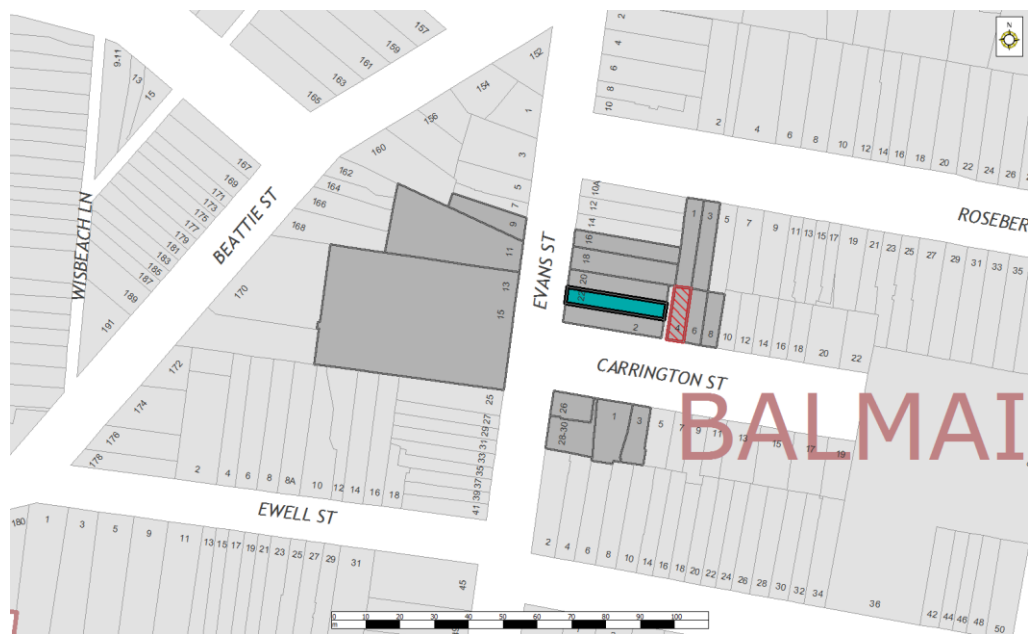




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2019/74
Address	22 Evans Street, Balmain
Proposal	Alterations and additions to existing dwelling-house, and associated works, including tree removal.
Date of Lodgement	25 February 2019
Applicant	Jane Edwards
Owner	Ms L A Kelly
Number of Submissions	One submission
Value of works	60,000
Reason for determination at Planning Panel	Clause 4.6 variation to Landscaped Area, Site Coverage and Floor Space Ratio exceeds 10%
Main Issues	<ul style="list-style-type: none"> Development standard variations Visual privacy
Recommendation	Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to existing dwelling-house, and associated works, including tree removal at 22 Evans Street, Balmain. The application was notified to surrounding properties and 1 submission was received.

The main issues that have arisen from the application include:

- Floor Space Ratio proposed is 1.05:1 which exceeds the permissible FSR of 0.9:1.
- Site Coverage proposed is 75%, which exceeds the permissible Site Coverage of 60%.
- Landscaped Area proposed is 7.7%, which does not meet the minimum requirement of 15%.
- Visual privacy impacts from the proposed deck.

The proposal is considered to be satisfactory having regard to the above issues and is considered to have acceptable impacts to the amenity of the surrounding properties. Therefore, the application is recommended for approval.

2. Proposal

The application seeks consent for alterations and additions to the existing dwelling house, and associated works, including tree removal. Specifically, the following works are proposed:

- Demolish the existing deck and steps at the rear;
- Demolish the eastern wall of the bathroom on the ground floor at the rear;
- Construct a new laundry and study area on the ground floor;
- Construct a new deck and verandah; and
- Landscaping works including the removal of 4 trees from the rear of the site.

3. Site Description

The subject site is located on the eastern side of Evans Street, between Rosebery Street and Carrington Street, Balmain. The site consists of one allotment and is generally rectangular shaped with a total area of 163.3sqm and is legally described as Lot 1, DP 195664.

The site has a frontage to Evans Street of 5.6 metres. The site supports a 2 storey weatherboard dwelling. The site is adjoined by 2 Carrington Street which contains a single storey dwelling house and 20 Evans Street which contains a 2 storey dwelling house.

The site is zoned R1 – General Residential and is a contributory item to ‘The Valley Heritage Conservation Area’. It is not listed as a heritage item in the Leichhardt LEP 2013. It is not identified as a flood prone lot.

There are a number of trees located on the site, four of which are proposed to be removed. The trees to be removed are as follows:

- *Sapium sebiferum* (Chinese Tallowwood) at the rear of the site near the northern boundary.
- *Tibouchina sp* (Tibouchina tree) at the rear of the site near the northern boundary.

- 2 x *Archontophoenix cunninghamiana* (Bangalow palm) at the rear of the site near the eastern boundary.



Figure 1: The subject site

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
T/2008/165	Removal of 1 x <i>Acacia</i> spp from rear yard	Approved 17 July 2008
T/2011/14	Removal of 1 x <i>Robinia</i> spp from the rear yard	Approved 19 January 2011
PREDA/2018/256	Demolition of existing deck (reuse of timber and vergola). New study and bathroom fitout and laundry. New deck. Removal of tree (removal of shrub). New tree and new landscaping.	Advice Issued 21 November 2018*

*Note: The development as proposed (and as conditioned) is consistent with the Pre-DA advice provided in 2018.

Surrounding properties

20 Evans Street, Balmain

Application	Proposal	Decision & Date
D/2014/438	Alterations and additions to the existing dwelling. Variation to Floor Space Ratio development standard.	Approved 9 December 2014
M/2015/104	Modify existing approval including demolition of awnings on rear elevation, raising floor level of dining room, modifying openings in rear elevation and increasing width of proposed balcony.	Approved 14 September 2015
M/2016/74	Modification of Development Consent D/2014/438 which approved alterations and additions to dwelling. Modifications include new lower ground floor bi-fold doors to rear elevation, proposed ground floor window in southern side elevation and internal modifications.	Approved 10 May 2016
M/2016/159	Section 96 application to modify D/2014/438 which approved alterations and additions to the existing dwelling. Modification seek approval for extension to lower ground floor, glass doors and modify ceiling heights.	Approved 20 September 2016

4(b) Application history

Not applicable.

5. Assessment

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

5(a) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and

guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that the site is, or can be made, suitable for the proposed use prior to the granting of consent.

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

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

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

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

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. It is considered that the carrying out of the proposed development not contrary to the aims of the plan.

5(a)(iv) State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)

Vegetation SEPP concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP.

The application seeks the removal of 4 trees from the site and the appropriate consent has been sought under this application. Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP*, subject to conditions. This is discussed further in Section 5(c) of this report, under the provisions of Clause 1.14 Tree Management of the LDCP 2013.

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

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

Clause 1.2 - Aims of the Plan
Clause 2.3 - Zone objectives and Land Use Table
Clause 2.7 – Demolition requires development consent
Clause 4.3A (3)(a) - Landscaped areas for residential accommodation in Zone R1
Clause 4.3A (3)(b) - Site Coverage for residential accommodation 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 Sulfate Soils
Clause 6.2 - Earthworks
Clause 6.4 - Stormwater management

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

The application proposes alterations and additions to an existing dwelling and tree removal, which is permitted with consent within the zone. The objectives of the 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 proposed development is considered to be consistent with the above objectives, subject to conditions of consent.

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

Standard	Proposal	non compliance	Complies
Landscape Area Minimum permissible: 15% or 24.5sqm	7.7% or 12.6sqm	11.9sqm or 48%	No*
Site Coverage Maximum permissible: 60% or 98sqm	75% or 123sqm	25sqm or 25.5%	No
Floor Space Ratio Maximum permissible: 0.9:1 or 147sqm	1.05:1 or 171.4sqm	24.4sqm or 16.5%	No

*Note: The proposal does not result in a decrease in the existing provision of landscaped area on the site.

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A (3)(a) - Landscaped areas for residential accommodation in Zone R1
- Clause 4.3A (3)(b) – Site Coverage for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exceptions to the development standards have been assessed against the objectives and provisions of Clause 4.6 of the LLEP 2013 below.

Clause 4.3A (3)(a) - Landscaped areas for residential accommodation in Zone R1

The applicant seeks a variation to the Landscaped Area development standard under Clause 4.3A of the LLEP 2013 by 48% (11.9sqm).

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

- *The existing landscaped area is 8.7% below the minimum requirement. This is because the site itself is small, at 163sqm.*
- *The existing landscaped area has been increased by 2sqm by widening the deep soil planting area and creating an organic edge to the planting area.*
- *The proposal includes a new significant tree on the northern side to ensure privacy.*
- *The proposed increase in landscaped area and the proposed plan for new trees is in keeping with the objectives of the LEP.*
- *The proposed changes will improve the surrounding area and provide a better landscaping solution.*
- *The variation to the standard does not affect the local community as the landscaped area is being increased and the proposed new trees will create an improved landscape solution that gives privacy and amenity to the neighbouring properties.*

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

The relevant objectives of the R1 – General Residential zone are outlined below:

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

The objectives of the Landscaped Areas development standard, as set out in the LLEP 2013, are outlined below:

- a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
- b) to maintain and encourage a landscaped corridor between adjoining properties,*
- c) to ensure that development promotes the desired future character of the neighbourhood,*
- d) to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*
- e) to control site density,*
- f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

It is considered the development is in the public interest because it is consistent with the objectives of the R1 – General Residential zone and the objectives of Landscaped Area development standard, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- The proposed development is compatible with surrounding development and the desired future character of the neighbourhood in relation the pattern of surrounding buildings and landscaped areas.
- The proposal results in an increase in landscaped area compared to what is existing and provides landscaped area that suitable for substantial tree planting.
- The proposal does not result in any adverse amenity impacts to surrounding properties.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. The concurrence of the Secretary of the Department of Planning may be assumed for matters dealt with by Local Planning Panels.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the LLEP 2013. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the Landscaped Area and it is recommended that the Clause 4.6 exception be granted.

Clause 4.3A (3)(b) – Site Coverage for residential accommodation in Zone R1

The applicant seeks a variation to the Site Coverage development standard under Clause 4.3A of the LLEP 2013 by 25% (25.5sqm).

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

- *The existing site coverage is 58.7%, just below the minimum requirement of 60%. This is because the site itself is small, at 163sqm.*
- *The new bathroom and laundry increases the footprint of the house and provides an amenity accessed internally rather than being external to the building.*
- *The house has been updated to meet the needs of a modern family.*
- *The terrace area accessed at the same level of the family area works well and the owner would like to provide a sustainable and affordable solution and reuse the terrace timber and vergola roof and structure. This design in turn increases the site coverage marginally.*
- *The landscaped area has been increased and a paved area provides space in the shade for table and chairs.*
- *The proposed increase in site coverage has little effect on the existing amenity of the house and neighbouring properties. The proposed landscape changes will improve the surrounding area and provide a better landscape solution.*
- *The proposed variation is commensurate to the existing dwelling and will provide adequate residential amenity for the occupants without any adverse effect of the neighbouring properties and community.*

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

The relevant objectives of the R1 – General Residential zone are outlined in the section above.

