




 DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2020/0978
Address	9 Adolphus Street BALMAIN NSW 2041
Proposal	Subdivision of lot into two Torrens title lots, alterations and additions to existing heritage listed dwelling-house fronting Adolphus Street, demolition of existing flats for new dwelling-house on the newly created lot fronting Waite Avenue, and associated works
Date of Lodgement	13 November 2020
Applicant	Mrs Van H Allen
Owner	Mr Nicholas AJ Allen Mrs Van H Allen
Number of Submissions	Initial: 9 After Renotification: 4
Value of works	\$1,988,600.00
Reason for determination at Planning Panel	Heritage Item; Number of submissions
Main Issues	Loss of existing affordable rental housing; social impacts; heritage impacts; streetscape appearance; amenity and parking
Recommendation	'Deferred Commencement' Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Statements of Heritage Significance
	
LOCALITY MAP	
Subject Site	
Notified Area	
Objectors	
Supporters	
Note: Due to scale of map, not all objectors could be shown.	

1. Executive Summary

This report is an assessment of the application submitted to Council for subdivision into two Torrens title lots, alterations and additions to existing heritage listed dwelling-house fronting Adolphus Street, demolition of existing flats for new dwelling-house on the newly created lot fronting Waite Avenue, and associated works at 9 Adolphus Street Balmain.

The application was notified to surrounding properties and nine (9) submissions were received in response to the initial notification. Four (4) submissions were received in response to renotification of the application.

The main issues that have arisen from the application include:

- Loss of existing affordable rental housing / social impacts
- Heritage / streetscape impacts
- Amenity
- Parking

The proposal is considered to be satisfactory with regard to the above given that no unacceptable adverse heritage, streetscape, parking, amenity or social impacts arise from the proposal proceeding subject to suitable conditions, including measures to be implemented to mitigate potential social impacts and assist two existing tenants to find alternative comparable accommodation as part of a 'Deferred Commencement' approval.

2. Proposal

The proposal involves:

- Demolition of 5 existing one-bedroom single storey flats, two of which are currently tenanted, accessed via Waite Avenue;
- Removal of existing rear sunroom and laundry/bathroom and alterations and additions to existing heritage listed dwelling-house fronting Adolphus Street;
- Subdivision into two Torrens title lots; and
- New two-storey dwelling-house fronting Waite Avenue.

The alterations and additions to the existing dwelling house facing Adolphus Street on proposed Lot 1 include:

- A new picket fence on the existing stone wall with new central gate and stairs;
- Restoration of the front verandah;
- Reinstatement of the original roof form including slate tiles;
- Replacement of existing casement windows in the front elevation and relocation of the front door to a central location;
- Minor infilling, enlargement /new window openings in the side elevations;
- Removal of several internal walls and minor internal doorway adjustments to suit a new layout comprising a kitchen, sitting room, music/guest room, library, bathroom and mud room;
- Addition of a laundry, store and office to the south-west of the cottage;
- Addition of a 2-storey pavilion to the rear of the existing cottages main roofline containing ground floor living and dining room and four upper level bedrooms and bathroom;
- Landscaping around the cottage including renewal of the front garden and in-ground swimming pool, deck and lawn to the rear; and

- Construction of a vehicle crossing and open car space along the southern side of the cottage

The new two-storey dwelling house facing Waite Avenue on proposed Lot 2 comprises:

- Ground floor kitchen, living, dining, laundry, bathroom and one bedroom;
- Three bedrooms, an office and bathroom at the upper level;
- Landscaped garden and low level deck to the rear with minimal landscaped front setback to Waite Avenue;
- A single garage with relocation of the existing vehicle crossing/driveway to match.

3. Site Description

The subject site is located on the western side of Adolphus Street, between Vincent Street and Gladstone Street. The site consists of one allotment and is generally rectangular with a total area of 703.2sqm and is legally described as 9 Adolphus Street, Balmain.

The site has a frontage to Adolphus Street of 15.24 metres and a rear frontage of approximately 15.24 metres to Waite Avenue.

The site supports a single storey dwelling facing Adolphus Street and 5 existing one-bedroom single storey flats off Waite Avenue. The adjoining properties support one and two storey dwellings.

The subject site is listed as a heritage item and is located within a Heritage Conservation Area. The site adjoins, and is in the vicinity of, numerous heritage items, including the following which are generally within a 100mm radius of the site: Nos. 3 to 33 and 18A Adolphus Street, 2 and 4 Gladstone Street, Nos. 4, 31 and 33 Stephen Street, Nos. 7 and 14 Vincent Street, Nos. 1, 2 and 4 Wallace Street, No. 3 Ewenton Street and Nos 2, 4 and 6 Charles Street. The property is not identified as a flood prone lot.

The following trees are located within the vicinity.

- *Sapium sebiferum* (Chinese Tallowood) – adjacent to southern boundary within 11 Adolphus Street;
- *Archontophoenix cunninghamiana* (Bangalow Palm) – adjacent to southern boundary within 11 Adolphus Street;
- *Tristaniopsis laurina* (Water Gum) – adjacent to southern boundary within 11 Adolphus Street;
- *Lagerstroemia indica* (Crepe Myrtle) – adjacent to southern boundary within 2A Waite Avenue;
- *Bauhinia variegata* (Orchid Tree) – adjacent to southern boundary within 2A Waite Avenue;
- *Cupressa sempervirens* (Italian Cypress) – adjacent to northern boundary within 7 Adolphus Street; and
- *Prunus* sp. – adjacent to northern boundary within 7 Adolphus Street.



Figure 1: Zoning Map with aerial overlay

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
1965/6652	Conversion of house and building into five flats	Approved 21 April 1965
1990/179	Alterations to storeroom to use as laundry and office	Approved 10 July 1990
1996/272	Convert existing showroom to self contained dwelling	Approved 22 July 1997
D/2005/496	Renovations and refurbishment of the existing dwelling	Approved 1 February 2006
PRED/2014/124	Alterations and additions to existing dwelling and construction of 2 new dwellings	Issued 13 August 2014
D/2017/3	Subdivision into two Torrens title lots (with retention of existing dwelling and flats)	Approved 23 March 2017
PDA/2020/0209	Subdivision, alterations and additions to existing dwelling house fronting Adolphus Street, demolition of existing bedsits for new dwelling fronting Waite Avenue, and associated works.	Issued 27 July 2020

	The proposal is generally consistent with the Pre-DA advice.	
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4(b) Application history

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

Date	Discussion / Letter / Additional Information
16/2/2021	<p>Council wrote to the applicant requesting further information to address the following concerns:</p> <ul style="list-style-type: none"> • Retention of existing affordable rental housing • Building siting and location • Heritage impacts • Public submissions (including legal advice that the existing one-bedroom “flats” could be characterised as a boarding house requiring consideration of retention of existing affordable rental housing under Part 3 of State Environmental Planning Policy (Affordable Rental Housing) 2009) • Landscaping adequacy • Stormwater management
8/3/2021	<p>The Applicant lodged amended architectural, landscape and stormwater plans and additional information in response to the issues raised.</p> <p>In particular, the applicant submitted legal advice confirming that the requirements under Part 3 of State Environmental Planning Policy (Affordable Rental Housing) 2009 in relation to retention of existing affordable rental housing were not applicable to the proposal because the existing development is not defined as a residential flat building or boarding house.</p> <p>The amended plans incorporate a 1.25m ground floor setback to the northern boundary of the heritage house on proposed Lot 1 facing Adolphus Street and the replacement of the cantilevered covered car space on proposed Lot 2 facing Waite Avenue with a traditional enclosed garage.</p> <p>These plans were subsequently renotified in accordance with Council's Community Engagement Framework.</p>
16/6/2021	<p>Council wrote to the applicant requesting further information in relation to non-compliance with Landscape Area for proposed Lot 1 due to the provision of an underground OSD tank within the front setback area.</p>
16/6/2021	<p>The Applicant lodged updated plans, including Site Analysis Plan, Site / Demolition Plan, Ground Floor Plan and Subdivision Plan incorporating minor reductions to the extent of paved areas to achieve a compliant Landscaped Area of 20% for proposed Lot 1. These plans involve minor changes to development detailing with no additional impacts on neighbours, and hence, did not require renotification under Council's Community Engagement Framework.</p>

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. The Leichhardt DCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The proposal seeks to continue the existing residential use of the land. Therefore, it is considered that the site will not require remediation in accordance with SEPP 55. On this basis, the site is considered suitable for residential use.

5(a)(ii) **State Environmental Planning Policy (Affordable Rental Housing) 2009**

Part 3 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* provides provisions for retention of existing affordable rental housing in relation to a low rental residential building, which is defined as:

low-rental residential building means a building used, during the relevant period, as a residential flat building containing a low-rental dwelling or as a boarding house, and includes a building that—

- is lawfully used as a residential flat building containing a low-rental dwelling or as a boarding house, irrespective of the purpose for which the building may have been erected, or*
- was used as a residential flat building containing a low-rental dwelling or as a boarding house, but that use has been changed unlawfully to another use, or*
- is vacant, but the last significant use of which was as a residential flat building containing a low-rental dwelling or as a boarding house.*

In this instance, the existing building contains 5 x 1-bedroom single storey dwellings, each with access at ground level, previously approved as “flats” under Development Consent No. 2621 dated 21 April 1965.

Council previously considered the existing flats to be low rental dwellings contained within a

residential flat building and the previous owner retained the existing flats as a part of the approved subdivision under D/2017/3 (which may still be acted upon by the current owner). However, the Applicant submits that the existing flats are defined as multi dwelling housing, which is not captured under the definition of a low-rental residential building, and as such, not subject to any provisions for retention of existing affordable housing.

It is noted that Council has received submissions objecting to the proposal on the basis of loss of existing affordable rental housing and arguing that the flats could be defined as a boarding house, which would require the proposal to be assessed against the provisions under Part 3 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*. In this regard, Council's Community Development Section has also reviewed the proposal and provided the following comments:

The case against the applicability of ARHSEPP

Documents submitted on behalf of the applicant state that buildings on the site are best characterised as 'multi dwelling housing' rather than a 'residential flat building'. The definitions of 'residential flat building' and 'multi dwelling housing' are taken from the Standard Instrument (Local Environmental Plans) Amendment Order 2011):

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land.

Since Part 3 of ARHSEPP does not refer to 'multi dwelling housing', it is therefore argued that ARHSEPP does not apply to the development application and that compensation for the loss of low cost housing cannot be imposed by the consent authority.

The case for the applicability of ARHSEPP

Documents submitted on Council opposing the DA include arguments that dispute the case outlined above.

Elton Consulting's letter, dated 15 January 2021, disputes the characterisation of the use of the site as 'multi dwelling housing'. While it is agreed that the development, being less than three storeys in height, does not fall within the land use definition for a 'residential flat building', the assertion that the existing use on the site is not a boarding house is disputed.

Elton Consulting's case takes the following form.

The Statement of Environmental Effects (SEE) states that Council has no record of the site ever being granted development consent or being registered as a 'boarding house'. However it is not uncommon for boarding houses to operate without consent, particularly where the self-contained dwellings have been in place since the 1960s. It is certainly the case that unapproved boarding houses in inner Sydney areas, including the Inner West local government area, do exist. Councils usually become aware of their existence when complaints are received. Unidentified boarding houses can often operate without approval for extended periods of time.

It is also the case that development consent is not required to be in place for a site to be characterised as a particular use. In particular, there is no consent in place for use

of the site as 'multi-dwelling housing'. Therefore, as argued by Elton Consulting, "the applicant's argument that the absence of a boarding house consent means the site does not operate as a boarding house, contradicts the assertion that the site should be classified as multi-dwelling housing, for which there is also no consent."

When attempting to determine applicability with ARHSEPP provisions, it is more appropriate to focus on the site's use.

A boarding house is defined under the Leichhardt LEP as:

a building that—

- a. is wholly or partly let in lodgings, and
- b. provides lodgers with a principal place of residence for 3 months or more, and
- c. may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- d. has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

As noted above, the site previously accommodated a three-bedroom house plus five self-contained one-bedroom dwellings with shared laundry facilities and communal outdoor space. As such, this is more in keeping with the definition for a boarding house as set out above, particularly the type of 'new age' or 'new generation' boarding houses enabled under Part 2 Division 3 of the Affordable Housing SEPP.

Given the above classification, it is agreed that Council's suggestion (in the pre-DA advice to the current applicant) - that the development could only be considered a 'new generation' boarding house if a development consent was in place under ARHSEPP - is not considered correct. The ARHSEPP does not distinguish between 'traditional' and 'new-age' or 'new generation' boarding houses.

Legal cases can be cited in support of the above interpretation. Elton Consulting refer to the case *Sun v Randwick City Council* [2017] NSWLEC 188 in support of describing the site's dominant use as a boarding house. In this case the Court found that the applicant was operating a dwelling house as a boarding house without consent and that it was beyond reasonable doubt that the applicant carried out development for the purpose of a boarding house as (*inter alia*):

- the building was wholly let to lodgers (as their principal place of residence for 3 months or more) with share facilities and rooms for each lodger;
- the internal modifications to the building strongly suggested that it was a boarding house.

Given the above considerations, it is argued that the use of the site should be classified as a boarding house and that provisions of Part 3 of the ARHSEPP are applicable to the DA.

Requirements of Part 3 of ARHSEPP

ARHSEPP requires the consent authority to consider the following:

- (a) whether there is likely to be a reduction in affordable housing on the land to which the application relates,

- (b) whether there is available sufficient comparable accommodation to satisfy the demand for such accommodation,*
- (c) whether the development is likely to cause adverse social and economic effects on the general community,*
- (d) whether adequate arrangements have been made to assist the residents (if any) of the building likely to be displaced to find alternative comparable accommodation,*
- (e) the extent to which the development contributes to any cumulative loss of affordable housing in the local government area,*
- (f) the structural soundness of the building, the extent to which the building complies with any relevant fire safety requirements and the estimated cost of carrying out work necessary to ensure the structural soundness of the building and the compliance of the building with the fire safety requirements,*
- (g) whether the imposition of a condition requiring the payment of a monetary contribution for the purposes of affordable housing would adequately mitigate the reduction of affordable housing resulting from the development,*
- (h) in the case of a boarding house, the financial viability of the continued use of the boarding house.*

Requirement (a): Whether there is likely to be a reduction in affordable housing on the land to which the application relates

As argued above, the use of the site should be classified as a boarding house and the provisions of Part 3 of the ARHSEPP are considered applicable to the DA. The proposal will result in the loss of five one-bedroom affordable housing dwellings located at the rear of the site.

The applicant has argued that since only two of the one-bedroom affordable housing dwellings are currently leased, the remaining three should not be considered affordable housing. This is at odds with the definition for a 'low-rental building' which includes vacant premises. This provision was included in ARHSEPP to deter applicants from terminating leases prior to lodging a DA that will result in the loss of affordable housing.

As well, the applicant has asserted that two of the affordable housing dwellings are currently leased at \$337 and \$350 per week, which is above the median rental level for 'bedsits' in the Inner West of \$320 (NSW Rent & Sales Report Sep 2020). However, the dwellings are more accurately classified as one-bedroom dwellings since they contain separate lounge areas. The median rent for one-bedroom dwellings is \$390 which means the dwellings fit the description of being affordable.

Given the information above, it can be said that all dwellings, including the vacant dwellings, fit the definition of 'low rental dwellings' in Part 3 of ARHSEPP.

Requirement (b): Whether there is available sufficient comparable accommodation to satisfy the demand for such accommodation

The applicant has provided a rental report indicating the availability of comparable or better accommodation with similar or lower rents in the vicinity of the site. On the basis of this rental report, it is claimed that there is sufficient comparable accommodation to satisfy the demand for this kind of housing.

This claim, however, is at odds with more comprehensive research commissioned by Council.

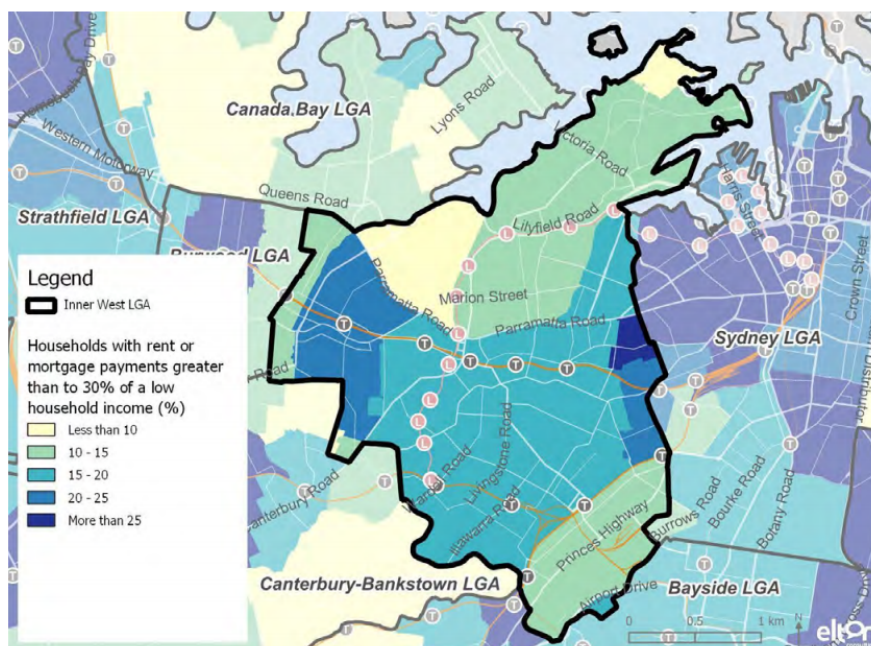
Evidence provided in Council's draft Affordable Housing Contribution Scheme indicates the following:

The market is not providing affordable housing for the vast majority of very low and low income renting households who need it in the Inner West Council area, and is not replacing the existing stock of housing that is affordable to these groups as it is lost through gentrification and redevelopment.

The vast majority of households needing affordable rental housing in the LGA are excluded from affordable rental through the market. Of the dwellings for rent in Inner West LGA in the most recent quarter analysed, only older, lower amenity boarding house rooms were affordable to very low households. Studio apartments were affordable to low income households, but one bedroom units were only affordable to the upper 10-20% of this income range. For moderate income households, all smaller products (studios and one bedroom dwelling) were affordable, whilst two bedroom dwellings were affordable to some of the income group. However, any larger dwellings (three and four or more bedrooms) were well out of reach to any of the target groups, and affordable to higher income households only. (p. 6)

As well, Council's Local Housing Strategy (LHS) shows high levels of housing stress among lower income households. Refer to the map below. (As a general rule of thumb, when households with the lowest 40% of incomes pay more than 30 per cent of their gross income on housing costs they are considered to be in housing stress. This is because these households will not have enough money to cover other necessities, such as food and healthcare).

Figure 17 Distribution of housing stress among lower income households in the Inner West LGA



In addition, the LHS contains an estimate of the amount of affordable residential accommodation required to address local housing need. Referred to as the 'local affordable housing gap', the LHS states "without intervention and encouragement of diverse affordable housing supply, the estimated theoretical supply gap between 2016 to 2036 would grow from 8,198 to 9,715 dwellings." (p. 67)

This means that an "estimated 571 affordable dwellings, or other affordable rental accommodation such as boarding rooms available at an affordable rental rate, would

need to be delivered per year to meet all housing need (estimated homelessness, households in housing stress) by 2036.” In other words, around 57% of all dwellings approved annually would need to be affordable housing to meet the estimated demand, given that Council currently approves approximately 1,000 dwellings per year.

Requirement (c) - Whether the development is likely to cause adverse social and economic effects on the general community

Given the level of rents in Balmain and across the local government area more generally, relocation may well bring about the tenants’ displacement from the local community in order to secure affordable accommodation further afield. This would result in an adverse social impact (loss of these long term households) as well as an adverse economic impact (loss of the economic contribution made by these households) to the general community. For these reasons, the retention of affordable housing is a goal of Council’s Affordable Housing Policy.

Requirement (d) - Whether adequate arrangements have been made to assist the residents (if any) of the building likely to be displaced to find alternative comparable accommodation

The Social Impact Assessment prepared by Judith Stubbs & Associates refers to arrangements put in place to help the remaining tenants find alternative accommodation. The assistance comprise the following:

- (a) An extension of the period of notice to vacate beyond the 60 days required by the Residential Tenancies Act 1987;*
- (b) Payment of each tenant’s relocation costs;*
- (c) Assistance with finding alternative accommodation provided by the current managing agents; and*
- (d) Payment of one month’s rent in order to assist each tenant pay the bond for a new dwelling being leased.*

These measures are welcome. It is recommended that a condition of consent be applied which encompasses these conditions and requires full co-operation with finding affordable and suitable accommodation by the managing agents, as well as the timely payment for moving costs and bonds so as not to disadvantage the tenants.

Requirement (e) - the extent to which the development contributes to any cumulative loss of affordable housing in the local government area

The research cited above indicates that the market is not providing affordable housing for the vast majority of very low and low income renting households who need it in the Inner West local government area, and is not replacing the existing stock of affordable housing that is lost to these households through gentrification and redevelopment. With respect to these ongoing trends, the loss of five affordable dwellings contributes to the cumulative loss of affordable housing in the local government area.

Requirement (f) - The structural soundness of the building, the extent to which the building complies with any relevant fire safety requirements and the estimated cost of carrying out work necessary to ensure the structural soundness of the building and the compliance of the building with the fire safety requirement

No information regarding the structural soundness of the building and the extent to which the building complies with relevant fire safety requirements has been obtained.

Requirement (g) - Whether the imposition of a condition requiring the payment of a monetary contribution for the purposes of affordable housing would adequately mitigate the reduction of affordable housing resulting from the development

It is recommended that the existing affordable housing dwellings be retained to ensure that the tenants are able to remain living within their community. However, if this is not possible, then a monetary contribution should be made towards the provision of affordable housing in the local government area. A legal mechanism for achieving this is given in Part 3 'Retention of existing affordable rental housing', clause 51 'Contributions for affordable housing'.

Council has established an Affordable Housing Fund to hold monetary contributions for affordable housing received through Voluntary Planning Agreements and rental revenue received from Council's affordable housing portfolio. Council intends to use these accumulated funds to increase the supply of affordable rental housing locally. A monetary contribution to mitigate the loss of affordable housing should be deposited in this Fund. In addition, Council's Affordable Rental Housing Program (ARHP) provides an existing mechanism for delivery, retention and management of affordable housing. The primary aim of the ARHP is to reduce the ongoing loss of 'key workers' from the Inner West local government area. Under the program, rents are set at 74.9% of market rent and the dwellings are owned by Council in perpetuity and managed by Link Housing, a registered Tier 1 Community Housing Provider.

Requirement (h) - In the case of a boarding house, the financial viability of the continued use of the boarding house

There appears to be no conclusive evidence demonstrating that the existing boarding house on the site is financially unviable.

Recommendations

Given the analysis undertaken above, it is contended that the proposed development will or is likely to reduce the availability of affordable housing within the area.

It is recommended that the existing affordable housing dwellings be retained to ensure that the tenants are able to remain living within their community. However if this is not possible, then at least the following conditions of consent should be applied:

- 1. That a monetary contribution calculated in accordance with Part 3 'Retention of existing affordable rental housing', clause 51, 'Contributions for affordable housing' of ARHSEPP be provided and for this monetary contribution to be deposited in Council's Affordable Housing Fund so that the money can be invested in creating additional affordable housing within the local government area.*
- 2. That the measures outlined in the approved Social Impact Assessment prepared by Judith Stubbs & Associates, dated 3 March 2021, must be implemented to assist existing tenants find alternative comparable accommodation. These measures comprise the following:*

- (a) *An extension of the period of notice to vacate beyond the 60 days required by the Residential Tenancies Act 1987;*
- (b) *Payment of each tenant's relocation costs;*
- (c) *Assistance with finding alternative accommodation provided by the current managing agents; and*
- (d) *Payment of one month's rent in order to assist each tenant pay the bond for a new dwelling being leased.*

Assessment Officer's Comment:

The existing approval refers to "flats" (as defined at the time of approval), which have been used as low-rental dwellings during the relevant 5 year period up to the lodgement of the current application. However, these dwellings are not contained within a residential flat building as currently defined, do not rely upon existing use rights as a residential flat building, and meet the definition of multi dwelling housing.

Further, whilst it is possible for a boarding house to comprise "self-contained" accommodation, based on a review of Council's records, there is no evidence to suggest that the existing low-rental one-bedroom dwellings were used as a boarding house in the absence of any consent for a boarding house, boarding house registration or licenses, rooms let in lodgings, or land tax exemptions for low-income earners. The existing dwellings have been occupied by "tenants" under the *Residential Tenancies Act 1987*.

In this regard, the Department of Planning's 'Guidelines for Retention of Existing Affordable Rental Housing', dated October 2009, expressly states that the provisions of Part 3 do not apply to "forms of accommodation that are lawfully characterised as an alternative land use. Examples of alternative residential uses defined in the Standard Instrument (Local Environmental Plans) Order 2006 are attached dwellings, backpackers accommodation, bed and breakfast accommodation, dual occupancy, dwelling house, group home, hostel, hotel or motel accommodation, multi dwelling housing, residential care facility, secondary dwelling, semi-detached housing, seniors housing, serviced apartment or shop top housing."

This is also consistent with the predecessor to Part 3, being the former provisions of the now repealed *State Environmental Planning Policy No. 10 – Retention of Low-Cost Rental Housing*, which specifically defined a residential flat building as a "building containing two or more dwellings, but not including a row of two or more dwellings attached to each other such as those commonly known as terrace houses, duplexes or townhouses."

Therefore, whilst the proposal will result in the loss of existing low-rental dwellings, the provisions of Part 3 under *SEPP (Affordable Rental Housing) 2009* do not apply to multi dwelling housing, and a condition requiring contributions for the loss of affordable housing cannot be imposed. In addition, in accordance with the Ministerial Direction dated 2 October 2009, any monetary contribution from a condition imposed under Clause 51 of *SEPP (Affordable Rental Housing) 2009* would need to be transferred to NSW Housing, which may not offset the loss of affordable rental housing from the local area.

Notwithstanding the above, the applicant has provided a Social Impact Assessment prepared by Judith Stubbs & Associates to assess the social impacts of the loss of affordable housing, which recommends the following measures to be implemented to mitigate potential social impacts and assist the two existing tenants find alternative comparable accommodation as follows:

- An extension of the period of notice to vacate beyond the 60 days required by the Residential Tenancies Act 1987;

- Payment of each tenant's relocation costs;
- Assistance with finding alternative accommodation provided by the current managing agents; and
- Payment of one month's rent in order to assist each tenant pay the bond for a new dwelling being leased.

Council considers that these mitigation measures are directly associated with the proposal as outlined in the Social Impact Assessment and do not involve a contribution, land dedication or material public benefit towards a public purpose for the provision, maintenance or retention of affordable housing. As such, a planning agreement is not required, and a 'Deferred Commencement condition of consent can be imposed requiring satisfactory evidence of the above requirements being met which the guidelines allow for, and will be consistent with Development Consent D/2019/27 at 95 Evans Street, Rozelle issued by the Land and Environment Court.

