



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2018/356
Address	3 Wells Street, BALMAIN NSW 2041
Proposal	Alterations and additions to existing dwelling
Date of Lodgement	6 July 2018
Applicant	Emily Knight Design
Owner	Mr M D Chambers and Ms A E Roy
Number of Submissions	1 submission
Value of works	\$125,000
Reason for determination at Planning Panel	Clause 4.6 variation – site coverage; demolition works to heritage item
Main Issues	Drainage, demolition works to a heritage item, non-compliance with site coverage control.
Recommendation	Deferred Commencement Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to existing dwelling at 3 Wells Street, Balmain. The application was notified to surrounding properties and one submission was received.

The main issues that have arisen from the application include:

- An easement for drainage is required
- Demolition works to heritage item
- Non-compliance with site coverage control

The non compliances are acceptable given the site context. The application is recommended for Deferred Commencement Approval to address site drainage and stormwater related matters (in relation to a drainage easement being created to allow water to drain to Campbell Street).

2. Proposal

Consent is sought for alterations and additions to existing two storey terrace dwelling, including:

- Ground Floor:
 - A new toilet room under a newly constructed staircase;
 - Changed window and door openings and a new side deck and stair to the lower courtyard/garden;
 - Amend the roof form of the sitting room;
- First Floor:
 - Changed staircase and new walls and door openings to the bedroom 2 and bathroom;
 - New balustrading to the bedroom 3 deck.

3. Site Description

The subject site is located on the north eastern side of Wells Street, between Campbell and Waterview Streets. The site consists of one allotment and is generally rectangular shaped with a total area of 113.5m² and is legally described as Lot 1 DP 224176.

The site has a frontage to Wells Street of 4.415 metres. The site backs onto a 0.84m wide Right of Way accessing Campbell Street which appears to be part of the property known as 47 Campbell Street. It is noted that 3 Wells Street does not have any legal access to this right of way.

The site supports a two storey terrace dwelling and is adjoined by two storey terraces which are part of a row of 8 terraces. The subject site is listed as local heritage item 352 – Yeend's Terrace, including interiors. The row of terraces that are heritage listed are 1, 3, 5, 7, 9, 11, 13 and 15 are known as Yeend's Terrace. The property is also located within a conservation area. The site is not identified as flood affected. There are no significant trees located within close proximity to the subject site.



Figure 1: Subject site is second terrace from corner with yellow front door.



Figure 2 – Subject site photo provided by applicant

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
PreDA/2018/93	Alterations and additions to 3 Wells St Balmain, including new stair, refurbished bathroom and new kitchen with new roof over sitting room. Externally new deck to be added.	Advice letter issued 7.6.2018.

Surrounding properties

1 Wells Street

Application	Proposal	Decision & Date
PreDA/2014/98	Alterations and additions to the heritage listed dwelling.	Advice letter issued 24.6.2014
D/2014/712	Alterations and additions to the heritage-listed dwelling including rear extensions, a first floor rear balcony and changes to window openings.	Approved 12.5.2015

5 Wells Street

Application	Proposal	Decision & Date
T/2017/56	Removal of a dead <i>Metrosideros thomasi</i> (New Zealand bush).	Completed 15.5.2017

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
31.8.2018	Applicant emailed planner to query heritage referral which required reuse of original windows.
5.9.2018	Applicant provided Clause 4.6 Exception in relation to site coverage as previously requested by phone by the Planner.
10.9.2018	Heritage advisor further discussed the application with another heritage advisor who had attended a site inspection of the property and it was decided that existing windows and doors do not need to be reused as they are not original fabric.
17.9.2018	Applicant provided certificate of title at planners request to ascertain whether there were any drainage easements existing on the site.
18.9.2018	Applicant provided certificate from structural engineer at Planner's request.

5. Assessment

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

5(a) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires 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 in relation to SREP Sydney Harbour Catchment 2005. It is considered that the carrying out of the development is not contrary to the aims of the plan and is satisfactory with regard to the matters for consideration. The proposal is considered acceptable with regard to the SREP.

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 6.2 – Earthworks

- Clause 6.4 – Stormwater management



Figure 3: Photo of rear yard, note no soft landscaping that complies with definition of landscaped area.

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio Permitted: (1:1) (113.5m ²)	0.96:1 109.92m ²	N/A	Yes
Landscape Area Required 15% (17.02m ²)	3.21% 3.64m ²	78.62% 13.38m ²	No Note: There is currently no calculable soft landscaping provision on site. The proposal results in an improvement of the existing situation. Refer to Clause 4.6 Exception below.
Site Coverage Permitted 60% (68.1m ²)	67.11% 76.17m ²	11.85% 8.07m ²	No Refer to Clause 4.6 Exception below.

The following provides further discussion of the relevant issues:

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal does not comply with 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 4.6(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.*

Comment: As detailed in the table above, the proposal will result in non-compliant landscaped area and site coverage. It is considered that, given the site and adjoining characteristics of existing non-compliant landscaped area and a site that falls steeply from front to rear, that flexibility in this instance will result in improved amenity / liveability and improved access to the main private open space at the rear of the site.

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.*

Comment: The applicant has provided the following justifications for the non-compliances:

Clause 4.3A(3)(a) – Landscaped area for residential development in Zone R1

- The existing situation is 2 planter beds each less than 1m wide and providing approximately 3.4sqm of pervious landscaped area. The proposed development increases the width of the planter bed at the rear of the site to 1.4sqm to provide an area capable of supporting a tree to provide outlook from the siting room as well as shade to the garden / courtyard, and consequently, increased landscaped area provision on the site.
- Compliance with the standard would require almost all of the outdoor space of the property to be soft landscaping affecting its suitability for outdoor eating/dining.
- The level of landscaped area is compatible with the pattern of development including within this terrace-row.

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

- In this case, compliance with the code would reduce the already small deck which provides some private open space on the same level as the principal living area.
- Due to the sloping nature of the site a deck connected to the principal living space cannot be less than 500mm above ground level. Had the site been flatter, the deck would not constitute site coverage.
- This is consistent with the objectives of the development standard as
 - (a) The area of the proposed deck is not suitable for tree planting – a tree is proposed to the rear garden.
 - (b) The area occupied by the deck is not a part of a landscaped corridor. This is provided through the back gardens. This area is between 2 building forms.
 - (c) The deck is not visible from the public domain so will not impact the desired future character of the neighbourhood.

- (d) The area of the proposed deck is currently paved, so surface drainage is not decreased by its inclusion. Overall the site will have increased permeability as a result of the proposal.
 - (e) The deck is open above and has tall structures existing to either side. There is no impact on site density.
 - (f) Overall this proposal increases landscaped area and the provision of this deck significantly improves access to the private open space by including on the principal living area level.
- (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 are 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 and landscaped area;
- The proposal complies with the Floor Space Ratio standard and is an improvement on the existing situation with regard to soft landscaping provision and on-site amenity outcomes;
- The siting of the proposed works are within the building location zones where it can be reasonably assumed development can occur;
- The proposal and development standard non-compliances will not result in any undue adverse amenity impacts to the surrounding properties.

The Secretary has provided concurrence.

- (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 standards will not raise any issues of state or regional planning significance.

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

The proposed variation to the development standards 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.

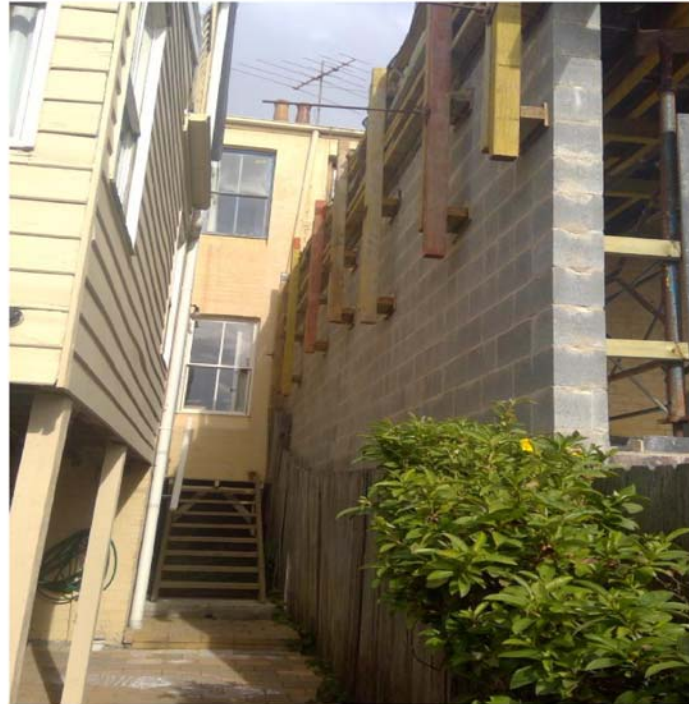


Figure 4: location of proposed deck between No.3 (on lefthand side of photo) and No.1 Wells Street.

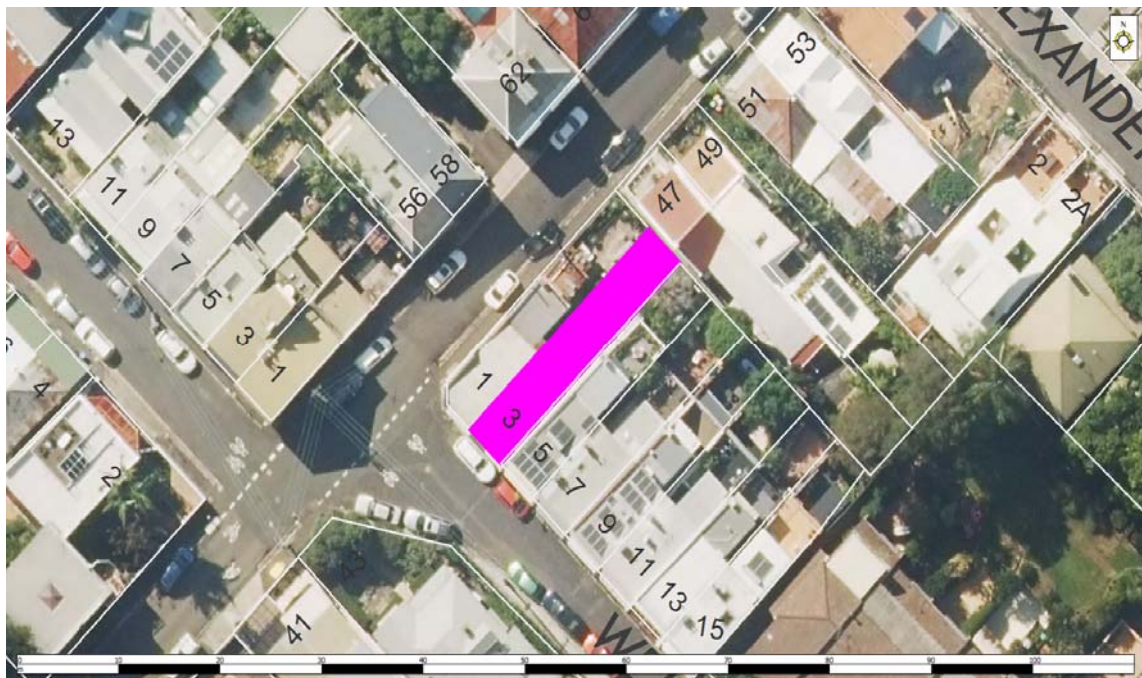


Figure 5: Aerial photograph of the site (in purple) and immediate context

Clause 5.10 – Heritage Conservation

The terrace house at No. 3 Wells Street is a locally listed heritage item 352 (Yeend’s Terrace, including interiors), and is part of Yeend’s Terrace being Numbers 1-15 which are also all heritage items. Yeend’s terrace is located within the Waterview Estate Conservation Area (C5).

