



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2018/515
Address	Multiple Occupancy, 49 Darling Street, BALMAIN EAST NSW 2041
Proposal	Alterations and additions to existing two storey mixed use building, including renovation of first floor dwelling and a new second floor including a lift.
Date of Lodgement	25 September 2018
Applicant	Welsh & Major Architects
Owner	Mr B C Lay and Mrs S A Lay
Number of Submissions	Six objections
Value of works	\$700,000
Reason for determination at Planning Panel	Development standard variation exceeds officer delegation
Main Issues	Heritage; FSR; Residential accommodation in Zone B1; Amenity
Recommendation	Refusal
Attachment A	Draft conditions (if not refused)
Attachment B	Proposed Plans
Attachment C	Statement of Significance for Conservation Area



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

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

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing two storey mixed use building, including renovation of first floor dwelling and a new second floor including a lift at 49 Darling Street, Balmain East. The application was notified to surrounding properties and six submissions were received.

The main issues that have arisen from the application include:

- Heritage Conservation
- Floor Space Ratio
- Residential accommodation in Zone B1
- Amenity

The proposal results in adverse heritage impacts due to the proposed third storey and is not supported on heritage grounds.

Consequently, the proposal is not considered to be a 'building that is compatible with the desired future character of the area in relation to its bulk, form, uses and scale' and as such, fails to satisfy the pre-conditions of Clause 4.4A(3)(c) to apply a maximum FSR of 1.5:1 and Clause 6.11A(3)(c) to permit the grant of consent for the purpose of residential accommodation. Therefore, the application is recommended for refusal.

2. Proposal

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

Ground Floor

- New laundry to ground floor dwelling
- Install lift in central lobby for access to upper dwelling
- No changes to existing ground floor business premises

First Floor

- Convert existing living room to bathroom and walk-in-robe
- Convert existing bathroom to laundry
- Remove existing kitchen and alter existing eastern boundary wall window
- Rear extension for new guest room/study

Second Floor

- Removal of existing roof behind the parapet (to be retained)
- Retention of one chimney on eastern boundary wall and removal of one chimney
- New open plan living/dining/kitchen area and new eastern boundary wall windows
- New decks to rear (north) and south (Darling Street) sides with planter boxes

The overall height of the proposal is 11.17m based on an existing ground level of RL25.2. An additional 46.79sqm of residential floor area is proposed equating to a total FSR of 1.48:1.

No Clause 4.6 request to vary the maximum FSR of 1:1 has been submitted as a part of the current DA. The applicant submits that the proposal is 'compatible with the desired future character of the area in relation to its bulk, form, uses and scale' and as such, contends that the pre-conditions of Clause 4.4A(3)(c) and Clause 6.11A(3)(c) have been met.

The current proposal represents a reduction to the overall height and bulk of a previous proposal under D/2017/681 (withdrawn on 27 March 2018).

Extracts of the proposed plans (with previous proposal shown in broken blue lines) are shown in the figures below.

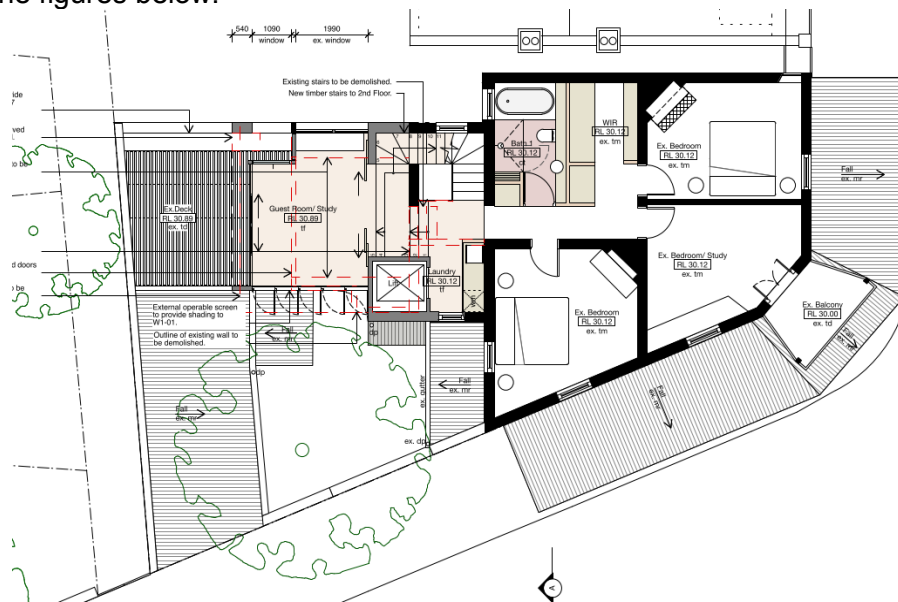


Figure 1: Proposed first floor layout at 49 Darling Street.

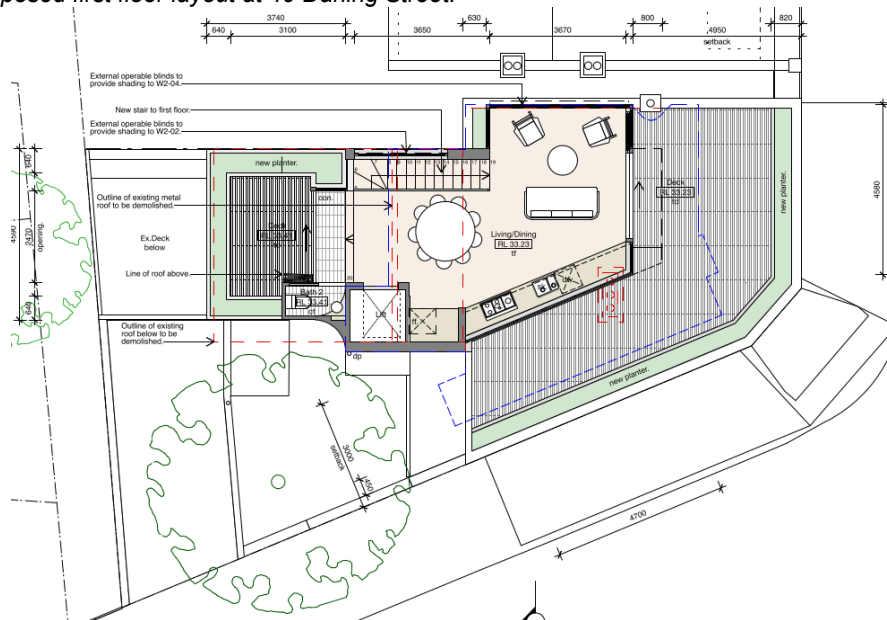


Figure 2: Proposed second floor layout (with previous layout shown in broken blue lines) at 49 Darling Street.

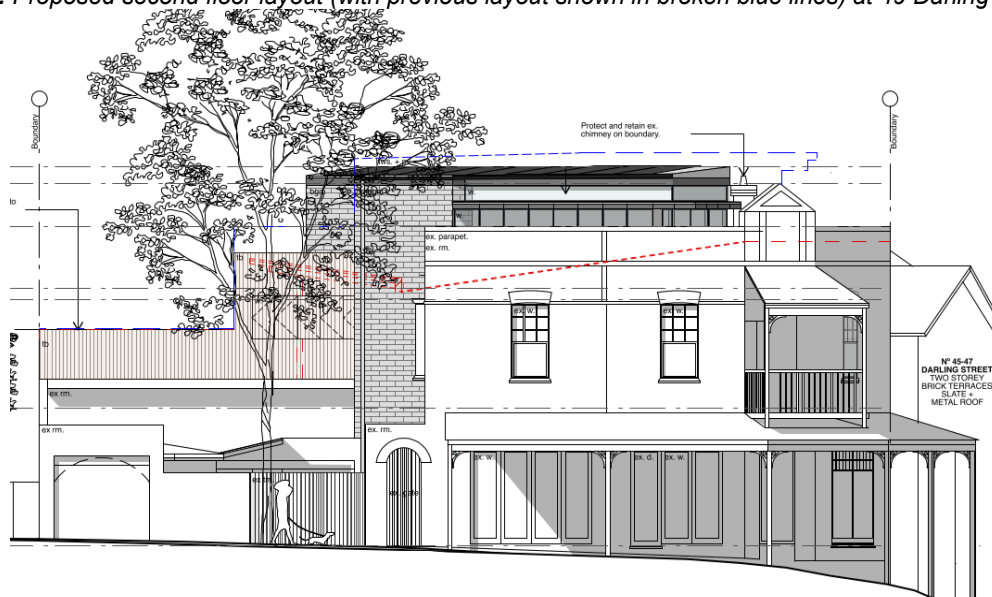


Figure 3: Nicholson Street Elevation (with previous proposal shown in broken blue lines) at 49 Darling Street.