The objectives of the Site Coverage development standard, as set out in the LLEP 2013, are outlined below:

- a) *to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
- b) *to maintain and encourage a landscaped corridor between adjoining properties,*
- c) *to ensure that development promotes the desired future character of the neighbourhood,*
- d) *to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*
- e) *to control site density,*
- f) *to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

It is considered the development is in the public interest because it is consistent with the objectives of the R1 – General Residential zone and the objectives of the Site Coverage development standard, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- The proposed development is compatible with surrounding development and the desired future character of the neighbourhood in relation to building bulk, form and scale as viewed from the street.
- The siting of the building is within the Building Location Zone established by the immediate adjoining properties.
- The proposal results in an increase in landscaped area compared to what is existing and includes adequate tree planting.
- The proposal results in minimal additional site density and provides adequate provision for landscaped areas and private open space given the context.
- The proposal does not result in any adverse amenity impacts to the surrounding properties.

The contravention of the development standard does not raise any matter of significance for State and Regional Planning. The concurrence of the Secretary of the Department of Planning may be assumed for matters dealt with by Local Planning Panels.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the LLEP 2013. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the Site Coverage development standard and it is recommended the Clause 4.6 exception be granted.

Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the FSR development standard under Clause 4.4 of the LLEP 2013 by 16.5% (24.4sqm).

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

- *The existing FSR exceeds the required ratio of 0.9:1 by 10%.*
- *The new bathroom and laundry increases the footprint of the house and provides an amenity accessed internally rather than being external to the building.*

- *The increased FSR to the extension is 15sqm which is a very small extension to the building.*
- *The house has been updated to meet the needs of a modern family and the increase in area has been kept to a minimum in order to retain as much garden as possible.*
- *The proposed increase in Floor Space Ratio does not affect the amenity of the neighbouring properties. The proposed variation is commensurate to the existing dwelling and will provide adequate residential amenity for the occupants of the subject dwelling without any adverse effects on the neighbouring properties and community.*

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

The relevant objectives of the R1 – General Residential zone are outlined below:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities*
- *The 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 protect and enhance the amenity of existing and future residents and the neighbourhood.*

The objectives of the FSR development standard, as set out in the LLEP 2013, are outlined below:

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 – General Residential zone and the objectives of the FSR development standard, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- The proposed development is compatible with the desired future character of the area in relation to building bulk, form and scale and the increased floor area would not be visible from the street.
- The proposal maintains a suitable balance between landscaped areas and the built form and provides sufficient private open space on the site.
- The siting of the building is within the Building Location Zone where it can be reasonable assumed that development can occur.
- The proposal does not result in any adverse amenity impacts to the surrounding properties.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. The concurrence of the Secretary of the Department of Planning may be assumed for matters dealt with by Local Planning Panels.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the LLEP 2013. For the reasons outlined above, there are sufficient

planning grounds to justify the departure from the FSR development standard and it is recommended that the Clause 4.6 exception be granted.

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.

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes – See discussion
C1.4 Heritage Conservation Areas and Heritage Items	Yes – See discussion
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	N/A
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes – See discussion
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Yes
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A

Part C: Place – Section 2 Urban Character	
Evans/ Beattie Street Former Commercial Precinct Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No – breach of side setback control. See discussion.
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	N/A
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes – See discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes, subject to conditions – See discussion
C3.12 Acoustic Privacy	Yes – See discussion
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	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	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	N/A
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	N/A
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A

E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

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

Heritage Listing

The site is located in 'The Valley Heritage Conservation Area' (C7). The subject dwelling house is a contributory item to the HCA. The site is not listed as a heritage item in the Leichhardt LEP 2013, however it is in close proximity of the following heritage items:

- 'Street trees –various species' along Carrington Street (I160)

The subject site is part of the Evans/Beattie Street Former Commercial Precinct Distinctive Neighbourhood of the Leichhardt DCP 2013.

Significance

The subject site is occupied by a 2 storey weatherboard dwelling that is contributory to the heritage conservation area.

Previous Heritage Comments

Heritage Referral Comments were provided by Council's Heritage Advisor as part of the previous Pre-Development Application (PREDA/2018/256). The recommendations of the Heritage Referral included:

"Additional information is required as follows:

- *Elevations of the proposed extension*
- *Schedule of materials, finishes and colours.*

New roof materials must comprise of either heritage barrel rolled traditional corrugated galvanised steel or pre-coloured traditional corrugated steel in a colour equivalent to Colorbond's "Windspray" or "Wallaby."

Discussion

The proposal is for changes to the rear ground floor of the subject property, including new rear extension and new rear deck.

Council's Heritage Advisor has recommended that the rear elevation maintain consistency in terms of materials and colours to the rest of the dwelling. The roof material for the extension must be metal, however it is recommended that it comprises of either heritage barrel rolled traditional corrugated galvanised steel or pre-coloured traditional corrugated steel in a colour equivalent to Colorbond's "Windspray" or "Wallaby". If the pitch is lower than 5 degrees, Custom Orb Accent 35 is recommended.

Council's Heritage Advisor supports the proposal subject to one condition of consent, which requires the new roofing material to comprise of the materials and finishes, noted above.

Therefore, the proposal is acceptable with regard to Heritage Conservation, subject to this condition.

C1.14 Tree Management

The proposal includes the removal of several trees from the subject site. The application was referred to Council's Tree Assessment Officer who provided the following comments:

"A review of the application and submitted Arboricultural Impact Assessment, prepared by New Leaf Arboriculture, dated 12/02/2019 has found several trees proposed for removal. It is noted that several specimens on site are exempt from Council's Controls due to their current height and are not considered a constraint for this application.

*At the time of inspection (T3) a *Sapium sebiferum* (Chinese Tallowwood) and (T6) and (T7) likely *Archontophoenix cunninghamiana* (Bangalow palm) located in the rear of the site were considered to positively contribute to the local amenity as they could be clearly seen along Carrington Street.*

*A review of the submitted AIA has determined that (T3) *Sapium sebiferum* (Chinese Tallowwood) will be impacted due to the proposed widening of the rear pathway and construction of rear addition and landscape features. This specimen was observed to be in average health and condition at the time of inspection however, was considered to be located where prevailing site conditions are unfavourable to sustain future long term growth.*

*The proposed planting of a 75L *Banksia integrifolia* (Costal Banksia) is considered to be a desirable species that would positively contribute to the aims and objectives of Council's Tree Management Controls. The removal of (T3) is supported subject to the above proposed specimen to be replanted.*

Palm trees (6) and (7) are considered to be prominent in the landscape, there is no justification for tree removal. However, these trees may be viewed by some to inhibit the development potential of that particular area of the site. Should this be accepted, the loss of amenity, biodiversity and vegetation will need to be off-set.

*(T1) a *Tibouchina* sp (*Tibouchina* tree) located next to (T3) was noted to be in poor health and vigour at the time of assessment as well as being suppressed by (T3). The removal of this specimen is supported.*

*The proposed planting of 3x *Magnolia* "Little Gem" (*Dwarf Magnolia*) are not supported and it is requested that alternative (preferably native) species are selected to revegetate the landscape.*

*Suitable replenishment species for consideration include *Banksia ericifolia* (Heath leaved Banksia), *Banksia serrata* (Old man Banksia), *Banksia spinulosa* (Hairpin Banksia), *Banksia robur* (Swamp Banksia) or similar would be supported."*

Given the above comments, the proposed tree works are supported by Council's Tree Assessment Officer, subject to a number of conditions of consent. Council's Tree Assessment Officer has recommended that three compensatory trees should be planted on the site.

A merit assessment of the above tree planting requirements has been undertaken from a planning perspective. Consideration is made to the potential for substantial tree planting to have adverse solar access impacts to the living room window at 4 Carrington Street to the

rear of the subject site. Therefore, it is recommended that one replacement tree be planted centrally along the rear boundary, setback 1.5 metres, so that adequate solar access to this window is maintained. A condition of consent in this regard is included in the recommendation.

As such, the application is considered acceptable having regard to Tree Management, subject to conditions.

C3.2 Site Layout and Building Design

Building Location Zone

Building Location Zone (BLZ) is the part of the subject site where it can be reasonably expected that a building can be located. The BLZ is determined by having regard to only the main building on the adjacent properties.

The proposal seeks to alter the existing rear building line by extending it approximately 1.9 metres with the new ground floor additions. The proposed rear building line is consistent with the BLZ established by adjoining properties, and is therefore acceptable.

Side Boundary Setbacks

The proposed works result in a technical non-compliance with the requirements for side boundary setbacks, as outlined below:

Elevation	Proposed Maximum Wall Height (m)	Required Setback (m)	Proposed Setback (m)	Difference (m)
Northern	4.20	0.81	0.53	0.28
Southern	4.20	0.81	0	0.81

C7 of this clause states that Council may allow variations to this control where:

- a) *The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of this Development Control Plan;*
- b) *the pattern of development within the streetscape is not compromised;*
- c) *the bulk and scale of development is minimised by reduced floor to ceiling heights;*
- d) *the potential impacts on amenity of adjoining properties, in terms of sunlight and privacy and bulk and scale, are minimised; and*
- e) *reasonable access is retained for necessary maintenance of adjoining properties.*

The proposed side setbacks are considered acceptable in this instance as:

- The proposed setbacks for the rear addition are consistent with the existing side setbacks on the site;
- The wall heights and setbacks do not compromise the overall pattern of development within the streetscape;
- The rear addition has appropriate floor to ceiling heights;
- The proposal is acceptable having regard to the amenity of adjoining properties, as discussed further below;
- The proposal does not result in significantly reduced access for maintenance of adjoining properties compared to the existing development. Specifically, there will be no obstruction of lightweight walls for maintenance, as the adjoining wall is a rendered masonry wall, which would not present a maintenance issue.

Given the above, the variation to the side setback control is considered acceptable in this instance.

C3.9 Solar Access

The subject site and adjoining properties (20 Evans Street and 2 Carrington Street) are generally east-west orientated. Therefore, the following control applies to the proposal in relation to solar access to neighbouring 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.

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.

The shadow diagrams submitted with the application demonstrate that additional shadows will be cast to the property to the south of the subject site at 2 Carrington Street, at 9am, 12pm and 3pm on June 21. The shadows will fall to the roof and northern wall at No. 2. This impact is considered to be acceptable as the northern wall is built to the boundary and does not contain any windows. Therefore, no living room glazing or private open space of No. 2 Carrington Street will be impacted by the proposal.

It is noted that a submission was received from the property that adjoins the rear of the subject site at 4 Carrington Street. The submission raised concern about the impacts of the proposal on the solar access to the western wall of the property. The following comments were made:

“Any further encroachment of the building envelope towards the Western side of my property or indeed the growing of mature trees (as proposed) above the existing fence line (which is only ~2 metres from my Western wall) will only deplete my property’s access to light as well as erode the amenity of my property and those living in it.”