The proposal was referred to Council's Heritage Advisor who raised no objection to the proposed works subject to recommended conditions regarding reusing parts of the original staircase; the type of roofing material and colour; providing a recess in the wall to the arched door on the north west elevation, and requiring that an archival record be undertaken.



Figure 6: Rear of existing dwelling.

Clause 6.4 – Stormwater management

Council's Engineer has advised as follows:

As per Leichhardt DCP2013 Section E1.2.5 (C2(a)) the existing system can be utilised as there is less than 20m² of new and/or altered roof subject to the existing system being in good condition, operating satisfactorily, not impacted by the works and the property having legal rights to drain via the existing system.

Given that the property would appear to currently drain through 1 Wells Street without a drainage easement, a Deferred Commencement condition is recommended requiring a drainage easement be created. The owner could seek to drain through 1 Wells Street or 47 Campbell Street with an easement for drainage.

5(b) Draft Environmental Planning Instruments

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

- Draft State Environmental Planning Policy (Environment)

The proposed alterations and additions raise no issues with regard to draft SEPP Environment.

5(c) Development Control Plans

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

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	Yes
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
Suburb Profile	
C2.2.2.5 Mort Bay Distinctive Neighbourhood and Campbell Street Hill sub area (C2.2.2.5(b))	No
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	N/A
C3.7 Environmental Performance	Yes

C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	No
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	N/A
C4.2 Site Layout and Building Design	N/A
C4.3 Ecologically Sustainable Development	N/A
C4.4 Elevation and Materials	N/A
C4.5 Interface Amenity	N/A
C4.6 Shopfronts	N/A
C4.7 Bulky Goods Premises	N/A
C4.8 Child Care Centres	N/A
C4.9 Home Based Business	N/A
C4.10 Industrial Development	N/A
C4.11 Licensed Premises and Small Bars	N/A
C4.12 B7 Business Park Zone	N/A
C4.13 Markets	N/A
C4.14 Medical Centres	N/A
C4.15 Mixed Use	N/A
C4.16 Recreational Facility	N/A
C4.17 Sex Services Premises	N/A
C4.18 Vehicle Sales or Hire Premises And Service Stations	N/A
C4.19 Vehicle Repair Station	N/A
C4.20 Outdoor Dining Areas	N/A
C4.21 Creative Industries	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	No
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	N/A

E1.2.5 Water Disposal	No
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A
Section 1 – Food	N/A
F1.1 Food Production	N/A
F1.1.3 Community Gardens	N/A
Part G: Site Specific Controls	
Old Ampol land, Robert Street	N/A
Jane Street, Balmain	N/A
Old Balmain Power Station	N/A
Wharf Road Birchgrove	N/A
Anka Site – No 118-124 Terry Street Rozelle	N/A
233 and 233A Johnston Street Annandale	N/A

The following provides discussion of the relevant issues:

C1.4 Heritage Conservation Areas and Heritage Items

As previously discussed under Section 5(a) of this report. The proposed alterations and additions are considered acceptable in terms of heritage requirements subject to recommended conditions.

C2.2.2.5 Mort Bay Distinctive Neighbourhood and Campbell Street Hill sub area (C2.2.2.5(b))

The Mort Bay Distinctive Neighbourhood includes the following controls:

C11 Maintain the existing roof forms, setbacks and fencing styles prevalent in each street

C17 Maintain roof forms with pitched, gable or hipped roofs.

It is considered that the above controls relate mainly to the main roof form and where roof forms are highly visible from the public domain. Although the proposal includes a non-traditional roof form, it is over a small area that is not overly visible from the public domain and is not part of the original main part of the dwelling. It is also noted that the top of the roof does not exceed the height of the adjoining dwelling it is paired with at 5 Wells Street. It is considered acceptable in this instance to have a non-traditional roof form at the rear of the dwelling in this instance.

C3.2 – Side Setbacks

The new roof addition to the ground floor sitting room will breach the side setback provisions at both the north-western and south-eastern (side) boundaries. In this regard, the following table outlines the location / extent of proposed side setback breaches:

Elevation	Wall height	Required setback	Proposed setback	Complies
North-west (adjacent to 1 Wells Street)	5.62m	1.63m	1.4m	No - Acceptable
South-east (adjacent to 5 Wells Street)	5.32m	1.45m	Nil	No - Acceptable

Pursuant to Clause C3.2 of the LDCP2013, where a proposal seeks a variation of the side setback control graph, various tests need to be met. These tests are assessed below:

- *The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the LDCP2013 and complies with streetscape and desired future character controls.*

Comment: Terraces are typified by small setbacks and may be built close to the side and/or front boundary. The proposed new roof to the ground floor sitting room is at the rear of the dwelling and will not detract from the Wells Street streetscape.

As previously noted, although the proposal includes a non-traditional roof form, it is over a small area that is not overly visible from the public domain and is not part of the original main part of the dwelling and will not exceed the height of the adjoining dwelling it is paired with at 5 Wells Street.

The form and scale of the proposal and its architectural style, materials and finishes (as reinforced by conditions) will be complementary with, and / or will not detract from existing surrounding development and will maintain the character of the area. This test is met.

- *The pattern of development is not adversely compromised.*

Comment: The proposed new roof will be contained within the building footprint established by the ground floor level and will not be contrary to the BLZ set by adjoining and surrounding development. This test is met.

- *The bulk and scale of the development has been minimised and is acceptable.*

Comment: The proposed development is modest in scale and compatible in height and alignment with the adjoining terrace to the south-east. The proposed alterations and additions will have limited and acceptable visual bulk impacts on neighbours. This test is met.

- *The proposal is acceptable with respect to applicable amenity controls e.g. solar access, privacy and access to views.*

Comment: The proposal complies with applicable solar access and (subject to conditions) privacy controls and will result in no loss of views implications. This test is met.

- *The proposal does not unduly obstruct adjoining properties for maintenance purposes.*

Comment: The proposed works are constructed clear of the side walls of the adjoining dwelling to the north-west and follow the existing blank wall of the adjoining dwelling to the south-east.

In light of the above, the proposal is considered to be satisfactory with respect to the intent and objectives of the side setback controls prescribed in this Clause.

C3.8 – Private Open Space

The private open space, although located at natural ground level, is at a different level to the ground level of the dwelling, and therefore, does not connect directly to the principal indoor living areas and hence does not comply with control C1. The proposal includes a deck/walkway which provides improved connectivity to the private open space and is considered the most appropriate layout given the steep drop in level of the site from the street to the rear. The private open space and its connectivity to the living areas is considered acceptable in this instance.

C3.11 – Visual Privacy

The proposed window 4 on the north-west side elevation does not comply with Control 1 of the Visual Privacy controls as a side window to a living area is proposed with sight lines available within 9m and 45 degrees between the living room of the dwelling and the private open space of an adjoining dwelling, being 1 Wells Street. The existing windows allow overlooking, however the proposed windows essentially wrap around the corner of the building and create further overlooking. Accordingly, a condition is recommended requiring either fixed and obscured glazing to a height of 1.6m or a privacy screen to window 4.

The application includes replacing the balustrade and privacy screening of the existing balcony at the rear of the first floor. A condition is recommended requiring privacy screening for the entire side boundaries of the deck to a height of 1.6m on the south eastern and north western elevations.



Figure 7: Existing ground floor level windows in the northern corner of the dwelling



Figure 8: Photo of existing first floor deck balustrading and privacy screening.

E1.2.2 Managing Stormwater within the Site and E1.2.5 Water Disposal

As previously discussed under Section 5(a)(iv) of this report under Clause 6.4 Stormwater Management, a drainage easement is required. Deferred commencement consent is recommended accordingly.

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 the Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties and one submission was received.

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

Issue: No prior consultation was undertaken by the neighbours
Comment: The applicant has advised that the neighbouring property has been under construction for some time with no one living on site. Whilst it is preferable that neighbours consult with each other, there is no requirement to do so under the Environmental Planning and Assessment Act.

- Issue: Full set of architectural plans have not been provided, only elevations.
- Comment: For privacy reasons, Council does not post out copies of floor plans. They are made available on Council's online tracking website and the neighbour was advised as such and given guidance as to how to access the plans. The Planner also checked that the plans were available for viewing.
- Issue: The reversal of the roof line on the sitting room does not appear in keeping with the Mort Bay Desired Future Character and Controls which aims to preserve existing roof forms. The reversal of the roof line on the sitting room will take the roof from a nearly invisible one to one in which the whole roof will now be clearly visible from our third bedroom. Light pollution reflecting from the roof may be an issue through the morning. The highest point of the roof line also appears to be higher than the existing roof maximum height and the maximum height should be limited to the existing height.
- Comment: The sitting room in question is raised at the rear, given the extent of works approved and under construction at 1 Wells Street, the change in roof form will not be overly visible from Campbell Street. This section of the roof is a previous addition and not the original roof form. The height of the proposed roof is considered acceptable. A standard condition regarding reflectivity of roofing is recommended, "*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*".
- Issue: The proposed development should discharge its stormwater to the street without entering our property. At the moment stormwater from 3 Wells Street is illegally discharged into 1 Wells Street. All the other terrace properties discharge into the rear dunny lane.
- Comment: As previously discussed, Deferred Commencement consent is recommended to require a formalised drainage easement.
- Issue: The site analysis implies that a tree with a mature height of up to 8m is proposed. This is too high and will potentially obstruct views of the water and harbour bridge. The proposed tree is only 2m from our property and could cause damage to the sewerage systems, stormwater system and surrounding properties.
- Comment: Planting a tree does not require development consent.
- Issue: The proposed French doors adjacent to our common wall have the potential to cause cracking - the doorway should not be widened beyond the width of the existing window. Want assurance that any works carried out at No.3 will not cause damage to No.1 Wells.
- Comment: A condition is recommended requiring dilapidation reports pre and post construction.
- Issue: The existing balcony's privacy screening is inadequate in relation to screening and safety and should be rebuilt.
- Comment: The application includes rebuilding the railing and privacy screening. Subject to a recommended condition regarding the privacy screening, the proposed works are considered acceptable.
- Issue: The new proposed side deck should be built wholly within their boundary and not attached to the wall of No.1 Wells.
- Comment: It is not proposed to attach the deck to the wall of No.1.