It is further noted that a late submission was received from an objector with an attached Social Impact Comment prepared by Elton Consulting who were engaged to undertake a peer review of the Social Impact Assessment prepared for the project by Judith Stubbs & Associates (JSA), and to prepare a social impact comment (SIC) outlining findings from peer review of the previous SIA and including findings from an interview with an affected tenant of the existing housing at 9 Adolphus Street.

Our peer review of the SIA has found that it contains several gaps in assessment according to the SIA Guidelines for the Inner West local government area. The SIA, in our view, incorrectly disputes the applicability of the SEPP ARH, fails to effectively address all tangible and intangible social impacts likely to result from the DA and as such does not adequately address mitigation of all identified social impacts.

Consultation with the existing tenant highlighted several key themes including a strong connection to place, stress and anxiety surrounding uncertainty and instability with regard to living arrangements, loss of amenity, loss of affordable housing personally and in the area, and lack of inclusion in decision making processes. These themes directly relate to the likely social impacts resulting from the DA:

- » *impacts on way of life for existing tenants*
- » *loss of social interaction*
- » *exclusion of tenants from decision making for processes that affect their lives*
 - » *loss of amenity for current tenants*
- » *health and wellbeing impacts for tenants and nearby neighbours.*

With regard to mitigation measures for identified social impacts, the proposed monetary contributions noted in the JSA SIA are considered inadequate for addressing the intangible impacts to amenity and health and wellbeing for the affected party.

The DA will contribute to a loss of available affordable housing in the Inner West Council LGA, but currently there is no proposal to mitigate for the loss of affordable housing in the area. Consequently, approval of this DA would be incongruent with policy directions of Inner West Council, which in recent years released its Affordable Housing Policy, stating that it believes “affordable housing is a basic need and an essential element of an inclusive and sustainable city” (Inner West Council, 2017). Council acknowledges the shortfall in affordable housing in its LGA and the knock-on effects this shortfall can create amongst lower socio-economic strata in the community as well as for economic development and growth (Inner West Council, 2017).

Recommendations

We recommend that in determining the DA, Council:

- » Considers that the only way to avoid the negative social impacts of the DA is to refuse it, that is these impacts cannot be fully mitigated*
- » Considers there are options for partially mitigating these impacts including through providing a monetary contribution to Council for the loss of affordable housing and through developing a package for the affected tenants*
- » Requires the applicant to provide a complete structural assessment report based on internal inspection of all five dwellings, and that this assessment should consider the issues raised by the tenant.*

The above has been reviewed and do not raise any new issues given the applicability of Part 3 of the SEPP and social impacts have already been addressed. Community Development do raise any objections to the applicants Social Impact Statement given the mitigation measures proposed (and recommended – see above and below) to assist relocation of the existing tenants.

The following ‘Deferred Commencement’ Consent condition is recommended:

X. Arrangements for existing tenants

Documentary evidence is to be provided confirming that the operator has made the following arrangements to assist the residents of the building displaced by the proposed works to find alternative comparable accommodation:

- a. A written agreement with a local estate agent giving displaced residents first option for comparable accommodation that comes onto the market;*
- b. An extension of the period of notice to vacate beyond the 60 days required by the Residential Tenancies Act 1987;*
- c. Payment of each tenant’s relocation costs; and*
- d. Payment of one month’s rent in order to assist each tenant pay the bond for a new dwelling being leased.*

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

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

5(a)(iv) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is not within the Foreshores and Waterways Area and will have no adverse impacts on Sydney Harbour and scenic qualities.

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

Vegetation SEPP concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP. No tree removal is proposed as a part of this application. The proposed landscaping and tree protection measures for adjoining trees is discussed under Section 5(c) of this Report.

5(a)(vi) Leichhardt Local Environment Plan 2013 (Leichhardt LEP 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 2.5 - Additional permitted uses for land
- Clause 2.6 - Subdivision
- Clause 2.7 - Demolition
- Clause 4.1 - Minimum subdivision lot size
- Clause 4.3 - Height of buildings
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.4A - Exception to maximum floor space ratio for active street frontages
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management

Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned R1 General Residential under the *Leichhardt LEP 2013*. The *Leichhardt LEP 2013* defines the development as:

dwelling house means a building containing only one dwelling.

The development is permitted with consent within the land use table. The development as proposed and as conditioned is consistent with the objectives of the zone which are as follows:

- *To provide for the housing needs of the community.*

- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To improve opportunities to work from home.
- To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- To provide landscaped areas for the use and enjoyment of existing and future residents.
- To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Minimum Lot Size Minimum: 200m ² (both lots)	Lot 1: 446.7sqm Lot 2: 256.6sqm	N/A	Yes
Floor Space Ratio Maximum: Lot 1 - 0.8:1 Lot 2 - 0.9:1	Lot 1: 0.793:1 Lot 2: 0.7:1	N/A	Yes
Landscape Area: Minimum: 20% of total site area (both lots)	Lot 1: 20.28% * Lot 2: 45.2%	N/A	Yes
Site Coverage: 60% Maximum Permitted: 60% of total site area (both lots)	Lot 1: 50.14% Lot 2: 57.6%	N/A	Yes

* Based on the updated plans submitted on 16 June 2021 – See Section 4(b) of this report for further details.

The following provides further discussion of the relevant issues:

Clause 5.10 - Heritage Conservation

The subject property at 9 Adolphus Street, Balmain, is listed as a heritage item; House, including interiors, in Schedule 5 of the *Leichhardt LEP 2013* (I97) and is located in the Balmain East Heritage Conservation Area (C3 in Schedule 5 of the *Leichhardt LEP 2013*).

The Statement of Significance for the house, sourced from the Office of Environment and Heritage, heritage database website, is below:

No. 9 Adolphus Street is of local historic and aesthetic significance as a typical dwelling constructed in c. 1860. Despite some changes the building retains its original form and character and makes a positive contribution to the Adolphus Street streetscape.

The recommended management for the heritage item states:

- the existing single storey scale and character of the building including rendered facades, roof form, open front verandah and simple pattern of openings should be retained and conserved;
- reinstatement of the original door on the Adolphus Street façade may be considered;

- *timber and rendered surfaces should continue to be painted in appropriate colours;*
- *any additions should be restricted to the rear of the building and site. Alterations and replacement of the brick structures in the rear, western portion of the site should be carefully considered to ensure no adverse heritage impacts on the front building particular retain an appropriate scale, and adjacent heritage items.*

The subject property is also in a Balmain East Heritage Conservation Area and is a contributory dwelling within the HCA. The Statement of Significance for the Balmain East Heritage Conservation Area is in the Leichhardt DCP 2013 and is provided below:

- *One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important for illustrating development for workers' and artisan housing particularly from 1871–1891 which forms the major element of its identity. It is significant for its surviving development from that period and the later infill development up to World War II (ie pre-1939).*
- *Retains evidence of all its layers of growth within that period from the late-1870s.*
- *Through its important collection of weatherboard buildings, including the now rare timber terraces, it continues to demonstrate the nature of this important/major construction material in the fabric of early Sydney suburbs, and the proximity of Booth's saw mill and timber yards in White Bay.*
- *Through the mixture of shops, pubs and industrial buildings it demonstrates the nature of a Victorian suburb, and the close physical relationship between industry and housing in nineteenth century cities before the advent of the urban reform movement and the separation of land uses.*
- *Demonstrates through the irregular pattern of its subdivision the small-scale nature of the spec builders responsible for the construction of the suburb.*
- *Demonstrates the nature of some private subdivisions before the introduction of the Width of Streets and Lanes Act of 1881 required roads to be at least one chain wide.*

The Statement of Significance is available via the link below:

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

The site also adjoins, and is in the vicinity of, numerous heritage items, including the following which are generally within a 100mm radius of the site: Nos. 3 to 33 and 18A Adolphus Street, 2 and 4 Gladstone Street, Nos. 4, 31 and 33 Stephen Street, Nos. 7 and 14 Vincent Street, Nos. 1, 2 and 4 Wallace Street, No. 3 Ewenton Street and Nos 2, 4 and 6 Charles Street. The Statements of Significance for the heritage items adjoining and in the vicinity are available from the Office of Environment & Heritage, heritage database website at:

<https://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>

The application was referred to Council's Heritage Specialist who supports the proposal, subject to amendments, which are reiterated below (and are consistent with pre-DA advice provided to the applicant). Additional commentary is provided with respect to the drawings submitted with the DA.

Recommendation

Acceptable with the following amendments to the application:

1. *The following design changes are recommended to the proposed additions to the heritage item:*
 - a. *The bathroom and mudroom proposed within the existing bedroom 3 are to be installed so that they are reversible, so they can be easily removed in the future. This can be achieved with a low nib wall running around the existing walls for reticulation on a raised floor with a step for the new bathroom pod and mudroom. There should only be one drainage point to minimise disturbance of the existing timber floor. Detailed drawings are to be provided demonstrating the above.*
 - b. *The window openings to the ensuite on the first floor (W17) and the windows adjacent to the stairs on both levels (W12 and W30) must be redesigned so they are rectangular, vertically proportioned, employing traditional design (timber sash) and materials (timber frame).*
2. *The following design changes are recommended to the proposed dwelling to Waite Avenue:*
 - a. *Windows and doors to the western (front), northern and southern façades are to be redesigned so they are matching in dimensions, vertically proportioned, employing traditional design (timber sash) and materials (timber frame).*
 - b. *The depth of the car parking area is to be increased and a garage door is to be added to the front façade so the parking area is enclosed and presents as a solid façade to the street.*
 - c. *The painted steel balcony frame to the Waite Avenue (western) elevation is to be deleted and replaced with a traditional form 2 storey front verandah and is to run the full length of the facade. A separate skillion roof is to sit over the first floor balcony.*
 - d. *Glazed balustrades are to be redesigned with vertically proportioned timber or metal pickets.*
3. *The following additional information must be provided:*
 - a. *The applicant is to clarify the extent of restoration works proposed to the front verandah, e.g. removal of concrete slab, reinstatement of timber floorboards and the type of timber, e.g. a maintenance schedule.*
 - b. *The applicant is to provide details and the source of the proposed slate roof tiles. Detail of the proposed capping and finial details will also need to be provided.*
4. *Delete the proposed crossover and parking to Adolphus Street.*
5. *The new opening for the relocated pedestrian entry in the sandstone retaining wall to Adolphus Street is not to be cut into the sandstone blocks. The sandstone blocks are to be carefully removed. The exact location for the new pedestrian entry is to be determined by the location of existing joint lines within the wall. The removed stones are to be stored on site for future use. The reference to “cut new opening in stone retaining wall” is to be removed from the demolition drawings.*

6. *A revised external finishes schedule will need to be submitted for consideration in accordance with the following:*
 - a. *The vertical timber cladding to the first floor rear addition to the heritage item is to be laid horizontally. The elevations are to be amended accordingly.*
 - b. *The Colorbond Woodland Grey proposed for the rear addition to the heritage item and the roof of the new dwelling must be replaced with a pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".*

Amended Plans

The following heritage commentary is made in response to the revised architectural drawings prepared by VAN ALLEN DESIGN, dated 8 March 2021. These drawings responded to the heritage commentary provided on 15 December 2020 in response to the original proposal, which was considered to be acceptable from a heritage perspective, subject to amendments. Commentary from the original heritage referral is reiterated below along with additional commentary in response to the revised drawings.

1. *The following design changes are recommended to the proposed additions to the heritage item:*
 - a. *The bathroom and mudroom proposed within the existing bedroom 3 are to be installed so that they are reversible, so they can be easily removed in the future. This can be achieved with a low nib wall running around the existing walls for reticulation on a raised floor with a step for the new bathroom pod and mudroom. There should only be one drainage point to minimise disturbance of the existing timber floor. Detailed drawings are to be provided demonstrating the above.*

Comment: The revised drawings show the new bathroom is to be framed proud of the existing walls to minimise physical impact on the original building material and to contain plumbing and electrical services. The applicant has demonstrated the existing floorboards within bedroom 3 are not original and were installed by the previous owners (BC/190/2005) post 1970s. It is agreed that there are no heritage reasons why the existing timber floors need to be preserved in this space. A bathroom floor flush with existing floor levels is acceptable given the existing timber floor is not original.

- b. *The window openings to the ensuite on the first floor (W17) and the windows adjacent to the stairs on both levels (W12 and W30) must be redesigned so they are rectangular, vertically proportioned, employing traditional design (timber sash) and materials (timber frame).*

Comment: Window W17, now W16, in the east elevation of the first floor addition has been amended to a square window. The window proportions need to be complementary to the fenestration in the main building form. A condition is included in the recommendation requiring the height of Window W16 in the east façade of the first floor addition to the dwelling be 1.6 x its width to ensure the window is vertically proportioned. The External Finishes Schedule proposes steel windows for the proposed addition. The heritage response letter states that steel is acceptable because the windows are associated with the addition, which is physically separated from the main building form. It is agreed that more contemporary materials, such as the steel window in the east elevation of the addition are acceptable, even though it will be visible from Darling Street.

2. *The following design changes are recommended to the proposed dwelling to Waite Avenue:*

- a. *Windows and doors to the western (front), northern and southern façades are to be redesigned so they are matching in dimensions, vertically proportioned, employing traditional design (timber sash) and materials (timber frame).*
- b. *The depth of the car parking area is to be increased and a garage door is to be added to the front façade so the parking area is enclosed and presents as a solid façade to the street.*
- c. *The painted steel balcony frame to the Waite Avenue (western) elevation is to be deleted and replaced with a traditional form 2 storey front verandah and is to run the full length of the facade. A separate skillion roof is to sit over the first floor balcony.*
- d. *Glazed balustrades are to be redesigned with vertically proportioned timber or metal pickets.*

Comment: Windows and doors to the western (front), northern and southern façades are vertically proportioned. The External Finishes Schedule proposes timber framed windows and doors to the new dwelling. A garage door has been added and sits flush with the west (front) façade of the proposed dwelling. A 2 storey traditional form verandah has been added to the front west façade of the proposed dwelling, excluding the northern portion containing the garage and the main bedroom above. Balustrades are proposed to be painted timber. This is an improvement on the previously proposed balconies and is generally acceptable.

3. *The following additional information must be provided:*

- a. *The applicant is to clarify the extent of restoration works proposed to the front verandah, e.g. removal of concrete slab, reinstatement of timber floorboards and the type of timber, e.g. a maintenance schedule.*
- b. *The applicant is to provide details and the source of the proposed slate roof tiles. Detail of the proposed capping and finial details will also need to be provided.*

Comment: The east elevation of the existing dwelling is annotated that it is proposed to reinstate the metal porch roof and columns. The plans are annotated that it is proposed to restore timber porch post and repair or replace existing stone tiles as required. The Heritage Response Letter states the verandah will be reconstructed to sit below the main roof gutter line as per the original, which is acceptable. The External Finishes Schedule proposes Penryn slate roof tiles with roll top ridge capping. Penryn tiles are Welsh slate which will ensure the tiles are complementary to roof tiles that would have traditionally been used in the late 19th and early 20th centuries with its dark purple / grey colours.

The solar hot water system proposed to be located on the northern roof plane of the heritage item will be visible from the public domain. As such a condition is included in the recommendation to relocate this to the roof of the rear addition to reduce the visual impact on the heritage item.

4. *Delete the proposed crossover and parking to Adolphus Street.*

Comment: No change. As stated in the Pre-DA advice and subsequent meetings, the proposed crossover and parking to Adolphus Street is not supported from a heritage perspective and must be deleted from the proposal as it is out of character with the streetscape along Adolphus Street (C2 of Part C1.11 of the DCP). Additionally Council's Development Engineer also does not support the provision of this parking space as it would result in the loss of on-street parking. A condition is included in the recommendation requiring the deletion of the proposed crossover and parking to Adolphus Street having regard to the unacceptable streetscape impact and on the heritage item itself.

5. *The new opening for the relocated pedestrian entry in the sandstone retaining wall to Adolphus Street is not to be cut into the sandstone blocks. The sandstone blocks are to be carefully removed. The exact location for the new pedestrian entry is to be determined by the location of existing joint lines within the wall. The removed stones are to be stored on site for future use. The reference to "cut new opening in stone retaining wall" is to be removed from the demolition drawings.*

Comment: An annotation has been added to the demolition drawings stating the new opening in the existing retaining wall is to be determined by using existing joint lines and to keep stones for reuse, which is acceptable.

6. *A revised external finishes schedule will need to be submitted for consideration in accordance with the following:*
 - a. *The vertical timber cladding to the first floor rear addition to the heritage item is to be laid horizontally. The elevations are to be amended accordingly.*
 - b. *The Colorbond Woodland Grey proposed for the rear addition to the heritage item and the roof of the new dwelling must be replaced with a pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".*

Comment: The east elevation has been amended showing the timber cladding to be laid horizontally. The roof and rainwater goods for the addition and the new dwelling have been amended to "Wallaby". The amended External Finishes Schedule proposes hardwood timber cladding to the first floor of the addition to the heritage item. This is to be replaced with horizontally laid timber weatherboards painted in Haymes "Marble Mist".

Accordingly, the proposal is acceptable from a heritage perspective as it will not detract from the heritage significance of the house or the Balmain East Heritage Conservation Area subject to the following recommended conditions:

1. Design change:
 - a. The crossover and parking proposed to Adolphus Street are to be deleted.
 - b. The window opening for W16 in the east façade of the first floor addition to the dwelling is to be amended so its height is 1.6 x its width.
 - c. The proposed hardwood timber cladding to the first floor of the addition to the heritage item is to be replaced with horizontally laid timber weatherboards painted in Haymes "Marble Mist".

- d. The solar hot water system proposed to be located on the northern roof plane of the heritage item is to be relocated to the roof of the rear addition.

The above requirements are included in the recommendation of this report.

In summary, subject to the abovementioned amendments, the proposed development is considered to be of a form, size, scale, design, landscaping, detail and general appearance that will be compatible with, and will not detract from the significance and setting of the existing heritage listed dwelling-house, adjoining and nearby heritage listed buildings, the streetscape and HCA and will satisfy the provisions and objectives of this part of the *Leichhardt LEP 2013* and those contained in the *Leichhardt DCP 2013*.

5(b) Draft Environmental Planning Instruments

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

- Draft SEPP Environment
- Draft Inner West Local Environmental Plan 2020 (*Draft IWLEP 2020*)

5(b)(i) Draft SEPP Environment

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of the natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018. This consolidated SEPP proposes to provide a single set of planning provisions for catchments, waterways, bushland and protected areas. Changes proposed include consolidating seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development is consistent with the provisions of the draft Environment SEPP.

5(b)(ii) Draft Inner West Local Environmental Plan 2020

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 the 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 this application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(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* (*Leichhardt DCP 2013*).

Leichhardt DCP 2013	Compliance
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	Yes, subject to conditions – see discussion under Section 5(a)(ii) of this report
B3.2 Events and Activities in the Public Domain (Special	N/A

Events)	
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes - - see Clause 5.10 discussion under Section 5(a)(iv) above
C1.3 Alterations and additions	Yes, subject to conditions - see Clause 5.10 discussion under Section 5(a)(iv) above, and discussion below
C1.4 Heritage Conservation Areas and Heritage Items	Yes, subject to conditions - see Clause 5.10 discussion under Section 5(a)(iv) above, and discussion below
C1.5 Corner Sites	N/A
C1.6 Subdivision	Yes - see Clause 5.10 discussion under Section 5(a)(iv) above, and discussion below
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	Yes
C1.12 Landscaping	Yes – see discussion
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes, subject to conditions – see discussion
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	Yes
C1.18 Laneways	Yes
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	Yes
Part C: Place – Section 2 Urban Character	
C.2.2.2.3: Gladstone Park Distinctive Neighbourhood, Balmain	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No – see discussion below
C3.3 Elevation and Materials	Yes, subject to conditions - see Clause 5.10 discussion under Section

	5(a)(iv) above
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes – see discussion
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	N/A
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C1.3 – Alterations and additions; C1.4 – Heritage Conservation Areas and Heritage Items; C1.18 Laneways; and C2.2.2.3 – Gladstone Park Distinctive Neighbourhood

As detailed above under Clause 5.10 – Heritage Conservation of the *Leichhardt LEP 2013*, the site contains a heritage item and is located in a HCA. The alterations and additions to the heritage item and new infill dwelling as proposed and as conditioned will be of a form, size, scale, design and detail that will be compatible with and will not detract from the existing dwelling-house, the streetscape, laneway or the HCA.

C1.6 – Subdivision

The proposed subdivision will meet the minimum lot size requirement, and will be compatible the prevailing subdivision pattern in the street in terms of size, orientation and shape. Further, and as noted previously, the proposed subdivision is acceptable on heritage grounds.

C1.12 – Landscaping and C1.14 – Tree Management

As noted previously, the proposal as amended will comply with Council's Landscaped Area development standards.

The following trees are located within the vicinity.

- *Sapium sebiferum* (Chinese Tallowood) – adjacent to southern boundary within 11 Adolphus Street;
- *Archontophoenix cunninghamiana* (Bangalow Palm) – adjacent to southern boundary within 11 Adolphus Street;
- *Tristaniopsis laurina* (Water Gum) – adjacent to southern boundary within 11 Adolphus Street;
- *Lagerstroemia indica* (Crepe Myrtle) – adjacent to southern boundary within 2A Waite Avenue;
- *Bauhinia variegata* (Orchid Tree) – adjacent to southern boundary within 2A Waite Avenue;
- *Cupressa sempervirens* (Italian Cypress) – adjacent to northern boundary within 7 Adolphus Street; and
- *Prunus* sp. – adjacent to northern boundary within 7 Adolphus Street.

All trees will be retained as part of the proposal.

The application was accompanied by Arborist advice prepared by Tree iQ which provided the following conclusion and recommendations:

- *Tree sensitive methods should be used for Trees 5 and 6 (as outlined within Section 3.3.3 & 3.5.4). TPZ fencing should be installed for Tree 6 (1.8m steel mesh panels supported by concrete feet as outlined on the Waite Ave – Proposed Ground Plan.*
- *Tree 6 will need to be pruned to provide clearance to the second storey. These works will be limited to branches less than 50mm in diameter and account for less than 5% of tree's total crown volume. Pruning work should be undertaken in accordance with Australian Standard 4373: Pruning of Amenity Trees (2007) and Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work (2016).*

Council's Tree Assessment Officer has reviewed the proposal and raised no objection to the proposal proceeding, subject to tree protection conditions being imposed including a requirement for Arborist Supervision during the site preparation, demolition, construction and landscaping works, and compliance with the amended Landscape Plan dated 15/02/2021. Those conditions are included in the recommendation of this report.

As previously noted, the architectural plans have been amended to increase Landscaped Area provision on to Lot 1 to ensure compliance with the Landscaped Area development standard of the *Leichhardt LEP 2013*. A condition is included in the recommendation requiring the Landscape Plans to be amended to be consistent with the updated architectural plans.

C3.2 Site Layout and Building Design

Building Envelope

The maximum building envelope applying to development in the Gladstone Park Distinctive Neighbourhood to which the subject site is located is 3.6m, however, a maximum building envelope of 6m applies in some locations where two storey terrace forms predominate.

The additions to the existing dwelling-house will not breach the applicable 3.6m building envelope control.

The new dwelling to Waite Avenue proposes a two storey form and will consequently breach the 3.6m wall height / building envelope control, seeking a wall height to the street of approximately 6m. Given the adjoining context on Waite Avenue, which includes a two storey dwelling immediately adjoining at No. 2A Waite Avenue, as well as two storey dwelling forms opposite, the 6m wall height of the new dwelling is considered acceptable in this instance.

Siting

The Gladstone Park Distinctive Neighbourhood stipulates that front setbacks shall be generally 0m - 2m, except where the particular context requires a deeper setback, while a zero setback is generally appropriate to narrow streets such as Gladstone and Ann Streets.

The new dwelling to Waite Avenue will have a front wall setback of around 1.8m which is compatible with the adjoining dwelling at No. 2A Waite Avenue. The first floor front balcony of the dwelling will have a setback from Waite Avenue of approximately 600mm and will not be out of character in this streetscape where 0-2m setbacks are characteristic.

Building Location Zone

The proposed ground floor rear building line setback and first floor front building line setback complies with the Building Location Zone (BLZ) requirements, but a variation is proposed in relation to the first floor rear BLZ based on the average rear first floor building line setbacks of 7 and 11 Adolphus Street. In addition, the proposed two-storey dwelling at 2C Waite Avenue seeks to establish a new BLZ given the adjoining property to the north does not contain a dwelling facing Waite Avenue.

In accordance with the requirements under Control C6 of Section C3.2 of Leichhardt DCP 2013, which enables a variation or establishment of a BLZ, the proposal is considered acceptable given it:

- Retains the main original roof form of the existing building, minimises visibility from the street, and thereby achieves a compatible bulk, form and scale consistent with the existing and desired future character along this section of Adolphus Street, while the two-storey built form facing Waite Avenue is consistent with the adjoining two-storey dwelling at 2A Waite Avenue and the existing pattern of development along Waite Avenue;
- Complies with the permitted FSR, building envelope, site coverage, landscaped area and private open space, and maintains reasonable ceiling heights; and

- Does not result in any undue adverse overshadowing, visual or acoustic privacy, or visual bulk amenity impacts (as conditioned).

Side Setbacks

The dwelling facing Adolphus Street complies with Council's side setback requirements, but a technical non-compliance with the Side Boundary Setbacks Graph as prescribed in Part C3.2 of the DCP is proposed for the dwelling facing Waite Avenue as outlined in the following table:

Elevation	Proposed Maximum Wall Height (m)	Required setback (m)	Proposed setback (m)	Difference (m)
Northern (Adolphus)	4.7	1.09	1.25	0.16
Northern (Waite)	3.03	0.13	0	-0.13
Southern(Adolphus)	2.4	0	0	0
Southern (Waite)	3.26	0.26	0	-0.26

The proposal therefore seeks side setback non-variations relating to each side boundary. Subclause C8 of Part C3.2 of the DCP states that Council may allow for a departure from the side setback control where:

- the proposal is consistent with the relevant Building Typology Statement as outlined in Appendix B of the DCP;*
- the pattern of development in the streetscape is not compromised;*
- the bulk and scale is minimised by reduced floor to ceiling heights;*
- amenity impacts on adjoining properties are minimised and / or are acceptable; and*
- reasonable access is retained for necessary maintenance of adjoining properties.*

The proposed variation to the required setback is considered acceptable on merit given it:

- Retains the main original roof form of the existing heritage building, minimises visibility from the street, and achieves a compatible bulk, form and scale consistent with the existing and desired future character along this section of Adolphus Street and Waite Avenue noting the large two-storey built form in the immediate vicinity;
- Complies with the permitted FSR and building envelope, provides acceptable site coverage, landscaped area and private open space, and maintains reasonable ceiling heights;
- Reflects the existing 0m side setback to the south to the south; and
- Does not result in any undue adverse overshadowing, visual or acoustic privacy (as conditioned) or visual bulk amenity impacts.