The shadow diagrams submitted with the application demonstrate that the proposal results in additional shadows to the property to the south of the subject site at 2 Carrington Street at 9am, 12pm and 3pm, as discussed above. The shadow diagrams indicate that no shadows will be cast to the property at 4 Carrington Street on 21 June.

In accordance with the DCP controls, Council does not generally include potential overshadowing from existing or proposed vegetation in the assessment of solar access impacts. Notwithstanding, it is acknowledged that the replacement tree planting (both as proposed and as recommended by Council’s Tree Assessment Officer) would potentially result in solar access impacts to the living room window at No. 4, particularly if the tree planting, when mature, presents effectively as a hedge.

As discussed above with regard to the Tree Management controls contained in Clause C1.14 of the LDCP 2013, in order to balance this impact, it is considered that only one replacement tree should be planted centrally along the rear boundary, so that adequate solar access to the living room window at No. 4 is maintained. A condition of consent in this regard is included in the recommendation.

Given the above solar access assessment, the proposal is considered acceptable having regard to solar access impacts to neighbouring properties, subject to conditions.

C3.11 Visual Privacy

One submission was received from the property that adjoins the rear of the subject site, at 4 Carrington Street. The submission raised concerns about the potential for overlooking from the proposed deck into the lounge room, dining room, bathroom and courtyard at 4 Carrington Street.

The following controls are applicable to the proposal:

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.

The proposal includes a new deck on the ground floor level at the rear of the subject site. The deck measures 3.8m x 3.6m. Whilst it is located on the ground floor level, due to the downward slope of the site towards the rear, it is elevated approximately 1.5 metres above ground level.

It is not anticipated that sightlines would be achievable from the deck to the rear courtyard of No. 4. However, there are potential sightlines within 9 metres and 45 degrees to the windows on the western elevation at No. 4, which service the kitchen and living room. A fence measuring approximately 1.8m high exists on the boundary between these two properties and a 'right of way' with a width of approximately 1.3 metres runs between the property boundaries. The current sight line from the existing deck at No. 22, looking towards the windows in question at No. 4, is shown in Figure 2 below.



Image 2: Sightline from the existing deck at 22 Evans Street, looking towards the adjoining property at 4 Carrington Street.

As shown in Image 2 above, the main window in question is the northern-most window which services the kitchen at No. 4. The proposed deck would exacerbate this sightline as it is located approximately 3.4m closer to the rear boundary than existing.

Sightlines to a kitchen are not explicitly specified as a matter for consideration under C1. Notwithstanding, C1 recommends the erection of screens and fencing to limit sightlines, including dividing fences. As noted previously, a dividing fence with a height of approximately 1.8m currently exists on the site between the two properties. In addition to the existing screening by the dividing fence, a condition of consent is included in the recommendation requiring one new tree to be planted centrally along the rear boundary.

With regard to the provision of landscaping, Control C5 of Clause C3.11 states the following:

C5 The provision of landscaping may be used to complement other screening methods but cannot be solely relied upon as a privacy measure.

In this case, the provision of compensatory tree planting along the rear boundary of the subject site, when combined with the screening method of the dividing fence, is considered to be an appropriate privacy solution to diminish sightlines from the proposed deck to the kitchen window at No. 4.

In addition to the above, it is considered appropriate to require privacy screens to be installed to the rear end of the deck, on each side of the stairs and with a minimum height of 1.6m above finished floor level, to further mitigate potential for overlooking from the deck. A condition of consent in this regard is included in the recommendation.

Given the above, the proposal as conditioned is considered to be satisfactory having regard to the objectives and controls of Clause C3.11 Visual Privacy.

C3.12 Acoustic Privacy

The following controls are applicable to the proposal, having regard to acoustic privacy:

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.

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

The location of the private open space within the subject site is considered to be reasonable and compatible with the prevailing pattern of surrounding development. Specifically, the deck is located in a position on the site that is located away from bedrooms on adjoining properties to minimise acoustic impacts.

As such, no concerns are raised having regard to the objectives and controls contained in Clause C3.12 Acoustic Privacy.

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

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 Development Control Plan 2013 for a period of 14 days to surrounding properties. One submission was received during the notification period.

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

- Overlooking from the proposed deck - See discussion in Section 5(c).
- Solar access – See discussion in Section 5(c).
- Non-compliance with FSR and Landscaped Area development standards – See discussion in Section 5(a)(v).

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 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
- Landscaping

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 2013*.

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

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

9. Recommendation

- A. The applicant has made written requests pursuant to Clause 4.3A (3)(a) Landscaped Area, Clause 4.3A (3)(b) Site Coverage and Clause 4.4 Floor Space Ratio of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. D/2019/74 for alterations and additions to existing dwelling-house, and associated works, including tree removal at 22 Evans Street, Balmain subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2019/74 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
DA_04, Rev D - Ground Floor Plan	Jane Edwards Architecture	13 February 2019
DA_05, Rev D – Roof Plan	Jane Edwards Architecture	13 February 2019
DA_06, Rev D – Eastern Elevation	Jane Edwards Architecture	13 February 2019
DA_07, Rev D – Western Elevation & Section A-A	Jane Edwards Architecture	13 February 2019
DA_09, Rev D – Stormwater Concept Plan	Jane Edwards Architecture	13 February 2019
DA_10, Rev D – Landscape Concept Plan	Jane Edwards Architecture	13 February 2019
DA_16, Rev D – Erosion & Sediment Control Plan	Jane Edwards Architecture	13 February 2019
DA_17, Rev A – Northern Elevation	Jane Edwards Architecture	4 March 2019
DA_17, Rev A – Southern Elevation	Jane Edwards Architecture	4 March 2019
Document Title	Prepared By	Dated
DA_08, Rev D - External Materials & Finishes	Jane Edwards Architecture	13 February 2019
BASIX Certificate – A337758	Jane Anderson Architecture	1 February 2019

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. The demolition works approved by this consent shall strictly comply with the following conditions:
 - a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be

demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.

- b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
 - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

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

- 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.

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

Tree/location	Approved works
<i>Sapium sebiferum</i> (Chinese Tallowwood) located in rear property.	Remove.
<i>Tibouchina Sp</i> (Tibouchina tree) located in rear property.	Remove.
2x <i>Archontophoenix cunninghamiana</i> (Bangalow palm) located in rear property.	Remove.

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’.

4. The trees identified below are to be retained:

Tree/location
Pistacia chinensis (Cinese Pistache) located in road reserve.

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

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

5. 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.

6. Amended plans are to be submitted incorporating the following amendments:
- a) New roofing material must comprise of either heritage barrel rolled traditional corrugated galvanised steel similar to Custom Orb Accent 35 and in a colour equivalent to Colorbond’s “Windspray” or “Wallaby.”
 - b) Privacy screens are to be provided to the rear end of the deck, on each side of the stairs. The screening shall be provided to a minimum of 1.6m above finished floor level and consist of permanently fixed louvered screens, which tilt to an angle of 45 degrees in a downward direction.

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

7. The following trees must be planted:
- 1x *Banksia integrifolia* (Costal Banksia) which will attain a minimum mature height of 6 metres, shall be planted centrally along the rear boundary at a minimum of

1.5m from any boundary or structure. The tree is to conform to AS2303—*Tree stock for landscape use*.

Details of the species and planting locations of the replacement plants must be included on the landscape plan and site plan prior to the issue of a Construction Certificate. Note: any replacement tree species must not be listed as an exempt species under Council's Tree Management Controls.

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.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

8. 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.

9. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
10. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or

Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.

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

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

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

13. The following fire upgrading is required pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*:
 - The building is to be provided with smoke alarm system that complies with *AS3786-1993: Smoke Alarms* and the smoke alarms must be connected to the consumer mains electrical power supply and interconnected where there is more than one alarm with a stand-by (battery back-up) power supply. The smoke alarm system must be installed in suitable locations on or near the ceiling in accordance with Part 3.7.2 of the Building Code of Australia.

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

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

14. A 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.

15. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. For Quick Check agent details please refer to the web site <http://www.sydneywater.com.au/SW/plumbing-building-developing/building/quick-check-agents/index.html>

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

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

16. 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.

17. 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 docket 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)

- 18. 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)	\$2152.50
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.

- 19. 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
2 Carrington Street, Balmain	Main dwelling

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.

20. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
- a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
 - b) A concrete pump across the roadway/footpath. – A Standing Plant permit
 - c) Mobile crane or any standing plant – A Standing Plant Permit
 - d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application
 - e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
 - f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
 - g) Awning or street verandah over footpath. – Road works Application
 - h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

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

21. To preserve the following tree/s no work shall commence nor shall a Construction

Certificate be issued (whichever occurs first) until the trunk/s/branches are protected (in accordance with AS4970-*Protection of trees on development sites*) by the placement of appropriate lengths of 50 x 100mm timbers spaced at 150mm centres and secured by wire/hoop strap over suitable protective padding material (i.e. underlay or carpet). The trunk/branch protection shall be maintained intact until the completion of all work on site.

Tree/Location
Pistacia chinensis (Cinese Pistache) located in road reserve.

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

PRIOR TO THE COMMENCEMENT OF WORKS

- 22. 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.

- 23. 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.

- 24. 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.

25. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt 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.
26. 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.
27. 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.
28. 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

29. 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.

30. The site must be appropriately secured and fenced at all times during works.
31. 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.

32. 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.

33. 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.
34. 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.
35. 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.

36. 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.

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

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

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

38. 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.

39. 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.

40. 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 Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

41. 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.
42. 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

43. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

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

44. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
45. 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.

46. 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.

47. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
- the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.

ONGOING CONDITIONS OF CONSENT

48. 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.
49. 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.

PRESCRIBED CONDITIONS

A. BASIX Commitments

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

In this condition:

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

B. Building Code of Australia

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

C. Home Building Act

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

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

D. Site Sign

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

E. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.

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

NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 8.2.
3. If you are unsatisfied with this determination, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
 - a) Application for any activity under that Act, including any erection of a hoarding.
 - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
 - d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
 - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
 - f) Development Application for demolition if demolition is not approved by this consent.

- g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Have you made a political donation?

If you (or an associate) have made a political donation or given a gift to a Councillor, political party or candidate at the local government elections during the last two (2) years you may need to include with your application a full disclosure of this matter. For information go to Council's website at <https://www.innerwest.nsw.gov.au/about/reports-and-registers/political-donations>. If you have made a reportable donation, failure to provide a completed declaration with your application is an offence under the Environmental Planning and Assessment Act, 1979 for which you may be prosecuted.

