



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2018/191
Address	15 Mort Street, BALMAIN NSW 2041
Proposal	Part demolition, and basement, ground and first floor alterations and additions to existing dwelling-house, and associated works, including tree removal.
Date of Lodgement	17 April 2018
Applicant	Raymond Panetta Architects
Owner	Mr A C Browne
Number of Submissions	Two
Value of works	\$500,000
Reason for determination at Planning Panel	Clause 4.6 variation exceeds officer delegation
Main Issues	Site coverage
Recommendation	Approval



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for part demolition, basement, ground and first floor alterations and additions to an existing dwelling-house, and associated works, including tree removal at 15 Mort Street, Balmain. The application was notified to surrounding properties and two submissions were received.

The main issues that have arisen from the application include:

- Site coverage,
- Privacy,
- Overshadowing, and the
- Provision of on-site detention.

The proposed alterations and additions are considered to retain the heritage significance of the dwelling and its contribution to the streetscape and not result in significant adverse amenity impacts for surrounding properties. The application is therefore recommended for approval.

2. Proposal

Alterations and additions to the existing dwelling including:

- Retention of the existing carport with roller door fronting Mort Street,
- Retention of main pitched roof form and internal walls of front two rooms of dwelling;
- Demolition of the rear portion of the dwelling under the existing skillion roof and excavation for a basement level;
- Erection of a new three level addition to the rear of the retained dwelling comprising a:
 - Basement storage level;
 - Ground floor containing an open plan living/kitchen/dining area; and
 - First floor containing two bedrooms and a bathroom.
- Alterations to retained portion of dwelling including:
 - Removal of all fireplaces and some internal floors;
 - Insertion of access stairs to basement and first floor;
 - Insertion of skylights and solar panels in northern roof plane;
 - Relocation of window in northern elevation; and
- Removal of frangipani in internal courtyard.

3. Site Description

The subject site is located on the eastern side of Mort Street, between Curtis Road and Trivetts Lane. The site consists of one allotment and is generally rectangular however does have a small extrusion in the north-western corner measuring approximately 700 mm x 1400 mm. The lot has a total area of 158.8 m² and is legally described as Lot 2 DP 931058.

The site has a frontage to Mort Street of 9.735 metres and a secondary frontage of 16.155 metres to Trivetts Lane. The site supports a single storey timber weatherboard dwelling with a pitched roof and a skillion roofed addition at the rear. The skillion addition is built to the rear and side boundaries. A roller door which accesses a carport is located to the north of the subject dwelling accessed from Mort Street. Available historic 1943 aerial images of the locality confirm the likelihood that the dwelling has retained its main original roof form and historic character.

The adjoining properties support a two storey masonry historic terrace with verandah over the footpath at 17 Mort Street and car parking adjacent to the subject site and a modified two storey dwelling at 46 Curtis Road with a double garage access from Trivetts lane at the rear.

A historic masonry dwelling which presents as single storey to Mort Street with a second storey behind is located on the opposite side of Trivetts Lane at 13 Mort Street, Balmain.

The property is located within a conservation area. A Frangipani tree is located within the courtyard adjacent to the boundary with 17 Mort Street, Balmain.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal / Advice	Date
PREDA/2016/204	Advised that demolition of the dwelling would not be supported.	12 December 2016
PREDA/2017/175	Ground and first floor alterations and additions to existing residence, new basement garage accessed via Mort Street and car hoist, and associated works. The proposal requires re-design to address: <ul style="list-style-type: none"> • Streetscape / heritage; • Stormwater – provision of an overland flow path; • Delete car hoist and basement level; and • Increase landscaped area / decrease site coverage. 	19 September 2017
PREDA/2017/284	Proposal for alterations and additions likely to be supported subject to the proposed site coverage not exceeding the existing and the landscaped area on the site being increased to meet the minimum requirement.	4 December 2017

Surrounding properties – 46 Curtis Road, Balmain

Application	Proposal	Date
DA/594/97 M/1998/437 BA/97/981	Alterations and additions to dwelling, first floor addition and new carport.	Approved – 4/4/1998

Surrounding properties – 17 Mort Street, Balmain

Application	Proposal	Date
D/2005/105	Minor ground floor alterations and additions to rear of existing dwelling, alterations to first floor opening to Mort Street and associated works.	Approved - 27 May 2005

5. Assessment

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

5(a) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

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

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

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

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

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

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

5(a)(iv) Leichhardt Local Environment Plan 2013 (LLEP 2013)

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks

- Clause 6.4 – Stormwater management

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

Standard (maximum)	Proposal	Compliances	% of non compliance
Floor Space Ratio Maximum permissible: [1:1:1] or [158.8m ²]	0.75:1 or 120 m ²	Yes	Complies
Landscape Area Minimum permissible: [15%] or [158.8m ²]	15.1% or 24 m ²	Yes	Complies
Site Coverage Maximum permissible: [60%] or [95.28m ²]	71.5% or 113.6 m ²	No	19.2%
Existing Site Coverage	71% or 112.7 m ²	No	18.28%

The following provides further discussion of the relevant issues:

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1

Clause 4.6(2) specifies that Development consent may be granted for development even though the development would contravene a development standard.

1. *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
2. *Development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*

The application requests that development consent be granted for the development even though the proposal will contravene the maximum permissible site coverage development standard prescribed under Part 4 of Leichhardt Local Environmental Plan 2013.

3. *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

A written request has been submitted by the applicant raising the following key issues seeking to justify the contravention of the standard:

- The increased site coverage allows for the creation of a more habitable and integrated living space for a growing family by combining the kitchen, living and dining area with direct access to the private open space. The increase in site coverage is minimal however it will make a significant improvement in the internal quality of the space.
- The existing site coverage is already over the maximum coverage allowance; the proposal only increases the non-compliance by 0.5% or 0.9 m².
- The proposal meets the objectives of the controls, being sympathetic to the surrounding area as well as providing landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents and ensuring development promotes the desired future character of the neighbourhood.
- The built form is sympathetic to the surrounding area; the additional site coverage has minimal impact on the amenity of the neighbouring properties, including privacy and solar access.

The proposal carefully considers all aspects of the LEP & DCP and the design solution will fit comfortably within its surroundings.

The proposal does not involve the removal of any listed trees and is suitable for the use and enjoyment of residents. Site density and building footprint are acceptable.

The proposal has been designed to preserve the character of the surrounding area.

Amenity to the site will not be compromised.

(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.

Comment: The applicant has addressed the matters required under Clause 4.6 Exceptions to development standards and the written request is considered to be well founded. Subject to the proposed conditions which ameliorate the impacts of the current proposal, the approved dwelling will not result in a detrimental impact on the public interest and can satisfy the objectives of the development standard and General Residential zoning as demonstrated below:

- The proposal is compatible with the desired future character of the area in relation to building bulk, form and scale
- The proposal complies with the Landscaped Area and Floor Space Ratio standards, providing a suitable balance between landscaped areas and the built form
- The proposal does not result in any significant adverse amenity impacts to the surrounding properties.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning and there is no public benefit in maintaining strict compliance with the standard.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

The granting of concurrence to the proposed variation of the development standard will not raise any issues of state or regional planning significance.

(b) *the public benefit of maintaining the development standard, and*

The proposed variation to the development standard will not compromise the long term strategic outcomes of the planning controls to the extent that a negative public benefit will result. In this regard, there is no material public benefit to the enforcing of the development standards.

(c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

No other matters are required to be considered before granting concurrence.

5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

Draft Environment SEPP

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(c) Development Control Plans

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

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Not applicable
B3.1 Social Impact Assessment	Not applicable
B3.2 Events and Activities in the Public Domain (Special Events)	Not applicable
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	Yes
C1.6 Subdivision	Not applicable

C1.7 Site Facilities	Yes
C1.8 Contamination	Not applicable
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Not applicable
C1.11 Parking	Not applicable – existing carport to remain
C1.12 Landscaping	No
C1.13 Open Space Design Within the Public Domain	Not applicable
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	Not applicable
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Not applicable
C1.17 Minor Architectural Details	Not applicable
C1.18 Laneways	Not applicable
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Not applicable
C1.20 Foreshore Land	Not applicable
C1.21 Green Roofs and Green Living Walls	Not applicable
Part C: Place – Section 2 Urban Character	
Suburb Profile	
C2.2.2.5(c) Upper Slopes Sub Area, Mort Bay distinctive neighbourhood, Balmain	No
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Not applicable
C3.5 Front Gardens and Dwelling Entries	Not applicable
C3.6 Fences	Not applicable
C3.7 Environmental Performance	Not applicable
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Not applicable
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	Not applicable
C3.14 Adaptable Housing	Not applicable
Part C: Place – Section 4 – Non-Residential Provisions	
	Not applicable
Part D: Energy	
Section 1 – Energy Management	Not applicable
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Complies
D2.2 Demolition and Construction of All Development	Complies
D2.3 Residential Development	Complies
D2.4 Non-Residential Development	Not applicable
D2.5 Mixed Use Development	Not applicable
Part E: Water	
	No
Part F: Food	
	Not applicable

Part G: Site Specific Controls	Not applicable
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The following provides discussion of the relevant issues:

C1.12 Landscaping

The proposal involves the removal of a small misshapen Frangipani which is not objected to given its size and form subject replacement planting. The submitted plans do not show a replacement planting however this has been addressed by a condition of consent.

C2.2.2.5(c) Upper Slopes Sub Area, Mort Bay distinctive neighbourhood, Balmain / C3.2 Site Layout and Building Design

Side setbacks

One of the submissions received states that the *Eastern wall is required by law to have a 900mm set back on the ground floor plus 1500mm set back on the first storey. The new development cannot be built on the existing footings and must accommodate a setback.*

The side setback control permits development up to a height of 2.8 m on the boundary with higher walls requiring a setback in accordance with the sliding scale set out in the side boundary setbacks graph. The control requires a 1.4 metre setback for the proposed eastern wall given its height of 5.1 metres. The proposal is built to the boundary, and therefore, does not comply with the numerical requirements. Notwithstanding, the non-compliance is considered to be acceptable for the following reasons:

- The development is consistent with the relevant Building Typology Statement;
- The pattern of development within the streetscape is not compromised; the existing dwelling is also built to the eastern boundary;
- The bulk and scale of the development has been minimised;
- The proposed addition does not result in undue adverse amenity impacts on adjoining properties in terms of sunlight, privacy or bulk and scale;
- Access for necessary maintenance is not affected by the proposal.

Building envelope

A 3.6 m building envelope applies to street/lane frontages of the site. Part of the front gable of the existing building does not comply with the envelope control at the Mort Street elevation; however the proposal does not increase this existing non-compliance. The two storey addition does not comply with the envelope control at the Trivetts lane frontage. This non-compliance is considered acceptable in this instance as the addition is in scale with adjoining development, having a ridge height and bulk commensurate with the dwelling on the opposite side of Trivetts Lane at 13 Mort Street, Balmain.

C3.9 Solar Access

Two submissions raised overshadowing as an issue. The submitted shadow diagrams show additional overshadowing of the hard stand car parking space and garage of 46 Curtis Street, Balmain and the north-eastern elevation of 13 Mort Street, Balmain. The relevant controls are met in that overshadowing of private open space is not increased under the proposal and all windows in the north-eastern elevation of 13 Mort Street receive at least two hours of solar access between 9am and 3pm at the winter solstice.

C3.11 Visual Privacy

The submissions raised two issues concerning privacy:

- *no windows/ doors on the Eastern, North East and South East corner of the development due to privacy*
- *requesting the use of bevelled or patterned glass that prevents people from seeing in the south-western elevation at first floor level.*

Windows are proposed in the north-eastern elevation set back 900 mm from the side boundary to the kitchen at ground floor level and bedroom at first floor level. While the controls do not require privacy screening for bedroom windows, the plans show this window is provided with external shutters which would provide some privacy. The kitchen window would be satisfactorily screened by a 1.8 m high boundary fence. Screening of proposed bedroom window in the south-western elevation is not required as:

- it is located at a different height to the bathroom and “spare room” windows in the opposing elevation of 13 Mort Street and thus not directly opposite. The neighbouring windows have RL’s of 27.43-29.3 AHD and 30.84-32.02 AHD, whereas the proposed window has is located approximately at 29-30.5 AHD;
- the windows are separated by a public laneway, Trivetts Lane; and
- the privacy of bathrooms on adjoining properties is not protected, the controls requiring bathrooms to be designed protect privacy internally.

Part E – Water

On site detention (OSD) and/or on site retention for rainwater reuse (OSR) in accordance with Section E1.2.3 (C2 and C3) is required as the proposal involves substantial alterations and additions. This was not required in the preDA advice, thus has not been required in the development consent.

5(d) The Likely Impacts

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

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

The site is zoned R1 – General Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with Section 3 of Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. A total of two submissions were received.

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

- Overdevelopment – non-compliance with floor space ratio development standard – See Section 5(a)(iv),
- Non-compliance with side setback control – See Section 5(c),
- Overshadowing to 13 Mort Street and 46 Curtis Road – See Section 5(c), and
- Privacy implications from ‘parapet’ window and windows in the Eastern, North East and South East corner – see Section 5(c).

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: Part of the building to be demolished contains asbestos and must be removed by an approved, qualified and authorised asbestos removalist.

Comment: Council’s standard condition will be placed on the development consent requiring asbestos removal to comply with WorkCover requirements.

Issue: The proposed basement storage area has a height of 2.325 m and is likely to be used for habitable purposes. The height of this area should be reduced to 1.5 m *and accommodate stormwater bladder / tanks and storage as per the legislation.*

Comment: The basement storage area has no access to natural light or ventilation and thus would not comply with the Building Code of Australia for use as a habitable room irrespective of its floor to ceiling height. Reducing the floor to ceiling height to 1.5 m limits the size of the goods to be stored and would prevent most adults from standing in the storage area. There is no legislation which requires this area to be used to accommodate stormwater tanks.

Issue: *The house's original chimney had a beautiful clay/terracotta pipe/piece at the top. This was removed by the current owner and I am curious to see if this original / historical piece will be returned to the new building, I am not sure how old the original building is however it was a great piece for that period.*

Comment: While Council encourages the replacement of original fabric it has no record of the "piece" in question.

