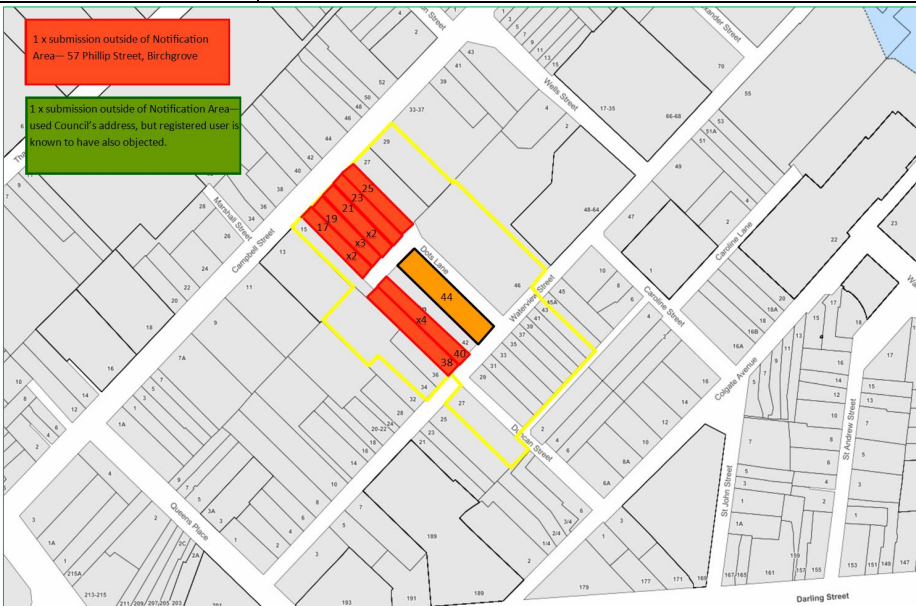




 DEVELOPMENT ASSESSMENT PANEL REPORT			
<b>Application No.</b>	DA/2023/0981		
<b>Address</b>	44 Waterview Street BALMAIN		
<b>Proposal</b>	Demolition of existing garage/storage structure and replacement with new garage and studio above, plus associated landscaping works and a new swimming pool		
<b>Date of Lodgement</b>	16 November 2023		
<b>Applicant</b>	Mrs Jana Mazzaferro		
<b>Owner</b>	Mrs Jana Mazzaferro and Mr Tommaso Mazzaferro		
<b>Number of Submissions</b>	Initial: 10; and After Renotification: 6 There are 11 unique submissions		
<b>Cost of works</b>	\$411,000.00		
<b>Reason for determination at Planning Panel</b>	Number of submissions		
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>▪ View Loss</li> <li>▪ Bulk and Scale</li> </ul>		
<b>Recommendation</b>	Approved with Conditions		
<b>Attachment A</b>	Recommended conditions of consent		
<b>Attachment B</b>	Plans of proposed development		
 <p><b>LOCALITY MAP</b></p>			
<b>Subject Site:</b>		<b>Objectors:</b>	
<b>Notified Area:</b>		<b>Supporters:</b>	
<p><b>Note: Due to scale of map, not all objectors could be shown.</b></p>			



## 1. Executive Summary

This report is an assessment of the application submitted to Council for the demolition of the existing garage/storage structure and its replacement with a new garage and studio above, plus associated landscaping works and a new swimming pool at 44 Waterview Street Balmain.

The application was notified to surrounding properties and 10 submissions were received in response to the initial notification.

Six (6) submissions were received in response to renotification of the application

The main issues that have arisen from the application include:

- View loss
- Streetscape and laneway character

The proposal complies with all prescribed standards of the Inner West Local Environmental Plan 2022, specifically, Section 4.3C Landscaped Area, Section 4.3C(3)(b) Site Coverage and Section 4.4 Floor Space Ratio. As will be discussed throughout this report the issues identified above are acceptable, subject to design change conditions, and therefore, the application is recommended for approval.

## 2. Proposal

The proposed development specifically includes the following works:

- Demolition of the existing garage with internal shed which is built flush with the western boundary shared with No. 42 Waterview Street, and slightly behind the Ausgrid pole on the eastern boundary on Dots Lane.
- A double garage is proposed which is accessed via an existing double vehicle crossover, proposed to be built boundary to boundary (east to west).
- A studio over the double garage.
- An access side gate is proposed along the eastern boundary perpendicular to the proposed garage/studio.
- Removal of two trees, Trees 2 and 3 being Blueberry Ash, and the retention of Tree 1, Crepe Myrtle, along the southern wall of the proposed double garage with studio over.
- A new inground pool, with a pool cabana, and associated excavation works.
- Other landscaping and associated works.
- No works are proposed to the main dwelling, and therefore no works are permitted to be undertaken to the main dwelling as part of any consent issued via this development application.

### 3. Site Description

The subject site is No. 44 Waterview Street, Balmain and is legally described as Lot 15 in DP8247, with rear lane access via Dots Lane. Waterview Street runs east to the Balmain foreshore and the Balmain Shipyard and west to Queens Place.

The subject site is on the northern side of Waterview Street with three street frontages: Waterview Street to the south; Dots Lane to the east and north. The subject site is rectangular shaped with a depth of 46.665m on the northern and southern boundaries and frontage and rear boundaries of 9.755m, with a total site area of 455.3sqm.

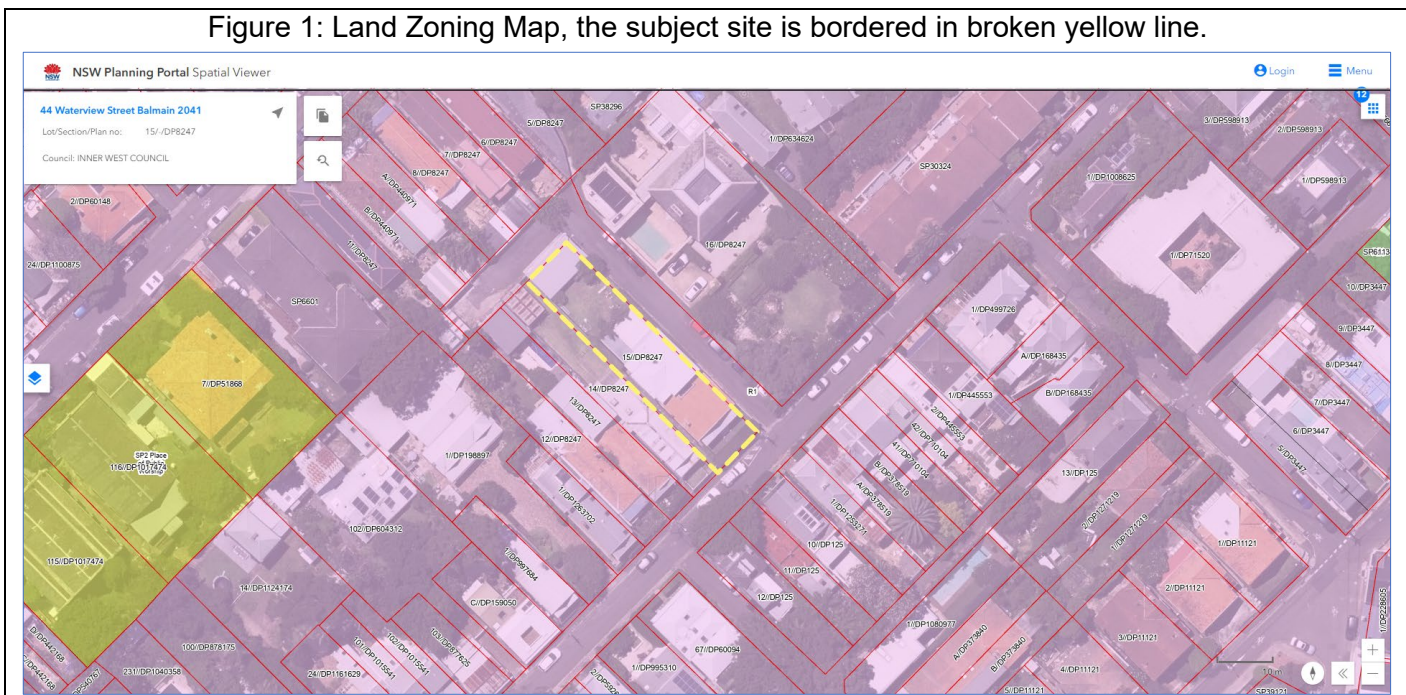
The subject site is on an elevated slope and contains one part two storey dwelling, with a single-storey presentation to Waterview Street, and a double garage accessed via Dots Lane. Dots Lane is a Medium Laneway with a width of 7.25m. The adjoining properties predominantly contain dwellings with single-storey presentations with garages with rear lane access.

The site is located in zone R1 General Residential under the Inner West Local Environmental Plan 2022, and is identified as a contributory dwelling within the Waterview Estate Heritage Conservation Area and is within proximity of two heritage items:

- House, including interiors, at 27 Waterview Street, Balmain (I672); and
- House, “Balmoral”, including interiors, at 46 Waterview Street, (I673).

There are no street trees impacted by the proposed development.

Figure 1: Land Zoning Map, the subject site is bordered in broken yellow line.



## 4. Background

### 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
D/2013/293	Re-clad existing detached garage, relocate existing air con unit and install new air con unit to side of existing dwelling.	Approved on 20.12.2013
M/2012/211	Section 96 Modification of DAREV/2008/10 (to D/2007/293) which approved alterations and additions to the existing dwelling. Modifications include internal and external changes, including the lowering of ground and first floor levels, changes to windows and outdoor shade structure.	Approved on 03.05.2013
M/2011/120	Section 96 Modification of DAREV/2008/10 which approved alterations and additions to the existing dwelling. Modification comprises extension of the ground-floor addition to the rear, changes to the internal layout, window openings and rear terrace and reduction in the overall height of the addition.	Approved on 25.10.2011
DAREV/2008/10	Section 82A Review of Council's refusal of D/2007/293 for alterations and additions to an existing dwelling.	Approved on 11.11.2008
D/2007/293	Alterations and additions to existing dwelling including new first floor and entrance from street.	Refused on 07.11.2007
D/2006/577	New vehicle crossing and roller doors to rear lane.	Approved on 21.02.2007

### **Surrounding properties**

Application	Address	Proposal	Decision & Date
DA/2024/0131	41 Waterview Street, BALMAIN	Alterations & additions to existing dwelling including attic conversion, excavation for lower ground level, and rear landscaping/earthworks	Approved on 20.06.2024
DA/2024/0008	42 Waterview Street, BALMAIN	Demolition of existing rear 'lean to' extension [attached to rear of existing cottage]. Demolition of existing detached single garage. Addition of a new, attached, rear single storey extension. Construction of a new, detached double garage [in place of the demolished single garage]. Restoration of existing worker cottage.	Approved on 14.06.2024

Application	Address	Proposal	Decision & Date
MOD/2023/0430	35 Waterview Street, BALMAIN	Section 4.55(2) Modification of Development Consent DA/2021/0124, as last modified by MOD/2022/0247, seeking consent for various changes including: permit a bi-fold fence/gate to the rear boundary fronting Jaggars Lane extending the width of the property; and the addition of a privacy screen to the south-western end of the elevated ground floor rear terrace similar to that already approved on the north-eastern end of the terrace	Refused by IWLPP on 18.06.2024

Application history

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

Date	Discussion / Letter / Additional Information
16.01.2024	<p>1. A request for further information was issued to the applicant to address the following matters:</p> <ul style="list-style-type: none"> <li>▪ Provide a site plan and floor plans for all levels of the main dwelling to enable a calculation of the FSR and site coverage.</li> <li>▪ Provide a site plan which demonstrates compliant landscaped area.</li> <li>▪ Provide amended elevation plans of the proposed garage with studio above to demonstrate the outline of the adjoining properties.</li> <li>▪ Provide hourly shadow diagrams based on complete survey plans which illustrates the adjoining properties whollyly and accurately.</li> <li>▪ Address heritage concerns which included design amendments as follows:                             <ul style="list-style-type: none"> <li>○ A laneway envelope that has a maximum wall height of 3.6m and 45degree pitch from the top of the side wall height and maximum roof height of 6m.</li> <li>○ The roof form must be redesigned to either a hipped or gable roof form. The ridgeline must run in an east – west.</li> <li>○ Where visible from the public domain, openings must be vertically proportioned, not horizontal, employing traditional design (timber sash) and materials (timber frame). Dominancy must be given to masonry/solid elements rather than glazed areas.</li> <li>○ Skillion dormers must be centred in the roof plane, e.g. the skillion dormer proposed in the north elevation and must be designed in accordance with the following:                                     <ul style="list-style-type: none"> <li>▪ set a minimum 300mm below the ridgeline;</li> <li>▪ set a minimum of 500mm from the side walls; and</li> <li>▪ set a minimum of 200mm up from the rear wall plate   <ul style="list-style-type: none"> <li>○ Amended architectural plans</li> </ul> </li> </ul> </li> </ul> </li> </ul>

Date	Discussion / Letter / Additional Information
	<ul style="list-style-type: none"> <li>○ Updated colours and materials schedule.</li> <li>▪ Address Urban Forest concerns which did not support the removal of the Crepe Myrtle tree within proximity of the proposed development, and provide an arborist report prepared a minimum AQF5</li> <li>▪ Provision of a Geotechnical Report.</li> </ul>
10.02.2024	<p>1. The applicant responded to the RFI which included the following response:</p> <ul style="list-style-type: none"> <li>▪ Existing floor plans, amended site plan, amended landscaped plan demonstrating the retention of the crepe myrtle, and amended elevation plan.</li> <li>▪ Heritage concerns were addressed which included:                             <ul style="list-style-type: none"> <li>○ The straightening of the north-eastern wall which included a setback of 300m from the post, providing a 90degree angle around the light pole which complies with Ausgrid’s clearance rules.</li> <li>○ Amended the roof form and fenestration as per Heritage request.</li> <li>○ Skillion dormer was amended as per Heritage requirements.</li> <li>○ Amended the materials and schedule as per Heritage request.</li> <li>○ Laneway envelope control was not complied with</li> </ul> </li> <li>▪ Crepe Myrtle is retained however an arborist report was not provided.</li> <li>▪ Geotechnical Report was provided.</li> </ul>
26.02.2024	Hourly shadow diagrams were requested from the applicant.
04.03.2024 to 14.03.2024	Email communications with the owners of Nos. 19, 21, 23 and 25 Campbell Street were made to organise site inspection visits following view loss submissions.
11.03.2024	<p>A request for further information was issued requesting the applicant to address view loss assessment raised by the owner at No. 21 Campbell Street and to address amended landscaped plan which provides a compliant landscaped area, and which provides a setback for the inground pool.</p> <p>On 13.03.2024, the applicant provided a response regarding landscaped plan and requested an extension to the view loss assessment to 22.03.2024.</p>
18.04.2024	<p>Meeting with applicant to address the following:</p> <ol style="list-style-type: none"> <li>1. Reduce visual bulk and scale by a minimum of 200mm. This can be done by reducing the garage floor to ceiling height by 200mm to reduce the roof ridge by 200mm from RL30.90 to RL30.70.</li> <li>2. Delete the dormer window facing the laneway to minimise visual bulk and scale of a non-compliant laneway envelope control.</li> <li>3. Urban Forest concerns regarding retention of the crepe myrtle and potential tree pruning. It was recommended than an AQF Level 5 Arborist be engaged to ensure the retention and protection of the tree.</li> <li>4. Deletion of any suggestion to a secondary dwelling which includes suggestions of a kitchen, and deletion of the side fence gate which is an independent access to the studio over the garage.</li> </ol>

Date	Discussion / Letter / Additional Information
08.05.2024	<p>The applicant provided a response to the above which included:</p> <ol style="list-style-type: none"> <li>1. Reduced the roof ridge from RL30.90 to RL30.70 citing the following reasons:               <ol style="list-style-type: none"> <li>a) <i>The roof ridge is within Council’s 6m height control from existing ground level. As per the survey, the existing slab level at the eastern boundary (bordering Dots Lane) varies from RL24.91 to RL24.86. The existing slab level at the western boundary (bordering No. 42 Waterview St) varies from RL25.06 to RL24.87. Therefore, a roof ridge at RL30.80 will comply with Council’s 6m height control at all points along the entire length of the roof ridge.</i></li> <li>b) <i>This reduction of 100mm in height is sufficient to address the view sharing concerns raised by No. 21 Campbell St in their second submission received in March 2024 as it further:                   <ol style="list-style-type: none"> <li>a. <i>improves their expected view outcomes as shown in the 3D wire-frame photo image, Figure 1 provided in our previous correspondence dated 27 March 2024; and</i></li> <li>b. <i>improves the overall assessment of the four view sharing Tenacity principles as outlined in the SEE, C3.10 Views, pages 17-18.</i></li> </ol> </i></li> <li>c) <i>Therefore, we believe that this reduction in height by 100mm delivers a satisfactory outcome for all.</i></li> </ol> </li> </ol> <p>However, Council is of the view that there is scope to reduce the roof ridge of the proposal by 200mm by lowering the floor to ceiling height of the garage from 2.4m to 2.2m. The provided sections demonstrate that this will not impact on the roller door which has been provided sufficient height and room for its construction and operation.</p> <p>Therefore, these conditions of consent will be imposed:</p> <ol style="list-style-type: none"> <li>i. The section of the eastern wall of the proposal which is set on the boundary of Dots Lane is to be setback by 300mm in from the eastern boundary of Dots Lane, to align with the recessed eastern wall of the structure ensuring the east elevation is provided one consistent setback parallel to the boundary with Dots Lane and away from the light pole.</li> <li>ii. The floor-to-ceiling height of the proposed garage is to be lowered from 2.4m to 2.2m in order to reduce the roof ridge of the proposed studio from RL30.80 to RL30.60.</li> <li>iii. Delete side access gate/fence along the eastern boundary which provides independent access to the studio unit above the garage.</li> </ol>

**5. Assessment**

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

## A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

### State Environmental Planning Policies (SEPPs)

#### SEPP (Resilience and Hazards) 2021

##### Chapter 2 Coastal management

The *Resilience and Hazards SEPP* aims to ensure that future coastal development is appropriate and sensitive to its coastal location and category. The site is not categorised as a, nor is it within proximity of any coastal wetlands/littoral rainforests area/coastal vulnerability area/coastal environment but is within proximity of coastal use area pursuant to Sections 2.10 and 2.11 of the *Resilience and Hazards SEPP* as identified on the maps to the *Resilience and Hazards SEPP*.

As these specific provisions apply to land located within the Foreshores and Waterways Area within the meaning of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6, and the subject site is not located within the Foreshores and Waterways Area within the meaning of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6.

Therefore, in general terms, it is considered that the carrying out of the proposed development generally does not trigger any relevant matters for consideration of the Plan and is unlikely to cause increased risk of coastal hazards on the land or other land.

##### Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards SEPP* requires the consent authority not consent to the carrying out of any development on land unless:

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



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

SEPP (Sustainable Buildings) 2022

The applicant has included a BASIX Certificate as part of the lodgment of the application (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EPA Regulation 2021*.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The *Biodiversity and Conservation SEPP* requires consideration for the protection and/or removal of vegetation and gives effect to the local tree preservation provisions of Part C1.14 Tree Management of the Leichhardt Development Control Plan 2013.

The applicant provided an updated Arboricultural Assessment Impact Assessment Report, prepared by Seasoned Tree Consulting dated 07.05.2024.

The application seeks the removal of Trees 2 and 3, two Blueberry Ash trees, within the footprint of the proposed pool and new landscaped steps area. These are supported as they do not have high retention value however, conditions of consent for replacement trees in accordance with Control C10 of Part C1.14 of the LDCP are included in the recommendation.

The Arboricultural Impact Assessment Report made the following conclusions regarding the existing Crepe Myrtle tree, identified as Tree 1 in the report, which is within the vicinity of the proposed garage. This tree is not for removal but is to be retained and protected under the supervision of a minimum AQF 3 qualified arborist.

- Design revisions were undertaken between Revision G and Revision H of the proposal which includes the following changes which have positively reduced the impact to the tree to an acceptable level:
  - Change of steps from concrete to lightweight timber
  - Retaining existing ground levels within the SRZ and TPZ (whereas prior plans had up to a 200mm site cut within this area)
  - Reducing the first-floor addition away from the tree by an additional 500mm.
  - Moving the post that supports the upper level further away from the tree
- Pruning of several branches will be required which equates to approximately 10% of total canopy volume which is recommended to be undertaken by a minimum AQF 3 qualified arborist.
- Any of the ground works (which includes the installation of the steps and the single post within the steps area) must be installed with direct project arborist supervision. Roots

below 30mm in diameter may be recommended to be pruned by the project arborist and the pruning of any root below this diameter must be included within a compliance report.

- Any root over 30mm in diameter must be retained and protected.

Conditions are included in the recommendation to ensure that appropriate tree replacement is provided for the removal of the two Blueberry Ash trees and that appropriate tree protection measures are in place for the Crepe Myrtle to be retained.

Overall, the proposal is considered acceptable with regard to the *Biodiversity and Conservation SEPP* and Part C1.14 Tree Management of the LDCP 2013 subject to the imposition of conditions, which have been included in the recommendation of this report.

### Chapter 6 Water Catchments

Section 6.6 under Part 6.2 of the *Biodiversity and Conservation SEPP* provides matters for consideration which apply to the proposal. The subject site is located within the designated hydrological catchment of the Sydney Harbour Catchment and is subject to the provisions contained within Chapter 6 of the above *Biodiversity Conservation SEPP*.