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 Officer – the application is considered acceptable subject to conditions
- Development Engineer – the application is considered acceptable subject to conditions.

6(b) External

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

7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

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

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6(3) of the LEP in support of the contravention of the development standards for 4.3A(3)(a) (i) Landscaped Area and 4.3A(3)(b) Site Coverage. After considering the request, and assuming the concurrence of the Secretary has been given, The Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds, the proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant deferred commencement consent to Development Application No: D/2018/356 for alterations and additions to existing dwelling at 3 Wells Street, Balmain subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

DEFERRED COMMENCEMENT

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

1. Prior to the issue of an Operational Consent, Council requires the following:
 - a) An easement for drainage to be legally created and registered to drain the rear of the subject property through to Campbell Street. Evidence of creation of the drainage easement is to be provided through an updated Certificate of Title.

Upon the submission of documentation to satisfy the above, Council will issue written notice of Operational Consent. No Construction Certificate can be issued until such time as an Operational Consent has been issued by Council.

The deferred commencement requirements must be satisfied within 2 years of the date of determination.

CONDITIONS OF CONSENT

2. Development must be carried out in accordance with Development Application No. D/2018/356 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Drawing No. DA 1801.02 Landscaping	Emily Knight Design	July 2018
Drawing No. DA 1801.03 Ground and First Floors	Emily Knight Design	July 2018
Drawing No. DA 1801.04 Elevations	Emily Knight Design	July 2018
Drawing No. DA 1801.05 Sections	Emily Knight Design	July 2018
Document Title	Prepared By	Dated
Schedule of Materials, Colours and Finishes	-	June 2018
BASIX Certificate A309443_02	Emily Knight Design	4 July 2018
Structural engineers letter REF: 91321-C1	Kneebone & Beretta Consulting Pty Ltd	18 September 2018
Heritage Impact Statement	Heritage Solutions	June 2018

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

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

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

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

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

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

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.

- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
 - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

- 4. In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
 - a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
 - b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
 - c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.
- 5. Amended plans are to be submitted incorporating the following amendments:
 - a) The new internal staircase shall be reconstructed as follows:
 - i) Original stringer is to be carefully removed and re-adapted as a decorative stringer;
 - ii) The existing handrail is to be re-used;

- iii) The existing balusters are to be trimmed top and bottom to fit existing square section at the bottom as required and connected to the stringer;
- iv) Existing newell posts with cap are to be re-used in the new staircase;
- b) New roofing material must comprise of either heritage barrel rolled traditional corrugated galvanised steel or pre-coloured traditional corrugated galvanised steel in a colour equivalent to Colorbond's "Windspray" or "Wallaby";
- c) The infill of the arched door to the north west elevation is to be interpreted through a recess in the wall alignment;
- d) Privacy screens are to be installed to the north west and south east elevations of the first floor rear deck. The privacy screens are to have a height of 1.6m as measured from the finished floor level of the deck; have no individual opening more than 30mm wide; have a total area of all openings that is less than 25% of the surface area of the screen ; be permanently fixed and made of durable materials.
- e) Window W4 on the north west elevation of the sitting room is to be either fixed and obscured to a height of 1.6m measured from finished floor level or have an externally affixed privacy screen to a height of 1.6m above finished floor level. Any externally affixed privacy screen is to have no individual opening more than 30mm wide; have a total area of all openings that is less than 25% of the surface area of the screen ; be permanently fixed and made of durable materials.

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.

- 6. Prior to the issue of a Construction Certificate, Architectural Plans accompanied by a Structural Certificate must be provided to the Principal Certifying Authority. The Certificate must verify that the architectural plans that are the subject of the Construction Certificate application do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to the consent authority and all owners of the party wall/s.
- 7. Stormwater runoff from proposed new or altered roof areas shall be discharged to the existing site drainage system. Any existing component of the stormwater system that is to be relied upon shall be checked and certified by a Licensed Plumber or qualified practising 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 and/or impacted by the works and/or legal rights for the property to drain via the existing drainage system do not exist, the drainage system shall be upgraded to discharge legally and by gravity to the kerb and gutter of a public road.

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

- 8. 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.
- 9. 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.

10. 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.
11. The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:
- a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.

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

12. 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.

13. 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.
14. 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.

15. 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.

16. 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.

17. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must designed to be compatible with the document *Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater-Soils & Construction Volume 1 (2004)* available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:

- a) Minimise the area of soils exposed at any one time.
- b) Conservation of top soil.
- c) Identify and protect proposed stockpile locations.
- d) Preserve existing vegetation. Identify revegetation technique and materials.
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.

- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

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

18. The approved plans must be checked online with Sydney Water Tap In to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. A copy of this approval must be supplied with the Construction Certificate application. Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

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

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

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.
- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.

- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

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

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

20. 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:
- Estimated volume (m³) or weight (t) of materials that are reused, recycled or removed from site.
 - On site material storage areas during construction.
 - Material and methods used during construction to minimise waste.
 - 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
 - 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)

21. Prior to the commencement of demolition or any works or issue of a Construction Certificate (whichever occurs first), the Principal Certifying Authority shall be satisfied that an Archival Record has been completed and 3 copies have been submitted to Council for the following properties:

Address/Building

3 Wells Street Balmain

The report must be prepared by a suitably qualified and experienced heritage consultant, be consistent with the Heritage Office 'Photographic Recording Of Heritage Items Using Film Or Digital Capture' and must contain the following minimum requirements:

- Title page with subject, author, client, date, copyright etc.
- Statement of why the record was made
- Outline history of the item and associated sites, structures and people.

- d) Statement of heritage significance of the items in accordance with the Burra Charter and the Heritage Inventory.
- e) Inventory of archival documents related to the item and their location (eg company records, original drawings, photography), when available.
- f) Location plan showing relationship to surrounding geographical features, structures, roads etc. Include a north point.
- g) Floor plans/site plans cross-referenced to photographs and showing the order & orientation in which the photos were taken. Name the relevant features, structures and spaces. Show a north point.
- h) Photographic record, labelled and cross-referenced to floor / site plans and accompanied by informative catalogues and two copies of proof sheets. Images should include:
 - View to and from the site (possible from four compass points)
 - Views showing relationships to other relevant structures, landscape features and movable items.
 - All external elevations.
 - Views of all external and internal spaces (e.g. courtyards, rooms, roof spaces etc).
 - External and internal detail (e.g. joinery, construction joints, decorative features, paving types etc).

Selected prints to give an overall picture of the item may be required. They should be mounted and labelled.
- i) Colour slides/archival quality prints. One set of slides mounted in archival stable slide pockets or 10.5 x 14.8cm prints on archival quality paper and archivally stable inks, clearly labelled and cross-referenced to base plans. Images should include:
 - Views to and from the site and/or the heritage item.
 - Views and details of external and internal elements and colour schemes as appropriate.

Two (2) hard copies and one (1) electronic copy (including digital copies of images – not scanned copies) of the report must be submitted to Council; one of the hard copies shall contain negatives (if using film) or DVD with digital copies of photos (if using digital). A written acknowledgment from the Consent Authority (Leichhardt Council) must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or commencement of works (whichever occurs first).

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

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

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

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

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

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

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

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

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

Property	Structures / Area
1 Wells Street	Dwelling
5 Wells Street	Dwelling

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

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

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

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

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

PRIOR TO THE COMMENCEMENT OF WORKS

24. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

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

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

- a) location of the building with respect to the boundaries of the site;

25. 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.

26. 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.

27. 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.

28. 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.
29. 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.
30. 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.
31. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
 - c) The name, address and telephone number of the Principal Certifying Authority for the work.

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

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

DURING WORKS

32. 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.

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

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

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

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

34. The site must be appropriately secured and fenced at all times during works.
35. 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.

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

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

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

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

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

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

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

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

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

37. 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.
38. 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.
39. 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.
40. 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.
41. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of

demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

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

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

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

42. No 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

43. 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.

44. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:

- Compare the post construction report with the pre-construction report required by these conditions,
- Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

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

45. 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.
46. 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.
47. 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.

48. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
49. 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.

50. 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

51. 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.
52. 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.
53. The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.
54. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. dwelling 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, is defined under the *Leichhardt Local Environmental Plan 2013*.

PRESCRIBED CONDITIONS

A. BASIX Commitments

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

In this condition:

- a) Relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55

- of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

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

C. Home Building Act

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

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

D. Site Sign

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

- 2) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

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

NOTES

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

- d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
 - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
 - f) Development Application for demolition if demolition is not approved by this consent.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

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. 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.