Figure 4: Darling Street Elevation (with previous proposal shown in broken blue lines) at 49 Darling Street.

3. Site Description

The subject site is located on the northern side of Darling Street, between Nicholson Street and Gallimore Avenue. The site consists of one allotment and is irregular in shape with a total area of 175.3sqm and is legally described as Lot 5 DP 431011.

The site has a frontage to Darling Street of 6.115m and a secondary frontage of approximately 19.845m to Nicholson Street.

The site supports a one and two storey mixed use building with ground floor business premises and two dwellings. The adjoining properties generally support one and two storey dwellings and mixed use development.

The subject site is not listed as a heritage item, but is a contributory item within a conservation area and is in the vicinity of heritage items to the rear (north) at 1, 3 and 5 Lookes Avenue and opposite (west) at 51 Darling Street. The site is not identified as a flood prone lot.

One tree is located on the site within the existing garden facing Nicholson Street.



Figure 5: Aerial Photo at 49 Darling Street Balmain East.



Figure 6: Existing view looking north-east towards 49 Darling Street Balmain East.

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
D/2017/681	Alterations and additions to existing two storey mixed use building to extend the existing first floor residence and provide for a new second floor and roof addition.	Withdrawn 27/3/2018
D/2001/839	Alterations and additions to the existing shop/ residential building including a replacement of the existing awning with a street verandah and the conversion of a residential component into two units.	Approved 21/2/2002

Surrounding properties47 Darling Street

Application	Proposal	Decision & Date
D/2009/300	Alterations and additions to an existing dwelling, comprising an attic level addition with rear balcony. This application relies on a SEPP No.1 objection to floor space ratio.	Approved 1/12/2009
D/2006/331	Alterations and additions to existing dwelling to erect new attic level bedroom and ensuite and demolition of the rear chimney.	Approved 15/5/2007

5A Lookes Avenue

Application	Proposal	Decision & Date
D/2014/287	Alterations and additions to existing dwelling including new pool, demolition of attached rumpus room, render dwelling, extend balcony, new deck, additions to side and rear plus internal & external changes.	Approved 9/12/2014

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
21/11/18	Council officers met with owners. Owners were advised that the application was not supported due to heritage concerns previously raised and would be assessed based on the information submitted and reported to the Inner West Local Planning Panel for determination.
22/10/18	Council wrote to the applicant raising concerns in relation to heritage and streetscape impacts and resultant non-compliance with FSR

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 proposal seeks to continue the existing residential use of the land. Therefore, it is considered that the site will not require remediation in accordance with SEPP 55. On this basis, the site is considered suitable for residential use.

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

The proposal was accompanied with a valid BASIX Certificate.

5(a)(iii) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The proposal does not involve any tree removal.

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

The subject site is not within the Foreshores and Waterways Area.

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

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.4 – Floor Space Ratio
- Clause 4.4A – Exception to maximum floor space ratio for active street frontages
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.10 – Heritage Conservation
- Clause 6.4 – Stormwater management
- Clause 6.11A – Residential accommodation in Zone B1 and Zone B2

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

Standard	Proposal	% of non compliance	Compliance
Floor Space Ratio Maximum: 1:1 (175.3sqm)	1.487:1 (260.63sqm)	48.7%	No

The following provides further discussion of the relevant issues:

Clause 4.4A Exception to maximum floor space ratio for active street frontages

Clause 4.4A(3) provides that despite the maximum Floor Space Ratio of 1:1 identified on the Floor Space Ratio (FSR) Map under Clause 4.4, a maximum FSR of 1.5:1 applies if the consent authority is satisfied that:

- (a) the building comprises mixed use development, including residential accommodation, and
- (b) the building will have an active street frontage, and
- (c) the building is compatible with the desired future character of the area in relation to its bulk, form, uses and scale.

In this instance, the proposal maintains the existing ground floor business premises and as such, the building has an active street frontage and comprises mixed use development.

However, it is considered that the bulk, height and siting of the proposed third storey rooftop addition will result in adverse impacts in terms of heritage conservation and the desired future character of the area. In this regard, Council’s heritage advisor has provided the following comments:

The bulk, height and siting of the proposed second floor have only slightly been improved with the amended design. The proposed level 3 rooftop addition still sits 1.54m above the existing parapet. Setbacks have been increased from that originally proposed from the Darling and Nicholson Street parapets. However, the bulk, height and siting of the rooftop addition will still be a prominent and intrusive feature from both Darling and Nicholson Streets. The rooftop addition will affect the relationship of the subject building as a part of a group of four buildings located at the intersection of Darling and Nicholson Streets.

Photomontages were provided as a part of the DA indicating views of the proposed development as shown in the figures below.



Figure 7: Views of proposal looking north (left) and north-east (right) towards 49 Darling Street Balmain East. NOTE: the second storey rear addition would be visible in the view looking north-east.



Figure 8: Views of proposal looking east (left) and north-west (right) towards 49 Darling Street Balmain East.

The third storey will not be visually perceptible looking north and north-east as viewed directly opposite from the south-eastern corner of 51 Darling Street or the north-eastern corner of 58 Darling Street, respectively. However, the addition will disrupt the skyline and be visible along the significant vista down Darling Street up to the intersection and past the intersection looking back up Darling Street. Further, the third storey will remain prominent and intrusive looking east as viewed from Nicholson Street.

It is also noted that an opportunity exists for potential additional floor space to the rear on the first floor generally within the existing envelope using the existing void above the ground floor dwelling (as indicated in green broken line in the figure below). This would remove the need for a third storey, enable retention of the original roof form, and would balance the need to respect the significance of the conservation area and allow new building forms which are in keeping with the desired future character of the area.

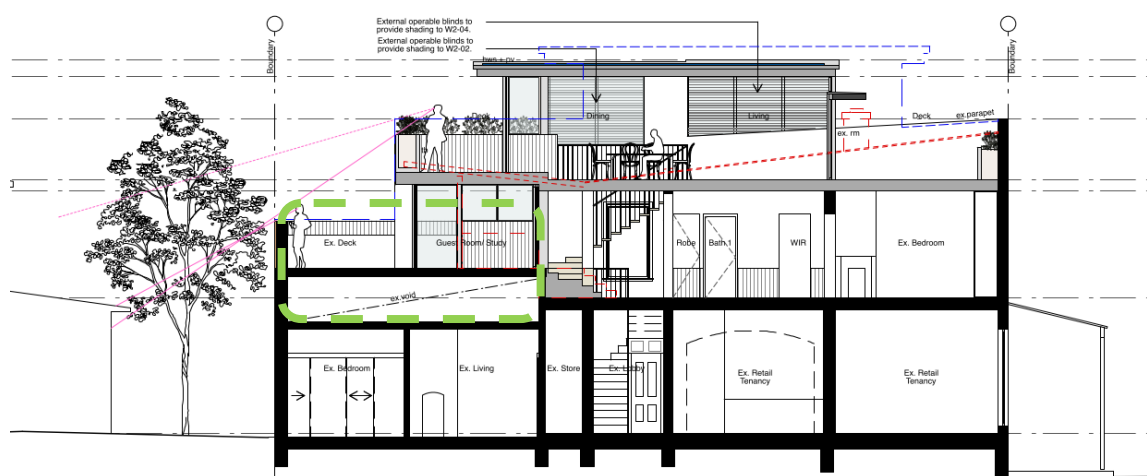


Figure 8: Section of building indicating existing void above ground floor at 49 Darling Street Balmain East.

Therefore, it is considered that the proposal is not a 'building that is compatible with the desired future character of the area in relation to its bulk, form, uses and scale' and as such, fails to satisfy the pre-conditions of Clause 4.4A(3)(c) to apply a maximum FSR of 1.5:1.

In addition, it is considered that any Clause 4.6 request to vary the maximum FSR of 1:1 for the current proposal would not be well-founded as it would implicitly acknowledge that the bulk and scale of the proposal is not compatible with the desired future character of the area.

Clause 5.10 Heritage Conservation

The subject site is located within the Balmain East conservation area and is in the vicinity of heritage items to the rear at 1, 3 and 5 Lookes Avenue and opposite at 51 Darling Street.

