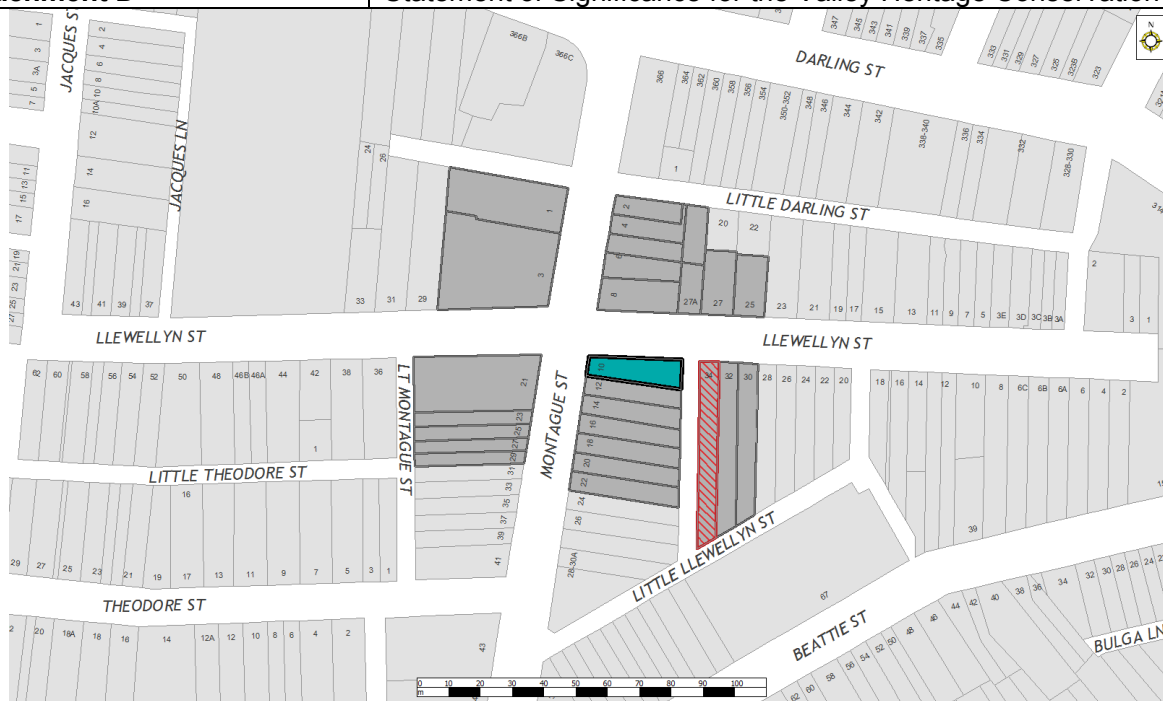




# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	D/2018/205
<b>Address</b>	10 Montague Street, BALMAIN NSW 2041
<b>Proposal</b>	Alterations and additions to existing dwelling-house, including two storey rear addition, and associated works, including on-site parking, new shed, new fencing and tree removal.
<b>Date of Lodgement</b>	23 April 2018
<b>Applicant</b>	Oikos Architects
<b>Owner</b>	J. W. Ryan
<b>Number of Submissions</b>	One (1)
<b>Value of works</b>	\$450,000
<b>Reason for determination at Planning Panel</b>	Proposal requires pruning of three (3) Council's street trees in Llewellyn Street
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Pruning Council heritage listed street trees</li> <li>• Solar access – 12 Montague Street</li> <li>• Privacy concerns - 34 Llewellyn Street</li> </ul>
<b>Recommendation</b>	Approval
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Aboriginal Impact Assessment Report (Addendum 1)
<b>Attachment D</b>	Statement of Significance for the Valley Heritage Conservation Area



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 an existing dwelling-house, including a two storey rear addition, and associated works, including on-site parking, new shed, new fencing and tree removal at 10 Montague Street, Balmain.

The application was notified to surrounding properties and one (1) submission was received.

The main issues that have arisen from the application include:

- Pruning of two (2) *Ficus macrocarpa var. hillii* (Hills Figs) and one (1) *Lophostemon confertus* (Brushbox) located on Llewellyn Street
- Reasonable solar access to the adjoining property to the south, 12 Montague Street, Balmain.
- Privacy concerns raised by the owner of 34 Llewellyn Street, Balmain.

The application is recommended for approval.

## 2. Proposal

The proposal is to demolish the rear part of the existing dwelling, carry out internal alterations and construct a two-storey addition to provide accommodation as follows:

### Ground Floor

- Two bedrooms, living room, bathroom in original front three rooms, laundry under stair, new side entry, kitchen/dining, stair to first floor
- Existing rear courtyard and car space re-landscaped and repaved

### First Floor

- Master bedroom and bathroom

The design maintains the existing appearance of the major (front) part of the building and adds a contemporary element at the rear.

## 3. Site Description

The subject site is generally level and is located on the south-western corner of Montague Street and Llewellyn Street and is bounded at the rear by an unnamed lane. The site consists of one (1) allotment and is generally rectangular with a total area of 225.3 m<sup>2</sup> and is legally described as Lot 1 in DP 2821. The site has a 6.095m frontage to Montague Street and a 28.55m secondary frontage to Llewellyn Street. The rear boundary to the unnamed lane has a width of 9.415m.

The site contains a single-fronted single-storey Inter-War Californian Bungalow which altered at the rear in the early 1990's. The back yard includes a paved car space with gated access from the rear lane. There is a 5m-high Mango tree in the south-eastern corner and three large trees (two Hills figs and one Brush box) in the Llewellyn Street footpath outside the site (refer to **Figures 1 and 2**). It is proposed to remove the Mango tree, which is an exempt species. The two Hills figs and Brush box in Llewellyn Street are listed heritage items (1254) under the Leichhardt Local Environmental Plan 2013. To allow for the proposed development it will be necessary to prune branches overhanging the site. Conditions are recommended to safeguard that the proposed works do not adversely impact upon these street trees.

Development in the vicinity includes a variety of community, commercial and residential buildings ranging in age from Victorian to twentieth-century. Adjoining to the south at 12 Montague Street is a similar single-storey house. To the east in Llewellyn Street and further



to the south in Montague Street are two-storey terrace houses. Opposite the site on the northern side of Llewellyn Street are a single-storey and a two-storey building: the former Masonic Lodge and Hall. On the north-west corner of the intersection is the former Central Methodist Mission and on the south-west corner a three-storey mid-twentieth-century residential flat building.



**Figure 1:** Looking towards the site from Montague Street with Council street trees marked (Source: Site Photos)



**Figure 2:** Rear of the site with the Mango tree (to be removed) and Council street trees (Source: Site Photos)

The subject site is within *The Valley Heritage Conservation Area (C7)*. It is not a heritage item however, it is located in proximity of the following heritage items:

- 'Street trees—Brush Box and Ficus hillii sp' along Llewellyn Street (I254)
- 'Former Masonic Hall including interiors' at 8 Montague Street (I259)
- 'Former Masonic Hall, including interiors' at 27A Llewellyn Street (I253)
- 'Former Masonic Hall, including interiors' at 6 Montague Street (I258)

- 'Former Central Methodist Mission, including interiors' at 19/21 Montague Street (I260)

## 4. Background

### 4(a) Site history

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

#### Subject Site

Date	Application No	Application Details	Outcome
14.11.1991	BA 91/708	Alterations and additions to existing dwelling comprising new laundry to rear.	Approved
24.02.2017	PREDA/2016/252	Addition of a second storey to the existing single storey house to accommodate 2 additional bedrooms and 2 bathrooms.	Issued
<p>In considering the PREDA, the following fundamental issues were identified:</p> <ul style="list-style-type: none"> <li>• Retention of entire roof of main roof required.</li> <li>• Works must not require significant pruning of heritage listed street trees.</li> </ul>			
8.12.2017	PREDA/2017/314	The proposed works involve the addition of a second storey to the existing single storey house to accommodate 2 additional bedrooms and 2 bathrooms.	Issued
<p>Council's advised that the proposal required re-design to address the following issues:</p> <ul style="list-style-type: none"> <li>• Retention of heritage listed street trees.</li> <li>• Retention of main roof over dwelling in a heritage conservation area.</li> <li>• Redesign of addition to ensure in keeping with heritage conservation area including deletion of portico entrance.</li> <li>• Provision of adequate solar access to private open space of 12 Montague Street, Balmain.</li> </ul> <p>The following re-design options were discussed/recommended at the PREDA meeting:</p> <ul style="list-style-type: none"> <li>• Retention of main roof over dwelling.</li> <li>• Converting the living room to a third bedroom at ground floor level and extending the rear addition to the north to form an open plan living/dining/kitchen area.</li> <li>• Redesign first floor into "attic form" first floor with 1½ height wall and standard pitched roof over. Deletion of the proposed balconies and windows to Llewellyn Street. A small balcony (1.2 m x 2 m) could be inserted in the eastern (rear) elevation off the master bedroom.</li> </ul>			

#### Surrounding properties

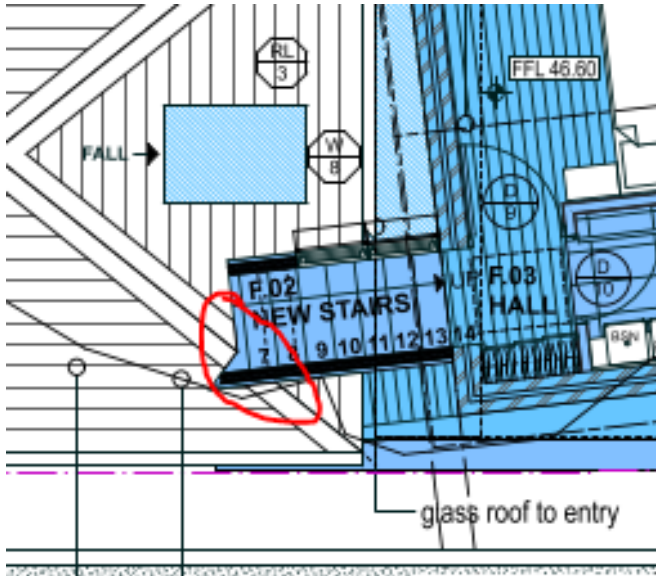
None relevant to this application.



## 4(b) Application history

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

Date	Action
24.05.2018	Neighbour submission provided to applicant.
14.06.2018	Applicant requested meeting as disappointed in heritage advice.
3.08.2018	<p>Council – Wrote to the Applicant raising the following issues –</p> <ul style="list-style-type: none"> <li>• Heritage listed street trees – need for root mapping and pruning specification / amended plans to ensure the trees won't be adversely affected by proposed works</li> <li>• Heritage / design of addition – need to retain main tiled roof of existing dwelling (as advised in pre-DA) and for materials and form of addition to be compatible with heritage conservation area</li> </ul>
6.08.2018	Applicant was advised that Council would support removal of Tree 3 (Council street tree - Brushbox) subject to conditions including replacement planting and all works at owner's expense.
6 to 10.08.2018	Draft concept plans discussed with applicant.
14.8.2018	Amended plans lodged. These plans retain the rear roof plane of the existing roof (with the exception of an access stair) however use a mansard roof form which is not typical of the locality.
24.8.2018	Amended BASIX Certificate and sample board provided.
10 to 13.09.2018	Amended arborist report submitted.
2.10.2018	<p>Amended plans were requested as the mansard roof form and proposed materials of construction were not supported on heritage grounds. The following changes were sought:</p> <ol style="list-style-type: none"> <li>a) The rear elevation of the new addition must align at ground at first floor elevations. (it appears that the first floor is slightly cantilevered in the amended plans)</li> <li>b) The plans must be amended to reduce the height/bulk of the stairwell and retain the entire southern roof plane of the existing roof. This could be achieved by reducing the floor to ceiling levels in the stairwell to 2 m and deleting the first floor "hall". The glazing in the roof link should be deleted and the bulk of the link reduced as much as possible.</li> <li>c) The form of the two storey addition should be amended as follows: <ol style="list-style-type: none"> <li>i) Delete the balconies and roof overhang to the north of the first floor.</li> <li>ii) Delete the mansard roof form.</li> <li>iii) The two storey rear addition should have side walls that are perpendicular to the ground, noting that the northern walls at ground and first floor level should align. These walls should be facebrick with the brick matching the same tonality as the main dwelling and have a side wall height (for the northern and southern elevations) approximately 5.1 m from ground level.</li> <li>iv) Add that 'new windows are to be timber framed and vertically proportioned' maximum 1200 by 900mm.</li> </ol> </li> </ol>

	<p>v) The addition should have a gable roof form pitching at 30° (to match the pitch of the existing roof) from a pitching point of 2 m. The first floor bedroom should have a sloping ceiling of minimum heights necessary to comply with the Building Code of Australia. i.e. 2.4 m over 2/3 of the room.</p> <p>vi) The roof of the addition should be custom orb profile metal roofing of a colour matching traditional corrugated iron, i.e. equivalent to Colorbond® <i>Windspray</i> or <i>Wallaby</i>.</p>
<p>13.11.2018</p>	<p>Amended plans were lodged, broadly consistent with the above requirements with the exception of point (b) the retention of the rear roof plane.</p> <p><u>Comment:</u> The only remaining issue is to ensure the retention of the area show in red in the plan extract below.</p>  <p>This can be addressed via condition and the applicant has been advised that a condition will be imposed to ensure that the proposed works do not impact upon the southern roof plane or associated capping.</p>

The most recent additional information and amended plans form the basis of this report.

The amended plans entail the following changes:

- Retain the rear roof plane of the existing roof (with the exception of an access stair).
- Reduction in amount of pruning of street tree.

The amended plans lodged did not require re-notification as they were considered to fall within Control C5. Section A3.13 - *Specific Circumstances Where Notification Is Not Required*, of the Leichhardt Development Control Plan 2013, which does not require the re-notification of amended plans to an undetermined application which, inter alia, constituted a lesser development or where amendments were required in order to address the concerns raised by Council or objectors.

## 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

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. 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

Revised Certificate number: A310311\_03 dated 12.11.2018 has been submitted with the amended plans.

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

This Policy applies to the Inner West Council area. The aims of this Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal involves the removal of a mango tree which is an exempt species.

The proposal also requires pruning of two (2) *Ficus macrocarpa* var. *hillii* (Hills Figs) and one (1) Brushbox located on Council's Llewellyn Street road reserve. This has been addressed in Council's Landscape Officer assessment, which is included in **Section 6** of this report and the proposed development is considered satisfactory having regard to the provisions of this Policy.

### 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 or open space and recreation facilities.

### 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 site is within the **R1 – General Residential** zone under the Leichhardt Local Environmental Plan 2013. The development is permissible with development consent under the zoning provisions applying to the land. The development is considered acceptable having regard to the stated objectives of the zone:

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

Standard (maximum)	Proposal	% of non-compliance	Compliance
<b>Floor Space Ratio</b> Permissible: [0.9:1]	0.56:1 124.9m <sup>2</sup>	N/A	Yes
<b>Landscape Area</b> 15% required	20.95% 47m <sup>2</sup>	N/A	Yes
<b>Site Coverage</b> Maximum 60% permitted	60% 134.5m <sup>2</sup>	N/A	Yes

### 5(b) Draft Environmental Planning Instruments

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

- Draft Environment State Environmental Planning Policy

The draft Environment SEPP raises no issues regarding the proposed development.

### 5(c) Development Control Plans

Part	Compliance
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	Not applicable
B3.2 Events and Activities in the Public Domain (Special Events)	Not applicable
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Not applicable

C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	Yes
C1.6 Subdivision	Not applicable
C1.7 Site Facilities	Yes
C1.8 Contamination	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
<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.2.4 The Valley (Balmain) Distinctive Neighbourhood	Yes
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Not applicable
C3.5 Front Gardens and Dwelling Entries	Not applicable
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	No
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	Not applicable
C3.14 Adaptable Housing	Not applicable
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	
	Not applicable
<b>Part D: Energy</b>	
	Yes
<b>Part E: Water</b>	
	Yes
<b>Part F: Food</b>	
	Not applicable
<b>Part G: Site Specific Controls</b>	
	Not applicable

The following provides discussion of relevant issues arising from the LDCP 2013:

C1.3 – Alterations and Additions

The LDCP 2013 requires consideration of alterations and additions to a building in a Heritage Conservation Area to generally take one of the following approaches:

1. *The original building and roof form is left intact, and the new addition provided as a separate, linked element (which could be contemporary and different in style) or;*
2. *If the addition is to merge with the existing building and roof form then it should retain the integrity of the original elevation treatment and roof form.*

The proposed development adopts the first approach and proposes a modern addition to the rear as a separate linked element. The rear of the dwelling has been previously modified and the proposed new addition will be recognised as a recent addition to the original form.

The front of the building will remain substantially intact. The proposed works will not alter the building's current presentation to Montague Street and the relationship with the adjoining dwelling at 12 Montague Street will not be impacted.

As the subject land is a corner site, the proposed addition will be visible from Llewellyn Street; however, the height of the addition is suitable to ensure that it will not be visibly dominant when viewed from Montague Street.

The proposed addition has been designed to be clearly read as a separate modern addition and it is considered that will not compete with the form of the original dwelling. Maintaining the dominance of the original roof form when viewed from the public domain and surrounding properties is considered essential and a condition is recommended to be imposed requiring the stair link connecting the ground and first floors to be repositioned to protect the integrity of the southern roof plane and associated capping (refer to discussion in **Section 4(b)**).

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

##### Heritage Listing

The subject site is not listed as a heritage item on the Leichhardt LEP 2013. It is a contributory item to 'The Valley Heritage Conservation Area' (C7).

It is in close proximity of the following heritage items:

- 'Former Masonic Hall including interiors' at 8 Montague Street (I 259)
- 'Street trees—Brush Box and Ficus hillii sp' along Llewellyn Street (I 254)
- 'Former Masonic Hall, including interiors' at 27A Llewellyn Street (I 253)
- 'Former Masonic Hall, including interiors' at 6 Montague Street (I 258)
- 'Former Central Methodist Mission, including interiors' at 19 Montague Street (I 260)

Statement of significance for the heritage items in close proximity are available from the NSW Office & Environment website at <http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>

The subject site is part of The Valley - Balmain Distinctive Neighbourhood of the Leichhardt LEP 2013.

##### Heritage Significance

The subject site is occupied by a single storey Inter-War Californian Bungalow house that is contributory to the heritage conservation area.

The dwelling forms part of a cohesive, contributory pair of similar, historic single storey dwellings (with No.12 Montague Street).



The proposed works have been reviewed with consideration of the Leichhardt Local Environmental Plan 2013 & Development Control Plan 2013.

The statement of significance of The Valley HCA is available at <http://www.leichhardt.nsw.gov.au/Planning---Development/Planning-Controls--DCPs--LEPs--VPAs-/Heritage/Conservation-Area-12-The-Valley-Rozelle-and-Balmain>

The applicant has submitted a revised set of plans which have addressed the original heritage issues raised by Council's Heritage Officer in regards to the proposal:

Council's Heritage Officer (refer to **Section 6**), now considers the amended plans submitted to Council satisfactory subject to design amendment conditions being imposed requiring:

- window W8 on the northern elevation of the internal stairway from the ground floor to the first floor being deleted; and
- the stair link connecting the ground and first floors be relocated or realigned to project only from the eastern, rear facing roof plane and the southern roof plane and associated capping being kept intact.

#### C1.12 - Landscaping

Controls **C3** and **C4** require that:

**C3** *Trees that contribute to the character and quality of the area are retained and protected and additional trees compatible with the existing character are provided.*

**C4** *Provide for the retention of existing and/or planting of additional canopy trees.*

As stated previously in this report, the proposed development requires that three street trees (outside the site) in Llewellyn Street be pruned. As set out in **Section C1.14** (below) Council's Landscape Officer is satisfied that subject to recommended conditions, these existing street trees will be protected from root damage and substantial canopy pruning. In addition, compensatory replanting is recommended to be carried out at the Applicant's expense to protect the existing character of the area.

#### C1.14 – Tree Management

Council's Landscape Officer (refer to **Section 6**) has raised no objection to the amended design and has found the reduced amount of pruning of the two *Ficus macrocarpa var. hillii* (Hills Figs) acceptable.

The *Lophostemon confertus* (Brushbox) (which is located between the two Hills Figs) is recommended to be cut to a level above existing roots from the neighbouring Hills Figs that currently envelope the stump of the tree. It is recommended that the stump is not to be removed and the Hills Fig roots are not to be damaged.

In addition, adequate compensatory replanting at the expense of the applicant is required and replacement planting conditions are recommended to be imposed.

#### C3.2 – Site Layout and Building Design

##### Building Location Zone

The proposed alterations and additions to the ground floor will result in a lesser setback from the rear boundary than existing.

The proposed first floor addition will match the proposed ground floor setback.

The site is a corner allotment (corner of Montague and Llewelyn Streets) and Control **C5** requires that the BLZ of a corner site:

*“...is to be determined by the location of the building on the adjacent property that most resembles the orientation, frontage width and site layout of the subject site. Council may exercise some flexibility in relation to the side setback to the secondary street frontage, depending upon the relative importance of this frontage and the characteristic pattern of development.”*

Based on the criteria set out above in **C5**, the neighbouring property which best resembles (but not entirely so) the subject site and development on this site is the adjoining neighbour to the south, 12 Montague Street. In comparison with the existing relationship No. 12, the proposed ground floor rear setback on this site will not be significantly dissimilar and is considered acceptable; particularly given that reasonable area of private open space will be maintained at the rear of the subject site. With regards to the first floor BLZ, No. 12 is only single storey construction and while Nos. 14-22 Montague Street are 2 storey buildings, these are older terrace style dwellings that do match the site layout of the subject site (refer to **C5** above).

Accordingly, the site and 12 Montague Street must be compared and, in this regard, the proposed first floor addition will establish the first floor rear BLZ for these 2 properties. In this regard the proposed first floor addition is satisfactory having regard to the requirements of Control **C6** as follows:

- The proposed building will remain consistent with the pattern of development established by this site in conjunction with No. 12.
- Amenity to adjacent properties (i.e. sunlight, privacy, views) is maintained (refer to **C3.9 Solar Access** for discussion on compliance with the solar access controls of this Development Control Plan).
- The proposed development will be compatible with the existing streetscape, desired future character and scale of surrounding development.
- The proposal is compatible in terms of size, dimensions privacy and solar access of private open space, outdoor recreation and landscaping.
- Retention of existing significant vegetation is achieved.
- The height of the development has been kept to a minimum to minimise visual bulk and scale, as viewed from adjoining properties, and in particular when viewed from the surrounding street.

### Side Setbacks

The existing building has a minimal side boundary setback from the southern side boundary; and accordingly, the proposed first floor addition breaches Control **C7**, which requires building setbacks to comply with the numerical requirements set out in the side boundary setback graph.

Control **C8** allows walls higher than that required by the side boundary setback controls to be constructed to side boundaries where:

- The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the LDCP2013 and complies with streetscape and desired future character controls.  
Comment: Subject to the recommended conditions, the proposed alterations and additions are consistent with the provisions set out in the Building Typologies of the LDCP 2013. The proposal will also comply with the objectives and controls set out in **The Valley (Balmain) Distinctive Neighbourhood** character controls.
- The pattern of development is not adversely compromised.

Comment: The proposed alterations and additions are not out of character with the pattern of development in the street and wider area.

- The bulk and scale of the development has been minimised and is acceptable.  
Comment: Subject to the recommended conditions, the proposed alterations and additions will not result in visual bulk and scale impacts to the surrounding properties.
- The proposal is acceptable with respect to applicable amenity controls e.g. solar access, privacy and access to views.  
Comment: The impacts on amenity of adjoining properties, in terms of sunlight and privacy are satisfactory.
- The proposal does not unduly obstruct adjoining properties for maintenance purposes.  
Comment: The proposed development will give rise to any maintenance issues for the neighbours.

