




	
DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2023/0257
Address	6 Punch Street BALMAIN 2041
Proposal	Ground, first and second floor alterations and additions to existing dwelling
Date of Lodgement	13 April 2023
Applicant	Andrew Ireland
Owner	Mr Barry S Jackson
Number of Submissions	3
Value of works	\$211,500.00
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10% (FSR)
Main Issues	Development standard breach (FSR and Site Coverage) DCP non-compliances Neighbouring objections
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Section 4.6 Exception to Development Standards
Attachment D	Heritage Impact Statement
	
LOCALITY MAP	
Subject Site	
Notified Area	
Objectors	
Supporters	

1. Executive Summary

This report is an assessment of the application submitted to Council for ground, first and second floor alterations and additions to the existing dwelling at No. 6 Punch Street, Balmain. The application was notified to surrounding properties and 3 submissions were received in response to the notification.

The main issues that have arisen from the application include:

- FSR development standard breach;
- Site coverage development standard breach;
- Visual privacy impacts;
- DCP non-compliances; and
- Solar access impacts.

The development standard breaches are acceptable and satisfy the requirements of Section 4.6 of the IWLEP. Amenity impacts from the proposed development have been generally minimised and will be further reduced through adopting the recommended design change conditions. The recommended design change conditions are noted as follows:

- Deletion of raised skylight above dining/living room and associated void. Skylights flush with the roof may be provided.
- The balconies at the first floor and attic levels are to be reduced in width to a maximum of 2m, to comply with Visual Privacy requirements of the LDCP.
- The extension to the rear of Bedroom 2 is to be deleted, with the balcony relocated in place of the extension.

The application is therefore recommended for approval.

It is noted that the applicant is relying upon a site area of 95.3sqm, on the basis of a submitted survey undertaken by 3DEEZ Surveys, while Council is relying upon the registered site area of 86.5sqm. Irrespective of the selected site area, the proposal is subject of determination by the IWLPP, as a result of the extent of development standard breach.

2. Proposal

The proposal seeks to provide extensions to the existing semi-detached dwelling, at the ground, first and attic floor levels. Various internal works are proposed throughout the dwelling, namely the removal of the existing spiral staircase and provision of a new staircase.

At the ground floor, the proposal seeks to extend existing living areas towards the rear of the site. Externally, the proposal will raise the rear private open space by approximately 0.96m, from RL 36.66 AHD to RL 37.62 AHD, with a mixture of paving and landscaped areas proposed within the rear garden.

At the first floor, the proposal seeks to extend the existing rear alignment, providing a bedroom in place of the existing bathroom. A balcony is proposed from the bedroom, with a raised skylight void projecting from the extended living areas at the ground floor below.

At the attic floor level, the proposal will provide an ensuite as part of the master bedroom, with a balcony proposed from the dormer window.

No works are proposed to the Punch Street façade.

3. Site Description

The subject site is located on the western side of Punch Street, between Birchgrove Road and Glassop Street. The site consists of Lot 2 in DP 542014 and is generally a rectangular shaped lot, with a total area of 86.5sqm. The site is legally described as No. 6 Punch Street, Balmain NSW 2041.

The site has a single frontage to Punch Street, of 4.99 metres. The site is affected by a right of way, which connects from Birchgrove Road.

The site currently has a part one and part three storey semi-detached dwelling, with a dormer window within the front and rear roof planes. The adjoining properties include a similarly sized semi-detached dwelling at No. 8 Punch Street and a part one and part two storey semi-detached dwelling at No. 4 Punch Street.

The subject site is not listed as a heritage item, although is located within the Iron Cove Heritage Conservation Area. The property is not identified as a flood prone lot. The site is within the R1 General Residential Zone pursuant to the *IWLEP 2022* (see figure on following page).

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

- 1 x *Platanus acerfolia* (London Plane Tree) – within No. 8 Punch Street rear garden, adjacent to the northern boundary at the rear of the subject site.
- 3 x *Cinnamomum camphora* (Camphor Laurel) Council street trees – Punch Street pathway at the front of the site.



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INNER WEST

Figure 2: IWLEP Zoning Map – Subject Site outlined in red (Source: Intramaps 2023)

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
Tree/2021/1175	Tree Approval Application	Approved (9/11/2021)

Surrounding properties

46 Birchgrove Road

Application	Proposal	Decision & Date
BC/2022/0086	Building Certificate – rebuilding of rear decking without the proper consent	Approved (10/11/2022)

4(b) Application history

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

Date	Discussion / Letter / Additional Information
7/6/2023	A Request for Information (RFI) letter was provided to the applicant.
26/6/2023	Response to RFI received. A summary of the RFI points and the applicants response is provided below.

On **7 June 2023**, Council issued the applicant with a Request for Information letter, seeking amended plans and additional information. The applicant's response to each of the points within the RFI letter is summarised below:

Point 1: Requested arborist report.

Response: Arborist report provided.

Point 2: Requested following design changes, on heritage terms:

- Deletion of first floor addition to bedroom 2.
- Deletion of 2 rear terraces off bedroom 2 on level 1 and bedroom 3 at attic level. Indicated balconies designed in compliance with Control C9 under Section C3.11 of the LDCP may be considered.
- Roof form of proposed additions to be skillion roof form, to match the pitch of existing skillion roof above rear wing.

Response:

- First floor addition of bedroom 2 unchanged.
- Rear terraces off bedroom 2 and bedroom 3 redesigned generally in accordance with Control C9 under Section C3.11 of the LDCP. Southwestern (rear) façade redesigned to include a void above the living/dining room, with skylights above. This results in an external wall height of 4.25m at the rear façade.
- Roof form of rear additions redesigned to be skillion roof.

Point 3: Following information requested, on heritage terms:

- Extent of restoration works to be clarified.
- Colours and material schedule to be submitted.

Response:

- Restoration works removed from application.
- Colours and materials schedule revised and submitted.

Point 4: Deletion of first floor and attic balconies. Indicated balconies designed in compliance with Control C9 under Section C3.11 of the LDCP may be considered.

Response: Amended balcony designed generally in accordance with Section C3.11 of the LDCP.

It is noted that the submitted Short Section 5 through the rear landscaped areas and South-West Elevation appear to misrepresent the existing studio at the rear of No. 8 Punch Street. In particular, the submitted plans show this structure as a brick building with a height of 4.196m, while a site inspection of the subject site found this to be a timber structure on stilts, with a void below (see figures 1 and 2 below).



Figure 3: No. 8 Punch Street, as viewed from the rear boundary of that property
(source: Realestate.com 2021)



Figure 4: Short Section 5 (source: [a⁴A]^d)

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 (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Inner West Local Environmental Plan 2022*

The following provides further discussion of the relevant issues:

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

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 (Building Sustainability Index: BASIX) 2004***

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

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

Chapter 10 Sydney Harbour Catchment

The site is not located within the foreshores and waterways area, a Strategic Foreshore site or listed as an item of environmental heritage under the SEPP and as such only the aims of the plan are applicable. The proposal is consistent with these aims.

5(a)(iv) Inner West Local Environmental Plan 2022 (IWLEP 2022)

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.7 – Demolition requires development consent
- Section 4.3C – Landscaped areas for residential accommodation in Zone R1
- Section 4.4 – Floor space ratio
- Section 4.5 – Calculation of floor space ratio and site area
- Section 4.6 – Exceptions to development standards
- Section 5.10 – Heritage conservation
- Section 6.1 – Acid sulfate soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management

Section 2.3 Land Use Table and Zone Objectives

The site is zoned R1 General Residential under the *IWLEP 2022*. The *IWLEP 2022* defines the development as:

“dwelling house means a building containing only one dwelling.”

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

Section 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 86.5 sqm	1.32:1 or 114.6 sqm	28.1 sqm or 32%	No
Landscape Area Minimum permissible: 15% or 12.975 sqm	15% or 13sqm	N/A	Yes
Site Coverage Maximum permissible: 60% or 51.9 sqm	73.2% or 63.4sqm	11.5 sqm or 22%	No

Section 4.6 Exceptions to Development Standards

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

- Floor Space Ratio (FSR)
- Site Coverage

The applicant seeks a variation to the FSR development standard under Section 4.4 of the *IWLEP 2022* by 32% or 28.1sqm. The applicant also seeks a variation to the site coverage development standard under Section 4.3C of the *IWLEP 2022* by 22% or 11.5sqm.

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exceptions to the development standards have been assessed against the objectives and provisions of Section 4.6 of the *IWLEP 2022* below. Each development standard non-compliance will be considered separately below.

Clause 4.4: FSR

A written request has been submitted to Council in accordance with Section 4.6(4)(a)(i) of the *IWLEP 2022* justifying the proposed contravention of the development standard which is summarised as follows:

- *Compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.*
- *The proposed variation satisfies Tests 1, 3, 4 and 5 under Wehbe.*
- *The proposal is consistent with the FSR of surrounding development on similar lots and the proposal does not result in significant loss of amenity to neighbouring properties.*
- *The proposed alterations are at the rear and do not alter the character of the streetscape.*
- *The proposed variation is smaller than previously approved variations, due to the disproportionate affect that the small lot size in FSR calculations.*
- *The zoning of the site as general residential is unreasonable and inappropriate based on the historical pattern of high density terrace development on the site.*
- *There are sufficient environmental planning grounds, namely the proposal includes proper and sustainable management, development and conservation of a cultural heritage resource; the proposal includes upgrades which will improve the dwellings building energy usage and sustainability; the proposal promotes good design and amenity; and the proposal includes construction and maintenance to future proof the structure.*
- *The proposed development is in the public interest, irrespective of the variation to the standard.*

The applicant's written rational adequately demonstrates compliance with the development standard is unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. As outlined earlier the applicant calculates the extent of the variation as different to that of Council due to a difference of opinion on the site area. Regardless of the interpretation it is considered that the reasons listed above are adequate to allow the variation.

It is considered the development is in the public interest because it is consistent with the objectives of the R1, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

Objective: *To provide for the housing needs of the community.*

Response: The proposal will provide an additional bedroom and extended ground level living areas. These changes to the existing building will provide for the housing needs of the community.

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

Response: The proposal will provide an additional bedroom (from two to three) which will provide for a variety of housing types within the zone, while maintaining a similar overall building density to existing.

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

Response: N/A

***Objective:** To provide residential development that maintains the character of built and natural features in the surrounding area.*

Response: The proposed development will maintain the built form and natural character of the surrounding area, particularly as viewed from the public domain.

It is considered the development is in the public interest because it is consistent with the objectives of the FSR development standard, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

***Objective (a):** To establish a maximum floor space ratio to enable appropriate development density.*

Response: The proposed additions have been sited to the rear of an existing part one and three storey dwelling, maintaining the existing presentation to Punch Street. The proposed additional floorspace and resultant envelope changes will maintain an appropriate development density, with a similar scale to existing.

***Objective (b):** To ensure development density reflects its locality.*

Response: There is a varying pattern of density within the surrounding locality, with properties within the surrounding visual catchment of Punch Street presenting as two storeys to the street, with rear additions of varying sizes and styles. The proposed alterations and additions extend the existing rear building line at the ground and first floor levels, while maintaining a development density that reflects the surrounding locality.

***Objective (c):** To provide an appropriate transition between development of different densities.*

Response: The proposed alterations and additions will provide an appropriate transition between development of different densities in the surrounding area. The proposal will maintain a similar to existing external bulk, particularly when viewed from the public domain on Birchgrove Road.

***Objective (d):** To minimise adverse impacts on local amenity.*

Response: Adverse impacts on local amenity have generally been minimised, with no anticipated view impacts as a result of the proposal. Visual privacy impacts have generally been averted as a result of the amended design, while a condition is recommended in relation to the balcony length, in turn minimising privacy impacts. Overshadowing to neighbouring properties has generally been minimised through minimising floor to ceiling heights and external bulk and scale. Further to this, separate design change conditions are recommended in relation to the rear extension at the first floor level, as discussed at Section 5(d) of this report. Subject to these conditions, it is considered the proposal would minimise any adverse impacts.

***Objective (e):** To increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.*

Response: The proposal will include an additional tree at the rear which will support an increased tree canopy. The proposed works have generally considered neighbouring privacy and will reasonably protect the use and enjoyment of neighbouring properties.

The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel. The proposal thereby accords with the objective in Section 4.6(1)(b) and requirements of Section 4.6(3)(b) of the *IWLEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the FSR development standard and it is recommended the Section 4.6 exception be granted.

Clause 4.3C: Site Coverage

A written request has been submitted to Council in accordance with Section 4.6(4)(a)(i) of the *IWLEP 2022* justifying the proposed contravention of the development standard which is summarised as follows:

- *The objectives of the zone and relevant standard are achieved notwithstanding non-compliance with the standard.*
- *The numerical variation is minor however the additional site cover has a major impact on the functionality of the dwelling.*
- *The minor variation does not give rise to unreasonable bulk, scale or impact.*
- *Due to the small nature of the site it is unreasonable for the site to comply with a control that restricts any possible development to make the house suitable for modern living requirements.*
- *The proposed development is consistent with the site coverage of neighbouring developments on similar lots and the surrounding area.*
- *The proposal maintains the original streetscape and roof form of the original dwelling, and the new addition cannot be viewed from the main street frontage. The character of the built and natural features is not affected.*
- *The proposed development is compliant with the private open space, urban tree and landscape controls.*
- *The proposed variation satisfies Tests 1, 3, 4 and 5 under Wehbe.*

The applicant's written rational adequately demonstrates compliance with the development standard is unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. As outlined earlier the applicant calculates the extent of the variation as different to that of Council due to a difference of opinion on the site area. Regardless of the interpretation it is considered that the reasons listed above are adequate to allow the variation.

It is considered the development is in the public interest because it is consistent with the objectives of the R1, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

Objective: *To provide for the housing needs of the community.*

Response: The proposal will provide for the housing needs of the community by increasing the number of bedrooms and extending living areas at the ground floor level.

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

Response: The proposal will provide an additional bedroom (from two to three) which will provide for a variety of housing types within the zone, while maintaining a similar overall building density to existing.

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

Response: N/A

***Objective:** To provide residential development that maintains the character of built and natural features in the surrounding area.*

Response: The proposed alterations and additions to the existing dwelling will maintain the built form and natural character of the surrounding area, particularly as viewed from the public domain.

It is considered the development is in the public interest because it is consistent with the objectives of the site coverage development standard, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

***Objective (a):** To provide landscaped areas for substantial tree planting and for the use and enjoyment of residents.*

Response: The proposal will increase on-site landscaping, with an additional tree proposed within the rear garden. The proposed rear garden is suitable for the use and enjoyment of residents.

***Objective (b):** To maintain and encourage a landscaped corridor between adjoining properties.*

Response: The proposal will maintain a landscaped corridor at the rear boundary to No. 46 Birchgrove Road and along the side boundary to No. 4 Punch Street.

***Objective (c):** To ensure that development promotes the desired character of the neighbourhood.*

Response: The proposed additions will maintain the streetscape presentation to Punch Street, appearing as a two storey semi-detached terrace dwelling with a pitched roof form. The additional building footprint at the rear will provide a development outcome which promotes the desired future character of the neighbourhood.

***Objective (d):** To encourage ecologically sustainable development.*

Response: The proposal will provide additional landscaping on the site and provide building upgrades which support ongoing sustainability of the dwelling.

***Objective (e):** To control site density.*

Response: Notwithstanding the proposed site coverage breach, the proposed additions will control site density by providing compliant external private open space at the ground floor level, compliant soft landscaped areas and maintaining a similar rear alignment to surrounding properties.

***Objective (f):** To provide for landscaped areas and private open space.*

Response: Irrespective of the proposed site coverage exceedance, the proposal will provide compliant landscaped areas within the rear garden, as well as compliant private open space in accordance with the LDCP.

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

The proposal thereby accords with the objective in Section 4.6(1)(b) and requirements of Section 4.6(3)(b) of the *IWLEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the Site Coverage development standard and it is recommended the Section 4.6 exception be granted.

Section 5 Miscellaneous Provisions: Section 5.10 Heritage Conservation

The subject site is a contributory building within the Iron Cove Heritage Conservation Area (HCA) pursuant to Schedule 2 of the IWLEP. The proposal has been considered by Council's heritage advisor, who indicated the proposal to be acceptable subject to several design amendments which were requested as part of a Request for Information (see Section 4B for further detail). These included changes to the first floor and attic level additions.

The amended design has generally responded to the comments of Council's heritage advisor, through generally refining the additions and providing a skillion roof form. Notwithstanding this, the extension off bedroom 2 has not been deleted, which contributes to bulk and scale and subsequent adverse heritage impacts on the HCA. It is noted that the amended design also includes a raised skylight void at the rear above the ground floor living/dining room. Sightlines to this extension are available from Birchgrove Road.

To address adverse heritage impacts from the proposed first floor level additions, the following design changes are recommended:

- Deletion of the raised skylight void, a skylight may be provided flush with the roof of the ground floor level;
- Deletion of the extension to the rear of bedroom 2, with the proposed balcony relocated in place of the extension;
- Balcony width at the rear of bedroom 2 to be reduced to a maximum width of 2m.

Subject to the above, the proposed additions will provide a subservient presentation to Birchgrove Road and minimise adverse heritage impacts upon the HCA.

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
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and Additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Satisfactory as amended
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	N/A
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes

C1.11 Parking	N/A
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes – see discussion
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
C2.2.2.6 Birchgrove Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	No – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	No – see discussion
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	N/A
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A

E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	N/A
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C1.14 Tree Management

Section C1.14 of the LDCP contains provisions relating to tree management and applies to the proposed development. Though there are no existing mature trees within the subject site, there is one tree in close proximity to the northern side boundary at the rear of the site, on No. 8 Punch Street, being a *Platanus x Hybrida* (London Plane Tree). This tree has been assessed by Council's Urban Forest advisor as having high retention value. The proposed development encroaches approximately 17% within the TPZ of this tree, at the alfresco addition.

To ensure this tree is protected during construction processes, conditions have been provided by Council's Urban Forest advisor which are recommended for the consent.

Proposed tree planting works include a *Backhousia Citriodora* (Lemon Scented Myrtle) within the rear POS, which satisfies the planting requirements of Control C12.

C3.2 Site Layout and Building Design

Rear BLZ

Section C3.2 of the LDCP contains provisions relating to the site layout and building design, including the building location zone (BLZ) at Controls C3-C6. When considering the rear building alignment of neighbouring properties, the proposed extension at the ground floor level will remain compliant. The first floor rear extension to provide a bedroom and balcony will extend further to the rear when viewed in the context of the neighbouring properties, by approximately 1.8m.

In the event of a BLZ breach, Control C6 provides five merit tests, which are considered as follows:

- a. *amenity to adjacent properties (i.e. sunlight, privacy, views) is protected and compliance with the solar access controls of this Development Control Plan is achieved;*

The proposed first floor extension will not contribute to view impacts to neighbouring properties, while the proposed balcony from bedroom 2 will be acceptable from a visual

privacy perspective, subject to a design change condition requiring reduced width to comply with Section C3.11 of the LDCP.

Additional shadowing from the proposed rear BLZ breach has generally been minimised, however, the raised skylights with void to living/dining room below will contribute to shadowing to No. 4 Punch Street as well as visual bulk and scale. Furthermore, the extension of bedroom 2 towards the rear of the site by approximately 1.3m will also contribute to shadowing to neighbouring properties. Design change conditions are recommended, to reduce the extent of overshadowing and visual bulk and scale by requiring the skylights to be flush with the roof (deletion of addition height) and deletion of the extension from bedroom 2, with the balcony setback in its place. This will ensure the proposal supports an outcome which satisfies the reasonableness tests, as will be further discussed under the 'Solar Access' section.

- b. the proposed development will be compatible with the existing streetscape, desired future character and scale of surrounding development;*

The proposed rear extensions will not alter compatibility within the Punch Street streetscape. Subject to the recommended design change conditions, the proposed first floor extension will remain compatible in scale with the desired future character and scale of surrounding development.

- c. the proposal is compatible in terms of size, dimensions privacy and solar access of private open space, outdoor recreation and landscaping;*

Irrespective of the rear BLZ breach, the proposal will provide compliant private open space and landscaping at the ground floor level, with sufficient privacy afforded by side fences. The proposal will not detract from the use of neighbouring POS.

- d. retention of existing significant vegetation and opportunities for new significant vegetation is maximised; and*

The proposal will not require removal of existing significant vegetation and will retain a landscaping buffer at the rear of the site.

- e. the height of the development has been kept to a minimum to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties.*

The design of the additions are considered excessive in scale, subject to the recommended design change conditions to remove the raised skylight void for the ground floor above the living/dining and deletion of the 1.3m extension towards the rear at bedroom 2, the height of the proposed rear extension can be considered acceptable.

Should the recommended design change to bedroom 2 be adopted, the resultant layout of bedroom 2 will include internal dimensions of 2.926m by 3.8m - 4m, with a walk in robe and balcony with dimensions of 1.2m by 2m (see figure 3 below). This is considered sufficient for the intended use, particularly given the constrained nature of the site.

