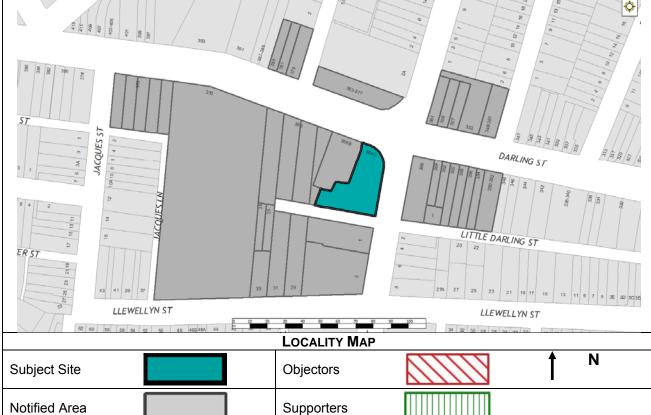


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DEVELOPMENT ASSESSMENT REPORT			
Application No.	D/2016/689		
Address	Telephone Exchange, 366C Darling Street, BALMAIN NSW 2041		
Proposal	Proposed demolition of the front portion of the Telstra Balmain		
	Exchange, the construction of a new facade and associated		
	internal and external works.		
Date of Lodgement	16 December 2016		
Applicant	Aurecon Pty Ltd		
Owner	Telstra Corporation Ltd		
Number of Submissions	One (1) submission		
Value of works	\$580,000		
Reason for determination at	t Council's interest in the subject site and proposal		
Planning Panel			
Main Issues	Landscaping of newly created public domain		
Recommendation	Approval		
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Note: Objector could not be shown as no address was provided

1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of the front portion of the Telstra Balmain Exchange, construction of a new facade and associated internal and external works at No. 366C Darling Street Balmain. The application was notified to surrounding properties and one (1) submission received.

The main issues that have arisen from the application include:

- Non-compliance with floor space development control; and
- Landscaping of the newly created public open space area of the site.

The non-compliance relating to the floor space ratio development control is acceptable given that the existing building on the site exceeds the current floor space ratio control for the site. The demolition of part of the intrusive structure will assist to reduce this non-compliance whilst also creating a public open space precinct that will provide views of the adjoining heritage building and a pleasant public domain that can be used by the public at the intersection of Darling and Montague Streets. Therefore, the application is recommended for approval.

2. Proposal

The development proposal involves:

- Demolition of the front section of the existing building that fronts Darling Street comprising a large room, amenities, office, part of a store room, etc.;
- Demolition of the concrete awning structure facing Darling Street including removal of an existing telephone box;
- Demolition of brick garden beds which includes removal of existing shrubs and trees at the corner of Darling and Montague Streets;
- Creation of a new emergency exit door and associated stairs, paving, gate and fence at the north western corner between the Exchange building and the Balmain Post Office:
- Creation of a new door to be positioned opening onto the existing driveway, accessed via Little Darling Street;
- The demolition of existing gates at the Little Darling Street vehicle access point and the reinstallation of gates inside the lot boundary to allow access to the new door off the driveway;
- Reconfiguration of the internal layout of the building including new access stairs to Level 1 at the eastern end of the Exchange; and
- Construction of a new brick northern façade on the Exchange facility that will be rendered and painted in a neutral colour.

A proposed landscaped area to be created at the front of the site addressing Darling Street will be subject to preparation of a landscape plan by Council separate to this application. Notwithstanding this comment, an indicative landscape concept plan prepared by Council accompanies this application for information purposes.

The design, features and approval of this proposed public domain to be created on site will be undertaken by Council as per the Agreement entered into with Telstra. An easement will be created over this section of the lot by Telstra in favour of Council. It has also been agreed that Council will be responsible for the landscaping of this open space area, including the embellishment of the area with street furniture and planting and for the long term cleaning and maintenance of the area. Telstra will retain the use of the underground level for the maintenance of the services located there.

3. Site Description

The subject site is located on the southern side of Darling Street being at the south western corner of Darling and Montague Streets. The site consists of one (1) allotment and is generally irregular shaped with a total area of 851 m² and is legally described as Lot 1 DP 777129.

