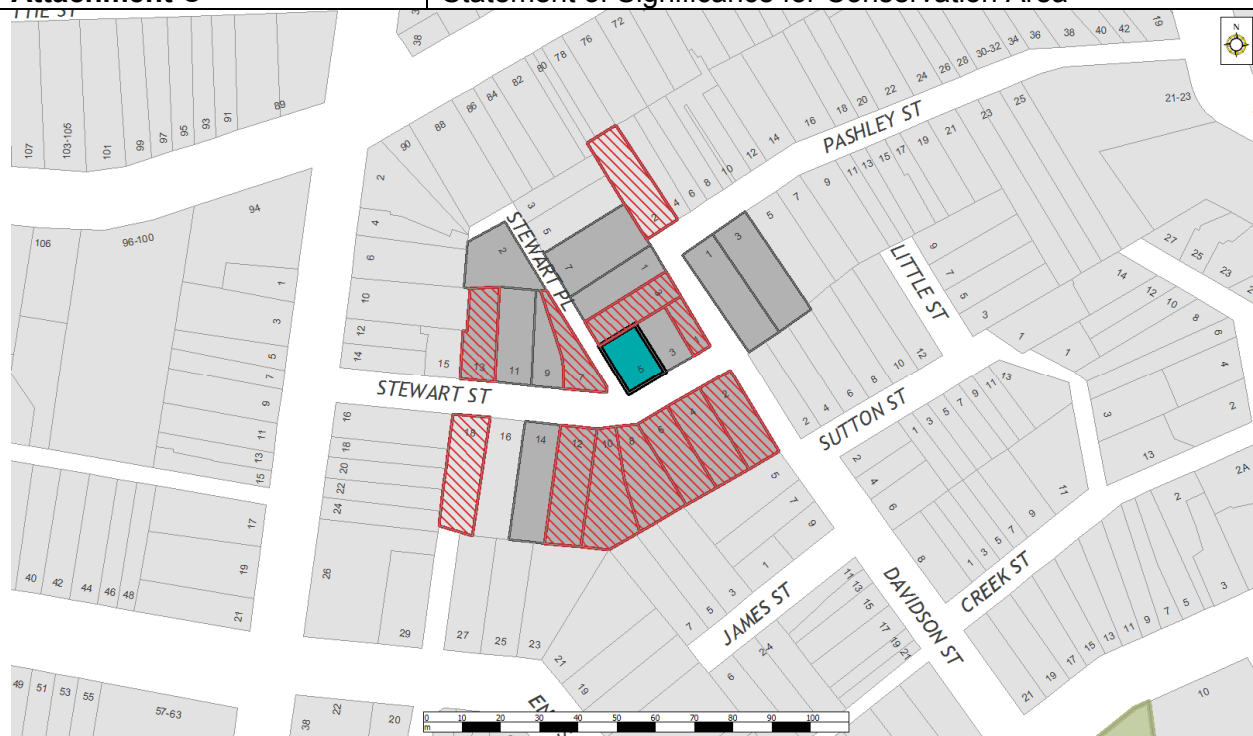




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2018/584
Address	5 Stewart Street, BALMAIN NSW 2041
Proposal	Ground and first floor alterations and additions to dwelling-house, and associated works, including removal of the rear palm tree.
Date of Lodgement	5 November 2018
Applicant	Brookes Associates Architects
Owner	Mr G Stavenuiter and Ms C M Langbroek
Number of Submissions	13 objections
Value of works	\$224,450.00
Reason for determination at Planning Panel	More than 10 objections received.
Main Issues	Heritage issues Visual bulk and scale and streetscape issues
Recommendation	Refusal
Attachment A	Draft conditions (if not refused)
Attachment B	Proposed Plans
Attachment C	Statement of Significance for Conservation Area



LOCALITY MAP

Subject Site		Objectors			N
Notified Area		Supporters			

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing single storey dwelling & tree removal at 5 Stewart Street. The application was notified to surrounding properties and 13 submissions of objection were received.

The main issues that have arisen from the application include:

- Heritage Conservation
- Bulk, scale and streetscape issues

The above application has failed to demonstrate satisfactory compliance with Council's Controls regarding Heritage and building form, for the reasons outlined in this report, and therefore, the application is recommended for refusal.

2. Proposal

The proposal involves alterations and additions to the existing building as follows:

Ground Floor

- New laundry and shower;
- New kitchen, dining and family area;
- Removal of Cocoa palm tree to the rear of the subject site fronting Stewart Place.

First Floor

- New master bedroom with ensuite;
- Roof storage area;
- New green roof above the proposed family area located on the ground floor.

3. Site Description

The subject site is located on the northern side of Stewart Street, at its intersection with Stewart Place. The site consists of one allotment and is generally rectangular with a total area of 160 m² and is legally described as Lot 1 DP 927311.

The site has a frontage to Stewart Street of 10.67 metres and a secondary side frontage of approximately 15.3m to Stewart Place.

The site supports a single storey Victorian cottage. The adjoining properties support two storey, free standing dwellings.

The property is located within a conservation area and is not identified as a flood prone lot.

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

- Syagrus romanzoffiana (Cocos Palm) Tree adjacent to the western boundary of the subject site. To be removed.
- Robinia pseudoacacia (Golden Robinia) tree to the southern boundary of the subject site. To be retained.



Image A. Aerial image of subject site.



Image B. Existing view looking north – east towards 5 Stewart Street Balmain



Image C. Existing front façade of No. 5 Stewart Street Balmain



Image D. Existing view looking east towards 5 Stewart Street Balmain from Stewart Place

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
PREDA/2017/220	Alterations and additions to dwelling	Advice letter issued on 5/10/2017

Surrounding properties

Application	Proposal	Decision & Date
M/2002/215 – 1 Stewart Street	S96 modification of development consent D/1999/720 to delete balustrade to form balcony on awning roof, replace with handrail.	Approved – 13.9.2002
M/2002/117 - 1 Stewart Street	Modification of development consent D/1999/720 for alterations and additions to an existing dwelling. Modification including amendment to Condition 6 relating to the hot water system.	Approved – 23.8.2002
M/2000/8 - 1 Stewart Street	Modification to existing consent for first floor additions to dwelling to delete conditions 3(iii) to 3(vi) relating to first floor bathroom, first floor rear deck, balcony on east elevation and existing verandah roof.	Approved – 3.8.2000
D/1999/720 - 1 Stewart Street	Amended Proposal: extension of first floor to Stewart Street and reduction in front floor wall height from 1.8m to 1.5m	Approved – 7.12.1999
M/2006/624 – 7 Stewart Street	Section 96 (2) modification of development consent D/2003/432 which approved alterations and additions to an existing dwelling including a new first floor. Modification includes alterations to windows, replacement of dormer window with roof light and retention of existing wall.	Withdrawn – 1.3.2007
D/2003/432 - 7 Stewart Street	Alterations and additions to an existing dwelling including a new first floor.	Approved Operational Consent – 8.8.2006
M/2014/189 – 8 Stewart Street	Section 96 modification of D/2013/536 which approved alterations and additions to the existing first floor level, including a first floor level. Modification seeks to modify Condition No.11(e) of the consent, relating to the stormwater drainage design in such a way to add the following words "if necessary" after "the design must make provision".	Approved – 27.10.2014
DAREV/2014/9 – 8 Stewart Street	Section 82A review of D/2013/536 which refused alterations and additions to the existing first floor level, including a first floor level.	Approved – 20.10.2014
D/2013/563 - 8 Stewart Street	Alterations and additions to semi-detached dwelling at rear and addition of upper level including elevated balconies at rear	Refused – 12.3.2014

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
18.1.2019	Request to Withdraw letter issued to the applicant.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

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

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

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

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

The proposal was accompanied with a valid BASIX Certificate.

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

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is noted that the proposal will not be visible from Sydney Harbour, and hence, raises no issues that are contrary to the provisions of the SREP.

5(a)(iv) State Environmental Planning Policy (vegetation in Non-Rural Areas) 2017

The proposal seeks to remove a Cocos Palm Tree to the rear of the subject site which is considered acceptable. As such, appropriate tree removal, tree replacement and tree protection conditions have been recommended on the subject site during the construction process with appropriate on-going tree conditions.

