



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2018/503
Address	79 Reynolds Street, BALMAIN NSW 2041
Proposal	Ground floor alterations and additions to existing heritage listed dwelling-house and associated demolition works.
Date of Lodgement	19 September 2018
Applicant	Mrs G A E Lindeman and Mr R P Lindeman
Owner	Mr R P Lindeman and Mrs G A E Lindeman
Number of Submissions	3 in support and 1 in opposition
Value of works	\$90,000.00
Reason for determination at Planning Panel	Heritage Item
Main Issues	Heritage issues in relation to the following: <ul style="list-style-type: none"> • Demolition and alteration of original main and rear roof forms, • Extent of internal demolition of original rear wing.
Recommendation	'Deferred Commencement' Consent
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Statement of Significance for Conservation Area
Attachment D	Statement of Heritage Significance for Site.



LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for ground floor alterations and additions to an existing heritage listed dwelling-house and associated demolition works at 79 Reynolds Street, Balmain NSW 2041. The application was notified to surrounding properties and 4 submissions (3 in support and 1 in opposition) were received.

The main issues that have arisen from the application include:

- The alteration of the existing original main roof form including the rear gable roof form,
- The application seeks to remove all of the rear existing walls, providing no wall nibs.

Subject to recommended conditions to address Council's heritage issues raised in the referral comments, the proposal is considered to satisfy all relevant heritage and planning controls, and consequently is recommended for 'Deferred Commencement' Consent.

2. Proposal

Alterations and additions to the existing dwelling, including:

- Extending the rear wing of the dwelling to provide new kitchen, dining, storage, bathroom and laundry room;
- Altering the existing main roof form and rear gable roof form to provide a skillion roof form;
- New windows located on the southern and eastern elevation plan; and
- New skillion styled roof over the rear verandah.

3. Site Description

The subject site is located on the western side of Reynolds Street, between Reynolds Street and Rumsay Lane. The site consists of 1 allotment and is generally rectangular shaped with a total area of 592.10 m² and is legally described as Lot 5A DP 14700. The site has a frontage to Reynolds Street of 9.855 metres.

The site supports a semi-detached single storey cottage with a fibro shed, outside toilet and metallic shed to the rear of the site. The adjoining property at No. 77 Reynold Street supports single storey semi-detached cottage and No. 1 Reynolds Avenue supports a two storey semi-detached cottage.

The following trees are located on the site and within the vicinity.

- *Melaleuca linariifolia* (Snow in summer) located at the rear of the subject site.

The subject site is listed as a heritage item (local significance) and adjoins and is in the vicinity of numerous heritage items. Refer to Section 5(c) of the report for further details. The site is not identified as a flood prone lot.



Image A. Aerial image of subject site.



Image B & C. View from Reynolds Street.



Image D. Rear of subject site.



Image E. Rear of subject site.



Image F. View from rear yard facing Rumsay Lane.

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

No relevant history in the last 10 years.

Surrounding properties

Application	Proposal	Decision & Date
D/2014/617 – 1 Reynolds Avenue Rozelle	Demolition of existing rear wing of existing dwelling and construction of new ground and first floor addition.	Approved – 2.4.2015
PRED/2014/156 - 1 Reynolds Avenue Rozelle	Alterations and additions to existing dwelling (including construction of a two-storey rear extension and inclinator in the front garden), construction of a new three-storey dwelling with attached garage fronting Rumsay Lane and Torrens title subdivision into 2 lots.	Advice letter issued – 16.9.2014
D/2014/234 - 1 Reynolds Avenue Rozelle	Alterations and additions to the existing heritage-listed dwelling, including construction of a first floor level and inclinator within the front setback.	Withdrawn – 9.7.2014
D/1998/42 – 77 Reynolds Street Balmain	Verandah at rear of dwelling	Approved – 27.11.1998

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
8.11.2018	Applicant made a submission in regards to the heritage referral comments.
15.11.2018	Council provided a detailed heritage response in reply to the applicants submission made on the 8.11.2018.
26.11.2018	Council requested additional information to address heritage issues raised in the referral comments.
6.12.2018	Applicants have submitted an updated schedule of colours.
7.12.2018	Applicants advised Council planner that their draftsman will be back on the 17.12.2018.
31.12.2018	Applicants send an email request, seeking further clarification in regards to the heritage design amendment request.
9.1.2019	Council planner and heritage officer met with the applicants in regards to the request for further information letter and provided further clarification on what amendments were required to address the heritage issues.
20.1.2019	Applicants submitted amended plans that have partially addressed the heritage concerns raised in the referral comments and in the RFI letter.

5. Assessment

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

5(a) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires the consent authority to be satisfied that the site is, or can be made suitable for the proposed use.

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

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

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

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

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

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

The application was assessed against the following relevant clauses of the Leichhardt Local Environmental Plan 2013; and the proposal, subject to recommended conditions to address Council's heritage issues raised in the referral comments, satisfies the controls prescribed in these clauses.