The site has a frontage to Darling Street of 12 metres and curves south into Montague Street having a frontage of 30m. The site also has a frontage of approx. 35 metres to Little Darling Street to the rear.

The site accommodates a Telstra Telephone Exchange being described as part single storey, part three storey building that occupies most of the lot apart from a small internal portion of the site which allows for vehicle access into the existing facility and service courtyard area.

The Balmain Post Office immediately adjoins the property to the west and then the Balmain Courthouse and Police Station. To the south, being the opposite side of Little Darling Street, is located a two storey residential apartment building. To the east being on the south eastern corner of Darling and Montague Streets is the Town Hall Hotel and along the northern side of Darling Street a range of retail and commercial outlets. The subject site is positioned within the Civic Precinct of Balmain and borders an existing commercial precinct along Darling Street.

The subject site is not listed as a heritage item, however, the Balmain Post Office, Courthouse, Police Station and Town Hall immediately to the west of the site are all listed as heritage items pursuant to Leichhardt LEP 2013. The property is located within a conservation area and is not identified as a flood prone lot.

A number of small trees and shrubs are positioned within the existing planter boxes at the corner of Darling and Montague Streets.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
D/2000/5	Construction of new access doors to ground	Cancelled 2/8/2000
	floor of existing building.	
CC/2000/5	Construction of a one & a half leaf door access	Cancelled 2/8/2000
	to existing ground floor equipment room	
D/1999/1102	Construction of new ground floor access doors	Withdrawn 2/8/2001
	to ground floor of existing building.	
CC/1999/598	Construction of new access door to gr floor	Withdrawn 2/8/2001
	equipment room	
PREDA/2016/188	Proposed demolition of the front portion of the	Issued 3/11/2016
	Telstra Balmain Exchange, the construction of a	
	new.	

Surrounding properties

No. 366B Darling Street – Balmain Post Office

Application	Proposal	Decision & Date
D/2007/34	Installation of new handrails to the front stairs to the private boxes of the Balmain Post Office building	Approved 20/3/2007
CC/2007/31	Installation of new handrails to the front stairs to the private boxes of the Balmain Post Office building.	Approved 16/8/2007

No. 1 Montague Street

Application	Proposal	Decision & Date
D/1999/338	Alterations and additions to existing lodging	Approved 21/12/1999
	house including demolition at rear, internal	
	alterations.	
CC/2000/39	Two storey additions and alterations to the rear	Approved 12/9/2000
	of an existing boarding house.	
M/2000/56	Deletion of condition 6 relating to payment of	Cancelled 23/3/2000
	contributions as condition was applied in error.	
M/2000/67	Modification of Development Consent No.	Approved 4/5/2000
	D/1999/338 for additions and alterations to	
	existing boarding house	

4(b) Application history

Not applicable

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C 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;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and
- 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.

A Preliminary Site Investigation has been completed for the site and accompanies this DA. This report concludes that the site is suitable for the creation of a landscape open space precinct following demolition of the northern portion of the Exchange facility and that works

on site should be undertaken in accordance with Safe Work Practices associated with asbestos removal, implementation of an appropriate Construction Environment Management Plan and any soils from the upper levels suspected of AGM should be appropriately classified. Council's Environmental officer has advised that the site can be made suitable for the proposed use subject to implementation of the Stage 1 Preliminary Site Investigation and associated validation works. Appropriate conditions will be attached to any development approval to ensure that part of the site is made suitable for open space purposes in accordance with the recommendations of this report. The proposed works are considered to be consistent with the requirements of SEPP 55.

5(a)(ii)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)(iii) 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 4.5 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; and
- Clause 6.4 Stormwater Management.

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

Standard (maximum)	Proposal	% of non compliance	Compliance
Floor Space Ratio	1129m ² or 1.33:1	32.6%	No
Required: 1.0:1			

The following provides further discussion of the relevant issues:

Clause 5.10 Heritage Conservation

As stated previously, the subject site is not designated as an item of heritage, although it is located within *The Valley* heritage conservation area. The site is located within the core of the Balmain Civic Precinct which comprises of a number of locally significant heritage items as follows:

- Balmain Post Office No.366B Darling Street;
- Commercial Building No. 363-377 Darling Street;
- Balmain Courthouse and Police Station No. 368 Darling Street;
- Balmain Town Hall No. 370 Darling Street; and
- Balmain Fire Station No. 391 Darling Street, Balmain.