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

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.4 – Stormwater management

(iv) Clause 1.2 Aims of the Plan

The proposed development is not considered to sufficiently satisfy the following aims of the plans:

- (b) *To minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment;*
- (c) *To identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt;*
- (l) *To ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area;*
- (o) *To prevent undesirable incremental change, including demolition that reduces the heritage significance of places, conservation areas and heritage items.*

Comment: The proposed skillion roof form and the demolition of the rear gable form to accommodate a new rear first floor addition with a link to the proposed storage room located within the primary roof is not supported as it will result in the loss of heritage fabric, impacting the significance of the heritage conservation area. Accordingly the application is inconsistent with the aims of the plan and is recommended for refusal.

(v) Clause 2.3 – Zone objectives and Land Use Table

The site is located within the R1 – General Residential zone. One of the objectives of the zone is:

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

The proposed alterations to the main roof form and proposed rear first floor addition is not deemed to adequately satisfy the objective. The proposed rear first floor addition and its skillion roof form will be visible from Stewart Street and Stewart Place and does not adequately address the design parameters of the heritage conservation area, namely that it is not subservient to the original roof form and creates unnecessary bulk at the rear of the dwelling.

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

Standard	Proposal	% of non compliance	Compliances
Floor Space Ratio (Maximum) (0.9:1 or 144.36m ²)	0.74:1 or 118m ²	N/A	Yes
Landscape Area (Minimum) (15% or 24.06m ²)	19.33% or 31m ²	N/A	Yes
Site Coverage (Maximum) (60% or 96.24m ²)	59.85% or 96m ²	N/A	Yes

5(b) Draft Environmental Planning Instruments

Draft State Environmental Planning Policy (Environment) 2018

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(c) Development Control Plans

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

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Not applicable
B3.1 Social Impact Assessment	Not applicable
B3.2 Events and Activities in the Public Domain (Special Events)	Not applicable
Part C	
C1.0 General Provisions	No
C1.1 Site and Context Analysis	No
C1.2 Demolition	No
C1.3 Alterations and additions	No
C1.4 Heritage Conservation Areas and Heritage Items	No
C1.5 Corner Sites	No
C1.6 Subdivision	Not applicable
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Not applicable
C1.10 Equity of Access and Mobility	Not applicable

C1.11 Parking	Not applicable
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	Not applicable
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	Not applicable
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Not applicable
C1.17 Minor Architectural Details	Not applicable
C1.18 Laneways	Not applicable
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Not applicable
C1.20 Foreshore Land	Not applicable
C1.21 Green Roofs and Green Living Walls	No
Part C: Place – Section 2 Urban Character	
C2.2.2.4 The Valley Balmain Distinctive Neighbourhood – Palmer Street Sub Area	No
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	No
C3.2 Site Layout and Building Design	No
C3.3 Elevation and Materials	No
C3.4 Dormer Windows	Not applicable
C3.5 Front Gardens and Dwelling Entries	Not applicable
C3.6 Fences	No
C3.7 Environmental Performance	Not applicable
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Not applicable
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	Not applicable
C3.14 Adaptable Housing	Not applicable
Part C: Place – Section 4 – Non-Residential Provisions	
Part D: Energy	
Part E: Water	
Part F: Food	
Part G: Site Specific Controls	

The following provides discussion of the relevant issues:

C1.0 General Provisions

Concern is raised that the proposal is not compatible with the desired future character controls for The Valley, Palmer Street Sub Area which will result in adverse streetscape impacts and will be out of character and pattern of development for the area, which will not achieve objective O6: *Compatible: places and spaces contain or respond to the essential elements that make up the character of the surrounding area and the desired future character. Building heights, setbacks, landscaping and architectural style respond to the desired future character. Development within Heritage Conservation Areas or to Heritage Items must be responsive to the heritage significance of the item and locality.*

For the reasons discussed in C1.14 later in this Report, the proposal is recommended for refusal.

C1.1 Site and Context Analysis

The proposal is considered to have not taken into account the heritage characteristics of the area as per Objective O1(f) - *the special qualities of the site and its context including urban design, streetscape and heritage considerations*. As the subject site is located in a corner site, the proposed rear additions will be highly visible from the streetscape and will have an adverse visual bulk and scale impact when viewed from the public domain. For the reasons further discussed in C1.14 later in this Report, the proposal is recommended for refusal.

C1.3 Alterations and Additions

The development proposal would not conform to the objectives and controls of Part C1.3 – Alterations and Additions which by their intrusive height, bulk, scale and roof form; would have an overbearing visual impact when viewed from the street/public domain and from the private open areas of neighbouring properties.

- C1.3 O1 a. – the development does not *complement the scale, form and materials of the streetscape including wall height and roof form*;
- C1.3 O1 b. – the development is located on a corner site and will be visible from the public domain. The proposed addition will not appear *as a sympathetic addition to the existing building*.
- C1.3 O1 d. – the development is not *compatible with neighbourhood character, including prevailing site layout*.

C1.4 Heritage Conservation Areas and Heritage Items

The subject site is located in The Valley Heritage Conservation Area (Balmain) (C7 in Schedule 5 of the Leichhardt LEP 2013), The Valley Distinctive Neighbourhood and the Palmer Street Sub Valley Sub Area (Leichhardt DCP 2013). The site not listed as a heritage item and there are no heritage items in the vicinity.

The Statement of Significance for The Valley Heritage Conservation Area (HCA) can be viewed in the Leichhardt DCP 2013, the link is below:

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

Clause 5.10: Heritage Conservation from the Leichhardt LEP 2013 and *Sections C1.3: Alterations and additions, C1.4: Heritage conservation areas and heritage items, C.2.2.2.4: The Valley “Balmain” Distinctive Neighbourhood* and *C2.2.2.4(b) Palmer Street Sub Area* from the Leichhardt DCP 2013 applies to the proposal.

The architectural drawings prepared by Brookes Associates Architects, dated 10 August 2018 and the Heritage Impact Statement prepared by Architectural Projects have been reviewed as part of this assessment.

The existing dwelling is a contributory item to The Valley HCA and is a good example of a free standing, painted brick, single storey Victorian dwelling. Its primary form is intact and contributes to the streetscape. It is located on a corner site, at the intersection of Stewart Street and Stewart Place. Its side elevation, with the ends of the two gable roof forms and box gutter, are clearly visible from the side laneway. It is evident from the Surveyor General's Map that the main gable roof forms of the dwelling were in existence in 1890 as the footprint of the dwelling matches that of the gable roof forms.



Figure 1: The 1890 Surveyor General's Map which shows the footprint of the subject dwelling.

The proposal includes demolition of the rear gable, which includes the existing family room and bathroom / laundry, and the rear wing which includes the existing kitchen and dining area. A two storey rear addition is proposed with family, dining kitchen and shower / laundry on the ground floor and a bedroom, bathroom and a first floor addition over the front gable roof for storage.

Pre-DA advice has been provided for alterations and additions at the site (PREDA/2017/220). The application was referred to Council's Heritage Advisor who provided comments, which are discussed below. Revised plans accompanying this DA have included minor amendments to the Pre-DA design. The setback of the first floor from the side boundary now aligns with the existing setback of the dwelling and the ensuite on the first floor subsequently relocated and an increased storage area over the rear plane of the front gable roof has been provided. Comments are made below in respect of the revised plans in relation to the previous heritage comments.

The proposed demolition of the rear gable form part of the building is not supported on heritage grounds as it would notably diminish the integrity of the contribution the subject building makes to the heritage contributory values of the place and the setting of the conservation area streetscape.

Comment: The demolition of rear gable roof form and the associated rooms is still proposed. This is not supported as this will result in the loss of part of the original component of the dwelling (evident in the 1890 Survey General's Map). The proposal needs to be redesigned so that the rear gable roof form is retained and incorporated into the design and to ensure compliance with C3 b., C5 and C6 of C1.4 of the LDCP2013. This includes the roof plane, gutters and eaves.

