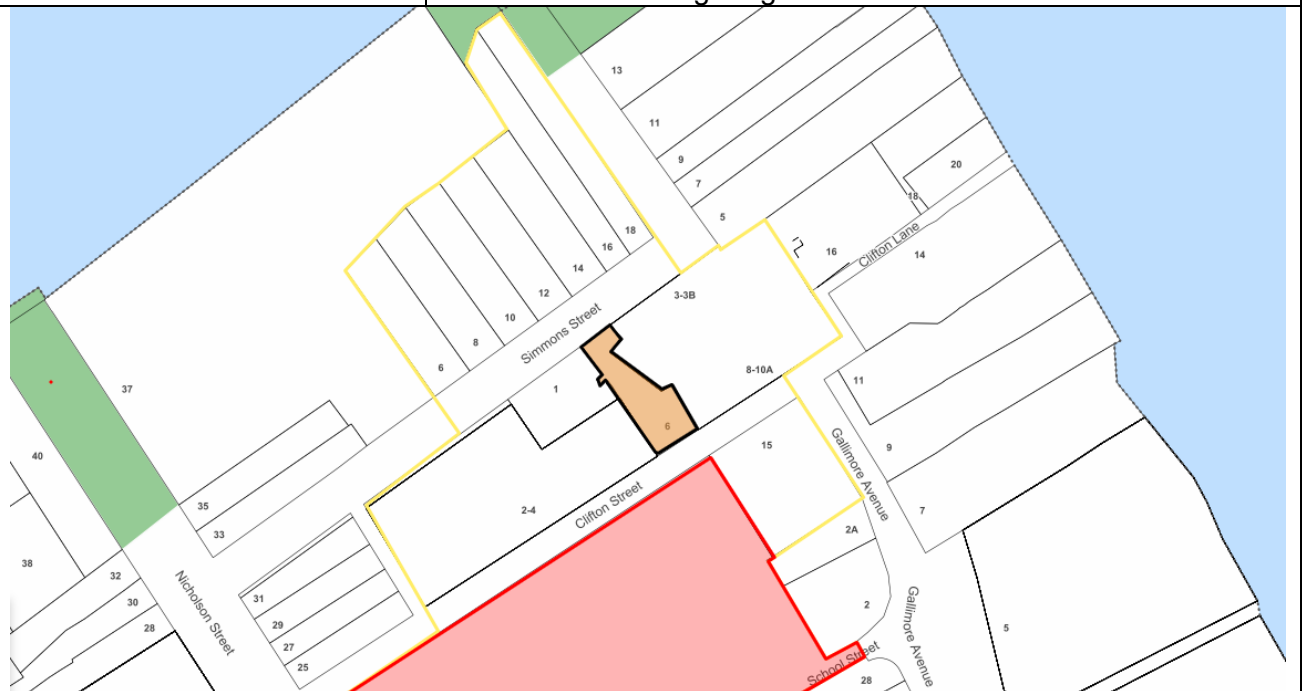






INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2023/0358
Address	6 Clifton Street BALMAIN EAST NSW 2041
Proposal	Part demolition, and alterations and additions to existing dwelling house to allow for a part second floor addition with roof deck
Date of Lodgement	18 May 2023
Applicant	Raddatz Kueber Pty Ltd
Owner	Mrs Wendy A Hardy Mr Simon J Hardy
Number of Submissions	Initial: 1
Value of works	\$624,075.00
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10%
Main Issues	Overdevelopment, Impact to Heritage Conservation Area
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Recommended conditions of consent
Attachment C	Plans of proposed development
Attachment D	Section 4.6 Exception to Development Standards
Attachment E	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

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

1. Executive Summary

This report is an assessment of the application submitted to Council for part demolition, and alterations and additions to the existing dwelling house to allow for a part second floor addition with roof deck at 6 Clifton Street Balmain.

The application was notified to surrounding properties and 1 submission was received in response to the initial notification.

The main issues that have arisen from the application include:

- The proposal represents an overdevelopment of the site.
- The proposal will result in adverse impacts to the streetscape and the Heritage Conservation Area.

The non-compliances are unacceptable and therefore the application is recommended for refusal.

2. Proposal

The proposal is for alterations and additions that includes part demolition, and alterations and additions to the existing dwelling house to allow for a part second floor addition with roof deck.

3. Site Description

The subject site is located on the northern side of Clifton Street. The site consists of one allotment and is irregular shaped with a total area of 214sqm.

The site is irregular in shape with a frontage of 9.885m to Clifton Street. The site narrows in the centre before widening again at the rear where it has a rear frontage to Simmons Street of 7.5m.

The site supports a two storey dwelling. The adjoining properties support a three storey residential flat building to the west and 2 storey townhouse to the east.

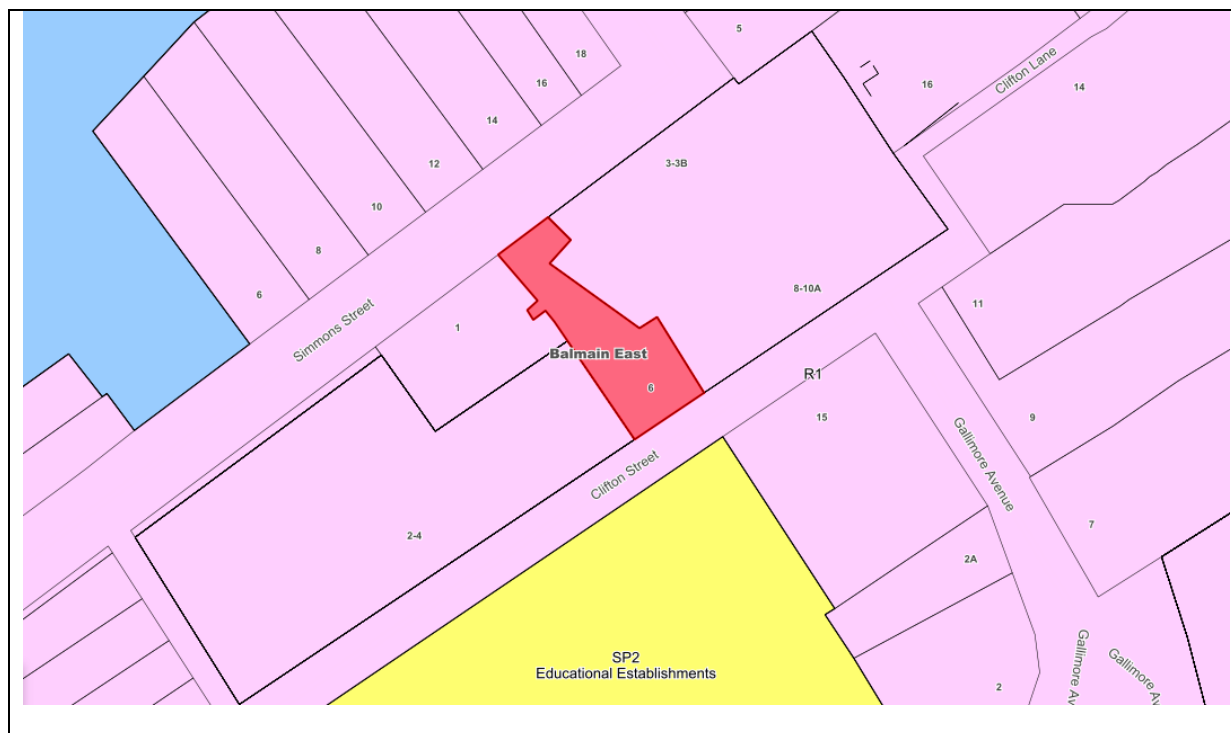


View of No. 2-4 Clifton Street and No. 6 Clifton Street



View of No. 6 Clifton Street and No. 8-10 Clifton Street

The subject site is not listed as a heritage item. The property is located within a conservation area.



Zoning Map identifying subject site in red

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
PDA/2022/0329	Demolition of existing pitched roof and construction of a second floor addition with kitchenette, study and water closet and roof deck	Issued 21/11/2022
BA/95/54	1 st Floor Addition	105/06/1996 Approved

PDA/2022/0329

The following conclusion was provided in relation to the proposed development in PDA/2022/0329 as part of the advice letter:

Council has undertaken an assessment of your proposal, and it is considered that, the proposed development for a second floor addition and associated roof deck, is unable to be supported at the site. In this regard, the following key concerns have been identified:

- Significant non-compliance with Floor Space Ratio development standard;
- Adverse impacts on the Heritage Conservation Area and adjacent heritage item, and incompatibility with Balmain East Distinctive Neighbourhood;
- Unsatisfactory siting and bulk and scale; and
- Adverse privacy impacts.

It is unclear as to how a second floor addition and / or roof deck can be provided on the site that results in acceptable streetscape / heritage impacts (i.e. meets the requirements above as stipulated by Council's Heritage Specialist), will be an appropriate response to desired future character controls, and that results in satisfactory amenity (including scale and privacy) impacts on adjoining properties. Given the above, the proposal is not supported, and hence, it is recommended that it not to be pursued.

It can be noted that the current proposal under this development application is generally consistent with the proposal considered in PDA/2022/0329.

Surrounding properties

2-4 Clifton Street BALMAIN EAST

Application	Proposal	Decision & Date
BA/10388	Residential Flat Building	29/05/73 Approved
DA/2020/0329	Installation of photovoltaic array on roof of residential flat building	18/06/2020 Approved

8-10 Clifton Street BALMAIN EAST

Application	Proposal	Decision & Date
BA/13928	Seven 2 Bed town houses	15/10/76 Approved
BA/90/126	Additions to town house	10/10/91 Approved

4(b) Application history

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

Date	Discussion / Letter / Additional Information
1 August 2023	Letter requesting application be withdrawn sent to applicant via NSW planning portal.
24 August 2023	E-mail from applicant confirming that they will not be tendering any further information or amending the design and would like the application to be assessed on its merits.

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 (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP. The application does not seek to remove any existing vegetation on the subject site.

Chapter 6 Water catchments

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)(iii) 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 5.3 – Development near zone boundaries
- Section 5.10 – Heritage conservation
- Section 6.1 – Acid sulfate soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management

(i) Section 1.2 - Aims of the Plan

The proposal will have an adverse impact on the streetscape and Heritage Conservation Area, particularly due to the development being inconsistent with the predominant roof forms, heights and scales characteristic of Clifton Street.

Therefore, the proposal is contrary to the following objectives under Clause 1.2 of the Leichhardt LEP 2013:

- *(b) to conserve and maintain the natural, built and cultural heritage of Inner West to maintain and enhance Leichhardt's urban environment,*
- *(g) to create a high quality urban place through the application of design excellence in all elements of the built environment and public domain*
- *(h) to prevent adverse social, economic and environmental impacts on the local character of Inner West,*
- *(i) to prevent adverse social, economic and environmental impacts, including cumulative impacts.*

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

The site is zoned R1 – General Residential under the *Leichhardt Local Environmental Plan 2013 (LLEP)*. The *LLEP 2013* defines the building in which the proposal relates as a dwelling-house i.e:

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

The proposal seeks consent for alterations and additions to the existing dwelling-house. The development is permitted with consent within the land use table.

Due to the streetscape and heritage concerns raised in this report, the proposal does not satisfy and has not demonstrated compliance with the following objective of the R1 General Residential Zone:

“To provide residential development that maintains the character of built and natural features in the surrounding area.”

(iii) Clause 2.7 – Demolition

The application seeks consent for demolition and consent is required.

(iv) Clause 4.3A and 4.4 – Landscaped areas for residential accommodation in Zone R1 and Floor Space Ratio

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

Standard	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 0.9:1 or 192.6 sqm	1.06:1 or 227.4 sqm	34.8 sqm or 18%	No
Landscape Area Minimum permissible: 15% or 32 sqm	12% or 25.5sqm	6.6 sqm or 20.6%	No
Site Coverage Maximum permissible: 60% or 235.74sqm	43.96% or 172.73sqm	N/A	Yes

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A – Landscaped Area
- Clause 4.4 – Floor Space Ratio

There is an existing breach of the Landscaped Area of approximately 20.6%. It is noted that the subject proposal does not seek any further breach of this development standard, In *Landcorp Australia Pty Ltd v The Council of the City of Sydney [2020] NSWLEC 174 [54] [57]* it was established a written Clause 4.6 variation is not required where a proposal exceeds a standard and the proposal does not alter that exceedance. In the circumstances of this case, the subject site is currently deficient of compliant landscaped area and exceeds the maximum permitted site coverage. The proposal does not seek to alter the exceedance to these development standards. Therefore, Clause 4.6 requests are not required for the Landscaped Area.

The applicant seeks a variation to the Floor Space Ratio development standard under Clause 4.4 of the *Leichhardt Local Environment Plan 2013* by 18% or 34.8sqm.

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

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

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

- *the bulk and scale of the proposal is compatible within the existing context of the surrounding development which consists of dwelling houses, multi dwelling housing, and residential flat buildings;*
- *the proposed roof top enclosed space will be well setback from the front façade of the existing dwelling;*

- *the proposed addition will complement the existing dwelling (which is not an item of heritage significance) and will not impact on the heritage significance of the conservation area;*
- *the additional FSR results in no significant amenity impacts on the locality;*
- *the proposed addition will not give rise to any impacts on existing views;*
- *the FSR of the proposal, notwithstanding the requested variation to the FSR standard, is appropriate for the conditions of the site and its context; and*
- *the non-compliance will have no adverse visual, view, acoustic privacy or other amenity impacts.*
- *the proposal is still consistent with the overall planning intent for the site and with the surrounding R1 General Residential zoned area;*
- *the proposal, with the overall 0.158:1 FSR non-compliance, is still consistent with the desired future character for the Balmain East Distinctive Neighbourhood; and*
- *no adverse environmental impacts arise from the non-compliant FSR.*

The objectives of the R1 General Residential Zone are as follows:

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

The objectives of the FSR development standard are as follows:

- (a) to ensure that residential accommodation—
 - (i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and
 - (ii) provides a suitable balance between landscaped areas and the built form, and
 - (iii) minimises the impact of the bulk and scale of buildings,
- (b) to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.

The applicant's written rationale does not adequately demonstrate compliance with the development standard being unnecessary in the circumstances of this case, and that there are insufficient environmental planning grounds to justify contravening the development standard.

The proposal is considered to be incompatible with the heritage conservation area it is located in and therefore is contrary to the following objective under R1 General Residential Zone: "*To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas, nor does it enhance the amenity of adjoining development.* Therefore, it is considered the development is not in the public interest because it is inconsistent with a key objective of the R1 – General Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the IWLEP 2022.

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

The proposal thereby does not accord with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *LLEP 2013*. For the reasons outlined above, there are insufficient planning grounds to justify the departure from the floor space ratio development standard, and it is recommended that the Clause 4.6 exception not be granted.

Clause 5.10 – Heritage

The subject property at 6 Clifton Street, Balmain East, is a contributory dwelling located within the Balmain East Heritage Conservation Area (C29 in Schedule 5 of the Inner West LEP 2022).

It is within the vicinity of the following heritage items:

- House, including interiors, at 14 Clifton Street, Balmain East (I690); and
- Nicholson Street Public School, including interiors, at 23 Nicholson Street, Balmain East (I788).

Clause 5.10: Heritage Conservation from the Inner West LEP 2022 and *Parts C1.3: Alterations and additions, C1.4: Heritage conservation areas and heritage items, C.2.2.2.2: Balmain East Distinctive Neighbourhood* and *C2.2.2.2(a) Eastern Waterfront Sub Area*, from the Leichhardt DCP 2013 apply to the proposal.

C10 of Part C1.3 of the DCP requires that where additions are visible from the public domain the original roof form must be maintained and new additions are to be sympathetic to the original roof. C12 c. of Part C1.3 of the DCP requires that additions at first floor and above be of a scale and are to be located in a manner which will ensure that the addition does not dominate, but is sub-ordinate to the existing dwelling when viewed from the street.

The location and design of the proposed second floor addition will dominate, and will not be sub-ordinate to the existing dwelling. While it is agreed the existing hipped roof has been heavily altered, the hipped roof form is complementary to traditional roof forms in the HCA, whereas the roof deck is not contributory and therefore is not supported.

Development to Clifton Street varies from the 3 storey form of the apartment complex at 2-4 Clifton Street to the south, to 2 storey development to the north and the single storey heritage item at 14 Clifton Street at the northern end of the street. The proposed addition will result in a 3 storey form.

C2 of Part C2.2.2.2(a) of the DCP states the appropriate scale of development for this area is 2 storeys. The height and bulk of 2-4 Clifton Street presents as 3 levels from the street, with an undercroft area for parking and 2 levels of apartments above. The height and form of the neighbouring development at 2-4 Clifton Street cannot be used as precedent. This was approved under previous controls by council on 29 October 1970 (DA3921), is not complementary to the established built form in the HCA or the desired future character of the area.

The proposed level 2, with study, kitchenette, deck and W.C., is not supported as it will result in an undesirable 3 storey form within a streetscape where 2 storey dwellings are characteristic and complementary. In terms of materiality, glass block is not acceptable where it will be visible from the public domain.

Based on the above, the proposal is not acceptable from a heritage perspective as it detracts from the heritage significance of the Balmain East Heritage Conservation Area and the heritage items in the vicinity. Therefore the proposal in its current form is considered to be contrary to Clause 5.10 Objectives 1(a) and (b) in the Inner West LEP 2022, i.e.:

- (1) **Objectives** *The objectives of this clause are as follows—*
- (a) *to conserve the environmental heritage of Inner West,*
 - (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

5(b) Draft Environmental Planning Instruments

There are no applicable draft Environmental Planning Instruments that needs to be considered.

5(c) 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	No – see discussion
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	No – see discussion
C1.4 Heritage Conservation Areas and Heritage Items	No – see discussion
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
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	
C.2.2.2.2: Balmain East Distinctive Neighbourhood and C2.2.2.2(a) Eastern Waterfront Sub Area	No – see discussion
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	No – see discussion
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	N/A
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes – 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	
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	Yes
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	N/A
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:

C1.0 General Provisions

For reasons discussed in this report, concern is raised that the proposed rear third floor addition to the main dwelling is of a form, size, scale, design and appearance that is incompatible with the existing dwelling-house and its context and that it does not meet desired future character controls for the Balmain East Street Distinctive Neighbourhood, and has not demonstrated compliance with the following Objective of Part C1.0 of the LDCP2013:

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

C1.3 Alterations and additions

The proposed three storey form will result in a negative streetscape and heritage impact which will further erode the existing heritage character of the subject site and will not comply with the Balmain East desired future character controls.

C10 of Part C1.3 of the DCP requires that where additions are visible from the public domain the original roof form must be maintained and new additions are to be sympathetic to the original roof. C12 c. of Part C1.3 of the DCP requires that additions at the first floor and above are to be of a scale and are to be located in a manner which will ensure that the addition does not dominate, but is sub-ordinate to the existing dwelling when viewed from the street.

As a result, the proposal has not demonstrated compliance with the following Objectives and controls of Part 1.3 of the LDCP 2013:

- *O1 To ensure that development:*
 - a. complements the scale, form and materials of the streetscape including wall height and roof form;*
 - b. where an alteration or addition is visible from the public domain it should appear as a sympathetic addition to the existing building;*
 - c. makes a positive contribution to the desired future character of the streetscape and any heritage values associated with it;*
 - d. is compatible with neighbourhood character, including prevailing site layout;*
 - h. retains existing fabric wherever possible and maintains and repairs, where necessary, rather than replaces the fabric.*

- *C10 Where rear additions are visible from the public domain due to street layout or topography, maintaining original roof form is preferred and new additions are to be sympathetic to that original roof.*
- *C12 Additions at **first floor and above** shall be of a scale and are to be located in a manner which: c. will ensure that the addition does not dominate, but is sub-ordinate to the existing dwelling when viewed from the street.*

C1.4 Heritage Conservation Areas and Heritage Items

As previously mentioned in this Report under C5.10, C1.0 C1.3 and C2.2.2.2, the proposal will result in adverse streetscape and heritage impacts to the subject site and is of a design that will be out of character of the Balmain East distinctive neighbourhood character controls.

The location and design of the proposed second floor addition will dominate, and will not be subordinate to the existing dwelling. While it is agreed the existing hipped roof has been heavily altered, the hipped roof form is complementary to traditional roof forms in the HCA, whereas the roof deck is not contributory and therefore is not supported.

As a result, the proposal has not demonstrated compliance with the following Objective and of the LDCP 2013:

- *O1 Development:*
 - a. does not represent an unsympathetic alteration or addition to a building;*
 - b. is compatible with the setting or relationship of the building with the Heritage Conservation Area in terms of scale, form, roof form, materials, detailing and colour of the building and conforms with the Burra Charter (Refer to: <http://australia.icomos.org/publications/charters/>;*

C.2.2.2.2: Balmain East Distinctive Neighbourhood and C2.2.2.2(a) Eastern Waterfront Sub Area

The subject site is located within the Balmain East Distinctive Neighbourhood and within the Eastern Waterfront Sub Area.

C2 of Part C2.2.2.2(a) of the DCP states the appropriate scale of development for this area is 2 storeys. The height and bulk of 2-4 Clifton Street presents as 3 levels from the street, with an undercroft area for parking and 2 levels of apartments above. The height and form of the neighbouring residential flat development at 2-4 Clifton Street cannot be used to set design cues for a single dwelling house. This RFB was approved under previous controls by Council on 29 October 1970 (DA3921), is not complementary to the established built form in the HCA or the desired future character of the area.

The proposed level 2, with study, kitchenette, deck and W.C is unsympathetic in form as it will result in an undesirable 3 storey form within a streetscape predominantly characterised by 2 storey complementary dwellings.

As such, the proposal fails to comply with the following Controls under C2.2.2.2(a) Eastern Waterfront Sub Area:

- *C2 The appropriate scale of development for this area is two storeys.*
- *C3 The maximum building wall height is 6m.*

C3.1 Residential General Provisions

The proposal will result in an unacceptable built form that will result in a design that will be out of character of the Eastern Waterfront Sub Area character controls and will have adverse impacts on the HCA and is an unsatisfactory response to its heritage context. Consequently, the proposal will not achieve compliance with the objectives set out in this Clause, specifically:

- *O3 - to ensure that alterations, additions to residential buildings and new residential development are compatible with the established setting and character of the suburb and neighbourhood and compatible with the desired future character and heritage significance of the place and its setting;*
- *O4 - to ensure that all residential development is compatible with the scale, form, siting and materials of existing adjacent buildings; and*
- *C1 - Residential development is not to have an adverse effect on:
a. the relationship of any Heritage Item or Heritage Conservation Area to its place, setting and cultural significance.*
- *C2 - Additions to an existing building are generally:
b. subservient to the form of the existing building; and
c. maintain the form, fenestration, roof forms and chimneys of the existing building when viewed from the principal street frontage; and
e. of a scale, proportion (including proportion of doors and openings) and material which is compatible with the existing building.*

C3.2 Site Layout and Building Design

Building Location Zone

The proposal will establish a new building location zone at the third level as the adjoining properties to the east are two storeys only.

Pursuant to Part C3.2 of the LDCP 2013, where a proposal seeks to vary, or establish a new BLZ, in order to determine acceptability, various tests need to be met - an assessment of the proposal against the relevant tests is discussed below.

- 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;*

Comment: As discussed in further detail below, the proposal will comply with applicable solar access controls. The proposal will have no privacy or view loss implications as further discussed later in this Report. However, for the reasons mentioned elsewhere in this Report, the proposal is considered unacceptable and is recommended for refusal.

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

Comment: The proposed three storey form as previously mentioned in this report is considered to have unacceptable streetscape impacts to the Heritage Conservation Area and is considered to be incompatible with the existing pattern of development of the area.

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

Comment: There are no changes to the existing private open space at the rear of the property.

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

Comment: The proposal will not result in the removal of any significant vegetation on the subject 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.*

Comment: The proposed third level has a floor to ceiling of 2700mm and therefore is not minimised, however, as it is located at the front of the property, there are no adverse bulk and scale impacts to the adjoining properties when viewed from private open spaces.

