






INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	M/2019/170
Address	80 Evans Street, Rozelle NSW
Proposal	Modification of Development Consent D/2015/258 for various changes including internal changes to layout and adjusting the attic level bedroom
Date of Lodgement	08 October 2019
Applicant	Oikos Architects
Owner	Peter G Nobbs
Number of Submissions	One
Value of works	\$362,000
Reason for determination at Planning Panel	Floor Space Ratio exceeds officer delegations.
Main Issues	Floor Space Ratio Variation, Design of attic level Dormer and balcony,
Recommendation	Approval with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Development Consent Determination D/2015/258
Attachment D	Approved Plans Determination D/2015/258



LOCALITY MAP

Subject Site		Objectors		 N
Notified Area		Supporters		

1. Executive Summary

This report concerns an application under Section 4.55(2) of the Environmental Planning and Assessment Act, 1979 to modify Determination No. D/2015/258 dated 8 December 2015 to convert existing attic into new bedroom with balcony, lowering the living room to existing ground level and internal configuration changes to ground floor of the dwelling.

The application was notified in accordance with Council's notification policy and 1 submission was received regarding the location of existing party wall and the impact of excavation for new living room on the party wall and neighbouring walls.

The main issues that have arisen from the application include:

- Floor Space Ratio
- Landscape Area
- The design of attic level dormer with rear balcony.
- The construction of new car parking space to rear of dwelling.

The non-compliances are acceptable given the additions will not increase the overall height of the dwelling and are not visible from primary street frontage, therefore the application is recommended for approval subject to conditions.

2. Proposal

This application seeks consent to modify Development Consent No. D/2015/258 pursuant to the provisions of Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979 in the following way:

- Reconfigure the proposed ground floor with stepped-down design for living space, which is to exit onto private open space at ground level.
- Changes to 1st floor internal configuration and construction of new balcony from bedroom 1
- Changes to attic roof form to create bedroom 3 in existing attic space with larger balcony
- Redesign parking space to comply with Australian standards
- Provide the required landscaped space with modified design.

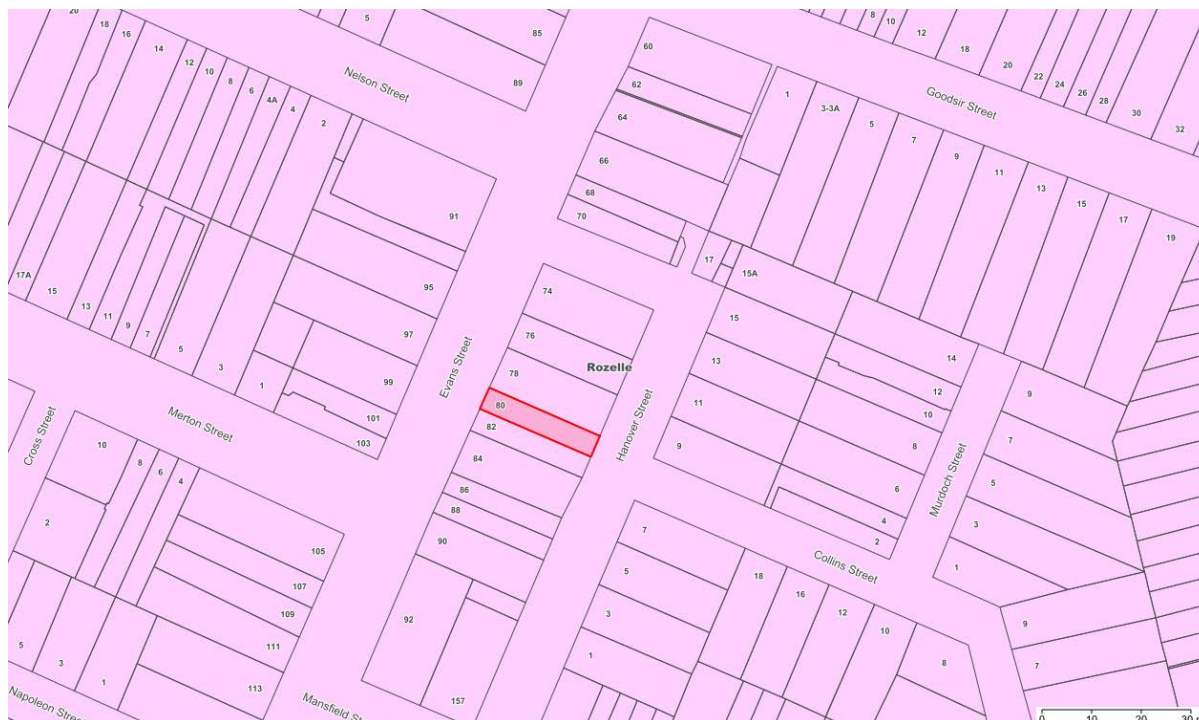
3. Site Description

The subject site is located on the Eastern side of Evans Street and the Western side of Hanover Street, North of Mansfield Street and is legally described as Lot 1 in DP 100303.

The site is a single allotment rectangular in shape with a total area of 109.7m² and has a frontage of 4.57m to Evans Street; a second frontage to Hanover Street of 4.57m; and side boundaries of 23.985m.

Presently the site accommodates a 2 storey attached terrace with attic addition. The adjoining properties consist of 2 storey terraces, some with car ports within the rear courtyard.

The subject site is not a heritage item but is located within The Valley (Rozelle and Balmain) conservation area. The site is located in close proximity to Heritage Items at 101 and 103 Evans Street, Balmain. The site is not identified as a flood control lot. There is no significant vegetation on the site.



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 & Date
DA/375/1995	Attic Room	
BA/1995/615	Attic Room	Approved – 4/10/1995
D/2015/258	Alterations and additions to the existing dwelling including rear extensions at lower ground, ground and first floor levels, with garage and terrace off Hanover Street	Approved subject to conditions by IWLPP - 8/12/2015

Application	Proposal	Decision & Date
D/2001/472	78 Evans Street - First floor addition to the existing dwelling.	Approved 20/02/2002
M/2006/625	78 Evans Street - Modifications include extending the depth of the extension, altering the size of the rear balcony, providing eaves overhangs to the \ gable roof and deleting a north facing window	Approved 12/12/2006
BC/2016/22	82 Evans Street - Extension of existing approved balcony to level 2 bedroom from 600 to 1460 deep.	Approved 26/05/2016
D/2016/45	84 Evans Street - Demolition of existing rear area and garage. Construction of a new three storey rear addition, landscaping, pool and car space.	Approved 31/03/2016
M/2017/14	84 Evans Street - Modifications include extension of the ground and first floor rear addition, new ground floor rear balcony, amendments to openings and increase in the maximum height of the addition.	Approved 15/03/2017
M/2019/187	84 Evans Street - involving internal and external changes.	Approved 28/11/2019

4(b) [Application history](#)

Not applicable

5. Section 4.55 Assessment

Under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979, Council, when considering a request to modify a Determination must:

- a) Be satisfied that the development as modified is substantially the same development as the development for which consent was originally granted
- b) Consult with any relevant authority or approval body
- c) Notify the application in accordance with the regulations
- d) Consider any submissions made
- e) Take into consideration the matters referred to in Section 4.15 that are relevant to the development the subject of the modification application.

The development being modified is substantially the same development as the development for which consent was originally granted. No authorities or bodies were required to be consulted. The application was notified in accordance with the regulations and Council's notification policy and 1submissions was received.

6. 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*.

6(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*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environment Plan 2013 (LLEP 2013)*

The following provides further discussion of the relevant issues:

6(a)(i) ***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 4.6 - Exceptions to development standards
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 Leichhardt Local Environmental Plan 2013 and the proposal is permissible in the zone and is consistent with the planning objectives for the area.

Clause 4.3A & 4.4 – Development Standards

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

Standard	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 0.9:1 or 98.73 sqm	1.18:1 or 129.25 sqm	30.52 sqm or 30.91%	No - Approval with D/2015/258 to 1.07:1
Landscape Area Minimum permissible: 15% or 16.45 sqm	14.1% or 15.47sqm	0.985sqm or 5.99%	No - conditioned as requiring 15.25sqm with D/2015/258
Site Coverage Maximum permissible: 60% or 65.82 sqm	59.97% or 65.79sqm	N/A	Yes

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the modified proposal results in a breach of the Floor Space Ratio and Landscape Area development standards.

The applicant seeks a variation to the FSR development standard by 30.91% (30.52sqm) under Clause 4.4 and a variation to the Landscape Area development standard under Clause 4.3A(3)(a) by 5.99% (0.98sqm) of the Leichhardt Local Environmental Plan 2013.

Pursuant to *Gann & Anor v Sutherland Shire Council* [2008] NSWLEC 157, the Land and Environment Court has held that there is power to modify a development application where the modification would result in a breach or further breach of development standards without the need to lodge variation requests (in this case under Clause 4.6 of the LLEP2013 – Exceptions to Development Standards).

Therefore the modification of a development consent which results in a new or modified variation to a development standard, does not require the submission of a written request for an exception to a development standard pursuant to Clause 4.6 of LLEP 2013. However, Council is still required to conduct an assessment of any new breaches of a development standard.

Had a Clause 4.6 request been required, seeking consent to contravene the Floor Space Ratio and Landscape Area standards, the request would have been considered favourably in this instance for the following reasons:

- The modified proposal does not seek to increase the overall building height and the proposal would result in negligible impact to the solar access to adjoining properties compared to the approved development.
- The proposal does not result in any significant additional adverse amenity impacts upon the surrounding properties.
- The proposed dwelling is of similar bulk and scale to adjoining dwellings and does not result in view loss.
- The proposal exceeds the current provisions for landscaped area and provides a suitable opportunity tree planting and use as open space.

- The size and scale of the modified development continues to contribute to the desired future character of the area.
- The proposal complies and Site Coverage standards and improves the existing landscaped area, providing a suitable balance between landscaped areas and the built form.
- The proposal is considered acceptable with regard to the objectives of the R1 General Residential zone.
- The proposal is considered acceptable with regard to the objectives of Clause 4.4 Floor Space Ratio.
- The proposal is considered acceptable with regard to the objectives of Clause 4.3A(3)(a) landscape area.

Therefore, compliance with the maximum FSR and minimum Landscape Area development standards is considered to be unreasonable in the circumstances. The proposed modification involving a departure from the FSR and Landscape Area development standards is therefore supported.

Clause 5.10 - Heritage Conservation

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

The application was referred to Council's Heritage Advisor who supports the application subject to a number of conditions of consent focused on the attic level dormer and rear balcony. Refer to Section 5(c) of this report for further discussion regarding heritage requirements.

Clause 6.2 - Earthworks

The relevant objectives of this Clause state, inter alia:

"(3) 1.07:1 Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development."*

The modified application has significantly reduced the amount of excavation proposed with the new lower ground floor area to be 1m higher than the original proposal. The modification was referred to Council's Development Engineer who supports the application subject to a number of conditions of consent.

6(b) Draft Environmental Planning Instruments

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of this application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020

6(c) Development Control Plans

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

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	Yes
B3.1 Social Impact Assessment	Not applicable
B3.2 Events and Activities in the Public Domain (Special Events)	Not applicable
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes – see discussion
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes – see discussion
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	Not applicable
C1.6 Subdivision	Not applicable
C1.7 Site Facilities	Yes
C1.8 Contamination	Not applicable
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes – see discussion
C1.12 Landscaping	Yes – see discussion
C1.13 Open Space Design Within the Public Domain	Not applicable
C1.14 Tree Management	Not applicable
C1.15 Signs and Outdoor Advertising	Not applicable
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Not applicable
C1.17 Minor Architectural Details	Not applicable
C1.18 Laneways	Not applicable
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Not applicable
C1.20 Foreshore Land	Not applicable
C1.21 Green Roofs and Green Living Walls	Not applicable
Part C: Place – Section 2 Urban Character	
C2.2.5.1(a) – The Evans Street Former Commercial Precinct Sub-area of the Valley (Rozelle) distinctive neighbourhood,	Yes

Rozelle	
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes – see discussion
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Yes – see discussion
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes – see discussion
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	Not applicable
C3.14 Adaptable Housing	Not applicable
Part C: Place – Section 4 – Non-Residential Provisions	Not applicable
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	Not applicable
D2.5 Mixed Use Development	Not applicable
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
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	Not applicable
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	Not applicable
E1.1.5 Foreshore Risk Management Report	Not applicable
E1.2 Water Management	Not applicable
E1.2.1 Water Conservation	Not applicable
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Not applicable
E1.2.4 Stormwater Treatment	Not applicable
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	Not applicable
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	Not applicable
E1.3.1 Flood Risk Management	Not applicable
E1.3.2 Foreshore Risk Management	Not applicable

Part F: Food	Not applicable
Part G: Site Specific Controls	Not applicable

The following provides discussion of the relevant issues:

C1.3 Alterations and additions

The proposed ground and attic level alterations and additions are located at the rear of the existing terrace and are not visible from the main street frontage; are similar to surrounding development. Accordingly, the proposed additions are supported in this instance.

