

|  DEVELOPMENT ASSESSMENT REPORT | | | | |
|---|--|------------|---|---|
| Application No. | DA/2021/1075 | | | |
| Address | 2-4 Lookes Avenue BALMAIN EAST NSW 2041 | | | |
| Proposal | Alterations and additions to an existing heritage listed residence, including bulk excavation to create a basement level comprising garage and manoeuvring area, workshop and store, accessed via a new driveway entry with panel lift door on Lookes Avenue | | | |
| Date of Lodgement | 25 November 2021 | | | |
| Applicant | Mrs Sharon J Gallant | | | |
| Owner | Mr David C Gallant Mrs Sharon J Gallant | | | |
| Number of Submissions | First Round: 22 Second Round (Amended Plans): 29 | | | |
| Value of works | \$471,717.00 | | | |
| Reason for determination at Planning Panel | Number of submissions | | | |
| Main Issues | Impact to Heritage item and Heritage Conservation Area | | | |
| Recommendation | Approval, subject to conditions | | | |
| Attachment A | Conditions of consent | | | |
| Attachment B | Plans of proposed development | | | |
| Attachment C | Statement of Heritage Significance | | | |
|  | | | | |
| LOCALITY MAP | | | | |
| Subject Site |  | Objectors |  |  N |
| Notified Area |  | Supporters |  | |
| Note: Due to scale of map, not all objectors could be shown. | | | | |

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing heritage listed residence, including bulk excavation to create a basement level comprising garage and manoeuvring area, workshop and store, accessed via a new driveway entry with panel lift door on Lookes Avenue at 2-4 Lookes Avenue Balmain East.

The application was notified to surrounding properties and 22 submissions were received in response to the initial notification and the amended design was renotified between 10 January 2023 and 27 January 2023 and 29 submissions were received.

The main issues that have arisen from the application include:

- Impact to Heritage item and heritage conservation area.
- Car parking related issues.

Subject to recommended conditions, the proposal is considered to be satisfactory and recommended for approval.

2. Proposal

The proposal consists of the following:

- The basement garage and pavilion - to construct a basement area below part of the home's eastern verandah and front lawn. The basement includes a garage, area for manoeuvring so a car can enter and leave in a forward direction, and a storage/workshop area. It will be accessed from new stairs into dwelling
- Earth behind the existing retaining wall to be excavated and removed from the site to create the basement.
- A new driveway entry to be constructed off Lookes Avenue. The existing sandstone at the base of the contemporary retaining wall to be re-used to finish the driveway entrance.
- The finished level of the front garden above the completed basement to be reinstated at the existing levels.
- The staircase to be enclosed in a new pavilion structure at ground level, which will connect directly into dwelling's existing laundry in the north east corner. The pavilion will also incorporate a powder room, storage and laundry area.
- A pergola is proposed to be constructed in the back garden, adjoining the pool area. It is of an open style with operable louvres to allow adjustments for weather conditions.
- Skylights are proposed on the northern hipped section of dwelling's roof to provide additional light into the upper rooms.

The following amendments were proposed in the set of drawings submitted for assessment on the NSW planning portal on 20 December 2022 and renotified between 10 January 2023 and 27 January 2023. The changes include:

- Changes to the proposed garage entry where the garage opening is located 450mm from the south-eastern corner

- Reduction to the extent of excavation so that the basement level is setback approximately 1.65 metre further from the northern boundary.
- Amended design to utilise part of the rockcrop as part of the driveway