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Officer
- Development Engineer

6(b) External

The application was not referred to an external bodies.

7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The variation to Clause 4.3A(3)(b) Site Coverage of Leichhardt Local Environmental Plan 2013 be supported under the provisions of Clause 4.6 exceptions to development standards.

- B. That Council, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2018/191 for part demolition, and basement, ground and first floor alterations and additions to existing dwelling-house, and associated works, including tree removal at 15 Mort Street, Balmain subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

- Development must be carried out in accordance with Development Application No. D/2018/191 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Basement DA11-E	Raymond Panetta Architect	17.04.18
Ground floor DA12-E	Raymond Panetta Architect	17.04.18
Level 1 DA13-E	Raymond Panetta Architect	17.04.18
Roof DA15-E	Raymond Panetta Architect	17.04.18
Northwest/Southwest Elevation DA16-E	Raymond Panetta Architect	17.04.18
Northeast/Southeast Elevation DA17-E	Raymond Panetta Architect	17.04.18
Long Section DA20-E	Raymond Panetta Architect	17.04.18
Cross Section / Long Section DA21-E	Raymond Panetta Architect	17.04.18

Document Title	Prepared By	Dated
BASIX Certificate A307471	Raymond Panetta	15 February 2018
Materials and Finishes DA24-E	Raymond Panetta Architect	17.04.18

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

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

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

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

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

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

Tree/location	Approved works
Frangipani in central courtyard	Removal

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

- Consent is granted for the demolition of those areas shown in red on the approved demolition plan, subject to strict compliance with the following conditions:
 - The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.

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

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's

expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.

- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
 - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 4. In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
 - a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
 - b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
 - c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

- 5. Amended plans are to be submitted incorporating the following amendments:
 - a) Erection of a 1.8 m high timber paling fence on the unfenced sections of the north-east, north-east and south-eastern boundaries, i.e. the remnant section of land to the north-east of the approved dwelling.

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

6. A landscape plan must be provided prior to the issue of a Construction Certificate. The plan must include:
- a) At least one canopy tree capable of achieving a mature height of at least six (6) metres.

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

7. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/amended to make provision for the following:
- a) Comply with Council's Stormwater Drainage Code.
 - b) Charged or pump-out stormwater drainage systems are not permitted.
 - c) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - d) A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas, except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings
 - e) As there is no overland flow/flood path available from the external area at the north eastern corner of the site to the Mort Street frontage or Trivetts Lane frontage, a sag pit and piped drainage system shall be designed to drain this area and shall meet the following criteria:
 - i) Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
 - ii) The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building
 - iii) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
 - f) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage*
 - h) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
 - g) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
 - h) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

- i) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- j) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
- k) New kerb outlets in stone kerb shall be carefully cored through the existing kerb stone such that the kerb outlet is perpendicular (a 90° angle) with the gutter. The pipe under the footpath shall end 30mm within the kerb stone with mass concrete around the pipe connection to the kerb stone. Purpose made pipe fittings and bends or welded joints shall be used where necessary to align the discharge pipe with the kerb outlet. Non-compliance with this condition will result in loss of your security deposit.
- l) Calculations must be submitted in support of the flow rates and storage volumes proposed in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013.
- m) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.

The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.

Amended plans must be submitted to and approved by Council before the issue of a Construction Certificate.

8. An integrated structural and geotechnical report and plans that address design of the proposed basement, prepared by a qualified practicing Structural and Geotechnical Engineer, must be provided prior to the issue of a Construction Certificate. The report and plans must be prepared/ amended to make provision for the following:
- a) The basement must be fully tanked to prevent the ingress of subsurface flows in accordance with Section E1.2.5 (C5 and C6) of Part E – Water of DCP 2013.
 - b) 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.
 - c) 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.
 - d) All components of the basement, including footings, must be located entirely within the property boundary.
 - e) No adverse impact on surrounding properties including Council's footpath and road.
 - f) The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development.

- g) Recommendations regarding method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property.
- h) Provide relevant geotechnical/ subsurface conditions of the site, as determined by full geotechnical investigation.

The design must be certified as compliant with the terms of this condition by a suitably qualified practicing Structural and Geotechnical Engineer.

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

- 9. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
- 10. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.

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

- 11. The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.
- 12. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
 - a) Must preserve and protect the adjoining building from damage
 - b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

- 13. The following fire upgrading is required pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*:
 - The building is to be provided with smoke alarm system that complies with *AS3786-1993: Smoke Alarms* and the smoke alarms must be connected to the consumer mains electrical power supply and interconnected where there is more than one alarm with a stand-by (battery back-up) power supply. The smoke alarm system must be installed in suitable locations on or near the ceiling in accordance with Part 3.7.2 of the Building Code of Australia.

Amended plans and specifications demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority with the application prior to the issuing of a for a Construction Certificate.

Note: Where an existing system complying with the above requirements is already installed in the building, evidence of this should be submitted with the application for a Construction Certificate.

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

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

15. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater–Soils & Construction Volume 1 (2004) available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:

- a) Minimise the area of soils exposed at any one time.
- b) Conservation of top soil.
- c) Identify and protect proposed stockpile locations.
- d) Preserve existing vegetation. Identify revegetation technique and materials.
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

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

16. The approved plans must be checked online with Sydney Water Tap In 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. A copy of this approval must be supplied with the Construction Certificate application. Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

The Certifying Authority must ensure that the appropriate approval has been provided prior to the issue of a Construction Certificate.

17. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.
- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

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

18. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
- a) Estimated volume (m³) or weight (t) of materials that are reused, recycled or removed from site.
 - b) On site material storage areas during construction.
 - c) Material and methods used during construction to minimise waste.
 - d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
 - e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

PRIOR TO WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE (WHICHEVER OCCURS FIRST)

19. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:
- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
 - b) A concrete pump across the roadway/footpath
 - c) Mobile crane or any standing plant
 - d) Skip bins
 - e) Scaffolding/Hoardings (fencing on public land)
 - f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
 - g) Awning or street verandah over footpath
 - h) Partial or full road closure
 - i) Installation or replacement of private stormwater drain, utility service or water supply

Contact Council’s Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

- 20. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$5,080
Inspection fee (FOOTI)	\$225

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 Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

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

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

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

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

- 21. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Principal Certifying Authority prior to any demolition or works commencing on the site or the issue of a Construction Certificate (whichever comes first). The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property	Structures / Area
46 Curtis Road, Balmain	Retaining walls, carport door, stairs and other structures within 1 m of site
17 Mort Street, Balmain	Retaining walls / Walls within 1 m of proposed works.

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

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

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

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

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

PRIOR TO THE COMMENCEMENT OF WORKS

22. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall 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.
23. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- a) location of the building with respect to the boundaries of the site;

24. The site must be secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

25. The *Home Building Act 1989* requires that insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of works approved by this Development Consent.

A copy of the certificate of insurance must be submitted to the Certifying Authority prior to the works commencing.

If the work is to be undertaken by an owner-builder, written notice of their name and owner-builder permit number must be submitted to the Certifying Authority.

In all other cases, written notice must be given to the Certifying Authority of:

- a) the name and licence number of the principal contractor; and
- b) reasons why a certificate of insurance is not required.

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

26. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
27. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
28. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
 - a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a

telephone number at which that person may be contacted at any time for business purposes and outside working hours.

- c) The name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority and Council for records purposes prior to the commencement of any onsite work.

DURING WORKS

29. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.

30. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.

If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage.
- b) If necessary, underpin and support the building in an approved manner.
- c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary.

Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of support constructed must be inspected by the designing Engineer with certification provided to all relevant parties.

31. The site must be appropriately secured and fenced at all times during works.
32. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

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

33. Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
 - c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

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

34. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
35. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
36. The development must be inspected at the following stages by the Principal Certifying Authority during construction:
- a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and

- c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
37. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
38. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

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

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

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

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

40. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.
41. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, shall be submitted and accepted by Council prior to the issue of an Occupation Certificate.

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 Certifying Authority stamped Construction Certificate plans.

42. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate. Non-compliance with this condition will result in loss of your security deposit.
43. 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 shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
44. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
45. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:
 - Compare the post construction report with the pre-construction report required by these conditions,
 - Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

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

46. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
47. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

48. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
 - the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.

ONGOING CONDITIONS OF CONSENT

49. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. dwelling house without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a dwelling house is defined under the *Leichhardt Local Environmental Plan 2013*.

50. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
51. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
52. The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.

PRESCRIBED CONDITIONS**A. BASIX Commitments**

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

In this condition:

- a) Relevant BASIX Certificate means:
- i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

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

C. Home Building Act

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

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

D. Site Sign

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

E. Condition relating to shoring and adequacy of adjoining property

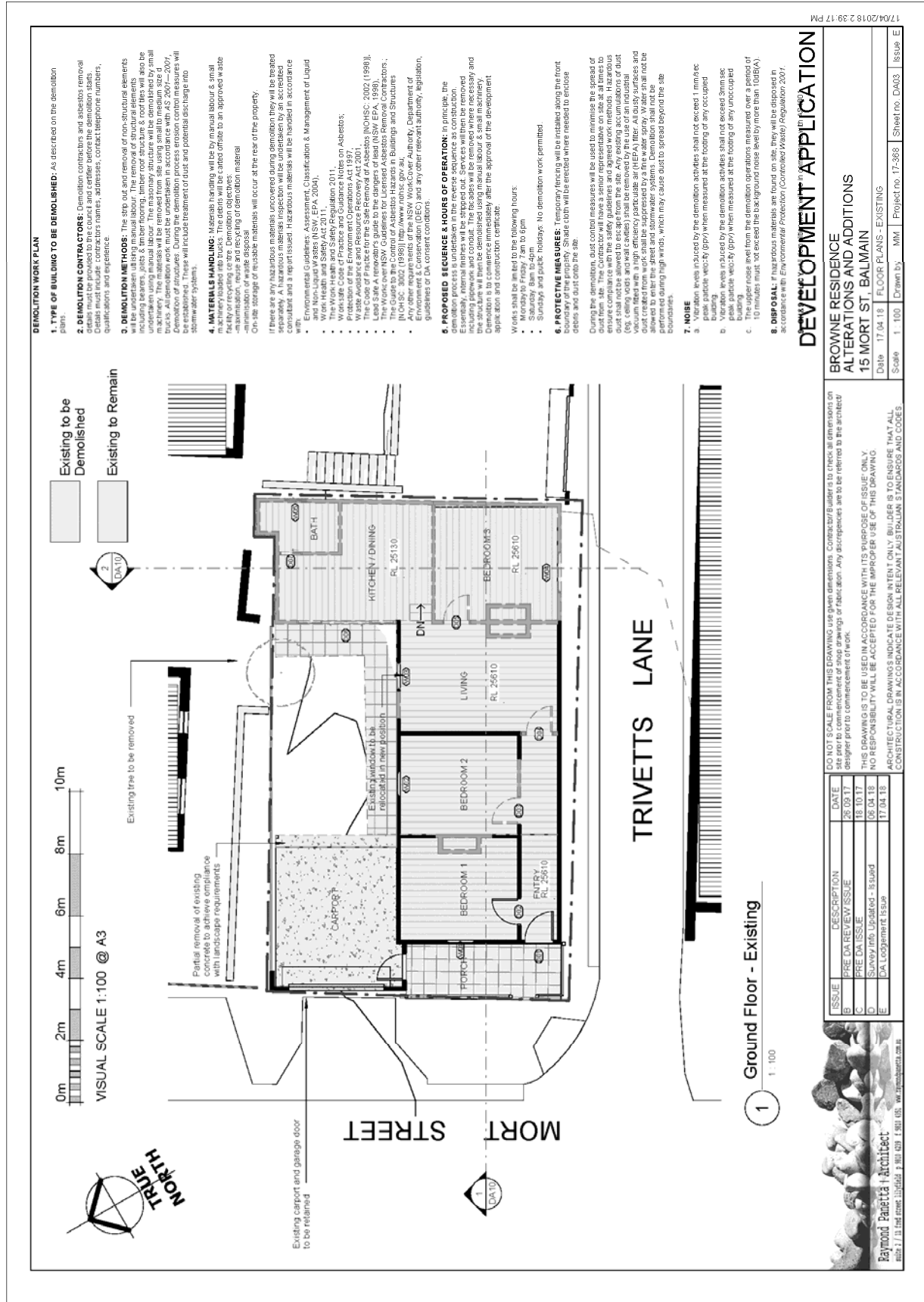
- 1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and

- b) where necessary, underpin the adjoining premises to prevent any such damage.
- 2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 8.2.
3. If you are unsatisfied with this determination, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
 - a) Application for any activity under that Act, including any erection of a hoarding.
 - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
 - d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
 - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
 - f) Development Application for demolition if demolition is not approved by this consent.

- g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.