The statement of significance for the Balmain East conservation area states:

- *One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). The earliest developments here predate Leichhardt's main suburban growth with marine villas and cottages from the 1840s to modest-scale housing from 1870s through to the 1930s, and industry. It is significant for its surviving development from these periods.*
- *Demonstrates through the siting of recent public parks, the location of former waterfront industries. Through these parks and its remaining waterfront activities East Balmain can interpret Sydney's port history from the early 1840s, and the role of Balmain's deep water frontages in that story.*

- *Demonstrates through the line of its narrow streets the earliest subdivision sections of the large 550-acre Balmain grant.*
- *Demonstrates through its steps and cuttings the way in which early roads and pedestrian routes were forged out of the sandstone bedrock.*
- *Demonstrates through its mixture of sandstone villas and timber and brick cottages the major themes that formed this suburb — marine villa development and investment, port and waterfront activities, and the continuing layering of these developments.*
- *Through its remaining timber buildings it continues to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs, and the proximity of the timber yards around the Balmain waterfront.*
- *It is of aesthetic significance for its dramatic sandstone landscape, closely related to the harbour, and clearly revealed below the modest scale of its nineteenth century and early twentieth century buildings. It stands in contrast with the nearby city where twentieth-century technology has forged an equally dramatic but very different man-made landscape.*

The site contains a two storey mixed use building at the intersection of Darling and Nicholson Street. The building was constructed in 1902. It is constructed in brick and masonry, which has been painted, with a chamfered corner to the intersection. The building has a parapet, with skillion roof and two chimneys behind. A ground floor verandah wraps around both street frontages, under a skillion roof supported on timber posts. A Juliet balcony on the chamfered corner is accessed from a doorway on the first floor.

The subject building is a contributory item to the Balmain East HCA, located on a prominent corner site. It is part of a group of four buildings located at the intersection of Darling and Nicholson Streets that contribute to the streetscape and the character of the Darling Street East Sub Area.

As noted previously, given the bulk and height of the third storey addition and when considered from all public vantage points from which the additions will be visible, the proposal would adversely affect the heritage significance, fabric, settings and views of the conservation area and heritage items in the vicinity. Therefore, the proposal is not supported on heritage grounds.

Clause 6.11A Residential accommodation in Zone B1 and Zone B2

Clause 6.11A(3) states that development consent must not be granted for the purpose of residential accommodation on land within the B1 Neighbourhood Centre Zone unless the consent authority is satisfied that:

- (a) the building comprises mixed use development, including residential accommodation, and*
- (b) the building will have an active street frontage, and*
- (c) the building is compatible with the desired future character of the area in relation to its bulk, form, uses and scale.*

In this instance, the proposal maintains the existing ground floor business premises and as such, the building has an active street frontage and comprises mixed use development.

However, as previously noted, it is considered that the bulk, height and siting of the proposed third storey rooftop addition will result in adverse impacts in terms of heritage conservation and the desired future character of the area.

Therefore, it is considered that the proposal does not satisfy the relevant criteria to permit development for the purpose of residential accommodation in the B1 Neighbourhood Zone and as such, consent cannot be granted.

5(b) Draft Environmental Planning Instruments

Draft State Environmental Planning Policy (Environment) 2018

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

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

5(c) Development Control Plans

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

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	No – the proposal fails to achieve objective O6 Compatible in terms of the desired future character of the heritage conservation area
C1.1 Site and Context Analysis	No – the proposal fails to demonstrate compliance with objectives O1d) and f) in terms of potential privacy and view impacts and consistency with the desired future character of the heritage conservation area
C1.2 Demolition	N/A
C1.3 Alterations and additions	No
C1.4 Heritage Conservation Areas and Heritage Items	No – the proposal results in adverse

	heritage impacts to the significance of the conservation area in terms of fabric, setting and views
C1.5 Corner Sites	No
C1.6 Subdivision	N/A
C1.7 Site Facilities	N/A
C1.8 Contamination	N/A
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	No, but considered acceptable given the proposal maintains the existing situation and does not generate the need for additional car parking
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
Part C: Place – Section 2 Urban Character	
Suburb Profile	
C2.2.2.1(c), Darling Street East Sub Area, Balmain East	No
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	No
C3.2 Site Layout and Building Design	No
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	No – see discussion under interface amenity
C3.11 Visual Privacy	No – see discussion under interface amenity
C3.12 Acoustic Privacy	No – see discussion under interface amenity
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	No
C4.2 Site Layout and Building Design	No
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	Yes
C4.5 Interface Amenity	No – the proposed three storey wall with openings on the eastern boundary are likely to create adverse amenity impacts to 47 Darling Street in terms of visual and acoustic privacy, outlook and visual bulk. The proposal has not demonstrated that the development has been

	designed to promote view sharing from adjoining properties.
C4.15 Mixed Use	No
Part D: Energy	Yes
Part E: Water	Yes

5(d) The Likely Impacts

The assessment of the application demonstrates that the proposal will have an adverse impact on the locality in terms of heritage and bulk and scale and impacts on the amenity of neighbouring private land.

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

The site is zoned B1 Neighbourhood and pursuant to Clause 6.11A of the Leichhardt LEP development for the purposes of residential accommodation is not permitted if the building is not compatible with the desired future character of the area in relation to its bulk, form, uses and scale. The design does not respond to the constraints and characteristics of the site and does not maximise opportunities to reduce its impact on neighbouring land. It is considered that the proposal will have adverse heritage and bulk and scale impacts and therefore it is considered that the site is unsuitable to accommodate the proposed development.

5(f) Any submissions

The application was notified in accordance with Council's Policy for a period of 14 days to surrounding properties. A total of 6 submissions were received.

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

- Heritage – see Sections 5(a)(vi) and 5(c)
- Height, Bulk and Scale – see Sections 5(a)(vi) and 5(c)
- Interface Amenity (including visual and acoustic privacy, outlook, visual bulk and views) – see Section 5(c)
- BCA compliance – see Building comments under Section 6(a)

In addition, whilst overshadowing, landscaping, stormwater and car parking were raised as concerns, these aspects are considered acceptable given compliant solar access is maintained to adjoining properties and no overall changes to existing impervious area or the number of dwellings.

5(g) The Public Interest

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

The proposal is contrary to the public interest given it would result in adverse heritage impacts and is not consistent with the objectives of the B1 Neighbourhood zone.

6 Referrals

6(a) Internal

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

- Heritage Officer: Not supported due to adverse heritage impacts
- Building: Not supported due to fire safety concerns from new openings on boundary and no BCA Report submitted to address fire safety
- Development Engineer: No objections 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 development if the proposal is determined by grant of consent.

8. Conclusion

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

9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, refuse the Development Application No. D/2018/515 for Alterations and additions to existing two storey mixed use building, including renovation of first floor dwelling and a new second floor including a lift at Multiple Occupancy, 49 Darling Street, BALMAIN EAST NSW 2041 for the following reasons.

1. The proposed development is inconsistent and / or has not demonstrated compliance with the Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - a) Clause 1.2 of the Leichhardt Local Environmental Plan 2013 – Aims of the Plan;
 - b) Clause 2.3 – Zone objectives and Land use Table;
 - c) Clause 4.4 – Floor Space Ratio;
 - d) Clause 4.4A – Exception to maximum floor space ratio for active street frontages;
 - e) Clause 5.10 – Heritage conservation; and
 - f) Clause 6.11A – Residential accommodation in Zone B1 and Zone B2.
2. The proposed development cannot be approved as it breaches the maximum FSR of 1:1 by 48.7% as stipulated by Clause 4.4, and has not been accompanied with a Clause 4.6 request to vary these standards under Leichhardt Local Environmental Plan 2013.

3. The proposed development cannot be approved as it fails to achieve the precondition of Clause 4.4A(3)(c) under Leichhardt Local Environmental Plan 2013 to enable a FSR of 1.5:1 to be applied, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979.
4. The proposed development cannot be approved as it results in adverse heritage impacts on the conservation area in terms of fabric, setting and views contrary to Clause 5.10 under Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979.
5. The proposed development cannot be approved as it as it fails to achieve the precondition of Clause 6.11A(3)(c) under Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979.
6. The proposed development is inconsistent and / or has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
 - a) Clause B1.1 – Connections Objectives;
 - b) Clause C1.0 – General Provisions;
 - c) Clause C1.1 – Site and Context Analysis;
 - d) Clause C1.3 – Alterations and Additions;
 - e) Clause C1.4 – Heritage Conservation Areas and Heritage Items;
 - f) Clause C1.5 – Corner Sites;
 - g) Clause C2.2.2.1 – Darling Street Distinctive Neighbourhood;
 - h) Clause C3.1 – Residential General Provisions;
 - i) Clause C3.2 – Site Layout and Building Design;
 - j) Clause C3.10 – Views;
 - k) Clause C3.11 – Visual Privacy;
 - l) Clause C3.12 – Acoustic Privacy;
 - m) Clause C4.1 – Objectives for Non-Residential Zones;
 - n) Clause C4.2 – Site Layout and Building Design;
 - o) Clause C4.5 – Interface Amenity; and
 - p) Clause C4.15 – Mixed Use.
7. The proposal will result in adverse environmental impacts in the locality, pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979.
8. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
9. The public submissions raised valid grounds of objection and approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.