However, for the reasons previously mentioned in this Report under C5.10 of IWLEP 2022, the proposal is considered unacceptable in terms of the overall size and height and impact to streetscape and the heritage conservation area.

Side Setbacks

The following is a compliance table assessed against the Side Setback Control Graph prescribed in Part C3.2 of the Leichhardt DCP 2013 relating to the proposed additions (adjacent to Nos.9 & 13 Phoebe Street):

Elevation	Wall height (m)	Required setback (m)	Proposed setback (m)	Complies
West – L3	10 -10.2	4.2-4.3	0.6-0.75	No
East – L3	10.7	4.6	0.55	No

As noted in the table above, the proposed addition on level 3 will breach the Side Boundary Setbacks Graph prescribed in this Part in certain areas.

Pursuant to Clause C3.2 of the LDPC2013, where a proposal seeks a variation to the side setback control graph, Control C8 under this part states that Council may allow walls higher than that required by the side boundary setback controls where:

a) *The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of this Development Control Plan;*

Comment: The development will result in an adverse streetscape and heritage impacts to the conservation area.

b) *The pattern of development within the streetscape is not compromised;*

Comment: For the reasons mentioned elsewhere in this Report, the proposal will result in a pattern of development that will compromise the existing streetscape and character of the heritage conservation area.

- c) *The bulk and scale of development is minimised by reduced floor to ceiling heights;*

Comment: The proposed third level has a floor to ceiling height of 2700mm and therefore minimal floor to ceiling heights have not been employed.

- d) *The potential impacts on amenity of adjoining properties, in terms of sunlight and privacy and bulk and scale, are minimised; and*

Comment: The proposal will comply with the solar access and privacy controls as mentioned in this report and will unlikely result in view loss impacts.

- e) *Reasonable access is retained for necessary maintenance of adjoining properties.*

Comment: The proposal does not unduly obstruct adjoining properties for maintenance purposes as the existing side setbacks are retained.

As a result of the above, it is considered that the proposed third level addition will not satisfy the above tests under C8 and has not demonstrated compliance to the following Objectives:

- *O2 To ensure the character of the existing dwelling and/or desired future character and established pattern of development is maintained.*
- *O4 To ensure that development:*
 - a. *reinforces the desired future character and distinct sense of place of the streetscape, neighbourhood and Leichhardt;*
 - c. *complements the siting, scale and form of adjoining development;*

Having regard to the above and for the reasons mentioned and discussed elsewhere in this report, the proposal is recommended for refusal.

C3.9 Solar Access

Given the adjoining sites are North-south orientated the following solar access controls apply to the proposal in relation to solar access of affected properties:

Retaining solar access to neighbouring dwellings main living room glazing

- *C13 Where the surrounding allotments are orientated north/south and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained between 9am and 3pm during the winter solstice..*
- *C15 Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

Solar access diagrams provided demonstrate that the proposal will not result in any additional overshadowing to the north-facing glazing of any adjoining neighbouring properties.

Retaining solar access to neighbouring dwellings private open space

- *C17 Where surrounding dwellings have north facing private open space, ensure solar access is retained for three hours between 9am and 3pm to 50% of the total area during the winter solstice.*

- *C19 Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

Solar access diagrams provided demonstrate that the proposal will not result in any additional overshadowing to the adjoining neighbouring properties rear yards at mid-winter from 9am to 3pm. As a result, the proposal complies with prescribed solar access controls.

C3.11 Visual Privacy

The following controls are applicable in C3.11 Visual Privacy

- *C1 Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.*
- *C4 Roof terraces will be considered where they do not result in adverse privacy impacts to surrounding properties. This will largely depend on the: a. design of the terrace; b. the existing privacy of the surrounding residential properties; c. pre-existing pattern of development in the vicinity; and d. the overlooking opportunities from the roof terrace.*
- *C5 The provision of landscaping may be used to complement other screening methods but cannot be solely relied upon as a privacy measure*
- *C7 New windows should be located so they are offset from any window (within a distance of 9m and 45 degrees) in surrounding development, so that an adequate level of privacy is obtained/retained where such windows would not be protected by the above controls (i.e. bathrooms, bedrooms).*

The proposed first floor windows are not associated with a living room and therefore sightlines from the first floor windows into the private open spaces are not required to be restricted.

With regard to the proposed roof terrace, while there will be additional sightlines, the sightlines will not be into private open spaces of adjoining properties and therefore is satisfactory under this Part.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have detrimental impact on the locality.

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

It is considered that the proposal will have an adverse impact to the heritage conservation area and does not comply with the Balmain East Distinctive Neighbourhood controls.

5(f) Any submissions

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

1 submission was received in response to the initial notification.

The submission raised the following concerns which are discussed under the respective headings below:

Issue: Noise and Vibration: “to ensure that Nicholson Street Public School is not adversely impacted, SINSW requests that the highest impact construction works be undertaken outside of school hours, where possible. SINSW also requests that Nicholson Street Public School is notified at least one week in advance of construction works.”

Comment: The application is recommended for refusal. If the application was to be approved, as the proposed works are associated with alterations and additions to a dwelling house, standard conditions between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays would be required. The advisory note in regards to “Notification of commencement of works” would likely include Nicholson Street Public School as one of the properties that needs to be notified 7 days prior to commencement of works.

Issue: Traffic and Parking: SINSW requests that construction work zones are not proposed in locations that will compromise pedestrian and vehicular access to Nicholson Street Public School, as well as associated school drop-off and pick-up spaces. Furthermore, SINSW requests that construction vehicles, including delivery vehicles, do not enter and exit the proposed DA work site during school drop-off and pick-up periods. This will ensure that safety and accessibility during drop-off and pick-up at the school is not compromised as a result of the construction works.

Comment: The application is recommended for refusal. If the application was to be approved, the following condition will be recommended:

“Prior to any demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction prepared by a person with RMS accreditation to prepare a work zone traffic management plan that takes account of the impact to Nicholson Street Public Street. Details must include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities. A work zone approval must be obtained.”

5(g) The Public Interest

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

This has not been achieved in this instance and the proposal is contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Officer – Not supported.
- Engineer Officer – No objections.

6(b) External

The application was referred to Ausgrid and no objections were raised.

7. Section 7.12 Levy

As the application is recommended for refusal. The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid should be imposed on any consent granted.

8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013* and *Leichhardt Development Control Plan 2013*.

The proposal will result in significant adverse impacts on streetscape and the heritage conservation area and its context and is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is not satisfied that compliance with the FSR development standard is unnecessary in the circumstance of the case and that there are insufficient environmental grounds to support the variation. The proposed development will not be in the public interest because the exceedance is not consistent 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*, refuse Development Application No. DA/2023/0358 for part demolition, and alterations and additions to the existing dwelling house to allow for a part second floor addition with roof deck at 6 Clifton Street, Balmain East for the reasons outlined in Attachment A.

Attachment A – Reasons for Refusal

1. The proposed development is inconsistent with and has not demonstrated compliance with the *Inner West Local Environmental Plan 2022*, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a) Section 1.2(2)(b)(g)(h)(i) - Aims of Plan
 - b) Section 2.1 - Zone objectives and Land use table
 - c) Section 4.4 - Floor Space Ratio
 - d) Section 4.6 - Exceptions to development standards
 - e) Section 5.10 – Heritage Conservation
2. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development exceeds the maximum allowable Floor Space Ratio under clause 4.4 of *Inner West Local Environmental Plan 2022*. The clause 4.6 exception provided does not adequately establish that compliance with the FSR development standard is unreasonable or unnecessary. Further, the environmental planning grounds identified are insufficient to justify the contravention as sought.
3. The proposed development is inconsistent with the Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, including:
 - a) Part C1.0 General Provisions
 - b) Part C1.3 Alterations and Additions
 - c) Part C1.4 Heritage Conservation Areas and Heritage Items
 - d) Part C2.2.2.2 Balmain East Distinctive Neighbourhood/Balmain East Distinctive Neighbourhood and C2.2.2.2(a) Eastern Waterfront Sub Area
 - e) Part C3.1 Residential General Provisions
 - f) Part C3.2 Site Layout and Building Design
4. The proposed development will result in adverse impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
5. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
6. The proposal has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

Attachment B – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
AD-01 100, Rev. A	EX - L00	8/4/23	raddatz—kueber
AD-01 101, Rev. A	EX - L01	8/4/23	raddatz—kueber
AD-01 102, Rev. A	EX - ROOF PLAN	8/4/23	raddatz—kueber
AD-01 201, Rev. A	EX - ELEVATIONS - 01	8/4/23	raddatz—kueber
AD-01 202, Rev. A	EX - ELEVATIONS - 02	8/4/23	raddatz—kueber
AD-01 203, Rev. A	EX - ELEVATIONS - 03	8/4/23	raddatz—kueber
AD-01 301, Rev. A	EX - SECTIONS - AA	8/4/23	raddatz—kueber
AD-01 302, Rev. A	EX - SECTIONS - BB	8/4/23	raddatz—kueber
AD-03 001, Rev. A	PROPOSED - SITE PLAN + ANALYSIS	8/4/23	raddatz—kueber
AD-03 100, Rev. A	PROPOSED - L00	8/4/23	raddatz—kueber

AD-03 Rev. A	101,	PROPOSED - L01	8/4/23	raddatz—kueber
AD-03 Rev. A	102,	PROPOSED - L02	8/4/23	raddatz—kueber
AD-03 Rev. A	103,	PROPOSED - ROOF PLAN	8/4/23	raddatz—kueber
AD-03 Rev. A	201,	PROPOSED - ELEVATION - EAST	8/4/23	raddatz—kueber
AD-03 Rev. A	202,	PROPOSED - ELEVATIONS - NORTH / SOUTH	8/4/23	raddatz—kueber
AD-03 Rev. A	203,	PROPOSED - ELEVATIONS - WEST	8/4/23	raddatz—kueber
AD-03 Rev. A	301,	PROPOSED - SECTION - AA	8/4/23	raddatz—kueber
AD-03 Rev. A	302,	PROPOSED - SECTION - BB & CC	8/4/23	raddatz—kueber
SCH-06 Rev. A	001,	FINISHES SCHEDULE	8/4/23	raddatz—kueber
A484504		BASIX Certificate	18 February 2023	raddatz-kueber pty ltd
S1, Rev. 2		TITLE PAGE & NOTES	23.02.23	AMUNA
S2, Rev. 2		MANAGEMENT OF STORMWATER PLAN - L01	23.02.23	AMUNA
S3, Rev. 2		MANAGEMENT OF STORMWATER PLAN - L02	23.02.23	AMUNA
S4, Rev. 2		MANAGEMENT OF STORMWATER DETAILS	23.02.23	AMUNA

As amended by the conditions of consent.

FEES

2. 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:	\$5,600.00
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.

3. 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.

4. Section 7.12 Development Contribution Payments

In accordance with section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of \$6241 shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.

At the time of payment, the monetary contribution 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 9592 5000 or council@innerwest.nsw.gov.au 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 can 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.

GENERAL CONDITIONS

5. Boundary Alignment Levels

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

6. 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 (RVWMP) in accordance with the relevant Development Control Plan.

7. 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.

8. 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.

9. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**10. 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.

11. 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.

12. Construction Traffic Management Plan

Prior to any demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction prepared by a person with RMS accreditation to prepare a work zone traffic management plan that takes account of the impact to Nicholson Street Public Street. Details must include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities. A work zone approval must be obtained.

PRIOR TO CONSTRUCTION CERTIFICATE**13. 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.

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

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

- a. The Stormwater Drainage Concept plan on Drawing No. L01 version (1) prepared by AMUNA CIVIL ENGINEERING and dated 16 May 2023, must be amended to comply with the following:
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;
- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank(s);
- f. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled;
- g. 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;
- h. The exiting overland flow path along the side boundaries of the development site must be retained unobstructed;
- i. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- j. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- k. No nuisance or concentration of flows to other properties;
- l. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- m. 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;

- n. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- o. ***Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site. Three outlet pipes in Clifton Street shown on the drainage plan must be replaced with one outlet.***
- p. 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;
- q. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- r. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- s. No impact to street tree(s);
- t. Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system.

15. 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.

16. Sydney Water – Tap In

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

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

DURING DEMOLITION AND CONSTRUCTION

17. 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

18. 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.

19. 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.

ON-GOING

20. Bin Storage

All bins are to be stored within the site.

ADVISORY NOTES**Permits**

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

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

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

Insurances

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

Prescribed Conditions

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

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 and Nicholson Street Public School, advising of the date the work is due to commence.

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Noise

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

Amenity Impacts General

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

Lead-based Paint

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

children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm	
		www.basix.nsw.gov.au
Department of Fair Trading	13 32 20	
		www.fairtrading.nsw.gov.au
		Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100	
		www.dialprior toyoudig.com.au
Landcom	9841 8660	
		To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441	
		www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406	
		www.foodnotify.nsw.gov.au
NSW Government		www.nsw.gov.au/fibro
		www.diySAFE.nsw.gov.au
		Information on asbestos and safe work practices.

NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - 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.

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.

Attachment C- Plans of proposed development

PROJECT 2102: HARDY RESIDENCE

CLIENT: SIMON & WENDY HARDY
 ADDRESS: 6 CLIFTON ST, BALMAIN EAST, NSW, 2041



Site Location

NOTE
 Drawings to be read in conjunction with BASiC Certificate
 Certificate Number: **A484504**

DRAWING LIST

Sheet No.	Sheet Name	Sheet Size	Rev. No.
A3-00.001	COVER PAGE	ISO A3	A
A3-00.002	GENERAL NOTES & AREA CALCUS	ISO A3	A
A3-01.001	EX - SITE PLAN	ISO A3	A
A3-01.100	EX - LDC	ISO A3	A
A3-01.101	EX - LOT	ISO A3	A
A3-01.102	EX - ROOF PLAN	ISO A3	A
A3-01.201	EX - ELEVATIONS - V1	ISO A3	A
A3-01.202	EX - ELEVATIONS - V2	ISO A3	A
A3-01.203	EX - ELEVATIONS - V3	ISO A3	A
A3-01.301	EX - SECTIONS - A1	ISO A3	A
A3-01.302	EX - SECTIONS - T1	ISO A3	A
A3-02.001	PROPOSED SITE PLAN - ANALYSIS	ISO A3	A
A3-03.000	PROPOSED - LDC	ISO A3	A
A3-03.102	PROPOSED - LDC	ISO A3	A
A3-03.103	PROPOSED - LDC	ISO A3	A
A3-03.201	PROPOSED - ELEVATIONS - NORTH / SOUTH	ISO A3	A
A3-03.202	PROPOSED - ELEVATIONS - NORTH / SOUTH	ISO A3	A
A3-03.203	PROPOSED - ELEVATIONS - WEST	ISO A3	A
A3-03.301	PROPOSED - SECTION - A1	ISO A3	A
A3-03.302	PROPOSED - SECTION - T1	ISO A3	A
A3-03.303	SHADOW DIAGRAMS - 01	ISO A3	A
A3-03.304	SHADOW DIAGRAMS - 02	ISO A3	A
A3-03.305	SHADOW DIAGRAMS - 03	ISO A3	A
A3-03.401	WASTE MANAGEMENT PLAN - SITE 01	ISO A3	A
A3-03.402	WASTE MANAGEMENT PLAN - SHEET 02	ISO A3	A
A3-03.403	WASTE MANAGEMENT PLAN - SHEET 03	ISO A3	A
A3-03.404	WASTE MANAGEMENT PLAN - SHEET 04	ISO A3	A
A3-03.405	WASTE MANAGEMENT PLAN - SHEET 05	ISO A3	A

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ALN 72 655 608 821
 Pty Ltd (2013) 601 110
 28 New St, Surry Hills, NSW 2010
 New Zealand Architect: Christopher Raddatz
 NSW JAS Reg. 11141
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Document Set ID: 36066901
Version: 1, Version Date: 06/05/2023

Scale: NTS

Important:
 All drawings to be worked on are to be marked with a date and time.
 Drawings & Schedules to be read in conjunction with all relevant specifications and compliance approvals.
 All works to comply with the Building Code of Australia and all relevant Australian Standards and authority requirements.

Status: DA

Revision: A
 Date: 30/03/23

Description:
 Development Application

Number: AD-00-001

Drawing: COVER PAGE

PROJECT 1 (2017) 00000000
 Site Address: Clifton St, Balmain East, NSW, 2041
 Date of issue:

AREA CALCULATIONS

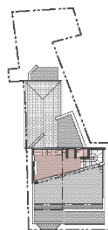
Location	Area
Site Area (by Survey)	214 sq m
Allowable GFA	192.6 sq m
Allowable FSR	0.60 I
Allowable Site Coverage (65% of site)	139.4 sq m
Minimum LANDSCAPED AREA (15% of site)	32.1 sq m
Existing GFA	207.763 sq m
Existing Site Coverage	128.775 sq m
Existing Landscape Area	26.532 sq m
Proposed Additional GFA	18.793 sq m
Proposed TOTAL GFA	226.556 sq m
Proposed FSR	1.05 I
Proposed Site Coverage	128.775 sq m
Proposed LANDSCAPED AREA	26.532 sq m



Area Plan - L00



Area Plan - L01



Area Plan - L02

LEGEND Areas

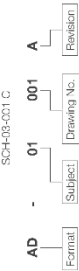
- Ex. GFA
- Proposed GFA
- Landscape
- Site Coverage

DRAWING CODES

Code	Name
A/B	Aluminium (cane field)
BR	Brick Block
DP	Downpipe
eDP	Existing Downpipe
OC	Clear Glass
GLB	Glass Block
GLT	Clear
MB	Metal Balustrade
MR	Metal Roof
PS	Plasterboard
RC	Reinforced Concrete
RV	Carpet Render
RWH	Rain Water Head
RWT	Rain Water Tank
SIP	Printed Steel
TDK	Timber Deck
TF	Timber Floor
TRZ	Timber220

DRAWING ID LEGEND:

Examples: AD-01_001_A
SCH-03-001_C



Formats:
AD Architectural drawing, diagram, perspective, sketch
SCH Schedule

Subject: Drawings (AD Format):

- 00 Cover, legends, notes
- 01 Plotting
- 02 General Arrangement Plans
- 03 Site-Plans
- 04 Details
- 05 Windows
- 06 Door Schedules - Details
- 07 Windows - Details
- 08 Windows - Details
- 09 Windows - Details
- 10 Windows - Details
- 11 POP's / Lighting Plans
- 12 Furniture Layouts
- 13 Shadow Diagrams
- 14 Waste Management Plans
- 15 Site Plans / Diagrams
- 16 Site Plans / Diagrams

Subject: Schedule (SCH Format):

- 01 Sanitaryware
- 02 Tiles
- 03 Lighting
- 04 Joinery & Electrical
- 05 Joinery Hardware
- 06 Finishes
- 07 Windows
- 08 Other
- 09>

Drawing No. & Type

- 000> Site Plans
- 100> Plans
- 200> Elevations
- 300> Sections

Revision:

- A-Z For The Construction Phases
- 1 - 99 For Construction Phases

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ABN 72 856 628 637
PH 61 92 162 110
23 Avon St, Berrigambi NSW, 2510
Name: raddatz, Christopher Raddatz
NSW AFS Reg. 111144
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Scale: NTS



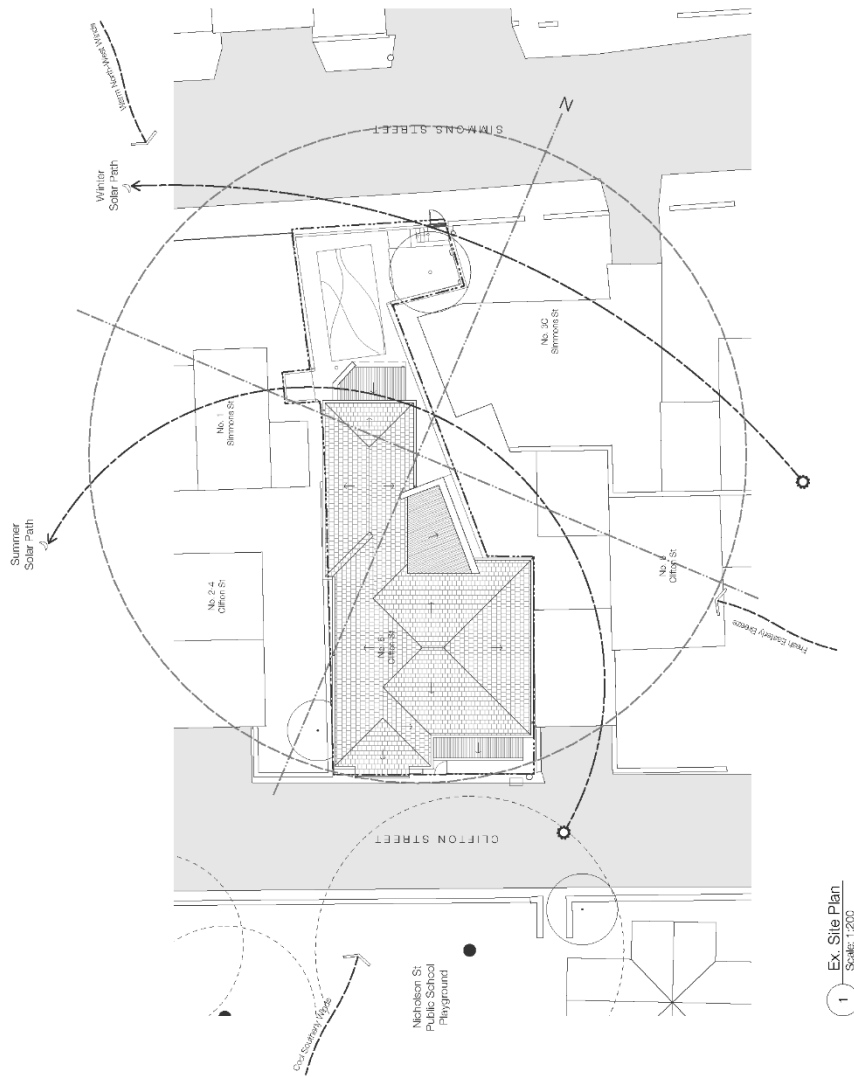
Revision: A
Date: 9/4/23

Description: Development Application

Number: AD-00 002

Drawing: GENERAL NOTES - AREA CALC. CS

Project: Hack Residence
Site Address: 6 Cliff St, Berrigambi, NSW, 2510
Date of Issue:



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AGN 72 956 628 637
 Pty Ltd
 23 Avon St, Sydney NSW, 2010
 Name also written: Christopher Raddatz
 NSW AFS Reg. 111144

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 All works to comply with the Building Code of Australia and all relevant Australian Standards and applicable requirements.