- DEMOLITION WORK PLAN**
- 1. TYPE OF BUILDING TO BE DEMOLISHED:** As described on the demolition plan.
 - 2. DEMOLITION CONTRACTORS:** Demolition contractors and asbestos removal details must include: contractor names, addresses, contact telephone numbers, qualifications, and experience.
 - 3. DEMOLITION METHODS:** The site and removal of non-structural elements will be undertaken using manual labour. The removal of structural elements including beams, joists & timber flooring, timber roof structure & roof tiles will also be undertaken using manual labour. The removal of structural elements using small machinery. The materials will be removed from site using small to medium size trucks. All demolition work must be undertaken in accordance with AS 2607-2007, Demolition of structures. During the demolition process erosion control measures will be implemented which include treatment of dust and potential discharging into stormwater systems.
 - 4. MATERIALS HANDLING:** Hazardous handling will be by manual labour & small machinery. Hazardous materials will be stored in an approved waste facility or recycling centre. Demolition objectives:
 - maximisation, reuse and recycling of demolition material
 - On-site storage of reusable materials will occur at the rear of the property.
 If there are any hazardous materials uncovered during demolition they will be treated as such. Hazardous materials will be handled in accordance with the relevant codes of practice and a report issued. Hazardous materials will be handled in accordance with:
 - Environmental Guidelines: Assessment, Classification & Management of Liquid and Non-Liquid Wastes (NSW, EPA, 2004).
 - Work Health and Safety Act 2011.
 - The Work Health and Safety Regulation 2011.
 - Protection of the Environment Operations Act 1987.
 - Waste Avoidance and Resource Recovery Act 2001.
 - The Work Health and Safety Act 2011 (NSW/SA: 0009 (1999)).
 - The Work Health and Safety Regulation 2011 (NSW/SA: 0009 (1999)).
 - The Work Health and Safety Act 2011 (NSW/SA: 0009 (1999)).
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 - The Work Health and Safety Regulation 2011 (NSW/SA: 0009 (1999)).
 - Any other requirements of the NSW WorkCover Authority, Department of Environment & Conservation (DEC) and any other relevant authority, legislation, guidelines or DA consent conditions.
 - 5. PROPOSED SECURITY & HOURS OF OPERATION:** In principle, the demolition process is undertaken in the reverse sequence as construction. The demolition process will be undertaken in the reverse sequence as construction including power and conduit. The building will be removed where necessary and the structure will then be demolished using manual labour & small machinery. Demolition is to commence immediately after the approval of the development application and construction contract.
 - 6. PROTECTIVE MEASURES:** Temporary fencing will be installed along the front boundary of the property. Shade cloth will be erected where needed to engage debris and dust onto the site.
 - 7. NOISE:**
 - Vibration levels induced by the demolition activities shall not exceed 1 mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
 - Vibration levels induced by the demolition activities shall not exceed 3mm/sec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
 - The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).
 - 8. DISPOSAL:** If hazardous materials are found on site they will be disposed in accordance with Environmental Protection (Controlled Waste) Regulation 2007.

DEVELOPMENT APPLICATION

BROWNE RESIDENCE ALTERATIONS AND ADDITIONS 15 MORT ST., BALMAIN

Date: 17.04.18 FLOOR PLANS - EXISTING
 Scale: 1:100 Drawn by: MM Project no: 17-388 Sheet no: DA03 Issue: E

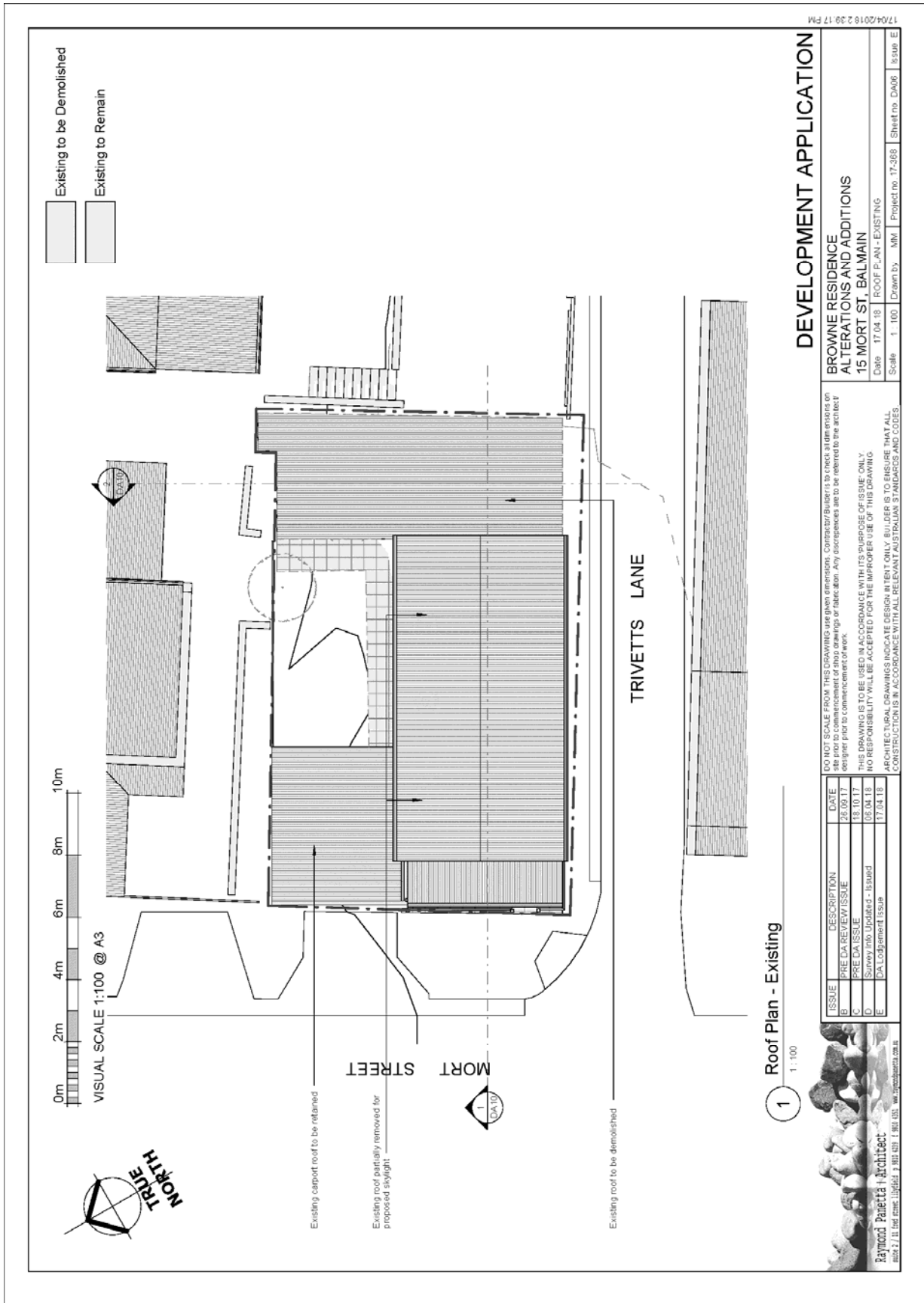
DO NOT SCALE FROM THIS DRAWING use given dimensions. Contractor/Builder to check all dimensions on site prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the architect/designer prior to commencement of work.

THIS DRAWING IS TO BE USED IN ACCORDANCE WITH ITS PURPOSE OF ISSUE ONLY. NO RESPONSIBILITY WILL BE ACCEPTED FOR THE IMPROPER USE OF THIS DRAWING. ARCHITECTURAL DRAWINGS INDICATE DESIGN INTENT ONLY. BUILDER IS TO ENSURE THAT ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

ISSUE	DESCRIPTION	DATE
B	PRE DA REVIEW ISSUE	28.09.17
C	PRE DA ISSUE	18.10.17
D	Survey/MPD Updated - Issue D	06.04.18
E	DA Log/Amendment Issue	17.04.18

Raymond Paretta Architect
 105/113 Redfern Street, Redfern, NSW 1512, Australia
 www.raymondparetta.com.au

17/04/2018 2:39:17 PM



1 Northwest Elevation - Existing
1:100

2 Southwest Elevation - Existing
1:100

17/04/2018 2:39:19 PM

DEVELOPMENT APPLICATION

**BROWNE RESIDENCE
ALTERATIONS AND ADDITIONS
15 MORT ST., BALMAIN**

Date 17/04/18 ELEVATIONS - EXISTING
Scale 1:100 Drawn by: MMR Project no: 17-368 Sheet no: DA07 Issue: E

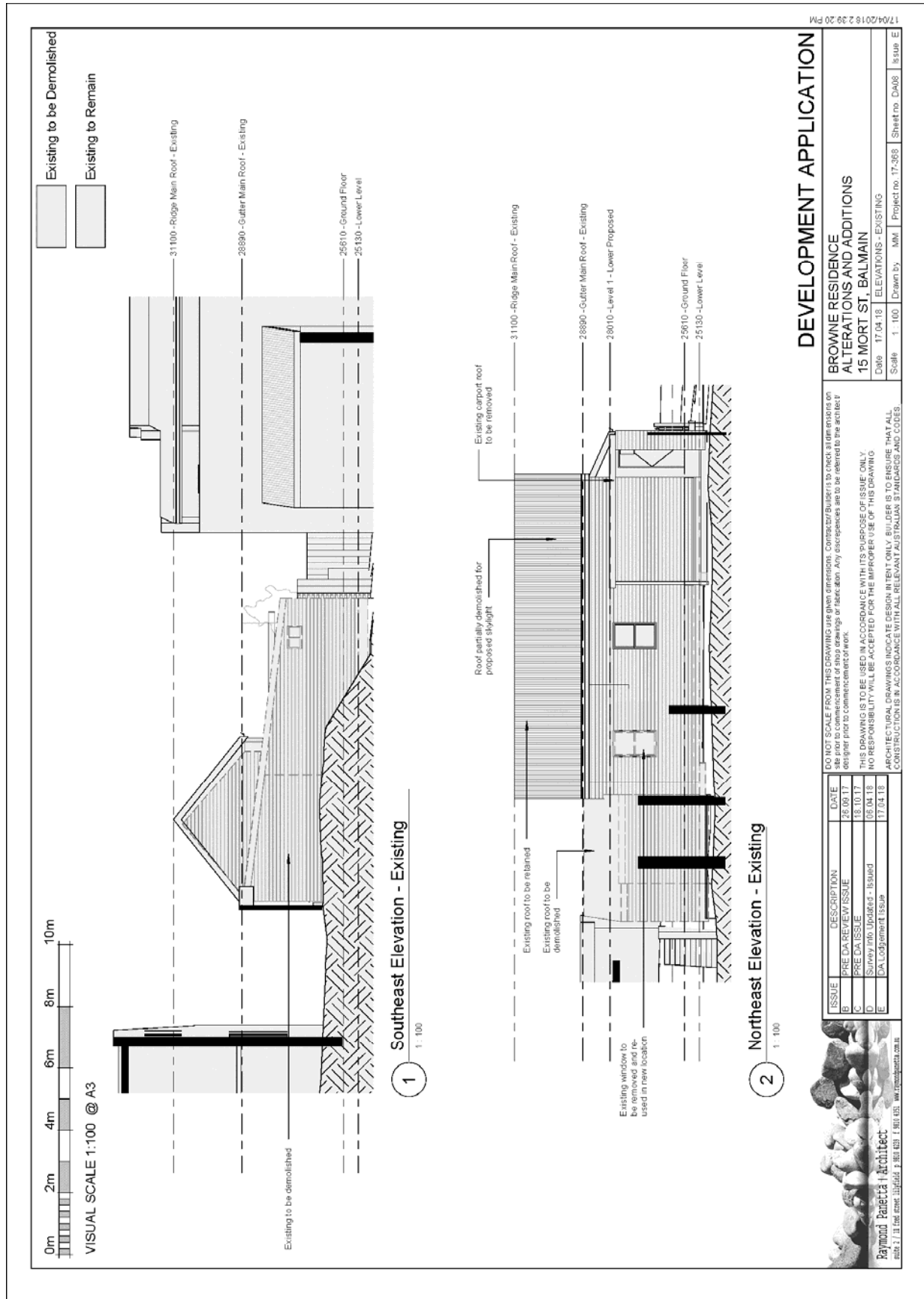
DO NOT SCALE FROM THIS DRAWING use given dimensions. Contractor/Builder to check all dimensions on site prior to commencement of work. Any discrepancies are to be referred to the architect/ designer prior to commencement of work.

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ISSUE	DESCRIPTION	DATE
B	PRE DA REVIEW ISSUE	26/09/17
C	PRE DA ISSUE	18/10/17
D	Survey into Updated - Issued	06/04/18
E	DA/Lodgement Issue	17/04/18

Raymond Papetia Architect
 11/11/15, 15th Floor, 152/156, J. BUI, QUT, 1, 880, QLD, AUSTRALIA
 www.raymondpapetia.com.au



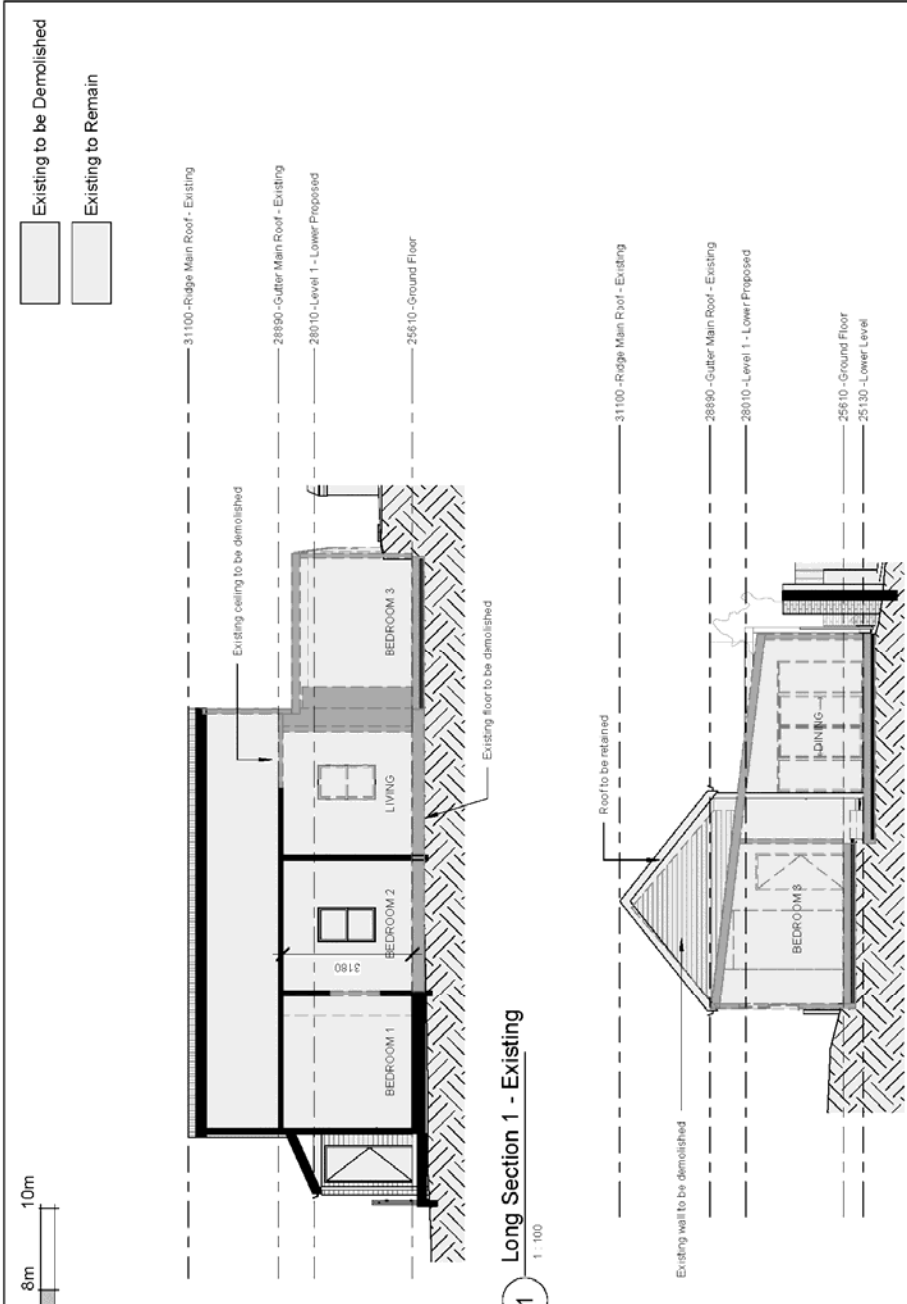
DEVELOPMENT APPLICATION

BROWNE RESIDENCE ALTERATIONS AND ADDITIONS
15 MORT ST, BALMAIN
 Date: 17/04/18 ELEVATIONS - EXISTING
 Scale: 1:100 Drawn by: MM Project no: 17-368 Sheet no: DA08 Issue: E