Potential development opportunities for the site with regard to its heritage values include a possible modest two storey addition in the location of the existing north east rear wing. The extent of any second storey would be subject to other planning controls and reference is made to comments on this by the planning officer. A larger single storey footprint within the existing rear yard would be considered further. Any first floor addition to the west of the existing Kitchen is to be forward of the Kitchen wing only. No side addition to the existing Living Room would be supported.

Comment: The pre-DA advice identified the north eastern rear wing as an opportunity for a possible modest two storey addition. Alternatively, it was suggested that a large single storey

footprint within the rear yard may be explored. The proposed addition has only been slightly altered, though still two storey and located directly behind the front gable roof form of the dwelling. The proposed two storey rear addition needs to be redesigned so that it is located in the same position of the existing north east rear wing, containing the existing dining and kitchen. No part of the addition should sit forward of the south western elevation of the existing dwelling and the addition should be more modest in size.

Any second storey addition is to have a single storey link element to the primary roof forms that is set behind and below the rear roof plane of existing Bed 1. A set back from the gable end to the roof above the existing Kitchen may be provided to drain any box gutter to the hip roof above existing Bedroom 1.

Comment: The proposal includes a storage room on the first floor, located within the rear roof plane of the front gable. This is not acceptable as it is not in accordance with C1. a. of C1.3 of the Leichhardt DCP 2013 and Section 2.2: Suggested Design Approach 2 of Appendix B – Building Typologies of the of the LDCP 2013. The proposed storage in the rear plane of front gable roof is not appropriate and is to be deleted. The design of the should be in the form of a pavilion addition with a lightweight, flat, roofed “bridge” structure that links the original building form with the addition. The scale and form of the pavilion addition must be subservient to the existing dwelling to ensure the proposal complies with C1. b. and C14. a. of C1.3 and of the Leichhardt DCP 2013. The proposed addition dominates the original roof form and will be highly visible from the Street as a primary building element.

Any second floor addition is to read as a simple hip roof form where visible from the public domain with a roof pitch and eaves depth closer to that of the existing hip roof than that proposed in this application. A greater wall to window ratio and painted timber windows of a traditional vertical scale and proportion would also be more sympathetic of the conservation area streetscape where visible from the public domain.

Comment: The proposed two storey addition has a skillion roof and will be clearly visible from the public domain which is not an appropriate building form or scale to the existing dwelling. The roof form of the two storey component of the addition is to be redesigned with either a hip or gable roof form to complement the existing dwelling.

Detailing and vertically proportioned window openings should be considered for the south western elevation so the addition better relates to the streetscape. A greater wall to window ratio and painted timber windows of a traditional vertical scale and proportion would be more sympathetic to the conservation area and streetscape, where visible from the public domain.

Maximum height of any side fence to Stewart Street is to be 1.8m.

Comment: The proposed side fence is still over 1.8m. It needs to be revised so that it is no higher than 1.8m.

Existing walls have not been be retained and incorporated into the addition for structural reasons to support the main roof form above or to allow for ongoing interpretation of the original built form and building plan. Wall nibs and bulkheads should be retained and incorporated into the proposal so that the original layout of the dwelling remains legible and to ensure compliance with Objective O1 h. of C1.3 and C2 b. of C1.4 of the DCP.

The proposal includes the demolition of the fire place and chimney in the existing family room. This is not acceptable given the significance and age of the building and should be retained and incorporated into the design to ensure compliance with C3 of C1.4 of the LDCP 2013.

Materials, finishes, textures and colours must be appropriate to the historic context. Reflective wall cladding is not acceptable. They must be similar to the characteristic

materials, finishes, textures and colours of the original contributory buildings within the streetscape. A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby" would be an appropriate material.

A colours and materials schedule was not submitted for consideration.

The proposal is not acceptable from a heritage perspective as it will detract from the heritage significance of The Valley Heritage Conservation Area, The Valley Distinctive Neighbourhood and the Palmer Street Sub Valley Sub Area.

1. The following elements of the proposal need to be redesigned to achieve a satisfactory heritage outcome:
 - a) The first floor storage in rear plane of front gable roof is to be deleted.
 - b) The rear gable roof form is to be retained and incorporated into the design including the roof plane, gutters and eaves.
 - c) The proposed two storey rear addition is to be located in the same position as the existing north east rear wing (containing the existing dining and kitchen).
 - d) The addition is a pavilion addition with a lightweight, flat, roofed "bridge" structure that links the original building form with the addition.
 - e) No part of the addition is to sit forward of the south western elevation of the existing dwelling.
 - f) The roof form of the two storey component of the addition is to be redesigned to either a hip or gable roof.
 - g) The scale and form of the addition does not dominate the existing dwelling.
 - h) The addition is recessed at the junction where it meets the existing dwelling.
 - i) A greater wall to window ratio is to be applied.
 - j) Painted timber windows of a traditional vertical scale and proportion are to be used, including in the south western elevation of the proposed addition.
 - k) Should partial demolition be required, wall nibs and bulkheads are to be retained and incorporated into the design.
 - l) The existing family room fire place and chimney is to be retained and incorporated into the design.
 - m) A colours and materials schedule will need to be submitted for consideration.
 - n) A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby" would be an appropriate material.
 - o) The proposed side boundary fence is to be no higher than 1.8m.

For the reasons mentioned above, the proposal is not supported on both planning and heritage grounds and will also not comply with the provisions set out in Appendix B – Building Typologies of the LDCP 2013. As a result, the proposal is recommended for a refusal.

C1.5 Corner Sites

As previously discussed in this Report under C1.3 and C1.4 the proposal will have heritage and Streetscape impacts to the heritage conservation area. As a result the proposal will not comply with the following controls and is not supported:

C4 - Building elements including wall height, roof form and front setback and architectural features including balconies, awnings, verandahs, parapets and dormers are to be compatible in scale with the streetscape.

C5 - The development does not have an adverse impact on surrounding properties, the streetscape or public domain by way of:

- e. urban design;*
- f. being inconsistent with desired future character; and*
- g. shall be constructed of high quality materials and finishes.*

Note: Corner sites within Heritage Conservation Areas must also comply with controls contained in Part C Section 1.4 – Heritage Conservation Areas and Heritage Items (where relevant) and reference should be made to Building Typologies within Appendix B of this Development Control Plan.

C1.14 Tree Management

As per the landscape officers referral comments provided in PREDA/2017/220, the Robinia at the front of the property is considered to be a species of low amenity. In addition, it is noted that it is growing in area of low soil volume and as such, is unlikely to be a worthwhile specimen into the future. It is considered that removal and replacement can better achieve the outcomes of C1.14 of the LDCP2013.

With regard to the tree at the rear of the property (Cocos Palm), in accordance with C1.14.2, this species is exempt and as such, does not require consent for removal.

Given the above, should the applicant wish to remove them then, this must be clearly requested with any future application. Removal will be subject to replacement planting.

It is also noted that the submitted elevation and section plans does not depict the existing Robina tree to be retained in front of the dwelling. As such, the plans submitted are inconsistent.

Planners comment: The proposed tree removal of the rear Cocos palm tree is supported for the reasons mentioned above. However, as the proposal is recommended for a refusal, the applicant is able to remove the rear palm tree without any Council approval as the species are exempt under *C1.14.2 of the LDCP2013*. If the application is approved, standard tree replacement conditions will be imposed on any consent granted.

