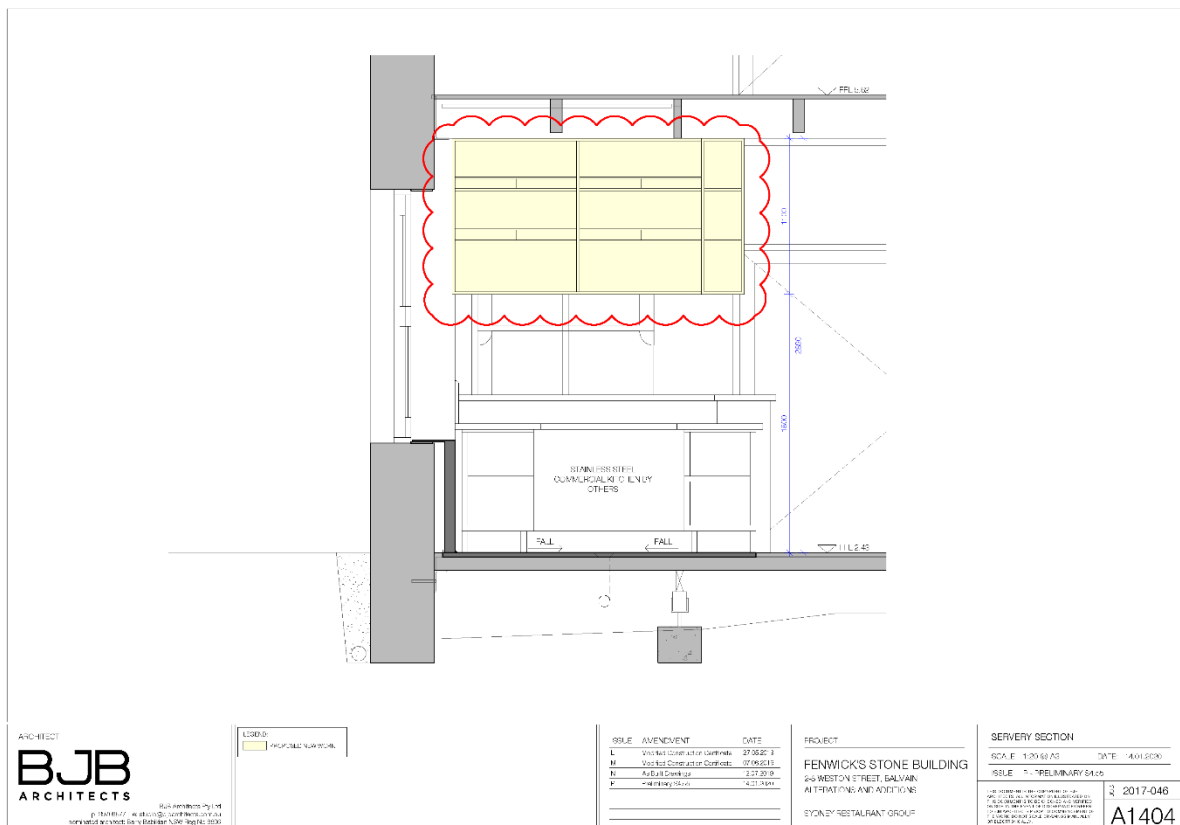


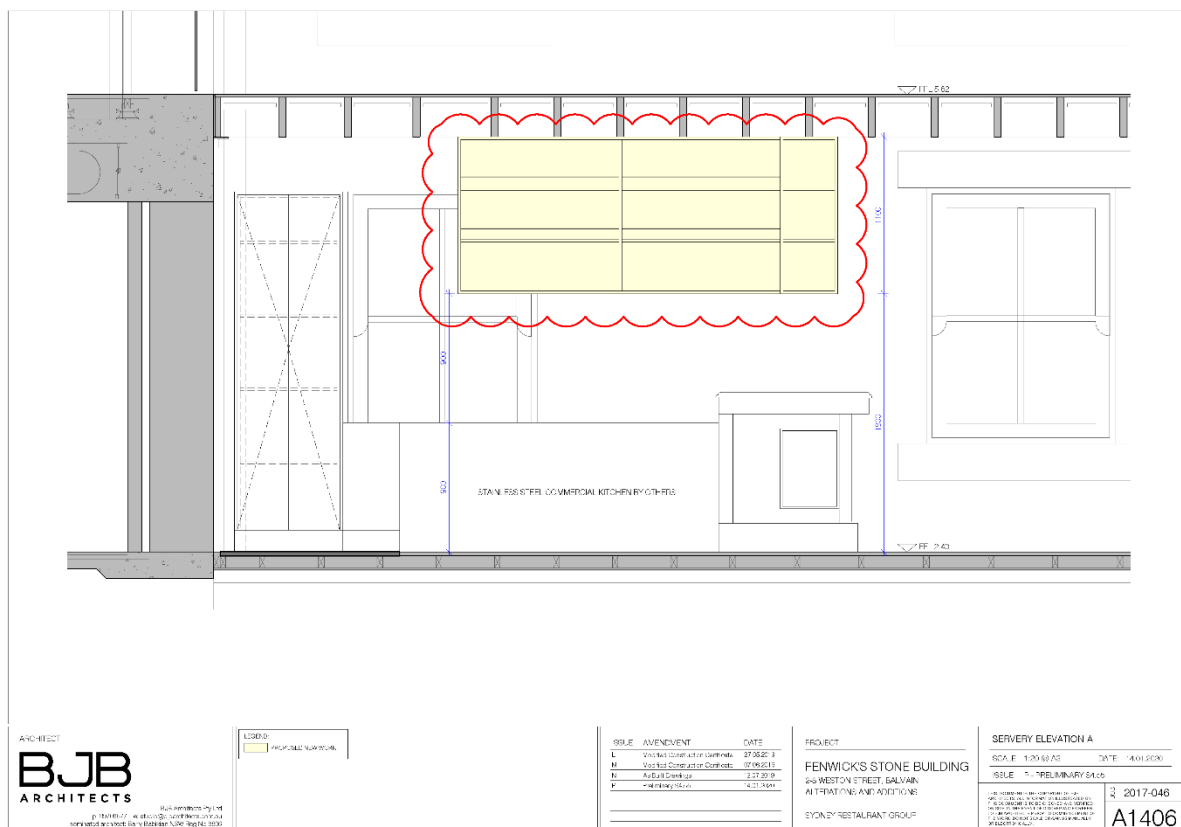
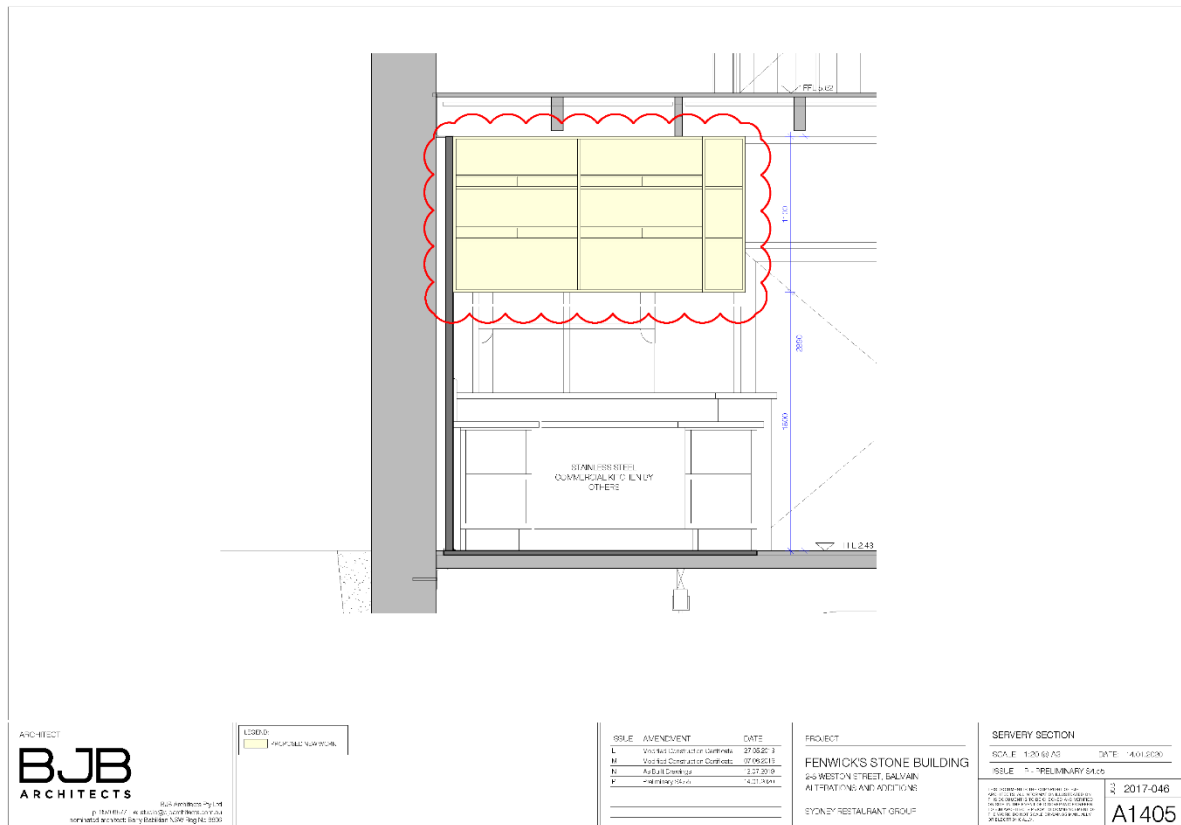


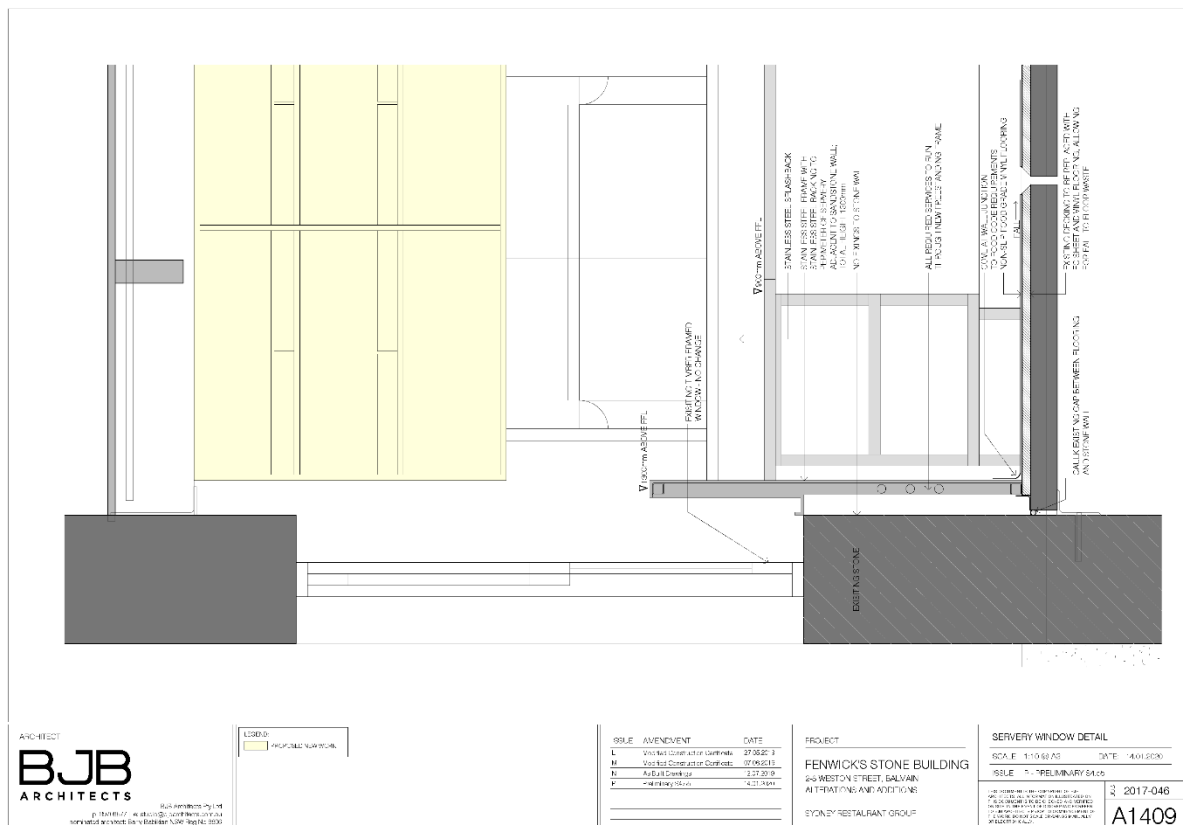
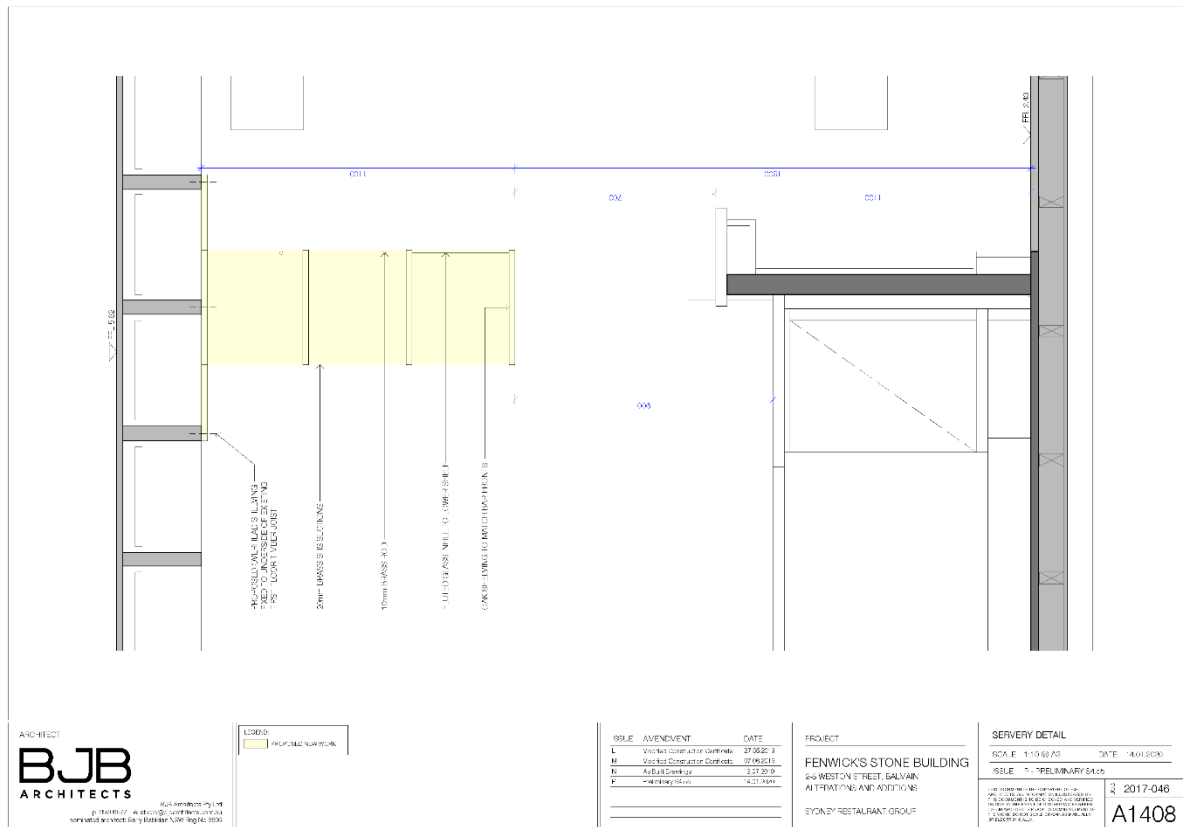


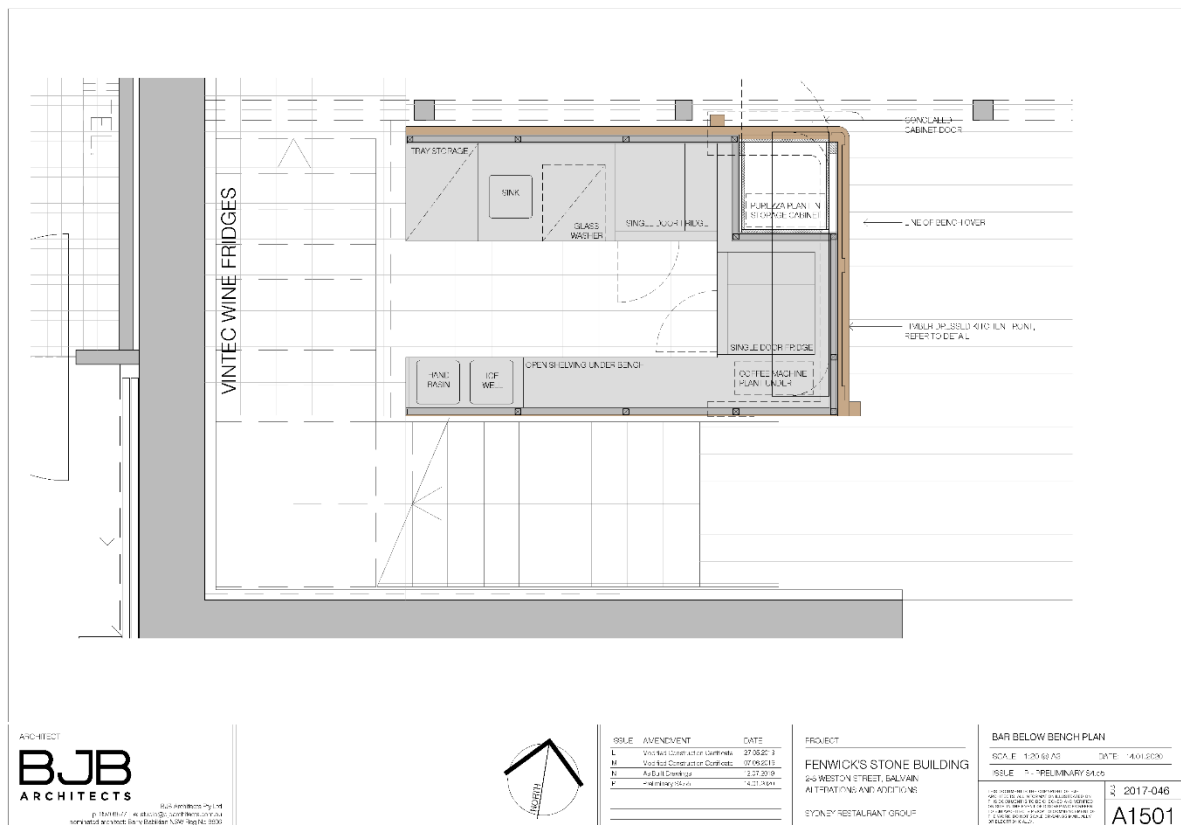
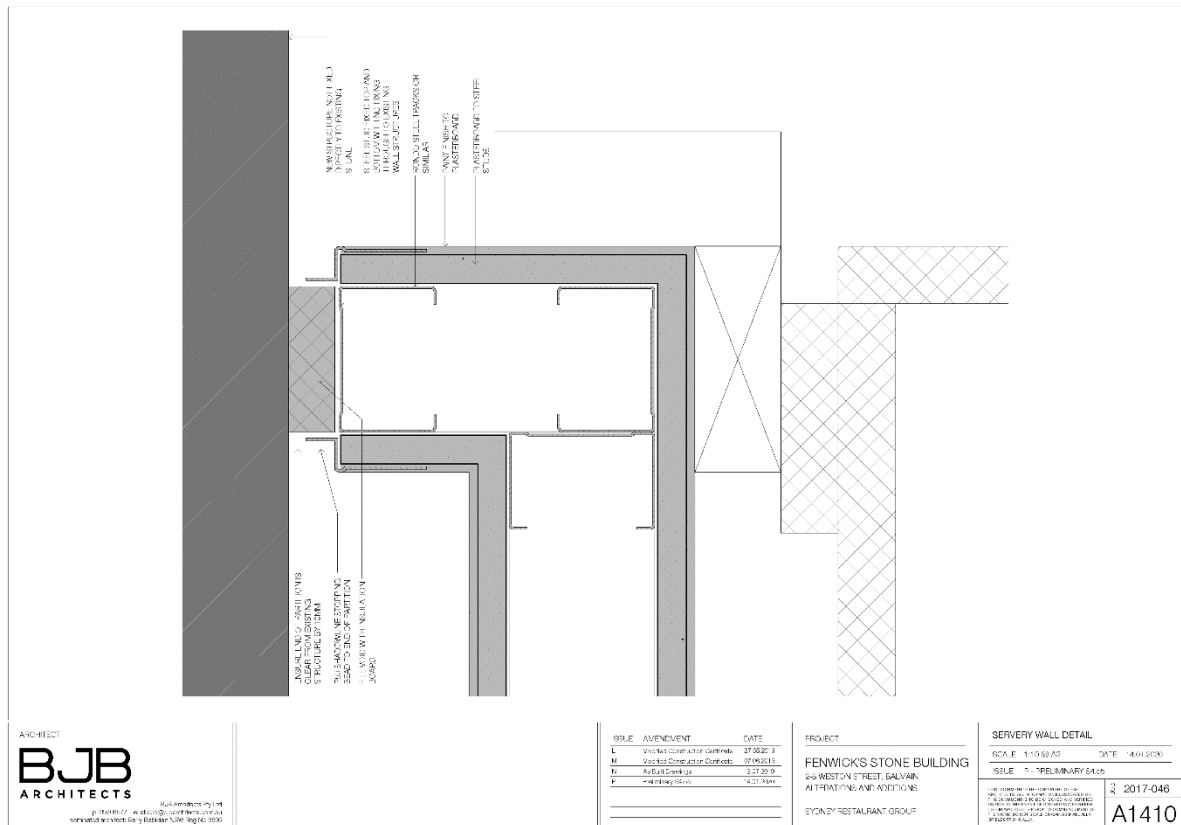


