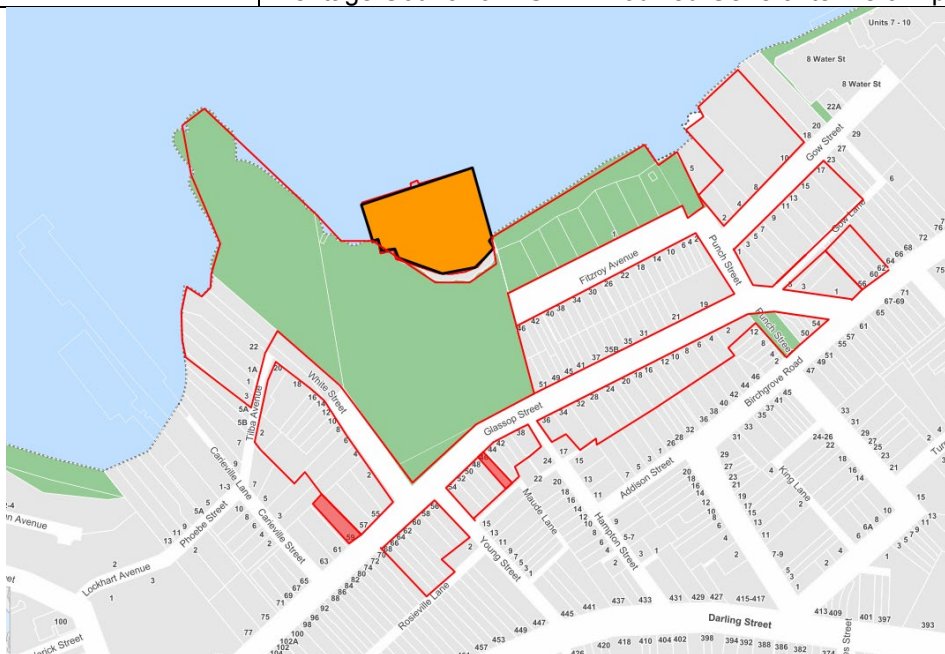







# INNER WEST

## S.4.55 ASSESSMENT REPORT

<b>Application No.</b>	<b>M/2019/223</b>
<b>Address</b>	Dawn Fraser Baths 50 Fitzroy Avenue BALMAIN NSW 2041
<b>Proposal</b>	Section 4.55 (1A) application to modify <b>D/2018/450</b> which approved rectification and upgrade works to the Dawn Fraser Baths at Balmain. This Application seeks approval for various modifications to the southern pavillion, including: <ul style="list-style-type: none"> <li>○ Modifications to amenities including layout and changes to outline of amenities on the ground floor.</li> <li>○ A reduction in the number of timber privacy screen panels on the ground floor from 10 to 5.</li> <li>○ The deletion of 1 small timber privacy screen panel on the first floor.</li> </ul>
<b>Date of Receipt</b>	6 December 2019
<b>Applicant / Owner</b>	Inner West Council
<b>Number of Submissions</b>	Two (2)
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Council is the applicant and landowner</li> <li>• Amended approval from the NSW Office of Environment and Heritage under Section 58 of the Heritage Act 1977.</li> </ul>
<b>Recommendation</b>	<b>Approval</b>
<b>Attachment A:</b>	Recommended amendments to conditions of consent
<b>Attachment B:</b>	Conditions of Consent - D/2018/450
<b>Attachment C:</b>	Plans of the Modified Development Proposal
<b>Attachment D:</b>	Corresponding Approved Plans - D/2018/450
<b>Attachment E:</b>	Heritage Council of NSW – Modified General terms of Approval



### LOCALITY MAP

Subject Site		Objectors		 N
Notified Area		Supporters		

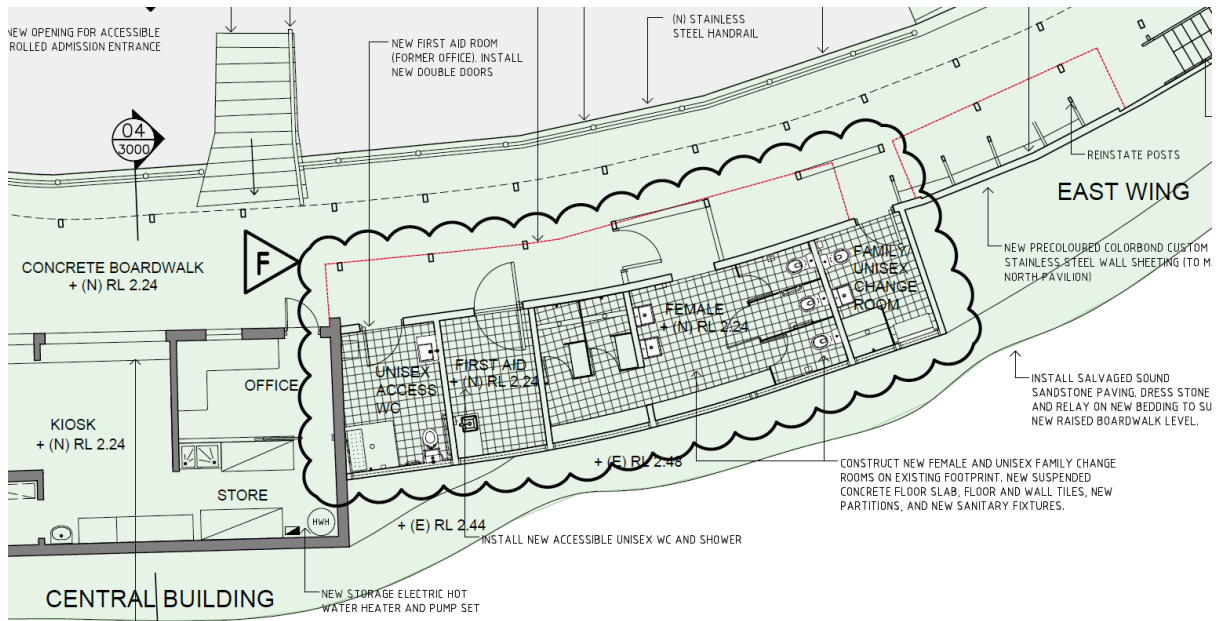
# 1. Proposal

This application seeks consent to modify **D/2018/450** which approved the upgrade and refurbishment of the existing Dawn Fraser Baths facility involving partial demolition and reconstruction of structures in the south of the facility and the installation of new solar panels and flood lights at Dawn Fraser Baths, 50 Fitzroy Avenue, Balmain.

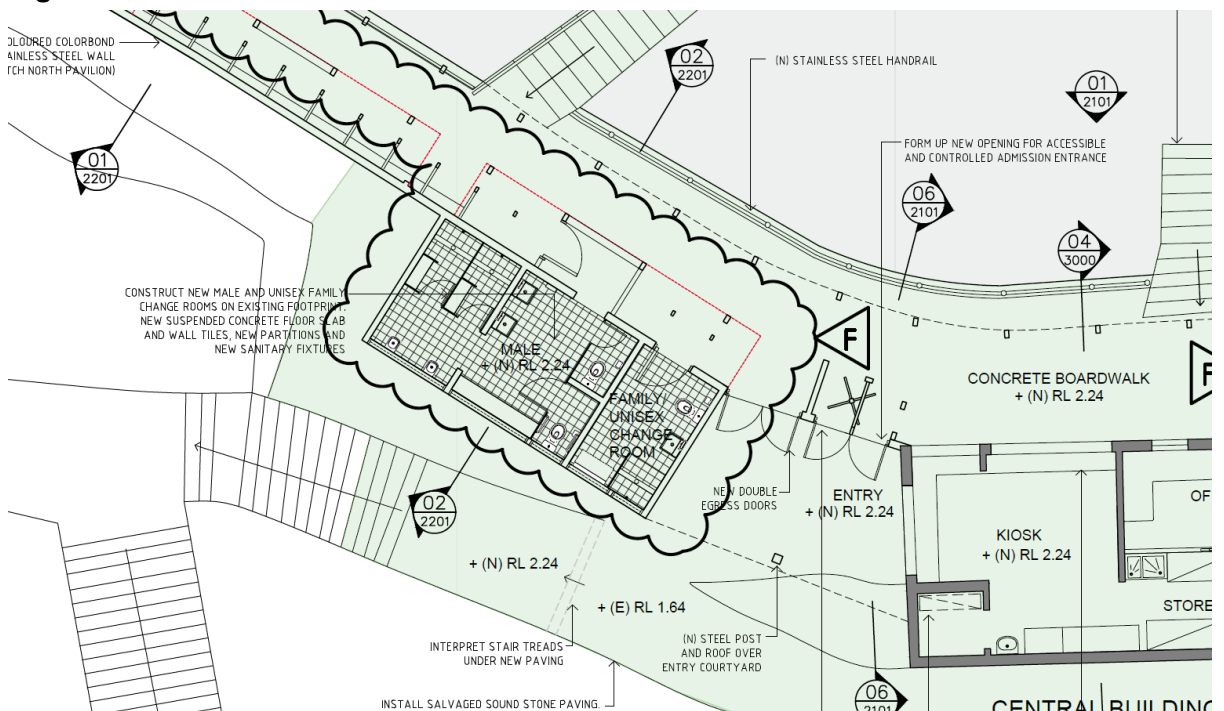
This application seeks approval for the following modifications:

- Modifications to amenities including layout and changes to outline of amenities on the ground floor of the southern pavillion (refer to the bubbled area on **Figure 1** and **Figure 2** below)

**Figure 1**

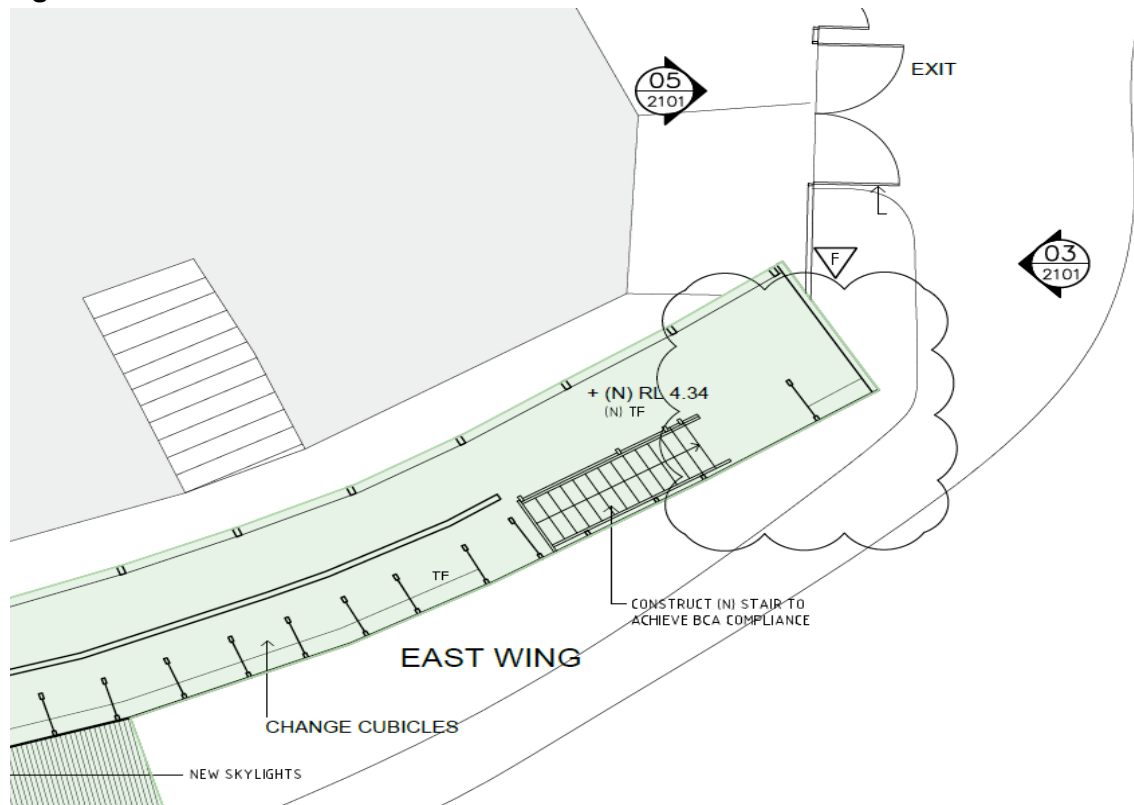


**Figure 2**



- A reduction in the number of timber privacy screen panels on the ground floor of the southern pavillion from 10 to 5. Examples of the screens in question can be seen in front of, and adjacent to, the entrances to the amenity facilities in Figures 1 & 2.
- The deletion of 1 small timber privacy screen panel on the first floor of the southern pavillion (refer to the clouded area on **Figure 3**).