- 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 6.4 – 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 Maximum: [0.8:1] [473.68m ²]	0.21:1 345m ²	N/A	Yes
Landscaped Area Required: [20%] [118.42m ²]	48.13% or 285m ²	N/A	Yes
Site Coverage Maximum: [60%] [355.26m ²]	23.14% or 437m ²	N/A	Yes

5(b) Draft Environmental Planning Instruments

The proposal has been assessed against the following Draft SEPP:

- Draft Environment SEPP

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

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(c) Development Control Plans

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

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Not applicable
B3.1 Social Impact Assessment	Not applicable
B3.2 Events and Activities in the Public Domain (Special Events)	Not applicable
Part C	
C1.0 General Provisions	Yes, subject to conditions
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes, subject to conditions
C1.3 Alterations and additions	Yes, subject to conditions
C1.4 Heritage Conservation Areas and Heritage Items	Yes, subject to conditions
C1.5 Corner Sites	Not applicable
C1.6 Subdivision	Not applicable
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Not applicable
C1.10 Equity of Access and Mobility	Not applicable
C1.11 Parking	Not applicable
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	Not applicable
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	Not applicable
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Not applicable
C1.17 Minor Architectural Details	Not applicable
C1.18 Laneways	Not applicable
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Not applicable
C1.20 Foreshore Land	Not applicable
C1.21 Green Roofs and Green Living Walls	Not applicable

Part C: Place – Section 2 Urban Character	
C2.2.2.4(c) Smith Street Hill Sub Area, Balmain	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes, subject to conditions
C3.2 Site Layout and Building Design	No
C3.3 Elevation and Materials	Yes, subject to conditions
C3.4 Dormer Windows	Not applicable
C3.5 Front Gardens and Dwelling Entries	Not applicable
C3.6 Fences	Not applicable
C3.7 Environmental Performance	Not applicable
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Not applicable
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	Not applicable
C3.14 Adaptable Housing	Not applicable
Part C: Place – Section 4 – Non-Residential Provisions	Not applicable
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	Not applicable
D2.5 Mixed Use Development	Not applicable
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes, subject to standard engineering conditions being imposed on any consent granted.
E1.1 Approvals Process and Reports Required With Development Applications	
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Not applicable
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	Not applicable
E1.1.5 Foreshore Risk Management Report	Not applicable
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Not applicable
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	Not applicable
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	Not applicable
E1.3.1 Flood Risk Management	Not applicable

E1.3.2 Foreshore Risk Management	Not applicable
Part F: Food	Not applicable
Part G: Site Specific Controls	Not applicable

The following provides discussion of the relevant issues:

C1.3 Alterations and additions

The proposed rear ground floor extension is considered acceptable on planning and heritage grounds as it will have minimal impacts to the heritage item and context of the area, subject to the recommended heritage design amendment conditions which seeks to retain the existing main roof and existing gable roof form, retain and incorporate original fabric (such as wall nibs to the new rear extension) and to ensure that all new proposed windows are vertical in proportion as per the heritage referral comments.

C1.4 Heritage Conservation Areas and Heritage Items

Heritage Listing

The subject property at 79 Reynolds Street, Balmain, is listed as a heritage item in Schedule 5 of the Leichhardt LEP 2013 as a semi-detached house, including interiors (I301). It is located in The Valley Heritage Conservation Area (Balmain) (C7 in Schedule 5 of the Leichhardt LEP 2013), The Valley "Balmain" Distinctive Neighbourhood and the Smith Street Hill Sub Area (Leichhardt DCP 2013). The site adjoins three heritage items, including its pair at 77 Reynolds Street, Leichhardt (I300), and is in the vicinity of numerous other heritage items, which are listed below.

- 73 Reynolds Street, Balmain: Semi-detached house, including interiors, (I298);
- 75 Reynolds Street, Balmain: Semi-detached house, including interiors, (I299);
- 100 – 104 Reynolds Street, Balmain: Former Unilever administration building and fence, including interiors (I302);
- Reynolds Street, Balmain, Street trees—row of Brush Box, (I303);
- 1 Reynolds Avenue, Balmain: Semi-detached house, including interiors, (I794);
- 3 Reynolds Avenue, Balmain: Semi-detached house, including interiors, (I795);
- 5 Reynolds Avenue, Balmain: Semi-detached house, including interiors, (I796): and
- 7 Reynolds Avenue, Balmain: Semi-detached house, including interiors, (I797).

Heritage Significance

The Statement of Significance for 79 Reynolds Street, sourced from Council's heritage database, is below:

No. 79 Reynolds Street is of local historic and aesthetic significance as a good representative example of semi-detached house (one of a pair with No. 77) constructed in the late Victorian style in the c. 1890s-1910s. Despite some alterations and additions the building retains its original form, character and details including rendered brick facades, projecting party walls, chimney and associated rendered details, roof form, open verandah with bullnosed roof and cast iron balustrade and pattern of openings. The building occupies an elevated position and with the adjoined and adjacent semis Nos. 69 -77, (excluding Nos. 71A and 71B) makes a positive contribution to the Reynolds Street streetscape.

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

- *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). This area is important for illustrating development for workers' and artisan housing particularly from 1871–1891 which forms the major element of its identity. It is significant for its surviving development from that period and the later infill development up to World War II (ie pre-1939).*
- *Retains evidence of all its layers of growth within that period from the late-1870s.*
- *Through its important collection of weatherboard buildings, including the now rare timber terraces, it continues to demonstrate the nature of this important/major construction material in the fabric of early Sydney suburbs, and the proximity of Booth's saw mill and timber yards in White Bay.*
- *Through the mixture of shops, pubs and industrial buildings it demonstrates the nature of a Victorian suburb, and the close physical relationship between industry and housing in nineteenth century cities before the advent of the urban reform movement and the separation of land uses.*
- *Demonstrates through the irregular pattern of its subdivision the small scale nature of the spec builders responsible for the construction of the suburb.*
- *Demonstrates the nature of some private subdivisions before the introduction of the Width of Streets and Lanes Act of 1881 required roads to be at least one chain wide.*

The Statements of Significance for the other heritage items in the vicinity are available from the Office of Environment & Heritage, heritage database website at: <https://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>:

The applicants have submitted an updated revised set of plans which have partially addressed heritage issues raised in the original heritage referral comments in regards to the proposal:

1. *The main gable roof form of the original dwelling and the return gable roof over the rear wing must be retained.*

Comment: The revised drawings retain the gable roof form over the main building form, but not the return gable roof over the rear wing. It is proposed to alter the slope of the gable roof over the rear wing and extend the roof plane out over the rear addition. This is still not acceptable as it will result in the loss of the existing roof form. The proposal is to be redesigned so the roof form of the return gable over the rear wing is retained. The detail of the design must ensure that the eaves and gutters of the rear roof plane of the main gable are retained and incorporated into the proposal.

