SUPPLEMENTARY REPORT	
Application No.	MOD/2024/0085
Address	77 Glassop Street BALMAIN
Proposal	Section 4.56 Modification of Development Consent to DA/2022/0684 which approved demolition of existing structures and construction of residential flat building including basement parking and landscaping works, seeking consent for various internal and external modifications at all levels, including roof changes
Date of Lodgement	03 April 2024
Applicant	Chanine Design Pty Ltd
Owner	Ms Catherine Tuhetoka
Number of Submissions	Initial: 11 After Renotification: 6
Cost of works	$3,288,563.00
Reason for determination at Planning Panel	Number of submissions exceed Officer delegations
Main Issues	Impact to Heritage Conservation Area; amenity impacts to adjoining properties, potential impact to trees on the rear adjoining property
Recommendation	Approved with Conditions
Attachment A	Recommended changes to conditions of consent
Attachment B	Original assessment report to November IWLPP
Attachment C	Plans of proposed development
Attachment D	Original Court approved drawings
Attachment E	Original Land and Environment Court judgement and conditions
Attachment F	Current Arborist Report

LOCALITY MAP

Subject Site		Objectors	N
Notified Area		Supporters	

Note: Due to scale of map, not all objectors could be shown.

1. Summary

At the Inner West Local Planning Panel on 12 November 2024, the Panel considered a report on the application submitted to Council under Section 4.56 of the *Environmental Planning and Assessment Act 1979 (EP & A Act 1979)* to modify Development Consent DA/2022/0684 dated 10 October 2023 which approved the demolition of existing structures and construction of a residential flat building including basement parking and landscaping works. The modification seeks consent for various internal and external modifications at all levels, including roof changes at 77 Glassop Street BALMAIN.(See Attachment B)

At this meeting the Panel resolved to defer the determination of this Modification for the following reasons;

> *The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, defers the determination of Development Application No. MOD/2024/0085 which seeks to modify DA/2022/0684 dated 10 October 2023 to carry out various internal and external modifications at all levels, including roof changes at 77 Glassop Street, BALMAIN for:*
>
> 1. *A further assessment of the TPZ associated with trees T10 and T11, and the siting of the building, basement and stormwater works.*
> 2. *A comprehensive analysis of the measures required to ensure the retention and protection of trees T10 and T11 and whether or not this requires modification to the building.*

On 5 December 2024, amended plans and supporting documentation, including amended Arborist Report, was received in response to the IWLPP resolution of 12 November 2024. The amendments carried out included:

- Modifications to clearly demonstrate the retention of tree Nos. 10 & 11;
- Relocate the OSD tank to ensure the retention of tree Nos. 10 & 11;
- Stormwater pipes will be inside the TPZ, which will be installed using under bridge boring or non-destructive diggings methods; and
- Increased setback of Apartment 1 pool structures.

This supplementary report is based on the amended plans and further information received on 5 December 2024. The amended plans did not require renotification in accordance with Council's Community Engagement Strategy 2022-2024.

<u>Application History</u>

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

Date	Discussion / Letter / Additional Information
28/06/2024	Request for additional information letter sent to applicant outlining the following concerns: • Design and privacy impacts

	• Clarification/additional information with respect to Landscaped Areas • Issues in relation to heritage conservation • Issues in relation to loss of water views to 102A Glassop Street • Solar Access/Shadow Diagrams
02/08/2024	Applicant provided additional information and an amended design that includes the following changes: • Booster assembly and water meter provided within an enclosure, to respond to streetscape and heritage concerns; • Roof top terrace reduced in size to be the size as originally approved development; • Rear roof form modified to be consistent with the originally approved development; • Awning windows now provided as double hung and casement, to improve ventilation; • Window shutters reinstated; • Front door fenestration revised as originally approved; • Window framing provided as timber, per original approval; and • Landscaping amended to reflect revised booster assembly, ensuring compliance with the LEP.
20/08/2024 - 10/09/2024	The application was renotified
12/11/2024	The application was considered at the November IWLPP meeting and the following decision was reached: *The Inner West Local Planning Panel exercising the functions of the Council as the consent authority, defers the determination of Development Application No. MOD/2024/0085 which seeks to modify DA/2022/0684 dated 10 October 2023 to carry out various internal and external modifications at all levels, including roof changes at 77 Glassop Street, BALMAIN for:* *3. A further assessment of the TPZ associated with trees T10 and T11, and the siting of the building, basement and stormwater works.* 4. *A comprehensive analysis of the measures required to ensure the retention and protection of trees T10 and T11 and whether or not this requires modification to the building.*
21/11/2024	E-mail to applicant request additional information to address the minutes from the November IWLPP meeting.
5/12/2024	The application submitted amended documentation, including: • Amended Architectural Package prepared by CD Architects; • Amended Arborist Report prepared by Arbor Express; and • Amended Landscape Plans prepared by Vision Dynamics. The following changes were made to address the concern raised at the November IWLPP meeting:

	• Additional information and modifications to clearly demonstrate the retention of tree Nos. 10 & 11; • Relocate the OSD tank to ensure the retention of tree Nos. 10 & 11; • Stormwater pipes will be inside the TPZ, which will be installed using under bridge boring or non-destructive diggings methods; and • Increased setback of Apartment 1 pool structures. The amended design is a lesser development than the development originally notified and therefore renotification was not required in accordance with Council's Community Engagement Strategy. The amended plans and supporting documentation are the subject of this report.

2. Section 4.56 Modification of Consent

The following is a summary of the assessment of the application in accordance with Section 4.56 of the *Environmental Planning and Assessment Act 1979* (*EP & A Act 1979*).

<u>Section 4.56</u>

Section 4.56 of the *EP & A Act 1979* allows a consent authority to modify a development consent granted by it, if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, and

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

In considering the above:

- The essence of the development as modified is substantially the same as the original consent.
- The environmental impacts are acceptable subject to conditions.
- No requirement for concurrence or General Term of Agreement from any approval body.
- The application was notified to persons who made a submission against the original application sought to be modified.
- Submissions received have been considered.

3. 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* (*EP & A Act 1979*) of the matters deferred by the Panel.

A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

State Environmental Planning Policies (SEPPs)

SEPP (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The *Biodiversity and Conservation SEPP* requires consideration for the protection and/or removal of vegetation and gives effect to the local tree preservation provisions of C1.14 Tree Management of the LDCP 2013.

The original development approved the removal of the following trees on site:

- *Cupressus sempervirens* (Italian Cypress)
- Lagerstroemia indica (Crepe Myrtle)
- Camellia japonica (Camellia)
- Ficus elastica (Rubber Tree)
- Jacaranda mimosifolia (Jacaranda)
- *Cupressus sempervirens* (Italian Cypress)

No additional trees are proposed to be removed as part of this modification application.

Further to the above, a neighbouring tree at 2 Phoebe Street is located within the vicinity of the development and the owner of that property provided an Arboricultural Impact Assessment (AIA) dated 27/9/24 as part of their objection to this application.

In response to the minutes from the November 2024 IWLPP meeting, the applicant has provided the following additional information:

- Amended Architectural drawings;
- Amended Arborist Report prepared by Arbor Express; and
- Amended Landscape Plans prepared by Vision Dynamics.

The following changes were made to address the concern raised at the November IWLPP meeting:

- Additional information and modifications to clearly demonstrate the retention of tree Nos. 10 and 11 including amending the drawings to correctly show the Tree Protection Zone;
- Relocate the OSD tank to ensure the retention of tree Nos. 10 and 11;
- Stormwater pipes will be inside the TPZ, which will be installed using under bridge boring or non-destructive diggings methods; and
- Increased setback of Apartment 1 pool structures.

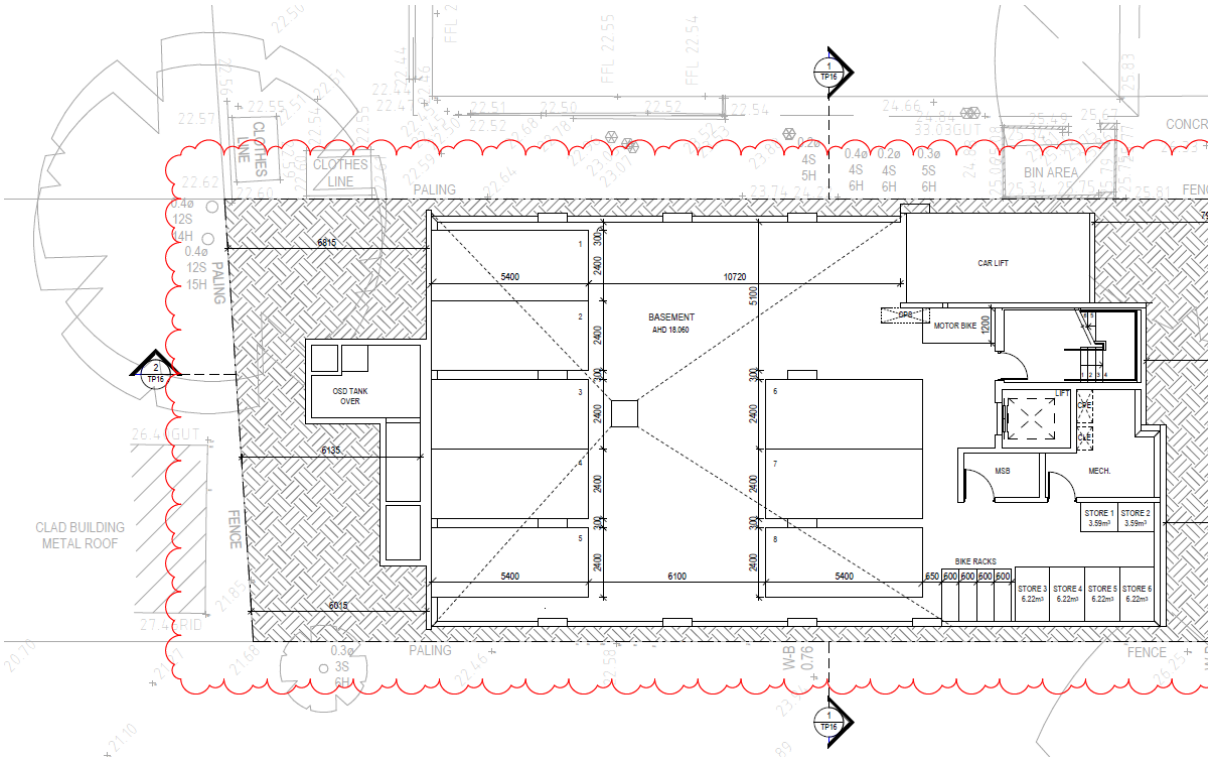


Figure 1: Extract of the previously proposed basement plan

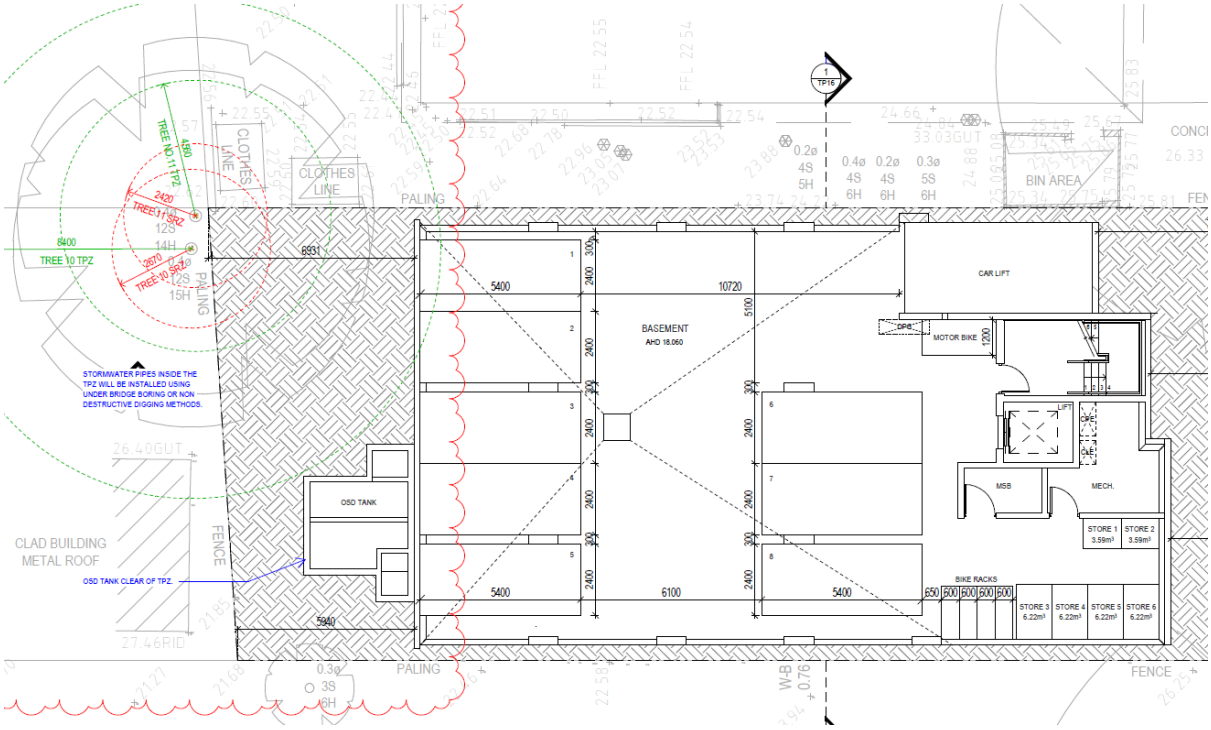


Figure 2: Extract of the most current basement plan which relocates the OSD tank outside the Tree Protection Zone

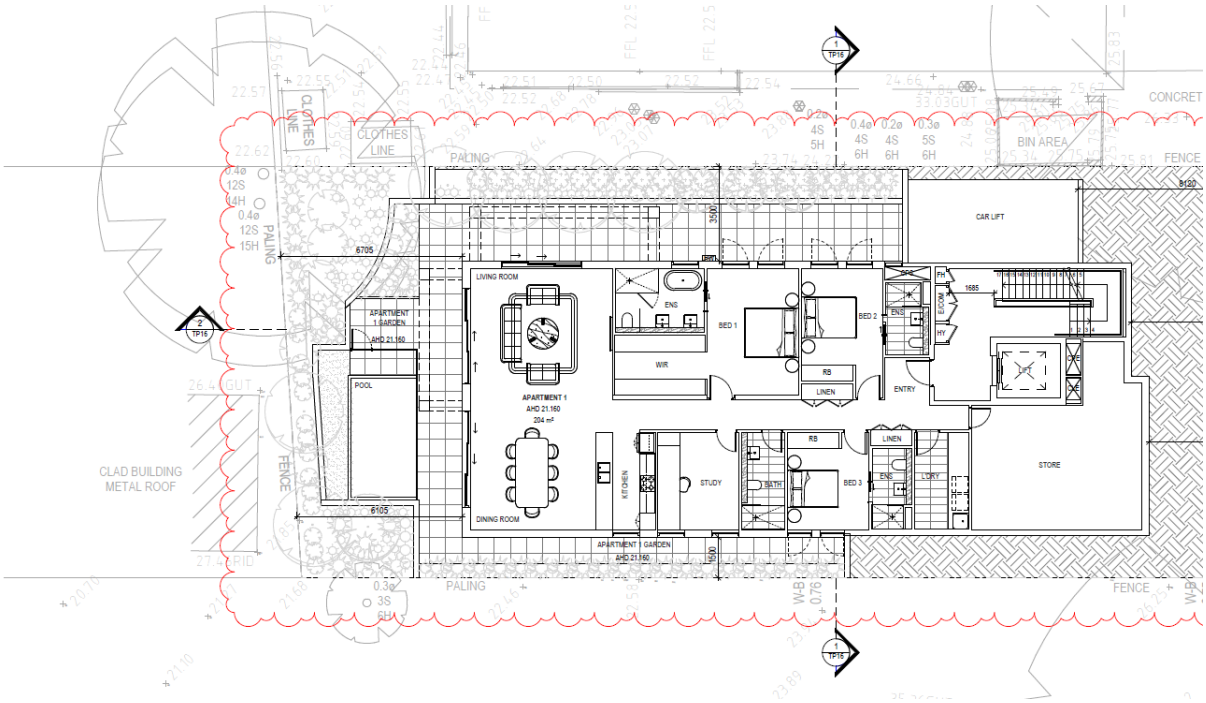


Figure 3: Extract of the previously proposed Level 1 plan

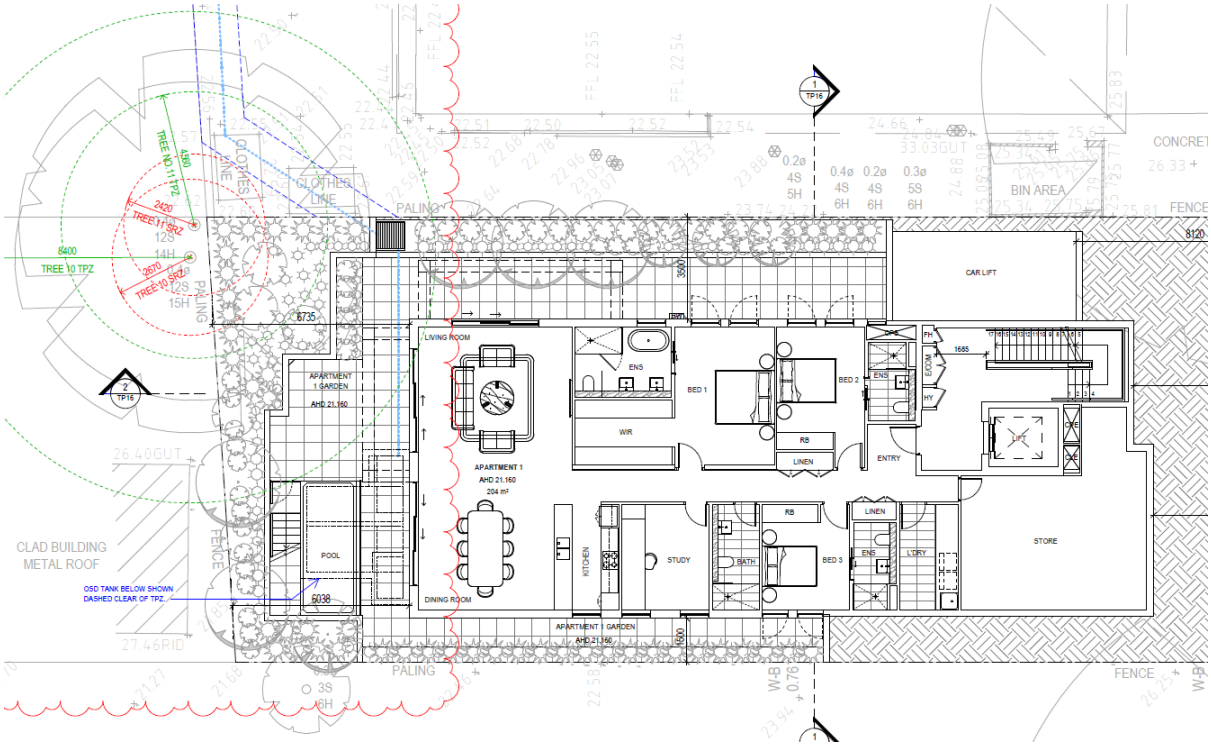


Figure 4: Extract of the most current Level 1 plan which relocates the pool structure outside the Tree Protection Zone.

The amended design and the updated amended Arboricultural Impact Assessment has been reviewed by Council's Urban Forest team and is considered to be acceptable, the following conditions will be added and or amended:

- One additional condition has been added requiring all services to be located outside of any TPZ – see recommended Condition 35A in the Recommendation Section of this report.
- Condition 32 is to be amended to include a more rigorous inspection regime;
- The title of condition 33 should be amended to state: canopy pruning
- All TPZ measurements relating to Trees 10 and 11 have been updated to reference the said report; and
- Conditions referencing tree 11 as a *Ficus benjamina* have been updated to the correct species: *Brachychiton acerifolius*

Refer to attachment A for details regarding the added and amended conditions.

The issues raised from the objections of 2 Phoebe Street are summarised as follows:

> *The applicant's arborist incorrectly assessed tree 10's TPZ and the original DA was assessed and approved using an incorrect and much smaller TPZ. The correct TPZ is 8.4m. The correct SRZ is 2.67m.*
>
> Comment: The applicant had since provided a new Arborist Report (prepared by Arbor Express and dated 5/12/2024 which identifies tree 10 as *Ficus benjamina* (Weeping

Fig) with a Tree Protection Zone (TPZ) of 8.4m and a Structural Root Zone (SRZ) of 2.67m.

The proposed OSD tank, the swimming pool (which has been moved from what was originally approved), new retaining walls, non-porous landscaping, stormwater infrastructure and the stormwater easement all occur within the TPZ. Some of these also occur within the SRZ, particularly the stormwater infrastructure and easement. All retaining walls and hard landscaping surfaces should be removed from within the TPZ of tree 10.

Comment: The applicant had amended the design (as mentioned above) so that the proposed OSD and swimming pool structure is located outside the Tree Protection Zone. The amended plans also demonstrate that the proposed stormwater system will be located outside the SRZ of the trees located at 2 Phoebe Street. The design has been reviewed by Council's Urban Forest team and the proposed retaining walls and landscaping is considered to be acceptable.

Concerns about the tree-related conditions

Comment: Council's Urban Forest team have reviewed the tree-related conditions that were recommended and considers them to be appropriate for this proposal.

Questions about potential alternative locations of the stormwater easement

Comment: This aspect was approved as part of the court approval of the original development application and this modification is consistent with the original development application in this regard.

The proposal as conditioned will satisfy the provisions of this part of the SEPP and the *Tree Management* controls contained in Part C1.14 of the Leichhardt Development Control Plan 2013.

<u>C3.11 Visual Privacy of Leichhardt DCP 2013</u>

To address a minor correction identified in the previous assessment report whereby the report stated that W14 was associated with a living room, but W14 is in fact associated with an ensuite and the following is provided:

As Chapter 4 of SEPP (Housing) 2021 applies to this development, the siting, visual privacy and private open space requirements of the Apartment Design Guide/SEPP (Housing) 2021 prevails over the requirements in the LDCP 2013. It is noted that the side setbacks and wall heights of the amended design are now consistent with those of the originally approved development, and the rear setbacks and private open space areas are considered to be generally consistent with SEPP (Housing) 2021 as discussed in the original assessment report.

It is also acknowledged that the originally approved development did not require privacy mitigation measures to the side elevations, and the proposed modifications have included

shutters on the side elevations which result in a general improvement to the originally approved development with respect to visual privacy considerations. All the windows on the North-East elevation that faces 75 Glassop Street include shutters (and W58 is a highlight window).

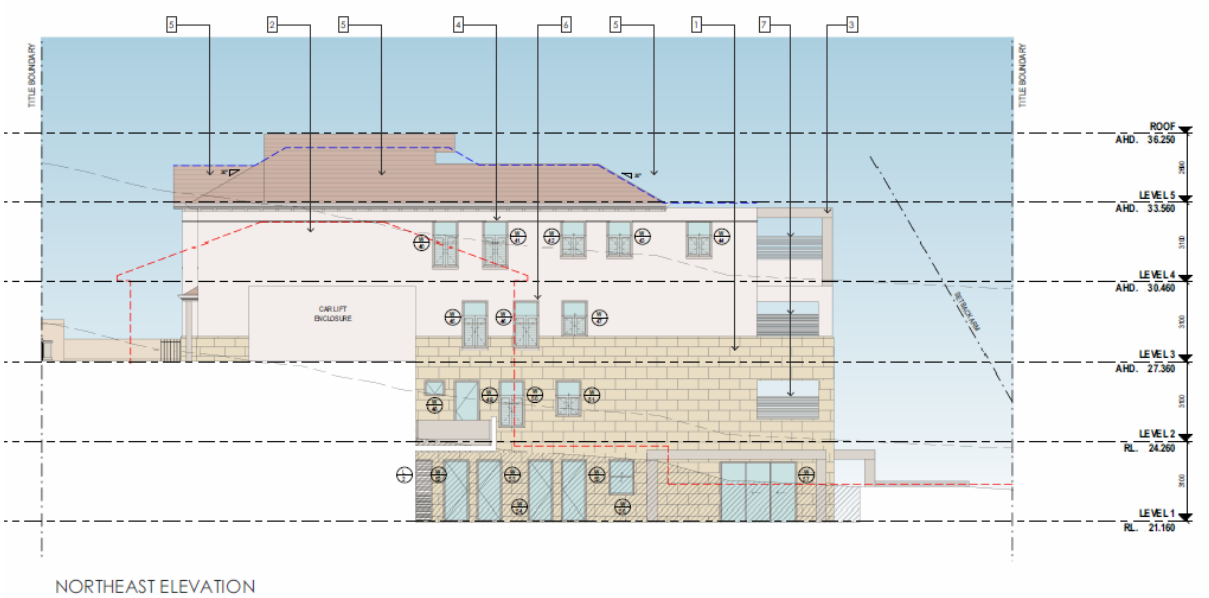


Figure 5: The northeast elevation which faces 75 Glassop Street

On the South-west elevations, the windows that does not include shutters (i.e. W9, W14, W18 and W19) are associated with a walk-in-wardrobe, ensuite, laundry and a powder/bathroom and therefore there are no adverse visual privacy impacts from these windows that does not provide shutters.

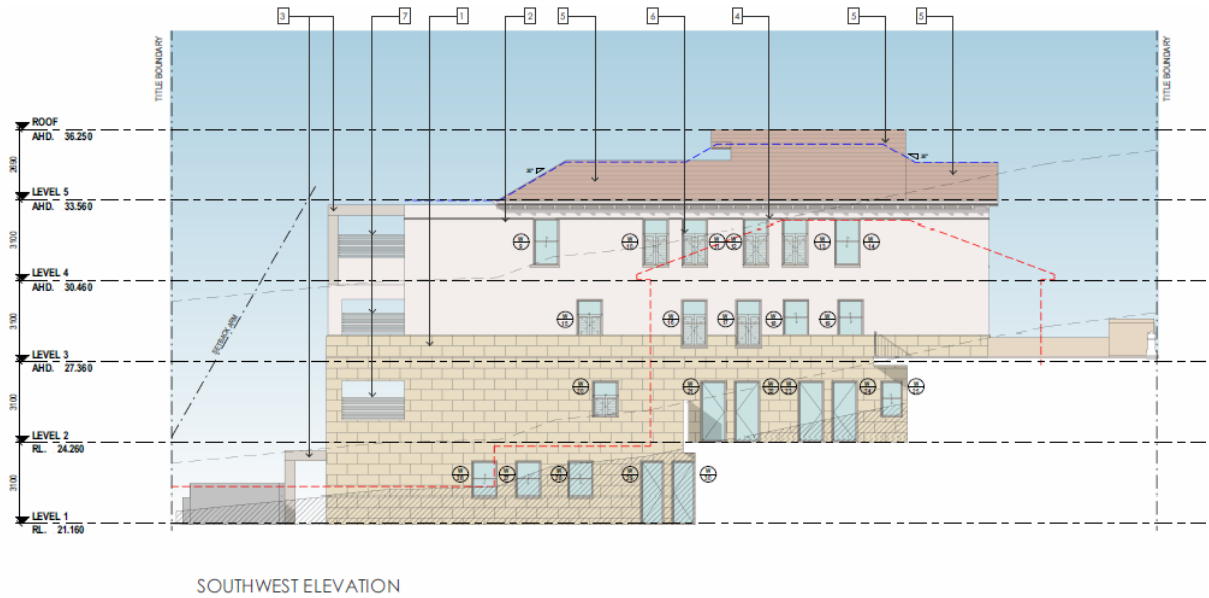


Figure 6: The southwest elevation which faces 79 Glassop Street

4. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013.

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

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

5. Recommendation

A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.56 of the *Environmental Planning and Assessment Act 1979,* grant consent to Development Application No. MOD/2024/0085 which seeks to modify DA/2022/0684 dated 10 October 2023 to carry out various internal and external modifications at all levels, including roof changes at 77 Glassop Street, BALMAIN subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

It is recommended that the application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* be APPROVED subject to the consent being modified in the following manner:

A. Amend the following Condition/s to read as follows:

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
TP01	Neighbourhood & Site Context Plan	November 2021	Nicholas Day Architect
TP02	Immediate Site Context Plan	November 2021	Nicholas Day Architect
TP03	Existing Streetscape Photomontage	November 2021	Nicholas Day Architect
TP04	Demolition Plan	November 2021	Nicholas Day Architect
~~TP05B~~	~~Design Response Plan~~	~~22 May 2023~~	~~Nicholas Day Architect~~
-E	***Cover Sheet***	***02.08.2024***	***CDA Architects***
TP06~~B~~ ***G***	Site Plan	~~22 May 2023~~ ***02.12.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP07~~A~~ ***D***	Basement ~~Plan~~	~~22 May 2023~~ ***02.12.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP08~~B~~ ***F***	Level 1 ~~Plan~~	~~22 May 2023~~ ***02.12.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP09~~-B~~ ***F***	Level 2 ~~Plan~~	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP10~~-B~~ ***G***	Level 3 ~~Plan~~	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP11~~-B~~ ***F***	Level 4 ~~Plan~~	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP12~~-B~~ ***F***	Level 5 ~~Plan~~	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP13~~-B~~ ***F***	Roof Plan	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP14~~-B~~ ***F***	Elevations Sheet 1	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
			CDA Architects
TP15~~B~~ ***F***	Elevations Sheet 2	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP16~~B~~ ***G***	Section A, B & C Cut and ~~Fill Plan~~ ***D***	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP17B	Streetscape & Backyard Elevations	22 May 2023	Nicholas Day Architect
~~TP18B~~	~~Shadow Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP19B~~	~~Shadow Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP20B~~	~~Eye from Sun~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP21B~~	~~Eye from Sun~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP22B~~	~~SEPP 65 Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP23B~~	~~Area Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP24B~~	~~Floor Space Ratio Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP25B~~	~~Gross Floor Area Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP26 B ***F***~~	~~Storage Area Diagrams~~	~~22 May 2023~~ ~~***02.08.2024***~~	~~Nicholas Day Architect~~ ~~***CDA Architects***~~
~~TP27B~~	~~Natural Ventilation Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP28B~~	~~Private Open Space Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP29A~~	~~Streetscape Perspectives~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP30A~~	~~CUT AND FILL PLAN~~	~~22 May 2023~~	~~Nicholas Day Architect~~
SW200F	Stormwater Concept Design – Basement Plan	1 June 2023	SGC Consulting Engineers
SW201F	Stormwater Concept Design – Level 01 Plan	1 June 2023	SGC Consulting Engineers
SW202F	Stormwater Concept Design – Level 02 Plan	1 June 2023	SGC Consulting Engineers
SW203F	Stormwater Concept Design – Level 03 Plan	1 June 2023	SGC Consulting Engineers
SW204F	Stormwater Concept Design – Roof Plan	1 June 2023	SGC Consulting Engineers
SW300F	Stormwater Concept Design – Details Sheet (1 of 2)	1 June 2023	SGC Consulting Engineers
SW301F	Stormwater Concept Design – Details Sheet (2	1 June 2023	SGC Consulting Engineers

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
	of 2)		
SW400F	Stormwater Concept Design – Erosion and Sediment Control Plan and Details	1 June 2023	SGC Consulting Engineers
~~100J:~~	~~Site Plan~~	~~15 September 2023~~	~~Site Image Landscape Architects~~
~~101I~~	~~Level 01~~	~~15 September 2023~~	~~Site Image Landscape Architects~~
~~102G~~	~~Level 02~~	~~15 September 2023~~	~~Site Image Landscape Architects~~
~~103I~~	~~Level 03~~	~~15 September 2023~~	~~Site Image Landscape Architects~~
~~104G~~	~~Rooftop Terrace~~	~~15 September 2023~~	~~Site Image Landscape Architects~~
~~501B~~	~~Details~~	~~15 September 2023~~	~~Site Image Landscape Architects~~
23198 s4.55 1-3, Rev. C	***LEGEND / DETAILS / PLANT SCHEDULE***	***3/12/24***	***Vision dynamics pty ltd.***
23198 s4.55 2-3, Rev. C	***LANDSCAPE PLAN***	***3/12/24***	***Vision dynamics pty ltd.***
23198 s4.55 3-3, Rev. C	***LANDSCAPE PLAN***	***3/12/24***	***Vision dynamics pty ltd.***
Report No.E2335-1	Acid Sulphate Soils Management Plan	15 February 2023	GCA
20230180.1	Noise Impact Assessment	09 March 2023	Acoustic Logic
G22212-1-Rev A	***Geotechnical Investigation Report***	***21st July 2022***	***SSTG Property Pty Ltd***
23177.2-Access	***ACCESSIBLITY ASSESSMENT REPORT***	***8th March 2024***	***NEST Consulting Group***
Version: 1	***Arboricultural Impact Assessment***	***9th August 2022***	***TALC***
AIA26/11/2024, v4	***Arboricultural Impact Assessment***	***5/12/2024***	***Arbor Express***
Certificate No.: ~~1310615M_08~~ ***1738891M***	BASIX Certificate	~~26 September 2023~~ ***07 March 2024***	~~EcoResults~~ ***Green Star Energy Solutions***

As amended by the conditions of consent.

(Condition amended – MOD/2024/0085 – 11/02/2025).

25. Stormwater Drainage System – Minor Developments (OSD is required)

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 design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos. SW200, SW201, SW202, SW203, SW204, SW300, SW301,SW400 and SW500 (Rev F) prepared by SGC and dated 1/6/23, as 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, , by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks as necessary; Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may drained to an on-site dispersal system such as an absorption system or otherwise, , no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer;
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 other than to drain downpipes to the rainwater tank(s);
e. 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);
f. 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;
g. 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;
h. Details of the 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided;
i. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas except where a reduced step is permitted under the Building Code of Australia for Class 1 buildings;
j. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage;
   Where necessary an inter-allotment drainage system must be incorporated into the design;
k. No nuisance or concentration of flows to other properties;
l. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
m. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
n. No impact to street tree(s) or any trees on the adjoining properties and

o. Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s).

(Condition amended – MOD/2024/0085 – 11/02/2025).

32. Inspections by Project Arborist

The Project Arborist must oversee various stages of work within the Tree Protection Zone (TPZ) of any tree listed for retention including street trees. The Arborist must certify compliance with each key milestone detailed below:

a. The installation of tree protection measures prior to the commencement of any construction works;
b. During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
c. During any excavation and trenching within the TPZ;
d. During any Landscape works within the TPZ which has been approved by Council.

An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by certifying authority at each hold-point listed below:

e. Certification that tree protection measures have been installed in accordance with these consent conditions
f. Certification of compliance with each key milestone listed above within 48 hours of completion;
g. Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
h. A final compliance report must be submitted to and approved by certifying authority prior to the issue of any Occupation Certificate.

(Condition amended – MOD/2024/0085 – 11/02/2025).

33. Canopy Pruning

Canopy and/or root pruning of the following tree/s 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	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plane Tree)	Approved TPP
4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP
10	***Ficus benjamina (Weeping Fig)***	***8.4m***
11	*Brachychiton acerifolius* (Illawarra Flame)	4.56m

The person acting on this consent has approval under Council's Tree Management Controls to; prune the trees 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 40 mm.

(Condition amended – MOD/2024/0085 – 11/02/2025).

34. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s must be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plan Tree)	Approved TPP
4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP
10	***Ficus benjamina (Weeping Fig)***	***8.4***
11	*Brachychiton acerifolius* (Illawarra Flame)	4.56

All excavation within the specified radius of the trunk(s) of the above tree(s) being hand dug 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 30mm 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.

(Condition amended – MOD/2024/0085 – 11/02/2025).

35. Tree Protection Zone

To protect the following tree/s, no work must commence until its/their Protection Zone is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area in accordance with the Tree Protection Plan included in the Arboricultural Impact Assessment report dated 9 August 2022 and prepared by Peter Richards of TALC in relation to tree 1, 2 and 4 and the Arboricultural Impact Assessment report dated 5/12/2024 prepared by Arbor Express in relation to trees 10 and 11. The fence/s (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.

Tree No.	Botanical/Common Name	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plane Tree)	Approved TPP
4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP
10	***Ficus benjamina (Weeping Fig)***	***8.4m***
11	*Brachychiton acerifolius* (Illawarra Flame)	4.56m

(Condition amended – MOD/2024/0085 – 11/02/2025).

B. Add the following Condition/s to read as follows:

35A. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located beneath the canopy of any prescribed tree/s located on the subject site and adjoining sites (including trees located within the public domain):

Tree No.	Botanical/Common Name	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plan Tree)	Approved TPP
4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP
10	*Ficus benjamina* (Weeping Fig)	8.4m
11	*Brachychiton acerifolius* (Illawarra Flame)	4.56m

(Condition added – MOD/2024/0085 – 11/02/2025).

36A. Design Change

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

a. Windows are to be timber framed and not in aluminium and all shutters shall also be timber.

(Condition added – MOD/2024/0085 – 11/02/2025).

Attachment B – Original assessment report to November IWLPP

INNER WEST

DEVELOPMENT ASSESSMENT PANEL REPORT

Application No.	MOD/2024/0085
Address	77 Glassop Street BALMAIN NSW 2041
Proposal	Section 4.56 Modification of Development Consent to DA/2022/0684 which approved demolition of existing structures and construction of residential flat building including basement parking and landscaping works, seeking consent for various internal and external modifications at all levels, including roof changes
Date of Lodgement	03 April 2024
Applicant	Chanine Design Pty Ltd
Owner	Ms Catherine Tuhetoka
Number of Submissions	Initial: 11 After Renotification: 6
Cost of works	$3,288,563.00
Reason for determination at Planning Panel	Number of submissions exceed Officer delegations
Main Issues	Impact to Heritage Conservation Area; amenity impacts to adjoining properties.
Recommendation	Approved with Conditions
Attachment A	Recommended changes to conditions of consent
Attachment B	Plans of proposed development
Attachment C	Original Court approved drawings
Attachment D	Original Land and Environment Court judgment and conditions

LOCALITY MAP

Subject Site		Objectors	N
Notified Area		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 under Section 4.56 of the *Environmental Planning and Assessment Act 1979 (EP & A Act 1979)* to modify Development Consent DA/2022/0684 dated 10 October 2023 which approved the demolition of existing structures and construction of a residential flat building including basement parking and landscaping works. The modification seeks consent for various internal and external modifications at all levels, including roof changes at 77 Glassop Street BALMAIN.

The application was notified to surrounding properties and eleven (11) submissions were received in response to the initial notification and six (6) submissions were received in response to renotification of the amended application

The main issues that have arisen from the application include:

- Impact to the heritage conservation area
- Amenity impacts to adjoining properties.

The design was amended to address concerns raised above and subject to conditions, the application is considered for approval.

2. Proposal

The proposal seeks to carry out various internal and external changes to an approved residential flat building at 77 Glassop Street, Balmain. The proposal maintains the use of the approved residential flat building and will not result in any increase in the number of approved dwellings. Proposed modifications include:.

- Size of lift changed and lift shaft modified;
- Privacy louvres removed and replaced with translucent glazing;
- Modification to windows and openings;
- The materiality of glazing frames and pergolas to be changed from timber to aluminium;
- Modifications to basement footprint and envelope;
- Modifications to internal arrangement, including storage, services, and parking;
- Modification to OSD Tank;
- Enclosure added to car lift and relocated;
- Hydrant booster assembly added in front setback;
- Level 3 entry levels & landscaping amended;
- Roof top terrace increased in size;
- Roof form modified to replace flat portion and provide for a pitched roof with a RL36.25;
- Roof extended towards the rear;
- Exhaust louvre incorporated into roof design; and
- Non-trafficable roof opening provided for views.

In response to the request for additional information from Council dated 28 June, the proposal was amended and amended plans were lodged in the NSW Planning Portal on 2 August 2024 which comprised of the following amendments:

- Booster assembly and water meter provided within an enclosure, to respond to streetscape and heritage concerns;
- Roof top terrace reduced in size to minimise impacts, and made consistent with originally approved development;
- Rear roof form modified to be consistent with the originally approved development;
- Awning windows now provided as double hung and casement, to improve ventilation;
- Window shutters reinstated;
- Front door fenestration revised as originally approved;
- Window framing provided as timber, per original approval; and
- Landscaping amended to reflect revised booster assembly, ensuring compliance with the LEP.

This assessment report is based on the amended plans which were renotified between 20/08/2024 and 10/09/2024.

3. Site Description

The subject site is located on the northern side of Glassop Street, between Carieville Street and Elliot Street. The site consists of one allotment and is generally rectangular in shape with a total area of 576 sqm and is legally described as Lot 1 Sec 1 in DP 565.

The site has a frontage to Glassop Street of 15.24 metres. The site currently supports a two-storey dwelling house with swimming pool in the rear yard and vehicular access is located on the north-eastern side boundary.

The site is situated between two existing part three, part four-storey residential flat buildings to the east and west which define the immediate character of the locality and streetscape. A two storey single dwelling is located to the north.

The subject site is not listed as a heritage item, however, the property is located within a Heritage Conservation Area.

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

- Cinnamomum camphora (Camphor Laurel);
- Platanus x hybrida (London Plan Tree);
- Washingtonia robusta (Mexican Fan Palm);
- Ficus benjamina (Weeping Fig); and
- Brachychiton acerifolius (Illawarra Flame).

Figure 1: Zoning Map

Figure 2: The Subject Site at 77 Glassop Street

4. Background

<u>Site history</u>

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

Subject Site

Application	Proposal	Decision & Date
DA/2022/0684	Demolition of existing structures and construction of residential flat building including basement parking and landscaping works, seeking consent for various internal and external modifications at all levels, including roof changes	Approved on Appeal in Land and Environment Court 10/10/2023
PDA/2021/0472	Demolition of existing structures and construction of a five (5) storey residential flat building over 1 basement parking level.	Advice issued on 21/02/2022

Surrounding Properties

Application	Proposal	Decision & Date
DA/2496/1964	75 Glassop Street Erect 3 storey building of 12 flats	Approved 06/10/1964
M/2011/101	108 Glassop Street Section 96 application to modify D/2006/24 which approved alterations and additions to existing dwelling including new garage. Modification entails internal changes, changes to windows, garden and entry and addition of lounge room & as detailed in schedule of changes.	Approved 18/08/2011
M/2018/176	102A Glassop Street Modification of Development Consent D/2014/440 seeking to various changes, including: extension of existing entrance at lower ground floor; modify garage roof; extend lounge room at ground floor and two bedrooms at first floor.	Approved 31/01/2019
M/2016/192	104 Glassop Street Modify existing approval issued under DAREV/2015/11 to delete condition 3a which required dormer removal	Approved 30/09/2016
D/2014/359	2 Phoebe Street Alterations and additions to the existing three storey house including a new two storey wing to the rear, extension of the existing upper level, a new pool, internal modifications and a new sliding vehicular gate to Phoebe St. Tree removal.	Approved 11/11/2014

Application History

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

Date	Discussion / Letter / Additional Information
28/06/2024	Request for additional information letter sent to applicant outlining the following concerns: • Design and privacy impacts • Clarification/additional information with respect to Landscaped Areas • Issues in relation to heritage conservation • Issues in relation to loss of water views to 102A Glassop Street • Solar Access/Shadow Diagrams
02/08/2024	Applicant provided additional information and an amended design that includes the following changes: • Booster assembly and water meter provided within an enclosure, to respond to streetscape and heritage concerns; • Roof top terrace reduced in size to be the size as originally approved development; • Rear roof form modified to be consistent with the originally approved development; • Awning windows now provided as double hung and casement, to improve ventilation; • Window shutters reinstated; • Front door fenestration revised as originally approved; • Window framing provided as timber, per original approval; and • Landscaping amended to reflect revised booster assembly, ensuring compliance with the LEP.
20/08/2024 - 10/09/2024	The application was renotified

5. Section 4.56 Modification of Consent

The following is a summary of the assessment of the application in accordance with Section 4.56 of the *Environmental Planning and Assessment Act 1979* (*EP & A Act 1979*).

Section 4.56

Section 4.56 of the *EP & A Act 1979* allows a consent authority to modify a development consent granted by it, if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was

originally granted and before that consent as originally granted was modified (if at all), and

(b) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, and

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

In considering the above:

- The essence of the development as modified is substantially the same as the original consent.
- The environmental impacts are acceptable subject to conditions.
- No requirement for concurrence or General Term of Agreement from any approval body.
- The application was notified to persons who made a submission against the original application sought to be modified.
- Submissions received have been considered.

6. Assessment

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

A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Section 4.6(1) of the *Resilience and Hazards SEPP* requires the consent authority not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

In considering the above, there is no evidence of contamination on the site and has a long history of previous residential use.

SEPP (Housing) 2021

Chapter 2 Affordable Housing

The development as approved relied on Clause 17 of the *SEPP (Housing) 2021* to provide affordable housing for an increased FSR Development standard.

Based on Council's calculation, the approved development provided a gross floor area of 660 sqm with a FSR of 1.15:1. The modified proposal as amended seeks to provide 315sqm out of 665 sqm (i.e 47%) of the GFA as affordable housing, and is therefore permitted a bonus of 0.47:1 and overall maximum FSR of 1.17:1. The modified development provides a GFA of 665 sqm and FSR of 1.16:1 which complies with the allowable GFA.

Chapter 4 Design of Residential Apartment Development

Section 146 of the *Housing SEPP* requires the consent authority to consider any comments from the Council's Architectural Excellence Design Review Panel (AEDRP), the design principles set out in Schedule 9 and the Apartment Design Guide (ADG).

A statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the ADG, how the objectives in Parts 3 and 4 of the guide have been achieved.

In accordance with Section 149 of the *Housing SEPP*, certain provisions for residential apartment development contained within the LDCP 2013 have no effect if the ADG also specifies provisions to the same matter.

This application as lodged was referred to Council's Architectural Excellence Design Review Panel (AEDRP), which provided the following comments:

"The Panel notes that the overall outcome for the project in terms of the building envelope, gross floor area calculations, and number of apartments is consistent with the previous court-approved scheme. The main matters for the Panel are the private rooftop terrace area and consistency of architectural language.

In the Panel's view, the proposed changes to architectural details in comparison to the court approved design diminish the design quality of the project, which is particularly important as the proposal is located within a Heritage Conservation Area. These changes mainly include – removal of the traditional shutters screening the windows along the side elevations, conversion of window frames from timber to aluminium, and simplification of the door and fenestration design, and front fence details. The Panel prefers the proposal retains these elements as part of the previous court approval.

Furthermore, awning windows should be replaced by double hung windows, to allow effective natural ventilation within habitable areas while achieving a consistent architectural language. If visual privacy needs to be resolved then the Panel supports frosted glass provided within the windows if any screening along the side boundaries is proposed to be removed.

The Panel extensively discussed the private rooftop terrace which has increased from 19m2 to 60m2 in the modified scheme. In the Panel's view, this creates potential acoustic privacy issues for the neighbours. The Panel considers that if the area is increased significantly then it should create overall community benefits for all residents within the building, rather than creating benefit for one particular resident. The Panel would offer support for an increased rooftop terrace area if it is offered as a communal open space, however issues of access and concealment of the lift overrun would require design resolution. Additionally, a potential rooftop communal space should be provided with improved amenity such as landscaped planters along the perimeter to avoid potential privacy and cross-viewing issues with the neighbours. In the case that a communal rooftop space is unachievable, the terrace area should be reduced to 19 m2.

The Panel strongly encourages the applicant to incorporate further sustainability provisions within the project, including but not limited to – rooftop photovoltaic cells, provision of ceiling fans to all habitable areas, rainwater tank for collection and reuse within the site."

The amended design lodged through the NSW Planning Portal on 2 August 2024 comprises of the following changes in response to the above:

- Booster assembly and water meter provided within an enclosure, to respond to streetscape and heritage concerns;
- Roof top terrace reduced in size to be the size as originally approved;
- Rear roof form modified to be consistent with the originally approved development;
- Awning windows now provided as double hung and casement, to improve ventilation;
- Window shutters reinstated;
- Front door fenestration revised as originally approved;
- Window framing provided as timber, per original approval; and

- Landscaping amended to reflect revised booster assembly, ensuring compliance with the LEP.

The amended scheme is considered to be consistent with the advice of the Architectural Excellence Design Review Panel and the following comment was provided by Council's Urban Design Advisor (AEDRP Coordinator) in relation to these changes:

- *The rooftop terrace is now reduced back to the original court approval (19m2). I think this is a positive in comparison to their 60m2 proposed in the previous scheme reviewed by the Panel.*
- *The traditional shutters along the side elevations are re-instated. (There could be a DA condition of consent if Council prefers the window frames be in timber and not in aluminium).*

Comment: In response to the above, the proposal will be conditioned to require the design to be amended so that window frames be in timber and not in aluminium.

Communal and Open Space

The ADG prescribes the following requirements for communal and open space:

- Communal open space has a minimum area equal to 25% of the site.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9.00am and 3.00pm on 21 June (mid-winter).

Comment: No change to originally approved development in this regard (where no communal open space was provided).

Deep Soil Zones

The ADG prescribes the following minimum requirements for deep soil zones:

Site Area	Deep Soil Zone (% of site area)
Less than 650sqm	7% (28sqm)

Comment: The proposal provides 98 sqm of deep soil or 17% which complies with the above control.

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings to the side and rear boundaries:

Room Types	Minimum Separation
Up to 12 metres (4 storeys	
Habitable rooms and balconies	6m
Non-habitable rooms	3m

Comment: The development retains the side separation of 3 metres and 3.5 metres which is consistent with the originally approved development and retains at least a 6 metre separation between the building and the rear boundary and therefore complies.

Solar and Daylight Access

The ADG prescribes the following requirements for solar and daylight access:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

Comment: Complies.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.
- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

Comment: Complies.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7m
Non-Habitable	2.4m

Comment: The floor to ceiling height on each level is approximately 2.8 metres and therefore complies.

Apartment Size and Layout

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
1 bedroom	50sqm
2 Bedroom	70sqm
3 Bedroom	90sqm

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each.

In addition to the above, the ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining, and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of 4 metres for 2 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment: The following apartment sizes are proposed:

1 Bedroom units – Apartment 2 (65 sqm), Apartment 4 (56 sqm)
2 Bedroom units – Apartment 3 (92 sqm), Apartment 5 (81 sqm)
3 Bedroom units – Apartment 1 (204 sqm), Apartment 6 (166 sqm)

Given the above, the proposed apartment sizes are all compliant.

Further to the above, all the main living areas will have widths of at least 4 metres and within 8 metres of a window and the all the bedrooms comply with the required room sizes. Therefore, the development is considered to be satisfactory in this regard.

Private Open Space and Balconies

The ADG prescribes the following sizes for primary balconies of apartments:

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4sqm	-
1 bedroom apartments	8sqm	2m
2 Bedroom apartments	10sqm	2m

Note: The minimum balcony depth to be counted as contributing to the balcony area is 1 metre.

Comment: All the balconies comply with the exception of Apartment 5 which is a two bedroom unit that has a balcony that is 8.7 sqm in size, however, this apartment has access to a private garden area of approximately 14 sqm and is therefore satisfactory.

Storage

The ADG prescribes the following storage requirements in addition to storage in kitchen, bathrooms and bedrooms:

Apartment Type	Minimum Internal Area
Studio	4 sqm
1 Bedroom	6 sqm
2 Bedroom apartments	8 sqm
3+ Bedroom apartments	10 sqm

Note: At least 50% of the required storage is to be located within the apartment.

Comment: The following tables reflect the amount of storage proposed and is considered to compliant with the requirements mentioned above:

INTERNAL STORAGE		
APARTMENT NUMBER	ROOM NAME	VOLUME
APARTMENT 1	BEDROOM 1	9.62 m³
APARTMENT 1	BEDROOM 2	2.75 m³
APARTMENT 1	BEDROOM 3	2.75 m³
APARTMENT 1	LINEN	1.64 m³
APARTMENT 1	STORE ROOM	80.20 m³
TOTAL		96.96 m³
APARTMENT 2	BEDROOM 1	2.59 m³
APARTMENT 2	LINEN	0.95 m³
TOTAL		3.54 m³
APARTMENT 3	BEDROOM 1	3.60 m³
APARTMENT 3	BEDROOM 2	5.79 m³
APARTMENT 3	LINEN	0.98 m³
APARTMENT 3	STORE ROOM	34.01 m³
TOTAL		44.38 m³
APARTMENT 4	BEDROOM 1	2.93 m³
APARTMENT 4	LINEN	0.88 m³
TOTAL		3.82 m³
APARTMENT 5	BEDROOM 1	5.82 m³
APARTMENT 5	LINEN	0.77 m³
TOTAL		6.59 m³
APARTMENT 6	BEDROOM 1	8.23 m³
APARTMENT 6	BEDROOM 2	2.75 m³
APARTMENT 6	BEDROOM 3	2.75 m³
APARTMENT 6	LINEN	1.10 m³
TOTAL		14.83 m³

BASEMENT STORAGE	
LEVEL	VOLUME
B1 ST.1	3.59 m³
B1 ST.4	6.22 m³
B1 ST.5	6.22 m³
B1 ST.6	6.22 m³
B1 ST.2	3.59 m³
B1 ST.3	6.22 m³

Table 1: Storage provided within the development

The development is considered to be consistent with the requirements of the SEPP with the exception of:

- Apartment 5 which is a two bedroom unit that has a balcony that is 8.7 sqm in size, however, this apartment has access to a private garden area of approximately 14 sqm, and therefore, is satisfactory.
- The traditional shutters along the side elevations are re-instated but should be in timber and not in aluminium to achieve consistency with the architectural language. These issues will be addressed by conditions of consent.

In considering the above, it is considered that the modified proposal is acceptable on merit against the Schedule 1 design quality principals and the applicable objectives of the ADG.

In light of the above, the development as modified, and as conditioned, is considered to satisfy the requirements under *SEPP Housing*.

SEPP (Sustainable Buildings) 2022

The applicant has included a BASIX Certificate as part of the lodgment of the application (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EP & A Regulation 2021.*

SEPP (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The *Biodiversity and Conservation SEPP* requires consideration for the protection and/or removal of vegetation and gives effect to the local tree preservation provisions of C1.14 Tree Management of the LDCP 2013.

The original development approved the removal of the following trees on site:

- *Cupressus sempervirens* (Italian Cypress)
- Lagerstroemia indica (Crepe Myrtle)
- Camellia japonica (Camellia)
- Ficus elastica (Rubber Tree)
- Jacaranda mimosifolia (Jacaranda)
- *Cupressus sempervirens* (Italian Cypress)

No additional trees are proposed to be removed as part of this modification application.

Further to the above, a neighbouring tree at 2 Phoebe Street is located within the vicinity of the development and the owner of that property provided an Arboricultural Impact Assessment (AIA) dated 27/9/24 as part of their objection to this application.

In response to this AIA, which identifies the impacted tree as being a different species of tree and a different tree protection zone measurement, the following conditions will be added and or amended:

- One additional condition has been added requiring all services to be located outside of any TPZ.
- In light of the AIA prepared by Craig Kenworthy (commissioned by the property owner of 2 Phoebe Street), condition 32 is to be amended to include a more rigorous inspection regime
- The title of condition 33 should be amended to state: canopy pruning
- All TPZ measurements relating to Trees 10 and 11 have been updated to reference the said report

- Conditions referencing tree 11 as a *Ficus benjamina* have been updated to the correct species: *Brachychiton acerifolius*

Refer to attachment A for details regarding the added and amended conditions.

The proposal as conditioned will satisfy the provisions of this part of the SEPP and the *Tree Management* controls contained in Part C1.14 of the Leichhardt Development Control Plan 2013.

Chapter 6 Water Catchments

While the site is located in the Sydney Harbour Catchment, the site is not located in a foreshores and waterways area, and will not have any adverse impacts on water quality, aquatic ecology or the scenic qualities of the foreshore. Given the above, the proposal raises no issues that will be contrary to the provisions of this part of the SEPP.

Inner West Local Environmental Plan 2022 (IWLEP 2022)

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022* (*IWLEP 2022*).

Part 1 – Preliminary

Section	Proposed	Compliance
Section 1.2 Aims of Plan	The development, as modified and as conditioned, will result in acceptable streetscape / heritage and amenity outcome and will be respectful of the existing pattern of development adjoining and in the vicinity, and hence, will satisfy the relevant Aims of Plan as follows: • The proposal encourages development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles, • The proposal conserves and maintains the natural, built and cultural heritage of Inner West, • The proposal reduces community risk from and improves resilience to urban and natural hazards, • The proposal encourages diversity in housing to meet the needs of, and enhance amenity for, Inner West residents, • The proposal prevents adverse social, economic and environmental impacts on the local character of Inner West, • The proposal prevents adverse social, economic and environmental impacts, including cumulative impacts	Yes, as conditioned

Part 2 – Permitted or Prohibited Development

Section	Proposed	Compliance
Section 2.3 Zone Objectives and Land Use Table	The application proposes amendments to a Residential Flat Building which is permissible with consent in the R1 zone. The proposal is consistent with the relevant objectives of the zone in providing the housing needs of the community and provides variety of housing types and densities.	Yes
Section 2.7 Demolition Requires Development Consent	The proposal satisfies the section as follows: • Demolition works are proposed, which are permissible with consent; and • Standard conditions have been included in the original determination to manage impacts which may arise during demolition.	Yes, subject to relevant conditions which are retained.

Part 4 – Principal Development Standards

Former Leichhardt Controls

Section	Proposed		Compliance
Section 4.3C (3)(a) Landscaped Area	Minimum	15% (site area < 235sqm)/ 20% (site area > 235sqm)	Yes
	Proposed	20.1% (115.7 sqm)	
	Variation	Complies	
Section 4.3C (3)(b) Site Coverage	Maximum	60%	Yes
	Proposed	43% (248.5 sqm)	
	Variation	Complies	
Section 4.4 Floor Space Ratio	Maximum	1.17:1 or 672sqm	Yes
	Proposed	1.16:1 or 665sqm (5sqm increase from approved)	
	Variation	Complies	
Section 4.5 Calculation of Floor Space Ratio and Site Area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.		Yes

Part 5 – Miscellaneous Provisions

Section	Compliance	Compliance
Section 5.10 Heritage Conservation	The subject site is a contributory building within the Iron Cove Heritage Conservation Area (HCA). The proposal achieves the objectives of this section as follows: • There are concerns in relation to the size of the booster enclosure and it was explored whether the	Yes, subject to conditions.

Section	Compliance	Compliance
	height could be decreased. However, to comply with the booster specifications, alternative options to use a lower assembly (340mm lesser in height) would necessitate to increase the width of the enclosure to 3.145m internally. On balance, the design with the lessor width will have less of a visual impact than the 3.145m wide design and therefore is considered to be acceptable. • The roof terrace and associated roof form had been amended as requested and a condition has been included in the recommendation requiring timber framed windows be provided instead of aluminium windows. • Subject to conditions, it is considered that the development has been designed to respond to the significance of the conservation area and preserve contributory elements and fabric of the existing building. Given the above the proposal preserves the environmental heritage of the Inner West	

Part 6 – Additional Local Provisions

Section	Proposed	Compliance
Section 6.1 Acid Sulfate Soils	The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable.	Yes
Section 6.2 Earthworks	No additional works are proposed that are likely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes
Section 6.3 Stormwater Management	The development maximises the use of permeable surfaces, includes on site retention as an alternative supply and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment.	Yes, no significant change to approved development.
Section 6.9 Design Excellence	The proposed development is for the construction of a new building that exceeds 14 metres in height. The development is therefore required to demonstrate design excellence. In considering if the proposal exhibits design excellence, the application was referred to the Architectural Excellence & Design Review Panel (AEDRP) for comment. The recommendations from the AEDRP have been largely resolved or recommended as conditions of consent as detailed further in this report. The proposal satisfies this section as follows:	Yes, subject to conditions

Section	Proposed	Compliance
	• Refer to 6.9(4) for discussion points noting that a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved.	

B. Development Control Plans

Summary

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes - see discussion
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
C1.17 Minor Architectural Details	Yes
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Yes
Part C: Place – Section 2 Urban Character	
C2.2.2.6 Birchgrove Distinctive Neighbourhood	Yes – see discussion
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes

C3.2 Site Layout and Building Design	Yes – see discussion
C3.3 Elevation and Materials	Yes – see discussion
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes – see discussion
C3.9 Solar Access	Yes– see discussion
C3.10 Views	Yes– see discussion
C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	Yes – see discussion
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
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	Yes
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	Yes
E1.2.7 Wastewater Management	Yes

The following provides discussion of the relevant issues:

C1.4 Heritage Conservation Areas and Heritage Items, C2.2.2.6 Birchgrove Distinctive Neighbourhood and C3.3 Elevation and Materials

As discussed in more detail in earlier sections of the report under the SEPP (Housing) 2021 and 5.10 - Heritage Conservation of the *IWLEP 2022*, the proposed modification has been amended to address initial concerns which included reducing the roof terrace to the originally approved area of 19 sqm and explored alternatives to the fire hydrant booster design.

The proposed development is considered to be acceptable subject to conditions requiring awning windows to be replaced by double hung windows to achieve consistency with the architectural language and a condition requiring that timber framed windows are used instead of aluminium windows.

C1.11 Parking

The proposed modifications include an increase of car parking from six (6) (previously approved) to eight (8) car parking spaces and reconfiguration of the basement. The parking requirements under C1.11 – Parking are as follows:

Table C4: General vehicle parking rates

Parking Rates				
Land Use	Residents		Visitors	
	Minimum	Maximum	Minimum	Maximum
Residential				
Single dwelling house	Nil	2 spaces per dwelling house	Nil	Nil
Bed-sit / Studio	Nil	0.5 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
1 bedroom unit	1 space per 3 dwellings	0.5 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
2 bedroom unit	1 space per 2 dwellings	1 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
3+ bedrooms unit	1 space per dwelling	1.2 spaces per dwelling	1 space per 11 dwellings	0.125 spaces dwelling
Boarding Houses	1 space per resident employee and 0.5 space per boarding room			

The proposed development provides 2 x one bedroom units, 2 x two bedroom units and 2 x 3 Bedroom units and therefore the maximum car parking spaces allowed is 5.4 spaces and 1 visitor car parking space.

The proposal was reviewed by council's engineering section which includes reviewing the Traffic and parking assessment report prepared by Varga Traffic Planning dated 7 March

2024. No objections were raised to the proposed modifications having regard to parking and traffic generation and the additional parking spaces are considered to be acceptable in this instance.

C1.14 Tree Management

The proposal, subject to recommended conditions, satisfies the provisions and objectives of this part of the DCP - see *SEPP (Biodiversity and Conservation) 2021* assessment previously in this report for further details.

