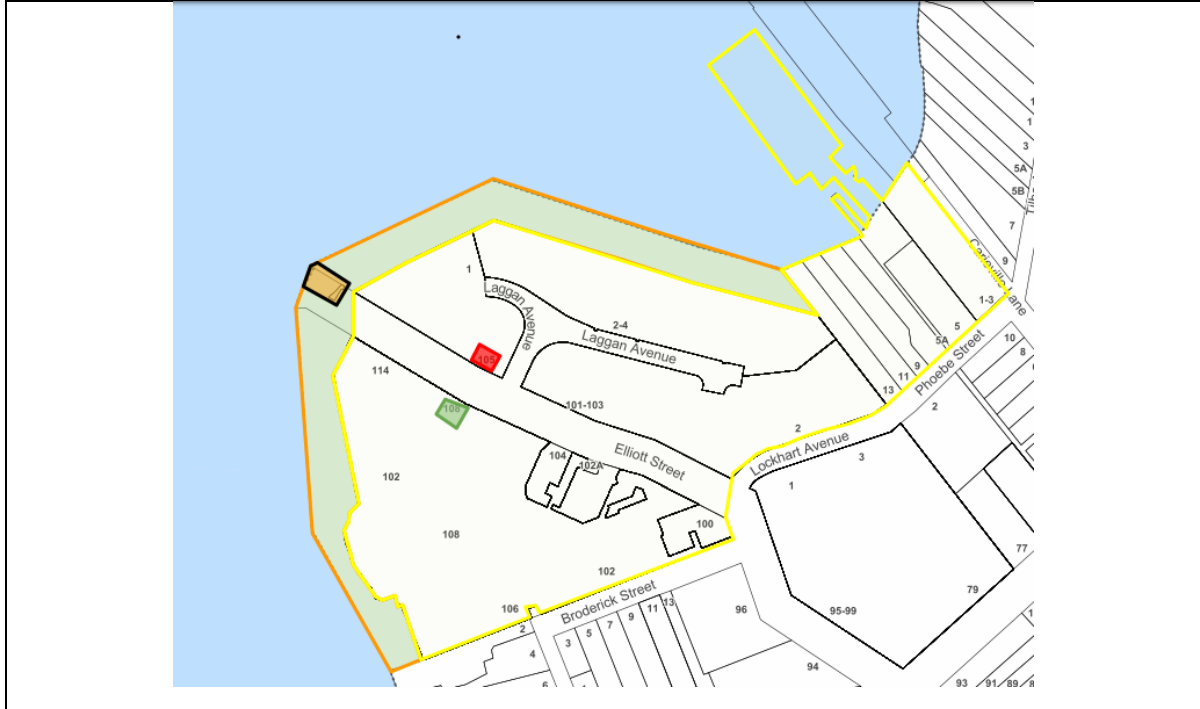







INNER WEST

DEVELOPMENT ASSESSMENT REPORT

| | |
|---|--|
| Application No. | DA/2022/0512 |
| Address | Elliott Street BALMAIN NSW 2041 |
| Proposal | Demolition of former Pellegrini restaurant building, new paving, new kiosk and amenities building in Paringa Reserve, outdoor dining area and landscaping. |
| Date of Lodgement | 06 July 2022 |
| Applicant | Andrew Ashton |
| Owner | Inner West Council |
| Number of Submissions | Initial: 3 |
| Value of works | \$925,100.00 |
| Reason for determination at Planning Panel | Council owned land |
| Main Issues | N/A |
| Recommendation | Approved with Conditions |
| Attachment A | Recommended conditions of consent |
| Attachment B | Plans of proposed development |
| Attachment C | Statement of Heritage Significance |



LOCALITY MAP

| | | | | |
|---------------|---|------------|---|---|
| Subject Site |  | Objectors |  | N ↑ |
| Notified Area |  | Supporters |  | Paringa Reserve  |

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

1. Executive Summary

This report is an assessment of the application submitted to Council for the demolition of the former Pellegrini restaurant building, new paving, new kiosk and amenities building in Paringa Reserve, outdoor dining area and landscaping at Elliott Street Balmain.

The application was notified to surrounding properties and 3 submissions were received in response to the initial notification.

The application is recommended for approval.

2. Proposal

The proposed development consists of:

- Demolition of the existing facilities, including:
 - The existing single storey rendered building known as Pellegrini's restaurant;
 - Covered outdoor dining area;
 - Existing paving where required to accommodate new paving and connection to the existing pathway.
 - Removal of existing exotic shrub plantings adjacent to the existing dining area.
- The installation of a container style single storey kiosk to enable food preparation and sale;
- The installation of new raised paved seating area for outdoor dining and drinking fountain;
- The installation of toilet amenities that are accessible and a supplementary store location;
- The construction of an accessible pathway ramp to amenities;
- The provision of landscaping to the waters edge and within the reserve; and
- Extension of the existing pathway.

3. Site Description

The subject site is located at the northern end of Elliott Street, between Laggan Avenue and the Iron Cove foreshore. The site is a section of Paringa Reserve, which consists of three allotments and is generally U – Shaped around the headland with a total area of 7,015 sqm.

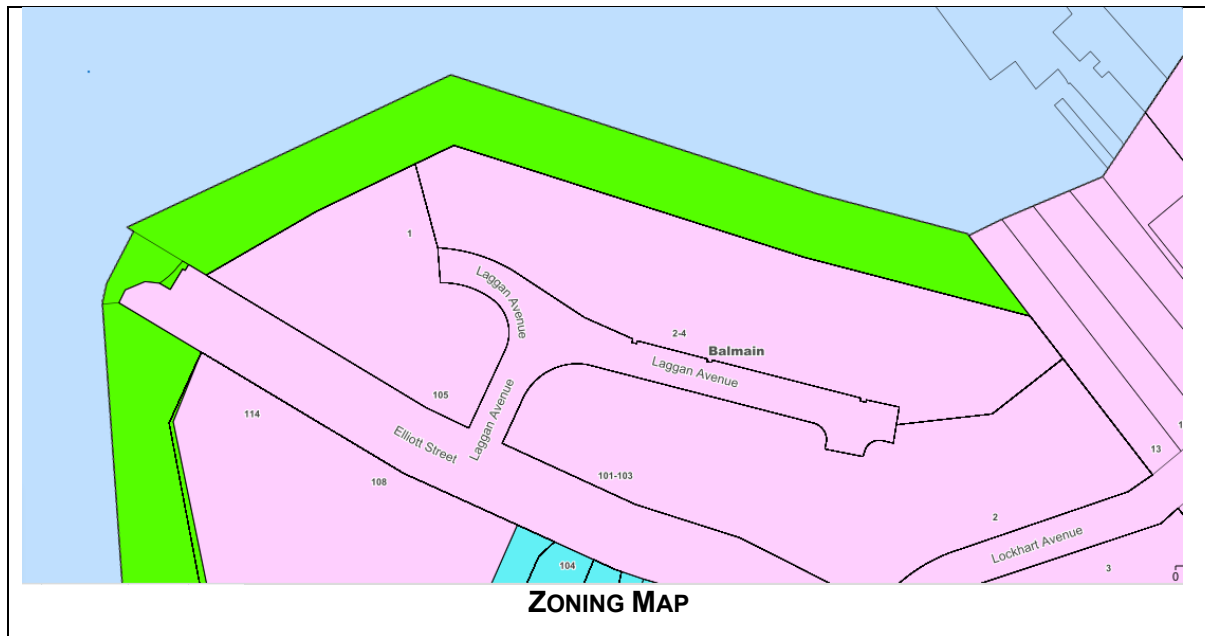
The site has a frontage to Elliott Street of 8 metres and is located adjacent to the Elliott Street Wharf. There are a number of easements and restrictions that burden the allotment, including a 3m wide electricity easement located to the east of the location of the proposed works and a number of underground services.

The subject site supports parklands and associated public utilities, the existing "Pellegrinis" restaurant and covered outdoor dining area, and associated pavement. There are a number of mature canopy tree plantings across Paringa Reserve, however the site is predominantly cleared with only grass.

Adjoining the site to the east is a large high density residential development in Laggan Avenue and on the opposite side of Elliot Street. There are a number of community facilities in the immediate vicinity of the site including schools and local playgrounds. To the east of the site are low density residential properties.

The property is located within the Iron Cove Heritage Conservation Area and is located on the Iron Cove foreshore.

There are a number of mature trees located on the site and within the vicinity. These will not be impacted by the proposed development.



4. Background

4(a) Site history

There is no relevant development history of the subject site in Council's records.

There is no relevant development history of surrounding properties in Council's records.

4(b) Application history

Not applicable

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 (EPA Act 1979)*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 2 Coastal management

The SEPP aims to ensure that future coastal development is appropriate and sensitive to its coastal location and category. The site is categorised as a coastal use area.

The proposed development will not adversely affect any coastal processes or values. The proposed buildings are lightweight, removable structures designed to complement the existing open space area and the coastal environment.

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

5(a)(ii) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Chapter 10 Sydney Harbour Catchment

The SEPP provides planning principles, development controls and matters for consideration which apply to the subject development proposal. The subject site is located within the Foreshores and Waterways Area as identified below, however is not zoned pursuant to this SEPP.

The planning principles of the Foreshores and Waterway area as outlined in Part 10.11 of the SEPP are as follows:

- a) *development is to protect and, where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends,*
- b) *the natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity,*
- c) *decisions with respect to the development of land are to take account of the cumulative environmental impact of development within the catchment,*

- d) *action is to be taken to achieve the targets set out in Water Quality and River Flow Interim Environmental Objectives: Guidelines for Water Management: Sydney Harbour and Parramatta River Catchment (published in October 1999 by the Environment Protection Authority), such action to be consistent with the guidelines set out in Australian Water Quality Guidelines for Fresh and Marine Waters (published in November 2000 by the Australian and New Zealand Environment and Conservation Council),*
- e) *development in the Sydney Harbour Catchment is to protect the functioning of natural drainage systems on floodplains and comply with the guidelines set out in the document titled Floodplain Development Manual 2005 (published in April 2005 by the Department),*
- f) *development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour,*
- g) *the number of publicly accessible vantage points for viewing Sydney Harbour should be increased,*
- h) *development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water,*
- i) *action is to be taken to achieve the objectives and targets set out in the Sydney Harbour Catchment Blueprint, as published in February 2003 by the then Department of Land and Water Conservation,*
- j) *development is to protect and, if practicable, rehabilitate watercourses, wetlands, riparian corridors, remnant native vegetation and ecological connectivity within the catchment,*
- k) *development is to protect and, if practicable, rehabilitate land from current and future urban salinity processes, and prevent or restore land degradation and reduced water quality resulting from urban salinity,*
- l) *development is to avoid or minimise disturbance of acid sulfate soils in accordance with the Acid Sulfate Soil Manual, as published in 1988 by the Acid Sulfate Soils Management Advisory Committee.*

As the proposal is for replacement of an existing derelict building and construction of a new kiosk and amenities area, within an area that is already developed, the impacts on the catchment will be minimal and manageable. Appropriate runoff and sedimentation controls are to be used as required during construction. The proposed works will not prevent access to the foreshore area located opposite the site nor impact on the scenic quality of this place.

The matters for consideration are addressed below:

| Clause | Comment |
|--|---|
| <p>10.18 General</p> <p>The matters referred to in this Division (together with any other relevant matters)—</p> <p>(a) are to be taken into consideration by consent authorities before granting consent to development under Part 4 of the Act, and</p> <p>(b) are to be taken into consideration by public authorities and others before they carry out activities to which Part 5 of the Act applies.</p> | <p>The matters of consideration are evaluated by the consent authority as part of the assessment of this application.</p> |
| <p>10.19 Biodiversity, ecology and environment protection</p> | <p>The development will not have an adverse impact on the biodiversity, ecology and environmental protection.</p> |

| | |
|---|--|
| <p>The matters to be taken into consideration in relation to biodiversity, ecology and environment protection are as follows—</p> <ul style="list-style-type: none"> (a) development should have a neutral or beneficial effect on the quality of water entering the waterways, (b) development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities), (c) development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities), (d) development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access, (e) development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation, (f) development should retain, rehabilitate and restore riparian land, (g) development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetative buffer to protect the wetlands, (h) the cumulative environmental impact of development, (i) whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance. | <p>The proposed development is located in an area that has been previously disturbed by building and construction.</p> <p>Appropriate runoff and sedimentation controls are to be used as required during construction. The proposed works will not prevent access to the foreshore area located opposite the site nor impact on the scenic quality of this place.</p> |
| <p>10.20 Public access to, and use of, foreshores and waterways</p> <p>The matters to be taken into consideration in relation to public access to, and use of, the foreshores and waterways are as follows—</p> <ul style="list-style-type: none"> (a) development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation, (b) development should maintain and improve public access to and from the waterways for recreational purposes (such as swimming, fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation, (c) if foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to | <p>The proposal is considered to maintain and improve public access to and along the foreshore, increasing the recreational opportunities whilst not adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation.</p> |

| | |
|--|---|
| <p>safeguard public access to, and public use of, that land,</p> <p>(d) the undesirability of boardwalks as a means of access across or along land below the mean high water mark if adequate alternative public access can otherwise be provided,</p> <p>(e) the need to minimise disturbance of contaminated sediments.</p> | |
| <p>10.21 Maintenance of a working harbour</p> <p>The matters to be taken into consideration in relation to the maintenance of a working harbour are as follows—</p> <p>(a) foreshore sites should be retained so as to preserve the character and functions of a working harbour, in relation to both current and future demand,</p> <p>(b) consideration should be given to integrating facilities for maritime activities in any development,</p> <p>(c) in the case of development on land that adjoins land used for industrial and commercial maritime purposes, development should be compatible with the use of the adjoining land for those purposes,</p> <p>(d) in the case of development for industrial and commercial maritime purposes, development should provide and maintain public access to and along the foreshore where such access does not interfere with the use of the land for those purposes.</p> | <p>The proposal does not impact on the character and functions of a working harbour. The proposal is located within an existing area reserved for public recreation purposes.</p> |
| <p>10.22 Interrelationship of waterway and foreshore uses</p> <p>The matters to be taken into consideration in relation to the interrelationship of waterway and foreshore uses are as follows—</p> <p>(a) development should promote equitable use of the waterway, including use by passive recreation craft,</p> <p>(b) development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses,</p> <p>(c) development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore,</p> <p>(d) water-dependent land uses should have priority over other uses,</p> <p>(e) development should avoid conflict between the various uses in the waterways and along the foreshores,</p> <p>(f) development on foreshore land should minimise any risk to the development from rising sea levels or changing flood patterns as a result of climate change.</p> | <p>The proposal will not impede access to the waterway and provides improved equitable access to the foreshore.</p> |

| | |
|--|---|
| <p>10.23 Foreshore and waterways scenic quality</p> <p>The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows—</p> <p>(a) the scale, form, design and siting of any building should be based on an analysis of—</p> <p>(i) the land on which it is to be erected, and</p> <p>(ii) the adjoining land, and</p> <p>(iii) the likely future character of the locality,</p> <p>(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,</p> <p>(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.</p> | <p>The proposed works are light weight single storey structures, providing separation and visual interest in the public reserve. The proposed works will preserve the generous landscaped green spaces of the reserve, as well as facilitate more equitable access and the provision of amenities to this space. The result will be a more open and less dominant built form when viewed from the Harbour.</p> |
| <p>10.24 Maintenance, protection and enhancement of views</p> <p>The matters to be taken into consideration in relation to the maintenance, protection and enhancement of views are as follows—</p> <p>(a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,</p> <p>(b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,</p> <p>(c) the cumulative impact of development on views should be minimised.</p> | <p>The proposed works will enhance views from the subject site to Sydney Harbour as they will create a more amenable space for public gathering. The proposed kiosk and amenities buildings will not prevent views from adjoining properties to Sydney Harbour that would diminish the amenity of these spaces. The open spaces between the buildings will allow filtered views through to the Harbour, and is an opportunity that the previous restaurant building did not allow for. The proposed works will allow for greater accessibility for views towards Cockatoo and Spectacle Islands, and along the Harbour Foreshore.</p> |

5(a)(iii) Local Environmental Plans

Inner West Local Environmental Plan 2022

The *Inner West Local Environmental Plan 2022 (IWLEP 2022)* was gazetted on 12 August 2022. As per Section 1.8A – Savings provisions, of this Plan, as the subject application was made before the commencement of this Plan, the application is to be determined as if the *IWLEP 2022* had not commenced.

Section 4.15(1)(a)(i) of the *EPA Act 1979* requires consideration of any Environmental Planning Instrument (EPI), and Section 4.15(1)(a)(ii) also requires consideration of any EPI that has been subject to public consultation. The subject application was lodged on 6 July 2022, on this date, the *IWLEP 2022* was a draft EPI, which had been publicly exhibited and was considered imminent and certain.

Notwithstanding this, the amended provisions of the draft EPI do not alter the outcome of the assessment of the subject application.

Leichhardt Local Environmental Plan 2013 (LLEP 2013)

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 5.4 - Controls relating to miscellaneous permissible uses
- Clause 5.10 - Heritage Conservation
- Clause 5.21 - Flood Planning
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management
- Clause 6.5 - Limited development on foreshore area
- Clause 6.6 - Development on foreshore must ensure access

Clause 2.3 Land Use Table and Zone Objectives

The site is zoned RE1 under the *LLEP 2011*. The *LLEP 2013* defines the development as:

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items.

The development is permitted with consent within the land use table. The development is / is not consistent with the objectives of the RE1 zone.

Part 4 Principal Development Standards

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

| Standard | Proposal | non compliance | Complies |
|--|-----------------|----------------|----------|
| Floor Space Ratio Maximum permissible: 1:1 or 135sqm | 0.12:1 or 16sqm | N/A | Yes |

Part 5 Miscellaneous Provisions

Clause 5.4 Controls relating to miscellaneous permissible uses

- (6) ***Kiosks*** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.

The proposed kiosk has a total gross floor area of 15.63sqm which complies with this development standard.

Clause 5.10 Heritage Conservation

The subject site is located within the Iron Cove Heritage Conservation Area.

The proposed works are located within the conservation area and proposes demolition of the existing Pellegrini’s restaurant located on site. This building is in a derelict state and is not nominated as an item of Heritage value. This is discussed in greater detail under the provisions of LDCP 2013.

It is considered that the proposed works will not adversely impact on the Heritage Conservation Area.

Part 6 Additional Local Provisions

Clause 6.1 Acid Sulfate Soils

The subject site is nominated as being a Class 5 Acid Sulfate Soil category on the Leichhardt LEP Acid Sulfate Soils Map.

The development proposes minor excavation works, however will not lower the water table and no further assessment is required in this regard.

Clause 6.5 Limited Development on foreshore area

The proposed kiosk and amenities are replacement buildings for the existing restaurant as well as providing amenities to the public reserve. The proposed works are contained within the footprint of the existing restaurant and have been designed to minimise any impact on the foreshore and waterway. The proposed works result in an improvement to the amenity of this space by proposing light weight buildings, surrounding an open outdoor dining area. The Landscape Plan submitted with the application identifies additional plantings proposed in this location.

Clause 6.6 Development on the foreshore must ensure access

This development provides more equitable access to the foreshore via the proposed ramped walkways and will be a less imposing structure when viewed from the waterway. This is as a consequence of the arrangement of the buildings on site, the separation provided between the buildings and the foreshore, as well as the materials proposed.

5(c) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments applicable to the application.

5(d) Development Control Plans

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

| LDCP2013 | Compliance |
|--|------------|
| Part A: Introductions | |
| Section 3 – Notification of Applications | Yes |
| | |

| | |
|---|----------------------|
| Part B: Connections | |
| B1.1 Connections – Objectives | Yes |
| B2.1 Planning for Active Living | Yes |
| | |
| Part C | |
| C1.0 General Provisions | Yes |
| C1.1 Site and Context Analysis | Yes |
| C1.2 Demolition | Yes |
| C1.4 Heritage Conservation Areas and Heritage Items | Yes – see discussion |
| C1.7 Site Facilities | Yes |
| C1.8 Contamination | Yes |
| C1.9 Safety by Design | Yes |
| C1.10 Equity of Access and Mobility | Yes |
| C1.11 Parking | Yes |
| C1.12 Landscaping | Yes |
| C1.13 Open Space Design Within the Public Domain | Yes |
| C1.14 Tree Management | Yes |
| C1.15 Signs and Outdoor Advertising | Yes |
| C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings | Yes |
| C1.20 Foreshore Land | Yes |
| | |
| Part C: Place – Section 2 Urban Character | |
| Birchgrove Distinctive Neighbourhood | Yes |
| | |
| | |
| Part C: Place – Section 4 – Non-Residential Provisions | |
| C4.3 Ecologically Sustainable Development | Yes |
| C4.4 Elevation and Materials | Yes |
| C4.5 Interface Amenity | 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 | |
| Section 1 – Sustainable Water and Risk Management | |
| E1.1 Approvals Process and Reports Required With Development Applications | Yes |
| E1.1.3 Stormwater Drainage Concept Plan | Yes |
| E1.1.5 Foreshore Risk Management Report | Yes |
| E1.2 Water Management | Yes |
| E1.2.1 Water Conservation | Yes |
| E1.2.2 Managing Stormwater within the Site | Yes |
| E1.2.3 On-Site Detention of Stormwater | Yes |
| E1.2.7 Wastewater Management | Yes |
| E1.3 Hazard Management | Yes |
| E1.3.1 Flood Risk Management | Yes |
| E1.3.2 Foreshore Risk Management | Yes |

The following provides discussion of the relevant issues:

C1.4 Heritage Conservation Areas and Heritage Items

The application was referred to Council's Heritage Specialist who has provided the following advice;

There is little of the layout and fabric remaining of the original building, aside from the contributory building form, with its main gable roof form and skillion roof over the verandah addition that contribute to the HCA. Demolition of the structure is acceptable on this basis.

The existing building to be demolished sits on top of the existing sandstone sea wall. There are no works proposed to be undertaken on the sea wall as part of this application, however the demolition will result in the removal of fabric from on top of the sea wall.

A condition of consent is recommended requiring that contractors are made aware of the significance of the sea wall and that equipment laydown areas and the parking of contractor's vehicles are away from the sea wall.

The design of the kiosk is considered acceptable as it is a small-scale, contemporary design that minimises the visual impact on the surrounds. Some excavation will be required for the footings for the proposed structures and earthworks required for pedestrian ramps and landscaping. It is recommended a condition be included in the consent in case that unexpected archaeological deposits or Aboriginal objects are found during the works that work must cease in the affected area(s) and the Office of Environment & Heritage must be notified.

With regard to the handrails to the ramps across the site, it is encouraged to work with the existing ground levels across the site and provide handrails where necessary without the vertical balustrading to minimise the visual impact and maintain views across the site to Iron Cove.

The redevelopment of the site provides a good opportunity for the interpretation of the site, including its historical link to Cockatoo Island as a small kiosk serving the needs of workers travelling by ferry to the island. The history of the site should be included as part of the works. A condition of consent will be included requiring an interpretation plan be prepared and submitted to Council with detail on how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting.

The minimalist unobtrusive design of the new kiosk and associated structures is considered to provide a positive contribution to the HCA, as the modest structure enables a greater opportunity to appreciate the open space and its surrounds. It is considered the interpretation plan provides an opportunity for visitors of the site to gain an understanding of the history and significance of the site.

Having regard to the above, the proposal is considered satisfactory having regard to the provisions of Clause 5.10 of LLEP 2013 and Part C1.4 of LDCP 2013.

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 14 days to surrounding properties.

3 submissions were received in response to the initial notification.

The following issues raised in submissions are discussed under the respective headings below:

Issue: Concerns regarding potential litter generated by the kiosk
Comment: Bins will be provided near the kiosk and around the reserve. Notwithstanding, waste management practices will be clearly defined in the tender agreement to ensure that the storage of waste on site is undertaken in accordance with Council's requirements, that waste storage is not in a highly visible location on site, and removal is undertaken regularly.

Issue: Request for more tables and seating in the reserve
Comment: This development application is concerned with the provision of a kiosk and associated landscaping. The further provision of facilities in Paringa Reserve is dealt with in the Plan of Management and Masterplan.

Issue: Concerns regarding design of proposal – a cottage with an extended balcony would be preferable
Comment: The proposal is consistent with the Paringa Reserve Plan of Management. The kiosk is a light structure that is easily removable to ensure that the reserve can continue to meet the needs of residents into the future as they change.

Issue: A replacement restaurant would be preferable to a kiosk.
Comment: A kiosk provides a facility that is accessible to all members of the community and encourages patronage of Paringa Reserve. This is consistent with the adopted Plan of Management.

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.

- Engineering- satisfactory subject to impositions of conditions
- Heritage - satisfactory subject to impositions of conditions
- Health - satisfactory subject to impositions of conditions

6(b) External

Not applicable.

8. Conclusion

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

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

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2022/0512 for the demolition of former Pellegrini restaurant building, new paving, new kiosk and amenities building in Paringa Reserve, outdoor dining area and landscaping at Elliott Street, BALMAIN subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

| Plan, Revision and Issue No. | Plan Name | Date Issued | Prepared by |
|--|--|--------------------|------------------------|
| Job no. IWC00120, Dwg no. DA.002, Rev B | Overlaid Plan | 01.05.2022 | Nordon Jago Architects |
| Job no. IWC00120, Dwg no. DA.004, Rev D | Toilet & Kiosk (Shipping Container) Detail | 08.06.2022 | Nordon Jago Architects |
| Job no. IWC00120, Dwg no. DA.060, Rev B | Demolition Plan | 01.05.2022 | Nordon Jago Architects |
| Job no. IWC00120, Dwg no. DA.100, Rev E | Proposed Ground Floor Plan | 10.05.2022 | Nordon Jago Architects |
| Job no. IWC00120, Dwg no. DA.190, Rev B | Roof Plan | 01.05.2022 | Nordon Jago Architects |
| Job no. IWC00120, Dwg no. DA.200, Rev C | Site Sections | 01.05.2022 | Nordon Jago Architects |

| | | | |
|--|-----------------------|------------|------------------------|
| Job no. IWC00120, Dwg no. DA.300, Rev C | Site Elevations 1.50 | 01.05.2022 | Nordon Jago Architects |
| Job no. IWC00120, Dwg no. DA.400, Rev B | Site Elevations 1.200 | 01.05.2022 | Nordon Jago Architects |

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. Work with the existing ground levels across the site with regard to the proposed ramps and provide handrails where necessary without the vertical balustrading.

FEES

3. Security Deposit - Custom

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

| | |
|-------------------|----------|
| Security Deposit: | \$9,251 |
| Inspection Fee: | \$350.00 |

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

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

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

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

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

4. Long Service Levy

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

GENERAL CONDITIONS

5. Boundary Alignment Levels

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

6. Photographic Archival Recording

A photographic archival record of the building and landscape elements to be altered or demolished, including the sea wall, is to be submitted prior to the commencement of demolition work and prior to the issue of a Construction Certificate to the satisfaction of Council's Heritage Specialist.

The photographic archival recording is to be submitted in a digital format only and is to include the following:

- a. Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- b. Coloured photographs of:
 - a. each elevation,
 - b. each structure and landscape feature;
 - c. views to the subject property from each street and laneway or public space.

Photographic archival records must be taken of the building, landscape or item in accordance with 'Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch available online at <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf>

The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.

The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: title, image subject/description and date photograph taken.

7. Heritage Interpretation Plan

A Heritage Interpretation Plan for the site must be submitted to and approved by Council's Heritage Specialist prior to the issue of a Construction Certificate. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian in accordance with the 'Heritage Interpretation Policy' published by the Heritage Council of NSW and the NSW Department of Planning in August 2005 and 'Heritage Information Series, Interpreting Heritage Places and Items Guidelines' published by the former NSW Heritage Office in August 2005.

The interpretation plan must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Interpretation must include the building's historical link to Cockatoo Island as a small kiosk serving the needs of workers travelling by ferry to the island. Public

art, details of the heritage design, the display of selected artefacts are some of the means that can be used. Consideration to the opportunity of the interpretation of the subject building's footprint in the proposed paving. The plan must specify the location, type, making materials and contents of the interpretation device being proposed.

Prior to an occupation certificate being issued, the approved interpretation plan must be implemented to the satisfaction of Council's Heritage Specialist.

8. Signage Strategy

A Signage Strategy for the site must be submitted to and approved by Council's Heritage Specialist prior to the issue of a Construction Certificate. The proposed signage must be in accordance with Control C1.15: Signs and Outdoor Advertising from the Leichhardt DCP 2013.

Prior to an occupation certificate being issued, the approved signage strategy must be implemented to the satisfaction of Council's Heritage Specialist.

9. Waste Management Plan

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

10. Erosion and Sediment Control

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

11. Standard Street Tree Protection

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

12. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

13. Works on RMS land

All necessary permits/approvals from Transport for NSW must be obtained prior to commencing works on that land.