2. *The form of the proposed addition is to be redesigned to a single storey pavilion roof similar to the examples in Section 3.2 - Suggested Design Approach 2 or Section 5.2 Suggested Design Approach 2 of the DCP.*

Comment: The proposal has not been redesigned in accordance with either of these examples. The proposed floor plan of the addition can be retained providing its roof form is designed so that it sits independently of the existing gable roof form over the main building form and the rear wing.

3. *The rear wall between the existing lounge and dining area and the wall between the existing dining / kitchen and family room should be retained and incorporated into the addition. Should partial demolition be required, wall nibs and bulkheads should be retained and incorporated into the proposal.*

Comment: The revised drawings show the retention of the bulkhead between the existing lounge and dining area, but not the wall nibs. The wall between the existing dining / kitchen and family room has not been retained. The retention of these walls is required so that the

plan configuration of the rear wing remains discernible. This is important so that the proposal does not have a detrimental impact on the heritage significance of the item. The proposed layout of the rear wing is to be reconfigured so that the existing layout is retained and incorporated into the proposal. Should partial demolition be required to create a more functional liveable area, wall nibs and bulkheads should be retained and incorporated into the proposal, including between the existing lounge and dining area. This will enable the original layout of the rear wing to remain legible and compliance with Objective O1 h. of C1.3 and C2 b. of C1.4 of the DCP.

4. *Window openings in the eastern elevation must be vertically proportioned, employing traditional design (timber sash) and materials (timber frame).*

Comment: Window openings in the eastern elevation have been redesigned so they are vertically proportioned, except the window located between the proposed dining and kitchen area. This window must be vertically proportioned, employing traditional design (timber sash) and materials (timber frame). Window portions in the front façade are to be used as a guide.

5. *Materials, finishes, textures and colours must be appropriate to the historic context. A colours and materials schedule will need to be submitted for consideration.*

Comment: A materials and finishes schedule has not has been submitted for consideration.

6. *A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby" would be an appropriate material.*

Comment: A Schedule of Colours and Materials has been submitted which propose Manor Red for the Colorbond roof, downpipes and guttering, Dulux Hog Bristle (cream) for the rendered brick veneer finish and Wattyl Intergalactic (grey) for the timber window and door frames and the timber window sashes. Manor Red and Dulux Hog Bristle are acceptable as these will match the existing colour scheme. Wattyl Intergalactic is not a traditional colour for Victorian architecture. This is to be replaced with a sympathetic pale tone, such as Indian White, Panel White, Chiltern White or Linen White from the Dulux Heritage Colour Card.

7. *The roof over the proposed verandah at the rear of the addition is to be amended to a skillion roof and set below the roof form of the addition.*

Comment: The verandah roof has been amended to a skillion roof form. The gutter of the roof will be approximately 2.5m above ground level, which will be out of character with the architectural period of the dwelling. The applicant is to consider lowering the height, and increasing the pitch of the verandah roof so that it is more complementary of the dwelling.

As per the revised heritage referral comments, the amended plans submitted to Council have partially satisfied Council's heritage concerns. As a result, the proposed development is now considered acceptable and no heritage objections are raised, subject to conditions addressing the above as part of a 'Deferred Commencement' Consent – see Attachment A at the end of this report.

C1.14 Tree Management

The proposal seeks to remove *A Melaleuca linariifolia* (Snow in summer) located at the rear of the site which as per the landscape referral comments is considered to be in a poor state of health and was not considered to be a good representation of the species.

As such the removal of the Snow in summer tree is supported by the landscape and planning officers. No new tree replacement conditions will be imposed as there are enough trees to the rear of the site.

C3.2 Site Layout and Building Design

Building Location Zone

As the proposal breaches the ground floor rear Building Location Zone (BLZ) by approximately 4m of No. 77 Reynold Street and approximately 2.5m from the rear ground BLZ or No. 1 Reynolds Avenue the below tests are applied.

In assessment of the application under C6 which enables a variation or establishment of a new Building Location Zone, it is considered that the siting of the ground floor extension is acceptable for the following reasons:

- Amenity to adjacent properties (i.e. sunlight, privacy, views) is protected and compliance with the solar access controls of the LDCP2013 is achieved;
- The proposed development will be compatible with the existing streetscape and desired future character for the area;
- The proposed development will satisfy the on-site open space provision controls of the LDCP2013;
- The proposed ground floor does not involve removal of any significant vegetation nor prevents opportunities for planting of new significant vegetation; and
- The development has been kept to a minimum to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties.