C3.2 Site Layout and Building Design, C3.8 Private Open Space and C3.11 Visual Privacy

As Chapter 4 of SEPP (Housing) 2021 applies to this development, the siting, visual privacy and private open space requirements of the Apartment Design Guide/SEPP (Housing) 2021 prevails over the requirements in the LDCP 2013. It is noted that the side setbacks and wall heights of the amended design are now consistent with those of the originally approved development, and the rear setbacks and private open spaces are considered to be generally consistent with SEPP (Housing) 2021 as discussed in an earlier section of the report.

It is also acknowledged that the originally approved development did require privacy mitigation measures to the side elevations, and the proposed modifications have included shutters on the eastern and western elevations which result in a general improvement to the original approved development with respect to visual privacy considerations. However, noting that there is a change to the internal planning of Apartment 6, and W14 is associated with the living room window of this apartment, this is likely to have sightlines within 9 metres to the adjoining residential flat building at 75 Glassop Street, as such it is reasonable to require shutters to also apply to this window to mitigate overlooking impacts from this window. A condition is included in the recommendation to reflect this.

C3.9 Solar Access

As Chapter 4 of SEPP (Housing) 2021 applies to this development, solar access to new dwellings requirement of the Apartment Design Guide / *SEPP (Housing) 2021* prevails over the requirements in the Leichhardt DCP 2013.

With regard to potential solar access impacts to adjoining properties, as the subject and surrounding sites are generally north-south in orientation, the following requirements apply:

Main Living Room Glazing

- C13 Where the surrounding allotments are orientated north/south and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained 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.

Private open space

- C17 Where surrounding dwellings have north facing private open space, ensure solar access is retained for three hours between 9am and 3pm to 50% of the total area 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

Amended shadow diagrams (hourly intervals between 9am and 3pm at winter solstice) have been provided with the amended design which have demonstrated the following:

- 75 Glassop Street - there are no additional impacts to No. 75 Glassop Street.
- Properties on the southern side of Glassop Street – additional impacts will be limited to the front yard, and therefore, no private open space or north-facing glazing will be impacted.
- 79 Glassop Street – No additional impacts to private open space and no additional impacts to any north-facing glazing.

Therefore, the proposal is considered to be satisfactory in this regard.

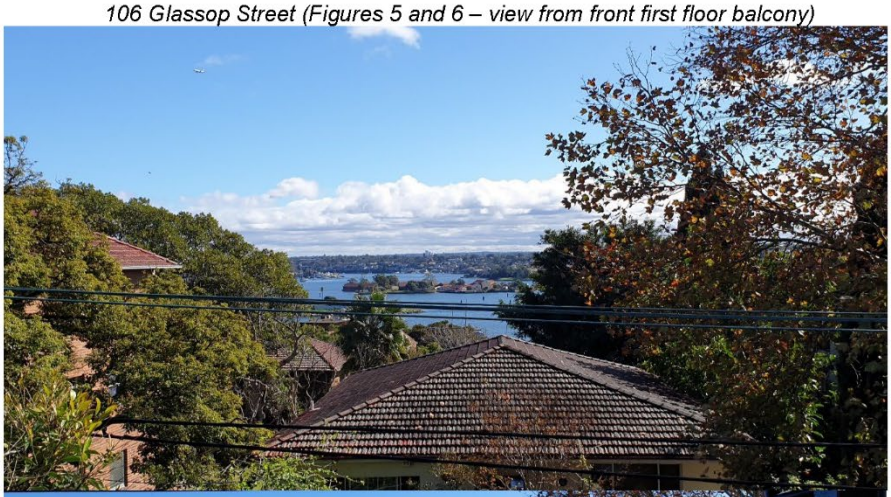
<u>C3.10 View</u>

Submissions were received from 102A, 106 Glassop Street, 108 Glassop Street and properties from the residential units at 75 Glassop Street that specifically raised concerns about view loss from their properties and a submission on behalf of 104 Glassop Street that raised a general concern about impact to views of adjoining properties.

The following views were observed from the abovementioned properties:

102A Glassop Street (Figures 3 and 4 - view from first floor balcony at the front of the dwelling)

106 Glassop Street (Figures 5 and 6 – view from front first floor balcony)



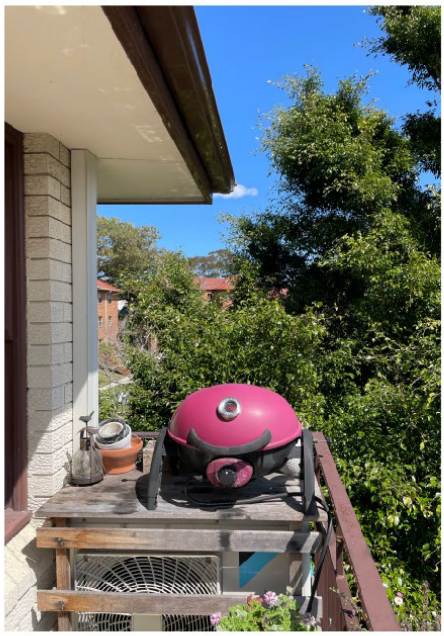
108 Glassop Street (Figures 7 and 8 - view from front balcony at elevated ground level and first floor bedroom)

10/75 Glassop Street (Figures 9 and 10 – images from submission)

Outlook from only windows in only living space in the apartment. Looking West across 77 Glassop St.

The same living space, looking South-West towards Glassop St across 77 Glassop St

12/75 Glassop Street (Figures 11 and 12 - images from submitter/owner depicting view from the kitchen and the balcony)



Council considers the *following factors in the* assessment of reasonable view sharing:

a. *"What views will be affected? In this Plan, a reference to views is a reference to water views and views of significant landmarks (e.g. Sydney Harbour, Sydney Harbour Bridge, ANZAC Bridge and the City skyline including features such as Centre Point Tower). Such views are more highly valued than district views or views without significant landmarks.*
b. *How are the views obtained and assessed? Views from private dwellings considered in development assessment are those available horizontally to an observer standing 1m from a window or balcony edge (less if the balcony is 1m or less in depth).*
c. *Where is the view enjoyed from? Views enjoyed from the main living room and entertainment areas are highly valued. Generally it is difficult to protect views from across side boundaries. It is also generally difficult to protect views from other areas within a residential building particularly if views are also available from the main living room and entertainment areas in the building concerned. Public views are highly valued and will be assessed with the observer standing at an appropriate point in a public place.*
d. *Is the proposal reasonable? A proposal that complies with all development standards (e.g. building height, floor space ratio) and planning controls (e.g. building setbacks, roof pitch etc) is more reasonable than one that breaches them."*

Apartments from 75 Glassop Street
As demonstrated from the images submitted with these objections, the view loss will be in relation to the loss of views to the sky/general outlook. View of the sky/general outlook is not considered to be a significant view that is required to be protected.

102 A Glassop
As demonstrated from the images taken from a site inspection, any potential views of the water are currently heavily obstructed views, and therefore, there is no adverse view loss at the current time. But it is noted that if there was no vegetation, there could be water views.

106 and 108 Glassop Street
These properties have views of the water that are obtained from the front balconies of these properties, and it is acknowledged that the originally approved development is likely to be of a form that will have an impact to these views.

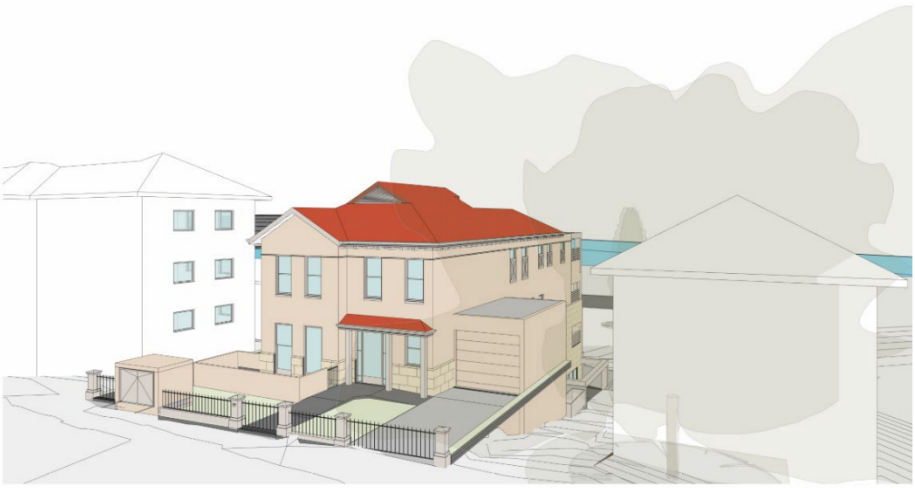
Noting that the original development was approved on appeal, the question is whether the proposed modifications will result in further adverse impacts compared to the development that has already been approved.

The applicant has provided the following perspectives to demonstrate what the difference in built form will look like when viewed from the south-adjoining property at 102A Glassop Street if not impacted by the vegetation.

DA APPROVED VIEW

NOTE
VIEW TAKEN 1600mm ABOVE RL 33.00 FROM THE UPPER VERANDAH OF 102A GLASSOP STREET, BALMAIN.

Figure 13 – View Analysis of 102A Glassop Street



PROPOSED VIEW

NOTE
VIEW TAKEN 1600mm ABOVE RL 33.00 FROM THE UPPER VERANDAH OF 102A GLASSOP STREET, BALMAIN.

Figure 14 – View Analysis of 102A Glassop Street

As requested by council, the current modification application was amended to reduce the size of the roof-terrace back to the form that was originally approved and the only significant increase in height will occur in the form of changing a hipped roof form into a gable roof form to accommodate the lift/lift-over run and the other heights are generally the same as the development originally approved (see extracts of the current proposal below which also shows an outline of the originally approved development application in blue:

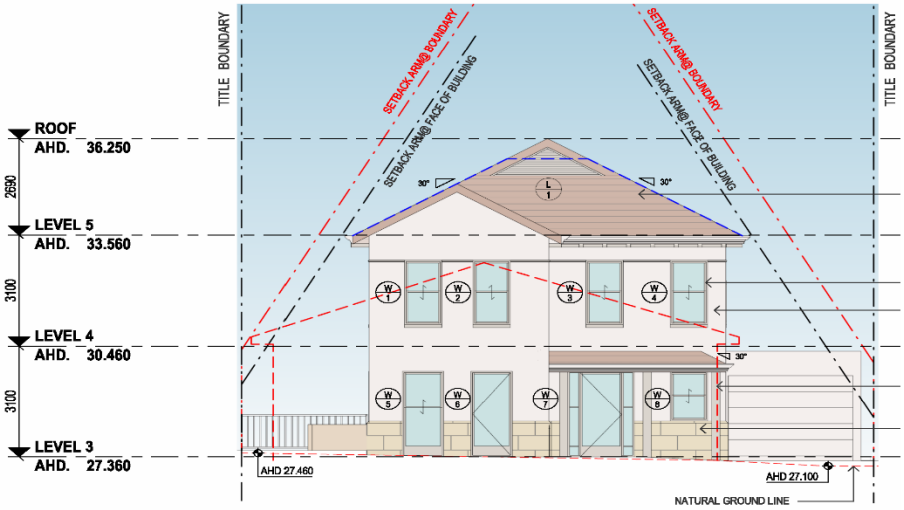


Figure 15 – Proposed Street Elevation

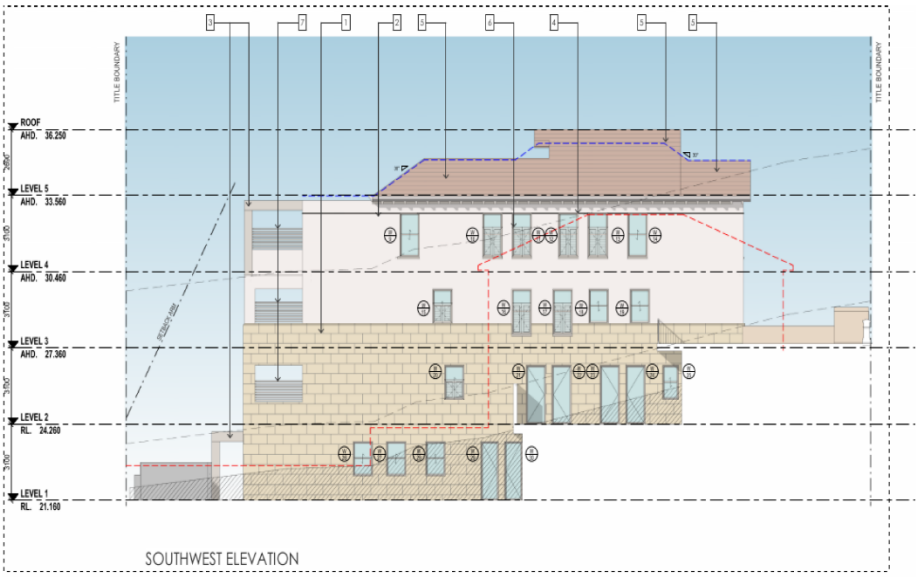


Figure 15 – Proposed Southwest Elevation

While there is an increase in height, it will follow the angles of the existing roof pitch in the forming of the gable roof form, and hence, it is unlikely to result in a significant increase in view loss compared to the originally approved development.

Therefore, it is noted that whilst there will be view loss impacts, this is a result of the built form that was originally approved and the proposed modifications forming part of this application are unlikely to result in significant additional impacts in this regard.

C3.12 Acoustic Privacy

The proposed roof terrace has been reduced in size to the 19 sqm that was originally approved and therefore is considered to be acceptable. The setbacks are generally consistent with the originally approved development and therefore there are no additional adverse acoustic privacy impacts from the proposed modifications.

C. The Likely Impacts

These matters have been considered as part of the assessment of the development application. It is considered that the proposed modified development will not have significant adverse environmental, social or economic impacts upon the locality.

D. The Suitability of the Site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst similar uses to that proposed.

E. Submissions

The application was notified in accordance with Council's Community Engagement Strategy between 20 August 2024 to 18 September 2024.

A total of eleven (11) submissions were received in response to the initial notification.

The application was renotified due to amended plans being submitted and six (6) submissions were received. Issues raised as follows have been discussed in this report:

- Issues in relation to visual privacy and acoustic privacy impacts – see assessment for State Environment Planning Policy (Housing) 2021 and C3.11 – Visual Privacy and C3.12 – Acoustic Privacy under the LDCP 2013
- Issues in relation to impact to streetscape and Heritage Conservation Area – see assessment for 5.10 – Heritage under the *IWLEP 2022*
- Issues in relation to car parking - See assessment for C1.11– Car Parking under the LDCP 2013
- Issues in relation to Solar Access impacts – See assessment for C3.9 – Solar Access under the LDCP 2013
- Issues in relation to view loss impacts - See assessment for C3.10 – View Loss under the LDCP 2013

Further issues raised in the submissions received are discussed below:

Concern	Comment
Impact to tree located on the neighbouring property at 2 Phoebe Street	To ensure the trees located on the adjoining property at 2 Phoebe Street is not impacted by the proposed works, relevant conditions will be amended and added. Refer to attachment A for the relevant added and amended conditions.
Traffic generation, generation of additional Infrastructure and Services	Council engineers have reviewed the traffic report that accompanied the application and raised no objection to the modified proposal. As the proposed modifications do not seek an increase to the number of dwellings to the originally approved development, there are no additional impacts in relation to infrastructure and conditions requiring Sydney Water approval will be retained.
The lowered surrounding wall to the rooftop garden will allow people using the roof top garden to look into our outdoor areas and windows that face that rooftop garden.	The amended design had reduced the roof terrace's area to approximately 19 sqm which is similar to the originally approved development. The amended elevations and sections indicate that the walls around the roof terrace will be similar to the originally approved development.
Enclosure of car lift	This aspect had been reviewed by the Architectural Design Excellence Review Panel and is considered to be satisfactory.
The proposal inaccurately depicts the building at 75 Glassop Street	The application includes a detailed site survey. As the amended proposal has reduced the size of the roof terrace to approximately 19 sqm, the potential privacy impacts are considered to be similar to the originally approved development. This proposal also includes window shutters which is an improvement to the previously approved application with regard to privacy impacts and a condition is included in the recommendation requiring shutters to be provided to W14 which is associated with Apartment 6 that faces 75 Glassop Street.
Applicant's intention to give low cost housing units to his children	Condition 50 will be retained where the four dwellings (apartments 2, 3, 4 and 5) are not be used for any purpose other than affordable housing (as defined in cl 21 of State Environmental Planning Policy (Housing) 2021) managed by a registered community housing provider.
If the changes to level 4 are approved, then fixed privacy screens and solid balustrades should be required on level 4 at the rear.	The rear elevation to Level 4 remains unchanged and privacy impacts from this elevation were considered in the assessment of the original application which deemed the approved arrangement to be acceptable.

F. 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.

This has been achieved in this instance.

7. Section 7.11 / 7.12 Contributions

Section 7.11 contributions are payable for the proposal.

The proposed modifications would not trigger any changes to the contributions as they appear on the current consent.

8. Housing and Productivity Contributions

As the original development application was lodged prior to 1 October 2023 and the current proposal does not result in an increase of dwellings, this is not applicable to this application.

9. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Heritage Specialist;
- Development Engineer;
- Urban Forest;
- Building Certification

The application was not required to be referred to any external bodies.

10. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013.

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

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

11. Recommendation

A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.56 of the *Environmental Planning and Assessment Act 1979,* grant consent to Development Application No. MOD/2024/0085 which seeks to modify DA/2022/0684 dated 10 October 2023 to carry out various internal and external modifications at all levels, including roof changes at 77 Glassop Street, Balmain subject to the conditions listed in Attachment A below

Attachment A – Recommended conditions of consent

It is recommended that the application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* be APPROVED subject to the consent being modified in the following manner:

A. Amend the following Condition/s to read as follows:

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
TP01	Neighbourhood & Site Context Plan	November 2021	Nicholas Day Architect
TP02	Immediate Site Context Plan	November 2021	Nicholas Day Architect
TP03	Existing Streetscape Photomontage	November 2021	Nicholas Day Architect
TP04	Demolition Plan	November 2021	Nicholas Day Architect
~~TP05B~~	~~Design Response Plan~~	~~22 May 2023~~	~~Nicholas Day Architect~~
-E	***Cover Sheet***	***02.08.2024***	***CDA Architects***
TP06~~B~~ ***G***	Site Plan	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP07~~A~~ ***D***	Basement ~~Plan~~	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP08~~B~~ ***F***	Level 1 ~~Plan~~	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP09~~-B~~ ***F***	Level 2 ~~Plan~~	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP10~~-B~~ ***G***	Level 3 ~~Plan~~	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP11~~-B~~ ***F***	Level 4 ~~Plan~~	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP12~~-B~~ ***F***	Level 5 ~~Plan~~	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP13~~-B~~ ***F***	Roof Plan	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
TP14 ~~B~~ ***F***	Elevations Sheet 1	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP15 ~~B~~ ***F***	Elevations Sheet 2	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP16 ~~B~~ ***G***	Section A, B & C Cut and ~~Fill Plan~~ ***D***	~~22 May 2023~~ ***02.08.2024***	~~Nicholas Day Architect~~ ***CDA Architects***
TP17B	Streetscape & Backyard Elevations	22 May 2023	Nicholas Day Architect
~~TP18B~~	~~Shadow Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP19B~~	~~Shadow Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP20B~~	~~Eye from Sun~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP21B~~	~~Eye from Sun~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP22B~~	~~SEPP 65 Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP23B~~	~~Area Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP24B~~	~~Floor Space Ratio Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP25B~~	~~Gross Floor Area Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP26 B~~ ~~***F***~~	~~Storage Area Diagrams~~	~~22 May 2023~~ ~~***02.08.2024***~~	~~Nicholas Day Architect~~ ~~***CDA Architects***~~
~~TP27B~~	~~Natural Ventilation Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP28B~~	~~Private Open Space Diagrams~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP29A~~	~~Streetscape Perspectives~~	~~22 May 2023~~	~~Nicholas Day Architect~~
~~TP30A~~	~~CUT AND FILL PLAN~~	~~22 May 2023~~	~~Nicholas Day Architect~~
SW200F	Stormwater Concept Design – Basement Plan	1 June 2023	SGC Consulting Engineers
SW201F	Stormwater Concept Design – Level 01 Plan	1 June 2023	SGC Consulting Engineers
SW202F	Stormwater Concept Design – Level 02 Plan	1 June 2023	SGC Consulting Engineers
SW203F	Stormwater Concept Design – Level 03 Plan	1 June 2023	SGC Consulting Engineers
SW204F	Stormwater Concept Design – Roof Plan	1 June 2023	SGC Consulting Engineers
SW300F	Stormwater Concept Design – Details Sheet (1 of 2)	1 June 2023	SGC Consulting Engineers

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
SW301F	Stormwater Concept Design – Details Sheet (2 of 2)	1 June 2023	SGC Consulting Engineers
SW400F	Stormwater Concept Design – Erosion and Sediment Control Plan and Details	1 June 2023	SGC Consulting Engineers
~~100J:~~	~~Site Plan~~	~~15 September 2023~~	~~Site Image Landscape Architects~~
~~101I~~	~~Level 01~~	~~15 September 2023~~	~~Site Image Landscape Architects~~
~~102G~~	~~Level 02~~	~~15 September 2023~~	~~Site Image Landscape Architects~~
~~103I~~	~~Level 03~~	~~15 September 2023~~	~~Site Image Landscape Architects~~
~~104G~~	~~Rooftop Terrace~~	~~15 September 2023~~	~~Site Image Landscape Architects~~
~~501B~~	~~Details~~	~~15 September 2023~~	~~Site Image Landscape Architects~~
23198 s4.55 1-3, Rev. B	***LEGEND / DETAILS / PLANT SCHEDULE***	***31/3/24***	***Vision dynamics pty ltd.***
23198 s4.55 2-3, Rev. B	***LANDSCAPE PLAN***	***31/3/24***	***Vision dynamics pty ltd.***
23198 s4.55 3-3, Rev. B	***LANDSCAPE PLAN***	***31/3/24***	***Vision dynamics pty ltd.***
Report No.E2335-1	Acid Sulphate Soils Management Plan	15 February 2023	GCA
20230180.1	Noise Impact Assessment	09 March 2023	Acoustic Logic
G22212-1-Rev A	***Geotechnical Investigation Report***	***21st July 2022***	***SSTG Property Pty Ltd***
23177.2-Access	***ACCESSIBLITY ASSESSMENT REPORT***	***8th March 2024***	***NEST Consulting Group***
Certificate No.: ~~1310615M_08~~ ***1738891M***	BASIX Certificate	~~26 September 2023~~ ***07 March 2024***	~~EcoResults~~ ***Green Star Energy Solutions***

As amended by the conditions of consent.

(Condition amended – MOD/2024/0085 – 12/11/2024).

25. Stormwater Drainage System – Minor Developments (OSD is required)

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 design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos. SW200, SW201, SW202, SW203, SW204, SW300, SW301,SW400 and SW500 (Rev F) prepared by SGC and dated 1/6/23, as 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, , by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks as necessary; Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may drained to an on-site dispersal system such as an absorption system or otherwise, , no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer;
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 other than to drain downpipes to the rainwater tank(s);
e. 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);
f. 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;
g. 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;
h. Details of the 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided;
i. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas except where a reduced step is permitted under the Building Code of Australia for Class 1 buildings;
j. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage;
   Where necessary an inter-allotment drainage system must be incorporated into the design;
k. No nuisance or concentration of flows to other properties;
l. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
m. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;

n. No impact to street tree(s) or any trees on the adjoining properties and
o. Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s).

(Condition amended – MOD/2024/0085 – 12/11/2024).

32. Inspections by Project Arborist

The Project Arborist must oversee various stages of work within the Tree Protection Zone (TPZ) of any tree listed for retention including street trees. The Arborist must certify compliance with each key milestone detailed below:

a. The installation of tree protection measures prior to the commencement of any construction works;
b. During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
c. During any excavation and trenching within the TPZ;
d. During any Landscape works within the TPZ which has been approved by Council.

An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by certifying authority at each hold-point listed below:

e. Certification that tree protection measures have been installed in accordance with these consent conditions
f. Certification of compliance with each key milestone listed above within 48 hours of completion;
g. Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
h. A final compliance report must be submitted to and approved by certifying authority prior to the issue of any Occupation Certificate.

(Condition amended – MOD/2024/0085 – 12/11/2024).

33. Canopy Pruning

Canopy and/or root pruning of the following tree/s 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	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plane Tree)	Approved TPP
4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP
10	*Ficus benjamina* (Weeping Fig)	
11	*Brachychiton acerifolius* (Illawarra Flame)	4.56

The person acting on this consent has approval under Council's Tree Management Controls to; prune the trees 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 40 mm.

(Condition amended – MOD/2024/0085 – 12/11/2024).

34. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s must be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plan Tree)	Approved TPP
4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP
10	*Ficus benjamina* (Weeping Fig)	8.4
11	*Brachychiton acerifolius* (Illawarra Flame)	4.56

All excavation within the specified radius of the trunk(s) of the above tree(s) being hand dug 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 30mm 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.

(Condition amended – MOD/2024/0085 – 12/11/2024).

35. Tree Protection Zone

To protect the following tree/s, no work must commence until its/their Protection Zone is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area in accordance with the Tree Protection Plan included in the Arboricultural Impact Assessment report dated 9 August 2022 and prepared by Peter Richards of TALC. The fence/s (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.

Tree No.	Botanical/Common Name	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plane Tree)	Approved TPP
4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP
10	*Ficus benjamina* (Weeping Fig)	8.4
11	*Brachychiton acerifolius* (Illawarra Flame)	4.56

(Condition amended – MOD/2024/0085 – 12/11/2024).

B. Add the following Condition/s to read as follows:

35A. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located beneath the canopy of any prescribed tree/s located on the subject site and adjoining sites (including trees located within the public domain):

Tree No.	Botanical/Common Name	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plan Tree)	Approved TPP
4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP
10	*Ficus benjamina* (Weeping Fig)	8.4
11	*Brachychiton acerifolius* (Illawarra Flame)	4.56

(Condition added – MOD/2024/0085 – 12/11/2024).

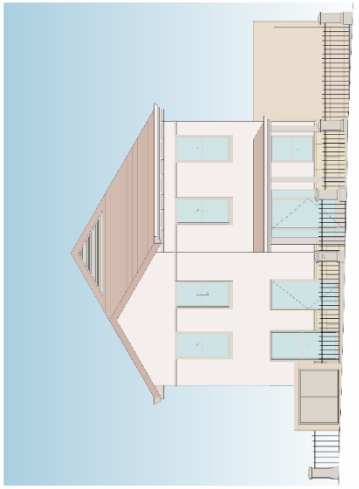
36A. Design Change

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

a. Windows are to be timber framed and not in aluminium and all shutters shall also be timber.
b. Shutters are to be applied to W14 which is associated with Apartment 6. These privacy shutters shall match those located on windows 10-13 in size and placement.

(Condition added – MOD/2024/0085 – 12/11/2024).

Attachment B – Plans of Proposed Development



77 GLASSOP STREET, BALMAIN

CDARCHITECTS

SCHEDULE OF DRAWINGS

77 GLASSOP STREET, BALMAIN

DRAWING NUMBER	DRAWING NAME	CURRENT REVISION	CURRENT REVISION DATE
-	COVER SHEET	E	02.08.2024
TP06	SITE PLAN	G	02.08.2024
TP07	BASEMENT	D	02.08.2024
TP08	LEVEL 1	F	02.08.2024
TP09	LEVEL 2	F	02.08.2024
TP10	LEVEL 3	G	02.08.2024
TP11	LEVEL 4	F	02.08.2024
TP12	LEVEL 5	E	02.08.2024
TP13	ROOF PLAN	F	02.08.2024
TP14	ELEVATIONS SHEET 1	F	02.08.2024
TP15	ELEVATIONS SHEET 2	F	02.08.2024
TP16	SECTIONS A,B,C & D	G	02.08.2024
TP18	SHADOW DIAGRAMS	F	02.08.2024
TP19	SHADOW DIAGRAMS	F	02.08.2024
TP20	EYE FROM SUN	D	02.08.2024
TP20a	EYE FROM SUN - APPROVED	A	02.08.2024
TP21	EYE FROM SUN	D	02.08.2024
TP21b	EYE FROM THE SUN - APPROVED	A	02.08.2024
TP22	SEPP 65 DIAGRAMS	F	02.08.2024
TP23	AREA DIAGRAMS	G	02.08.2024
TP25	CONDITIONED AREA DIAGRAMS	F	02.08.2024
TP26	STORAGE AREA DIAGRAMS	F	02.08.2024
TP27	NATURAL VENTILATION DIAGRAMS	F	02.08.2024
TP28	PRIVATE OPEN SPACE DIAGRAMS	F	02.08.2024
TP31	DA APPROVED & PROPOSED VIEW COMPARISON	A	02.08.2024

E 02.08.2024 S4.55 SUBMISSION
Rev Date Description

CDA
CDARCHITECTS

LEVEL 2, 50 KING STREET
SYDNEY NSW 2000
P: 61 2 9267 9779
W: www.cdarchitects.com.au

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Nominated Architect: Steve Cullen No. 6401 (Registered Architect)

Member Australian Institute of Architects

Project
PROPOSED APARTMENT DEVELOPMENT

77 GLASSOP ST,
BALMAIN

Drawing Title
COVER SHEET

S4.55 SUBMISSION

Job no. Drawing No.
J23600C E

Drawn by Checked by Approved by Date
MD JT JT 02.2024

NOTE:
ORIGINAL DESIGN BY NICHOLAS
DAVIS ARCHITECTS
APPLICATION NO: DA/202/2004
APPROVAL DATE: 19/10/2023

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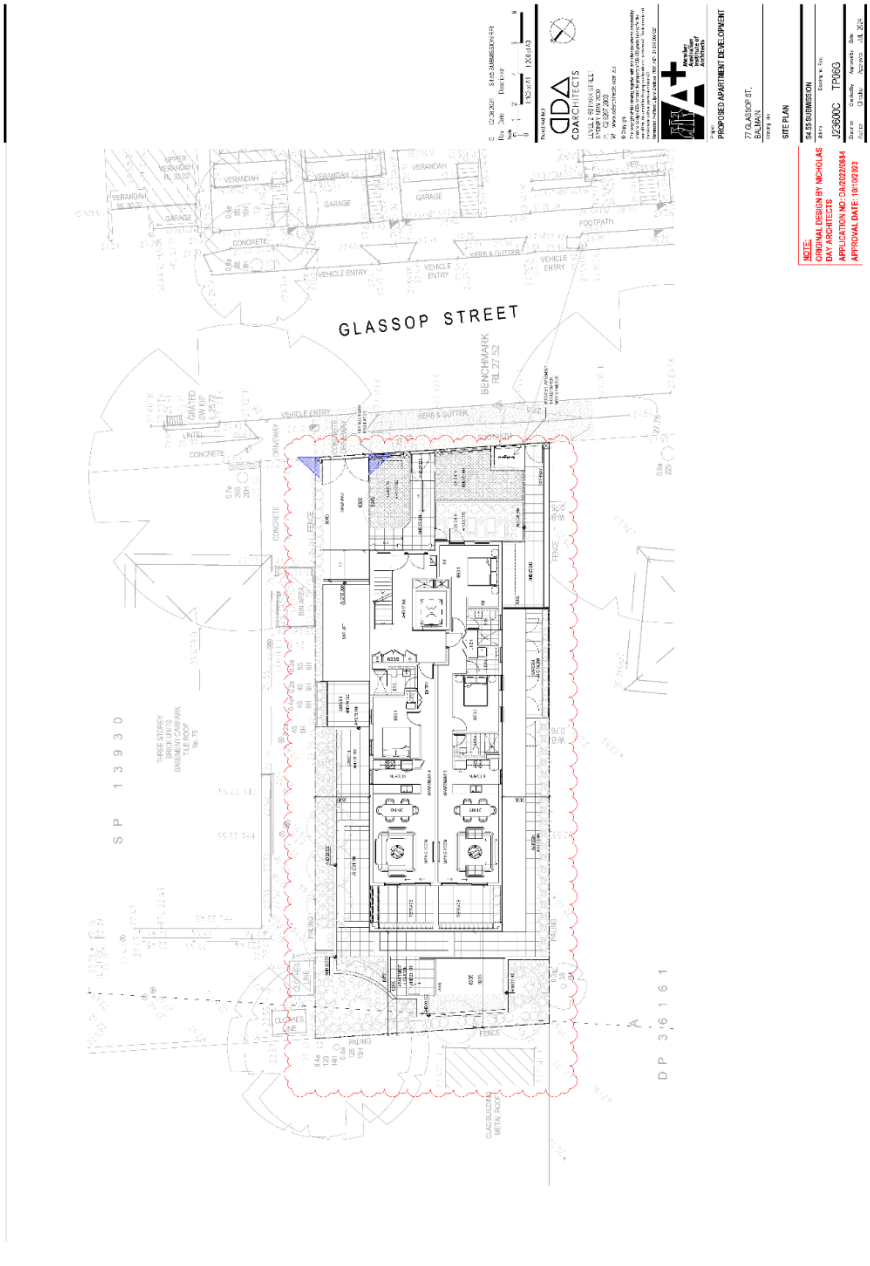
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PAVING
CLADDING
METAL ROOF
CDA ARCHITECTS
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST,
BALMAIN
SITE PLAN
S4.55 SUBMISSION
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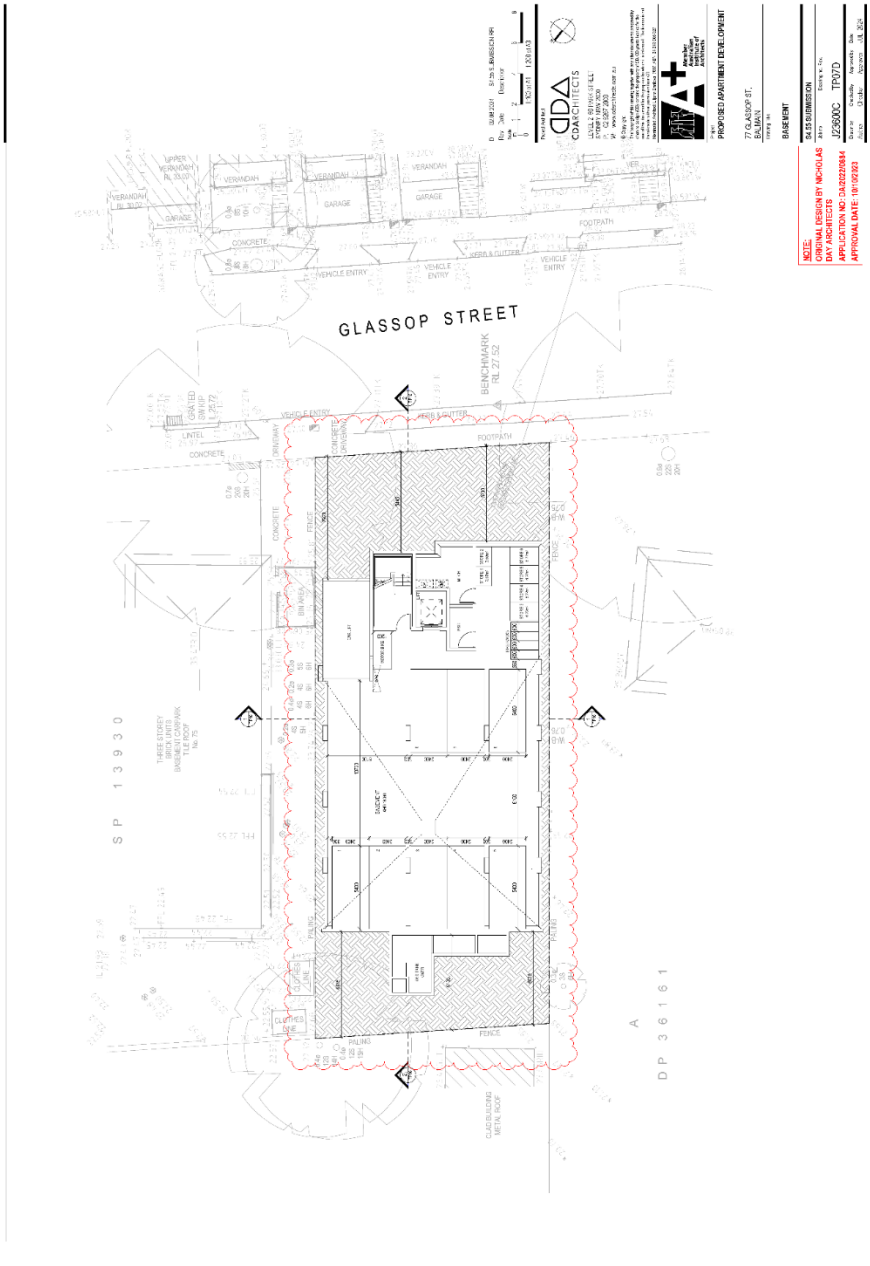
APPLICATION NO: DA/2022/0844
APPROVAL DATE: 19/10/2023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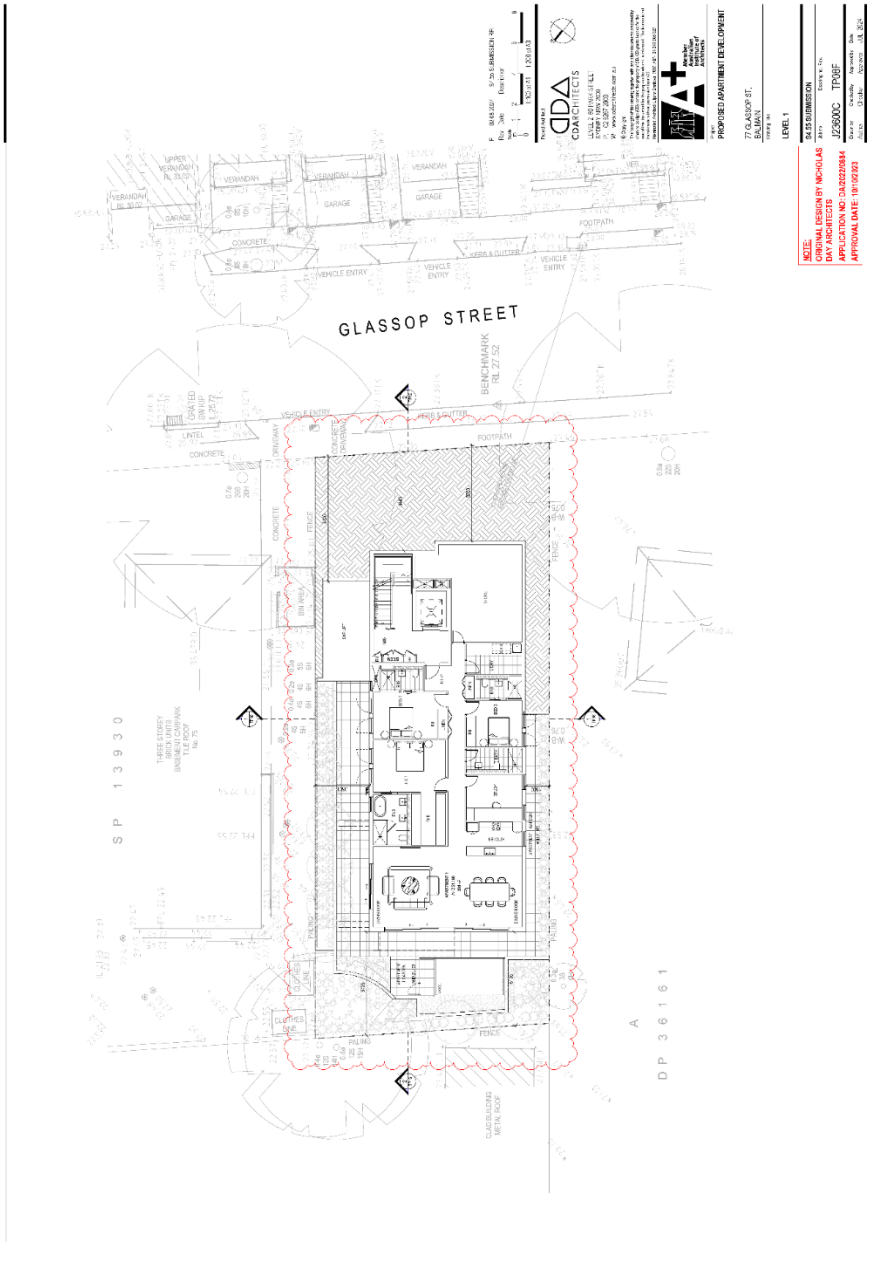
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77 GLASSOP ST, BALMAIN
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APPLICATION NO: DA/2022/0584
APPROVAL DATE: 19/10/2023
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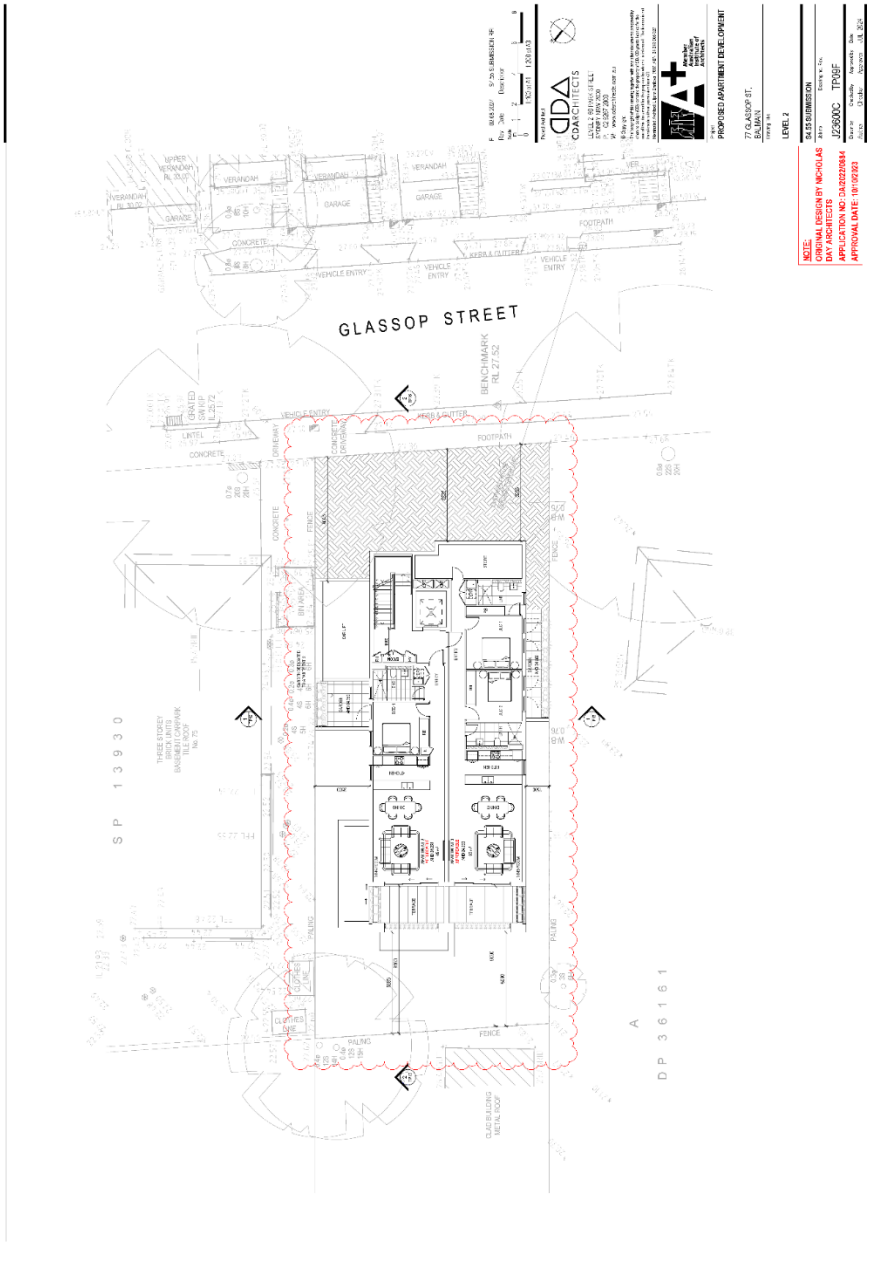
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PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST, BALMAIN
LEVEL 2
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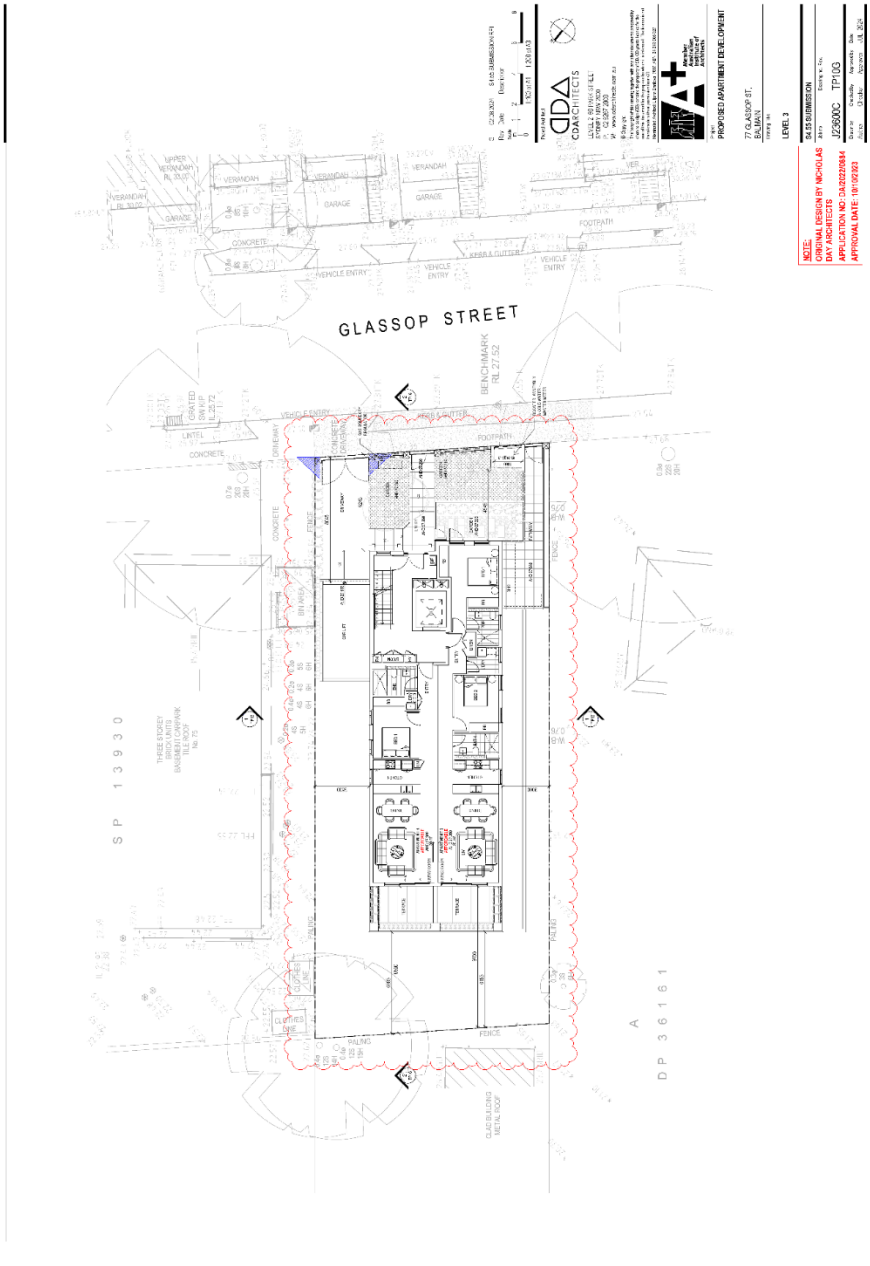
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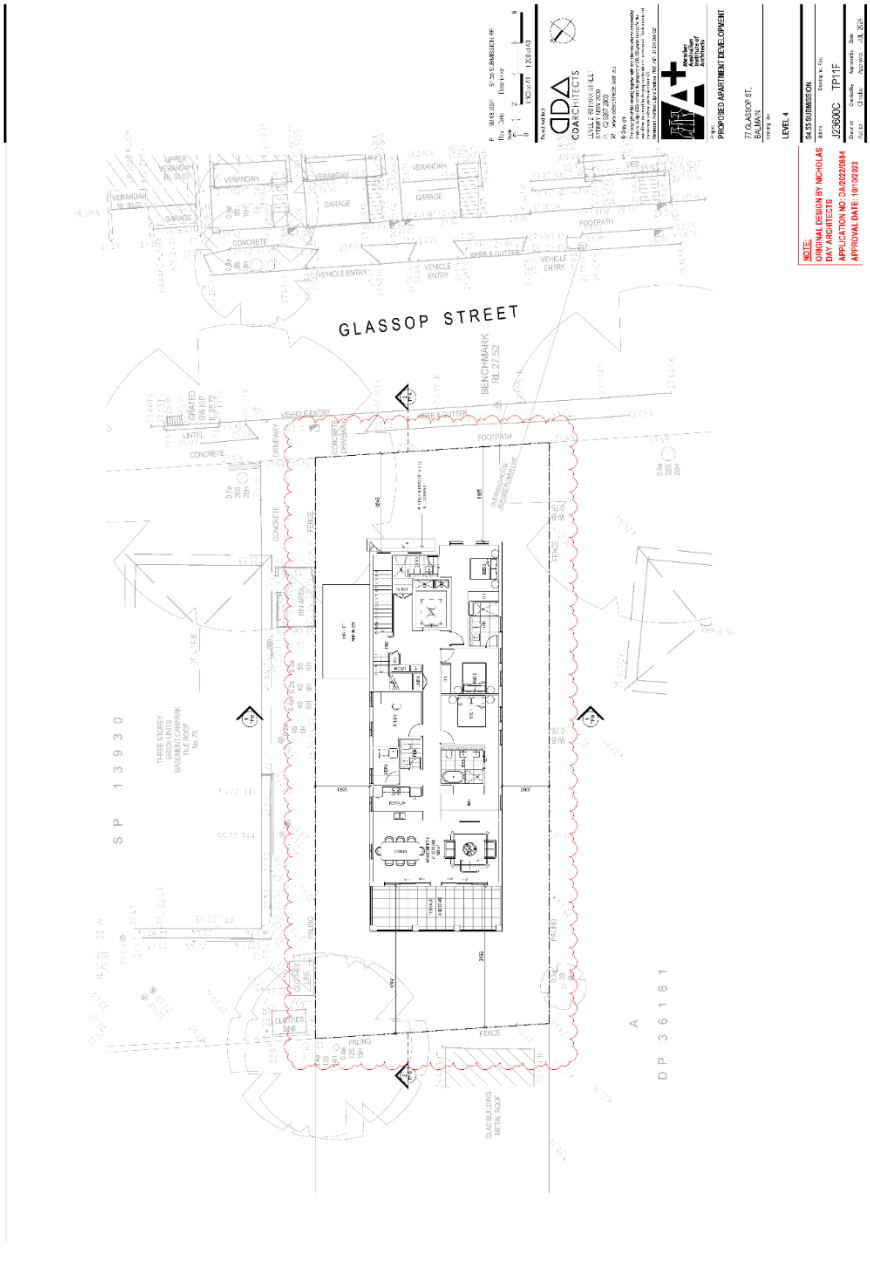
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PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST, BALMAIN
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APPLICATION NO: DA/2022/0944
APPROVAL DATE: 19/10/2023
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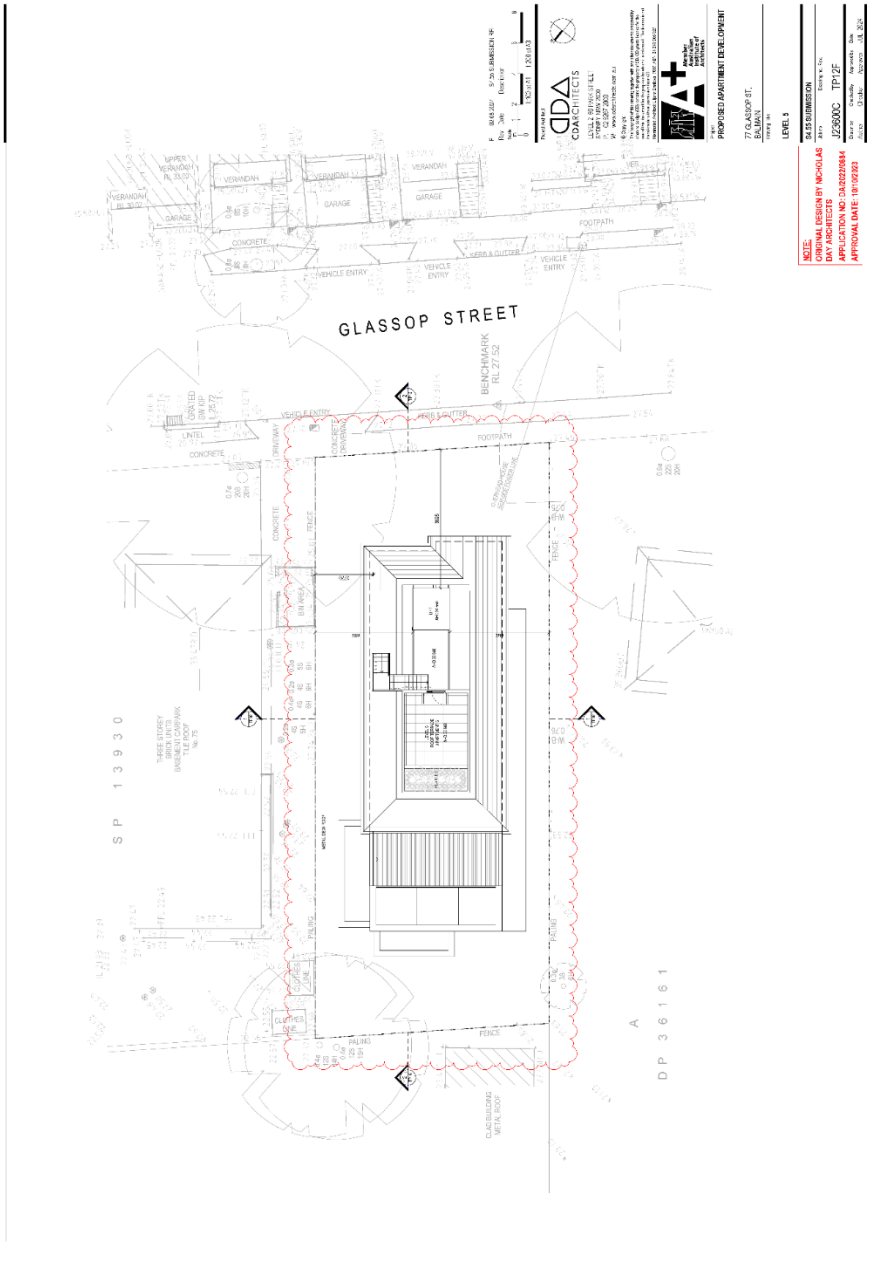
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CLADDUILDING METAL ROOF
SP 13930
DP 36161
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST, BALMAIN
LEVEL 3
S4.55 SUBMISSION
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APPLICATION NO: DA/2022/0944
APPROVAL DATE: 19/10/2023
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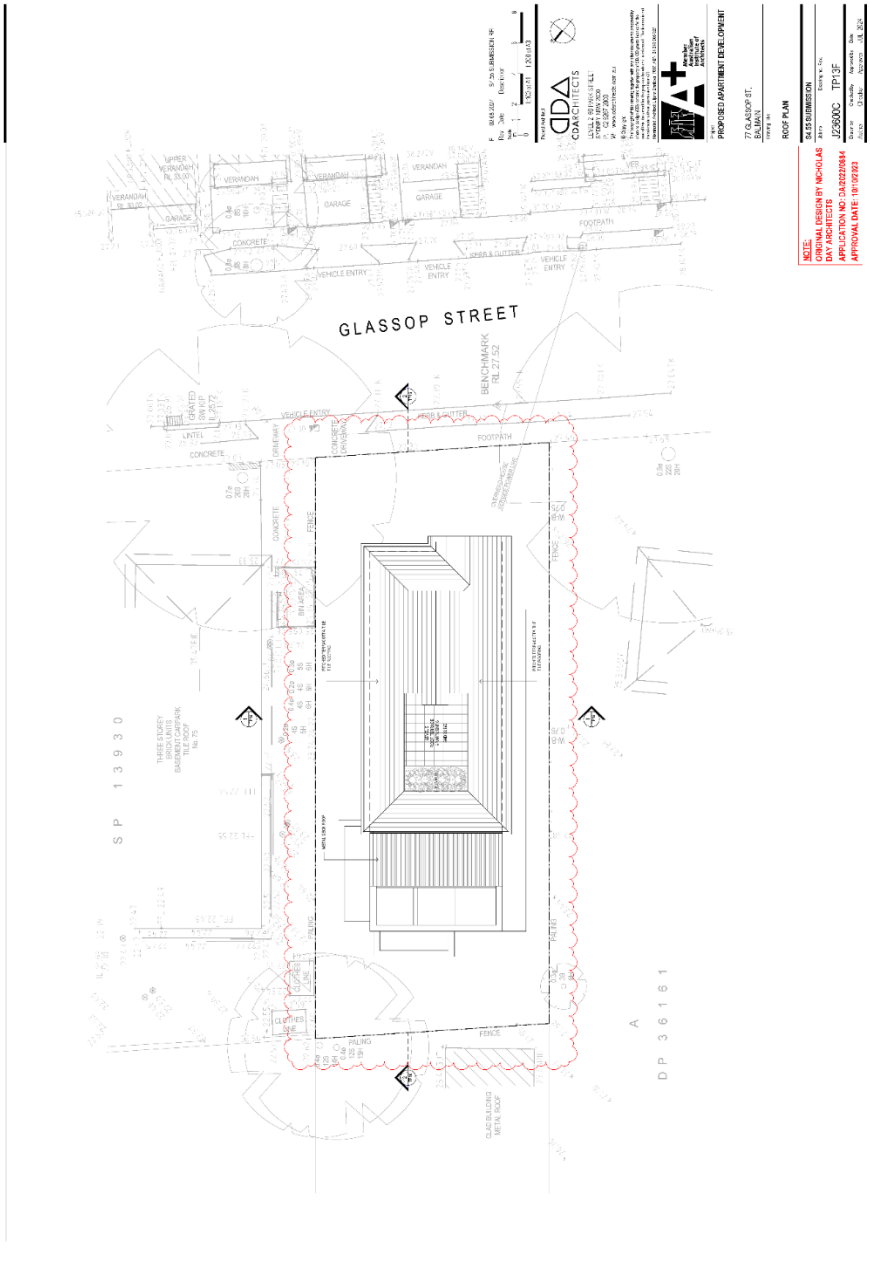
CDA ARCHITECTS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PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST, BALMAIN
ROOF PLAN
SA 55 SUBMISSION
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APPLICATION NO: DA/2022/0944
APPROVAL DATE: 19/10/2023
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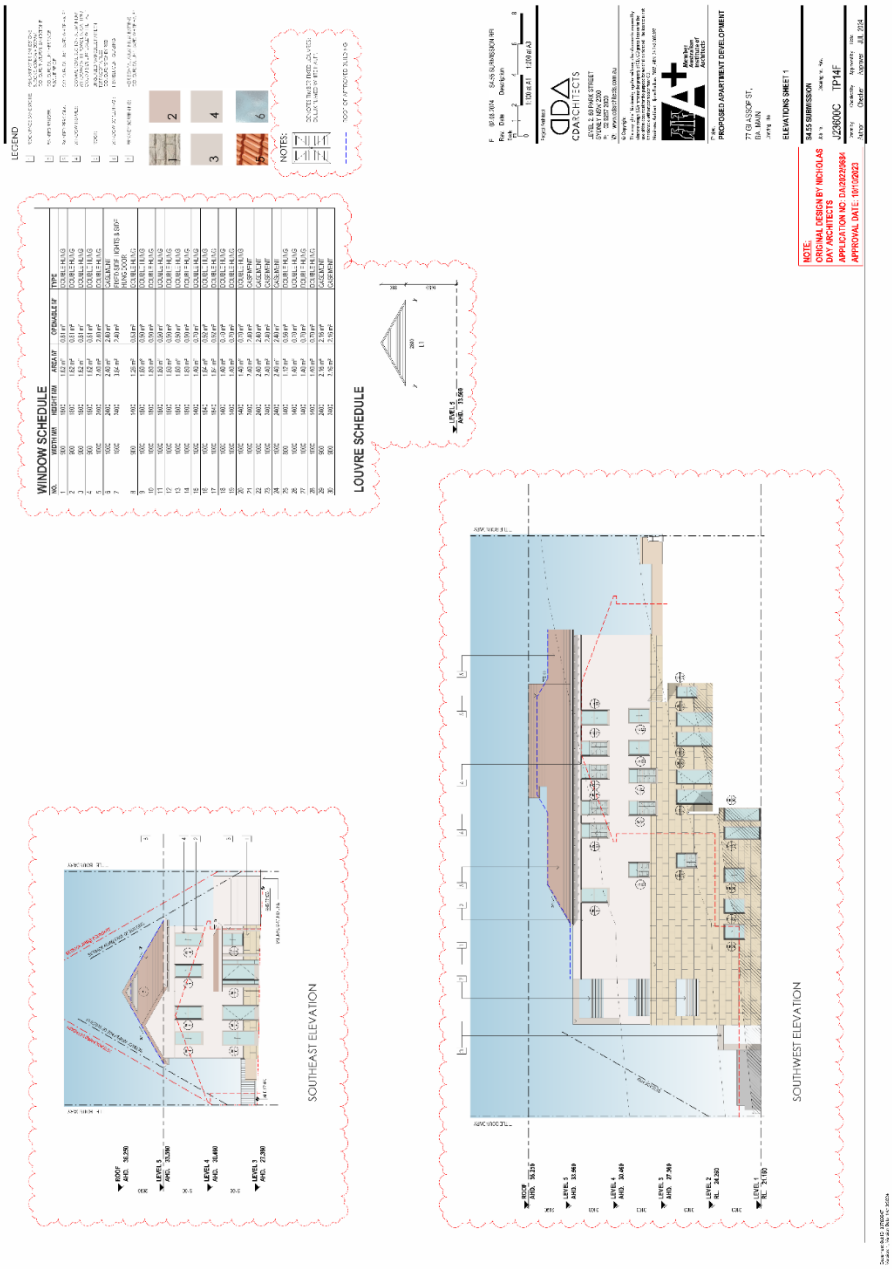
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ELEVATIONS SHEET 1
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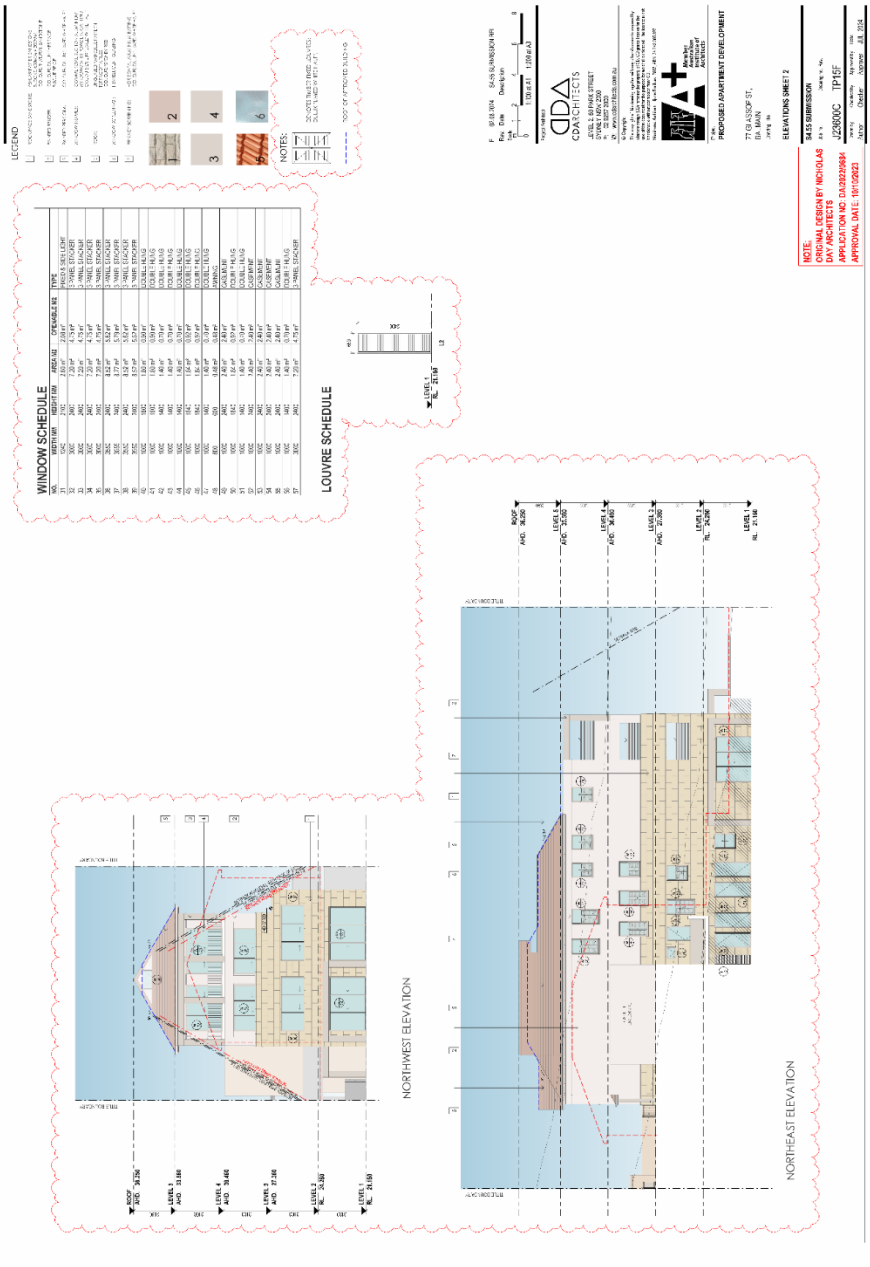
APPROVAL DATE: 19/10/2023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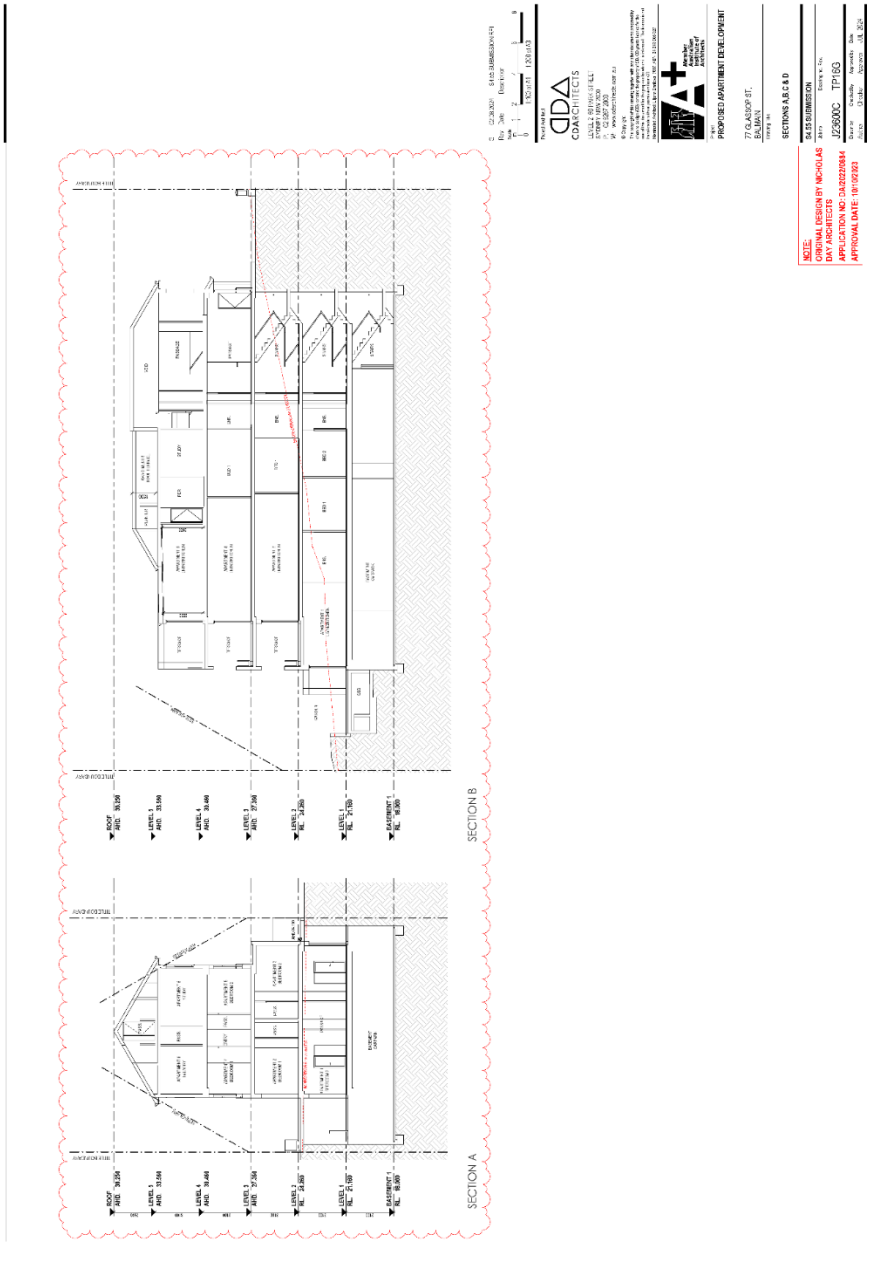
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SECTION B
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LEVEL 5
LEVEL 4
LEVEL 3
LEVEL 2
LEVEL 1
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PROPOSED APARTMENT DEVELOPMENT
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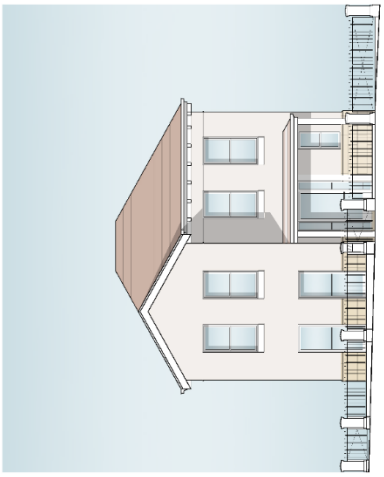
BALMAIN
SECTIONS A,B,C & D
SA 55 SUBMISSION
NOTE
ORIGINAL DESIGN BY NICHOLAS
DAS ARCHITECTS
APPLICATION NO: DA/2022/0584
APPROVAL DATE: 19/10/2023
J23600C TP160