The subject site contains a modern, highly intrusive, telephone infrastructure building. The proposal involves partial demolition of this facility and the conversion of the demolished area into a public open space precinct. Demolition will also allow partial reinstatement of some of the previously demolished historic architectural elements of the adjacent Balmain Post Office building which were removed to facilitate the original construction of this telephone infrastructure building. Restoration works associated with the Post Office building is not part of this application, however Council should encourage these works is to be completed by the owner of this property. The demolition of part of the existing Exchange structure on site will have positive outcomes that are further discussed in a later section of this report.

Clause 4.6 Exceptions to Development Standards

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

Clause 4.4 – Floor Space Ratio

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 applicant seeks development consent for internal and external works to the telephone exchange building that necessitates variation of:

• 278m² or 32.61% to the development standard pursuant to Clause 4.4 Floor space Ratio of Leichhardt Local Environmental Plan 2013.

As discussed below in subclauses (3) and (4), it is considered that the contravention of this development standard is acceptable in this case.

- 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.

Written request has been submitted by the applicant seeking to justify the contravention of the standard as follows:

- The executed Deed for Works and Easement agreed to by both Council and Telstra includes scope to be undertaken in accordance with Option 2 of the return brief dated 27 August 2014 by Aurecon to Telstra and copied to Council. No further works were agreed to in relation to removal of additional floor space;
- Strict compliance with this control would result in Telstra not undertaking the works due to the loss of required floor space within their facility. The opportunity

for Council to create historically sensitive public open space would be lost as the northern bay of the Exchange would remain;

• If works do not proceed the Balmain Post office remains hidden behind northern bay of the Exchange.

The current building occupying the site exceeds the floor space ratio permitted for the site and the proposal results in a further reduction of $258m^2$ of floor area whilst allowing for creation of a new open space area at a major intersection in Balmain that will open up views of the adjacent heritage building (i.e. Balmain Post Office). Consequently, the development proposal results in positive outcomes for the locality and community.

- 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.

<u>Comment</u>: The applicant has addressed the matters required under Clause 4.6 *Exceptions to Development Standards*, and it is considered to be well founded in this instance. The proposal will not result in a detrimental impact on the public interest and can satisfy the objectives of the development standard and B2 Local Centre zoning as demonstrated below:

- The proposal will be consistent with the desired future character controls for the area;
- The proposal will allow creation of additional public open space in a well established urban area enhancing the existing streetscapes;
- The proposal will open up views of the existing heritage listed Post Office building;
- The proposal does not result in any adverse amenity impacts to the surrounding properties.

Council being the consent authority in this instance, is satisfied that the applicant has addressed the matters required under Clause 4.6 Exceptions to development standards, and the objection with regard to floor space ratio is considered to be well founded in this instance.

The Secretary has provided concurrence.

- (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

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

Draft Coastal Management State Environmental Planning Policy

Draft Coastal Management State Environmental Planning Policy

This draft SEPP has been publicly exhibited and is therefore a matter for consideration under Section 79C of the Environmental Planning and Assessment Act 1979. Consequently the application has been considered against the Draft SEPP for Coastal Management.

The subject site is not located within the "coastal environment area" and the "coastal use area" as identified on the maps accompanying the SEPP, and therefore, the provisions of the draft SEPP do not apply to the subject site.

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	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	Yes
C1.14 Tree Management	Yes
Part C: Place – Section 2 Urban Character	
Suburb Profile	
C2.22.1 Darling Street Distinctive Neighbourhood	Yes

Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	Yes
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	Yes
C4.5 Interface Amenity	Yes
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.4 Non-Residential Development	
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development	Yes
Applications	
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.5 Water Disposal	Yes
E1.2.7 Wastewater Management	Yes

The following provides discussion of the relevant issues:

C1.2 Demolition

As previously stated, the subject site is not designated as an item of heritage, however the site is located adjacent to a number of heritage items and within a heritage conservation area. The existing building on site is considered to be a modern, highly intrusive, telephone infrastructure building. Partial demolition of this highly intrusive structure is supported along with reconstruction of the new northern façade to be of a rendered and painted finished brick wall of neutral tones (with further treatment considered as part of the Landscape Plan) with a landscaped area allowing views of the adjacent Post Office building. Therefore, the proposal satisfies this section of the DCP.