C3.8 - Private Open Space

The proposal provides primary private open space areas of at least 16sqm and 3m dimension for each dwelling directly adjacent to living areas at ground level that maximise solar access and do not result in any adverse privacy impacts to adjoining properties. Therefore, the proposed private open space areas are considered acceptable.

C3.9 - Solar Access

The following solar access controls under C3.9 apply to the proposal in relation to impacts to glazing on the surrounding sites.

- *C12 - Where the surrounding allotments are orientated east/west, main living room glazing must maintain a minimum of two hours solar access between 9am and 3pm during the winter solstice*
- *C15 - Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*
- *C18 - Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.*
- *C19 - Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

Based on the hourly shadow diagrams provided, the proposal maintains compliant solar access to living room glazing within the subject site and adjoining properties.

The adjoining properties to the south at 2A Waite Avenue and 11 Adolphus Street currently receive approximately 2.25 hours of solar access between 9am and 3pm to 50% of the total area of private open space adjacent to the main living room at midwinter. The proposal results in minor additional overshadowing ranging from 0.5sqm to 1.4sqm, but maintains approximately 2.25 hours of solar to 50% of the rear private open space areas of both 2A Waite Avenue and 11 Adolphus Street between 9am and 1pm.

However, the proposal is considered acceptable noting the site orientation and improving solar access throughout the year, acceptable BLZ and side setbacks, and overall compliance with the Building Envelope, site coverage, landscaped area, and FSR. Therefore, in assessing the reasonableness of solar access to adjoining properties, it is considered that the proposal will not result in any undue adverse overshadowing impacts.

C3.11 - Visual Privacy

The following controls are applicable in C3.11 Visual Privacy

- *C1 Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.*
- *C4 Roof terraces will be considered where they do not result in adverse privacy impacts to surrounding properties. This will largely depend on the:*
 - *Design of the terrace;*
 - *The existing privacy of the surrounding residential properties;*
 - *Pre-existing pattern of development in the vicinity; and*
 - *The overlooking opportunities from the roof terrace.*
- *C7 New windows should be located so they are offset from any window (within a distance of 9m and 45 degrees) in surrounding development, so that an adequate level of privacy is obtained/retained where such windows would not be protected by the above controls (i.e. bathrooms, bedrooms).*
- *C9 Balconies at first floor or above at the rear of residential dwellings will have a maximum depth of 1.2m and length of 2m unless it can be demonstrated that due to the location of the balcony there will be no adverse privacy impacts on surrounding residential properties with the provision of a larger balcony.*
- *C10 Living areas are to be provided at ground floor level to minimise opportunities for overlooking of surrounding residential properties.*

As noted previously, the proposed raised ground floor levels and raised rear yard and garage roof terrace are considered acceptable given suitable privacy screening will be

provided to the southern and northern boundaries and no adverse impacts arise to adjoining properties. Further, first floor openings are suitably offset and relate to bedrooms and ensuite which are considered low use rooms and the proposed first floor eastern (rear) bedroom balcony for the dwelling facing Waite Avenue complies with Control C9, being less than 1.2m x 2m.

However, a condition will be imposed requiring the proposed first floor northern windows adjacent to the stairs and landing of the dwelling facing Adolphus Street to maintain privacy screening at least 1.6m above the finished first floor level.

Therefore, the proposal (as conditioned) is considered acceptable with respect to visual privacy.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with Council's policy for a period of 14 days to surrounding properties and amended plans also necessitated re-notification. A total of 13 submissions were received in response to both notification periods.

The following issues raised in submissions have been discussed in this report:

- Loss of Affordable Housing – See Section 5(a)(ii)
- Negative Heritage and Streetscape Outcomes – See Section 5(a)(vi)
- Subdivision – See Section 5(a)(vi) and 5(c)
- Site Layout and Building Design – See Section 5(c)
- Adverse Visual Imposition and Interface Issues – See Section 5(c)
- Unacceptable Overshadowing Impacts – See Section 5(c)
- Adverse Impact to the Existing Tree – See Section 5(c)
- Public Interest – See Section 5(g)
- Non-compliance with landscaped area and site coverage – See Section 5(a)(vi)

In addition, the following comments are provided in response to further objections:

- Unauthorised Building Works in relation to the amalgamation of an existing flat into the dwelling.

Council has no evidence of unauthorised building works and it is noted that the existing flats off Waite Avenue are to be demolished.

- Construction traffic and access off Waite Avenue

Suitable conditions will be imposed requiring the submission of a Construction Traffic Management Plan to minimise potential construction traffic impacts along Waite Avenue

Accordingly, the grounds of objection raised have been satisfactorily addressed as a part of the proposal (as conditioned) and do not warrant refusal of the application.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Engineering: No objections subject to conditions which include the deletion of the car space to Adolphus Street which would result in the loss of on-street parking
- Landscaping: No objections subject to conditions which require tree protection
- Heritage: No objections subject to conditions as discussed in this report
- Community Development: No objections subject to conditions

6(b) External

The application was referred to Ausgrid and no objections were raised.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are not applicable given the carrying out of the proposed development for two dwellings/lots would not result in an increased demand for public amenities and public services within the area based on a credit for 6 existing dwellings (which is consistent with Council's previous approval for subdivision under D/2017/3).

However, a Section 7.12 levy of \$19,886 is applicable based on the estimated cost of works for the development and a condition will be imposed requiring this payment if the proposal is determined by grant of consent.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in applicable statutory controls and the *Leichhardt LEP 2013* and *Leichhardt DCP 2013*.

The proposal is considered to be in the public interest as no unacceptable adverse heritage, streetscape, parking, amenity or social impacts arise from the proposal proceeding subject to suitable conditions, including measures to be implemented to mitigate potential social impacts and assist two existing tenants find alternative comparable accommodation as part of a 'Deferred Commencement' Approval.

The application is considered suitable for 'Deferred Commencement' Approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant 'Deferred Commencement' Consent to Development Application No. DA/2020/0978 for subdivision of lot into two Torrens title lots, alterations and additions to existing heritage listed dwelling-house fronting Adolphus Street, demolition of existing bedsits for new dwelling-house on the newly created lot fronting Waite Avenue, and associated works at 9 Adolphus Street BALMAIN NSW 2041 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

A. DEFERRED COMMENCEMENT CONDITION

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

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

1. Arrangements for existing tenants

Documentary evidence is to be provided confirming that the operator has made the following arrangements to assist the residents of the building displaced by the proposed works to find alternative comparable accommodation:

- a. A written agreement with a local estate agent giving displaced residents first option for comparable accommodation that comes onto the market;
- b. An extension of the period of notice to vacate beyond the 60 days required by the Residential Tenancies Act 1987;
- c. Payment of each tenant's relocation costs; and
- d. Payment of one month's rent in order to assist each tenant pay the bond for a new dwelling being leased.

If the applicant fails to satisfy Council as to the above matters within 2 years from the date of determination this consent will lapse.

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

B. CONDITIONS OF CONSENT**DOCUMENTS RELATED TO THE CONSENT****1. Documents related to the consent**

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA100, Rev. B	SITE PLAN - EXISTING	8/3/21	VAN ALLEN DESIGN
DA101, Rev. C	SITE ANALYSIS PLAN - PROPOSED	16/6/21	VAN ALLEN DESIGN
DA103, Rev. C	PROPOSED SUBDIVISION PLAN	16/6/21	VAN ALLEN DESIGN
DA110, Rev. B	SITE PLAN - CAR PARKING + VEHICLE ACCESS	8/3/21	VAN ALLEN DESIGN
DA111, Rev. B	OFF-STREET CAR PARKING + VEHICLE ACCESS	8/3/21	VAN ALLEN DESIGN
DA112, Rev. B	OFF-STREET CAR PARKING + VEHICLE ACCESS	8/3/21	VAN ALLEN DESIGN
DA200, Rev. B	SITE PLAN - EXISTING	8/3/21	VAN ALLEN DESIGN
DA201, Rev. B	EXISTING PLAN - ADOLPHUS ST	8/3/21	VAN ALLEN DESIGN
DA202, Rev. C	SITE PLAN - DEMOLITION	16/6/21	VAN ALLEN DESIGN
DA203, Rev. B	ADOLPHUS ST PLAN - DEMOLITION	8/3/21	VAN ALLEN DESIGN
DA204, Rev. B	ADOLPHUS ST ROOF PLAN - DEMOLITION	8/3/21	VAN ALLEN DESIGN
DA205, Rev. B	EAST ELEVATION, DEMOLITION - ADOLPHUS ST	8/3/21	VAN ALLEN DESIGN
DA206, Rev. B	WEST ELEVATION, DEMOLITION - ADOLPHUS ST	8/3/21	VAN ALLEN DESIGN
DA207, Rev. B	SOUTH ELEVATION, DEMOLITION - ADOLPHUS ST	8/3/21	VAN ALLEN DESIGN
DA208, Rev. B	NORTH ELEVATION, DEMOLITION - ADOLPHUS ST	8/3/21	VAN ALLEN DESIGN
DA210, Rev. C	ADOLPHUS ST - PROPOSED GROUND	16/6/21	VAN ALLEN DESIGN

DA211, Rev. B	ADOLPHUS ST - PROPOSED FIRST FLR	8/3/21	VAN ALLEN DESIGN
Unknown	ADOLPHUS ST - PROPOSED ROOF	undated	Unknown
DA220, Rev. B	WAITE AVE - PROPOSED GROUND	8/3/21	VAN ALLEN DESIGN
DA221, Rev. B	WAITE AVE - PROPOSED FIRST FLR	8/3/21	VAN ALLEN DESIGN
DA222, Rev. B	WAITE AVE - PROPOSED ROOF	8/3/21	VAN ALLEN DESIGN
DA300, Rev. B	EXSTG EAST ELEVATION ADOLPHUS ST -	8/3/21	VAN ALLEN DESIGN
DA301, Rev. B	EXSTG WEST ELEVATION ADOLPHUS ST -	8/3/21	VAN ALLEN DESIGN
DA302, Rev. B	EXSTG WEST ELEVATION WAITE AVE -	8/3/21	VAN ALLEN DESIGN
DA303, Rev. B	EXSTG SITE ELEVATIONS SOUTH + NORTH -	8/3/21	VAN ALLEN DESIGN
DA304, Rev. B	PROPOSED EAST ELEVATION ADOLPHUS ST -	8/3/21	VAN ALLEN DESIGN
DA305, Rev. B	PROPOSED WEST ELEVATION ADOLPHUS ST -	8/3/21	VAN ALLEN DESIGN
DA306, Rev. B	PROPOSED SITE ELEVATIONS SOUTH + NORTH -	8/3/21	VAN ALLEN DESIGN
DA307, Rev. B	PROPOSED STH ELEVATION ADOLPHUS ST -	8/3/21	VAN ALLEN DESIGN
DA309, Rev. B	ADOLPHUS ST - SECTION A	8/3/21	VAN ALLEN DESIGN
DA310, Rev. B	ADOLPHUS ST - SECTION B	8/3/21	VAN ALLEN DESIGN
DA311, Rev. B	ADOLPHUS ST - SECTION C	8/3/21	VAN ALLEN DESIGN
DA312, Rev. B	ADOLPHUS ST - SECTION D	8/3/21	VAN ALLEN DESIGN
DA320, Rev. B	SITE ELEVATIONS - WAITE AVE	8/3/21	VAN ALLEN DESIGN
DA321, Rev. B	PROPOSED WEST ELEVATION WAITE AVE -	8/3/21	VAN ALLEN DESIGN
DA322, Rev. B	PROPOSED NORTH ELEVATION - WAITE AVE	8/3/21	VAN ALLEN DESIGN

DA323, Rev. B	PROPOSED EAST - ELEVATION WAITE AVE	8/3/21	VAN ALLEN DESIGN
DA324, Rev. B	PROPOSED SOUTH ELEVATION - WAITE AVE	8/3/21	VAN ALLEN DESIGN
DA325, Rev. B	WAITE AVE - SECTION A	8/3/21	VAN ALLEN DESIGN
DA326, Rev. B	WAITE AVE - SECTION B	8/3/21	VAN ALLEN DESIGN
DA327, Rev. A	WAITE AVE - SECTION C	26/10/20	VAN ALLEN DESIGN
DA328, Rev. A	WAITE AVE - SECTION D	26/10/20	VAN ALLEN DESIGN
DA501, Rev. B	EXTERNAL FINISHES - ADOLPHUS ST	8/3/21	VAN ALLEN DESIGN
DA502, Rev. B	EXTERNAL FINISHES - WAITE AVE	8/3/21	VAN ALLEN DESIGN
Dwg no: LP01- D9020, Issue: F	DA Cover Sheet	15.02.2021	DANGAR BARIN SMITH
Dwg no: LP02- D9020, Issue: F	Ground Floor Landscape Plan	15.02.2021	DANGAR BARIN SMITH
Dwg no: LP03- D9020, Issue: F	First Floor Landscape Plan	15.02.2021	DANGAR BARIN SMITH
Drawing No. 1920-234 (Sheets 1 - 4), revision (05)	Stormwater drainage concept plan	12 March 2021	H & M CONSULTANCY
A392605_03	BASIX Certificate	8/3/2021	VAN ALLEN DESIGNS
A395391_03	BASIX Certificate	8/3/2021	VAN ALLEN DESIGNS
Revision C	ARBORICULTURAL IMPACT ASSESSMENT TREE PROTECTION SPECIFICATION	20th October 2020	TREE IQ
	Addendum Arboricultural Statement	1st March 2021	TREE IQ

As amended by the conditions of consent.

DESIGN CHANGE**2. Design Change**

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

- a. The crossover and parking proposed to Adolphus Street are to be deleted.
- b. The window opening for W16 in the east façade of the first floor addition to the dwelling is to be amended so its height is 1.6 x its width.
- c. The proposed hardwood timber cladding to the first floor of the addition to the heritage item is to be replaced with horizontally laid timber weatherboards painted in Haymes "Marble Mist".
- d. The solar hot water system proposed to be located on the northern roof plane of the heritage item is to be relocated to the roof of the rear addition.
- e. The Landscape Plans referenced in Condition 1 to Part B of this consent, prepared by DANGAR BARIN SMITH and dated 15.02/2021, shall be amended to provide Landscaped Area to Lot 1 (i.e. garden and / or lawn area with a minimum dimension of 1m) in accordance with the architectural plans, including Issue C drawings, prepared by VAN ALLEN DESIGNS also referenced in Condition 1 to Part B of this consent.

FEES**3. Security Deposit - Custom**

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

Security Deposit:	\$2,209.00
Inspection Fee:	\$236.70

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

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

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

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

The amount nominated is only current for the financial year in which the initial 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.

4. Section 7.12 (formerly section 94A) Development Contribution Payments

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*.

Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount*:

\$19,886

*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

Payment methods:

The required contribution must be paid either *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000))*. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

5. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

GENERAL CONDITIONS**6. Boundary Alignment Levels**

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

7. Tree Protection

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

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

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

The trees identified and numbered 1-7 as per submitted *Arboricultural Impact Assessment and Tree Protection Specification*, prepared by *Tree IQ*, dated 20/10/2020 are to be protected in accordance with the conditions of consent throughout the development:

8. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

9. Privacy

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating first floor northern windows adjacent to the stairs and landing of the dwelling facing Adolphus Street being amended in the following manner:

- a. Fixed and obscure glazing to a minimum level of 1.6 metres above the floor level; or
- b. Suitable externally fixed screening with a minimum block out density of 75% to a level of 1.6 metres above the floor level; or
Note: The louvers are to individual opening more than 30mm wide and a total area of opening that is less than 30% of the surface area of the screen and made of durable materials. Louvered screens must be securely fitted and may be able to be tilted open from a closed position to an angle of 45 degrees in a downward or upward position.
- c. Minimum sill height of 1.6 metres above floor level.

10. Noise Levels and Enclosure of Pool/spa Pumping Units

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

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

11. Waste Management Plan

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

12. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and

specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

13. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

14. Hoardings

The person acting on this consent must ensure the site is 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 roads or Council controlled lands 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. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

15. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining property at 11 Adolphus Street to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

16. Advising Neighbors Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

17. Construction Fencing

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

PRIOR TO CONSTRUCTION CERTIFICATE

18. Dilapidation Report – Pre-Development – Minor

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

19. Stormwater Drainage System – Minor Developments (OSD is required for both sites)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The stormwater drainage concept plan on Drawing No. 1920-234 revision (05) prepared by H & M CONSULTANCY and dated 12 March 2021, must be amended to comply with the following;
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road via the OSD/OSR tanks as necessary;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- e. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (100year ARI);
- g. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- h. Where a combined OSD/OSR is proposed, only roof water is permitted to be connected to the OSD/OSR. The over flow from the storage tank must be connected under gravity to the kerb and gutter of a public road. Stormwater outlet pipe at a lower level of the storage tank is not required.
- i. Details and dimensions of the OSD/OSR tank, the invert and top water level in the OSD/OSR., volume of storage tank and pipe diameter and invert level must be indicated on the drainage plans;
- j. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- k. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- l. An overland flow path must be provided within the setback to the northern side boundary of 9 Adolphus Street between the rear of the dwelling and the Adolphus Street frontage. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flow path.
- m. A minimum 150 mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- n. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- o. No nuisance or concentration of flows to other properties;
- p. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- q. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- r. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;

- s. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- t. 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 4.0 mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm;
- u. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- v. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- w. Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system; and
- x. No impact to street tree(s).

20. Amended Architectural Plans

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended architectural plans that incorporate the following recommendation:

- a. The proposed off street parking space in Adolphus Street must be deleted from the plans;
- b. The proposed pedestrian access to Waite Avenue must be setback a minimum of 1000 mm from the property boundary on safety reasons.
- c. The design of the vehicular access and off-street parking facilities in Waite Avenue must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:
 - i. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
 - ii. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
 - iii. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided at a natural scale of 1:25, demonstrating compliance with the above requirements;
 - iv. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 3000 mm (length x width) and a door opening width of 4200 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;
 - v. Where the drop adjacent to the end of the parking module(s) exceeds 600mm, structural barriers must be provided. Where the drop is between 150-600mm, wheel stops must be provided. These physical controls must be installed in accordance with the requirements of Section 2.4.5 of AS/NZS2890.1-2004. The design of structural barriers must be certified by a suitably qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications;
 - vi. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;

- vii. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; and
- viii. The parking space must be set back from the property boundary by a minimum of 1000mm.

21. Changes to Levels

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

- a. A 150 mm step up must be provided between the finished surface level of the external area and the finished floor level of the internal room.

22. Parking Facilities - Domestic

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities in Waite Avenue must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing 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 the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided at a natural scale of 1:25, demonstrating compliance with the above requirements;
- d. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 3000 mm (length x width) and a door opening width of 4200 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;
- e. Where the drop adjacent to the end of the parking module(s) exceeds 600mm, structural barriers must be provided. Where the drop is between 150-600mm, wheel stops must be provided. These physical controls must be installed in accordance with the requirements of Section 2.4.5 of AS/NZS2890.1-2004. The design of structural barriers must be certified by a suitably qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications;
- f. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;
- g. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004;
- h. The parking space must be set back from the property boundary by a minimum of 1000mm to [improve sight distance to pedestrians and/or accommodate a transition between the parking space and the boundary].

23. Structural Certificate for retained elements of the building

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

24. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

DURING DEMOLITION AND CONSTRUCTION**25. Inspections by Project Arborist**

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

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
T1 <i>Sapium sebiferum</i> (Chinese Tallowwood) located in adjoining property, 11 Adolphus St. T5 <i>Bauhinia variegata</i> (Orchid Tree) located in adjoining property, 2A Waite Ave. T6 <i>Cupressus sempervirens</i> (Italian Cypress) located in adjoining property, 7 Adolphus St	Prior to commencement of works	<ul style="list-style-type: none"> Inspection and sign off installation of tree protection measures.
	During Works	<ul style="list-style-type: none"> Supervise all site preparation and demolition works within the TPZ; Supervise all works inside or above the TPZ; Supervise all excavation, trenching works, landscaping works and tree/planting replenishment within the TPZ; Supervise all tree work.
	Supervise all demolition and construction within the TPZ of T5 in accordance with section 3.3.3 of the submitted <i>Arboricultural Impact Assessment and Tree Protection Specification</i> , prepared by Tree IQ, dated 20/10/2020.	

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

26. Canopy Pruning

Canopy pruning of the following tree which is necessary to accommodate the approved building works must be undertaken by, or directly supervised by, the Project Arborist.

Tree No.	Botanical/Common Name
T6	<i>Cupressus sempervirens</i> (Italian Cypress)

The person acting on this consent has approval under Council's Tree Management Controls to; prune minor branches to achieve a clearance of the structure. Pruning is limited to those branches that will come into direct contact the built structure and where branch diameter (at its point of attachment) does not exceed 50 mm.

27. Limited Root Pruning

No tree roots of 40mm or greater in diameter located within the specified radius of the trunks of the following trees must be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
T1	<i>Sapium sebiferum</i> (Chinese Tallowwood)	6m
T5	<i>Bauhinia variegata</i> (Orchid Tree)	4.8m
T6	<i>Cupressus sempervirens</i> (Italian Cypress)	4.8m

All excavation within the specified radius of the trunks of the following trees must be dug by hand using light weight, non-motorized hand tools or by using either pneumatic or hydraulic tools only (e.g. *Airspade®* or hydro excavation) to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 40mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose* tool. The pruning must be undertaken by a practicing Arborist.

28. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

29. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE

30. No Encroachments

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

31. Protect Sandstone Kerb

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

32. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

33. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

34. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by the Project Arborist that:

- a. Two *Ceratopetalum gummiferum* (NSW Christmas Bush) trees have been planted as per the Landscape Plan prepared by Dangar Barin Smith, dated 15/02/2021, within the property at a minimum of 1.5 metres from any boundary or structure and 2m from the dwelling or garage allowing for future tree growth. The tree stock is to conform to AS2303—*Tree stock for landscape use*.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species (up to 3 occurrences). If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

35. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

36. Easements, Restrictions on the Use of Land and Positive Covenants

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following :

- a. Easement for drainage of water;
- b. Easement for repairs;

The wording in the Instrument must be in accordance with Councils Standard wording.

37. Easement – Upstream Drainage

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that the proposed easement for the drainage and OSD system from the new allotment to Adolphus Street must be shown on the Certificate and Plan, together with the relevant rights of the upstream owner. A written statement must be provided, signed by the Registered Surveyor, that the as-built pipeline and OSD system is totally within the proposed easement.

38. Parking Signoff – Minor Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

39. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Light/Heavy duty concrete vehicle crossing(s) at the vehicular access location(s); and
- b. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

PRIOR TO SUBDIVISION CERTIFICATE**40. Separate Drainage Systems**

Prior to the issue of a Subdivision Certificate, the Principal Certifier must be provided with a plan detailing that separate drainage systems must be provided to drain each proposed lot.

41. Section 73 Certificate

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with the Section 73 Certificate. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

42. Separate Stormwater

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with details, endorsed by a practising stormwater engineer demonstrating separate drainage systems to drain each proposed lot.

43. Release of Subdivision Certificate

Prior to the release of a Subdivision Certificate, the Certifying Authority must be provided with a copy of the Final Occupation Certificate.

ON-GOING**44. Tree Establishment**

The tree/s planted as part of this consent is/are to be maintained in a healthy and vigorous condition for 12 months from the issue of an Occupation Certificate. If any of the tree/s is/are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate it/they must be replaced with the same species within one (1) month (up to 3 occurrences).