Attachment C – Original Court approved drawings

SCHEDULE OF DRAWINGS
77 GLASSOP STREET, BALMAIN

DRAWING NUMBER	DRAWING NAME	CURRENT REVISION	CURRENT REVISION DATE
-	Cover sheet	C	25.09.2023
TP01	Neighbourhood & Site Context plan	-	30.11.2021
TP02	Immediate Site Context Plan	-	30.11.2021
TP03	Existing Streetscape Photomontages	-	30.11.2021
TP04	Demolition Plan	-	30.11.2021
TP05	Design Response Plan	D	25.09.2023
TP06	Site Plan	E	25.09.2023
TP07	Basement Plan	B	25.09.2023
TP08	Level 1 Plan	D	25.09.2023
TP09	Level 2 Plan	D	25.09.2023
TP10	Level 3 Plan	E	25.09.2023
TP11	Level 4 Plan	D	25.09.2023
TP12	Level 5 Plan	D	25.09.2023
TP13	Roof Plan	D	25.09.2023
TP14	Elevations sheet 1	D	25.09.2023
TP15	Elevations sheet 2	D	25.09.2023
TP16	Section A, B, C & D	E	25.09.2023
TP17	Streetscape & Backyard Elevations	D	25.09.2023
TP18	Shadow Diagrams 9am - 11am	D	25.09.2023
TP19	Shadow Diagrams 1pm - 3pm	D	25.09.2023
TP20	Eye from the sun - 9am - 12pm	B	27.05.2023
TP21	Eye from the sun - 1pm - 3pm	B	27.05.2023
TP22	STORM	D	25.09.2023
TP23	Area Diagrams	E	25.09.2023
TP24	Floor Space Ratio Diagrams	D	25.09.2023
TP25	Floor Space Ratio Diagrams	D	25.09.2023
TP26	Storage Area Diagrams	D	25.09.2023
TP27	Natural Ventilation Diagrams	D	25.09.2023
TP28	Private Open Space Diagrams	D	25.09.2023
TP29	Streetscape Perspectives	A	25.09.2023
TP30	Cut and fill Plan	A	25.09.2023



77 GLASSOP STREET, BALMAIN

NICHOLAS DAY ARCHITECTS

Document Set ID: 9819693/8
Version: 1, Version Date: 14/10/2024

NEIGHBOURHOOD CONTEXT PLAN

ACCESS TO AMENITIES AND INFRASTRUCTURE

SCHOOLS
BALMAIN PUBLIC SCHOOL 1,200m EAST
ST JOHN'S PUBLIC SCHOOL 1,450m NORTH
ST PETER'S HIGH SCHOOL 350m SOUTH
THE UNIVERSITY OF SYDNEY, SYDNEY COLLEGE OF THE ARTS 1,550m SOUTHWEST

PUBLIC TRANSPORT
DUKE ST FERRY WHARF 50m WEST
VICTORIA ROAD BUS 850m SOUTH
BALMAIN WHARF 1,600m EAST

HEALTH
BALMAIN HOSPITAL 1,300m EAST
ROYAL PRINCE ALFRED HOSPITAL 8,000m SOUTH

SHOPPING
DARLING STREET SHOPS [BALMAIN] 800m EAST
VICTORIA STREET SHOPS [ROZELLE] 1,000m SOUTH

PUBLIC OPEN SPACE
ELKINGTON PARK 250m NORTH
BRIDGEWATER PARK 750m SOUTHWEST
CLARKSTON PARK 1,000m EAST
BROCKSLOPE OVAL 1,200m NORTHEAST
BIRKLING PARK 1,600m EAST
MUSE BAY PARK 1,800m EAST

RECREATIONAL FACILITIES
DAWN FRASER BATH 300m NORTH
BALMAIN ROWING CLUB 300m NORTH
BALMAIN SAILING CLUB 850m NORTHEAST

NOTES

No.	DATE	AMENDMENT

PROPOSED APARTMENT DEVELOPMENT

77 GLASSOP STREET BALMAIN

NEIGHBOURHOOD & SITE CONTEXT PLAN

PLANNING DRAWINGS

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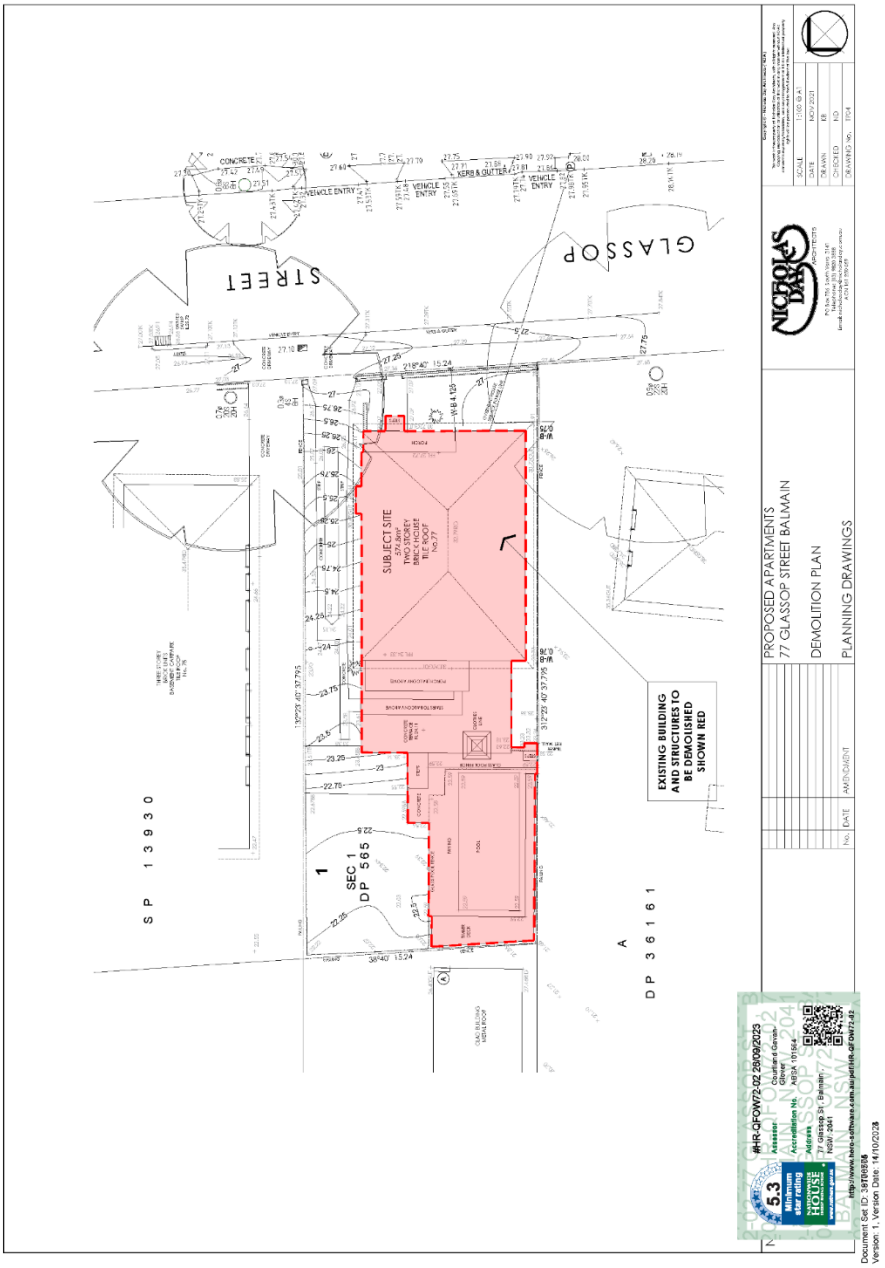
NICHOLAS & ASSOCIATES (NSW) PTY LTD ARCHITECTS
P.O. Box 766, North Ryde, NSW, 1670
Email: nicholas@nicholas-associates.com.au

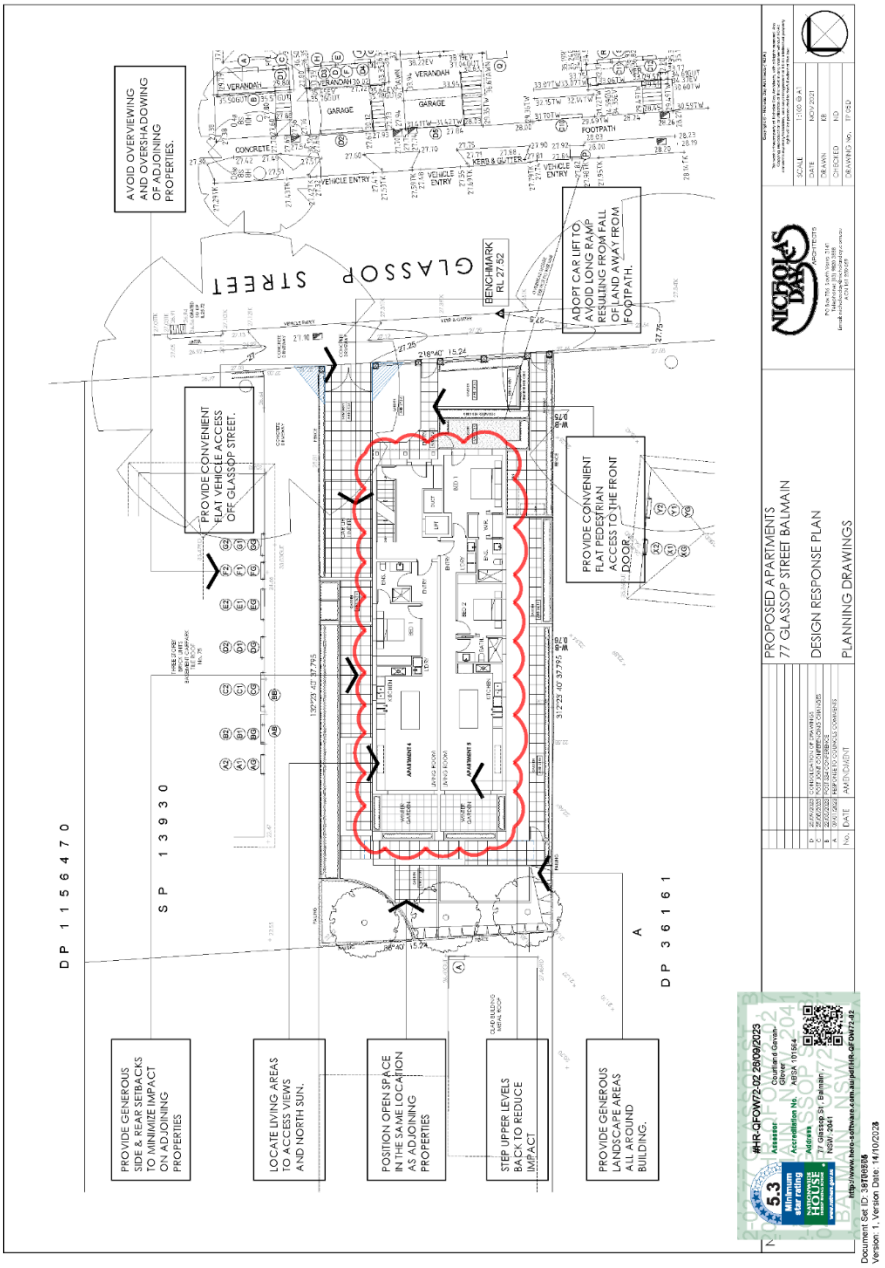
SCALE	N.T.S.
DATE	NOV. 2021
DRAWN	MD
CHECKED	NJD
DRAWING No.	TP 01

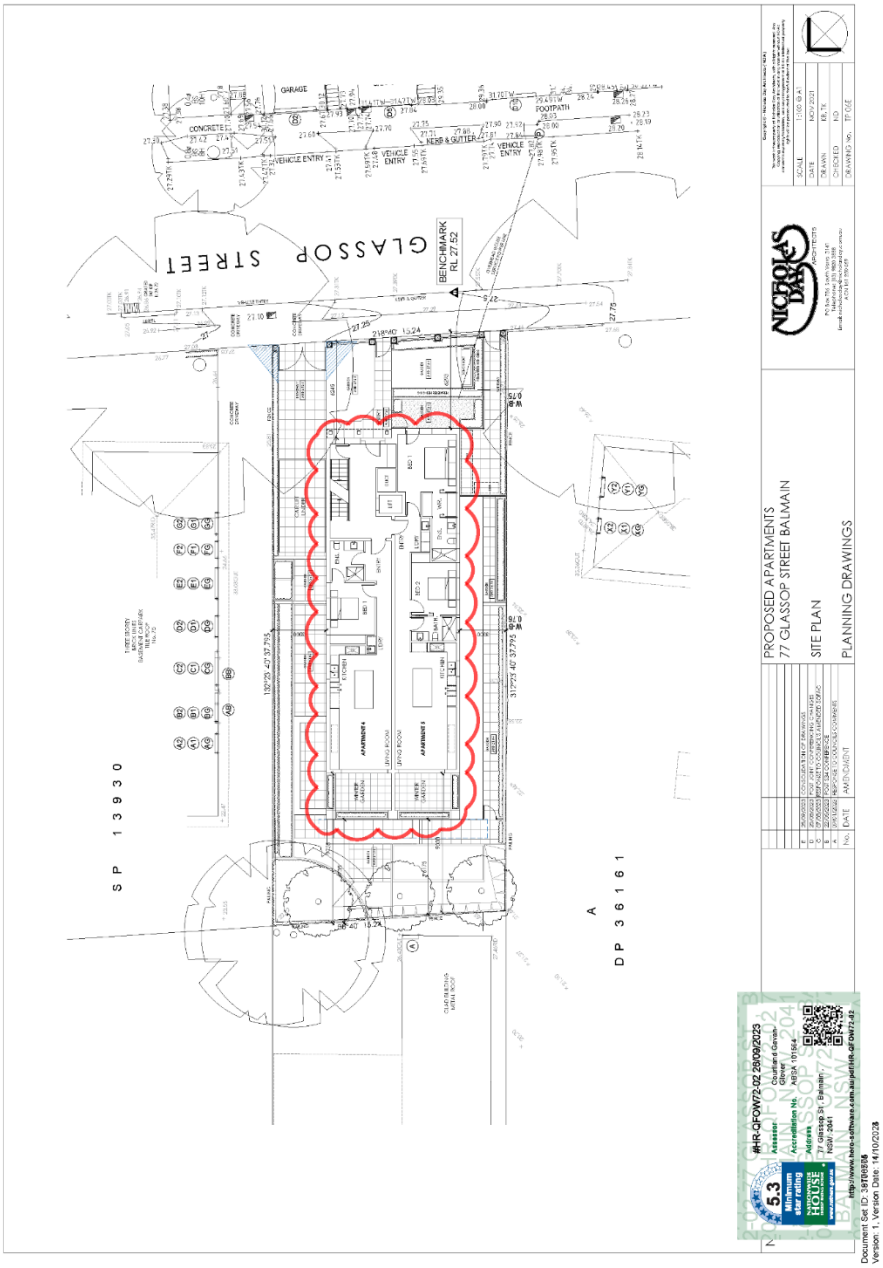
Document Set ID: 9879384
Version: 1, Version Date: 14/10/2026

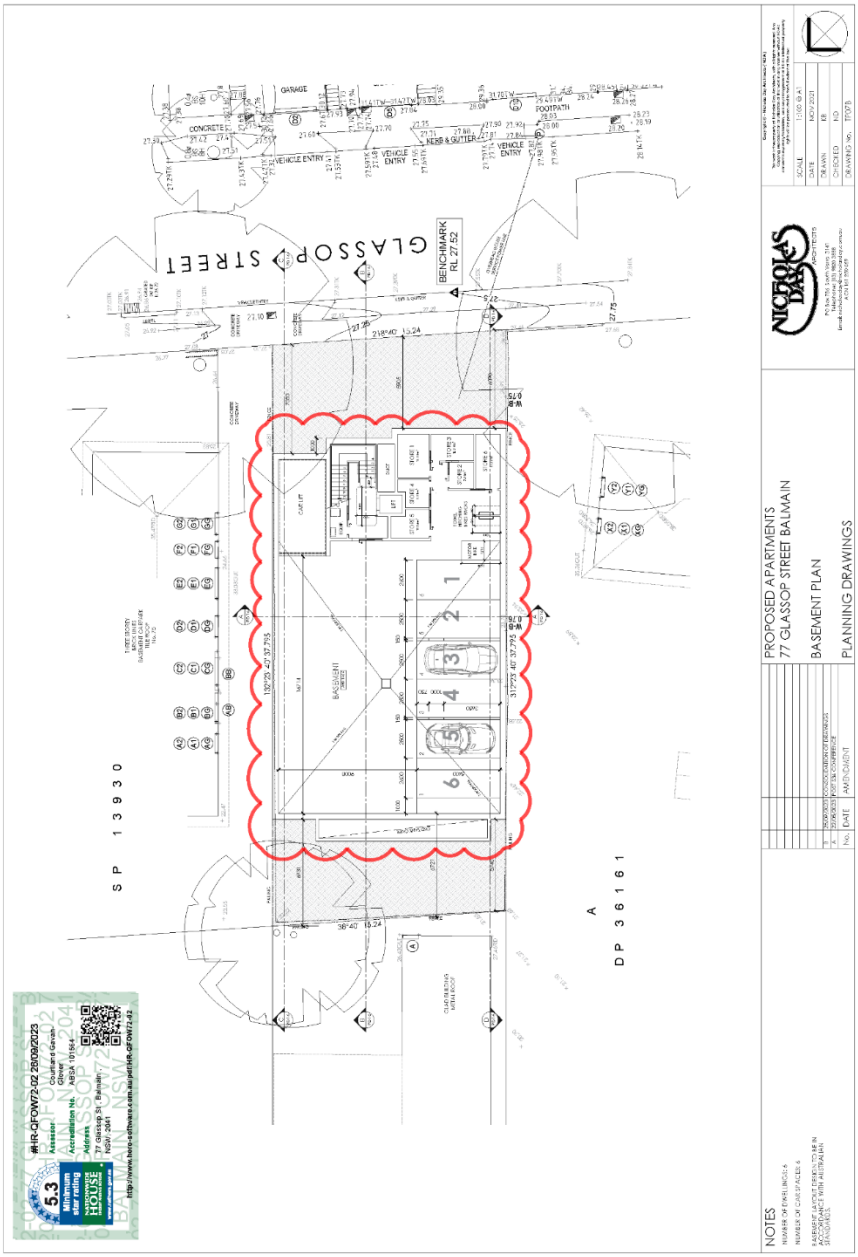
SUBJECT SITE
77 GLASSOP STREET
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP STREET , BALMAIN
IMMEDIATE SITE CONTEXT PLAN
PLANNING DRAWINGS
NICHOLAS BARLOW ARCHITECTS
SCALE
DATE
DRAWN
CHECKED
DRAWING No.
NO. DATE AMENDMENT
5.3
Minimum Energy Rating
HOUSE
#HR-QFOWF2-02 28/09/2023
Address: 77 Glassop St , Balmain, NSW, 2041
Document Set ID: 9219385
Version: 1, Version Date: 14/10/2023

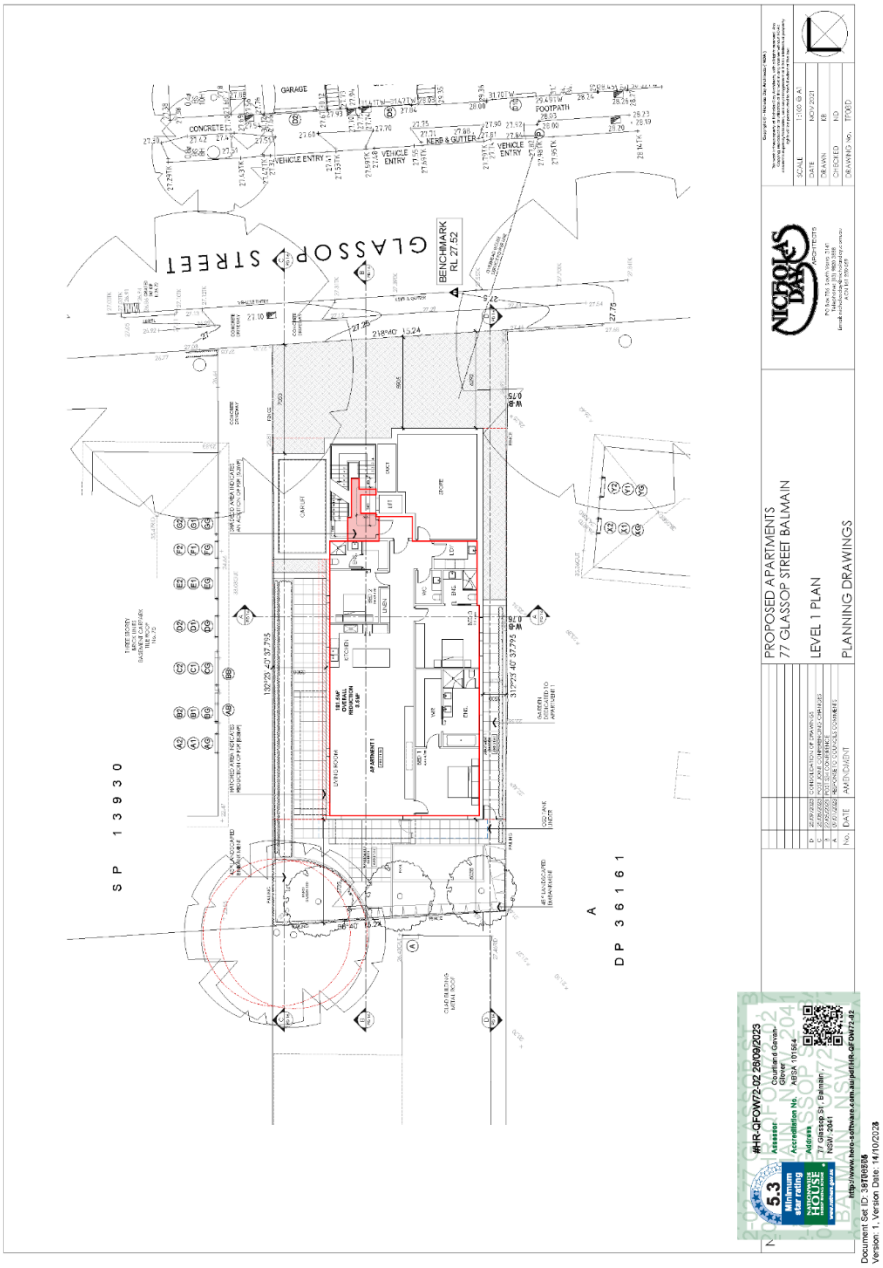
EXISTING STREETSCAPE PHOTO MONTAGE
GLASSOP STREET NORTH SIDE (SUBJECT SITE)
EXISTING STREETSCAPE PHOTO MONTAGE
GLASSOP STREET SOUTH SIDE
5.3
#HR-QFOW72-02 26/09/2023
Minimum star rating
HOUSE
www.nathers.gov.au
77 Glassop St, Balmain
NSW 2041
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP STREET BALMAIN
EXISTING STREETSCAPE PHOTOMONTAGES
PLANNING DRAWINGS
NICHOLAS DAS
Document Set ID: 36716938
Version: 1 Version Date: 14/10/2024

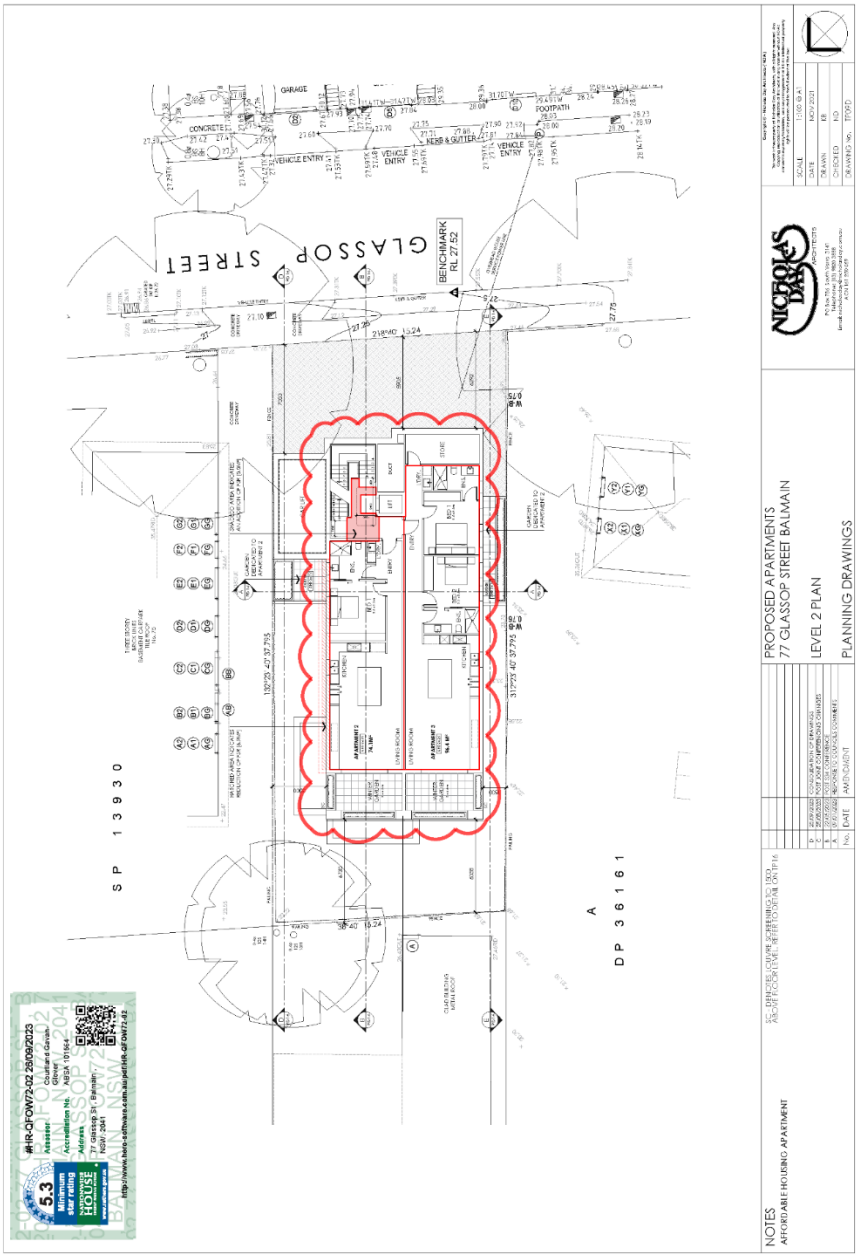

GLASSOP
STREET
SUBJECT SITE
EXISTING BUILDING AND STRUCTURES TO BE DEMOLISHED SHOWN RED
SP 13930
SEC 1
DP 565
DP 36161
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
DEMOLITION PLAN
PLANNING DRAWINGS
NICHOLAS BASSE ARCHITECTS
5.3
Minimum Scoring
HOUSE
Document Set ID: 9818685
Version: 1, Version Date: 14/10/2025


AVOID OVERVIEWING AND OVERSHADOWING OF ADJOINING PROPERTIES.
PROVIDE CONVENIENT FLAT VEHICLE ACCESS OFF GLASSOP STREET.
ADOPT CAR LIFT TO AVOID LONG RAMP RESULTING FROM FALL OF LAND AWAY FROM FOOTPATH.
PROVIDE CONVENIENT FLAT PEDESTRIAN ACCESS TO THE FRONT DOOR.
GLASSOP STREET
BENCHMARK RL 27.52
PROVIDE GENEROUS SIDE & REAR SETBACKS TO MINIMIZE IMPACT ON ADJOINING PROPERTIES
LOCATE LIVING AREAS TO ACCESS VIEWS AND NORTH SUN.
POSITION OPEN SPACE IN THE SAME LOCATION AS ADJOINING PROPERTIES
STEP UPPER LEVELS BACK TO REDUCE IMPACT
PROVIDE GENEROUS LANDSCAPE AREAS ALL AROUND BUILDING.
DP 1156470
SP 13930
DP 36161
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
DESIGN RESPONSE PLAN
PLANNING DRAWINGS
NICHOLAS BASKE ARCHITECTS
SCALE 1:100 @ A1
DATE 18/09/2021
DRAWN KB
CHECKED NB
DRAWING No. 17-150
No. DATE AMENDMENT
1 27/10/20 DRAFT PLANNING PROPOSAL
2 29/03/21 NOT FOR CONSTRUCTION
3 29/06/21 FOR DA SUBMISSION
4 30/10/21 REF PLANNING PROPOSAL COMMENTS
5.3
Minimum Energy Rating
HOUSE
www.energyrating.gov.au
HHR-QFOWF2-02 29/09/2025
Assessor: Courtland Gerrish-Gilmore
Accreditation No. NBDA 101564
Address 77 Glassop St, Balmain, NSW 2041
http://www.hers.software.csiro.au/pathfinder/QFOWF2-02
Document Set ID: 38786886
Version: 1, Version Date: 14/10/2025


GLASSOR STREET
BENCHMARK
RL 27.52
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
SP 13930
DP 36161
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
SITE PLAN
PLANNING DRAWINGS
NICHOLAS BASSE ARCHITECTS
SCALE 1:100 @ A1
DATE 18.12.2021
DRAWN KB
CHECKED NB
DRAWING No. TP.02E
No. DATE AMENDMENT
HHR-QFOWF2-02 29/09/2025
5.3
Minimum Star Rating
HOUSE
Document Set ID: 9878985
Version: 1, Version Date: 14/10/2025


GLASSOP STREET
BENCHMARK
RL 27.52
GARAGE
CONCRETE
VEHICLE ENTRY
FOOTPATH
KERB & GUTTER
BASEMENT
SP 13930
DP 36161
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
BASEMENT PLAN
PLANNING DRAWINGS
NICHOLAS BASSE ARCHITECTS
NOTES
SCALE 1:100 @ A1
DRAWN EB
CHECKED NB
DRAWING No. TP07B
No. DATE AMENDMENT
Document Set ID: 38780898
Version: 1, Version Date: 14/10/2025


GLASSOP STREET
BENCHMARK
RL 27.52
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
SP 13930
DP 36161
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
LEVEL 1 PLAN
PLANNING DRAWINGS
NICHOLAS BASSE ARCHITECTS
SCALE 1:100 @ A1
DATE 18/09/2025
DRAWN EB
CHECKED NB
DRAWING No. TP00/D
No. DATE AMENDMENT
5.3
Minimum Star Rating
HOUSE
www.nathers.gov.au
HHR-QFOWF2-02 29/09/2025
Assessor: Gaurav Gandhi
Accreditation No. NBDA 101564
Address 77 Glassop St, Balmain, NSW 2041
http://www.hhrs.software.nsw.gov.au/public/hhr-qfowf2-02
Document Set ID: 38786856
Version: 1, Version Date: 14/10/2025



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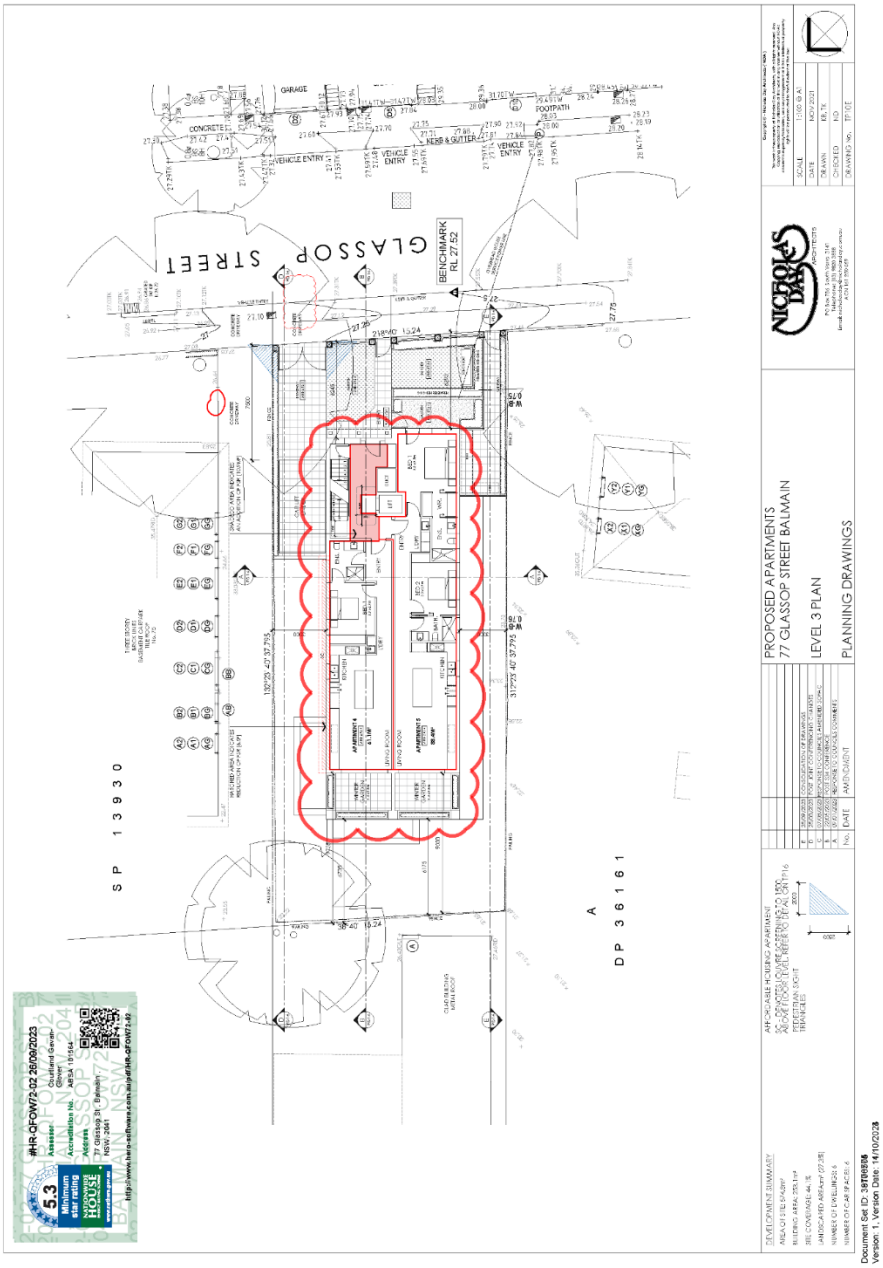
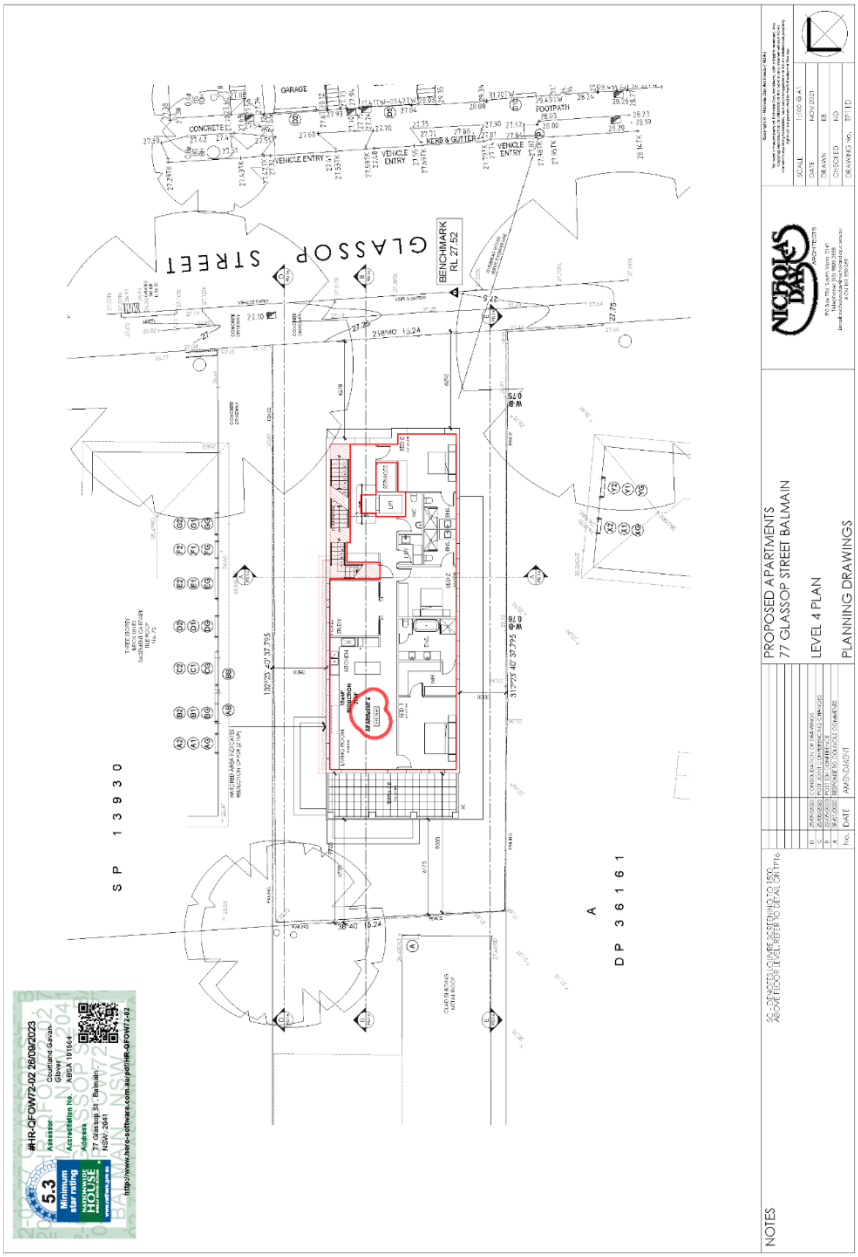
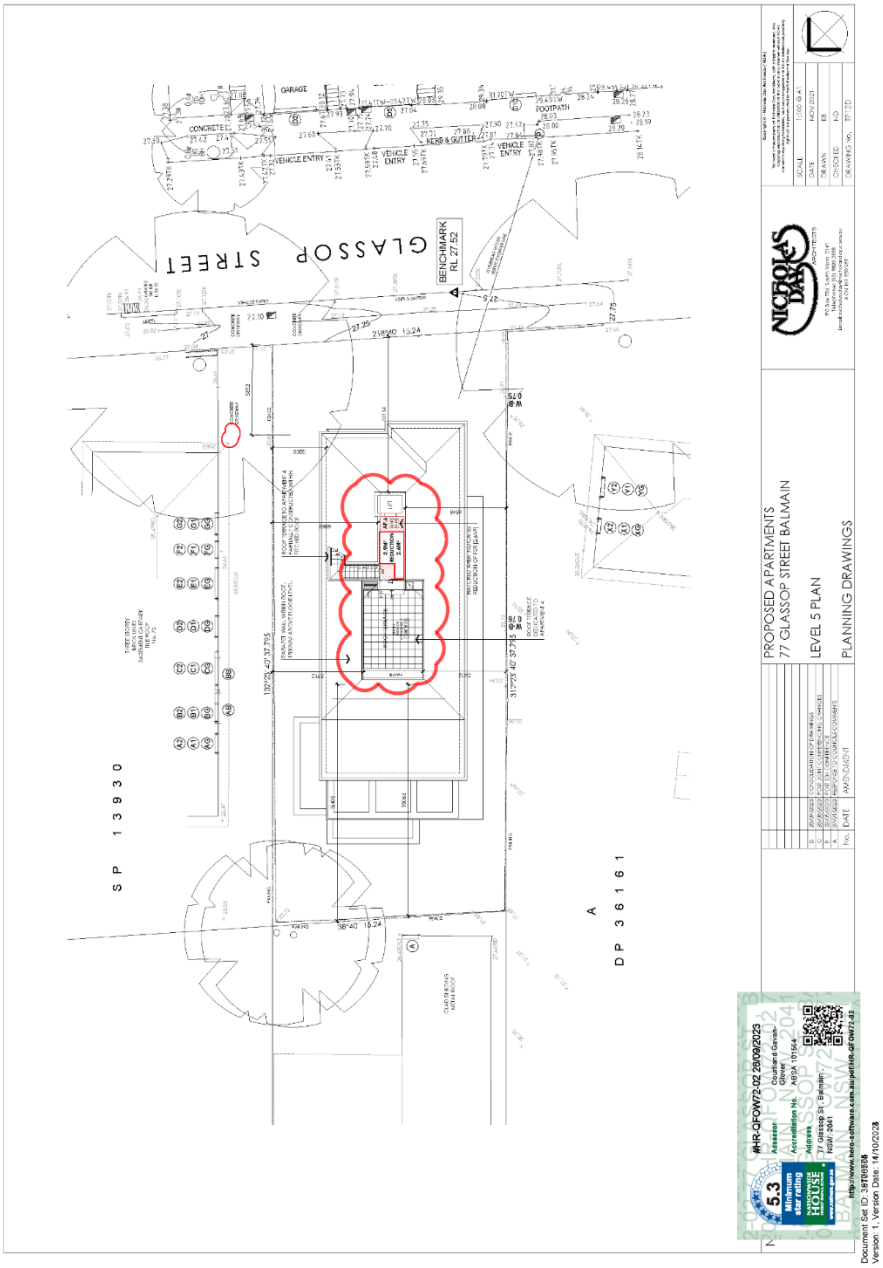
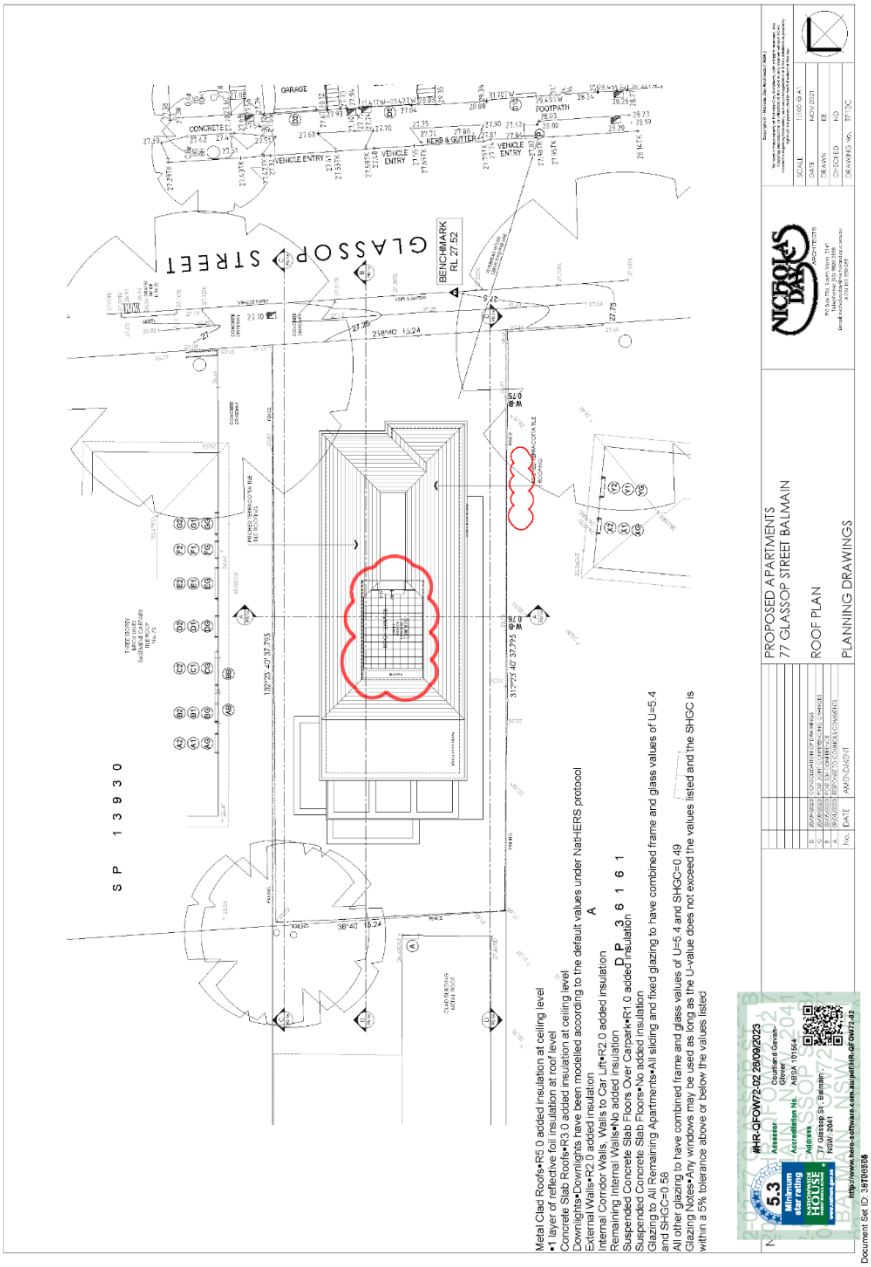
Version: 1, Version Date: 14/10/2025


PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
LEVEL 3 PLAN
PLANNING DRAWINGS
GLASSOP STREET
BENCHMARK
RL 27.52
GARAGE
CONCRETE
VEHICLE ENTRY
FOOTPATH
KERB & GUTTER
S P 1 3 9 3 0
D P 3 6 1 6 1
A
#HR-QFOW72-02 26/09/2023
5.3
Minimum star rating
HOUSE
http://www.hero-software.com.au/s/#HR-QFOW72-02


GLASSOP STREET
BENCHMARK RL 27.52
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
S P 1 3 9 3 0
D P 3 6 1 6 1
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
LEVEL 4 PLAN
PLANNING DRAWINGS
NOTES
NICHOLAS BASSE ARCHITECTS
SCALE 1:100 @ A1
DATE 18/09/2023
DRAWN KB
CHECKED NB
DRAWING No. TP 1.10
5.3 Minimum star rating
#HR-QFOW72-02 28/09/2023
Assessor Goulburn Gareth Oliver
Assessor No. NSW 19154
Address 77 Glassop St Balmain NSW 2041
https://www.hbe-software.com.au/print/HR-QFOW72-02
Document Set ID: 38786896
Version: 1, Version Date: 14/10/2023


GLASSOP STREET
BENCHMARK
RL 27.52
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
SP 13930
DP 36161
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
LEVEL 5 PLAN
PLANNING DRAWINGS
NICHOLAS BASSE ARCHITECTS
SCALE 1:100 @ A1
DATE 6/09/2021
DRAWN KB
CHECKED NB
DRAWING No. TP 1.20
No. DATE AMENDMENT
5.3
Minimum Score Achieving HOUSE
HHR-QFOWF2-02 29/09/2025
Assessor: Courtland Gerrish
Accreditation No. NBDA 101564
Address 77 Glassop St, Balmain, NSW 2041
http://www.hero.software.com.au/public/HHR-QFOWF2-02
Document Set ID: 38786856
Version: 1, Version Date: 14/10/2025



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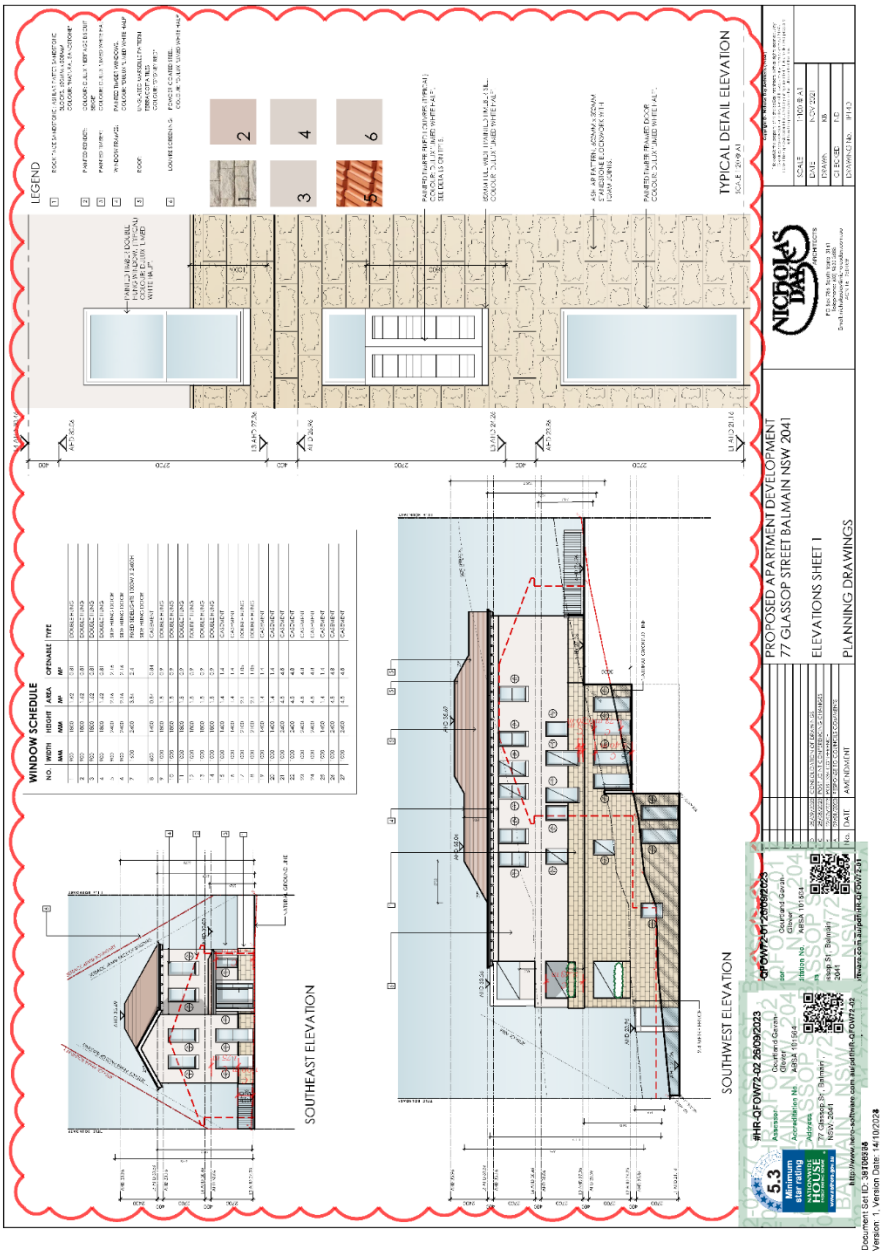
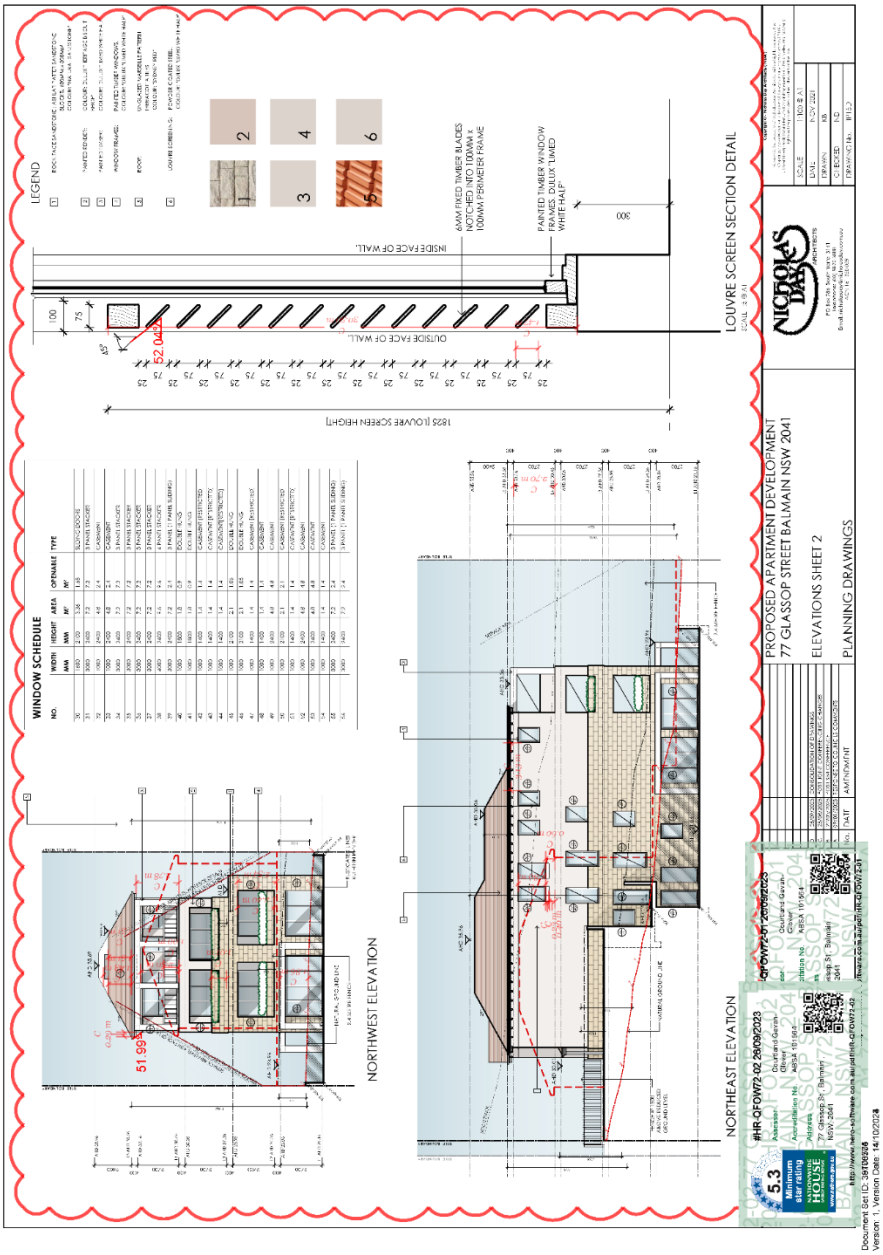
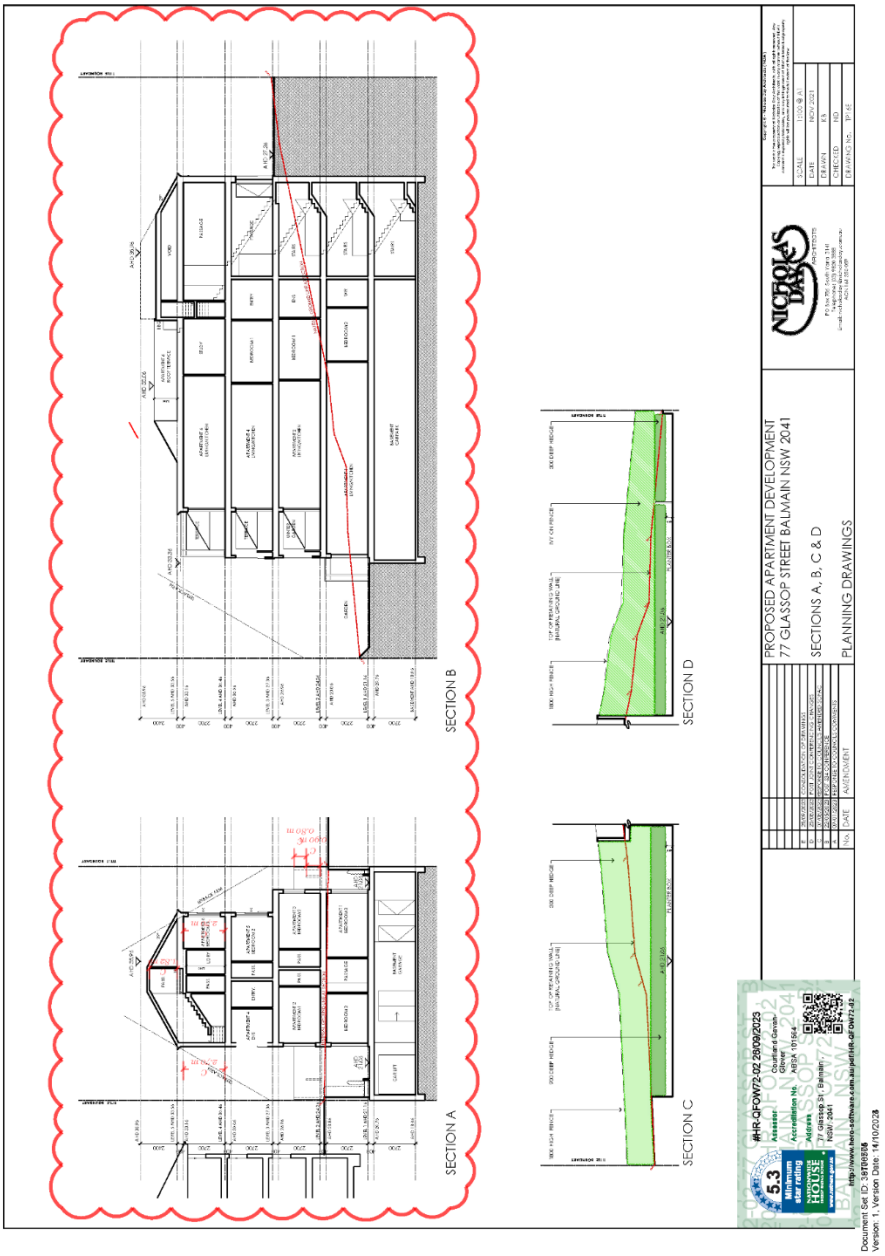
Version: 1, Version Date: 14/10/2025

