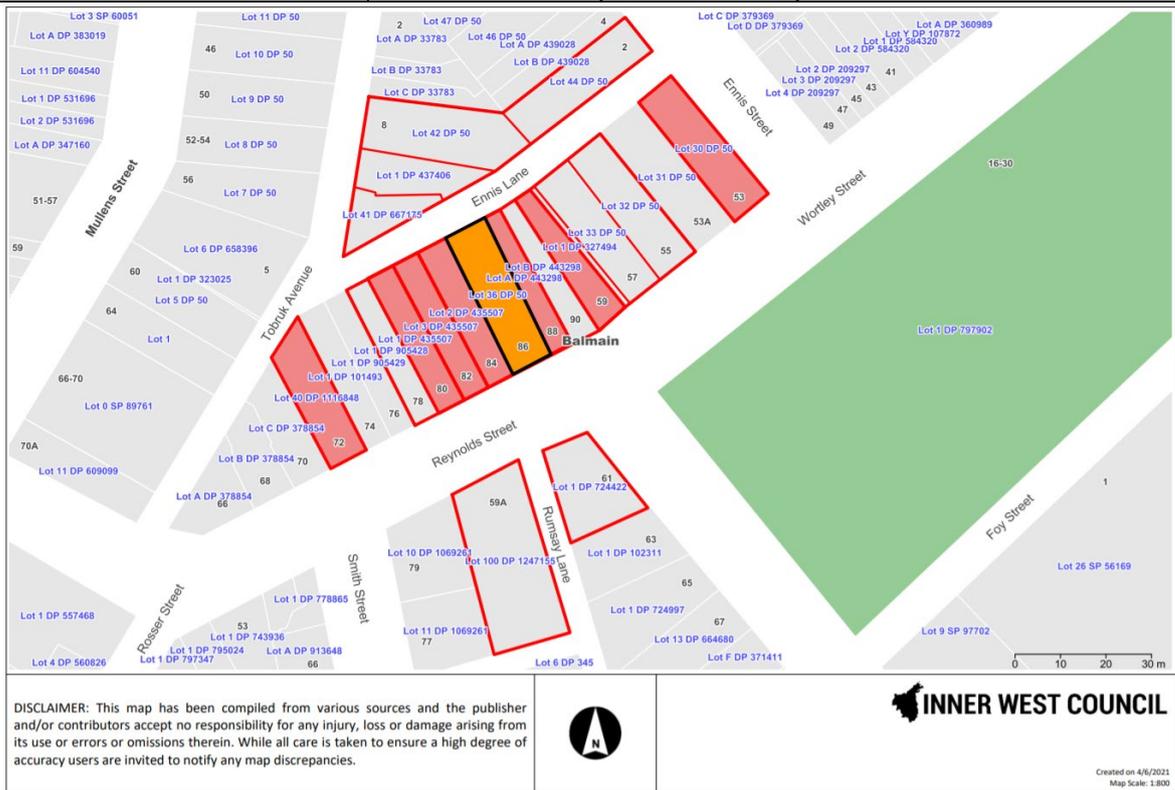


INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2020/1181
Address	86 Reynolds Street BALMAIN NSW 2041
Proposal	Demolition of existing dwelling, Torrens title subdivision into two lots, erection of two semi-detached dwelling-houses comprising three levels and associated works, including on-site parking provision.
Date of Lodgement	14 January 2021
Applicant	Raymond Panetta Architects
Owner	Guy Pahor
Number of Submissions	(14)
Value of works	\$1,000,000.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10% Number of submissions
Main Issues	Minimum Subdivision Lot Size
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



LOCALITY MAP

Subject Site		Objectors		 N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of existing dwelling, Torrens title subdivision into two lots, erection of two semi-detached dwelling-houses comprising three levels and associated works, including on-site parking provision at 86 Reynolds Street, Balmain. The application was notified to surrounding properties and thirteen (13) submissions were received.

The main issues that have arisen from the application include:

- Minimum Subdivision Lot Size variation exceeds 10%

The non-compliances are acceptable given the proposed new dwellings on each newly created lot will have no significant adverse amenity impacts to the adjoining properties or impacts on the public domain, and therefore the, application is recommended for approval.

2. Proposal

The proposal involves the demolition of the existing single storey dwelling and carport, Torrens title subdivision of the site into two allotments and the construction of 2 two storey, semi-detached dwellings with parking to Ennis Street. The extent of proposed works includes:

Ground Floor

- New ground floor including a bedroom, stair access to the first floor, a combined bathroom/laundry and an open kitchen, dining and living space – with direct access to the north-west facing private open space.
- New party wall
- New front garden and entrance
- New tree and associated landscaping
- Hardstand parking space

First Floor

- New first floor including two bedrooms, two bathrooms and stair access to the attic study.

Attic

- New attic study with a dormer window facing towards the rear of the property

3. Site Description

The subject site is located on the northern side of Reynolds Street, between Ennis Street and Tobruk Avenue. The site consists of one allotment and is generally rectangular shaped with a total area of 278.2sqm and is legally described as Lot 36 in D.P. 50 at No. 86 Reynolds Street, Balmain.

The site has a frontage to Reynolds Street of 9.145 metres.

The site supports an existing single storey rendered dwelling with a tiled roof. The adjoining properties support one and two storey rendered terraces.

The subject site is not listed as a heritage item but is located within a heritage conservation area. The property is not identified as a flood prone lot.

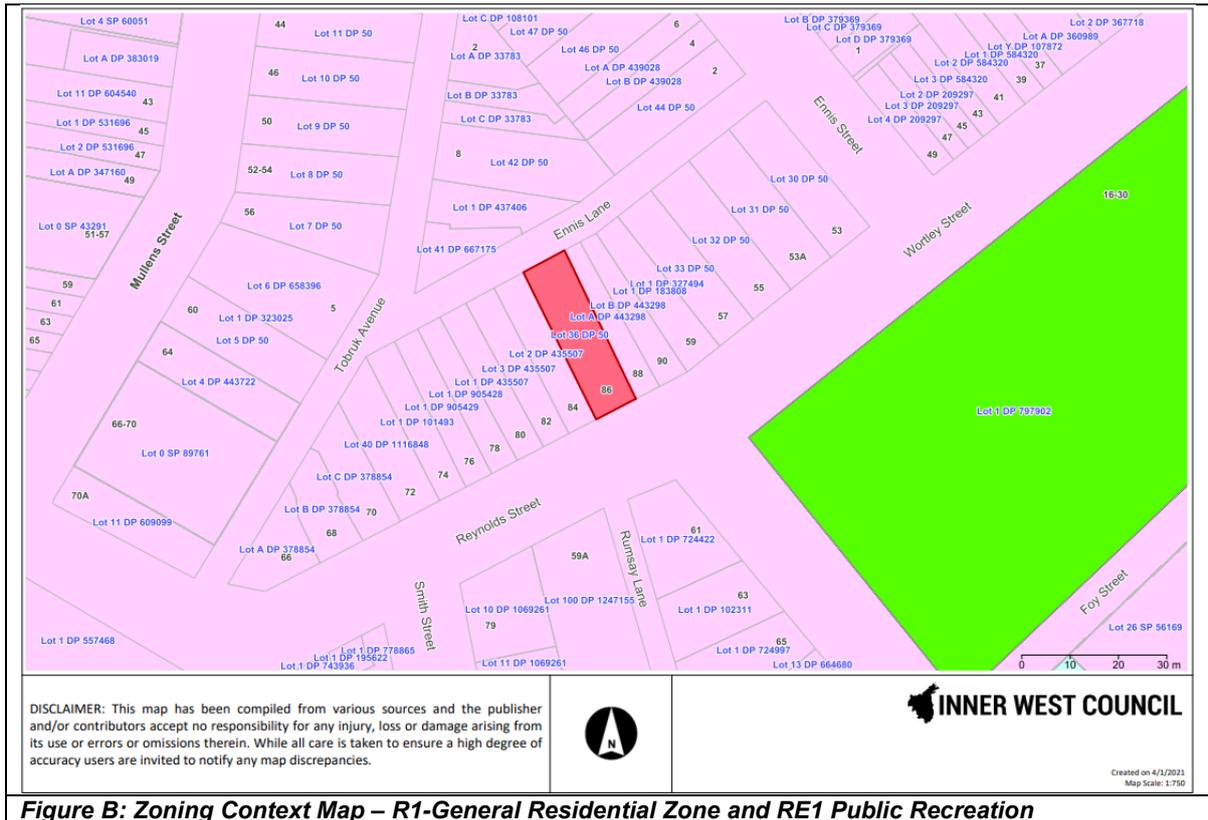


Figure B: Zoning Context Map – R1-General Residential Zone and RE1 Public Recreation

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
PDA/2020/0212	Demolition of existing dwelling and construction of two terrace dwellings	Advice Issued

Surrounding properties

Not applicable

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 (Vegetation in Non-Rural Areas) 2017*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. *SEPP 55* requires 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) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is not within the Foreshores and Waterways Area, therefore no assessment under the Plans is required.

5(a)(iv) State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)

Vegetation SEPP concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council’s DCP.

The application does not seek the removal of vegetation from within the site. The application was referred to Council’s Tree Management Officer who raised no objection to the proposal, subject to one (1) tree being provided per lot.

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and the LDCP2013, subject to conditions which have been included in the recommendation of this report.

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 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.6 - Subdivision
- Clause 2.7 - Demolition
- Clause 4.1 - Minimum subdivision lot size
- 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 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid 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 semi-detached dwellings and the development is permitted with consent within the land use table. The development is consistent with the objectives of the R1 – General Residential zone.

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

Lot 1 / 86A Reynolds Street

Standard	Proposal	Non compliance	Complies
Minimum subdivision lot size Minimum permissible: 200sqm	134.8sqm	65.20sqm / 32.60%	No
Floor Space Ratio Maximum permissible: 1:1 / 134.8sqm	0.99:1 / 133.90sqm	N/A	Yes
Landscape Area Minimum permissible: 15% / 20.22sqm	20% / 27sqm	N/A	Yes
Site Coverage Maximum permissible: 60% / 80.90sqm	59.22% / 79.80sqm	N/A	Yes

Lot 2 / 86B Reynolds Street

Standard	Proposal	Non compliance	Complies
Minimum subdivision lot size Minimum permissible: 200sqm	139.4sqm	60.60sqm / 30.30%	No
Floor Space Ratio Maximum permissible: 1:1 / 139.4sqm	0.99:1 / 138.22sqm	N/A	Yes
Landscape Area Minimum permissible: 15% / 20.91sqm	20.52% / 28.6sqm	N/A	Yes
Site Coverage	59.90% / 83.5sqm	N/A	Yes

Maximum permissible: 60% / 83.64sqm			
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Clause 4.6 Exceptions to Development Standards

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

- Clause 4.1 - Minimum Subdivision Lot Size

The applicant seeks a variation to the Minimum Subdivision Lot Size development standard under Clause 4.1 of the Leichhardt Local Environmental Plan by 32.60% (65.20sqm) for Lot 1/ No. 86A Reynolds Street and by 30.30% (60.60sqm) for Lot 2/ No. 86B Reynolds Street.

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 subdivision of 86 Reynolds Street into two terrace house lots (of 139.4 sqm and 134.8 sqm) would be:
 - Consistent with the history of development of the original subdivision of Reynolds Street (which has seen progressive re-subdivision of the original larger allotments into multiple, smaller lots to accommodate two-storey attached terrace houses), and,
 - Consistent with the lot sizes of the adjacent row of Reynolds St terraces and directly comparable to the lot size of the neighbouring terraces at 84 and 88 Reynolds Street
- The development of the proposed two terraces and subdivision would be consistent with the urban form of the adjacent terraces – reinforcing the prevailing streetscape urban ‘rhythm’ and would make a positive contribution to the streetscape and heritage Conservation Area when compared to the form and fabric of the existing house.

The applicant’s written rationale adequately demonstrates that compliance with the development standard is unreasonable 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 LR1, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

The relevant objectives of the R1 – General Residential zone are outlined below:

- *To provide for the housing needs of the community.*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*

- *To protect and enhance the amenity of existing and future residents and the neighbourhood*

Having regard to these objectives, the following is noted:

- a) The proposed dwellings provide residential accommodation which is compatible with the character, pattern of development and streetscape of the neighbourhood.
- b) The proposed lots are regular in shape and compatible with the prevailing pattern of subdivision / orientation of lots in the surrounding area.
- c) The proposed new dwellings enhance the amenity of the subject site without adversely impacting neighbouring amenity.