ADVISORY NOTES**Permits**

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

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

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

Insurances

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

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

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

Tree Pruning or Removal (including root pruning/mapping)

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

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Swimming Pools

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

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

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

Noise

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

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Dial before you dig

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

Useful Contacts

BASIX Information

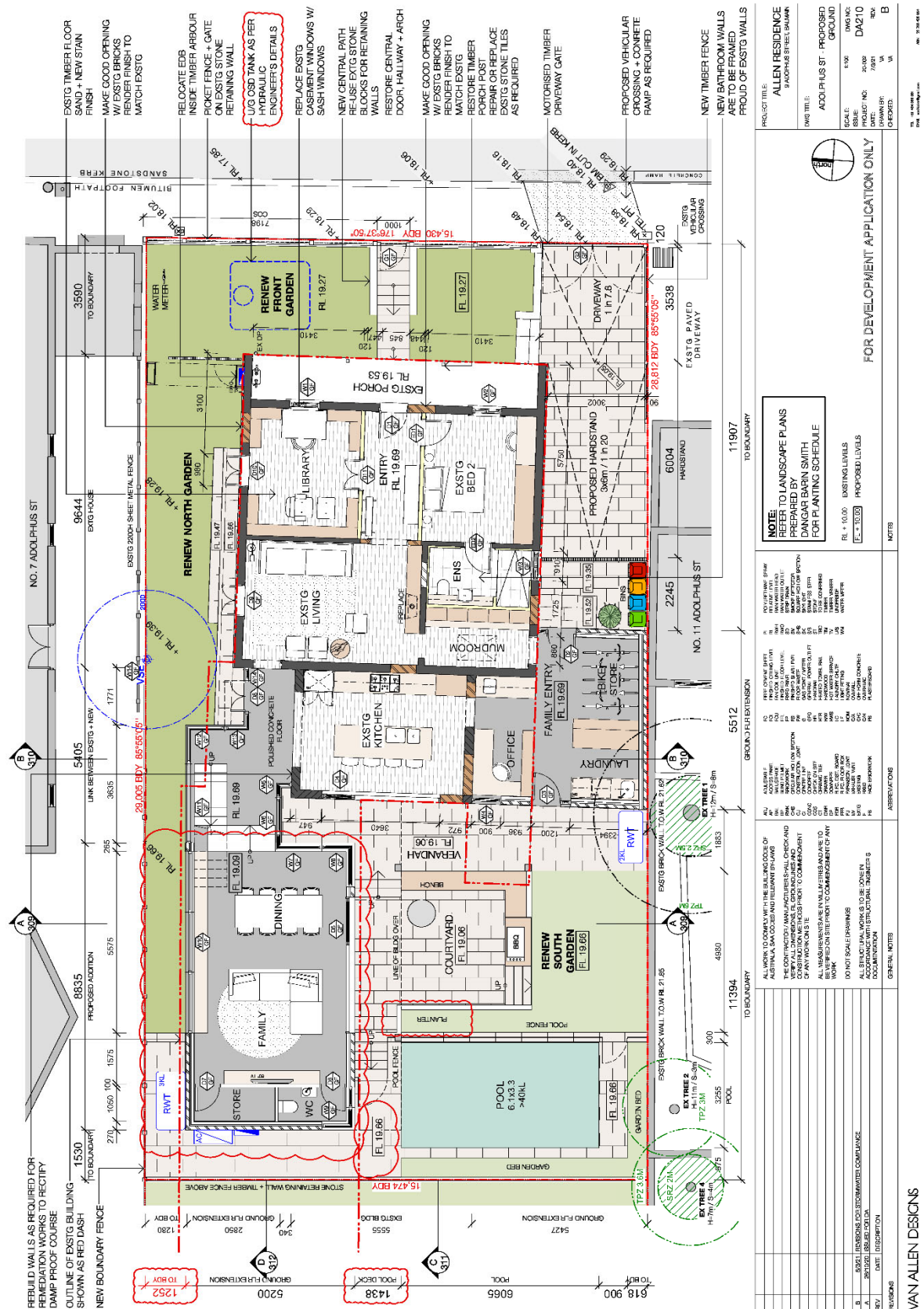
1300 650 908 weekdays 2:00pm - 5:00pm
www.basix.nsw.gov.au

Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

Street Numbering

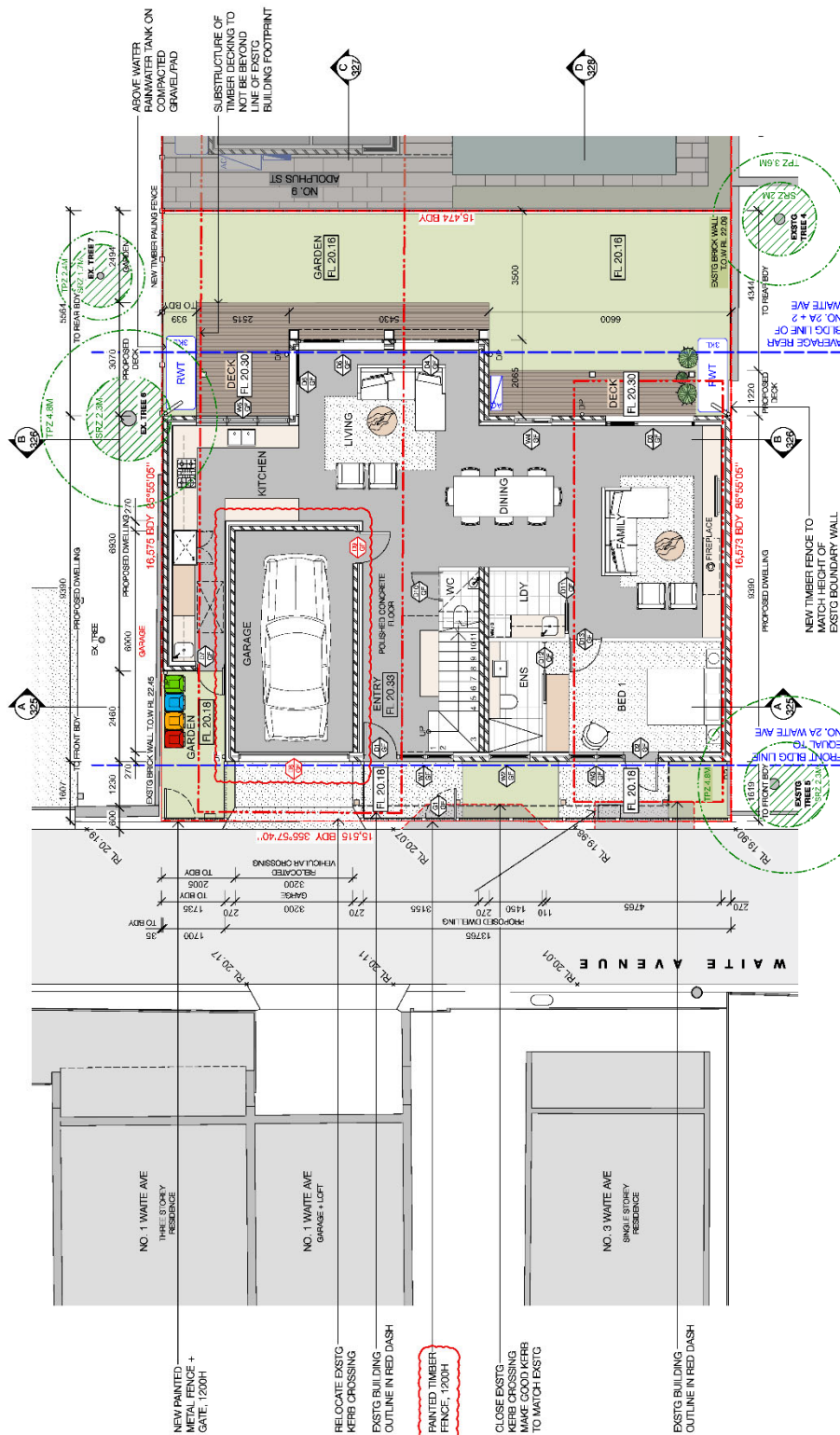
If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

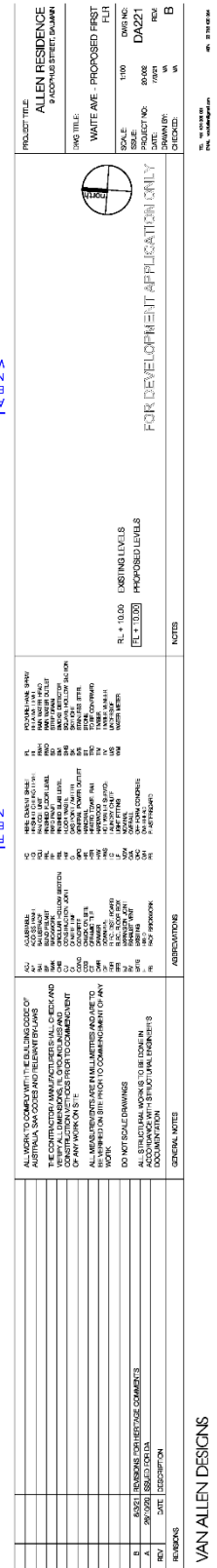
Attachment B – Plans of proposed development

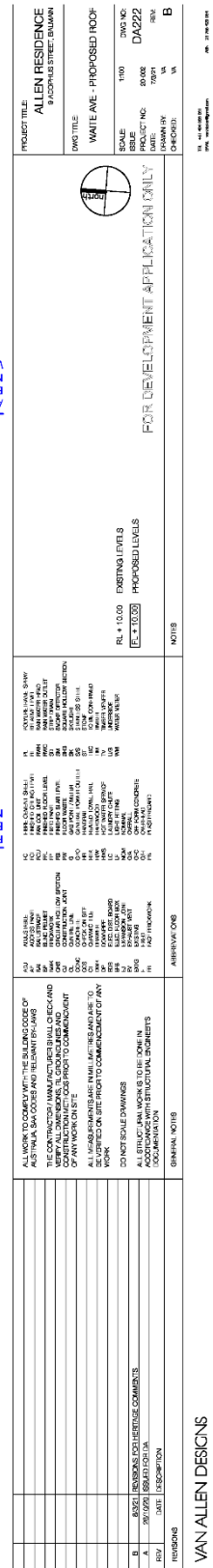


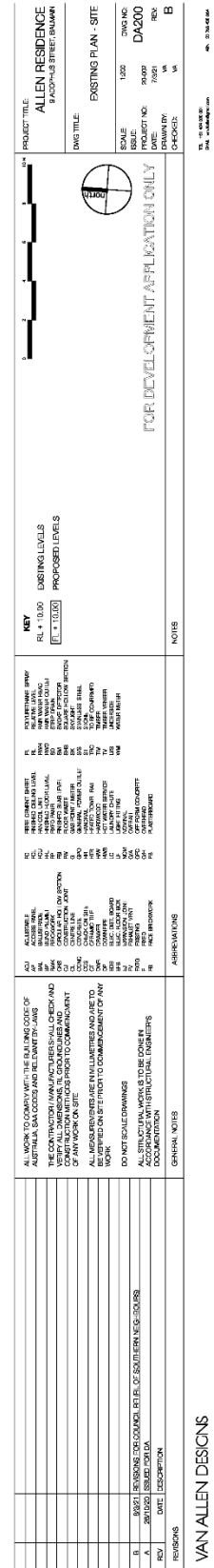




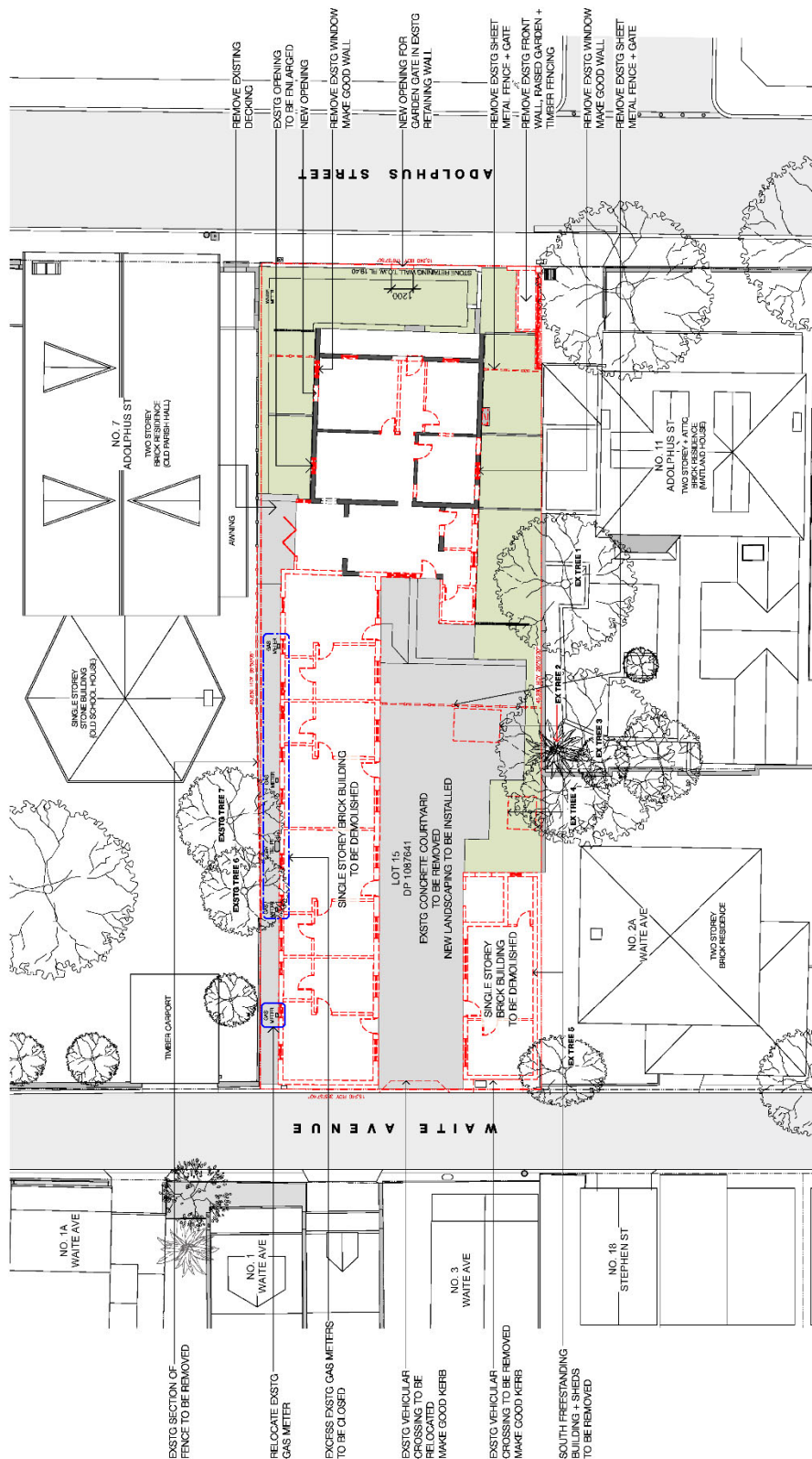
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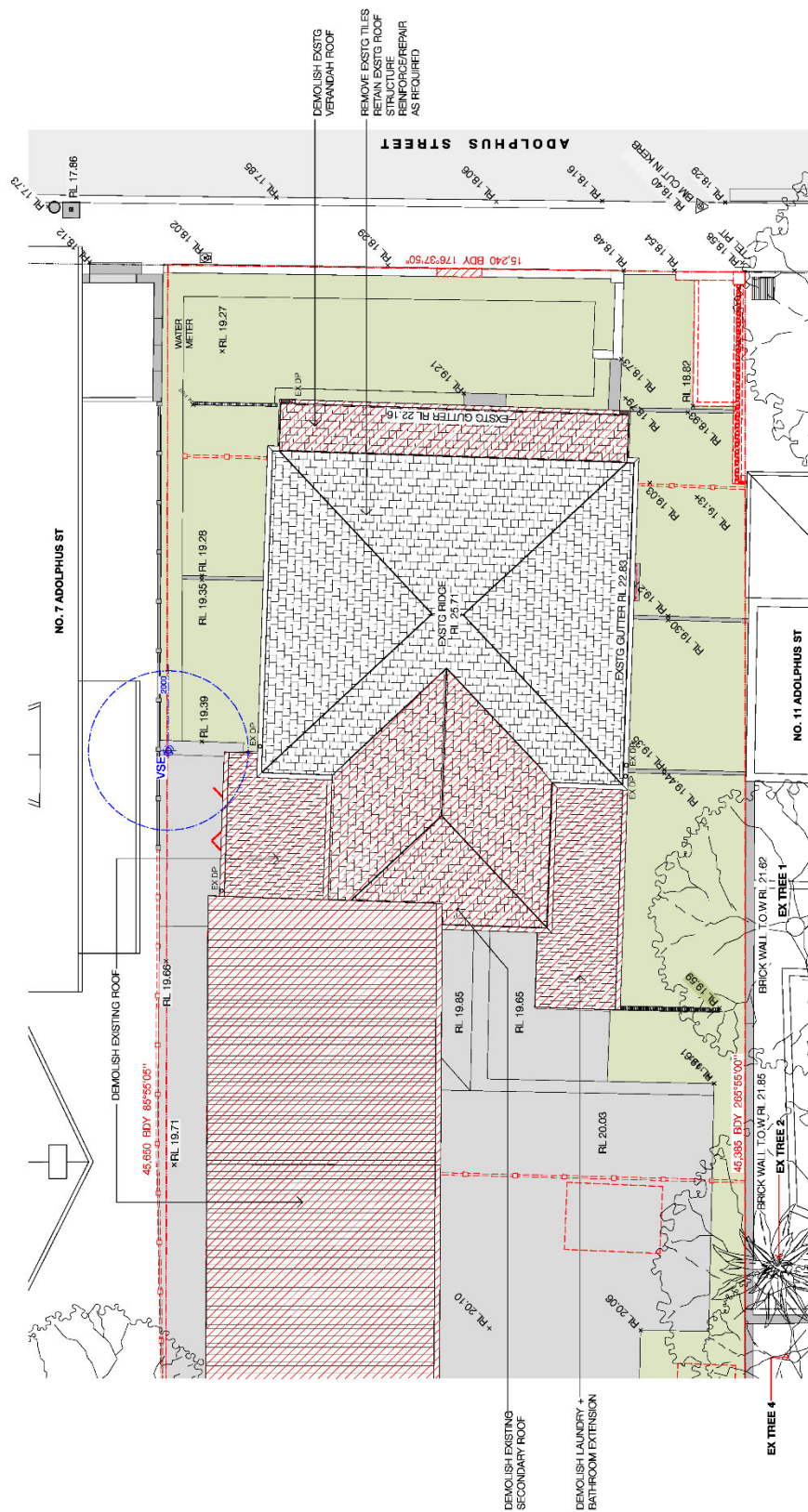


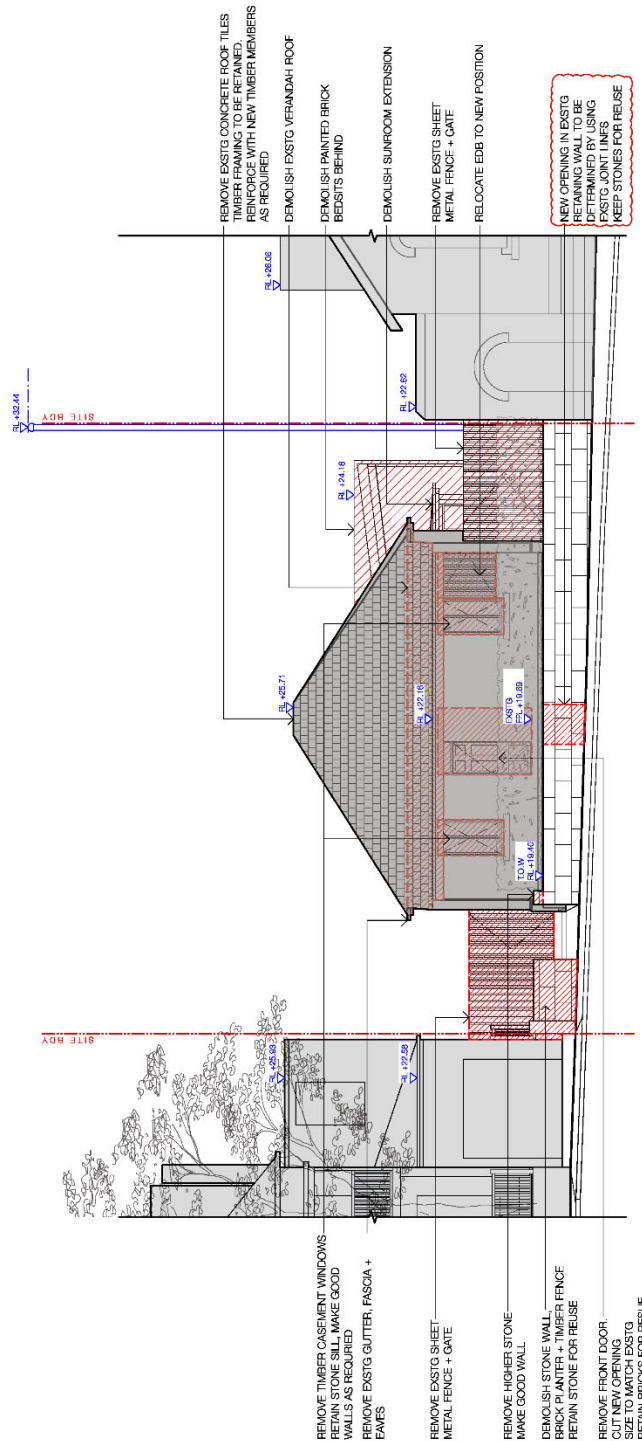


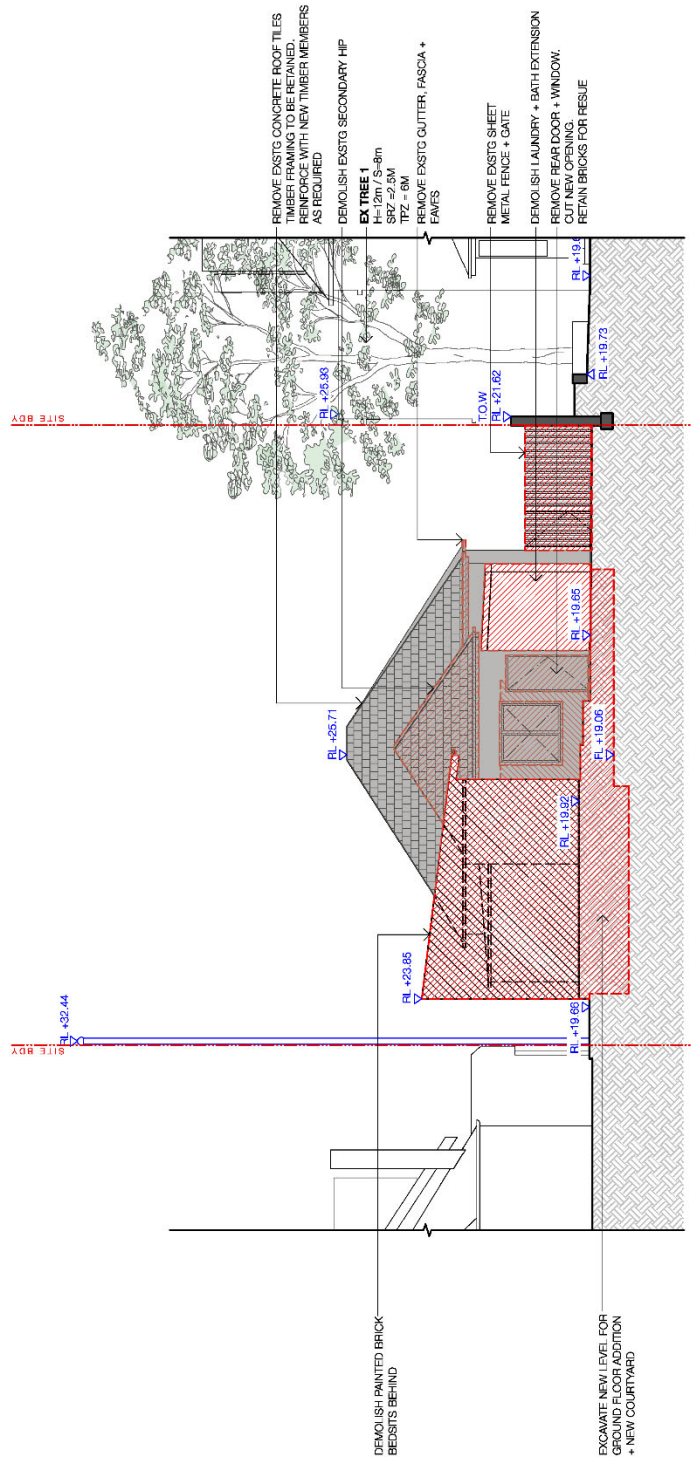


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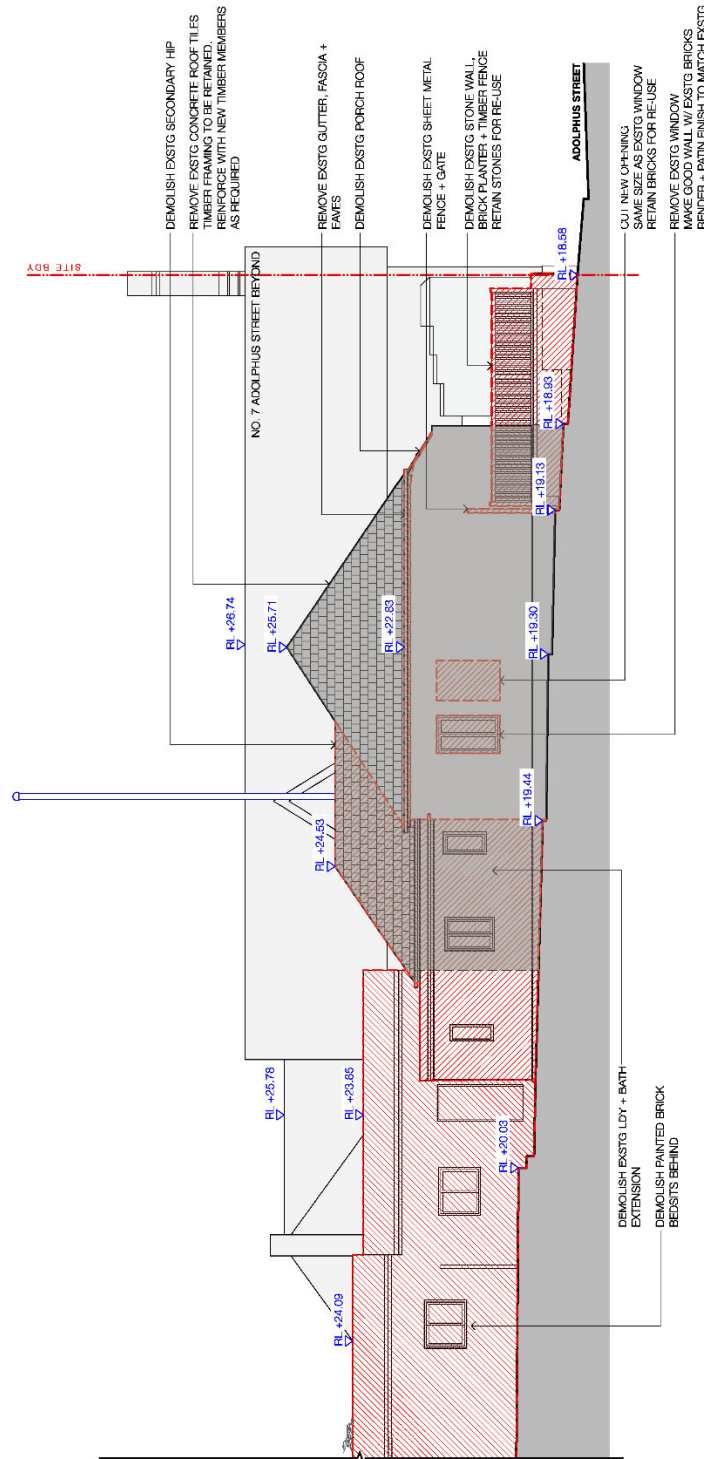


