








INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	M/2019/28
Address	3 James Lane, BALMAIN EAST NSW 2041
Proposal	Modification of Development Consent D/2017/37 seeking various changes, including: extension of deck; new basement storage under floor of house and balcony; amendments and extensions to rear wing; new skylights above living and dining area; amendments to layout and location of pool; and delete condition 10(b) relating to stormwater requirements.
Date of Lodgement	4 March 2019
Applicant	Christopher Jordan Architecture and Design
Owner	Mrs K E Nix and Mr M J Nix
Number of Submissions	0
Reason for determination at Planning Panel	Major works to heritage item
Main Issues	Demolition of Heritage Item Structural Integrity of Existing Dwelling
Recommendation	Approved with Conditions
Attachment A	Recommended Modifications to Conditions of Consent
Attachment B	Plans of Proposed Development
Attachment C	Conditions of Consent for D/2017/37
Attachment D	Approved Plans for D/2017/37
Attachment E	Statement of Heritage Significance – East Balmain Conservation Area
Attachment F	Statement of Heritage Significance – ‘Willow Cottages’
Attachment G	Heritage Structural Impact Statement



LOCALITY MAP

Subject Site		Objectors		 N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for modification to D/2017/37 for the approved alterations and additions to the heritage listed dwelling-house at 3 James Lane, Balmain East. The modification included various internal and external modifications, alterations, new basement, and deletion of condition 10(b). The application was advertised to surrounding properties and no submissions were received.

The main issues that were raised in relation to the application included:

1. Demolition of Heritage Item – The dwelling is a heritage item and the extent of demolition initially proposed was considered excessive, as it would remove too much of the original fabric, which included unique construction methods. The extent of demolition was later reduced via amendment to the proposal.
2. Structural Integrity of Existing Dwelling – The proposed excavation under the existing dwelling required for the new basement level is considered to be unsuitable, as it may result in the structural integrity of the existing dwelling-house becoming compromised. Temporary shoring and other measures were later proposed to be implemented during construction to remedy this; however, this is not supported on heritage grounds.

Additional information was submitted on 25/06/2019 to address the issues discussed above. The amended plans adequately addressed concerns relating to the extent of demolition, by retaining more of the original walls of the outbuilding. However, the conclusion of the 'Heritage Structural Impact Statement' was not agreed to, as such the basement is not supported. The proposal can be supported if the basement is deleted, to ensure the structural integrity of the existing dwelling is maintained.

Based on the above, the application – as amended and conditioned – is recommended for approval.

2. Proposal

Development Application D/2017/37 was determined as approved via a Deferred Commencement Consent on 19/06/2017 and made operational on 07/09/2017. The proposal was for alterations, additions and restoration of existing dwelling-house, including internal alterations, additions, attic level with dormer windows, swimming pool, deck and removal of three trees at 3 James Lane, Balmain East.

The application seeks to modify the approved development pursuant to the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act, 1979 in the following ways:

1. Delete Condition 10(b): Condition 10(b) is inconsistent with the requirements of Condition 1, as it required rear roof areas to drain via gravity to James Lane rather than to an on-site disposal system.
2. Modify rear deck: The rear deck is proposed to be extended further west by 1.1m (the roof over will not be modified).
3. New basement storage: New basement storage to be created under the existing dwelling-house. It will occupy the space under the extended deck and the western part of the ground floor. The basement will be accessed via new internal stairs, and sliding screens along the full length of the eastern wall and partially along the northern wall.

4. Modify pool, coping and associated area: The location and shape of the approved pool are proposed to be modified – it will be longer and have an irregular shape, however, the area and pool capacity will remain the same. The submitted SEE states that the modification will allow for compliance with Condition 3(e), however, only setbacks from the pool's edge have been indicated – the paving/coping around the pool has a distance of 0.9m and nil to the southern and eastern boundaries respectively.
5. Modify Bed 1: The area adjoining the western side of Bed 1 will be modified to include a study and an amended ensuite layout – both will be accessible from Bed 1.
6. Modify GF layout: The proposal will amend the internal floor configuration at GF. This will include amendments to openings (i.e. windows, doorways), particularly along the southern elevation of the west wing, which will have more floor-to-ceiling glazing.
7. Changes to walls of western, rear wing: Changes to walls of western, rear wing:
 - Northern wall: Existing wall to be taken down and rebuilt with existing bricks (this is inconsistent with the floor plans which depicts retention);
 - Western Wall: Part demolition of this wall (based on the floor plans) – south side (this wall is shown wholly in colour on the elevational drawings).
8. Replace existing metal sheet roofing: It is proposed to replace existing metal sheet roofing to entire building.
9. New skylights: Three new skylights will be provided on the north-facing roof, which will provide sunlight to the living and dining areas.

3. Site Description

The subject site is located on the northern side of James Lane and is legally described as Lot B / DP184733. The site consists of one single 'battle-axe' allotment and is generally L – Shaped, with a total area of 428.3m². The site has a frontage to James Lane of 2 metres (vehicle access only). The site is affected by an easement for overhanging eaves/gutter from the dwelling located to the west.

The site currently supports a dilapidated fibro and stone cottage, with an ancillary shed. The adjoining properties support similar type of structures of similar scale, used for similar purposes.

The subject site is listed as a heritage item, and is surrounded by heritage items on all sides. The property is located within a heritage conservation area.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision and Date
D/2015/582	Alterations, additions and restoration works to existing heritage-listed dwelling and outbuilding.	Withdrawn on 30/10/2015
D/2017/37	Alterations, additions and restoration of existing dwelling including internal alterations, additions, attic level with dormer windows, swimming pool, deck and removal of three trees.	Approved on 19/06/2017 Operational Consent issued on 07/09/2017

Surrounding properties

Application	Proposal	Decision and Date
5 James Lane, Balmain East		
BA/1998/397	No details available.	Approved on 20-Aug-1998

4(b) Application history

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

Date	Discussion / Letter / Additional Information
25/06/2019	Council – Requested additional information comprised of the following: <ul style="list-style-type: none"> • Report from engineer with heritage specialisation; • Reduction of the excavation required for the new basement; • Reduction in the extent of demolition.
26/08/2019	Applicant – Additional information was submitted, incorporating the following: <ul style="list-style-type: none"> • Cover Letter; • Heritage Structural Impact Statement (including engineering sketches); • Structural plans of roof, ground floor, slab etc.; • Amended full set of architectural plans: <ul style="list-style-type: none"> ○ Mitigation measures to ensure structural integrity of existing dwelling; ○ Reduce extent of demolition of original dwelling.

5. Assessment

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

5(a) S4.55 Assessment

Section 4.55(2) of the Environmental Planning and Assessment Act, 1979, requires the following matters to be assessed in respect of all applications, which seek modifications to approvals.

The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).

Comment: The original Development Application approved substantial alterations and additions to the existing dwelling-house, new swimming pool, and associated works that were ancillary to the primary use of the site. The proposed modifications to the approved development, and the modification to the pool and associated coping are modifications to

elements of the development previously approved. The total area of the pool and coping, as well as the pool's capacity will not be noticeably different to what was approved.

The proposed new basement is a new element of the development. However, it is still associated with the approved use, does not affect the building footprint or visual bulk/scale, and acts ancillary to it, by providing additional amenity to the dwelling's residents. A storage space or basement is a typical component of many residential developments.

As such, the proposal is considered to be substantially the same development, as was originally approved.

Council has consulted with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority.

Comment: Council has concurrence with the relevant minister, public authority or approval body.

The application has been notified in accordance with the regulations, if the regulations so require, or a development control plan, if council's development control plan requires the notification or advertising of applications for modification of a development consent.

Comment: The application was notified for a period of 14 days, between 10 May 2019 and 26 March 2019.

Consideration of any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan.

Comment: No submissions received during the notification period.

5(b) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

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

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

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

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

An amended BASIX Certificate, A271190_03 (dated 27/02/2019, prepared by CJAD) was submitted with the application and will be referenced in any consent granted.

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

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. It is considered that the carrying out of the proposed development is generally consistent with the relevant matters for consideration of the Plan and would not have an adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities for the following reasons.

5(b)(iv) State Environmental Planning Policy (Coastal Management) 2018

The application has been considered against the SEPP for Coastal Management. The subject site is located within the “Coastal Zone” pursuant to Cl 5 of the SEPP, as identified on the map in the SEPP. The modified development has been assessed by Council’s development engineers, who have confirmed that the proposal will not result in an unacceptable increased risk of coastal hazards on the site.

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

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition
- Clause 4.3A – Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulfate Soils
- Clause 6.2 – Earthworks
- Clause 6.4 – Stormwater management

Clause 2.3 – Land Use Table and Zone Objectives

The site is zoned R1 General Residential under the *LLEP 2013*. The development is a ‘dwelling house’, which the *LLEP 2013* defines as:

“dwelling house means a building containing only one dwelling.”

The development is permitted with consent within the land use table. The development, subject to recommended conditions, including to delete the proposed basement, will not be inconsistent with the objectives of the R1 zone which are as follows.

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To improve opportunities to work from home.*

- To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- To provide landscaped areas for the use and enjoyment of existing and future residents.
- To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

Clause 4.3A and 4.4 – Landscaped areas for residential accommodation in Zone R1and Floor Space Ratio

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

Standard	Proposal	Non compliance	Complies
Floor Space Ratio Maximum permissible: 0.8:1 or 342.64sqm	0.43:1 or 185m ² 0.34:1 or 143.5m ² (as amended)	N/A	Yes
Landscape Area Minimum permissible: 20% or 85.66sqm	29.63% or 126.9m ²	N/A	Yes
Site Coverage Maximum permissible: 60% or 256.98sqm	47.58% or 203.8m ²	N/A	Yes

Clause 2.7 – Demolition

Refer to the detailed discussion in Section 5(d) of this report - the proposed demolition, as amended and as conditioned, is supported subject to conditions.

Clause 5.10 – Heritage Conservation

The subject site is listed as a heritage item on the Leichhardt LEP 2013, being local item 'Semi-detached house including interiors' (I440). It is also a contributory item to 'The Balmain East Heritage Conservation Area' (C3). The Statement of significance of the subject site is attached to this report.

The site is in close proximity of the following heritage items:

- I439 ('Semi-detached house including interiors – 1 James Lane) – Adjoins the southern boundary of the site.
- I457 (Semi-detached house, including interiors' – 3 Lookes Avenue) – Adjoins the northern boundary of the site.
- I458 (House, including interiors' – 15 Lookes Avenue) – Adjoins the northern boundary of the site.
- I441 (House, including interiors' – 5 James Lane) – Adjoins the eastern boundary of the site.

The statements 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 *East Balmain – Eastern Waterfront Distinctive Neighbourhood* of the Leichhardt DCP2013.

Refer to the detailed discussions in section 5(d) of this report - the proposal, as amended, is supported subject to conditions.

Clause 6.2 – Earthworks

Additional earthworks will be required for the addition of the proposed basement and associated footings/retaining wall. The amended plans and submitted 'Heritage Structural Impact Statement' included temporary shoring and other measures – as detailed in the submitted 'Basement Plan' – to be implemented during construction.

Due to concerns that the excavation will compromise the structural integrity of the existing heritage listed dwelling-house above, the excavation is not supported and the basement will be conditioned to be deleted. The amended pool design will require excavation up to a maximum of 2m for its length. The proposed excavation for the pool is satisfactory, subject to conditions.