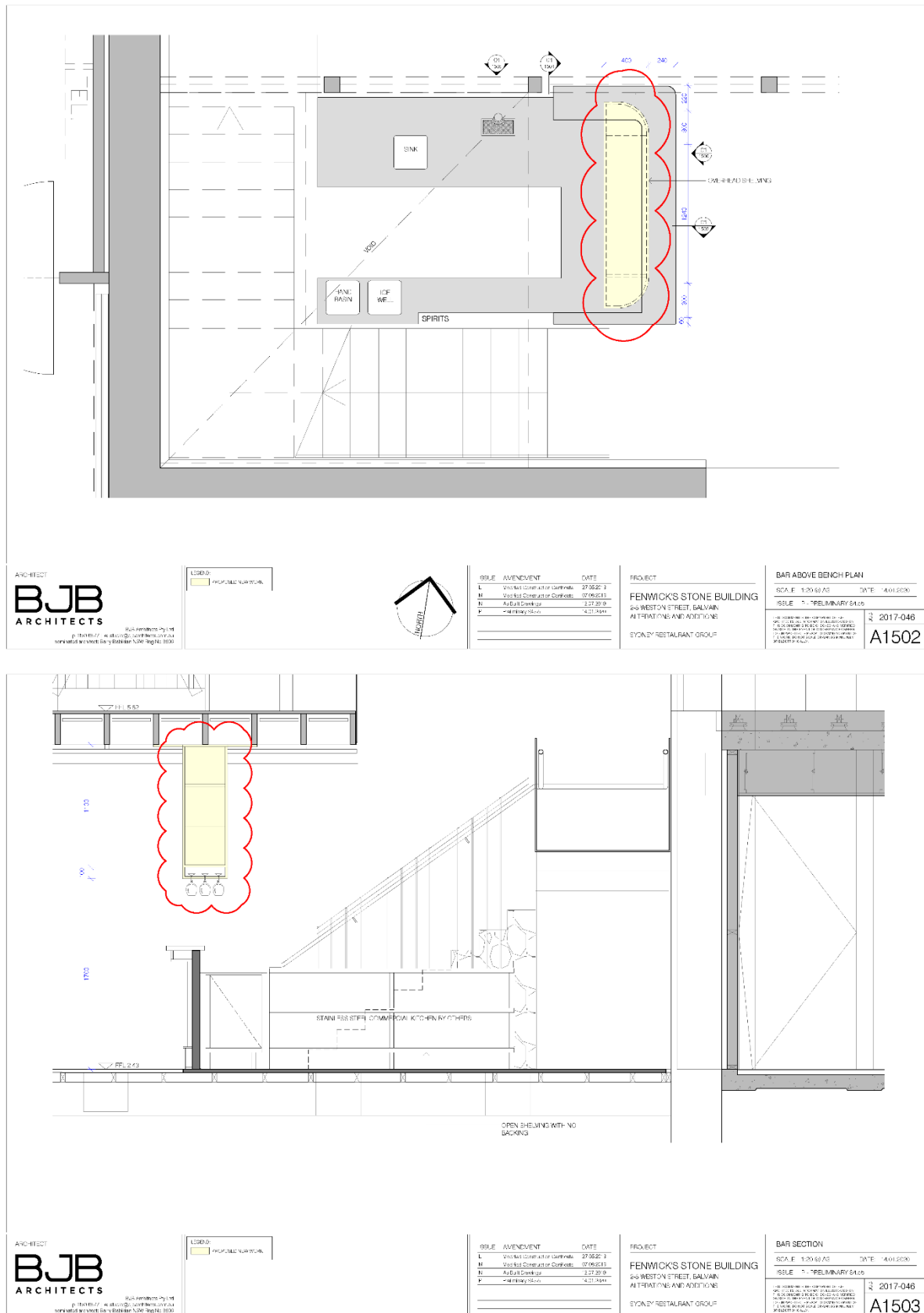


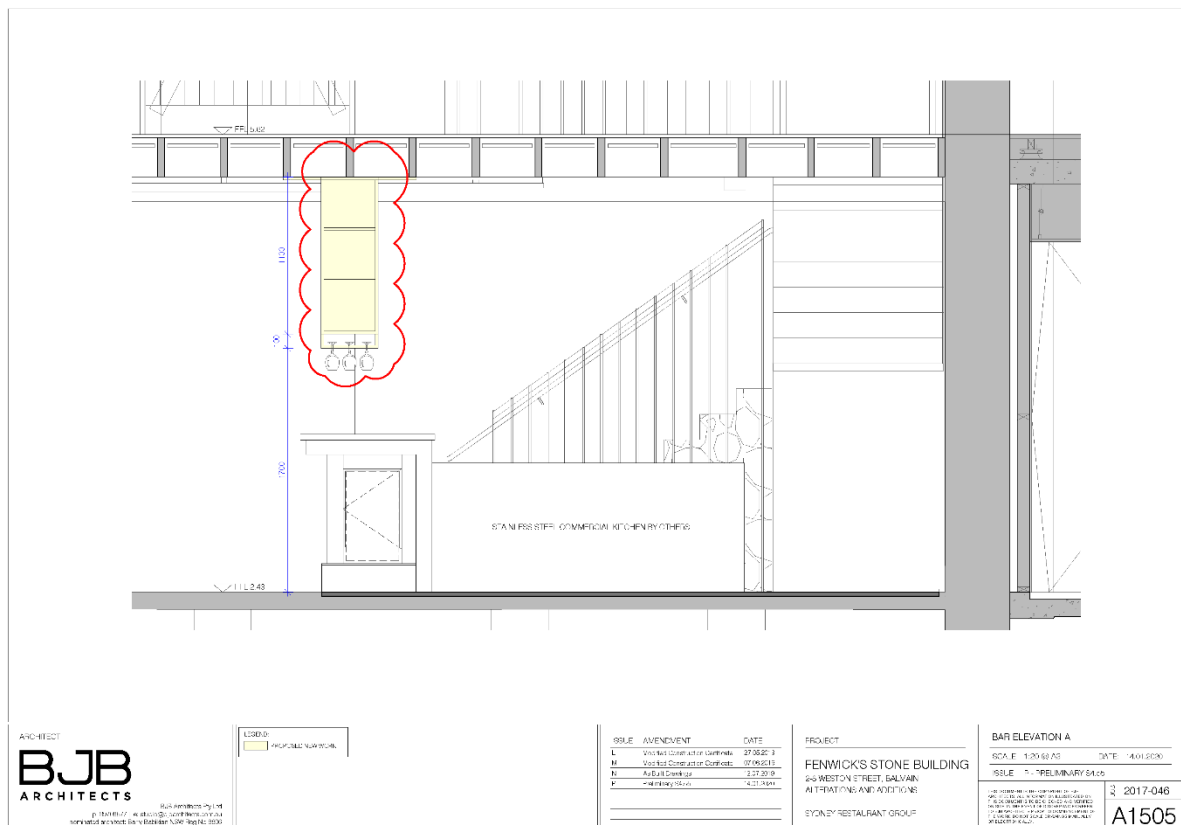
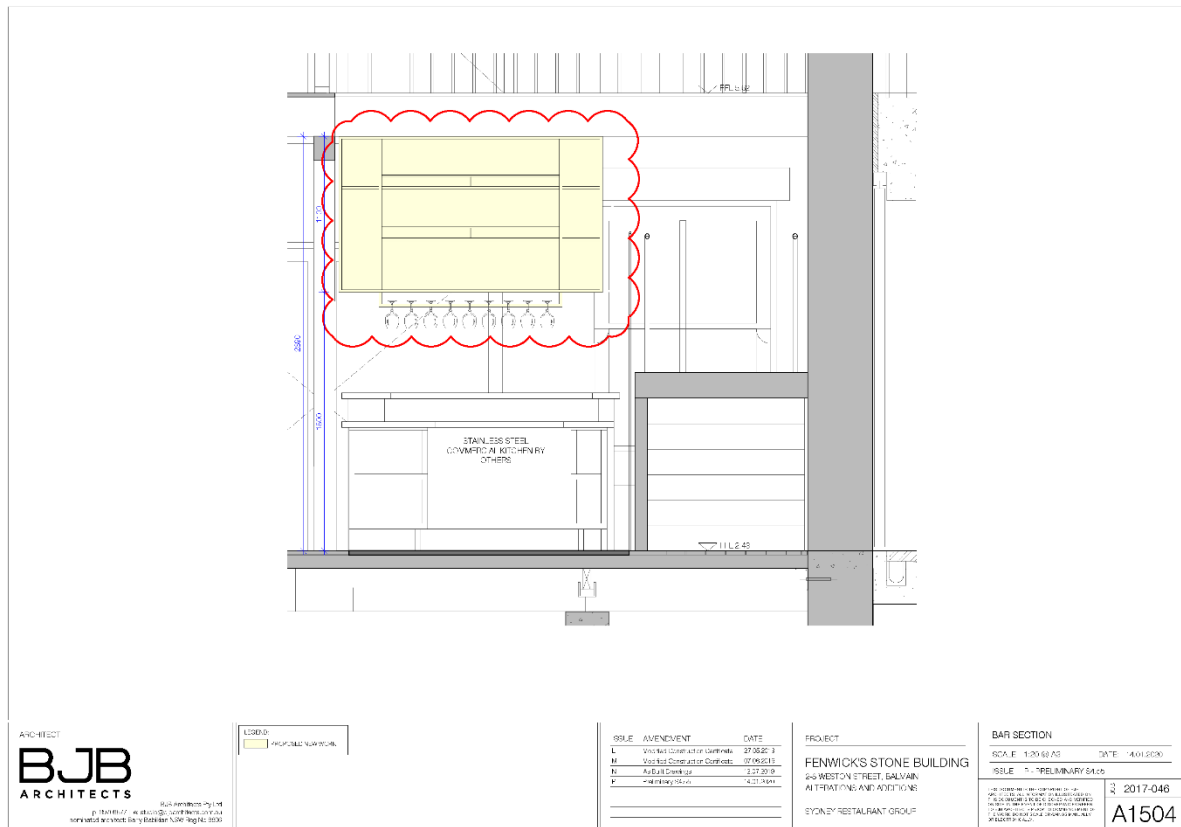


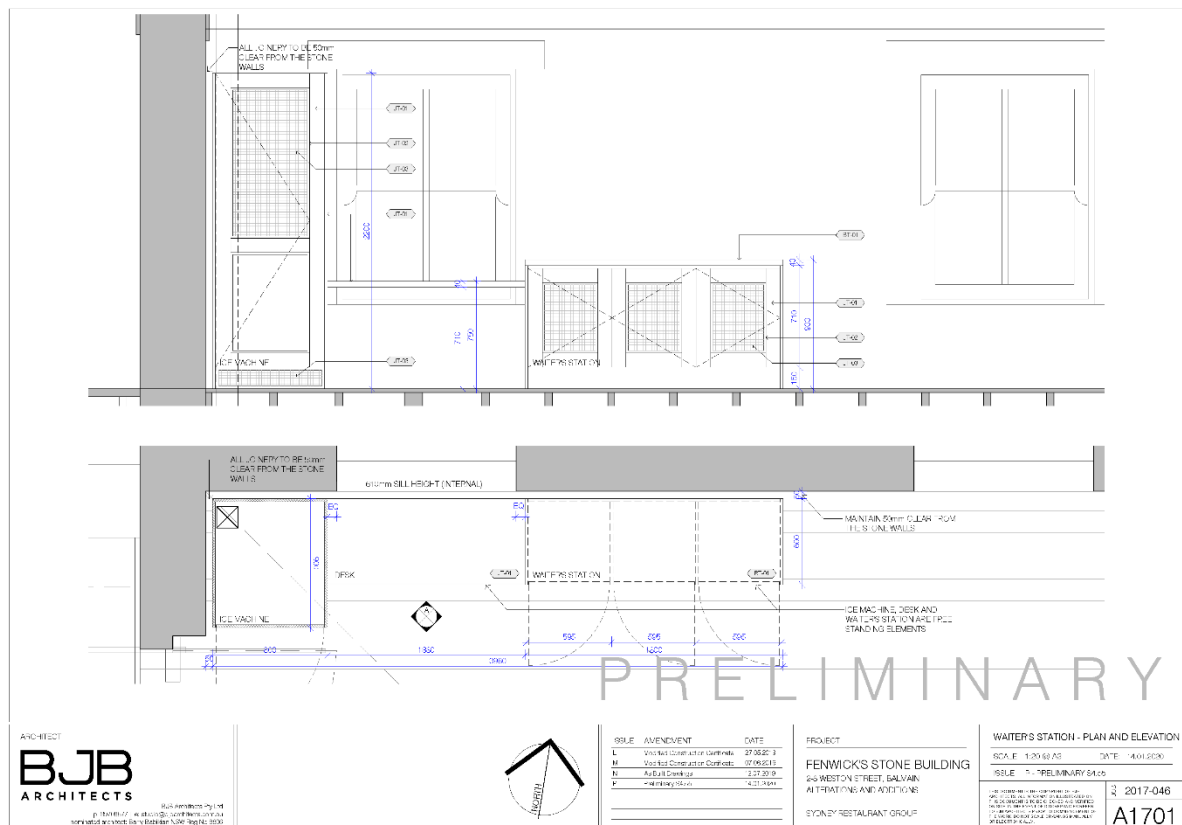


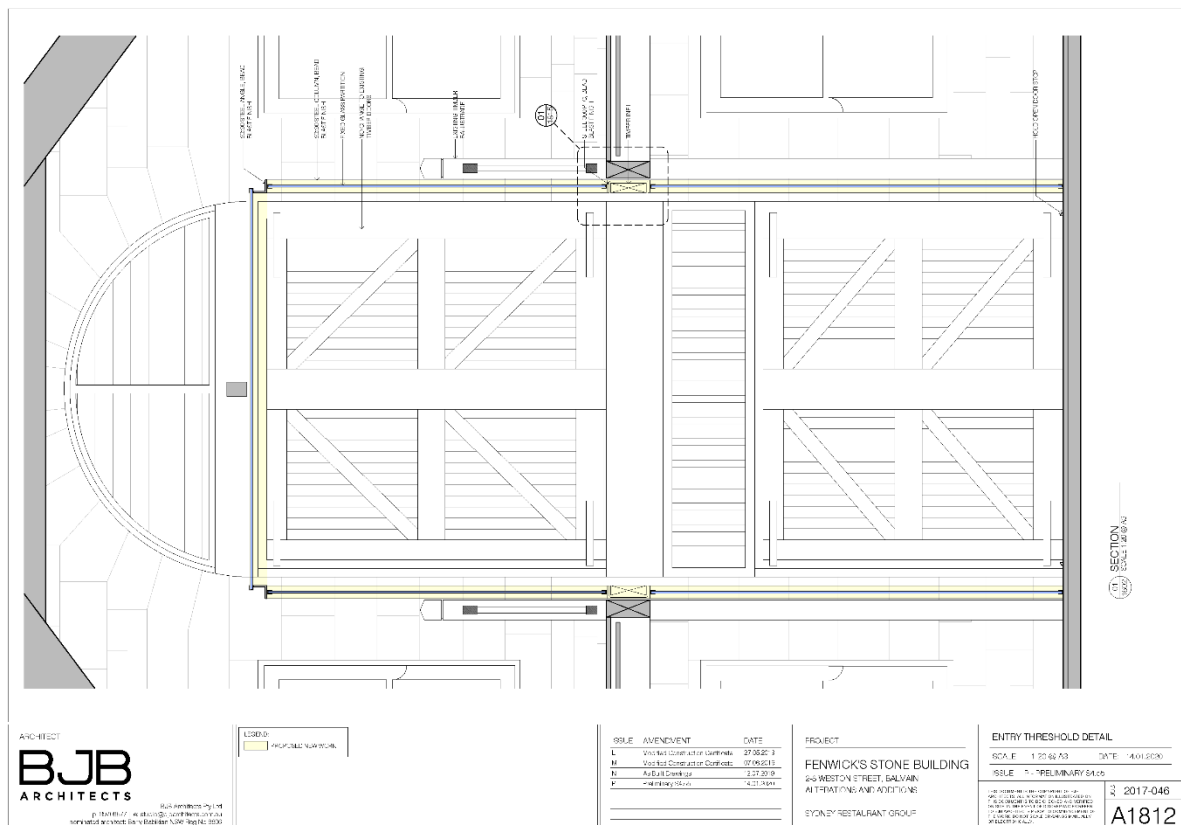
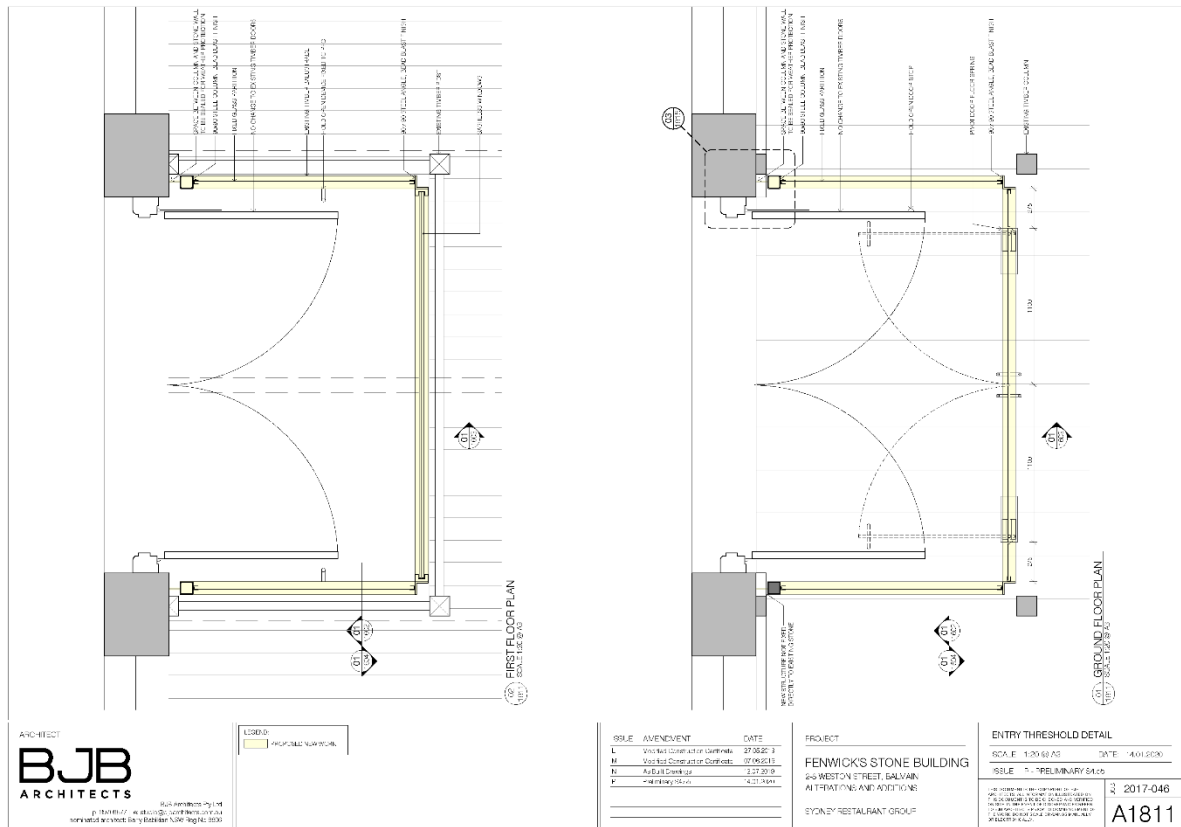


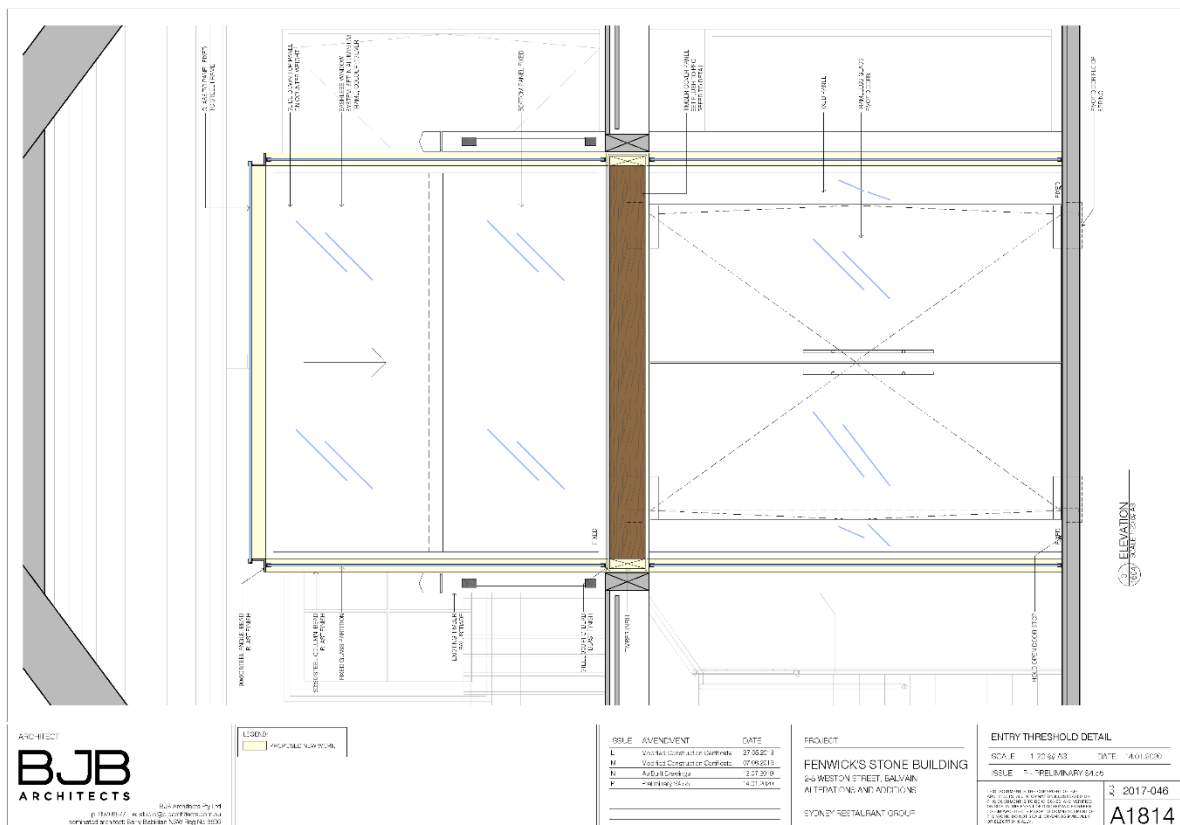
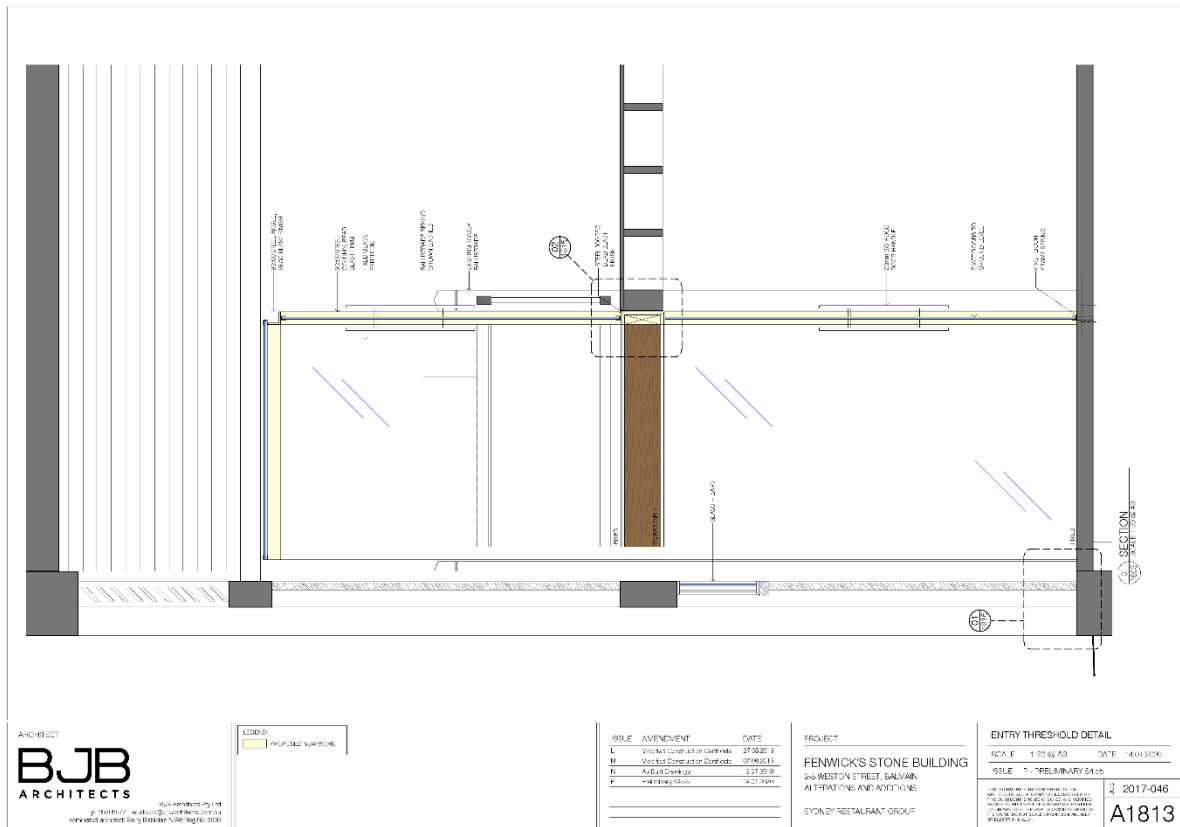