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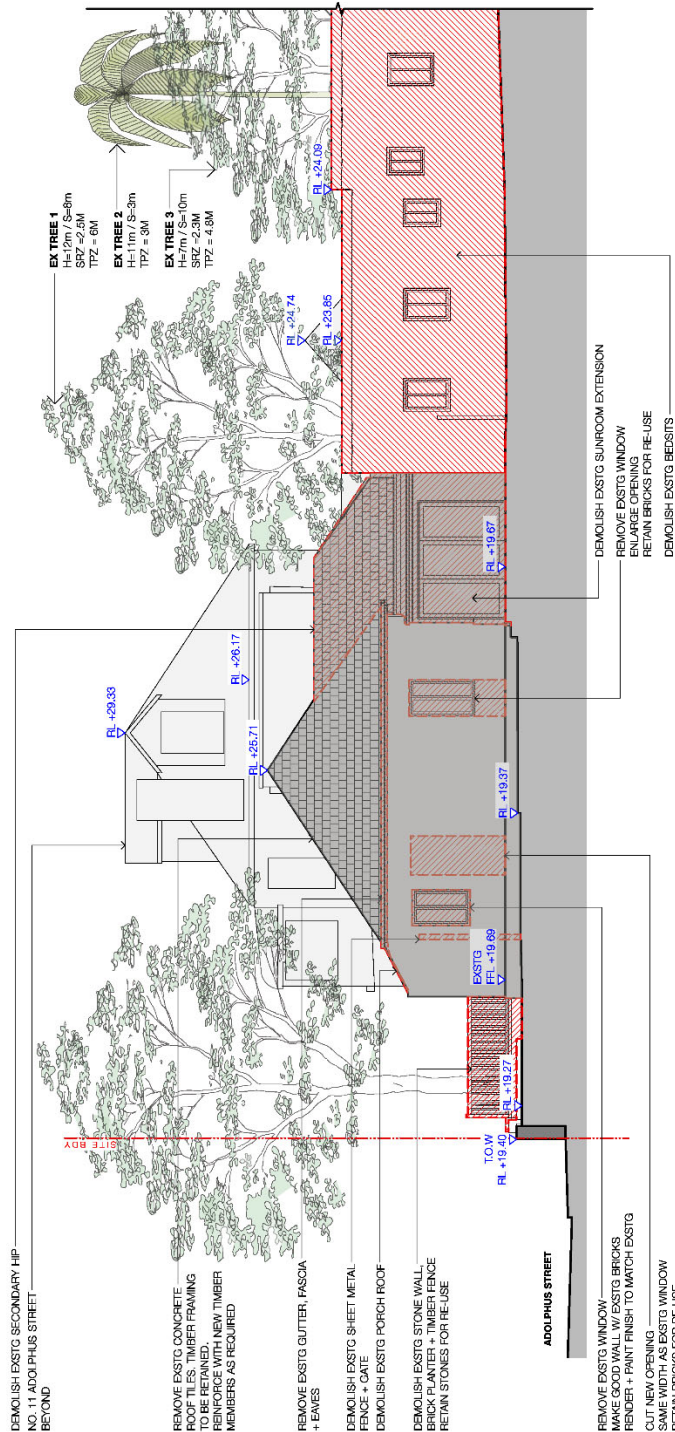
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PROJECT TITLE ALLEN RESIDENCE 9 ADOLPHUS STREET, SHAWIN		2/NO TITLE		PROJECT NO. DEMOLITION, ADOLPHUS ST		SCALE 1:100		DATE 15/08/2021		DRAWN BY VA		CHECKED BY VA		APP. BY VA	
EXISTG HERITAGE HOUSE		NOTE FOR HERITAGE HOUSE: ALL EXISTING FABRIC TO BE RETAINED EXCEPT WHERE NOTED		PROPOSED LEVELS RL +19.30		PROPOSED LEVELS RL +19.30		NOTES		FOR DEVELOPMENT APPLICATION ONLY					
ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SWAGS AND PRESENT BY LAWS		NOT TO BE USED FOR ANY OTHER PURPOSES AND VESICULARITY MUST BE PRIOR TO COMMENCEMENT OF CONSTRUCTION		ALL WORKS MUST BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, SWAGS AND PRESENT BY LAWS		DO NOT SCALE DIMENSIONS		ALL WORKS MUST BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, SWAGS AND PRESENT BY LAWS		GENERAL NOTES					
REVISIONS		DATE		DESCRIPTION											
B		15/08/2021		REVISION 1: CANCELLED											
A		15/08/2021		REVISION 2: CANCELLED											
VAN ALLEN DESIGNS															



PROJECT TITLE ALLEN RESIDENCE 9 ADOLPHUS STREET, HAMM		DWG TITLE DEMOLITION - ADOLPHUS ST	
SCALE 1:100		DWG NO. DA208	
DATE 10/01/2024		DRAWN BY VA	
CHECKED BY VA		REV B	
FOR DEVELOPMENT APPLICATION ONLY			
EXISTG HERITAGE HOUSE <div>NOTE FOR HERITAGE HOUSE: ALL EXISTING FABRIC EXCEPT WHERE NOTED</div>		EXISTING LEVELS RL +19.20, EXISTING LEVELS RL +19.27, EXISTING LEVELS RL +19.29	
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LEICHHARDT DEVELOPMENT CONTROL PLAN (DCP) 2013

PART C: PLACE
SECTION 1 - GENERAL PROVISIONS

C1.11 PARKING
C1 Approval for any new off-street parking space will be subject to meeting the requirements of Australian Standards As 2890.1 Parking facilities and any relevant clauses outlined within this Development Control Plan. **COMPLIES**

C23 In the event that ... new parking areas are sought to be located at the front, consideration will be given to the **reasonableness of the parking location based on the general pattern of development** within the streetscape, the constraints of the site, the desired future character of the neighbourhood and if:

- the design is of high quality. *The proposal is for an open car space and will be finished with an appropriate stone pavior, with ground cover planting interspersed.*
- the development proposes quality materials; *There is to be vertical screen planting that will form the new shortfenced fence at the shared boundary with No 51, abutting their existing garage*
- the development includes tree planting, and *The planting schedule for the proposed rejuvenation of front garden includes appropriately sized tree*

Refor to landscape plans prepared by Dangar Barni Smith

C8 Street trees represent an important Council and environmental asset.

Removal of street tree(s) for the purpose of accommodating a vehicle crossover is generally not supported.

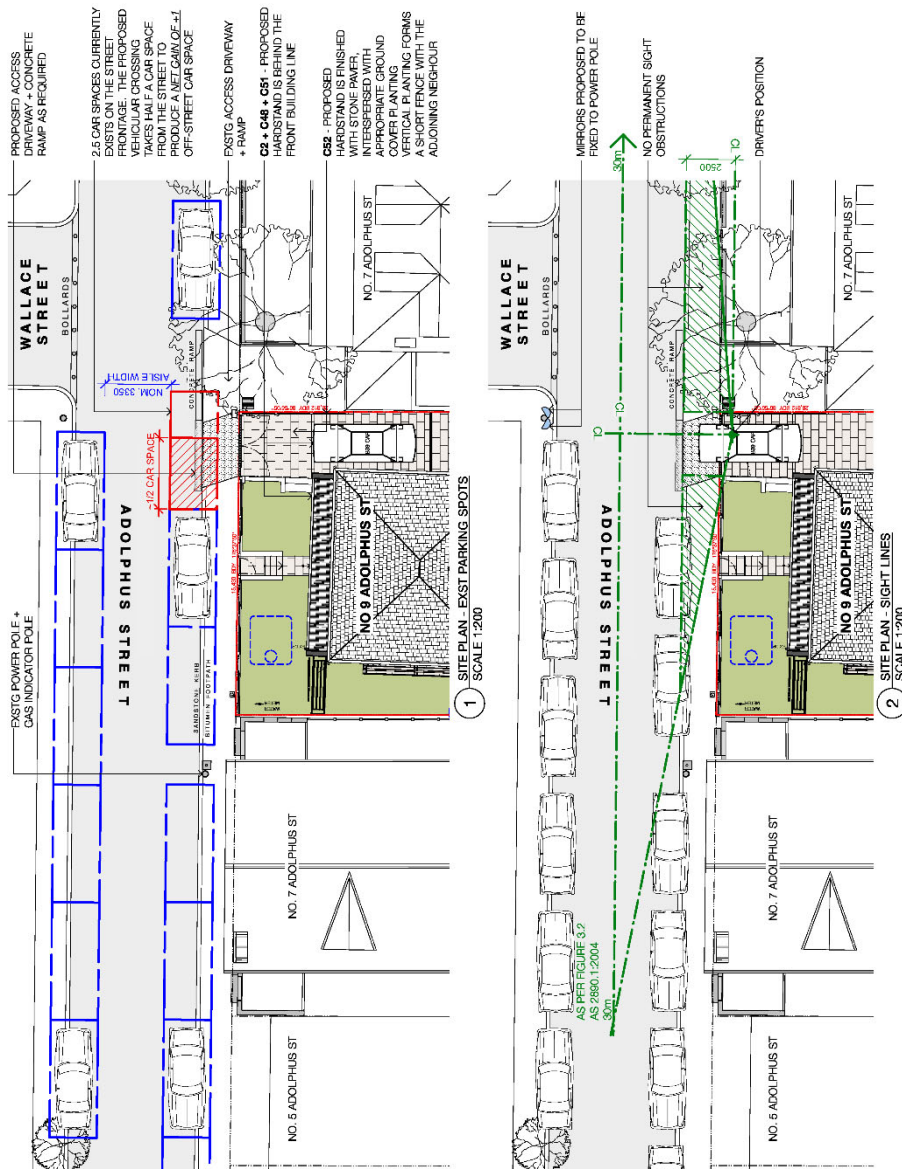
C9 All new vehicle crossing should be clear of any tree trunk to ensure safe sightlines and reduction of potential root damage to the existing tree.
COMPLIES - there are no existing trees in the immediate vicinity of the proposed vehicle crossing.

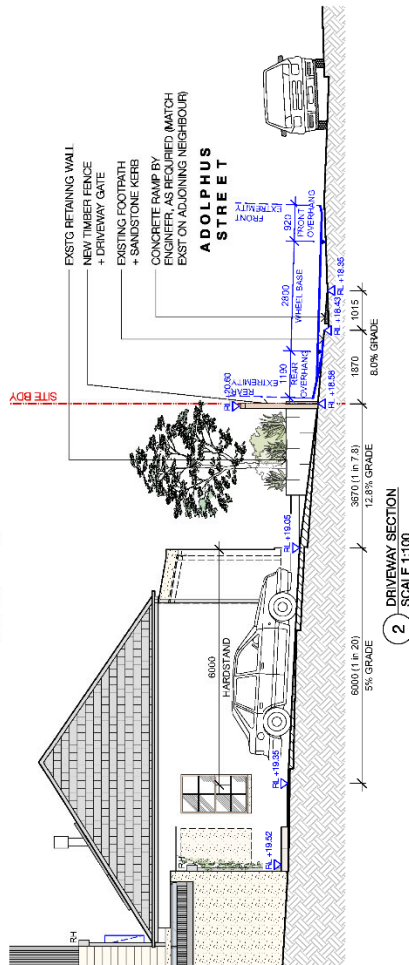
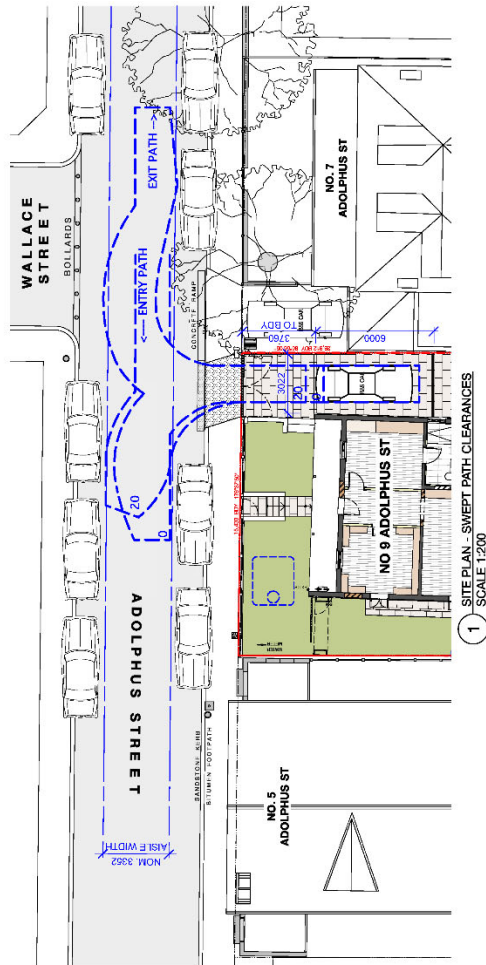
C48 Where no rear lane or secondary road access is available, vehicle parking may be provided from the primary street frontage when:

- a. it is located wholly behind the front wall of the main building of the dwelling. **COMPLIES**
- b. has a single width parking space only. **COMPLIES**
- c. has one access point per dwelling. **COMPLIES**
- d. has a maximum vehicle crossing and parking space width less than 50% of the width of the front elevation of the main building on the site, and **COMPLIES**
- e. is subordinate to the main building. **COMPLIES**

C51 Driveways and garages should be, where possible, located away from bedrooms and windows to bedrooms. **COMPLIES**

C53 The design of the vehicle access must provide for clear sight-lines to vehicular traffic and pedestrians when entering and exiting the site.

[illegible]



LEIGHARDT DEVELOPMENT CONTROL PLAN (DCP) 2013

PART C: PLACE

SECTION 1 - GENERAL PROVISIONS

C111 PARKING

General Controls

Note: Where a turning area is required, manoeuvring must comply with the swept path of an 85th percentile (B85) vehicle as specified in Australian Standard AS 2880.1 Parking Facilities

COMPLIES

C111.4 Minimum Car Parking Dimensions
The minimum dimensions for a garage or enclosed parking space must be as follows:
Table C7: Minimum car parking dimensions

	Single	Double	Tandem
Length	3.0m	5.4m	11.4m
Width	3.0m	5.4m	3.0m

PROPOSED = 6.3m - COMPLIES

Note: For open parking spaces or carports, the above dimensions can be reduced by 300mm for any open side, front or back of the parking space. For example, for a carport with the rear and one side open, the minimum dimensions will be reduced to 5.7 metres by 2.7 metres.

AS 2880.1:2004 PARKING FACILITIES

Part 1: Off-street Car Parking

As per Table 1.1 -

USER CLASS = 1A: Residential / Domestic parking

REQUIRED DOOR OPENING

Front door, first stop

COMPLIES

COMPLIES

REQUIRED AISLE WIDTH

2.4.1 ANGLE PARKING SPACES
Dimensions of angle parking spaces shall be as follows:
(a) Minimum length of a parking space in a parking module shall be 5.4m
(b) Minimum width of a parking space in a parking module shall be 3.0m
(c) Minimum length of a parking space in a parking module shall be 5.4m
(d) Minimum width of a parking space in a parking module shall be 3.0m
(e) Minimum length of a parking space in a parking module shall be 5.4m
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(j) Minimum width of a parking space in a parking module shall be 3.0m
(k) Minimum length of a parking space in a parking module shall be 5.4m
(l) Minimum width of a parking space in a parking module shall be 3.0m
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(s) Minimum length of a parking space in a parking module shall be 5.4m
(t) Minimum width of a parking space in a parking module shall be 3.0m
(u) Minimum length of a parking space in a parking module shall be 5.4m
(v) Minimum width of a parking space in a parking module shall be 3.0m
(w) Minimum length of a parking space in a parking module shall be 5.4m
(x) Minimum width of a parking space in a parking module shall be 3.0m
(y) Minimum length of a parking space in a parking module shall be 5.4m
(z) Minimum width of a parking space in a parking module shall be 3.0m

(i) Adjacent to the boundary of a space is a wall or fence, 300mm shall be added to the width of the space.

(ii) Adjacent to the boundary of a space is a wall or fence, 300mm shall be added to the width of the space.

(iii) Adjacent to the boundary of a space is a wall or fence, 300mm shall be added to the width of the space.

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AERIAL



SITE PLAN

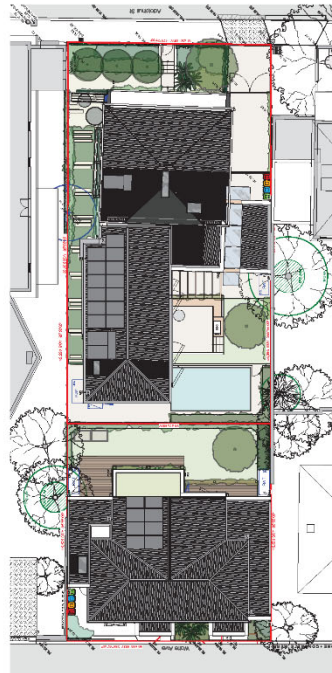


EXHIBIT A APPLICATION SUBMISSION

GENERAL NOTES:

GRAPHIC ILLUSTRATION

Please note that the plant graphics are indicative sizes only and not an accurate representation of time of purchase.

SOIL PREPARATION

Soil should be tested for salinity and pH. Topsoil should be added to the depth of 100mm. Remove from site all perennial weeds and rubbish before commencing landscape works.

SOILWORKS

Thoroughly cultivate the subsoil to a depth of 200mm. Supply and install to a depth of 300mm quality garden soil mix to all planting beds and 150mm full undrained lawn areas.

MULCH

Supply and install a 75mm layer of hardwood horticultural grade mulch to all planting beds set down 25mm from adjacent paving or garden edge.

MAINTENANCE

All failed or defective plant species to be replaced by landscaper for a 3 months period following completion of work. Further maintenance during and after this period should include weeding, weeding, fertilising, pest and disease control, pruning and hedging, replacement of mulch and topsoil, the site near and far.

GENERAL PLANTING NOTES:

NOTE: It is recommended that all plants used be subject to an establishment period. During this period maintenance work carried out will include: weeding, mowing, weeding, fertilising, pest and disease control, recording, watering, staking and tying, repotting, and other necessary maintenance. All plants should be established in relation to the size of the site and area.

NOTE: Plants shall be vigorous, well established, of good form consistent with species or variety, not soft or immature. Plants shall be established in relation to large healthy root systems and to evidence of having been restricted in growth or damage. Root system shall be well balanced in relation to the size of the plant.

NOTE: Install root barrier or equivalent to manufacture specifications to protect nearby structures and services.

NOTE: Install temporary drip irrigation system under mulch in tree protection zones and water on alternate days.

PLANT SCHEDULE				
Botanic Name	Common Name	Mature Height	Pot Size	Qty
Acacia saligna	Wattle	3.5m	30L	1
Albizia julibrissin	Silk Tree	0.4m	200mm	22
Albizia julibrissin	White Silk Tree	0.5-1.5m	200mm	24
Albizia julibrissin	White Silk Tree	0.4m	140mm	18
Albizia julibrissin	White Silk Tree	0.1-0.3m	140mm	23
Albizia julibrissin	White Silk Tree	0.1-0.3m	100L	2
Albizia julibrissin	White Silk Tree	2.5m	140mm	50
Albizia julibrissin	White Silk Tree	0.4m	200mm	10
Albizia julibrissin	White Silk Tree	1.1-1.5m	200mm	2
Albizia julibrissin	White Silk Tree	1m	200mm	86
Albizia julibrissin	White Silk Tree	0.1-0.3m	140mm	470
Albizia julibrissin	White Silk Tree	2m	40	6
Albizia julibrissin	White Silk Tree	2-3m	200mm	15
Albizia julibrissin	White Silk Tree	2.5-3m	140mm	24
Albizia julibrissin	White Silk Tree	3m	200mm	20
Albizia julibrissin	White Silk Tree	0.5m	140mm	20
Albizia julibrissin	White Silk Tree	3-4m	10L	6
Albizia julibrissin	White Silk Tree	2-2.5m	200mm	17
Albizia julibrissin	White Silk Tree	0.5-1m	200mm	20
Albizia julibrissin	White Silk Tree	4m	300mm	4
Albizia julibrissin	White Silk Tree	0.4m	140mm	24
Albizia julibrissin	White Silk Tree	2-3m	300mm	12
Albizia julibrissin	White Silk Tree	0.1-0.3m	200mm	13
Albizia julibrissin	White Silk Tree	0.1-0.3m	140mm	70
Albizia julibrissin	White Silk Tree	1-1.5m	200mm	50
Albizia julibrissin	White Silk Tree	3-4m	300mm	4
Albizia julibrissin	White Silk Tree	4m	400mm	3

TOTAL = 998

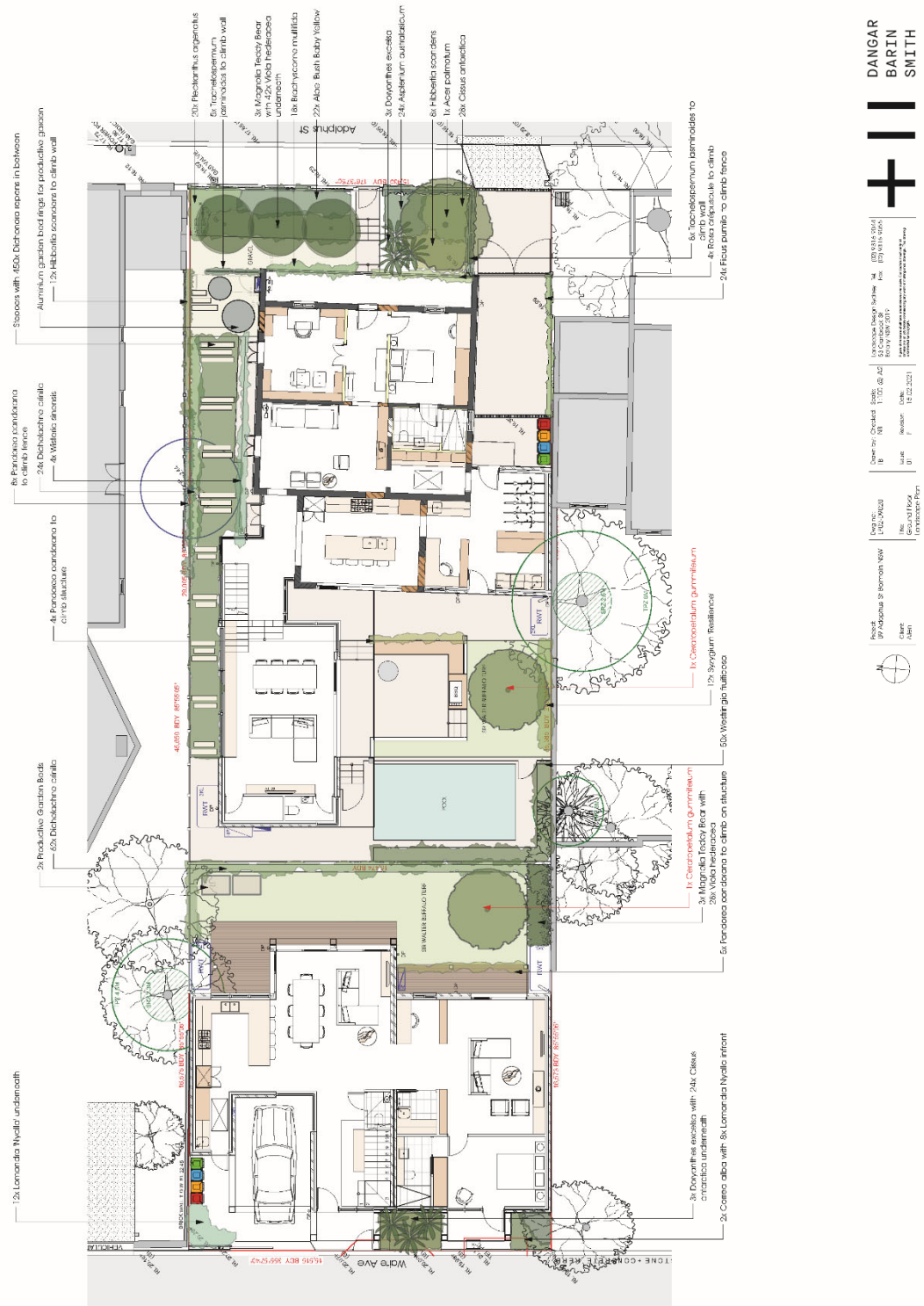
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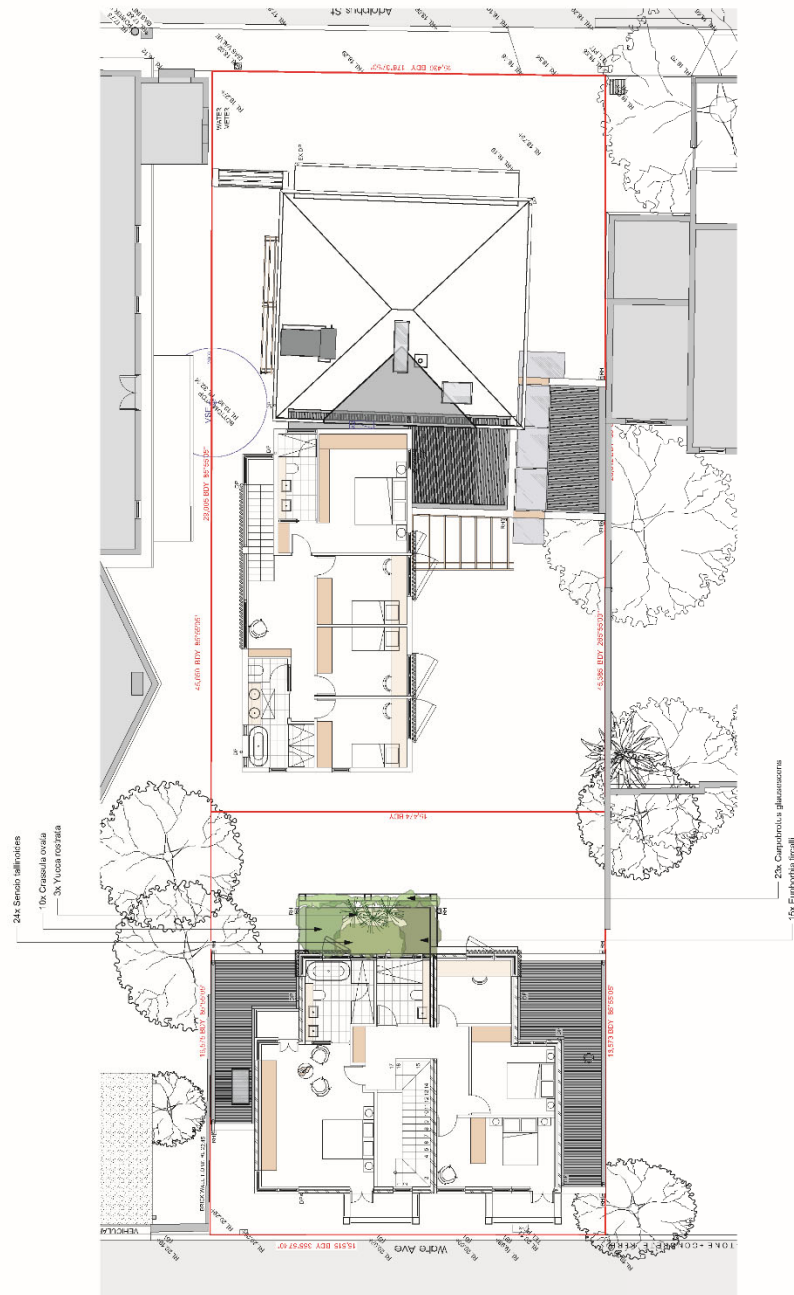