Figure 3



D/2018/450 was approved on 2 May 2019 by the Sydney Eastern City Planning Panel as the proposed development is a Council related development over \$5 million. The modification application the subject of this report (M/2019/223) is considered to be for modifications involving minimal environmental impact and accordingly, is not required to be determined by the Sydney Eastern City Planning Panel.

However, the application relates to a Council-owned facility, the Dawn Fraser Baths, situated within a public foreshore parkland (partly located on land owned by Council, and partly within the Parramatta river). Accordingly, the application was referred to Planning Urban Earth Pty Ltd (town planning consultants) to carry out an independent assessment of the application; and is referred to the IWLPP for determination.

The proposed modifications are considered suitable for approval subject to the imposition of appropriate modified conditions of consent.

## 2. Site Description

The site is located on the northern side of Elkington Park, at the western end of Fitzroy Avenue in Balmain. The site, the subject to this application, consists of an area which extends into Elkington Park and Fitzroy Avenue Reserve and Parramatta River.

The works approved under D/2018/450 extend over the land described in the following Table:

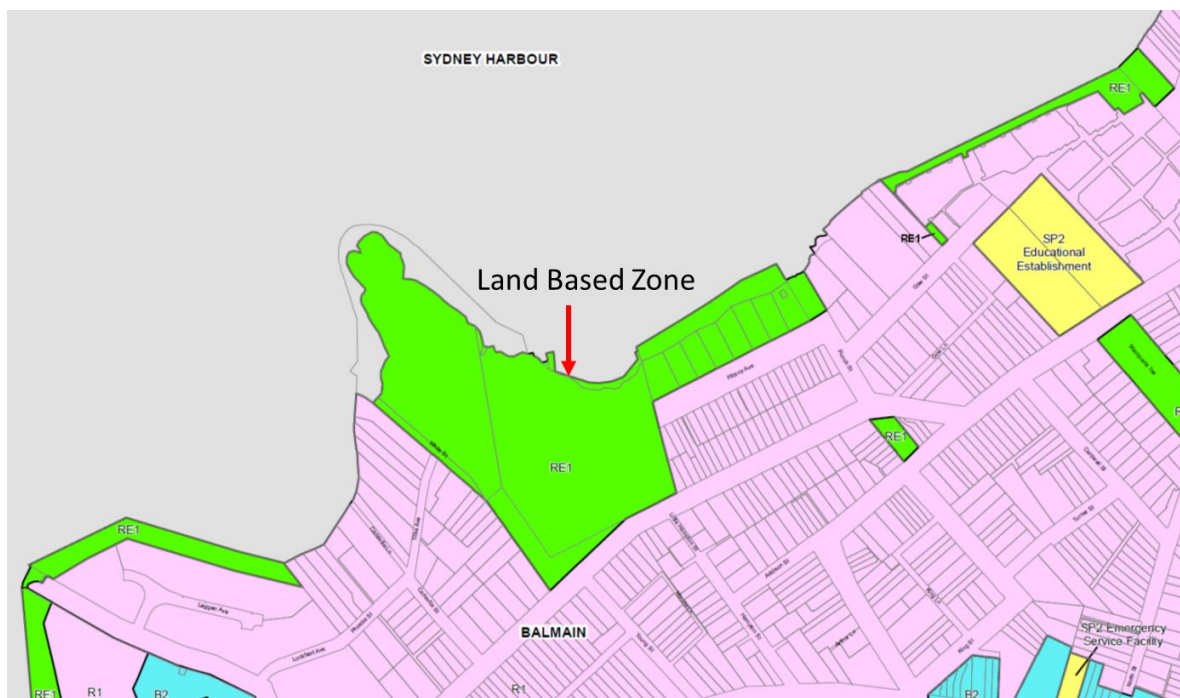
Description	Works over this land	Area (m <sup>2</sup> )
Lot 1 in DP 179092	The principal <b>water zone</b> occupied by the baths including the land/water interface	4,319
Lot 639 DP 752049	The principal <b>land-based lot</b> on which most of the Southern Pavilion and Entry Building are situated	299
Lot 1 in DP 724787	Elkington Park. The Southern Pavilion and Entry Building partly extend into Elkington Park	14,470
Lot 1 in DP 131599	The perimeter path extends into the Fitzroy Avenue Park lot and raising the seawall at the eastern end is proposed to transition to the new levels of the path	1,703
Lot 55 in DP 1352	A small section of the perimeter path extends into this lot	599
<b>Total area (m<sup>2</sup>)</b>		<b>21,390</b>

The site has an approximate 160m frontage to the Parramatta River. Access to the site is available via Fitzroy Avenue Park and via Elkington Park. The site is affected by a number of easements and includes an area of waterway over which Council holds a lease.

The site supports an established public tidal pool with associated building structures in a river foreshore park setting. The continued use of this site as a public recreation facility is considered appropriate and desirable from a social and heritage perspective. Parts of the site are listed as local and State heritage items. The site is identified as a flood prone (foreshore flood control) lot.

The surrounding properties comprise low to medium density residential and low rise recreation buildings.

The land-based component of the site is within the RE1 Public Recreation zone under the provisions of LLEP 2013. Recreation facilities (outdoor) are permissible with development consent.







### 3. Relevant Site History

Application	Proposal	Decision & Date
D/2018/450	Rectification & upgrade works to address structural, flooding and Building Code of Australia matters and upgrade facilities. Works include raising boardwalks and ground floor, dismantling and reconstruction of the southern pavilion with new roof, access and facilities, alterations and additions to the entry building of the southern pavilion, repairs and maintenance plus associated works. Provision of sprinkler system and emergency lighting/signage. Installation of new polo lights and solar panels.	Approved 02/05/2019 - Sydney Eastern City Planning Panel
M/2019/207	Modification of Development Consent D/2018/450 seeking the amendment of Condition 1 and the deletion of Condition 29 which are in error.	Approved 12/12/2019 Inner West Planning Panel

### 4. Section 4.55 - Assessment

Section 4.55 (1A) of the Environmental Planning and Assessment Act, 1979 requires the consent authority to be satisfied of the following matters prior to approving any modification to a development consent.

*(a) it is satisfied that the proposed modification is of minimal environmental impact*

The proposed design modifications have come about during the development of detailed design for the proposed development. They do not add to the bulk of the building or result in any additional FSR or site coverage.

The application is considered to be of minimal environmental impact as no additional overshadowing, privacy, traffic or other amenity impacts upon surrounding or nearby properties are expected.

Heritage NSW and Council's Heritage Advisor have advised that the proposed modifications will not result in any heritage impacts upon those parts of the site that are listed as local and State heritage items

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

The proposed modifications are not so significant as to alter the character or extensively alter the form of the approved development. The proposal will therefore remain substantially the same to which consent was originally granted.

(c) it has notified the application in accordance with:

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

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

The amended plans under assessment were notified in accordance with the notification requirements of the LDCP 2013 concluding on **24 January 2020**.

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

**Two (2) submissions** were received raising the following issues:

*"I cannot really tell from looking at the plans online what changes have been made to 1st floor of Southern Pavillion."*

**Planner's Response:**

Modifications to the first floor are limited to the deletion of one (1) small timber privacy screen panel at the eastern end of the building. This is shown "clouded" on the plans.

*"I am most certainly pleased with the proposed changes of the 4 small family toilets with changing table, to 2 larger more useable spaces with showers as well, exactly what I did & suggest at the planning panel."*

**Planner's Response:**

Noted.

*"Unfortunately, the revised plans showing the proposed modifications are not on Council's internet site, so it is not possible to comment them."*

**Planner's Response:**

The submitted plans were registered and posted on Council's DA Tracking system on 11 December 2019, which was before the commencement of the notification period. As at the date of this report, the plans continue to be available on the DA Tracking system.

## **5. Section 4.15 (1) Assessment**

Section 4.55 (3) of the Environmental Planning and Assessment Act, 1979 requires the consent authority to take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The following is a summary of the assessment of the application in accordance with section 4.15 (1) of the Environmental Planning and Assessment Act, 1979.

### 5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Coastal Management) 2018
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013 (LLEP 2013)

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

The site is not known to have been used in the past for activities which could have potentially contaminated the site. A preliminary investigation was not required for the original Development Application and it is considered that the site will not require remediation in accordance with SEPP 55.

#### 5(a)(ii) *State Environmental Planning Policy (State and Regional Development) 2011*

The Capital Investment Value (CIV) of the total development exceeds \$5 million. Clause 20 and associated Schedule 7 of the State and Regional Development SEPP provide that Council related development with a CIV of more than \$5 million is declared to be regionally significant development. In accordance with s.4.5 of the EP&A Act, the original Development Application was referred to the Sydney Eastern City Planning Panel for determination.

This modification application has been assessed as an application under s. 4.55 (1A) of the Act, as modifications involving minimal environmental impact, and accordingly, it is not an application that is required to be referred to the Sydney Eastern City Planning Panel for determination.

#### 5(a)(iii) *State Environmental Planning Policy (Coastal Management) 2018*

The Coastal Management SEPP 2018 aims to ensure that future coastal development is appropriate and sensitive to its coastal location and category. The site is categorised as 'Coastal Environment Area' and 'Coastal Use Area'.

The proposed modified development will not adversely affect any coastal processes or values. The approved development addresses sea level rise and stability issues and is needed to ensure ongoing use of the facility. The proposed modified development does not adversely alter access to public open space and foreshores and will not have adverse impacts on Aboriginal cultural heritage.

The proposed modified development will ensure the ongoing use of a public recreation facility and this is considered to be in the public interest.

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

The Sydney Harbour Catchment SREP provides planning principles, development controls and matters for consideration which apply to the subject development proposal.

This original Development Application was considered by the Foreshores and Waterways Planning and Advisory Committee in accordance with the Sydney Regional Environmental

Plan (Sydney Harbour Catchment) 2005. The Committee did not raise any issue in relation to the proposed development and did not recommended any conditions be imposed.

Consideration of the matters relevant to this modification application is provided below.

## **Part 2 – Planning Principles**

An assessment has been made of the proposed modified development against the planning principles listed under Part 2 of the Sydney Harbour Catchment SREP. It is considered that the carrying out of the modified development is generally consistent with the objectives and principles of the Plan.

The proposed modifications satisfy the Sydney Harbour Catchment SREP heritage conservation principles in that it ensures the longer-term protection of the heritage significance of the Dawn Fraser Baths, and proposes an approach which, as far as practicable, retains significant fabric, the settings, relics and views associated with the heritage significance.

### **Division 1 – Development Control (Zoning)**

The water-based component of the site is identified as being located within the **W5 Water Recreation** zone under Division 1 of the Sydney Harbour Catchment SREP. The proposed modifications are entirely on the land-based zoned land, which is set by the LLEP 2013, and accordingly, the objectives of the W5 zone continue to be met by the modified development.