14. Hoardings

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

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

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

15. Construction Traffic Management Plan – Detailed

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

- a. Description of the demolition, excavation and construction works;
- b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);

- g. Proposed hours of construction related activities and vehicular movements to and from the site;
- h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i. Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j. Measures to maintain public safety and convenience;
- k. Any proposed road and/or footpath closures;
- l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r. 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; and
- s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

16. Sandstone Sea Wall

If repair works are required to the sandstone sea wall, a schedule of works and a method statement, detailing the proposed rectification works, is to be submitted to, and approved by, Council prior to any works commencing. The schedule of works and method statement must be prepared in accordance with the following:

- a. Advice from a heritage engineer with expertise in the repair of historic sandstone seawalls is to be obtained and a solution developed.
- b. Appin sandstone must be used for the replacement sandstone. Any replacement sandstone selected for the seawall must be appropriate high quartz content sandstone.

- c. Replacement stone sizes must match the size of the blocks they are replacing.
- d. A full specification for the sandstone blockwork and grout is to be submitted to, and approved by, Council.

17. Historic Fabric in the vicinity

Contractors are to be advised of the heritage significance of the sandstone stone sea wall adjacent to Iron Cove prior to any works commencing. Equipment laydown areas must be located away from the sea wall to minimise any potential impact to the heritage fabric during construction works. Contactor's vehicles must not be parked near heritage structures or landscaped areas which could inadvertently be damaged.

18. Construction Fencing

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

PRIOR TO CONSTRUCTION CERTIFICATE

19. Dilapidation Report – Pre-Development – Minor

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

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

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The Stormwater Drainage Concept plan on Drawing No. C02 - 3 prepared by greenview CONSULTING and dated 2 May 2022, must be amended to comply with the following;
- b. Stormwater runoff from all roof and paved areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to Parramatta River in accordance with the RMS standard requirements;

- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;
- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- f. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP.
- g. The existing overland flow path through the site must be retained unobstructed;
- h. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- i. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- j. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- k. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- l. Only a single point of discharge is permitted to Parramatta River, per frontage of the site;
- m. Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s);

21. Parking Facilities –

Prior to the issue of a Construction Certificate, the Council must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the following issues are resolved:

- a. Loading/unloading facilities must be provided in accordance with the requirements of AS2890.2 – 2002;

- b. Swept paths drawn at a natural scale of 1:100 must be provided to demonstrate that manoeuvrability for above vehicles in Elliot Street complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;

22. Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The Plan must be prepared/amended to make provision for the following:

- a. The plan must be generally in accordance with the recommendations of the Foreshore Risk Management Report prepared by James Rose Consulting and dated 13 December 2019;
- b. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site must be assessed for the 100-year ARI and Probable Maximum Flood (PMF) storm events. The precautions must include but not be limited to the following:
 - i. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris;
 - ii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;
 - iii. Flood warning signs/depth indicators for areas that may be inundated;
 - iv. A flood evacuation strategy;
 - v. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level; and
 - vi. Any works to the sea wall must be in accordance with TfNSW requirements.
- c. All works must be designed to comply with the Standard for Construction of Buildings in Flood Hazard Areas in accordance with Section 3.10.3 of the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below:
 - i. Building Code of Australia;
 - ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level;
 - iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood; and
 - iv. Flood hazard level (FHL) Flood Planning Level (FPL).

23. Light Spill

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

DURING DEMOLITION AND CONSTRUCTION**24. Contamination – New Evidence**

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

25. Imported Fill Materials

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

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

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

26. Aboriginal Heritage – Unexpected Findings

If unexpected archaeological deposits or Aboriginal objects are found during the works covered by this approval, work must cease in the affected area(s) and the Office of Environment & Heritage must be notified. Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

27. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

28. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE

29. No Encroachments

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

30. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

31. Flood Risk Management Plan - Certification

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that all aspects of the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.

32. Contamination – Disposal of Soil

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

33. Redundant Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

ON-GOING

34. Noise General

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

35. Hours of Operation

- a. The hours of operation of the premises must not exceed the following:

| Day | Hours |
|--------------------|------------------|
| Mondays to Sundays | 6.00am to 8.30pm |

ADVISORY NOTES

Permits

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

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

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

Insurances

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

Health Premises Registration – Generic

The premises are required to be registered with Council's Environment Health Team in accordance with the following relevant legislation:

- a. *Food Shop - Food Act 2003*;

Food Premises Certification

The food premises design, construction and operation is in accordance with the following:

- a. *Food Act 2003*;
- b. *Food Regulation 2010*;
- c. Australia and New Zealand Food Standards Code;
- d. Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises);
- e. Australian Standard AS 1668 Part 1 – 1998; and
- f. Australian Standard AS 1668 Part 2 – 2012.

Food Premises Waste Storage Area

To ensure adequate storage and collection of waste from the food premises, all garbage and recyclable materials must be stored in a designated waste storage area. The designated waste storage area must be designed and constructed in accordance with the Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

Public Domain and Vehicular Crossings

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

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

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

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

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's

determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Permits from Council under Other Acts

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

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

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

Noise

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

Amenity Impacts General

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

Dial before you dig

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

Useful Contacts

| | |
|----------------------------|--|
| BASIX Information | 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au |
| Department of Fair Trading | 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance. |
| Dial Prior to You Dig | 1100 www.dialprior toyoudig.com.au |
| Landcom | 9841 8660 To purchase copies of Volume One of "Soils and Construction" |

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

Asbestos Removal

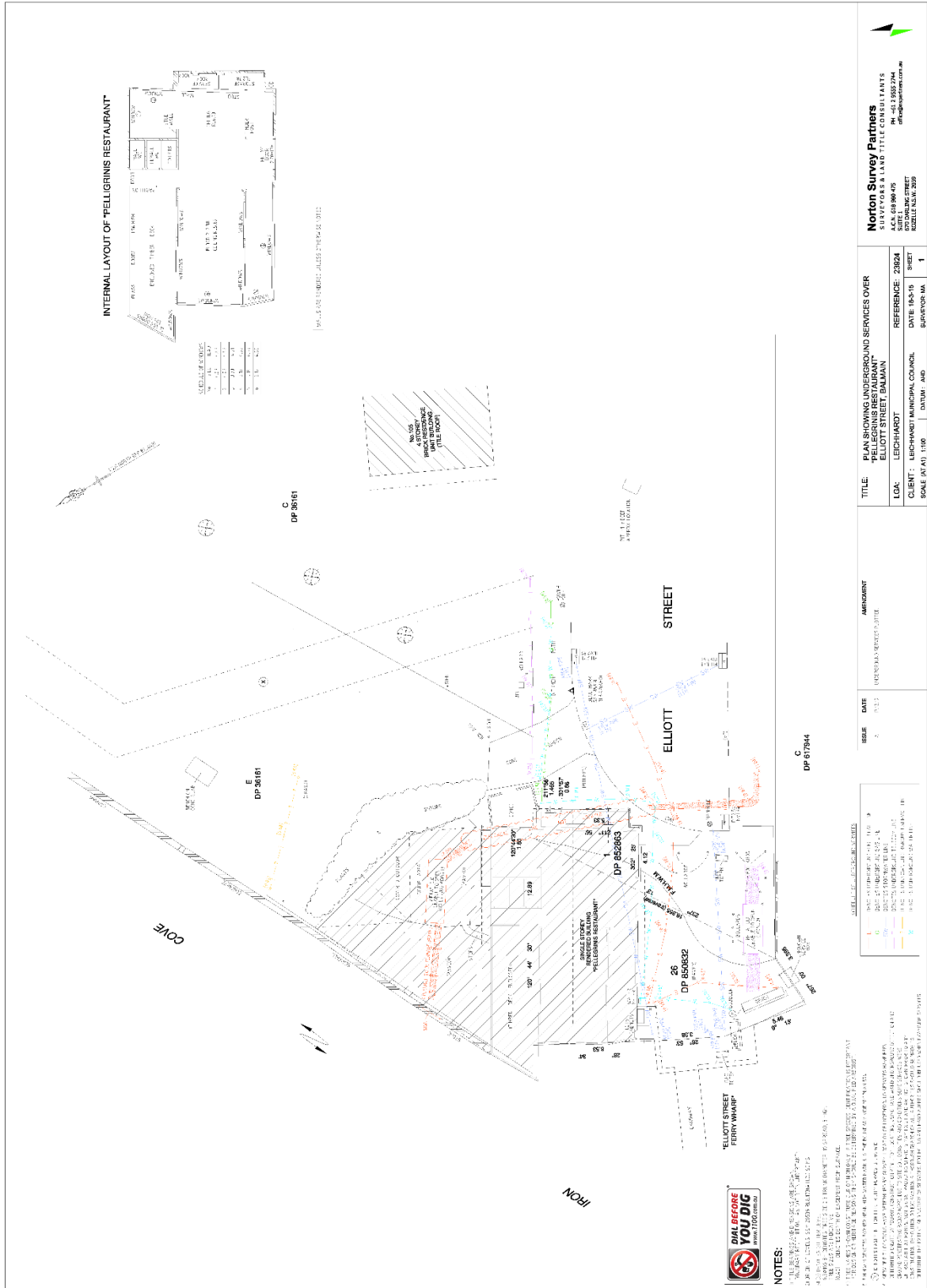
A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m2 of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

REASONS FOR REFUSAL



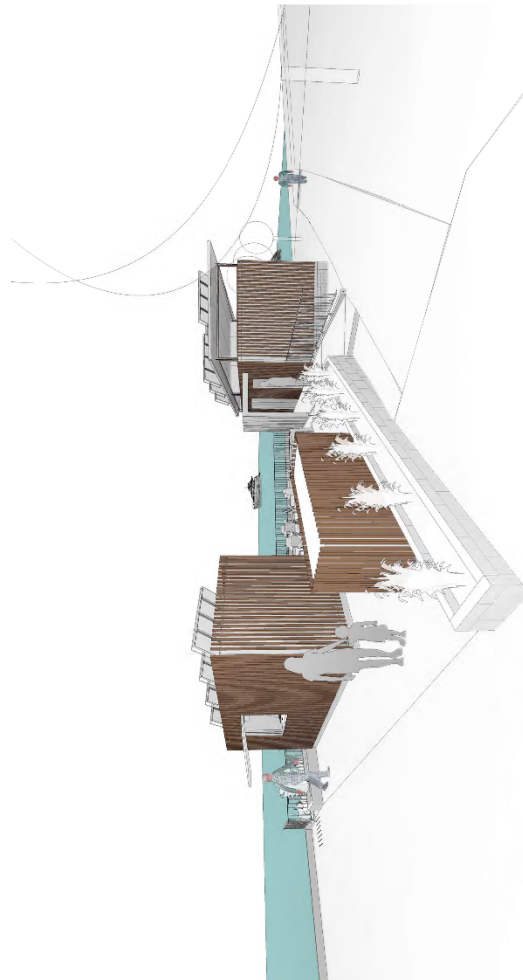
Proposed Kiosk & Public Toilet Facility Development

Elliott St, Balmain NSW 2041

DA DRAWINGS

Current Revision A1 - 17.05.22

| Sheet Number | | Current Revision | DA Drawing List | Sheet Name | Current Revision Date |
|--------------|---|----------------------------|----------------------------|------------|-----------------------|
| DA-000 | B | Cover Page | Cover Page | | 17.05.22 |
| DA-001 | B | Site Plan | Site Plan | | 17.05.22 |
| DA-002 | B | Demolition Plan | Demolition Plan | | 17.05.22 |
| DA-003 | B | Proposed Ground Floor Plan | Proposed Ground Floor Plan | | 17.05.22 |
| DA-004 | C | Site Surrounds | Site Surrounds | | 17.05.22 |
| DA-005 | B | Site Plan | Site Plan | | 17.05.22 |
| DA-006 | B | Photograph | Photograph | | 17.05.22 |
| DA-007 | B | Photograph | Photograph | | 17.05.22 |
| DA-008 | B | Photograph | Photograph | | 17.05.22 |
| DA-009 | B | Photograph | Photograph | | 17.05.22 |



120/121 The Arcade, Sydney NSW 1585
 15/16 The Arcade, Sydney NSW 1585
 15/17 The Arcade, Sydney NSW 1585
 15/18 The Arcade, Sydney NSW 1585
 15/19 The Arcade, Sydney NSW 1585
 15/20 The Arcade, Sydney NSW 1585
 15/21 The Arcade, Sydney NSW 1585
 15/22 The Arcade, Sydney NSW 1585
 15/23 The Arcade, Sydney NSW 1585
 15/24 The Arcade, Sydney NSW 1585
 15/25 The Arcade, Sydney NSW 1585
 15/26 The Arcade, Sydney NSW 1585
 15/27 The Arcade, Sydney NSW 1585
 15/28 The Arcade, Sydney NSW 1585
 15/29 The Arcade, Sydney NSW 1585
 15/30 The Arcade, Sydney NSW 1585
 15/31 The Arcade, Sydney NSW 1585
 15/32 The Arcade, Sydney NSW 1585
 15/33 The Arcade, Sydney NSW 1585
 15/34 The Arcade, Sydney NSW 1585
 15/35 The Arcade, Sydney NSW 1585
 15/36 The Arcade, Sydney NSW 1585
 15/37 The Arcade, Sydney NSW 1585
 15/38 The Arcade, Sydney NSW 1585
 15/39 The Arcade, Sydney NSW 1585
 15/40 The Arcade, Sydney NSW 1585
 15/41 The Arcade, Sydney NSW 1585
 15/42 The Arcade, Sydney NSW 1585
 15/43 The Arcade, Sydney NSW 1585
 15/44 The Arcade, Sydney NSW 1585
 15/45 The Arcade, Sydney NSW 1585
 15/46 The Arcade, Sydney NSW 1585
 15/47 The Arcade, Sydney NSW 1585
 15/48 The Arcade, Sydney NSW 1585
 15/49 The Arcade, Sydney NSW 1585
 15/50 The Arcade, Sydney NSW 1585

NOT For Construction

Development Application

| NO | DATE | DESCRIPTION |
|----|------|-------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Proposed Kiosk Elliott St Balmain

| NO | DATE | DESCRIPTION |
|----|------|-------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

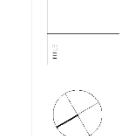
Cover Page

DA-000 B



PROPOSED KIOSK, ACCESSORY SERVICES AND SERVICE ACCESS

| DATE | REVISION | BY |
|------------|----------|-------|
| 14/12/2023 | 1 | DAVID |
| 14/12/2023 | 2 | DAVID |
| 14/12/2023 | 3 | DAVID |
| 14/12/2023 | 4 | DAVID |
| 14/12/2023 | 5 | DAVID |
| 14/12/2023 | 6 | DAVID |
| 14/12/2023 | 7 | DAVID |
| 14/12/2023 | 8 | DAVID |
| 14/12/2023 | 9 | DAVID |
| 14/12/2023 | 10 | DAVID |
| 14/12/2023 | 11 | DAVID |
| 14/12/2023 | 12 | DAVID |
| 14/12/2023 | 13 | DAVID |
| 14/12/2023 | 14 | DAVID |
| 14/12/2023 | 15 | DAVID |
| 14/12/2023 | 16 | DAVID |
| 14/12/2023 | 17 | DAVID |
| 14/12/2023 | 18 | DAVID |
| 14/12/2023 | 19 | DAVID |
| 14/12/2023 | 20 | DAVID |
| 14/12/2023 | 21 | DAVID |
| 14/12/2023 | 22 | DAVID |
| 14/12/2023 | 23 | DAVID |
| 14/12/2023 | 24 | DAVID |
| 14/12/2023 | 25 | DAVID |
| 14/12/2023 | 26 | DAVID |
| 14/12/2023 | 27 | DAVID |
| 14/12/2023 | 28 | DAVID |
| 14/12/2023 | 29 | DAVID |
| 14/12/2023 | 30 | DAVID |
| 14/12/2023 | 31 | DAVID |
| 14/12/2023 | 32 | DAVID |
| 14/12/2023 | 33 | DAVID |
| 14/12/2023 | 34 | DAVID |
| 14/12/2023 | 35 | DAVID |
| 14/12/2023 | 36 | DAVID |
| 14/12/2023 | 37 | DAVID |
| 14/12/2023 | 38 | DAVID |
| 14/12/2023 | 39 | DAVID |
| 14/12/2023 | 40 | DAVID |
| 14/12/2023 | 41 | DAVID |
| 14/12/2023 | 42 | DAVID |
| 14/12/2023 | 43 | DAVID |
| 14/12/2023 | 44 | DAVID |
| 14/12/2023 | 45 | DAVID |
| 14/12/2023 | 46 | DAVID |
| 14/12/2023 | 47 | DAVID |
| 14/12/2023 | 48 | DAVID |
| 14/12/2023 | 49 | DAVID |
| 14/12/2023 | 50 | DAVID |
| 14/12/2023 | 51 | DAVID |
| 14/12/2023 | 52 | DAVID |
| 14/12/2023 | 53 | DAVID |
| 14/12/2023 | 54 | DAVID |
| 14/12/2023 | 55 | DAVID |
| 14/12/2023 | 56 | DAVID |
| 14/12/2023 | 57 | DAVID |
| 14/12/2023 | 58 | DAVID |
| 14/12/2023 | 59 | DAVID |
| 14/12/2023 | 60 | DAVID |
| 14/12/2023 | 61 | DAVID |
| 14/12/2023 | 62 | DAVID |
| 14/12/2023 | 63 | DAVID |
| 14/12/2023 | 64 | DAVID |
| 14/12/2023 | 65 | DAVID |
| 14/12/2023 | 66 | DAVID |
| 14/12/2023 | 67 | DAVID |
| 14/12/2023 | 68 | DAVID |
| 14/12/2023 | 69 | DAVID |
| 14/12/2023 | 70 | DAVID |
| 14/12/2023 | 71 | DAVID |
| 14/12/2023 | 72 | DAVID |
| 14/12/2023 | 73 | DAVID |
| 14/12/2023 | 74 | DAVID |
| 14/12/2023 | 75 | DAVID |
| 14/12/2023 | 76 | DAVID |
| 14/12/2023 | 77 | DAVID |
| 14/12/2023 | 78 | DAVID |
| 14/12/2023 | 79 | DAVID |
| 14/12/2023 | 80 | DAVID |
| 14/12/2023 | 81 | DAVID |
| 14/12/2023 | 82 | DAVID |
| 14/12/2023 | 83 | DAVID |
| 14/12/2023 | 84 | DAVID |
| 14/12/2023 | 85 | DAVID |
| 14/12/2023 | 86 | DAVID |
| 14/12/2023 | 87 | DAVID |
| 14/12/2023 | 88 | DAVID |
| 14/12/2023 | 89 | DAVID |
| 14/12/2023 | 90 | DAVID |
| 14/12/2023 | 91 | DAVID |
| 14/12/2023 | 92 | DAVID |
| 14/12/2023 | 93 | DAVID |
| 14/12/2023 | 94 | DAVID |
| 14/12/2023 | 95 | DAVID |
| 14/12/2023 | 96 | DAVID |
| 14/12/2023 | 97 | DAVID |
| 14/12/2023 | 98 | DAVID |
| 14/12/2023 | 99 | DAVID |
| 14/12/2023 | 100 | DAVID |



PROPOSED KIOSK, ACCESSORY SERVICES AND SERVICE ACCESS

Site Context Analysis Plan

DAVID

NOT For Construction

Development Application

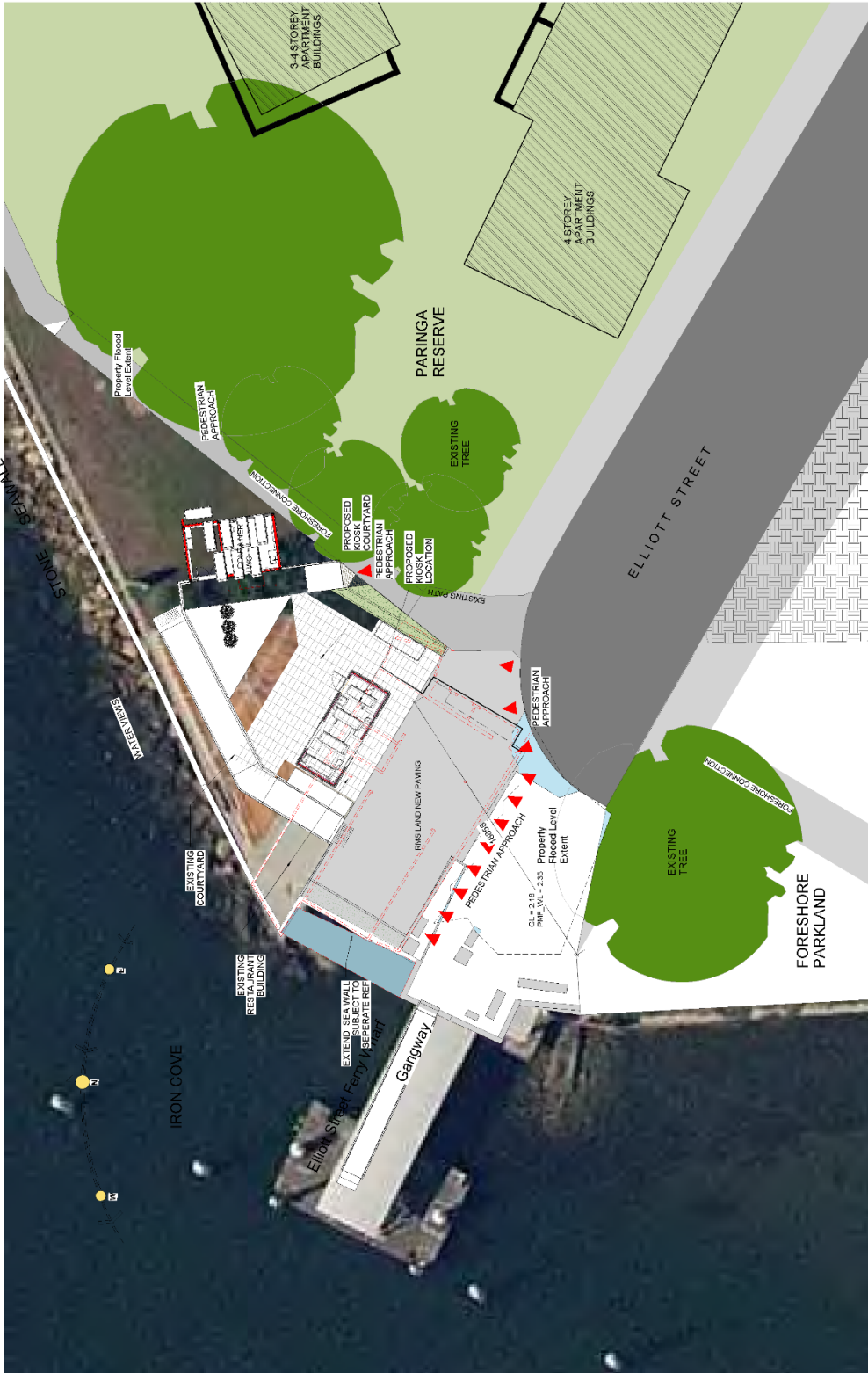
PROPOSED KIOSK, ACCESSORY SERVICES AND SERVICE ACCESS

PROPOSED KIOSK, ACCESSORY SERVICES AND SERVICE ACCESS

PROPOSED KIOSK, ACCESSORY SERVICES AND SERVICE ACCESS

PROPOSED KIOSK, ACCESSORY SERVICES AND SERVICE ACCESS

PROPOSED KIOSK, ACCESSORY SERVICES AND SERVICE ACCESS



Proposed Kiosk Elliott St Balmain

| | |
|---------|----------|
| DATE | 11/01/20 |
| SCALE | 1:100 |
| LAW No. | DA-002 B |

Overlaid Plan

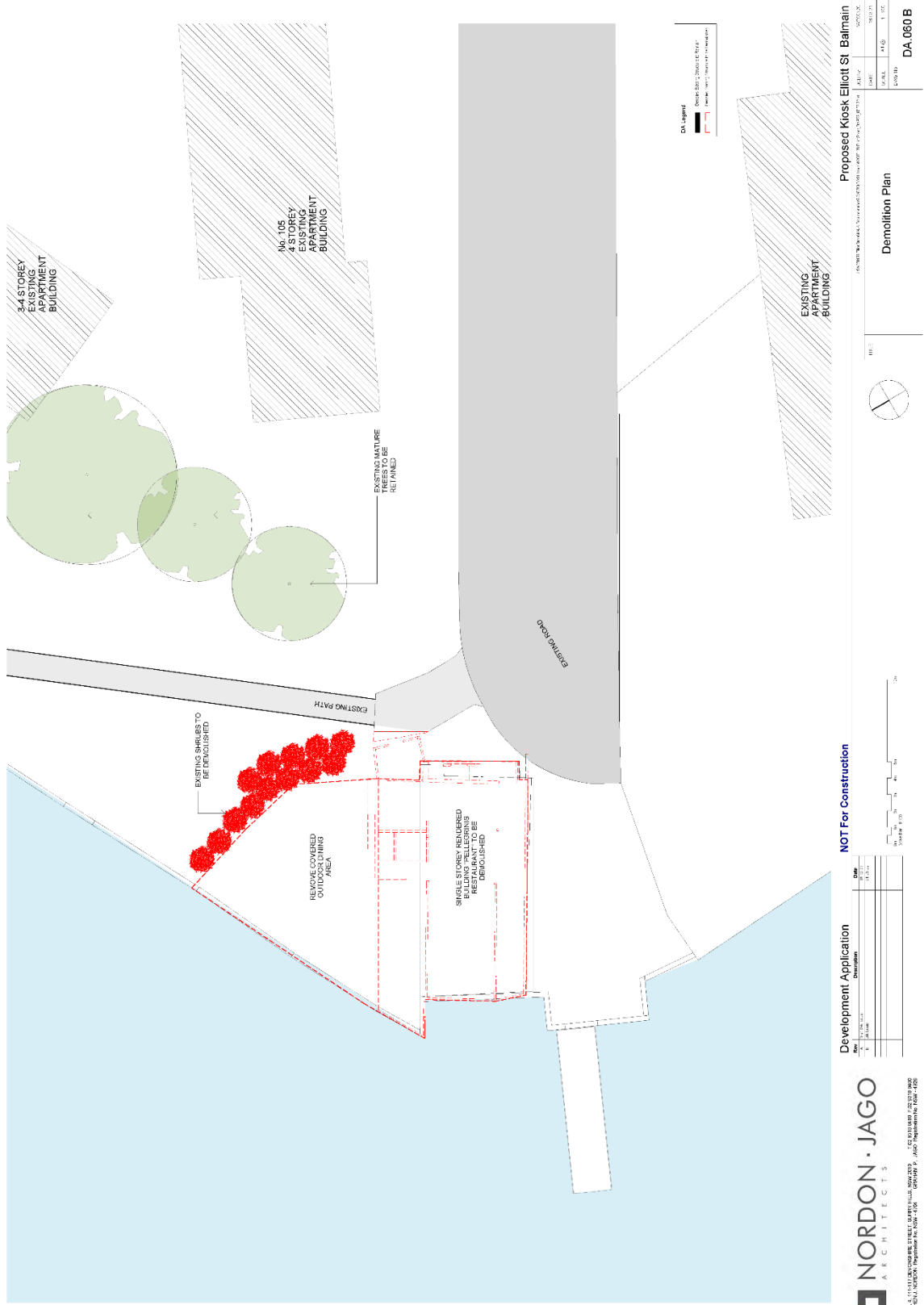
NOT FOR CONSTRUCTION

Development Application

| | |
|---------|----------|
| DATE | 11/01/20 |
| SCALE | 1:100 |
| LAW No. | DA-002 B |

NORDON · JAGO
ARCHITECTS

100/102 COLLEGE STREET, BALMAIN NSW 1535
 02 9550 1500
 n.jago@nordonjago.com.au



Proposed Kiosk Elliott St Balmain
 DEMOLITION PLAN
 DA 060 B

| NO. | DATE | BY | REVISION |
|-----|------------|----|-------------------|
| 1 | 10/11/2023 | DA | ISSUED FOR PERMIT |

NOT For Construction

| NO. | DATE | BY | REVISION |
|-----|------------|----|-------------------|
| 1 | 10/11/2023 | DA | ISSUED FOR PERMIT |

Development Application

NORDON · JAGO
 ARCHITECTS

10/11/2023 10:00 AM
 10/11/2023 10:00 AM
 10/11/2023 10:00 AM



Elliott Street Ferry Wharf
Gangway

NORDON · JAGO
ARCHITECTS

Development Application
 1. SITE
 2. EXISTING AND PROPOSED LANDSCAPE
 3. PROPOSED WATERFRONT WALKWAY
 4. PROPOSED LANDSCAPE
 5. PROPOSED KIOSK
 6. PROPOSED WATERFRONT TERRACE
 7. PROPOSED WATERFRONT WALKWAY
 8. PROPOSED LANDSCAPE
 9. PROPOSED WATERFRONT WALKWAY
 10. PROPOSED LANDSCAPE
 11. PROPOSED WATERFRONT WALKWAY
 12. PROPOSED LANDSCAPE
 13. PROPOSED WATERFRONT WALKWAY
 14. PROPOSED LANDSCAPE
 15. PROPOSED WATERFRONT WALKWAY
 16. PROPOSED LANDSCAPE
 17. PROPOSED WATERFRONT WALKWAY
 18. PROPOSED LANDSCAPE
 19. PROPOSED WATERFRONT WALKWAY
 20. PROPOSED LANDSCAPE