Refer to Photomontage below lodged by the applicant. (Note that it does not reflect the preliminary draft landscape design by Council. See below. It does show more grass as preferred by Council's Heritage Officer).



Figure 4: Photomontage of the northern façade of the Exchange after the removal of the northern bay, as viewed from the intersection of Darling and Montague Street (landscaping is indicative only, final POS design and construction to be completed by Council.)

Figure 1: Extract of Photomontage

C1.4 Heritage Conservation Areas and Heritage Items

A Statement of Heritage Impact prepared by NBRS Architecture accompanies this application. This report concludes that the proposed works will have a positive heritage impact on the adjacent Balmain Post Office building and courthouse being heritage items of high significance. The proposed works will also allow views of these heritage items and conservation area to be reintroduced. The proposed open space precinct will enhance and improve the amenity of this prominent intersection. Whilst details of the open space have yet to be determined, the proposed use of the land parcel for public open space purposes will prevent the potential for built development on the site and allows the public to better appreciate and view the heritage significant civic buildings on the adjoining site.

Council's Heritage Officer supports the development proposal, however, has raised concerns with the landscaping proposed along the frontage of Darling Street and advises that preference should be given to potentially more grass area rather than paving as per the original landscape setting of the building. If no grass is the preferred design, the planter box adjacent to the tower should be positioned so as to not have any impact on the adjoining tower structure. As outlined previously, landscaping of this open space precinct will be carried out by Council after further consultation with the community and in accordance with the Deed between Council and Telstra. This matter is further discussed below.

Also, the Heritage Officer recommends that Council separately pursue the reinstatement to the adjoining Post Office building as a separate application.

C1.12 Landscaping

A preliminary landscape plan accompanies this development application prepared by consultants engaged by Council. This plan is subject to further community consultation to be undertaken by Council prior to finalisation. The accompanying landscape plan demonstrates that the open space precinct is to be largely paved with planting of trees, a new raised planter box and a green wall adjacent to the restored northern wall of the Exchange as demonstrated by **Figure 2** below. It is noted that this plan is different from the photomontage reproduced as **Figure 1** above.



Figure 2: Extract of Indicative Street View proposed by preliminary landscape plan

As landscape works are to be carried out after demolition by Council, and is subject to a Deed entered into between Council and Telstra, this preliminary landscape plan will not form part of the approved documentation.

Council's Property Manager - Leichhardt, has suggested the following condition:

Following demolition, the area must be embellished by council for public use in accordance with the deed: works and easement dated 24 March 2016 between Telstra and Inner West Council.

Imposition of an amended worded condition and supplementary advice is suggested to ensure that suitable landscaping is implemented taking into consideration comments provided by Council's Heritage Officer during the design phase which is sympathetic and compatible with surrounding heritage buildings as follows:

Condition:

After demolition works and restoration of the northern façade, the open space area of the site must be embellished by the Inner West Council for public use in accordance with the Deed: Works and Easement, dated 24 March 2016 between Telstra and Inner West Council.

Advice:

Subject to the Deed an appropriate landscape plan must be prepared that takes into consideration:

- a) Any planter boxes adjacent to the Post Office Building in Darling Street must be positioned and constructed so as to not have any physical impact on this adjoining tower structure;
- b) Additional grassed areas should be implemented in keeping with the original historic landscape setting of the adjacent Post Office Building;
- c) Plantings to include plants that were historically utilised (where practicable) in the original/early landscape setting of this part of the former Post Office Building site as

indicated within the historic images of the site within the submitted Heritage Impact Statement prepared by NBRS, dated November 2016.