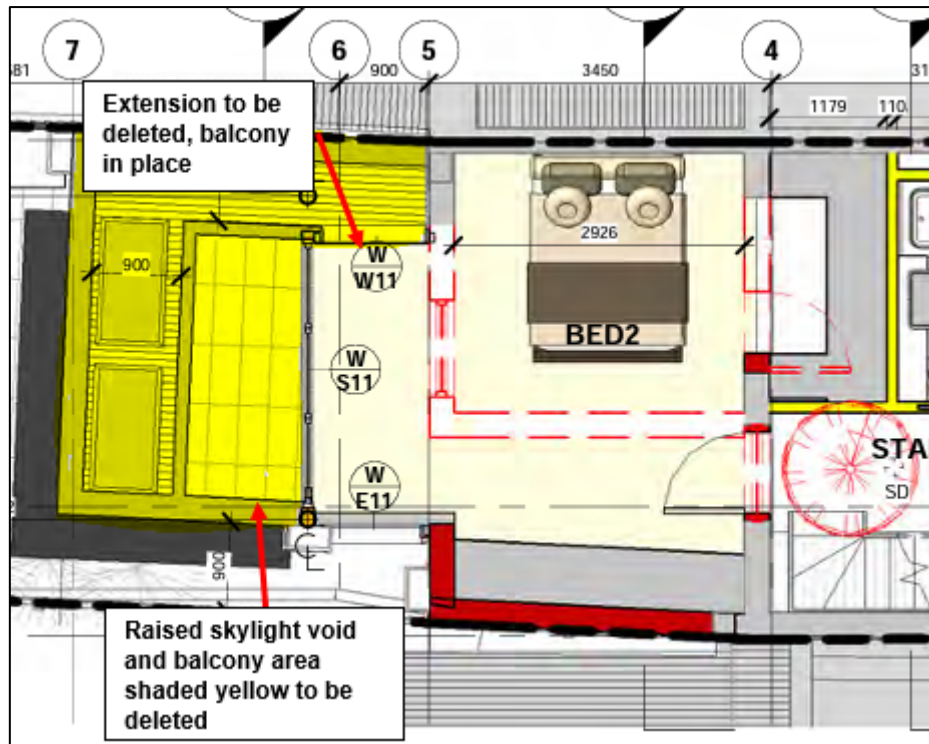


Figure 5: Snip of amended bedroom 2 plan, in accordance with recommended design changes

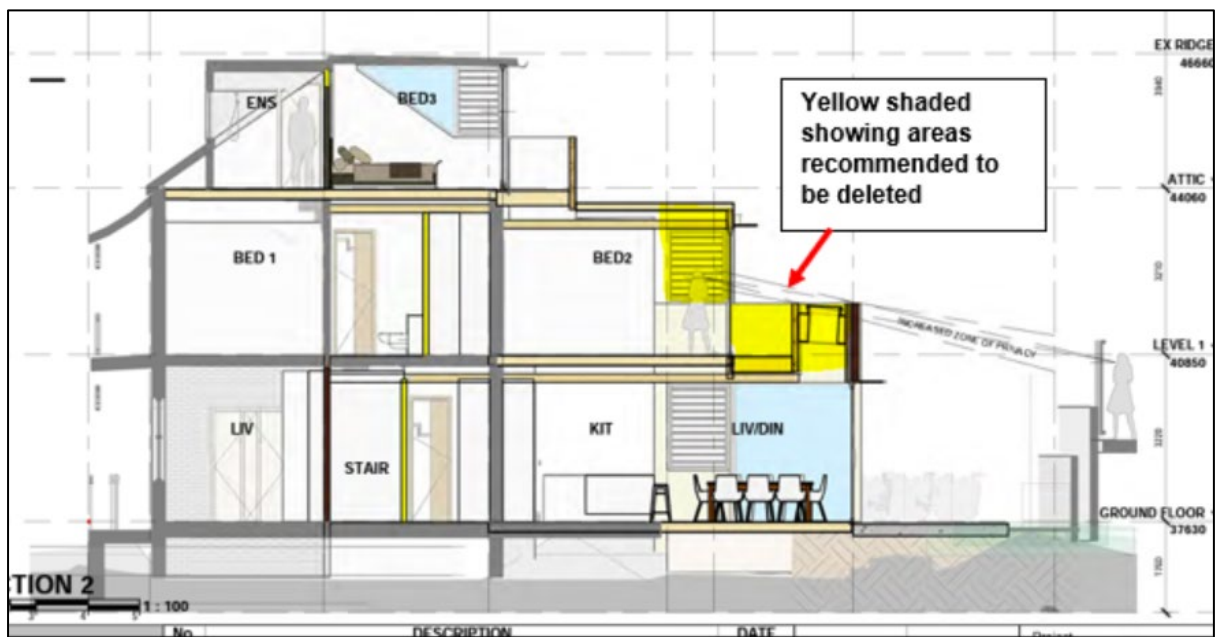


Figure 6: Snip of amended bedroom 2 section, in accordance with recommended design changes

The proposed rear BLZ at the first-floor level, as amended by the recommended conditions, is acceptable in this instance.

Side Setbacks

Control C7 at Section C3.2 of the LDCP relates to side setback requirements and applies a sliding scale to setbacks, in conjunction with the relative wall heights. The proposed first floor works include a full width extension for bedroom 2, towards the south-eastern side boundary to No. 4 Punch Street.

Where development extends to side boundaries, the following merit requirements are considered:

- a. the development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of this Development Control Plan;*
- b. the pattern of development within the streetscape is not compromised;*
- c. the bulk and scale of development is minimised by reduced floor to ceiling heights;*
- d. the potential impacts on amenity of adjoining properties, in terms of sunlight and privacy and bulk and scale, are minimised; and*
- e. reasonable access is retained for necessary maintenance of adjoining properties.*

In consideration of the above, the proposed extension to the side boundary is acceptable for the following reasons:

- The proposal is consistent with the building typology statements within the LDCP
- Subject to recommended design change conditions in relation to the rear extensions, the proposal does not compromise the pattern of development in the streetscape.
- Bulk and scale has been minimised through reduced floor to ceiling heights
- Amenity impacts have been considered acceptable, subject to recommended design change conditions.
- Maintenance access is retained.

Accordingly, the proposed extension to the side boundary at the first floor level is acceptable.

Solar Access

Due to the western configuration of private open space on neighbouring properties, Controls C18 and C19 apply to the proposal. The POS of the neighbouring property No. 4 Punch Street comprises dense landscaping and currently receives less than 2.5 hours of solar access, between 9am and 3pm on the winter solstice. The proposed additions will result in additional shadowing to this area between 12pm and 2pm, which contravenes Control C19.

It is acknowledged that the rear garden of No. 4 Punch Street is currently overgrown and largely unusable. It is however a reasonable assumption that this space is capable of use as private open space, should the existing landscaping be reduced. This area is therefore assessed as private open space in accordance with the solar access requirements of the LDCP.

The reasonableness of the proposed solar access impacts is considered as follows:

- a. the reasonableness of the development overall, in terms of compliance with other standards and controls concerned with the control of building bulk and having regard to the general form of surrounding development;*

Though the site is constrained, the proposed extensions to the rear result in development standard breaches to site coverage and FSR, with DCP non-compliances including rear BLZ. As a result of these non-compliances, the extensions, primarily those at the first floor, contribute to unreasonable overshadowing arising from building bulk.

- b. site orientation;*

The site and surrounding properties are oriented east/west. Any extensions to the rear of the existing envelope will contribute to additional shadowing to neighbouring properties, namely No. 4 Punch Street.

c. the relative levels at which the dwellings are constructed;

The topography in the surrounding area slopes downwards towards the north-west, with No. 4 Punch Street slightly elevated above the subject site. This partially reduces the extent of additional shadowing.

d. the degree of skill employed in the design to minimise impact; and

The roof forms for the rear extensions are skillion style with a low pitch. Notwithstanding this, the first floor extension, associated balcony and ground floor skylight void create a projecting element which breaches BLZ requirements and contributes to additional avoidable shadowing. Suitable design change conditions are recommended as outlined earlier in this report.

e. whether reasonably available alternative design solutions would produce a superior result.

As indicated, design change conditions in relation to deletion of the skylight void space and the bedroom 2 extension to the rear, with the balcony inset, would support a more reasonable building bulk and reduce shadowing impacts. These alternative design solutions would allow for skylights flush with the roof to be provided for internal amenity purposes; a new bedroom with an area of approximately 13sqm, with a walk-in robe and elevated balcony.

Accordingly, in consideration of the reasonableness of the proposed solar impacts, design change conditions are recommended for any consent, to ensure that additional shadowing is reasonably minimised. Subject to imposition of these conditions, the development is acceptable with regard to the objectives of this Section.

Visual Privacy

Section C3.11 of the LDCP contains provisions relating to visual privacy. The proposal includes changes to the existing levels within the rear garden, to raise the private open space to be level with the internal living areas. A new dividing fence is proposed at the side boundaries, which will support visual privacy for occupants and neighbouring residents, as per Control C1.

Control C9 requires balconies at the first floor or above at the rear of dwellings to have a maximum depth of 1.2m and length of 2m, unless it can be demonstrated that there will be no adverse privacy impacts to neighbouring properties as a result of the larger balcony. The amended design includes a balcony at the rear of the first and attic floor levels, from bedrooms 2 and 3. Though each balcony provides a compliant 1.2m depth, each propose a non-compliant width of 2.65m and 2.83m, respectively. Due to the degree of overlooking available from the balconies and narrow site width, a design change condition is recommended to require compliance with the 2m maximum width. Given these balconies are from bedrooms, a balcony with dimensions of 1.2m by 2m is sufficient for the intended use.

To the first and second floor balconies service bedrooms, given the low-impact use of these rooms and existing mutual overlooking between adjoining properties, the balconies are considered acceptable with regard to privacy.

Subject to the recommended conditions the development is considered to comply with the objectives of this Section.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will result in acceptable impact in the locality. To minimise shadowing impacts from the proposed development, a design change condition is recommended to remove the skylight void above the living/dining room and reduction in the length of bedroom 2.

Due to the density of lots, a degree of mutual overlooking is inevitable from any proposed development. Privacy impacts from the proposal have been reduced as a result of reducing the depth of the proposed balconies. A design change condition is recommended to ensure compliance with the maximum balcony dimensions under Section C3.11 of the LDCP, while a condition is recommended to inset the balcony in place of the bedroom 2 extension, increasing separation to neighbouring private open space and living areas.

Subject to the above changes, the proposal will result in acceptable impacts.

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 notification.

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

- Privacy implications from the new balconies and windows – see Section 5(d)

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

Issue: Impacts upon existing right of way from Birchgrove Road
Comment: A condition of consent is recommended for any consent to ensure that the existing right of way at the rear of the site is not obstructed in any way.

Issue: Construction impacts on surrounding properties
Comment: Standard conditions of consent to manage construction practices are recommended.

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

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

- Heritage: Acceptable as amended, subject to recommended design changes.
- Development Engineering: Acceptable, subject to conditions.
- Urban Forest: Requested additional information, namely an Arboricultural Impact Assessment Report to address the impacts of the proposed on the London Plane Tree at the rear of the site.

Planners comment: Amended plans and additional information was provided by the applicant, to address the comments of Council's heritage and urban forest advisors.

7. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$12,251.00 would be required for the development under the *Inner West Infrastructure Contributions Plan 2023*. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

Amenity impacts from the proposed development have been considered and are capable of being reasonably minimised, subject to the imposition of the recommended design change conditions in relation to the rear extensions at the ground and first floor level. The design is therefore in the public interest and represents an acceptable addition to the subject site and streetscape.

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

9. Recommendation

- A. The applicant has made two written requests pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*, in reference to Sections 4.3C and 4.4. After considering the requests, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2023/0257 for ground, first and second floor alterations and additions to the existing dwelling at No. 6 Punch Street, Balmain.

Attachment A – Recommended conditions of consent

Attachment A – Recommended 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
A12 Rev B	Ground/First Floor Plan	29/06/2023	[a4A]d
A13 Rev B	Site Plan/Roof Plan	29/06/2023	[a4A]d
A15 Rev B	Elevations	29/06/2023	[a4A]d
A16 Rev B	Elevations	29/06/2023	[a4A]d
A17 Rev B	Long Sections	29/06/2023	[a4A]d
A18 Rev B	Long Sections	29/06/2023	[a4A]d
A19 Rev B	Short Sections	29/06/2023	[a4A]d
A19 Rev B	Window Schedule/BASIX Summary	29/06/2023	[a4A]d
L&Co23082 v1.1	Arboricultural Impact Assessment & Tree Protection Specification	25/06/2023	Laurence & Co
Certificate No. A487155	BASIX Certificate	07/02/2023	Chapman Environmental Services Pty Ltd

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. The raised skylight above the ground floor dining/living room and associated void is to be deleted, to minimise adverse amenity impacts to neighbouring properties. Skylights flush with the roof above the ground floor dining/living room may be provided. As such, the maximum height of the ground floor is to be RL 40 850.
- b. The balconies at the first floor and attic levels are to be reduced to a maximum width of 2m, to comply with Visual Privacy requirements of the LDCP.
- c. The extension to the rear of Bedroom 2 is to be deleted, with the proposed balcony relocated in place of the extension, to reduce adverse impacts to surrounding properties.

FEES

3. Section 7.11 Contribution

In accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution Category	Amount
Open Space & Recreation	\$8,759.00
Community Facilities	\$1,623.00
Transport	\$1,152.00
Plan Administration	\$112.00
Drainage	\$604.00
TOTAL	\$12,251.00

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = is the contribution at time of payment

C_{consent} = is the contribution at the time of consent, as shown above

CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].

CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres on [insert email address and phone number] to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

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 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.

5. 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:	\$2,800.00
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.

GENERAL CONDITIONS

6. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

7. Tree Protection

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

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

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

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

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan by Lawrence & Co dated 25/6/23) :

Tree No.	Botanical/Common Name	Location
1	<i>Platanus x hybrida</i> (London Plane Tree)	Neighbouring property
2	<i>Cinnamomum camphora</i> (Camphor Laurel)	Street tree
3	<i>Cinnamomum camphora</i> (Camphor Laurel)	Street tree

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- Green for trees to be retained;
- Red for trees to be removed;
- Blue for trees to be pruned; and
- Yellow for trees to be transplanted.

NOTE: Reference should be made to the *Arboricultural Impact Assessment Report* prepared by Lawrence & Co Pty Ltd dated 25/6/23 for tree numbering and locations

8. Works Outside the Property Boundary

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

9. 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.

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. 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.

12. 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.

PRIOR TO ANY DEMOLITION**13. 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.

14. Advising Neighbours Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining

allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

15. Dilapidation Report

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

16. 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.

PRIOR TO CONSTRUCTION CERTIFICATE

17. Sydney Water – Tap In

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

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

18. Structural Certificate for retained elements of the building

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

19. Party Walls

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

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. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road;
- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- c. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank(s);
- e. 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. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled;

- f. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- g. As there is no overland flow/flood path available from the rear and central courtyards to the Punch Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
 - 1. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
 - 2. The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building; and
 - 3. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- h. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- i. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- j. No nuisance or concentration of flows to other properties;
- k. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- l. 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;
- m. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- n. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- o. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;
- p. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- q. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- r. No impact to street tree(s);

21. 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.

DURING DEMOLITION AND CONSTRUCTION**22. Limited Root Pruning**

No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s must be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
1	<i>Platanus x hybrida</i> (London Plane Tree)	5m

All excavation within the specified radius of the trunk of the above-mentioned tree shall be hand dug <using either pneumatic or hydraulic tools only (e.g. *Airspade®* or hydro excavation) to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 50mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by the Project Arborist.

23. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
1. <i>Platanus x hybrida</i> (London Plane Tree) neighbouring property 2. <i>Cinnamomum camphora</i> (Camphor Laurel) 3. <i>Cinnamomum camphora</i> (Camphor Laurel)	In accordance with the approved Tree Protection Plan Appendix 6 and Tree Protection Specification Appendix 8 prepared by Lawrence and Co dated 25/6/23 and section 4 of AS4970— <i>Protection of trees on development sites</i> .	

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

24. 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.

25. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

PRIOR TO OCCUPATION CERTIFICATE

26. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

27. 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.

28. No Encroachments

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

ON-GOING

29. Ongoing Condition: Right of way

The existing right of way at the rear of the site is not to be obstructed in any way.

30. Bin Storage

All bins are to be stored within the site.

ADVISORY NOTES**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.

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 Payments Corporation	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 - SITA Environmental Solutions	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.

Dial before you dig

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

Lead-based Paint

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

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.

Noise

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

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.

Dividing Fences Act

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

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.

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.

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.

Other works

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

Failure to comply with conditions

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

Other 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.

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.

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.

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.

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.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

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.

Permits

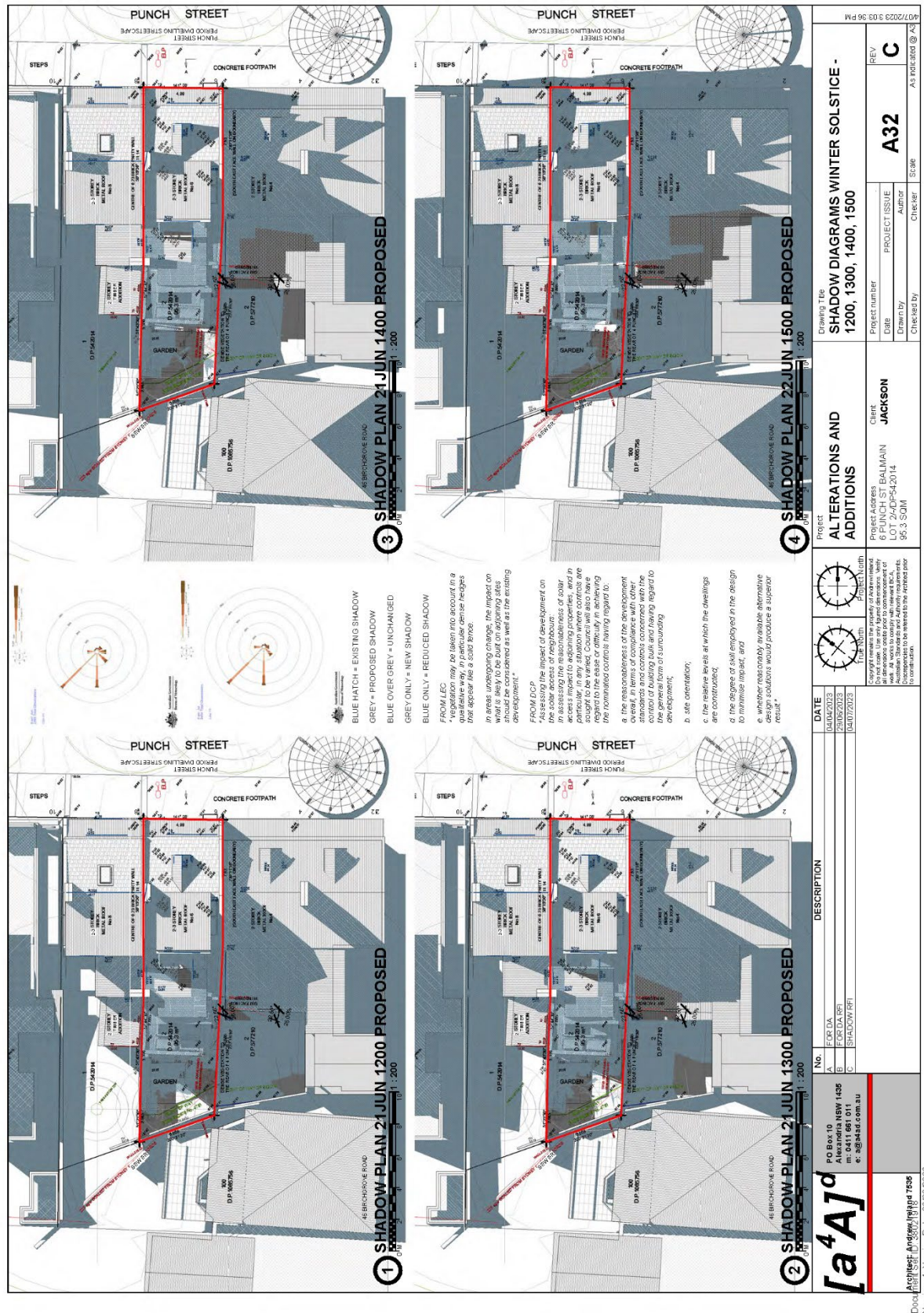
Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits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