5(c) Draft Environmental Planning Instruments

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

- *State Environmental Planning Policy – Environment*

The proposed modification raises no issues with regard to the above draft instrument.

5(d) Development Control Plans

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

LDCP2013	Compliance / Compliance Subject to Conditions?
Part A: Introductions	
Section 3 – Notification of Applications	YES
Part B: Connections	
B1.1 Connections – Objectives	YES
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	YES
C1.1 Site and Context Analysis	YES
C1.2 Demolition	YES – see below
C1.3 Alterations and additions	YES – see below
C1.4 Heritage Conservation Areas and Heritage Items	YES – see below
C1.7 Site Facilities	YES
C1.8 Contamination	YES
C1.12 Landscaping	YES
C1.14 Tree Management	YES

C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	YES
C1.20 Foreshore Land	YES
Part C: Place – Section 2 Urban Character	
C2.2.2.2 Balmain East Distinctive Neighbourhood C2.2.2.2(a) Eastern Waterfront Sub Area	YES
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	YES
C3.2 Site Layout and Building Design	YES – see below
C3.3 Elevation and Materials	YES
C3.4 Dormer Windows	YES
C3.5 Front Gardens and Dwelling Entries	YES
C3.7 Environmental Performance	YES
C3.8 Private Open Space	YES
C3.9 Solar Access	YES
C3.10 Views	YES
C3.11 Visual Privacy	YES – see below
C3.12 Acoustic Privacy	YES
Part D: Energy	
Section 1 – Energy Management	
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	YES
D2.2 Demolition and Construction of All Development	YES
D2.3 Residential Development	YES
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	
E1.1.1 Water Management Statement	YES
E1.1.3 Stormwater Drainage Concept Plan	YES
E1.2 Water Management	
E1.2.1 Water Conservation	YES
E1.2.2 Managing Stormwater within the Site	YES
E1.2.5 Water Disposal	YES
E1.2.7 Wastewater Management	YES

The following provides discussion of the relevant issues:

C1.2 Demolition

The application originally proposed demolition of the existing northern and western brick wall of the western wing/outbuilding – the extent of demolition was later reduced to only part of the western wall (although there remains inconsistency between the floor plans and elevational drawings provided) in response to concerns raised by Council's Heritage Advisor. An internal wall of the main dwelling will be removed, to allow for an open plan design of the living/dining/kitchen area. New sheet metal roof will replace existing, and will accommodate three new skylights.

The proposed demolition – as amended – is supported, subject to conditions – see *Heritage Conservation Areas and Heritage Items* assessment below.

C1.3 Alterations and additions

The deck extension will be consistent with the design of the approved deck and the overall design of the dwelling. The amendment to the roof is acceptable, as it will only replace the existing with the same – the pitch and sheet metal roofing design will be retained. The new skylights are not visible from any public places, as such will have no impact on the streetscape. The small extension to the study and ensuite, at the front of the dwelling, is in keeping with the design of the existing development and is not visible from the street or adjoining property.

The construction of the basement is not supported on the grounds of the required excavation affecting the structural adequacy of the existing dwelling. The proposed temporary shoring and other mitigation measures as interim measures (while retaining walls and footings are constructed) are not deemed to be sufficient to guarantee the structural integrity of the existing dwelling.

C1.4 Heritage Conservation Areas and Heritage Items

As previously noted, the subject site is listed as a heritage item and in close proximity / adjacent to a number of heritage items.

A review has been undertaken of the drawings by 'Christopher Jordan', dated January 2019, *Heritage Impact Statement* report by 'John Oultram', dated February 2019, structural engineering drawings by 'Engineering Studio', dated 26 August 2019, and *Heritage Structural Impact Statement* by 'SDA', dated 26 August 2019 (inclusive of sketches).

Cellar / Stair Works

The main concern with respect to the application is the proposed excavation under the main house and its impact on the structural integrity of the dwelling-house and the brick nog walls. Brick nog construction technique is rare in Australia and in Balmain and care must be undertaken to restore and conserve it. There have also been past instances within the LGA of excavations under buildings compromising the structural integrity of buildings leading to unintended demolition. As such, excavation underneath the main house is not supported.

Further to the above, the proposed new staircase aims to remove the sandstone wall of the party wall. This is concerning due to the removal of fabric and potential structural impact on the neighbouring property at No.1 James Lane, which was constructed in the same period.

The proposal – as lodged – has not demonstrated a 'cautious approach' as prescribed in the Burra Charter, which is the basis of our DCP objectives and controls of Clause 1.4 Heritage Items and Heritage Conservation Areas of the Leichhardt DCP 2013. As such, it is considered to be an excessive intervention on fabric and has potential to cause damage to the subject property and neighbouring properties (also heritage items). As such, excavation below the main house is contrary to Clause 1.2 (2) f), j), l) and Clause 5.10 (1) (a), (b) and (4) of the Leichhardt LEP 2013 and Objective O1 b), d), e), i), Control C2 (b) – the new basement shall be deleted.

Outbuilding / Western Rear Wing

The plans suggest changes to walls of western, rear wing as follows:

- Northern wall: Existing wall to be taken down and rebuilt with existing bricks (this is inconsistent with the floor plans which depicts retention);
- Western Wall: Part demolition of this wall (based on the floor plans) – south side (this wall is shown wholly in colour on the elevational drawings).

Council's Heritage Advisor has advised that every care should be taken to retain the remaining fabric of this outbuilding and maintain its structural integrity, with any reconstruction maintaining legibility between the old and new sections of the wall to allow interpretation of old fabric and guide future changes to the outbuilding. Visibility to the timber levelling plates embedded in the brick wall must be retained. Different finishes must be used in the addition, to that used in the outbuilding to enable the interpretation of this early construction technique. The modification will be conditioned accordingly to ensure that the elevation drawings are consistent with the floor plans.

Further to the above, in the event of any approved excavation, a condition of consent for unexpected findings will be necessary.

The proposed development – as amended and conditioned to address the above and the requirements of Council's Heritage Advisor, is satisfactory subject to conditions (see conditions listed in Attachment A).

C3.2 Site Layout and Building Design

The proposal will not alter the siting or building envelope, nor breach the side setback control graph or extend outside the building location zone already established on the site.

C3.11 Visual Privacy / C3.12 Acoustic Privacy

The proposed extended rear elevated deck will be conditioned to be provided with a 1.6m privacy screen on each side, to obstruct sightlines into adjoining properties.

The amended pool will be parallel to the southern boundary. D/2017/37 required the pool, and associated paving to be provided with a minimum 1m setback to the nearest property boundaries. The modification – as lodged – indicates a setback less than 1m to the eastern and southern boundaries – the paving around the pool has a distance of 0.9m to the southern boundary and a nil setback to the eastern boundary; as such, Condition 3(e) shall be retained. The 1m setback will allow for increased spatial separation between the pool area and the adjoining property, which will reduce noise transmission to neighbouring property.

The proposed amended windows and doorways on the southern elevation of the 'outbuilding' faces the front garden and does not look towards any private area of openings located on adjoining land. The amended west-facing openings servicing the study / ensuite do not raise any concerns.

E1.2 Water Management / E1.1 Approvals Process and Reports Required With Development Applications

The proposed basement is not supported for reasons discussed earlier in this report and shall be deleted, as such, no additional stormwater or drainage conditions apply. Existing conditions imposed on D/2017/37 regarding drainage for the development shall apply.

5(e) The Likely Impacts

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

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

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

5(g) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. No submissions were made.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage: The proposal – as amended and conditioned – is supported on heritage grounds, subject to recommended conditions as listed in Attachment A; refer to detailed discussion under LDCP Clause C1.4.
- Landscape: No objections to the proposal. The landscape conditions imposed under D/2017/37 will apply to the modified development.
- Engineer: The proposal is supported on engineering grounds, subject to recommended conditions. As the new basement will be recommended for deletion, no additional conditions apply.

6(b) External

The application did not require any referrals to any external bodies.

7. Section 7.11 Contributions / 7.12 Levy

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013* and Leichhardt Development Control Plan 2013.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest. The

application is considered suitable for approval, subject to the imposition of appropriate conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to M/2019/28 for modification of Development Consent D/2017/37 seeking various changes, including – extension of the deck; amendments and extensions to rear wing; new skylights; amendments to pool; and deletion of Condition 10(b), with the exception of the new basement (which shall be deleted from plans) at 3 James Lane, Balmain East subject to the conditions listed in Attachment A below.

Attachment A – Recommended Modifications to Conditions of Consent

A. Condition 2 to be amended in the following way:

- Development must be carried out in accordance with Development Application No. D/2017/37 and the following plans and supplementary documentation, except where amended by the conditions of this consent:

Plan Reference	Drawn By	Dated
Dwg No: 01 Issue C Site Analysis/Site Plan Stormwater Plan NIX468 – 01 – Rev B (Site Plan)	Christopher Jordan Architecture & Design	25.05.2017 26/08/2019
Dwg No: 02 Issue C Roof Plan NIX468 – 01 – Rev B (Roof Plan)	Christopher Jordan Architecture & Design	25.05.2017 26/08/2019
Dwg No: 03 Issue A Existing Ground Floor Plan 2014/2015	Christopher Jordan Architecture & Design	January 2017
Dwg No: 04 Issue A Existing Ground Floor Plan December 2016 – Site Visit	Christopher Jordan Architecture & Design	January 2017
Dwg No: 05 Issue C Proposed Ground Plan NIX468 – 01 – Rev B (Ground Floor Plan)	Christopher Jordan Architecture & Design	25.05.2017 26/08/2019
Dwg No: 06 Issue C Proposed Attic Plan NIX468 – 01 – Rev B (Attic Floor Plan)	Christopher Jordan Architecture & Design	25.05.2017 26/08/2019
Dwg No: 07 Issue C North & South Elevation NIX468 – 01 – Rev B (North & South Elevations)	Christopher Jordan Architecture & Design	25.05.2017 26/08/2019
Dwg No: 08 Issue C East & West Elevation NIX468 – 01 – Rev B (North & South Elevations – shows east/west elevations)	Christopher Jordan Architecture & Design	25.05.2017 26/08/2019
Dwg No: 09 Issue C Section A & Section B NIX468 – 01 – Rev B (Section A & B)	Christopher Jordan Architecture & Design	25.05.2017 26/08/2019
Dwg No: 10 Issue C Section C & Section D NIX468 – 01 – Rev B (Section C	Christopher Jordan Architecture & Design	25.05.2017 26/08/2019

& D)		
NIX468 – 01 – Rev B (Basement Plan)	Christopher Jordan Architecture & Design	26/08/2019
Document Title	Prepared By	Dated
External Finishes Schedule	Christopher Jordan Architecture & Design	Undated
Detail and Level Plan Ref No: 49856	SJ Dixon Surveyors P/L	22.06.2015
BASIX Certificate Certificate No: A271190_02		31.03.2017
BASIX Certificate Certificate No: A271190_03	Christopher Jordan Architecture & Design	27/02/2019
Arborist Report Job: 61558 Ref: 2017-685	Dr. Treegood	March 2017
Statement of Environmental Effects	Christopher Jordan Architecture & Design	Undated
Waste Management Plan	Christopher Jordan Architecture & Design	Undated
Heritage Impact Statement	John Oultram Heritage & Design	February 2017

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.

