





INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2020/0971
Address	14 Llewellyn Street BALMAIN NSW 2041
Proposal	Alterations and additions to existing dwelling-house
Date of Lodgement	19 November 2020
Applicant	Ms Sophia Read-Hamilton
Owner	Ms Sophia Read-Hamilton Mr Paul J Box
Number of Submissions	Nil
Value of works	\$380,000.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	FSR variation of 15.97% Impacts on Heritage Conservation Area
Recommendation	Approval with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance



FIGURE 1: LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to the existing dwelling house at 14 Llewellyn Street, Balmain.

The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- Clause 4.6 variation to floor space ratio development standard; and
- Impacts on the Heritage Conservation Area.

The non-compliance with the floor space ratio development standard is acceptable given that the proposal generally complies with the aims and objectives of the Leichhardt Local Environmental Plan 2013 and the Leichhardt Development Control Plan 2013, and a Clause 4.6 exception was submitted which is satisfactory and supportable, and therefore, the application is recommended for approval.

2. Proposal

The proposal includes alterations and additions to the existing terrace, including demolition of a rear wing and construction of a 2-storey rear addition. It is also proposed to convert the existing attic space to a bedroom and ensuite, with a traditional dormer to the front facade and a skillion dormer to the rear roof plane.

3. Site Description

The subject site is located on the southern side of Llewellyn Street. It has a total area of 187.8sqm and is legally described as Lot 1 in Deposited Plan 1236193.

The site has a frontage to Llewellyn Street of 5.975 metres.

The site supports a 2-storey terrace house. The adjoining properties support single and two-storey dwelling houses.

The subject property is located within The Valley Heritage Conservation Area (C7 in Schedule 5 of the LLEP 2013). The site is also adjacent to the heritage listed Street trees – Brush Box and Ficus hillii sp located in Llewellyn Street (I254).



Figure 2: Zoning Map

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
D/2016/463	Land Subdivision of the existing lot to create two Torren title allotments	Approved 13/02/2017
D/2005/329	Internal alterations to existing garage and conversion into a study.	Approved 20/12/2005

Surrounding properties

Application	Proposal	Decision & Date
D/2016/471	Removal of 1x Liquidambar styraciflua (Liquidambar) located on the western boundary at rear of property at No. 12 Llewellyn Street.	Approved on 21/10/2016
M/2018/27	Modify Development Consent D/2016/569. Consent is sought to remove Deferred Commencement 1(b) and for it to be to be complied with the issue of the Subdivision Certificate at No. 12 Llewellyn Street.	Approved on 22/02/2018
D/2016/569	Alterations and additions to existing dwelling including new swimming pool & associated landscaping. Construction of new garage and dwelling over at the rear of the site and subdivision to create two Torrens title allotments at No. 12 Llewellyn Street.	Approved on 14/12/2017

M/2018/122	Modification of Development Consent D/2011/699, including additional window to attic level; amended landscape plan for rear courtyard, including pergola with green roof; and removal of 2 trees at No. 16 Llewellyn Street.	Approved on 15/10/2018
M/2013/17	Section 96 application to modify D/2011/699 which approved alterations and additions to existing dwelling and tree removal. Modification seeks to delete conditions 32(a) and 43 (d) at No. 16 Llewellyn Street.	Approved on 18/02/2013
M/2012/125	Section 96 application to modify D/2011/699 which approved alterations and additions to existing dwelling and tree removal. Modification seeks to delete conditions 42 & 43(d) relating to stormwater disposal and regrading of ground levels at No. 16 Llewellyn Street.	Approved on 10/12/2012
D/2011/699	Alterations and additions to existing dwelling and tree removal. SEPP 1 Objection for floor space ratio at No. 16 Llewellyn Street.	Approved on 13/03/2012
HEC/2018/22	Heritage Exemption Certificate - roof replacement like for like at No. 12 Llewellyn Street.	Approved on 07/06/2018
D/2012/440	Substantial demolition of the existing dwelling and construction of a new three-storey dwelling with car space to the rear at No. 22 Llewellyn Street.	Approved on 12/02/2013
D/2016/668	Removal of one <i>Corymbia citriodora</i> (Lemon-scented Gum) from the rear of the property	Approved on 17/02/2017
D/2019/57	Alterations and additions to rear of existing dwelling-house and associated works at No. 10 Llewellyn Street.	Approved on 06/05/2019
M/2015/29	Modification to D/2009/477 which approved alterations and additions. Addition of awning over approved deck at No. 8 Llewellyn Street.	Approved on 12/05/2015
D/2009/477	Alterations and additions to existing dwelling entailing rear first floor deck to living room at No. 8 Llewellyn Street.	Approved on 27/04/2015
D/2013/306	Alterations and Additions to the existing dwelling. Construction of swimming pool, deck, fences and tree removal at No. 20 Llewellyn Street.	Approved on 04/03/2014
TREE/2020/0739	Tree Approval at No. 18 Llewellyn Street.	Approved on 21/12/2020

4(b) Application history

Not applicable

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

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

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

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

5(a)(iii) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)

Development likely to affect an electricity transmission or distribution network (Clause 45)

Comments from Ausgrid were received on 14/12/2020 stating that “There is no impact on Ausgrid assets with the proposed development”.

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

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with

the relevant matters for consideration of the Plan and would not have an adverse effect on environmental heritage, the visual environment, the natural environment or open space and recreation facilities.

5(a)(v) *Leichhardt Local Environment Plan 2013* (LLEP 2013)

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

- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.4A - Exception to maximum floor space ratio for active street frontages
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater Management

(i) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned R1 General Residential under the *LLEP 2011*. The *LLEP 2013* defines the development as:

dwelling house [which] means a building containing only one dwelling.

The development is permitted with consent within the zone. The development is consistent with the objectives of the R1 - General Residential zone.

(ii) Clause 2.7 – Demolition

Clause 2.7 of the LLEP 2013 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council’s standard conditions relating to demolition are included in the recommendation. The following table provides an assessment of the application against the development standards:

(iii) Clause 4.3A and 4.4 – Landscaped areas for residential accommodation in Zone R1 and Floor Space Ratio

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

Standard	Proposal	Non-compliance	Complies
Floor Space Ratio Maximum permissible: 0.9:1 or 169.02sqm	1.04:1 or 195.8sqm	26.78sqm or 15.84%	No
Landscape Area Minimum permissible: 15% or 28.17sqm	31.95% or 60sqm	N/A	Yes

Site Coverage	53.25% or	N/A	Yes
Maximum permissible: 60% or 112.68sqm	100sqm		

(iv) Clause 4.6 Exceptions to Development Standards

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

- Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the floor space ratio development standard under Clause 4.6 of the Leichhardt LEP by 15.84% or 26.78sqm.

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable or unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the Leichhardt LEP below.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the Leichhardt LEP justifying the proposed contravention of the development standard which is summarised as follows:

- The additional gross floor area is minimal.
- The degree of non-compliance is minor.
- The additional gross floor area is created within the attic and on the ground level and does not add substantial bulk.
- The added bulk is less when compared with adjoining sites.
- No change to building envelope.
- No adverse amenity impacts to adjoining sites.

The applicant’s written rationale adequately demonstrates compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the R1 General Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

- The development provides for the housing needs of the community.
- The development, as proposed and recommended to be amended by conditions, provides housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.

- The development provides landscaped areas for the use and enjoyment of existing and future residents.

It is also considered the development is in the public interest because it is consistent with the objectives of the floor space ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

- The development, as proposed and as conditioned, is compatible with the desired future character of the area in relation to building bulk, form and scale.
- The development provides a suitable balance between landscaped areas and the built form.
- The development is acceptable with regard to the bulk and scale of the building.

The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the Leichhardt LEP. For the reasons outlined above, there are sufficient planning grounds to justify the departure from floor space ratio development standard and it is recommended that the Clause 4.6 exception be granted.

(v) Clause 5.10 - Heritage Conservation

The subject property is a contributory dwelling located within The Valley Heritage Conservation Area (C7 in Schedule 5 of the LLEP 2013). The site is also adjacent to the heritage listed Street trees – Brush Box and Ficus hillii sp located in Llewellyn Street (1254).

The Statement of Significance for The Valley Heritage Conservation Area is in the Appendix D to this report.

The Statement of Significance for the heritage listed Street trees is available from the Office of Environment & Heritage, heritage database website at:

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

In addition to Clause 5.10 of the LLEP 2013, the following parts of the LDCP 2013 apply to the proposal:

- C1.3 Alterations and additions
- C1.4: Heritage conservation areas and heritage items
- C.2.2.2.4: The Valley “Balmain” Distinctive Neighbourhood

Though not identical, the existing terrace is part of a group of three (3) 2-storey terraces that present to Llewellyn Street, including No. 14, 16 and 18.

The proposal includes alterations and additions to the existing terrace, including demolition of a rear addition and construction of a 2-storey rear addition. It is also proposed to convert the existing attic space to a bedroom and ensuite, with traditional dormer to the front façade and a skillion dormer to the rear roof plane.

The HIS states the dormer to the front mimics other dormers within the street. This is not agreed with as there are no other dormers within the streetscape, though there are gablets. As depicted in Figure 3, the 1943 aerial of the street illustrates that dormers were not traditionally part of the Llewellyn Street streetscape.



Figure 3: 1943 aerial of Llewellyn Street showing dormers were not traditionally part of the streetscape.

Control C10 of Part C1.3 of the LDCP 2013 requires that, where rear additions are visible from the public domain, the original roof form be maintained, and new additions are to be sympathetic to the original roof.

Control C5 of Part C2.2.4.2 of the LDCP 2013 requires that development preserve and enhance the consistent rhythm in the residential streetscapes created by the regular allotment sizes, predominance of detached dwellings, hipped and gabled roof forms and the gradual stepping of dwellings down steeper streets. The proposed dormer will not preserve the intact front roof planes within the group of terraces with their intact front roof planes and the wider streetscape within Llewellyn Street.

The construction of a dormer in the front roof plane of the terrace in a streetscape where dormers are an original characteristic may be appropriate where it is demonstrated that the dwelling originally contained a dormer. This has not been demonstrated in the history of the dwelling in the submitted Heritage Impact Statement, nor is it supported by the 1943 aerial.

Controls C3(b) and C6 of Part C1.4 of the LDCP 2013 requires that development within HCAs retains whole roof forms. The construction of the proposed dormers will result in the demolition of part of the original roof form. As dormers are have not been part of the Llewellyn Street streetscape, the dormer proposed to the north (front) elevation is not supported.

The dormer in the front roof plane of the existing dwelling also does not achieve Objective O1 of Part C2.2.2.4 of the LDCP 2013 as it is not consistent with the Desired Future Character and Controls of The Valley Balmain Distinctive Neighbourhood. As such, the proposed dormer to the front elevation is recommended to be deleted from the proposal.

A skillion dormer to the south (rear) elevation may be considered as it will have a minimal impact from the public domain; however, should be amended as follows:

- Be set 300mm below the ridgeline, measured vertically down from the ridgeline.
- Be 500mm set in from the side wall and chimney.
- Be set 200mm up from the rear wall plate.

Photovoltaic solar panels are proposed on the skillion dormer roof to the rear. Whilst, in principle, solar panels are supported, it is recommended that these are installed in such a way that they sit flush with the roof sheeting of the dormer to minimise visual impacts.

Materials, finishes, textures and colours must be complementary to the colour schemes of contributory dwellings within the streetscape. The submitted Schedule of Finishes states that it is proposed to paint the brickwork but does not specify a colour. The proposed colour for the painted brickwork is to match the existing colour of the painted brickwork on the terrace. A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours “Windspray” or “Wallaby”.

The proposal is generally acceptable from a heritage perspective as it will not detract from the heritage significance of The Valley Heritage Conservation Area providing the design changes below are implemented to ensure that the development is in accordance with Clause 5.10 Objectives 1(a) and (b) of the LLEP 2013 and the relevant objectives and controls of the LDCP 2013.

A design change condition addressing the above has been included in Attachment A to this report.

(vi) Clause 6.2 – Earthworks

Any excavation works are minor and will be adequately controlled by conditions of consent, recommended in Appendix A.

(vii) Clause 6.4 – Stormwater Management

The proposal generally complies with this clause. Council’s Development Engineer has assessed the proposal and raised no concerns, subject to conditions, which are included in Appendix A.