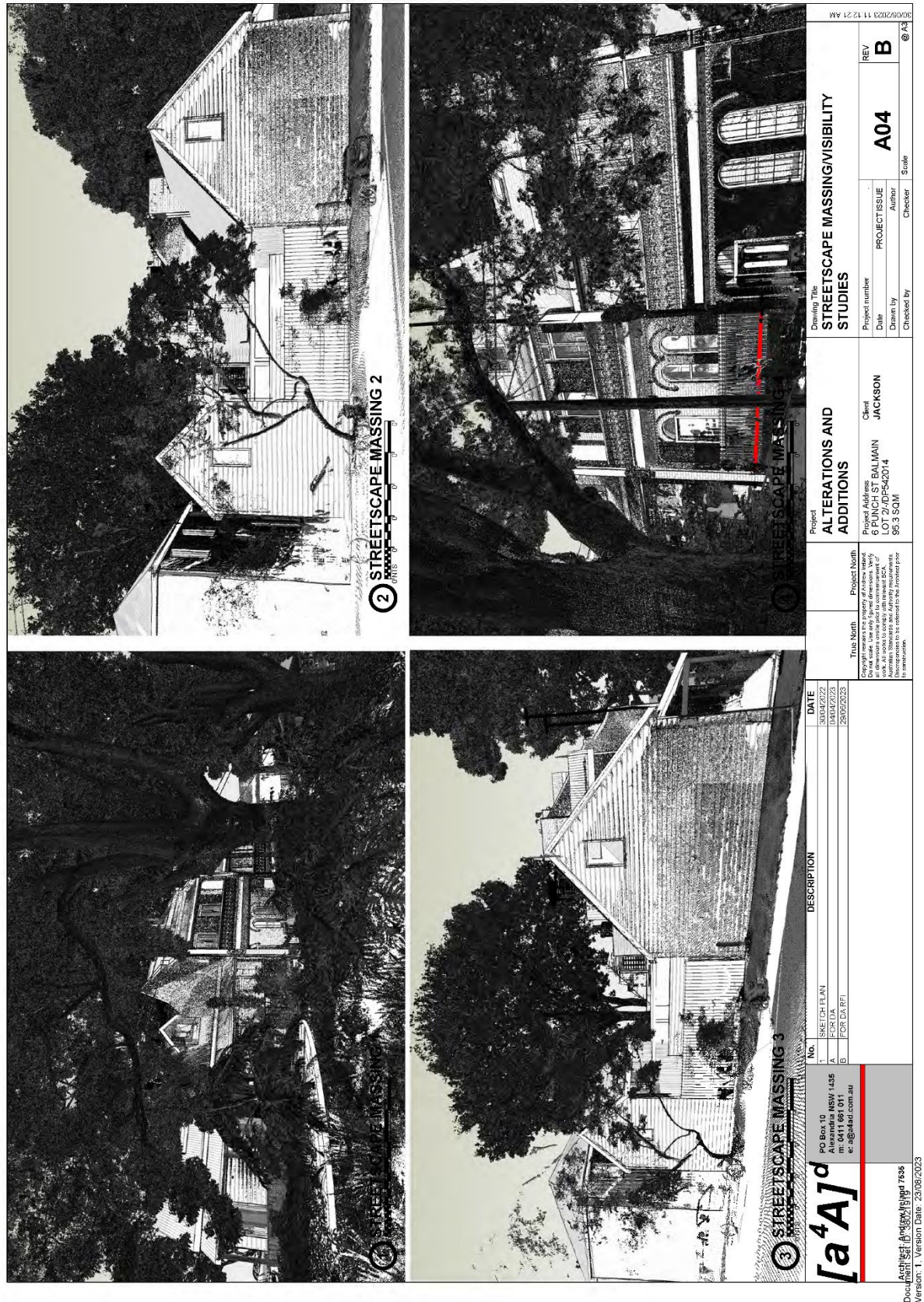
- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;

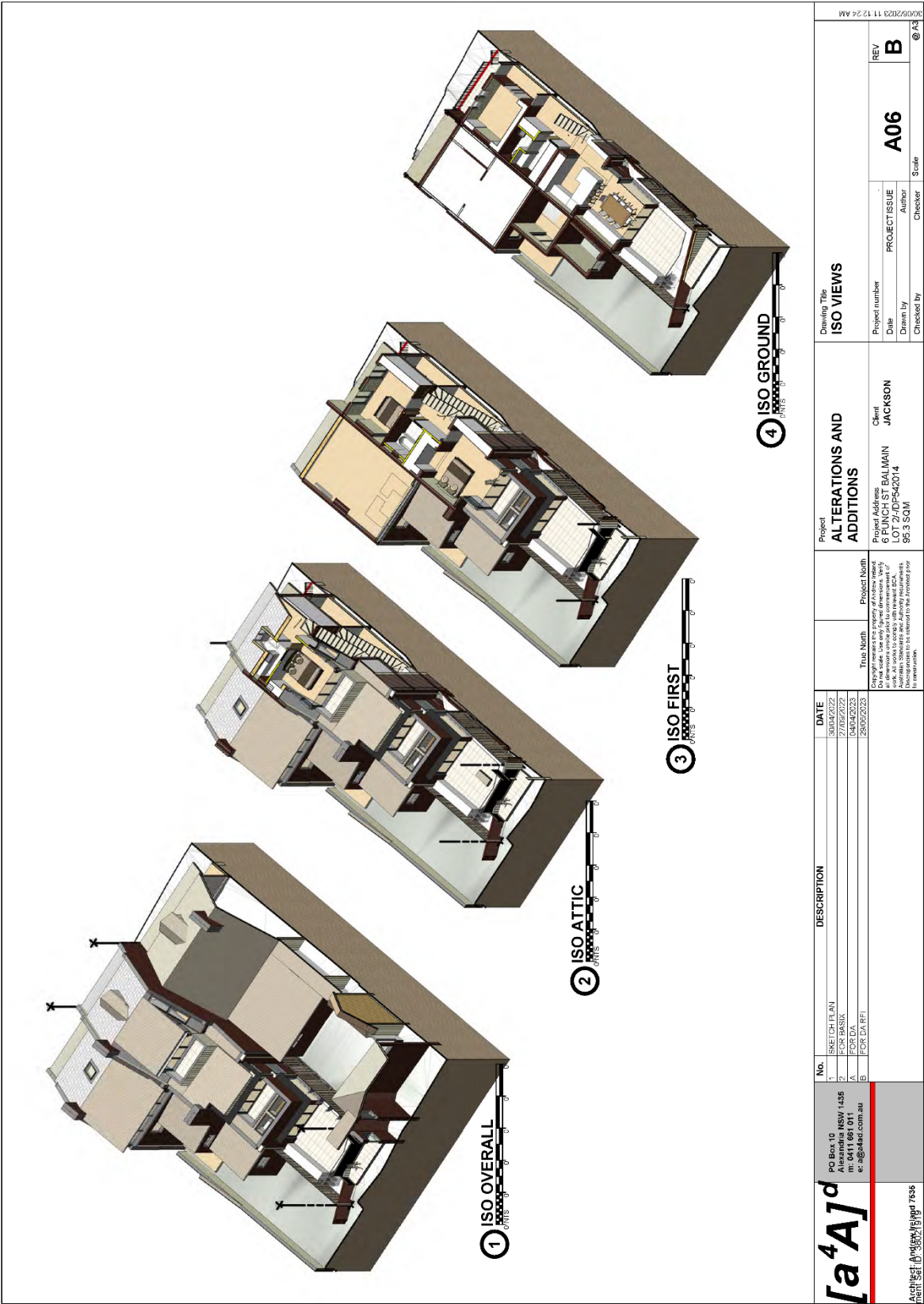
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

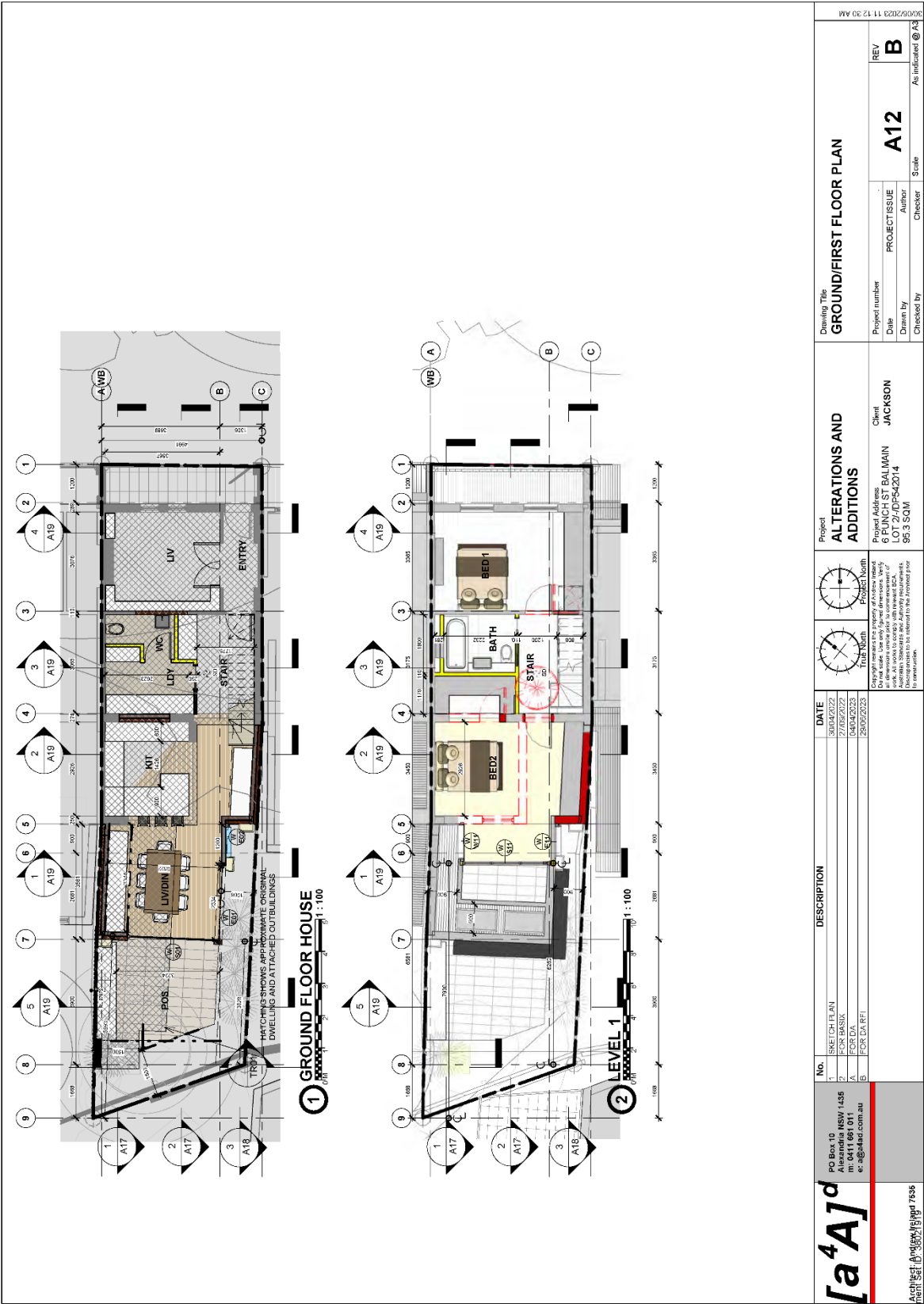
If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

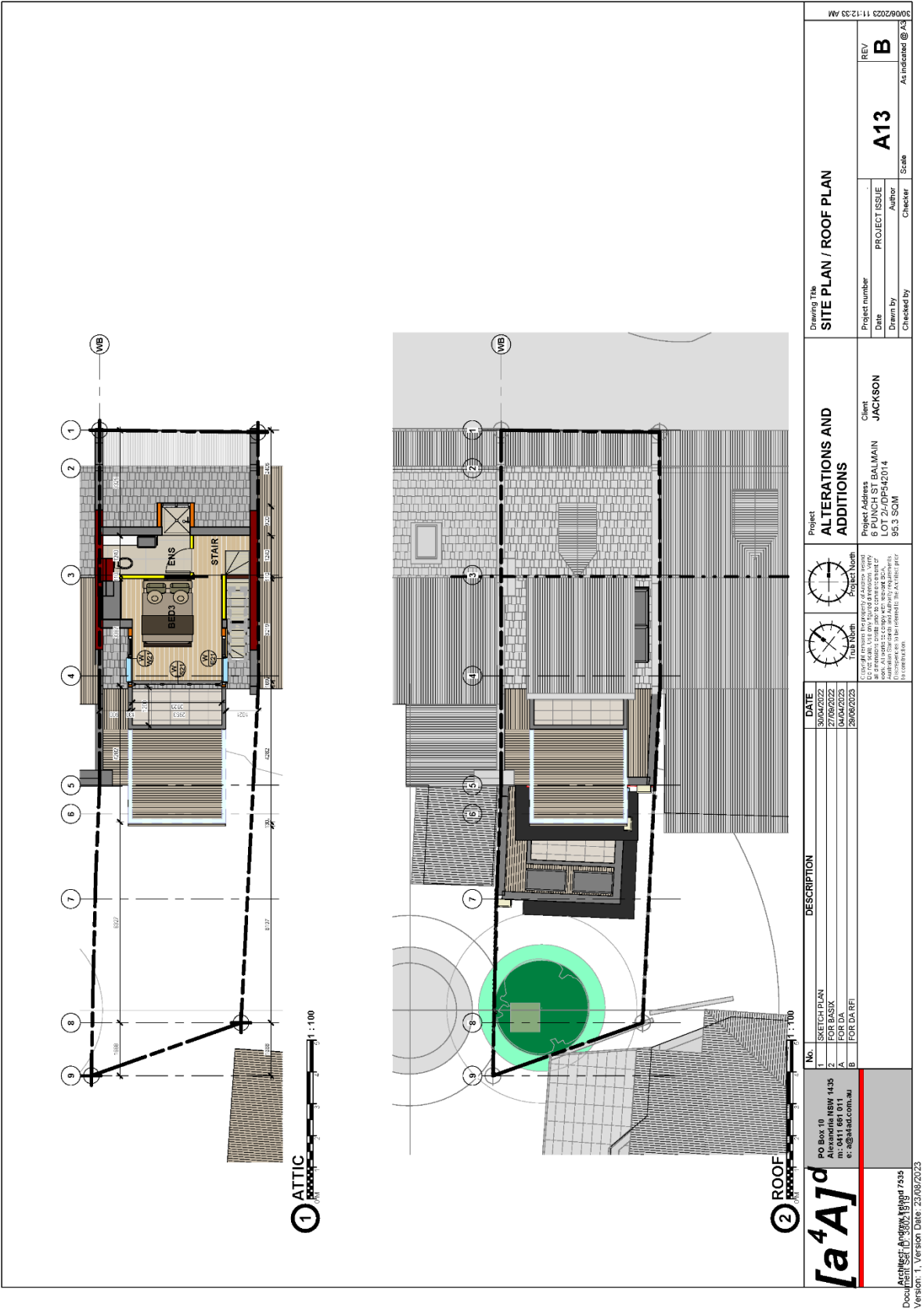
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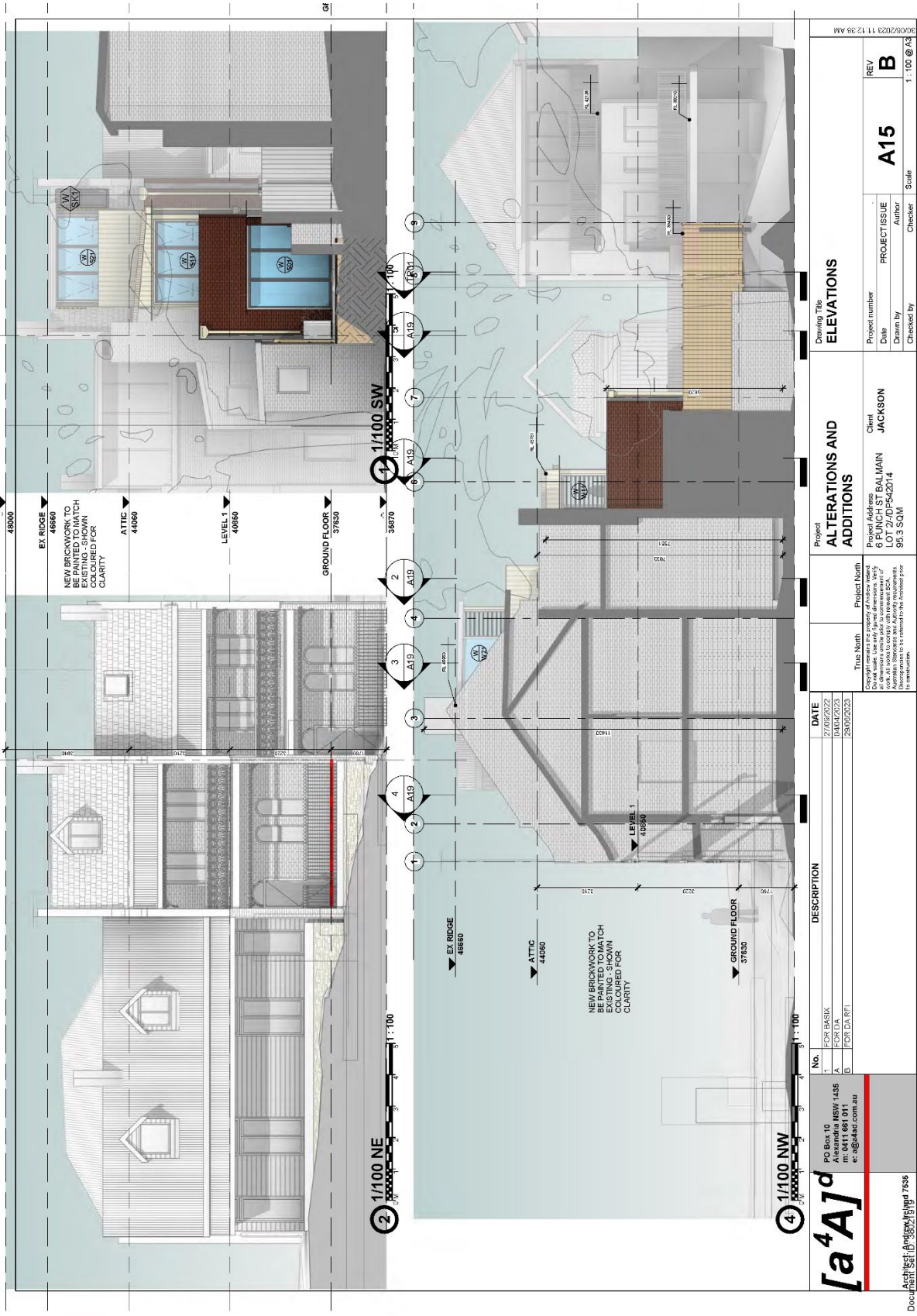