Side Boundary Setbacks

The rear ground floor addition will breach the side setback control to the northern boundary. The following tables outline the proposal's compliance and breaches with the side setback controls as applicable:

Rear Ground Floor Addition

Elevation	Wall height (m) Approximate	Required Setback (m)	Proposed Setback (m)	Complies (Y / N)
North (Adjoining No. 77 Reynolds Street)	3.917	0.6	0	No
South (Adjacent to Nol. 1 Reynolds Avenue)	2.9	0.05	2	Yes

In assessment of the application under C8 which enables a variation or establishment walls higher than that required by the side boundary setback control, it is considered that the proposed wall height of the ground floor extension on the northern boundary is acceptable for the following reasons:

- The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the LDCP2013;
- The pattern of development within the streetscape is not compromised;
- The bulk and scale of the ground floor rear extension is minimised due to the proposed location and being setback behind the main dwelling which have minimal visibility from the street or public domain;
- Amenity to adjoining properties, in terms of sunlight, privacy and bulk and scale is protected and compliance with the above controls under the LDCP2013 is achieved;
- Access is retained for necessary maintenance of adjoining properties.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with Section 3 for a period of 14 days to surrounding properties. A total of 4 submissions were received (3 in support and 1 objector).

The submission raised the following concerns which are discussed under the respective heading below:

Issue: Seeking clarification of the proposal and potential view loss impacts.

Planners Comment: A follow up phone conversation with the resident providing clarification of the proposed development was undertaken. Through the phone conversation, the objector was satisfied that the proposal will have no view loss impacts from their property and that there would be no adverse amenity impacts to their rear yard. However it is noted that the resident did not request to have their submission removed.

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 Referral

The proposal is acceptable from a heritage perspective, providing the recommended conditions below are included in the consent to ensure it is consistent with the Leichhardt LEP 2013 heritage conservation objectives and the relevant objectives and controls in the Leichhardt DCP 2013.

1. The roof form of the proposed addition is to be redesigned so that it sits independently of the existing gable roof form over the main building form and the rear wing. The existing gable roof forms must be retained in their current form. Revised drawings are to be submitted for consideration prior to Construction Certificate.
2. The proposed layout of the rear wing is to be reconfigured so that the existing layout is retained and incorporated into the proposal. Should partial demolition be required to create a more functional liveable area, wall nibs and bulkheads should be retained and incorporated into the proposal, including between the existing lounge and dining area.
3. The window located between the proposed dining and kitchen area is to be redesigned so that is vertically proportioned, employing traditional design (timber

sash) and materials (timber frame). Window portions in the front façade are to be used as a guide.

4. The proposed Watty! Intergalactic (grey) colour for the timber window and door frames and the timber window sashes is to be replaced with a sympathetic pale tone, such as Indian White, Panel White, Chiltern White or Linen White from the Dulux Heritage Colour Card.

Landscape Referral

There are no objections to the proposal.

A *Melaleuca linariifolia* (Snow in summer) located at the rear of the site has been identified to be likely impacted by the proposal.

The specimen was noted to be in a poor state of health and was not considered to be a good representation of the species.

Given the above, the specimen should not be considered a constraint for the application.

6(b) External

The application was not referred to any external departments or government 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 an approval, subject to the imposition of appropriate conditions to address Council's heritage issues raised in the referral comments as part of a 'Deferred Commencement' Consent as listed in Attachment A.

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, grant 'Deferred Commencement' Consent to Development Application No: D/2018/503 for ground floor alterations and additions to existing heritage listed dwelling-house and associated demolition works at 79 Reynolds Street, Balmain NSW 2041 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

DEFERRED COMMENCEMENT

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

1. Amended plans are to be submitted incorporating the following amendments:
 - a) The roof form of the proposed addition is to be redesigned so that it sits independently of the existing gable roof form over the main building form and the rear wing. The existing gable roof forms must be retained in their current form.
 - b) The proposed layout of the rear wing is to be reconfigured so that the existing layout is retained and incorporated into the proposal through wall nibs and bulkheads, including the wall between the existing lounge and dining area.
 - c) The window located between the proposed dining and kitchen area is to be redesigned so that it is vertically proportioned, employing traditional design (timber sash) and materials (timber frame). Window portions in the front façade are to be used as a guide.

If the applicant fails to satisfy Council as to the above matters within 2 years from the date of determination this consent will lapse.

CONDITIONS OF CONSENT

2. Development must be carried out in accordance with Development Application No. D/2018/503 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Existing Floor Plan, Demolition Plan 240718 2	The Drafting Studio	24.7.18
Proposed Floor Plan 240718 3B	The Drafting Studio	18.1.19
Proposed Roof Plan 240718 4B	The Drafting Studio	18.1.19
Elevations 240718 5B	The Drafting Studio	18.1.19
Elevations & Section 240718 6B	The Drafting Studio	18.1.19
Document Title	Prepared By	Dated
Schedule of Colours and Materials	Un-stated	Un-dated
BASIX Certificate A323350	The Drafting Studio	24 July 2018

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

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

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

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

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

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

Tree/location	Approved works
Likely <i>Melaleuca linariifolia</i> (Snow in summer) located in rear of property.	Remove

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved.

The approved works shall not be carried out unless this letter, or copy of it, is kept on the site. It shall be shown to any authorised Council Officer upon request.

All tree work shall be undertaken by an experienced Arborist with a minimum qualification of Level 3 under the Australian Qualification Framework (AQF). The work shall be undertaken in accordance with AS4373 – 2007 'Pruning of amenity trees' and in compliance with the Safe Work Australia Code of Practice 'Guide to Managing Risks of Tree Trimming and Removal Work'.

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

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons

only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.

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

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

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

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

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

6. 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. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.

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

9. The proposed WattyI Intergalactic (grey) colour for the timber window and door frames and the timber window sashes is to be replaced with a sympathetic pale tone, such as Indian White, Panel White, Chiltern White or Linen White from the Dulux Heritage Colour Card.