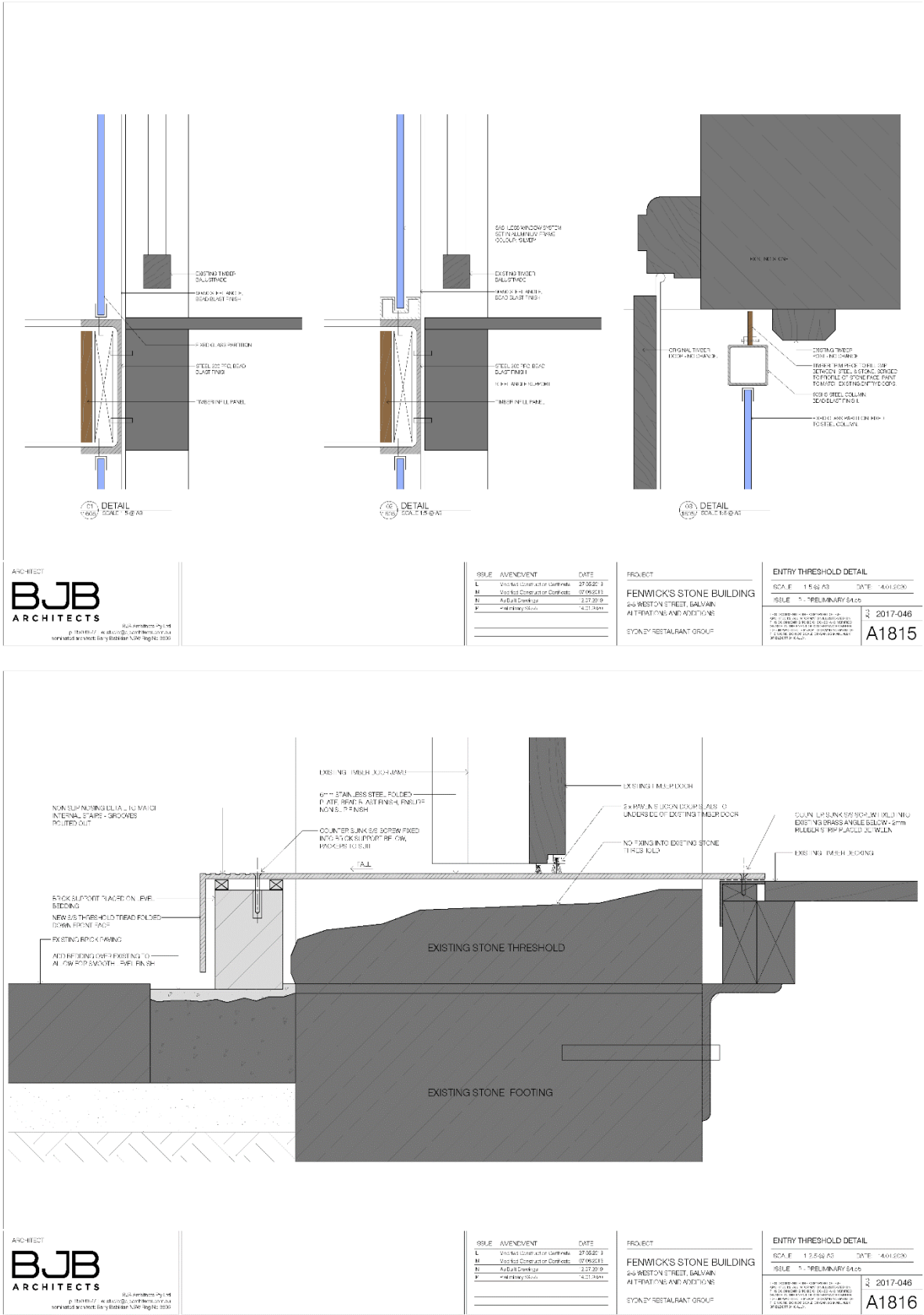


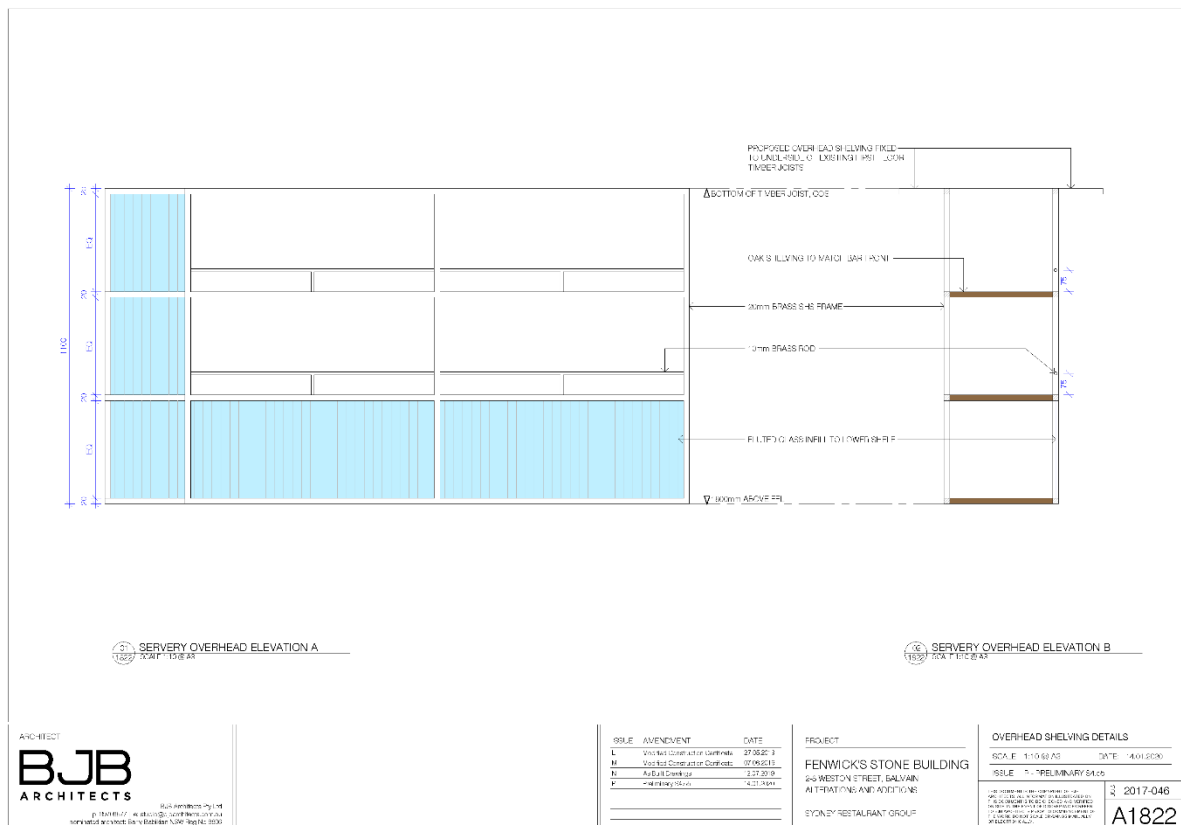
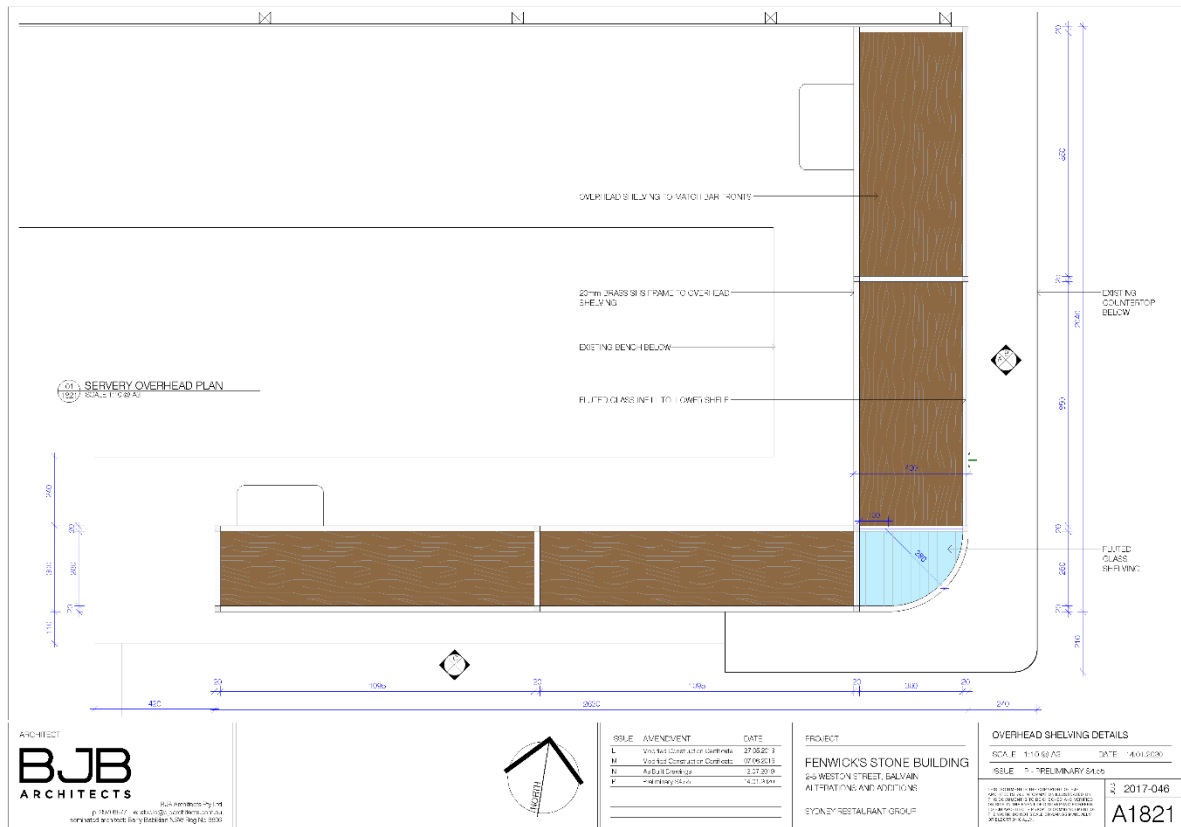


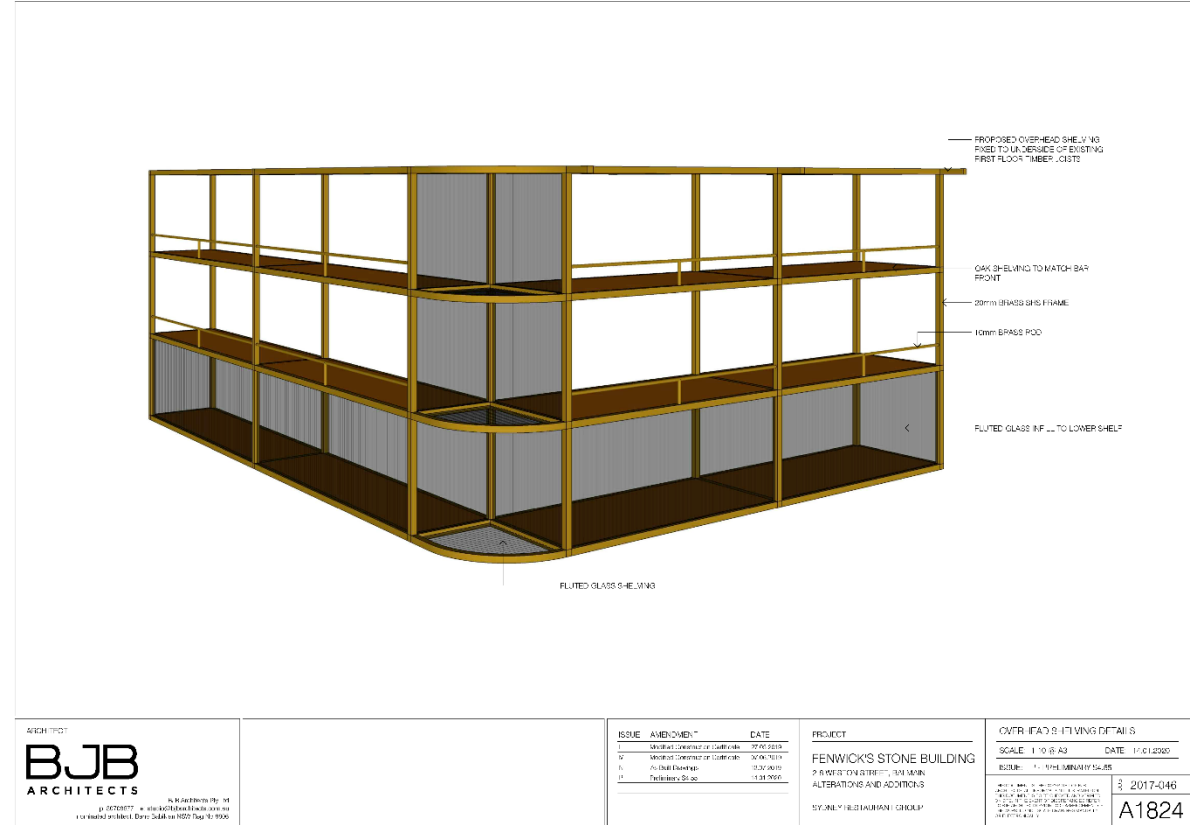
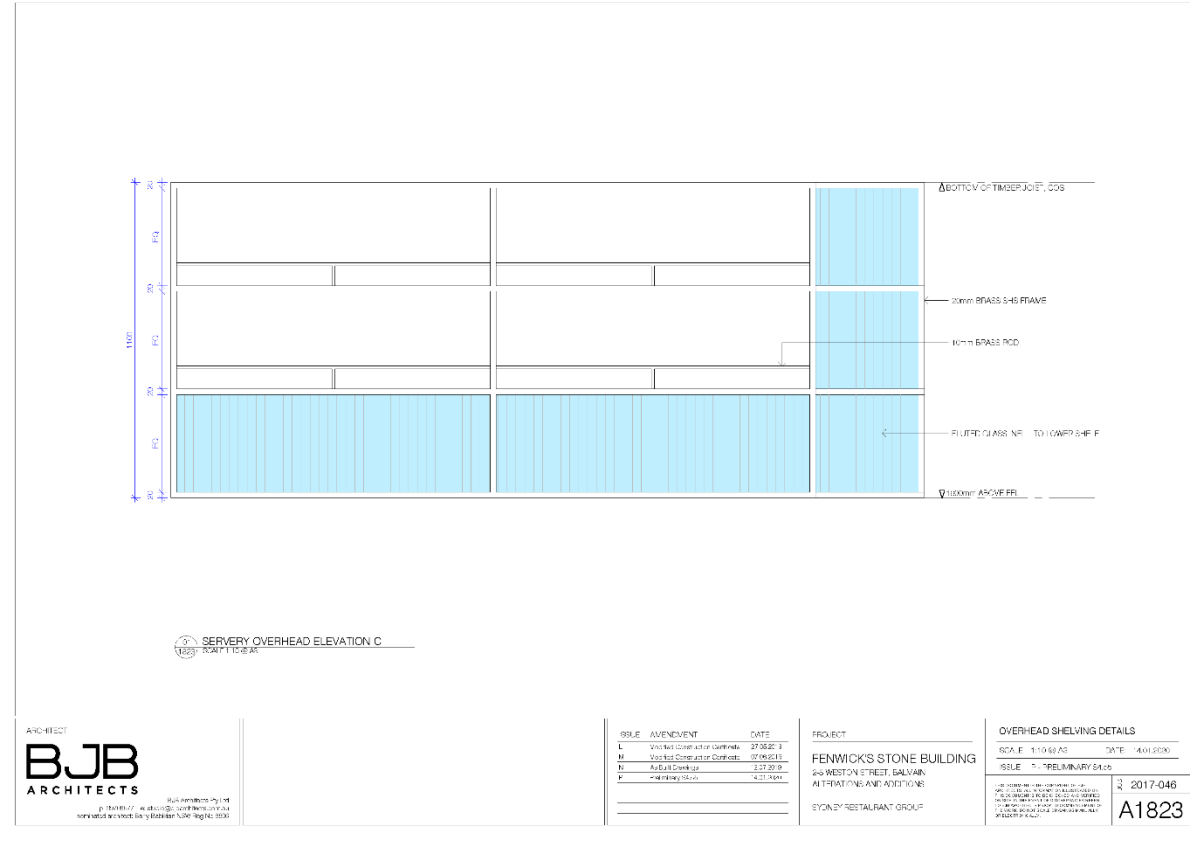


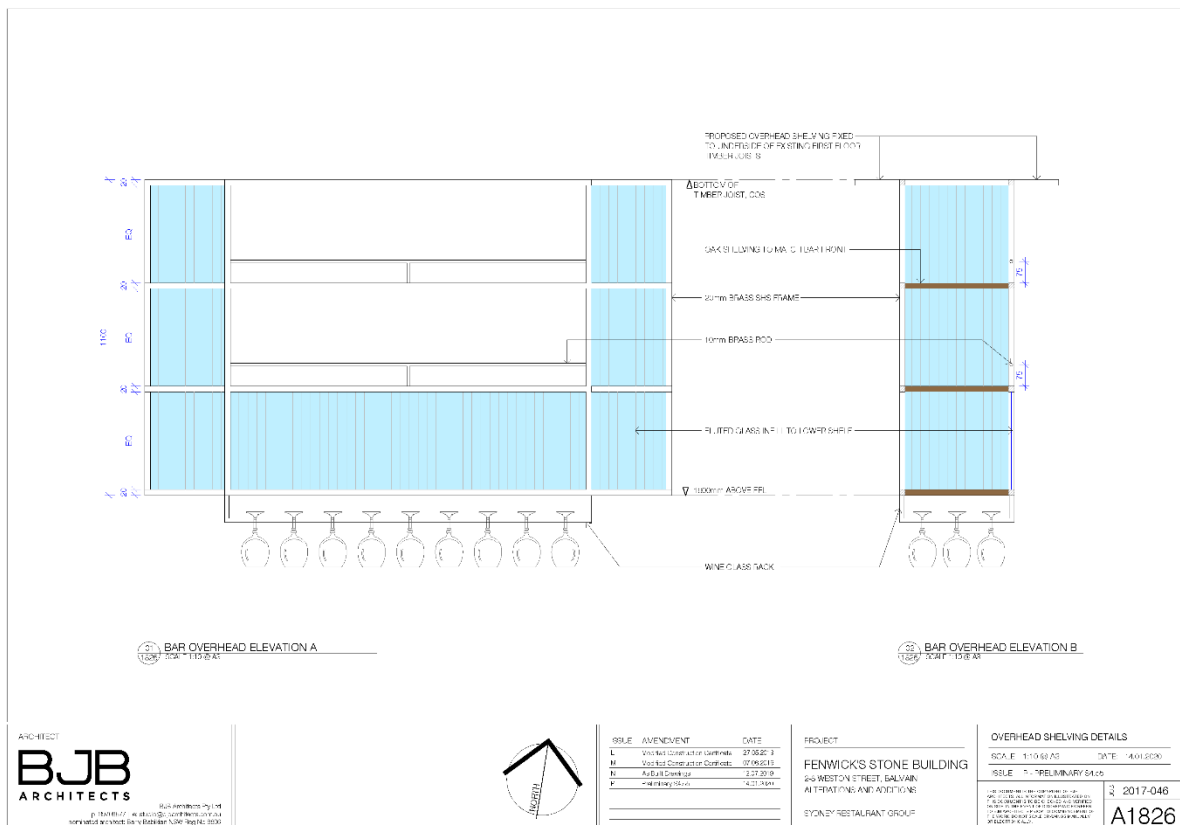
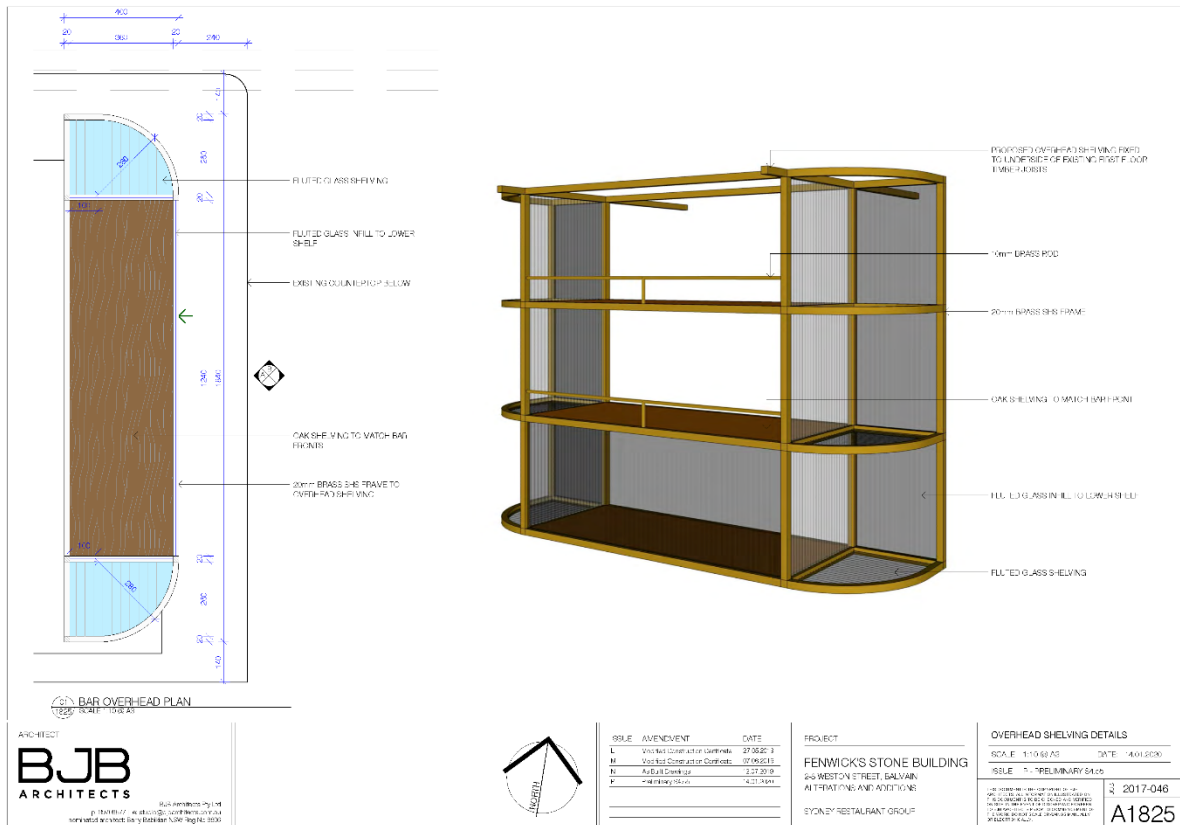