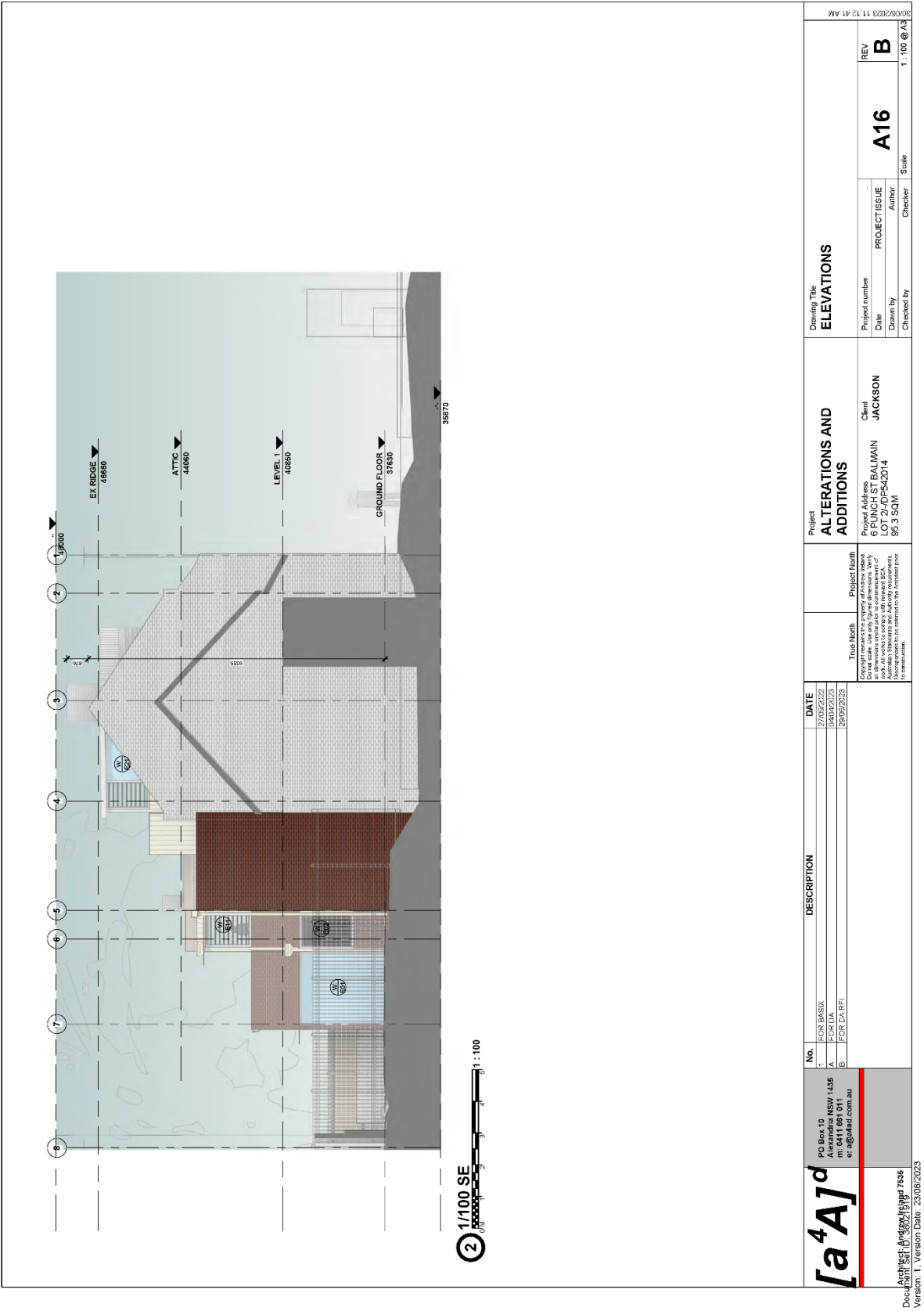


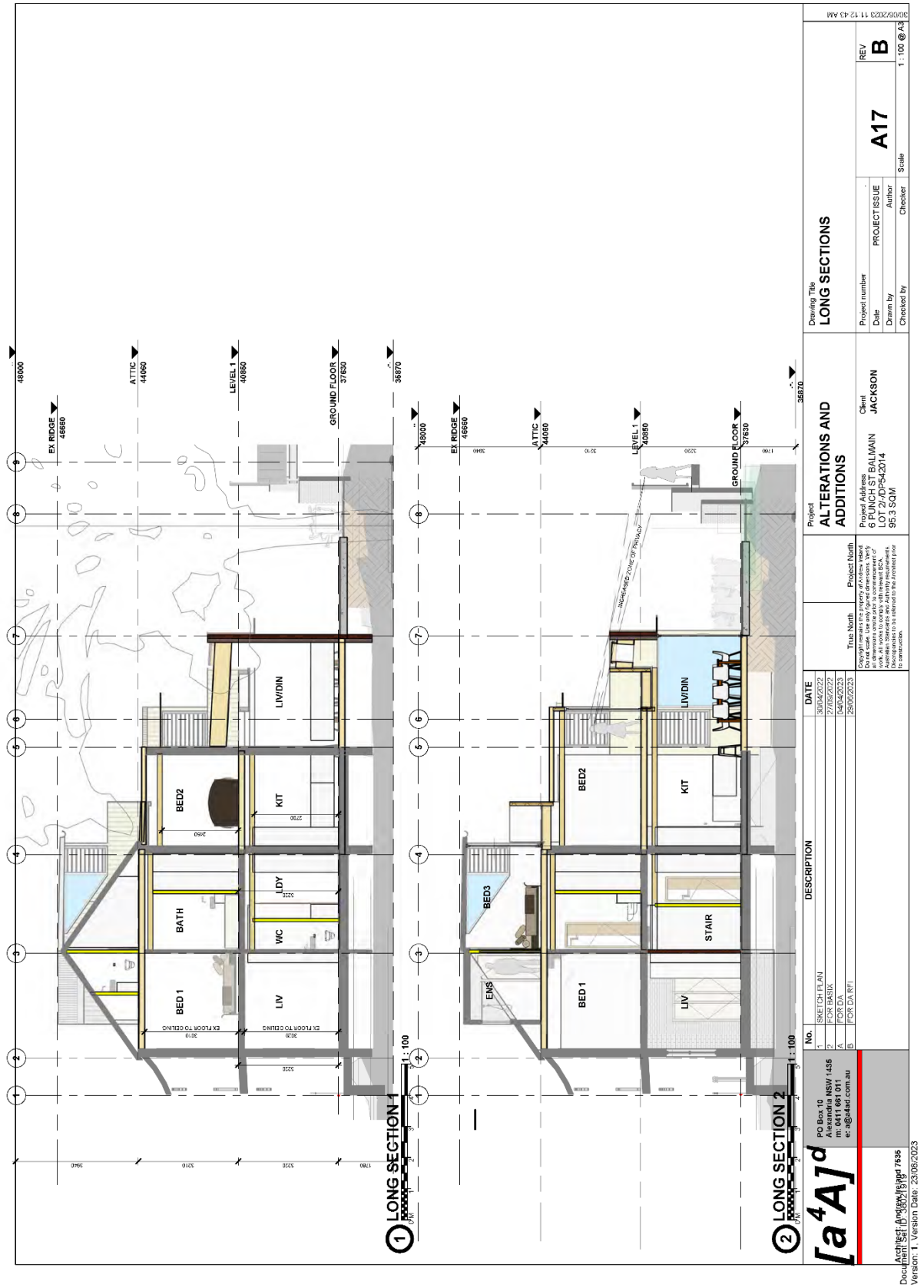


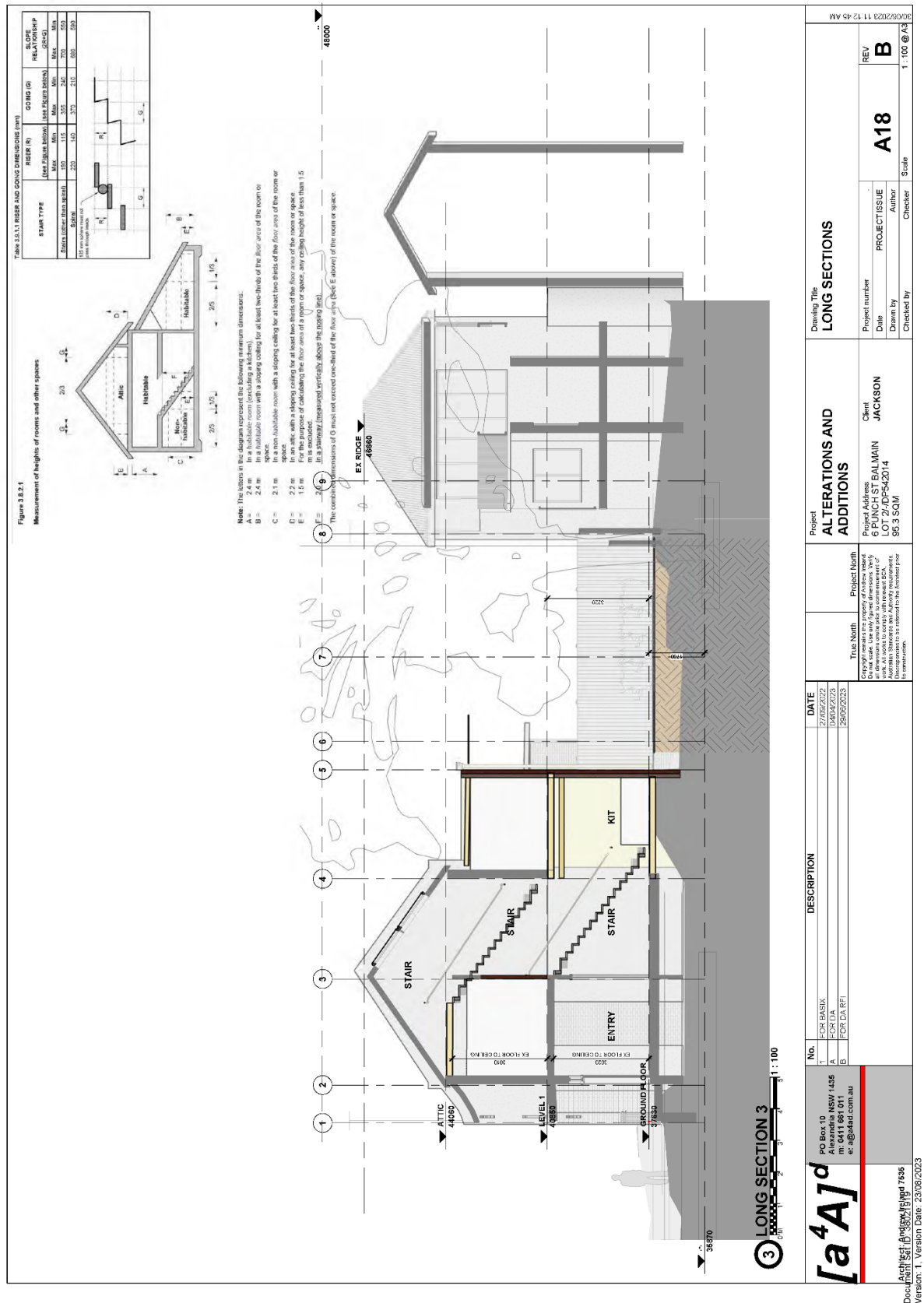






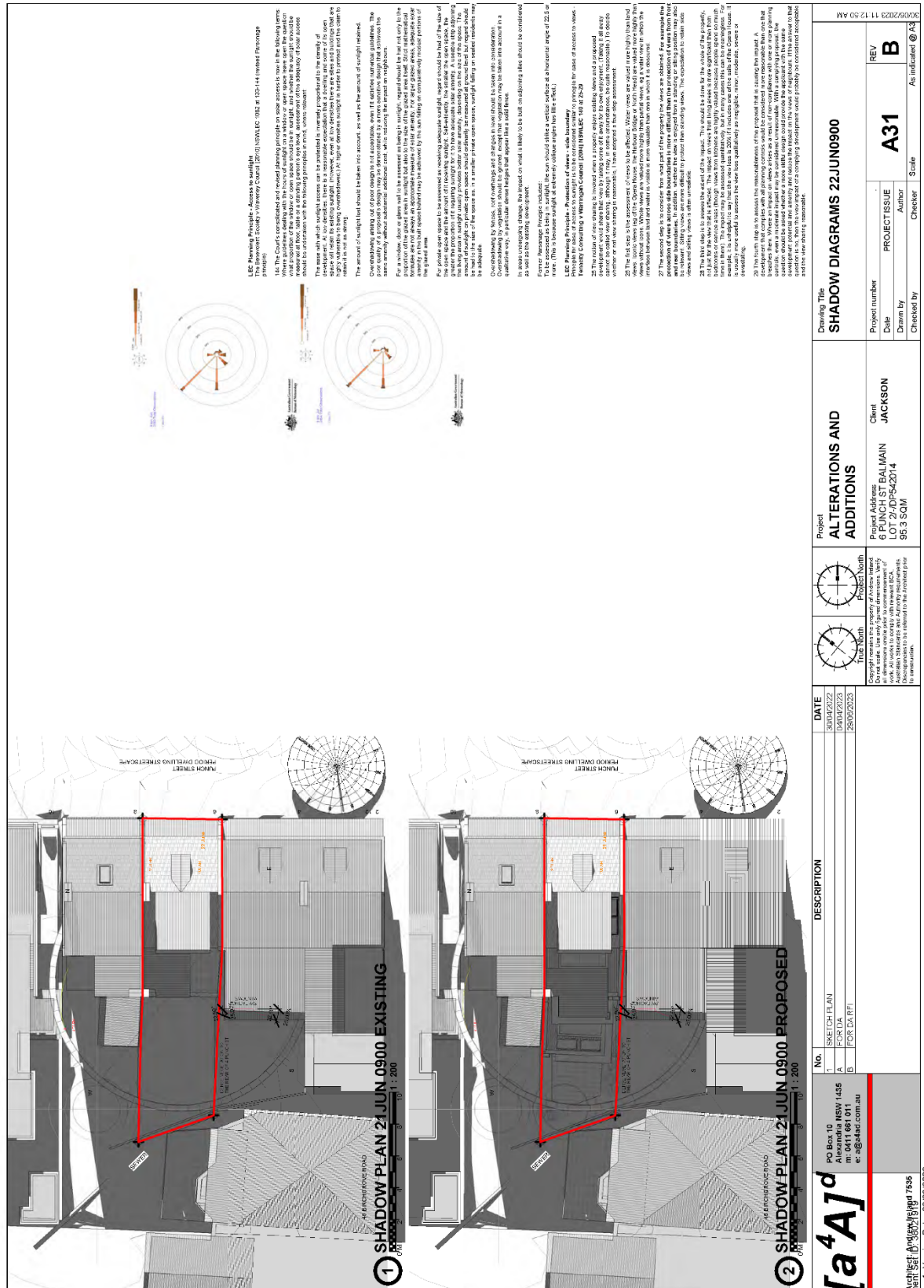


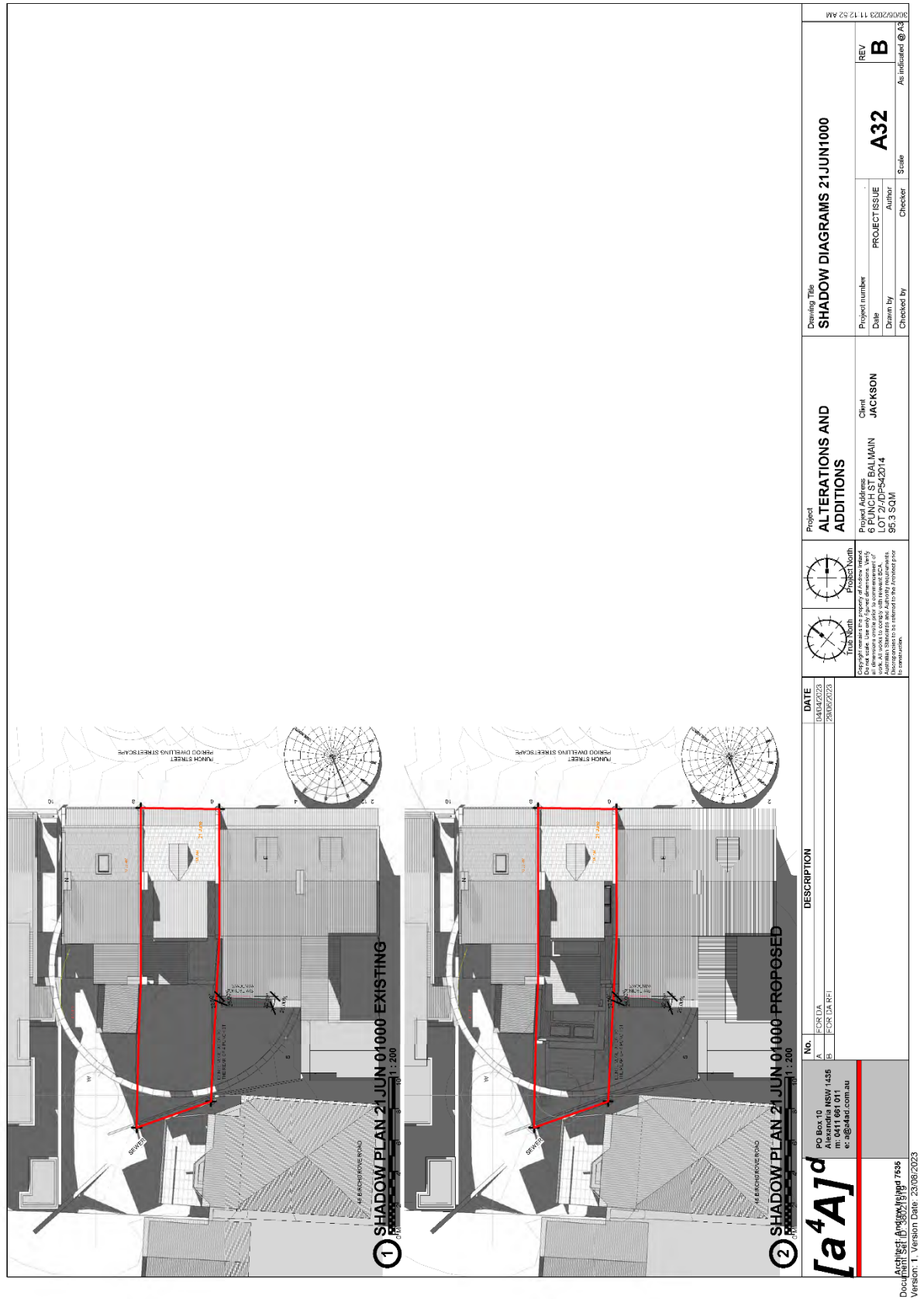


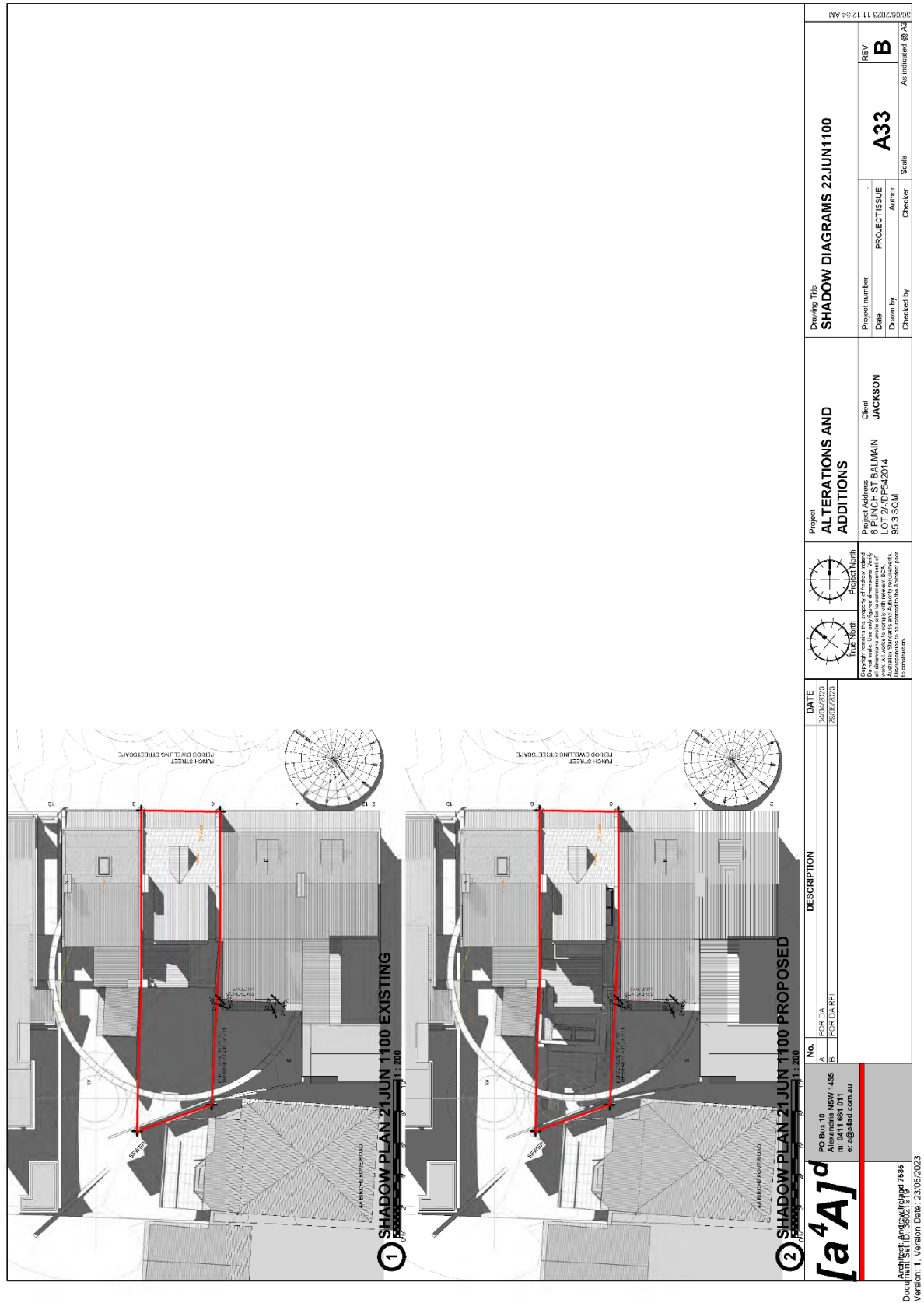


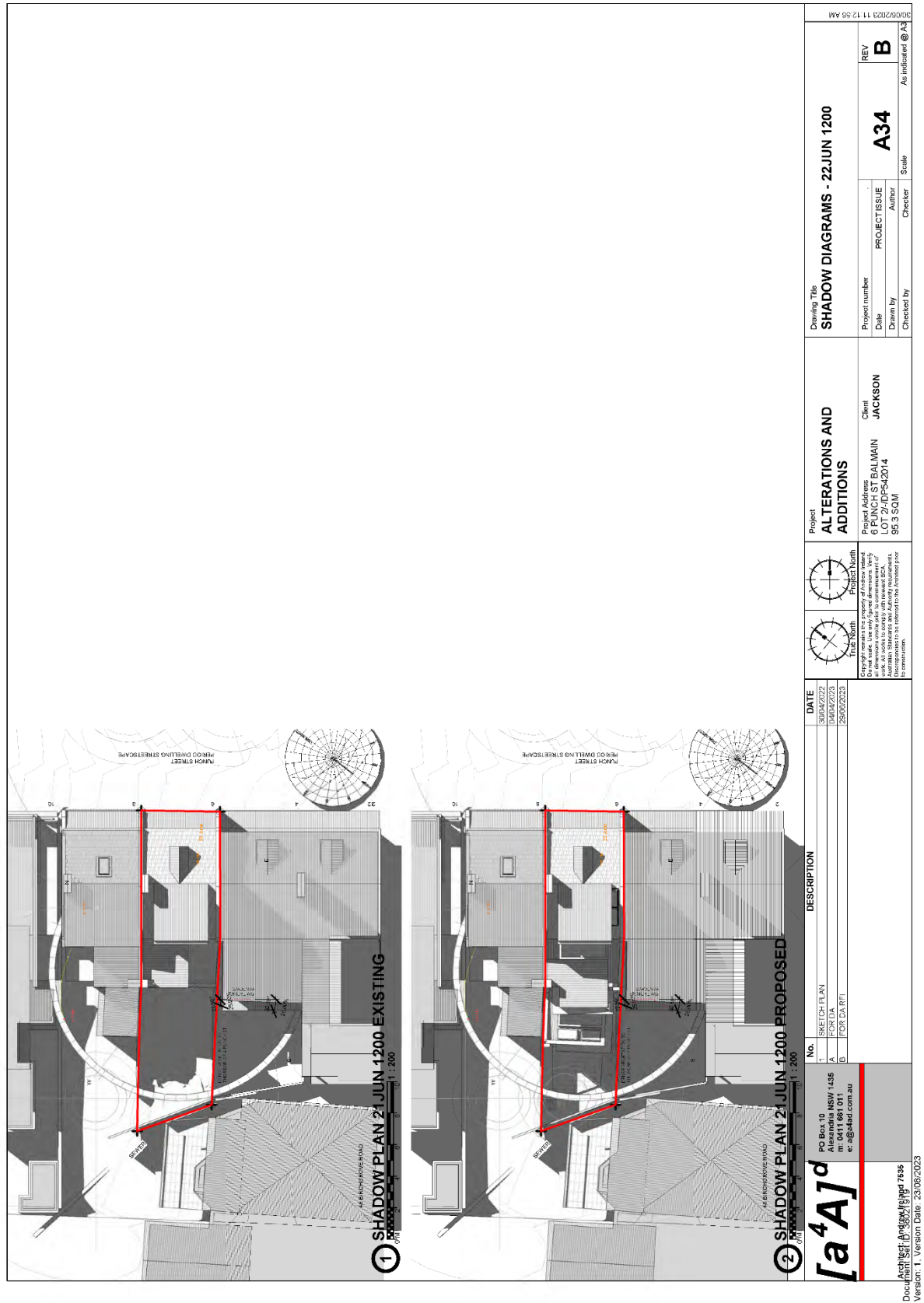


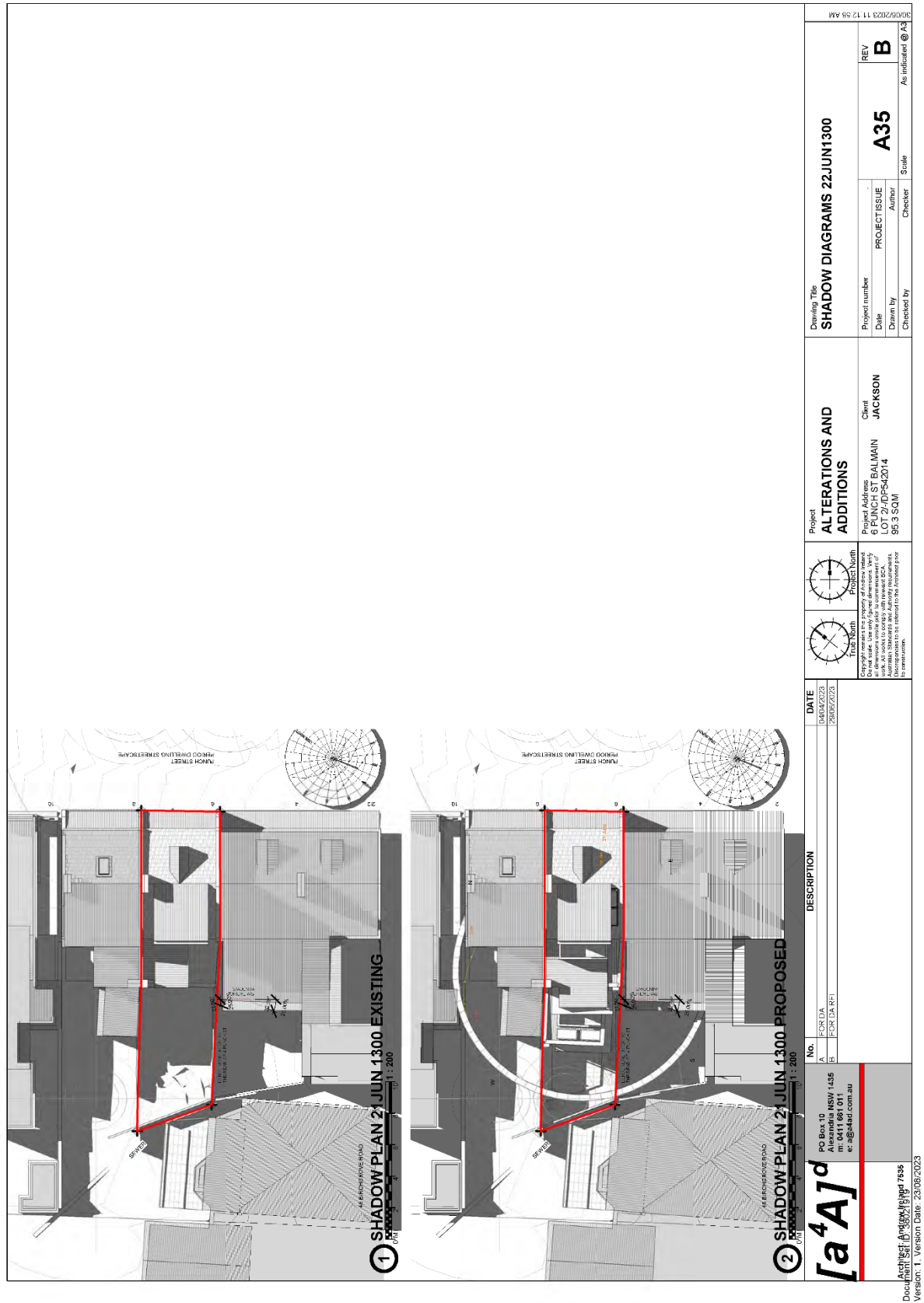


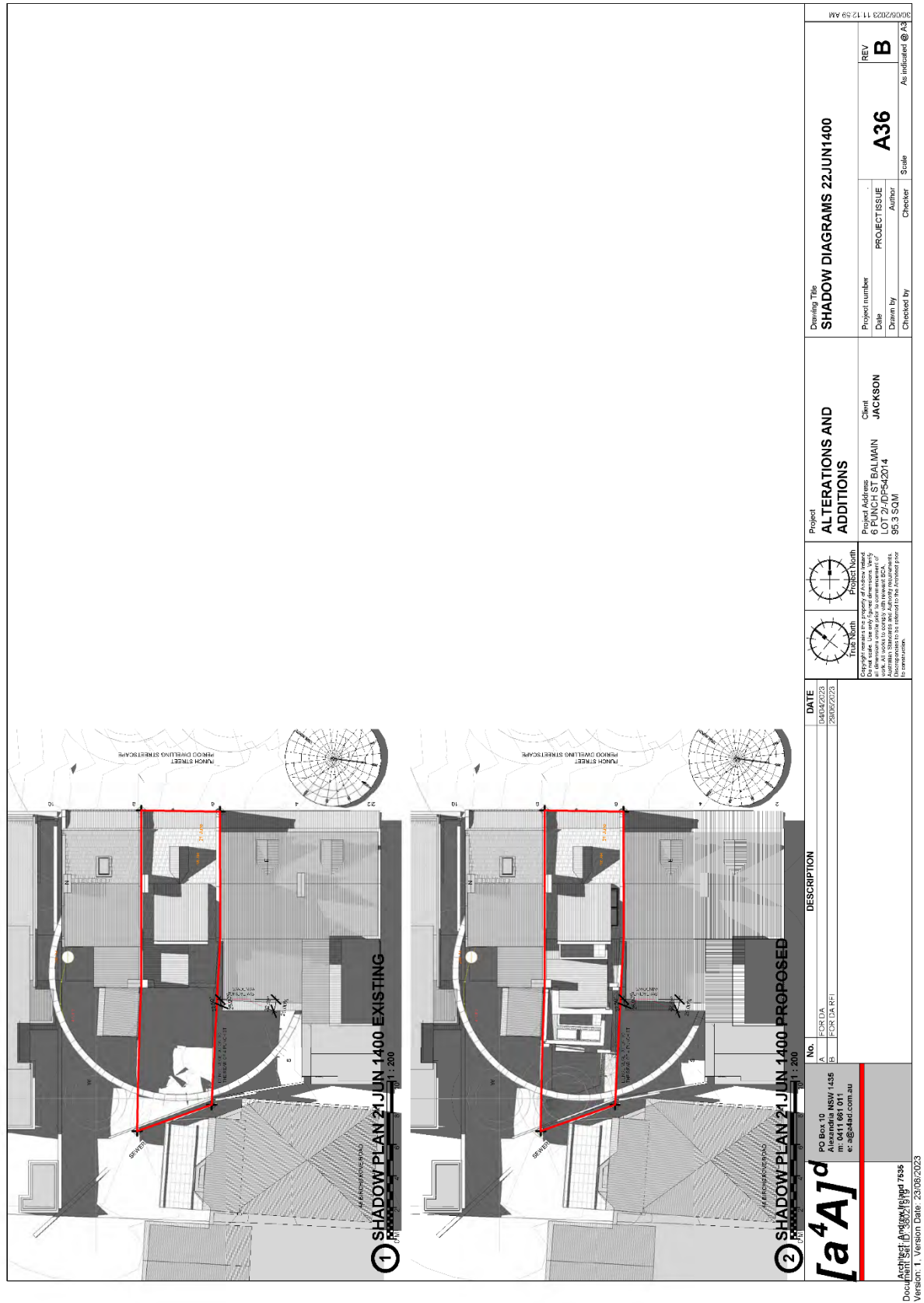


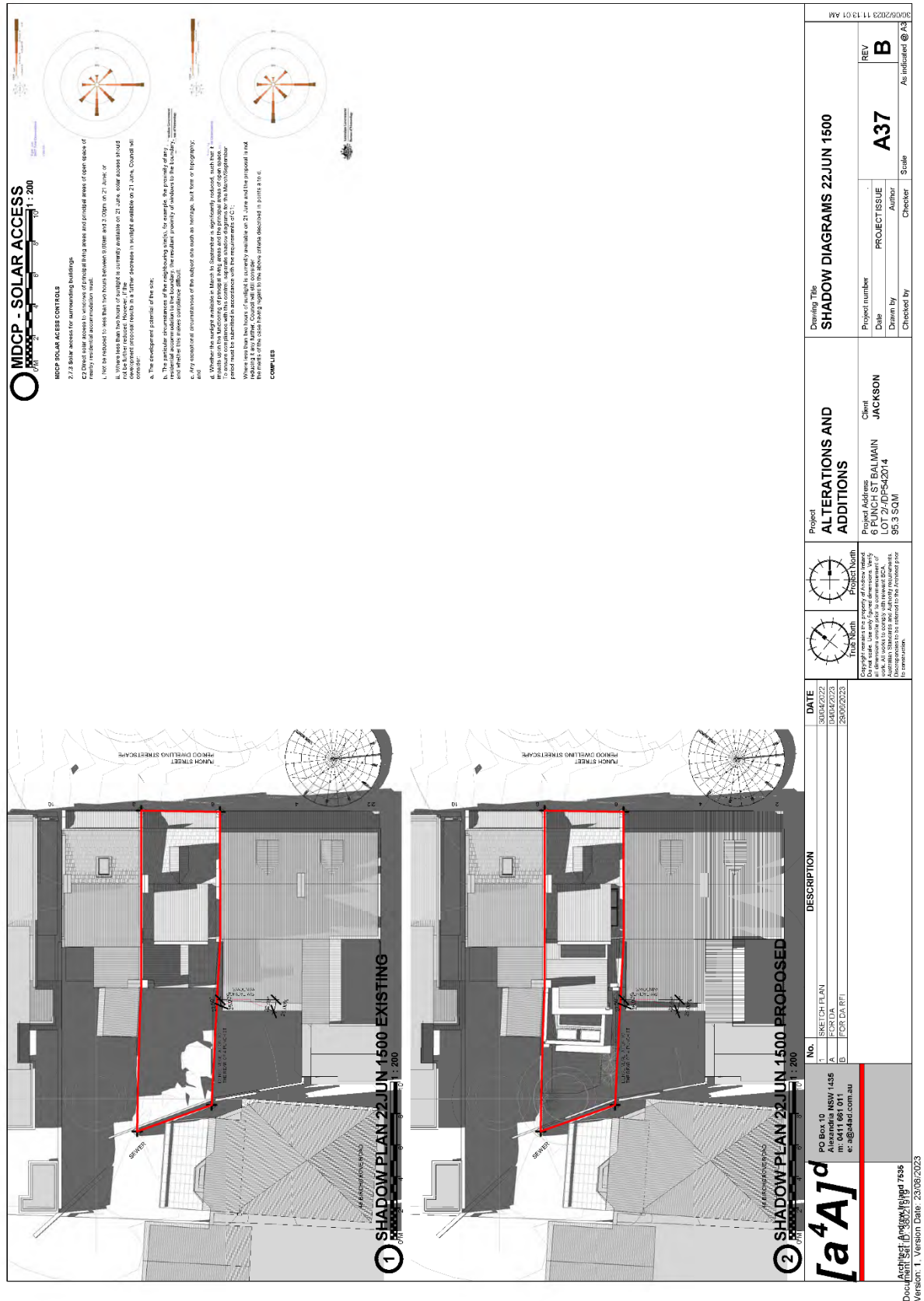




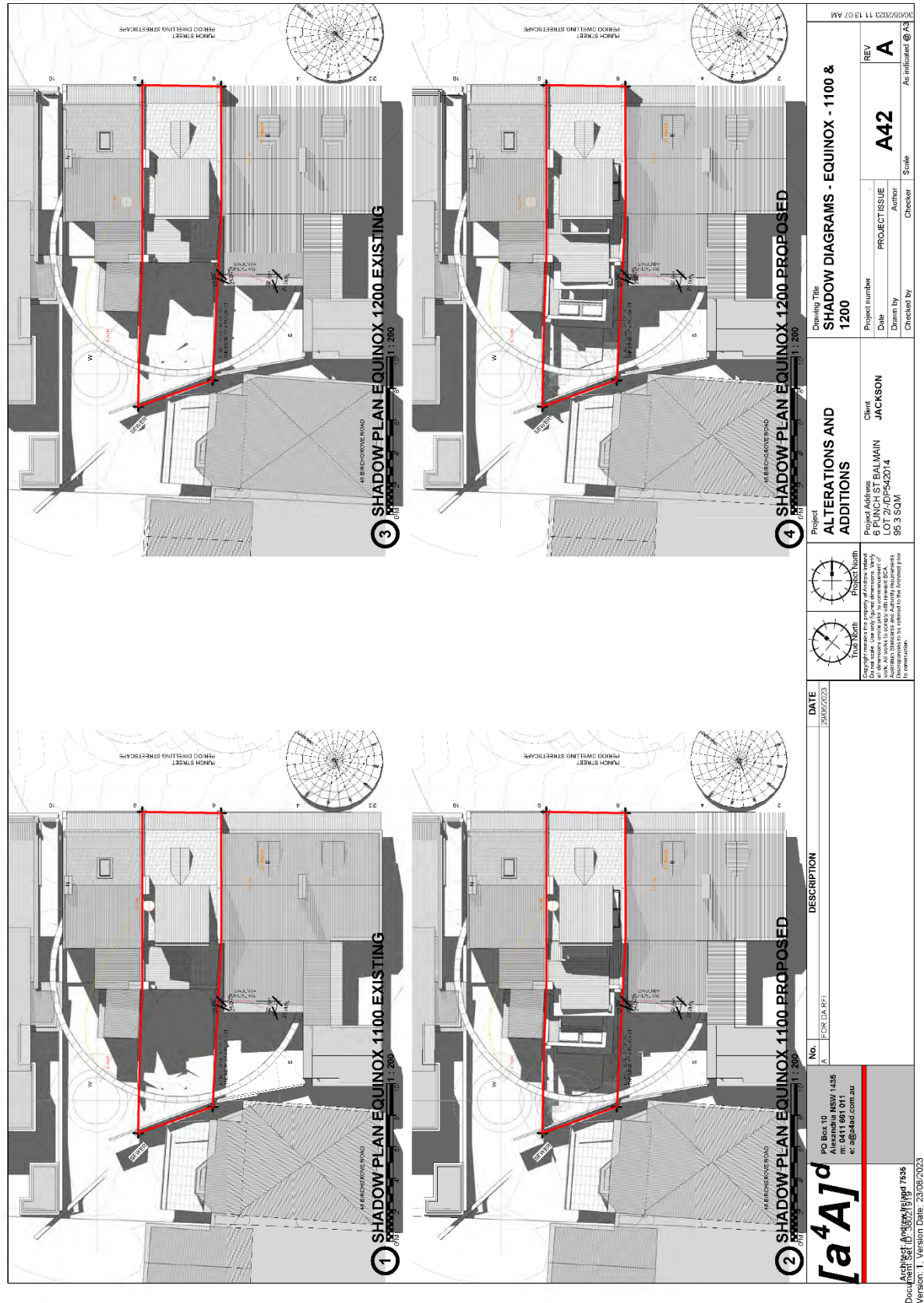


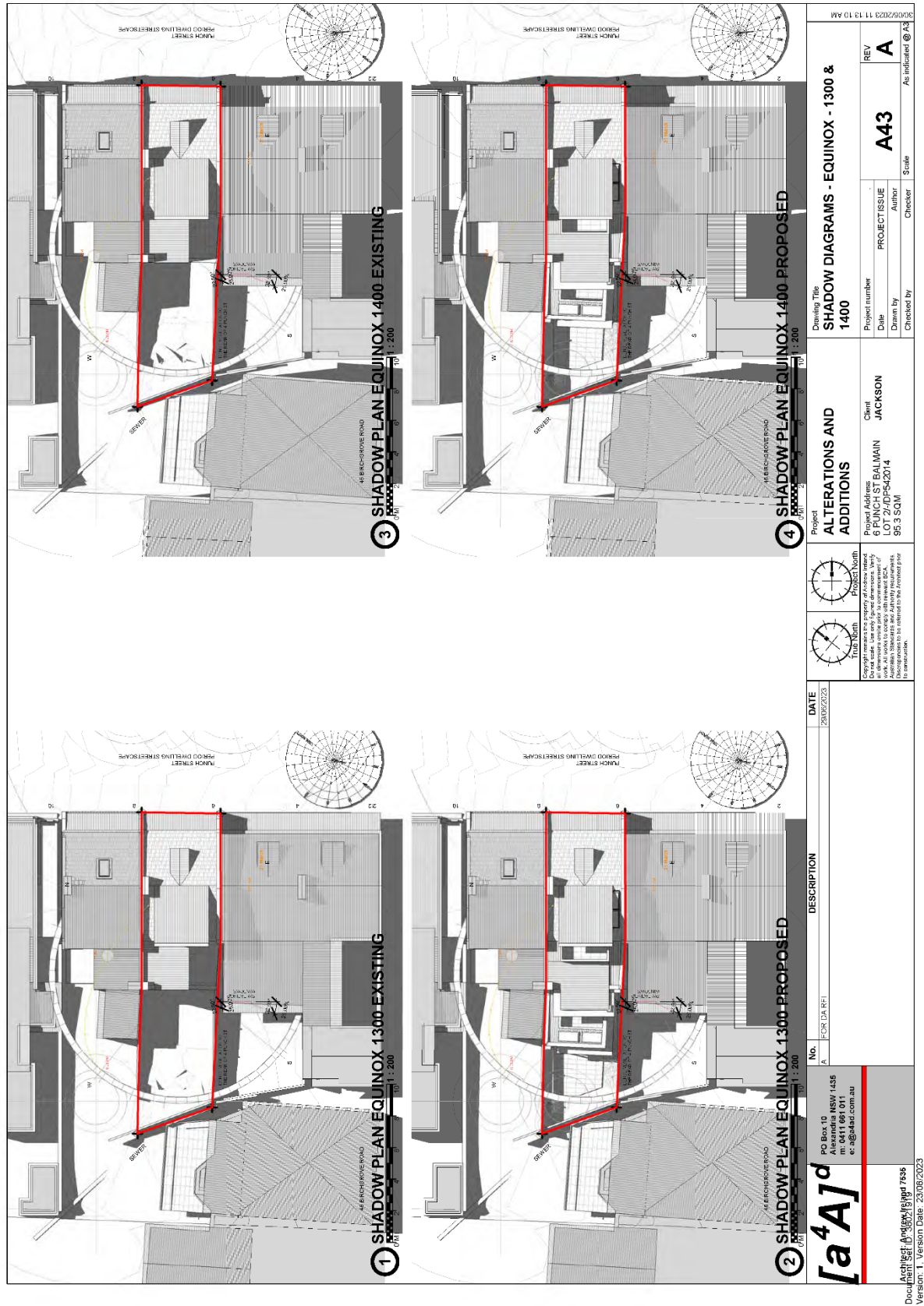


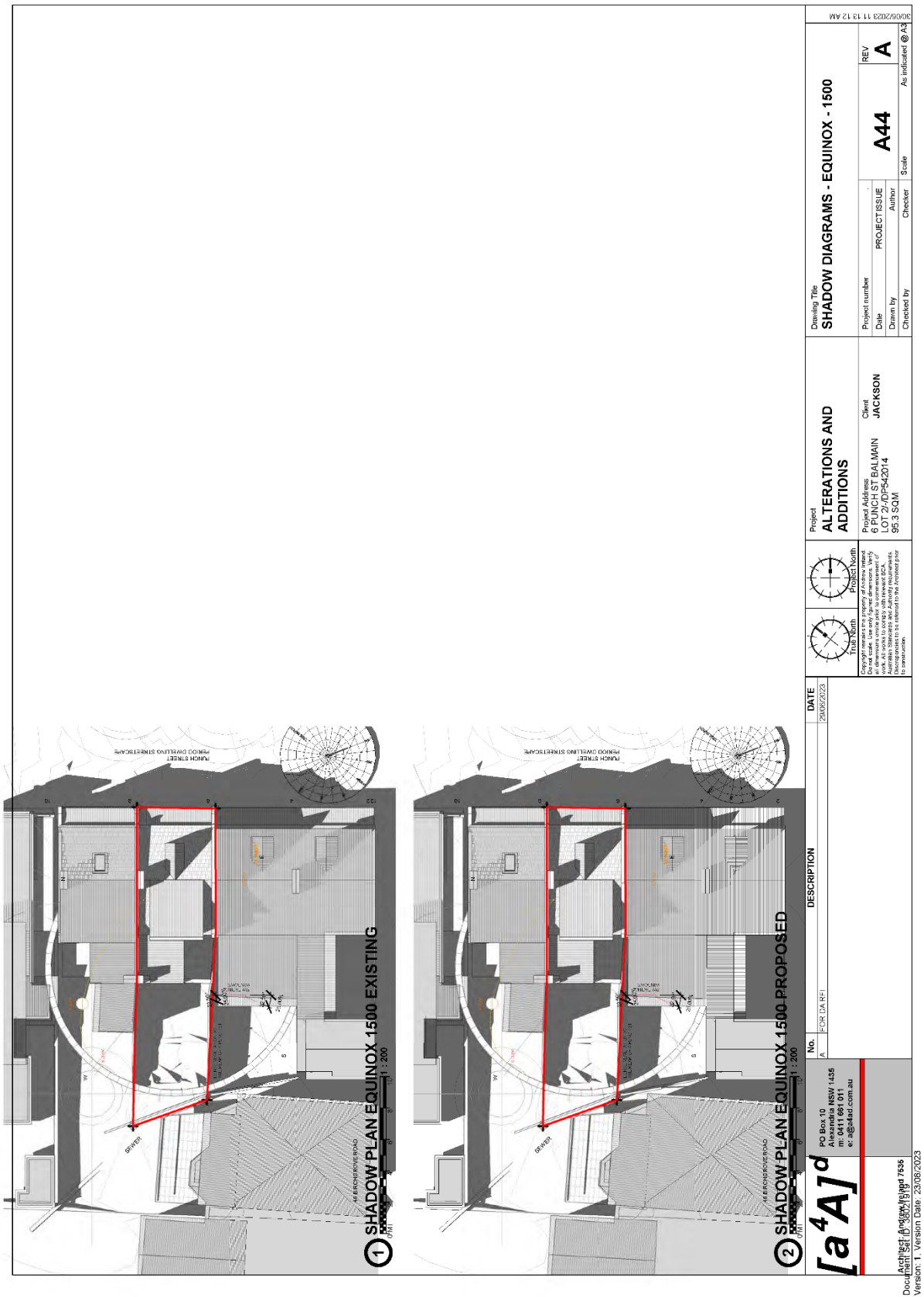


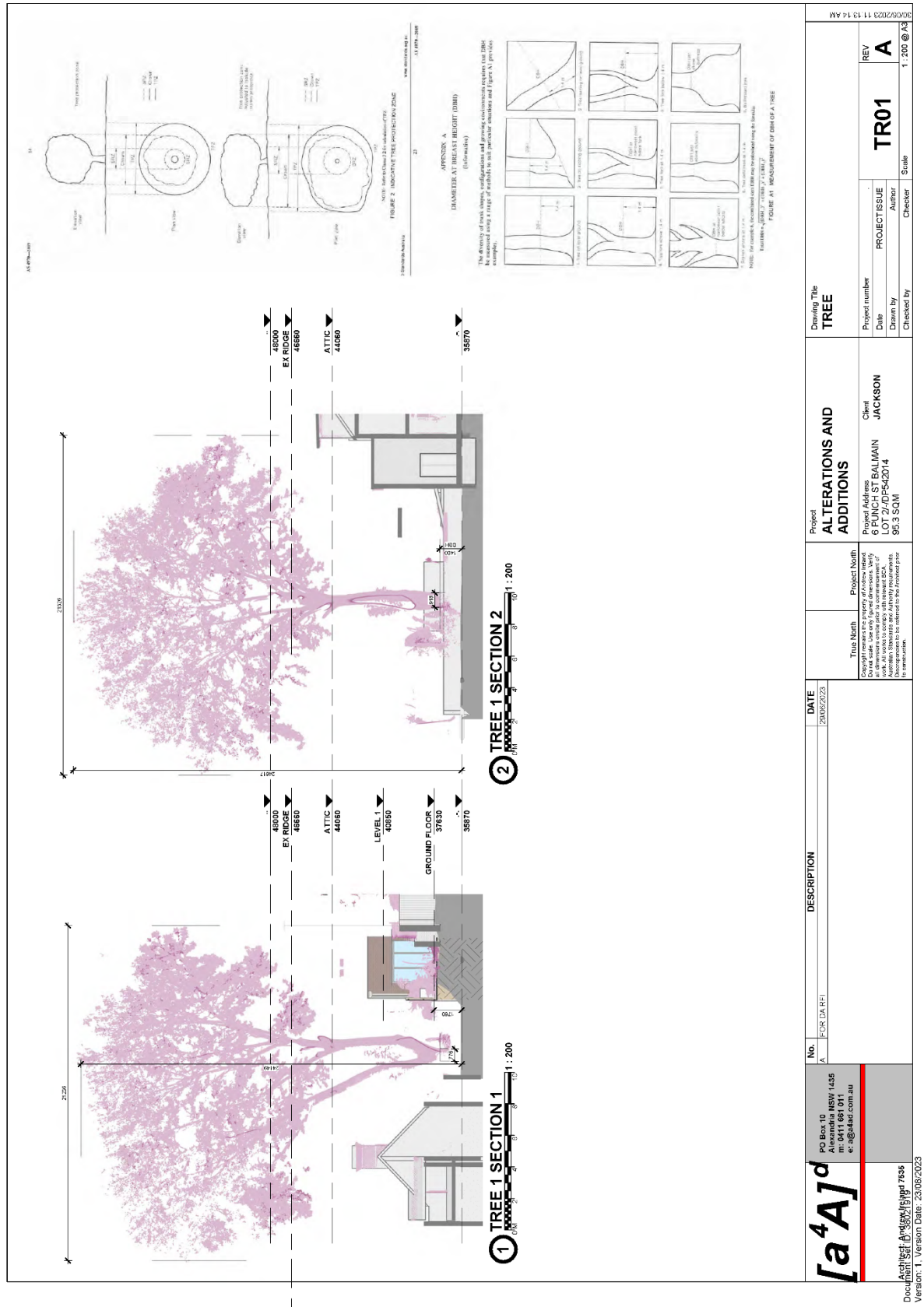


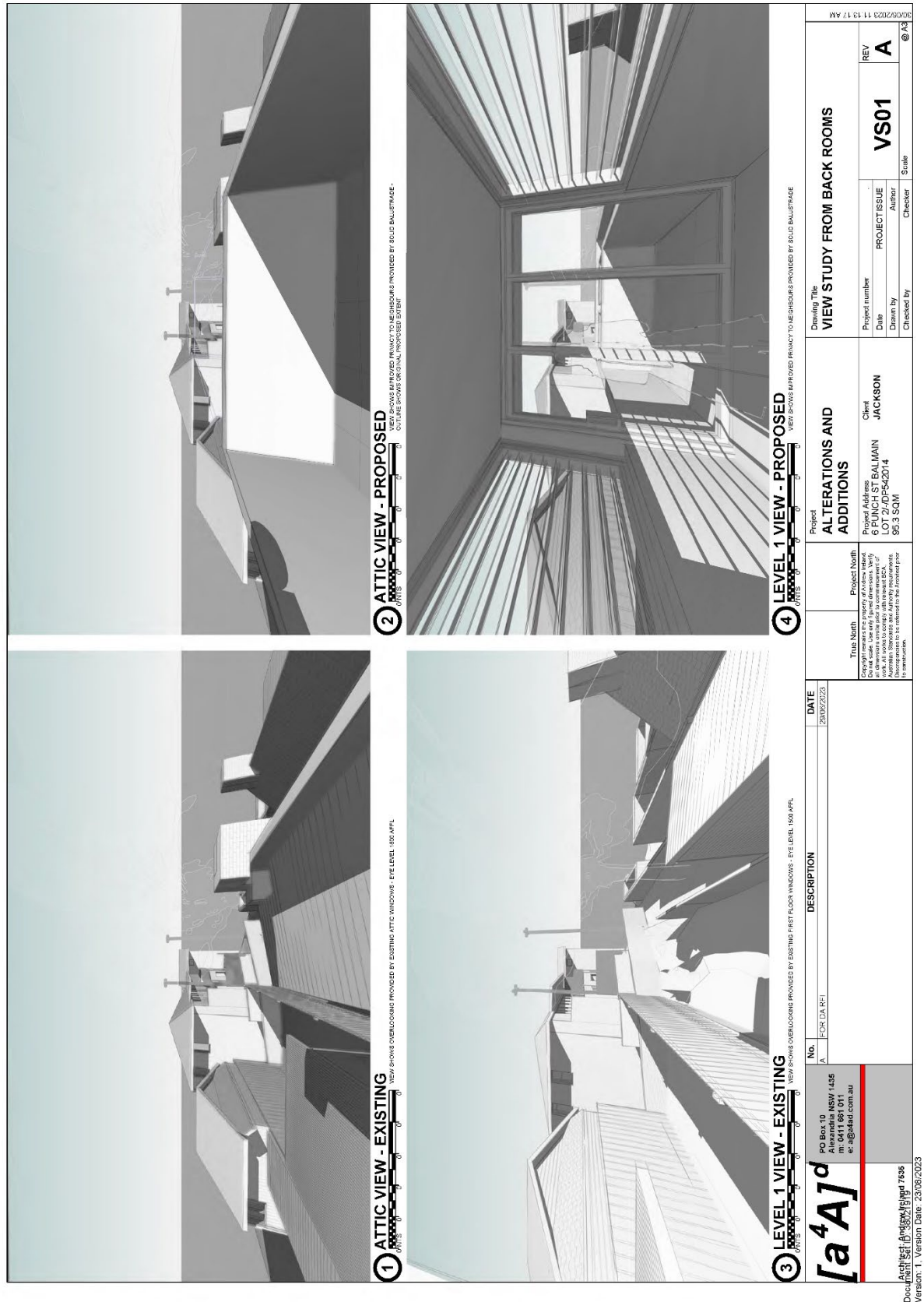


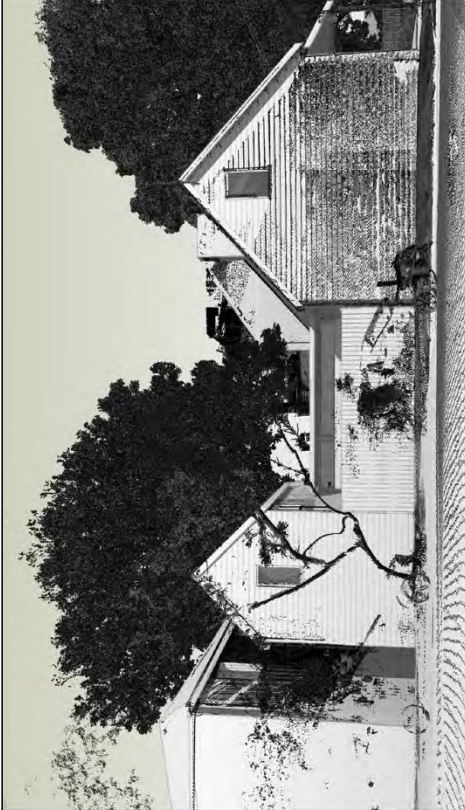















③ PUBLIC VIEW BIRCHGROVE RD - EXISTING PT SCN
VIEW SHOWS VISIBLE REAR ELEVATIONS - POINT SCAN DATA OVERLAD



④ PUBLIC VIEW BIRCHGROVE RD - PROPOSED PT SCN
VIEW SHOWS VISIBLE REAR ELEVATIONS - POINT SCAN DATA OVERLAD



③ PUBLIC VIEW BIRCHGROVE RD - EXISTING
VIEW SHOWS EXISTING REAR MASSING



④ PUBLIC VIEW BIRCHGROVE RD - PROPOSED
VIEW SHOWS PROPOSED REAR MASSING

[a4A]^d PO Box 10 Ashfield NSW 1535 m: 0411 681 011 e: a4a4ad.com.au		No.		DATE	
		A	FOR DA REF		26/05/2023
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Project ALTERATIONS AND ADDITIONS		Project Address 6 PUNCH ST BALMAIN LOT 2/D/PS42014 95.3 SQM		Client JACKSON	
Drawing Title VIEW STUDY FROM BIRCHGROVE RD		Project number VS02		REV A	
Drawn by Author		Date Checked by Checker		Scale @ A3	

Document Set ID: 36071919
 Version: 1. Version Date: 23/08/2023

Attachment C- Section 4.6 Exception to Development Standards

LEP/DCP COMPLIANCE

6 PUNCH STREET BALMAIN 2041 - 2/-/DP542014

[A⁴A]^D - ANDREW IRELAND – ARCHITECT (NSW) 7535 – 0411 661 011

Clause 4.6 – Exception to Development Standards

Clause 4.4 (2B) (b) Floor space ratio

The objectives of Clause 4.6 – *Exceptions to Development Standards* of the *INNER WEST LEP 2022* are as follows:

- To provide an appropriate degree of flexibility in applying certain development standards to particular development,
- To achieve better outcomes for and from development by allowing flexibility in particular circumstances

Development Standard**Clause 4.4 (2B)(b) Floor space ratio**

(2B) The maximum floor space ratio for development for the purposes of residential accommodation is as follows—

(b) on land shown edged orange or green on the [Floor Space Ratio Map](#) is—

Site area	Maximum floor space ratio
< 150m ²	1.0:1
≥ 150 < 300m ²	0.9:1
≥ 300m ² < 450m ²	0.8:1
≥ 450m ²	0.7:1

6 punch street is identified on the floor space ration map as below;

Clause 4.4	Sheet FSR_007	Area 3 (orange)- Refer to Clause 4.4 2B(b)	No.
Floor Space Ratio	Maximum	1.0:1 or 95.3 sqm	A Clause 4.6
	Existing	37.5+36.0+16.5 = 90.0 sqm = 0.944:1	Exception to
	Proposed	56.9+44.4+9.9 = 111.2 sqm = 1.166:1	Development
	Variation	15.9 SQM = 16.6%	Standards
