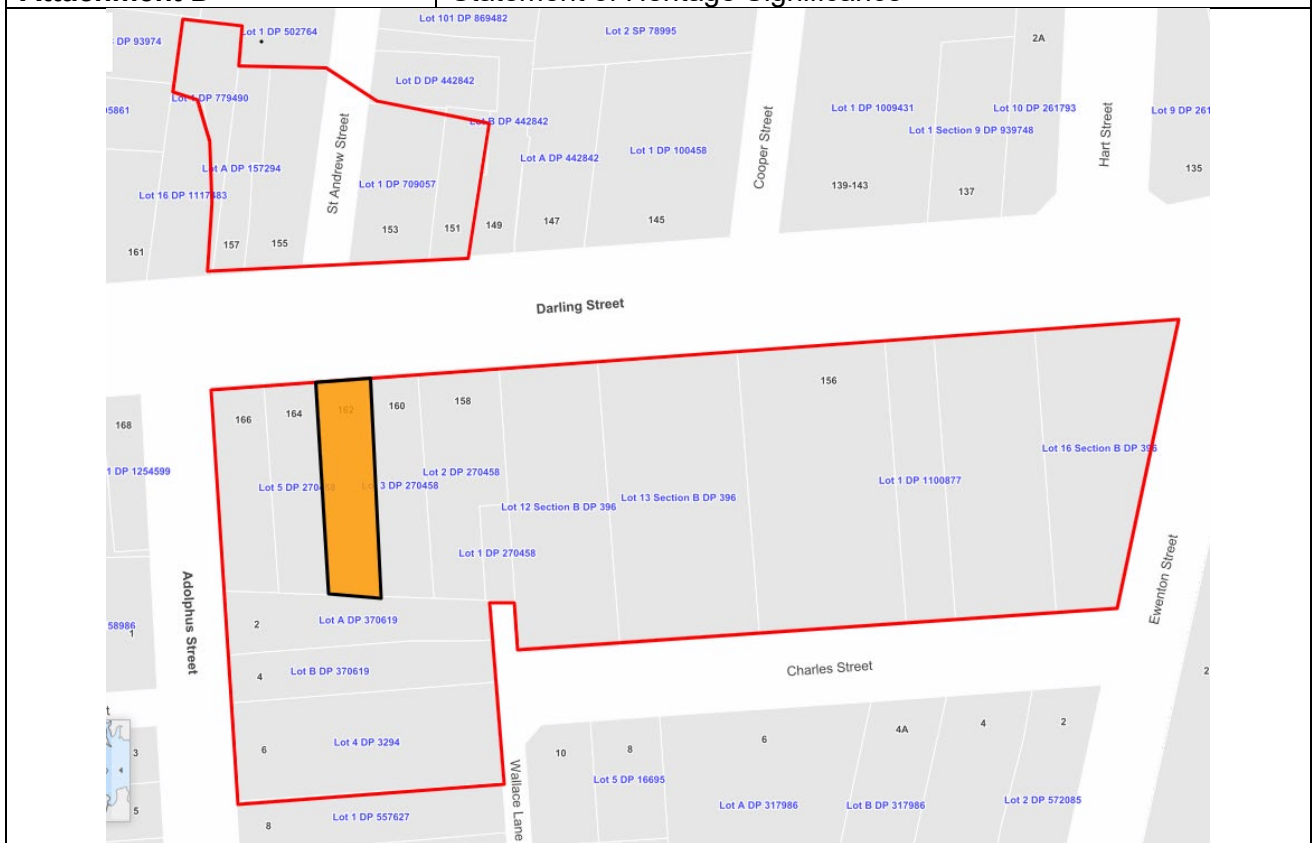







INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2020/0977
Address	162 Darling Street BALMAIN NSW 2041
Proposal	Alterations and addition to existing attached dwelling-house
Date of Lodgement	19 November 2020
Applicant	Mr Gregory J Bittar
Owner	Mr Gregory J Bittar
Number of Submissions	Nil
Value of works	\$300,000.00
Reason for determination at Planning Panel	Clause 4.6 variation to Floor Space Ratio exceeds 10%
Main Issues	FSR Variation Solar Access
Recommendation	Approval with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards - FSR
Attachment D	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and addition to existing attached dwelling-house and associated works at 162 Darling Street BALMAIN NSW 2041.

The application was notified to surrounding properties and no submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Floor Space Ratio Breach greater than 10%; and
- Non-compliance with the solar access controls.

The proposal is acceptable on streetscape and amenity grounds, and a variation to the Floor Space Ratio development standard, and the proposal in general, is supportable. On this basis, approval of the application is recommended subject to conditions.

2. Proposal

The proposed development seeks consent alterations and additions to existing attached dwelling-house and associated works at 162 Darling Street, Balmain.

Specifically, the proposal consists of the following:

- New rear timber deck and landscaped works to the existing rear yard.
- New rear ground floor sliding doors connecting the living area to the rear POS.
- New wine room, ensuite and reduced central outdoor court yard on the first floor level.
- New second floor skillion roofed addition constructed of James Hardie Scycon cladding and metal sheet roofing to enclose the existing second floor roof terrace to provide additional study area, bedroom (bay window) with walk in robe and ensuite.

3. Site Description

The property, known as 162 Darling Street, Balmain is located on its southern side, a short distance of its junction with Adolphus and west of the Balmain Bowling Club (See locality plan below). The property is identified as Lot 4 in DP 270438. The land is approximately regular in shape with a 7.005-metre frontage to Darling Street, 29.44 & 30.19-metre depths, a 7.045-metre rear boundary, a site 208.8m² in size. The property rises approximately 1.2 metres from front to rear.

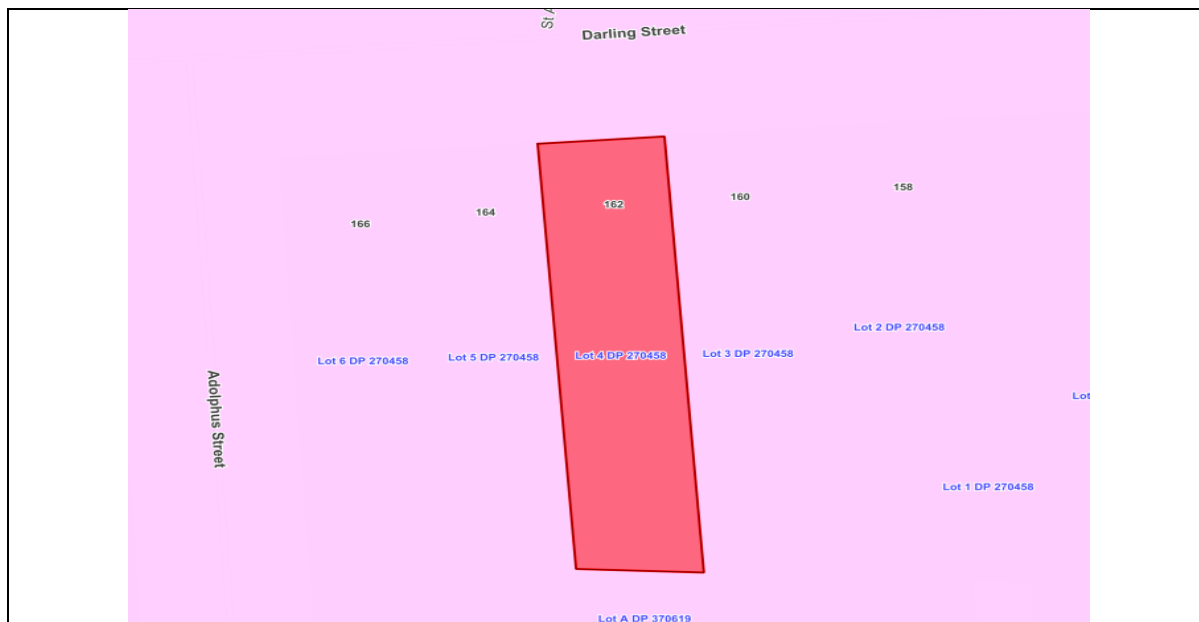
A three-storey rendered masonry dwelling with a metal roof occupies the site. The dwelling is one in a row of 5 identical relatively recent constructed dwellings over a common basement carpark accessed via Wallace Lane at the rear and forms part of a Community Title subdivision.

The subject property at 162 Darling Street, Balmain, is located within the Balmain East Heritage Conservation Area. The property is located within a conservation area. The property is not identified as a flood prone lot.

The site is located in the vicinity of various heritage items, the closest of which are listed below.

- Stone house, including interiors at 147 Darling Street, Balmain (I180);
- Terrace house, including interiors at 149 Darling Street, Balmain (I181);

- Terrace house, including interiors at 151 Darling Street, Balmain (I182);
- Former shop and residence, including interiors at 153 Darling Street, Balmain (I183);
- Former shop and residence, including interiors at 155 Darling Street, Balmain (I184); and
- Former shop and residence, including interiors at 157 Darling Street, Balmain (I185).



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
PREDA/2020/0289	Alterations and additions to existing attached dwelling-house	Advice Letter Issued – 27/8/2020

Surrounding properties

160 Darling Street Balmain

Application	Proposal	Decision & Date
DA/2020/0984	Alterations and additions to existing attached dwelling-house	Under assessment
PREDA/2020/0287	Alterations and additions to existing terrace-house	Advice Letter Issued – 27/8/2020

4(b) Application history

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

Date	Discussion / Letter / Additional Information
8 March 2020	<p>The applicant submitted a written response to the concerns and issues raised by planning staff and have provided the following additional information:</p> <ul style="list-style-type: none"> ○ Photo Montagues of the proposal when viewed from Adolphus Street & Wallace Lane, ○ Equinox Shadow diagrams.
1 March 2020	<p>Council forwarded RFI correspondence to the applicant addressing:</p> <ol style="list-style-type: none"> 1. Photomontages of the proposals as viewed from the public domain (from Adolphus Street and Wallace Lane). 2. Overshadowing non-compliance, including a request for equinox shadow diagrams (hourly increments) identifying the solar access obtained to the rear private open space areas of the subject properties pre and post development (to enable an analysis of the available solar access to the private open space areas of the subject sites at other times of the year other than mid-winter).

5. Assessment

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

5(a) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

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

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with *SEPP 55*.

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

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

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

The subject site is not located within the foreshores and waterways area.

5(a)(iv) Leichhardt Local Environment Plan 2013 (LLEP 2013)

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management

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

The site is zoned R1 – General Residential under the *LLEP 2013* and the development is permitted with consent within the land use table. The development is consistent with the objectives of the R1 zone.

(ii) Clause 4.4 – Floor Space Ratio for residential accommodation in Zone R1

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

Standard	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 0.9:1 or 187.92 sqm	1.35:1 or 280.92 sqm	93 sqm or 49.49%	No
Landscape Area Minimum permissible: 15% or 31.32 sqm	20.39% or 42.58sqm	N/A	Yes
Site Coverage Maximum permissible: 60% or 187.92sqm	51.63% or 107.81sqm	N/A	Yes

(iii) Clause 4.6 Exceptions to Development Standards

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

- Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the floor space ratio development standard under Clause 4.6 of the Leichhardt LEP by 49.49% or 93sqm.

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 applicable local environmental plan below.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the Leichhardt LEP justifying the proposed contravention of the development standard which is summarised as follows:

- In order to avoid duplication, reference is made to the environmental planning grounds ventilated in relation to whether the proposal achieves the objectives to the standard, particularly in relation to the bulk, form and scale compatible with desired future character of the locality. In this regard, the proposal is:
 - compliant with both the site coverage and landscaped area development standards;
 - generally consistent with the Council's building siting controls in relation to building location zone;
 - has minimal impact on the building envelope and it is also generally consistent with the building envelope of adjoining buildings. It also establishes an appropriate building envelope to be emulated by adjoining neighbours in the terrace.
- The proposal complies with Council's DCP controls with respect to additions above the first-floor level and performs well with respect to minimising externalities.
- The proposal is in keeping with the bulk, scale and mass of surrounding development.
- The proposal provides excellent amenity for the occupants of the development consistent with the Aims of the Leichhardt LEP.
- The proposal does not result in any unreasonable amenity impacts on adjoining and nearby residential properties.
- The proposal results in the removal of a roof top terrace, which are generally discouraged by Council's DCP because of their trafficable nature and the unacceptable impacts arising from their use such as overlooking and noise generation.

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

Subject to the conditions, it is considered the development is in the public interest because it is consistent with the objectives of the R1 – General Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

- The proposal will provide additional housing for the community and contribute to the variety of housing types and densities of the area.

- The proposal is permissible development and compatible with surrounding land uses;
- The proposal will improve opportunities to work from home.
- The proposed development as condition will be compatible with the desired future character of the area in relation to building bulk, form and scale, and will have acceptable streetscape impacts.
- The proposal maintains a suitable balance between the existing landscaped areas and the built form and provides more than sufficient landscaped area and private open space on the site.
- The proposed additions and works are located adjacent to adjoining developments where it can be reasonably assumed that development can occur; and
- The proposal does not result in any undue adverse amenity impacts on the subject site or to the surrounding properties.

It is also considered that the development as conditioned (above) is in the public interest because it is consistent with the objectives of the FSR development standard, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan which are as follows:

- to ensure that residential accommodation—
 - (iv) is compatible with the desired future character of the area in relation to building bulk, form and scale, and
 - (v) provides a suitable balance between landscaped areas and the built form, and
 - (vi) minimises the impact of the bulk and scale of buildings,

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

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the applicable local environmental plan. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Clause 4.4 – Floor Space Ratio and it is recommended the Clause 4.6 exception be granted.

(iv) Clause 5.10 - Heritage Conservation

The subject property at 162 Darling Street, Balmain, is located within the Balmain East Heritage Conservation Area (C3 in Schedule 5 of the Leichhardt LEP 2013). It is in the vicinity of various heritage items, the closest of which are listed below.

- Stone house, including interiors at 147 Darling Street, Balmain (I180);
- Terrace house, including interiors at 149 Darling Street, Balmain (I181);
- Terrace house, including interiors at 151 Darling Street, Balmain (I182);
- Former shop and residence, including interiors at 153 Darling Street, Balmain (I183);
- Former shop and residence, including interiors at 155 Darling Street, Balmain (I184); and
- Former shop and residence, including interiors at 157 Darling Street, Balmain (I185).

The Statement of Significance for the Balmain East Heritage Conservation Area is attached at Appendix D

Clause 5.10: Heritage Conservation from the Leichhardt LEP 2013 and Parts C1.3: Alterations and additions, C1.4: Heritage conservation areas and heritage items, C.2.2.2.1: Darling Street

Distinctive Neighbourhood and C2.2.2.6(b) Balmain Village Sub Area from the Leichhardt DCP 2013 applies to the proposal.

The drawings prepared by Justin Long Design, dated 5 November 2020, were reviewed by Council's Heritage Specialist as part of this assessment.

The proposal includes alterations and additions to the existing terrace.

Pre-DA advice was sought for the proposed alterations and additions to existing terrace at 162 Darling Street, Balmain (PREDA/2020/0289). The application was referred to council's heritage specialist who supported the proposal subject to the following amendment:

- b. *Replace the copper cladding with a painted render finish or FC cladding to match the colours and materials of the existing building.*

Comment: The copper cladding has been replaced with James Hardie Scyon Matrix vertical cladding proposed to be painted to match the existing walls, which is acceptable.

In addition to the above, the proposed addition has been redesigned so that its roofline sits below the ridgeline of the existing roof form. This is a good heritage outcome.

Given the above, the proposal is acceptable from a heritage perspective as it will not detract from the heritage significance of the Balmain East Heritage Conservation Area and is in accordance with Clause 5.10 Objectives 1(a) and (b) in the Leichhardt LEP 2013 and the relevant objectives and controls in the Leichhardt DCP 2013.

vi. Clause 6.2 – Earthworks

Any excavation works are minor and will be adequately controlled by conditions of consent, recommended in Attachment A.

vii. Clause 6.4 – Stormwater Management

The proposal generally complies with this clause. As such, standard engineering drainage and stormwater conditions are recommended, which are included in Attachment A.