It is considered the development is in the public interest because it is consistent with the objectives of the Minimum Subdivision Lot Size development standard, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

The objectives of the Minimum Subdivision Lot Size development standard are as follows:

- *to ensure that lot sizes are able to accommodate development that is consistent with relevant development controls,*
- *to ensure that lot sizes are capable of supporting a range of development types.*

Having regard to these objectives, the following is noted:

- d) The proposed dwellings provide residential accommodation which is compatible with the character, pattern of development and streetscape of the neighbourhood.
- e) The proposed lots are regular in shape and compatible with the prevailing pattern of subdivision / orientation of lots in the surrounding area.
- f) The proposed new dwellings enhance the amenity of the subject site without adversely impacting neighbouring amenity.

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 Minimum Subdivision Lot Size development standard and it is recommended the Clause 4.6 exception be granted.

Clause 5.10 - Heritage Conservation

The subject property at 86 Reynolds Street, Balmain, is a neutral dwelling located within The Valley Heritage Conservation Area (C7 in Schedule 5 of the Leichhardt LEP 2013). The site is within the vicinity of Punch Park at 16-30 Wortley Street, Balmain (I361).

Pre-DA advice was sought for the proposed demolition of the existing dwelling and construction of 2 terraces at 86 Reynolds Street, Balmain (PDA/2020/0212). The application was referred to council's heritage specialist who concluded that demolition was acceptable based on the altered condition of the existing dwelling, as is not of any heritage significance, given the extent of works required to conserve the dwelling and as the design of the proposed infill dwellings were generally acceptable.

Additional commentary is provided in respect to the drawings prepared by Raymond Panetta, dated 21 December 2020 and the Heritage Impact statement prepared by Heritage 21, dated June 2020.

1. *It is recommended that the design be amended to incorporate the following design changes:*

- a. *ground floor windows be centred between the doorway openings and the party walls;*

Comment: Amended to be centred.

- b. *openings visible from the public domain must be vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame). Dominancy must be given to masonry/solid elements rather than glazed areas. Blank unarticulated walls should also be avoided if visible from the public domain;*

Comment: The typical door and window detail on the north east elevation shows steel frame for the doors and windows in the front façade. As stated in the pre-DA advice, openings visible from the public domain must employ traditional design (timber sash or French doors) and materials (timber frame). It is recommended the typical door and window detail for doors and windows on the north east (front) elevation and the windows on the first floors and attic levels on the north west (rear) elevation be amended from steel frame inserts to timber frame and timber inserts as a design change condition.

- c. *proposed materials and colours must be provided for the proposed balustrading to the verandahs and balconies. Steel is encouraged to complement the material of the first-floor balconies of the existing terraces in a plainer design.*

Comment: A steel balustrade is shown for the proposed balustrade to the first-floor balconies to the south east (front) elevation and is proposed to be painted in "Monument", which is acceptable.

2. *A colours and materials schedule will need to be submitted for consideration and should include the following:*

- a. *Reflective wall cladding is not acceptable. Greys and blacks are not acceptable and must be avoided. Light, warm, earthy, tones are to be used; and*

- b. *a pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".*

Comment: Dulux Lexicon proposed for the render finish to the walls and Colorbond "Wallaby" for the roofing are acceptable. The "Monument" proposed to the door and window frames is to be replaced with Dulux "Natural White" or "Whisper White" in the south east (front) elevation and to the windows on the first floors and attic levels on the north west (rear) elevation, as lighter colours for door and window frames are complementary to the character of The Valley HCA and these will be visible from the public domain.

Vertical cladding painted in "Wallaby" is proposed to the first-floor walls and the cheeks to the dormer windows. The "Wallaby" colour is to be replaced with Dulux "Lexicon" to match the colour proposed for the front of the dwellings and the cladding is to be laid horizontally, not vertically, to complement the traditional weatherboard character within the HCA.

It is recommended that a design change condition be included in the consent requiring the Materials & Finishes Schedule be updated in accordance with the above.

3. *The applicant is encouraged to consider palisade fencing to the front boundary to complement the established palisade fencing to the row of terraces within the*

streetscape. The design should complement the existing height of the palisade fencing and should be plainer in design.

Comment: A steel palisade fence is proposed to the front boundary which is acceptable.

In light of the discussion above, the following design change conditions are recommended to ensure the development is in accordance with Clause 5.10 Objectives 1(a) and (b) in the LLEP 2013 and the relevant objectives and controls in the LDCP 2013.

- a) The detail of the doors and windows on the north east (front) elevation and the windows on the first floors and attic levels on the north west (rear) elevation are to be amended from steel frame inserts to timber frame inserts.
- b) The cladding proposed to the first-floor walls and the cheeks to the dormer windows on the north west (rear) elevation is to be laid horizontally.
- c) The Schedule of Materials Colours and Materials is to be updated in accordance with the following:
 - i. The “Monument” proposed to the door and window frames is to be replaced with Dulux “Natural White” or “Whisper White” in the south east (front) elevation and to the windows on the first floors and attic levels on the north west (rear) elevation; and
 - ii. The cladding proposed to be painted in “Wallaby” to the first-floor walls and the cheeks to the dormer windows in the north west (rear) elevation are to be replaced with Dulux “Lexicon”.

5(b) Draft Environmental Planning Instruments

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 are not especially relevant to the assessment of the application. Accordingly, 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 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	N/A
C1.4 Heritage Conservation Areas and Heritage Items	Yes – refer to discussion under Section 5(a)
C1.5 Corner Sites	N/A
C1.6 Subdivision	No, but acceptable – see discussion
C1.7 Site Facilities	Yes
C1.8 Contamination	N/A
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
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 Distinctive Neighbourhood C2.2.2.4(b) Palmer Street Sub Area	Yes – refer to discussion under Section 5(a)
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No (side setback) but acceptable - see discussion
C3.3 Elevation and Materials	Subject to conditions – refer to discussion under Section 5(a)
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	Yes – see discussion
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	Yes
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	N/A
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	N/A
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
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C1.6 Subdivision

As discussed in previous sections, the proposed subdivision of the site results in two lots with site areas of 134.8sqm for Lot 1 / 86A Reynolds Street and 139.4sqm for Lot 2 / 86B Reynolds Street; which does not comply with the minimum lot size requirements under this Clause.

The proposed subdivision is considered acceptable in this instance for the following reasons:

- Each lot is of a sufficient size and dimension to accommodate residential development;
- The proposed new lots are consistent with the surrounding prevailing subdivision pattern and pattern of development;
- Each lot will be conditioned to incorporate adequate tree planting; and,
- The proposal complies with Landscaped Area, Site Coverage and Floor Space Ratio Development Standards.

As such, the proposal achieves compliance with the objectives of this Clause.

C3.2 Site Layout and Building Design**Building Location Zone (BLZ)**

The proposed ground floors are appropriately sited within the context of the neighbouring properties at No. 84 and No. 88 Reynolds Street however, the first floors would establish a new building location zone and result in a variation under this Clause.

The test prescribed under this Clause is satisfied and the BLZ variation acceptable in this instance, for the following reasons:

- The height of the first floor has been kept to a minimum, to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties;
- The upper level – attic study is contained almost entirely within the proposed roof forms to further minimise visual bulk and scale impacts to neighbouring properties;
- The proposal complies with Floor Space Ratio, Site Coverage and Landscaped Area Development Standards;
- The proposal complies with the solar access controls the LDCP2013 and has been designed to minimise any potential amenity impacts on adjoining properties in terms of privacy;
- The proposed development is a sympathetic addition to the existing streetscape and Heritage Conservation Area, and is compatible with the desired future character and scale of surrounding development; and,
- The proposal provides sufficient private open space areas, landscaping and tree planting for each dwelling.

As a result, it is considered that the proposal is satisfactory having regard to the BLZ controls.
Side Setbacks

The proposed wall height of each dwelling (3000mm - 6700mm) requires greater setbacks at both ground and first floors and will therefore result in a technical breach to the side setback controls along the eastern and western boundaries.

The test prescribed under this Clause is satisfied and the side setbacks acceptable in this instance, for the following reasons:

- The height of the first floor has been kept to a minimum, employing minimal floor to ceiling heights, to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties;
- The proposal complies with the solar access controls the LDCP2013 and has been designed to minimise any potential amenity impacts on adjoining properties in terms of privacy;
- The proposed development is a sympathetic addition to the existing streetscape and Heritage Conservation Area, and is compatible with the desired future character and scale of surrounding development; and,
- Reasonable access is provided to each side boundary for maintenance.

Building Envelope

The streetscape and neighbourhood controls prescribed in part *C.2.2.2.4: The Valley Distinctive Neighbourhood* of the LDCP2013 prescribe a maximum building wall height of 6m may be considered where the local development pattern warrants it.

The proposed in-fill development is complimentary in form, scale and design with immediately adjacent terrace dwellings along Reynolds Street and has been designed to comply with the envelope controls prescribed under this Clause.

In this regard the proposed development is considered acceptable.

C3.9 Solar Access

The following solar access controls apply:

- *C13 – Where the surrounding allotments are orientated north/south and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained between 9am and 3pm during the winter solstice.*
- *C17 – Where surrounding dwellings have north facing private open space, ensure solar access is retained for three hours between 9am and 3pm to 50% of the total area during the winter solstice.*

The proposal will not result in any additional overshadowing to the private open space of neighbouring properties. As confirmed by the shadow diagrams, the immediate adjoining properties at No. 80, No. 82, No. 84 and No. 88 Reynolds Street will retain all existing solar access to their private open space.

It is noted that a submission was received raising concern that windows which service first floor bedrooms and a bathroom and, ground floor kitchen/ living areas at No. 84 Reynolds Street will be impacted. The shadow diagrams submitted confirm that the proposal will cast some additional shadows to a north facing, first floor bedroom window, an east facing, first floor bathroom window and an east facing, first floor bedroom window between 9am and 10am in mid-winter. While an east facing highlight window servicing kitchen and living areas will also be impacted between 9am and 11am in mid-winter.

It should be noted that the controls listed under this Clause only protect north facing glazing servicing a main living room and that the adjoining property at No. 84 Reynolds Street would retain all existing solar access to their north facing living room windows. Furthermore, where additional overshadowing has been identified, these windows still retain some direct solar access at these times in mid-winter.

In conclusion, the solar access controls prescribed in this part of the LDCP2013 seek to protect main windows which service living rooms. As such, any additional overshadowing to neighbouring properties is not considered to be unreasonable and the proposal complies with the objectives and controls of this Clause.

C3.11 Visual Privacy and C3.12 Acoustic Privacy

The visual privacy controls prescribed in this part of the LDCP2013 seek to protect sightlines and overlooking between living areas and private open space.

It is noted that several submissions were received raising concern about privacy and overlooking from the rear first floor and attic windows of the dwellings to neighbouring properties. The windows to the upper levels of the development are considered acceptable for the following reasons:

- Control C1 of this Clause protects sight lines within 9m and 45 degrees between living rooms and private open space areas;
- Bedrooms are not considered high trafficable areas capable of generating adverse overlooking opportunities;
- The windows are setback 1.5m from each side boundary; and
- The dwellings are orientated in accordance with the prevailing pattern of development and subdivision pattern to allow for areas of private open space to be adjacent to one another.

It is also noted that a submission was received raising concern that about visual and acoustic privacy from the west facing bathroom window of the proposed dwelling at No. 86A Reynolds

Street to the bedroom windows of No. 84 Reynolds Street. Given the proposed window has a sill height 1.6m above finished floor level, as required under this Clause, it is considered that any overlooking opportunities from this bathroom have been adequately protected and the location of this window is acceptable.

With regard to acoustic noise, given the upper level of the proposal contains a bedroom, bathroom and staircase adjacent to the existing bedrooms of No. 84 Reynolds Street all of which are not considered to be high-trafficable areas, the proposal will not generate any undue or adverse acoustic noise impacts which would be contrary to the controls prescribed under this Clause.

Overall, the proposal achieves compliance with the controls and objectives of these Clauses, and it is considered that an adequate level of visual and acoustic separation is achieved between the subject dwellings and adjacent properties.

In light of the above considerations, the proposal is considered acceptable.

5(e) 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(f) 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(g) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. A total of thirteen (13) submissions were received in response to the notification.

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

- Impact on Heritage Conservation Area and Demolition – refer to Section 5 (a)(iv)
- Subdivision – refer to Section 5 (a)(iv) and Section 5 (d)
- Materials, Colours and Finishes – refer to Section 5 (a)(iv)
- Height, bulk and scale (BLZ, setback and envelope compliance) - see section 5(d).
- Compliance with development standards - see section 5(a)(vi).
- Visual and acoustic privacy - see section 5(c).
- Solar access and Overshadowing - see section 5(c).