C1.11 - Parking

The current site has no provision for off-street parking, the proposed modifications provide a car parking space in conjunction with private open space and landscaping for the dwelling as approved with D/2015/258. The provision of a parking space creates a technical non-compliance by not achieving the minimum 3m dimensions for the provision of private open space and total landscape area. The existing pattern of development includes rear parking spaces and the proposal satisfies the objectives for private open space. Therefore the provision of an off-street car space is supported subject to compliance with Australian standards for design as conditioned.

C1.12 - Landscaping

The original consent proposed to be modified by this proposal includes the requirement that provision for 15.25 sqm of landscaped area that complies with the definition of landscaped area in Leichhardt Local Environmental Plan 2013 be achieved. The modifications achieve this requirement and are satisfactory with the landscaping objectives of the relevant DCP.

C3.2 – Site Layout and Building Design

The proposal does not comply with the side setback or building location zone controls. The modifications to the approval are acceptable as the rear setback to lower ground and attic levels and matches that of the adjoining terrace at 82 Evans. The existing dwelling is already built to both side boundaries and maintaining this setback is consistent with the established pattern of development resulting in no significant adverse impacts.

C3.4 – Dormer Windows

The modification application includes changes to the existing dormer and balcony. These changes include alterations to the rear roof plane of the principal building form and increasing the size of rear balcony. The proposed modifications have been reviewed by council’s heritage team and confirmed the dormer and balcony are inconsistent with The Valley Heritage Conservation Area. The modified dormer and balcony further extend an existing non-compliance that should not be replicated at the attic level. Conditions to redesign the rear dormer and remove the balcony have been recommended. Alternatively, it would be acceptable that the changes to the attic level be removed from the proposal and the current non-compliance can remain as existing.

C3.8 – Private Open Space

The modified proposal provides a private open space at ground level off the living room of 19.25sqm which complies with council’s DCP minimum requirement of 16m. The space provided does not technically comply with the 3m minimum dimension control. Despite the technical non-compliance the private open space provided with the modifications improves the existing POS and is consistent with the existing pattern of development for dwellings along Evans Street, and is able to accommodate a range of activities for the residents. The provided POS is considered to achieve the objectives of the relevant DCP

C3.11 Visual Privacy

The rear balcony for the attic bedroom is not acceptable with regards to the HCA as discussed above. If the balcony were supported it would be acceptable with regards to visual privacy given the associated use from a bedroom and conditions to limit the depth to 1.2m in line with councils DCP. A building certificate (BC) was issued for the neighbouring balcony at the same level. A BC is not development consent and the size of the balcony to 82 Evans Street is not consistent with Council's approach to neighbourhood privacy and would require amendment were it to ever require reconstruction or repair.

The other modifications proposed are acceptable as designed with the modification application including planter boxes to the 1st floor balcony and removal of a proposed elevated deck. The main living area will now open onto the proposed ground level.

6(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.

6(f) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. A total of one (1) submission was received.

The following issues raised in submissions have been address in this report and by existing conditions with the original consent:

- Details surrounding existing party wall and new structures are not to rely upon the existing party wall for support.
- Proposed excavation to a depth below the existing footings of neighbouring lot. The excavation has been reviewed by Council engineers and is satisfied the design is capable of safe construction subject to conditions.

6(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.

7 Referrals

7(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.

- Development Engineer
- Heritage Planner

7(b) External

The application did not require referral to any external body for comment

8. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

9. 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 proposed modified 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.

10. Recommendation

- A. That the Inner West Local Planning Panel, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, APPROVE the modification application under Section 4.55 of the Environmental Planning and Assessment Act 1979 to modify Determination No.D/2015/258, dated 8 December 2015 to convert existing attic into new bedroom with balcony, lowering the living room to existing ground level and internal configuration changes to ground floor of the dwelling, subject to the conditions listed in Attachment A below

Attachment A – Recommended conditions of consent

Attachment A – Recommended conditions of consent

A. Condition 1 to be amended as follows:

1. Development must be carried out in accordance with Development Application No. D/2015/258 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Evans Section A 2014/20/DA.07_I	OIKOS Architects	27/09/2019
Evans Section B 2014/20/DA.08_I	OIKOS Architects	27/09/2019
Evans Section C & D 2014/20/DA.09_I	OIKOS Architects	27/09/2019
Evans Elevations West & East 2014/20/DA.10_I	OIKOS Architects	27/09/2019
Evans Elevations North 2014/20/DA.11_I	OIKOS Architects	27/09/2019
Evans Elevations South 2014/20/DA.12_I	OIKOS Architects	27/09/2019
Evans Plan Site & Roof 2014/20/DA.02_I	OIKOS Architects	27/09/2019
Evans Parking Area 2014/20/DA.03_I	OIKOS Architects	27/09/2019
Evans Upper Ground 2014/20/DA.04_I	OIKOS Architects	27/09/2019
Evans First 2014/20/DA.05_I	OIKOS Architects	27/09/2019
Evans Attic 2014/20/DA.06_I	OIKOS Architects	27/09/2019

Document Title	Prepared By	Dated
BASIX Certificate A219056	OIKOS Architects	14.05.2015
Schedule of finishes 2014/20/DA12/A	OIKOS Architects	18.08.2015

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 Modified by M/2019/135)

B. Condition 3 be deleted and replaced as follows:

3. Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating:
 - a) Any new skillion dormer to the rear roof plane must have a minimum distance from the main roof ridge and chimney of 300mm and have a

- minimum setback of 500mm from the inner face of the dividing walls and a 200mm internal setback from the internal rear wall of the main building form.
- b) It must not contain any projecting balcony.
 - c) The roof of the dormer must be clad with corrugated metal sheeting and flashing that matches the existing roof colour.

Alternatively, I recommend removing all proposed changes to the attic level to retain the existing non-compliances.

(Condition replaced by M/2019/135)

C. Condition 9A to be amended as follows:

9A. The design of the vehicular access and off street parking facilities must be amended to address the relevant provisions of Australian Standard *AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking*. The following specific issues must be addressed in the design:

- aa) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with the Alignment Levels issued with this consent.
- a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary are 180mm above the adjacent road gutter invert for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of *AS/NZS 2890.1-2004*.
- b) A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
- c) The parking space must have minimum clear internal dimensions of 6000 x 3000mm (length x width) with a minimum clear door width of 2800mm.

The design must be submitted to the satisfaction of the Certifying Authority provided prior to the issue of a Construction Certificate

(Condition amended by M/2019/135)

D. Condition 9AA to be added:

9AA. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary.

(Condition added by M/2019/135)

E. Condition 9B to be deleted:

9B. The applicant must bear the cost of construction of the following works:

- a) Reconstruction of the existing concrete vehicle crossing at the Hanover Street frontage of the site.

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

The Roadworks Permit must be provided 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.

(Condition deleted by M/2019/135)

F. Condition 18 to be amended as follows:

18. 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

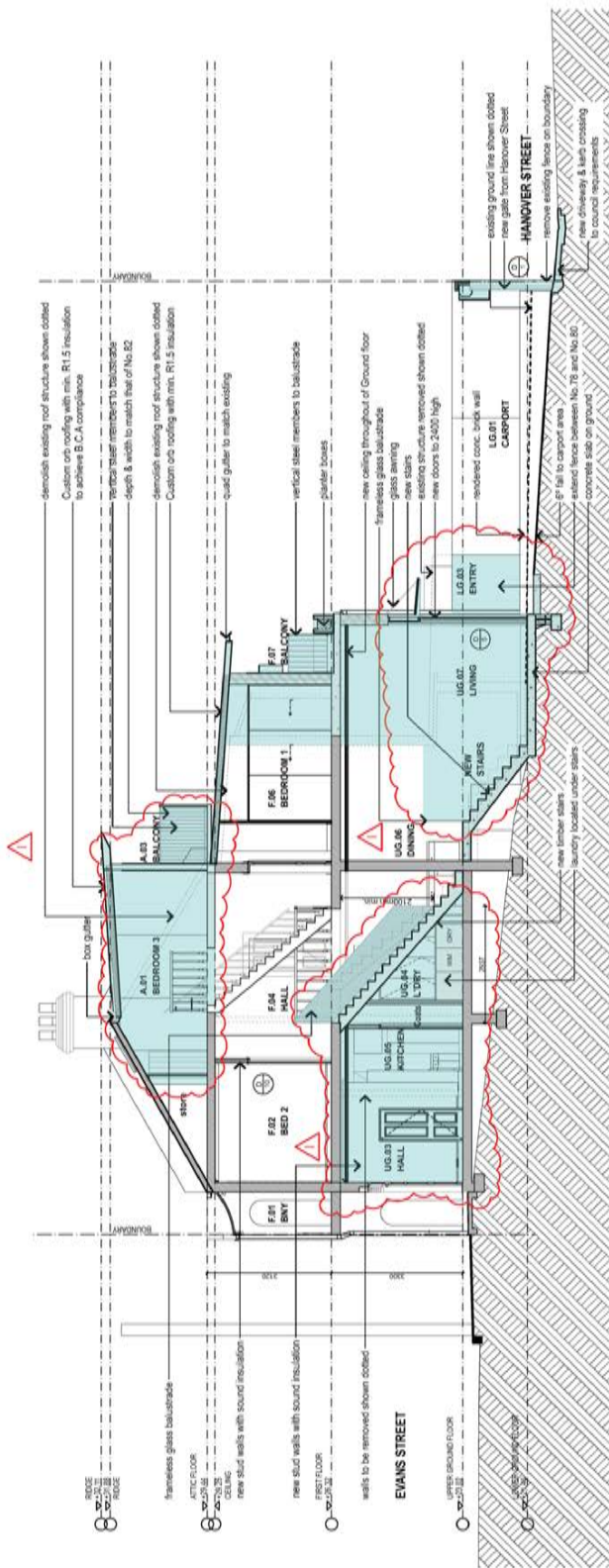
Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first).

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity. 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.

(Condition Amended by M/2019/135)

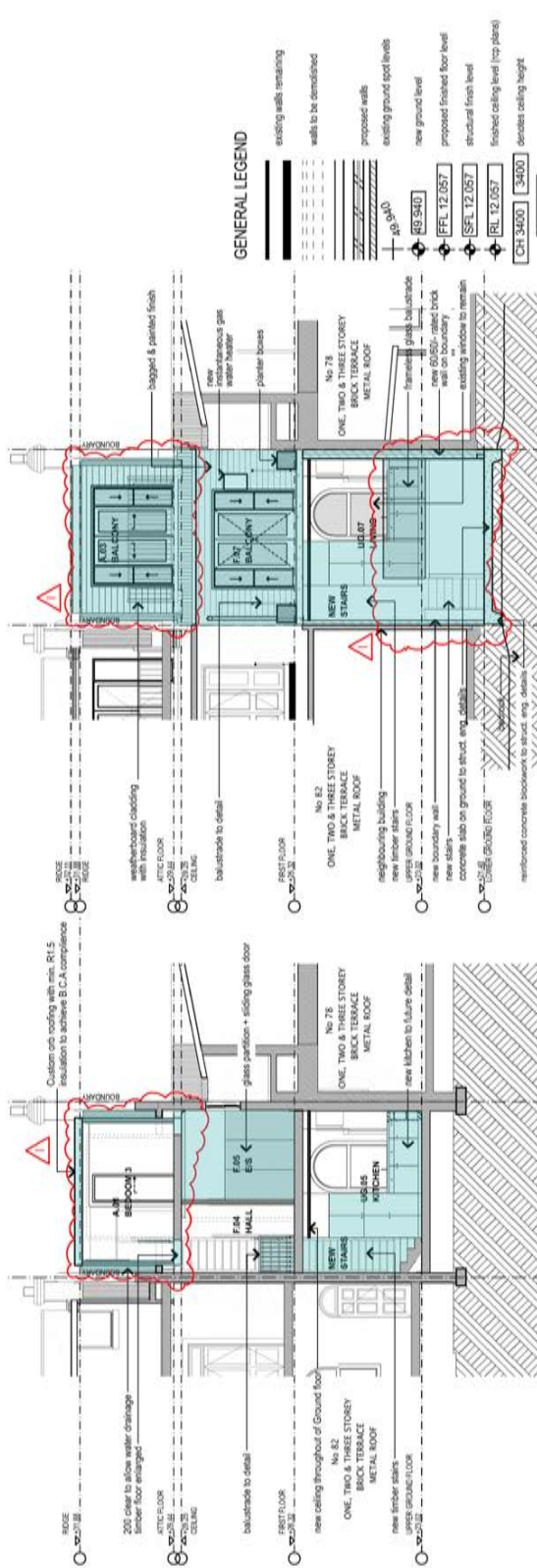
G. Condition 44a to be added:

- 44A. Light duty concrete vehicle crossings and replacement of the redundant portion of the existing crossing with kerb and gutter, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2- "Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
(Condition added by M/2019/135)



NOTES:
 -Consult site owner prior to external connection job to new stormwater system to avoid requirements
 -All color swatches to be out for approval
 -Landscape shown individually only (Refer to Landscape Plan)
 -All building and associated works involved are to be built in accordance with the relevant Australian Standards (AS/NZS)
 -Check all work on site report any discrepancies to the architect.