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

### C3.9 Solar Access

The proposal results in additional overshadowing of the private open space of the dwelling to the south at 12 Montague Street. Council requires development to minimise the degree of overshadowing of neighbours while recognising that the LDCP solar access requirements are linked to the orientation of a site; and in this case, both the subject site and No. 12 are east (rear) / west (front) aligned allotments.

Structures at the rear of No. 12 include a garage with access off the rear lane, and a covered pergola linking the garage to the rear of the house. There is virtually no landscaped area on that allotment and the private open space at the rear of the house is covered by a semi-transparent roofing (over the pergola). Calculations by the author of this report indicate that direct sunlight to approximately 50% of this very small area will be maintained from 9am to 10:30am mid-winter (Note: Updated shadow diagrams have not accompanied the amended plans and accordingly the shadow diagrams attached to this report relate to the originally submitted plans. In this regard, the amended proposal casts less shadow than the originally submitted design). This does not satisfy Control **C18** which requires:

*“Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.”*

However, the submitted shadow diagrams have not properly considered the shadows cast by the garage and the pergola located on No. 12 over that site's own small rear open space area and it is considered that these structures already put this area in significant shadow during mid-winter mornings. This goes towards the assessment of the reasonableness of the proposed development on the solar access impact to this adjoining property, and in particular, the variation of Control **C18**. On balance, it is considered that the achievement of the nominated controls is unreasonable in this instance having regard to:

- The reasonableness of the development overall, in terms of compliance with other standards and controls concerned with the control of building bulk and having regard to the general form of surrounding development.
- Site orientation.
- The degree of skill employed in the design to minimise impact.
- Whether reasonably available alternative design solutions would produce a superior result.



With regard to the 3<sup>rd</sup> and 4<sup>th</sup> bullet points, it is considered that any two storey addition at the rear of the site would overshadow the rear of No. 12 and given the constraints of the subject site there is no other reasonable location for a two storey addition.

#### 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 Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. One (1) submission was received.

The following issue was raised in objection to this application:

- Overlooking the master bedroom of 34 Llewellyn Street, Balmain from windows in eastern elevation of the proposed first floor level addition.

#### Planner's Comment:

The controls contained in Part C3.11 – Visual privacy require:

**C1** Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.

**C7** New windows should be located so they are offset from any window (within a distance of 9m and 45 degrees) in surrounding development, so that an adequate level of privacy is obtained/retained where such windows would not be protected by the above controls (i.e. bathrooms, bedrooms).

The master bedroom window in the objectors' property is separated from the subject site by a laneway and distance in excess of 9 metres (refer to **Figure 3**). The windows in the proposed addition are to a bedroom and ensuite, which are low activity rooms and no screening is considered necessary for privacy protection. In conclusion, the proposed works are not considered to result in an unreasonable adverse privacy impact.



**Figure 3:** Rear of the site showing Objector's property (left) separated by laneway (Source: Google Street View)

### 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:

As discussed in Section 5(c), Council's Heritage Officer considers the revised design to be a significant improvement and no objection is raised subject to the imposition of conditions requiring the design to be amended as follows:

- window W8 on the northern elevation of the internal stairway from the ground floor to the first floor being deleted; and
- the stair link connecting the ground and first floors be relocated or realigned to project only from the eastern, rear facing roof plane and the southern roof plane and associated capping being kept intact.

#### Planners Comment:

No. 10 Montague Street makes a limited but positive contribution to the Valley Heritage Conservation Area as simple inter-war single storey residential building.

The proposal is not visually overbearing or detracts from the appearance of the original cottage. The proposal will ensure that the presentation of the building to Montague Street will remain unaltered and as such, the relationship between Nos. 10 and 12 Montague Street will not be impacted by the proposed development.

It is considered that the proposed works respect the Conservation Area by retaining the Montague Street elevation and respecting the dominance of the street facing gable. No objection is raised against the current (amended) plans on planning grounds.

Development Engineer

*The stormwater drainage concept plan proposed a new stormwater pipe within the property along the northern boundary. There are several large trees within the road reserve that may have roots that extend within the property. An arborist report was submitted in support of the application and it has been determined that the proposed works can occur without adversely impacting on the trees.*

*It appears the proposed stormwater system relies on a charged pipe system to drain the rear yard to Montague Street which is unacceptable. A condition of development consent requires the submission of an amended stormwater drainage design that complies with Council's controls i.e. does not rely on a charged line to be submitted prior to the release of the Construction Certificate.*

Planners Comment:

Conditions to be imposed as recommended.

Landscape

*A review of the **amended** Arboricultural Impact Assessment Report, prepared by Louise Bennett, dated 10/09/2018 has found the reduced amount of pruning of the subject Ficus macrocarpa var. hillii (Hills Figs) acceptable. The reduced pruning of two lateral third order branches from T2 noted in the amended pruning specification is supported and is considered more appropriate in this instance.*

*It is requested that the branches proposed for removal are identified using marking paint in accordance with the arborist's recommendations, so they could be clearly identified for both the tree contractors undertaking the specified pruning works as well as for additional clarity for Council's Compliance and Urban Forest teams.*

*It is noted that the appointed arborist has not provided supporting photographs with the submitted pruning specification and it is requested that supporting photographs are submitted to Council after the proposed branches for removal have been marked with paint. Alternatively, a commonly utilised and accepted method of identifying branches in canopies is to take clear and coloured photos from multiple angles and simply indicate with a coloured marker or computer drawing software tool (such as Microsoft Word, Paint or Powerpoint) where the final cuts are proposed overlaid over the top of the images.*

*The results from the submitted Ground Penetrating Radar investigations, undertaken by Suresearch Underground Services, dated 16/08/2018 confirms that a corridor of open, unoccupied soil exists between the trees root plates and the dwelling. Given the additional evidence submitted, the proposed stormwater system is supported subject to being installed using lateral boring techniques as opposed to open trenching in accordance with the author's recommendations outlined in section 5.2 of the above report.*

*Should the applicant request the removal of the Lophostemon confertus (Brushbox) in between the two figs along Llewellyn St, it will be supported subject to the tree removal being at the applicant's expense*

*The Lophostemon confertus (Brushbox) shall be cut to a level above existing roots from adjacent Ficus macrocarpa var. hillii, (Hills fig) that currently envelope the stump of the subject tree. The stump is not to be removed and Ficus roots are not to be damaged.*

*In addition, adequate compensatory replanting at the whole expense of the applicant is required.*

*The applicant shall apply to Council for an Open Road Permit to authorise all works within the road reserve.*



*The replacement species, size, location and duration of establishment phase will be decided by Council in accordance with the below conditions.*

Planners Comment:

Consent for the removal of the street tree (Brush box) was not sought as part of the application and the draft Notice of Determination attached to this report is based on its retention. Conditions to be imposed as recommended.

## 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 consent to Development Application No: D/2018/205 for alterations and additions to existing dwelling-house, including two storey rear addition, and associated works, including on-site parking, new shed, new fencing and tree removal at 10 Montague Street, BALMAIN NSW 2041 subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

## CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2018/205 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Number	Plan Title	Drawn By	Dated
2017/07/MD01/A	Plans – Ground (existing)	OIKOS Architects	27.06.2017
2017/07/MD02/A	Plans – Site & Roof (existing)	OIKOS Architects	27.06.2017
2017/07/MD03/A	Sections – A & B Elev – E/W (existing)	OIKOS Architects	27.06.2017
2017/07/MD04/A	Elevations – North & South	OIKOS Architects	27.06.2017
2017/07/DA01/F	Cover Sheet	OIKOS Architects	09.11.2018
2017/07/DA02/F	Plans - Ground	OIKOS Architects	09.11.2018
2017/07/DA03/F	Plans - First	OIKOS Architects	09.11.2018
2017/07/DA04/F	Plans – Site & Roof	OIKOS Architects	09.11.2018
2017/07/DA05/F	Sections – A & B Elev – E/W	OIKOS Architects	09.11.2018
2017/07/DA06/F	Elevations – North & South	OIKOS Architects	09.11.2018
2017/07/DA07/F	Elevation – Llewelyn St., North	OIKOS Architects	09.11.2018
2017/07/DA08/F	Elevations – West & East	OIKOS Architects	09.11.2018
2017/07/DA13/E	Finishes Schedule North – Llewelyn St., Balmain	OIKOS Architects	24.08.2018
2017/07/DA14/D	Site Analysis Plan	OIKOS Architects	15.03.2018
Document Title	Document Reference	Prepared By	Dated
Arboricultural Impact Assessment Report	Addendum 1	ArborSkills Arboricultural Consultancy	10.09.2018
Arboricultural Impact Assessment Report	-	ArborSkills Arboricultural Consultancy	07.05.2018
Arboricultural Impact Assessment Report	-	ArborSkills Arboricultural Consultancy	14.03.2018
Level and Detail of 10 Montague St., Balmain	Plan No: 19759	GK Wilson & Associates – Consulting Surveyors	22.11.2016
BASIX Certificate	A310311_03	OIKOS Architects	12.11.2018
Statement of Environmental Effects	N/A	Burrell Threlfo Pagan Pty Ltd	April 2018
Heritage Impact Statement	J2987	Weir Phillips Heritage	April 2018
Waste Management Plan	N/A	OIKOS Architects	23.03.2018

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

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

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

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

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

2. 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.

3. Removal/pruning of the following tree/s from Council's nature strip shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000.

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

Tree/location	Approved works
<i>Lophostemon confertus</i> (Brushbox) located on Llewellyn St road reserve.	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'.

Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) shall be undertaken by an approved Ausgrid contractor for the management of vegetation conflicting with such services. Please contact Ausgrid for further advice in this regard.

4. The trees identified below are to be retained:

Tree/location
1x <i>Photinia robusta</i> (Red leaf Photinia) located on nature strip along Montague St, Balmain.
2x <i>Ficus microcarpa var. hillii</i> (Hills Figs) located on nature strip along Llewellyn St, Balmain.

Details of the trees to be retained must be included on the Construction Certificate plans

5. Consent is granted for demolition of the currently existing structures on the property as set out in the plans/documentation listed in Condition 1 (as amended by the conditions of this consent), 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](http://www.1100.com.au) should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
  - i) A WorkCover licensed contractor must undertake removal of all asbestos.
  - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
  - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
  - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
  - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

6. 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



	<p>plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.</p> <p>Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.</p>
<b>PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE</b>	
7.	<p>In accordance with the provisions of the <i>Environmental Planning and Assessment Act 1979</i> construction works approved by this consent must not commence until:</p> <ul style="list-style-type: none"> <li>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."</li> <li>b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.</li> <li>c) At least two days notice, in writing has been given to Council of the intention to commence work.</li> </ul> <p>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.</p>
8.	<p>Amended plans are to be submitted incorporating the following amendments to protect the heritage qualities of The Valley Heritage Conservation Area:</p> <ul style="list-style-type: none"> <li>a) Window W8 on the northern elevation of the internal stairway from the ground floor to the first floor is to be deleted.</li> <li>b) The stair link connecting the ground and first floors shall be relocated / realigned to project only from eastern, rear facing roof plane. As a consequence of this change, the southern roof plane and associated capping are to be kept intact.</li> </ul> <p>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.</p>
9.	<p>A stormwater drainage design prepared by a Licensed Plumber or qualified practicing Civil Engineer shall be provided prior to the issue of a Construction Certificate. The design shall be prepared/ to make provision for the following:</p> <ul style="list-style-type: none"> <li>a) The design must be in accordance with the requirements of Council's DCP.</li> <li>b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road. Charged or pump-out stormwater drainage systems are not permitted.</li> <li>c) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.</li> <li>d) A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas, except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1</li> </ul>

buildings.

- e) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- f) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets
- g) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- h) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height of 100mm.
- i) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
- j) New kerb outlets in stone kerb shall be carefully cored through the existing kerb stone such that the kerb outlet is perpendicular (a 90° angle) with the gutter. The pipe under the footpath shall end 30mm within the kerb stone with mass concrete around the pipe connection to the kerb stone.
- k) Purpose made pipe fittings and bends or welded joints shall be used where necessary to align the discharge pipe with the kerb outlet.
- l) No impact to street trees.

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

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

10. The design of the vehicular access and off street parking facilities shall comply with Australian Standard AS/NZS2890.1-2004 *Parking Facilities – Off-Street Car Parking*. Details demonstrating compliance are to be provided prior to the issue of a Construction Certificate. The following specific issues shall be addressed in the design:
- a) The floor/finished levels within the property shall be adjusted to ensure that the levels at the boundary comply with the Alignment Levels issued with this consent.
  - b) The garage slab or driveway shall rise within the property to be 170mm above the adjacent road gutter level. The longitudinal profile across the width of the vehicle crossing shall comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
  - c) A minimum of 2200mm headroom shall be provided throughout the access and parking facilities. Note that the headroom shall be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
  - d) Longitudinal sections along both sides of the access and parking facilities, extending to the centreline of the road carriageway shall be provided, demonstrating compliance with the above requirements.

	<p>e) The parking space shall have minimum clear internal dimensions of 6000 x 3000mm (length x width) and a door opening width of 3000mm at the street frontage. The dimensions shall be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004.</p> <p>f) The external form &amp; height of the approved structures shall not be altered from that depicted on the approved plans.</p> <p>The design shall be certified by a suitably qualified Civil Engineer as complying with the above requirements.</p> <p>Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.</p>
11.	<p>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.</p>
12.	<p>In accordance with Section 34 of the <i>Building and Construction Industry Long Service Payments Act 1986</i>, 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.</p> <p>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.</p>
13.	<p>The existing unpainted brick surfaces are not to be painted, bagged or rendered but to remain as original brick work. The Construction Certificate plans must clearly depict all original brickwork with a notation that they are to remain unpainted to the satisfaction of the Principal Certifying Authority.</p>
14.	<p>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:</p> <ul style="list-style-type: none"> <li>a) Must preserve and protect the adjoining building from damage</li> <li>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.</li> <li>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.</li> </ul> <p>In this condition, the allotment of land includes public property.</p>
15.	<p>The following fire upgrading is required pursuant to Clause 94 of the <i>Environmental Planning and Assessment Regulation 2000</i>:</p> <ul style="list-style-type: none"> <li>- The building is to be provided with smoke alarm system that complies with <i>AS3786-1993: Smoke Alarms</i> 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.</li> </ul>

	<p>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.</p> <p><b>Note:</b> 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.</p>
16.	<p>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.</p> <p>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.</p>
17.	<p>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 &amp; Construction Volume 1 (2004) available at <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a> 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:</p> <ol style="list-style-type: none"> <li>a) Minimise the area of soils exposed at any one time.</li> <li>b) Conservation of top soil.</li> <li>c) Identify and protect proposed stockpile locations.</li> <li>d) Preserve existing vegetation. Identify revegetation technique and materials.</li> <li>e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.</li> <li>f) Control surface water flows through the site in a manner that: <ol style="list-style-type: none"> <li>i) Diverts clean run-off around disturbed areas;</li> <li>ii) Minimises slope gradient and flow distance within disturbed areas;</li> <li>iii) Ensures surface run-off occurs at non erodable velocities;</li> <li>iv) Ensures disturbed areas are promptly rehabilitated.</li> </ol> </li> <li>g) Sediment and erosion control measures in place before work commences.</li> <li>h) Materials are not tracked onto the road by vehicles entering or leaving the site.</li> <li>i) Details of drainage to protect and drain the site during works.</li> </ol> <p>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.</p>
18.	<p>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</p>

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.

19. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):
- a) A plan view of the entire site and frontage roadways indicating:
    - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
    - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
    - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
    - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
    - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
  - b) Noise and vibration  
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) for guidance and further information.
  - c) Occupational Health and Safety  
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
  - d) Toilet Facilities  
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
  - e) Traffic control plan(s) for the site  
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"
- Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.



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

20. Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the State Environmental Planning Policy shall be prepared. 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.

21. The following tree species must be planted, at no cost to Council, in the nature strip along Llewellyn Street. The tree/s used must be a minimum twenty-five (100) litre container size at the time of planting.

Tree/species	Quantity	Location
<i>Lophostemon confertus</i> (Brushbox)	1	Llewellyn St. The exact location to be determined by Council.

Details of the species and planting locations must be included on a landscape and /or site plan which is to be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate. The submitted plan(s) must also contain details as to the location of power poles and overhead power lines, manholes, vehicular crossings, footpaths, subterranean services and the like.

Note: Prior to carrying out any work on public land the Applicant is advised to contact Council to check if separate approval is required under the *Roads Act 1993*.

1. The person acting on this consent must plant the replacement specimen in accordance with the following criteria.
  - a) All planting stock size shall be minimum 100 litres.
  - b) The planting stock shall comply with Australian Standard Tree stock for landscape use AS 2303—2015.
  - c) The new tree shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
  - d) The tree pit dimensions and staking detail shall be in accordance with Detail 6 on page 133 of the Marrickville Street Tree Master Plan 2014 (available online).
  - e) The new street tree shall be maintained in a healthy and vigorous condition during an establishment period of 24 months.
  - f) If the tree dies or is removed during the establishment period it shall be replaced with the same species tree in accordance with these conditions at the expense of the applicant.
  - g) Upon completion of planting the applicant shall arrange an inspection by Council's Public Tree Coordinator (call 8595 2432) to approve the installation. If trees are unsatisfactory and not in accordance with conditions they will be rejected and replaced at the expense of the applicant
  
2. It needs to be demonstrated that adequate soil volume can be provided for all trees. Tree planting details must be submitted to the Council's Urban Forest

Manager’s satisfaction before the issue of a Construction Certificate. These must include dimensions for tree pits and details of a vault style structural soil with a minimum of 20-30m<sup>3</sup> available soil volume for each tree. Refer to Appendix 6.6 (Detail 5) of the Marrickville Street Tree Master Plan 2014.

3. Details demonstrating compliance with the requirements of this condition are to be submitted to the Certifying Authority prior to the issue of any Occupation Certificate. Before the issue of an Occupation Certificate, the Certifying Authority must be satisfied that all requirements of this condition, have been undertaken in accordance with the approved plan and conditions of consent.

22. The footings of the proposed boundary fence will be isolated pier or pier and beam construction within the specified radius of the trunk(s) of the following tree(s).

Schedule	
Tree/location	Radius in metres
2x <i>Ficus microcarpa</i> var. <i>hillii</i> (Hills Figs) located on nature strip along Llewellyn St, Balmain.	As per submitted Arboricultural Impact Assessment Report, prepared by Arbor Skills, dated 14 March 2018 and amended 10 September 2018.

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam(s) shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels.

Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority satisfying the above requirements prior to the release of a Construction Certificate.

All holes required for fencing within the Tree Protection Zones (TPZ) of trees to be retained must be excavated by hand.

23. The following trees can be pruned:

Schedule		
Tree/species	Quantity	Location
2x <i>Ficus microcarpa</i> var. <i>hillii</i> (Hills Figs)	In accordance with <i>Appendix 1: Tree Pruning Specification</i> of the submitted <i>Arboricultural Impact Assessment Report</i> , prepared by <i>Arbor Skills</i> , dated 10 September 2018.	Located on nature strip along Llewellyn St, Balmain.

Pruning approval of the above trees is subject to all pruning works being undertaken by a minimum Level 3 (AQF 3) qualified Arborist and in accordance with Australian Standard 4373—*Pruning of amenity trees*. No climbing spikes/spurs are to be worn. Details must be provided prior to the issue of the Construction Certificate.

24. 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.

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

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

Security Deposit (FOOT)	\$8,056.50
Inspection fee (FOOTI)	\$230.65

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

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

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

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

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

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

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

Property	Structures / Area
12 Montague Street, Balmain	Within 1.0 metre of the common boundary

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

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

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

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

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

27. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:
- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
  - b) A concrete pump across the roadway/footpath
  - c) Mobile crane or any standing plant
  - d) Skip bins
  - e) Scaffolding/Hoardings (fencing on public land)
  - f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
  - g) Awning or street verandah over footpath
  - h) Partial or full road closure
  - i) Installation or replacement of private stormwater drain, utility service or water supply
- Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.
- Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the 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.

28. To preserve the following tree/s and avoid soil compaction, no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until temporary measures to avoid soil compaction (e.g. rumble boards or similar as specified in Section 4.5.3 of AS4970—*Protection of trees on development sites*) beneath the canopy of the following tree/s is/are installed:

	<p><b>Tree/Location</b>                  2x <i>Ficus microcarpa</i> var. <i>hillii</i> (Hills Figs) located on nature strip along Llewellyn St, Balmain.</p>
	<p>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.</p>
<p>29.</p>	<p>Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.</p> <p>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.</p>
<p>30.</p>	<p>To preserve the following tree/s no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until the trunk/s/branches are protected (in accordance with AS4970-<i>Protection of trees on development sites</i>) by the placement of appropriate lengths of 50 x 100mm timbers spaced at 150mm centres and secured by wire/hoop strap over suitable protective padding material (i.e. underlay or carpet). The trunk/branch protection shall be maintained intact until the completion of all work on site.</p> <p>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.</p>
<p>31.</p>	<p>The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.</p>
<p><b>PRIOR TO THE COMMENCEMENT OF WORKS</b></p>	
<p>32.</p>	<p>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.</p> <p>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.</p> <p>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:</p> <p>a) location of the building with respect to the boundaries of the site.</p>
<p>33.</p>	<p>The site must be secured with temporary fencing prior to any works commencing.</p> <p>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</p>



	<p>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.</p> <p>Separate approval is required under the <i>Roads Act 1993</i> 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.</p> <p>Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.</p>
34.	<p>The <i>Home Building Act 1989</i> 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.</p> <p>A copy of the certificate of insurance must be submitted to the Certifying Authority prior to the works commencing.</p> <p>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.</p> <p>In all other cases, written notice must be given to the Certifying Authority of:</p> <ul style="list-style-type: none"> <li>a) the name and licence number of the principal contractor; and</li> <li>b) reasons why a certificate of insurance is not required.</li> </ul> <p>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.</p>
35.	<p>Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.</p>
36.	<p>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.</p>
37.	<p>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.</p>
38.	<p>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:</p> <ul style="list-style-type: none"> <li>a) Unauthorised entry to the work site is prohibited.</li> <li>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.</li> <li>c) The name, address and telephone number of the Principal Certifying Authority for the</li> </ul>

	<p>work.</p> <p>Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.</p> <p>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.</p>
	<p><b>DURING WORKS</b></p>
39.	<p>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.</p> <p>Construction materials and vehicles shall not block or impede public use of the footpath or roadway.</p>
40.	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>a) Preserve and protect the building from damage.</li> <li>b) If necessary, underpin and support the building in an approved manner.</li> <li>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.</li> </ul> <p>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.</p>
41.	<p>The site must be appropriately secured and fenced at all times during works.</p>
42.	<p>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.</p> <p>Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.</p>
43.	<p>Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:</p> <ul style="list-style-type: none"> <li>a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);</li> <li>b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this</li> </ul>

	<p>time; and</p> <p>c) at no time on Sundays or public holidays.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:</p> <p style="padding-left: 40px;">8:00 am to 12:00 pm, Monday to Saturday; and 2:00 pm to 5:00 pm Monday to Friday.</p> <p>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.</p> <p>"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.</p> <p>Noise arising from the works must be controlled in accordance with the requirements of the <i>Protection of the Environment Operations Act 1997</i> and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.</p>
<p>44.</p>	<p>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.</p>
<p>45.</p>	<p>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.</p>
<p>46.</p>	<p>The development must be inspected at the following stages by the Principal Certifying Authority during construction:</p> <ul style="list-style-type: none"> <li>a) after excavation for, and prior to the placement of, any footings, and</li> <li>b) prior to pouring any in-situ reinforced concrete building element, and</li> <li>c) prior to covering of the framework for any floor, wall, roof or other building element, and</li> <li>d) prior to covering waterproofing in any wet areas, and</li> <li>e) prior to covering any stormwater drainage connections, and</li> <li>f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.</li> </ul>
<p>47.</p>	<p>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.</p>

48. 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.
- 
49. 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.
- 
50. If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly using a sharp and *fit for purpose tool*. The pruning shall be undertaken by a minimum Level 3 (AQF 3) qualified Arborist.
- Details demonstrating compliance with the requirements of this condition are to be submitted by the Arborist undertaking the works to the satisfaction of the Principal Certifying Authority
- 
51. The trees to be retained shall be inspected, monitored and treated by a qualified Arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work:
- | Schedule  |   |
|---|---|
| Tree/location   | Time of Inspection  |
| 2x <i>Ficus microcarpa</i> var. <i>hillii</i> (Hills Figs) located on nature strip along Llewellyn St, Balmain. | Fortnightly inspection intervals and in general accordance with Appendix 8: <i>Recommended Conditions Of Development Consent</i> of the submitted <i>Arboricultural Impact Assessment Report</i> , prepared by <i>Arbor Skills</i> , dated 14 March 2018 and amended 10 September 2018. |
- Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.
- Arborist - for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).
- Details demonstrating compliance with the requirements of this condition are to be submitted by the Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

52. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk(s) of the following, tree(s) shall be severed or injured in the process of any works during the construction period.

