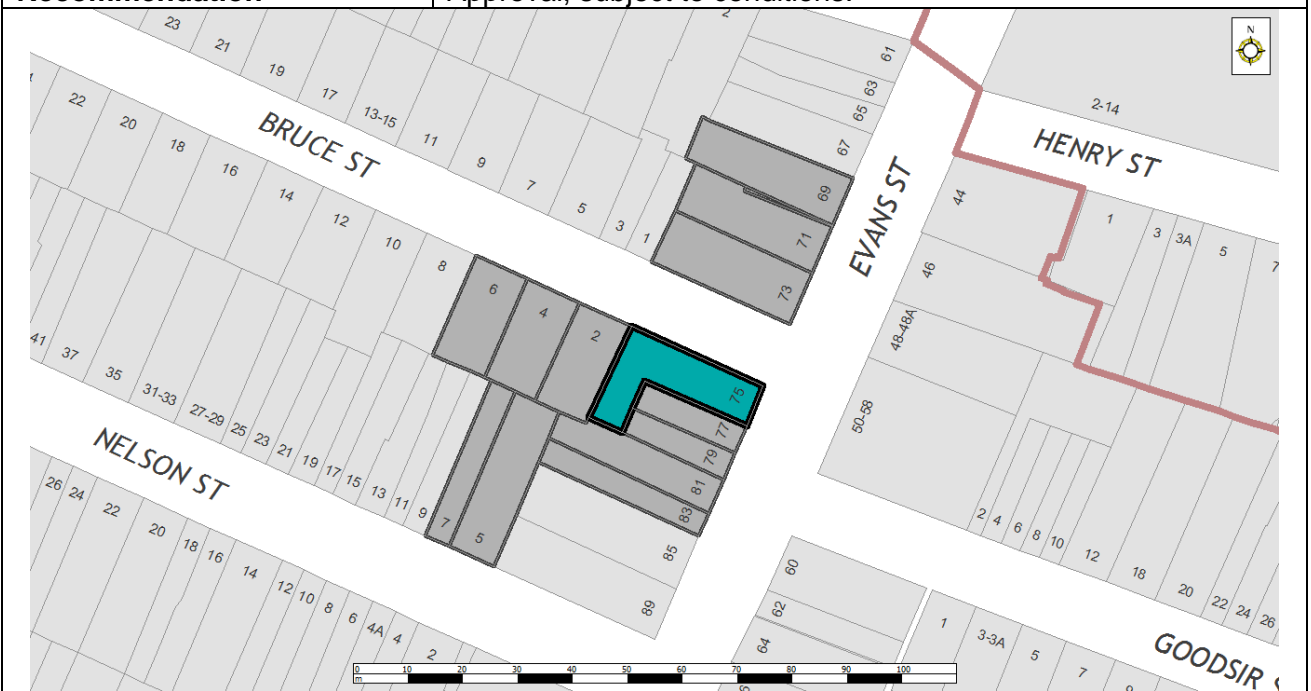




# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	D/2018/256
<b>Address</b>	75 Evans Street, ROZELLE NSW 2039
<b>Proposal</b>	Alterations to existing dwelling, including opening changes, external painting work and reinstatement of heritage comparable signage.
<b>Date of Lodgement</b>	16 May 2018
<b>Applicant</b>	Milestone (Aust) Pty Limited
<b>Owner</b>	Mr J A Harris
<b>Number of Submissions</b>	Nil submissions received
<b>Value of works</b>	\$700,000.00
<b>Reason for determination at Planning Panel</b>	Heritage Item
<b>Main Issues</b>	Heritage & Engineering issues.
<b>Recommendation</b>	Approval, subject to conditions.



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations to an existing dwelling, including opening changes, external painting work and reinstatement of heritage comparable signage at 75 Evans Street, ROZELLE NSW 2039. The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- Engineering issues in regards to flooding,
- Heritage concerns in regards to the proposed internal opening/removal of the existing kitchen/dining sandstone wall linking the entry area.

The proposed alterations and additions are considered to retain the heritage significance of the dwelling and its contribution to the streetscape and not result in significant adverse amenity impacts for surrounding properties. The application is therefore recommended for approval.

## 2. Proposal

Alterations and additions to the existing dwelling including:

- Reinstatement original "Balmain Supply Store" signage facing Evans Street,
- Replace existing privacy screens on the first floor balcony with bifold louvres,
- Replace existing timber doors to the rear of the dwelling with new bifold doors,
- Paint works to external areas of the dwelling,
- Replace existing front doors and construct new steps entering from Evans Street,
- Replace existing first floor balcony doors with new timber doors,
- Reinstatement timber mouldings above the existing first floor balcony doors,
- Installation of floor to lintel windows at rear bedroom and hallway on first floor,
- Internal alterations which includes the following:
  - Removal of a sandstone dividing wall on the ground floor which separates the kitchen/dinning and entry room,
  - Remove dumbwaiter which connects the ground and upper level,
  - Removal of non-structural walls to create new opening on both ground and first floor levels,
  - Removal, relocation and creation of additional amenity rooms.

## 3. Site Description

The subject site is located on the western side of Evans Street, on the corner of Evans Street and Bruce Street. The site consists of one allotment and is L – Shaped with a total area of 283 m<sup>2</sup> and is legally described as Lot 1 DP 778989.

The site has a frontage to Evans Street of 8.23 metres and a secondary frontage of approximate 26.505 metres to Bruce Street. The site supports a two storey dwelling with an attic space above. The adjoining properties support a two storey sandstone terrace at 77 Evans Street (Heritage Item) which is located to the south of the subject site and a two storey modern rendered dwelling at 2 Bruce Street which is located to the west of the subject site.

The subject site is listed as a local heritage item.

## 4. Background

### 4(a) Site history

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

#### Subject Site

Application	Proposal	Decision & Date
M/2005/18 (CC & OC issued)	Modification to development consent D/2004/115 for alterations and additions to existing heritage residence. Modifications include changes to materials and openings on ground, first and second floor levels.	Approved – 11/5/2005
M/2005/12	Modification to development consent D/2004/155 for alterations and additions to existing heritage residence. Modification to correct BCA classification.	Approved – 25/1/2005
D/2004/155	Alterations and additions to an existing dwelling.	Approved – 8/12/2004

#### Surrounding properties

Application	Proposal	Decision & Date
D/2012/320 – 79 Evans Street	Alterations and additions to the existing heritage-listed dwelling including internal layout and window/door changes and construction of an awning and landscaping works to the rear.	Approved – 27/7/2012
D/2006/369 – 2 Bruce Street	Use of existing front terrace area as a car space and extension of existing vehicle crossing.	Approved – 6/9/2006

### 4(b) Application history

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

Date	Discussion / Letter/ Additional Information
7/8/2018	Councils Assessment Officer and Team Leader for heritage held a meeting with the applicants, owner and heritage consultant.
20/8/2018	Amended and updated additional information to address the heritage concerns raised submitted to Council, along with a Clause 4.6 for the subject sites non-compliance with Council's development standard (FSR, Site Coverage & Landscaped Area).

## 5. Assessment

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

## 5(a) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

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 Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

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

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.4 – Stormwater management

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

Standard (maximum)	Existing	% of non compliance	Compliances
<b>Floor Space Ratio</b> Required: [0.8:1] [226.4m <sup>2</sup> ]	0.94:1 267.4m <sup>2</sup>	Unchanged 18.11	No
<b>Landscape Area</b> Required: [20%] [56.6m <sup>2</sup> ]	14.63% 41.4m <sup>2</sup>	Unchanged 26.86%	No
<b>Site Coverage</b> Required: [60%] [169.8m <sup>2</sup> ]	68.90% 195m <sup>2</sup>	Unchanged 14.84%	No

The following provides further discussion of the relevant issues:

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal will not alter the existing development standards which currently breaches the following development standards:

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

Clause 4.6(2) specifies that Development consent may be granted for development even though the development would contravene a development standard.

1. *The objectives of this clause are as follows:*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
2. *Development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*

The application requests that development consent be granted for the development as the proposal will not alter the existing non-compliant development standards to Floor Space Ratio, Site Coverage, and Landscaped Area prescribed under Part 4 of Leichhardt Local Environmental Plan 2013.

3. *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

A written request has been submitted by the applicant raising the following key issues seeking to justify the contravention of the standards:

Floor Space Ratio

This is a pre-existing site condition, the proposal does not include any change to the FSR. Therefore there will be no adverse impacts as a result of maintaining this existing site condition.