Attachment A – Draft conditions (if not refused)

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. 2018/515 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
DA01, Proposed Site + Roof Plan, Issue A	Welsh+Major	27/8/2018
DA02, Proposed Ground Floor Plan, Issue A	Welsh+Major	27/8/2018
DA03, Proposed First Floor Plan, Issue A	Welsh+Major	27/8/2018
DA04, Proposed Second Floor Plan, Issue A	Welsh+Major	27/8/2018
DA05, Proposed Elevations, Issue A	Welsh+Major	27/8/2018
DA06, Proposed Elevations, Issue A	Welsh+Major	27/8/2018
DA07, Proposed Elevations, Issue A	Welsh+Major	27/8/2018
DA08, Proposed Elevations, Issue A	Welsh+Major	27/8/2018
DA09, Proposed Section A, Issue A	Welsh+Major	27/8/2018
DA10, Proposed Section B, Issue A	Welsh+Major	27/8/2018
EX01, Existing Ground Floor Plan	Welsh+Major	April 2017
EX02, Existing First Floor Plan	Welsh+Major	April 2017
EX03, Existing Site + Roof Plan	Welsh+Major	April 2017
Document Title	Prepared By	Dated
BASIX Certificate	Welsh+Major	27/8/2018

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

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

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

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

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

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

Elements	Location
As indicated in red broken lines	Dwelling

- 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

3. 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.

4. Amended plans are to be submitted incorporating the following amendments:
- a) All new or altered openings on the boundary are to be deleted.

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.

5. 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.

6. 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.

7. 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.
8. 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.

9. Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings & the period of construction of the buildings. New materials that are not depicted on the approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties.

Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.

10. 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.

- 11. 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.

- 12. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be 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.

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

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

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

14. 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.

- 15. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
 - a) Estimated volume (m3) or weight (t) of materials that are reused, recycled or removed from site.
 - b) On site material storage areas during construction.
 - c) Material and methods used during construction to minimise waste.
 - d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
 - e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

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

- 16. A stormwater drainage design prepared by a Licensed Plumber or qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:
 - a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. DA13 prepared by Welsh + Major and dated 19 December 2017.
 - b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road or directly into Council's piped drainage system. Charged or pump-out stormwater drainage systems are not

permitted.

- c) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- d) A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas, except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings
- e) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage*
- f) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- g) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- h) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- i) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
- j) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.

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

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

- 17. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works.

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

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

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

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

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

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

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

- 18. 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
47 Darling Street	Any structures adjacent to eastern boundary wall

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

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

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

condition have been met prior to commencement of any works.

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

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

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

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

PRIOR TO THE COMMENCEMENT OF WORKS

20. 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.

21. 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.

22. 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.

23. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on

public property.

24. 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.
25. 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.
26. 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

27. 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.

28. 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.

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

31. 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.

32. 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.
33. 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.
34. 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.
35. 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.
36. 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.

37. 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

38. 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.
39. 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

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

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

41. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
42. 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.

43. 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

44. 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.
45. 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.
46. 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 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

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

C. Home Building Act

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

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

D. Site Sign

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

E. Condition relating to shoring and adequacy of adjoining property

- 1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below

the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

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

20 of 22

- 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.

Attachment B – Plans of proposed development

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

LEVELS, DETAIL OF NO 43 DARLING STREET

BARBAM

CLIENT: DATE: 20/09/17

PROJECT: LEVELS, DETAIL OF NO 43 DARLING STREET

SCALE: 1:100

PLAN: LONGITUDINAL SECTION - HOR 1:
CROSS SECTION - VERT 1:
CONTIGUOUS INTERVAL

LEVELS ARE GROUNDS - HEIGHT DATUM

LEVELS:

- 1 WOODEN 12.234, 207
- 2 CONC 12.200, 206
- 3 CONC 12.166, 205
- 4 CONC 12.132, 204
- 5 CONC 12.098, 203
- 6 CONC 12.064, 202
- 7 CONC 12.030, 201

AMERICAN'S

G. K. WILSON & ASSOCIATES
CONSULTING SURVEYORS
4 BRADLEY ST DRUMMOYNE, 2047
PH. 9719 1020 FAX. 98196009

**1. THE BOUNDARIES HAVE BEEN SURVEYED & SHOWN IN GREEN WITH A DISTANCE AT THE NEAREST OF 150M.
2. SERVICES HAVE NOT BEEN LOCATED. PRIOR TO ANY EXCAVATION SERVICE DIAGRAMS SHOULD BE OBTAINED FROM THE RELEVANT AUTHORITIES.
3. THE INFORMATION HEREON IS TO BE ACCEPTED IN PREFERENCE TO ANY OTHER SERVICE DIAGRAMS.
4. REFER TO TITLE FOR RESTRICTIONS IF ANY.
5. THIS PLAN IS ONLY TO BE USED FOR THE PURPOSE OF DESIGNING NEW CONSTRUCTIONS.**

LEVELS, DETAIL OF NO 43 DARLING STREET

BARBAM

CLIENT: DATE: 20/09/17

PROJECT: LEVELS, DETAIL OF NO 43 DARLING STREET

SCALE: 1:100

PLAN: LONGITUDINAL SECTION - HOR 1:
CROSS SECTION - VERT 1:
CONTIGUOUS INTERVAL

LEVELS ARE GROUNDS - HEIGHT DATUM

LEVELS:

- 1 WOODEN 12.234, 207
- 2 CONC 12.200, 206
- 3 CONC 12.166, 205
- 4 CONC 12.132, 204
- 5 CONC 12.098, 203
- 6 CONC 12.064, 202
- 7 CONC 12.030, 201

AMERICAN'S

G. K. WILSON & ASSOCIATES
CONSULTING SURVEYORS
4 BRADLEY ST DRUMMOYNE, 2047
PH. 9719 1020 FAX. 98196009



Weish+Major
 2nd Floor: 1100/1101 Street, Sydney NSW
 New South Wales
 Tel: 02 9550 8000
 Fax: 02 9550 8001
 Non-Asst: D. Weish AFB No. 6986

Project: **The Old Butcher Shop**
 49 Darling Street, Earl Brompton, NSW
 Drawing Title: **Proposed Site + Roof Plan**

Project File No: **1721**
 Drawing No: **DA 01**

Scale: 1:1000/1:3
 Date: Aug 2019
 Design: COSMIC
 Checked: .
 Issue: A

Issue / Amendments:
 - Create SEE PHS
 - Issue for DA

Date:
 18/07/18
 27/08/18

Legend:
 - grey: wall
 - hatched: roof
 - blue: water
 - green: lawn
 - yellow: garden
 - red: driveway
 - orange: boundary
 - pink: fence
 - purple: wall
 - light blue: window
 - dark blue: door
 - brown: roof
 - tan: wall
 - white: floor
 - black: furniture
 - grey: wall
 - hatched: roof
 - blue: water
 - green: lawn
 - yellow: garden
 - red: driveway
 - orange: boundary
 - pink: fence
 - purple: wall
 - light blue: window
 - dark blue: door
 - brown: roof
 - tan: wall
 - white: floor
 - black: furniture

Note: This plan is a preliminary design and is subject to change. It is not to be used for construction without the approval of the relevant authorities. The owner is responsible for ensuring that the plan complies with all applicable laws and regulations. The plan is provided as a guide only and is not a guarantee of performance. The owner is responsible for ensuring that the plan complies with all applicable laws and regulations. The plan is provided as a guide only and is not a guarantee of performance.

FOR DEVELOPMENT APPLICATION

0 1 2 3 4 5 6m

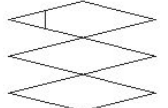
Project Reference No.