5(b) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 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, with the exception of the amended objectives of the floor space ratio development standards under Clause 4.4 of the Draft IWLEP 2020, are not relevant to the assessment of the application. Given that the proposal seeks to contravene the FSR development standard, the written request in accordance with Clause 4.6(4)(a)(i) of the applicable local environmental plan, justifying the proposed contravention of the floor space ratio development standard, as outlined above, has been assessed against the amended objectives and the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(c) Development Control Plans

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes, subject to conditions – Refer to Section 5(a)(v)(v) above.
C1.4 Heritage Conservation Areas and Heritage Items	Yes, subject to conditions – Refer to Section 5(a)(v)(v) above.
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
C.2.2.2.4: The Valley “Balmain” Distinctive Neighbourhood	Yes, subject to conditions – Refer to Section 5(a)(v)(v) above.
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes

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

The following provides discussion of the relevant issues:

Part C3.2 Site Layout and Building Design

The proposal complies with the applicable building location zones and does not result in change with regard to building envelope nor building siting. However, the proposed alterations and additions along the eastern boundary result in a technical non-compliance with the prescribed side boundary setbacks, which are outlined in control C7.

The height of the proposed additions is approximately 5.4 metres at its highest point and, as such, a side boundary setback of 1.5 metres is prescribed. A setback of 0.9 metres from the eastern boundary is proposed.

Pursuant to control C8 of this part, where a proposal seeks a variation of the side setback control graph, various requirements need to be met. These are assessed below:

- a) The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the LDCP2013 and complies with streetscape and desired future character controls.

Comment: The alterations and additions raise no issues that will be contrary to the Building Typologies Statements prescribed in the LDCP 2013. The proposal, as recommended to be conditioned, also complies with the objectives and controls set out in the distinctive neighbourhood character controls.

- b) The pattern of development is not adversely compromised.

Comment: The proposed works will not compromise the existing pattern of development within the area.

- c) The bulk and scale of the development has been minimised and is acceptable.

Comment: With the exception of the skillion dormer to the rear, no additional bulk is proposed to the rear. The bulk of the skillion dormer to the rear, as conditioned, is acceptable and is not considered to have adverse amenity impacts to adjoining sites and will not be visible from the public domain.

- d) The proposal is acceptable with respect to applicable amenity controls, e.g. solar access, privacy and access to views.

Comment: As outlined below, the proposed additions will have acceptable, as recommended to be conditioned, visual privacy impacts, will not impact existing view and will not result in additional overshadowing that is contrary to the solar access controls of the LDCP 2013.

- e) The proposal does not unduly obstruct adjoining properties for maintenance purposes.

Comment: Access for maintenance purposes for adjoining properties is not affected by the proposed additions.

As such, it is considered that the proposed variation with the prescribed side boundary setback is acceptable in this instance.

Part C3.9 Solar Access

The submitted shadow diagrams depict that there will be no additional shadows cast onto glazing nor private open space at neighbouring properties. As such, the proposal complies with this part.

Part C3.11 Visual Privacy

The proposal includes a number of new windows to the eastern elevation on the “basement” and ground floor level. Further, a balcony/ deck is proposed on the ground level. The following controls of this part apply to the proposal:

- C1 Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.
- C2 Sill heights and screening devices should be provided to a minimum of 1.6m above finished floor level. Screening devices should have reasonable density (i.e. 75%) and have no individual opening more than 30mm wide, and have a total area of all openings that is less than 30 per cent of the surface area of the screen and be made of durable materials.
- C6 Screening is not required to ground floor windows where any sight lines are obscured by a 1.8m dividing fence. Such sightlines shall be measured from a height of 1.6m above the finished floor level.
- C7 New windows should be located so they are offset from any window (within a distance of 9m and 45 degrees) in surrounding development, so that an adequate level of privacy is obtained/ retained where such windows would not be protected by the above controls (i.e. bathrooms, bedrooms).
- C9 Balconies at first floor or above at the rear of residential dwellings will have a maximum depth of 1.2m and length of 2m unless it can be demonstrated that due to the location of the balcony there will be no adverse privacy impacts on surrounding residential properties with the provision of a larger balcony.
- C10 Living areas are to be provided at ground floor level to minimise opportunities for overlooking of surrounding residential properties.

The following is noted with regard to the proposal:

- The windows on the “basement” level will be adequately screened by existing side boundary fencing.
- Whilst it is acknowledged that there is an existing window on the ground floor, the proposal is significantly increasing the glazed area to the eastern elevation and some of these windows (W06) will be aligned with windows on the adjoining site at No.12 Llewellyn Street. W06 is proposed to have a sill height of approximately 1.5 metres, which is contrary to control C2. As such, a condition is recommended in Appendix A, requiring the sill height to be increased to 1.6 metres.
- The proposed window W05 is offset from windows at No. 12 Llewellyn Street and, as such, complies with the above controls.
- Whilst screening is proposed to window W03, this screening tapers down towards the rear and is not provided to a height of 1.6 metres above finished floor level. Given that there are sightlines between this window and the private open space at No.12 Llewellyn Street, to comply with the aforementioned requirements, a condition is

included in Appendix A, requiring the height of the screening to be increased to 1.6 metres above finished floor level.

- The proposed deck depicted on the ground floor plan exceeds the maximum dimensions and, therefore, does not comply with C9. Given that the two adjoining sites at No.12 and No. 16 Llewellyn Street have a deck/ balcony above ground level that exceeds these dimensions, the proposal is acceptable. However, it is noted that the balcony at No. 16 Llewellyn Street includes privacy screening to the side elevations and, whilst the wall of No. 16 Llewellyn Street along the western boundary provides screening, additional overlooking opportunities will be introduced between No. 12 and No. 14 Llewellyn Street. As such, a condition is included in Appendix A, recommending that the privacy screening / balustrade along the eastern elevation is increased to 1.6 metres with a density of 75% and no individual opening more than 30mm wide.
- With regard to control C10, which requires that living areas are located on ground floor, it is noted that it is merely proposed to extend the existing (elevated) kitchen and breakfast area and that the existing living and dining rooms are not altered. As such, the proposal is acceptable with regard to this control.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with Council's policy for a period of 14 days to surrounding properties. No submissions were received in response to the notification.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Development Engineer
- Heritage Officer

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- Ausgrid

7. Section 7.11 Contributions/7.12 Levy

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$3,800.00 would be required for the development under the 'Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020'. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies, the Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013.

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

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

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 to vary the development standard in Clause 4.4 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental planning grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0971 for alterations and additions to existing dwelling-house at 14 Llewellyn Street BALMAIN NSW 2041, subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA02 Issue A	Basement & Ground Floor Plans	25/10/2020	archology
DA03 Issue A	First Floor & Attic Plan	25/10/2020	archology
DA04 Issue A	Roof & Drainage Concept Plan	25/10/2020	archology
DA06 Issue A	Elevations - 1	25/10/2020	archology
DA07 Issue A	Elevations - 2	25/10/2020	archology
DA08 Issue A	Section AA	25/10/2020	archology
DA09 Issue A	Section BB	25/10/2020	archology
DA10 Issue A	Section CC DD	25/10/2020	archology
A391611	BASIX	20/10/2020	archology
Not stated	Party Wall Certificate	18/11/2020	Fred Barros Engineering
DA11 Issue A	Schedule of Finishes	25/10/2020	archology

As amended by the conditions of consent.

DESIGN CHANGE**2. Design Change**

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

- a. The dormer in the north roof plane of the (front) elevation must be deleted.
- b. The skillion dormer to the south elevation must be amended in accordance with the following:
 - i. Be set 300mm below the ridgeline, measured vertically down from the ridgeline.
 - ii. Be set in 500mm from the side wall and chimney.
 - iii. Be set 200mm up from the rear wall plate.
- c. The photovoltaic solar panels are to be installed so they sit flush with the roof sheeting of the skillion dormer.
- d. A revised Schedule of Finishes will need to be submitted prior to the issue of the Construction Certificate in accordance with the following:
 - i. Confirming the proposed colour for the painted brickwork matches the exiting colour of the painted brickwork on the terrace.
 - ii. A pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".
- e. Window W06 to the eastern elevation be amended to have a sill height of at least 1.6 metres above finished floor level.
- f. The timber batten screening to the eastern elevation be amended to have a minimum height of 1.6 metres above finished floor level and must have a density of 75% and no individual opening more than 30mm wide.

FEES**3. Security Deposit - Custom**

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of

carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

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

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

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

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

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

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

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

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

Note:

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

Payment amount*:

\$3,800.00

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

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

5. Long Service Levy

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

GENERAL CONDITIONS

6. Boundary Alignment Levels

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

7. Waste Management Plan

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

8. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

9. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

10. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**11. Hoardings**

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

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

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

12. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties at No. 12 and No. 16 Llewellyn Street to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

13. Advising Neighbors Prior to Excavation

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

14. Construction Fencing

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

PRIOR TO CONSTRUCTION CERTIFICATE**15. Dilapidation Report – Pre-Development – Minor**

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

16. Stormwater Drainage System

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The stormwater drainage concept plan on Drawing No. DA04 issue (A) prepared by archology architecture and dated 26 October 2020, must be amended to comply with the following;
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any

rainwater tank(s), by gravity to the kerb and gutter of Llewellyn Street; Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may be drained to an on-site dispersal system such as an absorption system or otherwise, subject to the roof areas being drained via a suitably sized rainwater tank, no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer;

- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's LDCP2013;
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- e. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- g. As there is no overland flow/flood path available from the rear courtyards to the Llewellyn Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
 - a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
 - b. The maximum water level over the sag pit shall not be less than 150 mm below the floor level or damp course of the building; and
 - c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- h. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- i. No nuisance or concentration of flows to other properties;
- j. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- k. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- l. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- m. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- n. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 mm and a maximum section height and width of 100 mm;

- o. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- p. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated; and
- q. No impact to street tree(s).

17. Changes to Levels

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

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

18. Party Walls

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall/s for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

19. Structural Certificate for retained elements of the building

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

20. Sydney Water – Tap In

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

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

DURING DEMOLITION AND CONSTRUCTION

21. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

22. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE**23. No Encroachments**

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

24. Protect Sandstone Kerb

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

25. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer that:

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

ADVISORY NOTES**Permits**

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

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

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

Insurances

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

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by

this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Noise

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

Amenity Impacts General

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

Lead-based Paint

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

Dial before you dig

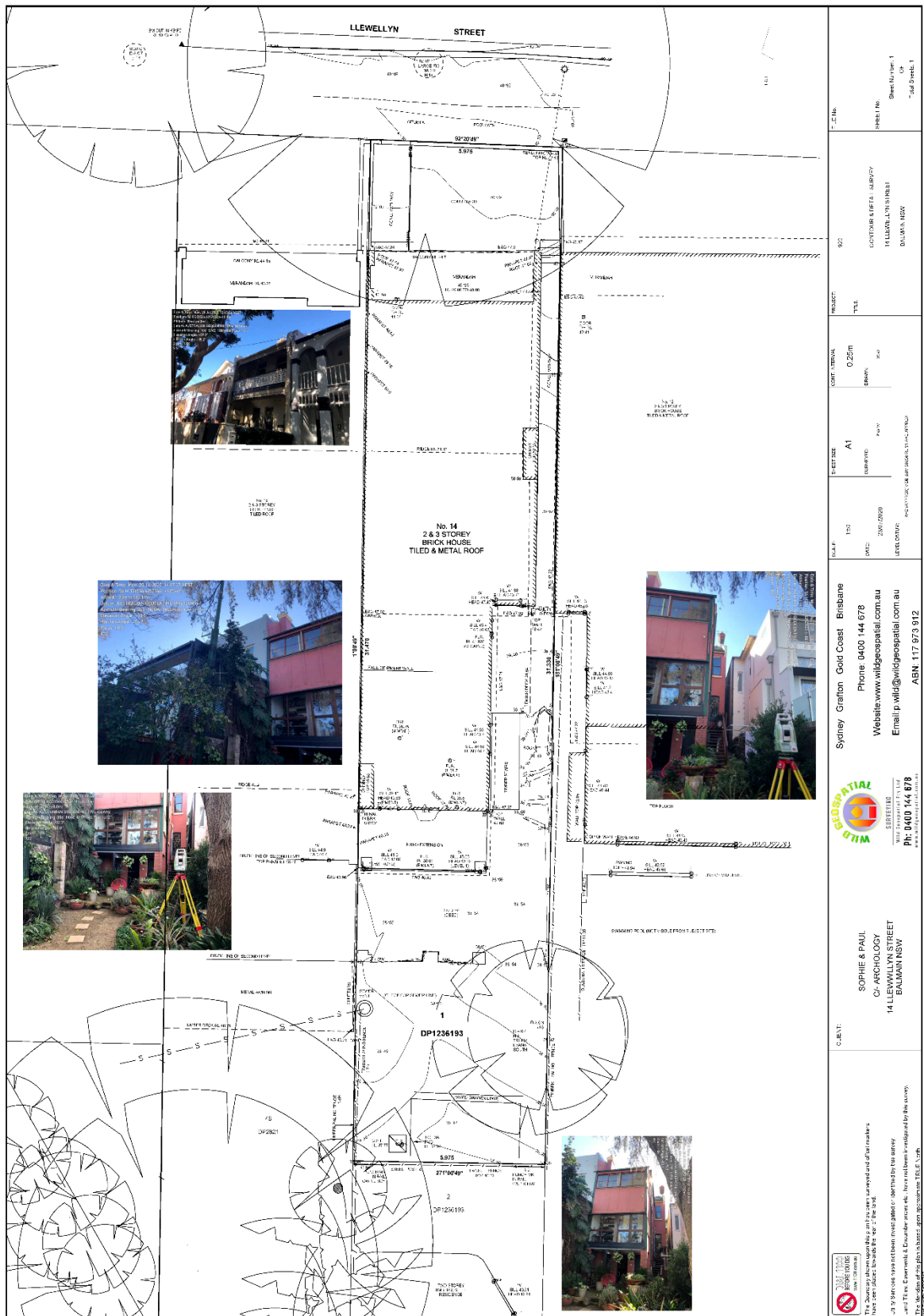
Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Useful Contacts