<p>01 SECTION A-A SCALE 1:100</p> <p>27/09/19 10/09/19 18/08/15 23/07/15 15/05/15 12/05/15</p> <p>DA ISSUE - S4.55 Amendment DA DRAFT 2 - S4.55 Amendment DA DRAFT - S4.55 Amendment DA DRAFT 4 DA ISSUE DA DRAFT 3</p> <p>Amend Description</p>	<p>OIKOS Architects Ray Shireen B. Arch (Hons), M. Arch (UNSW, AUA), A.C.A. NSW APB No. 4458 15 Elcott Street Balmain NSW 2041 E-mail ray@oikos.com.au Tel. (02) 9610 7854 Mob. 0411 455 669</p>	<p>PETER & SHIREEN NOBBS Project: ALTERATIONS & ADDITIONS TO No.80 EVANS STREET, ROZELLE</p>	<p>Client: PETER & SHIREEN NOBBS Project: ALTERATIONS & ADDITIONS TO No.80 EVANS STREET, ROZELLE</p>	<p>Scale: 1:100@A3, 1:50@A2 Date: 8/10/2019 Drawing No: 2014/20/DA.07_1 Project: 27/09/2019</p>
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Scale:	1:100 @ A3, 1:50 @ A2
Date:	8/10/2019
Drawing No:	20114/20/DA/09_1
Project:	2/1/09/2019

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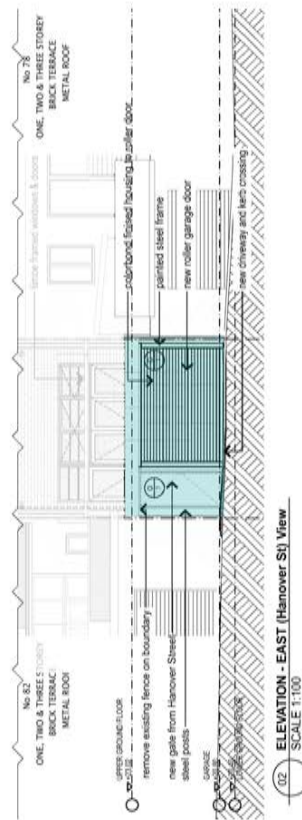
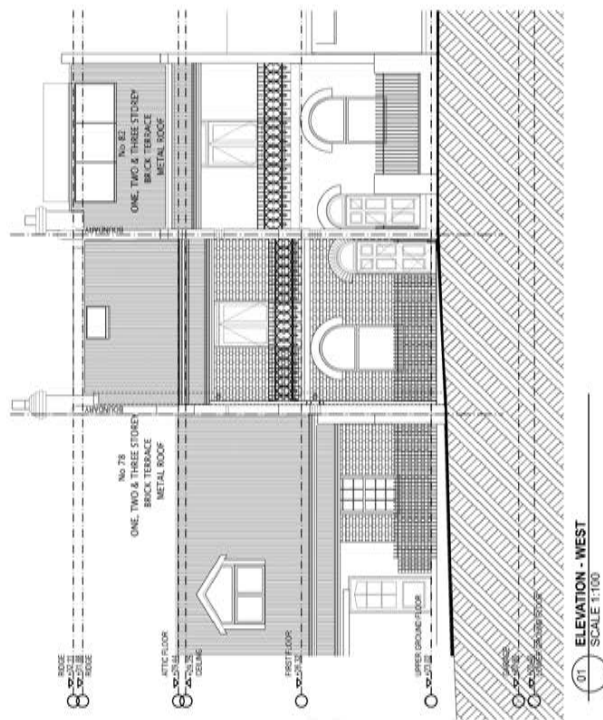
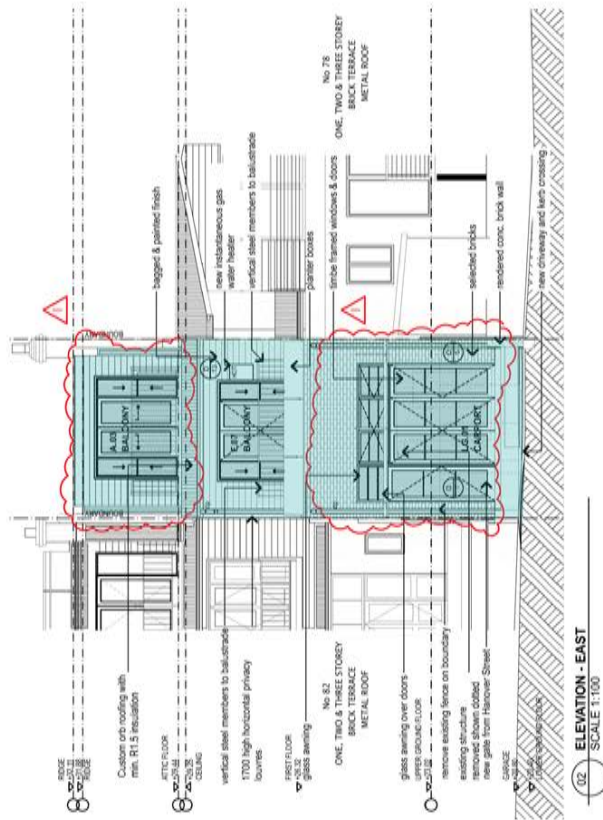
Drawing Title:
Evans_SECTIONS C & D

Client:
PETER & SHIREEN NOBBS

Project:
**ALTERATIONS & ADDITIONS TO
No.80 EVANS STREET, ROZELLE**

OIKOS Architects
Ray Stevens
B. Arch (Hons), M.Arch UNSW, ALIA, A.C.A.
NSW ARB No. 4458
122 Edgar Street, Rozelle NSW 2041
Tel: (02) 9810 7854. Mob: 0411 455 669

Amend	Description	Date
I	DA ISSUE - S4.55 Amendment	27/09/19
H	DA DRAFT 2 - S4.55 Amendment	10/09/19
F	DA DRAFT - S4.55 Amendment	18/08/15
E	DA DRAFT 4	23/07/15
D	DA ISSUE	15/05/15
C	DA DRAFT 3	12/05/15



- NEW MATERIALS**
- metal
 - glass
 - tiling
 - plasterboard
 - concrete/c/c
 - timber, mdf
 - stone

Amend	Description	Date
I	DA ISSUE - S4.55 Amendment	27/09/19
H	DA DRAFT 2 - S4.55 Amendment	10/09/19
F	DA DRAFT - S4.55 Amendment	18/08/15
E	DA DRAFT 4	23/07/15
D	DA ISSUE	15/05/15
C	DA DRAFT 3	12/05/15

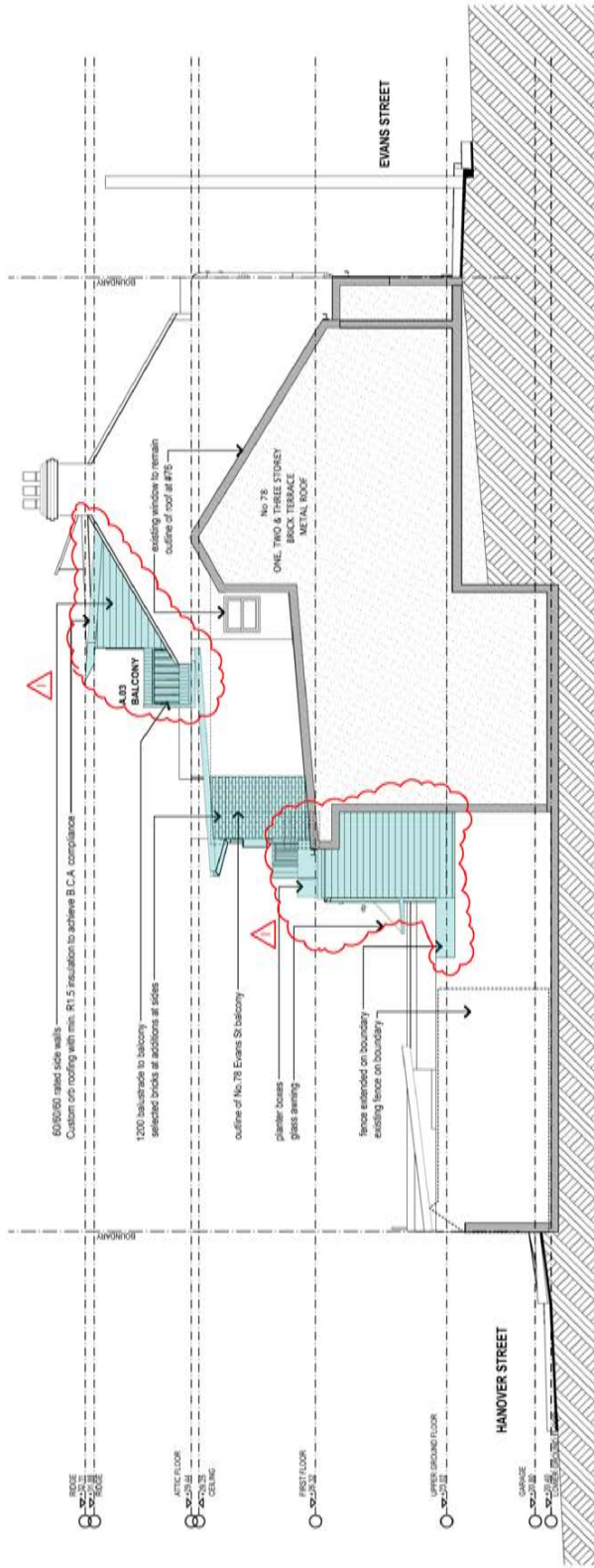


OIKOS Architects
Ray Shewers
B. Arch (Hons), M.Arch UNSW, ALIA, A.C.A.
NSW ARB No. 4458
11 Ebor Street, Berriman NSW 2041
Tel: (02) 9810 7853, Mob: 0411 455 669

Client: **PETER & SHIREEN NOBBS**
Project: **ALTERATIONS & ADDITIONS TO No.80 EVANS STREET, ROZELLE**

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Drawing Title: **Evans_Elevations West & East**

Scale: 1:100@A3; 1:50@A2
Date: 8/10/2019
Drawing No: 2014/20/DA.10.1
Project: 27/09/2019
EC



GENERAL LEGEND

NEW MATERIALS

- metal
- glass
- blfing
- aluminium
- concrete/pc
- timber, mdf
- stone

NOTES:

- Connect pipe under cover plates & external downpipes to new stormwater system to meet requirements
- Check all work on site prior to any discrepancies to the architect.
- Check all work on site prior to any discrepancies to the architect.