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 & 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.
11. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
 - a) Must preserve and protect the adjoining building from damage

- b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

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

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

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

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

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

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

- a) Minimise the area of soils exposed at any one time.

- b) Conservation of top soil.
- c) Identify and protect proposed stockpile locations.
- d) Preserve existing vegetation. Identify revegetation technique and materials.
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

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

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

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

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

16. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):
- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have

been approved by the Local Traffic Committee and Council.

- iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.
- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

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

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

17. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
- a) Estimated volume (m³) or weight (t) of materials that are reused, recycled or removed from site.
 - b) On site material storage areas during construction.
 - c) Material and methods used during construction to minimise waste.

- d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
- e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

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

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

- 18. Prior to the commencement of demolition works 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)	\$2,152.00
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.

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. 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.

37. 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.

38. No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.
39. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

41. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
42. 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.
43. 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.

44. 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

45. 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.
46. 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.
47. 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

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- 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):

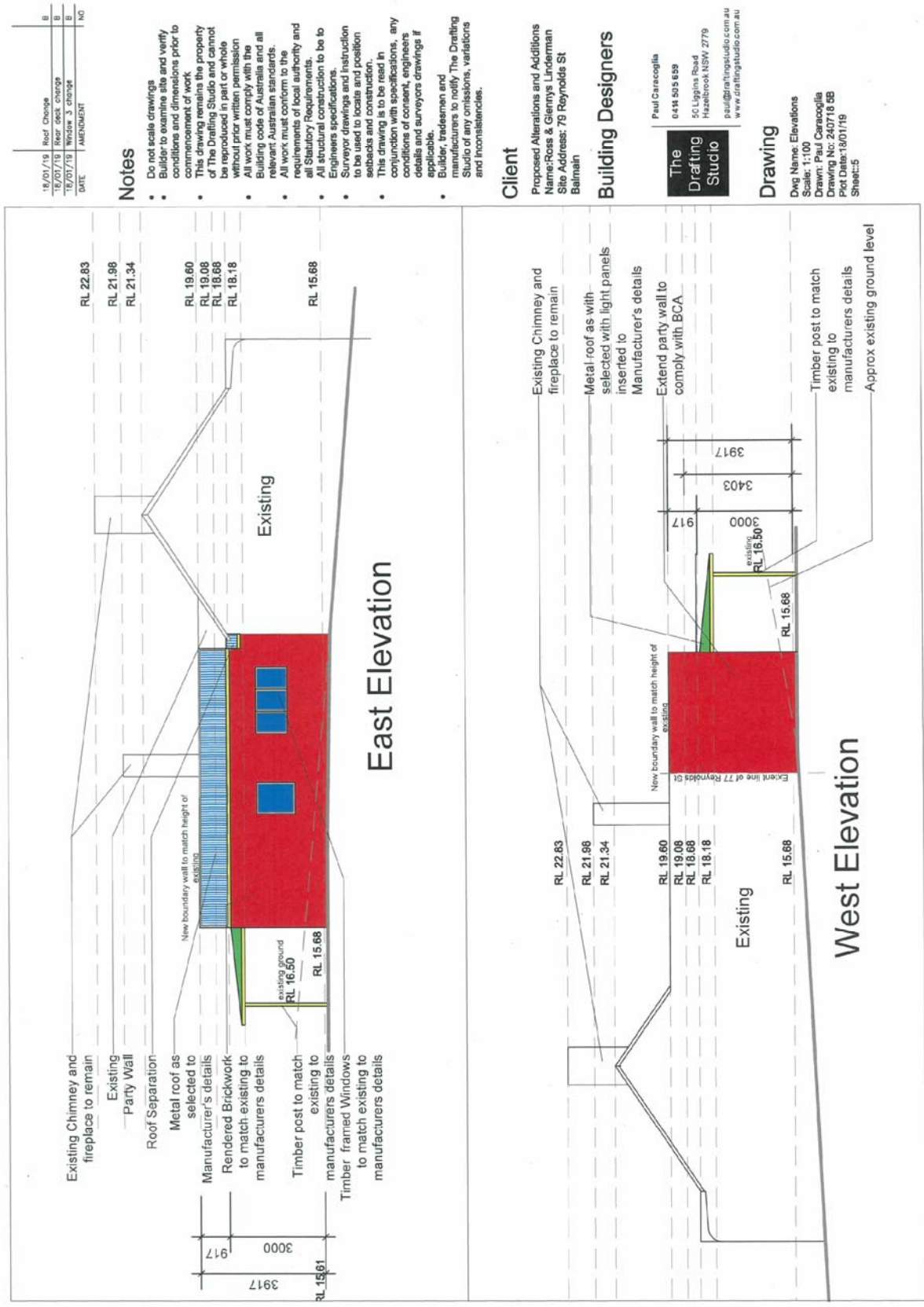
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- a) Application for any activity under that Act, including any erection of a hoarding.
 - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under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

Have you made a political donation?

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

Attachment B – Plans of proposed development



DATE	REVISION / AMENDMENT	B	NO
18/01/19	Rear deck roof change	B	

Notes

- Do not scale drawings
- Builder to examine site and verify conditions and dimensions prior to commencement of work
- This drawing remains the property of The Drafting Studio and cannot be reproduced in part or whole without prior written permission
- All work must comply with the Building code of Australia and all relevant Australian standards.
- All work must conform to the requirements of local authority and all Statutory Requirements.
- All structural construction to be to Engineers specifications.
- Surveyor drawings and instruction to be used to locate and position setbacks and construction.
- This drawing is to be read in conjunction with specifications, any conditions of consent, engineers details and surveyors drawings if applicable.
- Builder, tradesmen and manufacturers to notify The Drafting Studio of any omissions, variations and inconsistencies.