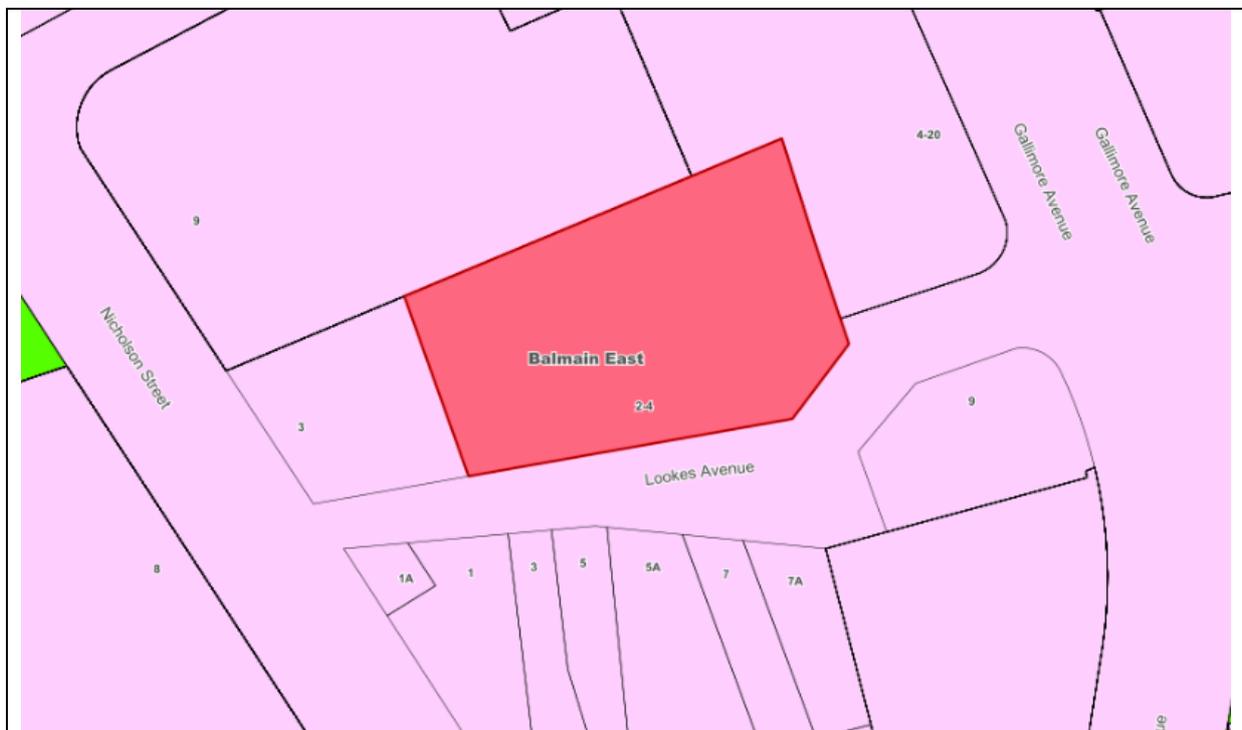
The amended plans are the subject of this assessment report.

3. Site Description

The subject site is located on the northern side of Lookes Avenue, between Nicholson Street and Gallimore Avenue. The site consists of one allotment and is irregular in shape with an area of 1,178sqm

There are two dwellings on the site, and a pool. The surrounding properties contain residential development with a mix of dwelling types including town houses, single dwellings and residential flat buildings.

The subject site is listed as a heritage item under Schedule 5 of Leichhardt Local Environmental Plan 2013. The property is also located within a heritage conservation area.



Zoning Map

4. Background

4(a) Site history

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

Subject Site

| Application | Proposal | Decision & Date |
|-------------|--|--|
| D/2008/295 | Consolidation of two lots, demolition of existing outbuildings, alterations and additions to existing dwellings to create one dwelling. | 15/12/2008 Approved |
| M/2009/166 | Section 96 application to modify D/2008/295 which approved the consolidation of two lots, demolition of existing outbuildings, alterations and additions to existing dwellings to create one dwelling. Modifications include a new colonnade and alteration to windows and doors on the western wing of the dwelling; changes to the layout of the bedrooms in the western wing, and alteration to the approved fence with No's 4 - 20 Gallimore Ave so as to have a 470mm masonry base (no increase in height); and increase in height of the western parapet of the western wing by 150mm. | 13/10/2009 Approved |
| D/2010/58 | Demolition of existing carports and garage/storeroom and construction of a new double garage with self-contained dwelling above. | 09/06/2010 Approved |
| M/2010/160 | Section 96 application seeks to modify D/2008/295 to include the construction of a basement level and construction of a 1.2m high fence along Lookes Avenue | 16/12/2010 Approved |
| D/2010/582 | Addition of a swimming pool. | 08/03/2011 Approved |
| D/2013/126 | New dwelling constituting demolition of partially collapsed walls and re-construction of said walls associated with the construction of part of a new dwelling on the eastern portion of the site, with associated works. | 03/05/2013 Deferred Commencement |
| M/2013/82 | Section 96 modification of D/2013/126 which approved construction of a new dwelling. Modification consists of correcting minor errors and deleting Condition No.18 relating to Heritage approval. | 24/05/2013 Approved |