NOT FOR CONSTRUCTION

Proposed Kiosk Elliott St. Balmain
 Proposed Ground Floor Plan
 DA-100 E



Development Application

| Item | Description |
|------|-----------------------------|
| 1 | Proposed Kiosk |
| 2 | Proposed Landscaping |
| 3 | Proposed Waterfront Walkway |
| 4 | Proposed Terrace |
| 5 | Proposed Solar Panels |

NOT For Construction

| Item | Description |
|------|-----------------------|
| 6 | Existing Mature Trees |
| 7 | Existing Paths |
| 8 | Existing Ramp |
| 9 | Existing Seawall |
| 10 | Existing Waterfront |

Proposed Kiosk Elliott St Balmain

| Item | Description |
|------|-----------------------------|
| 11 | Proposed Kiosk |
| 12 | Proposed Landscaping |
| 13 | Proposed Waterfront Walkway |
| 14 | Proposed Terrace |
| 15 | Proposed Solar Panels |

Roof Plan

| Item | Description |
|------|---------------|
| 16 | Roof of Kiosk |
| 17 | Solar Panels |

DA-190 B

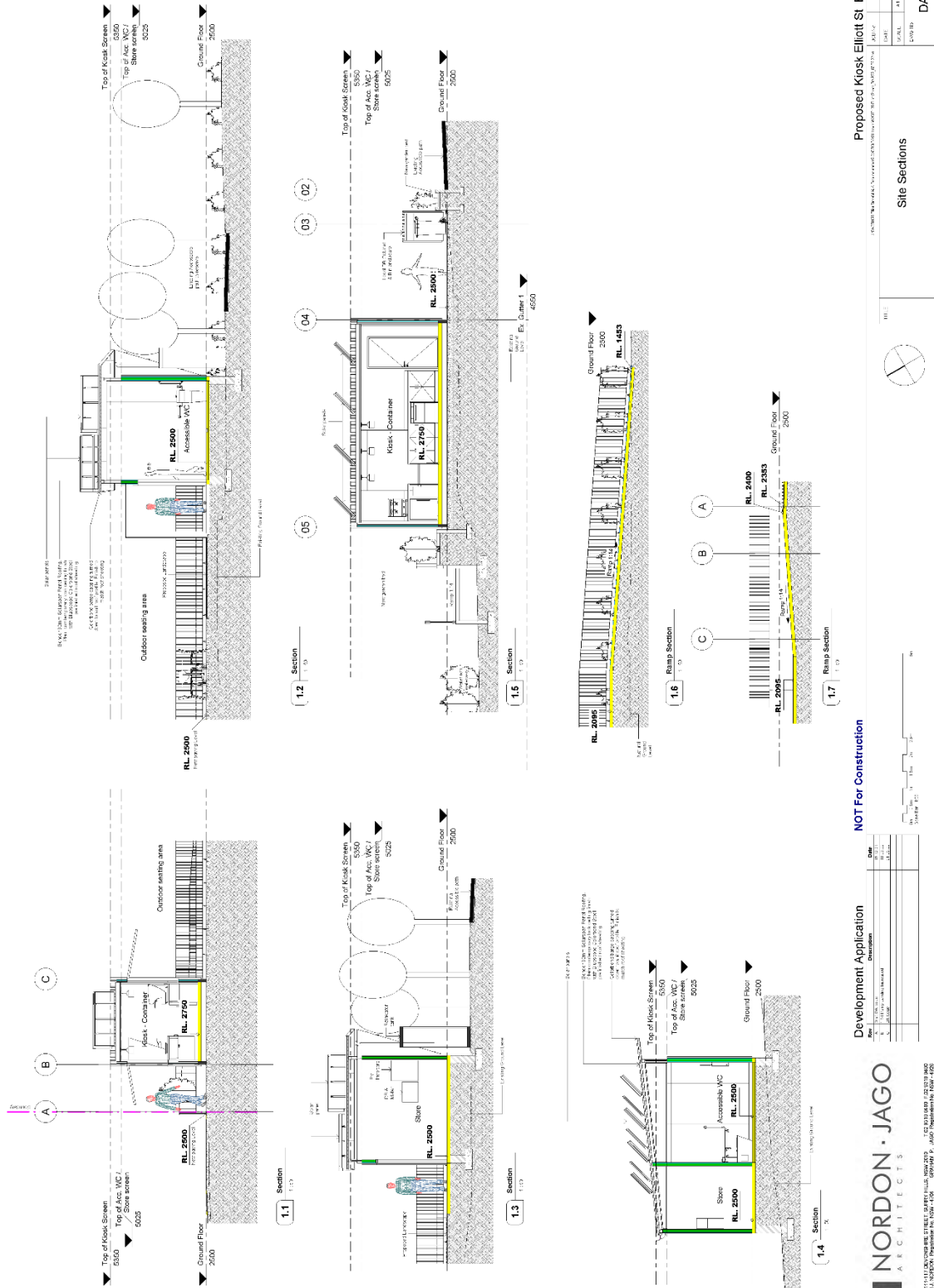
| Item | Description |
|------|-------------|
| 18 | DA-190 B |

Development Application

| Item | Description |
|------|-------------------------|
| 19 | Development Application |

NORDON · JAGO
ARCHITECTS

11/11/2019 10:00 AM
11/11/2019 10:00 AM
11/11/2019 10:00 AM



Proposed Kiosk Elliott St Balmain
 DEVELOPER: NORDON JAGO ARCHITECTS
 DATE: 11/11/2020
 SCALE: A3.0
 DRAWING NO: DA-200 C

Site Sections

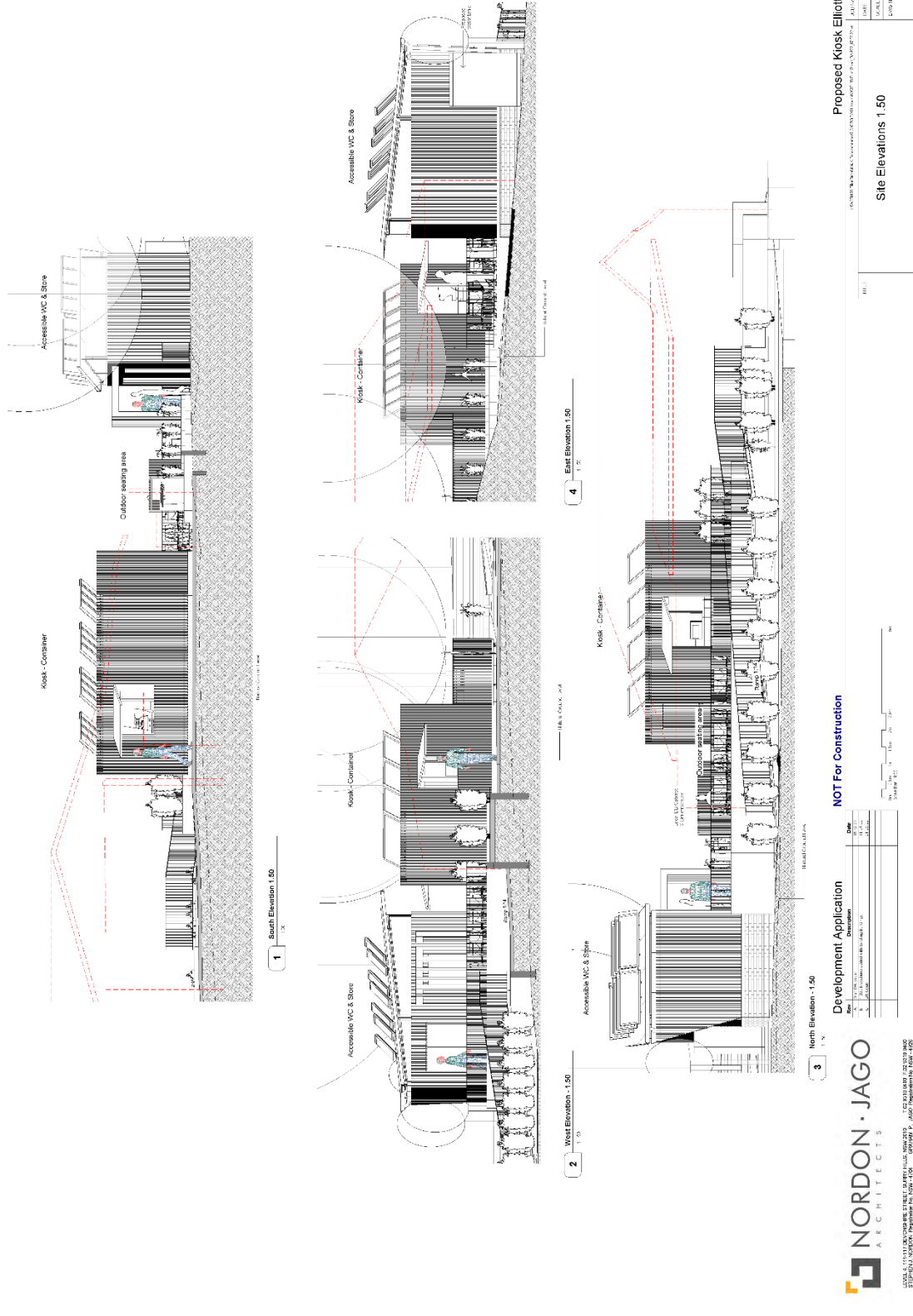
NOT For Construction

| NO. | DATE | DESCRIPTION |
|-----|------------|-------------------------|
| 1 | 11/11/2020 | ISSUED FOR CONSTRUCTION |
| 2 | 11/11/2020 | ISSUED FOR CONSTRUCTION |
| 3 | 11/11/2020 | ISSUED FOR CONSTRUCTION |

Development Application

NORDON JAGO ARCHITECTS

11/11/2020



Proposed Kiosk Elliott St Balmain

| | |
|--------|----------|
| DATE | 11/01/24 |
| SCALE | 1:50 |
| LAYOUT | DA-300 C |

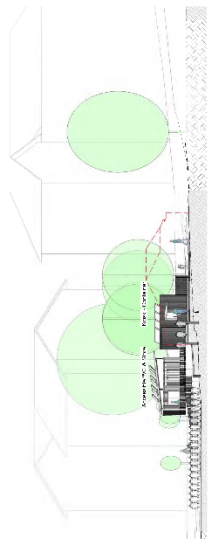
Site Elevations 1:50

NOT FOR CONSTRUCTION

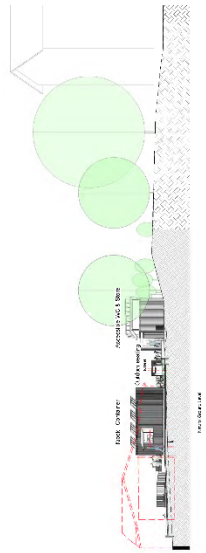
Development Application

NORDON · JAGO ARCHITECTS

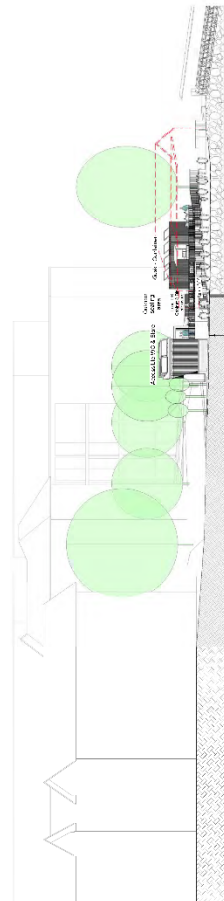
100/102 ELLIOTT STREET BALMAIN NSW 2041
 100/102 ELLIOTT STREET BALMAIN NSW 2041
 100/102 ELLIOTT STREET BALMAIN NSW 2041



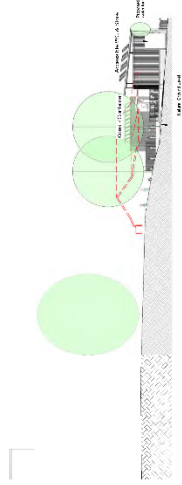
2 West Elevation - Overall 1:200



1 South Elevation - Overall 1:200



3 North Elevation - overall 1:200



4 East Elevation overall 1:200



NORDON · JAGO
ARCHITECTS
Level 10, 100 Victoria Street, Sydney NSW 2000
Phone: +61 (0)2 9250 6000
Fax: +61 (0)2 9250 6001
Email: info@nordonjago.com.au
www.nordonjago.com.au

Development Application **NOT For Construction**

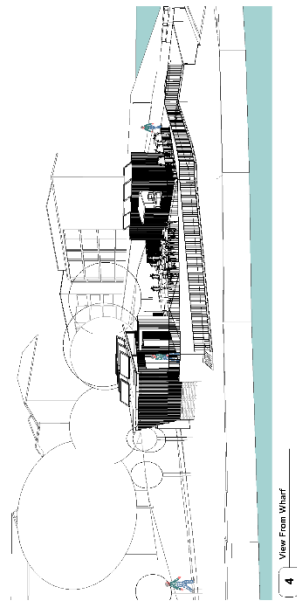
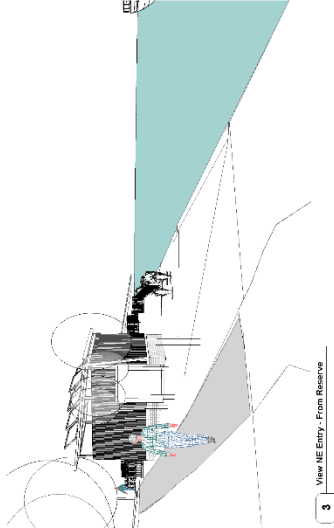
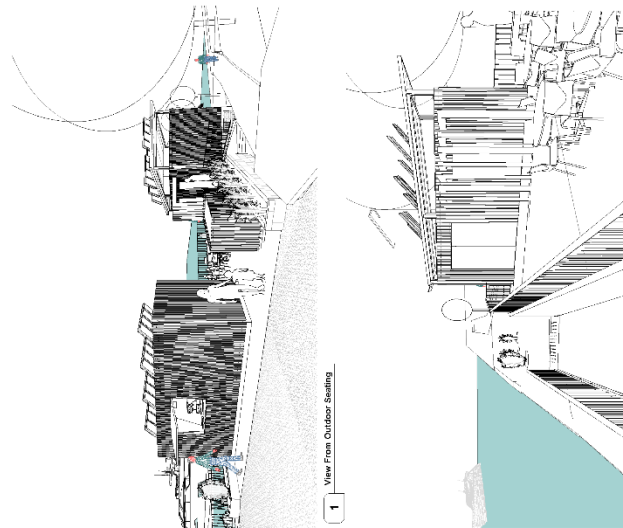
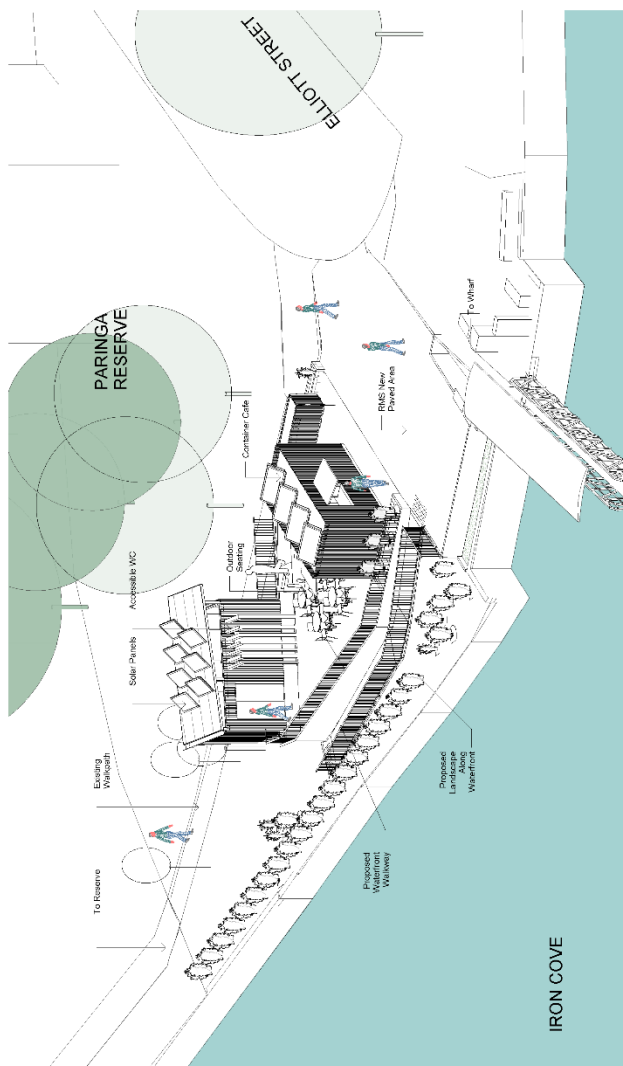
DATE: 18/02/2022
DRAWN: [Signature]
CHECKED: [Signature]

Proposed Kiosk Elliott St Balmain

| | |
|-------------|-------------|
| DATE: | 18/02/2022 |
| DRAWN BY: | [Signature] |
| CHECKED BY: | [Signature] |
| SCALE: | 1:200 |

Site Elevations 1:200

DA-400 B



Proposed Kiosk Elliott St Balmain
 DEVELOPER: BIRMINGHAM CITY COUNCIL
 ARCHITECT: NORDON JAGO ARCHITECTS
 DATE: 10/12/2019
 SCALE: 1:50
 DRAW NO: DA 901 B

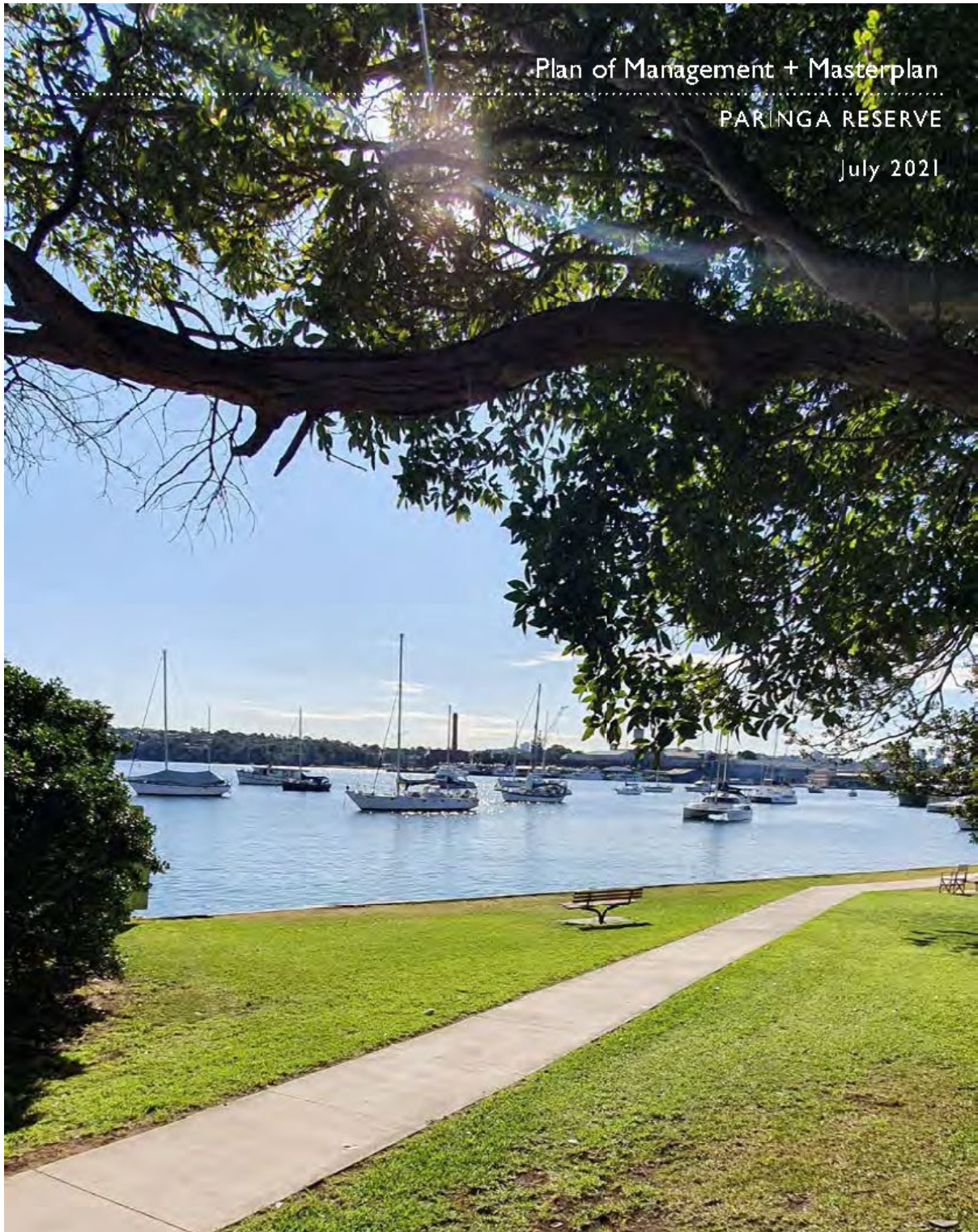
Perspective

NOT For Construction

Development Application

NORDON · JAGO
 ARCHITECTS

10/100 BIRKENHEAD ROAD, BIRKENHEAD, QUEENSLAND 4071
 PHONE: 07 5599 4000
 WWW.NORDONJAGO.COM



Plan of Management + Masterplan

PARÍNGA RESERVE

July 2021



Document Set ID: 36508065
Version: 1, Version Date: 28/06/2022

FURTHER INFORMATION

Welsh & Major Architects
mail@welshmajor.com

Inner West Council
2-14 Fisher St
Petersham NSW 2049
T (02) 9392 5000
www.innerwest.nsw.gov.au

Front cover image: Paringa Reserve, photo by Welsh + Major
Document Set ID: 36508065
Version: 1, Version Date: 28/06/2022

Contents

| | | |
|-----|--|----|
| | Document Control | 4 |
| | Introduction + Executive Summary | 5 |
| 1.0 | Context Overview | 7 |
| | Review of Corporate Objectives + Existing Policy | |
| 2.0 | Categorisation + Ownership | 17 |
| | Land to which this Plan Applies | 19 |
| | Council Land Categorisation | 21 |
| 3.0 | Leases + Licences | 23 |
| 4.0 | Statutory Conditions + Legislation | 27 |
| | Condition of Land + Structure | 29 |
| 5.0 | Master Plan Strategies | 31 |
| 6.0 | Draft Master Plan | 43 |
| 7.0 | Objectives + Performance Targets | 45 |
| | Appendix | |
| A | Site Analysis | |
| B | A3 Master Plan | |



Document Control

| DATE: | REVISION NO: | REVISION DETAILS: | APPROVED: |
|----------|--------------|---|-----------|
| 16/07/20 | - | Draft Issue for Client Review | DW |
| 17/09/20 | A | Draft Issue for Client Review | DW |
| 29/09/20 | B | Final Issue | DW |
| 26/02/21 | C | Final Issue with Amendments from Comments | DW |
| 16/07/21 | D | Final Issue with Amendments from Comments | DW |

Introduction + Executive Summary

Inner West Council has produced a Plan of Management priority list identifying priority open spaces within the local government area.

In 2020, Welsh + Major Architects were engaged by Inner West Council to develop a Plan of Management and accompanying Masterplan for Paringa Reserve. This document contains both the Plan of Management and Masterplan for Paringa Reserve and the Elliott Street Wharf, which are located on the foreshore of Parramatta River and wrap around Sommersville Point to the south-west of Elkington Park and White Horse Point.

Plan of Management

The Plan of Management [POM] is a guiding framework which directs the future vision, planning, management and use of the park. It will be used to inform the development of the park over the next ten years.

Review of this Plan

The Paringa Reserve Plan of Management is to be reviewed in ten years to ensure it aligns with Council's operational plans and objectives.

Masterplan

The Masterplan is a design report outlining the actions required for improvement, intended to guide the physical upgrade of the site over the next ten years. It does this by suggesting how the strategies set out in the Plan of Management can be translated into site specific gestures for application to the park.

How to Use This Document

Development of the POM and Masterplan involved some overlap of research and analysis. As such the POM and Master Plan were undertaken simultaneously, and are presented together within the same document.

The site has been considered and designed as a whole. Developing the Plan of Management and Masterplan involved the following processes:

- Policy review identifying the opportunities and constraints presented by national and local government initiatives.
- Demographic review identifying the local community profile.
- Review of site ownership and legal categorisation.
- Identification of applicable statutory conditions and legislation.
- Undertaking detailed site analysis
- Analysis of the outcomes of the Context Review and Site Analysis to develop Key Objectives and Strategies for management and action.
- Application of the physical strategies onto the Draft Master Plan.

Key Features of the Master Plan:

- Establish a clearly defined entry/ gateway into Paringa Reserve to identify it as a shared public outdoor place.
- Upgrade the path at key pinch-points and implement a consistent lighting plan to facilitate use before and after daylight hours
- Provide safe and connected pedestrian routes and improved wheelchair access within the park and around key assets.
- Consolidate wayfinding, regulatory and information signage into a consistent, clear and concise format.
- Demolition of the former Pelligrini's Restaurant building and terrace retaining piles as part of historical interpretation strategy. Provide a new temporary cafe structure and outdoor seating area to replace the existing restaurant and terrace. Maintain existing open green spaces for flexible recreation and general community use. Retain the 'natural' grass surface which is utilised by the community for general recreation.
- Repair, maintain or replace existing furniture and associated amenities as required.
- Establish clear on-leash and off-leash dog areas.





1.0 Context Overview

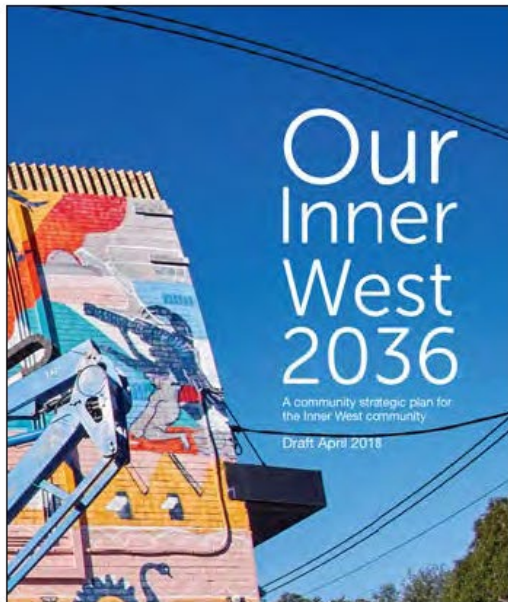


Photo taken by Welsh + Major



Document Set ID: 36508065
Version: 1, Version Date: 28/06/2022

1.0 Context Overview



I.0 Context Overview

REVIEW OF CORPORATE OBJECTIVES + EXISTING POLICY

Our Inner West 2036**A Community Strategic Plan for the Inner West Community**

Inner West Council, draft endorsed by Council 06/2018.

This plan identifies the community's vision for the future, outlines long term goals, strategies to get there and how to measure progress towards that vision. It guides all of Council's plans, policies and budgets.

The strategic directions set out are:

- 1 - An ecologically Sustainable Inner West
- 2 - Unique, liveable, networked neighbourhood
- 3 - Creative communities and a strong economy
- 4 - Caring, happy, healthy communities
- 5 - Progressive local leadership

Among the stated aims, those which apply directly to the regeneration of public parkland are to increase community satisfaction with: green infrastructure, the total area of habitat for wildlife managed under bush-care programs, protection of the natural environment, safety of public spaces, cycleways, maintaining footpaths, aquatic and recreation centres, availability of sporting grounds and facilities and walk-able open space. It also aligns with State and District Plans.

Recreation Needs Study - A healthier Inner West

Cred Consulting for Inner West Council, published 10/ 2018

Analysis of the current and projected recreation needs of the Inner West community, with a view to both maintaining and improving social and mental health as the population of the Inner West Council (IWC) area continues on its projected path of growth and change.

The study identified that the IWC area lacked sufficient public open space for the growing population. It outlines a strategic 'action' framework and explores how this framework could be applied.