Attachment B – Plans of proposed development

Drawing Register

Issue Date
day 13
month 2
year 19

Drawing Number	Drawing Title	Revision
DA00	Drawing Register & Location Plan	D
DA01	Site Analysis/ Site Plan 1:100	D
DA02	Exiting Plans	D
DA03	Exiting Roof Plan	D
DA04	New Ground Floor Plan 1:100	D
DA05	New Roof Plan 1:100	D
DA06	Elevations 1:100	D
DA07	Elevations / Sections 1:100	D
DA08	External Materials and Finishes	D
DA09	Stormwater Concept Plan 1:200	D
DA10	Landscape Concept Plan 1:200	D
DA11	Shadow Diagram	D
DA12	Shadow Diagram	D
DA13	Shadow Diagram	D
DA14	Window Schedule 1:100	D
DA15	Basix	D
DA16	Froston and Sediment Control Plan	D

Document Distribution:
DA

Client: 1
Structural Engineer
Hydraulic Engineer
Landscape Consultant
Approval Authority: 1

REVISION SCHEDULE	LEGEND / KEY	WALL LEGEND															
<table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Revision notes</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>28/11/18</td> <td>for client review</td> </tr> <tr> <td>B</td> <td>02/01/19</td> <td>for client review</td> </tr> <tr> <td>C</td> <td>04/01/19</td> <td>for client review</td> </tr> <tr> <td>D</td> <td>13/02/19</td> <td>Development Application</td> </tr> </tbody> </table>	Rev	Date	Revision notes	A	28/11/18	for client review	B	02/01/19	for client review	C	04/01/19	for client review	D	13/02/19	Development Application	<p>AD ALUMINIUM DOOR</p> <p>AO ALUMINIUM WINDOW</p> <p>BL TIMBER/ALUMINIUM</p> <p>CL GLASS DOOR</p> <p>CO COLOURED</p> <p>CR CRACKS</p> <p>DR DRAIN OUTLET</p> <p>EX EXISTING CONCRETE</p> <p>FP FINISHED FLOOR LEVEL</p> <p>GC NEW CONCRETE</p> <p>GL GLASS</p> <p>GR METAL ROOF SHEETING</p> <p>HT HOLLOW TILE</p> <p>IR IRON</p> <p>IS INSULATION</p> <p>ME MEASUREMENTS</p> <p>MO METAL ROOF SHEETING</p> <p>MS METAL SHED ROOF SHEETING</p> <p>NC NEW CONCRETE</p> <p>ND NEW DOOR</p> <p>NE NEW WINDOW</p> <p>NF NEW FINISH</p> <p>NG NEW GLASS</p> <p>NH NEW HOLLOW TILE</p> <p>NI NEW IRON</p> <p>NS NEW INSULATION</p> <p>NT NEW TILE</p> <p>NU NEW METAL ROOF SHEETING</p> <p>NV NEW METAL SHED ROOF SHEETING</p> <p>OW OVERTHROW</p> <p>RF ROOF FINISH</p> <p>RR ROOF RIBS</p> <p>RS ROOF SHEETING</p> <p>RT ROOF TRUSS</p> <p>SE SELF-BURNING</p> <p>ST STEEL TRUSS</p> <p>TH THICKENED CONCRETE</p> <p>TR TRIM</p> <p>TS TRUSS</p> <p>TU TRUSS</p> <p>TW TRUSS</p> <p>TV TRUSS</p> <p>UN UNFINISHED</p> <p>UR UNFINISHED ROOF</p> <p>US UNFINISHED SHEETING</p> <p>UT UNFINISHED TRUSS</p> <p>UV UNFINISHED VALVE</p> <p>WV UNFINISHED VALVE</p> <p>WY UNFINISHED WALL</p> <p>WZ UNFINISHED WINDOW</p> <p>XX UNFINISHED</p> <p>YY UNFINISHED</p> <p>ZZ UNFINISHED</p>	<p>NEW WALL</p> <p>EXISTING WALL</p> <p>WALL TO BE DEMOLISHED</p> <p>WALL TO BE RECONSTRUCTED</p> <p>WALL TO BE REPLACED</p> <p>WALL TO BE REPAIRED</p> <p>WALL TO BE MAINTAINED</p> <p>WALL TO BE MONITORED</p> <p>WALL TO BE PROTECTED</p> <p>WALL TO BE REINFORCED</p> <p>WALL TO BE STRENGTHENED</p> <p>WALL TO BE UPGRADED</p> <p>WALL TO BE REDESIGNED</p> <p>WALL TO BE RELOCATED</p> <p>WALL TO BE REORIENTED</p> <p>WALL TO BE RESTRUCTURED</p> <p>WALL TO BE RECONSTRUCTED</p> <p>WALL TO BE REPAIRED</p> <p>WALL TO BE MAINTAINED</p> <p>WALL TO BE MONITORED</p> <p>WALL TO BE PROTECTED</p> <p>WALL TO BE REINFORCED</p> <p>WALL TO BE STRENGTHENED</p> <p>WALL TO BE UPGRADED</p> <p>WALL TO BE REDESIGNED</p> <p>WALL TO BE RELOCATED</p> <p>WALL TO BE REORIENTED</p> <p>WALL TO BE RESTRUCTURED</p>
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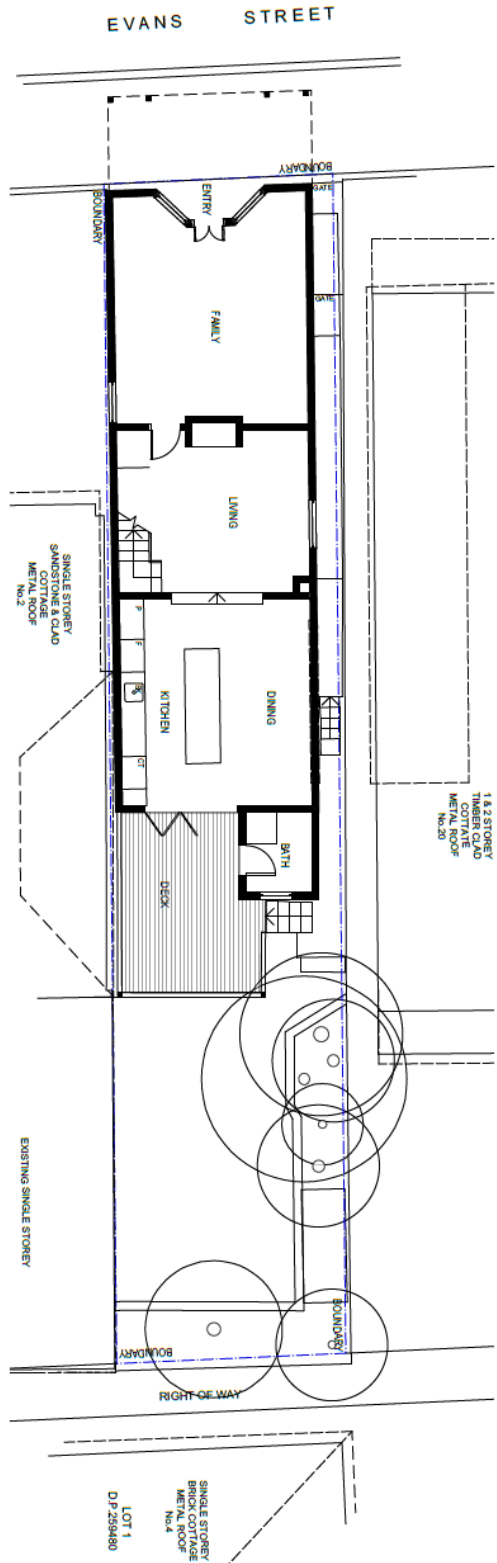


LOCATION PLAN (NTS)
(Source Google maps)

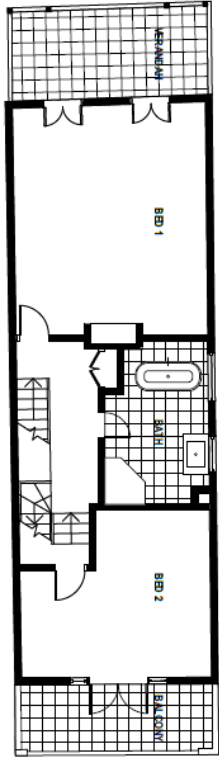
GENERAL BUILDING SPECIFICATION:

- All general construction to conform to the current BCA and Local Govt conditions of Development Consent.
- Demolition works to be carried out in accordance with AS 2901.
- All masonry work in accordance with AS 3700.
- Terms protection to be installed in accordance with AS 3660.1 and the current BCA.
- All roof water and storm-water runoff to be connected to a Council approved system of collection and/or disposal.
- All carpentry work to conform to AS 1684 for Light Timber Framing.
- All sewer waste to be connected to the existing mains service in accordance with AS 3500.
- All prefabricated timber trusses and frames to utilize sustainable plantation timber installed to the manufacturer's detail and specification.
- All concrete slabs, retaining walls, structural steel, foundations and footings to be designed & specified by the consulting structural engineer and built strictly in accordance with such details, as approved.
- Punching services to be carried out only by licensed tradespersons and in accordance with AS 3500.32, AS 3600.2.2, AS 3500.1.2, AS 601 and other associated standards and codes.
- All electrical services to be installed by licensed electricians and in accordance with AS3000. Telecommunications cabling to be installed in accordance with AS4607.5003.2000 and associated standards and guidelines. Upgrade safety switches & smoke alarms as required to meet relevant standards.
- All measurements shown and scheduled are nominal. The contractor shall check all measurements on site before ordering materials and check any anomalies with Jane Edwards Architecture before proceeding.
- All insulation to be provided and installed in accordance with AS4859.1, AS3900 (bulk insulation), AS1904 (bat insulation) and associated standards and codes.
- Approved R1.5 shown on drawings are to be FINISHED LEVELS. Builder to provide seal downs and allowances to accommodate finished levels.