Schedule	
Tree/location	Radius in metres
2x <i>Ficus microcarpa var. hillii</i> (Hills Figs) located on nature strip along Llewellyn St, Balmain.	As per submitted Arboricultural Impact Assessment Report, prepared by Arbor Skills, dated 14 March 2018 and amended 10 September 2018.

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

53. All excavation within the specified radius of the trunk(s) of the following tree(s) being hand dug:

Schedule	
Tree/location	Radius in metres
2x <i>Ficus microcarpa var. hillii</i> (Hills Figs) located on nature strip along Llewellyn St, Balmain.	As per submitted Arboricultural Impact Assessment Report, prepared by Arbor Skills, dated 14 March 2018 and amended 10 September 2018.

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

54. 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.

55. Excavation for the installation of any services within the specified radius of the trunk(s) of the following tree(s) shall utilise the thrust boring method. Thrust boring being carried out at least 600mm beneath natural ground level to minimise damage to tree(s) root system.

Schedule	
Tree/location	Radius in metres
2x <i>Ficus microcarpa var. hillii</i> (Hills Figs) located on nature strip along Llewellyn St, Balmain.	As per submitted Arboricultural Impact Assessment Report, prepared by Arbor Skills, dated 14 March 2018 and amended 10 September 2018.

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

56. Alignment levels for the site at all pedestrian locations shall match the existing back of footpath levels at the boundary. For vehicular access off rear laneways the level at the boundary shall match the invert level of the adjacent gutter plus 110mm at both sides of the vehicle entry.

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

57. 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.
58.	<p>A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:</p> <ul style="list-style-type: none"> <li>- Compare the post construction report with the pre-construction report required by these conditions,</li> <li>- Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.</li> </ul> <p>A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate</p>
59.	Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
60.	<p>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.</p> <p>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.</p>
61.	<p>Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:</p> <ul style="list-style-type: none"> <li>- the approved plans;</li> <li>- BASIX certificate (where relevant),</li> <li>- approved documentation (as referenced in this consent); and</li> <li>- conditions of this consent.</li> </ul>
62.	Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species and planting of canopy trees, have been undertaken in accordance with the approved landscape plan and/or conditions of Development Consent.
63.	<p>Following removal of the <i>Lophostemon confertus</i> (Brushbox) located on Llewellyn St road reserve from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Parks Technical Officer at no cost to Council. This shall include the provision of a replacement tree as required by Council and these conditions of consent.</p> <p>Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate</p>
64.	The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.
65.	Light duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation

	Certificate and at no cost to Council.
66.	<p>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.</p> <p>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.</p>
67.	<p>Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.</p> <p>Certification by a qualified practising Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance the development consent and with relevant Australian Standards shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.</p>
68.	<p>Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath, Vehicle Crossing and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.</p>
69.	<p>You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.</p>
70.	<p>Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.</p>
<b>ONGOING CONDITIONS OF CONSENT</b>	
71.	<p>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.</p>
72.	<p>Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: <i>Control of the Obtrusive Effects of Outdoor Lighting</i> 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.</p>
73.	<p>The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.</p>
74.	<p>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</p>

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**

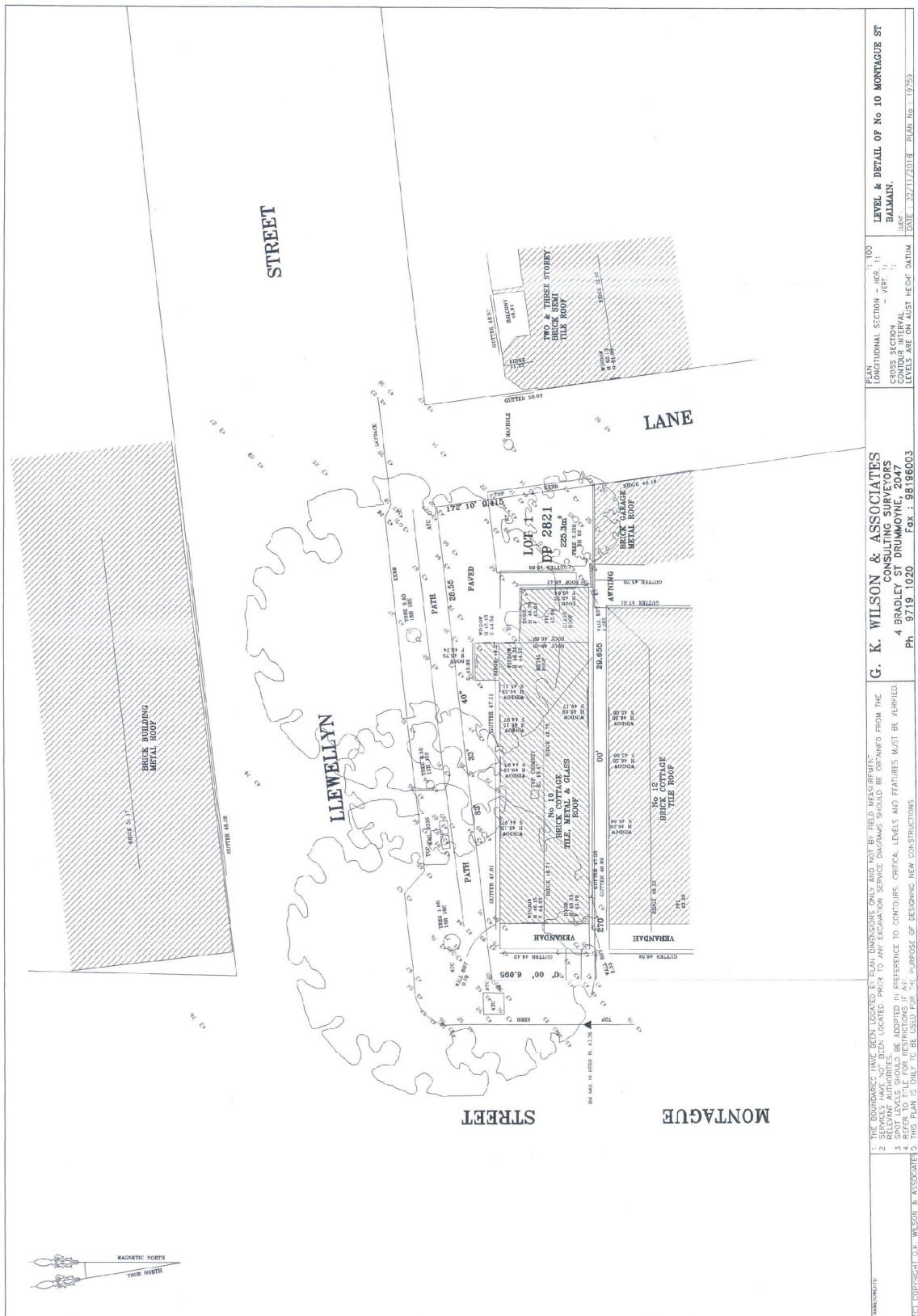
- 1) For the purposes of section 4.17(11) of [the Act](#), it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent 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) Development Application for demolition if demolition is not approved by this consent.
  - e) 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.
9. The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Application for Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

Attachment B – Plans of proposed development



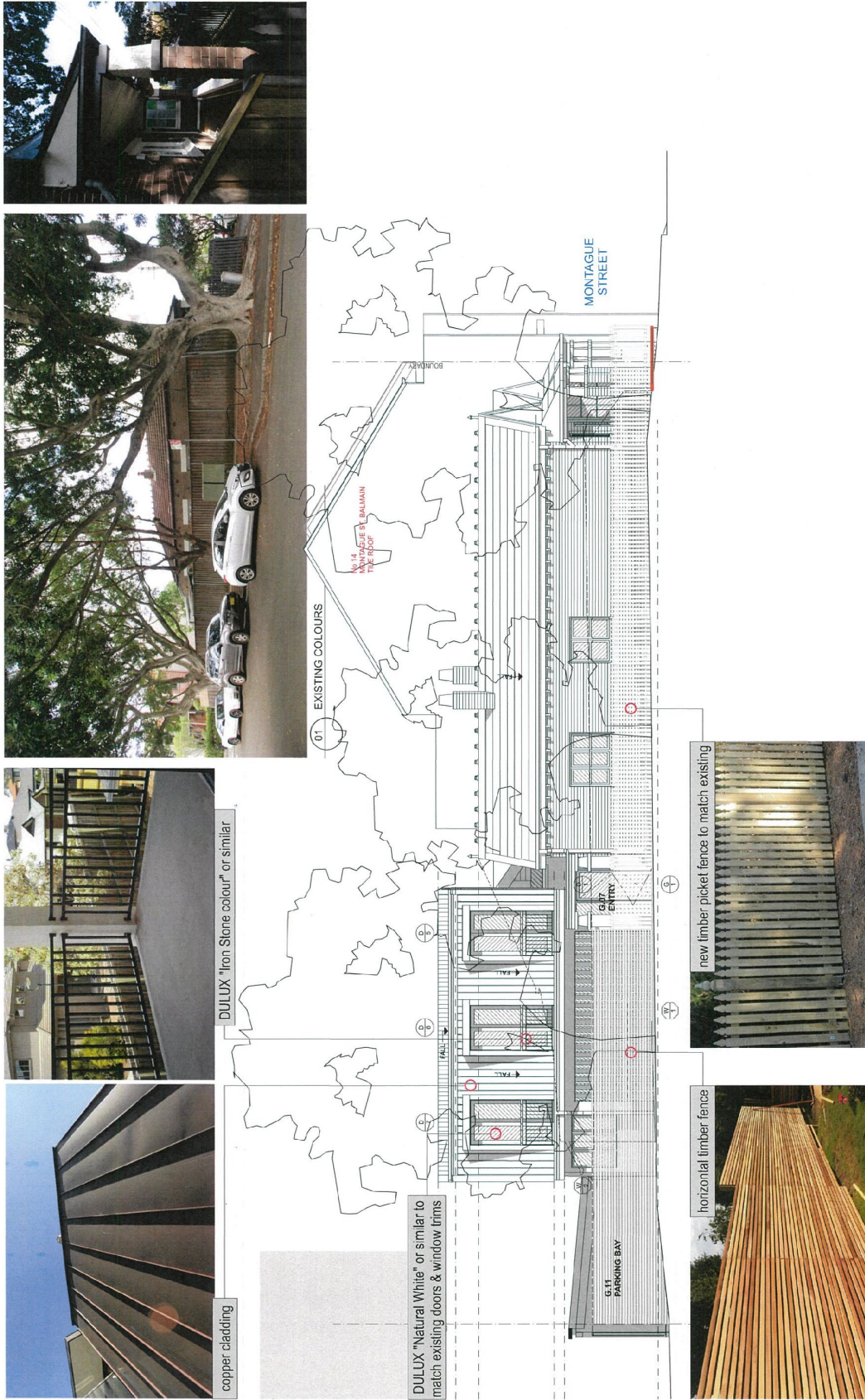
PLAN: 1:100  
 LONGITUDINAL SECTION - HR: 1:100  
 CROSS SECTION - VERT: 1:100  
 CONTOUR INTERVAL: 0.30M  
 LEVELS ARE ON AUSTRALIAN MEAN DATUM

1. THE BOUNDARIES HAVE BEEN LOCATED BY PLAIN DIMENSIONS AND NOT BY FIELD MEASUREMENTS.  
 2. THE BOUNDARIES HAVE BEEN LOCATED FROM ANY CONDUIT OR SERVICE DUGRAMP SHOULD BE OBTAINED FROM THE RELEVANT AUTHORITIES.  
 3. SPOT LEVELS SHOULD BE OBTAINED FROM THE RELEVANT AUTHORITIES.  
 4. THIS PLAN IS ONLY TO BE USED FOR THE PURPOSE OF DESIGNING NEW CONSTRUCTIONS.

PROPERTY: G. K. WILSON & ASSOCIATES CONSULTING SURVEYORS  
 4 BRADLEY ST DRUMMOYNE, 2047  
 Ph: 9719 1020 Fax: 98196003

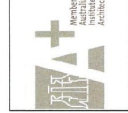
LEVEL & DETAIL OF No 10 MONTAGUE ST  
 BALMAIN.  
 DATE: 22/11/2018 PLAN No.: 19/95





01 ELEVATION NORTH - FINISHES SCHEDULE

Amend.	Description	Date
D	DA ISSUE	15.03.18
C	DA DRAFT 3	14.03.18
B	DA DRAFT 2	12.03.18
A	DA DRAFT 1	09.03.18



**OIKOS architects**  
 Ray Stevens Registered Architect B. Arch (Hons) R.A.I.A.  
 15 Elliott Street Balmain NSW 2041  
 E-mail ray@oikos.com.au  
 Reg. No. 4458 Tel. (02) 9810 7854 Mob. 0411 655 669

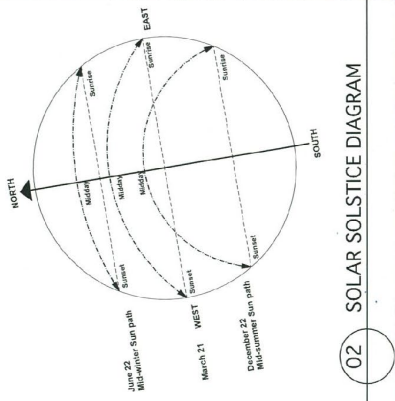
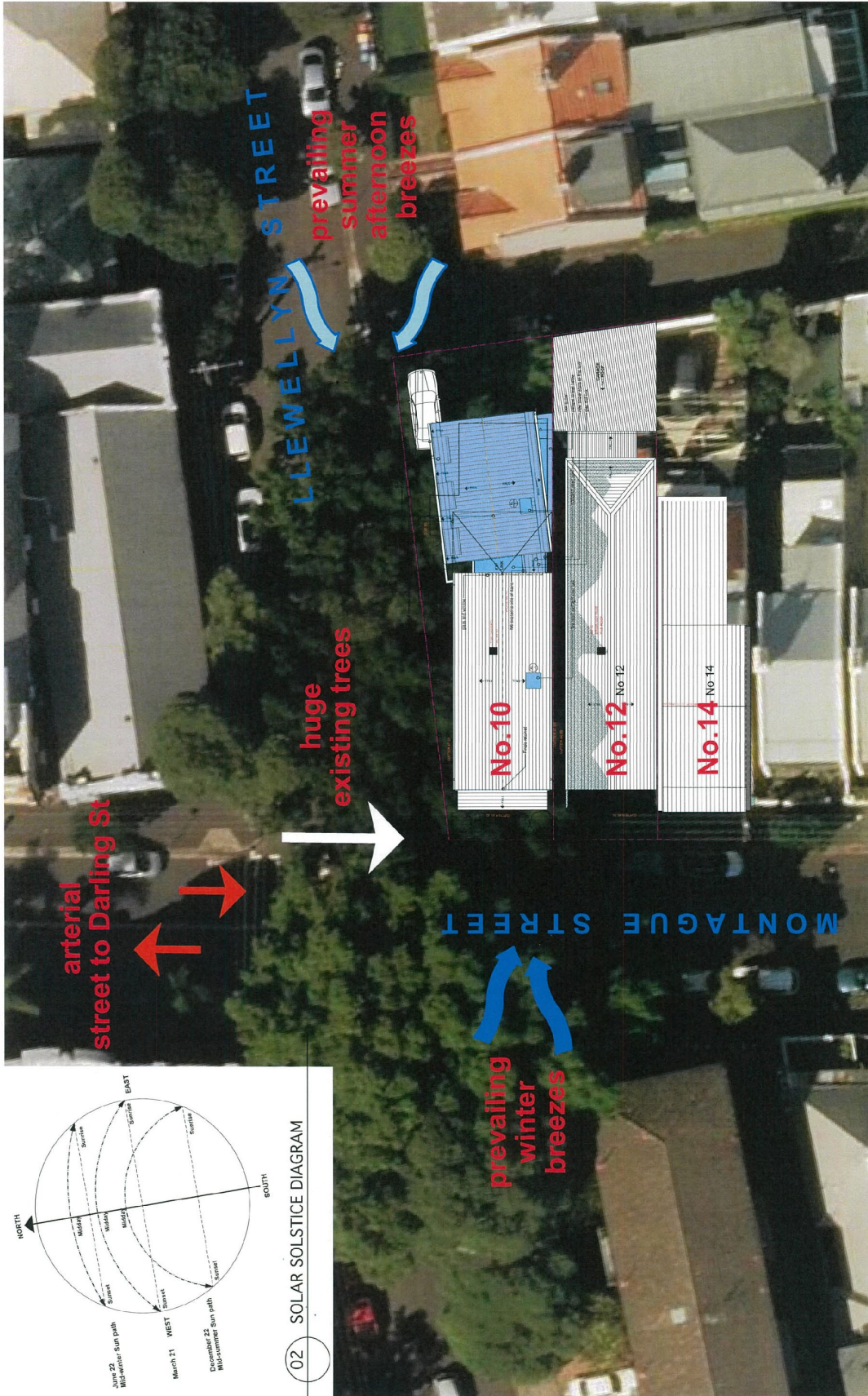
Client: **JAMES RYAN & AGATA DUDEK**  
 Project: **ALTERATIONS & ADDITIONS TO NORTH - LLEWELYN ST, BALMAIN**

Drawing Title: **FINISHES SCHEDULE**  
 Drawing No.: **2017/07/DA13/D**  
 Plotted: **15.03.2018**

Scale: **1:100 @ A3**  
 Date: **02.06.2017**  
 Drawing No.: **2017/07/DA13/D**  
 Plotted: **15.03.2018**

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Scale:	1:200 @ A3
Date:	12.03.2018
Drawing No:	2017/07/DA14/D
Plotter:	15.03.2018

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 Drawing Title:  
**SITE ANALYSIS PLAN**

Client: **JAMES RYAN & AGATA DUDEK**  
 Project:  
**ALTERATIONS & ADDITIONS TO No. 10 MONTAGUE STREET, BALMAIN**

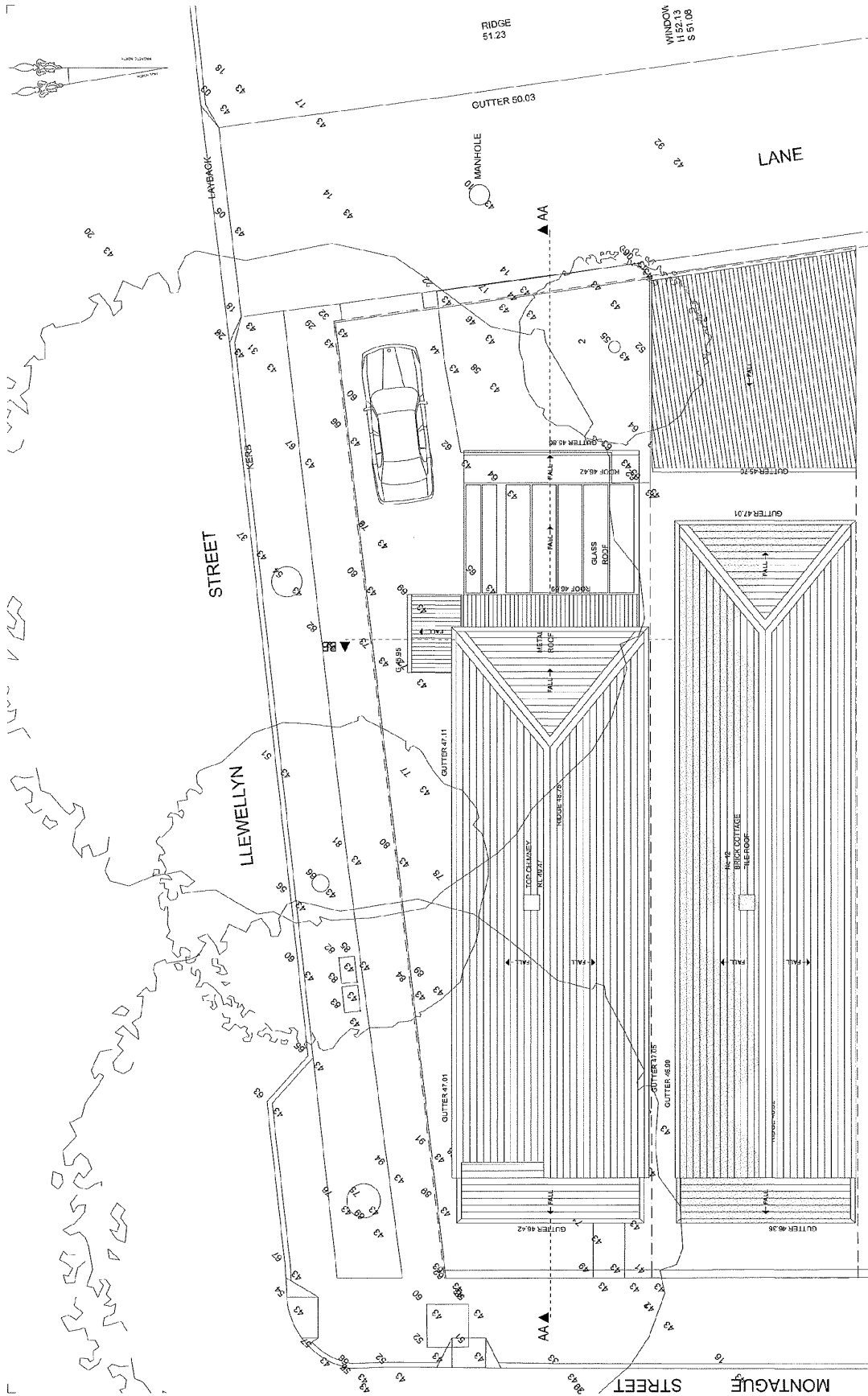
**OIKOS architects**  
 Ray Stevens Registered Architect B. Arch (Hons) R.A.I.A.  
 15 Elliot Street Balmain NSW 2041  
 E-mail ray@oikos.com.au  
 Reg. No. 4458 Tel. (02) 9810 7854 Mob. 0411 455 669



Amend.	Description	Date
D	DA ISSUE	13.03.18
C	DA DRAFT 3	14.03.18
B	DA DRAFT 2	12.03.18
A	DA DRAFT 1	09.03.18