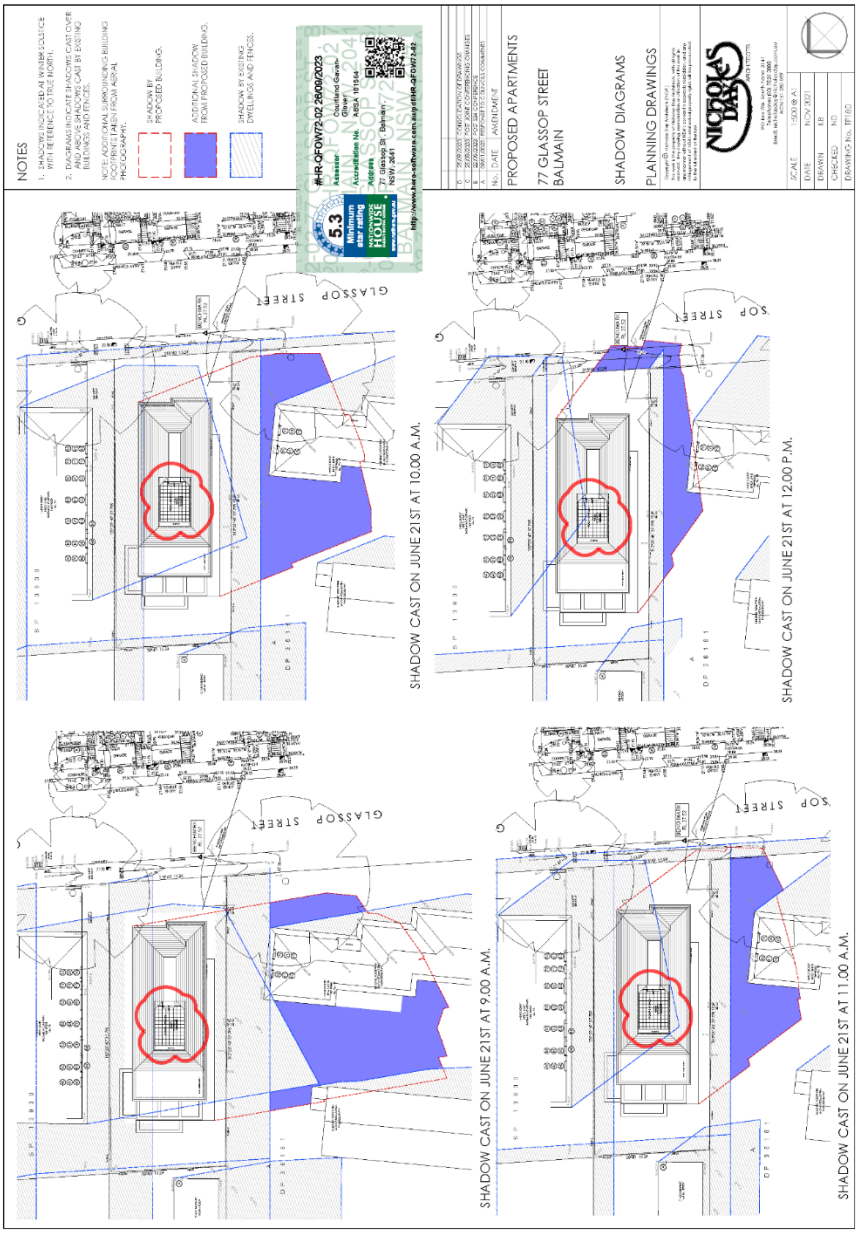

LEGEND
WINDOW SCHEDULE
TYPICAL DETAIL ELEVATION
SOUTHEAST ELEVATION
SOUTHWEST ELEVATION
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP STREET BALMAIN NSW 2041
ELEVATIONS SHEET 1
PLANNING DRAWINGS
NICHOLAS BASS ARCHITECTS
SCALE 1:100 @ A3
DATE Nov 2022
DRAWN
CHECKED
DRAWING No. P113
No. DATE AMENDMENT
5.3
Minimum star rating
HOUSE
www.energyrating.gov.au
#HR-QFOW72-02 25/09/2023
Assessor: Courtland Gerzich
Accreditation No. HBSA 101984
Address: 77 Glassop St, Balmain NSW 2041
https://www.hbsa.com.au/portfolio/#HR-QFOW72-02
Document Set ID: 38709598
Version: 1, Version Date: 14/10/2023


LEGEND
WINDOW SCHEDULE
NORTHWEST ELEVATION
NORTHEAST ELEVATION
LOUVRE SCREEN SECTION DETAIL
1825 (LOUVRE SCREEN HEIGHT)
OUTSIDE FACE OF WALL
INSIDE FACE OF WALL
6MM FIXED TIMBER BLADES NOTCHED INTO 100MM x 100MM PERIMETER FRAME
PAINTED TIMBER WINDOW FRAMES, DULUX 'LIMED WHITE HALF'
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP STREET BALMAIN NSW 2041
ELEVATIONS SHEET 2
PLANNING DRAWINGS
NICHOLAS DAS ARCHITECTS
5.3
Minimum star rating
HOUSE
www.ahd.com.au
Document Set ID: 9470908
Version: 1, Version Date: 14/10/2024



Document Set ID: 9818685
Version: 1, Version Date: 14/10/2025

SOUTHEAST [STREET] ELEVATION
NORTHWEST [BACK YARD] ELEVATION
SOUTHWEST ELEVATION [75 GLASSOP STREET]
NORTHEAST ELEVATION [79 GLASSOP STREET]
NOTES
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP STREET
BALMAIN, NSW 2041
STREETSCAPE & BACKYARD ELEVATIONS
PLANNING DRAWINGS
NICHOLAS DAVIES
SCALE 1:100 @ A1
DATE NOV. 2021
DRAWN JVD
CHECKED NJ
DRAWING No. TP 7D



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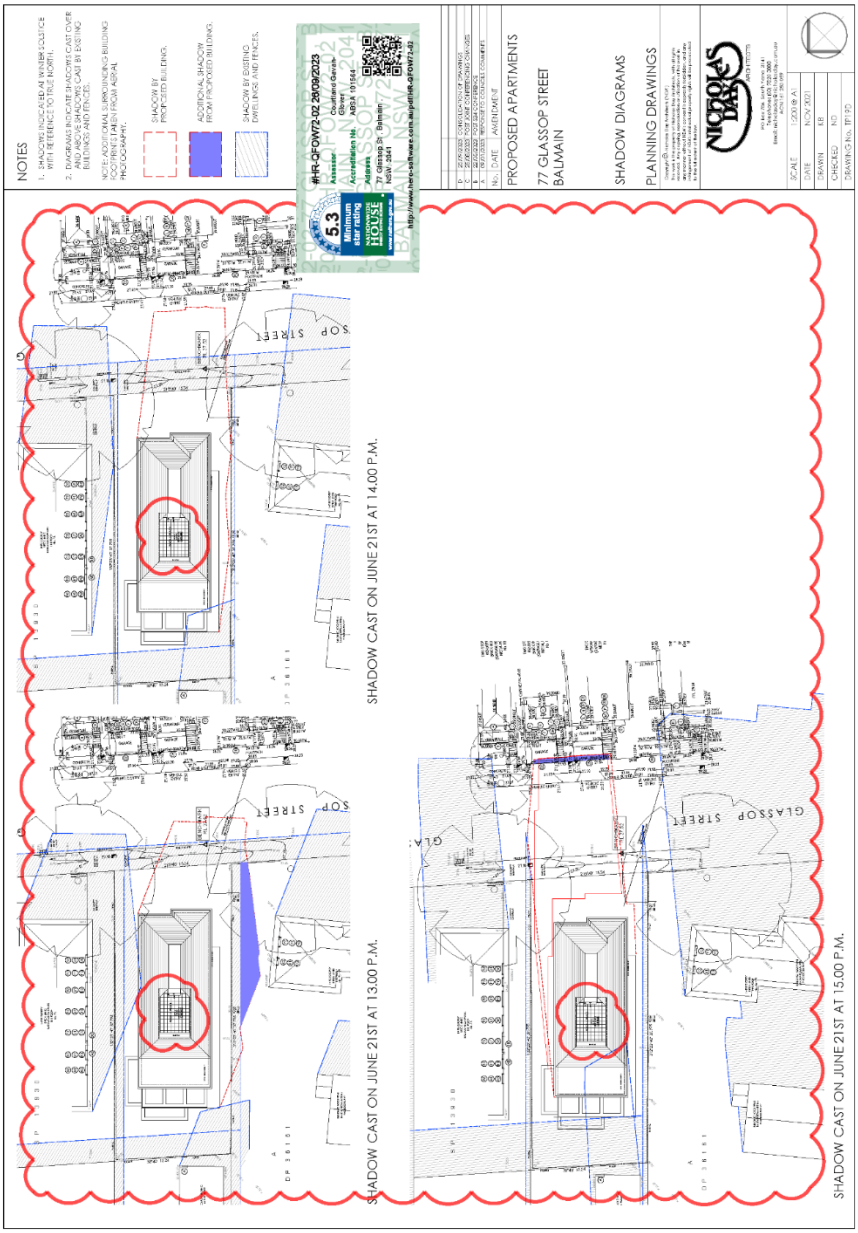
Version: 1, Version Date: 14/10/2023



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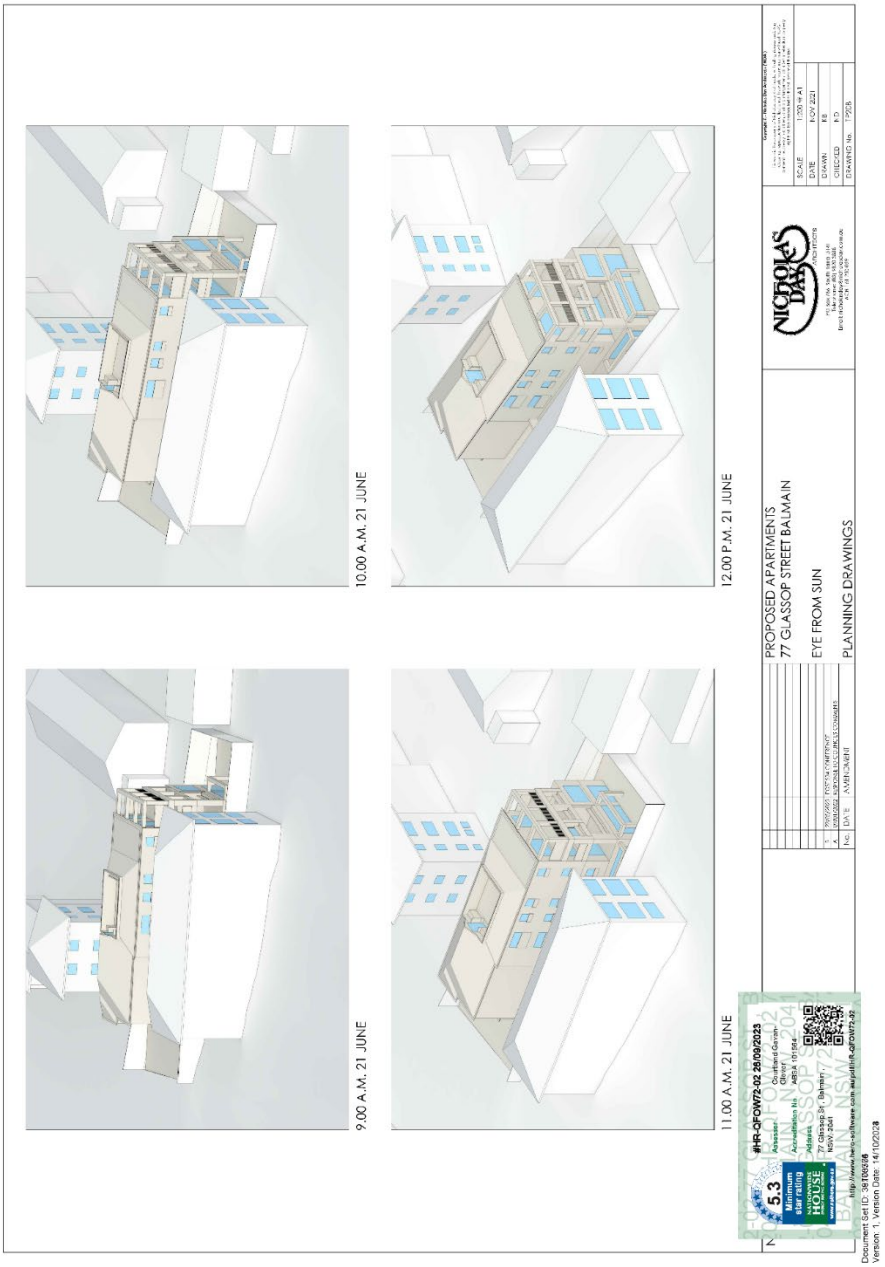
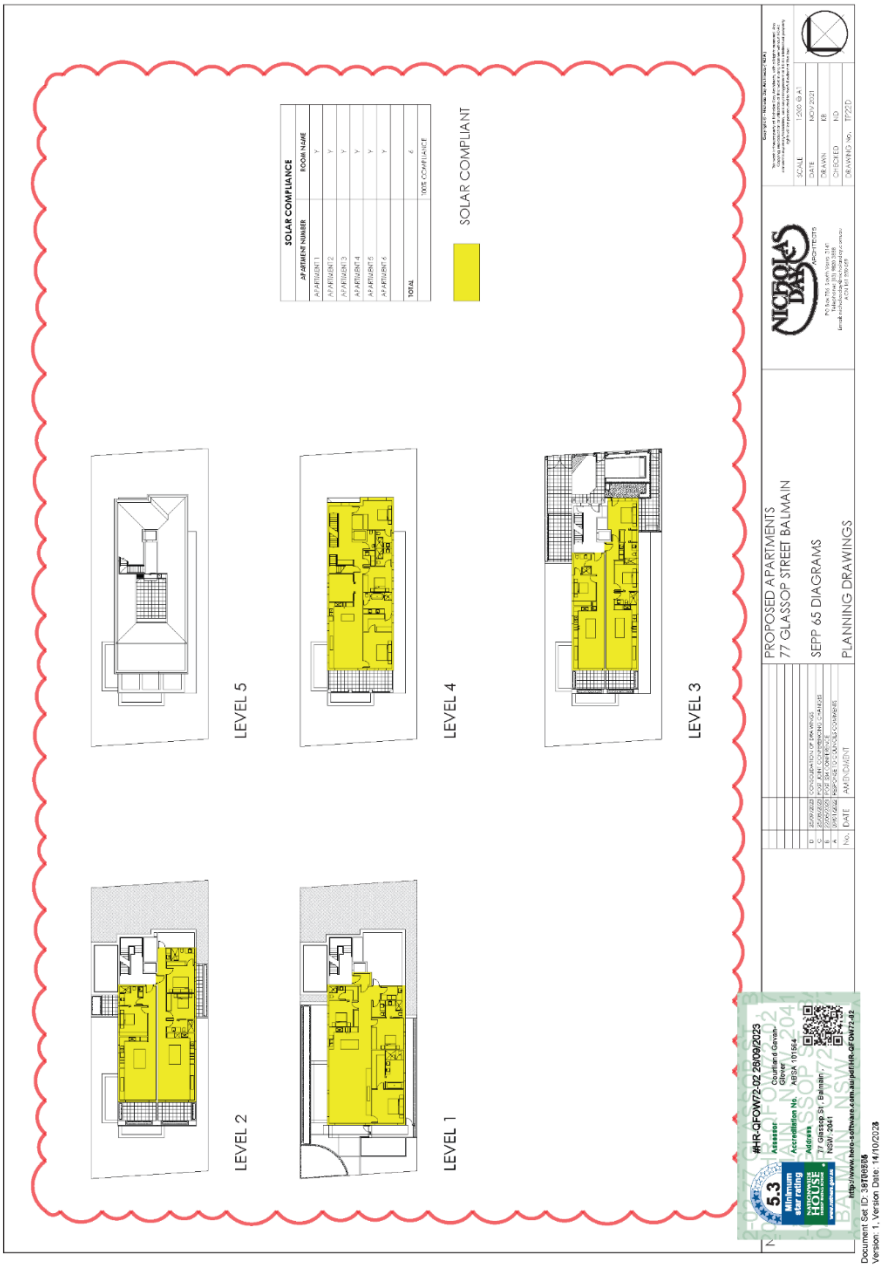
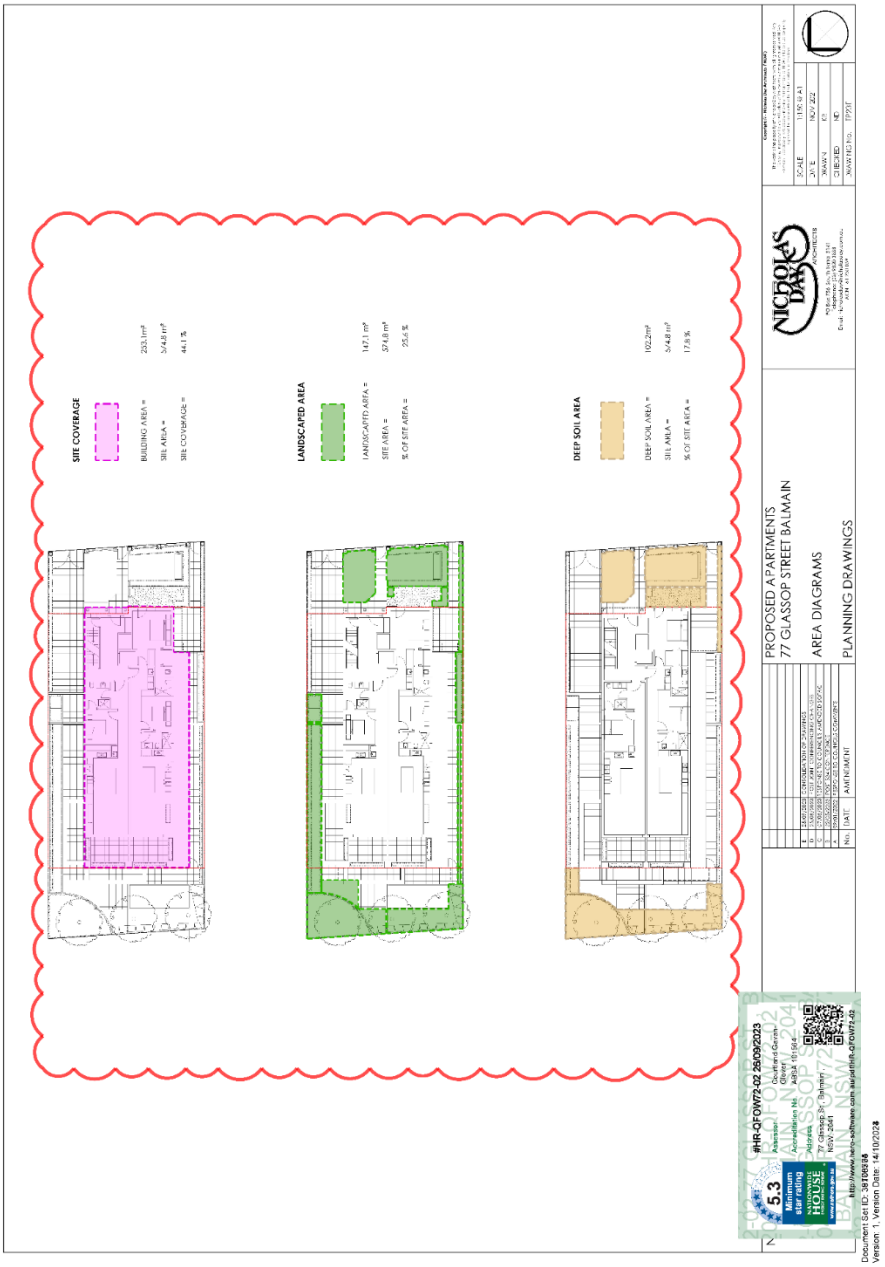
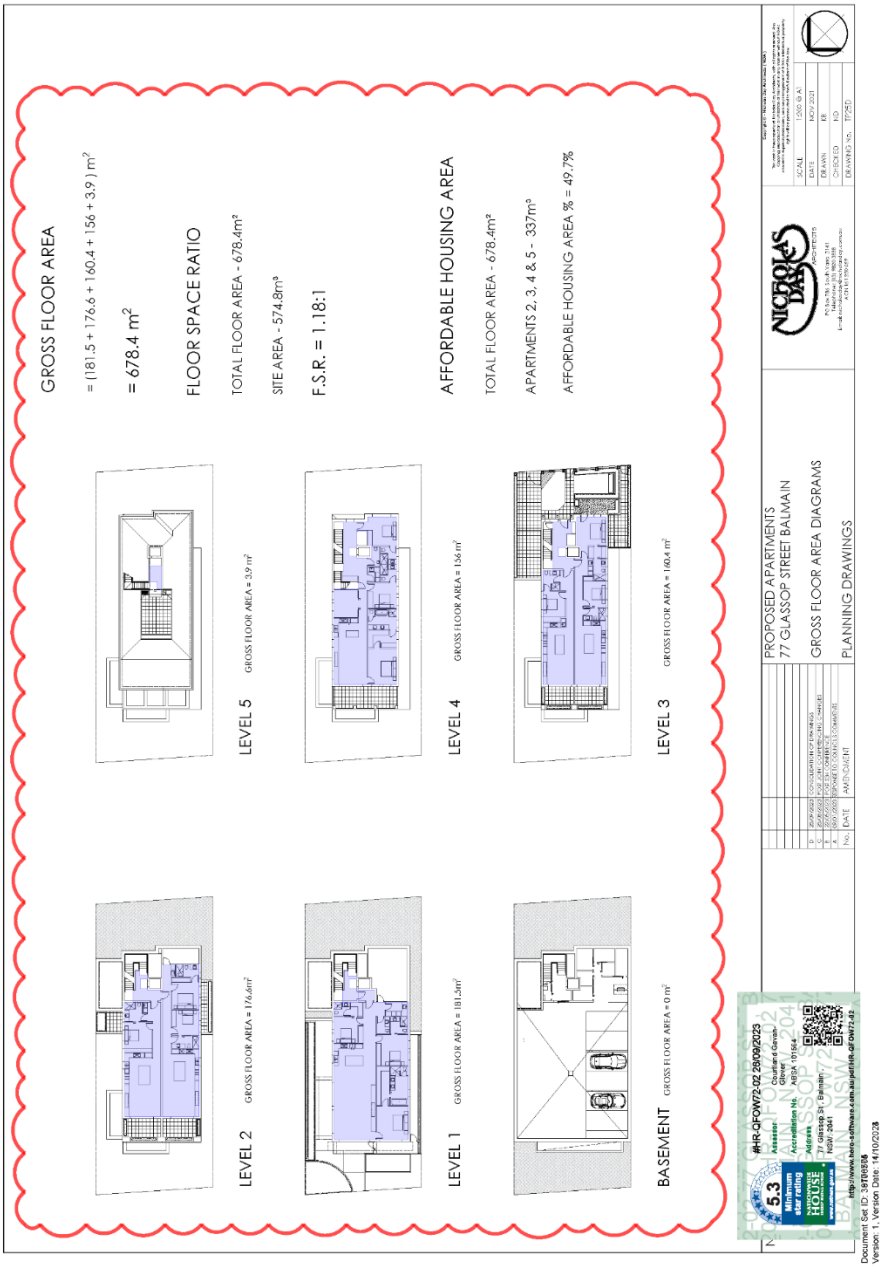
Version: 1, Version Date: 14/10/2023

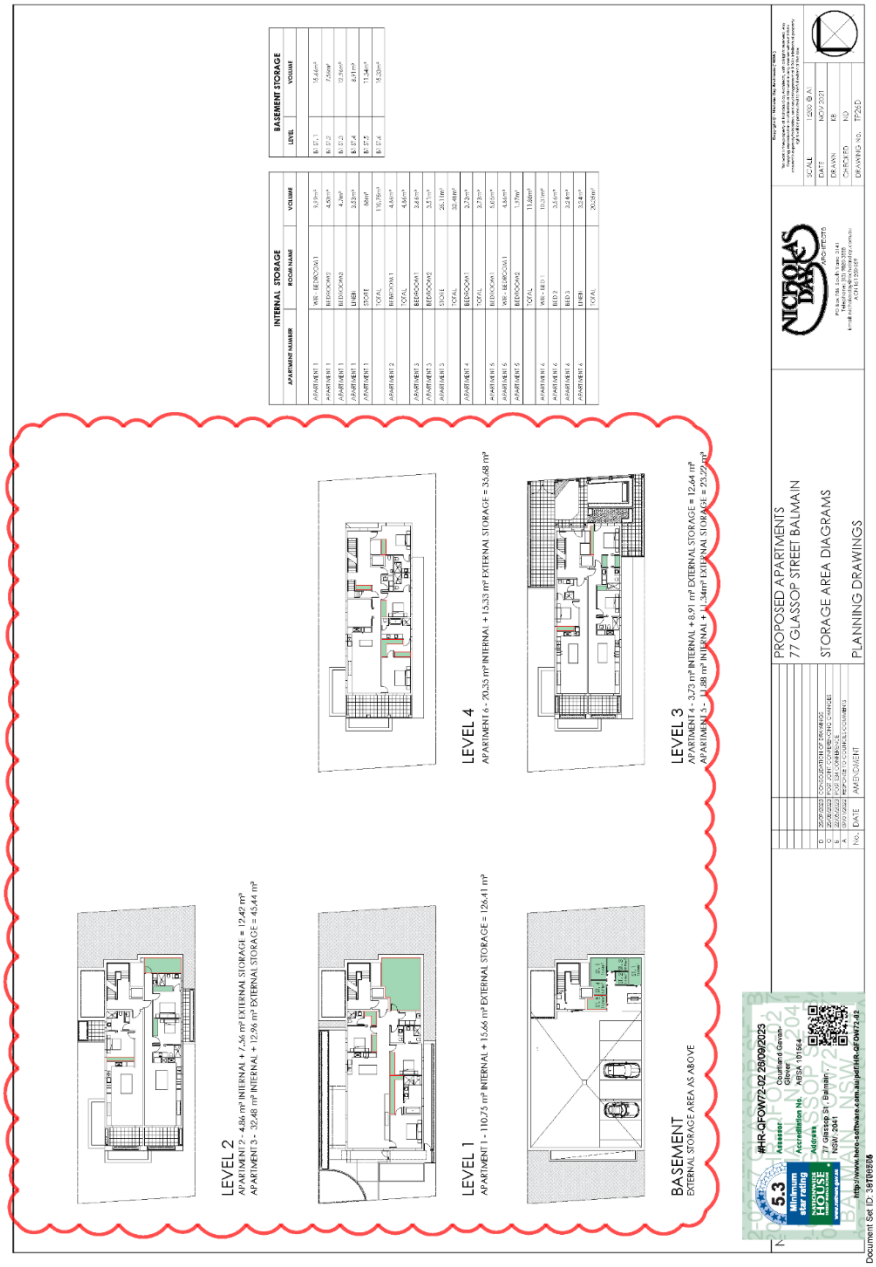

9.00 A.M. 21 JUNE
10.00 A.M. 21 JUNE
11.00 A.M. 21 JUNE
12.00 P.M. 21 JUNE
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
EYE FROM SUN
PLANNING DRAWINGS
NICHOLAS DAS ARCHITECTS
SCALE 1:200 @ A1
DATE 11.07.2021
DRAWN R.D.
CHECKED R.D.
DRAWING No. TP02B
No. DATE AMENDMENT
5.3
Minimum star rating
HOUSE
Document Set ID: 9470938
Version: 1, Version Date: 14/10/2023

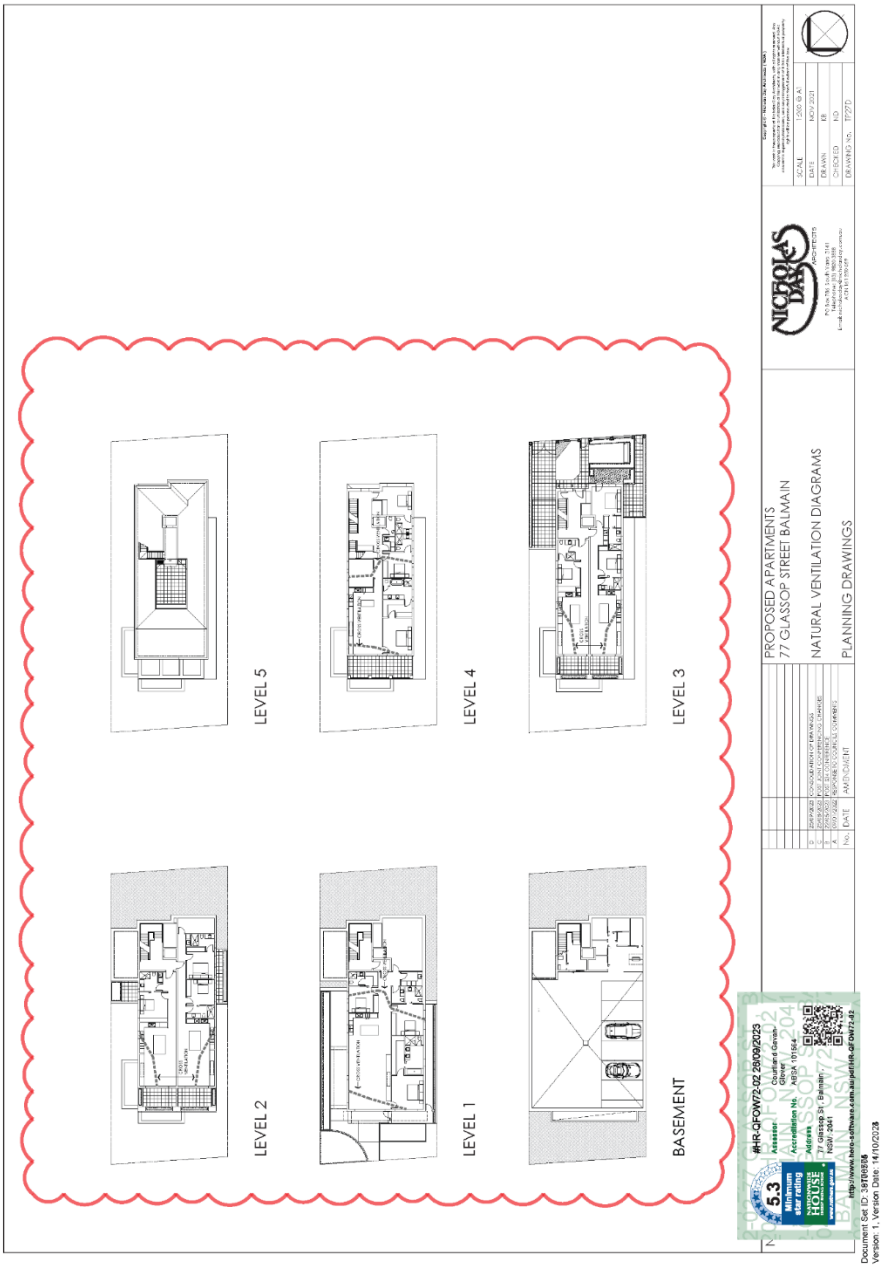
13.00 P.M. 21 JUNE
14.00 P.M. 21 JUNE
15.00 P.M. 21 JUNE
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
EYE FROM SUN
PLANNING DRAWINGS
NICHOLAS DAS ARCHITECTS
SCALE 1:200 @ A1
DATE 8 Apr 2021
DRAWN
CHECKED
DRAWING No. TP01B
5.3
Minimum star rating
HOUSE
#HR-QFOW72-02 28/09/2023
Assessor: Courtland Gerzan
Assessment No. NBER 101584
Address: 77 Glassop St, Balmain, NSW 2041
http://www.hbrs.com.au/portfolio/#QFOW72-02
Document Set ID: 9470693/8
Version: 1, Version Date: 14/10/2023

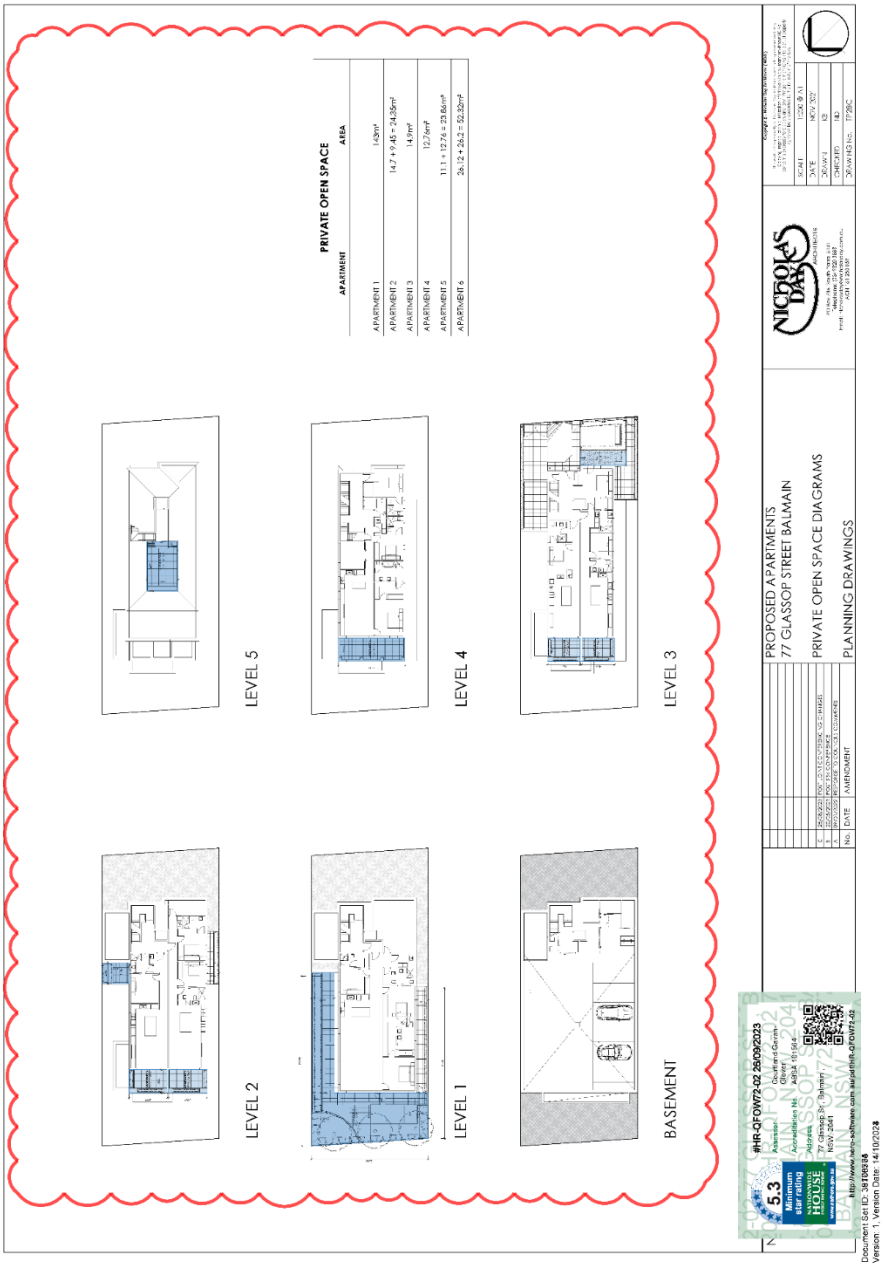

LEVEL 5
LEVEL 4
LEVEL 3
LEVEL 2
LEVEL 1
SOLAR COMPLIANT
SOLAR COMPLIANCE
APARTMENT NUMBER
FLOOR NUMBER
TOTAL
100% COMPLIANT
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
SEPP 65 DIAGRAMS
PLANNING DRAWINGS
NICHOLAS BASSE ARCHITECTS
SCALE
DRAWN
CHECKED
DRAWING No.
5.3
Minimum scoring
HOUSE
Assessor:
Accreditation No.
Address
77 Glassop St, Balmain, NSW 2041
Document Set ID: 9878858
Version: 1, Version Date: 14/10/2025

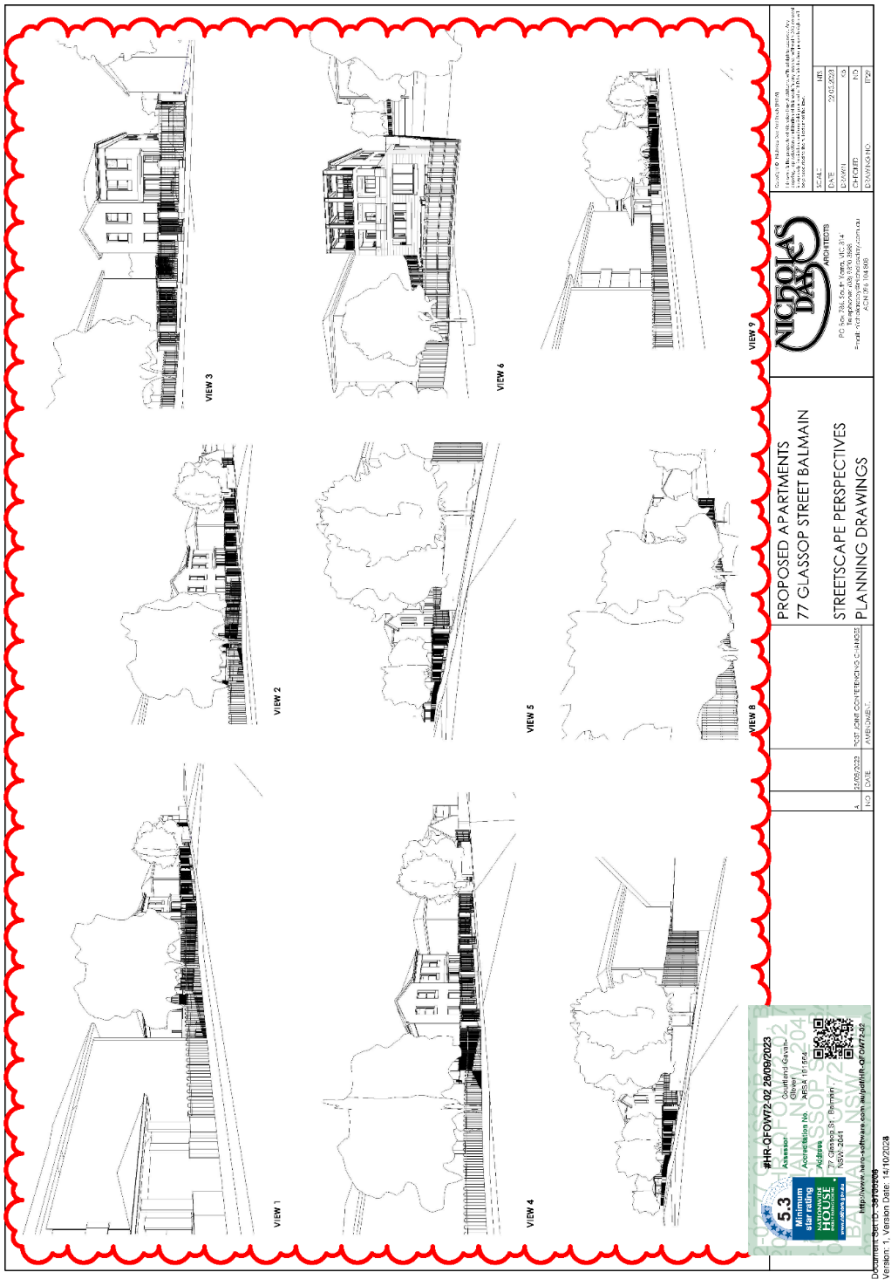

SITE COVERAGE
BUILDING AREA = 233.1m²
SITE AREA = 524.8 m²
SITE COVERAGE = 44.1 %
LANDSCAPED AREA
LANDSCAPED AREA = 147.1 m²
SITE AREA = 524.8 m²
% OF SITE AREA = 28.0 %
DEEP SOIL AREA
DEEP SOIL AREA = 102.2m²
SITE AREA = 524.8 m²
% OF SITE AREA = 17.5 %
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
AREA DIAGRAMS
PLANNING DRAWINGS
NICHOLAS DASS ARCHITECTS
SCALE 1:150 @ A1
DATE 19/07/22
DRAWN KC
CHECKED NC
DRAWING No. TP01
No. DATE AMENDMENT
5.3
Minimum star rating
HOUSE
Document Set ID: 9870958
Version: 1, Version Date: 14/10/2023

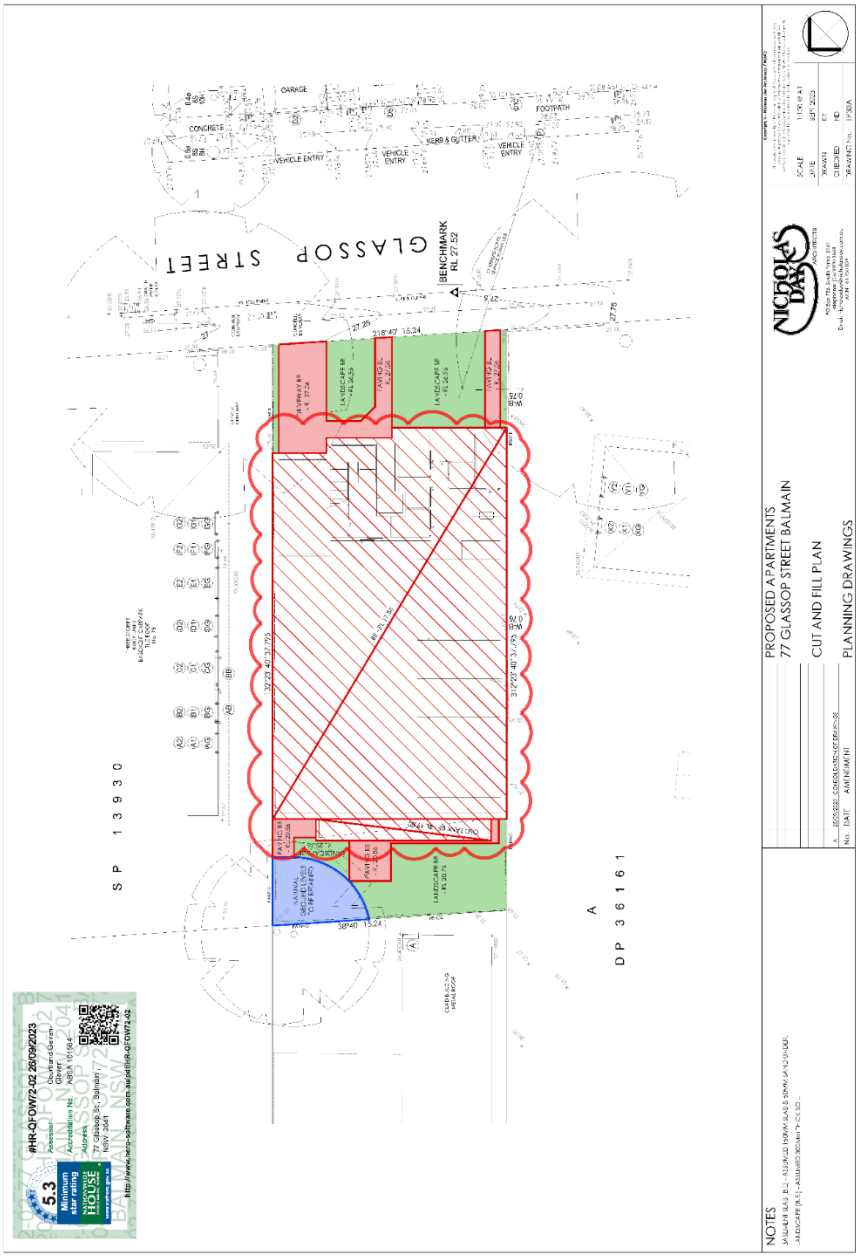

GROSS FLOOR AREA
= (181.5 + 176.6 + 160.4 + 156 + 3.9) m²
= 678.4 m²
FLOOR SPACE RATIO
TOTAL FLOOR AREA - 678.4m²
SITE AREA - 574.8m²
F.S.R. = 1.18:1
AFFORDABLE HOUSING AREA
TOTAL FLOOR AREA - 678.4m²
APARTMENTS 2, 3, 4 & 5 - 337m²
AFFORDABLE HOUSING AREA % = 49.7%
LEVEL 5
GROSS FLOOR AREA = 3.9 m²
LEVEL 4
GROSS FLOOR AREA = 156 m²
LEVEL 3
GROSS FLOOR AREA = 160.4 m²
LEVEL 2
GROSS FLOOR AREA = 176.6m²
LEVEL 1
GROSS FLOOR AREA = 181.5m²
BASEMENT
GROSS FLOOR AREA = 0 m²
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
GROSS FLOOR AREA DIAGRAMS
PLANNING DRAWINGS
NICHOLAS BASKE ARCHITECTS
SCALE 1:200 @ A1
DATE 14/01/2021
DRAWN EB
CHECKED ND
DRAWING No. TP250
No. DATE AMENDMENT
5.3
Minimum Energy Rating
HOUSE
www.yourhome.gov.au
BASIX Certificate No. 1101564
Address 77 Glassop St, Balmain, NSW 2041
Document Set ID: 9818818
Version: 1, Version Date: 14/10/2025


INTERNAL STORAGE
APARTMENT NUMBER
ROOM NAME
VOLUME
APARTMENT 1
MB - BEDROOM 1
9.9m³
APARTMENT 1
BEDROOM 2
4.5m³
APARTMENT 1
BEDROOM 3
5.2m³
APARTMENT 1
LINEN
0.6m³
APARTMENT 1
TOTAL
20.2m³
APARTMENT 2
BEDROOM 1
4.6m³
TOTAL
4.6m³
APARTMENT 3
BEDROOM 1
3.4m³
APARTMENT 3
BEDROOM 2
3.5m³
APARTMENT 3
TOTAL
6.9m³
APARTMENT 4
BEDROOM 1
3.2m³
TOTAL
3.2m³
APARTMENT 5
BEDROOM 1
4.6m³
APARTMENT 5
MB - BEDROOM 1
4.6m³
APARTMENT 5
BEDROOM 2
1.7m³
TOTAL
11.0m³
APARTMENT 6
MB - BED 1
10.7m³
APARTMENT 6
BED 2
3.4m³
APARTMENT 6
BED 3
3.2m³
APARTMENT 6
LINEN
3.2m³
TOTAL
20.5m³
BASEMENT STORAGE
LEVEL
VOLUME
B - P1.1
7.6m³
B - P1.2
7.5m³
B - P1.3
4.1m³
B - P1.4
4.1m³
B - P1.5
13.4m³
B - P1.6
16.2m³
LEVEL 2
APARTMENT 2 - 4.86 m³ INTERNAL + 7.54 m³ EXTERNAL STORAGE = 12.40 m³
APARTMENT 3 - 32.48 m³ INTERNAL + 12.96 m³ EXTERNAL STORAGE = 45.44 m³
LEVEL 1
APARTMENT 1 - 110.73 m³ INTERNAL + 15.66 m³ EXTERNAL STORAGE = 126.41 m³
BASEMENT
EXTERNAL STORAGE AREA AS ABOVE
LEVEL 4
APARTMENT 6 - 70.25 m³ INTERNAL + 15.33 m³ EXTERNAL STORAGE = 85.58 m³
LEVEL 3
APARTMENT 4 - 50.73 m³ INTERNAL + 8.91 m³ EXTERNAL STORAGE = 12.64 m³
APARTMENT 5 - 11.86 m³ INTERNAL + 1.34 m³ EXTERNAL STORAGE = 23.22 m³
5.3
Minimum Energy Rating
HOUSE
www.energyrating.gov.au
HHR-QFOWF2-02 29/09/2025
Assessor: Courtenay Gerrish - Courtenay
Accreditation No. NBER 101564
Address 77 Glassop St, Balmain, NSW 2041
http://www.hhrs.software.nsw.gov.au/qfowf2-02
No. DATE AMENDMENT
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
STORAGE AREA DIAGRAMS
PLANNING DRAWINGS
NICHOLAS DARBY ARCHITECTS
SCALE 1:200 @ A1
DATE NOV 2021
DRAWN KB
CHECKED RD
DRAWING No. TP2.10
Document Set ID: 9818818
Version: 1, Version Date: 14/10/2025


LEVEL 5
LEVEL 4
LEVEL 3
LEVEL 2
LEVEL 1
BASEMENT
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
NATURAL VENTILATION DIAGRAMS
PLANNING DRAWINGS
NICHOLAS BASSE ARCHITECTS
SCALE 1:200 @ A1
DATE 18-09-2021
DRAWN EB
CHECKED NB
DRAWING No. TP270
No. DATE AMENDMENT
HHR-QFOWF2-02 28/09/2025
5.3
Minimum Energy Rating
HOUSE
Assessor: Gianfranco Cerasi-Gianfranco
Accreditation No. NBDA 101564
Address 77 Glassop St, Balmain, NSW 2041
http://www.hhrs.software.com.au/public/qfowf2-02
Document Set ID: 9818818
Version: 1, Version Date: 14/10/2025


PRIVATE OPEN SPACE
APARTMENT
AREA
APARTMENT 1
14.9m²
APARTMENT 2
14.7 + 9.45 = 24.15m²
APARTMENT 3
14.9m²
APARTMENT 4
12.7m²
APARTMENT 5
11.1 + 12.76 = 23.86m²
APARTMENT 6
26.12 + 26.2 = 52.32m²
LEVEL 5
LEVEL 4
LEVEL 3
LEVEL 2
LEVEL 1
BASEMENT
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
PRIVATE OPEN SPACE DIAGRAMS
PLANNING DRAWINGS
NICHOLAS DAS ARCHITECTS
No. DATE AMENDMENT
5.3
Minimum star rating
HOUSE
#HR-QFOW72-02 25/09/2023
Document Set ID: 38709598
Version: 1, Version Date: 14/10/2023


VIEW 1
VIEW 2
VIEW 3
VIEW 4
VIEW 5
VIEW 6
VIEW 7
VIEW 8
VIEW 9
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
STREETSCAPE PERSPECTIVES
PLANNING DRAWINGS
NICHOLAS DASE
ARCHITECTS
#HR-QFOW72-02 26/05/2023
5.3
Minimum
5 star rating
HOUSE


GLASSOP STREET
BENCHMARK
RL 27.52
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
S P 1 3 9 3 0
D P 3 6 1 6 1
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
CUT AND FILL PLAN
PLANNING DRAWINGS
NOTES
NICHOLAS DAS ARCHITECTS
5.3
Minimum star rating
HOUSE
#HR-QFDW72-02 28/09/2023

Attachment D – Original Land and Environment Court judgment and conditions

Land and Environment Court

New South Wales

Case Name:	The Trustee for SSTG Property Group v Inner West Council
Medium Neutral Citation:	[2023] NSWLEC 1590
Hearing Date(s):	Conciliation conference on 26 September 2023
Date of Orders:	10 October 2023
Decision Date:	10 October 2023
Jurisdiction:	Class 1
Before:	O'Neill C
Decision:	The orders of the Court are: (1) The appeal is upheld. (2) The Applicant is to pay the Respondent's costs that are thrown away as a result of the amendment of the development application, as agreed or assessed, pursuant to s 8.15(3) of the Environmental Planning and Assessment Act 1979. (3) Development Application No. 2022/0684, as amended, for the demolition of existing structures and the construction of a residential flat building including basement parking and landscape works, at 77 Glassop Street, Balmain, is determined by the grant of consent, subject to the conditions of consent at Annexure A.
Catchwords:	DEVELOPMENT APPLICATION – construction of a residential flat building – conciliation conference – agreement between the parties – orders
Legislation Cited:	Environmental Planning and Assessment Act 1979 ss 4.16, 8.15, 8.7 Environmental Planning and Assessment Regulation 2021, s 38 Inner West Local Environmental Plan 2022, cll 4.6, 6.14 Land and Environment Court Act 1979, s 34, 39

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	State Environmental Planning Policy (Housing) 2021, Pt 2, Div 1, ss 16, 17, 18 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, cll 4, 28 State Environmental Planning Policy (Resilience and Hazards) 2021, s 4.6
Cases Cited:	Cumming v Cumberland Council (No 2) [2021] NSWLEC 117 Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 Initial Action Pty Ltd v Woollahra Municipal Council (2018) 236 LGERA 256; [2018] NSWLEC 118 RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130 Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827
Texts Cited:	Eton Consulting, Our Inner West Housing Strategy 2020 (March 2020)
Category:	Principal judgment
Parties:	The Trustee for SSTG Property Group (Applicant) Inner West Council (Respondent)
Representation:	Counsel: M Staunton (Applicant) S Philips (Respondent) Solicitors: Mills Oakley (Applicant) Inner West Council (Respondent)
File Number(s):	2022/307191
Publication Restriction:	Nil

JUDGMENT

1 **COMMISSIONER**: This is an appeal pursuant to the provisions of s 8.7(1) of the *Environmental Planning and Assessment Act 1979* (EPA Act) against the refusal of Development Application No. 2022/0684 for the demolition of existing structures and the construction of a residential flat building including basement

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parking and landscape works (the proposal), at 77 Glassop Street, Balmain (the site), by Inner West Council (the Council).

2 The Court arranged a conciliation conference under s 34 of the *Land and Environment Court Act* 1979 (LEC Act) between the parties, which was held on 26 September 2023. I presided over the conciliation conference. At the conciliation conference, the parties reached agreement as to the terms of a decision in the proceedings that would be acceptable to the parties.

3 Under s 34(3) of the LEC Act, I must dispose of the proceedings in accordance with the parties' decision if the parties' decision is a decision that the Court could have made in the proper exercise of its functions. The parties' decision involves the Court exercising the function under s 4.16 of the EPA Act to grant consent to the development application.

4 There are preconditions to the exercise of power to grant development consent for the proposal.

Expert evidence

5 The Applicant relied on the expert evidence of Jeff Mead (planning), Philip North (heritage), Sam Haddad (stormwater engineering) and Tom Steal (parking).

6 The Council relied on the expert evidence of Jeremy Swan (planning), Lisa Trueman (heritage), Joe Bertacco (stormwater engineering and parking).

Public submissions

7 One resident objector gave evidence at the commencement of the hearing onsite and the Court, in the company of the parties and their experts, viewed the site from two properties on the opposite side of the street. The objector's concern is that the proposal will obstruct views of the harbour from both properties as those views are across the top of the existing hipped roof on the site.

8 The planning experts agreed that the proposal complies with the floor space ratio (FSR) development standard of 1.18:1, and as such, the building envelope of the proposal is reasonable in all of the circumstances.

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The application is amended

9 Inner West Council, as the relevant consent authority, has agreed under s 38(1) of the Environmental Planning and Assessment Regulation 2021 to the Applicant amending the development application in accordance with the plans and documents listed under condition 1 of the conditions of consent at Annexure A.

10 The Applicant is not required to lodge the amended development application on the NSW Planning Portal pursuant to s 38(4) of the Environmental Planning and Assessment Regulation 2021. The Applicant filed the amended development application with the Court on 26 September 2023.

Jurisdictional pre-conditions to the grant of consent

11 I am satisfied that the site is suitable for the proposal, pursuant to s 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, as the site has a history of residential use.

12 Division 1 In-fill affordable housing, of Pt 2 Development for affordable housing of State Environmental Planning Policy (Housing) 2021, applies to the proposal at s 16(1). The proposal is afforded a bonus FSR of 0.5:1 under s 17. The proposal complies with the non-discretionary development standards under s 18.

13 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) applies to the proposal at cl 4. I am satisfied, pursuant to cl 28(2) of SEPP 65, that the proposal is consistent with the design quality principles under SEPP 65, on the basis of the architect's statement submitted with the amended application and dated 25 September 2023.

14 The site is zoned R1 General Residential under the Inner West Local Environmental Plan 2022 (LEP 2022) and the proposal is permissible with consent. The objectives of the zone, to which regard must be had, are:

- 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.

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• To provide residential development that maintains the character of built and natural features in the surrounding area.

15 Clause 6.14 of LEP 2022 is in the following terms:

> **6.14 Diverse housing**
>
> (1) The objective of this clause is to ensure the provision of a mix of dwelling types in residential flat buildings and mixed use development that includes shop top housing.
>
> (2) This clause applies to the following development involving at least 4 dwellings on land identified as "Area 1" on the Key Sites Map—
>
> (a) development for the purposes of residential flat buildings,
>
> (b) mixed use development that includes shop top housing.
>
> (3) Development consent must not be granted to development to which this clause applies unless—
>
> (a) at least 25% of the dwellings will be—
>
> (i) studio dwellings, or
>
> (ii) dwellings containing only 1 bedroom, and
>
> (b) no more than 30% of the dwellings will be dwellings containing at least 3 bedrooms.

Contravention of the diverse housing development standard

16 The proposal does not comply with cl 6.14(3)(b) of LEP 2022 as the proposal has 33.3% of dwellings with at least 3 bedrooms, being two apartments of the total of six apartments.

17 The Applicant provided a written request seeking to justify the contravention of the diverse housing development standard, prepared by Planning Ingenuity and dated 26 September 2023.

18 Clause 4.6(4) of LEP 2022 establishes preconditions that must be satisfied before a consent authority or the Court exercising the functions of a consent authority can exercise the power to grant development consent (*Initial Action Pty Ltd v Woollahra Municipal Council* (2018) 236 LGERA 256; [2018] NSWLEC 118 at [13] ("*Initial Action*")). The consent authority must form two positive opinions of satisfaction under cl 4.6(4)(a). As these preconditions are expressed in terms of the opinion or satisfaction of a decision-maker, they are a "jurisdictional fact of a special kind", because the formation of the opinion of satisfaction enlivens the power of the consent authority to grant development consent (*Initial Action* [14]). The consent authority, or the Court on appeal,

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must be satisfied that the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6(3) and that the proposal development will be in the public interest because it is consistent with the objectives of the contravened development standard and the zone, at cl 4.6(4), as follows:

> (4) Development consent must not be granted for development that contravenes a development standard unless:
>
> (a) the consent authority is satisfied that:
>
> > (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
> >
> > (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
>
> (b) the concurrence of the Secretary has been obtained.

19 On appeal, the Court has the power under cl 4.6(2) to grant consent to development that contravenes a development standard without obtaining or assuming the concurrence of the Secretary of the Department of Planning and Environment, pursuant to s 39(6) LEC Act, but should still consider the matters in cl 4.6(5) of LEP 2022 (*Initial Action* at [29]).

The applicant's written request to contravene the diverse housing development standard

20 The first opinion of satisfaction required by cl 4.6(4)(a)(i) is that the applicant's written request seeking to justify the contravention of a development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3) (see *Initial Action* at [15]), as follows:

> (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
>
> (b) that there are sufficient environmental planning grounds to justify contravening the development standard

21 The applicant bears the onus to demonstrate that the matters in cl 4.6(3) have been adequately addressed by the written request in order to enable the Court, exercising the functions of the consent authority, to form the requisite opinion of satisfaction (*Initial Action* at [25]). The consent authority has to be satisfied that the applicant's written request has in fact demonstrated those matters required to be demonstrated by cl 4.6(3) and not simply that the applicant has

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addressed those matters (*RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [4]).

22 The common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised by Preston CJ in *Wehbe v Pittwater Council* (2007) 156 LGERA 446; [2007] NSWLEC 827 at [42]-[51] ("*Wehbe*") and repeated in *Initial Action* [17]-[21]:

- the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
- the underlying objective or purpose of the development standard is not relevant to the development, so that compliance is unnecessary;
- the underlying objective or purpose would be defeated or thwarted if compliance was required, so that compliance is unreasonable;
- the development standard has been abandoned by the council;
- the zoning of the site was unreasonable or inappropriate so that the development standard was also unreasonable or unnecessary (note this is a limited way of establishing that compliance is not necessary as it is not a way to effect general planning changes as an alternative to strategic planning powers).

23 The five ways to demonstrate compliance is unreasonable or unnecessary are not exhaustive, and it may be sufficient to establish only one way (*Initial Action* [22]).

24 The applicant's written request justifies the contravention of the diverse housing development standard on the basis that compliance is unreasonable or unnecessary because the proposal includes two high quality, generously sized three/four bedroom dwellings which will deliver housing that will meet the needs of the community, as sought in the "Our Inner West Housing Strategy 2020" (the Housing Strategy). The Housing Strategy identifies that housing for growing families, including more affordable housing, is in demand within the Balmain locality and therefore the higher percentage of larger apartments within this proposal will contribute to meeting the continuing demand for this household type.