I.0 Context Overview

OUR INNER WEST 2036 - COMMUNITY STRATEGIC PLAN

| Outcomes | Strategies | Outcomes | Strategies |
|--|---|--|---|
| <p>1.1 The people and infrastructure of Inner West contribute positively to the environment and tackling climate change</p> | <ol style="list-style-type: none"> 1. Provide the support needed for people to live sustainably 2. Reduce urban heat and manage its impact 3. Create spaces for growing food 4. Develop planning controls to provide ecosystem services* 5. Provide green infrastructure that supports increased ecosystem services* | <p>2.1 Development is designed for sustainability and makes life better</p> | <ol style="list-style-type: none"> 1. Pursue integrated planning and urban design across public and private spaces to suit community needs 2. Identify and pursue innovative and creative solutions to complex urban planning and transport issues 3. Improve the quality, and investigate better access and use of existing community assets 4. Develop planning controls that protect and support a sustainable environment and contribute to a zero emissions and zero waste community |
| <p>1.2 Biodiversity is rich, with connected habitats for flora and fauna</p> | <ol style="list-style-type: none"> 1. Support people to connect with nature in Inner West 2. Create new biodiversity corridors and an urban forest across Inner West 3. Maintain and protect existing bushland sites for species richness and diversity | <p>2.2 The unique character and heritage of neighbourhoods is retained and enhanced</p> | <ol style="list-style-type: none"> 1. Provide clear and consistent planning frameworks and processes that respect heritage and the distinct characters of urban villages 2. Manage change with respect for place, community history and heritage |
| <p>1.3 The community is water sensitive, with clean, swimmable waterways</p> | <ol style="list-style-type: none"> 1. Collaborate to make plans, designs and decisions that are water-sensitive 2. Supply water from within Inner West catchments | <p>2.3 Public spaces are high-quality, welcoming and enjoyable places, seamlessly connected with their surroundings</p> | <ol style="list-style-type: none"> 1. Plan and deliver public spaces that fulfil and support diverse community needs and life 2. Ensure private spaces and developments contribute positively to their surrounding public spaces 3. Advocate for and develop planning controls that retain and protect existing public and open spaces |
| <p>1.4 Inner West is a zero emissions community that generates and owns clean energy</p> | <ol style="list-style-type: none"> 1. Support local adoption of clean renewable energy 2. Develop a transport network that runs on clean renewable energy | <p>2.4 Everyone has a roof over their head and a suitable place to call home</p> | <ol style="list-style-type: none"> 1. Ensure the expansion of social, community and affordable housing, distributed across Inner West, facilitated through proactive policies 2. Encourage diversity of housing type, tenure and price in new developments 3. Assist people who are homeless or sleeping rough |
| <p>1.5 Inner West is a zero waste community with an active share economy</p> | <ol style="list-style-type: none"> 1. Support people to avoid waste, and reuse, repair recycle and share 2. Provide local reuse and recycling infrastructure 3. Divert organic material from landfill 4. Advocate for comprehensive Extended Producer Responsibility+ | <p>2.5 Public transport is reliable, accessible, connected and enjoyable</p> | <ol style="list-style-type: none"> 1. Advocate for improved public transport services to, through and around Inner West 2. Advocate for, and provide, transport infrastructure that aligns to population growth |
| | | <p>2.6 People are walking, cycling and moving around Inner West with ease</p> | <ol style="list-style-type: none"> 1. Deliver integrated networks and infrastructure for transport and active travel 2. Pursue innovation in planning and providing new transport options 3. Ensure transport infrastructure is safe, connected and well-maintained |

I.0 Context Overview

REVIEW OF CORPORATE OBJECTIVES + EXISTING POLICY

| Outcomes | Strategies |
|---|--|
| 3.1 Creativity and culture are valued and celebrated | <ol style="list-style-type: none"> 1. Grow Inner West's reputation as a leading creative and cultural hub, celebrating and supporting diverse creative industries and the arts 2. Create opportunities for all members of the community to participate in arts and cultural activities |
| 3.2 Inner West is the home of creative industries and services | <ol style="list-style-type: none"> 1. Position Inner West as a place of excellence for creative industries and services and support them to thrive 2. Facilitate links to programs and services to help businesses grow, innovate and improve their competitiveness 3. Encourage the establishment of new enterprises in Inner West 4. Facilitate the availability of affordable spaces for creative industries and services |
| 3.3 The local economy is thriving | <ol style="list-style-type: none"> 1. Support business and industry to be socially and environmentally responsible 2. Strengthen economic viability and connections beyond Inner West 3. Promote Inner West as a great place to live, work, visit and invest in |
| 3.4 Employment is diverse and accessible | <ol style="list-style-type: none"> 1. Support local job creation by protecting industrial and employment lands 2. Encourage social enterprises and businesses to grow local employment |
| 3.5 Urban hubs and main streets are distinct and enjoyable places to shop, eat, socialise and be entertained | <ol style="list-style-type: none"> 1. Promote unique, lively, safe and accessible urban hubs and main streets – day and night 2. Enliven community life by delivering and supporting events, public art, cultural celebrations and entertainment 3. Pursue a high standard of planning, urban design and development that supports urban centres 4. Promote the diversity and quality of retail offerings and local products |

| Outcomes | Strategies |
|--|---|
| 4.1 Everyone feels welcome and connected to the community | <ol style="list-style-type: none"> 1. Foster inclusive communities where everyone can participate in community life 2. Embrace, celebrate, respect and value difference by building awareness and appreciation of Inner West's diversity 3. Empower and support vulnerable and disadvantaged community members to participate in community life 4. Increase and promote awareness of the community's history and heritage |
| 4.2 The Aboriginal community is flourishing, and its culture and heritage continues to strengthen and enrich Inner West | <ol style="list-style-type: none"> 1. Celebrate Aboriginal and Torres Strait Islander cultures and history 2. Promote Aboriginal and Torres Strait Islander arts and businesses 3. Acknowledge and support the rights of the Aboriginal community to self determination 4. Actively engage Aboriginal people in the development of programs, policies and strategies |
| 4.3 The community is healthy and people have a sense of wellbeing | <ol style="list-style-type: none"> 1. Provide the facilities, spaces and programs that support wellbeing and active and healthy communities 2. Provide opportunities for people to participate in recreational activities they enjoy |
| 4.4 People have access to the services and facilities they need at all stages of life | <ol style="list-style-type: none"> 1. Plan and provide services and infrastructure for a changing and ageing population 2. Ensure the community has access to a wide range of learning spaces, resources and activities 3. Support children's education and care services to ensure a strong foundation for lifelong learning |

| Outcomes | Strategies |
|---|---|
| 5.1 People are well informed and actively engaged in local decision making and problem-solving | <ol style="list-style-type: none"> 1. Support local democracy through transparent communication and inclusive participatory community engagement |
| 5.2 Partnerships and collaboration are valued and recognised as vital for community leadership and making positive changes | <ol style="list-style-type: none"> 1. Support leadership and mentoring initiatives that build and strengthen the capacity of individuals, businesses and communities 2. Support local capacity for advocacy 3. Collaborate with partners to deliver positive outcomes for the community, economy and environment |
| 5.3 Government makes responsible decisions to manage finite resources in the best interest of current and future communities | <ol style="list-style-type: none"> 1. Undertake visionary, integrated, long term planning and decision making, reflective of community needs and aspirations 2. Ensure responsible, sustainable, ethical and open local government 3. Deliver innovation, excellence, efficiency and effectiveness and probity in Council processes and services |



I.0 Context Overview

RECREATIONAL NEEDS STUDY

Key Findings:

A number of findings about recreation within the Inner West are highlighted by the report. These include the benefits of recreation and its changing perception and role within society generally. These have assisted in providing a foundation for the strategies and objectives of this Plan of Management and Master Plan. A summary of the key findings includes;

- Participation in recreation brings significant health and social benefits to individuals, including mental health benefits and improved development outcomes for children and young people.
- Recreation provides benefits at the community level, supporting community cohesion and community development, and public health benefits.
- Nationally, the most popular recreation activities include walking, fitness, swimming, cycling and running, and this is reflected by local participation trends in the Inner West.
- The major change in participation in recreation is a trend to more flexible and non-organised participation.
- Children have declining access to unsupervised participation in recreation activities, with Planet Ark estimating that only 35% of Australian children play outside every day compared to 72% a generation ago.
- People who identify as having a disability have lower levels of participation in recreation and are less likely to take part as a spectator.

I.0 Context Overview

REVIEW OF CORPORATE OBJECTIVES + EXISTING POLICY

| NEED | OPPORTUNITIES |
|---|---|
| Increased quality of open space to optimise use, address demand and meet higher and more diverse needs. Informal, flexible and social recreation opportunities. | <ul style="list-style-type: none"> Multi-use, flexible open space that is designed to support sharing and reduce conflict between users. |
| Water bubblers and bins in parks. | <ul style="list-style-type: none"> At least one water bubbler and a designated waste area. |
| Lighting and design of parks to increase feelings of safety. | <ul style="list-style-type: none"> Low Lighting to pathways and new terrace. |
| Signage and wayfinding for pedestrian paths. | <ul style="list-style-type: none"> Review foreshore path. Continuing or connecting to South Paringa. |
| Increased access to recreation opportunities for older people. | <ul style="list-style-type: none"> Footpath improvements. |
| Inclusive recreation opportunities for people with disability. | <ul style="list-style-type: none"> Prioritise accessibility in the upgrades of recreation facilities and parks, for example in new cafe, pathway and access. |
| Ongoing provision and maintenance of existing dog off leash areas; Managing and preventing conflicts between users of parks, particularly children and dogs. | <ul style="list-style-type: none"> Clarity in signage to enable regulation and enforcement. |
| Provide eating and drinking opportunities for visitors + locals. | <ul style="list-style-type: none"> New use of area were vacant restaurant and terrace is now located to open views and create a further connection between Elliott Wharf, South Paringa and Paringa Reserve. |



I.0 Context Overview

DOG OFF-LEASH AREAS



Yellow Dog On-leash Area
Pink Dogs Prohibited
Green Dog Off-leash Area

North Arrow
Scale 1:1000 @A4

14
Document Set ID: 36508065
Version: 1, Version Date: 28/06/2022

I.0 Context Overview

REVIEW OF CORPORATE OBJECTIVES + EXISTING POLICY

Dog Exercise Areas Within Paringa Reserve

The use of Paringa Reserve for dog walking is encouraged and recognised by Council as creating a positive sense of community if conducted in a responsible manner.

Areas for on and off leash dog exercise are indicated by the map adjacent. These areas should be clearly sign posted within the park and be integrated into a cohesive signage strategy to notify dog walkers of their responsibilities.

Dog On-Leash Areas

- Dogs are generally permitted to be on-leash in the entrance of the reserve.

Dog Off-Leash Areas

- Off-leash dog exercise is permitted where the park turns on Paringa Reserve which is a larger area.

Dogs Prohibited

- Dogs are prohibited on the now abandoned terrace of Pelligrini's Restaurant area of Paringa Reserve lot.





16
Document Set ID: 36508065
Version: 1, Version Date: 28/06/2022

2.0 Categorisation + Ownership



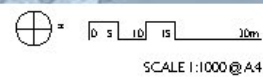
Photo taken by Welsh + Major



2.0 Categorisation + Ownership



- | | |
|---------------|--|
| Site Boundary | Council Owned Land - Operational |
| Lot Boundary | Council Owned Land - General Community Use |
| Waterway | Crown land - Public Recreation |



18
 Document Set ID: 36508065
 Version: 1, Version Date: 28/06/2022

2.0 Categorisation + Ownership

LAND TO WHICH THIS PLAN APPLIES

Community land - Local Government Act Requirements

Public land as defined under the *Local Government Act 1993*, must be classified as either community or operational land.

'Operational' land comprises land that serves a commercial or operational function (e.g. offices, works depot, car park, sewage pump station, etc.), or land that is being retained for commercial or strategic reasons. The range of controls that apply to Community land do not apply to the use and management of Operational land.

'Community' land is generally public park land set aside for community use. Development and use of this land is subject to strict controls set out in the Act such as Community land cannot be sold, or leased or licensed for more than 30 years. In addition to these controls, the Act requires Councils to have plans of management for all Community lands.

A plan of management places each piece of Community Land into one or more of five categories which impact on how they can be used. These are: Natural area; Sports ground; Park; Area of cultural significance; or General community use. Community Land is still subject to zoning controls and a plan of management operates as an additional control over that piece of land.

Crown Land Management Act 2016

Following a comprehensive review of legislative provisions and the management of Crown land the Crown Land Management Act 2016 (CLM Act) commenced on 1 July 2018 and the Crown Lands Act 1989 was repealed. The objectives of the CLM Act are:

- To provide for the ownership, use and management of the Crown land of New South Wales, and
- To provide clarity concerning the law applicable to Crown land, and
- To require environmental, social, cultural heritage and economic considerations to be taken into account in decision-making about Crown land, and
- To provide for the consistent, efficient, fair and transparent management of Crown land for the benefit of the people of New South Wales, and
- To facilitate the use of Crown land by the Aboriginal people of New South Wales because of the spiritual, social, cultural and economic importance of land to Aboriginal people and, where appropriate, to enable the co-management of dedicated or reserved Crown land, and
- To provide for the management of Crown land having regard to the principles of Crown land management.

The CLM act gives council the authority to manage Crown Land in the same way that it manages Public land, as defined under the *Local Government Act 1993*. The legislation requires council to firstly classify Crown land managed by Council as Community Land or Operational Land, and to then to nominate a single category for the land. The Plan of Management then provides the mechanism to place the Crown Land into multiple categories which are better suited to the current and future use of the land.

| Lot/DP | Name & Location | Current Management & Agreement Recommendations | Ownership | Area (approximate) | Notes |
|---------------------|---------------------------|--|---------------------------------|--------------------|---|
| Lot E DP 36161 | Paringa Reserve | Inner West Council | Inner West Council | 2972 m2 | Encumbrances (1) Excludes minerals (2) Easement for |
| Lot 26 DP 850832 | Elliott Street Wharf | Inner West Council is Lessee. | RMS (Crown devolved to Council) | 133 m2 | |
| Lot 1 DP 850832 | Elliott Street Wharf Cafe | Vacant | Inner West Council | 213 m2 | |



2.0 Categorisation + Ownership



Site Boundary
Crown Land category - Park
Crown Land category - General Community Use

Scale bar showing 0, 5, 10, 15, 20m. SCALE 1:1000 @A4

20
Document Set ID: 36508065
Version: 1, Version Date: 28/06/2022

2.0 Categorisation + Ownership
COUNCIL LAND CATEGORISATION

Community land - Local Government Act Requirements

The majority of the land analysed falls into parkland under Council Land. Lot 1 DP 850832 Elliott Street Wharf Cafe located in the front section of the vacant restaurant and DP 36161 Paringa Reserve are both council owned.

The third lot in the analysed site is RMS owned. This wharf was served by a ferry service until 2013, but now it is only used by private vessels. Paringa Reserve minus its west coastal edge is classified as Community land. Community land is generally public park. Development and use of this land is subject to strict controls set out in the Act such as Community land cannot be sold, or leased or licensed for more than 30 years. In addition to these controls, the Act requires council to have plans of management for all Community lands.

A plan of management places Community Land into categories which impact how they can be used. Community Land is still subject to zoning controls and a plan of management operates as an additional control over that piece of land.

The Community land within the site analysed falls into the categories listed in the table below.

Management Principles

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

(a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and

(b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

| Category (Crown land) | Core objectives (as defined by the Local Government Act 1993) |
|-----------------------------|---|
| PARK | The core objectives for management of community land categorised as a park are— (a) to encourage, promote and facilitate recreational, cultural, social and educational pastime and activities, and (b) to provide for passive recreational activities or pastime and for the casual playing of games, and (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management. |
| GENERAL COMMUNITY USE | The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public— (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities). |





3.0 Leases + Licences



Photo taken by Welsh + Major



3.0 Leases + Licences

This page has been intentionally left blank

3.0 Leases + Licences

CURRENT LEASES + LICENCES

Leases + Licensing

The Local Government Act allows Council to grant leases, licences or other estates over all or part of Community Land.

Leases and licences are a method of formalising the use of land and facilities. Leases or licences can be held by groups such as community groups, sporting clubs and schools, and by commercial organisations or individuals providing facilities and/ or services.

Where exclusive control of all or part of an area or facility is proposed or desirable, a lease is appropriate. There are other factors which may influence the granting of a lease. These include the level or scale of investment, the necessity for security measures and the relationship between the activity on the land and the activity of the controller of the land.

The activities undertaken by a leaseholder should be compatible with any zoning or Council requirements and provide benefits and services or facilities for the users of the land. Terms and conditions of a lease should reflect the interest of the Council, protect the public and ensure proper management and maintenance.

Where short term, intermittent or non-exclusive occupation or control of all or part of an area or facility is proposed, a licence may be used. Providing there are no conflicts of interest, several licences may apply concurrently.

In considering whether to grant any lease or licence, Council should take into account the consistency of the proposal with the values and management strategies of this Plan of Management, particularly with regard to the following:

The Lessee/Licensee is responsible for ensuring the area is maintained to a standard which is acceptable to Council.

There is a need to define the times the land or facility will be available for use by the Lessee/Licensee, the impact of the lease/licence on the public/private space use of the Parks, the impact on maintaining the Parks as one cohesive open space.

The Plan of Management for Paringa Reserve and Elliot Street Wharf allows for the provision of leases and licences in accordance with the Local Government Act 1993, Crown Lands Management Act 2016, Crown Lands Management Regulations 2018 and any subsequent legislation. Future leases and licences will be allowable for uses consistent with this Plan of Management or Inner West Council Local Environment Plan (pending adoption) and any other applicable legislation.

Any leases, licences, easements and other estates on crown land (a use agreement) on Crown land may impact native title rights and interests. Any use agreement issued on Crown land must be issued in accordance with the future act provisions of the Native Title Act 1993 and in accordance with Part 8 of the Crown Land Management Act 2016 unless native title is extinguished. For Crown land which is not excluded land this will require written advice of one of Council's native title managers that it complies with any applicable provisions of the native title legislation. This plan does not authorise the issuing of use agreements on Crown land for Aquaculture, Marinas or Moorings.

Current Leases + Licences

| Location | Purpose | Term |
|---------------------------|------------------------|---------|
| Paringa Reserve | Community Park | |
| Elliott Street Wharf | Leased for private use | Unknown |
| Elliott Street Wharf Cafe | Vacant | N/A |

Future Leases + Licences

| Location | Proposed Leasing and Licensing Agreements |
|---------------------------|---|
| Paringa Reserve | Cafe - food and beverage service. |
| Elliott Street Wharf | n/a |
| Elliott Street Wharf Cafe | Cafe - food and beverage service. |





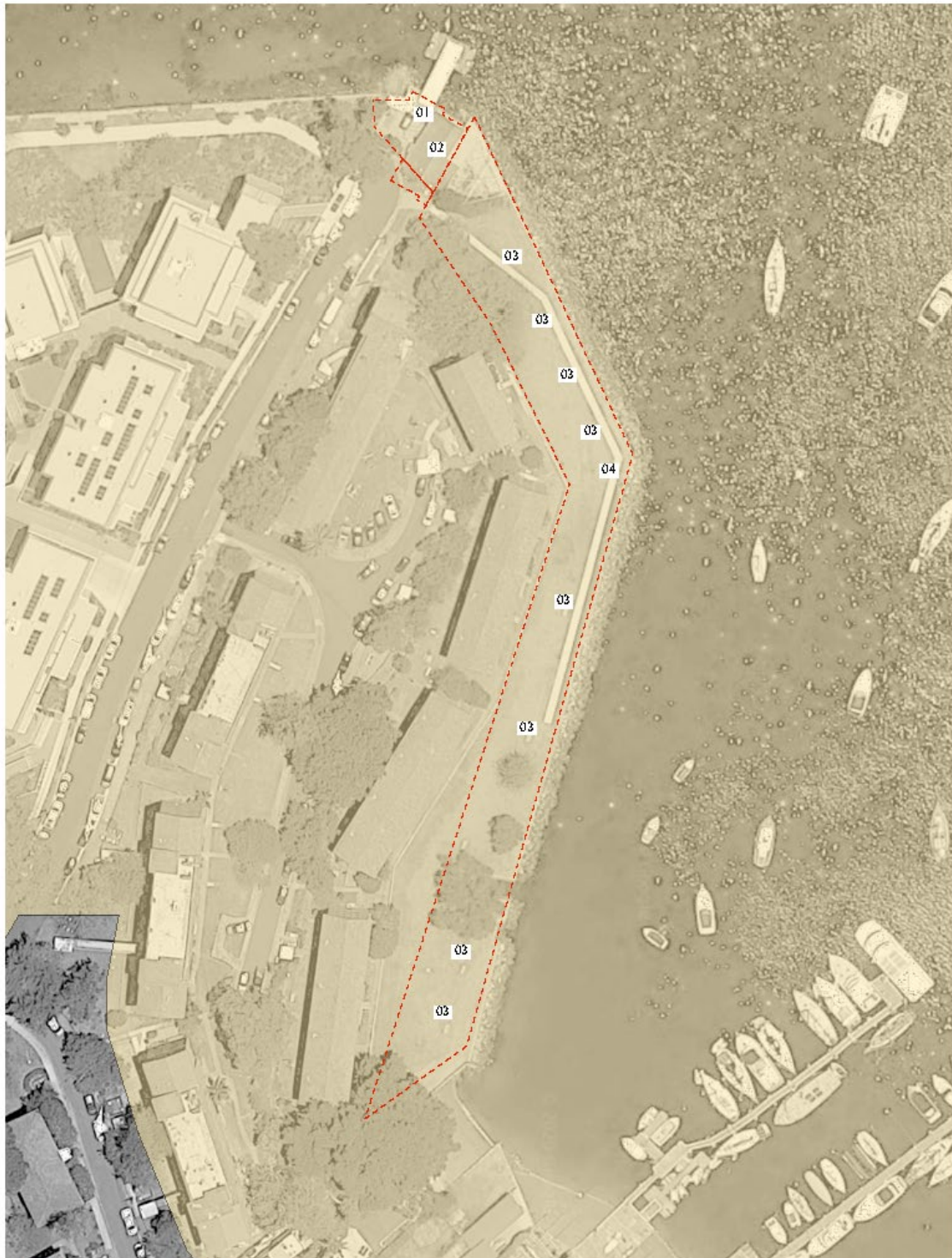
4.0 Statutory Conditions + Legislation



Photo taken by Welsh + Major



4.0 Statutory Conditions + Legislation



Site Boundary

Coastal Use Area / Coastal Environmental Area



SCALE 1:1000 @A4

28
Document Set ID: 36508065
Version: 1, Version Date: 28/06/2022

4.0 Statutory Conditions + Legislation

STATUTORY CONDITIONS + LEGISLATION

Zoning + Classification

Paringa Reserve : REI 'Public recreation'

State Environmental Planning Policy - Coastal Management 2018 + Coastal Management Act 2016

This legislation provides a framework and objectives for managing coastal issues in NSW. It focuses on ecologically sustainable management, development and use of the coast for the social, cultural and economic well-being of people.

Other Relevant Legislation

- Foreshore Building Line LEP 2013
- Native title Act 1993 (owith)
- Companion Animals Act.
- Disability Discrimination Act.
- Environmental Planning and Assessment Act 1979.
- National Construction Code 2019.
- National Parks and Wildlife Act 1974
- State Environmental Planning Policy (infrastructure) 2007
- Work, Health and Safety Act.
- Biodiversity Conservation Act 2016
- Vegetation SEPP

CONDITION OF LAND + STRUCTURE

| | Use of land or structure (on adoption of the PoM) | Condition of the land or structure (on adoption of the PoM) | Future Condition (targeted following adoption of the PoM) |
|----|--|--|--|
| 01 | Private Ferry (Adjacent lot) | Good | n/a |
| 02 | Restaurant | Poor | Remove |
| 03 | Timber Benches | Poor | Upgrade |
| 04 | Pathway | Poor | Upgrade |





5.0 Master Plan Strategies



Photo taken by Welsh + Major



5.0 Master Plan Strategies

OVERVIEW

The key objectives outline a broad vision for the future of Paringa Reserve. They have been derived from the opportunities and constraints outlined in the Site Analysis. Key strategies offer practical measures for how these objectives can be implemented within Paringa Reserve.



ACCESS

Key Objectives:

1. Provide welcoming and easy to navigate entry points.
2. Improve existing connection throughout the park.
3. Create a simple signage and wayfinding strategy for navigating the park and its assets.

Key Strategies to achieve this in Master Plan:

- Establish gateways that define entry to Paringa Reserve as a shared public green space.
- Widen entrance for a visual connection to South Paringa.
- Provide updated safe and connected path within the park.
- Consolidate wayfinding, regulatory and information signage into a consistent, clear and concise format.
- New access to connect with Lagan Avenue.



INCLUSIVENESS

Key Objectives:

1. Provide new public accessible amenities.
2. Ensure that the park and its assets are accessible for all visitors.

Key Strategies to achieve this in Master Plan:

- Provision of a new cafe that caters for a range of age groups.
- Provide additional park furniture and rest stops.
- Improve wheelchair access throughout the park and within key assets.
- Provide clear signage for on-leash and off-leash dog areas.



SENSE OF PLACE

Key Objectives:

1. Highlight the unique aspect of the site and build upon them to establish a clear identity for the site and its assets.
2. Create opportunities to educate visitors about the culture and history.
3. Preserve and protect trees and successful spaces, and create new fine-grain spaces.

Key Strategies to achieve this in Master Plan:

- Develop the identity of intermediary spaces.
- Create an integrated waste management solution throughout the site. Install bins and water fountains, which do not attract pest and vermin.
- Protect existing trees and vegetation.
- Maintenance of amenities, and ongoing site condition.

5.0 Master Plan Strategies



COMMUNITY

Key Objectives:

1. Protect areas that are highly valued by the community.
2. Provide high quality amenities, furniture and facilities.
3. Continue maintenance of existing park assets.

Key Strategies to achieve this in Master Plan:

- Maintain existing open green spaces for flexible recreation and general community use.
- Repair, maintain or replace existing furniture and amenities as required.



SUSTAINABILITY

Key Objectives:

1. Protect and restore local ecology and prioritise the environment in decision-making.
2. Integrate sustainable measures into new and existing facilities and landscaping elements through a holistic design approach.
3. Retain and enhance green spaces.

Key Strategies to achieve this in Master Plan:

- Design new facilities from sustainable principles facilities with sustainable measures.
- Increase local native understorey and ground cover planting within the reserve including along the foreshore.
- Plant medium and large native canopy trees to enhance the landscape amenity of the park and to increase shade cover.
- Include natural heritage information as part of any interpretive signage plan.
- Look for opportunities to incorporate water sensitive design into landscaping for sustainable water management.



SAFETY

Key Objectives:

1. Pedestrians safety.

Key Strategies to achieve this in Master Plan:

- Implement safe paths for pedestrians, management of access to the reserve.
- Accessible parking on street.
- Applying main principles of CPTED.



SPORTS + RECREATION

Key Objectives:

1. Provide high quality facilities that encourage active and healthy communities.
2. Acknowledge spaces for leisure activities and benefit the community for recreation outside.

Key Strategies to achieve this in Master Plan:

- Retain natural grass surface which is utilised by the community for general recreation and off-leash and on-leash dog area.



5.0 Master Plan Strategies



ACCESS

Paringa Reserve is a Place for People

Access to Paringa Reserve must be focused around safe equitable pedestrian use. It should allow people to move about safely and effectively to, in and around the entire reserve. This could be improved by establishing a defined pedestrian link between Paringa Reserve and Paringa South as a pedestrianised zone which only allows vehicles to utilise the driveway for maintenance and service delivery.

A new pedestrian link to Lockhardt Avenue for a public walkway from Paringa Reserve connected via the existing stairs to Lagan Avenue. This would link via that right of way, Phoebe Street and Tilba Avenue to White Street and Elkington Park.

Areas intended for service vehicle access should be separated with removable bollards and pedestrianise so ensure they are safe places at all times.

Car parking along Elliott Street is well utilised. Consideration should be given to having accessible parking close to the Reserve entry. Many, (perhaps most) visitors arrive by foot from neighbouring areas. Previously visitors may have arrived by ferry when a public service ran to this area. This may change in the future and should be considered.

Signage and Wayfinding

A cohesive signage strategy should be implemented for the park and its assets, which would assist in establishing the identity of the site. Generic road signs should be avoided. The signage strategy would include:

Establishing the identity of the site at the Reserve entry is important. Signage needs to indicate where on/ off dog leash areas are, include interpretative information about the location and its' history, and where the outdoor gym facilities are located, along with time frames of use.

Informal Connections

There are a few informal pedestrian gate connections within Paringa Reserve to the adjacent public housing. It is recommended that these gates are retained to encourage access to outdoor spaces.



INCLUSIVENESS

Accessible Facilities

A new temporary or light structured food kiosk is recommended to replace the former restaurant building. It should have a level, accessible outdoor paved area for seating. The new facility would be located near the entrance of Paringa Reserve. This will allow visibility from Elliott St, as well as easy access from the wharf, Paringa Reserve itself and neighbouring areas.

Pet and People friendly

Off-leash, on-leash and prohibited areas for dogs are already established within the reserve. This should be clearly identified within the site through a coherent signage strategy that is to be integrated into the overall signage strategy for the site.