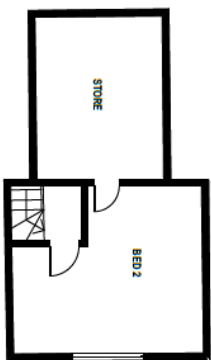
<p>JANE EDWARDS ARCHITECTURE</p> <p>NEW REGISTERED 7090</p>		<p>Project: 22 Evans street Balmain NSW 2041</p> <p>Scale: NTS</p> <p>Project date: 2018</p> <p>Drawn by: Ms Lynn Kelly</p> <p>Checked by: Ms Lynn Kelly</p>	<p>Drawn by: Ms Lynn Kelly</p> <p>Checked by: Ms Lynn Kelly</p> <p>Date: 2018</p> <p>Scale: DA 00</p>
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1 EXISTING GROUND FLOOR PLAN
SCALE 1:200 @ A3



2 EXISTING FIRST FLOOR PLAN
SCALE 1:200 @ A3



3 EXISTING SECOND FLOOR PLAN
SCALE 1:200 @ A3

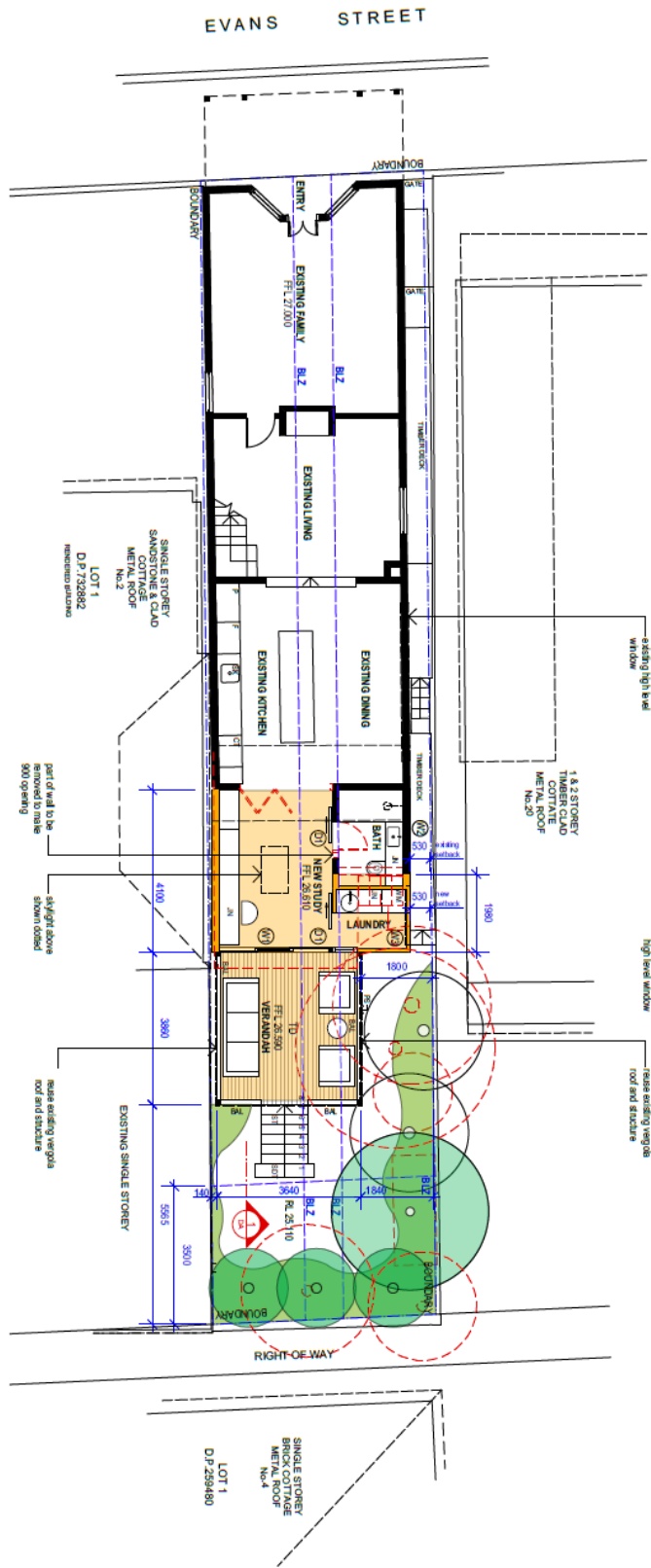
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LEGEND NEW	
AD	ALUMINIUM DOOR
AW	ALUMINIUM WINDOW
CL	Ceiling
CS	Ceiling
DC	DOUBLE GLAZED WINDOW
GC	GLASS CURTAIN WALL
GT	GLASS TINTED WINDOW
HT	HOLLOW METAL ROOF
IT	INTERIOR WALL
MT	METAL ROOF
NT	NEW TILING
OT	OUTDOOR TILING
PT	PAVED TERRACE
RT	REINFORCED CONCRETE
ST	STEEL
TT	TIMBER TILING
VT	VERANDAH
WT	WATERPROOFING
XT	EXTENSION

WALL LEGEND	
[Solid line]	DIST NO WALL
[Dashed line]	WALL TO BE DEMOLISHED
[Yellow fill]	NEW WALL

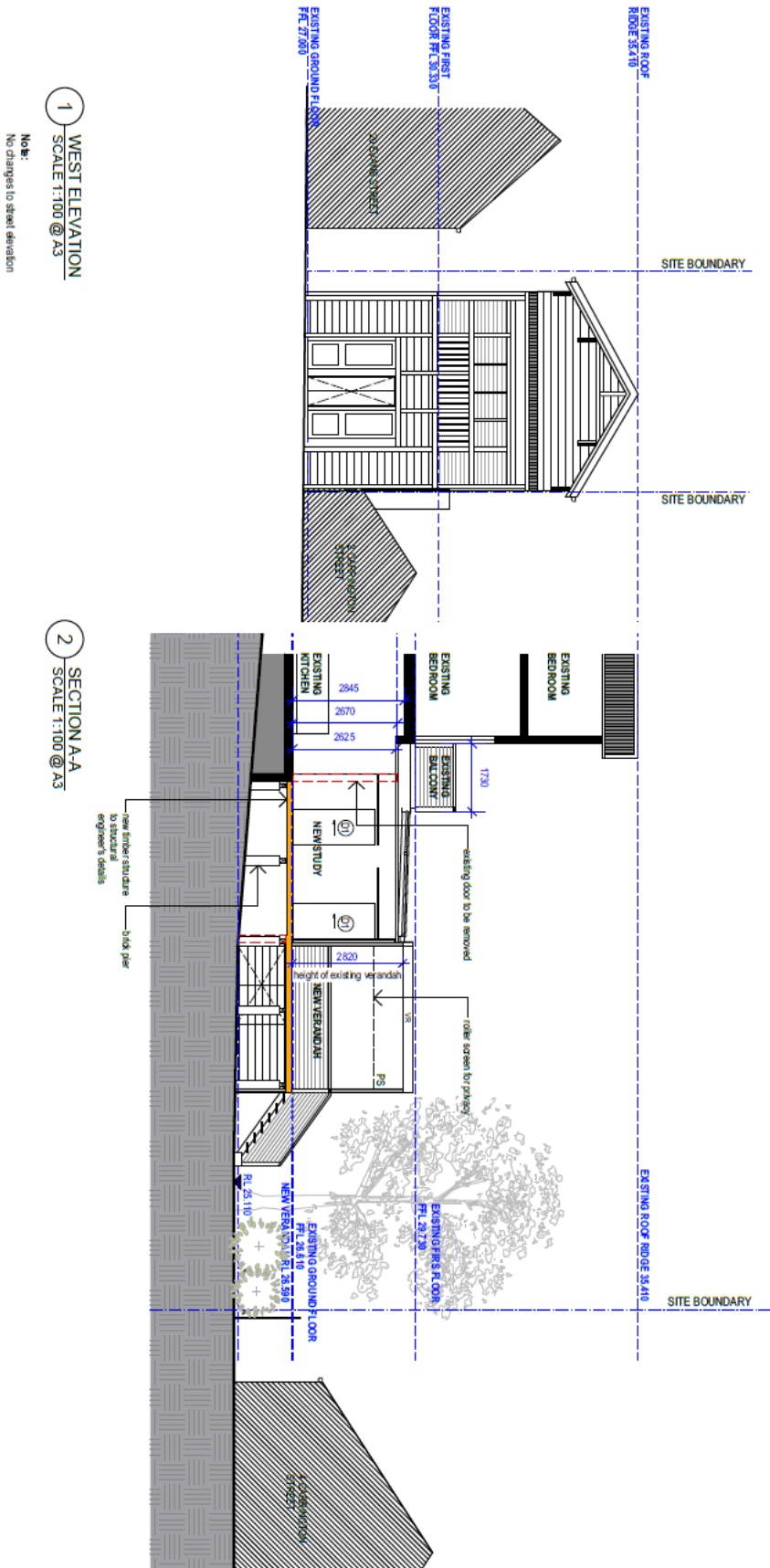
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CS	Ceiling
DC	DOUBLE GLAZED WINDOW
GC	GLASS CURTAIN WALL
GT	GLASS TINTED WINDOW
HT	HOLLOW METAL ROOF
IT	INTERIOR WALL
MT	METAL ROOF
NT	NEW TILING
OT	OUTDOOR TILING
PT	PAVED TERRACE
RT	REINFORCED CONCRETE
ST	STEEL
TT	TIMBER TILING
VT	VERANDAH
WT	WATERPROOFING
XT	EXTENSION

JANE EDWARDS ARCHITECTURE	
Project	22 Evans Street, Balmain NSW 2041
Client	Ms Lynn Kelly
Scale	1:200 @ A3
Job number	2018
DA 02	



1 GROUND FLOOR PLAN
SCALE 1:100 @ A3

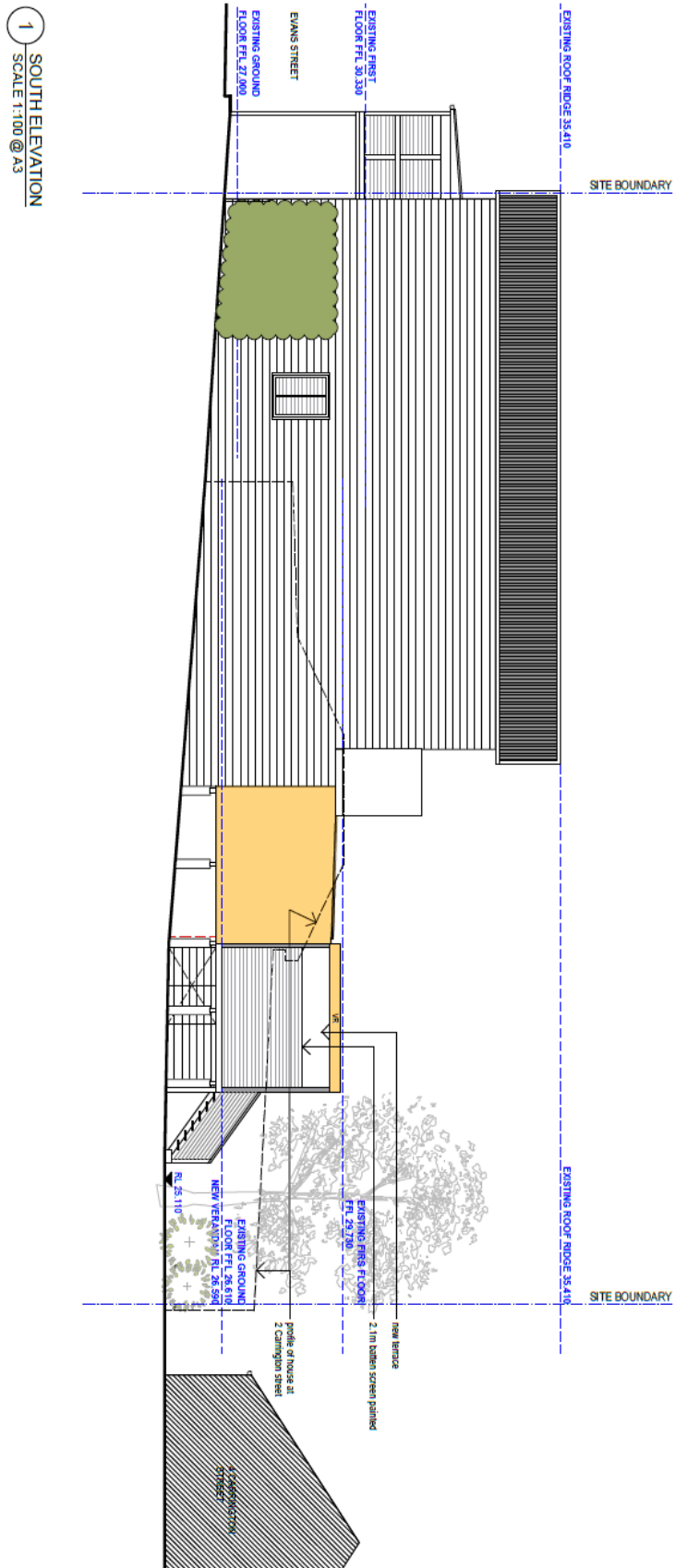
REVISION SCHEDULE		LEGEND KEY		WALL LEGEND		PROJECT INFORMATION		SCALE	
Rev	Date	Rev	Description	Symbol	Description	Project	Scale	Job Number	Rev
A	28/11/18	PS	ADJUSTABLE FRAME SCREEN	[Solid Black]	DISTINCT WALL	22 Evans Street Burton NSW 2041	1:100 @ A3	2018	DA 04
B	03/01/19	PS	PAINT FINISH	[Dashed]	CHANGING WALL	JANE EDWARDS ARCHITECTURE NSW REGISTERED 7990	NEW GROUND FLOOR PLAN	2018	DA 04
C	04/01/19	PS	NEW SETTING WALL	[Dotted]	CHANGING WALL				
D	13/02/19	PS	NEW TRAILER SCREEN	[Yellow]	NEW WALL	Client	Ms Lynn Kelly		