### **Division 2 – Matters for Consideration**

An assessment of the proposed modified development has been made against matters set out in Division 2 of the Sydney Harbour Catchment SREP. On consideration of these matters, the carrying out of the modifications is found to be satisfactory and generally consistent with the objectives and principles of the Plan.

The modified development will maintain current public access to, and use of, the foreshores and waterways. The form and siting of renewed and restored buildings is substantially maintained, and views are protected, and foreshore and waterways scenic quality is also protected.

### **Division 3 – Foreshores and Waterways Planning & Development Advisory Committee**

It was not necessary to refer the proposed modifications to the Foreshores and Waterways Planning and Development Advisory Committee.

#### **5(a)(v) *Leichhardt Local Environmental Plan 2013 (LLEP2013)***

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 4.4 - Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and Site area
- Clause 5.7 - Development below mean high water mark
- Clause 5.10 - Heritage conservation
- Clause 6.1 - Acid sulfate soils
- Clause 6.2 - Earthworks
- Clause 6.3 - Flood Planning



- Clause 6.5 - Limited Development on foreshore area
- Clause 6.6 - Development on the foreshore must ensure access
- Clause 6.14 - Development control plans for certain development

The land-based component of the site is within the **RE1 Public Recreation** zone under the provisions of LLEP 2013. Recreation facilities (outdoor) are permissible with development consent.

The modified development remains permissible with consent under the current zoning and continues to be satisfactory having regard to the provisions of the LLEP 2013.

Discussion of particular heritage matters follows:

#### Clause 5.10 Heritage Conservation

The Dawn Fraser Baths are listed in Schedule 5 of the Leichhardt LEP 2013 and in the State Heritage Register as an item of State heritage significance. Elkington Park and the Fitzroy Avenue Park, which adjoin the facility, are listed as items of Local heritage significance in LLEP 2013. The Dawn Fraser Park, Elkington Park and Fitzroy Avenue Park are also located within the Iron Cove Conservation Area.

A Conservation Management Plan (CMP) has been prepared for the Dawn Fraser Baths by GBA Heritage in August 2018. The CMP establishes the heritage significance of the property, identifies the original features and surviving fabric, and recommends appropriate detailed policies to conserve these in any future plans to upgrade the building. The CMP has been provided to the Office of Environment and Heritage. The proposed modifications are generally consistent with the CMP.

Council notified the Heritage Council of NSW of the proposal and the response dated 21 January 2020 is attached to this report. In summary, the Heritage Council have advised that:

*It is noted these changes are a result of detailed design refinement and resolution. The modifications are minor in nature and the proposal remains substantially the same. No objection is, therefore, raised on the modified proposal.*

The proposed modified development is considered to be acceptable from a heritage perspective and consistent with the objectives of the LEP to conserve the heritage significance of the item and its setting.

#### 5(b) Draft Environmental Planning Instruments

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

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

**5(b)(i) Draft SEPP Environment**

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

**5(b)(ii) Draft Inner west Local Environmental Plan 2020**

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

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

**5(c) Development Control Plans**

The application has been assessed against the relevant Development Control Plans listed below:

- Sydney Harbour Foreshores and Waterways Area DCP 2005
- Leichhardt Development Control Plan 2013

The following provides further discussion of the relevant considerations:

**5(c)(i) Sydney Harbour Foreshores and Waterways Area DCP 2005**

The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (SHDCP) applies to the Foreshores and Waterways Area as identified in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The SHDCP includes design guidelines for development, assessment criteria for marinas (including guidelines for undertaking visual impact assessments), and criteria for natural resource protection.

An assessment of the development against the performance-based criteria and guidelines of the SHDCP was undertaken in the assessment of the original Development Application. Given the nature of proposed upgrade and refurbishment works to an existing facility, limited provisions of the SHDCP applied in that assessment.

The proposed modifications are limited in scope, and accordingly, the modified development is considered to continue to satisfy the relevant provisions of the SHDCP.

**5(c)(ii) Leichhardt Development Control Plan 2013**

The modified development has been assessed against the relevant clauses of Development Control Plan 2013.

Part	Compliance
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes

<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
<b>Part C: Place – Section 1 General Provisions</b>	
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
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.13 Open Space Design Within the Public Domain	Yes
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Yes
C1.20 Foreshore Land	Yes
<b>Part C: Place – Section 2 Urban Character</b>	
Suburb Profile	
C2.2.2.6 Birchgrove Distinctive Neighbourhood, Birchgrove	Yes
<b>Part C: Place – Section 3 – Residential Provisions</b>	Not applicable to recreation facilities
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	Not applicable to RE1 zone or unzoned land
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management (D2.1, D2.2 and D2.4)	Yes
<b>Part E: Water</b>	Yes
<b>Part F: Food</b>	Not applicable
<b>Part G: Site Specific Controls</b>	Not applicable

Comments relating to certain specific provisions of the DCP which were included in the assessment report for the original DA remain relevant to this modification application.

5(d) The likely Impacts

The assessment of the 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 land-based component of the site is within the RE1 *Public Recreation* zone under the provisions of LLEP 2013. Recreation facilities (outdoor) are permissible with development consent. The proposed modified development remains permissible with consent under the current zoning.

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 original application.

### 5(f) Any submissions

The application was notified for a period of 14 days concluding on **24 January 2020**. The notification of the application included:

- Letters sent to neighbouring and surrounding properties.
- A site notice placed on the site.
- Listing under the notification section on Council's website.

**Two (2) submissions** were received and the issues raised have been discussed previously in this report.

### 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. Internal Referrals

### Heritage Advisor

No objections are raised and no amendments to conditions are recommended.

## 7. External Referrals

### Heritage Council of NSW

Council has notified the Heritage Council of the proposal via referral of the application to the NSW Office of Environment and Heritage. A copy of the referral response dated 21 January 2020 is provided as **Attachment E** to this report. In summary, the modifications are considered minor and the proposal remains substantially the same. No objection is raised on the modified proposal subject to the amendments made to the original terms of approval,

## 8. Conclusion

This application has been assessed under Section 4.55 (1A) of the Environmental Planning and Assessment Act, 1979 and subject to the recommended modified conditions, is considered to be generally satisfactory. The application is recommended to be approved subject to the amendments to **Conditions 1 and 3** listed below.

## 9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 and s4.55(1A) of the *Environmental Planning and Assessment Act 1979*, approve **Modification Application No: M/2019/223** for the modification of Development Consent D/2018/450 at Dawn Fraser Baths, 50 Fitzroy Avenue, Balmain NSW 2041 subject to the amendments listed in **Attachment A** below.



## Attachment A – Recommended amendments to consent

## CONDITION 1 IS AMENDED TO READ:-

1. Development must be carried out in accordance with Development Application No. D/2018/450 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Title	Reference	Revision	Drawn By	Dated
Cover Page & Site Plan	AR.DA.0000	D	TKD Architects	27.08.2018
<b>Southern Pavilion</b>				
Southern Pavilion Existing/Demolition Ground Floor Plan Cadastral Overlay	AR.SK.1001	A	TKD Architects	02.10.2018
Southern Pavilion Existing/Demolition Ground Floor Plan	AR.DA.1001	D	TKD Architects	27.08.2018
Southern Pavilion Existing/Demolition First Floor Plan	AR.DA.1002	D	TKD Architects	27.08.2018
Southern Pavilion Existing/Demolition Elevations	AR.DA.1101	D	TKD Architects	27.08.2018
Southern Pavilion Existing/Demolition Sections	AR.DA.1201	D	TKD Architects	27.08.2018
Southern Pavilion Proposed Works Ground Floor Plan	AR.DA.2001	<del>D</del> F	TKD Architects	<del>27.08.2018</del> 12.11.2019
Southern Pavilion Proposed Works First Floor Plan	AR.DA.2002	<del>D</del> F	TKD Architects	<del>27.08.2018</del> 12.11.2019
Southern Pavilion Elevations Proposed Repair Scope	AR.DA.2101	<del>D</del> F	TKD Architects	<del>27.08.2018</del> 12.11.2019
Southern Pavilion Existing/Demolition Sections	AR.DA.2201	C	TKD Architects	24.08.2018
Southern Pavilion Perspective Renders & Materials Schedule	AR.DA.3001	C	TKD Architects	27.08.2018
Southern Pavilion Proposed Works Ground Floor Plan (Stormwater Concept)	AR.TD.2001	P1	TKD Architects	September 2018
<b>Northern Pavilion</b>				
Northern Pavilion Existing/Demolition Ground Floor Plan	AR.DA.1003	D	TKD Architects	27.08.2018
Northern Pavilion Existing/Demolition First Floor Plan	AR.DA.1004	D	TKD Architects	27.08.2018
Northern Pavilion Existing/Demolition Elevations	AR.DA.1102	D	TKD Architects	27.08.2018
Northern Pavilion Proposed Works Ground Floor Plan	AR.DA.2003	D	TKD Architects	27.08.2018
Northern Pavilion Proposed Works First Floor Plan	AR.DA.2004	D	TKD Architects	27.08.2018

Northern Pavilion Elevations Proposed Repair Scope	AR.DA.2102	D	TKD Architects	27.08.2018
<b>Central Pavilion</b>				
Central Pavilion Proposed Works	AR.DA.3000	D	TKD Architects	27.08.2018
<b>Document Title</b>		<b>Prepared By</b>		<b>Dated</b>
Detail and Level Survey (4 Sheets) Plan Reference No: 3520/18		Eric Sceeri & Associates – Land Survey Consultants		Date of survey 08.02.2018
Dawn Fraser Baths Redevelopment – Coastal Assessment		Cardno		11.04.2018
Heritage Council of NSW – Resolution – Integrated Development Application IDA/2018/100 (DOC18/765017)		Heritage Council of NSW		02.01.2019 <b>And amended on 21.02.2020</b>
Statement of Heritage Impact (Issue G)		GBA Heritage		15.10.2018
Conservation Management Plan (Issue B)		GBA Heritage		27.08.2018
Dawn Fraser Baths and Piers Repairs - DA Cost Plan		AECOM Australia		31.07.2018
Statement of Environmental Effects		URBIS		03.10.2018
Dawn Fraser Baths – External Materials and Colour Scheme (Issue A)		TKD Architects		28.08.2018
Dawn Fraser Pool – Fabric Assessment and Recommendations		Shreeji Consultant Structural Civil Engineers		Undated
Site waste minimisation and management plan (Issue B)		TKD Architects		29.08.2018
BCA / Access Capability Statement for Development Application		Design Confidence (Sydney) Pty Ltd		27.08.2018 <b>And amended on 18.11.2019</b>

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

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

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

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

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

**(Condition amended by M/2019/223 on INSERT DATE)**

2. Prior to the issue of any Construction Certificate, any person acting on this consent must submit an application and obtain approval under section 60 the Heritage Act 1977 and include in that application all information as required by the general terms of approval granted by the Heritage Council of NSW as set out in the Resolution Integrated Development Application IDA/2018/100 (DOC18/765017) which is listed in **Condition 1** above, and included at **Appendix A as amended by (DOC20/11821) dated 21 January 2020 which is listed in Condition 1 above, and included at Appendix B.**

Any person acting on this consent must also comply with all other requirements of the general terms of approval granted by the Heritage Council of NSW as set out

in the Resolution Integrated Development Application IDA/2018/100 (DOC18/765017) which is listed in **Condition 1** above, and included at **Appendix A** as amended by (DOC20/11821) dated 21 January 2020 which is listed in Condition 1 above, and included at **Appendix B**.