It is important that a sharing spirit towards public space is encouraged and there are places provided for both dog owners and park users who may not want to interact with off-leash dogs. Dog litter bag dispensers should be provided at key locations, and bubblers in some locations could have integrated dog bowls.

Rest Areas

Places to sit should be provided in suitably located areas throughout Paringa Reserve to allow for visitors to stop, rest, meet and enjoy the view. Places identified in the Master Plan for additional furniture or seating include:

- Simple, robust bench seating oriented towards the bay.

5.0 Master Plan Strategies

SENSE OF PLACE 

Built area

The Master Plan proposes the demolition of the disused Pellegrini's restaurant building with a new temporary or lightweight food kiosk. It should have an adjacent outdoor paved area for seating.

This site of the existing disused building has been built upon and demolished on a number of occasions since 1891, with different shapes and sized buildings of varying capacity. The Masterplan proposes its replacement with a temporary lightweight removable structure that will be a utility for the community and give back a sense of place to the park and general locale that some of the former buildings once offered.

Identity

The Master Plan proposes to build upon elements already present within Paringa Reserve, and to sensitively re-establish former uses that existed upon the site which will re-establish Paringa Reserve identity, sense of place and position within the local community.

This strategy intends to maintain open space to the majority of the reserve, retaining and enhancing a waterfront garden setting and preserving the existing sense of place currently enjoyed by the local community.

SUSTAINABILITY 

Sustainable Facilities

New projects within the park must be designed and built to meet sustainable principles. This would include considerations of a facilities life-cycle, embodied energy and ongoing sustainability. Upgrading existing facilities to improve sustainability.

Water Management

Improved water management will allow council to provide a better playing surface and grounds.

Biofilter planting, and where appropriate, rain gardens and bioswales are integral to the water management strategy. These help to filter storm water; reduce the extent of hard surfaces and provide attractive landscaped areas.

Review of existing and proposed storm water systems should be undertaken by a specialist consultant prior to implementation.

Biodiversity + wildlife

Strategies to support biodiversity and wildlife need to be carefully considered and appropriate within the context and off-leash dog activity. The Masterplan proposes retaining grassed areas, along with new biofilter planting, meadow planting and trees to provide food and habitat.

Trees and Understorey Planting

New trees should be planted where space allows in order to provide additional shade. A range of species are recommended in order to improve biodiversity within the park and build upon the character. Plant species have been selected to correspond to the current use of areas where they are proposed, as well as the history of the park and the area.

Understorey planting is recommended for areas which are less utilised, to improve the range of habitats available for local fauna and to encourage greater biodiversity. Understorey planting has also been selected to soften barriers.

Elements to attract local insects, birds and animals are also recommended being included, including possum boxes, bird boxes and bee hotels.



5.0 Master Plan Strategies



COMMUNITY

Open Green Space

It is important to protect existing open green spaces within the Reserve, which are highly valued by the community, and avoid the assumption that unprogrammed or undefined spaces are less utilised because they lack a defined purpose. Open green spaces are flexible and fulfill a range of needs, ranging from picnics, gatherings, casual sports, warm-up and quiet relaxation.

Paringa Reserve consists primarily of open grass area. It is recommended that these areas are retained primarily as open lawn, with any proposed new amenities/ planting being sensitively located to augment these spaces with areas of shade and seating without unduly compromising their existing qualities.

New Amenities

It is recommended that the existing seating and concrete path be removed and replaced with a mix of seating opportunities for groups and individuals at various locations within the Reserve.



SAFETY

Safer Interaction

Priority should be given to the safe interaction between people on foot.

Access objectives, including measures such as:

A focus on pedestrian safety both within and at the entry to the park, and managed, limited vehicle access to the reserve (see Access section above). Easy accessible parking on street.

Safer Pathways

A Safe path of travel should be provided for all users to navigate the Reserve. This is especially important for older park visitors who are at most risk of a fall and those who identify as having a disability. Improving the safety of pathways could include measures such as: Short term repair to areas of footpath which are uneven and may present a trip hazard as they arise, with a view to full replacement in the medium term.

It should be noted that a park can benefit from having a range of different path surfaces and conditions and that not all pathways need to be formalised to meet a particular standard.

5.0 Master Plan Strategies

SPORTS + RECREATION 

Flexibility

Pannga Reserve is a flexible open space that fulfils a range of needs, ranging from picnics, gatherings, casual sports, and quiet relaxation. It is primarily a space for unstructured outdoor recreation.



5.0 Master Plan Strategies

This page has been intentionally left blank

5.0 Master Plan Strategies

STRATEGY PRECEDENTS



Example of a seating element for a rest spot adjacent Liffield St Bridge¹



Example of the existing open green spaces and off-leash dog zone at Ferrige Reserve.²



Bird boxes, Sohlisparken, Sweden.⁴



Example of secluded seating within a sensory garden³



Integrated signage and wayfinding⁶



Integrated signage and wayfinding⁷



Dog off-leash area⁸

¹Active Landscapes, MARSU Planning. Photo © Kristina Autzen
²Photo © Walk & Play
³Playground Sensory Garden by MARSU planning. Photo © Kristina Autzen.
⁴Feyersjö Park by Aspect Studios. Photo © Sveast Lma.
⁵Sydney 1788 Shoreline. Photo © Somewhere42.
⁶Landzime Project. Photo © Alex Cocomini
⁷Rochdale Flea Benks of the Swan by In Situ. Photo © IN SITU
⁸Feyersjö Park by Aspect Studios. Photo © Sveast Lma.





40
Document Set ID: 36508065
Version: 1, Version Date: 28/06/2022

6.0 Draft Master Plan



Photo by Welsh + Major



6.0 Draft Master Plan



Document Set ID: 36508065
Version: 1, Version Date: 28/06/2022

6.0 Draft Master Plan

PARINGA RESERVE

01. Revitalise abandoned restaurant and terrace. This could include:
 - Removal of the existing structure, this will create a visual connection with Paringa South and open the street to the bay view.
 - Developing a co-ordinated approach to an identity for the space.
 - Provide a café and toilet.
02. Increase the width of the entrance of Paringa Reserve to establish a consistent link between the South Paringa and Paringa Reserve.
03. Updated pedestrian path and provide clear and consistent way finding, removing all old and poorly maintained signage:
 - Entrance: Park Information
 - Dog On-Leash + Off Leash Areas
 - Near Old Dock including natural heritage information (Interpretive information)
 - Local Wildlife
04. New solid path connected with permeable paths between them and to the café.
05. Protect existing trees inc. Management of significant fig tree.
06. Additional trees to improve canopy coverage.
07. Do not permit vehicles on a regular basis. Option to permit restricted vehicle access with removable bollards. Increasing connection with water and both reserves.
08. Establishing a cohesive landscaping and furniture strategy creating spaces for peaceful recreation, relaxation, picnics and smaller gatherings within the garden. Replacement of existing seating with new seating with arm and backrest.
09. Provide at least one water bubbler.
10. Maintain and protect existing open green natural grass area.
11. Fix timber fence where needed at East end.
12. Protect pockets of native bushland. Provide measures to create safe habitats and refuges for smaller birds and native wildlife from predators.
13. New camouflaged bin area for easy maintenance at the entrance/ exit of the Reserve. Option to have the same style, colours as café.
14. New adjacent on street accessible parking next to park entrance.
15. Pedestrian route (Negotiated agreement with NSW Housing) commencing at the edge of the park near the path between Blocks 4 and 5, transiting through the existing stairs to Lagan Avenue, along this Avenue for a short walk, then following the steps between Blocks 10, Elliott Street and 2 Lockhart to Lockhart Avenue.
16. Incorporate local native flora into parts of the existing foreshore edges and wall to provide habitat for native fauna and link the site to its environmental heritage.
17. Contribute to water sensitive design into landscaping for sustainable water management when appropriate.



Angophora floribunda



Angophora costata (Sydney Red Gum)



Banksia integrifolia

TREE SPECIES

- Angophora floribunda
- Angophora costata (Sydney Red Gum)
- Banksia integrifolia

PLANTS RIVERS EDGE

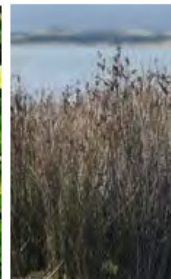
- Fidinia nodosa
- Goodenia ovata
- Juncus kraussii
- Lobelia alata
- Lomandra longifolia
- Scaevola calendulacea
- Suaeda australis
- Tetragonia tetragonioides
- Viola hederacea



Ficinia nodosa



Goodenia ovata



Juncus kraussii



Lobelia alata



Lomandra longifolia



Scaevola orientalescens



Suaeda australis



Tetragonia tetragonioides



Viola hederacea





7.0 Objectives + Performance Targets



Photography by Welsh + Major



7.0 Objectives + Performance Targets

This page has been intentionally left blank

7.0 Objectives + Performance Targets

OBJECTIVES + RECOMMENDATIONS

Overview

This section connects the Master Plan Objectives + Strategies to the Master Plan proposal.

The following pages prioritise the proposed Master Plan actions with a view to their phased implementation over a ten year period - until the Plan of Management is reviewed.

For consistency and ease of reference, the actions have been grouped according to the categories used to set out the Master Plan Objectives + Strategies:

- Access
- Inclusiveness
- Community
- Sense of Place
- Sustainability
- Safety
- Sport + Recreation

The framework defined in the table below is applied to each objective. This includes the level of priority and suggested measure for assessing the recommendation for success. This forms the basis for determining the future directions and management actions required to implement the recommendations.

| | |
|-------------------------------------|---|
| Management Issues | Broad issues listed here, derived from Inner West Council Community Strategic Plan and site analysis. |
| Objectives and Performance Targets | List objectives and targets consistent with local government act. |
| Means of Achievement of Objectives | A list of practical steps that will be taken to achieve the objectives. |
| Manner of Assessment of Performance | Practical measure of assessment of the recommendation. |
| Priority | Advised time-scale for implementing for the recommendation. |
| • High | Short term: 1 to 3 years |
| • Medium | Medium term: 4 to 6 years |
| • Low | Long term: 7 to 10 years |
| • Ongoing | Continually considered during implementation of works and maintenance strategies. |

Core Objectives

There are core objectives for the management of community land which are legislated by the *local government act 1993*. These core objectives are defined by the category which applies to the land. Two categorisations apply to the land within analysed: *Park and General Community Use*. The categories and their core objectives are listed within the table below. The relevant core objectives will be referenced throughout the implementation plan through use of a reference label to avoid repetition.

| Land Classification | Reference Label | Core Objectives which apply to the land under LG Act. |
|-----------------------|---------------------------------------|---|
| Park | Core Objective: Park | (a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management. |
| General Community Use | Core Objective: General Community Use | (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities). |



7.0 Objectives + Performance Targets



ACCESS

Key Objectives:

1. Provide welcoming and easy to navigate entry points.
2. Improve existing connections throughout the park.
3. Create a simple signage and wayfinding strategy for navigating the park and its assets.

Key Strategies to achieve this in Master Plan:

- Establish gateways that define entry to Paringa Reserve as a shared public green space.
- Widen entrance for a visual connection to South Paringa.
- Provide updated safe and connected path within the park.
- Consolidate wayfinding, regulatory and information signage into a consistent, clear and concise format.
- New access from East End.

| Management Issues | Objectives and Performance Targets | Means of Achievement of Objectives | Manner of Assessment of Performance | Priority |
|------------------------|---|--|---|----------|
| Entry/ Exit Points | <p>Access to Paringa Reserve must be focused around safe equitable pedestrian use. It should allow people to move about safely and effectively to, in and around the entire reserve.</p> <p>This could be improved by establishing a defined pedestrian link between Paringa Reserve and Paringa South as a pedestrianized zone which only allows vehicles to utilise the driveway for maintenance and service delivery when necessary.</p> <p>A new pedestrian link to Lockhardt Avenue.</p> | <p>Increase the width of the entrance of Paringa Reserve to establish a consistent link between the South Paringa and Paringa Reserve.</p> <p>New solid path connected with permeable paths between them and to the cafe.</p> <p>Do not permit vehicles on a regular basis. Option to permit restricted vehicle access with removable bollards. Increasing connection with water edge and both reserves.</p> <p>New pedestrian link (path/ stairs) to Lockhardt Avenue for a public walkway from Paringa Reserve to Lockhart / Phoebe Street. Linking Paringa Reserve to Phoebe Street and Tilba Avenue to White Street and Elkington Park. (Negotiated agreement with NSW Housing.)</p> | Assess success through observation and visitor survey | High |
| Signage and Wayfinding | <p>A cohesive signage strategy should be implemented for the park and its assets, which would assist in establishing the identity of the site. Generic road signs should be avoided.</p> | <p>Updated pedestrian path and provide clear and consistent way finding, removing all old and poorly maintained signage. To provide clear signage for:</p> <ul style="list-style-type: none"> -Entrance: Park Information -Dog On-Leash + Off Leash Areas -Near Old Dock inc. natural heritage information (Interpretive information) -Outdoor gym equipment. -Natural heritage information (interpretive information). | Assess success through observation and visitor survey | High |
| Informal Connections | <p>There are a few informal pedestrian gate connections within Paringa Reserve to the adjacent public housing. It is recommended that these gates are retained to encourage access to outdoor spaces.</p> | <p>Maintaining gates + access between Paringa Reserve and Somerville Point. Make good when appropriate.</p> | Assess success through observation and visitor survey | Med |

7.0 Objectives + Performance Targets

INCLUSIVENESS 

Key Objectives:

1. Provide new public accessible amenities.
2. Ensure that the park and its assets are accessible for all visitors.

Key Strategies to achieve this in Master Plan:

- Provision of a new cafe that caters for a range of age groups.
- Provide additional park furniture and rest stops.
- Improve wheelchair access throughout the park and within key assets.
- Provide clear signage for on-leash and off-leash dog areas.

| Management Issues | Objectives and Performance Targets | Means of Achievement of Objectives | Manner of Assessment of Performance | Priority |
|-------------------------|---|--|--|----------|
| Accessible Facilities | A a new temporary or light structured food kiosk is recommended to replace the former restaurant building. It should have a level, accessible outdoor paved area for seating. The new facility would be located near the entrance of Paringa Reserve. This will allow visibility from Elliott St, as well as easy access from the wharf, Paringa Reserve itself and neighbouring areas. | Revitalise abandoned restaurant and terrace. Provide a new food and drinks station (café) for visitors and locals with paved outdoor seating area. This could include: Removal of existing structure, this will create a casual connection with Paringa South and open the street to the bay view. Updated pedestrian path that is well connected to new amenities. New adjacent on street accessible parking next to park entrance | Assess success through observation and visitor survey. | High |
| Rest Areas | Places to sit should be provided in suitably located areas throughout Paringa Reserve to allow for visitors to stop, rest, meet and enjoy the view. | Additional trees to improve canopy coverage to provide more shade. Simple, robust bench seating oriented towards the bay. | Assess success through observation and visitor survey | High |
| Pet and People friendly | Off-leash, on-leash and prohibited areas for dogs are already established within the reserve. This should be clearly identified within the site through a coherent signage strategy that is to be integrated into the overall signage strategy for the site. | Retain on-leash and off leash areas in the park. Provide clear signage of designated areas and times. | Assess success through observation and visitor survey. | Med |



7.0 Objectives + Performance Targets



SENSE OF PLACE

Key Objectives:

1. Highlight the unique aspect of the site and build upon them to establish a clear identity for the site and its assets.
2. Create opportunities to educate visitors about the culture and history.
3. Preserve and protect trees and successful spaces, and create new fine-grain spaces.

Key Strategies to achieve this in Master Plan:

- Develop the identity of intermediary spaces.
- Create an integrated waste management solution throughout the site. Install bins and water fountains, which do not attract pests and vermin.
- Protect existing trees and vegetation.
- Maintenance of amenities, and on going site condition.

| Management Issues | Objectives and Performance Targets | Means of Achievement of Objectives | Manner of Assessment of Performance | Priority |
|-------------------|---|--|---|-----------------|
| Built Area | Replacement with a temporary lightweight removable structure that will be a utility for the community and give back a sense of place to the park and general locale that some of the former buildings once offered. | New solid path connected with permeable paths between them and to the cafe to create fine-grain spaces. Provide at least one water bubbler. New camouflaged bin area for easy maintenance at the entrance/ exit of the Reserve. Option to have the same style, colours as café.. | Assess success through observation and visitor survey | High |
| Identity | Preserve and protect successful spaces, and create new fine-grain spaces. | This strategy intends to maintain open space to the majority of the reserve, retaining and enhancing a waterfront garden setting and preserving the existing sense of place currently enjoyed by the local community. | Assess success through observation and visitor survey | Med/ Ongoing |

7.0 Objectives + Performance Targets

COMMUNITY 

Key Objectives:

1. Protect areas that are highly valued by the community.
2. Provide high quality amenities, furniture and facilities.
3. Continue maintenance of existing park assets.

Key Strategies to achieve this in Master Plan:

- Maintain existing open green spaces for flexible recreation and general community use.
- Repair, maintain or replace existing furniture and amenities as required.

| Management Issues | Objectives and Performance Targets | Means of Achievement of Objectives | Manner of Assessment of Performance | Priority |
|-------------------|--|--|---|----------|
| Open Green Space | It is important to protect existing open green spaces within the Reserve, which are highly valued by the community, and avoid the assumption that unprogrammed or undefined spaces are less utilised because they lack a defined purpose. Open green spaces are flexible and fulfil a range of needs, ranging from picnics, gatherings, casual sports, warm-up and quiet relaxation. | Paringa Reserve consists primarily of open grass area. It is recommended that these areas are retained primarily as open lawn, with any proposed new amenities/ planting being sensitively located to augment these spaces with areas of shade and seating without unduly compromising their existing qualities. | Assess success through observation and visitor survey | Ongoing |
| New Amenities | It is recommended that the existing seating and concrete path be removed and replaced with a mix of seating opportunities for groups and individuals at various locations within the Reserve. | Establishing a cohesive landscaping and furniture strategy creating spaces for peaceful recreation, relaxation, picnics and smaller gatherings within the garden. View seating towards the bay and curved seating under trees to provide shade. Revitalise abandoned restaurant and terrace. New Cafe Area at entrance of Paringa Reserve. | Assess success through observation and visitor survey | High |



7.0 Objectives + Performance Targets



SUSTAINABILITY

Key Objectives:

1. *Protect and restore local ecologies and prioritise the environment in decision making.*
2. *Integrate sustainable measures into new and existing facilities and landscaping elements through a holistic design approach.*
3. *Retain and enhance green spaces.*

Key Strategies to achieve this in Master Plan:

- Design new facilities from sustainable principles facilities with sustainable measures.
- Increase local native understorey and ground cover planting within the reserve including along the foreshore.
- Plant medium and large native canopy trees to enhance the landscape amenity of the park and to increase shade cover.
- Include natural heritage information as part of any interpretive signage plan.
- Look for opportunities to incorporate water sensitive design into landscaping for sustainable water management.

| Management Issues | Objectives and Performance Targets | Means of Achievement of Objectives | Manner of Assessment of Performance | Priority |
|---------------------------------------|---|--|--|---------------------|
| Sustainable Facilities | New projects within the park must be designed and built to meet sustainable principles. This would include considerations of a facilities life-cycle, embodied energy and on-going sustainability. Upgrading existing facilities to improve sustainability. | Aim for a carbon neutral design solution and easy maintenance for the new amenities building. | Assess success through observation and visitor survey | High/Ongoing |
| Water Management | Biofilter planting, and where appropriate, raingardens and bioswales are integral to the water management strategy. | Contribute to water sensitive design into landscaping for sustainable water management when appropriate to waterfront edge. | Assess success through observation and visitor survey | Med |
| Biodiversity + wildlife | Protect and restore local ecologies and prioritise the environment in decision making. Provide connections between isolated habitats to strengthen biodiversity. Balance the impact of recreation on sensitive habitats while providing opportunities for visitors to engage with nature. | Maintain and continue bush regeneration and biodiversity works along the escarpment. Protect dense pockets of native bushland by limiting access. Provide measures to create safe habitats and refuges for smaller birds and native wildlife from predators. | Visual survey by ecologist / council Urban Ecology unit. | Med/Ongoing |
| Trees and Understorey Planting | New trees should be planted where space allows in order to provide additional shade. Recommended species are in order to improve biodiversity. Understorey planting is recommended for areas which are less utilised. Elements to attract local insects, birds and animals are also recommended. | Protect existing trees. Additional trees to improve canopy coverage. Introduce shade-tolerant understorey planting to assist in creating safe habitats for local fauna. Plant low level understorey planting along the foreshore between the existing trees to create a fauna link. | Assess success through observation and visitor survey | Med |

7.0 Objectives + Performance Targets

SAFETY 

Key Objectives:
1. Pedestrians safety.

- Key Strategies to achieve this in Master Plan:**
- Implement safe paths for pedestrians, management of access to the reserve.
 - Accessible parking on street.
 - Applying main principles of CPTED.

| Management Issues | Objectives and Performance Targets | Means of Achievement of Objectives | Manner of Assessment of Performance | Priority |
|---------------------------|--|--|---|-------------|
| Safer Interactions | Priority should be given to the safe interaction between people on foot. CPTED natural surveillance, access control, territorial reinforcement and space management. | New adjacent on street accessible parking to park entrance. Do not permit vehicles on a regular basis. Option to permit restricted vehicle access with removable bollards. New pedestrian link (path/ stairs) to Lockhardt Avenue. | Assess success through observation and visitor survey | High |
| Safer Pathways | A Safe path of travel should be provided for all users to navigate the Reserve. This is especially important for older park visitors who are at most risk of a fall and those who identify as having a disability. | Fix timber fence where needed at East end. Update pedestrian path and provide clear and consistent way finding. | Assess success through observation and visitor survey | High |



7.0 Objectives + Performance Targets

This page has been intentionally left blank

7.0 Objectives + Performance Targets

SPORTS + RECREATION 

Key Objectives:

1. Provide high quality facilities that encourage active and healthy communities.
2. Acknowledge spaces for leisure activities and benefit the community for recreation outside.

Key Strategies to achieve this in Master Plan:

- Retain natural grass surface which is utilised by the community for general recreation and off-leash and on-leash dog area.

| Management Issues | Objectives and Performance Targets | Means of Achievement of Objectives | Manner of Assessment of Performance | Priority |
|-------------------|---|---|---|----------|
| Flexibility | Encourage active and healthy communities and acknowledge leisure activities and current successful uses of the reserve. | Retain natural grass surface which is utilised by the community for general recreation and off-leash and on-leash dog area. | Assess success through observation and visitor survey | Med |



Appendix A

Site Analysis



Photo taken by Welsh + Major



Document Set ID: 36508065
Version: 1, Version Date: 28/06/2022

Appendix A



2
 Document Set ID: 36508065
 Version: 1, Version Date: 28/06/2022

Site Analysis

HISTORICAL ANALYSIS



1900 Balmain Looking to Drummoyne. Source: State Library of NSW (Sommerville)



Fig Tree Recreation Purposes Plan - SMH 04/04.1936 - Source: State Library of NSW



Balmain 1st Edition Map 1st Edition 5.11.37. Source: State Library Archives

First Nations History

Prior to European colonisation, the Balmain area was inhabited by the Wangal band of the Dharug (Eora) language group. The territory of the Wangal people extends along the southern shore of the Parramatta River to Parramatta. Suburbs close to the city such as Glebe are also the home of the Gadigal and Wangal ancestors. The surrounding bushland was rich in plant, bird and animal life with fish and rock oysters available from Blackwattle Bay. There were identified 16 midden sites with four being readily accessible to the public. A shell middens very close to the site can be seen at Whitehorse Point in Elkington Park and on the foreshore at Callan Point, Rozelle. Records show the first name of this peninsula as "Ross's Garden".

It is possible that prior to 1899 the area was known by the Wangal name 'Cooroowal', which was listed as the Aboriginal name for a place called 'Fig Tree Point' (Thornton 1899: 210) believed to be what is now known as Sommerville Point, Balmain.

Sommerville Point

It is understood that the area was called Figtree Point because of its predominance of fig trees, however it was subsequently re-named by Balmain Council after Mr A.W. Sommerville, Town Clerk for 50 years. The land was "resumed" by Balmain Council in the mid- 1930's for recreation purposes". Housing Commission homes were built in 1948. When the Housing Commission buildings were constructed, access to the foreshore was maintained for the public, and has remained so ever since.

Elliott Street Wharf

In 1885 the Elliott Street Wharf was built and sublet to the Balmain Steamship and Ferry Company. In July 1887 Balmain Council commissioned a report on the need or suitable waiting rooms and built in 1891. By 1913, the waiting room at Elliott Street was in a poor state of repair and the Council decided to remove it. 1952, the council decided to erect a kiosk at the Elliott Street wharf. The kiosk included an existing waiting-shed and a new structure. This was then demolished and rebuilt into a café and restaurant. The kiosk appears to have resulted from the extension of the waiting room structure to the west as far as the seawall. No plans or surveys have yet been sourced to confirm the extent of the works. This kiosk operated it seems until early 80's. In 1992 Pellegrini sought approval to undertake renovations to the kiosk, which they had subleased from Leichhardt Council since 1986. Alterations were made to the shed and the works included considerable additions encroaching the adjoining Paringa Reserve, owned by Council, but not leased to the Pellegrini. Council appears to have taken no action in respect of the illegal building works. Pellegrini continued to hold the lease until they elected to vacate in 2015. This was the only waterfront restaurant on the Peninsula. The earliest built elements still present are from sometime between 1913 and 1952. The site is of significant local importance due to its relationship with Cockatoo Island and our waterfront past.



Appendix A



Inner West Council area and suburbs. Recreation Needs study - A Healthier Inner West.

Site Analysis

DEMOGRAPHICS

Overview

This section outlines the current community profile of Leichhardt using data from the 2016 ABS Census from Profile i.d.

Population Growth

In 2016, the estimated resident population of the Inner West was 192,030 people. The population increased by 11,729 people or 6.5% between 2011 and 2016. The growth rate of Greater Sydney during this period was 9.8%.

Balmain was one of the highest growth suburbs by number with an additional 1,019 people between 2011 and 2016 (10.5%). Further growth is anticipated, with an additional 49,049 people living in the IWC by 2036.

Open Space Provision

The Inner West has 323.4ha of open space which equates to 9.2% of the total land area or 16.8m² per person. Of this, Council owns 256ha, which equates to 7.3% of total land area, or 13.3m² per person.

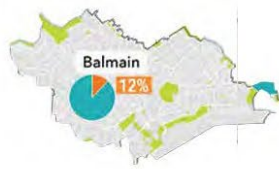
The provision of Council owned open space in Balmain is low, with 10.8m² per person in 2016, with a forecast to decrease to 10.4m² per person by 2026.



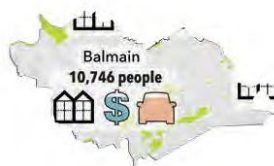
Appendix A



01 Balmain - Age + disability profile. Recreation Needs study - A Healthier Inner West.



02 Balmain - Cultural profile. Recreation Needs study - A Healthier Inner West.



03 Balmain - Density, income + housing profile. Recreation Needs study - A Healthier Inner West.

Site Analysis

DEMOGRAPHICS

Age + Disability Profile

Balmain has a diverse representation of age groups with high proportions of babies, children, young and older people. Spaces that are inclusive of all age groups, accessible and flexible should be prioritised to cater for current and future population needs.

Cultural Profile

The proportion of people speaking a language other than English at home is low with only (12%).