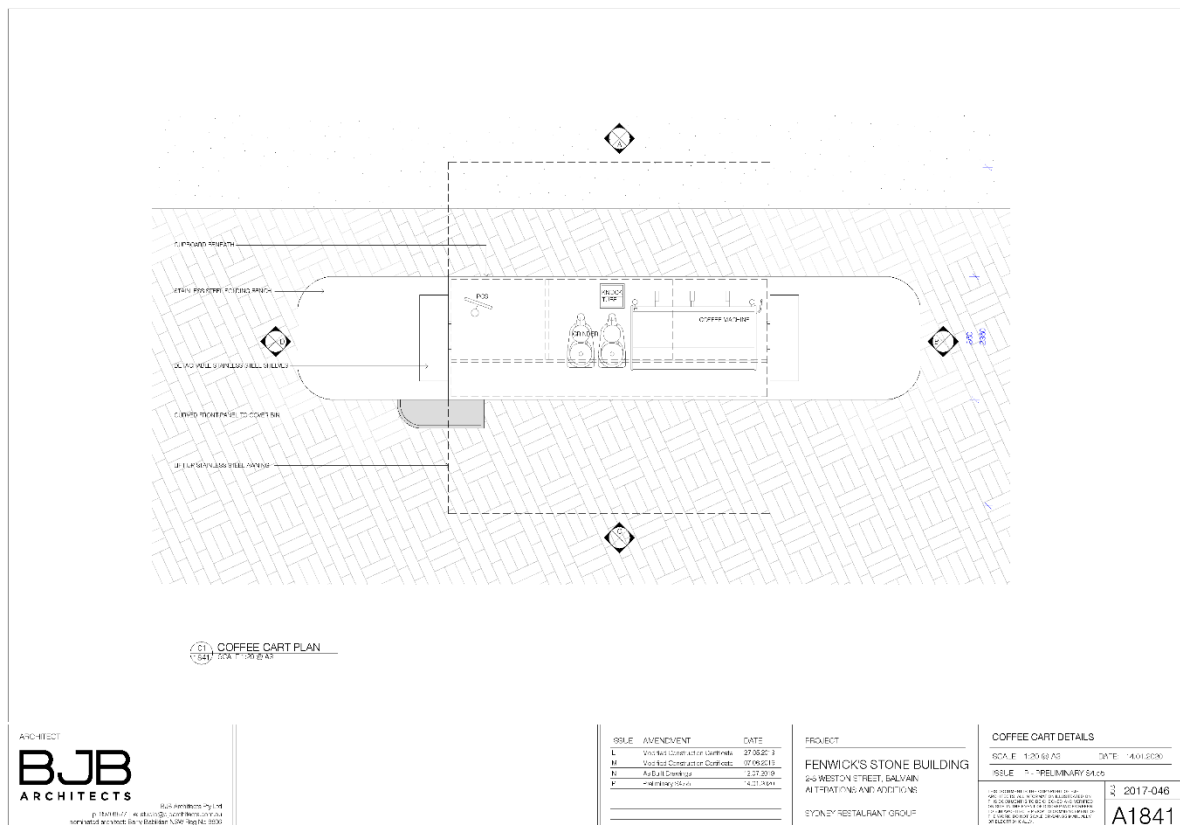


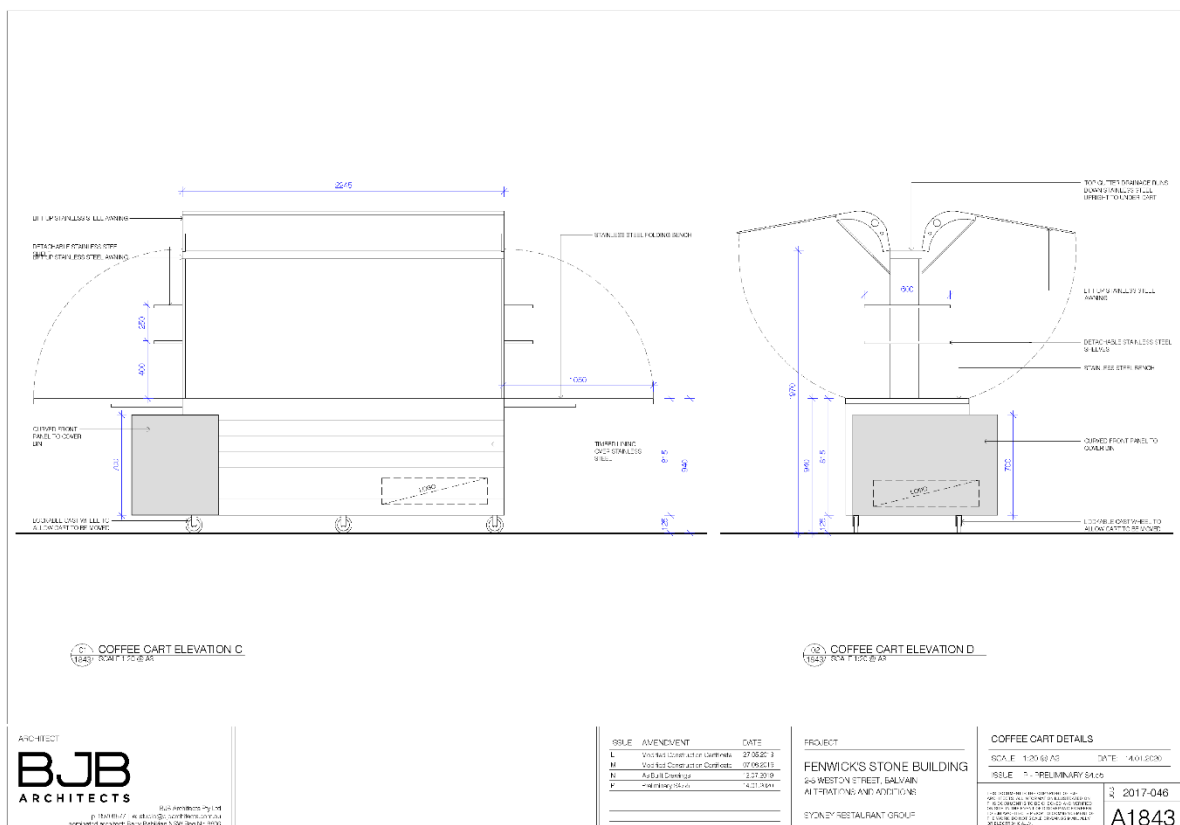
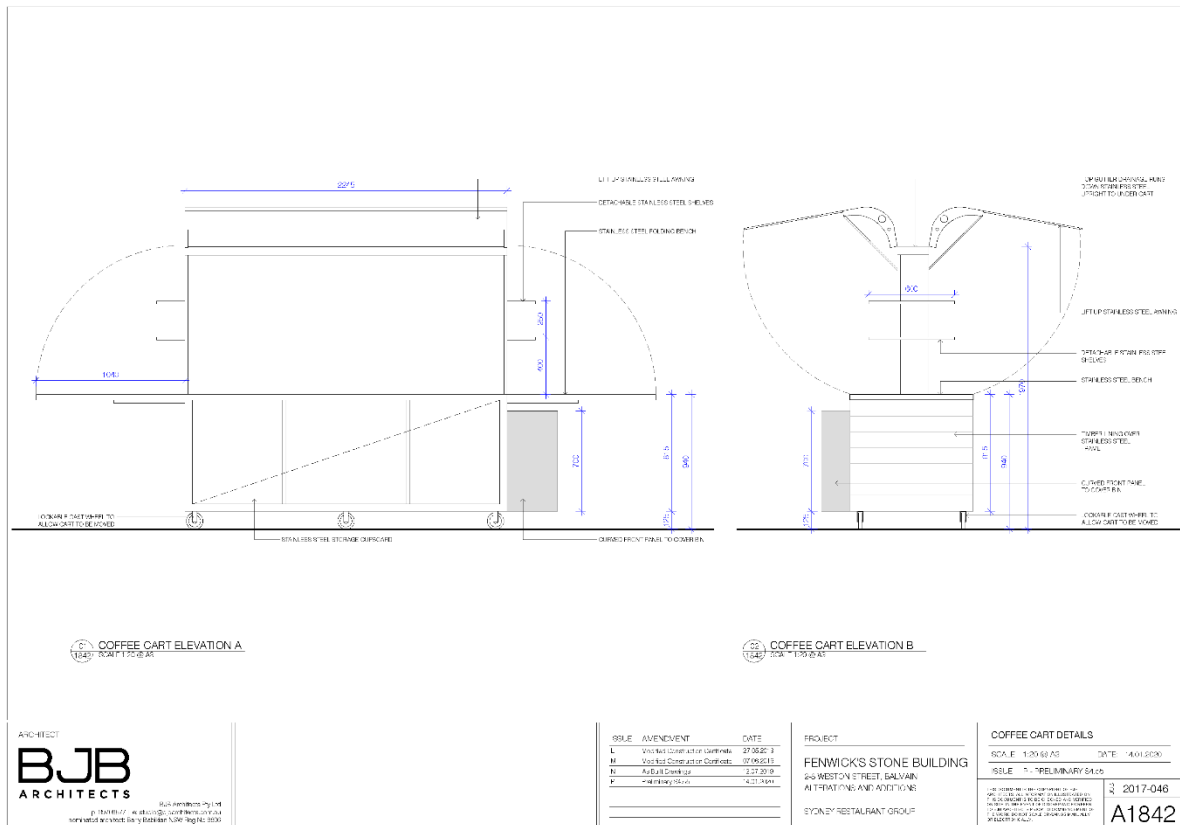


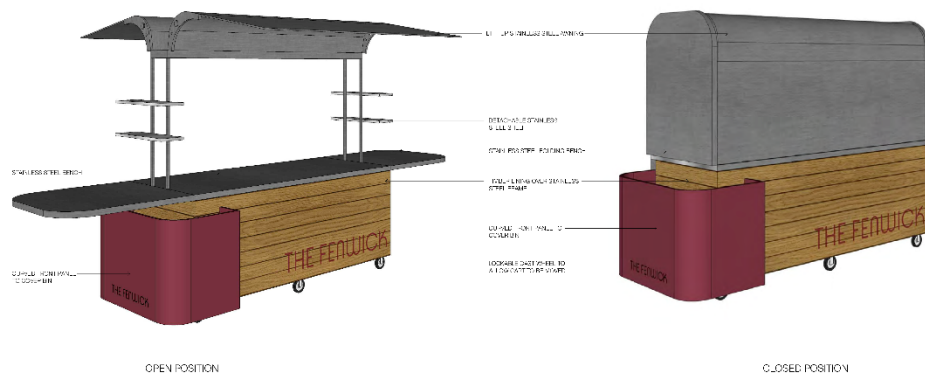












ARCHITECT

BJB
ARCHITECTS

DOI: 10.1002/ajpa.10301
 p. 4023277 e. slatco@jagethranch.com.au
 Copyright © 2003 Wiley-Liss, Inc. All rights reserved.
 Printed in the USA. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without permission in writing from the publisher.

ISSUE	AMENDMENT	DATE
-	Modified Compensation Controls	27.06.2019
V	Modified Compensation Controls	07.06.2019
VI	As HUB Listings	0.27.2018
*	Helmuty S&P to	1.01.2018

PROJECT

FENWICK'S STONE BUILDING
2 RAWLSTON STREET, WILMINGTON
ALTERATIONS AND ADDITIONS

SY ONLY HES LAUHAN GHOU-

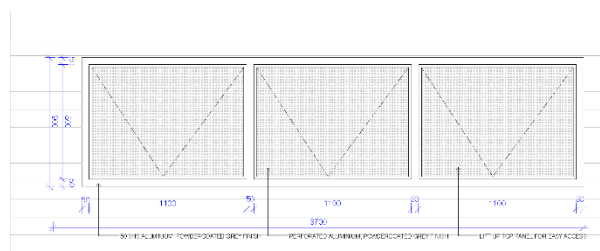
COFFEE CART DETAILS

SCALE: 1/20 於 A3 DATE: 1/01/2002

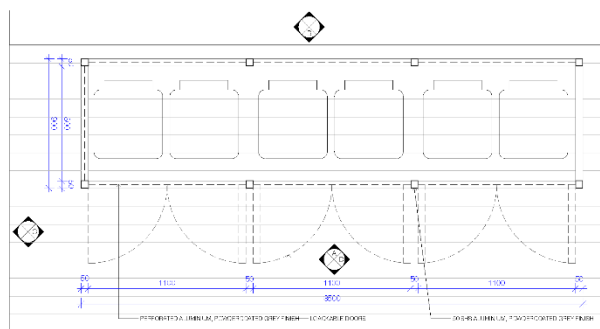
DOI: 10.1002/amy.11435

[illegible]

A1844



02 BIN STORAGE TOP PLAN
SCALE 1/20 @ A2



BIN STORAGE PLAN
SCALE 1/20 @ A3



ARCHITECT

BJB
ARCHITECTS

Registered Architect
p 011 818 7777 w www.guyardhens.com.au
nominated architect: Gary Rathbun NSW Reg N: 3600



OSLE	AVENEMENT	DATE
L	Verdict Contract on Conflicts	27.05.2013
M	Verdict Contract on Conflicts	07.06.2013
N	Av Bull Dringage	12.07.2013
P	Finalisary 104/10	14.01.2014

SUBJECT

FENWICK'S STONE BUILDING
2-6 WESTON STREET, GALVAIN
ALTERATIONS AND ADDITIONS

SYDNEY RESTAURANT GROUP

SYDNEY RESTAURANT GROUP

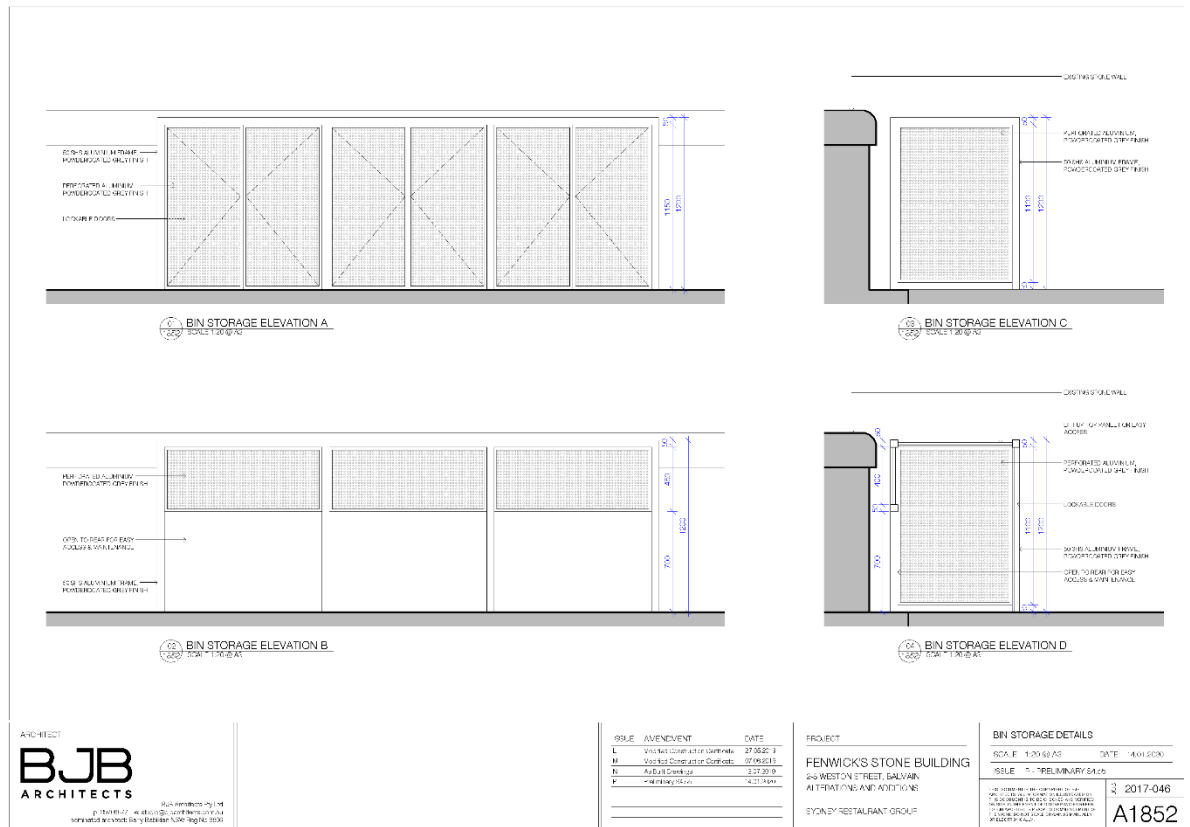
BIN STORAGE DETAILS

SCALE 1:20 @ A3 DATE: 14.01.2020

ISSUE 7 - PRELIMINARY Sub

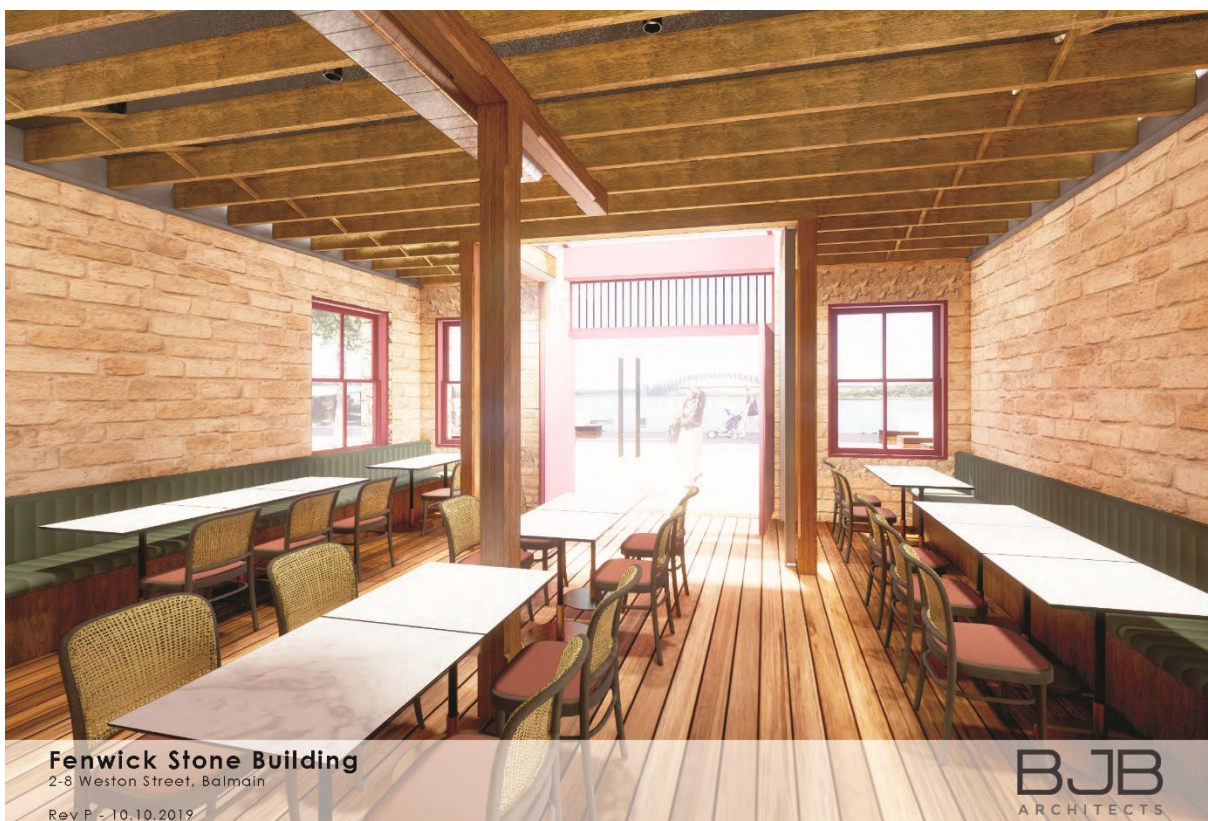
[illegible]

2017-046
A1851

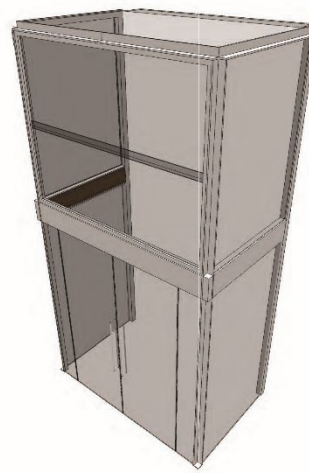
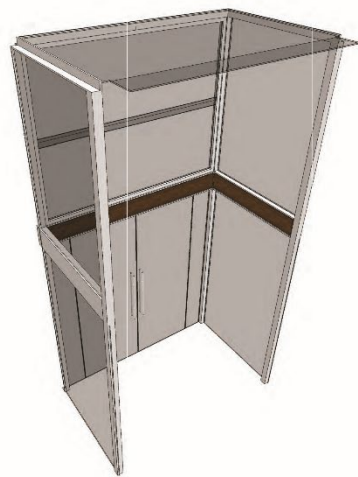












Steel and Glass entry

Fenwick Stone Building
2-8 Weston Street, Balmain
Rev P - 10.10.2019

BJB
ARCHITECTS

**Attachment G - Fenwicks Building - 2-8 Weston Street Balmain East -
Plan of Management**



Revised Final Plan of Management

Prepared by
ASPECT Studios Landscape Architecture P/L and Leichhardt Municipal Council

February 2008

Foreword

The 2-8 Weston Street site represents a significant investment in community open space. Over nine million dollars has been spent on securing this site for public use and a further two million is set aside for key development improvements which will facilitate public access and the establishment of vital green space linkages to adjacent park lands and community facilities.

This plan outlines management and landscape design guidelines for 2-8 Weston Street which will govern its development and use over the next five to ten years as well as infrastructural and capital improvements which will enhance and improve community use and enjoyment of the park.

Local residents and visitors to East Balmain will benefit from new and improved open space, improved green space access, views to and across Darling Harbour and the Harbour Bridge, important cultural and heritage interpretation and in the longer term adaptive reuse of the historical 1880s stone building. Specific design details and improvements planned for the park and its key features are detailed within this Draft Plan of Management.

I am confident that, with the improvements planned for 2-8 Weston Street and the management guidelines which have been established within this plan, 2-8 Weston Street will become a functional and popular addition to the East Balmain Foreshore.

Cr Carolyn Allen
Mayor of Leichhardt Council

Foreword

Why is Council preparing a Park Plan of Management?

Council has prepared a Plan of Management in partnership with the community to enable Council to manage, maintain and develop the open space commonly known as 2-8 Weston Street, Balmain to a level desired by the community.

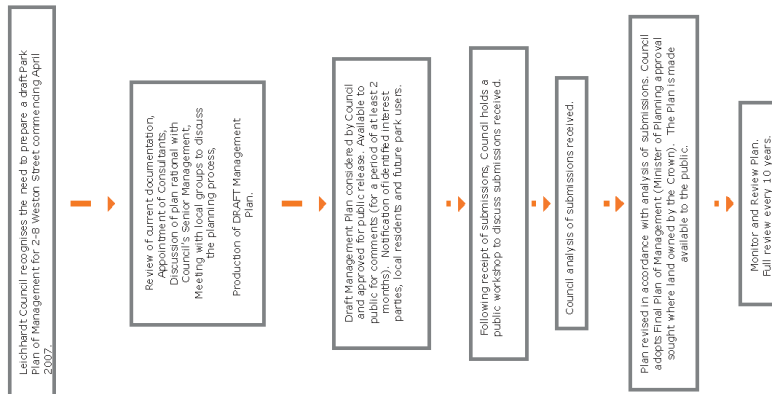
Plans of Management must be prepared for all community land. This is a legal requirement under the *Local Government Act (1993)*. An essential management tool, Plans of Management:

- Are written by Council in consultation with the community;
- Identify the important features of the land;
- Clarify how Council will manage the land; and, in particular
- Indicate how the land may be used or developed.

What does this Plan of Management contain?

The Park Plan of Management for 2-8 Weston Street, Balmain, contains information about the history of the park, practical information relating to physical and legal descriptions, proposed Council policies for managing and maintaining the park, as well as a detailed conceptual plan for proposed development within the park.

Process to Prepare Park Plan of Management 2-8 Weston Street, Balmain



Prepared by ASPECT Studios Landscape Architecture P/L and Leichhardt Municipal Council
February 2008

2-18 WILSON STREET, BALMAIN
Plan of Management

P4

Contents

Plan of Management 2-8 Weston Street, Balmain

- 1 Executive Summary
- 2 Introduction
 - 2.1 Introduction
 - 2.2 Background studies
 - 2.3 Study area
 - 2.4 Relationship to planning Instruments
 - 2.5 Consultation
- 3 Master Plan
 - 3.1 Illustrative Master Plan
 - 3.2 Master plan strategies
- 4 Management and Implementation
 - 4.1 Management Guidelines and Objectives
 - 4.2 Policies and Guidelines for Management
 - 4.3 Funding sources

Appendix A Background and Site Analysis

- A1 Regional Context
- A2 Local Context
- A3 Existing Site Conditions
- A4 Heritage Significance
- A5 Design Potential

Appendix B East Balmain Foreshore Master Plan

- B1 Principles
- B2 Illustrative Master plan
- B3 Strategies



Prepared by ASPECT Studios Landscape Architecture Pty Ltd and Leichhardt Municipal Council
February 2008

2-18 WESTON STREET BALMAIN
Plan of Management
P6

Executive Summary

1

Background

ASPECT Studios was engaged by Leichhardt Council in June 2007, to prepare a draft Plan of Management for the redevelopment of 2-8 Weston Street. Council recently purchased the 2- 8 Weston Street site to further consolidate the existing network of open space on the East Balmain peninsula.

The Master Plan

The Master Plan proposes the removal of the 1963 building to provide increased amenity and open space, and to open up crucial connections between Illoura Reserve and the site. This also provides opportunity to extend open space and landscape treatments on the site of this building.

The master plan has been developed with the primary aim of opening up 2-8 Weston Street to public access. Its principles are:

- to provide continuous foreshore access connecting Thornton Park, the ferry terminal and Illoura Reserve;
- to provide improved physical and visual relationships between the 1880s stone building and the public domain;
- to reinstate and adaptively reuse the 1880s stone building as a viable, flexible facility accommodating multiple uses that complement the existing heritage and open space components of the site;
- to provide three levels of access on the foreshore integrating Illoura Reserve to the foreshore and Thornton Park;
- to improve public facilities and amenity including toilets, seating, lights and paths;
- to allow for interpretation of the historic significance and the site's significance as a working waterfront;
- to provide a waterfront that can accommodate passive recreational activities, park access, meeting places and areas of respite; and,
- to remove the Fenwick Office Building (constructed 1963) and create parklands to complement and extend Illoura Reserve.

Essential work to be done includes:

- Demolition of 1963 building;
- Installation of landscaping around the 1880s stone building including: a terrace, grass embankment and foreshore pavement;
- Reconstruction of seawall and path that links Illoura Reserve to the ferry wharf providing universal access. (This work is to be undertaken concurrently with the preparation of a Plan of Management for 2-8 Weston Street); and,
- The adaptive reuse of the 1880s stone building with the potential for a contemporary service building on its western side that would include toilet facilities, replacing toilets at the end of Darling Street.

Since exhibition the Master Plan has been refined, in accordance with submissions received and discussions with Bruce Mackenzie (Landscape Architect). Revisions include:

- Increase in turf area and reduction in hard paving to the foreshore;
- Increase in tree planting;
- Provision of a mid-level terrace and level space on the southern edge of the 1880s stone building;
- Provision of an additional pathway connecting the mid-level terrace to Illoura Reserve; and,
- Disabled parking and loading zone provision on Weston Street.

Staging and Funding

In view of the costs of the works and the desire to open the park to public use as soon as possible, work will be done in stages. It is noted that in some cases, interim work to be done may appear inconsistent with the overall final plans but this is necessary to allow the park to be used by the public before funding becomes available to do all the proposed work.

The first is the repair of the seawall which will allow pedestrian access across the front of the site. The second stage is the demolition of the 1960s office building and the grassing or soft landscaping of its site and surrounds. The entire site may be grassed or soft landscaped with paths as an interim measure to maximise public use of the site until the master plan can be implemented. Restoration of Bell's Store and its adaptive reuse is also an early priority.

Management policies

The 2- 8 Weston Street site is categorised as "A Park," under the Local Government Act. It is important as part of the management of 2-8 Weston Street that Council recognises the cultural and historical significance of the site and aims to maximise the potential of the open space as community parkland, ensuring that it is adequately maintained, that it provides for an appropriate range of activities and that any future development is compatible with the character, operation and function of the park.

In acknowledgement of its heritage significance, 2-8 Weston Street, Balmain shall be managed as parkland of regional significance.

2-8 Weston Street, Balmain will be managed as a passive recreational parkland which has state registered heritage significance. The park will be managed in a manner which preserves the Sydney Harbour and city vistas, acknowledges its cultural heritage value, protects the aesthetic, amenity and conservation values of the area and ensures that built structures on site have functional use for the enjoyment of the community.

The Plan of Management prescribes policies for recreation activities, organised uses, commercial activities, leases and licences, signage, car parking, lighting, tree management, landscaping and companion animals.

Appendices:

Site Analysis and East Balmain Foreshore Master Plan

The appendices include background analysis drawings which approach the East Balmain foreshore from a range of scales, assessing the site in its broadest relationships and context with Sydney Harbour to its more detailed components, including existing structures, heritage issues, contamination issues, gradients and components.

As a result of this analysis, a Master Plan was prepared for the broader East Balmain foreshore area, which indicates long term goals for the development of public parks and access on these important lands.

1 Executive Summary

Prepared by ASPECT Studios Landscape Architecture Pty Ltd and Leichhardt Municipal Council
February 2008

2-8 Weston Street, Balmain
2 Plan of Management

Introduction

2.1 Introduction

ASPECT Studios was engaged by Leichhardt Municipal Council in June 2007 to revise a draft Plan of Management that was prepared by ASPECT Studios in collaboration with Hill Thalis Architecture and Design 5 Conservation Architects in September 2005 for the East-Balmain Foreshore. The current Plan of Management is concerned only with the site of 2-8 Weston Street, Balmain.

The study entailed review of site analysis and preparation of a master plan that allows the foreshore in the short-term to open up. The Plan of Management recognises issues and policies for the use of the land.

As the 2-8 Weston Street site is an integral component of the East Balmain open space network, this Plan of Management includes the site analysis and master plan in Appendices. This site is an essential component to the public foreshore of East Balmain, connecting and integrating access, transport connections, open space and built structures.

This Plan of Management is structured in 4 sections. This is outlined below

Section 1: Executive Summary – provides a summary of the Plan of Management

Section 2: Introduction – provides an overview of the site and study team

Section 3: Master Plan – provides a detailed description of strategies and design components in the master plan

Section 4: Management and Implementation – provides a framework for the management of the site, provides recommendation for categorisation, funding and staging.