(Condition 2 amended under M/2019/28 on DATE.)

B. Condition 3A to be added:

- 3A. Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating the erection of a privacy screen on the northern and southern sides of the rear deck, having a minimum block out density of 75% and a height of 1.6 metres above the finished floor level of the deck (RL 8.72).**

(Condition 3A added under M/2019/28 on DATE.)

C. Condition 3B to be added:

- 3B. Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:**
- a) Any reference to a basement floor and associated staircase shall be deleted.**
 - b) Revised elevation drawings retaining the northern and western walls of the outbuilding / western wing must be consistent with the floor plans. Retained**

portions of this wall shall be shown uncoloured. Any reconstruction of the western wall shall ensure the old section of the wall remains legible from the new section of the wall. A construction joint between the old and the new fabric will enable this.

(Condition 3B added under M/2019/28 on DATE.)

D. Condition 10 to be amended in the following way:

10. A stormwater drainage design prepared by a 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 Deferred Commencement Condition 1.

~~***b) Stormwater runoff from the rear roof areas 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 James Lane. Charged or pump-out stormwater drainage systems are not permitted.***~~

(Condition 10(b) deleted under M/2019/28 on DATE.)

c) As there is no overland flow/flood path available between the rear and front of the property, the design of the sag pit and piped drainage system for the rear (western) courtyard is to meet the following criteria:

i) Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.

ii) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

d) A minimum 150mm step up must be provided from the external finished surface levels of the rear (western) courtyard to the internal floor levels.

e) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

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 3500.3-2003 Plumbing and Drainage – Stormwater Drainage

h) Plans must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.

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.

(Condition 10 amended under M/2019/28 on DATE.)

E. Condition 23A to be added:

- 23A. Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with the details of an experienced suitably qualified & Heritage Architect who will be commissioned to assist and to provide advice to 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 on a regular basis 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.

(Condition 23A added under M/2019/28 on DATE.)

F. Condition 23B to be added:

- 23B. Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with a Schedule of Conservation Works with detailed documentation of the conservation works, including plans and specifications. This is to be prepared by a qualified Heritage Architect in accordance with the Australia ICOMOS Burra Charter 2013.**

Plans at a minimum of 1:50 are to be prepared with details of the reconstructed outbuilding. The timber levelling plates embedded in the brickwall of the rear outbuilding must be visible and the treatment of the wall must allow interpretation of this early construction technique. Elevations and plans must show legibility of the old section of the wall and the new section of the wall to allow interpretation of old fabric and this rare construction method.

The specifications are to detail the conservation of all significant fabric, including but not limited to the following: original walls and stone/brick foundations and significant internal fabric. 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.

(Condition 23B added under M/2019/28 on DATE.)

G. Condition 23C to be added:

- 23C. Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a protection plan certified by an experienced suitably qualified & Heritage Architect detailing how Significant original fabric of the existing building is to be protected during site preparation and construction works from potential damage. Protection measures are to be specified in the construction management plan.**

(Condition 23C added under M/2019/28 on DATE.)

H. Condition 23D to be added:

- 23D. Prior to the issue of a Construction Certificate, the Principal Certifying Authority must be provided with plans showing non-reflective skylights with a low profile and simple, unobtrusive detailing. The frame colour must match the surrounding roof colour.**

(Condition 23D added under M/2019/28 on DATE.)

I. Condition 23E to be added:

- 23E. Prior to any demolition on the site or the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that Council has been received a full archival record of the building and landscape elements to be altered.**

The archival record is to be completed by a heritage consultant listed on the Consultants Directory by the NSW Office of Environment & Heritage (Heritage Branch) or by a suitably qualified consultant who must demonstrate a working knowledge of archival principles.

Photographic archival records must be taken of the building, landscape or item in accordance with the guidelines 'Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch and available online at <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf>

The photographic archival recording is to be submitted in a digital format only and is to include the following:

- **Development Application number and the Condition of Consent number must be noted**
- **Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.**
- **Floorplans of the internal layout and directional details of photographs taken.**
- **Coloured photographs of:**
 - **each elevation,**
 - **each structure and landscape feature;**
 - **internal images of each room and significant architectural detailing;**
 - **views to the subject property from each street and laneway or public space.**

The report must 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.

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. The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: title, image subject/description and date photograph taken.

(Condition 23E added under M/2019/28 on DATE.)

J. Condition 57A to be added:

- 57A. If unexpected archaeological deposits or Aboriginal objects are found during the works covered by this approval, work must cease in the affected area(s) and the**

Department of Premier, Cabinet and Heritage must be notified through the Environment Line. Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. Council's Aboriginal Liaison officer is also to be notified.

(Condition 57A added under M/2019/28 on DATE.)

K. Condition 67A to be added:

- 67A. *Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with certification from the Heritage Architect that the works have been carried out in accordance with the Heritage Architect Supervision Condition of Consent (No. 23A).***

(Condition 67A added under M/2019/28 on DATE.)

Attachment B – Plans of Proposed Development

S4.55 SUBMISSION
3 JAMES LANE BALMAIN EAST

DRAWING LIST:

- 01 SITE PLAN
- 02 ROOF PLAN
- 03 BASEMENT PLAN
- 04 GROUND FLOOR PLAN
- 05 ATTIC FLOOR PLAN
- 06 NORTH & SOUTH ELEVATIONS
- 07 EAST & WEST ELEVATIONS
- 08 SECTIONS A & B
- 09 SECTIONS C & D

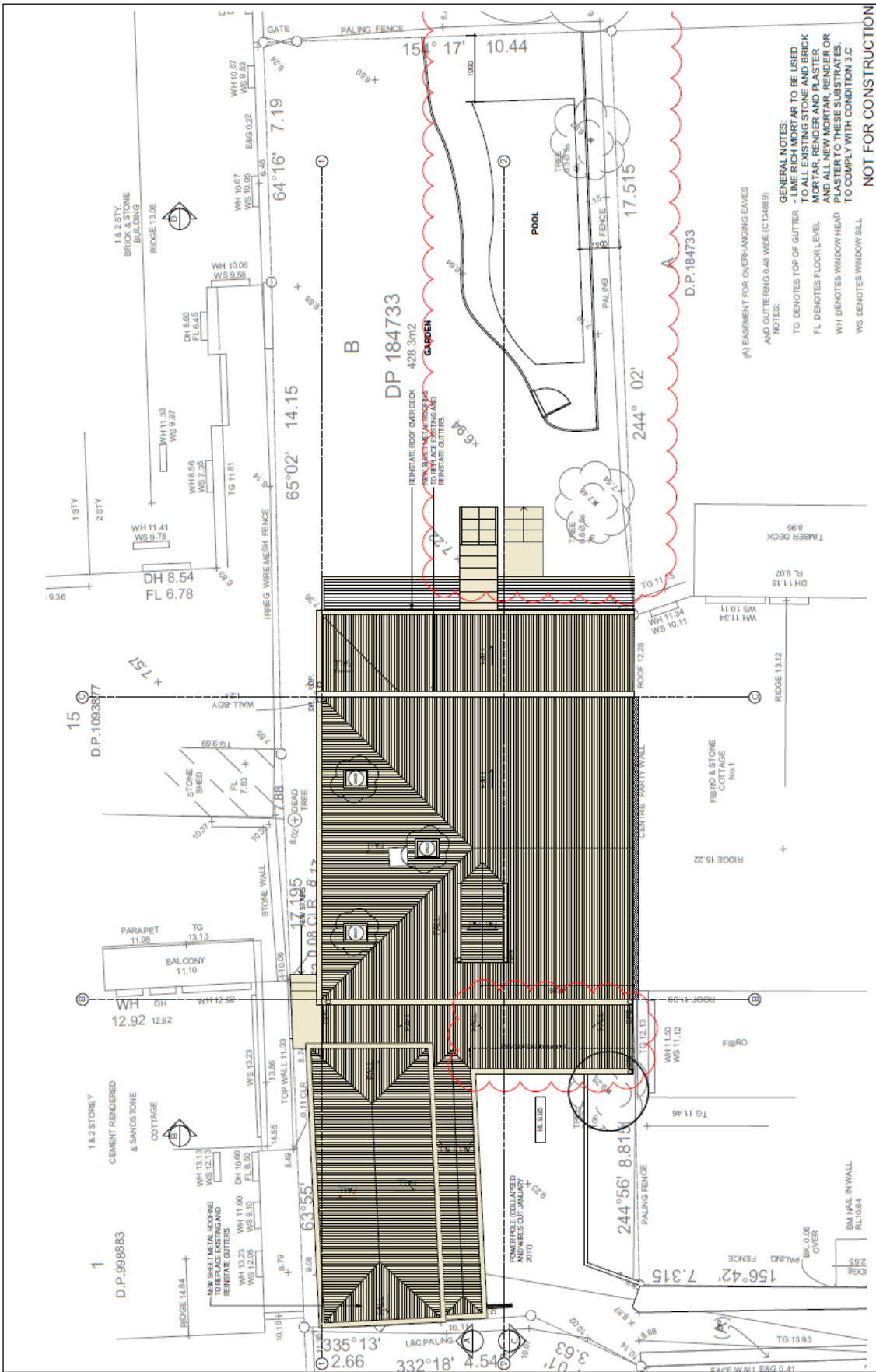
GENERAL NOTES:

- LIME RICH MORTAR TO BE USED TO ALL EXISTING STONE AND BRICK MORTAR, RENDER AND PLASTER AND ALL NEW MORTAR, RENDER OR PLASTER TO THESE SUBSTRATES, TO COMPLY WITH CONDITION 3.C.

