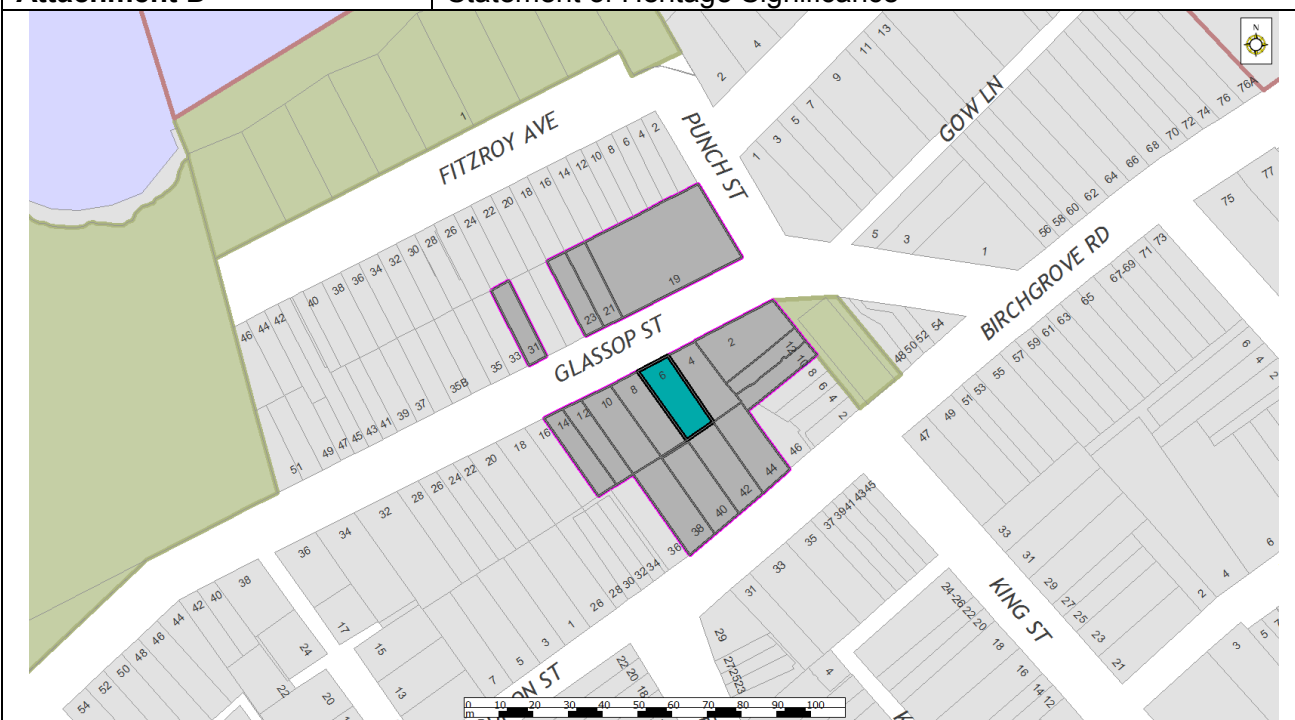




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

| | |
|---|--|
| Application No. | D/2018/388 |
| Address | 6 Glassop Street, BALMAIN NSW 2041 |
| Proposal | Alterations and additions to rear of dwelling dwelling-house. |
| Date of Lodgement | 24 July 2018 |
| Applicant | John R Dean Constructions |
| Owner | Mr P M Toohey and Ms D L Chisholm [allows panel members to identify Council applications &/or conflicts] |
| Number of Submissions | Nil |
| Value of works | \$186,972.00 |
| Reason for determination at Planning Panel | Demolition works to heritage item |
| Main Issues | Heritage item; plan of redefinition required |
| Recommendation | Deferred Commencement Approval |
| Attachment A | Recommended conditions of consent |
| Attachment B | Plans of Proposed Development |
| Attachment C | Basix Certificate |
| Attachment D | Statement of Heritage Significance |



LOCALITY MAP

| | | | | |
|---------------|--|------------|--|---|
| Subject Site | | Objectors | | N |
| Notified Area | | Supporters | | |

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to rear of the dwelling house at 6 Glassop Street, Balmain. The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- Site is a heritage item;
- Roof slope of alfresco area to be reorientated to slope in the same direction as the existing rear roof that it adjoins;
- Plan of redefinition required.

It is noted that the survey provided advises that the subject land is a limited title and recommends a plan of redefinition if works are to be located near the boundaries. Accordingly, the application is recommended for Deferred Commencement Approval requiring a Plan of Redefinition to be lodged with NSW Land Registry Services prior to an operative consent being issued.

2. Proposal

The proposal seeks approval for the following:

- Removal of existing door and window to the rear wall and replace with a sliding stacker door;
- Removal of the existing timber open pergola and replace with new solid roof;
- Removal of existing deck to rear and replace with new.

Note: Although the floor plans imply a new kitchen is to be installed, a new kitchen does not form part of this application as it has not been formally applied for by being referenced in the application form or statement of environmental effects and no formalised kitchen plans have been submitted. Given the site is a heritage item, consent would be required for a new kitchen, however this could be considered under a Heritage Exemption Certificate at a later date.

3. Site Description

The subject site is located on the southern side of Glassop Street, between Punch Street and Hampton Street. The site consists of one allotment and is generally rectangular in shape with a total area of 215.8m² and is legally described as Lot 1 DP194044. The site has a frontage to Glassop Street of 9.1 metres.

The site supports a two storey dwelling detached dwelling house. The adjoining properties support two storey detached dwelling houses.

The subject site is listed as local heritage item 228 – House including interiors. The property is located within a conservation area and is not identified as a flood prone lot.