The Appendices include

Appendix A: Background and Site Analysis – provides a detailed overview of existing site conditions and, heritage significance

Appendix B: East Balmain Foreshore Master Plan – provides a detailed description of strategies and design components in the master plan for the areas beyond the site.

2.2 Background Studies

Prior to this commission, ASPECT Studios in collaboration with Hill Thalis Architecture and Design 5 Conservation architects was engaged by Leichhardt Council in 2005, to establish a vision for the redevelopment of East Balmain foreshore. Council had recently acquired the 2 – 8 Weston Street site, a missing foreshore link between Illoura Reserve and Thornton Park. The project objectives included: to prepare a master plan for the East Balmain foreshore study area, to provide visual and functional linkages and to encourage public foreshore access from Darling Street Wharf to Thornton Park, Lookes Avenue Reserve and Illoura Reserve. This included visually and functionally integrating the site and its associated buildings into the existing open space network.

The project was run concurrently with the preparation of a Conservation Management Plan for the site, by Design 5 Architects. The three practices worked in close collaboration and incorporated the work of specialist consultants Traffic, Patterson Britton and Access Australia for transport, marine facilities and access advice respectively.

Figure 1:
Map of East Balmain foreshore
and its parklands



Prepared by ASPECT Studios Landscape Architecture Pty Ltd and Leichhardt Municipal Council
February 2008

2-8 Weston Street, Balmain
Plan of Management

3

2 Introduction

2.3 Study area

This Plan of Management addresses 2 - 8 Wexham Street, Balmain. The site is located in Thorndon Park and Belling Street to the north, Bells Road to the east, Wexham Street to the west and Sydney Harbour to the east.

The site is close proximity to Belling Street, Belling Street West, Thorndon Park and Bells Road. The acquisition of 2-8 Wexham Street as a public accessible workspace area will allow for increased long-term access and open space connections to the city.



Figure 2:
2-8 Wexham Street

Prepared by: ASPL / Studies Landscape Architecture Pty Ltd and Leichhardt Municipal Council
February 2025

2-8 Wexham Street, Balmain
Plan of Management

4

Introduction

2.4 Relationship to Planning Instruments

Local Government Act 1993

2-8 Weston Street, Balmain is owned and administered by Leichhardt Council. The principles of the *Local Government Act (1993)* apply in the administration of the park, and in relation to Community Land management in respect of the park's classification. Recognition of its use as a public recreation facility and the need to maintain public access the park, is categorised for the purposes of reserve management as a park.

Under the *Local Government Act*, Section 36 (G), core objectives for management of community land categorised as 'A Park' are as follows:

- To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities;
- To provide for passive recreational activities or pastimes and for the casual playing of games; and
- To improve the land in such a way as to promote and facilitate its use to achieve the other objectives for its management.

Leichhardt Local Environmental Plan 2000

Currently zoned as "open space to be acquired" it is proposed that now be changed to Open Space.

The Open Space Zoning applies to land utilised for both active and informal recreation. The zoning specifies the types of development which is permitted with and without development consent. This includes:

Development allowed without development consent:

- Ancillary sporting structures;
- Open space embellishment;
- Playgrounds; and,
- Recreation areas.

Development allowed only with development consent:

- Clubs;
- Community facilities;
- Community gardens;
- Jetties;
- Kiosks;
- Public amenities;
- Public transport stops;
- Recreation facilities;
- Demolition; and,
- Subdivision.

However, clause 16(6) of *Local Environment Plan 2000* (LEP) states that: "Nothing in the Plan prevents consent from being granted for the use of a heritage item for any purpose, if the consent authority is satisfied that:

- a) the proposed use would not adversely affect the heritage significance of the item, and
- b) the proposed use will ensure the conservation of the heritage item where it is a building, and
- c) the amenity for the area will not be adversely affected."

In respect of Council's *Local Environment Plan 2000* (LEP) 2-8 Weston Street is listed as a state significant heritage item. In respect of the LEP, 2-8 Weston Street is included as an item of heritage significance within Schedule 2 (Heritage Items) of LEP 2000. Within the Schedule, the level of (heritage) significance for 2-8 Weston Street is noted as being 'SHR' (State Heritage Register). The State Heritage Register is a list of places and objects of particular importance to the people of New South Wales. Listing on the State Heritage Register means that:

- The heritage item is legally protected as a heritage item under the NSW Heritage Act (In addition to protection under the LEP 2000 pursuant to the *Environmental Planning and Assessment Act* (1979));
- Approval is required from the Heritage Council of NSW for major changes to the item; and
- The owners of the heritage item are eligible for financial incentives from the NSW and Commonwealth governments.

This is relevant to the future restoration, development and possible leasing of the 1880s stone building.

2 Introduction

2.5 Consultation

In 2007, public consultation was undertaken as part of the draft management plan process. This was undertaken in the form of a public submission period associated with the advertising and public exhibition of the draft plan. Following advertising of the plan, a presentation and consultative evening with the Balmain Precinct Committee was organised and held on the 12 September 2007. A separate presentation and consultative event was also held with the Reclaim Ball's Foreshore Group at Council on the 19 September 2007. In addition to the public meeting, the NSW Heritage Office was also invited to comment on the plan.

Notification of the Exhibition of the Draft Plan of Management was undertaken in both the Glebe and Inner West Courier publications as well as on the Council's website and at the Darling Street Ferry Wharf. Correspondence was sent to the residents of Western Street as well as to the Balmain Precinct committee. The plan was publicly exhibited at Council's main administration office and in both the Balmain and Leichhardt public libraries.

A public workshop event to discuss submissions received on the draft Plan of Management was held on 3 December 2007 at Balmain Town Hall. Thirty-two members of the public attended the meeting which was chaired by the Mayor. Presentations on the draft plan and the master plan were presented by Council staff and Council's appointed consultant for the project, Aspect Studios.

Prepared by ASPECT Studios Landscape Architecture P/L and Leichhardt Municipal Council
February 2008

2-8 WESTON STREET, BALMAIN
6 Plan of Management

Master Plan 2-8 Weston Street 3



Figure 3: Illustrative Master Plan

Prepared by ASPECT Studios Landscape Architecture Pty Ltd and Leichhardt Municipal Council
February 2008

2-8 Weston Street Busway
Plan of Management 7

3 Master Plan 2-8 Weston Street



Prepared by ASPECT Studios Landscape Architecture Pty Ltd and Leichhardt Municipal Council
February 2008

2-8 Weston Street, Burwood
Plan of Management

8

Master Plan 2-8 Weston Street 3

3.1 Illustrative Master Plan

The Master Plan has been developed with the primary aim of opening up 2-8 Weston Street to public access. Its principles are:

- to provide continuous foreshore access connecting Thornton Park, the ferry terminal and Illoura Reserve;
- to provide improved physical and visual relationships between the 1880s stone building and the public domain;
- to reinstate and adaptively reuse the 1880s stone building as a viable, flexible facility accommodating multiple uses that complement the existing heritage and open space components of the site;
- to provide three levels of access on the foreshore integrating Illoura Reserve to the foreshore and Thornton Park;
- to improve public facilities and amenity including toilets, seating, lights and paths;
- to allow for interpretation of the historic significance and the site's significance as a working waterfront;
- to provide a waterfront that can accommodate passive recreational activities, park access, meeting places and areas of respite; and,
- to remove the Fenwick Building and create parklands to complement and extend Illoura Reserve.

Essential work to be done in the first stage includes:

- demolition of the 1963 building;
- installation of landscaping around the 1880s stone building, including a terrace, grass embankment and foreshore pavement; and,
- reconstruction of the seawall and a path that links Illoura Reserve to the ferry wharf providing universal access.

A building addition to the west side of the stone building is advocated in conjunction with any adaptive reuse proposal associated with the building itself, and would include toilet facilities. New, modern toilet facilities could replace the existing dilapidated facilities at the end of Darling Street.

The Master Plan proposes the removal of the 1963 building to provide increased amenity and open space, and to open up crucial connections between Illoura Reserve and the site. This also provides opportunity to extend open space and predominately landscape treatments on the site of this building.



Figure 5. View looking north west to 1880s stone building and proposed landscape

3 Master Plan 2-8 Weston Street

3.2 Master Plan strategies

Pedestrian Connections

Connections are to occur on three levels running north-south: along the foreshore; at a mid-level to the west of the 1880s stone building; and along Weston Street.

A lower level pathway connects along the foreshore, from the lower level of Thomson Park to the lower foreshore pathway in Illoura Reserve. The foreshore path includes vehicular access from Illoura Reserve to the ferry wharf. It will entail reconstruction of the stone seawall in the existing location and to the levels of the previous seawall. The foreshore path widens at the 1880s building to form a public pedestrian square, which will include seating and interpretation of the site's heritage.

A mid-level connection extends to the west of the 1880s warehouse building and weaves up through the steps to connect with the existing paths in Illoura Reserve. This route utilises an existing footpath, located parallel to the former Shipwright's Arms Hotel on Darling Street, and extends across a mid-level platform to Illoura Reserve. This provides a single legible and coherent path for pedestrians, connecting to Illoura Reserve, Weston Street and beyond. An upper level belvedere or platform behind the 1880s building creates an area for viewing the harbour and surrounds as well as providing a connection to a mid-level platform and Illoura Reserve.

Access along Weston Street is retained.

East-west connections are enhanced on the site with series of steps to be provided linking Weston Street to the mid-level belvedere and the foreshore plaza.

Landscape

In order to avoid excavation into contaminated landfill, existing levels are to be retained as much as possible on the south and west side of the 1880s building. However, subject to the costs and advice of detailed contamination exploration, it is proposed that fill immediately adjacent to the 1880s building is removed and waterproofing and ventilation provided to the original exposed external spaces of the building.

Beside Weston Street a planted embankment is proposed. Tree and shrub species will be in character with those used in Illoura Reserve. A stand of smooth barked eucalypt (*Angophora costata*) is grouped to provide shade. Clusters of trees at the high point are to be retained and supplemented with additional native trees.

An upper level belvedere is located. The terrace will be at the same level as existing undercroft to avoid excavation. A mid level terrace is proposed, to provide panoramic views of the harbour and access to a proposed servicing building.

A grass embankment leads down to the foreshore area following existing levels. This is designed to allow for informal seating to occur, providing opportunities for people to enjoy the views of the harbour and utilise facilities in the buildings. A stepped path provides access to the foreshore and the 1880s stone building. A pathway connects the mid-level terrace to the Illoura Reserve foreshore.



Above: Plan of Management and Master Plan proposal: pedestrian connections.

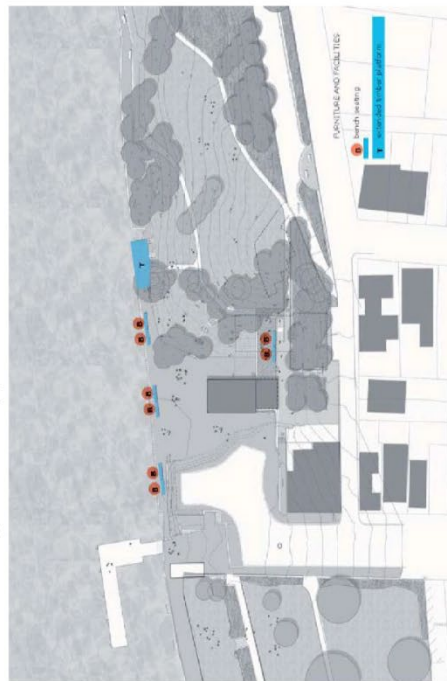


Above: Plan of Management and Master Plan proposal: vehicular access, parking and public transport

Master Plan 2-8 Weston Street 3



Above: Plan of Management and Master Plan proposal - Structures and Built form.



Above: Plan of Management and Master Plan proposal: Furniture and Facilities.

1880s stone building

The Plan of Management has responded to and incorporated key recommendations from the draft East Balmain Foreshore Conservation Management Plan prepared by Design 5. One of the most integral components of this is the retention of the working, hard surfaced, robust structure of the area around the 1880s building. The conservation policies in the draft CMP policy 2.9.5 states

The industrial context of the Fenwick site should be conserved and, where possible, enhanced. The 1880s stone building should be clearly seen to be associated with the flat reclaimed land adjacent to the harbour, with clear space to its east and north as shown on the plan opposite. Hard utilitarian surfaces should continue to be used around the buildings and harbour. Soft landscaping should be avoided.

A hard edged skirt is proposed around the north and east side of the building, and paved in asphalt.

The 1880s stone building is to be adaptively reused and renovated. Options include a small café, refreshment facility or art gallery. In accommodating these facilities, there should be no additional parking or infrastructure accommodated on or near the site, and all facilities must be accommodated within the building footprints as indicated on the master plan. Feasibility of such facilities would be subject to further investigation and community consultation. The adaptive reuse of the 1880s stone building should be in accordance with the draft CMP policy 2.9.11 which states:

The main spaces within the building should be conserved and the ground floor space not subdivided. The internal walls should not be lined but remain as exposed stonework.

No partition walls should be installed to ensure that the simplicity and clarity of the internal space and additional two storey built attachment is proposed to the 1880s stone building on its southern side, to prevent "orphaning" of the building. Refer to diagram Structures and Built Form for extent of building footprint. This additional built fabric is to provide adequate service spaces for the 1880s stone building, in accordance with the draft CMP policy which states

Introduction of modern services into the structure should be minimised. Facilities that require a high level of servicing, such as kitchens and bathroom, should not be accommodated within the building but in a new structure adjacent to the existing building.

All service facilities including kitchens and bathrooms should be accommodated within a western extension of the 1880s stone building. The face of this extension building should be publicly accessible, transparent and activated, allowing views into and from the adjoining park. External heat exhausts and associated infrastructure should be carefully considered and integrated to minimise visual impact to the public domain.

The proposed café/refreshment and/or art gallery would be serviced from Weston Street.

3 Master Plan 2-8 Weston Street

Materials and Finishes

A key component of the Plan of Management and Master Plan is the integration of materials, furniture and fixtures, that are of an appropriate character and form for the foreshore. The materials palette should be simple and robust. Furniture should have a simple undistorted profile. A consistency of materials and detailing is necessary to create a legible and coherent family of furniture.

The recent history of the site as a robust, working waterfront needs to be reflected in detailing. The character of Illoura Reserve with its simple use of materials, and robust finishes is to be used as a guide. Heritage or themed detailing should not be utilised, as it confuses the historic record. Moreover, simplicity of details and construction should reflect the robust working nature of the foreshore. Materials should also not be overly crisp or slick, or overtly contemporary in design.

Materials should include sandstone, concrete, asphalt, timber and steel.



Existing materials in Illoura Reserve are simple, robust and generously scaled.
Above: sandstone paving.
Right: sandstone seawall.

The form of Illoura Reserve reflects its maritime and natural materials incorporating existing materials.
Above: timber platform
Below: sandstone paving.
Illoura Reserve south

Seats + waterfront
Level changes should be considered in formal seating. Allow for flexibility in use of space.



Parkland "rooms" at Illoura Reserve
Image: Aspect image library



Parkland interface to waterfront
Bradley's Head
Image: Aspect image library



Mid-level platform Illoura reserve
Image: Aspect image library

Furniture + signage

Robust, simple materials details and finishes reflect the historic character of the waterfront site.



Stairs, sets and blumen with stairs
Barcelona - New City Spaces p133



Stairs
Urban Spaces p144



Planting

Native tree planting with light canopies to allow for views to the harbour



Angophora costata



Detail: Eucalyptus robusta



Informal tree planting and understory



Angophora costata



Lumnitzera racemosa

Management and Implementation4

4.1 Management Guidelines and Objectives

This Plan of Management provides objectives and guidelines for the future use, development, management and maintenance of 2-8 Weston Street, Balmain.

It is important as part of the management of 2-8 Weston Street that Council recognises the cultural and historical significance of the site and aims to maximise the potential of the open space as community parkland, ensuring that it is adequately maintained, that it provides for an appropriate range of activities and that any future development is compatible with the character, operation and function of the park.

Vision statement

In conserving its heritage significance, 2-8 Weston Street, Balmain shall be managed as parkland of regional significance.

Mission Statement

2-8 Weston Street, Balmain will be managed as a passive recreational parkland which has state registered heritage significance. The park will be managed in a manner which preserves the Sydney Harbour and city vistas, acknowledges its cultural heritage value, protects the aesthetic, amenity and conservation values of the area and ensures that built structures on site have functional use for the enjoyment of the community.

Management Objectives

Based on legislative goals, community needs and expectations the following management objectives have been identified for 2-8 Weston Street, Balmain:

- To integrate the parkland with adjoining open space areas as part of a united foreshore open space system (noting that each area has a separate history and a distinctive character worth conserving and interpreting).
- To recognise and interpret the heritage values of the park, while providing suitable uses of public access.
- To manage the park for public recreation in accordance with the overall objectives of the Park Plan of Management for 2-8 Weston Street, Balmain.
- To ensure management of the park takes into consideration the principles of Community Land as set out in the *Local Government Act (1993)*.
- To provide and maintain high quality parkland that meets the needs of local users and the wider community, including visitors, based on identified needs and within budget.
- To take a consistent approach to maintenance of the park and associated facilities and to maintain these areas to an acceptable and appropriate standard.
- To provide for public safety.
- To minimise impacts of park use on surrounding residences.
- To upgrade and restore, where appropriate, existing facilities and provide new facilities as required in accordance with identified needs.
- To ensure that management operations interfere as little as possible with informal and organised use of the park.
- To encourage compatible forms of recreation and leisure activities to take place at 2-8 Weston Street within the constraints imposed by the primary use of the facilities.
- To encourage community involvement in the management of the park.
- To provide, where appropriate, visual interpretation of the park and its heritage values.
- To protect and maintain identified heritage characteristics of the park. This includes identifying and conserving landscape design and details by Bruce Mackenzie and Associates.
- To establish, maintain and enhance key visual and open space corridors and integrate access routes which link the park to adjoining foreshore reserve and public facilities.
- To provide for the adaptive reuse of the 1880s Stone Warehouse which recognises identified heritage elements, promotes community use of the park and is compatible with the intended purpose of the park as a community asset.

4 Management and Implementation

4.2 Policies and Guidelines for Management

Recreation Activities Policy

Policy Statement

The Balmian Peninsula offers local residents and visitors a variety of recreational opportunities ranging from active sporting pursuits, structured and unstructured play opportunities, heritage and conservation interpretation, appreciation of the natural environment, casual recreation opportunities and appreciation of the harbour foreshore. The development of 2-8 Weston Street as an extension of parkland along the East Balmian Foreshore will add amenity value and further opportunities for casual recreation and appreciation of green space provision. This development will also provide critical green space links between other important areas of parkland including Illoura Reserve and Thornton Park.

Policies which govern the use of the land from a recreational perspective need to respond to the nature of the parkland and its location adjacent to residential areas. Issues of amenity and compatibility will be important matters to be incorporated in the planning and management of the park. Such policies need to be prescriptive but also practical and clearly defined.

Due to its limited size as an area of open space, 2-8 Weston Street is to be managed primarily for casual recreation. Casual recreation includes physical activities that are not organised to occur at a regular time nor involve any officials in conducting the activity. This includes individual and group activities such as walking, fitness training (running, jogging strength training), picnicking, mountain biking, reading, contemplation of the natural environment and fishing.

As the demand for recreational space increases, the potential for recreational conflict between different park users also increases. While there is scope for a range of informal recreation to coexist at 2-8 Weston Street there is a need for Council to educate park users and regulate the use of the park to ensure that the potential for recreational conflict is minimised. In this respect, Council will maintain an open and responsive relationship with local residents in terms of development proposals associated with the park and its use as an area of open space.

Policy

Council will manage and maintain 2-8 Weston Street primarily for the purpose of casual recreation. This includes the following:

- Walking;
- Running;
- Picnicking;
- watching fireworks;
- Site seeing;
- Reading;
- Contemplation;
- Education activities; and,
- Heritage interpretation.

Activities which support casual recreational use of the park are permissible on determination from Council. This will include but is not exclusive to activities associated with functional use of the 1880s Stone Building.

Park User Policies

Comment

Leichhardt parks and open spaces are popular and widely used. Open spaces are provided for a variety of purposes. The scope of uses includes: sport, education, conservation plantings, passive recreation (e.g. picnicking, walking, children's play areas), commercial promotions, festival activities and public ceremonies. These types of activities are important in fostering the recreational, social and cultural development of the LGA.

Leichhardt Council administers its parks and open spaces parks for a variety of purposes. Most parks are managed primarily for public use purposes, however, for some parks other objectives may also be important.

Any proposed use requires due consideration of the extent of possible damage to the park, any effects on other use or users, and any effects on adjoining land use or users, before approval is given. Leichhardt Council reserves the right to close parks and open space areas or to decline applications for use where conditions warrant.

Objectives

To allow and encourage public use that is compatible with the purpose of the park.

Policies

- Organised use of 2-8 Weston Street is subject to written application to Council, and may be approved on such terms and conditions, including payment of any hire charges, bond or insurance premium, as Leichhardt Council may determine. Any application for use of 2-8 Weston Street needs to be made at least ten working days prior to the event. Major events require notice as early as possible but with a minimum of four months for a first time event and two months notice for repeat events.
- Events, social activities, functions and cultural exhibitions will be allowed at 2-8 Weston Street provided that the adverse effects on other users, the park and adjoining residential properties can be avoided, mitigated or remedied and that the activity meets statutory and policy obligations.
- Where necessary for the maintenance or protection of the park, its facilities or the safety of park users, Council may at any time close part or all of the park to public access.
- Where part or all of a park is to be closed to the public for event use, notification of this will be made prior to the activity causing the closure. Notification will be made via Leichhardt Council's public notice in local publications at least one week before the closure. Where closure is required by a body other than Council, that body will be responsible for meeting the cost of public notification.
- Where there is the possibility of serious damage being caused to the reserve, users, neighbouring properties, reserve neighbours or property or persons on adjacent public land (including roads), it will be a condition of use that the event organiser takes out public liability insurance.

Management and Implementation4

<div> <div>Commercial Use Policies</div> <div> <div>Comments</div> <p>Council occasionally receives applications for the use of parks for temporary or permanent commercial activities.</p> <p>These activities include filming, markets, events and commercial recreation. Commercial enterprises are a legitimate part of the range of activities within parks provided that they relate in some way to the purposes of the open space. Some commercial activities, such as filming, while not contributing to the public's enjoyment of open space, may be seen as appropriate. Such activities can promote Leithardt and its parks and open space areas as well as educate people about the value of natural resources.</p> <p>While commercial activities can be appropriate, they must not be allowed to detract from the primary purposes of the open space area. Also, the activities should not adversely impact on the park, its use or users and just as importantly its residential neighbours. Controls on activities should ensure that the effects of activities are avoided, remedied or mitigated.</p> <div> <div>Policies</div> <ul style="list-style-type: none"> • These policies should be read in conjunction with the Use of Reserves policies for 2-8 Weston Street. • Commercial activities are subject to an activity application. Such events will be permitted subject to Council approval and provided that the applicant can demonstrate that the activity proposed will add to the public enjoyment of the park and they will not conflict with the aims and objectives of the management plan for the parkland. • All applications to operate commercial activities on 2-8 Weston Street shall be made to Leithardt Council in writing as part of a formal activity application. Applications should include: <ul style="list-style-type: none"> - A description of the proposed activity; - A description identifying the places where the proposed activity will be carried out; - A description of the potential effects of the proposed activity, and any actions which the applicant proposes to take to avoid, remedy, or mitigate any adverse effects; - A statement of the proposed duration of the activity and the reasons for the proposed duration; and, - Relevant information relating to the applicant, including any information relevant to the applicant's ability to carry out the proposed activity. • Conditions necessary for the protection of values will be imposed on any permission for the commercial use of reserves. Such conditions will also be sought on any resource consent application for the same activity. • A charge will be levied for the commercial use of 2-8 Weston Street. • A bond will be required for permanent and temporary commercial activities. </div> </div> </div> <div> <div>Commercial Activities Policy</div> <div> <div>Policy Statement</div> <p>It is recognised that the area known as 2-8 Weston Street has been created primarily as a regional recreation area that contains significant heritage elements, open space linkages, aesthetic values and public amenity areas. It is important that these values together with the integrity and amenity of the area are not compromised.</p> <p>Leithardt Council recognises that adaptive reuse of the 1880s Stone Building is an integral component of the future success of the park as a community facility which is important and appreciated by the wider community. It is advocated that commercial activity on the park is necessary for the benefit of users, however any such activity should be in harmony with the values of the park and have due respect to the amenity of the surrounding residential neighbourhood.</p> <div> <div>Policy</div> <ul style="list-style-type: none"> • To allow permanent or temporary commercial use of the 1880s Stone building at 2-8 Weston Street, subject to that use being approved by Council and provided that the activity prescribed adds to the public enjoyment of the reserve and does not conflict with the aims and objectives of the specific management plan for the reserve. </div> </div> </div>	<div> <div>Prepared by ASPECT Studios Landscape Architecture P/L and Leithardt Municipal Council February 2008</div> <div>2-8 Weston Street, Bayside Plan of Management15</div> </div>
---	--

4 Management and Implementation

Leases and Licences

Comment - Leasing of Community Land

The granting of a lease or license formalises and sets out the conditions for use of community land by groups to whom a lease or license is granted. A lease is required where there is exclusive use and control of an area by a party at all times during the period of the lease or it is desirable in the interests of the management of an area. A license is appropriate where the use is not exclusive or is only at certain times.