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BARIN
SMITH





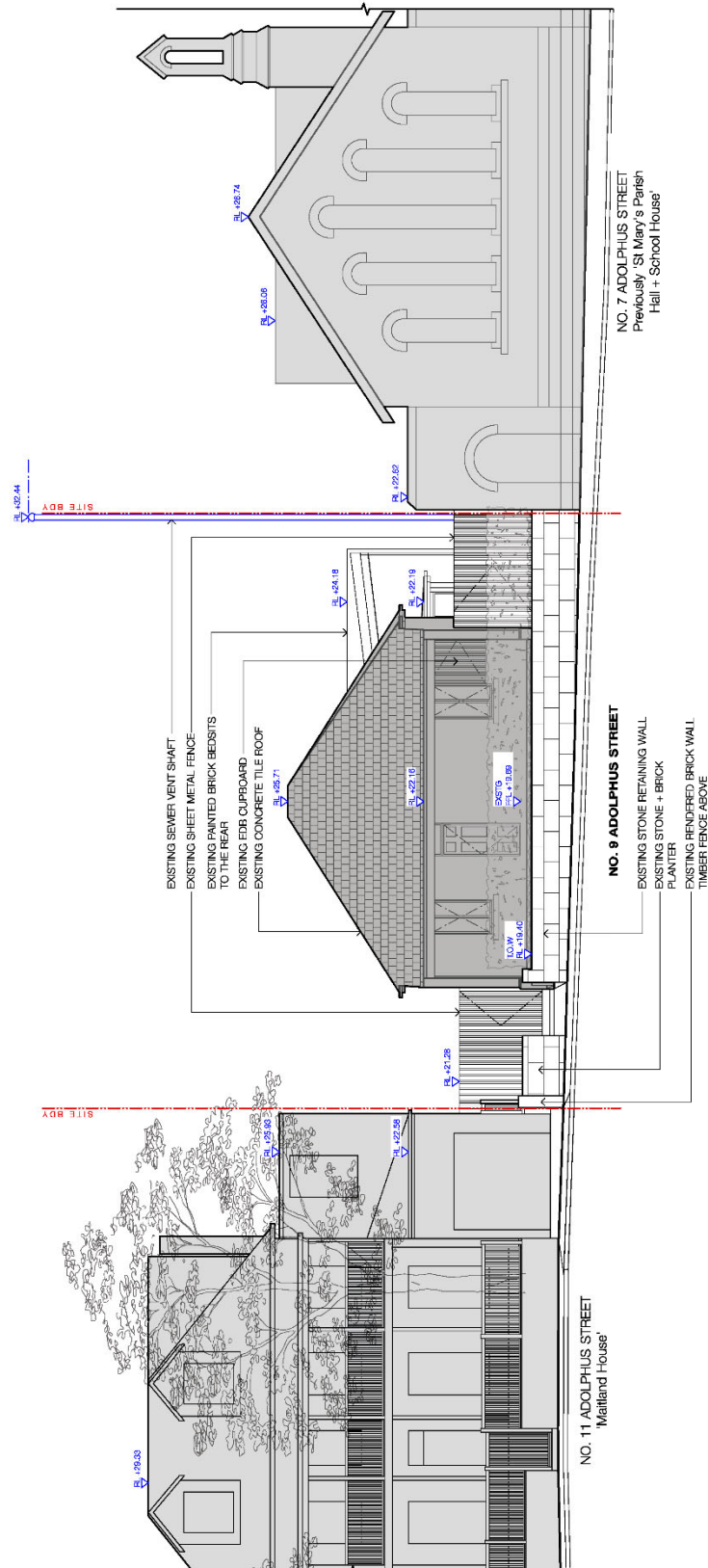
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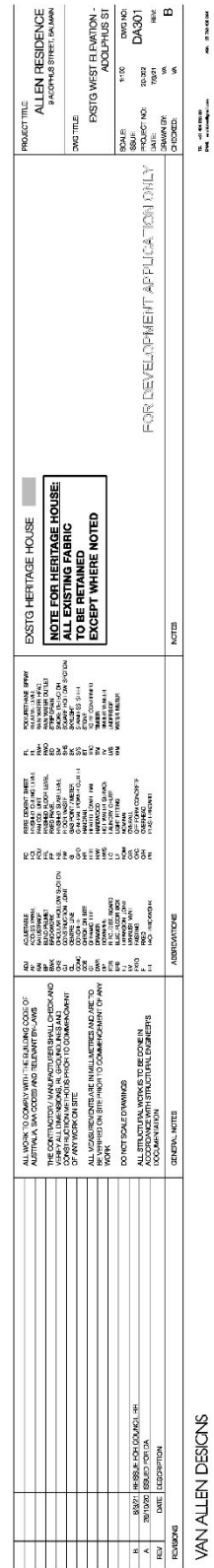


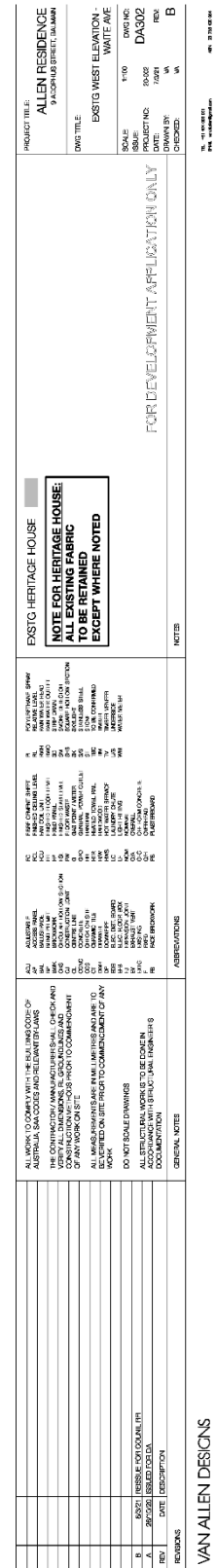
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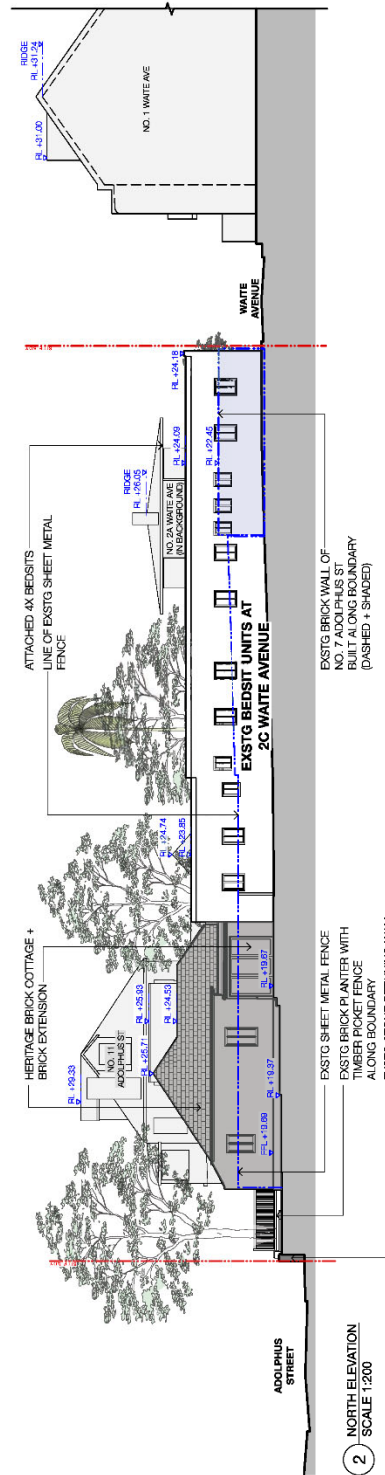
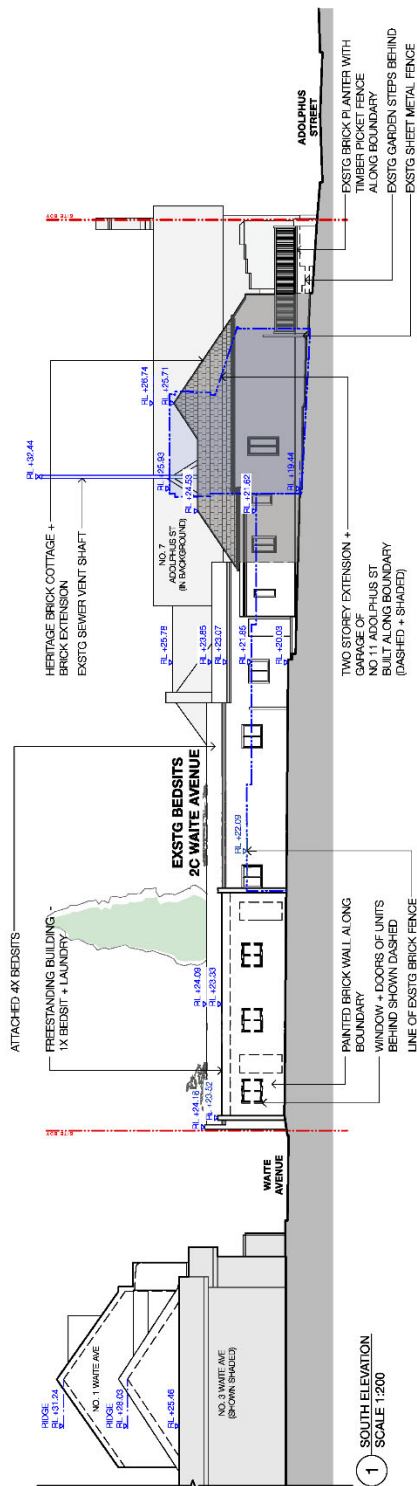
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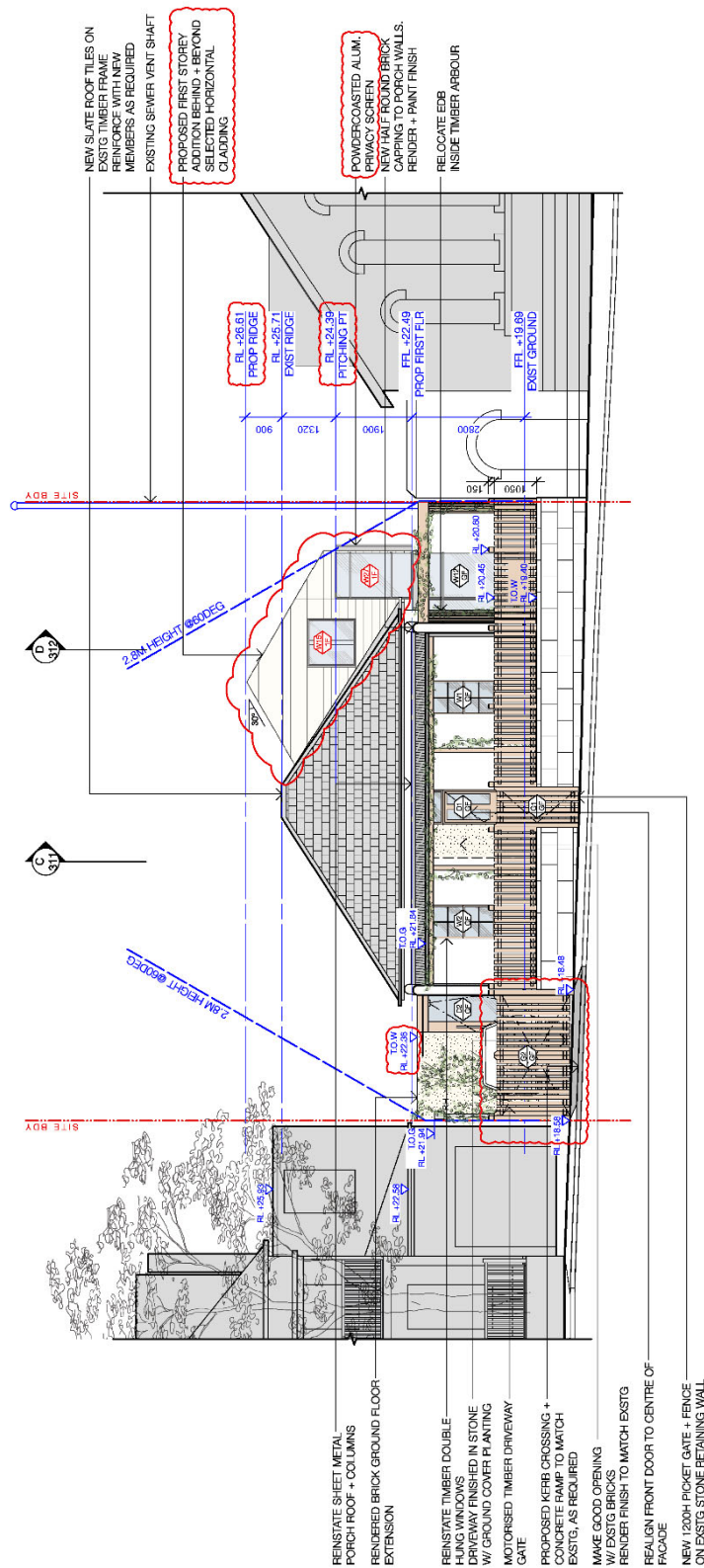
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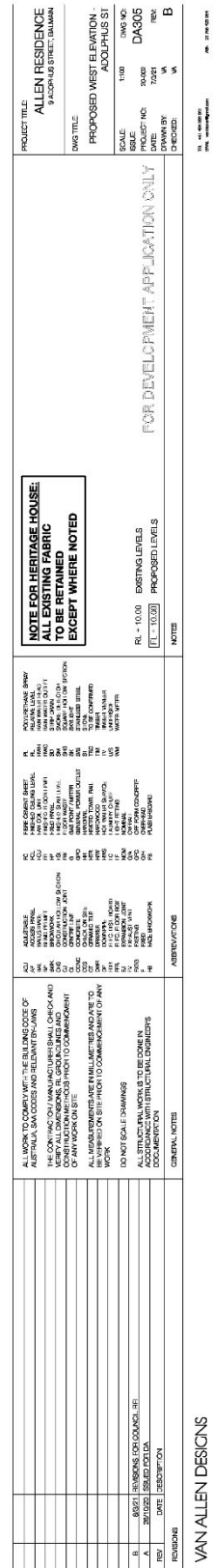
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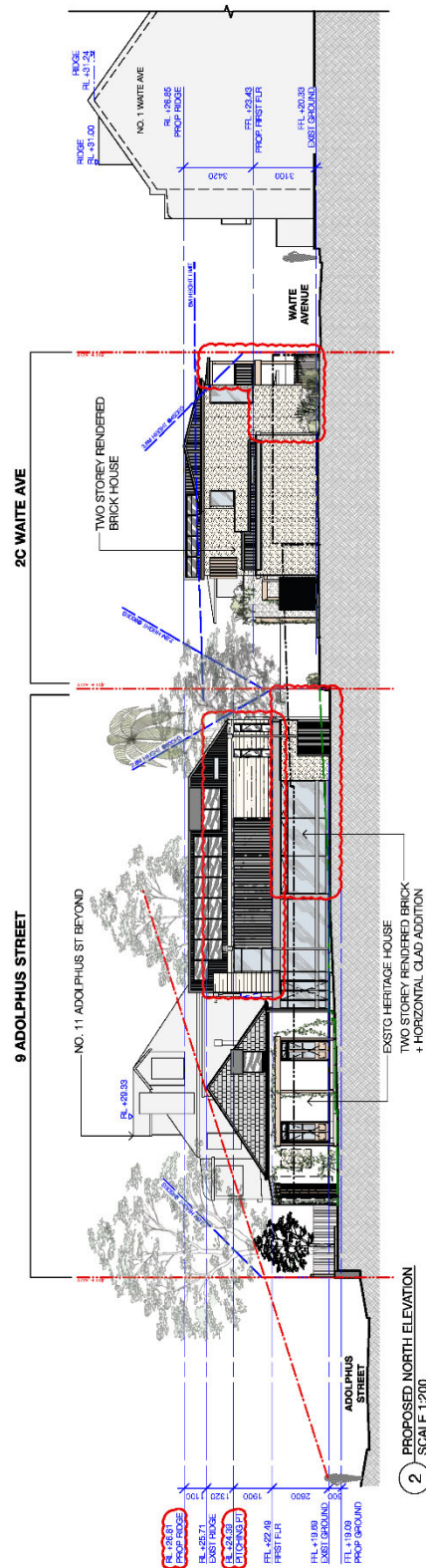
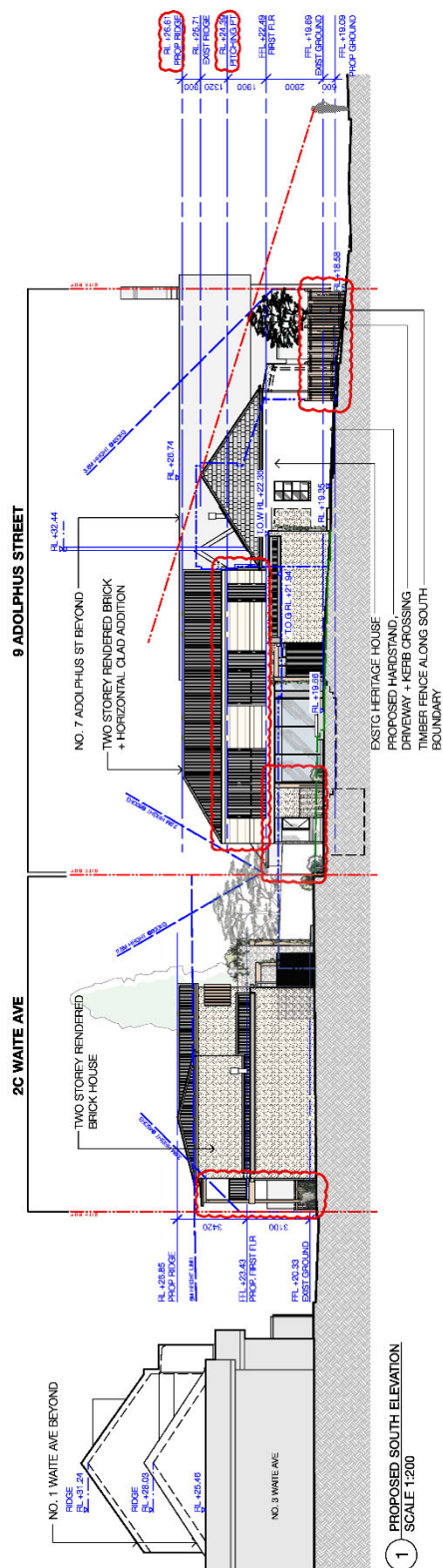


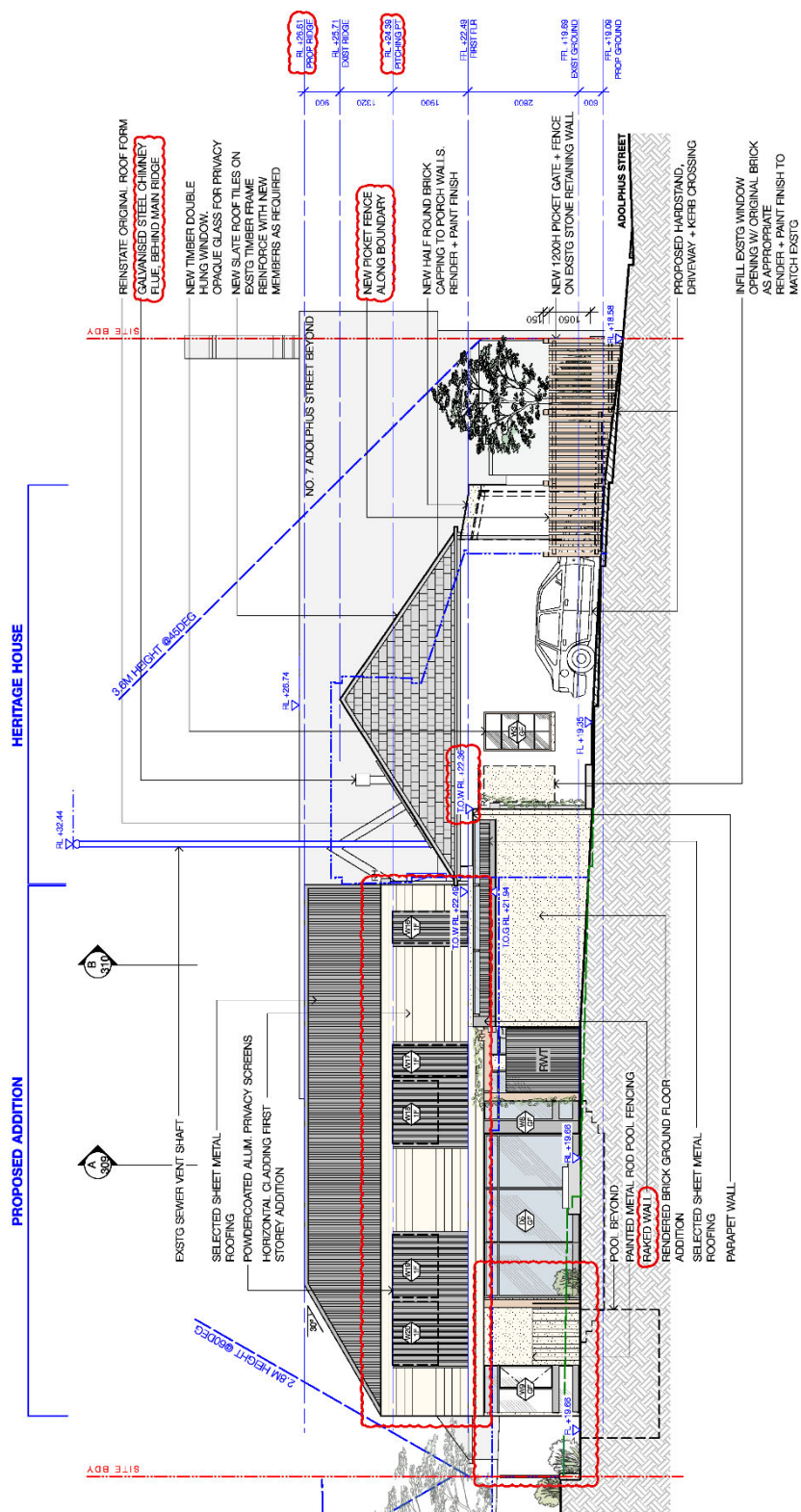


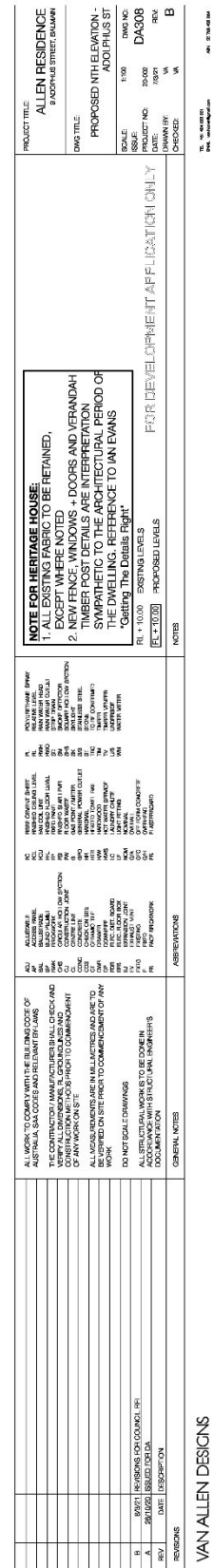
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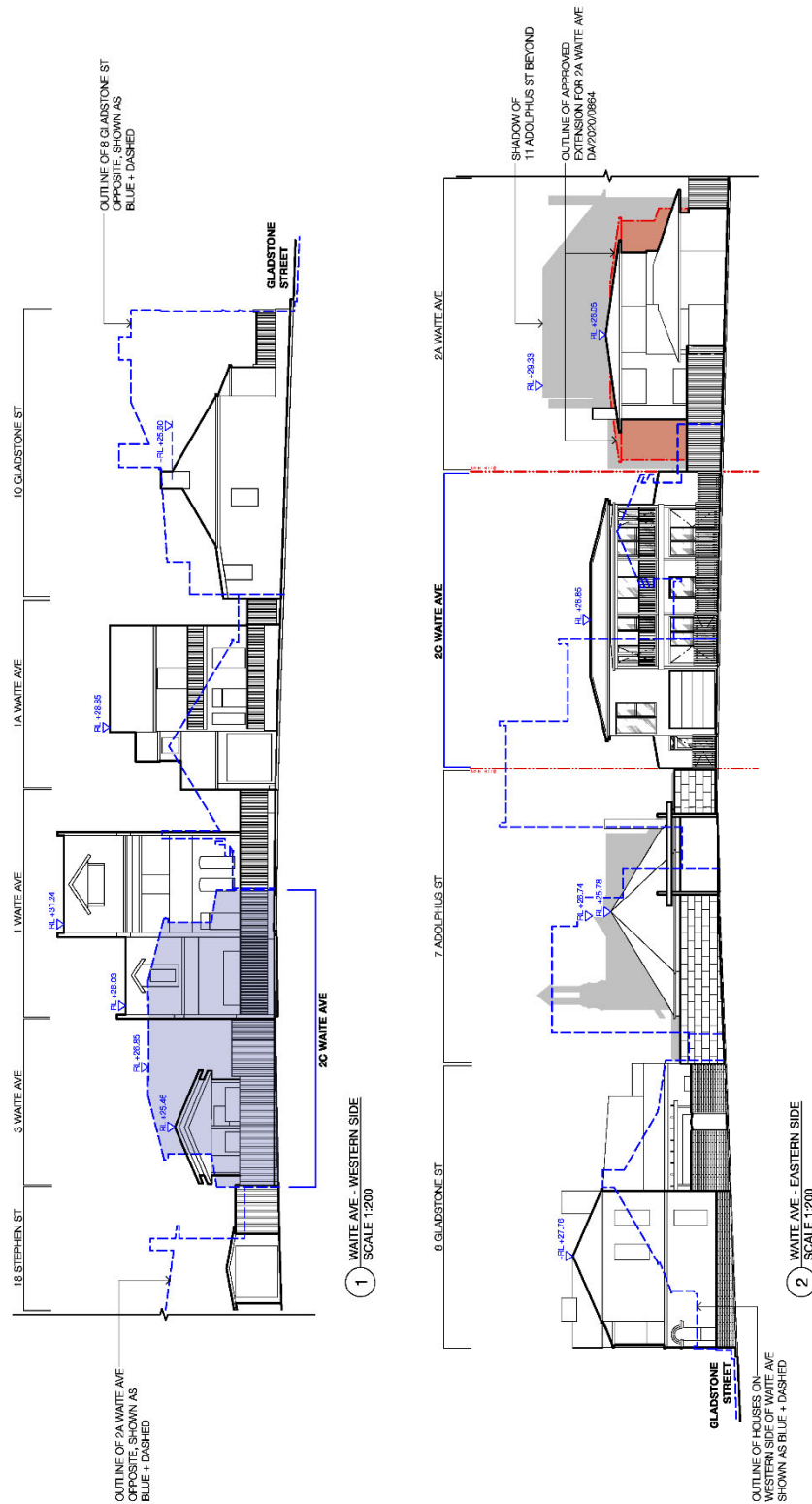
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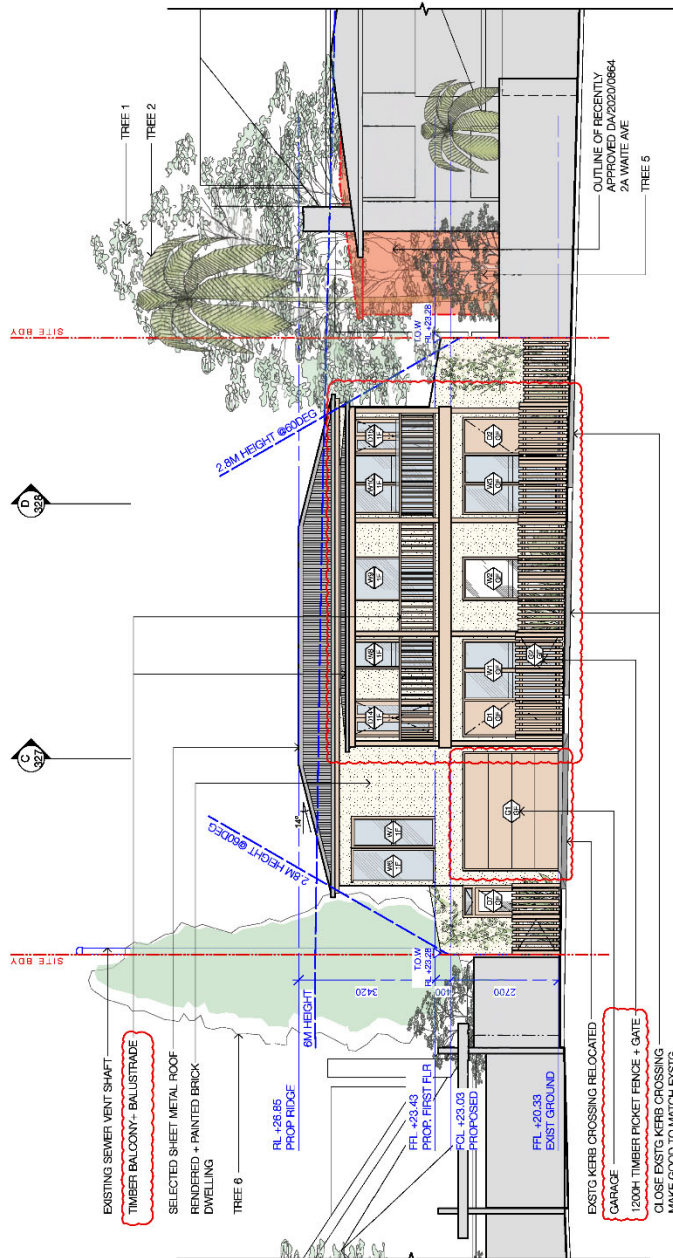