Figure 1 – Site viewed from Glassop Street



Figure 2 – Rear of dwelling showing existing pergola



Figure 3 – Pergola showing existing privacy screen between subject site and No.4 Glassop Street



Figure 4 – Rear wall of dwelling showing existing windows and doors

4. Background

4(a) Site history

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

Subject Site

| Application | Proposal | Decision & Date |
|---------------|---|-------------------------------|
| PreDA/2018/26 | Alterations and additions to the first floor of the existing dwelling including combine existing window and door to be a large stacking door; | Advice letter issued 7.3.2018 |

| | | |
|--|---|--|
| | Demolish existing rear deck and pergola and reconstruct | |
|--|---|--|

Surrounding properties

4 Glassop Street (adjacent, to east)

| Application | Proposal | Decision & Date |
|-------------|--|-------------------|
| T/2012/16 | Removal of 1 x Callistemon spp from the front yard | Approved 1.2.2012 |

8 Glassop Street (adjacent, to west)

| Application | Proposal | Decision & Date |
|-------------|--|---------------------|
| D/1998/377 | Excavation of front yard to create a garage | Approved 7.1.1999 |
| M/1998/9 | Modify DA 370/97 and BA 97/582 | Approved 19.11.1998 |
| M/1999/29 | Change modifications back to original submission | Approved 28.4.1999 |
| D/2018/150 | Ground and first floor alterations and additions to existing dwelling-house. | Approved 25.5.2018 |

4(b) Application history

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

| Date | Discussion / Letter/ Additional Information |
|-----------|--|
| 31.8.2018 | Letter sent to applicant requiring a roof plan and a survey which is either a boundary survey or provides offsets. |
| 26.9.2018 | Applicant provided a survey and a roof plan. |

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

The site is not identified as being contaminated on Council's records. The site has historically been used for a residential use. No issues are raised with regard to contamination.

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

A BASIX Certificate was submitted with the application and is considered acceptable.

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

The proposal does not include removal of any trees and is not considered to adversely impact any trees. Accordingly the proposal is considered acceptable with regard to SEPP Vegetation in Non-Rural Areas.

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

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities for the following reasons:

- The works are to the rear of the dwelling and not visible from any public vantage point.

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

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.4 – Stormwater management

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

| Standard (maximum) | Proposal | % of non compliance | Compliances |
|---|--------------------------------|---------------------|-------------|
| Floor Space Ratio Permitted: 0.9:1 (194.22m ²) | 0.65:1 142.28m ² | N/A | Yes |
| Landscape Area Required: 15% (32.37m ²) | 30.27% 65.33m ² | N/A | Yes |
| Site Coverage Max Permitted: 60% (129.48m ²) | 38.54% 83.17m ² | N/A | Yes |

The following provides further discussion of the relevant issues:

Clause 5.10 – Heritage Conservation

The subject property at 6 Glassop Street, Balmain, is listed as a local heritage item (I228) in Schedule 5 of the Leichhardt Local Environmental Plan 2013. It is also located within the Iron Cove Heritage Conservation Area (C6 in Schedule 5 of the Leichhardt LEP 2013) and the Birchgrove Distinctive Neighbourhood (Leichhardt DCP 2013). The site is in the vicinity a row of the locally listed terrace houses and their interiors at 2 to 12 Fitzroy Avenue, Balmain (I220 – I225) and “Lilywill”, including interiors, 54 Birchgrove Road, Balmain (I131).

The Statement of Significance for the Iron Cove Heritage Conservation Area, sourced from the Leichhardt DCP 2013, is below:

- *One of a number of conservation areas that 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). This area is important for Godden Mackay Logan illustrating development particularly from 1870s–1910s, and this forms the major element of its identity, with later pockets of infill prior to World War II (ie pre-1939).*
- *Through the route of its main access roads, demonstrates the subdivision sections, closely related to the landform, drawn up by Surveyor Langley for the sale of Gilchrist’s Balmain grant after 1852.*
- *Illustrates through its irregular small street layout, and varied allotment width and length (within a limited range), the many different groups of speculators and subdividers involved in the development of the area.*
- *Through the materials of its outer masonry walls, demonstrates the rapid advances in brick making in the Sydney area over the period 1870s–1910s.*
- *Through its now rare weatherboard buildings it continues to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs.*

The subject site is a local heritage item (I228) – House, including interiors. The Statement of significance for 6 Glassop Street, Balmain sourced from the NSW Office of Environment and Heritage, heritage database website is as follows:

No. 6 Glassop Street is of local historic and aesthetic significance as a good representative example of a two storey Victorian Gothic style stone house. Despite some modifications to the front and additions to the rear, the building retains most of its original form and character particularly its steep gable end with decorative fretwork bargeboard, stone facades, cast iron detailing and simple pattern of openings. It makes a positive contribution to the Glassop Street streetscape.

The rear of the dwelling and alfresco associated with the proposed addition date from the 1990s. They do not contribute to the heritage significance of the dwelling. The proposed alfresco roof in the Pre-DA drawings generally complemented the slope of the existing roof. The proposed skillion roof over the alfresco area has been reorientated to slope down to the north west, towards the existing gable roof of the rear addition, creating a butterfly type roof. Traditionally, roofs at the rear of buildings pitch away from, and below, main roof forms. In order to remain sympathetic to the original house, the slope of the roof should be reorientated back to that in the Pre-DA, sloping down to the south east. Despite being higher than the existing gable roof, its slope will be complementary.

Materials and finishes should be complementary to the predominant character of the area, any existing building and the architectural period of the main dwelling. Materials are not shown for the proposed privacy wall to the eastern side of the alfresco area, or the proposed colours. In order to ensure that the materials and finishes are appropriate from a heritage perspective, conditions are recommended which require:

- The materials for the privacy screen to complement the materials of the addition it will adjoin, e.g. weatherboard cladding.
- Colours to match the existing colours used on the dwelling. Colorbond sheeting for the roof must be corrugated galvanised steel in a colour equivalent to Colorbond colour "Windspray" or "Wallaby" which are suitable modern equivalents of traditional roofing in the Inner West Local Government Area.

The floor plan includes reference to a new kitchen. This is not mentioned in the description of the proposal, nor in the supporting documentation. In principle, there are no concerns with a new kitchen as it is located within the rear addition, which is separate from the original two storey Victorian Gothic component of the heritage item. Approval is required for a new kitchen, which could be considered under a Heritage Exemption Certificate application.

Subject to recommended conditions, the proposed works will have acceptable impacts on the significance and setting of the heritage item, nearby heritage items and the conservation area in general.

5(b) Draft Environmental Planning Instruments

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

- Draft State Environmental Planning Policy – Environment

The proposal does not raise any issues with regard to draft State Environmental Planning Policy - Environment.