Activities under a lease or license must be consistent with the categorisation of the land, permitted by the *Local Government Act* and authorised under the Plan of Management. In the case of the 1880s Store Building, the consent of the NSW Heritage Office may also be required.

Local Government Act 1993.

The only uses for which leases and licences may be granted are referred to in Section 46 of the *Local Government Act*. This Plan of Management authorises the granting of any lease or license permitted by the Act. Without limiting that authority, it is noted that s.46 provides that Council may grant a lease, license or other estate for use of 2-8 Weston Street if it is:

- for a purpose specified as a core objective for land categorised as a park;
- for an activity appropriate to the needs of the community in relation to public recreation or physical, cultural, social and intellectual welfare or development (for example restaurants, refreshment facilities, kiosks, nurseries);
- for short term casual purposes as prescribed by the regulations, for example the playing of a musical instrument, or singing, for fee or reward, engaging in a trade or business, delivering a public address, commercial photographic sessions, picnics and private celebrations such as weddings and family gatherings, filming for cinema or television (Note: the use or occupation for permitted short term casual purposes is allowed only if it does not involve the erection of any building or structure of a permanent nature); and,
- Filming for cinema or television.

Before Council may grant a lease or license of part of 2-8 Weston Street it must give public notice of the proposal and consider any submissions received. In some cases, Council may be required to submit the proposal to the Minister for comment or to make the decision.

For leases of more than five years (or which could extend more than five years with an option to renew) there is an additional requirement that tenders be invited, unless the lessee is a not profit organisation.

Leases and licences may not be granted for more than twenty one years (including any further leases following from the taking up of an option to renew).

Objectives

To grant leases, licences and other interests which assist in meeting one or more of the following:

- funding of the restoration of Bell's Store;
- conservation of Bell's Store;
- allowing an appropriate adaptive re-use of Bell's Store;
- provision of income from and for the park;
- provision of public facilities;
- provision of amenities for members of the public; and,
- efficient management and operation of facilities and amenities for the park.

Express Authorisation

This plan of management authorises the gathering of any lease, licence or other interest which assists in meeting one or more of the objectives.

Principals

Any lease must comply with the provisions of the *Local Government Act* and any other legislation.

The terms and conditions of a lease should ensure that the lessee undertakes proper management of the facility such that it is maintained in a safe and visually pleasing condition, and that the interests of Council and the public are protected. As is usual, any lease or license will specify what the lessee or licensee may use the premise for and will prohibit other uses. Depending on the nature of the lease or license, it will set out usual objectives found in commercial and private leases and licences to protect the public and not disrupt use of the balance of the park.

Management and Implementation

4

Liquor Licences

Comment

The selling of liquor is seen as one means of commercial occupiers raising funds for their activity. The consumption of liquor can, however, have adverse effects on a park or an open space area, other users and park neighbours. Adverse effects arise from commercial requirements to extend or utilise buildings to allow for the sale of liquor and from noise, glare, antisocial behaviour and damage. These effects may diminish outdoor recreation and landscape values of the park. In residential neighbourhoods these effects may be significant. A limit on hours of operation is one means to mediate the effects of the consumption of liquor on parkland, other users and reserve neighbours, of noise generated by social activities.

Policy

Licensed Premises are subject to the provisions of the Leichhardt Development and Control Plan (Part C) and the requirements of the Licensing Court of NSW.

Signs

Comment

The construction, maintenance, and fees payable for erection of advertising signs and hoardings are regulated by Leichhardt Development and Control Plan. In terms of its management of parks and open space areas, Council is principally concerned with the objective of minimising visual clutter while maximising useful information to park visitors.

Objectives

To minimise visual clutter while maximising useful information to park visitors.

Policies

- Any sign must meet the requirements of Council's LEP and conditions issued within a Development Application that includes the sign.

Car Parking

Comment

Car parking at 2-8 Weston Street is limited in form and function. Recreational use of the foreshore area along the Balmain Peninsula does generate demand for parking spaces within this area of open space. Limited car parking spaces are provided at Iloura Reserve and limited road side car parking is also provided on Darling and Weston Streets. In respect of the management of 2-8 Weston Street, Council is principally concerned with the objective of providing and maintaining car parking facilities, where appropriate, to a level which is adequate for servicing the usual activities carried out within the reserve.

Objectives

To provide and maintain car parks, where appropriate, to a level which is adequate for servicing the usual activities carried out within the reserve.

Policy

- Car parking on areas other than recognised car parks or in any way that causes damages to the reserve is prohibited.

Park Lighting

Comment

Occasionally groups using parks have requested Council to provide access way lighting. Council recognises the benefits that lighting can bring to a park setting however, it also recognises the inherent problems which lighting can also attract including that of antisocial behaviour. In this respect, Council will only provide lighting in park settings where there is clear public benefit. Furthermore, the provision is limited to Council-owned land and facilities.

With respect to recreation and safety issues, Leichhardt Council does not encourage the use of public parks after dusk. The lack of lighting on Council land in many circumstances is a strategic management decision to discourage visitors from using areas at night.

Users of recreation facilities perceive that the lack of lighting at these facilities affects people's personal safety and can increase actual and potential crime. The provision of lighting in public locations is, however, no guarantee of improved safety. In isolation, lighting may improve the ease with which cars may be broken into, and give a false sense of security to park visitors. As part of a safety campaign including surveillance and personal safety allowances (such as not using or visiting facilities alone) lighting may be considered a useful addition to safety provisions, but not a solution in itself. In respect of 2-8 Weston Street, park lighting should only be provided where there is a clear public benefit that such lighting will serve the public's interest in use and enjoyment of the park.

Objective

To provide park lighting at 2-8 Weston Street where there is a clear public benefit that such lighting will serve the public's interest in use and enjoyment of the park.

Policies

- Council will only fund lighting at 2-8 Weston Street where there is clear public benefit.
- Where Council owns a facility that is occupied by another group on the basis of a landlord/tenant arrangement, it is the tenant's responsibility to provide for lighting. The type and scale of lighting will however be determined by Council with due consideration to the amenity of the park.

4 Management and Implementation

Trees and Tree Management Policy

Policy Statement

Trees are desirable features of parks and open space areas. They contribute to the recreational (e.g. shade), landscape, ecological and heritage (e.g. connections to people in the past) values of open space areas.

Trees (including branches, leaves and roots), however, can become nuisances from time to time. The main type of nuisances are leaves affecting gutters, shading, roots affecting drains and footpaths, impaired views and dangerous branchfalls.

Policy 1 - Replacement and New Tree Plantings

Replacement and new tree plantings should the need arise will take into account the following:

- Management objectives and policies for the park;
- The effects trees will have on adjacent properties and harbour views at the time of planting and in the future (e.g. shading, root damage, leaf fall, overhanging branches);
- The effects trees will have on underground and overhead services; and,
- landscape considerations (i.e. creation of shade and visual amenity).

Replacement planting will conform to current specimen selection for the area.

Policy 2 - Complaints Relating to Visual Obstruction

In considering obstructions to views or other interference, Council will take into account:

- The interests of the public in the maintenance of an aesthetically pleasing environment;
- The desirability of protecting public open spaces containing trees;
- The value of the tree as a public amenity;
- The historical, cultural, or scientific significance (if any) of the tree; and,
- The likely effect (if any) of the removal or trimming of the tree on ground stability, the water table, or run-off.

Landscape

Comment

The scenic and landscape amenity aspect of open space areas are an important part of their value. Open space and park areas provide respite from the built environment of the urbanised city and built environment. Within urban areas, open space areas can act as contrast to the predominately urbanised nature of residential areas. In this respect, parks can enhance landscape values and provide opportunities for an urbanised public to enjoy nature. In this respect, landscaping of 2-8 Weston Street should be carried out in a manner which reflects the character of the park, and protects and enhances the landscape values of the site.

Objective

To protect and enhance the landscape values of 2-8 Weston Street.

Policies

- A Landscape Master Plan will be developed as part of the draft management plan for 2-8 Weston Street.
- The plan will take account of the following considerations:
 - existing trees/vegetation;
 - location of buildings;
 - proposed additional planting including species, locations and quantities;
 - drainage and earthworks;
 - public safety;
 - site contamination;
 - access; and,
 - visual intrusion (short and long term).
- Vegetation should reflect the positive features of existing plantings in the area and the character of the nearby landscape.
- Public safety should be taken into account when planning the density and scale of planting.
- All new facilities will be designed, as far as practicable, to be compatible with the park and its landscape.
- All alterations or extensions to facilities will be designed, as far as practicable, to be compatible with the park's landscape.

Management and Implementation4

Companion Animals

Comment

Leichhardt Council recognises that dog owners are a significant part of the community and that they should have access to open space areas across the LGA. Council also recognises that such access must not adversely impact upon other users of open space. The Leichhardt Companion Animals Management Plan (LCAMP) provides the scope and background pertaining to domestic animal management and the legislative role and responsibilities that local government has in the application of the Companion Animals Act 1998. The mission statement of the LCAMP is as follows "To recognise that companion animals are part of the community, contributing to quality of life, and to ensure that the needs of animals and their owners are accommodated while recognising the differing needs of all members of the community".

The second part of the plan, Part B-Access to Open Space Strategy for Dogs is concerned with the practical implementation of the plan as it relates to open space availability for companion animal use. This part of the plan is principally concerned with access to open space areas for companion animal exercise and the guidelines pertaining to the use of such areas as it relates to on and off leash provision.

In respect of 2-8 Weston Street and the determination of a draft policy to govern companion animal access to the park issues have been considered in relation to the size of the park, its intended use and its proximity to other areas of open space. Policies have also been developed in recognition that such access must not adversely impact upon other users of open space.

Objective

To provide companion animal access to open space areas across the LGA, recognising that such access must not adversely impact upon other users of open space.

Policy

Companion animal access to 2-8 Weston Street is limited to on-leash at all times.

4.3 Funding Sources

Overview

The complexity and ambition of the longer term vision for East Balmain foreshore is unlikely to be funded by Council's capital works program alone. A range of alternate or supplementary funding sources are considered below.

The State government supports several programs for the joint funding of capital works projects, which enhance the amenity and recreational uses of open space, including the NSW Heritage Grant Programme, Sharing Sydney Harbour Access Program (www.dpi.nsw.gov.au/harbour/SSHAP) and Metropolitan Greenspace Program (<http://www.planning.nsw.gov.au/locations/central/>). The majority of recent projects approved for funding by Metropolitan Greenspace Program (MGP), were funded equally by Council and MGP, with a handful receiving only 25% and 53% MGP funding of the project cost.

Council is continuing to invest in the East Balmain foreshore including the land purchase and fees for the preparation of the Master Plan. Council's contributions to date substantially exceeds the annual funding budgets of both Sharing Sydney Harbour Access Program of \$2million and Metropolitan Greenspace Program of \$1million.

East Balmain Square has the potential to realise the aims of such funding. However, such a project is inadequately catered for under the funding criteria, and the amounts of funding available.

The project's ambition is unequalled by other recently funded projects, as it would realise multiple benefits in the manner of last century infrastructure projects, High Street Millers Point (C1915) and the Bradfield Expressway, Milson's Point (C1955). East Balmain foreshore consolidates access by public transport to Balmain and a significant regional park land.

Considered in terms of sustainability, placing appropriate value on urban land, projects such as East Balmain foreshore provide multiple benefits, and may be supported by State or Commonwealth Government funding, if the value of such projects is adequately considered.

A sample of potential beneficiaries beyond the local constituency include:

- Sydney Ferries - safer and more popular destination, which could be associated with increased ferry use and the greater promotion of ferry access to Sydney Harbour perils, and foreshore walks,
- To provide improved destination associated with other Darling Harbour ferry destinations;
- Sydney Transport Authority - improved safety for bus movements; and,
- Regional harbour foreshore park - improved public transport access.

If the project were considered as an infrastructure project which improves public transport links rather than a public domain project, budget appropriations, Commonwealth or State Government grants may be available.

Given the breadth of potential benefits of the project, an application for a special State or Commonwealth Government Grant may be warranted.

Metropolitan Greenspace Program

The **Metropolitan Greenspace Program** allocates grants to Councils in the Sydney Metropolitan Region, on a dollar-for-dollar basis. The key objectives of the Greenspace Program are to:

- assist local government to plan and improve regionally significant open space;
- enable more effective public use of these areas by the public;
- promote partnerships between State and local government; and,
- implement the NSW Department of Planning strategic directions for open space.

Projects include open space enhancements such as walking or bike trails, landscaping, tree-planting and bush regeneration. The program provides over \$1 million per annum from the Sydney Region Development Fund. Funds are allocated, and grants are paid on completion of the whole or particular stages of the project.

		Prepared by ASPECT Studios Landscape Architecture P/L and Leichhardt Municipal Council February 2008
		2-8 WESTON STREET, BALMAIN Plan of Management
		20

Appendix

1

Prepared by ASPECT Studios Landscape Architecture Pty. and Leithardt Municipal Council
February 2008

2-8 WESTON STREET, BUNAWA
Plan of Management 21

A Background and Site Analysis

Prepared by ASPECT Studios Landscape Architecture Pty Ltd and Leichhardt Municipal Council
February 2008

2-8 Weston Street, Balmain
22 Plan of Management

Background and Site Analysis

A1 Regional Context

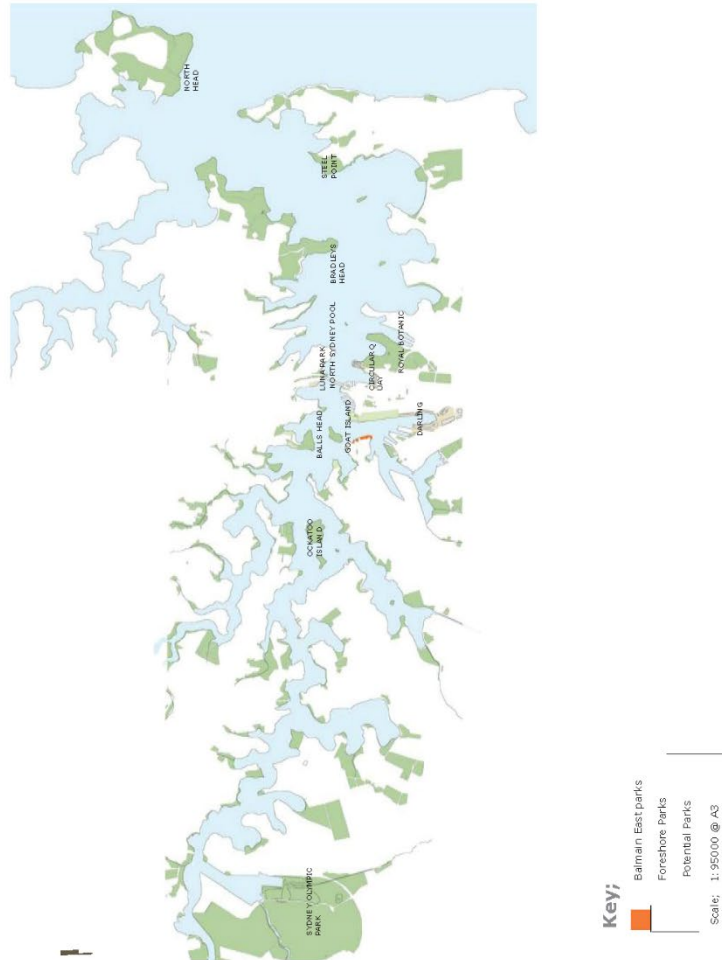
The information in this section provides context and an overview of the site and the subsequent Master Plan and Plan of Management. This information has been compiled to provide a wider contextual overview of the site, and understand its relationship to existing areas of open space. This information illuminates the key role the site plays in the open space network on the Barmen peninsula.

Foreshore parks within Sydney Harbour

The parklands of East Balmain Foreshore are part of a network of Sydney Harbour foreshore parklands extending from Sydney Heads to Homebush.

Foreshore parks include land dedicated to public use at the time of subdivision such as Cremorne peninsular, redeveloped industrial lands, Sydney Harbour Federation Trust Lands and targeted foreshore acquisitions by State and local governments.

These harbour edge parks have varied character and include ancient aboriginal sites, beaches, bays, bush trails, sandstone outcrops and cliffs, manicured suburban parks and the urban squares of Circular Quay, the Opera House and Darling Harbour.



A Background and Site Analysis

A1 Regional Context

Foreshore Parks and Public Transport

Water based transport, the generator for the urbanisation of Balmain continues to be significant in connecting East Balmain to Circular Quay and Darling Harbour. Bus services to the Darling Street Wharf realise a public transport circuit across water and land, connecting uptown Balmain to the City.

Ferry's and bus's usually operate from 7am to 10pm providing a 15 minute peak service frequency.

Sydney Ferries promotes water-based access to foreshore parks in their publication 'On Walkabout' identifies numerous harbour side walks, connecting harbour side parks and ferry wharfs. This includes the Balmain History Trail connecting Darling Street and Yurubin Point Wharfs.

CIRCULAR QUAY TO WOOLWICH



CIRCULAR QUAY TO BIRKENHEAD



CIRCULAR QUAY TO PYRMONT BAY



Key:

- Balmain East parks
- Existed Parks
- Potential Parks
- Historic
- Connective Streets
- Ferry Route
- Bus Route
- Rail Network
- Rail Network (Underground line)
- Scale: 1:40000 @ A3

Prepared by ASPECT Studios Landscape Architecture P/L and Leichhardt Municipal Council
February 2008

24 2-8 WESTON STREET, BALMAIN
Plan of Management

Background and Site Analysis

A1 Regional Context

Foreshore Parks within the Inner Harbour

The harbour, the initial location of European settlement of Sydney and Balmain, has increasingly become a place of focus for gathering and celebration for greater Sydney including Balmain. Existing and potential foreshore parks increase the public address of the harbour.

The East Balmain townhome has an immediate proximity with Goat Island, Miles Point, Observatory Hill and Pyrmont Point, and enjoys strong visual links with North Sydney, the Harbour Bridge, the City of Sydney and Darling Harbour.



Key:

Redmond, E. 2003. *Redmond's Eastern Bluebird*. <http://www.redmondbluebirds.com/>

For more information:

Recommended Practices

Scale: 1:12500 ☒ A3

Prepared by ASPECT Studios Landscape Architecture P/L and Leichhardt Municipal Council
February 2008

2-8 Wess von Street, Berlin
 plan of Management 25

A Background and Site Analysis

A1 Regional Context

Landform and natural systems of the East Balmain Foreshore

Landform and topography

The foreshore within the East Balmain master plan area is largely reclaimed. Only one section of the original foreshore remains, in the southern edge of Iloura Reserve.

The significance of the natural shoreline is noted in *Leichhardt Heritage Study 1990* which stated "it is recommended that where natural edges survive on the foreshore, they should be conserved."

The sandstone escarpment in Iloura Reserve is a significant existing landscape element.

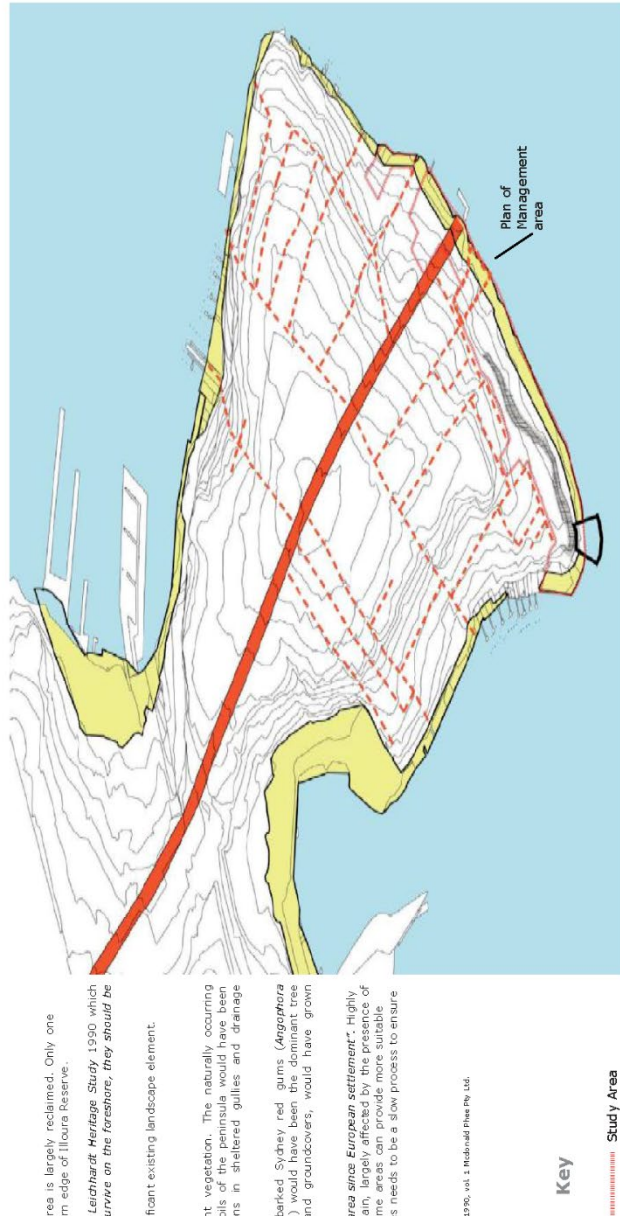
Vegetation communities

In the study area, there is no evidence of remnant vegetation. The naturally occurring vegetation on the skeletal Hawkesbury sandstone soils of the peninsula would have been open forest and woodlands, with localised variations in sheltered gullies and drainage lines.

Scrubby gums (*Eucalyptus haemastoma*), smooth barked Sydney red gums (*Angophora costata*) and red bloodwoods (*Eucalyptus gummiifera*) would have been the dominant tree species. Under these trees, a variety of shrubs and groundcovers, would have grown amongst rocky outcrops.

"No original vegetation has survived within the study area since European settlement". Highly fragmented and isolated fauna habitat areas still remain, largely affected by the presence of domestic cats and dogs. Staged weed removal in some areas can provide more suitable habitats for native wildlife. Any removal of weed species needs to be a slow process to ensure wildlife is not left vulnerable.

Footnote: G. Eyles & W. Thorpe, *Leichhardt Heritage Study Report*, 1990, vol. 1, Midvale Press Pty Ltd.



Key

- Study Area
- Darling Street
- Secondary streets
- Areas of reclaimed land
- Area of natural coastline
- Sandstone outcrops
- (natural stone overlaid)

Background and Site Analysis A

A1 Regional Context

Parks on the East Balmain Peninsula

The diagram illustrates the areas zoned as open space in East Balmain. A large proportion of parks occur along the foreshore, whilst smaller parks are interspersed on the ridges and gullies.

This illustrates, to date, the successful strategy of acquisition of foreshore land for public open space. The site plays a key role in connecting existing areas of public open space.



Key

1. Illoura Reserve
 2. Peacock Point
 3. Thornton Park
 4. Lockes Ave Reserve
 5. Gallimore Ave Reserve
 6. Simmons Point Reserve
 7. Zig Zag Reserve
 8. Origglass Park
 9. Propeller Park
 10. Ewinton Park
 11. Datchett St Reserve
 12. Johnston St Reserve
- Study Area
Darling Street
Secondary streets
Parks
Open space to be embellished.

A

Background and Site Analysis

A1 Regional Context

Visual relationships from East Balmain
Foreshore Parks

The East Balmain foreshore has strong visual relationships to several harbour edge parks. These parks have significant numbers of well established trees, often characteristic of Sydney sandstone landscapes. These mature plantings contribute to the greening of the harbour.

The drawn views from the East Balmain foreshore parks are implicitly reciprocal, the parks being equally viewed from its partner parks.



Background and Site Analysis

A



ILLOURA RESERVE



1

2

3

4

5



1

2

3

4

5

From Observatory Hill



From Observatory Hill



PEACOCK POINT Scale: 1:40000



Background and Site Analysis

A

A2 Local Context

1. Lookes Reserve
The main access to Thornton Park is from Lookes Reserve. The reserve is a narrow strip of land between two private properties which runs north-south through the reserve. There is presently no formal path, currently located behind the toilet blocks and steps. The central north-south path connects with a pedestrian laneway to Lookes Avenue and the reserve.
2. Thornton Park
The current configuration of the Street Wharf does not facilitate equitable access and presents many issues in terms of pedestrian and bus circulation conflict. There is currently no direct foreshore access to Lookes Reserve from the wharf. Access to Lookes Reserve is via Weston Street.
- 3/ 4. Darling Street Wharf/ Weston Street
There is an upper and lower pathway access to Peacock Point which is associated with the water's edge. The upper pathway is on the edge and system within the park is a closed access. The upper pathway is on the edge and system within the park is a closed access. The upper pathway is on the edge and system within the park is a closed access.
5. Illoura Reserve
There is an upper and lower pathway access to Peacock Point which is associated with the water's edge. The upper pathway is on the edge and system within the park is a closed access. The upper pathway is on the edge and system within the park is a closed access.
6. Peacock Point
The ferry wharf is only accessed via the pedestrian footpath on the northern side of Darling Street. Whilst Thornton Park has three tiers of access, the private residence located on the foreshore prevents further connection. A private garage currently prevents connection between Thornton Park and James Lane. Lookes Avenue and the reserve are connected to Thornton Park and Darling Street, via a narrow pedestrian lane. Lookes Avenue has no pedestrian paths, and the steep grades create an almost inaccessible park for surrounding residents.



