







INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2019/417
Address	30 Hart Street, BALMAIN EAST NSW 2041
Proposal	Alterations and additions to existing dwelling-house
Date of Lodgement	22 October 2019
Applicant	Ms M J Taylor
Owner	Ms M J Taylor
Number of Submissions	Nil
Value of works	\$450 000
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%.
Main Issues	FSR variation of 19.16%
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for Alterations and additions to an existing dwelling house at 30 Hart Street, Balmain. The application was notified to surrounding properties and no submissions were received.

The main issue that arose from the application was as follows:

- Clause 4.6 variation exceeds 10%.

With the exception of the FSR development standard breach, the proposal complies with the aims and objectives of the *Leichhardt Local Environmental Plan 2013* and *Leichhardt Development Control Plan 2013*. A Clause 4.6 exception was submitted to Council to vary the maximum Floor Space Ratio development standard, which is considered acceptable.

2. Proposal

Approval is sought for the following:

- Replacement of the existing doors and windows with charcoal coloured aluminium framed doors and windows;
- A new palisade gate to the front;
- A new awning above the main entry;
- Minor internal reconfiguration of the layout;
- Installation of a photovoltaic system;
- Extension of the sandstone wall at the front; and
- To paint the dwelling in Natural White and Dark Grey for the garage and awning.

3. Site Description

The subject site is located on the northern side of Hart Street, between. The site has a total area of 233.4sqm and is legally described as Lot 25 in Deposited Plan 261793.

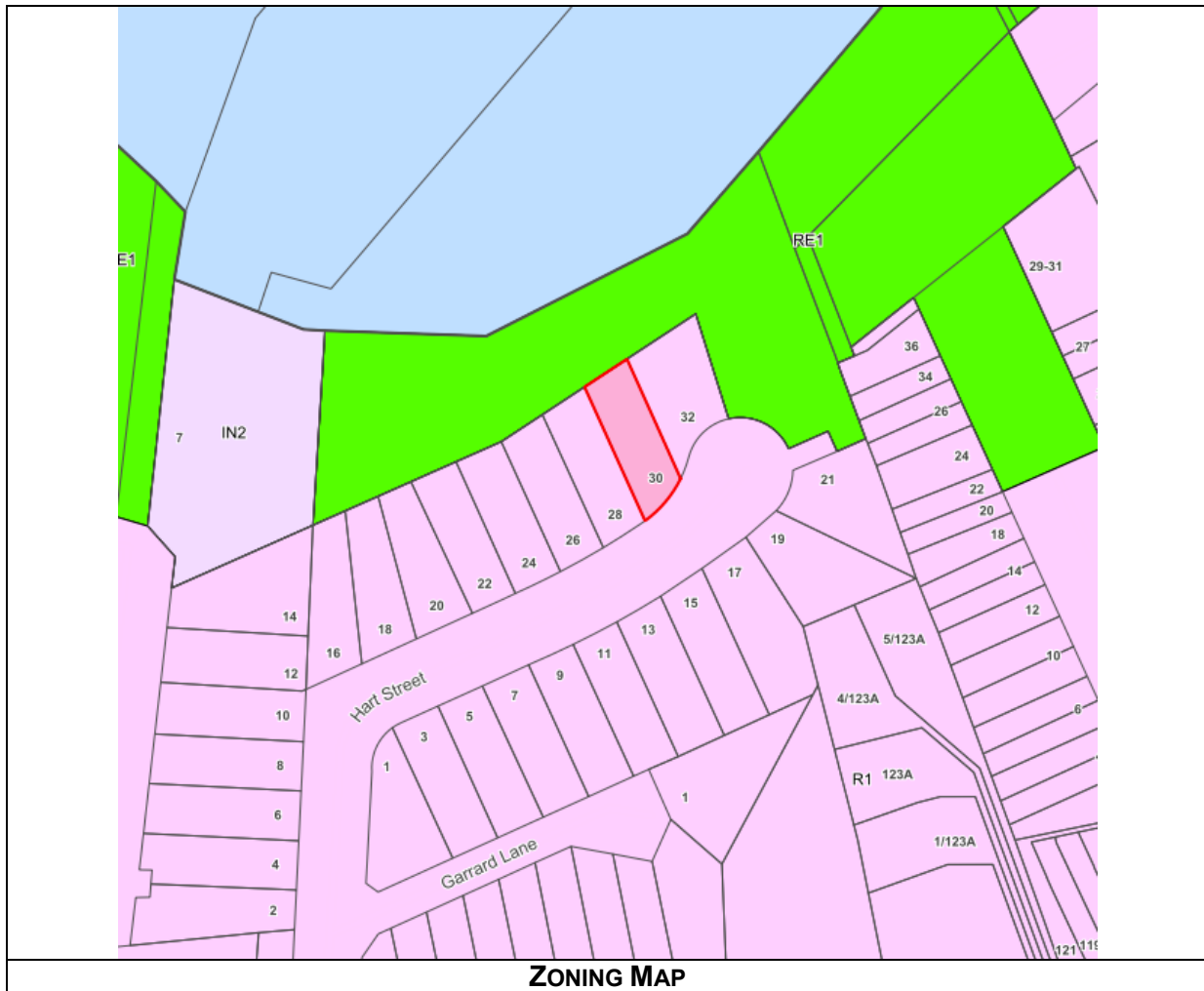
The site has a frontage to Hart Street of 10.14 metres.

The site supports one (1) three-storey detached dwelling. The adjoining properties support two-storey dwellings.

The property is not heritage listed, nor located in the immediate vicinity of any item of environmental heritage, however it is located within the *Balmain East Heritage Conservation Area*.

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

- *Eucalyptus robusta* (Swamp mahogany) - located in road reserve.
- *Jacaranda mimosifolia* (Jacaranda) - located in road reserve.
- *Corymbia ficifolia* (WA Flowering Gum) - located in road reserve.



4. Background

4(a) Site history

Subject Site

No relevant subject site history

Surrounding properties

Application	Proposal	Decision & Date
D/2011/520	Alterations and additions to the existing dwelling.	Approved 06/12/2011
M/2019/146	Alterations to approved additions - changes to/additional windows.	Approved 04/12/2019
D/2012/107	Alterations and additions to existing dwelling.	Refused 07/06/2012
D/2013/418	Part demolition, and lower ground, ground and first floor alterations and additions to existing dwelling and associated works.	Approved 19/12/2013
D/2015/349	Construction a swimming pool and associated structures in rear yard	Approved 08/12/2015

4(b) Application history

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

Date	Discussion / Letter / Additional Information
22/10/2019	Application lodged with Council
12/11/2019	Council requested additional information: <ul style="list-style-type: none"> • Copy of a title search of the property pertaining to the drainage easement at the rear of the site and whether the site benefits or is burdened from the use of this drainage easement
13/11/2019	Applicant submitted the requested information
14/11/2019	Council and the applicant discussed the following two (2) options regarding the FSR breach: <ul style="list-style-type: none"> • Option 1 – Continue the assessment as per the original plans; Clause 4.6 exception to be submitted; or • Option 2 – A design amendment to remove the proposed front entrance works so the existing FSR does not change
18/11/2019	Applicant confirmed to continue with the original proposal and submitted the Clause 4.6 exception

5. Assessment

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

5(a) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

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

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

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

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

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

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

Clause 25 requires the consent authority to take into consideration the scale, form, design and siting of any building based on an analysis of the land on and to ensure that the development maintains, protects and enhances the visual qualities of Sydney Harbour. With the exception of the replacement of existing glazed doors and windows, no works are proposed to the rear and side elevations, which would have adverse impacts in regard to the aforementioned considerations.

The proposed works to the sandstone wall at the front, new palisade gate and the extension of the entry and associated works are minor and not considered to significantly change the existing building. As a result, 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.

5(a)(iv) *State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)*

Vegetation SEPP concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP.

There are three (3) trees within the road reserve. The application was referred to Council's Tree Management Officer whose comments are summarised as follows:

- No trees on the site or within the road reserve are considered to be negatively impacted by the proposal;
- Sufficient space can be provided during the addition to the sandstone wall, located at the front of the property, via a cut out section to be provided in the wall to allow for the future growth and retention of a *Eucalyptus robusta* (Swamp mahogany), growing in the road reserve.
- As the wall will be constructed on existing footings, it is anticipated that minimal disturbance will occur to trees located within the road reserve at the front of the site.
- Minor pruning may be required from the aforementioned tree to allow room to construct the proposed awning; however, it was determined that the required pruning could be satisfied with the exempt pruning provisions in accordance with Council's Tree management Controls. In addition, the proposed awning will be constructed at a lower level than the existing.

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and *LDCP 2013 C1.14*, subject to the imposition of conditions, which have been included in the recommendation of this report.

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

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

- Clause 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 4.6 – Exceptions to development standards
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulfate Soils
- Clause 6.2 – Earthworks
- Clause 6.3 – Flood Planning
- Clause 6.4 – Stormwater Management
- Clause 6.5 – Limited Development on Foreshore Area
- Clause 6.6 – Development on the Foreshore Must Ensure Access

(i) Clause 2.3 – Zone Objectives and Land Use Table

The site is zoned R1 - General Residential under the *LLEP 2013*. Dwelling houses are permissible with consent within the zone. The development is consistent with the objectives of the R1 - General Residential zone.

(ii) Clause 2.7 – Demolition

Clause 2.7 of *LLEP 2013* states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council’s standard conditions relating to demolition are included in the recommendation.