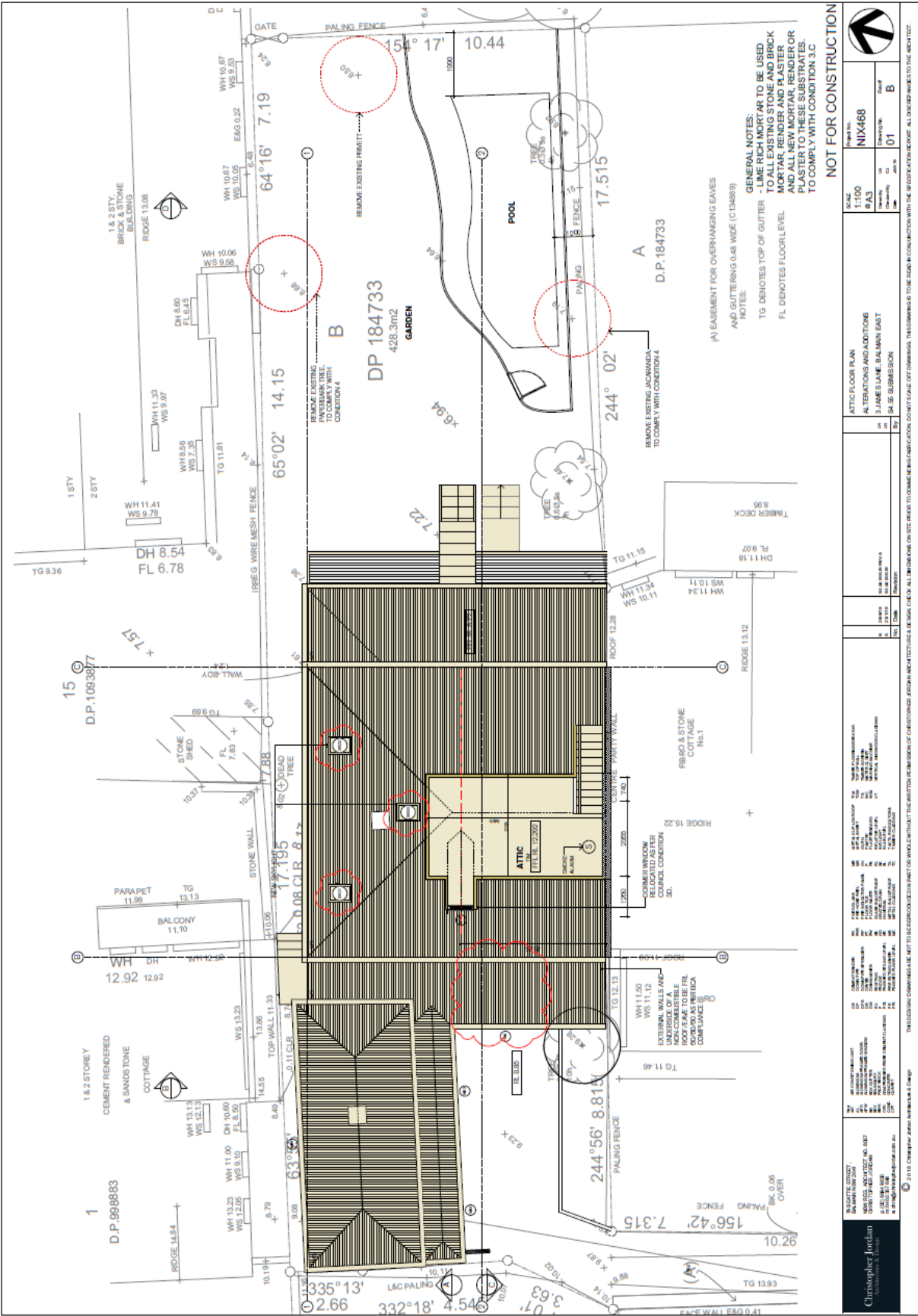
NOT FOR CONSTRUCTION

CRISTOPHER JORDAN
Architectural Designer

PROJECT INFORMATION		DRAWING INFORMATION	
Project No.	1-200	Scale	As Shown
Project Name	8A3	Sheet No.	01
Client	8A3	Revision	B
Address	3 JAMES LANE BALMAIN EAST	Author	
City	BALMAIN NSW	Checker	
State	NSW	Approver	
Country	AUSTRALIA	Date	17/01/2023



ROOF PLAN ALTERATIONS AND ADDITIONS 3 JAME LANE BALMAIN EAST SALES SUBMISSION		SCALE 1:100 DATE 01/01/2024	DRAWING NO. NIX468 SHEET NO. 01 OF 01
PREPARED BY: [Name] CHECKED BY: [Name] DATE: [Date]			
THIS DOCUMENT IS THE PROPERTY OF CHRISTOPHER JOUDAN ARCHITECTURE & DESIGN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF CHRISTOPHER JOUDAN ARCHITECTURE & DESIGN. ALL DIMENSIONS AND NOTES TAKE PRECEDENCE OVER DIMENSIONS AND NOTES ON ANY OTHER DRAWING.			



GENERAL NOTES:
 - LIME RICH MORTAR TO BE USED TO ALL EXISTING STONE AND BRICK WORK PARAPETS AND PLASTER WORK NEW WORK OR REPAIRS TO EXISTING PLASTER TO THESE SUBSTRATES TO COMPLY WITH CONDITION 3.C

NOTES:
 (A) EASEMENT FOR OVERHANGING EAVES AND GUTTERING 0.48 WIDE (C134889)
 TG DENOTES TOP OF GUTTER
 FL DENOTES FLOOR LEVEL

NOT FOR CONSTRUCTION



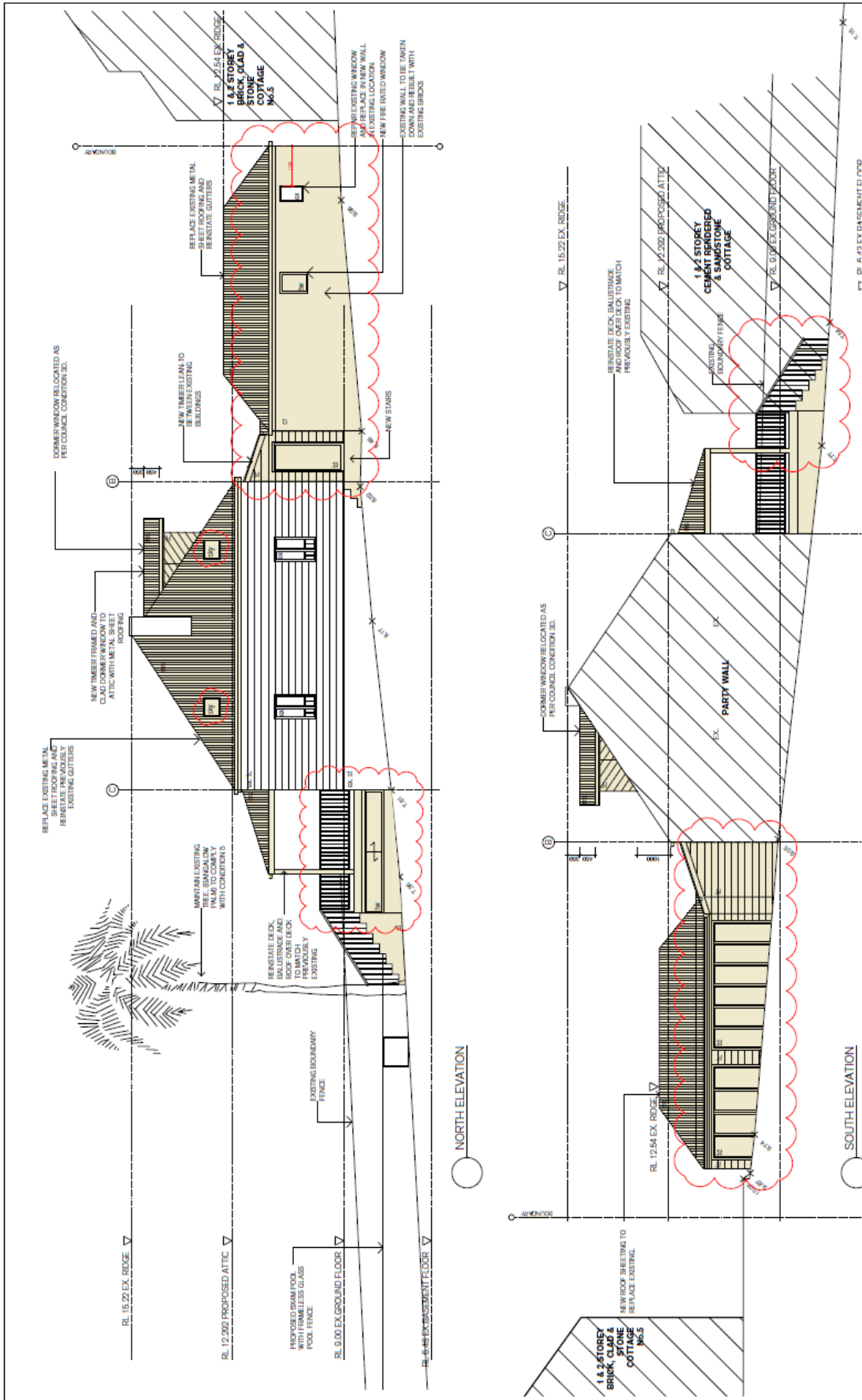
Project No.	NIX468
Scale	1:100
Drawn by	EAJ
Checked by	EAJ
Issue No.	01
Issue Date	15/01/2023

ATTC FLOOR PLAN	ALTERATIONS AND ADDITIONS
3 JAMES LANE BALMAIN EAST	NSW 1545 SUBMISSION

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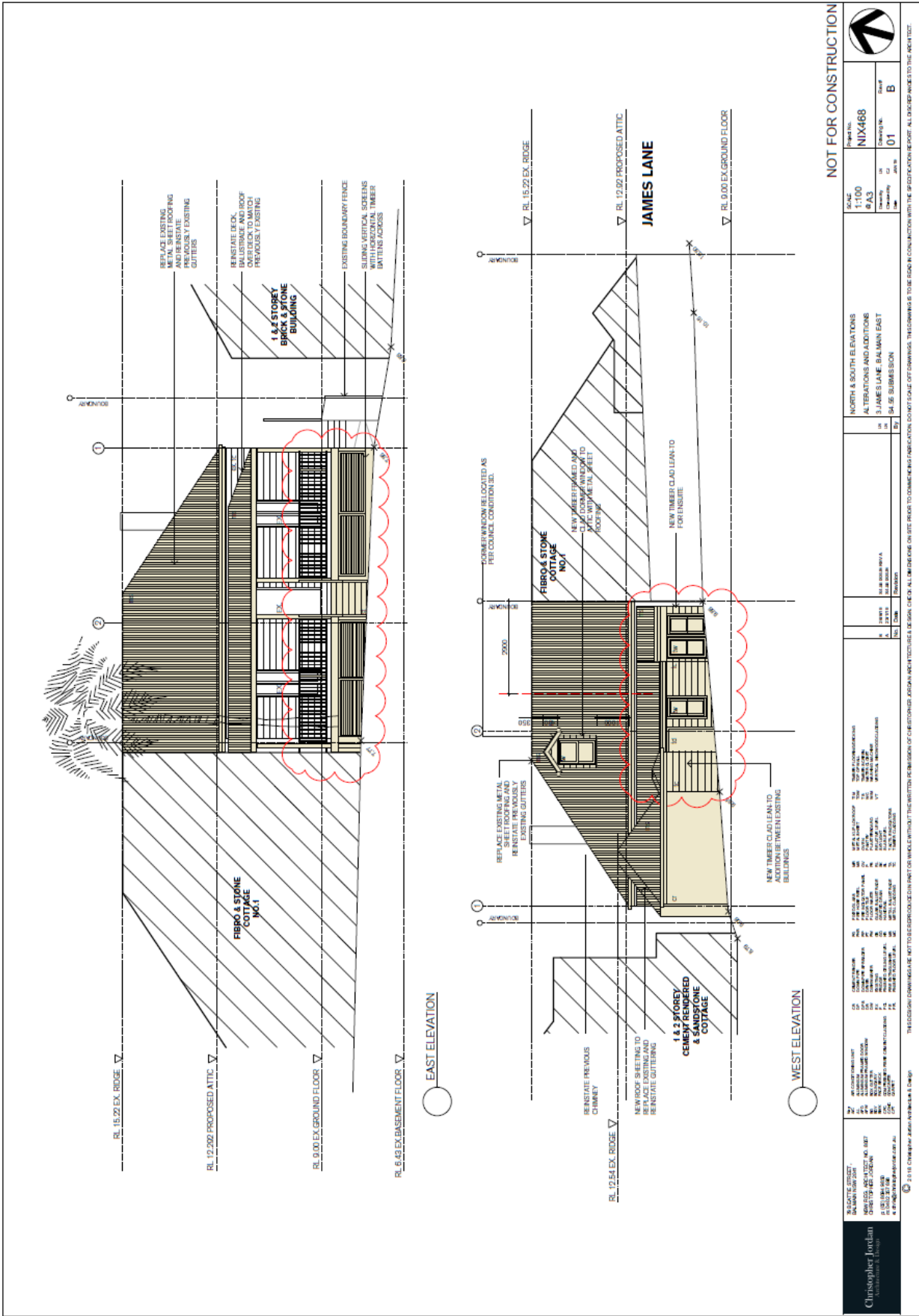
Christopher Jordan
 Architect
 2/15 CHESAIRE AVENUE, BALMAIN NSW 1545
 PH: 02 9550 1111
 www.christopherjordan.com.au



