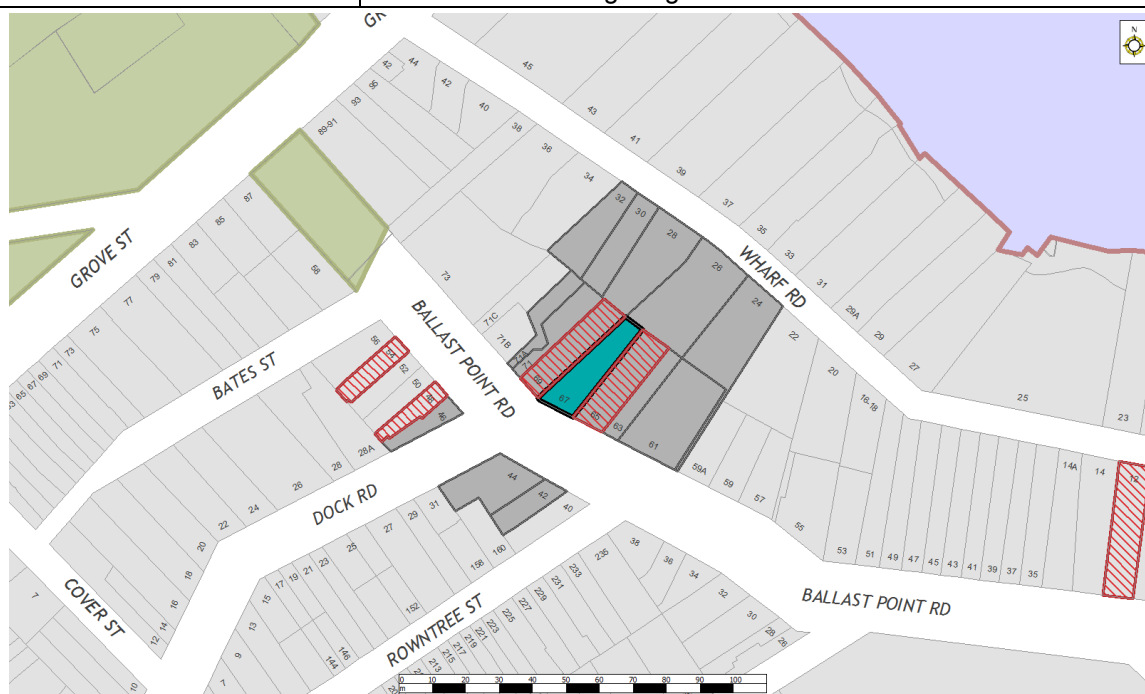




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2018/189
Address	67 Ballast Point Road, BIRCHGROVE NSW 2041
Proposal	Lower ground, ground and first floor alterations and additions to existing dwelling-house, and associated works, including construction of a new swimming pool at rear, tree removal and replacement of a shed.
Date of Lodgement	17 April 2018
Applicant	Vaughan Architects Pty Ltd
Owner	Mr R L Freeman and Mrs K J Freeman
Number of Submissions	Objections from 6 properties
Value of works	\$957,500
Reason for determination at Planning Panel	Demolition of a portion of the heritage item
Main Issues	Impacts to heritage item Bulk and scale Impacts to trees on adjoining properties Visual privacy
Recommendation	Deferred commencement
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Statement of Heritage Significance



Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Purpose of report

This supplementary report is to address the resolution of the Inner West Local Planning Panel on 27 November 2018. The resolution is as follows:

“The Panel defers the application to enable a supplementary heritage report to be provided and assessed by the planning staff.

The applicants are to provide their comments on the proposed conditions of consent in writing and to also be the subject of a supplementary planning report.

The decision of the panel was unanimous.”

A supplementary heritage referral was finalised on 17 January 2019 and is addressed later in this report. The supplementary report has also taken into consideration the additional information submitted by the applicant that is registered onto Council's electronic database on 19 December 2018. The Section 4.15 assessment of this proposal, which is included in the development assessment report that formed as part of the agenda for the 27 November 2018 Inner West Local Planning Panel meeting, has already been considered by the Panel on 27 November 2018.

2. Report

The following additional information was submitted to council by the applicant on 13 December 2018 and uploaded on council's electronic database on 19 December 2018:

- Addendum to Heritage Impact Statement, prepared City Plan P/L, dated 12 December 2018;
- Letter in support of proposed interpretive stair design, prepared by City Plan P/L, dated 3 December 2018;
- Email to Architect Received from City Commercial Insurance Brokers dated 29 November 2018.
- Vaughan Architects Insurance Policy Working to Accompany the Email from City Commercial Insurance Brokers;
- Existing Ground Floor Plan, prepared by Vaughan Architects, dated 28.11.2018;
- Proposed First Floor Plan, prepared by Vaughan Architects, dated 28.11.2018;
- Elevations East & West, prepared by Vaughan Architects, dated 28.11.2018;
- Former Stair Analysis Plan, prepared by Vaughan Architects, dated 28.11.2018;
- Former Stair Interpretation Plans, prepared by Vaughan Architects, dated 28.11.2018;
- Former Stair Interpretation Plan – Elevation, prepared by Vaughan Architects, dated 28.11.2018;
- Cross Section 2 – Privacy Screening to No. 65 BPR, prepared by Vaughan Architects, dated 28.11.2018;
- Structural Report, prepared by Griffiths Engineers Australia, dated 10 December 2018;
- Building Inspection Report, prepared by Jim's Building Inspections, dated 21 September 2018;
- Building Inspection Report, prepared by Jim's Building Inspections, dated 21 September 2018;
- Letter received from ITC Law, dated 26 November 2018.
- Copy of Covering letter prepared by GAT & Associates dated 12 December 2018.

These additional information were considered in the supplementary heritage referral that was completed on 17 January 2019. The contents of the updated heritage referral are reproduced below:

Heritage Listing:

The subject site is listed as a local heritage item, being 'House, including interiors' on the Leichhardt LEP 2013 (I518). It is also included within the 'Birchgrove and Ballast Point Road Heritage Conservation Area' (C8).

It is in close proximity of a number of heritage items, including:

- 'House, including interiors' at 22 Wharf Road (I603)
- 'House, 'Clifton Villa', including interiors' at 73 Ballast Point Road (I519)
- 'Semi-detached House, 'Exeter Villas', including interiors' at 34 Wharf Road (I608)

The 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 Birchgrove Distinctive Neighbourhood of the Leichhardt LEP 2013.