Project: Hack Residence
Site Address: 6 Clifton St, Clifton, NSW, 2051
Date of Issue:

Number: AD-01 001

Drawing: EX - SITE PLAN

Description: Development Application

Date: 9/4/23

Revision: A

Scale: 1:200

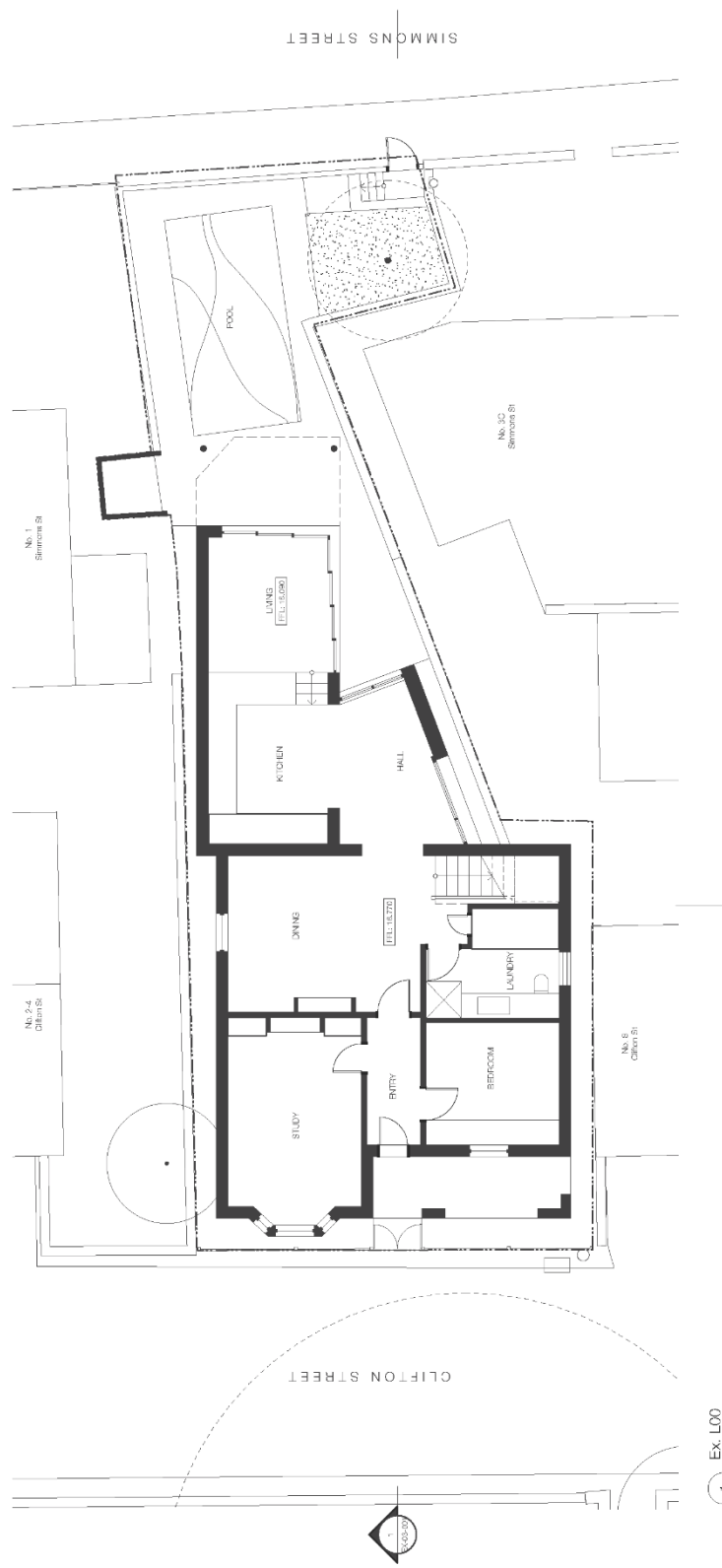
Scale Bar: 0m 2m 4m 6m 8m 10m

North Arrow: (Symbol)

1 Ex. Site Plan
Scale: 1:200

LEGEND - Dimension

-  Walls, floors, roof to be demolished
-  General Areas



1 Ex. L100
Scale: 1:100

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ABN 72 856 628 637
PH 61 92 162 110
23 Avon St, Bayside NSW 2015
Name: raddatz - kueber Pty Ltd
NSW AFS Reg. 11114
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All works to comply with the Building Code of Australia and all relevant Australian Standards in our priority jurisdiction.

Scale: 1:100
0m 1m 2m 3m 4m 5m



Status: DA
Revision: A
Date: 9/4/23

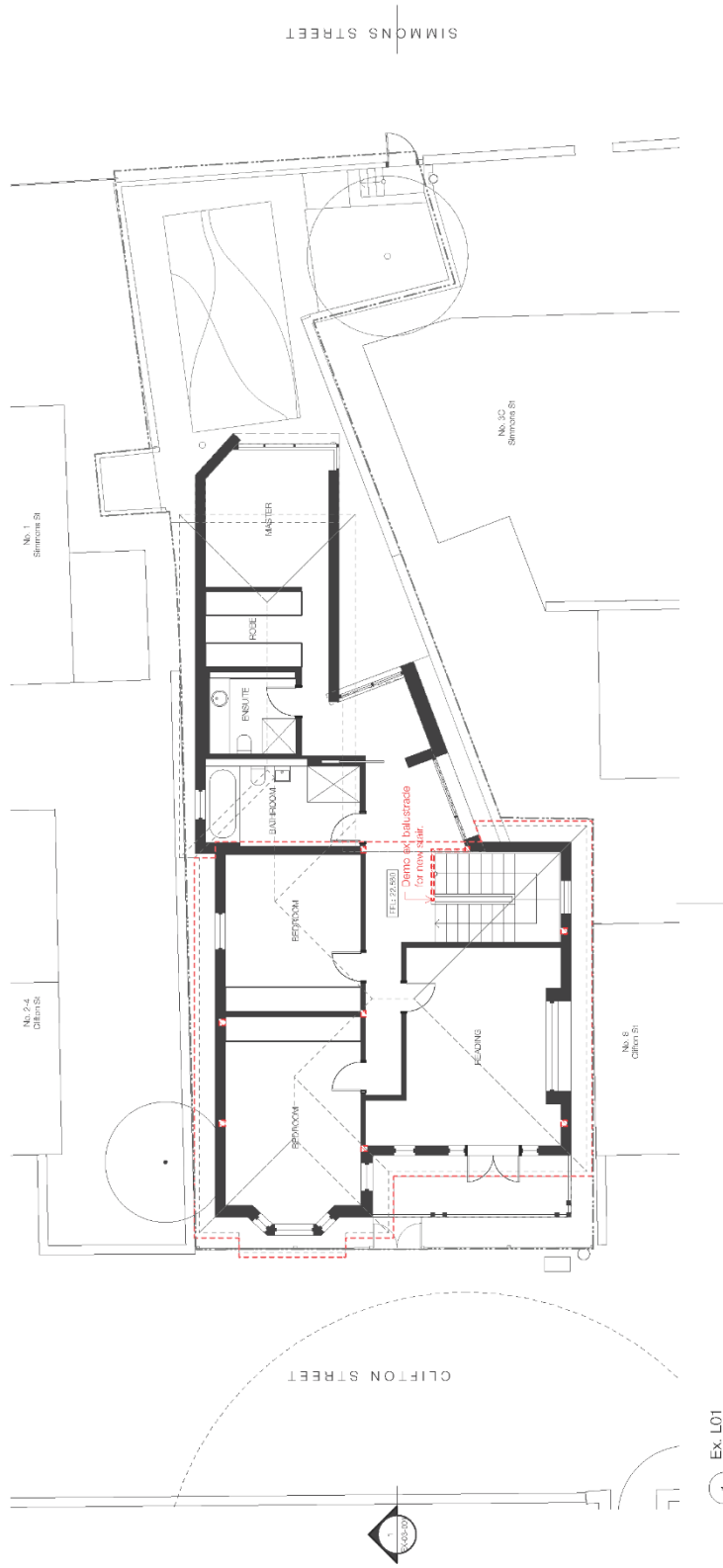
Description:
Development Application

Number: AD-01 100
Drawing: EX - L100

Project: Hack Residence
Site Address: 6 Clifton St, Bayside NSW 2015
Date of Issue:

LEGEND - Dimension

- Walls, floors, roof to be demolished
- General Areas



1 Ex. L01
Scale: 1:100

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 Pty Ltd ACN 110
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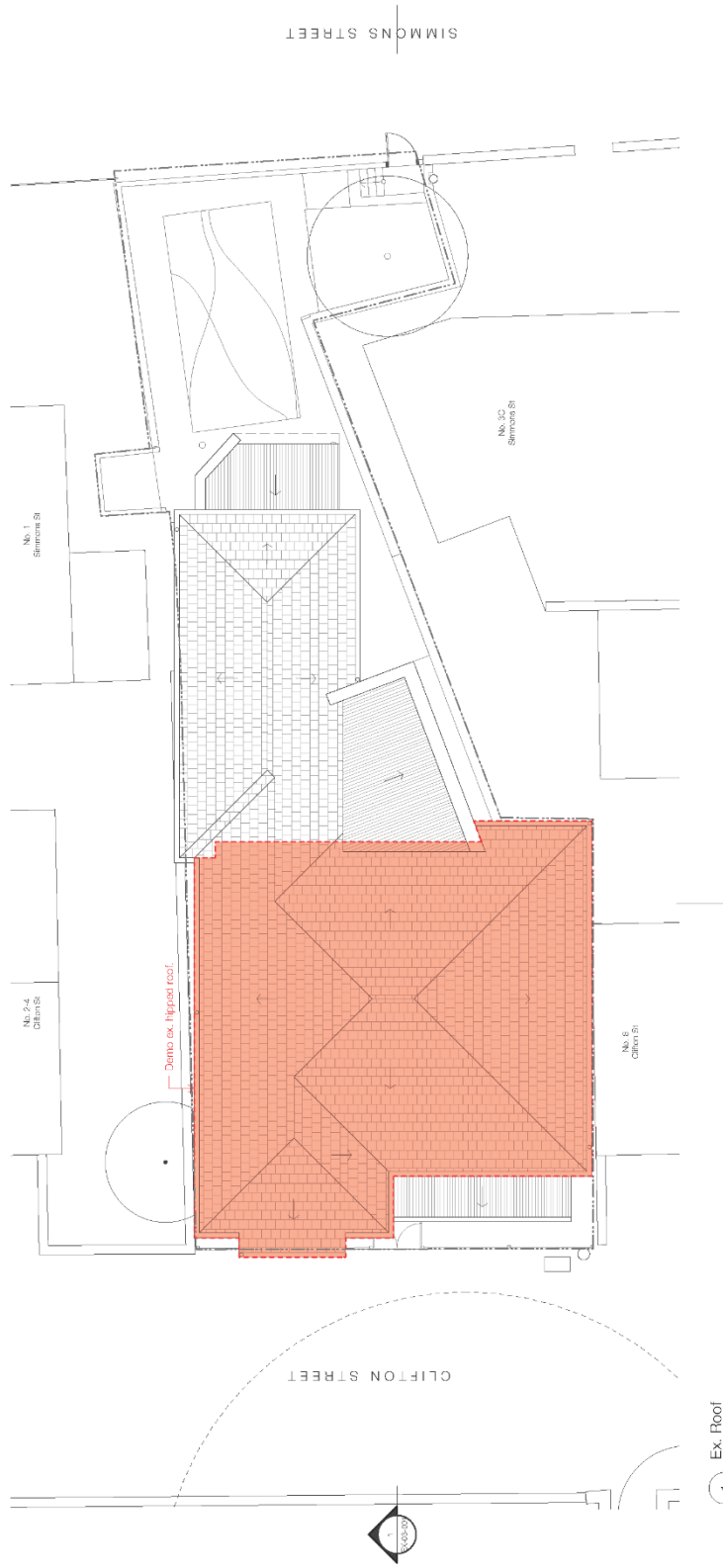
Important:
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 Drawings & Schedules to be read in conjunction with all relevant specifications and consulting drawings.
 All works to comply with the Building Code of Australia and all relevant Australian Standards in our priority jurisdiction.

Scale: 1:100
 0m 1m 2m 3m 4m 5m

Status: DA
 Revision: A
 Date: 9/4/23
 Description: Development Application
 Drawing: EX - L01
 Number: AD-01 101
 Project: Hack Residence
 Site Address: 6 Clifton St, Bays Hill, NSW 2010
 Date of Issue:

LEGEND - DEMONSTRATION

-  Walls, floors, roof to be demolished
-  General Areas



1 Ex. Roof
Scale: 1:100

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ABN 72 856 626 637
 Pty Ltd
 23 Avon St, Bayside NSW 2015
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 All works to comply with the Building Code of Australia and all relevant Australian Standards in our priority jurisdiction.

Scale: 1:100
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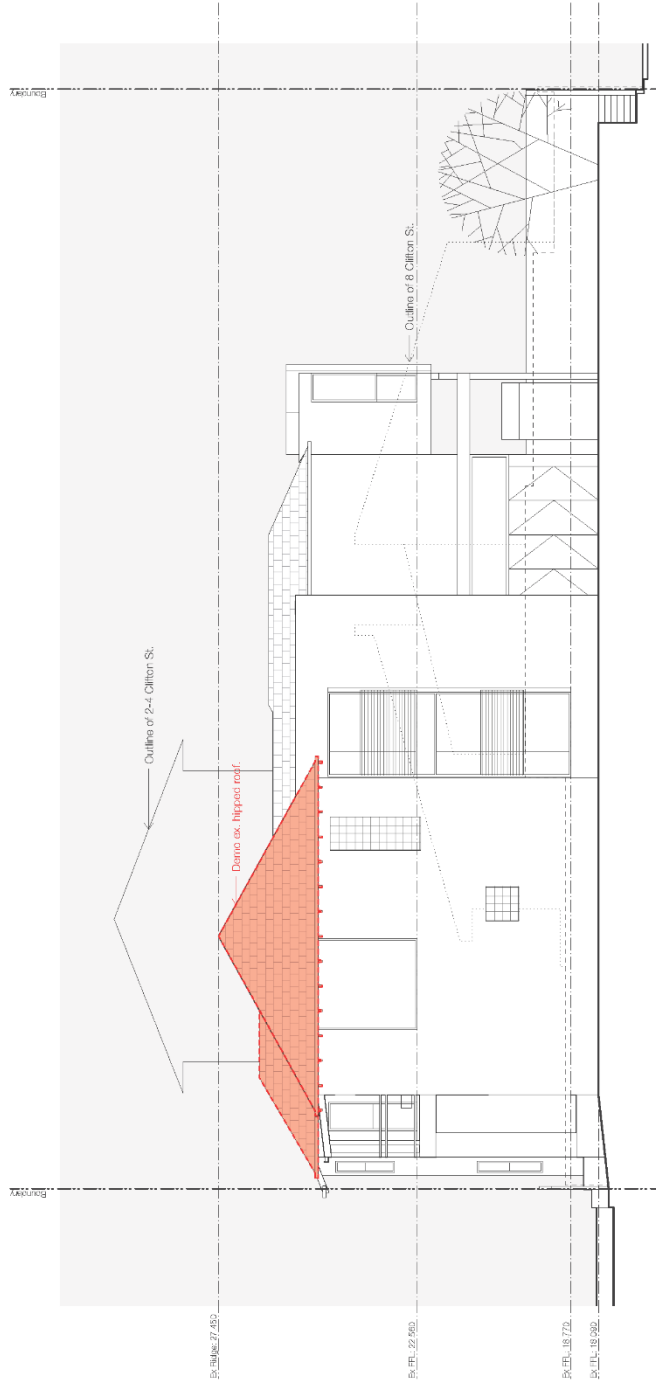
Revision: A
 Date: 9/4/23

Description:
 Development Application

Number: AD-01 102
 Drawing: EX - ROOF PLAN

Project: Hack Residence
 Site Address: 6 Cliffon St, Bayside NSW 2015
 Date of Issue:

LEGEND: Demarcation
 Walls, floors, roof to be demolished
 General Areas



1 Ex. Elevation East
 Scale: 1:100

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ABN 72 956 628 637
 Pty Ltd ACN 110
 23 Avon St, Sydney NSW 2010
 Name also traded: Christopher Raddatz
 NSW AFS Reg. 11114
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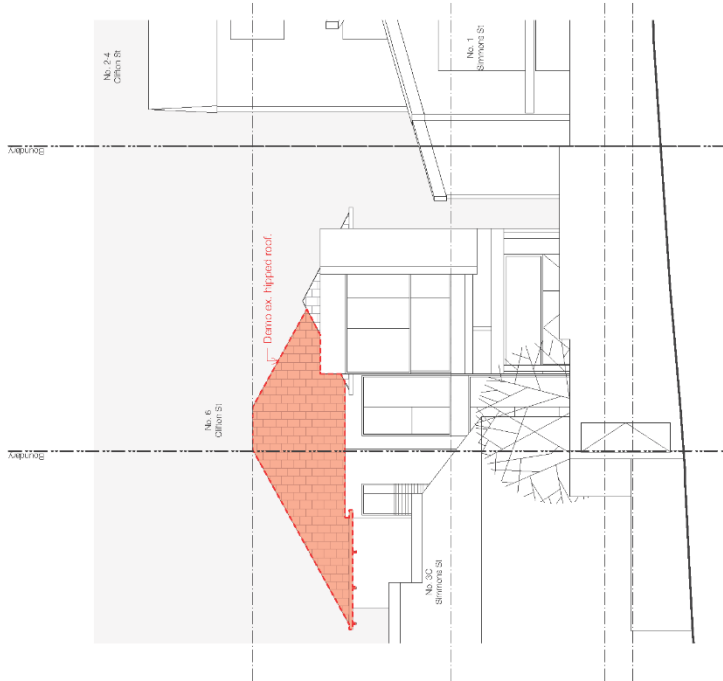
Important:
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 govern.
 Drawings & Schedules to be read in conjunction with all relevant specifications
 and contract drawings.
 All works to comply with the Building Code of Australia and all relevant Australian
 Standards and applicable requirements.

Scale: 1:100
 0m 1m 2m 3m 4m 5m

Number: AD-01 201
 Drawing: EX - ELEVATIONS - 01
 Status: DA
 Revision: A
 Date: 9/4/23
 Description: Development Application
 Project: Hack Residence
 Site Address: 6 Clifton St, Clifton Hill, NSW 2041
 Date of Issue:

LEGEND - Dimension

-  Walls, floors, roof to be demolished
-  General Area



2 Ex. Elevation North
Scale: 1:100




1 Ex. Elevation South
Scale: 1:100

raddatz—kueber

ABN 72 856 628 637
 Pty Ltd 10/110
 23 Avon St, Sydney NSW 2010
 Name: raddatz, Christopher Raddatz
 NSW AFS Reg. 111144
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Version: 1, Version Date: 06/09/2023

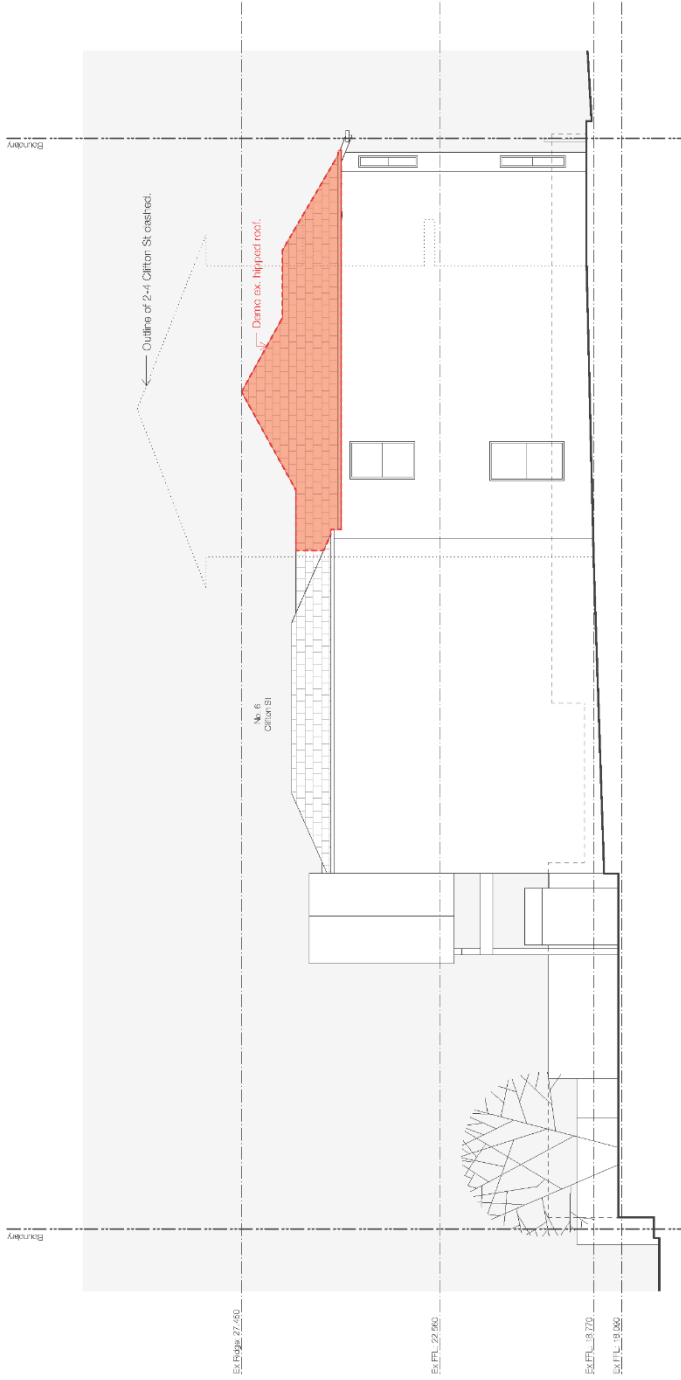
Important:
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 govern.
 Drawings & Schedules to be read in conjunction with all relevant specifications
 and consulting drawings.
 All works to comply with the Building Code of Australia and all relevant Australian
 Standards and authority requirements.

Scale: 1:100


Status: DA
 Revision: A
 Description: Development Application

Number: AD-01 202
 Drawing: EX - ELEVATIONS - 02
 Project: Hark Residence
 Site Address: 6 Cribbs St, Cammerajong NSW 2251
 Date of Issue:

LEGEND: Demarcation
 Walls, floors, roof to be demolished
 General Area



1 Ex. Elevation West
 Scale: 1:100

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ABN 72 856 628 637
 Pty Ltd
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 Name also written: Christopher Raddatz
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 govern.
 Drawings & Schedule to be read in conjunction with all relevant specifications
 and consulting drawings.
 All works to comply with the Building Code of Australia and all relevant Australian
 Standards and authority requirements.

Scale: 1:100
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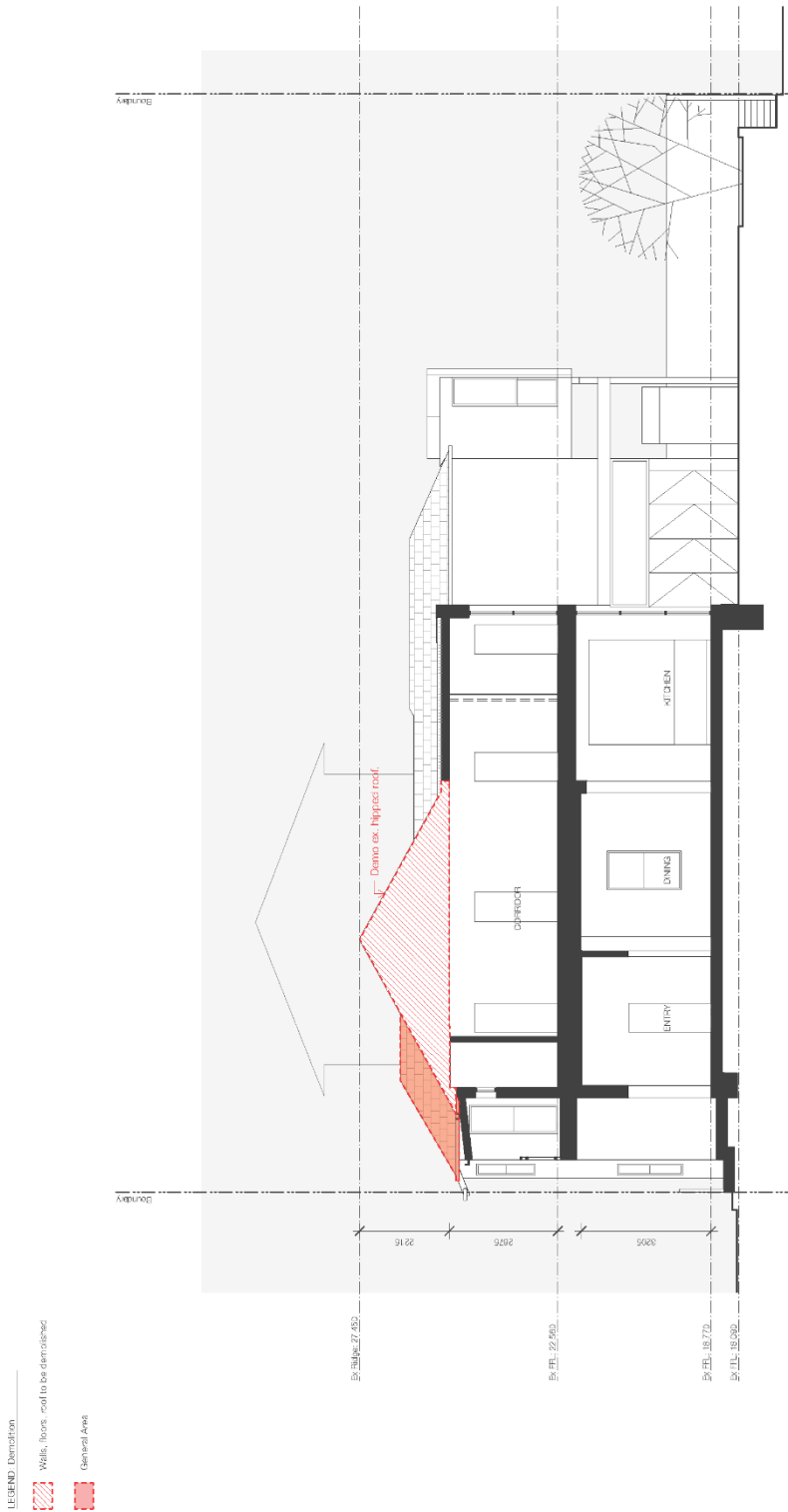
Status: DA

Revision: A
 Date: 9/4/23
 Description: Development Application

Number: AD-01 203

Drawing: EX - ELEVATIONS - 03

Project: Hack Residence
 Site Address: 6 Clifton St, Clifton NSW 2051
 Date of Issue:



1 Ex. Section AA
Scale: 1:100

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ABN 72 956 629 637
PH: 02 9437 1110
23 Avon St, Sydney NSW 2010
Name: raddatz kueber, Christopher Raddatz
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given.
Drawings & Schedule to be read in conjunction with all relevant specifications
and consultative drawings.
All works to comply with the Building Code of Australia and all relevant Australian
Standards and applicable requirements.