Client

Proposed Alterations and Additions
Nanno-Ross & Glennys Linderman
Site Address: 79 Reynolds St
Balmain

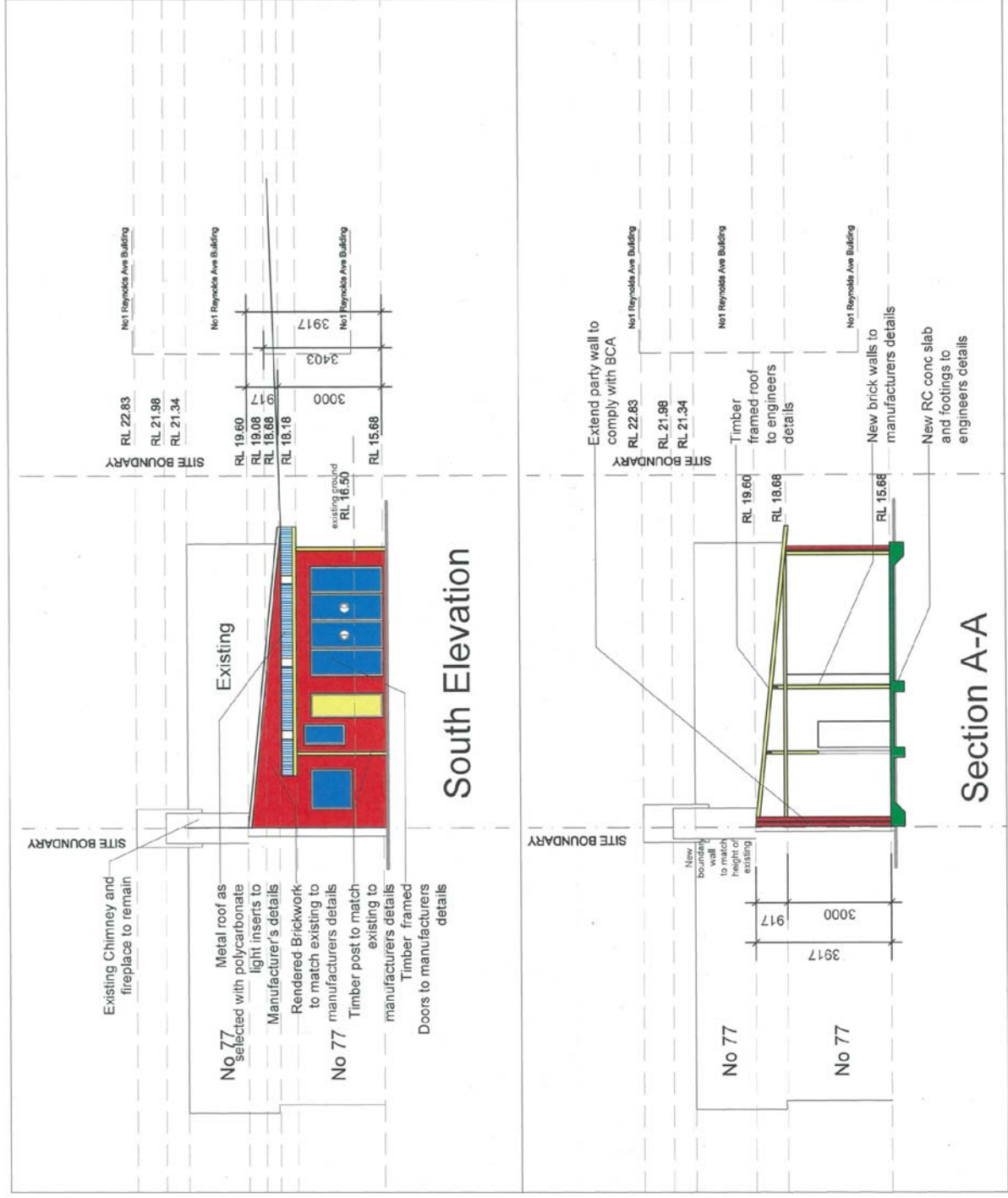
Building Designers

Paul Caracoglia
0444 505 659
50 Liggins Road
Hazebrook NSW 2779
paul@draftingstudio.com.au
www.draftingstudio.com.au

The Drafting Studio

Drawing

Dwg Name: Elevations & Section
Scale: 1:100
Drawn: Paul Caracoglia
Drawing No: 240778 6B
Plot Date: 18/01/19
Sheet: 6



DATE	AMENDMENT	B	NO
18/01/19	Rear deck roof change	B	
18/01/19	Window 3 change	B	
18/01/19	Bulkhead Note	B	

Notes

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- This drawing is to be read in conjunction with specifications, any conditions of consent, engineers details and surveyors drawings if applicable.
- Builder, tradesmen and manufacturers to notify The Drafting Studio of any omissions, variations and inconsistencies.