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ISSUE	DESCRIPTION	DATE
B	PRE-DA REVIEW ISSUE	26/09/17
C	PRE-DA ISSUE	18/10/17
D	Survey into Updated - Issued	06/04/18
E	DA Lodgement Issue	17/04/18





1 Long Section 1 - Existing
1 : 100

2 Cross Section 1 - Existing
1 : 100

DEVELOPMENT APPLICATION

**BROWNE RESIDENCE
 ALTERATIONS AND ADDITIONS
 15 MORT ST, BALMAIN**

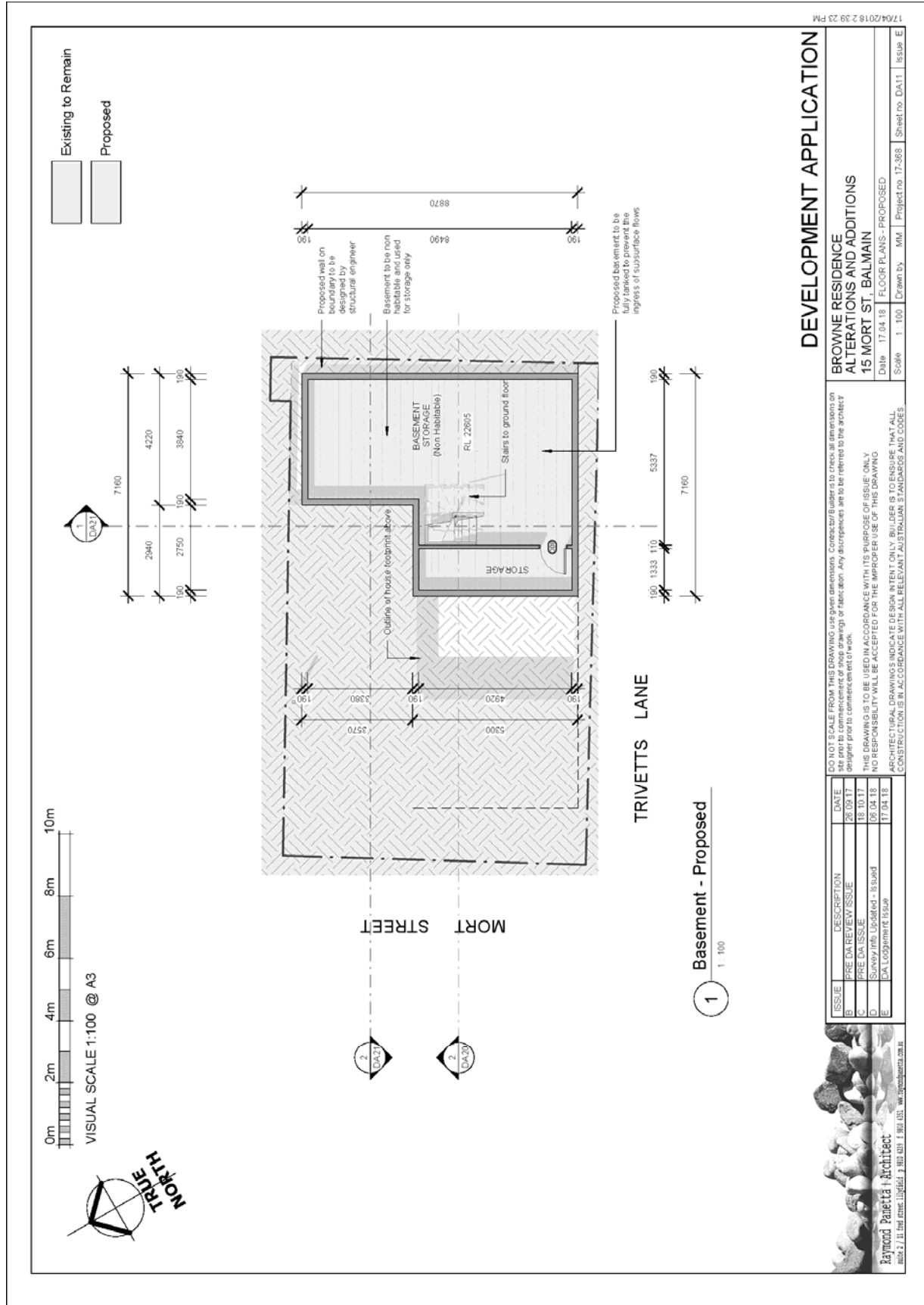
Date 17/04/18 SECTION - EXISTING
 Scale 1:100 Drawn by MM Project no 17-368 Sheet no DA10 Issue E

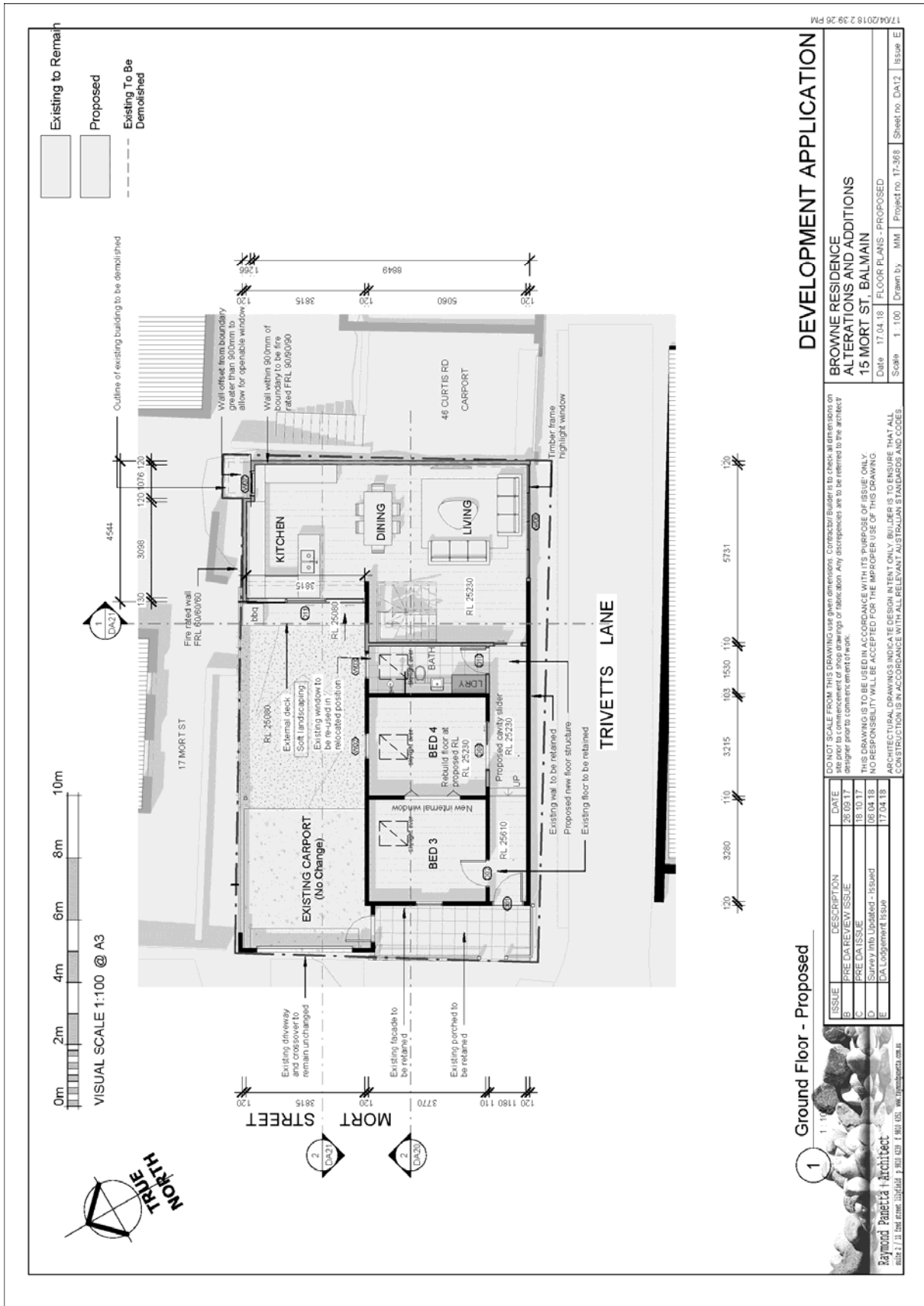
DO NOT SCALE FROM THIS DRAWING use given dimensions. Contractor/Builder to check all dimensions on site prior to commencement of work. Any discrepancies are to be referred to the architect designer prior to commencement of work.
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 ARCHITECTURAL DRAWINGS INDICATE DESIGN INTENT ONLY. BUILDER IS TO ENSURE THAT ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL RELEVANT REGULATORY REQUIREMENTS AND CODES.

ISSUE	DESCRIPTION	DATE
B	PRE-DA REVIEW ISSUE	26/09/17
C	PRE-DA ISSUE	18/10/17
D	Survey info Updated - Issued	05/04/18
E	DA/Lodgement Issue	17/04/18



17/04/2018 2:39:21 PM





DEVELOPMENT APPLICATION

**BROWNE RESIDENCE
ALTERATIONS AND ADDITIONS
15 MORT ST, BALMAIN**

Date: 17/04/18 | FLOOR PLANS - PROPOSED
Scale: 1:100 | Drawn by: MM | Project no: 17-368 | Sheet no: DA12 | Issue: E

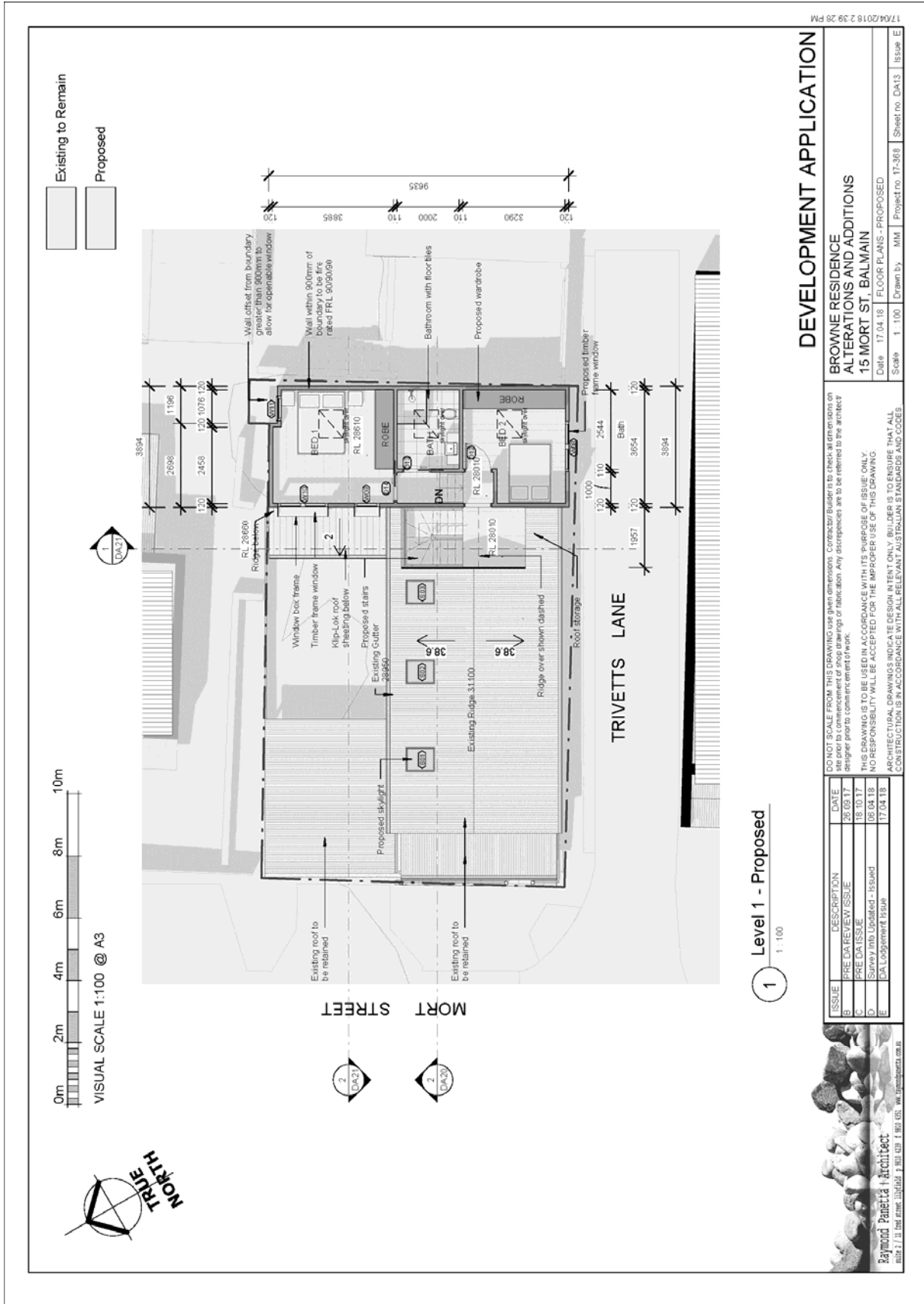
DO NOT SCALE FROM THIS DRAWING use given dimensions. Contractor/Builders to check all dimensions on site prior to construction. Any discrepancies are to be referred to the architect designer prior to commencement of work.
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APPROPRIATE LOCAL, STATE AND FEDERAL REGULATIONS, STANDARDS AND CODES OF CONSTRUCTION SHALL APPLY TO ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