1721

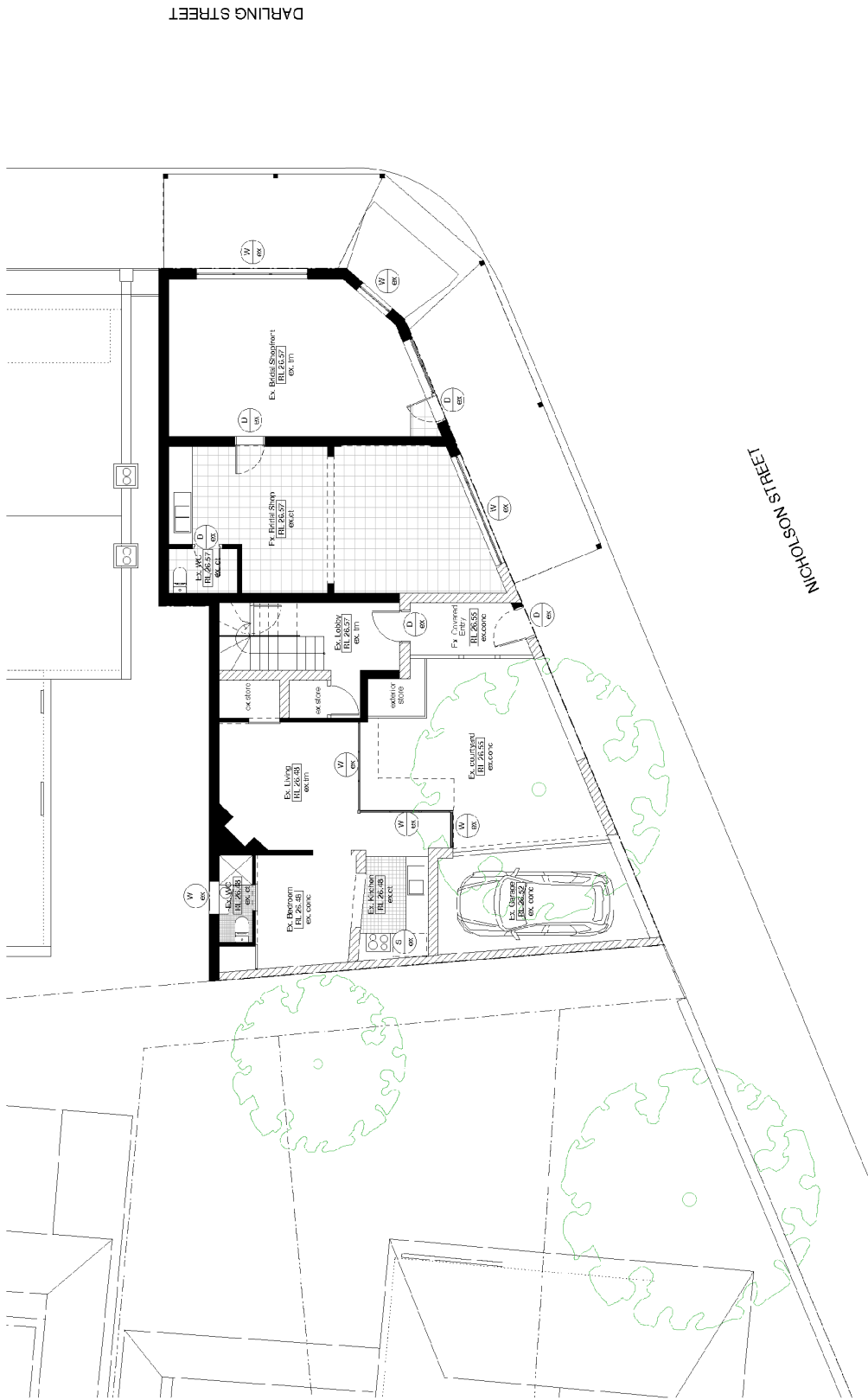
Existing Drawings for alterations and additions to a dwelling at 49 Darling Street, Balmain East, 2041 for Bruce Lay



Location Plan
1:1000

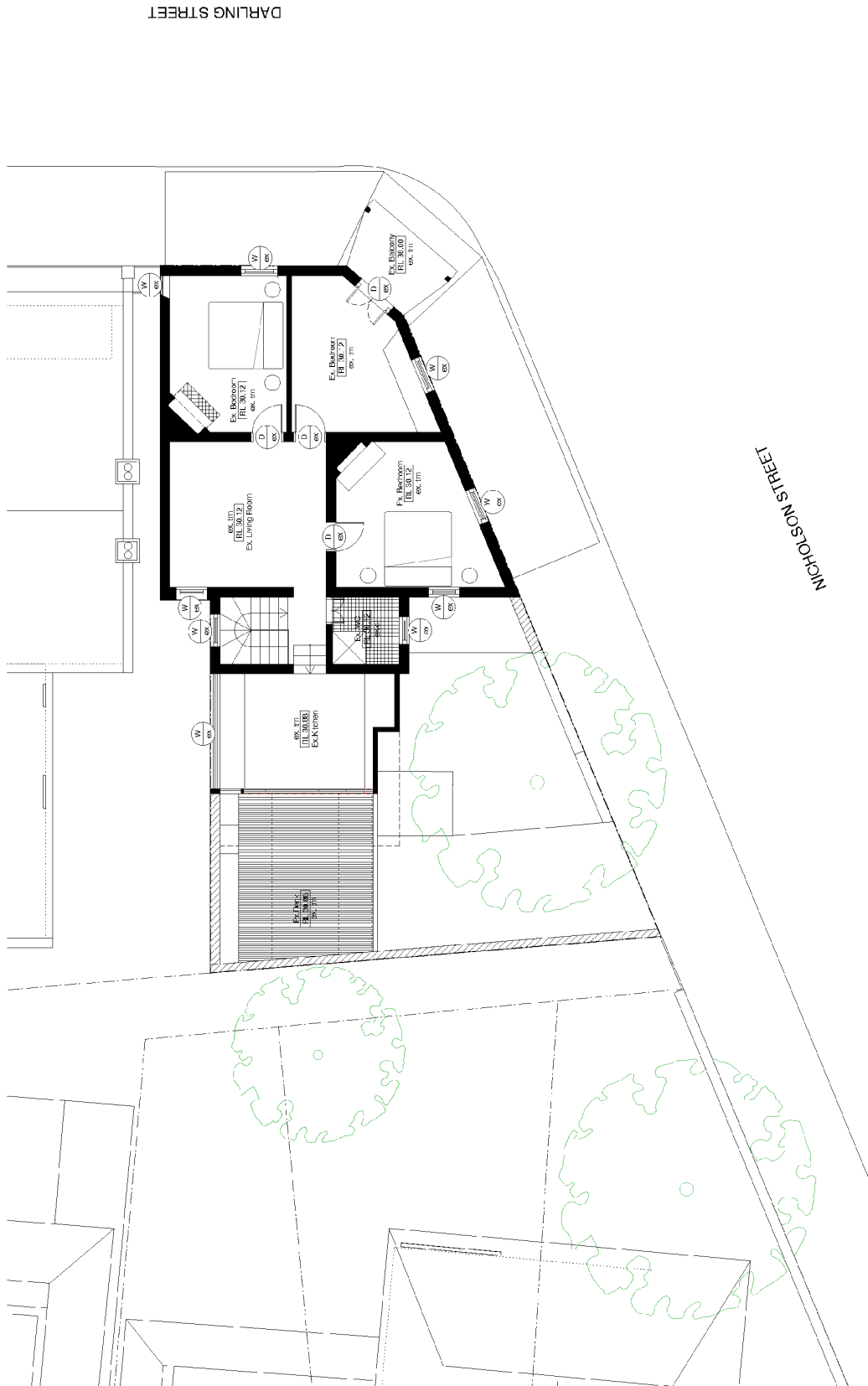


Studio 2037-46 Park St, Chippendale NSW 1500
www.welshmajor.com.au
Tel: 02 9550 1000
Fax: 02 9550 1002
A/BN: 56 00 00 0000
Licence: 150100000000000000
Company No: 1212121212
C. Major A/BN 56 00 00 0000

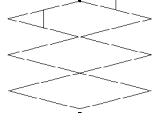


Welsh+Major
 Level 4, 69 Westway A/S, Suite 4016
 Westcombe Road, Westcombe Park
 Mitchell NSW 2170
 100m. A/c: 02 9517 7733
 100m. A/c: 02 9517 7733
 100m. A/c: 02 9517 7733

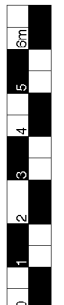
Project: **The Old Butcher Shop**
 49 Darling Street, Balmain East, NSW, 2041
 Drawing Title: **Existing Ground Floor Plan**
 Drawing No: **EX 01**
 Project Ref No: **1721**
 Date: April 2017
 Scale: 1:100 at A3
 Sheet: 1 of 1
 Author: DG



Project: **The Old Butcher Shop**
 40 Darling Street, Balmain East, NSW 2041
 Drawing Title: **Existing First Floor Plan**
 Scale: 1:100 at A2
 Date: April 2017
 Drawn: DG
 Project Ref. No: **1721**
 Drawing No: **EX 02**



Welsh+Major
 Level 4, 205 Broadway, Sydney, NSW 1585
 1 New South Wales, Australia
 Tel: 61 2 9550 6000
 Fax: 61 2 9550 6001
 NSW AHPIS: C Major/ARB No 6933
 Qld AHPIS: No 6688





Welsh+Major
 Level 4, 69-71 Macleay St, Sydney, NSW
 New South Wales, Australia 2010
 Phone: +61 (0)2 9231 3811
 Email: info@welshmajor.com.au
 Mon. - Thurs. 9am - 5pm, Fri. 9am - 5pm
 D: Welsh+Major No. 1006