C2.2.2.4 The Valley Balmain Distinctive Neighbourhood – Palmer Street Sub Area

As previously mentioned in this Report, the proposal will detract from the desired future character controls of the Valley Distinctive neighbourhood and the Palmer Street Sub Area. The proposal will not comply with the following controls:

C4 - *Preserve the rhythm of the neighbourhood by maintaining the lot sizes, housing style and prevalence of hipped and pitched roofs. Preserve the established setbacks for each street.*

C6 - *Preserve the consistency of modest and simple styles and materials of the neighbourhood.*

C23 - *Maintain roof forms with pitched, gable or hipped roofs. Roof forms are to be designed to preserve view lines for adjoining properties.*

C3.1 Residential General Provisions

The proposal will result in unacceptable visual bulk and scale impacts to the adjoining properties and will be out of character of the Valley neighbourhood character controls and will have adverse heritage impacts to the conservation area in context. As a result the proposal will not achieve the objectives set out in this Clause, specifically O3 and O4 which states that applicants are “*to ensure that alterations, additions to residential buildings and new residential development are compatible with the established setting and character of the suburb and neighbourhood and compatible with the desired future character and heritage significance of the place and its setting*”, plus “*to ensure that all residential development is compatible with the scale, form, siting and materials of existing adjacent buildings*”

C3.2 Site Layout and Building DesignBuilding Location Zone

As the proposal breaches the rear first floor Building Location Zone (BLZ) by approximately 2.3m of No. 3 and 1 Stewart Street the below tests are applied.

In assessment of the application under C6 which enables a variation or establishment of a new Building Location Zone, it is considered that the siting of the rear first floor extension is unacceptable for the following reasons:

- The proposed development will not be compatible with the existing streetscape and desired future character for the area;
- The proposed wall height has not been kept to a minimum to minimise visual bulk and scale, and the proposed roof form is out of character for the area and when viewed from adjoining property at No. 3 Stewart Street, in particular when viewed from the private open space of adjoining properties and the two street frontages (Stewart Street and Stewart Place).

Side Boundary Setbacks

The rear first floor addition will breach the side setback control to the eastern boundary but will comply with the side setback control on the western boundary. The following tables outline the proposal's compliance and breaches with the side setback controls as applicable:

Rear First Floor Addition

Elevation	Wall height (m) Approximate	Required Setback (m)	Proposed Setback (m)	Complies (Y / N)
East (Adjoining No. 3 Stewart Street)	5.5 – 5.8	1.5 – 1.7	0	No
West (Adjacent to Stewart Place)	4.6 – 5.2	1.03 – 1.3	2.3	Yes

In assessment of the application under C8 which enables a variation or establishment walls higher than that required by the side boundary setback control, it is considered that the proposed wall height of the rear first floor addition on the eastern boundary is unacceptable for the following reasons:

- The development is inconsistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the LDGP2013;
- The visual bulk and scale of the rear first floor rear addition is not minimised due to the proposed wall height and roof form which will have adverse visual impacts from the rear yard at No. 3 Stewart Street.

As per the above reasons, the proposal fails to meet the side setback test outlined under Control 8 of this Clause and is not supported.

C3.3 Elevation and Materials

As previously mentioned in this Report and in the heritage referral comments, the applicants have not submitted a materials and colours schedule with the development application for Council officers to assess. Also the proposed skillion roof form is not supported as it will have an adverse streetscape and heritage impacts to the conservation area. As such the proposal will not comply with **O1(a)** which states *Building elevation and materials visible from the public domain:*

- complement the prevailing or desired future character of the neighbourhood, in particular responding to the vertical and horizontal rhythm of the streetscape;*

C4 - Residential development in a Heritage Conservation Area is compatible with the Building Typologies contained in Appendix B – Building Typologies of this Development Control Plan, and includes defining elements such as:

- a. roof pitch and form;
- e. window patterns, proportions and details;

C9 - Colour schemes are compatible with those prevailing in the street.

C11 - Materials and finishes are compatible with those prevailing in the streetscape and the period of construction of the dwelling.

It is noted that the proposed reflective wall cladding is contrary to the heritage controls as mentioned under C1.4 and any new future development application must be accompanied with a materials and finishes schedule that include the following:

Materials, finishes, textures and colours must be appropriate to the historic context. Reflective wall cladding is not acceptable. They must be similar to the characteristic materials, finishes, textures and colours of the original contributory buildings within the streetscape. A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours “Windspray” or “Wallaby” would be an appropriate material.

C3.6 Fences

The proposed western boundary fence height which is greater than 1.8m, in height will not comply with Control 7 of this Clause which *states that “Where the site is a corner allotment, consideration will be given to fences above 1.2m, to a maximum of 1.8m, to ensure privacy to the private open space area where such fencing will not have an adverse impact on the streetscape”*. As a result the proposed western boundary fence height is not supported.

C3.11 Visual Privacy

Concerns have been raised in the submissions in regards to the proposed rear first floor additions bedroom windows and the removal of the rear palm tree creating privacy impacts to the rear private open areas of the surrounding properties. The proposal will comply with Control 1 of this Clause and it is noted under Control 5 that *landscaping cannot be solely relied upon as a privacy measure*. However the proposal is recommended for a refusal but it is noted that if the proposal is supported, the application will comply with the visual privacy Controls set out in this Clause.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the streetscape and heritage values of the locality as mentioned above under 5(c) of this report.

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

The site is zoned R1 General Residential. It is considered that the proposal will have an adverse impact on the adjoining properties and to the heritage conservation area, therefore it is considered that the site is unsuitable to accommodate the proposed development.

5(f) Any submissions

The application was notified in accordance with Part A, Section 3 of LDCP 2013 for a period of 14 days to surrounding properties. A total of thirteen (13) submissions in objection were received.

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

- Visual Streetscape concerns – see Section 5(c) – C3.2
- Proposed materials and colour scheme - see Section 5(c) – C1.4 & C3.3

- Privacy issues from the development - see Section 5(c) C3.11
- Removal of the existing rear Cocos Palm tree to the rear of the subject site— see Section 5(c) – C1.14 however it is noted that the existing Robina tree located to the front of the dwelling is to remain and that the rear Cocos Palm is also identified as an exempt species which can be removed without Council consent.

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

Issue: *"I am concerned about the noise and traffic disruption caused by the building works, which will have a serious negative impact on the tranquillity and safety of Stewart Street. Builders and tradesmen will arrive before 7.00 am and their noisy activities will interfere with people's sleep, block movement in the narrow street and choke parking. We have endured the bad effects of building work in the neighbourhood for long enough. Therefore, we recommend that the DA should be refused."*

Comment: Standard demolition and allowable construction work times could be imposed on any consent granted. However the proposal is recommended for a refusal.

Issue: *"Stewart street is a very tranquil street and I have been living here for several years. Off and on renovations have occurred and always caused many issues with parking, noise and dust from early morning onwards. Their early start and their noisy activities will interfere with people's sleep, block movement in the narrow street and will choke parking."*

Comment: Standard conditions could be imposed if the application is recommended for an approval to address construction noise and construction material and waste management. However the proposal is recommended for a refusal.

Issue: *"I would like to object to the use of brick pavers on the carport floor. I feel that the brick pacers are not safe."*

Comment: The proposal does not seek to alter the existing car space on the western end of the dwelling and there is no nexus for any conditions to be imposed relating to the existing car space. The above submission is noted.

Issue: *"During the renovation of 5 Stewart Street, we and our children will be breathing dust from the demolition, and will have to keep doors and windows closed, preventing natural ventilation."*

Comment: Standard demolition and construction conditions could be imposed on any consent granted. However the proposal is recommended for a refusal.

Issue: *"I will have about 6.1sqm of glass windows looking into my back yard and kitchen from about 3.8 metres away and above fence height (See North west elevation)."*

Comment: See Section 5(c) – C3.11 for further details; however the proposal if approved would have minimal and acceptable privacy impacts to the surrounding neighbouring properties.

Issue: *"The previous construction (D.A.??) was over the surveyed boundary. This was successfully contested legal[l]y by owner of no 3 Stewart st. I hope they fix it on my border this time. More to follow."*

Comment: The proposal would remove existing encroachments and the new proposed works would have been built within the subject sites boundaries.

5(g) The Public Interest

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

The proposal is contrary to the public interest given it would result in adverse heritage and streetscape impacts to the surrounding properties the proposal is not consistent with the objectives of the R1 General Residential zone.

6 Referrals

6(a) Internal

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

Heritage Officer

See Section 5(c) of this Report for Heritage referral comments.

Development Engineer

An assessment of the development application has been carried out based on available information to Council. Should the application be approved, standard residential Engineering conditions shall apply.