NOT FOR CONSTRUCTION

Client: NIX468	Scale: 1:100	Project Name: NORTH & SOUTH ELEVATIONS ALTERATIONS AND LOCATIONS	Site: 11 JAMES LANE BALMAIN EAST
Drawn by: 01	Checked by: B	Project No.: NIX468	Client Ref: SA 88 SUBMISSION

27. 2014 CHANGING JORDAN ARCHITECTS & DESIGN
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 100. 2014 CHANGING JORDAN ARCHITECTS & DESIGN



NOT FOR CONSTRUCTION



Project No.	NIX468
Scale	1:100
Sheet	B
Revision	01

NORTH & SOUTH ELEVATIONS
 ALTERATIONS AND ADDITIONS
 2 JAMES LANE, SALMAN EAST
 18 04 00 0000
 18 04 00 0000
 18 04 00 0000

Author	Checked	Drawn	Reviewed

Client	Project	Location

Architect	Structural Engineer	Electrical Engineer	Mechanical Engineer

Contractor	Subcontractor	Supplier

CHRISTOPHER JORDAN ARCHITECTS & DESIGN
 2018 CHRISTOPHER JORDAN ARCHITECTS & DESIGN
 18 04 00 0000
 18 04 00 0000
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Attachment C – Conditions of Consent for D/2017/37

DEFERRED COMMENCEMENT CONDITION

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

1. A stormwater plan must be prepared by a suitably qualified Civil Engineer, addressing the following issues:

- a) All roof areas must be drained by gravity, via a rainwater tank with a minimum capacity of 2000 Litres, to an on-site disposal system in the front (eastern) yard. It must be certified that there will be no concentration of flows or nuisance caused to the downhill Council reserve or adjacent properties.

If the drainage system is to discharge to an existing or proposed absorption system, the system must be detailed on the plan and must be certified by a suitably qualified Geotechnical Engineer.

- b) As there is no overland flowpath available from the rear (western) courtyard, the drainage system must be upgraded to reduce the potential for surcharge and overflow into the dwelling. The design of the sag pit and piped drainage system is to meet the following criteria:

- i) Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
- ii) The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building
- iii) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

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

- 2 Development must be carried out in accordance with Development Application No. D/2017/37 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Dwg No: 01 Issue C Site Analysis/Site Plan Stormwater Plan	Christopher Jordan Architecture & Design	25.05.2017
Dwg No: 02 Issue C Roof Plan	Christopher Jordan Architecture & Design	25.05.2017
Dwg No: 03 Issue A Existing Ground Floor Plan 2014/2015	Christopher Jordan Architecture & Design	January 2017
Dwg No: 04 Issue A	Christopher Jordan	January 2017

Existing Ground Floor Plan December 2016 – Site Visit	Architecture & Design	
Dwg No: 05 Issue C Proposed Ground Plan	Christopher Jordan Architecture & Design	25.05.2017
Dwg No: 06 Issue C Proposed Attic Plan	Christopher Jordan Architecture & Design	25.05.2017
Dwg No: 07 Issue C North & South Elevation	Christopher Jordan Architecture & Design	25.05.2017
Dwg No: 08 Issue C East & West Elevation	Christopher Jordan Architecture & Design	25.05.2017
Dwg No: 09 Issue C Section A & Section B	Christopher Jordan Architecture & Design	25.05.2017
Dwg No: 10 Issue C Section C 7 Section D	Christopher Jordan Architecture & Design	25.05.2017
Document Title	Prepared By	Dated
External Finishes Schedule	Christopher Jordan Architecture & Design	Undated
Detail and Level Plan Ref No: 49856	SJ Dixon Surveyors P/L	22.06.2015
BASIX Certificate Certificate No: A271190_02	Christopher Jordan Architecture & Design	31.03.2017
Arborist Report Job: 61558 Ref: 2017-685	Dr. Treegood	March 2017
Statement of Environmental Effects	Christopher Jordan Architecture & Design	Undated
Waste Management Plan	Christopher Jordan Architecture & Design	Undated
Heritage Impact Statement	John Oultram Heritage & Design	February 2017

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

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

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

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

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

3. Amended plans are to be submitted incorporating the following amendments:
 - a) Detail plan, section and elevation drawings of proposed new front verandah and steps are to be submitted at a minimum scale of 1:50 showing all new materials, profiles, dimensions and finishes
 - b) Schedule setting out locations for re-use of salvaged architectural items lying within yard and building
 - c) Lime rich mortar to be used to all existing stone and brick mortar, render and plaster and all new mortar, render or plaster to these substrates
 - d) Dormer window to be located with centreline 2.9m set back from boundary with no. 1 James Lane. RL of base of dormer to be set up 1m from RL of gutter to main roof. RL of dormer roof ridge to be set down 350mm from RL of main roof

ridge. Dormer gutter RL to be set down 450mm from dormer roof ridge.

- e) The new pool, paving & low level deck to be setback a minimum of 1.0m from any site boundary to provide sufficient landscape area to be capable of contributing to the landscape amenity of the subject site and adjoining properties; including Thornton Park.

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

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

Tree/location	Approved works
<i>Jacaranda mimosifolia</i> (Jacaranda) located with the SE corner of the site.	Removal
<i>Plumeria acutifolia</i> (Frangipani) located at the rear of the property	Removal
<i>Callistemon salignus</i> (Willow-leaved Bottlebrush) located at the rear of the property.	Removal
<i>Ligustrum lucidum</i> (Broad-leaf Privet) located at the rear of the property.	Removal
<i>Celtis sinensis</i> (Chinese Hackberry) located at the rear of the property.	Removal

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

- 5. The trees identified below are to be retained:

Tree/location
<i>Melaleuca bracteata</i> (Black Tea Tree) located at the front of the property
<i>Archontophoenix cunninghamiana</i> (Bangalow Palm) located at the rear of the property.

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

- 6. Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings & the period of construction of the buildings. New materials that are not depicted on the approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties. Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority's satisfaction prior to the issue of any Construction Certificate.
- 7. Consent is granted for the demolition works as detailed on the approved plans, subject to strict compliance with the following conditions:
 - a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.

- b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
 - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6.00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, and 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

8. 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 Clause 5.9 of Leichhardt Local Environmental Plan 2013, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the Local Environment Plan 2013 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.

9. The following replacement trees must be planted:

A minimum of 1 x 200 litre size additional tree, which will attain a minimum mature height of 8 metres, shall be planted in a more suitable location within the property. The tree is to conform to AS2303—Tree stock for landscape use.

Details of the species and planting locations of the replacement plants must be included on the landscape plan and site plan prior to the issue of a Construction Certificate.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

10. A stormwater drainage design prepared by a 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 Deferred Commencement Condition 1.
 - b) Stormwater runoff from the rear roof areas 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 James Lane. Charged or pump-out stormwater drainage systems are not permitted.
 - c) As there is no overland flow/flood path available between the rear and front of the property, the design of the sag pit and piped drainage system for the rear (western) courtyard is to meet the following criteria:
 - i) Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
 - ii) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
 - d) A minimum 150mm step up must be provided from the external finished surface levels of the rear (western) courtyard to the internal floor levels.
 - e) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
 - 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 3500.3-2003 Plumbing and Drainage – Stormwater Drainage
 - h) Plans must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.

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.

11. The applicant must bear the cost of construction of the following works:
- a) Construction of concrete kerb and gutter and footpath across the James Lane frontage of the site.

Development Consent does NOT give approval to undertake any works on Council property. An application must be made to Council and a Roadworks Permit issued under Section 138 of the Roads Act 1993 prior to construction of these works.

The Roadworks Permit must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

These works must be constructed in accordance with the conditions of the Roadworks Permit and be completed prior to the issue of an Occupation Certificate.

Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

12. 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 Clause 5.9 of Leichhardt Local Environmental Plan 2013, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the Local Environment Plan 2013 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.

13. 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.

14. 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.
15. In accordance with the provisions of Section 81A 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.

16. The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:
- a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.

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

17. 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.

18. 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.

19. 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.

20. 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.

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

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

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

22. 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.

23. 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)

24. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Principal Certifying Authority prior to any demolition or works

commencing on the site or the issue of a Construction Certificate (whichever comes first). The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items

Property	Structures/Area
1 James Lane	Main Building (Dwelling-house)

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

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

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

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

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

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

Security Deposit	\$2075.50
Inspection fee	\$219.00

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

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

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

A request for release of the security may be made to the Council after all construction work has

been completed and an Final Occupation Certificate issued.

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

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

26. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued (whichever occurs first), a security deposit as set out below must be paid to Council to cover the costs associated with the road, footpath and drainage works required by this consent.

Works	Security Deposit
Roadworks (ROADWB)	\$1,200.00
Total	\$1,200.00

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 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.

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.

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

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

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

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

Tree/Location
<i>Melaleuca bracteata</i> (Black Tea Tree) located at the front of the property.
<i>Archontophoenix cunninghamiana</i> (Bangalow Palm) located at the rear of the 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 prior to the issue of any Construction Certificate.

29. 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 by the Project Arborist to the Principal Certifying Authority prior to the issue of any Construction Certificate.

30. Prior to works commencing or release of a Construction Certificate (whichever occurs first) and throughout construction, the area of the tree protection zone being mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

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 by the Project Arborist to the Principal Certifying Authority prior to the issue of any Construction Certificate.

31. Prior to works commencing or release of a Construction Certificate (whichever occurs first), tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metre intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form (Lettering should comply with AS 1319 Safety signs for the occupational environment), the following information:

- a) Tree protection zone;
- b) These protection measures have been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted;
- c) Any encroachment not previously approved within the tree protection zone shall be the subject of an Arborist's report;
- d) The Arborist's report shall provide proof that no other alternative is available;
- e) The Arborist's report shall be submitted to the Principal Certifying Authority for

further consultation with Council; and

- f) The name, address and telephone number of the builder and Project Arborist.

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 Project Arborist to the Principal Certifying Authority prior to the issue of any Construction Certificate.

32. 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 2 metres 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.

Tree/Location
<i>Melaleuca bracteata</i> (Black Tea Tree) located at the front of the property.
<i>Archontophoenix cunninghamiana</i> (Bangalow Palm) located at the rear of the 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 by the Project Arborist to the Principal Certifying Authority prior to the issue of any Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

33. 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.

34. 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.

35. 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.

36. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
37. 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.
38. 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.
39. 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

40. If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly using a sharp and *fit for purpose tool*. The pruning shall be undertaken by a minimum Level 3 (AQF 3) qualified Arborist.