Scale: 1:100 @ A3: 1:50 @ A2
 Date: 8/10/2019
 Drawing No: 2014/20/0A.11_1
 Project: 27/09/2019

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 Drawing Title: Evans_Elevation North

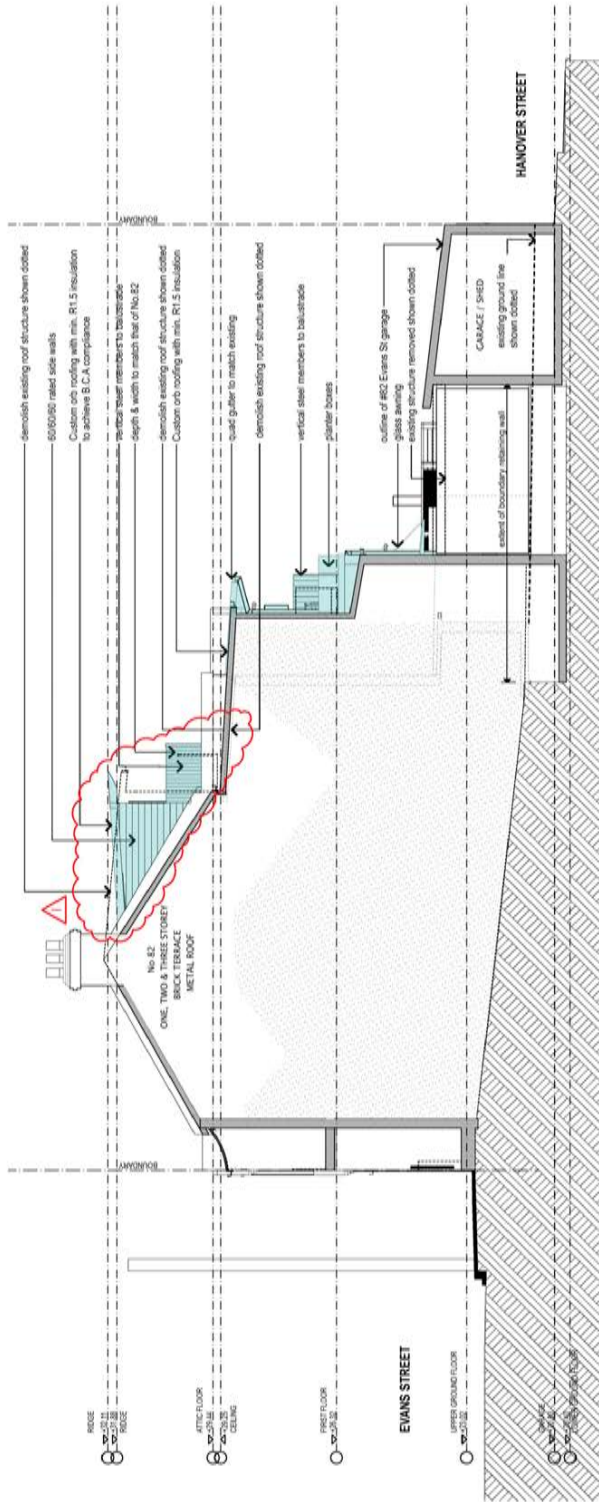
Client: PETER & SHIREEN NOBBIS
 Project: ALTERATIONS & ADDITIONS TO No.60 EVANS STREET, ROZELLE

OIKOS Architects
 Ray Stevens
 B. Arch (Hons), M.Arch UNSW, A.L.A., A.C.A.
 NSW ARB No.4458
 15 Elliott Street Balmain NSW 2041
 E-mail: ray@oikos.com.au
 Tel: (02) 9810 7854 Mob: 0411 455 669



Amend	Description	Date
I	DA ISSUE - S4.55 Amendment	27/09/19
H	DA DRAFT 2 - S4.55 Amendment	10/09/19
F	DA DRAFT - S4.55 Amendment	18/08/15
E	DA DRAFT 4	23/07/15
D	DA ISSUE	18/06/15
C	DA DRAFT 3	12/05/15

01 ELEVATIONS - NORTH
 SCALE 1:100



GENERAL LEGEND

existing with retaining
 walls to be demolished
 proposed walls
 existing ground level
 new ground level
 proposed finished floor level
 ground floor level
 finished ceiling level (120 panels)
 device ceiling height
 2000/2000
 2000/2000
 when to downcast ceiling on site
 when to floor marker
 when to window marker
 when to roof light marker
 when to glass panel marker

NEW MATERIALS

metal
 glass
 tiling
 plasterboard
 concrete/brick
 timber, roof
 stone

NOTES

-Connect new water down pipes & external downpipes to new downpipe system to match requirements
 -All new windows to be dual pane
 -Landscape shown inductively only (Refer to Landscape Plan)
 -All building and excavation works to be carried out in accordance with the relevant Council's Engineering & Construction Department
 -Check all work on site and report any discrepancies to the architect.

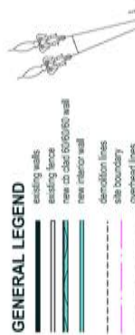
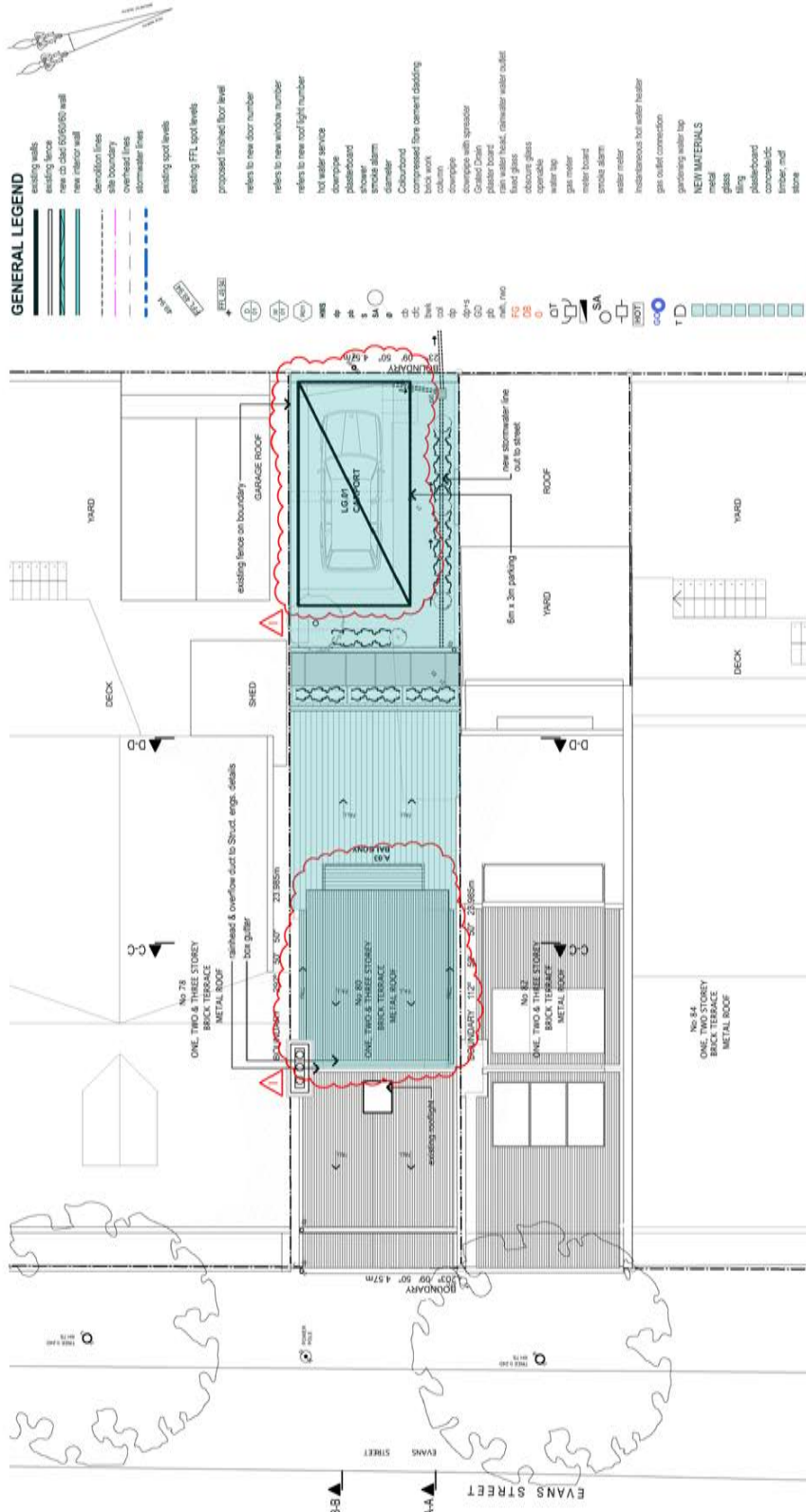
Scale: 1:100 @ A3, 1:50 @ A2
Date: 8/10/2019
Drawing No: 2014/20/DA-12_1
Project: 27/09/2019

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Client: PETER & SHIREEN NOBBS
Project: ALTERATIONS & ADDITIONS TO No.80 EVANS STREET, ROZELLE

OIKOS Architects
 Ray Stevens
 B. Arch (Hons), M. Arch UNSW, A.I.A., A.C.A.
 15 Elliott Street Balmain NSW 2041
 E-mail: ray@oikos.com.au
 Tel: (02) 9610 7654 Mob: 0411 455 669

Amend	Description	Date
I	DA ISSUE - S4.55	27/09/19
H	DA DRAFT 2 - S4.55 Amendment	10/09/19
F	DA DRAFT - S4.55 Amendment	18/08/15
E	DA DRAFT 4	23/07/15
D	DA ISSUE	15/05/15
C	DA DRAFT 3	12/03/15



- GENERAL LEGEND**
- existing walls
 - existing fence
 - new cd brk (R/R/S) wall
 - new interior wall
 - demolition lines
 - site boundary
 - overhead lines
 - stormwater lines
 - existing spot levels
 - existing FTL spot levels
 - proposed inspired floor level
 - refers to new door number
 - refers to new window number
 - refers to new roof light number
 - hot water service
 - downslope
 - plasterboard
 - shower
 - smoke alarm
 - diameter
 - Colourbond
 - compressed fire cement cladding
 - downslope
 - downslope with sprayer
 - Galvalume
 - galv steel roof, downpipe water outlet
 - floor glass
 - operable
 - water tap
 - gas meter
 - meter board
 - smoke alarm
 - water meter
 - instantaneous hot water heater
 - gas outlet connection
 - garden/water tap
 - NEW MATERIALS
 - metal
 - glass
 - tiling
 - plasterboard
 - concrete/cb
 - timber, mdf
 - stone

- NOTES:**
- Connect rain water down pipes & external stormwater pits to new stormwater system to council requirements
 - All toilet suites to be dual flush
 - All showerheads 3 star water saving types
 - Landscaping shown indicatively only
 - All building and associated works involved are to be built in accordance with all relevant authority requirements and to the Building Code of Australia
 - Check all work on site and report any discrepancies to the architect.

Amend	Description	Date
I	DA ISSUE - S4.55 Amendment	27/09/19
H	DA DRAFT 2 - S4.55 Amendment	10/09/19
F	DA DRAFT - S4.55 Amendment	18/08/15
E	DA DRAFT 4	23/07/15
D	DA ISSUE	15/05/15
C	DA DRAFT 3	12/05/15