Landscaped area

This is a pre-existing site condition, the proposal does not include any reduction of the landscaped area. Therefore there will be no adverse impacts as a result of maintaining this existing site condition.

Site Coverage

This is a pre-existing site condition, the proposal does not include any reduction of the site coverage on the site. Therefore there will be no adverse impacts as a result of maintaining this existing site condition.

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*

Comment: The applicant has addressed the matters required under Clause 4.6 Exceptions to development standards, and it is considered to be well founded in this instance. The proposal will not result in a detrimental impact on the public interest and can satisfy the objectives of the development standards and General Residential zoning as demonstrated below:

- The proposal is compatible with the desired future character of the area in relation to building bulk, form and scale
- The proposal will not alter the existing Floor Space Ratio, Landscaped Area & Site Coverage standards, providing a suitable balance between landscaped areas and the built form
- The siting of the building is within the building location zones when it can be reasonably assumed development can occur.
- The proposal does not result in any adverse amenity impacts to the surrounding properties.

- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

The granting of concurrence to the proposed variation of the development standard will not raise any issues of state or regional planning significance.

- (b) *the public benefit of maintaining the development standard, and*

The existing variation to the development standard will not compromise the long term strategic outcomes of the planning controls to the extent that a negative public benefit will result. In this regard, there is no material public benefit to the enforcing of the development standards.

- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

No other matters are required to be considered before granting concurrence.

## 5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

### Draft Environment SEPP

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

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

## 5(c) Development Control Plans

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

Part	Compliance
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Not applicable
B3.1 Social Impact Assessment	Not applicable
B3.2 Events and Activities in the Public Domain (Special Events)	Not applicable
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	Yes
C1.6 Subdivision	Not applicable
C1.7 Site Facilities	Yes
C1.8 Contamination	Not applicable
C1.9 Safety by Design	Not applicable
C1.10 Equity of Access and Mobility	Not applicable
C1.11 Parking	Not applicable
C1.12 Landscaping	Not applicable
C1.13 Open Space Design Within the Public Domain	Not applicable

C1.14 Tree Management	Not applicable
C1.15 Signs and Outdoor Advertising	Yes
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Yes
C1.17 Minor Architectural Details	Not applicable
C1.18 Laneways	Not applicable
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Not applicable
C1.20 Foreshore Land	Not applicable
C1.21 Green Roofs and Green Living Walls	Not applicable
<b>Part C: Place – Section 2 Urban Character</b>	
Suburb Profile	
C2.2.5.1 The Valley 'Rozelle' Distinctive Neighbourhood	Yes
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Not applicable
C3.5 Front Gardens and Dwelling Entries	Not applicable
C3.6 Fences	Not applicable
C3.7 Environmental Performance	Not applicable
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Not applicable
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	Not applicable
C3.14 Adaptable Housing	Not applicable
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	
Not applicable	
<b>Part D: Energy</b>	
Section 1 – Energy Management	
Not applicable	
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	Not applicable
D2.5 Mixed Use Development	Not applicable
<b>Part E: Water</b>	
Yes	
<b>Part F: Food</b>	
Not applicable	
<b>Part G: Site Specific Controls</b>	
Not applicable	

The following provides discussion of the relevant issues:

#### C1.4 Heritage Conservation Areas and Heritage Items

The applicants have submitted an updated revised plan to demonstrate the new proposed sandstone wall removal with supporting heritage documents. These have been reviewed by the heritage Team Leader and the following advice has been provided below:

*The removal of infill walling from the former central door opening within the stone wall, to re-establish the earlier form and extent of that opening, is supported.*



The proposed demolition of the stone wall to increase the opening to 2650mm wide is not supported, as it would have an adverse heritage impact on both the fabric and internal form of the building, and is not a functional requirement.

Below are images of the original proposed wall removal, paired up with the amended wall removal.

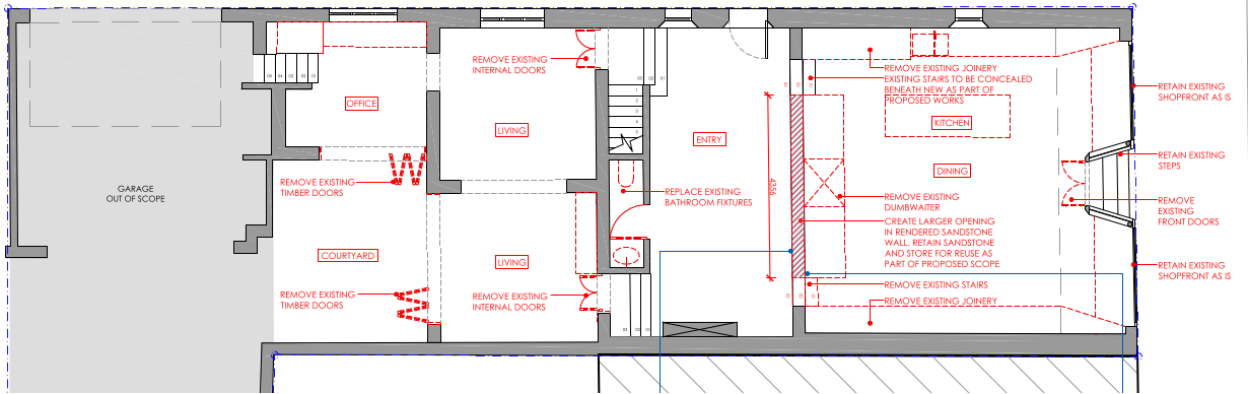


Image A. Proposed demolition of sandstone wall.



Image B. 3D image of proposed sandstone wall removal.

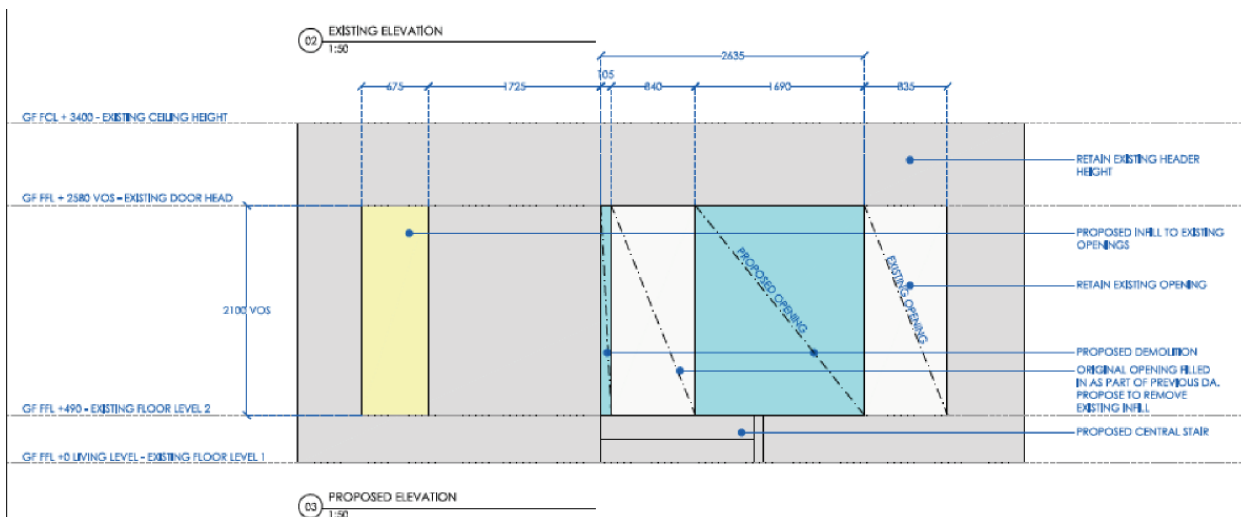


Image C. Amended/reduced removal of sandstone wall.



Image D. Amended 3D image of proposed wall.

As a result, the original heritage comments provided in the referral comments with the design amendment conditions will stand:

*That the proposal is generally acceptable however needs some amendments which are therefore conditioned.*

- 1. Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings and 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.*
- 2. The openings in the original interior sandstone wall between Kitchen/Dining and Entry rooms may not be enlarged because the wall is part of the original stone fabric for which the place was heritage listed, and because it contributes to the structural stability of the building.*

As per above, the proposal is acceptable in heritage context, subject to recommended conditions which will be imposed on any consent granted.

#### C1.15 Signs and Outdoor Advertising

The proposed works to re-instate the original 'Balmain Supply Store' signage to the existing dwelling under the balcony as a fascia sign facing Evans Street is considered acceptable in heritage context. Below is a photograph of the original dwelling with the original store sign which is being proposed to be reinstated through this application.