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

Issue: Loss of district and outlook views

Comment: The view loss provisions of the LDCP2013 protect significant and/or landmark views rather than outlook or district views. The proposal is considered acceptable in terms of height, bulk and scale and the siting of the rear two-storey addition is considered acceptable as viewed from neighbouring properties. The proposal will not result in the loss of any views which would be contrary to the LDCP2013.

Issue: Overdevelopment of the site

Comment: The proposal complies with the FSR development standard and the variation to the Subdivision Lot Size development standard is considered reasonable. The proposed development is considered acceptable within the context of the subject site and surrounding properties.

Issue: Errors with the information contained within the statement of environmental effects.

Comment: Noted, however, notwithstanding any errors contained within this document, an assessment of the application has found that the proposal is generally acceptable and complies with the LLEP2013 and LDGP2013.

Issue: Damage / impact to neighbouring properties due to construction and excavation

Comment: Standard conditions will be included as part of any future consent regarding the construction of the development including the requirement for a dilapidation report. Furthermore, there is no excavation proposed as part of the development which relies on the natural topography of the site. Overall, it is not considered that the development will result in adverse impacts during construction and Council's standard construction management conditions will be applied to any consent.

Issue: The proposed development will be attached to the external boundary wall of No. 88 Reynolds Street and affect a right of access between the two properties.

Comment: All proposed works are located within the property boundaries of No. 86 Reynolds Street and no works are proposed to be attached to the boundary wall of No. 88 Reynolds Street. Standard conditions will be imposed as part of any future consent to ensure all works are built independent of neighbouring properties and constructed wholly within the property boundaries. Furthermore, there appears no evidence, historic or otherwise, to suggest that there is an existing right of access between No. 86 and No. 88 Reynolds Street and as such, it is considered acceptable for the proposed works to be built to the boundary.

Issue: The demolition of the garden fence at the rear of the site will damage the garden/plants of No. 88 Reynolds Street.

Comment: It appears from the survey that the garden fence/wall located at the rear of the site is within the property boundaries of the subject site and therefore may be demolished. The reconstruction of any boundary fence or wall between the two properties will need to be negotiated and consented to in accordance with the *Dividing Fences Act 1991*.

Issue: Impact of development on home business/ home occupation at No. 84 Reynolds

Comment: The proposed development is for the erection of two semi-detached residential dwelling-houses. The potential impacts in terms of overshadowing and visual and acoustic privacy have been discussed in previous sections. Overall, the development is considered acceptable and will not result in adverse impacts. Furthermore, any potential impacts during construction in terms of noise, will be managed by conditions of consent restricting construction hours.

Issue: The development will affect the structural integrity of No. 84 Reynolds Street.

Comment: All proposed works are located within the property boundaries of No. 86 Reynolds Street. Standard conditions will be imposed as part of any future consent to ensure all works are independent of neighbouring properties and constructed wholly within the property boundaries as well as the requirement for a dilapidation report.

Issue: No off-street parking provided

Comment: The parking requirement for residential development under the Leichhardt DCP 2013 is nil, and as such off-street parking is not required for development consent. Irrespective, the proposal makes provision for two hardstand parking spaces at the rear of the site, one for each dwelling.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Development Engineer - No objections to proposal, subject to conditions being imposed.
- Landscape/Urban Forests - No objections to proposal, subject to conditions being imposed.
- Heritage/Urban Design - No objections to proposal, subject to conditions being imposed.

6(b) External

The application was referred to Ausgrid who did not raise any objections to the proposed development subject to appropriate conditions, which have been included in the recommendation.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contribution levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$30,769.57 would be required for the development under Leichhardt Section 94A Contributions Plan 2014 as follows:

Contribution Plan	Contribution
Open space and recreation	\$25,811.00
Community facilities and services	\$3,945.00
Local area traffic management	\$159.49
Access to Balmain Peninsula	\$819.95
Bicycle	\$34.13
TOTAL	\$30,769.57

Note: The contribution levy above is inclusive of a credit associated with the existing dwelling on site.

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 *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 premises/properties and the streetscape and is considered to be in the public interest.

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

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* to vary Clause 4.1 - Minimum Subdivision Lot Size of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, 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/2020/1181 for demolition of existing dwelling, Torrens title subdivision into two lots, erection of two semi-detached dwelling-houses comprising three levels and associated works, including on-site parking at 86 Reynolds 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
DA06 Rev C	Proposed Ground Floor Plans	21.12.2020	Raymond Panetta Architects
DA07 Rev C	Proposed First Floor Plans	21.12.2020	Raymond Panetta Architects
DA08 Rev C	Proposed Attic Floor Plans	21.12.2020	Raymond Panetta Architects
DA09 Rev C	Proposed Roof Plans	21.12.2020	Raymond Panetta Architects
DA10 Rev C	Proposed Northeast and Southeast Elevations	21.12.2020	Raymond Panetta Architects
DA11 Rev C	Proposed Northwest and Southwest Elevations	21.12.2020	Raymond Panetta Architects
DA12 Rev C	Proposed Sections 1 and 2	21.12.2020	Raymond Panetta Architects
DA13 Rev C	Proposed Sections 2 and 3	21.12.2020	Raymond Panetta Architects
DA15 Rev C	Materials and Finishes Schedule	21.12.2020	Raymond Panetta Architects
DA16 Rev C	Subdivision Plan	21.12.2020	Raymond Panetta Architects
C01 Rev B	Roof & First Floor Stormwater Layout and Sections	16.12.2020	Development Engineering Solutions
C02 Rev B	Ground Floor Stormwater Layout and Sections	16.12.2020	Development Engineering Solutions
Certificate number: 1151796M	BASIX Certificate	17.11.2020	Certified Energy 1

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 detail of the doors and windows on the north east (front) elevation and the windows on the first floors and attic levels on the north west (rear) elevation are to be amended from steel frame inserts to timber frame inserts.
- b. The cladding proposed to the first floor walls and the cheeks to the dormer windows on the north west (rear) elevation is to be laid horizontally.
- c. The Schedule of Materials Colours and Materials is to be updated in accordance with the following:
 - i. The "Monument" proposed to the door and window frames is to be replaced with Dulux "Natural White" or "Whisper White" in the south east (front) elevation and to the windows on the first floors and attic levels on the north west (rear) elevation; and
 - ii. The cladding proposed to be painted in "Wallaby" to the first floor walls and the cheeks to the dormer windows in the north west (rear) elevation are to be replaced with Dulux "Lexicon".

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 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution of \$30,769.57 in accordance with Developer Contributions Plan No.1 – Open Space and Recreation; Developer Contributions Plan No.2 – Community Facilities and Services (2005); and Leichhardt Developer Contributions Plan – Transport and Access ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 08/04/2021.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Local Infrastructure Type:	Contribution \$
Open space and recreation	\$25,811.00
Community facilities and services	\$3,945.00
Local area traffic management	\$159.49
Access to Balmain Peninsula	\$819.95
Bicycle	\$34.13
TOTAL	\$30,769.57

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

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.

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

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. Tree Protection

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

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

Any public tree within five (5) metres of the development must be protected in accordance with Council’s *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council’s Tree Management Controls at any time.

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Tree No.	Botanical/Common Name	Location
1	<i>Callistemon viminalis</i> (Bottle Brush)	Council’s nature strip

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

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

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. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

11. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**12. 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.

13. 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 the adjoining properties at No. 84 Reynolds Street, Balmain and No. 88 Reynolds Street, Balmain 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.

14. 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.

15. 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**16. 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.

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

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The stormwater drainage concept plan on Drawing No. 200728/C02 issue (B) prepared by DEVELOPMENT ENGINEERING SOLUTIONS and dated 16 December 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 a public road via the OSD/OSR tanks as necessary. The proposed connection of roof water to Reynolds Street bypassing the OSD/OSR is not permitted;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- 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. The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (100year ARI);
- g. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- h. Where a combined OSD/OSR is proposed, only roof water is permitted to be connected to the OSD/OSR. The over flow from the storage tank must be connected under gravity to the kerb and gutter of a public road.
- i. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;

- j. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- k. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- l. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- m. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- n. No nuisance or concentration of flows to other properties;
- o. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- p. 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;
- q. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- r. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- s. 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 or sewer grade uPVC pipe with a maximum diameter of 100 mm;
- t. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- u. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- v. No impact to street tree(s).

18. Parking Facilities - Domestic

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
- b. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;

- d. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 3000 mm (length x width) and a door opening width of 3000 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;
- e. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;
- f. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004;

19. Amended Architectural Plans to Reflect requirements of condition (338)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended architectural plans that incorporate requirements of condition (338). The design must be prepared to make provision for the following:

1. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
2. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
3. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;
4. The garage/carport/parking space must have minimum clear internal dimensions of 6000 mm x 3000 mm (length x width) and a door opening width of 3000 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;

No changes to the external form or appearance of the development contrary to the approved plans must occur except as identified by this condition. Any changes to such must be subject to separate approval.

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

21. Concealment of Plumbing and Ductwork

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

DURING DEMOLITION AND CONSTRUCTION**22. 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.

23. 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**24. 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.

25. Protect Sandstone Kerb

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

26. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

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

27. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site

detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

28. Light Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that a light duty concrete vehicle crossing(s), in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" have been constructed at the vehicular access locations.

29. Redundant Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

30. Parking Signoff – Minor Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

31. Certification of Tree Planting

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

A minimum of 1 x seventy five (75) litre size tree per lot, which will attain a minimum mature height of six (6) metres, must be planted in a more suitable location within the property at a minimum of 1.5 metres from any boundary or structure and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species (up to 3 occurrences). If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

32. Section 73 Certificate

< Refer to *Types of development that need a Section 73 Compliance Certificate*. >

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

PRIOR TO SUBDIVISION CERTIFICATE**33. Separate Drainage Systems**

Prior to the issue of a Subdivision Certificate, the Principal Certifier must be provided with a plan detailing that separate drainage systems must be provided to drain each proposed lot.

34. Redundant Vehicle Crossing

Prior to the issue of a Subdivision Certificate, the Principal Certifier must verify that all redundant vehicular crossings to the site must be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominately stone, the replacement kerb must also be in stone.

35. Section 73 Certificate

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with the Section 73 Certificate. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

36. Separate Stormwater

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with details, endorsed by a practising stormwater engineer demonstrating separate drainage systems to drain each proposed lot.

37. Release of Subdivision Certificate

Prior to the release of a Subdivision Certificate, the Certifying Authority must be provided with a copy of the Final Occupation Certificate.

ON-GOING**38. Tree Establishment**

The tree/s planted as part of this consent is/are to be maintained in a healthy and vigorous condition for 12 months from the issue of an Occupation Certificate. If any of the tree/s is/are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate it/they must be replaced with the same species within one (1) month (up to 3 occurrences).

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.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

Tree Pruning or Removal (including root pruning/mapping)

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

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within 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.

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.

Construction of Vehicular Crossing

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

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.

NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - SITA	1300 651 116	www.wasteservice.nsw.gov.au
Environmental Solutions		
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.