It is considered that the proposal remains consistent with the relevant general development controls under Part 6.2 of the *Biodiversity Conservation SEPP* and would not have an adverse effect in terms of water quality and quantity, aquatic ecology, flooding, or recreation and public access.

### Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

#### Part 1 – Preliminary

Section	Proposed	Compliance
Section 1.2 Aims of Plan	<p>The development, as proposed and as conditioned, will result in acceptable streetscape, pattern of development and on-site and off-site amenity outcomes, and hence, will meet the relevant Aims of Plan as follows:</p> <ul style="list-style-type: none"> <li>• The proposal conserves and maintains the natural, built and cultural heritage of Inner West;</li> <li>• The proposal encourages diversity in housing to meet the needs of, and enhance amenity for, Inner West residents;</li> <li>• The proposal prevents adverse social, economic and environmental impacts on the local character of Inner West; and</li> <li>• The proposal prevents adverse social, economic and environmental impacts, including cumulative impacts.</li> </ul>	Yes, as conditioned

**Part 2 – Permitted or prohibited development**

Section	Proposed	Compliance
Section 2.3 Zone objectives and Land Use Table	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> <li>The application proposes demolition of an existing garage/storage structure and replacement with new garage and studio above, plus associated landscaping works and a new swimming pool to a dwelling house, which is permissible with consent in the R1 zone.</li> </ul> <p>For reasons discussed in this report, the proposal is consistent with the objectives of the R1 General Residential zone, which are as follows:</p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community.</li> <li>To provide for a variety of housing types and densities.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To provide residential development that maintains the character of built and natural features in the surrounding area</li> </ul>	Yes, subject to conditions
Section 2.7 Demolition requires development consent	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> <li>Demolition works are proposed, which are permissible with consent; and</li> <li>Standard conditions are recommended to manage impacts which may arise during demolition.</li> </ul>	Yes, subject to conditions

**Part 4 – Principal development standards**

Section	Proposed		Compliance
Section 4.3C (3)(a) Landscaped Area	Minimum	20% (91.06sqm)	Yes
	Proposed	20.48% (93.25sqm)	
	Variation	N/A	
Section 4.3C (3)(b) Site Coverage	Maximum	60% (273.18sqm)	Yes
	Proposed	48.81% (222.24sqm)	
	Variation	N/A	
Section 4.4 Floor space ratio	Maximum	0.7:1 (318.71sqm)	Yes
	Proposed	0.63:1 (285.79sqm)	
	Variation	N/A	
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.		Yes

Part 5 – Miscellaneous provisions

Section	Compliance	Compliance
<p>Section 5.10 Heritage conservation</p>	<p>The subject property at 44 Waterview Street, Balmain, is a contributory dwelling located within the Waterview Estate Heritage Conservation Area, and is within the vicinity of the following heritage items:</p> <ul style="list-style-type: none"> <li>▪ House, including interiors, at 27 Waterview Street, Balmain (I672); and</li> <li>▪ House, “Balmoral”, including interiors, at 46 Waterview Street, (I673).</li> </ul> <p>The following matters for consideration under the Inner West LEP 2022 and the Leichhardt DCP 2013 applies to the site and proposal.</p> <p><i>Inner west LEP 2022</i></p> <ul style="list-style-type: none"> <li>▪ Section 5.10: Heritage Conservation</li> </ul> <p><i>Leichhardt DCP 2013</i></p> <ul style="list-style-type: none"> <li>▪ Part C1.4: Heritage conservation areas and heritage items</li> <li>▪ Part C1.11: Parking</li> <li>▪ Part C1.18: Laneways</li> <li>▪ C.2.2.2.5: Mort Bay Distinctive Neighbourhood</li> <li>▪ Part C2.2.2.5(b) Campbell Street Hill Sub Area</li> </ul> <p>The originally submitted plans were not acceptable from a heritage perspective as they detract from the heritage significance of the Waterview Estate Heritage Conservation Area. Design changes were recommended to ensure the development is in accordance with Section 5.10 Objectives 1(a) and (b) in the Inner West LEP 2022 and the relevant objectives and controls in the Leichhardt DCP 2013.</p> <p>The subject site is surrounded by 3 road frontages: Waterview Street to the south and Dots Lane to the north and east elevations. The subject garage and proposed garage and studio are in a visually prominent location and will be highly visible from the public domain.</p> <p>The applicant provided amended plans following a design change request and further meetings with Council Officers. The following changes have been undertaken to comply with heritage requirements:</p>	<p>Yes, subject to conditions</p>

Section	Compliance	Compliance
	<ul style="list-style-type: none"> <li>▪ The skillion dormer to the bathroom to the north elevation has been deleted and replaced with a skylight.</li> <li>▪ The roof form was re-designed to an asymmetrical gable roof form. Though the asymmetrical form will be visible in the east elevation to Dots Lane, it is generally acceptable as it will present as a complementary form in its north elevation to Dots Lane.</li> </ul> <p>However, further design change conditions of consent will need to be imposed to ensure that the proposal satisfactorily satisfies the relevant matters for consideration under the Inner West LEP 2022 and the Leichhardt DCP 2013 as follows;:</p> <ol style="list-style-type: none"> <li>a. The section of the eastern wall of the proposal which is set on the boundary of Dots Lane is to be setback by 300mm in from the eastern boundary of Dots Lane, to align with the recessed eastern wall of the structure ensuring the east elevation is provided one consistent setback parallel to the boundary with Dots Lane and away from the light pole.</li> <li>b. Reduce the roof ridge of the garage and studio over to RL30.60 from RL30.80 by reducing the garage floor to ceiling height to 2.4m to ensure that the laneway envelope control is largely satisfied.</li> </ol> <p>In addition to the above, conditions of consent regarding materials and finishes schedule will also be imposed to ensure any materials and colour finishing are sympathetic to the heritage listed House “Balmoral” at No. 46 Waterview Street.</p> <p>Subject to the satisfaction of these conditions, it is considered the proposal will satisfactorily conserve the heritage significance of the heritage item and HCA, thereby satisfying Section 5.10 of IWLEP 2022.</p>	

**Part 6 – Additional local provisions**

Section	Proposed	Compliance
Section 6.1 Acid sulfate soils	The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable.	Yes
Section 6.2 Earthworks	The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes, subject to conditions.

Section	Proposed	Compliance
	Further, the proposed excavation for the inground pool is supported by a Geotechnical Report which will form part of conditions of consent	
Section 6.3 Stormwater Management	The development maximises the use of permeable surfaces, includes on site retention as an alternative supply and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment.	Yes, subject to conditions

## B. Development Control Plans

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

LDCP 2013	Compliance
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part C: Section 1 General Provisions</b>	
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes, see discussion
C1.4 Heritage Conservation Areas and Heritage Items	Yes, subject to conditions, see earlier discussion
C1.5 Corner Sites	Yes, see discussion
C1.7 Site Facilities	Yes
C1.11 Parking	Yes, see discussion
C1.12 Landscaping	Yes, see discussion
C1.14 Tree Management	Yes, see earlier discussion
C1.18 Laneways	Yes, see discussion
<b>Part C: Place – Section 2 Urban Character</b>	
C.2.2.2.5: Mort Bay Distinctive Neighbourhood and C2.2.2.5(b) Campbell Street Hill Sub Area	Yes, subject to conditions, see discussion
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes, see discussion

<b>LDCP 2013</b>	<b>Compliance</b>
C3.3 Elevation and Materials	Yes
C3.6 Fences	Yes, see discussion
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes, see discussion
C3.10 Views	Yes, see discussion
C3.11 Visual Privacy	Yes, see discussion
C3.12 Acoustic Privacy	Yes
<b>Part D: Energy</b>	
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
<b>Part E: Water</b>	
E1.1.1 Water Management Statement	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.5 Water Disposal	Yes

The following provides discussion of the relevant issues:

### C1.3 Alterations and additions

While this Part of the DCP refers to the main dwelling and the proposal is concentrated to the detached double garage, an assessment against this part has been undertaken.

Subject to the imposition of conditions of consent, including materials and finishes schedule, and as the proposed development is concentrated at the rear of Dots Lane, the proposed garage and studio will not detract from the contributory dwelling at the subject site within the HCA and will not detract from the heritage significance of the heritage item at No. 46 Waterview Street.

In addition to materials and finishes, further design changes are included in the recommendation to align the eastern wall of the garage and studio to be set west of the electrical post so as the eastern most wall of the proposed structure is provided a symmetrical form when viewed from Dots Lane. Further, the roof ridge of the garage and studio will be conditioned to be reduced by 200mm by reducing the height of the garage to 2.2m. This will

reduce the visual bulk and scale of the proposal (and minimise adverse view loss, see later discussion). The conditions as recommended read as follows:

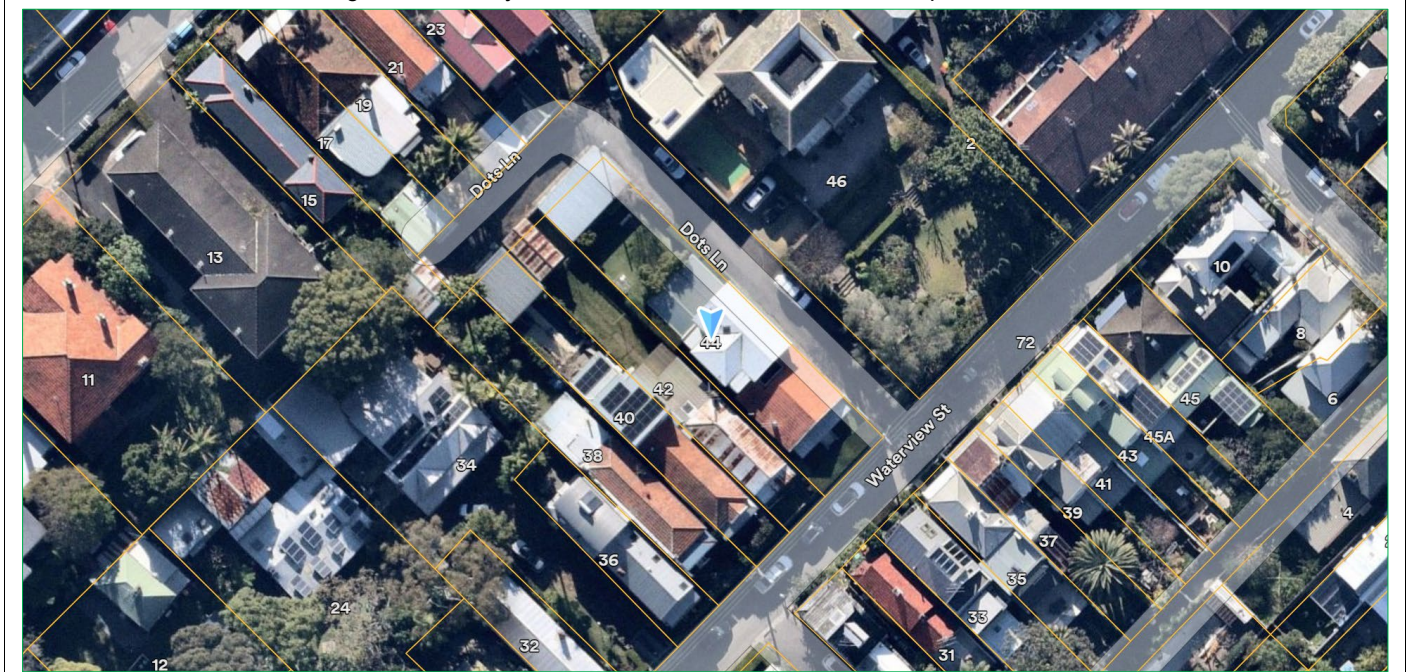
- a) The section of the eastern wall of the proposal which is set on the boundary of Dots Lane is to be setback by 300mm in from the eastern boundary of Dots Lane, to align with the recessed eastern wall of the structure ensuring the east elevation is provided one consistent setback parallel to the boundary with Dots Lane and away from the light pole.
- b) The floor-to-ceiling height of the proposed garage is to be lowered from 2.4m to 2.2m in order to reduce the roof ridge of the proposed studio from RL30.80 to RL30.60.

Overall, the proposal subject to compliance with recommended conditions will complement the scale, form and materials of the streetscape and neighbourhood character, will appear as a sympathetic addition to lanescape; minimise adverse view loss to surrounding development, and thereby satisfying the relevant objectives of this part of the DCP.

### C1.5 Corner Sites

The subject site is on two corners: one being at Waterview Street and Dots Lane to the southwest, and the second corner is towards the northern end of Dots Lane where it turns west, see Figure 2.

Figure 2: the subject at on two corners. Source: Nearmap, 27.06.2024.



The location of the proposed garage with studio over is at the rear of the corner lot, which is tucked behind Dots Lane and is a recessive addition to the main dwelling visible from the prominent corner of Waterview Street and Dots Lane, see Figure 3. The proposed garage is compatible with other structures sited at the rear of Dots Lane and respects the visually prominent roles of corners sites which satisfies the objectives and Controls C1, C2 and C3 of this part of the DCP.



Figure 3: outlook from the corner of Waterview Street and Dots Lane.



Subject to the imposition of conditions to lower the main roof ridge of the garage with studio over from RL30.80 to RL30.60 by reducing the garage floor to ceiling height by 200mm, any adverse view loss and overshadowing impacts will be minimised, therefore satisfying Control C5 of this part of the DCP.

Currently the existing garage is setback from the eastern wall of the double garage with studio over which are proposed to be constructed right on the boundary of Dots Lane, this is conditioned to be setback by 300mm from the eastern boundary in its entirety to reduce any adverse amenity impacts (see discussions on View Loss and Solar Access in later parts of this report) on the surrounding properties therefore satisfying Controls C4 and C5 of this part of the DCP. This will also reduce any adverse visual bulk and scale impacts.

#### C1.11 Parking

The subject site has an existing double car garage with a double vehicle crossover which will be retained. Further, as there is an existing double vehicle crossover, no on-street parking is removed. The proposal satisfies the objectives and controls of this part of the DCP.

#### C1.12 Landscaping

The proposed new landscaping works satisfies the objectives of this part of the DCP as it contributes to the landscaped character of the neighbourhood and retains and encourages vegetation and permeable surfaces.

The submitted landscaped plan demonstrates that there is a 1.1m landscaped setback between the inground pool from the western boundary shared with No. 42 Waterview Street which satisfies Control C14 of this part of the DCP.

C1.18 Laneways

Dots Lane at the rear of the subject site is a Medium Lane with 6.09m width. The DCP does not specify which elevation the control applies to if the subject site is on a corner lot. The proposal when viewed from the northern elevation proposes a laneway envelope of 3.6m by 45degrees and a maximum roof height of 6m is required for any development fronting a Medium Laneway. A section of the proposed roof studio is outside the building envelope of 45degrees, see Image 1. However, when this is viewed from the east elevation, the proposal complies with the laneway control as above, see Image 1A below.

Image 1: North elevation with laneway envelope control in blue.

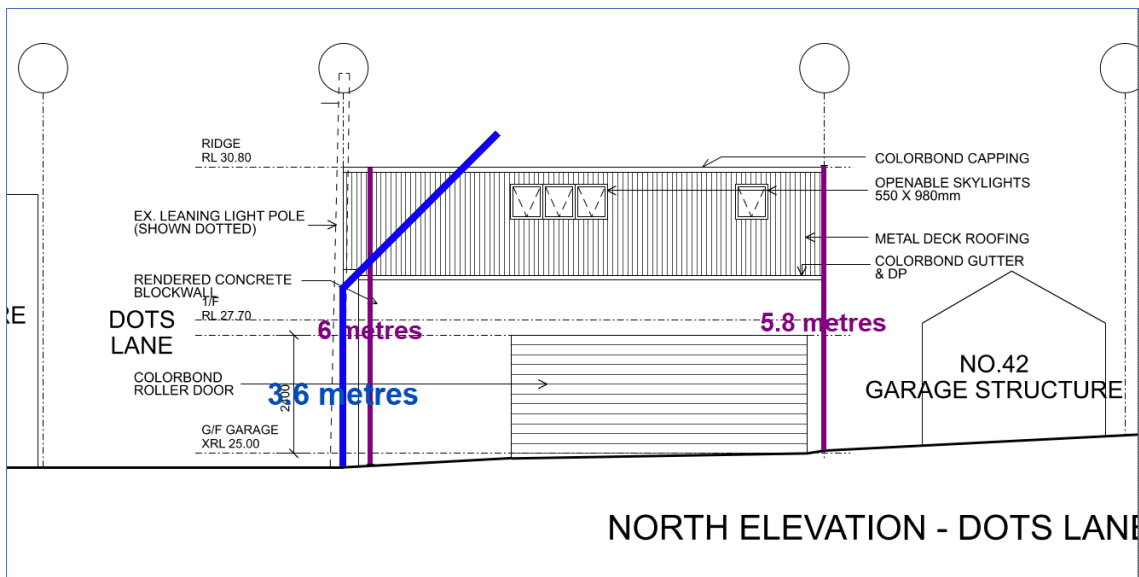
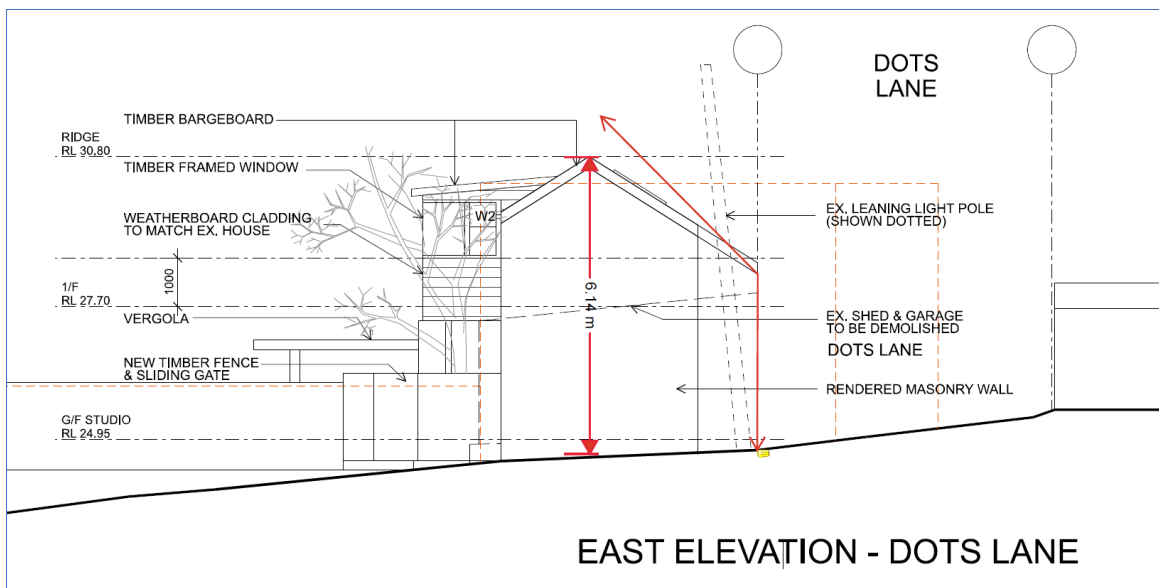


Image 1A: east elevation, with laneway envelope control shown in red



To reduce the non-compliance to the north elevation the conditions of consent will be imposed, which will also minimise any adverse amenity impacts on adjoining properties as discussed elsewhere in this report. The recommended conditions include the reduction of the garage roof to ceiling height to 2.2m in order to reduce roof ridge from RL30.80 to RL30.60. The eastern wall of the garage and studio proposed to be built on the boundary is to be setback 300mm from the eastern boundary. This will also result in a proposal with an envelope control taken from the east elevation which wholly complies with the controls prescribed in this part of the DCP.

C.2.2.2.5: Mort Bay Distinctive Neighbourhood and C2.2.2.5(b) Campbell Street Hill Sub Area

The proposed development as conditioned will be generally consistent with the pattern of development that characterises the distinctive neighbourhood.

C3.2 Site Layout and Building Design

No Building Location Zone is applicable to this development application in accordance with Control C3 of this part of the DCP. However, Control C7 of this part of the DCP requires that any wall height over and above 2.8m must be setback from the side boundary in accordance with Figure C129: side boundary setbacks graph of this part of the DCP. It also notes that:

The assessment of garage is applied to the west elevation where it adjoins No. 42 Waterview Street. The proposed studio is to be built within the roof space and therefore an assessment of the studio setback is not required.

Elevation	Proposed Wall Height	Required Setback	Proposed Setback	Compliant
West Elevation	3.82 – 5.62	0.59 – 1.63	0.00 – 0.00	No

In accordance with Control C8 of this part of the DCP, Council may allow walls higher than that required by the side boundary setback controls above, to be constructed to side boundaries where:

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

Comment: The rear addition, as conditioned, is a satisfactory response to the relevant Building Typology Statement in the DCP.

- b. *the pattern of development within the streetscape is not compromised;*

Comment: The development, as proposed and as reinforced by condition, is not contrary to the pattern of development of this locality.

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

Comment: Conditions of consent will be imposed to reduce the garage floor to ceiling heights to 2.2m in order to reduce the roof ridge from RL30.80 to RL30.60

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

Comment: The proposal subject to the imposition of conditions as mentioned previously will minimise any adverse amenity impacts including solar access and view loss on adjoining properties.

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

Comment: Acceptable. The existing garage is currently built from the northern boundary to the southern boundary, and therefore in this respect no change is proposed.

The assessment of Control C8 is satisfied subject to the imposition of conditions of consent.