(Condition amended by M/2019/223 on **INSERT DATE**)

**Attachment B –Original Conditions of Consent – D/2018/450**

**CONDITIONS OF CONSENT**

3. Development must be carried out in accordance with Development Application No. D/2018/450 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Title	Reference	Revision	Drawn By	Dated
Cover Page & Site Plan	AR.DA.0000	D	TKD Architects	27.08.2018
<b>Southern Pavilion</b>				
Southern Pavilion Existing/Demolition Ground Floor Plan Cadastral Overlay	AR.SK.1001	A	TKD Architects	02.10.2018
Southern Pavilion Existing/Demolition Ground Floor Plan	AR.DA.1001	D	TKD Architects	27.08.2018
Southern Pavilion Existing/Demolition First Floor Plan	AR.DA.1002	D	TKD Architects	27.08.2018
Southern Pavilion Existing/Demolition Elevations	AR.DA.1101	D	TKD Architects	27.08.2018
Southern Pavilion Existing/Demolition Sections	AR.DA.1201	D	TKD Architects	27.08.2018
Southern Pavilion Proposed Works Ground Floor Plan	AR.DA.2001	D	TKD Architects	27.08.2018
Southern Pavilion Proposed Works First Floor Plan	AR.DA.2002	D	TKD Architects	27.08.2018
Southern Pavilion Elevations Proposed Repair Scope	AR.DA.2101	D	TKD Architects	27.08.2018
Southern Pavilion Existing/Demolition Sections	AR.DA.2201	C	TKD Architects	24.08.2018
Southern Pavilion Perspective Renders & Materials Schedule	AR.DA.3001	C	TKD Architects	27.08.2018
Southern Pavilion Proposed Works Ground Floor Plan (Stormwater Concept)	AR.TD.2001	P1	TKD Architects	September 2018
<b>Northern Pavilion</b>				
Northern Pavilion Existing/Demolition Ground Floor Plan	AR.DA.1003	D	TKD Architects	27.08.2018
Northern Pavilion Existing/Demolition First Floor Plan	AR.DA.1004	D	TKD Architects	27.08.2018
Northern Pavilion Existing/Demolition Elevations	AR.DA.1102	D	TKD Architects	27.08.2018
Northern Pavilion Proposed Works Ground Floor Plan	AR.DA.2003	D	TKD Architects	27.08.2018
Northern Pavilion Proposed Works First Floor Plan	AR.DA.2004	D	TKD Architects	27.08.2018



Northern Pavilion Elevations Proposed Repair Scope	AR.DA.2102	D	TKD Architects	27.08.2018
<b>Central Pavilion</b>				
Central Pavilion Proposed Works	AR.DA.3000	D	TKD Architects	27.08.2018
<b>Document Title</b>		<b>Prepared By</b>		<b>Dated</b>
Detail and Level Survey (4 Sheets) Plan Reference No: 3520/18		Eric Sceeri & Associates – Land Survey Consultants		Date of survey 08.02.2018
Dawn Fraser Baths Redevelopment – Coastal Assessment		Cardno		11.04.2018
Heritage Council of NSW – Resolution – Integrated Development Application IDA/2018/100 (DOC18/765017)		Heritage Council of NSW		02.01.2019
Statement of Heritage Impact (Issue G)		GBA Heritage		15.10.2018
Conservation Management Plan (Issue B)		GBA Heritage		27.08.2018
Dawn Fraser Baths and Piers Repairs - DA Cost Plan		AECOM Australia		31.07.2018
Statement of Environmental Effects		URBIS		03.10.2018
Dawn Fraser Baths – External Materials and Colour Scheme (Issue A)		TKD Architects		28.08.2018
Dawn Fraser Pool – Fabric Assessment and Recommendations		Shreeji Consultant Structural Civil Engineers		Undated
Site waste minimisation and management plan (Issue B)		TKD Architects		29.08.2018
BCA / Access Capability Statement for Development Application		Design Confidence (Sydney) Pty Ltd		27.08.2018

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.

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 Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the “Principal Certifying Authority.”
  - A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.

	<p>c) At least two days' notice, in writing has been given to Council of the intention to commence work.</p> <p>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.</p>
5.	<p>Prior to the issue of any Construction Certificate, any person acting on this consent must submit an application and obtain approval under section 60 the Heritage Act 1977 and include in that application all information as required by the general terms of approval granted by the Heritage Council of NSW as set out in the Resolution Integrated Development Application IDA/2018/100 (DOC18/765017) which is listed in <b>Condition 1</b> above, and included at <b>Appendix A</b>.</p> <p>Any person acting on this consent must also comply with all other requirements of the general terms of approval granted by the Heritage Council of NSW as set out in the Resolution Integrated Development Application IDA/2018/100 (DOC18/765017) which is listed in <b>Condition 1</b> above, and included at <b>Appendix A</b>.</p>
6.	<p>Amended or more detailed plans are to be submitted incorporating the following requirements:</p> <p>a) Sandstone to be utilised in the sea walls is to be quartz rich, with a quartz content of at least 70%. The grout is not to have high cement content but is to be specified to be sacrificial and to weather in preference to the sandstone blockwork.</p> <p>b) Perimeter lighting and landscaped barrier treatments to concealed spaces are to be incorporated into the overall schedule of works having regard to the principles of Crime Prevention Through Environmental Design (CPTED) and minimise opportunities for criminal and anti-social behaviour within the public domain.</p> <p>c) A landscape plan is to be prepared for the site and its perimeter with sufficient details to satisfy the Accessibility requirements of the BCA and the Disability Discrimination Act 1992.</p> <p>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.</p>
7.	<p>An experienced suitably qualified &amp; experienced Heritage Architect must be commissioned to assist and to provide advice to the consultant team throughout the design development, contract documentation and construction stages of the project.</p> <p>The heritage architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The</p>

	<p>heritage architect is to be provided with full access to the site on a regular basis and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. Heritage inductions are to be carried out with contractors.</p> <p>Details of the engagement of the experienced Heritage Architect in accordance with this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.</p>
<p>8.</p>	<p>An experienced suitably qualified &amp; experienced Heritage Engineer must be commissioned to assist and to provide advice to the consultant team throughout the design development, contract documentation and construction stages of the project.</p> <p>The heritage engineer is to be involved in the resolution of all engineering matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site on a regular basis and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.</p> <p>Details of the engagement of the experienced Heritage Engineer in accordance with this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.</p>
<p>9.</p>	<p>The approved Architectural plans shall be amended to incorporate the recommendations of the Foreshore Risk Management Plan approved in <b>Condition 18</b>. The plans addressing the requirements of this condition shall be provided prior to the issue of a Construction Certificate. The design shall be prepared to make provision for the following:</p> <ul style="list-style-type: none"> <li>a) Specification of materials</li> <li>b) Waterproofing works, where applicable.</li> </ul> <p>No changes to the external form or appearance of the development contrary to the approved plans shall occur except as identified by this condition. Any changes to such shall be subject to separate approval in accordance with Section 96 of the Environmental Planning and Assessment Act.</p> <p>Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.</p>
<p>10.</p>	<p>Engineering design plans prepared by a qualified practising Structural Engineer shall be prepared and incorporate the following recommendations of the Foreshore Risk Management Plan approved in <b>Condition 18</b>.</p> <p>The design shall be prepared to make provision for the following:</p> <ul style="list-style-type: none"> <li>a) Structural integrity of all structures from immersion and/or impact of velocity and debris.</li> </ul>

	<p>b) Waterproofing works, where applicable.</p> <p>Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.</p>
11.	<p>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:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b) A concrete pump across the roadway/footpath</li> <li>c) Mobile crane or any standing plant</li> <li>d) Skip bins</li> <li>e) Scaffolding/Hoardings (fencing on public land)</li> <li>f) Public domain works including vehicle crossing, kerb &amp; guttering, footpath, stormwater, etc.</li> <li>g) Awning or street verandah over footpath</li> <li>h) Partial or full road closure</li> <li>i) Installation or replacement of private stormwater drain, utility service or water supply</li> </ul> <p>Contact Council’s Road Access team to ensure the correct Permit applications are made for the various activities.</p> <p>Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.</p>
12.	<p>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, including on Fitzroy Avenue, before the issue of a Construction Certificate.</p>
13.	<p>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.</p>
14.	<p>A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include haulage routes, estimated number of vehicle movements, truck parking</p>



areas, work zones, crane usage, etc., related to demolition/construction activities.

15. The person acting on this consent shall apply for a Work Zone along the site frontage for construction vehicles if necessary. A minimum of 2 months should be allowed for the processing of the application.
16. Consent is granted for demolition of the structures existing on the property as proposed in the approved drawings listed in **Condition 1**, subject to strict compliance with the following conditions:
- a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
  - b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
    - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
    - ii) A *final* inspection when the demolition works have been completed.
- NOTE:** If Council is nominated as your Principal Certifying Authority 24 - 48 hours notice to carry out inspections is required. Arrangement for inspections can be made by phoning 9367 9222.
- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
  - d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
  - e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
  - f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
  - g) The hours of demolition work are limited to between 7:00am and 6.00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.

- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig [www.1100.com.au](http://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.

17. A full archival record of the building and landscape elements to be altered is to be submitted, to the satisfaction of Council’s heritage officer, prior to the commencement of any demolition work and prior to the issue of a Construction Certificate.

The archival record is to be completed by a heritage consultant listed on the Consultants Directory by the NSW Office of Environment & Heritage (Heritage Branch) or by a suitably qualified consultant who must demonstrate a working knowledge of archival principles.

Photographic archival records must be taken of the building, landscape or item in accordance with ‘The Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006’ published by the former NSW Department of Planning Heritage Branch.

There should be one digital set of the photographic report. The following table summarises the lodgement details for photographic records, depending on which material is selected. It is satisfactory to supply one material only and digital material is recommended.

<b>Material</b>	<b>Minimum Requirement</b>	<b>Repository</b>
Digital Materials	1 copy of photographic report including images	<u>Inner West Council</u> Report and images (digital version)

The photographic archival recording is to be submitted in a digital format and is to include the following:

- a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- b) Floorplans of the internal layout and directional details of photographs taken.
- a) Coloured photographs of:
  - each elevation,
  - each structure and landscape feature;
  - internal images of each room and significant architectural detailing;
  - views to the subject property from each street and laneway or public space.

	<p><b>Note:</b> Refer to the NSW OEH Heritage Branch free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at: <a href="http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infographicrecording2006.pdf">http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infographicrecording2006.pdf</a></p>
18.	<p>An illustrated schedule of significant fabric is to be prepared prior to the issuing of a construction certificate which includes the items proposed to be salvaged, noting their original date of construction, location and detail. This schedule is to be included with the Archival Record.</p>
19.	<p>A Heritage Interpretation Plan for the Dawn Fraser Baths must be submitted to and approved by Council's Heritage Specialist prior to the issue of a Construction Certificate. The plan is to be prepared by a suitably qualified and experienced heritage practitioner, interpretation specialist or historian in accordance with the '<i>Heritage Interpretation Policy</i>' published by the Heritage Council of NSW and the NSW Department of Planning in August 2005 and '<i>Heritage Information. Series, Interpreting Heritage Places and Items Guidelines</i>' published by the former NSW Heritage Office in August 2005.</p> <p>The interpretation plan must detail how archival, oral and other specific historical information regarding the historical development and significance of the Dawn Fraser Baths to the Balmain area will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, interpretive panels and the display of selected artefacts are some of the means that can be used. The plan must specify the location, type, details, materials and content of the interpretation device/s being proposed.</p> <p>Prior to an occupation certificate being issued, the interpretation as set out in approved interpretation plan must implemented/installed to the satisfaction of Council's Heritage Specialist.</p>
20.	<p>A Foreshore Risk Management Plan, prepared by a qualified practicing Civil Engineer shall be prepared prior to the issue of a Construction Certificate. The Plan shall be prepared / amended to make provision for the following:</p> <ul style="list-style-type: none"><li>a) The plan shall be generally in accordance with the recommendations of the Dawn Fraser Bath Redevelopment – Coastal Assessment prepared by Cardno and dated 11 April 2018.</li><li>b) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations shall be consistent with the approved development. The precautions shall include but not be limited to the following:<ul style="list-style-type: none"><li>i) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.</li><li>ii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.</li><li>iii) Flood warning signs/depth indicators for areas that may be inundated</li></ul></li></ul>

- iv) A flood evacuation strategy.
- v) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.