Significance

The subject property is a heritage item; the following statement of significance for the place has been reproduced from Leichhardt Council's Heritage inventory sheet:

"No. 67 Ballast Point Road is of local historic and aesthetic significance as a good example of a single storey plus attic weatherboard Victorian Gothic style dwelling constructed in c. 1860-1880s. Despite some rear additions, the building significantly retains its overall scale, form, character and details including the weatherboard facades, steep gable roof form and timber details, chimney, roof dormers, open verandah and associated details, pattern of openings and front fence. The building is enhanced by several mature trees and garden setting and makes a positive contribution to the Ballast Point Road streetscape."

The statement of significance of the heritage conservation area is available at <https://www.innerwest.nsw.gov.au/develop/planning-controls/heritage-and-conservation/heritage-conservation-areas>

History of the Application

- PREDA2018/1 for 'Alterations and additions to an existing house with new swimming pool'. A Heritage Referral was prepared on 25 February 2018 (Christopher Reeves);
- DA/2018/189 (current). A Heritage Referral was prepared on 30 July 2018 relative to drawings by Vaughan Architects dated 27 March 2018 (Flavia Scardamaglia);
- Site inspection to the property was undertaken on 4 September 2018;
- A new referral was prepared on 18 September 2018 (incorrectly dated 3 July 2018) commenting on amended drawings by Vaughan Architects dated 13 August 2018 (Flavia Scardamaglia);
- A meeting was held at Council on 24 September 2018 to discuss heritage issues; (Rob Freeman, owner; Simon Vaughan, architect; Gerard Turisi; Valdis Aleidzans, Gat Associates; Iain Betts, Flavia Scardamaglia; Niall Macken, IWC;).

- Email dated 3 October 2018 was received from Gerard Turrisi (on behalf of Applicant) by Council seeking certain issues to be reviewed. In response to this an internal meeting was held with the Heritage Specialist, the Team Leader Heritage and Urban Design, the Assessment Officer and Development Advisory Services Manager where the matters raised were discussed. An email was sent in reply dated 16 October 2018 and again on 23 October 2018 from Rachel Josey (Development Advisory Services - Manager) identifying the recommended solutions as discussed at the internal meeting.
- The DA was considered by the Inner West Local Planning Panel on 27 November 2018 and deferred.
- Additional information was submitted to council by the applicant on 13 December 2018 and uploaded on council's electronic database on 19 December 2018

Discussion


The following documents have been reviewed with regard to this application prior to preparing this heritage referral:

- Existing Plans and Proposed First Floor Plan dated 28 November 2018 (DA04 & DA06) by Vaughan Architects;
- Former Stair Interpretation – Elevation and plans dated 28 November 2018 (DA22 and DA23) by Vaughan Architects;
- Former Stair Analysis dated 28 November 2018 (DA21) by Vaughan Architects;
- Elevations – East and West dated 28 November 2018 (DA09) by Vaughan Architects;
- Cross Section 2 – Privacy Screening to 65 BPR dated 28 November 2018 (DA24);
- Letter by City Plan dated 2 December 2018;
- Addendum to Heritage Impact Statement by City Plan dated 12 December 2019;
- Previous drawings and Heritage related documents relative to the application.

This heritage referral is based on previous assessments. For an understanding of the full assessment process, reference should be made to the following documents:

- Referral dated 25 February 2018 (Christopher Reeves);
- Referral dated 30 July 2018 (Flavia Scardamaglia);
- Referral dated 18 September 2018 (incorrectly dated 3 July 2018 in the template) (Flavia Scardamaglia);
- Email between Rachel Josey (Manager Development Advisory Services) and Gerard Turrisi (on behalf of the Applicant) dated 15 October 2018;
- Email between Rachel Josey and Simon Vaughan (Applicant) dated 23 October 2018.

The following concerns have been considered in the revised scheme:

<p>Scale and form of the rear addition</p>	<p>The form of the rear addition makes the height of the south wall of the rear wing excessively high in streetscape views towards this item. A hipped roof form or a more traditional roof form would be more appropriate to better relate to the historic context and to have a more sympathetic approach in oblique views from Ballast Point Road (see Figure 1).</p> <p>This concern is resolved by having a visual separation between the north rear facing wall of the main house and the south wall of the rear wing. The visual separation between the front dwelling and the rear wing references the previous rear verandah visible on early historic plans.</p> <p>Initially, it was agreed to have a setback of 1200-1400 mm (similar to the width of the front verandah); this was reduced to 800mm following negotiation to diminish this setback for a more visually recessive material (zinc) for the first floor rear addition (see email dated 23 October 2018 between Rachel Josey and Simon Vaughan).</p>  <p><i>Figure 1: Street view perspective provided by Vaughan Architects showing original copper cladding material and no separation from the rear of the main dwelling (drawing DA18)</i></p>
<p>Materials and Finishes</p>	<p>Proposed materials and finishes are no longer a concern since the newly proposed material (zinc) for the first floor of the rear addition is a lighter toned cladding material.</p> <p>The use of zinc was off-set for a reduced separation between the north rear wall of the house and the south wall of the rear addition (see email dated 23 October 2018 between Rachel Josey and Simon Vaughan). The proposed setback is 800mm instead of 1200-1400mm (front verandah width). This visual separation between main dwelling and new addition references the former rear verandah shown on early historic plans of the site.</p>

Original staircase and wall removed	<p>Unauthorised works such as removal of the original staircase and adjoining wall have been carried out to this property prior to lodging a pre-Development Application (see Figures 2 to 4). The documentation lodged at pre-DA stage has used the presence of non-original fabric as an argument to gain support for a first floor roof link and removal of the existing staircase.</p> <p>Removal of this original significant fabric without consent cannot be justified from a heritage perspective and this action has diminished the significance of this item. There is a concern that acceptance of these unauthorised works could establish an adverse precedent for other heritage items within Inner West Council and bring to further loss of significant fabric. A compliance process should follow after the DA is determined and the removed wall should be reinstated to its former detail. There are difficulties in requiring the reinstatement of the staircase in its original form, as it would not comply with the BCA, and the installation of a compliant stair would create additional adverse heritage impacts.</p> <p>Proposed interpretation measures for the staircase are based on paint treatment to the wall and markings on the floor to reflect the original staircase alignment. These will be included as a condition of consent.</p> <p>It is also recommended that the existing stairwell opening be retained as part of the interpretation of the former stair, with the addition of a balustrade at first floor level as a safety measure. This will be added to the subject conditions of consent.</p>
Demolition of first floor interior attic walls	<p>The removal of the asbestos sheeting over the timber boarded walls is supported.</p> <p>The revised design aims to retain the first floor walls and interpret them with side nibs and bulkhead. As such, it is supported.</p>
Structural damage to the building given by proposed excavation for the basement cellar and other works	<p>There is a concern about the proximity of the proposed cellar and structural damage occurring to the house during excavation works. Given that the Applicant has expressed favour to shifting the basement cellar 1m from the outside wall of the existing house (as per email dated 15 October 2018 between Rachel Josey and Gerard Turrisi), this will be conditioned accordingly.</p> <p>Appropriate conditions of consent to mitigate the impact of the works to the structural integrity of the main dwelling have been recommended below.</p>