### C3.6 Fences

No works are proposed to the front fence of the subject site, however a pedestrian access gate via western side of Dots Lane is proposed perpendicular to the proposed garage/studio. The applicant contends that this is not intended for independent access to the studio over the garage but is for independent access for gardeners and pool maintenance personnel. However, Council is of the view that the double garage door is sufficient access to the rear of the subject site for maintenance access including for bin movements to the street. Therefore, a condition is included in the recommendation requiring the deletion of the gate as pedestrian access is viable through the double garage door of the garage/studio.

### C3.9 Solar Access

The submitted shadow diagrams demonstrate that the proposal satisfies Control C4 of this part of the DCP as the subject site has solar access to over 50% of the requisite Private Open Space (POS) (that is, 8sqm) from 9am to 1pm.

The adjoining property that will be most impacted by the proposed development is No. 42 Waterview Street to the west has a north-facing POS. With respect with the adjoining properties, the controls that needs to be satisfied are Controls C13 ,C15, C17 and C19.

The submitted shadow diagrams demonstrate that the proposed development does not cast any overshadowing to any north-facing glazing at No. 42 Waterview Street, therefore satisfying Controls C13 and C15.

It also shows that while the proposal will cast additional overshadowing to the POS of No. 42 Waterview Street, its existing solar access to over 50% to its overall POS, that is approximately 53.12sqm is retained. See table below. The solar diagrams demonstrate that from 12pm the POS receives 53.31sqm of solar access and improves at hourly increments to 3pm when

72.48sqm of the POS receives solar access. In this instance, Controls C17 and C19 are satisfied.

<b>No. 42 Waterview Street Solar Access</b> (50% of the POS is equivalent to 53.12sqm)		
<b>Hour</b>	<b>Solar Access in SQM</b>	<b>Compliant?</b>
9am	28.77	No
10am	46.19	No
11am	52.31	No
12pm	53.31	Yes
1pm	57.54	Yes
2pm	60.09	Yes
3pm	72.48	Yes

C3.10 Views

Several submissions regarding view loss have been received from No. 19 Campbell Street, No. 21 Campbell Street, No. 23 Campbell Street and No. 25 Campbell Street. Site inspections were undertaken on 11.03.2024 and 19.03.2024. The current views obtained by these properties with the studio superimposed can be seen in Figures 4 to 25.

Figures 4 – 7: No. 19 Campbell Street. Views from the rear yard. In red box is the approximate location of the studio addition above the garage; taken from a standing position Superimposition is undertaken by the assessing officer.

Figure 4



Figure 5



Figure 6

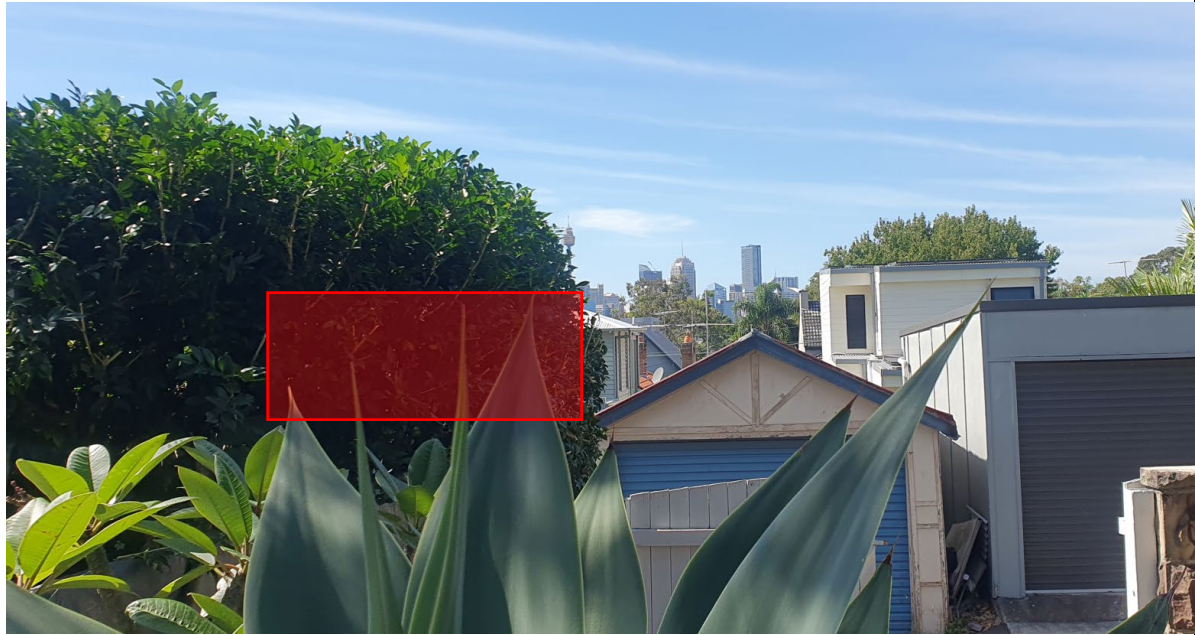


Figure 7



As demonstrated by Figures 4-7, No. 19 Campbell Street may experience some view loss from their rear yard, as a result of the proposed studio above the garage. However, a substantial view corridor is retained.

Figure 8: No. 21 Campbell Street. View obtained from kitchen/dining room from a standing position. Photo supplied by assessing officer, superimposition in black provided by the applicant.

Figure 8



This demonstrates that No. 21 Campbell Street may experience moderate view loss from the proposed development.

Figures 9 – 13: No. 23 Campbell Street. View from ground floor living room taken from a standing position. Superimposition undertaken by assessing officer.

Figure 9

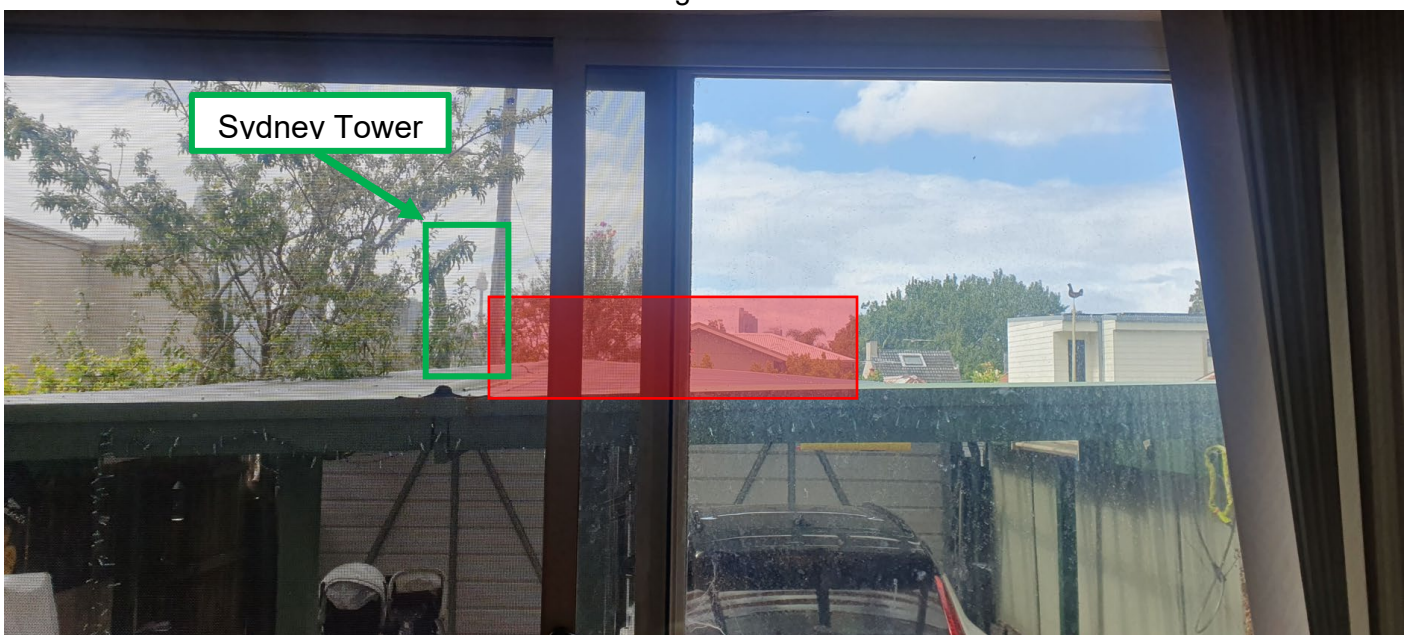




Figure 10



Figures 9 and 10 above demonstrates that view loss from the ground floor living area of No. 23 Campbell Street is largely negligible and clear views to the Sydney Tower in the background is retained.

Figure 11: The following are views from the first-floor bedroom/study from a standing position.



Figure 12



Figure 13



As demonstrated by Figures 11 – 13 above, views obtained from the first-floor bedroom/study at No. 23 Campbell Street is largely retained.

Figure 14 – 16: No. 25 Campbell Street. View from the rear yard, taken from a standing position. Superimposition in red by assessing officer.

Figure 14

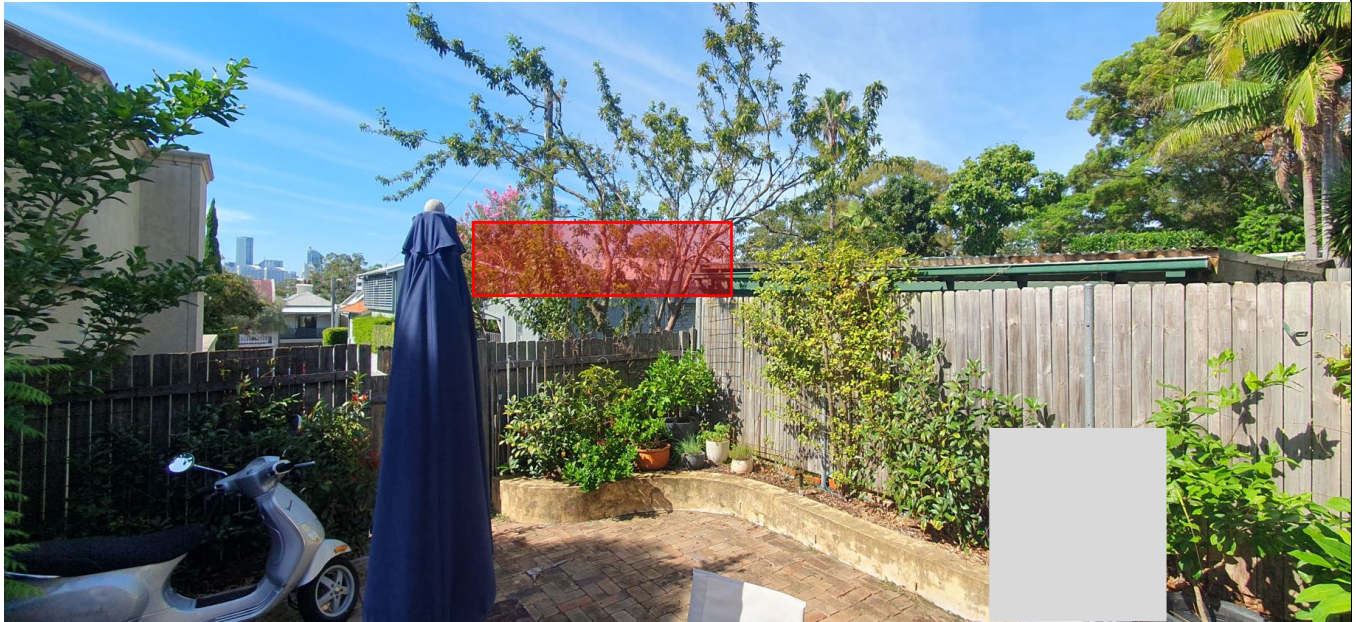


Figure 15



Figure 16



Figures 14 – 16 above demonstrates that the proposed development has no view loss impacts on any views available from the rear yard of No. 25 Campbell Street.

Figure 17 – 24: No. 25 Campbell Street; view from first floor bedroom from a standing position. Superimposition in red by assessing officer.

Figure 17



Figure 18



Figure 19



Figure 20



Figure 21

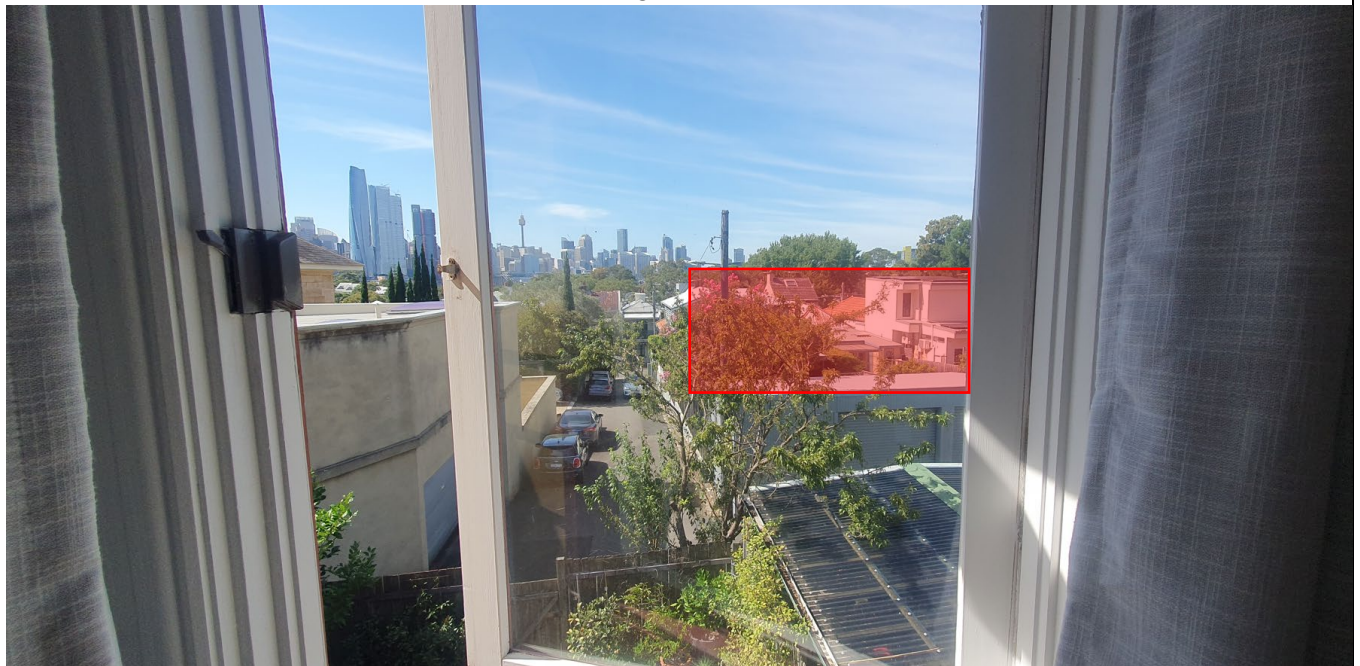


Figure 22



Figure 23

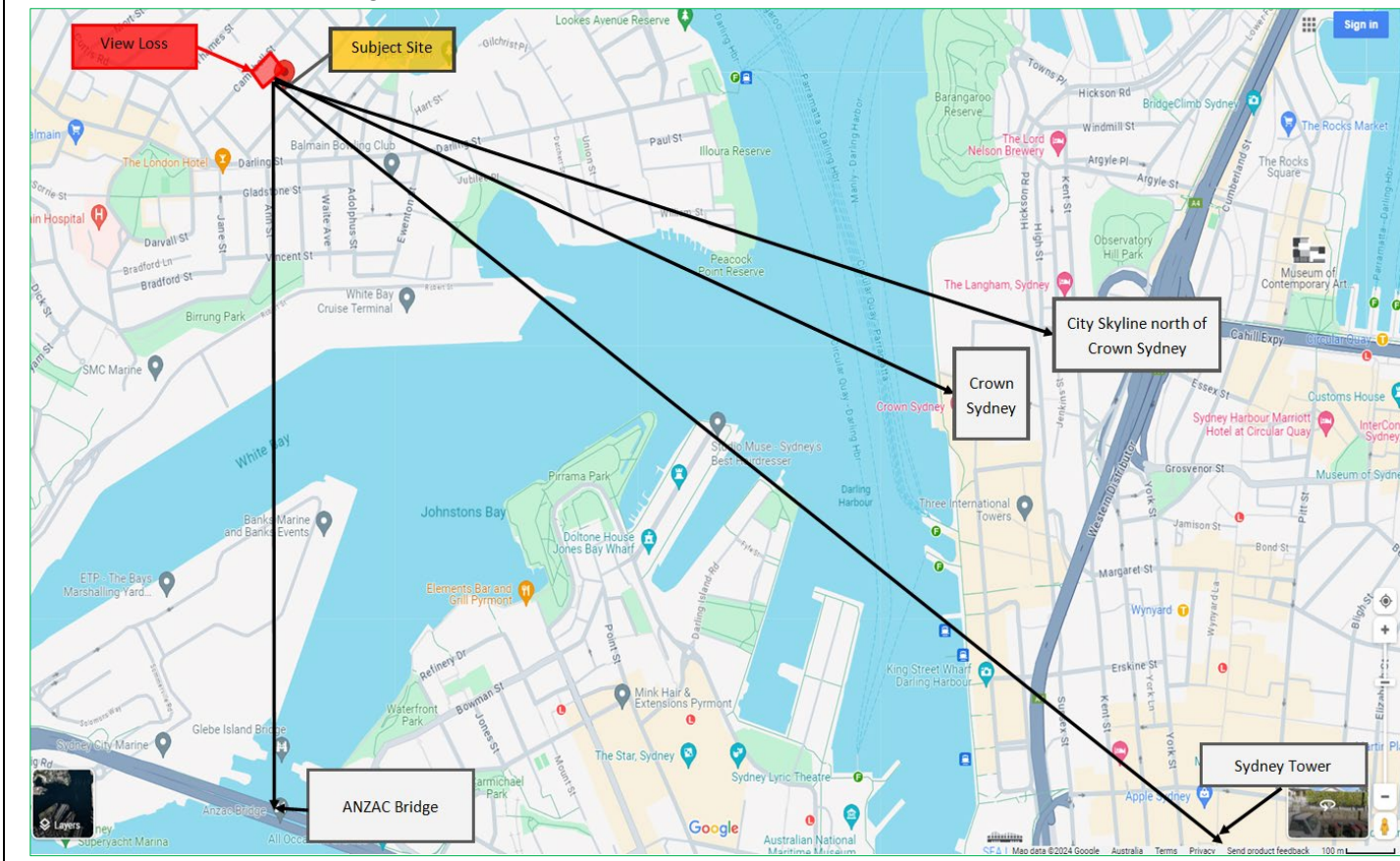


Figure 24



As demonstrated in Figures 17-24, the existing views enjoyed from a standing position by No. 25 Campbell Street from its first-floor bedroom is retained.

Figure 25: View corridor of the properties on Campbell Street.





As No. 21 Campbell Street will experience moderate view loss as a result of the proposed development, a view loss assessment is undertaken below in accordance with the Tenacity Planning Principle.

Council relies on Planning Principles relating to view sharing established by the New South Wales Land and Environment Court in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 for further assessment against view loss.

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Comment:

As demonstrated in Figure 25 above, the properties on Campbell Street enjoy distant view corridors from the ANZAC Bridge to the south and north towards the city skyline views just north of Crown Tower Sydney. Between these two landmarks are city skyline views including Sydney Tower. The distant view corridors are obtained from across multiple boundaries from the rear of the identified dwellings on Campbell Street.

2. *The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

Comment:

As noted in the above photos, some views were obtained from the rear yard, ground floor living rooms, and/or first-floor bedrooms. Most of these views were obtained from a standing position.

No. 21 Campbell Street is the one property which will experience moderate view loss from its ground floor rear-facing kitchen/dining area from both standing and sitting positions.

3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of*

*the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Comment:

As mentioned, the view corridor is solely obtained from the rear of the identified properties along Campbell Street. The photos in the above figures demonstrate that the properties at Nos. 23, and 25 Campbell Street have negligible view loss impact from their ground floor and first floor vantage points. Overall, these two properties will largely retain their existing view lines and corridors.

No. 19 Campbell Street may experience some minor view loss from its rear yard however on the whole, its existing view corridor of the city skyline is retained.

However, No. 21 Campbell Street may experience moderate view loss of the city skyline and including a section of the Sydney Tower from its ground floor kitchen/dining area.

4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Comment:

As mentioned in earlier sections of this report, the proposal complies with all prescribed standards under the Inner West LEP 2022 and satisfies the objectives and controls of the relevant parts of the Leichhardt DCP 2013.

While the proposal complies with the prescribed standards under the IWLEP 2022 and satisfies the relevant parts of the Leichhardt DCP 2013, and as mentioned in other sections of this report, the proposed development will be conditioned as follows:

- a) The section of the eastern wall of the proposal which is set on the boundary of Dots Lane is to be setback by 300mm in from the eastern boundary of Dots Lane, to align with the recessed eastern wall of the structure ensuring the east elevation is provided one consistent setback parallel to the boundary with Dots Lane and away from the light pole.
- b) The floor-to-ceiling height of the proposed garage is to be lowered from 2.4m to 2.2m in order to reduce the roof ridge of the proposed studio from RL30.80 to RL30.60

These conditions will reduce the view loss impacts to No. 21 Campbell Street and more of the Sydney Tower will be visible. While this will not completely retain their existing view lines and corridors of the city skyline, the moderate view loss is reduced by the

above conditions, and the concept of view sharing is exercised. Furthermore, views of the Crown Sydney Tower and city skyline north of this is retained. These conditions are the most reasonable alternative design solutions available which would improve the view loss impacts from the ground floor kitchen/dining area.