(iii) Clause 4.3A and 4.4 – Landscaped areas for residential accommodation in Zone R1 and Floor Space Ratio

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

Standard	Proposal	Non-compliance	Complies
Floor Space Ratio Maximum permissible: 0.9:1 or 210.06sqm	1.07:1 or 250.3sqm	40.24sqm or 19.16%	No
Landscape Area Minimum required: 15% or 35.01sqm	15.94% or 37.2sqm	N/A	Yes
Site Coverage Maximum permissible: 60% or 140.04sqm	45.76% or 106.8sqm	N/A	Yes

(iv) Clause 4.6 – Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard:

- Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the floor space ratio development standard under Clause 4.6 of the *LLEP 2013* of the applicable local environmental plan by 19.16% (40.24sqm).

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the *LLEP 2013* below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the LLEP 2013 justifying the proposed contravention of the development standard which is summarised as follows:

- The proposal is only increasing the GFA by 0.81sqm, increasing the internal entrance portico by 420mm in order to replace the existing front door with a larger door, changing the window above the front door to an openable rather than fixed window, and increasing the eastern side window size to maximise light to improve accessibility, light and ventilation;
- The existing house, currently, has an awning structure at the entrance and the proposal is enclosing the first 420mm of it, the other end of the awning structure will have no change and, visually, the building envelope, overall, will not increase;
- The total increase in FSR is insignificant as it is less than one square metre;
- The proposed change will have no adverse effects on any neighbouring properties;
- The small enclosed space of the current entry awning is unnoticeable;
- The development will not detract from views and vistas of any public place, landmark or heritage item;
- Existing setbacks are not changed;
- The existing bulk and scale of the house is maintained and compatible with the existing and neighbouring properties and character of the streetscape;
- The proposal meets the objectives of the standard and is compatible with the desired future character of the area;
- The proposal provides a suitable balance between landscaped areas and built form;
- The site coverage remains well under the maximum and the landscaped area remains above the minimum; and
- The proposal satisfies the objectives of the R1 General Residential zone.

The applicant's written rationale adequately demonstrates compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered that the development is in the public interest because it is consistent with the objectives of the R1 – General Residential zone in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- The development would provide for the housing needs of the community;
- The development provides housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas;
- The development provides landscaped areas for the use and enjoyment of existing and future residents; and
- The additional FSR will not result in any undue or adverse amenity impacts on adjoining properties.

It is considered the development is in the public interest because it is consistent with the objectives of the floor space ratio standard in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- The development is compatible with the desired future character of the area in relation to building bulk, form and scale, and
- The development provides a suitable balance between landscaped areas and the built form, and
- The development minimises the impact of the bulk and scale and results in acceptable on-site and off-site amenity outcomes.

The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the applicable local environmental plan. For the reasons outlined above, there are sufficient environmental planning grounds to justify the departure from the floor space ratio development standard and it is recommended the Clause 4.6 exception be granted.

(v) Clause 5.10 – Heritage Conservation

As noted in Section 3 of this report, the subject property is located within the Balmain East Heritage Conservation Area (C3 in Schedule 5 of the Leichhardt LEP 2013) and the dwelling-house is a contributory building in the HCA. The Statement of Significance for the Balmain East Heritage Conservation Area is in the Leichhardt DCP 2013, which is available via the link below and in Attachment D at the end of this report:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/heritage-and-conservation/heritage-conservation-areas>

Clause 5.10: Heritage Conservation from the *LLEP 2013* and Sections C1.3: Alterations and additions, C1.4: Heritage conservation areas and heritage items, C.2.2.2.2: Balmain East Distinctive Neighbourhood, C2.2.2.2(b) North of Darling Street Sub Area and Section 3.6: Fences from the *LDCP 2013* applies to the proposal.

The proposed seeks to paint the dwelling in 'Natural White' and the garage and awning in 'Dark Grey'. Dark Grey is not considered characteristic of the Balmain East HCA. Therefore, the garage must be painted in the same colour as the dwelling ('Natural White').

The proposed palisade fence and gate on the northern boundary is generally acceptable, providing the total height of the palisade fence and the sandstone wall does not exceed 1.8 metres.

The photovoltaic panels proposed on the roof are acceptable as the roof form is gable with its gable end presenting to the street. This, with the 2-storey height of the dwelling, will minimise views to the panels.

The proposal is acceptable from a heritage perspective as it will not detract from the Balmain East Heritage Conservation Area. It is recommended that the following conditions be included in the consent to ensure that the development is in accordance with Clause 5.10 Objectives 1(a) and (b) in the *LLEP 2013* and the relevant objectives and controls in the *LDCP 2013*:

Design Change:

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a) That the Finishes Schedule must be updated, replacing the proposed Dark Grey for the garage with Natural White.*
- b) The palisade fence and gate proposed on the northern boundary must not exceed 1.8m in height.*

Any consent granted is recommended to be conditioned accordingly.

(vi) Clause 6.1 – Acid Sulfate Soils

The site is identified as class 5 acid sulphate soils; however, the proposed modifications are not considered to lower the watertable below 1 metre AHD.

The rear of the site is also identified as a class 2 area; however, the proposed works are not below the natural ground surface and are not considered to lower the watertable.

(vii) Clause 6.2 – Earthworks

Any excavation works are minor and will be adequately controlled by conditions of consent.

(viii) Clause 6.3 – Flood Planning

The subject site is a Foreshore Inundation Lot. The development is considered to be compatible with the flood hazard of the land, will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties and will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

(ix) Stormwater Management

No changes are proposed to the existing drainage system. Council's Development Engineer has reviewed the submitted plans and additional information submitted. Whilst the submitted stormwater concept plan indicates that the stormwater pipe is connecting to the harbour, the additional information submitted show a drainage easement to the north of the properties along the northern side of Hart Street.

Council's Development Engineer supports the application, subject to the imposition of Council's standard conditions, requesting that the drainage to be connected to the existing system and requested that the submitted stormwater plan not to be stamped with any consent granted as it is inconsistent with the existing system and drainage easement.

(x) Clause 6.5 – Limited Development on Foreshore Area

The existing dwelling-house and the proposed works are located behind the Foreshore Building Line. As a result, the proposal is acceptable as it will not cause environmental harm such as pollution or siltation of the waterway, visually impact upon the scenic quality of the waterfront, will not adversely impact on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, and will not adversely impact on drainage patterns.

(xi) Clause 6.6 – Development on the Foreshore Must Ensure Access

The proposal has no effect on existing foreshore access to and around the site.

5(b) Draft Environmental Planning Instruments

Draft Environment State Environmental Planning Policy

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of the natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018. This consolidated SEPP proposes to provide a single set of planning provisions for catchments, waterways, bushland and protected areas.

Changes proposed include consolidating seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposal is consistent with the provisions of the draft Environment SEPP.

5(c) Development Control Plans

The application has been assessed and the following relevant Development Control Plans

The following provides further discussion of the relevant issues:

5(c)(i) Leichhardt Development Control Plan 2013

The following provides a summary of the relevant provisions of the Leichhardt Development Control Plan 2013.

LDCP2013	Compliance
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
C1.3 Alterations and additions	Yes – refer to Section 5(a)(v)(v) above
C1.4 Heritage Conservation Areas and Heritage Items	Yes – refer to Section 5(a)(v)(v) above
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes – no change
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes – no change
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A – no change
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes – refer to Section 5(a)(iv) above
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	Yes – refer to Section 5(a)(v)(iii), (x) and (ix)

	above.
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
C2.2.2.2 Balmain East Distinctive Neighbourhood C2.2.2.2(b) North of Darling Street 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, subject to conditions, refer to Section 5(a)(v) above.
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes – see below
C3.10 Views	Yes
C3.11 Visual Privacy	Yes – see below
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	
Part D: Energy	
Section 1 – Energy Management	Yes – see below
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	N/A
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	N/A

E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C3.2 - Site Layout and Building Design

In regard to the proposed extension of the entry portico by 420mm at the front of the building, the following is noted:

- It does not change the existing building location zone as it is located behind the front building line of the garage, which is not an ancillary structure and, therefore, part of the main building; and
- In regard to the side boundary setback control, the proposed extension has a wall height of 2.7 metres and no setback is required; however, it is well set back from both side boundaries.

The application proposes privacy screening on the boundary to the western elevation on the lower ground and ground floor. Whilst no setback is required for the screening on the lower ground floor, the screening to the ground floor would require being setback by 1336mm as it has a height of 5114mm. However, the proposed screening is considered to be acceptable as visual privacy for the subject and the adjacent site is increased and it does not result in adverse overshadowing.

No other works are proposed in regard to the existing building footprint and the proposal does not seek changes in regard to the building envelope.

C3.9 – Solar Access

The proposal results in minimal additional overshadowing to the western adjacent property (No. 28 Hart Street) of 0.68sqm at 9am and 0.89sqm at 12pm during the winter solstice; however, a minimum of three hours of solar access is maintained to north facing glazing serving main living rooms and 50% of the total area of private open space for three hours between 9am and 3pm during the winter solstice.

C3.11 – Visual Privacy

The proposal does not result in additional overlooking opportunities for the following reasons:

- With the exception of the additional window to the proposed entry portico to the eastern ground floor elevation, no new windows / openings are proposed;
- The proposed replacement of the existing glazed doors and windows does not result in changes to existing window / opening proportions; and
- The existing deck and balcony areas are maintained and no changes to these are proposed.

Part D – Section 1 – Energy Management

The proposed photovoltaic panels are of a design, siting and materials, including colour of trim that is sympathetic to the character of the building and its streetscape context, will have minimal visual impact, and will not result in negative impacts on amenity, building fabric or heritage values of the building and its setting in the streetscape.

5(c)(ii) Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The site is located in the Landscape Character Type 7 Area in Section 3 of the *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005* (SHFWA DCP 2005), where residential development is required to be a style and form that is compatible with existing residential development.