Project: **The Old Butcher Shop**
 49 Darling Street, Balmain East, NSW, 2011
 Drawing Title: **Existing Roof Plan/ Second Floor**
 Project Ref. No: **1721**
 Drawing No: **EX 03**
 Scale: 1:100 A4.3
 Date: April 2017
 Drawn: DG
 Checked:

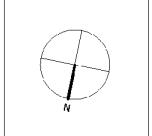


Project	The Old Butcher Shop 40 Darling Street, Essie Barram, NSW
Project File No	1721
Drawing No	DA 01
Proposed Site + Roof Plan	
Scale	1:100 @ A3
Date	Aug 2010
Drawn	COMB
Checked	
Issue	A

Welsh+Major

1001 480 Riverwood Street, Riverwood NSW
 Phone: 02 9517 9200
 Fax: 02 9517 9201
 Email: info@welshmajor.com.au
 NSW Arch: D. Welsh A188 No. 6666

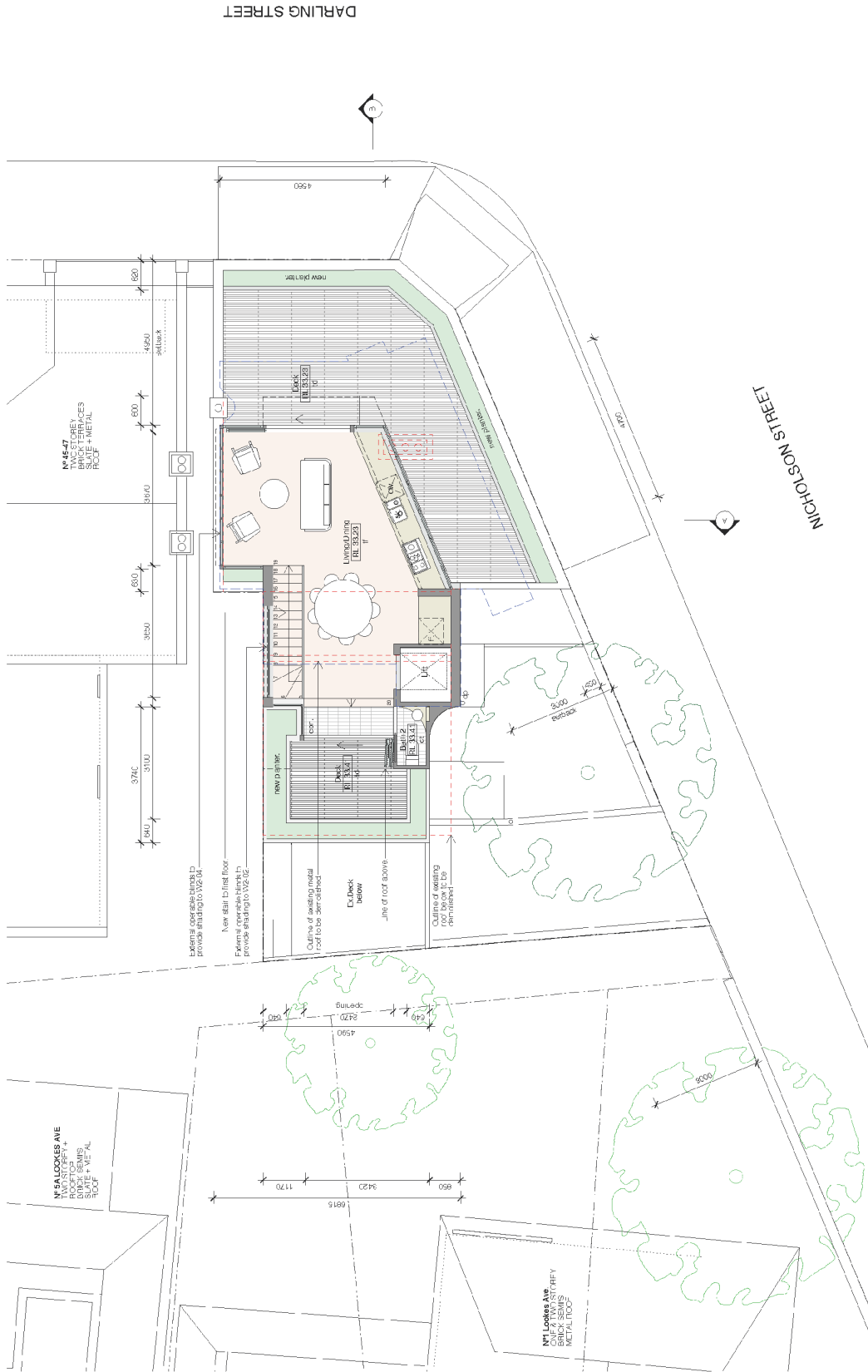
Line of Structure	--- (dashed)
Line of Party	- - - - (long dashed)
To be demolished	--- (dotted)
Outline of Proposed	--- (dash-dot)
DA: D0077861	
Existing Situations	--- (solid)
New wall	--- (solid)



Date	13/07/10
Drawn	COMB
Issue / Amendments	A - Draft for IHS Issue of DA

Note: Check in consultation with other draft drawings. In accordance with the provisions of the Environmental Planning and Assessment Act 1979, the applicant must ensure that the proposed development is in accordance with the provisions of the relevant planning instrument. Standards and conditions are to be complied with.

FOR DEVELOPMENT APPLICATION



Project: The Old Butcher Shop
49 Darling Street, Elizabeth Bay NSW

Client: Welsh + Major
Level 405, Tower 1, The West Tower, 401 Market Street, Sydney NSW

Architect: Welsh + Major
Level 405, Tower 1, The West Tower, 401 Market Street, Sydney NSW

Project File No: 1721

Drawing Title: Proposed Second Floor Plan

Date: 11/08/10

Scale: 1:100 @ A3

Drawn: COSM

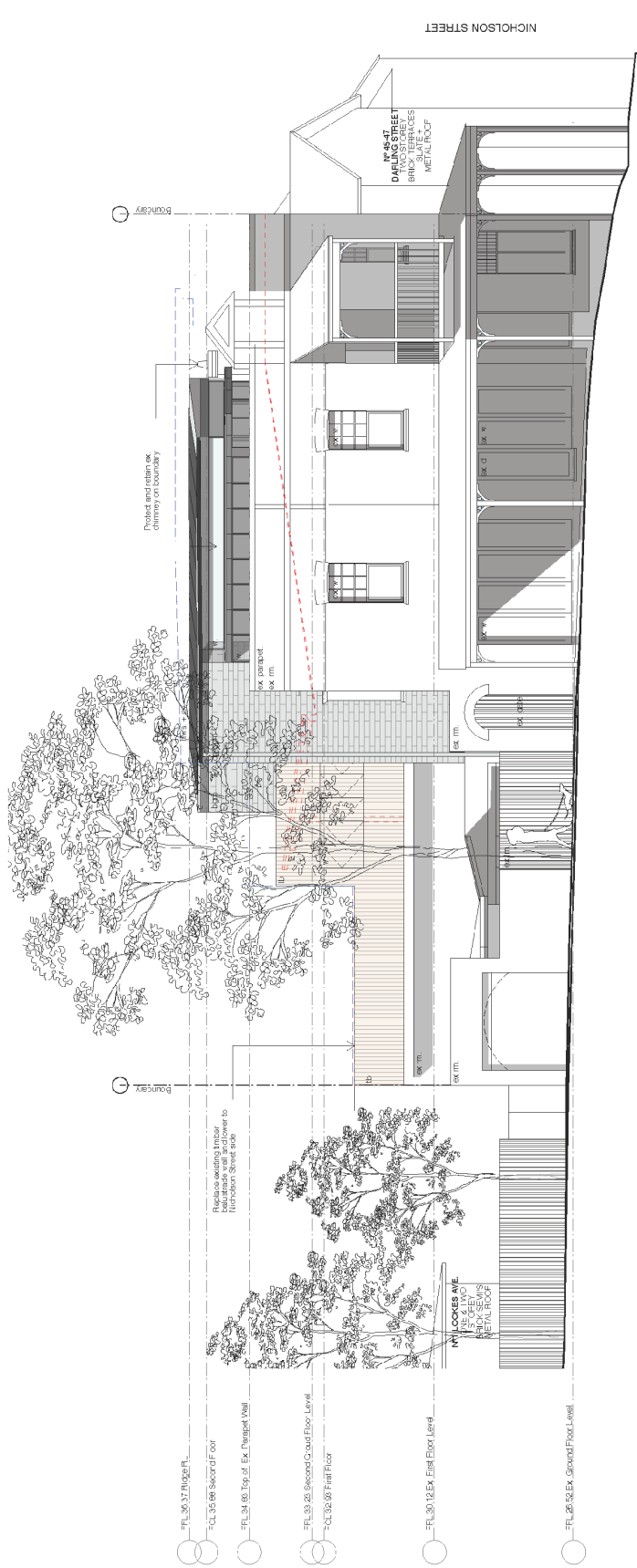
Checked: A

Issue / Amendments:

- A: Issue of this drawing
- B: Issue of this drawing

FOR DEVELOPMENT APPLICATION

Note: This drawing is intended to provide information only and should not be used for construction purposes. It is the responsibility of the client to ensure that all necessary approvals and conditions are met before any work commences. This drawing is not to be used for any other purpose without the written consent of the architect.



