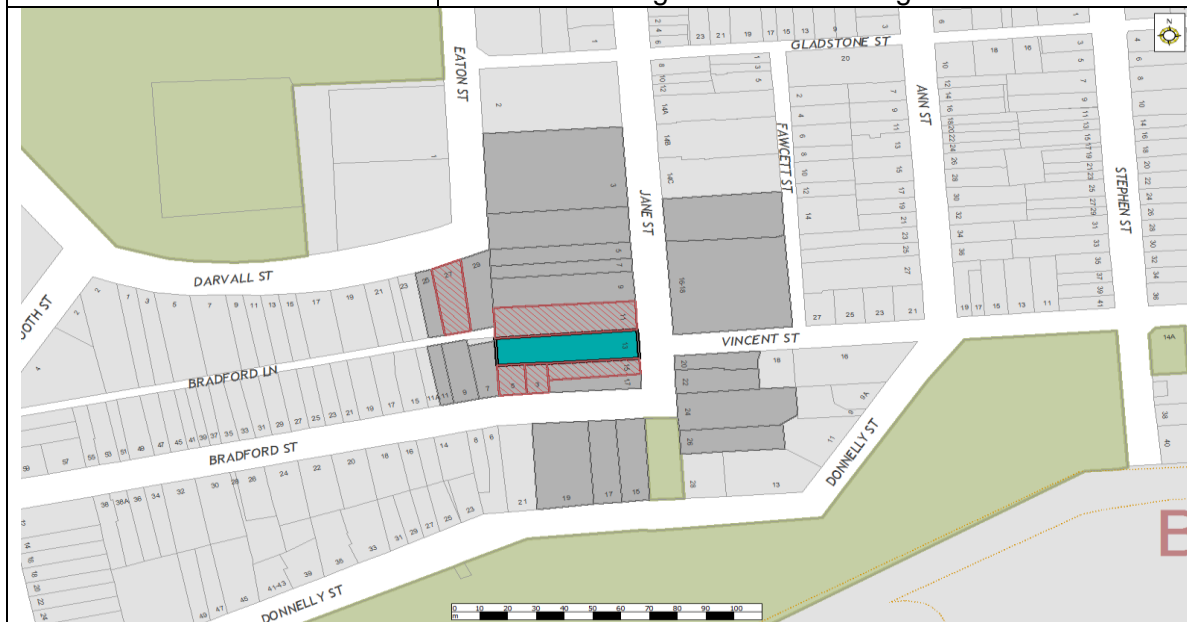




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2018/535
Address	13 Jane Street, BALMAIN NSW
Proposal	Part demolition and alterations and single storey addition to the rear of the existing heritage listed dwelling-house and associated works, including new pool in the rear garden, removal of trees and new fencing.
Date of Lodgement	11-Oct-2018
Applicant	Studio Prineas
Owner	Ms J A McCarthy and Mr J P Ockerby
Number of Submissions	First notification period: Objections from 5 properties Second notification period: Objections from 2 properties
Value of works	\$1,079,500
Reason for determination at Planning Panel	Extent of demolition within a Heritage Item
Main Issues	<ul style="list-style-type: none"> Impact to heritage item and conservation area Solar access Visual privacy
Recommendation	Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Statement of Heritage Significance – Subject site
Attachment D	Statement of Significance – Heritage Conservation Area



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

Subject Site		Objectors			N
Notified Area		Supporters			

1. Executive Summary

This report is an assessment of the application submitted to Council for part demolition and alterations and single storey additions to the rear of the existing heritage listed dwelling-house and associated works, including new pool in the rear garden, removal of trees and new fencing at 13 Jane Street, Balmain. The application was notified to surrounding properties and objections from 5 properties were received.

The main issues that have arisen from the application include:

- Impact to heritage item and conservation area
- Solar access
- Visual privacy

The proposal, as amended, is considered to be acceptable in regards to impacts to the heritage item and the heritage conservation area, and subject to conditions, is considered to have acceptable impacts to the amenity of the surrounding properties. Therefore the application is recommended for approval.

2. Proposal

The following works are proposed:

- New bathroom, laundry and linen cupboard is to be situated within the north-west room at ground level of the terrace;
- New opening between proposed ensuite and bedroom at the northern section at ground level of the terrace;
- New bathroom situated at the north-western room at first level of the terrace;
- New window within the study on the south-western elevation at ground level of the terrace;
- Reinstatement of the original balcony at the rear of the terrace;
- Installation of new skylights;
- Demolition of the existing 'lean-to' structure accessed from the north-western room at ground level;
- Demolition of the rear addition containing the laundry at ground level;
- Reinstatement of the original detached kitchen;
- Existing 'lean-to' structure with access to detached kitchen is to be adapted for new pool & pool house;
- Construction of a new dining pavilion at ground level of the western section of the terrace;
- New glazed link between the dining pavilion and the existing terrace;
- New outdoor gas fireplace;
- New paving;
- Installation of a new pool;
- Existing brick paving to be demolished and replaced with lawn;

The following trees are proposed to be removed - *Robinia pseudoacacia* (Black Locust), *Lauris nobilis* (Bay Tree) and *Cupressus sempervirens* (Pencil Pine).

Amended plans (Drawings dated 13/2/19, Rev. A) were submitted to Council for assessment which provided the following changes:

- The ridge height of the dining pavilion was reduced by 200mm and the link between main building and pavilion reduced by 740mm. The applicant provided 3D drawings

demonstrating the dining pavilion will not be significantly visible from Bradford Street to the south.

- The roof cladding proposed for the dining pavilion is standing seam zinc, coloured charcoal.
- Detailed main bathroom floor plans and elevations have been submitted and show that existing floor boards and skirtings are to be retained and repaired outside central portion.
- New fencing on the southern boundary of the site.

These amended plans were renotified for a period of 14 days between 28 February 2019 to 14 March 2019.

In response to the outstanding issues that were raised by Council's Heritage staff, a second set of amended drawings (Rev. B, dated 12/3/19) were submitted that entail the following additional changes:

- A revised sandstone map was provided showing that 0.9m² of the original sandstone and of 0.35m² of non-original sandstone is proposed to be removed for the opening (a reduction of approximately 1 m² compared to Rev. A).
- Revised main bathroom drawings including a 150mm step up to the proposed bath, toilet and shower so the existing floor boards are retained below.
- A detailed drawing showing more information for the proposed timber paling fence including finishes (i.e. Untreated Hardwood fence).

As the changes are considered to be a *reduced or lesser development having minimal environmental impacts* compared to the amended drawings that were renotified between 28 February 2019 and 14 March 2019, these drawings are not required to be notified under Leichhardt DCP 2013.

3. Site Description

The subject site is located on the western side of Jane Street, between Gladstone Street and Bradford Street. The site consists of one allotment and is generally rectangular shaped with a total area of 556.4 m² and is legally described as Lot 1 DP 64178.

The site has a frontage to Jane Street of 11.67 metres. The subject site contains a Victorian Filigree semi-detached terrace dwelling. Jane Street is primarily residential with terrace housing. St Augustine's Church and Father John Therry Catholic Primary School is situated on the western side of Jane Street. Jane Street is steep falling in a southerly direction.

The pair of semi-detached terraces (11 and 13 Jane Street) were constructed in 1881, in the Victorian Filigree architectural style. The pair are almost identical with a medium pitched narrow-eave hipped slate tiled roof with terracotta ridging.

The south-adjoining properties which include 15 Jane Street, 17 Jane Street 3 Bradford Street and 5 Bradford Street are located at much lower level (approximately 4 metres lower than the ground levels of No.13 Jane Street). No 15 and 17 Jane Street are three stories in height (with the third being located within the roof form with dormer windows), 3 and 5 Bradford Street are two stories dwellings (with the second level located with the roof form with dormer windows).

The site is zoned R1 General Residential, is located within The Balmain East Heritage Conservation Area and contains a local heritage item known as 'Cairngorm' under the provisions of the Leichhardt Local Environmental Plan 2013.

There are a number of trees currently existing on the property, the three trees that are proposed to be removed - *Robinia pseudoacacia* (Black Locust), *Lauris nobilis* (Bay Tree) and *Cupressus sempervirens* (Pencil Pine). The Black Locust tree is located within the front setback while the Bay Tree and the Pencil Pine are located in the rear yard.



View of 13 Jane Street from Jane Street



View of 13 Jane Street from rear yard

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
BA/1994/771	Alterations and additions	Approved 17-Jan-1995
T/2000/357	Removal of 1 x Jacaranda Tree at the front of the property.	Approved 27-Oct-2000
BC/2015/11	Building Certificate - Sale of Property	Approved 06-Mar-2015

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
13 December 2018	Request for Additional Information Letter Sent
25 February 2019	Amended plans (Drawings dated 13/2/19, Rev. A) received by council.
14 March 2019	Amended plans (Drawings dated 12/3/19, Rev. B) received by council.

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 (State and Regional Development) 2011
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The following provides further discussion of the relevant issues:

5(a)(ix) 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 that the consent authority to be satisfied that the site is, or can be made suitable for the proposed use prior to the granting of the consent.

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

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

The site is zoned R1 General Residential. The proposal, being for a single dwelling, is permissible in the zone with development consent.

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 4.6 – Exceptions to development standards
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.3 – Flood Planning
- Clause 6.4 – Stormwater management

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio Required: [0.7:1]	0.44:1 245 m ²	N/A	Yes
Landscape Area 20% of Site Area	27% 152 m ²	N/A	Yes
Site Coverage 60% of Site Area	44% 248 m ²	N/A	Yes

The following provides further discussion of the relevant issues:

Clause 2.3 – Zone objectives and Land Use Table

The application proposes alterations and additions to a single dwelling which is permissible under the R1 General Residential zone.

The Objectives of zone are as follows:

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

The proposal, subject to conditions, is considered to be consistent with the above objectives.

5(b) Draft Environmental Planning Instruments

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

- Draft SEPP – Environment

The proposal does not contravene the provisions in the Draft SEPP – Environment.

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	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes, refer to below
C1.4 Heritage Conservation Areas and Heritage Items	Yes, refer to below
C1.5 Corner Sites	Not applicable
C1.6 Subdivision	Not applicable
C1.7 Site Facilities	Yes
C1.8 Contamination	Not applicable
C1.9 Safety by Design	Yes
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, refer to below
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	
C1.20 Foreshore Land	Not applicable
C1.21 Green Roofs and Green Living Walls	Not applicable
Part C: Place – Section 2 Urban Character	
C2.2.2.6 Birchgrove distinctive neighbourhood, Birchgrove	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Not Applicable
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes, refer to below
C3.7 Environmental Performance	Not applicable

C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes, refer to below
C3.10 Views	Yes
C3.11 Visual Privacy	Yes, refer to below
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	Not applicable
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	Not applicable
D2.5 Mixed Use Development	Not applicable
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Not applicable
E1.1.3 Stormwater Drainage Concept Plan	Yes, subject to conditions
E1.1.4 Flood Risk Management Report	Not applicable
E1.1.5 Foreshore Risk Management Report	Not applicable
E1.2 Water Management	Yes, subject to conditions
E1.2.1 Water Conservation	Not applicable
E1.2.2 Managing Stormwater within the Site	Yes, subject to conditions
E1.2.3 On-Site Detention of Stormwater	Not applicable
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes, subject to conditions
E1.2.6 Building in the vicinity of a Public Drainage System	Not applicable
E1.2.7 Wastewater Management	
E1.3 Hazard Management	Not applicable
E1.3.1 Flood Risk Management	Not applicable
E1.3.2 Foreshore Risk Management	Not applicable
Part F: Food	Not applicable
Part G: Site Specific Controls	Not applicable

C1.3 Alterations and additions and C1.4 Heritage Conservation Areas and Heritage Items

Heritage Listing:

The subject property at 13 Jane Street, Balmain, is listed as a heritage item; *Terrace and front fence, "Cairngorm", including interiors*, in Schedule 5 of the Leichhardt LEP 2013 (I252). It is a pair with the terrace at 11 Jane Street, which is also listed as a heritage item; *Terrace and front fence, "Rosebank", including interiors* (I251). The site is located within the

Balmain East Heritage Conservation Area (Balmain) (C3 in Schedule 5 of the Leichhardt LEP 2013), the Gladstone Park Distinctive Neighbourhood and the Jane Street Precinct Sub Area (Leichhardt DCP 2013).

Heritage Significance:

The subject terrace is a contributory item within the Balmain East Heritage Conservation Area (HCA) and the streetscape.

The Statement of Significance for 13 Jane Street, Balmain, sourced from Council's heritage database, is below:

No. 13 Jane Street is of local historic and aesthetic significance as a good and intact large Victorian Filigree style terrace (pair Nos 11-13) constructed in 1881. The building significantly retains its original form and character including stone base and facades and details, roof form and chimneys and open front verandah and balcony. The building is elevated to the street frontage and with the adjacent terrace, (No. 11) makes a positive contribution to the Jane Street streetscape.

At the preliminary assessment stage, it was advised that the following changes were required:

1. The roof of the dining pavilion is to be redesigned so that it is a flat or a low pitched skillion roof.
2. Roofing materials for the pavilion are to be a pre-coloured traditional corrugated steel finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".
3. The proposed link to the dining pavilion is to be relocated so that it does not require the removal of significant stone building fabric utilising one of the existing doorways in the rear facade.
4. The doorway between the proposed master bedroom and ensuite is to be removed.
5. The proposed bathroom in the first floor bedroom is to be removed from the proposal.
6. The opening for the proposed window in the ground floor study must be vertically proportioned, employing traditional design (timber sash) and materials (timber framed).

First set of amended drawings (Rev. A)

The following assessment is made in respect of the revised architectural drawings prepared by Studio Prineas, received by Council on 21 February 2019, and the cover letter prepared by Urbis, dated 20 February 2019. The revised drawings were prepared in response to the original heritage advice provided, dated 6 November 2018, and a meeting with the applicants on 13 December 2018.

The previous heritage advice concluded the proposal was acceptable with amendments, as repeated below. Additional commentary is provided in respect of the amended drawings.