1. Lookes Reserve
Pedestrian laneway
2. Darling Street Wharf 3. Weston Street
waterfront
- 4a. Illoura Reserve
waterfront
- 4b. Illoura Reserve
waterfront path
- 4c. Illoura Reserve
upper path
- 5a. Peacock Point
waterfront path
- 5b. Peacock Point
waterfront path



- Footpaths: on street
- Footpaths: in park
- Pedestrian barriers
- Park entries
- Informal paths
- Walls
- Steps

Prepared by ASPECT Studios Landscape Architecture Pty. and Leithhardt Municipal Council
February 2008

2-8 Weston Street, Banksia
Plan of Management 31

A Background and Site Analysis

A2 Local Context

Illoura Reserve

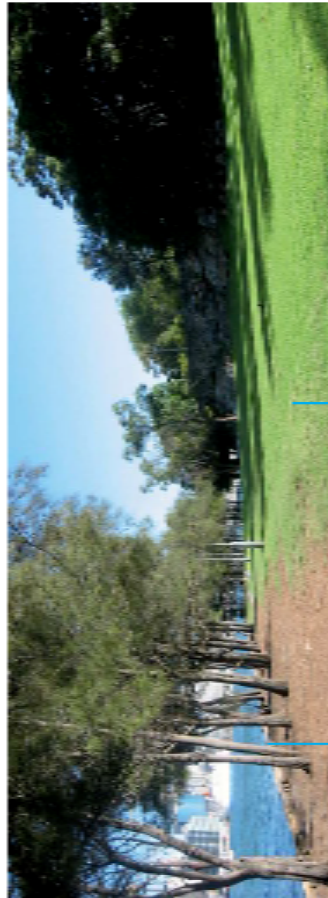
Overview

THE SITE IS IDEAL FOR THE NATIONAL MUSEUM OF ITALIAN HISTORY. THE ACQUISITION OF THIS LAND FOR PUBLIC OPEN SPACE PROVIDES A UNIQUE OPPORTUNITY TO INCREASE CONNECTIONS TO AND FROM THE MUSEUM.

moor reserve is a culturally significant landscape, distinct as one of the most valuable waka, declared by Bruce Mackintosh and is one of the outstanding examples based on the "greenway school". The topography of natural landscape is unusual and covered with walls, canals and vegetation to create a series of natural, mountain spaces.

the complexity of the new spaces originates from the interplay and contrast of the planning, geological and constructed components. The result of this complex interacting relationship of landscape elements, is a series of well-loved, distinctive and highly visited urban spaces.

The velocity of molecules for walls, solids and forests is ultimately restricted (under and conditions), with an emphasis on large scale forest stands, that depend on the size of the forest location as a working forest and on this basis.

[illegible]

The open ground exercise is significant as an unprogrammed area used by various for identifying gathering and meeting.

Thornton Park

Overview

The site is located usually Thurston Park and surrounded by Collins Blvd. The structure and form of this site is in partial contrast to future housing.

meanwhile, available in the 1930s, is a wall tower that is a highly prominent location adjacent to Tower Street and the first mainline railway terminal. The park is located in the town again, with the original mansions and a prominent planning north-south defining the level change.

The park has undergone a recent refurbishment, with additional perimeter plantings, new play facilities and new seating and furniture installed. Thurston Park is well loved, with residents actively involved in the park's maintenance.



Living room provides well needed shade to the deck and view from above.

Background and Site Analysis

A

A2 Local Context Darling Street

Darling Street is a steep street, with a gradient from the Johnson Street / Nicholson Street junction of approximately 1:5.8, terminating at the harbour. The ferry terminal is located in an east-west alignment, in accordance with the street layout. The views to the harbour from Darling Street are pronounced. Near the harbour, views are obstructed by the existing toilet facility, existing concrete walls and associated stairs.

Existing bus configurations

Buses currently set down adjacent to the entrance to Thornton Park and are stationary for varying lengths of time along the northern edge of Darling Street. Current conditions allow for 4 buses to be accommodated along this edge.

The turning area is surrounded by RTA safety barriers, and includes a bus pick up point and bus shelter located in proximity to the southern side of the street, adjacent to the former Shipwrights Arms Hotel.

Existing conditions: amenity and pedestrian connections

The elevated bus turning area and its associated retaining walls alienate public access, prevent connections to the foreshore, and physically and visually separate the 1880s stone building from Darling Street.

There are no direct pedestrian connections from the ferry terminal to Illoura Reserve. An existing wire fence on the southern boundary of the ferry terminal prevents access and the configuration of the elevated turning area retaining walls reduces the area of accessible foreshore. There is evidence of subsidence of the land behind the seawall. Refer to section 3.2 (p.19) Marine facilities and seawalls for further explanation.

Pedestrian access does exist between the ferry terminal and Thornton Park. There is an existing narrow ramp to the rear of the existing sandstone block, providing pedestrian access from the ferry terminal to Thornton Park. This ramp does not comply with current access codes for disabled users, and is visually obscured.

Existing conditions: pedestrian access and safety

Whilst pedestrian access from the bus set down points on the northern Darling Street footpath are legible and safe, connections to pick up areas are not. Currently pedestrians are required to navigate across Darling Street, with the most direct route directly across the bus and vehicular turning area. This is unsafe, requiring that pedestrians and vehicles share the carriageway.

Access between the existing ferry terminal and the bus set down and pick up areas, is unclear and involves steps and quite steep gradients. The existing wharf provides barrier free access at high tide for all users. However, at other times, there is no equitable access, with the existing three embankment platforms accessed by stairs only.

Access between the existing ferry terminal and bus set down and pick up areas is currently inequitable and not in accordance with the *Disability Discrimination Act (DDA)* requirements.



The most direct pedestrian access from the Darling St ferry terminal to the bus pick up area is across the existing carriageway, behind turning buses.



Existing safety barriers surrounding the existing bus turning area are visually intrusive.



Existing retaining walls are a visual and physical barrier to pedestrians.

Subsidence to the rear of the existing sandstone block seawall is caused by sandy back fill leaching through seawall joints.

A Background and Site Analysis

A2 Local Context

Darling Street and the Ferry Terminal

Existing configuration

Key

- [illegible]



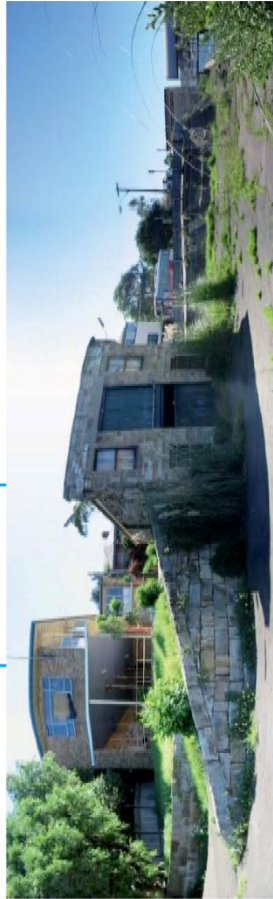
Background and Site Analysis

A

A3 Existing Site Conditions

2 - 8 Weston Street

1880s stone building has been affected by the more recent addition of the driveway and infill on the southern and western elevations.



Existing 1963 administration building, with undercroft carparking is to be demolished.



The upper section of the site, has spectacular views to the Harbour Bridge and the western edge of the CBD.



The southern boundary to Illoura Reserve is densely planted and there is some weed infestation evident.

This area, formerly Fenwick's tugboat facility, is a steeply graded foreshore site, bounded by Darling Street to the north, Illoura Reserve to the south, Weston Street to the west with Sydney Harbour on the eastern edge. An 1880s stone building is located on the lower lying land, whilst on the upper land, there is a 1963 face brick work and concrete office building. A driveway connects the upper level undercroft and car park to the lower level foreshore.

The 1880s stone building is two storey rectangular structure, oriented east-west, with the front elevation facing Sydney Harbour. It appears that in construction of the 1963 building, the ground was built up on the western and southern elevations of the 1880s stone building. This has resulted in rising damp and resulting salt damage along these walls in the building. The original use of the building is unknown. The draft East Balmain Foreshore Conservation Management Plan states:

"It is unlikely that it was a boatshed, since another building existed between it and the water at the time it was built. Its form suggests that it was a warehouse or storehouse, and may also have incorporated workshops on the ground floor."

The 1963 office building contains an upper level office space, with lower level car park, and is oriented east /west, and has an L-shaped footprint. According to the draft Conservation Management Plan, the building has undergone very little change since construction and is substantially intact.

A series of stone retaining walls are located on the south eastern edge of the 1880s stone building, and provide retaining to an asphalt driveway. A large pepper tree (*Schinus molle*) is located to the south of the access driveway. The southern boundary adjacent to the site, in Illoura Reserve, contains a dense area of native and non-native shrubs and small trees, including *Eucalyptus robusta*, *Metaleuca amaryllis* and *Pitoporum undulatum*.

The extent of the lower level platform, from the 1880s building to the seawall is surfaced in asphalt. The perimeter of the site is fenced, and there is currently no access from the site to the ferry terminal to the north, and Illoura Reserve to the south. The northern boundary to the bus turning area is defined by a banked concrete retaining wall. A seawall extends along the front boundary of the site; the southern section of this wall has been in-filled with concrete blocks. The northern extent of this seawall is sandstone with a concrete kerb. This area contains substantial subsidence. A more detailed discussion of this seawall condition is outlined in: Marine facilities and seawalls. There is evidence behind the seawalls of fixing points for timber jetties, and there is an iron fixing set in concrete located adjacent to the sandstone seawall.

A concrete driveway gives access to the site from Weston Street and slopes down to parking under the administration building and to the waterfront. It is retained by the rear and side walls of the stone warehouse as well as stone retaining walls extending to the west and south-east of the stone warehouse. The lower area surrounding the stone building is generally surfaced with asphalt.

A Background and Site Analysis

A3 Existing Site Conditions 2 - 8 Weston Street

The site is irregular in shape and includes a narrow strip of land between the bus turning area and the former Shipwrights Arms (10 Dealing St). This strip is bounded on its western side by the Shipwrights Arms and on its eastern side by a stone wall (refer to bus turning area). The wall steps up the slope, the capping indicating that there were probably stairs behind it. It was not possible to get access to this area to investigate, but it may be assumed that stone steps still exist. The wall returns to the back of the stone warehouse on the Freewick site and appears to date with it. Several stone courses have been added to the top of this wall at its southern end, most likely when the administration building was built in the 1960s. The stone capping was removed from this section of wall. A steel pipe handrail has been added to the top of the wall.

Stone Warehouse / Workshop

The warehouse is a rectangular two-storey stone structure with a low pitched gabled roof. The ground has been built up against the western and southern elevations in the construction of the 1963 driveway. The eastern front elevation is symmetrical in form with windows on either side of central doors on both levels. The stonework of this elevation is rough faced ashlar. A concrete lintel is used over the central upper floor door opening (late 20th century). The stone courses above this are narrower and date with the lowering of the roof and removal of the stepped parapet. The northern, western and southern walls consist of coursed rubble.

Dimensioned stones are used as lintels, sills and quoins to the window openings and as quoins to the eastern corners of the building. The windows are substantial double hung, timber windows with double paned sashes. Those on the lower storey have steel bars over them bolted into the reveals (not original). There are no windows in the south elevation, and one of the windows in the western elevation has been replaced with a smaller awning window, and the opening partially blocked up.

All the doors are substantial framed and sheeted doors made with V-jointed boards. They are hung on strap and gudgeon hinges. Iron bars are set into the timber frame over the central ground floor doors (original). A later set of doors have been inserted into the upper section of the southern elevation and open onto the driveway (c1960s).

A concrete slab has been laid on the ground floor (not original), while the upper floor is a timber structure. The joists are approx. 300mm deep and span across the full width of the building. Three stop chamfered posts and a timber beam support them mid-span. This secondary structure may have been introduced at a later date to strengthen the floor to take an increased load (c early 1900s). A second set of posts and beam are also used directly above these to support the roof structure. An open timber stair connects the two floors. There is a hole in the upper floor near the front doors that has mounting blocks either side, possibly for a hoist that has since been removed. On the upper floor there are the remains of steel mesh partitions and ceilings. The existing roof structure appears to have been made using members from the original roof structure. The roof cladding is steel sheeting of a mid - late 20th century profile.

There is evidence of active termites and past termite damage in the building. The building is also suffering from rising damp and resulting salt damage, particularly in the southern and western walls. The original use of the building is unknown. However, it is unlikely that it was a boatshed since another building existed between it and the water at the time it was built. Its form suggests that it was a warehouse or storehouse, and may also have incorporated workshops on the ground floor.

2-8 WESTON STREET, BALMAIN
Plan of Management

Prepared by ASPECT Studios Landscape Architecture Pty Ltd and Leichhardt Municipal Council
February 2008

Background and Site Analysis

A

A3 Existing Site Conditions

Site Contamination

It should be noted that the preparation of this Plan of Management did not include specialist assessment of site contamination issues. What follows is a summary of the background findings as provided by Leichhardt Council from reports commissioned by Council and the former site owner.

In 1998, an environmental assessment was undertaken by Sinclair Knight Merz of the 2 - 8 Weston St site. The report concluded that fill material behind the seawall, the rear wall of the 1880s store building and the ramp retaining wall "show elevated levels of metals and PAH contamination". This requires environmental management procedures to be undertaken, as this contamination poses an unacceptable risk to human health.

A single groundwater bore was installed on the site. Elevated levels of copper, zinc and PAHs were detected, above the ANZECC Freshwater Ecosystems Criteria, and assumed to be caused by contaminants introduced to the site.

Contamination was identified in areas across the site containing fill. Fill varied in thickness from the surface to approximately 3m below ground level and contained concentrations of some heavy metals and poly-aromatic hydrocarbons (PAHs) above the proposed landuse criteria guidelines. Asbestos has not previously been analysed on site. The fill generally consisted of ash, coke, rocks, metal with sandstone and sand-sand/clay underlying the fill. Low levels of groundwater contamination similar to the contaminants identified in the soil were also detected. In 2007 Parsons Brinckerhoff (PB) undertook a RAP which recommends a remedial strategy and on-going management including containment of soil contamination through installing a capping layer with topsoil/burf across the site. The works would involve:

- excavation and disposal of the near surface impacted soil/fill where required;
- classification of all wastes in accordance with NSW EPA guidelines;
- validation sampling of excavations;
- placing tell tale marker (geofabric or similar) on top of excavated areas prior to placement of cap/fill;
- import fill/cap materials to place on top of tell tale marker. All important materials shall be shown to conform with Virgin Excavated Natural Materials (VENM) prior to use on site;
- surveying of the pre and post capping levels to ensure that sufficient capping depth of fill is achieved;
- production of a validation report in accordance with NSW EPA/DEC guidelines; and,
- following the works, implementation of an environmental management plan (EMP) to ensure that any future works do not pose a risk to site workers or the environment. The plan will address issues such as excavation works beneath the capping layer (including management of any asbestos impacted soils), landscaping and general maintenance and reinstatement of the capping and underlying geotechnical. The plan will include a schedule of long term inspections of the capping to identify issues such as unintentional disturbance, erosion etc.

Based on the proposed remedial works, PB concluded that following excavation of the shallow fill materials and off site disposal the contamination on the site can be successfully remediated to a level suitable for the proposed parks and open space land use.

They suggested that once complete a detailed remedial specification be prepared which outlines final capping depths/types and the areas where capping and/or excavation is required.



A Background and Site Analysis

A3 Existing Site Conditions

Marine facilities and seawall

In 2001 Leichhardt Council commissioned condition assessments for all public seawalls within its municipality. This work was undertaken by Webb McKewen and Associates and included assessment of the seawalls fronting Thornton Park, Illoura Reserve, Lookes Avenue and Peacock Point. Of these, only the findings for Thornton Park and Illoura Reserve are of interest to this study.

The report concluded that the Thornton Park seawall is comprised of a 59m length of conglomerate concrete and a 16 m length of dimensioned sandstone seawall. The conglomerate concrete was noted to require a new fascia to address undercutting and the dimensioned sandstone was considered to be in good condition. New works to the seawall have subsequently been undertaken to prevent undercutting and a new fascia has been installed. Remediation of the seawall using concrete infill is unsympathetic to the heritage significance of this seawall.

The report also noted that comprehensive restoration works on the seawall in Illoura Reserve were designed at the time of the report in 2001. The 2 - 8 Weston street seawall was not included in this report.

In 2006, consulting engineers Patterson Britton & Partners undertook a visual inspection of the seawall on the 2-8 Weston Street site. The key observations of this inspection were as follows: the seawall on the 2 - 8 Weston Street site comprises two types of construction, a vertical dimensioned sandstone wall (northern section) and a concrete block wall (southern section); -some sandstone blocks were heavily weathered and a cornerstone was noted to be missing;

-when viewed from the Darling Street Ferry Terminal, the seawall appears to have undergone some differential settlement, as evidenced by the apparent dipping in the block courses; -there has been a significant loss of fines and subsidence behind the seawall particularly behind the sandstone block section most likely by piping through the joints; and -there are some services within the zone of subsidence behind the seawall (however the status of these services is unknown).

In summary, it is likely that the seawall was originally founded directly on a rubble berm or platform placed on the seabed, quite probably without any improvement to the foundation conditions. Variability in foundation conditions and loss of fine material through wave action may have resulted in the differential settlement evident today.



Above: Existing seawall on Thornton Park. Frontage has been recently repaired. The type of repair is unsympathetic to the heritage significance of the seawall and should not be replicated at the 2 - 8 Weston Street site.



Above: Existing seawall on the 2 - 8 Weston Street site.

Background and Site Analysis

A

A4 Heritage Significance

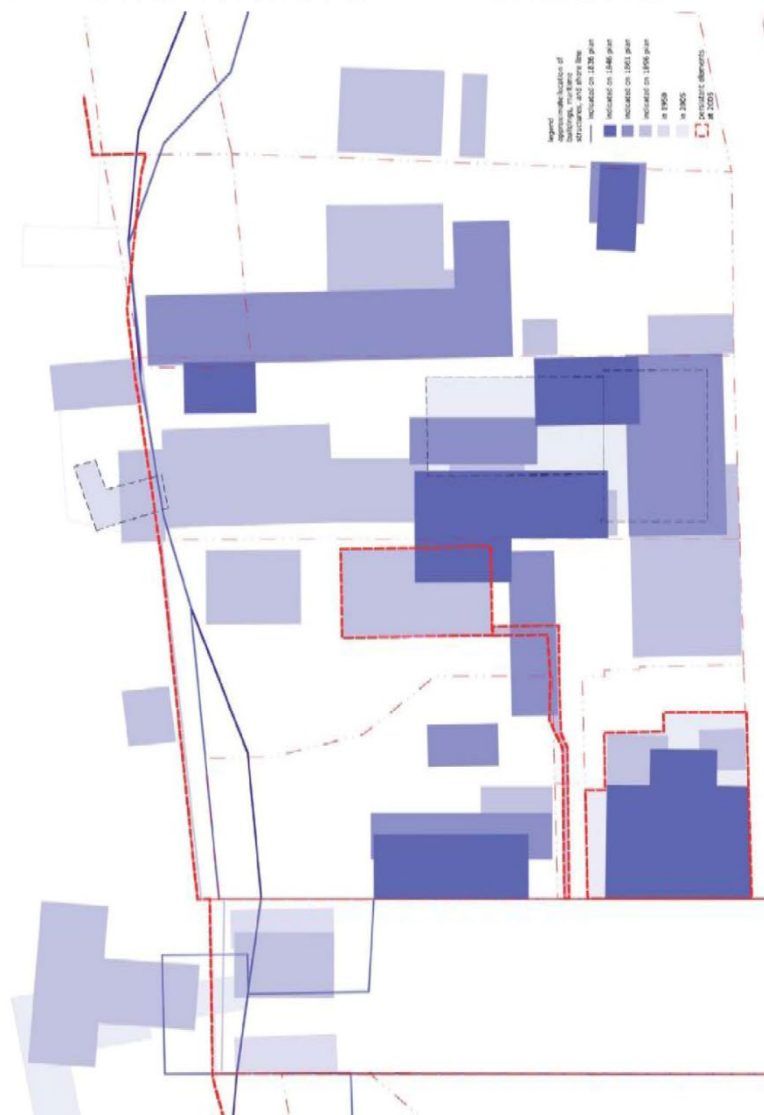
Historically the site is one of the last vestiges of the working waterfront on the East Balmain peninsula. The draft Conservation Management Plan states that this site is of state significance, and that the Bell's boatyard should be conserved and interpreted. The reasons for this are listed in the following:

The former site of J. Fenwick and Co Pty Ltd is of state significance as it is strongly linked historically to the development of Australia's busiest port, the port of Sydney.... The site is also significant through its continuous association with the growth and development of maritime industries in Balmain, from the earliest days of Balmain's subdivision.

The draft CMP notes that the site's urban context relates strongly to the surrounding buildings on Darling Street, the ferry terminal and the harbour, and that the 1880s stone building acts as a landmark for the site.

Built structures over time

Historic plans indicate built occupation of the foreshore around Darling Street, dating back to the early 1880s. Buildings include land and maritime structures. The most intense built occupation is indicated on the 1895 plan with numerous structures providing a strong built context for the 1880s stone warehouse. The extent of foreshore reclamation is pronounced. Private reclamation followed reclamation at the end of Darling Street. Such reclamations related to foreshore access, ferry uses and the loading and unloading of goods.



A Background and Site Analysis

A4 Heritage Significance

Of particular relevance to this Plan of Management is the assessment of cultural significance, prepared by Design 5 Architects and included in the draft CMP. From this information, the 1980s warehouse is designated with the highest grading for its significance historically, aesthetically, and socially. The 1963 office building and the ramp connecting to the lower level are graded level 3: little significance. This grading states that the 1963 structures may be substantially altered and/or play a minor role in the significance of the place.

The foreshore area in front of the 1880s building is listed as grade 2: medium significance, with the spaces retaining some integrity. This provides an industrial context to the stone building that should be conserved and enhanced.

The draft CMP include a number of policies that are significant informants of the master plan. These are summarised as following:

- The view down Darling Street to the wharve is significant and should not be obscured. Existing toilet block may be demolished. A public wharf should continue to be located on axis with Darling Street.
- The stone seawall should be conserved in its present configuration.
- The stone wall on the western boundary of 2-8 Darling Street should be conserved.
- Evidence of 'waterman's' stairs, previous wharf structures, the former maritime/industrial use of the place, should be retained.
- The site of the bus turning area should be retained.
- The flat reclaimed land beside the seawall should be developed as a hand paved urban space. If possible this area should be extended to areas where fill has been placed on top. The close relationships to the water should be strengthened.
- The site should include interpretation of the former uses such as boat building, the original maritime shoreline, and other marine activities.
- Any new street furniture should be simple and robust. New shelters should be limited. Any new shelters should not obscure important visually links.
- There should be visual and physical links between the foreshore parks.
- The 1880s stone building should be retained and enhanced. It should be adapted to a new use that should respect the maritime heritage and allow public access. Fill should be removed from the southern and western walls to allow for a substantial air drain.
- New structure may be built to west and south of the 1880s stone building. They should not extend above this save line of the 1880s building.
- If the 1963 administration building is to be removed, its role in visually defining the southern and western boundaries must be emulated.
- There should be distinct separation between lower foreshore and higher ground facing Weston Street in any new development.



Key : Significance gradings

Key : Significance gradings
Spaces graded 1 : High Significant

These structures, spaces or elements are of high cultural significance for historical aesthetic, scientific or social values.

Significance

These structures, spaces or elements retain some integrity but are of less cultural significance. Significant fabric may have been altered or obscured.

Spaces/Elements graded 3: Little Significance

These structures, spaces or elements are of little cultural significance.

*Spaces/Elements graded 4:
Intrusive*

These structures, spaces or elements are intrusive and are damaging of the cultural significance of the place. They obscure rather than support the significance of the place.

Background and Site Analysis

A

A5 Design Potential



- Key**
- Expanded public foreshore
 - New public square
- 1 Continuous public foreshore access related to public ownership of adjacent lots precluded by the Council acquisition of 2-8 Weston Street.
 - 2 A new ferry wharf with enhanced access would continue to be visible along Darling Street.
 - 3 Retain the physical and visual relationship between Bell's Store and Darling Street.
 - 4 Reinstate or at least substantially improve the visual relationship between the Bell's Store and Darling Street.
 - 5 Improve ventilation and waterproofing to the Bell's Store.
 - 6 Retain access to the Bell's Store at lower level.
 - 7 Consider inserting services (kitchen and public toilets) to the rear of the Bell's Store and providing access above to the upper level of the Bell's Store.
 - 8 Incorporate elements which heighten the intensity of experience and the richness of experience associated with the tidal variation.