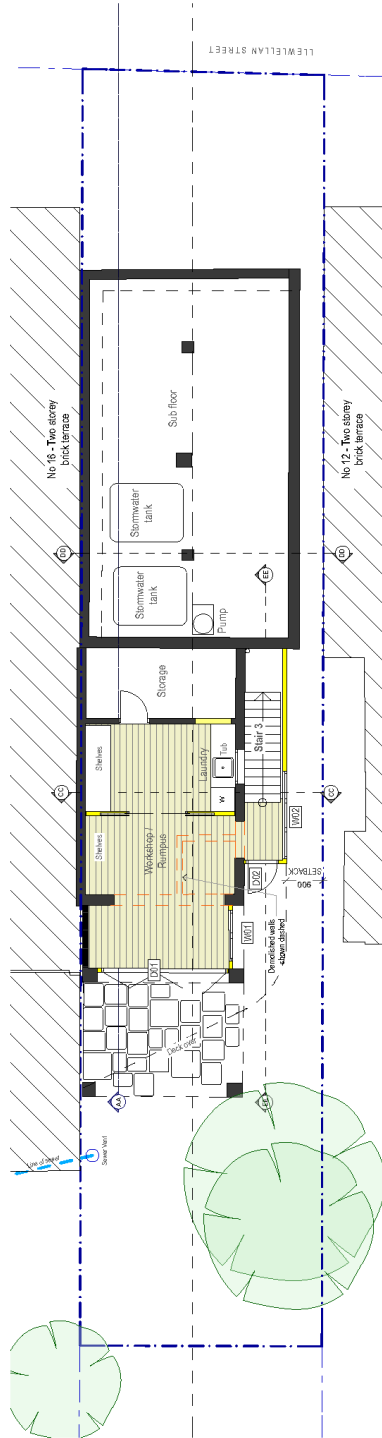
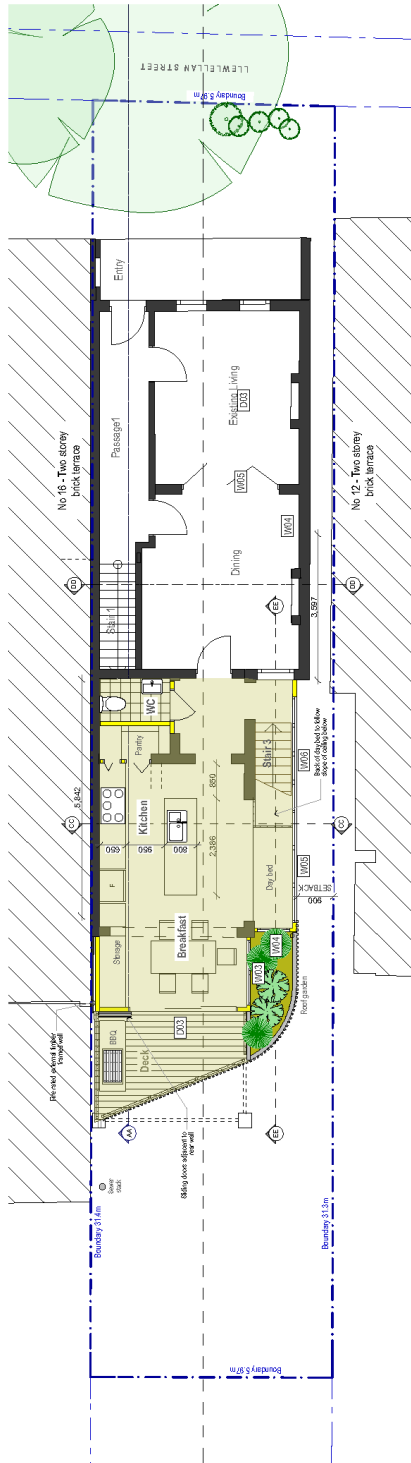
BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100

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

Attachment B – Plans of proposed development



<p>NO. 14 2 & 3 STOREY BRICK HOUSE TILED & METAL ROOF</p> <p>DATE: 2006/06/09 SCALE: AS SHOWN</p>	<p>PROJECT: TITLE</p> <p>COMP. INTERVAL: 0.25m</p> <p>CLASS: A1</p>	<p>PROJECT NO: 922</p> <p>CLIENT: LUCYDORIS KERRIS (SUBJECT) 14 LLEWELLYN STREET BALMAIN NSW</p>	<p>SHEET NO: 1 SHEET TOTAL: 1 OF 1</p>
<p>Sydney Grafton Gold Coast Brisbane Phone: 0400 144 678 Website: www.wildgeopatial.com.au Email: ip.wild@wildgeopatial.com.au ABN: 117 873 912</p>	<p>WILD GEOSPATIAL SPECIALISTS PH: 0400 144 678 WWW.WILDGEOSPATIAL.COM.AU</p>	<p>SOPHIE & PAUL C/O ARCHITECTURE 14 LLEWELLYN STREET BALMAIN NSW</p>	<p>THE DOCUMENTATION HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT ACT 1995 AND THE LOCAL GOVERNMENT (GENERAL PRACTICE) REGULATIONS 1995.</p>



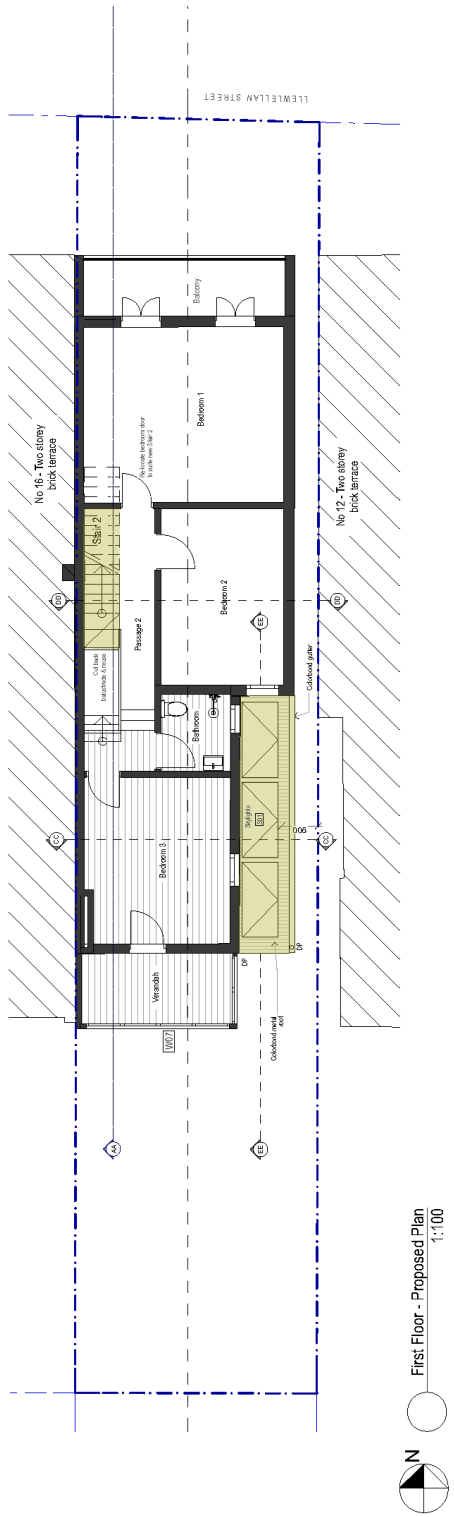
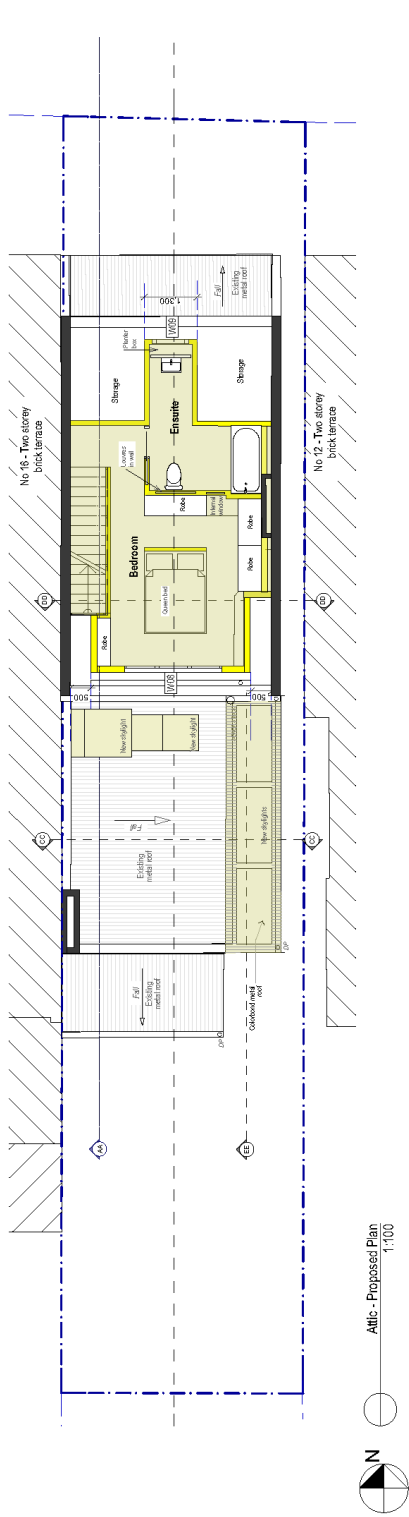
Legend

- Existing walls
- New walls
- Demolish walls
- Aligning buildings
- New building area

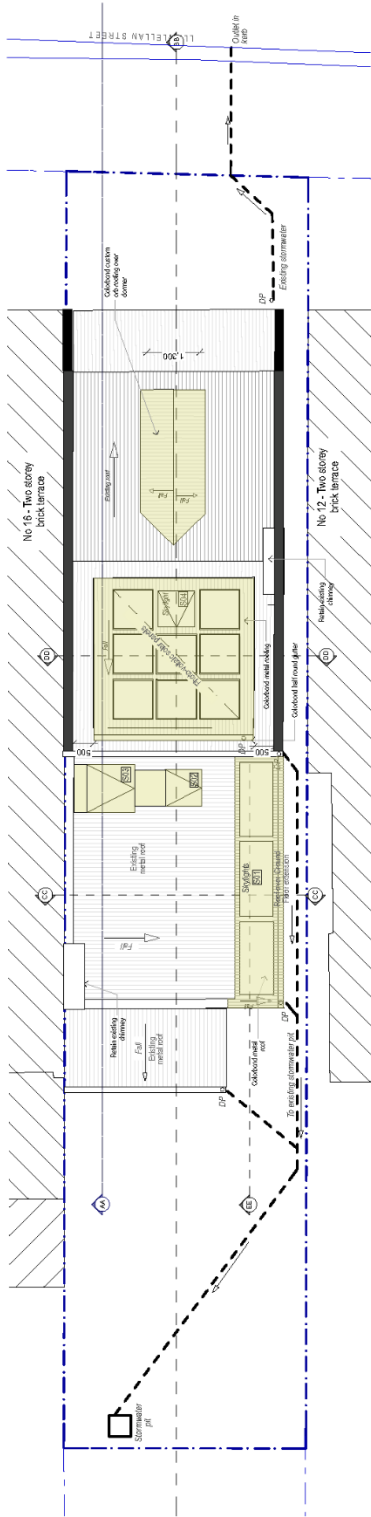
FINISHES KEY:

- HS Hardwood timber sashes
- BC Backsplash
- PC Paint
- AW Aluminium window frame
- SH Shelves
- Workshop/Rumpus
- Laundry
- Storage
- Stormwater tank
- Sub floor