5(b) Draft Environmental Planning Instruments

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

Draft Inner West Local Environmental Plan 2020

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

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

5(d) Development Control Plans

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes – Refer to Section 5(a)(iv)(iv) above.
C1.4 Heritage Conservation Areas and Heritage Items	Yes – Refer to Section 5(a)(iv)(iv) above.
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	N/A
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.2.2.2.1: <i>Darling Street Distinctive Neighbourhood</i> and C2.2.2.6(b) Balmain Village Sub Area	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes and No - Establishment of new second floor Building

	Location Zone and breaches to Side Setback controls – See discussion below.
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A – No change proposed
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	No - Non-compliance with POS solar access controls, however a reasonableness test has been carried out below and the proposal is considered acceptable – see discussion below.
C3.10 Views	N/A
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	N/A
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	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	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	N/A

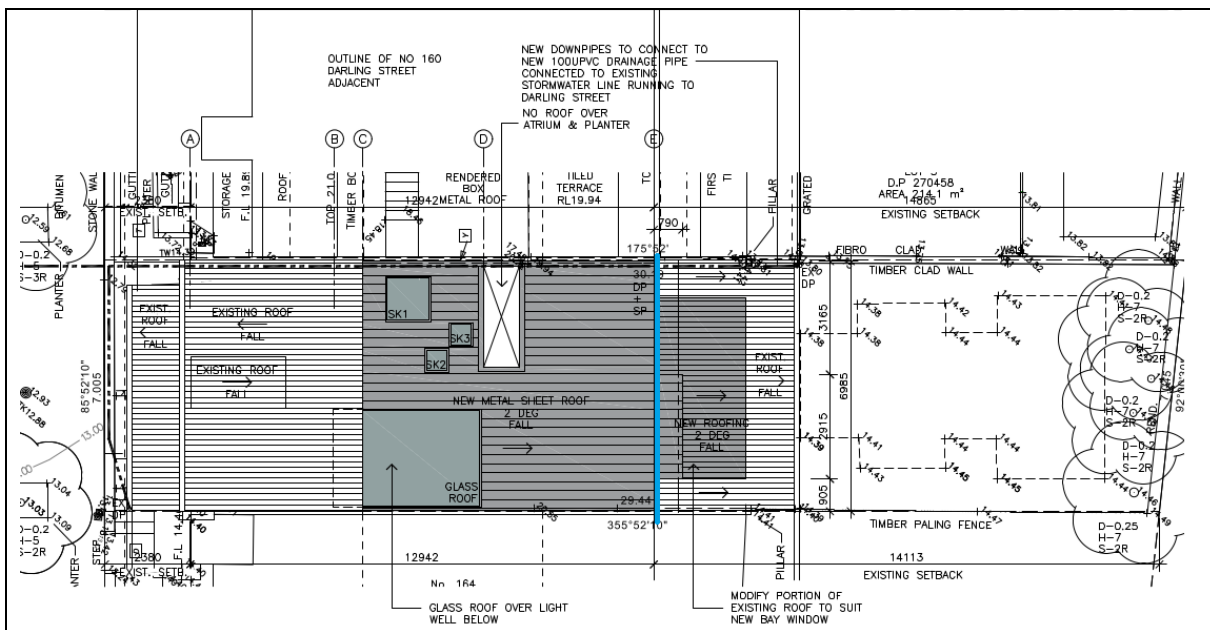
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A

The following provides discussion of the relevant issues:

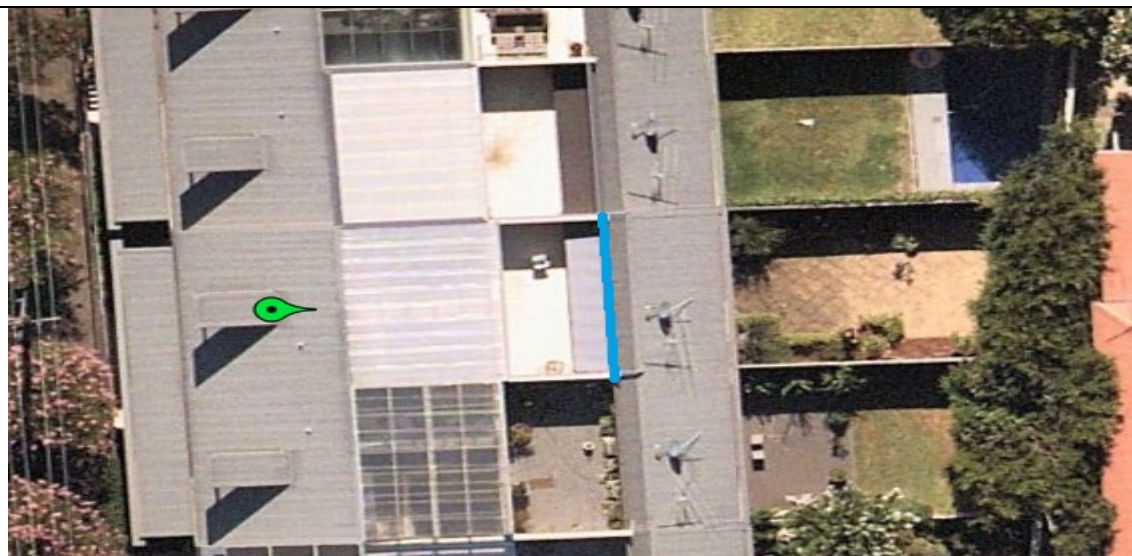
C3.2 Site Layout and Building Design

Building Location Zone

The proposed enclosure of the existing second floor roof terrace will establish a new rear second floor Building Location Zone (shown in blue). 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.



Roof Plan



Existing Aerial image

- f. *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: The proposed development will comply with the privacy and view controls of the LDCP 2013. The proposal will not comply with the private open space solar access controls in mid-winter, however a reasonable test has been carried out later in this report and the proposal is supportable in this instance on merit.

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

Comment: As discussed above, the proposed second floor addition is sited towards the rear of the dwelling and will be substantially setback from Darling Street and has been designed to fit within the existing built form and footprint of the dwelling to minimise visibility from Adolphus Street, and will not unduly impact on the existing streetscape character, and is a satisfactory response to the desired future character controls and the forms and scales of other two storey development in the *Darling Street Distinctive Neighbourhood*.

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

Comment: The proposal will comply with landscaping and private open space controls and is satisfactory on solar access grounds – for solar access assessment, see assessment later in this report.

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

Comment: The proposal does not involve the removal of any vegetation, nor reduces on-site Landscaped Area provision.

- j. *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 height of the proposed rear second / terrace floor addition will not exceed the existing height of the roof structure of the roof terrace level, and combined with the siting of the additions adjacent to adjoining buildings and structures, the proposal will result in minimal visual bulk and scale impacts when viewed from adjoining properties, including their private open space.

In summary, the proposed new establishment of the second floor BLZ is considered to be acceptable as it will meet the BLZ tests outlined above.

Side Setbacks

The following is a compliance table assessed against the side setback control graph prescribed in Part C3.2 of the LDCP2013 relating to the proposed dwelling-house addition at second floor:

Elevation	Wall height (m)	Required setback (m)	Proposed setback (m)	Complies
East – SF	8.6-8.9	3.3-3.5	0	No
West - SF	8.6-8.9	3.3-3.5	0	No

As noted in the table above, the rear first floor addition will breach the side setback control graph prescribed in this clause to both side boundaries.

Pursuant to Clause C3.2 of the LDCP2013, where a proposal seeks a variation of the side setback control graph, various tests need to be met. These tests are assessed below:

- The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the LDCP2013 and complies with streetscape and desired future character controls.

Comment: As previously noted, the proposed works are sited towards the rear of the existing dwelling form and will have minimal and acceptable visibility from Darling and Adolphus Street. The proposal is therefore considered to be an acceptable response to the Building Typology Statements contained with the LDCP2013.

- The pattern of development is not adversely compromised.

Comment: The proposed wall heights and setbacks will not be out of character with the pattern of development in the area.

- The bulk and scale of the development has been minimised and is acceptable.

Comment: As noted above, the proposal is of an acceptable scale and massing and will not result in unreasonable visual impacts when viewed from the street and from adjoining private open areas.

- The proposal is acceptable with respect to applicable amenity controls e.g. solar access, privacy and access to views.

Comment: For reasons discussed above and below, the proposal is considered to be satisfactory in this regard.

- The proposal does not unduly obstruct adjoining properties for maintenance purposes.

Comment: The proposed raises no issues in this regard.

Based on the above, the proposed variation to the Side Boundary Setbacks Graph is considered acceptable in this instance.

C3.9 Solar Access

Objective O1 also requires that development shall provide adequate sunlight to private open space and Control C4 requires that private open space is to receive a minimum of 3 hours of direct sunlight to 50% of the required private open space between 9:00am and 3:00pm in mid-winter.

The subject site and its adjoining properties have a north to south site orientation with a south facing rear yard. As such the following controls apply to the site and to its adjoining neighbouring properties.

Retaining solar access to neighbouring dwellings private open space

- *C16 Where surrounding dwellings have south facing private open space ensure solar access is retained for two 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.*

The submitted shadow diagrams for mid-winter suggests that the proposal will result in the following additional overshadowing impacts into the rear private open space areas of the subject and neighbouring properties in mid-winter (ignoring shadows cast by existing vegetation):

- 9:00am mid-winter: No additional overshadowing into rear private open space of subject site or adjoining properties at Nos. 160 or 164 Darling Street with all these private open space areas receiving no solar access at this time;
- 10:00am mid-winter: No additional overshadowing into rear private open space of subject site or adjoining properties at Nos. 160 or 164 Darling Street with only the rear private open space areas of the subject site and No. 160 Darling Street (over the pool) receiving any notable solar access at this time (adjacent to the rear fence line) ;
- 11:00am mid-winter: No additional overshadowing into rear private open space of subject site or adjoining properties at Nos. 160 or 164 Darling Street with only the rear private open space areas of the subject site and No. 160 Darling Street (over the pool) receiving any notable solar access at this time (adjacent to the rear fence line)
- 12:00noon mid-winter: Additional overshadowing of the private open space of the subject site resulting in this private open space being wholly in shadow at this time, and no additional overshadowing of adjoining private open space at Nos. 160 and 164 Darling Street with only the rear private open space of No. 160 Darling Street receiving any notable solar access at this time (over the pool);
- 1:00pm mid-winter: No additional overshadowing of the private open space of the subject site which receives negligible solar access at this time adjacent to the rear fence line; no overshadowing of the private open space of No. 164 Darling Street which is wholly in shadow at this time; and additional overshadowing of the pool at the rear of No. 160 Darling Street; and
- 2:00pm and 3:00pm mid-winter: No additional overshadowing of the private open space areas of the subject site or the adjoining dwellings at Nos. 160 and 164 Darling Street which are wholly in shadow at this time.

Given the above, the proposal will result in technical non-compliances with the solar access controls prescribed above.

Assessing the impact of development on the solar access of neighbours:

In assessing the reasonableness of solar access impact to the private open space areas of the subject site and No. 160 Darling Street, and in particular, in any situation where controls are sought to be varied, Council will also have regard to the ease or difficulty in achieving the nominated controls having regard to:

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

Comment: As previously noted and mentioned in this report, the proposal will be located to the rear of the subject site in a location where additions and extensions are generally allowed / permitted to be carried out. In terms of compliance with Council's Floor Space Ratio, Site Coverage and Landscape area standards, the proposal will comply with the Site Coverage and Landscape Area development standards but will

breach the maximum allowed FSR for the site (as further discussed previously in this report) but is considered reasonable and will have acceptable bulk and scale impacts.

b. Site orientation.

Comment: The subject site and its adjoining properties have a north / south site orientation with the rear private open space facing south. As such, any rear developments on the subject site will potentially result in overshadowing impacts to the rear private open space of the subject site and adjoining property at No. 160 Darling Street in mid-winter due to their location. However, as discussed elsewhere in this report, the second floor addition are sited in a location where development can be reasonably be expected to be carried out.

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

Comment: The proposed additions are constructed generally at existing ground / grade levels, the side wall heights at second floor are considered acceptable as it will not be higher than the existing roof structure on the terrace floor.

d. The degree of skill employed in the design to minimise impact and whether reasonably available alternative design solutions would produce a superior result.

Comment: As noted previously, the rears of the subject and adjoining properties do not receive the requisite solar access in mid-winter, and the proposal will increase this non-compliance. However, the solar access impacts are considered reasonable in this instance for the following reasons:

- The additional impacts to the rear private open space of the subject site are adjacent to the rear fence line where there are existing trees / canopy cover;
- No additional overshadowing impacts occur to any parts of the private open space areas of the subject or adjoining properties immediately adjacent to the dwellings (the areas primarily used for recreation by existing / future occupants);
- The only additional overshadowing impacts generated by the subject proposal on an adjoining property are at the rear No. 160 Darling Street where the impacts are negligible and over the pool area; and
- The applicant has submitted equinox shadows which confirm that the rear private open space areas of the subject site and adjoining properties will be minimally affected and will receive extensive solar access between 9:00am and 3:00pm at these times of the year.

As per the above discussion, it is considered that the proposed works in this application are considered appropriate in bulk, scale and location given the existing context of the surrounding area, and will not create any undue adverse overshadowing impacts in mid-winter into the rear private open space of the subject site or No. 160 Darling Street in mid-winter.

C3.11 Visual Privacy

As the proposal includes two new rear second floor windows on the southern elevation servicing a bedroom and a walk-in robe, as such the following Controls are applicable for the subject site:

- *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. Measures for screening or obscuring will include one or more of the following:

- j. offsetting of opposing windows so that they do not directly face one another;*
- k. offset windows from directly facing adjoining balconies and private open space of adjoining dwellings;*
- l. screening of opposing windows, balconies and private open space with fixed louvered screens, window hoods, shutters;*
- m. reduced window areas, subject to compliance with the Building Code of Australia;*
- n. window sills at or above 1.6m above the finished floor level;*
- o. use of fixed, obscure glass, subject to adequate ventilation complying with the Building Code of Australia;*
- p. consistent orientation of buildings;*
- q. using floor level in design to minimise direct views; and*
- r. erection of screens and fencing to limit sightlines including dividing fences, privacy screens, projecting blade screens.*

It is also noted that the site is in a context where there is a mutual degree of overlooking between Nos. 158,160,162,164 & 166 Darling Street from the rear roof terraces. As the proposal seeks to enclose the existing roof terrace, the proposal will remove the trafficable area and any existing overlooking impacts obtained from the roof terrace.

As a result, the proposal will result in improved privacy impacts for neighbouring properties and the proposed windows on the southern elevation on the second floor servicing the new bedroom and walk-in robe will comply with Control 1 of this Provision as it will result in no undue adverse view lines into adjoining properties and / or view lines that are similar to those of its neighbours.

Given the above, the proposal results in acceptable privacy implications on neighbouring sites.

5(e) The Likely Impacts

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

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

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

5(g) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. No submissions were received.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Officer

7. Section 7.11 Contributions/7.12 Levy

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$3,000.00 would be required for the development under the 'Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020'. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

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

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

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

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 to vary 4.4 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation, subject to the recommended design amendment condition being imposed in any consent granted. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0977 for Alterations and addition to existing attached dwelling-house at 162 Darling Street BALMAIN NSW 2041 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
A03	Proposed Ground Floor Plan	5.11.20	Justin Long Design
A04	First Floor Plan	5.11.20	Justin Long Design
A05	Second Floor Plan	5.11.20	Justin Long Design
A06	Longitudinal Section	5.11.20	Justin Long Design
A07	Proposed Rear/Southern Elevation	5.11.20	Justin Long Design
A08	Proposed Northern/Darling Street Elevation	5.11.20	Justin Long Design
A09	Proposed Western Elevation	5.11.20	Justin Long Design
A10	Proposed Eastern Elevation	5.11.20	Justin Long Design
A11	Roof & Concept Stormwater Drainage Plan	5.11.20	Justin Long Design
A00	Schedule of External Finishes	5.11.20	Justin Long Design
A395991	BASIX Certificate	9 November 2020	Justin Long Design

As amended by the conditions of consent.