Several submissions recommended a basement addition for the studio to enable the double garage to be retained as an alternative solution. From Council's perspective this is not a viable solution or recommendation as this would require excavation of the subject site and the basement requiring measures to prevent water ingress into the structure and measures to prevent mould. This is considered an onerous and costly recommendation which is also a completely different proposal from that which is submitted. There is no alternative design that would provide No. 44 Waterview Street with improved amenity from that proposed.

As such, the current proposal subject to conditions is acceptable and will retain view corridors of No. 23 and No. 25 Campbell Street and will improve the partial view loss for No. 19 Campbell Street.

View loss for No. 21 Campbell Street will remain however, the moderate view loss is reduced by these conditions, and the view loss is likely to be reduced to what is demonstrated in Figure 26 below.

Figure 26: marked in red border below is the potential view gain resulting from the conditions of consent to be imposed on any consent issued as part of this development application.



Overall, it can be concluded from the view loss assessment that although the view corridor from World Square and north towards Sydney Crown Casino would be lost, the design conditions will reduce the impact of the moderate view loss for Sydney Tower. Further, the city skyline north of Sydney Crown Casino and including some office buildings between the Sydney Crown Casino and the Sydney Tower is retained.

It has been determined that the view loss does not arise as a consequence of non-compliances with the applicable controls and that after considering all factors, on balance there are no reasonable alternative design solutions that would retain the view from this location.

For reasons discussed above, the concept of view sharing is considered to be achieved in this instance, as it does not unreasonably impact the retention of a significant view from the affected property, and also allows for orderly and economic use and development of land.

### C3.11 Visual Privacy

The proposed development includes skylights to the northern plane of the studio roof which does not present any overlooking into any adjacent properties.

However, the proposed windows along the eastern and southern walls of the proposed studio, specifically W2, W3, W4 and W5 presents overlooking into and within 9m and 45 degrees of the POS of No. 46 Waterview Street and No. 42 Waterview Street, which are contrary to controls C1 and C7 of this part of the DCP.

Therefore, conditions are included in the recommendation that requires the subject windows to be fixed and obscurely glazed to a minimum level of 1.6m above the finished floor levels with a minimum opacity of 75% to satisfy these controls including control C2 of this part of the DCP.

## **C. The Likely Impacts**

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality.

## **D. The Suitability of the Site for the Development**

The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst similar uses to that proposed.

## **E. Submissions**

The application was required to be notified in accordance with Council's Community Engagement Strategy between 29 November 2023 to 13 December 2023, during which ten submissions were received.

A second notification was undertaken, as amended plans were provided, between 06 March 2024 to 20 March 2024 and six submissions were received.

While there are 16 submissions, only 11 of these are deemed unique and are not duplication of other submissions. The issues raised in the submissions received are discussed below:

- Bulk and scale – refer to assessment under C1.3, C1.5, C1.18 and C3.2 of Leichhardt DCP 2013.
- Laneways – refer to assessment under C1.18 of Leichhardt DCP 2013.
- Solar access – refer to assessment under C3.9 of Leichhardt DCP 2013.
- View loss – refer to assessment under C3.10 of Leichhardt DCP 2013.
- Visual Privacy – refer to assessment under C3.11 of Leichhardt DCP 2013.
- Streetscape, character and Heritage Conservation Area – refer to assessment under Section 5.10 of Inner West LEP 2022.
- FSR – see assessment under s4.4 of IWLEP 2022.

Concern	Comment
View loss of city skyline and natural sky	<ul style="list-style-type: none"> <li>▪ View loss of the city skyline is discussed above.</li> <li>▪ Loss of sightlines of the natural sky is outside the scope of assessment as prescribed by s4.15 of the <i>Environmental Planning and Assessment Act 1979</i>, nor are these views protected under any relevant planning controls.</li> </ul>
Architectural expression, in terms of excessive built form: <ul style="list-style-type: none"> <li>▪ Context and local character</li> <li>▪ Built form, scale and public domain</li> </ul>	As discussed in more detail in various sections of the report, the proposed development subject to conditions, is considered compatible with the desired character of the area as well as being compatible with the heritage conservation area. <p>The built form and scale are considered to be acceptable and is a satisfactory urban design response to the public domain by deleting the dormer to Dots Lane, setting back the eastern wall and reducing the roof ridge by a further 200mm.</p> <p>The proposal had also been reviewed by council’s heritage advisor who concludes the proposed architectural form is satisfactory subject to conditions regarding materials and finishes.</p>
Architectural Plans lack details including RLs of ridges	Amended plans were submitted which contain sufficient detail to allow an accurate assessment of the proposal.
Impact to Heritage Conservation Area: <ul style="list-style-type: none"> <li>▪ Inconsistent with desired future character of HCA including materials and finishes</li> <li>▪ Incompatible pattern of development in the laneway</li> </ul>	Impact to Heritage Conservation Area is discussed in detail in earlier section of the report under section 5.10 of Inner West LEP 2022. The proposal had been reviewed by council’s heritage advisor and is considered to be acceptable subject to conditions regard materiality and design change conditions which includes: <ul style="list-style-type: none"> <li>a. The section of the eastern wall of the proposal which is set on the boundary of Dots Lane is to be setback by 300mm in from the eastern boundary of Dots Lane, to align with the recessed eastern wall of the structure ensuring the east elevation is provided one</li> </ul>

Concern	Comment
	<p>consistent setback parallel to the boundary with Dots Lane and away from the light pole.</p> <p>b. Reduce the roof ridge of the garage and studio over to RL30.60 from RL30.80 by reducing the garage floor to ceiling height to 2.4m to ensure that the laneway envelope control is largely satisfied.</p> <p>In addition, the proposal is considered to be acceptable and compatible with the desired future character of the Mort Bay Distinctive Neighbourhood and Campbell Street Hill Sub Area, and it is considered the proposal as amended, and subject to the imposition of conditions will satisfactorily conserve the heritage significance of the heritage item and HCA, thereby satisfying Section 5.10 of IWLEP 2022.</p>
<p>Inconsistency of accepting application between No. 35 Waterview and No. 44 Waterview.</p>	<p>Acceptance of development applications are based on the requirements of the Environmental Planning and Assessment Regulation 2021, specifically s.24 content of development applications.</p> <p>Further, documentation that is required for each individual application is dependent on the proposal and the unique attributes of each individual site.</p>
<p>Inconsistent with objectives of DCP:</p> <ul style="list-style-type: none"> <li>- Planning</li> <li>- Site layout</li> <li>- Building design</li> <li>- Laneways</li> <li>- Corner sites</li> <li>- Section 1 and Section 3 of the DCP</li> </ul>	<p>The proposal was assessed against all applicable and relevant controls of the DCP.</p>
<p>Tunnel effect at the turn of the laneway compromising views, daylight, privacy and amenity</p>	<p>Amenity impacts were discussed in the body of the report, see: C1.3 Alterations and Additions; C1.5 Corner Sites; C1.18 Laneways; C3.2 Site Layout and Building Design; C3.9 Solar Access; C3.10 Views; and C3.11 Visual Privacy</p>
<p>Existing garage is heritage</p> <ul style="list-style-type: none"> <li>- Garage is Heritage item</li> <li>- Milkman’s shed had heritage order placed against it in 2005</li> <li>- Old stable last piece of the old house</li> </ul>	<p>The garage is not a heritage listed item. And, as discussed under s5.10 of the IWLEP 2022, the proposed development is acceptable from a heritage perspective subject to the imposition of conditions of consent regarding materials.</p>
<p>Council has a policy of only allowing single car access to new garages.</p>	<p>There is an existing double garage with a double vehicle crossover.</p>

Concern	Comment
Double storey garage will set a precedent on Dots Lane	Each application is assessed on its own merit, and in this instance the proposal is acceptable as the subject site has a wide width, there is an existing double vehicle crossover, and view sharing and overshadowing impacts are acceptable.
Non-compliant FSR	The proposed complies with Floor Space Ratio and therefore the proposed density is satisfactory and site coverage is retained. The landscaped area remains compliant, and the proposal is an improvement to existing and provides for improved amenity to the residents.
Garage does not fit into Building typology which provides a skillion dormer	The Building Typology referred to by the submission applies to alterations and additions to the main dwelling house, and it does not apply to garages and any studio proposed over it. Further, the proposed dormer facing the northern elevation has been deleted and is replaced by a skylight which is acceptable from heritage and planning perspectives.
Construction of a temporary structure to demonstrate the proposal and for Council and neighbours to discuss the impacts.	A temporary structure at the subject is not required as part of development assessment pursuant to s4.15 of the Environmental Planning and Assessment Act 1979.
Pedestrian safety	Existing pedestrian access along Dots Lane will not be impacted following the completion of the proposed development as there is an existing double car garage at the subject site. Further, Dots Lane is a medium sized lane and many of the dwellings on this laneway have existing laneway car garage access. The proposed development is not expected to increase existing vehicle movements of this laneway following completion. Standard conditions are included to ensure that during construction appropriate measures are observed to reduce construction impacts on the locality.

## F. The Public Interest

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

This has been achieved in this instance.

## 6. Section 7.12 Contributions

A Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$4,110.00 would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

A condition requiring that contribution to be paid is included in the recommendation.

## 7. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Heritage Specialist;
- Development Engineer;
- Urban Forest;

The following external referrals were made, and their comments have been considered as part of the above assessment:

- Ausgrid

Comment: Conditions of consent issued

## 8. Conclusion

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

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

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

## 9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2023/0981 for demolition of existing garage/storage structure and replacement with new garage and studio above, plus associated landscaping works and a new swimming pool at 44 Waterview Street, Balmain subject to the conditions listed in Attachment A below:



**Attachment A – Recommended condition of consent**

**CONDITIONS OF CONSENT**

**GENERAL CONDITIONS**

		Condition		
1.	<b>Documents related to the consent</b>			
	The development must be carried out in accordance with plans and documents listed below:			
	<b>Plan, Revision and Issue No.</b>	<b>Plan Name</b>	<b>Date Issued</b>	<b>Prepared by</b>
	2202 – DA02 – Issue G	Ground Floor Plan	13.05.2022	Amy Architect Luong
	2202 – DA03 – Issue H	First Floor & Roof Plan	13.05.2022	Amy Architect Luong
	2202 – DA04 – Issue H	Elevations	13.05.2022	Amy Architect Luong
	2202 – DA05 – Issue H	Elevations	13.05.2022	Amy Architect Luong
	2202 – DA06 – Issue H	Sections	13.05.2022	Amy Architect Luong
	2202 – DA07 – Issue C	Materials & Finishes Schedule	13.05.2022	Amy Architect Luong
	23004 – DA-10 – Rev B	Landscape – Plan	06.02.2024	Landart Landscapes
	23004 – DA-11 – Rev B	Landscape Area	06.02.2024	Landart Landscapes
	23004 – DA-12 – Rev B	Landscape – Sections	11.10.2023	Landart Landscapes
	2324095.V2	Geotechnical Report	06.02.2023	J.L. Geotechnical
	A1373403	BASIX Certificate	23.10.2023	Amy Architect Luong
	220550-SW – D1 – Rev A	Details, Notes & Legend	05.06.2023	Quantum Engineers
	220550-SW – D2 – Rev A	Site/Ground Floor Plan – 1	05.06.2023	Quantum Engineers
	220550-SW – D3 – Rev A	Site/Ground Floor Plan – 2	05.06.2023	Quantum Engineers
	220550-SW – D4 – Rev A	Roof Plan	05.06.2023	Quantum Engineers
	220550-SW – D5 – Rev A	Stormwater Details	05.06.2023	Quantum Engineers
	220550-SW – D6 – Rev A	Sediment Control Plan	05.06.2023	Quantum Engineers
220550-SW – D7 – Rev A	Sediment Details	05.06.2023	Quantum Engineers	
	Arboricultural Impact Assessment Report	07.05.2024	Seasoned Tree Consulting	

	<p>As amended by the conditions of consent.</p> <p>Reason: To ensure development is carried out in accordance with the approved documents.</p>
2.	<p style="text-align: center;"><b>Noise Levels and Enclosure of Pool/spa Pumping Units</b></p> <p>Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008. Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.</p> <p>Reason: To ensure that acoustic privacy treatment protects the amenity of the neighbourhood.</p>
3.	<p style="text-align: center;"><b>Works Outside the Property Boundary</b></p> <p>This development consent does not authorise works outside the property boundaries on adjoining lands.</p> <p>Reason: To ensure works are in accordance with the consent.</p>
4.	<p style="text-align: center;"><b>Storage of Materials on public property</b></p> <p>The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.</p> <p>Reason: To protect pedestrian safety.</p>
5.	<p style="text-align: center;"><b>Other works</b></p> <p>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 <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
6.	<p style="text-align: center;"><b>National Construction Code (Building Code of Australia)</b></p> <p>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.</p> <p>Reason: To ensure compliance with legislative requirements.</p>

<p>7.</p>	<p style="text-align: center;"><b>Notification of commencement of works</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>a. In the case of work for which a principal contractor is required to be appointed: <ul style="list-style-type: none"> <li>i. The name and licence number of the principal contractor; and</li> <li>ii. The name of the insurer by which the work is insured under Part 6 of that Act.</li> </ul> </li> <li>b. In the case of work to be done by an owner-builder: <ul style="list-style-type: none"> <li>i. The name of the owner-builder; and</li> <li>ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.</li> </ul> </li> </ul> <p>Reason: To ensure compliance with legislative requirements.</p>
<p>8.</p>	<p style="text-align: center;"><b>Dividing Fences Act</b></p> <p>The person acting on this consent must comply with the requirements of the <i>Dividing Fences Act 1991</i> in respect to the alterations and additions to the boundary fences.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
<p>9.</p>	<p style="text-align: center;"><b>Swimming Pools</b></p> <p>Applicants are advised of the following requirements under the <i>Swimming Pools Act 1992</i>:</p> <ul style="list-style-type: none"> <li>a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.</li> <li>b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.</li> <li>c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.</li> <li>d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.</li> <li>e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the <i>Swimming Pool Regulation 2008</i>.</li> <li>f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the <i>Swimming Pools Act 1992</i> at all times.</li> </ul> <p>All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council &amp; Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.</p> <p>Reason: To ensure the pool does not result in any ongoing safety or amenity issues.</p>

10.	<p style="text-align: center;"><b>Lead-based Paint</b></p> <p>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.</p> <p>Reason: To protect human health.</p>
11.	<p style="text-align: center;"><b>Dial before you dig</b></p> <p>Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.</p> <p>Reason: To protect assets and infrastructure.</p>
12.	<p style="text-align: center;"><b>Bin Storage - Residential</b></p> <p>All bins are to be stored within the property. Bins are to be returned to the property within 12 hours of having been emptied.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p>
13.	<p style="text-align: center;"><b>Asbestos Removal</b></p> <p>Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p>
14.	<p style="text-align: center;"><b>Permits</b></p> <p>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 <i>Local Government Act 1993</i> and/or Section 138 of the <i>Roads Act 1993</i>. Permits are required for the following activities:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b. A concrete pump across the roadway/footpath;</li> <li>c. Mobile crane or any standing plant;</li> <li>d. Skip Bins;</li> <li>e. Scaffolding/Hoardings (fencing on public land);</li> <li>f. Public domain works including vehicle crossing, kerb &amp; guttering, footpath, stormwater, etc.;</li> <li>g. Awning or street veranda over the footpath;</li> <li>h. Partial or full road closure; and</li> <li>i. Installation or replacement of private stormwater drain, utility service or water supply.</li> </ul>

	<p>If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p>
15.	<p style="text-align: center;"><b>Boundary Alignment Levels</b></p> <p>Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.</p> <p>Reason: To allow for pedestrian and vehicular access.</p>

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
16.	<p><b>Long Service Levy</b></p> <p>Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.</p> <p>Reason: To ensure the long service levy is paid.</p>
17.	<p><b>Privacy</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating Windows W2, W3, W4, an W5 being amended in the following manner:</p> <p>Fixed and obscure glazing to a minimum level of 1.6 metres above the floor level with a minimum opacity of 75%.</p> <p>Reason: To ensure that visual privacy treatment protects the amenity of the neighbourhood.</p>
18.	<p><b>Structural Certificate for retained elements of the building</b></p> <p>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.</p> <p>Reason: To ensure the structural adequacy of the works.</p>

<p>19.</p>	<p><b>Sydney Water – Tap In</b></p> <p>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.</p> <p>Note: Please refer to the web site <a href="http://www.sydneywater.com.au/tapin/index.htm">http://www.sydneywater.com.au/tapin/index.htm</a> for details on the process or telephone 13 20 92.</p> <p>Reason: To ensure relevant utility and service provides requirements are provided to the certifier.</p>
<p>20.</p>	<p><b>Section 7.12 Development Contribution Payments</b></p> <p>In accordance with section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of <b>\$4,110.00</b> shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.</p> <p>At the time of payment, the monetary contribution payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:</p> <p><math>C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})</math></p> <p>Where:</p> <ul style="list-style-type: none"> <li>• <math>C_{\text{payment}}</math> = is the contribution at time of payment</li> <li>• <math>C_{\text{consent}}</math> = is the contribution at the time of consent, as shown above</li> <li>• <math>CPI_{\text{consent}}</math> = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 137.7 for the quarter April 2024.</li> <li>• <math>CPI_{\text{payment}}</math> = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment</li> </ul> <p>Note: The contribution payable will not be less than the contribution specified in this condition.</p> <p>The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.</p> <p><b>It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.</b></p> <p>Council's Plan may be viewed at <a href="http://www.innerwest.nsw.gov.au">www.innerwest.nsw.gov.au</a> or during normal business hours at any of Council's customer service centres.</p>

	<p>Please contact any of Council's customer service centres on 9392 5000 or council@innerwest.nsw.gov.au to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.</p> <p>Once the invoice is obtained, payment can be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).</p> <p>The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.</p> <p>Reason: To ensure payment of the required development contribution.</p>						
<p>21.</p>	<p><b>Construction Methods to Minimise Impact on Trees</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by the Project Arborist demonstrating that the footings of the approved steps and structure will utilise tree sensitive construction techniques within the specified radius of the trunks of the following trees should woody roots that are not approved for pruning be encountered:</p> <table border="1" data-bbox="451 976 1078 1066"> <thead> <tr> <th>Tree No.</th> <th>Botanical/Common Name</th> <th>Radius in metres</th> </tr> </thead> <tbody> <tr> <td>1</td> <td><i>Lagerstroemia indica</i> (Crepe Myrtle)</td> <td>2.7m</td> </tr> </tbody> </table> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located beneath the canopy of any prescribed tree/s located on the subject site and adjoining sites (including trees located within the public domain).</p> <p>Reason: To mitigate the impact of the work on trees to be retained.</p>	Tree No.	Botanical/Common Name	Radius in metres	1	<i>Lagerstroemia indica</i> (Crepe Myrtle)	2.7m
Tree No.	Botanical/Common Name	Radius in metres					
1	<i>Lagerstroemia indica</i> (Crepe Myrtle)	2.7m					

<p>22.</p>	<p><b>Design Change</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:</p> <ul style="list-style-type: none"> <li>a. The section of the eastern wall of the proposal which is set on the boundary of Dots Lane is to be setback by 300mm in from the eastern boundary of Dots Lane, to align with the recessed eastern wall of the structure ensuring the east elevation is provided one consistent eastern boundary setback parallel to the Dots Lane and set back behind Ausgrid light pole.</li> <li>b. The floor-to-ceiling height of the proposed garage is to be lowered from 2.4m to 2.2m in order to reduce the roof ridge of the proposed studio from RL30.80 to RL30.60.</li> <li>c. Delete the side access gate/fence along the eastern boundary which provides independent access to the studio unit above the garage.</li> </ul> <p>Reason: Condition a and b are to reduce bulk and scale impacts and protect the amenity of the locality; and condition c. is to ensure that the use of the proposed development remains to be as approved by this condition of consent.</p>
<p>23.</p>	<p><b>Parking Facilities - Domestic</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:</p> <ul style="list-style-type: none"> <li>a. The internal vehicle hardstand area must be redesigned such that the level at the boundary must match the invert level of the adjacent gutter plus 110mm/150mm [choose one] at both sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure that it matches the above-issued alignment levels;</li> <li>b. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;</li> <li>c. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;</li> <li>d. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;</li> <li>e. The garage/carport/parking space must have minimum clear internal dimensions of 6000- mm x 5400 mm (length x width) and a door opening width of 5300 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;</li> <li>f. Where the drop adjacent to the end of the parking module(s) exceeds 600mm, structural barriers must be provided. Where the drop is between 150-600mm,</li> </ul>



	<p>wheel stops must be provided. These physical controls must be installed in accordance with the requirements of Section 2.4.5 of AS/NZS2890.1-2004. The design of structural barriers must be certified by a suitably qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications;</p> <ul style="list-style-type: none"> <li>g. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; and</li> <li>h. The external form and height of the approved structures must not be altered from the approved plans.</li> </ul> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP.</p>
<p>24.</p>	<p><b>Changes to Levels</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans incorporating the following amendments:</p> <ul style="list-style-type: none"> <li>a. A 150mm step down must be provided between the finished floor level of the internal room and the finished surface level of the external area.</li> </ul> <p>Reason: To protect buildings from overland flow.</p>
<p>25.</p>	<p><b>Stormwater Drainage System – Minor Developments (OSD is not required)</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:</p> <ol style="list-style-type: none"> <li>1. The Stormwater Drainage Concept plan on Drawing No. D1 version (1) prepared by QUAMNTUM ENGINEERS and dated 16 November 2023, must be amended to comply with the following:             <ul style="list-style-type: none"> <li>a. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road;</li> <li>b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;</li> <li>c. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;</li> <li>d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank(s);</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>e. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled;</li> <li>f. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;</li> <li>g. Only roof water is permitted to be connected to the rainwater Tank. The overflow from the rainwater tank must be connected by gravity to the kerb and gutter of a public road;</li> <li>h. An overland flowpath must be provided within the setback to southern/western side boundary between the rear of the dwelling and the Waterview Street frontage. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flowpath.</li> <li>i. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;</li> <li>j. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;</li> <li>k. No nuisance or concentration of flows to other properties;</li> <li>l. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;</li> <li>m. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;</li> <li>n. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;</li> <li>o. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;</li> <li>p. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;</li> <li>q. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;</li> <li>r. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;</li> <li>s. No impact to street tree(s);</li> <li>t. Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system.</li> </ul> <p>Reason: To ensure that the adequate provision of stormwater drainage is provided</p>
<p><b>26.</b></p>	<p><b>Dilapidation Report – Pre-Development – Minor</b></p> <p>Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.</p> <p>Reason: To ensure Council assets are protected.</p>

27.	<p><b>Security Deposit - Custom</b></p> <p>Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.</p> <table border="1" style="margin-left: 20px;"> <tr> <td><b>Security Deposit:</b></td> <td>\$5,992.00</td> </tr> <tr> <td><b>Inspection Fee:</b></td> <td>\$374.50</td> </tr> </table> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure required security deposits are paid.</p>	<b>Security Deposit:</b>	\$5,992.00	<b>Inspection Fee:</b>	\$374.50
<b>Security Deposit:</b>	\$5,992.00				
<b>Inspection Fee:</b>	\$374.50				

**BEFORE BUILDING WORK COMMENCES**

	Condition
28.	<p><b>Waste Management Plan</b></p> <p>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.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
29.	<p><b>Erosion and Sediment Control</b></p> <p>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.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
30.	<p><b>Construction Fencing</b></p> <p>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.</p> <p>Reason: To protect the built environment from construction works.</p>
31.	<p><b>Project Arborist</b></p> <p>Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist (minimum qualification AQF Level 5) must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.</p> <p>Reason: To protect and retain trees.</p>
32.	<p><b>Tree Protection</b></p> <p>No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent. Any public tree within five (5) metres of the development must be protected in accordance with AS4970—Protection of trees on development sites and Council's Development Fact Sheet—Trees on Development Sites. No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.</p> <p>The existing tree/s detailed below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent. Reference should be made to the Arboricultural Impact Assessment Report prepared by Seasoned Tree Consulting dated 7 May 2024 for tree numbering and locations.</p>

Tree Number	Species	Location
1	<i>Lagerstroemia indica</i> (Crepe Myrtle)	Rear/side

Reason: To ensure that trees to be retained are protected.