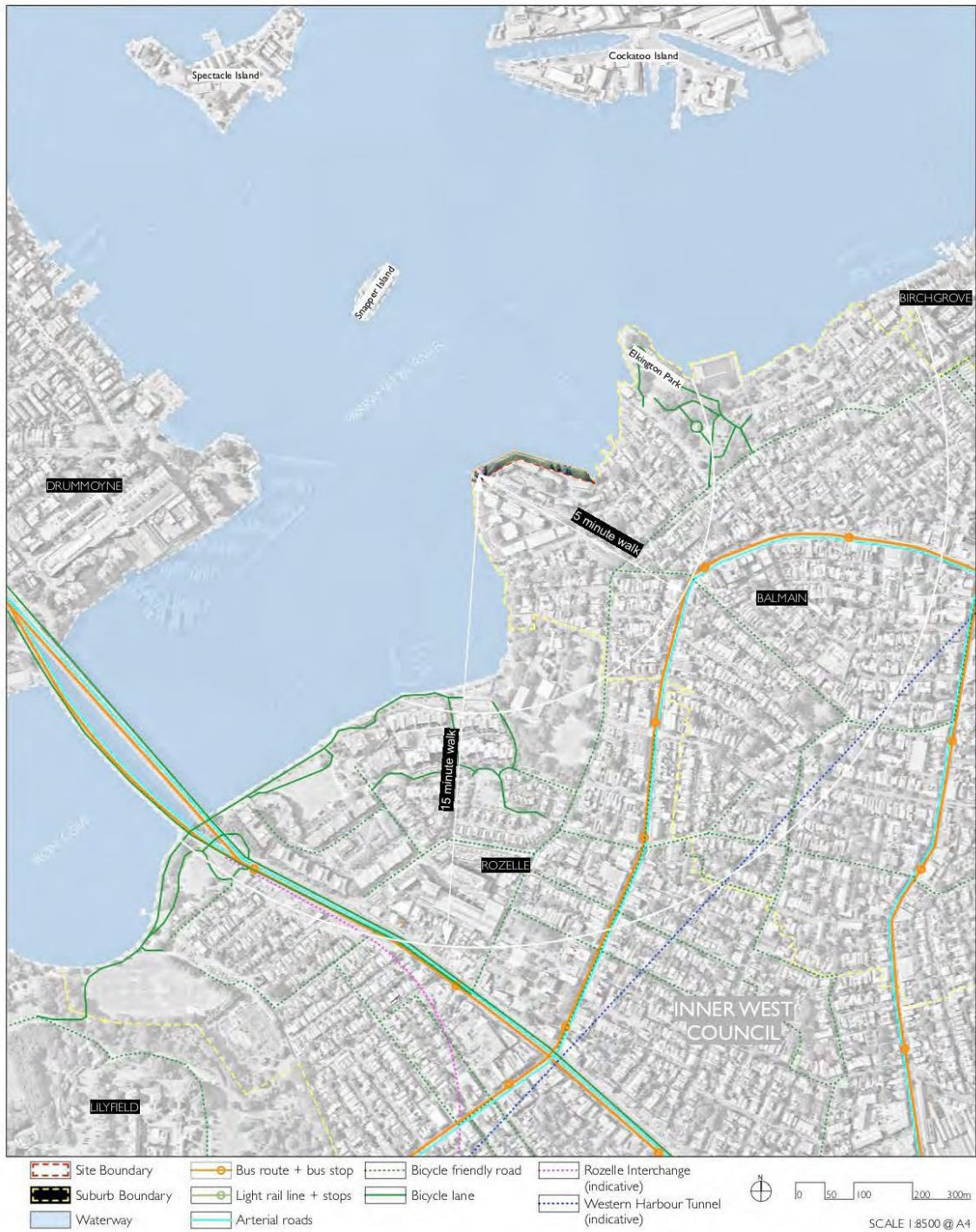
Density, Income + Housing Profile

Balmain is characterised by medium density housing which is typical for the LGA.

Income levels are above average, and car ownership is high between 85% - 90%. The majority of households have cars. Improved connectivity would encourage Balmain residents to use active or public transport.



Appendix A



Document Set ID: 36508065
 Version: 1, Version Date: 28/06/2022

Site Analysis

NEIGHBOURHOOD CONTEXT

Major Roads

The two major arterial roads of the area include Victoria Road to the south-west that connect with Darling Street which is the main road that connects Balmain. These roads provide a connection between Sydney's CBD and western suburbs.

Public Transport

Public transport links in proximity to the site include;

- Bus Route 442 runs from the Queen Victoria Building in the CBD to Balmain East wharf.
- Bus Route 445 run from Campsie to Balmain East via Dulwich Hill and Leichhardt.
- Bus Route 433 runs from George Street in the CBD to Gladstone Park Balmain via Glebe.
- Bus Routes 441 and 442 providing services between Balmain and the city.

While there are a few of public transport options, they are generally not considered to be close enough to Paringa Reserve to encourage accessing the park via public transport. It is a 400m walk from the nearest bus stop to the entrance of the park. Besides that there is no light rail or train close by.

One point of access was Elliott Wharf but it has become a Private Station. Elliott Street Wharf is a secondary pier, situated on the Parramatta River on the Iron Cove, which used to serve the suburb of Balmain. It is located on the west side and is also commonly referred to as Balmain West Ferry Wharf.

The pier was served by a ferry service until 2013, but now it is only used by private vessels decreasing the amount of traffic via public transportation.

An integrated transport strategy for Inner West was carried out in June 2019. The report acknowledges... *"the bus network is very confusing and has low legibility. Many people don't understand how different bus routes interconnect and this can act as a deterrent to bus patronage. The high number of bus routes means that buses are allocated across many routes at low frequency, rather than less routes at higher frequencies."*

In this same study the residents of Balmain as a method of transportation they use mainly vehicle, bus and walking as preferred method of transportation.

Cycle Routes

It is anticipated that cycling within the area will continue to grow as a mode of active transport and recreation, with Inner West Council and the NSW State Government considering improvements to the current cycle network.

On-road

Currently, the majority of Council's cycle paths within the area are on roads with mixed or heavy traffic. Cycle paths are generally indicated by road markings, either through the delineation of a cycle lane or markings indicating that cyclists are present on the road. The network is highly fragmented and poorly connected in parts. As a result it's

likely that some cyclists would feel discouraged from riding due to safety concerns.

Off-road

Near the site the only off-road routes is in Elkington Park and to the south a route between Balmain Cove Park, Bridgewater Park and the Bay Run, the Hawthorne Canal Greenway and Iron Cove.



Appendix A



01 Zone Boundary Adjacent zones Outside of site boundary
 01. Elliot Street Wharf / 02. Pellegrini's Restaurant / 03. Pellegrini's Terrace / 04. Concrete Pathway /
 05. Old Access point to water (not maintained or in use)

=
 SCALE 1:1000 @A4

10
 Document Set ID: 36508065
 Version: 1, Version Date: 28/06/2022

Site Analysis

EXISTING CONDITIONS

Overview

The site extends along the northern waterfront to Parramatta River. Containing a wharf, a vacant restaurant and Paringa Reserve. Paringa Reserve is flat and open and bare with clear visibility to Snapper Island and surroundings. Its characterised by its close connection to the water. It is boarded by Sommerville Point, the water and Elliott Street. It doesn't have a large number of park visitors creating a quieter and relaxed area used for leisure exclusively.

Activity

The site is well utilised by the community from the adjacent lot of Sommerville Point and surroundings. Young children and families are seen walking as the residents enjoy the view. Walkers wander along the Reserve. The area is also popular with dog walkers given there is a good off leash area.

Furniture

There is some existing timber bench seating which is oriented towards the bay.
No water fountains or bins.

Lighting

There is one low post light at the entrance of the reserve and there appears to be little lighting around facilities such as the Ferry Wharf and existing abandoned restaurant.

The lighting lacks consistency and there are areas where lighting is in-existent along pathways. There is no provision for lighting along the foreshore.

Street lighting on the adjacent residential streets provide some lighting to the street and entrance.

Signage & Way finding

There is limited signage within the reserve in which has been added over time to suit needs. As a result the signage lacks cohesion and a uniform style. They are also deteriorated.

Signage is provided by two means; standalone signage and signage incorporated into electricity posts or other.

The standalone signage has a number of purposes, including:
Providing information regarding the prohibited activities within the park.

Notifying users of a particular aspect of the reserve (dog on leash and off leash areas).

Speed limits for boats and ferries when arriving to the wharf.

Built Structures

At the entrance of the reserve there is "Pellegrini's" restaurant, which is currently vacant with its including its terrace.

The Elliott Wharf still in use but only for private use and to the East of the Reserve there is an old dock that is not been updated or in use.

Foreshore Edge

A foreshore wall forms the retaining edge, which contains the park. The foreshore seawall was deteriorated due to age and marine conditions with an outward lean. It was repaired in 2015 with a rock rubble sea wall in front of the leaning sea wall to stabilise the wall.

The water level is fairly low along the shoreline showing the rock

rubble unless the tide rises.

Tree Cover + Planting

There is generally an average amount of tree cover providing shade along the Reserve in specific areas, particularly a large tree to the rear over the old dock and other individual large trees, which are dispersed amongst the open grassed areas.

On the East side of the Reserve there is a densely sloped vegetation and a large tree provides the boundary between the Reserve and the residential area. On the southern boundary there are some small trees that work as buffers between the Reserve and Sommerville Point. This also occurs at the East end near the entrance. You can observe also some low planting that creates a natural boundary between the Park area and the terrace area within the same lot.

Fauna Linkages

Pockets of trees along the foreshore may be utilised by some wildlife, but are generally exposed and poorly connected. You can often see birds and pelicans.

Ground Cover & Surfaces

The zone is characterised by a large grassed area along the foreshore, with a small concrete path that ends half way.

Key View Lines

There are significant and unbroken views out towards the bay including key views as Snapper Island, White Horse Point in Elkington Park and Birkenhead Point.

Foreshore Building Line

The whole site falls within the foreshore building line, which limits development along the foreshore.

Boundary Condition + Fences

Paringa Reserve to the North is bounded by the waterfront. To the East by a timber fence in bad condition and a big tree. To the south of the lot there is a low metal fence that separates the Reserve from Sommerville Point, it also has gates that connect them to provide access. There is a portion of the boundary that is not aligned with the gate, meaning it belongs to the lot of Sommerville Point but its part of Paringa Reserve. To the West there are no fences but two bollards at the entrance of the Reserve. The terrace of the former restaurant is part of Paringa Reserve lot surrounded by metal fences to the north towards the water and to the east with some vegetation. The lot that contains the former restaurant and wharf don't have any fences and only some bollards that determine the vehicular access. The third lot doesn't contain any fences. Boundaries or set by the water, the road and the existing structure.

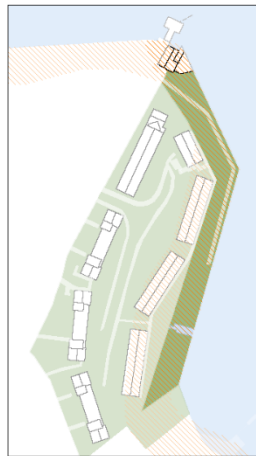
Access & Existing Pathways

Access is directly and only by land from Elliott Street. There is only a single pedestrian concrete pathway over the grassed. There are a one observation along the existing pathway. The pathway abruptly finishes two thirds of the way into Paringa Reserve in which is confusing why this happens.





Existing Structures + Facilities



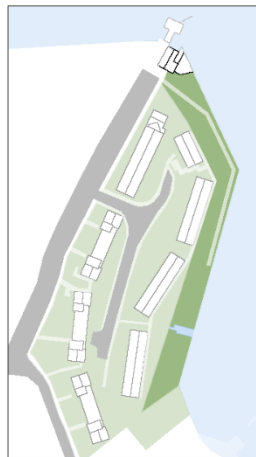
Foreshore building line



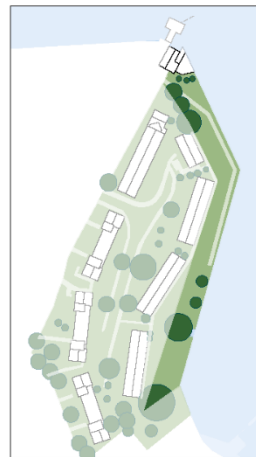
Fence + enclosure



Access points + existing pathways



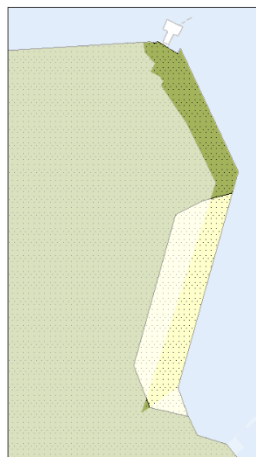
Vehicular access roads + car parks



Tree cover



Gradient



Acid Sulphate Soils

- | | |
|-------------------------------|---------------------------|
| Zone Boundary | Formal path connections |
| Fore shore building line | Informal path connections |
| Existing building | Public vehicle access |
| Water | Service vehicle access |
| Planting | High Fence |
| Grassed Area | Medium Fence |
| Public parking | Low Fence / Bollard |
| Private parking | Services & Infrastructure |
| Pedestrian Path | Gradient |
| Asphalt Driveway | Furniture: Benches |
| Acid Sulphate Soils - Class 2 | Signage |
| Acid Sulphate Soils - Class 5 | Lighting |



Site Analysis**EXISTING CONDITIONS****Neighbour pathways:**

Three pathways run in between the buildings that connect to the boundary of Sommerville Point to gates along the metal fence to access Paringa Reserve. South Paringa entrance is across Elliott Street from the site connections to the Wharf, Paringa Reserve and "Pellegrini's". South Paringa is a tranquil path that has consistent seating, lighting and signage in place in difference to Paringa Reserve.

Vehicular Access Points, Roads and Car Parking

There is a driveway that is accessed via Elliott Street, which is the smaller lot of the site. This was a previous DA approved for these works. There is also vehicular access to Elliott Wharf.

Services

There is an electricity cable that goes from the restaurant to an electricity pole.





01



02



03



04



05



06



07



08



09



10



11



12

01. Example of existing signage / 02. Pellegrini's Restaurant / 03. Driveway / 04. Entrance to South Paringa / 05. Water speed limit signage / 06. Elliott Street Wharf / 07. Sea wall / 08. Sandstone sea wall, Pellegrini's Restaurant front and terrace. / 09. Seagulls + Birds / 10. Historic dock / 11. Typical seating and end of path. / 12. Fence to Sannerville Point and gate.

Document Set ID: 36508065
Version: 1, Version Date: 28/06/2022

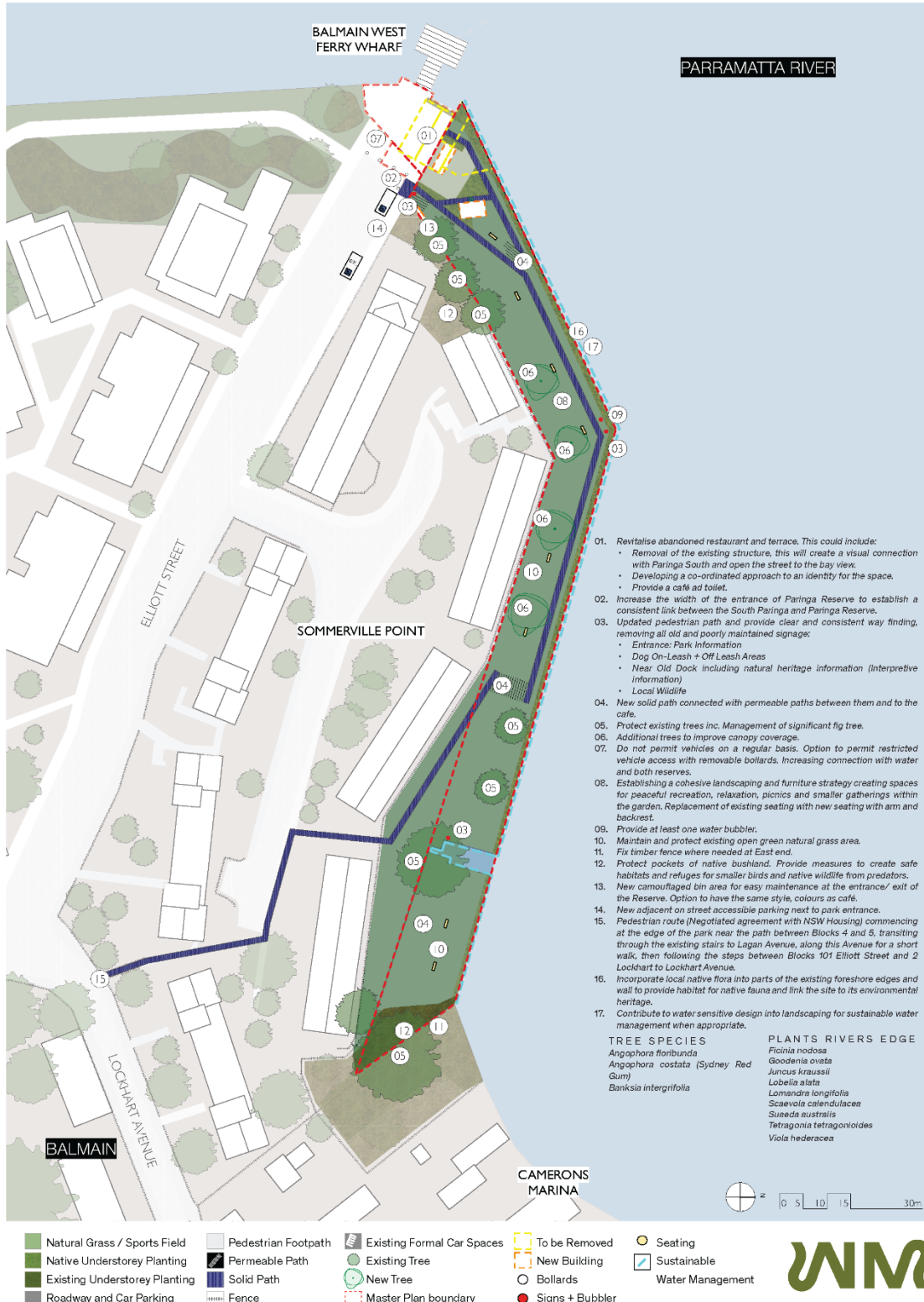
Site Analysis

CONSTRAINTS & OPPORTUNITIES

Based on the Analysis set out over the previous pages, the following opportunities present themselves within the site:

- Provide additional furniture along some areas of the foreshore, and water bubblers.
- Improve way-finding and signage to address the consistency of way-finding, signage and lighting.
- Incorporate local native flora into parts of the existing foreshore edges and wall to provide habitat for native fauna and link the site to its environmental heritage.
- Re-vitalise abandoned restaurant "Pellegrini's" and its terrace. For the community and visitors.
- Engage with local First Nations peoples to develop a strategy for incorporating references to the Wangal history of the site.
- Establish a consistent strategy for the appearance and location of historical information and signage. As neighbour waterfront.
- Open view towards bay where location of "Pellegrini's" is located.
- Connect with neighbouring Reserve. (Paringa South).
- Connect with Lockhart Avenue.







SITE PLAN
1:500

LEGEND:
 EXISTING DRAIN HOLES
 EXISTING SEA BED CONTOURS

SCHEDULE OF DRAWINGS

JAMES ROSE CONSULTING DRAWINGS:

359-C-10 SITE PLAN & GENERAL NOTES
 359-C-11 SEA WALL SECTIONS
 359-C-12 REVETMENT, LANDING & DRAIN DETAILS

HARVEY HYDROGRAPHIC SURVEYS DRAWINGS:

HYDROGRAPHIC SURVEY PLAN (SHEETS 1 TO 2)

GENERAL NOTES

G1 THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH OTHER CONSULTANTS' DRAWINGS AND SPECIFICATIONS AND WITH OTHER SUCH WRITTEN INSTRUCTIONS AS REFERRED TO IN THESE DRAWINGS. ANY AMBIGUITY SHALL BE REFERRED TO THE SUPERINTENDENT BEFORE PROCEEDING WITH THE WORK.

G2 ALL DIMENSIONS ARE IN METRES, UNLESS NOTED OTHERWISE.

G3 NO DIMENSION SHALL BE OBTAINED BY SCALING THE DRAWINGS.

G4 ALL LEVELS ARE TO ZERO FORT DENISON TIDE GAUGE (ZFDIG).

G5 ALL LEVELS AND SETTING OUT DIMENSIONS SHOWN ON THE DRAWINGS SHALL BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF THE WORK.

G6 WHERE REFERENCE IS MADE TO A PROPOSED ITEM ON THE DRAWINGS THE CONTRACTOR MAY PROPOSE AN ALTERNATIVE AS LONG AS IT IS EQUIVALENT AND SATISFIES THE REQUIREMENT OF THE SPECIFICATION, AND WRITTEN PERMISSION TO USE THE ALTERNATE ITEM IS GRANTED BY THE SUPERINTENDENT.

G7 ALL JUNCTIONS BETWEEN NEW AND EXISTING WORKS SHALL BE MADE SMOOTH.

G8 ALL MATERIALS AND WORKMANSHIP USED IN THE CONSTRUCTION OF THE DESIGN ARE TO BE IN ACCORDANCE WITH ALL RELEVANT CURRENT AUSTRALIAN STANDARDS.

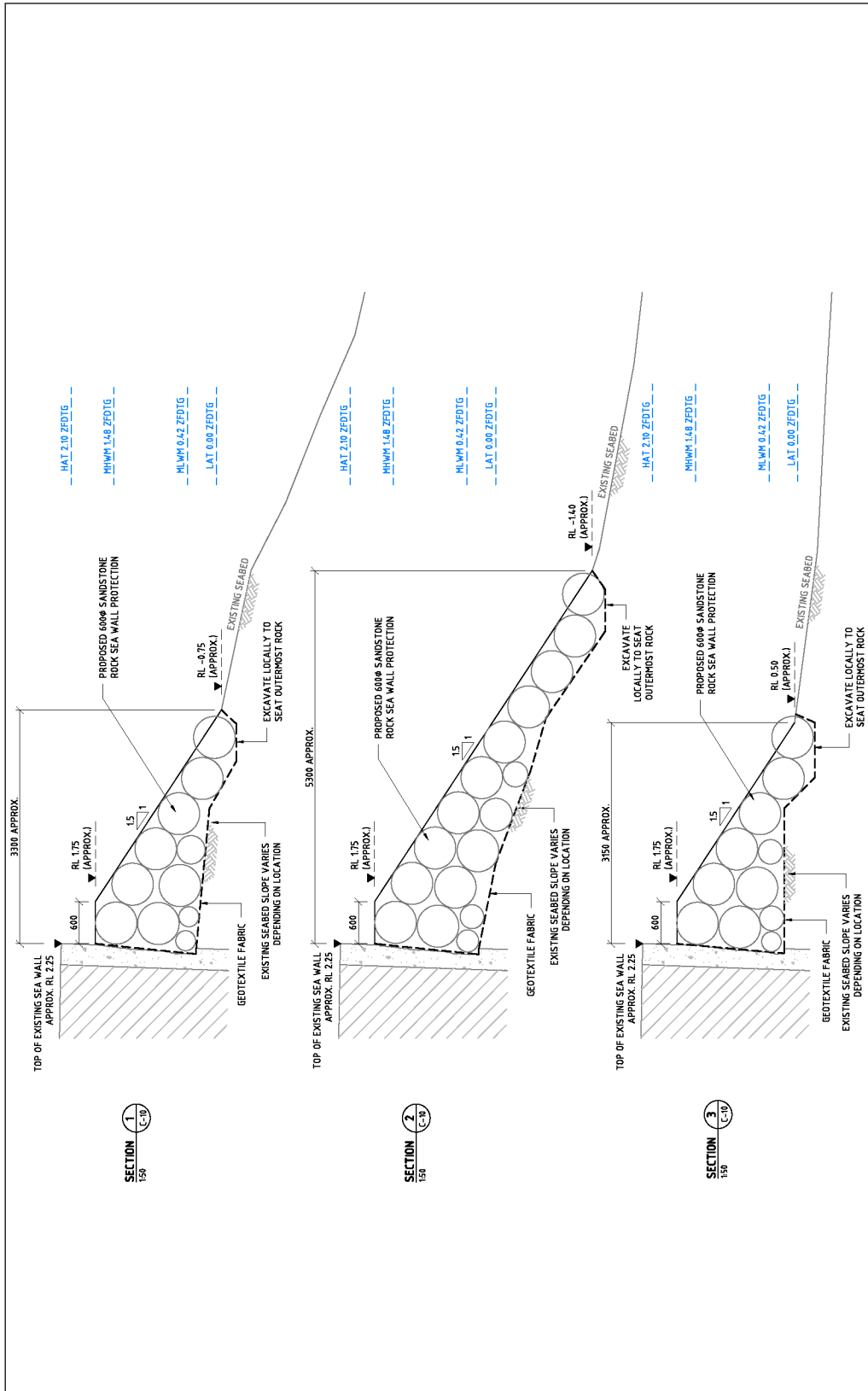
TIDAL PLANES

HAT +2.0 m ZFDIG
 MEAN HIGH WATER MARK +1.48 m ZFDIG
 MEAN LOW WATER MARK -0.42 m ZFDIG
 LOWEST ASTRONOMICAL TIDE -0.89 m ZFDIG

THE DATUM IS ZERO FORT DENISON TIDE GAUGE WHICH IS 0.925 m BELOW AHD.

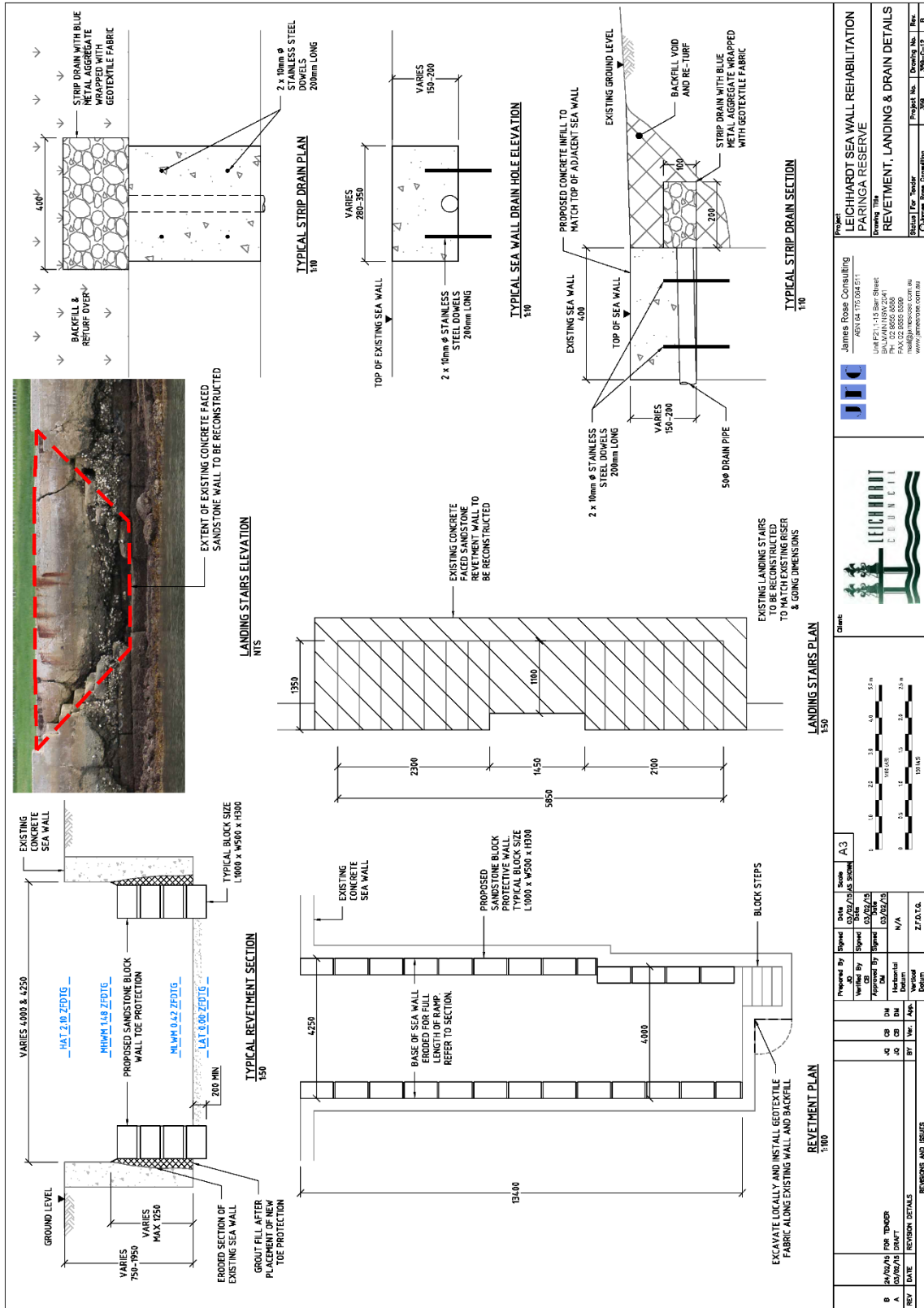
| <p>Project LEICHHARDT SEA WALL REHABILITATION PARINGA RESERVE</p> <p>Drawing Title SITE PLAN & GENERAL NOTES</p> <p>Station For Tender 359-C-10</p> <p>Project No. 359-C-10</p> <p>Drawing No. B</p> <p>Rev. B</p> | | <p>James Rose Consulting /ASB/64175/06/4/511 UIN 671145 Bus Sheet BNA 04/11/2014 PAX 02 9556 8599 www.jamesrose.com.au m.rose@jamesrose.com.au</p> | | | | | | | | | | | | | | | | |
|--|---|---|------|------|------|----|------|------|---|----------|----|----|----|---|----------|----|----|----|
| <p>Client</p> | | <p>Scale AS3 1:500</p> | | | | | | | | | | | | | | | | |
| <p>Prepared By AS3 03/02/15</p> <p>Checked By AS3 03/02/15</p> <p>Approved By DM 03/02/15</p> | <p>Horizontal Datum N/A</p> <p>Vertical Datum ZFDIG</p> | <p>REVISIONS AND RESULTS</p> <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>BY</th> <th>VER.</th> <th>APP.</th> </tr> </thead> <tbody> <tr> <td>B</td> <td>24/02/15</td> <td>DM</td> <td>03</td> <td>DM</td> </tr> <tr> <td>A</td> <td>03/02/15</td> <td>DM</td> <td>01</td> <td>DM</td> </tr> </tbody> </table> | | REV | DATE | BY | VER. | APP. | B | 24/02/15 | DM | 03 | DM | A | 03/02/15 | DM | 01 | DM |
| REV | DATE | BY | VER. | APP. | | | | | | | | | | | | | | |
| B | 24/02/15 | DM | 03 | DM | | | | | | | | | | | | | | |
| A | 03/02/15 | DM | 01 | DM | | | | | | | | | | | | | | |