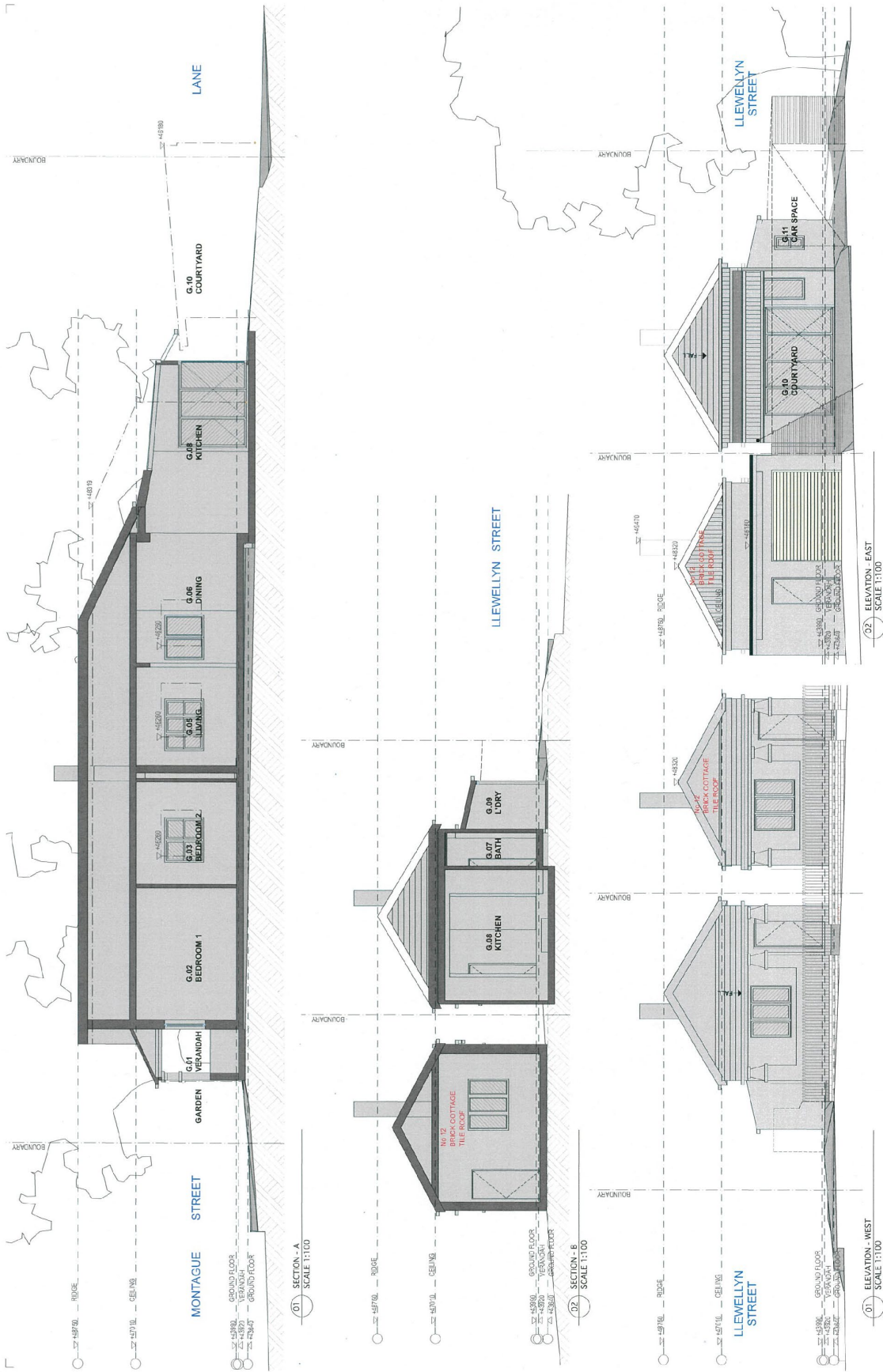
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 Drawing: PLANS - SITE & ROOF  
 Drawing No: 2017/07/ADD2/A  
 Drawing: EC  
 Date: 27.06.2017

**OIKOS architects**  
 15 BILLYMERE AVENUE, BILLYMERE, N.S.W. 2159  
 PH: 02 9375 8544  
 WWW.OIKOSARCHITECTS.COM.AU

PROPOSED ALTERATIONS & ADDITIONS TO RESIDENCE AT  
**No. 10 MONTAGUE STREET, BALMAIN**  
 for JAMES RYAN & AGATA DUDEK

NO. 10 MONTAGUE STREET, BALMAIN  
 17/06/2017  
 CONSULTANT: ARCHITECTURE BY OIKOS ARCHITECTS  
 PROJECT NO: 2017/07/ADD2/A

01 PLANS - ROOF  
 SCALE 1:100



Scale 1:50 @ A1, 1:100 @ A2, Deck 25.11.2016  
 Drawing: SECTIONS - A & B, ELEV - E/W  
 Drawing No: 2017/07/AD03/A  
 Drawn by: EC  
 Printed: 27.06.2017

**OIKOS architects**  
 RAY & SYLVIA RICHARDS, B.Arch, M.A.S.A.  
 Registered Architects for NSW, Queensland  
 15/11/17 15/18 4251 15/11/18 15/18

PROPOSED ALTERATIONS & ADDITIONS TO RESIDENCE AT  
**No. 10 MONTAGUE STREET, BALMAIN**  
 for JAMES RYAN & AGATA DUDEK

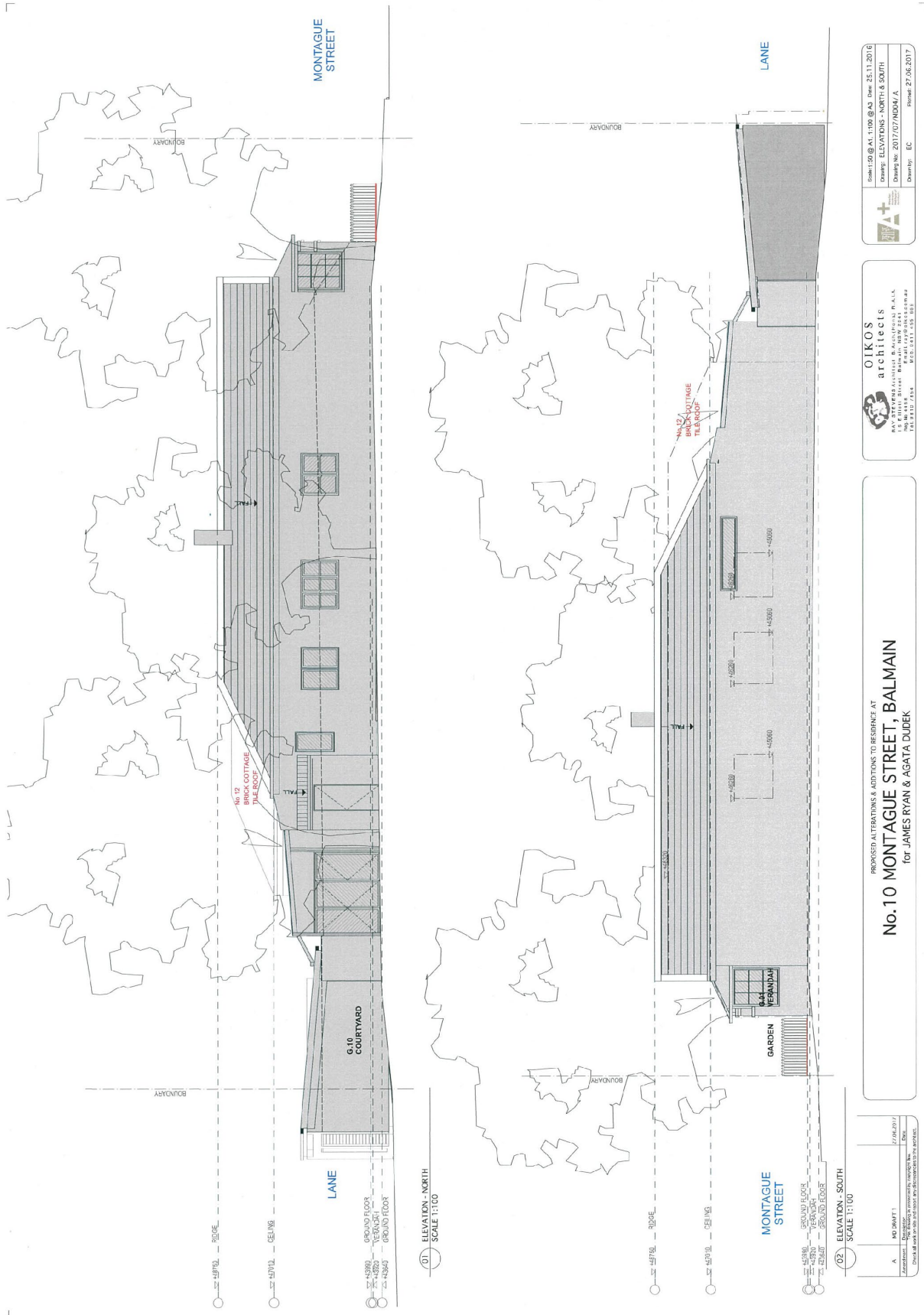
NO. 10 MONTAGUE STREET  
 BALMAIN NSW 1586  
 PROJECT NO. 2017/07/AD03/A

SECTION - A  
 SCALE 1:100

SECTION - B  
 SCALE 1:100

ELEVATION - WEST  
 SCALE 1:100

ELEVATION - EAST  
 SCALE 1:100





**Drawing No: Title:**

- 01 Cover Sheet - Roof / Site Plan
- 02 Plans - Ground
- 03 Plans - First
- 04 Plans - Roof
- 05 Sections
- 06 Elevations - North & South
- 07 Elevations - North - Llewellyn Street
- 08 Elevations - East & West
- 09 Shadow 1 - July 21 @ 9am & 12pm
- 10 Shadow 2 - July 21 @ 3pm
- 11 Perspective - 1
- 12 Perspective - 2
- 13 Finishes Schedule
- 14 Site Analysis

- Amend. No:**
- D
  - D
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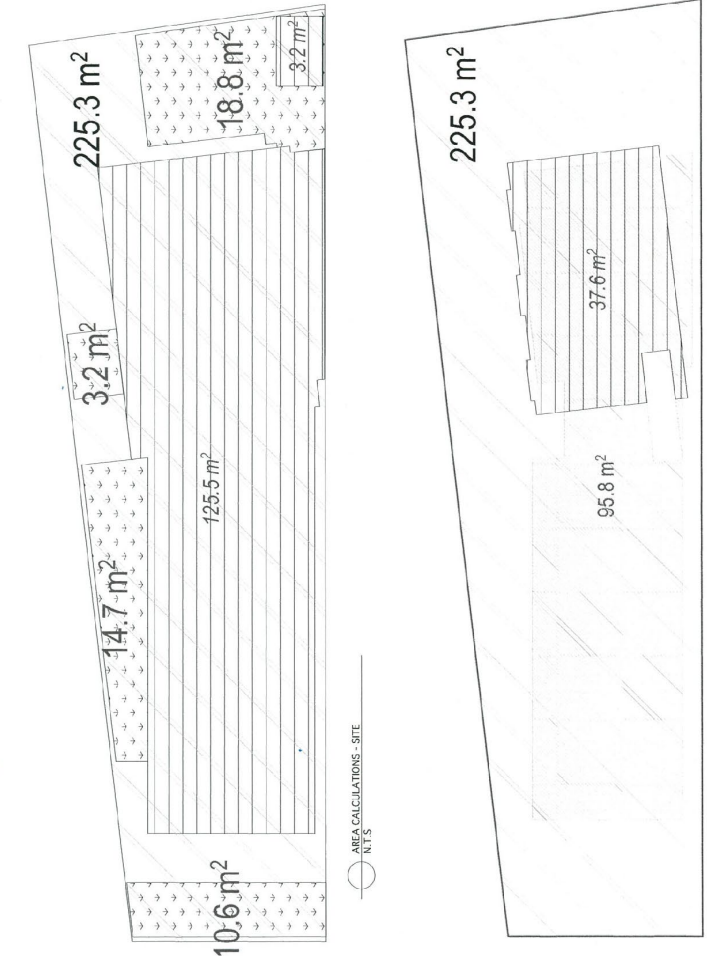
**GENERAL LEGEND**

	existing walls		new water service
	new to slab 650/850 wall		downpipe
	new timber wall		plasticboard
	new kerbside		shower
	downpipe hole		dilatant
	road kerb		Calculation
	overhead line		compressed fibre cement cladding
	downpipe lines		
	existing trap levels		
	existing FFL spot levels		
	proposed finished floor level		
	refer to new door number		
	refer to new window number		
	refer to new roof lot number		

**NOTES:**

1. Check for water over flow, splash, splash, splash & splash.
2. All new walls to be constructed to comply with the relevant building code of Australia.
3. All new windows to be constructed to comply with the relevant building code of Australia.
4. All new doors to be constructed to comply with the relevant building code of Australia.
5. All new roof to be constructed to comply with the relevant building code of Australia.
6. Check all notes on this report for instructions & refer sheets.

**NETWORK**



AREA CALCULATIONS - SITE  
N.T.S

AREA CALCULATIONS - FSR  
N.T.S

**AREAS ALL TOTAL**

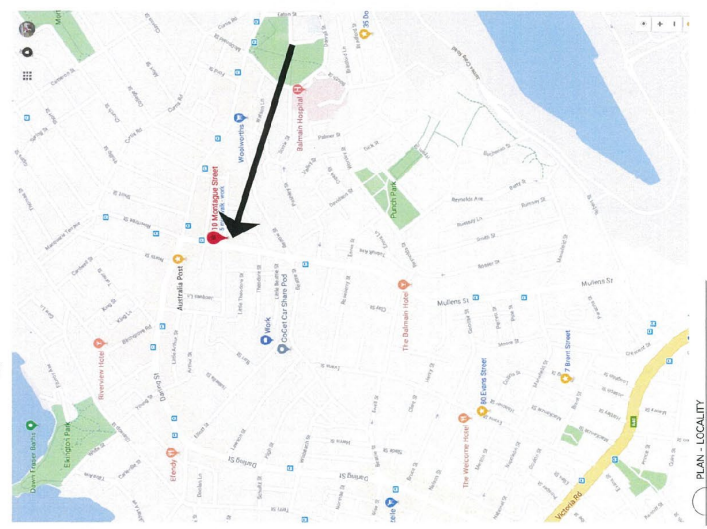
Key

Site area - by survey	= 225.3m.sq
Site coverage - Footprint	= 144.3m.sq
	57.7% of Site = 128.7m.sq
Green Landscape area total	
	21.0% of Site = 47.3m.sq

**AREAS ALL TOTAL**

Key

Site area - by survey	= 225.3m.sq
Floor area - Existing	= 125.5m.sq
First floor	= 100.0m.sq
Ground floor	= 94.4m.sq
Gross Building area	= 94.4m.sq
Floor Space Ratio	= 0.41 : 1
FSR	
Floor area - Proposed	= 18.8m.sq
First floor	= 18.8m.sq
Ground floor	= 65.5m.sq
Gross Building area	= 133.4m.sq
Floor Space Ratio	= 0.59 : 1
FSR	



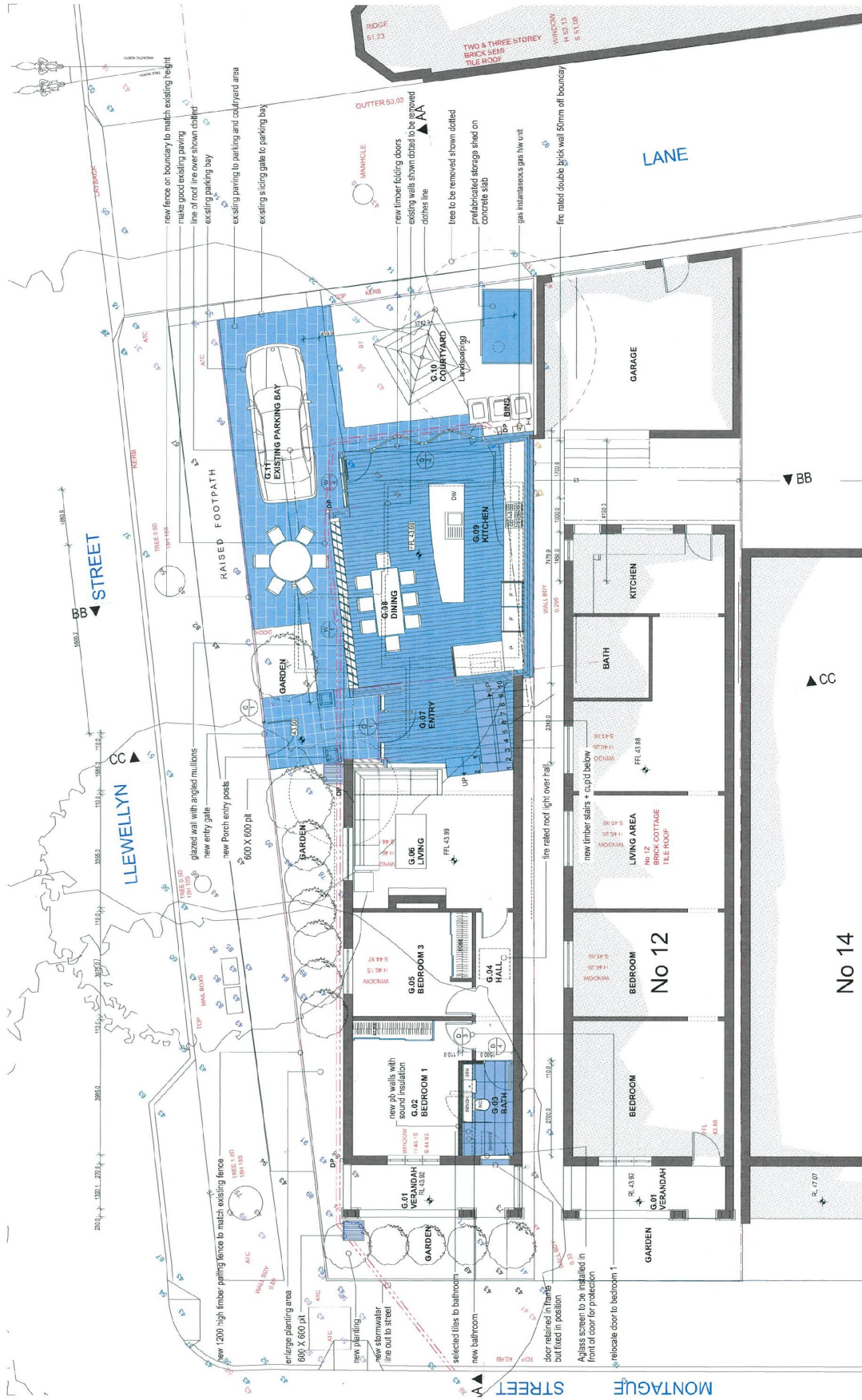
DA 19/07/18  
DA 19/07/18  
DA 19/07/18  
DA 19/07/18

**oikos architects**  
101 MONTAGUE STREET BALMAIN NSW 2008  
Tel: 02 9241 1234 Fax: 02 9241 1234  
www.oikosarchitects.com.au

PROPOSED ALTERATIONS & ADDITIONS TO RESIDENCE AT  
**No. 10 MONTAGUE STREET, BALMAIN**  
for JAMES RYAN & AGATA DUJEK

DA 19/07/18  
DA 19/07/18  
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DA 19/07/18  
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DA 19/07/18  
DA 19/07/18  
DA 19/07/18



Scale 1:50 @ A1, 1:100 @ A2, Date: 23.12.2017  
 Drawing: PLANS - GROUND  
 Drawing No: 2017/07/0007/D  
 Designer: EC  
 Project: 16-04-2018

**OIKOS architects**  
 1/5 Hillie Street, Balmain, NSW 2044  
 Ph: 02 9551 7244  
 Fax: 02 9551 8333

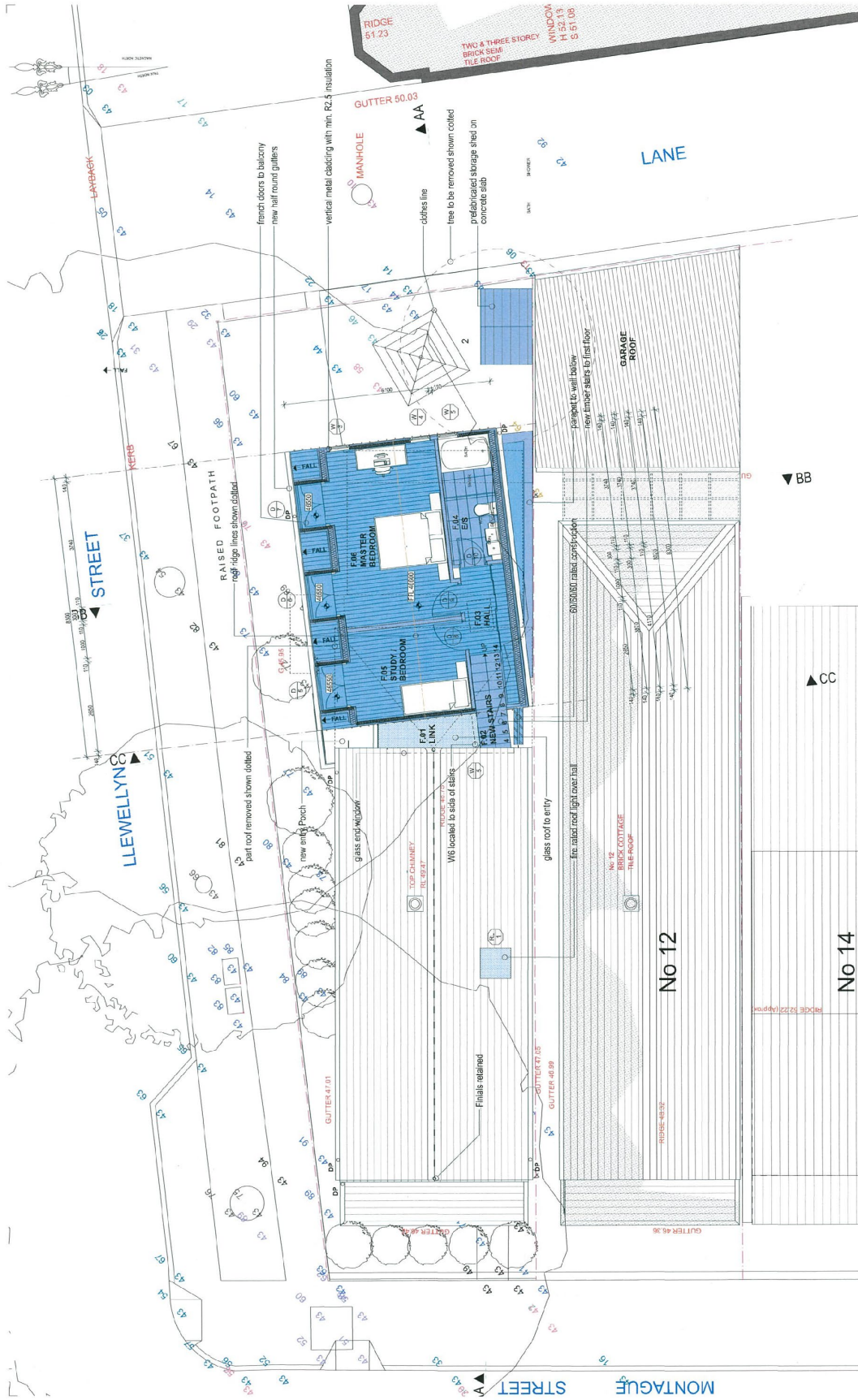
PROPOSED ALTERATIONS & ADDITIONS TO RESIDENCE AT  
**No. 10 MONTAGUE STREET, BALMAIN**  
 FOR JAMES RYAN & AGATA DUDEK

PLAN - GROUND FLOOR  
 SCALE 1:100

1	16-04-2018	DATE
2	16-04-2018	DATE
3	16-04-2018	DATE
4	16-04-2018	DATE

Author: [Name] Designer: [Name] Date: [Date]  
 Check: [Name] Date: [Date]  
 Check: [Name] Date: [Date]