C1.13 Open Space Design Within the Public Domain

The creation of this public open space precinct upon the site will positively contribute to urban design outcomes for this busy intersection of Darling and Montague Streets in that it will provide a new public domain with good pedestrian accessibility, be visually attractive, and open up views of the adjacent Post Office building.

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 B2 Local Centre. 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 3.0 Notification of Applications of Leichhardt DCP 2013 for a period of 14 days to surrounding properties. One (1) submission was received.

The submission has raised the following concerns which are discussed under the respective headings below:

Issue: The area of open space is small.

<u>Comment</u>: The area of open space to be created is restricted by the existing structure occupying the site and the needs of Telstra to continue its operations from the site.

Issue: Repair and reinstatement of decorative balcony on the eastern side of the PO tower.

<u>Comment</u>: The Post Office tower is not part of this development application being located on an adjoining allotment. This matter may be considered if and when an application is received for the adjoining site.

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
- Environmental Health
- Property Services

6(b) External

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

7. Section 94 Contributions

Section 94 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

That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2016/689 demolition of the front portion of the Telstra Balmain Exchange, the construction of a new facade and associated internal and external works at No. 366C Darling Street Balmain subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

1. Development must be carried out in accordance with Development Application D/2016/689 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Drawing No. SK101B Issue B	Brewster Murray	12-12-16
Drawing No. SK102-B Issue B	Brewster Murray	12-12-16
Drainage Concept Plan 252289 001- 002/Rev A	Aurecon	13-12-16
Survey Plan Ref 23882 Sheet 1& 4	Norton Survey Partners	19.9.16

Document Title	Prepared By	Dated
Statement of Heritage Impact	NBRS	November 2016
Preliminary Site Investigation Ref 252289/Rev 0	Aurecon	14 December 2016

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

2. After demolition works and restoration of the northern façade, the open space area of the site must be embellished by the Inner West Council for public use in accordance with the Deed: Works and Easement, dated 24 March 2016 between Telstra and Inner West Council.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

- 3. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
 - a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "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, the Building Code of Australia and the relevant Australian Standards.

- 4. Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 the existing building is required to be brought into conformity with the Building Code of Australia. Plans and specifications demonstrating conformity are to be provided prior to the issue of a Construction Certificate.
- 5. 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 0.0035 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.

- 6. Materials and finishes must be complementary to the character and streetscape of the area. Highly reflective roofing materials must not be used. Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Certifying Authority.
- 7. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Council prior to the issue of a Construction Certificate. 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.
 - a) No.366B Darling Street, Balmain

The dilapidation report is to be prepared by a practising Structural Engineer agreed to by both the applicant and the owner of the adjoining property. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

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 concurrence must be obtained from the Certifying Authority in such circumstances.

- 8. Consent is granted for the removal of the front section of building/ structure along Darling Street upon the property, subject to strict compliance with the following conditions:
 - a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence 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 Council / 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 Council / 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: Council requires 24 hours notice to carry out inspections. Arrangement for inspections can be made by phoning 93679222.

- 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 Office, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the plans will be stamped indicating that no further requirements are necessary.
- 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 5.30pm 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 Department of Environment and Climate Change NSW.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- 9. A Site Waste Minimisation and Management Plan (SWMMP) shall be provided prior to the issue of a Construction Certificate. The SWMMP is to be prepared in accordance with Council's Leichhardt Development Control Plan 2013 – Part D Energy Section 2.1. The plan must address all issues identified in Leichhardt Development Control Plan No 2013 including but not limited to:
 - a) Estimated quantities of materials that are reused, recycled, removed from site.
 - b) On site material storage areas during construction.
 - c) Materials and methods used during construction to minimise waste.
 - d) Nomination of end location of all waste generated.

All requirements of the approved Waste Management Plan must be implemented during the construction of the development.

10. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Service Centre 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. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Building Developing and Plumbing then Quick Check or telephone 132092.

The Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

- 11. A stormwater drainage design prepared by a Licensed Plumber or qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:
 - a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. 0001 and 0002 / A prepared by Aurecon dated 13 December 2016.

- b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road or directly into Council's piped drainage system.
- 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) All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2003 Plumbing and Drainage Stormwater Drainage
- e) Plans must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- f) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- g) 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.