Figure 2: Photograph from the rent notice available online at <https://www.domain.com.au/property-profile/67-ballast-point-road-birchgrove-nsw-2041>

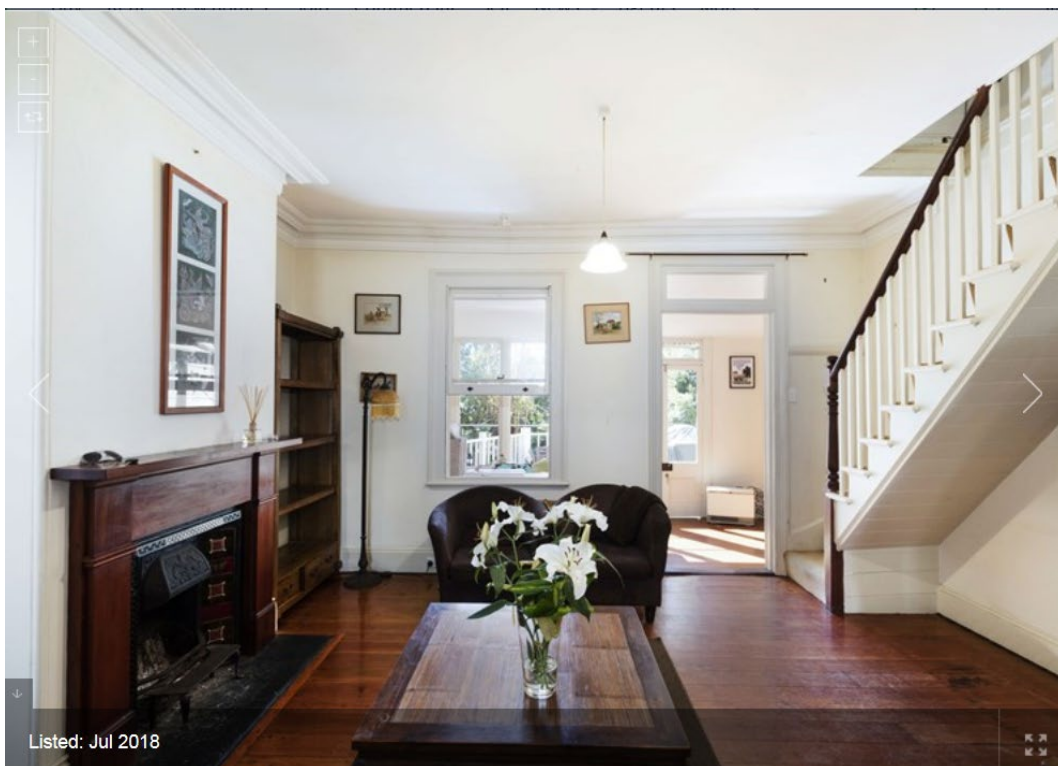


Figure 3: Photograph from the rent notice available online at <https://www.domain.com.au/property-profile/67-ballast-point-road-birchgrove-nsw-2041>



Figure 4: Photograph taken during site inspection (4 September 2018). Note the new internal staircase and new wall opening (Source: Inner West Council)

In conclusion, in regards to heritage, the proposal is acceptable subject to the following conditions to the application:

1. The wall to the northern side of the staircase that was recently demolished shall be reinstated to its former detail, complete with door frame, architraves, threshold and transom light. Detailed drawings shall be submitted to Council showing the proposed reinstatement prior to the issue of a Construction Certificate. Prior to the issue of an Occupation Certificate, the wall must be reinstated in accordance with the Construction Certificate Plans. Supporting documentation prepared by a suitably qualified Heritage Architect confirming the reinstatement is consistent with the CC plans including photos must be submitted to the Certifying Authority prior to the issue of an Occupation Certificate.
2. The removed staircase shall be interpreted through the following measures:
 - (a) Use of matt polish over the timber floor of a different hue than the rest of the room;
 - (b) The retention of the rectangular shape cut in the ground floor and the marking of the newel post location and form;
 - (c) The permanent marking on the wall of existing shadow lines to mark the previous stair's stringer;
 - (d) Retention of the stairwell void without infill;
 - (e) Enclosure with a balustrade at first floor level as a safety measure.

A full interpretation methodology outlining details of finishes, sections and plans of this task, including the permanent engraving/markings on the wall, timber floor matt finish, proposed balustrade and wall treatment shall be prepared prior to the issue of a Construction Certificate. Any infill of the stair void visible on DA22 drawing shall be deleted from the plans. Supporting documentation, including photographs, prepared by a suitably qualified Heritage Architect confirming the installation of the interpretation is consistent with the CC plans must be submitted to the Certifying Authority prior to the issue of an Occupation Certificate.