01 PLAN - LOWER GROUND
SCALE 1:100

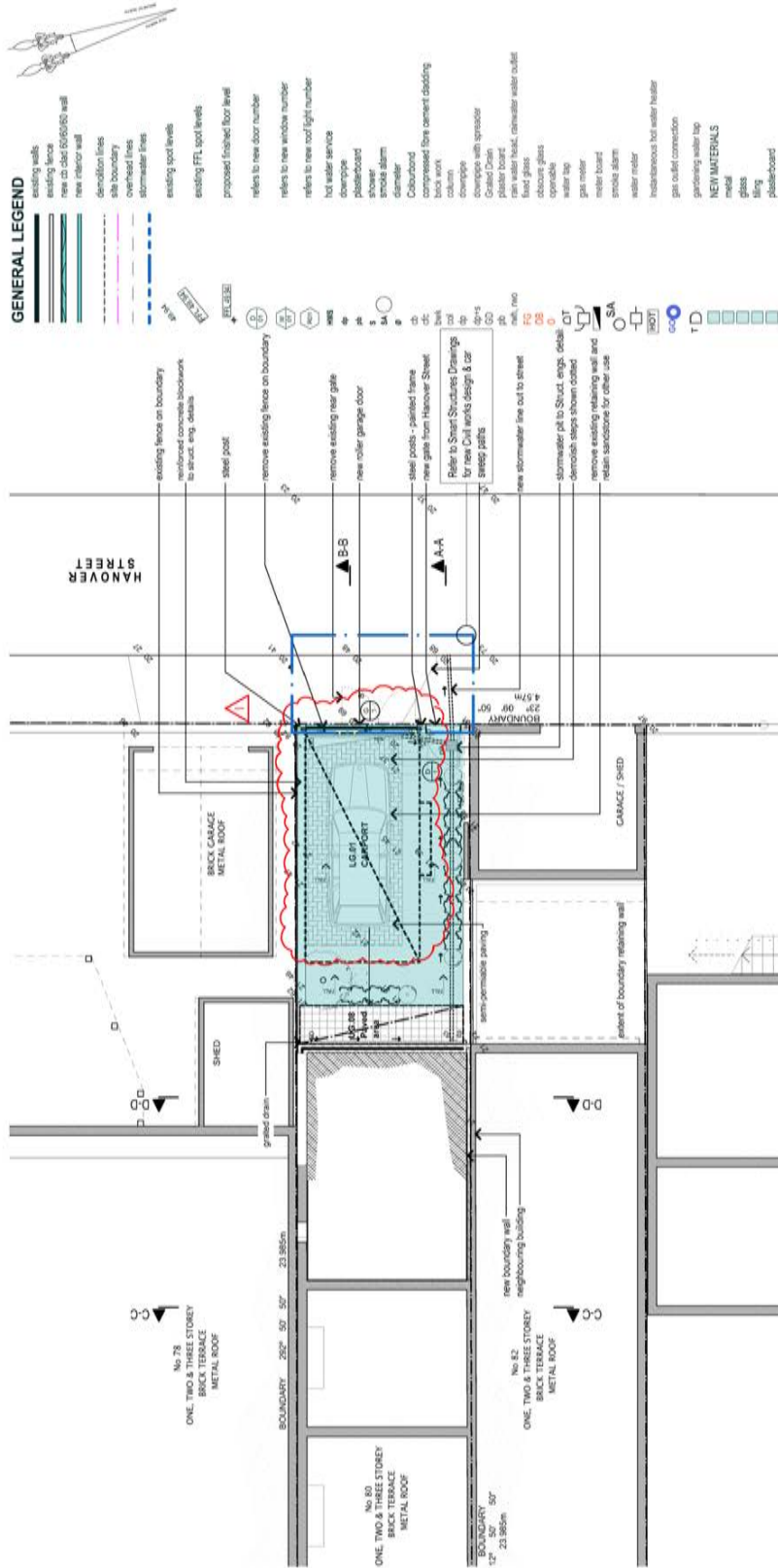
OIKOS Architects
Ray Stevens
B. Arch (Hons), M.Arch (UNSW, ALIA), A.C.A.
NSW ARB No.4458
E-Builder Steve Bellan NSW 2041
Tel. (02) 9810 7854. Mob. 0411 455 669

PETER & SHIREEN NOBBS
Project:
ALTERATIONS & ADDITIONS TO
No.80 EVANS STREET, ROZELLE

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Drawing Title:
Evans_Plan - Site & Roof

Scale: 1:100@A3, 1:50@A2
Date: 8/10/2019
Drawing No: 2014/20/04.02_1
Pom: 27/09/2019

Amend	Description	Date
I	DA ISSUE - S4.55 Amendment	27/09/19
H	DA DRAFT 2 - S4.55 Amendment	10/09/19
F	DA DRAFT - S4.55 Amendment	18/08/15
E	DA DRAFT 4	23/07/15
D	DA ISSUE	15/05/15
C	DA DRAFT 3	12/05/15



GENERAL LEGEND

- existing walls
- existing fence
- new c/b (60/60/60) wall
- new interior wall
- demolition lines
- old boundary
- overhead lines
- stormwater lines
- existing spot levels
- existing FFL spot levels
- proposed finished floor level
- refers to new door number
- refers to new window number
- refers to new roof light number
- hot water service
- downslope
- plasterboard
- shower
- smoke alarm
- dumster
- Coloured
- compressed fire cement cladding
- downslope
- downslope with sprayer
- Gravel Drain
- downslope
- rain water tank, downspout water outlet
- floor glass
- obscure glass
- operable
- gas meter
- water tap
- meter board
- SMOKE ALARM
- water meter
- instantaneous hot water heater
- gas outlet connection
- garaging water tap
- NEW MATERIALS
- metal
- glass
- tiling
- plasterboard
- concrete/c
- linoleum
- stone

*Refer to Smart structures drawing for complete Civil works details

NOTES:

- Connect rain water down pipes & external stormwater pits to new stormwater system to council requirements
- All toilet suites to be dual flush
- All showerheads 3 star water saving types
- Landscaping shown indicatively only
- All building and associated works involved are to be built in accordance with all relevant authority requirements and to the Building Code of Australia
- Check all work on site and report any discrepancies to the architect.

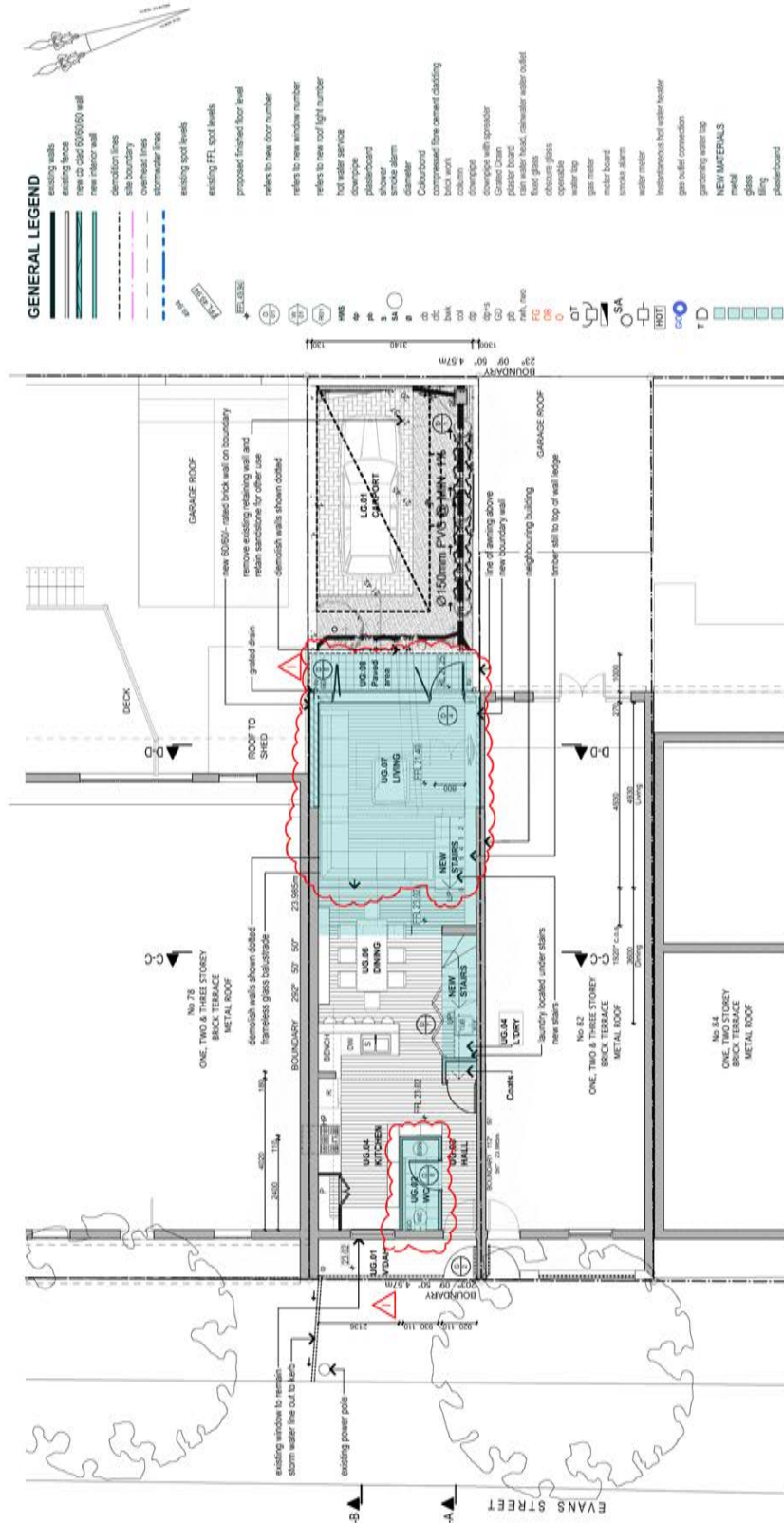
Scale:	1:100@A3, 1:50@A2
Date:	8/10/2019
Drawing No:	201/4/20/04.03_L_1
Page:	2/7/09/2019

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Client:	PETER & SHIREEN NOBBS
Project:	ALTERATIONS & ADDITIONS TO No.80 EVANS STREET, ROZELLE

OIKOS Architects
 Ray Stevens
 B. Arch (Hons), M.Arch (UNSW, ALIA), A.C.A.
 NSW AIB No.4458
 11 Edgar Street, Rozelle NSW 2041
 Tel. (02) 9510 7854. Mob. 0411 455 669

Amend	Description	Date
I	DA ISSUE - S4.55 Amendment	27/09/19
H	DA DRAFT 2 - S4.55 Amendment	10/09/19
F	DA DRAFT - S4.55 Amendment	18/08/15
E	DA DRAFT 4	23/07/15
D	DA ISSUE	15/05/15
C	DA DRAFT 3	12/05/15

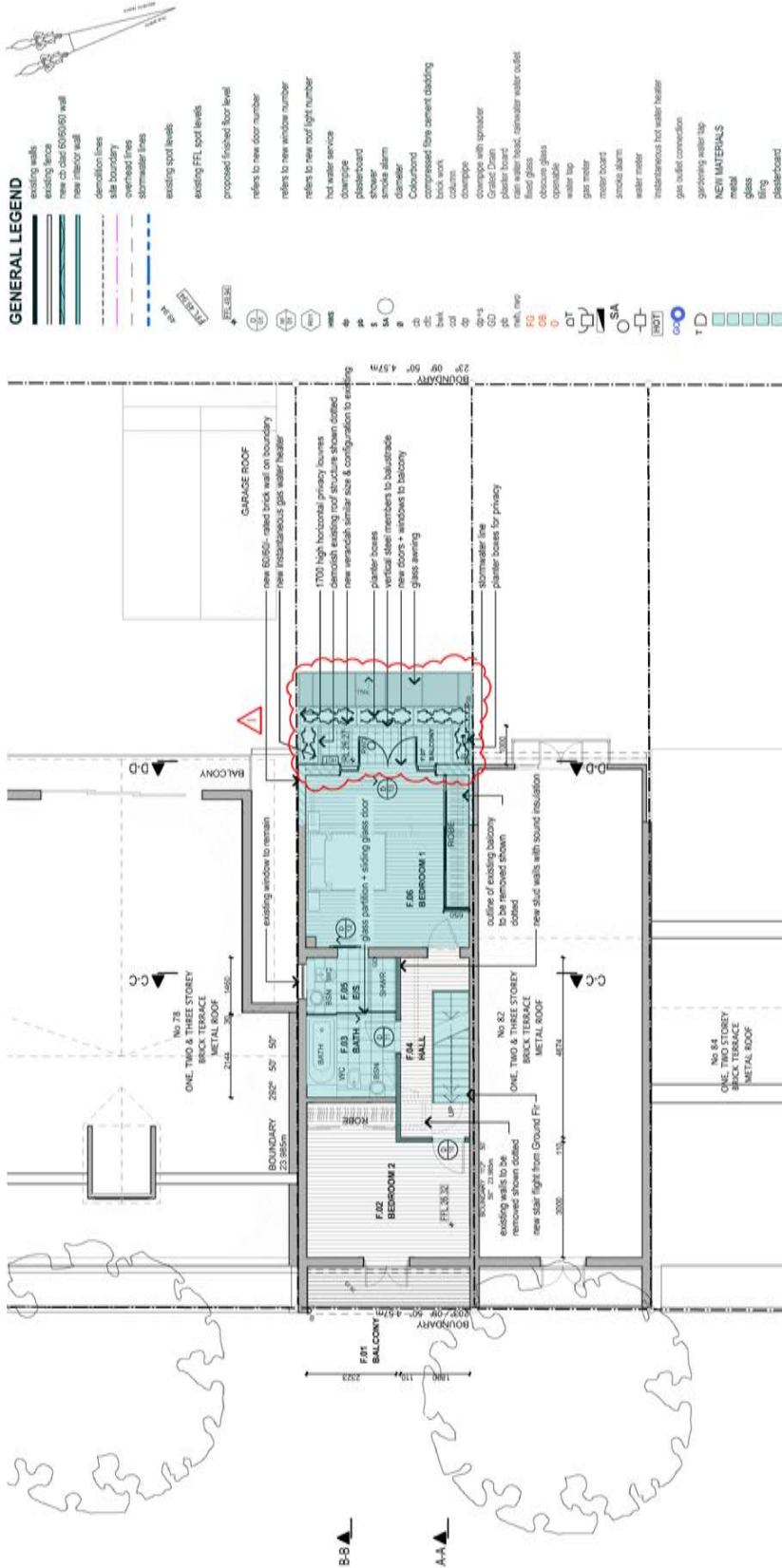
01 PLAN - PARKING AREA
SCALE 1:100



- GENERAL LEGEND**
- existing walls
 - existing fence
 - new 230x230/60/60 wall
 - new interior wall
 - demolition lines
 - to boundary
 - to boundary
 - stormwater lines
 - existing spot levels
 - existing FFL spot levels
 - proposed finished floor level
 - refers to new floor number
 - refers to new window number
 - refers to new roof light number
 - 100 water service
 - type
 - plaster board
 - shower
 - smoke alarm
 - diameter
 - Compound
 - compressed fibre cement cladding
 - brick work
 - downpipe
 - downpipe with sprayer
 - Grocco Drain
 - plaster board
 - rain water tank, external water outlet
 - rain water tank, external water outlet
 - obscure glass
 - operable
 - water tap
 - gas meter
 - metal board
 - smoke alarm
 - water meter
 - intermittent hot water heater
 - gas outlet connection
 - garaging water tap
 - NEW MATERIALS
 - metal
 - glass
 - brick
 - concrete
 - concrete block
 - timber and
 - stone

- NOTES:**
- Connect rain water down pipes & external stormwater pits to new stormwater system to council requirements
 - All toilet suites to be dual flush
 - All showerheads 3 star water saving types
 - Landscaping shown indicatively only
 - All building and associated works involved are to be built in accordance with all relevant authority requirements and to the Building Code of Australia
 - Check all work on site and report any discrepancies to the architect.