For reasons outlined previously, the proposal only seeks to replace existing glazing, with the exception of the extension of the entry portico, and will not result in undesirable change. Therefore, it is considered that the proposal will remain compatible with the form, scale, appearance and character of the existing and immediate adjoining developments and, hence, will comply with the objectives of the *SHFWA DCP 2005*.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with the *Leichhardt Development Control Plan 2013* for a period of 14 days to surrounding properties and no submissions were received.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Advisor;
- Tree Management Officer; and
- Development Engineer.

8. Conclusion

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

The development will not result in any significant impacts on the amenity of the adjoining 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. The applicant has made a written request pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. D/2019/417 for alterations and additions to the existing dwelling house at 30 Hart Street, Balmain East, subject to the conditions listed in Attachment A below.

Attachment A – Recommended Conditions of Consent

Conditions of Consent

Fees

1. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid 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.

2. Security Deposit - Standard

Prior to the commencement of demolition works or issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$2,152.50
Inspection Fee:	\$230.65

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

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

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

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

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

General Conditions

3. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA01 – Rev B	Cover Page	22/10/2019	twarchitects
DA07 – Rev B	Proposed Sections	22/10/2019	twarchitects
DA08 – Rev B	Proposed Elevations	22/10/2019	twarchitects
DA09 – Rev B	Proposed Elevations	22/10/2019	twarchitects
DA03 – Rev B	Existing Floor Plans	22/10/2019	twarchitects
DA04 – Rev B	Existing First Floor Plan	22/10/2019	twarchitects
DA05 – Rev B	Proposed Floor Plans	22/10/2019	twarchitects
DA06 – Rev B	Proposed First Floor & Roof Plan	22/10/2019	twarchitects
A359222	BASIX Certificate	16/10/2019	Maree Taylor

As amended by the conditions of consent.

4. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a) The Finishes Schedule must be updated replacing the proposed Dark Grey for the garage with Natural White.
- b) The palisade fence and gate proposed on the northern boundary must not exceed 1.8m in height.

5. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

6. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

7. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

8. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

9. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

10. Stormwater Drainage System

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 or the or the existing site drainage system.

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising 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 and/or impacted by the works then the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road (via the existing drainage easement). Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensuring no concentration of flows or nuisance to other properties.

Prior to any Demolition

11. Advising Neighbors Prior to Excavation

At least 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.

12. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

Prior to Construction Certificate

13. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a 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. The certificate must 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.

14. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program 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.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

15. Concealment of Plumbing and Ductwork

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

16. Dilapidation Report – Pre-Development – Minor

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

During Demolition and Construction

17. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

18. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

19. Tree Protection

To protect the following tree/s, ground, trunk and branch protection must be installed prior to any works commencing in accordance with the approved Tree Protection Plan and/or with Council's Development Fact Sheet—Trees on Development Sites:

Tree №	Botanical/Common Name/Location
1	<i>Eucalyptus robusta</i> (Swamp mahogany) located in road reserve.
2	<i>Jacaranda mimosifolia</i> (Jacaranda) located in road reserve.
3	<i>Corymbia ficifolia</i> (WA Flowering Gum) located in road reserve.

Prior to Occupation Certificate

20. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

21. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that any damaged stone or brick kerb has been replaced.

Advisory notes**Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a) the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b) a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Toilet Facilities

The following facilities must be provided on the site:

- a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. 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 must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the

vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's Development Fact Sheet—Trees on Development Sites and AS4970—Protection of trees on development sites.

Tree Pruning or Removal (including root pruning/mapping)

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's Development Fact Sheet—Arborist Reports.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a) Application for any activity under that Act, including any erection of a hoarding.
- b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
- c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
- d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
- f) Development Application for demolition if demolition is not approved by this consent.
- g) Development Application for subdivision if consent for subdivision is not granted by this consent.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

Swimming Pools

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a) The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b) Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.

- c) A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d) Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e) A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f) 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.

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 must enter Council's stormwater system.

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
- b) A concrete pump across the roadway/footpath
- c) Mobile crane or any standing plant
- d) Skip bins
- e) Scaffolding/Hoardings (fencing on public land)
- f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- g) Awning or street verandah over footpath
- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Noise

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.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Construction of Vehicular Crossing

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought

safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Dial before you dig

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Useful Contacts

BASIX Information 1300 650 908 weekdays 2:00pm - 5:00pm

www.basix.nsw.gov.au

Department of Fair Trading 13 32 20

www.fairtrading.nsw.gov.au

Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Prior to You Dig 1100

www.dialprior toyoudig.com.au

Landcom 9841 8660

To purchase copies of Volume One of "Soils and Construction"

Long Service Payments Corporation 131441

www.lspc.nsw.gov.au

NSW Food Authority	1300 552 406
	www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro
	www.diysafe.nsw.gov.au
	Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555
	www.environment.nsw.gov.au
Sydney Water	13 20 92
	www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116
	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50
	www.workcover.nsw.gov.au
	Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Plans of Proposed Development

DEVELOPMENT APPLICATION - ISSUE B
30 HART STREET BALMAIN EAST NSW 2041

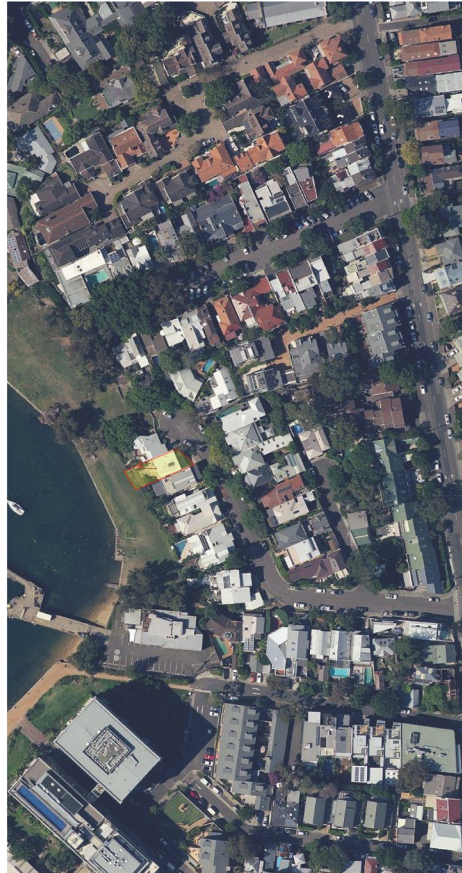
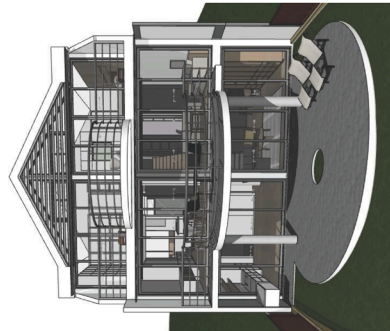
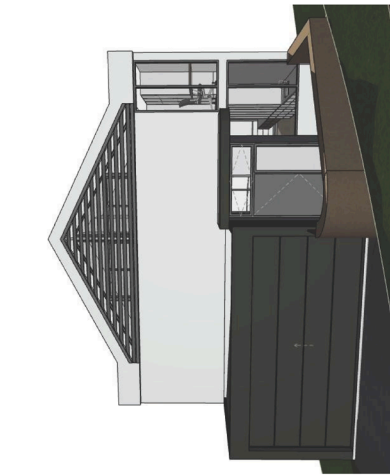


FIG. 1 - AERIAL IMAGE - 2019



PROPOSED NORTHERN FACADE / REAR VIEW



PROPOSED SOUTHERN FACADE / FRONT VIEW

DRAWING SCHEDULE

DA 01	COVER PAGE	A3
DA 02	SITE ANALYSIS	1:100 A3
DA 03	EXISTING FLOOR PLANS	1:100 A3
DA 04	EXISTING FIRST FLOOR PLAN	1:100 A3
DA 05	PROPOSED FLOOR PLANS	1:100 A3
DA 06	PROPOSED FIRST FLOOR & ROOF PLAN	1:100 A3
DA 07	PROPOSED SECTIONS	A3
DA 08	PROPOSED ELEVATIONS	A3
DA 09	PROPOSED ELEVATIONS	1:100 A3
DA 10	CONCEPT LANDSCAPE & STORM WATER PLAN	1:100 A3
DA 11	WINTER SOLSTICE - SHADOW DIAGRAM - 9AM	1:200 A3
DA 12	COMPLIANCE DIAGRAMS	1:200 A3
DA 13	COMPLIANCE DIAGRAMS	1:200 A3

FINISHES SCHEDULE

- (R1) METAL ROOF AWNING OVER DOORS
- (W1) SANDSTONE FENCE TO MATCH EXISTING
- (W2)/(W3) EXISTING WALL - NEW PAINT FINISH
- (F1) TIMBER FLOOR
- (F2) FLOOR TILES
- (F3) ROOF TERRACE PAVING
- (F4) EXTERNAL PAVING
- (S1) PRIVACY SCREEN

WALLS & ITEMS WITHIN 900MM OF BOUNDARY TO BE FIRE-RATED IN ACCORDANCE AS3959.