<p>archology 17 Sydney Street, Marrickville NSW 1512 www.archology.com.au 02 9550 2200</p>	<p>Project Name Llewellyn St Residence Address 14 Llewellyn Street BALMAIN NSW 2041</p>	<p>Project Stage: DA-Development Application</p> <p>Issue A</p> <p>Date 25 Oct 2020</p> <p>Reason DA Council submission</p>	<p>Drawing Title: Basement & Ground Floor Plans</p> <p>Project No: 2013</p> <p>Scale: 1:100</p> <p>Checked By: Terry Ball</p>	<p>Drawing No.: DA02</p> <p>Issue: A</p> <p>Date: 26/10/20</p>
	<p>The builder shall check and verify all dimensions. Architect do not check the drawings. Drawings are prepared by the architect for construction. Not to be used for any other purpose.</p>			<p>Pat Date: 26/10/20</p>



 <p>archology 17 Sydney Street, Marrickville NSW 1512 www.archology.com.au 02 9550 2200</p>	<p>Project Name Llewellyn St Residence Address 14 Llewellyn Street BALMAIN NSW 2041</p>	<p>Project Stage: DA-Development Application</p> <p>Issue A</p> <p>Date 25 Oct 2020</p> <p>Reason DA Council submission</p>	<p>Drawing Title: First Floor & Attic Plans</p> <p>Project No: 2013</p> <p>Scale: 1:100</p> <p>Drawn Dawrap</p> <p>Checked By: Terry Ball</p>	<p>Drawing No: DA03</p> <p>Issue A</p> <p>Date 25/10/20</p>
	<p>The builder shall check and verify all dimensions. Architect do not take the blame. Drawings are prepared by the architect's instruments.</p> <p>Plot Date: 25/10/20</p>			



Roof & Stormwater Drainage Plan
1:100

FINISHES KEY:

CR	Compacted Metal Roof	HS	Hardwood battin crown
CC	Polycarbonate Sheeting	BC	Berlinseal P.C. Ceiling
AT	Aluminium Floor	AW	Aluminium window frame

Legend

[Hatched Box]	Existing Walls
[White Box]	New walls
[Hatched Box]	Existing buildings
[White Box]	New building area
[Red Hatched Box]	Demolish/Ret Walls

SUSTAINABILITY COMMITMENTS AS PER BASIX REPORT No A391611, dated 20 Oct 2020

Windows and glazed doors glazing requirements	Frames and glass type
W01 S 1.5 0 0 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
W02 S 2.0 0 0 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
W03 E 2.5 0 1.5 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
W04 E 1.8 0 1.5 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
W05 E 1.5 0 1.5 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
W06 E 1.9 0 1.5 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
W07 S 1.3 0 0 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
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W17 S 1.5 0 0 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
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W34 S 1.5 0 0 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
W35 S 1.5 0 0 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
W36 S 1.5 0 0 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
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W97 S 1.5 0 0 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
W98 S 1.5 0 0 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
W99 S 1.5 0 0 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)
W100 S 1.5 0 0 none	standard aluminium, single clear, (or U-value 7.53, SHGC: 0.75)

SKYLIGHTS glazing requirements

Skylight number	Actual glazing area (m ²)	Shading device	Frame and glass type
S01	3.8	no shading	timber, low-E intercalation flouresc external, (or U-value 2.5, SHGC 0.45)
S02	0.6	no shading	timber, low-E intercalation flouresc external, (or U-value 2.5, SHGC 0.45)
S03	2.4	no shading	timber, low-E intercalation flouresc external, (or U-value 2.5, SHGC 0.45)
S04	0.5	no shading	timber, low-E intercalation flouresc external, (or U-value 2.5, SHGC 0.45)

Additional material requirements (R-value)

Material	Other specifications
concrete slab on ground floor	R1
floor above existing dwelling or building	R1
external wall framed (weatherboard, fibro, brick etc)	R1.30 (or R1.70 including construction)
flat ceiling, painted roof	ceiling 0.25 (R1), roof thermocellular reflective
valued ceiling, architectural roof framed reflective	ceiling 0.04 (R1), roof thermocellular reflective

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 www.archology.com.au
 Document Ref: 26230233

Project Name
Llewellyn St Residence
 Address
 14 Llewellyn Street
 BALMAIN NSW 2041

Project Stage:
 DA-Development Application
 Issue A
 Date 25 Oct 2020
 Reason DA Council submission

Drawing Title:
Roof & Drainage Concept Plans
 Drawn Davmp
 Checked By: Terry Ball

Drawing No.: **DA04**
 The holder shall obtain and verify all dimensions from the Architect. Do not show the drawing. Drawings are the property of the Architect and shall not be used for any other purpose without the written consent of the Architect.
 Issue A
 Date: 26/10/20



INNER WEST COUNCIL COMPLIANCE TABLE

Max. LEP Height Limit: 9.0 m - No proposed change to existing maximum building height

FLOOR SPACE RATIO - refer to Leichhardt LEP Clause 4.4)

Site Area: 187.8 m²

LEP max FSR (rc:1): 0.8:1 (188.6m²)

Existing Basement area: 22.4 m²

Existing Ground Floor area: 65.0 m²

Existing First Floor area: 70.2 m²

Existing Total Floor area: 158.7 m²

Existing F.S.R. (rc:1): 0.84:1

Proposed Basement area: 23.5 m²

Proposed Ground Floor area: 77.0 m²

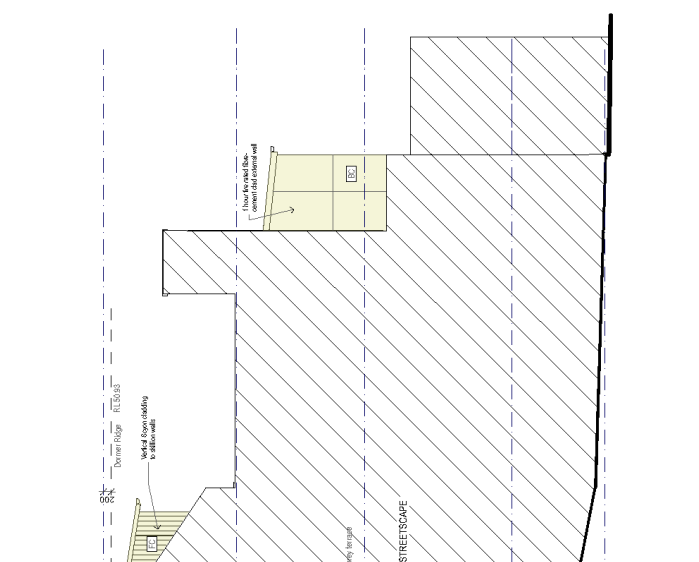
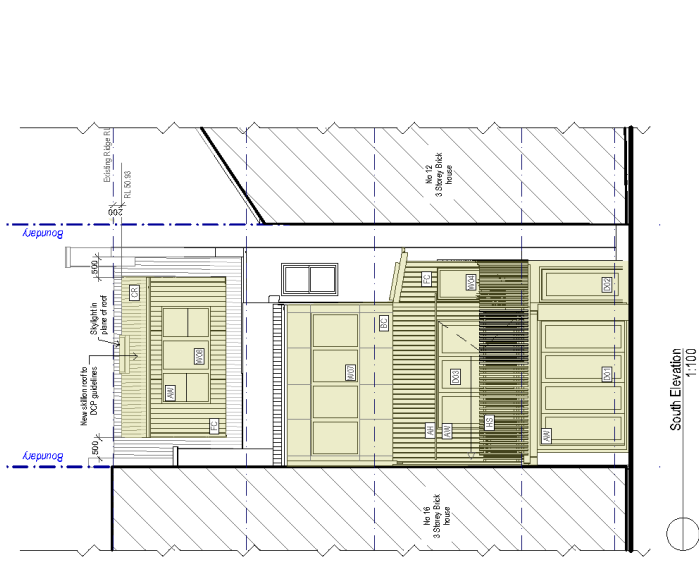
Proposed First Floor area: 77.4 m²

Proposed Attic area: 25.1 m²

Proposed Total floor area: 195.8 m²

Proposed F.S.R. - (1.04:1):

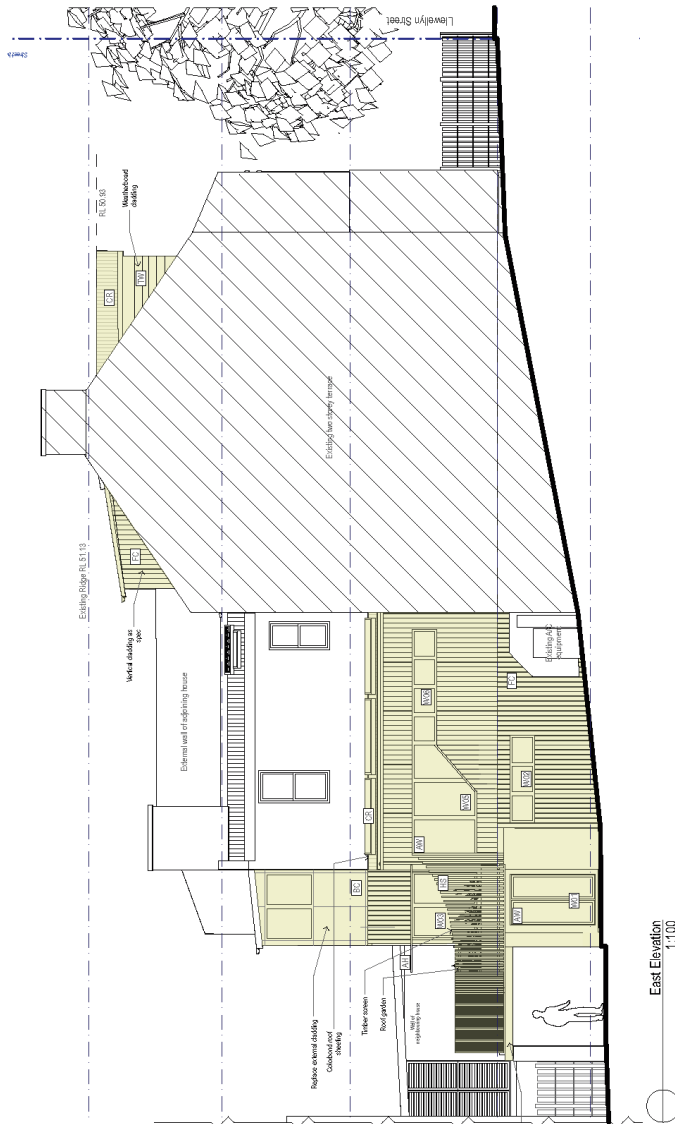
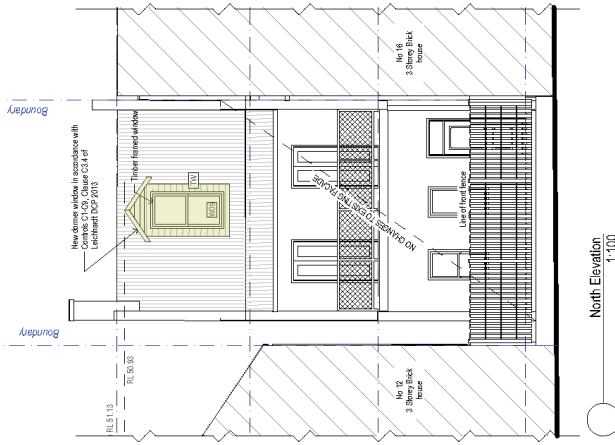
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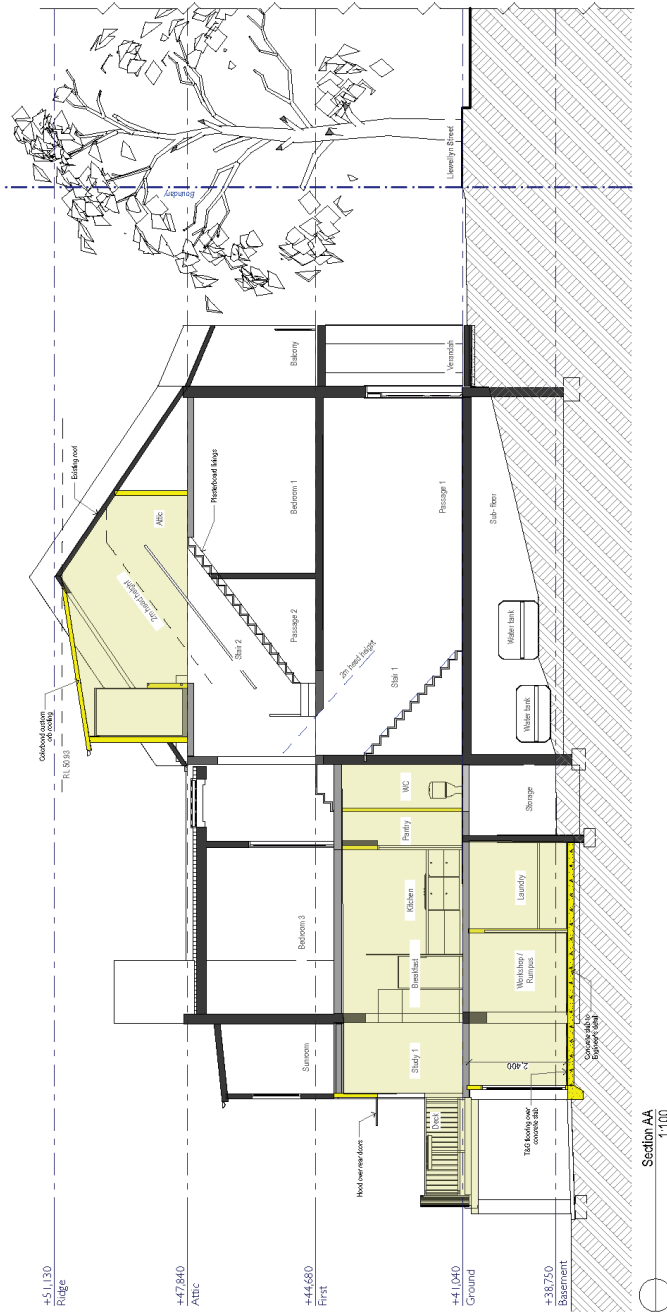
FINISHES KEY