Surrounding properties

| Application | Proposal | Decision & Date |
|--------------|---|------------------------|
| D/2017/454 | 4- 20 Gallimore Avenue New rock faced sandstone clad masonry walls with inset stainless steel letterboxes, new slatted garbage bin enclosures behind, and associated works to the Gallimore Avenue frontage of the site. | 25/10/2017 Approved |
| CDC/2005/28 | <u>27/9 Nicholson Street</u> Combining two residential units on level 7 into a single dwelling | 15/11/2005 Approved |
| CDCP/2014/90 | <u>20/9 Nicholson Street</u> Minor internal alterations to the existing dwelling unit. | 12/08/2015 Approved |
| D/2003/599 | <u>Strata Scheme 9 Nicholson Street</u> Additions and alterations to existing building, including the provision of new balcony balustrading and new capping to the existing parapet roof. | 17/02/2004 Approved |

4(b) Application history

The following table outlines the relevant history of the subject application.

| Date | Discussion / Letter / Additional Information |
|---------------|---|
| 15 Feb 2022 | Request for additional information letter sent, the following issues were raised: <ul style="list-style-type: none"> A. Impacts to Heritage Conservation B. Insufficient information in relation to impact to Trees C. Clarification as to how the ground floor addition functions/confirmation that there is no access to the dwelling from the ground floor addition D. Additional information required by the Engineering Section E. Issues in relation to the calculation of Site Coverage and Floor Space Ratio |
| 17 March 2022 | Response letter from Applicant |
| 29 March 2022 | Arborist report provided |
| 6 April 2022 | Second response letter from Applicant |
| 10 May 2022 | Amended Stormwater Design and amended plans which included changes to the proposed garage entry where the garage opening is located 450mm from the south-eastern corner to address Stormwater related issues. |
| 17 May 2022 | Additional information request in relation to additional root mapping information |
| 19 July 2022 | Root mapping investigation/updated arborist report provided |

| | |
|-------------------------------------|---|
| 4 October 2022 | Amended drawings submitted which reduced the amount of excavation so that the basement level is setback approximately 1.65 metre further from the northern boundary provided. |
| 10 November 2022 | Meeting between the applicants and their consultants with Council's Planning, Heritage and Engineering sections. |
| 14 November 2022 | Applicant's heritage consultant submitted further heritage information in the form of heritage memo. |
| 20 December 2022 | Amended drawings submitted which include: <ul style="list-style-type: none"> • Amended Stormwater Design and amended plans which includes changes to the proposed garage entry where the garage opening is located 450mm from the south-eastern corner to address Stormwater related issues. • Reduced extent of excavation so that the basement level is setback approximately 1.65 metres further from the northern boundary and; • Amending the design to utilise part of the rockcrop as part of the driveway. |
| 10 January 2023 and 27 January 2023 | The amended design was renotified between 10 January 2023 and 27 January 2023 and 29 submissions were received. |

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 (EPA Act 1979)*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Inner West Local Environmental Plan 2022*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

“(a) it has considered whether the land is contaminated, and

- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”

In considering the above, there no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council’s records. The land will be suitable for the proposed use as there is no indication of contamination.

5(a)(ii) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Chapter 2 Vegetation in non-rural areas

The proposal will not involve the removal of any vegetation, and as discussed later in this report, tree protection conditions are recommended to be imposed as part of any consent granted relating to an existing adjacent Chinese Celtis tree.

The proposal, subject to conditions, is satisfactory with respect to the provisions of the *Biodiversity and Hazards SEPP*.

Chapter 10 Sydney Harbour Catchment

The site is not located within the foreshores and waterways area, a Strategic Foreshore site or listed as an item of environmental heritage under the SEPP, and as such, only the aims of the plan are applicable. The proposal is consistent with these aims.

5(a)(iii) *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)(iv) *Local Environmental Plans*

Inner West Local Environmental Plan 2022

The *Inner West Local Environmental Plan 2022 (IWLEP 2022)* was gazetted on 12 August 2022. As per Section 1.8A – Savings provisions, of this Plan, as the subject application was made before the commencement of this Plan, the application is to be determined as if the *IWLEP 2022* had not commenced.

Section 4.15(1)(a)(i) of the *EPA Act 1979* requires consideration of any Environmental Planning Instrument (EPI), and Section 4.15(1)(a)(ii) also requires consideration of any EPI that has been subject to public consultation. The subject application was lodged on 30 November 2021, on this date, the *IWLEP 2022* was a draft EPI, which had been publicly exhibited and was considered imminent and certain.

Notwithstanding this, the amended provisions of the draft EPI do not alter the outcome of the assessment of the subject application.