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

41. The trees to be retained shall be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Project Arborist to the Principal Certifying Authority are required at the following times or phases of work:

Schedule	
Tree/location	Time of Inspection
<i>Melaleuca bracteata</i> (Black Tea Tree) located at the front of the property.	<ul style="list-style-type: none"> • Directly following installation of protective measures,
<i>Archontophoenix cunninghamiana</i> (Bangalow Palm) located at the rear of the property.	<ul style="list-style-type: none"> • During excavation within the <i>Tree Protection Zone</i>, • At project completion to verify that protection measures have been undertaken.

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

Project Arborist - for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

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

42. Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by, or supervised by the Project Arborist – for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

The person acting on this consent has approval under Council's Tree Management Controls to; prune the *Melaleuca bracteata* (Black Tea Tree) to achieve a clearance of the structure. Pruning is limited to those branches that will come into direct contact with the built structure and where branch diameter (at its point of attachment) does not exceed 40 mm. All pruning shall be carried out to sections 5, 6 and 7.3.3 of the Australian Standard AS4373—Pruning of amenity trees.

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 owner's 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.

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

Schedule	
Tree/location	Radius in metres
<i>Melaleuca bracteata</i> (Black Tea Tree) located at the front of the property.	5.0

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

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

Schedule	
Tree/location	Radius in metres
<i>Melaleuca bracteata</i> (Black Tea Tree) located at the front of the property.	5.0
<i>Archontophoenix cunninghamiana</i> (Bangalow Palm) located at the rear of the property.	5.0

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

45. 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.
46. 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.

47. 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.

48. 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.

- 49. The site must be appropriately secured and fenced at all times during works.
- 50. 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.

- 51. 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.

52. 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.
53. 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.
54. 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.
55. 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.
56. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

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

If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.
57. 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

58. A second Dilapidation Report including photos of any damage evident at the time of

inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:

- Compare the post construction report with the pre-construction report required by these conditions,
- Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

59. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species and tree planting, have been undertaken in accordance with the approved plan(s) and conditions of consent. A copy of an active Landscape management plan/contract for the maintenance of the landscaping for a period of not less than two years after the installation is to be provided prior to the issue of the Occupation Certificate.
60. Prior to the issue of an Occupation Certificate, the Principle 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 Principle Certifying Authority prior to the issue of an Occupation Certificate.

61. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance the development consent and with relevant Australian Standards must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

62. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council Roadworks Permit approval.

Written notification from Council that the works approved under the Roadworks Permit have been completed to its satisfaction and in accordance with the conditions of the Permit, must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

63. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species and planting of canopy trees, have been undertaken in accordance with the approved landscape plan and/or conditions of Development Consent.
64. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.

65. 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.
66. 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.

67. 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

68. 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.
69. 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.
70. The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.
71. 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*.

72. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the Swimming Pools Act, 1992 at all times.

Noise levels associated with pool/spa pumping units shall not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment shall be enclosed in a sound absorbing enclosure or installed within a building so as to not create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.

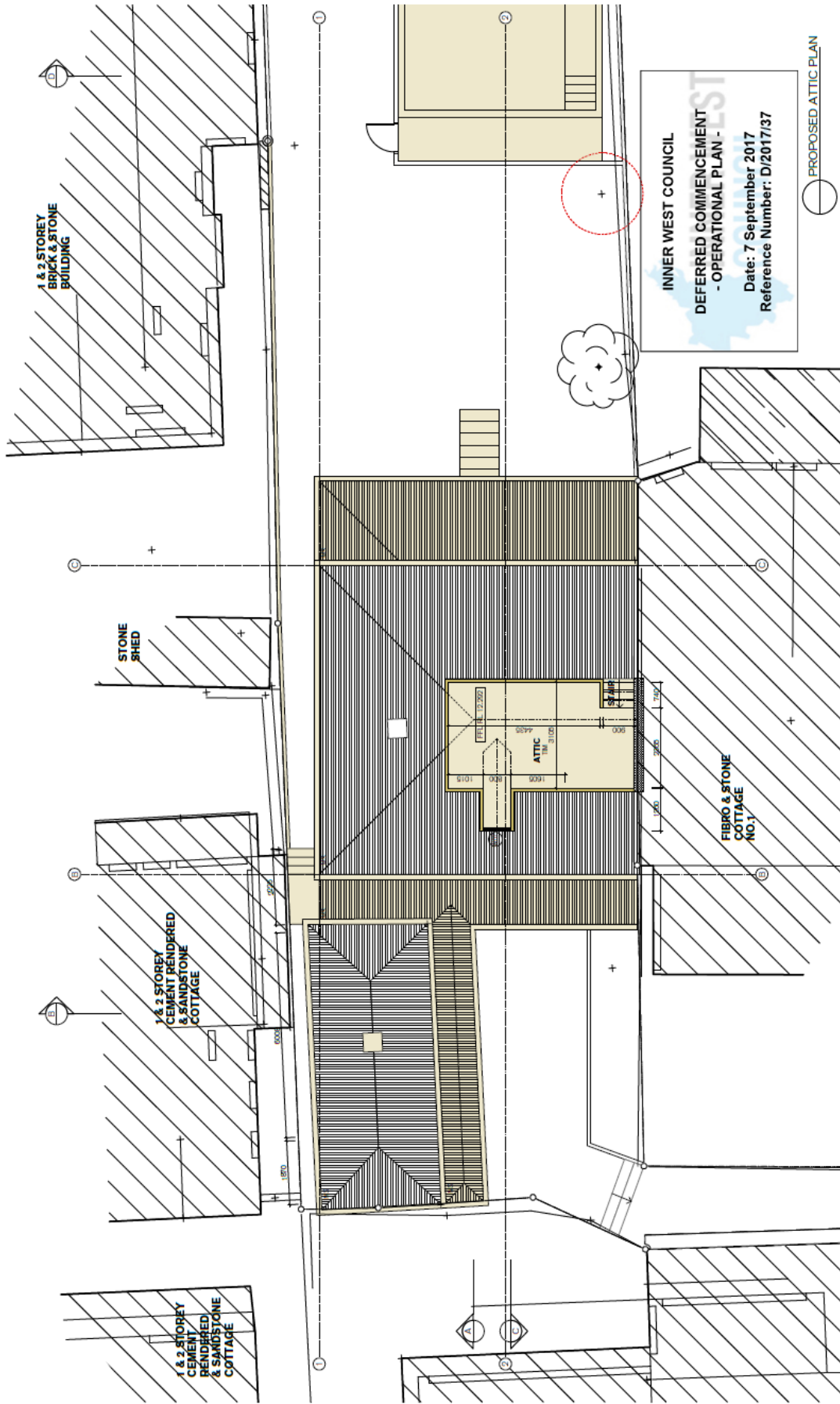
Pool plant and equipment must be installed and operated at all times so as not to cause "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa shall enter Council's stormwater system.

The disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer via the filter/pump in accordance with Australian Standard Australian Standard AS 3500.2:2003 Plumbing and drainage – Sanitary plumbing and drainage. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.

A resuscitation chart is to be displayed and maintained at all times.



NOT FOR CONSTRUCTION

79 Beattie Street, Balmain, NSW 2041 (t: +61 402 587 698)
 ec@christophjordan.com.au NSW Reg. Architect No 3 JAMES LANE, BALMAIN EAST
 8037

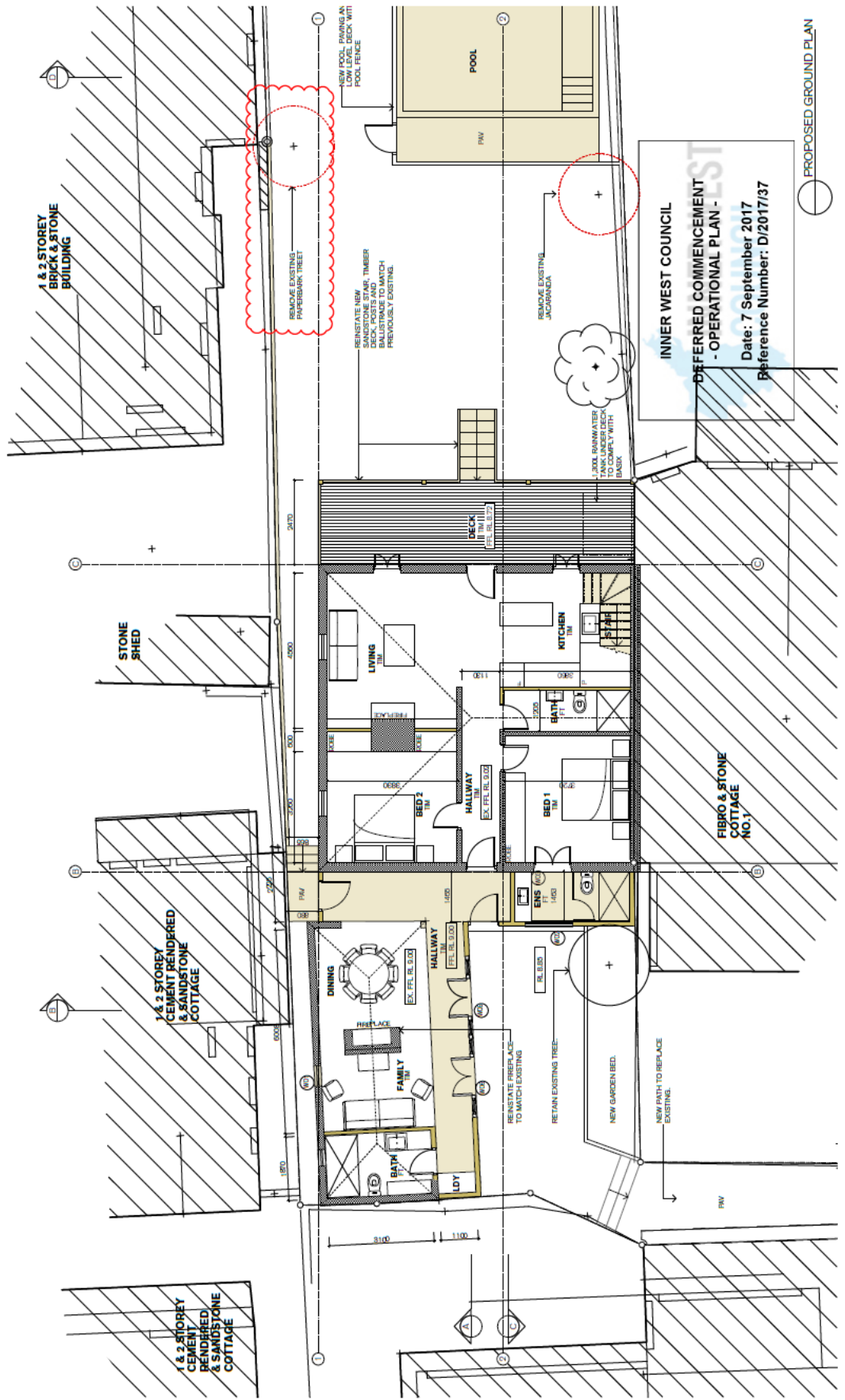
ALTERNATIONS & ADDITIONS:
 A 30.01.17 DEVELOPMENT APPLICATION
 B 08.04.17 AMENDED L100 LEVEL
 C 28.01.17 PROPOSED ATTIC LEVEL

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 MAY 2017 C1 - 06 C

Check all dimensions on this plan against the specification. Do not make any changes. The drawing is for information only and is not to be used for construction. It is the responsibility of the client to ensure that the drawing is used for the intended purpose. The drawing is not to be used for any other purpose without the written permission of Christopher Jordan Architects & Design.