<p>gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—</p> <p>(a) the area of a mezzanine, and</p> <p>(b) habitable rooms in a basement or an attic, and</p> <p>(c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—</p> <p>(d) any area for common vertical circulation, such as lifts and stairs, and</p> <p>(e) any basement—</p> <p>(f) storage, and</p> <p>(g) vehicular access, loading areas, garbage and services, and</p> <p>(h) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and</p> <p>(i) car parking to meet any requirements of the consent authority (including access to that car parking), and</p> <p>(j) any space used for the loading or unloading of goods (including access to it), and</p> <p>(k) terraces and balconies with outer walls less than 1.4 metres high, and</p> <p>(l) voids above a floor at the level of a storey or storey above.</p>			request has been lodged seeking Council's consent to vary this standard.

The proposal seeks a variation to the above mentioned under Clause 4.3C (3)(b) of the *INNER WEST LEP 2022* by 16.6% or 15.9 sqm.

This submission forms a written request submitted in accordance with Clause 4.6(4)(a)(i) of the *LLEP* justifying the proposed contravention of the development standard as follows:

LEP/DCP COMPLIANCE**6 PUNCH STREET BALMAIN 2041 - 2/-/DP542014****[A⁴A]^D - ANDREW IRELAND – ARCHITECT (NSW) 7535 – 0411 661 011****UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES**

The application of the control is deemed unreasonable and unnecessary on the site due to the following site specific circumstances;

- The objectives of the zone and relevant standard are achieved notwithstanding non-compliance with the standard.
- The numerical variation is minor however the additional floor space has a major impact on the functionality of the dwelling.
- The minor variation of floor space standard does not give rise to unreasonable bulk, scale or impact.
- The site represents a non-standard small lot within a Heritage Conservation Area (95.3 m2 measuring 4.991/5.004 m x 18.618/20.350 m) in an area with planning controls anticipating a minimum lot size of 200 sqm. This implies that the minimum expected floor space anticipated in the area is 0.9:1 on 200 sqm lot = 180 sqm. The control caters for smaller lots <150 sqm by raising the FSR to 1.0:1, anticipating a floor space of 150 sqm or less on these sites. Strict compliance with the control would result in a floor area of 95 sqm which would not allow adequate floor area for living areas, bedrooms and service areas within the heritage layout across the existing historical 2 levels and attic.
- The FSR control is impractical and unreasonable for sites of this size and proportion.