1. *The roof of the dining pavilion is to be redesigned so that it is a flat or a low pitched skillion roof.*

Comment: The ridge height of the dining pavilion has been reduced by 200mm and the link between main building and dining pavilion reduced by 740mm. Photomontages have been provided showing there will only be a small portion of the roof of the dining pavilion visible from Bradford Street, to the south, through the established hedge along the boundary fence to 17 Jane Street.



The accuracy of these montages was questioned and this was communicated to the applicant.

2. *The proposed link to the dining pavilion is to be relocated so that it does not require the removal of significant stone building fabric utilising one of the existing doorways in the rear facade.*

Comment: The proposed link to the dining pavilion has not been relocated and the link from the existing hallway has been pursued. The proposed opening is approximately 1.228m wide by 2.67m high. A Sandstone map has been provided with the amended drawings showing that 1.9m² of the original sandstone is proposed to be removed and an area of 0.35m² of non-original sandstone for the opening. This will impact on the heritage significance of the heritage item by the removal of significant building fabric, both original and non-original.

The common standard dimensions for a door opening is 820mm wide by 2.04m high. The Sandstone Mapping diagram shows the opening does not correspond with joints between the sandstone blocks. The dimensions of the opening are to be reduced so that they are as small as possible (820mm wide by 2.04m high). A slight increase may be considered where it can be demonstrated that a larger opening better correlates with the joints between the sandstone blocks.

3. *The doorway between the proposed master bedroom and ensuite is to be removed*

Comment: The amended drawings include evidence of a former doorway opening between the master bedroom and the proposed ensuite. The proposal will result in the reinstatement of a former doorway, therefore, is acceptable in this instance.

4. *The proposed bathroom in the first floor bedroom is to be removed from the proposal.*

Comment: Detailed main bathroom floor plans and elevations have been submitted and show that existing floor boards and skirtings are to be retained and repaired outside central portion. They show indicative plumbing locations and illustrate that new plumbing and pipe work will drain within new walls and joinery / bulkheads in the new laundry / ensuite configuration on the ground floor below. This is an appropriate solution to the provision of a bathroom within an existing bedroom area.

The cover letter states the new bathroom is “*designed in a reversible manner*”. The detailed main bathroom floor plans and elevations show a step up to the bath only and propose to

remove the existing floor boards in the central portion of the room to allow for the required set down for a flush finish between new tiles and existing floor boards. The bathroom is to be redesigned so that there is a step up to the bathroom pod, including bath, shower and toilet. The design is to ensure the existing floor boards in the central portion of the room are retained.

A skylight above the proposed bathroom has been added to the amended drawings, with a top of “pod” chamfer towards the proposed skylight to reduce the perceived height and bulk. This is a good design solution to reduce the bulk of the “pod” bathroom within the room. The skylight is acceptable as it will be in the rear roof plane.

5. *The opening for the proposed window in the ground floor study must be vertically proportioned, employing traditional design (timber sash) and materials (timber frame).*

Comment: The annotation on the southern elevation states the proposed window is “to match existing heritage style windows”, which is appropriate.

In addition to the above, the amended drawings include a new 1.6m fence located on the southern boundary. Details have not been provided. It is presumed the fence is proposed to be constructed as an unpainted timber paling fence, similar to that proposed as part of HEC/2018/48. Detailed drawings of the proposed fence are to be provided, including proposed materials, so a proper heritage assessment can be made.

Proposed materials for the proposal include concrete for the dining pavilion and micaceous iron oxide paint finish for window frames, metal balustrades and the gate. The balustrade to rear the reinstated first floor verandah is not stated. This is to be a timber balustrade in traditional detail, as it will be clearly visible from Bradford Street.

Second set of amended drawings (Rev. B)

1. *The roof of the dining pavilion is to be redesigned so that it is a flat or a low pitched skillion roof.*

Comment: In response, the applicant had provided the following image overlay:



After reviewing this image, it was concluded that the 3D drawing is likely to be an accurate depiction of the proposed development and, therefore, it was considered that given the applicant has demonstrated that the dining pavilion will not be significantly visible from Bradford Street to the south. Therefore, it is considered that this is acceptable from a heritage perspective.

2. *The dimensions of the opening between the hallway and the dining pavilion are to be amended so that they are as small as possible (820mm wide by 2.04m high). A slight increase may be considered where it can be demonstrated a larger opening will better correlate with the joints between the sandstone blocks.*

Comment: A revised sandstone map was provided showing that 0.9m² of the original sandstone and of 0.35m² of non-original sandstone is proposed to be removed for the opening. This is a reduction of 1m² of the original sandstone previously proposed to be removed. This will have less of an impact on the heritage fabric of the heritage item by the removal of less heritage fabric, which is generally acceptable from a heritage perspective.

3. *The bathroom is to be redesigned so that there is a step up to the bathroom pod, including bath, shower and toilet. The existing floor boards in the central portion of the room are retained as part of the proposal.*

Comment: The revised main bathroom drawings now include a 150mm step up to the proposed bath, toilet and shower so the existing floor boards are retained below, which is acceptable.

4. *Detailed drawings of the proposed fence are to be provided including proposed materials.*

Comment: A detailed drawing has been provided for the proposed timber paling fence showing Northern Box, or equal, and to weather to a silver / grey, which is acceptable.

5. *The balustrade on the rear first floor verandah is to be timber in traditional detail.*

Comment: A detailed drawing has been provided proposing western red cedar, or equal, and to be painted Dulux Vivid White, or equal, which is acceptable.

Subject to a condition that requires the new metal roofing to be “Windspray” or “Wallaby”, the amended is satisfactory in regards to impact to heritage items and heritage conservation area.

C1.14 Tree Management

A review of the submitted plans prepared by *Studio Prineas*, dated 18/09/2018 and the submitted *Arboricultural Impact Assessment* report prepared by *Arboreoport Vegetation Management Consultants*, dated 23/08/2018, has found the proposal to be generally acceptable.

Several specimens proposed for removal on site were noted to be exempt from C1.14 Council’s Tree Management Controls and therefore, are not considered a constraint for the application.

The proposed removal of the *Robinia pseudoacacia* (Black Locust), *Lauris nobilis* (Bay Tree) and *Cupressus sempervirens* (Pencil Pine) is supported subject to adequate compensatory replanting.

Tree removal is supported in this instance as the above trees were considered to be of poor health, form and or structure. It is considered that replacement planting can better achieve Council’s tree management aims and objectives within a reasonable time frame. It is acknowledged that several trees proposed for removal are currently providing privacy from adjoining neighbours, particularly along the southern boundary.

Replacement plantings using advanced stock specimens will be required to adequately offset the loss of vegetation from site. It is anticipated that the use of advanced stock specimens will provide instant screening and improve the general amenity of the local area.

The submitted *Concept Landscape plan*, prepared by *Studio Prineas*, dated 18/09/2018, DWG No. 02-03 shall be amended to include additional plantings in accordance with conditions listed in the draft conditions before issue of a Construction Certificate.

Satellite imaging shows that a tree of approximately 34.60 m² canopy coverage has been removed from site in the general location of the proposed swimming pool between the 5th of May, 2018 and 17th of July, 2018.

A search through Council records has failed to locate authorisation for the removal of the subject tree.

A review of the submitted *Stormwater Drainage Plan*, prepared by *Kneebone and Beretta Consulting Pty Ltd*, dated 7/09/2018, DWG No.91402-D1 has raised concern due to a proposed 100mm gravity line from the rear extension along the northern boundary potentially conflicting with vegetation on adjoining property.

To reduce the potential impact to the above trees, the stormwater downpipe must be repositioned to the southern side of the proposed pool house roofline before trenching occurs to intercept with the 400sq x 350 deep pit. The submitted Stormwater plans are to be amended to reflect the above changes before the issue of a Construction Certificate.

The applicant is to engage the services of an AQF Level 5 Project Arborist to oversee all demolition and construction of structures at the rear of the site including landscaping works to ensure trees on adjoining properties are not negatively impacted during works. Subject to the above, the application is supported subject to conditions which requires 4 replacement trees to be planted.

C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls

The application does not seek to demolition or remove any rock faces, outcrops or rock walls, however, there are rock faces and stone walls that are located on the southern boundary that is shared with the south-adjoining properties.

A geotechnical report was requested and as part of the additional information, a Geotechnical Report, prepared by Assetgeo and dated 31 January 2019 was submitted. The report identified the following key constraints:

“Based on a dig depth of 2m for the swimming pool and around 1 m for the new footings, and from the results of this investigation, it is assessed that the dig will not be affected by groundwater and will be mainly in sand fill with localised excavation into the weathered sandstone.

Key geotechnical constraints to the development include variable excavation and foundation conditions. The adjacent sandstone wall may be susceptible to ground-borne vibration, and this will need to be carefully managed. Recommendations for design and construction of the development are provided in the following sections.”

The report had also provided comments on Vibration Management, Excavation Control, Underpinning, Monitoring settlement/vibration etc. This report will be included as a stamped document in the approved documentation. Standard Council conditions will also be recommended in relation to hours of construction, dilapidation reports etc. Refer to draft conditions.

C3.2 Site Layout and Building Design

Building Location Zone

The proposed works do not extend beyond the existing rear alignments and therefore the proposal does not propose any further variations to the Building Location Zone.

Side Setback

The proposed first floor additions will comply with the side setback controls as outlined in the following table:

Elevation	Proposed Maximum Wall Height (m)	Required setback (m)	Proposed setback (m)	Difference (m)
Southern	3.2	0.23	3.2	Complies
Northern (works on boundary)	2.2	0	0	Complies
Northern (Dining Room)	5.3	1.4	3.8	Complies

Therefore, the proposal complies with the Building Location Zone and side setback controls.

C3.6 Fences

Normally, fencing on the side boundaries behind the front setback would be exempt development under SEPP (Exempt and Complying Development Code) 2008 and allows

fences upto 1.8 metres in height to be erected without approval. Currently existing on site is a low wire mesh metal fence (see images below).





The revised drawings, which were renotified, introduced a 1.6 metre fence along the southern boundary of the site. The existing fencing in its current form, allows sightlines from the rear yards into windows and yard areas of the adjoining properties. As seen in the images above, the mesh wire is rusted and there are concerns about whether the mesh wire is capable of preventing occupants from falling onto the adjoining properties where the difference in levels is approximately 4 metres. The wire mesh form is also considered to be incompatible with the heritage item and the use of timber paling fencing is much preferred in this setting. Therefore, the removal of the mesh fence and replacement with a timber paling fence is supported.

In normal circumstances, for fencing on ground floor level, it would be more appropriate for fencing to be 1.8 metres to ensure there are no sightlines into other properties' windows and private open spaces. However, given that the natural ground levels of No. 13 Jane Street is located at a significant higher level than the south-adjoining properties, it is appropriate to keep the height at a maximum of 1.6 metres above the natural ground level. This will provide adequate visual privacy while minimising the solar access impacts to the south-adjoining properties.

C3.9 Solar Access

Given the adjoining sites are north-south orientated (3 and 5 Bradford Street) and east-west orientated (11, 15 and 17 Jane Street), the following solar access controls apply to the proposal in relation to solar access of affected properties:

- *C12 Where the surrounding allotments are orientated east/west, main living room glazing must maintain a minimum of two hours solar access between 9am and 3pm during the winter solstice.*
- *C13 – Where the surrounding allotments are orientated north/south and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained between 9am and 3pm during the winter solstice.*
- *C15 Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*
- *C17 – Where surrounding dwellings have north facing private open space, ensure solar access is retained for three hours between 9am and 3pm to 50% of the total area during the winter solstice.*

- *C18 Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.*
- *C19 Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

Due to the unique topography and existing structures on the proposed and surrounding sites (where the current fencing is a low metal wire-mesh fence), the element that will generate the most solar access impacts will be the proposed 1.6 metre high fence on the southern boundary. The shadows generated by the rear ground floor alterations and additions are entirely contained within the shadows cast by this new fencing.

Impact to glazing on adjoining properties

15 Jane Street – Most impacts will be on the west-facing windows at ground floor level (associated with the living room). There will be no impacts between 9am and 12pm in midwinter. At 1pm in midwinter, the shadow diagrams suggests that there is an increase of approximately 0.35 sqm of additional solar access due to the reintroduction of the first floor balcony – however given privacy screens are required to address visual privacy issues, once this is factored in, there is unlikely to be any increase of solar access at 1pm. At 2pm in midwinter, solar access is available to approximately 1 sqm of the subject window (previously 2.2 sqm). At 3pm in midwinter, solar access is available to approximately 0.18 sqm of the subject window (previously 0.8 sqm).

3 Bradford Street – Most impacts will be on the north-facing windows at ground floor level. There will be no additional impact at 9am in midwinter. At 12pm, solar access is available to approximately 1.2 sqm of the subject window (previously 3 sqm). At 1pm in midwinter, solar access is available to approximately 0.5 sqm of the subject window (previously 2.4 sqm). At 2pm in midwinter, solar access is not available to the subject window (previously 1 sqm). There are no additional impacts at 3pm.

5 Bradford Street – Most impacts will be on one of the north-facing windows at ground floor level – the smaller window. There will be no additional impact at 9am in midwinter. At 12pm in midwinter, solar access is not available to the subject window (previously 0.6 sqm). At 1pm, solar access is not available to the subject window (previously 0.4 sqm). At 2pm in midwinter, there are no additional impacts and solar access is retained to approximately 1.35 sqm of the subject window. At 3pm, there are no additional impacts and solar access is retained to approximately 0.65 sqm of the subject window. The shadow diagrams indicates that the larger northern window will be entirely in shadows between 9am and 3pm currently and therefore there are no additional impacts from the proposal.

Impact to private open space on adjoining properties

15 Jane Street – The shadow diagrams indicate that the private open space of No. 15 Jane Street will be currently in shadow between 9am and 12pm and between 2 and 3pm at winter solstice. At 1pm, the shadow diagram indicates there are an additional overshadowing of 0.4 sqm.

3 Bradford Street – The shadow diagrams indicate that the private open space of 3 Bradford Street will be currently in shadow between 9am and 3pm at winter solstice, and therefore there are no additional impacts.