Image 1. 1896 photo of subject site.

#### C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings

The proposed works to the existing balcony overhanging Council's footpath is considered satisfactory as per the advice provided by Council's Property Service Manager which state the following; *"no objections subject to Engineer's Certification conditions being imposed as the balcony existed prior to 1896 and refurbishment works were approved in 2003 without an Air-Space Licence being required"*.

#### 5(d) The Likely Impacts

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

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

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

#### 5(f) Any submissions

The application was notified in accordance with Section 3 for a period of 14 days to surrounding properties. No submissions were received.

#### 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 comments

The proposal is considered acceptable subject to standard materials and finishes conditions being imposed on any consent granted, plus a design amendment condition to retain the existing sandstone wall located on the ground floor separating the kitchen/dining area and the entry room.

#### Development Engineer comments

Council Engineers required a 150mm step between the finished floor surface level of the courtyard and the adjacent internal floor level of the dwelling, however given that the proposal does not alter the existing door openings to the rear courtyard and does not alter the existing stormwater conditions of the courtyard, the recommended engineering conditions will not be imposed.

#### Property Service comments

The proposal is considered acceptable subject to standard engineer's certification conditions being imposed on the first floor street balcony currently being above Council footpath.

### 6(b) External

The application was not referred to 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 adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

- A. The Inner West Local Planning Panel exercising the functions of the Council as the consent authority support the variation to Clause 4.3A(3)(a) Landscape Area, 4.3A(3)(b) Site Coverage and 4.4 Floor Space Ratio of Leichhardt Local Environmental Plan 2013 under the provisions of Clause 4.6 exceptions to development standards.
- 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/2018/256 for Alterations to existing dwelling, including opening changes, external painting work and reinstatement of heritage comparable signage at 75 Evans Street, ROZELLE NSW 2039 subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS OF CONSENT

- Development must be carried out in accordance with Development Application No. D/2018/256 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Proposed Ground Floor Plan DA05 Rev A	Amber Road	30.4.18
Proposed First Floor Plan DA06 Rev A	Amber Road	30.4.18
Proposed Sections & Elevations DA07 Rev A	Amber Road	30.4.18
Proposed Elevation DA08 Rev A	Amber Road	30.4.18
Site Analysis DA02 Rev A	Amber Road	30.4.18
Demolition Ground Floor Plan DA03 Rev A	Amber Road	30.4.18
Demolition First Floor Plan DA04 Rev A	Amber Road	30.4.18
Document Title	Prepared By	Dated
Material and Finishes DA09 Rev A	Amber Road	30.4.18
BASIX Certificate A313156	Amber Road interiors	12.4.18

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

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

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

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

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

- Consent is granted for the demolition of those areas shown in red on the approved demolition plan, subject to strict compliance with the following conditions:

Excluding the following elements which must be retained:

Elements to be retained	Location
Sandstone wall linking the Kitchen/Dining to Entry room.	Ground floor

- 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.
- 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:
  - A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.

- ii) A *final* inspection when the demolition works have been completed.

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig [www.1100.com.au](http://www.1100.com.au) should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and

experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
  - i) A WorkCover licensed contractor must undertake removal of all asbestos.
  - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
  - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
  - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
  - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

#### **PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE**

- 3. Amended plans are to be submitted incorporating the following amendments:
  - a) The rear courtyard must be lowered to 22.78m AHD to provide a 150mm step up between the finished surface level of the courtyard and the finished floor level of the living room and office.
  - b) The openings in the original interior sandstone wall between Kitchen/Dining and Entry rooms are not to be enlarged and is to be kept as existing.

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.

- 4. A stormwater drainage design prepared by a Licensed Plumber or qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:
  - a) Charged or pump-out stormwater drainage systems are not permitted.
  - b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road or directly into Council's piped drainage system.
  - c) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
  - d) As there is no overland flow/flood path available from the rear courtyard to the Evans Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
    - i) Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.

- ii) The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building
- iii) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- e) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage*
- f) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- g) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- h) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height of 100mm.

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

Amended plans must be submitted to and approved by Council before the issue of a Construction Certificate.

5. 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.



6. 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.
7. 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.

8. 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.

9. 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.
10. The existing unpainted brick surfaces are not to be painted, bagged or rendered but to remain as original brick work. The Construction Certificate plans must clearly depict all original brickwork with a notation that they are to remain unpainted to the satisfaction of the Principal Certifying Authority.
11. 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.

12. 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.

13. A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

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

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](http://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](http://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 dockets to be made available to Council Officer on request
  - e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

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

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

- 18. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$ 3,550.00
Inspection fee (FOOT)	\$230.65

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

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

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

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

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

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

19. The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.
20. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:
  - a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
  - b) A concrete pump across the roadway/footpath
  - c) Mobile crane or any standing plant
  - d) Skip bins
  - e) Scaffolding/Hoardings (fencing on public land)
  - f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
  - g) Awning or street verandah over footpath
  - h) Partial or full road closure
  - i) Installation or replacement of private stormwater drain, utility service or water supply

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

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

#### **PRIOR TO THE COMMENCEMENT OF WORKS**

21. 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;

22. 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.

23. 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.

24. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

25. 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.

26. 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.
27. 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:
- Unauthorised entry to the work site is prohibited.
  - 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.
  - 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**

28. 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.

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

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

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

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

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:
- 7:00 am to 6:00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
  - 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
  - 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 trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

#### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

40. 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.

41. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate. Non-compliance with this condition will result in loss of your security deposit.
42. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
43. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
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. 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.
46. 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.

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. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.

**50. Owner's obligations**

The owner / registered proprietor from time to time (as required) of the subject site ("Owner") must:

- a) maintain the balcony over the footpath and all supporting and related structures in a good and safe condition and repair which must include all structural and other repairs and maintenance reasonably required by Council; and
- b) give to Council every 12 months (commencing from the date of issue of the Occupation Certificate) a certificate from a structural engineer that the balcony over the footpath and all supporting structures are in a good and safe condition and state of repair; and
- c) not alter the balcony or any supporting or related structure without Council's prior approval; and
- d) not do anything on or around the balcony over the footpath which in Council's reasonable opinion may be annoying, dangerous or offensive; and
- e) not put up signs, notices, advertisements (other than as required by law), exterior blinds, antennae or receiving dishes without Council's prior approval.

**Risk and insurance****f) Own Risk and Releases**

The Owner maintains the balcony over the footpath at its own risk and releases Council from, and agrees that Council is not liable for liability or loss arising from, and costs incurred in connection with damage, loss, injury or death except to the extent that it is contributed to by Council's wrongful act or omission, negligence or default.

**Indemnities**

- g) The Owner is liable for and indemnifies Council against liability or loss arising from, and costs incurred in connection with damage, loss, injury or death occurring on, in, by or in connection with the balcony over the footpath or any supporting or related structure or the Owner's land or improvements thereon conducted by the Owner or arising from or in connection with the balcony, any supporting or related structure or the Owner's property or caused or contributed to by the Owner's act, omission, negligence or default or the act, omission, negligence or default of any of the Owner's lessees, employees, agents or invitees, except to the extent that it is contributed to by Council's wrongful act or omission, negligence or default. Each indemnity is independent from the Owner's other obligations. Council may enforce an indemnity before incurring expense.

**Insurance**

- h) The Owner must:
  - i) maintain with insurers and on terms approved by Council, noting the respective interests of the owner and Council, public liability insurance for at least \$20 million (as varied by notice from Council to the Owner from time to time); and
  - ii) notify Council immediately if the insurance policy is cancelled or an event occurs which may allow a claim or affect rights under an insurance policy in connection with the balcony or any supporting or related structures.

51. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. dwelling house without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

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

#### **PRESCRIBED CONDITIONS**

##### **A. BASIX Commitments**

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

In this condition:

- a) Relevant BASIX Certificate means:
  - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 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 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**

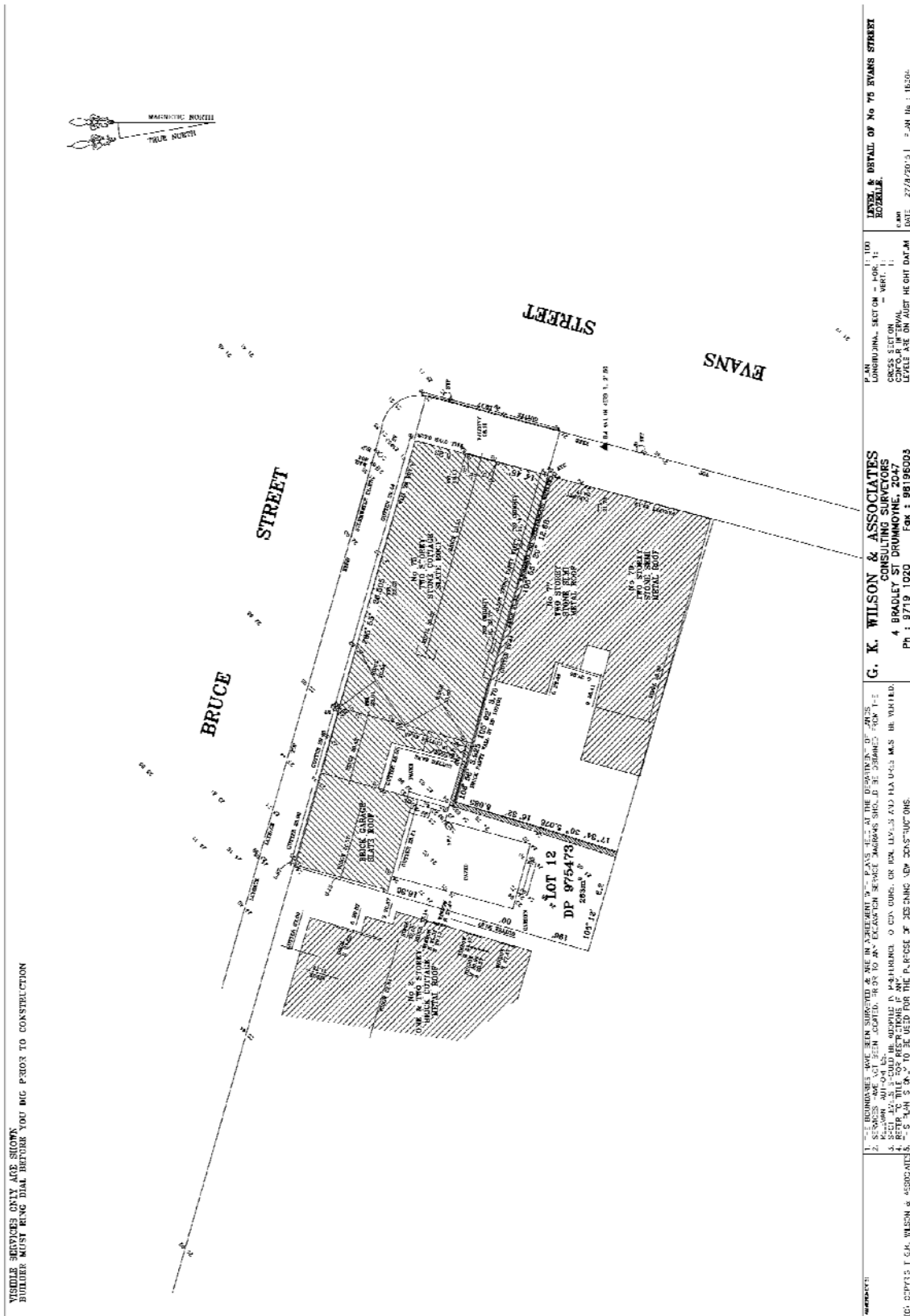
1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, 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) Development Application for demolition if demolition is not approved by this consent.
  - e) Development Application for subdivision if consent for subdivision is not granted by this consent.
  - f) 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 [www.leichhardt.nsw.gov.au/Political-Donations.html](http://www.leichhardt.nsw.gov.au/Political-Donations.html). 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



VISIBILITY SERVICES ONLY ARE SHOWN  
 BUILDER MUST RING DIAL BEFORE YOU DIG PRIOR TO CONSTRUCTION

1. THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR THE PURPOSES OF OBTAINING A BUILDING PERMIT OR FOR ANY OTHER LEGAL PURPOSES.  
 2. THE PLAN IS NOT TO BE USED FOR THE PURPOSES OF OBTAINING A BUILDING PERMIT OR FOR ANY OTHER LEGAL PURPOSES.  
 3. THE PLAN IS NOT TO BE USED FOR THE PURPOSES OF OBTAINING A BUILDING PERMIT OR FOR ANY OTHER LEGAL PURPOSES.  
 4. THE PLAN IS NOT TO BE USED FOR THE PURPOSES OF OBTAINING A BUILDING PERMIT OR FOR ANY OTHER LEGAL PURPOSES.

G. K. WILSON & ASSOCIATES  
 CONSULTING SURVEYORS  
 4 BRADLEY ST DRUMMOYNE, 2047  
 PH : 9719 1080 FAX : 99196003

LEVEL & DETAIL OF No 75 EVANS STREET  
 EZZELLE  
 DATE: 27/9/2011

**DA SUBMISSION**  
75 Evans Street, Rozelle, NSW 2039

30 April 2019

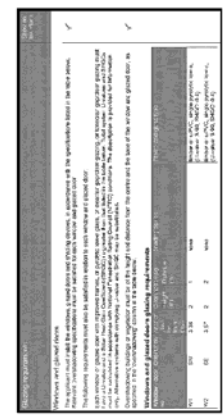
**CLIENT**  
APPOINTED DESIGNER  
JULIAN HARRIS & HELEN GOODING  
75 EVANS STREET  
ROZELLE NSW 2039  
PH: 02 9550 4414  
WWW: www.julianharris.com.au

**CONTRACT**  
HELEN GOODING  
4/113/14/1/153  
YAMIRRE O'NEILL  
4/113/14/1/153  
yamirre@ambrosiadesign.com.au

**DRAWING REGISTER**  
COVER SHEET  
SITE ANALYSIS, PLANNING PLAN  
DA01  
SITE ANALYSIS, SITE PHOTOGRAPHS  
DA02  
CONCEPT DESIGN, CONCEPT SITE PLAN, USE NOTES  
DA03  
EXISTING / DEMOLITION FIRST FLOOR PLAN, SITE PHOTO  
DA04  
PROPOSED GROUND FLOOR PLAN, SITE PHOTO  
DA05  
PROPOSED SECOND FLOOR PLAN, SITE PHOTO  
DA06  
PROPOSED SECTION, ELEVATIONS  
DA07  
LIMB01  
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ALL PROPOSED WORKS ARE IN ACCORDANCE WITH THE REQUIREMENTS OUTLINED WITHIN THE EXISTING CERTIFICATE INCLUDED IN THIS SUBMISSION, CERTIFICATE NUMBER: A313155

**SIX REQUIREMENTS**



**GENERAL NOTES**

ALL DIMENSIONS TO STRUCTURE UNLESS OTHERWISE NOTED. ALL FIXTURES DIMENSIONED TO CENTER UNLESS OTHERWISE NOTED. DO NOT SCALE OFF DRAWINGS, USE FIGURED DIMENSIONS. IF DISCREPANCY EXISTS NOTIFY AMBER ROAD IMMEDIATELY FOR CLARIFICATION.  
ALL HEIGHTS, LEVELS AND LOCATIONS OF EXISTING STRUCTURES ARE APPROXIMATIONS ONLY - NO SITE SURVEY HAS BEEN CONDUCTED.  
ALL FIGURED DIMENSIONS LISTED TO CENTER UNLESS OTHERWISE NOTED. DO NOT SCALE OFF DRAWINGS. USE FIGURED DIMENSIONS. IF DISCREPANCY EXISTS NOTIFY AMBER ROAD IMMEDIATELY FOR CLARIFICATION.