- Due to the small nature of the site it is unreasonable for the site to comply with a control that restricts any possible development to make the house suitable for modern living requirements. The proposed alterations and additions could not be seen as excessive or large in size, but they provide important functional spaces to make the dwelling into a more pleasant and liveable space for the occupants.
- The original c.1882 footprint included 3 bedrooms on the first floor and a substantial outbuilding over 2 levels which housed the kitchen, laundry, WC and wet areas as evidenced by 1889 survey and onsite remnants (flashing, fireplace, footprint etc.). the original layout also included a steep stair and layout similar to that of 8 Punch St. The existing footprint shows that the service functions have been either removed totally (existing does not have a laundry or ground floor bathroom) or incorporated into the main house at the expense of living area, original bedroom and connection between living and the small landscaped private open space at the rear. Further, the inclusion of a spiral staircase has compromised the middle bedroom.
- The existing dwelling contains only 1 enclosed bedroom, 1 bathroom on the first floor and an unenclosed attic room with dormers. The existing dwelling does not contain laundry facilities.
- The aim of this proposal is to create a more habitable and integrated living space, private open space, landscaped area and amenities suitable for modern residential use. The proposal aims to upgrade the existing *to provide for the housing needs of the community*. A new rear addition houses a living space providing access to sunlight and direct access to the external private open space. The service functions of WC and Laundry are brought into the centre of the ground floor; the spiral stair is to be replaced with a new stair located where the original stair would have been (as per 8 Punch St <https://www.bresicwhitney.com.au/buy/8-punch-street-balmain-26352>)
- The main additional floor space provides functional service areas (laundry, kitchen, bathrooms) which were previously housed in the outbuilding while re-establishing functional bedroom and living spaces.
- The proposed development is consistent with the FSR of neighbouring developments on similar lots and the surrounding area.
- The proposed alterations are at the rear of the property and do not alter the character of the area;
- The proposal maintains the original streetscape and roof form of the original dwelling, and the new addition cannot be viewed from the main street frontage. The character of the built and natural features is not affected.
- The proposed development is compliant with the private open space, urban tree and landscape controls
- The proposed development does not result in any significant loss of amenity, privacy or sunlight to neighbouring properties.
- The above establish that, in this circumstance, it is unreasonable and unnecessary to comply with the FSR standard.