Scale:	1:100@A3, 1:50@A2
Date:	8/10/2019
Drawing No.:	2014/20/DA.04_1
Project:	Evans_Upper Ground
Client:	PETER & SHIREEN NOBBS
Project:	ALTERATIONS & ADDITIONS TO No.80 EVANS STREET, ROZELLE
Architect:	OIKOS Architects Ray Shireen B. Arch (Hons), M.Arch UNSW, A.I.A., A.C.A. NSW AFB No.4458 15 Elliott Street Balmain NSW 2041 E-mail ray@oikos.com.au Tel. (02) 98107854 Mob. 0411 455 669
Amend.:	Description
I	DA ISSUE - S4.55 Amendment
H	DA DRAFT 2 - S4.55 Amendment
F	DA DRAFT - S4.55 Amendment
E	DA DRAFT 4
D	DA ISSUE
C	DA DRAFT 3
Amend.:	Description
I	PLAN - UPPER GROUND
Scale:	1:100
Date:	27/09/19



- GENERAL LEGEND**
- existing walls
 - existing fence
 - new ch chib (E6050) wall
 - new interior wall
 - demolition lines
 - site boundary
 - overseas lines
 - stormwater lines
 - existing spot levels
 - existing FFL spot levels
 - proposed finished floor level
 - refers to new door number
 - refers to new window number
 - refers to new roof light number
 - hot water service
 - downdrip
 - plasterboard
 - shower
 - smoke alarm
 - alarm
 - Coloured
 - pressed form cement tabling
 - brick wall with
 - column
 - downdrip
 - downdrip with sprayer
 - Grout Drain
 - plaster board
 - plaster board
 - fixed glass
 - operable
 - water tap
 - gas meter
 - meter board
 - smoke alarm
 - water meter
 - instantaneous hot water heater
 - gas outlet connection
 - gripping water tap
 - NEW MATERIALS
 - metal
 - glass
 - Brig
 - plasterboard
 - concrete/c
 - brick and
 - stone

NOTES:

- Connect rain water down pipes & external stormwater pits to new stormwater system to council requirements
- All outlet suits to be dual flush
- All showerheads & star water saving types
- Landscaping shown indicatively only
- All building and associated works finished are to be built in accordance with all relevant authority requirements and to the Building Code of BCA
- Check all work on site and report any discrepancies to the architect.

Scale:	1:100@A3; 1:50@A2
Date:	8/10/2019
Drawing No:	2014/20/DA.05 - 1
Project:	27/09/2019

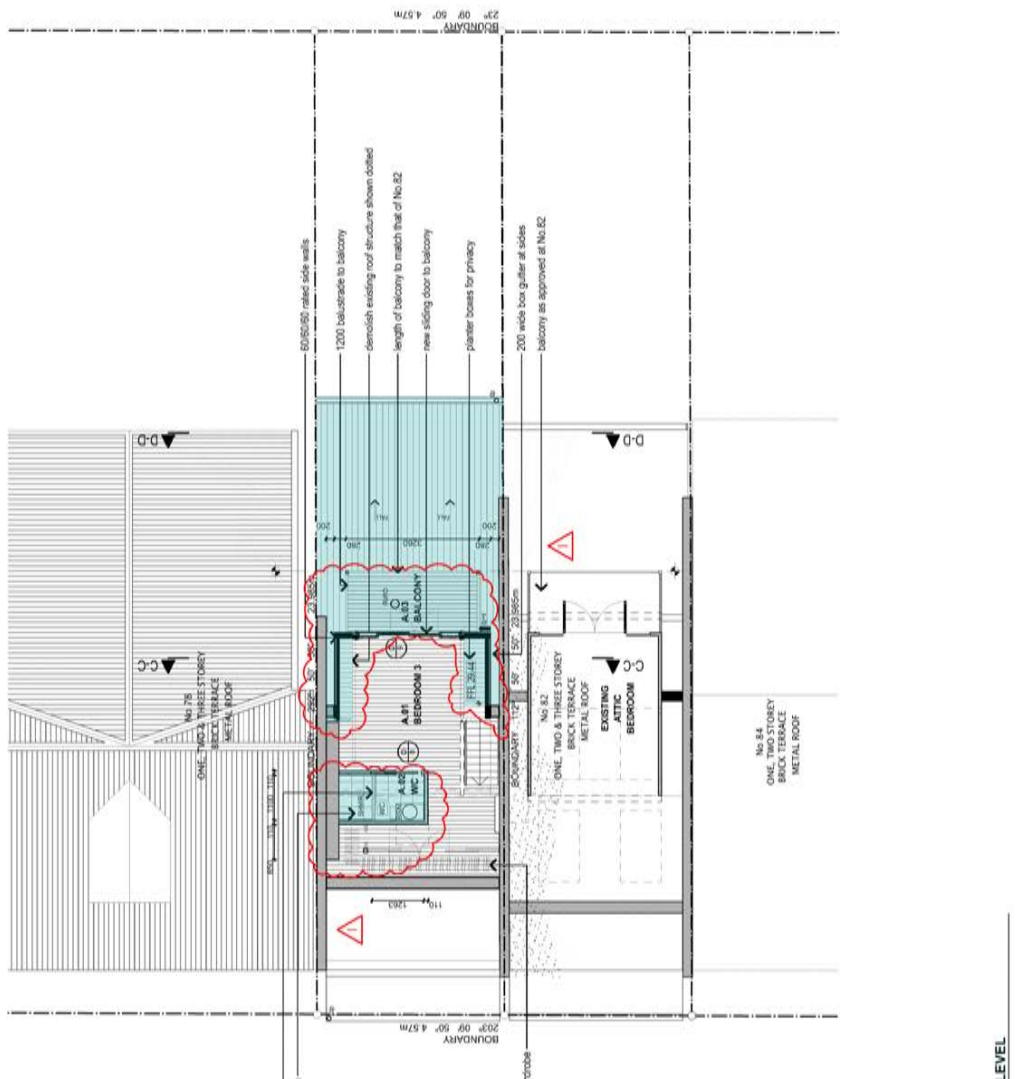
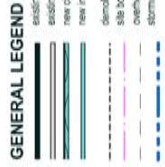
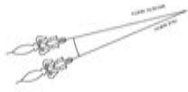
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Drawing Title:
Evans_First

OIKOS Architects
Ray Showers
B.Arch (Hons), M.Arch (UNSW), A.I.A., A.C.A.
NSW APB No. 4458
15 Elliott Street Balmain NSW 2041
E-mail: ray@oikos.com.au
Tel: (61) 0810 7854. Mob: 0411 455 669

27/09/19	Date
10/09/19	
18/08/15	
23/07/15	
15/05/15	
12/05/15	

01	PLAN - FIRST FLOOR	SCALE 1:100
I	DA ISSUE - S4.55 Amendment	27/09/19
H	DA DRAFT 2 - S4.55 Amendment	10/09/19
F	DA DRAFT - S4.55 Amendment	18/08/15
E	DA DRAFT 4	23/07/15
D	DA ISSUE	15/05/15
C	DA DRAFT 3	12/05/15
Amend	Description	Date



- NOTES:**
- Connect rain water down pipes & external stormwater pits to new stormwater system to council requirements
 - All tiled suites to be tiled flush
 - All showerheads 3 star water saving types
 - Landscaping shown indicatively only
 - All building and associated works involved are to be built in accordance with all relevant authority requirements and to the Building Code of Australia
 - Check all work on site and report any discrepancies to the architect.

01 PLAN - ATTIC LEVEL		SCALE 1:100	
I	DA ISSUE - S4.55 Amendment	27/09/19	
H	DA DRAFT 2 - S4.55 Amendment	10/09/19	
F	DA DRAFT 1 - S4.55 Amendment	18/08/15	
E	DA DRAFT 4	23/07/15	
D	DA ISSUE	15/05/15	
C	DA DRAFT 3	12/05/15	
Amend.		Date	

OIKOS Architects
 Ray Stevens
 81/1001/15/18
 15/15/15/15/15
 E-mail: ray@oikos.com.au
 Tel: (02) 9610 7854 Mob: 0411 455 669

PETER & SHIREEN NOBBS
 Project:
ALTERATIONS & ADDITIONS TO
No.80 EVANS STREET, ROZELLE

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 Drawing Title: **Evans_Attic**
 Scale: 1:100@A3; 1:50@A2
 Date: 8/10/2019
 Drawing No: 2014/20/DA.06_1
 Plotting: 27/09/2019
 EC

Attachment C- Development Consent Determination No D/2015/258



ABN: 92 379 942 845
 7-15 Wetherill Street, Leichhardt NSW 2040
 PO Box 45, Leichhardt NSW 2040
 Phone: (02) 9367 9222 Fax: (02) 9367 9111
 TTY: 9568 6758
 Email: leichhardt@lmc.nsw.gov.au
 www.leichhardt.nsw.gov.au

18 December 2015

Oikos Architects
 C/- Ray Stevens
 15 Elliott St
 BALMAIN NSW 2041

Contact: Denise Bengler
 Phone: 9367 9092

File Ref: D/2015/258

**NOTICE OF DETERMINATION OF
 DEVELOPMENT APPLICATION NO: D/2015/258
 Issued under the Environmental Planning & Assessment Act 1979
 (Section 81(1)(a))**

Applicant Name: Oikos Architects

Applicant Address: C/- Ray Stevens
 15 Elliott St
 BALMAIN NSW 2041

Land to be Developed: Lot 1 DP 100303
 80 Evans Street, ROZELLE NSW 2039

Proposed Development: Alterations and additions to the existing dwelling including rear extensions at ground and first floor levels and a car parking space in the rear yard.

Determination: Approval

Date of Determination: 8 December 2015

Consent to Operate From: 8 December 2015

Consent to Lapse On: 8 December 2020

The following conditions have been included in response to development considerations and to ensure a high standard of development having regard to the effect upon the environment.

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2015/258 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Lower Ground floor plan 2014/20/DA03/F	OIKOS Architects	18.08.2015
Upper Ground floor plan 2014/20/DA04/F	OIKOS Architects	18.08.2015
First and Attic floor plans 2014/20/DA05/F	OIKOS Architects	18.08.2015
Sections 2014/20/DA06-F	OIKOS Architects	18.08.2015
Sections West and East Elevations 2014/20/DA07/F	OIKOS Architects	18.08.2015
North and South Elevations 2014/20/DA08/F	OIKOS Architects	18.08.2015

Document Title	Prepared By	Dated
BASIX Certificate A219056	OIKOS Architects	14.05.2015
Schedule of finishes 2014/20/DA12/A	OIKOS Architects	18.08.2015

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

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

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

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

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

2. Consent is granted for the demolition of those areas indicated as being demolished 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, 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

- 3. Amended plans are to be submitted incorporating the following amendments:
 - a) No consent is granted for the proposed lower ground bedroom (LG.02), associated stairs, entry or excavation.