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

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

12. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued (whichever occurs first), a security deposit to the value of \$22,600 must be paid to Council to cover the costs associated with the road, footpath and drainage works required by this consent.

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

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

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.

- 13. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
 - a) Work/Construction zone (designated parking for construction vehicles). A Work Zone application

- b) A concrete pump across the roadway/footpath. A Standing Plant permit
- c) Mobile crane or any standing plant A Standing Plant Permit
- d) Skip bins other than those authorised by Leichhardt Council Skip Bin Application
- e) Scaffolding/Hoardings (fencing on public land) Scaffolding and Hoardings on Footpath Application
- f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc Road works Application
- g) Awning or street verandah over footpath. Road works Application
- h) Installation or replacement of private stormwater drain, utility service or water supply Road Opening Permit

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

PRIOR TO THE COMMENCEMENT OF WORKS

- 14. A Soil and Water Management Plan must be provided prior to works commencing on site. The Soil and Water Management plan 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.

- j) A durable sign, available from Council must be erected during the works in a prominent location on site, warning of penalties should appropriate measures required by the Soil and Water Management Plan not be maintained.
- 15. Prior to commencement of works, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan:
 - a) A plan view of the entire site and frontage roadways indicating:
 - Dedicated site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and demolition related vehicles in the frontage roadways.
 - ii) Turning areas within the site for demolition and spoil removal vehicles, allowing a forward egress for all demolition vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) iv) A dedicated unloading and loading point within the site for all demolition vehicles, plant and deliveries.
 - v) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vi) An on-site parking area for employees, tradespersons and demolition vehicles as far as possible.
 - vii) The proposed areas within the site to be used for the storage of excavated material, waste and recycling containers during the construction period.
 - viii) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - b) Construction Noise

During excavation, demolition and construction phases, noise generated from the site must be controlled.

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.
- e) Traffic control plans must be in

All traffic control plans must be in accordance with the Roads and Traffic Authority publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

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

16. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form and details of the appointed Principal Certifying Authority shall be submitted to Council.

- 17. 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.
- 18. Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the erection or demolition of a building 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 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.

19. The site must be secured and fenced prior to works commencing. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property. 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.

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.

Separate approval is required to erect a hoarding or temporary fence on public property prior to the commencement of works. 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.

- 20. An application for any of the following on public property (footpaths, roads, reserves) shall be submitted and approved by Council prior to the commencement of works.
 - a) Construction zone.
 - b) A pumping permit.
 - c) Mobile crane.

DURING WORKS

- 21. Excavation, building or subdivision work must be restricted to the hours of 7:00am to 5:30pm Monday to Friday inclusive, 7:00am to 1:00pm Saturday. Work is not be carried
- 22. A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.
- 23. 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.
- 24. The requirements of the Soil and Water Management Plan must be maintained at all times during the works and any measures required by the Soil and Water Management Plan shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

- 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.
- 26. Vibration caused by excavation and construction at any residence or structure outside the site must be limited to:
 - a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
 - b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006).

Vibratory compactors must not be used in the vicinity of residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

- 27. The development site must be inspected at the following stages during construction:
 - a) At the commencement of the building work, and
 - b) Prior to covering any stormwater drainage connections, and
 - c) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

PRIOR TO THE ISSUE OF AN OCCUPATION CERITFICATE

- 28. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.
 - A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.
- 29. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council Roadworks Permit approval.
 - Written notification from Council that the works approved under the Roadworks Permit have been completed to its satisfaction and in accordance with the conditions of the Permit, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- 30. Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and the Protection of the Environmental Operations Act 1997.

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 Occupation Certificate.

- 31. 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 compliance with the approved Construction Certificate plans and all conditions of this Development Consent.
- 32. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be satisfied that a Fire Safety Certificate for all essential fire or other safety measures has been completed.
- 33. A second Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the property owners referred to in condition 7. A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

ON GOING CONDITIONS OF CONSENT

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

ADVICE

- 1. Subject to the Deed an appropriate landscape plan to be prepared that takes into consideration:
 - Any planter boxes adjacent to the Post Office Building in Darling Street must be positioned and constructed so as to not have any physical impact on this adjoining tower structure;
 - b. Additional grassed areas should be implemented in keeping with the original historic landscape setting of the adjacent Post Office Building;
 - c. Plantings to include plants that were historically utilised (where practicable) in the original/early landscape setting of this part of the former Post Office Building site as indicated within the historic images of the site within the submitted Heritage Impact Statement prepared by NBRS, dated November 2016.