1301 JBH 27/18

- * Comply as all aspects with the current edition of the NCC BCA, as amended and/or variations thereto.
- * Comply with the relevant provisions of the NCC BCA, as amended and/or variations thereto, in respect of the relevant provisions of the NCC BCA, as amended and/or variations thereto.
- * The construction of the proposed building shall be in accordance with the relevant provisions of the NCC BCA, as amended and/or variations thereto.
- * All fire-rated walls shall be constructed in accordance with the relevant provisions of the NCC BCA, as amended and/or variations thereto.
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BASIC COMMITMENTS

Risk-free 100% water system
 min. 40% light or better insulation (uninsulated or
 low-shimper heads, tanks and roofs to be min. 2")
 All new timber framed walls to be installed w/ R2 bulk
 type insulation
 All new roof construction to be installed to a min. 30% R-
 value (R2 in addition to 1/2" backed roof cavity, roof
 under tile or metal panel systems) (R-20/21)
 All new roof construction to be installed in accordance with
 BASIX specifications (see on page DA 1801.03)
 Overhangs as directed on roof plan

SPECIFICATIONS

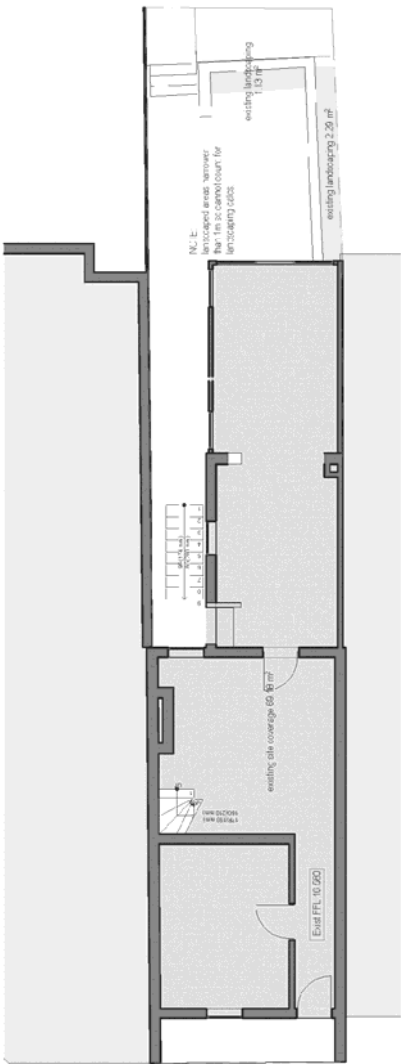
Walls to be constructed with 120mm brickwork in cavity with
 R20 insulation. New timber walls where existing walls are
 to be extended up to have matching cladding to existing
 wall. Bathrooms to be tiled to floor walls on FC
 and water proofing.
 Floor finishes as indicated on plans
 Ceiling finishes to be plasterboard, MGP plasterboard in
 bathroom.
 Make sure construction is required to existing sewerage
 system.
 Connect new downpipes to existing stormwater provision
 Generally make all for contribution to be new

3 Wells Street, Balmain
 Merit, Charis and Alison Roy
 Site Analysis Plan
 2018/03/2018/03/2018
 Date: 13/01/2018
 Drawn by: Merit Roy
 Date: 13/01/2018
 DA 1801.01

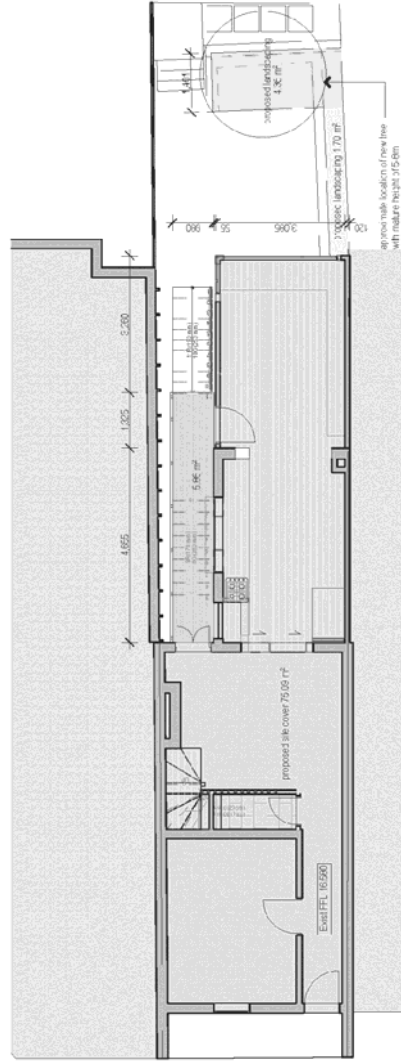
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 489/943 224 84000000 48 48001 124 124 21 124 21 124 21



- 1801.02
- Comply in all respects with the current editions of the Australian Building Code of Practice (AS/NZS 1530) and other Australian Standards. Comply with any other standards, codes, specifications or regulations that the relevant authority requires. Refer to the relevant authority for any specific requirements.
 - Refer to the relevant authority for any specific requirements for the proposed development. Refer to the relevant authority for any specific requirements for the proposed development. Refer to the relevant authority for any specific requirements for the proposed development.
 - Refer to the relevant authority for any specific requirements for the proposed development. Refer to the relevant authority for any specific requirements for the proposed development. Refer to the relevant authority for any specific requirements for the proposed development.
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1 Area Cells Existing
1:100



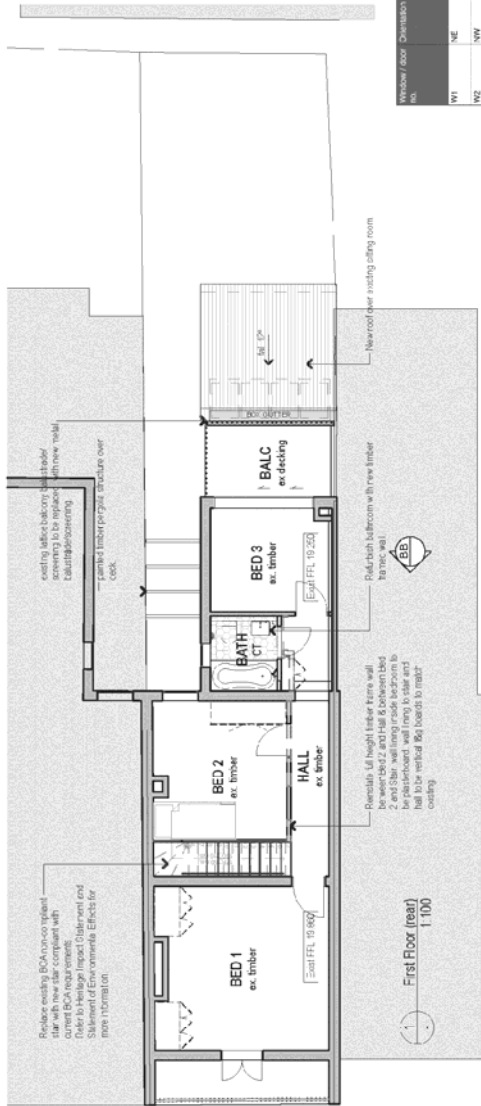
2 Area Cells Proposed
1:100



Project Name: 1801.02
 Address: 3 Wells Street, Balmain
 Client: Mark Charlton and Alison Ray
 Design: T. 1. 1. 1. 1.
 Date: 26/08/2010
 Drawing No: DA 1801.02
 Drawing Date: July 2010
 Project No: 1801.02
 Project Name: 1801.02
 Project Address: 3 Wells Street, Balmain
 Project Client: Mark Charlton and Alison Ray
 Project Design: T. 1. 1. 1. 1.
 Project Date: 26/08/2010
 Project Drawing No: DA 1801.02
 Project Drawing Date: July 2010
 Project Project No: 1801.02
 Project Project Name: 1801.02
 Project Project Address: 3 Wells Street, Balmain
 Project Project Client: Mark Charlton and Alison Ray
 Project Project Design: T. 1. 1. 1. 1.
 Project Project Date: 26/08/2010
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 Project Project Project Project Address: 3 Wells Street, Balmain
 Project Project Project Project Client: Mark Charlton and Alison Ray
 Project Project Project Project Design: T. 1. 1. 1. 1.
 Project Project Project Project Date: 26/08/2010
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 Project Project Project Project Project Date: 26/08/2010
 Project Project Project Project Project Drawing No: DA 1801.02
 Project Project Project Project Project Drawing Date: July 2010