Document Set ID: 36508005
Version: 1, Version Date: 28/06/2022



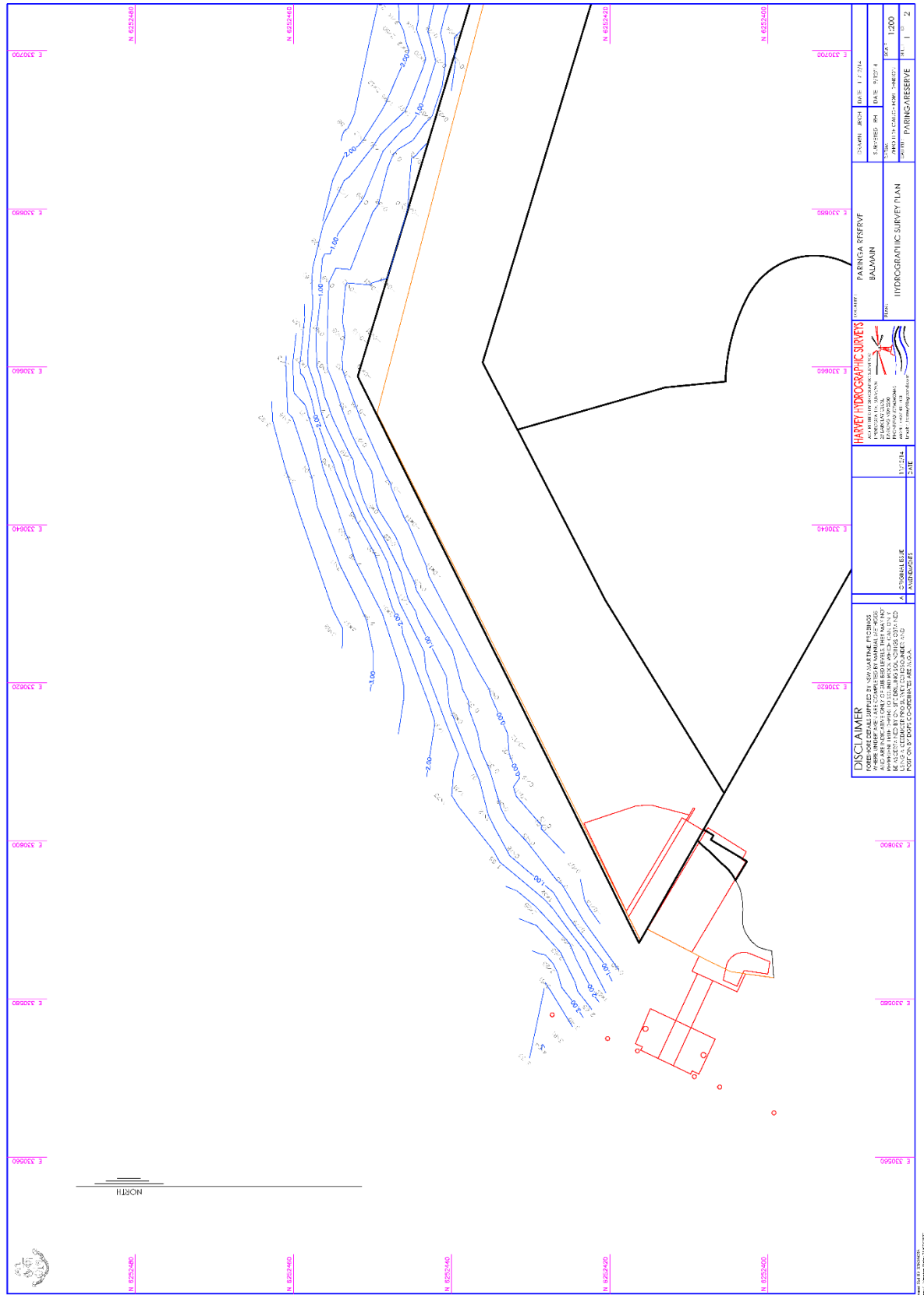
| | | | | | |
|--|--|--|--|--|--|
| James Rose Consulting ABN 64 175 06 4 511 Unit F2/1-15 Burt Street 80A MARRIAGE DRIVE P.O. BOX 204 PARRAMATTA NSW 2124 PH: 02 9655 8599 FAX: 02 9655 8599 mail@jamesrose.com.au www.jamesrose.com.au | | LEICHHARDT CONSULTING | | Client: | |
| Project: LEICHHARDT SEA WALL REHABILITATION Drawing Title: PARINGA RESERVE Drawing No: SEA WALL SECTIONS | | Status For Tender: | | Project No: 309-2-11 Drawing No: B | |
| Prepared By: DM Checked: DM Date: 03/02/23 | Scale: A3 Ratio: 1:50 | Signed: DM Date: 03/02/23 | Approved: DM Date: 03/02/23 | Horizontal: N/A Vertical: Detail | Revision: 2 Date: 27/01/23 |
| REV: A DATE: 03/02/23 DESCRIPTION: REVISION DETAILS | REV: B DATE: 24/02/23 DESCRIPTION: FOR TENDER | REV: C DATE: 03/02/23 DESCRIPTION: DMBT | REV: D DATE: 03/02/23 DESCRIPTION: DMBT | REV: E DATE: 03/02/23 DESCRIPTION: DMBT | REV: F DATE: 03/02/23 DESCRIPTION: DMBT |

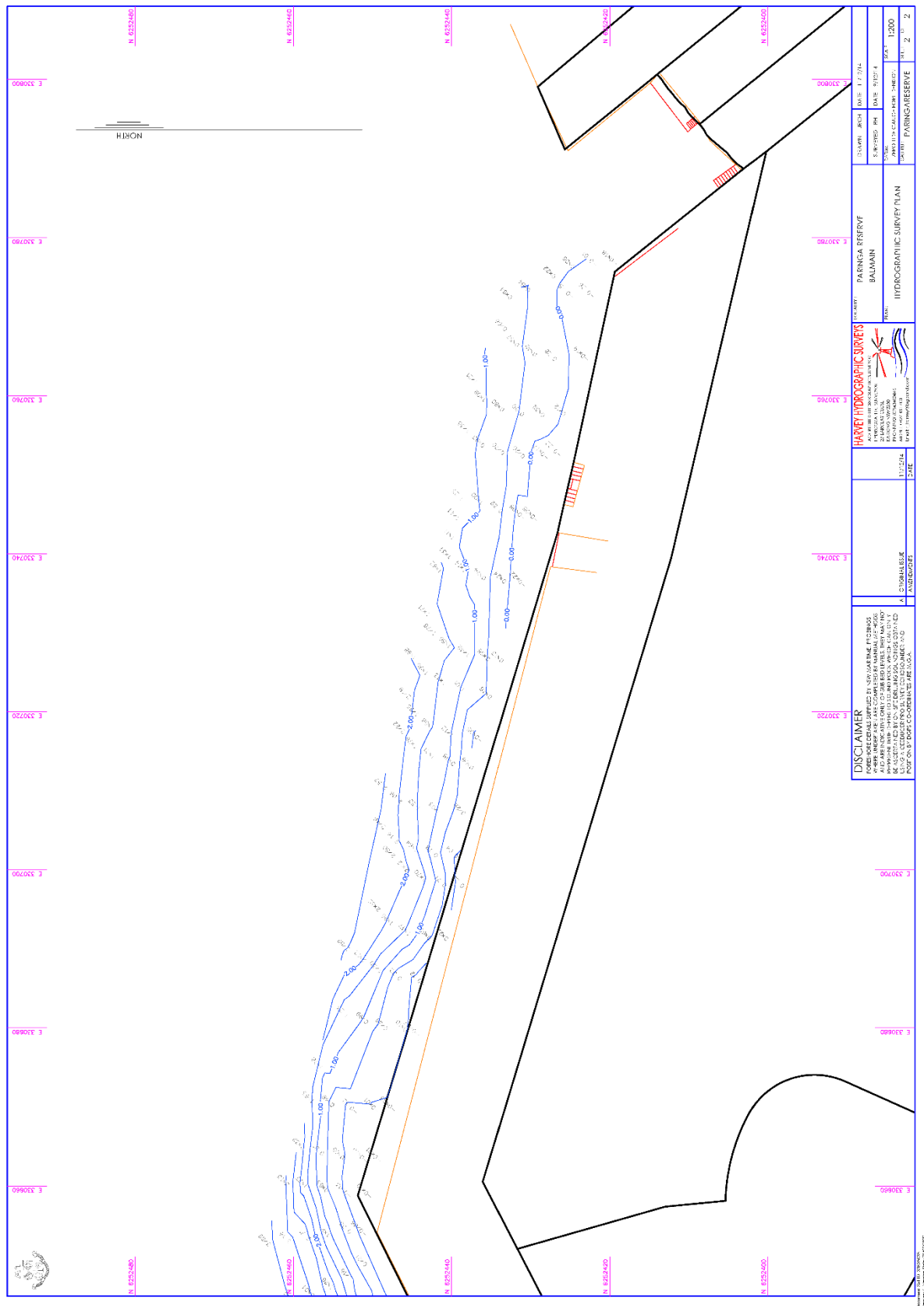
Document Set ID: 36508035
 Version: 1, Version Date: 28/06/2022



| | | | |
|---|------------------------------|---|-------------------|
| James Rose Consulting ABN 64 175 046 871 Unit P21, 1-15 Star Street BALMAIN NSW 2041 FAX 02 8558 8500 jamesrose.com.au www.jamesrose.com.au | | LEICHHARDT CONSULTING 115 Star Street BALMAIN NSW 2041 FAX 02 8558 8500 jamesrose.com.au www.jamesrose.com.au | |
| Project: LEICHHARDT SEA WALL REHABILITATION PARINGA RESERVE Drawing Title: REVETMENT, LANDING & DRAIN DETAILS Section For Tender: <input checked="" type="checkbox"/> James Rose Consulting | | Project No.: 250-C-12 Drawing No.: B | |
| Prepared By: JRM Checked By: JRM Approved By: JRM Date: 03/02/23 Horizontal: N/A Vertical: Datum | Risk: A.3 Scale: AS shown | Client: | |
| REVISIONS AND ISSUES | | | |
| B 24/02/23 FOR TENDER A 04/03/23 DRAFT | JRM JRM JRM | JRM JRM JRM | JRM JRM JRM |

Document Set ID: 36503065
 Version: 1, Version Date: 26/06/2022





Attachment C – Statement of Heritage Significance

**HERITAGE IMPACT STATEMENT
ELLIOTT STREET KIOSK BALMAIN**

FEBRUARY 2022

Ruth Daniell B.Arch (hons) LL.B. rdaneill@ihug.com.au
0408649854

Document Set ID: 36508085
Version: 1, Version Date: 28/06/2022

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN

CONTENTS

PART 1 HERITAGE ASSESSMENT

- 1.0 Introduction
- 2.0 Requirement for the report
- 3.0 Authorship
- 4.0 Methodology
- 5.0 Location
- 6.0 Historical Background
- 7.0 Physical Evidence - Description of the Building
- 8.0 Assessment of Significance
- 9.0 Conclusion of the Heritage Assessment

PART 2 HERITAGE IMPACT STATEMENT

- 10.0 Description of the proposed Works
- 11.0 Heritage Impact Statements
- 12.0 Conclusion
- 13.0 Recommendation

1.0 Introduction

This report has been prepared on behalf of the Inner West Council, in conjunction with Nordon Jago Architects by Ruth Daniell.

This report updates a Heritage Impact Statement by Noel Bell Ridley Smith dated 21 November 2016.

It is proposed to demolish the existing restaurant building (the former Pellegrini's Restaurant) and construct a new cafe building, outdoor seating area, a separate building amenities building and associated landscaping work.

The existing building is in poor structural condition and was leased by the Pellegrini family between 1986 and 2015. Prior to 1986, the building operated as a waiting shed for commuters taking the ferry to Cockatoo Island.

The building is largely located on land leased by Council from the Road and Maritime Services (RMS).

The Inner West Council is applying for the demolition of the structure and to add new buildings on the site.

This project was subject to a Pre Development Application in 2016 with a Heritage Impact Statement by Noel Bell Ridley Smith dated 21 November 2016.

2.0 Requirement for the Report

The subject site is not a Heritage Item in the Leichhardt Local Environmental Plan 2013 (Leichhardt LEP), Schedule 5 Environmental heritage. The subject site is located in the vicinity of a landscape heritage item:

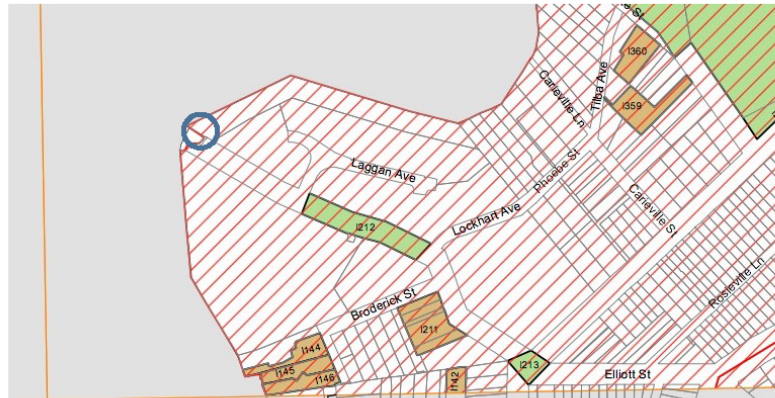
- Street tree – Ficus macrophylla, Elliot Street, Balmain Road reserve (Item No I2I2).

In addition, a portion of the subject site is located within the following conservation area identified in the Leichhardt LEP, Schedule 5 Environmental heritage, Part 2 Heritage conservation areas as follows:

- "Iron Cove Heritage Conservation Area" (C6)

In addition Elliot Street Wharf is identified as a heritage item within the Parramatta River; in Schedule 4 of the SEPP (SHC) 2005.

The Leichhardt LEP, Clause 5.10 (5) Heritage assessment, development on land within a Conservation Area and in close proximity to a Heritage Item requires a heritage management document to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the Heritage Conservation Area and Landscape Heritage Item.



Detail from the Leichhardt LEP 2013 HER-006 map. The site is circled. Item 1213 is the *Ficus macrophylla*, Elliot Street, Balmain Road reserve. The subject site is located in the Iron Cove Heritage Conservation Area (C6).

3.0 Authorship

The report has been prepared by Ruth Daniell. As background Ruth Daniell has degrees in Bachelor of Science (Architecture), Bachelor of Architecture (Honours) University of Sydney and has completed the ‘Conservation of Historic Structures’, Institute of Advanced Architectural Studies University of York, United Kingdom and MARC 99- The Conservation of Modern Architecture, Helsinki 1999 [ICCROM and the Helsinki University of Technology].

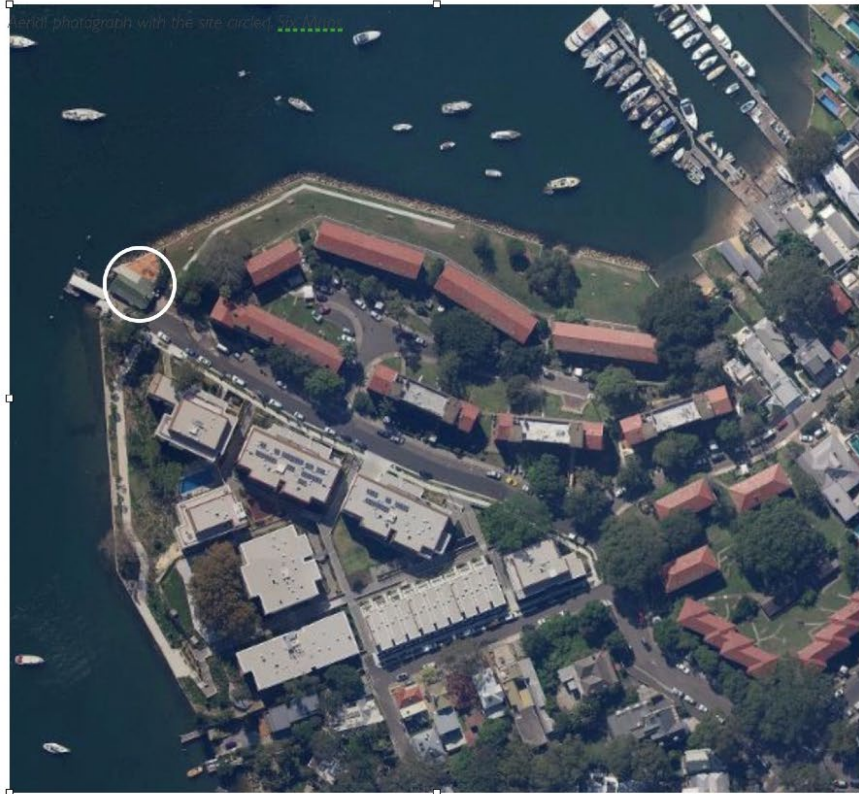
Ruth Daniell is a specialist conservation architect with extensive experience in conservation and its management. Ruth has been involved in architectural projects, urban design projects, main street projects, conservation management plans and conservation assessments. Ruth has worked for local government State Government at the NSW Heritage Office and has been an expert witness in the NSW Land and Environment Court. Ruth has a Bachelor of Laws degree.

4.0 Methodology

This report uses the methodology outlined in the NSW Heritage Manual and the Australian ICOMOS Burra Charter.

5.0 Location

The site is located at the end of Elliot Street. The Real Property Description is Lot E in DP 36161 and Lot I DP 852863 and known as Paringa Reserve located at the end of Elliot Street, Balmain.



Aerial photograph with the site circled. Six Maps.

6.0 Historical Background

The Heritage Impact Statement by Noel Bell Ridley Smith dated 21 November 2016 provides the background history of the locality.

6.1 The History of the Subject Site

Noel Bell Ridley Smith dated 21 November 2016 provides the following history of the site:

The study site is located on part of Lot 26 DP850832, Lot 1 DP852863 and part of Lot E DP36161. The first parcel comprising a lease to Leichhardt Council from Roads and Maritime Services below the former high water mark. The second land parcel is a closed part of the road reserve. The third lot is Paringa Reserve.

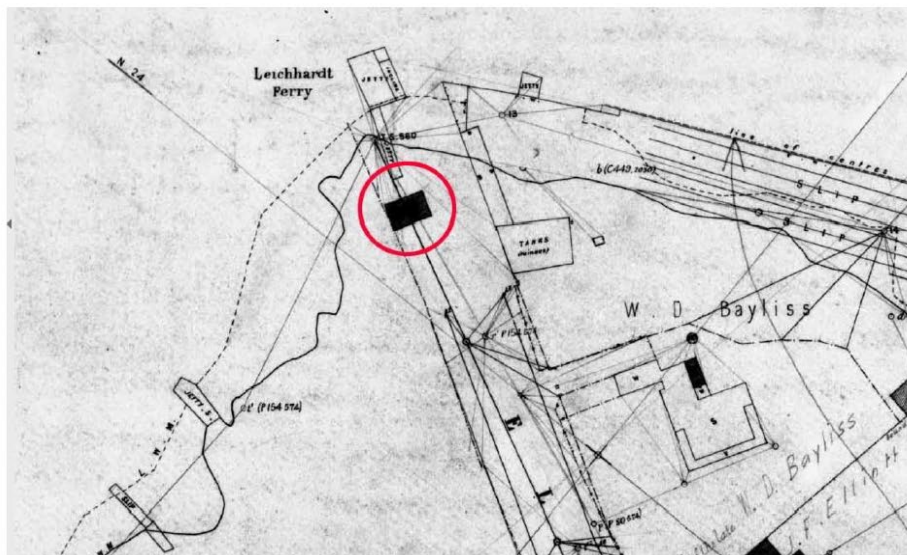
In 1885, the Balmain Council applied to the Department of Lands for a special lease at Elliott Street for a jetty on piles. The application was duly approved and a ferry wharf was erected at the end of Elliott Street. The wharf was sub-let to the Balmain Steam Ferry Company. This wharf is depicted in the c. 1886 Map of Balmain. In July 1887, the Balmain Council commissioned a report from the Works Committee for the need to erect suitable waiting rooms at several wharves, including Elliott Street.

The following month, the Council adopted the report of the Works Committee, "that a plan be prepared for erecting suitable waiting rooms at...Elliott Street". Tenders were called in April the next year (Figure 8). In December 1887, the Company wrote to the Council asking "to have the wharf extended a few feet out to the spring piles to enable passengers to land safely at high water". In response, "the Mayor explained that the piles were too far out, on account of a rock, to allow passengers to land safely, and he had given orders to have the planking carried out". The waiting room is accordingly outlined on the amended detail survey of 1891

By 1913, the waiting room at Elliott Street was in a poor state of repair and the Council decided to remove it. There is no record in newspapers of when a new waiting shed was erected in its place.

BOROUGH OF **BALMAIN.**
TENDERS are invited up to **TUESDAY, 1st May next,** for the following Works (the whole or separately) :—
 1. Emptying Closet Pans (in both divisions).
 2. Emptying Cesspits for the whole Borough.
 3. Carrying out to sea or disposing of Nightsoil.
 4. Supplying and delivering approved Disinfectant.
 5. Constructing **Waiting-rooms** at the following Wharfs, viz. : Cove-street, Elliott-street, Weston-street, and Mansfield-street.
 Plans, specifications, and particulars can be inspected during office hours at the Town Hall, Darling-street.
 The Council is not bound to accept the lowest or any tender.
 By order of the Mayor.
H. B. MACINTOSH,
 Council Clerk.
Town Hall, Balmain,
April 24, 1888.

Tender notice. (Source: Sydney Morning Herald, 26 April 1888, p16)



Extract from Detail Survey Balmain Sheet 38, 23 April 1888 and amended with additions to 1891. The original waiting shed is the rectangular shaped building located on the western side of Elliott Street and shown circled in red [note, the current building is on the eastern side of Elliott Street] (Source: Sydney Water/Water NSW Historical Research Facility,



Figure 10 – Detail from 1943 aerial survey showing the Elliott Street Wharf waiting room/kiosk circled in red. At this time, the area east of the wharf is a green space with some mature trees and a public building was constructed on the site. (Source: NSW Land & Property Information, SIX Maps)

The 1943 aerial survey showing the Elliott Street Wharf waiting room/kiosk. (Source: NSW Land & Property Information, SIX Maps)



Detail from 1943 aerial survey showing the Elliott Street Wharf waiting room/kiosk. (Source: NSW Land & Property Information. SIX Maps)

The site history continues:

GW Hunt tabled a report to Leichhardt Council in September 1953 investigating possible fraudulent activities in respect of "odd jobs" carried out in the former Balmain Council, by council employees and at no cost. The Elliott Street Wharf kiosk was one of the "odd jobs" identified in the report. According to Hunt's report in March 1952, the Balmain Council decided to erect a kiosk at the Elliott Street wharf and lease it to J Naylor at a weekly rental of £1. The kiosk was designed originally to cater for the needs of the 200-300 workers who daily took the ferries to Cockatoo Island from the Elliott Street Wharf. "The kiosk included an existing waiting-shed and new structure".

The Council built the waiting room/kiosk for the sum of £1198/6/4. Hunt was of the view that the reasonable estimate of the cost was in the range of £800 to £850. Following a detailed analysis of the project, Hunt concluded that requisitions for materials for the job were fraudulently issued "...and both Mr Harding (former engineer) and Mr Erwin (former Mayor) were well aware that the goods were not required for the Council work specified in the requisition".⁷

The 1943 aerial photograph indicates the extent of the waiting shed structure was some distance east of the seawall and wharf. The report by Council of 1953, indicates the waiting shed at Elliott Street was extended to create a kiosk. This kiosk, constructed in 1952-53, appears to have resulted from the extension of the waiting room structure to the west as far as the seawall. To date, no plans or surveys have been sourced to confirm the extent of the works. A description of the materials used in the construction of the kiosk are outlined in a newspaper article.

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN



Balmain West Wharf with waiting shed, 1975. (Source: City of Sydney Archives, Graeme Andrews 'Working Harbour' Collection: 83352. GKA)



This photograph shows the building in 2020.

The NBRS report sets out the Pellegrini lease of the site:

2.3 PELLEGRINI LEASE PHASE (1986-2015)

In January 1992, A Pellegrini, wrote to Council seeking approval to undertake renovations to the kiosk which he had sub-leased from the Leichhardt Council since 1986. He outlined in detail the dilapidated condition of the building which did not comply with health and food regulations.

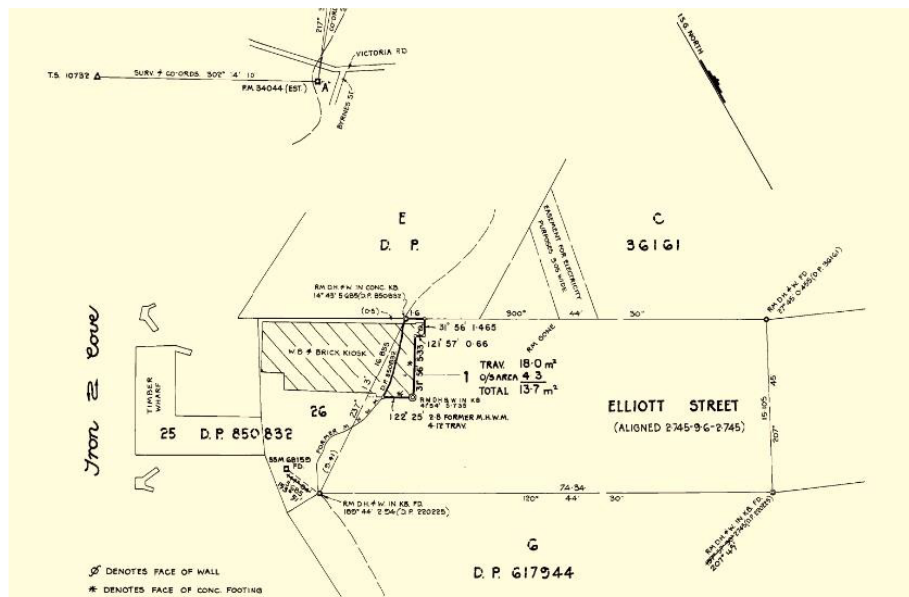
The building is constructed with partly timber and partly corrugated iron with fibro lining the inside walls and ceiling. The corrugated iron has come off in parts and is rusty and has holes and it is a matter of time before sheets will start coming off the walls. The timber appears to be in better condition only because it has been painted, however on the inside most of the timber has rotted and can easily be removed...the ceiling and inner lining of the walls are all wharped [sic] and with gaps between the joins in some cases of over an inch...the verandah on the one side of the building is held up by five timber posts, however only the two are holding it up, the others have rotted, one has come off from the top and the other two, the bottom has rotted away and are moving...the gutters are damaged, half the guttering is missing and the downpipe is not connected to the gutter...The other problem is the way things have been repaired in the past...band aid repairs that have taken place over the years doing nothing for the stability of the building not to mention the appearance.

One month later, Pellegrini submitted sketch plans of the proposed renovations. A formal Development Application (DA) was lodged to the Council in May 1992, for renovations due to poor condition of building and internal layout to change. The estimated cost of the development was \$50,000. An amended DA was lodged in October 1992 for "renovation of existing kiosk and use as a coffee lounge". The application was duly approved the following month.