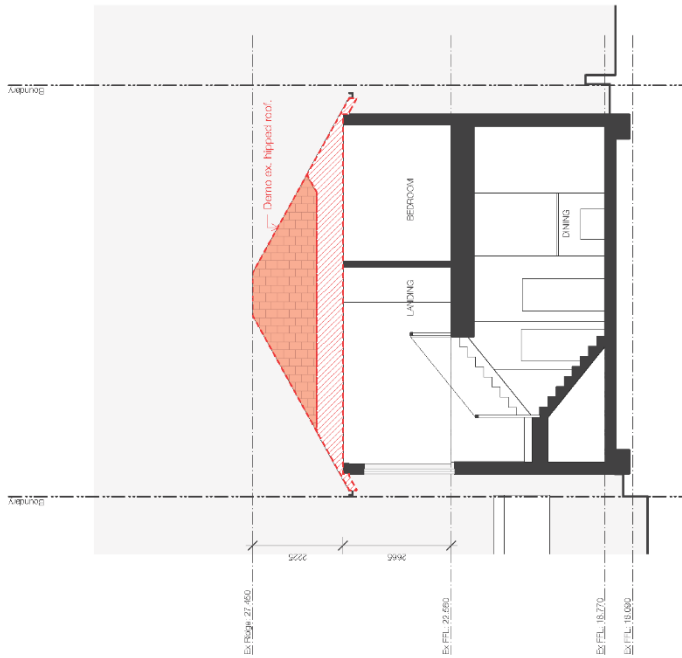
Scale: 1:100
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Status: DA
Revision: A
Date: 9/4/23
Description: Development Application

Number: AD-01 301
Drawing: EX - SECTIONS - AA

Project: Hack Residence
Site Address: 6 Cliff St, Clarendon, NSW 2251
Date of Issue:

LEGEND: Dimension
 Walls, floors, roof to be demolished
 General Area



1 Ex Section BB
 Scale: 1:100

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ABN 72 856 628 637
 Pty Ltd 19/100
 23 Avon St, Sydney NSW 2010
 Name: raddatz - kueber, Christopher Raddatz
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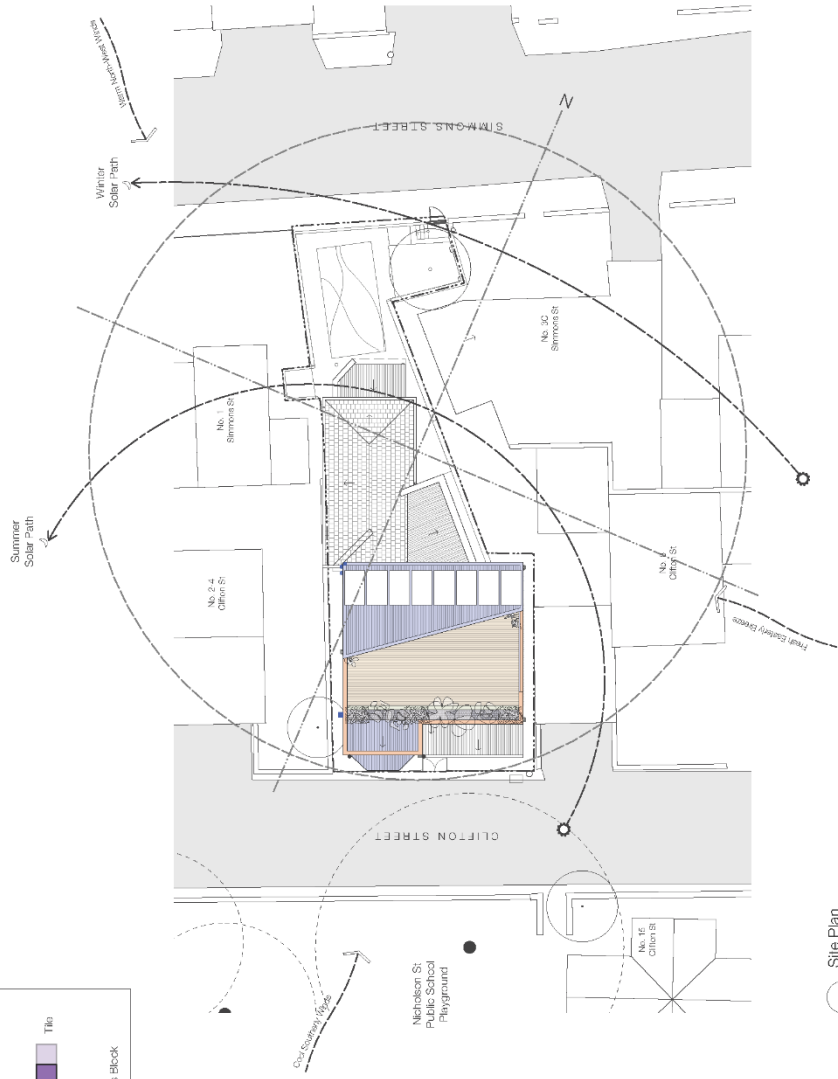
Important:
 All dimensions to be worked on site. Do not scale from drawings, dimensions
 govern.
 Drawings & Schedules to be read in conjunction with all relevant specifications
 and detailing drawings.
 All works to comply with the Building Code of Australia and all relevant Australian
 Standards and regulatory requirements.

Scale: 1:100


Number: AD-01 302
 Drawing: EX - SECTIONS - BR
 Status: DA
 Revision: A
 Date: 9/4/23
 Description: Development Application
 Project: Hack Residence
 Site Address: 6 Cliff St, Cammerajong, NSW 2541
 Date of Issue:

NOTE
Drawings to be read in conjunction with BASIX Certificate
Certificate Number: **A484604**

Material Palette	
*New work depicted by material colours only	
Steel / Metal	Plexor
Concrete finish	Brickwork
Timber	Glass / Glass Block
Tile	



1 Site Plan
Scale: 1:200

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AGN 72 856 626 637
PH 61 919 163 110
23 Avon St, Sydney NSW, 2010
Name also written: Christopher Raddatz
NSW AFS Reg. 11114

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Document Set ID: 39066901
Version: 1, Version Date: 06/09/2023

Important:
All drawings to be worked on site. Do not scale from drawings, dimensions given.
Drawings & Schedule to be read in conjunction with all relevant specifications and detailing drawings.

All works to comply with the Building Code of Australia and all relevant Australian Standards and its amendments.

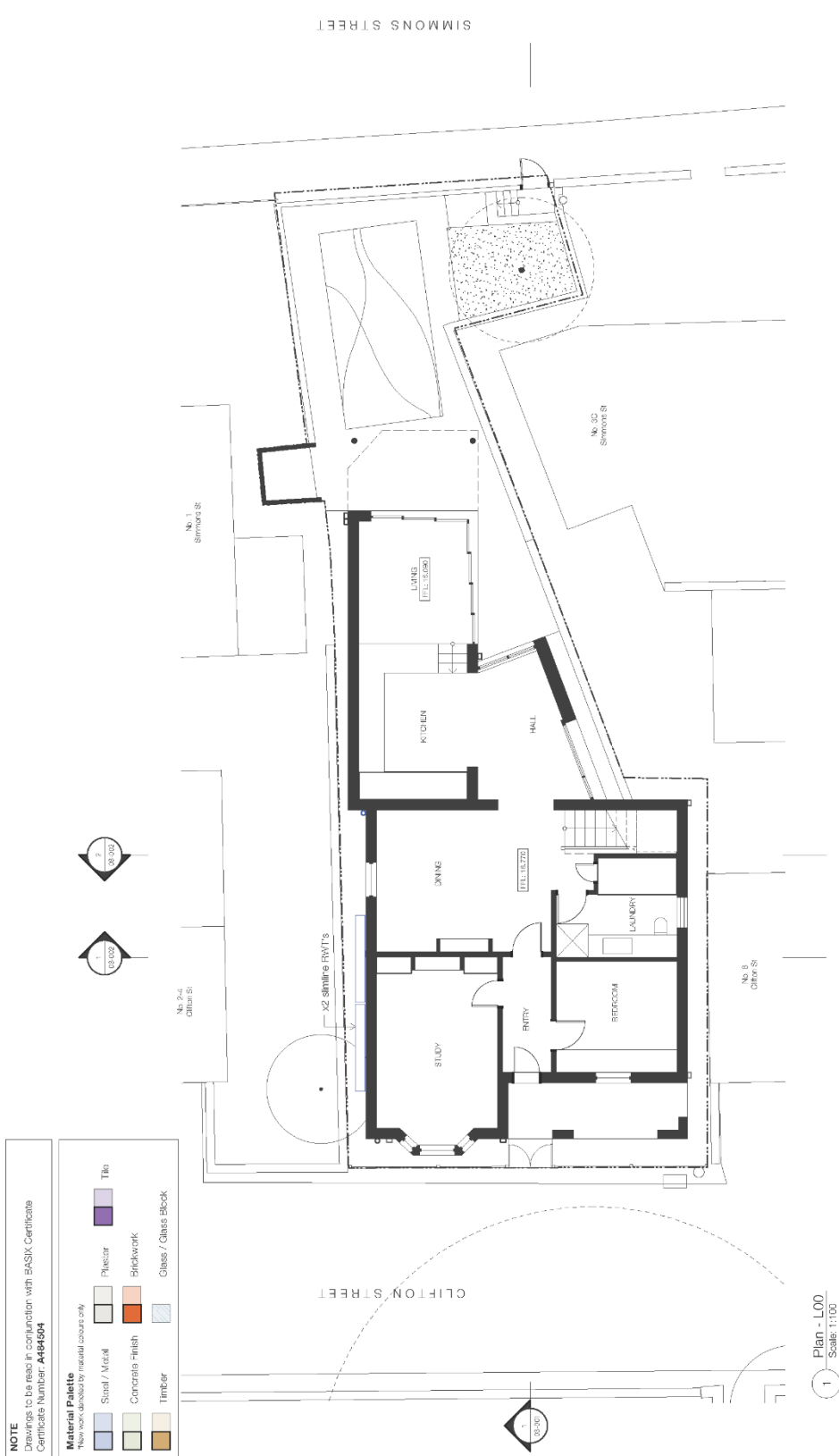
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Revision: A
Date: 9/4/23

Description: Development Application

Number: AD-03 001
Drawing: PROPOSED - SITE PLAN + ANALYSIS

Project: Hack Residence
Site Address: 6 Clifton St, Cobby NSW, 2251
Date of Issue:



1 Plan - L00
Scale: 1:100

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ABN 72 856 628 637
 Pty Ltd
 23 Avon St, Sydney NSW, 2010
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Document Set ID: 39066901
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 plans, etc.
 Drawings & Schedules to be used in conjunction with all relevant specifications
 and contract documents.

All works to comply with the Building Code of Australia and all relevant Australian
 Standards and other applicable requirements.

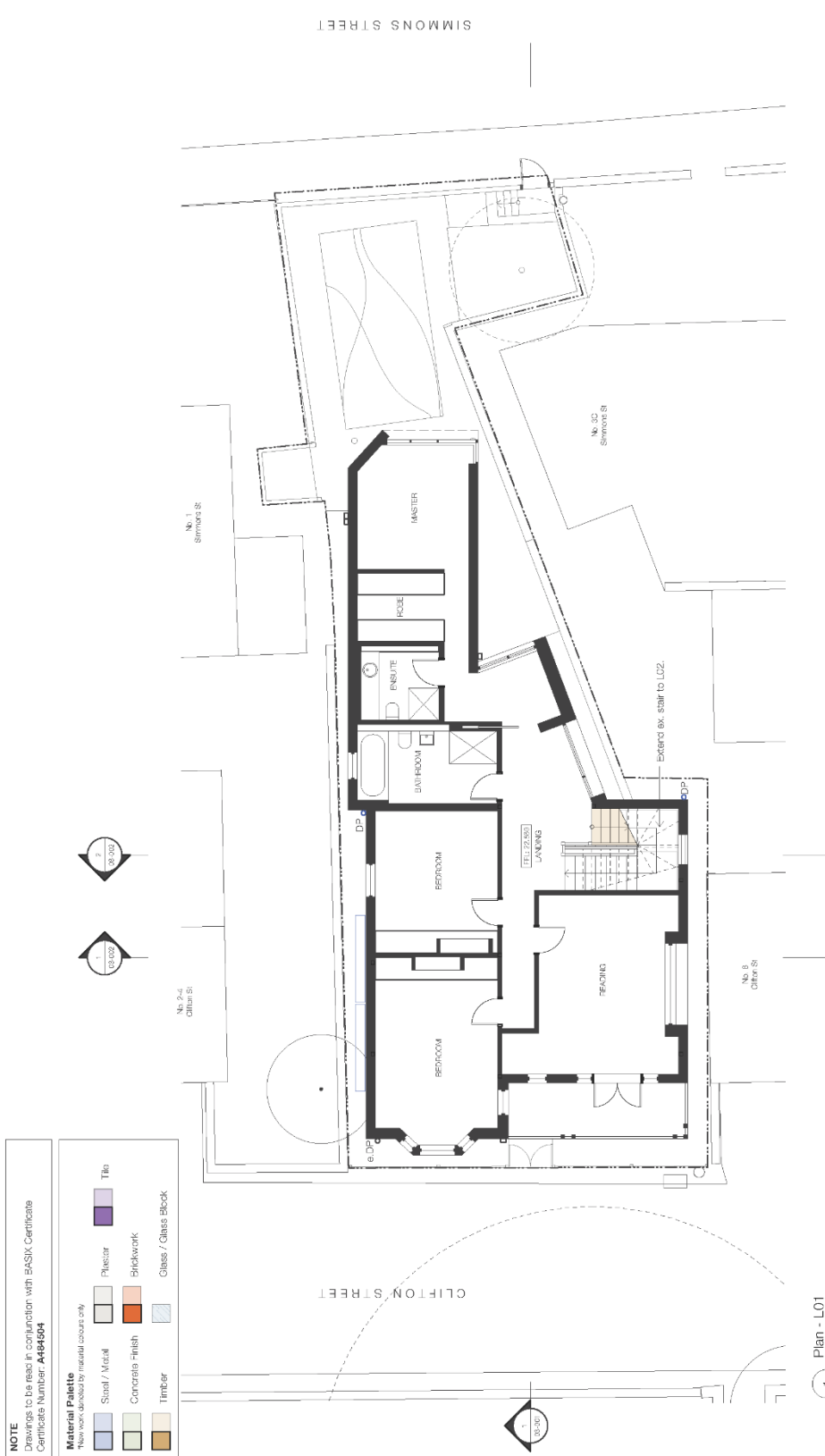
Scale: 1:100
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North Arrow

North Arrow (30°)

Number: AD-03 100
 Drawing: PROPOSED - L00
 Description: Development Application
 Date: 9/4/23
 Revision: A
 Developer/Approver

Project: Hack Residence
 Site Address: 6 Clifton St, Clifton, NSW, 2051
 Date of Issue:



NOTE
 Drawings to be used in conjunction with BASIX Certificate
 Certificate Number: A4841604

Material Palette
 *New work, distressed by material colours only

Stone / Metal	Plextor	Tile
Concrete finish	Brickwork	
Timber	Glass / Glass Block	

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ABN 72 856 628 637
 Pty Ltd
 23 Avon St, Bayside NSW, 2010
 Name: raddatz - kueber Pty Ltd
 NSW AFS Reg. 111144

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Document Set ID: 39066901
 Version: 1.1, Version Date: 05/09/2023

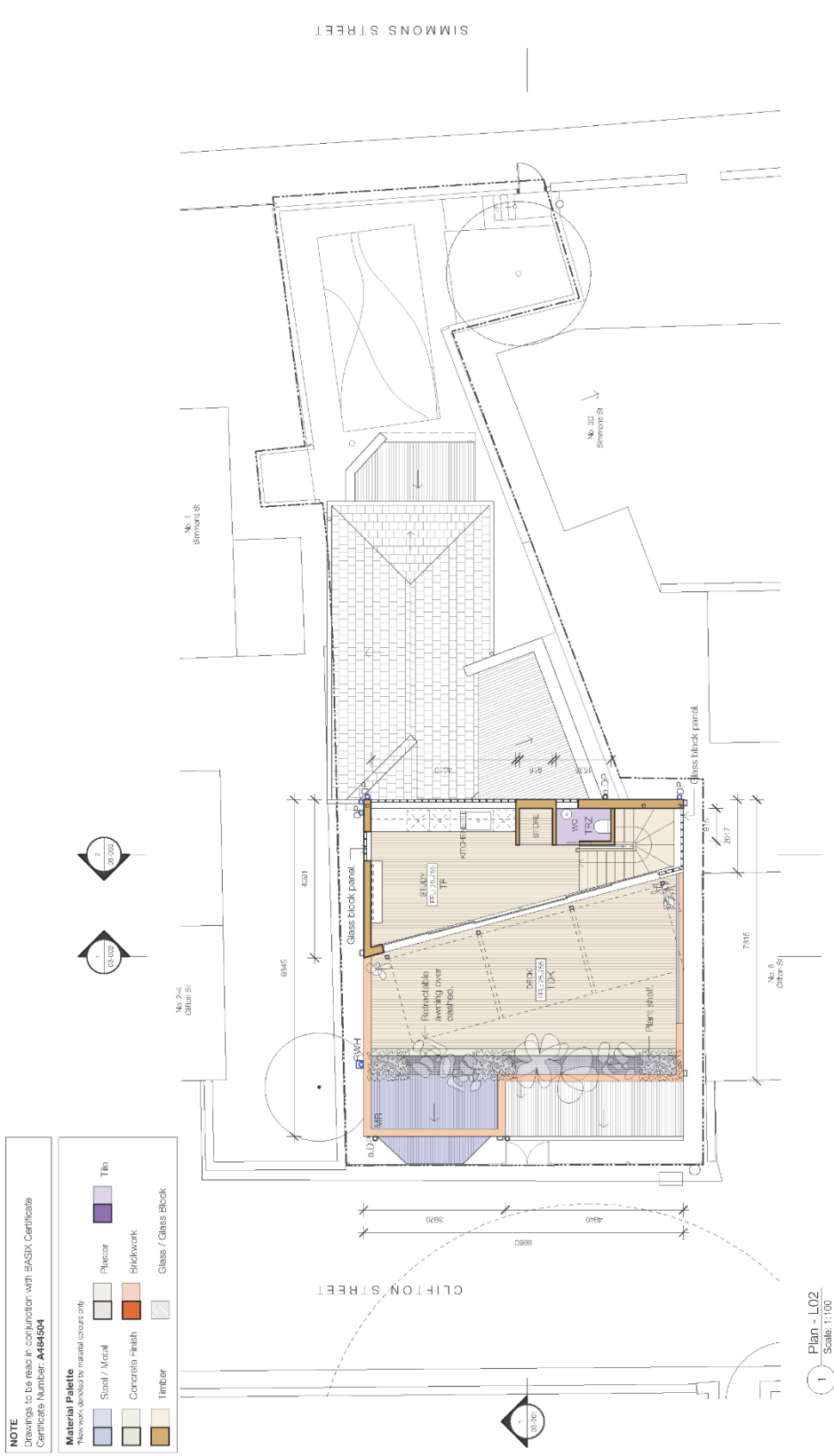
Important:
 All dimensions to be worked on site. Do not scale from drawings. All dimensions govern.
 Drawings & Schedule to be read in conjunction with all relevant specifications and contract drawings.
 All works to comply with the Building Code of Australia and all relevant Australian Standards in our priority jurisdiction.

Number: AD-03 101
Drawing: PROPOSED - L01
Description: Development Application
Date: 9/4/23
Revision: A
Development Approver:

Status: DA

Scale: 1:100
 0m 1m 2m 3m 4m 5m

Project: Hack Residence
Site Address: 6 Clifton St, Bayside, NSW, 2010
Date of Issue:



NOTE
 Drawings to be read in conjunction with BASIX Certificate
 Certificate Number: A4841604

Material Palette
 *New work specified by material colours only

Stone / Metal	Plaster	Tile
Concrete finish	Brickwork	
Timber	Glass / Glass Block	

1 Plan - L02
 Scale: 1:100

raddatz - kueber

ABN 72 856 628 657
 Pty Ltd
 23 Avon St, Sydney NSW, 2010
 Name: raddatz - kueber Pty Ltd
 NSW AFS Reg. 11114

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Document Set ID: 39066901
 Version: 1, Version Date: 05/09/2023

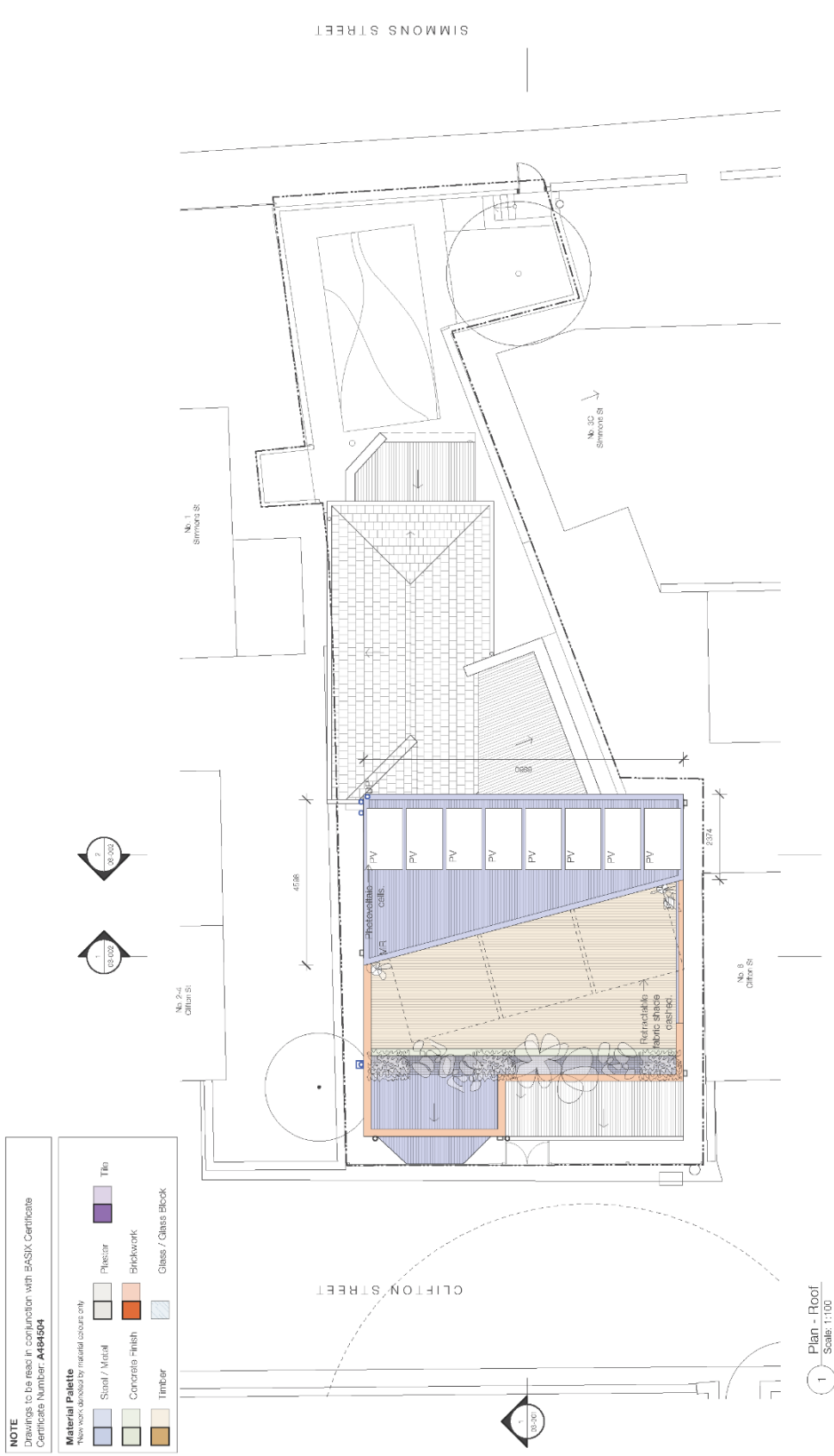
Important:
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Important:
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 Drawings & Schedules to be read in conjunction with all relevant specifications and contract drawings.
 All works to comply with the Building Code of Australia and all relevant Australian Standards and authority requirements.