25 The grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature, and environmental planning grounds is a phrase of wide generality (*Four2Five Pty Ltd v Ashfield*

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Council [2015] NSWLEC 90 at [26]) as they refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects of the Act (*Initial Action* at [23]). The environmental planning grounds relied upon must be sufficient to justify contravening the development standard and the focus is on the aspect of the development that contravenes the development standard, not the development as a whole (*Initial Action* at [24] and *Cumming v Cumberland Council* (No 2) [2021] NSWLEC 117 at [78]). Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (*Initial Action* at [24]).

26 I am satisfied, pursuant to cl 4.6(4)(a)(i), that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3). The applicant's written request defends the exceedance of the housing diversity development standard of no more than 30% of the dwellings will contain at least 3 bedrooms as a justified by the de minimis numerical exceedance and the Housing Strategy. I am satisfied that justifying the aspect of the development that contravenes the development standard as a considered response to achieving the objectives of the clause, while taking into account the documented need for affordable accommodation for families in the Balmain locality, can be properly described as an environmental planning ground within the meaning identified by his Honour in *Initial Action* at [23].

Whether the proposal is in the public interest because it is consistent with the objectives of the contravened development standard and the zone

27 The second opinion of satisfaction in cl 4.6(4)(a)(ii) is that the proposed development will be in the public interest because it is consistent with the objectives of the development standard that is contravened and the zone objectives. The consent authority must be satisfied that the development is in the public interest because it is consistent with these objectives, not simply that the development is in the public interest (*Initial Action* at [27]). The consent authority must be directly satisfied about the matters in cl 4.6(4)(a)(ii) (*Initial Action* at [26]).

28 I am satisfied that the small numerical percentage exceedance of the 30% maximum for three-bedroom dwellings does not thwart the objectives of the

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clause to ensure the provision of a mix of dwelling types in a residential flat building, because the proposal offers a broad mix of dwelling sizes across the six apartments and the zone objectives are met by the proposal.

Conclusion

29 I have considered the submissions made by the Council's outline of relevant jurisdictional provisions filed with the Court on 26 September 2023 and I am satisfied on the basis of the evidence before me that the agreement of the parties is a decision that the Court could have made in the proper exercise of its functions.

Orders

30 The orders of the Court are:

(1) The appeal is upheld.

(2) The Applicant is to pay the Respondent's costs that are thrown away as a result of the amendment of the development application, as agreed or assessed, pursuant to s 8.15(3) of the *Environmental Planning and Assessment Act* 1979.

(3) Development Application No. 2022/0684, as amended, for the demolition of existing structures and the construction of a residential flat building including basement parking and landscape works, at 77 Glassop Street, Balmain, is determined by the grant of consent, subject to the conditions of consent at Annexure A.

Susan O'Neill

Commissioner of the Court

Annexure A (316309, pdf)

****

DISCLAIMER - Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that may apply to this judgment or decision. The onus remains on any person using material in the judgment or decision to ensure that the intended use of that material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court or Tribunal in which it was generated.

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Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA/2022/0684

Development: Demolition of the existing structures and construction of a part two and part four storey residential flat building with basement parking, landscaping and associated works. Four units nominated as affordable housing to be registered with a community housing provider.

Site: 77 Glassop Street, Balmain (Lot 1 DP 565)

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination:

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

TERMINOLOGY

In this consent:

(a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
(b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
(c) Any reference to the "site", means the land known as 77 Glassop Street, Balmain (Lot 1 DP 565).

The conditions of consent are as follows:

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CONDITIONS OF CONSENT

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):

A. Easement - Over Downstream Landholders

The site drainage must be designed to drain under gravity. As the site falls to the rear an easement for drainage over the downstream properties 75 Glassop Street, Balmain will be required to be created. Written documentation of the creation of or legal agreement to create an easement for drainage must be submitted to Council.

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

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
TP01	Neighbourhood & Site Context Plan	November 2021	Nicholas Day Architects
TP02	Immediate Site Context Plan	November 2021	Nicholas Day Architects
TP03	Existing Streetscape Photomontage	November 2021	Nicholas Day Architects
TP04	Demolition Plan	November 2021	Nicholas Day Architects
TP05D	Design Response Plan	25 September 2023	Nicholas Day Architects
TP06E	Site Plan	25 September 2023	Nicholas Day Architects
TP07B	Basement Plan	25 September 2023	Nicholas Day Architects
TP08D	Level 1 Plan	25 September 2023	Nicholas Day Architects

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Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
TP09D	Level 2 Plan	25 September 2023	Nicholas Day Architects
TP10E	Level 3 Plan	25 September 2023	Nicholas Day Architects
TP11D	Level 4 Plan	25 September 2023	Nicholas Day Architects
TP12D	Level 5 Plan	25 September 2023	Nicholas Day Architects
TP13C	Roof Plan	25 September 2023	Nicholas Day Architects
TP14D	Elevations Sheet 1	25 September 2023	Nicholas Day Architects
TP15D	Elevations Sheet 2	25 September 2023	Nicholas Day Architects
TP16E	Section A, B & C	25 September 2023	Nicholas Day Architects
TP17D	Streetscape & Backyard Elevations	25 September 2023	Nicholas Day Architects
TP18D	Shadow Diagrams	25 September 2023	Nicholas Day Architects
TP19D	Shadow Diagrams	25 September 2023	Nicholas Day Architects
TP20B	Eye from Sun	22 May 2023	Nicholas Day Architects
TP21B	Eye from Sun	22 May 2023	Nicholas Day Architects
TP22D	SEPP 65 Diagrams	25 September 2023	Nicholas Day Architects
TP23E	Area Diagrams	25 September 2023	Nicholas Day Architects
TP25D	Gross Floor Area Diagrams	25 September 2023	Nicholas Day Architects
TP26D	Storage Area Diagrams	25 September 2023	Nicholas Day Architects
TP27D	Natural Ventilation Diagrams	25 September 2023	Nicholas Day Architects
TP28C	Private Open Space Diagrams	25 September 2023	Nicholas Day Architects
TP29A	Streetscape Perspectives	25 August 2023	Nicholas Day Architects

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Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
TP30A	Cut and Fill Plan	25 September 2023	Nicholas Day Architects
SW200F	Stormwater Concept Design – Basement Plan	1 June 2023	SGC Consulting Engineers
SW201F	Stormwater Concept Design – Level 01 Plan	1 June 2023	SGC Consulting Engineers
SW202F	Stormwater Concept Design – Level 02 Plan	1 June 2023	SGC Consulting Engineers
SW203F	Stormwater Concept Design – Level 03 Plan	1 June 2023	SGC Consulting Engineers
SW204F	Stormwater Concept Design – Roof Plan	1 June 2023	SGC Consulting Engineers
SW300F	Stormwater Concept Design – Details Sheet (1 of 2)	1 June 2023	SGC Consulting Engineers
SW301F	Stormwater Concept Design – Details Sheet (2 of 2)	1 June 2023	SGC Consulting Engineers
SW400F	Stormwater Concept Design – Erosion and Sediment Control Plan and Details	1 June 2023	SGC Consulting Engineers
100J:	Site Plan	15 September 2023	Site Image Landscape Architects
101I	Level 01	15 September 2023	Site Image Landscape Architects
102G	Level 02	15 September 2023	Site Image Landscape Architects
103I	Level 03	15 September 2023	Site Image Landscape Architects
104G	Rooftop Terrace	15 September 2023	Site Image Landscape Architects
501B	Details	15 September 2023	Site Image Landscape Architects
Report No.E2335-1	Acid Sulphate Soils Management Plan	15 February 2023	GCA
20230180.1	Noise Impact Assessment	09 March 2023	Acoustic Logic
Certificate No. 1310615M_08:	BASIX Certificate	26 September 2023	EcoResults

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As amended by the conditions of consent.

FEES

2. 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 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing $250,000 or more.

3. Section 7.11 Contribution

In accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution Category	**Amount**
Open Space & Recreation	$71,500.00
Community Facilities	$13,252.00
Transport	$9,400.00
Plan Administration	$918.00
Drainage	$4,930.00
TOTAL	**$100,000.00**

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

Cpayment = Consent x (CPIpayment ÷ CPIconsent)

Where:

Cpayment = is the contribution at time of payment

Cconsent = is the contribution at the time of consent, as shown above

CPIconsent = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].

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CPIpayment = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres at council@innerwest.nsw.gov.au or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

4. 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:	$32,855.00
Inspection Fee:	$374.50

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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.

GENERAL CONDITIONS

4A Amended plans

Prior to the issue of a construction certifcate, amended plans are required to show no trees on the roof terrace.

5. 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*.

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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.

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

a. Green for trees to be retained;
b. Red for trees to be removed;
c. Blue for trees to be pruned; and
d. Yellow for trees to be transplanted.

6. 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.

7. Works to Trees

Approval is given for the following works to be undertaken to trees on the site (as referenced in the Arboricultural Impact Assessment report dated 9 August 2022 and prepared by Peter Richards of TALC) after the issuing of a Construction Certificate:

Tree/location	Approved works
3. *Cupressus sempervirens* (Italian Cypress)	Removal
5. Lagerstroemia indica (Crepe Myrtle)	Removal
6. Camellia japonica (Camellia)	Removal
7. Ficus elastica (Rubber Tree)	Removal
8. Jacaranda mimosifolia (Jacaranda)	Removal
9. *Cupressus sempervirens* (Italian Cypress)	Removal

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

8. 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.

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9. 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.

10. Works Outside the Property Boundary

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

11. Rock Anchors

This consent does not grant consent for any rock anchors on the road reserve or Council land.

12. Geotechnical investigation

Following demolition of existing onsite infrastructures, additional machine drilled boreholes and installation of further standpipe piezometer/s should be undertaken within the site, including periodic groundwater monitoring and permeability assessment of the underlying soils and bedrock. The additional machine drilled boreholes would also be necessary to confirm ground conditions within the site and provide any additional recommendations from a geotechnical engineering perspective.

13. Use of 4 dwellings as affordable housing for 15 years

Four dwellings within the development (apartments 2, 3, 4 and 5) must be used for 15 years from the date of the issue of the Occupation Certificate for affordable housing as defined by the *Environmental Planning and Assessment Act 1979* and managed by a registered community housing provider.

PRIOR TO ANY DEMOLITION

14. Resource Recovery and Waste Management Plan - Demolition and Construction

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

15. Advising Neighbours 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

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allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

16. 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.

17. 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.

18. Construction Traffic Management Plan – Detailed

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

a. Description of the demolition, excavation and construction works;
b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;

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e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
g. Proposed hours of construction related activities and vehicular movements to and from the site;
h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
i. Any activities proposed to be located or impact upon Council's road, footways or any public place;
j. Measures to maintain public safety and convenience;
k. Any proposed road and/or footpath closures;
l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;
r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

PRIOR TO CONSTRUCTION CERTIFICATE

19. Bin Storage Area - Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully

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accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Leichhardt DCP 2013 and must include doorways/entrance points of 1200mm.

20. Waste Transfer Route

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12.

21. Each Dwelling is to have Access to a Disposal Point for All Waste Streams

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded).

22. 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.

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23. Sydney Water – stormwater plans

Prior to the issue of a construction certificate, the Applicant is to submit stormwater plans confirming that the location of the proposed stormwater pipe complies with the requirements set out in the letter prepared by Land Partners dated 31 August 2023 to ensure the requirements of Sydney Water are met.

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

25. Stormwater Drainage System – Minor Developments (OSD is required)

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 design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos. SW200, SW201, SW202, SW203, SW204, SW300, SW301,SW400 and SW500 (Rev F) prepared by SGC and dated 1/6/23, as 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, , by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks as necessary; Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may drained to an on-site dispersal system such as an absorption system or otherwise, , no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer;
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 other than to drain downpipes to the rainwater tank(s);
e. The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development

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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);

f. 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.;
g. 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;
h. Details of the 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided;
i. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas except where a reduced step is permitted under the Building Code of Australia for Class 1 buildings;
j. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
k. No nuisance or concentration of flows to other properties;
l. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
m. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
n. No impact to street tree(s).
o. Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s);

26. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

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a. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
b. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
c. All components of the basement, including footings, must be located entirely within the property boundary;
d. No adverse impact on surrounding properties including Council's footpath and road;
e. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
f. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
g. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

27. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising 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) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

a. The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
b. New half width footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer;
c. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5% towards the kerb. These sections will set the alignment levels at the boundary.
d. The existing Council drainage system in Phoebe must be extended by an appropriately sized pipeline (minimum 375mm diameter) adjacent to the rear of 75 Glassop Streett as per the approved concept stormwater plans. The connection to Phoebe Street must be made via a new Kerb inlet pit; and
e. Pipes must be Class 4 Steel Reinforced Concrete Pipe or approved equivalent and Pits must be cast in-situ. Plans, long sections and details must be provided including location of utility services;

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All works must be completed prior to the issue of an Occupation Certificate.

28. Parking Facilities –(including basement)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified 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) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities and AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities and the following specific requirements:

a. 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;
b. The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
    i. Car spaces adjacent to walls or fences are increased in width by an additional 300mm;
    ii. End spaces are provided with an additional 1m aisle extension; and
    iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004.
c. At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
d. The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles;

29. Driveway Long Section - Dwelling

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template for a B85 vehicle (Figure C1) from AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section approved by Council shall define the Alignment Levels at the property boundary. The long section shall show both existing surface levels and proposed surface levels with changes.

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30. Dilapidation Report – Pre-Development – Minor

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

DURING DEMOLITION AND CONSTRUCTION

31. Documentation of Demolition and Construction Waste

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

32. 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
Trees 1, 2, 4, 10 and 11 as referenced in the Arboricultural Impact Assessment report dated 9 August 2022 and prepared by Peter Richards of TALC	In accordance with the Arboricultural Impact Assessment report dated 9 August 2022 and prepared by Peter Richards of TALC and section 4 of AS4970—*Protection of trees on development sites.*	

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

33. Canopy and Root Pruning

Canopy and/or root pruning of the following tree/s 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	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plane Tree)	Approved TPP
4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP

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10	*Ficus benjamina* (Weeping Fig)	Approved TPP
11	*Ficus benjamina* (Weeping Fig)	Approved TPP

The person acting on this consent has approval under Council's Tree Management Controls to; prune the trees 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 40 mm.

34. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s must be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plan Tree)	Approved TPP
4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP
10	*Ficus benjamina* (Weeping Fig)	Approved TPP
11	*Ficus benjamina* (Weeping Fig)	Approved TPP

All excavation within the specified radius of the trunk(s) of the above tree(s) being hand dug 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 30mm 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.

35. Tree Protection Zone

To protect the following tree/s, no work must commence until its/their Protection Zone is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area in accordance with the Tree Protection Plan included in the Arboricultural Impact Assessment report dated 9 August 2022 and prepared by Peter Richards of TALC. The fence/s (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.

Tree No.	Botanical/Common Name	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plane Tree)	Approved TPP

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4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP
10	*Ficus benjamina* (Weeping Fig)	Approved TPP
11	*Ficus benjamina* (Weeping Fig)	Approved TPP

36. 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.

37. 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

38. 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.

39. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF3 Certificate of Horticulture or Arboriculture that:

Replacement trees as nominated in the approved Landscape Plan must as per their specified location. The trees are to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, palms , fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

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.

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40. 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. Heavy duty concrete vehicle crossing(s) at the vehicular access location(s);
b. The existing concrete footpath and kerb and gutter across the frontage of the site must be reconstructed;
c. Extension of the Council's Stormwater System adjacent to the rear of 75 Glassop Street; and
d. 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".

41. 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.

42. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

43. 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 as required by Condition 28.

44. 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:

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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.

45. 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.

46. 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. Restrictions on the Use of Land related to on Site Stormwater Detention System or stormwater quality improvement devices;
c. Positive Covenant related to on-site stormwater detention and/or retention system;
d. Positive Covenant related to stormwater quality improvement devices; and
e. Positive Covenant related to maintenance of the car lift.

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

47. Basement/Retaining Wall Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with

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Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards.

48. Stormwater Drainage and Road Works – Certification

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a 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. All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans;
b. Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator;
c. Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council; and
d. Certification by a Registered Surveyor that the as-built Council Stormwater pipeline is located totally within the drainage easement.

49. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

50. Four dwellings to be used as affordable housing for 15 years

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that a restriction on the use of the Land has been placed on the land under Section 88E of the *Conveyancing Act 1919*, requiring that, for a minimum period of fifteen years from the date of issue of an Occupation Certificate, the four dwellings (apartments 2, 3, 4 and 5) are not be used for any purpose other than affordable housing (as defined in cl 21 of *State Environmental Planning Policy (Housing) 2021*) managed by a registered community housing provider.

ON-GOING

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51. Bin Storage

All bins are to be stored within the site. Bins are to be returned to the property within 12 hours of having been emptied.

52. Operation and Management Plan

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use and/or stormwater quality improvement devices and/or Pump facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

53. Vehicles Leaving the Site

All vehicles must enter and exit the site in a forward direction.

54. Maintenance of car lift

The owner of the land is to service and maintain the car lift system for the life of the development in accordance with the manufacturer's requirements/recommendations. Any breakdown of the car lift systems must be repaired within 3 business days of any breakdown. A copy of the proposed maintenance schedule shall be submitted to Council before the installation of the car lift. The car lift is to be operative before occupation of the site.

55. 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.

56. Swimming Pools

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

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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.

ADVISORY NOTES

Notice to Council to deliver Residential Bins

Council should be notified of bin requirements three weeks prior to the occupation of the building to ensure timely delivery. Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

Recycling / Garbage / Organics Service Information and Education

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

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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.

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.

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 Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021.*

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

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b. A written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and

b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

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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.

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.

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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.

Permits from Council under Other Acts

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

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

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997.*

Amenity Impacts General

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

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Construction of Vehicular Crossing

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

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm
	www.basix.nsw.gov.au
Department of Fair Trading	13 32 20
	www.fairtrading.nsw.gov.au
	Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100
	www.dialprior toyoudig.com.au
Landcom	9841 8660
	To purchase copies of Volume One of "Soils and Construction"

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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 there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to Street Numbering Application

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Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m2 of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Electrical Substations

Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.

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.

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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.

Easement and Covenant Process

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):

a. Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2-metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.

b. Engineer's Certificate

A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:

c. The soundness of the storage structure;
d. The capacity of the detention storage;
e. The emergency overflow system being in place;
f. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
g. The freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
h. Basement car park pumps are class one zone two; and
i. OSR pumps and SQIDS have been installed and commissioned.

c. Restriction-As-To-User

A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect

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the function of the stormwater detention system and SQIDS, must not be carried out without the prior consent in writing of the Council.

Such restrictions must not be released, varied or modified without the consent of the Council.

A typical document is available from Council's Development Assessment Engineer.

d. A Maintenance Schedule.

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.

Public Domain and Vehicular Crossings

The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public Domain Works – Step 2* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

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Attachment C – Plans of proposed development

77 GLASSOP STREET, BALMAIN

CDARCHITECTS

SCHEDULE OF DRAWINGS

77 GLASSOP STREET BALMAIN

DRAWING NUMBER	DRAWING NAME	CURRENT REVISION	CURRENT REVISION DATE
-	COVER SHEET	E	02.08.2024
TP06	SITE PLAN	G	02.08.2024
TP07	BASEMENT	D	02.08.2024
TP08	LEVEL 1	F	02.08.2024
TP09	LEVEL 2	F	02.08.2024
TP10	LEVEL 3	G	02.08.2024
TP11	LEVEL 4	F	02.08.2024
TP12	LEVEL 5	F	02.08.2024
TP13	ROOF PLAN	F	02.08.2024
TP14	ELEVATIONS SHEET 1	F	02.08.2024
TP15	ELEVATIONS SHEET 2	F	02.08.2024
TP16	SECTIONS A,B,C & D	G	02.08.2024
TP18	SHADOW DIAGRAMS	F	02.08.2024
TP19	SHADOW DIAGRAMS	F	02.08.2024
TP20	EYE FROM SUN	D	02.08.2024
TP20a	EYE FROM SUN - APPROVED	A	02.08.2024
TP21	EYE FROM SUN	D	02.08.2024
TP21b	EYE FROM THE SUN - APPROVED	A	02.08.2024
TP22	SEPP 65 DIAGRAMS	F	02.08.2024
TP23	AREA DIAGRAMS	G	02.08.2024
TP25	GROSS FLOOR AREA DIAGRAMS	F	02.08.2024
TP26	STORAGE AREA DIAGRAMS	F	02.08.2024
TP27	NATURAL VENTILATION DIAGRAMS	F	02.08.2024
TP28	PRIVATE OPEN SPACE DIAGRAMS	F	02.08.2024
TP31	DA APPROVED & PROPOSED VIEW COMPARISON	A	02.08.2024

Rev.	Date	Description
E	22.08.2024	S4.55 SUBMISSION RFI

Project Architect

CDARCHITECTS

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Nominated Architect: Jonathan Clark 5890, ABN 27 163 266 302

Member Australian Institute of Architects

Project
PROPOSED APARTMENT DEVELOPMENT

77 GLASSOP ST,
BALMAIN

Drawing Title
COVER SHEET

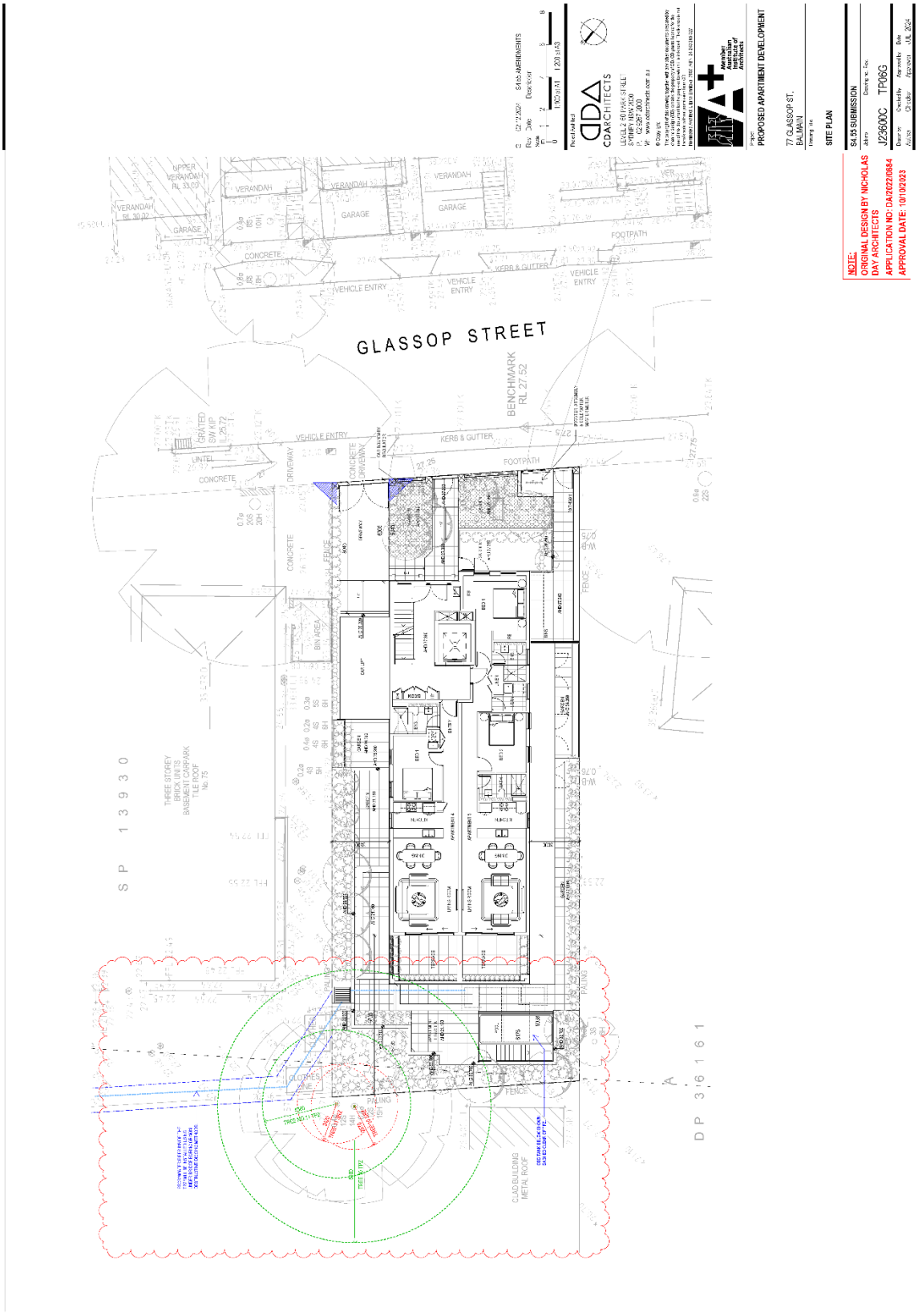
S4.55 SUBMISSION

Job no.	Drawing no.	Rev.
J23600C	-E	

Drawn by	Checked by	Approved by	Date
HM	LF	LF	JUL 2024

NOTE:
ORIGINAL DESIGN BY NICHOLAS DAY ARCHITECTS
APPLICATION NO: DA/2022/0684
APPROVAL DATE: 10/10/2023

Document Set ID: 40010030
Version: 1, Version Date: 13/01/2025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CONCRETE
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KERB & GUTTER
FOOTPATH
GRATED SW KIP RL 25.72
LINTEL
DRIVEWAY
BIN AREA
THREE STOREY BRICK UNITS BASEMENT CARPARK TILE ROOF No. 75
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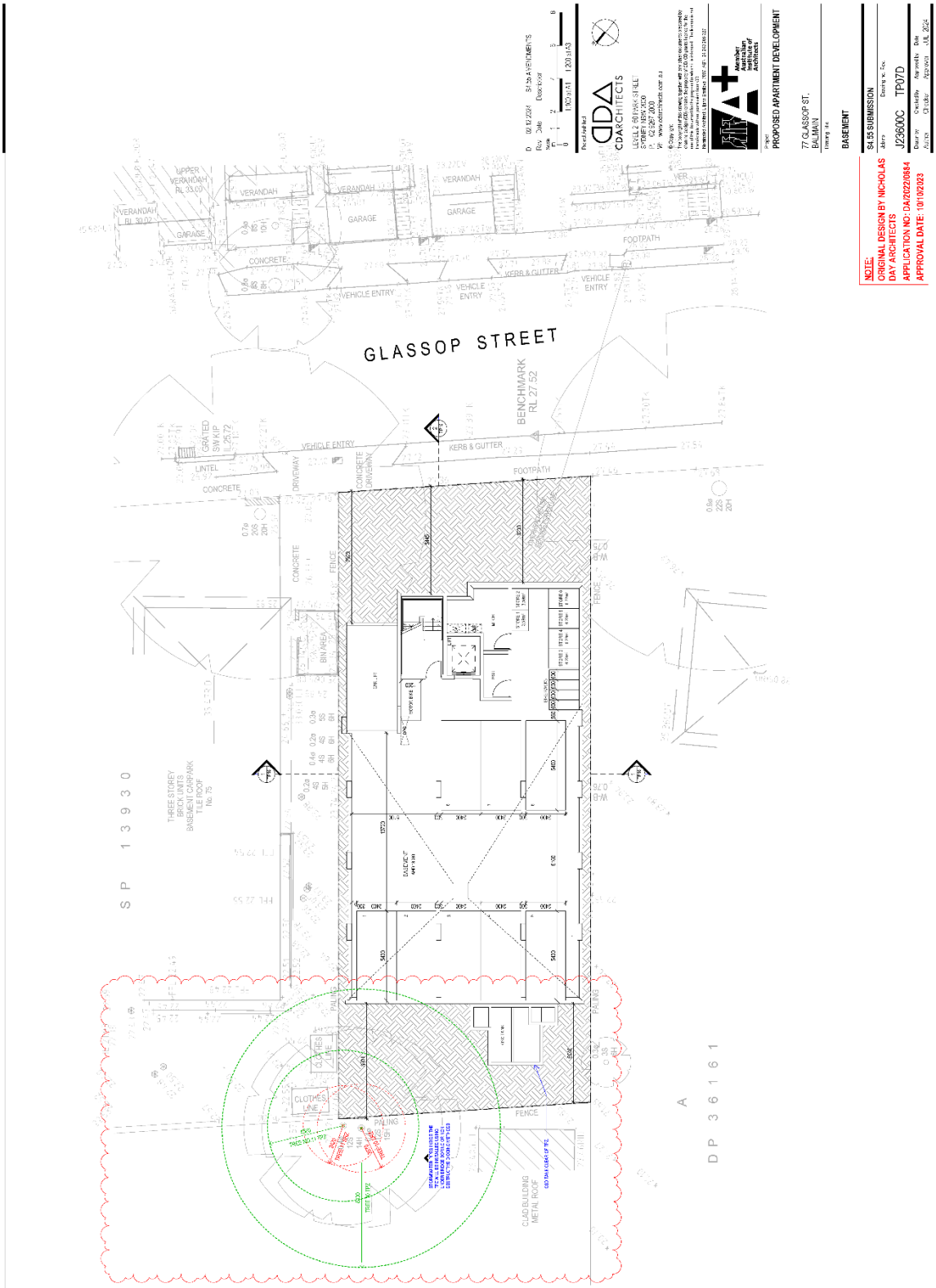
D P 3 6 1 6 1
CLAD BUILDING METAL ROOF
CLOTHES LINE
PAVING
FENCE
SITE PLAN
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST, BALMAIN
S4.55 SUBMISSION
NOTE:
ORIGINAL DESIGN BY NICHOLAS DAY ARCHITECTS
APPLICATION NO: DA/2022/0684
APPROVAL DATE: 10/10/2023
J23600C TP06G
CDA ARCHITECTS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GARAGE
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FENCE
BIN AREA
CLOTHES LINE
PALING
CLAD BUILDING METAL ROOF
THREE STOREY BRICK UNITS BASEMENT CARPARK TILE ROOF No. 75
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D P 3 6 1 6 1
PROPOSED APPARTMENT DEVELOPMENT
77 GLASSOP ST, BALMAIN
BASEMENT
S4.55 SUBMISSION
NOTE:
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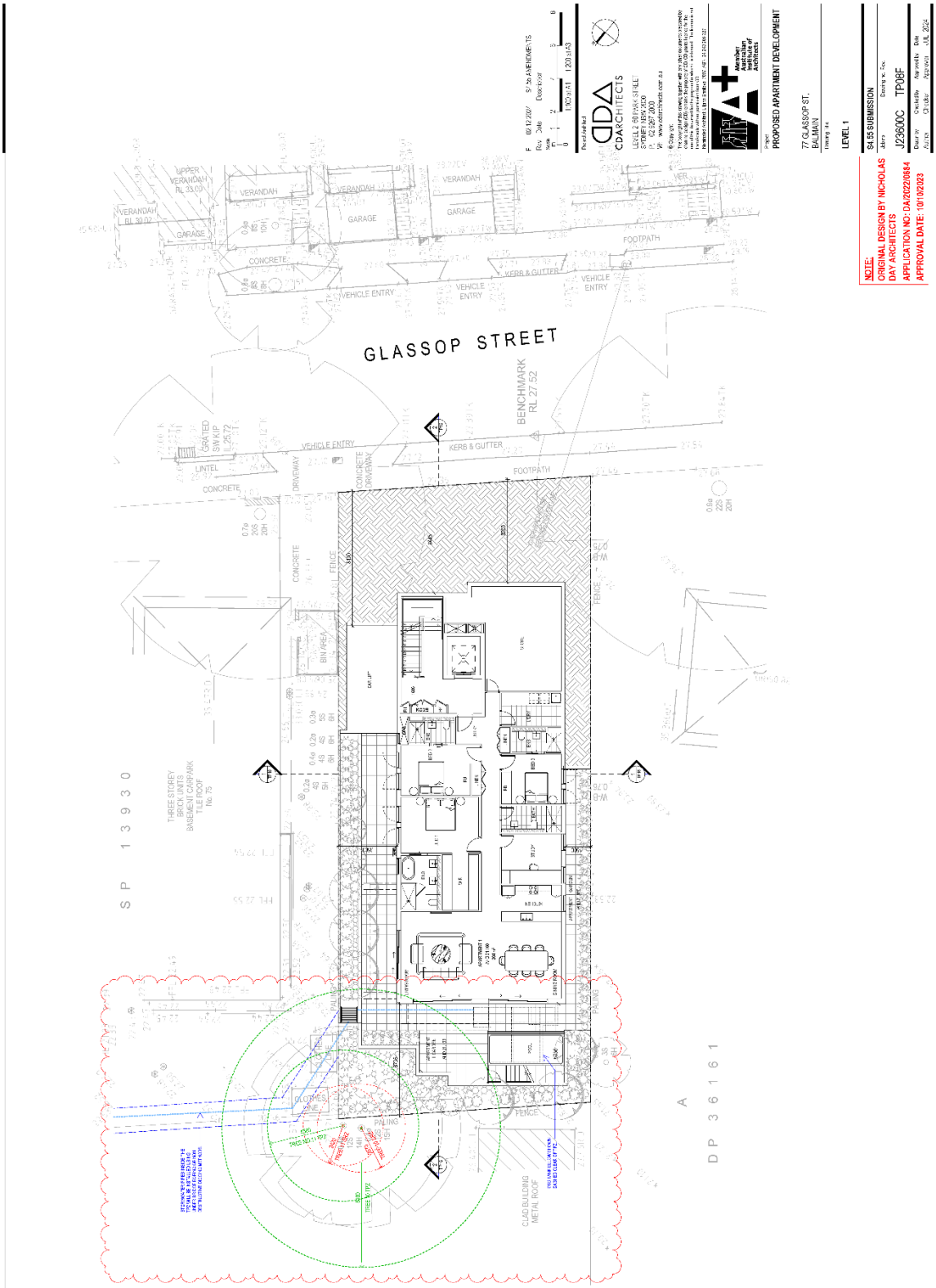
APPLICATION NO: DA/2022/0684
APPROVAL DATE: 10/10/2023
J23600C TP07D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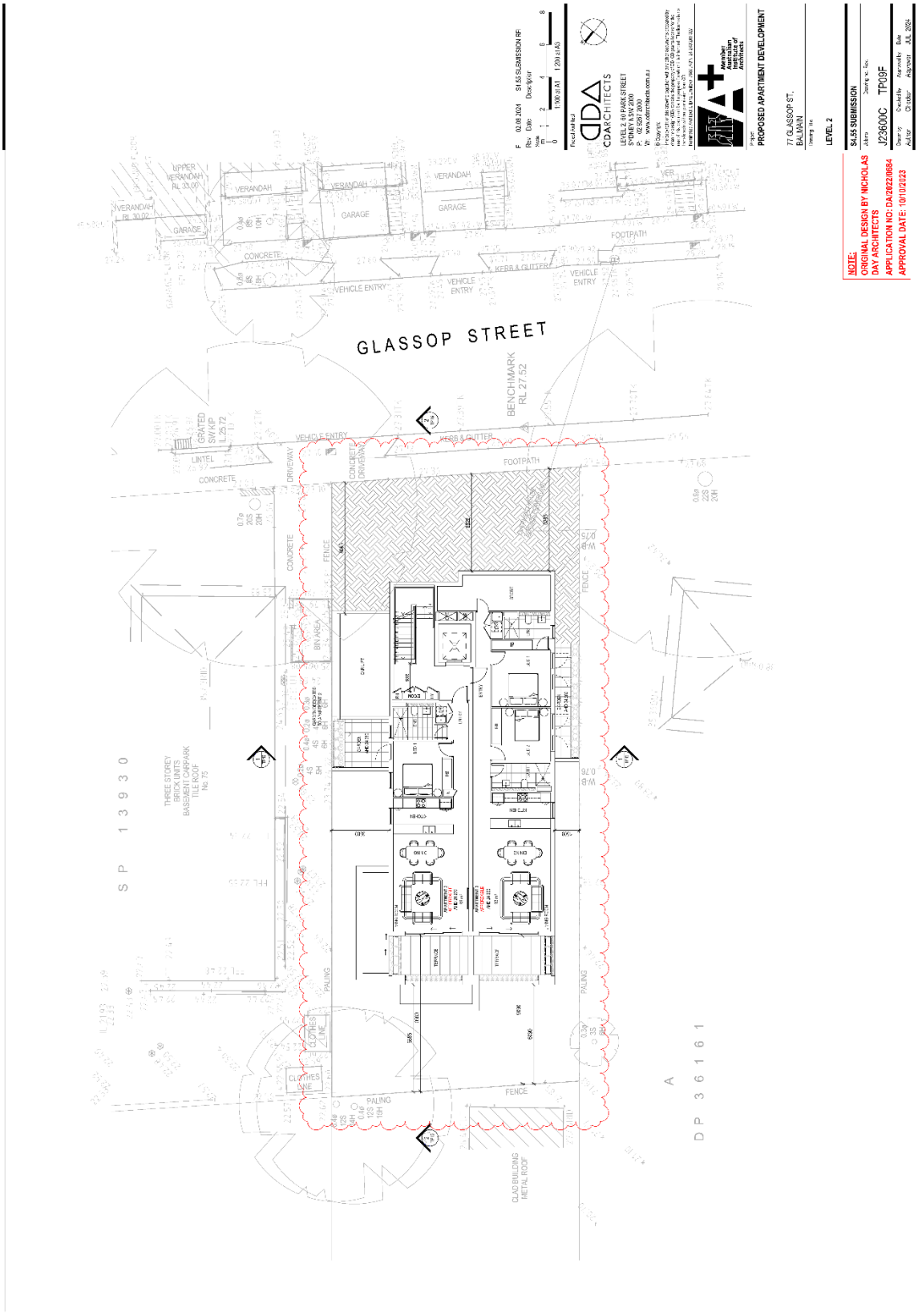
FOOTPATH
DRIVEWAY
FENCE
BIN AREA
THREE STOREY BRICK UNITS BASEMENT CARPARK TILE ROOF No. 75
S P 1 3 9 3 0
D P 3 6 1 6 1
CLAD BUILDING METAL ROOF
CLOTHES LINE
PAVING
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST, BALMAIN
LEVEL 1
S4.55 SUBMISSION
NOTE:
ORIGINAL DESIGN BY NICHOLAS DAY ARCHITECTS
APPLICATION NO: DA/2022/0684
APPROVAL DATE: 10/10/2023
J23600C TP08F


F 02.08.2024 S4.55/SUBMISSION RFI
Rev Date Description
Scale
0 1 2 4 6 8
1:100 at A1 1:200 at A3
Prepared by
DAY ARCHITECTS
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Project
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST,
BALMAIN
Drawing title
LEVEL 2
NOTE:
ORIGINAL DESIGN BY NICHOLAS DAY ARCHITECTS
APPLICATION NO: DA/2022/0684
APPROVAL DATE: 10/10/2023
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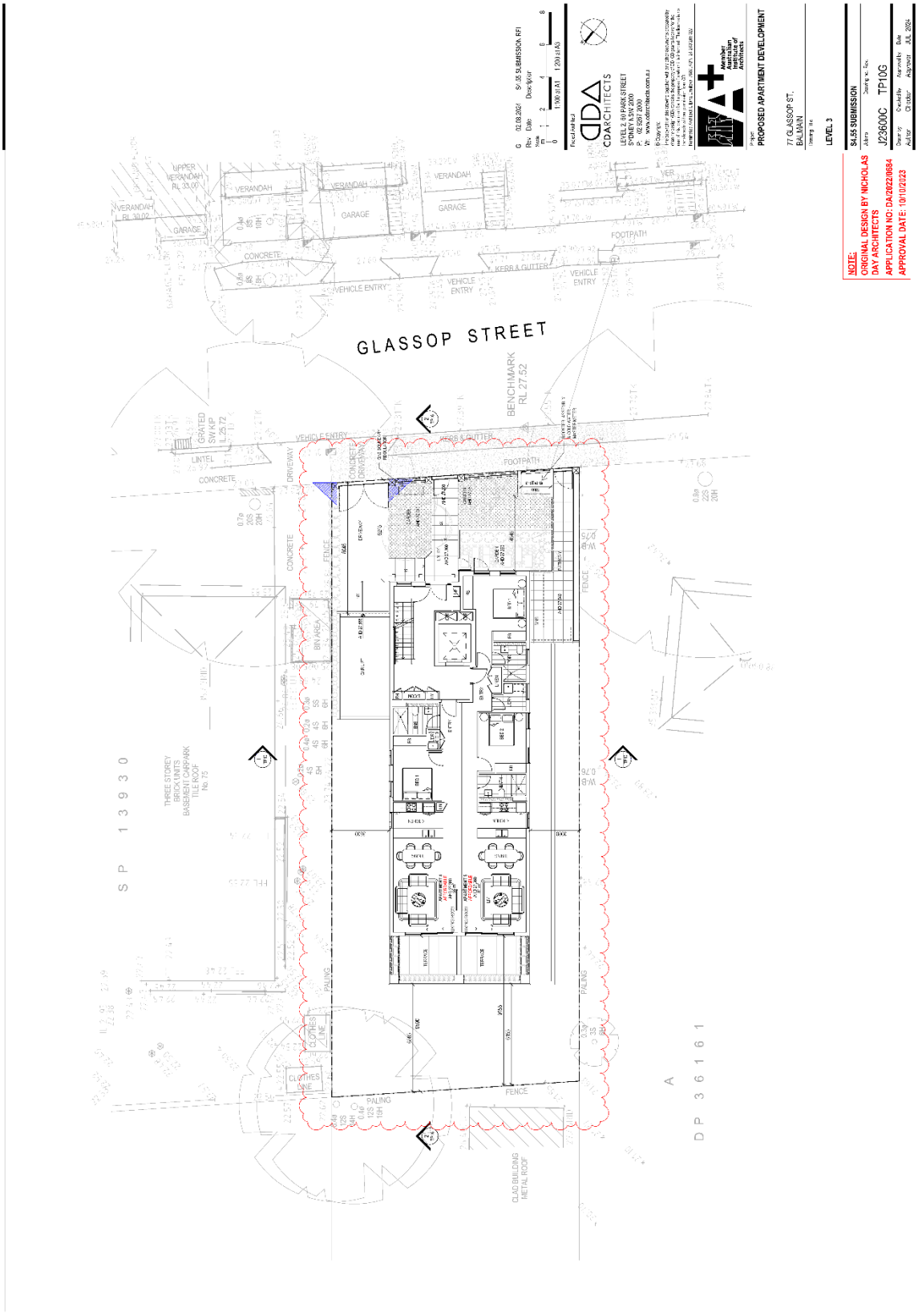
Jobno J23600C
Drawing no. TP09F
Drawn by Checked by Approved by Date
Author Checker Approver JUL 2024
GLASSOP STREET
UPPER VERANDAH RL 33.00
VERANDAH
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
BENCHMARK RL 27.52
GRATED SW KIP IL 25.72
LINTEL
DRIVEWAY
CONCRETE DRIVEWAY
FENCE
BIN AREA
THREE STOREY BRICK UNITS BASEMENT CARPARK TILE ROOF No. 75
SP 13930
DP 36161
PALING
CLOTHES LINE
CLAD BUILDING METAL ROOF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BENCHMARK RL 27.52
VERANDAH
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
DRIVEWAY
FENCE
PALING
CLOTHES LINE
BIN AREA
THREE STOREY BRICK UNITS BASEMENT CARPARK TILE ROOF No. 75
SP 13930
DP 36161
CLAD BUILDING METAL ROOF
G 02.08.2024 S/35 SUBMISSION RFI
Rev Date Description
Scale 1:100 at A1 1:200 at A3
Revised by
DAY ARCHITECTS
LEVEL 2, 80 PARK STREET
SYDNEY NSW 2000
P: 02 9267 2000
W: www.dayarchitects.com.au
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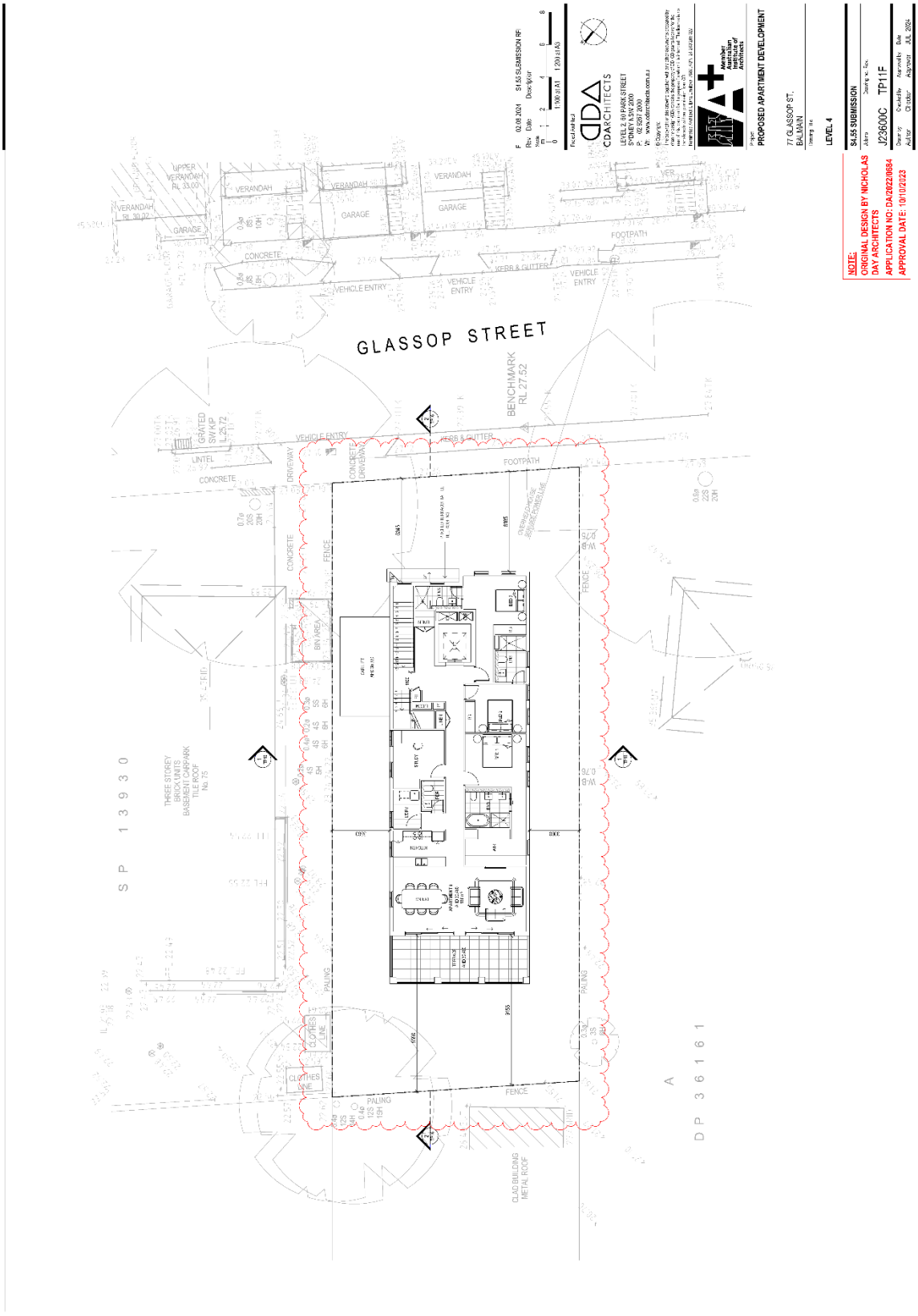
Project
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST, BALMAIN
Drawing title
LEVEL 3
S4.55 SUBMISSION
Jobno J23600C
Drawing no. TP10G
Drawn by Checked by Approved by Date
Author Checker Approver JUL 2024
NOTE:
ORIGINAL DESIGN BY NICHOLAS DAY ARCHITECTS
APPLICATION NO: DA/2022/0684
APPROVAL DATE: 10/10/2023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DAY ARCHITECTS
LEVEL 2, 60 PARK STREET
SYDNEY NSW 2000
P: 02 9267 2000
W: www.dayarchitects.com.au
E: @day.arch
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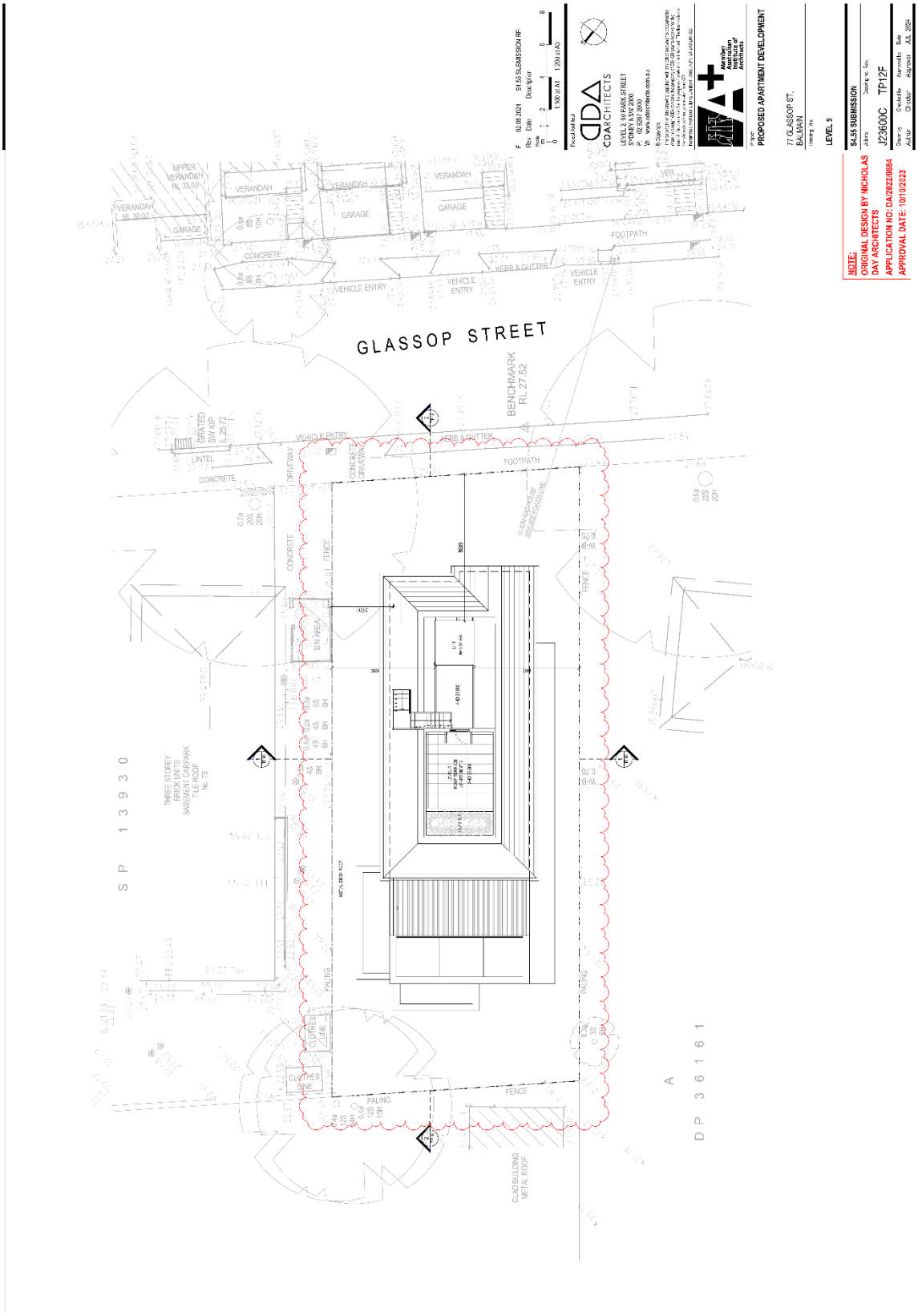
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST,
BALMAIN
LEVEL 4
NOTE:
ORIGINAL DESIGN BY NICHOLAS DAY ARCHITECTS
APPLICATION NO: DA/2022/0684
APPROVAL DATE: 10/10/2023
S4.55 SUBMISSION
Jobno J23600C
Drawing no. TP11F
Drawn by Checked by Approved by Date
Author Checker Approver JUL 2024
GLASSOP STREET
UPPER VERANDAH RL 33.00
VERANDAH
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
BENCHMARK RL 27.52
GRATED SW KIP IL 25.72
LINTEL
DRIVEWAY
CONCRETE DRIVEWAY
FENCE
BIN AREA
THREE STOREY BRICK UNITS BASEMENT CARPARK TILE ROOF NO. 75
S P 1 3 9 3 0
D P 3 6 1 6 1
PALING
CLOTHES LINE
CLAD BUILDING METAL ROOF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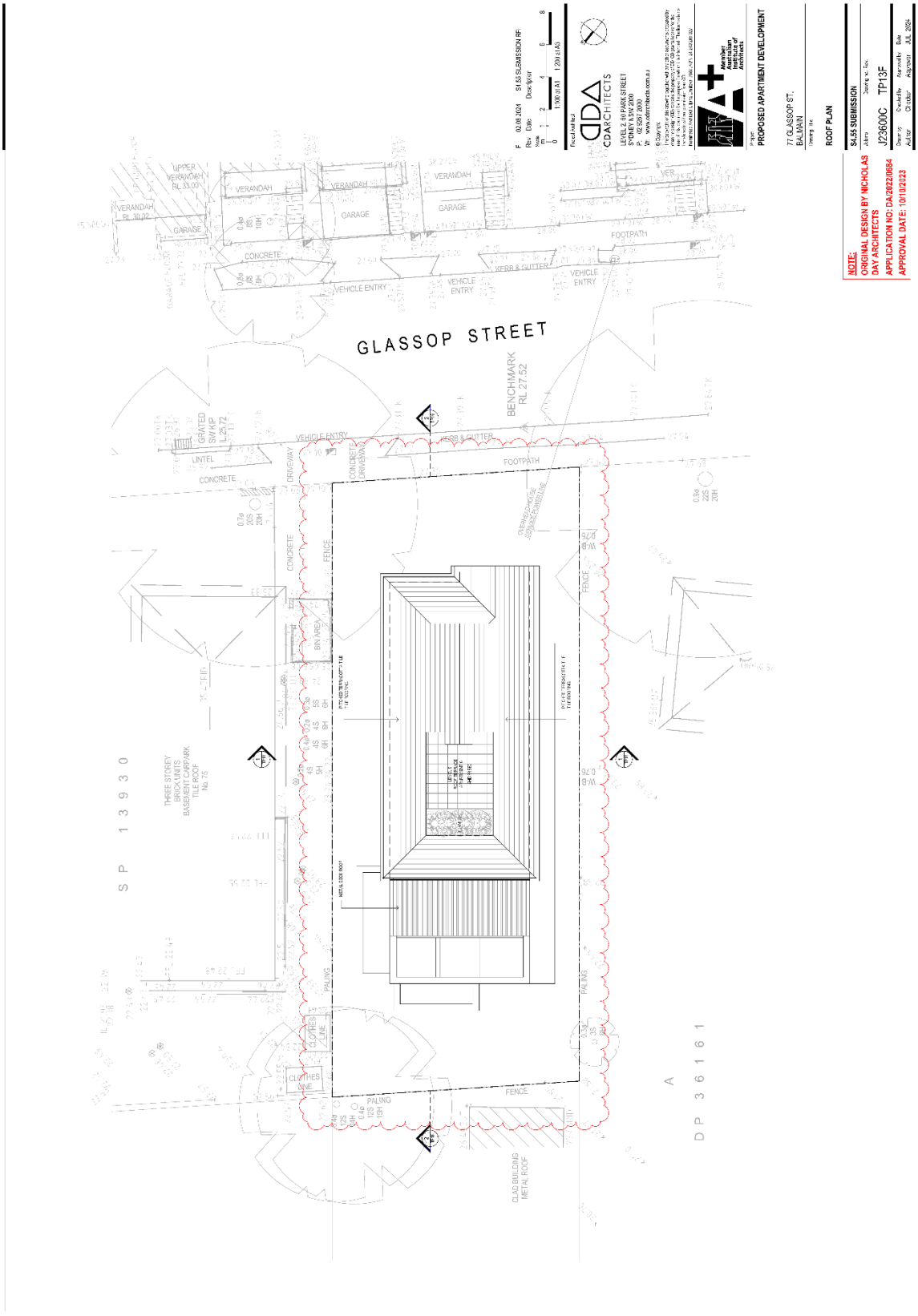
BENCHMARK RL 27.52
VERANDAH
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
DRIVEWAY
FENCE
PALING
CLOTHES LINE
BIN AREA
THREE STOREY BRICK UNITS BASEMENT CARPARK TILE ROOF No. 75
S P 1 3 9 3 0
D P 3 6 1 6 1
CLAD BUILDING METAL ROOF
NOTE:
ORIGINAL DESIGN BY NICHOLAS DAY ARCHITECTS
APPLICATION NO: DA/2022/0684
APPROVAL DATE: 10/10/2023
S4.55 SUBMISSION
J236000C TP12F
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST, BALMAIN
LEVEL 5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Rev Date Description
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Fixed Lot Size
DAY ARCHITECTS
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SYDNEY NSW 2000
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W: www.dayarchitects.com.au
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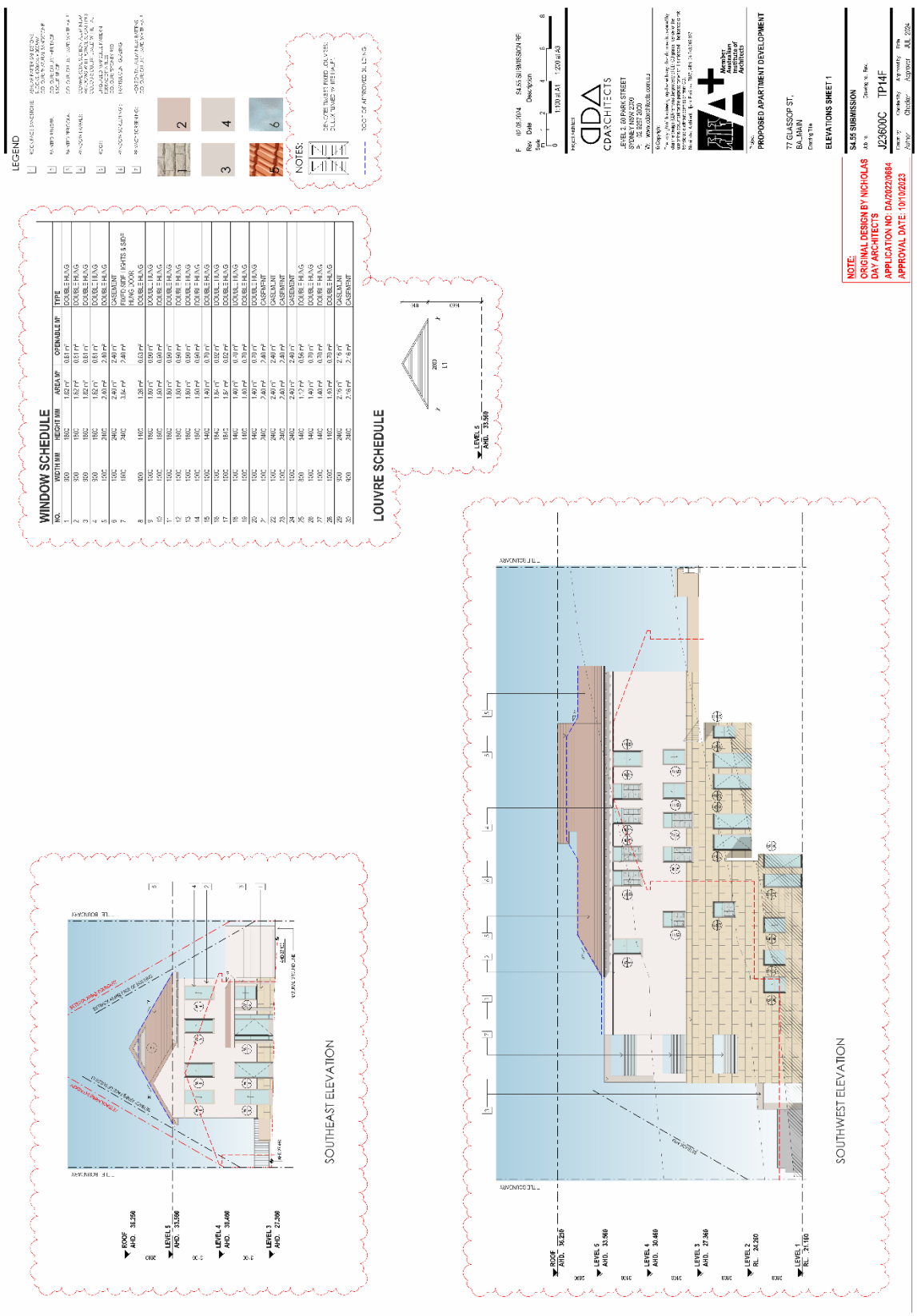
Project
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST,
BALMAIN
Drawing Title
ROOF PLAN
NOTE:
ORIGINAL DESIGN BY NICHOLAS DAY ARCHITECTS
APPLICATION NO: DA/2022/0684
APPROVAL DATE: 10/10/2023
S4.55 SUBMISSION
Jobno J23600C
Drawing No. TP13F
Drawn by Checked by Approved by Date
Author Checker Approver JUL 2024
GLASSOP STREET
BENCHMARK RL 27.52
VERANDAH
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
DRIVEWAY
FENCE
BIN AREA
CLOTHES LINE
PALING
THREE STOREY BRICK UNITS BASEMENT CARPARK TILE ROOF NO. 75
S P 1 3 9 3 0
D P 3 6 1 6 1
A
CLAD BUILDING METAL ROOF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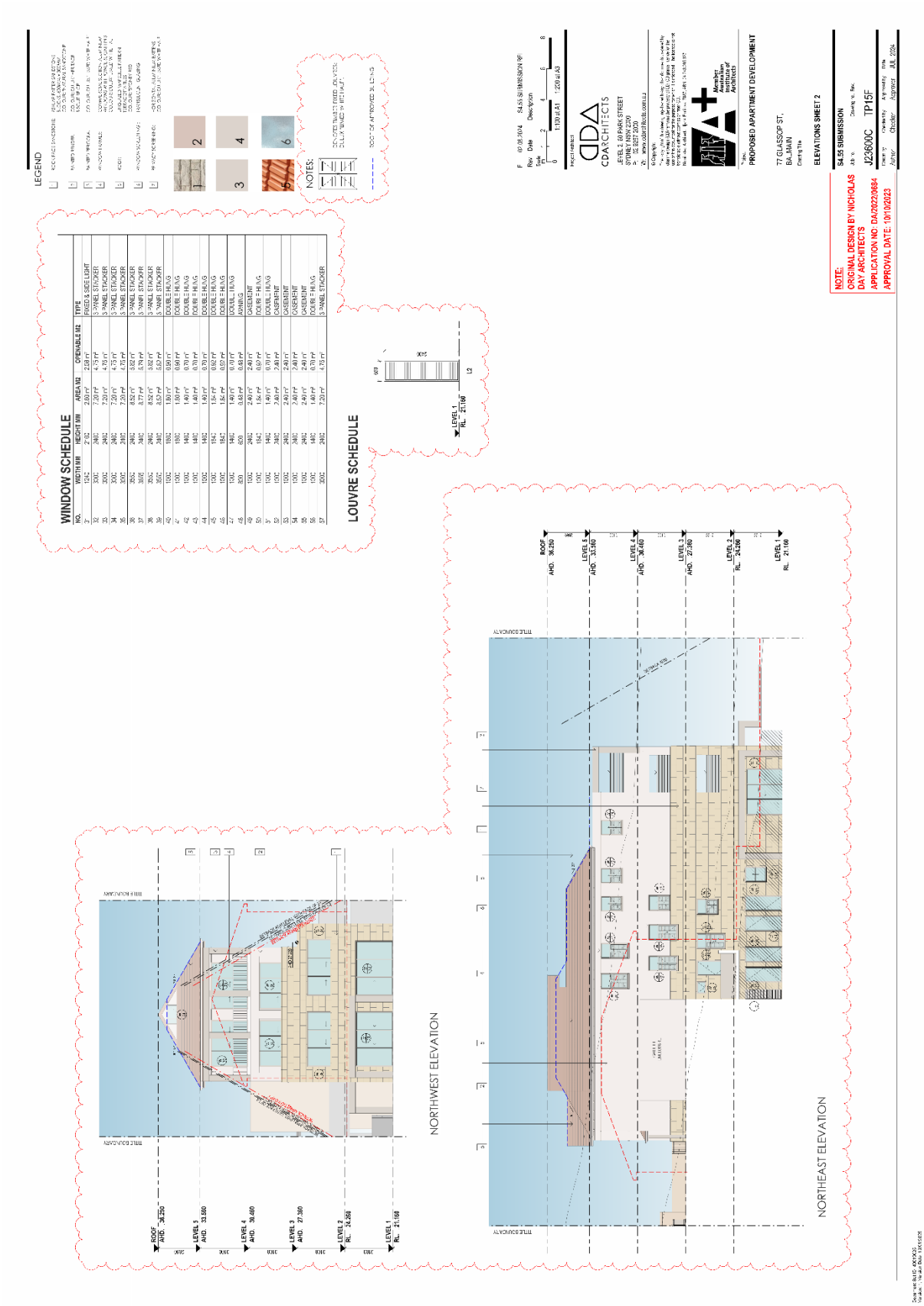
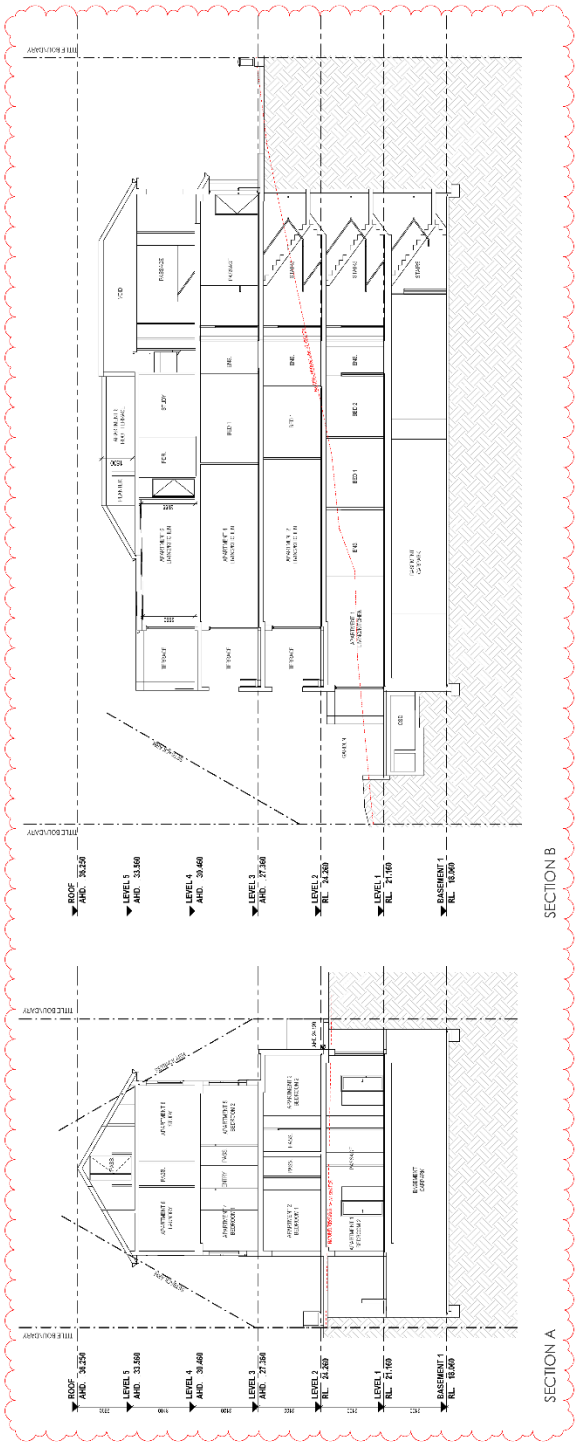
NOTES:
WINDOW SCHEDULE
LOUVRE SCHEDULE
SOUTHEAST ELEVATION
SOUTHWEST ELEVATION
F 07.08.2024 S4.55 SUBMISSION
CDA ARCHITECTS
LEVEL 2, 60 PARK STREET
SYDNEY NSW 2000
T: +61 2 9267 2200
W: www.cdarchitects.com.au
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST,
BALMAIN
ELEVATIONS SHEET 1
S4.55 SUBMISSION
NOTE:
ORIGINAL DESIGN BY NICHOLAS DAY ARCHITECTS
APPLICATION NO: DA/2022/0684
APPROVAL DATE: 10/10/2023
J23600C TP14F