5(c) Development Control Plans

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

| Part | Compliance |
|--|------------|
| Part A: Introductions | |
| Section 3 – Notification of Applications | Yes |
| | |
| Part B: Connections | |
| B1.1 Connections – Objectives | Yes |
| B2.1 Planning for Active Living | Yes |
| B3.1 Social Impact Assessment | N/A |
| B3.2 Events and Activities in the Public Domain (Special Events) | N/A |
| | |
| Part C | |
| C1.0 General Provisions | Yes |
| C1.1 Site and Context Analysis | Yes |
| C1.2 Demolition | N/A |
| C1.3 Alterations and additions | No |
| C1.4 Heritage Conservation Areas and Heritage Items | No |
| C1.5 Corner Sites | N/A |
| C1.6 Subdivision | N/A |
| C1.7 Site Facilities | Yes |
| C1.8 Contamination | Yes |
| C1.9 Safety by Design | N/A |
| C1.10 Equity of Access and Mobility | N/A |

| | |
|---|------------|
| C1.11 Parking | N/A |
| C1.12 Landscaping | Yes |
| C1.13 Open Space Design Within the Public Domain | N/A |
| C1.14 Tree Management | N/A |
| C1.15 Signs and Outdoor Advertising | N/A |
| C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings | N/A |
| C1.17 Minor Architectural Details | N/A |
| C1.18 Laneways | N/A |
| C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls | N/A |
| C1.20 Foreshore Land | N/A |
| C1.21 Green Roofs and Green Living Walls | N/A |
| | |
| Part C: Place – Section 2 Urban Character | |
| Suburb Profile | |
| C2.2.2.6 Birchgrove Distinctive Neighbourhood | Yes |
| | |
| Part C: Place – Section 3 – Residential Provisions | |
| C3.1 Residential General Provisions | Yes |
| C3.2 Site Layout and Building Design | N/A |
| C3.3 Elevation and Materials | No |
| C3.4 Dormer Windows | N/A |
| C3.5 Front Gardens and Dwelling Entries | N/A |
| C3.6 Fences | N/A |
| C3.7 Environmental Performance | Yes |
| C3.8 Private Open Space | Yes |
| C3.9 Solar Access | Yes |
| C3.10 Views | Yes |
| C3.11 Visual Privacy | Yes |
| C3.12 Acoustic Privacy | Yes |
| C3.13 Conversion of Existing Non-Residential Buildings | N/A |
| C3.14 Adaptable Housing | N/A |
| | |
| Part C: Place – Section 4 – Non-Residential Provisions | N/A |
| | |
| Part D: Energy | |
| Section 1 – Energy Management | Yes |
| Section 2 – Resource Recovery and Waste Management | Yes |
| D2.1 General Requirements | Yes |
| D2.2 Demolition and Construction of All Development | Yes |
| D2.3 Residential Development | Yes |
| D2.4 Non-Residential Development | N/A |
| D2.5 Mixed Use Development | N/A |
| | |
| Part E: Water | |
| Section 1 – Sustainable Water and Risk Management | Yes |
| E1.1 Approvals Process and Reports Required With Development Applications | |
| E1.1.1 Water Management Statement | No |
| E1.1.2 Integrated Water Cycle Plan | N/A |
| E1.1.3 Stormwater Drainage Concept Plan | No |
| E1.1.4 Flood Risk Management Report | N/A |
| E1.1.5 Foreshore Risk Management Report | N/A |

| | |
|---|------------|
| E1.2 Water Management | |
| E1.2.1 Water Conservation | N/A |
| E1.2.2 Managing Stormwater within the Site | Yes |
| E1.2.3 On-Site Detention of Stormwater | N/A |
| E1.2.4 Stormwater Treatment | N/A |
| E1.2.5 Water Disposal | Yes |
| E1.2.6 Building in the vicinity of a Public Drainage System | N/A |
| E1.2.7 Wastewater Management | Yes |
| E1.3 Hazard Management | N/A |
| E1.3.1 Flood Risk Management | N/A |
| E1.3.2 Foreshore Risk Management | N/A |
| | |
| Part F: Food | N/A |
| | |
| Part G: Site Specific Controls | N/A |
| | |

The following provides discussion of the relevant issues:

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

The proposed “butterfly” slope of the alfresco roof as proposed does not satisfy the following objectives and controls:

C1.3 – Alterations and Additions

- C1b. be compatible with the scale, form and material of the existing dwelling and adjoining dwellings, including wall height and roof form;*
- C5 New materials and fenestrations of alterations and additions shall be compatible with the existing building.*

C1.4 – Heritage Conservation Areas and Heritage Items

- O1a. does not represent an unsympathetic alteration or addition to a building;*
- O1d. is compatible with the setting or relationship of the building with the Heritage Conservation Area in terms of scale, form, roof form, materials, detailing and colour of the building and conforms with the Burra Charter.*

As previously discussed in this report, subject to the alfresco roof slope being re-orientated to slope down to the south east in line with the current rear roof, and the use of appropriate and complementary materials, finishes and colours, the proposal is considered acceptable with regard to the above controls. Appropriate conditions are recommended in this regard.

E1.1.1 - Water Management Statement and E1.1.3 Stormwater Drainage Concept Plan

No stormwater plan has been provided with the application, however appropriate stormwater drainage conditions are recommended requiring the additional roof to connect to the existing stormwater drainage system for the site. Accordingly, the proposed additions are considered acceptable with regard to E1.1.1 and E1.1.3.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with Part A of the Leichhardt Development Control Plan 2013 for a period of 14 days from 2 August to 16 August 2018 to surrounding properties. No submissions were received.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Officer – Proposal acceptable subject to recommended conditions – see 5(a)lv) and 5(c).

6(b) External

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

7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant Deferred Commencement consent to Development Application No: D/2018/388 for alterations and additions to rear of dwelling house at 6 Glassop Street, Balmain subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

DEFERRED COMMENCEMENT

Prior to the issue of an Operational Consent Council requires the following:

1. A Plan of Redefinition is to be prepared and evidence of lodgement with NSW Land Registry Services provided.

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

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

CONDITIONS OF CONSENT

2. Development must be carried out in accordance with Development Application No. D/2018/388 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

| Plan Reference | Drawn By | Dated |
|---------------------------------|--------------------------------|-------------|
| Site plan | John R Dean Constructions | 06/06/2018 |
| First floor demolition plan | John R Dean Constructions | 06/06/2018 |
| Floor plan | John R Dean Constructions | 06/06/2018 |
| Roof plan | John R Dean Constructions | 06/06/2018 |
| Elevations | John R Dean Constructions | 06/06/2018 |
| Document Title | Prepared By | Dated |
| Materials, Finishes and Colours | John R Dean Constructions | 24.7.2018 |
| BASIX Certificate A318827 | Onpoint Drafting Group Pty Ltd | 6 June 2018 |

Please note that the kitchen fitout does not form part of this consent.