Project: Hark Residence
 Site Address: 6 Clifton St, Clifton, NSW, 2041
 Date of Issue:

Number: AD-03 102
 Drawing: PROPOSED - L02
 Description: Development Application
 Date: 9/4/23
 Revision: A
 Developer/Approver:

Scale: 1:100
 0m 1m 2m 3m 4m 5m



raddatz-kueber

ABN 72 856 628 637
 Pty Ltd
 23 Avon St, Sydney NSW, 2010
 Name: raddatz-kueber Pty Ltd
 NSW AFS Reg. 111144

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Scale: 1:100
 0m 1m 2m 3m 4m 5m

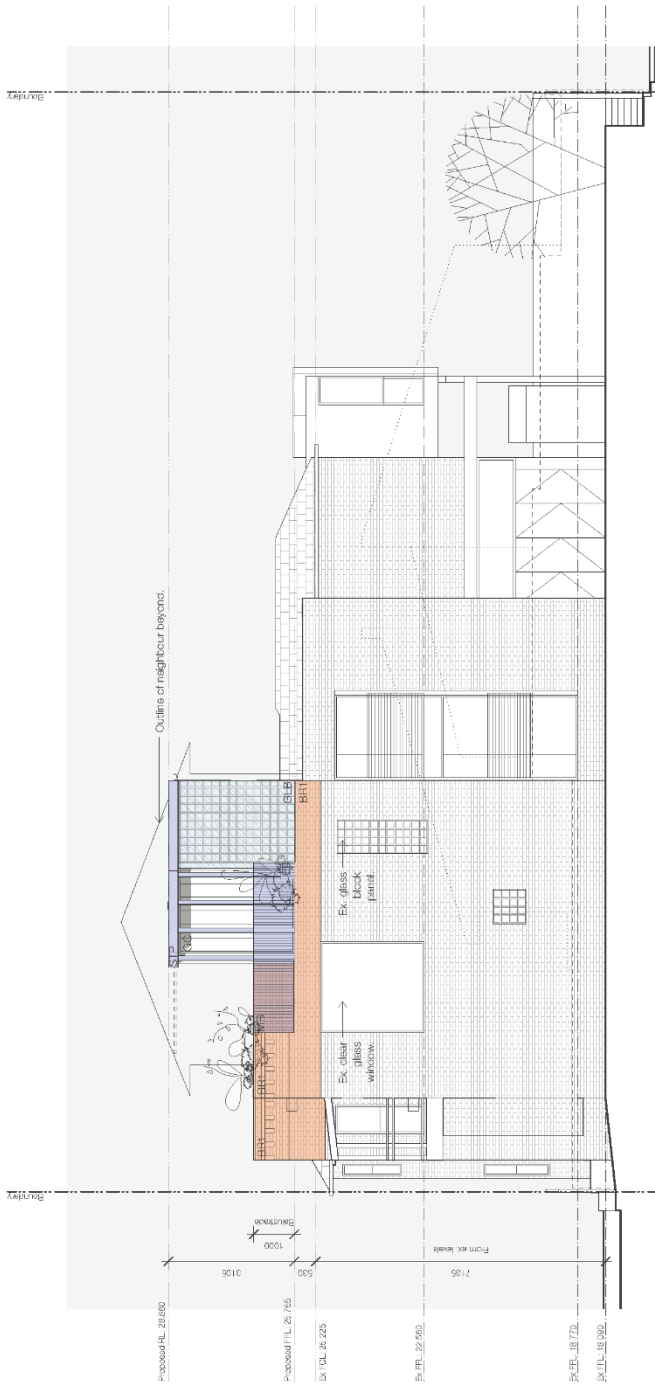
North Arrow

Revision: A
 Date: 9/4/23
 Description: Development Application

Number: AD-03 103
 Drawing: PROPOSED - ROOF

Project: Hack Residence
 Site Address: 6 Clifton St, Clifton, NSW, 2041
 Date of Issue:

NOTE
 Drawings to be used in conjunction with BASIX Certificate
 Certificate Number: A4841604



1 Elevation East
 Scale: 1:100

Material Palette
 *New work selected by material colour only

Number: AD-03 201
 Drawing: PROPOSED - ELEVATION - EAST
 Project: Hack Residence
 Site Address: 6 Cliff St (Opposite Lot: N891, 2251)
 Date of Issue:

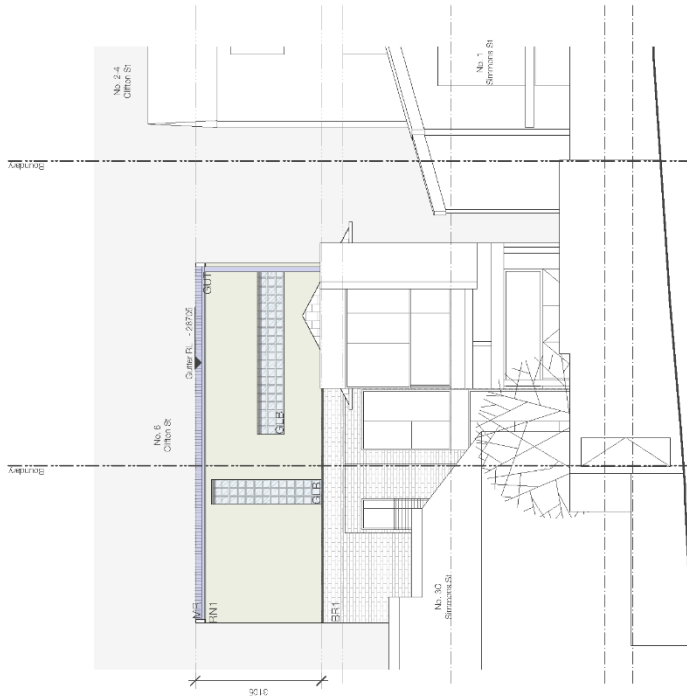
Status: DA
 Revision: A
 Date: 9/4/23
 Description: Development Application

Scale: 1:100
 0m 1m 2m 3m 4m 5m

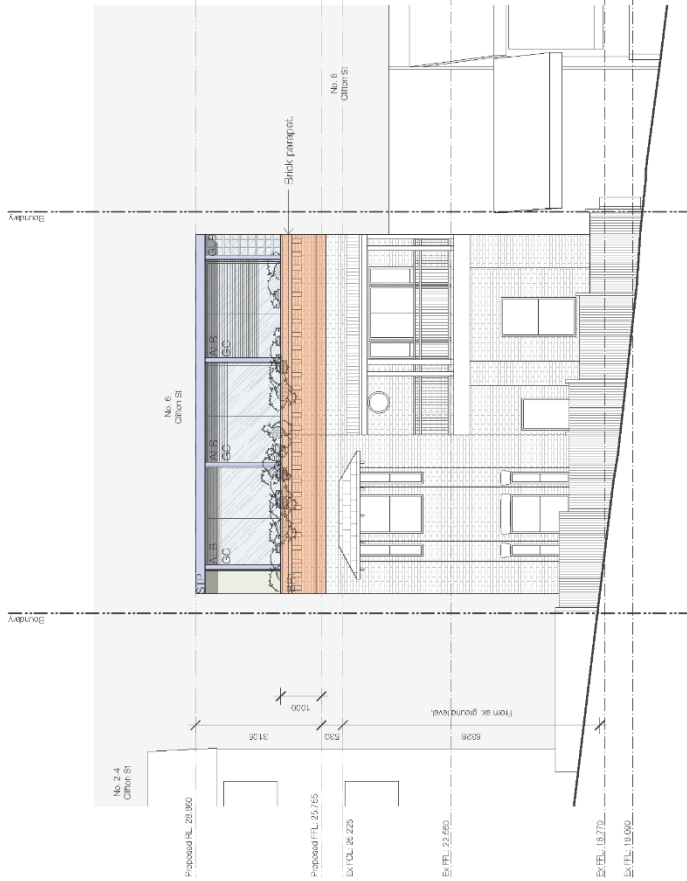
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raddatz - kueber
 ABN 72 555 626 637
 Pty Ltd 14/9 TCC 110
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NOTE
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 Certificate Number: A4841604



2 Elevation North
 Scale: 1:100



1 Elevation South
 Scale: 1:100

Material Palette
 *New work selected by material colour only

Number: AD-03 202
 Drawing: PROPOSED - ELEVATIONS - NORTH / SOUTH
 Project: Hark Residence
 Site Address: 6 Clifton St, Marrickville, NSW, 2204
 Date of Issue:

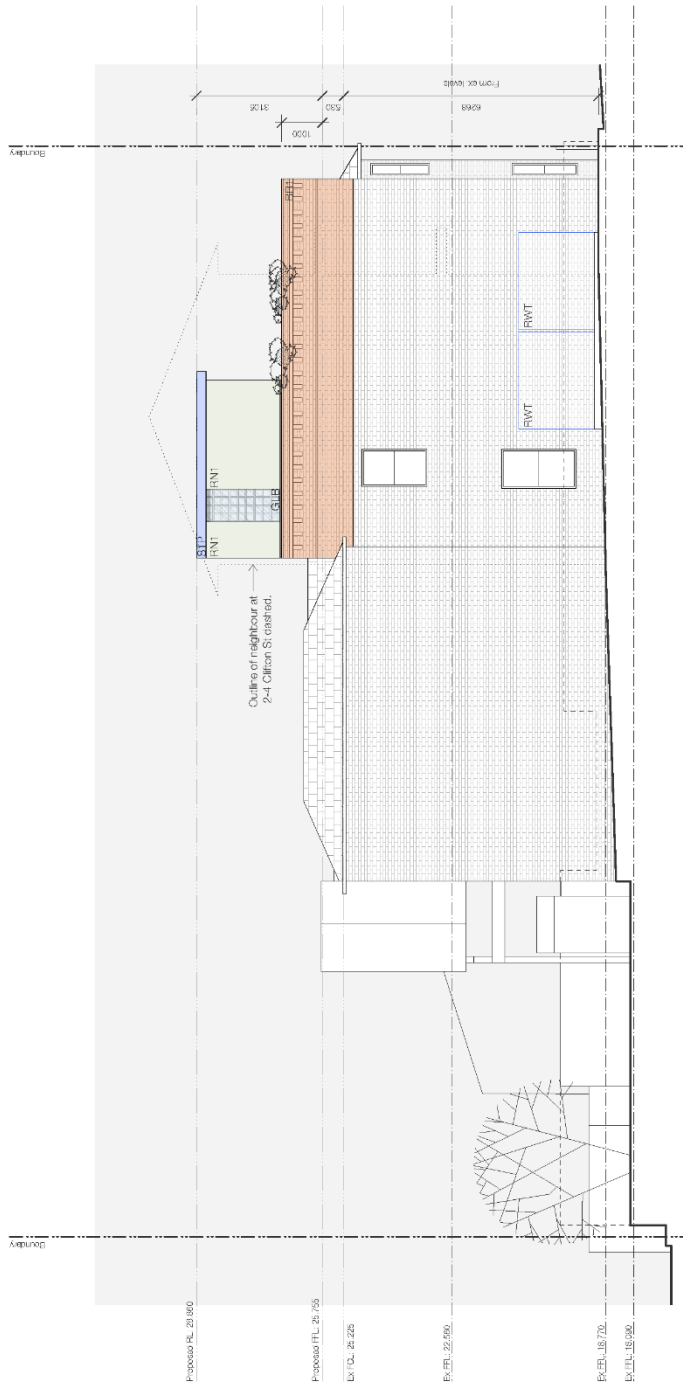
Status: DA
 Revision: A
 Date: 9/4/23
 Description: Development Application

Scale: 1:100
 0m 1m 2m 3m 4m 5m

Important:
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 Version: 1, Version Date: 06/09/2023

NOTE
 Drawings to be read in conjunction with BASIX Certificate
 Certificate Number: A4841604



1 Elevation West
 Scale: 1:100

Material Palette
 *New work selected by material colour only

Steel / Metal	Plaster	Tile
Concrete Finish	Brickwork	
Timber	Glass / Glass Block	

Number: AD-03 203
 Drawing: PROPOSED - ELEVATIONS - WEST
 Project: Hark Residence
 Site Address: 6 Clifton St. (Opposite Lot: N891 254)
 Date of Issue:

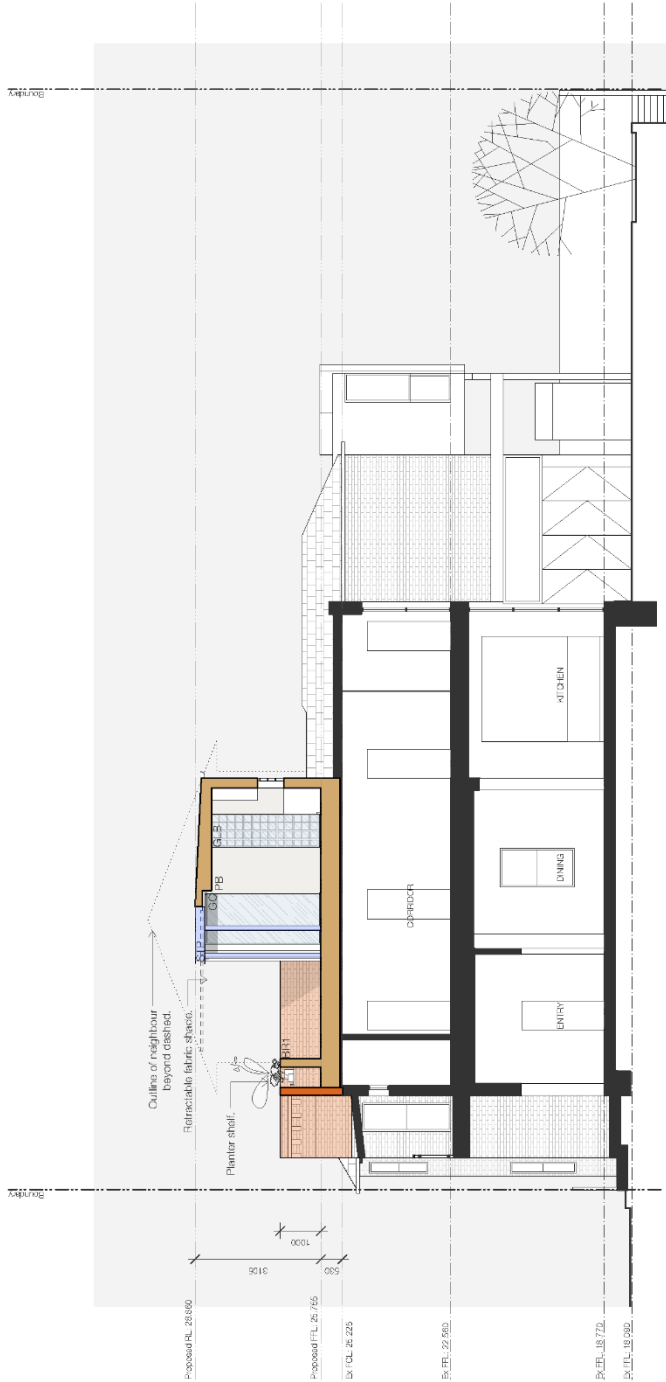
Status: DA
 Revision: A
 Date: 9/4/23
 Description: Development Application

Scale: 1:100
 0m 1m 2m 3m 4m 5m

Important:
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raddatz - kueber
 ABN 72 856 628 637
 Pty Ltd
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 Name also written: Christopher Raddatz
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 Version: 1, Version Date: 06/09/2023

NOTE
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 Certificate Number: **A484594**



1 Section A
 Scale: 1:100

Material Palette
 *New work selected by material colour only

	Steel / Metal		Plaster		Tile
	Concrete Finish		Shibubork		Glass / Glass Block
	Timber				

Number: AD-03 301
 Drawing: PROPOSED - SECTION - AA
 Project: **Holt Residence**
 Site Address: 6 Cliff St, Ultimo NSW, 2011
 Date of Issue:

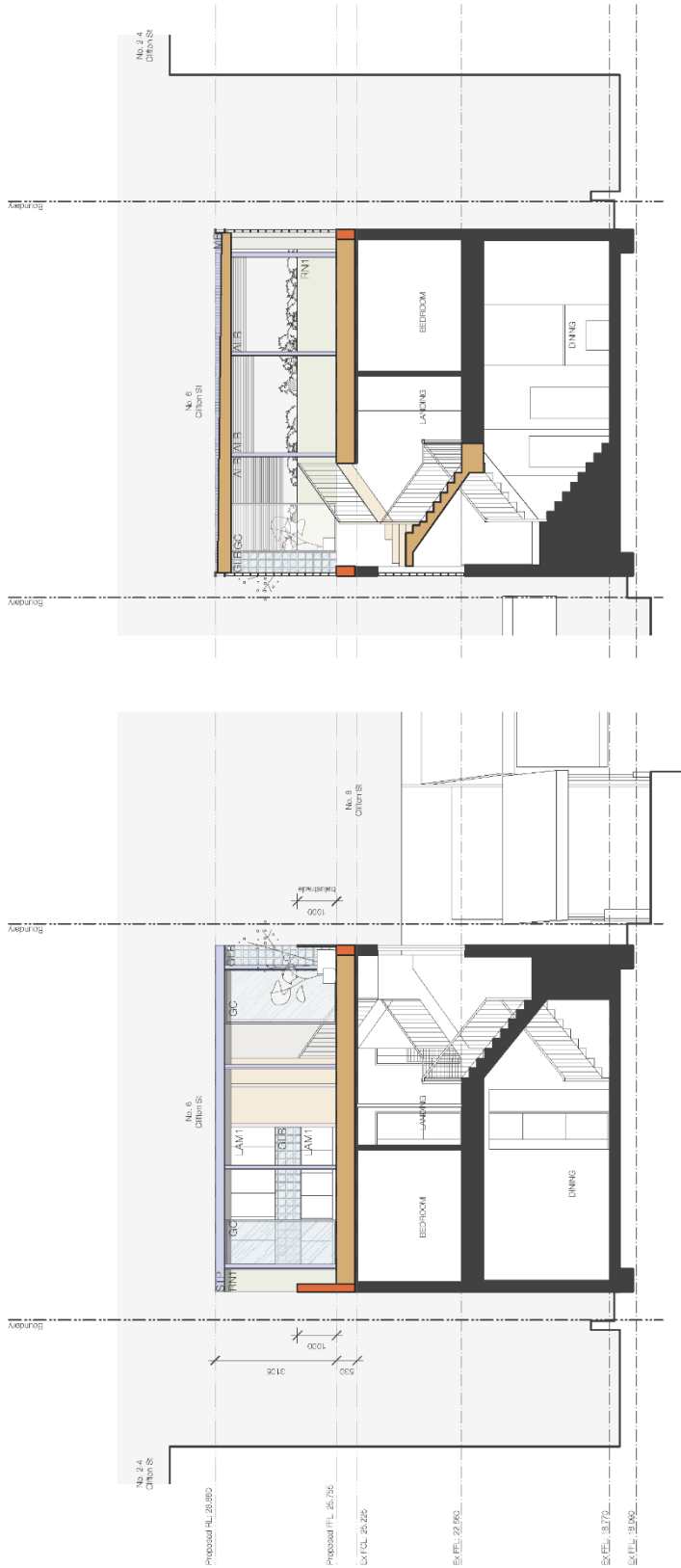
Status: **DA**
 Revision: A
 Date: 8/4/23
 Description: Development Application

Scale: 1:100

Important!
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 Drawings & Schedule to be read in conjunction with all relevant specifications and Contractors drawings.
 All works to comply with the Building Code of Australia and all relevant Australian Standards and industry requirements.

raddatz — kueber
 ABN 72 556 608 857
 Pty Ltd ACN 143 114
 23 Avon St, Surry Hills NSW, 2010
 Telephone: 02 9231 4444
 Fax: 02 9231 4444
 Website: www.rk.com.au
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 Version: 1, Version Date: 06/09/2023

NOTE
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 Certificate Number: A4841604



1 Section BB
 Scale: 1:100

2 Section CC
 Scale: 1:100

Material Palette
 *New work selected by material colour only

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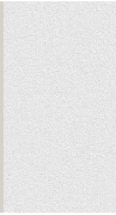
Important:
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 Drawings & Schedules to be read in conjunction with all relevant specifications and consulting drawings.
 All works to comply with the Building Code of Australia and all relevant Australian Standards in our priority jurisdiction.