Landscape Officer

See Section 5(c) of this Report for Landscape referral comments.

6(b) External

The application was not required to be referred to any external bodies.

7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the development if the proposal is determined by grant of consent.

8. Conclusion

This application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and is considered to be unsatisfactory. The proposal fails on key threshold issues and does not comply with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will result in adverse impacts in terms of heritage and visual Streetscape impacts to the heritage conservation area. The application is considered unsupportable and refusal of the application is recommended.

9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, refuse the Development Application No. D/2018/584 for alterations and additions to existing single storey dwelling and associated works at No. 5 Stewart Street, BALMAIN NSW 2041, for the following reasons.

1. The proposed development is inconsistent and has not demonstrated compliance with the Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - a) Clause 1.2– Aims of the Plan –in particular (c), (d) & (l)
 - b) Clause 2.3 – Zone objectives and Land Use Table
 - c) Clause 5.10 – Heritage conservation
2. The proposed development cannot be approved as it results in adverse heritage impacts on the conservation area in terms of fabric, setting and views contrary to Clause 5.10 under Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979.
3. The proposed development is inconsistent and has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
 - a) Clause C1.0 – General Provisions;
 - b) Clause C1.1 – Site and Context Analysis;
 - c) Clause C1.3 – Alterations and Additions;
 - d) Clause C1.4 – Heritage Conservation Areas and Heritage Items;
 - e) Clause C1.5 – Corner Sites;
 - f) Clause C2.2.2.1 – The Valley Street Distinctive Neighbourhood;
 - g) Clause C3.1 – Residential General Provisions;
 - h) Clause C3.2 – Site Layout and Building Design; and
 - i) Clause C3.3 - Elevation and Materials.
4. The proposal is not considered to be in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

Attachment A – Draft Conditions of Consent

DEFERRED COMMENCEMENT

The following deferred commencement conditions must be complied with to the satisfaction of Council, prior to the issue of an operational Development Consent.

1. Amended plans are to be submitted incorporating the following amendments:
 - p) The first floor storage in rear plane of front gable roof is to be deleted.
 - q) The rear gable roof form is to be retained and incorporated into the design including the roof plane, gutters and eaves.
 - r) The proposed two storey rear addition is to be located in the same position as the existing north east rear wing (containing the existing dining and kitchen).
 - s) The addition is a pavilion addition with a lightweight, flat, roofed “bridge” structure that links the original building form with the addition.
 - t) No part of the addition is to sit forward of the south western elevation of the existing dwelling.
 - u) The roof form of the two storey component of the addition is to be redesigned to either a hip or gable roof.
 - v) The scale and form of the addition does not dominate the existing dwelling.
 - w) The addition is recessed at the junction where it meets the existing dwelling.
 - x) A greater wall to window ratio is to be applied.
 - y) Painted timber windows of a traditional vertical scale and proportion are to be used, including in the south western elevation of the proposed addition.
 - z) Should partial demolition be required, wall nibs and bulkheads are to be retained and incorporated into the design.
 - aa) The existing family room fire place and chimney is to be retained and incorporated into the design.
 - bb) A colours and materials schedule will need to be submitted for consideration.
 - cc) A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours “Windspray” or “Wallaby” would be an appropriate material.
 - dd) The proposed side boundary fence is to be no higher than 1.8m.

2. Detailed landscape documentations prepared by a qualified Landscape Architect which include the following:
 - Landscape Plan
 - Sections and construction details
 - Preliminary plant schedule
3. A maintenance report in relation to the proposed green roof is required that complies with the objectives and controls under C1.21 Green Roofs and Green Living Walls under the LDCP 2013.

If the applicant fails to satisfy Council as to the above matters within 2 years from the date of determination this consent will lapse.

CONDITIONS OF CONSENT

4. Development must be carried out in accordance with Development Application No. D/2018/584 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Analysis DA00	Brookes Associates Architects	10/8/18
Site & Ground Floor Plan DA02	Brookes Associates Architects	10/8/18
Sections DA03	Brookes Associates Architects	10/8/18
Elevations DA04	Brookes Associates Architects	10/8/18
Document Title	Prepared By	Dated
BASIX Certificate A327999	Brookes Associates Architects	1.11.18

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

5. Consent is granted for the demolition as per the approved plans, subject to strict compliance with the following conditions:
- a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
 - b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
 - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

NOTE: If Council is nominated as your Principal Certifying Authority 24 - 48 hours notice to carry out inspections is required. Arrangement for inspections can be made by phoning 9367 9222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6.00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.

- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.

- v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

6. The tree identified below are to be retained:

Tree/location
<i>Robinia pseudoacacia</i> (Golden Robinia) located in the front of the property.

Details of the tree to be retained must be included on the Construction Certificate plans.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

7. Any air conditioning unit on the site must be installed and operated at all times so as not to cause “Offensive Noise” as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
 - i) 10:00pm to 7:00am on Monday to Saturday: and
 - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority’s Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

8. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
9. In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
- a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the “Principal Certifying Authority.”

- b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
- c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

10. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

11. Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings & the period of construction of the buildings. New materials that are not depicted on the approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties. Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.
12. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
- a) Must preserve and protect the adjoining building from damage
 - b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

13. The following fire upgrading is required pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*:

- The building is to be provided with smoke alarm system that complies with AS3786-1993: *Smoke Alarms* and the smoke alarms must be connected to the consumer mains electrical power supply and interconnected where there is more than one alarm with a stand-by (battery back-up) power supply. The smoke alarm system must be installed in suitable locations on or near the ceiling in accordance with Part 3.7.2 of the Building Code of Australia.

Amended plans and specifications demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority with the application prior to the issuing of a for a Construction Certificate.

Note: Where an existing system complying with the above requirements is already installed in the building, evidence of this should be submitted with the application for a Construction Certificate.

14. A Certificate prepared by an appropriately qualified and 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 must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The certificate shall 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.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

15. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater–Soils & Construction Volume 1 (2004) available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:
 - a) Minimise the area of soils exposed at any one time.
 - b) Conservation of top soil.
 - c) Identify and protect proposed stockpile locations.
 - d) Preserve existing vegetation. Identify revegetation technique and materials.
 - e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
 - f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
 - g) Sediment and erosion control measures in place before work commences.

- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

16. The approved plans must be submitted to a Sydney Water Quick Check agent 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. For Quick Check agent details please refer to the web site <http://www.sydneywater.com.au/SW/plumbing-building-developing/building/quick-check-agents/index.html>

The Principal Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

17. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration

generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.

- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

18. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:

- a) Estimated volume (m3) or weight (t) of materials that are reused, recycled or removed from site.
- b) On site material storage areas during construction.
- c) Material and methods used during construction to minimise waste.
- d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
- e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

PRIOR TO WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE (WHICHEVER OCCURS FIRST)

19. The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.
20. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$2,152.50
Inspection fee (FOOTI)	\$230.65

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

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

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

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

The amount nominated is only current for the financial year in which the 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.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

21. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local

Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:

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

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity.

22. Stormwater Drainage Concept Plan (Section E1.1.3) incorporating On- site Stormwater Detention storage (OSD) and/or On-site Stormwater Retention storage for rainwater reuse (OSR) in accordance with Section E1 .2.3 (C2 and C3) of Council's DCP 2013.
- a. The proposed drainage system should be designed by an appropriately qualified civil engineer and be supported by calculations demonstrating that the post development flows for the 100 year Average Recurrence Interval (ARI) storm event are restricted to the pre development flows for the 5 year ARI storm event.
 - b. The volume of on-site detention storage (OSD) can be reduced where On-site Stormwater Retention storage (OSR) facilities for rainwater reuse are proposed to service all toilets, laundries and outdoor usage. Where OSR is proposed in lieu of OSD, the offset shall be calculated at a rate of 1m³ from the OSD storage volume, for every 2.5m³ of OSR storage provided (up to a maximum OSD offset of 10m³). Offsets for larger OSD storage must be supported by detailed calculations demonstrating compliance with the objectives of this Development Control Plan (DCP) 2013.
 - c. Details of gravity disposal of stormwater runoff from pervious and impervious areas must be shown on the Stormwater Drainage Concept Plans. Charged or pump out drainage systems are not permitted.
 - d. 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.