Asbestos Removal

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

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

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

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

Street Numbering

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

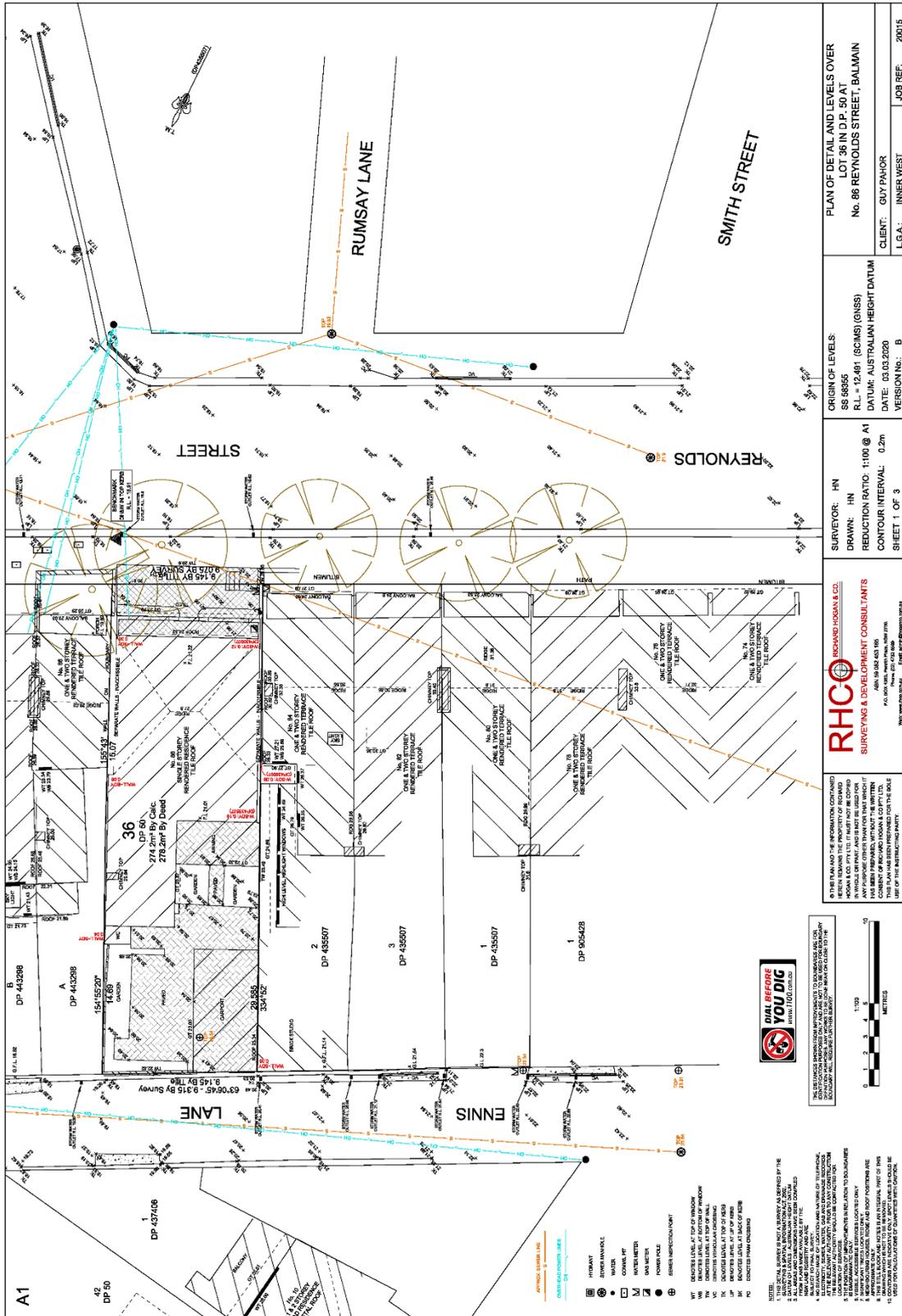
Underground Cables

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. TELEPHONE: 13 13 65 EMAIL: development@ausgrid.com.au

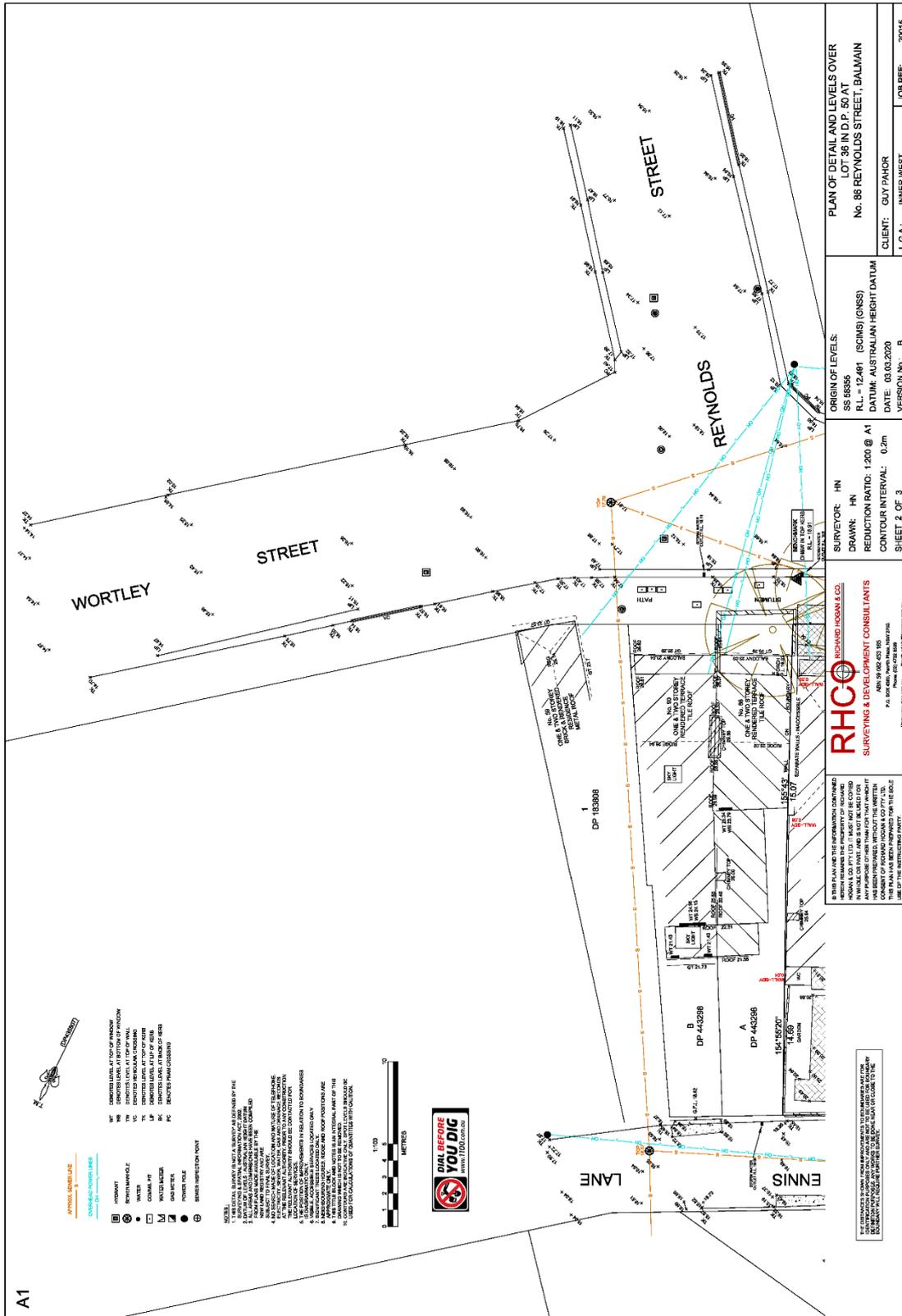
Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au

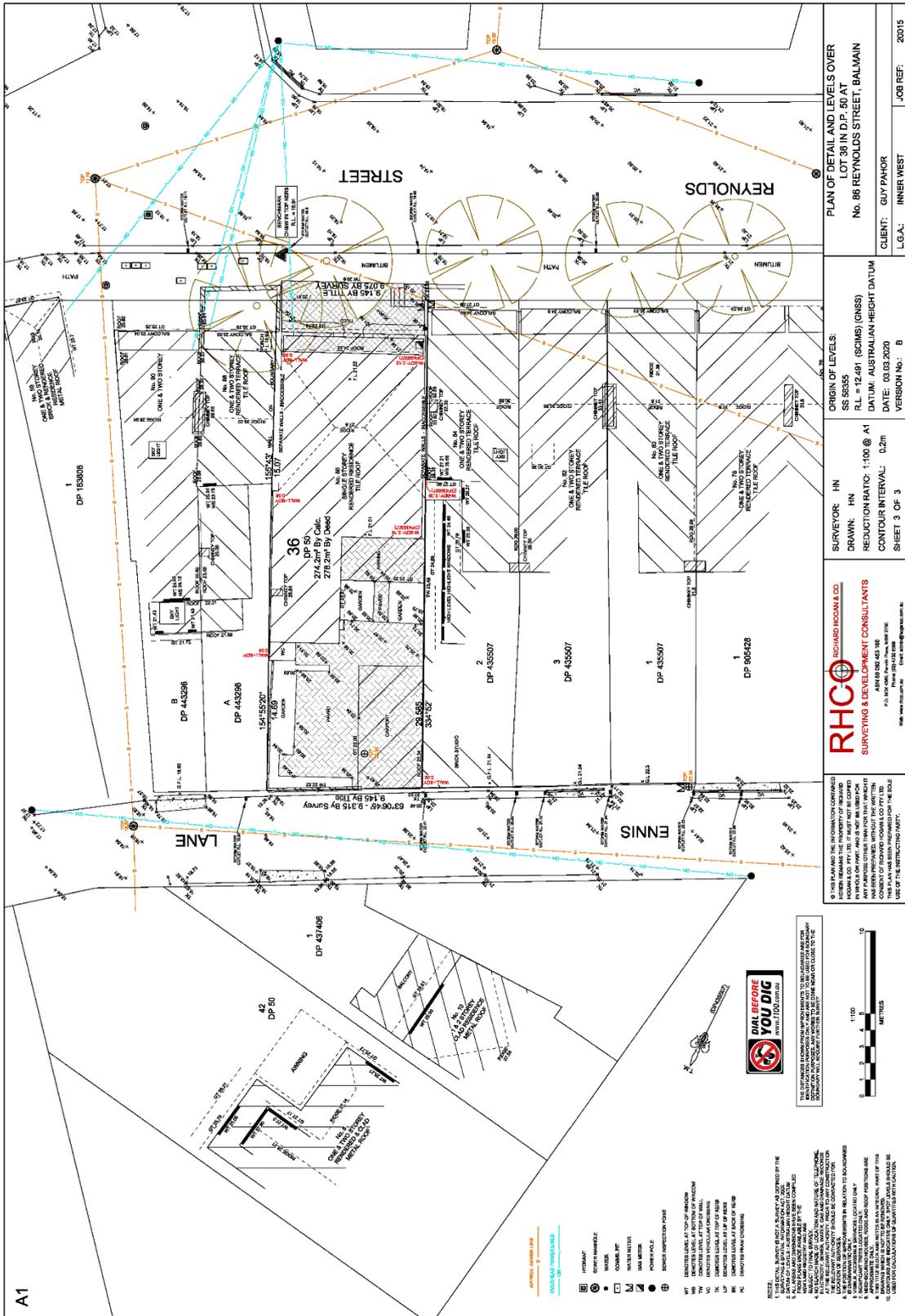
Attachment B – Plans of proposed development