**DURING BUILDING WORK**

	Condition						
33.	<p><b>Advising Neighbours Prior to Excavation</b></p> <p>At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation.</p> <p>Reason: To ensure surrounding properties are adequately notified of the proposed works.</p>						
34.	<p><b>Construction Hours – Class 1 and 10</b></p> <p>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.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>						
35.	<p><b>Survey Prior to Footings</b></p> <p>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.</p> <p>Reason: To ensure works are in accordance with the consent.</p>						
36.	<p><b>Works to Trees</b></p> <p>During building work, the trees detailed below can be removed.</p> <table border="1"> <thead> <tr> <th>Tree No.</th> <th>Botanical/Common Name</th> <th>Location</th> </tr> </thead> <tbody> <tr> <td>2,3</td> <td><i>Elaeocarpus reticulatus</i> (Blueberry Ash)</td> <td>Rear</td> </tr> </tbody> </table> <p>All tree works shall be undertaken by an arborist with a minimum Level 3 in Arboriculture, as defined by the Australian Qualification Framework and in compliance with Australian Standard AS 4373—Pruning of amenity trees and Safe Work Australia’s Guide to Managing Risks of Tree Trimming and Removal Work.</p> <p>Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) shall be undertaken by an approved Ausgrid vegetation contractor for the management of vegetation conflicting with such services.</p> <p>The trees to be removed must be included on all Construction Certificate plans shown in red.</p> <p>Reason: To identify trees permitted to be pruned or removed.</p>	Tree No.	Botanical/Common Name	Location	2,3	<i>Elaeocarpus reticulatus</i> (Blueberry Ash)	Rear
Tree No.	Botanical/Common Name	Location					
2,3	<i>Elaeocarpus reticulatus</i> (Blueberry Ash)	Rear					

37.	<p><b>Tree Protection Works</b></p> <p>All tree protection for the site must be undertaken in accordance with Council's Development Fact Sheet—Trees on Development Sites and AS4970—Protection of trees on development sites.</p> <p>Reason: To protect and retain trees.</p>						
38.	<p><b>Arborists standards</b></p> <p>All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—Pruning of amenity trees and the Safe Work Australia Code of Practice—Guide to Managing Risks of Tree Trimming and Removal Work. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.</p> <p>Reason: To ensure compliance with legislative requirements.</p>						
39.	<p><b>Limited Root Pruning</b></p> <p>No tree roots of 25mm or greater in diameter located within the specified radius of the trunks of the following tree may be severed or injured in the process of any works during the construction period:</p> <table border="1" data-bbox="446 940 1129 1030"> <thead> <tr> <th>Tree No.</th> <th>Botanical/Common Name</th> <th>Radius in metres</th> </tr> </thead> <tbody> <tr> <td>1</td> <td><i>Lagerstroemia indica</i> (Crepe Myrtle)</td> <td>2.7m</td> </tr> </tbody> </table> <p>All excavation within the specified radius of the trunks being hand dug or using either pneumatic or hydraulic tools only (e.g. Airspade® or hydro excavation) under the supervision of the Project Arborist. If tree roots less than 25mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and fit for purpose tool. The pruning must be undertaken by a qualified Arborist or supervised by the Project Arborist.</p> <p>Note – The installation of services must be undertaken accordingly.</p> <p>Reason: To protect and retain trees.</p>	Tree No.	Botanical/Common Name	Radius in metres	1	<i>Lagerstroemia indica</i> (Crepe Myrtle)	2.7m
Tree No.	Botanical/Common Name	Radius in metres					
1	<i>Lagerstroemia indica</i> (Crepe Myrtle)	2.7m					
40.	<p><b>Canopy and Root Pruning</b></p> <p>Canopy pruning of the following tree which is necessary to accommodate the approved building works must be undertaken by, or directly supervised by, the Project Arborist.</p> <table border="1" data-bbox="446 1456 1129 1568"> <thead> <tr> <th>Tree No.</th> <th>Botanical/Common Name</th> </tr> </thead> <tbody> <tr> <td>1</td> <td><i>Lagerstroemia indica</i> (Crepe Myrtle)</td> </tr> </tbody> </table> <p>Pruning is limited to those branches that will come into direct contact the built structure and where branch diameter (at its point of attachment) does not exceed 60 mm and total pruning does not exceed 10% of canopy. Only the pruning as detailed in the</p>	Tree No.	Botanical/Common Name	1	<i>Lagerstroemia indica</i> (Crepe Myrtle)		
Tree No.	Botanical/Common Name						
1	<i>Lagerstroemia indica</i> (Crepe Myrtle)						

	<p>Arboricultural Impact Assessment report prepared by Seasoned Tree Consulting and dated 7 May 2024 is approved.</p> <p>Reason: To protect and retain trees.</p>
<p>41.</p>	<p><b>Inspections by Project Arborist</b></p> <p>An Arborist (the Project Arborist) with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention including street trees. The Arborist must certify compliance with each key milestone detailed below:</p> <ol style="list-style-type: none"> <li>1. The installation of tree protection measures prior to the commencement of any construction works;             <ol style="list-style-type: none"> <li>a. During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;</li> <li>b. During installation of the footings of the stairs and structure;</li> <li>c. During any excavation and trenching within the Tree Protection Zone;</li> <li>d. During any Landscape works within the TPZ which has been approved by Council.</li> </ol> </li> <li>2. An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by PCA at each hold-point listed below:             <ol style="list-style-type: none"> <li>a. Certification that tree protection measures have been installed in accordance with these consent conditions.</li> <li>b. Certification of compliance with each key milestone listed above within 48 hours of completion;</li> <li>c. Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.</li> <li>d. A final compliance report must be submitted to and approved by PCA prior to the issue of any Occupation Certificate.</li> </ol> </li> </ol> <p>Reason: To protect and retain trees.</p>
<p>42.</p>	<p><b>Tree Protection</b></p> <p>No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent. Any public tree within five (5) metres of the development must be protected in accordance with AS4970—Protection of trees on development sites and Council's Development Fact Sheet—Trees on Development Sites. No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.</p>

<p>The existing tree/s detailed below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent. Reference should be made to the Arboricultural Impact Assessment Report prepared by Seasoned Tree Consulting dated 7 May 2024 for tree numbering and locations.</p>		
<b>Tree Number</b>	<b>Species</b>	<b>Location</b>
1	<i>Lagerstroemia indica</i> (Crepe Myrtle)	Rear/side
<p>Reason: To ensure that trees to be retained are protected.</p>		

**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

Condition	
<b>43.</b>	<p><b>Project Arborist Certification</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier is to be provided with certification from the Project Arborist that the requirements of the conditions of consent related to the landscape plan/approved tree planting plan and the role of the project arborist have been complied with.</p> <p>Reason: To ensure the protection and ongoing health of trees to be retained.</p>
<b>44.</b>	<p><b>Certification of Tree Planting</b></p> <p>Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence in the form of an image and purchase invoice to confirm that: A minimum of 1 x 75 litre size canopy trees, which will attain a minimum mature height of 6 metres and a minimum mature canopy spread of 4 metres, has been planted in a suitable location within the property (at least 1 metre from any boundary and 1.5 metres from any structure) and allowing for future tree growth. The tree must meet the requirements of AS2303—<i>Tree stock for landscape use</i>. Trees listed as exempt species from <a href="#">Council's Tree Management Development Control Plan</a> and species recognised to have a short life span, will not be accepted as suitable replacements. Trees required by this condition must be maintained and protected until they are protected by Council's Tree Management DCP. Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.</p> <p>Reason: To ensure appropriate landscaping is undertaken.</p>



<b>45.</b>	<p><b>Parking Signoff – Minor Developments</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.</p> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's specifications.</p>
<b>46.</b>	<p><b>Protect Sandstone Kerb</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.</p> <p>Reason: To ensure Council assets are protected.</p>
<b>47.</b>	<p><b>No Encroachments</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.</p> <p>Reason: To maintain and promote vehicular and pedestrian safety.</p>

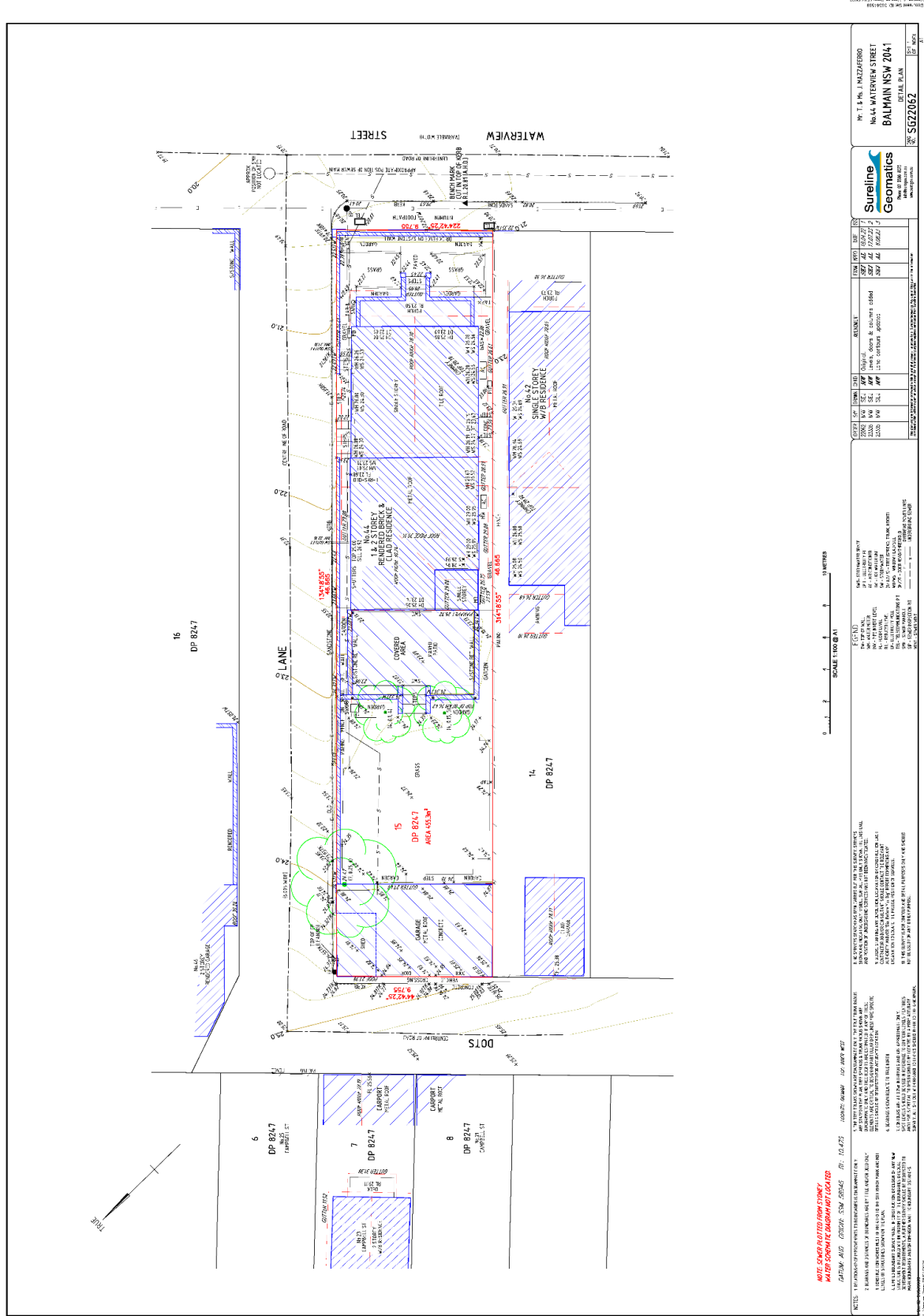
**OCCUPATION AND ONGOING USE**

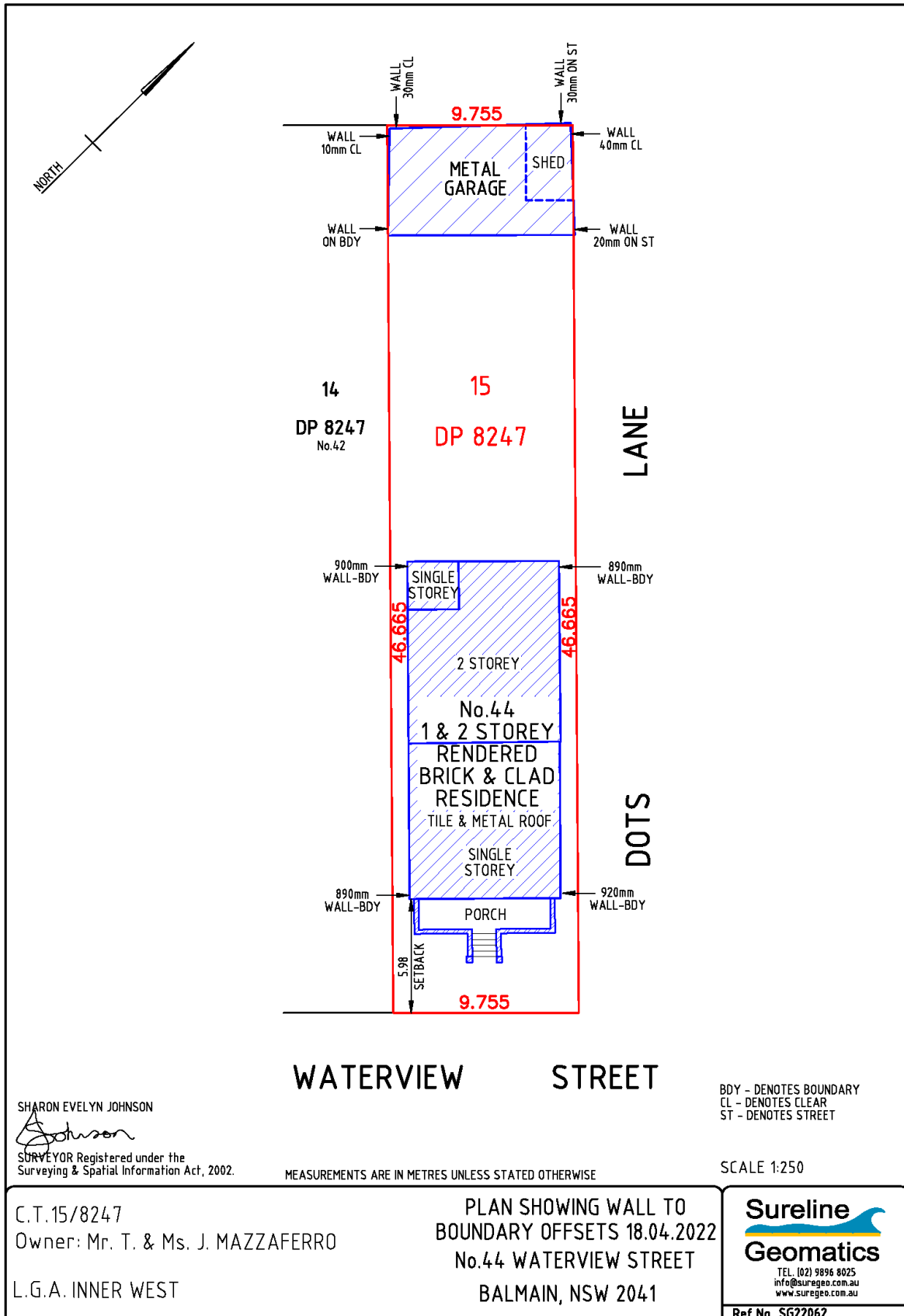
Condition	
<b>48.</b>	<p><b>ONGOING CONDITION: Use of the Studio</b></p> <p>The approved studio above the garage is not to be used as a separate domicile or secondary dwelling; and is to be utilised in conjunction with the approved dwelling house. No kitchen, kitchenette, cooking facilities or any of the like are to be installed within the structure.</p> <p>Reason: To ensure the use of the structure is commensurate with its approval</p>

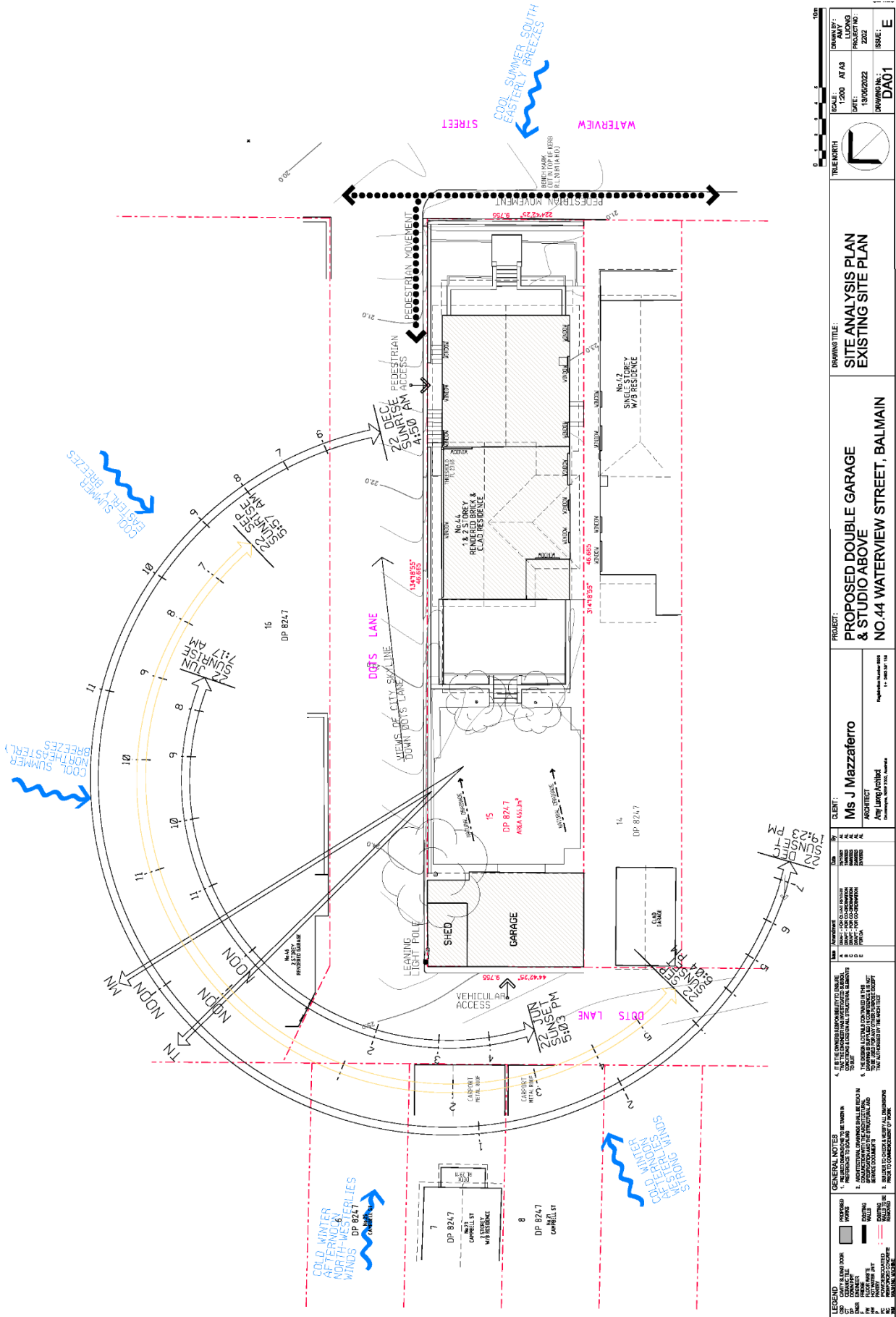
**DEMOLITION WORK  
BEFORE DEMOLITION WORK COMMENCES**

	Condition
<b>49.</b>	<p><b>Hoardings</b></p> <p>The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.</p> <p>If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.</p> <p>Separate approval is required from the Council under the <i>Roads Act 1993</i> to erect a hoarding or temporary fence or awning on public property.</p> <p>Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.</p>