FR	Fire	HS	Hardwood battens screen
FC	Fire-resistant Sheeting	BC	Basestone FFC Cladding
AH	Aluminium Hood	AW	Aluminium window frame

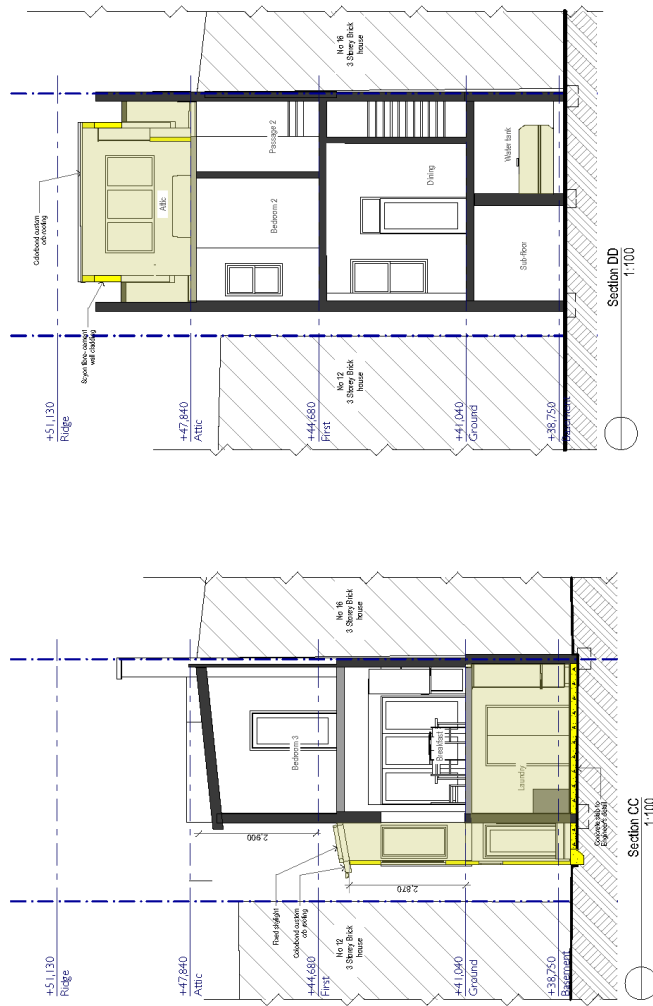
<p>archology 17 Sydney Street, Marrickville NSW 1512 www.archology.com.au</p>	<p>Project Name Llewellyn St Residence Address 14 Llewellyn Street BALMAIN NSW 2041</p>	<p>Project Stage: DA-Development Application</p>	<p>Drawing Title: Elevations - 1</p>	<p>Drawing No.: DA06</p>	<p>Issue: A</p>
	<p>Issue: A Date: 25 Oct 2020 Reason: DA Council submission</p>	<p>Project No.: 2013 Scale: 1:100 Checked By: Terry Ball</p>	<p>Drawn: Dawnp Date: 26/10/20</p>	<p>The holder shall obtain any and all necessary consents from the relevant authorities. The holder shall not be liable for any damage or loss caused by the use of the information contained herein.</p>	



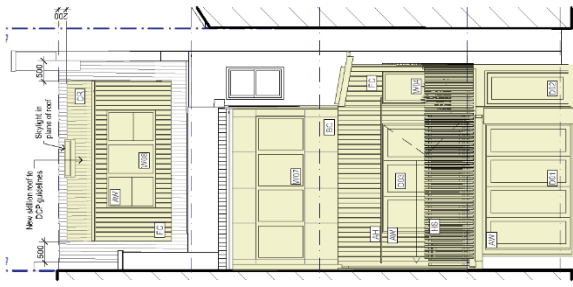
 <p>archology 17 Sydney Street, Marrickville NSW 1515 www.archology.com.au Document Ref: 201302010</p>	<p>Project Name Llewellyn St Residence Address 14 Llewellyn Street BALMAIN NSW 2041</p>	<p>Project Stage: DA-Development Application</p> <p>Issue A Date 25 Oct 2020 Reason DA Council submission</p>	<p>Drawing Title: Elevations - 2</p> <p>Project No: 2013 Scale: 1:100</p>	<p>Drawing No: DA07</p> <p>The holder shall check and verify all dimensions. Architect do not take the blame. Drawings issued by the architect for construction.</p> <p>Checked By: Terry Ball Drawn: Dawnp Date: 26/10/20</p>	<p>Issue: A</p> <p>Date:</p>
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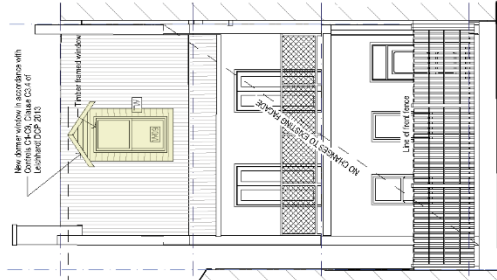
 <p>archology 17 Sydney Street, Marrickville NSW 1512 www.archology.com.au 02 9550 2400</p>	<p>Project Name Llewellyn St Residence Address 14 Llewellyn Street BALMAIN NSW 2041</p>	<p>Project Stage: DA-Development Application</p> <p>Issue A Date 25 Oct 2020 Reason DA Council submission</p>	<p>Drawing Title: Section AA</p> <p>Project No: 2013 Scale: 1:100</p>	<p>Drawing No: DA08</p> <p>The holder shall observe and comply with all dimensions and details shown on this drawing. Any changes to the drawing shall be made by the architect's instructions.</p> <p>Checked By: Terry Ball Drawn: Dawrap Date: 26/10/20</p>	<p>Issue A</p> <p>Date:</p>
	<p>Version: 1, Version Date: 12/11/2020</p>				



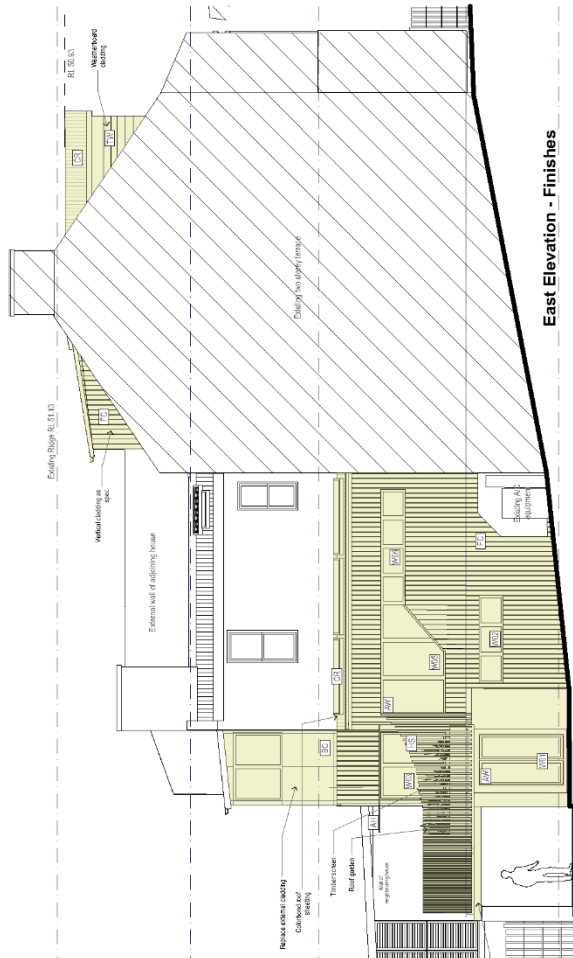
 <p>archology 17 Sydney Street, Marrickville NSW 1512 www.archology.com.au Ph: 02 9550 6688 Fax: 02 9550 6689</p>	<p>Project Name Llewellyn St Residence Address 14 Llewellyn Street BALMAIN NSW 2041</p>	<p>Project Stage: DA-Development Application</p>	<p>Issue A Date 25 Oct 2020 Reason DA Council submission</p>	<p>Drawing Title: Section CC DD Project No: 2013 Scale: 1:100</p>	<p>Drawing No: DA10 The number shall change and every amendment shall be indicated by a letter and a number. Architect do not take the stamp. Drawings are prepared by the architect's staff unless otherwise indicated. P:R:Date: 26/10/20</p>	<p>Issue A Date:</p>
	<p>Project Stage: DA-Development Application</p>	<p>Issue A Date 25 Oct 2020 Reason DA Council submission</p>	<p>Drawing Title: Section CC DD Project No: 2013 Scale: 1:100</p>	<p>Drawn Dawnp Checked By: Terry Ball</p>	<p>Drawing No: DA10 The number shall change and every amendment shall be indicated by a letter and a number. Architect do not take the stamp. Drawings are prepared by the architect's staff unless otherwise indicated. P:R:Date: 26/10/20</p>	<p>Issue A Date:</p>