3. The new basement cellar shall be set back beyond the existing house (which is to be

- retained) for a minimum of 1m in order to reduce the risk of damage to the building from the excavation.
4. Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to the satisfaction of the Certifying Authority. The report must demonstrate how heavy machinery going through the main house is to be avoided and how structural impacts to the subject and neighbouring properties caused by excavation to the rear will be avoided. The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
 5. Prior to a Construction Certificate being issued, an archival photographic recording of the site at 67 Ballast Point Road is to be prepared to Council's satisfaction. The recording is to be in digital form, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives. The form of the recording is to be as follows:
 - (a) The Development Application number must be noted on the submitted information.
 - (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - (c) Include written confirmation, issued with the authority of both the applicant and the photographer that the Inner West Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
 - (d) The report is to identify and make reference to illegally undertaken works such as removal of the internal staircase and wall in the existing lounge (Room 2) and to include any available photograph of the removed staircase available either online or in Council records or in the owner's records.
 - (e) The report is to be submitted on a USB, CD or DVD, in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each: DOS title, image subject/description and data photograph was taken.
 - (f) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.
 6. In the unlikely event that historical archaeological remains or deposits are exposed during the works, all work should cease while an evaluation of their potential extent and significance is undertaken and the NSW Heritage Division notified under the requirements of the Heritage Act 1977.
 7. Significant architectural elements and the built fabric of the existing building are to be protected during site preparation and construction works from potential damage. Protection systems must ensure significant fabric is not damaged or removed.
 8. Prior to the issue of the Construction Certificate, joinery details of the proposed new sash windows to be reinstated within the existing opening to window to Room 4 shall to be prepared by a suitably qualified heritage specialist.
 9. Prior to the issue of the Construction Certificate, an updated Schedule of Conservation Works is to be prepared by a suitably qualified heritage specialist. The works identified are to be implemented prior to the issue of an Occupation Certificate.
 - (a) The schedule is to identify surviving elements of the original 1860s-1880s house (timber picket fence, walls, verandah, window and door joinery, fireplaces, timber floorings, glazing, hardware, roof detailing and plumbing, paint finishes and ceilings, timber skirtings), surviving elements of the 1907-1928 Phase (walls, floorings, fixtures and finishes, fireplaces, window and door joinery) and surviving elements of the 1930s Post War Phase.
 - (b) The Schedule is to detail the conservation of all fabric identified as having a heritage significance including but not limited to the following: front picket fence, verandah, weatherboards, door and window joinery, roofing and roof detailing and plumbing, paint finishes and ceilings, timber skirtings, glazing, fireplaces, hardware, floorings, fixtures and finishes.
 - (c) The schedule is to be supported by outline specifications, methodologies and

- detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
 - (e) All conservation and adaptation works are to be in accordance with the Articles of the Australia ICOMOS Burra Charter 1999. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
 - (f) INSPECTION AND APPROVAL: Supporting documentation is to be provided by a suitably qualified heritage architect that they have progressively inspected the conservation works, and that they have been implemented to their satisfaction and in accordance with the Schedule of Conservation Works, prior to the issue of the Occupation Certificate.
10. A Heritage Architect experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The Heritage Architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The Heritage Architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
11. Evidence and details of the above commission on the above terms are to be provided to the Certifying Authority prior to commencement of work on site. The Heritage Architect must sign off the completed project and submit a final report to the Certifying Authority specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

The recommended conditions of consent will be adjusted in accordance to the above, refer to Attachment A of the report.

3. Conclusion

After consideration of the additional information provided, there are difficulties in requiring the reinstatement of the staircase in its original form, as it would not comply with the BCA, and the installation of a compliant stair would create additional adverse heritage impacts.

Proposed interpretation measures for the staircase are based on paint treatment to the wall and markings on the floor to reflect the original staircase alignment. These will be included as a condition of consent. It is also recommended that the existing stairwell opening be retained as part of the interpretation of the former stair, with the addition of a balustrade at first floor level as a safety measure.

Therefore the recommended heritage related conditions will be adjusted accordingly. Refer to updated recommended conditions of consent in Attachment A of the report.

The proposal, subject to deferred commencement conditions to resolve landscape concerns, 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 the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.

4. Recommendation

- A. That the Inner West Planning Panel exercising the functions of the Council, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 grant deferred commencement consent to Development Application No: D/2018/189 for lower ground, ground and first floor alterations and additions to existing dwelling-house, and associated works, tree removal and removal of shed at 67 Ballast Point Road, Birchgrove subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

DEFERRED COMMENCEMENT

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

1. Amended plans are to be submitted incorporating the following amendments:
 - a) The north-eastern portion of the proposed first floor addition is to be cutback so that the northern wall housing Window F6 is to setback a minimum 14 metres to the rear boundary.
 - b) The proposed pool is to be deleted from the proposal.
 - c) The privacy screens on the eastern and western sides of the first floor balcony are to have 1 metre returns on the north side of the balcony.
2. A Stormwater Drainage Concept Plan (SDCP) on Drawing No 180074-D1 to D8 Revisions C and prepared by Quantum Engineers and dated 13.08.18 shall be amended to make provision for the following:
 - a) Provide a suitable on-site dispersal system to cater for minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the Ballast Point Road, with consideration of the shallow depth to sandstone bedrock, that addressed the following.
 - i) No increase in run-off to the rear of the site from predevelopment conditions for all storm events up to the 100 year ARI storm.
 - ii) No nuisance or concentration of flows to adjacent or downstream properties.
 - iii) No impact to nearby structures including buildings and utility services.
 - iv) Below ground infiltration systems shall be no less than 3000mm from the property boundaries.
 - v) Details of all relevant calculations and field investigations.
 - b) The design must be prepared and certified as compliant with the terms of this condition by a suitably qualified practising Civil Engineer.
 - c) Where the system relies on below ground infiltration the feasibility of the system shall be certified by a qualified practising Geotechnical Engineer.

The operational Development Consent will be issued by Council (in writing) after the applicant provides sufficient information to satisfy Council in relation to the conditions of the deferred commencement consent.

If the applicant fails to satisfy Council as to the above matters within 5 years from the date of determination this consent will lapse.

CONDITIONS OF CONSENT

3. Development must be carried out in accordance with Development Application No. D/2018/189 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Drawing No. DA01, Issue 2: Cover Sheet, Location, BASIX	Vaughan Architects Vaughan	13.08.2018
Drawing No. DA03, Issue 3: Site & Roof Plan	Vaughan Architects Vaughan	24.10.2018
Drawing No. DA04, Issue 2: Existing Plans	Vaughan Architects Vaughan	28.11.2018
Drawing No. DA05, Issue 3: Proposed Ground Floor Plan & Demolition Plan	Vaughan Architects Vaughan	24.10.2018
Drawing No. DA06, Issue 4: Proposed First Floor Plan	Vaughan Architects Vaughan	28.11.2018
Drawing No. DA07, Issue 2: Proposed Basement Floor Plan	Vaughan Architects Vaughan	13.08.2018
Drawing No. DA08, Issue 2: Elevations – North & South	Vaughan Architects Vaughan	13.08.2018
Drawing No. DA09, Issue 4: Elevations – East & West	Vaughan Architects Vaughan	28.11.2018
Drawing No. DA10, Issue 3: Section - Longitudinal	Vaughan Architects Vaughan	24.10.2018
Drawing No. DA10, Issue 2: Section - Cross	Vaughan Architects Vaughan	13.08.2018
Drawing No. DA14, Issue 3: Finishes Schedule	Vaughan Architects Vaughan	24.10.2018
Drawing No. DA22: Former Stair Interpretation - Elevation	Vaughan Architects Vaughan	28.11.2018
Drawing No. DA23: Former Stair Interpretation Plans	Vaughan Architects Vaughan	28.11.2018
Drawing No. DA24, Issue 1: Cross section 2 - privacy screening To 65 BPR	Vaughan Architects Vaughan	28.11.2018
Document Title	Prepared By	Dated
BASIX Certificate No. A312813	Vaughan Architects Vaughan	11 April 2018
Drawing No 180074- D1 to D8 Revisions C	Quantum Engineers	13.08.18
Arboriculture Construction Impact & Management Statement for Lodged Development Application	Growing My Way	August 2018
Heritage Impact Statement -	City Plan Heritage P/L	August 2018

AMENDED		
Schedule of Conservation Works	City Plan Heritage P/L	August 2018
Geotechnical Assessment	D. Katauskas	19 March 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.