5 Bradford Street – The shadow diagrams indicate that the private open space of 5 Bradford Street will be currently in shadow between 9am and 3pm at winter solstice, and therefore there are no additional impacts.

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

In assessing the reasonableness of solar access impact to adjoining properties, and in particular, in any situation where controls are sought to be varied, Council will also have regard to the ease or difficulty in achieving the nominated controls having regard to:

- a. the reasonableness of the development overall, in terms of compliance with other standards and controls concerned with the control of building bulk and having regard to the general form of surrounding development;*
- b. site orientation;*
- c. the relative levels at which the dwellings are constructed;*
- d. the degree of skill employed in the design to minimise impact; and*
- e. whether reasonably available alternative design solutions would produce a superior result.*

As mentioned earlier, the additional solar access impacts are created as a result of the proposed 1.6 metre high paling fence located on the southern boundary (any additional overshadowing from the ground floor alterations and additions are contained within the shadows cast by the fencing as the ground floor proposed works are setback at least 3.3 metres to the southern boundary).

Normally, it would be expected to find boundary fences approximately 1.8 metres in height to ensure that privacy is retained between the subject property and the surrounding properties. The unique circumstances for this development is that the natural ground of No. 13 Jane Street is located at a much higher level than the southern adjoining properties (approximately 4 metres difference in height) and the currently existing fencing consist of a low mesh wire fence (approximately 1 metre in height) which in turn provides a higher level of solar access to the southern properties compared to solid fence.

It is acknowledged that there are some safety concerns in relation to the existing fence, in particularly the wire mesh material given the fall is approximately 4 metres and there will be no objections to its removal given that wire mesh fencing is not a form that is compatible to the heritage item and the heritage conservation area. The wire mesh fencing in its existing form also allows sightlines into the private open spaces and windows on the adjoining properties.

It is considered that on balance, the proposed 1.6 metre high paling fence is reasonable. It is of a form that is compatible with the heritage item and the heritage conservation area. The 1.6 metres height is considered to be the minimum height that is effective in obstructing sightlines into other properties. Therefore, it is considered that there are no reasonable alternatives that would produce a superior result. Having considered the above, it is considered that the solar access impacts are reasonable.

C3.11 Visual Privacy

The following controls are applicable:

C1 Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.

C7 New windows should be located so they are offset from any window (within a distance of 9m and 45 degrees) in surrounding development, so that an adequate level of privacy is obtained/retained where such windows would not be protected by the above controls (i.e. bathrooms, bedrooms).

C9 Balconies at first floor or above at the rear of residential dwellings will have a maximum depth of 1.2m and length of 2m unless it can be demonstrated that due to

the location of the balcony there will be no adverse privacy impacts on surrounding residential properties with the provision of a larger balcony.

In this regard, there are no living rooms on the first floor level, so the two elements that needs to be considered is whether there are sightlines within 9 metres and 45 degrees to windows of other properties and the impacts of the reinstated first floor rear balcony.

In regards to the proposed new window on the southern elevation at ground floor level (Window G13), there is potential sightlines within 9 metres and 45 degrees to one of the first floor windows on the northern elevation of No. 15 Jane Street. Therefore, a standard condition will be recommended that requires sightlines up to 1.6 metres from this window to be restricted to mitigate the visual privacy concerns.

In regards to the reinstatement of the first floor rear balcony, it is acknowledged that the reintroduction of such a balcony would be a net positive in regards to heritage conservation. However, in order to ensure this balcony will not result in adverse impacts to the adjoining properties, a condition will be recommended that requires privacy screening 1.6 metres in height to be located on the southern side of the first floor balcony. The privacy screens will also need to provide a one metre return on the western side of the first floor balcony. This will ensure that the majority of the sightlines from this balcony will be directed towards the west and not to the south-adjoining properties.

C3.12 Acoustic Privacy

The following controls are applicable to this application:

C3 Noise generating areas that are not contained within buildings, such as private outdoor open space, parking and service equipment, are located and oriented away from bedroom windows on adjoining sites.

Note: Key parts of the development such as private open space should also be located on site in a manner that is compatible with the prevailing pattern of surrounding development. Council will assess each proposal on its individual merit considering this matter.

C6 Electrical, mechanical or hydraulic plant achieves a maximum noise level of 5dBa above background sound levels at the boundary of the site.

C8 Private open space is encouraged to be located away from bedrooms on adjoining properties to ensure minimal acoustic impacts.

The proposed first floor balcony is located approximately 7.5 metres from the nearest bedroom and is considered to be acceptable in this regard. The proposed pool is located in the rear yard and noise associated with the use of a residential pool is considered to be consistent with the level of noise that would be generated with the expected amount of noise generated with a rear yard. However, standard conditions will be recommended in regards to the noise generated from the pool equipment to ensure the emitted noise will not exceed 5dB(a) above the ambient background noise in any habitable room of adjoining properties, and to control hours of operation of said equipment in order to mitigate any unreasonable impacts.

5(d) The Likely Impacts

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

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

The site is zoned R1 General Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with Leichhardt DCP 2013 for a two periods to surrounding properties. The first notification period with between 18 October 2018 to 1 November 2018 and the second notification period is between 28 February 2019 to 14 March 2019.

5 Objections (from 4 properties) was received in the first notification period and 2 objections from two properties was received in the second notification period.

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

- The height, form of the proposed additions and impact to heritage – see C1.3 Alterations and additions and C1.4 Heritage Conservation Areas and Heritage Items. The amended proposal is considered to be acceptable.
- Privacy implications from the reintroduction of the new balcony – see C3.11 Visual Privacy. Standard conditions will be recommended to provide privacy screening on the southern side of the balcony with a one metre on the western side. A standard condition will also be recommended to restrict sightlines up to 1.6 metres in height on the proposed window on the southern elevation.
- Overshadowing and reduced sunlight from the development – see C3.9 Solar Access. The solar access impacts is considered to be reasonable given the proposed fencing is limited to 1.6 metres in height.
- Side fence – See C3.6 Fencing. The proposed fencing is considered to be acceptable.
- Concerns about removal of trees - see C1.14 – Tree Management. The removal of an existing tree without prior approval is noted and the proposal seeks to remove three additional trees. Trees are not considered as adequate devices to mitigate visual privacy, and therefore, would not be a factor in determining whether a tree should be retained or not. The proposed tree removals are supported subject to the planting of 4 replacement trees which will be conditioned.

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

Issue: Construction of Pool/Geotechnical issues/impact to sandstone retaining wall/Dilapidation Reports.

Comment: To address this, standard conditions will be recommended that requires a Geotechnical/Civil engineering report, Noise and Vibration Management plans to be provided to the satisfaction of the Principal Certifying Authority and dilapidation reports to be prepared prior and post construction.

Issue: Impacts from Construction/Asbestos/Dust control/Traffic Management

Comment: Standard demolition conditions will be recommended that a Work Plan to be prepared and submitted to the Principal Certifying Authority (PCA) in accordance with the relevant provisions of *Australian Standard 2601:2001 Demolition of Structures*. 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. The condition also requires where the property was built

prior to 1987, an asbestos survey prepared by a qualified occupational hygienist is to be undertaken.

A condition will also require a Construction and Traffic Management Plan to be provided to the satisfaction of the PCA where if during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. And that all traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual".

Issue: Inadequate information

Comment: It is considered that the Statement of Environment Effects is adequate to allow an accurate assessment of the proposed works. Amended shadow diagrams were requested and the amended shadow diagrams are adequate to depict the solar access impacts.

Issue: Stormwater and Engineering concerns.

Comment: The stormwater concept plans were reviewed by Council's Engineers and are considered to be satisfactory subject to conditions. A Geotechnical Report was requested and provided as additional information. Subject to standard conditions, this is considered to be satisfactory.

Issue: Concerns regard excavation

Comment: Standard conditions regarding excavation, including hours of construction, will be recommended (referred to draft conditions). The geotechnical report which forms as part of the approved document outlines excavation methods which are based on the distance to adjoining structures.

Issue: The application does not include additional parking

Comment: As the proposed works will be retain the use of the site as a single dwelling only, off- street parking is not required under C1.11 – Car parking.

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 considered to acceptable in regards to impacts to the heritage item and the heritage conservation area and subject to conditions, is considered to have acceptable impacts to the amenity of the surrounding properties.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Officer
- Development Engineer
- Landscape

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 proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered to be in the public interest and is suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 to approve the application subject to the conditions in Attachment A.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2018/535 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
02-01B, Revision B – Site Plan	Studio Prineas	12/3/19
02-04B, Revision B – Ground Floor Plan	Studio Prineas	12/3/19
02-05B, Revision B – First Floor Plan	Studio Prineas	12/3/19
02-06B, Revision C – South Elevation	Studio Prineas	12/3/19
02-07B, Revision B – West Elevation	Studio Prineas	12/3/19
02-10B, Revision B – Section A	Studio Prineas	12/3/19
02-11B, Revision B – Section B	Studio Prineas	12/3/19
02-12– Schedule of Materials & Finishes	Studio Prineas	18/09/2018
04-14A, Revision A – Sandstone Mapping	Studio Prineas	12/3/19
04-16 – Timber Paling Fence Details	Studio Prineas	25/02/2019
04-17 – Timber Balustrade Details	Studio Prineas	25/02/2019
06-01A - Revision A – Main Bathroom - Floorplan	Studio Prineas	12/3/19
06-02A - Revision A – Main Bathroom – Elevations 1	Studio Prineas	12/3/19
06-03A - Revision A – Main Bathroom – Elevations 2	Studio Prineas	12/3/19
06-04 - Revision A – Main Bathroom – Elevations 3	Studio Prineas	12/3/19
06-05A - Revision A – Main Bathroom – Elevations 4	Studio Prineas	12/3/19
06-06A - Revision A – Main Bathroom – Elevations 5	Studio Prineas	12/3/19
Document Title	Prepared By	Dated
Preliminary Geotechnical Investigation	assetgeo	31 January 2019
Arboricultural Impact assessment	Arboreport	23/08/18
Stormwater Plans	Prepared By	Dated
Drawing No. 91402/D1 - Stormwater Drainage Concept Plans	KNEE BONE & BRETТА Consulting	7 September 2018
BASIX Certificate No. A323572	Efficient Living Ply Ltd	26 July 2018

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.

2. Approval is given for the following works to be undertaken to trees on the site:

Tree/location	Approved works
<i>Robinia pseudoacacia</i> (Black Locust)	Front site
<i>Lauris nobilis</i> (Bay Tree)	Rear site
<i>Cupressus sempervirens</i> (Pencil Pine)	Rear site

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved.

The approved works shall not be carried out unless this letter, or copy of it, is kept on the site. It shall be shown to any authorised Council Officer upon request.

All tree work shall be undertaken by an experienced Arborist with a minimum qualification of Level 3 under the Australian Qualification Framework (AQF). The work shall be undertaken in accordance with AS4373 – 2007 'Pruning of amenity trees' and in compliance with the Safe Work Australia Code of Practice 'Guide to Managing Risks of Tree Trimming and Removal Work'.

Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) shall be undertaken by an approved Ausgrid contractor for the management of vegetation conflicting with such services. Please contact Ausgrid for further advice in this regard.

3. Consent is granted for the demolition of the following currently existing on the property, subject to strict compliance with the following conditions:

Elements	Location
Structures associated with the existing dwelling	As indicated on the approved drawings.

- 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.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

- 4. 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.

5. A privacy screen must be erected along the southern side of the first floor rear balcony and to have a 1 metre return on the western side. The privacy screen must:
- be 1.6m high, measured from the floor level, and
 - have no individual opening more than 30mm wide, and
 - have a total area of all openings that is less than 25 per cent of the surface area of the screen; and
 - be permanently fixed and made of timber and have a colour finish that matches the wall colour of the existing dwelling.

Details must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The privacy measures must be maintained for the life of the building

6. To ensure reasonable privacy for the adjoining property, the following windows/glazing:

Window/glazing	Room	Elevation
G13	Ground Floor Study	Southern

must be treated with one of the following privacy treatments:

- have a minimum sill height of 1.6m above finished floor level. or
- be permanently fixed (that is windows are not to swing or lift open) with obscure glazing (not frosted film on clear glazing) to a height of 1.6 metres above finished floor level; or
- provided with fixed external louvers with a density of 75% and have no individual opening more than 30mm wide, and have a total area of all openings that is less than 30 per cent of the surface area of the screen and be made of durable materials. Where fixed louvered screens are used, the screen structure must be securely fixed. The louvers may tilt open from a closed position to an angle of 45 degrees in either a downward or upward position, depending on the sightlines that are to be restricted.

The treatment must ensure that the ventilation requirements of the Building Code of Australia are met. If one treatment cannot satisfy the requirements, an alternative in the list above is to be used.

Details must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The privacy measures must be maintained for the life of the building.

7. Amended Stormwater Drainage Concept Plans (SDCP) must be submitted incorporating the following amendments:

- a) Stormwater Drainage Concept Plans (SDCP) on drawing No. 91402/D1 prepared by KNEE BONE & BRETТА Consulting and dated 7 September 2018 must be amended to incorporate On-site Stormwater Detention storage and/or On-site Stormwater Retention/ re-use facilities (OSD/OSR). The design must be amended to make provision for the following:
- b) Drainage pipes under the floor slab must be laid straight with no bends. Inspection eyes must be provided on the upstream end of the side lines and on the upstream and downstream ends of the main line.
- c) Drainage pipes must be laid at a minimum grade of 1%. All pipes' diameter and invert levels must be shown on the drainage plans.
- d) The width and design levels of the overland flow path must be shown on the drainage plans. The overland flow path shall be designed with a minimum width of 500mm at 1% grade.