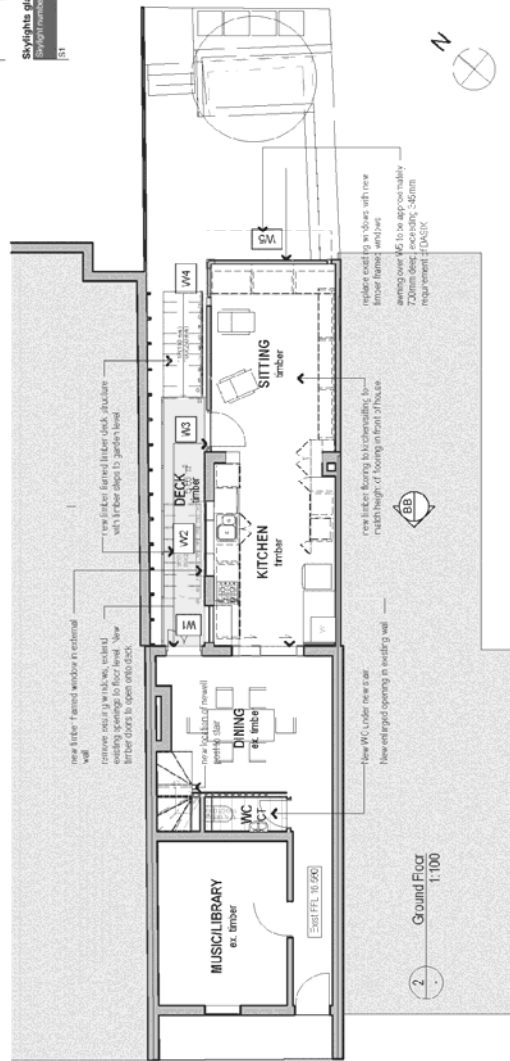
1801.03 DA 1801.03

- Comply in all respects with the current edition of the NSW State Environmental Planning Instrument 2009 (SEPP 2009) as amended. Comply with the current edition of the NSW State Environmental Planning Instrument 2009 (SEPP 2009) as amended.
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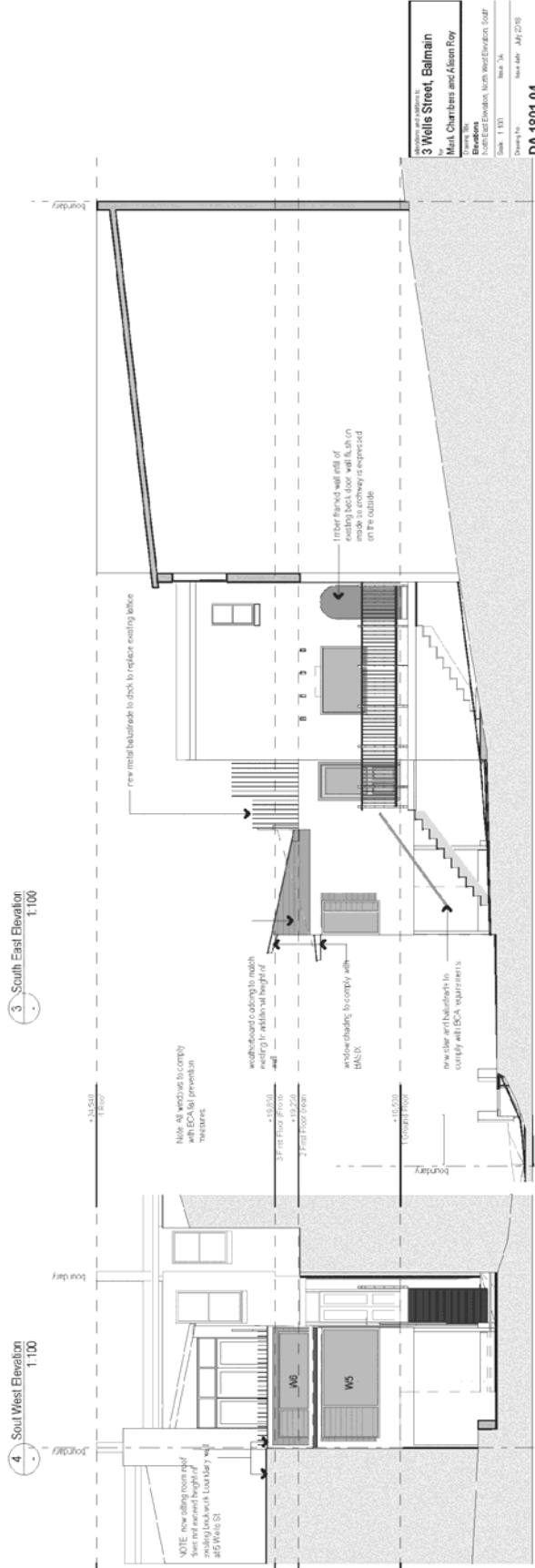
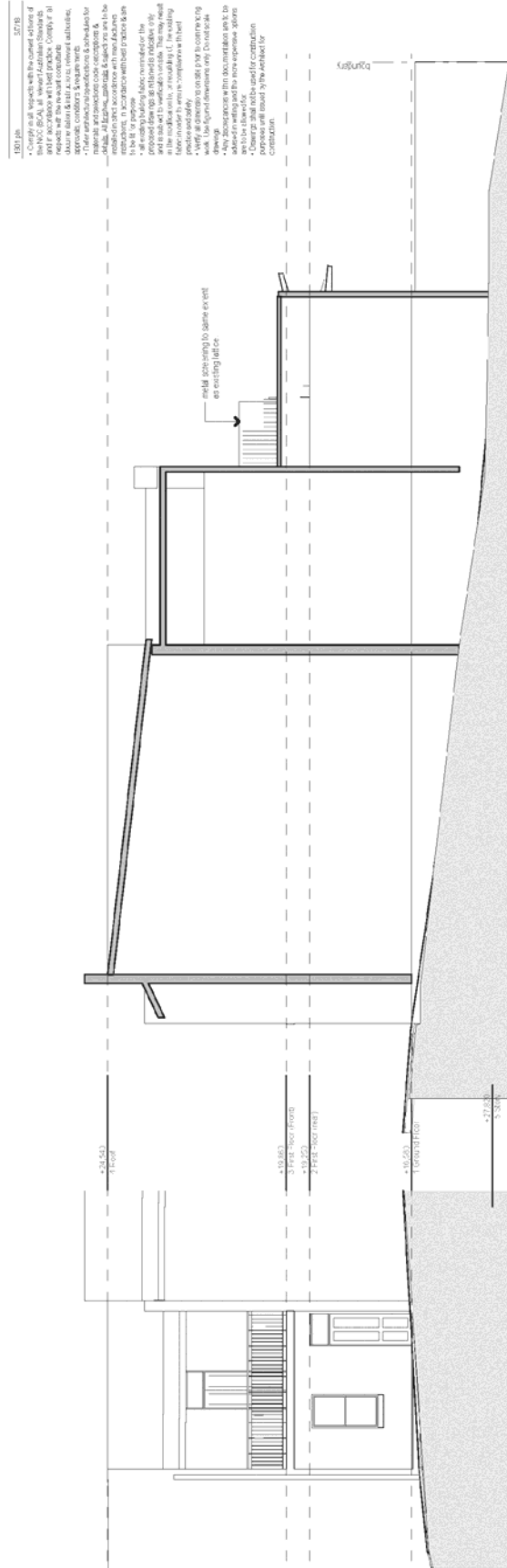


Window / door no.	Orientation	Area of glass frame (m ²)	Over-sighting height (m)	Distance (m)	Shading device	Frame and glass type
W1	NE	0.8	0	0	None	timber or uPVC, single pyrolytic lowe, (U-value: 3.95, SHGC: 0.4)
W2	NW	2.2	2	1.3	none	timber or uPVC, single pyrolytic lowe, (U-value: 3.95, SHGC: 0.4)
W3	NW	0.8	2	1.3	none	timber or uPVC, single pyrolytic lowe, (U-value: 3.95, SHGC: 0.4)
W4	NW	1.4	2	1.3	none	timber or uPVC, single pyrolytic lowe, (U-value: 3.95, SHGC: 0.4)
W5	NE	4.4	0	0	project overhang above sill and 25% over depth	timber or uPVC, single pyrolytic lowe, (U-value: 3.95, SHGC: 0.4)
W6	NE	2.4	0	0	project overhang above sill and 25% over depth	timber or uPVC, single pyrolytic lowe, (U-value: 3.95, SHGC: 0.4)

Skylights number	Area of glazing (m ²)	Shading device	Frame and glass type
S1	1	no shading	timber, double glazing, (U-value: 4.3, SHGC: 0.5)



Prepared and submitted by:
3 Wells Street, Balmain
 Merit Chambers and Alison Poy
 Planning No.
 P18/01/2018-1801.03
 Scale: 1:100 Date: 28/11/2018
 Drawing No.
DA 1801.03
 Date: 28/11/2018
 1801.03 DA 1801.03

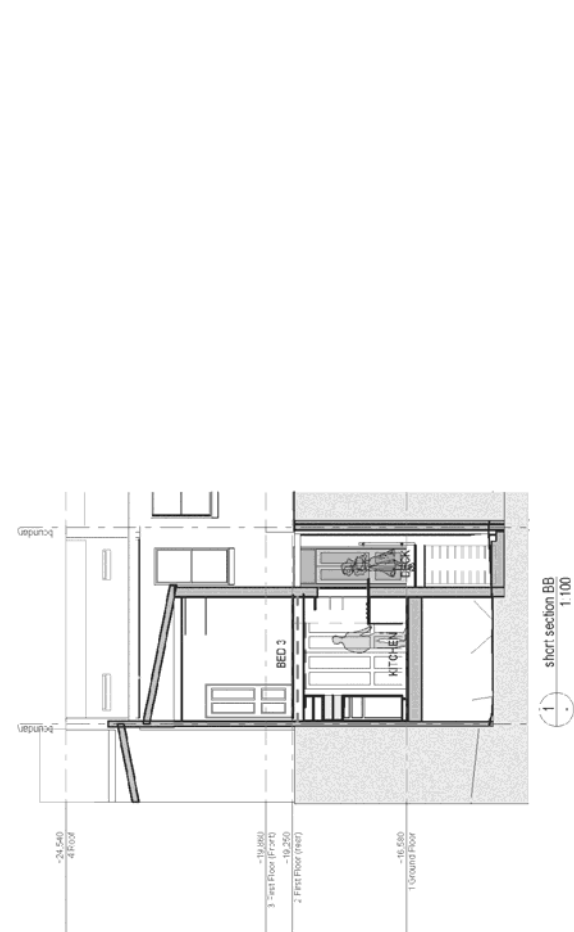


3 Wells Street, Balmain
Matt Charlton and Alison Roy

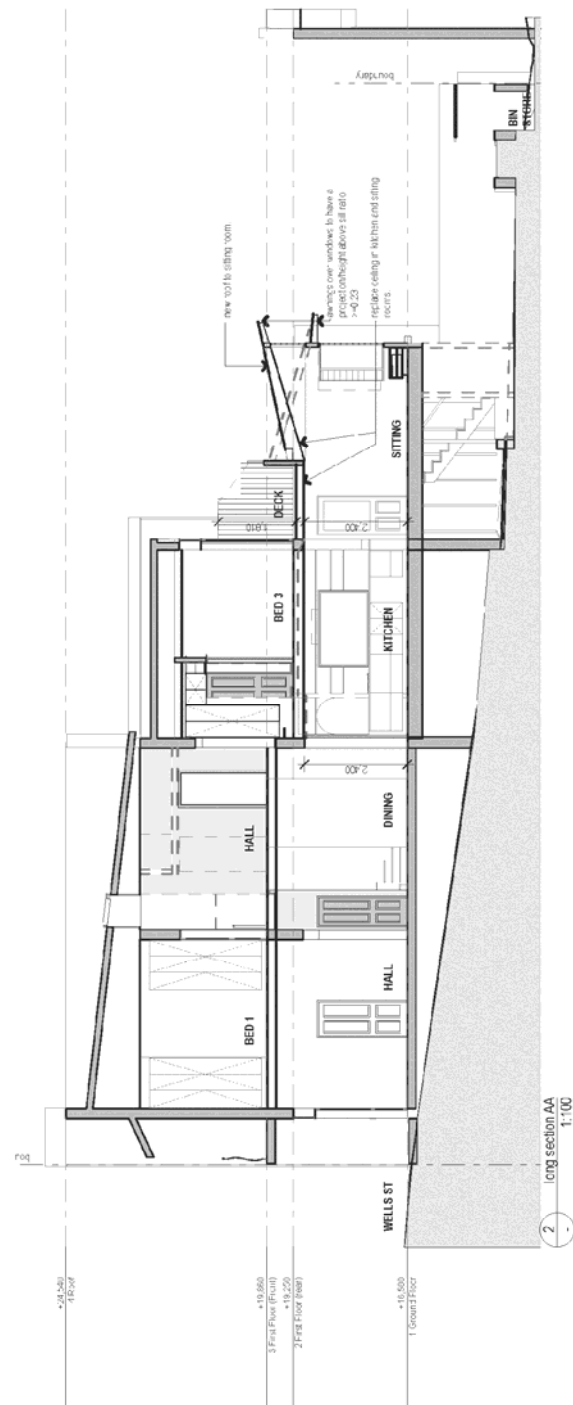
Project No: 1801_04
 Date: 27/18
 Drawing No: DA 1801.04

enlightendesign
 1801_04_01.dwg
 27/18
 1:100
 1801_04

- Comply in all respects with the current editions of the NCC (BCA), all relevant Australian Standards and NSW Planning Controls. Comply with the requirements of all relevant laws, regulations, codes of practice, and other requirements of the relevant authorities.
- Refer to the relevant specifications for the construction of the building for any specific requirements and standards.
- Refer to the relevant specifications for the construction of the building for any specific requirements and standards.
- All external lighting fittings must be of the approved type and must be mounted in such a way as to not cause any glare or light spill on to the surrounding area.
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1 short section BB 1:100