Project: Hark Residence
 Site Address: 6 Clifton St, Glanville, NSW, 2204
 Date of Issue:

Status: DA
 Revision: A
 Date: 9/4/23
 Description: Development Application

Number: AD-03 302
 Drawing: PROPOSED - SECTION - BB & CC



ITEM	DESCRIPTION	FINISH	COCA ION & INSTA I A ION	ITEM	DI SC-IP I ION	IMAGE	FINISH	COCA ION & INSTA I A ION
ALD	Aluminium Louvre Blinds	Aluminium	Refer architectural drawings.	RNT	Render		Refer architectural drawings.	Refer architectural drawings.
CC	Clear Glass	Clear	To windows and doors as described on drawings.	STL	Painted Steelwork		Refer architectural drawings.	Refer architectural drawings.
CLB	Class Block	Translucent clear finish	Refer architectural drawings.	TOK	Timber Deck		To external deck areas generally Refer architectural drawings.	Refer architectural drawings.
MH	Mets Halvstuds	Multiplex Plyboard - Iron Oxide Finish	Refer architectural drawings.	II	Timber Joists		Refer architectural drawings.	Refer architectural drawings.
MH	Mets Hoesling	Lyngholm Plyboard - Iron Oxide Finish	Refer architectural drawings.	HLZ	Paradekso		Refer architectural drawings.	Refer architectural drawings.
PB	Peatlar Board	Gypsumum Plaster painted	To internal linings generally Refer architectural drawings.				Refer architectural drawings.	Refer architectural drawings.

reddatz — kueber

488 22 000 000 001
 488 22 000 000 010
 488 22 000 000 020
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 488 22 000 000 060
 488 22 000 000 070
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Important:

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Status: DA

Revision: A
 Date: 14/02/2024
 Description: Development Application

Number: SCH-06 001

Drawing: FINISHES SCHEDULE
 Project: Family Residence
 Client: Mr & Mrs [Name]
 Date of Issue: 06/09/2023

Attachment D – Section 4.6 Exception to Development Standards



CLAUSE 4.6 VARIATION REQUEST

INNER WEST LOCAL ENVIRONMENTAL PLAN 2022 CLAUSE 4.4: FLOOR SPACE RATIO

DEVELOPMENT APPLICATION FOR DEMOLITION OF THE PITCHED ROOF AND CONSTRUCTION OF A ROOF TERRACE WITH AN ASSOCIATED ENCLOSED SPACE

6 CLIFTON STREET, BALMAIN EAST

Prepared for
Raddatz-Kueber Architects
on behalf of Simon Hardy

By
BBC Consulting Planners

Job No. 21-177
Clause 4.6-FSR Final.docx
April 2023

L2 - 55 MOUNTAIN STREET BROADWAY ~ PO BOX 438 BROADWAY NSW 2007 ~ TELEPHONE [02] 9211 4099 FAX [02] 9211 2740
EMAIL: bbc.administration@bbcplanners.com.au ~ WEB SITE: www.bbcplanners.com.au

ABN 24 061 868 942



FIGURES

- Figure 1: Location
- Figure 2: Site
- Figure 3A: Aerial Photo – Detail
- Figure 3B: Aerial Photo – Immediate Context
- Figure 3C: Aerial Photo – Wider Area
- Figure 4A: Zoning Map - Inner West LEP 2022
- Figure 4B: Floor Space Ratio Map - Inner West LEP 2022
- Figure 4C: Heritage Map - Inner West LEP 2022
- Figure 4D: Acid Sulfate Soils Map - Inner West LEP 2022
- Figure 4E: Lot Size Map - Inner West LEP 2022
- Figure 4F: Key Sites Map - Inner West LEP 2022
- Figure 5A: Balmain East Distinctive Neighbourhood Map – Leichhardt Development Control Plan 2013
- Figure 5B: Eastern Waterfront Sub Area Map – Leichhardt Development Control Plan 2013
- Figure 6A: Coastal Environment Area Map – SEPP (Resilience and Hazards) 2021
- Figure 6B: Coastal Use Area Map – SEPP (Resilience and Hazards) 2021
- Figure 7A: Foreshores and Waterways Area Map - SEPP (Biodiversity and Conservation) 2021
- Figure 7B: Ecological Communities and Landscape Characters – Sydney Harbour Foreshores and Waterways Area, DCP, 2006

ATTACHMENTS

- Attachment 1: GFA plan AD-00 002



1. INTRODUCTION

1.1 The Proposal

This Clause 4.6 variation request has been prepared in support of a DA for the demolition of the pitched roof and a roof top addition to an existing dwelling including construction of a roof terrace with an associated enclosed space containing an internal access, a kitchenette, WC and a study, as well as drainage, and other associated works (“the proposal”) at 6 Clifton Street, Balmain East (“the site”). All relevant aspects of the proposal are described and assessed in the Statement of Environmental Effects (“SEE”) and its appendices. The proposal is detailed on plans prepared by Raddatz – Kueber Architects.

Pursuant to Clause 4.4(2B) of Inner West Local Environmental Plan 2022 (“IWLEP”), the site is subject to a maximum floor space ratio (“FSR”) of 0.9:1. Measured in accordance with the GFA definition in the Inner West LEP 2022, the existing dwelling has a GFA of 207.763m² equating to an FSR of 0.97:1 on a site area of 214m² which exceeds the maximum permitted FSR by 0.07:1 (or 7.8%). The proposal results in 18.793m² of additional GFA. Therefore, the proposal results in total gross floor area of 226.556m², which equates to a floor space ratio of 1.0586:1 on a site area of 214m². This increases the existing FSR by 0.09:1 and exceeds the maximum permitted FSR by 0.158:1.

The architect’s GFA calculation plan, Drawing AD-00 002, is provided in **Attachment 1**.

This Clause 4.6 variation request has been prepared in relation to the non-compliance with the 0.9:1 maximum FSR standard which applies to the site. The exceedance of the standard, in both actual and percentage terms, is not substantial.

1.2 Site, Zoning, Zone Objectives and Permissibility

The location and boundaries of the site are identified on **Figures 1 and 2**.

The immediate and wider contexts of the site are shown on **Figures 3A and 3B**.

The site is zoned R1 General Residential pursuant to IWLEP 2022 (see **Figure 4A**), the objectives of which are as follows:-

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



The proposed addition is consistent with the above objectives as it will maintain the character of the surrounding area which includes a mixture of two storey dwellings, multi-dwelling housing and residential flat buildings.

The proposal is permissible with consent in the R1 General Residential zone.

1.3 The FSR standard in IWLEP 2022

Clause 4.4(2) of IWLEP 2022 provides that a building should not exceed the FSR shown for the land on the FSR map (see **Figure 4B**). The maximum FSR for the site, as shown on the FSR map, is 0.5:1. However, Clause 4.4(2B)(b) of IWLEP 2022 states as follows:-

“(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 FSR
< 150m ²	1.0:1
≥ 150 < 300m ²	0.9:1
≥ 300m ² < 450m ²	0.8:1
≥ 450m ²	0.7:1

The site is identified as being in Area 3 (outlined in orange) on the FSR map and, as a result, is subject to a maximum FSR of 0.9:1. Clause 4.6 of IWLEP 2022 allows approval to be granted to a DA, even though the proposal contravenes a development standard in IWLEP 2022, including the maximum FSR standard in Clause 4.4(2B).

This written request addresses the requirements of Clause 4.6 of IWLEP 2022.

1.4 Context

The site is located on the northern side of Clifton Street in Balmain East, opposite Nicholson Street Public School (see **Figures 1 and 2**). The context of the site in relation to the other residential buildings on the same side of Clifton Street is evident from the aerial photos (January 2023) in **Figures 3A, 3B and 3C**.

The site forms part of a high amenity harbourside residential area predominantly characterised by detached dwelling, terraces/ attached dwellings, multi-dwelling housing and residential flat buildings.

The majority of the dwellings in the immediate vicinity of the site are designed and oriented to take advantage of views to Sydney Harbour and Mort Bay.

1.5 Principles and relevant authorities

The principles and relevant authorities which have been considered in the preparation of this Clause 4.6 variation request are those found in:-



- Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;
- Wehbe v Pittwater Council [2007] NSWLEC 827 (“Wehbe”);
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (“Four2Five No 1”);
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 (“Four2Five No 2”);
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 248 (“Four2Five No 3”);
- Micaul Holdings Pty Limited v Randwick City Council [2015] NSWLEC 1386;
- Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7;
- Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC118;
- Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245;
- Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61; and
- Rebel MH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130.



2. RELEVANT DEVELOPMENT STANDARD

The relevant development standard to which this Clause 4.6 variation request relates is the 0.9:1 maximum FSR control in Clause 4.4(2B) of IWLEP 2022.

Clause 4.4(2B)(b) states as follows:-

“(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 FSR
< 150m ²	1.0:1
≥ 150 < 300m ²	0.9:1
≥ 300m ² < 450m ²	0.8:1
≥ 450m ²	0.7:1



3. EXCEPTION TO DEVELOPMENT STANDARDS (CLAUSE 4.6)

Clause 4.6 of IWLEP 2022 permits consent to be granted for a development application even though the development proposed in the development application would contravene a development standard imposed by IWLEP 2022.

Clause 4.6 relevantly states:-

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

Accordingly, Clause 4.6 can be used to vary (to the extent required) the 0.9:1 maximum FSR standard in Clause 4.4(2B) of IWLEP 2022 in respect of a non-compliance with the FSR limit. The non-compliance in the subject case is 0.16:1.



4. IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE AND ARE THERE SUFFICIENT PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE STANDARD?

4.1 Extent of non-compliance

The architect's GFA calculations are provided in **Attachment 1**.

It is important to note that the existing dwelling has a GFA of 207.763m² equating to an FSR of 0.97:1 which exceeds the maximum permitted FSR by 0.07:1 (or 7.8%). The proposal results in an additional FSR non-compliance of around 0.09:1 (or 9.9%). The proposed GFA is 226.556m². On a site area of 214m², this equates to an FSR of 1.0586:1 which does not comply with the FSR limit of 0.9:1. The proposal therefore results in an exceedance of the maximum permitted FSR in the LEP. The total exceedance, including the existing exceedance, is 33.9m² which equates to an FSR non-compliance of 0.158:1.

4.2 What is the Purpose/Object of the Standard?

The objectives of the FSR standards in Clause 4.4 of IWLEP 2022:-

"(1) The objectives of this clause 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."* (our emphasis)

The proposal is consistent with the objectives in Clause 4.4, including objective (b), notwithstanding the 0.158:1 non-compliance with the 0.9:1 FSR standard in Clause 4.4(2B) of the LEP.

In relation to objective (b), the locality generally, and the residential buildings along the northern side of Clifton Street are highly diverse in style, size and character and include dwelling houses, multi dwelling housing, and residential flat buildings. The proposed roof terrace and enclosed space are compatible with the locality.



There are also several dwellings within the Balmain East Heritage Conservation Area (especially along Simmons Street) that feature alterations to the roof forms of the existing dwellings to accommodate new balconies and roof terraces.

In relation to objective (d), the substantial front and rear setbacks of the rooftop addition, ensure that adverse impacts on local amenity are minimal.

4.3 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case

4.3.1 Consistency with the objectives of the FSR standard

The proposal is consistent with the stated objectives of the FSR standard in Clause 4.4 for the following reasons:-

- the bulk and scale of the proposal is compatible within the existing context of the surrounding development which consists of dwelling houses, multi dwelling housing, and residential flat buildings;
- the proposed roof top enclosed space will be well setback from the front façade of the existing dwelling;
- the proposed addition will complement the existing dwelling (which is not an item of heritage significance) and will not impact on the heritage significance of the conservation area;
- the additional FSR results in no significant amenity impacts on the locality;
- the proposed addition will not give rise to any impacts on existing views;
- the FSR of the proposal, notwithstanding the requested variation to the FSR standard, is appropriate for the conditions of the site and its context; and
- the non-compliance will have no adverse visual, view, acoustic privacy or other amenity impacts.

4.3.2 The extent of the non-compliance is acceptable and reasonable

The 0.158:1 non-compliance with the 0.9:1 FSR standard in Clause 4.4(2B) of the IWLEP 2022 which applies to the site (of which 0.07:1 is an existing non-compliance) is considered to be acceptable and reasonable in the circumstances of the case for the following reasons: -

- all of the reasons set out above in Section 4.3.1;
- the proposal is still consistent with the overall planning intent for the site and with the surrounding R1 General Residential zoned area;
- the proposal, with the overall 0.158:1 FSR non-compliance, is still consistent with the desired future character for the Balmain East Distinctive Neighbourhood; and
- no adverse environmental impacts arise from the non-compliant FSR.



4.3.3 There is a lack of adverse amenity impact

There are no significant or unreasonable amenity impacts associated with the non-compliance for the reasons set out above in 4.3.2 above. In this regard, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ **expressly** held that "...one way of demonstrating consistency with the objectives of a development standard is to show a lack of adverse amenity impacts (see *Randwick City Council v Micaul Holdings Pty Ltd* at [34])."

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

The proposal represents a balanced planning outcome, having regard to the existing controls, the constraints and opportunities of the site, existing development in the locality and the need to consider the amenity of neighbouring buildings.

The proposal is highly consistent with the desired future character of the Balmain East Distinctive Neighbourhood area and with the relevant regulatory controls applicable to development of the type proposed.

The proposed addition is well setback from the front façade of the existing dwelling and will have no additional streetscape impacts. The Clifton streetscape does not feature a cohesive character and consists of a mixture of 1970s and 1980s infill development. The site is located adjacent to a three storey residential flat building and to two storey multi dwelling housing.

The overall 0.158:1 FSR non-compliance (including the 0.07:1 existing non-compliance) will not set an unreasonable precedent or standard in the context of the site and its surrounds. There are several examples of dwellings within the Balmain East Heritage Conservation Area (especially along Simmons Street) that feature alterations to the roof forms of the existing dwellings to accommodate new balconies and terraces.

No significant or unreasonable environmental or amenity impacts arise from the proposed FSR non-compliance.

4.5 Has this written request adequately addressed the matters required to be demonstrated by sub-clause 4.6(3)?

Yes. See Section 4.1 – 4.4 above.



5. IS THE DEVELOPMENT IN THE PUBLIC INTEREST BECAUSE IT IS CONSISTENT WITH THE OBJECTIVES OF THE FSR STANDARD AND THE OBJECTIVES FOR DEVELOPMENT WITHIN THE ZONE IN WHICH THE DEVELOPMENT IS PROPOSED TO BE CARRIED OUT?

5.1 Consistency with the objectives of the standard

The proposal is consistent with the stated objectives of the FSR standard in Clause 4.4 for the reasons set out in Section 4.3.1 and having regard to all other relevant considerations is therefore in the public interest.

5.2 Consistency with the objectives of the zone

The proposal is consistent with the objectives of the R1 General Residential zone as set out in Section 1.2. As stated therein, the proposal is relevantly consistent with these objectives and having regard to all other relevant considerations is therefore in the public interest.



6. THE “FIVE PART TEST”

In addition to the above requirements, a consent authority may choose to not only use the principles of Clause 4.6 but also the “five part test” established by the Land and Environment Court.

Court cases dealing with requests to vary development standards resulted in the Land and Environment Court setting out a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standards is well founded. The “five part test” is outlined as follows:-

- “1. the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
- 2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.”*

In relation to test (1): the proposal meets the objectives of the maximum FSR standard, notwithstanding the 0.16:1 FSR non-compliance, as detailed above in Section 4.2.

In relation to test (2): no reliance is placed on this test.

In relation to test (3): the proposal meets the objectives of the maximum FSR standard, notwithstanding the 0.16:1 FSR non-compliance, as detailed above in Section 4.2.

In relation to test (4): no reliance is placed on this test.

In relation to test (5): no reliance is placed on this test.



7. CONCLUSION

It can be concluded that strict compliance with the 0.9:1 maximum FSR standard in Clause 4.4(2B) of IWLEP 2022 is unreasonable and unnecessary in the circumstances of the case, that there are sufficient environmental planning grounds to justify the requested variation of 0.158:1 (including the compatibility of the built form to the site and its surrounds within the Balmain East Distinctive Neighbourhood area, and the absence of any significant or unreasonable environmental impacts) and that the proposal is in the public interest.

The proposal will have a positive planning outcome in that the proposal will deliver a well-designed, sympathetic addition to an existing building which will improve the standard of housing stock in the area.

The proposal is well setback from the front façade of the existing dwelling, will not result in excessive bulk and scale, and is consistent with the overall planning intent for the site and with the surrounding R1 General Residential zoned area.

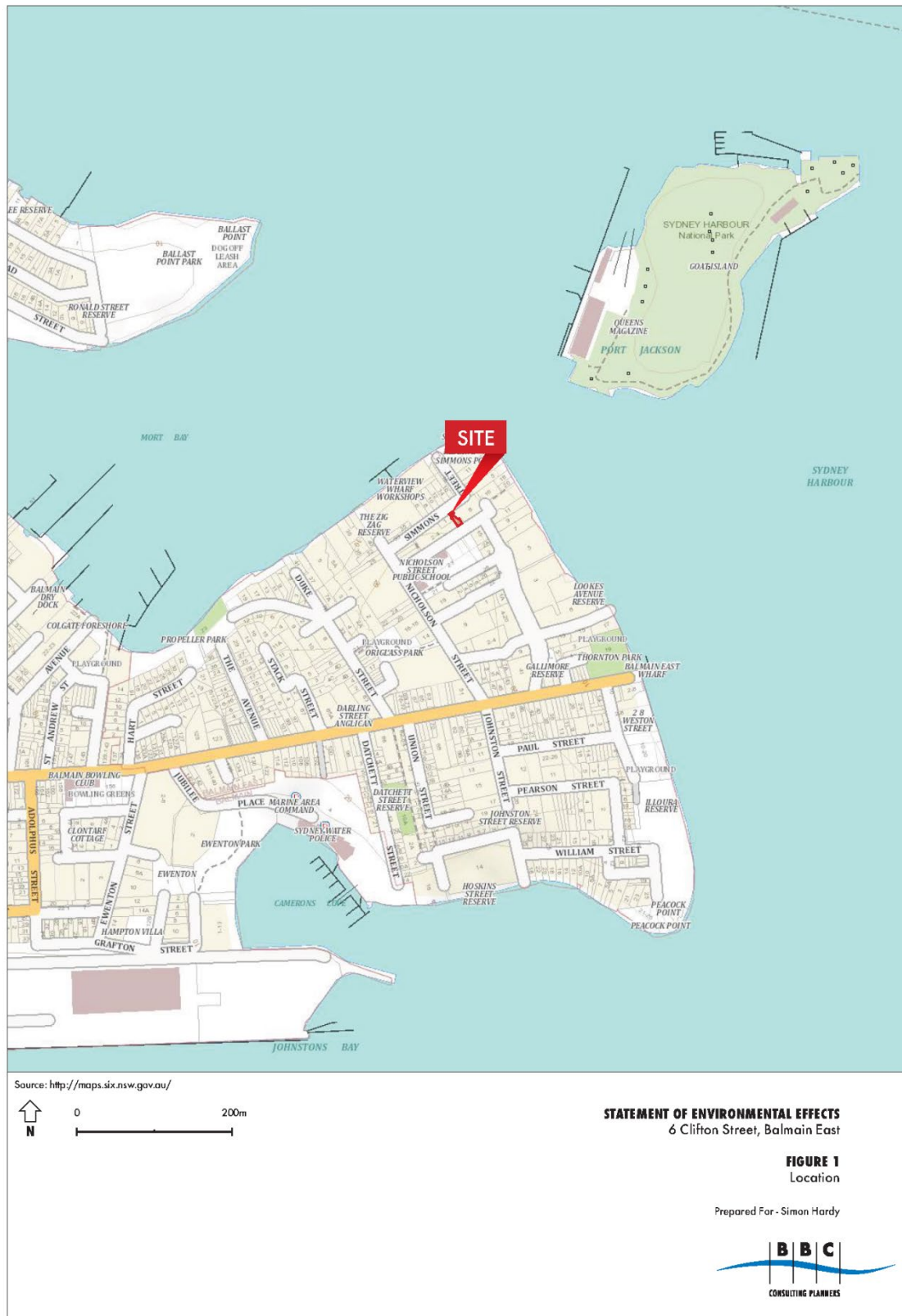
The proposed addition will complement the existing dwelling (which is not an item of heritage significance) and will not impact on the heritage significance of the conservation area, of which it forms part.

The proposal has been carefully configured and designed to ensure high levels of amenity to future residents on the site and to existing residents on neighbouring sites.

The proposal, notwithstanding the non-compliance with the maximum FSR standard, is in the public interest because it is consistent with the stated objectives of the FSR standard in Clause 4.4 and with the objectives of the R1 General Residential zone in the LEP.

The Clause 4.6 variation request should therefore be supported.

FIGURES



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Source: <http://maps.six.nsw.gov.au/>

STATEMENT OF ENVIRONMENTAL EFFECTS
6 Clifton Street, Balmain East

FIGURE 2
Site

Prepared For - Simon Hardy



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Source: NearMap 9 Jan 2023

STATEMENT OF ENVIRONMENTAL EFFECTS
6 Clifton Street, Balmain East

FIGURE 3A
Aerial Photo - Detail

Prepared For - Simon Hardy



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Version: 1, Version Date: 16/05/2023



Source: NearMap 9 Jan 2023

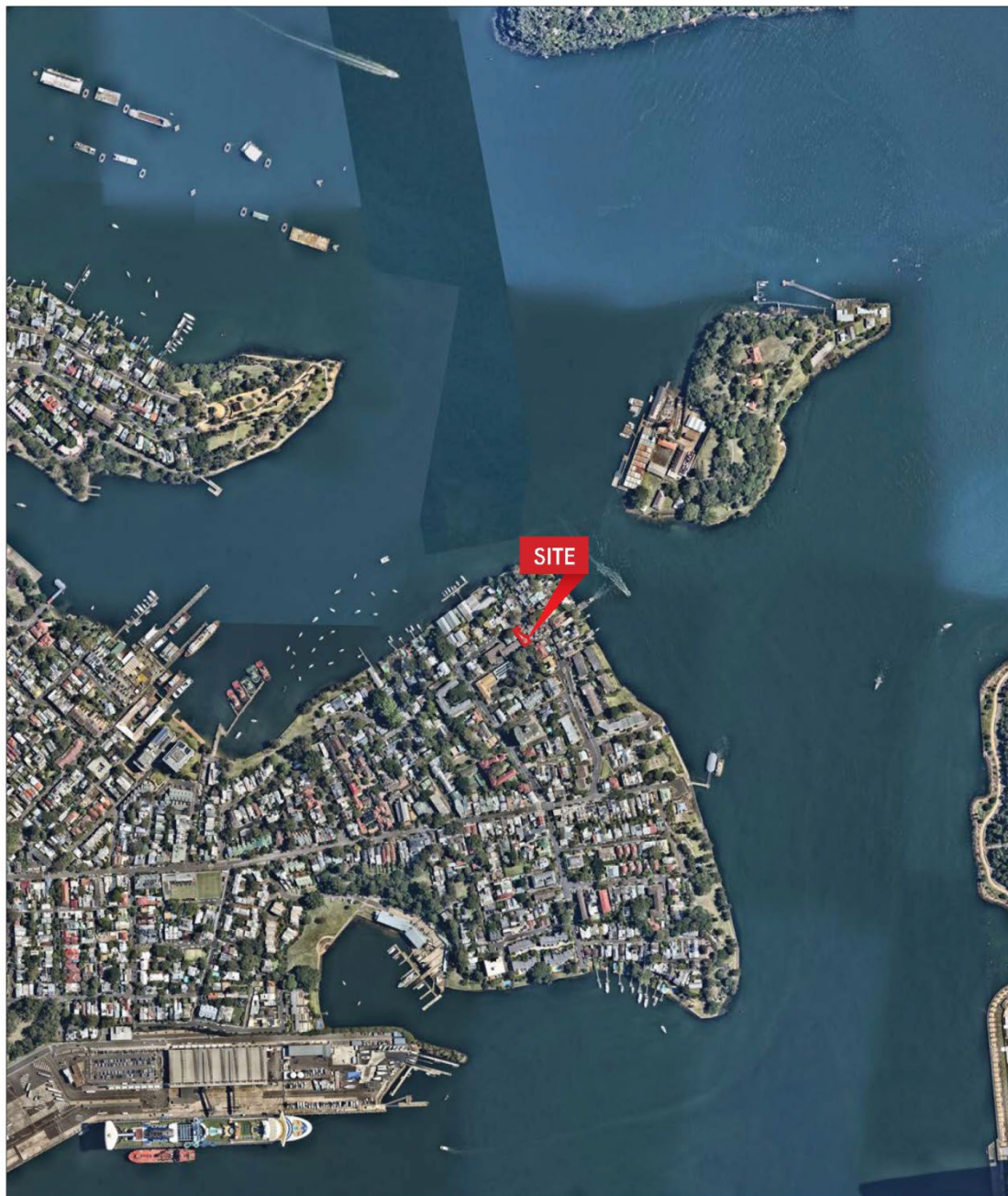
STATEMENT OF ENVIRONMENTAL EFFECTS
6 Clifton Street, Balmain East

FIGURE 3B
Aerial Photo - Immediate Context

Prepared For - Simon Hardy



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Version: 1, Version Date: 16/05/2023