Attachment B – Plans of proposed development

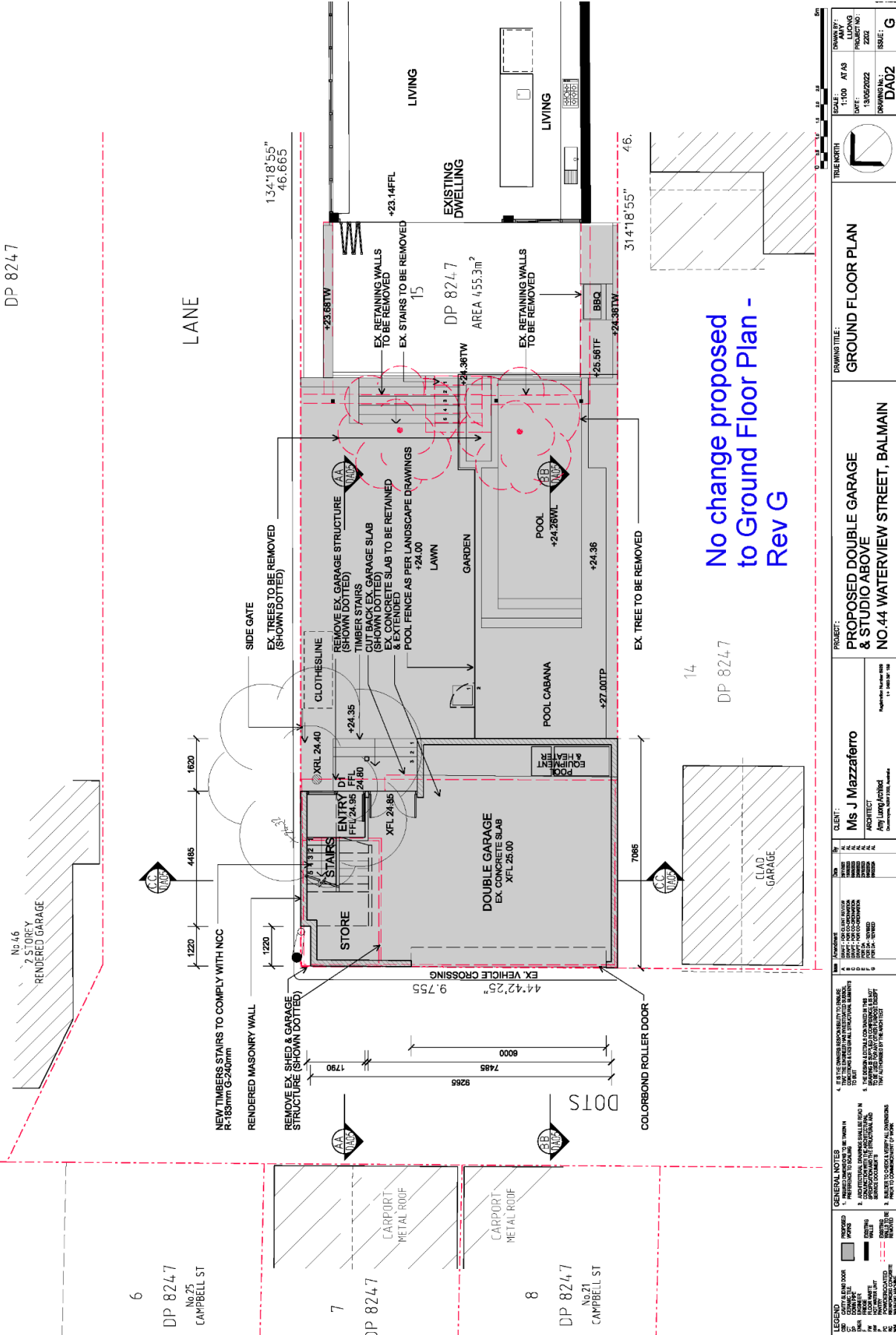






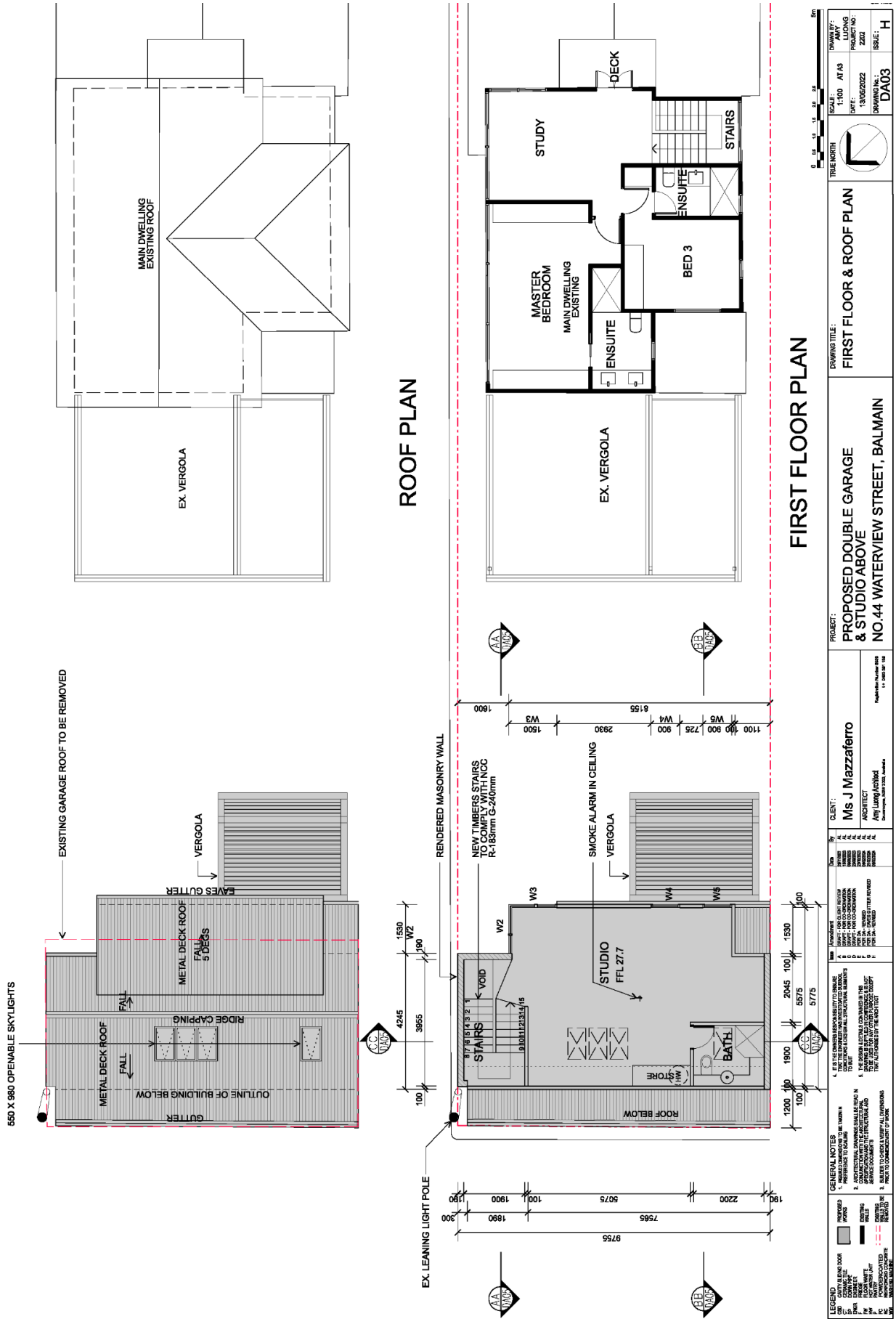
LEGEND		GENERAL NOTES		SPECIFICATIONS		CLIENT		DRAWING TITLE	
1. PROPOSED	SOLID LINE	1. REFER TO LOCAL COUNCIL		1. EXISTING	DOTTED LINE	Ms J Mazzaferro	PROJECT:	SITE ANALYSIS PLAN	
2. EXISTING	DOTTED LINE	2. CONSULT LOCAL COUNCIL TO OBTAIN A DEVELOPMENT APPLICATION		2. EXISTING	DOTTED LINE	Ms J Mazzaferro	PROPOSED DOUBLE GARAGE & STUDIO ABOVE		DRAWING TITLE: <b>SITE ANALYSIS PLAN</b> <b>EXISTING SITE PLAN</b>
3. EXISTING	DOTTED LINE	3. CONSULT LOCAL COUNCIL TO OBTAIN A DEVELOPMENT APPLICATION		3. EXISTING	DOTTED LINE	Ms J Mazzaferro	NO.44 WATERVIEW STREET, BALMAIN		
4. EXISTING	DOTTED LINE	4. CONSULT LOCAL COUNCIL TO OBTAIN A DEVELOPMENT APPLICATION		4. EXISTING	DOTTED LINE	Ms J Mazzaferro			
5. EXISTING	DOTTED LINE	5. CONSULT LOCAL COUNCIL TO OBTAIN A DEVELOPMENT APPLICATION		5. EXISTING	DOTTED LINE	Ms J Mazzaferro			
6. EXISTING	DOTTED LINE	6. CONSULT LOCAL COUNCIL TO OBTAIN A DEVELOPMENT APPLICATION		6. EXISTING	DOTTED LINE	Ms J Mazzaferro			
7. EXISTING	DOTTED LINE	7. CONSULT LOCAL COUNCIL TO OBTAIN A DEVELOPMENT APPLICATION		7. EXISTING	DOTTED LINE	Ms J Mazzaferro			
8. EXISTING	DOTTED LINE	8. CONSULT LOCAL COUNCIL TO OBTAIN A DEVELOPMENT APPLICATION		8. EXISTING	DOTTED LINE	Ms J Mazzaferro			

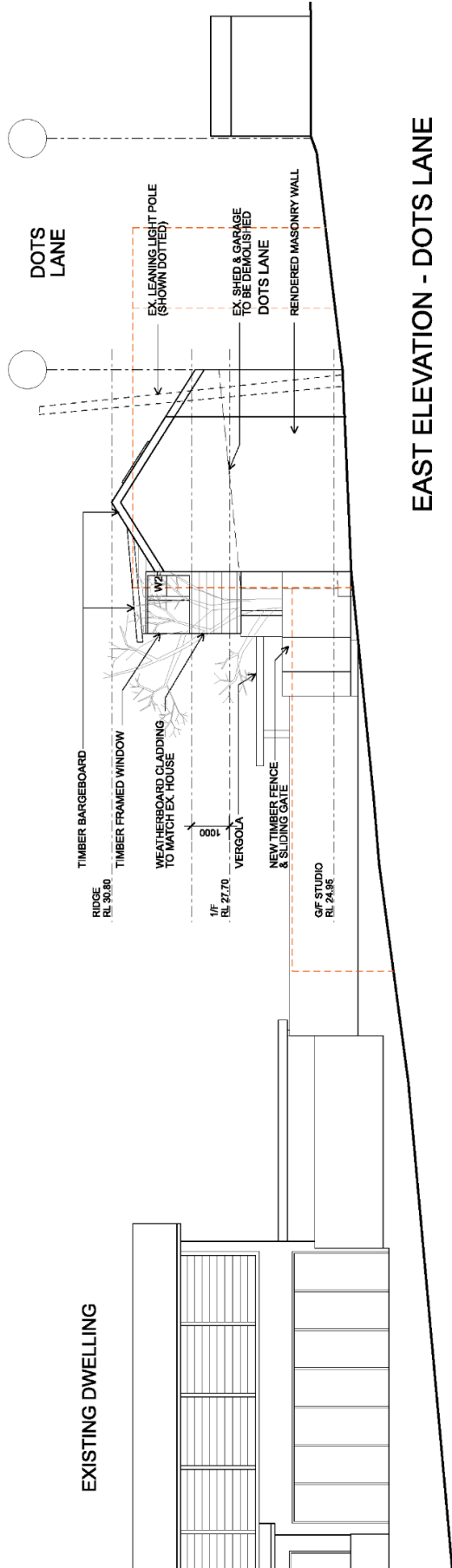
DP 8247



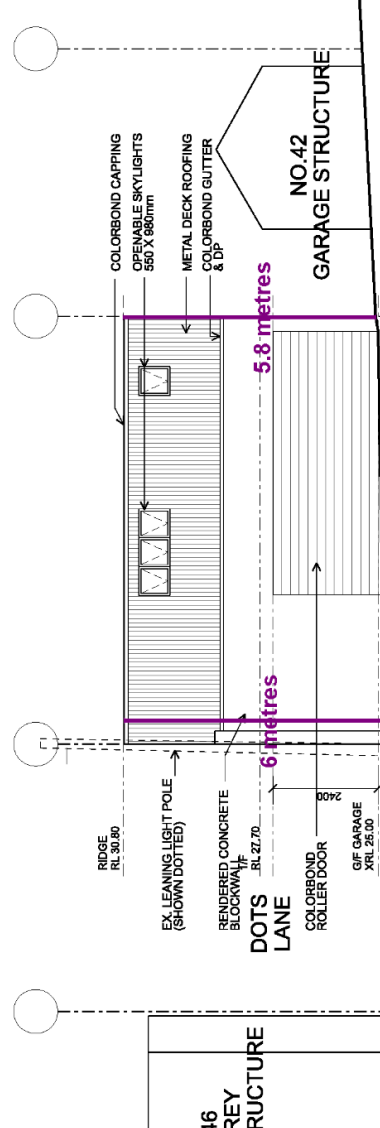
No change proposed to Ground Floor Plan - Rev G

<b>LEGEND</b> PROPOSED: [Symbol] EXISTING: [Symbol] REMOVE: [Symbol] RETAIN: [Symbol]		<b>GENERAL NOTES</b> 1. THE ARCHITECT ASSUMES RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES. 2. THE ARCHITECT ASSUMES RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES. 3. THE ARCHITECT ASSUMES RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES. 4. THE ARCHITECT ASSUMES RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES. 5. THE ARCHITECT ASSUMES RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES. 6. THE ARCHITECT ASSUMES RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES. 7. THE ARCHITECT ASSUMES RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES. 8. THE ARCHITECT ASSUMES RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES. 9. THE ARCHITECT ASSUMES RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES. 10. THE ARCHITECT ASSUMES RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES.	
<b>CLIENT:</b> Ms J Mazzaferto ARCHITECT: Amy Longfield PROJECT NO: 14 DP 8247		<b>PROJECT:</b> PROPOSED DOUBLE GARAGE & STUDIO ABOVE NO.44 WATERVIEW STREET, BALMAIN	
<b>DRAWING TITLE:</b> GROUND FLOOR PLAN		<b>DRAWING NO.:</b> DA02	
<b>SCALE:</b> 1:100		<b>DATE:</b> 15/08/2022	
<b>PROJECTING ARCHITECT:</b> [Signature]		<b>PROJECTING ARCHITECT:</b> [Signature]	
<b>DATE:</b> 15/08/2022		<b>DATE:</b> 15/08/2022	
<b>ISSUE:</b> G		<b>ISSUE:</b> G	





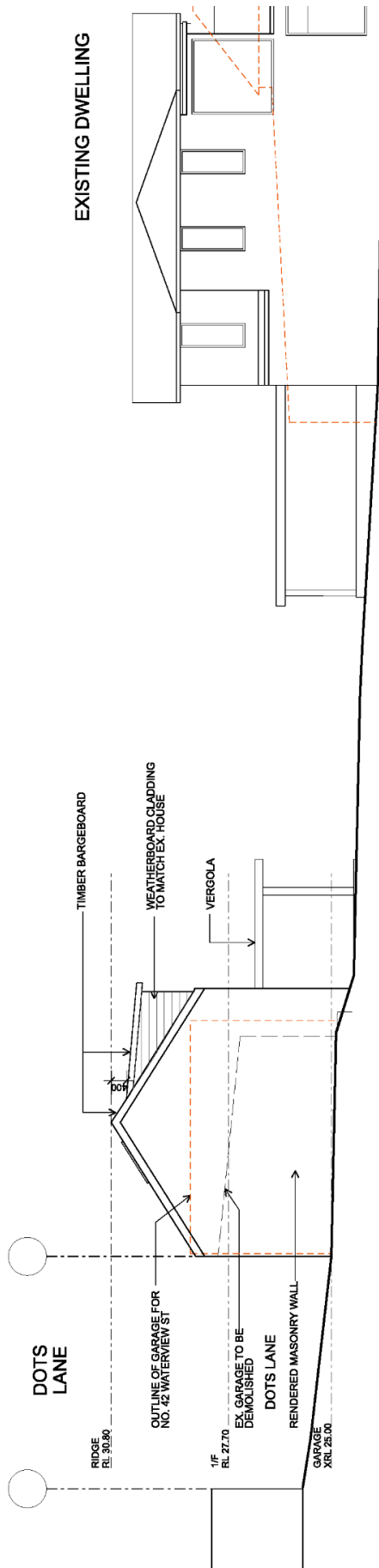
EAST ELEVATION - DOTS LANE



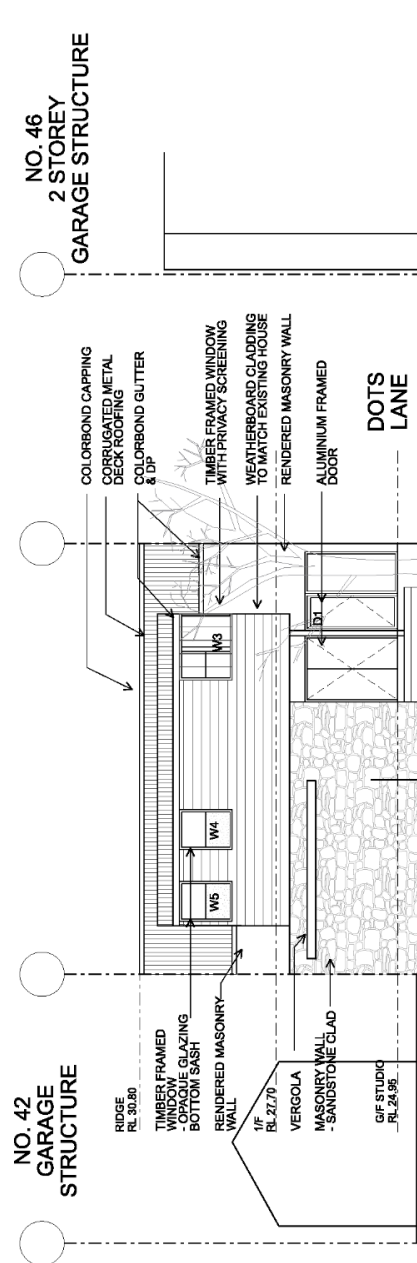
NORTH ELEVATION - DOTS LANE (REAR)

LEGEND		GENERAL NOTES		PROJECT		DRAWING TITLE:	
█	ROOFING	1.	AS PER THE OWNERS RESPONSIBILITY TO FINISH	CLIENT:	Ms J Mazzafiero	PROJECT:	PROPOSED DOUBLE GARAGE & STUDIO ABOVE NO.44 WATERVIEW STREET, BALMAIN
█	CONCRETE	2.	PROVIDE ALL TRIM IN ACCORDANCE WITH THE ARCHITECTURAL DRAWINGS AND ANY LOCAL OR STATE REQUIREMENTS	ARCHITECT:	Ang Liang Architect	DRAWING TITLE:	ELEVATIONS
█	WOOD	3.	ADDITIONAL FINISHES SHALL BE AS PER THE ARCHITECTURAL DRAWINGS AND ANY LOCAL OR STATE REQUIREMENTS	DATE:	15/05/2022	SCALE:	1:100 AT A3
█	FLOORING	4.	THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL SERVICES AND UTILITIES BEFORE COMMENCING WORK	DATE:	15/05/2022	PROJECT NO.:	2202
█	POWER/COULDERIES	5.	REFER TO CHECKS FOR ALL DIMENSIONS AND LOCATIONS OF ALL SERVICES AND UTILITIES BEFORE COMMENCING WORK	DRAWING NO.:	DA04	ISSUE:	H
█	MECHANICAL	6.	REFER TO CHECKS FOR ALL DIMENSIONS AND LOCATIONS OF ALL SERVICES AND UTILITIES BEFORE COMMENCING WORK	TRUE NORTH	0 0.5 1 1.5 2 2.5 3 3.5 4 4.5 5m		