Leichhardt Local Environmental Plan 2013 (LLEP 2013)

The application was assessed against the following relevant sections of *the Leichhardt Local Environmental Plan 2013 (LLEP 2013)*:

- Section 1.2 - Aims of the Plan
- Section 2.3 - Zone objectives and Land Use Table
- Section 2.7 - Demolition
- Section 4.3A - Landscaped areas for residential accommodation in Zone R1
- Section 4.4 – Floor Space Ratio
- Section 4.5 - Calculation of floor space ratio and site area
- Section 5.10 - Heritage Conservation
- Section 6.1 - Acid Sulfate Soils
- Section 6.2 - Earthworks
- Section 6.4 - Stormwater management

Section 2.3 Land Use Table and Zone Objectives

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

“Dwelling house”

The development is permitted with consent within the land use table.

Zone R1 General Residential

1 Objectives of zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To improve opportunities to work from home.*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *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*

Subject to recommended conditions, the proposal is considered to be satisfactory and complies with the relevant objectives of the R1 - General Residential Zone:

Section 4 Principal Development Standards

The following table provides an assessment of the application against the development standards pursuant to Clauses 4.3A and 4.4 of the *LLEP 2013*:

| Standard | Proposal | Non compliance | Complies |
|--|---------------------|----------------|----------|
| Landscape Area Minimum permissible: 20% or 235.8 sqm | 20.4% or 240.5 sqm | N/A | Yes |
| Site Coverage Maximum permissible: 60% or 707.4 sqm | 49.6% or 585.1sqm | N/A | Yes |
| Floor Space Ratio Maximum permissible: 0.7:1 or 825.3 sqm | 0.67:1 or 784.8 sqm | N/A | Yes |

Clause 5.10 – Heritage Conservation

As discussed in more detail under Section 5(d) of this report, the proposal is considered to have acceptable impacts to the subject heritage item and the Heritage Conservation Area, and therefore, is consistent with the objectives under this clause

Section 6.2 – Earthworks

The proposal includes significant excavation works to facilitate a garage, storage areas, a workshop and access to the ground floor level. The majority of the excavation works will be located 2.9 – 3.5 metres away from the eastern boundary with the exception of the area associated with the garage entry at the south-eastern corner of the site. The proposed excavation will also be approximately 2.1 -2.3 metres away from the northern boundary.

The plans and Geotechnical Assessment have been reviewed by Council's Engineering and Building Certification sections who have raised no objection subject to the imposition of conditions included in Attachment A of this report. The following condition is included in the recommendation to address issues in relation to subsurface flows and vibration emissions and identify risks to existing structures on adjoining properties:

“Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a. *The basement must be fully tanked to prevent the ingress of subsurface flows;*
- b. *Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;*
- c. *Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and*

- heavy construction and earth moving equipment, based on a design life of not less than 50 years;*
- d. All components of the basement, including footings, must be located entirely within the property boundary;*
 - e. No adverse impact on surrounding properties including Council’s footpath and road;*
 - f. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;*
 - g. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and*
 - h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.”*

The Geotechnical Assessment will also be referenced in any consent granted to ensure that its recommendations are complied with during the excavation / construction stages.

Conditions requiring dilapidation reports in relation to the adjoining properties are also included in the recommendation.

The proposal, as conditioned, will satisfy the provisions and objectives of this part of the LEP.

Section 6.4 - Stormwater Management

The stormwater design was reviewed by Council’s Development Engineer who raised no objection to the development proceeding subject to the imposition of conditions requiring the submission of stormwater drainage design plans certified by a suitably qualified Civil Engineer demonstrating compliance with Council’s requirements, this documentation is to be lodged to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