**AMBER ROAD**  
75 Evans Street, Rozelle NSW 2039  
PH: 02 9550 4414  
WWW: www.julianharris.com.au

**PROJECT**  
MANNINGVILLE  
SITE ADDRESS  
75 Evans Street, Rozelle  
NSW 2039

**CLIENT**  
JULIAN HARRIS & HELEN GOODING  
CONTACT  
Amanda Harris | 4/113/14/1/153  
E yamirre@ambrosiadesign.com.au

**STATUS**  
DA SUBMISSION  
DATE  
PROJECT INFO

**REV**  
A  
DATE  
SUBMIT

**JOB NO**  
DRAWN BY  
SCALE  
RULLS

**DWG NO**  
CS

**DA SUBMISSION**



**PROPOSED SITE**  
Proposed Site  
75 Evans Street Rozelle, NSW 2039  
To be used for residential development



**PROPOSED SITE**  
 PROPOSER: 75  
 75 Evans Street, NSW 2039  
 LOT/189 AREA: 205.00m<sup>2</sup>  
 Total Gross Floor Area: 370.00m<sup>2</sup>



- LEGEND**
- SET FOR PROPOSED DEVELOPMENT
  - EXISTING HERITAGE RESIDENTIAL PROPERTY
  - EXISTING RETAIL DEVELOPMENT
  - PROPOSED TREE WITH CANOPY DIAMETER MAXIMUM 3000mm HICSHF < 2200mm SPREAD
  - HERITAGE CONSERVATION AREA | RESIDENTIAL ZONED AREA
- 01 THE HARDWARE STORE | RETAIL HARDWARE STORE**  
 Trading hours: 7.30am - 5.30pm weekdays | 8.00am - 4.00pm weekends
- 02 EXISTING HERITAGE RESIDENTIAL PROPERTY**  
 BRICK BUILDING INCLUDING ATTACHED
- 03 EXISTING HERITAGE RESIDENTIAL PROPERTY**  
 SEMI DETACHED HOUSE INCLUDING INTERIORS

**DEVELOPMENT STATISTICS**

SET AREA | 283.19m<sup>2</sup>  
 EXISTING GFA | 370.00m<sup>2</sup>  
 PROPOSED GFA | 370.00m<sup>2</sup>  
 EXISTING FSR | 1.301  
 PROPOSED FSR | 1.301  
 LANDSCAPED AREA | NO CHANGE  
 CARPARKING AREA | NO CHANGE

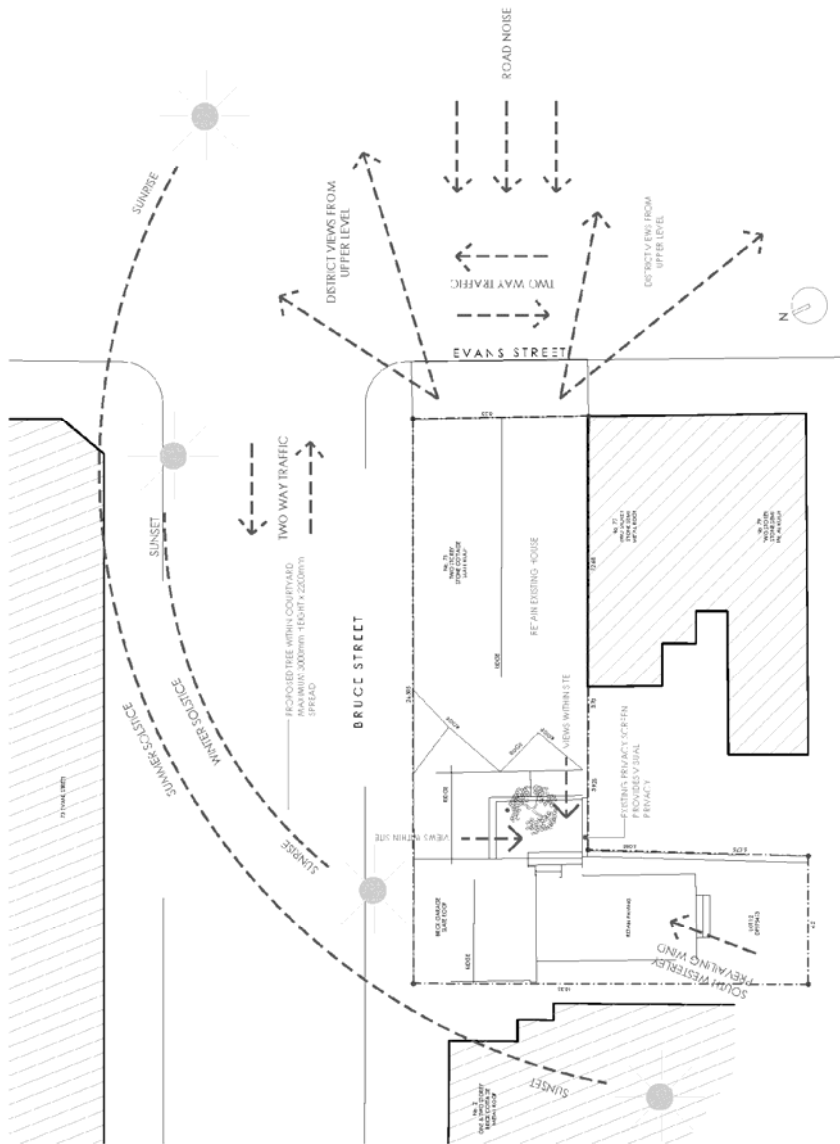
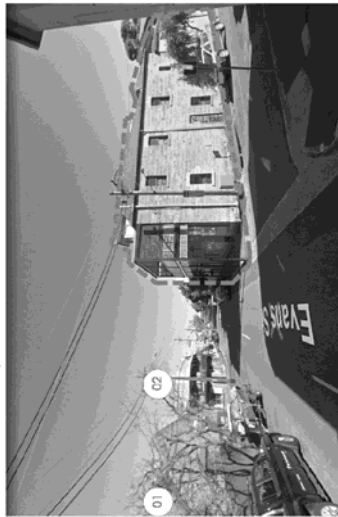


DA SUBMISSION

<p><b>PROJECT</b>                  HERITAGE RESERVATION                  SITE ADDRESS                  75 Evans Street   Rozelle                  NSW 2039</p>	<p><b>CLIENT</b>                  ALUM HARRIS &amp; HELEN GOLDING                  CONTACT                  A - 75 Evans Street   Rozelle                  E - N3372537</p>	<p><b>STATUS</b>                  DA SUBMISSION                  DWG                  SET ANALYTIC PLAN</p>	<p><b>REV</b></p> <table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>A</td> <td>30/04/23</td> <td></td> </tr> </table>	REV	DATE	DESCRIPTION	A	30/04/23		<p><b>JOB NO</b>   17022</p> <p><b>DRAWN BY</b>   A</p> <p><b>SCALE</b>   1:1000 (SEE 6 &amp; 7)</p> <p><b>DWG NO</b>   DA01</p>
REV	DATE	DESCRIPTION								
A	30/04/23									

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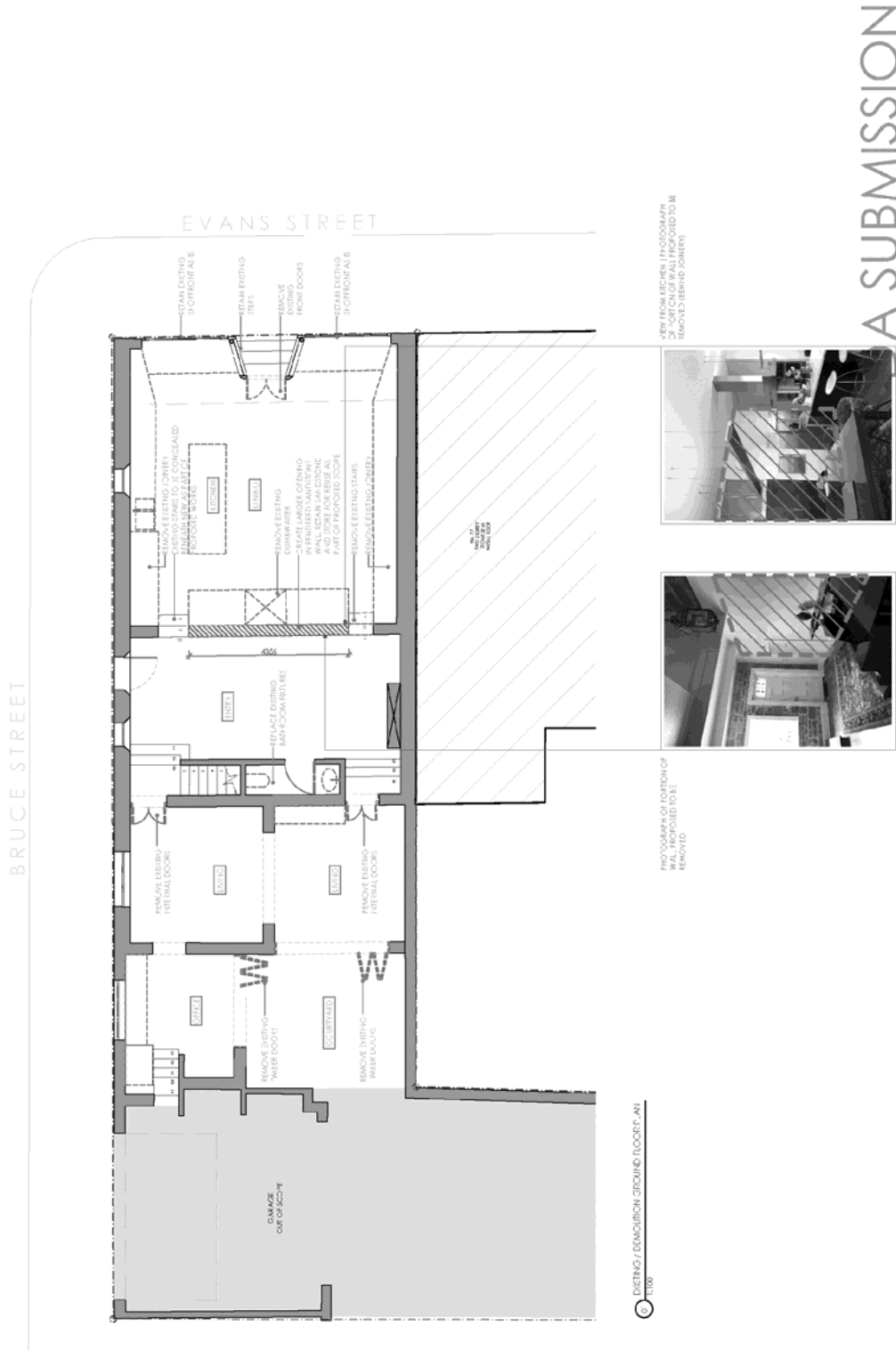
**AMBER ROAD**  
 PLANNING  
 10/100-102/100 Victoria Street, Sydney NSW 2000  
 P: 02 9231 1234  
 E: info@amberroadplanning.com.au  
 W: www.amberroadplanning.com.au