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

- 8. A stormwater drainage design, incorporating separate On-site Stormwater Detention storage (OSD) and/or On-site Stormwater Retention/ re-use facilities (OSR), prepared by a qualified practicing Civil Engineer shall be provided prior to the issue of a Construction Certificate. The design must be prepared /amended to make provision for the following:
 - a) Stormwater runoff from all pervious and impervious areas of the site must be collected in a system of gutters, and pipelines and connected to the street gutter under gravity via OSD.
 - b) Charged or pump out system is not permitted.
 - c) The OSD tanks 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 from the site are restricted to the pre development flows for the 5 year ARI storm event.
 - d) The volume of on-site detention storage (OSD) can be reduced where On-site Stormwater Retention storage (OSR) facilities for rainwater reuse and/or stormwater 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 1m^3 from the OSD storage volume, for every 2.5m^3 of OSR storage provided (up to a maximum OSD offset of 10m^3).
 - e) Dimensions and levels of the OSD and OSR, invert level and diameter of the inlet and outlet pipes, the invert level of the overflow pipe from the rainwater tank to OSD and details of the discharge control pit shall be shown on the drainage plans.
 - f) The design must make provision for the natural flow of stormwater runoff from adjoining properties and trapped areas within the site, including landscaped areas.

- g) An overland flow path must be provided within the setback to the southern boundary between the rear of the dwelling and Jane Street frontage. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flow path.
- h) A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas.
- i) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- j) 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.
- k) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets.
- l) All redundant stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.
- m) 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.
- n) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
- o) The proposed on-site retention 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.
- p) New kerb outlets in stone kerb shall be carefully cored through the existing kerb stone such that the kerb outlet is perpendicular (a 90° angle) with the gutter. The pipe under the footpath shall end 30mm within the kerb stone with mass concrete around the pipe connection to the kerb stone.
- q) Purpose made pipe fittings and bends or welded joints shall be used where necessary to align the discharge pipe with the kerb outlet.
- r) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS3500.3.2015 Plumbing and Drainage – Stormwater Drainage*.

The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.

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

9. Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located

beneath the canopy of any tree protected under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the State Environmental Planning Policy shall be prepared. 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.

10. The following replacement trees must be planted:

Tree/species	Quantity	Location
Native specimens capable of attaining a minimum mature height of 8m.	4	Rear site. Planting locations must consider privacy concerns along the southern boundary of the site.

The minimum container size of the new tree shall be 200 litres at the time of planting, and shall comply with AS 2303—*Tree Stock for Landscape Use*.

Council is to be notified when the replacement tree has been planted and an inspection arranged with Council's Tree Assessment Officer. If the replacement is found to be faulty, damaged, dying or dead prior to being protected under the Tree Management Controls of the Leichhardt Development Control Plan 2013, the replacement tree shall be replaced with the same species, which will comply with the criteria above.

Council encourages the uses of replacement trees that are endemic to the Sydney Basin to increase biodiversity in the local environment and provide a natural food source for native birds and marsupials. Note: Any replacement tree species must not be a palm tree species or be a plant declared to be a noxious weed under the Noxious Weeds Act 1993 or tree species listed as an exempt species under Section C1.14 (Tree Management) of the Leichhardt Development Control Plan 2013.

11. Prior to the issue of the Construction Certificate the builder in conjunction with or certified by a suitably qualified Civil engineer shall prepare a detailed work method statement including detailed specifications of the proposed method of excavation including the size, weight and power rating of plant and accessories, as well as appropriate hold points. to the satisfaction of the Principal Certifying Authority.

The design must be certified as compliant with the terms of this condition and adequate for the intended works by a suitably qualified Civil Engineer.

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

12. A certificate prepared by a qualified Geotechnical Engineer must be provided prior to the issue of the Construction Certificate to the satisfaction of the Principal Certifying Authority. This is to certify the existing rock formations and substrate on the site are capable of:
- a) Withstanding the proposed loads to be imposed.

- b) Withstanding the proposed excavation, including any shoring works that may be required to ensure stability of the excavation.
- c) Providing protection and support of adjoining properties.
- d) The provision of appropriate subsoil drainage during and upon completion of construction works.

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

13. Prior to issue of the Construction Certificate the applicant shall have a Geotechnical/Civil Engineering report prepared which addresses (but is not limited to) the following:-

- a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum;
- b) The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated;
- c) The proposed method to temporarily and permanently support the excavation for the pool adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site);
- d) The existing groundwater levels in relation to the pool structure, where influenced;
- e) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting.

The report, satisfying the requirements of this condition, must be provided as part of the supporting documentation lodged with the Principal Certifying Authority for approval of the Construction Certificate application. The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction.

14. Prior to the issue of a Construction Certificate, Architectural Plans accompanied by a Structural Certificate must be provided to the Principal Certifying Authority. The Certificate must verify that the architectural plans that are the subject of the

Construction Certificate application do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to the consent authority and all owners of the party wall/s.

15. 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.

16. 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.
17. 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.

18. 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. The colour of the new metal deck skillion roof must be "Windspray" or "Wallaby". 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. The approved plans must be checked online with Sydney Water Tap In 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. A copy of this approval must be supplied with the Construction Certificate application. Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

The Certifying Authority must ensure that the appropriate approval has been provided prior to the issue of a Construction Certificate.

24. 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.

25. 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)

26. Prior to the commencement of works or issue of a Construction Certificate (whichever occurs first), a Noise and Vibration Management Plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Assessing Vibration: A technical guideline (available www.environment.nsw.gov.au). The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works. The Plan shall address, but not be limited to, the following matters:

- a) Identification of activities carried out and associated noise sources.
- b) Identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment.
- c) Determination of appropriate noise and vibration objectives for each identified sensitive receiver.
- d) Noise and vibration monitoring, reporting and response procedures.
- e) Assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles.
- f) Description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction.
- g) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency (consistent with conditions of this consent).
- h) Procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration.
- i) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

27. Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

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.

28. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below 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.

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

Payment will be accepted in the form of cash, bank cheque or 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 & footpath prior to & 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, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

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.

29. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Principal Certifying Authority prior to any demolition or works commencing on the site or the issue of a Construction Certificate (whichever comes first). The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property	Structures / Area
11 Jane Street	Dwelling House
15 Jane Street	Dwelling House, rock face and sandstone retaining wall
3 Bradford Street	Dwelling House, rock face and sandstone retaining wall
5 Bradford Street	Dwelling House, rock face and sandstone retaining wall

If excavation works are proposed the dilapidation report must report on the visible and structural condition of neighbouring structures within the zone of influence of the excavations. This zone is defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report is to be prepared by a practising Structural Engineer. All costs incurred in achieving compliance with this condition shall be borne by the applicant. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written correspondence from the owners of the affected properties or other evidence must be obtained and submitted to the Principal Certifying Authority in such circumstances that demonstrates such documentation has been received. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

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.

30. 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.

PRIOR TO THE COMMENCEMENT OF WORKS

31. 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;

32. 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.

33. 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.

34. 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.
35. 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.
36. 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.
37. 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

38. 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.

39. 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.

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

Schedule	
Tree/location	Time of Inspection
All trees located on adjoining property along northern boundary of site.	Monthly intervals throughout duration of works.

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

Arborist - for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

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

41. Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by, or supervised by, an experienced Arborist – for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

Schedule	
Tree/location	Approved works
All trees located on adjoining property along northern boundary of site.	Pruning

The person acting on this consent has approval under Council's Tree Management Controls to; prune the trees located on adjoining property along northern boundary of site to achieve a clearance of the structure. Pruning is limited to those branches that will come into direct contact the built structure and where branch diameter (at its point of attachment) does not exceed 40 mm. All pruning shall be carried out to sections 5, 6 and 7.3.3 of the Australian Standard AS4373—*Pruning of amenity trees*.

Where a tree's canopy or root system has developed across property boundaries, consent to undertake works on the tree does not permit a person acting on the consent to trespass on adjacent lands. Where access to adjacent land is required to carry out approved tree works, Council advises that the owners consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent shall meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

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

42. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk(s) of the following, tree(s) shall be severed or injured in the process of any works during the construction period.

Schedule	
Tree/location	Radius in metres
All trees located on adjoining property along northern boundary of site.	5m

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

43. All excavation within the specified radius of the trunk(s) of the following tree(s) being hand dug:

Schedule	
Tree/location	Radius in metres
All trees located on adjoining property along northern	5m

boundary of site.	
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Details demonstrating compliance with the requirements of this condition are to be submitted by the Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

44. The site must be appropriately secured and fenced at all times during works.
45. 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.

46. 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.

47. 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.
48. 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.
49. 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.
50. 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.
51. 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.

52. 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.

53. 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.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

54. 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.
55. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species and planting of canopy trees, have been undertaken in accordance with the approved landscape plan and/or conditions of Development Consent.
56. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:
- Compare the post construction report with the pre-construction report required by these conditions,
 - Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

57. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that:
- a) Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the *Swimming Pools Act 1992*. The pool shall not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012
 - b) Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-attenuating container and positioned to minimise acoustic impacts on habitable rooms of surrounding properties. Prior to operation of the pool pump, the Principal Certifying Authority shall be satisfied that noise levels associated with the pool/spa pumping units shall not exceed 5dB(a) above the ambient background noise in any habitable room of adjoining properties. Evidence from a practising acoustical engineer demonstrating compliance with the above must be submitted to the Principal Certifying Authority prior to the operation of the pool pump or issue of an Occupation Certificate.

- c) A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
 - d) Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
 - e) A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with clause 10 of the *Swimming Pool Regulation 2008*.
58. 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.

59. 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.
60. The existing sandstone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.
61. 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.

Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, shall be submitted and accepted by Council prior to the issue of an Occupation Certificate.

The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped Construction Certificate plans

62. 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.

63. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. 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.
64. The Operation and Management Plan for the On-site Detention and/or On-site Retention/re-use facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all time.
65. 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.

ONGOING CONDITIONS OF CONSENT

66. 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.
67. 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.
68. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the Swimming Pools Act, 1992 at all times

Noise levels associated with pool/spa pumping units shall not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment shall be enclosed in a sound absorbing enclosure or installed within a building so as to not create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.

Pool plant and equipment 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. Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa shall enter Council's stormwater system.

The disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer via the filter/pump in accordance with Australian Standard AS 3500.2:2003 *Plumbing and drainage – Sanitary plumbing and drainage*. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.

A resuscitation chart is to be displayed and maintained at all times.

69. 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.
70. 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.
71. 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 House, 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 4.55 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.

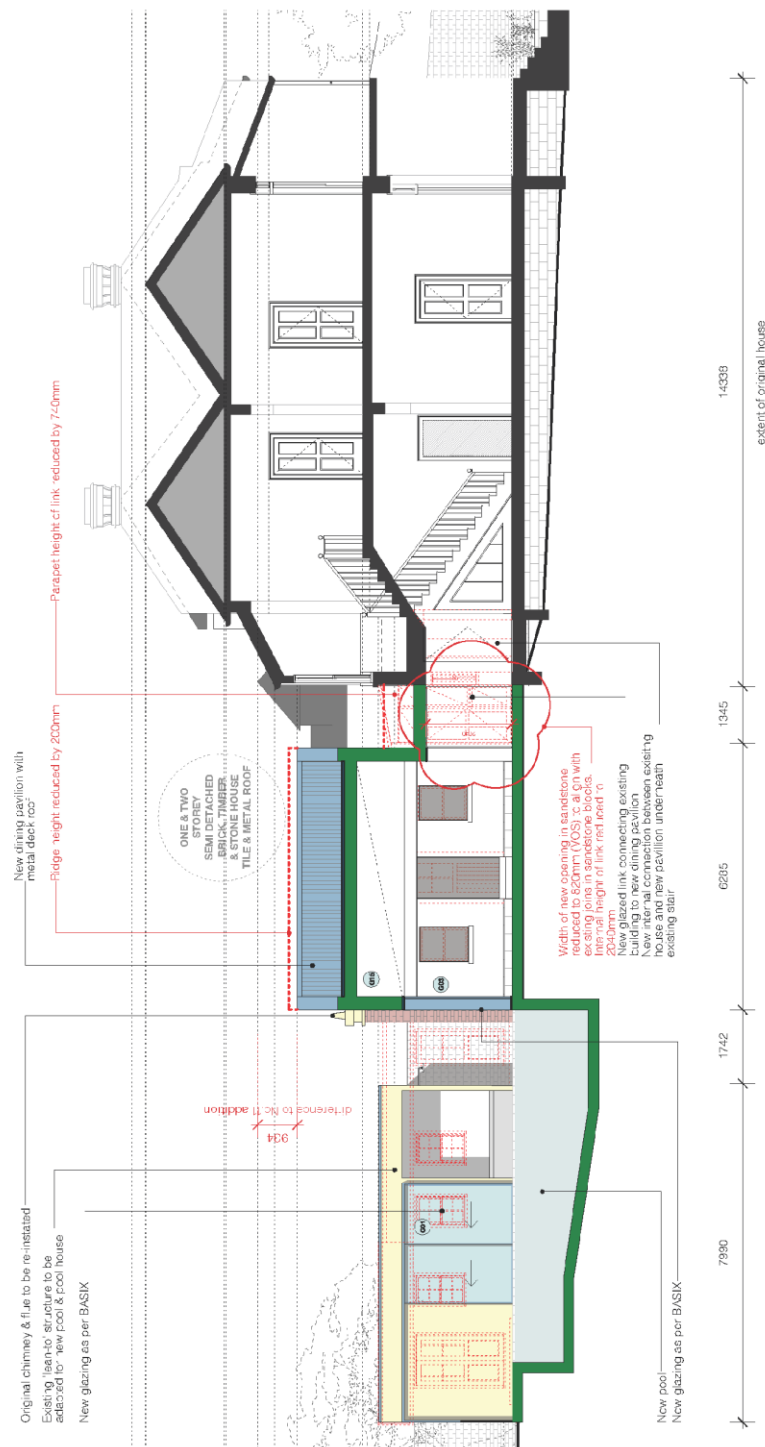
- 2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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.
9. You may need a permit before filling a new or renovated swimming pool which holds more than 10,000 litres of water. You are advised to contact Sydney Water on 132092 to obtain this permit.
10. The kerb outlet and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of Vehicle Crossing and Public Domain Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

Attachment B – Plans of proposed development



Key

--- Building line below ground
 --- Existing ground line

Material Key

concrete masonry timber metal glass tiles
 demolished
 Existing walls

0 1 2 3 M

1 Section B
 1:100 @ A3

Studio Pineas

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 +61 2 9592 2026
 Studio 504
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 Rustenburg NSW 2111 Australia
 Nominated Architect
 Eva Marie Pineas
 NSW A2316866