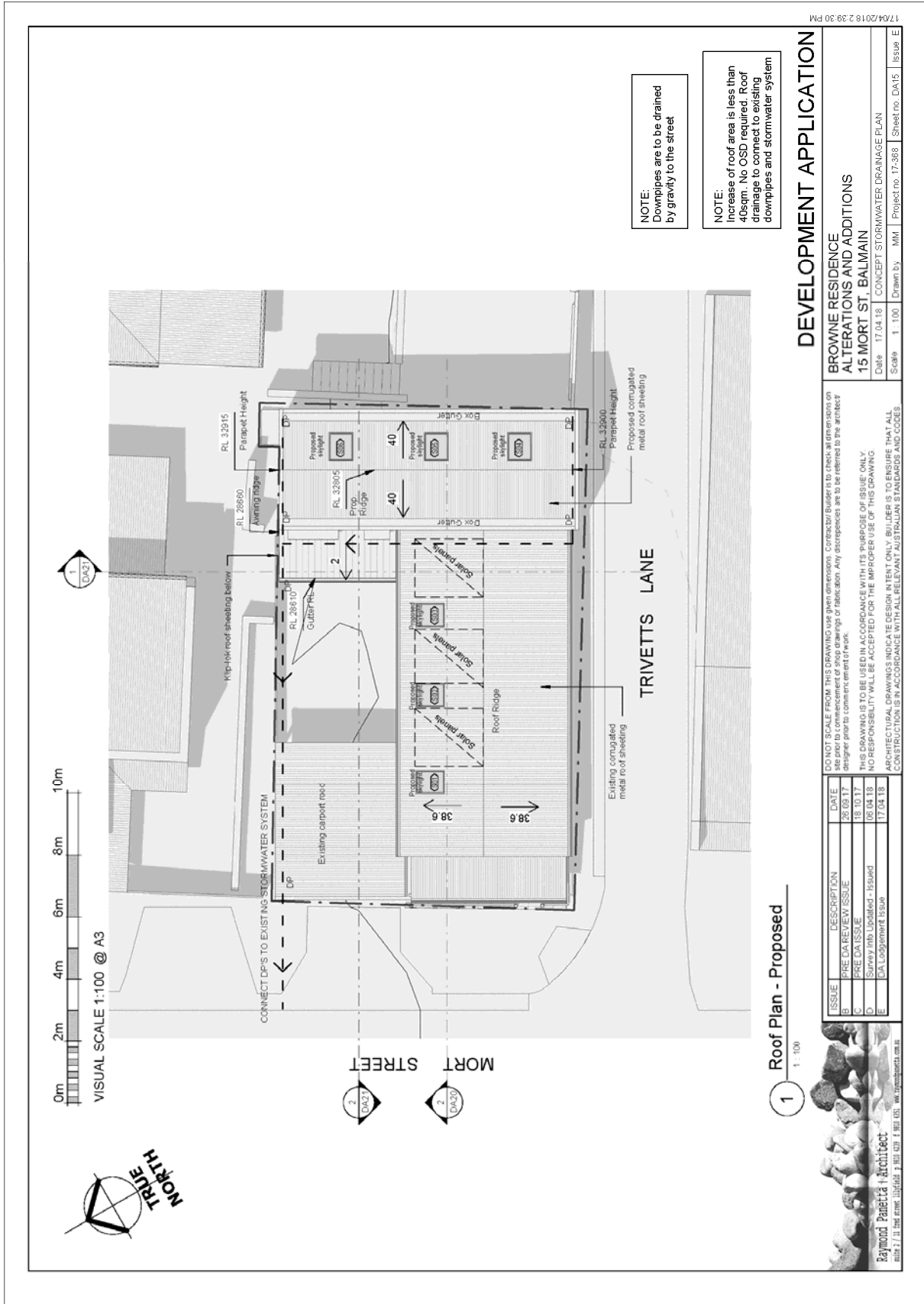
ISSUE	DESCRIPTION	DATE
B	PRE-DA REVIEW ISSUE	26/09/17
C	PRE-DA ISSUE	18/10/17
D	Survey into Updated - Issued	06/04/18
E	DA Lodgement Issue	17/04/18

1 Ground Floor - Proposed



17/04/2018 2:39:26 PM





NOTE:
Downpipes are to be drained by gravity to the street

NOTE:
Increase of roof area is less than 40sqm. No OSD required. Roof drainage to connect to existing downpipes and stormwater system

DEVELOPMENT APPLICATION
BROWNE RESIDENCE ALTERATIONS AND ADDITIONS
15 MORT ST, BALMAIN

Date: 17/04/18
 Scale: 1:100
 Drawn by: MM
 Project no.: 17-368
 Sheet no.: DA15
 Issue: E

DO NOT SCALE FROM THIS DRAWING UNLESS OTHERWISE SPECIFIED. CONSULT YOUR ARCHITECT PRIOR TO COMMENCEMENT OF WORK. ANY DISCREPANCIES ARE TO BE REFERRED TO THE ARCHITECT PRIOR TO COMMENCEMENT OF WORK.

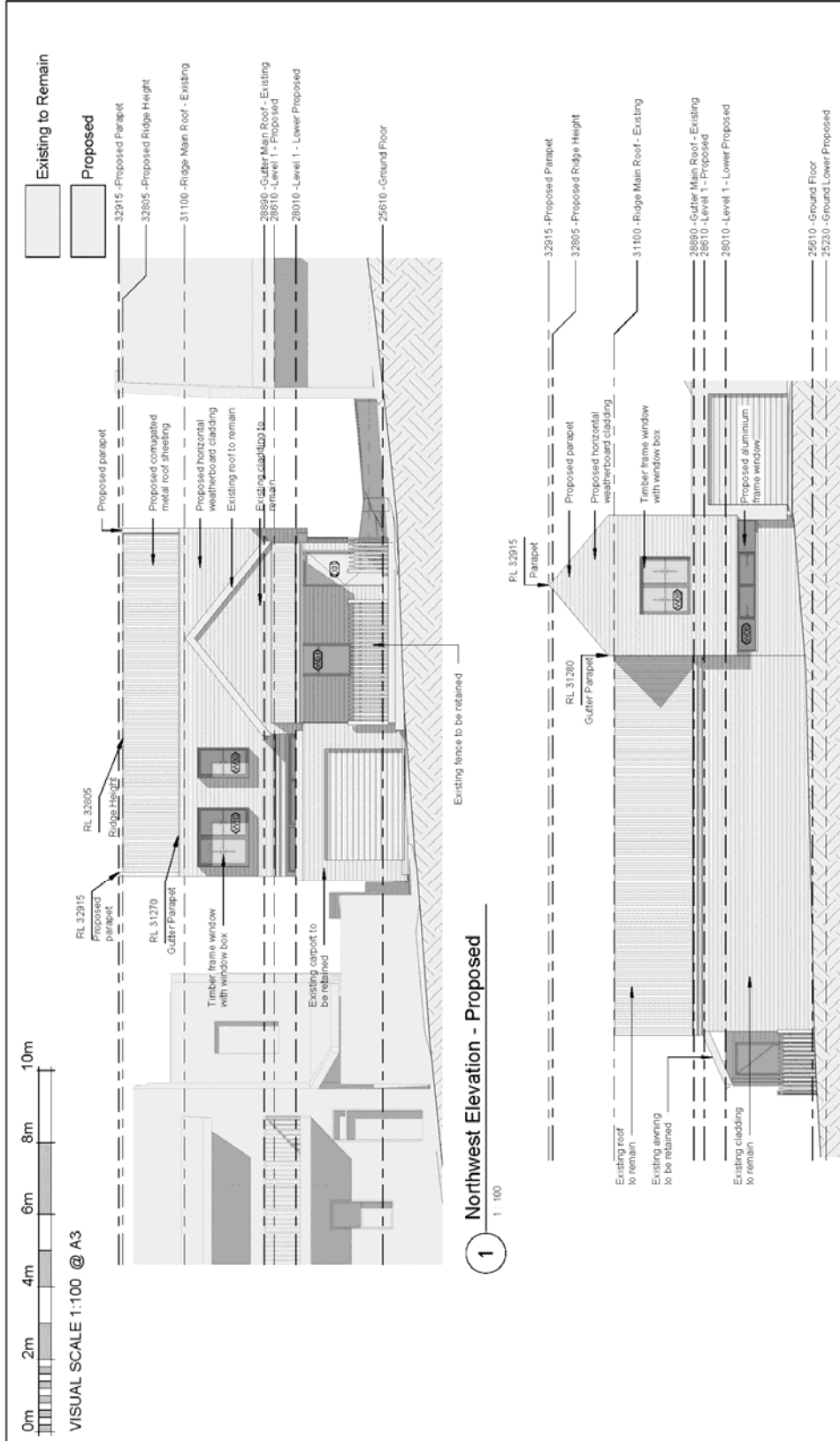
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ISSUE	DESCRIPTION	DATE
B	PRE-DA REVIEW ISSUE	26/09/17
C	PRE-DA ISSUE	18/10/17
D	Survey Info Updated - Issued	06/04/18
E	DA Lodgement Issue	17/04/18

Raymond Penella + Architect
 Suite 2 / 31 Sandstone Building / 383-429 / 1880 USJ / www.rpenella.com.au

1 Roof Plan - Proposed
 1:100



1 Northwest Elevation - Proposed
1:100

2 Southwest Elevation - Proposed
1:100

DEVELOPMENT APPLICATION

BROWNE RESIDENCE ALTERATIONS AND ADDITIONS
15 MORT ST., BALMAIN
 Date 17 04 18 ELEVATIONS - PROPOSED
 Scale 1:100 Drawn by: MML Project no: 17-366 Sheet no: DA16 Issue: E

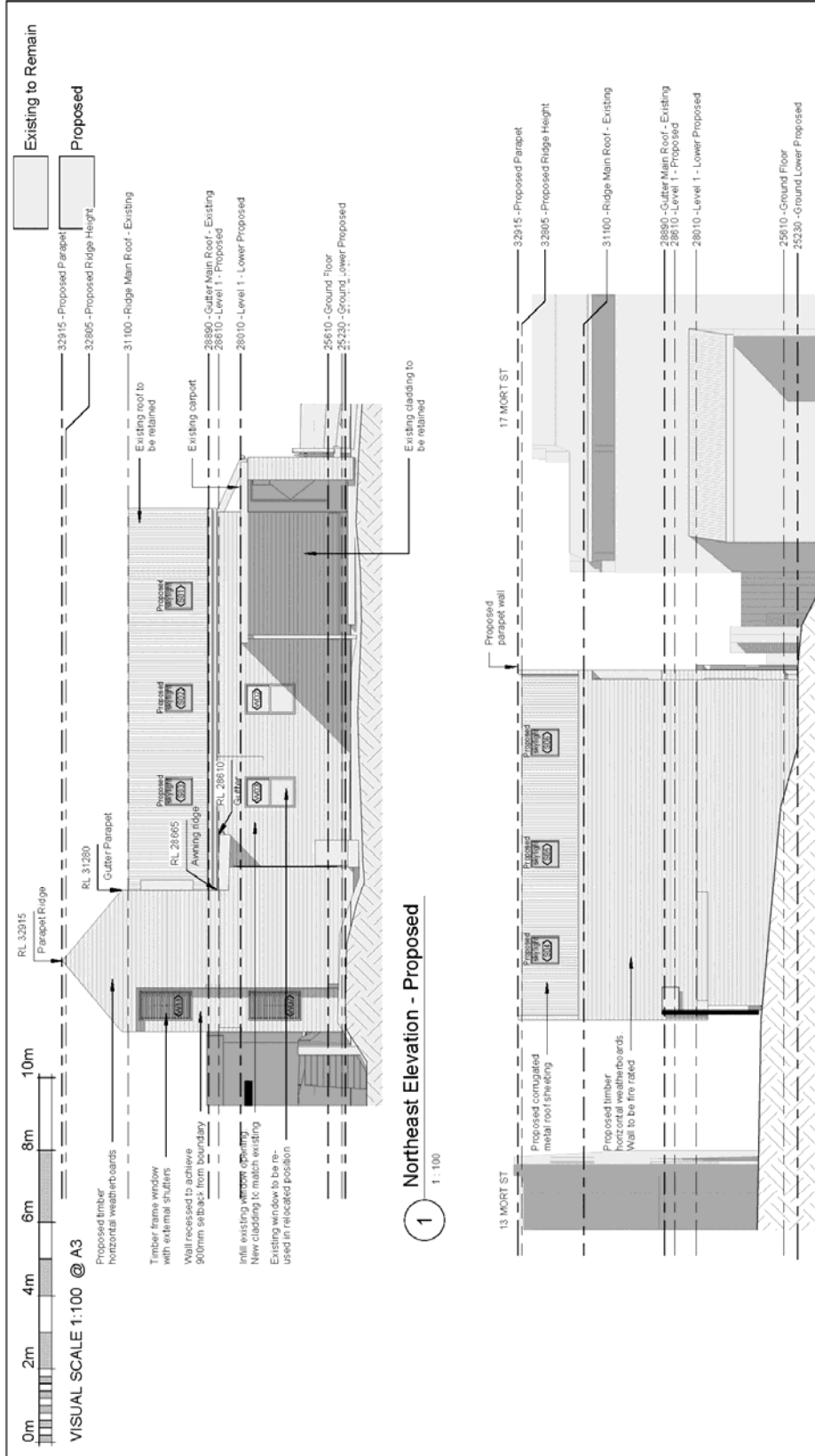
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ISSUE	DESCRIPTION	DATE
B	PRE-DA REVIEW ISSUE	26 09 17
C	PRE-DA ISSUE	18 10 17
D	Survey into Latched - Issued	06 04 18
E	DAL/Logement Issue	17 04 18