- e. The proposed rainwater tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation.
- f. 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 section height of 100mm.
- g. Only a single point of discharge is permitted to the kerb and gutter, per frontage of each dwelling. All pipe diameter and invert levels and pits surface and invert levels must be shown on the SDCP.
- h. A 150mm step up must be provided between the finished surface level of the external area and the finished floor level of the internal rooms.
- i. The existing overland flow path for stormwater runoff from adjoining / up-stream properties through the site must be retained.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

- 23. The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Application for Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- 24. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- a) location of the building with respect to the boundaries of the site;
- 25. The site must be secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property 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. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

26. The *Home Building Act 1989* requires that insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of works approved by this Development Consent.

A copy of the certificate of insurance must be submitted to the Certifying Authority prior to the works commencing.

If the work is to be undertaken by an owner-builder, written notice of their name and owner-builder permit number must be submitted to the Certifying Authority.

In all other cases, written notice must be given to the Certifying Authority of:

- a) the name and licence number of the principal contractor; and
- b) reasons why a certificate of insurance is not required.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

27. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
28. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
29. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
30. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the

proposal is being carried out. The sign must state:

- a) Unauthorised entry to the work site is prohibited.
- b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
- c) The name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority and Council for records purposes prior to the commencement of any onsite work.

DURING WORKS

31. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.

32. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.

If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage.
- b) If necessary, underpin and support the building in an approved manner.
- c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary.

Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of support constructed must be inspected by the designing Engineer with certification provided to all relevant parties.

33. The site must be appropriately secured and fenced at all times during works.

34. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.

35. Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
 - c) at no time on Sundays or public holidays.

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

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

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

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

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

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

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

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

36. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the

demolition, construction or operation/use of the development.

37. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
38. The development must be inspected at the following stages by the Principal Certifying Authority during construction:
 - a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
39. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
40. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.

41. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

42. No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.
43. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's 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.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

44. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath, Vehicle Crossing and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.
45. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

46. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
47. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.
48. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

49. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. For vehicular access off rear laneways the level at the boundary shall match the invert level of the adjacent gutter plus 110mm/150mm at both sides of the vehicle entry.
50. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on

to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.

51. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. It is responsibility of applicant's contractor to verify location of the utility services with the relevant service authority. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
52. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
- the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.

ONGOING CONDITIONS OF CONSENT

53. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
54. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
55. The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.
56. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. dwelling house without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a dwelling hosue, is defined under the *Leichhardt Local Environmental Plan 2013*.

PRESCRIBED CONDITIONS**A. BASIX Commitments**

Under clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

D. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

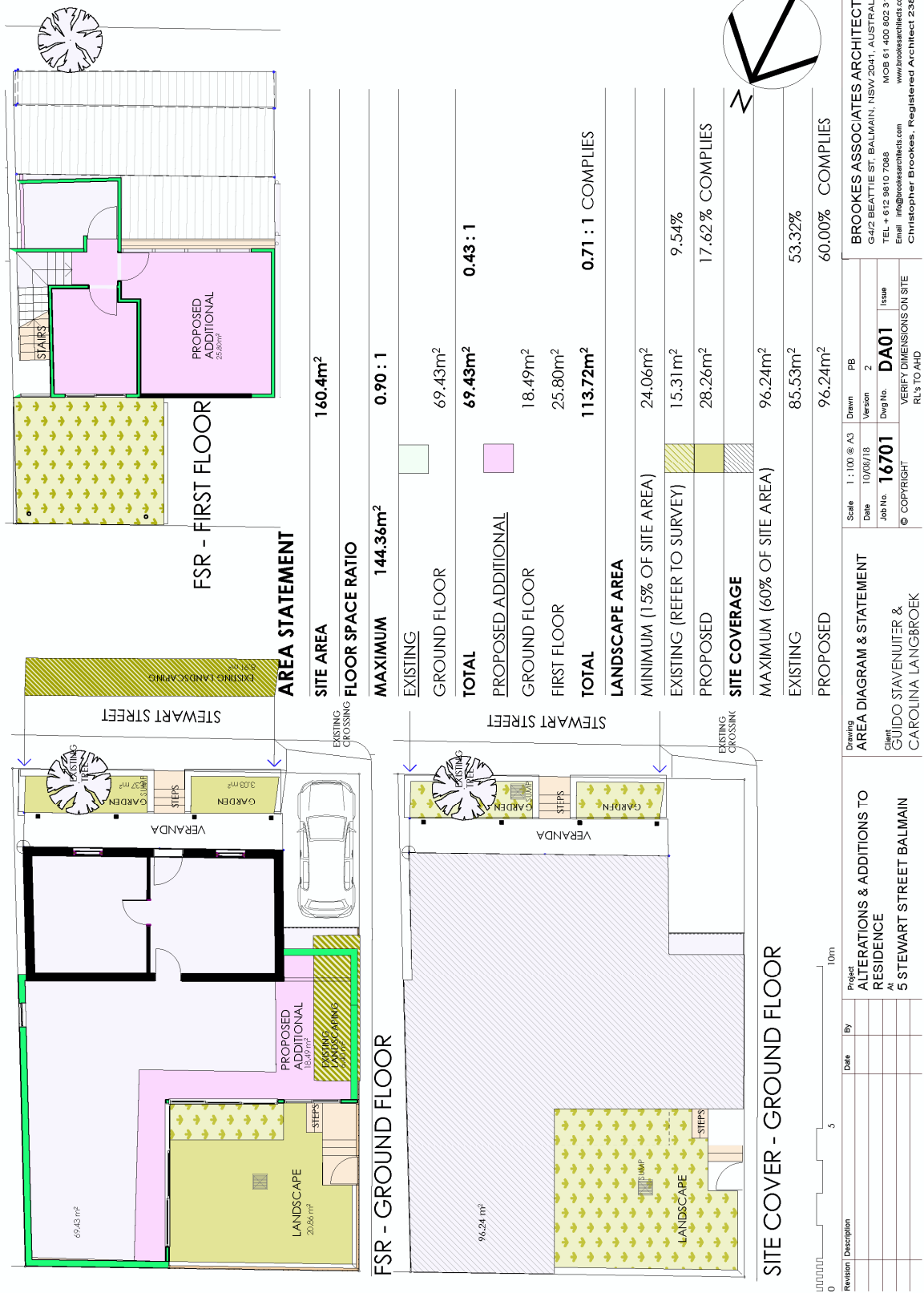
- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