CHARCOAL POWDERCOATED ALUM FRAMED DOORS & WINDOWS (W1)	NATURAL WHITE - GENERAL WALLS (W2)	DARK GREY - GARAGE WALLS & AWNING (W3)
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SANDSTONE WALL TO MATCH EXISTING	NATURAL WHITE - GENERAL WALLS	DARK GREY - GARAGE WALLS & AWNING
<p>DETAILS</p> <p>CLIENT NAME M. TAYLOR</p> <p>PROJECT ADDRESS 30 HART STREET BALMAIN EAST NSW 2041</p> <p>SCALE @ A3</p>		
<p>Shop #188 Darling St Balmain NSW 2009 t 02 95593907 m 0412 464 578 e info@twarchitects.com.au w www.twarchitects.com.au a ASB 718 822 248 THURSDAY 10:00 - 18:00</p>		
<p>DA01 COVER PAGE</p>		<p>twarchitects</p>



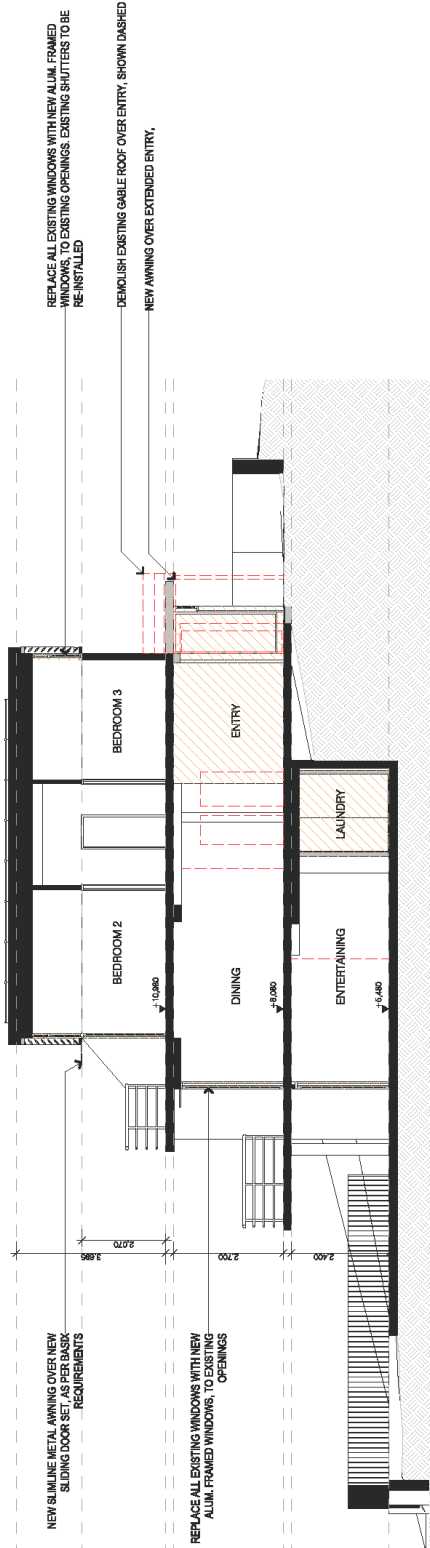
ORIENTATION

AMENDMENTS

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B	22.10.19	REVISED (N/C, REMOVAL OF BASED FRONT FENCE)

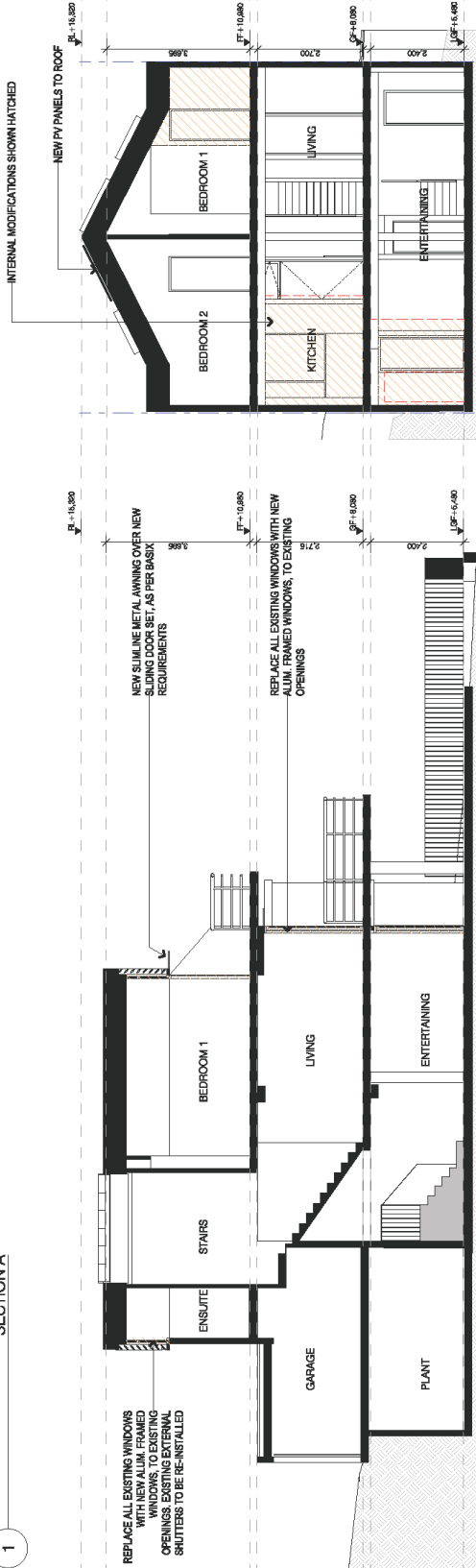
- LEGEND**
- EXISTING BUILDING FABRIC
 - PROPOSED BUILDING FABRIC
 - DEMOLISHED BUILDING FABRIC
 - PROPOSED NEW WORKS OUTSIDE OF EXISTING FOOTPRINT
 - PROPOSED NEW WORKS WITHIN EXISTING FOOTPRINT

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SECTION A

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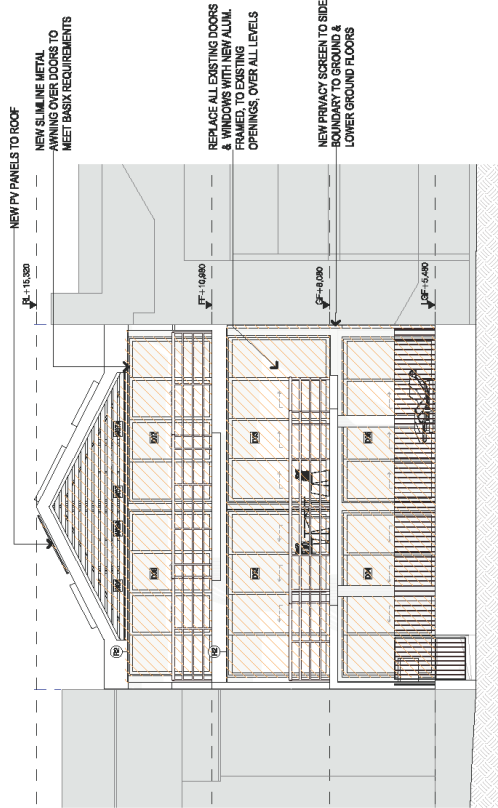
SECTION B

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SECTION C

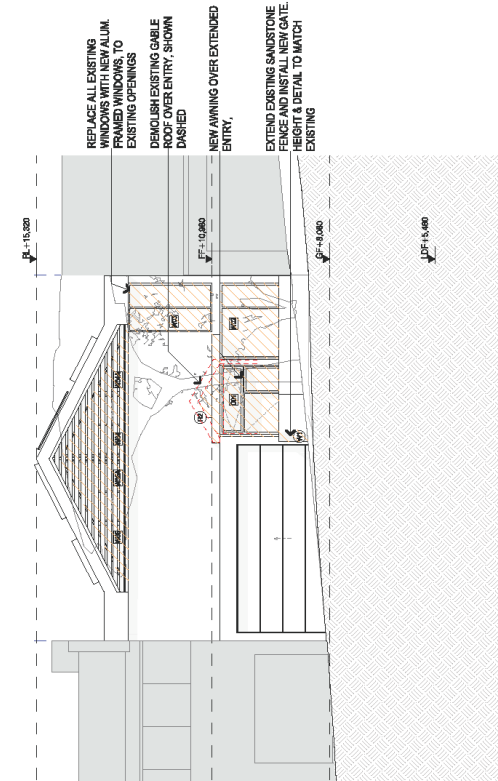
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<p>DETAILS</p> <p>CLIENT NAME M. TAYLOR</p> <p>PROJECT ADDRESS 30 HART STREET BALMAIN EAST NSW 2041</p> <p>@ 1:3</p>		<p>ARCHITECT</p> <p>DA07</p> <p>PROPOSED SECTIONS</p>		<p>Shop 4/18 Darling St Balmain NSW 2041 t 02 95532077 m 0412 094 678 a architecture@twarchitects.com.au w www.twarchitects.com.au ABN 89 718 862 249 Thomas Wile BEB 7860</p> <p>twarchitects</p>																				