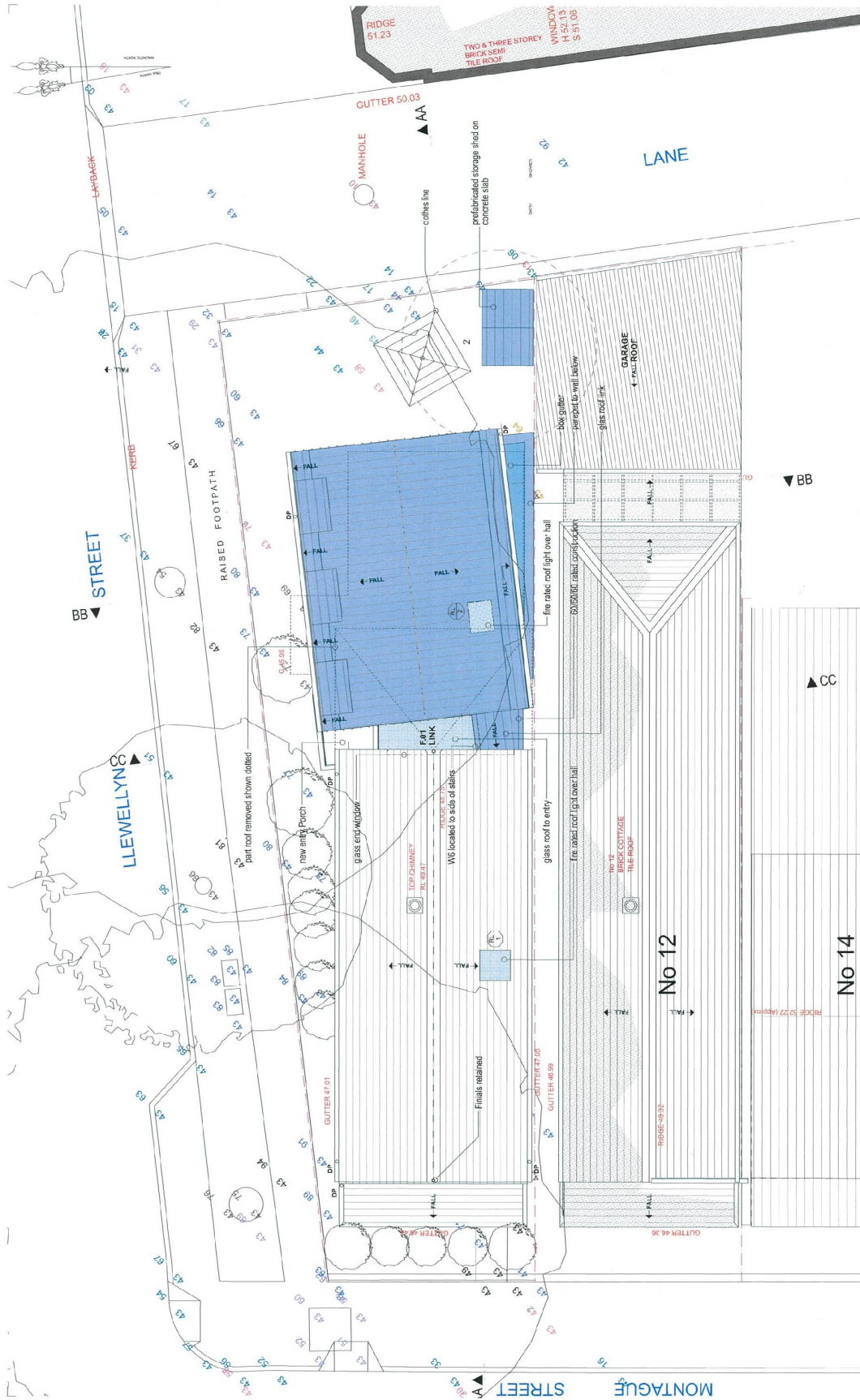
01 PLAN - FIRST FLOOR  
SCALE 1:100

DATE	15.04.2018
BY	J.R. DUNN
CHKD	J.R. DUNN
DATE	15.04.2018
BY	J.R. DUNN
CHKD	J.R. DUNN
DATE	15.04.2018
BY	J.R. DUNN
CHKD	J.R. DUNN

PROPOSED ALTERATIONS & ADDITIONS TO RESIDENCE AT  
**No. 10 MONTAGUE STREET, BALMAIN**  
for JAMES RYAN & AGATA DUJDEK

**oikos architects**  
PAUL STEPHEN ARCHIBOLD, B.A., ARCHITECT, R.A.I.A.  
10/11 MONTAGUE STREET BALMAIN NSW 1500  
TEL: 02 9551 0511 MOB: 0211 455 888

Scale: 50 @ A1, 1:100 @ A0, Draw: 23.12.2017  
Drawing: PLANS - FIRST  
Drawing No: 2017/07/0003/1/0  
Drawing: EC  
Project: 15.04.2018



01 PLAN - ROOF  
SCALE 1:100

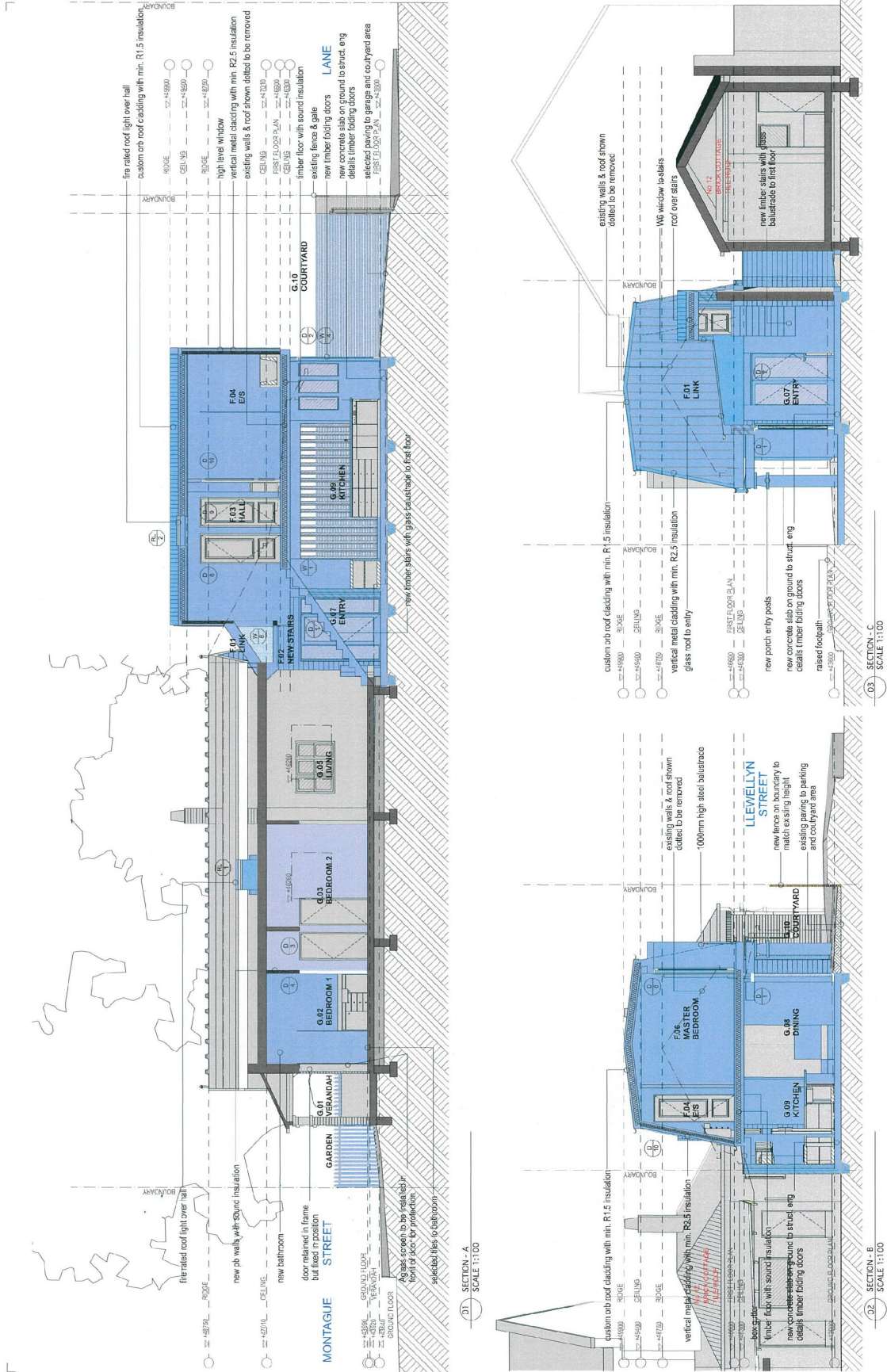
DATE: 12.02.2018  
DRAWN BY: DAVID  
CHECKED BY: DAVID  
DATE: 12.02.2018

PROPOSED ALTERATIONS & ADDITIONS TO RESIDENCE AT  
**No. 10 MONTAGUE STREET, BALMAIN**  
for JAMES RYAN & AGATA DUDEK

**OIKOS architects**  
1/6 BIRCH STREET BALMAIN NSW 1544  
TEL: 9152 1852 FAX: 9152 1858  
MOB: 0411 455 188

Scale: 1:50 @ A1, 1:100 @ A2, 1:200 @ A3, Date: 23.12.2017  
Drawing: PLANS - SITE & ROOF  
Drawing No: 2017/07/DAGW/D  
Designer: EC  
Printer: 15.03.2018





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 Drawn: SECTIONS - A & B, ELEV - E/W  
 Drawn No: 2017/07/DA02/ D  
 Drawn By: EC  
 Printed: 16.04.2018

**OIKOS architects**  
 114 STEPHEN STREET BALMAIN NSW 2041  
 Ph: 91 515 1000  
 Fax: 91 515 1001  
 www.oikosarchitects.com.au

**No.10 MONTAGUE STREET, BALMAIN**  
 for JAMES RYAN & AGATA DUDEK

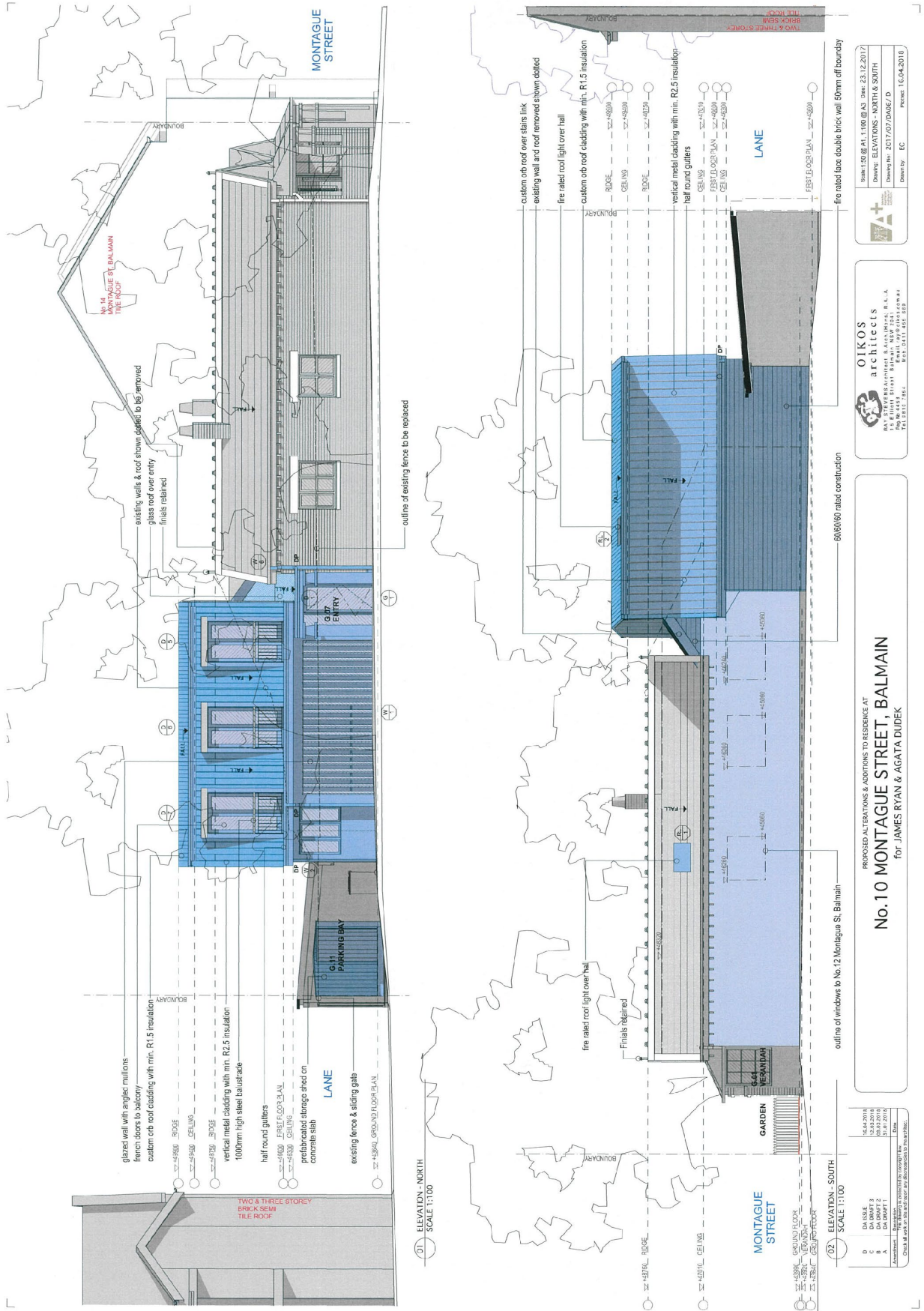
PROPOSED ALTERATIONS & ADDITIONS TO RESIDENCE AT  
**No.10 MONTAGUE STREET, BALMAIN**  
 for JAMES RYAN & AGATA DUDEK

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B	DA BSSE 2
A	DA BWP 1

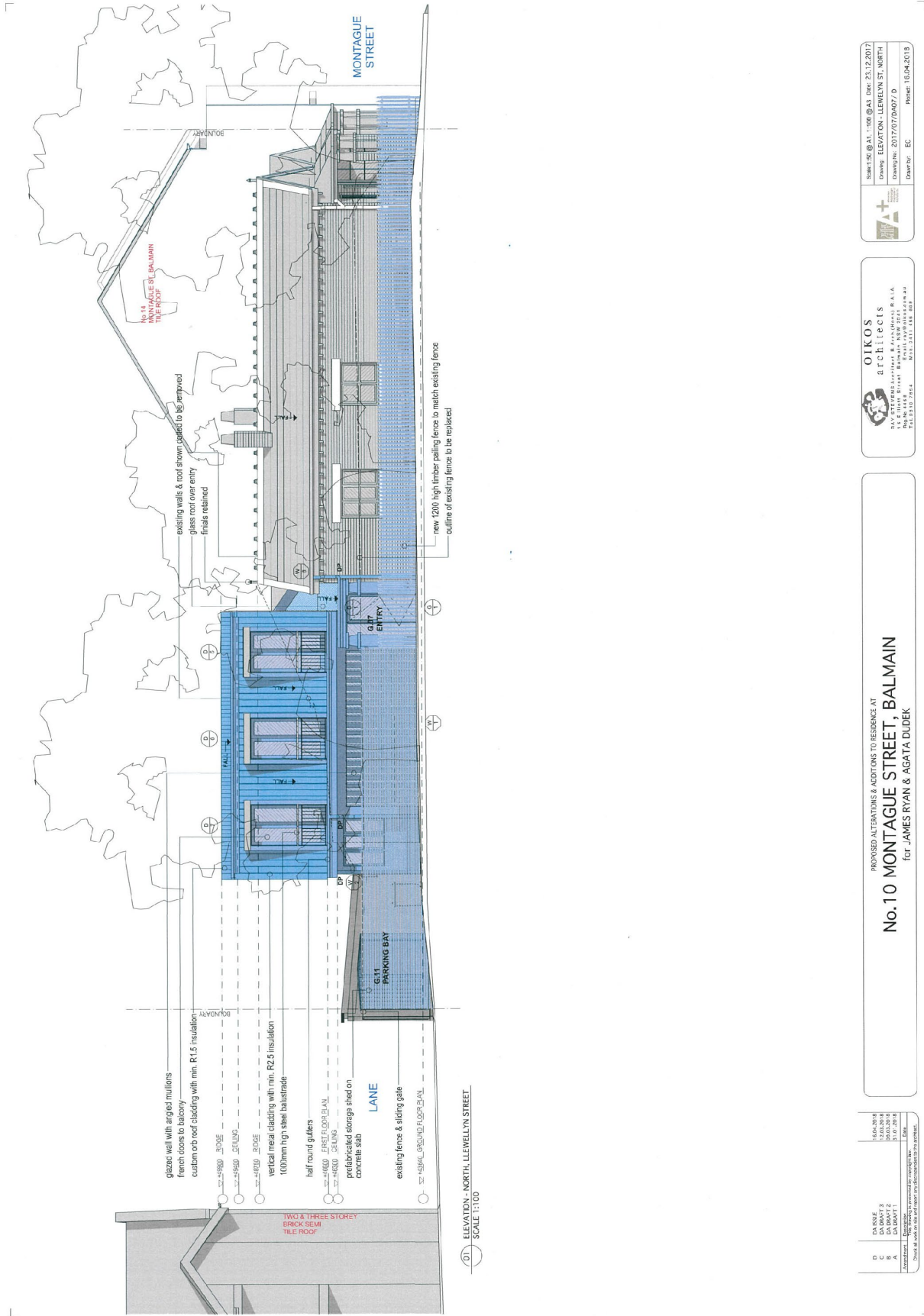
Authorisation: Not valid unless endorsed by Council with this stamp.

D	DA BSSE
B	DA BSSE 2
A	DA BWP 1

Authorisation: Not valid unless endorsed by Council with this stamp.





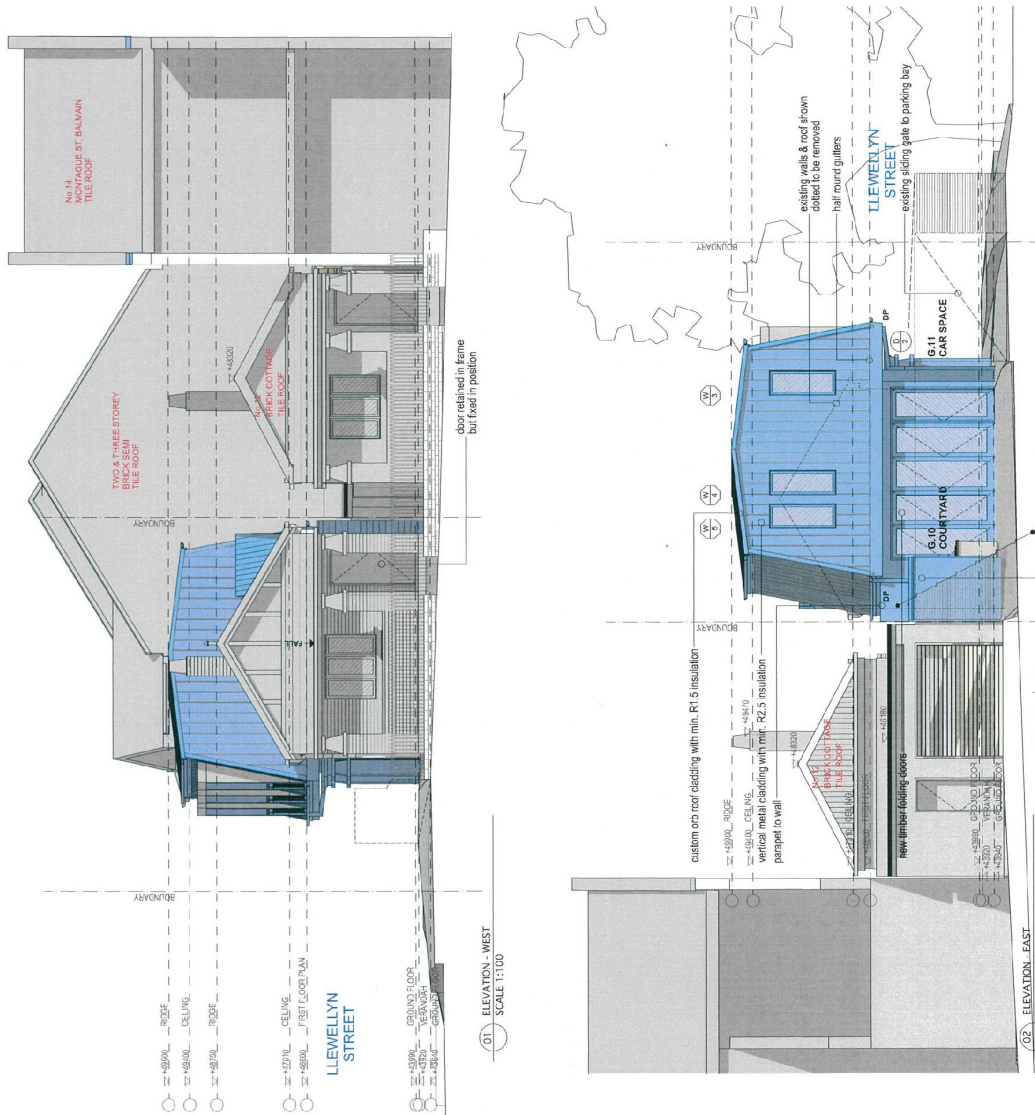


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 Drawing: 2017/07/20/07/D  
 Designer: EC  
 Project: 10.04.2018

**OIKOS architects**  
 16 EIGHT STREET BALMAIN NSW 2040  
 TEL: 02 9551 1488 FAX: 02 9551 1485

PROPOSED ALTERATIONS & ADDITIONS TO RESIDENCE AT  
**No. 10 MONTAGUE STREET - BALMAIN**  
 for JAMES RYAN & AGATA DUDEK

D	DRAWN BY	16.04.2018
B	CHECKED BY	16.04.2018
E	DATE OF ISSUE	16.04.2018
A	DATE OF APPROVAL	16.04.2018
1	DATE OF REVISION	16.04.2018
2	DATE OF REVISION	16.04.2018
3	DATE OF REVISION	16.04.2018



Scale: 1:50 @ A1, 1:100 @ A2, 1:200 @ A3, 1:400 @ A4  
 Drawing: ELEVATIONS - WEST & EAST  
 Drawing No.: 2017/07/20/09/ D  
 Drawing Date: 15.04.2018