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

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

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

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

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

3. Consent is granted for the demolition works as shown on the approved plans, subject to strict compliance with the following conditions:

Excluding the following elements which must be retained:

| Elements to be retained | Location |
|-------------------------|-------------------|
| Kitchen fitout | First floor level |

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

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.

- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.

- iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste
- iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
- v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

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

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

5. Amended plans are to be submitted incorporating the following amendments:
- a) The slope of the roof of the alfresco area shall be re-orientated so that it slopes down towards the rear garden ie sloping from north west to south east with a maximum height RL38.96 at its highest point.
 - b) The privacy screen adjacent to the boundary with 4 Glassop Street shall be constructed of timber or weatherboard cladding.

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

6. 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 this consent 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. 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.

10. Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings and the period of construction of the buildings. New materials that are not depicted on the

approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used. In this regard, the roofing of the addition shall comprise of either heritage barrel rolled traditional corrugated galvanised steel or pre-coloured traditional corrugated galvanised steel in a colour equivalent to Colorbond colour "Windspray" or "Wallaby" which are suitable modern equivalents of traditional roofing in the Leichhardt Municipality. 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.

11. The existing sandstone surfaces are not to be painted, bagged or rendered but to remain as original sandstone. The Construction Certificate plans must clearly depict all original sandstone with a notation that they are to remain unpainted to the satisfaction of the Principal Certifying Authority.
12. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
 - a) Must preserve and protect the adjoining building from damage
 - b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

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

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

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

14. A 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.

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

- a) Minimise the area of soils exposed at any one time.
- b) Conservation of top soil.
- c) Identify and protect proposed stockpile locations.
- d) Preserve existing vegetation. Identify revegetation technique and materials.
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.

- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

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

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

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

17. 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.

18. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:

- a) Estimated volume (m3) or weight (t) of materials that are reused, recycled or removed from site.
- b) On site material storage areas during construction.
- c) Material and methods used during construction to minimise waste.
- d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
- e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

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

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

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

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

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

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

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

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

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

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

20. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
- a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
 - b) A concrete pump across the roadway/footpath. – A Standing Plant permit
 - c) Mobile crane or any standing plant – A Standing Plant Permit

- d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application
- e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
- f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
- g) Awning or street verandah over footpath. – Road works Application
- h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

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

PRIOR TO THE COMMENCEMENT OF WORKS

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

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

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

- a) location of the building with respect to the boundaries of the site;
22. The site must be secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

23. The *Home Building Act 1989* requires that insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of works approved by this Development Consent.

A copy of the certificate of insurance must be submitted to the Certifying Authority prior to the works commencing.

If the work is to be undertaken by an owner-builder, written notice of their name and owner-builder permit number must be submitted to the Certifying Authority.

In all other cases, written notice must be given to the Certifying Authority of:

- a) the name and licence number of the principal contractor; and
- b) reasons why a certificate of insurance is not required.

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

24. Any person 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.
25. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
26. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
27. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
- 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

28. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.

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

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

- 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.

30. The site must be appropriately secured and fenced at all times during works.
31. All fill used with the proposal shall be virgin excavated material (such as clay,

gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

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

32. Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:

- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

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

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

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

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

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

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

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

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

33. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
34. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
35. The development must be inspected at the following stages by the Principal Certifying Authority during construction:
- a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
36. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
37. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

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

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

38. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been

stabilised to the Principal Certifying Authority's satisfaction.

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

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

39. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

40. 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.
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 house without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

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

PRESCRIBED CONDITIONS

A. BASIX Commitments

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

In this condition:

- a) Relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

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

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - a) in the case of work for which a principal contractor is required to be appointed:

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

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

D. Site Sign

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

E. Condition relating to shoring and adequacy of adjoining property

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

NOTES

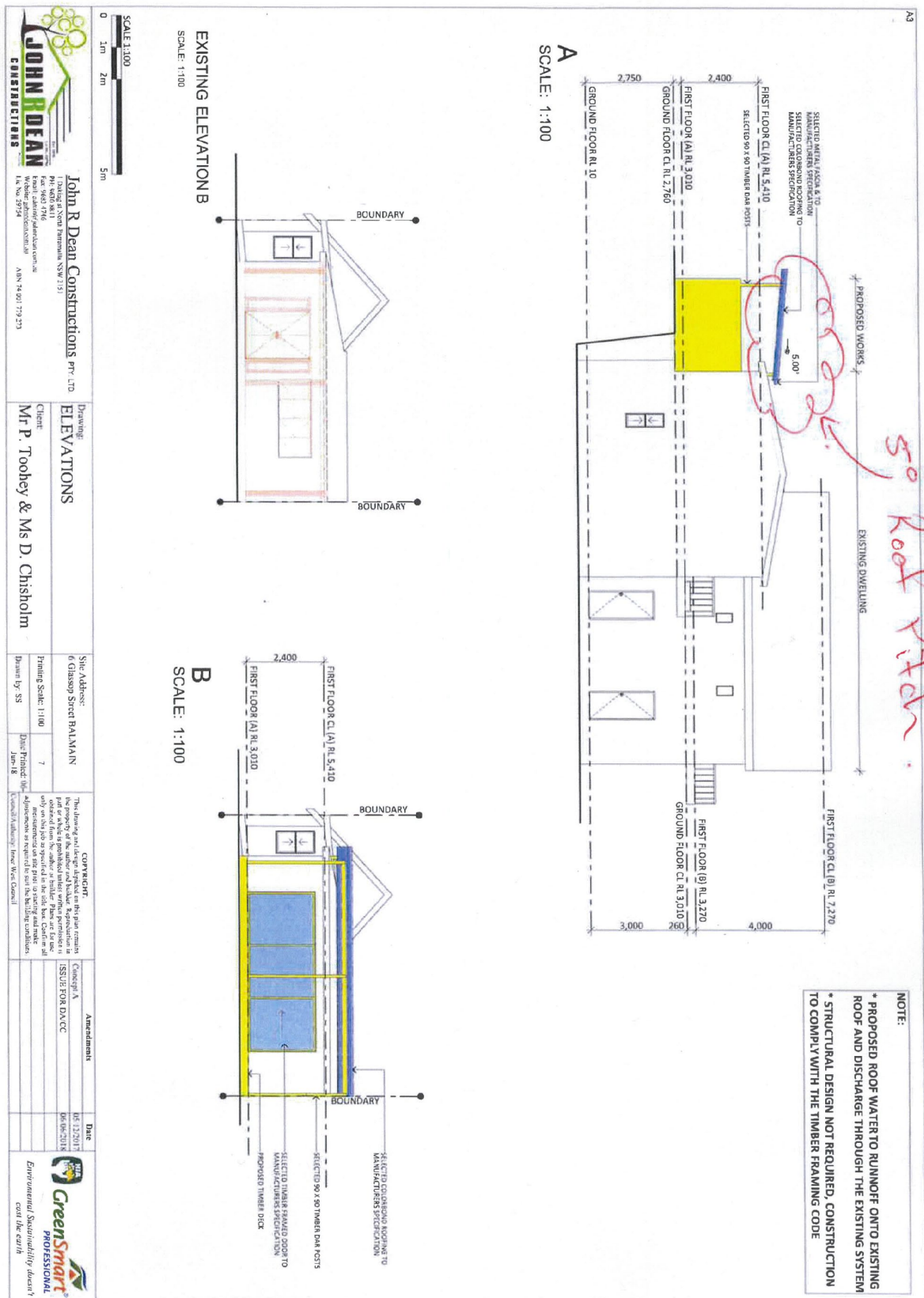
1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 8.2.
3. If you are unsatisfied with this determination, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
 - a) Application for any activity under that Act, including any erection of a hoarding.
 - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
 - d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
 - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
 - f) Development Application for demolition if demolition is not approved by this consent.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.