FEES

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

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

Note:

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

Payment amount*:
\$3000.00

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

The required contribution must be paid either *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000).* It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

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 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

4. Security Deposit - Standard

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

Security Deposit:	\$2,209.00
Inspection Fee:	\$236.70

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

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

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

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

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

GENERAL CONDITIONS

5. Waste Management Plan

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

6. 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.

7. 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.

8. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

9. Dilapidation Report

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

10. Advising Neighbors Prior to Excavation

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

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.

PRIOR TO CONSTRUCTION CERTIFICATE

12. 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.

13. 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

14. Party Walls

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Structural Certificate from a practising structural engineer which verifies that the structural integrity of the existing "Party Walls" are adequate to accept the additional loads imposed thereon by the proposal. A copy of the Structural Certificate must be provided to all owners of the party walls.

DURING DEMOLITION AND CONSTRUCTION

15. 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.

16. Stormwater Drainage System

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

17. Survey Prior to Footings

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

ADVISORY NOTES**Prescribed Conditions**

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

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.

Permits from Council under Other Acts

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

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

- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Amenity Impacts General

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

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	1300 651 116	www.wasteservice.nsw.gov.au
Environmental Solutions		
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.

Street Numbering

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

Attachment B – Plans of proposed development

DEVELOPMENT APPLICATION - NOV. 2020

ARCHITECTURAL DRAWINGS

JUSTIN LONG DESIGN
E: JUSTIN@JLD.CO.NZ AU

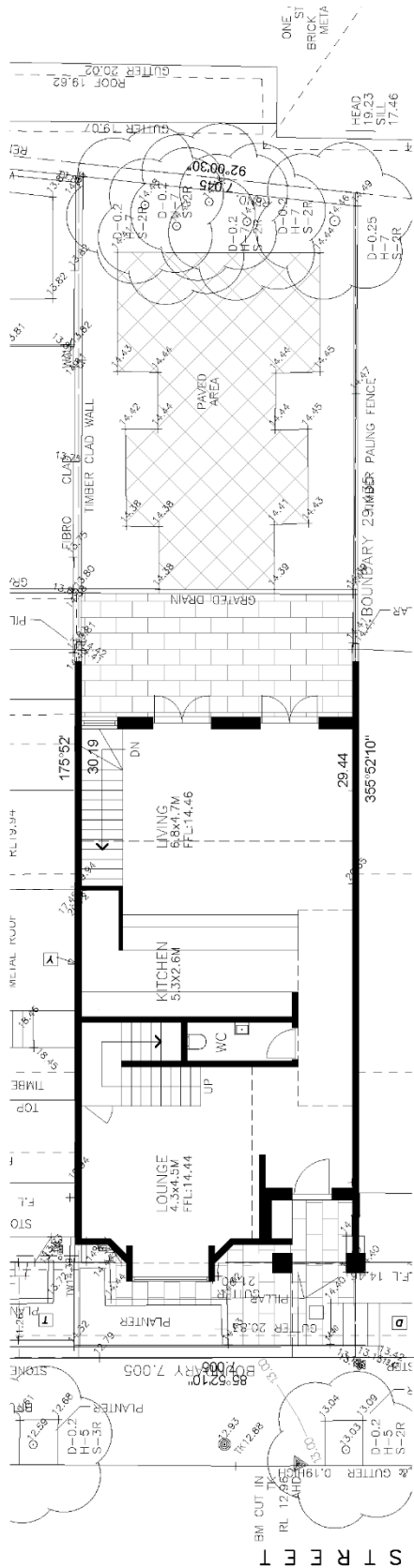
- A00 GENERAL NOTES & MATERIAL
- A01 EXISTING FLOOR PLAN
- A02 PROPOSED WESTERN ELEVATION
- A03 PROPOSED GROUND FLOOR PLAN
- A04 PROPOSED FIRST FLOOR PLAN
- A05 PROPOSED SECOND FLOOR PLAN
- A06 PROPOSED LONGITUDINAL SECTION
- A07 PROPOSED REAR ELEVATION
- A08 PROPOSED DARLING ST ELEVATION
- A09 PROPOSED WESTERN ELEVATION
- A10 PROPOSED WESTERN ELEVATION
- A11 PROPOSED ROOF & CONCEPT LANDSCAPE PLAN
- A12 STORMWATER DRAINAGE PLAN
- A13 SHADOW DIAGRAM - 9AM
- A14 SHADOW DIAGRAM - 10AM
- A15 SHADOW DIAGRAM - 12PM
- A16 SHADOW DIAGRAM - 1PM
- A17 SHADOW DIAGRAM - 2PM
- A18 SHADOW DIAGRAM - 3PM
- A19 SHADOW DIAGRAM - 4PM
- A20 PROPOSED SITE ANALYSIS & LANDSCAPE PLAN
- A21 PROPOSED SITE ANALYSIS & LANDSCAPE PLAN
- A22 FSR CALCULATION DIAGRAM
- A23 SHADOW DIAGRAM - CONTROL PLAN
- A24 SHADOW DIAGRAM - 11AM

BASIX NOTES

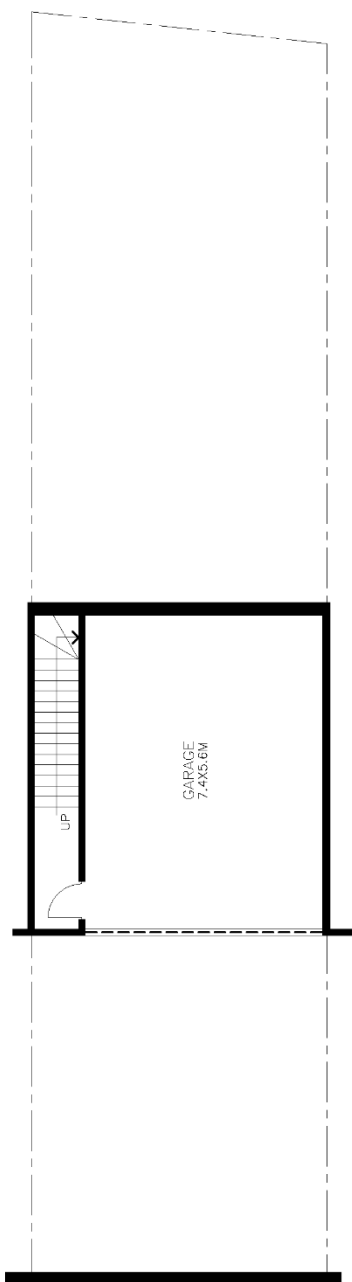
- WINDOWS & DOORS GENERALLY TO HAVE ALUMINIUM FRAME, SINGLE CLEAR GLASS (U VALUE: 7.63, SHGC: 0.76)
- NEW FRAMED WALL INSULATION: R2.5
- NEW CEILING/ROOF INSULATION: R2.5
- FIXTURES: NEW SHOWERHEADS TO BE MIN. 3 STAR RATING
- ALL NEW TOILET FLUSH SYSTEMS TO HAVE MIN. 3 STAR RATING
- HWS: GAS INSTANTANEOUS
- NEW ARTIFICIAL LIGHTING TO BE PRIMARILY COMPACT FLUORESCENT, OR LED LAMPS.

COMPLIANCE NOTES

- STANDARD OF WORK & REGULATIONS
 - ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE ENGINEERS SPECIFICATIONS AND THE FOLLOWING:
 - AS 3600.1
 - AS 3600.2
 - AS 3600.3
 - AS 3600.4
 - AS 3600.5
 - AS 3600.6
 - AS 3600.7
 - AS 3600.8
 - AS 3600.9
 - AS 3600.10
 - AS 3600.11
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 - AS 3600.97
 - AS 3600.98
 - AS 3600.99
 - AS 3600.100
- FOOTINGS, SLAB DESIGN & RETAINING WALL CLADDING
 - ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE ENGINEERS SPECIFICATIONS AND THE FOLLOWING:
 - AS 2899
 - AS 3600.1
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 - AS 3600.3
 - AS 3600.4
 - AS 3600.5
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 - AS 3600.98
 - AS 3600.99
 - AS 3600.100
- EXTERNAL WINDOWS & DOORS
 - ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE FOLLOWING:
 - AS 2899
 - AS 3600.1
 - AS 3600.2
 - AS 3600.3
 - AS 3600.4
 - AS 3600.5
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- SMOKE ALARMS
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01 GROUND FLOOR PLAN
A01 EXISTING 1:100



02 BASEMENT FLOOR PLAN
A01 EXISTING 1:100

162 DARLING STREET, BALMAIN, NSW
 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
 FOR GREG BITTAR
 Contractors must verify all dimensions on site prior to starting any work or making any shop drawings.
 Figure dimensions are to be taken in preference to scale readings. This drawing is copyright and the property of Justin Long Design.
 Document Set ID: 34234242
 Version: 1, Version Date: 13/11/2020

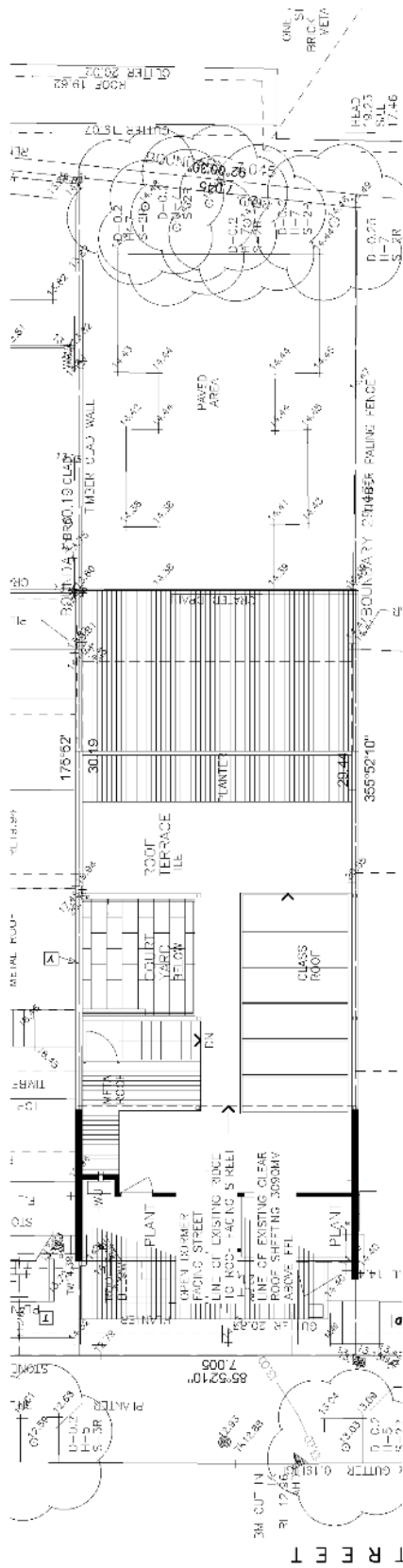


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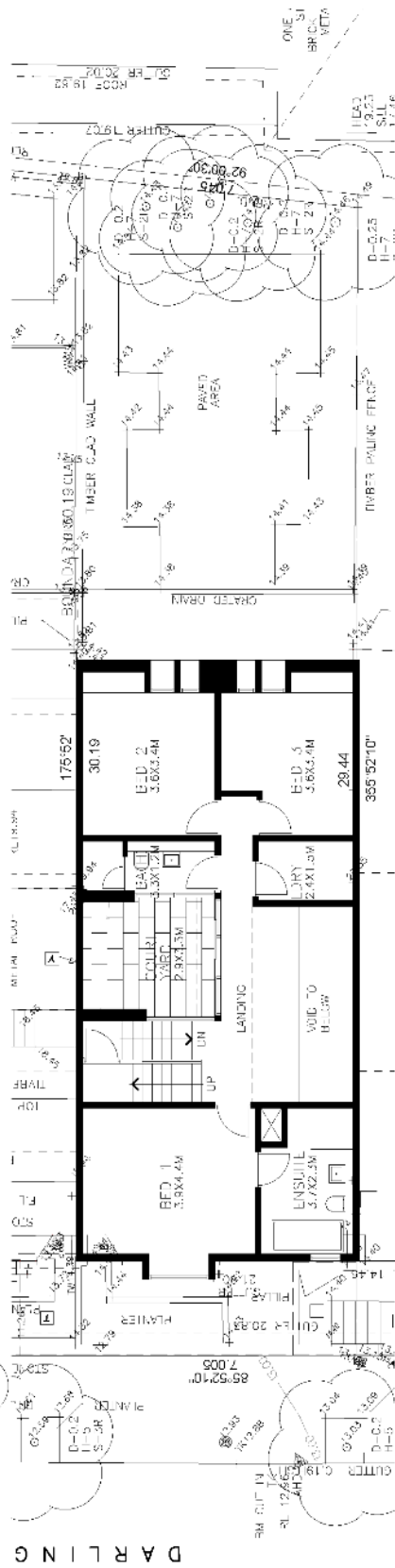
Drawn	Scale	Date	Issue	Comment
FS	1:100	05/11/20	DA	

EXISTING FLOOR PLAN	
DATE	13/11/2020
ISSUE	05/11

A01



01 TERRACE FLOOR PLAN
A02 EX STNG 1:100



02 FIRST FLOOR PLAN
A02 EX STNG 1:100



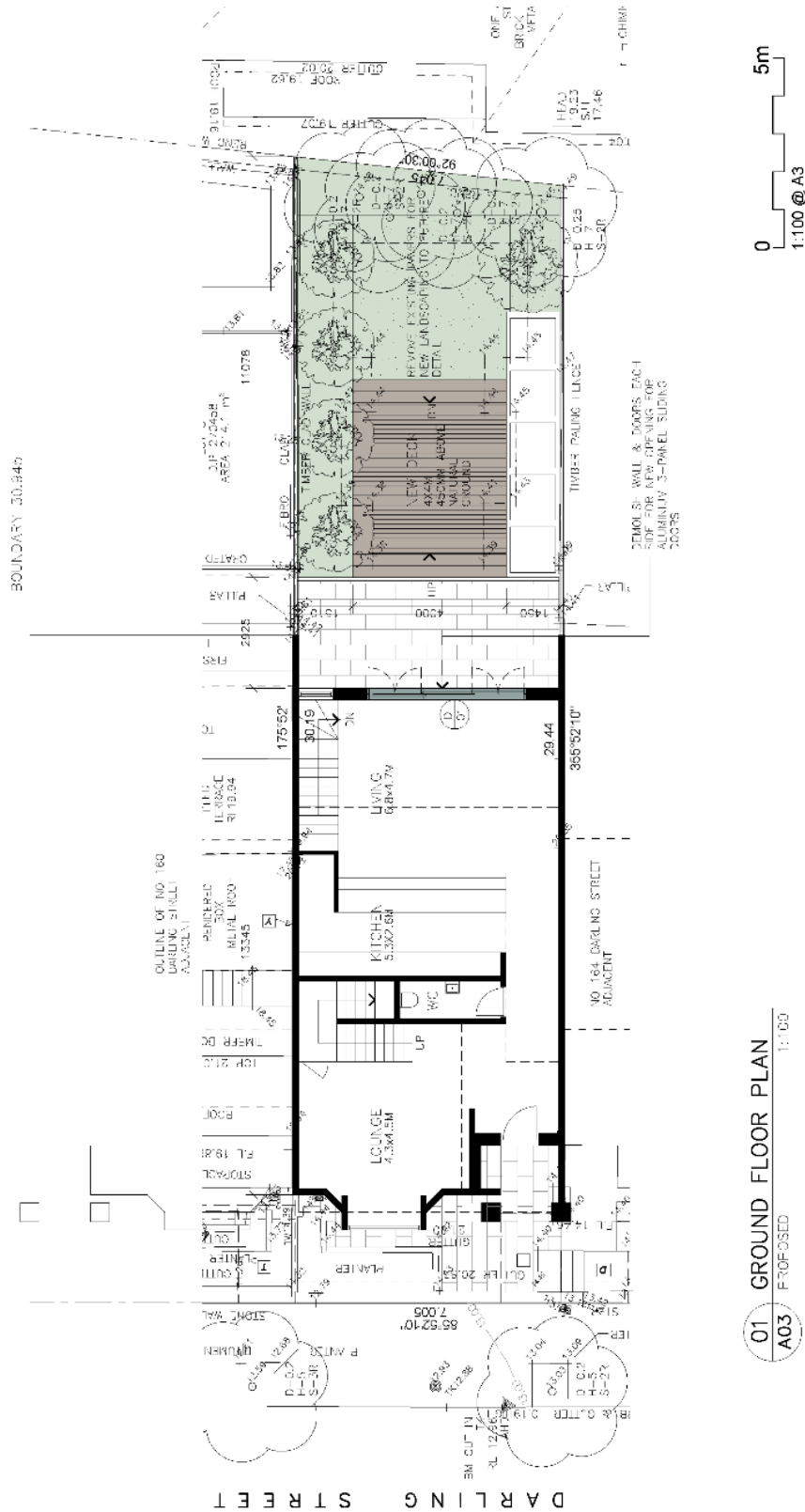
Architectural
Justin Long
design
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drawn FS scale 1:100 date 15/11/20
issue 1/4
drawing
EXISTING FLOOR PLAN
DA - CA 3541 20/11/20
ISSUE 1/4