**OIKOS**  
architects

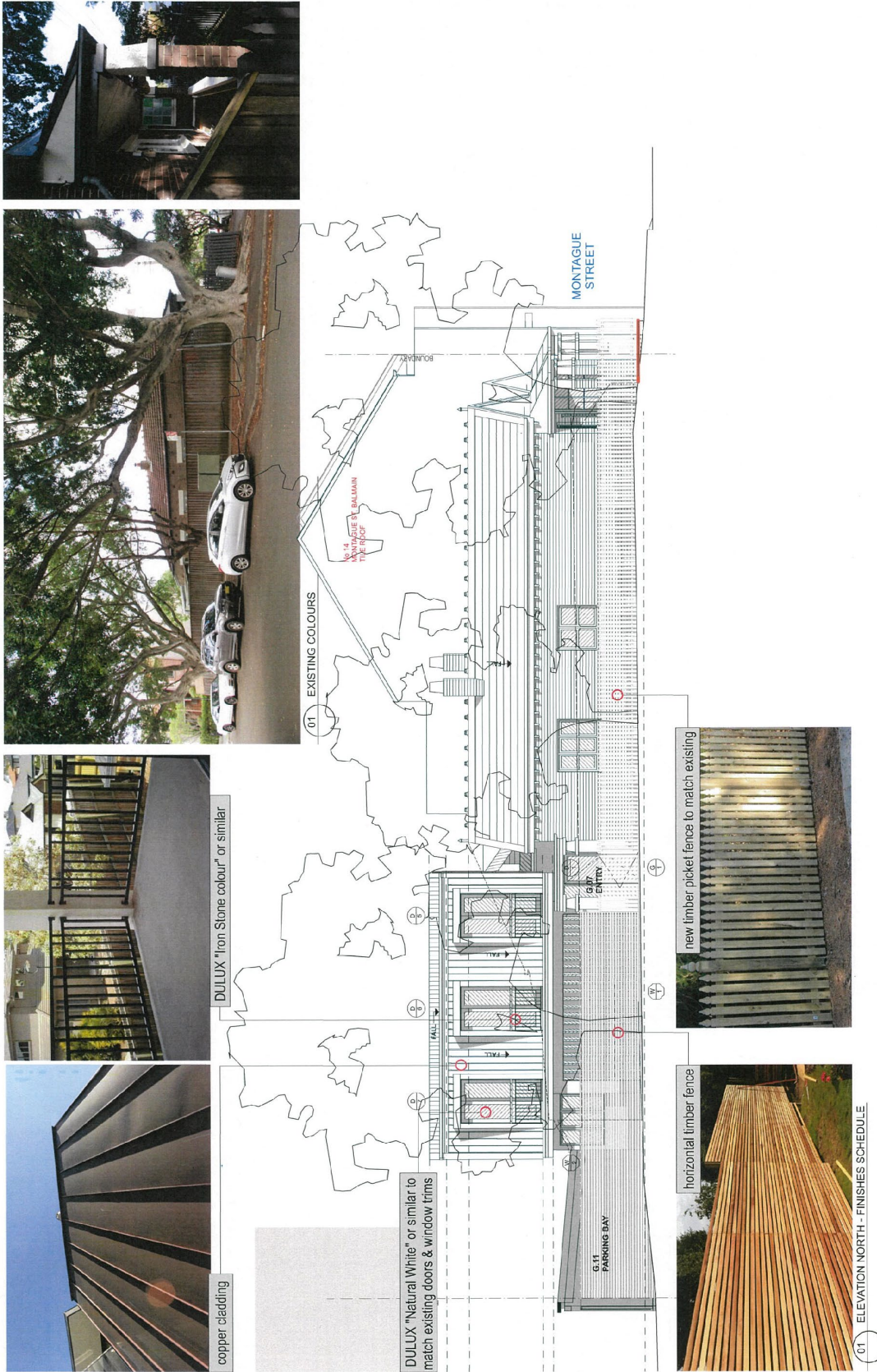
10 E RYAN STREET BALMAIN NSW 2041  
 TEL: 9151 7551  
 MOB: 0411 451 889

PROPOSED ALTERATIONS & ADDITIONS TO RESIDENCE AT  
**No. 10 MONTAGUE STREET, BALMAIN**  
 for JAMES RYAN & AGATA DUBEK

01-04-2018  
 01-02-2018  
 01-02-2018  
 01-02-2018

DATE: 15/04/2018  
 DRAWN BY: JAMES RYAN  
 CHECKED BY: AGATA DUBEK





01 ELEVATION NORTH - FINISHES SCHEDULE

Scale:	1:100 @ A3
Date:	02.06.2017
Drawing No:	2017/07/DA13/B
Plotted:	12.03.2018

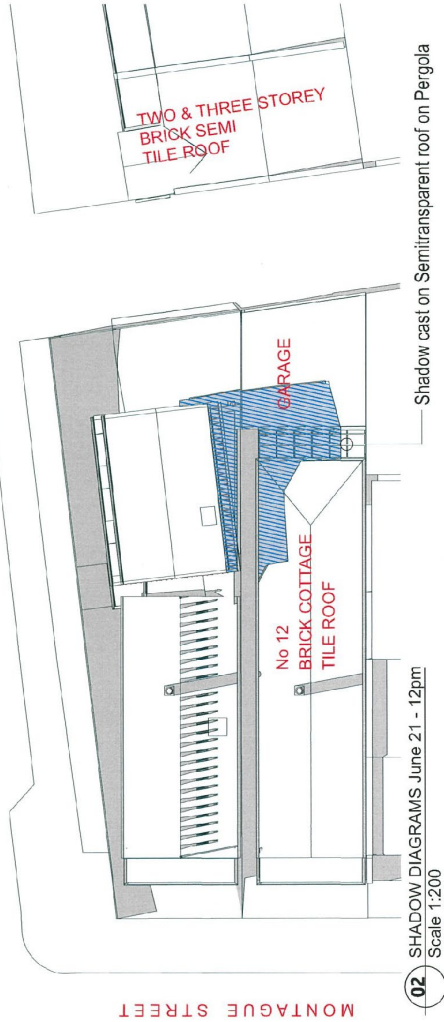
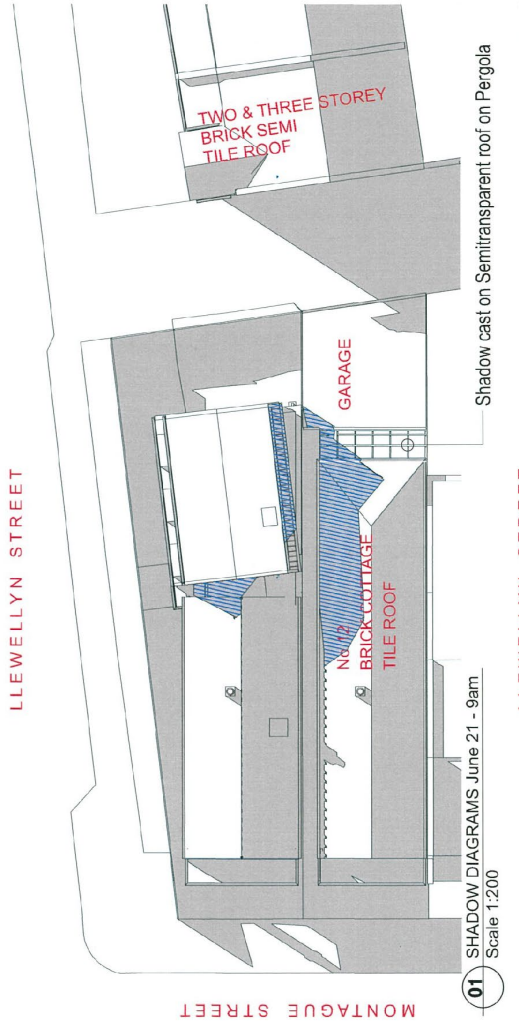
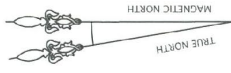
This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect.  
 Drawing Title:  
**FINISHES SCHEDULE**  
 NORTH - LLEWELYN ST, BALMAIN

Client:  
**JAMES RYAN & AGATA DUDEK**  
 Project:  
**ALTERATIONS & ADDITIONS TO**  
**No. 10 MONTAGUE STREET, BALMAIN**

**OIKOS architects**  
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Amend.	Description	Date
B	DA ISSUE	12.03.18
A	DA DRAFT 1	09.03.18



SHADOW DIAGRAM LEGEND

- existing building shadowing
- additional shadows cast on neighbouring property by proposal

Scale:	1:200 @ A3
Date:	02.06.2017
Drawing No:	2017/07/DA09/D
Plotted:	15.03.2018

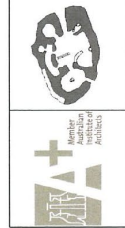
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Drawing Title:  
PLAN - SHADOW ANALYSIS DIAGRAM 1  
-JUNE 21 - 9am & 12pm

Client:  
JAMES RYAN & AGATA DUDEK

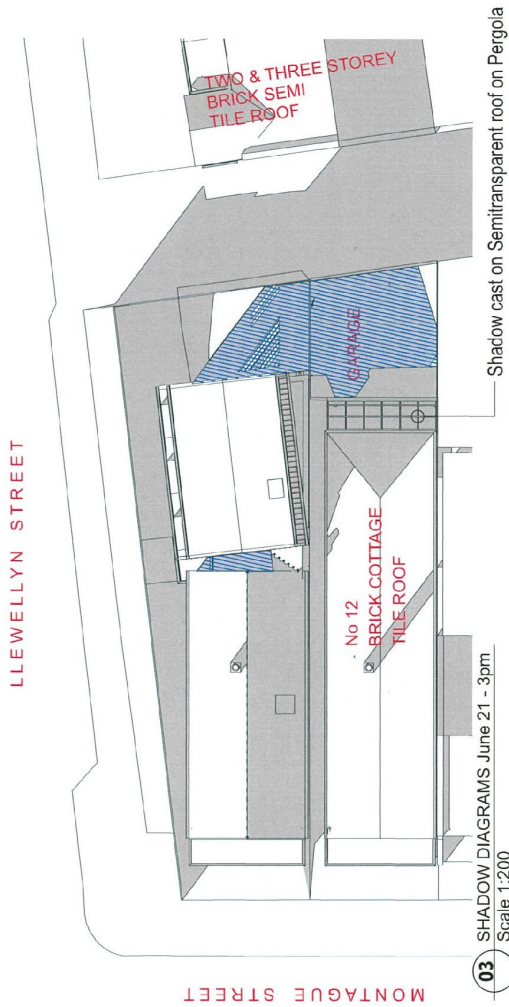
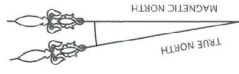
Project:  
ALTERATIONS & ADDITIONS TO  
No. 10 MONTAGUE STREET, BALMAIN

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Amend:	Description	Date
D	DA ISSUE	15.03.18
C	DA DRAFT 3	14.03.18
B	DA DRAFT 2	12.03.18
A	DA DRAFT 1	09.03.18






03 SHADOW DIAGRAMS June 21 - 3pm  
Scale 1:200

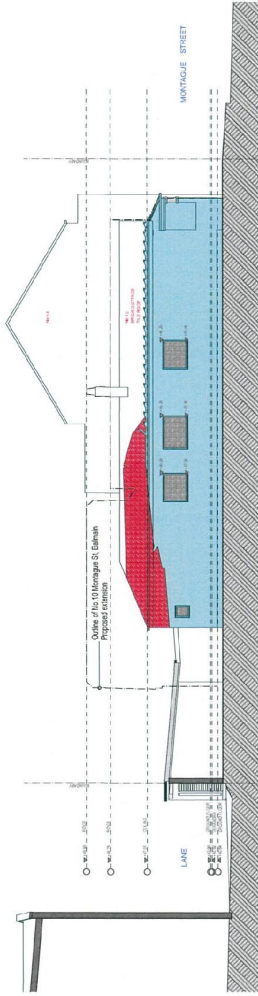
SHADOW DIAGRAM LEGEND

-  existing building shadowing
-  additional shadows cast on neighbouring property by proposal

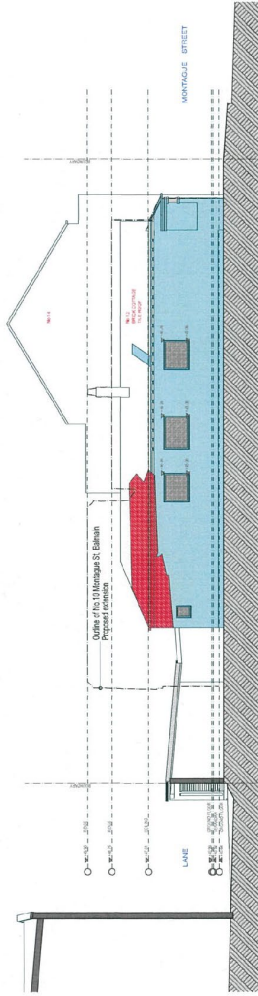
Amend.	Description	Date
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C	DA DRAFT 3	14.03.18
B	DA DRAFT 2	12.03.18
A	DA DRAFT 1	09.03.18

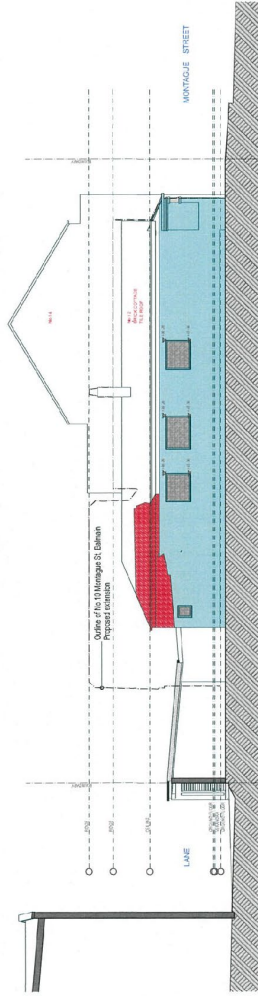
	
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Client: JAMES RYAN & AGATA DUDEK Project: ALTERATIONS & ADDITIONS TO No. 10 MONTAGUE STREET, BALMAIN	
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Drawing Title: PLAN - SHADOW ANALYSIS DIAGRAM 2 - JUNE 21 - 3pm	
Scale:	1:200 @ A3
Date:	02.06.2017
Drawing No:	2017/07/DA1/D/D
Printed:	15.03.2018



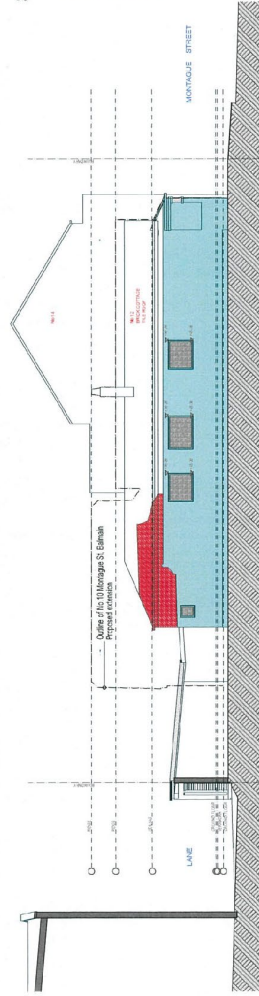
01 SHADOW DIAGRAMS June 21 - 9am  
Scale 1:200



02 SHADOW DIAGRAMS June 21 - 10am  
Scale 1:200



03 SHADOW DIAGRAMS June 21 - 11am  
Scale 1:200



04 SHADOW DIAGRAMS June 21 - 12pm  
Scale 1:200

SHADOW DIAGRAM LEGEND

- existing building shadowing onto 12 Montague St, Balmain
- additional shadows cast on 12 Montague St, Balmain

NOTE :

Shadows casted beyond 12pm show no solar access for the remainder of the day onto North Windows of 12 Montague St, Balmain

Scale:	1:200 @ A3
Date:	02.06.2017
Drawing No:	2017/07/DA26/D
Plotted:	15.03.2018

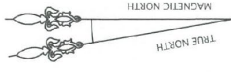
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Drawing Title:	ELEVATION - SHADOW ANALYSIS DIAGRAM - North Wall of 12 Montague St, Balmain
- JUNE 21 - 9am-12pm	

Client:	JAMES RYAN & AGATA DUDEK
Project:	ALTERATIONS & ADDITIONS TO No. 10 MONTAGUE STREET, BALMAIN

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Amend.	Description	Date
D	DA ISSUE	15.03.18





LLEWELLYN STREET

LLEWELLYN STREET

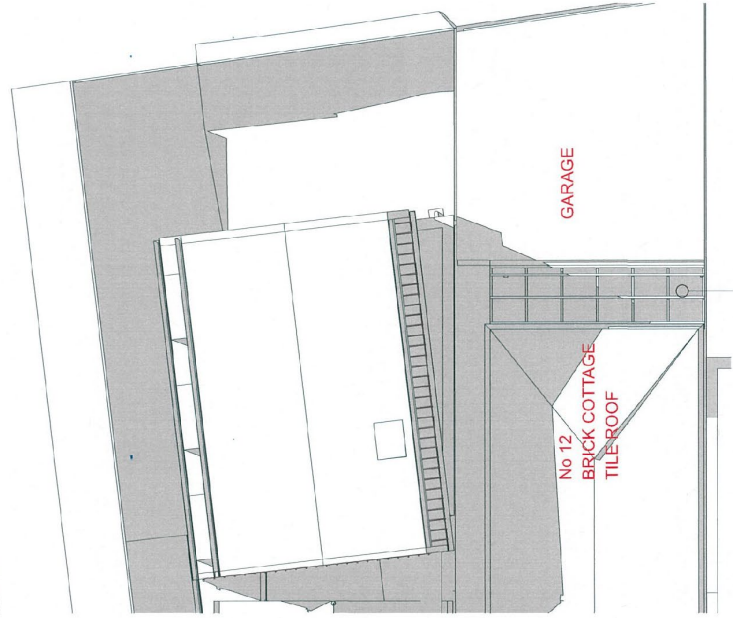
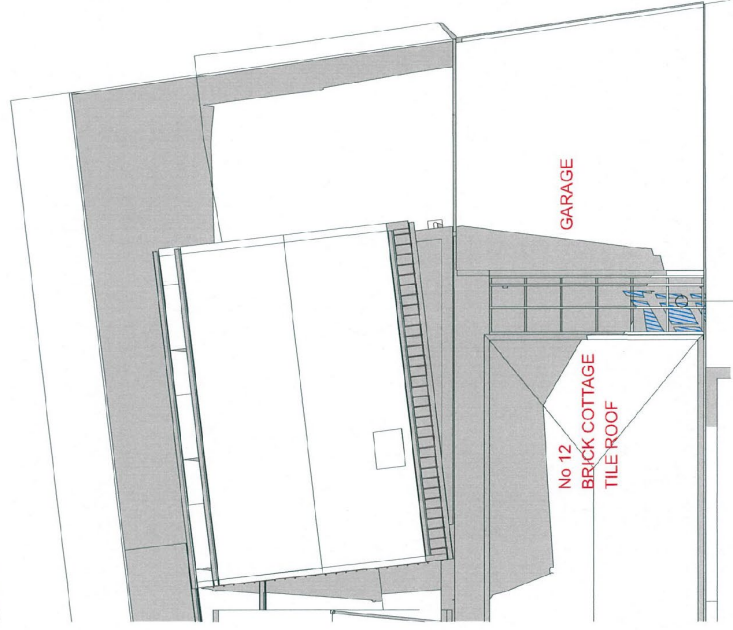
SHADOW DIAGRAM LEGEND

- shadowing
- additional shadows cast on neighbouring courtyard by proposal

NOTE :

- \*Shadows casted beyond 12pm show no solar access for the remainder of the day onto North Windows of 12 Montague St. Balmain
- \*Shadow from Heritage listed tree on Llewellyn St, Balmain are not shown

LANE



02 SHADOW DIAGRAMS June 21 - 11am  
Scale 1:100

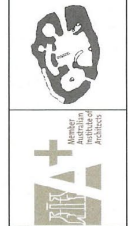
01 SHADOW DIAGRAMS June 21 - 10am  
Scale 1:100

Scale:	1:200 @ A3
Date:	02.06.2017
Drawing No.:	2017/07/DA27/D
Plotted:	15.03.2018

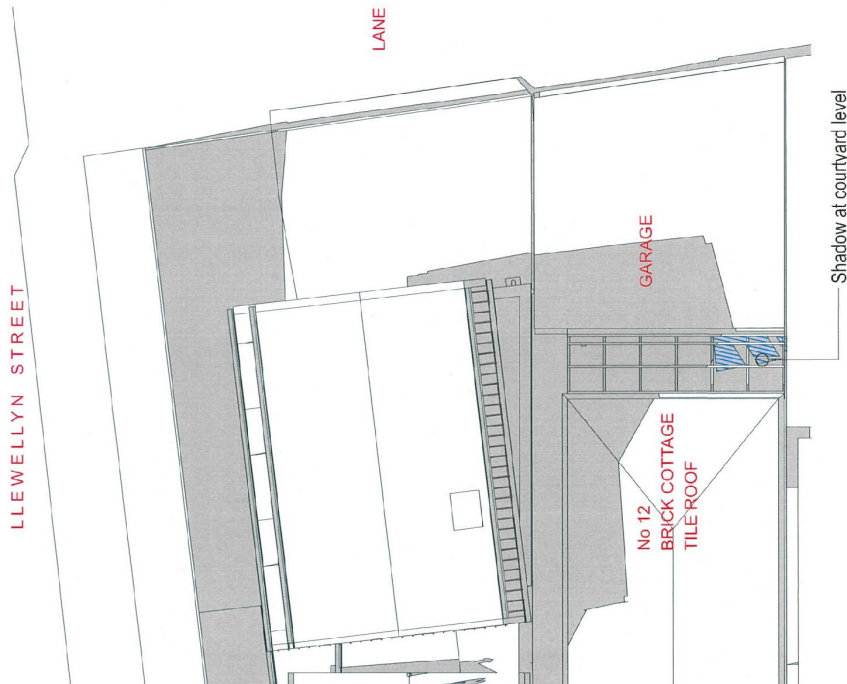
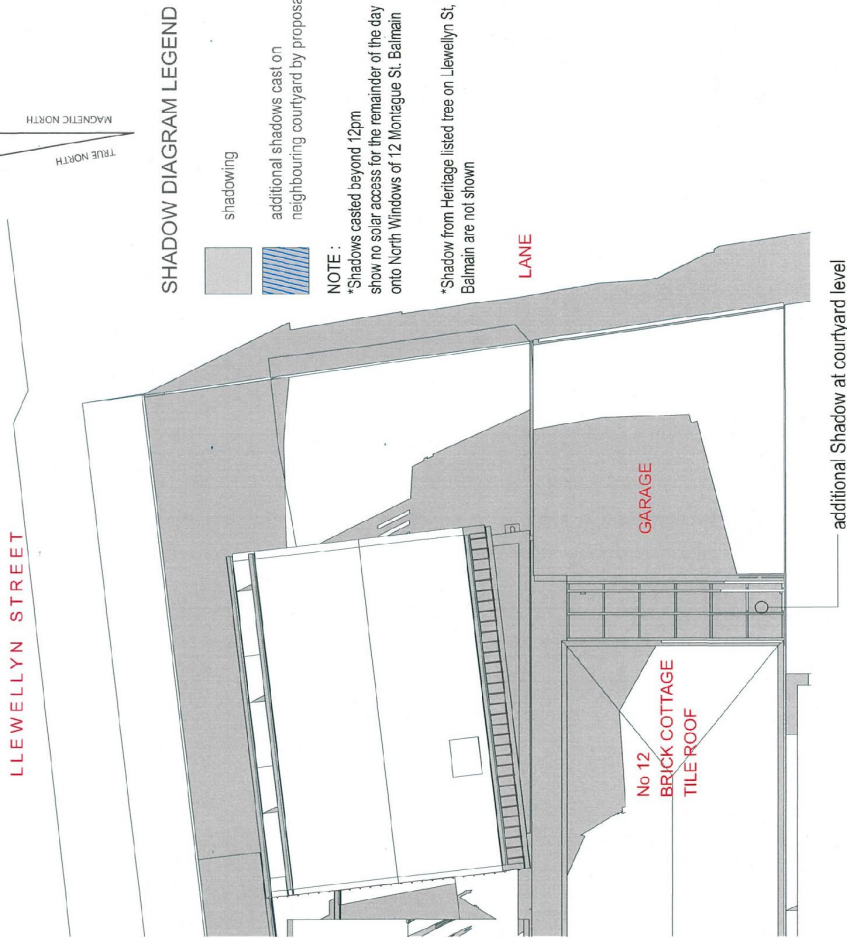
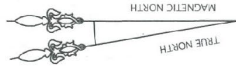
This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect.  
 Drawing Title: ELEVATION - SHADOW ANALYSIS DIAGRAM - Courtyard of 12 Montague St, Balmain  
 -JUNE 21 - 10am & 11 am

Client: JAMES RYAN & AGATA DUDEK  
 Project: ALTERATIONS & ADDITIONS TO No. 10 MONTAGUE STREET, BALMAIN

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Amend.	D	DA ISSUE	15.03.18	Date
Description				



04 SHADOW DIAGRAMS June 21 - 1pm  
Scale 1:100

03 SHADOW DIAGRAMS June 21 - 12:30pm  
Scale 1:100

Scale:	1:200 @ A3
Date:	02.06.2017
Drawing No:	2017/07/DA28/D
Plotter:	15.03.2018

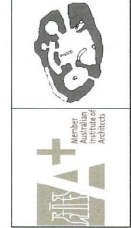
This drawing is protected by copyright law. Check all work on site and report any discrepancies to the architect.