01 SITE PLAN 2020

DA SUBMISSION

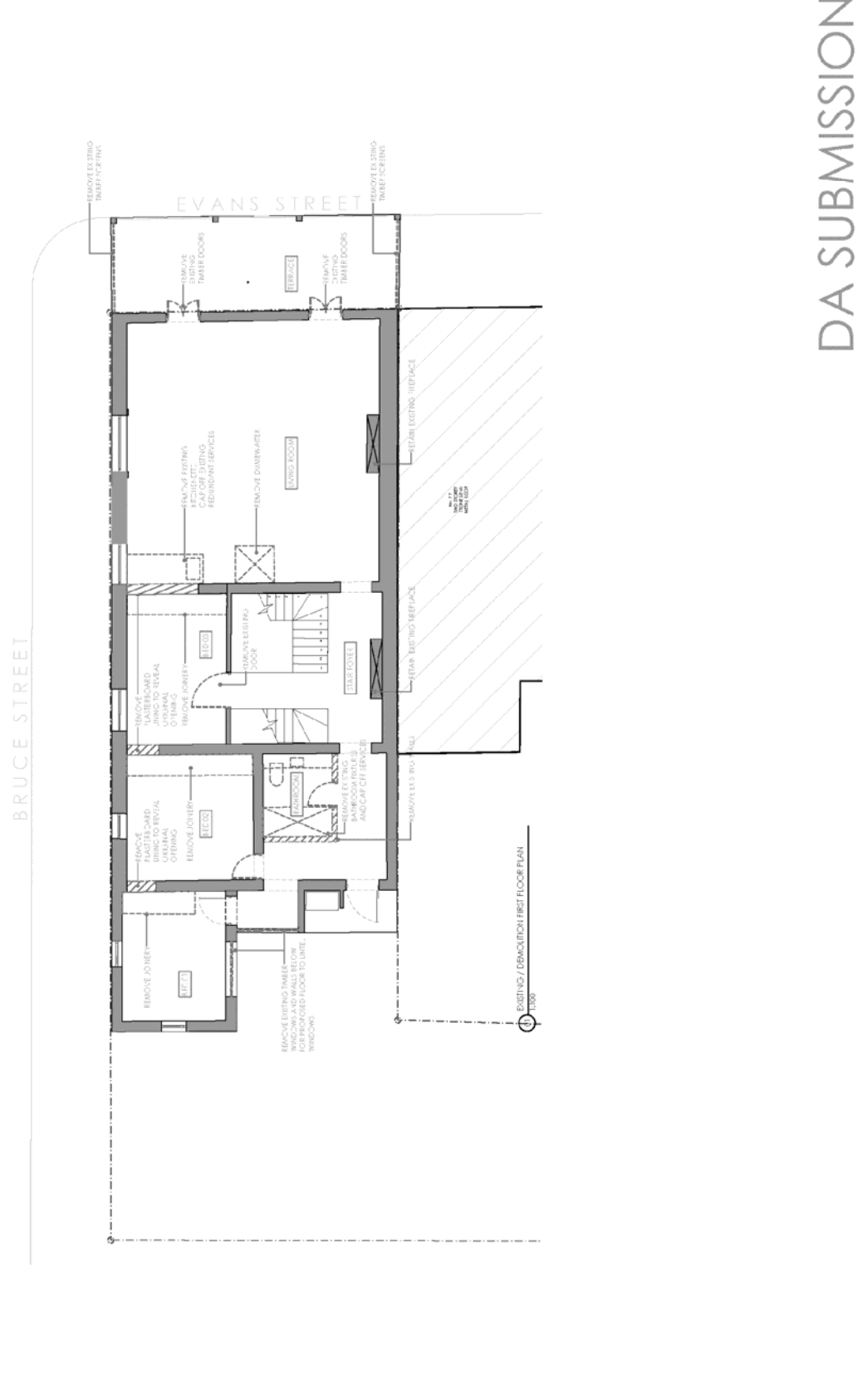
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A SUBMISSION

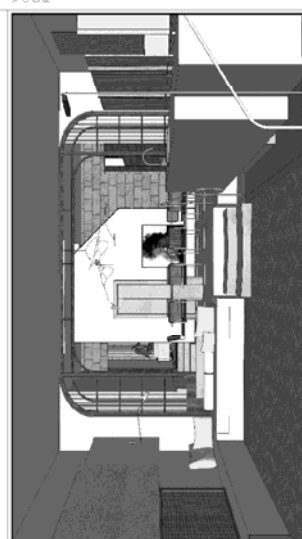
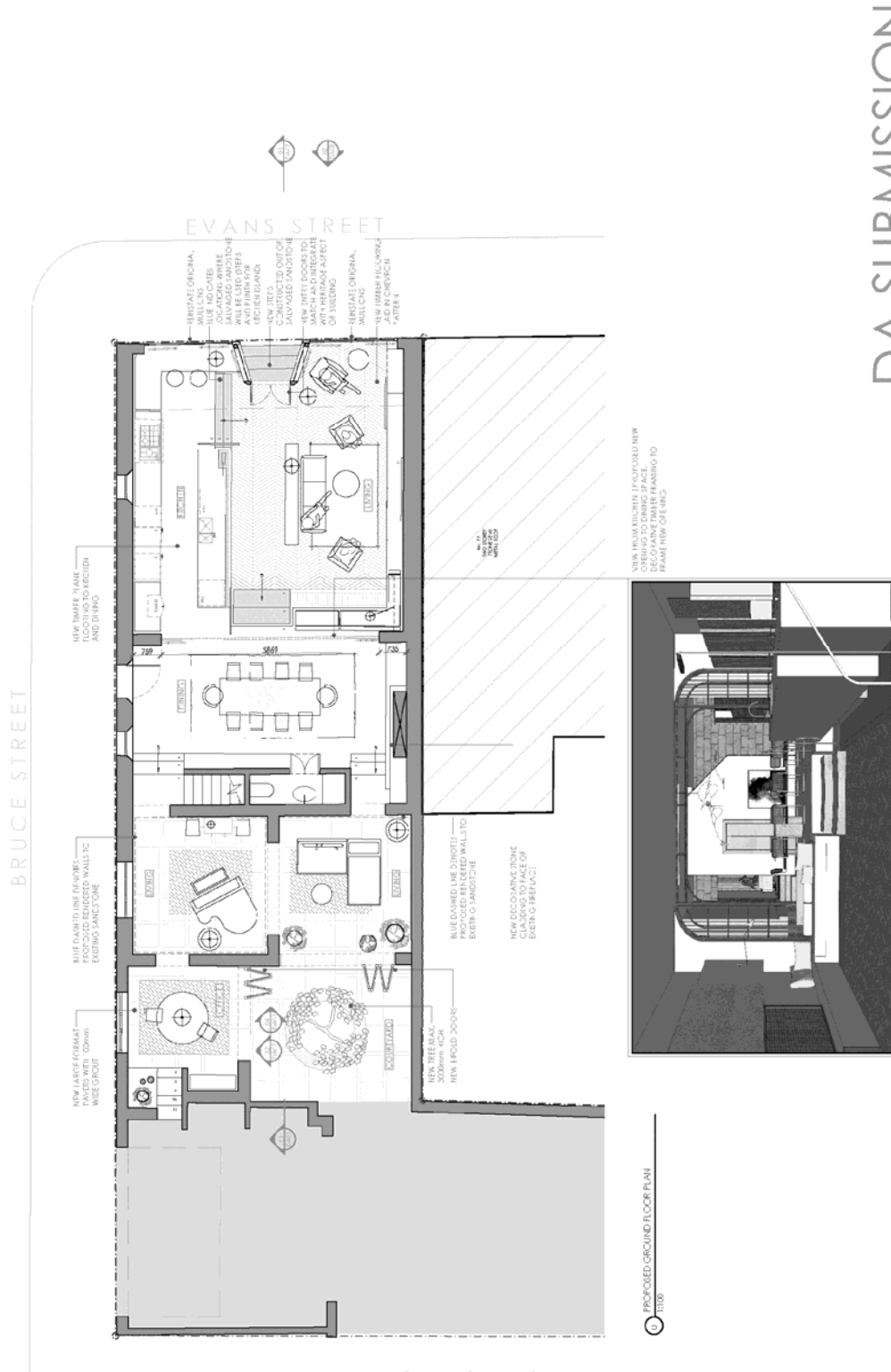
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	<p>PROJECT MANUSCRIPT</p> <p>SITE ADDRESS NEW YORK</p>	<p>CLIENT HARRIS &amp; WERNER</p> <p>CONTRACT A</p>	<p>STATUS DWG</p> <p>DATE 20/01/13</p>	<p>REV A</p>	<p>JOB NO DRAWN BY SCALE</p>	<p>DWG NO DRAWN BY SCALE</p>