A02



162 DARLING STREET, BALMAIN, NSW
ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
FOR GREG BITTAR
Contractors must verify all dimensions on site prior to starting any work or making any shop drawings.
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Document Set ID: 34234242
Version: 1.1, Version Date: 15/11/2020



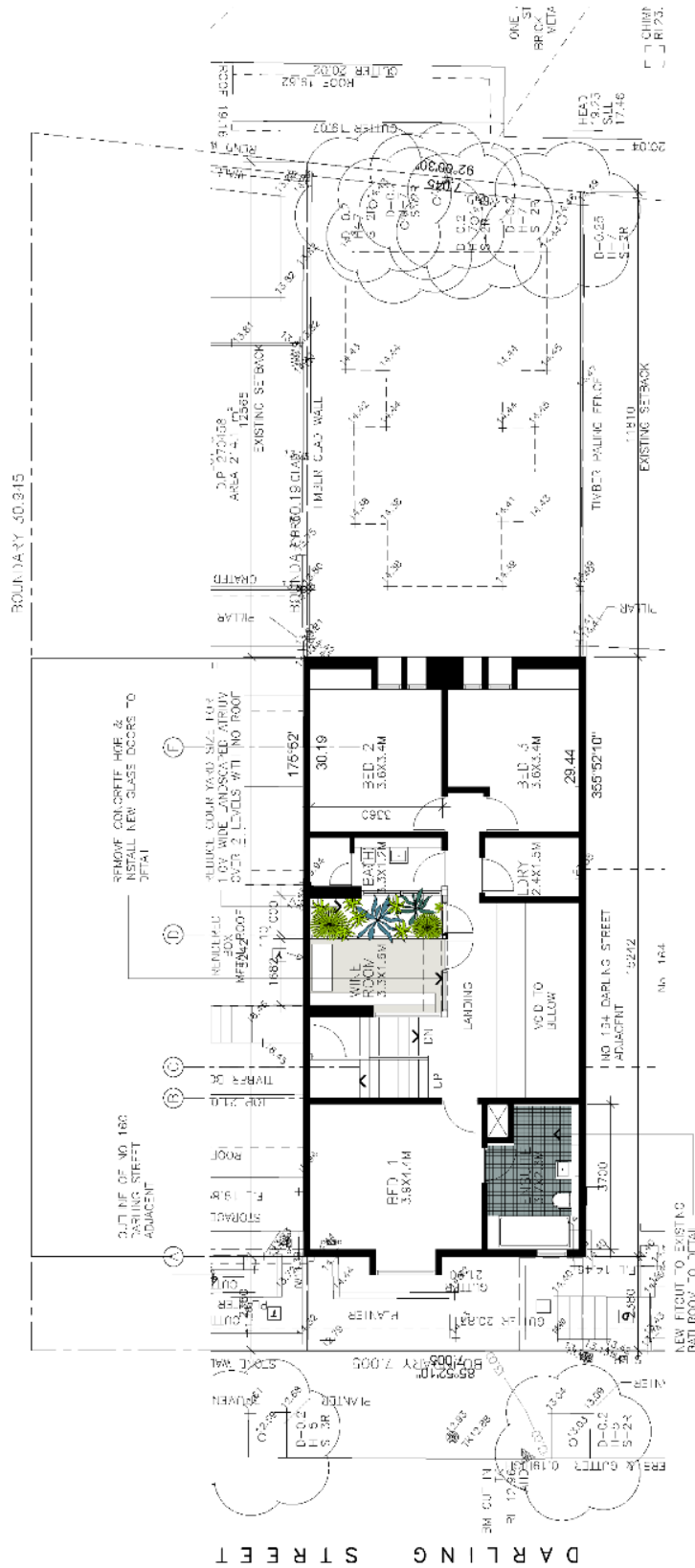
01 GROUND FLOOR PLAN 1:100
A03 F30F-03ED

162 DARLING STREET, BALMAIN, NSW
 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
 FOR GREG BITTAR
 ARCHITECTS WITH PARTS RELATING TO THE EXISTING STRUCTURE
 Prepared in accordance with the provisions of the Building Act 2016 and the Building Regulation 2016.
 Document Set ID: 34294942
 Version: 1, Version Date: 13/11/2020

Architectural
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Scale: 1:100
 Date: 13/11/2020
 Drawing: PROPOSED GROUND FLOOR PLAN
 Job No: 162-DARLING-STREET

A03



01 FIRST FLOOR PLAN
A04 PROPOSED

1:100

0 5m
1:100 @ A3

A04

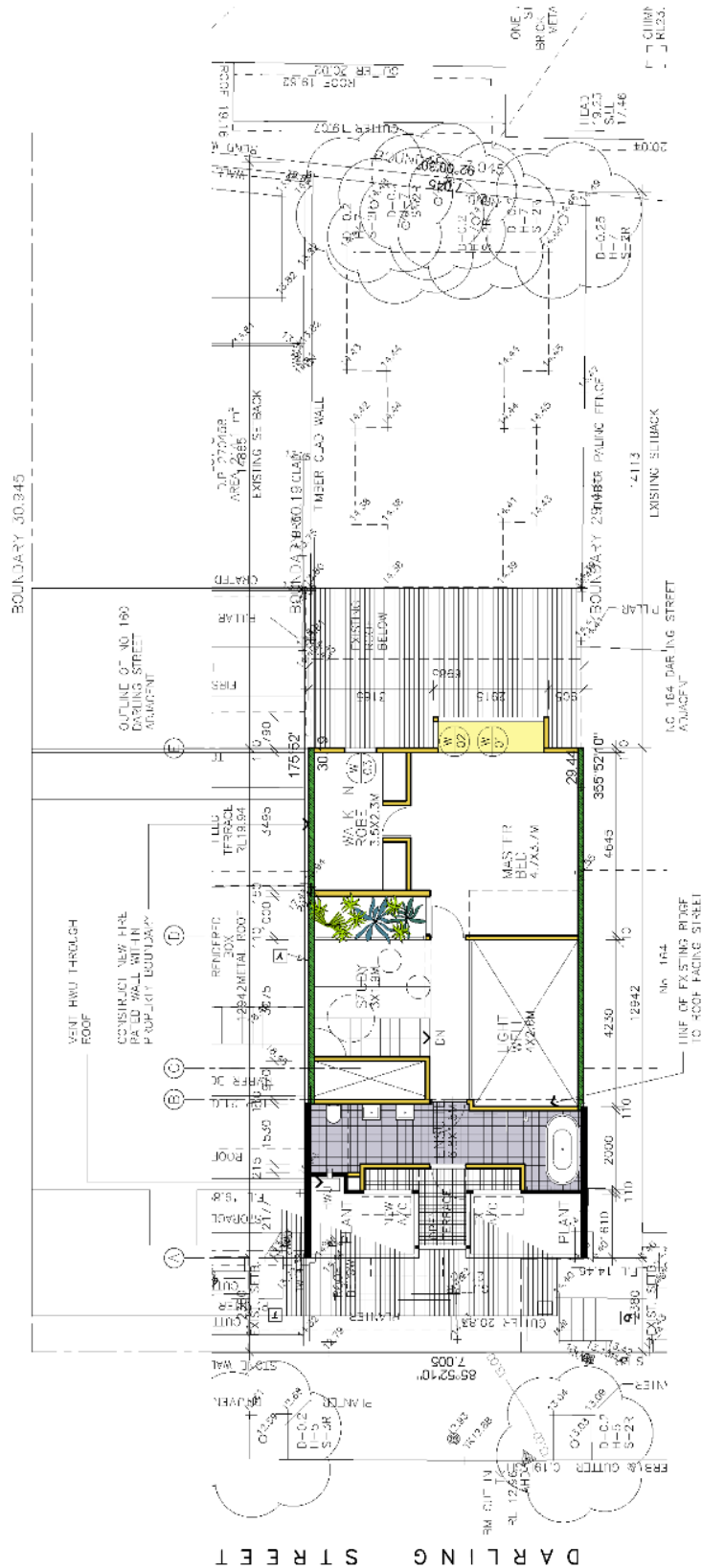
author	scale	date	issue	ground
FS	1:100	03/17/20	14	-

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PROPOSED FIRST FLOOR PLAN
DA - LCA 8886-1
15/01/2020



162 DARLING STREET, BALMAIN, NSW
ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
FOR GREG BITTAR
Connections must verify all dimensions on site prior to starting any work or making any shop drawings.
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Document Set ID: 34234242
Version 1, Version Date: 13/11/2020



01 SECOND FLOOR PLAN
A05 PROPOSED 1:100

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1:100 @ A3

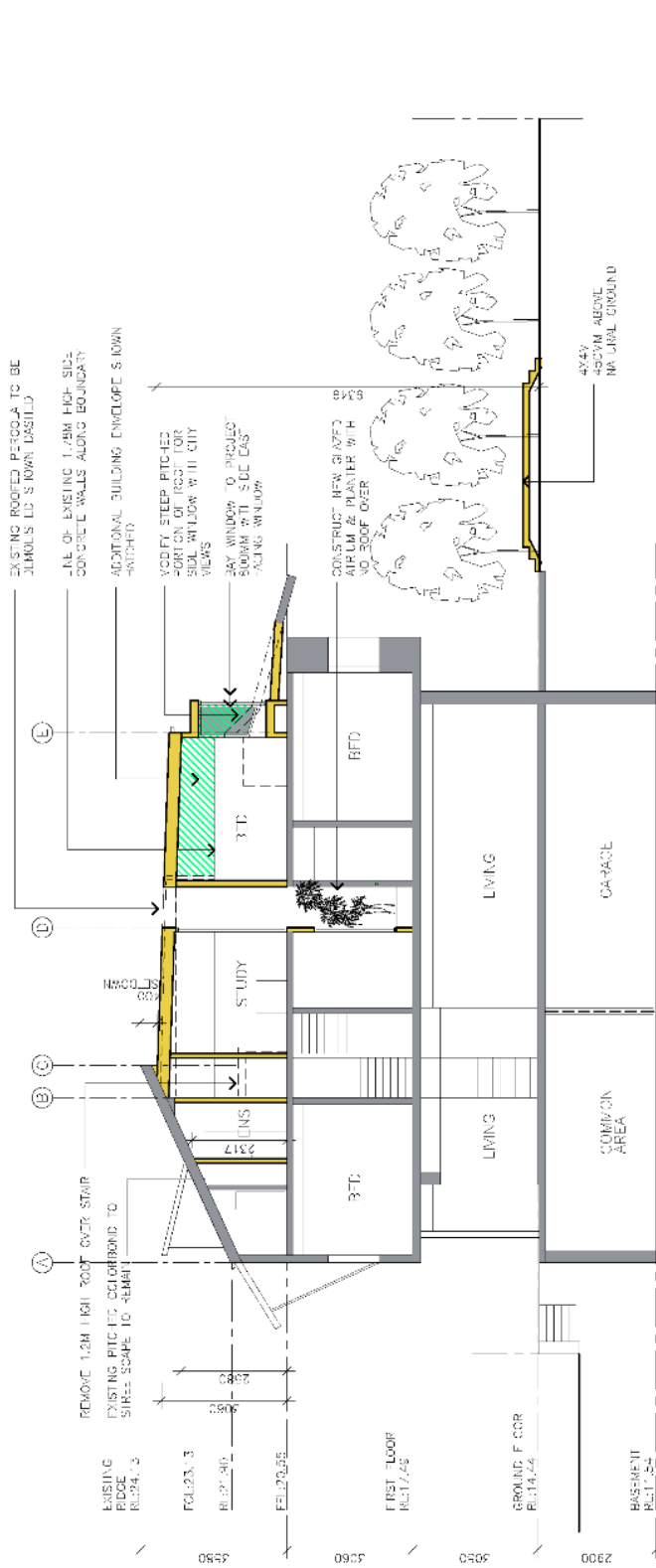
162 DARLING STREET, BALMAIN, NSW
 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
 FOR GREG BITTAR
 Connectors must verify all dimensions on site prior to starting any work or making any shop drawings.
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 Document Set ID: 3423-6242
 Version: 1, Version Date: 12/1/2020



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drawn FS
 scale 1:100
 date 03/12/20
 issue 14
 title
 sheet
PROPOSED SECOND FLOOR PLAN
 DA - DA 888-1
 issue 14 - 01/01/2020

A05



01 LONGITUDINAL SECTION
A06 PROPOSED 1:100

02 LONGITUDINAL SECTION
A06 PROPOSED 1:100 @ A3

03 LONGITUDINAL SECTION
A06 PROPOSED 1:100 @ A3

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Drawn	Scale	Date	Issue	Revised
ES	1:100	15.11.20	1A	-

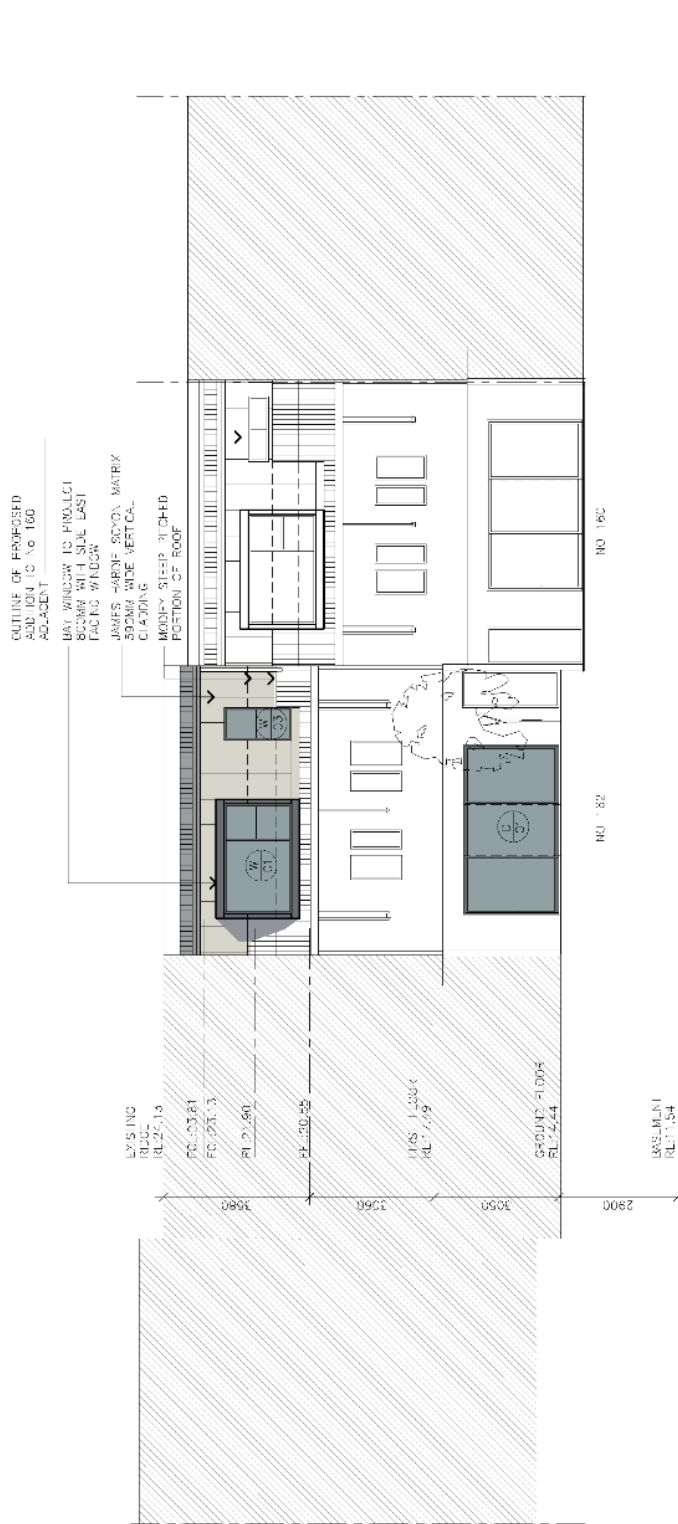
PROPOSED LONGITUDINAL SECTION

DA - CA 8856-2
ISSUE 10/11/2020


162 DARLING STREET, BALMAIN, NSW
ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
FOR GREG BITTAR

Contractor shall verify all dimensions on site prior to starting any work or making any shop drawings.
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Document Set ID: 34234242
Version: 1, Version Date: 13/11/2020