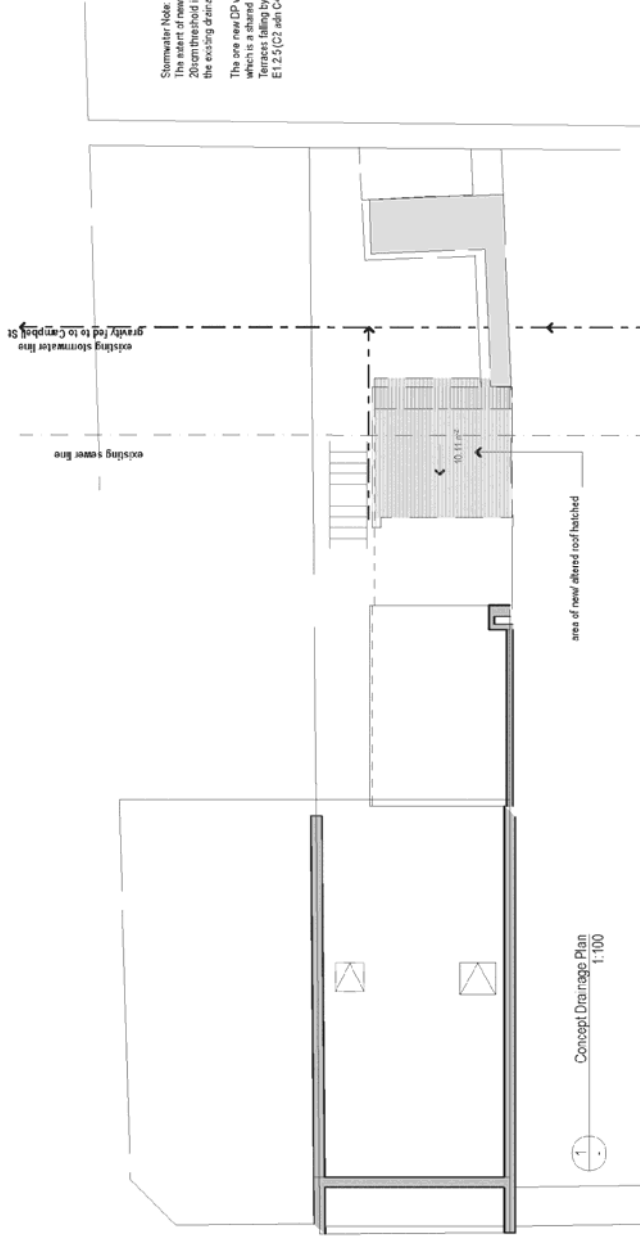
2 long section AA 1:100

Proposed site address is:
3 Wells Street, Balmain
 for
West Chertabas and Alfons Roy
 Planning No. DA1801.05
 State No. 48/2/13
 Date No. 08/2/2013

DA1801.05
 13/04/14 14:00:00
 13/04/14 14:00:00

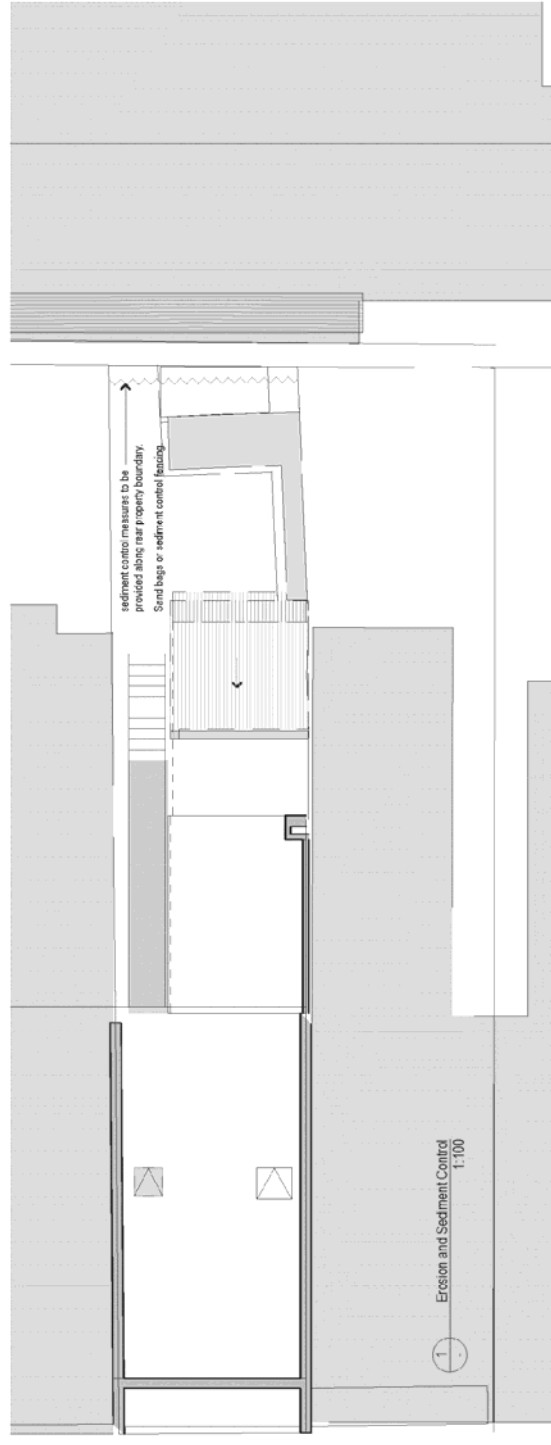
Approved for use from 1/1/2010 to 31/12/2010
 Approved for use from 1/1/2011 to 31/12/2011
 Approved for use from 1/1/2012 to 31/12/2012
 Approved for use from 1/1/2013 to 31/12/2013
 Approved for use from 1/1/2014 to 31/12/2014
 Approved for use from 1/1/2015 to 31/12/2015
 Approved for use from 1/1/2016 to 31/12/2016
 Approved for use from 1/1/2017 to 31/12/2017
 Approved for use from 1/1/2018 to 31/12/2018
 Approved for use from 1/1/2019 to 31/12/2019
 Approved for use from 1/1/2020 to 31/12/2020
 Approved for use from 1/1/2021 to 31/12/2021
 Approved for use from 1/1/2022 to 31/12/2022
 Approved for use from 1/1/2023 to 31/12/2023
 Approved for use from 1/1/2024 to 31/12/2024
 Approved for use from 1/1/2025 to 31/12/2025
 Approved for use from 1/1/2026 to 31/12/2026
 Approved for use from 1/1/2027 to 31/12/2027
 Approved for use from 1/1/2028 to 31/12/2028
 Approved for use from 1/1/2029 to 31/12/2029
 Approved for use from 1/1/2030 to 31/12/2030

Stormwater Note:
 The rainwater and/or altered roof is 10mm. This is less than the 20mm that is required in Section E1.2.5 (C2.0) allowing use of the existing drainage system.
 The one new DP will be connected to the existing drainage system, which is a shared pipe through the back gardens of the Yields Tenures filling by gravity to the bay in accordance with Section E1.2.5 (C2.0) (ash C46).



3 Wells Street, Balmain
 Mark Chambers and Alison Roy
 Concept Drainage Plan
 3 Wells Street, Balmain
 DA 1801.06
 1/1/2025

7. All materials used for the proposed works shall be of a quality and standard as specified in the relevant Australian Standards and shall comply with the relevant Australian Standards. The contractor shall be responsible for ensuring that all materials used for the proposed works are of a quality and standard as specified in the relevant Australian Standards and shall comply with the relevant Australian Standards. The contractor shall be responsible for ensuring that all materials used for the proposed works are of a quality and standard as specified in the relevant Australian Standards and shall comply with the relevant Australian Standards.



3 Wells Street, Balmain
Mark Charlbes and Alison Roy

DA 1801.07
Date: July 2010

engineering
DA 1801.07

Architects/Engineers shall provide a detailed description of the proposed construction materials and methods of construction. The description shall include details of the proposed construction materials and methods of construction, including but not limited to the proposed construction materials and methods of construction. The description shall also include details of the proposed construction materials and methods of construction, including but not limited to the proposed construction materials and methods of construction. The description shall also include details of the proposed construction materials and methods of construction, including but not limited to the proposed construction materials and methods of construction.