NORTH ELEVATION

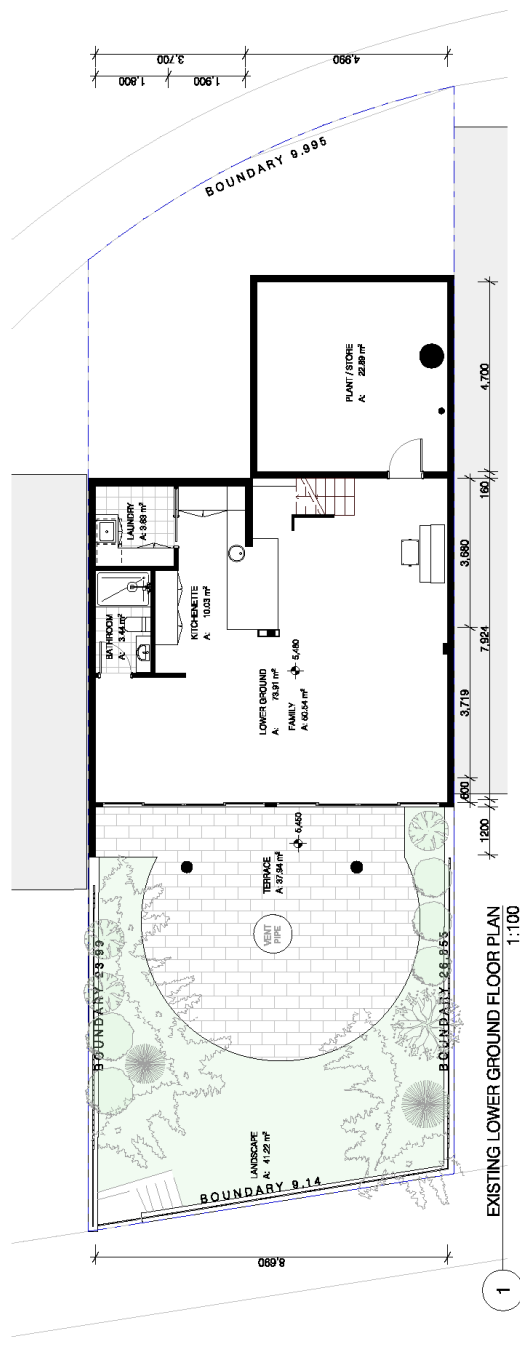
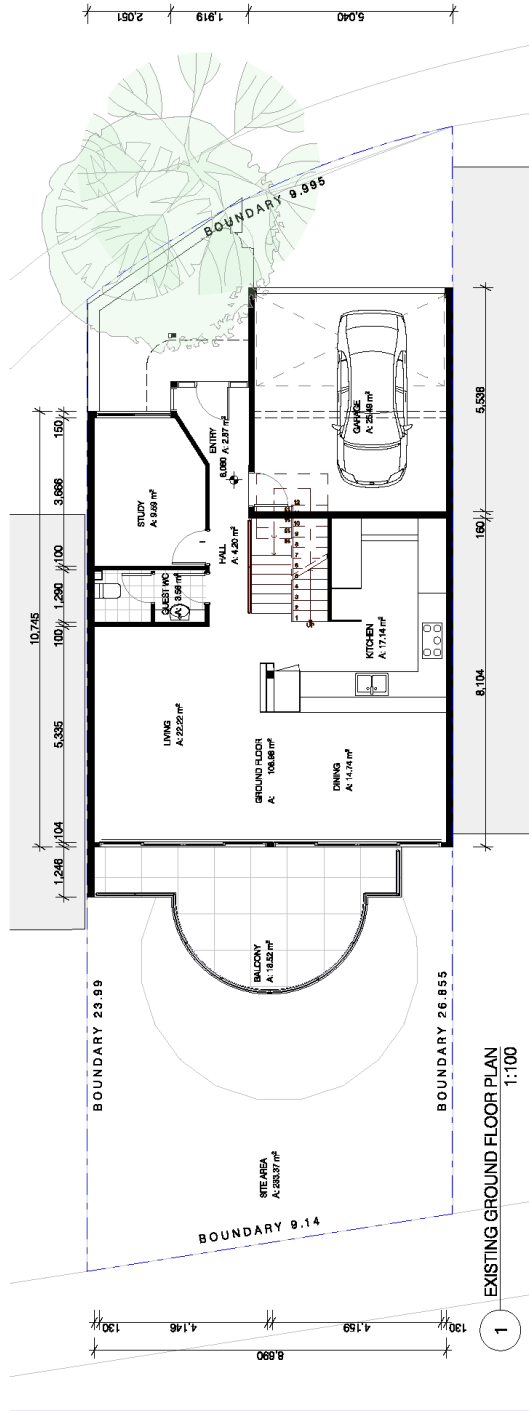
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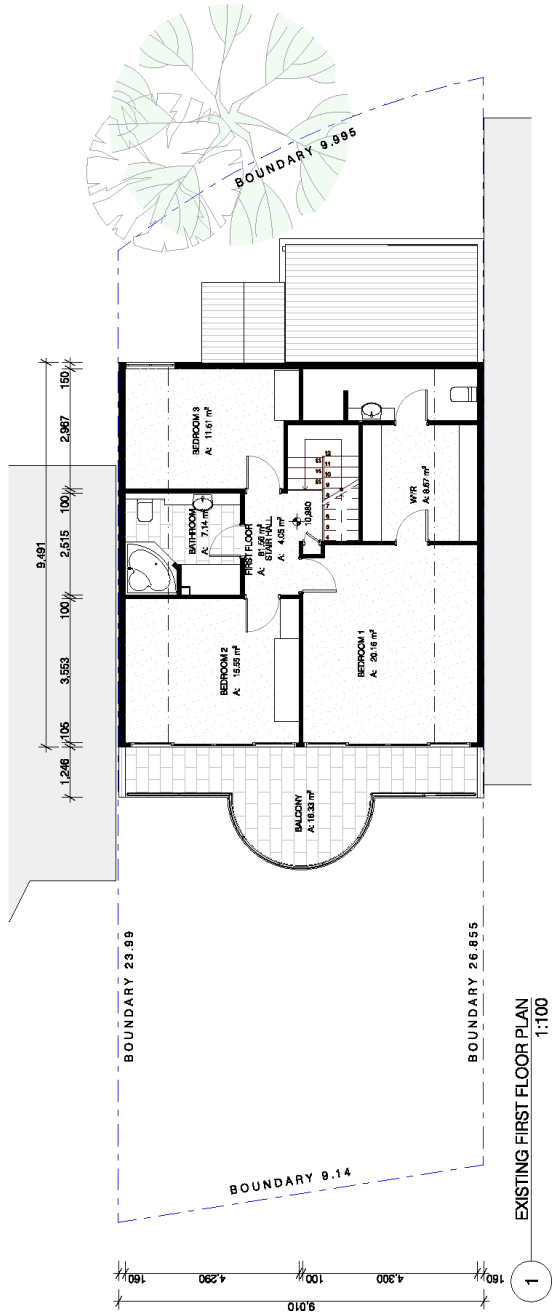
SOUTH ELEVATION

1

<p>Shop 4/180 Darling St Sydney NSW 1585 t 02 95502077 m 0412 094 678 e info@twarchitects.com.au w www.twarchitects.com.au ABN 89 718 862 249 Thomas Wills Bldg 7800 Thornhaile Wille Bldg 7800</p> <p>ARCHITECT</p> <p>DA08</p> <p>PROPOSED ELEVATIONS</p>		<p>CLIENT NAME M. TAYLOR PROJECT ADDRESS 30 HART STREET BALMAIN EAST NSW 2041 SITE @ 143</p>	<p>EXISTING BUILDING FABRIC PROPOSED BUILDING FABRIC DEMOLISHED BUILDING FABRIC PROPOSED NEW WORKS OUTSIDE OF EXISTING FOOTPRINT. PROPOSED NEW WORKS WITHIN EXISTING FOOTPRINT.</p> <p>NOT FOR CONSTRUCTION OR APPROVAL PURPOSES ONLY. DO NOT SCALE FROM DRAWINGS. THIS DRAWING REMAINS THE COPYRIGHT OF TWARCHITECTS PTY LTD. AND MUST NOT BE REPRODUCED, COPIED, REPRODUCED IN WHOLE OR PART WITHOUT THE WRITTEN AGREEMENT OF TWARCHITECTS PTY LTD.</p>									
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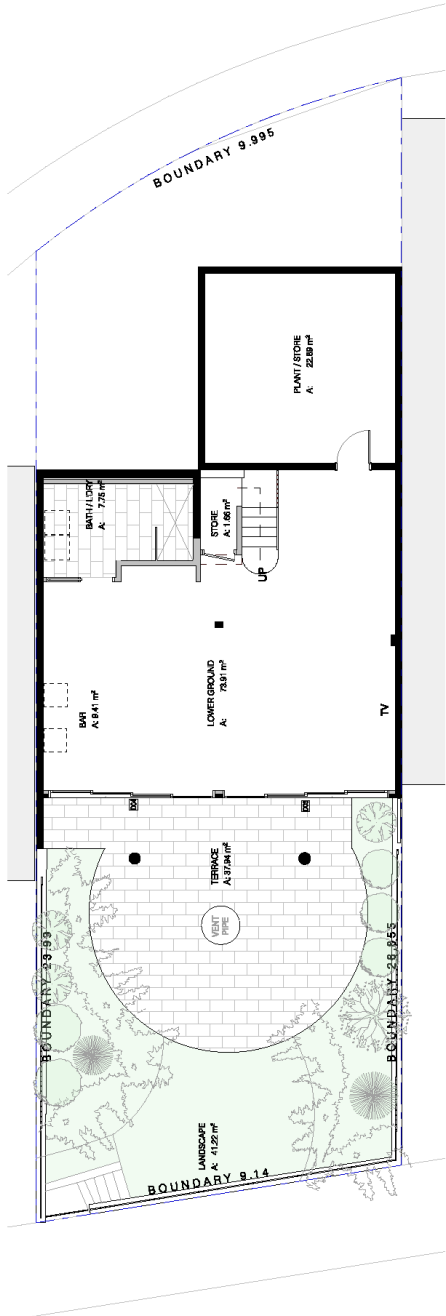