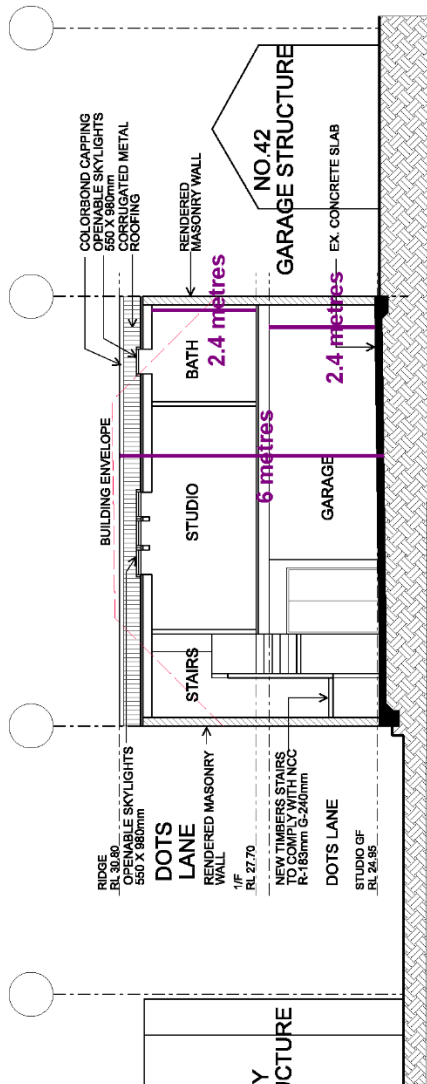


WEST ELEVATION

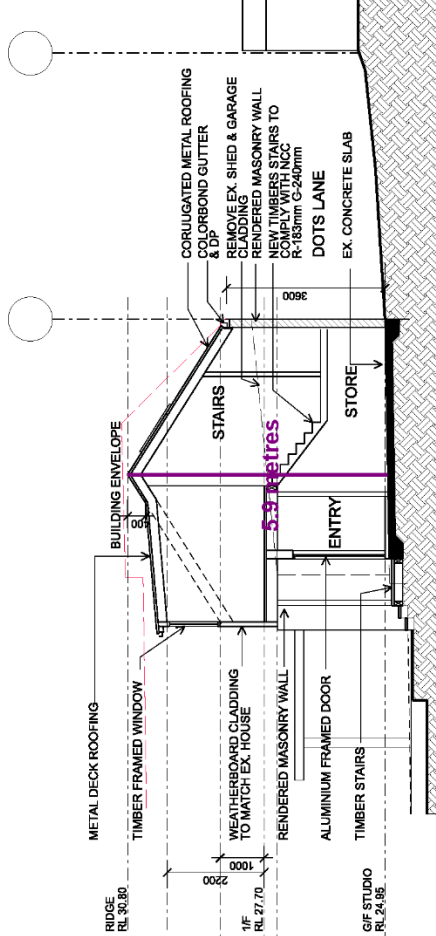


SOUTH ELEVATION - INTERNAL YARD

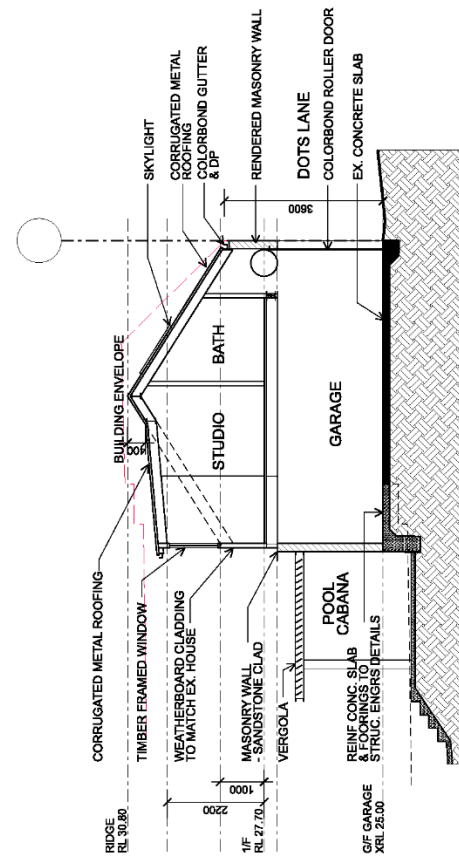
<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>PROPOSED</li> <li>EXISTING</li> <li>DEMOLISHED</li> <li>CONTRACTOR TO VERIFY</li> <li>PROPOSED</li> <li>EXISTING</li> <li>DEMOLISHED</li> <li>CONTRACTOR TO VERIFY</li> <li>PROPOSED</li> <li>EXISTING</li> <li>DEMOLISHED</li> <li>CONTRACTOR TO VERIFY</li> </ul>		<p><b>GENERAL NOTES</b></p> <ol style="list-style-type: none"> <li>1. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION AND APPROVED ALL INFORMATION FOR THE SUBMISSION OF THIS APPLICATION TO THE LOCAL GOVERNMENT.</li> <li>2. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION AND APPROVED ALL INFORMATION FOR THE SUBMISSION OF THIS APPLICATION TO THE LOCAL GOVERNMENT.</li> <li>3. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION AND APPROVED ALL INFORMATION FOR THE SUBMISSION OF THIS APPLICATION TO THE LOCAL GOVERNMENT.</li> <li>4. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION AND APPROVED ALL INFORMATION FOR THE SUBMISSION OF THIS APPLICATION TO THE LOCAL GOVERNMENT.</li> <li>5. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION AND APPROVED ALL INFORMATION FOR THE SUBMISSION OF THIS APPLICATION TO THE LOCAL GOVERNMENT.</li> <li>6. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION AND APPROVED ALL INFORMATION FOR THE SUBMISSION OF THIS APPLICATION TO THE LOCAL GOVERNMENT.</li> <li>7. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION AND APPROVED ALL INFORMATION FOR THE SUBMISSION OF THIS APPLICATION TO THE LOCAL GOVERNMENT.</li> <li>8. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION AND APPROVED ALL INFORMATION FOR THE SUBMISSION OF THIS APPLICATION TO THE LOCAL GOVERNMENT.</li> <li>9. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION AND APPROVED ALL INFORMATION FOR THE SUBMISSION OF THIS APPLICATION TO THE LOCAL GOVERNMENT.</li> <li>10. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION AND APPROVED ALL INFORMATION FOR THE SUBMISSION OF THIS APPLICATION TO THE LOCAL GOVERNMENT.</li> </ol>		<p><b>CLIENT:</b> Ms J Mazzaferro ARCHITECT: Amy Lupo Architects 14-1800-00-188</p>		<p><b>PROJECT:</b> PROPOSED DOUBLE GARAGE &amp; STUDIO ABOVE NO. 44 WATERVIEW STREET, BALMAIN</p>		<p><b>DRAWING TITLE:</b> ELEVATIONS</p>		<p><b>SCALE:</b> 1:100 AT A3 <b>DATE:</b> 13/05/2022 <b>DRAWING NO.:</b> DA05</p>	
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SECTION CC



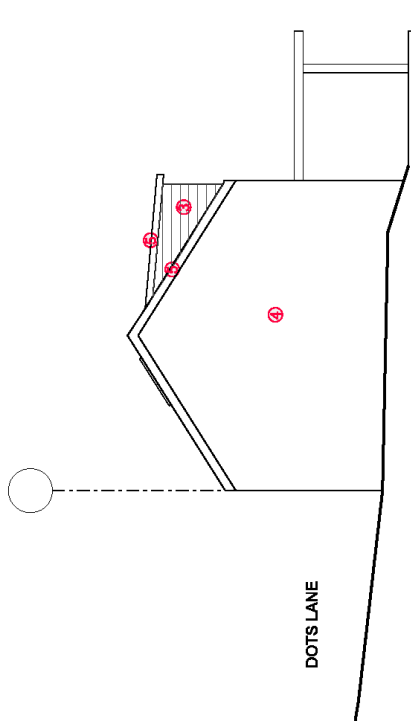
SECTION AA



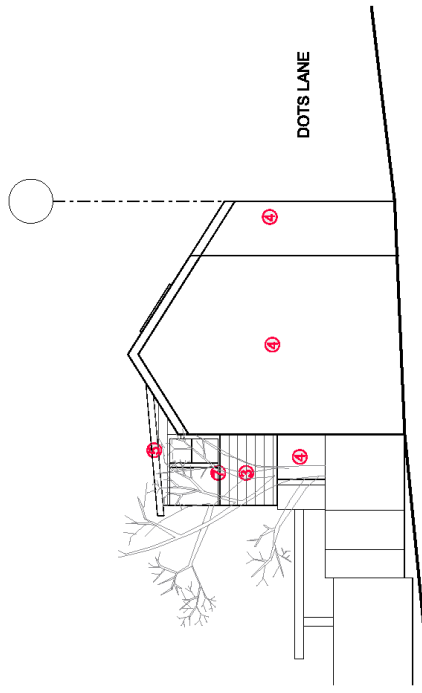
SECTION BB

NO.46  
2 STOREY  
GARAGE STRUCTURE

<p><b>LEGEND</b></p> <p>PROPOSED: Hatched pattern</p> <p>EXISTING: Stippled pattern</p> <p>GLASS: Horizontal lines</p> <p>ROOF: Wavy lines</p> <p>RENDER: Dotted lines</p> <p>CONCRETE: Solid black</p> <p>WOOD: Vertical lines</p> <p>SCAFFOLD: Vertical dashed lines</p> <p>NEW: Solid black outline</p> <p>REMOVE: Dashed black outline</p> <p>EXISTING: Dotted black outline</p> <p>CONCRETE: Solid black outline</p> <p>WOOD: Vertical lines outline</p>		<p>CLIENT:</p> <p><b>Ms J Mazzaferro</b></p> <p>ARCHITECT:</p> <p><b>Any Long Architect</b> Sydney, New South Wales</p>	<p>DIMENS TITLE:</p> <p><b>SECTIONS</b></p>	<p>SCALE:</p> <p><b>1:100 AT A3</b></p> <p>DATE:</p> <p><b>13/05/2022</b></p> <p>DRAWING NO.:</p> <p><b>DA06</b></p> <p>SHEET:</p> <p><b>H</b></p>
<p>GENERAL NOTES:</p> <p>1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE NCC 2019.</p> <p>2. ALL ROOFING SHALL BE AS NOTED ON THE PLAN AND SECTION.</p> <p>3. ALL ROOFING SHALL BE DRAINAGE TO THE STREET.</p> <p>4. ALL ROOFING SHALL BE TO MATCH EXISTING HOUSE.</p> <p>5. ALL ROOFING SHALL BE TO MATCH EXISTING HOUSE.</p> <p>6. ALL ROOFING SHALL BE TO MATCH EXISTING HOUSE.</p> <p>7. ALL ROOFING SHALL BE TO MATCH EXISTING HOUSE.</p> <p>8. ALL ROOFING SHALL BE TO MATCH EXISTING HOUSE.</p> <p>9. ALL ROOFING SHALL BE TO MATCH EXISTING HOUSE.</p> <p>10. ALL ROOFING SHALL BE TO MATCH EXISTING HOUSE.</p>	<p>PROJECT:</p> <p><b>PROPOSED DOUBLE GARAGE &amp; STUDIO ABOVE NO.44 WATERVIEW STREET, BALMAIN</b></p> <p>Prepared by: Ms J Mazzaferro 14/08/2021</p>	<p>PROPOSED:</p> <p>PROPOSED DOUBLE GARAGE &amp; STUDIO ABOVE NO.44 WATERVIEW STREET, BALMAIN</p>	<p>PROJ. NO:</p> <p><b>1305/2022</b></p> <p>SCALE:</p> <p><b>1:100</b></p> <p>DATE:</p> <p><b>13/05/2022</b></p> <p>DRAWING NO.:</p> <p><b>DA06</b></p> <p>SHEET:</p> <p><b>H</b></p>	

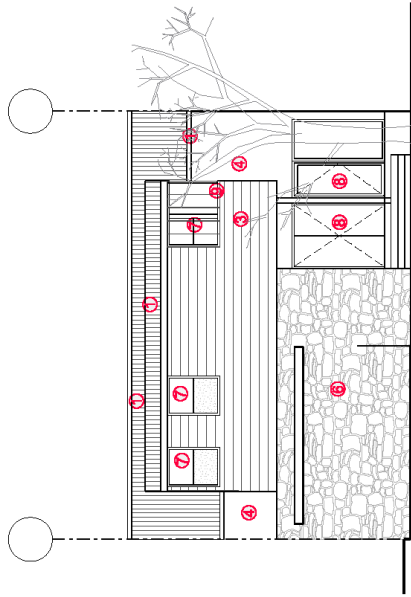


WEST ELEVATION

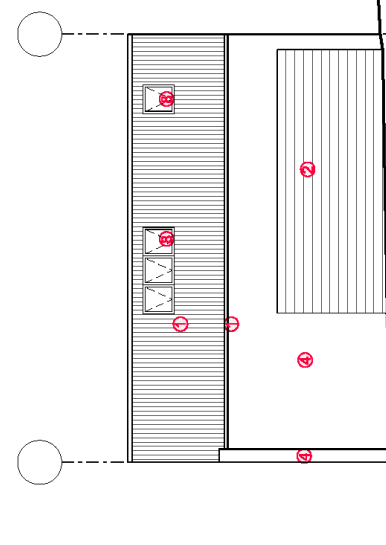


EAST ELEVATION - DOTS LANE

LEGEND	
1	CORRUGATED METAL DECK ROOF COLORBOND - WINDSPRAY (to match existing) GLUTTER & DOWNPIPES COLORBOND - WINDSPRAY (to match existing)
2	ROLLER DOOR COLORBOND - WINDSPRAY (to match existing)
3	WEATHERBOARD CLADDING PAINT FINISH - DULLUX OHAU
4	RENDERED MASONRY PAINT FINISH - DULLUX OHAU
5	TIMBER BARGE BOARD PAINT FINISH - DULLUX WHITE (to match existing)
6	SANDSTONE CLADDING
7	TIMBER FRAMED WINDOWS PAINT FINISH - DULLUX WHITE
8	ALUMINIUM FRAMED WINDOWS, DOORS & SKYLIGHTS - WHITE POWDERCOATED - WHITE
9	ALUMINIUM VERTICAL LOUVERED PRIVACY SCREEN POWDERCOATED - WINDSPRAY

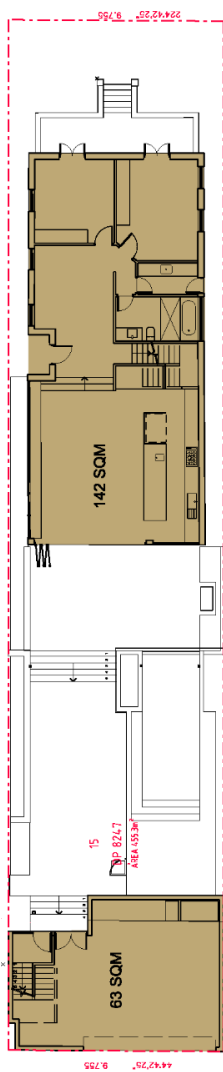


SOUTH ELEVATION - INTERNAL YARD

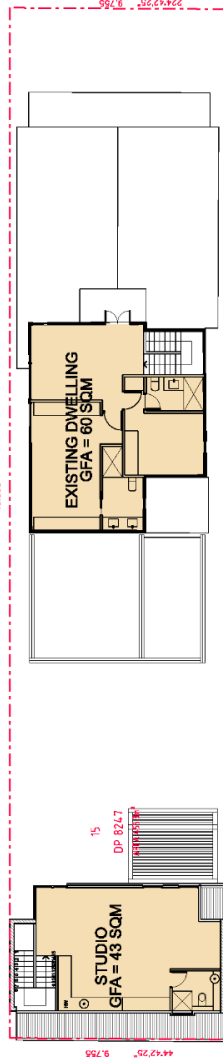


NORTH ELEVATION - DOTS LANE (REAR)

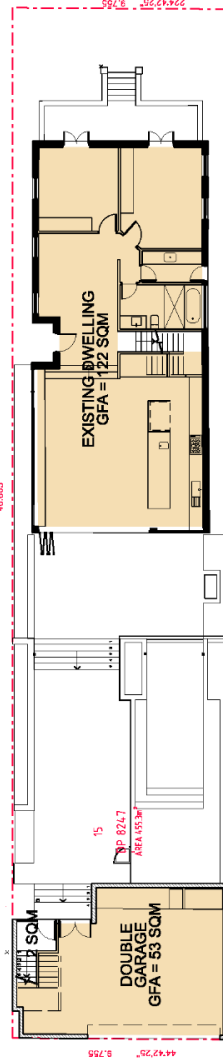
<p><b>LEGEND</b></p> <p>1. PROPOSED WORK</p> <p>2. EXISTING WORK</p> <p>3. EXISTING WORK TO BE DEMOLISHED</p> <p>4. EXISTING WORK TO BE REFINISHED</p> <p>5. EXISTING WORK TO BE REPAIRED</p> <p>6. EXISTING WORK TO BE REPLACED</p> <p>7. EXISTING WORK TO BE MAINTAINED</p> <p>8. EXISTING WORK TO BE PRESERVED</p> <p>9. EXISTING WORK TO BE RESTORED</p>	<p><b>GENERAL NOTES</b></p> <p>1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL CONSTRUCTION METHOD STATEMENT (NCS) SERIES.</p> <p>2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL CONSTRUCTION METHOD STATEMENT (NCS) SERIES.</p> <p>3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL CONSTRUCTION METHOD STATEMENT (NCS) SERIES.</p> <p>4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL CONSTRUCTION METHOD STATEMENT (NCS) SERIES.</p> <p>5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL CONSTRUCTION METHOD STATEMENT (NCS) SERIES.</p>	<p><b>CLIENT:</b> Ms J Mazzeferro ARCHITECT Amy Lucy Architects Dunrobin, NSW 1585, Australia</p>	<p><b>PROJECT:</b> PROPOSED DOUBLE GARAGE &amp; STUDIO ABOVE NO. 44 WATERVIEW STREET, BALMAIN</p>	<p><b>DRAWING TITLE:</b> MATERIALS &amp; FINISHES SCHEDULE</p>	<p><b>SCALE:</b> 1:100 AT A3</p> <p><b>DATE:</b> 13/06/2022</p> <p><b>DRAWING NO.:</b> 12A/07</p> <p><b>ISSUE:</b> C</p>
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BUILDING FOOTPRINT



FIRST FLOOR GFA



GROUND FLOOR GFA

FLOOR AREA CALCULATIONS	
SITE AREA - 455.3 SQM	
EXISTING	
GROUND FLOOR	- 125 SQM
FIRST FLOOR BUILDING	- 60 SQM
PROPOSED	
STUDIO & GARAGE	GF - 53 SQM
1F - 43 SQM	
TOTAL - 98 SQM	
TOTAL GFA	- 281 SQM
PROPOSED FSR	- 0.6:1
PERMISSIBLE FSR	- 0.7:1
SITE COVERAGE	- 45%
205 SQM	= 45%
PERMISSIBLE	60%

<b>LEGEND</b>	<b>GENERAL NOTES</b>	<b>CLIENT</b>	<b>PROJECT</b>	<b>DRAWING TITLE</b>
<ul style="list-style-type: none"> <li>1. EXISTING DWELLING</li> <li>2. EXISTING STUDIO</li> <li>3. PROPOSED DOUBLE GARAGE</li> <li>4. PROPOSED STUDIO</li> <li>5. PROPOSED STAIRS</li> <li>6. PROPOSED WALLS</li> <li>7. PROPOSED FLOORING</li> <li>8. PROPOSED ROOFING</li> <li>9. PROPOSED DRIVEWAY</li> <li>10. PROPOSED DRIVEWAY</li> <li>11. PROPOSED DRIVEWAY</li> <li>12. PROPOSED DRIVEWAY</li> <li>13. PROPOSED DRIVEWAY</li> <li>14. PROPOSED DRIVEWAY</li> <li>15. PROPOSED DRIVEWAY</li> <li>16. PROPOSED DRIVEWAY</li> <li>17. PROPOSED DRIVEWAY</li> <li>18. PROPOSED DRIVEWAY</li> <li>19. PROPOSED DRIVEWAY</li> <li>20. PROPOSED DRIVEWAY</li> <li>21. PROPOSED DRIVEWAY</li> <li>22. PROPOSED DRIVEWAY</li> <li>23. PROPOSED DRIVEWAY</li> <li>24. PROPOSED DRIVEWAY</li> <li>25. PROPOSED DRIVEWAY</li> <li>26. PROPOSED DRIVEWAY</li> <li>27. PROPOSED DRIVEWAY</li> <li>28. PROPOSED DRIVEWAY</li> <li>29. PROPOSED DRIVEWAY</li> <li>30. PROPOSED DRIVEWAY</li> <li>31. PROPOSED DRIVEWAY</li> <li>32. 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THE ARCHITECT HAS TAKEN NOTES OF THE EXISTING CONDITIONS AND HAS TAKEN NOTES OF THE EXISTING CONDITIONS.</li> </ul>	<p><b>Ms J Mazzaferro</b>                  ARCHITECT                  APT / LIVING / OFFICE                  14 - 1800 ST 188</p>	<p><b>PROPOSED DOUBLE GARAGE &amp; STUDIO ABOVE NO.44 WATERVIEW STREET, BALMAIN</b></p>	<p><b>CALCULATION PLANS</b></p>
<p>SCALE: 1:200 AT A3                  DATE: 13/05/2022                  DRAWING NO.: DA20                  ISSUE: A</p>				