LEP/DCP COMPLIANCE**6 PUNCH STREET BALMAIN 2041 - 2/-/DP542014****[A^{4A}]D - ANDREW IRELAND – ARCHITECT (NSW) 7535 – 0411 661 011****OBJECTIVES OF THE DEVELOPMENT STANDARD AND THE ZONE ARE ACHIEVED NOTWITHSTANDING NONCOMPLIANCE WITH THE DEVELOPMENT STANDARD**

The objectives of the Floor space ratio development standard are as follows:

- (a) *to establish a maximum floor space ratio to enable appropriate development density,*
- (b) *to ensure development density reflects its locality,*
- (c) *to provide an appropriate transition between development of different densities,*
- (d) *to minimise adverse impacts on local amenity,*
- (e) *to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.*

The objectives of the R1 – General Residential zone are as follow:

- 1 *Objectives of zone*
 - *To provide for the housing needs of the community.*
 - *To provide for a variety of housing types and densities.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - *To provide residential development that maintains the character of built and natural features in the surrounding area.*

The proposal:

- The proposal includes a WC, Laundry/storage, kitchen, dining, living and private open space on ground floor allowing the connection between laundry/kitchen and private outdoor area for clothes drying, entertaining, play.
- The first floor is to contain a main bathroom, 2 bedrooms and associated storage.
- The attic is to contain an enclosed bedroom/office and ensuite
- The attic does not provide additional floor space and is to be renovated within the existing envelope of a previous addition.
- The proposal includes the removal of a non-compliant circular stair (NCC/BCA) and installation of a compliant straight stair consistent with the original layout with additional Floor space requirement. The new stair is proposed to rationalise and reduce impact of vertical circulation throughout.
- The above allowances are considered to be standard requirements to meet the housing needs of the community and the proposal is not considered to be overly generously proportioned.
- Despite the FSR breach, the proposed development provides for a compliant landscaped area, including landscaped corridors between adjoining properties and planting of a substantial tree in the rear corner of a consolidated landscape and private open space which complies with the landscaped area requirements, increases tree canopy and protects the use and enjoyment of adjoining private properties.
- The proposed alterations are at the rear of the property and do not alter the character or reading of the streetscape or area;
- The proposal maintains the original streetscape and roof form of the original dwelling, and the new addition cannot be viewed from the main street frontage. The character of the built and natural features is not affected.
- The proposed development is compliant with the private open space, and landscape controls
- The proposed development does not result in any significant loss of amenity, privacy or sunlight to neighbouring properties
- The proposed addition and non-compliance is minor in nature – the equivalent of one room and circulation, however due to the small lot size, the affect on FSR is magnified.
- In designing a development that compares to the neighbouring properties, the quality of the site and the immediate surroundings is considered acceptable to meet the objectives of the LEP.
- The proposal is in keeping with the area and reflects development similar to the original C 1882 dwelling. In designing a development that compares to the neighbouring buildings, the quality of the site, and the immediate surroundings is improved.
- It is unreasonable to comply with the standard as this would require reducing the proposal to a floor area smaller than the average in the area and would result in loss of functional amenity for the users.

LEP/DCP COMPLIANCE**6 PUNCH STREET BALMAIN 2041 - 2/-/DP542014****[A^{4A}]^D - ANDREW IRELAND – ARCHITECT (NSW) 7535 – 0411 661 011**

- The built form is sympathetic to the surrounding area, period dwelling, historical development pattern and HCA.
- The GFA is compatible with the adjoining properties and the proposal has minimal impact on the amenity of the neighbouring properties, including privacy & solar access.
- Variation is roughly equivalent to the existing area of attic within the existing envelope.
- The proposal carefully considers all aspects of the LEP & DCP, and the design solution will fit comfortably within its surroundings.
- The proposal is consistent in terms of bulk and scale with the existing building, historical pattern of development, adjoining development, and compatible with the Heritage Conservation Area and does not result in any adverse impacts to the streetscape, neighbouring properties or the public domain in terms of amenity, visual bulk and scale. The proposed addition is sensitively designed to complement the existing building and is compatible with the prevailing pattern.
- The proposed development is consistent with the site coverage of neighbouring developments on similar lots and the surrounding area.
- Despite the minor FSR breach, the proposed development provides for a compliant landscaped area, including landscaped corridors between adjoining properties and planting of a substantial tree in the rear corner of a consolidated landscape and private open space which complies with the landscaped area requirements, increases tree canopy and provides privacy and screening for the use and enjoyment of adjoining private properties.

From the above, it can be established that the proposal complies with the objectives of the zone as;

- *the proposal upgrades an existing non-functional dwelling to provide for the housing needs of the community.*
- *the proposal upgrades an existing non-functional dwelling to provide for a variety of functional housing types and densities.*
- *the proposal upgrades an existing non-functional dwelling to provide residential development that maintains the character of built and natural features in the surrounding area.*

From the above, it can be established that the proposal complies with the objectives of the standard as;

- *the proposed floor space ratio retains appropriate development density,*
- *the proposed development density reflects its locality,*
- *the proposed development minimises adverse impacts on local amenity,*
- *the proposed development increases the tree canopy and protects the use and enjoyment of private properties and the public domain.*

The proposal satisfies the objectives of the zone and the standard notwithstanding the numerical non-compliance.

THE UNDERLYING OBJECTIVE OR PURPOSE IS NOT RELEVANT TO THE DEVELOPMENT, SUCH THAT COMPLIANCE IS UNNECESSARY

Not relied upon

LEP/DCP COMPLIANCE**6 PUNCH STREET BALMAIN 2041 - 2/-/DP542014****[A⁴A]^D - ANDREW IRELAND – ARCHITECT (NSW) 7535 – 0411 661 011****THE UNDERLYING PURPOSE IS DEFEATED OR THWARTED IF COMPLIANCE IS REQUIRED, SUCH THAT COMPLIANCE BECOMES UNREASONABLE**

The underlying purpose of the control is to maintain a pattern of development density and landscape areas consistent with local existing and historical patterns of development while providing development suitable for the community housing needs

- In a circa 1970's renovation the original outbuilding was removed including ground floor kitchen, laundry and bathroom and first floor wet area. This renovation included the internalisation of a kitchen, a first floor bathroom and a spiral stair at the cost of living/dining space, circulation, laundry and enclosed bedrooms. This renovation severely compromised the practical function of the dwelling.
- The existing 2 storey + attic terrace dwelling form contains 1 enclosed bedroom, 1 bathroom on the middle floor and no laundry facilities.
- The fundamental purpose of the proposal is to reintroduce functional service (kitchen, laundry, bathroom, wet areas) and living (bedrooms, dining and living) into an existing period dwelling which has been heavily modified and no longer provides for the housing needs of the community.
- The wet functions were formerly housed primarily in an original outbuilding. The outbuilding appears to have been demolished sometime between 1950-1970 and the kitchen and bathroom functions internalised, displacing living areas and leaving others not functioning.
- The site represents a non-standard small lot within a Heritage Conservation Area (95.3 m² measuring 4.991/5.004 m x 18.618/20.350 m) in an area with planning controls anticipating a minimum lot size of 200 sqm. The Site Coverage control is impractical for sites of this size and proportion.
- The proposed development is consistent with the GFA and FSR of neighbouring developments on similar lots and the surrounding area.
- Despite the minor FSR breach, the proposed development provides for a compliant landscaped area, including landscaped corridors between adjoining properties and planting of a substantial tree in the rear corner of a consolidated landscape and private open space which complies with the landscaped area requirements, increases tree canopy and provides privacy and screening for the use and enjoyment of adjoining private properties.
- If compliance with the FSR standard is required, the area of ground floor living level would be inadequate to provide suitable living, dining, kitchen, laundry, bedrooms and bathroom areas across 3 levels required for residential dwelling to meet the housing needs of the community.

The minor variation of the FSR standard allows the functional use of the dwelling to be returned

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THE COUNCIL ITSELF HAS GRANTED DEVELOPMENT CONSENT THAT DEPARTS FROM THE STANDARD, AND ARGUING FROM THIS THAT THE DEVELOPMENT STANDARD HAS BEEN 'VIRTUALLY ABANDONED OR DESTROYED,' RENDERING IT UNNECESSARY AND UNREASONABLE

Former Leichhardt Council identified the primary motivation for intentionally low FSR values:

"A benefit of low FSR controls are that they provide a strong negotiating tool with developers to ensure the suite of DCP controls is adhered to."

Leichhardt Council – Floor Space Ratio Review – Attachment 2 –

<https://www.innerwest.nsw.gov.au/ArticleDocuments/2007/Attachment%202%20-%20FSR%20Review%20-%20Background%20Report.pdf.aspx>

Despite the proposed contravention of the control, the proposal adheres to and complies with the suite of DCP controls, thus addressing the stated benefit of the control.

Former Leichhardt Council also recognised the weaknesses of the FSR control

"What are the Weaknesses of FSR?"

*As a density and development control, fsr is considered a poor measure. Whilst it controls the total floor space in relation to site size, it does not directly control the bulk or scale of buildings by itself. The size of the FSR itself does not determine impacts on neighbours nor internal amenity of a building. FSR controls only achieve positive planning outcomes in partnership with other built form controls such as building height envelope, building alignments, setbacks, privacy distances, roof forms or landscaped areas. Overall FSR is a very coarse control of building bulk in proportion to lot size. **It is particularly problematic when dealing with small scale development** and minor differences in a FSR control, such as in the Leichhardt LGA where FSR controls vary from only 0.5:1 to 0.7:1. FSR works better on larger sites and is more relevant where precincts have a much larger range in building scale, such as CBDs such as the City of Sydney, North Sydney and Chatswood."*

Leichhardt Council – Floor Space Ratio Review – Attachment 2 –

<https://www.innerwest.nsw.gov.au/ArticleDocuments/2007/Attachment%202%20-%20FSR%20Review%20-%20Background%20Report.pdf.aspx>

It is noted that a number of recent 4.6 variations in the LGA have been approved in the area.

The proposal includes a FSR variation of 15.9 SQM = 16.6%.

Similar recent approvals include:

- DA/2021/0791- Floor Space Ratio - 356.6sqm or 35%
- DA/2021/0916 - Floor Space Ratio - 13.64sqm or 9.3%
- DA/2021/0998 – FSR - 25%
- DA/2021/1052 - Clause 4.4 – FSR - 34.1sqm or 15.38%
- DA/2021/1073 - Clause 4.4 – FSR - 41.9sqm or 18%
- DA/2021/1259 - Clause 4.4 – Floor Space Ratio - 18.9sqm or 14.73%
- DA/2021/0653 - Clause 4.4 -FSR - 84.99% or 96.10sqm
- DA/2021/0748 - C4.4 FSR - 18.30%
- DA/2021/0772 - cL 4.4 fsr - 60%
- DA/2021/0897 - Clause 4.4 Floor Space Ratio - 55.79% or 212sqm
- DA/2021/1284 - Clause 4.4 – FSR - 48%
- DA/2021/0094 - Clause 4.4 Floor Space Ratio - 34.8sqm or 28%
- MOD/2021/0265 - Clause 4.4 – FSR - 15.73% or 100.173 sqm
- DA/2021/0610 - Clause 4.4 - Floor Space Ratio - 44.9sqm - 5.59%
- DA/2020/1032 - Clause 4.4 Floor Space Ratio - 5.18% or 118sqm
- DA/2020/1120 - Clause 4.4 - Floor Space Ratio - 64.83sqm or 34%
- MOD/2021/0078 - Clause 4.4 - Floor Space Ratio - 7.18% or 82.49sqm
- DA/2021/0291 - Clause 4.4 - Floor Space Ratio - 7.59% or 16.81sqm
- DA/2021/0346 4.4 – Floor Space - 5.86% or 16.73sqm
- DA/2021/0366 - Clause 4.4 – Floor Space Ratio - 34.46% or 836.1 sqm
- DA/2021/0472 Clause 4.4 - Floor Space Ratio - 72.15sqm or 19%
- MOD/2021/0272 - Clause 4.4 - FSR - 7.64% or 92sqm
- DA/2021/1160- Section 4.4 - floor space ratio - 10.18sqm or 7%
- DA/2022/0030 - Clause 4.4 – Floor Space Ratio - 55%
- DA/2022/0302 - Clause 4.4 Floor space ratio - 5.3sqm or 3.56%

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- DA/2022/0341 - Clause 4.4 Floor space ratio - 7.15%
- DA/2021/1259 - Clause 4.4 – Floor Space Ratio - 18.9sqm or 14.73%
- MOD/2022/0062 - Clause 4.4 Floor Space Ratio - 6.95% (8.7sqm)
- DA/2021/0627 - Clause 4.4 Floor space ratio - 8.23% or 9.89sqm
- DA/2021/0772 - cL 4.4 fsr - 60%
- MOD/2022/0013 - 4.4 Floor Space Ratio - 5.68% or 5.8sqm

The above approvals establish that the actual area (15.9 sqm) is considerably smaller than previously approved variations due to the disproportionate affect that the small lot size in FSR calculations.

The above approvals show that recent local approvals with higher Floor Space Ratios are compatible with the desired future character.

The above also shows that Inner West Council recognizes issues with the application of the FSR control to small scale sites and development and regularly approves variations that exceed both the FSR ratio and the actual floor space variation proposed.

THE ZONING AREA OF THE PROPOSED DEVELOPMENT WAS 'UNREASONABLE OR INAPPROPRIATE' SUCH THAT THE DEVELOPMENT STANDARD WHICH IS APPROPRIATE TO THAT ZONING IS NO LONGER REASONABLE OR NECESSARY FOR THE PARTICULAR AREA. ZONING OF THE LAND IN QUESTION IS UNREASONABLE OR INAPPROPRIATE, RATHER THAN THE STANDARD BEING INAPPROPRIATE IN THAT ZONE.

- The zoning of the site as general residential / low density is unreasonable and inappropriate based on the historical pattern of high density terrace development on the site and adjoining lots. Low density generally refers to detached houses on lots over 450sqm.
- *Traditional Victorian terraces ... achieve a net residential density of around 56dw/ha. This is similar to three storey blockage apartments.*
<https://www.landcom.com.au/assets/Publications/Statement-of-Corporate-Intent/8477325cc1/Density-Guide-Book.pdf>
- The effect of FSR controls designed for larger sites (percentage of site area) becomes extreme due to the historical small lot size (95sqm) and does not properly address issues relating to heritage structures, density, amenity and impact.
- The proposed non-compliance is minor in nature
- In designing a development that compares to the neighbouring properties, the quality of the site and the immediate surroundings the proposal is considered acceptable to meet the objectives of the LEP.
- Compliance with the standard is unreasonable due to the existing lot size non compliances and the development constraints associated with the existing building footprint, lot size and associated heritage constraints.
- It is unreasonable to comply with the standard as this would require reducing the proposal to a GFA smaller than the average in the area and would result in loss of practical amenity for the users by either sacrificing functional living or wet areas.

LEP/DCP COMPLIANCE**6 PUNCH STREET BALMAIN 2041 - 2/-/DP542014****[A^{4A}]D - ANDREW IRELAND – ARCHITECT (NSW) 7535 – 0411 661 011****ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD?**

Environmental planning grounds relate to the subject matter, scope, purpose and objects of the Environmental Planning and Assessment Act 1979 - An Act to institute a system of environmental planning and assessment for the State of New South Wales.

1.3 Objects of Act

(cf previous s 5)

The objects of this Act are as follows—

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203#statusinformation>

The proposed variation:

- Includes the proper and sustainable management, development and conservation of an existing cultural heritage resource to retain ongoing future functional usage.
- Includes upgrades to the building fabric which improve the dwellings building energy usage and sustainability.
- Promotes good design and amenity by:
 - reintroducing functional service and living spaces into a heavily modified period dwelling;
 - maintaining and restoring the period dwellings contribution to local heritage and streetscape;
 - referencing the historical outbuilding form and location;
- Includes construction and maintenance (including structural and environmental upgrades) to future proof the structure and ensure the health and amenity of occupants and adjoining owners;

The variation in FSR:

- a) Achieves the Objectives of the Zone;
- b) Achieves the Objectives of the Standard;
- c) Addresses site specific constraints;
- d) Maintains and reinforces the predominant existing and desired future streetscape pattern;
- e) Provides minor variation with substantive functional return and little material impact on amenity of adjoining developments;
- f) Is a minor variation comparable to recent approved variations of the development standard within the LGA;
- g) Is consistent with bulk, scale, form and pattern of development of existing and approved future works in the streetscape;
- h) Provides most consistent built form with the least impact compared to explored alternatives within scale and built form of existing and approved pattern;
- i) Promotes compact, orderly, economic and efficient land use and densities within and consistent with an existing established urban pattern.
- j) Is in the public interest as improved modern amenity benefit allows continuity of occupation, providing stable communities, opportunities for families, neighbourhood development and bonding.

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k) Promotes environmentally efficient renovation and investment in existing building stock and suburbs to meet modern expectations and densities in lieu of greenfields development, resulting in lower carbon footprint, reduced greenhouse emissions and less environmental impact.

In relation to the FSR development standard:

- a) Strict compliance would not result in discernible benefits of amenity to owners, neighbours, public or surrounding area.
- b) It is common practice to distinguish the application of fsr standards on smaller sites, where a minor difference in floor area produces a marked change to the ratio.
- c) The particular site circumstances mean that the building that results from the proposed fsr contravention has no material implications for any sensitive land.
- d) The FSR development standard restricts the reasonable redevelopment of existing dwellings to carry out modest additions and alterations such as an additional bedroom or increased living area. This has been recognised historically by state and local government and is reflected in the number of DA's determined relying on Clause 4.6/SEPP1.
- f) Despite the proposed variation of the control, the proposal adheres to and complies with the suite of DCP controls, thus addressing the stated objectives and benefits of the control.

PUBLIC INTEREST

It is considered the development is in the public interest because it is consistent with the **relevant objectives of the zone** and the **objectives of the development standard**, in accordance with Clause 4.6(4)(a)(ii) of the *INNER WEST LEP 2022* and for the following reasons:

- The development is compatible with the desired future character of the area in relation to building bulk, form and scale;
- The proposal is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas;
- The proposal provides compliant landscaping and opportunity for tree planting and open space;
- The proposal is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas;
- The proposal enhances the amenity of existing residents and does not result in any undue adverse impacts on adjoining properties and the neighbourhood.

Compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. Council may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018 in accordance with Clause 4.6(4)(b) of the *INNER WEST LEP 2022*.

The proposal thereby accords with the objective of Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *INNER WEST LEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the Floor Space Ratio development standard and it is recommended the Clause 4.6 exception be granted.

Attachment D – Statement of Heritage Significance

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6 PUNCH STREET BALMAIN 2041 - 2-/DP542014

[A⁴A]^D - ANDREW IRELAND – ARCHITECT (NSW) 7535 – 0411 661 011

1. Heritage Impact Statement

The development as proposed will be of a form, size, scale, design and detail that will be compatible with and / or that will not detract from the streetscape or the HCA and will satisfy the provisions and objectives of the *INNER WEST LEP 2022*.

2. The Site

- Prior to European settlement, the site was occupied by the Wangal and Gadigal people of the Eora Nation. ('Traditional Owners,' Inner West Council website)
- The Sands Directories show that the dwelling was constructed circa 1880-1881. Captain James Bissett, a master Mariner and Captain, lived at 6 Punch Street between 1882 until his death in 1890 aged 65. His death was noted in the Sydney Morning Herald Tue 11 Feb 1890, however he is not otherwise a notable historical figure
- The existing streetscape of 6 Punch St presents as a relatively intact Late Victorian (C1880-1881) 2 storey attached terrace with detailed painted render façade, ornate filigree ironwork and palisade fence, exposed sandstone base, original timber joinery windows and doors, timber first floor balcony with iron roof, attic dormer within a slate main roof on a small lot.
- Early ownership and occupation indicate that the dwelling was built circa 1880 as part of a pair with 8 Punch St. 2 and 4 Punch street (single storey + attic weatherboard cottages with front dormers and corrugated iron roof) were added circa 1885 with all 4 properties under the same ownership.
- The properties front a pedestrian walkway and parkland section of Punch Street without direct vehicle/road access due to the steep terrain. The dwellings respond to the steep terrain, stepping down the hill.
- The 1889 Surveyor General map detail shows 2, 4, 6 and 8 Punch street – with a substantial outbuilding to the rear of 6 Punch st and connected to the original brick outhouse. The outbuildings on 6 Punch Street are also visible in the 1943 and 1955 Aerial photo and possibly on later (not clear enough to discern/obscured), however have been subsequently demolished. There remains onsite evidence of the roof form of the previous outbuildings in the flashing on the rear wall. A lowered fireplace to the backyard also remains. The outbuilding appears to have been 2 storeys and would have housed functional wet areas (kitchen, laundry, bathroom) and work room with accommodation over. It is assumed that this outbuilding was timber weatherboard similar to 2 and 4 Punch Street.
- The outhouse on 8 Punch Street remains which establishes the location of the previous outhouse on 6 punch street and the extent of the previous outbuilding.
- A 2 storey timber outbuilding has been reconstructed on 8 punch street.