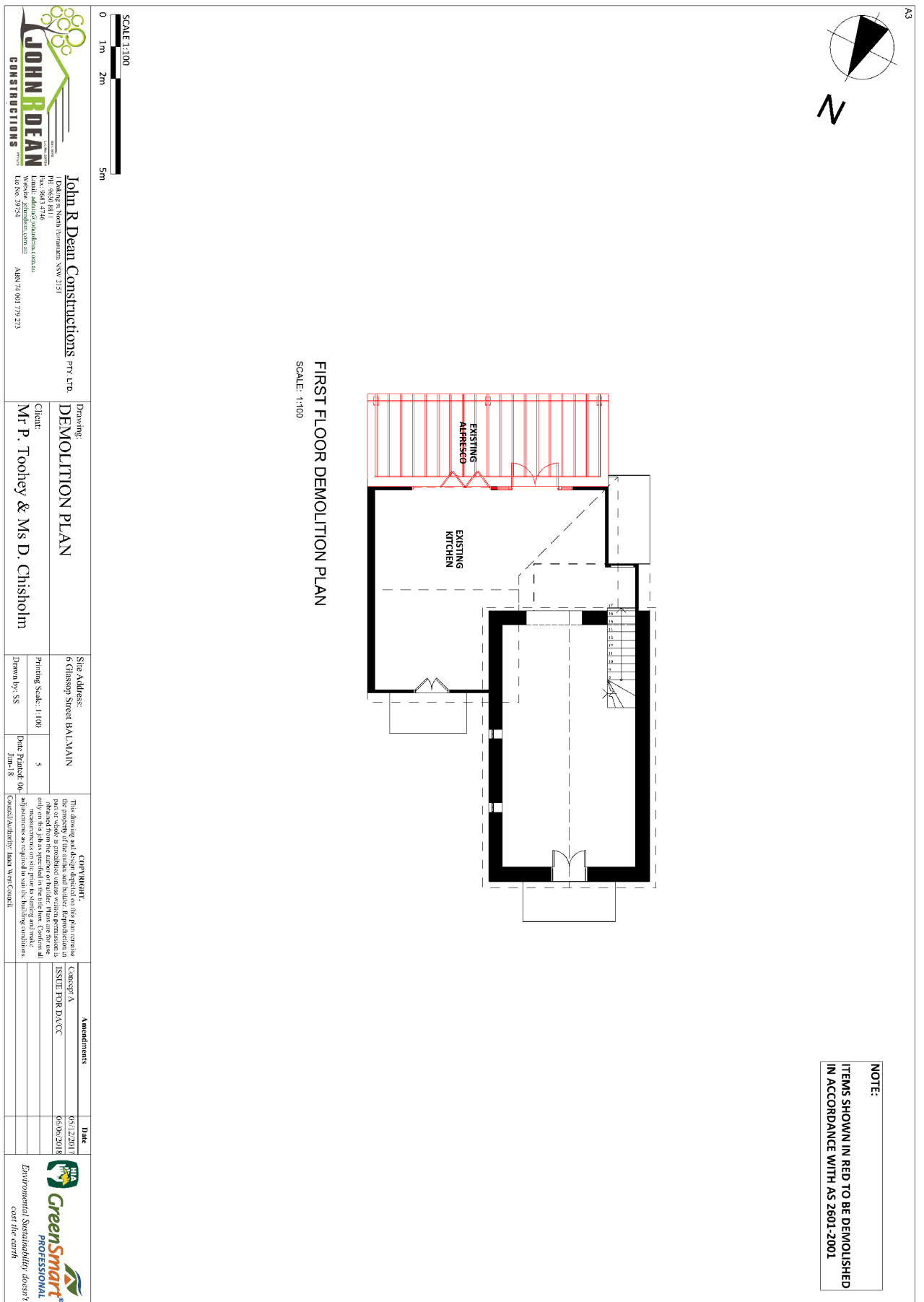
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Have you made a political donation?