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# DA SUBMISSION

 <b>AMBER ROAD</b> 1/120-122/124 Market Street, Sydney NSW Phone: 61 2 9550 1316 www.amberroad.com.au	PROJECT HANDED PRELIMINARY SITE ADDRESS 120-122/124 Market Street   Rozelle NSW 2050	CLIENT JULIA HARRIS & HELEN COUDINS CONTRACT A 120-122/124 Market Street   Rozelle NSW 2050 E	STATUS DA SUBMISSION DATE 23/08/23	REV A	JOB NO. DWG NO. DRAWN BY SCALE DWG NO. 130013008 & J3 SCALE: 1:1000	DWG NO. <b>DA04</b>
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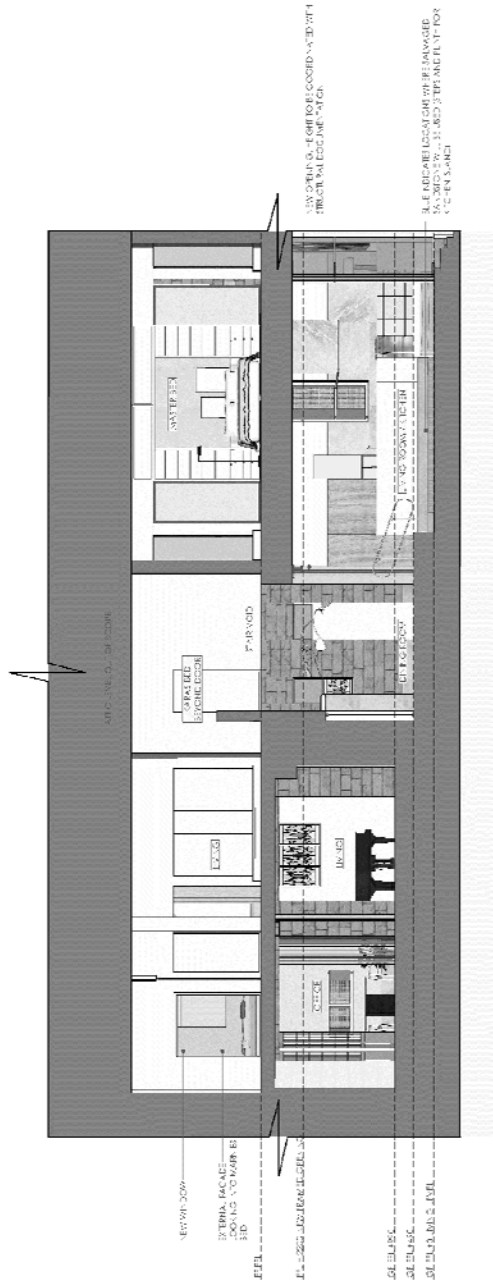
DA SUBMISSION

<p><b>PROJECT</b> MARRIS RESILIENCE 725 ECKERS STREET NEWCASTLE NSW 2319</p>	<p><b>CLIENT</b> JULIAN HARRIS &amp; HELEN GOLDING CONTACT A: 725 ECKERS STREET   ECKERS E: NSW 2319</p>	<p><b>STATUS</b> DA SUBMISSION PROPOSED GROUND FLOOR PLAN</p>	<p><b>REV</b> A</p>	<p><b>DATE</b> 30/04/23</p>	<p><b>JOB NO</b> DRAWN BY SCALE</p>	<p><b>DWG NO</b> DA05</p>
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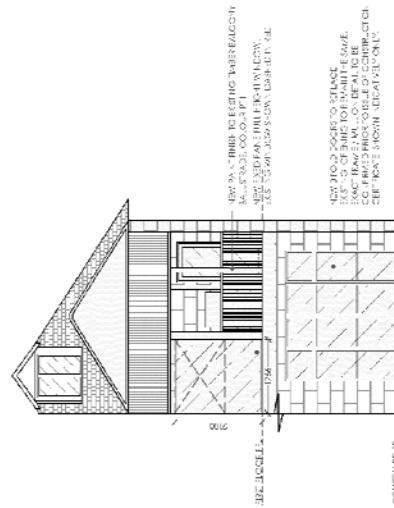
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**AARSEN KDAU**  
Architects  
100-110 Macquarie Street, Newcastle  
NSW 2319  
Phone: 081 420 1234  
www.aarsenkdau.com.au

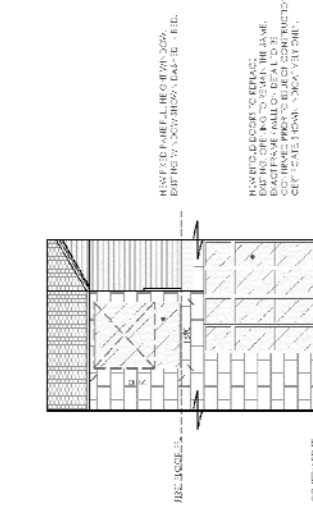




SECTION 1



PROPOSED ELEVATION | REAR OF HOUSE



PROPOSED ELEVATION | REAR OF HOUSE

EXISTING PHOTO | REAR OF HOUSE

PROPOSED PHOTO | REAR OF HOUSE

DA SUBMISSION

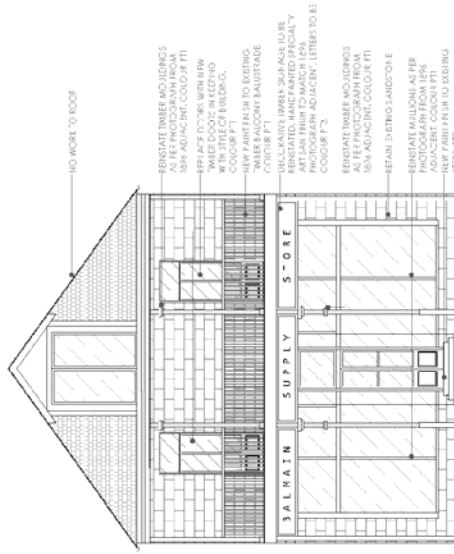
<p><b>AMBER ROAD</b>          1. 100% COMPLETE          2. 100% COMPLETE          3. 100% COMPLETE          4. 100% COMPLETE</p>	<p><b>AMBER ROAD</b>          1. 100% COMPLETE          2. 100% COMPLETE          3. 100% COMPLETE          4. 100% COMPLETE</p>	<p><b>AMBER ROAD</b>          1. 100% COMPLETE          2. 100% COMPLETE          3. 100% COMPLETE          4. 100% COMPLETE</p>	<p><b>AMBER ROAD</b>          1. 100% COMPLETE          2. 100% COMPLETE          3. 100% COMPLETE          4. 100% COMPLETE</p>	<p><b>AMBER ROAD</b>          1. 100% COMPLETE          2. 100% COMPLETE          3. 100% COMPLETE          4. 100% COMPLETE</p>	<p><b>AMBER ROAD</b>          1. 100% COMPLETE          2. 100% COMPLETE          3. 100% COMPLETE          4. 100% COMPLETE</p>	<p><b>AMBER ROAD</b>          1. 100% COMPLETE          2. 100% COMPLETE          3. 100% COMPLETE          4. 100% COMPLETE</p>	<p><b>AMBER ROAD</b>          1. 100% COMPLETE          2. 100% COMPLETE          3. 100% COMPLETE          4. 100% COMPLETE</p>
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PHOTO OF EXISTING HOFFRONT FACADE