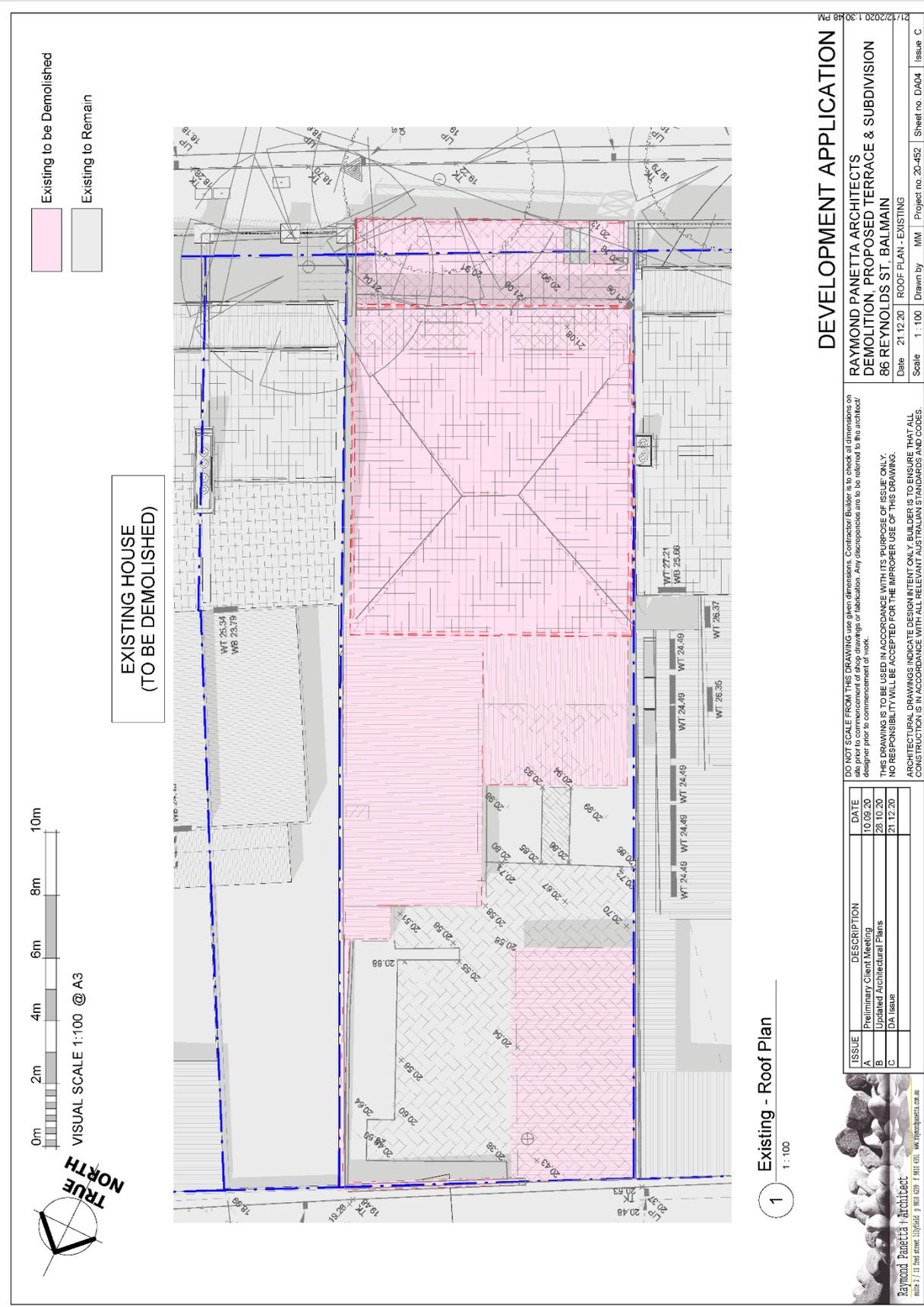


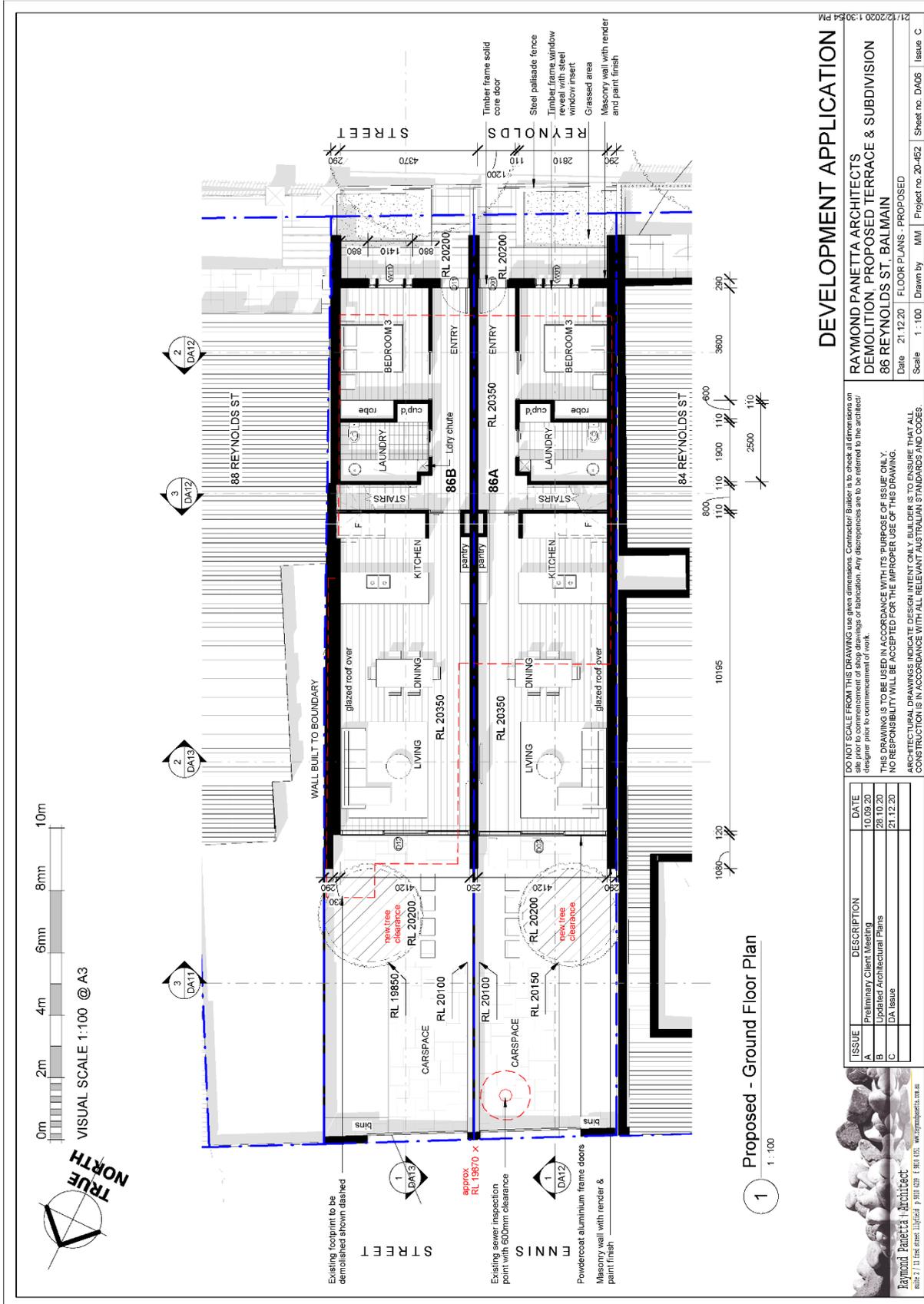
<p>RHCO RICHARD HOGAN & CO. SURVEYING & DEVELOPMENT CONSULTANTS 4/115-119 BRIDGE ROAD BALMAIN NSW 1535 PH: 02 9550 1111 WWW.RHCO.COM.AU</p>	<p>ORIGIN OF LEVELS: SS 8825 RL = 12.481 (GMSD) (GNSS) DATUM: AUSTRALIAN HEIGHT DATUM DATE: 03.03.2020 VERSION NO.: B</p>	<p>PLAN OF DETAIL AND LEVELS OVER LOT 36 IN D.P. 50 AT No. 86 REYNOLDS STREET, BALMAIN CLIENT: GUY PACHOR L.C.A.: INNER WEST JOB REF.: 20015</p>
	<p>SURVEYOR: HN DRAWN: HN REDUCTION RATIO: 1:100 @ A1 CONTOUR INTERVAL: 0.2m SHEET 1 OF 3</p>	<p>IF THIS PLAN AND THE INFORMATION CONTAINED HEREIN REMAINS THE PROPERTY OF RICHARD HOGAN & CO. IT IS TO BE KEPT IN CONFIDENCE AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF RICHARD HOGAN & CO. ANY PERSONS OTHER THAN OURS THAT BREACH THIS CONFIDENTIALITY AGREEMENT WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.</p>

CAD FILENAME: X:\2020 - RHCO\20015 - 86 Reynolds St Balmain\CAD\20015 - 86 Reynolds Street, Balmain - DETAIL V2.dwg









1 Proposed - Ground Floor Plan
1:100

DEVELOPMENT APPLICATION

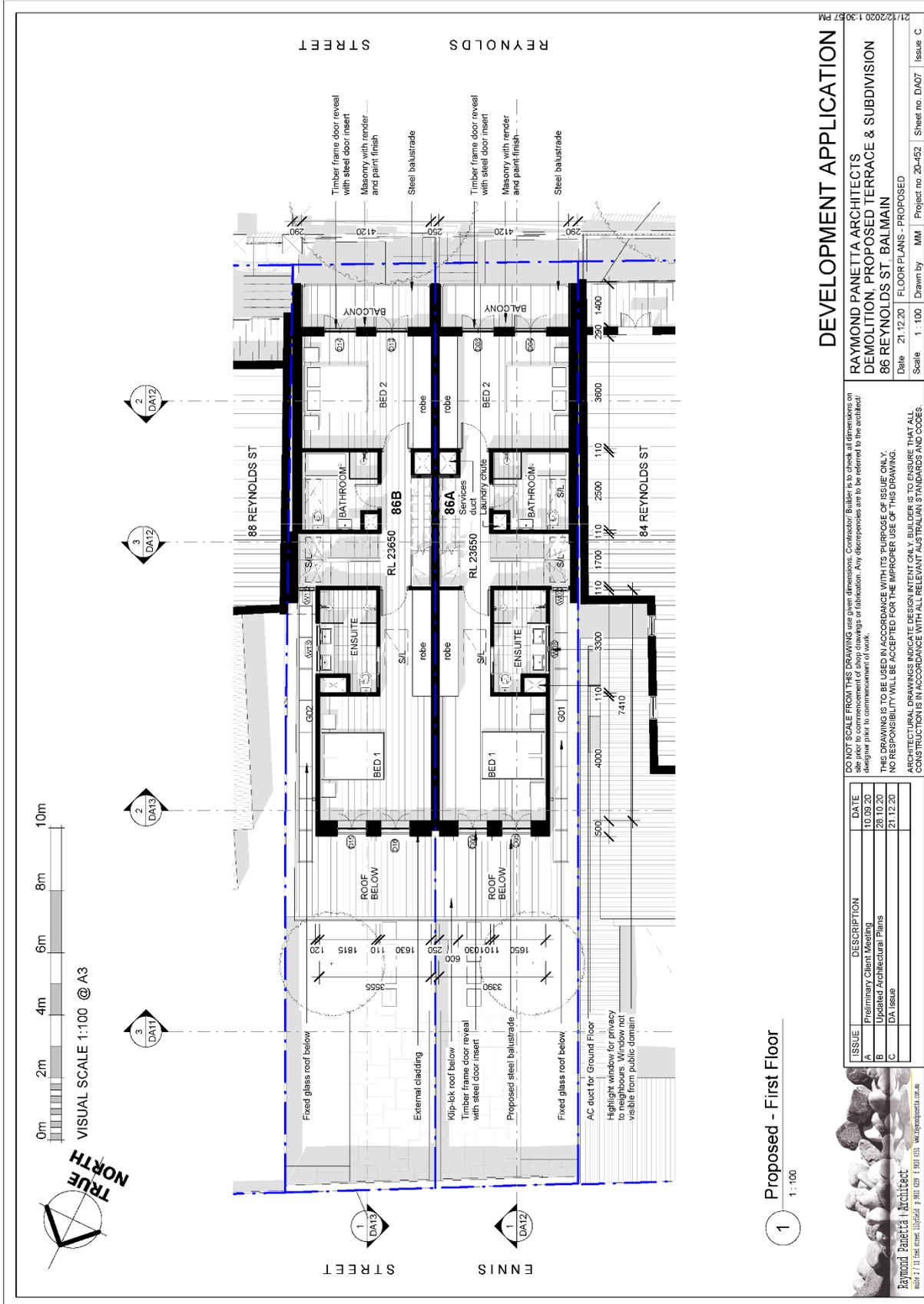
RAYMOND PANETTA ARCHITECTS
DEMOLITION, PROPOSED TERRACE & SUBDIVISION
86 REYNOLDS ST, BALMAIN

Date 21.12.20 FLOOR PLANS - PROPOSED
Scale 1:100 Drawn by IMM Project no. 20-462 Sheet no. DA06 Issue C

DO NOT SCALE FROM THIS DRAWING use given dimensions. Contractor/Builder to check all dimensions on site prior to construction. Any discrepancies are to be referred to the architect designer prior to commencement of work.
THIS DRAWING IS TO BE USED IN ACCORDANCE WITH ITS PURPOSE OF ISSUE ONLY. NO RESPONSIBILITY WILL BE ACCEPTED FOR THE IMPROPER USE OF THIS DRAWING.
ARCHITECTURAL DRAWINGS INDICATE DESIGN INTENT ONLY. BUILDER IS TO ENSURE THAT ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

ISSUE	DESCRIPTION	DATE
A	Preliminary Client Meeting	10.09.20
B	Updated Architectural Plans	28.10.20
C	DA Issue	21.12.20