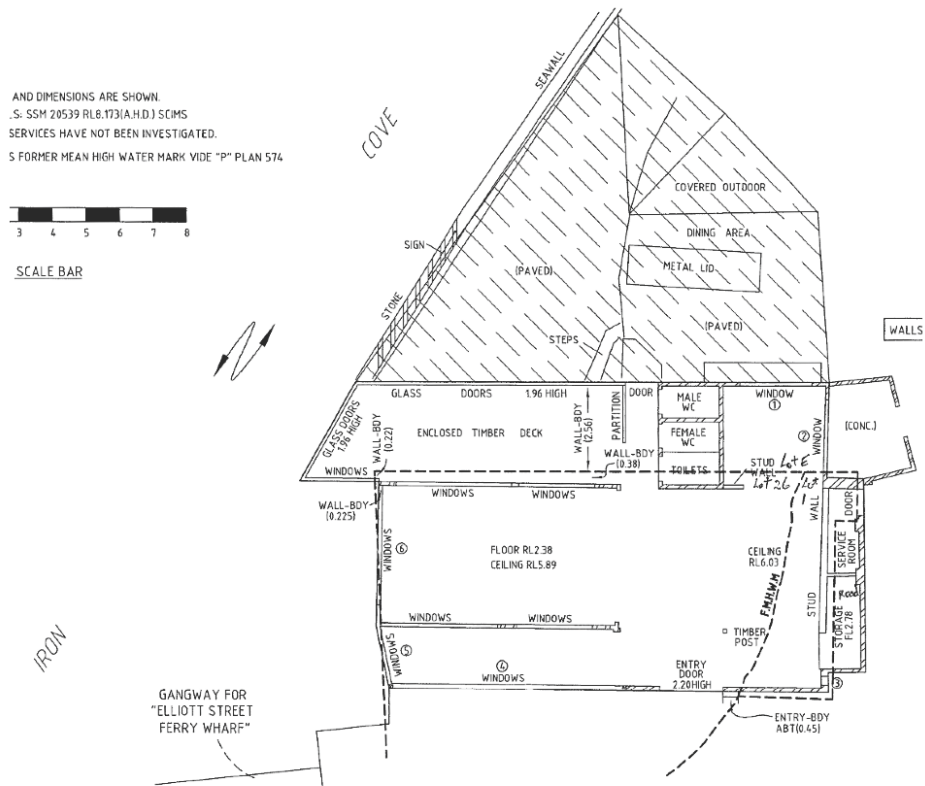
In August 1995, the Council commissioned a survey of the subject area in order to close part of the road and formalise the land occupied by part of the then building leased by Council to Pellegrini, in addition to the RMS land leased to council and sublet to Pellegrini (see Figure 13). The wood brick and brick kiosk is shown on Lot 26 and the new Lot 1 but not on Lot E (Paringa Reserve). It also shows the first alterations and additions to the shed structure were completed but not yet the extensions approved under DA207192. The following year, the Department of Transport notified Council they intended to replace the wharf due to its poor condition.

Pellegrini did not submit a Building Application (BA) required under the DA consent and carried out renovations and additions without building approval. This work included additions encroaching onto the adjoining Paringa Reserve, owned by Council, but not leased to the Pellegrinis. Mr Pellegrini stated he had spent \$225,175 on improvements. A garbage bin area and other service areas encroach onto the road reserve. Council appears to have taken no action in respect of the illegal building works. The Pellegrinis constructed a paved terrace area without development consent on the Paringa Reserve. It was subsequently covered by a canvas structure, again without DA or landowner's consent. The building was damaged in 1999 when a truck ran into it.

The 10-year sub-lease by Council to Pellegrini of the RMS land (Lot 26) and the lease by Council to Pellegrini of Lot 1 DP 852863 expired on 31 January 2004. There was a dispute between Council and the Pellegrinis including as to whether there was an option to renew, if and when the rent was to be reviewed to market rent or another amount and the construction on Paringa Reserve outside the leased area. The dispute was settled.⁹ Pellegrini's Restaurant was leased for another year. Pellegrini's Restaurant and Café was leased for one year with a substantial rent rise. Councillor Marie Sheehan explaining the Pellegrini family had a "very, very low rent" and "part of the extension takes up the park".¹⁰ The Pellegrinis continued to hold over under the lease until they elected to vacate in February 2015.



1995 Plan of Lot 25 (60.7m²) and Lot 26 (133.8m²) being part of the land comprised in Certificate of Title Vol 5015 Fol 1 for lease purposes, 1995. The slashed line located on the eastern side of the site indicates the Former Mean High Water Mark (FMHWM) (Source: NSW Land & Property Information, DP850832)



Plan showing Internal Layout of Pellegrini's Restaurant, Elliott Street, Balmain, Sheet 2 (Source: Norton Survey Partners, 19/05/2015)

Pursuant to the 2003 and 2004 Council resolutions, in 2011 Leichhardt Local Environment Plan 2000 was amended firstly to reclassify the part of Paringa Reserve occupied by the restaurant to "operational" land under the Local Government Act, 1993, and secondly, to make a site-specific provision of an additional permitted use of refreshment rooms with consent for the parts of Lot 26 DP850832, Lot 1 DP 852863 and Lot E DP 36161 occupied by the existing restaurant building and terrace. This is now in Schedule 1 of Leichhardt LEP 2013, permitting use as restaurants or cafes with consent.

In 2015, the Council commissioned a structural report and hazardous material audit report. The building was deemed to be in a dilapidated state. Council terminated the lease from RMS and is required by RMS to demolish the structure.

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN

In August 2016, the Leichhardt Council lodged a DA to demolish the restaurant building and terrace at Elliott Street. This was withdrawn in favour of the current Pre-DA application for demolition and rebuilding of a café / restaurant.



Elliott Street waiting room/kiosk, date unknown. (Source: Leichhardt Council files)



Elliott Street waiting room/biosk, prior to 1995. (Source: Leichhardt Council files)

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN



Elliott Street waiting room/kiosk, prior to 1995. (Source: Leichhardt Council files).

Damage to building after truck accident, May 1999. (Source: Leichhardt Council files)



6.0 Physical Evidence - Description of the Existing Building

The following photographs show that the building has further deteriorated since the photographs in the 2016

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN



View of the north west elevation of Pellegrini's from the ferry wharf.



View of the south west elevation of Pellegrini's from the ferry wharf.



Views of the south west elevation of Pellegrini's.



Above and below.

Views of the north eastern elevation.

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN



Above and below. Views of the damaged ceiling and roof framing.





View of the former dining room of Pellegrini' which was the original part of the kiosk building. All of the double hung windows were added after 1992.



View of the enclosed verandah adjacent to Elliot Street.

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN



View looking toward the kitchen at the end of the dining room which was the original part of the kiosk.



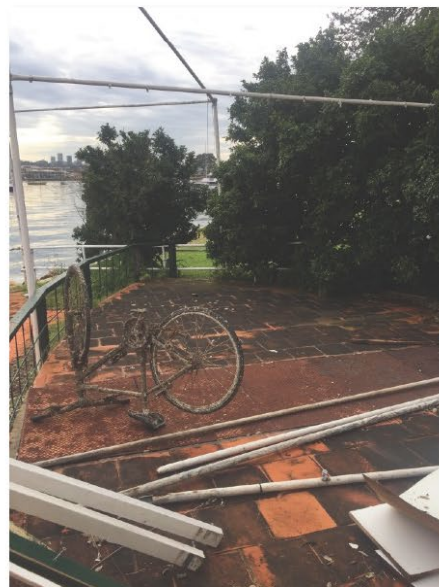
View looking of the kitchen at the end of the dining room which was the original part of the kiosk.

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN



View of the south eastern end of the building.



Right and left Views of the out door seating area and pergola.

The NIBRS summarised the changes to the building:

Description the Exterior and Interior of the Kiosk Building

- The seawall forms the boundary of the reclaimed land. The date of construction of the seawall and foreshore land reclamation is unknown.
- The north-western wall of the kiosk building was constructed on the alignment of the sandstone seawall.
- The original kiosk building has been subject many alterations and additions including:
 - The additions of windows on the western elevation at some date after 1995.
 - The verandah on the south elevation was later extended along the full extent of the southern wall of the building
- The photograph dating to c1995 indicates the verandah on the south elevation was later extended along the full extent of the southern wall of the building
- A paved outdoor dining area is identified on the northern side of the building and extends to the seawall.
- An enclosed timber deck along the full extent of the northern wall of the kiosk, dates to the 1990s, and adjoins the original kiosk structure. The western wall of the building is constructed on the stone seawall. A former verandah along the south elevation has been extended to the west and enclosed using aluminium windows.
- A brick wall, dating to the early-1990s, has been added to the south-eastern part of the building to provide storage, amenities, kitchen and a covered area for patrons. It encroaches onto the road reserve. Part of this area of the building is not accessible. Timber boarding is evident on the early stud walls to the southeast of the building. This external wall has been concealed by the addition of a storage area.
- The earlier south-eastern wall was clad in corrugated sheeting and then replaced with timber boarding. Much of the current building is rendered.

Condition of the Building

The Structural Engineers Report

The Structural Report prepared for the existing Pellegrini's building prepared by Cantilever Engineers dated 18 July 2015 (received by Leichhardt Council 2 September 2016) outlines the following structural problems:

The Timber Frame of the Original Building

- The observed external timber posts and roof frame generally appeared to be in sound condition however significant termite detriment was identified in at least one of the internal posts, window frame, storage room door frame and the frame of the raised divide separating the kitchen and dining space

- *The external timber posts located between the windows adjacent to Iron Cove also appeared to be very weathered and may contain rot or termite detriment. The extent of termite detriment and rot is impossible to accurately evaluate without inspecting each timber element throughout the building however the termite damage observed has extended the full length of the building from the external windows adjacent to Iron Cove through to the storage room at the south eastern end of the building, so we would consider the likely termite detriment to be wide spread.*
- *Evidence of structural instability was identified local to the north eastern internal walls and windows adjacent to the central dining space. The walls and windows appeared to be leaning towards the north east suggesting that some movement had occurred within the timber frame. In addition, cracks adjacent to the cornice a throughout the ceiling also provide some evidence that there may be some instability within the structure.*

The central dining space displayed a crack through the tiled floor which extended the full width of the room into the adjacent enclosed balcony space on the south western side of the building (photos 11, 12 & 13). Associated cracks were also evident through the internal and external walls (photo 14). In addition, the floor level within the central dining space appeared to slope down from the centre of the room towards the north western wall adjacent to Iron Cove. The cracks identified through the floors and walls of the structure are all within the north east – south western plane and suggest that there may be a degree of differential settlement of the buildings foundations local to the sea wall adjacent to Iron Cove.

The external masonry dwarf walls situated adjacent to Iron Cove on the sea wall are generally in poor condition with zones displaying significant brick and mortar deterioration.

The sea walls adjacent to the north western boundary of the property are a combination of stone walls and concrete wall panels. The walls generally appear to be in poor condition with numerous cracks, zones displaying wall rotation and areas where the concrete wall faces have deteriorated completely. We suggest the detriment to the sea walls may be contributing to the section of the structure adjacent to the sea wall. Lyn Gerathy from Leichhardt Council report to us during the inspection that the sea wall local to the building and adjacent property is due to undertake repairs in the near future.

The external timber cladding and fascia throughout the building appears to be in poor condition and will likely need significant repairs or replacement. In addition, the timber windows located on the north western face of the building adjacent to Iron Cove appear to be in poor condition and will likely require full restoration or replacement.

The semi covered outdoor area situated to the north east of the building consists of a stepped concrete slab and a steel frame awning structure. The concrete slab generally appears to be in sound condition however there are some zones where repairs to the slab have been made. We have no documentation outlining the slabs thickness or reinforcement so we are unable to specifically comment on the slabs capacity or suitability for the location. Lyn Gerathy from Leichhardt Council report to us during the inspection that the steel framed awning is to be demolished.

The building generally displays poor building quality, technique and practise. We suggest much of the work undertaken to upgrade the original Kiosk since the proposed Alteration and Additions in 1992 would not likely meet current Australian Standards.

9.0 Conclusion on the demolition of the Existing Building

This report concurs with the NBS Heritage Assessment which concludes: "Due to extensive alterations and additions, little original fabric is extant from its use as a shelter shed. The building and structure is in fair to poor and dilapidated condition."

In my opinion the existing building can be demolished without the loss of an item of environmental heritage.

10.0 The Proposed Works

The proposed works are shown on the drawings by Nordon Jago Architects.

Demolition

The proposed demolition is:

- Demolition of the single storey building known formerly as Pellegrini's Restaurant
- Demolition of the covered outdoor dining area
- Removal of an existing band of shrubs

The Building Works

The proposed works are:

- A new single storey "container" kiosk
- The container has:
 - a rectangular form
 - angled solar panels on the roof
 - Western Red Cedar timber screening to the walls

The Precinct has:

- A new raised paved outdoor paved terrace for the outdoor seating area
- The proposed outdoor seating has a steel balustrade on the harbour side
- A detached building containing a single storey accessible WC and store is located on the northern side of the outdoor seating area with cladding to match the kiosk cladding
- A privacy screen is proposed in the front of the toilet doors
- A new local DB Cabinet and bin enclosure, with a rectangular form with timber cladding to match the kiosk cladding

Proposed landscaping

- New landscaping to the north
- New waterfront walkway

*Plan of the proposed development. Nordon Jago Architects.*²⁶

- New landscaping between the proposed waterfront walkway and the stone sea wall
- New landscaping on the eastern side of the proposed kiosk precinct

Elliott Street Adjacent to the Kiosk

- New RMS Land paving on the end of Elliott Street
- New garden bed between the end of Elliott Street and the sea wall

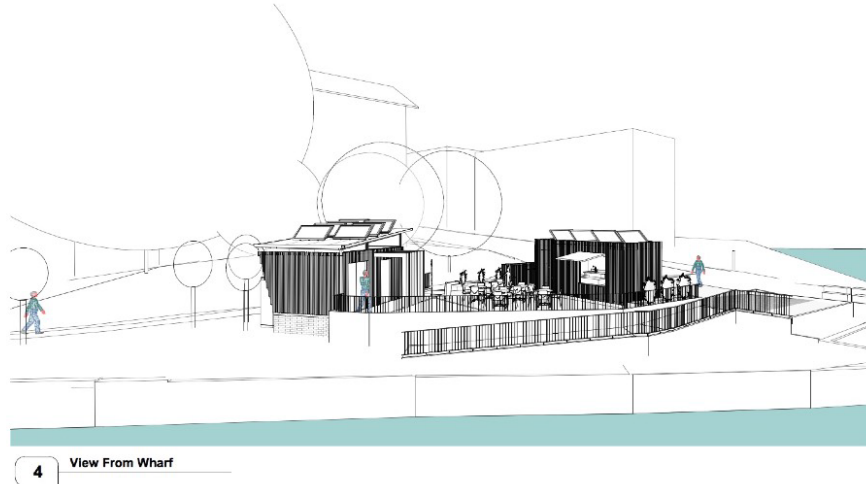


Plan of the proposed development. Nordon Jago Architects.

Materials

- Container -20' container with security strut windows, insulated swing doors,
- Screen to Walls of all structures - Innoscreen framing with fixed western red cedar battens - smooth finish

3D view of the proposed development from Iron Cove. Source: Nordon Jago Architects.



3D view of the proposed development from Iron Cove. Source: Nordon Jago Architects.

11.0 Heritage Impact Statements

This part of the report provides the Heritage Impact Assessment of the proposed development.

11.1 Leichhardt Local Environmental Plan [LEP] 2013

The Leichhardt Local Environmental Plan [LEP] 2013 contains the following provisions for heritage conservation.

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Leichhardt,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

- (i) a heritage item,
- (ii) an Aboriginal object,
- (iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land:

- (i) on which a heritage item is located or that is within a heritage conservation area, or
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(4) Effect of proposed development on heritage significance

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

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

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

Response: The proposed works occur in the vicinity of a landscape heritage item:

- Street tree *Ficus macrophylla*, Elliot Street, Balmain Road reserve (Item No I2I2) This heritage impact statement satisfies the requirements of the LEP that a heritage impact statement is prepared by a suitably qualified professional.

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN

The proposed works occur to a site in the Iron Cove Conservation Area.

Under Section 5.10 council must consider the heritage impact on the Heritage item in the vicinity and the Heritage Conservation Area. This Heritage Impact Statement satisfies the requirement for a heritage management document.

11.2 Leichhardt Development Control Plan [DCP] 2013

CI.4 HERITAGE CONSERVATION AREAS AND HERITAGE ITEMS

C4 Demolition of dwellings in Heritage Conservation Areas or Heritage Items is subject to the provisions of Part C Section 1.2 – Demolition within this Development Control Plan.

The proposal is for the demolition of the existing building, the former Pellegrini's building.

The existing building is not a Heritage Item or a contributory building in the Iron Cove Conservation Area

I have inspected the building and site. I reviewed the NBR5 Heritage report dated 2016.

I have also reviewed the engineering report prepared by Cantilever Engineers dated 18 July 2015 and its findings of structural instability, extensive termite damage and rot. As no maintenance and repair were undertaken the building can be reasonably be expected to have greater termite damage, further rot and be in a far worse structural state.

The demolition of the exiting dilapidated building will not result in the loss of an item of Environmental Heritage.

Refer to additional comments on page 34 of this report.

New buildings

C8 New development need not seek to replicate period details of original buildings in proximity to the site, but rather, demonstrate respect for the form, scale and sitting of the immediate area.

It is proposed to construct a new cafe building, outdoor seating area, a separate building amenities building, and associated landscaping work and DB cabinet and bin cabinet. The proposed design does not seek to replicate the early 1950s weather board kiosk. The design is articulated into small scale elements that reference, the scale of former kiosk, the maritime history of the area and the Parramatta River by the use of the container form and industrial materials. The materials selected are sympathetic to the Iron Cove Conservation area being timber and metal. The colour palette is an earthy colour palette and will not cause any disruptive visual contrasts.

C9 New development will comply with Part C Section 1.0 – General provisions and all other relevant controls within the Development Control Plan.

Statements of Heritage Impact (SOHI)

The requirement for a Statement of Heritage Impact in C11 is satisfied by this report.

SECTION 1 – GENERAL PROVISIONS C1.0 GENERAL PROVISIONS*Objectives*

“Council seeks to maximise opportunities for good urban design to make a positive contribution to streetscapes and public spaces throughout the municipality whilst promoting the amenity of property, its occupiers and the prosperity of businesses. Proposed developments, including new buildings, landscapes and even provision for parking or signage, need to reflect and complement the identified values of individual Heritage Items and Heritage Conservation Areas in their design. Appropriate new development should not only protect, but also enhance, public and private amenity for the entire community, now and for the future.”

Response: The design for the cafe precinct is consistent with council's objective for good urban design to make a positive contribution to streetscapes and public spaces throughout the municipality. The proposed development enhances amenity for the public by providing the infrastructure for recreational activities on the foreshore.

O1 Sustainable: places and spaces 'meet the needs of the present without compromising the ability of future generations to meet their own needs'. Environmental performance of buildings is optimised through the management of energy and water consumption, production and recycling.

Response: The proposal incorporates solar panels which contribute to sustainable energy objectives.

O2 Accessible: places and spaces can be accessed by the community via safe, convenient and efficient movement systems.

Response: The proposed development incorporates accessibility systems for the community in its design.

O3 Adaptable: places and spaces support the intended use by being safe, comfortable, aesthetically appealing, economically viable and environmentally sustainable and have the capacity to accommodate altered needs over time.

O4 Amenable: places and spaces provide and support reasonable amenity, including solar access, privacy in areas of private open space, visual and acoustic privacy, access to views and clean air.

O5 Connected: places and spaces encourage people to interact with the physical environment and each other through a network of safe, convenient travel routes and alternatives which are accessible for all users. Places and spaces accommodate a variety of uses and activities which attract people and enhance social activity.

O6 Compatible: places and spaces contain or respond to the essential elements that make up the character of the surrounding area and the desired future character. Building heights, setbacks, landscaping and architectural style respond to the desired future character. Development within Heritage Conservation Areas or to Heritage Items must be responsive to the heritage significance of the item and locality.

Response: O3-O6 The design incorporates good contemporary design that creates an aesthetically attractive waterfront development for use by the public. The proposed development provides attractive public amenity in an area of dedicated public open space, with access to views and fresh air, on an ongoing basis. The proposed development is suitable for the desired character of the Birchgrove Distinctive Neighbourhood (DCP, Part C Place, Section C2.2.2.6), The Iron Cove Conservation Area and in the Vicinity of the Heritage item, due to character, scale, form, siting, materials and colour.

C1.2 DEMOLITION

The existing building is dilapidated, structurally unsound as set out in this report. I

The removal of a dilapidated structure is appropriate management of the building. Demolition is not a reasonable option due to the poor condition and the lack of significant building fabric, and the buildings lack of contributory value to the Conservation Area. The proposed building achieves the relevant outcomes in the DCP, as the cafe precinct design achieves the desired future character of the Birchgrove Character area, the provisions of the LEP, and is suitable to the waterfront site. The existing building has identified structural instability as set out in the Cantilever Engineers dated 18 July 2015..

This application includes material that satisfies the controls in this DCP and this application satisfies the requirements for considerations for demolition.

Development in a Heritage Conservation Area

The subject site is located in the Iron Cove Conservation Area.

The following statement of significance for "Conservation Area 13 -Iron Cove" is taken from Council's website that describes why the area is important:

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

Heritage Impact Assessment (HIS)

This HIS presents questions posed in the guidelines set out by the NSW Heritage Office publication 'Statements of Heritage Impact', 2002.

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

- The existing building, originally a waiting room, a later kiosk and more recently and a restaurant with extensive alterations and additions retains little original building fabric and has lost the ability to interpret the use of original building type. Coupled with poor condition the removal of the existing building will not result in the loss of an item of environmental heritage. The removal of the building will enhance views to the Parramatta River from Elliott Street and the conservation area.
- The proposal is a contemporary design with merit. The design is articulated into small scale elements that reference, the scale of former kiosk, the maritime history of the area and the Parramatta River by the use of the container form and industrial materials. The materials selected are sympathetic to the Iron Cove Conservation area being timber and metal. The colour palette is an earthy colour palette and will not cause any disruptive visual contrasts.
- The proposal is located wholly in the Paringa reserve, away from the seawall and the Elliot Street Road reserve. It allows access to the foreshore reserve and enhances views and vistas to the heritage item and the within the Conservation Area.

Demolition of a Building or Structure

Have all options for retention and adaptive reuse been explored?

The demolition of the existing structure is supported because there is limited amount of original fabric surviving from the construction c. 1952 and the lack of ability to interpret the building as a simple weatherboard waiting room and kiosk, and because of the deteriorated condition of the existing building.

In 2015, the Council commissioned a structural report and hazardous material audit report. The building was deemed to be in a dilapidated state. Council terminated the lease from RMS and is required by RMS to demolish the structure.

In August 2016, the Leichhardt Council lodged a DA to demolish the restaurant building and terrace at Elliott Street. This was withdrawn in favour of the Pre-DA application in 2016 for demolition and rebuilding of a café / restaurant.

The building has further deteriorated in the years between 2016 and February 2022.

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN

It is not feasible to retain and adapt the existing building.

Can all the significant elements of the heritage item be kept and any new development be located elsewhere on the site?

THE NBRS report stated " the existing restaurant structure is not a heritage item and has little heritage significance. There has been some community concern that the structure has historic associations with being used as a waiting shed and kiosk by workers at Cockatoo Island waiting for transportation by ferry services. There is little remaining physical evidence of this use. There is the potential to address this historic association through interpretation as part of the new development.

Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible?

The existing restaurant building has been vacant since February 2015. Council's lease of the RMS land has expired and demolition of the restaurant building forms part of the condition of the termination.

Has the advice of a heritage consultant/specialist been sought? Have the consultant's recommendations been implemented? If not, why not?

Two heritage consultants and a structural engineer has provided advice and concur that the building can be demolished.

Development in the Vicinity of a Heritage Item

The heritage item is a Street trees *Ficus macrophylla*, Elliot Street, Balmain Road reserve (Item No I212).

The documents dealing with setting and curtilage of heritage items are:

- The Australian ICOMOS Burra Charter
- The NSW Heritage Office publication Heritage Curtilages

The NSW Heritage Office Guidelines Heritage Curtilages defines the term 'heritage curtilage' as: 'the area of land (including land covered by water) surrounding an item or an area of heritage significance which is essential for retaining and interpreting its heritage significance'.

The curtilage of the street trees *Ficus macrophylla* in the road reserve of Elliot Street is both:

- The legal lot curtilage on which the heritage items are located
- The space around the items and the unbuilt upon areas of the site

In addition there are views and vistas to the street tree *Ficus macrophylla* from a wider area.

This is known as an expanded curtilage. In the instance of the heritage listed *Ficus macrophylla* the expanded curtilage would include significant views and vistas from the Parramatta River.

The Australian ICOMOS Burra Charter does not use/or define the notion of curtilage, however it does stress the importance of setting in Article 8: "Conservation requires the maintenance of an appropriate visual setting; eg form,

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN

scale, colour texture and materials. No new construction, demolition or modification which would adversely affect the setting should be allowed. Environmental intrusions, which adversely affect the setting, should not be allowed. Environmental intrusions which adversely affect the appreciation or enjoyment of a place should be excluded'.

Currently the existing building has been extended into the Elliott Road Reserve.

The proposal to remove the existing restaurant from the Elliott Road Reserve, and construct a new cafe complex set in from the road reserve will open up views to the *Ficus macrophylla*, including views from the Parramatta River.

The removal of the existing building has positive benefits for the Iron cove Conservation Area because the conservation Area will have uninterrupted view to the foreshore.

The relevant questions from the NSW Heritage Office "Statements of Heritage Impact" 2002 are the following:

How is the impact of the new development of the heritage significance of the item or area to be minimised?

The cafe complex development single storey and articulated into to small scale elements separated by the open outdoor seating area. The proposed development is set back from the Elliott Street Roadway. The siting will enhance views to the Fig Tree plantings, and enhance views within the Iron Cove Heritage Conservation Area and Birchgrove Distinctive Neighbourhood.

Why is the new development required to be adjacent to heritage item?

The heritage item in the vicinity is the *Ficus macrophylla* street tree planting. It is a landscape item in the Elliott Street Road reserve. The heritage item is located to the south west of the proposed cafe complex. The new development proposes the demolition of the existing building which encroaches onto the road way. The replacement development will open up view and vista to the heritage item from the wharf and the Parramatta River.

How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

The expanded curtilage around a heritage item contributes to its significance. The demolition of the existing building and the construction of a new complex setback from the roadway enhances the views around the heritage item.

How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?

The new development demolishes a building that encroaches onto the roadway and proposes a single storey small scale development set back from the roadway and wholly located within the Paringa reserve.

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN

Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

The NBRHS HIS assessed this potential and concluded: "The proposed new rebuilt restaurant and parkland amenities are located within Paringa Reserve, a foreshore parkland formed through land reclamation. The subject site was occupied by William Delancey Bayliss and his family, who resided at a house known as "The Poplars", with a street address of 87 Elliott Street, Fig Tree Point, Balmain. Figure 9 shows the site in 1888, the line of the original foreshore and seawall and yard, or unidentified structure within the location of the existing restaurant. Given the extent of development on the site, there is unlikely to be any potentially significant archaeological deposits on the site."

Is the new development sympathetic to the heritage item? In what way (eg form, siting, proportions, design)?

The design is articulated into small scale elements that reference the maritime history of the area and the Parramatta River. The materials selected are sympathetic to the Iron Cove Conservation area being timber and metal. The colour palette is an earthy colour palette and does not pose any disruptive visual contrasts with heritage items in the vicinity or the Iron Cove Conservation Area. As previously stated The new development demolishes a building that encroaches onto the roadway and proposes a single storey small scale development set back from the roadway and wholly located within the Paringa reserve

Will the additions visually dominate the heritage item? How has this been minimised?

There are no issues of visual dominance due to the siting, single storey height and the articulation of the proposal.

12.0 CONCLUSION

It is proposed to demolish the existing restaurant building (the former Pellegrini's Restaurant) and construct a new cafe building, outdoor seating area, a separate building amenities building and associated landscaping work.

The demolition of the existing structure is supported because there is limited amount of original fabric surviving from the construction c. 1952 and the lack of ability to interpret the building as a simple weatherboard waiting room and kiosk, and because of the deteriorated condition of the existing building.

In 2015, the Council commissioned a structural report and hazardous material audit report. The building was deemed to be in a dilapidated state. Council terminated the lease from RMS and is required by RMS to demolish the structure.

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN

In August 2016, the Leichhardt Council lodged a DA to demolish the restaurant building and terrace at Elliott Street. This was withdrawn in favour of the Pre-DA application in 2016 for demolition and rebuilding of a café / restaurant.

The current proposal is for the demolition of the former restaurant building and associated outdoor seating area and the removal of a row of exotic bushes to build a new cafe building, outdoor seating area, a separate building amenities building and associated landscaping work.

The existing building has deteriorated further than when it was assessed in 2015. Coupled with the lack of significant building fabric and representative values, the demolition will not result in the loss of an item of Environmental Heritage.

The proposal shown in the drawings by Nordon Jago Architects is imminently suitable for the site. The design is articulated into small scale elements that reference the maritime history of the area and the Parramatta River. The materials selected are sympathetic to the Iron Cove Conservation area being timber and metal. The colour palette is an earthy colour palette and does not pose any disruptive visual contrasts with heritage items in the vicinity or the Iron Cove Conservation Area.

The siting and the articulation of the facilities into small scale elements, comprising two buildings with an outdoor seating between allows views and vistas from the Parramatta River to the foreshore, the Iron Cove Conservation Area and to the landscape item, nearby, which is the *Ficus macrophylla* in the road reserve of Elliot Street, Balmain.

The new use of the site, facilitated by the proposal, provides improved public amenity and interprets the historic use of the site.

In my professional opinion, in terms of the heritage aspects of the proposal, I recommend that the application be approved.



Ruth Daniell

B. Arch Hons. LLB

4 March 2022

HERITAGE IMPACT STATEMENT

ELLIOT STREET KIOSK BALMAIN