Studio
 Pineas

Notes

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Address Lines

VOS Veri-Or Site
 FFL Finished Floor Level
 AFFL Above Finished Floor Level
 NA Not Applicable
 AFS As Further Specified
 EQ Equal
 CL Centreline
 EXTC Existing

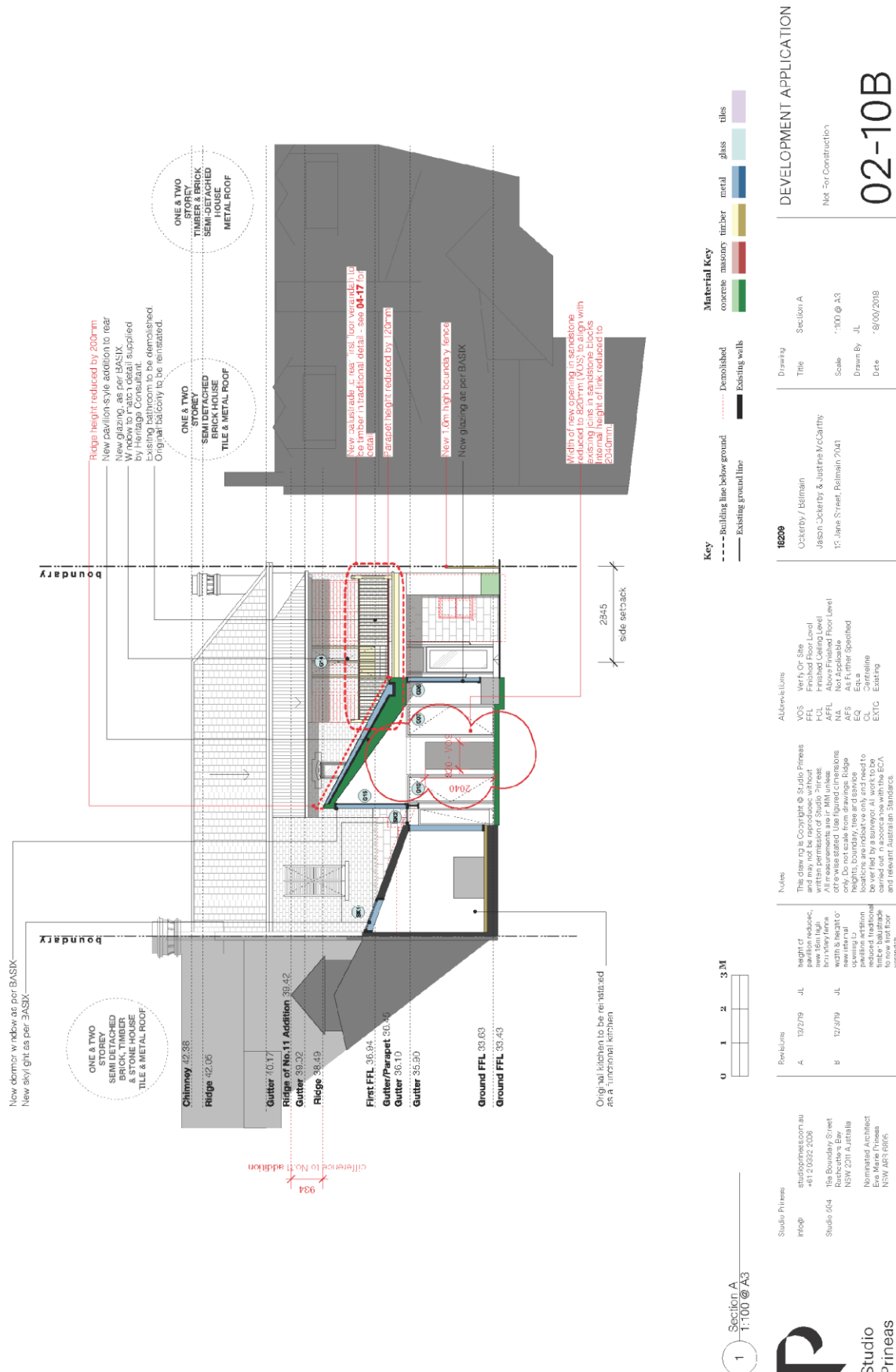
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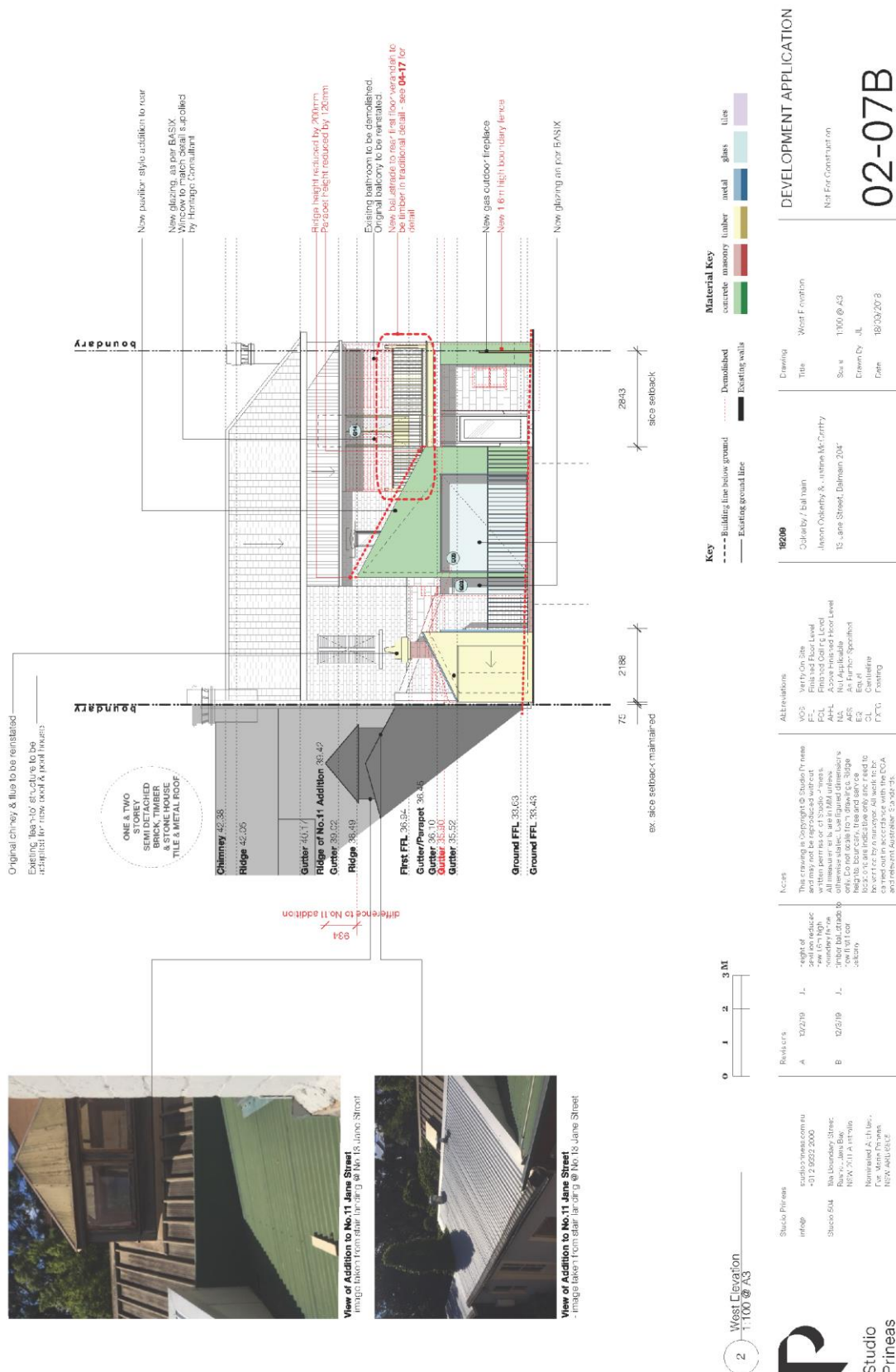
Uckerby / Belmont
 Jason Uckerby & Justin McCallum
 15 Main Street, Belmont 2041

DEVELOPMENT APPLICATION

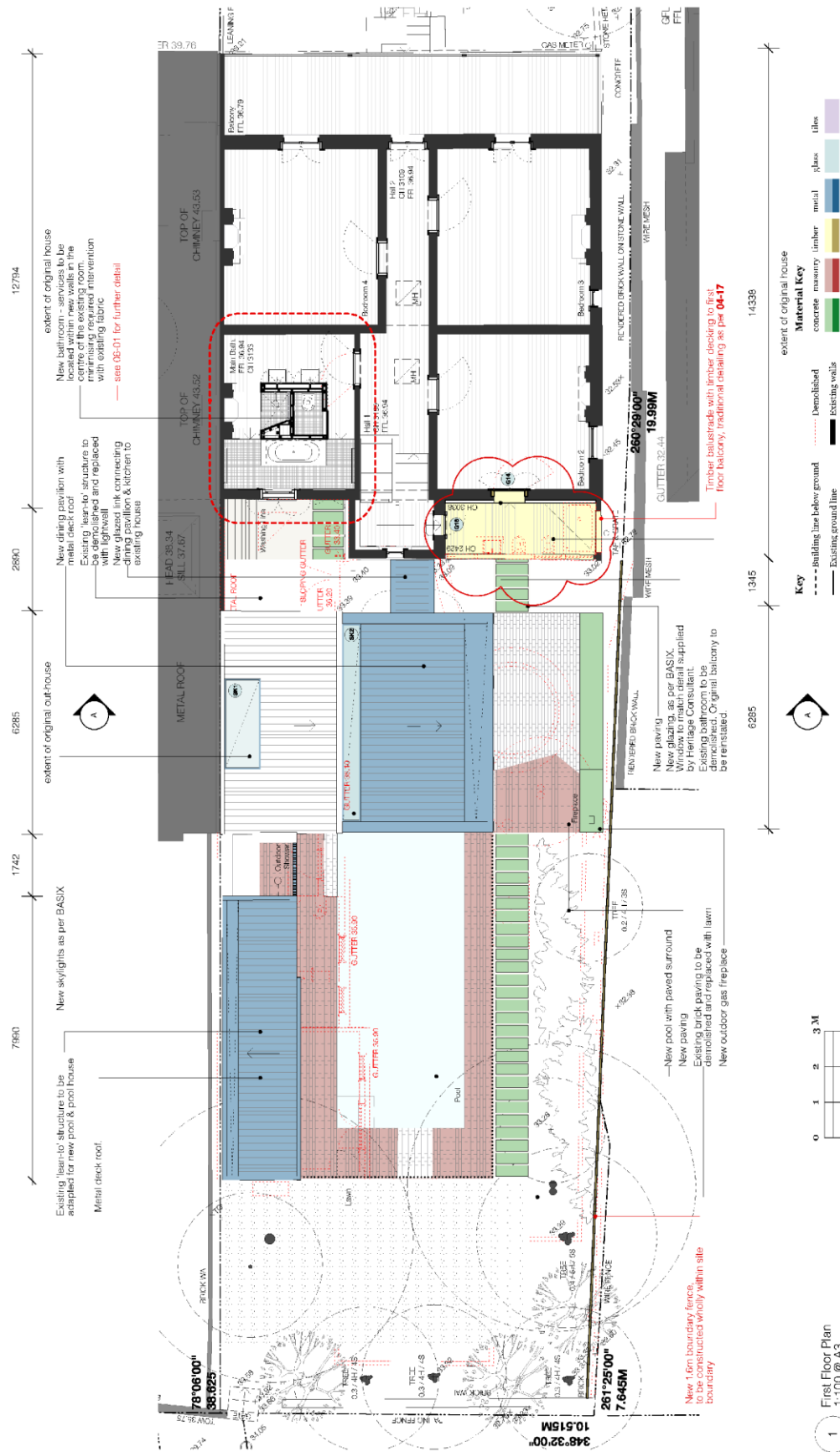
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 Drawn By JL
 Date 18/09/2019