1 WEST ELEVATION
SCALE 1:100 @ A3

No. to:
No changes to street elevation

2 SECTION A-A
SCALE 1:100 @ A3





METAL SHEET ROOFING
-Profile for rain fall
-Medium Dark grey



New Weatherboard Colour to match existing side walls. Profile to match.



Timber battens to enclose undercroft of timber. Dark grey in colour.



Existing Veranda structure to be reused



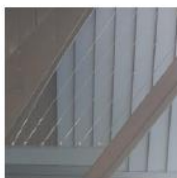
WHITE PAINTED BATTEN SCREEN with RECYCLED TIMBER SHELVING on North side of Terrace. Under veranda. Shelves to hold small pot plants.



NEW ALUMINIUM SLIDING DOOR -DARK GREY/BLACK colour



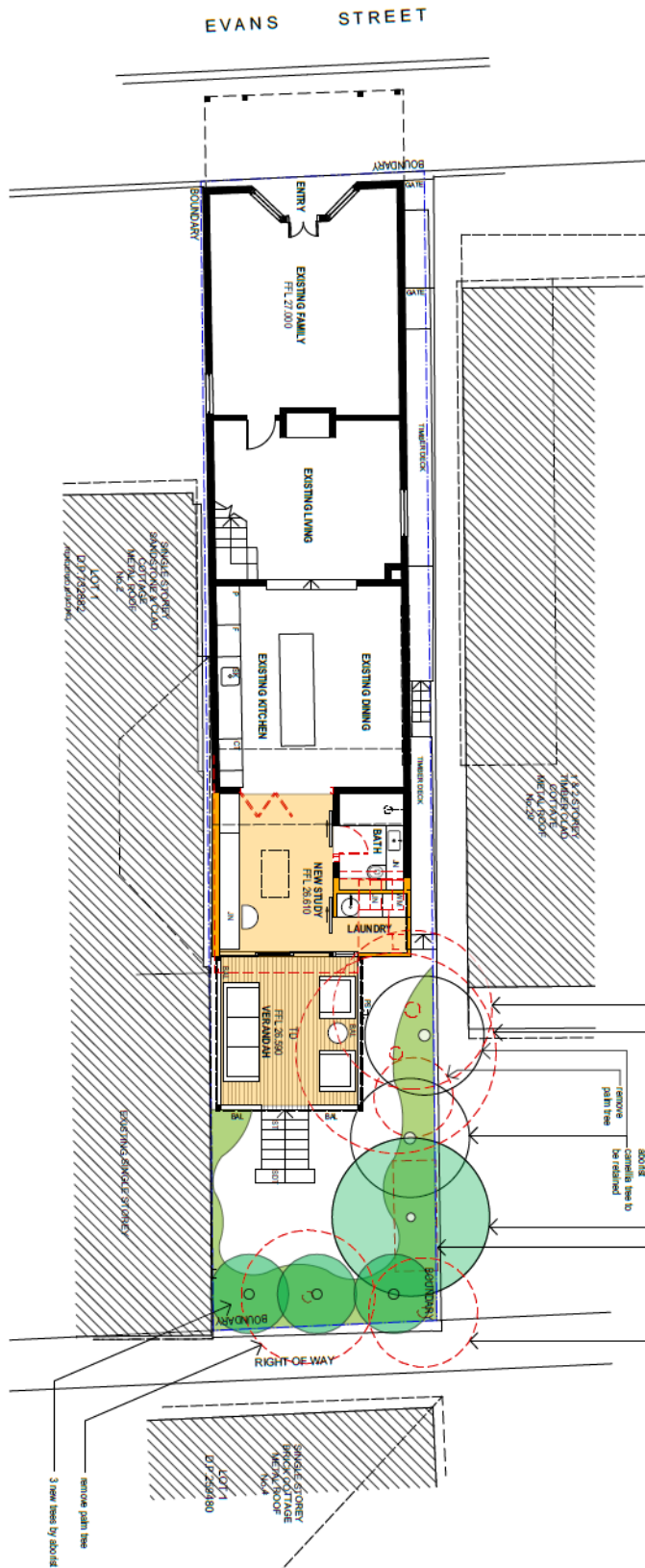
REUSE TIMBER BALUSTRADE TIMBER TOP RAIL AND STAINLESS STEEL WIRE BALUSTRADE



REUSE TIMBER DECKING MATCH NEW STEPS TO EXISTING

REVISION SCHEDULE		LEGEND / KEY		WALL LEGEND		JANE EDWARDS ARCHITECTURE NEW REGISTERED 7980
Rev	Date	Revision notes	ADJUSTABLE PROJECT SCREEN	EXISTING WALL	NEW WALL	
A	29/11/18	for client review	ADJUSTABLE PROJECT SCREEN	EXISTING WALL	NEW WALL	
B	02/01/19	for client review	ADJUSTABLE PROJECT SCREEN	EXISTING WALL	NEW WALL	
C	04/01/19	for client review	ADJUSTABLE PROJECT SCREEN	EXISTING WALL	NEW WALL	
D	13/02/19	Development Application	ADJUSTABLE PROJECT SCREEN	EXISTING WALL	NEW WALL	

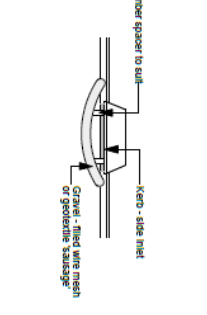
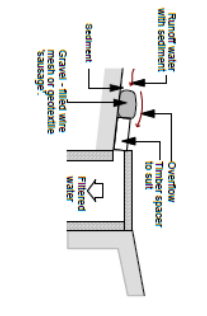
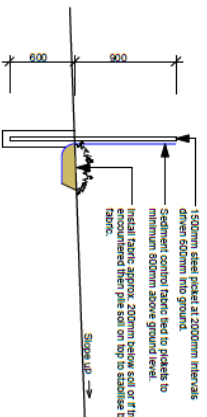
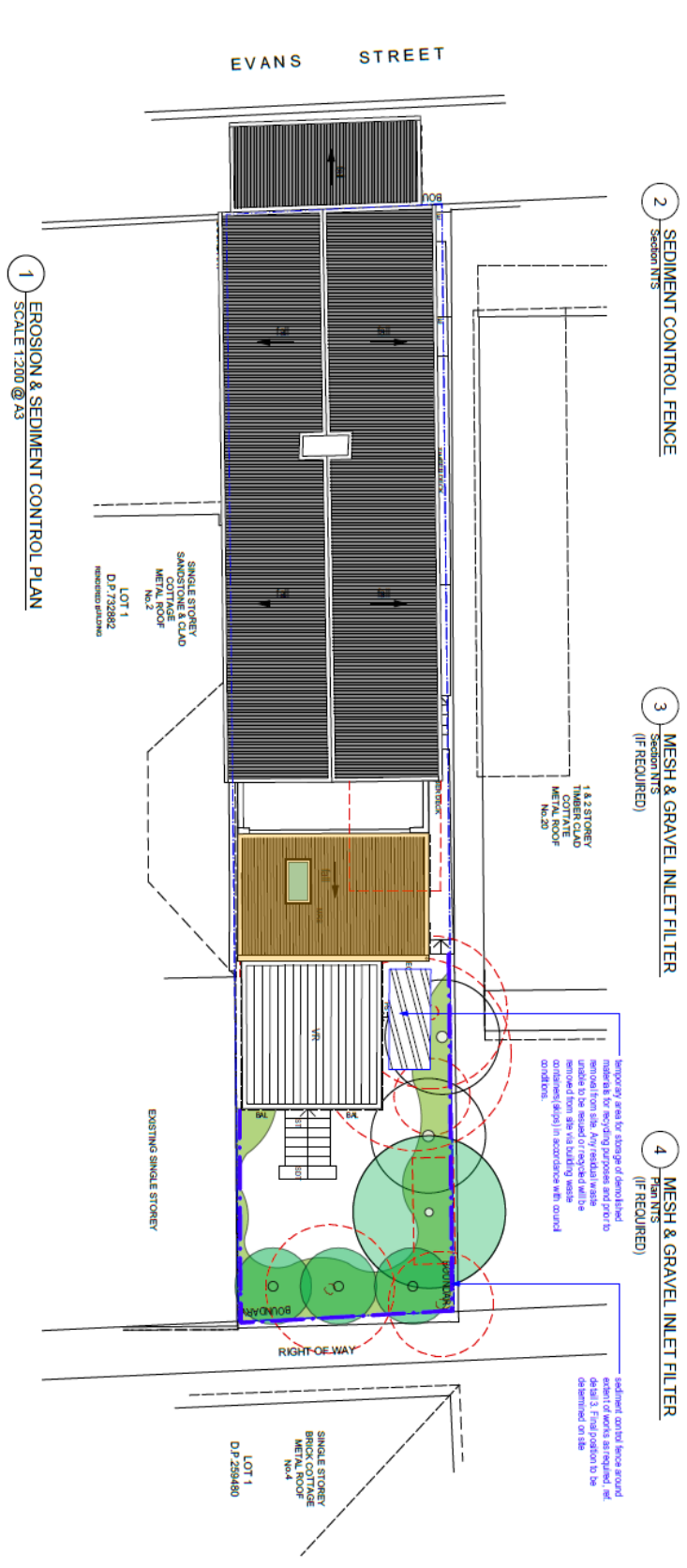
NOTE THIS DRAWING IS PART OF AN SHED D.B.E. SHED IN CONJUNCTION WITH ALL OTHER CONTRACT DOCUMENTS VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION OR REVISION. REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR VARIATION. DO NOT SCALE DIMENSIONS FROM DIMENSIONS TAKE THIS DRAWING AND THE DIMENSIONS SHOWN ARE PROVIDED BY CONTRACTOR FOR THE ARCHITECT'S PROJECT AND FOR THE SPECIFIC PROJECT AND FOR THE SPECIFIC SHED IN SITES.	Project 22 Edna Street Balmain NSW 2041	Scale 1:100 @ A3 Plot date
Client Ms Lynn Kelly	Drawn status DEVELOPMENT APPLICATION	Job number DA 98