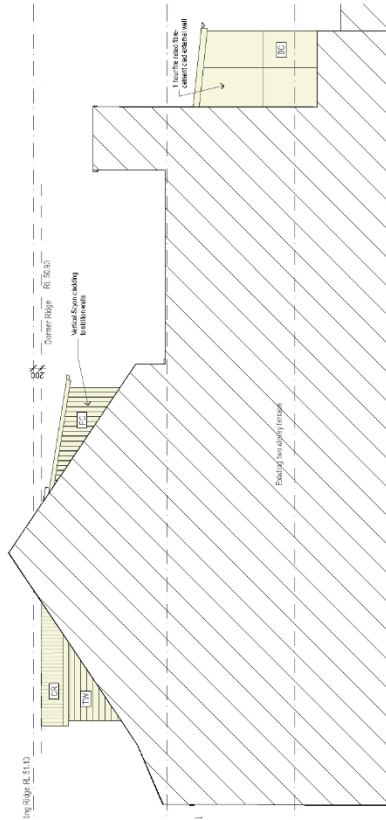
South Elevation - Finishes



North Elevation - Finishes




East Elevation - Finishes

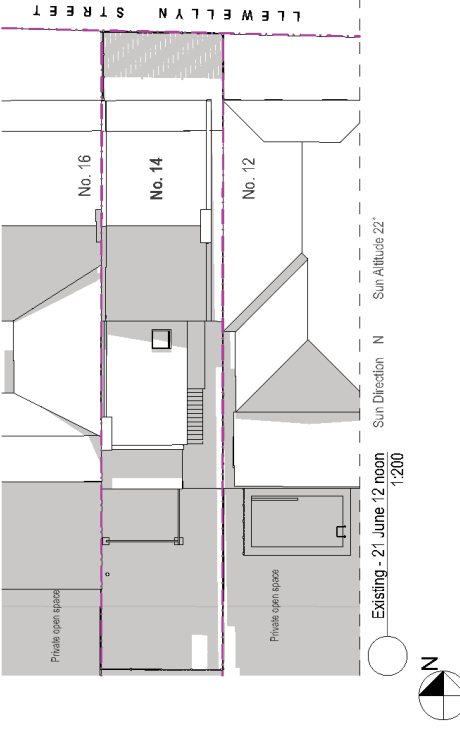
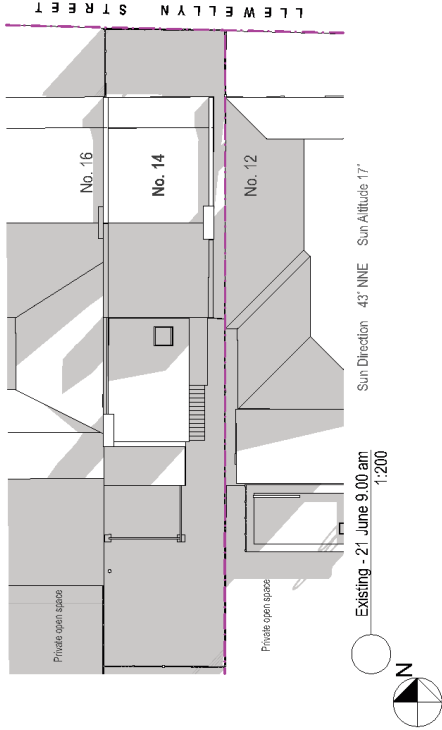
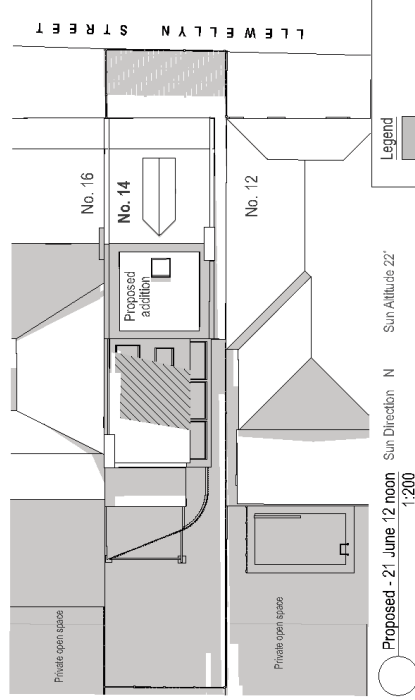
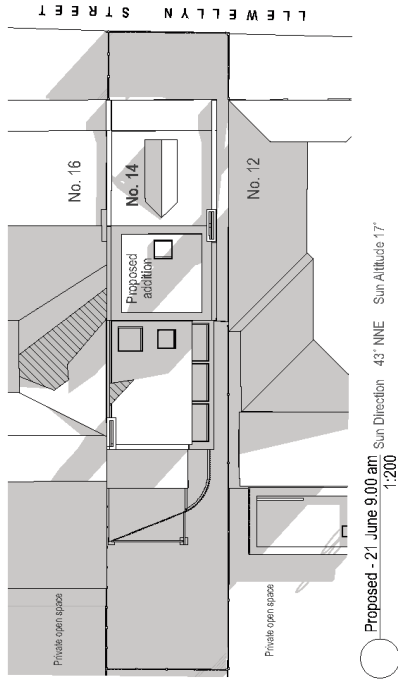



West Elevation - Finishes

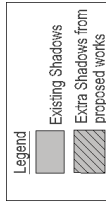
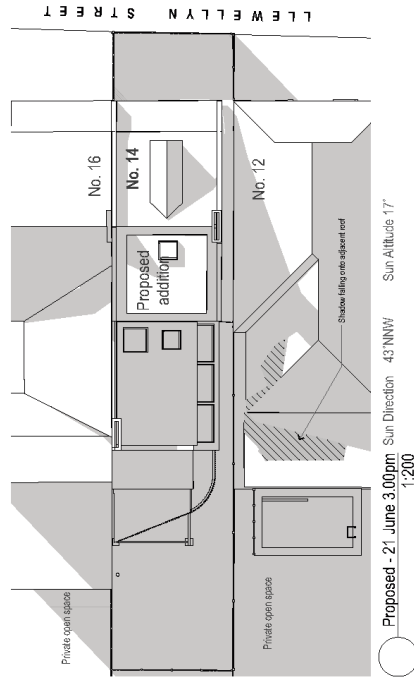
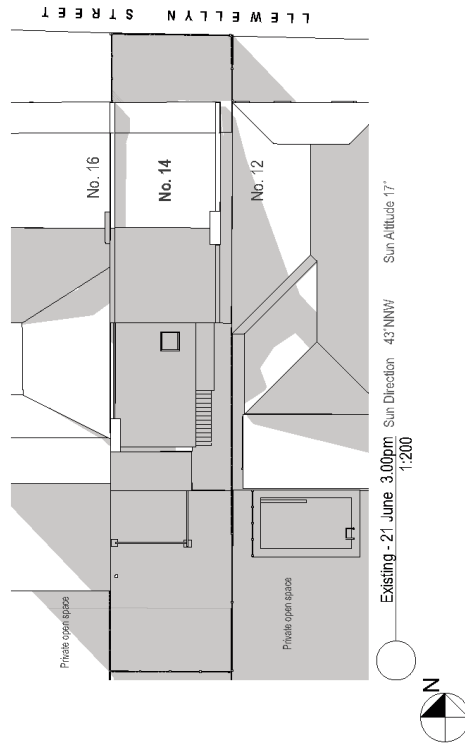
EXTERNAL FINISHES



 <p>archology architectural and interior design 17 Sydney Street, Marrickville NSW 1512, 02 9550 1000 www.archology.com.au</p>	<p>Project Name Llewellyn St Residence</p> <p>Address 14 Llewellyn Street BALMAIN NSW 2041</p>	<p>Project Stage DA-Development Application</p> <p>Issue A</p> <p>Date 25 Oct 2020</p> <p>Reason DA Council submission</p>	<p>Drawing Title Schedule of Finishes</p> <p>Project No. 2013</p> <p>Scale 1:100</p> <p>Drawn Dwarp</p> <p>Checked By Terry Bail</p>	<p>Drawing No. DA11</p> <p>Issue A</p> <p>Date 28/10/2020</p>
	<p>The builder and client are to verify all dimensions. Archology do not warrant the accuracy. Drawings issued by the architect for construction.</p> <p>Per Date: 28/10/2020</p>			



 <p>archology Architects, Engineers and Design 17 Oxenden Street, Marrickville M 0422 324 688 a@archology.com.au www.archology.com.au</p>	<p>Project Name Llewellyn St Residence Address 14 Llewellyn Street BALMAIN NSW 2041</p>	<p>Project Stage: DA-Development Application</p> <p>Issue A</p> <p>Date 25 Oct 2020</p> <p>Reason DA Council submission</p>	<p>Drawing Title: Shadow Diagrams - 9am 12 noon</p> <p>Project No: 2013</p> <p>Scale: 1:200</p> <p>Drawn Dawn</p> <p>Checked By: Terry Ball</p>	<p>Drawing No.: DA12</p> <p>This is a preliminary drawing and not for construction. It is for information only. It is subject to change without notice. It is not to be used for any other purpose and is not to be relied upon for any legal or financial purposes.</p> <p>Issue: A</p> <p>Date: 28/10/20</p> <p>File Name</p>
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archology
 17 Sydney Street, Marrickville
 NSW 1515
 www.archology.com.au
 Document Ref: 26230244
 Version: 1, Version Date: 12/11/2020

Project Name
 Llewellyn St Residence
Address
 14 Llewellyn Street
 BALMAIN NSW 2041

Project Stage:
 DA-Development Application
Issue
 A
Date
 25 Oct 2020
Reason
 DA Council submission

Drawing Title:
 Shadow Diagrams - 3pm
Project No:
 2013
Scale:
 1:200
Drawn
 Dawwp
Checked By:
 Terry Ball

Drawing No:
 DA13
 The holder shall observe and comply with all dimensions
 and details shown on this drawing. No alterations shall be
 made without the written consent of the architect.
Issue
 A
Date
 26/10/20

Description of project

BASIX[®] Certificate
 Building Sustainability Index www.basix.nsw.gov.au
Alterations and Additions

Certificate number: A391611

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Tuesday, 20, October 2020

To be valid, this certificate must be lodged within 3 months of the date of issue.



Project address	
Project name	Llewellyn St Residence
Street address	14 Llewellyn Street Balmain 2041
Local Government Area	Inner West Council
Plan type and number	Deposited Plan 1236193
Lot number	1
Section number	
Project type	
Dwelling type	Attached dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)
Name / Company Name: Archology
ABN (if applicable): 46138739936

BASIX Certificate number: A391611

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Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Hot water			
The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	✓

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 Document Set ID: 34230252
 Version: 1, Version Date: 12/11/2020

Building Sustainability Index www.basix.nsw.gov.au

BASIX Certificate number: A391611

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Construction		Show on DA Plans	Show on CC/CDC Plans & Specs	Certifier Check
Insulation requirements				
<p>The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.</p>				
Construction	Additional insulation required (R-value)	Other specifications		
concrete slab on ground floor.	nil			
floor above existing dwelling or building.	nil			
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)			
flat ceiling, pitched roof	ceiling: R2.25 (up), roof: thermocellular reflective	medium (solar absorptance 0.475 - 0.70)		
raked ceiling, pitched/skillion roof: framed	ceiling: R2.04 (up), roof: thermocellular reflective	medium (solar absorptance 0.475 - 0.70)		

Planning, Industry & Environment
 Document Set ID: 34230252
 Version: 1, Version Date: 12/11/2020

Building Sustainability Index www.basix.nsw.gov.au

Glazing requirements		Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																																																										
<p>Windows and glazed doors</p> <p>The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.</p> <p>The following requirements must also be satisfied in relation to each window and glazed door:</p> <p>Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.</p> <p>Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.</p>																																																														
<p>Windows and glazed doors glazing requirements</p> <table border="1"> <thead> <tr> <th rowspan="2">Window / door no.</th> <th rowspan="2">Orientation</th> <th rowspan="2">Area of glass inc. frame (m²)</th> <th colspan="2">Overshadowing</th> <th rowspan="2">Shading device</th> <th rowspan="2">Frame and glass type</th> </tr> <tr> <th>Height (m)</th> <th>Distance (m)</th> </tr> </thead> <tbody> <tr> <td>D01</td> <td>S</td> <td>6.5</td> <td>0</td> <td>0</td> <td>none</td> <td>standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)</td> </tr> <tr> <td>D02</td> <td>S</td> <td>2</td> <td>0</td> <td>0</td> <td>none</td> <td>standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)</td> </tr> <tr> <td>D03</td> <td>S</td> <td>5.6</td> <td>0</td> <td>0</td> <td>none</td> <td>standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)</td> </tr> <tr> <td>W01</td> <td>E</td> <td>2.5</td> <td>6</td> <td>1.5</td> <td>none</td> <td>standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)</td> </tr> <tr> <td>W02</td> <td>E</td> <td>1.8</td> <td>6</td> <td>1.5</td> <td>none</td> <td>standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)</td> </tr> <tr> <td>W03</td> <td>E</td> <td>2.5</td> <td>6</td> <td>1.5</td> <td>none</td> <td>standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)</td> </tr> <tr> <td>W04</td> <td>S</td> <td>1.3</td> <td>0</td> <td>0</td> <td>none</td> <td>standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)</td> </tr> </tbody> </table>					Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing		Shading device	Frame and glass type	Height (m)	Distance (m)	D01	S	6.5	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	D02	S	2	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	D03	S	5.6	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W01	E	2.5	6	1.5	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W02	E	1.8	6	1.5	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W03	E	2.5	6	1.5	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W04	S	1.3	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing					Shading device	Frame and glass type																																																					
			Height (m)	Distance (m)																																																										
D01	S	6.5	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)																																																								
D02	S	2	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)																																																								
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W01	E	2.5	6	1.5	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)																																																								
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✓	✓	✓	✓	✓																																																										
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✓	✓	✓	✓	✓																																																										

Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing Height (m)	Distance (m)	Shading device	Frame and glass type		
W05	E	3.3	6	1.5	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W06	E	1.9	6	1.5	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W07	S	4.3	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W08	S	2.6	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W09	N	1.6	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)		
Skylights								
The applicant must install the skylights in accordance with the specifications listed in the table below.								
The following requirements must also be satisfied in relation to each skylight:								
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.								
Skylights glazing requirements								
Skylight number	Area of glazing inc. frame (m ²)	Shading device	Frame and glass type					
S01	3.8	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)				✓	✓
S02	0.6	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)				✓	✓
S03	2.4	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)				✓	✓

BASIX Certificate number: A391611

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Glazing requirements			Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Skylight number	Area of glazing inc. frame (m2)	Shading device			
S04	0.5	no shading			
		Frame and glass type			
		U-value: 2.5, SHGC: 0.456			
		timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)			

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Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a "✓" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

**FRED BARROS
ENGINEERING**

ABN: 90 060 706 845
Consulting Civil/Structural Engineers
P.O. Box 558
Spit Junction NSW 2088
T: (02) 9369 5632
Email: info@fbuilding.com.au

18th November 2020

The General Manager
Inner West Council

Re: Proposed Additions and Alterations
14 Llewellyn Street Balmain

PARTY WALL CERTIFICATE

A site inspection was carried out on the above 2 storey terrace plus rear basement. The purpose was to review the existing attached dwelling and the party walls to the adjoining property to the west, 16 Llewellyn Street.

I have also reviewed the DA stage Architectural Drawings prepared by Archology, Project No: 2013, DA.01-09, Issue A.