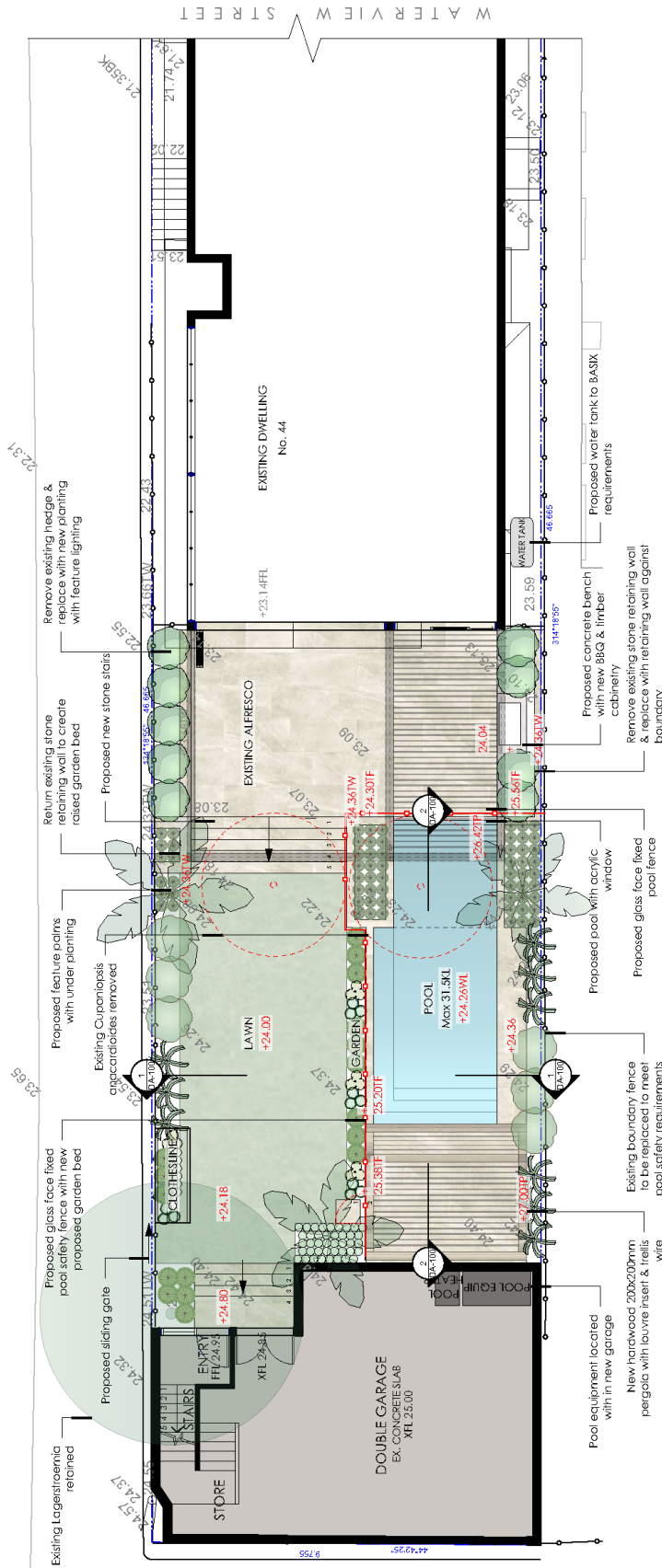


Image	Botanical name	Common Name	Size	Mature Height (mm)	Qty
	Alcascia macranthia	Elephant's Ear, Curjevai	200mm	0	6
	Aloe Southern Cross	Aloe	140mm	0	12
	Alphita caerulea	Native Ginger	300mm	0	9
	Dichandra repens	Kidney Weed	Tube Stock	0	47
	Heliconia binauricularis	Hot Rio Nights	300mm	0	9
	Howea forsteriana	Kenia Palm	2m trunk	0	3
	Lomandra confertifolia	Lomandra Little Con'	140mm	0	63
	Lomandra longifolia	Lomandra Tanika'	200mm	0	17
	Westringia fulvicosa	Westringia Grey Box	200mm	0	12

**LEGEND**

- EXISTING SPOT LEVEL / PROPOSED SPOT LEVEL
- BOUNDARY LINE (APPROX LOCATION)
- NEW PROPOSED & RETAINED EXISTING TREE/REMOVED
- PROPOSED STONE PAVING
- PROPOSED POOL
- PROPOSED POOL
- PROPOSED LAWN
- POOL SAFETY FENCING + GATE (NOM. 1200MM HIGH)
- PROPOSED BOUNDARY FENCING
- PROPOSED HARDWOOD PERGOLA

Project North: True North

**Development Application**  
 of  
**44 Waterview Street, Balmain**  
 for  
**Jana & Tom Mazzaferro**

SCALE: A3  
 1:100  
 PROJECT  
 23004 DA - 10 B

DATE  
 6/02/2024  
 DRAWN BY  
 SC

REVISION  
 Drawing no.  
 23004 DA - 10 B

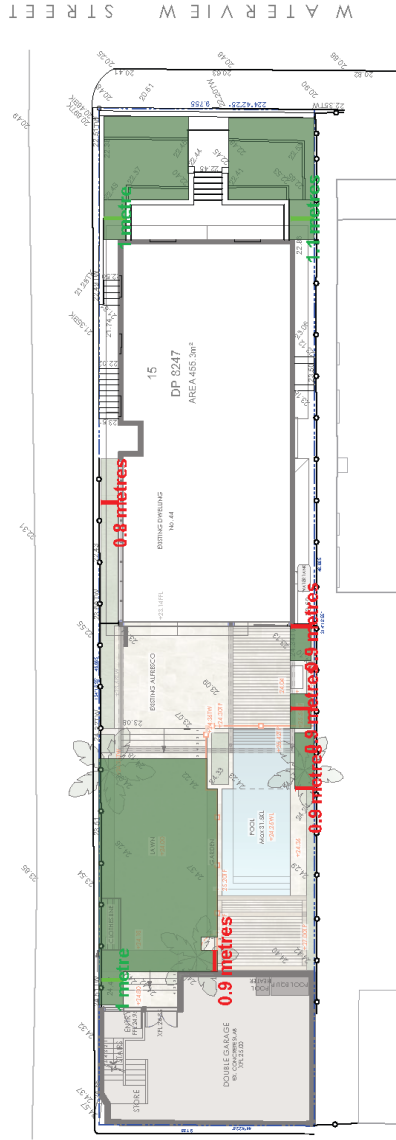
LANDSCAPE - PLAN  
 0 1 2 3 M

Project No. 23004 DA - 10 B  
 Update to Council feedback  
 11/10/2023 SC For Council DA submission

395 Pittwater Road North Manly 2100  
 W: www.landart.com.au  
 T: (02) 9958 0422  
 F: (02) 9958 5426

**Landart.**  
 HOME + GARDEN + BEYOND

Document Set ID: 39369068  
 Version: 1, Version Date: 08/07/2024



Requirements under IWEF 2022:

A minimum of 20% of the total site area is to be provided as landscape area. 20% of 455.3m<sup>2</sup>

Proposed:

91.85m<sup>2</sup> (20.2)

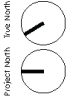
**Landart.**  
HOME + GARDEN + BEYOND

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Version: 1, Version Date: 08/07/2024

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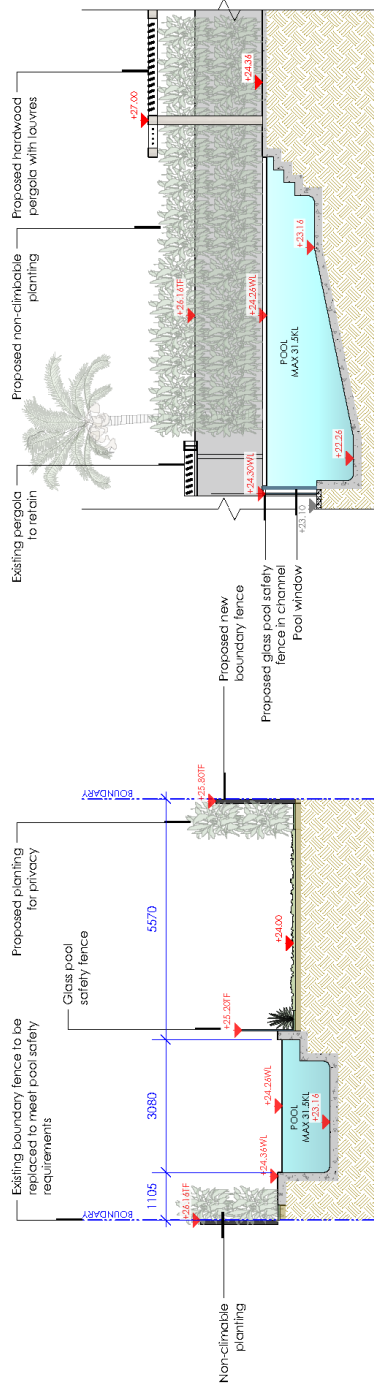
Development Application  
at  
44 Waterview Street, Balmain  
for  
Jana & Tom Mazzafiero



Project North True North  
Landscape - Area  
0 1 2 3 M

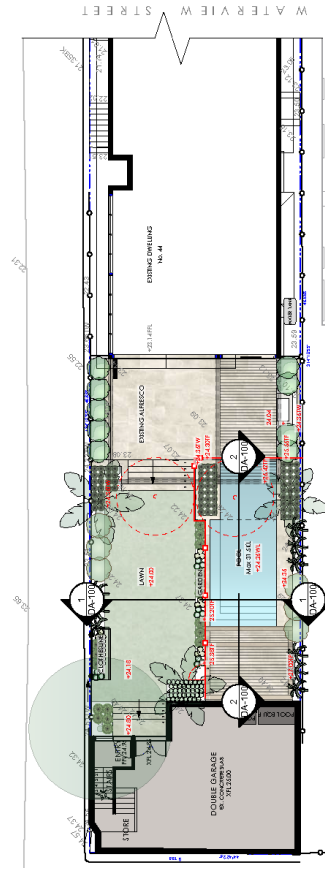
SCALE @ A3	DATE	DRAWN BY
1:200	6/02/2024	SC
PROJECT	Drawing no.	REVISION
23004	DA-11	B

B 6/02/2024 SC Update to Council feedback  
A 11/10/2023 SC For Council DA submission



1 Section 1  
Scale: 1:100

2 Section 2  
Scale: 1:100



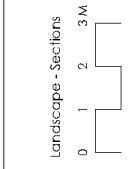
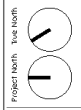
4 Landscape Plan  
Scale: 1:200

**Landart.**  
HOME + GARDEN + BEYOND

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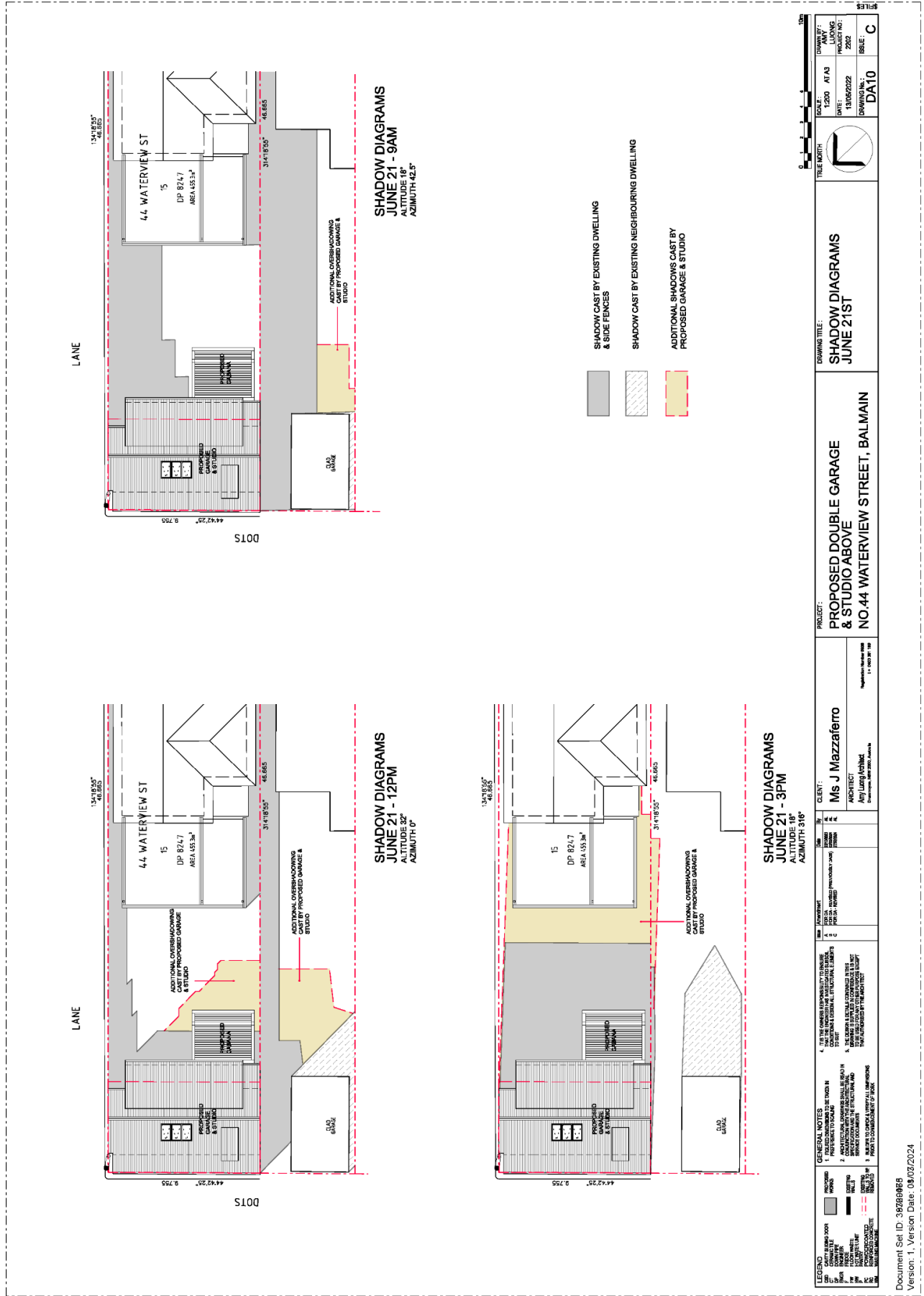
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Development Application  
44 Waterview Street, Balmain  
Jana & Tom Mazzafiero

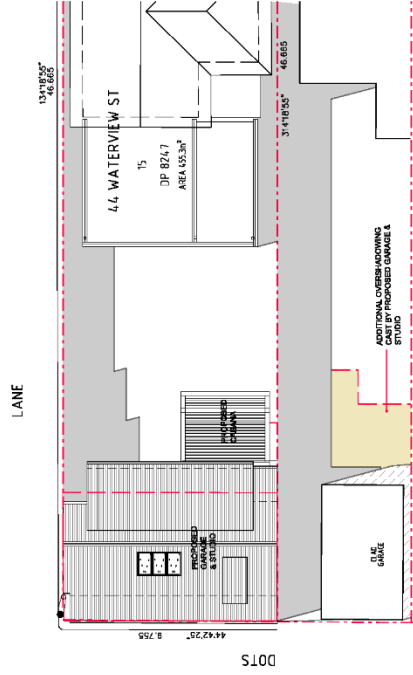


SCALE @ A3	DATE	DRAWN BY
A3 NOTED	11/10/2023	SC
PROJECT	DRAWING NO.	REVISION
23004	DA - 12	B

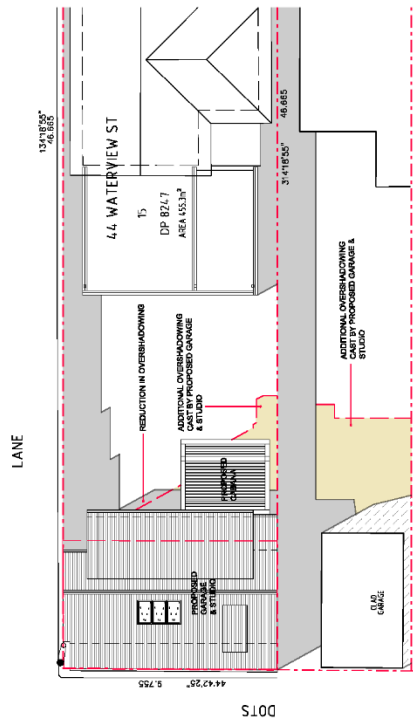
B 15/03/2024 SC Updated as requested  
A 11/10/2023 SC For Council DA Submission





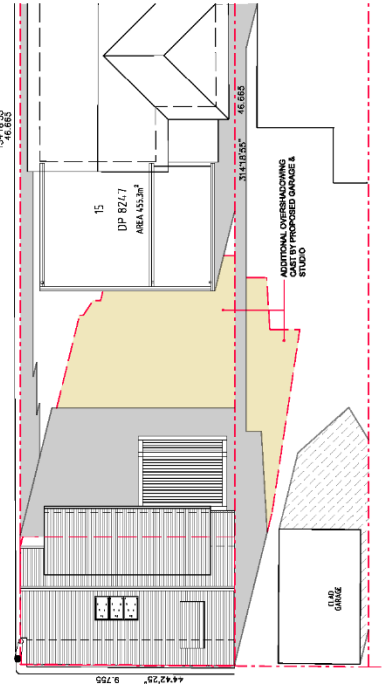


SHADOW DIAGRAMS  
JUNE 21 - 10AM

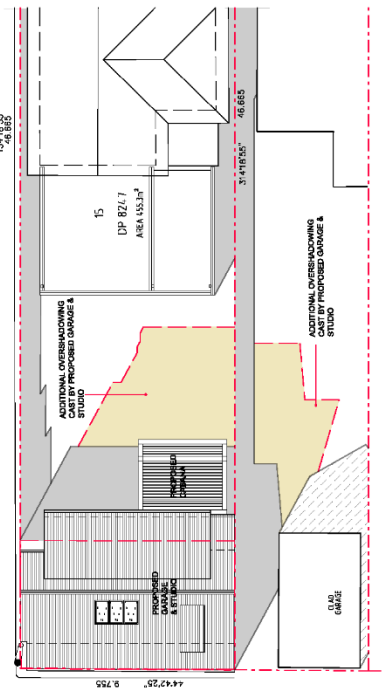


SHADOW DIAGRAMS  
JUNE 21 - 11AM

- SHADOW CAST BY EXISTING DWELLING & SIDE FENCES
- SHADOW CAST BY EXISTING NEIGHBOURING DWELLING
- ADDITIONAL SHADOWS CAST BY PROPOSED GARAGE & STUDIO



SHADOW DIAGRAMS  
JUNE 21 - 2PM



SHADOW DIAGRAMS  
JUNE 21 - 1PM

<p><b>LEGEND</b></p> <p>EXISTING DWELLING</p> <p>PROPOSED GARAGE &amp; STUDIO</p> <p>EXISTING NEIGHBOURING DWELLING</p> <p>ADDITIONAL SHADOWS CAST BY PROPOSED GARAGE &amp; STUDIO</p> <p>REDUCTION IN OVERSHADOWING CAST BY PROPOSED GARAGE &amp; STUDIO</p> <p>PROPOSED GARAGE &amp; STUDIO</p> <p>EXISTING DWELLING</p> <p>OLD GARAGE</p> <p>ADDITIONAL OVERSHADOWING CAST BY PROPOSED GARAGE &amp; STUDIO</p>	<p><b>GENERAL NOTES</b></p> <p>1. REFERENCE TO THIS DRAWING IS TO BE MADE TO THE PROJECT INFORMATION SHEET AND THE PROJECT INFORMATION SHEET FOR THE PROJECT INFORMATION SHEET.</p> <p>2. ADDITIONAL SHADOWS SHALL BE CAST BY THE PROPOSED GARAGE &amp; STUDIO AND SHALL BE CAST BY THE PROPOSED GARAGE &amp; STUDIO.</p> <p>3. THE SHADOWS SHALL BE CAST BY THE PROPOSED GARAGE &amp; STUDIO AND SHALL BE CAST BY THE PROPOSED GARAGE &amp; STUDIO.</p> <p>4. THE SHADOWS SHALL BE CAST BY THE PROPOSED GARAGE &amp; STUDIO AND SHALL BE CAST BY THE PROPOSED GARAGE &amp; STUDIO.</p>	<p><b>CLIENT:</b> Ms J Mazzaferro</p> <p><b>ARCHITECT:</b> Amy Lung/Archid 11-2888 181 181</p>	<p><b>PROJECT:</b> PROPOSED DOUBLE GARAGE &amp; STUDIO ABOVE NO.44 WATERVIEW STREET, BALMAIN</p>	<p><b>DRAWING TITLE:</b> SHADOW DIAGRAMS JUNE 21ST</p>	<p><b>DRAWN BY:</b> LUNG</p> <p><b>PROJECT NO:</b> 2202</p> <p><b>DRAWING NO.:</b> DA11</p> <p><b>ISSUE:</b> A</p>	<p><b>SCALE:</b> 1:200 AT A3</p> <p><b>DRAWN BY:</b> LUNG</p> <p><b>PROJECT NO:</b> 2202</p> <p><b>DRAWING NO.:</b> DA11</p> <p><b>ISSUE:</b> A</p>	<p><b>TRUE NORTH</b></p>