Source: NearMap 9 Jan 2023

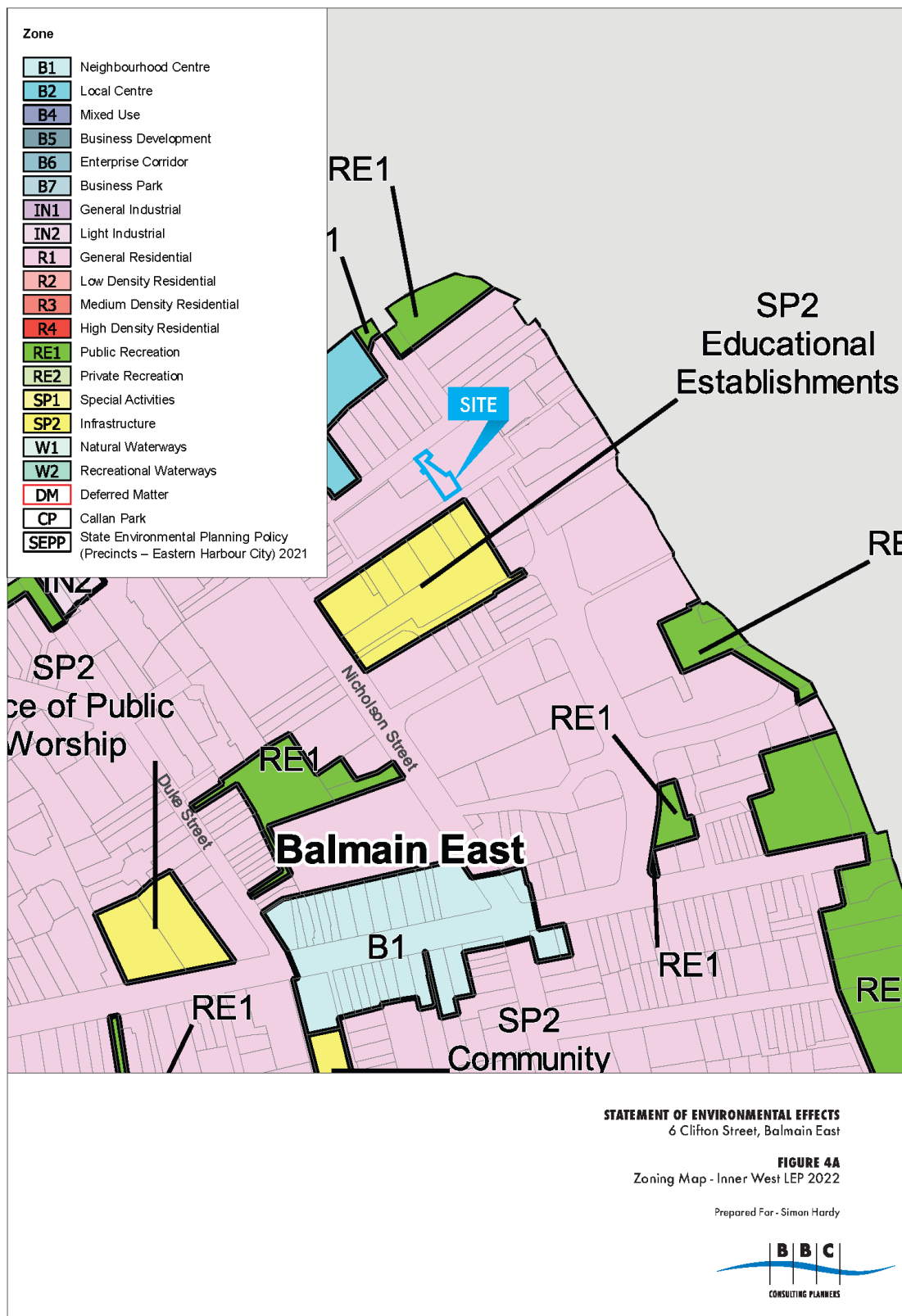
STATEMENT OF ENVIRONMENTAL EFFECTS
6 Clifton Street, Balmain East

FIGURE 3C
Aerial Photo - Wider Area

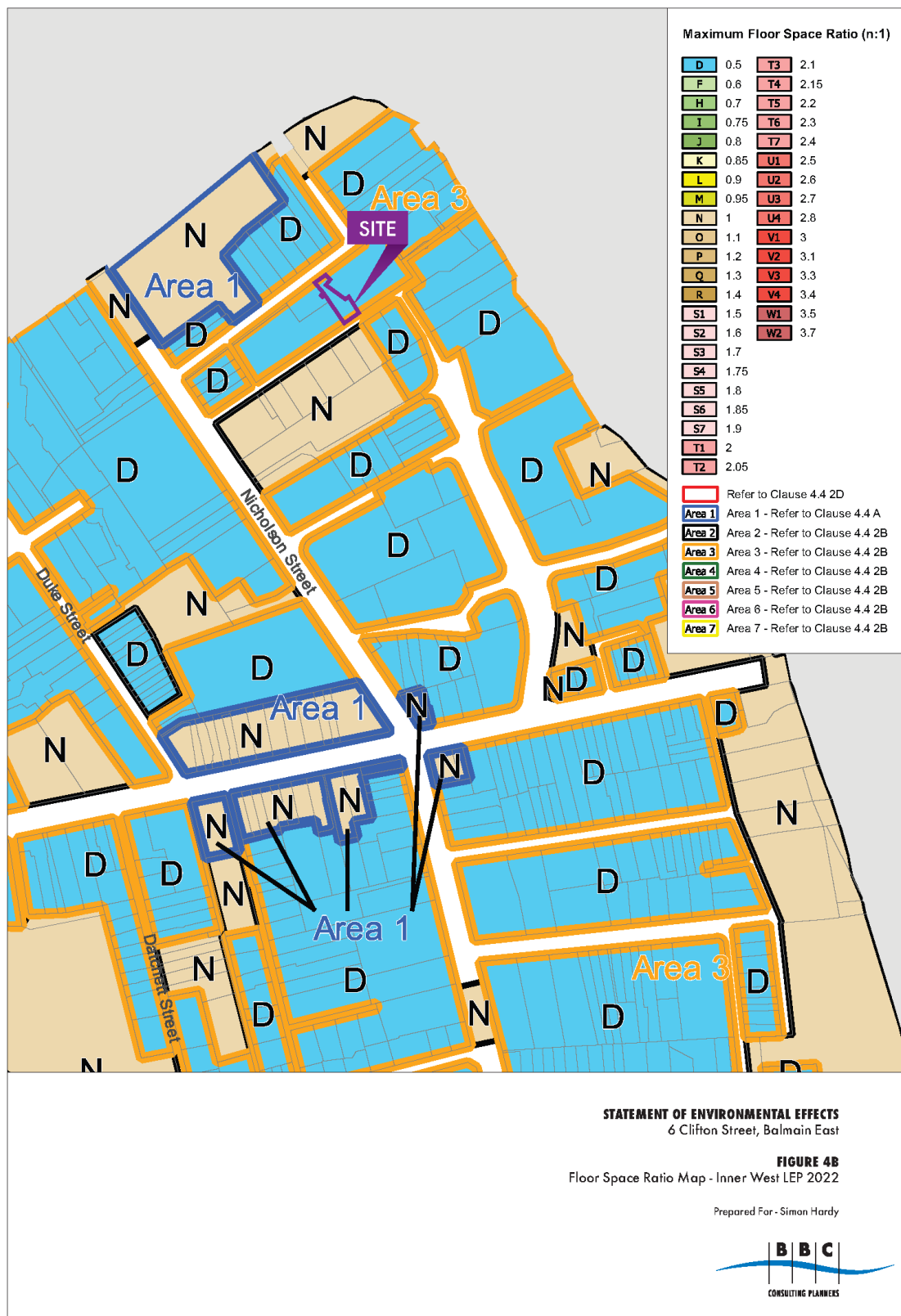
Prepared For - Simon Hardy



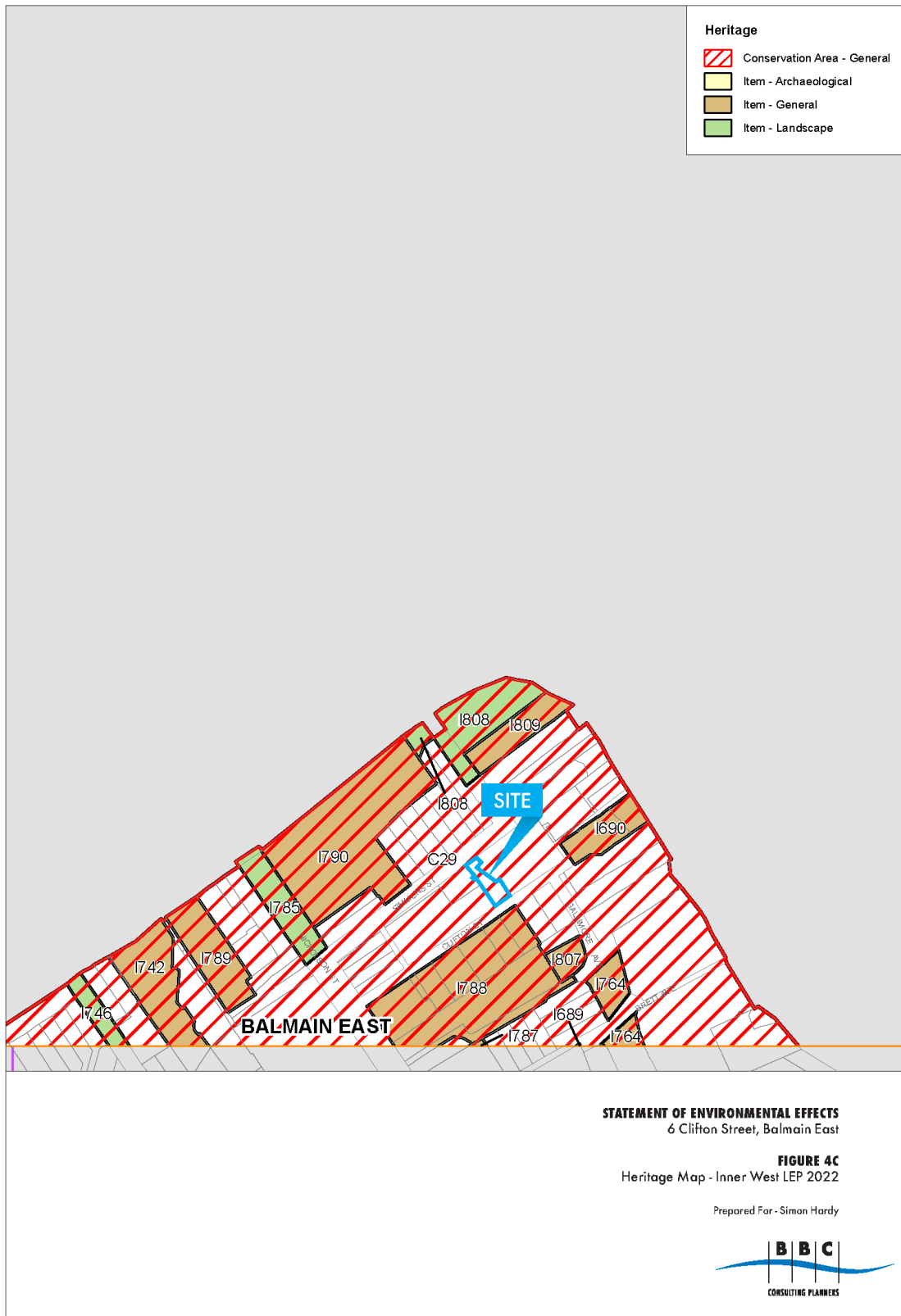
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Version: 1, Version Date: 16/05/2023



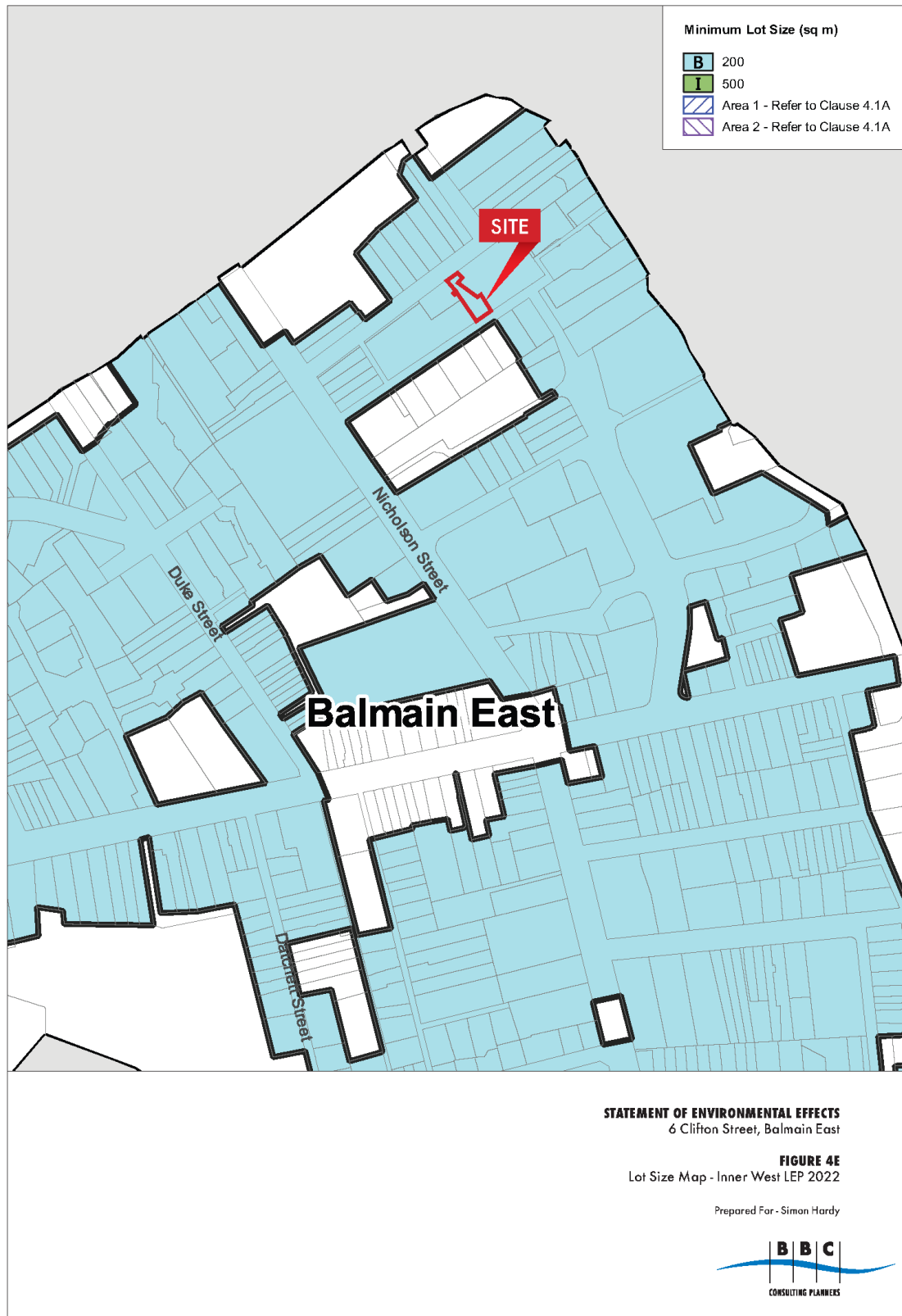
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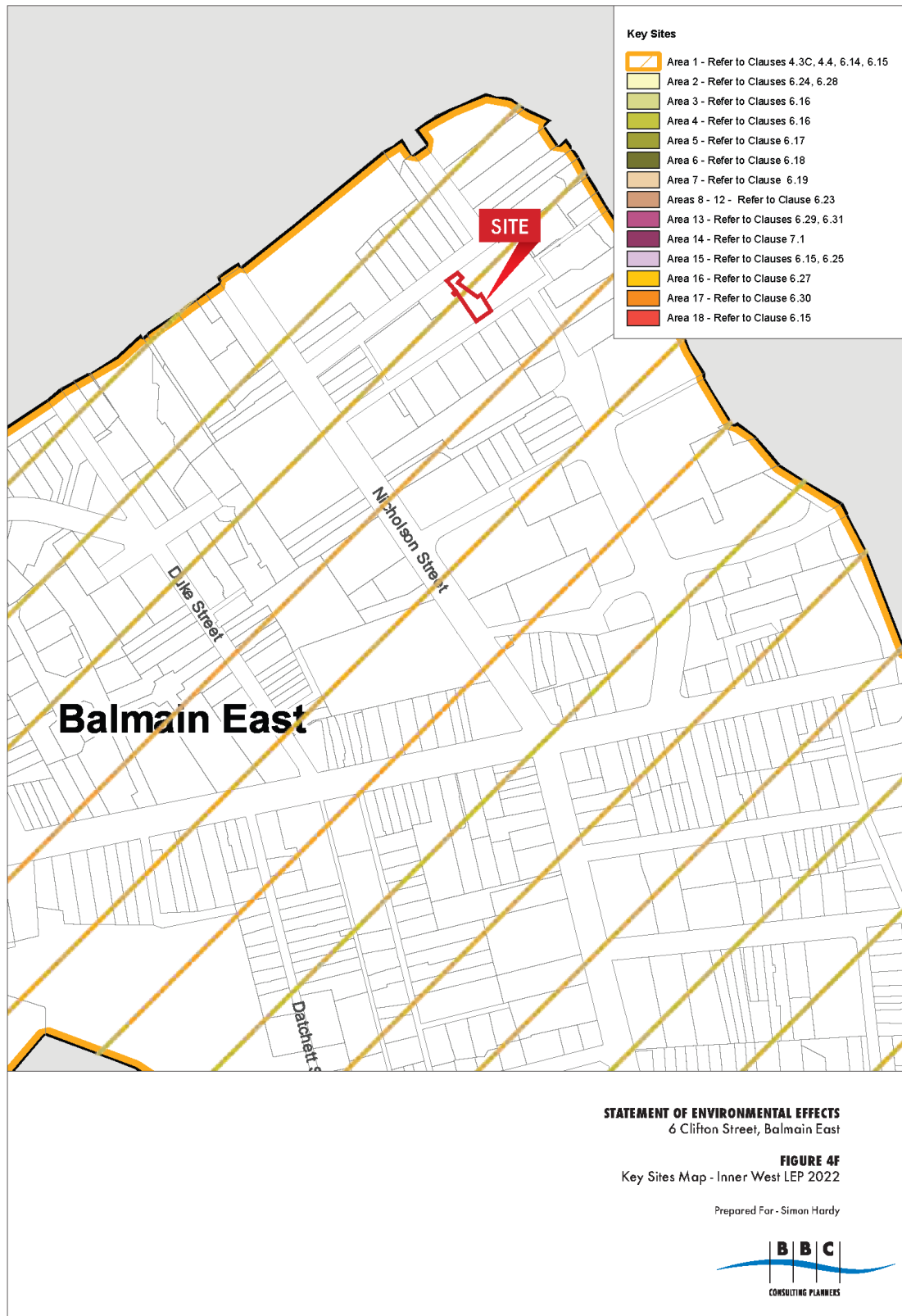
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Version: 1, Version Date: 16/05/2023

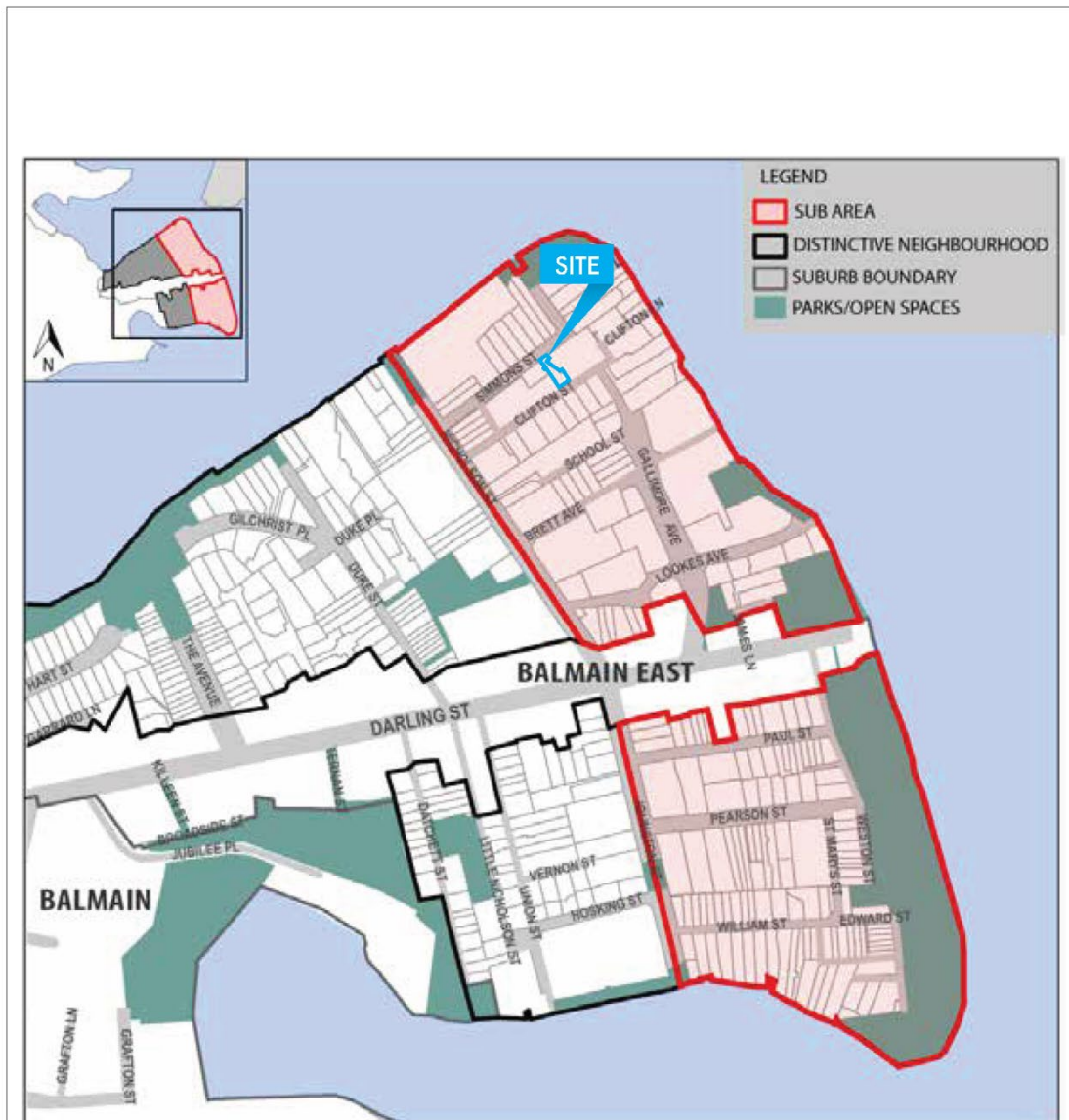


STATEMENT OF ENVIRONMENTAL EFFECTS
6 Clifton Street, Balmain East

FIGURE 5A
Balmain East Distinctive Neighbourhood Map - Leichhardt DCP 2013

Prepared For - Simon Hardy





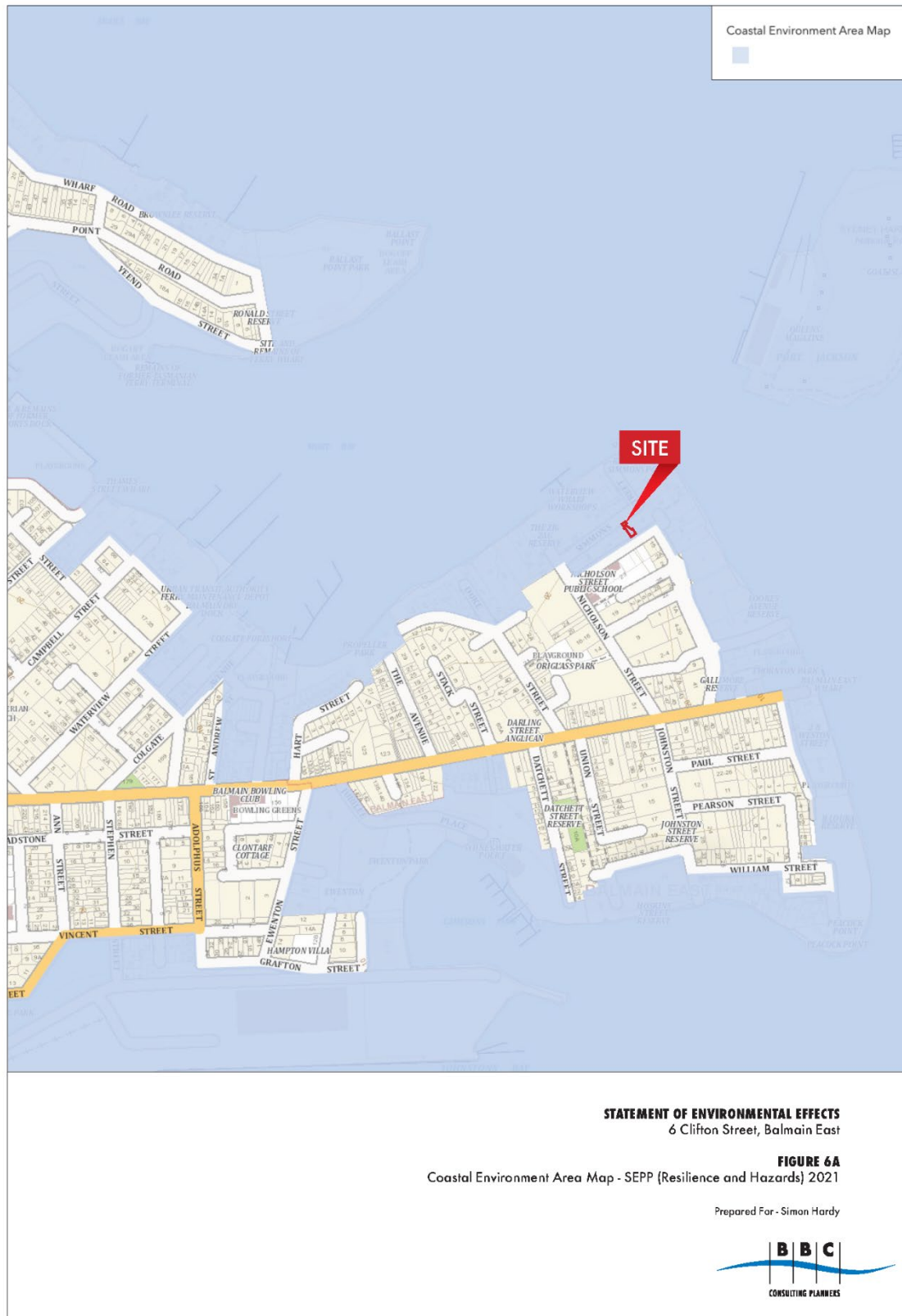
STATEMENT OF ENVIRONMENTAL EFFECTS
6 Clifton Street, Balmain East