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

Tree/location	Approved works
<i>Duranta erecta</i> (Pigeon Berry) located in rear property.	Remove

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

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

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

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

Elements	Location
Structures associated with the existing dwelling	As indicated on the proposed drawings
Detached Shed	At the rear of the property

- a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every

premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.

- b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:

- i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
- ii) A *final* inspection when the demolition works have been completed.

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

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

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

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

5. In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
- b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
- c) At least two days notice, in writing has been given to Council of the intention to commence work.

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

6. The privacy screens must:

- a) be 1.6m high, measured from the floor level, and
- b) have no individual opening more than 30mm wide, and
- c) have a total area of all openings that is less than 25 per cent of the surface area of the screen; and
- d) be permanently fixed and made of durable materials.

Details must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The privacy measures must be maintained for the life of the building

7. To ensure reasonable privacy for the adjoining property, the following windows/glazing:

Window/glazing	Room	Elevation
Window F1	Bridge Link	West
Window F2	Dining	South
Window F3	Dining	North
Window F4	Lounge	West
Window F6	Lounge	North

must be treated with one of the following privacy treatments:

- have a minimum sill height of 1.6m above finished floor level. or
- be permanently fixed (that is windows are not to swing or lift open) with obscure glazing (not frosted film on clear glazing) to a height of 1.6 metres above finished floor level; or
- provided with fixed external louvers with a density of 75% and have no individual opening more than 30mm wide, and have a total area of all openings that is less than 30 per cent of the surface area of the screen and be made of durable materials. Where fixed louvered screens are used, the screen structure must be securely fixed. The louvers may tilt open from a

closed position to an angle of 45 degrees in either a downward or upward position, depending on the sightlines that are to be restricted.

The treatment must ensure that the ventilation requirements of the Building Code of Australia are met. If one treatment cannot satisfy the requirements, an alternative in the list above is to be used.

Details must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The privacy measures must be maintained for the life of the building.

8. The wall to the northern side of the staircase that was recently demolished shall be reinstated to its former detail, complete with door frame, architraves, threshold and transom light. Detailed drawings shall be submitted to Council showing the proposed reinstatement prior to the issue of a Construction Certificate. Prior to the issue of an Occupation Certificate, the wall must be reinstated in accordance with the Construction Certificate Plans. Supporting documentation prepared by a suitably qualified Heritage Architect confirming the reinstatement is consistent with the CC plans including photos must be submitted to the Certifying Authority prior to the issue of an Occupation Certificate.
9. The removed staircase shall be interpreted through the following measures:
 - (a) Use of matt polish over the timber floor of a different hue than the rest of the room;
 - (b) The retention of the rectangular shape cut in the ground floor and the marking of the newel post location and form;
 - (c) The permanent marking on the wall of existing shadow lines to mark the previous stair's stringer;
 - (d) Retention of the stairwell void without infill;
 - (e) Enclosure with a balustrade at first floor level as a safety measure.

A full interpretation methodology outlining details of finishes, sections and plans of this task, including the permanent engraving/marking on the wall, timber floor matt finish, proposed balustrade and wall treatment shall be prepared prior to the issue of a Construction Certificate. Any infill of the stair void visible on DA22 drawing shall be deleted from the plans. Supporting documentation, including photographs, prepared by a suitably qualified Heritage Architect confirming the installation of the interpretation is consistent with the CC plans must be submitted to the Certifying Authority prior to the issue of an Occupation Certificate.
10. The new basement cellar shall be set back beyond the existing house (which is to be retained) for a minimum of 1m in order to reduce the risk of damage to the building from the excavation.
11. Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to the satisfaction of the Certifying Authority. The report must demonstrate how heavy machinery going

through the main house is to be avoided and how structural impacts to the subject and neighbouring properties caused by excavation to the rear will be avoided. The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.

12. Prior to a Construction Certificate being issued, an archival photographic recording of the site at 67 Ballast Point Road is to be prepared to Council's satisfaction. The recording is to be in digital form, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives. The form of the recording is to be as follows:
 - (a) The Development Application number must be noted on the submitted information.
 - (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - (c) Include written confirmation, issued with the authority of both the applicant and the photographer that the Inner West Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
 - (d) The report is to identify and make reference to illegally undertaken works such as removal of the internal staircase and wall in the existing lounge (Room 2) and to include any available photograph of the removed staircase available either online or in Council records or in the owner's records.
 - (e) The report is to be submitted on a USB, CD or DVD, in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each: DOS title, image subject/description and data photograph was taken.
 - (f) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.
13. In the unlikely event that historical archaeological remains or deposits are exposed during the works, all work should cease while an evaluation of their potential extent and significance is undertaken and the NSW Heritage Division notified under the requirements of the Heritage Act 1977.
14. Significant architectural elements and the built fabric of the existing building are to be protected during site preparation and construction works from potential damage. Protection systems must ensure significant fabric is not damaged or removed.

15. Prior to the issue of the Construction Certificate, joinery details of the proposed new sash windows to be reinstated within the existing opening to window to Room 4 shall to be prepared by a suitably qualified heritage specialist.
16. Prior to the issue of the Construction Certificate, an updated Schedule of Conservation Works is to be prepared by a suitably qualified heritage specialist. The works identified are to be implemented prior to the issue of an Occupation Certificate.
 - a) The schedule is to identify surviving elements of the original 1860s-1880s house (timber picket fence, walls, verandah, window and door joinery, fireplaces, timber floorings, glazing, hardware, roof detailing and plumbing, paint finishes and ceilings, timber skirtings), surviving elements of the 1907-1928 Phase (walls, floorings, fixtures and finishes, fireplaces, window and door joinery) and surviving elements of the 1930s Post War Phase.
 - b) The Schedule is to detail the conservation of all fabric identified as having a heritage significance including but not limited to the following: front picket fence, verandah, weatherboards, door and window joinery, roofing and roof detailing and plumbing, paint finishes and ceilings, timber skirtings, glazing, fireplaces, hardware, floorings, fixtures and finishes.
 - c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
 - d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
 - e) All conservation and adaptation works are to be in accordance with the Articles of the Australia ICOMOS Burra Charter 1999. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
 - f) INSPECTION AND APPROVAL: Supporting documentation is to be provided by a suitably qualified heritage architect that they have progressively inspected the conservation works, and that they have been implemented to their satisfaction and in accordance with the Schedule of Conservation Works, prior to the issue of the Occupation Certificate.
17. A Heritage Architect experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The Heritage Architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The