Client

Proposed Alterations and Additions
 Name: Ross & Glennys Linderman
 Site Address: 79 Reynolds St
 Balmain

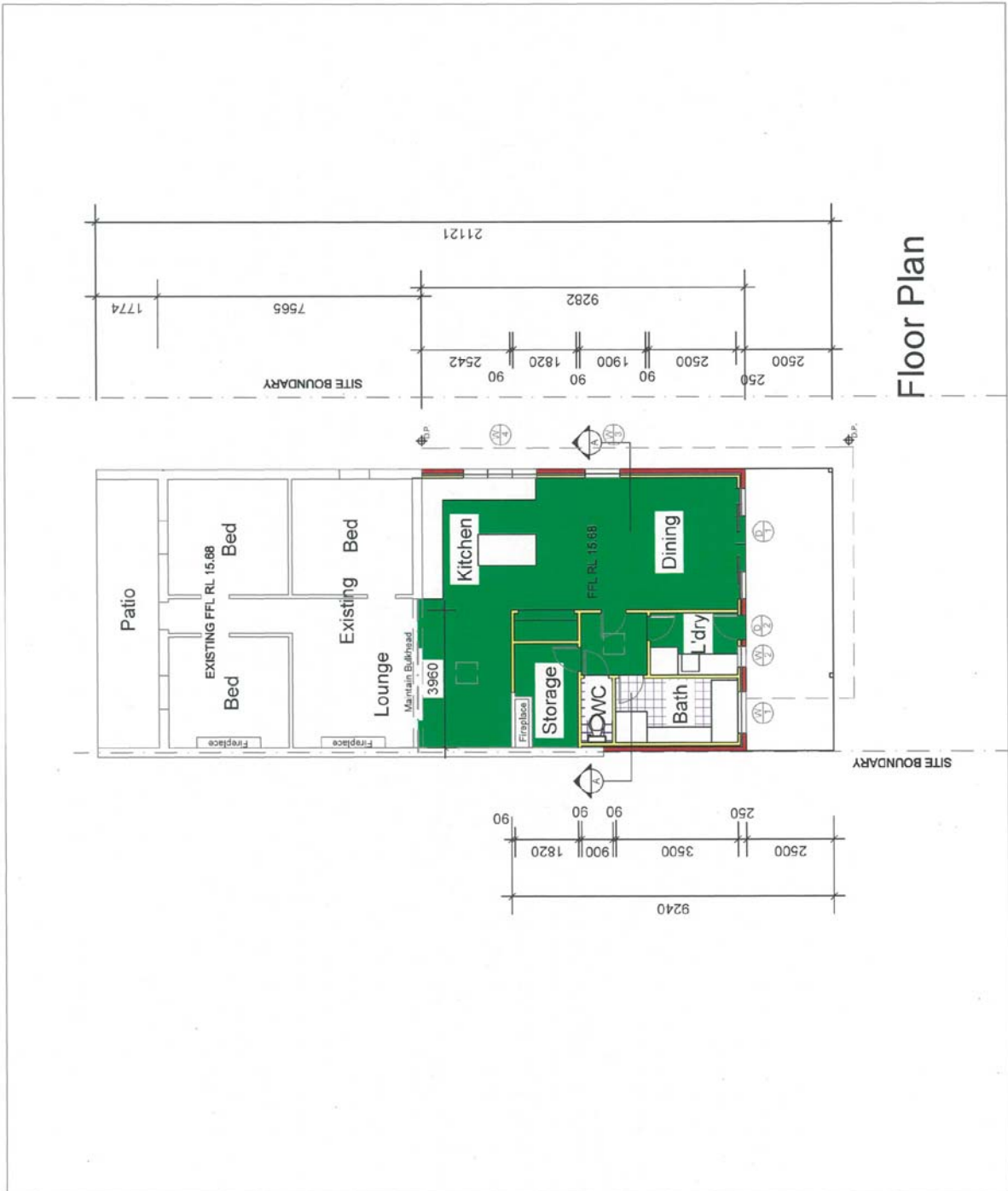
Building Designers

Paul Caracoglia
 0414 505 659
 50 Ligalia Road
 Hazelbrook NSW 2779
 paul@draftingstudio.com.au
 www.draftingstudio.com.au



Drawing

Dwg Name: Proposed Floor Plan
 Scale: 1:100
 Drawn: Paul Caracoglia
 Drawing No: 240718 3B
 Plot Date: 18/01/19
 Sheet: 3



Floor Plan

DATE	AMENDMENT	B	NO
16/01/19	Rear deck roof change	B	
16/01/19	Main Roof extended	B	

Notes

- Do not scale drawings
- Builder to examine site and verify conditions and dimensions prior to commencement of work
- This drawing remains the property of The Drafting Studio and cannot be reproduced in part or whole without prior written permission
- All work must comply with the Building code of Australia and all relevant Australian standards.
- All work must conform to the requirements of local authority and all Statutory requirements.
- All structural construction to be to Engineers specifications.
- Surveyor drawings and instruction to be used to locate and position setbacks and construction.
- This drawing is to be used in conjunction with specifications, any conditions of contract, approvals, details and surveyors drawings if applicable.
- Builder, tradesman and manufacturers to notify The Drafting Studio of any omissions, variations and inconsistencies.