- An opportunity exists with the acquisition of the 2 - 8 Weston Street site to provide:
- continuous foreshore access connecting Thornton Park, the ferry terminal and Illoura Reserve;
 - to provide improved physical and visual relationships between the 1880s store building; to reinstate and adaptively reuse the 1880s store building as a viable, flexible facility accommodating multiple uses that complement the existing heritage and open space components of the site;
 - to provide three levels of access on the foreshore, integrating Illoura Reserve to the foreshore and Thornton Park;
 - to provide a safer, integrated and equitable transport interchange;
 - to improve public facilities and amenity including toilets, seating, lights and paths;
 - to allow for interpretation of the historic significance and the site's significance as a working waterfront; and
 - to provide a waterfront that can accommodate passive recreational activities, park access and areas of respite.
 - to remove the Fenwick Building and create parklands to complement and extend Illoura Reserve

B East Balmain Foreshore Master Plan

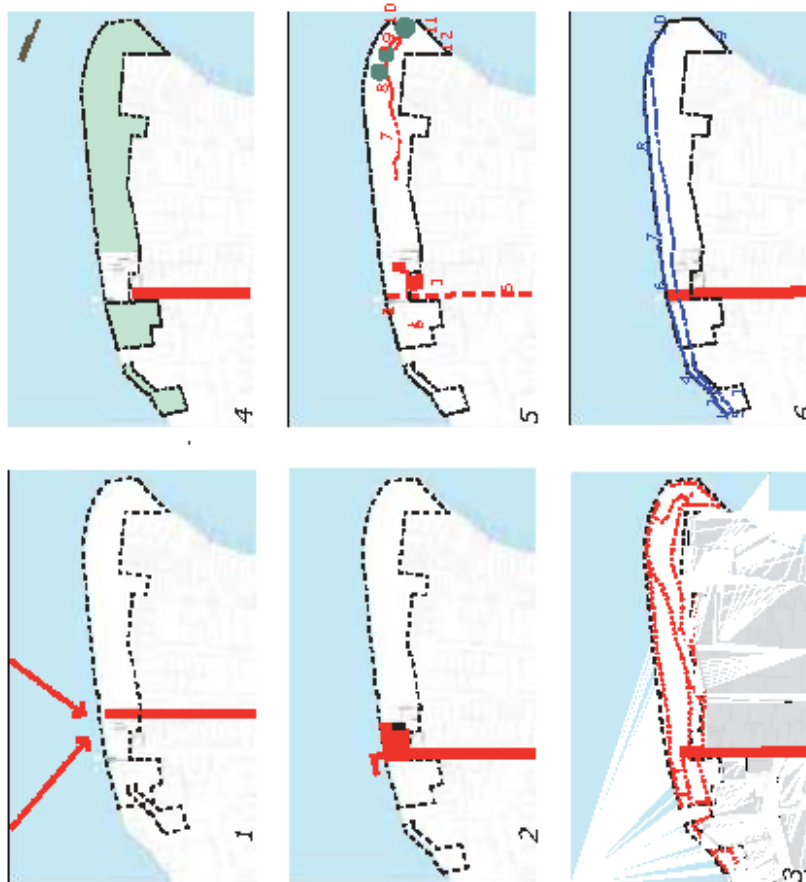
Prepared by ASPECT Studios Landscape Architecture Pty Ltd and Leichhardt Municipal Council
February 2008

East Balmain Foreshore Master Plan **B**

B1 Master plan principles

[illegible]

- [illegible]



Approved by Assembly Standing Committee on Land Use and Planning
February 2008

2-8 WESTON STREET, BATH
BA1 1JY

B East Balmain Foreshore Master Plan

Possible Future Design Options - Including Ferry Wharf and Bus Turning Circle Improvements



- Key**
1. Proposed hydraulic ferry wharf providing equitable access
 2. Proposed bus turning area
 3. Proposed access ramp to foreshore
 4. Bell's store - retained and adapted for reuse
 5. Existing concrete platform to be retained
 6. Proposed bus set down area
 7. Proposed bus pick up area
 8. Safety fencing designating bus turning area
 9. Existing access path
 10. Mid level platform with decomposed granite/crushed sandstone surfacing
 11. Timber benches
 12. Existing tree to be retained
 13. Existing trees to be retained
 14. Proposed tree planting of Smooth Barked Apple *Angolorea costata*
 15. Proposed access stair
 16. Existing sandstone pathway and stairs to be retained
 17. Existing timber platform. Make good to timber platform and extend to provide access to Illoura Reserve
 18. Proposed access path connecting to existing path in Illoura Reserve
 19. Proposed retaining wall with be planted and planted back to be retained
 20. Existing concrete stairs to be retained
 21. Existing driveway access to Illoura Reserve
 22. Proposed seating to foreshore
 23. Existing trees to be retained including *Eucalyptus haemastoma*
 24. Mid level planting including *Eucalyptus haemastoma* and *Excelsior robusta*
 25. Loading zone and disabled parking
 26. Existing carparking area to be removed

Prepared by ASPECT Studios Landscape Architecture P/L and Leichhardt Municipal Council
February 2008

2-8 WESTON STREET, BALMAIN
Plan of Management

East Balmain Foreshore Master Plan

B

B3 Strategies

The rationalizes the complex relationships of public transport requirements, safe pedestrian access and useable, publicly accessible foreshore. The master plan provides an improved relationship between the 1880s warehouse and Darling Street. An outline of the Master Plan is discussed below, with the following descriptions listed under two key zones: Darling Street and the transport interchange and 2- 8 Weston Street and Illoura Reserve.

Darling Street and the transport interchange

Proposed bus configuration

The master plan locates bus set-down areas near current location on the northern Darling Street footpath. The bus pick up area and their shelter is located on the southern side of Darling Street, near the northern corner of the former Shipwrights Arms Inn. The turning area is reconfigured and aligned closer to the northern edge of Darling Street, simplifying the bus three point turning area and occupying more of the Darling Street reservation and less of 2-8 Darling Street. This reconfiguration also allows for a more generous edge to the 1880s stone building.

A threshold entry point indicated by a material change in the carriageway alerts users of the entrance to the interchange. At this junction, the Darling St. carriageway is proposed to be regraded to accommodate a shallower gradient in order to provide appropriate levels and disabled access.

The master plan allows bus waiting zones to occur along the northern side of Darling Street, as currently exists.

Amenity and connections

The reconfigured bus turning area incorporates the creation of a platform or square, which allows for bus turning on the upper levels, as well as creating generous publicly accessible foreshore areas. The upper level bus platform is connected to the lower level foreshore by a series of monumental seat-steps, and access stairs. Access stairs are located at four locations on the platform with three flights, parallel to the seawall, and one in the southern edge of the platform. Monumental seat-steps emphasise the relationship of the platform to the foreshore providing informal seating with pleasing prospect across Sydney Harbour for commuters. An access ramp provided along the southern edge of the platform, provides an access to the foreshore from set down and pick up areas to the ferry terminal.

A generous foreshore path is created along the foreshore connecting Illoura Reserve to the ferry terminal, Darling Street and Thornton Park. Seats are located along this path, parallel to the seawall. Discrete lighting is proposed to be integrated into existing and proposed structures including retaining walls, stairs and the like.

A single Hills Weeping Fig (*Ficus macrophylla var. Hillii*) an historically significant species to Sydney Harbour, is located on the upper level of the platform in the south eastern corner, providing shade and shelter to the seating edges. There are no additional trees proposed, in accordance with policy 2.9.6, which states

The relationship between the Fenwick site and the urban spaces of Darling Street and Weston Street should be enhanced, particularly the visual relationship between the 1880s stone building, the former Shipwright's Arms Hotel and the public wharf at the end of Darling Street.

The toilet facility is to be documented (in accordance with the recommendations in the Conservation Management Plan) and removed, and a new facility is to be installed at the rear of the 1880s stone building.

Pedestrian access and safety.

The master plan promotes more equitable access between the ferry terminal and bus set down and pick up areas. This includes clearer more legible pedestrian connectors, without conflicting with bus turning areas; bus turning zones are defined by a kerb and gutter, with a supplementary transparent, visually unobtrusive fence designating areas of pedestrian access. The safety fence, proposed as a bollard / precast concrete bollard, with steel cable, provides clearly designated areas, without impacting on views through to the harbour and foreshore. At the northern edge of the turning area, where buses undertake a reverse movement, a more robust hardwood timber barrier is proposed as an additional safety measure. Wheel stops are installed at the rear of the bus reversing area.

A wall parallel to the Darling Street boundary extends along the southern edge of the northern Darling Street footpath, providing an additional safety barrier to pedestrians.

East Balmain Ferry terminal

A new ferry terminal is located, with regard to the orthogonal Darling Street geometry. This facility is designed to be accessible for all users. The fixed platform is connected to the foreshore via a wide access ramp, with a shorter more direct path to the foreshore which includes steps at the southern end of the terminal. The proposed hydraulic ramp allows for adjustment of the embarkation levels at the end of the ramp to suit tidal conditions. The fixed platform contains a single span roof structure, with seating and glazed wind breaks. The simple roof structure should be designed to ensure minimal impact on views.

Thornton Park interface

The master plan proposals retain the fabric of Thornton Park intact with minimal impact of the structure or the amenity of the Park. Minor re grading works along the Darling street carriageway and footpath, will require approx 20 metres of the lower section of the Thornton Park concrete wall (adjacent to Darling Street) to be stabilised and repaired. Pedestrian connectors are made more generous, with the removal and relocation of the existing toilet facility. This allows for a more generous foreshore walk approximately 5m wide to be created, gently ramped to connect from wharf levels to the Park.

SJB Planning

2-8 Weston Street, Balmain East

Plan of Management

December 2019

Document Set ID: 33708222
Version: 1, Version Date: 03/06/2020

Contact Details:

SJB Planning
Level 2, 490 Crown Street
Surry Hills NSW 2010
Australia

T: 61 2 9380 9911
planning@sjb.com.au
www.sjb.com.au

SJB Planning (NSW) Pty Ltd
ABN 47 927 618 527
ACN 112 509 501

Table of Contents



1.0	Introduction and Objectives of This Plan	4
1.1	Overview	4
1.2	Objectives of the Plan	4
1.3	Annual Review	4
2.0	Operation of the Premises	5
2.1	Hours of Operation	5
2.2	Patron Capacity	5
2.3	Set-up and Clean-up	5
2.4	Closing Procedures	5
2.5	Deliveries	5
2.6	Waste Management	6
3.0	Amenity of Neighbourhood	7
3.1	Overview	7
3.2	Noise Emission Controls	7
4.0	Behaviour Of Patrons	8
4.1	Licensee/Approved Manager and Staff Expectations	8
4.2	Venue Requirements	8
4.3	House Policy	8
4.4	Responsible Service of Alcohol (RSA)	9
4.4.1	Licensee/Approved Manager's Responsibilities and Requirements	9
4.4.2	Staff	9
4.5	Preventing Underage Drinking	10
4.6	Preventing Intoxication	10
4.6.1	Overview	10
4.6.2	Prevention Measures	10
4.7	Preventing Disruptive or Antisocial Behaviour	10
4.8	Illicit Drugs	11
4.9	Transport	11
5.0	Complaint Resolution	12
5.1	Complaint Handling Policy and Logbook	12
5.2	Complaint Response and Reporting	12
6.0	Declaration of Licensee	13
7.0	Declaration of Owner	14

L2/490 Crown Street, Surry Hills
Sydney NSW 2010

planning@sjb.com.au
sjb.com.au

T 61 2 9380 9911
F 61 2 9380 9922

Document Set ID: 33708222
Version: 1, Version Date: 03/06/2020

1.0 Introduction and Objectives of This Plan

1.1 Overview

This Plan of Management (POM) is for the operations of the food and drink premises at 2-8 Weston Street, East Balmain known as 'The Fenwick'.

The content of the Fenwick POM is informed by the Conditions of Consent for D/2015/299 issued by Inner West Council on 30 August 2016. D/2015/299 granted consent for the adaptive reuse of the Fenwick Building and its use as a licensed café with gallery space.

In the event of an inconsistency between the conditions of consent and this POM, the conditions of consent prevail. All managers and staff of the Fenwick are to familiarise themselves with the requirement of this POM.

1.2 Objectives of the Plan

The objectives of the plan are:

- To enable compliance with the relevant conditions of approval for the The Fenwick;
- Outline the relevant conditions of consent including patron numbers, staff numbers, waste disposal and waste transfer for retail premises;
- Minimise the potential impact of operations of the site on nearby residents;
- Minimise and manage antisocial behaviour;
- Manage and respond to resident complaints;
- Ensure responsible service of alcohol; and
- Outline patron management and security measures.

A copy of the POM will be kept in a readily accessible place on-site, and will be made available to all persons involved in the operation and management of the venue. It will be made available for inspection by the Police, inspectors of Liquor and Gaming New South Wales (L&GNSW) or Council upon request.

The venue shall be under the supervision of a suitably qualified Licensee or approved managers, who will be in attendance during the hours of operation to ensure that the venue is managed in accordance with this POM and its objectives. The primary focus of the venue is as a food and drink premises, with the service of alcohol accompanying meals.

1.3 Annual Review

This Plan of Management is to be reviewed annually by the venue management and owners

8722A_Plan of Management_19/12/2

4 / 14

2.0 Operation of the Premises

2.1 Hours of Operation

The hours of operation of the restaurant are as follows:

- 7:00am to 11:00pm, Monday to Sunday.

The outdoor dining area of the venue will also shut at 11:00pm.

The actual trading hours of the venue may vary from time to time such that it may close prior to 11:00pm, however any trading will always be between the hours detailed above.

2.2 Patron Capacity

The maximum total occupancy for patrons is 80 persons / seats. This is inclusive of the outdoor seating area.

The maximum occupancy of the outdoor area is 24 persons / seats.

2.3 Set-up and Clean-up

Set-up and clean-up of the retail premises are restricted to one (1) hour before and one (1) hour after opening and closing times. All doors and windows must remain closed during set-up and cleaning where possible.

Set-up and clean-up operations of the outdoor seating area is to occur during operating hours.

2.4 Closing Procedures

The following measures are to be incorporated for the closure of the food and drink premises;

- 30 minutes prior to closure – Service to cease;
- 15 minutes prior to closure – Patrons reminded that venue will be closing shortly;
- Closure time – Lights put on (if dimmed) and patrons asked to quietly vacate the premises;

In addition, signs are to be displayed at the entrance of the venue reminding patrons to minimise noise when departing the premises.

Patrons are not to remove glass, opened cans, bottles or alcohol from the premises.

Note: Similar procedures should be enacted for the closure of the outdoor dining area prior to the closure of the remainder of the venue.

2.5 Deliveries

Deliveries to the Fenwick are only permitted between 7:00am and 6:00pm daily, restricted to outside non-peak hours in this period.

Delivery vehicles are limited to a maximum B99 (large cars and utility vans).

8722A_Plan of Management_191212

5 / 14

2.6 Waste Management

The following waste management procedures apply:

- The pickup of commercial waste and recyclables from the site is only permitted between 8:00am and 9:00pm daily; and
- Waste bins are only to be moved kerbside on the same day as waste collections. Empty waste bins are not to remain at the kerbside.

8722A_Plan of Management_191212

6 / 14

3.0 Amenity of Neighbourhood

3.1 Overview

At all times staff and the Licensee/Approved Manager of the venue shall consider the amenity of the neighbours and take all reasonable measures to eliminate the potential for adverse impact on surrounding areas.

The Licensee/Approved Manager shall take all reasonable measures to ensure that the behaviour of staff and patrons upon entering and leaving the venue does not adversely affect the amenity of the neighbourhood. The behaviour of contractors servicing the venue is also to be monitored by the manager on duty.

The email of the Licensee/Approved Manager of the venue will be distributed to neighbours in the immediate vicinity in order to let them know that any problems or issues that arise will be dealt with directly by the Licensee/Approved Manager, and that the Licensee should be contacted in the first instance if a concern arises.

3.2 Noise Emission Controls

The following noise emission controls will be imposed for the venue:

- Use of the indoor area is to cease at 11:00pm;
- Use of the outdoor area is to cease at 11:00pm;
- The outdoor dining area is for seated diners only;
- After 6:00pm, all windows and doors on the northern, western and southern facades of the building are to remain closed when the venue is in use. The door on the southern side can be open for egress to the outdoor dining area only until 11:00pm;
- No music is to be played on the outdoor areas of the venue;
- Only background music is allowed within the internal areas of the site, with a maximum sound pressure level of 65dB(A)Leq;
- Disposal of bottles/waste should be undertaken prior to 10:00pm; and
- Signs reminding patrons to leave the site quietly at night time will be installed at exit points.

4.0 Behaviour Of Patrons

4.1 Licensee/Approved Manager and Staff Expectations

The Licensee/Approved Manager will take all reasonable steps to manage the behaviour of patrons in the venue and when entering and leaving the venue. Staff shall encourage patrons to leave the vicinity of the venue promptly and quietly to minimise possible noise impacts on the local community.

The Licensee/Approved Manager and staff shall take all reasonable steps to ensure that persons do not loiter in the vicinity of the venue if they have been refused admittance or after leaving the venue. If patrons refuse to leave the vicinity the police will be contacted for assistance.

Staff are to encourage patrons to drink responsibly. Patrons will be required to leave the venue if they become intoxicated, violent or aggressive. If patrons refuse to leave police will be contacted for assistance.

Groups of patrons will be managed in the same manner as individuals due to the small nature of the restaurant. If the group or a member of the group becomes intoxicated, violent or aggressive they will be asked to leave. If they refuse the police will be contacted.

The majority of the venue's patrons especially at evening sittings are expected to be prior bookings. Walk-ins will be managed on the availability of seating. Should patrons arrive without a booking and no tables are available, staff will take the patrons phone number and contact them once a table becomes available. Patrons will be expected to leave the vicinity of the venue whilst waiting for a table to become available.

4.2 Venue Requirements

Low alcohol beer and non-alcoholic beverages will be available at all times. Drinking water will be available at all times without charge during opening hours.

4.3 House Policy

In the interest of patron and staff safety, the venue will adopt practices to ensure the responsible service of alcohol. The following measures are to ensure the enjoyment of the venue for staff and patrons and to minimise impact on surrounding residents.

It is the venue's policy to:

- Prevent underage drinking by requiring proof of age be provided by any person requested to do so, particularly any person who appears to be under the age of 25 years;
- Prevent intoxication by recognising the signs of intoxication and refusing service to patrons who reach this point. Any person who is already intoxicated when attempting to enter the venue will be refused entry;
- Non-alcoholic beverages will be available at all times the venue is open for trade within licenced hours. Drinking water will be available at all times without charge during opening hours;
- Harm minimisation and the Responsible Service of Alcohol (RSA);
- The prevention of intoxication on the premises;
- Prevent disruptive and/or antisocial behaviour of patrons within and when leaving the venue;

8722A_Plan of Management_191212

8 / 14

- Ensure the noise from the operation of the venue does not unduly affect any residence or business within the vicinity of the venue; and
- Ensure the operation does not result in an increase in litter in the vicinity of the venue.

4.4 Responsible Service of Alcohol (RSA)

4.4.1 Licensee/Approved Manager's Responsibilities and Requirements

The restaurant Licensee/Approved Manager (the Licensee) will ensure that at all times alcohol is served responsibly and in accordance with the *Liquor Act 2007* ('the Act'), the Liquor Regulation 2008 ('the Regulation') and this Plan.

The Licensee/Approved Manager will ensure that all staff involved in the sale, service and supply of liquor have completed an approved RSA course.

The Licensee/Approved Manager will ensure that copies of Competency Cards and/or RSA certificates for the Licensee and all staff members engaged in the sale, supply or service of alcohol are kept in the venue at all times and are to be made available for inspection by request from Police Officers, Council Inspectors or L&GNSW Inspectors.

The Licensee/Approved Manager will ensure that all statutory signage required by the Act and/or Regulation is prominently displayed within the restaurant.

4.4.2 Staff

Staff must carry their Competency Card with them at all times during operating hours and will produce it when requested to do so by the relevant authorities.

Staff will ensure that the service of alcohol is monitored in such a way as to minimise inappropriate behaviour of patrons while at and when leaving the venue.

Staff will refuse entry to any person deemed intoxicated, aggressive or unruly by taking the following steps:

- Tell the person that the law does not allow them to enter the premises;
- Tell the person that the law requires them to move on more than 20m away from the venue and observe or supervise that person's removal to that point; and
- If the patron fails to comply, the police are to be called.

Staff will refuse service to any patron approaching intoxication or displaying unruly and/or aggressive behaviour by taking the following steps:

- Tell the patron that the law does not allow them to continue to be served alcohol;
- Tell the patron that the law requires them to leave the venue; and
- If the patron fails to comply, the police are to be called.

4.5 Preventing Underage Drinking

It is the responsibility of every staff member to ensure that alcohol is not supplied to a minor. Any patron suspected of being under the age of 25 years is to be asked to provide approved documentary proof of age before being supplied with liquor. Accepted forms of identification are:

- A current driver's licence;
- A current passport; or
- A photo card or similar issued by the NSW Government or by another state or territory of Australia which clearly displays the person's date of birth and a start and expiry date.

Failure by a person to provide suitable identification to a staff member upon being requested will result in alcohol not being served to that person and that they are asked to leave the venue.

If staff are in any doubt as to the age of the patron, they are to check the patron's identification. If the patron objects to providing identification, staff are to explain that it is a requirement of the law.

4.6 Preventing Intoxication

4.6.1 Overview

It is an offence to sell or supply liquor to any person who is in a state of intoxication. A "state of intoxication" is where that person's behaviour, balance, speech and coordination are noticeably affected through the consumption of alcohol.

4.6.2 Prevention Measures

The Licensee/Approved Manager and staff are to ensure that intoxication is prevented from occurring on the licensed premises by compliance with the venue's House Policy:

- Non-alcoholic beverages being available at the restaurant at all times;
- Refusal of service to patrons showing signs of intoxication; and
- Not allowing intoxicated persons to enter or remain on licensed premises.

Free drinking water will be available to patrons at all times during trading hours.

Any patron exhibiting signs of intoxication are to be refused service and requested to leave the venue. Failure to comply with the request to leave by a staff member will result in the police being called to remove the patron from the venue.

Patrons exhibiting signs of approaching a state of intoxication are to be advised by staff and offered an alternative to consuming alcohol, such as soft drinks or water. Any person who exhibits signs of approaching intoxication will be monitored and requested to leave the venue if signs of intoxication are subsequently exhibited.

4.7 Preventing Disruptive or Antisocial Behaviour

The Licensee/Approved Manager and staff are not to allow disruptive, violent or antisocial behaviour to occur within or in the vicinity of the venue by patrons who have been in attendance at the venue. Staff are to ensure that this is prevented by:

- Not tolerating any conduct or behaviour which a reasonable person would consider undesirable; and
- Identifying potential problems and taking steps to prevent this behaviour from escalating.

4.8 Illicit Drugs

Illicit drugs are strictly prohibited in the venue at all times.

Any person found using, supplying or possessing illicit drugs shall be immediately removed and if necessary, the police called to escort the offender from the venue.

For the purpose of this Plan, "illicit drugs" includes any drugs made illegal by the laws of the State of New South Wales or the Commonwealth of Australia.

4.9 Transport

The Licensee/Approved Manager and Management shall endeavour to promote the use of alternative forms of transport to the venue as follows:

- Staff shall arrange (without charge) for taxis to collect any patron from the venue if requested to do so;
- Management and staff are to familiarise themselves with the operations including destinations and regularity of the ferry services from Balmain East Wharf to provide information to patrons as requested;
- Management and staff are to familiarise themselves with the operations including destinations and regularity of the bus services on Darling Street to provide information to patrons as requested; and
- If further specific information is requested regarding public transport, e.g. bus timetables, the patron is to be advised of the number for the Transport Info Line which is 131 500 and it's website <http://www.transportnsw.info/>. The website is configured to be used with smartphones.

5.0 Complaint Resolution

5.1 Complaint Handling Policy and Logbook

The Licensee/Approved Manager will implement a complaint handling policy to address any complaints received from residents or other business operators located in the vicinity of the venue. This policy will seek to resolve the complaint without the involvement of the Council or NSW Police.

The complaint handling policy will require a log book to be maintained that records the time, date and nature of each complaint together with the name and address of the complainant(s). Further, the log book will record the practices adopted by the Licensee and/or staff to resolve the complaint.

In addition to the above, any incident at the venue whereby medical assistance is required or the incident involved violence or antisocial behaviour will be recorded by the Licensee/Approved Manager or staff including details of the response from the venue in relation to the incident.

5.2 Complaint Response and Reporting

Any complaint received at the venue is to be responded to by the Licensee/Approved Manager (and in their absence by Management) within two (2) working days of its receipt. The Licensee/Approved Manager is to be available to meet with the complainant(s) at a reasonable time and mutually suitable date with a view to resolving any concerns regarding the operation of the venue.

In the event that a complaint is of a nature that local Council and/or Police should be notified, management will communicate to local Council and/or Police the details of the complaint.

6.0 Declaration of Licensee

The Licensee

Has read and agreed to the implementation of the Plan of Management dated for the operation of The Fenwick.

The Licensee will ensure the premises are managed in accordance with the Plan of Management and restrictions of the license dated

Licensee Date

Manager Date

8722A_Plan of Management_191212

13 / 14

7.0 Declaration of Owner

The Owner

Has read and agreed to the implementation of the Plan of Management dated for the operation of the Fenwick at 2-8 Weston Street, Balmain East and will ensure that the Licensee or Manager implements and operates the premises in accordance with the Plan of Management.

Owner Date

8722A_Plan of Management_191212

14 / 14