All works shall be designed to comply with the Standard for Construction of Buildings in Flood Hazard Areas in accordance with Section 3.10.3 of the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council’s Development Control Plan as listed below.

<b>Building Code of Australia</b>	<b>Development Control Plan 2013</b>
<i>Defined flood level (DFL)</i>	<i>100 year Average Recurrence Interval flood level</i>
<i>Defined flood event (DFE)</i>	<i>100 year Average Recurrence Interval flood</i>
<i>Flood hazard level (FHL)</i>	<i>Flood Planning Level (FPL)</i>

- c) Specify the architectural and structural plans upon which the above recommendations have been incorporated.

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

21. Approval from NSW Roads & Maritime Services, for the proposed stormwater connection to Sydney Harbour/Parramatta River, shall be obtained prior to the issue of a Construction Certificate. Any requirements of NSW Roads & Maritime Services are to be complied with.

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.

22. Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the State Environmental Planning Policy shall be prepared. 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.

23. An engineering design and specification of stormwater drainage and civil works in Elkington Park and the subject site shall be prepared by a qualified practising Civil Engineer. The design and specification must be prepared/amended to make

provision for the following:

- a) The design shall be generally in accordance with the stormwater drainage concept plan sketch Drawing No. SKC006 prepared by Cardno.
- b) The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands including Elkington Park and along the path between the southern pavilion and embankment to the south. The design shall include the collection of such waters and discharge to the Council drainage system or Sydney Harbour.
- c) Council's piped stormwater drainage system shall be an appropriately sized pipeline(s) (minimum 375mm diameter). The pipeline(s) and pit(s) shall be designed to have the capacity to collect and convey flows from the contributing catchment as generated by a 20 year Average Recurrence Interval storm event.
- d) The design must be accompanied by detailed engineering drawings including relevant long and cross sections, hydraulic grade line analysis and location of utility services, proposed and existing surface levels and existing landscape features including trees.
- e) The site plans shall be amended to accurately show the location of the Council's existing stormwater pipe(s) including Council's drainage system that passes through Elkington Park adjacent to the site.
- f) Plans shall show all existing components and specify that any components of the existing system to be retained shall 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.
- g) Provide details of all proposed works including reconstruction of the footpath and any other civil works.
- h) All redundant pipelines shall be removed and pathway and/or landscaping reinstated.
- i) The stormwater system shall not be influenced by backwater effects or hydraulically controlled by the receiving system.
- j) The design must be in accordance with the relevant requirements of Austroads and all Australian Standards and Council's Specifications and Standard Drawings.
- k) Detail all hold and witness points and allocate responsibility for undertaking the inspections.
- l) The applicant must consult with Council's Parks Capital Works Manager and Council's Infrastructure Planning Manager in relation to the design of all works.



The design and specification shall be endorsed by Council's Parks Capital Works Manager and Council's Infrastructure Planning Manager prior to the issue of a Construction Certificate.

These works shall be constructed in accordance with the approved plans and specification and be completed prior to the issue of an Occupation Certificate.

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

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

24. An integrated structural and geotechnical report that address the proposed works, prepared by a qualified practicing Structural and Geotechnical Engineer, shall be provided prior to the issue of a Construction Certificate. The report and plans shall be prepared/ amended to make provision for the following:

- Assess the stability of the existing embankment adjacent to the site.
- Recommendations regarding method of excavation and construction, vibration emissions and identifying risks to existing embankment.
- Recommendations regarding proposed drainage system and civil works along the path between the structures and the cliff to the south.
- Relevant geotechnical/subsurface conditions of the site, as determined by any necessary geotechnical investigation.
- Specify the plans which the recommendations have been incorporated.
- Any other issues that may need to be addressed.

The design shall 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.

25. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
  - i) 10:00pm to 7:00am on Monday to Saturday: and
  - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background  $L_{A90, 15min}$  noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

	<p>The source noise level shall be assessed as an <math>L_{Aeq, 15min}</math> and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).</p> <p>Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt &amp; Complying Codes) 2008.</p> <p>Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.</p>
26.	<p>The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:</p> <p>a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.</p> <p>Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.</p>
27.	<p>In accordance with Section 34 of the <i>Building and Construction Industry Long Service Payments Act 1986</i>, 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.</p> <p>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.</p>
28.	<p>Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings &amp; the period of construction of the buildings. New materials that are not depicted on the approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties. 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 Principal Certifying Authority.</p>
29.	<p>Where there are existing unpainted brick surfaces, these are not to be painted, bagged or rendered but to remain as original brick work. The Construction Certificate plans must clearly depict all original brickwork with a notation that they are to remain unpainted to the satisfaction of the Principal Certifying Authority.</p>
30.	<p>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:</p>

- 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.

31. 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.

32. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be designed to be compatible with the document *Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* available at [www.environment.nsw.gov.au](http://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.

33. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. For Quick Check agent details please refer to the web site <http://www.sydneywater.com.au/SW/plumbing-building-developing/building/quick-check-agents/index.html>

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

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

34. 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](http://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.

35. 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 (m<sup>3</sup>) 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 docket 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)**

- 36. 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 shall 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)	\$8,056.50
Inspection fee (FOOTI)	\$230.65

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

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

Should any of Council’s property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council’s assets or the environment at risk, 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.

- 37. 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.

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### **PRIOR TO THE COMMENCEMENT OF WORKS**

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38. The approved plans must be submitted to the Sydney Water Tap in(tm) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in(tm) online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in(tm) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in(tm) online service is available at:

	<p><a href="https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm">https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</a></p>
39.	<p>Prior to any ground disturbance works commencing on site, all staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974, which may be implemented as a heritage induction.</p> <p>If unexpected archaeological deposits or Aboriginal objects are found during the works covered by this approval, work must cease in the affected area(s) and the Office of Environment &amp; Heritage must be notified. Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. Inner West Council's Aboriginal Liaison officer is also to be notified.</p>
40.	<p>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.</p> <p>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.</p> <p>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:</p> <p>a) location of the building with respect to the boundaries of the site.</p>
41.	<p>The site must be secured with temporary fencing prior to any works commencing.</p> <p>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.</p> <p>Separate approval is required under the <i>Roads Act 1993</i> 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.</p> <p>Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.</p>
42.	<p>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.</p>

43.	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.
44.	<p>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:</p> <ul style="list-style-type: none"> <li>a) Unauthorised entry to the work site is prohibited.</li> <li>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.</li> <li>c) The name, address and telephone number of the Principal Certifying Authority for the work.</li> </ul> <p>Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.</p> <p>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.</p>
<b>DURING WORKS</b>	
45.	Any works carried out must be detailed (if shop drawings are required) supervised and carried out by appropriately licensed or otherwise skilled tradespeople with a detailed knowledge, skills and experience appropriate to carrying out the work on heritage buildings and with Heritage Conservation Areas.
46.	All demolition works are to be carefully undertaken. The approach taken is to be one of ‘unbuilding’ or dismantling rather than demolition so that adjacent elements are not damaged and that the elements indicated on the architectural plans as being salvaged for re-use are not damaged. A temporary but secure storage facility is to be established on site for all of the elements to be re-used during the building works.
47.	Heritage inductions are to be held with all contractors to ensure that the heritage status of the complex is understood and that the aim of salvaging and re-using elements is understood.
48.	<p>If unexpected archaeological deposits are found during the works covered by this approval, work must cease in the affected area(s) and the Office of Environment &amp; Heritage must be notified. Additional assessment and approval pursuant to the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</p> <p>Should any skeletal remains be discovered, work must cease in the affected area(s) and the skeletal remains are to be managed in accordance with the Office of Environment &amp; Heritage Skeletal Remains: Guidelines for Management of</p>

	<p>Human Skeletal Remains. These guidelines can be ordered by completing the Publications Order Form available at: <a href="https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/publicationsorderform.pdf">https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/publicationsorderform.pdf</a></p>
49.	No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.
50.	<p>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.</p> <p>Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.</p>
51.	<p>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.</p> <p>Construction materials and vehicles shall not block or impede public use of the footpath or roadway.</p>
52.	<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> <li>Preserve and protect the building from damage.</li> <li>If necessary, underpin and support the building in an approved manner.</li> <li>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.</li> </ol> <p>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.</p>
53.	The site must be appropriately secured and fenced at all times during works.
54.	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.

55. 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.

56. 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.

57. 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.
58.	<p>The development must be inspected at the following stages by the Principal Certifying Authority during construction:</p> <ul style="list-style-type: none"> <li>a) after excavation for, and prior to the placement of, any footings, and</li> <li>b) prior to pouring any in-situ reinforced concrete building element, and</li> <li>c) prior to covering of the framework for any floor, wall, roof or other building element, and</li> <li>d) prior to covering waterproofing in any wet areas, and</li> <li>e) prior to covering any stormwater drainage connections, and</li> <li>f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.</li> </ul>
59.	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.
60.	<p>Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to Council's public drainage system or directly to Sydney Harbour.</p> <p>Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing Civil Engineer to be in good condition and operating satisfactorily.</p> <p>If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.</p>
61.	Water quality filtration basket(s) with screening bag or similar primary treatment device(s) shall be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s).
62.	<p>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.</p> <p>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.</p> <p>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.</p> <p>The sediment and erosion control measures are to be inspected daily and defects</p>



	or system failures are to be repaired as soon as they are detected.
63.	<p>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.</p> <p>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.</p>
<b>PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE</b>	
64.	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.
65.	Prior to the issue of an Occupation Certificate the Heritage Architect and the Heritage Engineer are to certify that the works have been carried out in accordance with the Heritage Architect or Heritage Engineer Supervision conditions of Consent.
66.	All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard plans and specifications. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the approved plans and specifications before the issue of the Occupation Certificate.
67.	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 the existing communications pit at the Bungay Street frontage or any other Gas, Water, Sewer, Electricity, Street lighting and Telecommunications services required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
68.	<p>Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all aspects of the foreshore risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.</p> <p>Certification by a qualified practicing Civil Engineer this condition has been complied with shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.</p>
69.	<p>Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the site stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.</p> <p>A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil</p>

	<p>Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.</p>
<p>70.</p>	<p>Prior to the issue of an Occupation Certificate, the Council shall ensure that all approved of stormwater drainage and civil works in Elkington Park and the subject site have been completed in accordance with the plans approved with the Construction Certificate.</p> <p>Works-as-executed plans in PDF and CAD format (dwg or dxf files) of the extent of works, including stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practising Civil Engineer to verify that the works have been constructed in accordance with the approved design and relevant Australian Standards, shall be provided to Council prior to the issue of an Occupation Certificate.</p> <p>The works-as-executed plan(s) shall show the as built details in comparison to those shown on the plans approved with the Construction Certificate. All relevant levels and details indicated shall be marked in red on a copy of the Council stamped plans.</p> <p>Video inspection (CCTV) of completed stormwater drainage works that are to revert to Council shall be carried out in accordance with the WSA Conduit Inspection Reporting Code of Australia to Council's satisfaction and a copy provided to Council to support the certification of those works.</p> <p>Written notification from Council's Parks Capital Works Manager and Council's Infrastructure Planning Manager that the works have been satisfactory completed, shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.</p>
<p>71.</p>	<p>Prior to the issue of an Occupation Certificate a qualified practicing structural and geotechnical engineer shall assess the stability of the existing embankment adjacent to the site and certify that the proposed works have not adversely impacted the stability of the embankment.</p> <p>Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Occupation Certificate.</p>
<p>72.</p>	<p>A maintenance schedule is to be prepared for the significant fabric such as joinery that is to be salvaged and reused. This schedule should relate to the Schedule of Significant fabric and should be provided with As Built Drawings before the issue of an Occupation Certificate.</p>
<p>73.</p>	<p>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.</p> <p>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.</p>
<p>74.</p>	<p>Prior to the release of an Occupation Certificate, the Principal Certifying Authority</p>