Heritage Architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

18. Evidence and details of the above commission on the above terms are to be provided to the Certifying Authority prior to commencement of work on site. The Heritage Architect must sign off the completed project and submit a final report to the Certifying Authority specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.
19. A stormwater drainage design prepared by a Licensed Plumber or qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:

- a) The design must be generally in accordance with the stormwater drainage concept plan approved in Condition DEFCOM.
- b) Charged or pump-out stormwater drainage systems are not permitted.
- c) Stormwater runoff from all roof 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 Ballast Point Road.

Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to Ballast Point Road may be drained to an on-site dispersal system.

- d) 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.
- e) An overland flowpath must be provided within the setback to the north western boundary between the front of the dwelling and the rear of the dwelling.
- f) A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas, except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings
- g) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage*
- h) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.

- i) No nuisance or concentration of flows to adjacent or downstream properties.
- j) 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.
- k) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- l) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- m) 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.
- n) 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. Purpose made pipe fittings and bends or welded joints shall be used where necessary to align the discharge pipe with the kerb outlet.
- o) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
- p) No increase in run-off to the rear of the site from predevelopment conditions for all storm events up to the 100 year ARI storm.
- q) No impact to nearby structures including buildings and utility services.
- r) Below ground infiltration systems shall be no less than 3000mm from the property boundaries.

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

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

20. 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.

21. The trees identified below are to be retained:

Tree/location
<i>Jacaranda mimosifolia</i> (Jacaranda) located in nature strip.
2x <i>Leptospermum petersonii</i> (Lemon Scented Tea Tree) located in front property.
Assorted palms located on adjoining side property.
<i>Callistemon viminalis</i> (Weeping Bottlebrush) located adjoining rear property.
<i>Leptospermum petersonii</i> (Lemon Scented Tea Tree) located in adjoining rear property.

All tree protection measures shall be in accordance with the submitted *Arboricultural Construction Impact and Management Statement*, section 6. *Site Specific "Tree Management Plan"* prepared by "Growing My Way" Tree Consultancy, amended August 2018.

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

22. 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.
23. 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.

24. 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.
25. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.
- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.

- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

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

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

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

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

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

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

33. 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)	\$3,500
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.

34. 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.

35. 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:

Tree/Location
2x <i>Leptospermum petersonii</i> (Lemon Scented Tea Tree) located in front property.

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.

36. 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.

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.

37. 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-*Protection of trees on development sites*) 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. Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be

submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

38. A Heritage Architect experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The Heritage Architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The Heritage Architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to Council's Heritage and Urban Design Team Leader prior to commencement of work on site. The Heritage Architect must sign off the completed project and submit a final report to Council's Heritage and Urban Design Team Leader specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

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

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

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

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

40. The site must be secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary. Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding

on public land must be obtained and clearly displayed on site for the duration of the works.

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

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

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

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

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

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

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

42. Any person or 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.
43. 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.
44. 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.
45. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.

- c) The name, address and telephone number of the Principal Certifying Authority for the work.

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

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

DURING WORKS

46. 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 under the direct supervision of a minimum Level 5 (AQF 5) qualified Arborist.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Arborist undertaking the works in writing with supporting clear and coloured photographic evidence to the satisfaction of the Principal Certifying Authority.

47. Where a tree's canopy or root system has developed across property boundaries, consent to undertake works on the tree does not permit a person acting on the consent to trespass on adjacent lands. Where access to adjacent land is required to carry out approved tree works, Council advises that the owners consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent shall meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

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.

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

Schedule	
Tree/location	Radius in metres
Assorted palms located on adjoining side property.	3m

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.

49. 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.
50. 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 Management 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.

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

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

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

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

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

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

53. The site must be appropriately secured and fenced at all times during works.
54. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

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

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

- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

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

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

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

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

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

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

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

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

- 56. 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.
- 57. 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.
- 58. The development must be inspected at the following stages by the Principal Certifying Authority during construction:

- a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
59. 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.
60. 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.
61. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

62. 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.

63. 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. Non-compliance with this condition will result in loss of your security deposit.
64. 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.
65. 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 resulting from the works 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.
66. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

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

67. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
68. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

69. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
- the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.

ONGOING CONDITIONS OF CONSENT

70. 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.
71. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
72. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. Dwelling House without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

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

67 BALLAST POINT RD, BIRCHGROVE. ALTERATIONS AND ADDITIONS

1 CROSS SECTION 1:100

3 SWIMMING POOL CROSS SECTION 1:50

2 POOL LONGITUDINAL SECTION 1:50

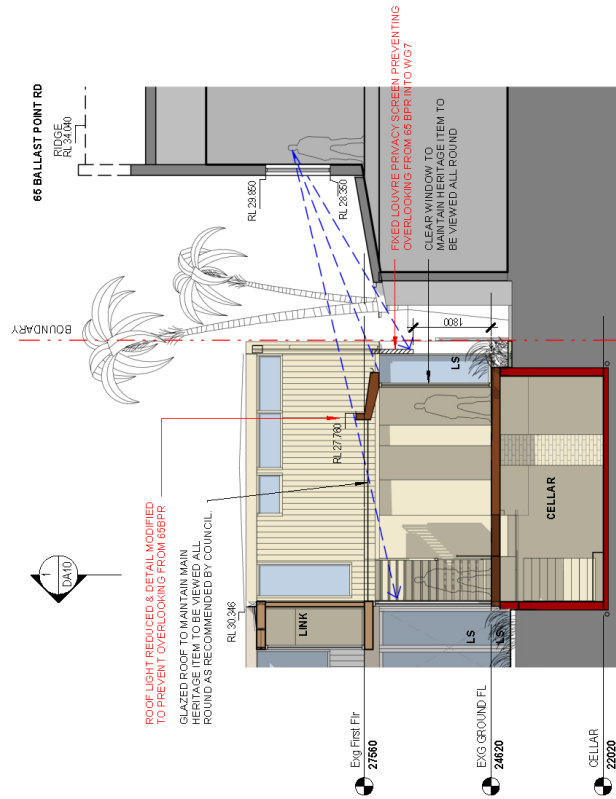
NOTES:

1. All new work to be done in accordance with the current Building Code of Australia (BCA) and the current Building Regulations.
2. All existing work to be done in accordance with the current Building Code of Australia (BCA) and the current Building Regulations.
3. All work to be done in accordance with the current Building Code of Australia (BCA) and the current Building Regulations.