**ELEVATION - SHADOW ANALYSIS DIAGRAM -**  
**Courtyard of 12 Montague St, Balmain**  
**-JUNE 21 - 12pm & 1pm**

**Client:**  
 JAMES RYAN & AGATA DUDEK

**Project:**  
 ALTERATIONS & ADDITIONS TO  
 No. 10 MONTAGUE STREET, BALMAIN

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Amend.	Description	Date
D	DA ISSUE	15.03.18





01 PERSPECTIVE VIEW

Amend.	Description	Date
D	DA ISSUE	15.03.18
C	DA DRAFT 3	14.03.18
B	DA DRAFT 2	12.03.18
A	DA DRAFT 1	09.02.18



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Client: **JAMES RYAN & AGATA DUDEK**  
 Project: **ALTERATIONS & ADDITIONS TO No. 10 MONTAGUE STREET, BALMAIN**

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 Drawing Title: **PERSPECTIVE VIEW 1 - From Corner of Rear Lane**

Scale: 1:200 @ A3  
 Date: 02.06.2017  
 Drawing No: 2017/07/DA11/D  
 Plotted: 15.03.2018





01 PERSPECTIVE VIEW

Amend.	Description	Date
D	DA ISSUE	15.03.18
C	DA DRAFT 3	14.03.18
B	DA DRAFT 2	12.03.18
A	DA DRAFT 1	09.03.18



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**Client:** JAMES RYAN & AGATA DUDEK  
**Project:** ALTERATIONS & ADDITIONS TO No. 10 MONTAGUE STREET, BALMAIN  
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**Drawing Title:** PERSPECTIVE VIEW 2  
 - From Corner Montague & Llewellyn St

**Scale:** 1:200 @ A3  
**Date:** 02.06.2017  
**Drawing No.:** 2017/07/DA12/D  
**Plotted:** 15.03.2018

Attachment C – Arboricultural Impact Assessment Report  
(Addendum 1)



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CARLINGFORD COURT NSW 2118

Office: (02) 9871 1530

# ARBORICULTURAL IMPACT ASSESSMENT REPORT Addendum 1

**SITE ADDRESS:** 10 Montague Street, Balmain (NSW)  
**CLIENT:** Mr Ray Stevens,  
OIKOS Architects  
**PREPARED BY:** ArborSkills Arboricultural Consultancy  
**DATE:** 10 September 2018

## 1. INTRODUCTION

Following submission of the original Arboricultural Impact Assessment Report (RPT18-04-2), dated 7 May 2018, Inner West Council has raised some specific questions pertaining to the potential impact of proposed works on trees located immediately adjacent to the property identified as 10 Montague Street, Balmain (NSW). This Addendum has been prepared to address those questions specifically and must be read in conjunction with the original report.

## 2. METHODOLOGY

Tree heights and canopy spreads were visually estimated. Branch heights above ground were measured using a height stick. Unless otherwise stated, Diameter at Breast Height (DBH), indicated using the mathematical symbol for diameter, was measured using a diameter tape and taken at 1.4 meters above existing ground level. The Diameter at Base is measured in accordance with the provisions of AS4970-2009. Where a variation to this occurs, the height at which the measurement was taken is shown with the relevant figure.

Structural Root Zones and Tree Protection Zones were calculated using the Australian Standard 4970 - Protection of Trees on Development Sites, 2009. Where a diameter measurement is not available, the Structural Root Zone or Tree Protection Zone is calculated using the relevant AS formula and the available measurements, either the Diameter at Breast Height or Diameter at Base. Tree Protection Zone calculations which fall below the minimum radial distance permitted under the provisions of AS4970-2009 (ie. 2 metres) have been amended to reflect the minimum radial distance indicated by the standard.

Root mapping was undertaken using ground penetrating radar<sup>1</sup>. This task was completed by a qualified technician, trained in the use of the equipment, from Suresearch Underground Services. The results from this investigation were then verified by potholing. As part of this investigation, a Dial-Before-You-Dig investigation was completed. Details of all existing services, such as were available, internal to the property were also obtained.

All pruning specifications are written in compliance of, and should be carried out in accordance with, Australian Standard 4373, Pruning of Amenity Trees, 2007 and Safe Work Australia, 'Guide to Managing Risks of Tree Trimming and Removal Work', 2016. Their format is consistent with accepted industry standard.

Definitions for all terminology used in this report are taken from AS4373 – Pruning of amenity trees, 2007, AS4970-Protection of trees on development sites, 2009 and the International Society of Arboriculture's *Glossary of Arboricultural Terms*.

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<sup>1</sup> Ground Penetrating Radar (GPR) is a method used for tree root investigations verified and validated by research published by International Society of Arboriculture (ISA), USA and the Arboriculture Association, UK. Academic studies and articles have also been published by other international bodies validating the use of GPR for tree root investigations. Australian Courts, including the NSW LEC and Supreme Court, have accepted GPR based evidence relative to tree roots. It is an accepted arboricultural industry practice.

### 3. AIM

The site was investigated Thursday, 16 August 2018. The aim of the investigations were to;

- a) identify the location of any tree roots within the area along the northern side of the property and to ascertain their proximity to the existing dwelling,
- b) assess the potential impact on trees of the proposed location of new stormwater pipes and
- c) refine the pruning specification to provide clearance to the proposed addition at the rear of the property.

The following documents and plans were referenced in preparation of this Addendum;

- Letter re D/2018/205 (10 Montague Street, Balmain), signed by Denise Bengler, Senior Assessment Officer on behalf of Inner West Council, dated 3 August 2018,
- Locator Report, completed by Suresearch Underground Services, dated 6 September 2018,
- Asset Location Plan GMLAO, supplied by Ausgrid, dated 17 August 2018,
- Gas Location Plan Leichhardt 3AB, supplied by Jemena, dated 29 March 2012,
- Asset Information Plan, Sequence No.74545357, supplied by Inner West Council, undated,
- NBN Location Plan, supplied by NBN, dated 16 August 2018,
- Water Main Asset Plan, Sequence No.74545364, supplied by Sydney Water Corporation, dated 16 August 2018,
- Cover Sheet, Drawing No.2017/07/DA01/E, Revision E, prepared by Oikos Architects, dated 14 August 2018,
- Plans-Ground, Drawing No.2017/07/DA02/E, Revision E, prepared by Oikos Architects, dated 14 August 2018,
- Plans-First, Drawing No.2017/07/DA03/E, Revision E, prepared by Oikos Architects, dated 14 August 2018,
- Plans-Site & Roof, Drawing No.2017/07/DA04/E, Revision E, prepared by Oikos Architects, dated 14 August 2018,
- Sections-A & B, Elev-E/W, Drawing No.2017/07/DA05/E, Revision E, prepared by Oikos Architects, dated 14 August 2018,
- Elevations-North & South, Drawing No.2017/07/DA06/E, Revision E, prepared by Oikos Architects, dated 14 August 2018,
- Elevations-Llewelyn St, North, Drawing No.2017/07/DA07/E, Revision E, prepared by Oikos Architects, dated 14 August 2018,
- Elevations-West & East, Drawing No.2017/07/DA08/E, Revision E, prepared by Oikos Architects, dated 14 August 2018.



4. OBSERVATIONS

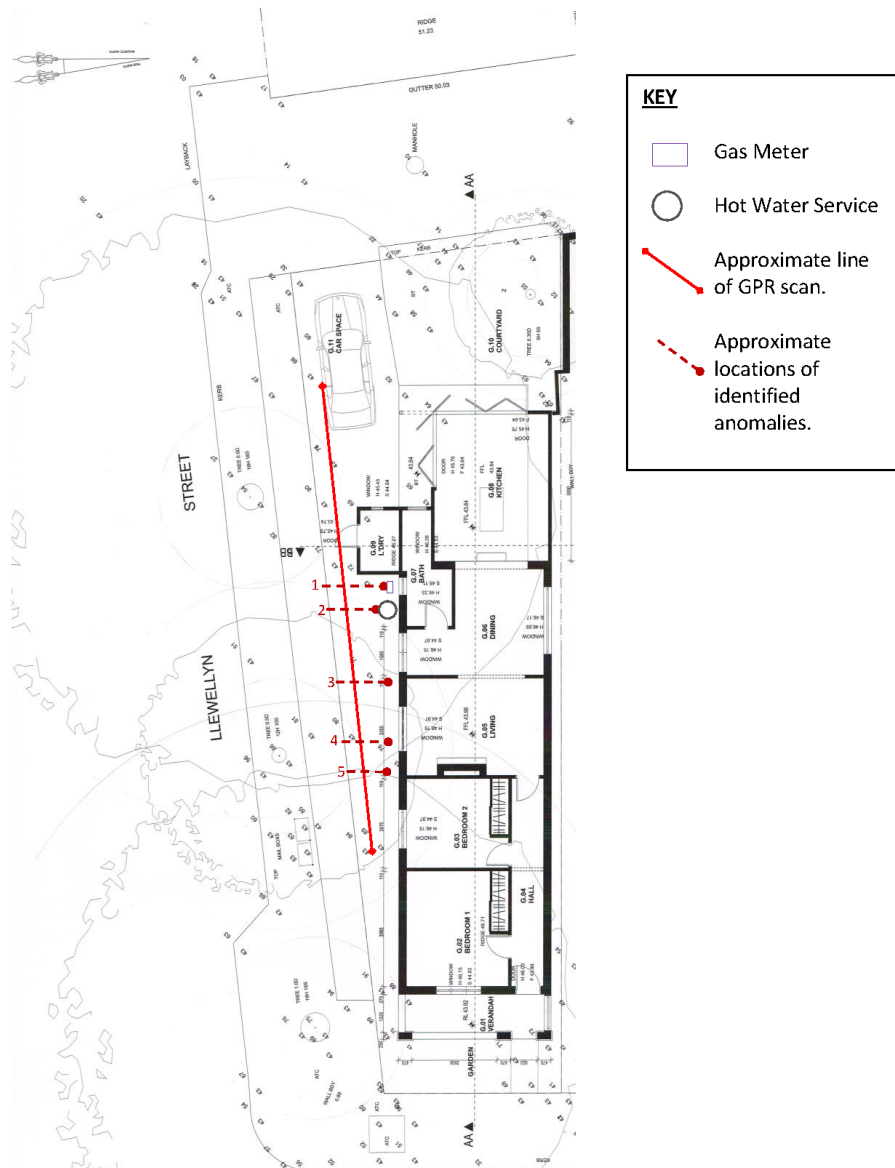


Figure 1: Diagrammatic representation indicating the location of GPR investigations and indicative positions of anomalies located and investigated by potholing.



## 5. DISCUSSION

### 5.1 Root Mapping

Suresearch Underground Services was commissioned to carry out a survey, using ground penetrating radar (GPR), of the area located between the northern boundary of the site and the northern wall of the existing dwelling (refer to Figure 1 for details of area surveyed). This investigation took place on Thursday, 16 August 2018 and was completed by a technician trained and qualified in the use of the equipment. A copy of Suresearch Underground Services report has been attached as Appendix 2, located on page 11, of this report.

The technician first traced and marked the approximate location of the live services (eg. gas, water, sewer etc.). The area was then scanned using GPR moving from east to west. The area covered extended for approximately 10 metres. The area was subsequently scanned using GPR scanning equipment and five (5) areas of interest were identified. The technician indicated that these five (5) anomalies were located at shallow depths (ie. <200 millimetres into the soil). The location of these anomalies has been indicated on the diagram in Figure 1.

The first 'target' was located immediately adjacent to the gas metre and coincided with the previously identified gas main. The second identified anomaly was located immediately adjacent to the existing hot water service. The location and depth of this anomaly would make it consistent with it being the inlet pipe for the hot water service. Verification of this could not be carried out as the area was covered by a concrete slab (on which the hot water service sits).

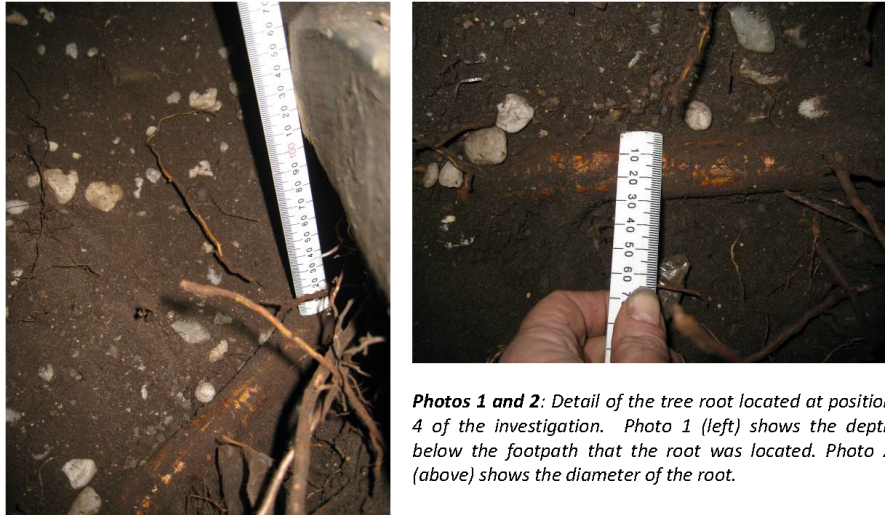
The third, fourth and fifth areas of interest were located further to the west. At ground level, there was no immediately identifiable explanation for the appearance of the anomalies (ie. gas mains, electrical boxes etc.).

Subsequent to completion of the GPR scans, targeted potholing in the locations identified was carried out. As previously discussed, excavation at the first and second locations was not physically possible however, the evidence produced by the GPR strongly indicated the nature of those anomalies as being pipes as opposed to tree roots. Excavations were undertaken at Targets 3, 4 and 5. Excavation of these areas was possible as there is an open 'garden bed', of approximately 0.5 metres in width, located along the side of the dwelling between the building wall and the existing pathway.

In the case of Target 3, excavation was carried out to a depth of 300 millimetres below the base of the adjacent footpath. No tree root was located in this area. There was however, an accumulation of building debris (eg. bricks, tiles etc.) that likely formed the base of the original path. During discussions with the GPR operator, it was agreed that this could have produced the images that he had identified on the GPR screen.

Target area 4 was excavated and at a depth of 100 millimetres below the surface of the existing footpath, a tree root was located. This root was identified as being of *Ficus* spp. origin. The dense coverage of lenticels provided the initial identification which was confirmed by the exudation of latex from the root when scratched. This exudation also

confirmed that the root was living. The root was measured and found to have a diameter of 20 millimetres. At this diameter, severance of the root would not be in contravention to the provisions of AS4373-2007.



**Photos 1 and 2:** Detail of the tree root located at position 4 of the investigation. Photo 1 (left) shows the depth below the footpath that the root was located. Photo 2 (above) shows the diameter of the root.

Excavation at the location of Target area 5 again revealed no tree roots. The area was dug to a depth of 250 millimetres and only building debris was located. In particular, a full, solid brick was positioned perpendicular to the pathway and at the approximate same angle as the anomaly had appeared on the GPR image. Given this evidence, it is highly probable that it was this brick which the GPR image was indicating, a fact agreed to by the technician.

Based on this evidence, it can be confirmed that it is highly unlikely that there are any tree roots associated with the two (2) Hills Figs (*Ficus microcarpa* var. *hillii*) and Brush Box (*Lophostemon confertus*), located within the road reserve of Llewellyn Street, within 0.5 metres of the wall of the existing dwelling on this site.

In the previous Arboricultural Impact Assessment Report, it was asserted that there could be an increased density of roots located along this area but that none were likely within the footprint of the existing dwelling. This assertion was questioned by council's tree officer on the basis that they believed it to be an 'unsubstantiated opinion'. This presumption is inaccurate. The statement is based on a combination of known biological fact, that is that the root of any plant cannot pass through a solid object and the scientifically verified arboricultural principle that the interface between any masonry or brick wall creates conditions conducive to root development and that increased density is likely where trees are located in close proximity. As these are precisely the conditions present on this site, the assumption about the likely pattern of tree root presence was entirely appropriate and relevant at the time. These investigations have however found that, for some unknown reason, the tree roots have not extended as far as the foundations of the dwelling and that there is in fact a corridor of open, unoccupied soil between the tree root plate and the building. This finding removes any possible objection

to the proposed works based on a theory that it would damage the roots of the subject trees, and therefore the trees themselves.

### 5.2 Proposed Stormwater Location

In councils correspondence, questions were raised regarding the proposed location of the stormwater system and its potential impact on the subject trees. Supplied plans indicate that the stormwater system is proposed to run parallel to the north side of the dwelling and out to Montague Street. In light of the findings of the root mapping exercise, there can be no objection raised to the installation of the stormwater system in this location as it has been clearly indicated that there are no tree roots within this area.

Regardless of this, it is recommended that, in so far as possible, and to minimise disturbance to the area, that the system be installed using lateral boring techniques as opposed to open trenching. Use of this method would benefit both the trees and the property in the longer term. In the first instance, it would benefit the trees by minimising disturbance to the soil surrounding their root plates. This would maximise the potential frictional hold of the soil preserving existing structural stability as far as possible. For the dwelling, use of the method would be beneficial as retention of existing levels of soil compaction would maintain the status quo of root development into the area. Were the soil immediately adjacent to the dwelling disturbed, and effectively decompacted, it could encourage opportunistic roots to occupy this area and bring them into contact with both the pipes and dwelling foundation. Whilst this should not represent any significant issue to either structure, it is preferable to prevent such interaction where ever possible.

### 5.3 Proposed Pruning Works

Councils tree officer also raised concern regarding the level of pruning proposed for particularly Tree 2 Hills Figs (*Ficus microcarpa* var. *hillii*). In response to this, specific and accurate site investigations were carried out to determine the exact level of pruning works required. In the previously supplied Arboricultural Impact Assessment Report, a pruning specification was provided however, this was visually estimated and likely did over-estimate the level of pruning required. The level proposed was however below 10% of the total live canopy for the tree and, under the provisions of AS4373-2007, would not be considered excessive or injurious to the subject trees.

It should be noted that comments made by council officers in regard to the likely negative impact of pruning on the Hills Figs (*Ficus microcarpa* var. *hillii*) are non-evidentiary based opinions. Current scientific research has not been undertaken to either support, or refute, the claims made by the council officer in regard to the expected lifespan of this species of tree within the urban environment. The combined factors of the short time span in which arboricultural knowledge has been collected in this country, the lack of knowledge about the natural propensities of this cultivar, particularly within the urban environment, and the lack of research into the precise impact on trees of particular urban issues means that any assumptions about these issues is pure supposition and not appropriate to appear within a professionally based assessment.

To address the questions regarding the level of pruning required, additional, specific and measured site investigations were completed. These included locating, by means of a height stick, the maximum ridge height indicated on the supplied plans. This ridge height, indicated as being 49 900 has not varied in the most recent issue of plans and is therefore still relevant to these deliberations.

As a result of this exercise, it was determined that, in contrast to the previously supplied pruning specification, pruning of Tree 4 Hills Figs (*Ficus microcarpa* var. *hillii*) would not be required at all. As it is proposed to retain the existing ridge height at along the majority of the roof of the existing dwelling, no additional clearance is required.

With regard to Tree 2 Hills Figs (*Ficus microcarpa* var. *hillii*), a more precise pruning specification has been produced. This specification is included in Appendix 1, located on page 10 of this report. The pruning specification has been prepared in accordance with accepted arboricultural practice and should be clearly decipherable to appropriately qualified and trained council staff. Supportive photographs have not been included as they do not provide any clarification to the specification. Due to the size of the trees and the restrictive environment available to take photographs in, the identification of specific branches within the context of a canopy photograph is not definitively possible. Inclusion of such photographs would actually increase the potential for misinterpretation of the specification. If staff, other than those arboriculturally trained, are required to interpret the specification, it would be possible to mark the subject branches using marking paint so that they could be clearly identified.

## 6. CONCLUSIONS

As a result of the site investigations and additional assessment of the proposed works in light of the findings of those investigations, the following conclusions are made;

1. In the absence of tree roots within 0.5 metres of the northern side of the existing dwelling, there are no factually based arboricultural impediments to the proposed development being approved in its current format.
2. In the absence of tree roots within 0.5 metres of the northern side of the existing dwelling, there is no identifiable, factually based arboricultural impediment to the proposed stormwater system being installed parallel to the northern side of the dwelling and connecting into existing disposal systems in Montague Street.
3. The level of proposed pruning to Tree 2 Hills Figs (*Ficus microcarpa* var. *hillii*), to facilitate construction work, is calculated as being <10% of the total live canopy and therefore, under the provisions of Australian Standard 4373-2007, would be permissible and have negligible impact on the health and vigour of the subject tree.
4. Based on the findings of the additional site investigations, the application of current scientific research and accepted arboricultural principles, no arboricultural impediment to the approval of the proposed works could be substantiated.

Should you require any further information in relation to this report, please contact our office on (02) 9871 1530.



**Louise Bennett**

**Consulting Arborist**

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Diploma Horticulture (Arboriculture) - AQF Level 5  
Certificate of Horticulture

Cert IV Training and Assessment

Member of Arboriculture Australia

Member Housing Engineering Design & Research Association (HEDRA).

### LIMITATION OF LIABILITY

ArborSkills are tree specialists who use their qualifications, education, knowledge, training, diagnostic tools and experience to examine trees, recommend measures to enhance the health and structure of trees and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of this assessment and report.

ArborSkills cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways the arboriculture industry does not fully understand. Conditions are often hidden within trees and below ground. Unless otherwise stated, observations have been visually assessed from ground level. ArborSkills cannot guarantee that a tree will be healthy or structurally sound under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of ArborSkills services, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters, and related incidents. ArborSkills cannot take such issues into account unless complete and accurate information is given prior or at the time of the site inspection. Likewise ArborSkills cannot accept responsibility for the authorisation or non-authorisation of any recommended treatment or remedial measures undertaken.

ArborSkills has no affiliation with any private contractors, associations or companies involved in the tree removal and pruning business. This ensures an impartial approach to all recommendations given regarding tree removals, recommended works and assessments.

In the event that ArborSkills recommends retesting or inspection of trees at stated intervals these works must be carried out within the designated time frame. It is the client's responsibility to make arrangements for an appropriately qualified and experienced person to conduct the re-inspection. Trees can be managed but, they cannot be controlled. To live or work near a tree involves an inherent degree of risk. There is no warranty or guarantee, either expressed or implied by ArborSkills, that problems or deficiencies of the subject trees may not arise at a future time.

Trees are living entities. As such, their health may alter, they will grow and their environmental circumstances may change from the time of the site inspection upon which this report is based. For this reason, this report has a maximum validity time of 1 year from the date of being written. Should there be any alteration to the site, the tree or the trees immediate environment from those current at the time of the site inspection upon which this report is based, the report will become invalid immediately. Such alterations may include wind storms, heavy or extended periods of rain or other natural weather phenomenon.

All written reports must be read in their entirety, at no time shall part of the written assessment be referred to unless taken in full context of the whole written report. This report remains the intellectual property of ArborSkills. It has been issued to the identified client for the specified and agreed purpose only. Use of this report for any other purpose or by any other individual or company must have the written consent of ArborSkills **PRIOR** to that use. Failure to obtain such consent is deemed a breach of copyright and will result in legal action being undertaken against all parties involved. If this written report is to be used in a court of law or any legal situation ArborSkills must be advised in writing prior to the written assessment being presented in any form to any other party.

Care has been taken to obtain information from reliable sources. All data has been verified wherever possible however, ArborSkills can neither guarantee nor be responsible for the accuracy of information provided by others. It is assumed that all information has been provided by appropriately qualified and experienced persons.

### References and Bibliography

Apperly, R., Irving, R. And Reynolds, P. 1989, *A Pictorial Guide to Identifying Australian Architecture*, Angus and Robertson Publishing, North Ryde, NSW, (Australia).