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		DA03	EXISTING FLOOR PLANS

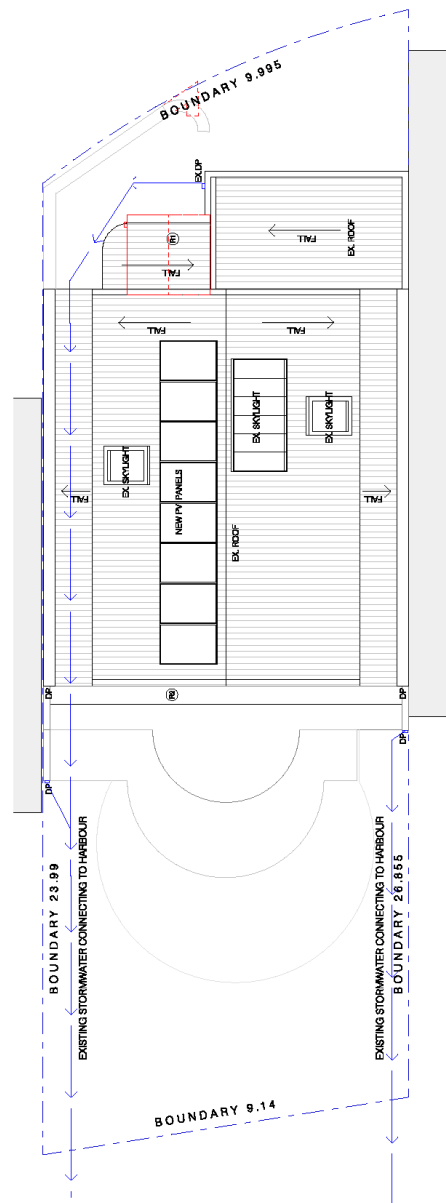


1 EXISTING FIRST FLOOR PLAN
1:100

<p>Shop 49 (180 Darling St) Level 1 Sydney NSW 1585 t 02 9550 2007 f 02 9550 2007 m 02 9550 2007 e info@twarchitects.com.au w www.twarchitects.com.au ABN 89 718 862 249 Thomas Wills BEE 7760</p>		<p>twarchitects</p>	
<p>CLIENT NAME M. TAYLOR</p>		<p>PROJECT ADDRESS 10 CHART STREET BALMAIN EAST NSW 2041</p>	
<p>SCALE 1:100 @ A3</p>		<p>DA04 EXISTING FIRST FLOOR PLAN</p>	
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<p>LEGEND</p>		<p>EXISTING BUILDING FABRIC</p>	
<p>ORIENTATION</p>		<p>AMENDMENTS</p>	
REV	DATE	AMENDMENT	
A	18.10.19	ISSUED FOR ICA	
B	22.10.19	PARSED FRONT FENCE	

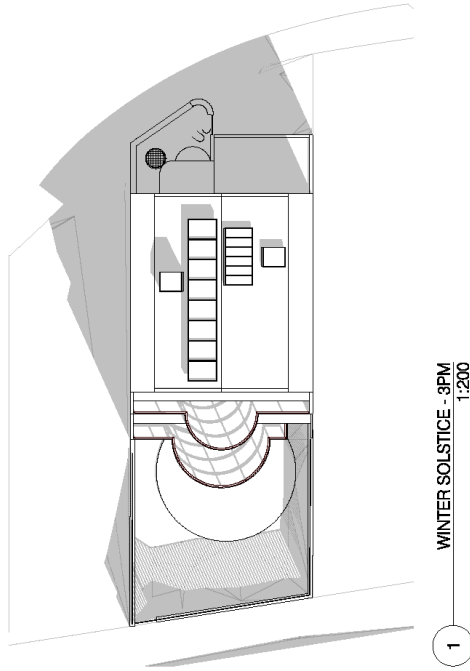


1 LANDSCAPE CONCEPT PLAN

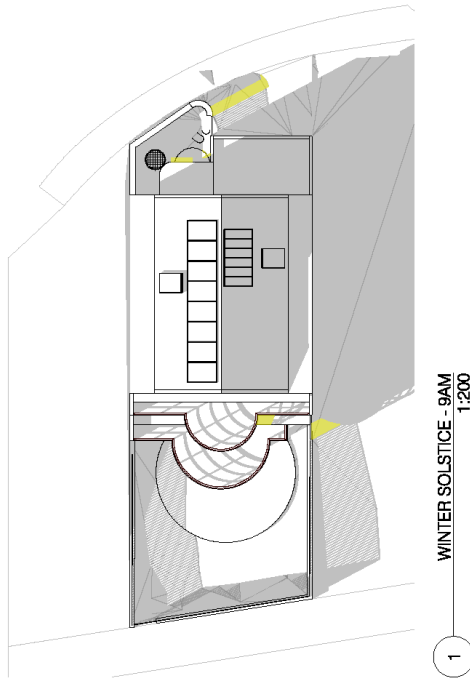


1 STORMWATER CONCEPT PLAN
1:100

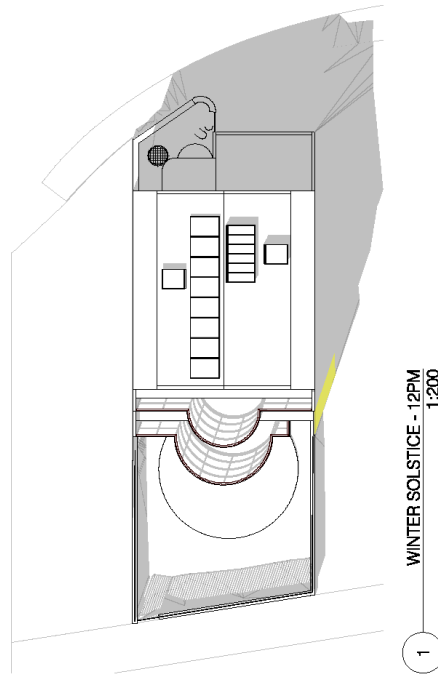
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<p>ORIENTATION</p>	<p>DETAILS</p> <p>CLIENT NAME M. TAYLOR</p> <p>PROJECT ADDRESS 30 HART STREET BALMAIN EAST NSW 2041</p> <p>SCALE 1:100 @ A3</p> <p>CONCEPT LANDSCAPE & STORM WATER PLAN</p> <p>DA10</p> <p>ARCHITECT</p> <p>twarchitects</p> <p>Shop 4/180 Darling St Balmain NSW 2039 t 02 95502071 m 0412 494 676 e info@twarchitects.com.au w www.twarchitects.com.au ABN 89 718 852 249 Thomas Wills REG 7160</p>



1 WINTER SOLSTICE - 3PM
1:200



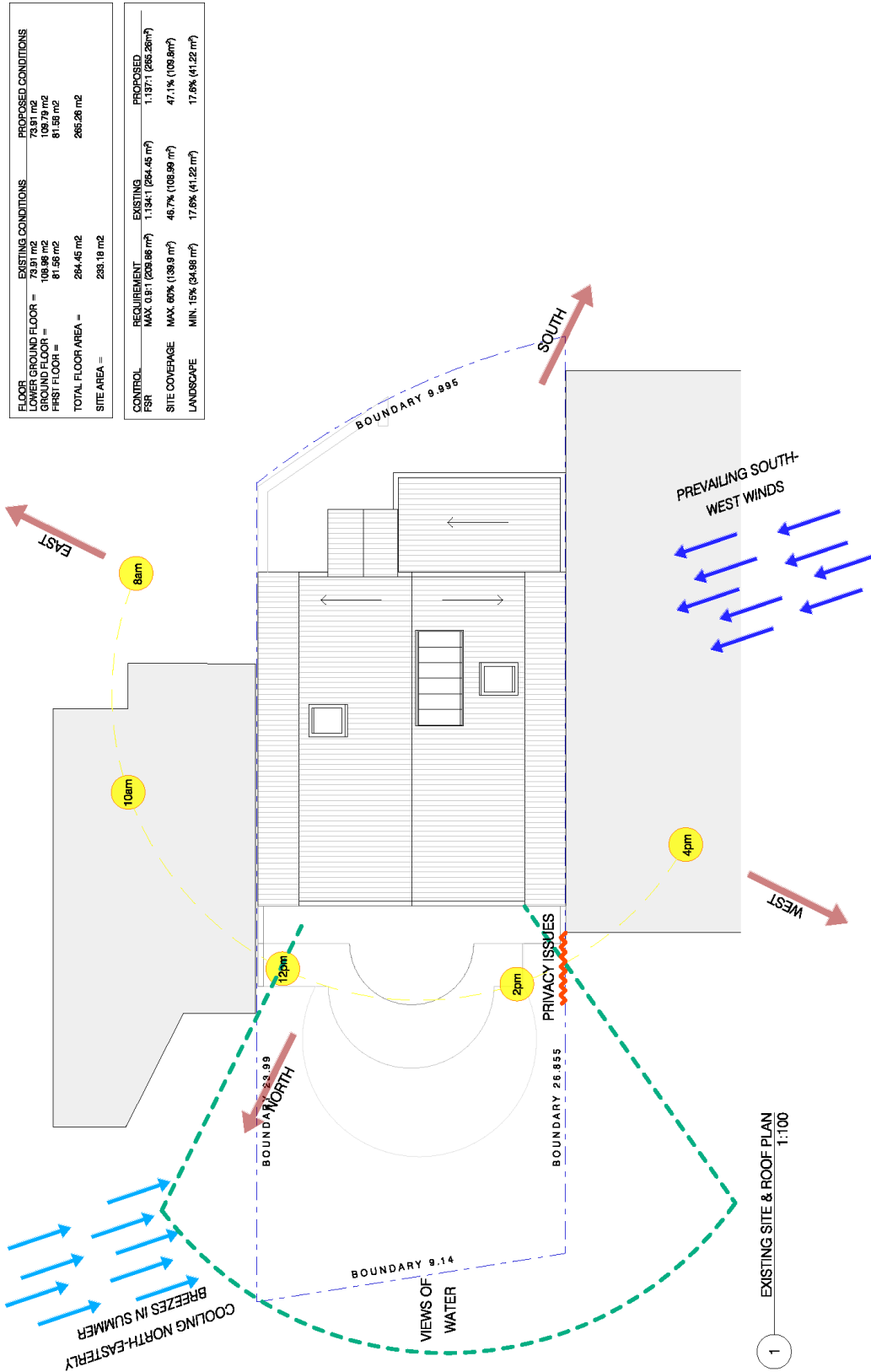
1 WINTER SOLSTICE - 9AM
1:200



1 WINTER SOLSTICE - 12PM
1:200

NO ADDITIONAL
OVERSHADOWING TO
NEIGHBOUR'S PRIVATE
OPEN SPACE.