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PROJECT: 67 BALLAST POINT RD, BIRCHGROVE. ALTERATIONS AND ADDITIONS
DATE: 13.08.18
SCALE: As indicated
DRAWN BY: Author
ISSUE: 2
DRAWING NO: DA11
PROJECT NO: Project Number





1 CROSS SECTION 2
1:100

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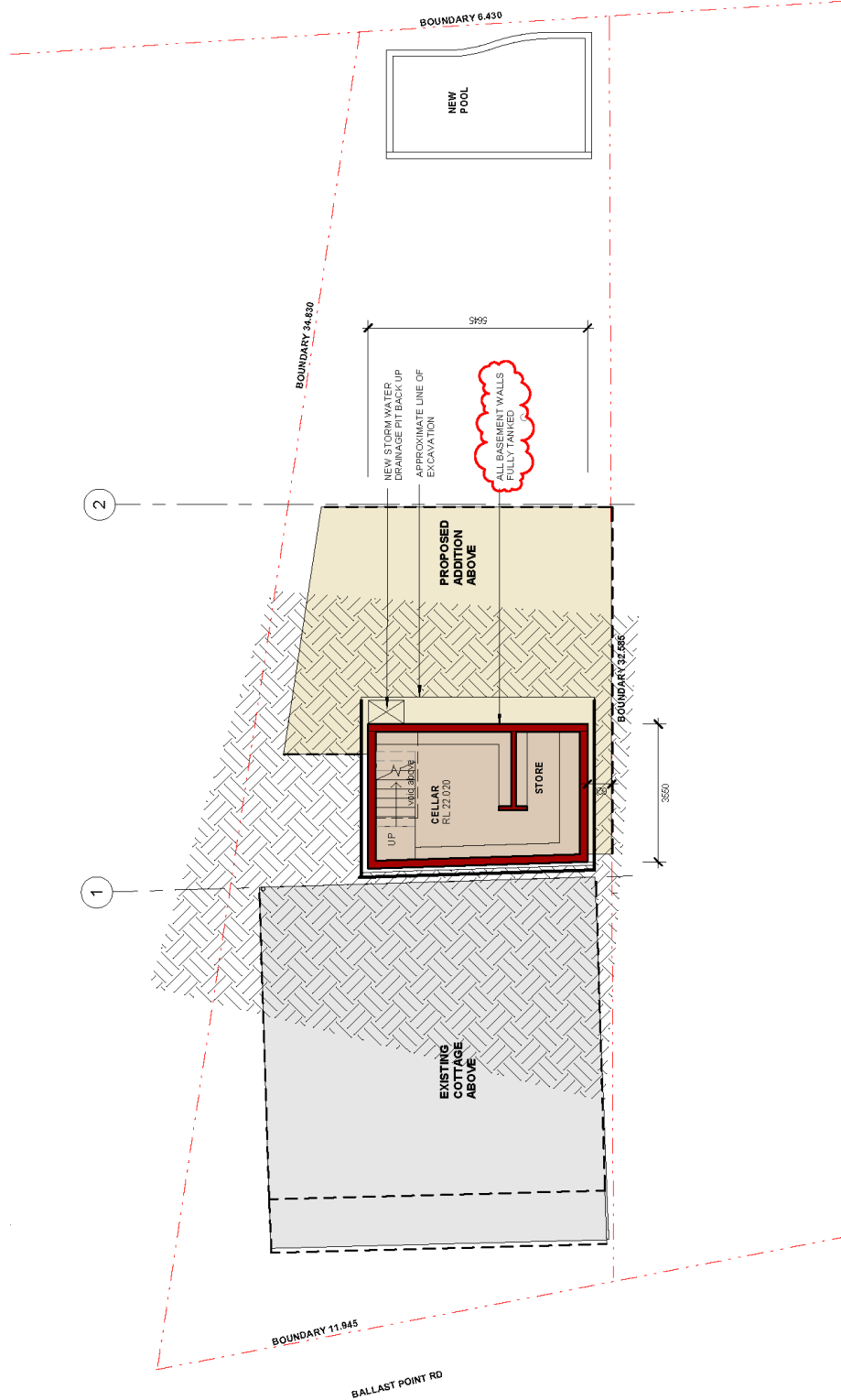
 <p>Charcoal Dulux powder coated door/window frames, first floor addition</p>	 <p>Timber window and door frames, ground floor addition</p>	 <p>FE: Porcelain honed masonry blocks</p>	 <p>MP: - ZINC CLADDING - first floor addition</p>	 <p>CO - Heritage barrel rolled traditional corrugated steel, colour - natural, from Filders</p>	 <p>PT-1: Dulux 'Vivid white' heritage item window frames and timber work</p>	 <p>PT-2: Dulux 'Vivid white' heritage item window frames and timber work</p>															
<p>PROJECT: 67 BALLAST POINT RD, BIRCHGROVE. ALTERATIONS AND ADDITIONS</p> <p>NOTES:</p> <ol style="list-style-type: none"> 1. ALL WORK SHALL BE COMPLETED BY 30/09/2018. 2. ALL WORK SHALL BE COMPLETED BY 30/09/2018. 3. ALL WORK SHALL BE COMPLETED BY 30/09/2018. 4. ALL WORK SHALL BE COMPLETED BY 30/09/2018. 5. ALL WORK SHALL BE COMPLETED BY 30/09/2018. 																					
<p>vaughan architects a. studios 6/13-15 small st, ulima 2007 nsw m. simon vaughan 0414 996 271 p. (02) 9212 2774 simon@vaughanarchitects.com.au vaughanarchitects.com.au abn. 89 644 066 413</p>																					
<p>FINISHES SCHEDULE</p> <table border="1"> <thead> <tr> <th>SCALE</th> <th>DATE</th> <th>BY</th> <th>PROJECT NO.</th> </tr> </thead> <tbody> <tr> <td></td> <td>24.10.18</td> <td>Author</td> <td>3</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>						SCALE	DATE	BY	PROJECT NO.		24.10.18	Author	3								
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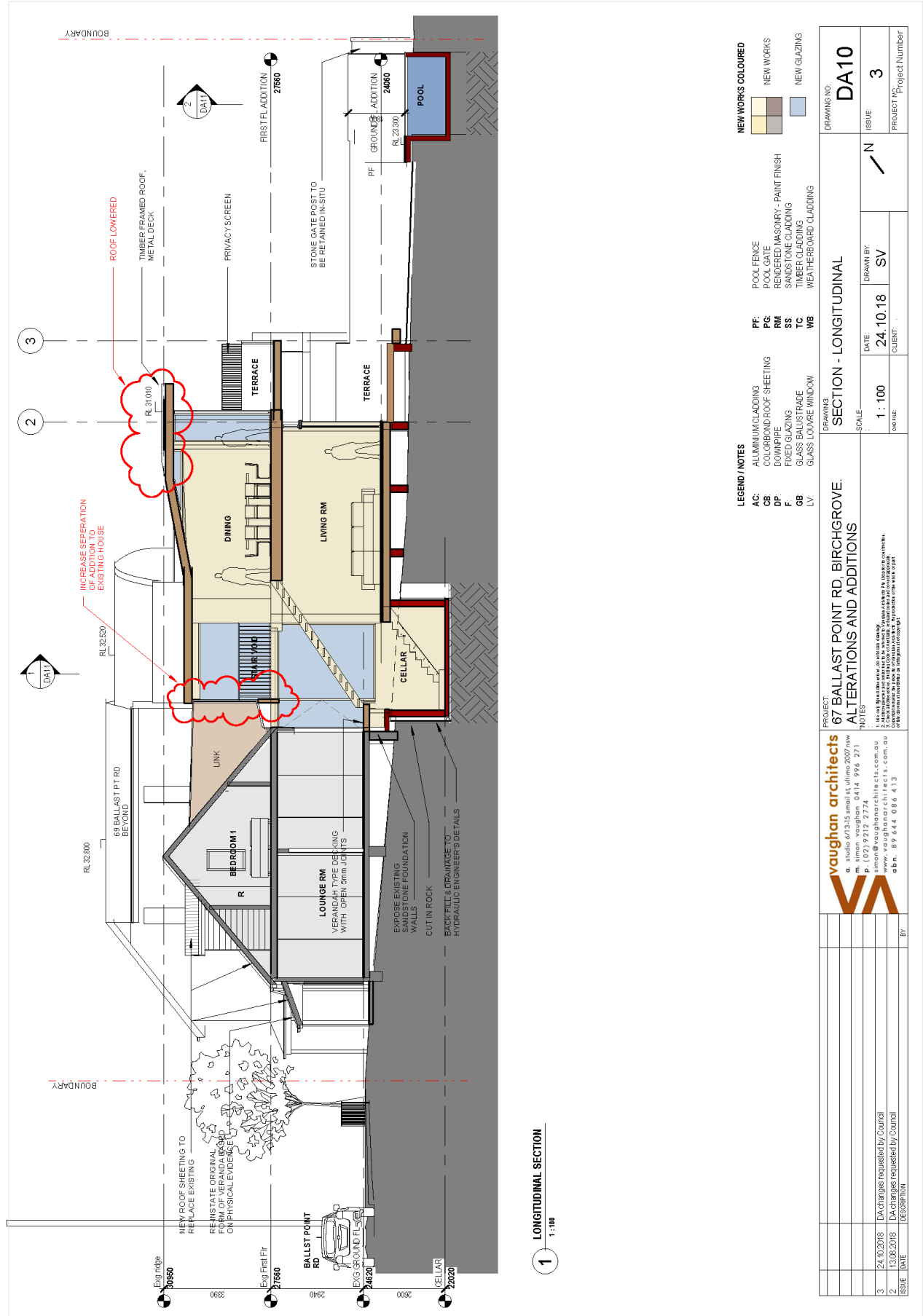