British Standards Institution 2012, *Trees in relation to design, demolition and construction-Recommendations*, BS5837:2012. Available from: British Standards Institute, Macquarie Park (Sydney), Australia.

Google Inc. 2012, Google™ earth (Version 6.2.2.6613) [Software]. Google Inc., Mountain View, CA (USA)

International Society of Arboriculture, 2015, *Glossary of Arboricultural Terms*, ISA, Champaign, IL(USA).

Matthcek, C. & Breloer, H. 1994, *The Body Language of Trees – A Handbook for Failure Analysis*, Her Majesty's Stationery Office, Norwich (United Kingdom).

Standards Australia 2009, *Protection of trees on development sites*, AS4970-2009. Available from: Standards Australia.

Standards Australia 2007, *Pruning of amenity trees*, AS4373-2007. Available from: Standards Australia.

Wilson, P. 2013, *AZ of Tree Terms – A Companion to British Arboriculture*, Ethelburga House, Kent (Great Britain).

**APPENDIX 1: TREE PRUNING SPECIFICATION****1.1 Comments**

- 1) The purpose of the pruning works is to provide a maximum of 1 metre clearance from the approved finished roof level.
- 2) Branches equal to or greater than 50 millimetres in diameter are not to be pruned unless specified in this Pruning Specification.
- 3) The minimum number of branches, in order to achieve the required clearance, are to be pruned from the tree.
- 4) All work must be completed in accordance with Australian Standard 4373-Pruning Amenity Trees, 2007 and the Safe Work Australia, 'Guide to Managing Risks of Tree Trimming and Removal Work', 2016.
- 5) All work must be carried out by a suitably qualified (minimum qualification Australian Qualification Framework Level 3 or higher) and experienced Practicing Arborist.

**1.2 Pruning Works**Tree 2: Hills Fig (*Ficus microcarpa* var. *hillii*)

- a) Prune 1 x 3<sup>rd</sup> order lateral to south, @ 5 metres above ground and with  $\varnothing=150$  millimetres, back to the branch collar.
  - b) Prune 1 x 3<sup>rd</sup> order lateral to south, @ 4.5 metres above ground and with  $\varnothing=200$  millimetres, back to the branch collar.
-



APPENDIX 2: SURESEARCH UNDERGROUND SERVICES GPR REPORT



# ArborSkills arboricultural consultancy

**Date**

16/8/18, 3:42 pm

**Suresearch Job Number**

57287

**Suresearch Technicians**

Mark

Completed on  
6/9/18, 2:22 pm




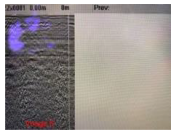
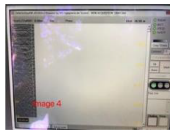

**Job Details**

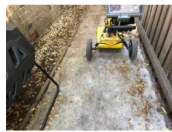

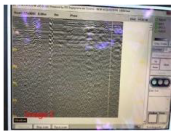








Question	Response	Details
Client name	ArborSkills arboricultural consultancy	
Site Contact Name	Louise Bennett	
Site Contact Phone	0414361461	
Client email	Louise.bennett@internode.on.net	
Has payment been received	Yes	
Job/Work Location	10 Montague st Balmain	
Date	16/8/18, 4:05 pm	
Suresearch Job Number	57287	
Technicians name and times		
Add Technician 1		
Technician Name	Mark	
Start Time	2	
Finish Time	3	
Total Hours	1	
Additional charges	Nil	
<p>All services/utilities have been marked to Australian Standard AS5488-2013 and are a guide only, it is the responsibility of the person/s undertaking works to adhere to asset owners duties of care when working in and around the utilities or areas marked or investigated by Suresearch, potholing is recommended prior to commencing excavation or any ground disturbance.</p> <p>I acknowledge the work has been carried out to my complete satisfaction in accordance with Suresearch Terms and Conditions.</p>		

Client Site Representative Name and Signature	Louise.	6/9/18 1:06 pm	<i>left site</i>
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**Locator Report**

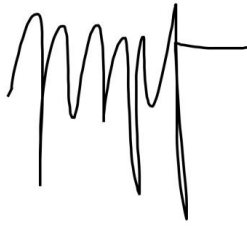
Question	Response	Details
<b>Job Details</b>		
DBYD Plans required?	Yes	
DBYD plans provided by	Customer	
Are DBYD plans current	Yes	
Were additional plans provided?	No	
Is a sketch required?		
<b>Area / Location Scanned :</b>		
Complete details for every area located		
Area Number 1		
Area description	Locate side of property for tree roots and services.	
Add and complete for every service located in the area		
Identified service 1		
Type of service located	Other	

Type of service located	Tree roots	
Equipment Used	Ground Penetrating Radar	
Site Marking Completed?	Yes	
SUI Quality Levels used for this asset type (Tick Multiple Boxes if more than one class used)	Quality D	
Attach a photo		
		
		
Media 1	Media 2	Media 3
Media 4	Media 5	Media 6

					
Media 7	Media 8	Media 9	Media 10	Media 11	Media 12
					
Media 13	Media 14	Media 15	Media 16	Media 17	Media 18
					
Media 19	Media 20	Media 21	Media 22		
Comments		<p>Using ground penetrating radar, I scanned along side of house inside boundary line to locate tree roots. There was some images which are potentially large tree roots or even potentially a service. I've labelled the photos in sequence to which number is relevant to which scan image from GPR.</p> <p>Hooked onto gas meter but was unable to gain a signal, potentially pipe made from a non conductive material.</p> <p>Hooked onto water meter and traced to where it enters house. Quality level B.</p> <p>Sewer ran through backyard out of scope.</p>			

Question	Response	Details
----------	----------	---------



<p>Traced and marked the approximate location of traceable live services in the area required using the equipment required. please refer to report for further detailed information.                  All marked and noted underground services should be potholed prior to any ground disturbance. "This service and the depths advised are a guide only"</p>			
<p><b>ELECTRONIC TRACING:</b>                  All work has been carried out in accordance with Australian Standards AS 5488-2013. Electronic detection is only an indication of the existence of underground utilities/networks and can be subject to interference from other services and/or local conditions. All depths given are only a guide.                  Electronic detection should not be used solely to determine the location of underground utilities/networks for construction purposes, the electronic location/measurements must be proven by physically sighting the asset (see Validation).                  Electronic tracing should be used as a guide only and all asset owners "Duty of Care" should be adhered to when working in and around underground utilities/networks, potholing is required and should be undertaken prior to any ground disturbance and in accordance with asset owners requirements and "Duty of Care"</p>			
<p>General Comments for job</p>		<p>Potholing to to prove services in required.                   Please note that this service and the depths provided are a guide only</p>	
<p><b>DBYD Certified Locator Sign Off</b></p>			
<p>Signed by Service Locator</p>	<p>Mark</p>	<p>6/9/18 2:22 pm</p>	
<p>Date &amp; Time of Signing</p>			
<p><b>Terms and Conditions</b></p>			
<p>Question</p>	<p>Response</p>	<p>Details</p>	



Question	Response	Details
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**DISCLAIMERS/CUSTOMER RISK**

There is no way to eliminate all risk onsite our service is to minimise, not eliminate, your risk.

**AS 5488-2013 CLASSIFICATION OF SUBSURFACE UTILITY INFORMATION (SUI)**

- A - VALIDATED - Potholed & Sighted is Absolute Spatial Position in Three Dimensions  $\pm 50$  mm horizontally and vertically.
- B - TRACED - Electronically traced with good signal with a depth Given Horizontal Tolerance  $\pm 300$  mm and Vertical Tolerance of  $\pm 500$ mm.
- C - ALIGNED - Aligned using surface features & historical records electronically traced without depth & or poor scratchy signal.
- D - INDICATIVE - Indicative location (ONLY) using DBYD/Historical records.

**NOTE:** The higher the quality level the higher the Confidence (Green), lower the quality level higher the Risk (Black).

**ANY GROUND DISTURBANCE WILL BE AT YOUR OWN RISK**

**ELECTRONIC TRACING**

We cannot accept responsibility for any damages, as we cannot actually see into the ground. Any results / markings are indicative only and would require visual confirmation. All work will be carried out in accordance with Australian Standards AS 5488-2013. Electronic tracing is a guide only and all duty of care should be adhered to when working in and around underground services and utilities, potholing may be required and if so should be undertaken prior to any ground disturbance and in accordance with service providers requirements and "Duty of Care" ALL RISK REMAINS WITH THE CUSTOMER we are engaged to help minimise your risk, not eliminate. A risk was present prior to our engagement.

**"DIAL BEFORE YOU DIG" PLANS/ "DUTY OF CARE"**

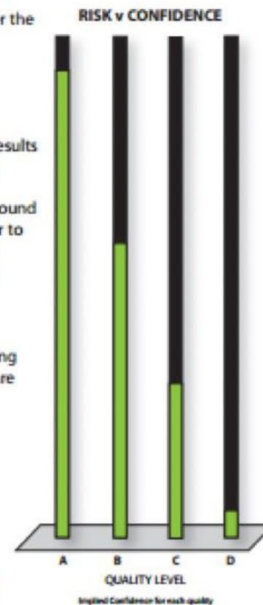
It is the customer's responsibility to obtain the "Dial Before You Dig Plans" prior to SureSearch arriving onsite. Customers must inform themselves of all the various service providers and there 'Duty of Care and 'Essential Precautions' prior to performing any works.

**DBYD EXPIRY DATES ON PLANS**

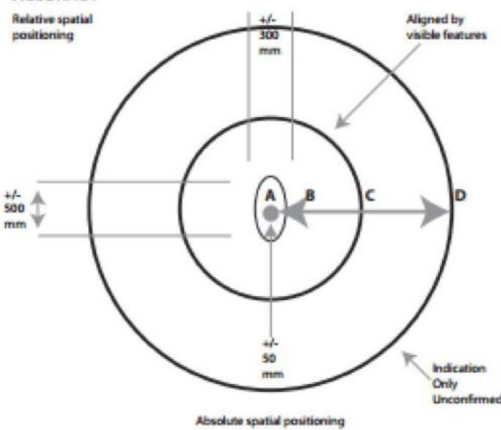
Customers must ensure DBYD plans are current; refer to various service providers requirements. NSW legislation requires DBYD plans to be within 30 days of commencing work.

**POTHOLING**

It is the customer's responsibility to comply with service provider requirements and safe tolerances. If potholing will be required within danger zones asset owners need to be notified and standbys organised prior to SureSearch arriving. Standby costs are to be incurred by the customer.



**ACCURACY**



**Suresearch Utility Marking Codes**

Question	Response	Details



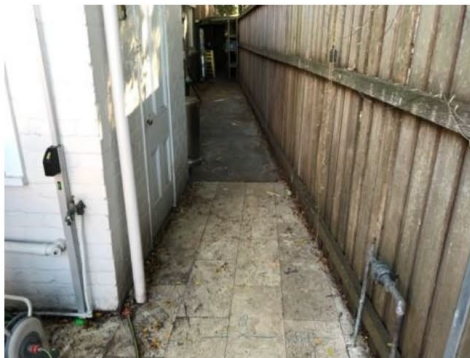
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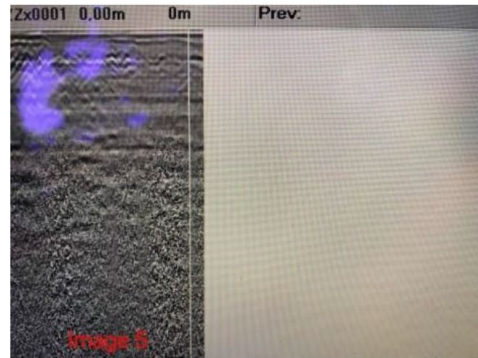
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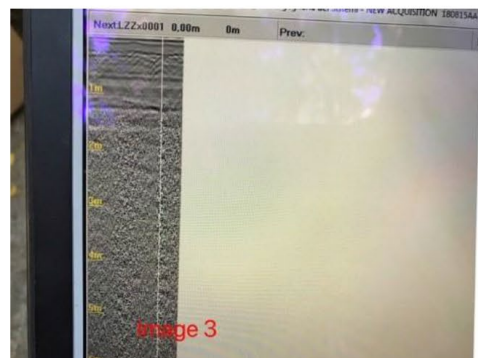
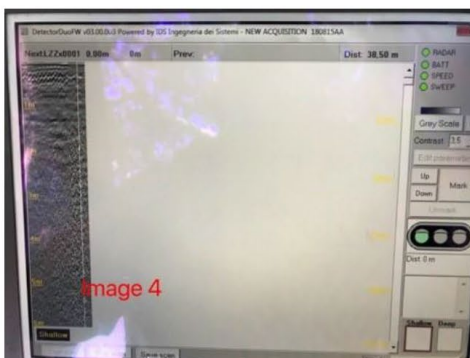
Media 2



Media 3



Media 4



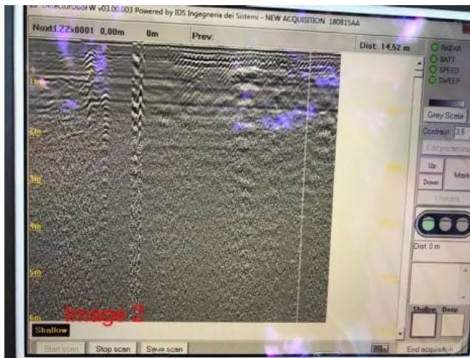
Media 5



Media 6



Media 7



Media 8



Media 9



Media 10

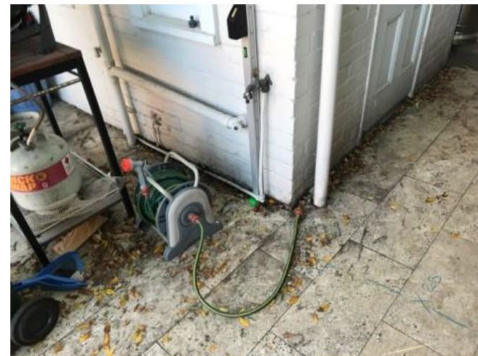




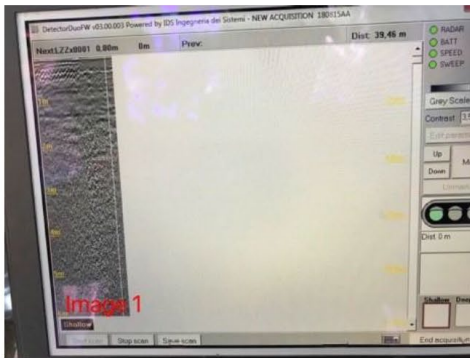
Media 11



Media 12



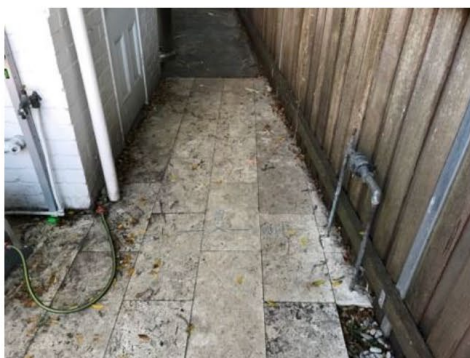
Media 13



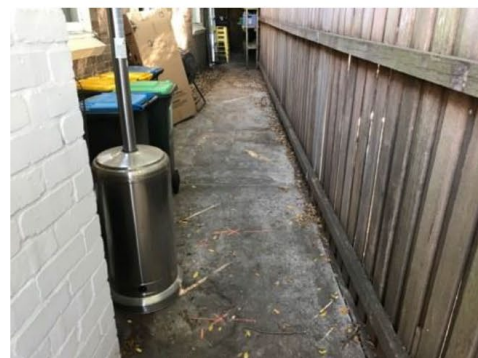
Media 14



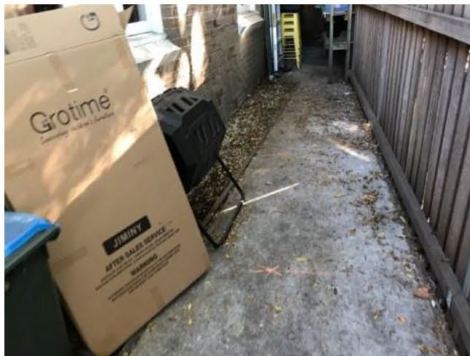
Media 15



Media 16



Media 17



Media 18



Media 19



Media 20



Media 21

Media 22

## Attachment D – Statement of Significance for the Valley Heritage Conservation Area

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### Area 12 The Valley (Rozelle and Balmain)

#### Landform

This conservation area comprises a large but tightly formed valley which falls south and east from the Darling Street ridge towards White Bay affording enclosed views to industrial workings of the port city in the bay.

It includes a number of subdivisions/part subdivisions around the highest land in the Leichhardt Municipality on either side of the Darling Street ridge and across Victoria Road. It includes land east of Wellington Street to White Bay. It also includes the civic buildings and the commercial zone of Rozelle on both sides of Victoria Road, the land east of the Darling Street ridge beyond the commercial zone, the civic and commercial buildings of Balmain retail centre, small groups of shops along Darling Street and the former retail area of Evans and Beattie Streets.

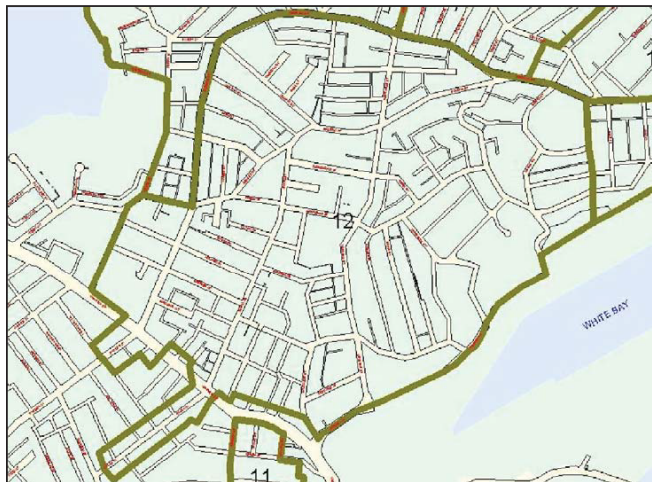


Figure 12.1 The Valley Conservation Area Map.

#### History

When sales of John Gilchrist's Balmain 550-acre grant were resumed in 1852, Surveyor Charles Langley subdivided the remaining acres into 46 (later 47) sections, using existing routes such as Darling Street, and other contour-hugging tracks, such as Beattie Street and Mullens Street to delineate the parcels. The sections were purchased over the next thirty years by wealthy investors, local speculators and builders.

The largest of the estates put together from Langley's subdivisions was the 19 acres of the Merton Estate purchased by piano importers Paling and Starling, druggists George and Frederick Elliott and estate agent Alfred Hancock. It occupied the land between Terry Street and Evans Street. It was subdivided by its owners into 197 allotments generally 30ft x 100ft with 50ft-wide grid



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pattern of roads, and was auctioned by local agent and developer, Alfred Hancock from 1874.

A miscellaneous collection of service and consumer trades servicing these new dwellings appeared along Evans Street in the 1870s making it the main commercial thoroughfare along the upper reaches of the Balmain peninsula.

By the 1880s the growth of industry, including noxious industry, in White Bay and along Whites Creek, made the south and east-facing slopes of the Darling Street ridge unattractive for a more affluent residential market. Those who could find employment in these industries would seek housing within walking distance, as public transport – then the horse drawn bus or later the steam tram – were too expensive. Canny speculators, such as Hancock (later Mayor of Balmain) sold to small builders who constructed very dense workers' housing for renters or purchasers on small budgets. By 1891 a large part of this area had been built upon.

The arrival of the government-owned steam tram at the junction of Darling Street and Victoria Road in 1892, provided relatively more affluent residents along its route with transport to the city, and a greater choice of employment away from places within immediate walking distance from home. The advent of the tramway probably explains the major impetus to growth in the area particularly to the west of Evans Street, so that in the 1890s much of Terry, Wellington, Merton and Nelson Streets were built upon with one-storey brick semis, pairs or small groups of terraces (two to an allotment) and double-fronted single-storey houses (one to an allotment). Most of these buildings were constructed by local builders such as Robert Gordon, William Whitehorn and James Gibson, whose small-scale operations are indicated by the small groups of similar houses or terraces.

From the 1850s, Booth's Saw Mill on White Bay provided a cheap source of timber and weatherboards, promoting weatherboard houses as the norm for workers' housing throughout Balmain until brick terrace housing became prevalent in the late nineteenth century.

The extension of the steam tram service along Darling Street by 1900 encouraged shopkeepers to relocate there to catch the passing trade, and Evans Street was superseded as a commercial centre.

The Metropolitan Detail Survey Sydney Water Archive<sup>i</sup> suggests that almost all the land east of Wellington Street was built upon by 1905.

By 1907 the precinct was generally known as Rozelle.

#### Sources

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

Further information provided by Max Solling.

#### Significant Characteristics

- Contour hugging main roads – Evans, Beattie and Reynolds.

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- Outline of subdivisions, size and aspect of allotments, determined by route of main roads.
- Wider residential roads off Darling Street ridge, with grid subdivision pattern, but
- Generally narrow roads between main access roads.
- Narrow, often shallow allotments.
- Back lanes are rare.
- Dense urban environment.
- Continuous lines of buildings create sharply defined lineal spaces.
- Buildings stepped up and down hill, following the topography.
- Houses sited close to road near Darling Street ridge; and sited onto the road alignment nearer to White Bay.
- Small front gardens near Darling Street; there are fewer gardens towards White Bay.
- Tree planting is minimal except where wider main access roads provide enough room – Langley, Roseberry, Llewelyn and Reynolds Street.
- Large stands of trees in parks and open spaces.
- Small range of housing types: single-fronted, single-storey timber terraces, two-storey terraces, free-standing timber or stone single-storey cottages.
- Some larger villas on high land around Smith Street, and more generous terraces in similar locations.
- Scale predominantly limited to one or two storeys.
- Pubs with verandahs act as punctuation marks in the streetscape.
- Corner stores.
- Commercial premises (and former commercial premises) with attached dwellings along Evans and Darling Streets.
- Small industrial/warehouse buildings occur throughout the area.
- Variety of materials – large number of timber, plastered brick, some later (1890s+) face brick and a few stone buildings.
- Roof materials vary – iron is common, terracotta tiles, some slate.
- Stone retaining walls.
- Remnants of iron palisade fences define some street frontages.
- Suspended awnings to commercial facades along Darling and Evans Streets.
- Sandstone kerbs and gutters.

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#### Statement of Significance or Why the Area is Important

- One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). 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.

#### Maintenance of Heritage Values

##### Generally

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

##### Retain

- Existing width and alignment of streets: avoid chicanes which cut diagonally across the carriageway.
- Existing back lanes.
- All buildings pre-1939 and particularly all timber buildings
- All original plaster finishes to external walls - reconstruct where necessary.
- All original unplastered face brick walls.
- All original external architectural detail, decorative tiles, plaster mouldings, chimneys, roof ridges and finials, commercial signs etc.

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Encourage replacement of lost elements, but only where evidence is available.

- All remaining sandstone kerbs and gutters.
- All corner stores, corner pubs and industrial buildings within the residential areas, and encourage their restoration. Consider small-scale commercial or professional uses for these buildings, if original uses no longer operate, as a reference to their original uses.
- Street and park planting; reinstate where necessary

Avoid

- Amalgamation that might lead to a change in the densely developed streetscape.
- Demolition of any pre-1939 building, particularly those pre-1910.
- Demolition of any remaining timber building.
- Additional storeys above the existing form of the building.
- Posted-verandahs over footpaths to commercial premises where no evidence can be provided to support their reconstruction. Encourage restoration of verandahs where evidence exists.
- Removal of plaster to external walls, where part of the original construction. Removal of original architectural details.
- Additional architectural detail for which there is no evidence.
- Inappropriate fences such as high brick walls, new iron palisades on high brick bases.
- Interruption to the almost continuous kerb and gutter line.

Endnotes

- <sup>1</sup> Solling & Reynolds, p 81.
-