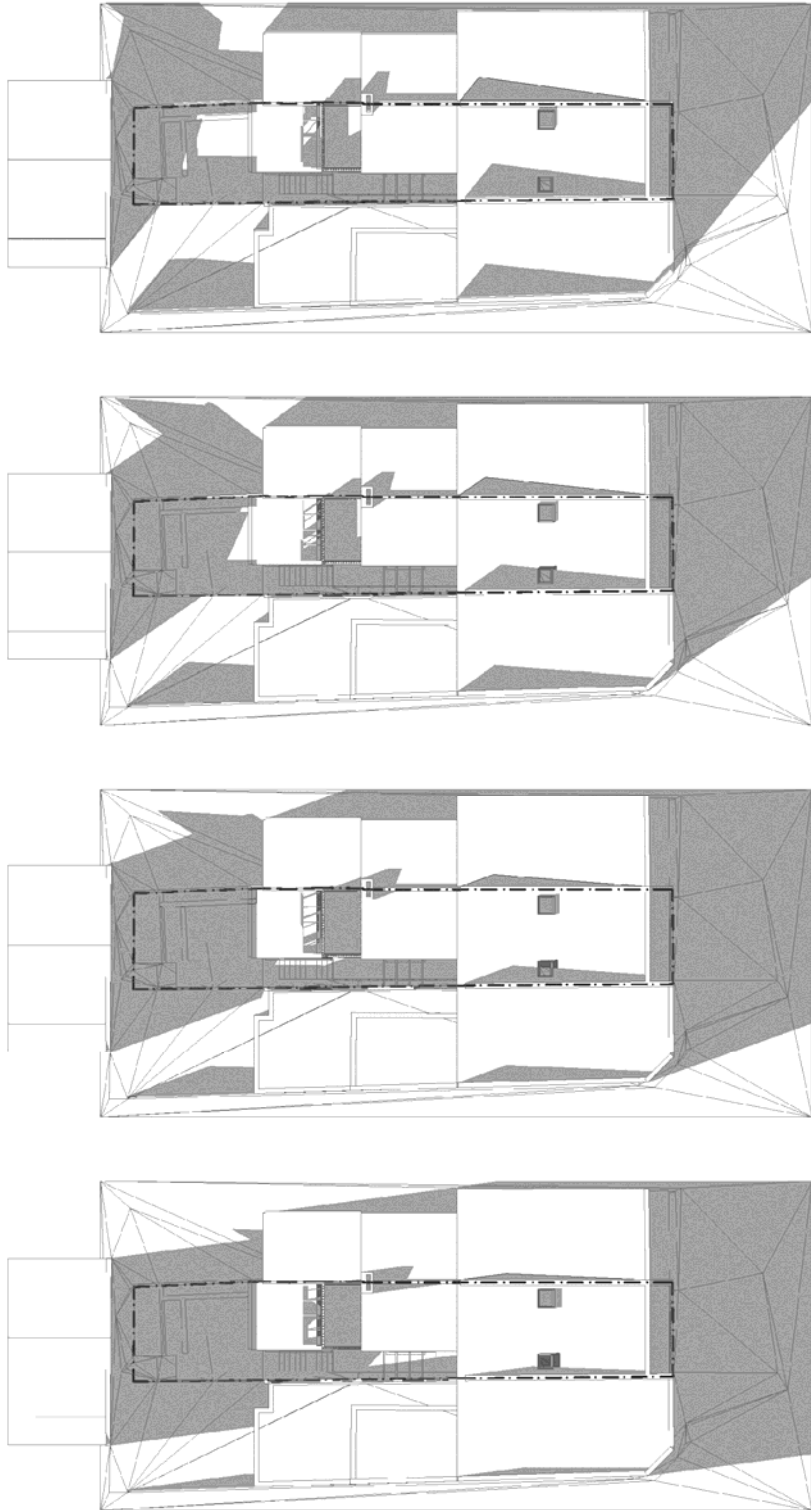
Shadow Diagrams, 21 June



Existing Shadows



Additional Shadows



12pm
No additional shadows on 5 Wells

11am
No additional shadows on 5 Wells

10am
No additional shadows on 5 Wells

8am
No additional shadows on 5 Wells

Architects/Engineers
3 Wells Street, Balmain
 Mark Chambers and Alison For
 Pty Ltd
 Shadow Diagrams 19/21/2018
 Date: 19/02/18
 Date: 19/02/18
SSD 1801.01
 emilykingdesign
 10/20/18, 19/02/2018
 emilykingdesign.com.au

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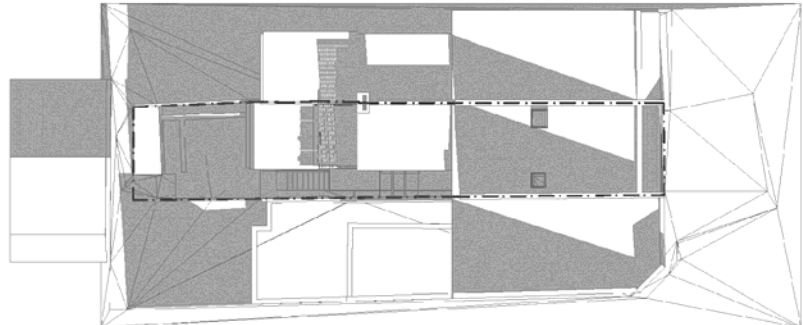


Shadow Diagrams, 21 June

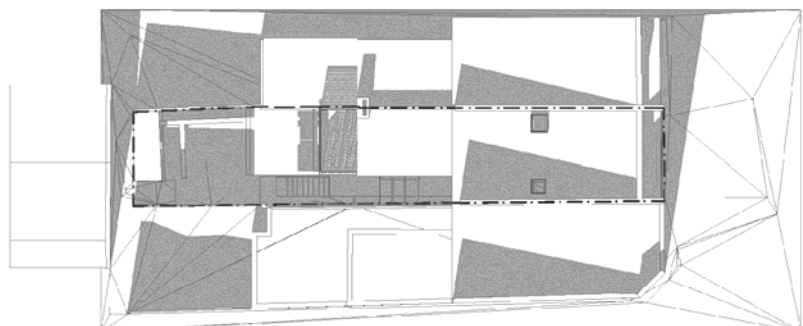
Existing Shadows

Additional Shadows

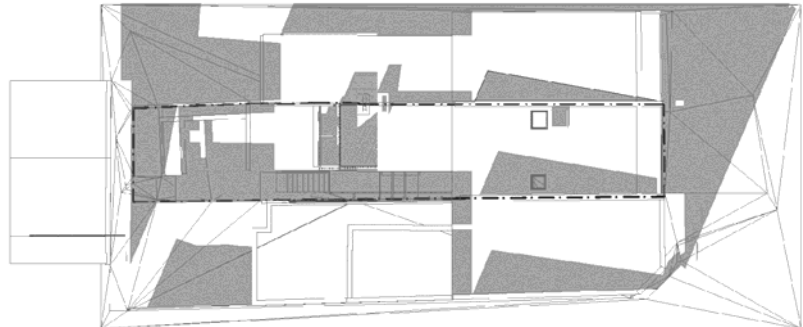
ENTYNGINDUSTRIAL GROUP
 3 Wells Street, Balmain
 for
 Mark Charbon and Alison Roy
 Plan View (2pm to 3pm)
 Shadow Diagrams for 21 June
 Scale: 1:500
 Drawing No: 1801.02
 Date: 18 May 2018
 SSD 1801.02
 entyngindustrialgroup.com.au
 entyngindustrialgroup.com.au



3pm
 No additional shadows on 5 Walls



2pm
 No additional shadows on 5 Walls



1pm
 No additional shadows on 5 Walls

7. All drawings shall comply with the requirements of the NSW Standard Drawing System (SDS) Part 3: Planning and Environment, unless otherwise stated. All drawings shall be prepared in accordance with the NSW SDS, Part 3: Planning and Environment, unless otherwise stated. All drawings shall be prepared in accordance with the NSW SDS, Part 3: Planning and Environment, unless otherwise stated.

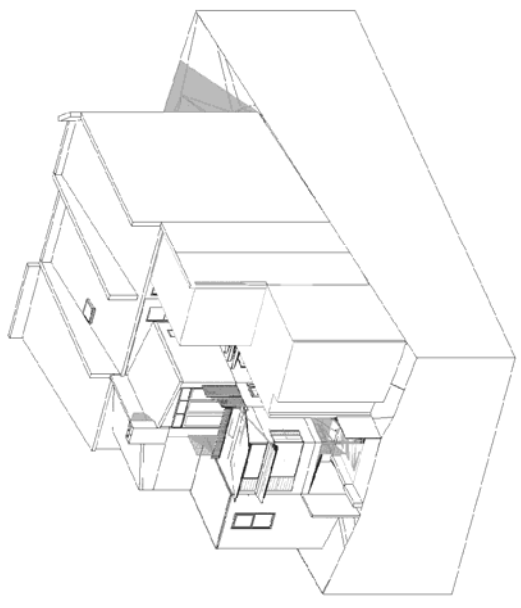


Shadow Diagrams, 21 June
 Existing Shadows
 Additional Shadows

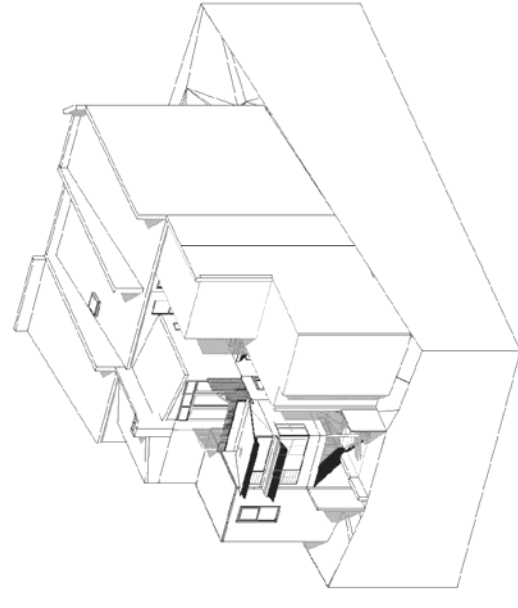
Site address: 3 Wells Street, Balmain
 Project: Mark Charbon and Alison Roy
 Project No.: SSN 181326
 Shadow Diagrams Part 1 of 1
 Scale: 1:500
 Date: 21/06/21

Drawing No.: SS1801.03
 Date: 21/06/21

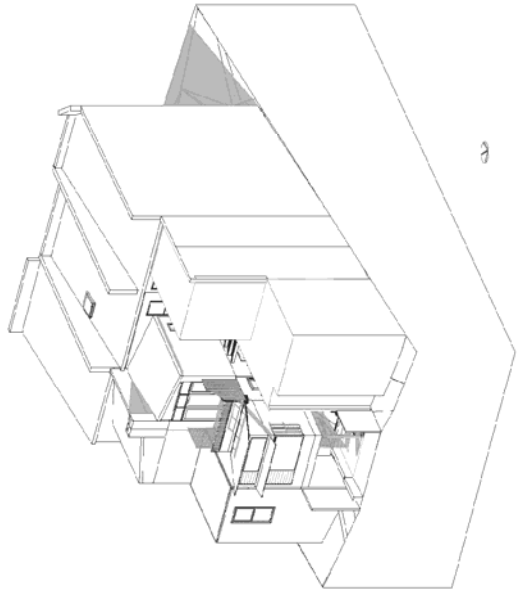
emilyingdesign
 187 Pitt St, Melbourne VIC
 Phone: 03 9414 1111
 Email: info@emilyingdesign.com.au



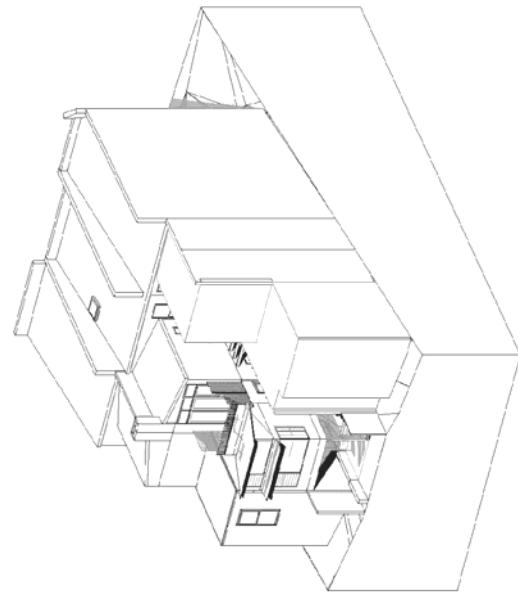
9am
 No additional shadows on 5 Wells



12pm
 No additional shadows on 5 Wells



11am
 No additional shadows on 5 Wells



10am
 No additional shadows on 5 Wells

7. The applicant must submit a shadow study report that includes the following information:

- A detailed description of the proposed development, including the location, size, height, and orientation of the building.
- A description of the surrounding area, including the location of the building, the height and orientation of existing buildings, and the location of the sun.
- A description of the proposed shading device, including its location, size, height, and orientation.
- A description of the proposed shading device's performance, including the percentage of solar radiation that it blocks and the percentage of solar radiation that it allows to pass through.
- A description of the proposed shading device's impact on the surrounding area, including the impact on the building's energy consumption, the impact on the building's indoor climate, and the impact on the building's outdoor climate.
- A description of the proposed shading device's impact on the surrounding area's visual appearance, including the impact on the building's appearance and the impact on the surrounding area's appearance.
- A description of the proposed shading device's impact on the surrounding area's environmental performance, including the impact on the building's energy consumption, the impact on the building's indoor climate, and the impact on the building's outdoor climate.