	<p>must be satisfied that the development complies with:</p> <ul style="list-style-type: none"> <li>- the approved plans;</li> <li>- BASIX certificate (where relevant),</li> <li>- approved documentation (as referenced in this consent); and</li> <li>- conditions of this consent.</li> </ul>
	<b>ONGOING CONDITIONS OF CONSENT</b>
75.	The Foreshore Risk Management Plan approved with the Occupation Certificate, shall be implemented and kept in a suitable location on site at all times.
76.	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.
77.	Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: <i>Control of the Obtrusive Effects of Outdoor Lighting</i> so as to avoid annoyance to the occupants of adjoining premises or glare to vessels on navigational waters. 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.
78.	The water polo flood lights are to be switched off no later than 11pm, seven days per week.
79.	<p>The premises shall not be used for any purpose other than that stated in the Development Application, i.e. <b>Recreation Facility (Outdoor)</b> without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under <i>Leichhardt Local Environment Plan 2013</i> or <i>State Environmental Planning policy (Exempt and Complying Codes) 2008</i>.</p> <p>The use of the premises as a Dwelling House is defined under the <i>Leichhardt Local Environmental Plan 2013</i>.</p>

## 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 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 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. The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor shall complete an application for 'Application for Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
9. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

**Have you made a political donation?**

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

**Appendix A****General Terms of Approval granted by the Heritage Council of NSW**

Level 6, 10 Valentine Avenue  
Parramatta NSW 2150  
Locked Bag 5020  
Parramatta NSW 2124

Telephone: 61 2 9873 8500  
Facsimile: 61 2 9873 8599  
[heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)  
[www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

DOC18/765017

Mr Harjeet Atwal  
Group Manager  
Development Assessment & Regulatory Services  
Inner West Council  
PO Box 14  
Petersham NSW 2049

By email to: Brian Kirk <[Brian.Kirk@innerwest.nsw.gov.au](mailto:Brian.Kirk@innerwest.nsw.gov.au)>

Dear Mr Atwal

**HERITAGE COUNCIL OF NSW – RESOLUTION  
INTEGRATED DEVELOPMENT APPLICATION IDA/2018/100**

**RE:** Dawn Fraser Swimming Pool, Glassop Street, Balmain SHR No 01398  
**Proposal:** Rectification and upgrade works to address structural, flooding and Building Code of Australia matters and upgrade facilities.

At its meeting on 5 December 2018 the Heritage Council Approvals Committee considered the above noted integrated development application and resolved the following:

In accordance with Section 91A of the Environmental Planning and Assessment Act 1979, the following terms of approval are granted:

GENERAL TERM OF APPROVAL	DESCRIPTION
1. APPROVED DEVELOPMENT	Development must be in accordance with the documents as listed in Attachment B.
2. FURTHER INFORMATION	<p>a. Fire and access upgrade works including installation of fire sprinkler systems, emergency lighting, fire exit signs and hose reels must be detailed to minimise impact on significant views and built fabric. The final proposal along with a heritage assessment must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.</p> <p><i>Reason: To ensure that the works are detailed to minimise impact on significant fabric.</i></p> <p>b. Proposed solar panels on the northern pavilion roof are approved in principle. Details including a photomontage must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application. The panels must be installed to follow the slope of the existing roof with minimal elevation to minimise visual impacts.</p>



	<p><i>Reason: The submitted information does not provide adequate details to enable assessment of the heritage impacts posed by this component of proposal.</i></p> <p>c. The water polo light poles must be treated in a sympathetic colour scheme in keeping with the colour scheme and character of the southern and northern pavilions. The final colour scheme should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.</p> <p><i>Reason: To minimise visual impact.</i></p> <p>d. New roof over the main entrance area should be redesigned and detailed appropriately to avoid/minimise impact on the building's significant elevations. Final design should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.</p> <p><i>Reason: To minimise impact on significant fabric.</i></p> <p>e. Alterations and additions to the proposed main entrance must be detailed to minimise impact on significant fabric. Details must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.</p> <p><i>Reason: To ensure that the works are detailed to minimise impact on significant fabric.</i></p> <p>f. Proposed works to the Central Pavilion on the ground floor should interpret the 1926 entry passage appropriately. Proposed opening to the eastern wall of the entry passage should be reduced in size to minimum required. Methods of interpretation should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.</p> <p><i>Reason: To ensure that proposed design incorporates appropriate interpretation methods to mitigate impacts.</i></p> <p>g. Alterations and additions including modified openings on the northern elevation of the Southern Pavilion and the northern and western elevations of the Central Pavilion should interpret existing original openings appropriately in the proposed design. Methods of interpretation should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.</p> <p><i>Reason: To ensure that proposed design incorporates appropriate interpretation methods to mitigate impacts.</i></p> <p>h. Details of the double maintenance gates and the single accessible gates to the eastern perimeter should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.</p> <p><i>Reason: To ensure the detailed design is sympathetic to the character of the Dawn Fraser Baths.</i></p>
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	<p>i. Details of the location and design of the proposed handrail shall be submitted to and approved by the Heritage Council or its delegate with the section 60 application. <i>Reason: To ensure the detailed design is sympathetic to the character of the Dawn Fraser Baths.</i></p> <p>j. The Conservation Management Plan prepared by GBA Heritage should be updated and submitted for endorsement by the Heritage Council of NSW (or its delegate) after completion of works. The CMP should acknowledge and document the changes made to the facility. <i>Reason: To ensure future management of the site is guided by an updated Conservation Management Plan endorsed by the Heritage Council of NSW or its delegate.</i></p>
<p><b>3. HERITAGE INTERPRETATION PLAN</b></p>	<p>a. An interpretation strategy must be prepared in accordance with the Heritage Division publication 'Interpreting Heritage Places and Items Guidelines' (2005) and should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.</p> <p>b. A detailed interpretation plan must be prepared in accordance with the Heritage Division publication 'Interpreting Heritage Places and Items Guidelines' (2005) and should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) prior to the issue of a Construction Certificate/ Government certification. The interpretation plan must detail how information on the history and significance of name of item will be provided for the public. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project. The approved interpretation plan must be implemented prior to the issue of an Occupation Certificate. <i>Reason: Interpretation is an important part of every proposal for works at heritage places.</i></p>
<p><b>4. SPECIALIST TRADESPERSONS</b></p>	<p>All work to or effecting significant fabric shall be carried out by suitably qualified tradespersons with practical experience in construction, conservation, and restoration of similar heritage items. <i>Reason: To ensure works are undertaken using appropriate construction methods and techniques pertinent to the place.</i></p>
<p><b>5. HERITAGE CONSULTANT</b></p>	<p>A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and supervise the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent. The heritage consultant must provide a statement of completion for all works associated with the project including the</p>

	<p>implementation of the interpretation plan prior to the issue of an occupation certificate.</p> <p><i>Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.</i></p>
<b>6. SITE PROTECTION</b>	<p>a. Significant built elements and heritage fabric are to be protected during site preparation and works from potential damage. Protection systems must ensure significant fabric is not damaged or removed.</p> <p><i>Reason: To ensure significant fabric and vegetation are protected during construction.</i></p> <p>b. Any significant fabric removed must be labelled and stored safely for possible future reinstatement.</p> <p><i>Reason: To ensure significant fabric is appropriately stored and protected.</i></p> <p>c. Significant features including existing covered ceiling light fixtures in the Southern Pavilion, and existing door and window hardware should be salvaged and reused in the reconstructed pavilion.</p> <p><i>Reason: To ensure significant fixtures are retained and reused.</i></p> <p>d. The installation of new services shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features. Any penetrations through heritage fabric should be prevented.</p> <p><i>Reason: To minimise impact on heritage fabric.</i></p>
<b>7. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS</b>	<p>The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</p> <p><i>Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.</i></p>
<b>8. ABORIGINAL OBJECTS</b>	<p>Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment &amp; Heritage is to be informed in accordance with Section 89A of the <i>National Parks and Wildlife Act, 1974</i> (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the <i>National Parks and Wildlife Act, 1974</i>.</p> <p><i>Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.</i></p>



9. COMPLIANCE	If requested, the applicant and nominated Heritage Consultant may be required to participate in audits of Heritage Council approvals to confirm compliance with conditions of consent. <i>Reason: To ensure that the proposed works are completed as approved.</i>
10. SECTION 60 APPLICATION	An application under section 60 of the <i>Heritage Act 1977</i> must be submitted to, and approved by, the delegate of the Heritage Council of NSW prior to work commencing. <i>Reason: To meet legislative requirements.</i>
ADVICE	Section 148 of the <i>Heritage Act 1977</i> (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Please be advised that minutes of the Heritage Council Approvals Committee meeting can also be accessed on the Office of Environment and Heritage website (Refer link <https://www.environment.nsw.gov.au/Heritage/heritagecouncil/approvalminutes.htm>).

If you have any questions regarding the above matter please contact Shikha Jhaldiyal, Acting Senior Team Leader, at the Heritage Division, Office of Environment and Heritage, on 9873 8545 or at [shikha.jhaldiyal@environment.nsw.gov.au](mailto:shikha.jhaldiyal@environment.nsw.gov.au).

Yours sincerely



**Shikha Jhaldiyal**  
Acting Senior Team Leader  
Regional Heritage Assessments South  
Heritage Division, Office of Environment and Heritage  
**As Delegate of the Heritage Council of NSW**  
2 January 2019

Enclosed: Attachment B

## ATTACHMENT B

List of supporting documentation including drawings and reports

- a) Architectural drawings, prepared by Tanner Kibble Denton (TDK) Architects as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Dawn Fraser Baths and Piers – Essential Works, Repairs & Reconstruction			
AR.DA.1003	Northern Pavilion Existing/Demolition Ground Floor Plan	27/08/18	D
AR.DA.1004	Northern Pavilion Existing/Demolition First Floor Plan	27/08/18	D
AR.DA.1001	Southern Pavilion Existing/Demolition Ground Floor Plan	27/08/18	D
AR.DA.1002	Southern Pavilion Existing/Demolition First Floor Plan	27/08/18	D
AR.DA.1102	Northern Pavilion Existing/Demolition Elevations	27/08/18	D
AR.DA.1101	Southern Pavilion Existing/Demolition Elevations	27/08/18	D
AR.DA.1201	Southern Pavilion Existing/Demolition Sections	27/08/18	D
AR.DA.2102	Northern Pavilion Elevations Proposed Repair Scope	27/08/18	D
AR.DA.2101	Southern Pavilion Elevations Proposed Repair Scope	27/08/18	D
AR.DA.2201	Southern Pavilion Existing/Demolition Sections	27/08/18	D
AR.DA.2003	Northern Pavilion Proposed Works Ground Floor Plan	27/08/18	D
AR.DA.2004	Northern Pavilion Proposed Works First Floor Plan	27/08/18	D
AR.DA.2001	Southern Pavilion Proposed Works Ground Floor Plan	27/08/18	D
AR.DA.2002	Southern Pavilion Proposed Works First Floor Plan	27/08/18	D
AR.DA.3000	Central Pavilion Proposed Works	27/08/18	D
AR.DA.3001	Southern Pavilion Perspective Renders and Material Schedule	27/08/18	D