It is proposed to add an Attic Bedroom and Ensuite over the front 2 existing levels and carry out some additions and alterations to the rear Ground floor and Basement.

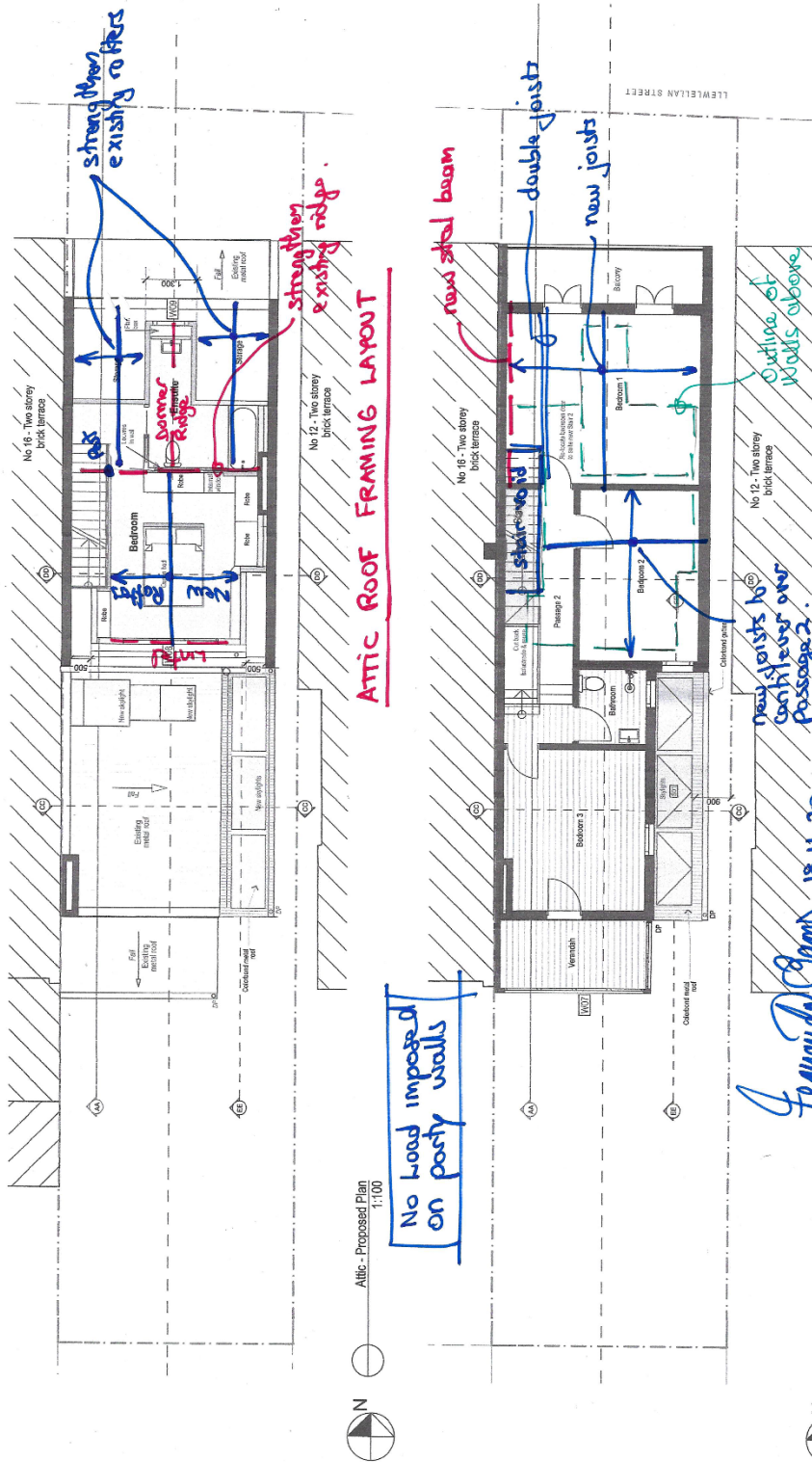
In this proposal, the party wall to the adjoining dwelling is not being altered.

I consider that the new proposed structure can be designed with strategically placed internal steel columns and beams so as not to impose any additional loads on the party wall or rely on it for lateral stability. I have attached some preliminary sketches indicating possible proposed structure.

During construction, this existing party walls will have to be protected from the elements so as to not damage the adjoining terraces.

Yours Faithfully

Fernando Barros B.E. Hons M.I.E. Aust, NER
CERTIFIED PRACTISING CIVIL/STRUCTURAL ENGINEER



ATTIC FLOOR FRAMING LAYOUT

ATTIC FLOOR FRAMING LAYOUT

Attic - Proposed Plan
1:100

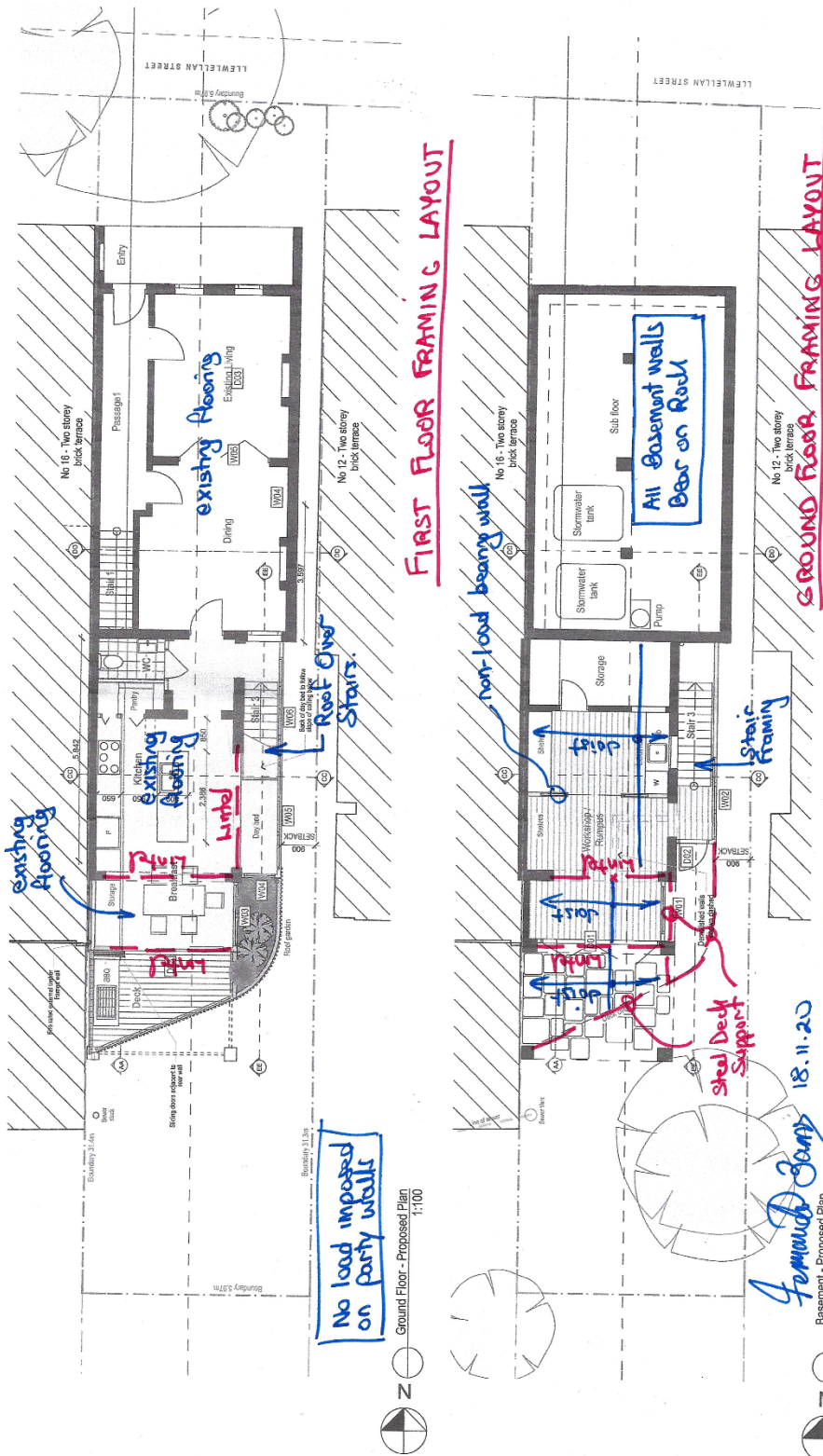
First Floor - Proposed Plan
1:100

No load imposed on party walls

Fernando Barros 18.11.20
Fernando Barros B.E. Hon. M.I.E Aust. NER
Certified Practising Civil/Structural Engineer

Document Set ID: 34260101
Version: 1, Version Date: 20/11/2020

<p>archology sustainable architecture and design 17 Snowy Mtns, Merimbula info@archology.com.au www.archology.com.au</p>	<p>Project Name Llewellyn St Residence Address 14 Llewellyn Street BALMAIN NSW 2041</p>	<p>Project Stage: DA-Development Application</p>	<p>Issue A</p>	<p>Date 25 Oct 2020</p>	<p>Reason DA Council submission</p>	<p>Drawing Title: First Floor & Attic Plans</p>	<p>Scale: 1:100</p>	<p>Drawn Derrap</p>	<p>Checked By: Terry Ball</p>	<p>Drawing No.: DA03</p>	<p>Issue: A</p>
	<p>The holder will share any utility of drawings for any other purposes to the extent that the holder may be required to do so for the purposes of the project. The holder will not be held responsible for any errors or omissions in the drawings. The holder will not be held responsible for any errors or omissions in the drawings. The holder will not be held responsible for any errors or omissions in the drawings.</p>										



No load imposed on party walls

FIRST FLOOR FRAMING LAYOUT

GROUND FLOOR FRAMING LAYOUT

Fernando Torres 18.11.20
 Fernando Torres B.E. Hon's N.I.E. Aust.
 Certified Practising Civil/Structural Engineer

- FINISHES KEY:
- HS Hardwood battens screen
 - CR Concrete/Metal Roof
 - BC Bitumastone F.C. Cladding
 - FC Fibre-cement Sheeting
 - AH Aluminium Hoop
 - AW Aluminium window frame

- Legend
- Existing Walls
 - New walls
 - Demolished Walls
 - Adjoining buildings
 - New building area

Document Set ID: 34260101
 Version: 1, Version Date: 20/11/2020

<p>archology architects and design 17/18-19/20-21/22 4/425-426/428 info@archology.com.au www.archology.com.au</p>	<p>Project Name Llewellyn St Residence Address 14 Llewellyn Street BALMAIN NSW 2041</p>	<p>Project Stage: DA-Development Application</p>	<p>Issue A</p>	<p>Date 25 Oct 2020</p>	<p>Reason DA Council submission</p>
	<p>Drawing Title: Basement & Ground Floor Plans</p>	<p>Project No: 2013</p>	<p>Scale: 1:100</p>	<p>Checked By: Terry Ball</p>	<p>Drawing No.: DA02</p>

The architect shall check and verify all dimensions and verify all areas are consistent to the approved DA. This drawing is for information only and shall not be used for construction purposes without the written consent of the architect.

Attachment C- Clause 4.6 Exception to Development Standards

14 Llewellyn Street Balmain

**REQUEST TO VARY DEVELOPMENT STANDARD PURSUANT TO
CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013****TO ACCOMPANY A DEVELOPMENT APPLICATION TO
INNER WEST COUNCIL FOR ALTERATIONS AND ADDITIONS TO A DWELLING**

Property: 14 Llewellyn Street Balmain.

Proposal: Alterations to a dwelling.

Zoning: R1 General Residential.

Development standard to which the request to vary the standard is taken: Clause 4.4 of the Leichhardt LEP 2013 (LEP 2013) prescribes a maximum floor space ratio of 0.9:1 applying to the site.

The Aim of the request: To allow a site to provide a FSR of 1.03:1 on the site.

Clause 4.6 of LEP 2013 allows the applicant to provide a request to vary the non-compliance with a development standard.

Application and Assessment of Clause 4.6 Exceptions to development standards

Clause 4.6 of LEP 2013 is designed to provide the consent authority some flexibility in the strict compliance with the application of the development standard. There have been various Land and Environment Court judgments that have some relevance to addressing the application of Clause 4.6, among them being,

1. Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46
2. Wehbe v Pittwater Council [2007] NSWLEC 827
3. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009; NSWLEC 90; NSWCA 248
4. Moskovich v Waverley Council [2016] NSWLEC 1015

In the assessment of using Clause 4.6 it is particularly relevant to address parts (3) and (4) of the clause, being,

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

14 Llewellyn Street Balmain

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Secretary has been obtained.

In assessment of the proposal against parts 3(a), 3(b) and 4(ii) the following is offered.