LEGEND
WINDOW SCHEDULE
LOUVRE SCHEDULE
NOTES:
NORTHWEST ELEVATION
NORTHEAST ELEVATION
F 07.08.2024 S4.55 SUBMISSION
CDA ARCHITECTS
LEVEL 2, 60 PARK STREET
SYDNEY NSW 2000
T: +61 2 9261 2200
W: www.cdarchitects.com.au
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP ST,
BALMAIN
ELEVATIONS SHEET 2
S4.55 SUBMISSION
NOTE:
ORIGINAL DESIGN BY NICHOLAS DAY ARCHITECTS
APPLICATION NO: DA/2022/0684
APPROVAL DATE: 10/10/2023
J23600C TP15F



G 02.09.2024 S/ 35 SUBMISSION RFI
Rev Date Description
Scale
A1 1:100 | A3 1:200

Prepared by
DAY ARCHITECTS
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Project
PROPOSED APARTMENT DEVELOPMENT

77 GLASSHOP ST,
BALMAIN

Drawing title
SECTIONS A,B,C & D

NOTE:
ORIGINAL DESIGN BY NICHOLAS DAY ARCHITECTS
APPLICATION NO: DA/2022/0684
APPROVAL DATE: 10/10/2023

S4.55 SUBMISSION

Job no.	J23600C	Drawing no.	TP16G
Drawn by	Checked by	Approved by	Date
Author	Checker	Approver	JUL 2024

Attachment D – Original Court approved drawings

SCHEDULE OF DRAWINGS

77 GLASSOP STREET, BALMAIN

DRAWING NUMBER	DRAWING NAME	CURRENT REVISION	CURRENT REVISION DATE
-	Cover sheet	C	25.09.2023
TP01	Neighbourhood & Site Context plan	-	30.11.2021
TP02	Immediate Site Context Plan	-	30.11.2021
TP03	Existing Streetscape Photomontages	-	30.11.2021
TP04	Demolition Plan	-	30.11.2021
TP05	Design Response Plan	D	25.09.2023
TP06	Site Plan	E	25.09.2023
TP07	Basement Plan	B	25.09.2023
TP08	Level 1 Plan	D	25.09.2023
TP09	Level 2 Plan	D	25.09.2023
TP10	Level 3 Plan	E	25.09.2023
TP11	Level 4 Plan	D	25.09.2023
TP12	Level 5 Plan	D	25.09.2023
TP13	Roof Plan	D	25.09.2023
TP14	Elevations sheet 1	D	25.09.2023
TP15	Elevations sheet 2	D	25.09.2023
TP16	Section A, B, C & D	E	25.09.2023
TP17	Streetscape & Backyard Elevations	D	25.09.2023
TP18	Shadow Diagrams 9am - 12pm	D	25.09.2023
TP19	Shadow Diagrams 1pm - 3pm	D	25.09.2023
TP20	Eye from the sun 9am - 12pm	B	22.05.2023
TP21	Eye from the sun 1pm - 3pm	B	22.05.2023
TP22	SEPP65	D	25.09.2023
TP23	Area Diagrams	E	25.09.2023
~~TP24~~	~~Floor Space Ratio Diagrams~~	~~D~~	~~25.09.2023~~
TP25	Floor Space Ratio Diagrams	D	25.09.2023
TP26	Storage Area Diagrams	D	25.09.2023
TP27	Natural Ventilation Diagrams	D	25.09.2023
TP28	Private Open Space Diagrams	D	25.09.2023
TP29	Streetscape Perspectives	A	25.08.2023
TP30	Cut and Fill Plan	A	25.09.2023

77 GLASSOP STREET, BALMAIN

N I C H O L A S D A Y A R C H I T E C T S

#HR-XH3VLJ-02 26/09/2023
5.3 — NATIONWIDE HOUSE ENERGY RATING SCHEME — 61.6 MJ/m² — www.nathers.gov.au
Assessor: Courtland Gavan-Glover
Accreditation No.: ABSA 101564
Address: Unit 01, 77 Glassop St, Balmain , NSW, 2041
http://www.hero-software.com.au/pdf/HR-XH3VLJ-02

#HR-6QJT43-02 26/09/2023
5.4 — NATIONWIDE HOUSE ENERGY RATING SCHEME — 59.2 MJ/m² — www.nathers.gov.au
Assessor: Courtland Gavan-Glover
Accreditation No.: ABSA 101564
Address: Unit 02, 77 Glassop St, Balmain , NSW, 2041
http://www.hero-software.com.au/pdf/HR-6QJT43-02

#HR-VU44RG-02 26/09/2023
5.7 — NATIONWIDE HOUSE ENERGY RATING SCHEME — 54.9 MJ/m² — www.nathers.gov.au
Assessor: Courtland Gavan-Glover
Accreditation No.: ABSA 101564
Address: Unit 03, 77 Glassop St, Balmain , NSW, 2041
http://www.hero-software.com.au/pdf/HR-VU44RG-02

#HR-7OVG8S-02 26/09/2023
6.4 — NATIONWIDE HOUSE ENERGY RATING SCHEME — 45.8 MJ/m² — www.nathers.gov.au
Assessor: Courtland Gavan-Glover
Accreditation No.: ABSA 101564
Address: Unit 04, 77 Glassop St, Balmain , NSW, 2041
http://www.hero-software.com.au/pdf/HR-7OVG8S-02

#HR-QFOW72-02 26/09/2023
5.3 — Minimum star rating — NATIONWIDE HOUSE ENERGY RATING SCHEME — www.nathers.gov.au
Assessor: Courtland Gavan-Glover
Accreditation No.: ABSA 101564
Address: 77 Glassop St , Balmain , NSW, 2041
http://www.hero-software.com.au/pdf/HR-QFOW72-02

#HR-KGA4FV-02 26/09/2023
6.7 — NATIONWIDE HOUSE ENERGY RATING SCHEME — 43.1 MJ/m² — www.nathers.gov.au
Assessor: Courtland Gavan-Glover
Accreditation No.: ABSA 101564
Address: Unit 05, 77 Glassop St, Balmain , NSW, 2041
http://www.hero-software.com.au/pdf/HR-KGA4FV-02

#HR-UB3H58-02 26/09/2023
5.4 — NATIONWIDE HOUSE ENERGY RATING SCHEME — 59.9 MJ/m² — www.nathers.gov.au
Assessor: Courtland Gavan-Glover
Accreditation No.: ABSA 101564
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http://www.hero-software.com.au/pdf/HR-UB3H58-02

PO Box 416, South Yarra, VIC 3141
Telephone: (03) 9827 3858
Email: nicholasday@nicholasday.com.au
ACN 096 104 838

NICHOLAS DAY ARCHITECTS

Document Set ID: 38706596
Version: 1, Version Date: 14/10/2023

NEIGHBOURHOOD CONTEXT PLAN

ACCESS TO AMENITIES AND INFRASTRUCTURE

SCHOOLS

BALMAIN PUBLIC SCHOOL	1,300m EAST
ROZELLE PUBLIC SCHOOL	850m SOUTH
SYDNEY SECONDARY COLLEGE	350m SOUTH
THE UNIVERSITY OF SYDNEY, SYDNEY COLLEGE OF THE ARTS	1500m SOUTHWEST

HEALTH

BALMAIN HOSPITAL	1300m EAST
ROYAL PRINCE ALFRED HOSPITAL	5000m SOUTH

PUBLIC OPEN SPACE

ELKINGTON PARK	250m NORTH
BRIDGEWATER PARK	750m SOUTHWEST
GLADSTONE PARK	1300m EAST
BIRCHGROVE OVAL	1200m NORTHEAST
BIRRUNG PARK	1500m EAST
MORT BAY PARK	1500m EAST

PUBLIC TRANSPORT

DARLING STREET BUS	50m WEST
VICTORIA ROAD BUS	850m SOUTH
BALMAIN WHARF	1600m EAST

SHOPPING

DARLING STREET SHOPS [BALMAIN]	500mEAST
VICTORIA STREET SHOPS [ROZELLE]	1000m SOUTH

RECREATIONAL FACILITIES

DAWN FRAZER BATHS	350m NORTH
BALMAIN ROWING CLUB	300m NORTH
BALMAIN SAILING CLUB	850m NORTHEAST

5.3 Minimum star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME
www.nathers.gov.au
#HR-QFOW72-02 28/09/2023
Assessor: Courtland Gavan-Glover
Accreditation No.: ABSA 101564
Address: 77 Glassop St , Balmain , NSW, 2041
http://www.hero-software.com.au/pdf/HR-QFOW72-02

NOTES

No.	DATE	AMENDMENT

PROPOSED APARTMENT DEVELOPMENT

77 GLASSOP STREET
BALMAIN

NEIGHBOURHOOD & SITE CONTEXT PLAN

PLANNING DRAWINGS

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NICHOLAS DAY ARCHITECTS
P.O Box 756, South Yarra, VIC 3141
Telephone: (03) 9020 3888
Email: nicholasday@nicholasday.com.au

SCALE	N.T.S.
DATE	NOV. 2021
DRAWN	MD
CHECKED	ND
DRAWING No.	TP 01

Document Set ID: 38706504
Version: 1, Version Date: 14/10/2024

PROPOSED APARTMENT DEVELOPMENT

77 GLASSOP STREET , BALMAIN

IMMEDIATE SITE CONTEXT PLAN

PLANNING DRAWINGS

No.	DATE	AMENDMENT

NICHOLAS DRAWS ARCHITECTS

PO Box 1 Balmain NSW 2041
Mob: 0414 293 332
Email: nicholasdrawsarch@bigpond.com.au
ACN 084 164 488

SCALE	NTS
DATE	NOV 2021
DRAWN	K.B.
CHECKED	N.D.
DRAWING No.	TP02

5.3 Minimum star rating

NATHERS HOUSE www.nathers.gov.au

#HR-QFOW72-02 26/09/2023

Assessor: Courtland Gavan-Oliver

Accreditation No.: NBSA 101564

Address: 77 Glassop St , Balmain , NSW, 2041

http://www.hers-software.com.au/pdf/HR-QFOW72-02

Document Set ID: 38708504
Version: 1, Version Date: 14/10/2023

EXISTING STREETSCAPE PHOTO MONTAGE
GLASSOP STREET NORTH SIDE (SUBJECT SITE)
No. 79 GLASSOP STREET
No. 77 GLASSOP STREET
No. 75 GLASSOP STREET
No. 71 GLASSOP STREET
No. 69 GLASSOP STREET
No. 67 GLASSOP STREET
No. 65 GLASSOP STREET
CAREVILLE STREET
No. 63 GLASSOP'S HILL
No. 61 GLASSOP'S HILL
No. 59 GLASSOP'S HILL
No. 57 GLASSOP'S HILL
No. 55 GLASSOP'S HILL
No. 2 WILLIS STREET
EXISTING STREETSCAPE PHOTO MONTAGE
GLASSOP STREET SOUTH SIDE
No. 56 GLASSOP STREET
No. 58 GLASSOP STREET
No. 60 GLASSOP STREET
No. 62 & 64 GLASSOP STREET
No. 66 & 68 GLASSOP STREET
No. 70 & 72 GLASSOP STREET
No. 74 GLASSOP STREET
No. 80,82 & 84 GLASSOP STREET
No. 86 & 88 GLASSOP STREET
No. 90, 92, 94 & 96 GLASSOP STREET
No. 98 & 96A GLASSOP STREET
No. 120 GLASSOP STREET
No. 102 & 102A GLASSOP STREET
No. 104 GLASSOP STREET
No. 106 GLASSOP STREET
No. 108 GLASSOP STREET
No. 92 ELIZA STREET
#HR-QFOW72-02 26/09/2023
5.3
Minimum star rating
Assessor Courtland Gavan-Glover
Accreditation No. NBSA 10 964
Address 77 Glassop St, Balmain NSW 2041
NATIONWIDE HOUSE ENERGY RATINGS
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http://www.hero-software.com.au/pdf/HR-QFOW72-02
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP STREET BALMAIN
EXISTING STREETSCAPE PHOTOMONTAGES
PLANNING DRAWINGS
No. DATE AMENDMENT
NICHOLAS DAS ARCHITECTS
SCALE N.S
DATE NOV 2021
DRAWN KB
CHECKED N.J
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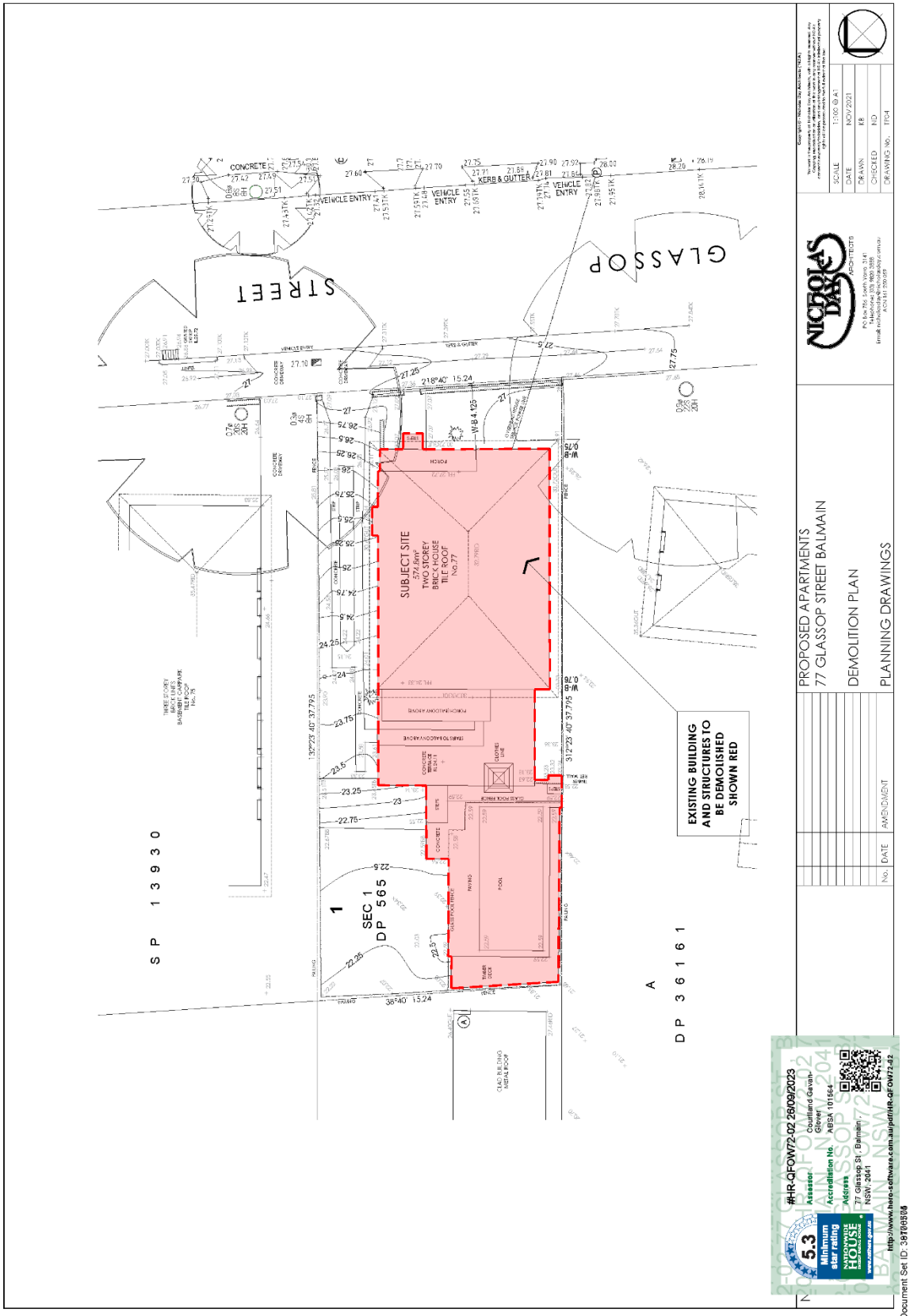

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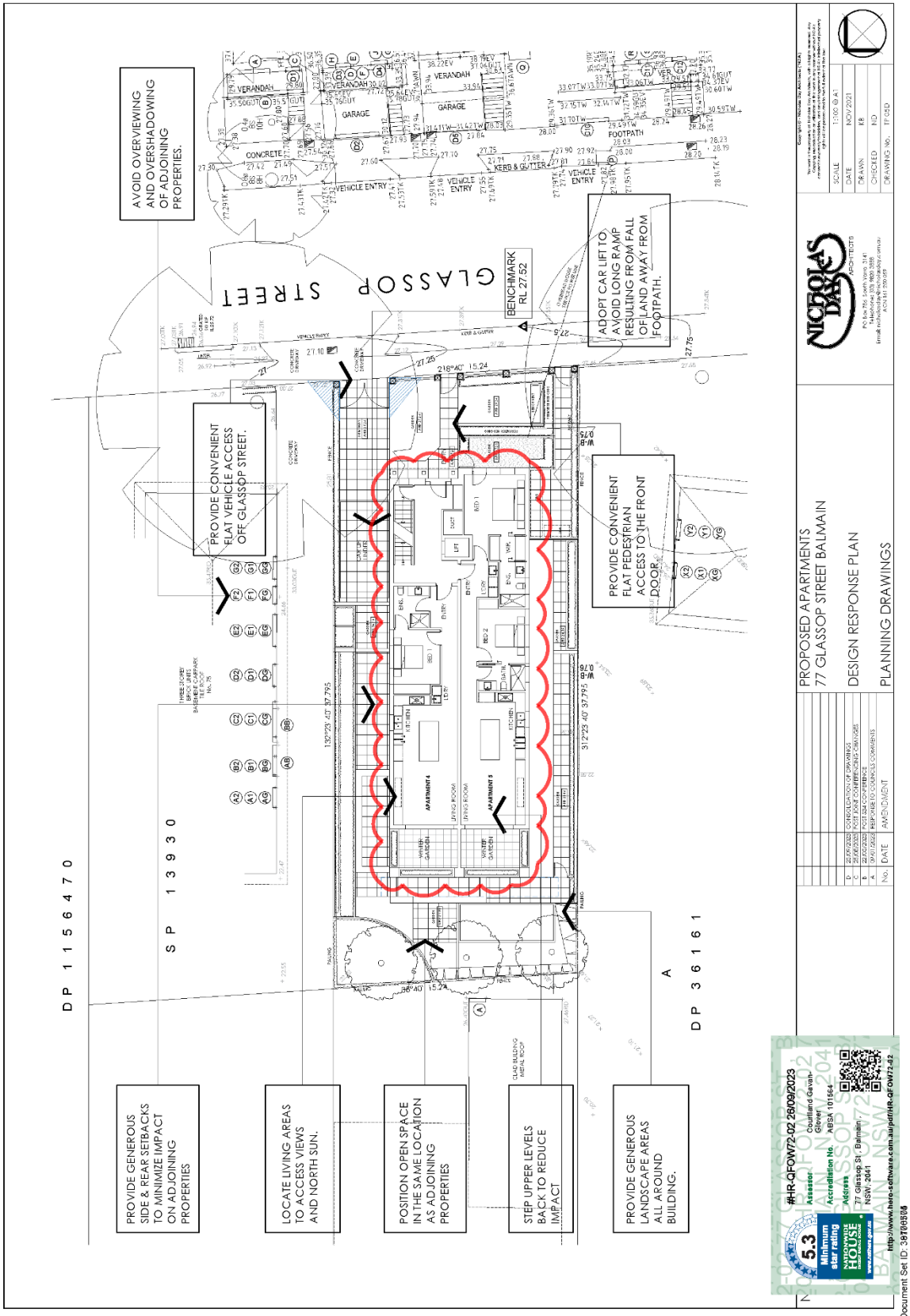
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BENCHMARK RL 27.52
ADOPT CAR LIFT TO AVOID LONG RAMP RESULTING FROM FALL OF LAND AWAY FROM FOOTPATH.
PROVIDE CONVENIENT FLAT VEHICLE ACCESS OFF GLASSOP STREET.
PROVIDE CONVENIENT FLAT PEDESTRIAN ACCESS TO THE FRONT DOOR.
DP 1156470
SP 13930
DP 36161
PROVIDE GENEROUS SIDE & REAR SETBACKS TO MINIMIZE IMPACT ON ADJOINING PROPERTIES
LOCATE LIVING AREAS TO ACCESS VIEWS AND NORTH SUN.
POSITION OPEN SPACE IN THE SAME LOCATION AS ADJOINING PROPERTIES
STEP UPPER LEVELS BACK TO REDUCE IMPACT
PROVIDE GENEROUS LANDSCAPE AREAS ALL AROUND BUILDING.
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
DESIGN RESPONSE PLAN
PLANNING DRAWINGS
NICHOLAS DASCO ARCHITECTS
SCALE 1:100 @ A1
DATE NOV/2021
DRAWN KB
CHECKED ND
DRAWING No. TP02D
No. DATE AMENDMENT
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C 25/06/2023 POST DAP CONFERENCING CHANGES
B 22/02/2023 POST SAC CONFERENCE
A 20/12/2022 ISSUED TO COUNCIL FOR COMMENTS
#HR-QFOW72-02 28/09/2023
Assessor Courtland Gavan-Glover
Accreditation No. NBSA 101564
Address 77 Glassop St , Balmain , NSW, 2041
5.3 Minimum star rating
NATIONWIDE HOUSE ENERGY RATING
www.nathers.gov.au
http://www.hero-software.com.au/pdf/HR-QFOW72-02
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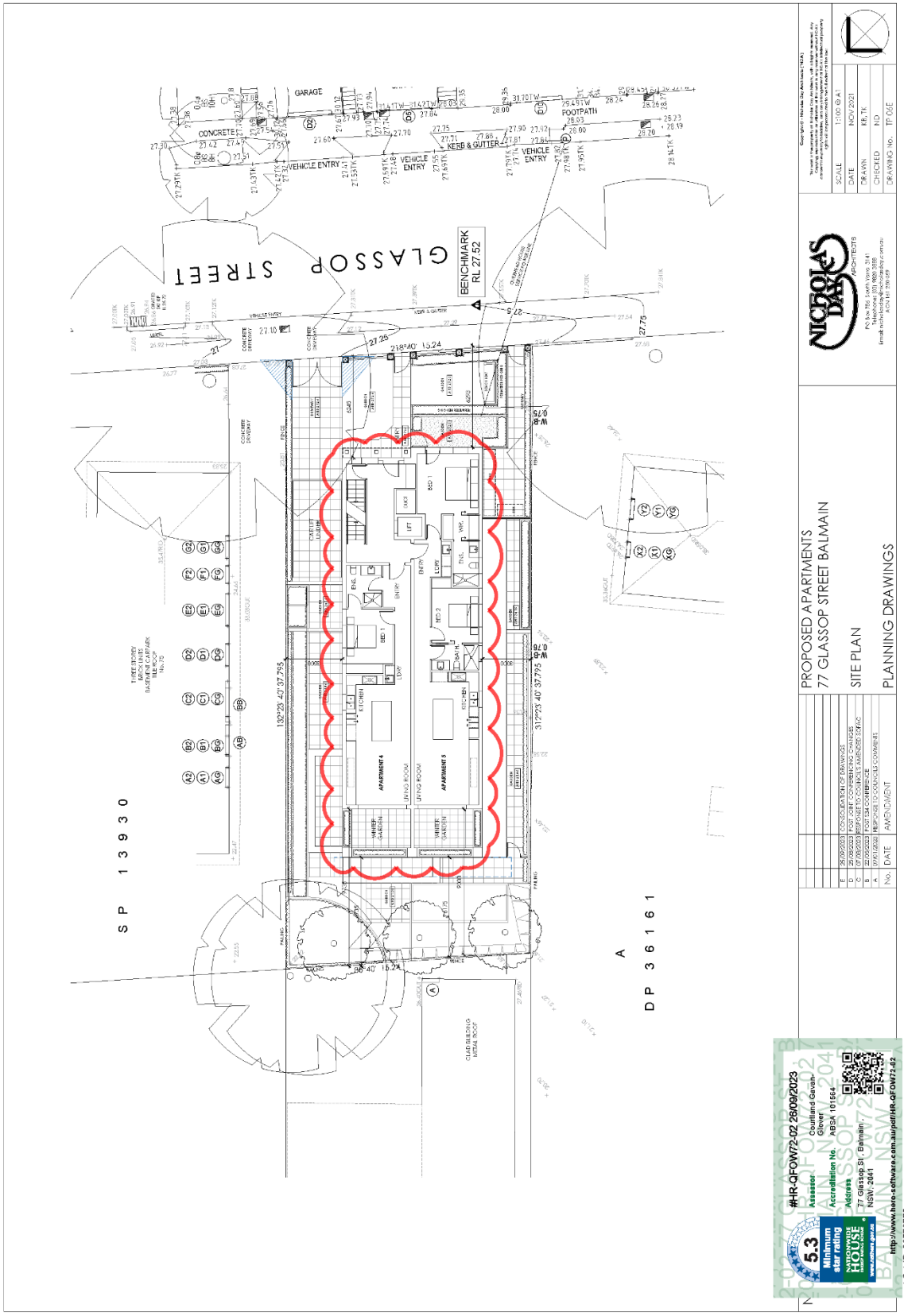
GLASSOP STREET
BENCHMARK RL 27.52
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
SP 13930
DP 36161
APARTMENT 4
APARTMENT 3
LIVING ROOM
WINTER GARDEN
KITCHEN
BED 1
BED 2
LIFT
STAIR
LOBBY
ENTRY
SHOP
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
SITE PLAN
PLANNING DRAWINGS
NICHOLAS DRAKE ARCHITECTS
SCALE 1:100 @ A1
DATE NOV 2021
DRAWN KS, TK
CHECKED ND
DRAWING No. TP 06E
No. DATE AMENDMENT
E 26/09/2023 CONSOLIDATION OF DRAWINGS
D 25/09/2023 POST JOINT CONFERENCING CHANGES
C 07/09/2023 RESPONSE TO COUNCIL'S AMENDED SOHAC
B 22/05/2023 POST DA CONFERENCE
A 04/04/2022 RESPONSE TO COUNCIL COMMENTS
5.3 Minimum star rating
NATIONWIDE HOUSE ENERGY RATING
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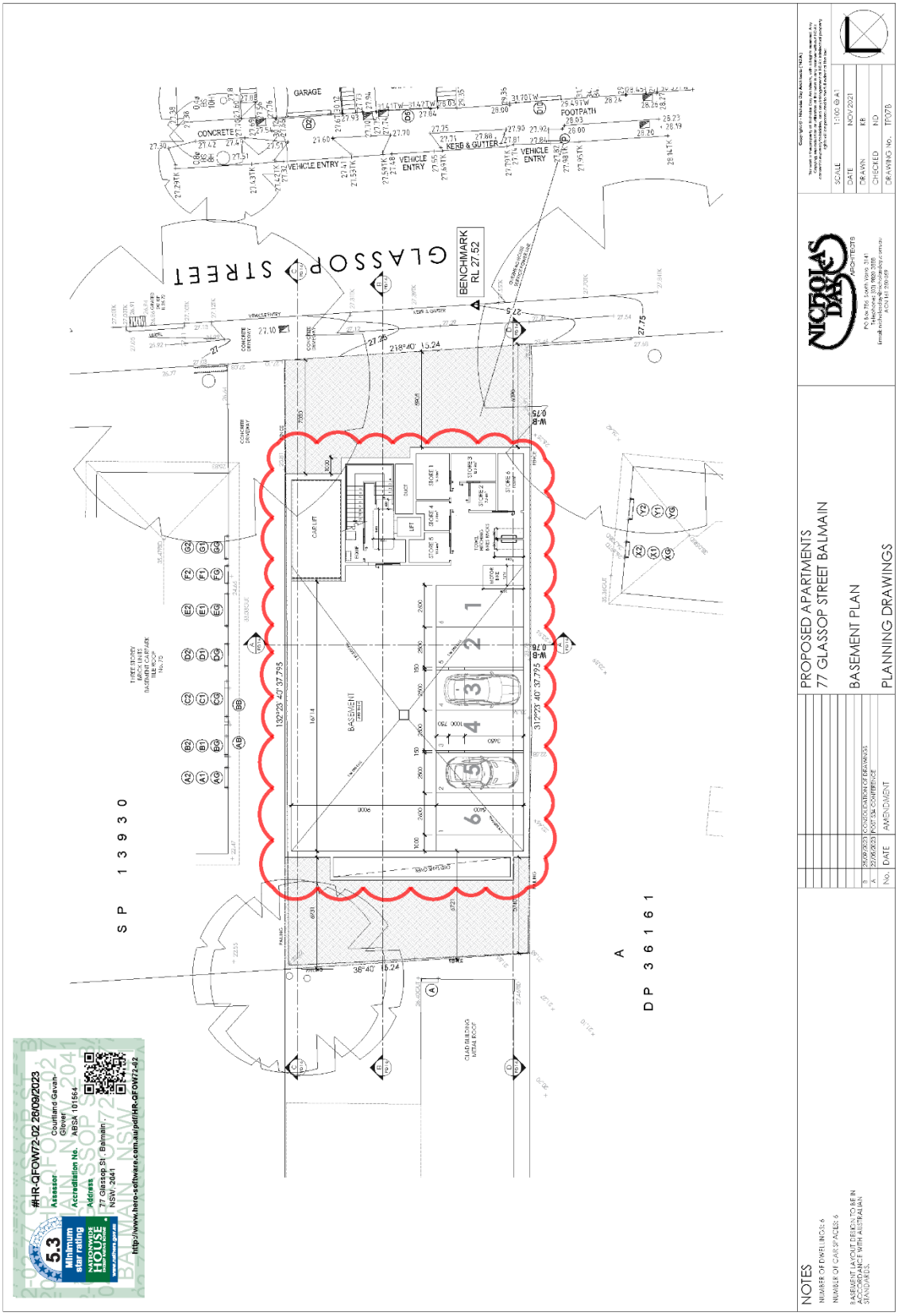
#HR-QFOW72-02 28/09/2023
Assessor Courtland Gavan-Glover
Accreditation No. NBSA 101564
Address 77 Glassop St , Balmain , NSW, 2041
http://www.hero-software.com.au/pdf/HR-QFOW72-02
Document Set ID: 38706508
Version: 1, Version Date: 14/10/2023



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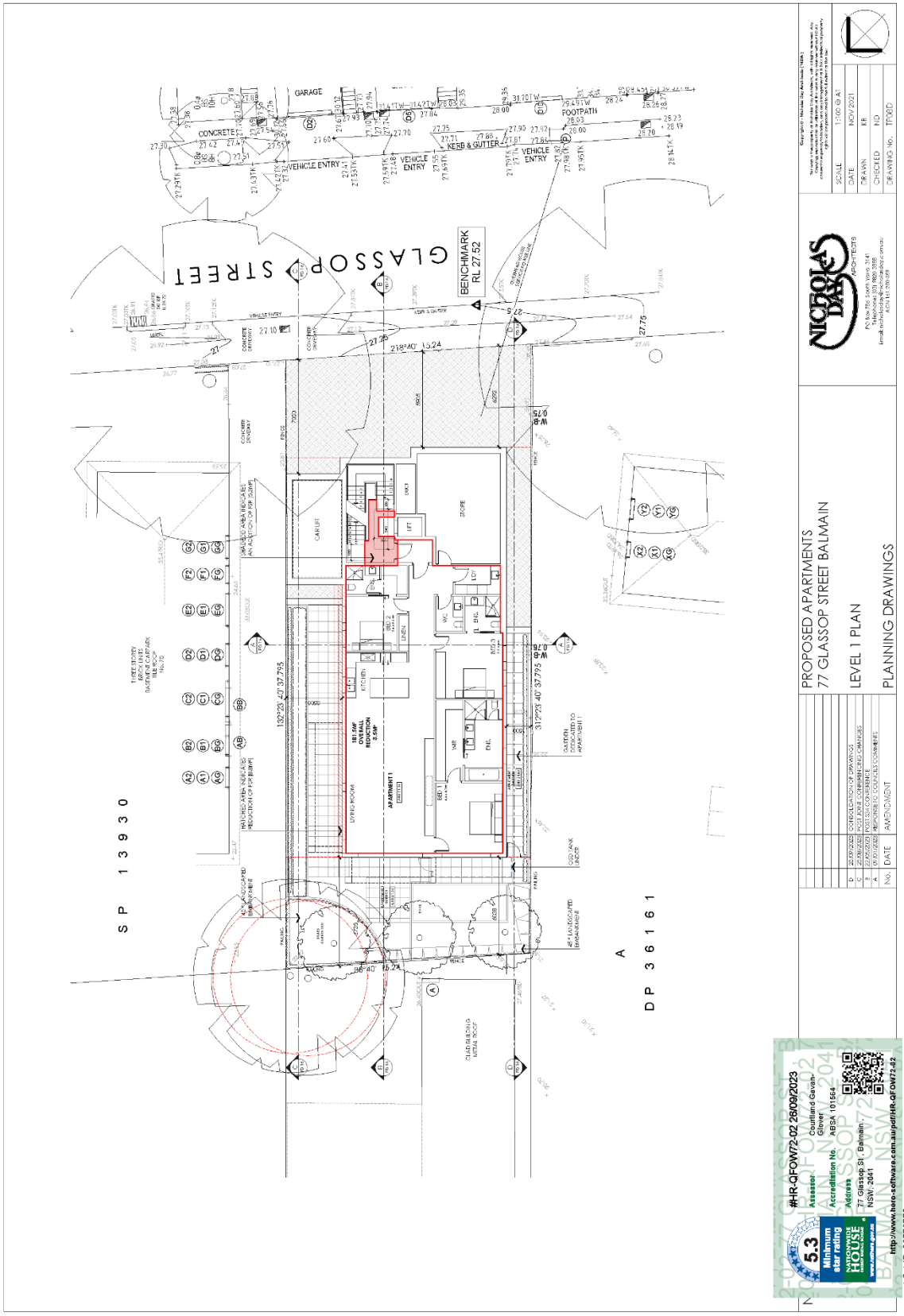

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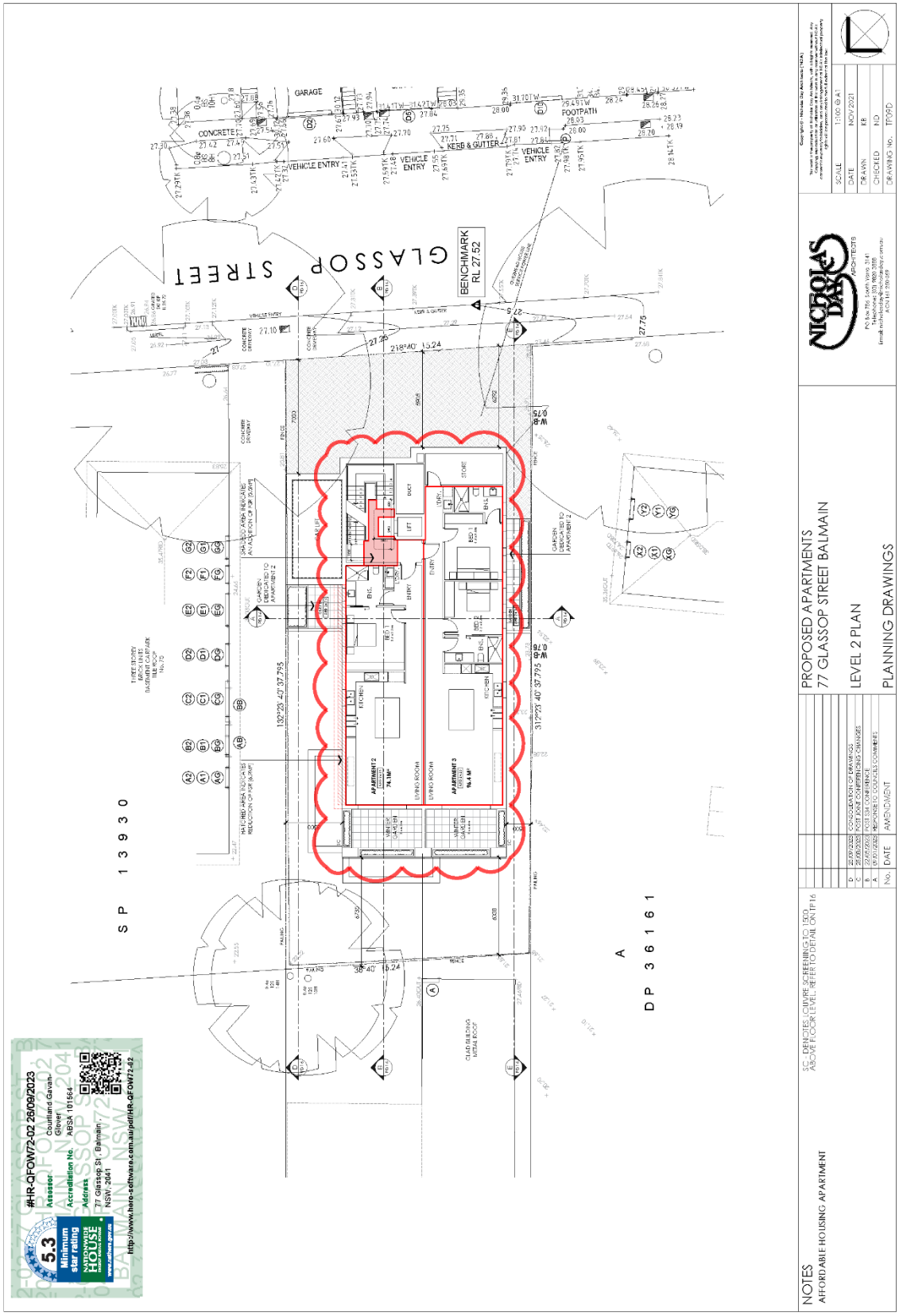
Version: 1, Version Date: 14/10/2023



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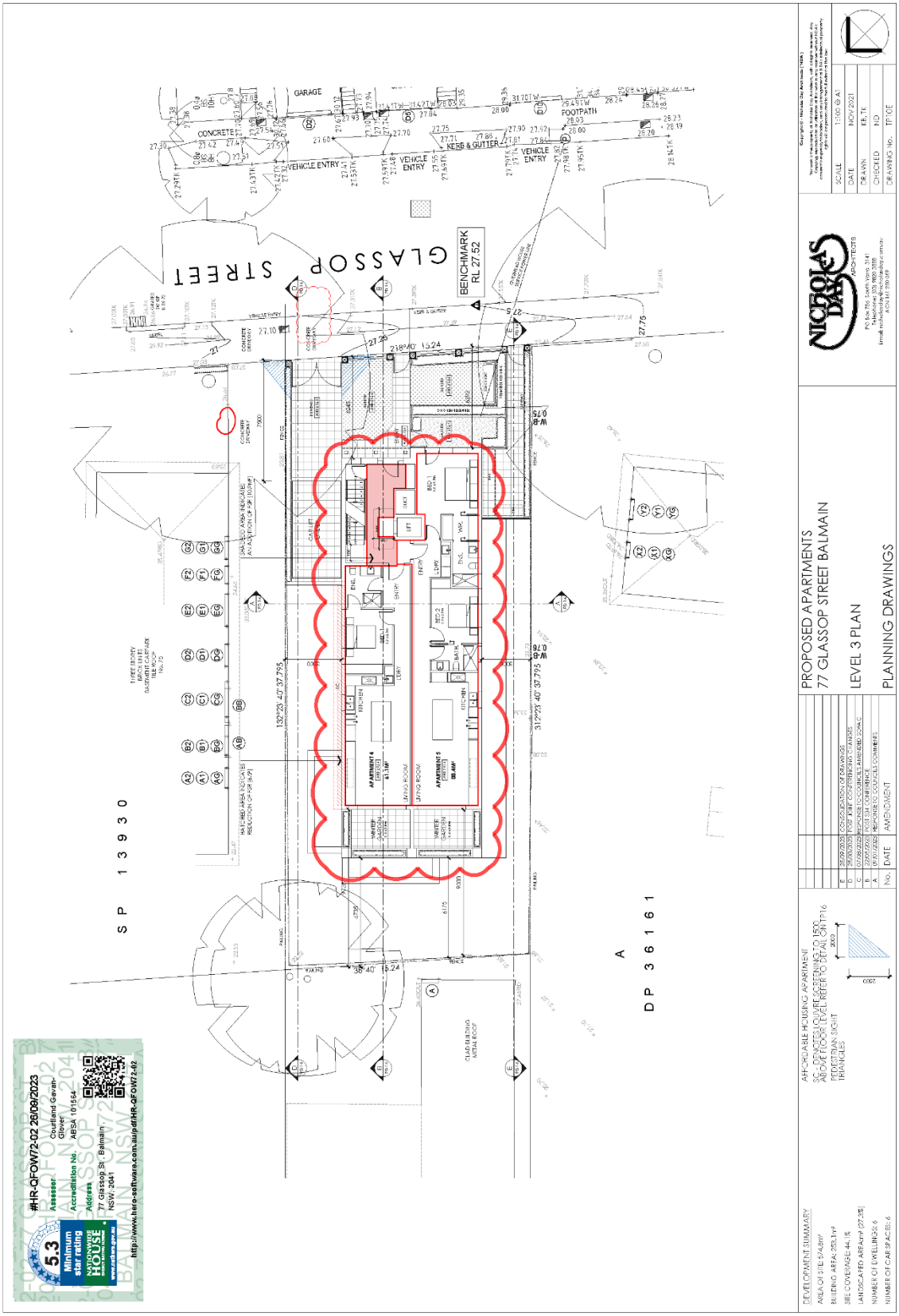
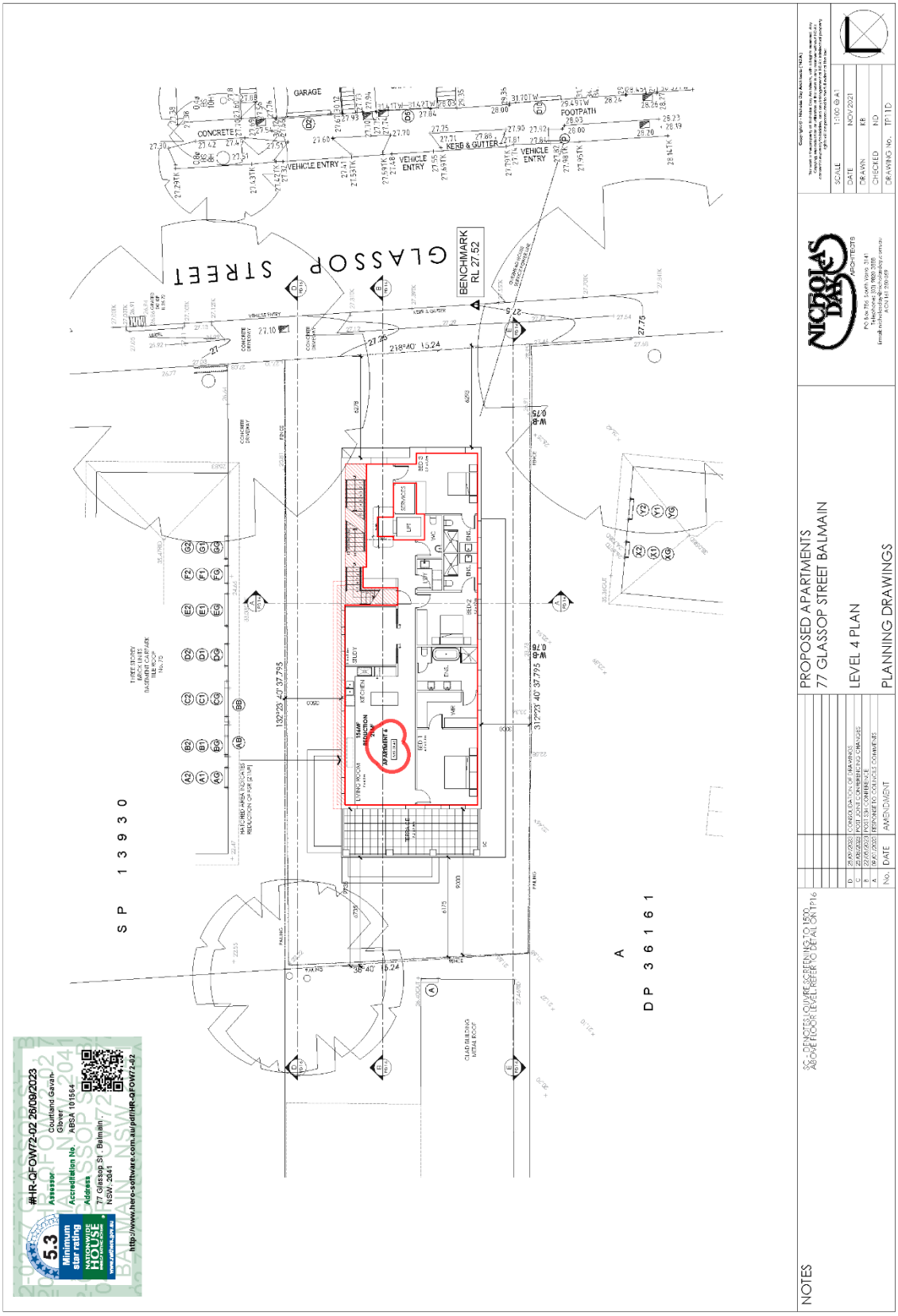

GLASSOP STREET
BENCHMARK RL 27.52
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
S P 1 3 9 3 0
D P 3 6 1 6 1
A
APARTMENT 4
APARTMENT 5
LIVING ROOM
LIFT
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
LEVEL 3 PLAN
PLANNING DRAWINGS
NICHOLAS DASCOS ARCHITECTS
SCALE 1:100 @ A1
DATE NOV 2021
DRAWN KS, TK
CHECKED ND
DRAWING No. TP-GE
DEVELOPMENT SUMMARY
AREA OF SITE: 574.8m²
BUILDING AREA: 253.1m²
SITE COVERAGE: 44.1%
LANDSCAPED AREA: 177.3%
NUMBER OF DWELLINGS: 6
NUMBER OF CARSPACES: 6
AMENDMENT
#HR-QFOW72-02 26/09/2023
Assessor Goutland Gevah
Accreditation No. ABSA 10154
Address 77 Glassop St, Balmain NSW, 2041
5.3 Minimum star rating
NATIONWIDE HOUSE ENERGY RATING
www.nathers.gov.au
http://www.hero-software.com.au/pdf/HR-QFOW72-02



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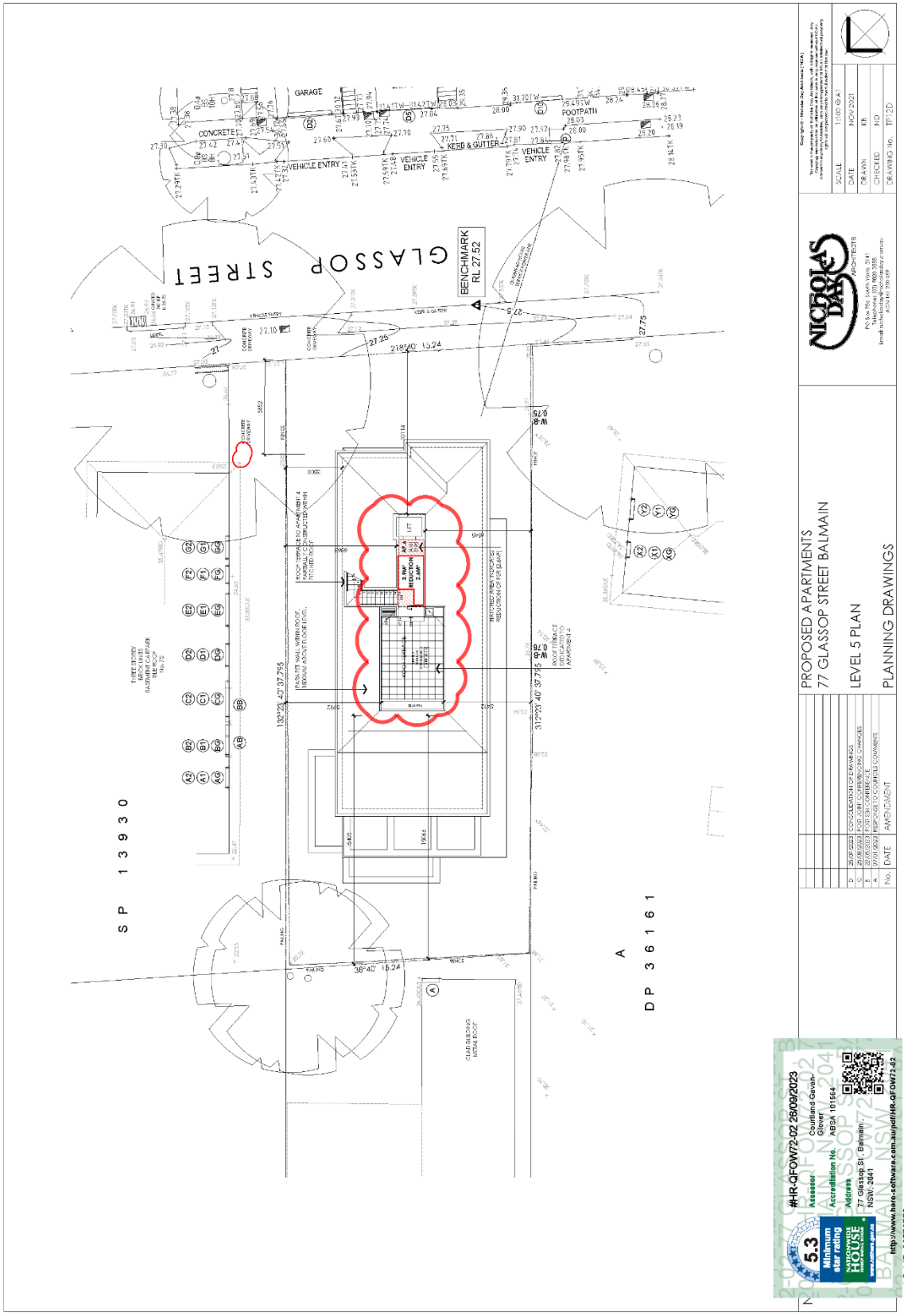
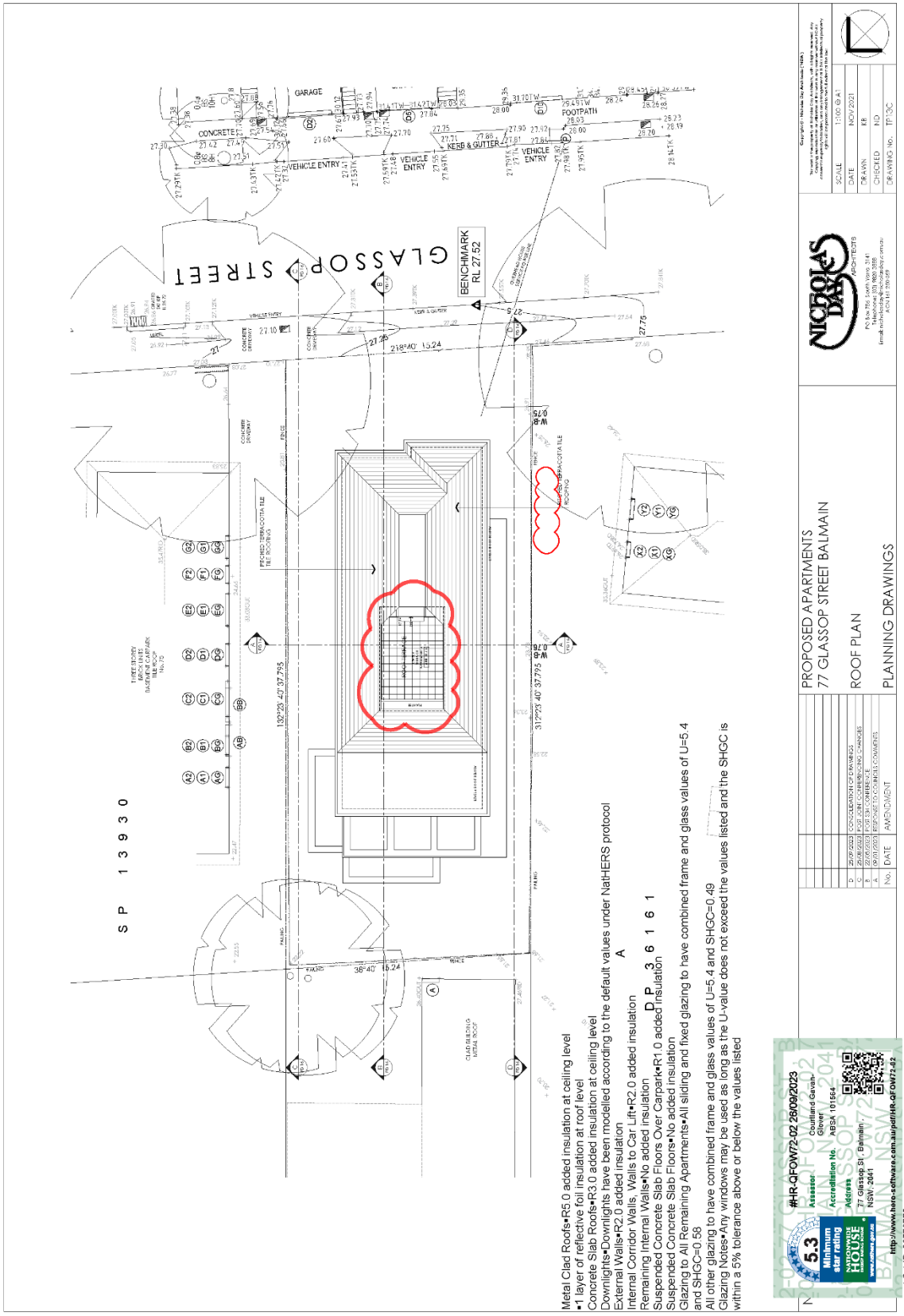
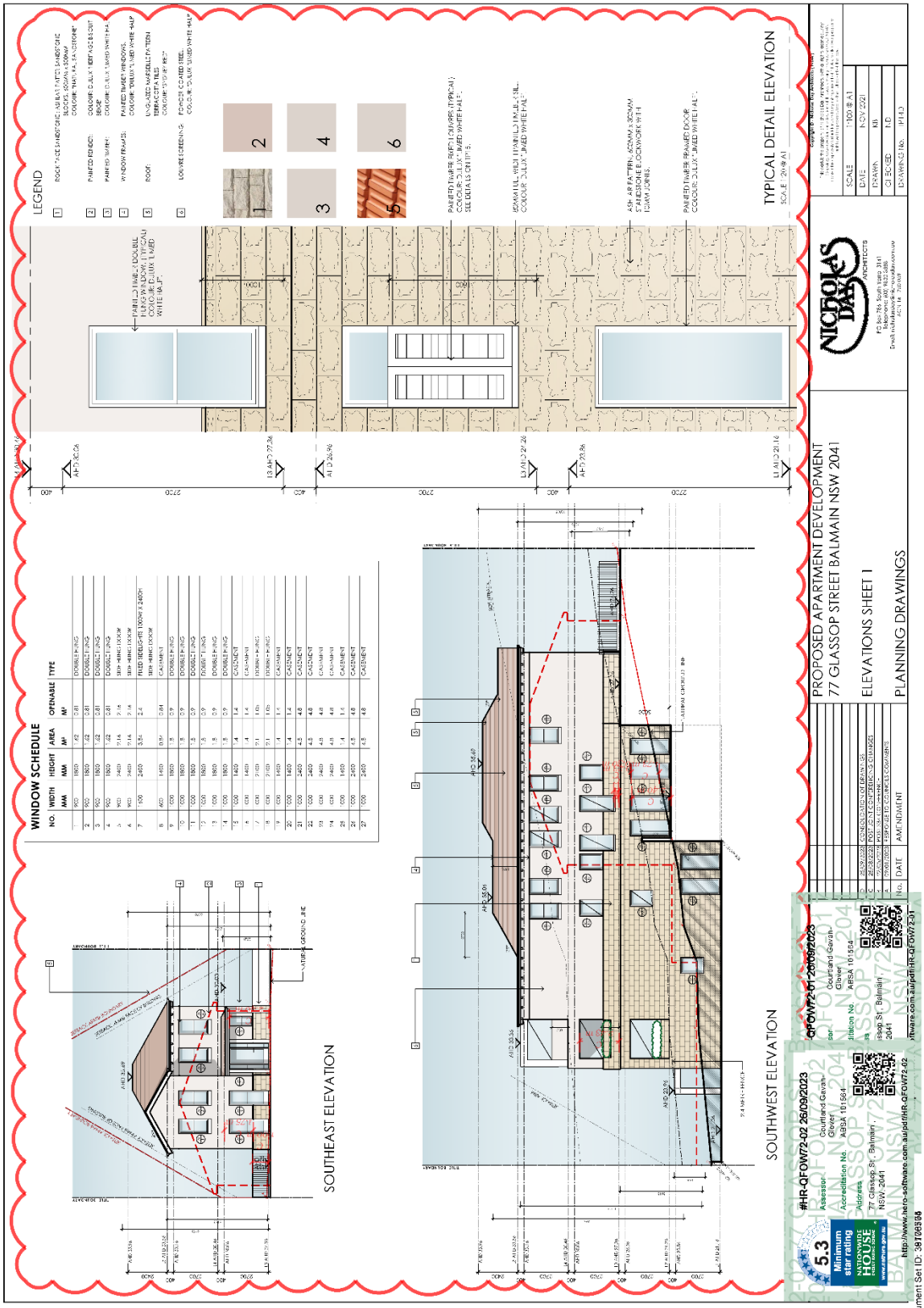
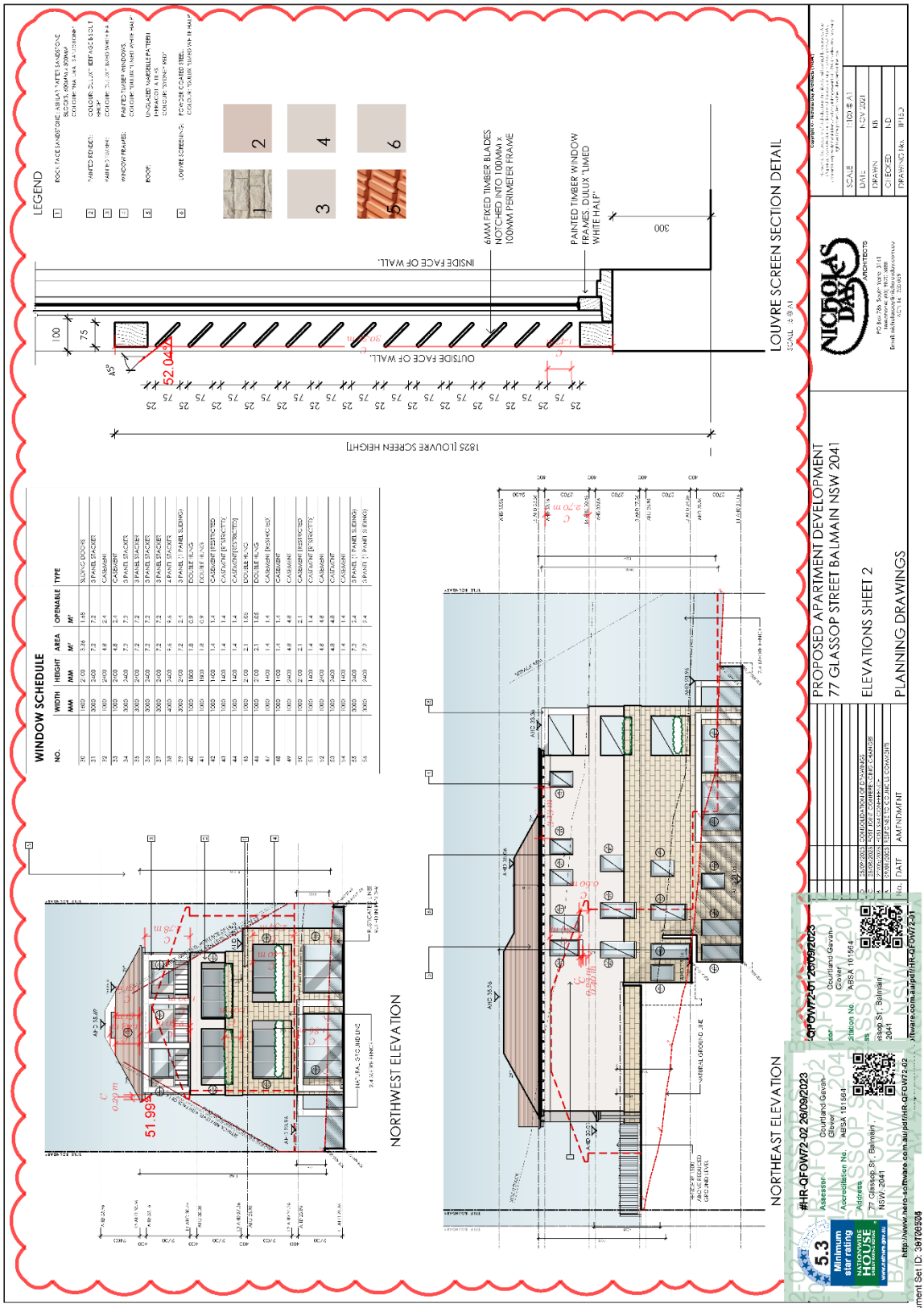