1 Proposed - First Floor
1:100

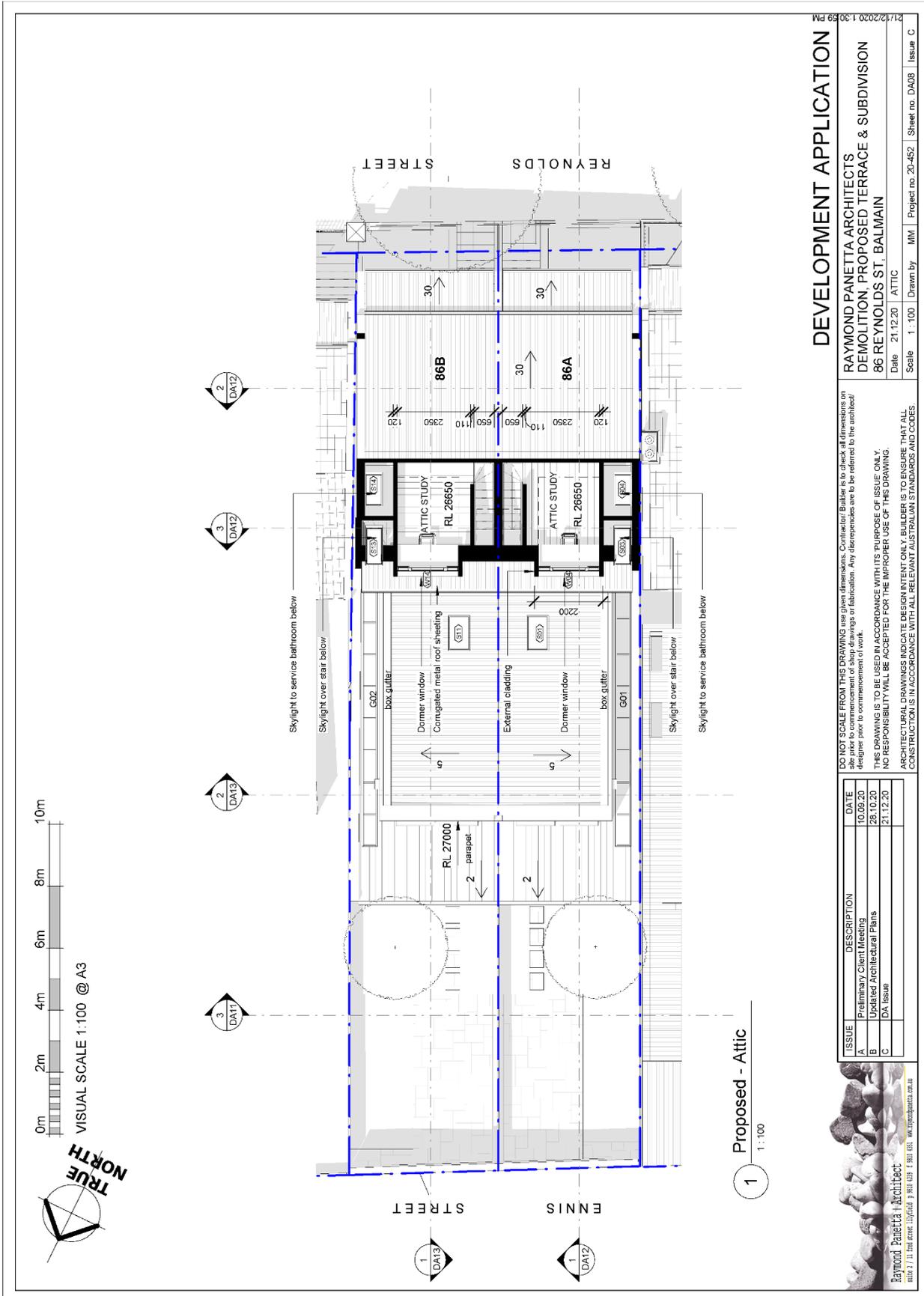
DEVELOPMENT APPLICATION

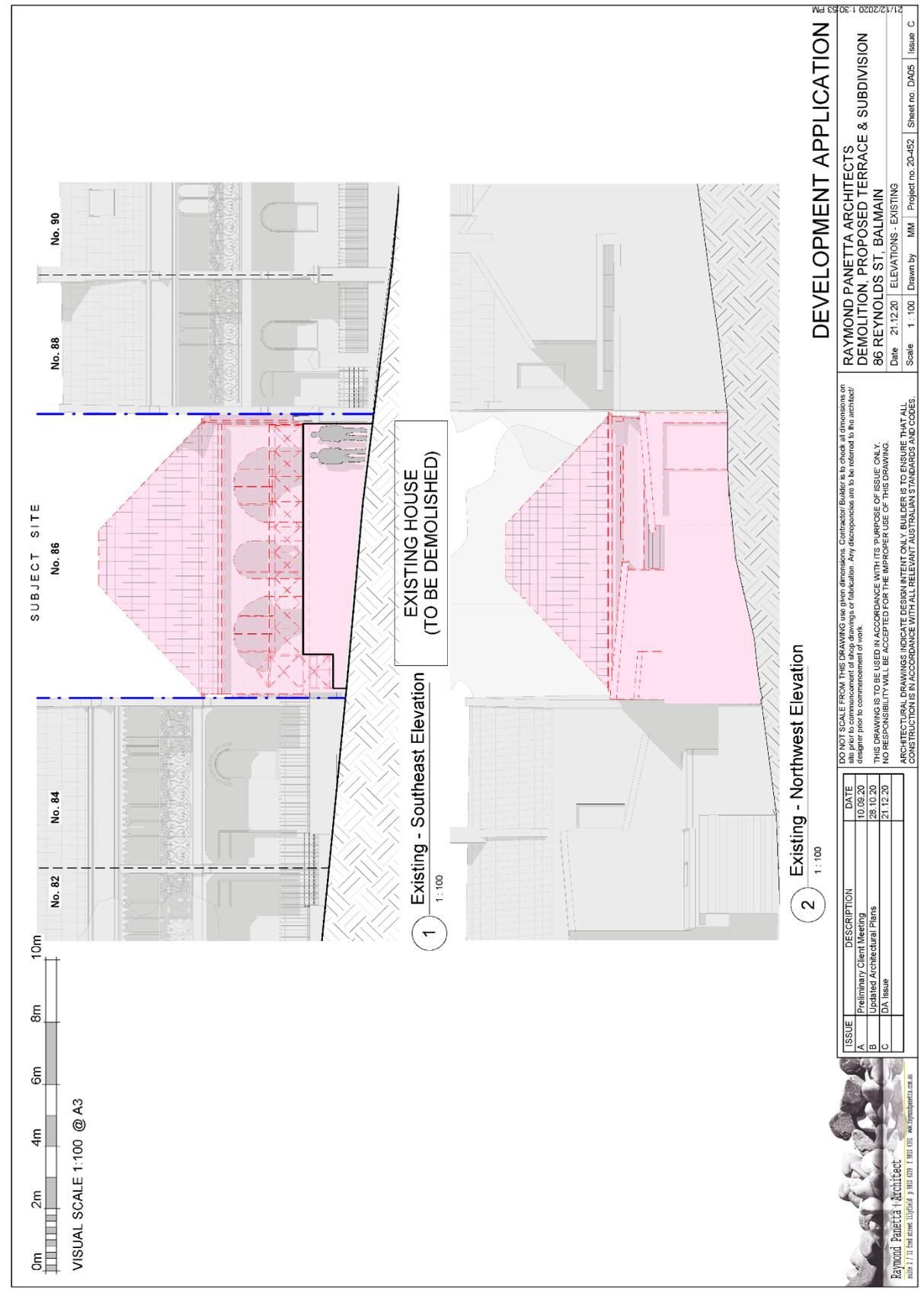
RAYMOND PANETTA ARCHITECTS
DEMOLITION, PROPOSED TERRACE & SUBDIVISION
86 REYNOLDS ST., BALMAIN
Date 21.12.20 FLOOR PLANS - PROPOSED
Scale 1:100 Drawn by MM Project no. 20-452 Sheet no. DA07 Issue C

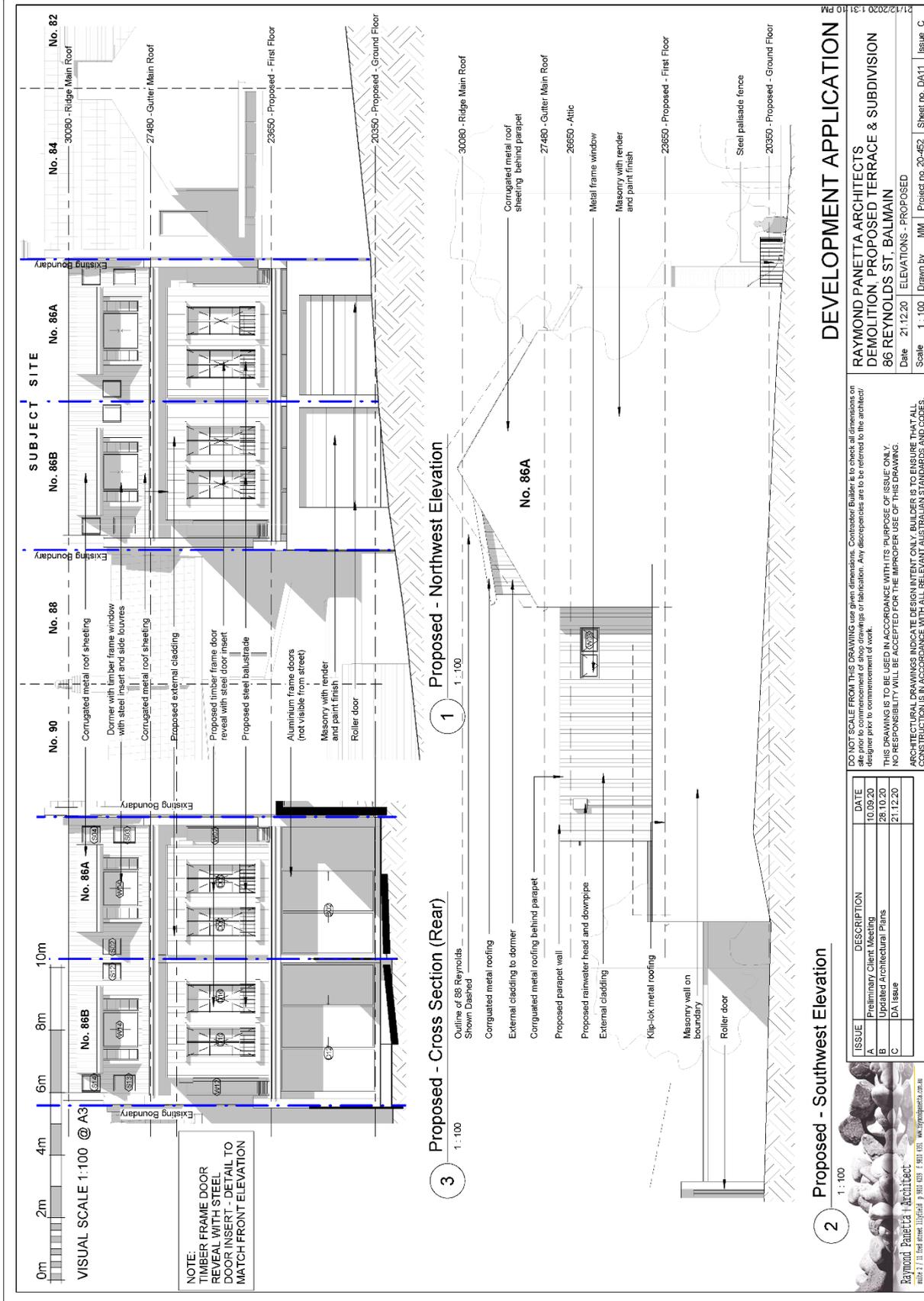
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DEVELOPMENT APPLICATION

RAYMOND PANETTA ARCHITECTS
DEMOLITION, PROPOSED TERRACE & SUBDIVISION
86 REYNOLDS ST, BALMAIN

Date 21.12.20 ELEVATIONS - PROPOSED
 Scale 1:100 Drawn by MM Project no 20-452 Sheet no DA11 Issue C