PHOTOS OF EXISTING HOUSE (BRIDGE STREET ELEVATION)



PROPOSED ELEVATION



REPAIRE EXISTING GARAGE DOOR COLOUR PTT



REPAIRE EXISTING GARAGE DOOR COLOUR PTT



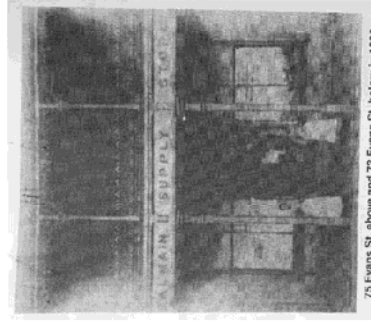
PROPOSED DESIGN OF ENTRY DOOR



REPAIRE EXISTING GARAGE DOOR COLOUR PTT



REPAIRE EXISTING GARAGE DOOR COLOUR PTT



EXCERPT FROM THE PENINSULA OBSERVER, APRIL 2004



PROPOSED DESIGN OF BRICK LINDINGS

PAINTED PLASTER BRICK SET LINDINGS PAINT COLOUR PTT

PROPOSED DESIGN OF BRICK LINDINGS

# DA SUBMISSION

REV	DATE	JOB NO	DWG NO
A	30/04/18	1102	DA08
		DRAWN BY	1/10/18 & J2
		SCALE	

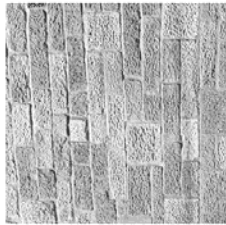
STATUS	CLIENT
DA SUBMISSION	JULIAN HARRIS & HELEN COODING
DWG	CONTACT
PROPOSED ELEVATION	A 72 Evans Street   Rozelle NSW 2059

PROJECT	STATUS
MANNING RESILIENCE	DA SUBMISSION
SITE ADDRESS	DWG
72 Evans Street   Rozelle NSW 2059	PROPOSED ELEVATION

**ANSER KDAU**  
 1. 10/10/2018  
 2. 10/10/2018  
 3. 10/10/2018

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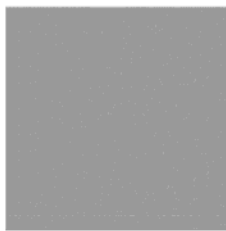




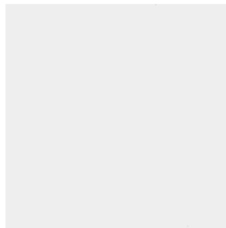
EXISTING EXTERIOR SANDSTONE



EXTERIOR PAINT | PT3



EXTERIOR PAINT | PT2



EXTERIOR PAINT | PT1

- PT1 HERNE | HERITAGE PALETTE | SANDSTONE W/SP-008-081
- PT2 HAYNES | HERITAGE RANGE | FRENCH GREY
- PT3 HAYNES | HERITAGE RANGE | KOALA GRAY

PLEASE NOTE THESE COLOURS ARE INDICATIVE ONLY AND EXACT COLOURS WILL BE PROVIDED PRIOR TO A CONSTRUCTION CERTIFICATE BEING ISSUED.

DA SUBMISSION

<p><b>AMBER ROAD</b>                  1/100-1/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000</p>	<p><b>PROJECT</b>                  HAYNES RESIDENCE                  SITE ADDRESS                  75 Evans Drive   Rozelle                  NSW 2050</p>	<p><b>CLIENT</b>                  JULIAN HAYNES &amp; HELEN COLLING                  CONTACT                  A 75 Evans Drive   Rozelle                  NSW 2050                  E</p>	<p><b>STATUS</b>                  DA SUBMISSION                  DWG                  MATERIAL AND FINISHES</p>	<p><b>REV</b></p> <table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>SCALE</th> </tr> <tr> <td>A</td> <td></td> <td></td> </tr> </table>	REV	DATE	SCALE	A			<p><b>JOB NO</b> 1762  <b>DRAWN BY</b> JR  <b>SCALE</b> 1:100 (2024 &amp; A3)</p>	<p><b>DWG NO</b>                  DA09</p>
	REV	DATE	SCALE									
A												

Attachment C – Clause 4.6 Exceptions to Development Standards



**DEVELOPMENT APPLICATIONS  
EXCEPTIONS TO DEVELOPMENT STANDARDS**  
PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

**DEVELOPMENT APPLICATION DETAILS:**

<b>Address:</b>	75 Evans Street Rozelle
<b>Proposed Development:</b>	Internal and external alterations to existing dwelling, D/2018/256
I wish to lodge a request to vary the following development standard for the reasons indicated:	

WHAT IS THE STANDARD SOUGHT TO BE VARIED?	
<input checked="" type="checkbox"/>	<b>Floor Space Ratio</b> – Clause 4.4 or 4.4A of LEP 2013
<input checked="" type="checkbox"/>	<b>Landscaped Area</b> – Clause 4.3A(3)(a) of LEP 2013
<input checked="" type="checkbox"/>	<b>Site Coverage</b> – Clause 4.3A(3)(b) of LEP 2013
<input type="checkbox"/>	<b>Subdivision Allotment size</b> – Clause 4.1 of LEP 2013
<input type="checkbox"/>	<b>Foreshore Building Area</b> – Clause 6.5 of LEP 2013
<input type="checkbox"/>	<b>Diverse Housing</b> – Clause 6.13 of LEP 2013
The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items	
Where an applicant wishes to vary a development standard, the application must be accompanied by a well-founded, written request which seeks to justify the contravention of the development standard by demonstrating:	
a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case b. that there are sufficient environmental planning grounds to justify contravening the development standard.	

<p><b>What are the environmental planning grounds that justify contravening the development standard?</b></p> <p>FSR: This is a pre-existing site condition, the proposal does not include any change to the FSR. Therefore there will be no adverse impacts as a result of maintaining this existing site condition.</p> <p>Landscaped area: This is a pre-existing site condition, the proposal does not include any reduction of the landscaped area. Therefore there will be no adverse impacts as a result of maintaining this existing site condition.</p> <p>Site Coverage: This is a pre-existing site condition, the proposal does not include any reduction of the site coverage on the site. Therefore there will be no adverse impacts as a result of maintaining this existing site condition.</p>
<p><b>Why is compliance with the standard unreasonable or unnecessary?</b>  <b>What are the special circumstances in this case?</b>  <b>(To answer consider whether a development that complies is unnecessary or unreasonable)</b></p> <p>Compliance with the standards relating to FSR, landscaped areas and site coverage are unreasonable and unnecessary for the following reasons:</p> <ul style="list-style-type: none"> <li>- No change to the overall bulk, scale, landscaped appearance of the site.</li> <li>- There are no adverse environmental impacts associated with the proposal as a result of maintaining the existing non-compliances regarding these development standards.</li> <li>- Compliance would require demolition of structures on the site which is not a sound planning and heritage outcome.</li> <li>- the proposal includes planting a new tree in the rear garden area which will enhance the landscaped appearance of the site when viewed from surrounding properties.</li> </ul> <p>There are no overriding special circumstances other than the fact the building on the site is a heritage item and was constructed well before any modern planning controls were developed by Council.</p>
<p><b>Is the proposed development consistent with the objectives of the particular standard?</b>  <b>Is the proposal consistent with the objectives of the relevant zone?</b></p> <p>The proposal maintains existing historic non-compliances regarding FSR, landscaped area and site coverage. The outward appearance of the site will be maintained in these terms. Minor refurbishment to the heritage item will positively contribute to the site appearance.</p> <p>The proposal is consistent with the R1 General Residential zone objectives as follows:</p> <ul style="list-style-type: none"> <li>- Provides for the housing needs of the community.</li> <li>- Protects and enhances the amenity of existing and future residents by improving the internal layout and circulation and enjoyment of the dwelling whilst not detracting from the amenity of neighbours in terms of amenity, outlook, overshadowing, visual bulk and scale, and privacy.</li> </ul>