02-11B









DEVELOPMENT APPLICATION



Not For Construction

02-05B

18209

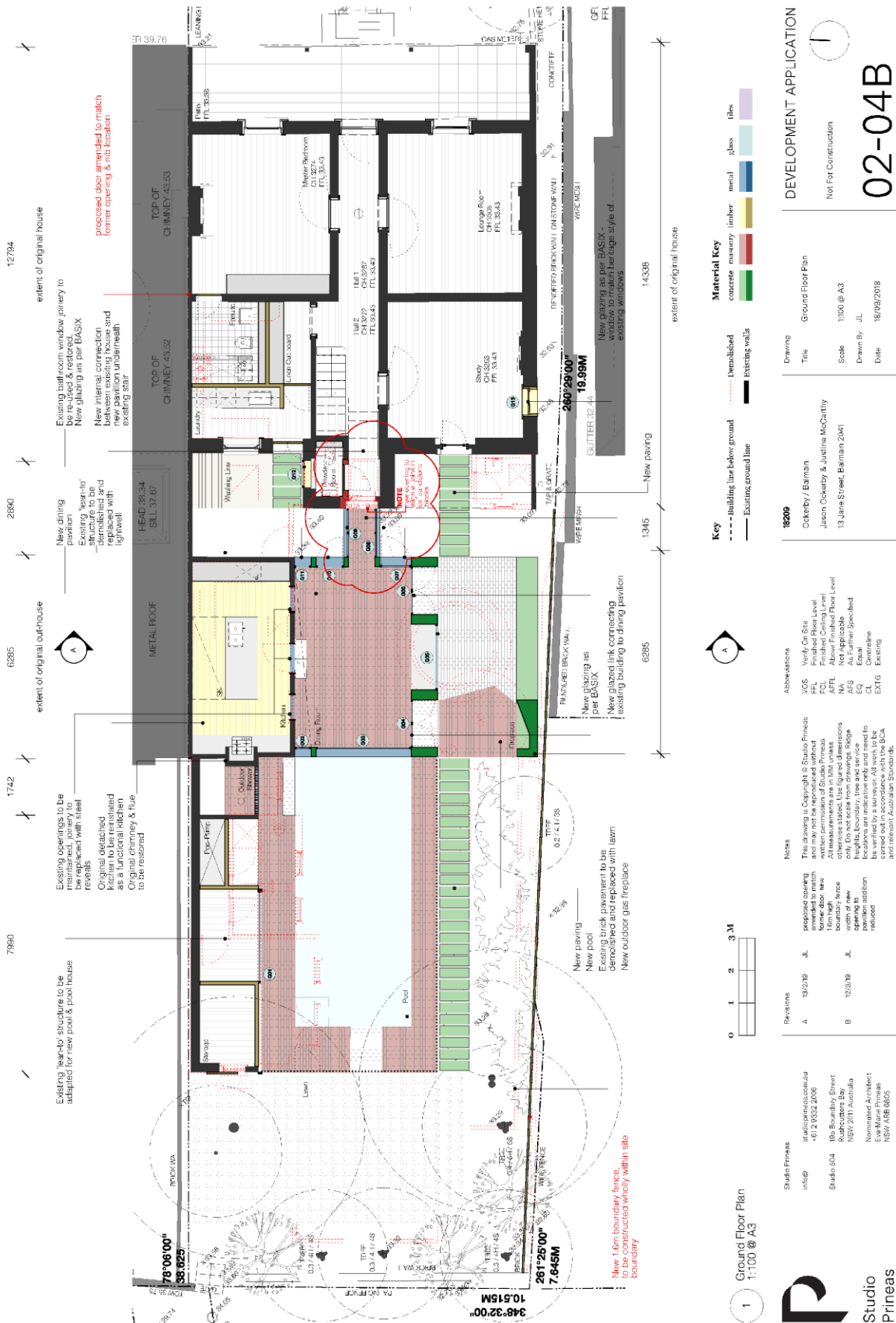
Jason Ockerby & Justine McCarthy

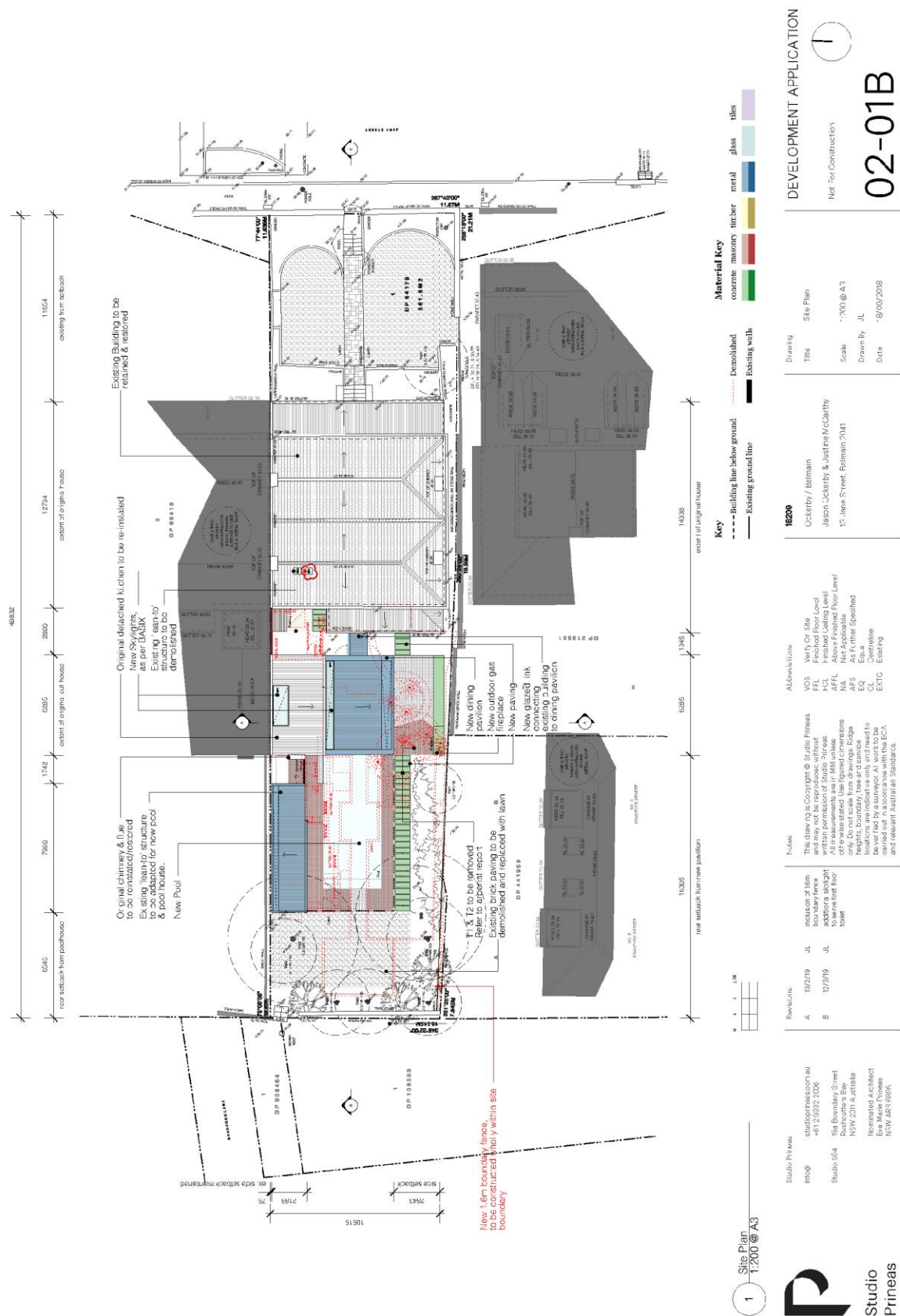
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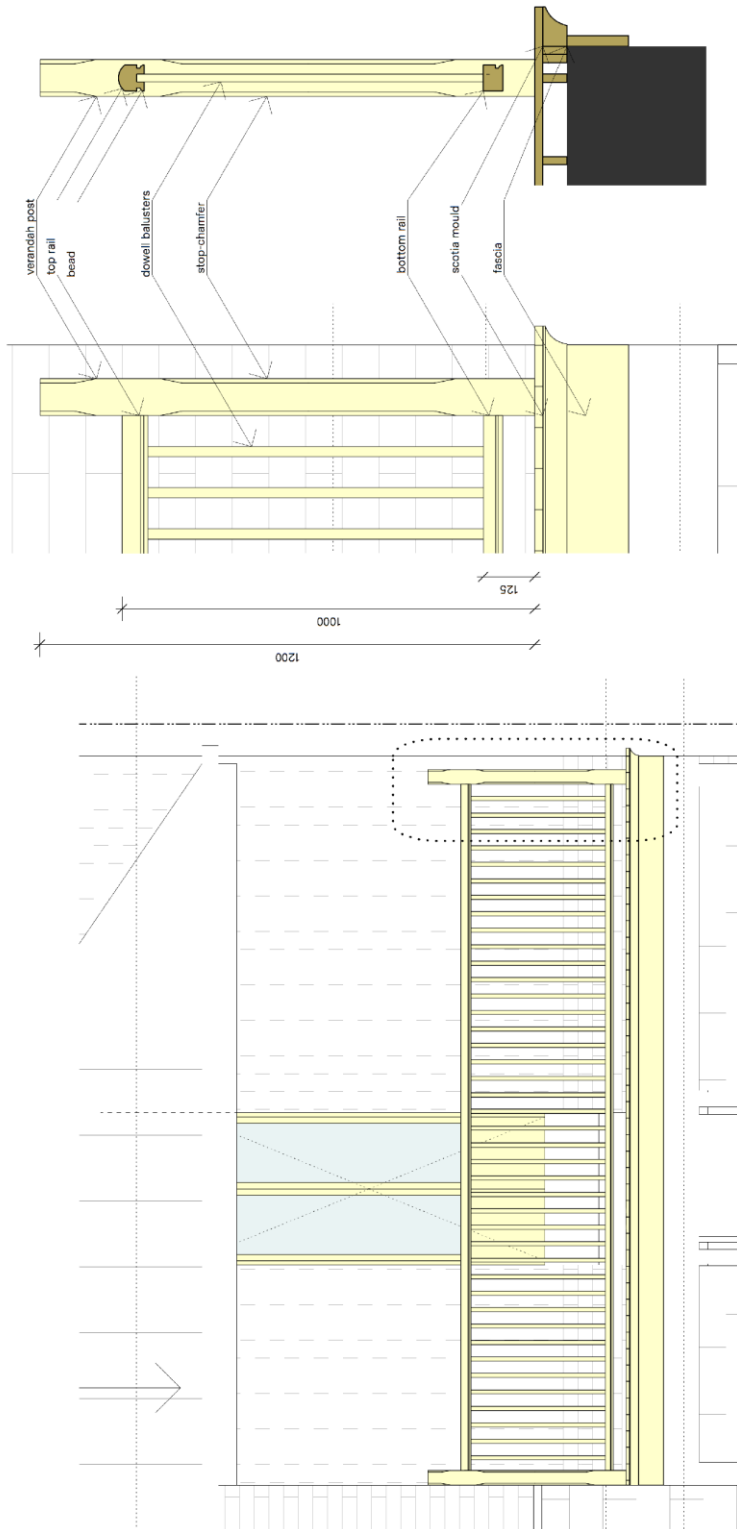
B	12/3/19	JL
		first floor balcony
		balustrade amended

1
First Floor Plan
1:100 @ A3

Studio
Prineas







1 Traditional Timber Balustrade Elevation
1:50 @ A3

2 Traditional Timber Balustrade Detail Elevation
1:10 @ A3

3 Traditional Timber Balustrade Detail Section
1:10 @ A3

Traditional Timber Balustrade
Western Red Cedar (or Equal)
To be painted DuluxTM Pure White (or Equal)



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Studio S24
136 Boundary Street
Balmain NSW 2041 Australia
Nominated Architect
Eva Marie Prineas
NSW AIB 9805

Revisions

Notes
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Abbreviations
VOS Verify On Site
FCL Finished Floor Level
FCL Finished Ceiling Level
FCL Finished Floor Level
NA Not Applicable
ANS As Further Specified
EQ Equal
CQ Callout
EXTG Existing

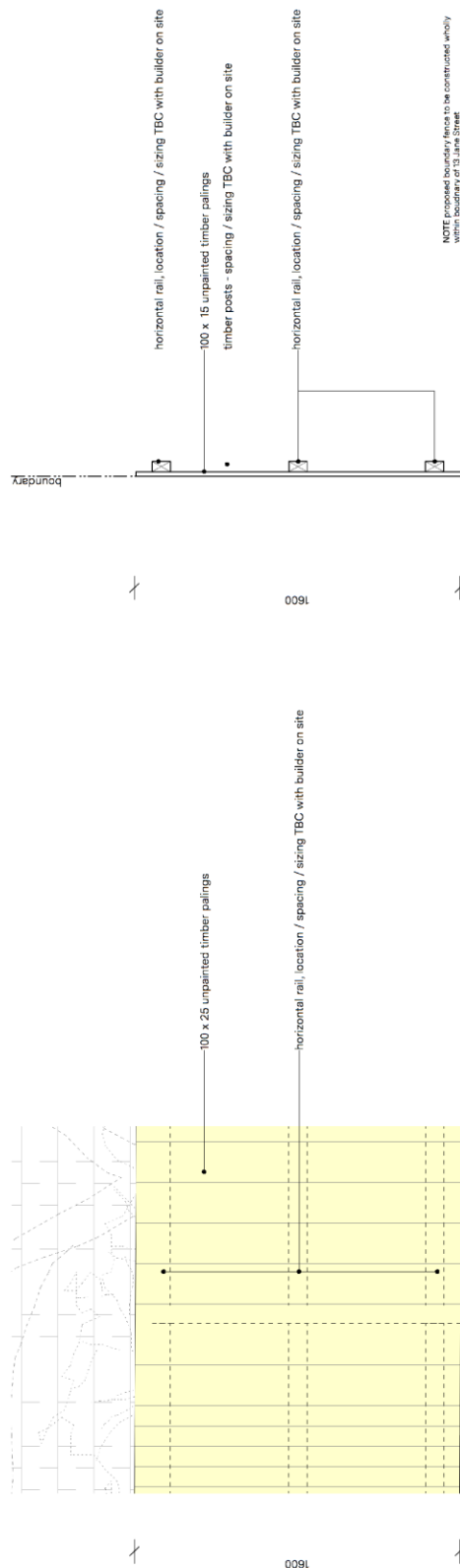
19209
Ockerby / Balmain
Jason Ockerby & Janelle McCarthy
13 Jane Street, Balmain 2041

Drawing Title
Timber Balustrade Details
Scale 1:10 @ A3
Drawn By JL
Date 25/02/2019

DEVELOPMENT APPLICATION

Not For Construction

04-17



3 Timber Paling Fence - Section
1:20 @ A3

1 Timber Paling Fence - South Elevation
1:20 @ A3

DP 64178
561 8 M 2
13 Jane Street
Balmain



Timber Paling Fence
Hardwood Paling Fence - Northern Box or Equal
Untreated - to Weather Silver / Grey

NOTE proposed boundary fence to be constructed wholly within boundary of 13 Jane Street

2 Timber Paling Fence - Plan
1:20 @ A3



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Revisions

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Abbreviations
VOS Verit On Site
FCL Finished Floor Level
FCL Finished Ceiling Level
NA Not Applicable
ANS As Further Specified
EQ Equal
EXTG Existing