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 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

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

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - 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.
- 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 to building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

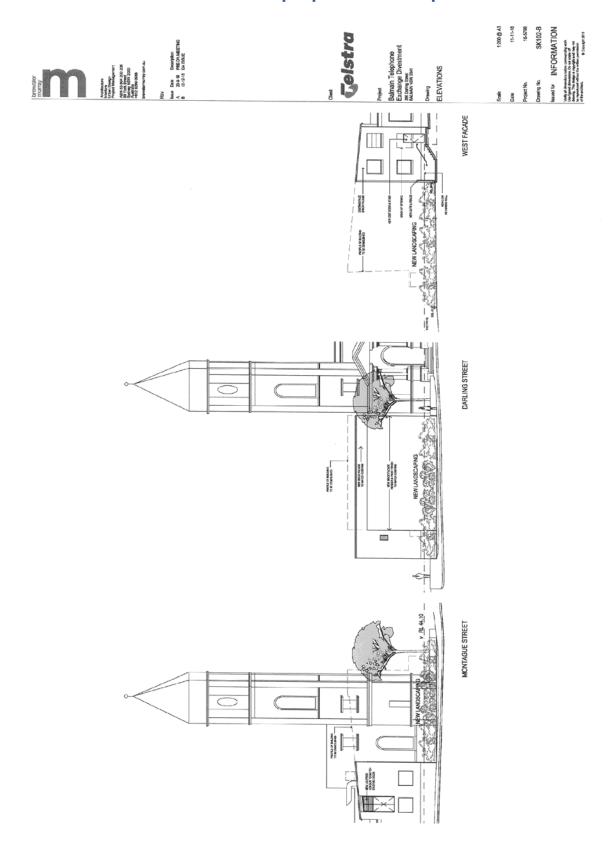
- 1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must,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