Development Application

Christopher Jordan
 Architects & Design



INNER WEST COUNCIL
 DEFERRED COMMENCEMENT
 - OPERATIONAL PLAN -
 Date: 7 September 2017
 Reference Number: D/2017/37

PROPOSED GROUND PLAN

NOT FOR CONSTRUCTION

Christopher Jordan
 Architects & Design

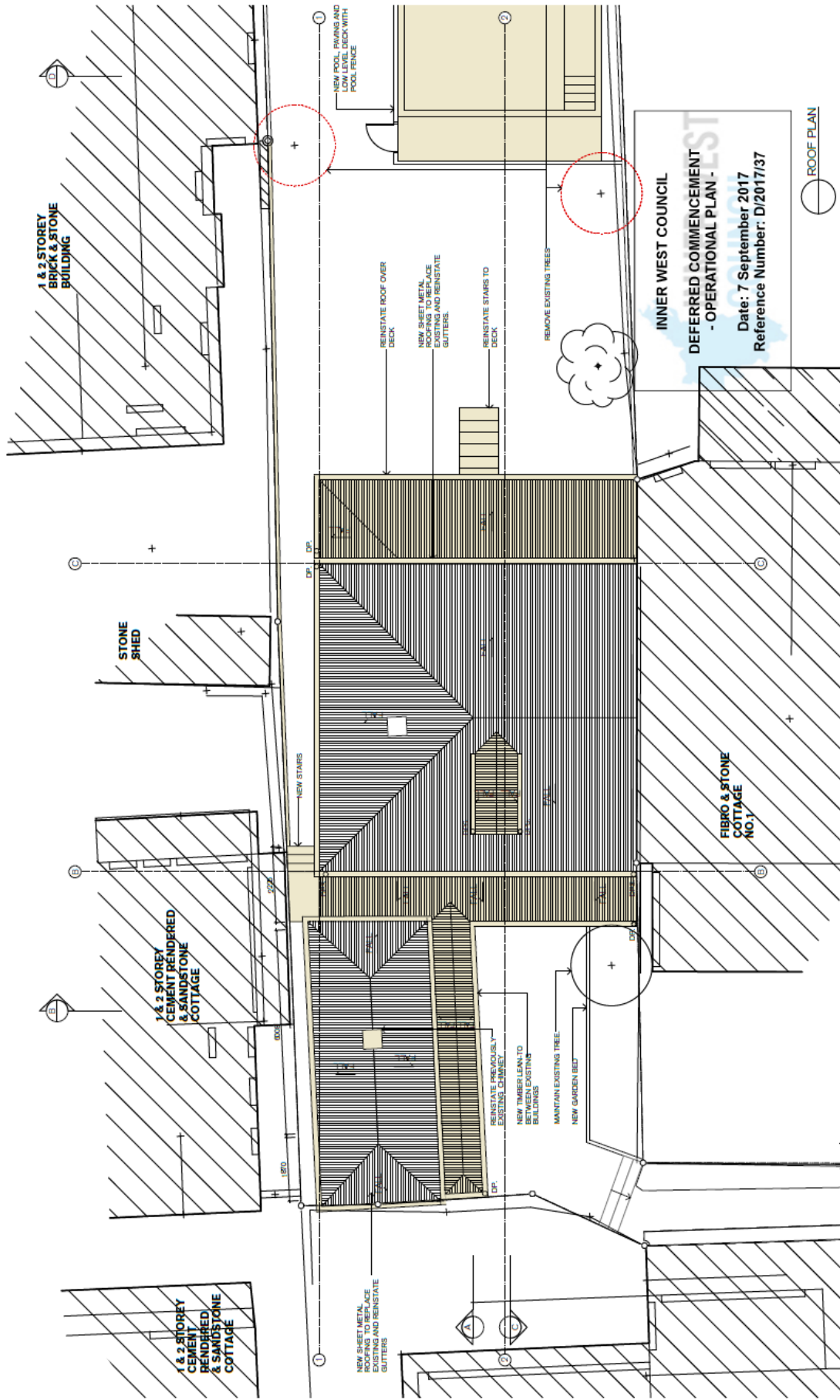
79 Beattie Street, Balmain, NSW, 2041, m: +61 402 357 698
 e: chris@christopherjordan.com.au NSW Reg. Architect No. 3 JAMES LANE, BALMAIN EAST

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WILSON
 DEVELOPMENT APPLICATION
 2.6.8.17 UPDATE AT L100 LEVEL

Check all dimensions on this plan against the location. Do not scale off sheets. This drawing is for information only and is not to be used for any other purpose without the written permission of Christopher Jordan Architects & Design.

Application

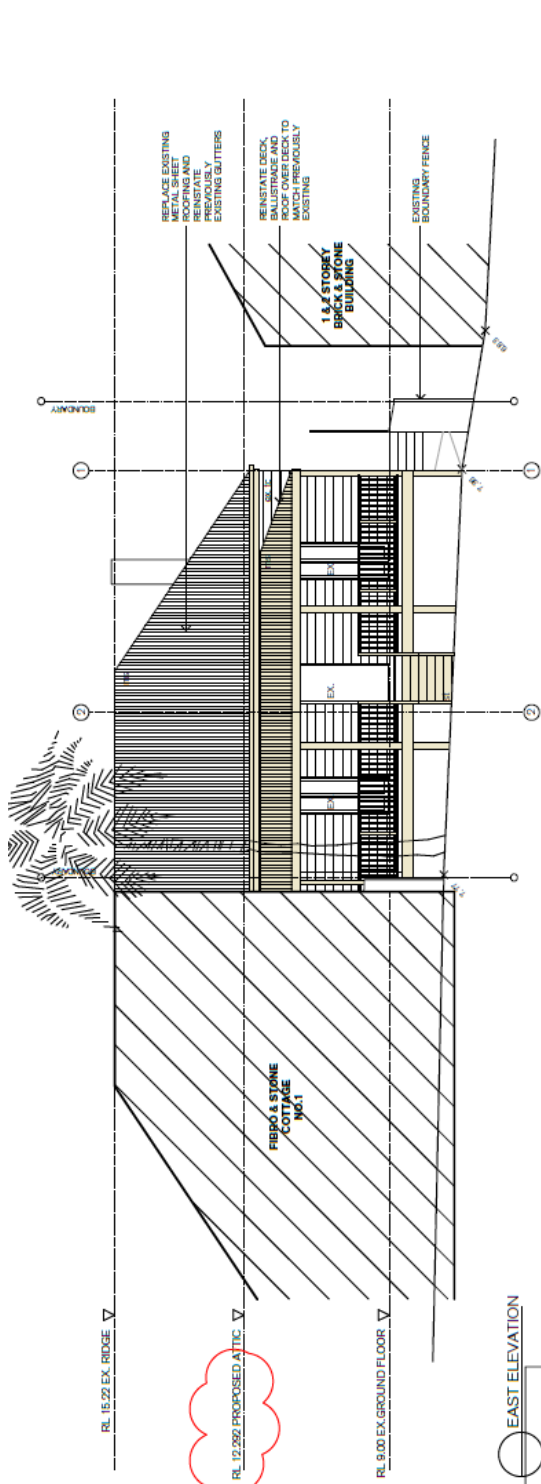


INNER WEST COUNCIL
 DEFERRED COMMENCEMENT
 - OPERATIONAL PLAN -
 Date: 7 September 2017
 Reference Number: D/2017/37

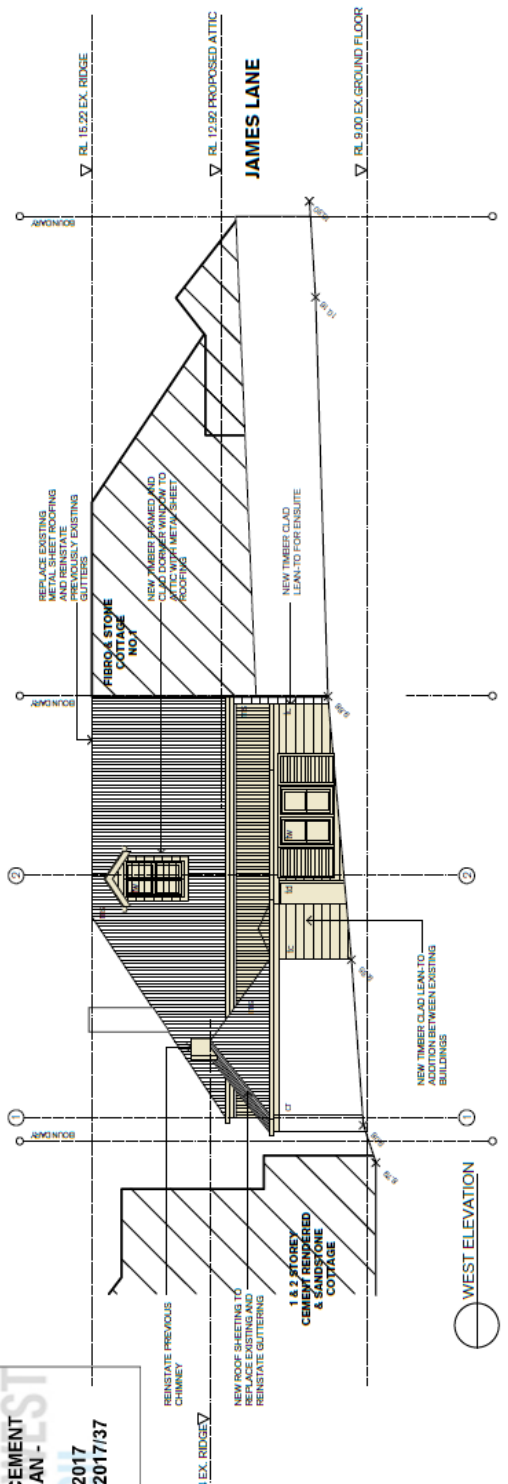
ROOF PLAN

NOT FOR CONSTRUCTION

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79 Beattie Street, Balmain, NSW, 2041, m: +61 402 357 698 e: chris@christopherjordan.com.au	Christopher Jordan Architects & Design	ALTERATIONS & ADDITIONS: A 30.1.17 DEVELOPMENT APPLICATION C 25.3.17 UPDATE ATTACHED LEVEL		3 JAMES LANE, BALMAIN EAST 8007		Check all dimensions on site before commencing fabrication. Do not scale drawings. This drawing is intended for use in accordance with the relevant provisions of the Building Act 2015 and the Building Regulation 2015.	



INNER WEST COUNCIL
 DEFERRED COMMENCEMENT
 - OPERATIONAL PLAN -
 Date: 7 September 2017
 Reference Number: D/2017/37



NOT FOR CONSTRUCTION

79 Beattie Street, Balmain, NSW, 2041, m: +61 402 957 688
 e: christoph@christophjordan.com.au NSW Reg. Architect No. 8307

Christopher Jordan
 Architects & Design

1:100 @ A3
 MAY 2017
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DEVELOPMENT APPLICATION
 3 JAMES LANE, BALMAIN EAST

A 26.07.17 DEVELOPMENT APPLICATION
 B 06.04.17 AMENDED DASSSE
 C 28.03.17 UPGRADE ATTIC FLOOR LEVEL

Check all dimensions on the plans corresponding to the actual construction. Do not scale drawings. This drawing is issued in accordance with the specifications. Before commencing work, the contractor must ensure that the design complies with the relevant codes of practice and standards. The contractor is responsible for ensuring that the design complies with the relevant codes of practice and standards.