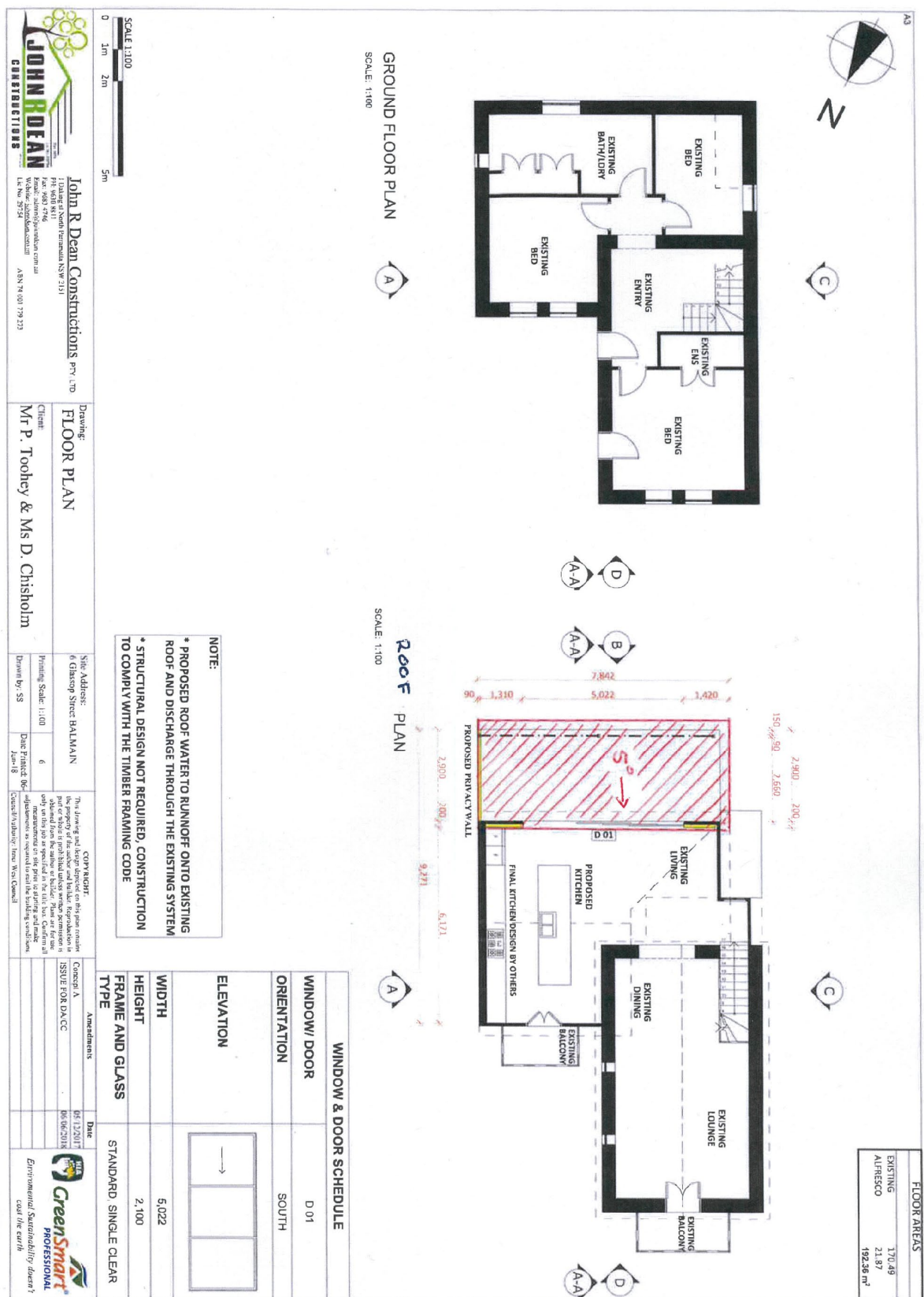
If you (or an associate) have made a political donation or given a gift to a Councillor, political party or candidate at the local government elections during the last two (2) years you may need to include with your application a full disclosure of this matter. For information go to Council's website 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.

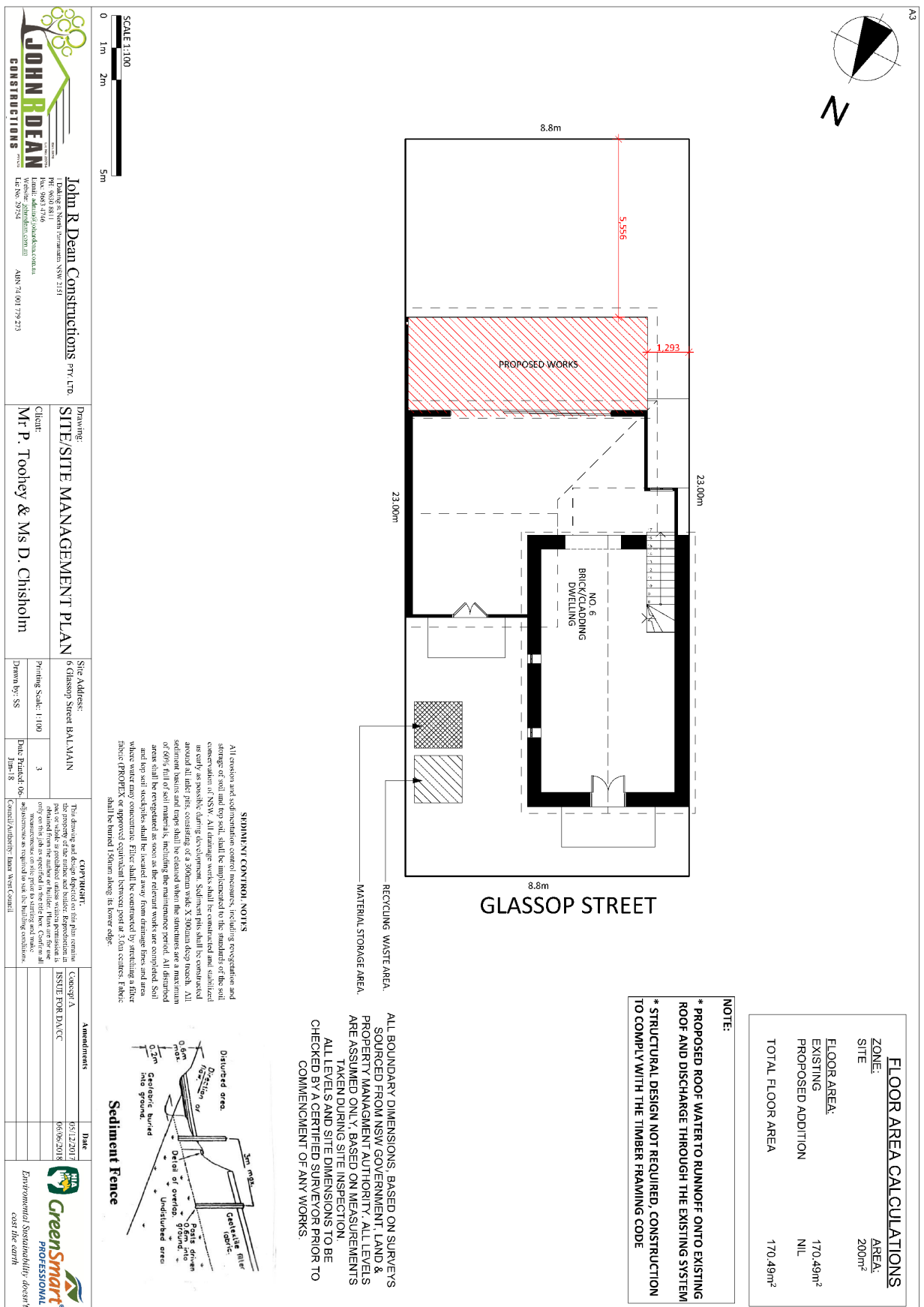
Attachment B – Plans of proposed development