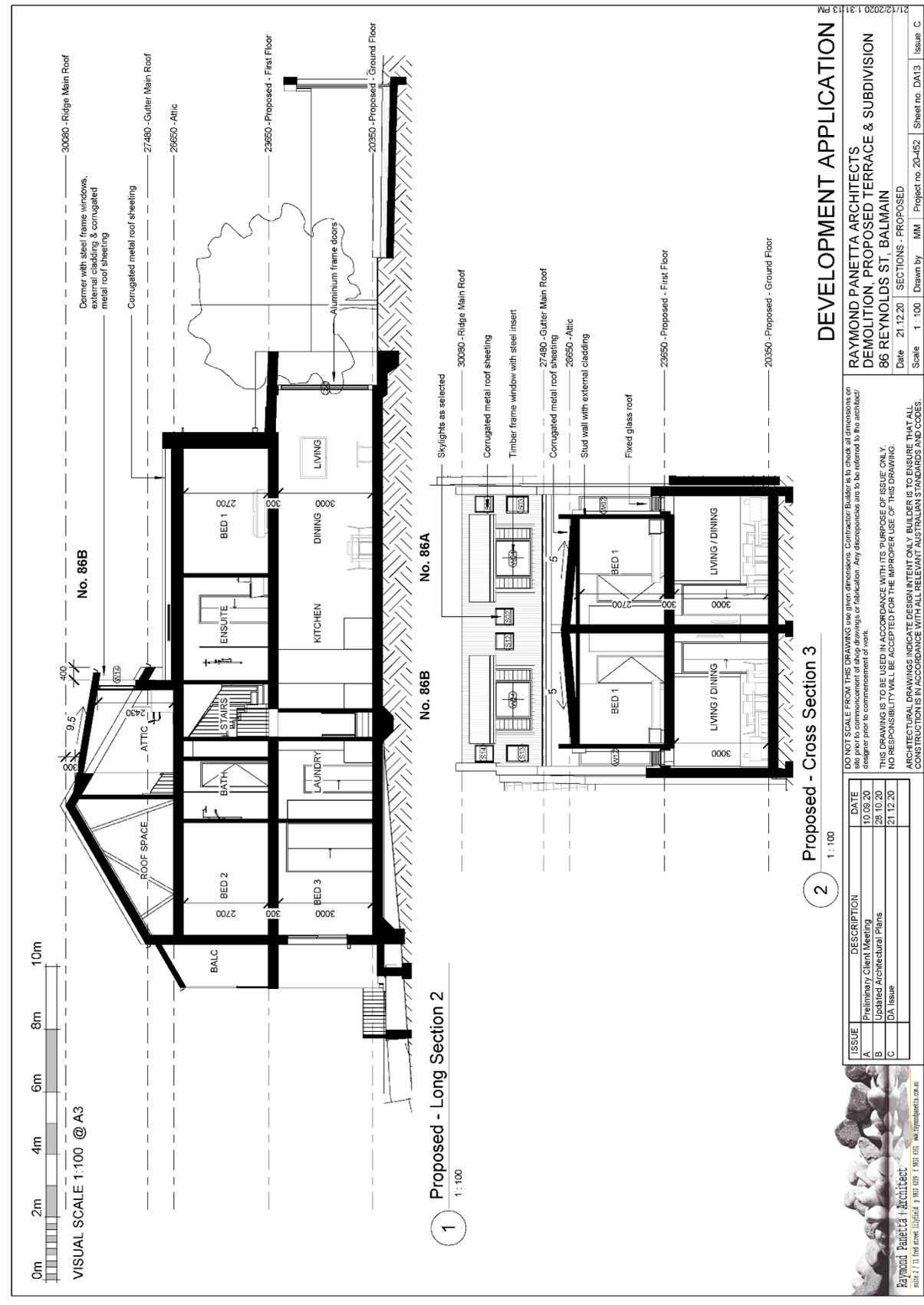
DO NOT SCALE FROM THIS DRAWING FOR ANY DIMENSIONS. Contractor Builder is to check all dimensions on site prior to commencement of work drawings or fabrication. Any discrepancies are to be referred to the architect/designer prior to commencement of work.

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DEVELOPMENT APPLICATION

RAYMOND PANETTA ARCHITECTS
 DEMOLITION, PROPOSED TERRACE & SUBDIVISION
 86 REYNOLDS ST. BALMAIN

Date 21.12.20 SECTIONS - PROPOSED
 Scale 1:100 Drawn by MM Project no. 20-452 Sheet no. DA13 Issue C

TRUE NORTH

VISUAL SCALE 1:200 @ A3

84 Reynolds - Northeast Elevation - 1pm

84 Reynolds - Northwest Elevation - 1pm

88 Reynolds - Southwest Elevation - 1pm

Shadow Study - 21st June - 1pm

REYNOLDS STREET

ENNIS STREET

Shadow Legend:

- Existing Shadow (Grey)
- Proposed Additional Shadow (Yellow)
- Proposed Reduced Shadows (Light Yellow)

88 Reynolds Building Details:

- No. 90: One & two storey Rerendered Terrace Tile Roof
- No. 88: One & two storey Rerendered Terrace Tile Roof
- 88B: Proposed one & two storey Terrace Metal Roof
- 88A: Proposed one & two storey Terrace Metal Roof
- No. 84: One & two storey Rerendered Terrace Tile Roof
- No. 82: One & two storey Rerendered Terrace Tile Roof
- No. 80: One & two storey Rerendered Terrace Tile Roof

Notes:

- no change to solar access to neighbours P.O.S
- no change to solar access to neighbours P.O.S

Scale: 1:200

Drawn by: MM

Project no.: 20-452

Sheet no.: SDO5

Issue: C

DEVELOPMENT APPLICATION

RAYMOND PANETTA ARCHITECTS

DEMOLITION, PROPOSED TERRACE & SUBDIVISION

88 REYNOLDS ST, BALMAIN

Date: 21.12.20 | SHADOWS STUDY 1PM

Scale: 1:200 | Drawn by: MM | Project no: 20-452 | Sheet no: SDO5 | Issue: C

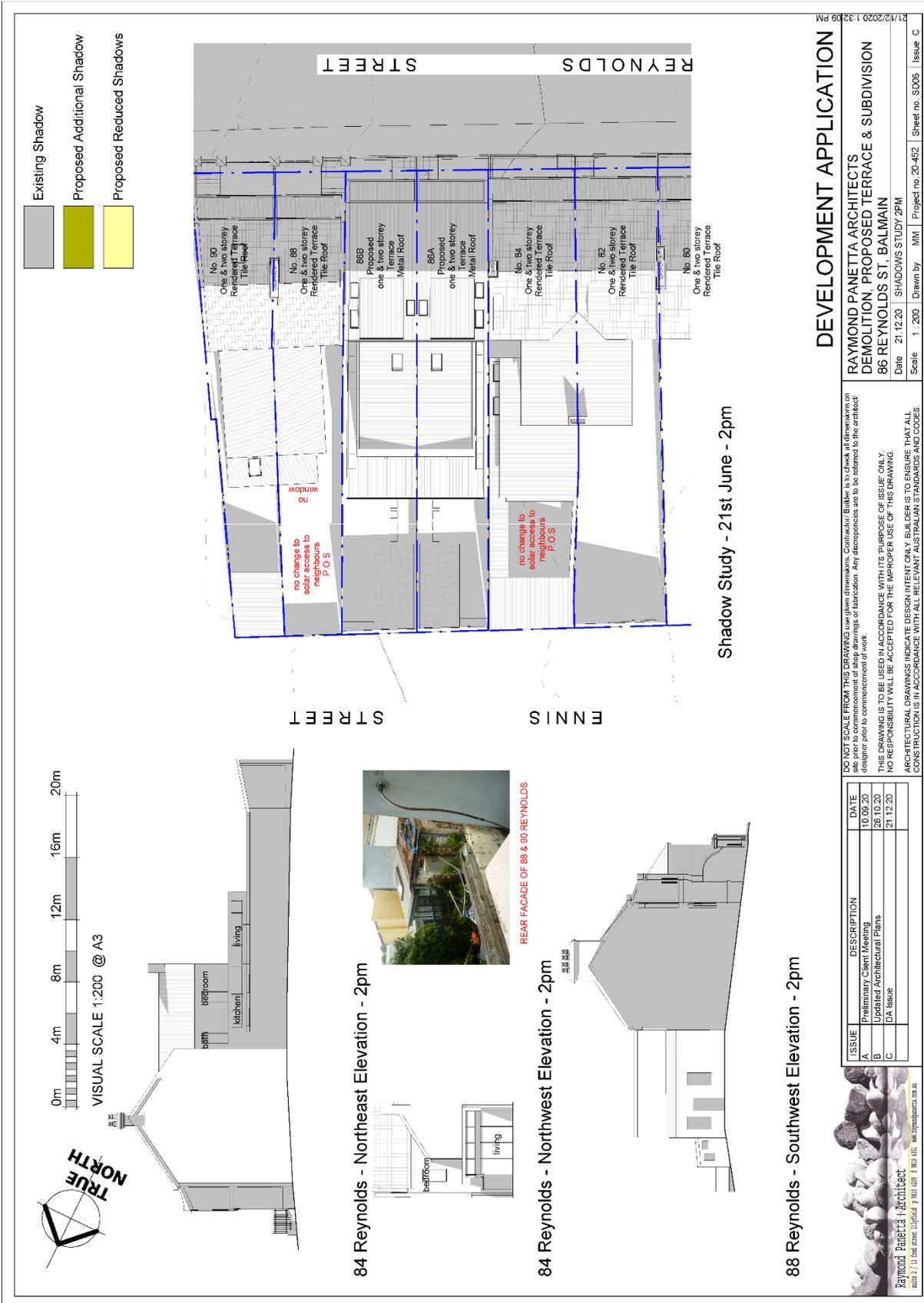
DO NOT SCALE FROM THIS DRAWING use given dimensions. Contractor/BUILDER is to check all dimensions on drawings and confirm with the architect prior to commencement of work.

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

ARCHITECTURAL DRAWINGS INDICATE DESIGN INTENT ONLY. BUILDER IS TO ENSURE THAT ALL CONSTRUCTIONS IN ACCORDANCE WITH ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

ISSUE	DESCRIPTION	DATE
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B	Updated Architectural Plans	28.10.20
C	DA Issue	21.12.20





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

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DEVELOPMENT APPLICATION

TRUE NORTH

VISUAL SCALE 1:200 @ A3

REYNOLDS STREET

ENNIS STREET

Shadow Study - 21st June - 3pm

84 Reynolds - Northeast Elevation - 3pm

84 Reynolds - Northwest Elevation - 3pm

88 Reynolds - Southwest Elevation - 3pm

REAR FACADE OF 88 & 90 REYNOLDS

no changes to neighbours P.O.S.

Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows

DO NOT SCALE FROM THIS DRAWING use given dimensions. Contractor/BUILDER is to check all dimensions on site. All drawings are to be used in accordance with its purpose of issue only. NO RESPONSIBILITY WILL BE ACCEPTED FOR THE IMPROPER USE OF THIS DRAWING. ARCHITECTURAL DRAWINGS INDICATE DESIGN INTENT ONLY. BUILDER IS TO ENSURE THAT ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

ISSUE	DESCRIPTION	DATE
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B	Updated Architectural Plans	28.10.20
C	DA Issue	21.12.20

Raymond Panetta Architects
10/21/2020 1:32:15 PM

DEVELOPMENT APPLICATION

RAYMOND PANETTA ARCHITECTS
DEMOLITION, PROPOSED TERRACE & SUBDIVISION
86 REYNOLDS ST, BALMAIN

Date 21.12.20 SHADOWS STUDY 3PM
Scale 1:200 Drawn by MM | Project no. 20-452 | Sheet no. SD07 | Issue C

Attachment C- Clause 4.6 Exception to Development Standards



**DEVELOPMENT APPLICATION
EXCEPTION TO DEVELOPMENT
STANDARDS**

**Pursuant to clause 4.6 of Leichhardt Local Environmental Plan
2013 – Minimum Subdivision Lot Size – Clause 4.1 of LEP 2013**

for

**86 REYNOLDS ST,
BALMAIN**

Prepared For

**INNER WEST
COUNCIL**
(Development Application)

Prepared by

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



PROPOSED DEVELOPMENT

The proposed development includes the demolition of the existing single-storey dwelling and subsequent development of a pair of two-storey terraces – together with a subdivision of the existing 274.2 sqm lot into two separate lots, one at 139.4 sqm in area and the other at 134.8 sqm.

The proposal meets all of Council's development standards – other than the minimum subdivision lot size of 200 sqm (under Clause 4.1 of Council's 2013 LEP). The proposed subdivision therefore requires a specific Clause 4.6 Variation approval.

MINIMUM SUBDIVISION LOT SIZE (CLAUSE 4.1 OF LEP 2013)

Key provisions of Clause 4.1 are summarised below.

- (1) The objectives of Clause 4.1 are to ensure that lot sizes are capable of :
 - (a) Accommodating development that is consistent with Council's relevant development standards, and
 - (b) Supporting a range of development types
- (2) Clause 4.1 applies to any subdivision of land identified on Council's Lot Size Map that requires development consent and that is carried out after the commencement of Council's 2013 LEP – and therefore applies to the subject site
- (3) The size of any lot resulting from a subdivision of land to which Clause 4.1 applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land; the minimum lot size, in this case, being 200 sqm
- (4) Clause 4.1 does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

Where a variation to a development standard is sought, the development application must be accompanied by a submission in writing which demonstrates :

- (a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) There are sufficient environmental planning grounds to justify contravening the development standard

This submission requests a variation to Clause 4.1 and provides the rationale in support of the request, including the criteria noted above.