Raymond Papetta + Architect
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17/04/2018 2:39:34 PM



DEVELOPMENT APPLICATION

**BROWNE RESIDENCE
ALTERATIONS AND ADDITIONS
15 MORT ST., BALMAIN**

Date: 17.04.18
Scale: 1 : 100
Drawn by: MM
Project no: 17-368
Sheet no: DAT7
Issue: E

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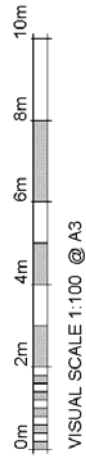
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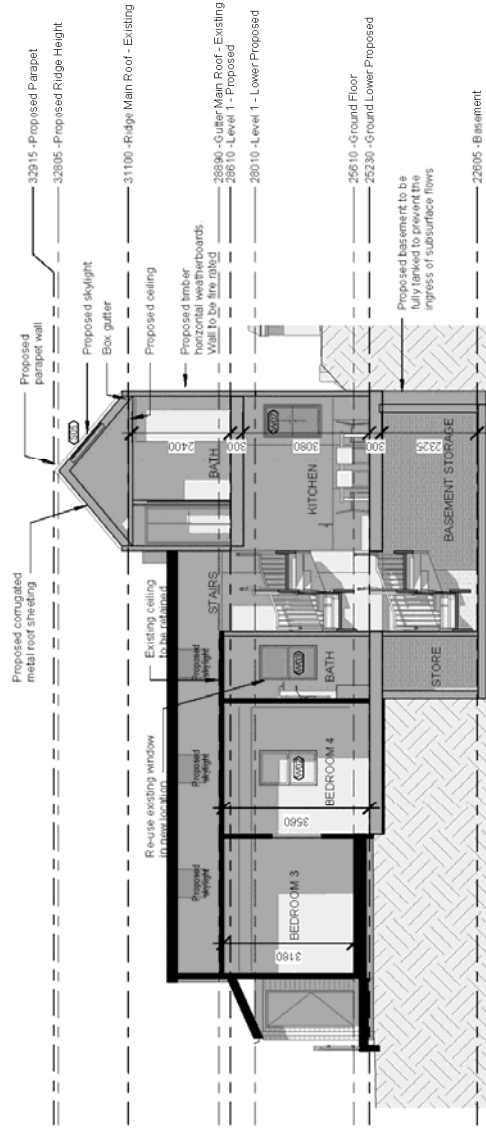
ISSUE	DESCRIPTION	DATE
B	PRE-DA REVIEW ISSUE	28.09.17
C	PRE-DA ISSUE	05.10.17
D	Survey/memo Updated - Issued	06.04.18
E	DA Lodgement Issue	17.04.18



17/04/2018 2:39:37 PM



VISUAL SCALE 1:100 @ A3



1:100

DEVELOPMENT APPLICATION

BROWNE RESIDENCE
ALTERATIONS AND ADDITIONS
15 MORT ST. BALMAIN

Date 17.04.18
Scale 1:100
Drawn by MM
Project no. 17-368
Section: PROPOSED
Sheet no. DA20
Issue E

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ISSUE	DESCRIPTION	DATE
B	PRE-DA REVIEW ISSUE	26.09.17
C	PRE-DA ISSUE	18.10.17
D	Survey info Updated - Issued	06.04.18
E	DA Lodgement Issue	17.04.18



Raymond Panetta Architect
Suite 1/11 The Arcade, Liverpool, NSW 2157, Australia
Phone: 02 9610 1111
www.raymondpanetta.com.au

17/04/2018 2:39:39 PM



DEVELOPMENT APPLICATION

**BROWNE RESIDENCE
ALTERATIONS AND ADDITIONS
15 MORT ST., BALMAIN**

Date 17.04.18
Scale 1:100
Drawn by MM
Project no. 17-368
Sheet no. DA21
Issue E

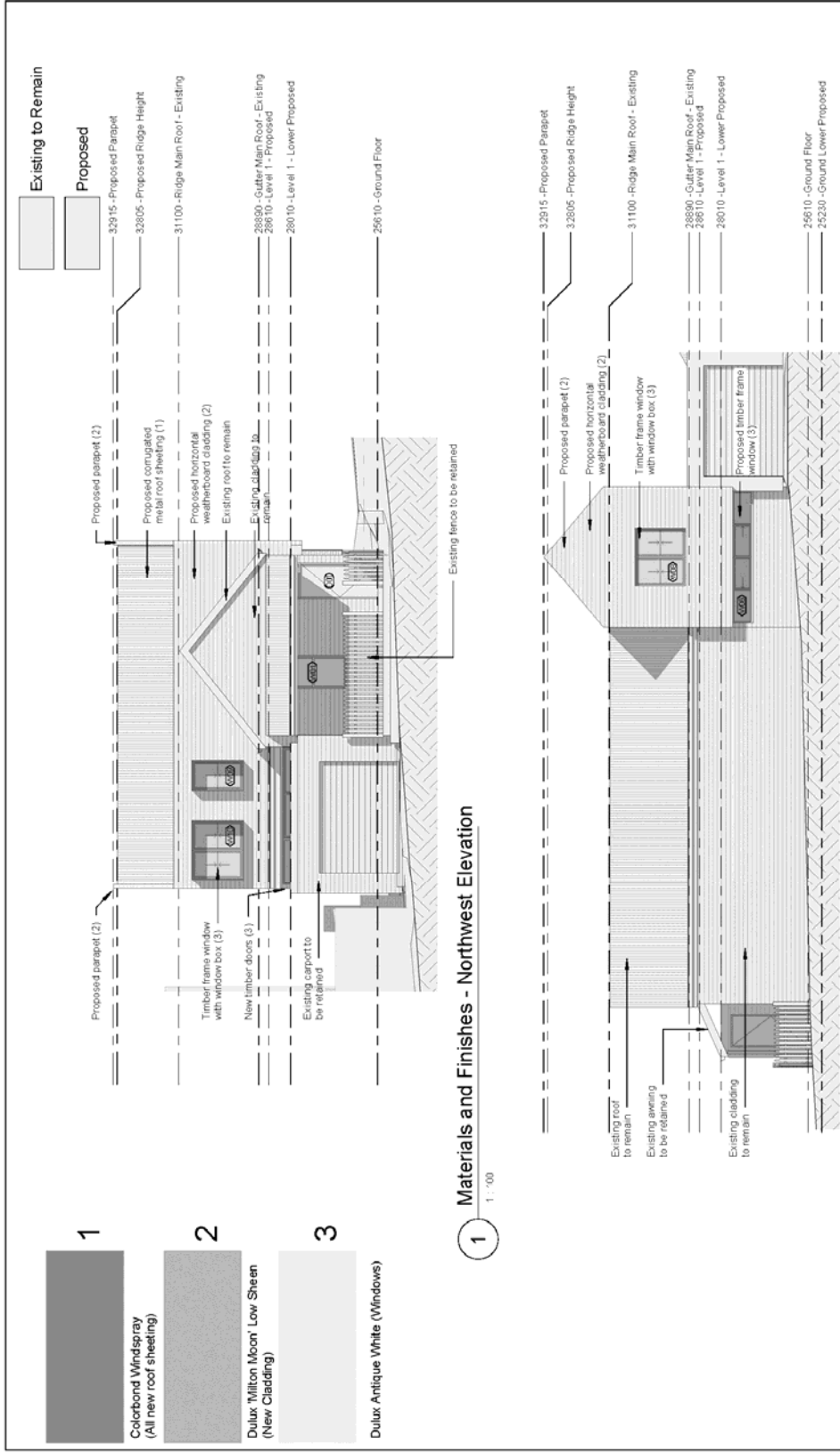
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ISSUE	DESCRIPTION	DATE
B	PRE-DA REVIEW ISSUE	28.09.17
C	PRE-DA ISSUE	18.10.17
D	Survey info Updated - Issue D	08.04.18
E	DA Loggement Issue	17.04.18