FOR DEVELOPMENT APPLICATION

Scale: 0 1 2 3 4 5 6m

Issue / Amendments:
 Date: 22/04/18
 A: Update of DA.

Table:
 22/04/18

Legend:

- Existing building
- Proposed building
- Proposed extension
- Proposed demolition
- Proposed retaining wall
- Proposed driveway
- Proposed fence
- Proposed landscaping
- Proposed paving
- Proposed pool
- Proposed deck
- Proposed pergola
- Proposed carport
- Proposed ramp
- Proposed stairs
- Proposed screen
- Proposed window
- Proposed door
- Proposed roof
- Proposed roofline
- Proposed roof pitch
- Proposed roof height
- Proposed roof width
- Proposed roof depth
- Proposed roof area
- Proposed roof volume
- Proposed roof weight
- Proposed roof load
- Proposed roof stress
- Proposed roof deflection
- Proposed roof vibration
- Proposed roof noise
- Proposed roof temperature
- Proposed roof humidity
- Proposed roof air quality
- Proposed roof sound quality
- Proposed roof light quality
- Proposed roof smell quality
- Proposed roof taste quality
- Proposed roof touch quality
- Proposed roof feel quality
- Proposed roof look quality
- Proposed roof sound quality
- Proposed roof light quality
- Proposed roof smell quality
- Proposed roof taste quality
- Proposed roof touch quality
- Proposed roof feel quality
- Proposed roof look quality

Project:
The Old Butcher Shop
 49 Darling Street, East Balmain, NSW

Project Ref. No:
1721

Client:
 Nicholson Street Elevation

Scale:
 100@A3

Date:
 Aug 2019

Drawn:
 CSND

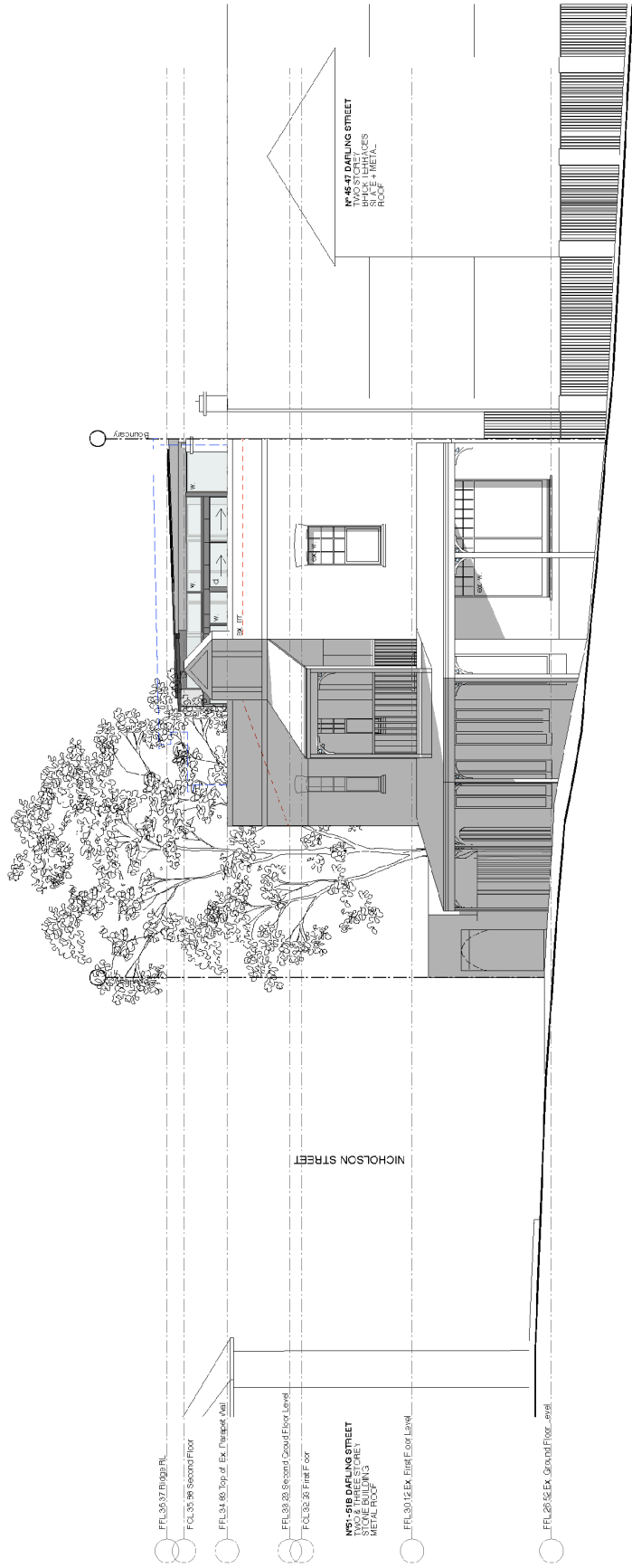
Checked:
 A

Project Ref. No:
1721

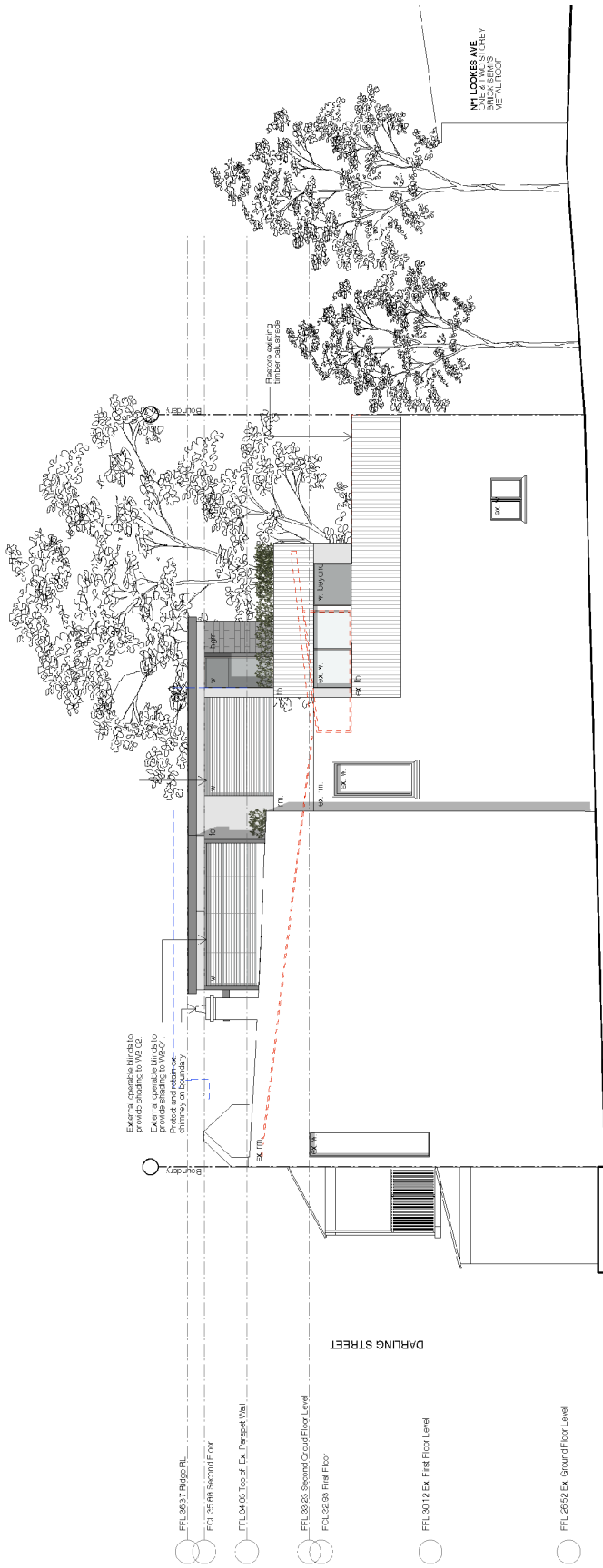
Drawing No:
DA 05

Issue:
 A

Logo:
Weish+Major
 Lower Macquarie Street, Sydney, NSW
 New South Wales, Australia, 2015
 Phone: +61 2 9550 1000
 Fax: +61 2 9550 1001
 Email: info@weishmajor.com.au
 Web: www.weishmajor.com.au