FIGURE 5B
Eastern Waterfront Sub Area Map - Leichhardt DCP 2013

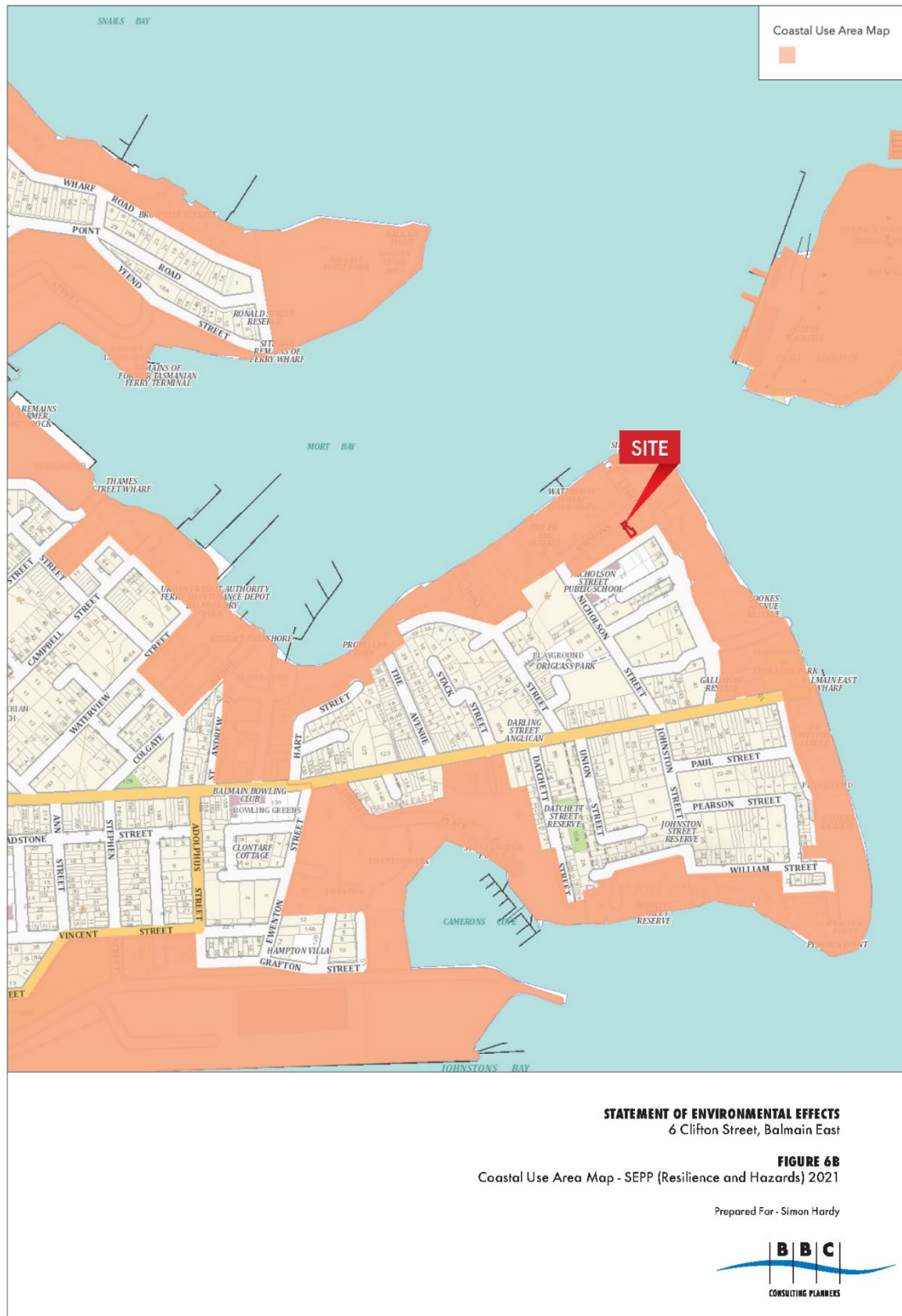
Prepared For - Simon Hardy



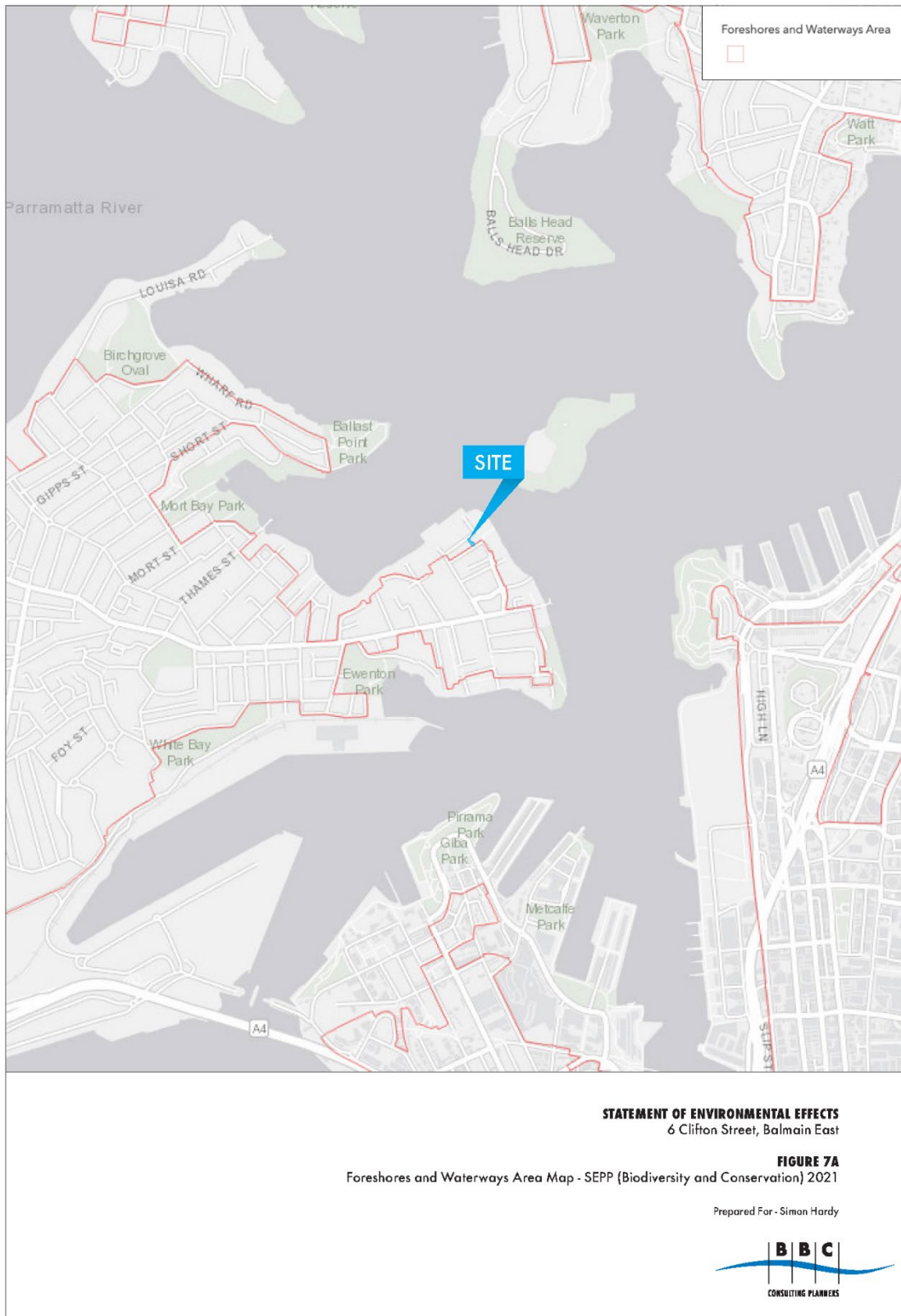
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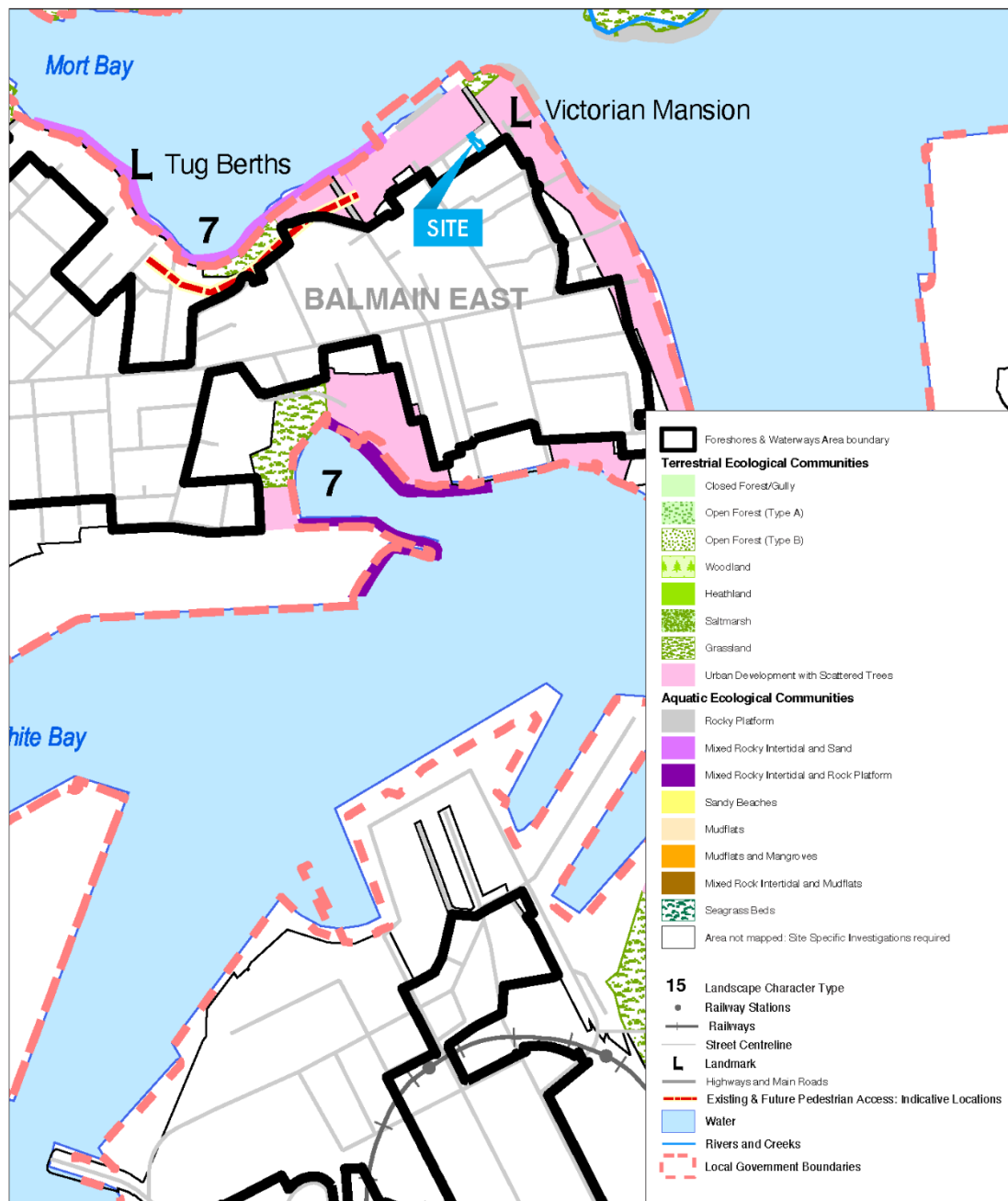
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Version: 1, Version Date: 16/05/2023



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STATEMENT OF ENVIRONMENTAL EFFECTS
6 Clifton Street, Balmain East

FIGURE 7B
Ecological Communities and Landscape Characters Map - SEPP (Biodiversity and Conservation) 2021

Prepared For - Simon Hardy



Document Set ID: 37726079
Version: 1, Version Date: 16/05/2023

ATTACHMENT 1

GFA Plan

AREA CALCULATIONS

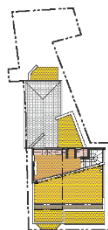
Location	Area
Site Area (by Survey)	214 sq m
Allowable GFA	192.6 sq m
Allowable FSR	0.60 I
Allowable Site Coverage (65% of site)	139.4 sq m
Minimum LANDSCAPED AREA (15% of site)	32.1 sq m
Existing GFA	207.763 sq m
Existing Site Coverage	128.775 sq m
Existing Landscape Area	26.532 sq m
Proposed Additional GFA	18.793 sq m
Proposed TOTAL GFA	226.556 sq m
Proposed FSR	1.05 I
Proposed Site Coverage	128.775 sq m
Proposed LANDSCAPED AREA	26.532 sq m



Area Plan - L00



Area Plan - L01



Area Plan - L02

LEGEND Areas

- Ex. GFA
- Proposed GFA
- Landscape
- Site Coverage

DRAWING CODES

Code	Name
A/B	American (case field)
BR	Brick Block
DP	Downpipe
aDP	Existing Downpipe
OC	Clear Cast
GUB	Glass Block
GUT	Gutter
MB	Metal Balustrade
MR	Metal Roof
PS	Plasterboard
RC	Reinforced Concrete
RV	Carpet Render
RWH	Rain Water Head
RWT	Rain Water Tank
SIP	Printed Steel
TDK	Timber Deck
TF	Timber Floor
TRZ	Timberzz

DRAWING ID LEGEND:

Examples: AD-C1.001.A
SCH-03-001.C

AD - **01** - **001** - **A**

Format: [Format] [Subject] [Drawing No. & Type] [Revision]

Formats:
AD Architectural drawing (elevation, perspective, sketch)
SCH Schedule

Subject: Drawings (AD Format):

- 00 Cover legends, notes
- 01 Plotting
- 02 General Arrangement Plans
- 03 Site-Plans
- 04 Details
- 05 Hardware
- 06 Door Schedules - Details
- 07 Windows - Details
- 08 Windows - Schedule - Details
- 09 POP's / Lighting Plans
- 10 Furniture Layouts
- 11 Shadow Diagrams
- 12 Waste Management Plans
- 13 Sketches / Diagrams
- 14
- 15
- 16

Subject: Schedule (SCH Format):

- 01 Sanitaryware
- 02 Hardware
- 03 Lighting & Electrical
- 04 Joinery Hardware
- 05 Finishes
- 06 Paints
- 07 Other
- 08>

Drawing No. & Type

- 000> Site Plans
- 100> Plans
- 200> Elevations
- 300> Sections

Revision:

- A-Z For Construction Phases
- 1-99 For Construction Details

raddatz - kueber

ABN 72 856 628 637
PH 61 92 162 110
23 Avon St, Sydney NSW, 2010
Name: raddatz, Christopher Raddatz
NSW AFS Reg. 11114
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Document Set ID: 37726079
Version: 1, Version Date: 16/05/2023

Important:
All dimensions to be worked on site. Do not scale from drawings, drawings govern.
Drawings & Schedules to be read in conjunction with all relevant specifications and consulting drawings.
All works to comply with the Building Code of Australia and all relevant Australian Standards in our industry, jurisdiction.

Scale: NTS



Status: DEVELOPMENT APPLICATION

Number: AD-00 002

Drawing: GENERAL NOTES - AREA CALC. CS

Project: Hack Residence
Site Address: 6 Cliff St, Cammerajong, NSW, 2251
Date of Issue:

Attachment E - Statement of Heritage Significance

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Area 17 East Balmain Conservation Area

Landform

This area is noted for its dramatic rugged sandstone headland facing east into the harbour and towards the city, with sheer sandstone cliffs to a deep and steep waterfront.



Figure 17.1 East Balmain Conservation Area Map.

History

This area comprises the earliest land to be subdivided and developed in Balmain. Surgeon Balmain was granted 550 acres in 1800. He transferred it to fellow surgeon John Gilchrist in 1801. In 1836 Surveyor Armstrong subdivided the most eastern part of Gilchrist's land, the area closest by ferry to Sydney Town, into twenty-two 2-4-acre lots. They were put up for public auction in 1836 by Sydney merchant and land agent, Frank Parbury on behalf of the absentee landowner. Subdivision of the remainder of Gilchrist's land was suspended from 1841-1852 through disputes over his estate. For its first ten years, therefore, East Balmain was an isolated maritime suburb, accessed generally only by water.

The 1836 subdivision laid out three streets - Darling, along the top of the sandstone ridge, Johnson and Nicholson, setting the framework for Balmain today. Each lot had access to one of these streets and to the waterfront. They were advertised as waterside, dock and shipping properties in 'the Deptford of Sydney'.

Purchasers were merchants, boatbuilders, master mariners who needed the deep water frontages for their shipping activities; middle class professionals and civil servants who purchased the land for investment, for later resubdivision or to build their own villa; speculative builders such as Robert Blake who saw the peninsula as a marine retreat for gentlemen and proceeded to build villas in spacious grounds for that market. The early elegant villas, eg Hampton Villa, built of stone hewn from the allotment itself, or from land nearby,

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stood on the higher ground, and enjoyed fresh breezes and views of Sydney Town. Close to the waterfront and the shipbuilding activities were the houses of ship captains and merchants, often of timber or stone cut from their own land.

Subdivision of these allotments, either immediately, or after the 1840s slump, required new streets for access. Unaffected by the regulations of Sydney Town, they were made only as wide as was absolutely necessary, leaving as much land as possible for sale. In the 1860s small streets were cut through the sandstone to give access to an increasing number of industries along the waterfront. Associated industry followed – timber yards that served the wooden shipbuilding yards, tanneries that used the harbour for their effluent. Subdivision of the villa estates occurred through the 1840s and 1850s, often to pay off creditors. It led to the acceleration of small suburban allotments and suburban growth to serve the growing demand for both housing and industry, the latter having been pushed from the city by rising land values. Shops, pubs and a school grew at or near the intersection of the major streets, serving a growing population. There were pockets of infill development from 1910-1930s and by the 1940s East Balmain was fully built-up. After the 1960s, as the waterfront industries closed down through changing technology, waterfront sites were taken over by the Maritime Services Board for port activities or storage. From the 1970s these under-used parcels of land were turned into public waterfront parks.

Sources

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

Significant Characteristics

- Dramatic sandstone topography.
- Views down streets, between buildings and across the headland to harbour, harbour bridge and city. Main streets all end with dramatic city/harbour/industry views.
- Main streets all terminate at water or at cliff top.
- Many very narrow, steep minor streets and rights of way follow boundaries of the first twenty-two allotments.
- Sandstone steps cut into the bedrock transfer pedestrians between levels.
- Some dense stands of trees.
- Intermix of buildings – sandstone villas, sandstone, weatherboard and brick cottages and terraces, school, maritime industrial buildings, corner stores (former), shops and pub.
- Rare early buildings, mainly in timber and stone.
- Neighbourhood shops and pubs grouped around the Darling Street/Johnston and Nicholson Streets intersection.
- Low fences – some early iron palisade fences remain.

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- Sandstone kerbs and gutters.

Statement of Significance or Why the Area is Important

- One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). The earliest developments here predate Leichhardt's main suburban growth with marine villas and cottages from the 1840s to modest-scale housing from 1870s through to the 1930s, and industry. It is significant for its surviving development from these periods.
- Demonstrates through the siting of recent public parks, the location of former waterfront industries. Through these parks and its remaining waterfront activities East Balmain can interpret Sydney's port history from the early 1840s, and the role of Balmain's deep water frontages in that story.
- Demonstrates through the line of its narrow streets the earliest subdivision sections of the large 550-acre Balmain grant.
- Demonstrates through its steps and cuttings the way in which early roads and pedestrian routes were forged out of the sandstone bedrock.
- Demonstrates through its mixture of sandstone villas and timber and brick cottages the major themes that formed this suburb – marine villa development and investment, port and waterfront activities, and the continuing layering of these developments.
- Through its remaining timber buildings it continues to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs, and the proximity of the timber yards around the Balmain waterfront.
- It is of aesthetic significance for its dramatic sandstone landscape, closely related to the harbour, and clearly revealed below the modest scale of its nineteenth century and early twentieth century buildings. It stands in contrast with the nearby city where twentieth-century technology has forged an equally dramatic but very different man-made landscape.

Management of Heritage Values

Generally

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

Retain

- All residential or commercial structures pre-1939 belonging to the period of the growth of East Balmain.

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- All weatherboard buildings – now rare but typical of early development.
- All sandstone structures and cuttings – cottages and villas, schools, wharves/slipways, curbs and gutters, walls, bases to fences, steps.
- Unpainted face brick walls.
- All original plaster finishes to external walls. Reconstruct where necessary.
- All original architectural detail, and encourage replacement of lost elements, but only where evidence is available.
- All sandstone outcrops.
- Views between buildings from public places, especially views to the harbour.
- Trees, especially large figs which form such an important role in the landscape of the area, and views to the area from the harbour.

Avoid

- Demolition of any pre-1939 building unless the building has been so compromised that it can no longer evidence its history.
- Alteration to the form (shape) of these buildings, especially wall height or alterations to the roof over the main part of the house. Second-storey additions.
- Removal of plaster to external walls, where part of the original wall finish.
- Painting or plastering of face brick walls.
- Additional architectural detail for which there is no evidence, especially the addition of verandahs, and post-supported verandahs.
- Loss of any trees.
- Inappropriate high front brick/stone fences or walls, or new iron palisades on high brick bases.
- Interruption to the remaining sandstone kerbs and gutter.
- Widening of the narrow roads.
- Development that detrimentally affects views from the harbour, Harbour Bridge and the city to East Balmain, or disrupts its skyline when viewed from those places.

Notes

Because this area is very visible from the city and from the harbour and harbour bridge, special care is needed in dealing with changes which might alter public views from these places – scale, roof form and material colours are particularly important.

Care is needed for applications for change to any building in these areas. There are a number of very early buildings here, overlaid with later works, and

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restoration to reveal the original building could be possible in many cases. Many of the early stone houses were built by stonemason Cavill, and evidence of his work should be sought.