18209

Ockelby / Balmain
Jason Ockelby & Justine McCarthy
13 Jane Street, Balmain 2041

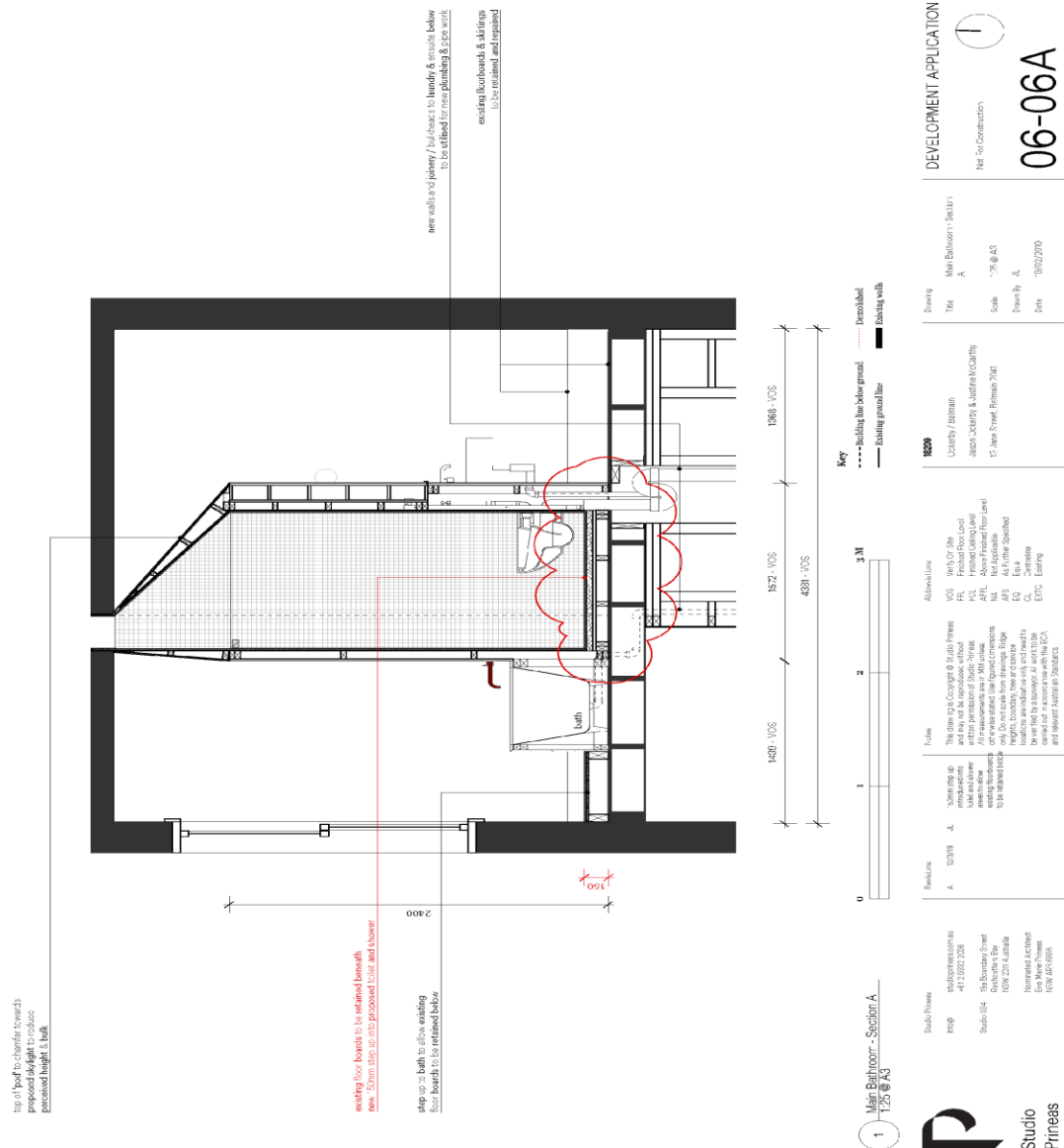
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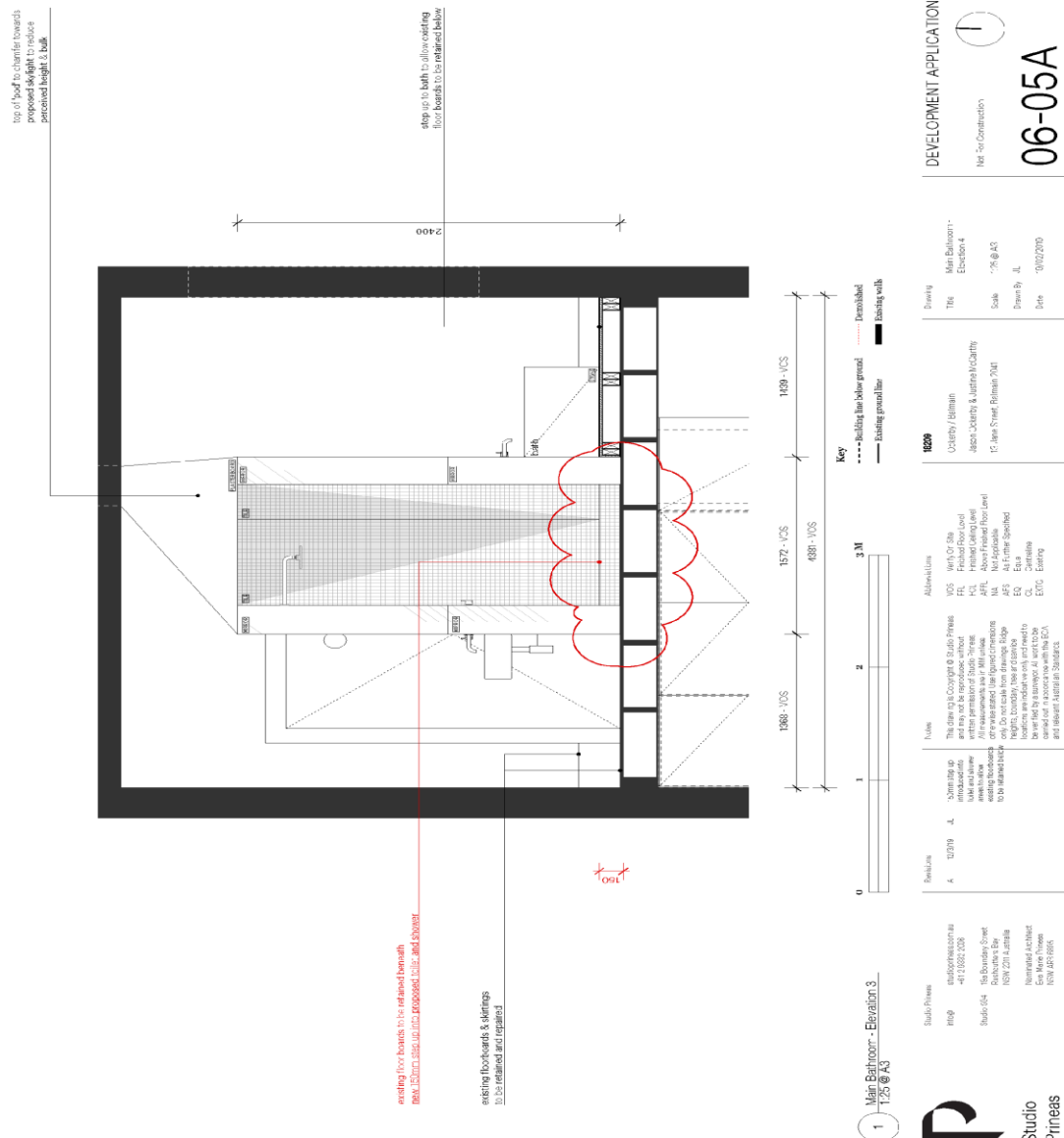
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Details
Scale 1:10 @ A3
Drawn By J.L.
Date 25/02/2019

DEVELOPMENT APPLICATION

Not For Construction

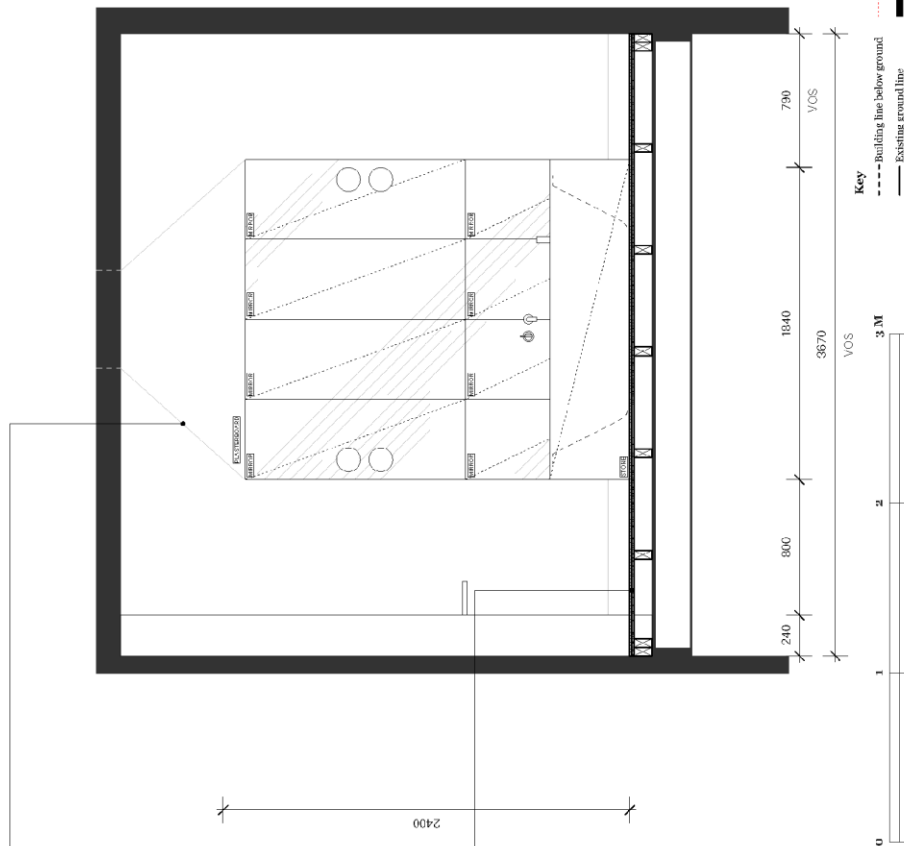
04-16





top of 'pool' to chamber towards
proposed skylight to reduce
perceived height & bulk

step up to bath to allow existing
floor boards to be retained below



1 Main Bathroom - Elevation 3
1:25 @ A3

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Rushcutters Bay
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Nominated Architect
Eve Marie Pineas
NSW AFS 6886

Studio Pineas

Scale Line

Notes

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Abbreviations

VOS - Verify Or Site
FRL - Finished Floor Level
FSL - Finished Sill Level
APFL - Above Finished Floor Level
NA - Not Applicable
AFS - As Further Specified
CL - Centre Line
EXTC - Existing

16209

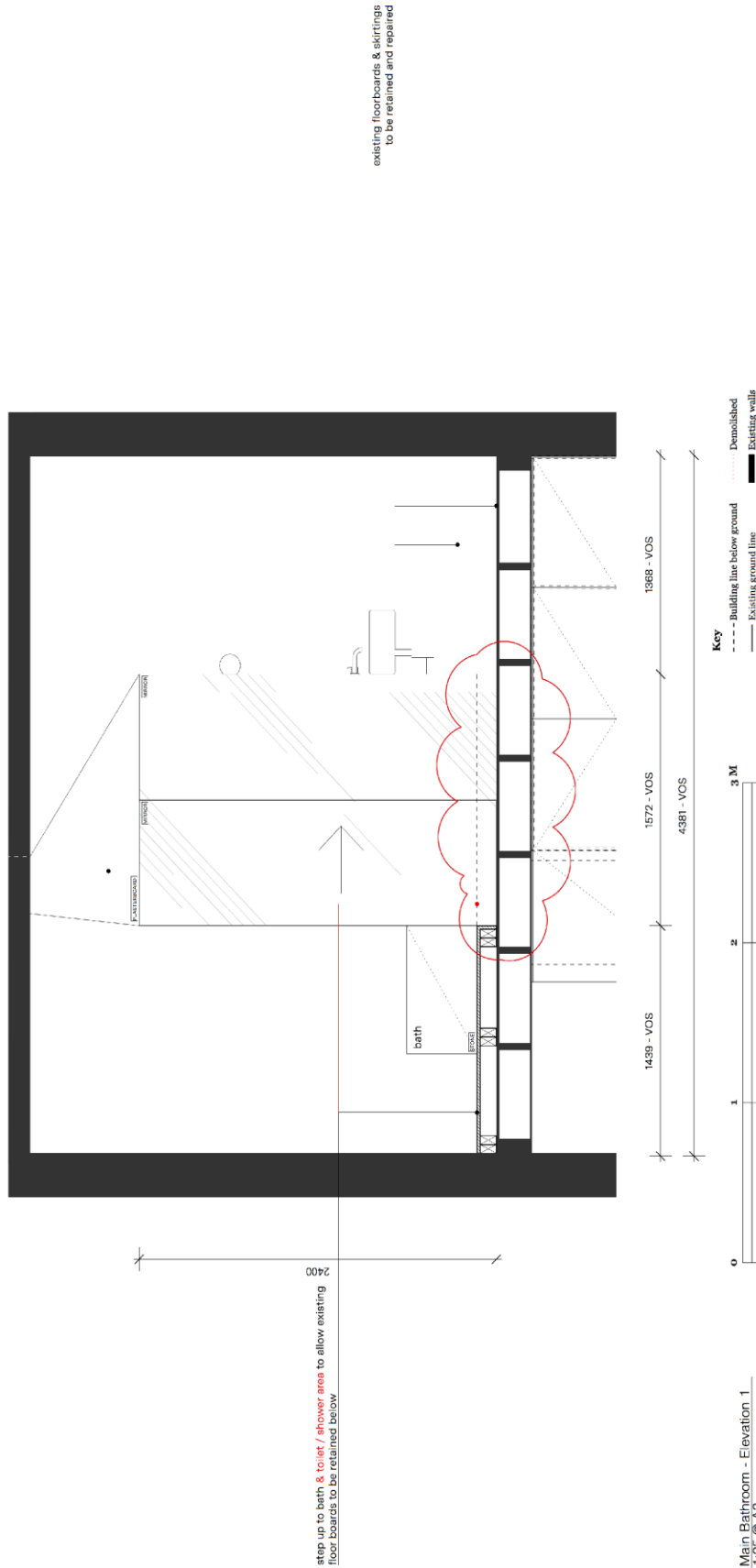
Oslerby / Bellman
Jason Oslerby & Justin McCarthy
157 Jane Street, Belmain 2041

Drawing Title

Main Bathroom - Elevation 3
Scale: 1:25 @ A3
Drawn By: JL
Date: 09/02/2010

DEVELOPMENT APPLICATION
Not For Construction
06-04

top of 'pod' to chamfer towards
proposed skylight to reduce
perceived height & bulk



1 Main Bathroom - Elevation 1
1:25 @ A3

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Studio 504
15a Boundary Street
Ruffcutters Bay
NSW 2011 Australia
Nominated Architect
Eva Marie Prineas
NSW AIB 6805

Revisions
A 12/2/19 J.L.