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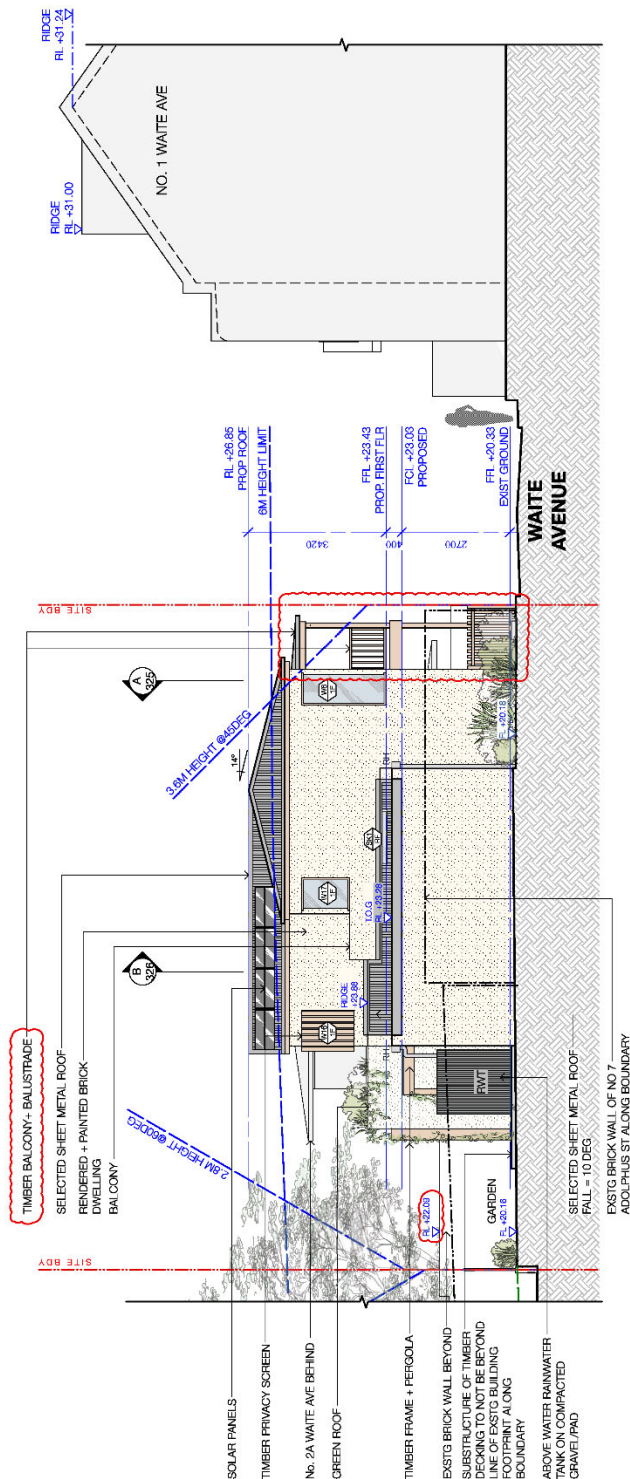
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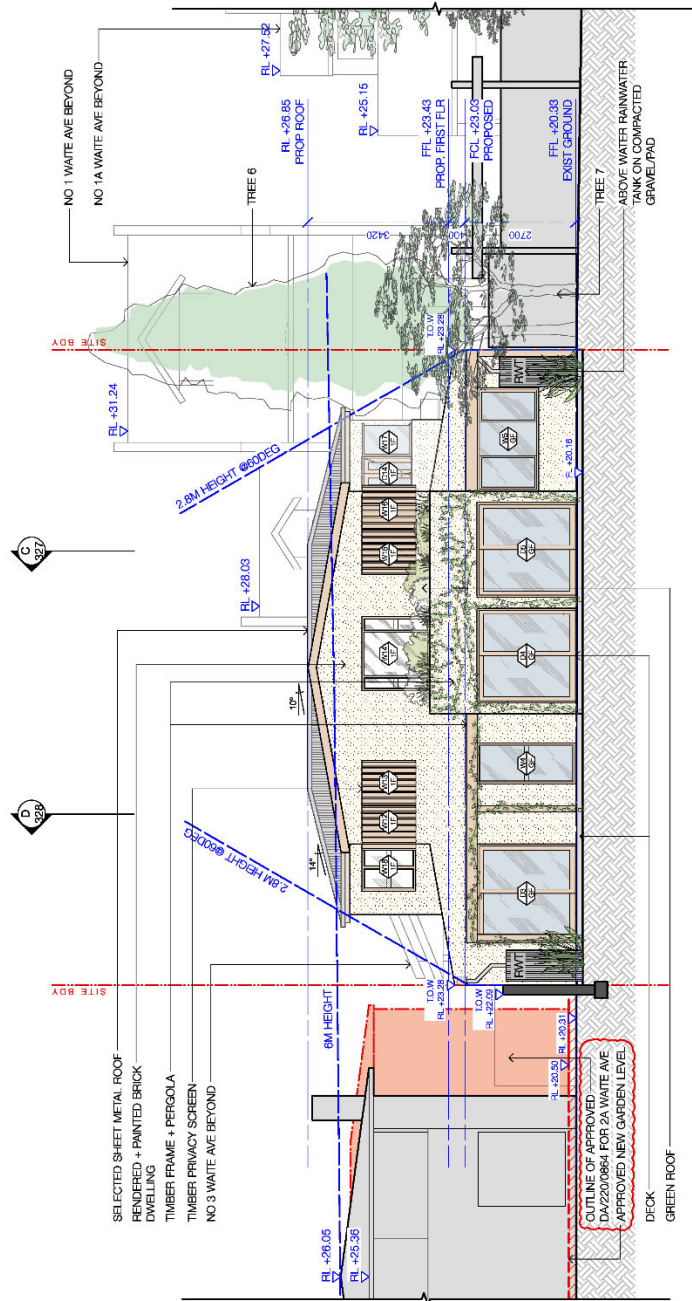


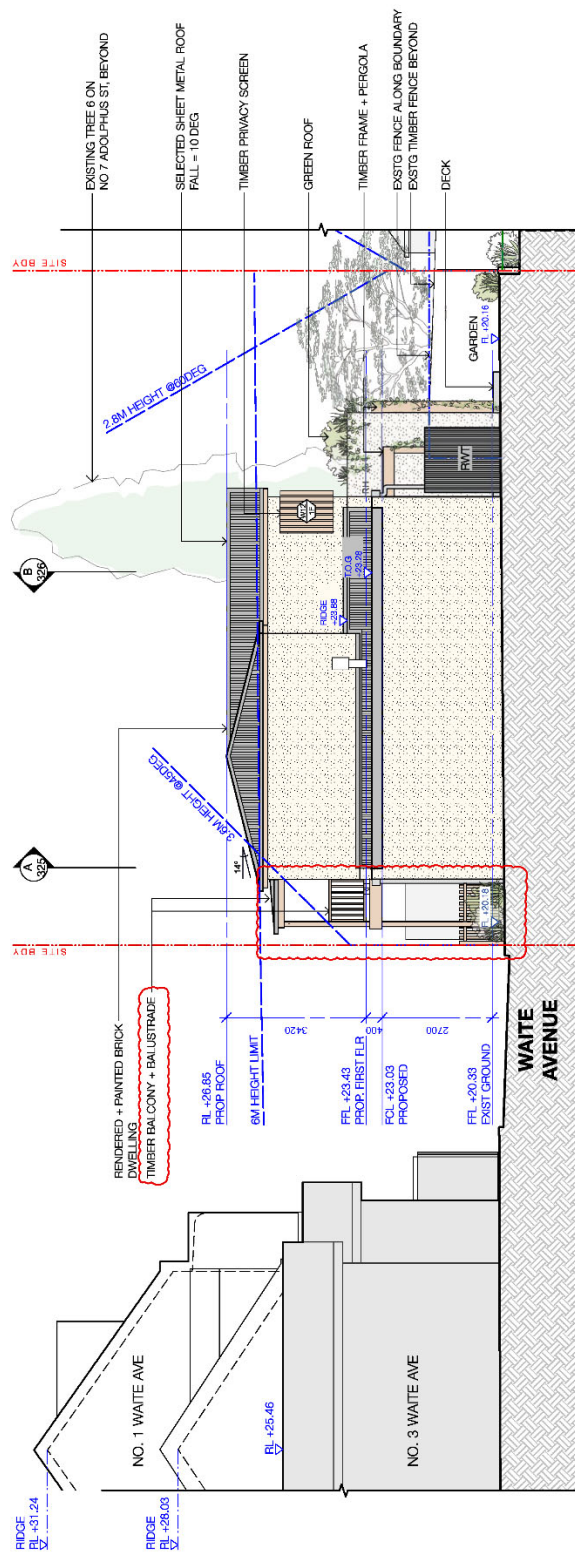
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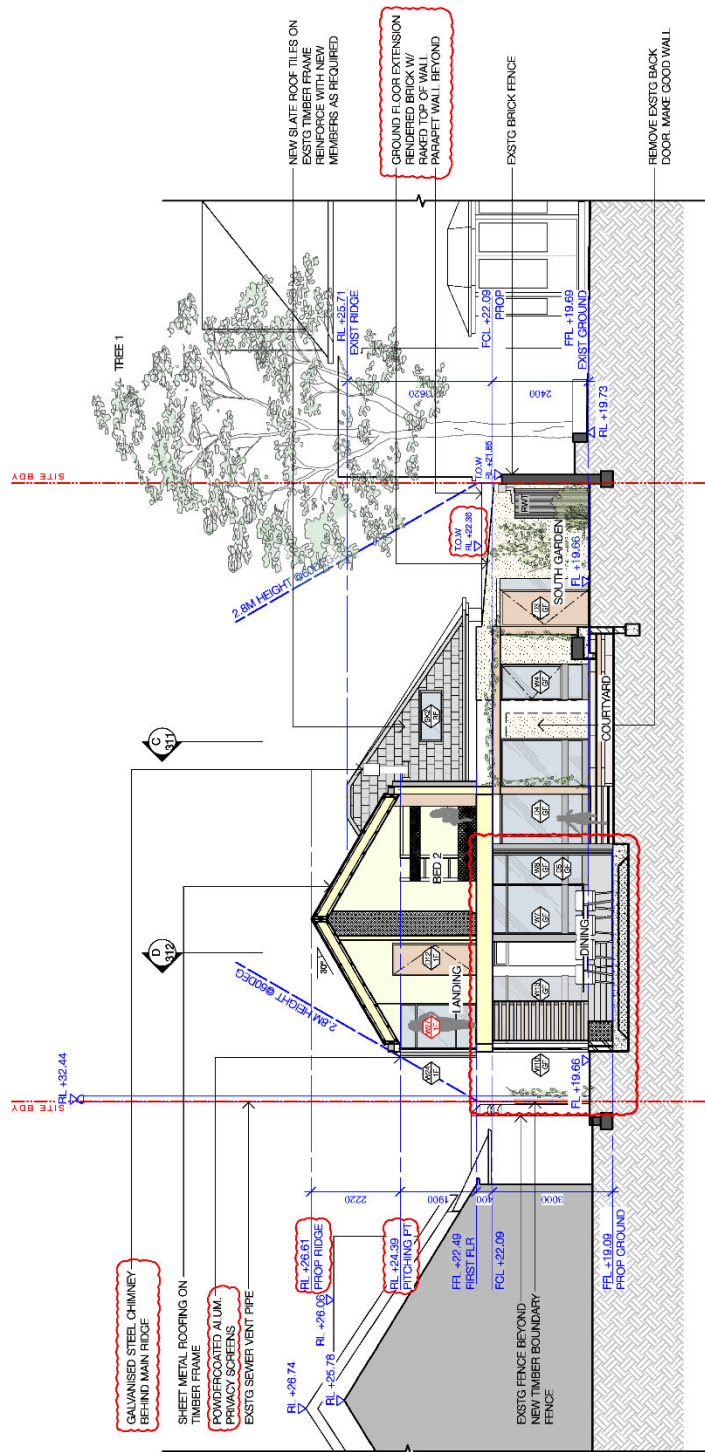


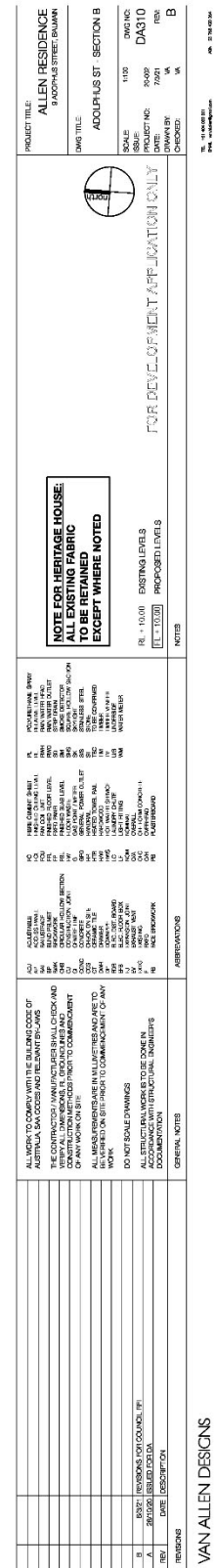
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SCALE: 1:100		DWG NO: DA321	
DATE: 12/01/2021		DWG DATE: 12/01/2021	
DRAWN BY: VAN ALLEN DESIGNS		CHECKED BY: VAN ALLEN DESIGNS	
REVISED BY: VAN ALLEN DESIGNS		REVISED DATE: 12/01/2021	
FOR DEVELOPMENT APPLICATION ONLY		EXISTING LEVELS RL +10.00	
		PROPOSED LEVELS RL +10.00	
NOTES		<p>1. ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL BUILDING REGULATIONS, LOCAL COUNCIL REGULATIONS AND RELEVANT STANDARDS.</p> <p>2. THE CONTRACTOR/MANUFACTURER SHALL CHECK AND CONFIRM ALL DIMENSIONS AND MATERIALS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL BUILDING REGULATIONS, LOCAL COUNCIL REGULATIONS AND RELEVANT STANDARDS.</p> <p>3. ALL DIMENSIONS ARE IN METRES AND ROUNDED UP TO THE NEAREST MILLIMETER.</p> <p>4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>11. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>12. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>13. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>14. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>15. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>16. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>17. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>18. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>19. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>20. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p>	
REVISIONS		<p>NO. DATE DESCRIPTION</p>	
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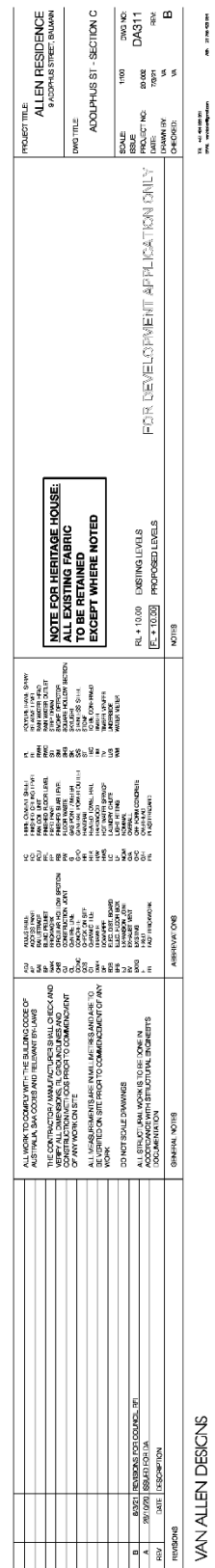
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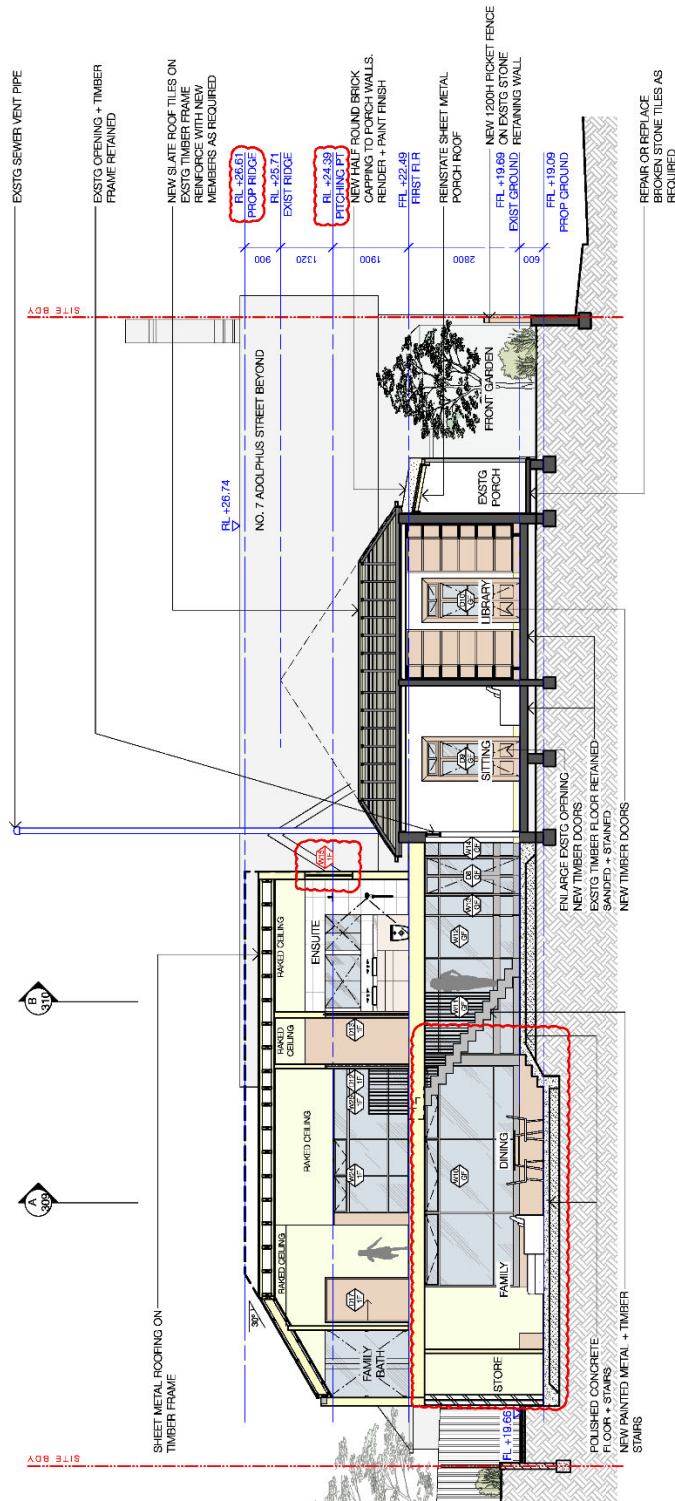
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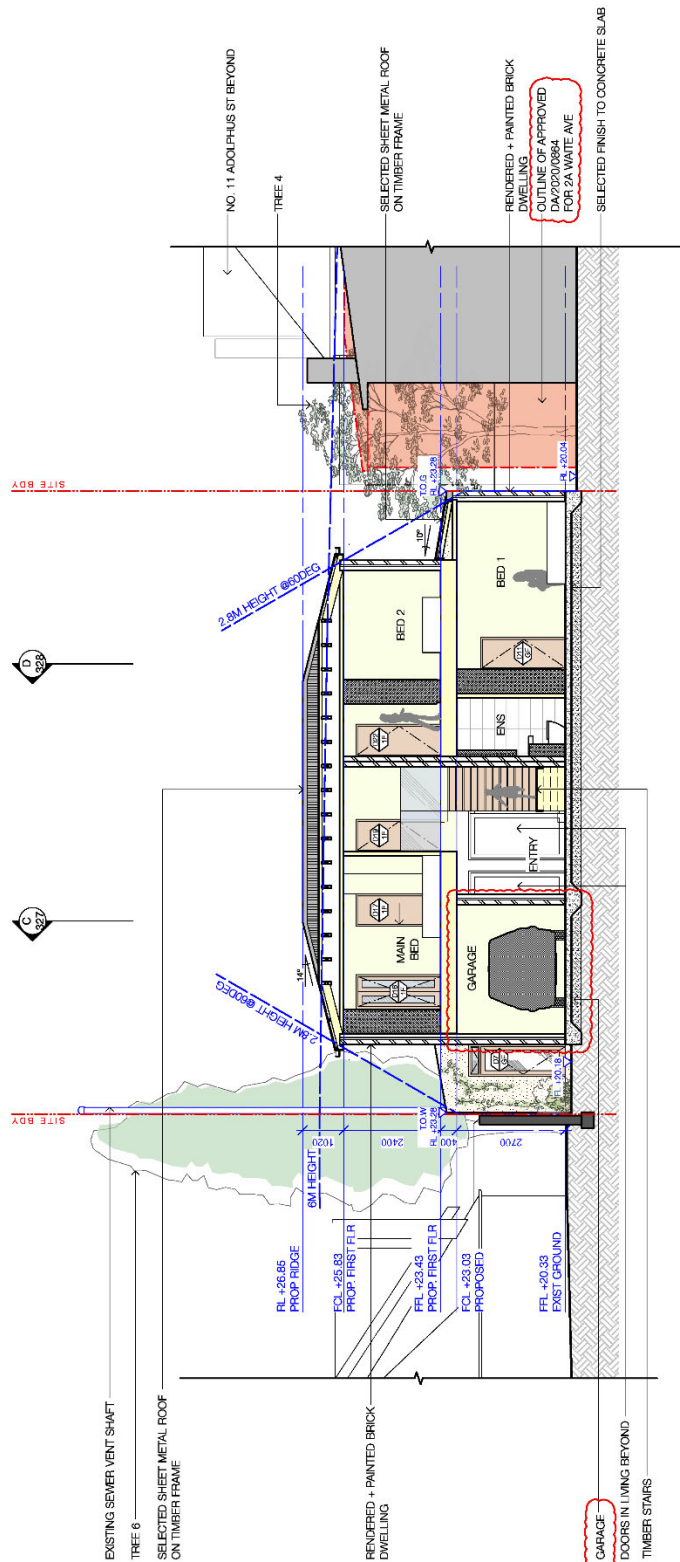
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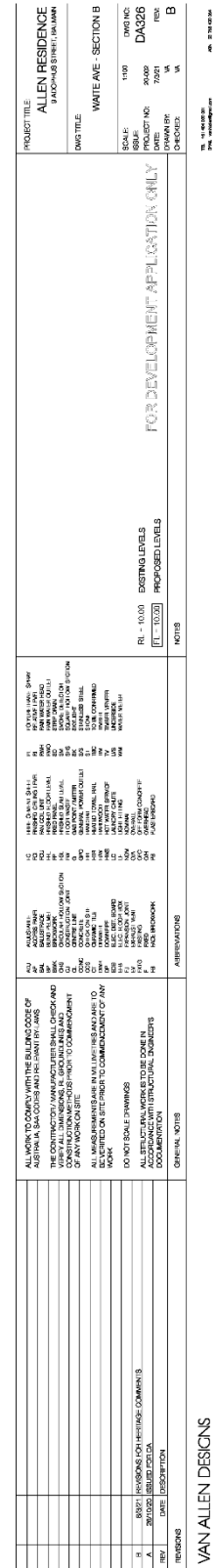