GLASSOP STREET
BENCHMARK RL 27.52
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
SP 13930
DP 36161
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
LEVEL 5 PLAN
PLANNING DRAWINGS
NICHOLAS DAS ARCHITECTS
SCALE 1:100 @ A1
DATE NOV 2021
DRAWN KB
CHECKED ND
DRAWING No. TP-2D
No. DATE AMENDMENT
D 26/07/2023 CONSOLIDATION OF DRAWINGS
C 26/06/2023 FOR JOINT CONFERENCING CHANGES
B 22/05/2023 FOR S34 CONFERENCE
A 10/04/2023 REVISED TO COUNCIL COMMENTS
5.3 Minimum star rating
NATIONWIDE HOUSE ENERGY RATING
www.nathers.gov.au
#HR-QFOW72-02 28/09/2023
Assessor Courtland Gavan-Glover
Accreditation No. NBSA 101564
Address 77 Glassop St , Balmain , NSW, 2041
http://www.hers-software.com.au/pdf/HR-QFOW72-02
Document Set ID: 38706508
Version: 1, Version Date: 14/10/2023


GLASSOP STREET
BENCHMARK
RL 27.52
GARAGE
CONCRETE
VEHICLE ENTRY
KERB & GUTTER
FOOTPATH
S P 1 3 9 3 0
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
ROOF PLAN
PLANNING DRAWINGS
NICHOLAS BASIC ARCHITECTS
SCALE 1:100 @ A1
DATE NOV 2021
DRAWN KB
CHECKED ND
DRAWING No. TP-3C
No. DATE AMENDMENT
D 26/07/2023 CONSOLIDATION OF DRAWINGS
C 26/06/2023 FOR JOINT COMPENSING CHANGES
B 22/05/2023 FOR S96 COMPLIANCE
A 09/02/2023 REPORT COMPLIANCE CHANGES
Metal Clad Roofs•R5.0 added insulation at ceiling level
•1 layer of reflective foil insulation at roof level
Concrete Slab Roofs•R3.0 added insulation at ceiling level
Downlights•Downlights have been modelled according to the default values under NatHERS protocol
External Walls•R2.0 added insulation
Internal Corridor Walls, Walls to Car Lift•R2.0 added insulation
Remaining Internal Walls•No added insulation
Suspended Concrete Slab Floors Over Carpark•R1.0 added insulation
Suspended Concrete Slab Floors•No added insulation
Glazing to All Remaining Apartments•All sliding and fixed glazing to have combined frame and glass values of U=5.4 and SHGC=0.58
All other glazing to have combined frame and glass values of U=5.4 and SHGC=0.49
Glazing Notes•Any windows may be used as long as the U-value does not exceed the values listed and the SHGC is within a 5% tolerance above or below the values listed
5.3
Minimum star rating
#HR-QFOW72-02 28/09/2023
Assessor Courtland Gavan-Glover
Accreditation No. NBSA 101564
Address 77 Glassop St , Balmain , NSW, 2041
http://www.hero-software.com.au/pdf/HR-QFOW72-02
Document Set ID: 38706508
Version: 1, Version Date: 14/10/2023


LEGEND
TYPICAL DETAIL ELEVATION
WINDOW SCHEDULE
SOUTHEAST ELEVATION
SOUTHWEST ELEVATION
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP STREET BALMAIN NSW 2041
ELEVATIONS SHEET 1
PLANNING DRAWINGS
NICHOLAS DABAS ARCHITECTS
#HR-QFOW72-01 26/09/2023
5.3
Minimum star rating
NATIONWIDE HOUSE ENERGY RATING
www.nathers.gov.au
Assessor: Courtland Gavan Glover
Accreditation No.: ABSA 101564
Address: 77 Glassop St, Balmain NSW 2041
http://www.hero-software.com.au/pdf/HR-QFOW72-02
Document Set ID: 39706588
Version: 1, Version Date: 14/10/2023



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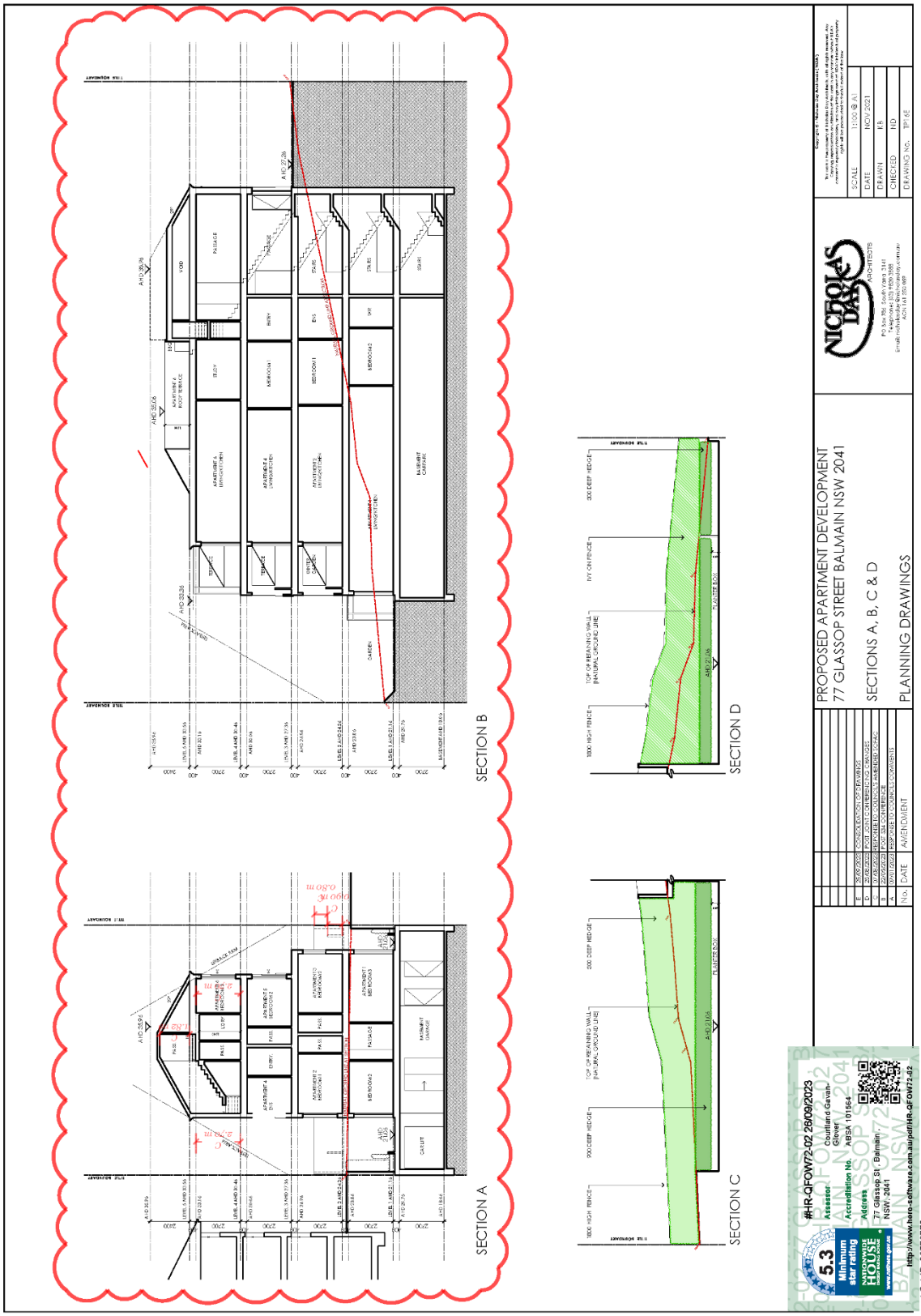
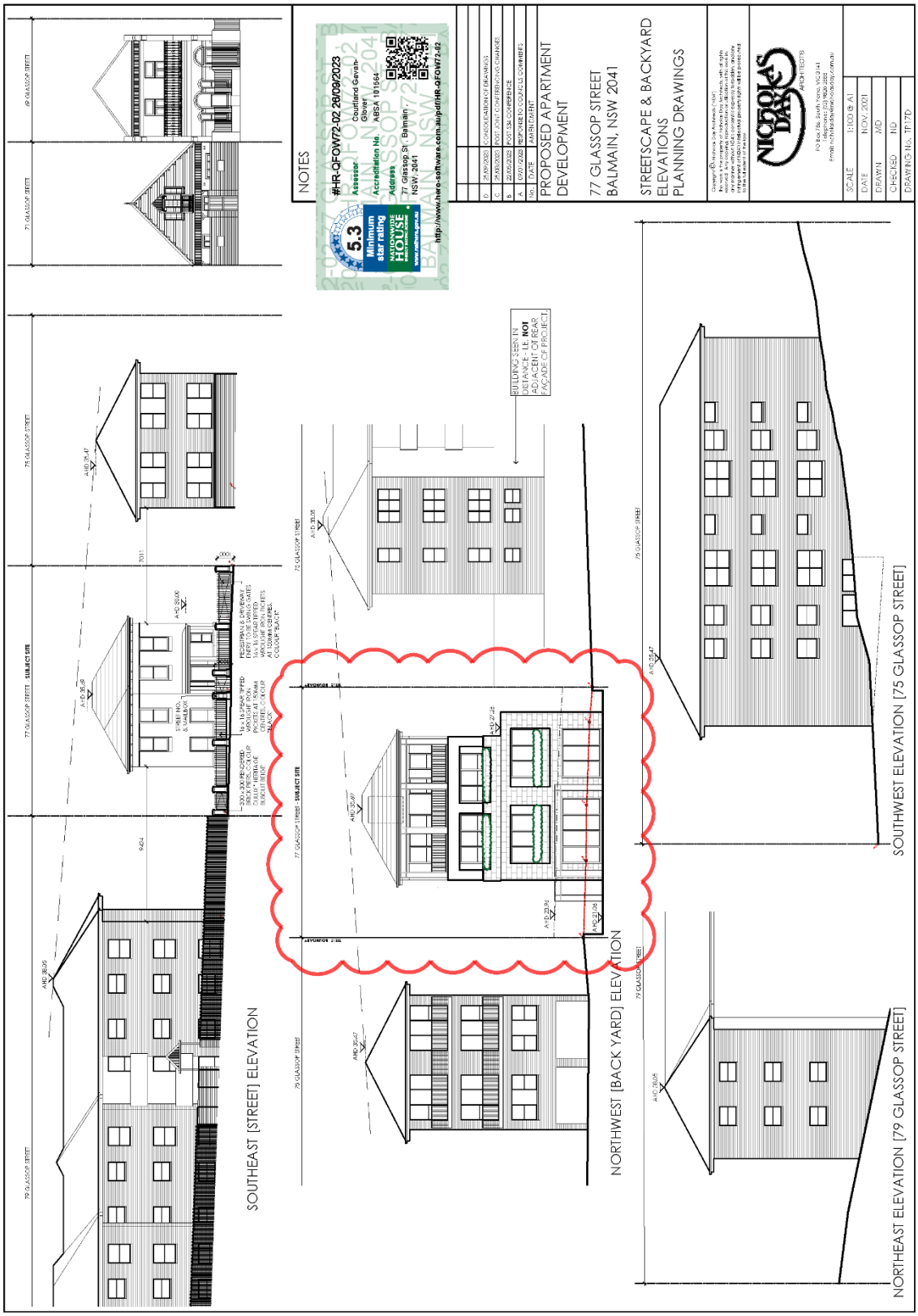
Version: 1, Version Date: 14/10/2023


SECTION A
SECTION B
SECTION C
SECTION D
PROPOSED APARTMENT DEVELOPMENT
77 GLASSOP STREET BALMAIN NSW 2041
SECTIONS A, B, C & D
PLANNING DRAWINGS
NICHOLAS DARKE ARCHITECTS
SCALE 1:100 @ A1
DATE NOV 2021
DRAWN KS
CHECKED HD
DRAWING NO. TP 48
No. DATE AMENDMENT
#HR-QFOW72-02 28/09/2023
Assessor Courtland Gavan-Glover
Accreditation No. NBSA 101564
Address 77 Glassop St , Balmain , NSW, 2041
5.3 Minimum star rating
NATIONWIDE HOUSE ENERGY RATING
www.nathers.gov.au
http://www.hero-software.com.au/pdf/HR-QFOW72-02
Document Set ID: 38706508
Version: 1, Version Date: 14/10/2023



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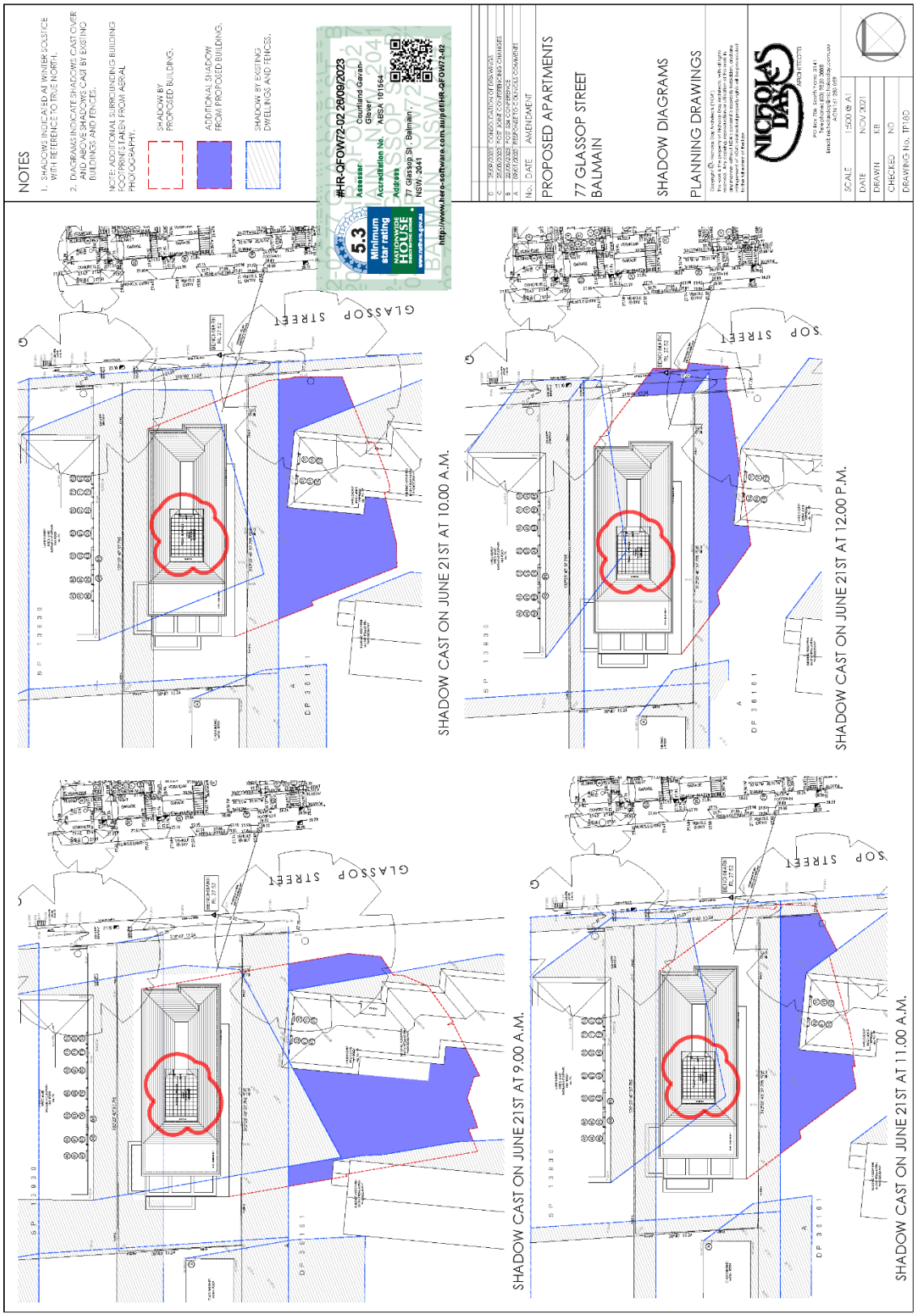
Version: 1, Version Date: 14/10/2023



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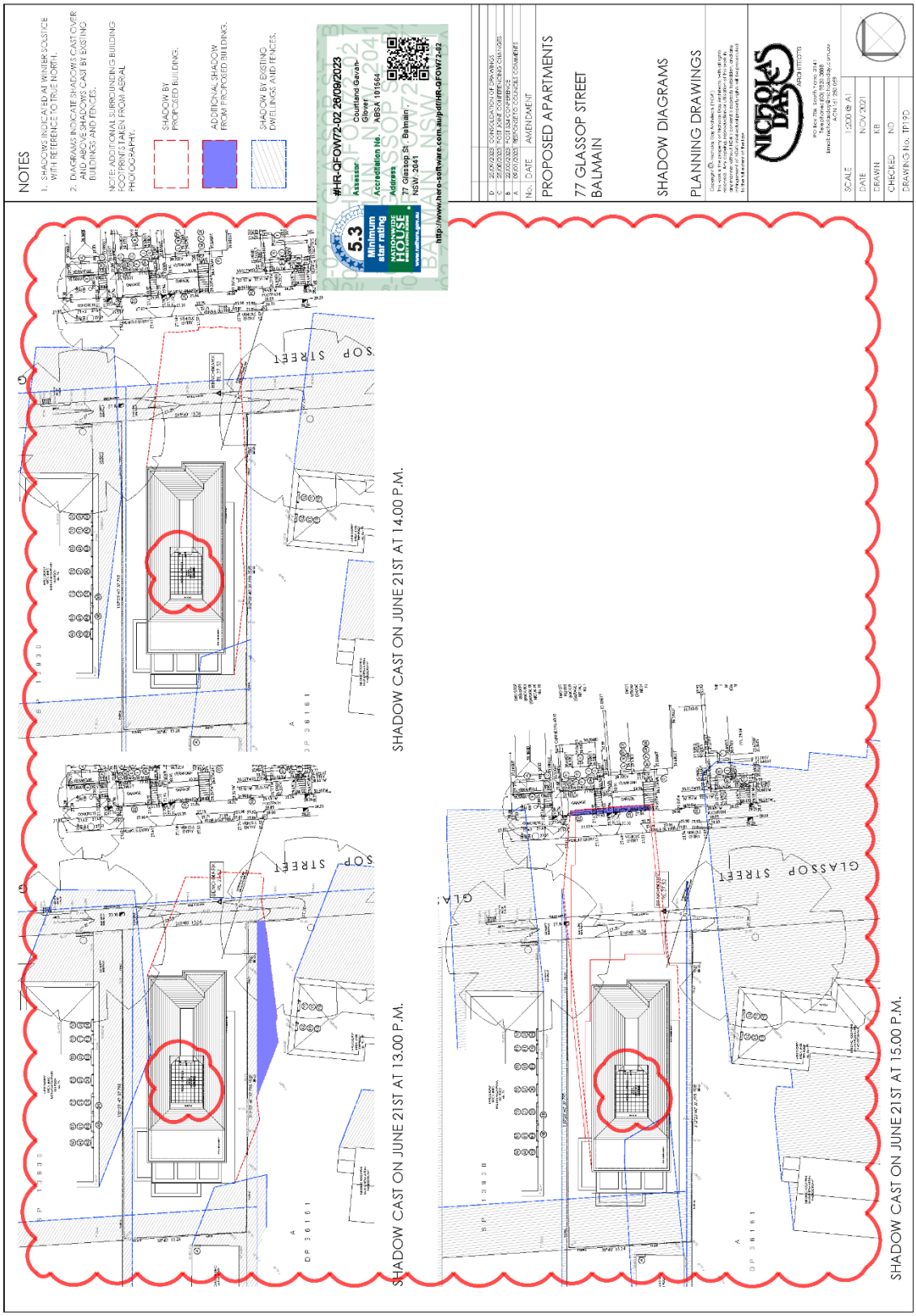
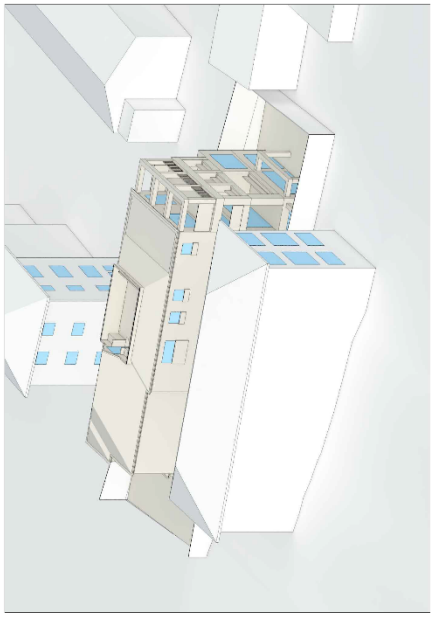
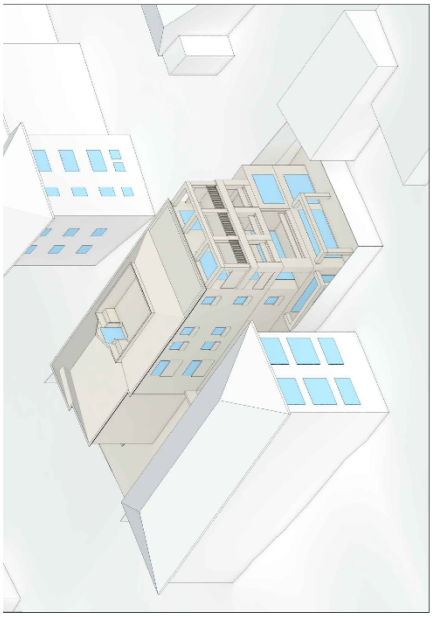
Version: 1, Version Date: 14/10/2023



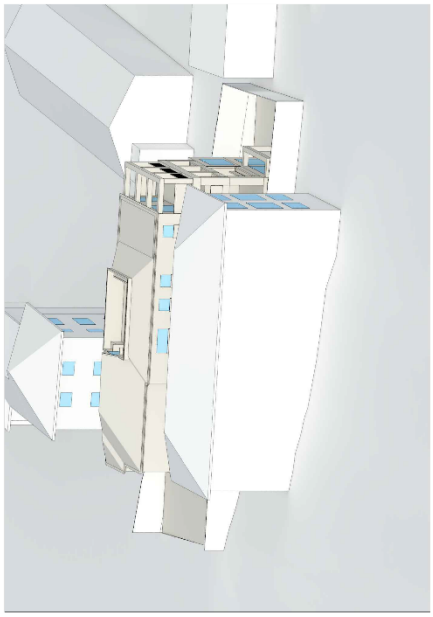
Document Set ID: 38706508
Version: 1, Version Date: 14/10/2023



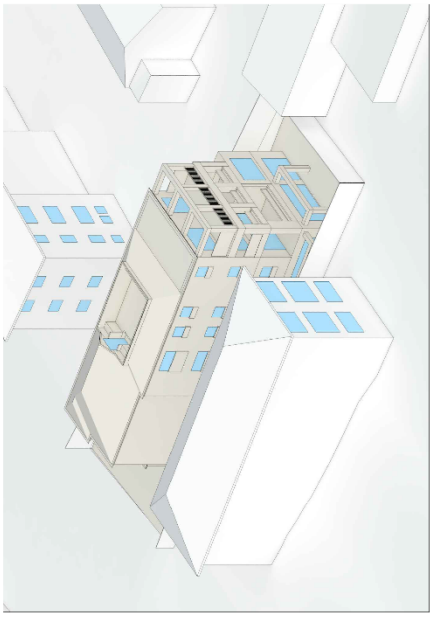
10.00 A.M. 21 JUNE



12.00 P.M. 21 JUNE



9.00 A.M. 21 JUNE



11.00 A.M. 21 JUNE

PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN

EYE FROM SUN

PLANNING DRAWINGS

No.	DATE	AMENDMENT
1	29/07/2021	FOR SSDA CONSENT
A	11/10/2022	AMENDED AS PER RFI'S & COMMENTS

NICHOLAS DAS ARCHITECTS
PO box 166 North Ryde 1341
Tel: 0414 856 556
Email: nicholasdas@hotmail.com
ACN 141 752 469

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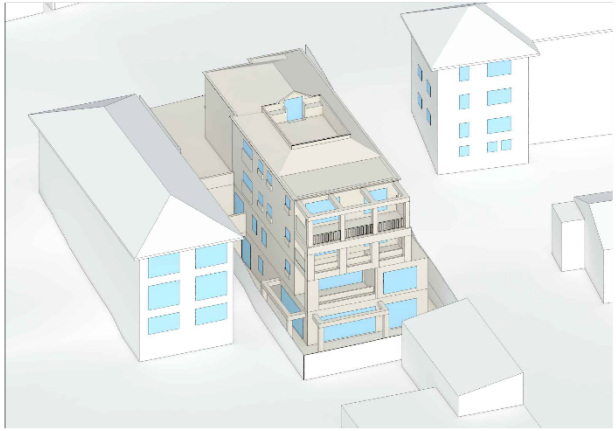
SCALE	1:200 @ A1
DATE	NOV 2021
DRAWN	KB
CHECKED	ND
DRAWING No.	TP02B

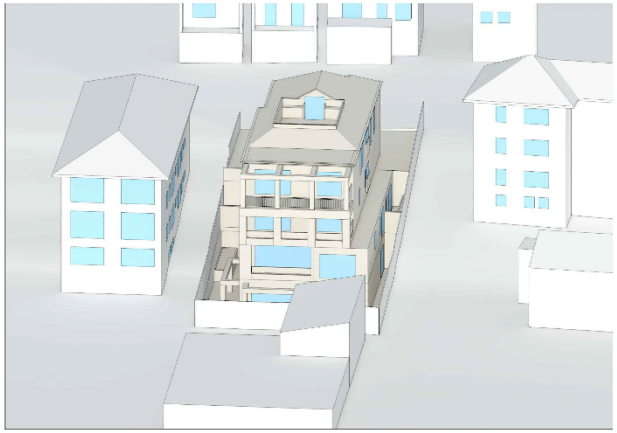
5.3 Minimum star rating
NATIONWIDE HOUSE ENERGY RATING www.ahdes.gov.au
#HR-QFOW72-02 26/09/2023
Assessor Courtland Gavan-Glover
Accreditation No. ABSA 101564
Address 77 Glassop St, Balmain, NSW, 2041
http://www.hero-software.com.au/pdf/HR-QFOW72-02

Document Set ID: 38709506
Version: 1, Version Date: 14/10/2023



13.00 P.M. 21 JUNE

14.00 P.M. 21 JUNE



15.00 P.M. 21 JUNE

(i) Water	Show on DA plans
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.	
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✔
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✔
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✔
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✔
These commitments relate to water efficient farm or dam specified in the dwelling.	
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✔
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).	
(g) The pool or spa must be located as specified in the table.	✔
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✔
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✔
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔

#HR-QFOW72-02 26/09/2023
5.3 Minimum star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME
www.nathers.gov.au
Assessor: Courtland Gavan-Glover
Accreditation No.: ABSA 101564
Address: 77 Glassop St , Balmain , NSW, 2041
http://www.hero-software.com.au/pdf/HR-QFOW72-02

No.	DATE	AMENDMENT
5	22/05/2023	RFS: S34 CONFERENCE
A	09/06/2022	RESPONSE TO COUNCIL COMMENTS

PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN

EYE FROM SUN

PLANNING DRAWINGS

NICHOLAS DAY ARCHITECTS
PO Box 766 South Yarra 3141
Telephone: (03) 9530 3386
Email: nicholasday@nicholasday.com.au
ACN 61 750 039

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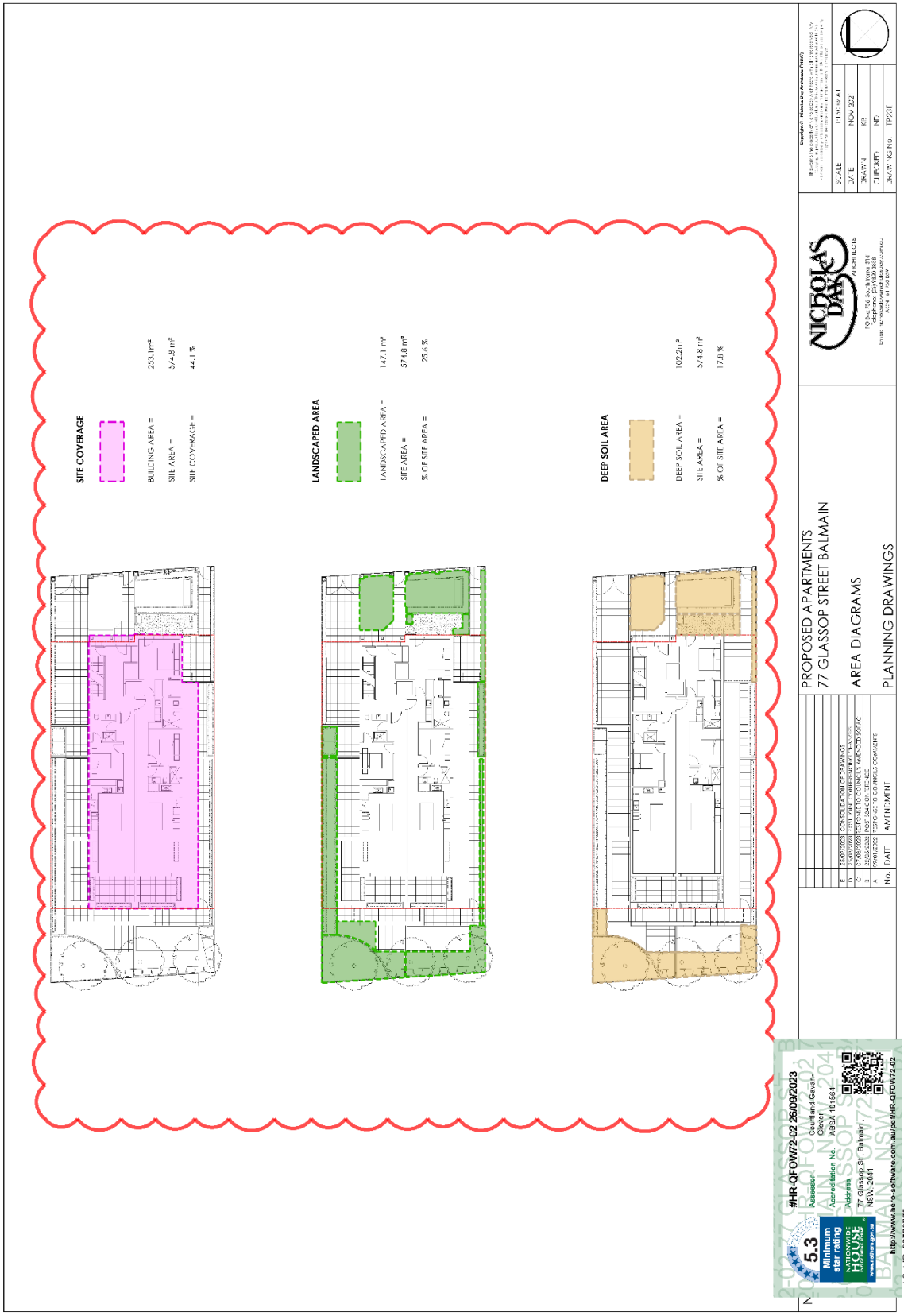
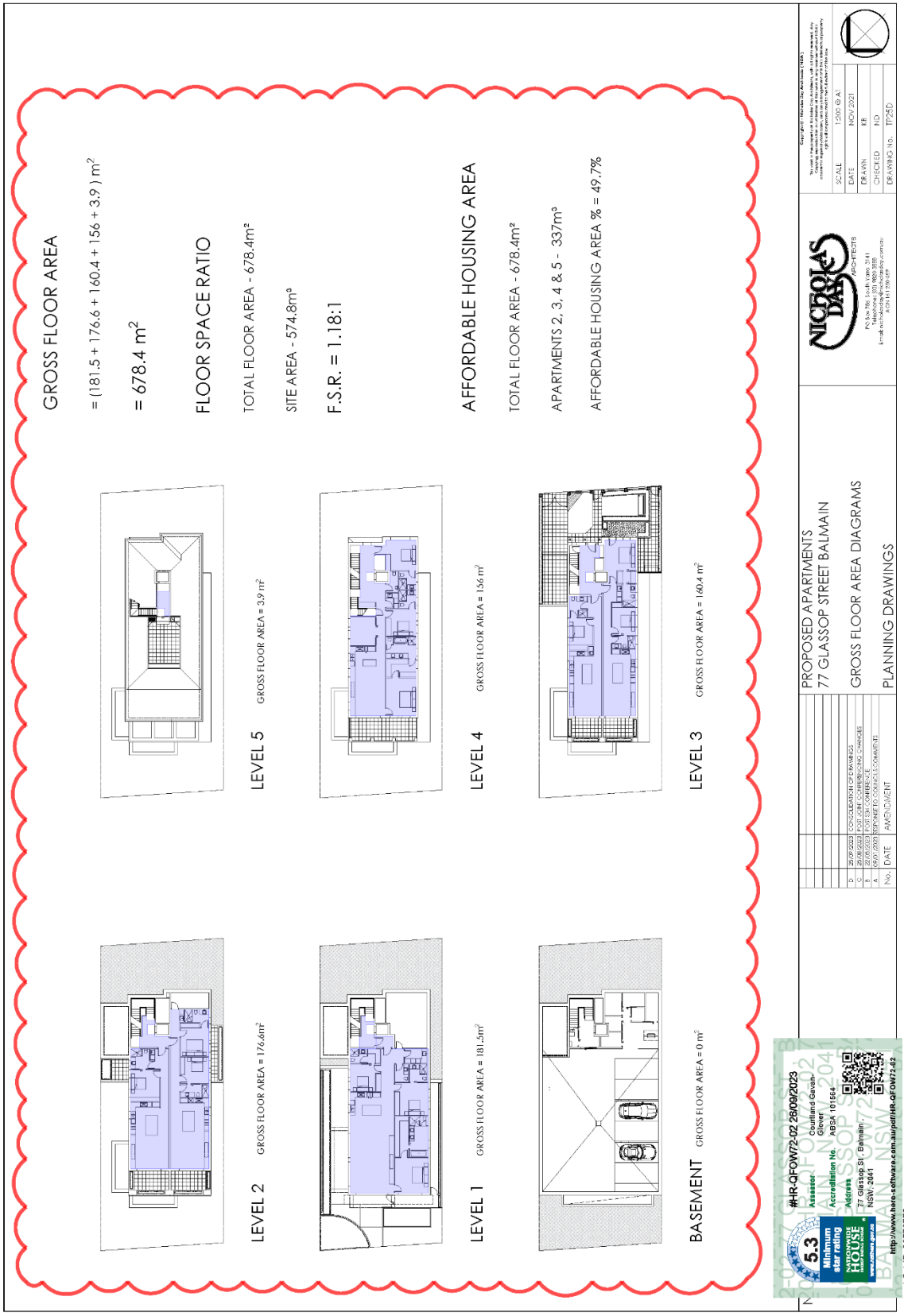
SCALE	1:200 @ A1
DATE	NOV 2021
DRAWN	KB
CHECKED	ND
DRAWING No.	TP218

Document Set ID: 39706506
Version: 1, Version Date: 14/10/2023

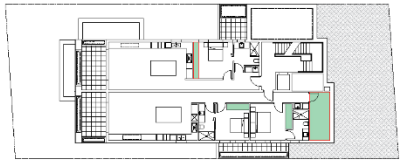
SOLAR COMPLIANCE
APARTMENT NUMBER
ROOM NAME
APARTMENT 1 Y
APARTMENT 2 Y
APARTMENT 3 Y
APARTMENT 4 Y
APARTMENT 5 Y
APARTMENT 6 Y
TOTAL 6
100% COMPLIANCE
SOLAR COMPLIANT
LEVEL 5
LEVEL 4
LEVEL 3
LEVEL 2
LEVEL 1
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
SEPP 65 DIAGRAMS
PLANNING DRAWINGS
NICHOLAS DASCO ARCHITECTS
SCALE 1:200 @ A1
DATE NOV 2021
DRAWN KB
CHECKED ND
DRAWING No. TP22D
No. DATE AMENDMENT
D 28/09/2023 CONSOLIDATION OF DRAWINGS
C 22/05/2023 FOR JOINT CONFERENCING CHANGES
B 22/05/2023 FOR DA CONFERENCE
A 10/11/2022 ISSUED TO COUNCIL FOR COMMENT
5.3
Minimum star rating
NATIONWIDE HOUSE ENERGY RATING
www.nathers.gov.au
#HR-QFOW72-02 28/09/2023
Assessor Courtland Gavan-Glover
Accreditation No. NBSA 101564
Address 77 Glassop St , Balmain , NSW , 2041
http://www.hers-software.com.au/pdf/HR-QFOW72-02
Document Set ID: 38706508
Version: 1, Version Date: 14/10/2023



Document Set ID: 39706388
Version: 1, Version Date: 14/10/2023



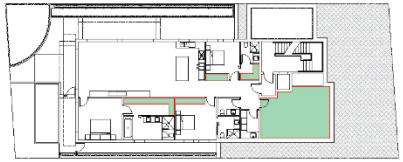
Document Set ID: 38706508
Version: 1, Version Date: 14/10/2023



LEVEL 2

APARTMENT 2 - 4.86 m² INTERNAL + 7.56 m² EXTERNAL STORAGE = 12.42 m²

APARTMENT 3 - 32.48 m² INTERNAL + 12.96 m² EXTERNAL STORAGE = 45.44 m²

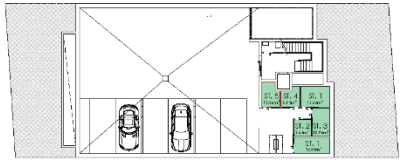


LEVEL 1

APARTMENT 1 - 110.75 m² INTERNAL + 15.66 m² EXTERNAL STORAGE = 126.41 m²

LEVEL 4

APARTMENT 6 - 20.35 m² INTERNAL + 15.33 m² EXTERNAL STORAGE = 35.68 m²



BASEMENT

EXTERNAL STORAGE AREA AS ABOVE

LEVEL 3

APARTMENT 4 - 3.73 m² INTERNAL + 8.91 m² EXTERNAL STORAGE = 12.64 m²

APARTMENT 5 - 11.88 m² INTERNAL + 11.34m² EXTERNAL STORAGE = 23.22 m²

INTERNAL STORAGE

APARTMENT NUMBER	ROOM NAME	VOLUME
APARTMENT 1	WIR - BEDROOM 1	9.99m³
APARTMENT 1	BEDROOM2	4.53m³
APARTMENT 1	BEDROOM3	4.7m³
APARTMENT 1	LINEN	3.53m³
APARTMENT 1	STORE	88m³
	TOTAL	110.75m³
APARTMENT 2	BEDROOM 1	4.86m³
	TOTAL	4.86m³
APARTMENT 3	BEDROOM1	3.86m³
APARTMENT 3	BEDROOM2	3.51m³
APARTMENT 3	STORE	25.11m³
	TOTAL	32.48m³
APARTMENT 4	BEDROOM1	3.73m³
	TOTAL	3.73m³
APARTMENT 5	BEDROOM 1	5.05m³
APARTMENT 5	WIR - BEDROOM 1	4.86m³
APARTMENT 5	BEDROOM2	1.97m³
	TOTAL	11.88m³
APARTMENT 6	WIR - BED 1	10.31m³
APARTMENT 6	BED 2	3.56m³
APARTMENT 6	BED 3	3.24m³
APARTMENT 6	LINEN	3.24m³
	TOTAL	20.35m³

BASEMENT STORAGE

LEVEL	VOLUME
B1 ST. 1	15.66m³
B1 ST.2	7.56m³
B1 ST.3	12.96m³
B1 ST.4	8.91m³
B1 ST.5	11.34m³
B1 ST.6	15.33m³

#HR-QFOW72-02 26/09/2023
5.3 Minimum star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME
www.nathers.gov.au
Assessor: Courtland Gavan-Glover
Accreditation No.: ABSA 101564
Address: 77 Glassop St , Balmain , NSW, 2041
http://www.hero-software.com.au/pdf/HR-QFOW72-02

No.	DATE	AMENDMENT
D	25/09/2023	CONSOLIDATION OF DRAWINGS
C	25/08/2023	POST JOINT CONFERENCING CHANGES
B	22/05/2023	POST S34 CONFERENCE
A	09/01/2022	RESPONSE TO COUNCILS COMMENTS

PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN

STORAGE AREA DIAGRAMS

PLANNING DRAWINGS

NICHOLAS DAY ARCHITECTS
PO Box 786 South Yarra 3141
Telephone: (03) 9820 3888
Email: nicholasday@nicholasday.com.au
ACN 161 250 069

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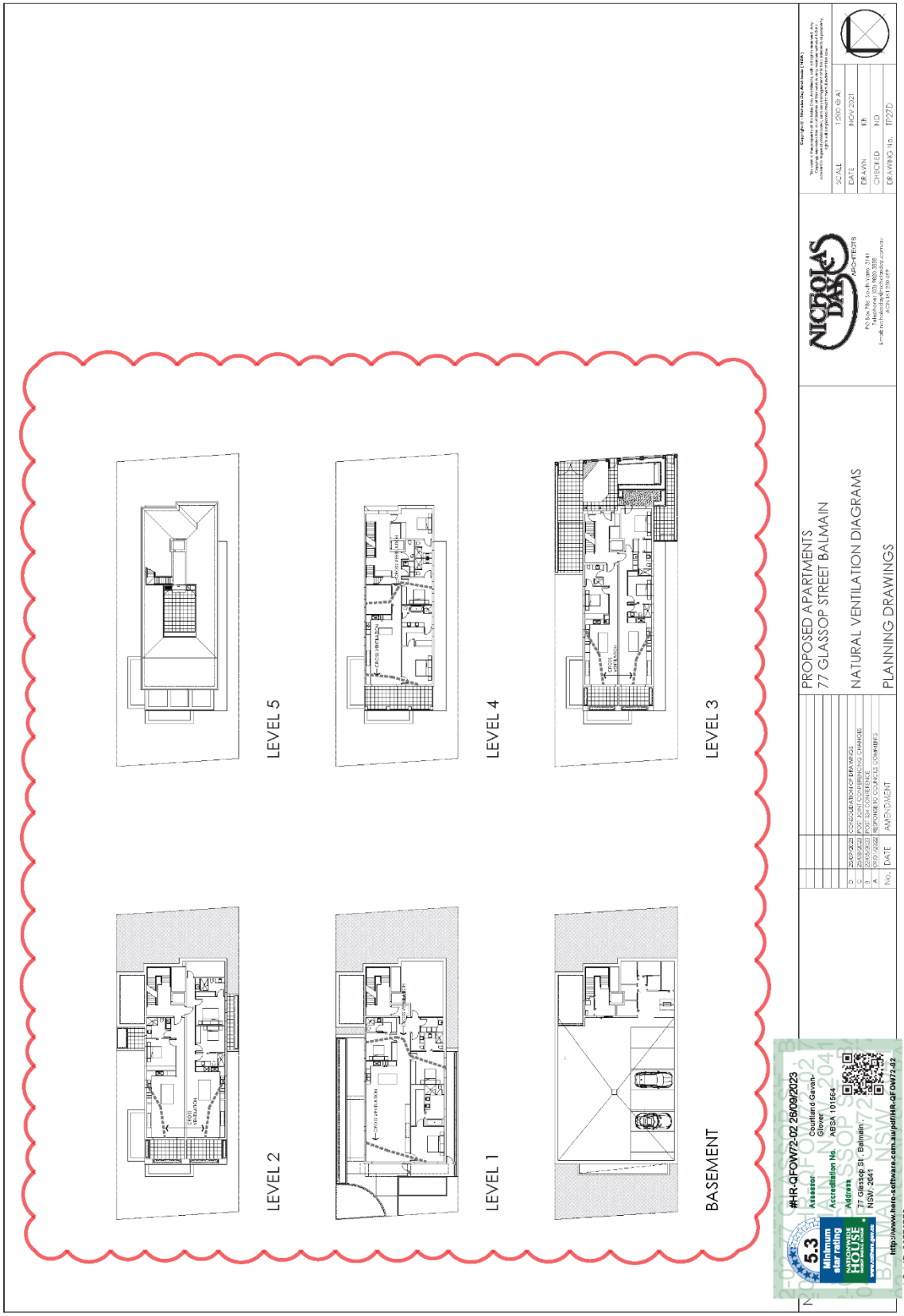
LEVEL 5
LEVEL 4
LEVEL 3
LEVEL 2
LEVEL 1
BASEMENT
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
NATURAL VENTILATION DIAGRAMS
PLANNING DRAWINGS
NICHOLAS DASCO ARCHITECTS
SCALE 1:200 @ A1
DATE NOV 2021
DRAWN KB
CHECKED ND
DRAWING No. TP27D
No. DATE AMENDMENT
D 26/07/2022 DD SUBMISSION OF DRAWINGS
C 26/05/2022 PCST JOINT CONFERENCING CHANGES
B 22/05/2022 PCST JOINT CONFERENCE
A 10/04/2022 REVISED AS PER COUNCIL COMMENTS
5.3
Minimum star rating
NATIONWIDE HOUSE ENERGY RATING
www.nathers.gov.au
Assessor Courtland Gavan-Glover
Accreditation No. NBSA 101564
Address 77 Glassop St , Balmain , NSW, 2041
#HR-QFOW72-02 28/09/2023
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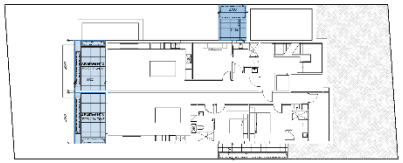
Document Set ID: 38706508
Version: 1, Version Date: 14/10/2023



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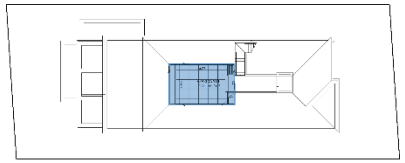

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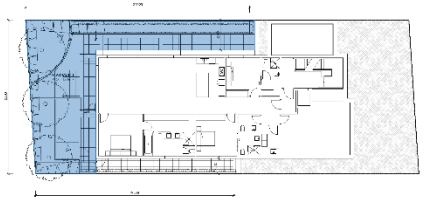

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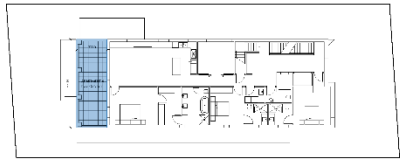
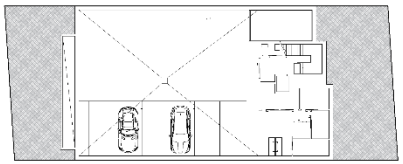


LEVEL 4

PRIVATE OPEN SPACE

APARTMENT	AREA
APARTMENT 1	143m²
APARTMENT 2	14.7 + 9.45 = 24.35m²
APARTMENT 3	14.9m²
APARTMENT 4	12.76m²
APARTMENT 5	11.1 + 12.76 = 23.86m²
APARTMENT 6	26.12 + 26.2 = 52.32m²



BASEMENT

LEVEL 3

5.3 Minimum star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME
www.nathers.gov.au
#HR-QFOW72-02 26/09/2023
Assessor Courtland Gavan-Glover
Accreditation No. ABSA 101564
Address 77 Glassop St , Balmain , NSW 2041
http://www.hero-software.com.au/pdf/HR-QFOW72-02

No.	DATE	AMENDMENT
C	25/08/2023	POST JOINT CONFERENCING CHANGES
B	22/05/2023	POST S34 CONFERENCE
A	09/01/2023	RESPONSE TO COUNCILS COMMENTS

PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN

PRIVATE OPEN SPACE DIAGRAMS

PLANNING DRAWINGS

NICHOLAS DAYE ARCHITECTS
PO Box 786 South Yarra 3141
Telephone: (03) 9320 8888
Email: nicholas@dayearchitects.com.au
ACN 101 230 087

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CHECKED	ND
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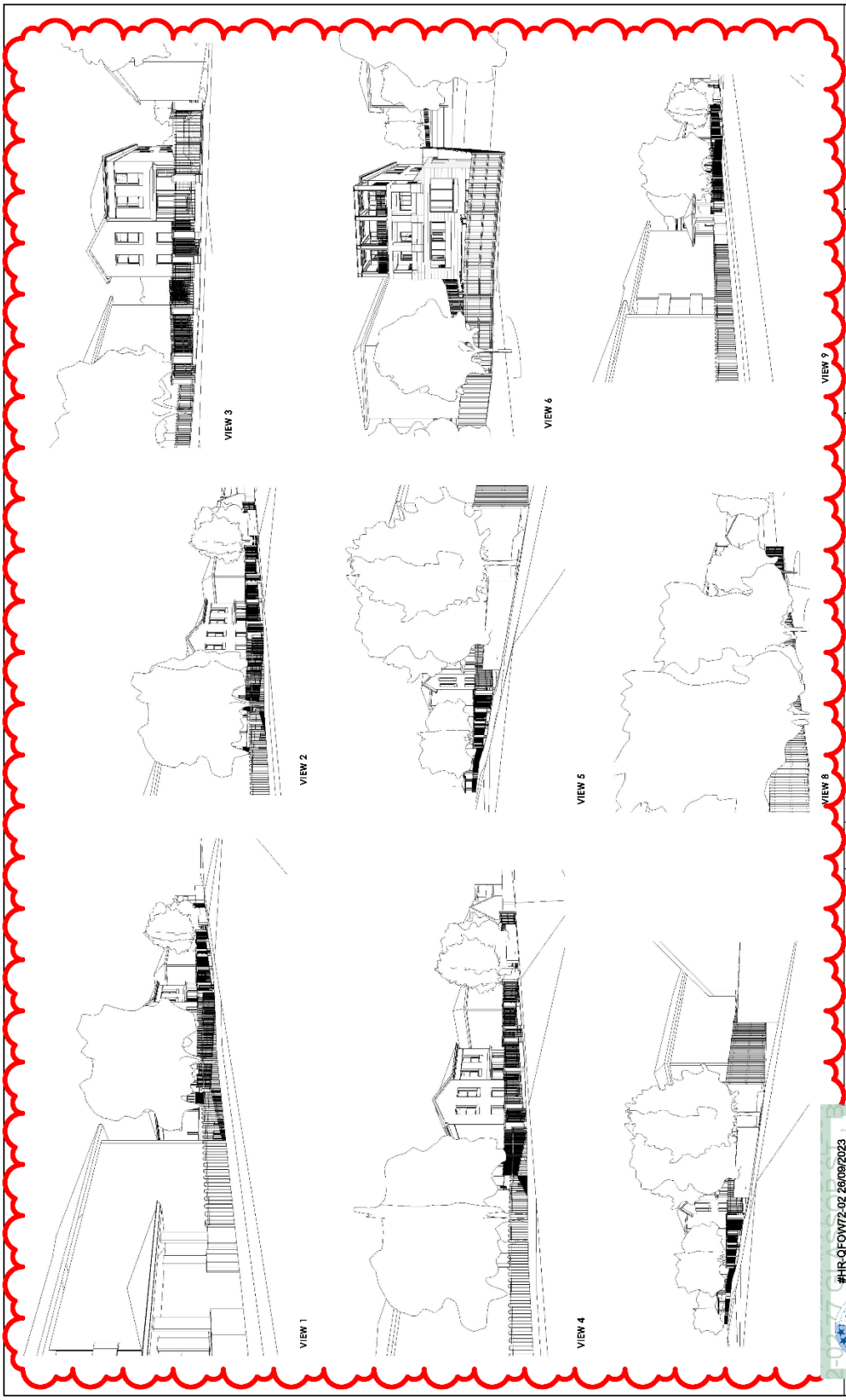
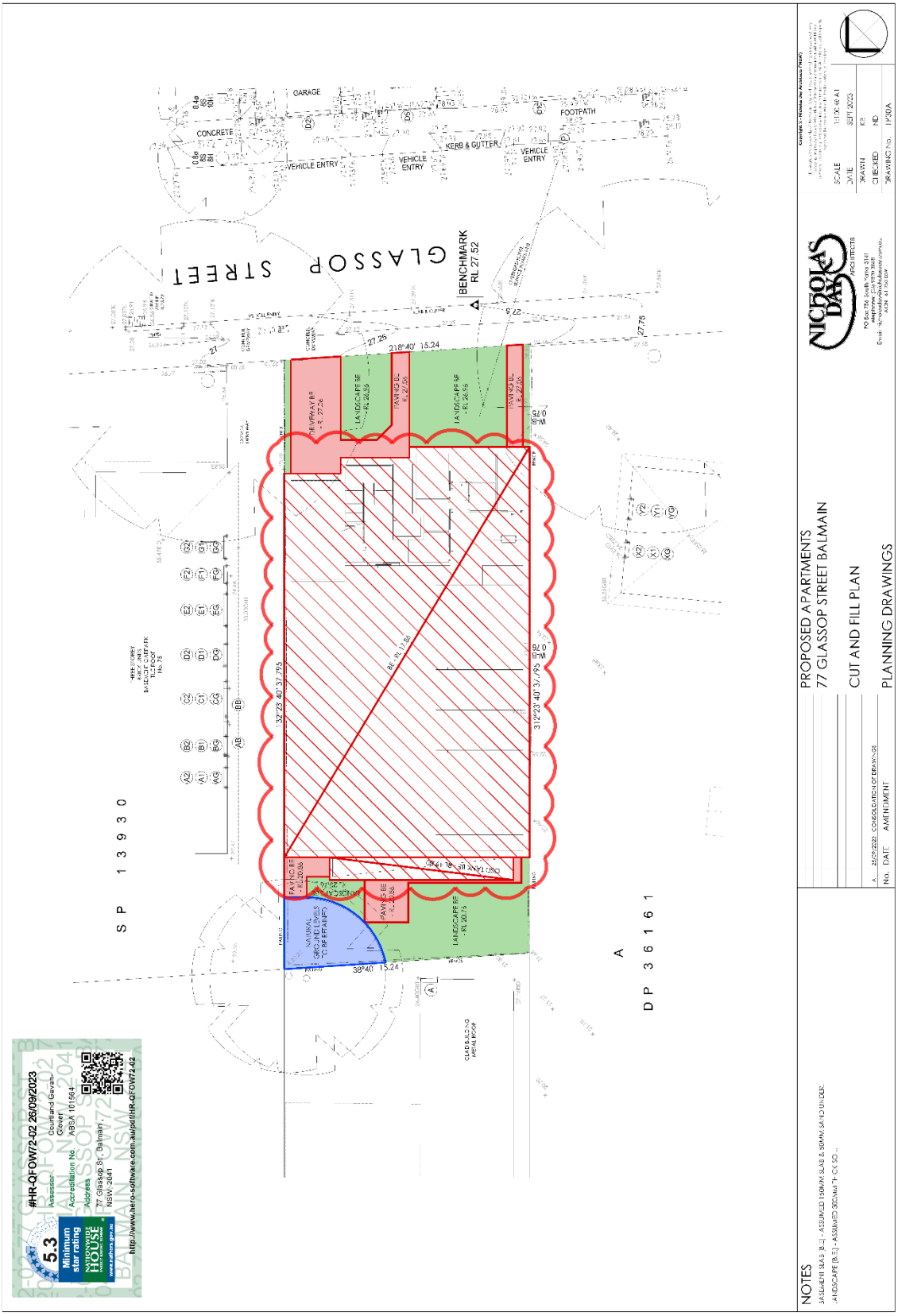
Document Set ID: 38706396
Version: 1, Version Date: 14/10/2023


VIEW 1
VIEW 2
VIEW 3
VIEW 4
VIEW 5
VIEW 6
VIEW 8
VIEW 9
PROPOSED APARTMENTS
77 GLASSOP STREET BALMAIN
STREETSCAPE PERSPECTIVES
PLANNING DRAWINGS
NICHOLAS DAVIES ARCHITECTS
SCALE: NTS
DATE: 22.02.2023
DRAWN: GS
CHECKED: NO
DRAWING NO: TP2
NO DATE AMENDMENTS
A 25/08/2023 DOT JOINT CONFERENCING CHANGES
5.3 Minimum star rating
#HR-QFOW72-02 26/09/2023
Assessor: Courtland Gavan-Stewart
Accreditation No.: NSW/A 1015/64
Address: 77 Glassop St, Balmain NSW 2041
http://www.hero-software.com.au/pdf/HR-QFOW72-02
Version: 1, Version Date: 14/10/2023



Document Set ID: 38706588
Version: 1, Version Date: 14/10/2023

Attachment E – Original Land and Environment Court judgement and conditions

Land and Environment Court

New South Wales

Case Name:	The Trustee for SSTG Property Group v Inner West Council
Medium Neutral Citation:	[2023] NSWLEC 1590
Hearing Date(s):	Conciliation conference on 26 September 2023
Date of Orders:	10 October 2023
Decision Date:	10 October 2023
Jurisdiction:	Class 1
Before:	O'Neill C
Decision:	The orders of the Court are: (1) The appeal is upheld. (2) The Applicant is to pay the Respondent's costs that are thrown away as a result of the amendment of the development application, as agreed or assessed, pursuant to s 8.15(3) of the Environmental Planning and Assessment Act 1979. (3) Development Application No. 2022/0684, as amended, for the demolition of existing structures and the construction of a residential flat building including basement parking and landscape works, at 77 Glassop Street, Balmain, is determined by the grant of consent, subject to the conditions of consent at Annexure A.
Catchwords:	DEVELOPMENT APPLICATION – construction of a residential flat building – conciliation conference – agreement between the parties – orders
Legislation Cited:	Environmental Planning and Assessment Act 1979 ss 4.16, 8.15, 8.7 Environmental Planning and Assessment Regulation 2021, s 38 Inner West Local Environmental Plan 2022, cll 4.6, 6.14 Land and Environment Court Act 1979, s 34, 39

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	State Environmental Planning Policy (Housing) 2021, Pt 2, Div 1, ss 16, 17, 18 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, cll 4, 28 State Environmental Planning Policy (Resilience and Hazards) 2021, s 4.6
Cases Cited:	Cumming v Cumberland Council (No 2) [2021] NSWLEC 117 Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 Initial Action Pty Ltd v Woollahra Municipal Council (2018) 236 LGERA 256; [2018] NSWLEC 118 RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130 Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827
Texts Cited:	Eton Consulting, Our Inner West Housing Strategy 2020 (March 2020)
Category:	Principal judgment
Parties:	The Trustee for SSTG Property Group (Applicant) Inner West Council (Respondent)
Representation:	Counsel: M Staunton (Applicant) S Philips (Respondent) Solicitors: Mills Oakley (Applicant) Inner West Council (Respondent)
File Number(s):	2022/307191
Publication Restriction:	Nil

JUDGMENT

1 **COMMISSIONER**: This is an appeal pursuant to the provisions of s 8.7(1) of the *Environmental Planning and Assessment Act 1979* (EPA Act) against the refusal of Development Application No. 2022/0684 for the demolition of existing structures and the construction of a residential flat building including basement

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parking and landscape works (the proposal), at 77 Glassop Street, Balmain (the site), by Inner West Council (the Council).