Shadow Diagrams, 21 June

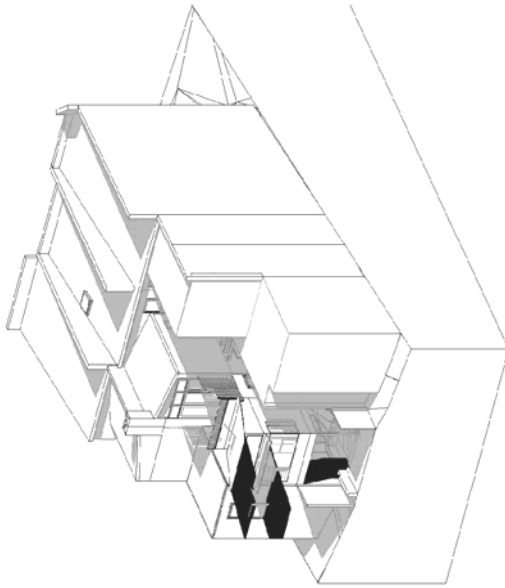
Existing Shadows
 Additional Shadows

3 Wells Street, Balmain
 for
 Matt, Charlene and Allison Ruy

Project No: 1801.04
 Date: 21 June 2018
 Scale: 1:500
 Sheet: 1 of 1

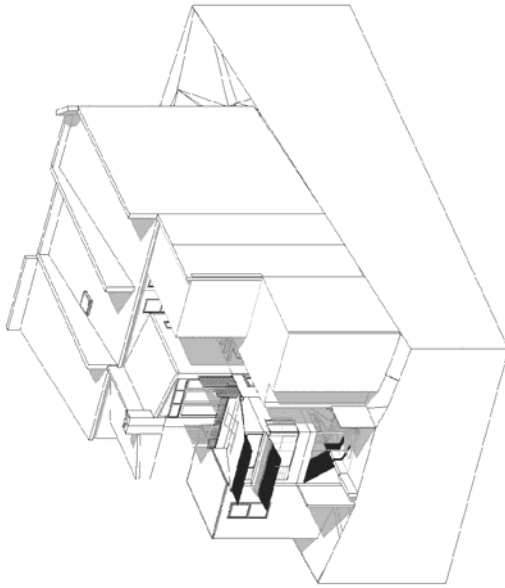
SSD 1801.04

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 Sydney NSW 1511 Australia
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 Email: info@emphidesign.com.au



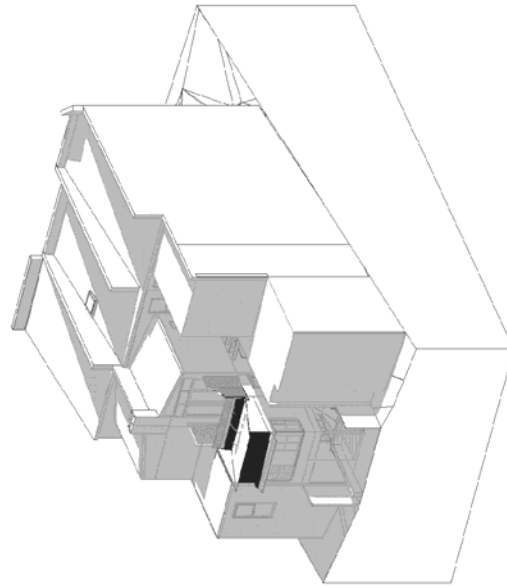
2pm

Peak impact on window of 5 Wells



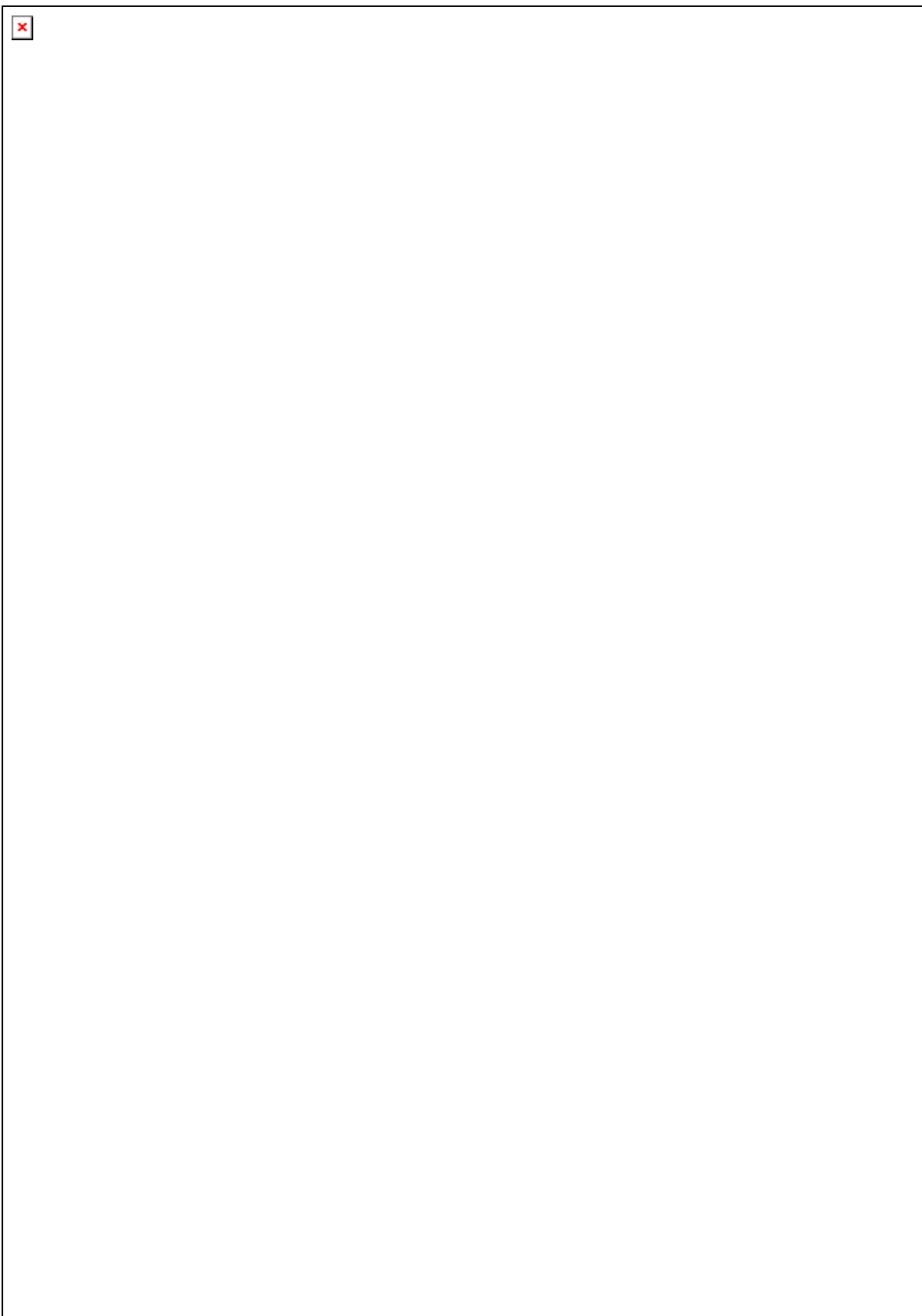
1pm

Minimal impact on window of 5 Wells



3pm

No additional shadows on 5 Wells



Attachment C – Clause 4.6 Exception to Development Standards



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

DEVELOPMENT APPLICATION DETAILS:

Address:	3 wells Street. Balmain.
Proposed Development:	Alterations to 3 wells Street including new stairs, refurbished bathroom and new kitchen with new roof over sitting room. Externally new deck to be added. Refer to Statement of Environmental Effects for more information.
I wish to lodge a request to vary the following development standard for the reasons indicated:	

WHAT IS THE STANDARD SOUGHT TO BE VARIED?

- Floor Space Ratio – Clause 4.4 or 4.4A of LEP 2013
- Landscaped Area – Clause 4.3A(3)(a) of LEP 2013
- Site Coverage – Clause 4.3A(3)(b) of LEP 2013
- Subdivision Allotment size – Clause 4.1 of LEP 2013
- Foreshore Building Area – Clause 6.5 of LEP 2013
- Diverse Housing – 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.

What are the environmental planning grounds that justify contravening the development standard?

This property is a terrace in Balmain on a sloping block. Recently, a 2-storey blockwork wall has been built along the North Western property boundary affecting the amenity of both the internal living space and the private open space at the rear of the property. The side lightwell area formerly shared with 1 Wells St is now a chasm between the buildings - narrow and deep as the existing ground level of the side and rear open space is 2m below the existing living floor level. To improve the amenity of the subject property a deck is being introduced at the living level improving the connection of living spaces to outdoor area and reducing the impact of the 2-storey wall on the boundary. Due to its elevation from ground level this deck increases the site coverage of the proposal.

Why is compliance with the standard unreasonable or unnecessary?

What are the special circumstances in this case?

(To answer consider whether a development that complies is unnecessary or unreasonable)

The special circumstances in this case are the recent development at 1 Wells St and its impact on the amenity of 3 Wells St and the slope of the site.

The provision of the deck provides the house with some private open space at the same level as the living area, which is encouraged by the DCP. Due to the slope of the site direct access from living spaces to rear garden is not possible, however the proposed tree will also improve the connection. The deck width has been restricted to maintain a total site coverage percentage of 66.5% to an increase of 5% over the existing non compliance (61%). The improvement in amenity will be substantial and in conjunction with the increase of landscaped area will improve the performance of the site in relation to site coverage objectives. It is unnecessary and unreasonable to apply this standard.

Is the proposed development consistent with the objectives of the particular standard? in this case.

Is the proposal consistent with the objectives of the relevant zone?

The area under the proposed deck is currently paved, so the provision of this deck does not impact on the ability of this property to provide substantial tree planting. The addition of a tree is part of this proposal. Due to its location at the side of the property - this deck does not impact the landscape corridor between adjoining properties. This cannot be seen from the public domain and will not impact the future character of the neighbourhood.

As the deck is proposed over an area of existing paving there is no impact on either surface drainage or underground flow.

There is no impact on site density.

Private open space is improved with no detrimental effect on landscaped area.

The proposal complies with all of the objectives of cl. 4.3A of the LEP.