A06



01 PROPOSED REAR/SOUTHERN ELEVATION
A07 1:100



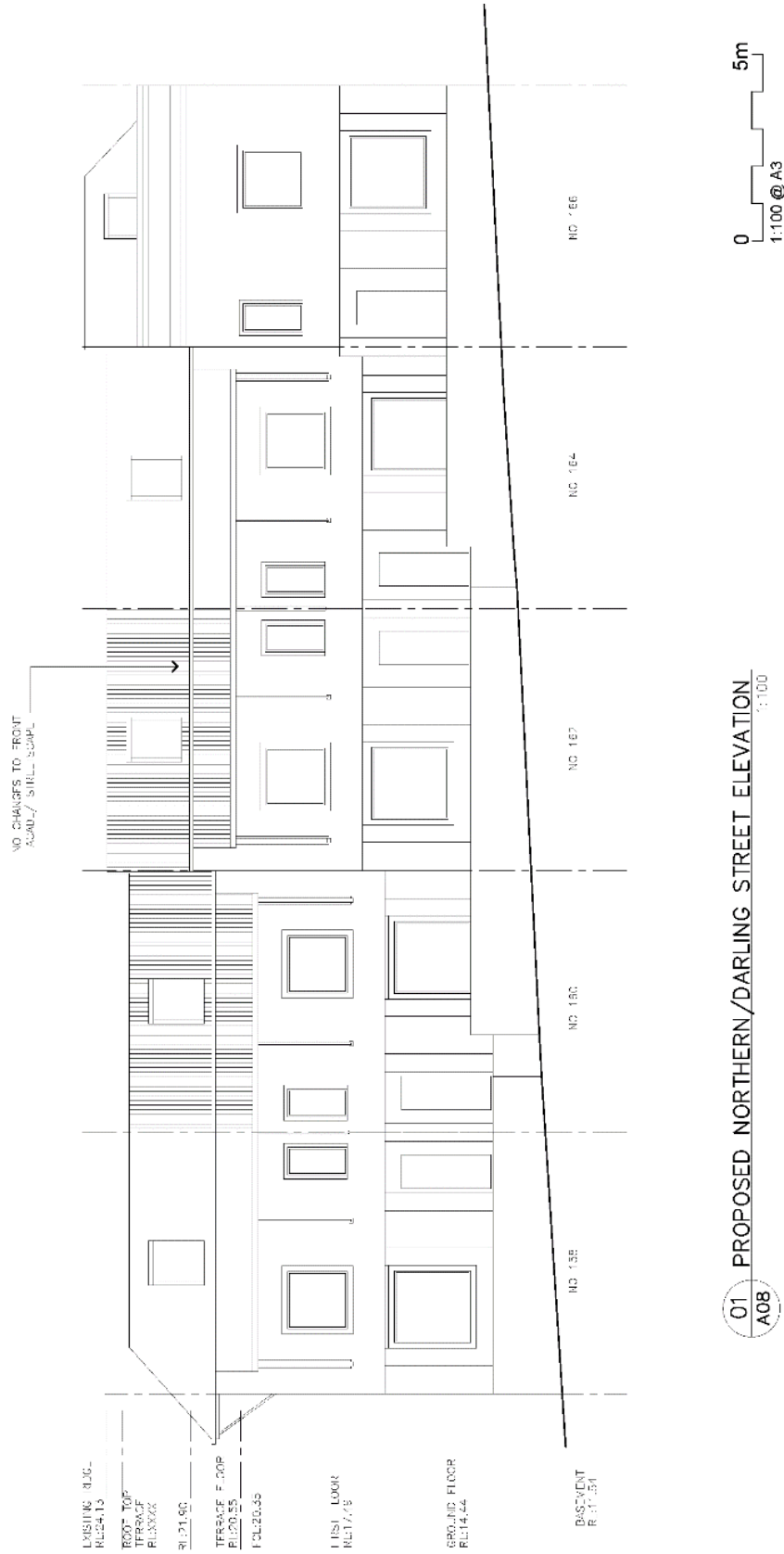
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drawn	scale	date	issue	approved
FRAMES	1:100	23.11.20	1A	-

D04 - PCA 888-1
 ISSUED FOR EXHIBIT

A07
 23.11.20
 156M

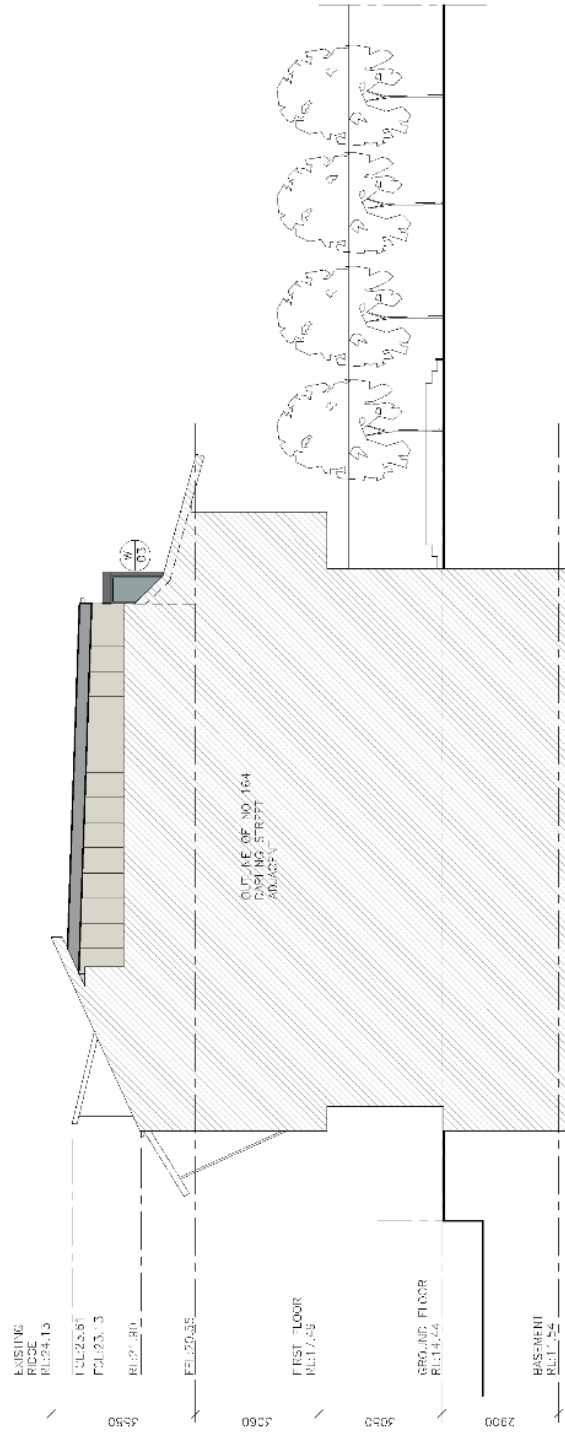
162 DARLING STREET BALMAIN NSW
 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
 FOR GREG BITTAR
 Camerons had verified all dimensions on site prior to starting any work or making any other drawings.
 Figure dimensions are to be taken in preference to scale readings. This drawing is copyright and the property of Justin Long Design.
 Document Set ID: 34234242
 Version: 1, Version Date: 13/11/2020



01 PROPOSED NORTHERN/DARLING STREET ELEVATION
A08

162 DARLING STREET BALMAIN NSW
 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
 FOR GREG BITTAL
 Architectural
 Justin Long
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 PROPOSED NORTHERN/DARLING
 STREET ELEVATION
 Date: 13/11/2020
 Drawn by: GREG BITTAL

Architectural
 Justin Long
 design
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 PROPOSED NORTHERN/DARLING
 STREET ELEVATION
 Date: 13/11/2020
 Drawn by: GREG BITTAL



01 PROPOSED WESTERN ELEVATION
A09 1:100

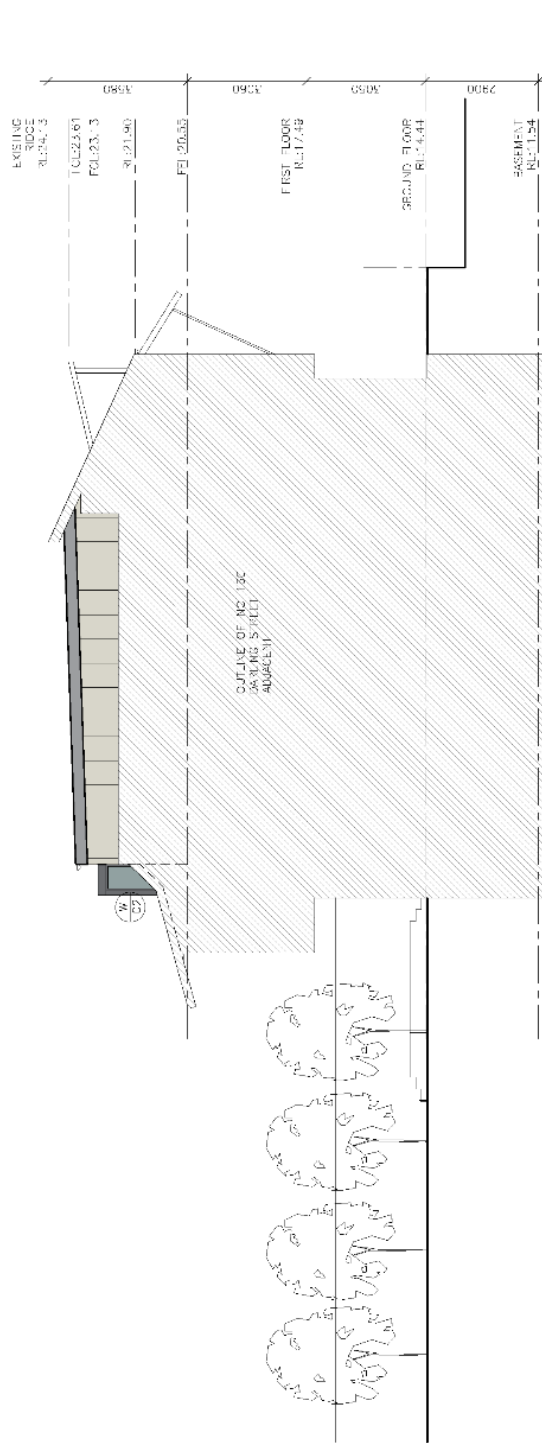
Architectural
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drawn	FS	scale	1:100	date	15.11.20	type	T/A	ground	—
<p>PROPOSED WESTERN ELEVATION</p> <p>DATE: 15.11.20 ISSUED BY: JLD</p>									

A09

162 DARLING STREET BALMAIN NSW
ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
 FOR GREG BITTAL

Contractor shall verify all dimensions on site prior to starting any work or making any shop drawings.
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 Document Set ID: 34234242
 Version: 1, Version Date: 13/11/2020

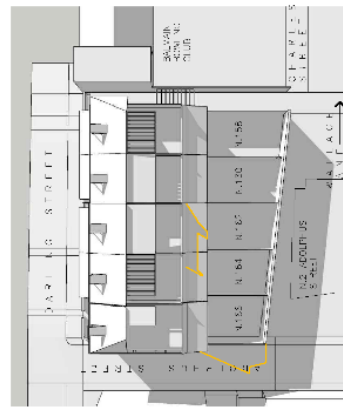


01 PROPOSED EASTERN ELEVATION
A10

162 DARLING STREET, BALMAIN, NSW
ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
FOR GREG BITTAR
Consultants must verify all dimensions on site prior to starting any work or making any shop drawings.
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Document Ref: 34234242
Version 1.1, Version Date: 15/11/2020

Justin Long Design
Architectural
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scale: 1:100
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sheet: 14
type: 14
date: 15/11/20
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scale: 1:100 @ A3
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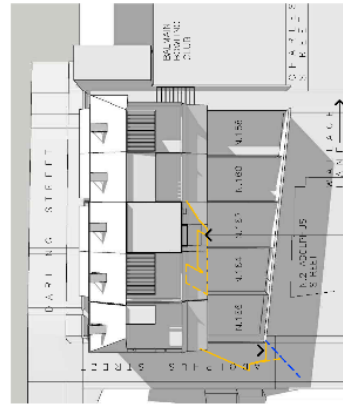
01 SHADOW DIAGRAM: 9AM
 1:250
 EXISTING

- EXISTING BUILDING SHADOWS
- SHADOW CAST BY EXISTING BUILDING
- ADDITIONAL SHADOW CAST BY PROPOSED ADDITION TO EXISTING BUILDING
- SHADOW CAST PROPOSED ADDITION TO EXISTING BUILDING
- SHADOW CAST BY EXISTING TENCEL

WINTER SOLSTICE - 21ST. JUNE
 9AM 17°SOLAR 43 DEGREES N 3PM 43 DEGREES NW

162 DARLING STREET BALMAIN NSW
 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
 FOR GREG BITTAR

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 Document ID: 34234242
 Version: 1, Version Date: 13/11/2022



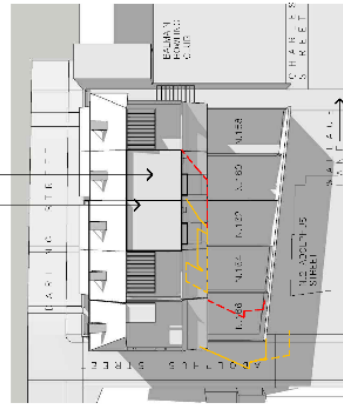
02 SHADOW DIAGRAM: 9AM
 1:250
 EXISTING

- EXISTING BUILDING SHADOWS
- SHADOW CAST BY EXISTING BUILDING
- ADDITIONAL SHADOW CAST BY PROPOSED ADDITION TO EXISTING BUILDING
- SHADOW CAST PROPOSED ADDITION TO EXISTING BUILDING
- SHADOW CAST BY EXISTING TENCEL

WINTER SOLSTICE - 21ST. JUNE
 9AM 17°SOLAR 43 DEGREES N 3PM 43 DEGREES NW

162 DARLING STREET BALMAIN NSW
 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
 FOR GREG BITTAR

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 Document ID: 34234242
 Version: 1, Version Date: 13/11/2022



03 SHADOW DIAGRAM: 9AM
 1:250
 EXISTING

- EXISTING BUILDING SHADOWS
- SHADOW CAST BY EXISTING BUILDING
- ADDITIONAL SHADOW CAST BY PROPOSED ADDITION TO EXISTING BUILDING
- SHADOW CAST PROPOSED ADDITION TO EXISTING BUILDING
- SHADOW CAST BY EXISTING TENCEL

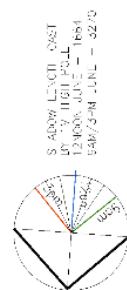
WINTER SOLSTICE - 21ST. JUNE
 9AM 17°SOLAR 43 DEGREES N 3PM 43 DEGREES NW

162 DARLING STREET BALMAIN NSW
 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
 FOR GREG BITTAR

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 Document ID: 34234242
 Version: 1, Version Date: 13/11/2022

UNPROPOSED ADDITION TO BALMAIN PROPOSED ADDITION TO BALMAIN

HORIZONTAL SUN ANGLES FOR SYDNEY
 LATITUDE 34 DEGREES SOUTH
 ANGLES ARE TAKEN FROM HANDBOOK OF
 VERTICAL SUN ANGLES FOR SYDNEY
 LATITUDE 34 DEGREES SOUTH
 1. MAXIMUM PERPENDICULAR LENGTH OF SHADOW ON
 SECOND PLANE
 2. PLACE THIS LENGTH ON SHADOW ALONG THE
 NORTH-SOUTH LINE. ANGLE OF PROTRACTOR BE SET TO
 NORTH. ADJUSTED TO HORIZONTAL ANGLES WITH
 RESPECT TO THE NORTH ALIGNMENT OF THE SITE.