<p>WELSH+MAJOR Level 4/49 Parramatta Street, Surry Hills NSW New South Wales, Australia AFN 112 980 0400 Fax 112 980 0400 www.welshmajor.com.au Name: Anne C. Walsh E: Anne@welshmajor.com.au</p>		<p>Project The Old Butcher Shop 49 Darling Street, East Brisbane NSW Darling Street Elevation</p>		<p>Project Ref. No. 1721 DA 06</p>	
<p>Scale 1:1000/3/5</p>		<p>Date Aug 25/10</p>		<p>Drawn DOMD</p>	
<p>Issue : Amendments A : Draft ISE / I/S A : Issue for DA</p>		<p>Date 19/07/10 27/09/10</p>		<p>Issue A</p>	
<p>Note: This is a preliminary design and consultation drawing. Do not place it on a building contract or rely on it as a basis for construction. It is subject to change without notice. The drawing is for informational purposes only. It is not to be used for construction purposes.</p>		<p>FOR DEVELOPMENT APPLICATION</p>			



WELSH+MAJOR

Project: The Old Butcher Shop
49 Darling Street, Eas Balmn NSW

Project #/ No: 1721

Client: The Old Butcher Shop
Est. Elevation

Scale: 1:100 @ A3
Date: Aug 2019
Drawn: COMD
Issue: A

Legend:

---	Line of existing masonry
- - - -	To be demolished
---	Outline of proposed structure
---	Outline of proposed casting structure
---	New wall

Logbook:

1	nr	metal roofing
2	cc	concrete
3	br	brickwork
4	st	stone
5	sl	slab
6	st	stone
7	br	brickwork
8	st	stone
9	st	stone
10	st	stone
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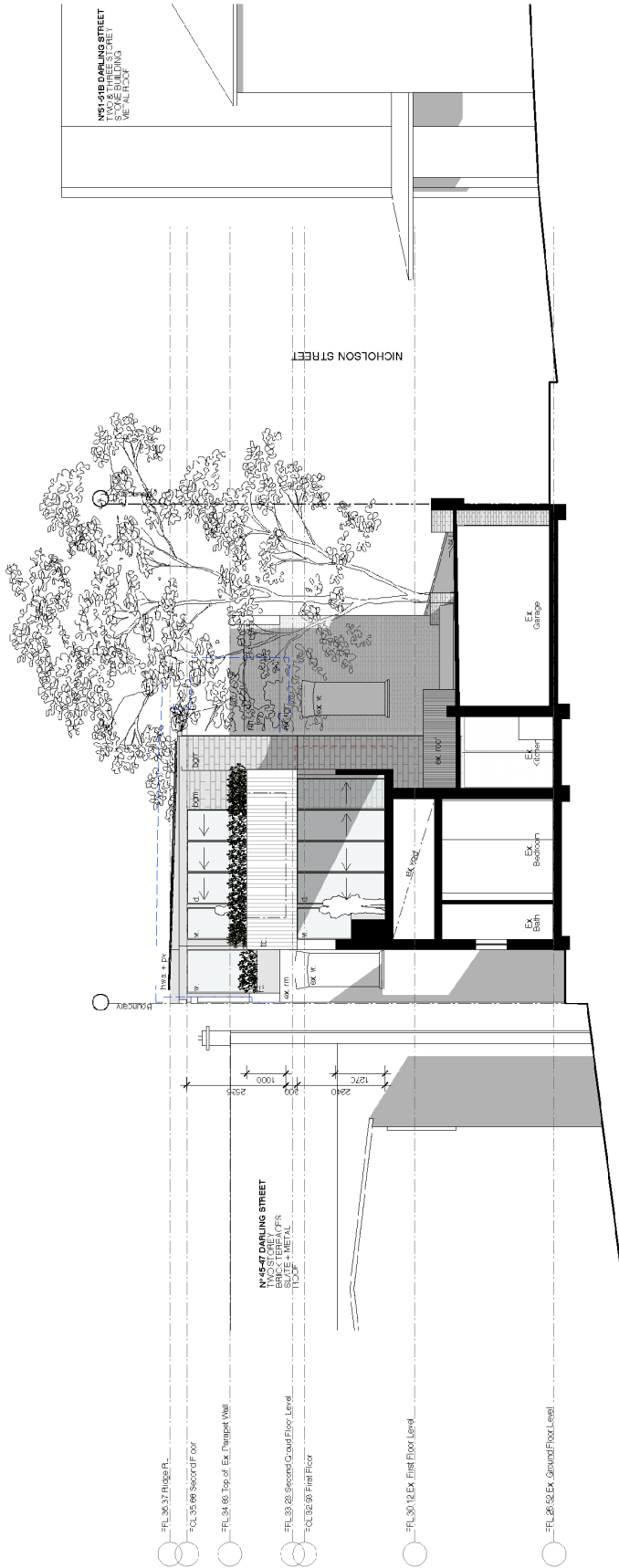
Notes / Amendments:
A 18/07/18
A 27/08/18

Scale: 1:100 @ A3

FOR DEVELOPMENT APPLICATION

Scale bar: 0 1 2 3 4 5 6m

View: To be used in conjunction with other construction drawings. It is not to be used in isolation for the purpose of construction. It is to be used in conjunction with other drawings to provide a complete picture of the proposed development.



- FL 30.37 Bridge FL
- CL 30.00 Slop of 0.0%
- FL 30.00 Top of Ex. Thump Wall
- FL 30.28 Selected Cloud Elev. Level
- CL 30.00 Fin of Floor
- FL 30.12 Ex. Floor Level
- FL 26.56 Ex. Ground Floor Level

N°45-47 DARLING STREET
 EXISTING WALLS
 SLATE + METAL
 TILES

N°15-18 DARLING STREET
 EXISTING BUILDING
 METAL ROOF

WELSH+MAJOR

Level 450 Bourke Street, Suite 301
 New South Wales, Australia 2013
 Phone: 02 9550 6600
 Fax: 02 9550 6601
 www.welshmajor.com.au

Project: The Old Butcher Shop
 49 Darling Street, East Burram, NSW

Project Ref. No: 1721

Drawing No: DA 08

Issue: A

Scale: 1:100 @ A3

Date: Aug 2019

Drawn: CSMD

Checked: A

Table: 27/03/19

Issue / Amendments:
 A. Issue of DA

Legend:

- Line of ex. chimney
- To be reinstated
- To be demolished
- Centre of Proposed
- Existing structure
- New wall

Notes:
 1. To be made in conjunction with other construction drawings. Do not scale off dimensions from this drawing.
 2. All dimensions are in millimetres unless otherwise stated.
 3. All dimensions are to the face of the work unless otherwise stated.
 4. All dimensions are to the centre of the work unless otherwise stated.
 5. All dimensions are to the face of the work unless otherwise stated.

FOR DEVELOPMENT APPLICATION

0 1 2 3 4 5 6m



Looking East from Nicholson Street.



Looking North East from crn. of Nicholson and Darling Street.



Looking North from crn. of Nicholson and Darling Street.



Looking North West from Darling Street.

Note: To be used in conjunction with other consultant drawings. Do not issue off-site as a stand-alone document. All drawings must refer to the approved DA for the site to be attached to the application for development, in the building code of Australia, relevant Australian Standards and all relevant codes to be complied with.

FOR DEVELOPMENT APPLICATION

Issue / Amendments:
A Issues for DA
A Issues for DA
Date:
27/08/18

Legend	
cm	concrete paving
cc	concrete paving
st	stone paving
ss	stone paving
gr	grass paving
gc	grass paving
gr	grass paving
gr	grass paving
gr	grass paving
gr	grass paving
gr	grass paving
gr	grass paving
gr	grass paving
gr	grass paving
gr	grass paving
gr	grass paving

Use of signage over render	---
To be demolished	---
Outlets of pipes	---
Existing pavements	---
New wall	---

Legend

- Existing walls
- New walls
- Existing windows
- New windows
- Existing doors
- New doors
- Existing floors
- New floors
- Existing roofs
- New roofs
- Existing landscaping
- New landscaping

Project

The Old Butcher Shop
48 Darling Street, East Barmah, NSW

Project Ref. No.
1721

Drawing No.
DA 15

Drawing Title
View Analysis / Photomontages

Scale: NTS Date: Aug 2018 Drawn: DS/MG Checked: . Issue: A

Attachment C – Statement of Significance for Conservation Area

Godden Mackay Logan

Area 17 East Balmain Conservation Area

Landform

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



Figure 17.1 East Balmain Conservation Area Map.

History

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

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

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

Godden Mackay Logan

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

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

Sources

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

Significant Characteristics

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

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- Sandstone kerbs and gutters.

Statement of Significance or Why the Area is Important

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

Management of Heritage Values

Generally

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

Retain

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

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

Avoid

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

Notes

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

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

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