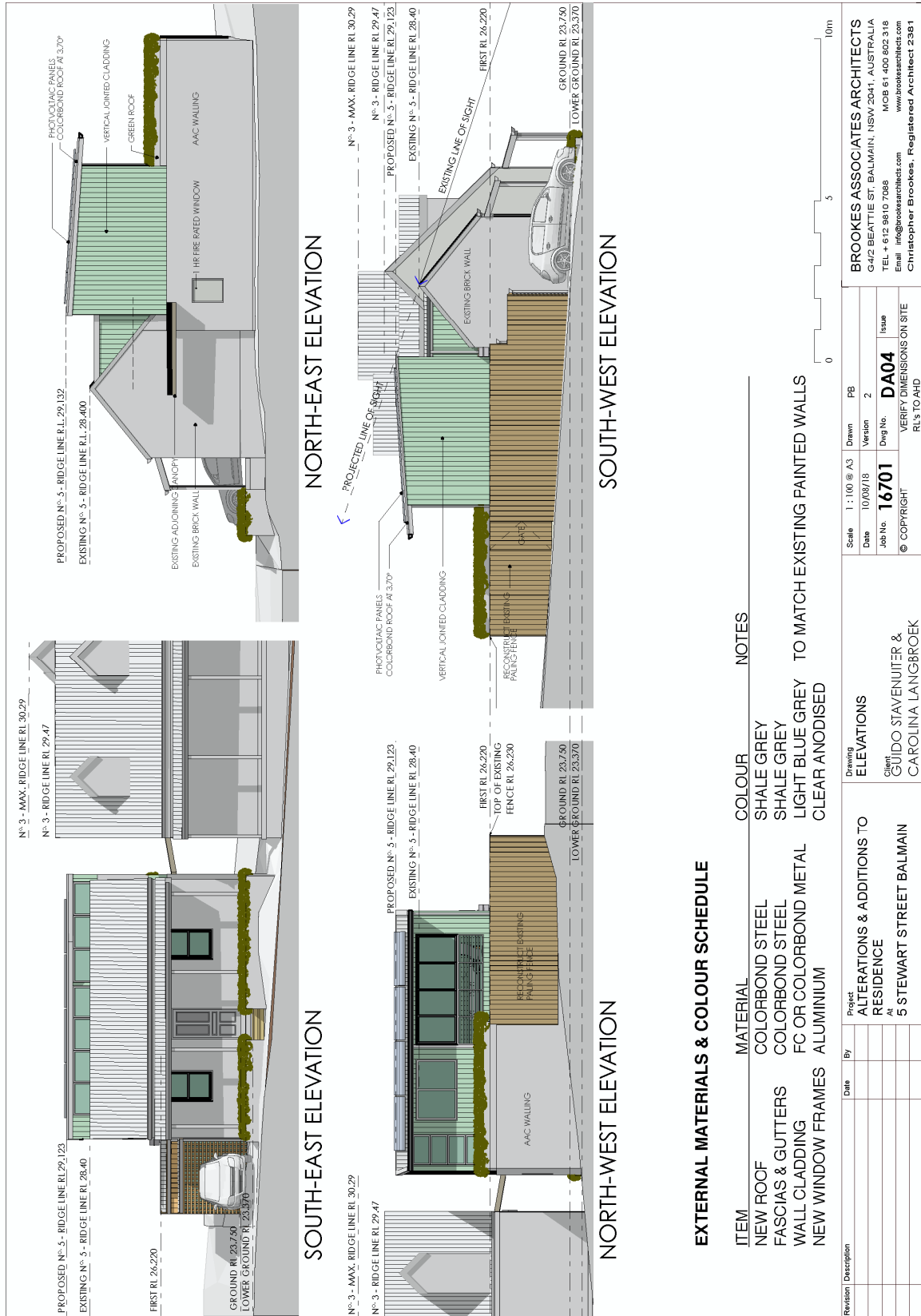
1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 8.2.
3. If you are unsatisfied with this determination, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify

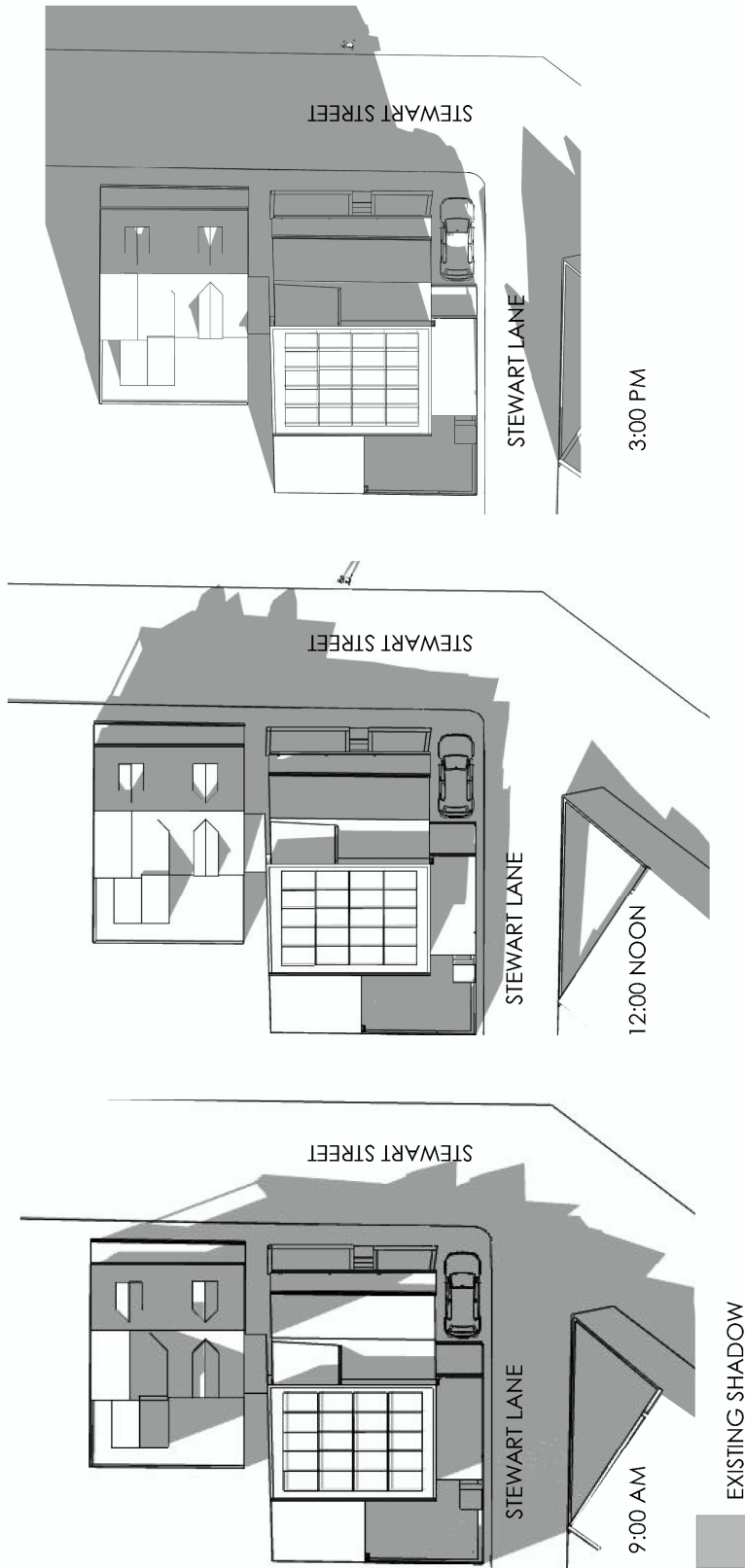
- the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
 7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
 - a) Application for any activity under that Act, including any erection of a hoarding.
 - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
 - d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
 - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
 - f) Development Application for demolition if demolition is not approved by this consent.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
 8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

[illegible]









SHADOW DIAGRAMS 22 JUNE
ROOF PLAN

Revision	Description	Date	By

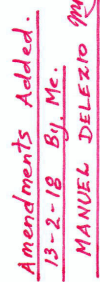
Project	ALTERATIONS & ADDITIONS TO RESIDENCE
Client	At 5 STEWART STREET BALMAIN

Drawing	SHADOW DIAGRAMS & ROOF PLAN
Client	GUIDO STAVENUITER & CAROLINA LANGBROEK

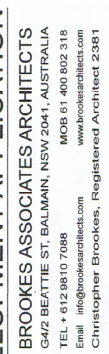
Scale	1 : 200 @ A3	Drawn	PB
Date	10/03/18	Version	2
Job No.	16701	Dwg No.	DA05
VERIFY DIMENSIONS ON SITE			
RLs TO AHD			

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Attachment C- Statement of Significance for Conservation Area

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Area 12 The Valley (Rozelle and Balmain)

Landform

This conservation area comprises a large but tightly formed valley which falls south and east from the Darling Street ridge towards White Bay affording enclosed views to industrial workings of the port city in the bay.

It includes a number of subdivisions/part subdivisions around the highest land in the Leichhardt Municipality on either side of the Darling Street ridge and across Victoria Road. It includes land east of Wellington Street to White Bay. It also includes the civic buildings and the commercial zone of Rozelle on both sides of Victoria Road, the land east of the Darling Street ridge beyond the commercial zone, the civic and commercial buildings of Balmain retail centre, small groups of shops along Darling Street and the former retail area of Evans and Beattie Streets.