DATE	ISSUE	SCALE	DATE
13/11/2022	1	1:250	13/11/2022
13/11/2022	2	1:250	13/11/2022
13/11/2022	3	1:250	13/11/2022
13/11/2022	4	1:250	13/11/2022
13/11/2022	5	1:250	13/11/2022
13/11/2022	6	1:250	13/11/2022
13/11/2022	7	1:250	13/11/2022
13/11/2022	8	1:250	13/11/2022
13/11/2022	9	1:250	13/11/2022
13/11/2022	10	1:250	13/11/2022
13/11/2022	11	1:250	13/11/2022
13/11/2022	12	1:250	13/11/2022
13/11/2022	13	1:250	13/11/2022
13/11/2022	14	1:250	13/11/2022
13/11/2022	15	1:250	13/11/2022
13/11/2022	16	1:250	13/11/2022
13/11/2022	17	1:250	13/11/2022
13/11/2022	18	1:250	13/11/2022
13/11/2022	19	1:250	13/11/2022
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13/11/2022	21	1:250	13/11/2022
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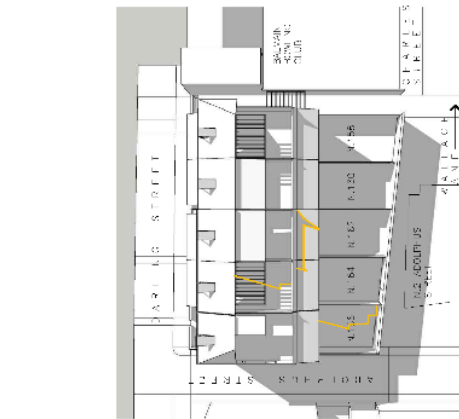
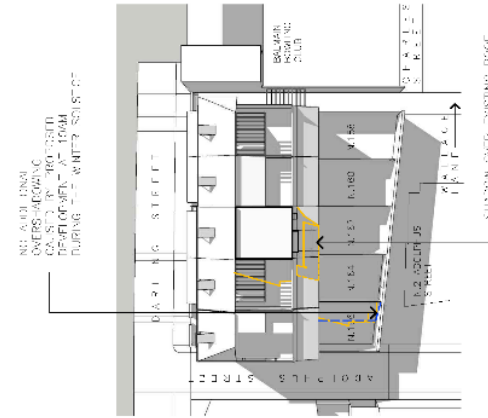
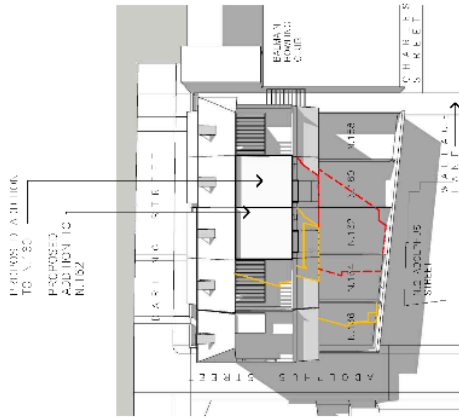
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SHADOW DIAGRAM -
 WINTER SOLSTICE 9AM

SHADOW DIAGRAM -
 WINTER SOLSTICE 9AM

SHADOW DIAGRAM -
 WINTER SOLSTICE 9AM

SHADOW DIAGRAM -
 WINTER SOLSTICE 9AM



01 SHADOW DIAGRAM: 10AM
A13 1:250

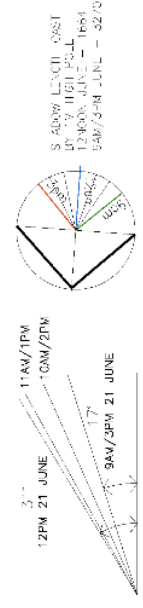
02 SHADOW DIAGRAM: 10AM
A13 1:250

03 SHADOW DIAGRAM: 10AM
A13 1:250

- EXISTING BUILDING CAST BY EXISTING STRUCTURES
- SHADOW CAST BY EXISTING BUILDING
- ADDITIONAL SHADOW CAST BY PROPOSED ADDITION TO BUILDING
- SHADOW CAST BY PROPOSED ADDITION TO BUILDING
- SHADOW CAST BY EXISTING FENCE

WINTER SOLSTICE - 21ST. JUNE	
9AM	3PM
43 DEGREES NE	43 DEGREES NW

162 DARLING STREET BALMAIN NSW
ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
FOR GREG BITTAR
 Consultant's seal and stamp as required by the Building Act 2016.
 All plans and drawings are to be taken in accordance with the Building Act 2016.
 Document No. 13/11/2020



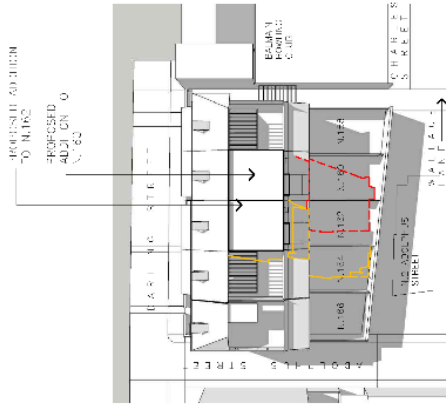
HORIZONTAL SUN ANGLES FOR SYDNEY
 LATITUDE 34 DEGREES SOUTH
 ANGLES ARE TAKEN FROM MAGNETIC NORTH

VERTICAL SUN ANGLES FOR SYDNEY
 LATITUDE 34 DEGREES SOUTH

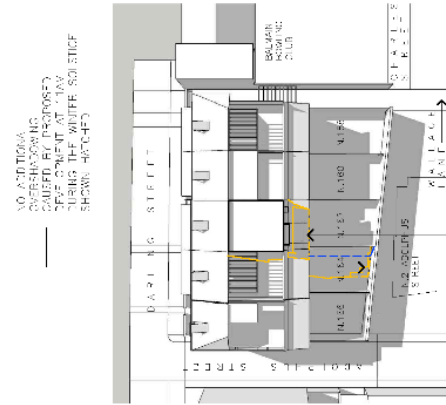
1. REFLECTOR CORRECTION (FRAC) OF 0.0009 ON REFLECTOR HALF.
2. PLACE THIS LENGTH ON SHADOW ALONG THE 90 DEGREE SUN ANGLE ON PROTRACTOR BE AWARE TO CORRECT FOR ADJUSTMENTS TO HORIZONTAL ANGLES WITH RESPECT TO THE NORTH ALIGNMENT OF THE SITE.

drawn by FS 1:250 10/12/20 24
 JUSTIN LONG DESIGN
 162 DARLING STREET BALMAIN NSW
SHADOW DIAGRAM - WINTER SOLSTICE 10AM

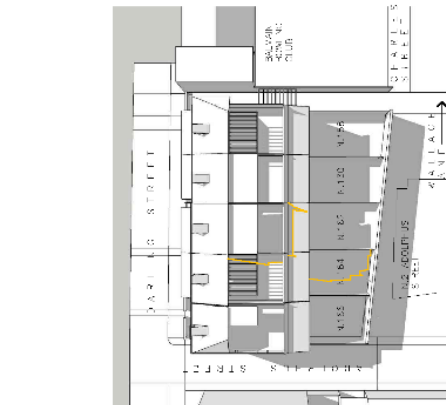
A13



01 SHADOW DIAGRAM: 11AM
A14 EXISTING 1:250



02 SHADOW DIAGRAM: 11AM
A14 EXISTING + 1:250

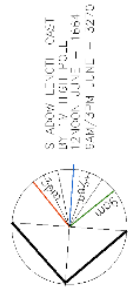


03 SHADOW DIAGRAM: 11AM
A14 PROPOSED N.160 INC. 1:250

ADDITIONAL CONSTRUCTION PROPOSED TO BE COMPLETED AT 11AM DURING THE WINTER SOLSTICE (SHOWS 48°C/4F)

HORIZONTAL SUN ANGLES FOR SYDNEY
LATITUDE 34 DEGREES SOUTH
ANGLES ARE TAKEN FOR BLENDED HEIGHT

VERTICAL SUN ANGLES FOR SYDNEY
LATITUDE 34 DEGREES SOUTH
1. PLACE THIS LENGTH ON SHADOW ALONG THE NORTH-SOUTH LINE. ANGLE OF PROTRACTOR BE ACTIVE TO THE LEFT. ADJUST THIS TO 48°C/4F. ANGLE WITH RESPECT TO THE BIRTH ALONG THE LINE.



DATE	TIME	ANGLE	HEIGHT
21/06/2021	11:00	48°C/4F	1.60

DATE	TIME	ANGLE	HEIGHT
21/06/2021	11:00	48°C/4F	1.60

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SHADOW DIAGRAM - WINTER SOLSTICE 11AM

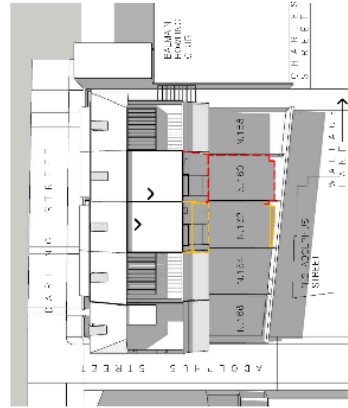
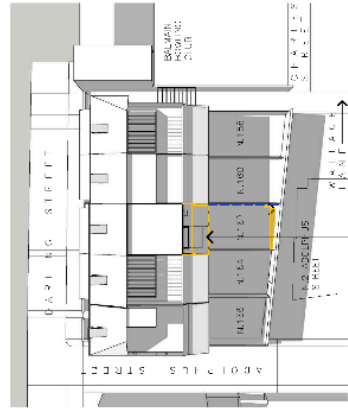
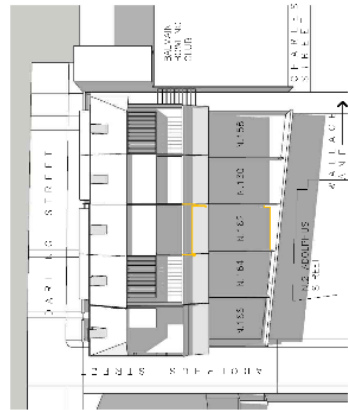
WINTER SOLSTICE - 21ST JUNE
9AM 43 DEGREES NE 0 DEGREES N
12NOON 0 DEGREES N
3PM 43 DEGREES NW

162 DARLING STREET BALMAIN NSW
ADDITIONS AND MODIFICATIONS TO AN EXISTING DWELLING
FOR GREG BUTTS

Conservation Council of NSW has approved this drawing for planning purposes. In order to ensure compliance with all requirements of the Act, please refer to the relevant legislation. This drawing is copyright and the property of Justin Long Design. Document ID: 34034242. Version: 1. Version Date: 13/11/2021

NOTES: 1. ALL WORK TO BE COMPLETED BY 12:00 PM ON 21ST JUNE 2022.

ADDITIONAL WORK REQUIRED CAUSED BY PROPOSED DISTURBANCE TO THE SHADOW STUDY REPORT.



01 SHADOW DIAGRAM: 12PM 1:250
A15 EXISTING

02 SHADOW DIAGRAM: 12PM 1:250
A15 SHADOW CAST ONTO EXISTING ROOF

03 SHADOW DIAGRAM: 12PM 1:250
A15 SHADOW CAST ONTO EXISTING ROOF

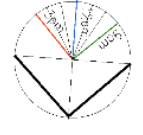
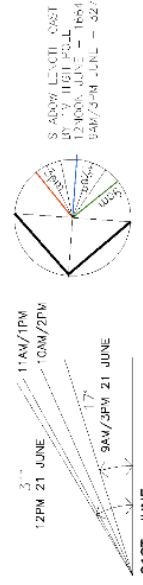
- EXISTING BUILDING
- SHADOW CAST ONTO EXISTING ROOF
- ADDITIONAL SHADOW CAST ONTO EXISTING ROOF CAUSED BY PROPOSED DISTURBANCE TO THE SHADOW STUDY REPORT
- SHADOW CAST PROPOSED ADDITION TO EXISTING ROOF
- SHADOW CAST ONTO EXISTING FENCE

WINTER SOLSTICE - 21ST JUNE 12:00PM 43 DEGREES NE
SUMMER SOLSTICE - 21ST JUNE 12:00PM 43 DEGREES NW

162 DARLING STREET, BALMAIN, NSW
ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
FOR GREG BITAR

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If there are any errors or omissions in this drawing, the drafter is not responsible for them.

Document ID: 3023422
Version: 1, Version Date: 13/11/2022



SUN PATH DIAGRAM
DATE: 21 JUNE 2022
TIME: 12:00 PM
SCALE: 1:250

HORIZONTAL SUN ANGLES FOR SYDNEY
LATITUDE 34 DEGREES SOUTH
ANGLES ARE TAKEN FROM THE SUN PATH DIAGRAM

VERTICAL SUN ANGLES FOR SYDNEY
LATITUDE 34 DEGREES SOUTH
1. ANGLE OF INCIDENCE OF RAYS ON SURFACE OF WINDOW
2. ANGLE OF REFLECTION OF RAYS ON SURFACE OF WINDOW
3. ANGLE OF REFRACTION OF RAYS TO SURFACE OF WINDOW
4. ANGLE OF REFRACTION OF RAYS TO SURFACE OF WINDOW

Drawn	Scale	Title	Issue
FS	1:250	15/11/20	04

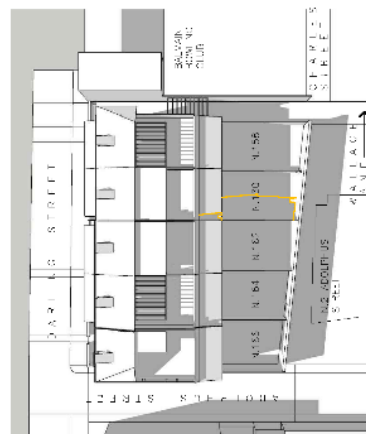
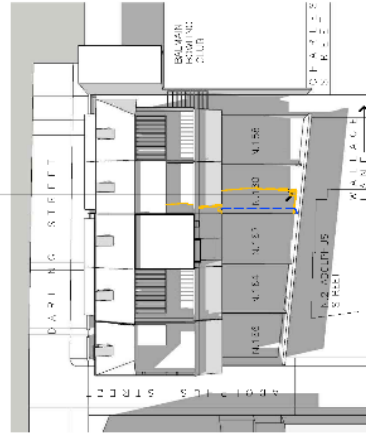
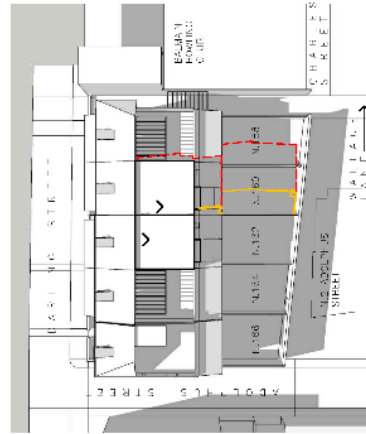
Justin Long
Architectural
162 Darling Street, Balmain, NSW
162 DARLING STREET - WINTER SOLSTICE 12PM

A15

REMOVED ADDITION
TO R.F.C.C.