Materials and Finishes - Northwest Elevation

Materials and Finishes - Southwest Elevation

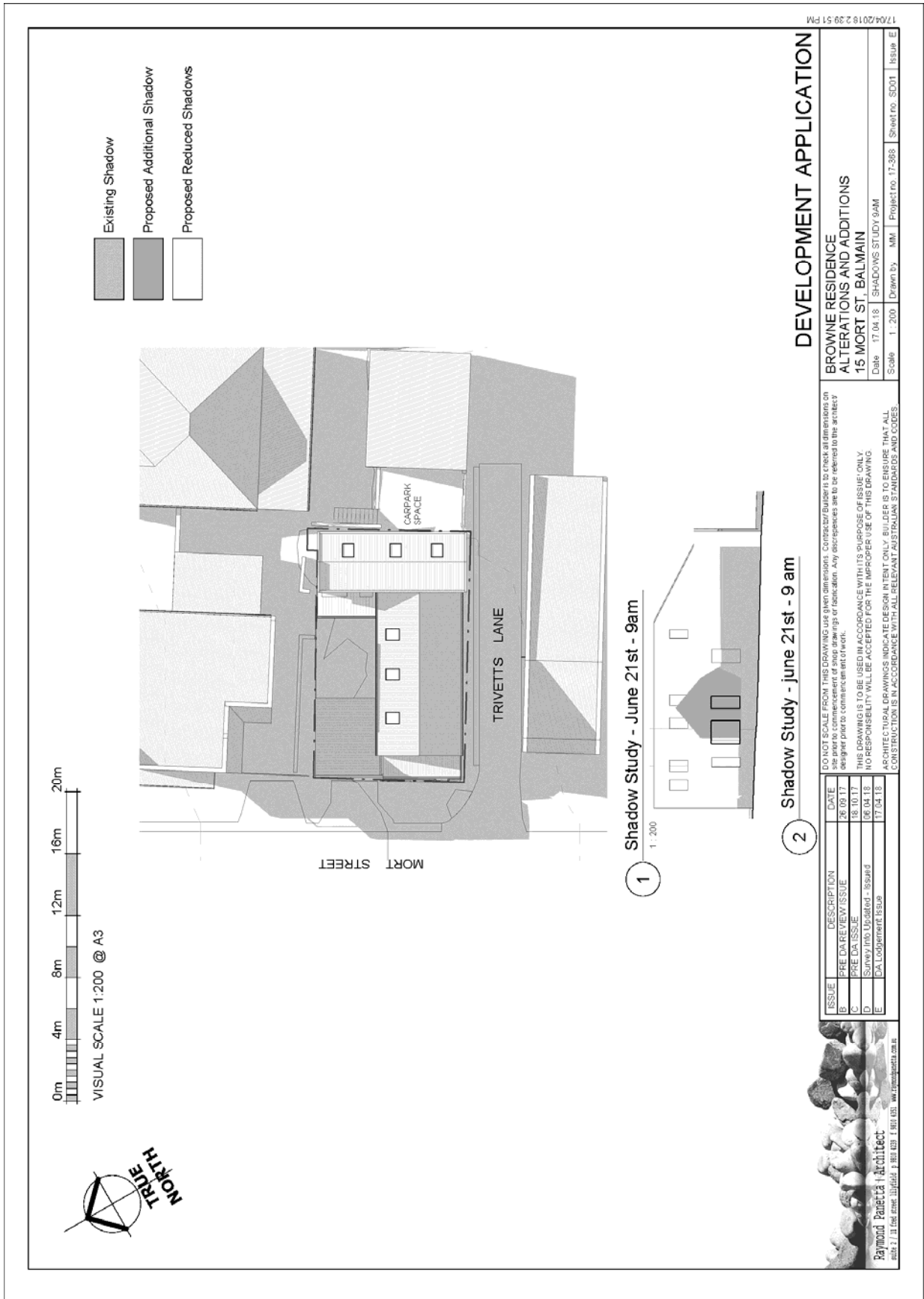
DEVELOPMENT APPLICATION

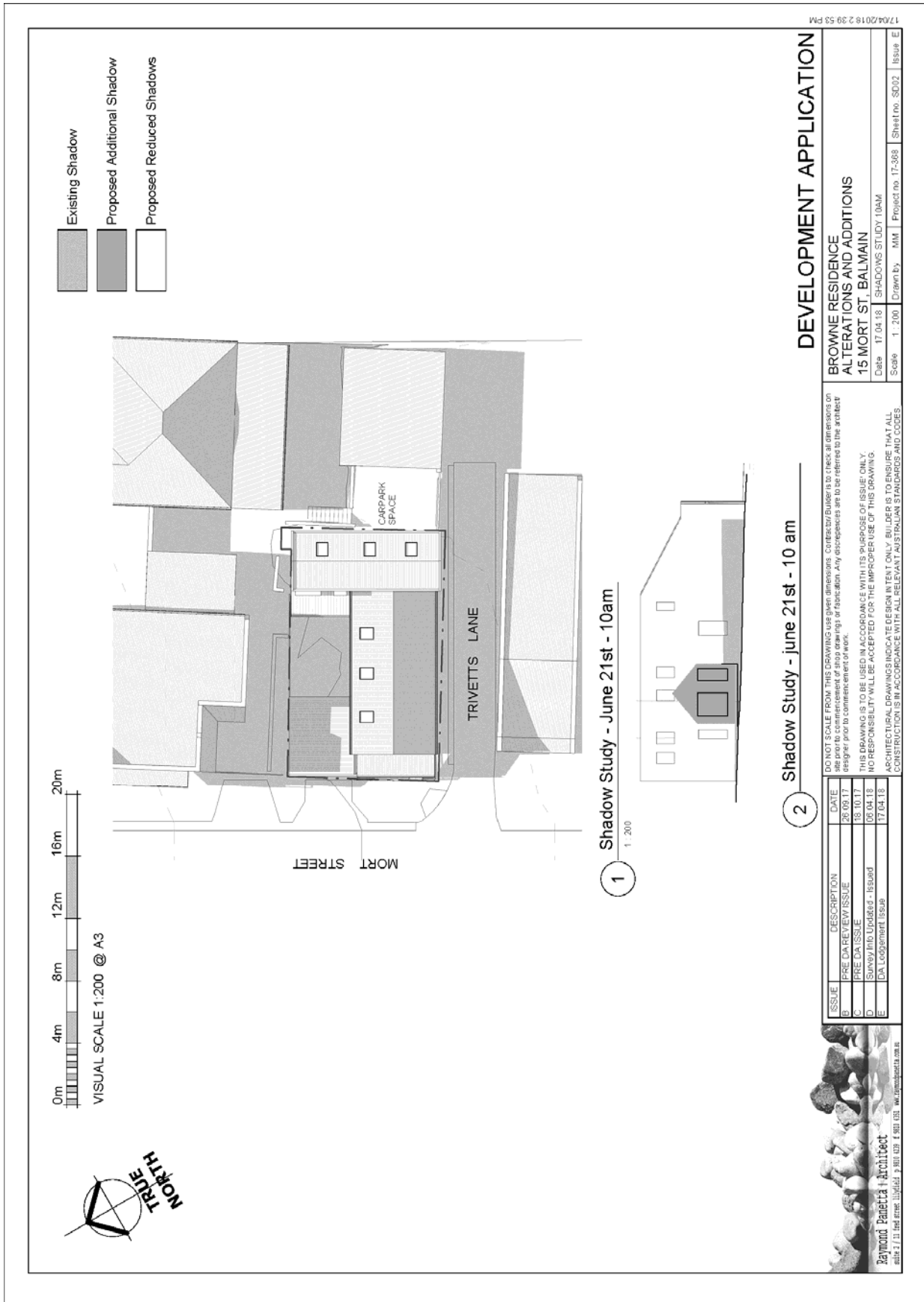
BROWNE RESIDENCE ALTERATIONS AND ADDITIONS
15 MORT ST BALMAIN
 Date 17.04.18
 Scale 1:100
 Drawn by: MM
 Project no: 17-366
 Sheet no: DA24
 Issue: E

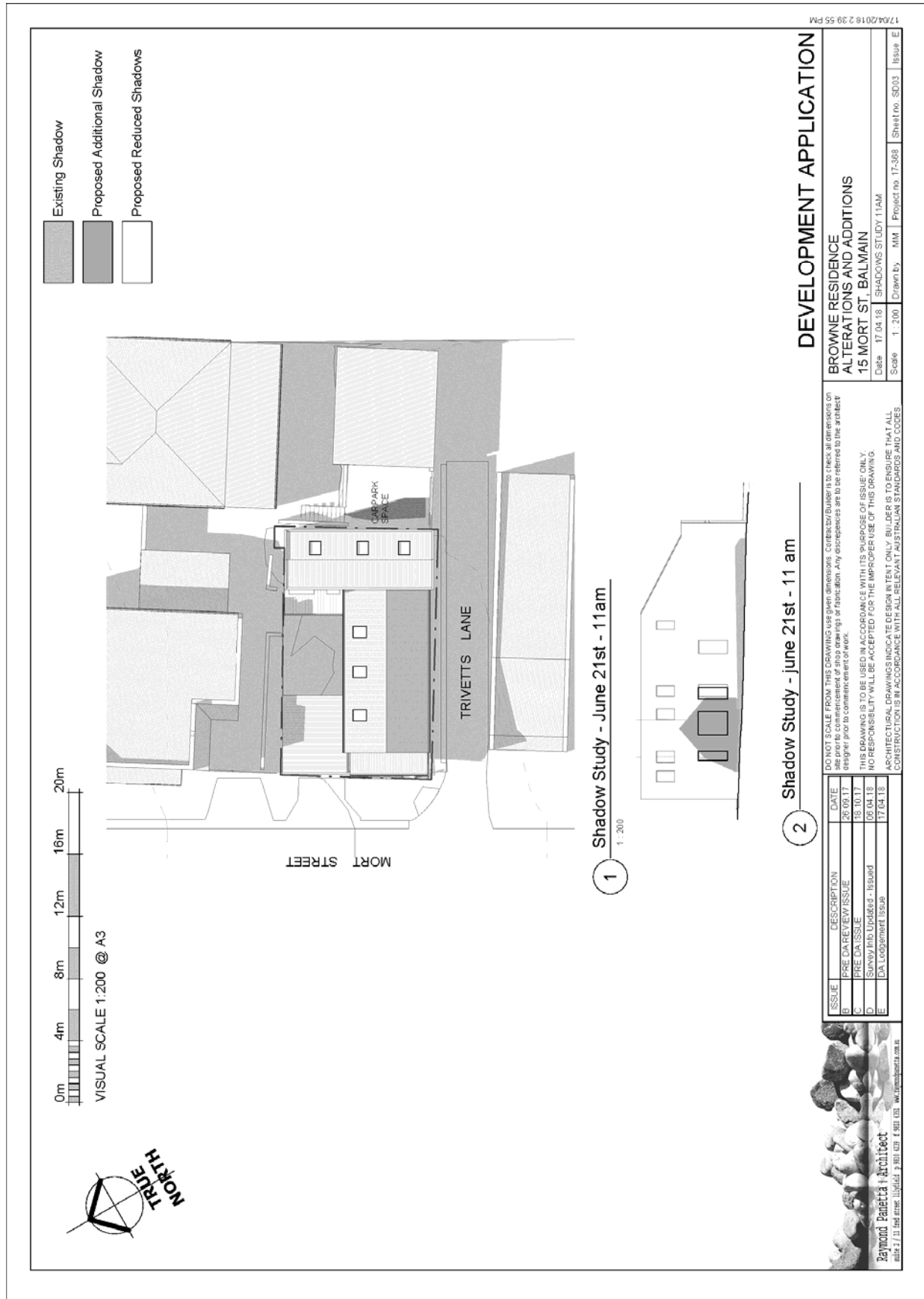
DO NOT SCALE FROM THIS DRAWING USE GIVEN DIMENSIONS. Contractor/BUILDER is to check all dimensions on site prior to commencement of shop drawings or fabric. Any discrepancies are to be referred to the architect designer prior to commencement of work.
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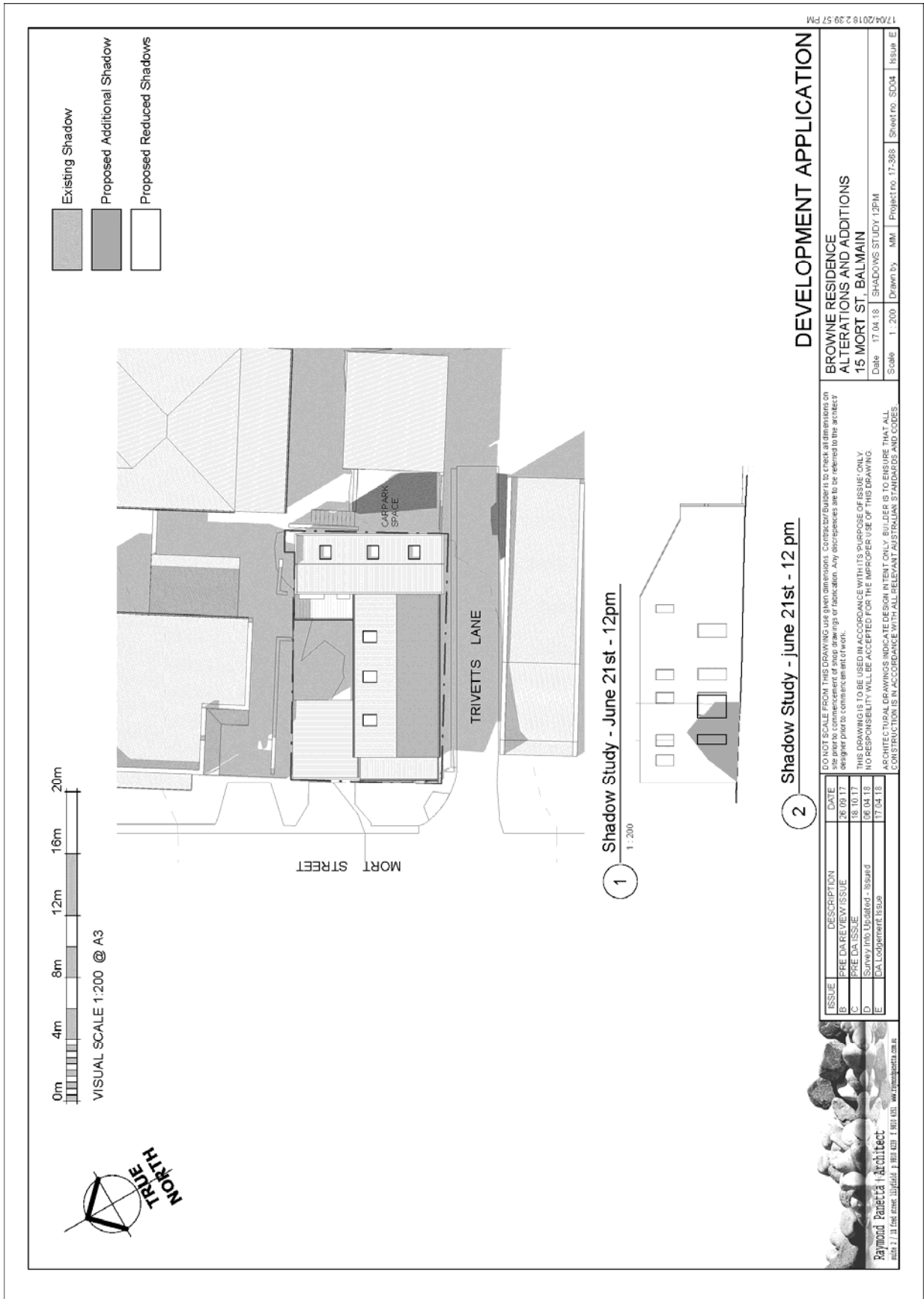
ISSUE	DESCRIPTION	DATE
B	PRE DAREVIEW ISSUE	26.09.17
C	PRE DA ISSUE	15.10.17
D	Survey info Updated - Issued	06.04.18
E	DA Lodgement Issue	17.04.18











- Existing Shadow
- Proposed Additional Shadow
- Proposed Reduced Shadows

0m 4m 8m 12m 16m 20m
 VISUAL SCALE 1:200 @ A3



1 Shadow Study - June 21st - 12pm
 1:200

2 Shadow Study - June 21st - 12 pm

DEVELOPMENT APPLICATION

BROWNE RESIDENCE ALTERATIONS AND ADDITIONS
15 MORT ST, BALMAIN
 Date 17.04.18 SHADOWS STUDY 12PM
 Scale 1:200 Drawn by MM Project no. 17-388 Sheet no. SD04 Issue E

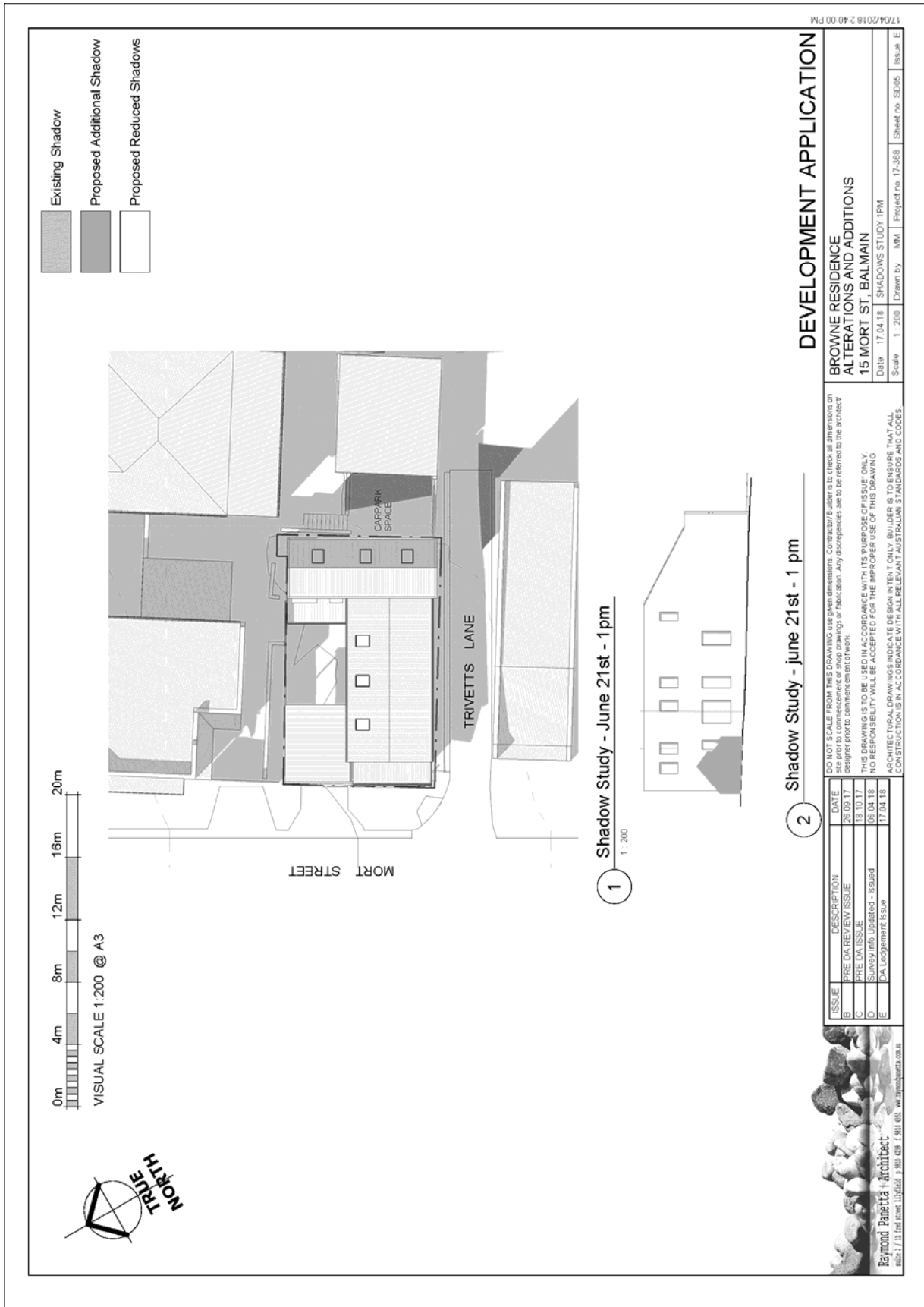
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E	DA Lodgement Issue	17.04.18