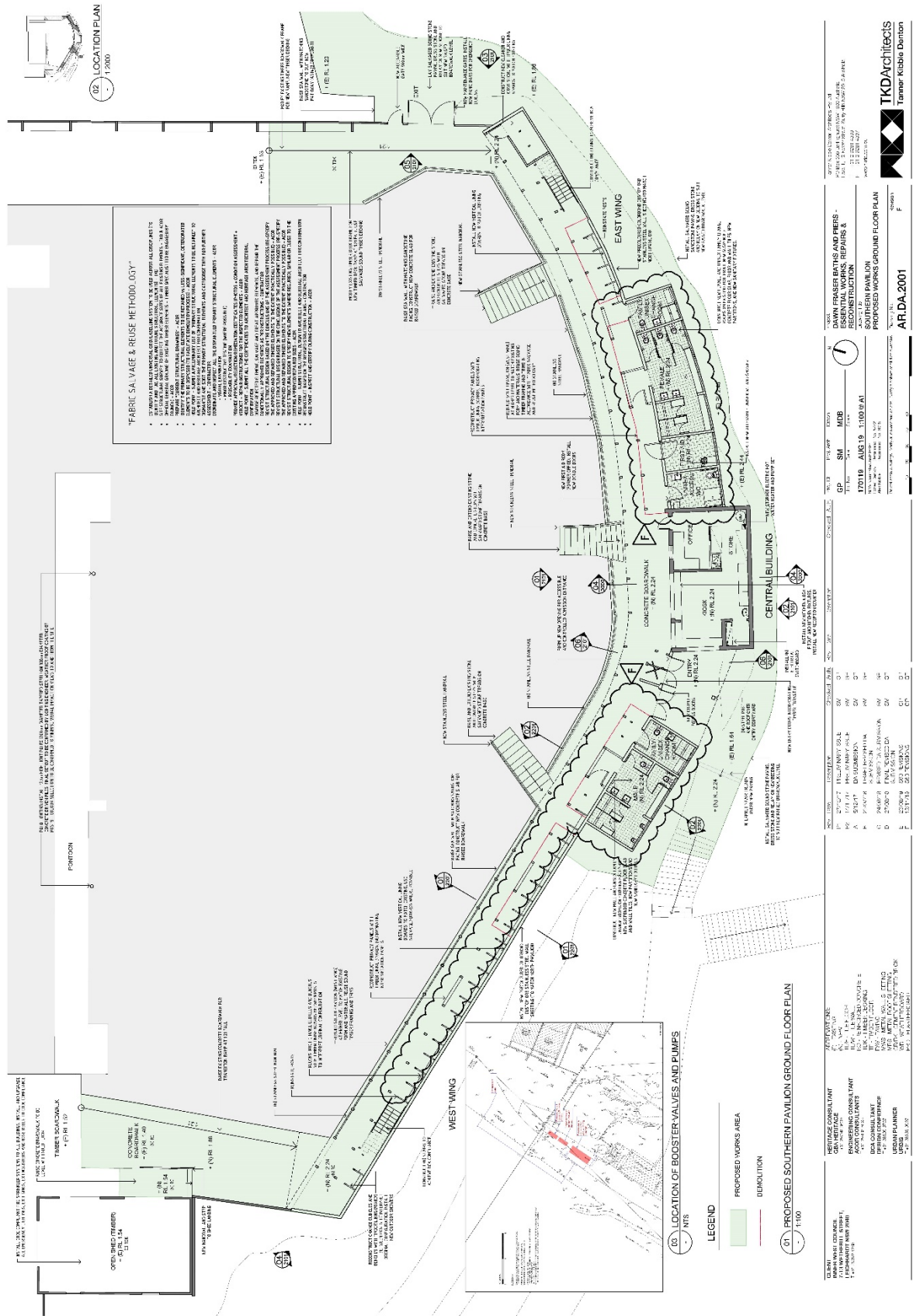
- b) Survey drawings, prepared by Eric Scerri & Associates Pty Ltd as listed below:

Dwg No	Dwg Title	Date	Rev
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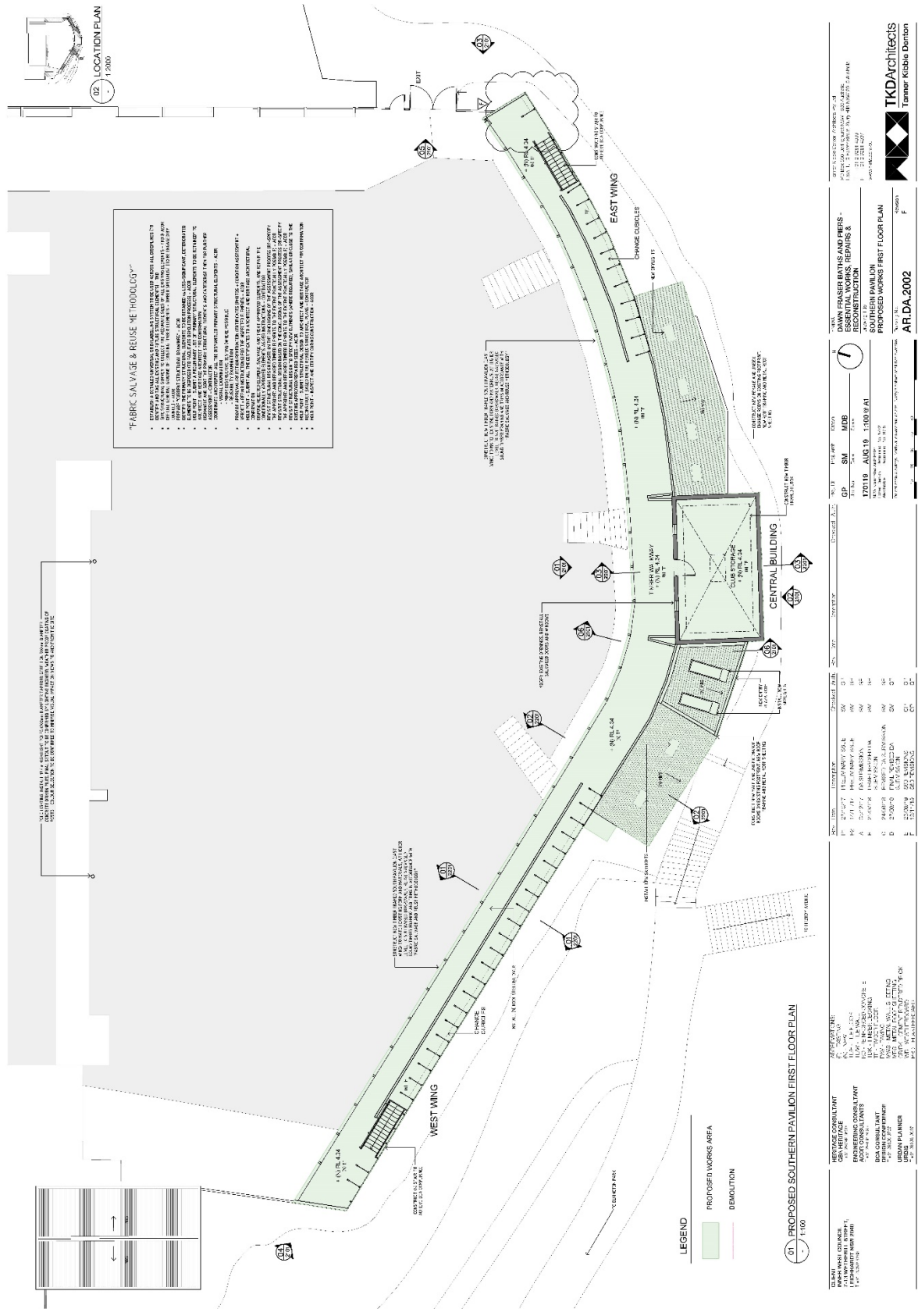
Project Name: Dawn Fraser Baths' Tidal Swimming Baths			
Sheet 1 of 4	Detail & Level Survey	8/02/18	-
Sheet 2 of 4	Detail & Level Survey	8/02/18	-
Sheet 3 of 4	Detail & Level Survey	8/02/18	-
Sheet 4 of 4	Detail & Level Survey	8/02/18	-

- c) Schedule of External Materials and Paint Colours, Issue A, prepared by Tanner Kibble Denton Architects, dated 28 August 2018.
- d) Report titled *Statement of Heritage Impact, Dawn Fraser Baths, Balmain*, Issue G, prepared by GBA Heritage Pty Ltd, dated October 2018.
- e) Letter, *Statement of Environmental Effects: Dawn Fraser Baths*, prepared by URBIS, dated September 2018.
- f) Letter, *Dawn Fraser Baths Redevelopment – Coastal Assessment*, prepared by Cardno (NSW/ACT) Pty Ltd, dated 6 November 2018.
- g) Report titled *Dawn Fraser Pool Fabric Assessment and Recommendations*, prepared by Shree ji Consultants Structural Engineers.
- h) Memorandum, *Dawn Fraser Baths and piers, Water polo lighting – Options examined*, prepared by Tanner Kibble Denton (TKD) Architects, dated 20 November 2018.
- i) Memorandum, *Fabric Salvage & Reuse Methodology*, prepared by Tanner Kibble Denton (TKD) Architects, dated 23 August 2018.
- j) Report titled *Water Polo Lighting Assessment, Dawn Fraser Baths (Elkington Park, NSW)*, prepared by ACOR Consultants, dated 17 May 2018.
- k) Letter, *Water Polo Lighting options Concise Discussion Paper Dawn Fraser Baths, Balmain*, prepared by GBA, dated 22 May 2018.
- l) Memorandum, *Responses to comments from August Heritage Council Approvals Committee*, prepared by Tanner Kibble Denton (TKD) Architects, dated 19 November 2018.

Attachment C – Plans of the Modified Development Proposal







**"FABRIC SALVAGE & REUSE METHODOLOGY"**

- 1. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 2. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 3. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 4. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 5. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 6. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 7. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
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- 9. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 10. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 11. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 12. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 13. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 14. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 15. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 16. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 17. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 18. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 19. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.
- 20. REPAIRS & REUSE OF EXISTING MATERIALS AND STRUCTURES TO BE MAINTAINED AND REPAIRED TO ORIGINAL CONDITION.

GP1 PROPOSED SOUTHERN PAVILION FIRST FLOOR PLAN  
1:100

<p>CLIENT: THE UNIVERSITY OF SYDNEY 1111 WYTHEHAM STREET LEWISBURGH NSW 2049</p>		<p>DATE: 19 AUG 2019 1:100</p>		<p>PROJECT NO: 170119 170119 - AUG 19 - 1100 (GP1)</p>		<p>SCALE: 1:100</p>		<p>DATE: 19 AUG 2019</p>		<p>PROJECT NO: 170119</p>	
<p>HERITAGE CONSULTANT GHD HERITAGE 100 WYTHEHAM STREET LEWISBURGH NSW 2049</p>		<p>ARCHITECT TKD ARCHITECTS 100 WYTHEHAM STREET LEWISBURGH NSW 2049</p>		<p>DATE: 19 AUG 2019</p>		<p>SCALE: 1:100</p>		<p>DATE: 19 AUG 2019</p>		<p>PROJECT NO: 170119</p>	
<p>ENGINEERING CONSULTANT GHD ENGINEERING 100 WYTHEHAM STREET LEWISBURGH NSW 2049</p>		<p>DATE: 19 AUG 2019</p>		<p>SCALE: 1:100</p>		<p>DATE: 19 AUG 2019</p>		<p>PROJECT NO: 170119</p>		<p>PROJECT NO: 170119</p>	
<p>DESIGN CONSULTANT GHD DESIGN 100 WYTHEHAM STREET LEWISBURGH NSW 2049</p>		<p>DATE: 19 AUG 2019</p>		<p>SCALE: 1:100</p>		<p>DATE: 19 AUG 2019</p>		<p>PROJECT NO: 170119</p>		<p>PROJECT NO: 170119</p>	
<p>URBAN DESIGNER GHD URBAN DESIGN 100 WYTHEHAM STREET LEWISBURGH NSW 2049</p>		<p>DATE: 19 AUG 2019</p>		<p>SCALE: 1:100</p>		<p>DATE: 19 AUG 2019</p>		<p>PROJECT NO: 170119</p>		<p>PROJECT NO: 170119</p>	



TKD ARCHITECTS  
Tanner Kibbie Danton













## Attachment E – Heritage Council of NSW Modified General Terms of Approval



Our Ref: DOC20/11821

Mr Ian Hosking  
Inner West Council  
PO Box 14  
Petersham NSW 2049

Via email: [ian.hosking@innerwest.nsw.gov.au](mailto:ian.hosking@innerwest.nsw.gov.au)

Dear Mr Hosking

### HERITAGE COUNCIL OF NSW – GENERAL TERMS OF APPROVAL s.4.55 MODIFICATION (s.4.55/2020/002)

**Site:** Dawn Fraser Swimming Pool, Glassop Street, Balmain SHR No 01398

**Proposed modifications:** Modification of Development Consent D/2018/450 seeking various changes, including amendments to amenities and reduction in timber privacy screen panels.