3. Existing building assessment

- 6 Punch street retains existing streetscape form, pattern of fenestrations materiality and general detail.
- The visible original external streetscape architectural detail remains (rendered caps, incised render and brackets to fin walls, ashlar cut render to main facade, exposed sandstone base and step, painted timber window and door details, arched hood mouldings to door and windows, timber shutters to upper windows, cast iron filigree to verandah and balcony beams, balustrade and palisade fence, rendered and painted chimney with cap mouldings and glazed terracotta chimney pots, simple timber detailed attic dormer with corrugated iron roof, concave corrugated iron roof over timber first floor balcony with timber detail)
- Internally the ground floor retains the division of rooms, however there has been substantial modification to the layout and detail including
 - removal of original stair;
 - installation of spiral stair across all levels;
 - modification of openings;

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- ground floor - internal plasterwork, cornices and details removed presumably due to rising damp;
- carpet to floors, subfloor not visible;
- ground floor - gas insert to front fireplace
- ground floor - second fireplace infilled
- ground floor - kitchen installed into third room with slate floor
- first floor front room retains render and possible original cornice
- second room heavily modified
- third room render removed and converted to bathroom
- attic – timber lined and carpeted with fully glazed rear popup inset from sides, retaining portion of slate roof
- Attic popup of adjacent 8 Punch st is full width
- Rear chimneys have been capped;
- heavily modified levels and finishes to backyard

4. Heritage Significance

The subject property at 6 Punch Street, Balmain, is not listed as a heritage item and is not within the visual setting of a listed heritage item.

The site is located in:

Iron Cove Heritage Conservation Area

Significance: Local

(C26 in Schedule 5 of the INNER WEST LEP 2022).

Heritage NSW – State Heritage Register:

Iron Cove Heritage Conservation Area is not listed on the NSW State Heritage Register.

The history and Statement of Significance for The Iron Cove Heritage Conservation Area (as undertaken by Godden Mackay Logan) is in the Leichhardt DCP 2013, which is available via the link below:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/heritage-and-conservation/heritage-conservation-areas>

Area 13 - Iron Cove Conservation Area

As per extract from Godden Mackay Logan

- *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 1870s–1910s.*
- *Through its now rare weatherboard buildings it continues to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs.*

The existing streetscape of 6 Punch St presents as a relatively intact Late Victorian (C1880-1881) 2 storey attached terrace with attic dormer and slate roof on a small lot.

Early ownership and occupation indicate that the dwelling was built as part of a pair with 8 Punch St with 2 and 4 Punch street (single storey + attic weatherboard cottages with front dormers and corrugated iron roof) being added to the set circa 1885 with all 4 properties under the same ownership.

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The properties front a pedestrian walkway and parkland section of Punch Street without direct vehicle/road access due to the steep terrain. The dwellings respond to the steep terrain, stepping down the hill.

6 Punch street contributes to the significance of the HCA by retaining substantial period detail and form as part of a set of substantially intact terraces which are contributory to the streetscape reading of the Heritage Significance of the Iron Cove Heritage Conservation Area



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5. Heritage Management

Recommendations as per extract from Godden Mackay Logan

Generally

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

Retain

- *existing width and alignment of the streets: avoid chicanes which cut diagonally across the carriageways.*
 - The proposal does not alter streets
- *All remaining sandstone kerbs and gutters, uninterrupted by access driveways.*
 - The proposal does not alter kerbs, gutters or driveways.
- *All pre-1939 buildings and structures, especially weatherboard buildings.*
 - The proposal retains and alters a pre 1939 building and structure;
- *All original plaster finishes to external walls (as a rough rule of thumb this will mostly apply to pre-1890s buildings). Reconstruct where necessary.*
 - The proposal retains/restores existing /remaining plaster and rendered finishes to external walls
- *All original unplastered face brick external walls (usually applies to post 1890s buildings).*
 - Significant external walls (front) are rendered/plastered and are to be retained.
 - Secondary external walls (at the rear) are painted brickwork and are to be retained/restored.
- *All original external architectural detail, and encourage replacement of lost elements, but only where evidence is available.*
 - 6 Punch street retains existing streetscape form, pattern of fenestrations materiality and general detail.
 - The visible original architectural detail is to remain/be repaired (rendered caps, incised render, and brackets to fin walls, ashlar cut render, exposed sandstone base and step, painted timber window and door details, hood mouldings to door and windows, timber shutters to upper windows, cast iron filigree to verandah and balcony beams, balustrade and palisade fence, rendered and painted chimney with cap mouldings and glazed terracotta chimney pots, simple timber detailed attic dormer with corrugated iron roof, concave corrugated iron balcony roof with timber detail)
 - The front porch is currently brick paved, however the detail suggests that it had previously been paved in either sandstone or tessellated tile. It is proposed that sandstone paving is to be reinstated.
- *Any remaining original iron palisade or low brick fences.*
 - Existing iron cast iron palisade fence and gate on natural sandstone base with fleur de lys spear head detail is to be repaired and reinstated.
- *All street planting schemes and park planting; reinstate individual trees where they have been lost.*
 - Proposal does not affect existing street planting
- *Green front garden space.*
 - The existing and original does not contain green front garden space. The green front garden space is provided by the public garden part of Punch Street and is to be retained.

Avoid

- *Demolition of any pre-1939 building, especially timber buildings.*
 - The proposal retains the existing building. Modifications are contained internally and to the rear.
- *Removal of any plaster or decorative plaster to external walls, except where it is to remove more recent plaster/paint on face brick walls.*
 - Existing decorative render/plaster work on external walls is to be retained.

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- *Plastering and/or painting of original face brick walls.*
 - Original front walls were rendered and painted and will remain rendered and painted.
 - Remaining walls to the rear were originally painted brick and will remain painted brick.
 - The original outbuildings would have been clad in painted timber weatherboard, the proposal includes material and form references to the original outbuildings lightweight cladding.
- *Removal of original architectural details.*
 - Original architectural details are to be retained.
- *Second-storey additions to an original single-storey building, other than in a separated pavilion form.*
 - The proposal is minor additions to an existing 2 storey building with attic.
- *Alteration to the original roof form over the main part of any building.*
 - The proposal does not include alteration to the original roof form over the main part of the building.
- *Additional architectural detail for which there is no evidence in the photographic record or on the building itself.*
 - The proposal does not include superfluous architectural detail.
- *Inappropriate fences such as high brick fences/walls, new iron palisades on high brick bases.*
 - The proposal does not include inappropriate fences.
- *Interruption of the kerb and gutter line for vehicular access.*
 - The proposal does not include interruption of the kerb or gutter
- *Development that encroaches upon the setting of important buildings/parks.*
 - The proposal does not encroach upon the existing setting. Apart from restoration of the existing period façade, the reading of the setting remains unaltered.

LEP/DCP COMPLIANCE**6 PUNCH STREET BALMAIN 2041 - 2/-/DP542014****[A⁴A]^D - ANDREW IRELAND – ARCHITECT (NSW) 7535 – 0411 661 011****6. Heritage Comments**

The proposal includes alterations and additions to the rear of an existing 2 storey terrace and attic built circa 1881.

- The proposed alterations and additions maintain the historical characteristics of the existing building and provide amenities which have been lost with the removal of historical outbuildings. The new work limits incursion and impact while providing consolidated volumes consistent with the building typology and existing pattern of development.
- the existing form, scale, materials, character and detail of the building including original front door, painted ashlar cut rendered brick front facade and details, original cast iron palisade fence and lacework to front ground floor and first floor balcony, corrugated iron balcony roof with slate main roof form between rendered parapet party walls, details and associated decorative elements, roof form and chimneys, timber windows (including roof dormers) and pattern of openings is to be retained, repaired and conserved; The brick paving to the front porch is to be replaced by sandstone flagging/paving consistent with the base coursing;
- no new openings shall be made in the street facing facades;
- alterations and additions are confined to a subservient and secondary form at the rear of the building which are not visible and do not detract from the original form and character of the building and main roof form as presents to Punch Street.
- Internal alterations are to retain the reading of the original layout
- Existing modern spiral stair is to be removed and new stair installed consistent with original layout and adjoining contemporary terrace (8 Punch Street)
- Internal repairs to include; damp proof coursing, restoration of internal render finishes and plaster details, contemporary wet area fitouts.
- The proposal complies with desired future character objective and controls.

7. Conclusion

The proposal involves restoration of the front and alterations and additions to the internal and rear of a period dwelling to integrate functional service areas formerly housed in a substantial 2 storey outbuilding.

The proposed works are required to improve the liveability of the dwelling and service ongoing occupation.

The alterations and additions are modest in nature, subservient to the main building form and do not affect the Heritage Conservation Area streetscape or setting.

The proposed works are consistent with the Heritage Significance and Management as set out in the council's assessment and Statement of significance (Godden Mackay Logan) and consistent with the desired future character controls of Birchgrove Distinctive Neighbourhood.

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[A⁴A]^D - ANDREW IRELAND – ARCHITECT (NSW) 7535 – 0411 661 011*Dwelling build and initial occupation*

SANDS DIRECTORY	PUNCH STREET BALMAIN													
	2	4	6	8	10	12	14							
1879	STREET NOT LISTED													
1880	STREET NOT LISTED													
1881	NOT AVAILABLE													
1882			Bissett, James, Master Mariner	HAY, JOHN, PLASTERER			Jones, John, Sawyer							
1883	STREET NOT LISTED													
1884			Bissett, James, Mariner	vacant			Jones, John, Sawyer							
1885			Bissett, James 3 Bissett, Captain James "Elizabeth House"				Jones, John, Sawyer							
1886	1 Cooley, Maurice	2 Mc Pherson	3 Bissett, Captain James, "Elizabeth House"	4 Sibbs			5 Jones, John, Sawyer							
1887	1 Cooley, Maurice, R.B.	2 Davis Merchant	3 Bissett, Captain James, "Elizabeth House"	4 Colman Frederick, warehouseman			5 Jones, John, Sawyer							
1888	1 McNeill Mrs	2 Macauley Arthur, cement tester	3 Bissett, Captain James, "Elizabeth House"	4 Hathaway Frederick J., clerk			5 Jones, John, Sawyer							
1889	2 McNeill Mrs. C	4 Macauley Arthur, cement tester	6 Bissett, Captain James Pelletier			8 Hall James M., patternmaker	10 Jones, John, Sawyer							
1890	2 McNeill Mrs. C	4 Bissett Captain James	6 Pierre, Compositor	8 Hathaway Fred. J. bank manager	10 Kurtz Frederick, baliff	12 Jones, John, Sawyer								
1891	2 McNeill Mrs. C		6 Pierre, Compositor	8 Cohen Mrs W.T	10 Watt William, patternmaker	12 Jones Mrs								
1892	2 McNeill Mrs. C	4 Baker Mrs C.P.	6 Pierre, Compositor	8 Cohen Mrs W.T	10 Paterson John engineer	14 Jones, Mrs								
1893	2 McNeill Mrs. C	4 Baker Mrs C.P.	6 Pierre, Compositor	8 Shannon Eli	10 Paterson John engineer	14 Jones, Mrs, laundress								
1894	2 McNeill Mrs. C	4 Baker Mrs C.P.	6 Pierre, Compositor	8 Shannon Eli	10 Goodsir John, Borough engineer	14 Jones, Mrs, laundress								
1895	2 McNeill Mrs. C	4 Baker Mrs C.P.	6 Pierre, Compositor	8 Shannon Eli										
1896														
1897														
1898	2 McNeill Mrs. C	4 Callaway Charles		8 Shannon Eli	10 Manning J.S	12 Hall James M., Patternmaker								
1908	2 Ball Perey	4 Bell Ben	6 Gordon John	8 Watson Joseph		12 Hall James M., Patternmaker	14 Hulme Frank							
1908 rates	Owner - Duffy Cornelius	Owner - Duffy Cornelius	Owner - Duffy Cornelius	Owner - Duffy Cornelius	Owner - Hall James	Owner - Hall James	Owner - Hall James							

Chapter: Conclusion

[A⁴A]^D - ANDREW IRELAND – ARCHITECT (NSW) 7535 – 0411 661 011

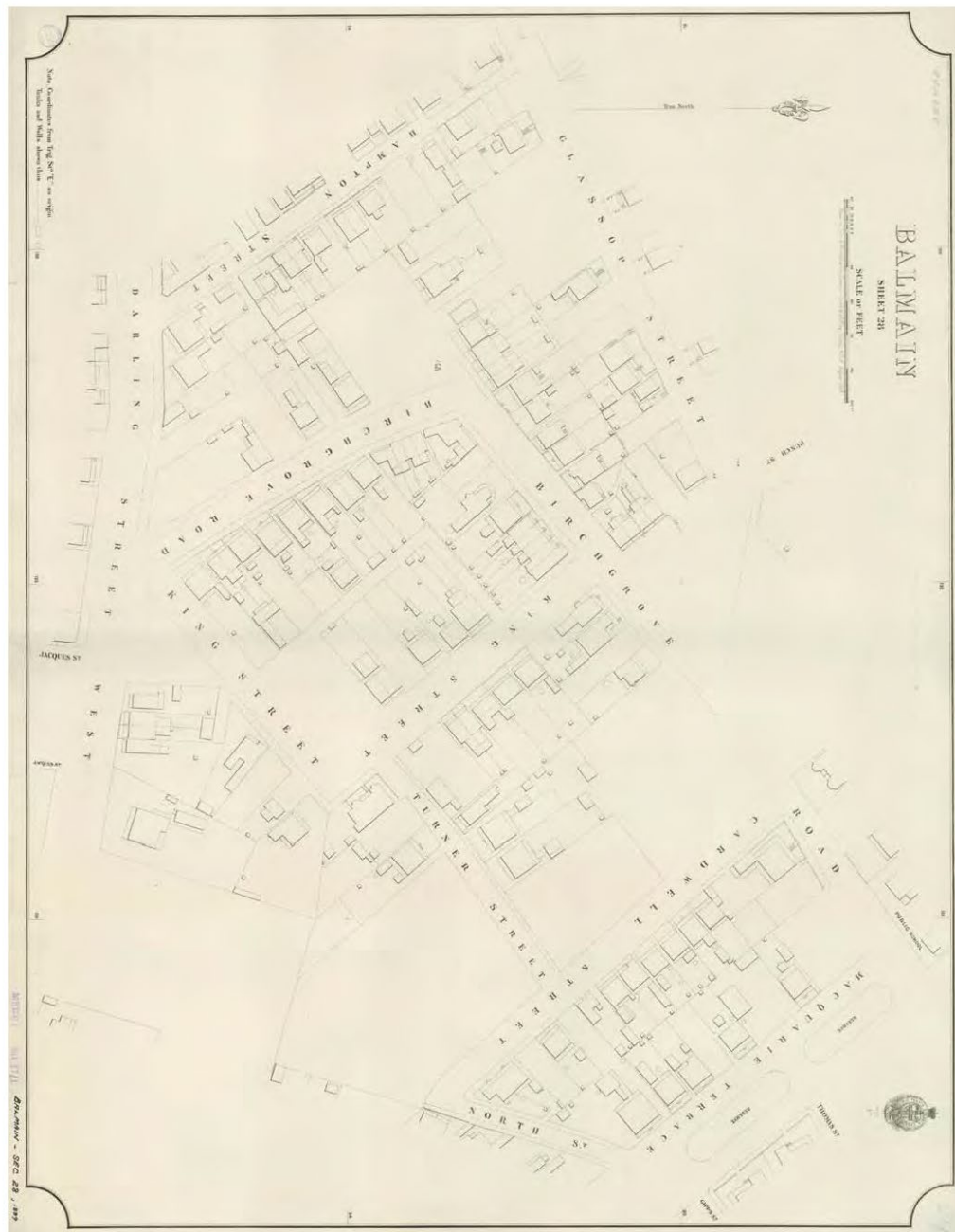
Funeral notice

<https://trove.nla.gov.au/news/paper/article/13758944?searchTerm=%22James%20Bisset%20%3B%20to%20move%20from%204%2C%22Punch-street%2C%20Balmain>

Chapter: Conclusion

LEP/DCP COMPLIANCE

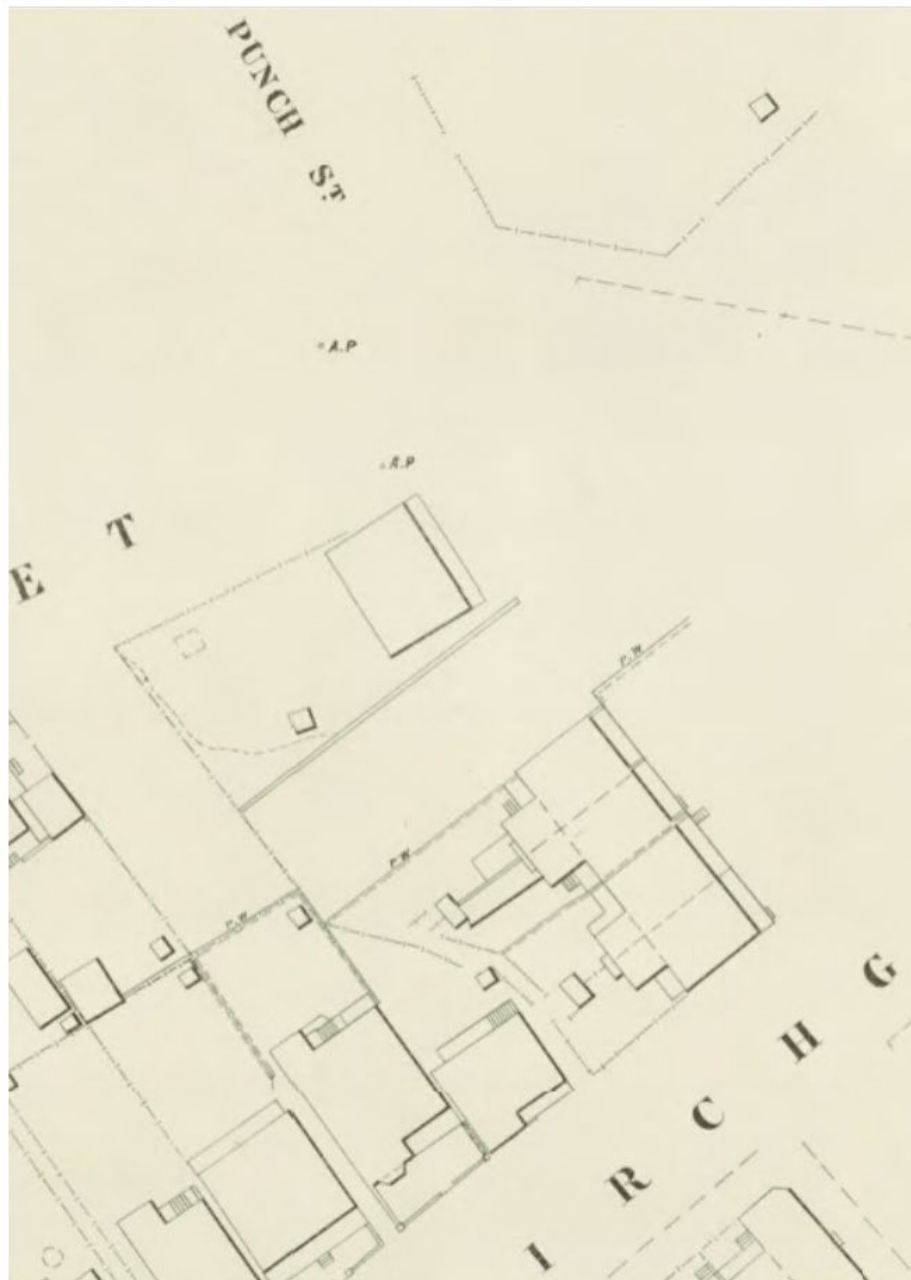
6 PUNCH STREET BALMAIN 2041 - 2/-DP542014

[A⁴A]^D - ANDREW IRELAND – ARCHITECT (NSW) 7535 – 0411 661 011

1889 Surveyor General map showing 2, 4, 6 and 8 Punch street

LEP/DCP COMPLIANCE

6 PUNCH STREET BALMAIN 2041 - 2/-DP542014

[A⁴A]^D - ANDREW IRELAND – ARCHITECT (NSW) 7535 – 0411 661 011

1889 Surveyor General map detail showing 2, 4, 6 and 8 Punch street – note outbuilding structures

LEP/DCP COMPLIANCE**6 PUNCH STREET BALMAIN 2041 - 2/-/DP542014****[A⁴A]^D - ANDREW IRELAND – ARCHITECT (NSW) 7535 – 0411 661 011**

1943 aerial photo showing substantial outbuildings at rear of 6 Punch st
<https://portal.spatial.nsw.gov.au/portal/apps/webappviewer/index.html?id=f7c215b873864d44bccddda8075238cb>



1955 aerial photo showing substantial outbuildings at rear of 6 Punch st
<https://portal.spatial.nsw.gov.au/portal/apps/webappviewer/index.html?id=f7c215b873864d44bccddda8075238cb>