- b) The provision of 15.25 sqm of landscaped area that complies with the definition of landscaped area in Leichhardt Local Environmental Plan 2013 and the requirements of Clause 4.3A(4)(b) of Leichhardt Local Environmental Plan 2013
- c) The proposed glass blocks adjacent to the northern boundary at upper ground floor level are to be deleted.
- d) The level of the proposed deck (UG.08) off the living room at upper ground level is to be reduced to 22.32 to minimise privacy impacts resulting from the deck.
- e) The rear balcony off Bedroom 1 at first floor level is to be provided with planter boxes rather than privacy screens to each end.

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. 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.

- 5. Prior to the issue of a Construction Certificate, Architectural Plans accompanied by a Structural Certificate must be provided to the Principal Certifying Authority. The Certificate must verify that the architectural plans that are the subject of the Construction Certificate application do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to the consent authority and all owners of the party wall/s.
- 6. 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.

7. 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.

8. A stormwater drainage design prepared by a Licensed Plumber or qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:
- a) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road.
 - b) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - c) 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.
 - d) All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage
 - e) Plans must specify that any components of the existing system to be retained must be checked during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development, and be replaced or upgraded if required.
 - f) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - g) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
 - h) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
 - i) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.

9. 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.

- 9A. The design of the vehicular access and off street parking facilities must be amended to address the relevant provisions of Australian Standard *AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking*. The following specific issues must be addressed in the design:
- a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary are 180mm above the adjacent road gutter invert for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of *AS/NZS 2890.1-2004*.
 - b) A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
 - c) The parking space must have minimum clear internal dimensions of 6000 x 3000mm (length x width) with a minimum clear door width of 2800mm.

The design must be provided prior to the issue of a Construction Certificate

- 9B. The applicant must bear the cost of construction of the following works:
- a) Reconstruction of the existing concrete vehicle crossing at the Hanover Street frontage of the site.

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

The Roadworks Permit must be provided 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.

- 9C. 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 to the value of \$3,500 must be paid to Council to cover the costs associated with the road, footpath and drainage works required by this consent.

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee.

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

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.

10. 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.

11. 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.

12. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater—Soils & Construction Volume 1 (2004) available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:
 - a) Minimise the area of soils exposed at any one time.
 - b) Conservation of top soil.
 - c) Identify and protect proposed stockpile locations.
 - d) Preserve existing vegetation. Identify revegetation technique and materials.
 - e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
 - f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
 - g) Sediment and erosion control measures in place before work commences.
 - h) Materials are not tracked onto the road by vehicles entering or leaving the site.
 - i) Details of drainage to protect and drain the site during works.

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

13. 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.

14. 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.

15. 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)

16. 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	\$2015
Inspection fee	\$212.50

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

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

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

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

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

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

17. 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
82 Evans Street (with the exception of the garage)
Those parts of 78 Evans Street within 1 m of proposed works.

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.

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

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

PRIOR TO THE COMMENCEMENT OF WORKS

19. 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;

20. 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.

21. 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.

22. 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.
23. 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.
24. 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.
25. 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

26. 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.

27. 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.

28. The site must be appropriately secured and fenced at all times during works.
29. 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.

30. 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.

31. 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.
32. 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.
33. 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.

34. 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.
35. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

36. 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

37. 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.
38. 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.

39. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
40. 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.

41. 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.

42. 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.

43. 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 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.

44. Prior to the issue of an Occupation Certificate, the Principal 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 the Roadworks Permit issued by Council.

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 Principal Certifying Authority prior to the issue of an Occupation Certificate.

ONGOING CONDITIONS OF CONSENT

45. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
46. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
47. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. dwelling 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 is defined under the *Leichhardt Local Environmental Plan 2013*.

PRESCRIBED CONDITIONS

A. BASIX Commitments

Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

D. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 82A.
3. If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

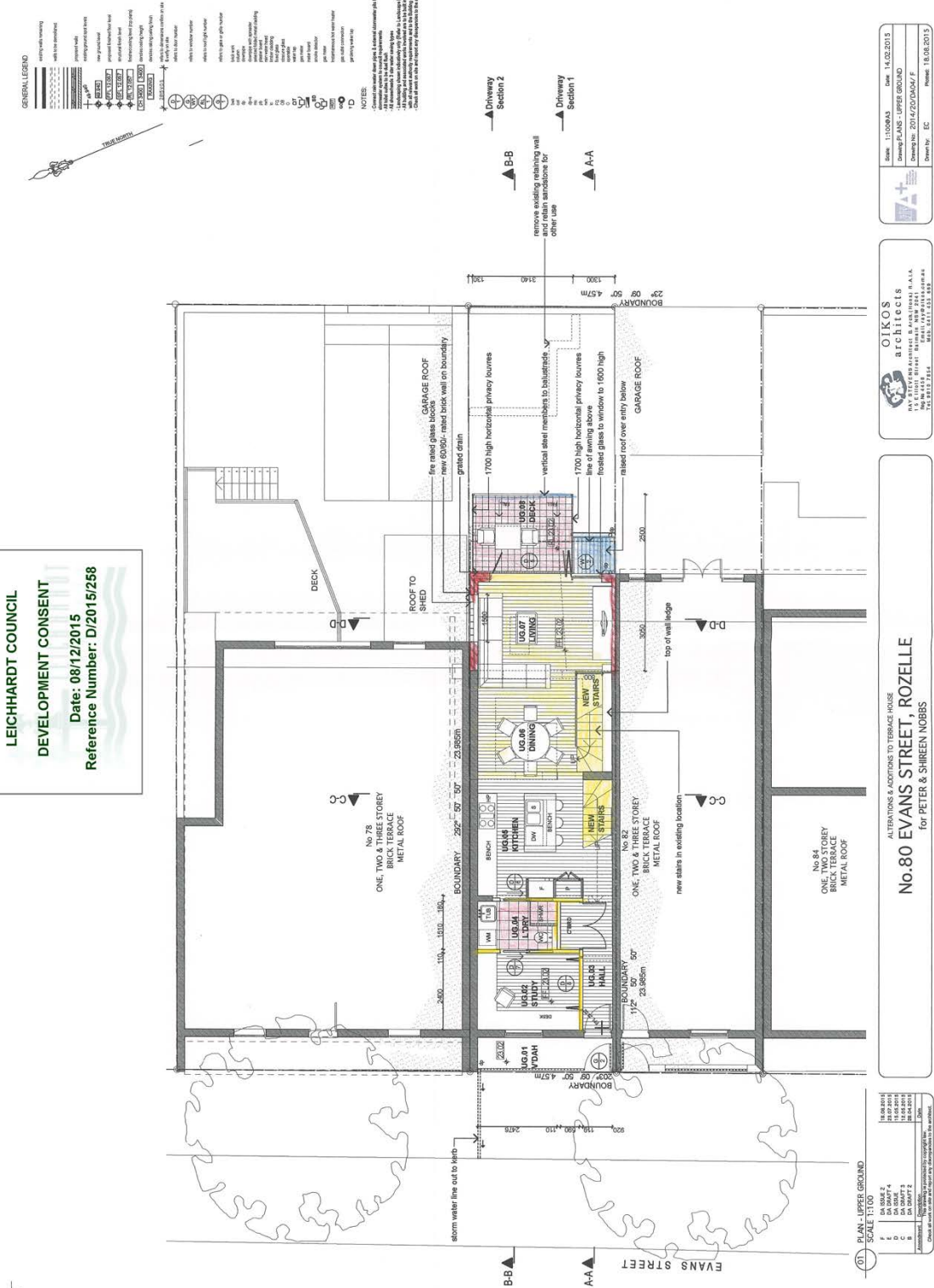
- a) Application for any activity under that Act, including any erection of a hoarding.
 - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.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

Have you made a political donation?

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



Adele Cowie
Acting Manager Assessment



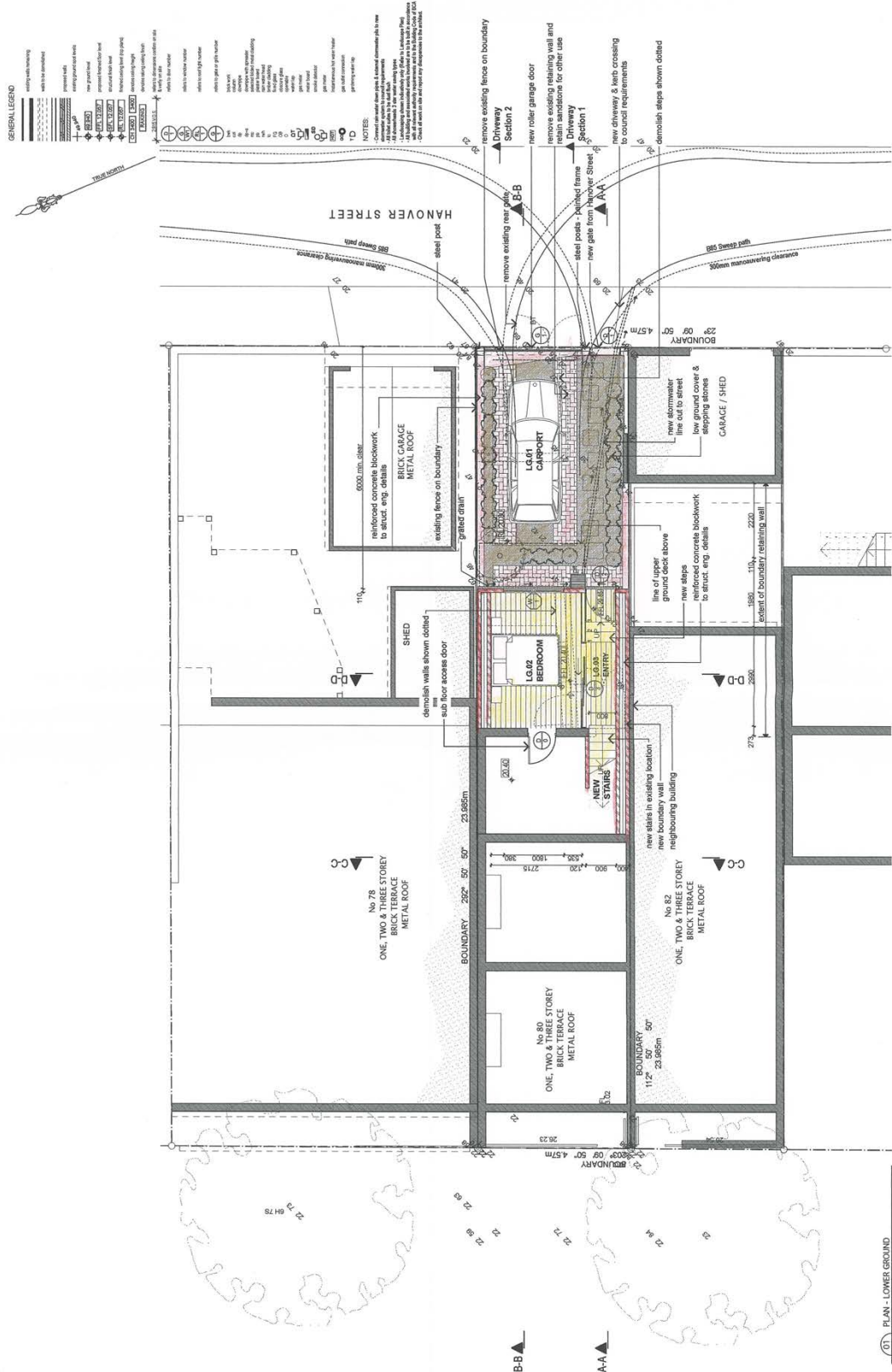
LEICHHARDT COUNCIL
 DEVELOPMENT CONSENT
 Date: 08/12/2015
 Reference Number: D/2015/258

Scale: 1:100
 Date: 14.02.2015
 Drawing Name: UPPER GROUND
 Drawing No: 2014/20/P0404/F
 Drawn By: EC
 Project: 18.08.2015

OIKOS architects
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ALTERATIONS & ADDITIONS TO TERRACE HOUSE
No.80 EVANS STREET, ROZELLE
 for PETER & SHIREEN NOBBS

01 PLAN - UPPER GROUND
 SCALE 1:100
 100% COMPLETE
 100% COMPLETE
 100% COMPLETE
 100% COMPLETE
 100% COMPLETE
 100% COMPLETE