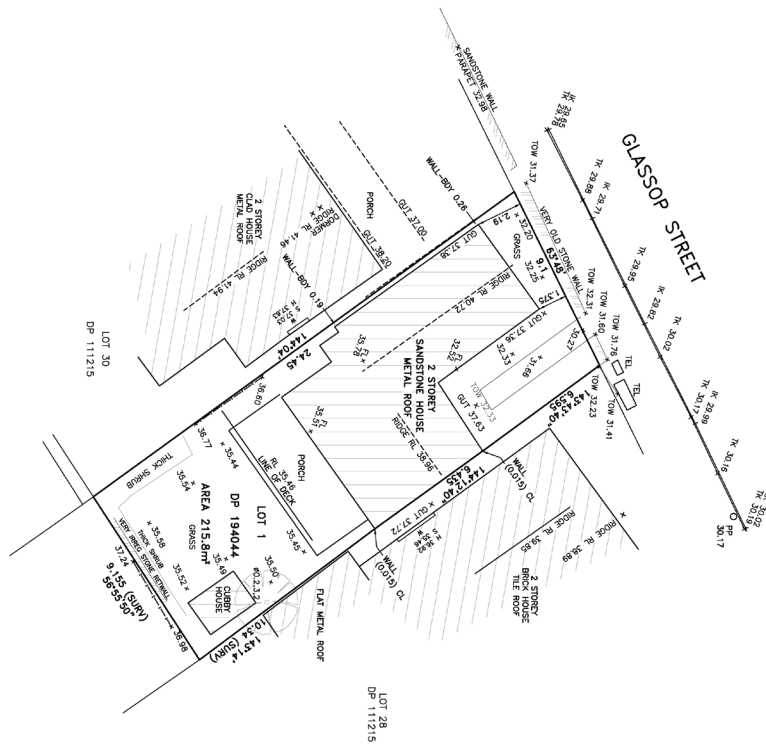
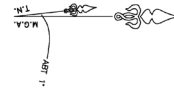








DETAIL PLAN



LEGEND

BM BENCHMARK
FL FLOOR LEVEL
H HEAD OF WINDOW/DOOR
IK INVERT OF KERB
PP POWER POLE
S SILL OF WINDOW/DOOR
TEL TELESTRA PIT
TK TOP OF KERB
TOW TOP OF WALL
W WINDOW

THE SUBJECT LAND IS LIMITED IN TITLE. THIS COMPANY RECOMMENDS THAT A PLAN OF REDEFINITION BE CARRIED OUT AND REGISTERED WITH THE LPI NSW IF ANY BUILDING WORKS ARE PLANNED NEAR THE BOUNDARIES.

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[illegible]

Attachment C- Basix Certificate

BASIX[®] CertificateBuilding Sustainability Index www.basix.nsw.gov.au**Alterations and Additions**

Certificate number: A318827

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by Planning & Infrastructure. This document is available at www.basix.nsw.gov.au

Director-General

Date of issue: Wednesday, 06, June 2018

To be valid, this certificate must be lodged within 3 months of the date of issue.



Description of project

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| Project address | |
|---------------------------------|---|
| Project name | JOB #9051 |
| Street address | 6 Glassop Street Balmain 2041 |
| Local Government Area | Inner West Council |
| Plan type and number | Deposited Plan 194044 |
| Lot number | 1 |
| Section number | 0 |
| Project type | |
| Dwelling type | Separate dwelling house |
| Type of alteration and addition | My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa). |

| |
|--|
| Certificate Prepared by (please complete before submitting to Council or PCA) |
| Name / Company Name: ONPOINT DRAFTING GROUP PTY LTD |
| ABN (if applicable): 89610471666 |

| Fixtures and systems | Show on DA Plans | Show on CC/CDC Plans & specs | Certifier Check |
|--|------------------|------------------------------|-----------------|
| Lighting | | | |
| The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps. | | ✓ | ✓ |
| Fixtures | | | |
| The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. | | ✓ | ✓ |
| The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. | | ✓ | ✓ |
| The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating. | | ✓ | |

| Glazing requirements | | | | | Show on DA Plans | Show on CC/CDC Plans & specs | Certifier Check |
|---|-------------|--|---------------|--------------|--|--|-----------------|
| Windows and glazed doors | | | | | | | |
| <p>The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below.</p> <p>Relevant overshadowing specifications must be satisfied for each window and glazed door.</p> <p>The following requirements must also be satisfied in relation to each window and glazed door:</p> <p>Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.</p> <p>For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.</p> <p>Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.</p> <p>Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.</p> <p>Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.</p> | | | | | ✓ | ✓ | ✓ |
| Windows and glazed doors glazing requirements | | | | | ✓ | ✓ | ✓ |
| Window / door no. | Orientation | Area of glass inc. frame (m ²) | Overshadowing | | Shading device | Frame and glass type | |
| | | | Height (m) | Distance (m) | | | |
| D 01 | S | 10.54 | 2.7 | 2.9 | eave/verandah/pergola/balcony >=900 mm | standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) | |

| Legend |
|--|
| In these commitments, "applicant" means the person carrying out the development. |
| Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development). |
| Commitments identified with a "✓" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development. |
| Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued. |

Attachment D – Statement of Significance for Conservation Area and Heritage Item

House

Item details

Name of item: House

Other name/s: Ilfracombe

Type of item: Built

Group/Collection: Residential buildings (private)

Category: House

Primary address: 6 Glassop Street, Balmain, NSW 2041

County: Cumberland

Local govt. area: Leichhardt

All addresses

| Street Address | Suburb/town | LGA | Parish | County | Type |
|------------------|-------------|------------|--------|------------|-----------------|
| 6 Glassop Street | Balmain | Leichhardt | | Cumberland | Primary Address |

Statement of significance:

No. 6 Glassop Street is of local historic and aesthetic significance as a good representative example of a two storey Victorian Gothic style stone house. Despite some modifications to the front and additions to the rear, the building retains most of its original form and character particularly its steep gable end with decorative fretwork bargeboard, stone facades, cast iron detailing and simple pattern of openings. It makes a positive contribution to the Glassop Street streetscape.