1 LANDSCAPE CONCEPT PLAN
SCALE 1:200 @ A3

REVISION SCHEDULE		LEGEND / KEY		WALL LEGEND		PROJECT INFORMATION		SCALE	
Rev	Date	Revision notes	NO	ADJUSTABLE FINISH SCREEN	EXISTING WALL	Project	Client	Scale	Proj date
A	28/11/18	for client review	AD	ADJUSTABLE FINISH SCREEN	JANE EDWARDS ARCHITECTURE		Ma Lynn Kelly	1:200 @ A3	22 Evans Street Burrumbidgee NSW 2041
B	03/01/19	for client review	AN	NEW FINISH SCREEN	---	NEW REGISTERED 7500			
C	04/01/19	for client review	AO	NEW FINISH SCREEN	- - -				
D	13/02/19	Development Application	AS	NEW FINISH SCREEN	---				

REVISION SCHEDULE		LEGEND / KEY		WALL LEGEND		PROJECT INFORMATION		DRAWING INFORMATION	
Rev	Date	Revision notes	NO	EXISTING	NEW WALL	Project	Scale	Drawn by	Checked by
A	29/11/18	for client review	ALUMINIUM DOOR	EXISTING WALL	NEW WALL	22 Evans Street Burrumbidgee NSW 2041	1:100 @ A3	Ms Lynn Kelly	DA 16
B	02/01/19	for client review	ALUMINIUM WINDOW	WALL TO BE DEMOLISHED	NEW WALL	EROSION & SEDIMENT CONTROL PLAN	Drawn by 2018		
C	04/01/19	for client review	GLASS DOOR	WALL TO BE DEMOLISHED	NEW WALL	JANE EDWARDS ARCHITECTURE NEW REGISTERED 7900	Find date		
D	13/02/19	Development Application	GLASS WINDOW	WALL TO BE DEMOLISHED	NEW WALL		Drawn by 2018		



Temporary area for storage of degradable materials for recycling purpose and prior to removal from site. Any residual waste to be removed from site via building waste containers (skip) in accordance with council conditions.

Adjacent control fabric ground sections are installed. Final position to be determined on site.

Attachment C- Clause 4.6 Exception to Development Standards

**Clause 4.6 Variation Request
Landscape Area
Leichardt Local Environmental Plan 2013**



Prepared by Jane Edwards Architecture
Alterations & Additions
22 Evans Street, Balmain NSW 2041
February 2019

Clause 4.6 Variation Request

Introduction

This clause 4.6 variation report accompanies the Development Application (DA) that is submitted to Leichardt Council for minor alterations and additions to a residential dwelling.

The purpose of this Clause 4.6 variation report is to address a variation to Clause 4.3 A,(3) a(i) .Landscape areas for residential accommodation in Zone R1,Leichardt Council Local Environmental Plan 2013. This variation relates to property located at **22 Evans Street Balmain**. (Lot 1 DP 195664)

LEP – Clause 4.3A Landscaped areas for residential accommodation in Zone R1

(1) The objectives of this clause are as follows:

- (a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
- (b) to maintain and encourage a landscaped corridor between adjoining properties,*
- (c) to ensure that development promotes the desired future character of the neighbourhood,*
- (d) to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*
- (e) to control site density,*
- (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

The existing landscape area is t 8.7 %, below the minimum requirement. This is because the site itself is very small at 163 m². The existing landscape area has been increased by 2m² by widening the deep soil planting area and creating an organic edge to the planting area. The owner is interested in planting a new significant tree on northern side of the site to create privacy. The two existing camillia's on the northern side give good privacy and are intended to grow into the space left by the tree that is to be removed. The owner would like to plant three new smaller feature trees along the eastern edge to screen the side of the southern neighbouring property and create a green edge. The palms do not provide privacy and drop large thrones onto the properties. The neighbour's do not like the palms trees and are happy to have them replaced by new trees.

The proposed increase in landscape space and plan for new trees is in keeping with the objectives of the LEP. The proposed changes will improve the surrounding area and provide a better updated landscape solution.

What is the Environmental Planning Instrument (EPI) that applies to the land

The Environmental Planning Instrument (EPI) to which this variation relates is the Leichardt Local Environmental Plan 2013.

What is the Zoning of the Land

The zoning for the land is R1,General Residential which has a requirement of 15% landscaped area for lot sizes less than 235m². The site is 163.3m².

What is the Development Standard Being Varied

The development standard being varied is the minimum "Landscape Area" requirements for the land.

Under What Clause is Development Standard listed in the EPI

The subject clause is the development standard listed in the LEP2013
4.3 A Landscape Areas for Residential Accommodation in Zone R1.

What is the Numeric value of the Variation

The subject site has a minimum area requirement of 15% of the site area.
The values are as follows:

- Site area 16.3.3m²
- R1 ratio 15% = 24m²
- Proposed 9.9% = 16.2m²
- Existing 8.7m²- 14.2 m²

A variation of 5% to the standard is requested.

What is the Impact to the Community for Non Compliance

The variation to the standard does not affect the local community as the landscape area has increased and the proposed new trees will create an improved landscape solution that give privacy and amenity to the neighbouring properties. A 'green band' between properties is maintained in keeping with the objectives of the LEP.

Is The Variation Well Founded

The variation of 5 % to the standard is well founded and considered and also meets the intent of the LEP objectives.

End of Report

**Clause 4.6 Variation Request
Site Coverage
Leichardt Local Environmental Plan 2013**



Prepared by Jane Edwards Architecture
Alterations & Additions
22 Evans Street, Balmain NSW 2041
February 2019

Clause 4.6 Variation Request

Introduction

This clause 4.6 variation report accompanies the Development Application (DA) that is submitted to Leichardt Council for minor alterations and additions to a residential dwelling.

The purpose of this Clause 4.6 variation report is to address a variation to Clause 4.3 A, (3) b .Landscape areas for residential accommodation in Zone R1, Leichardt Council Local Environmental Plan 2013. This variation relates to the ~~the~~ coverage of the property located at **22 Evans Street Balmain**. (Lot 1 DP 195664)

LEP – Clause 4.3A Landscaped areas for residential accommodation in Zone R1

(1) The objectives of this clause are as follows:

- (a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
- (b) to maintain and encourage a landscaped corridor between adjoining properties,*
- (c) to ensure that development promotes the desired future character of the neighbourhood,*
- (d) to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*
- (e) to control site density,*
- (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

Item 3 relates to the Site Coverage:

(3) Development consent must not be granted to development to which this clause applies unless:

- (a) the development includes landscaped area that comprises at least:*
 - (i) where the lot size is equal to or less than 235 square metres—15% of the site area, or*
 - (ii) where the lot size is greater than 235 square metres—20% of the site area, and*
- (b) the site coverage does not exceed 60% of the site area.*

The existing site coverage is 58.7 %, just below the minimum requirement of 60%. This is because the site itself is very small at 163 m². The site coverage area is proposed to be increased by 7.3 % to 67.3 %.

The new bathroom and laundry increases the footprint of the house and provides an amenity accessed internally rather than externally to the building. The house has been updated to meet the needs of a modern family. The terrace area accessed at the same level of the family area works well and the owner would like to provide a sustainable and affordable solution and reuse the terrace timber and pergola roof and structure.

This design in turn increases the site coverage marginally. The landscape area has been increased and a paved area provides space in the shade for a new table and chairs. The family spend most of their time on the terrace area but love to overlook the garden and enjoy gardening on the weekends.

The proposed increase in site coverage has little effect on the existing amenity of the house and neighbouring properties. The proposed landscape changes will improve the surrounding area and provide a better, updated landscape solution.

What is the Environmental Planning Instrument (EPI) that applies to the land

The Environmental Planning Instrument (EPI) to which this variation relates is the Leichardt Local Environmental Plan 2013.

What is the Zoning of the Land

The zoning for the land is R1 General Residential which has a requirement of 60% maximum site coverage.
The site area is 163.3m².

What is the Development Standard Being Varied

The development standard being varied is the minimum "Site Coverage" requirements for the land.

Under What Clause is Development Standard listed in the EPI

The subject clause is the development standard listed in the LEP2013
4.3 A Landscape Areas for Residential Accommodation in Zone R1.

What is the Numeric value of the Variation

The subject site has a maximum site coverage area requirement of 60% of the site area.
The values are as follows:

- Site area 16.3.3m²
- Proposed 67.3% = 110m²
- Existing 58.7 % = 95.8m²

A variation of 7.3% to the standard is requested.

What is the Impact to the Community for Non Compliance

The proposed variation is commensurate to the existing dwelling and will provide adequate residential amenity for the occupants of the subject dwelling without any adverse affect on the neighbouring properties and community.

Is The Variation Well Founded

The variation of 7.3 % to the standard is well founded and considered and also meets the intent of the LEP objectives.

End of Report

**Clause 4.6 Variation Request
Floor Space Ratio
Leichardt Local Environmental Plan 2013**



Prepared by Jane Edwards Architecture
Alterations & Additions
22 Evans Street, Balmain NSW 2041
February 2019

Clause 4.6 Variation Request

Introduction

This clause 4.6 variation report accompanies the Development Application (DA) that is submitted to Leichardt Council for minor alterations and additions to a residential dwelling.

The purpose of this Clause 4.6 variation report is to address a variation to Clause 4.4 .Landscape areas for residential accommodation in Zone R1,Leichardt Council Local Environmental Plan 2013. This variation relates to ~~the site coverage of~~ the property located at **22 Evans Street Balmain.** (Lot 1 DP 195664)

LEP – Clause 4.4 - Floor Space Ratio

(1) The objectives of this clause are as follows:

(a) to ensure that residential accommodation:

(i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and

(ii) provides a suitable balance between landscaped areas and the built form, and

(iii) minimises the impact of the bulk and scale of buildings,

(b) to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.