GENERAL LEGEND

- masonry walls finishing with brickwork
- existing masonry walls with brickwork
- concrete
- concrete with render
- concrete with plaster
- concrete with render and plaster
- concrete with render and brickwork
- concrete with render and brickwork and plaster
- concrete with render and brickwork and plaster and brickwork
- concrete with render and brickwork and plaster and brickwork and stone
- concrete with render and brickwork and plaster and brickwork and stone and metal
- concrete with render and brickwork and plaster and brickwork and stone and metal and glass
- concrete with render and brickwork and plaster and brickwork and stone and metal and glass and brickwork
- concrete with render and brickwork and plaster and brickwork and stone and metal and glass and brickwork and stone
- concrete with render and brickwork and plaster and brickwork and stone and metal and glass and brickwork and stone and metal
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- concrete with render and brickwork and plaster and brickwork and stone and metal and glass and brickwork and stone and metal and stone and brickwork and stone and metal and stone and brickwork

NOTES

1. All masonry walls to be finished with brickwork to match existing.
2. All concrete to be finished with plaster and render to match existing.
3. All new concrete to be finished with plaster and render to match existing.
4. All new brickwork to be finished with brickwork to match existing.
5. All new stone to be finished with stone to match existing.
6. All new metal to be finished with metal to match existing.
7. All new glass to be finished with glass to match existing.
8. All new brickwork and stone to be finished with brickwork and stone to match existing.
9. All new brickwork and stone and metal to be finished with brickwork and stone and metal to match existing.
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Site No: 11009/03 Date: 14.02.2015
 Drawing: PLANS - LOWER GROUND
 Drawing No: 2014/20/DA03/F
 Drawn by: EC
 Date: 18.02.2015



ALTERATIONS & ADDONS TO TERRACE HOUSE
No. 80 EVANS STREET, ROZELLE
 for PETER & SHIREEN NOBBS

01 PLAN - LOWER GROUND
 SCALE: 1:100

DA SCALE 1:100
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**LEICHHARDT COUNCIL
DEVELOPMENT CONSENT**
Date: 08/12/2015
Reference Number: D/2015/258

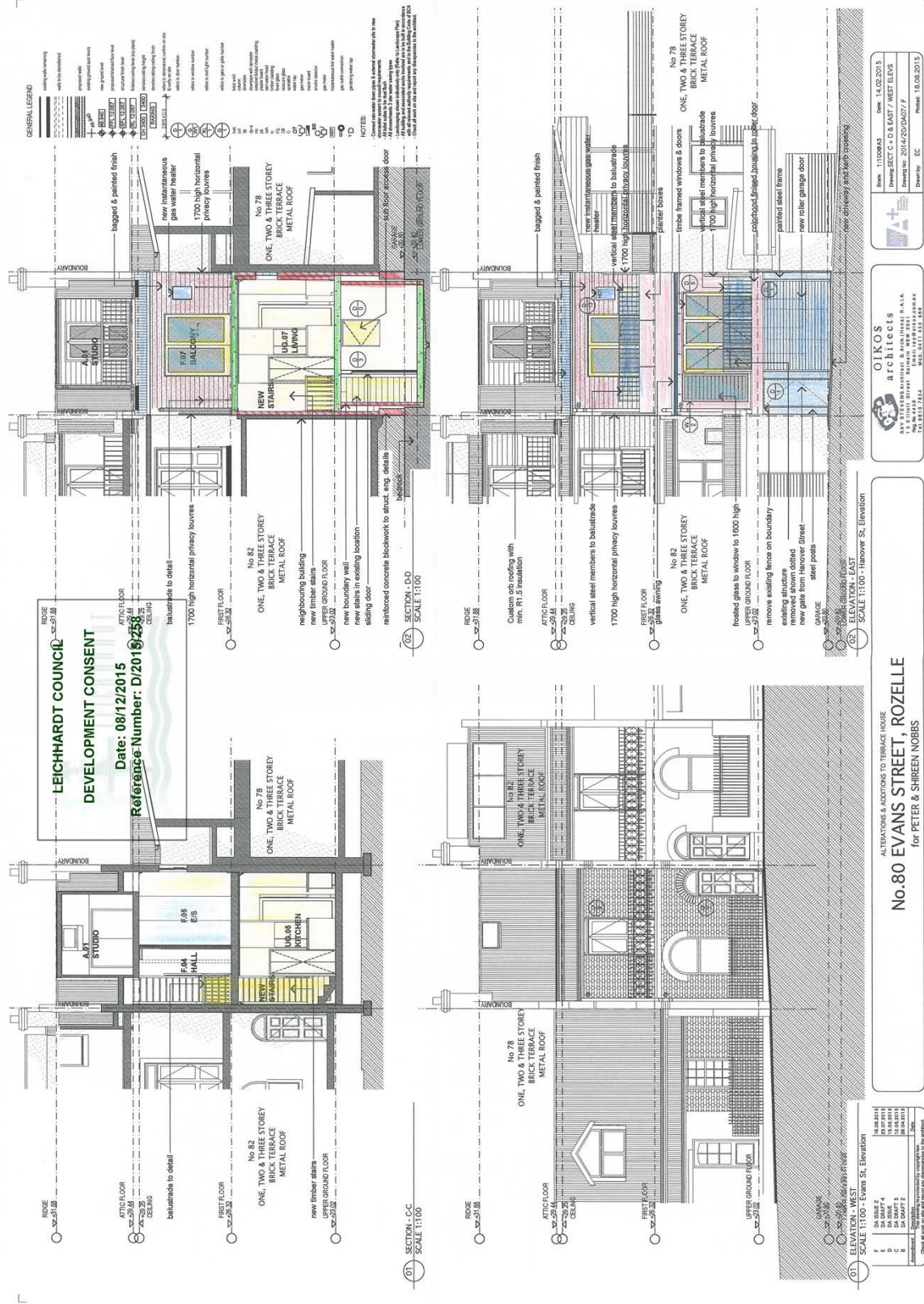


Scale: 1:100
Date: 14.02.2015
Drawing Sections: A & B
Drawing No: 2014/20/006/F
Drawing By: EC

OIKOS ARCHITECTS
RAY INTERNATIONAL ARCHITECTS N.A.A.
100/1011 BROADWAY
SYDNEY NSW 1513
T: 02 9511 3114
F: 02 9511 3114

No. 80 EVANS STREET, ROZELLE
ALTERATIONS & ADDITIONS TO TERRACE HOUSE
for PETER & SHREEN NOBBS

NO. 80 EVANS STREET, ROZELLE
FLOOR PLAN
1:100
DATE: 14.02.2015
DRAWN BY: EC
CHECKED BY: [Signature]
DATE: 14.02.2015



Scale: 1:100 (R/L)
 Date: 14.02.2015
 Drawing No: 2014/20/DA027/F
 Drawn by: EC

OIKOS architects
 111 STURTELL STREET, NEW BRISBANE QLD 4006
 PH: 07 5511 1111
 FAX: 07 5511 1111

No. 80 EVANS STREET, ROZELLE
 for PETER & SHIREEN NOBBS

ALTERATIONS & ADDITIONS TO TERRACE HOUSE

ELEVATION - WEST
 SCALE 1:100 - Evans St, Elevation

ELEVATION - EAST
 SCALE 1:100 - Hanover St, Elevation

DA 2014/20/DA027/F
 DA 2014/20/DA027/F
 DA 2014/20/DA027/F
 DA 2014/20/DA027/F

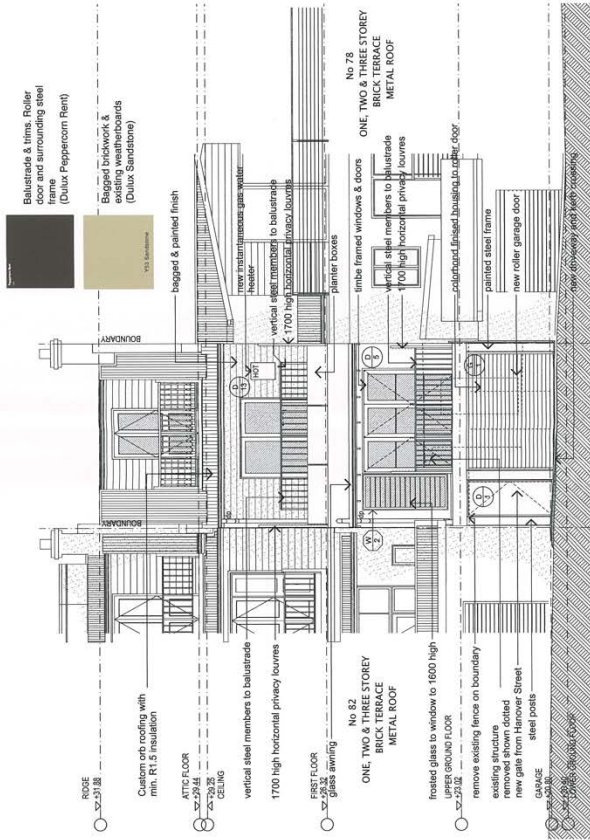
LEICHHARDT COUNCIL
DEVELOPMENT CONSENT
 Date: 08/12/2015
 Reference Number: D/2015/258

GENERAL LEGEND

Existing wall to be replaced with brickwork	NEW BRICKWORK
EXISTING BRICKWORK TO REMAIN	EXISTING BRICKWORK
EXISTING CONCRETE TO REMAIN	EXISTING CONCRETE
EXISTING METAL ROOF TO REMAIN	EXISTING METAL ROOF
EXISTING CORRUGATED METAL ROOF TO REMAIN	EXISTING CORRUGATED METAL ROOF
EXISTING CORRUGATED METAL ROOF TO BE REPLACED WITH CORRUGATED METAL ROOF	EXISTING CORRUGATED METAL ROOF TO BE REPLACED WITH CORRUGATED METAL ROOF
EXISTING CORRUGATED METAL ROOF TO BE REPLACED WITH CORRUGATED METAL ROOF WITH INSULATION	EXISTING CORRUGATED METAL ROOF TO BE REPLACED WITH CORRUGATED METAL ROOF WITH INSULATION
EXISTING CORRUGATED METAL ROOF TO BE REPLACED WITH CORRUGATED METAL ROOF WITH INSULATION AND COLOR BOND PAINT	EXISTING CORRUGATED METAL ROOF TO BE REPLACED WITH CORRUGATED METAL ROOF WITH INSULATION AND COLOR BOND PAINT
EXISTING CORRUGATED METAL ROOF TO BE REPLACED WITH CORRUGATED METAL ROOF WITH INSULATION AND COLOR BOND PAINT AND GALVANIZED STEEL WALLS	EXISTING CORRUGATED METAL ROOF TO BE REPLACED WITH CORRUGATED METAL ROOF WITH INSULATION AND COLOR BOND PAINT AND GALVANIZED STEEL WALLS
EXISTING CORRUGATED METAL ROOF TO BE REPLACED WITH CORRUGATED METAL ROOF WITH INSULATION AND COLOR BOND PAINT AND GALVANIZED STEEL WALLS AND GLASS WINDOWS	EXISTING CORRUGATED METAL ROOF TO BE REPLACED WITH CORRUGATED METAL ROOF WITH INSULATION AND COLOR BOND PAINT AND GALVANIZED STEEL WALLS AND GLASS WINDOWS
EXISTING CORRUGATED METAL ROOF TO BE REPLACED WITH CORRUGATED METAL ROOF WITH INSULATION AND COLOR BOND PAINT AND GALVANIZED STEEL WALLS AND GLASS WINDOWS AND STAIRS	EXISTING CORRUGATED METAL ROOF TO BE REPLACED WITH CORRUGATED METAL ROOF WITH INSULATION AND COLOR BOND PAINT AND GALVANIZED STEEL WALLS AND GLASS WINDOWS AND STAIRS

NOTES:

- All work shall be in accordance with the Australian Standard AS/NZS 1170:2009.
- Structural design shall be done in accordance with the Australian Standard AS 1170:2009.
- Fire rating shall be done in accordance with the Australian Standard AS 1530.4:2005.
- Sound attenuation shall be done in accordance with the Australian Standard AS 1530.6:2005.
- Check all work on site and report any discrepancies to the architect.



Galvanized corrugated roofing (all new roofs)



Timber windows and doors (clear finished)



Painted vertical fillet bar balustrade (painted finish)

01 ELEVATION - EAST
 SCALE 1:100 - Finishes Schedule

Scale: 1:100000 Date: 14/02/2015
 Drawing: 2014/200A12/A
 Drawing by: EC
 Printed: 18.08.2015

OIKOS
 architects
 18 ELLIOTT STREET, BURWOOD, NSW 2234
 Tel: 9812 7554 Fax: 9812 4554

ALTERATIONS & ADDITIONS TO TERRACE HOUSE
No.80 EVANS STREET, ROZELLE
 for PETER & SHIREEN NOBBS

A DA ISSUE
 Date: 14.08.2015
 Checked by: P. NOBBS