Client

Proposed Alterations and Additions
 Name: Ross & Glennys Linderman
 Site Address: 79 Reynolds St
 Balmain

Building Designers

The Drafting Studio
 Paul Caracoglia
 0448 505 659
 50 Liggins Road
 Macleay NSW 2779
 paul@draftingstudio.com.au
 www.draftingstudio.com.au

Drawing

Dwg Name: Proposed Floor Plan
 Scale: 1:100
 Drawn: Paul Caracoglia
 Drawing No: 240716-4B
 Plot Date: 16/01/19
 Sheet: 4

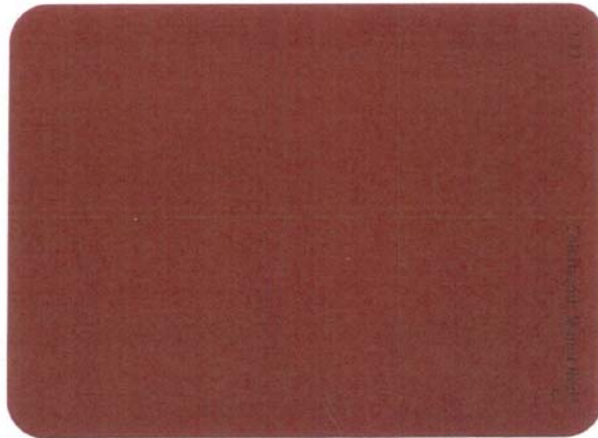


SCHEDULE OF COLOURS AND MATERIALS

APPLICATION: D/2018/503
79 REYNOLDS ST, BALMAIN

Roofing material, downpipes, guttering

Material: Colorbond Steel
Colour: Manor Red (colorbond colour)



External walls

- Material:** Rendered brick veneer finish, block pattern detail to match existing
- Colour:** Dulux Hog Bristle (cream)

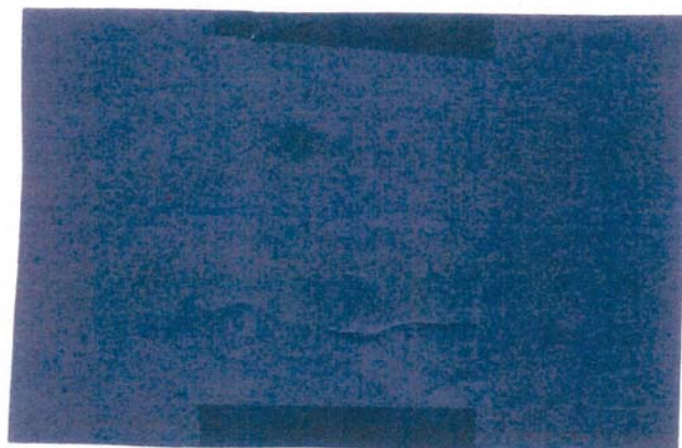
20W
Dulux

20W

Hog Bristle® W

Windows, window frames, doors, door frames

Material: Timber window frames, timber window sashes,
timber door frames, timber window sashes
Colour: WattyI Intergalactic (grey)



Attachment C – Statement of Significance for Conservation Area

Statement of Significance for Conservation Area

The Statement of Significance for 79 Reynolds Street, sourced from Council's heritage database, is below:

No. 79 Reynolds Street is of local historic and aesthetic significance as a good representative example of semi-detached house (one of a pair with No. 77) constructed in the late Victorian style in the c. 1890s-1910s. Despite some alterations and additions the building retains its original form, character and details including rendered brick facades, projecting party walls, chimney and associated rendered details, roof form, open verandah with bullnosed roof and cast iron balustrade and pattern of openings. The building occupies an elevated position and with the adjoined and adjacent semis Nos. 69 -77, (excluding Nos. 71A and 71B) makes a positive contribution to the Reynolds Street streetscape.

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

- *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). This area is important for illustrating development for workers' and artisan housing particularly from 1871–1891 which forms the major element of its identity. It is significant for its surviving development from that period and the later infill development up to World War II (ie pre-1939).*
- *Retains evidence of all its layers of growth within that period from the late-1870s.*
- *Through its important collection of weatherboard buildings, including the now rare timber terraces, it continues to demonstrate the nature of this important/major construction material in the fabric of early Sydney suburbs, and the proximity of Booth's saw mill and timber yards in White Bay.*
- *Through the mixture of shops, pubs and industrial buildings it demonstrates the nature of a Victorian suburb, and the close physical relationship between industry and housing in nineteenth century cities before the advent of the urban reform movement and the separation of land uses.*
- *Demonstrates through the irregular pattern of its subdivision the small scale nature of the spec builders responsible for the construction of the suburb.*
- *Demonstrates the nature of some private subdivisions before the introduction of the Width of Streets and Lanes Act of 1881 required roads to be at least one chain wide.*

The Statements of Significance for the other heritage items in the vicinity are available from the Office of Environment & Heritage, heritage database website at:

<https://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>:

Attachment D – Statement of Heritage Significance for Site

Statement of Heritage Significance for Site.

The subject property at 79 Reynolds Street, Balmain, is listed as a heritage item in Schedule 5 of the Leichhardt LEP 2013 as a semi-detached house, including interiors (I301). It is located in The Valley Heritage Conservation Area (Balmain) (C7 in Schedule 5 of the Leichhardt LEP 2013), The Valley “Balmain” Distinctive Neighbourhood and the Smith Street Hill Sub Area (Leichhardt DCP 2013). The site adjoins three heritage items, including its pair at 77 Reynolds Street, Leichhardt (I300), and is in the vicinity of numerous other heritage items, which are listed below.

- 73 Reynolds Street, Balmain: Semi-detached house, including interiors, (I298);
- 75 Reynolds Street, Balmain: Semi-detached house, including interiors, (I299);
- 100 – 104 Reynolds Street, Balmain: Former Unilever administration building and fence, including interiors (I302);
- Reynolds Street, Balmain, Street trees—row of Brush Box, (I303);
- 1 Reynolds Avenue, Balmain: Semi-detached house, including interiors, (I794);
- 3 Reynolds Avenue, Balmain: Semi-detached house, including interiors, (I795);
- 5 Reynolds Avenue, Balmain: Semi-detached house, including interiors, (I796); and
- 7 Reynolds Avenue, Balmain: Semi-detached house, including interiors, (I797).