Note: This inventory sheet is not intended to be a definitive study of the heritage item, therefore information may not be accurate and complete. The information should be regarded as a general guide. Further research is always recommended as part of the preparation of development proposals for heritage items.

Date significance updated: 21 Jun 11

Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the OEH

copyright and disclaimer.

Description

| | |
|---|---|
| Physical description: | Two storey Victorian Gothic style stone house with a steep pitched gable ended main roof clad in slate and a secondary roof clad in corrugated steel. The front stone facade has a projecting gable wall with a decorative fretwork bargeboard. The ground floor has two tall timber frame double hung windows. Directly above on the first floor level is a timber framed cantilevered balcony with cast iron balustrade, frieze and brackets and turned timber posts supporting a concave corrugated steel roof. A ground floor entry door is located at the rear of the projecting wing. A rear wing is at right angles to the front part of the building and has a stone base and weatherboard clad first floor level with an open cantilevered centre balcony The building is setback and elevated from the street with a small front garden. A high random coursed stone wall with palisade fence above is situated on the front boundary at a lower level than the house. A stone edged archway has a palisade gate that leads to stone stairs up to the ground floor level of the house. Some vines are growing over the palisade fence. |
| Physical condition and/or Archaeological potential: | Very Good. Stonework has been cleaned. Front façade has had some modifications such as new windows and doors, and the side wing has a new first floor and balcony. Date condition updated: 18 Jan 11 |
| Modifications and dates: | 1990 - Alterations and Additions-rear 2 level addition and alterations to front facade (BA/1990/110) 1994 - Alterations and Additions, garden shed. (BA/1994/140) |
| Current use: | Residential |
| Former use: | Residential |

History

Historical notes: Surgeon William Balmain was granted 550 acres and most of the area now encompassing Balmain in 1800. In 1801 the entire grant was transferred to fellow surgeon John Gilchrist. Gilchrist never actually lived in NSW and advertised the land for sale in 1823. However, the

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sale was not a success. He gave power of attorney to his Sydney-based agent and merchant, Frank Parbury, who commissioned Surveyor John Armstrong to subdivide part of the land. This subdivision and sale of this land took place in 1836 and commenced from the eastern end of the suburb (East Balmain) due to its proximity and convenient water access and later spread west. The early subdivision was, however, suspended in 1841 due to difficulties associated with Gilchrist's will, but was resumed in 1852 when Surveyor Langley divided it into 46 later 47 sections. Langley used existing routes such as Darling Street and other tracks such as Beattie and Mullens Streets, which followed the local topography and contours, to delineate the parcels. The sections were purchased over the next 30 years by wealthy investors, local speculators and builders.

The site is located in Lot 38 of the 1852 subdivision. The site is shown on a Sydney Water plan dated 1888 and revised in the 1890s (Balmain Sheet 28). The building is constructed close to the street boundary with a smaller wing built further back. It would appear that it was constructed sometime between 1855-1890 in the Victorian Gothic style. The house is named "Ilfracombe"

There have been some modifications to the front façade and a two storey addition to the rear in 1990.

Historic themes

| Australian theme (abbrev) | New South Wales theme | Local theme |
|--|---|--------------------|
| 4. Settlement-Building settlements, towns and cities | Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities. | Growth of Balmain- |

Assessment of significance

| | |
|--|--|
| SHR Criteria a) [Historical significance] | The site is of local historic significance as part of an early subdivision in the local area. The building is significant as an example of a two storey Victorian Gothic style stone house constructed around 1855-1890. |
| SHR Criteria c) [Aesthetic significance] | The building is of local aesthetic significance as a good representative example of a two storey Victorian Gothic style house. Despite additions to the rear, and some modifications to the front, the building retains most of its original form and character particularly its high steep pitched gable roof, simple pattern of openings, stone facades and decorative detailing such as the fretwork bargeboard and balcony. The building makes a |


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positive contribution to the Glassop Street streetscape.

SHR Criteria f) [Rarity] The building is of a rare design in the local area.

SHR Criteria g) [Representativeness] The building is a good representative example of a two storey Victorian Gothic style stone house constructed between 1855-1890.

Integrity/Intactness: High

Assessment criteria: Items are assessed against the  **State Heritage Register (SHR) Criteria** to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Recommended management:

It is recommended that: - the existing scale and character of the building and elements including stone façades, cast iron and fretwork bargeboards, and simple pattern of openings should be retained and conserved; - the timber and metalwork that have previously been painted, should continue to be painted in appropriate colours; - no new openings should be made to the main facades; - any further alterations and additions should be confined to the rear of the building. - the original form of the building should be retained and conserved; - further research needed to date building.

Listings

| Heritage Listing | Listing Title | Listing Number | Gazette Date | Gazette Number | Gazette Page |
|--------------------------|---------------|----------------|--------------|----------------|--------------|
| Local Environmental Plan | | 1228 | 23 Dec 13 | | |

Study details

| Title | Year | Number | Author | Inspected by | Guidelines used |
|--|------|--------|---|--------------|-----------------|
| Leichhardt Municipality Heritage Study | 1990 | | McDonald McPhee Pty Ltd (Craig Burton, Wendy Thorp) | | Yes |

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References, internet links & images

| Type | Author | Year | Title | Internet Links |
|---------|--------------------------------|------|--|----------------|
| Written | Max Solling and Peter Reynolds | 1997 | Leichhardt: On the Margins of the City | |

Note: internet links may be to web pages, documents or images.



(Click on thumbnail for full size image and image details)

Data source

The information for this entry comes from the following source:

Name: Local Government

Database number: 1940243

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