**IDA application no:** IDA/2018/100

**s.4.55 application no:** s.4.55/2020/002, received 9 January 2020.

**Information received with the s.4.55 application:** As listed below.

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application.

The proposed modifications relate to replacement of the 1980s amenities and reduction of proposed timber privacy screens. It is noted these changes are a result of detailed design refinement and resolution. The modifications are minor in nature and the proposal remains substantially the same. No objection is, therefore, raised on the modified proposal.

In accordance with section 91A of the *Environmental Planning and Assessment Act 1979*, the following terms of approval are proposed to be granted. A copy of the original terms of approval are included below with modifications shown by striking through text, and additions in *bold italics*:

#### 1. APPROVED DEVELOPMENT

Development must be in accordance with:

- a) Architectural drawings, prepared by Tanner Kibble Denton (TDK) Architects as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Dawn Fraser Baths and Piers – Essential Works, Repairs & Reconstruction			
AR.DA.1003	Northern Pavilion Existing/Demolition Ground Floor Plan	27/08/18	D

Level 6, 10 Valentine Ave Parramatta NSW 2150 ■ Locked Bag 5020 Parramatta NSW 2124  
P: 02 9873 8500 ■ E: [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

AR.DA.1004	Northern Pavilion Existing/Demolition First Floor Plan	27/08/18	D
AR.DA.1001	Southern Pavilion Existing/Demolition Ground Floor Plan	27/08/18	D
AR.DA.1002	Southern Pavilion Existing/Demolition First Floor Plan	27/08/18	D
AR.DA.1102	Northern Pavilion Existing/Demolition Elevations	27/08/18	D
AR.DA.1101	Southern Pavilion Existing/Demolition Elevations	27/08/18	D
AR.DA.1201	Southern Pavilion Existing/Demolition Sections	27/08/18	D
AR.DA.2102	Northern Pavilion Elevations Proposed Repair Scope	27/08/18	D
<del>AR.DA.2104</del>	<del>Southern Pavilion Elevations Proposed Repair Scope</del>	<del>27/08/18</del>	<del>D</del>
AR.DA.2101	<i>Southern Pavilion Elevations Proposed Repair Scope</i>	12/11/2019	F
AR.DA.2201	Southern Pavilion Existing/Demolition Sections	27/08/18	D
AR.DA.2003	Northern Pavilion Proposed Works Ground Floor Plan	27/08/18	D
AR.DA.2004	Northern Pavilion Proposed Works First Floor Plan	27/08/18	D
<del>AR.DA.2004</del>	<del>Southern Pavilion Proposed Works Ground Floor Plan</del>	<del>27/08/18</del>	<del>D</del>
AR.DA.2001	<i>Southern Pavilion Proposed Works Ground Floor Plan</i>	12/11/2019	F
<del>AR.DA.2002</del>	<del>Southern Pavilion Proposed Works First Floor Plan</del>	<del>27/08/18</del>	<del>D</del>
AR.DA.2002	<i>Southern Pavilion Proposed Works First Floor Plan</i>	12/11/2019	F
AR.DA.3000	Central Pavilion Proposed Works	27/08/18	D
AR.DA.3001	Southern Pavilion Perspective Renders and Material Schedule	27/08/18	D

b) Survey drawings, prepared by Eric Scerri & Associates Pty Ltd as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Dawn Fraser Baths' Tidal Swimming Baths			
Sheet 1 of 4	Detail & Level Survey	8/02/18	-
Sheet 2 of 4	Detail & Level Survey	8/02/18	-
Sheet 3 of 4	Detail & Level Survey	8/02/18	-
Sheet 4 of 4	Detail & Level Survey	8/02/18	-

c) Schedule of External Materials and Paint Colours, Issue A, prepared by Tanner Kibble Denton Architects, dated 28 August 2018.

- d) Report titled *Statement of Heritage Impact, Dawn Fraser Baths, Balmain*, Issue G, prepared by GBA Heritage Pty Ltd, dated October 2018.
- e) Letter, *Statement of Environmental Effects: Dawn Fraser Baths*, prepared by URBIS, dated September 2018, *as amended by letter, Subject: 170119 Dawn Fraser Baths Refurbishment Statement of Environmental Effects, prepared by TKD Architects, dated 19 November 2019.*
- f) Letter, *Dawn Fraser Baths Redevelopment – Coastal Assessment*, prepared by Cardno (NSW/ACT) Pty Ltd, dated 6 November 2018.
- g) Report titled *Dawn Fraser Pool Fabric Assessment and Recommendations*, prepared by Shree ji Consultants Structural Engineers.
- h) Memorandum, *Dawn Fraser Baths and piers, Water polo lighting – Options examined*, prepared by Tanner Kibble Denton (TKD) Architects, dated 20 November 2018.
- i) Memorandum, *Fabric Salvage & Reuse Methodology*, prepared by Tanner Kibble Denton (TKD) Architects, dated 23 August 2018.
- j) Report titled *Water Polo Lighting Assessment, Dawn Fraser Baths (Elkington Park, NSW)*, prepared by ACOR Consultants, dated 17 May 2018.
- k) Letter, *Water Polo Lighting options, Concise Discussion Paper Dawn Fraser Baths, Balmain*, prepared by GBA, dated 22 May 2018.
- l) Memorandum, *Responses to comments from August Heritage Council Approvals Committee*, prepared by Tanner Kibble Denton (TKD) Architects, dated 19 November 2018.
- m) *Letter, Re: Dawn Fraser Baths & Piers Re: BCA/Access Capability Statement for Section 4.55 Submission, prepared by Design Confidence (Sydney) Pty Ltd, dated 18 November 2019.*

## 2. FURTHER INFORMATION

- a) Fire and access upgrade works including installation of fire sprinkler systems, emergency lighting, fire exit signs and hose reels must be detailed to minimise impact on significant views and built fabric. The final proposal along with a heritage assessment must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.

*Reason: To ensure that the works are detailed to minimise impact on significant fabric.*

- b) Proposed solar panels on the northern pavilion roof are approved in principle. Details including a photomontage must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application. The panels must be installed to follow the slope of the existing roof with minimal elevation to minimise visual impacts.

*Reason: The submitted information does not provide adequate details to enable assessment of the heritage impacts posed by this component of proposal.*



- c) The water polo light poles must be treated in a sympathetic colour scheme in keeping with the colour scheme and character of the southern and northern pavilions. The final colour scheme should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.

*Reason: To minimise visual impact.*

- d) New roof over the main entrance area should be redesigned and detailed appropriately to avoid/minimise impact on the building's significant elevations. Final design should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.

*Reason: To minimise impact on significant fabric*

- e) Alterations and additions to the proposed main entrance must be detailed to minimise impact on significant fabric. Details must be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.

*Reason: To ensure that the works are detailed to minimise impact on significant fabric.*

- f) Proposed works to the Central Pavilion on the ground floor should interpret the 1926 entry passage appropriately. Proposed opening to the eastern wall of the entry passage should be reduced in size to minimum required. Methods of interpretation should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.

*Reason: To ensure that proposed design incorporates appropriate interpretation methods to mitigate impacts.*

- g) Alterations and additions including modified openings on the northern elevation of the Southern Pavilion and the northern and western elevations of the Central Pavilion should interpret existing original openings appropriately in the proposed design. Methods of interpretation should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.

*Reason: To ensure that proposed design incorporates appropriate interpretation methods to mitigate impacts.*

- h) Details of the double maintenance gates and the single accessible gates to the eastern perimeter should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.

*Reason: To ensure the detailed design is sympathetic to the character of the Dawn Fraser Baths*

- i) Details of the location and design of the proposed handrail shall be submitted to and approved by the Heritage Council or its delegate with the section 60 application.

*Reason: To ensure the detailed design is sympathetic to the character of the Dawn Fraser Baths.*



- j) The Conservation Management Plan prepared by GBA Heritage should be updated and submitted for endorsement by the Heritage Council of NSW (or its delegate) after completion of works. The CMP should acknowledge and document the changes made to the facility.

*Reason: To ensure future management of the site is guided by an updated Conservation Management Plan endorsed by the Heritage Council of NSW or its delegate.*

**3. HERITAGE INTERPRETATION PLAN**

- a) An interpretation strategy must be prepared in accordance with the Heritage Division publication 'Interpreting Heritage Places and Items Guidelines' (2005) and should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) with the s60 application.
- b) A detailed interpretation plan must be prepared in accordance with the Heritage Division publication 'Interpreting Heritage Places and Items Guidelines' (2005) and should be submitted for assessment and approval by the Heritage Council of NSW (or its delegate) prior to the issue of a Construction Certificate/  
Government certification. The interpretation plan must detail how information on the history and significance of name of item will be provided for the public. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project. The approved interpretation plan must be implemented prior to the issue of an Occupation Certificate.

*Reason: Interpretation is an important part of every proposal for works at heritage places.*

**4. SPECIALIST TRADESPERSONS**

All work to or effecting significant fabric shall be carried out by suitably qualified tradespersons with practical experience in construction, conservation, and restoration of similar heritage items.

*Reason: To ensure works are undertaken using appropriate construction methods and techniques pertinent to the place.*

**5. HERITAGE CONSULTANT**

A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and supervise the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent. The heritage consultant must provide a statement of completion for all works associated with the project including the implementation of the interpretation plan prior to the issue of an occupation certificate.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

**6. SITE PROTECTION**

- a) Significant built elements and heritage fabric are to be protected during site preparation and works from potential damage. Protection systems must ensure significant fabric is not damaged or removed.

*Reason: To ensure significant fabric and vegetation are protected during construction.*

- b) Any significant fabric removed must be labelled and stored safely for possible future reinstatement.

*Reason: To ensure significant fabric is appropriately stored and protected.*

- c) Significant features including existing covered ceiling light fixtures in the Southern Pavilion, and existing door and window hardware should be salvaged and reused in the reconstructed pavilion.

*Reason: To ensure significant fixtures are retained and reused.*

- d) The installation of new services shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features. Any penetrations through heritage fabric should be prevented.

*Reason: To minimise impact on heritage fabric.*

**7. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

*Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.*

**8. ABORIGINAL OBJECTS**

~~Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act, 1974.~~

*Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.*

*Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

**9. COMPLIANCE**

If requested, the applicant and nominated Heritage Consultant may be required to participate in audits of Heritage Council approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

**10. SECTION ~~60~~ 65A APPLICATION**

An application under section ~~60~~ 65A of the *Heritage Act 1977* must be submitted to, and approved by, the delegate of the Heritage Council of NSW prior to work commencing.

*Reason: To meet legislative requirements.*

**ADVICE**

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

If you have any questions regarding the above approval please contact Shikha Jhaldiyal, Senior Heritage Assessment Officer at Heritage NSW, Department of Premier and Cabinet, on telephone 9873 8545 or by e-mail: [Shikha.Jhaldiyal@environment.nsw.gov.au](mailto:Shikha.Jhaldiyal@environment.nsw.gov.au).

Yours sincerely



**Steven Meredith**  
Regional Manager  
Regional Heritage Assessments South  
Heritage NSW, Community Engagement  
Department of Premier and Cabinet  
As Delegate of the Heritage Council of NSW  
21 January 2020