REMOVED ADDITIONAL
COLLUSION CAUSED BY
REMOVED ADDITION
TO R.F.C.C.

REMOVED ADDITIONAL
COLLUSION CAUSED BY
REMOVED ADDITION
TO R.F.C.C.



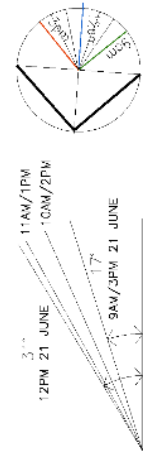
01 SHADOW DIAGRAM: 1PM
A16 1:250

- COLLUSION CAUSED BY REMOVED ADDITION TO R.F.C.C.
- SHADOW CAST BY EXISTING NORTH
- ADJUSTED SHADOW CAST BY EXISTING NORTH
- SHADOW CAST BY REMOVED ADDITION TO R.F.C.C.
- SHADOW CAST BY EXISTING R.F.C.C.

WINTER SOLSTICE - 21ST. JUNE
9AM 3PM
43 DEGREES NE 0 DEGREES N 43 DEGREES NW

162 DARLING STREET BALMAIN NSW
ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
FOR GRES BITAR
Considered under the provisions of the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2000 (NSW).
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Document Ref ID: 34234242
Version: 1, Version Date: 13/11/2020

02 SHADOW DIAGRAM: 1PM
A16 1:250



03 SHADOW DIAGRAM: 1PM
A16 1:250

HORIZONTAL SUN ANGLES FOR SYDNEY
LATITUDE 34 DEGREES SOUTH
VERTICAL SUN ANGLES FOR SYDNEY
LATITUDE 34 DEGREES SOUTH
1. REFERENCE FOR ZONAL LENGTH OF SHADOW ON EQUATORIAL PLANE
2. REFERENCE FOR ZONAL LENGTH OF SHADOW ON EQUATORIAL PLANE
3. VARY ADJUSTMENTS TO HORIZONTAL ANGLES WITH RESPECT TO THE NORTH ALIGNMENT OF THE SITE.

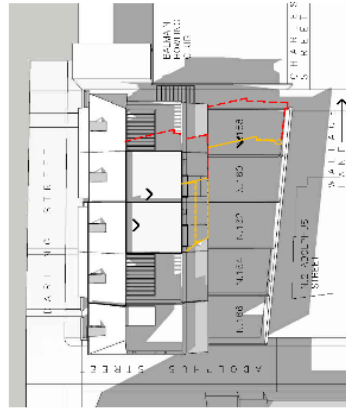
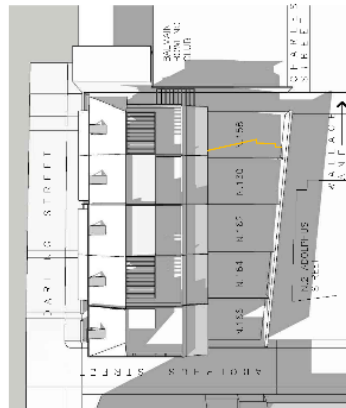
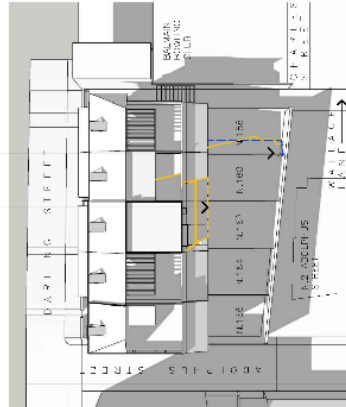
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SHADOW DIAGRAM - WINTER SOLSTICE 1PM

Scale	Scale	Scale
1:250	1:250	1:250

A16

NO ARCHITECTURAL
CHANGES TO EXISTING
BUILDING
DASHING STREET SIDE
TIL WALLS SOLSTICE - 5 DOWN
HATCHES



PROPOSED ADDITION
TO N. 02
- HIGH RISE
- ADDITION TO
- 4.102

SHADOW OVER
EXISTING ROOF

01 SHADOW DIAGRAM: 2PM
A17 EXISTING 1:250

02 SHADOW DIAGRAM: 2PM
A17 PROPOSED 1:250

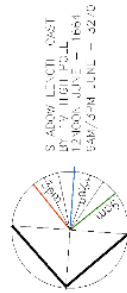
03 SHADOW DIAGRAM: 2PM
A17 PROPOSED N160 INC 1:250

- EXISTING SHADOWS
- SHADOW CAST BY EXISTING BUILDING
- ADDITIONAL SHADOW CAST BY PROPOSED ADDITION TO N. 02
- SHADOW CAST BY PROPOSED ADDITION TO N. 160
- SHADOW CAST BY EXISTING FENCE

WINTER SOLSTICE - 21ST. JUNE
9AM 17NDUN 43 DEGREES NE 0 DEGREES N 3PM 43 DEGREES NW

162 DARLING STREET BALMAIN NSW
ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
FOR GRESBITAR

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Document No. ID: 34034242
Version: 1, Version Date: 18/11/2020



HORIZONTAL SUN ANGLES FOR SYDNEY
LATITUDE 34 DEGREES SOUTH

- ANGLE MEASURED FROM HORIZONTAL
- ANGLE MEASURED FROM VERTICAL
- ANGLE MEASURED FROM HORIZONTAL
- ANGLE MEASURED FROM VERTICAL

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Scale: 1:250
Date: 19/11/20
Issue: 04

SHADOW DIAGRAM -
WINTER SOLSTICE 2PM

A17

VIRTUAL AND LOCAL
CITYFRONTING
CAUSED BY SHADOWS
CAST BY THE EXISTING
BUILDINGS TO THE SOUTH
AND TO THE EAST



01 SHADOW DIAGRAM: 3PM
A18 PROPOSED ADDITION TO 162

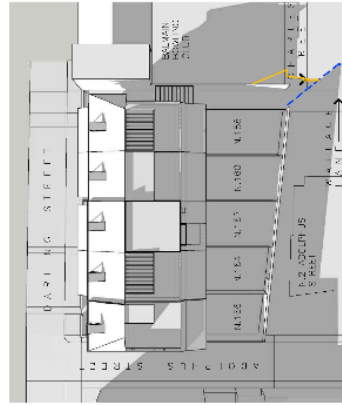
- EXISTING SHADOWS
- SHADOW CAST BY EXISTING N.162
- LOCAL SHADOW CAST BY PROPOSED ADDITION TO N.162
- SHADOW CAST BY PROPOSED ADDITION TO N.162
- SHADOW CAST BY EXISTING TOWER

WINTER SOLSTICE – 21ST. JUNE
9AM 43 DEGREES NE 12NDEN 3PM 43 DEGREES NW

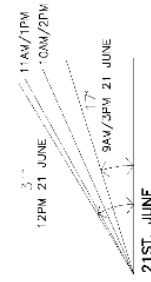
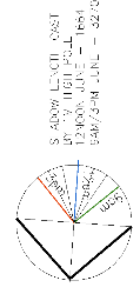
162 DARLING STREET, BALMAIN, NSW
ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING

FOR GREEN STAR RATED BUILDING, THE PROPOSED ADDITION TO THE EXISTING DWELLING MUST BE BUILT TO THE BOUNDARIES TO THE SOUTH AND TO THE EAST.
Document No. ID: 34034262
Version: 1, Version Date: 13/11/2020

VIRTUAL AND LOCAL
CITYFRONTING
CAUSED BY SHADOWS
CAST BY THE EXISTING
BUILDINGS TO THE SOUTH
AND TO THE EAST



02 SHADOW DIAGRAM: 3PM
A18 PROPOSED ADDITION TO 162

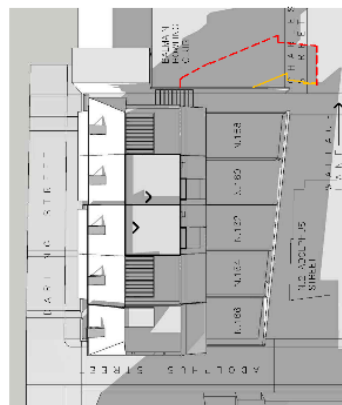


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SHADOW DIAGRAM – WINTER SOLSTICE 3PM

DATE	TIME	ANGLE	DIR
21/06/2020	12:00	43	NE
21/06/2020	03:00	43	NW

VIRTUAL AND LOCAL
CITYFRONTING
CAUSED BY SHADOWS
CAST BY THE EXISTING
BUILDINGS TO THE SOUTH
AND TO THE EAST



03 SHADOW DIAGRAM: 3PM
A18 PROPOSED ADDITION TO 162

HORIZONTAL SUN ANGLES FOR SYDNEY
LATITUDE 34 DEGREES SOUTH
ANGLES ARE GIVEN FOR HORIZONTAL DISTANCE

VERTICAL SUN ANGLES FOR SYDNEY
LATITUDE 34 DEGREES SOUTH
ANGLES ARE GIVEN FOR HORIZONTAL DISTANCE

DATE	TIME	ANGLE	DIR
21/06/2020	12:00	43	NE
21/06/2020	03:00	43	NW

LANDSCAPE & OPEN SPACE ARTS

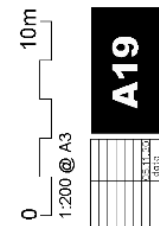
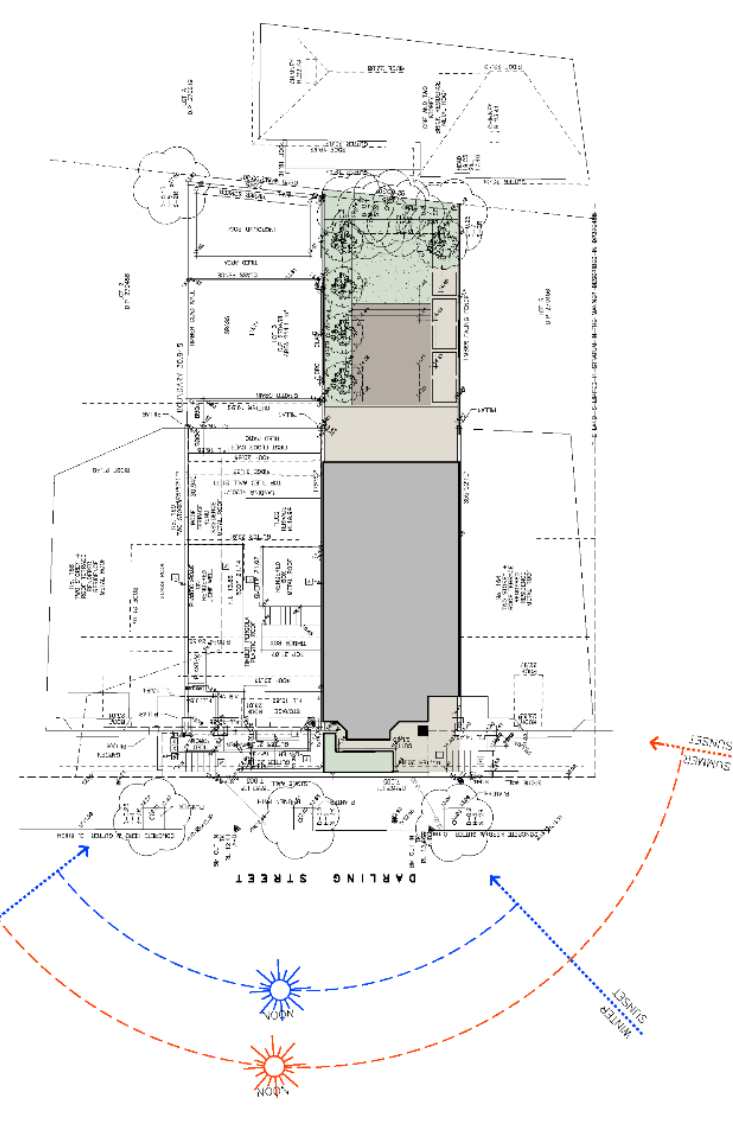
SITE AREA: 208.8 M²
 EXISTING SITE COVERAGE: 107 M² (51%)
 PROPOSED SITE COVERAGE: 107 M² (51%)
 EXISTING OPEN SPACE: 91 M²
 PROPOSED OPEN SPACE: 94 M²
 OPEN SPACE REQUIREMENT: 16 M²
 X'S: 10% LANDSCAPE: 54 M²
 PROPOSED LANDSCAPE: 54 M²
 LANDSCAPE REQUIREMENT: 31% (15% OF SITE AREA)

SITE ANALYSIS NOTES

SITE FALLS FROM W TO E
 NO PRIVACY / OVERSHADOWING PROBLEMS
 PASSIVE SOLAR PRINCIPLES UTILISED IN BUILDING
 GREEN ROOF & WINDOW GREENING
 PROPOSED OPEN SPACE INCLUDES:
 - BUILDING OVERHANG
 - GRASS VENTILATION
 - MULTIPLE TREES

LEGEND

- CHASSIS / ALIAS / CARCLINS
- PLANTING
- DECK
- PAVED AREA



0 1:200 @ A3 10m

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DATE: 15/11/2020
 DRAWN: FS
 CHECKED: JL
 SCALE: 1:200
 SHEET: 01 OF 03

SITE ANALYSIS & LANDSCAPE PLAN

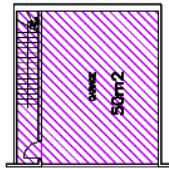
01 SITE ANALYSIS & LANDSCAPE PLAN
 19 PROPOSED
 1:200

162 DARLING STREET, BALMAIN, NSW
 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
 FOR GREG BITTAR

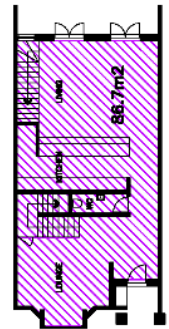
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 Document Set ID: 34234242
 Version 1.1, Version Date: 15/11/2020

AREAS - 162 DARLING STREET

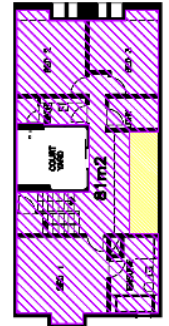
SITE AREA	208.8 m ²	EXISTING TERRACE FLOOR	0 m ²
EXISTING BASEMENT	50 m ²	PROPOSED SECOND FLOOR	53.9 m ²
PROPOSED BASEMENT	50 m ²	EXISTING TOTAL AREA	217.7 m ²
EXISTING GROUND FLOOR	86.7 m ²	PROPOSED TOTAL AREA	278.6 m ²
PROPOSED GROUND FLOOR	86.7 m ²	EXISTING F.S.R.	1.04 : 1
EXISTING FIRST FLOOR	81.0 m ²	PROPOSED F.S.R.	1.33 : 1
PROPOSED FIRST FLOOR	86.0 m ²		



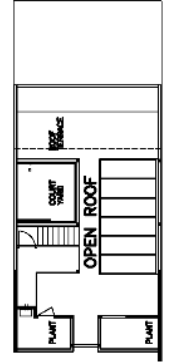
BASEMENT



GROUND FLOOR

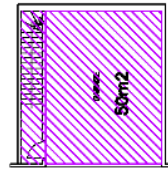


FIRST FLOOR

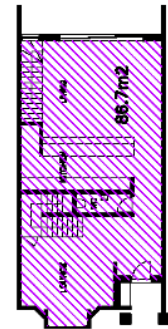


TERRACE FLOOR

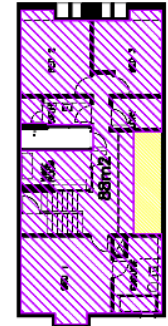
- LIGHT VOID TO SERVICE ROOMS BELOW
- EXISTING FLOOR AREA
- FLOOR AREA UNDER EXISTING PERGOLA & ROOF (29.2m²)
- FLOOR AREA BETWEEN 1.8M HIGH SIDE WALLS, NO EXISTING ROOF (24.7m²)



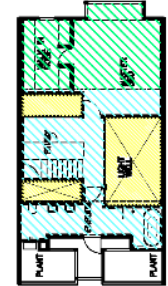
BASEMENT



GROUND FLOOR



FIRST FLOOR



SECOND FLOOR



162 DARLING STREET, BALMAIN, NSW
 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
 FOR GREG BITTAR

Consultors Must verify all dimensions on site prior to starting any work or making any stop drawings.
 Filled dimensions are to be taken in preference to scale readings. This drawing is copyright and the property of Justin Long Design.