2 The Court arranged a conciliation conference under s 34 of the *Land and Environment Court Act* 1979 (LEC Act) between the parties, which was held on 26 September 2023. I presided over the conciliation conference. At the conciliation conference, the parties reached agreement as to the terms of a decision in the proceedings that would be acceptable to the parties.

3 Under s 34(3) of the LEC Act, I must dispose of the proceedings in accordance with the parties' decision if the parties' decision is a decision that the Court could have made in the proper exercise of its functions. The parties' decision involves the Court exercising the function under s 4.16 of the EPA Act to grant consent to the development application.

4 There are preconditions to the exercise of power to grant development consent for the proposal.

Expert evidence

5 The Applicant relied on the expert evidence of Jeff Mead (planning), Philip North (heritage), Sam Haddad (stormwater engineering) and Tom Steal (parking).

6 The Council relied on the expert evidence of Jeremy Swan (planning), Lisa Trueman (heritage), Joe Bertacco (stormwater engineering and parking).

Public submissions

7 One resident objector gave evidence at the commencement of the hearing onsite and the Court, in the company of the parties and their experts, viewed the site from two properties on the opposite side of the street. The objector's concern is that the proposal will obstruct views of the harbour from both properties as those views are across the top of the existing hipped roof on the site.

8 The planning experts agreed that the proposal complies with the floor space ratio (FSR) development standard of 1.18:1, and as such, the building envelope of the proposal is reasonable in all of the circumstances.

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The application is amended

9 Inner West Council, as the relevant consent authority, has agreed under s 38(1) of the Environmental Planning and Assessment Regulation 2021 to the Applicant amending the development application in accordance with the plans and documents listed under condition 1 of the conditions of consent at Annexure A.

10 The Applicant is not required to lodge the amended development application on the NSW Planning Portal pursuant to s 38(4) of the Environmental Planning and Assessment Regulation 2021. The Applicant filed the amended development application with the Court on 26 September 2023.

Jurisdictional pre-conditions to the grant of consent

11 I am satisfied that the site is suitable for the proposal, pursuant to s 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, as the site has a history of residential use.

12 Division 1 In-fill affordable housing, of Pt 2 Development for affordable housing of State Environmental Planning Policy (Housing) 2021, applies to the proposal at s 16(1). The proposal is afforded a bonus FSR of 0.5:1 under s 17. The proposal complies with the non-discretionary development standards under s 18.

13 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) applies to the proposal at cl 4. I am satisfied, pursuant to cl 28(2) of SEPP 65, that the proposal is consistent with the design quality principles under SEPP 65, on the basis of the architect's statement submitted with the amended application and dated 25 September 2023.

14 The site is zoned R1 General Residential under the Inner West Local Environmental Plan 2022 (LEP 2022) and the proposal is permissible with consent. The objectives of the zone, to which regard must be had, are:

- 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.

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• To provide residential development that maintains the character of built and natural features in the surrounding area.

15 Clause 6.14 of LEP 2022 is in the following terms:

> **6.14 Diverse housing**
>
> (1) The objective of this clause is to ensure the provision of a mix of dwelling types in residential flat buildings and mixed use development that includes shop top housing.
>
> (2) This clause applies to the following development involving at least 4 dwellings on land identified as "Area 1" on the Key Sites Map—
>
> (a) development for the purposes of residential flat buildings,
>
> (b) mixed use development that includes shop top housing.
>
> (3) Development consent must not be granted to development to which this clause applies unless—
>
> (a) at least 25% of the dwellings will be—
>
> (i) studio dwellings, or
>
> (ii) dwellings containing only 1 bedroom, and
>
> (b) no more than 30% of the dwellings will be dwellings containing at least 3 bedrooms.

Contravention of the diverse housing development standard

16 The proposal does not comply with cl 6.14(3)(b) of LEP 2022 as the proposal has 33.3% of dwellings with at least 3 bedrooms, being two apartments of the total of six apartments.

17 The Applicant provided a written request seeking to justify the contravention of the diverse housing development standard, prepared by Planning Ingenuity and dated 26 September 2023.

18 Clause 4.6(4) of LEP 2022 establishes preconditions that must be satisfied before a consent authority or the Court exercising the functions of a consent authority can exercise the power to grant development consent (*Initial Action Pty Ltd v Woollahra Municipal Council* (2018) 236 LGERA 256; [2018] NSWLEC 118 at [13] ("*Initial Action*")). The consent authority must form two positive opinions of satisfaction under cl 4.6(4)(a). As these preconditions are expressed in terms of the opinion or satisfaction of a decision-maker, they are a "jurisdictional fact of a special kind", because the formation of the opinion of satisfaction enlivens the power of the consent authority to grant development consent (*Initial Action* [14]). The consent authority, or the Court on appeal,

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must be satisfied that the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6(3) and that the proposal development will be in the public interest because it is consistent with the objectives of the contravened development standard and the zone, at cl 4.6(4), as follows:

> (4) Development consent must not be granted for development that contravenes a development standard unless:
>
> (a) the consent authority is satisfied that:
>
> > (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
> >
> > (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
>
> (b) the concurrence of the Secretary has been obtained.

19 On appeal, the Court has the power under cl 4.6(2) to grant consent to development that contravenes a development standard without obtaining or assuming the concurrence of the Secretary of the Department of Planning and Environment, pursuant to s 39(6) LEC Act, but should still consider the matters in cl 4.6(5) of LEP 2022 (*Initial Action* at [29]).

The applicant's written request to contravene the diverse housing development standard

20 The first opinion of satisfaction required by cl 4.6(4)(a)(i) is that the applicant's written request seeking to justify the contravention of a development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3) (see *Initial Action* at [15]), as follows:

> (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
>
> (b) that there are sufficient environmental planning grounds to justify contravening the development standard

21 The applicant bears the onus to demonstrate that the matters in cl 4.6(3) have been adequately addressed by the written request in order to enable the Court, exercising the functions of the consent authority, to form the requisite opinion of satisfaction (*Initial Action* at [25]). The consent authority has to be satisfied that the applicant's written request has in fact demonstrated those matters required to be demonstrated by cl 4.6(3) and not simply that the applicant has

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addressed those matters (*RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [4]).

22 The common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised by Preston CJ in *Wehbe v Pittwater Council* (2007) 156 LGERA 446; [2007] NSWLEC 827 at [42]-[51] ("*Wehbe*") and repeated in *Initial Action* [17]-[21]:

- the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
- the underlying objective or purpose of the development standard is not relevant to the development, so that compliance is unnecessary;
- the underlying objective or purpose would be defeated or thwarted if compliance was required, so that compliance is unreasonable;
- the development standard has been abandoned by the council;
- the zoning of the site was unreasonable or inappropriate so that the development standard was also unreasonable or unnecessary (note this is a limited way of establishing that compliance is not necessary as it is not a way to effect general planning changes as an alternative to strategic planning powers).

23 The five ways to demonstrate compliance is unreasonable or unnecessary are not exhaustive, and it may be sufficient to establish only one way (*Initial Action* [22]).

24 The applicant's written request justifies the contravention of the diverse housing development standard on the basis that compliance is unreasonable or unnecessary because the proposal includes two high quality, generously sized three/four bedroom dwellings which will deliver housing that will meet the needs of the community, as sought in the "Our Inner West Housing Strategy 2020" (the Housing Strategy). The Housing Strategy identifies that housing for growing families, including more affordable housing, is in demand within the Balmain locality and therefore the higher percentage of larger apartments within this proposal will contribute to meeting the continuing demand for this household type.

25 The grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature, and environmental planning grounds is a phrase of wide generality (*Four2Five Pty Ltd v Ashfield*

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Version: 1, Version Date: 14/10/2023

Council [2015] NSWLEC 90 at [26]) as they refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects of the Act (*Initial Action* at [23]). The environmental planning grounds relied upon must be sufficient to justify contravening the development standard and the focus is on the aspect of the development that contravenes the development standard, not the development as a whole (*Initial Action* at [24] and *Cumming v Cumberland Council* (No 2) [2021] NSWLEC 117 at [78]). Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (*Initial Action* at [24]).

26 I am satisfied, pursuant to cl 4.6(4)(a)(i), that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3). The applicant's written request defends the exceedance of the housing diversity development standard of no more than 30% of the dwellings will contain at least 3 bedrooms as a justified by the de minimis numerical exceedance and the Housing Strategy. I am satisfied that justifying the aspect of the development that contravenes the development standard as a considered response to achieving the objectives of the clause, while taking into account the documented need for affordable accommodation for families in the Balmain locality, can be properly described as an environmental planning ground within the meaning identified by his Honour in *Initial Action* at [23].

Whether the proposal is in the public interest because it is consistent with the objectives of the contravened development standard and the zone

27 The second opinion of satisfaction in cl 4.6(4)(a)(ii) is that the proposed development will be in the public interest because it is consistent with the objectives of the development standard that is contravened and the zone objectives. The consent authority must be satisfied that the development is in the public interest because it is consistent with these objectives, not simply that the development is in the public interest (*Initial Action* at [27]). The consent authority must be directly satisfied about the matters in cl 4.6(4)(a)(ii) (*Initial Action* at [26]).

28 I am satisfied that the small numerical percentage exceedance of the 30% maximum for three-bedroom dwellings does not thwart the objectives of the

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Version: 1, Version Date: 14/10/2023

clause to ensure the provision of a mix of dwelling types in a residential flat building, because the proposal offers a broad mix of dwelling sizes across the six apartments and the zone objectives are met by the proposal.

Conclusion

29 I have considered the submissions made by the Council's outline of relevant jurisdictional provisions filed with the Court on 26 September 2023 and I am satisfied on the basis of the evidence before me that the agreement of the parties is a decision that the Court could have made in the proper exercise of its functions.

Orders

30 The orders of the Court are:

(1) The appeal is upheld.

(2) The Applicant is to pay the Respondent's costs that are thrown away as a result of the amendment of the development application, as agreed or assessed, pursuant to s 8.15(3) of the *Environmental Planning and Assessment Act* 1979.

(3) Development Application No. 2022/0684, as amended, for the demolition of existing structures and the construction of a residential flat building including basement parking and landscape works, at 77 Glassop Street, Balmain, is determined by the grant of consent, subject to the conditions of consent at Annexure A.

Susan O'Neill

Commissioner of the Court

Annexure A (316309, pdf)

****

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Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA/2022/0684

Development: Demolition of the existing structures and construction of a part two and part four storey residential flat building with basement parking, landscaping and associated works. Four units nominated as affordable housing to be registered with a community housing provider.

Site: 77 Glassop Street, Balmain (Lot 1 DP 565)

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination:

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

TERMINOLOGY

In this consent:

(a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
(b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
(c) Any reference to the "site", means the land known as 77 Glassop Street, Balmain (Lot 1 DP 565).

The conditions of consent are as follows:

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Version: 1, Version Date: 18/00/2024

CONDITIONS OF CONSENT

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):

A. Easement - Over Downstream Landholders

The site drainage must be designed to drain under gravity. As the site falls to the rear an easement for drainage over the downstream properties 75 Glassop Street, Balmain will be required to be created. Written documentation of the creation of or legal agreement to create an easement for drainage must be submitted to Council.

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

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
TP01	Neighbourhood & Site Context Plan	November 2021	Nicholas Day Architects
TP02	Immediate Site Context Plan	November 2021	Nicholas Day Architects
TP03	Existing Streetscape Photomontage	November 2021	Nicholas Day Architects
TP04	Demolition Plan	November 2021	Nicholas Day Architects
TP05D	Design Response Plan	25 September 2023	Nicholas Day Architects
TP06E	Site Plan	25 September 2023	Nicholas Day Architects
TP07B	Basement Plan	25 September 2023	Nicholas Day Architects
TP08D	Level 1 Plan	25 September 2023	Nicholas Day Architects

Document Set ID: 38566666
Version: 1, Version Date: 18/00/2024

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
TP09D	Level 2 Plan	25 September 2023	Nicholas Day Architects
TP10E	Level 3 Plan	25 September 2023	Nicholas Day Architects
TP11D	Level 4 Plan	25 September 2023	Nicholas Day Architects
TP12D	Level 5 Plan	25 September 2023	Nicholas Day Architects
TP13C	Roof Plan	25 September 2023	Nicholas Day Architects
TP14D	Elevations Sheet 1	25 September 2023	Nicholas Day Architects
TP15D	Elevations Sheet 2	25 September 2023	Nicholas Day Architects
TP16E	Section A, B & C	25 September 2023	Nicholas Day Architects
TP17D	Streetscape & Backyard Elevations	25 September 2023	Nicholas Day Architects
TP18D	Shadow Diagrams	25 September 2023	Nicholas Day Architects
TP19D	Shadow Diagrams	25 September 2023	Nicholas Day Architects
TP20B	Eye from Sun	22 May 2023	Nicholas Day Architects
TP21B	Eye from Sun	22 May 2023	Nicholas Day Architects
TP22D	SEPP 65 Diagrams	25 September 2023	Nicholas Day Architects
TP23E	Area Diagrams	25 September 2023	Nicholas Day Architects
TP25D	Gross Floor Area Diagrams	25 September 2023	Nicholas Day Architects
TP26D	Storage Area Diagrams	25 September 2023	Nicholas Day Architects
TP27D	Natural Ventilation Diagrams	25 September 2023	Nicholas Day Architects
TP28C	Private Open Space Diagrams	25 September 2023	Nicholas Day Architects
TP29A	Streetscape Perspectives	25 August 2023	Nicholas Day Architects

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Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
TP30A	Cut and Fill Plan	25 September 2023	Nicholas Day Architects
SW200F	Stormwater Concept Design – Basement Plan	1 June 2023	SGC Consulting Engineers
SW201F	Stormwater Concept Design – Level 01 Plan	1 June 2023	SGC Consulting Engineers
SW202F	Stormwater Concept Design – Level 02 Plan	1 June 2023	SGC Consulting Engineers
SW203F	Stormwater Concept Design – Level 03 Plan	1 June 2023	SGC Consulting Engineers
SW204F	Stormwater Concept Design – Roof Plan	1 June 2023	SGC Consulting Engineers
SW300F	Stormwater Concept Design – Details Sheet (1 of 2)	1 June 2023	SGC Consulting Engineers
SW301F	Stormwater Concept Design – Details Sheet (2 of 2)	1 June 2023	SGC Consulting Engineers
SW400F	Stormwater Concept Design – Erosion and Sediment Control Plan and Details	1 June 2023	SGC Consulting Engineers
100J:	Site Plan	15 September 2023	Site Image Landscape Architects
101I	Level 01	15 September 2023	Site Image Landscape Architects
102G	Level 02	15 September 2023	Site Image Landscape Architects
103I	Level 03	15 September 2023	Site Image Landscape Architects
104G	Rooftop Terrace	15 September 2023	Site Image Landscape Architects
501B	Details	15 September 2023	Site Image Landscape Architects
Report No.E2335-1	Acid Sulphate Soils Management Plan	15 February 2023	GCA
20230180.1	Noise Impact Assessment	09 March 2023	Acoustic Logic
Certificate No. 1310615M_08:	BASIX Certificate	26 September 2023	EcoResults

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As amended by the conditions of consent.

FEES

2. 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 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing $250,000 or more.

3. Section 7.11 Contribution

In accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution Category	**Amount**
Open Space & Recreation	$71,500.00
Community Facilities	$13,252.00
Transport	$9,400.00
Plan Administration	$918.00
Drainage	$4,930.00
TOTAL	**$100,000.00**

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

Cpayment = Consent x (CPIpayment ÷ CPIconsent)

Where:

Cpayment = is the contribution at time of payment

Cconsent = is the contribution at the time of consent, as shown above

CPIconsent = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].

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CPIpayment = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres at council@innerwest.nsw.gov.au or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

4. 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:	$32,855.00
Inspection Fee:	$374.50

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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.

GENERAL CONDITIONS

4A Amended plans

Prior to the issue of a construction certifcate, amended plans are required to show no trees on the roof terrace.

5. 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*.

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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.

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

a. Green for trees to be retained;
b. Red for trees to be removed;
c. Blue for trees to be pruned; and
d. Yellow for trees to be transplanted.

6. 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.

7. Works to Trees

Approval is given for the following works to be undertaken to trees on the site (as referenced in the Arboricultural Impact Assessment report dated 9 August 2022 and prepared by Peter Richards of TALC) after the issuing of a Construction Certificate:

Tree/location	Approved works
3. *Cupressus sempervirens* (Italian Cypress)	Removal
5. Lagerstroemia indica (Crepe Myrtle)	Removal
6. Camellia japonica (Camellia)	Removal
7. Ficus elastica (Rubber Tree)	Removal
8. Jacaranda mimosifolia (Jacaranda)	Removal
9. *Cupressus sempervirens* (Italian Cypress)	Removal

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

8. 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.

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9. 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.

10. Works Outside the Property Boundary

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

11. Rock Anchors

This consent does not grant consent for any rock anchors on the road reserve or Council land.

12. Geotechnical investigation

Following demolition of existing onsite infrastructures, additional machine drilled boreholes and installation of further standpipe piezometer/s should be undertaken within the site, including periodic groundwater monitoring and permeability assessment of the underlying soils and bedrock. The additional machine drilled boreholes would also be necessary to confirm ground conditions within the site and provide any additional recommendations from a geotechnical engineering perspective.

13. Use of 4 dwellings as affordable housing for 15 years

Four dwellings within the development (apartments 2, 3, 4 and 5) must be used for 15 years from the date of the issue of the Occupation Certificate for affordable housing as defined by the *Environmental Planning and Assessment Act 1979* and managed by a registered community housing provider.

PRIOR TO ANY DEMOLITION

14. Resource Recovery and Waste Management Plan - Demolition and Construction

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

15. Advising Neighbours 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

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allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

16. 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.

17. 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.

18. Construction Traffic Management Plan – Detailed

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

a. Description of the demolition, excavation and construction works;
b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;

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e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
g. Proposed hours of construction related activities and vehicular movements to and from the site;
h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
i. Any activities proposed to be located or impact upon Council's road, footways or any public place;
j. Measures to maintain public safety and convenience;
k. Any proposed road and/or footpath closures;
l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;
r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

PRIOR TO CONSTRUCTION CERTIFICATE

19. Bin Storage Area - Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully

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accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Leichhardt DCP 2013 and must include doorways/entrance points of 1200mm.

20. Waste Transfer Route

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12.

21. Each Dwelling is to have Access to a Disposal Point for All Waste Streams

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded).

22. 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.

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23. Sydney Water – stormwater plans

Prior to the issue of a construction certificate, the Applicant is to submit stormwater plans confirming that the location of the proposed stormwater pipe complies with the requirements set out in the letter prepared by Land Partners dated 31 August 2023 to ensure the requirements of Sydney Water are met.

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

25. Stormwater Drainage System – Minor Developments (OSD is required)

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 design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos. SW200, SW201, SW202, SW203, SW204, SW300, SW301,SW400 and SW500 (Rev F) prepared by SGC and dated 1/6/23, as 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, , by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks as necessary; Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may drained to an on-site dispersal system such as an absorption system or otherwise, , no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer;
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 other than to drain downpipes to the rainwater tank(s);
e. The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development

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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);

f. 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.;
g. 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;
h. Details of the 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided;
i. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas except where a reduced step is permitted under the Building Code of Australia for Class 1 buildings;
j. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
k. No nuisance or concentration of flows to other properties;
l. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
m. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
n. No impact to street tree(s).
o. Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s);

26. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

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a. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
b. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
c. All components of the basement, including footings, must be located entirely within the property boundary;
d. No adverse impact on surrounding properties including Council's footpath and road;
e. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
f. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
g. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

27. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising 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) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

a. The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
b. New half width footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer;
c. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5% towards the kerb. These sections will set the alignment levels at the boundary.
d. The existing Council drainage system in Phoebe must be extended by an appropriately sized pipeline (minimum 375mm diameter) adjacent to the rear of 75 Glassop Streett as per the approved concept stormwater plans. The connection to Phoebe Street must be made via a new Kerb inlet pit; and
e. Pipes must be Class 4 Steel Reinforced Concrete Pipe or approved equivalent and Pits must be cast in-situ. Plans, long sections and details must be provided including location of utility services;

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All works must be completed prior to the issue of an Occupation Certificate.

28. Parking Facilities –(including basement)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified 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) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities and AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities and the following specific requirements:

a. 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;
b. The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
    i. Car spaces adjacent to walls or fences are increased in width by an additional 300mm;
    ii. End spaces are provided with an additional 1m aisle extension; and
    iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004.
c. At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;
d. The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles;

29. Driveway Long Section - Dwelling

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template for a B85 vehicle (Figure C1) from AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section approved by Council shall define the Alignment Levels at the property boundary. The long section shall show both existing surface levels and proposed surface levels with changes.

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30. Dilapidation Report – Pre-Development – Minor

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

DURING DEMOLITION AND CONSTRUCTION

31. Documentation of Demolition and Construction Waste

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

32. 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
Trees 1, 2, 4, 10 and 11 as referenced in the Arboricultural Impact Assessment report dated 9 August 2022 and prepared by Peter Richards of TALC	In accordance with the Arboricultural Impact Assessment report dated 9 August 2022 and prepared by Peter Richards of TALC and section 4 of AS4970—*Protection of trees on development sites.*	

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

33. Canopy and Root Pruning

Canopy and/or root pruning of the following tree/s 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	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plane Tree)	Approved TPP
4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP

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10	*Ficus benjamina* (Weeping Fig)	Approved TPP
11	*Ficus benjamina* (Weeping Fig)	Approved TPP

The person acting on this consent has approval under Council's Tree Management Controls to; prune the trees 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 40 mm.

34. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s must be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plan Tree)	Approved TPP
4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP
10	*Ficus benjamina* (Weeping Fig)	Approved TPP
11	*Ficus benjamina* (Weeping Fig)	Approved TPP

All excavation within the specified radius of the trunk(s) of the above tree(s) being hand dug 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 30mm 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.

35. Tree Protection Zone

To protect the following tree/s, no work must commence until its/their Protection Zone is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area in accordance with the Tree Protection Plan included in the Arboricultural Impact Assessment report dated 9 August 2022 and prepared by Peter Richards of TALC. The fence/s (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.

Tree No.	Botanical/Common Name	Radius in metres
1	*Cinnamomum camphora* (Camphor Laurel)	Approved TPP
2	*Platanus x hybrida* (London Plane Tree)	Approved TPP

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4	*Washingtonia robusta* (Mexican Fan Palm)	Approved TPP
10	*Ficus benjamina* (Weeping Fig)	Approved TPP
11	*Ficus benjamina* (Weeping Fig)	Approved TPP

36. 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.

37. 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

38. 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.

39. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF3 Certificate of Horticulture or Arboriculture that:

Replacement trees as nominated in the approved Landscape Plan must as per their specified location. The trees are to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, palms , fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

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.

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40. 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. Heavy duty concrete vehicle crossing(s) at the vehicular access location(s);
b. The existing concrete footpath and kerb and gutter across the frontage of the site must be reconstructed;
c. Extension of the Council's Stormwater System adjacent to the rear of 75 Glassop Street; and
d. 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".

41. 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.

42. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

43. 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 as required by Condition 28.

44. 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:

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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.

45. 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.

46. 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. Restrictions on the Use of Land related to on Site Stormwater Detention System or stormwater quality improvement devices;
c. Positive Covenant related to on-site stormwater detention and/or retention system;
d. Positive Covenant related to stormwater quality improvement devices; and
e. Positive Covenant related to maintenance of the car lift.

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

47. Basement/Retaining Wall Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with

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Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards.

48. Stormwater Drainage and Road Works – Certification

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a 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. All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans;
b. Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator;
c. Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council; and
d. Certification by a Registered Surveyor that the as-built Council Stormwater pipeline is located totally within the drainage easement.

49. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

50. Four dwellings to be used as affordable housing for 15 years

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that a restriction on the use of the Land has been placed on the land under Section 88E of the *Conveyancing Act 1919*, requiring that, for a minimum period of fifteen years from the date of issue of an Occupation Certificate, the four dwellings (apartments 2, 3, 4 and 5) are not be used for any purpose other than affordable housing (as defined in cl 21 of *State Environmental Planning Policy (Housing) 2021*) managed by a registered community housing provider.

ON-GOING

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51. Bin Storage

All bins are to be stored within the site. Bins are to be returned to the property within 12 hours of having been emptied.

52. Operation and Management Plan

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use and/or stormwater quality improvement devices and/or Pump facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

53. Vehicles Leaving the Site

All vehicles must enter and exit the site in a forward direction.

54. Maintenance of car lift

The owner of the land is to service and maintain the car lift system for the life of the development in accordance with the manufacturer's requirements/recommendations. Any breakdown of the car lift systems must be repaired within 3 business days of any breakdown. A copy of the proposed maintenance schedule shall be submitted to Council before the installation of the car lift. The car lift is to be operative before occupation of the site.

55. 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.

56. Swimming Pools

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

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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.

ADVISORY NOTES

Notice to Council to deliver Residential Bins

Council should be notified of bin requirements three weeks prior to the occupation of the building to ensure timely delivery. Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

Recycling / Garbage / Organics Service Information and Education

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

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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.

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.

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 Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021.*

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

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b. A written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and

b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

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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.

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.

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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.

Permits from Council under Other Acts

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

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

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997.*

Amenity Impacts General

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

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Construction of Vehicular Crossing

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

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm
	www.basix.nsw.gov.au
Department of Fair Trading	13 32 20
	www.fairtrading.nsw.gov.au
	Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100
	www.dialprior toyoudig.com.au
Landcom	9841 8660
	To purchase copies of Volume One of "Soils and Construction"

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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 there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to Street Numbering Application

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Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m2 of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Electrical Substations

Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.

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.

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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.

Easement and Covenant Process

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):

a. Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2-metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.

b. Engineer's Certificate

A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:

c. The soundness of the storage structure;
d. The capacity of the detention storage;
e. The emergency overflow system being in place;
f. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
g. The freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
h. Basement car park pumps are class one zone two; and
i. OSR pumps and SQIDS have been installed and commissioned.

c. Restriction-As-To-User

A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect

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the function of the stormwater detention system and SQIDS, must not be carried out without the prior consent in writing of the Council.

Such restrictions must not be released, varied or modified without the consent of the Council.

A typical document is available from Council's Development Assessment Engineer.

d. A Maintenance Schedule.

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.

Public Domain and Vehicular Crossings

The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public Domain Works – Step 2* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

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Attachment F – Current Arborist report

77 Glassop Street Balmain NSW 2041
Arboricultural Impact Assessment

Prepared for E Projects Group

Arbor Express
0466 586 842
www.arbor-express.com.au

Document Set ID: 39901779
Version: 1, Version Date: 05/12/2024

Arbor Express

Document Tracking

Project Name	77 Glassop Street Balmain NSW 2041 Arboricultural Impact Assessment
Project Number	AIA26/11/2024
Prepared by	Alex de Jong – AQF Level 5 Arborist
Status	Final
Version	v4
Last saved on	5/12/2024

This report should be cited as 'Arbor Express 77 Glassop Street Balmain NSW 2041 Arboricultural Impact Assessment prepared for E Projects Group'.

ACKNOWLEDGEMENTS

This document has been prepared by Arbor Express Pty Ltd with support from E Projects Group

Disclaimer
I do not assume responsibility for liability associated with the tree on/or adjacent to this project site, the future demise and/or any damage which may result therefrom. They take care to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant can neither guarantee nor be responsible for the accuracy of information provided by others. I cannot be held responsible for any consequences as result of work carried out outside specifications, not in compliance with Australian Standards or by inappropriately qualified staff. If further investigations such as, aerial, drill and root tests are recommended, the report shall not be considered final until all investigations have been completed as further defects may be found. I have made every effort to accurately identify the current tree health and hazards. Results may or may not correlate to actual tree structural integrity. There are many factors that may contribute to limb or total tree failure, not all these symptoms are visible. There can be hidden defects that may result in a failure even though it would seem that other, more obvious defects would be the likely cause of failure. All standing trees have an element of unpredictable risk. The inspection was limited to a visual ground examination of the tree, without aerial inspections and below ground excavations. The assessments are limited and do not include specialized analysis. No internal diagnostics, aerial inspection and pathology test were conducted. Sketches, diagrams, graphs and photographs in this report, being intended as visual aids, are not necessarily to scale.

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Arbor Express

Arboriculture Impact Assessment
77 Glassop Street Balmain NSW 2041

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Abbreviations

Abbreviation	Description
AE	Arbor Express
AIA	Arboricultural Impact Assessment
AQF	Australian Qualifications Framework
AS	Australian Standards
C	Canopy
DAB	Diameter Above Buttress
DBH	Diameter at Breast Height
H	Height
m	Metre
mm	Millimetre
NDE	Non-Destructive Excavation
NO	Number
NSW	New South Wales
SRZ	Structural Root Zone
TPP	Tree Protection Plan
TPZ	Tree Protection Zone
VTA	Visual Tree Assessment

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1. Introduction

This AIA has been prepared for E Projects Group in relation to a proposed development at 77 Glassop Street Balmain NSW 2041. The address of the subject site is in Table 1 and mapped in Figure 1. The purpose of this report is to:

- Identify the trees within the site and adjacent surrounding area that are likely to be affected by the proposed development.
- Undertake a visual tree assessment of the subject trees.
- Assess the current overall health and condition of the subject trees.
- Evaluate the retention value of the subject trees.
- Identify trees to be removed, retained or transplanted.
- Determine the likely impacts of trees to be retained.
- Recommend tree protection measures to minimise the impacts to retained trees.
- Preparation of a tree protection plan for trees to be retained (if applicable).

Features of the subject site are tabulated below.

Table 1: Development site

Criteria	Description
Street address	77 Glassop Street Balmain NSW 2041
Local government area	Inner West Council
Land zoning	R1: General Residential
Biodiversity values map	The site is not in a high biodiversity area
10/50 entitlement	The site does not have a 10/50 entitlement

Figure 1: Location

2. Method

Visual Tree Assessment

The subject trees were assessed in accordance with a stage one visual tree assessment (VTA) as formulated by Mattheck and Breloer (1994)[1], and practices consistent with modern arboriculture.

A total of 2 subject trees were inspected on 26 November 2024. I have been requested to only assess two neighbouring trees, Trees 10 and 11.

The following limitations apply to this methodology:

- Trees were inspected from ground level.
- These assessments did not include aerial (climbing) inspections, soil sampling, or root excavations.
- The canopy spread was measured either by estimation or pacing, and the longest span was recorded.
- The height of each tree was estimated.
- Trees were inspected within limits of site access.
- No aerial inspections or root mapping was undertaken.
- Trees located on adjacent properties or in restricted areas were not fully visually inspected, so any defects or abnormalities may not have been documented.
- Tree identification relied on broad taxonomical features visible from ground level at the time of inspection.

Retention Values

The retention value is the value of retaining a tree or group of trees and is assessed based on a blend of environmental, cultural, physical, and social factors.

- **High:** These trees are deemed worthy of preservation, and their retention should be prioritized. Proposed site designs and the positioning of buildings and infrastructure should take into account the Tree Protection Zones (TPZs) to mitigate any negative effects. Additionally, the extent of the canopy, especially concerning high-rise development, should be taken into consideration. Significantly pruning the trees to accommodate building envelopes or temporary scaffolding is typically not acceptable.
- **Medium:** Retaining these trees is desirable. They should be preserved as part of any proposed development, if feasible. However, these trees are considered less crucial for retention. If their removal becomes necessary, replacement planting should be contemplated in alignment with the Council's Tree Replacement Policy to offset any loss of amenity.
- **Low:** These trees lack significant ecological, heritage, or amenity value, or such values are greatly diminished due to their Safe Useful Life Expectancy (SULE). Therefore, these trees should not be viewed as hindrances to the future development of the site.
- **Very Low:** These trees are regarded as potentially hazardous, very poor specimens, or may even qualify as environmental or noxious weeds. Consequently, their removal is recommended irrespective of any proposed development considerations.

[1] Field Guide for Visual Tree Assessment (VTA) by Mattheck, C., and Breloer, H. Arboricultural Journa1, Vol 18 pp 1-23 (1994).

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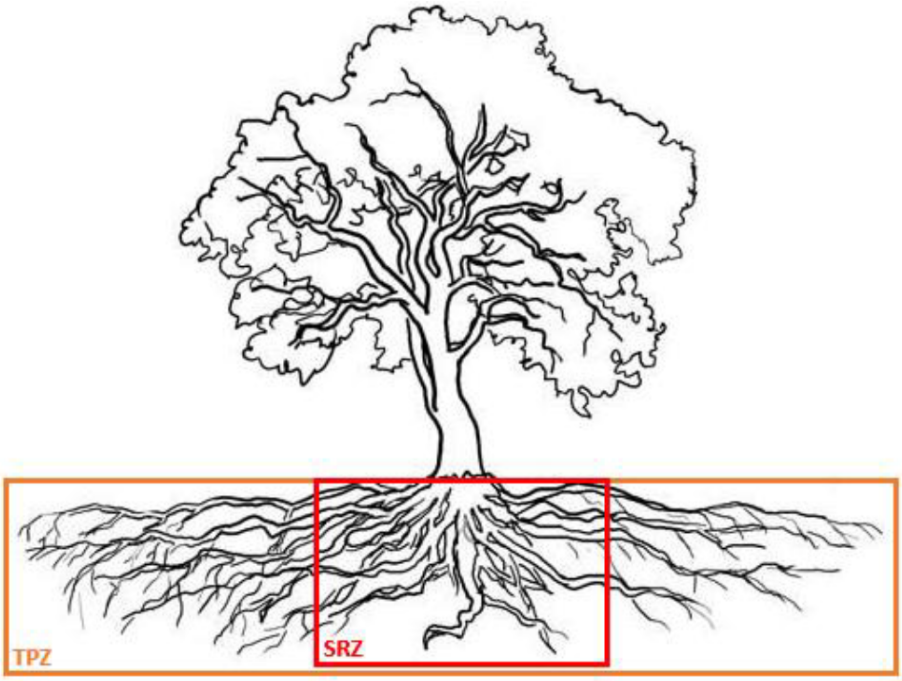
Protection Zones

Tree Protection Zone (TPZ): The Tree Protection Zone (TPZ) is fundamental for safeguarding trees on development sites. It encompasses both the root and crown spread, creating a protected space free from construction disturbances to preserve the tree's health and viability.

Structural Root Zone (SRZ): The Structural Root Zone (SRZ) defines the space essential for maintaining tree stability, often requiring a larger area to sustain the tree's health. Calculating the SRZ becomes necessary when substantial encroachment into a Tree Protection Zone (TPZ) is proposed. Further analysis through root investigations can provide valuable insights into the extent of these roots.

Figure 2: Tree Protection Zone and Structural Root Zone



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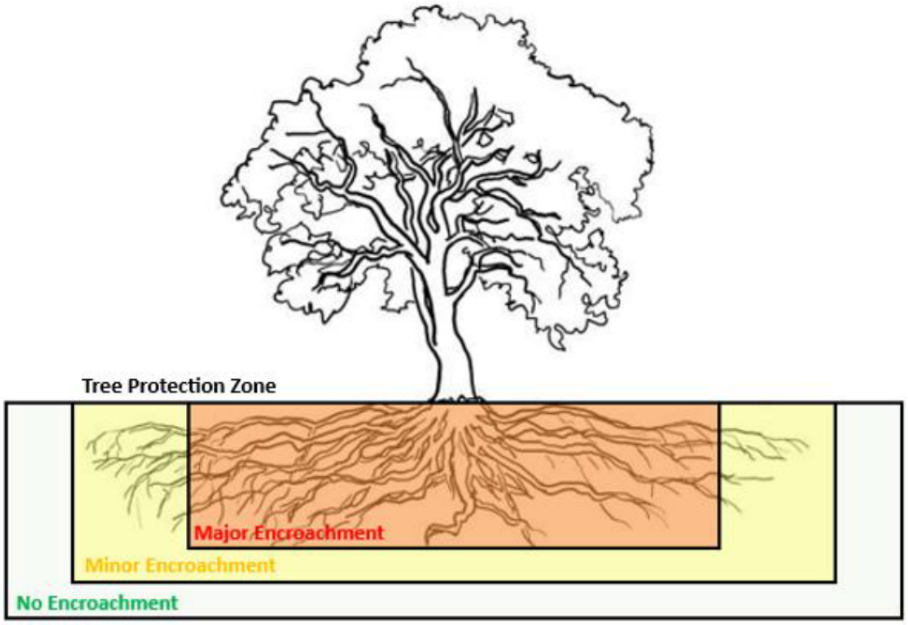
Impact Assessment

Development activities should be undertaken outside of Tree Protection Zones as much as possible. However, it's recognized that complete avoidance is not always feasible, and some encroachment within these zones may occur due to various reasons. Australian Standard AS 4970-2009, "*Protection of trees on development sites*," offers guidelines for managing such encroachments without necessitating extensive tree management and protection measures. Encroachment parameters are categorized as follows:

- **Minor encroachment**: Detailed root investigations should not be necessary if the proposed encroachment is less than 10% of the TPZ and outside of the SRZ. However, the area lost to this encroachment should be compensated for elsewhere, contiguous with the TPZ.
- **Major encroachment**: If the proposed encroachment exceeds 10% of the TPZ, it is imperative to show that the tree(s) can still thrive. The lost area due to this encroachment should be offset elsewhere, maintaining continuity with the TPZ. Non-destructive root investigations may be necessary for any planned works within this area.

Figure 3: Tree Protection Zone Encroachments



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3. Tree Schedule

Tree #	*Botanical Name* (Common Name)	Height (m)	Canopy (m)	DBH (mm)	DAB (mm)	TPZ (m)	SRZ (m)	TPZ Encroachment	SULE	Retention Value	Action
10	*Ficus benjamina* (Weeping Fig)	14	15	700	600	8.40	2.67	18.6%	1A	High	Retain
11	*Brachychiton acerifolius* (Flame Tree)	15	6	380	500	4.56	2.42	11.2%	2A	Low	Remove – requires consent from neighbour

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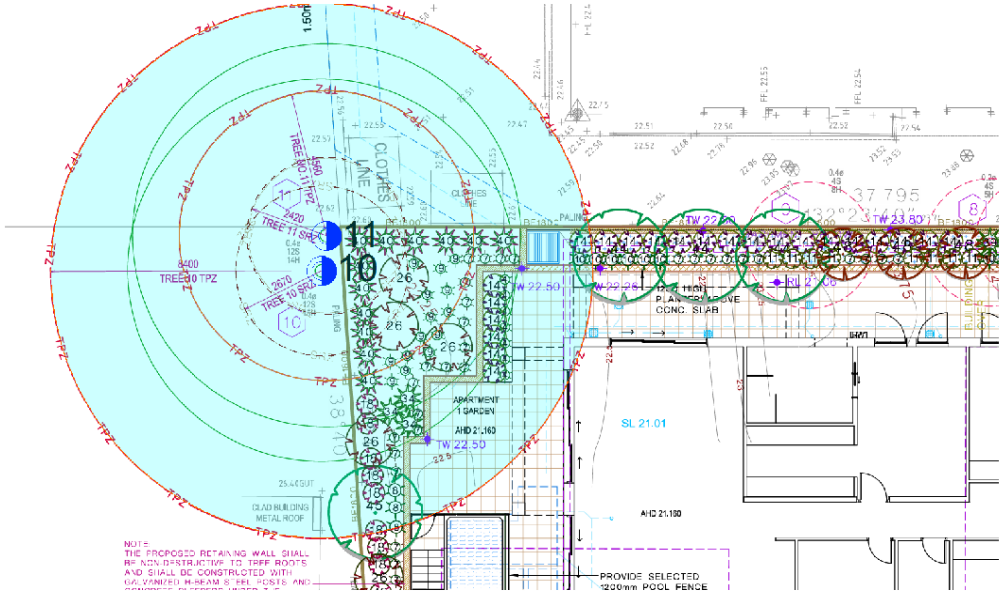
4. Arboricultural Impact Assessment



Legend – Site Plans

Tree Protection Zone

Structural Root Zone

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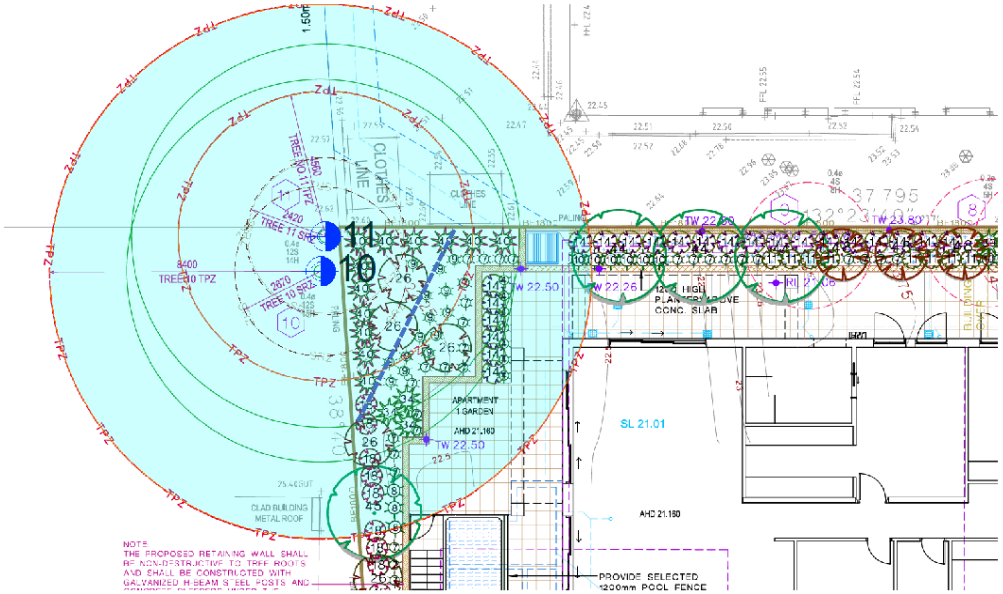
Arbor Express

Arboriculture Impact Assessment
77 Glassop Street Balmain NSW 2041

5. Tree Protection Plan



Legend

Tree Protection Fencing - - - - - - -

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6. Site Photos

Photo 1: Trees 10 and 11

7. Recommendations

Tree Protection

A total of 2 individual trees are proposed for retention. The following mitigation measures will be required:

- The tree protection plan (Section 5) must be implemented.
- Mulch ground cover protection is required over the TPZ (where viable) of Trees 10 and 11. This is to consist of 100mm depth layers of clean and ceritified Eucalyptus spp mulch.
- Tree protection fencing is required around the TPZs (where viable) of Trees 10 and 11.
- All trees to be retained must be protected in accordance with AS 4970-2009, details of which are included in Appendix D.
- Trees 10 and 11 are subject to a major encroachment from the proposed development. However, as the stormwater installation causing this encroachment will be carried out using non-destructive digging (NDD) techniques, with pipes carefully inserted beneath the existing root systems of both trees, the impact is expected to be minimal and compliant with AS4970-2009 standards. All works within the Tree Protection Zones (TPZ) of Trees 10 and 11 must be supervised by an AQF Level 5 Arborist to ensure proper care and compliance. Additionally, the pavers for the backyard will need to be laid above the natural ground level and be of a permeable material.
- No over-excavation, shall be undertaken beyond the footprint of any structure unless approved by the Project Arborist.
- Tree 11 is currently in poor condition, with its health and vitality significantly impacted by the overshadowing caused by Tree 10. This overshadowing restricts Tree 11's access to essential sunlight, inhibiting its growth and overall wellbeing. I recommend the removal of Tree 11 to alleviate this competition for resources. This approach will not only address the declining condition of Tree 11 but will also create a more favorable environment for the future growth and development of Tree 10, ensuring its long-term health and sustainability in the landscape.

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8. Construction Hold Points for Tree Protection

Project Arborist

Below is a sequence of hold points requiring project arborist certification throughout the development process. It provides a list of hold points that must be checked and certified. All certifications must be provided in written format upon completion of the development. The final certification must include details of any instructions for remediation undertaken during the development. The principle contractor should be responsible for implementation of all tree protection requirements.

Hold Point	Stage	Date Completed and Signature of Project Arborist Responsible
Project Arborist to assess and certify that tree protection has been installed in accordance with AS 4970-2009 prior to works commencing at site.	Prior to development work commencing	
Project Arborist to supervise all manual excavations and root pruning inside the TPZ of any tree to be retained. Project Arborist to approve all pruning of roots greater than 30mm inside TPZ. All root pruning of roots greater than 30mm in diameter must be carried out by an AQF level 5 Arborist.	Construction	
Project Arborist to certify that all underground services including storm water inside TPZ of any tree to be retained have been installed in accordance with AS 4970-2009.	Construction	
After all demolition, construction and landscaping works are complete the Project Arborist should assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist should provide recommendations for remediation.	Upon completion of the development	

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9. References

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Appendix A: Glossary of Terms

Abiotic - Pertaining to non-living agents, e.g. environmental factors.

Anchorage - The system whereby a tree is fixed within the soil, involving cohesion between roots and soil and the development of a branched system of roots which withstands wind and gravitational forces transmitted from the aerial parts of the tree.

Branch:
- Primary. A first order branch arising from a stem.
- Lateral. A second order branch, subordinate to a primary branch or stem and bearing sub-lateral branches.
- Sub-lateral. A third order branch, subordinate to a lateral or primary branch, or stem and usually bearing only twigs.

Branch collar - A visible swelling formed at the base of a branch whose diameter growth has been disproportionately slow compared to that of the parent stem; a term sometimes applied also to the pattern of growth of the cells of the parent stem around the branch base.

Cambium - Layer of dividing cells producing xylem (woody) tissue internally and phloem (bark) tissue externally.

Canker - A persistent lesion formed by the death of bark and cambium due to colonisation by fungi or bacteria.

Compartmentalisation - The confinement of disease, decay or other dysfunction within an anatomically discrete region of plant tissue, due to passive and/or active defences operating at the boundaries of the affected region.

Condition - An indication of the physiological condition of the tree. Where the term 'condition' is used in a report, it should not be taken as an indication of the stability of the tree.

Crown/Canopy - The main foliage bearing section of the tree.

Crown lifting - The removal of limbs and small branches to a specified height above ground level.

Crown reduction/shaping - A specified reduction in crown size whilst preserving, as far as possible, the natural tree shape.

DAB (Diameter Above Buttress) - Trunk diameter measured above the root buttress.

Defect - In relation to tree hazards, any feature of a tree which detracts from the uniform distribution of mechanical stress, or which makes the tree mechanically unsuited to its environment.

Dieback - The death of parts of a woody plant, starting at shoot-tips or root-tips.

Disease - A malfunction in or destruction of tissues within a living organism, usually excluding mechanical damage; in trees, usually caused by pathogenic micro-organisms.

DBH (Diameter at Breast Height) - Stem diameter measured at a height of 1.4 metres or the nearest measurable point. Where measurement at a height of 1.4 metres is not possible, another height may be specified.

Deadwood - Branch or stem wood bearing no live tissues. Retention of deadwood provides valuable habitat for a wide range of species and seldom represents a threat to the health of the tree. Removal of deadwood can result in the ingress of decay to otherwise sound tissues and climbing operations to access deadwood can cause significant damage to a tree. Removal of deadwood is generally recommended only where it represents an unacceptable level of hazard.

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Epicormic shoot - A shoot having developed from a dormant or adventitious bud and not having developed from a first year shoot.

Heartwood/false-heartwood - The dead central wood that has become dysfunctional as part of the aging processes and being distinct from the sapwood.

Included bark (ingrown bark) - Bark of adjacent parts of a tree (usually forks, acutely joined branches or basal flutes) which is in face-to-face contact.

Lions tailing - A term applied to a branch of a tree that has few if any side-branches except at its end and is thus liable to snap due to end- loading.

Occlusion - The process whereby a wound is progressively closed by the formation of new wood and bark around it.

Pruning - The removal or cutting back of twigs or branches, sometimes applied to twigs or small branches only, but often used to describe most activities involving the cutting of trees or shrubs.

Reactive Growth/Reaction Wood - Production of woody tissue in response to altered mechanical loading; often in response to internal defect or decay and associated strength loss (cf. adaptive growth).

Ring-barking - The removal of a ring of bark and phloem around the circumference of a stem or branch, normally resulting in an inability to transport photosynthetic assimilates below the area of damage. Almost inevitably results in the eventual death of the affected stem or branch above the damage.

Stress - In plant physiology, a condition under which one or more physiological functions are not operating within their optimum range, for example due to lack of water, inadequate nutrition or extremes of temperature.

SRZ (Structural Root Zone) - The area around the base of the tree required for the tree's stability in the ground.

Topping - In arboriculture, the removal of the crown of a tree, or of a major proportion of it.

TPZ (Tree Protection Zone) - A specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.

Veteran tree - Tree that, by recognised criteria, shows features of biological, cultural or aesthetic value that are characteristic of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned. These characteristics might typically include a large girth, signs of crown retrenchment and hollowing of the stem.

Vigour - The expression of carbohydrate expenditure to growth (in trees).

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Appendix B: Retention Value

Evaluating Sustainability and Landscape Significance to Determine Retention Value	
Retention Value	**Criteria and Categories**
High	These trees are considered to be worthy of preservation. As such, careful consideration should be given to their retention as a priority. Proposed site design and placement of buildings and infrastructure should consider the TPZ to minimize any adverse impact. In addition to TPZs, the extent of the canopy should also be considered, particularly in relation to a high-rise development. Significant pruning of the trees to accommodate the building envelope or temporary scaffolding is generally not acceptable.
Moderate	The retention of these trees is desirable. These trees should be retained as part of any proposed development, if possible; however, these trees are considered to be less critical for retention. If these trees must be removed, replacement planting should be considered in accordance with Council's Tree Replacement Policy to compensate for loss of amenity.
Low	These trees are not considered to be worthy of any special measures to ensure their preservation, due to current health, condition or suitability. They do not have any special ecological, heritage or amenity value, or these values are substantially diminished due to their SULE. These trees should not be considered as a constraint to future development of the site.
Very Low	These trees are considered to be potentially hazardous or very poor specimens or may be environmental or noxious weeds. The removal of these trees is therefore recommended regardless of the implications of any proposed development.

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Appendix C: Safe Useful Life Expectancy (SULE)

	1 LONG SULE	2 MEDIUM SULE	3 SHORT SULE	4 REMOVALS	5 MOVED OR REPLACED
	Long: appeared to be retainable at the time of assessment for over 40 years with an acceptable degree of risk, assuming reasonable maintenance.	Medium: appeared to be retainable at the time of assessment for 15 to 40 years with an acceptable degree of risk, assuming reasonable maintenance.	Short: appeared to be retainable at the time of assessment for 5 to 15 years with an acceptable degree of risk, assuming reasonable maintenance.	Removal: trees which should be removed within the next 5 years.	Moved or Replaced: Trees which can be readily moved or replaced.
A	Structurally sound trees located in positions that can accommodate future growth.	Trees that may only live between 15 and 40 more years.	Trees that may only live between 5 and 15 more years.	Dead, dying, suppressed or declining trees through disease or inhospitable conditions.	Small trees less than 5 metres (m) in height.
B	Trees that could be made suitable for long-term retention by remedial tree care.	Trees that may live for more than 40 years but would be removed for safety or nuisance reasons.	Trees that may live for more than 15 years but would be removed for safety or nuisance reasons.	Dangerous trees through damage, structural defect, instability or recent toss of adjacent trees.	Young trees less than 1 5 years old but over 5m in height.
C	Trees of special significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long term retention.	Trees that may live for more than 40 years but should be removed to prevent interference with more suitable individuals or to provide space for new planting.	Trees that may live for more than 15 years but should be removed to prevent interference with more suitable individuals or to provide space for new planting.	Dangerous trees through structural detects including cavities, decay, included bark, wounds or poor form.	Trees that have been regularly pruned to artificially control growth'.
D		Trees that could be made suitable for retention in the medium term by remedial tree care.	Trees that require substantial remedial tree care and are only suitable for retention in the short term.	Damaged trees that are' clearly not safe to retain.	
E				Trees that may live for more than 5 years but should be removed to prevent interference with more suitable individuals or to	

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	1 LONG SULE	2 MEDIUM SULE	3 SHORT SULE	4 REMOVALS	5 MOVED OR REPLACED
				provide space for new planting.	
F				Trees that are damaging or may cause damage to existing structures within 5 years.	
G				Trees that will become dangerous after removal of other trees for the reasons given in A) to F).	

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Appendix D: Tree Protection Guidelines

The following tree protection guidelines must be implemented during the construction period if no tree specific recommendations are detailed.

Tree Protection Zone Establishment

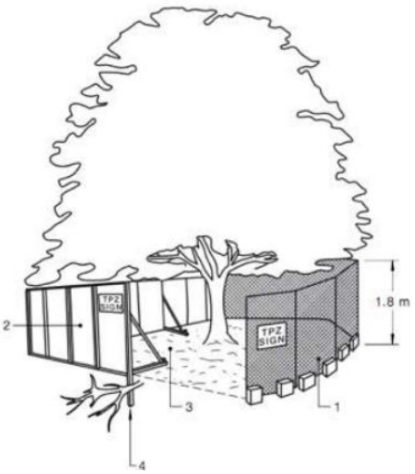
Prior to the introduction of any machinery or materials onto the site, and before initiating any works such as bulk earthworks, fencing should be installed. Once in place, any alterations or removal of protective fencing must receive approval from the project arborist. Access to the TPZ must be restricted by securing it appropriately. The establishment and management of the Tree Protection Zone should adhere to the following guidelines:

1) Specify the trees within and around the subject allotment that are slated for preservation and protection during the development process. This could involve trees on neighboring properties as well as street trees.

2) The Tree Protection Zone radius should align with the calculation specified in the Individual Tree Data and Imagery.

3) Please locate and mark the alignment of protective fencing. This alignment may differ from the actual TPZ radius, taking into account areas where acceptable encroachment is permitted (determined in consultation with the project arborist) and site access needs. Protective fencing is necessary only within the subject allotment, assuming appropriate boundary fencing is already installed.

4) Set up protective fencing as depicted in the accompanying image. Adhere to the relevant fencing requirements outlined in AS 4687 for temporary fencing and hoardings. Additionally, affix shade cloth or a similar material to mitigate the transfer of dust, particulate matter, and liquids into the protected area.



Legend:
1. **Chain wire mesh panels with shade cloth (if required) attached, held in place with concrete feet.**
2. **Alternative plywood or wooden palling fence panels. This fencing material also prevents building materials or soil entering the TPZ.**
3. **Mulch installation across surface of TPZ (at the discretion of the Project Arborist). No excavation construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ.**
4. **Bracing is permissible within the TPZ. Installation of supports should avoid damaging roots.**

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Protection when works within the tree protection zone is required

If the fencing has been reduced from the full TPZ radius to accommodate vehicle or machinery access, it's crucial to implement heavy-duty ground protection and trunk protection. This measure is essential to support the passage of vehicles like excavators, cranes, pier drilling machinery, hydro-excavation trucks, and other necessary equipment.

The heavy-duty ground protection includes:

1) A layer of geotextile fabric on top of the natural ground.

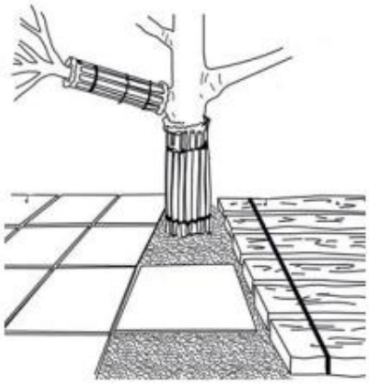
2) Cover the geotextile with a 100mm thick layer of organic mulch.

3) Install ground protection on top of the organic mulch (Bog mat or timber battens)

Trunk protection will include protection to the trunk and branches of trees as shown below. A minimum height of 2m is recommended.

1) Install breathable padding or hessian around the trunk of the tree.

2) Install closely spaced timber battens around the trunk, with the top edge protecting the trunk/bark by the padding/hessian. Secure with strapping



Notes:
1. **For trunk and branch protection use boards and padding that will prevent damage to bark. Boards are to be strapped to trees, not nailed or screwed.**
2. **Rumble boards should be of a suitable thickness to prevent soil compaction and root damage.**

Underground Services

Whenever feasible, route all underground services away from the TPZ. If installing underground services within the TPZ becomes unavoidable, utilize non-intrusive methods such as horizontal directional drilling (HDD), non-destructive excavation (NDE) techniques like hydro-vacuum or Air Spade, or manually excavated trenches. Ensure that horizontal drilling or boring is carried out at a depth of at least 600 mm below grade. It's important to note that trenching for services is classified as "excavation." The project arborist should assess the potential impacts of drilling and bore pits on retained trees.

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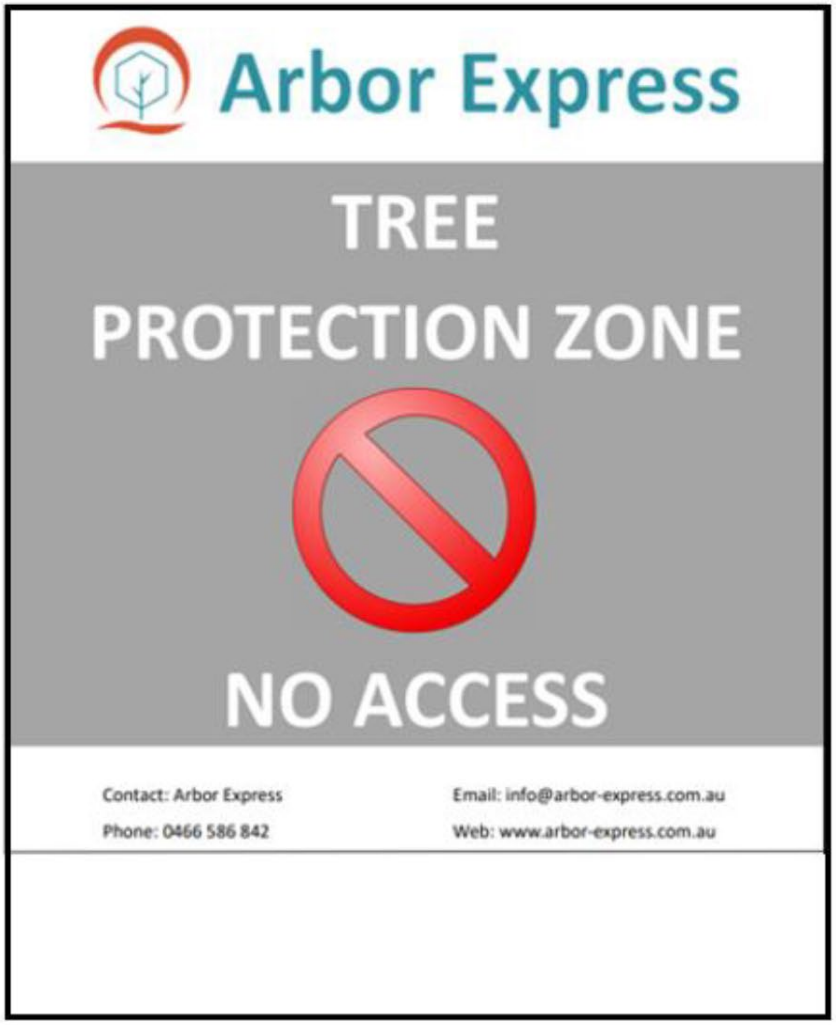
Example of a Tree Protection Sign



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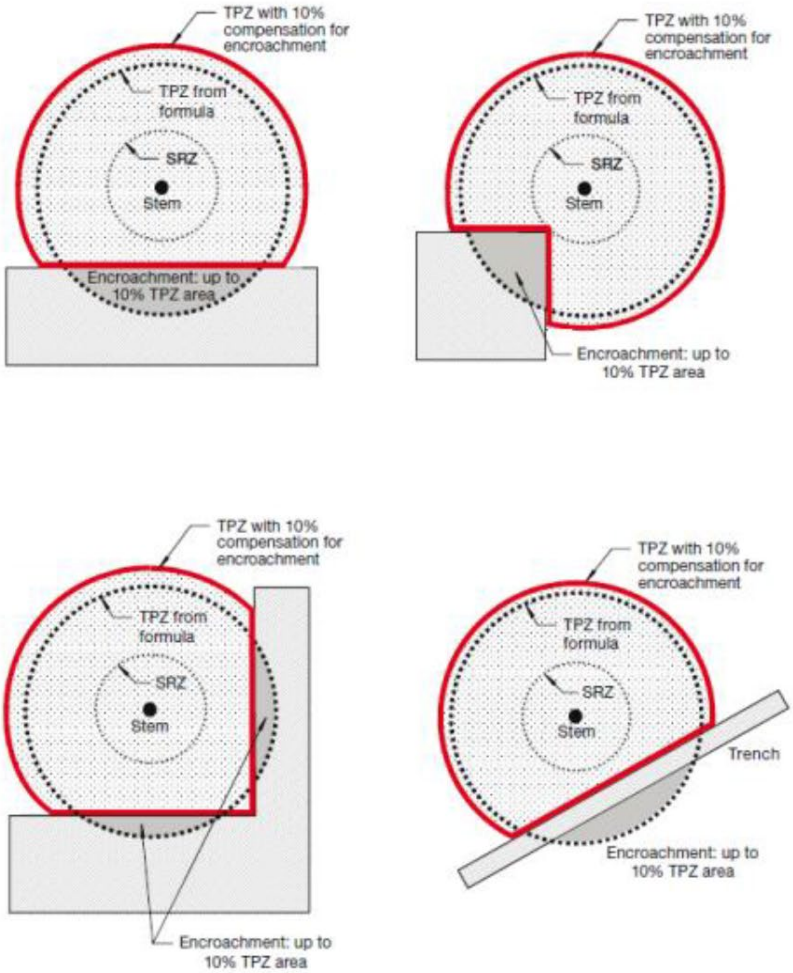
Appendix E: Encroachment into the Tree Protection Zones



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Locations

- Sydney
- NSW South Coast (Wollongong to Bega)
- NSW Central Coast (Gosford to Newcastle)
- Southern Highlands
- Blue Mountains
- Canberra and Queanbeyan
- Regional NSW

Services

- Arborist Reports for Developments
- Tree Root Mapping
- Project Arborist
- Tree Health and Safety Assessments
- Tree Structural Testing (Resistograph)
- Flora & Fauna Assessments and Project Ecologist
- Vegetation Management Plans

Contact Us

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