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

A HISTORY OF RE-SUBDIVISION

The proposed subdivision is consistent with the history of re-subdivision of adjacent land within Reynolds Street. As noted in the Heritage Impact Statement accompanying the planning application, the history of the original subdivision of the land lots adjacent 86 Reynolds Street has been marked by a progressive series of interventions and modifications over an extended period of time.

The original building at 86 Reynolds St was conceived and constructed on Lot 36 within the original Balmain Estate subdivision (see Fig 1 & 2).

Subsequent to 86 Reynolds Street being constructed, the three lots to the west of 86 Reynolds Street (Lots 37-39 on the original subdivision) were re-subdivided into six smaller lots (ranging in size from 151-170 sqm) and subsequently developed as six two-storey terrace houses. Note in particular that Lots 37 and 38 were originally the same dimensions and area as Lot 36 (now 86) Reynolds Street prior to their re-subdivision (see Fig 1, 2 & 3)

Similarly, the original Lot 35, east of 86 Reynolds St, was also re-subdivided into two 120.1 sqm lots and developed as a pair of two-storey terrace houses.

Hence the proposed development and subdivision is consistent with the history of development around 86 Reynolds St, which has been characterised by progressive re-subdivision of the original larger lots into multiple, smaller lots to accommodate two-storey attached terrace houses.

PROPOSED LOT SIZES CONSISTENT WITH ADJACENT LOTS & STREETSCAPE

The proposed two new terraces will sit on lots of 139.4 sqm and 134.8 sqm, which is below Council's prescribed minimum of 200 sqm for the subdivision of land. However, the proposed subdivision pattern, lot sizes and dimensions are compatible with other lots in Reynolds Street and, in particular, are consistent with the lot sizes either side of the subject site.

The land allotments for the eight two-storey terraces either side of the subject site (ie numbers 74-84 and 88-90 Reynolds Street) are all less than 200 sqm in area and range from 120.1 sqm to 170.8 sqm, with an average area of 150.8 sqm.

In particular, the land allotments for the two terraces immediately adjacent the subject site have an area of 120.1 sqm (88 Reynolds St to the east) and 158.1 sqm (84 Reynolds St to the west), ie, an average lot size of 139.1 sqm.

Consequently, the proposed lot sizes for the subject site of 139.4 sqm and 134.8 sqm are compatible with the prevailing streetscape and the subdivision pattern immediately adjacent the subject site.

Table (A) below ("*Reynolds Street Streetscape Analysis – Tobruk Avenue / Ennis Street Block*") details the various sizes and dimensions of lots within the Reynolds Street streetscape between Tobruk Avenue and Ennis Street – and illustrates the compatibility of the proposed subdivision and lots sizes with the prevailing Reynolds Street subdivision pattern.

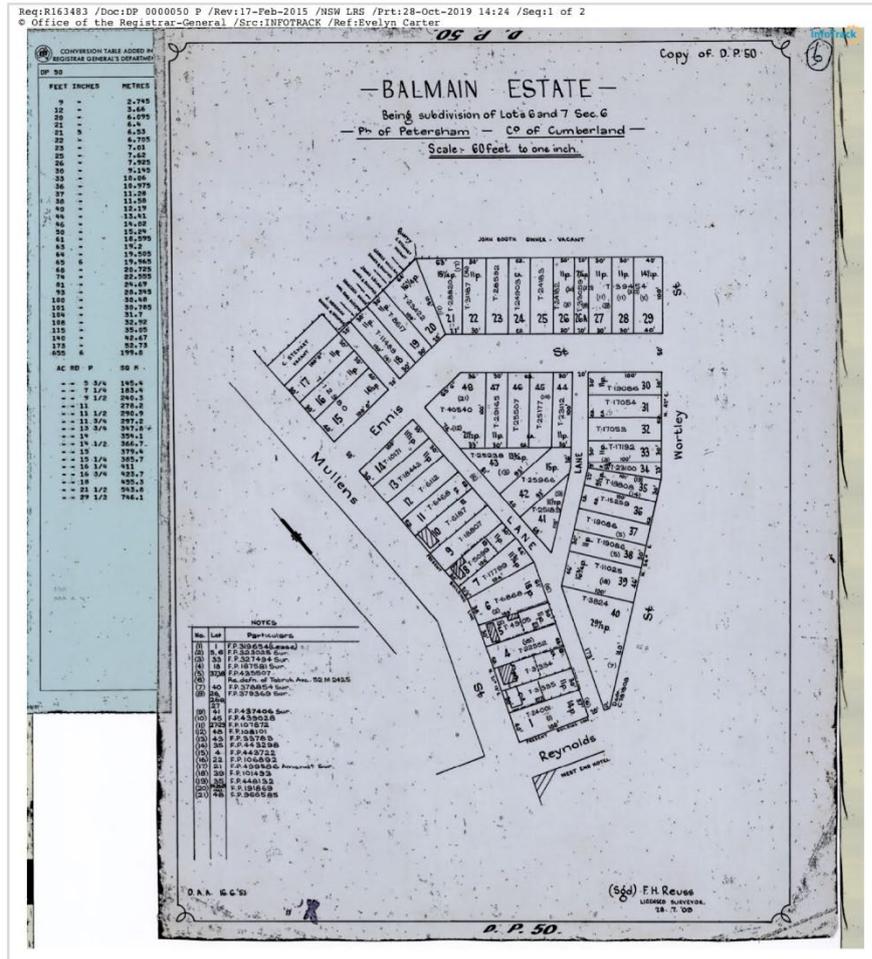


Fig 1. Subdivision plan date 28 July 1909 (indicating Lot 36 / 86 Reynolds Street as a vacant allotment)



Req:R163483 /Doc:DP 000050 P /Rev:17-Feb-2015 /NSW LRS /Prt:28-Oct-2019 14:24 /Seq:2 of 2
© Office of the Registrar-General /Src:INFOTRACK /Ref:Evelyn Carter



Fig 2. Subdivision plan date 28 July 1909



Fig 3. Current subdivision plan, illustrating the re-subdivision of the original Lots 37, 38 & 39 into six smaller lots (current-day 74, 76, 78, 80, 82 & 84 Reynolds Street)



Table (A)

REYNOLDS STREET STREETScape ANALYSIS – TOBRUK AVENUE / ENNIS STREET BLOCK

ADDRESS	SITE DIMENSIONS	SITE AREA
SINGLE STOREY HOUSES (TOBRUK AVE END)		
66 Reynolds St	12.32 / 22.63 x 15.27 / 6.35	151.8 sqm
68 Reynolds St	8.15 / 7.11 x 18.85 x 15.52	126.5 sqm
70 Reynolds St	8.2 / 9.73 x 23.7 / 18.85	164.4 sqm
72 Reynolds St	8.38 / 10.13 x 30.48 / 25.14	227.6 sqm
TWO-STOREY TERRACES (T) / DETACHED HOUSES (H)		
74 Reynolds St (T)	5.33 x 29.72	151.8 sqm
76 Reynolds St (T)	5.37 / 5.86 x 30.48	170.8 sqm
78 Reynolds St (T)	5.38 / 5.0 x 30.48	151.8 sqm
80 Reynolds St (T)	5.38 x 30.48	163.98 sqm
82 Reynolds St (T)	5.30 / 5.84 x 29.42 / 29.56	170.0 sqm
84 Reynolds St (T)	5.48 x 29.58 / 27.82	158.1 sqm
86 Reynolds St (T)	9.07 / 9.31 x 29.76 / 29.58	274.2 sqm
86 Reynolds St (T)	4.53 / 4.65 x 29.76 / 29.58	139.4 / 134.8 sqm
88 Reynolds St (T)	4.47 / 3.63 x 29.82 / 29.74	120.1 sqm
90 Reynolds St (T)	5.44 / 3.15 x 29.95 / 29.82	120.1 sqm
59 Wortley St (H)	6.86 / 3.1 x 30.4 / 29.95	163.9 sqm
57 Wortley St (H)	9.14 x 30.48	278.58
55 Wortley St (H)	9.14 x 30.48	278.58
53A Wortley St (H)	9.14 x 30.48	278.58
SINGLE STOREY HOUSE (ENNIS STREET END)		
53 Wortley St	9.14 x 30.48	278.58

EXIST HOUSE
TERRACES **

**
PROPOSED LOT SIZES OF 86 REYNOLDS ST (2 TWO-STOREY TERRACES) 139.4 / 134.8 sqm
 AVERAGE LOT SIZE OF ADJOINING 2 TWO-STOREY TERRACES (NO 84 & 88) 139.1 sqm
 AVERAGE LOT SIZE OF ADJOINING 4 TWO-STOREY TERRACES (NO 82, 84, 88 & 89) 142.1 sqm



SUMMARY

A variation to Council's 200 sqm minimum lot size requirement for subdivisions can be justified on the basis that :

- (a) Development and subdivision of 86 Reynolds Street into two terrace house lots would be consistent with the history of the re-subdivision of original lots in Reynolds Street (including the block bounded by Ennis Street and Tobruk Avenue) – which have been progressively re-subdivided from the original larger allotments into multiple, smaller lots to accommodate two-storey terrace houses, and
- (b) The proposed subdivision of 86 Reynolds Street is consistent with the prevailing lot sizes (and dimensions) of the adjacent dwellings and other properties on Reynolds Street – with all of the eight terrace house lots immediately adjacent the subject site being less than 200 sqm in area

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

As noted in the Heritage Impact Statement accompanying the development application, the existing single-storey house detracts from the Reynolds Street streetscape and is a non-contributory item within The Valley Heritage Conservation Area.

In contrast, the proposed redevelopment of 86 Reynolds Street as a pair of two-storey terraces on two separate lots will make a positive contribution to the streetscape and is consistent with the subdivision and urban development pattern of the neighbourhood.

Consequently, compliance with the standard minimum subdivision lot size of 200 sqm is unnecessary and unreasonable because :

- a. The subdivision of 86 Reynolds Street into two terrace house lots (of 139.4 sqm and 134.8 sqm) would be :
 - Consistent with the history of development of the original subdivision of Reynolds Street (which has seen progressive re-subdivision of the original larger allotments into multiple, smaller lots to accommodate two-storey attached terrace houses), and
 - Consistent with the lot sizes of the adjacent row of Reynolds St terraces and directly comparable to the lot size of the neighbouring terraces at 84 and 88 Reynolds Street
- b. The development of the proposed two terraces and subdivision would be consistent with the urban form of the adjacent terraces – reinforcing the prevailing streetscape urban 'rhythm' and would make a positive contribution to the streetscape and heritage Conservation Area when compared to the form and fabric of the existing house (see Fig 4)

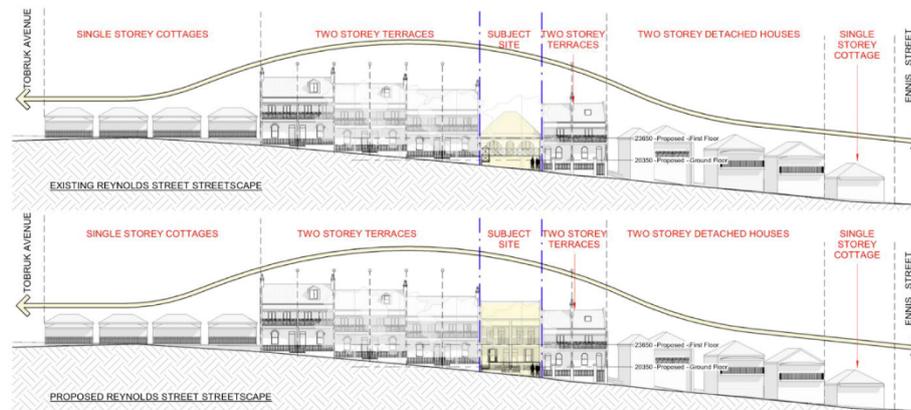


Fig 4. The development of the proposed two terraces and subdivision would be consistent with the urban form of the adjacent terraces – reinforcing the prevailing streetscape urban ‘rhythm’

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

The proposal is consistent with the objectives of Clause 4.1 of Council’s LEP 2013 and other development standards, with the development and subdivision resulting in:

- (a) A subdivision that is consistent with the neighbourhood’s history of progressive re-subdivision of original larger lots into multiple, smaller lots to accommodate two-storey terrace houses
- (b) Lot sizes compatible with adjoining terraces and surrounding dwellings
- (c) A development that will enhance the relationship with the public domain and make a positive contribution to the streetscape and to the historic and aesthetic values of the surrounding conservation area.
- (d) A development that will not have adverse impacts on the amenity of neighbouring and adjacent dwellings
- (e) A development that complies with all relevant Council development standards, including floor space ratio, site coverage and landscape area.