Document Set ID: 34234242

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FS 1:200 05/11/20 DA -

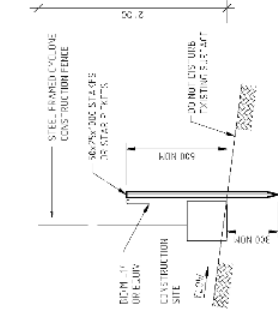
PSR CALCULATION DIAGRAM

0 10m
 1:200 @ A3

A20

DATE	DESCRIPTION
05/11/20	DA - DA ISSUE
06/11/20	DA - DA ISSUE

SEDIMENT & SOIL EROSION CONTROL NOTES

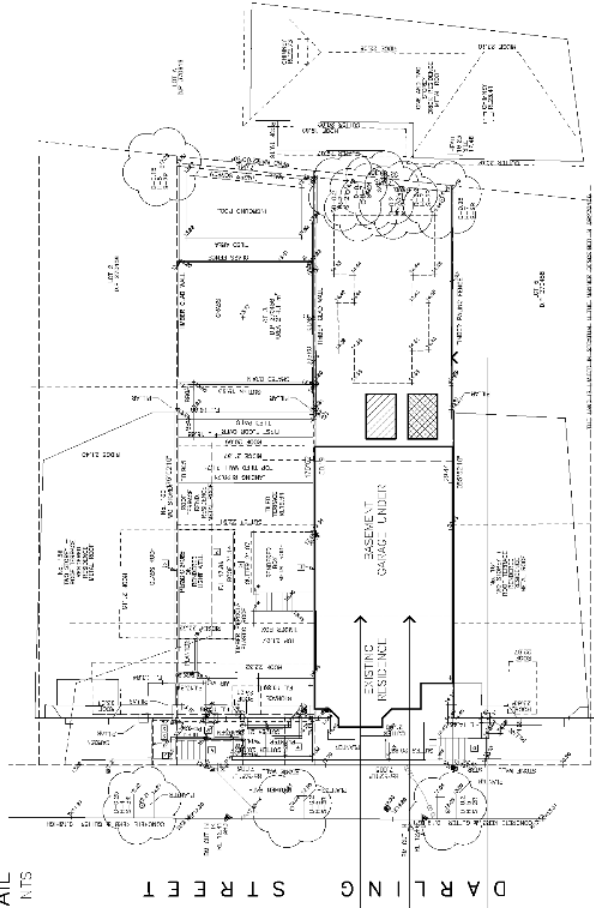


SILT FENCE DETAIL
PROPOSED

LEGEND

- PROTECTION AREA FOR STOCKPIILING OF MATERIALS
- TRADE WASTE RECEIPTABLE LOCATION
- 1.5M HIGH STIFF FRAMED CYCLOPE CONSTRUCTION FENCE & SILT FENCE, REFER TO DPTG
- 2.1M HIGH STIFF FRAMED CYCLOPE CONSTRUCTION FENCE & SILT FENCE, REFER TO DPTG

TEMPORARY CONSTRUCTION EXIT
PROPOSED



SILT FENCE DETAIL
PROPOSED

01 SEDIMENT & EROSION CONTROL PLAN
1:200



162 DARLING STREET, BALMAIN, NSW
ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
FOR GREG BITTAR

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SEDIMENT & EROSION CONTROL PLAN
drawing: PS 1:200 (25.11.20) DA
scale: PS 1:200 (25.11.20) DA
issue: PS 1:200 (25.11.20) DA

A21
DATE: 15/11/2020
SCALE: 1:200

Attachment C- Clause 4.6 Exception to Development Standards

162 Darling Street, Balmain: Statement of Environmental Effects

Subclause 3 also provides a standard for site coverage of 60%. The architect has calculated that the proposal provides a site coverage of 107m² which is equivalent to 51% of the site and, therefore, **the proposal complies with the standard.**

Clause 4.4, Floor space ratio, provides objectives and a standard for floor space ratio. The objectives of this clause are:

- (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 maximum permitted FSR is 0.5:1 in the Balmain density area. However, the land is located within Area 3 of the FSR map and under clause 4.4.2B(b) land more than 150m² but less than 300m² in size is allowed a 0.9:1 FSR.

The architect advises that the proposal will have a gross floor area of 278.6m² which is equivalent to a 1.33:1 FSR and, therefore, **the proposal does not comply with the standard.** A submission pursuant to Clause 4.6 follows because the proposal does not comply with the standard.

Clause 4.6, Exceptions to development standards, states:

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
 - (b) *to achieve better planning outcomes for and from development by allowing flexibility in particular circumstances*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (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) *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *there are sufficient environmental planning grounds to justify contravening the development standard [and]*
- (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 Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*

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- (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 Secretary before granting concurrence.*

Clause 4.4, Floor Space Ratio, is a development standard that is not subject to any of the specified exclusions from the operation of clause 4.6.

In accordance with the guidelines provided by decisions of the Land and Environment Court and in particular the judgments in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248, *Micaul Holdings Pty Ltd v Randwick City Council* [2015] NSWLEC 1386 and *Moskovich v Waverley Council* [2016] NSWLEC 1015, the submission addresses the requirements of clause 4.6 in turn.

FLOOR SPACE RATIO

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

The judgment in *Wehbe v Pittwater Council* [2007] NSWLEC 827 identified five ways of establishing under *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1) that compliance is unreasonable or unnecessary. The subsequent cases referred to above have confirmed that these ways are equally applicable under the clause 4.6 regime.

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*

As set out below, the proposed development will achieve objective (a) of the standard notwithstanding numerical non-compliance.

The objectives of the floor space ratio standard are set out in clause 4.4 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*

Bulk, form and scale compatible with desired future character: Despite the 0.9:1 standard applying to the land, many surrounding buildings have similar FSR, building envelope, volume, form and scale and the proposed development will be compatible in that context.

The existing dwelling and the remaining dwellings in the terrace row currently do not comply with the standard.

It is noted that the dwelling and terrace were approved at the time a 0.7:1 FSR development standard applied. In addition, garaging was excluded from FSR. The

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architect's calculations on Dwg No. A20 suggests that the existing dwelling would have had a gross floor area of 167.7m² (without garage floor space) on a 208.8m² site, resulting in a 0.8:1 FSR which would not have complied with the 0.7:1 FSR.

The architect has calculated FSR based on the existing and proposed gross floor area on each floor of the dwelling including garaging in accordance with current practise. It results in FSRs of 1.04:1 for the existing dwelling and 1.33:1 for the proposal.

The purpose of this analysis demonstrates that FSR varies significantly depending on what is included as floor space.

The proposal's FSR is equivalent to an additional 60.9m² and initially it is numerically significant. However, the non-compliance should be taken into context and whether it results in additional visual scale and bulk in the same way as to whether garaging which is situated below ground level contributes to any unreasonable visual scale and bulk.

Significantly, 50m² of the gross floor area which is equivalent to 17% of the total GFA is provided within the basement and does not result in any visual scale and bulk.

Of the additional 60.9m² of floor space, Dwg No. A20 confirms that 29.2m² of it (which is equivalent to 47% of the total) is provided essentially within the volume or envelope of the existing dwelling's roof.

The floor space concealed within the envelope of the existing dwelling has a total gross floor area of 199.4m² ((278.6 – 50(garage) – 29.2(roof terrace)), which results in a 0.95:1 FSR which is minor exceedance of the standard.

The remaining 24.7m² is provided on the existing roof terrace between the 1800mm high side walls separating neighbouring dwellings and is largely concealed and contributes to little visual scale and bulk.

The additional building bulk, form and volume is illustrated on Dwg. No. A06 albeit in 2-dimensional form and it is confined to the area of the proposed master bedroom. The bedroom is setback from the southern end walls of the floor below (to the edge of planter) as well as below and behind the dwelling's ridge.

The surface area of the existing roof is not increased.

Consequently, there is no significant additional and materially unreasonable visual scale and bulk flowing from the non-compliance in FSR. The dwelling remains three levels or storeys. The removal of the master bedroom to remove the marginally higher side walls will not substantially alter the appearance of the dwelling.

The proposed additions provide a three-storey form which will be emulated by No. 160 Darling Street and whilst they do not detract from the character of the existing terrace they provide an appropriate exemplar for the remaining dwellings in it.

Is the proposal compatible with the desired future character in terms of bulk, form and scale?

The aforementioned discussion has addressed the performance of the proposal with respect to the development in the immediate vicinity in terms of bulk, form and scale.

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A desired future character statement for the locality aims to reinforce the compatibility of development in its local context – in this case a Neighbourhood. There is no expressed desired future character statement in Council's planning controls for the locality, however, a desired future character in the Leichhardt DCP is expressed through the controls.

The site is located in the Darling Street Distinctive Neighbourhood and the controls are found at p.C-177. In my opinion, the proposal performs well with respect to the relevant controls -particularly in respect to the following:

- As discussed above, the proposal generally preserves and enhances the existing streetscaped
- The proposal provides a compatible rear addition which is complementary to the existing contemporary building.
- The proposal has no impact on the existing building wall height or envelope.
- The change to the façade is minimal and only provides glazing to the second-floor dormer.
- The proposal provides a roof top addition in accordance with the control as it is set back from the front of the building and maintains the scale of the street and as it is viewed from the rear.

In my opinion an assessment of the performance of the proposal against the controls demonstrate that the proposal is compatible with the desired future character of the locality.

Balance between landscaped area and built form: The proposal complies with the standards with respect to landscaped area and site coverage confirming its acceptable balance of landscape with built form.

Impact of bulk and scale: The proposal provides a building form that is consistent with the neighbouring dwellings and acceptably minimises the impact of bulk and scale of buildings particularly by its modulation and articulation as discussed above. There are no unreasonable impacts relating to the scale of the building such as shading and loss of privacy of adjoining properties.

2. *The objective is not relevant to the development.* Objective (b) of the development standard, relating to non-residential accommodation, is not relevant to the proposal.

3. *The objective would be defeated or thwarted if compliance was required.* This criteria is not applicable to the proposal.

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard.* This criteria is not applicable to the proposal.

5. *The zoning of the land is unreasonable or inappropriate.* This criteria is not applicable to the proposal.

Compliance with the development standard is unreasonable or unnecessary. For the reasons set out in 1, the proposed development will achieve the underlying intention and purpose of the development standard. Strict compliance with the development standard is therefore unnecessary and unreasonable

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

The cases referred to above have established that the environmental planning grounds must be particular to the circumstances of the proposed development on its site. The following environmental planning grounds are relevant:

- In order to avoid duplication, reference is made to the environmental planning grounds ventilated in relation to whether the proposal achieves the objectives to the standard, particularly in relation to the bulk, form and scale compatible with desired future character of the locality. In this regard, the proposal is:
 - compliant with both the site coverage and landscaped area development standards;
 - generally consistent with the Council's building siting controls in relation to building location zone;
 - has minimal impact on the building envelope and it is also generally consistent with the building envelope of adjoining buildings. It also establishes an appropriate building envelope to be emulated by adjoining neighbours in the terrace.
- The proposal complies with Council's DCP controls with respect to additions above the first-floor level and performs well with respect to minimising externalities.
- The proposal is in keeping with the bulk, scale and mass of surrounding development.
- The proposal provides excellent amenity for the occupants of the development consistent with the Aims of the Leichhardt LEP.
- The proposal does not result in any unreasonable amenity impacts on adjoining and nearby residential properties.
- The proposal results in the removal of a roof top terrace, which are generally discouraged by Council's DCP because of their trafficable nature and the unacceptable impacts arising from their use such as overlooking and noise generation.

Will the proposed development be in the public interest because it is consistent with the objectives of the development standard?

In my opinion, the proposal is consistent with the objectives of the standard for reasons outlined earlier and it is therefore considered to be in the public interest.

Will the proposed development be in the public interest because it is consistent with the objectives of the zone?

In relation to the objectives of the R1 zone:

- *to provide for the housing needs of the community*

The proposal provides an improved standard of accommodation which will assist to provide for the housing needs of the community.

- *to provide for a variety of housing types and densities*

The proposal maintains the attached dwelling character in a manner that is consistent with the prevailing character and density of the locality.

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- *to enable other land uses that provide facilities or services to meet the day to day needs of residents*

This objective is not relevant, as the proposal is not for a non-residential use.

- *to improve opportunities to work from home*

The proposed additions to the dwelling will improve opportunities for the occupants to work from home by creating a dedicated study as part of the alterations and with an additional bedroom, providing greater flexibility to use an existing room as another work from home area.

- *to provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas*

The proposal provides an addition to a dwelling that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes and landscaped areas as discussed earlier in this submission.

- *to provide landscaped areas for the use and enjoyment of existing and future residents*

The proposal provides a landscaped area for the dwelling which complies with the quantitative requirement of the LEP. In qualitative terms, the landscaped area is also considered to be a standard that will provide a high level of use and enjoyment for the occupants resulting in a high standard of residential amenity without any unreasonable impacts on adjoining residential amenity or the locality generally.

- *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*

This objective is not relevant, as the proposal does not involve subdivision.

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

The proposal provides an addition to a dwelling in a manner which protects and enhances the amenity of existing and future residents and the neighbourhood. The proposal is similar to the application submitted for the adjoining dwelling and subsequently it confirms that an addition, largely contained within the existing building envelope, can be successfully integrated into the character of the existing terrace whilst protecting and enhancing (eliminating the roof terrace and the resultant noise and overlooking impacts) the amenity of existing and future residents.

Concurrence of the Secretary

The concurrence of the Secretary may be assumed by Council. The implications of a development application involving alterations and additions to a dwelling not complying with the FSR development standard of the Leichhardt LEP is local in its scope and raise no matters of significance for State or regional environmental planning.

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The circumstances of the case should be balanced against the usual presumption of public benefit in maintaining a development standard. The floor space ratio of the proposed development is justified as set out above. The variation sought will enhance the utility of the existing development without significant adverse impacts on neighbouring amenity or the public domain.

Conclusion

This submission shows that, in the circumstances of the case, compliance with the development standard is unreasonable or unnecessary, that there are sufficient environmental planning grounds to justify contravening the development standard and that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and with those of the R1 General Residential zone.

Clause 5.10, Heritage Conservation, provides objectives and requirements for consent when proposing development in conservation areas. The site is located in the Balmain Conservation Area. The objectives of the clause are as follows:

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

Subclause (4) requires Council to consider the effect of the proposed development on the heritage significance of the conservation area concerned regardless of whether a heritage management document has been submitted. A requirement for the submission of a heritage management document is not mandatory and it has not been submitted. The requirement for a HIS is not necessary because the terrace (row of attached dwellings) is a relatively recent construction (approximately 20 years). The proposed additions are considered to be compatible with the character of the existing terrace and therefore it will not have any unreasonable impact on the significance of the conservation area and it is acceptable.

Subclause (5) states that Council may require the preparation of a heritage management document that *assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned or on lands that is within the vicinity of land (that is an item)*. The clause is not a mandatory requirement and allows Council to exercise discretion when considering the matter.

As previously stated, the property is located within a conservation area but also within the vicinity of several heritage items including 139-143, 147,149, 151,153, 155 and 157 Darling Street which located on the opposite, northern side of Darling Street. Given the fact that the majority of the work (other than providing glass panels to the front dormer) is situated behind the existing ridgeline and some distance from them, the proposal will therefore not have any unreasonable impact on their heritage significance.

Clause 6.1, Acid sulfate soils, provides an objective for acid sulphate soils which is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The land is identified on the Acid sulphate soils map as Class 5 and consent is required for works within 500 metres of adjacent Class 1, 2, 3, or 4 land

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Attachment D- 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.