<p>Shop 4/180 Darling St Sydney NSW 1585 t 02 9550 2007 m 02 9550 2007 e info@twarchitects.com.au w www.twarchitects.com.au ABN 89 718 862 249 Thomas Wile BEQ 7760</p> <p>twarchitects</p>										
<p>ARCHITECT</p>										
<p>CLIENT NAME M. TAYLOR PROJECT ADDRESS 50 HART STREET BALMAIN EAST NSW 2041 SYDNEY NSW 1200 @ A3</p>										
<p>DA 11 WINTER SOLSTICE - SHADOW DIAGRAM - 9AM</p>										
<p>DETAILS</p>										
<p>EXISTING BUILDING FABRIC DEMOLISHED BUILDING FABRIC PROPOSED NEW WORKS OUTSIDE OF EXISTING FOOTPRINT. NEW WORKS WITHIN EXISTING FOOTPRINT. ADDITIONAL COVER SHADOWS CALLED BY PERSONAL NOT FOR CONSTRUCTION OR APPROVAL PURPOSES ONLY. DO NOT SCALE FROM DRAWINGS. THIS DRAWING REMAINS THE COPYRIGHT OF TWARCHITECTS PTY. LTD AND MUST NOT BE REPRODUCED, COPIED, REPRODUCED IN WHOLE OR PART EXCEPT BY WRITTEN AGREEMENT OF TWARCHITECTS PTY. LTD.</p>	<p>LEGEND</p>									
<p>AMENDMENTS</p> <table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>AMENDMENT</th> </tr> <tr> <td>A</td> <td>18.10.19</td> <td>ISSUED FOR ICA</td> </tr> <tr> <td>B</td> <td>22.10.19</td> <td>PAISED FRONT FENCE</td> </tr> </table>	REV	DATE	AMENDMENT	A	18.10.19	ISSUED FOR ICA	B	22.10.19	PAISED FRONT FENCE	<p>ORIENTATION</p>
REV	DATE	AMENDMENT								
A	18.10.19	ISSUED FOR ICA								
B	22.10.19	PAISED FRONT FENCE								

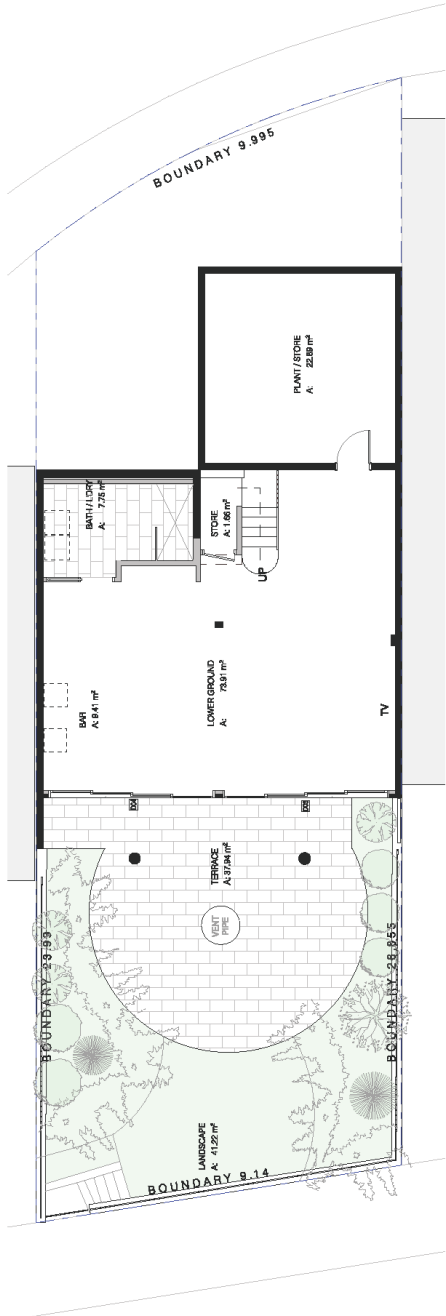


EXISTING CONDITIONS		PROPOSED CONDITIONS	
FLOOR LOWER GROUND FLOOR =	73.91 m ²	FLOOR LOWER GROUND FLOOR =	73.91 m ²
GROUND FLOOR =	108.98 m ²	GROUND FLOOR =	109.79 m ²
FIRST FLOOR =	81.56 m ²	FIRST FLOOR =	81.56 m ²
TOTAL FLOOR AREA =	264.45 m ²	TOTAL FLOOR AREA =	265.26 m ²
SITE AREA =	233.18 m ²		

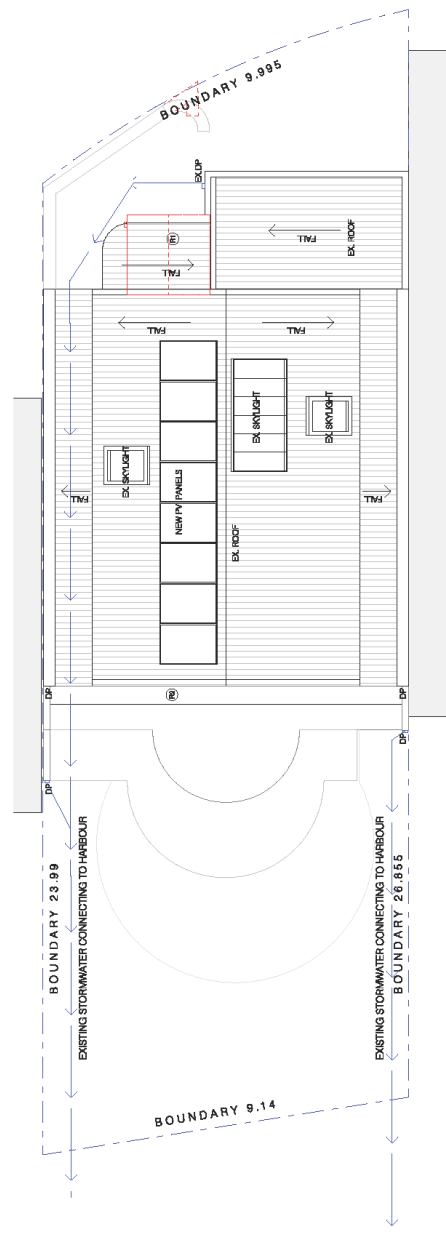
REQUIREMENT		EXISTING		PROPOSED	
CONTROL	FSR	MAX. 0.3:1 (208.86 m ²)	1:1.54:1 (204.45 m ²)	1:1.57:1 (203.26 m ²)	
SITE COVERAGE	MAX. 60% (138.9 m ²)	46.7% (108.98 m ²)	47.1% (109.8 m ²)		
LANDSCAPE	MIN. 15% (34.96 m ²)	17.6% (41.22 m ²)	17.6% (41.22 m ²)		

1 EXISTING SITE & ROOF PLAN
1:100

AMENDMENTS	
REV	DATE
A	18.10.19
B	22.10.19
ISSUED FOR ICA	
PARSED FRONT FENCE	
REMOVAL OF	
ORIENTATION	
LEGEND	
EXISTING BUILDING FABRIC	
PROPOSED BUILDING FABRIC	
DEMOLISHED BUILDING FABRIC	
PROPOSED NEW WORKS OUTSIDE OF EXISTING FOOTPRINT.	
PROPOSED NEW WORKS WITHIN EXISTING FOOTPRINT.	
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DETAILS	
CLIENT NAME	M. TAYLOR
PROJECT ADDRESS	10 HART STREET BALMAIN EAST NSW 2041
SCALE	1:100 @ A3
ARCHITECT	
DA02	
SITE ANALYSIS	
Shop 4/180 Darling St Balmain NSW 2041 t 02 95502071 m 0412 044 678 www.twarchitects.com.au w www.twarchitects.com.au ABN 89 718 862 249 Thomas Wile REG 7160	
twarchitects	



1 LANDSCAPE CONCEPT PLAN



1 STORMWATER CONCEPT PLAN
1:100

AMENDMENTS	
REV	DATE
A	18.10.19
B	22.10.19
ISSUED FOR DA PAISED FRONT FENCE	
AMENDMENT	
REMOVAL OF FENCE INTO REMOVAL OF PAISED FRONT FENCE	
ORIENTATION	
LEGEND	
	EXISTING BUILDING FABRIC
	PROPOSED BUILDING FABRIC
	DEMOLISHED BUILDING FABRIC
	PROPOSED NEW WORKS OUTSIDE OF EXISTING FOOTPRINT.
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DETAILS	
CLIENT NAME	M. TAYLOR
PROJECT ADDRESS	10 HART STREET BALMAIN EAST NSW 2041
SCALE	1:100 @ A3
DA10	
CONCEPT LANDSCAPE & STORM WATER PLAN	
ARCHITECT	
Shop 4/180 Darling St Balmain NSW 2039 t 02 95520077 m 0412 094 678 e info@twarchitects.com.au w www.twarchitects.com.au ABN 89 718 852 249 Thomas Wills REG 7860	
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Attachment C- Clause 4.6 Exception to Development Standards



INNER WEST COUNCIL

DEVELOPMENT APPLICATIONS EXCEPTIONS TO DEVELOPMENT STANDARDS PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

DEVELOPMENT APPLICATION DETAILS:

Address:	30 Hart street, Balmain East 2041
Proposed Development:	To upgrade the thermal properties and sustainability of the house and renovate the interiors. The major changes are to replace the glazing throughout, on all 3 floors, installation of a photovoltaic system and update kitchen, bathrooms and laund.
I wish to lodge a request to vary the following development standard for the reasons indicated:	

WHAT IS THE STANDARD SOUGHT TO BE VARIED?