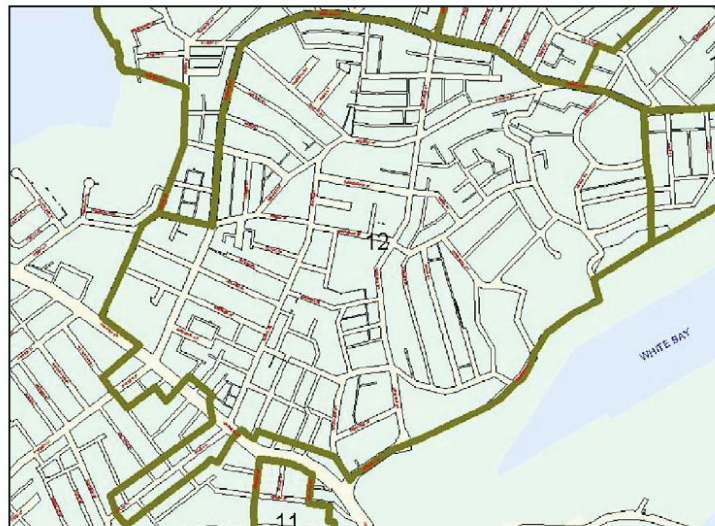


Figure 12.1 The Valley Conservation Area Map.

History

When sales of John Gilchrist's Balmain 550-acre grant were resumed in 1852, Surveyor Charles Langley subdivided the remaining acres into 46 (later 47) sections, using existing routes such as Darling Street, and other contour-hugging tracks, such as Beattie Street and Mullens Street to delineate the parcels. The sections were purchased over the next thirty years by wealthy investors, local speculators and builders.

The largest of the estates put together from Langley's subdivisions was the 19 acres of the Merton Estate purchased by piano importers Paling and Starling, druggists George and Frederick Elliott and estate agent Alfred Hancock. It occupied the land between Terry Street and Evans Street. It was subdivided by its owners into 197 allotments generally 30ft x 100ft with 50ft-wide grid

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pattern of roads, and was auctioned by local agent and developer, Alfred Hancock from 1874.

A miscellaneous collection of service and consumer trades servicing these new dwellings appeared along Evans Street in the 1870s making it the main commercial thoroughfare along the upper reaches of the Balmain peninsula.

By the 1880s the growth of industry, including noxious industry, in White Bay and along Whites Creek, made the south and east-facing slopes of the Darling Street ridge unattractive for a more affluent residential market. Those who could find employment in these industries would seek housing within walking distance, as public transport – then the horse drawn bus or later the steam tram – were too expensive. Canny speculators, such as Hancock (later Mayor of Balmain) sold to small builders who constructed very dense workers' housing for rentees or purchasers on small budgets. By 1891 a large part of this area had been built upon.

The arrival of the government-owned steam tram at the junction of Darling Street and Victoria Road in 1892, provided relatively more affluent residents along its route with transport to the city, and a greater choice of employment away from places within immediate walking distance from home. The advent of the tramway probably explains the major impetus to growth in the area particularly to the west of Evans Street, so that in the 1890s much of Terry, Wellington, Merton and Nelson Streets were built upon with one-storey brick semis, pairs or small groups of terraces (two to an allotment) and double-fronted single-storey houses (one to an allotment). Most of these buildings were constructed by local builders such as Robert Gordon, William Whitehorn and James Gibson, whose small-scale operations are indicated by the small groups of similar houses or terraces.

From the 1850s, Booth's Saw Mill on White Bay provided a cheap source of timber and weatherboards, promoting weatherboard houses as the norm for workers' housing throughout Balmain until brick terrace housing became prevalent in the late nineteenth century.

The extension of the steam tram service along Darling Street by 1900 encouraged shopkeepers to relocate there to catch the passing trade, and Evans Street was superseded as a commercial centre.

The Metropolitan Detail Survey Sydney Water Archiveⁱ suggests that almost all the land east of Wellington Street was built upon by 1905.

By 1907 the precinct was generally known as Rozelle.

Sources

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

Further information provided by Max Solling.

Significant Characteristics

- Contour hugging main roads – Evans, Beattie and Reynolds.

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- Outline of subdivisions, size and aspect of allotments, determined by route of main roads.
- Wider residential roads off Darling Street ridge, with grid subdivision pattern, but
- Generally narrow roads between main access roads.
- Narrow, often shallow allotments.
- Back lanes are rare.
- Dense urban environment.
- Continuous lines of buildings create sharply defined lineal spaces.
- Buildings stepped up and down hill, following the topography.
- Houses sited close to road near Darling Street ridge; and sited onto the road alignment nearer to White Bay.
- Small front gardens near Darling Street; there are fewer gardens towards White Bay.
- Tree planting is minimal except where wider main access roads provide enough room – Langley, Roseberry, Llewelyn and Reynolds Street.
- Large stands of trees in parks and open spaces.
- Small range of housing types: single-fronted, single-storey timber terraces, two-storey terraces, free-standing timber or stone single-storey cottages.
- Some larger villas on high land around Smith Street, and more generous terraces in similar locations.
- Scale predominantly limited to one or two storeys.
- Pubs with verandahs act as punctuation marks in the streetscape.
- Corner stores.
- Commercial premises (and former commercial premises) with attached dwellings along Evans and Darling Streets.
- Small industrial/warehouse buildings occur throughout the area.
- Variety of materials – large number of timber, plastered brick, some later (1890s+) face brick and a few stone buildings.
- Roof materials vary – iron is common, terracotta tiles, some slate.
- Stone retaining walls.
- Remnants of iron palisade fences define some street frontages.
- Suspended awnings to commercial facades along Darling and Evans Streets.
- Sandstone kerbs and gutters.

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Statement of Significance or Why the Area is Important

- One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important for illustrating development for workers' and artisan housing particularly from 1871-1891 which forms the major element of its identity. It is significant for its surviving development from that period and the later infill development up to World War II (ie pre-1939).
- Retains evidence of all its layers of growth within that period from the late-1870s.
- Through its important collection of weatherboard buildings, including the now rare timber terraces, it continues to demonstrate the nature of this important/major construction material in the fabric of early Sydney suburbs, and the proximity of Booth's saw mill and timber yards in White Bay.
- Through the mixture of shops, pubs and industrial buildings it demonstrates the nature of a Victorian suburb, and the close physical relationship between industry and housing in nineteenth century cities before the advent of the urban reform movement and the separation of land uses.
- Demonstrates through the irregular pattern of its subdivision the small-scale nature of the spec builders responsible for the construction of the suburb.
- Demonstrates the nature of some private subdivisions before the introduction of the Width of Streets and Lanes Act of 1881 required roads to be at least one chain wide.

Maintenance of Heritage Values

Generally

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

Retain

- Existing width and alignment of streets: avoid chicanes which cut diagonally across the carriageway.
- Existing back lanes.
- All buildings pre-1939 and particularly all timber buildings
- All original plaster finishes to external walls - reconstruct where necessary.
- All original unplastered face brick walls.
- All original external architectural detail, decorative tiles, plaster mouldings, chimneys, roof ridges and finials, commercial signs etc.

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Encourage replacement of lost elements, but only where evidence is available.

- All remaining sandstone kerbs and gutters.
- All corner stores, corner pubs and industrial buildings within the residential areas, and encourage their restoration. Consider small-scale commercial or professional uses for these buildings, if original uses no longer operate, as a reference to their original uses.
- Street and park planting; reinstate where necessary

Avoid

- Amalgamation that might lead to a change in the densely developed streetscape.
- Demolition of any pre-1939 building, particularly those pre-1910.
- Demolition of any remaining timber building.
- Additional storeys above the existing form of the building.
- Posted-verandahs over footpaths to commercial premises where no evidence can be provided to support their reconstruction. Encourage restoration of verandahs where evidence exists.
- Removal of plaster to external walls, where part of the original construction. Removal of original architectural details.
- Additional architectural detail for which there is no evidence.
- Inappropriate fences such as high brick walls, new iron palisades on high brick bases.
- Interruption to the almost continuous kerb and gutter line.

Endnotes

- ¹ Solling & Reynolds, p 81.
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