Raymond Panetta Architects
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2 Shadow Study - June 21st - 1 pm

DEVELOPMENT APPLICATION

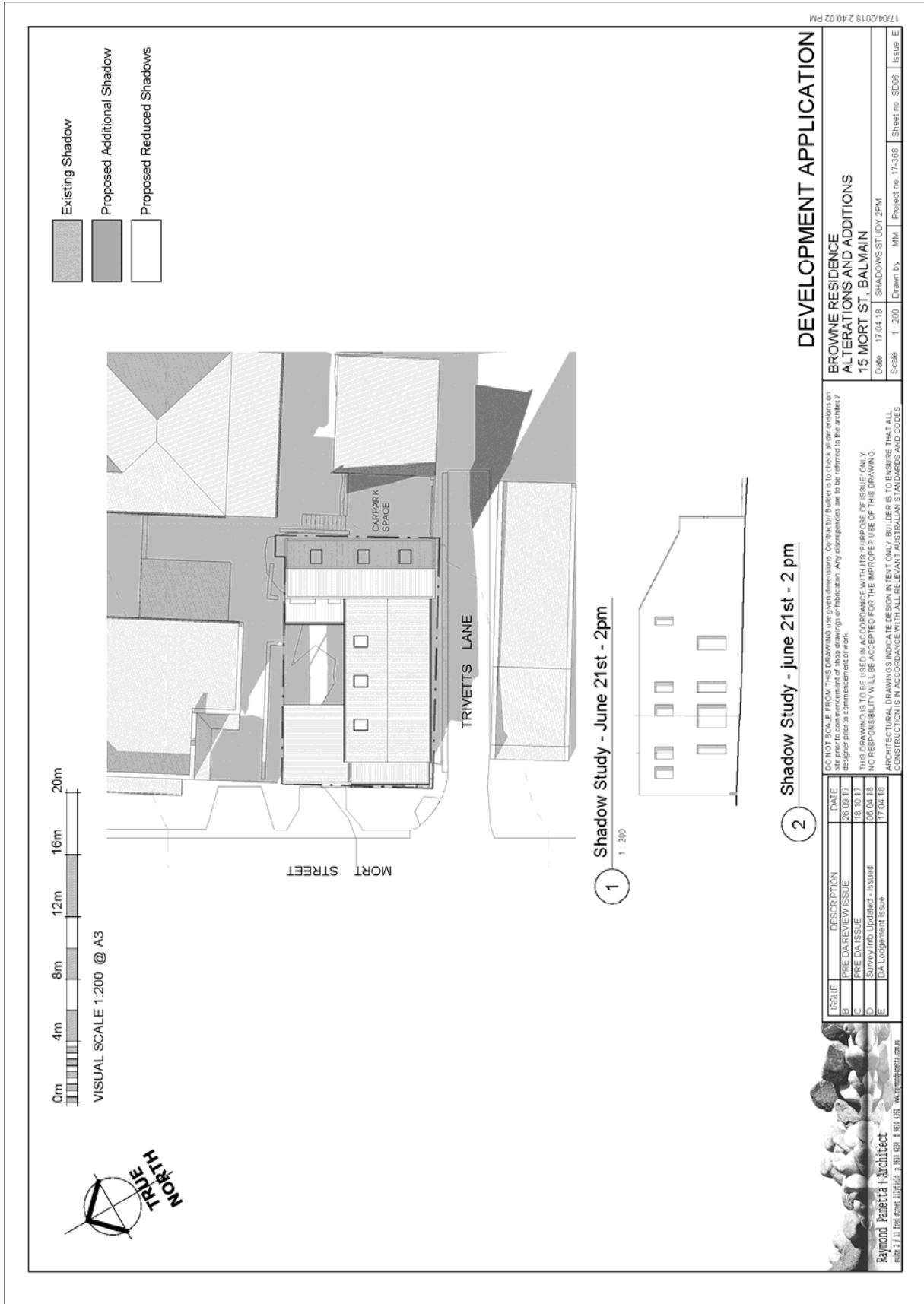
BROWNE RESIDENCE ALTERATIONS AND ADDITIONS 15 MORT ST., BALMAIN
 Date: 17.04.18 SHADOWS STUDY, IPM
 Scale: 1:200 Drawn by: MM Project no: 17-368 Sheet no: SD05 Issup: E

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ISSUE	DESCRIPTION	DATE
B	PRE-DA REVIEW ISSUE	28.09.17
C	PRE-DA ISSUE	18.10.17
D	Survey/IMP Updated - Issue D	06.04.18
E	DA Loggement Issue	17.04.18



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17/04/2018 2:40:02 PM

DEVELOPMENT APPLICATION
 BROWNE RESIDENCE
 ALTERATIONS AND ADDITIONS
 15 MORT ST. BALMAIN

Date 17/04/18 SHADOWS STUDY 2PM
 Scale 1 : 200 Drawn by MM Project no. 17-366 Sheet no. SC06 Issue E

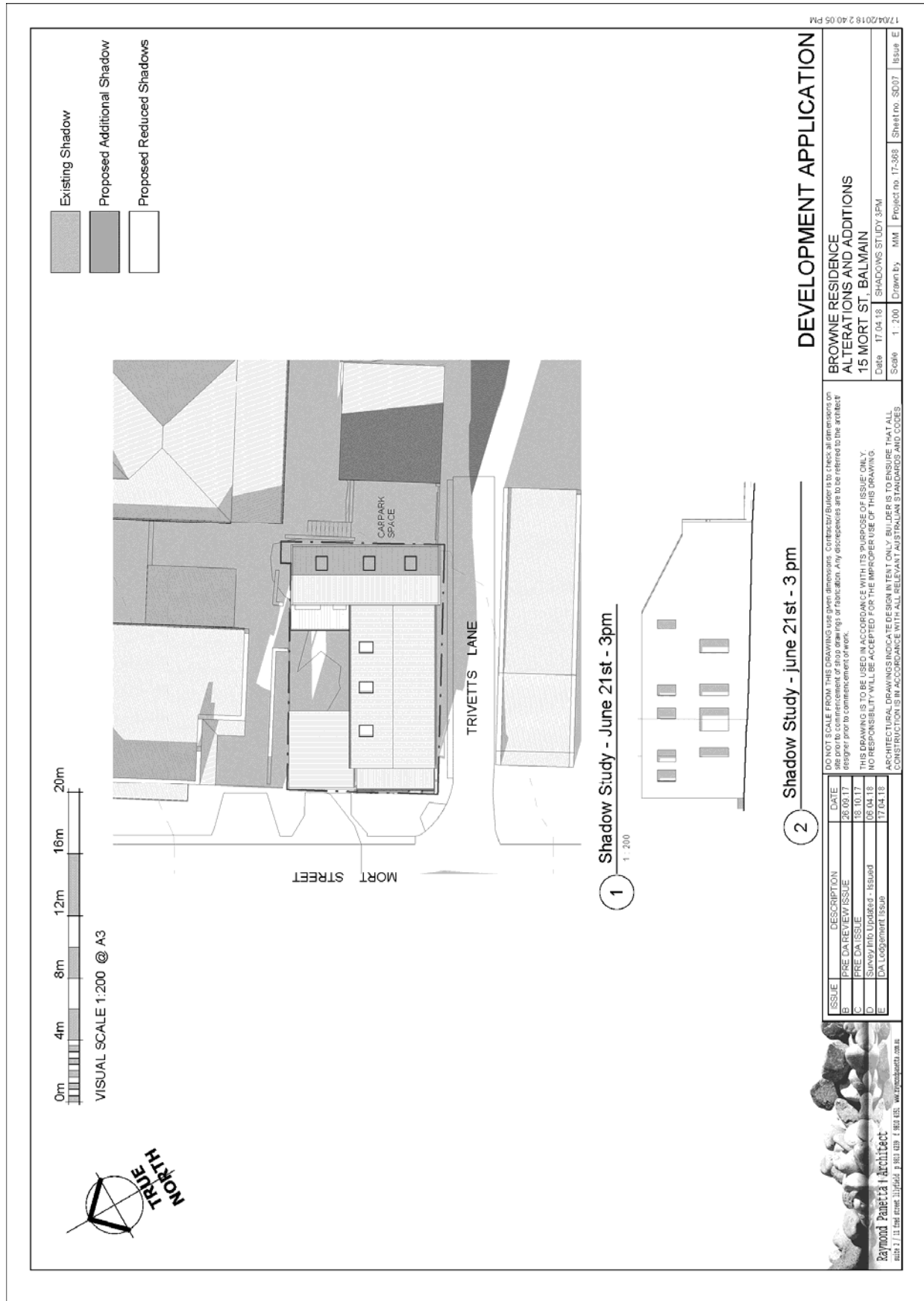
DO NOT SCALE FROM THIS DRAWING use given dimensions. Contractor/Builder to check all dimensions on site prior to construction. Any discrepancies are to be referred to the architect designer prior to commencement of work.

THIS DRAWING IS TO BE USED IN ACCORDANCE WITH ITS PURPOSE OF ISSUE ONLY. NO RESPONSIBILITY WILL BE ACCEPTED FOR THE IMPROPER USE OF THIS DRAWING.

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ISSUE	DESCRIPTION	DATE
B	PRE-DA REVIEW ISSUE	26/09/17
C	PRE-DA ISSUE	18/10/17
D	Survey info updated - 16/04/18	06/04/18
E	DA Loggement Issue	17/04/18

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Attachment C – Clause 4.6 – Exceptions to Development Standards



**DEVELOPMENT APPLICATION
EXCEPTION TO DEVELOPMENT
STANDARDS**

Pursuant to clause 4.6 of Leichhardt Local Environmental Plan
2013 – Site Coverage – Clause 4.3A.3b of LEP 2013

for

**15 MORT STREET,
BALMAIN**

Prepared For

**INNER WEST
COUNCIL**
(Development Application)

Prepared by

Raymond Panetta Architect
ARAIA BA(Arch)BArchitecture(Hons) Reg. No.7466



Proposed development:

Proposed alterations and additions to the existing residence.

We wish to lodge an objection to the following development standard for the reasons indicated:

- **Site Coverage – Clause 4.3A.3b of LEP 2013**

The purpose of the above standards are:

- (a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,
- (b) to maintain and encourage a landscaped corridor between adjoining properties,
- (c) to ensure that development promotes the desired future character of the neighbourhood,
- (d) to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,
- (e) to control site density,
- (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.

Where an applicant wishes to vary a development standard, the application must be accompanied by a well founded, written objection which demonstrates:

- (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

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

The existing site coverage of 71% is already over the maximum coverage allowance. The aim of this proposal is create a more habitable and integrated living space for a growing family. The existing layout has detached living area from the kitchen and dining with no direct access to the yard. Addressing this issue, the proposal is combine the kitchen, living and dining area with direct access to the private open space. The increase in site coverage is minimal however it will make a significant improvement in the internal quality of the space. The proposal, however, will increase the landscape area in the rear courtyard, matching to the minimum required area under the LEP.

In designing a development that compares to the neighbouring properties, the quality of the site and the immediate surroundings is considered acceptable to meet the objectives of the LEP.

The existing site coverage of surrounding buildings is above the allowable 60% & the proposal is in keeping with the area.

In designing a development that compares to the neighbouring buildings, the quality of the site, and the immediate surroundings is improved.



The proposal carefully considers all aspects of the LEP & DCP and the design solution will fit comfortably within its surroundings.

The proposal does not involve the removal of any listed trees and is suitable for the use and enjoyment of residents. Site density and building footprint are acceptable.

The proposal has been designed to preserve the character of the surrounding area.

Amenity to the site will not be compromised.

Why is compliance with compliance with the standard unreasonable or unnecessary? What are the special circumstances in this case

Compliance with the standard is unreasonable as the surrounding area has site coverages larger than the maximum 60%.

The proposed site coverage is in keeping with the surrounding area.

It is unreasonable to comply with the standard as this would require reducing the proposal to site coverage smaller than the average in the area.

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

The proposal is consistent with objectives of Clause 4.3A of LEP 2013 relating to site coverage of 60% as the development proposal, with a site coverage of 61.6%, is sympathetic to the surrounding area as well as addressing the following:

- (a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,
- (b) to maintain and encourage a landscaped corridor between adjoining properties,
- (c) to ensure that development promotes the desired future character of the neighbourhood,

Site Coverage has been calculated based on architectural DA drawings.

Site Area	158.8 sqm	
Existing Site Coverage	112.7 sqm	(71%)
Proposed Site Coverage	113.6 sqm	(7.5%)
Net change in Site Coverage	0.9sqm increase	(0.5%)

With a maximum allowable site coverage of 60%, the proposal has a non compliance of 18.32 sqm, however the proposal only has an increase from the existing site coverage of 0.9 sqm. The proposal is considered satisfactory as the built form is sympathetic to the surrounding area, site coverage is compatible with the adjoining properties & has minimal impact on the amenity of the neighbouring properties, including privacy & solar access.