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DEVELOPMENT APPLICATION
 3 JAMES LANE, BALMAIN EAST

A 26.07.17 DEVELOPMENT APPLICATION
 B 06.04.17 AMENDED DASSSE
 C 28.03.17 UPGRADE ATTIC FLOOR LEVEL

Check all dimensions on the plans corresponding to the actual construction. Do not scale drawings. This drawing is issued in accordance with the specifications. Before commencing work, the contractor must ensure that the design complies with the relevant codes of practice and standards. The contractor is responsible for ensuring that the design complies with the relevant codes of practice and standards.

Attachment E – Statement of Heritage Significance – East Balmain Conservation Area

Godden Mackay Logan

Area 17 East Balmain Conservation Area

Landform

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



Figure 17.1 East Balmain Conservation Area Map.

History

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

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

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

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

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

Sources

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

Significant Characteristics

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

- Sandstone kerbs and gutters.

Statement of Significance or Why the Area is Important

- One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). The earliest developments here predate Leichhardt's main suburban growth with marine villas and cottages from the 1840s to modest-scale housing from 1870s through to the 1930s, and industry. It is significant for its surviving development from these periods.
- Demonstrates through the siting of recent public parks, the location of former waterfront industries. Through these parks and its remaining waterfront activities East Balmain can interpret Sydney's port history from the early 1840s, and the role of Balmain's deep water frontages in that story.
- Demonstrates through the line of its narrow streets the earliest subdivision sections of the large 850-acre Balmain grant.
- Demonstrates through its steps and cuttings the way in which early roads and pedestrian routes were forged out of the sandstone bedrock.
- Demonstrates through its mixture of sandstone villas and timber and brick cottages the major themes that formed this suburb - marine villa development and investment, port and waterfront activities, and the continuing layering of these developments.
- Through its remaining timber buildings it continues to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs, and the proximity of the timber yards around the Balmain waterfront.
- It is of aesthetic significance for its dramatic sandstone landscape, closely related to the harbour, and clearly revealed below the modest scale of its nineteenth century and early twentieth century buildings. It stands in contrast with the nearby city where twentieth-century technology has forged an equally dramatic but very different man-made landscape.

Management of Heritage Values

Generally

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

Retain

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

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

Avoid

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

Notes

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

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

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

Attachment F – Statement of Heritage Significance – ‘Willow Cottages’



NSW Department of Planning, Industry and Environment

Home > Topics > Heritage places and items > Search for heritage

Semi-detached house

Item details

Name of item:	Semi-detached house
Other name/s:	Willow Cottages
Type of item:	Built
Group/Collection:	Residential buildings (private)
Category:	Semi-Detached House
Primary address:	3 James Lane, Balmain East, NSW 2041
Parish:	Petersham
County:	Cumberland
Local govt. area:	Leichhardt

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
3 James Lane	Balmain East	Leichhardt	Petersham	Cumberland	Primary Address

Statement of significance:

No. 3 is not highly visible to the street, however, is connected to No. 3 James Lane which is of local historic, aesthetic and technological significance as a good and intact example of a relatively early house constructed in c.1854. The buildings appear to have been modified, and visible elements of No. 3 appear in degraded condition, however, retains a sense of its original scale and roof form. With Nos. 1 and 5 James Lane it forms a part of an important group that makes a positive contribution to the area.

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

Date significance updated: 22 Jun 11

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

Description

Builder/Maker:	William James
Physical description:	Single storey attached dwelling with hipped and skillion roof clad in corrugated steel and stone chimney with terracotta pot. The building is setback from the James Lane frontage with narrow strip extending from the south western corner of the site along the western boundary of No. 1 to James Lane. A modern, high timber paling fence and gate is located on James Lane.
Physical condition and/or Archaeological potential:	In fair condition. The roof cladding is badly rusted and stone chimney is also weathered and appears to be fretting.
Modifications and dates:	2003: Dilapidated boundary fence, falling onto Thornton Park, Balmain (EPA/2003/334).
Further information:	The building is not highly visible from the surrounding streets due to the location of the building. The roof is discernible and visible due to the rusted condition which is contrast to the roof cladding of No. 1 James Street. The house is also partially visible from Thornton Park, but is obscured by mature trees and plantings around the building.
Current use:	Residential
Former use:	Residential

History

Historical notes:	<p>Surgeon William Balmain was granted 550 acres and most of the area now encompassing Balmain in 1800. In 1801 the entire grant was transferred to fellow surgeon John Gilchrist. Gilchrist never actually lived in NSW and advertised the land for sale in 1823. However, the sale was not a success. He gave power of attorney to his Sydney-based agent and merchant, Frank Parbury, who commissioned Surveyor John Armstrong to subdivide part of the land. In 1836 22, 2-4 acres lots were auctioned for sale by Parbury on behalf of the absentee landowner, Gilchrist.</p> <p>The site is part of Lot 7 of the subdivision purchased by Captain William Adam. Adam also purchased Lot 8 with a total of approximately 2 acres of land that extended from Nicholson Street along Darling Street to the waterfront. Adam held on the lots during the 1840s depression and it was not until 1850 that he sold to George Richard Griffiths of the Sydney merchants, Griffiths Fanning & Co.</p> <p>In 1853 William James a woollorter and developer, bought the land and constructed two houses, "Willow Cottages" (Nos. 1 & 3 James Lane) facing the water in c. 1854. James subsequently constructed other cottages on the land including No. 5 James Lane and two cottages in Darling Street in c. 1860. After James' death in 1882 his widow Jane lived in one of the cottages and sold the land on Darling Street to a builder in 1884.</p> <p>A Sydney Water plan dating from the 1880/1890s shows the cottages accessed by the L shaped laneway extending from Darling Street. The attached cottages, Nos. 1 and 3 are clear with deep setback from the eastern site boundary and verandah extending across the eastern facades. Two separate structures are shown at the rear of No. 3. A narrow connection extends from the rear of the house to connect to the larger structure, which is constructed to the James Lane boundary in the south western corner of the site. This brick section most likely housed the service area eg. Laundry. The site of No.3 is regular except for a small section at the end of the laneway. A semi attached wing constructed to the northern site boundary is shown extending from the north western corner of No. 3. The loft for Nos. 1,3 and 5 James Lane appears to have been subdivision in 1932.</p>
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Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
4.	Accommodation-Activities associated with the provision of accommodation,	

Settlement-Building settlements, towns and cities	and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	(none)-
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Assessment of significance

- SHR Criteria a)**
[Historical significance] The site and building are of high local historical significance as part of an early subdivision and house constructed in c. 1854. Alterations to the building and site reflect the growth and development of the area and changing requirements and tastes of the building owners and occupants.
- SHR Criteria b)**
[Associative significance] The site is associated with a number of local land speculators and developers including William James who constructed the house and a number of cottages in the immediate area and after whom the Lane was named.
- SHR Criteria c)**
[Aesthetic significance] The building is of local aesthetic significance an example of Victorian attached house constructed in c.1854. Despite additions the building retains a sense of its original scale and form. With No. 1 and No. 5 James Lane, it forms part of an important group that make a positive contribution to the area.
- SHR Criteria g)**
[Representativeness] The building is a good representative example of an early attached house constructed in c.1854. It one of a small group of buildings constructed by William James that remain in the local area including Nos. 1 and 5 James Lane.

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

Recommended management:

It is recommended that:

- the house and significant elements be retained and conserved;
- an external inspection of the property be undertaken and description and assessment be modified accordingly.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan		1440	23 Dec 13		

Study details

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

References, internet links & images

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

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



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Attachment G – Heritage Structural Impact Statement

Monday, 26 August 2019

Project Number: 19230

Christopher Jordan Architecture & Design
79 Beattie Street
BALMAIN NSW 2041
Att: Chris Jordan

Dear Chris,

3 James Lane, Balmain East - Alterations and Additions – Heritage Structural Impact Statement

We confirm having been engaged with regard to the existing heritage buildings at 3 James Lane, Balmain East in our capacity as a Heritage Structural Engineer in order to inspect the existing buildings, review the structural engineering drawings for the project and to advise on details designed to ensure the proposed works can be completed without damage to the critical heritage fabric of the building.

The proposed alterations are shown on the architectural drawings produced by Christopher Jordan Architecture & Design that indicate:

- Retention of the north and west walls of the existing former stables, and construction of new floor slab, walls and roof to link stables into main building as a single, larger house
- Excavation of lower ground floor level under the eastern part of the main building and extending further east with new deck on top, including underpinning of the existing eastern wall of the main building.
- Construction of an attic level over the southern part of the main building
- Construction of a new pool in the garden at the eastern end of the site

We have the following comments with regard to particular aspects of the design and construction methodology that will need specific attention:

- The existing north and west walls of the existing stables appear to be generally in reasonable condition, despite the dilapidation of the timber framing of the roof and internal walls, and we see no reason why the structural adequacy and heritage integrity should be affected by the proposed works; in particular:
 - o Construction of the new concrete slab on ground and timber framed walls and roof should not affect the structural adequacy or heritage integrity of the existing walls, assuming standard good building practice, including maintenance of lateral stability by the builder during demolition and construction.
 - o Northern wall of the stables may remain, in accordance with Council requirement.
 - o Removal of soil/debris from the gap between the existing western wall and the low height boundary retaining wall must be completed, and an internal skin constructed in either brick or stud constructed with ties to the existing single skin brick wall.
- The existing main building appears to be generally in reasonable condition, and we see no reason why the structural adequacy and heritage integrity should be affected by the proposed works. The proposed works take account of Council's concerns with regard to preservation of the critical brick nog wall heritage elements, by
 - o Setting the basement in 1m from the surrounding walls on three sides;

- On the fourth (eastern) side, we have provided details and a Construction Methodology for underpinning works that will ensure the structural adequacy and heritage integrity is preserved, as indicated on Sk1 and Sk2; in particular:
 - Staged underpinning of the existing sandstone subfloor wall (which is in a very good, stable condition) in either mass brickwork or concrete the same thickness as the existing wall is to be constructed down to a depth of at least 300mm below the proposed lower ground floor slab.
 - Openings are to be saw cut into these walls, full height from slab level up to the underside of the timber bottom plate of the existing brick nog wall, through both the sandstone and the underpinning. The saw cut should stop approximately 50-20mm below the timber plate to avoid the risk of cutting the plate, and the remaining stone broken manually with lighter tools such as chisels if required (it is almost certain that the stone will break by itself once there is only 50-20mm left, but if not, manual chiselling will complete the job without risk of damage to the timber plate).
- The structural engineering drawings by Engineering Studio have been reviewed with regard to their incorporation of detailing to suit compliance with heritage-related Council requirements and SDA Structures comments (as noted above), and we are satisfied that they are adequate in this regard. Note that a full structural review of the design and detailing was not part of our review, and that responsibility for the structural adequacy of the design remains with Engineering Studio.

Yours sincerely,



Charles Blumer MIEAust, Director
SDA Structures Pty Ltd