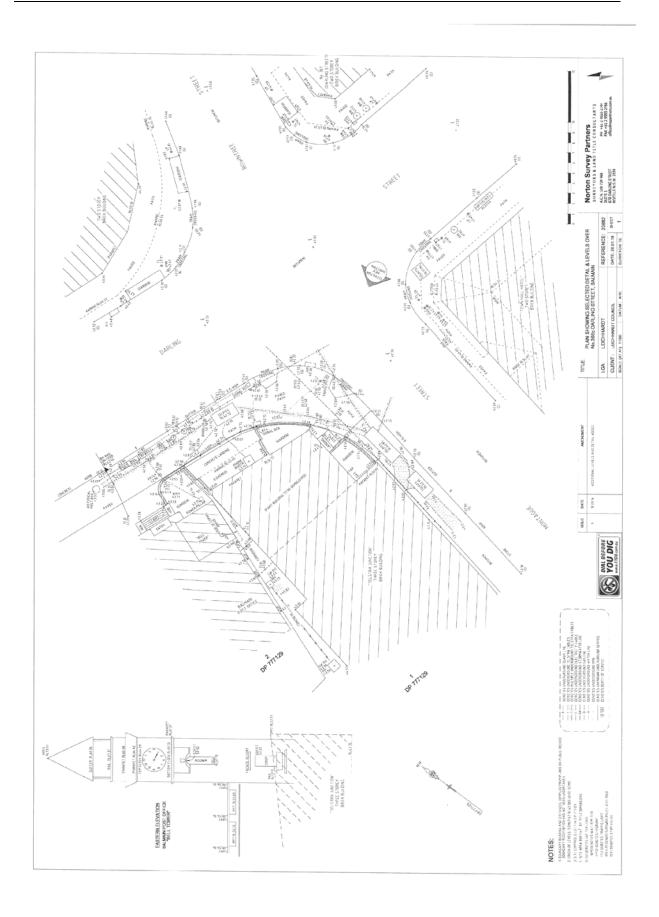
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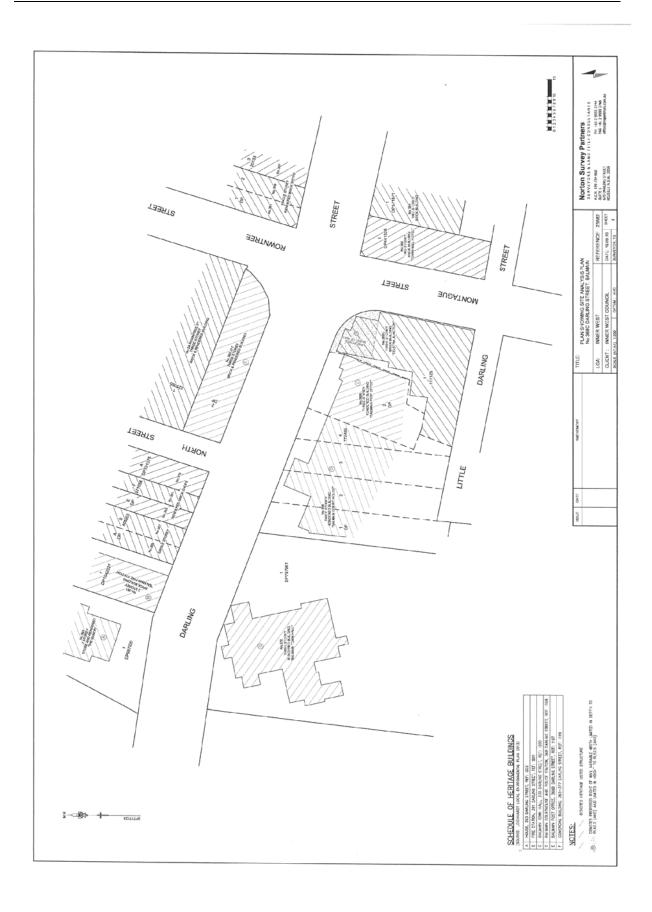
- 1. This Determination Notice operates or becomes effective from the endorsed date of consent.
- 2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the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

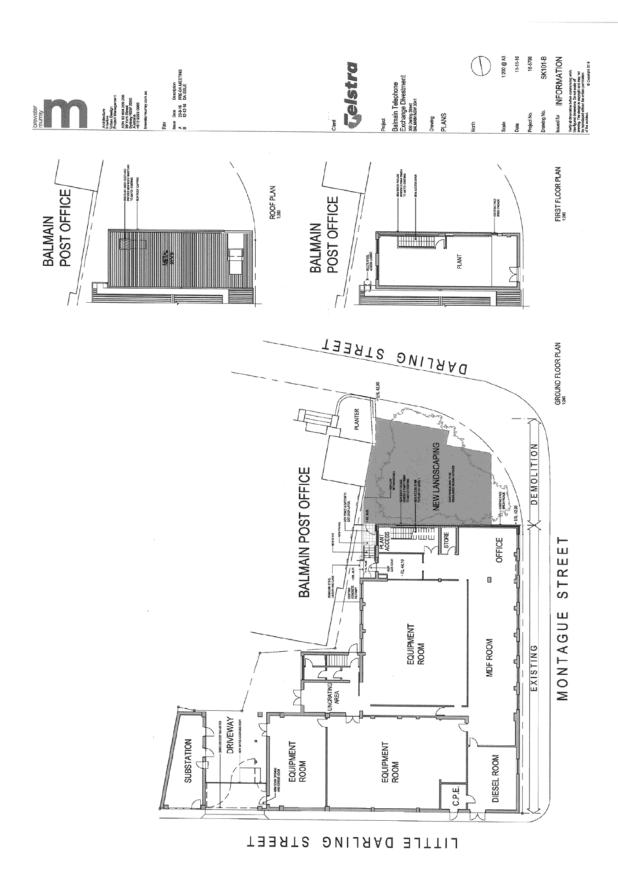
- b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979.*
- c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
- f) Development Application for demolition if demolition is not approved by this consent.
- 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.

Attachment B – Plans of proposed development









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