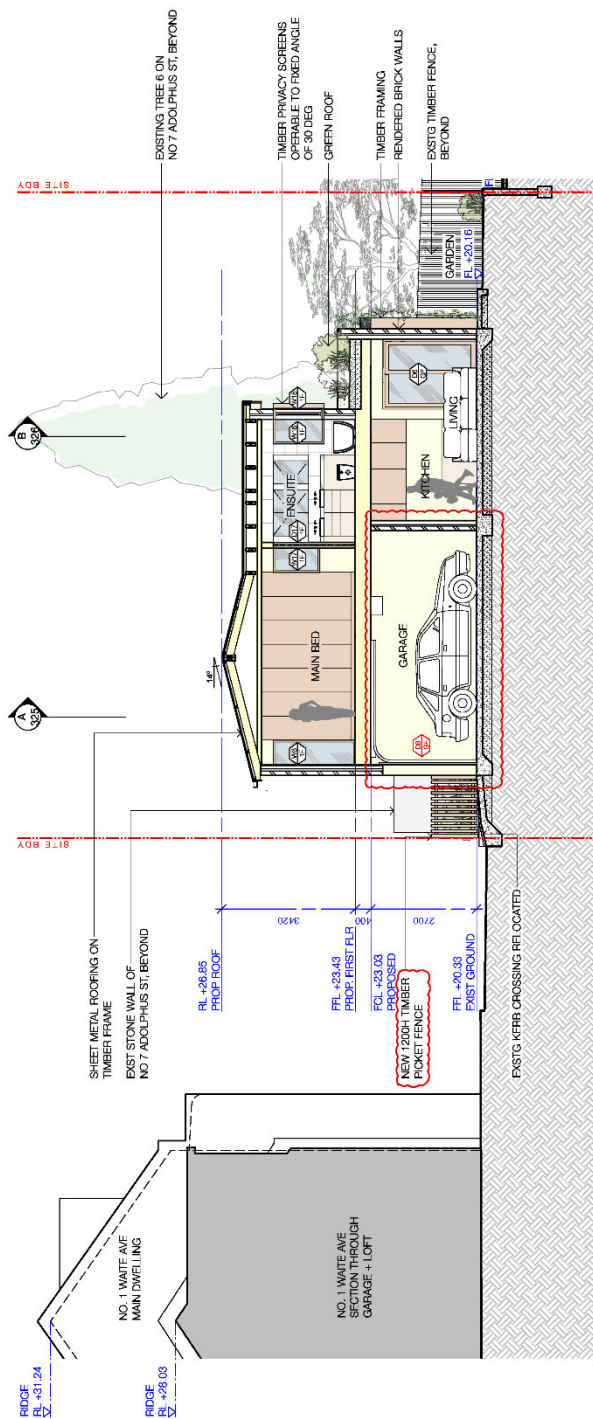


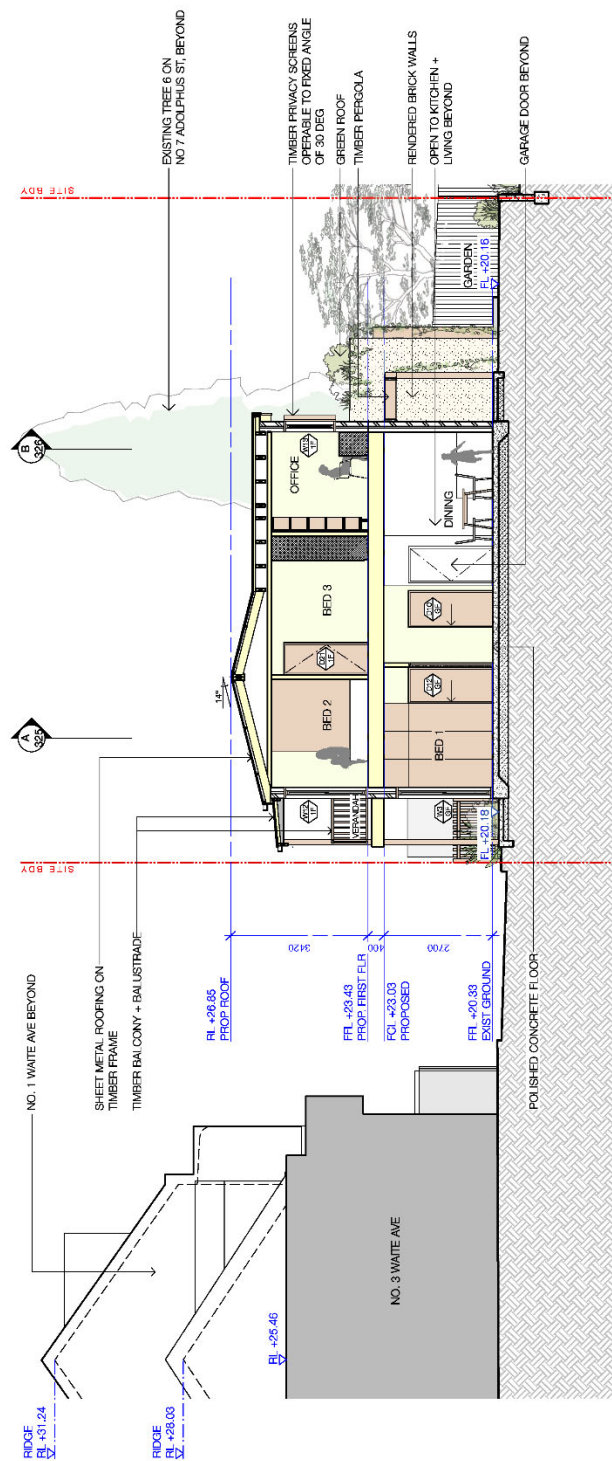
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PROJECT TITLE ALLEN RESIDENCE		PROJECT NO. 9 ADOLPHUS STREET, BUNNIA	
DWG TITLE WHITE AVE - SECTION A		DWG NO. DA325	
SCALE 1:100		DATE 20.03.2024	
CHECKED BY WA		DATE 20.03.2024	
DRAWN BY WA		DATE 20.03.2024	
FOR DEVELOPMENT APPLICATION ONLY		NOTES	
RL + 10.00 EXISTING LEVELS [L + 10.00] PROPOSED LEVELS		<p>1. ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SANITATION AND PLUMBING BY LAMB.</p> <p>2. THE CONTRACTOR/MANUFACTURER SHALL CHECK AND CONFIRM THE EXISTING LEVELS PRIOR TO COMMENCEMENT OF WORK ON SITE.</p> <p>3. ALL DIMENSIONS ARE IN METRES AND ARE TO BE DELIVERED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK.</p> <p>4. DO NOT SCALE DRAWINGS.</p> <p>5. ALL DIMENSIONS ARE TO BE GIVEN IN METRES AND ARE TO BE DELIVERED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK.</p> <p>6. ALL DIMENSIONS ARE TO BE GIVEN IN METRES AND ARE TO BE DELIVERED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK.</p>	
REVISIONS		<p>DATE DESCRIPTION</p> <p>1. 20.03.2024 (BUNNIA) 1A</p>	
VAN ALLEN DESIGNS		<p>REVISIONS</p> <p>DATE DESCRIPTION</p> <p>1. 20.03.2024 (BUNNIA) 1A</p>	



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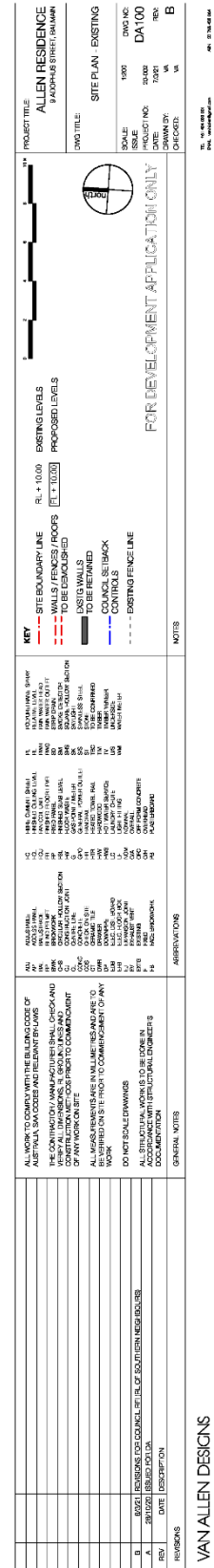
LEGENDS

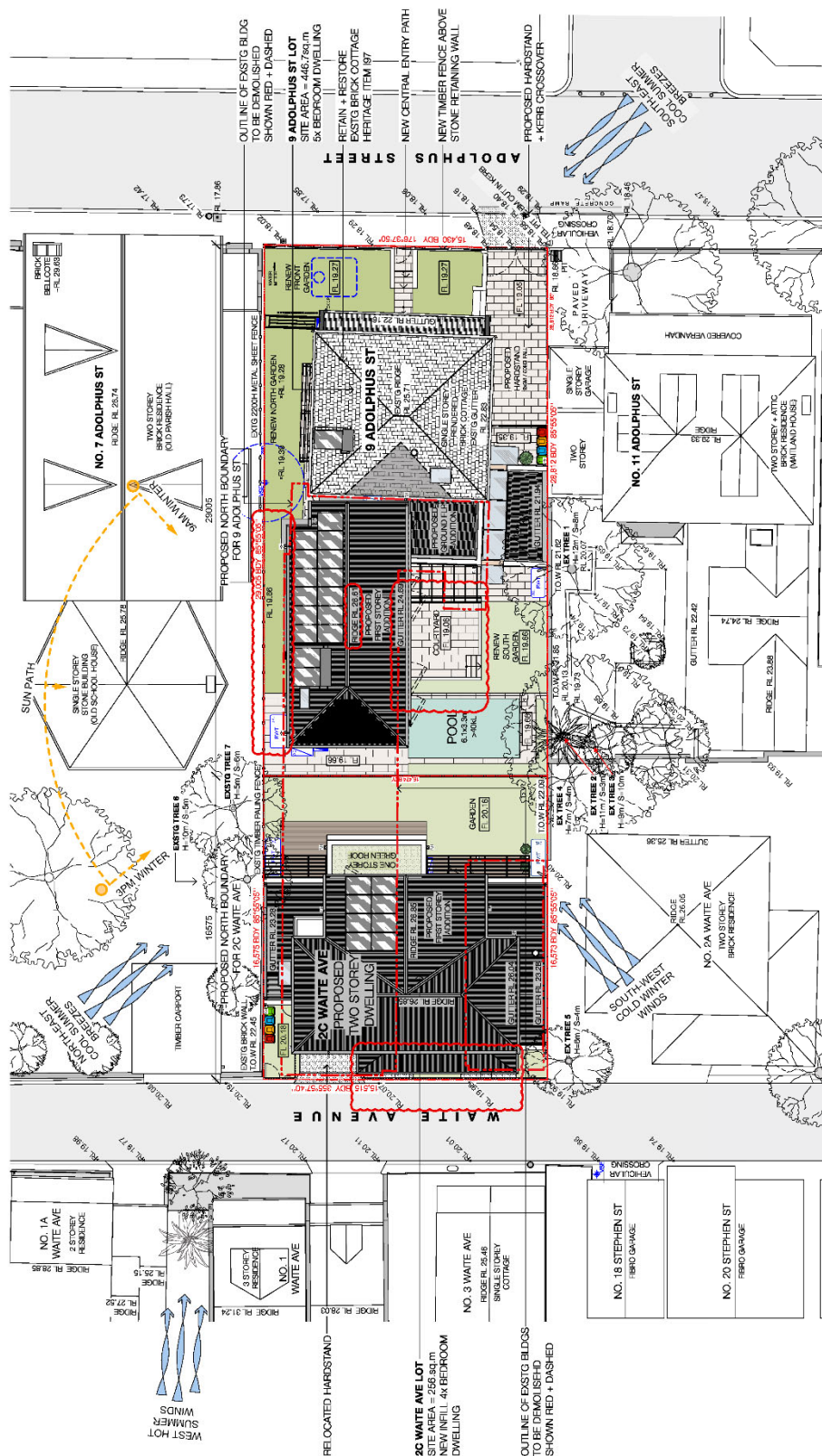
DWG NO.	DWG NAME	PAPER	SCALE	DWG NO.	DWG NAME	PAPER	SCALE
DA000	DRAWING REGISTER - LEGEND	A3	NTS	DA000	DRAWING REGISTER - LEGEND	A3	NTS
DA002	BASIC NOTES - ADOLPHUS ST	A3	NTS	DA002	BASIC NOTES - ADOLPHUS ST	A3	NTS
DA003	BASIC NOTES - WHITE AVE	A3	NTS	DA003	BASIC NOTES - WHITE AVE	A3	NTS
DA005	SITE PLAN - EXISTING	A3	1:200	DA005	SITE PLAN - EXISTING	A3	1:200
DA010	SITE ANALYSIS PLAN - PROPOSED	A3	1:200	DA010	SITE ANALYSIS PLAN - PROPOSED	A3	1:200
DA012	SITE COVERAGE PLAN - PROPOSED	A3	1:200	DA012	SITE COVERAGE PLAN - PROPOSED	A3	1:200
DA013	PROPOSED SUBDIVISION PLAN	A3	1:200	DA013	PROPOSED SUBDIVISION PLAN	A3	1:200
DA014	PROPOSED SUBDIVISION PLAN - STAGE ONE	A3	1:200	DA014	PROPOSED SUBDIVISION PLAN - STAGE ONE	A3	1:200
DA015	SITE DRAINAGE PLAN - PROPOSED	A3	1:200	DA015	SITE DRAINAGE PLAN - PROPOSED	A3	1:200
DA016	SITE DRAINAGE PLAN - STAGE ONE	A3	1:200	DA016	SITE DRAINAGE PLAN - STAGE ONE	A3	1:200
DA017	SITE PLANT, CAR PARKING + VEHICLE ACCESS	A3	1:200	DA017	SITE PLANT, CAR PARKING + VEHICLE ACCESS	A3	1:200
DA018	SITE PLANT, CAR PARKING + VEHICLE ACCESS	A3	1:200	DA018	SITE PLANT, CAR PARKING + VEHICLE ACCESS	A3	1:200
DA019	OFF-STREET CAR PARKING + VEHICLE ACCESS	A3	1:200	DA019	OFF-STREET CAR PARKING + VEHICLE ACCESS	A3	1:200
DA020	GENERAL ARRANGEMENT PLANS	A3	1:200/100	DA020	GENERAL ARRANGEMENT PLANS	A3	1:200/100
DA021	EXISTING PLAN - ADOLPHUS STREET	A3	1:100	DA021	EXISTING PLAN - ADOLPHUS STREET	A3	1:100
DA022	SITE PLAN - DEMOLITION	A3	1:100	DA022	SITE PLAN - DEMOLITION	A3	1:100
DA023	ADOLPHUS ST ROOF PLAN - DEMOLITION	A3	1:100	DA023	ADOLPHUS ST ROOF PLAN - DEMOLITION	A3	1:100
DA024	ADOLPHUS ST ROOF PLAN - DEMOLITION	A3	1:100	DA024	ADOLPHUS ST ROOF PLAN - DEMOLITION	A3	1:100
DA025	ADOLPHUS ST ROOF PLAN - DEMOLITION	A3	1:100	DA025	ADOLPHUS ST ROOF PLAN - DEMOLITION	A3	1:100
DA026	WEST ELEVATION DEMOLITION - ADOLPHUS ST	A3	1:100	DA026	WEST ELEVATION DEMOLITION - ADOLPHUS ST	A3	1:100
DA027	SOUTH ELEVATION DEMOLITION - ADOLPHUS ST	A3	1:100	DA027	SOUTH ELEVATION DEMOLITION - ADOLPHUS ST	A3	1:100
DA028	NORTH ELEVATION DEMOLITION - ADOLPHUS ST	A3	1:100	DA028	NORTH ELEVATION DEMOLITION - ADOLPHUS ST	A3	1:100
DA029	PROPOSED GROUND PLAN	A3	1:100	DA029	PROPOSED GROUND PLAN	A3	1:100
DA030	ADOLPHUS ST PROPOSED ROOF PLAN	A3	1:100	DA030	ADOLPHUS ST PROPOSED ROOF PLAN	A3	1:100
DA031	ADOLPHUS ST PROPOSED ROOF PLAN	A3	1:100	DA031	ADOLPHUS ST PROPOSED ROOF PLAN	A3	1:100
DA032	WHITE AVE - PROPOSED ROOF PLAN	A3	1:100	DA032	WHITE AVE - PROPOSED ROOF PLAN	A3	1:100
DA033	WHITE AVE - PROPOSED ROOF PLAN	A3	1:100	DA033	WHITE AVE - PROPOSED ROOF PLAN	A3	1:100
DA034	PROPOSED ROOF PLAN	A3	1:100	DA034	PROPOSED ROOF PLAN	A3	1:100
ELEVATIONS				ELEVATIONS			
DA035	EAST EAST ELEVATION - ADOLPHUS ST	A3	1:100	DA035	EAST EAST ELEVATION - ADOLPHUS ST	A3	1:100
DA036	EAST WEST ELEVATION - ADOLPHUS ST	A3	1:100	DA036	EAST WEST ELEVATION - ADOLPHUS ST	A3	1:100
DA037	EAST WEST ELEVATION - WHITE AVE	A3	1:100	DA037	EAST WEST ELEVATION - WHITE AVE	A3	1:100
DA038	EAST WEST ELEVATION - WHITE AVE	A3	1:100	DA038	EAST WEST ELEVATION - WHITE AVE	A3	1:100
DA039	PROPOSED EAST ELEVATION - ADOLPHUS ST	A3	1:100	DA039	PROPOSED EAST ELEVATION - ADOLPHUS ST	A3	1:100
DA040	PROPOSED WEST ELEVATION - ADOLPHUS ST	A3	1:100	DA040	PROPOSED WEST ELEVATION - ADOLPHUS ST	A3	1:100
DA041	PROPOSED SOUTH ELEVATION - SOUTH - NORTH	A3	1:100	DA041	PROPOSED SOUTH ELEVATION - SOUTH - NORTH	A3	1:100
DA042	PROPOSED SOUTH ELEVATION - ADOLPHUS ST	A3	1:100	DA042	PROPOSED SOUTH ELEVATION - ADOLPHUS ST	A3	1:100
DA043	ADOLPHUS ST - SECTION A	A3	1:100	DA043	ADOLPHUS ST - SECTION A	A3	1:100
DA044	ADOLPHUS ST - SECTION B	A3	1:100	DA044	ADOLPHUS ST - SECTION B	A3	1:100
DA045	ADOLPHUS ST - SECTION C	A3	1:100	DA045	ADOLPHUS ST - SECTION C	A3	1:100
DA046	ADOLPHUS ST - SECTION D	A3	1:100	DA046	ADOLPHUS ST - SECTION D	A3	1:100
DA047	SITE ELEVATIONS - WHITE AVE	A3	1:200	DA047	SITE ELEVATIONS - WHITE AVE	A3	1:200
DA048	SITE ELEVATIONS - WHITE AVE	A3	1:200	DA048	SITE ELEVATIONS - WHITE AVE	A3	1:200
DA049	PROPOSED NORTH ELEVATION - WHITE AVE	A3	1:100	DA049	PROPOSED NORTH ELEVATION - WHITE AVE	A3	1:100
DA050	PROPOSED NORTH ELEVATION - WHITE AVE	A3	1:100	DA050	PROPOSED NORTH ELEVATION - WHITE AVE	A3	1:100

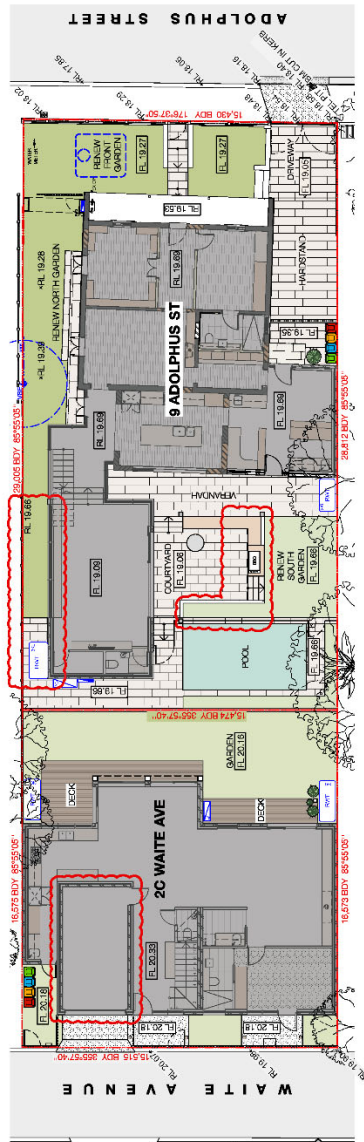
SHADOW ACCESS CALCULATIONS		
DA460	WINTER SOLDSITE - 9AM EXISTING	A3 1:00
DA461	WINTER SOLDSITE - 9AM PROPOSED	A3 1:00
DA462	WINTER SOLDSITE - 1PM EXISTING	A3 1:00
DA463	WINTER SOLDSITE - 1PM PROPOSED	A3 1:00
DA464	WINTER SOLDSITE - 1PM EXISTING	A3 1:00
DA465	WINTER SOLDSITE - 1PM PROPOSED	A3 1:00
DA466	WINTER SOLDSITE - 1PM EXISTING	A3 1:00
DA467	WINTER SOLDSITE - 1PM PROPOSED	A3 1:00
DA468	WINTER SOLDSITE - 1PM EXISTING	A3 1:00
DA469	WINTER SOLDSITE - 1PM PROPOSED	A3 1:00
DA470	WINTER SOLDSITE - 2PM EXISTING	A3 1:00
DA471	WINTER SOLDSITE - 2PM PROPOSED	A3 1:00
DA472	WINTER SOLDSITE - 2PM EXISTING	A3 1:00
DA473	WINTER SOLDSITE - 3PM EXISTING	A3 1:00
DA474	WINTER SOLDSITE - 3PM PROPOSED	A3 1:00

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VAN ALLEN DESIGNS



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LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

4.3A Landscaped areas for residential accommodation in Zone R1

- (3) (a) the development includes landscaped area that comprises at least:

- (i) where the lot size is equal to or more than 200 square metres—30% of the site area, and
 - (ii) where the lot size is greater than 235 square metres—20% of the site area, and
- (b) the site coverage does not exceed 60% of the site area.

- (v) the site coverage does not exceed 60% of the site area.
- 4) For the purposes of subclause (3):
- (a) the site area is to be calculated under clause 4.5 (3), and
- (b) any area that:
- (i) has a length or a width of less than 1 metre, or
- (ii) is greater than 500mm above ground level (existing),

is not to be included in calculating the proportion of landscaped area, and

- (c) any dock or balcony or the like (whether enclosed or unenclosed) is not to be included in calculating the site coverage if:
- (i) it is 2.4 metres or more above ground level (existing), as measured from the underside of the structure and the area below the structure is able to be landscaped or used for recreational purposes, or
 - (ii) the finished floor level is 500mm or less above ground level (existing).

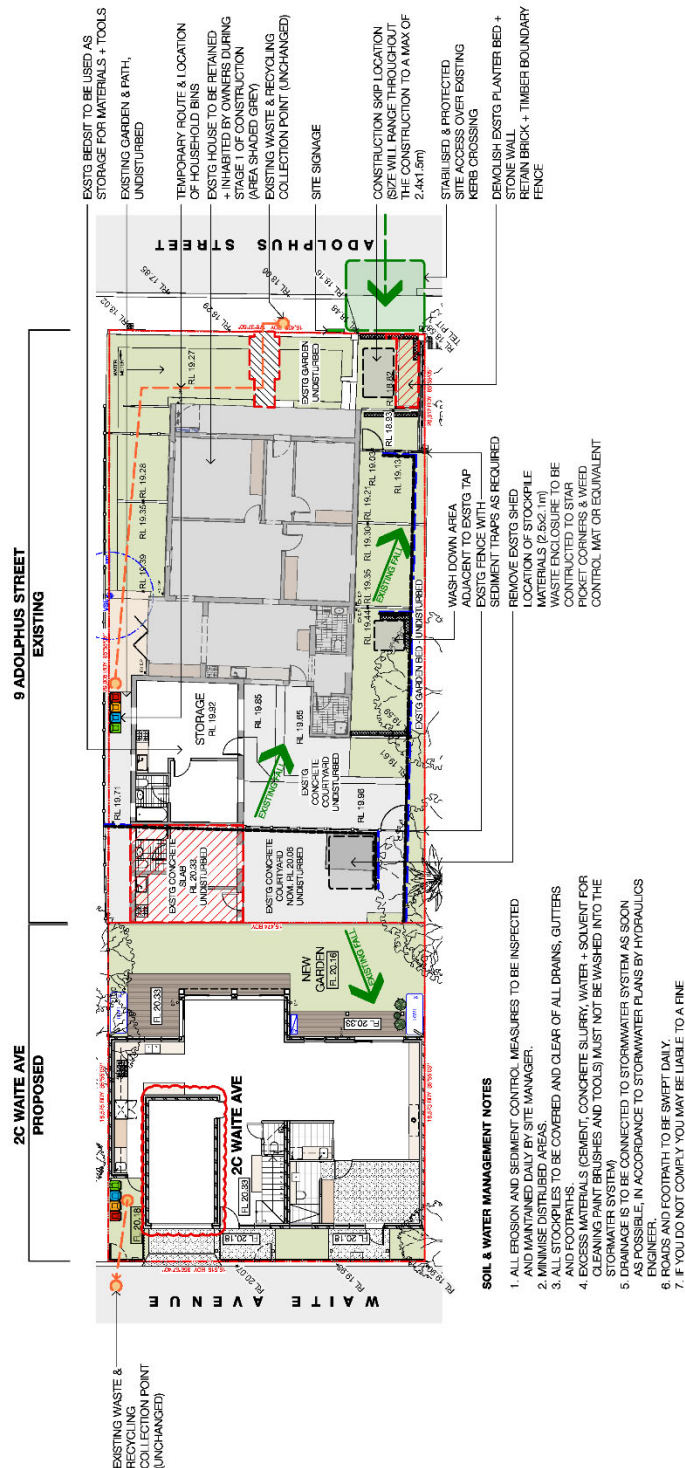
DEFINITION:

DEFINITION: *Site coverage* means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement;
(b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary;
(c) any eaves;
(d) unenclosed balconies, decks, pergolas and the like.

[illegible]

[illegible]

[illegible]

[illegible]

Attachment C – Statements of Heritage Significance

Attachment C – Statements of Heritage Significance

The Statement of Significance for the house, sourced from the Office of Environment & Heritage, heritage database website, is below:

No. 9 Adolphus Street is of local historic and aesthetic significance as a typical dwelling constructed in c. 1860. Despite some changes the building retains its original form and character and makes a positive contribution to the Adolphus Street streetscape.

The recommended management for the heritage item states:

- *the existing single storey scale and character of the building including rendered facades, roof form, open front verandah and simple pattern of openings should be retained and conserved;*
- *reinstatement of the original door on the Adolphus Street façade may be considered;*
- *timber and rendered surfaces should continue to be painted in appropriate colours;*
- *any additions should be restricted to the rear of the building and site. Alterations and replacement of the brick structures in the rear, western portion of the site should be carefully considered to ensure no adverse heritage impacts on the front building particular retain an appropriate scale, and adjacent heritage items.*

The subject property is also in a Balmain East Heritage Conservation Area and is a contributory dwelling within the HCA. The Statement of Significance for the Balmain East Heritage Conservation Area is in the Leichhardt DCP 2013 and is provided below:

- *One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important for illustrating development for workers' and artisan housing particularly from 1871–1891 which forms the major element of its identity. It is significant for its surviving development from that period and the later infill development up to World War II (ie pre-1939).*
- *Retains evidence of all its layers of growth within that period from the late-1870s.*
- *Through its important collection of weatherboard buildings, including the now rare timber terraces, it continues to demonstrate the nature of this important/major construction material in the fabric of early Sydney suburbs, and the proximity of Booth's saw mill and timber yards in White Bay.*
- *Through the mixture of shops, pubs and industrial buildings it demonstrates the nature of a Victorian suburb, and the close physical relationship between industry and housing in nineteenth century cities before the advent of the urban reform movement and the separation of land uses.*
- *Demonstrates through the irregular pattern of its subdivision the small-scale nature of the spec builders responsible for the construction of the suburb.*
- *Demonstrates the nature of some private subdivisions before the introduction of the Width of Streets and Lanes Act of 1881 required roads to be at least one chain wide.*