Item 2 relates to the floor space ratio map:

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(b) on land shown edged red or green on the Floor Space Ratio Map is not to exceed:

(i) in the case of development on a lot with an area of less than 150 square metres—1.0:1, or

(ii) in the case of development on a lot with an area of 150 square metres or more but less than 300 square metres—0.9:1, or

The existing floor space ratio 1:1 which is marginally over the required ratio of 0.99:1 by 10% . The proposed fsr will be 1.08:1 which is 20 % over the required fsr.

The new bathroom and laundry increases the footprint of the house and provides an amenity accessed internally rather than externally to the building. The increased fsr to the extension is 15 m2 which is a very small extension to the dwelling. The house has been updated to meets the needs of a modern family and the increase in area has been kept to a minimum in order to retain as much garden as possible.

The proposed increase in floor space ratio coverage is 15 m2 and does not affect the amenity of the neighbouring properties.

What is the Environmental Planning Instrument (EPI) that applies to the land

The Environmental Planning Instrument (EPI) to which this variation relates is the Leichardt Local Environmental Plan 2013.

What is the Zoning of the Land

The zoning for the land is R1, General Residential which has a requirement of 0.9:1 for lot sizes over 150m² and less than 300m².

The site is 163.3m².

What is the Development Standard Being Varied

The development standard being varied is the maximum "Floor space ratio" requirement for the land.

Under What Clause is Development Standard listed in the EPI

The subject clause is the development standard listed in the LEP2013
4.4 Floor Space Ratio

What is the Numeric value of the Variation

The subject site has a maximum site coverage area requirement of 60% of the site area.
The values are as follows:

- Site area 16.3.3m²
- Proposed 20% = 29.8m²
- Existing 10 % = 14.7m²
- Proposed area increase from existing 15.1 m²

A variation of 20% to the standard is requested.

What is the Impact to the Community for Non Compliance

The proposed variation is commensurate to the existing dwelling and will provide adequate residential amenity for the occupants of the subject dwelling without any adverse affect on the neighbouring properties and community.

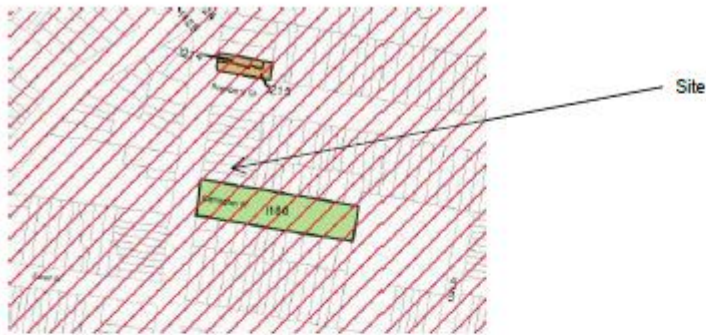
Is The Variation Well Founded

The variation of 20 % to the standard is well founded and considered and also meets the intent of the LEP objectives.

End of Report

Attachment D – Statement of Heritage Significance

6. HERITAGE IMPACT STATEMENT



Heritage

- Conservation Area - General
- Item - General
- Item - Archaeological
- Item - Landscape

Figure 8: Heritage Map, LEP

The site is in Conservation _ General Area.

C2.2.2.4 The Valley 'Balmain' Distinctive Neighbourhood

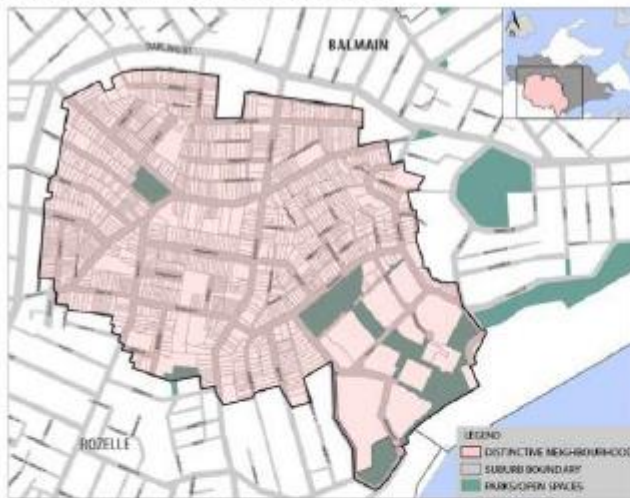


Figure C51: The Valley 'Balmain' Distinctive Neighbourhood

Outline

This neighbourhood has three discrete Sub Areas which have unique characteristics and additional objectives and controls:

- a. Evans Street / Beattie Street Farmer Commercial Precinct Sub Area - Section C2.2.2.4(a);
- b. Palmer Street Sub Area - Section C2.2.2.4(b); and
- c. Smith Street Sub Area - Section C2.2.2.4(c).

Figure 9: DCP Map – The Valley 'Balmain' Distinctive Neighbourhood

Part of the DCP in relation to this Precinct and the Desired Character and objectives is copied for reference purposes below:

Desired Future Character

Objective

O1 To facilitate development that is consistent with the Desired Future Character and Controls for the Distinctive Neighbourhood.

Controls

C1 Preserve the existing varied styles of housing with special regard to the modest timber cottages, and Victorian terraces. Maintain the scales and general built form as established on each street. The older buildings contribute to the local character and the collective heritage of the Balmain Conservation Area.

C2 Preserve the established streetscape with regard to setbacks, street trees and general lack of driveway crossings.

C3 Preserve view lines to the south and east by stepping buildings with the prevailing topography.

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

C5 Where sloping land and road construction have resulted in houses being built lower than the road level, any new development must account for overshadowing and privacy issues.

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

C7 Preserve stone cottages and stone sub walls throughout the neighbourhood.

C8 Maintain the established open low timber and iron picket front fences.

C9 The reconstruction or restoration of hanging or posted balconies / verandahs is encouraged for buildings where such elements were original features.

C10 High walls and garages are considered intrusive to the character of the neighbourhood.

C11 Preserve and promote the establishment of trees in front gardens as these contribute significantly to streetscape amenity.

C12 Preserve and integrate natural rocky outcrops into the landscaping of the area, particularly where visible from public places. Cutting into rockface for any purposes including driveway crossings are to be avoided.

C13 The maximum building wall height applying to the neighbourhood is 3.6m.

C14 A maximum building wall height of 6m may be suitable where the local development pattern warrants it. Streets where the maximum building wall height standard may be appropriate are Evans, Mullens, Montague and Beattie Streets.

C15 Building setbacks within the neighbourhood are to be a minimum of 1m except where the prevailing setback in the immediate area (within 3 houses of the subject site) is different; the setback should reflect the established setbacks.

C16 New development should not mimic older architecture but should respect the scale and form of the traditional streetscape in the vicinity.

C17 Development in laneways is generally discouraged. However, where laneway development is suitable, it is to be limited to single storey.

C18 The use of traditional timber, stone or masonry finishes as well as corrugated iron roofing and timber windows are preferred.

C19 Driveway crossings are discouraged for single residential developments.

C20 Cutting into exposed rockface on property boundaries is discouraged.

C21 Where structures are proposed to be built on top of exposed rock face, they are to be rendered masonry and are to be coloured to complement the sandstone.

C22 Where redevelopment of, or additions to dwellings in this neighbourhood involve removal of sandstone walls or sub walls, such sandstone is to be incorporated into the new structures on the site.

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

C24 Development is to be consistent with any relevant Sub Area objective(s) and condition(s).

C2.2.2.4(a) Evans Street / Beattie Street Former Commercial Precinct Sub Area

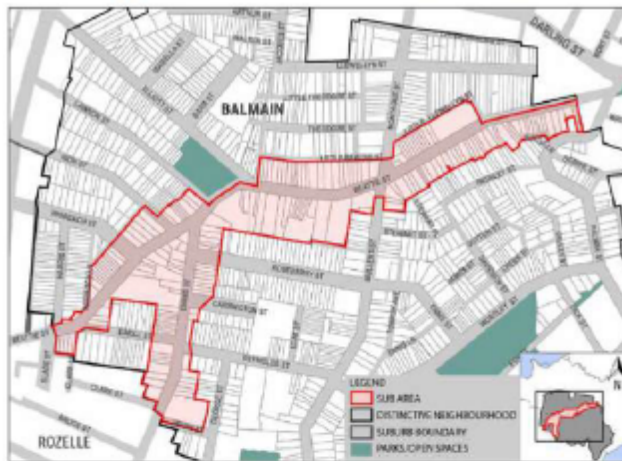


Figure C53: Evans Street / Beattie Street Former Commercial Precinct Sub Area

Figure 10: – DCP Map- Evans Street / Beattie Street Former Commercial Precinct Sub Area

Part of the DCP in relation to this Precinct and the Desired Character and objectives is copied for reference purposes below:

During the mid to late 1800s, Evans Street and Beattie Street competed with Darling Street as the primary commercial strip. Consequently, the street retains many commercial and retail buildings, most of which have been converted for residential use.

Along this strip from Victoria Road to Darling Street, nil setbacks are common, with many front walls above 6m in height, many with parapets and skillion roofs. Significant features of this streetscape are the many corner commercial buildings, balconies over the footpath and the use of stone or a rendered masonry finish. The focal point of this area is the intersection of Beattie Street and Montague/Mullens Street.

This hub is still a functioning commercial centre, with businesses operating on all four corners. The focal point is the three storey Victorian 'Exchange Hotel'. This building is a listed Heritage Item and is a local landmark.

Desired Future Character

Control

C1 Development is to be consistent with any relevant objectives and controls within The Valley.

Response to the DCP control and Objectives in relation to the proposed alternations and additions for this DA at 22 Evans Street:

The Proposal

The design criteria for consideration is set out within the guidelines prepared by the Heritage Office and these headings are set out below.

Character

The proposed extension is in keeping with the existing house and the general area.

Scale

The scale of the extension is low key, single storey and is appropriate to the house and general area. The extension is very low impact on the surrounding houses and can't be viewed from the street.

Form

The form of the rear extension is single storey and is below the level of the first floor rear balcony.

Siting

The extension is at the rear of the property, setback in line with the existing house and can't be viewed from the street.

Materials and colours

The materials are in keeping with the character of the house and existing colours are proposed. The client is interested in being environmentally sustainable and would like to reuse the vergola structure and roof system and reuse the timber decking and balustrade timber where possible.

Detailing

The proposed materials and detailing is in keeping with the character of the existing house.

In summary:

This two storey terrace is an example of a possible retail property previously. The existing street terrace overhangs the footpath and has a retail window frontage. The DA proposal is to extend the rear of the property which has been altered previously. No work is intended to the street front.

The new cladding materials will match the existing side walls as a timber cladding. Timber materials and reuse of the vergola are intended for the terrace and deck. As part of the work new trees and improved planting are part of the DA.

The proposal is in keeping with character of the existing house and does not impact on the heritage conservation area nor specific heritage items in the area. The proposal is considered reasonable and consistent with the various heritage planning objectives, provisions and controls and is considered suitable for approval by Council.