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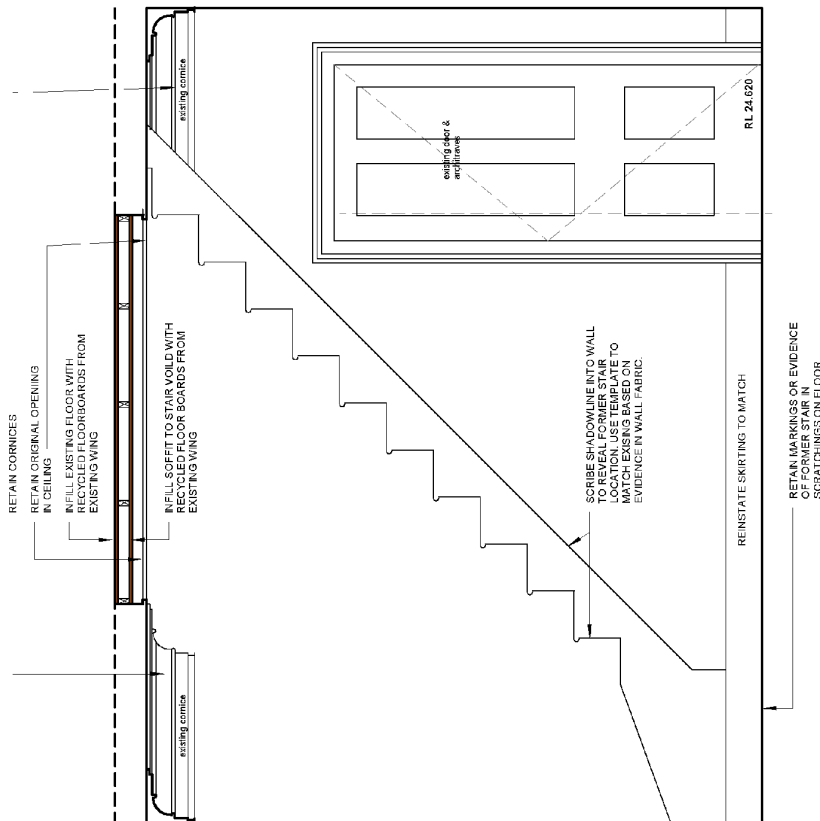




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PROPOSED STAIR INTERPRETAION, EAST WALL EXISTING LOUNGE

[illegible]

[illegible]

Attachment C – Statement of Heritage Significance

No. 67 Ballast Point Road is of local historic and aesthetic significance as a good example of a single storey plus attic weatherboard Victorian Gothic style dwelling constructed in c. 1860-1880s. Despite some rear additions, the building significantly retains its overall scale, form, character and details including the weatherboard facades, steep gable roof form and timber details, chimney, roof dormers, open verandah and associated details, pattern of openings and front fence. The building is enhanced by several mature trees and garden setting and makes a positive contribution to the Ballast Point Road streetscape.