How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The NSW Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSW LEC 827. Under *Wehbe*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met the objectives of the standard regardless of the non-compliance. Under *Four2Five*, whilst this can still be considered under this heading, it is also necessary to consider it under Clause 4.6 (3)(a).

The five part test described in *Wehbe* are therefore appropriately considered in this context.

(1) The objectives of this clause are as follows:

(a) to ensure that residential accommodation:

(i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and

(ii) provides a suitable balance between landscaped areas and the built form, and

(iii) minimises the impact of the bulk and scale of buildings,

(b) to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.

The works are considered to be consistent with the objectives for this clause noted above because;

- The proposal seeks to add minimal GFA and FSR to the site, comprising works within the existing roof form at attic level to better utilise this space and an enclosed stair and enlarged living room at ground floor level.
- The degree of non-compliance in FSR is minor, being only 0.03:1 or 9.3m². Additional GFA is created within the existing attic, which comprises 25.1m² of the additional GFA. This GFA does not readily add to building bulk, as it utilises an existing space. Further additional GFA is added at ground level with the expansion of the living space where an additional 11.4m² is provided. This form does not add significantly to building bulk.
- The built form envelope is generally unaltered and will maintain the compatible form with surrounding development in the immediate area. The resultant form will not appear bulkier

14 Llewellyn Street Balmain

than the existing dwelling. Moreover it is noted that the immediately adjoining dwellings have considerably bulkier rear forms than that proposed.

- The building already complies with building envelope and setbacks requirements and complying areas of open space and built upon areas are maintained to allow for good amenity.
- Accordingly, the proposal does not appear as an overdevelopment of the site.
- The street appearance of the site is maintained from Llewellyn Street. From a rear lane the works will not be readily visible.
- The amenity to neighbours is not affected. Solar access is maintained to adjoining dwellings. No private view is impacted.
- The existing and maintained building bulk is entirely appropriate within the context of the site.

In light of the above, this request provides that the (existing) non-compliant FSR satisfies the objective in question.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Not applicable. The underlying objective or purpose of the standard is relevant to the development and is achieved.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The exception request does not rely on this reason.

4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

The exception request does not rely on this reason.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The zoning of the land is appropriate for the site. The exception request does not rely on this reason.

In addition to demonstrating that the principles of Wehbe are satisfied, strict compliance with the standard is considered to be unreasonable and unnecessary in the circumstances of this case for the following additional reasons.

In the case of *Moskovich v Waverley Council*, the Land and Environment Court accepted that compliance with the standard (FSR in that case) was unreasonable and unnecessary because the design achieved the objectives of the standard and the respective zone, in a way that addressed the particular circumstances of the site, and resulted in a better streetscape and internal and external amenity outcome than a complying development. For the subject application, the proposed development which seeks to also vary the FSR standard, achieves a better response to the objectives of the subject R1 – General Residential Zone in that it maintains a high level of

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amenity for occupants and because the street appearance of the dwelling is not materially affected.

On the basis of the above, compliance with the standard is considered to be unnecessary and would be unreasonable.

Sufficient environmental planning grounds to justify the contravention

This request provides that there is sufficient environmental planning ground to justify the contravention. Such grounds include:

It has been demonstrated that the proposal and its FSR breach remains consistent with the objectives of the subject R1 General Residential Zone as well as Clause 4.4 and 4.6 of the Leichhardt LEP 2013, despite the numerical non-compliance.

The proposal would not compromise the character or nature of the area sought by the local environmental planning framework.

The non-compliant FSR does not result in any unreasonable visual or amenity impacts.

The non-compliant FSR does not result in any unreasonable overshadowing impacts, because the works retain the existing envelope.

The non-compliance assists with providing improved amenity for residents.

To seek a reduction in FSR by reducing the existing building envelope would be unreasonable and unnecessary and no benefits would result.

Is the variation in the public interest?

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest. The proposal is considered to be in the public interest because it is consistent with the objectives of the particular standard, and the objectives for development within the zone in which the development is proposed to be carried out. The objectives of the standard have been addressed above and are demonstrated to be satisfied. The works are consistent with the requirements for the General Residential Zone because of significant improvements to the amenity of the dwelling that will arise following the works, with an improved design and the wider improvement to the amenity of the housing stock on the site.

Is the variation well founded?

This Clause 4.6 variation request is well founded as it demonstrates, as required by Clause 4.6 of the Leichhardt LEP 2013, that:

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Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;

There are sufficient environmental planning grounds to justify the requested contravention;

The development achieves and is consistent with the objectives of the development standard and the objectives of the R1 General Residential Zone;

The proposed development is in the public interest and there is no public benefit in maintaining the standard; and

The contravention does not raise any matter of State or Regional Significance.

The variation is therefore considered well founded.

Attachment D – Statement of Heritage Significance

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Area 12 The Valley (Rozelle and Balmain)

Landform

This conservation area comprises a large but tightly formed valley which falls south and east from the Darling Street ridge towards White Bay affording enclosed views to industrial workings of the port city in the bay.

It includes a number of subdivisions/part subdivisions around the highest land in the Leichhardt Municipality on either side of the Darling Street ridge and across Victoria Road. It includes land east of Wellington Street to White Bay. It also includes the civic buildings and the commercial zone of Rozelle on both sides of Victoria Road, the land east of the Darling Street ridge beyond the commercial zone, the civic and commercial buildings of Balmain retail centre, small groups of shops along Darling Street and the former retail area of Evans and Beattie Streets.

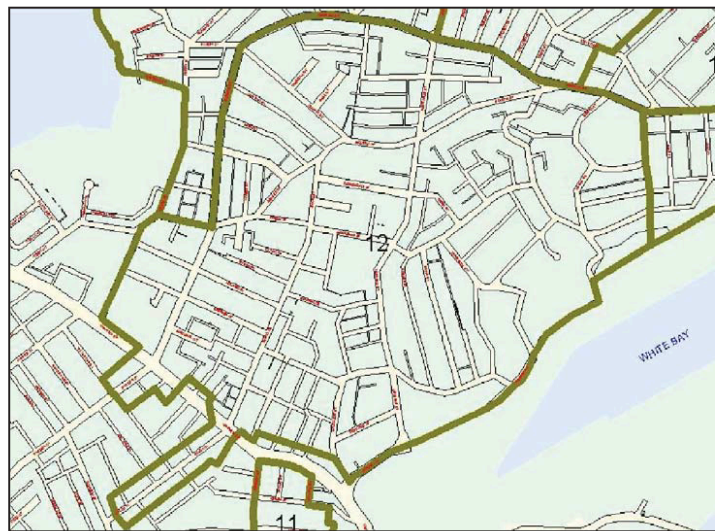


Figure 12.1 The Valley Conservation Area Map.

History

When sales of John Gilchrist’s Balmain 550-acre grant were resumed in 1852, Surveyor Charles Langley subdivided the remaining acres into 46 (later 47) sections, using existing routes such as Darling Street, and other contour-hugging tracks, such as Beattie Street and Mullens Street to delineate the parcels. The sections were purchased over the next thirty years by wealthy investors, local speculators and builders.

The largest of the estates put together from Langley’s subdivisions was the 19 acres of the Merton Estate purchased by piano importers Paling and Starling, druggists George and Frederick Elliott and estate agent Alfred Hancock. It occupied the land between Terry Street and Evans Street. It was subdivided by its owners into 197 allotments generally 30ft x 100ft with 50ft-wide grid

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pattern of roads, and was auctioned by local agent and developer, Alfred Hancock from 1874.

A miscellaneous collection of service and consumer trades servicing these new dwellings appeared along Evans Street in the 1870s making it the main commercial thoroughfare along the upper reaches of the Balmain peninsula.

By the 1880s the growth of industry, including noxious industry, in White Bay and along Whites Creek, made the south and east-facing slopes of the Darling Street ridge unattractive for a more affluent residential market. Those who could find employment in these industries would seek housing within walking distance, as public transport – then the horse drawn bus or later the steam tram – were too expensive. Canny speculators, such as Hancock (later Mayor of Balmain) sold to small builders who constructed very dense workers' housing for rentees or purchasers on small budgets. By 1891 a large part of this area had been built upon.

The arrival of the government-owned steam tram at the junction of Darling Street and Victoria Road in 1892, provided relatively more affluent residents along its route with transport to the city, and a greater choice of employment away from places within immediate walking distance from home. The advent of the tramway probably explains the major impetus to growth in the area particularly to the west of Evans Street, so that in the 1890s much of Terry, Wellington, Merton and Nelson Streets were built upon with one-storey brick semis, pairs or small groups of terraces (two to an allotment) and double-fronted single-storey houses (one to an allotment). Most of these buildings were constructed by local builders such as Robert Gordon, William Whitehorn and James Gibson, whose small-scale operations are indicated by the small groups of similar houses or terraces.

From the 1850s, Booth's Saw Mill on White Bay provided a cheap source of timber and weatherboards, promoting weatherboard houses as the norm for workers' housing throughout Balmain until brick terrace housing became prevalent in the late nineteenth century.

The extension of the steam tram service along Darling Street by 1900 encouraged shopkeepers to relocate there to catch the passing trade, and Evans Street was superseded as a commercial centre.

The Metropolitan Detail Survey Sydney Water Archive¹ suggests that almost all the land east of Wellington Street was built upon by 1905.

By 1907 the precinct was generally known as Rozelle.

Sources

Solling, M and Reynolds, P 1997, 'Leichhardt: on the margins of the city', *Leichhardt Historical Journal*, Vol. 22, Allen and Unwin.

Further information provided by Max Solling.

Significant Characteristics

- Contour hugging main roads – Evans, Beattie and Reynolds.

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- Outline of subdivisions, size and aspect of allotments, determined by route of main roads.
- Wider residential roads off Darling Street ridge, with grid subdivision pattern, but
- Generally narrow roads between main access roads.
- Narrow, often shallow allotments.
- Back lanes are rare.
- Dense urban environment.
- Continuous lines of buildings create sharply defined lineal spaces.
- Buildings stepped up and down hill, following the topography.
- Houses sited close to road near Darling Street ridge; and sited onto the road alignment nearer to White Bay.
- Small front gardens near Darling Street; there are fewer gardens towards White Bay.
- Tree planting is minimal except where wider main access roads provide enough room – Langley, Roseberry, Llewelyn and Reynolds Street.
- Large stands of trees in parks and open spaces.
- Small range of housing types: single-fronted, single-storey timber terraces, two-storey terraces, free-standing timber or stone single-storey cottages.
- Some larger villas on high land around Smith Street, and more generous terraces in similar locations.
- Scale predominantly limited to one or two storeys.
- Pubs with verandahs act as punctuation marks in the streetscape.
- Corner stores.
- Commercial premises (and former commercial premises) with attached dwellings along Evans and Darling Streets.
- Small industrial/warehouse buildings occur throughout the area.
- Variety of materials – large number of timber, plastered brick, some later (1890s+) face brick and a few stone buildings.
- Roof materials vary – iron is common, terracotta tiles, some slate.
- Stone retaining walls.
- Remnants of iron palisade fences define some street frontages.
- Suspended awnings to commercial facades along Darling and Evans Streets.
- Sandstone kerbs and gutters.

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Statement of Significance or Why the Area is Important

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

Maintenance of Heritage Values

Generally

This is a conservation area. Little change can be expected other than modest additions and discrete alterations. Buildings which do not contribute to the heritage significance of the area may be replaced with sympathetically designed infill.

Retain

- Existing width and alignment of streets: avoid chicanes which cut diagonally across the carriageway.
- Existing back lanes.
- All buildings pre-1939 and particularly all timber buildings
- All original plaster finishes to external walls - reconstruct where necessary.
- All original unplastered face brick walls.
- All original external architectural detail, decorative tiles, plaster mouldings, chimneys, roof ridges and finials, commercial signs etc.

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Encourage replacement of lost elements, but only where evidence is available.

- All remaining sandstone kerbs and gutters.
- All corner stores, corner pubs and industrial buildings within the residential areas, and encourage their restoration. Consider small-scale commercial or professional uses for these buildings, if original uses no longer operate, as a reference to their original uses.
- Street and park planting; reinstate where necessary

Avoid

- Amalgamation that might lead to a change in the densely developed streetscape.
- Demolition of any pre-1939 building, particularly those pre-1910.
- Demolition of any remaining timber building.
- Additional storeys above the existing form of the building.
- Posted-verandahs over footpaths to commercial premises where no evidence can be provided to support their reconstruction. Encourage restoration of verandahs where evidence exists.
- Removal of plaster to external walls, where part of the original construction. Removal of original architectural details.
- Additional architectural detail for which there is no evidence.
- Inappropriate fences such as high brick walls, new iron palisades on high brick bases.
- Interruption to the almost continuous kerb and gutter line.

Endnotes

¹ Solling & Reynolds, p 81.