- Floor Space Ratio** – Clause 4.4 or 4.4A of LEP 2013
- Landscaped Area** – Clause 4.3A(3)(a) of LEP 2013
- Site Coverage** – Clause 4.3A(3)(b) of LEP 2013
- Subdivision Allotment size** – Clause 4.1 of LEP 2013
- Foreshore Building Area** – Clause 6.5 of LEP 2013
- Diverse Housing** – Clause 6.13 of LEP 2013

The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items

Where an applicant wishes to vary a development standard, the application must be accompanied by a well-founded, written request which seeks to justify the contravention of the development standard by demonstrating:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case
- b. that there are sufficient environmental planning grounds to justify contravening the development standard.

What are the environmental planning grounds that justify contravening the development standard?

*This project is predominantly about improving the thermal properties and sustainability of the house, with the primary work replacing all the glazing throughout the house, upgrading from low performance 1980's windows to significantly improved thermal properties. As part of this we are also planning improvements in ventilation.

*The one minor change that increases the FSR by .81sqm is that we are seeking to extend the internal entrance portico by 420mm.

*We are proposing this because we are replacing the front door with a larger door, changing the window above the front door to a working (rather than current fixed) window, and increasing the eastern side current window size to further maximise the light. These small changes are proposed to improve accessibility, increase the natural light in the entrance/southern side of the house (whilst still achieving basic standards) improve cross ventilation and with all of this still maintaining security. We are unable to achieve these improved accessibility, light, and ventilation objectives in this area if we stay within the current boundary of the entrance portico.

*The house currently has an awning structure at the entrance to the house, so this proposed entrance portico would simply enclose the first 420mm of it. The other end of the awning structure will have no change, hence, visually, the building envelope overall will not increase, but simply the external awning area will be enclosed by 420mm.

Why is compliance with the standard unreasonable or unnecessary?

What are the special circumstances in this case?

(To answer consider whether a development that complies is unnecessary or unreasonable)

We believe that the standard is unnecessary and unreasonable with regard to our application for the following reasons:

* The total increase of floor space is insignificant at less than one square metre (.81sqm).

* This .81sqm movement is in the form of partial enclosure of the external overhang/portico and hence the building envelope has no visual change

*The proposed change will have no adverse effects on any neighbouring properties. There is no impact with regard to overshadowing, privacy, or view. The small enclosed space of the current entry awning is arguably unnoticeable. This is evident with no neighbour objections.

*The development will not detract from views and vistas of any public place, landmark or heritage item (including night views) to and from Sydney Harbour.

*The proposed change does not change the existing setbacks

* In terms of FSR, this very small change of .81sqm maintains the house being consistent with the bulk and scale of the existing house and the neighbouring properties which were all built in the 1980's. It maintains its current compatibility with the character, style, orientation and pattern of the surrounding houses, streetscapes and landscaped areas.

Is the proposed development consistent with the objectives of the particular standard?

Is the proposal consistent with the objectives of the relevant zone?

*The proposal meets the objectives of the standard in that it is compatible with the desired future character of the area in relation to building bulk, form and scale, it provides a suitable balance between landscaped areas and the built form, and it minimises the impact of the bulk and scale of buildings.

*Site coverage % remains well under the maximum and landscape remains above the minimum.

* The proposed development satisfies the objectives of the R1 General Residential Zone. In particular, the proposal is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.

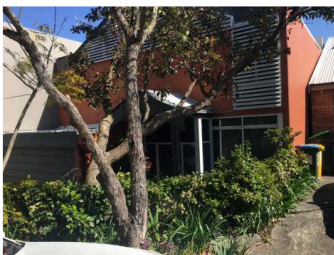
Attachment D – Heritage Impact Statement

15 October 2019

Senior Planning Officer
Inner West Council

To whom it may concern,

HERITAGE IMPACT STATEMENT 30 Hart Street East Balmain 2041



Current



Proposed

The site is located within a well-established residential street which was subdivided in the early 1980's with dwellings being built from 1981 – 1985. Prior to the subdivision the land was part of the slip way that operated for many years supporting Balmain's shipping industry.

This site is located within a heritage conservation area however there is no heritage items located within this street or within 80m of the site. This street is a rare street for the Balmain peninsular as it was only established in the 1980's through a subdivision.

The surrounding streetscape is characterized by 2-3 story detached dwellings with zero side boundaries in most cases, with a variety of architectural styles utilizing timber, brick, concrete and sandstone. While there is variety in the architectural styles and façade treatment there is little unifying aesthetic appearance or character. However there is a strong likeness between building form in relation to the height and mass.

The site is 233.4m², generally rectangular in shape, with a 9.14m north western boundary at the rear to Propeller Park which is located within Mort Bay. The southern front boundary of 9.99m connects to Hart Street.

The site contains a three storey dwelling which reads as a two storey dwelling from the street frontage on the southern boundary (Hart Street). The dwelling is freestanding, concrete constructed tilt up built in 1984. The dwelling is painted concrete with a pitched colorbond roof.

Existing landscaped open space area (aprox 40m²) includes a level lawn area at the rear of the site enclosed in sandstone walls and three large trees located along the western side boundary at the rear.

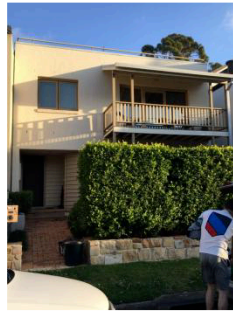
There are established gardens existing on the internal and external parameters of the site at the rear. A sandstone fence is located along 50% of the front boundary of the site (Hart St) with vehicle access to the site (off street double garage).

There have been no changes or additions from the original site build since 1984.

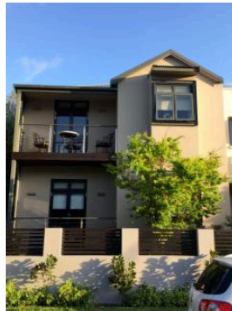
The street remains unique as the street was built in 1984 after a subdivision was completed. Below are pictures that show the current streetscape within Hart Street:-



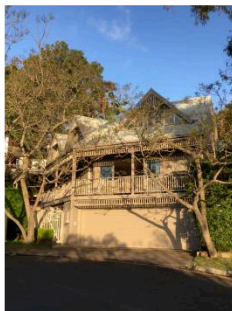
18 Hart St



3 Hart Street



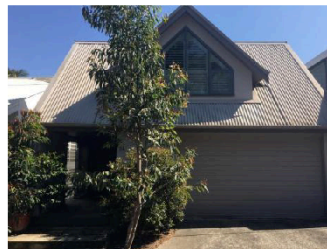
5 Hart Street



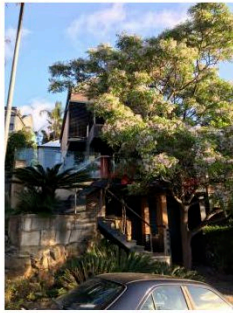
21 Hart Street



22 Hart Street



24 Hart Street



17 Hart Street



19 Hart Street



20 Hart Street



26 Hart Street



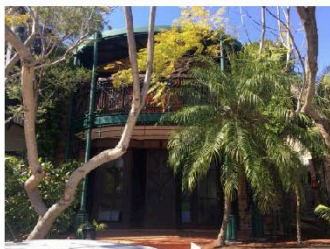
28 Hart Street (western neighbor)



32 Hart Street (eastern neighbor)



15 Hart (directly opposite)



11 Hart Street



13 Hart Street

We are seeking the following minor modifications to improve security, ventilation and thermal properties of the existing dwelling. These modifications include:-

- Replace all existing window and door glazing
- Add a metal palisade gate for security and privacy
- Partially enclose the existing covered entry to enable an oversized door to be installed with the new glazing to improve the cross ventilation
- Installation of a photovoltaic system

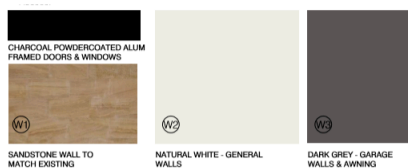
There is no impacts from the proposed development on our neighbors. The partial enclosing of the existing doorway utilizes a current undercover area at the front door. The removing of one glazed window from the front but relocating it to the eastern side to ensure that the existing light captured today is maintained in the improved portico. There is no change to the building height or the existing setbacks that have been in place since the original build in 1984.

The positive impacts fall within two broad groups, (a)for the owners of the dwelling and (b)the surrounding neighbors are outlined below:-

(a) The owners will be able to utilize new glazing technology (not available in the 1980's) to improve the temperature regulation taking advantage to passive solar design. Currently there is limited cross ventilation on 2 levels. The window configuration changes ie 30% of fixed sliding doors become movable enabling air flow to move through the dwelling. The back of the house faces Propeller Park making it north. The installation of the photovoltaic system will reduce the dwellings environmental footprint as well as generating energy back to the grid.

(b) The neighbors or people enjoying the park will see no difference from today as the current glazing will be replaced in the same size and shape. The photovoltaic's will not impact any views due to the installation being on an existing gable roof.

The external finishes are noted below



The architectural plans (30 Hart Street East Balmain – Plans Full Set.pdf) show the proposed alterations as well as the overshadowing plans,

landscape plans, elevations and sections and materials details for this proposed development.

There is no additional standards that need to be employed during the project to protect the dwelling as it is not a conservation item.

In conclusion, the established heritage values and guidelines are not impacted. In fact the current proposed changes we believe are a positive non impacting change to the owners, the neighbors and the wider Balmain community.

Maree Taylor

Maree Taylor