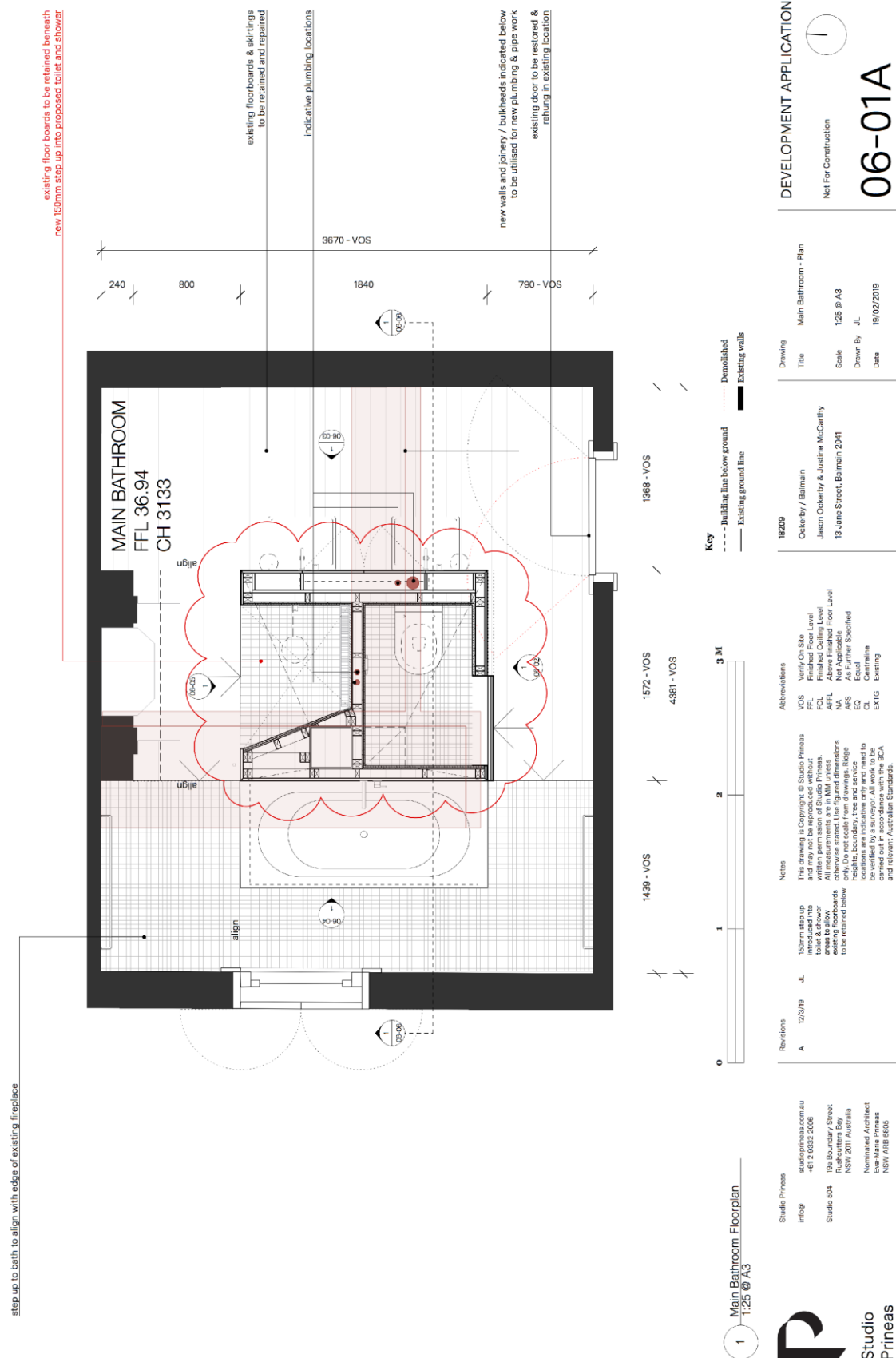
Notes
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written permission from Studio Prineas.
All measurements are in MM unless
otherwise stated. Use figured dimensions
only for construction. Ridge
heights, boundary lines and setbacks
locations are indicative only and need to
be verified by a surveyor. All works to be
done in accordance with the BCA
and relevant Australian Standards.

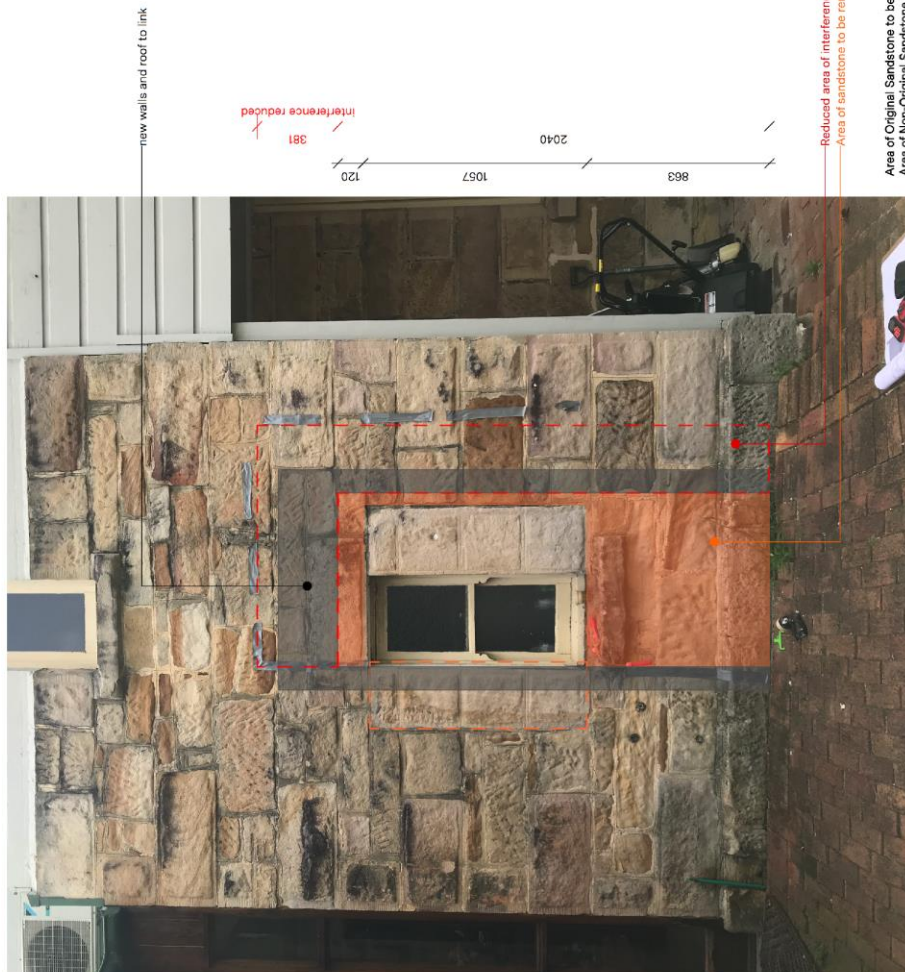
Abbreviations
VOS Verify On Site
FFL Finished Floor Level
ACL Finished Ceiling Level
NA Not Applicable
AFS As Further Specified
CL Centreline
EXTG Existing

18209
Ockerby / Balmain
Jason Ockerby & Justine McCarthy
13 Jane Street, Balmain 2041

Drawing
Title Main Bathroom -
Elevation 1
Scale 1:25 @ A3
Drawn By J.L.
Date 19/02/2019

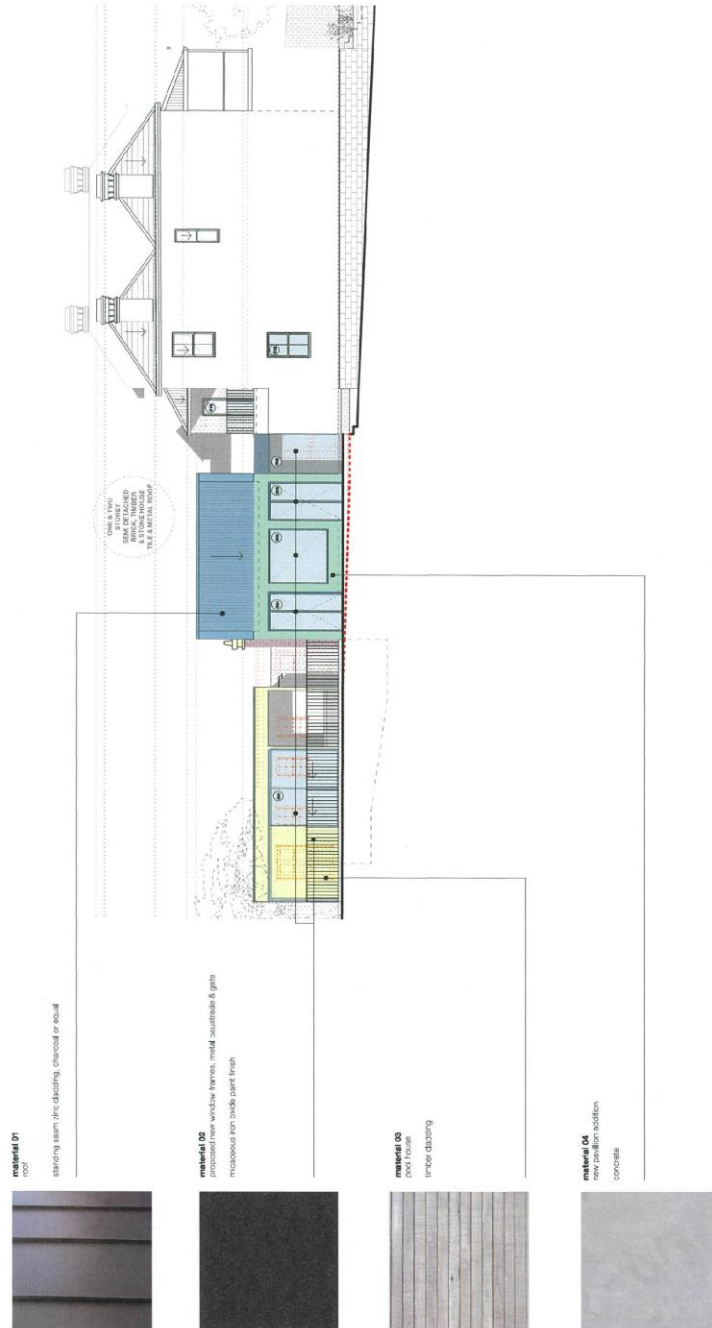
DEVELOPMENT APPLICATION
Not For Construction
06-02A





P Studio Sirenas

Studio P info@studiofires.com.au +61 2 9332 2006 Studio 304 188 Boundary Street Rushcutters Bay NSW 2041 Australia Nominated Architect Eve Marie Pirneas NSW ARB 9805	Revisions A 12/07/19 J.L. proposed opening with reduced to existing landscape bedrock	Notes This drawing is Copyright © Studio Pireneas and may not be reproduced without written permission from Studio Pireneas All measurements are in MM unless otherwise stated. Use figured dimensions for all heights and depths. All heights heights, boundary, trees and service locations are indicative only and need to be confirmed by a surveyor. All works carried out must be in accordance with the BCA and relevant Australian Standards.	Abbreviations VOS Verify On Site FFL Finished Floor Level RL Reduced Level AFL Above finished floor level NA Not Applicable AFS As Further Specified CL Centreline EXTG Existing	12209 Ockerby / Balmain Jason Ockerby & Justine McCarthy 13 Jane Street, Balmain 2041	Drawing Title Sandstone Mapping Scale NTS Drawn By J.L. Date 05/02/2019	DEVELOPMENT APPLICATION Not For Construction <h1 style="margin: 0;">04-14A</h1>
--	---	---	---	---	--	--



1 Schedule of Materials & Finishes
NTS

Studio Pineas
Pineas
10/100
+61 2 5332 2005
Studio 524
100 Epping Street
Runcorn NSW
NSW 2011 Australia
Nominated Architect
Eve-Marie Pineas
NSW AAB 6905

Studio
Pineas

Key	Material Key	DEVELOPMENT APPLICATION
--- Building line below ground	concrete masonry timber metal glass tiles	Schedule of Materials & Finishes
--- Existing ground line	denuded walls	Not For Construction
		Not For Construction
		02-12
		18/06/2018

Notes	Abbreviations
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Revisions

Attachment C- Statement of Heritage Significance – Subject Site

No. 13 Jane Street is of local historic and aesthetic significance as a good and intact large Victorian Filigree style terrace (pair Nos 11-13) constructed in 1881. The building significantly retains its original form and character including stone base and facades and details, roof form and chimneys and open front verandah and balcony. The building is elevated to the street frontage and with the adjacent terrace, (No. 11) makes a positive contribution to the Jane Street streetscape.

Attachment D- Statement of Heritage Significance – Heritage Conservation Area

Godden Mackay Logan

Area 17 East Balmain Conservation Area

Landform

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



Figure 17.1 East Balmain Conservation Area Map.

History

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

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

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

Godden Mackay Logan

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

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

Sources

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

Significant Characteristics

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

Godden Mackay Logan

- Sandstone kerbs and gutters.

Statement of Significance or Why the Area is Important

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

Management of Heritage Values

Generally

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

Retain

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

Godden Mackay Logan

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

Avoid

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

Notes

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

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

Godden Mackay Logan

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