5(b) Draft Environmental Planning Instruments

NA

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 | Yes |

| | |
|---|----------------------|
| B3.1 Social Impact Assessment | Yes |
| B3.2 Events and Activities in the Public Domain (Special Events) | Yes |
| | |
| Part C | |
| C1.0 General Provisions | Yes |
| C1.1 Site and Context Analysis | Yes |
| C1.2 Demolition | Yes |
| C1.3 Alterations and Additions | Yes – see discussion |
| C1.4 Heritage Conservation Areas and Heritage Items | Yes – see discussion |
| C1.5 Corner Sites | N/A |
| C1.6 Subdivision | N/A |
| C1.7 Site Facilities | Yes |
| C1.8 Contamination | Yes |
| C1.9 Safety by Design | Yes |
| C1.10 Equity of Access and Mobility | N/A |
| C1.11 Parking | Yes – see discussion |
| C1.12 Landscaping | Yes |
| C1.13 Open Space Design Within the Public Domain | N/A |
| C1.14 Tree Management | Yes – see discussion |
| 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 | Yes – see discussion |
| C1.21 Green Roofs and Green Living Walls | N/A |
| | |
| Part C: Place – Section 2 Urban Character | |
| C2.2.2.2 Balmain East Distinctive Neighbourhood | Yes – see discussion |
| | |
| Part C: Place – Section 3 – Residential Provisions | |
| C3.1 Residential General Provisions | Yes |
| C3.2 Site Layout and Building Design | Yes |
| C3.3 Elevation and Materials | Yes |
| 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 |
| C3.10 Views | Yes |
| C3.11 Visual Privacy | Yes |
| C3.12 Acoustic Privacy | Yes |
| C3.13 Conversion of Existing Non-Residential Buildings | N/A |
| C3.14 Adaptable Housing | N/A |
| | |
| Part D: Energy | |
| Section 1 – Energy Management | Yes |
| Section 2 – Resource Recovery and Waste Management | |
| D2.1 General Requirements | Yes |
| D2.2 Demolition and Construction of All Development | Yes |
| D2.3 Residential Development | Yes |

| | |
|---|-----|
| D2.4 Non-Residential Development | N/A |
| D2.5 Mixed Use Development | N/A |
| | |
| Part E: Water | |
| Section 1 – Sustainable Water and Risk Management | |
| E1.1 Approvals Process and Reports Required With Development Applications | Yes |
| E1.1.1 Water Management Statement | Yes |
| E1.1.2 Integrated Water Cycle Plan | Yes |
| E1.1.3 Stormwater Drainage Concept Plan | Yes |
| E1.1.4 Flood Risk Management Report | Yes |
| E1.1.5 Foreshore Risk Management Report | Yes |
| E1.2 Water Management | Yes |
| E1.2.1 Water Conservation | Yes |
| E1.2.2 Managing Stormwater within the Site | Yes |
| E1.2.3 On-Site Detention of Stormwater | Yes |
| E1.2.4 Stormwater Treatment | N/A |
| E1.2.5 Water Disposal | N/A |
| E1.2.6 Building in the vicinity of a Public Drainage System | Yes |
| E1.2.7 Wastewater Management | N/A |
| E1.3 Hazard Management | N/A |
| E1.3.1 Flood Risk Management | Yes |
| E1.3.2 Foreshore Risk Management | Yes |
| | |

The following provides discussion of the relevant issues:

C1.3 Alterations and Additions, C1.4 Heritage Conservation Areas and Heritage Items, C1.11 Car Parking, C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock and C2.2.2.2 Balmain East Distinctive Neighbourhood

Streetscape / Heritage / Rock Outcrop and Distinctive Neighbourhood Considerations

The application was referred to Council's Heritage Specialist who has commented on the proposal as follows;

The existing dwelling was reconstructed as part of the works that were carried out under D/2010/58. The Statement of Significance for the item states that "*Despite some alterations and modifications the building significantly retains a sense of its overall scale and roof form.*" The assessment of significance does not consider the reconstruction of the dwelling. The HIS submitted with the DA states "*Major works to the buildings were carried out in c. 1984 (alterations and additions to ground floor attic) and in 1987.*" It does not mention the reconstruction of the dwelling which is a significant factor that needs to be considered as part of the proposal in respect to the heritage item.

Aside from the association of the property as part of an early subdivision, it is questionable whether the reconstructed dwelling retains any form of significance that warrants the local listing to remain. The listing of the site as a local heritage item is therefore questionable and should be reviewed as a future review of the existing schedule of heritage items in the LEP. This will need to be undertaken at the request of the owners to the Strategic Planning section of Council and as a separate matter to this DA.

Without undertaking a full review of the assessment of significance for the item, it is likely that it no longer warrants individual listing as an item and should be downgraded to a contributory contemporary dwelling within the Balmain East HCA.

The scale and form of the reconstructed dwelling is sympathetic to the streetscape and the Balmain East HCA. From a heritage perspective, consideration needs to be given to the impact of the proposal on the streetscape and the significance of the Balmain east HCA, more so than the impact on the significance of the heritage listed semi-detached houses, given that they have been reconstructed c.2010 and no longer from c.1860s.

The proposal includes alterations and additions to the existing heritage listed dwelling, including bulk excavation to create a basement level with garage, manoeuvring area, workshop and store, accessed via a new driveway entry with panel lift door on Lookes Avenue, skylights above the kitchen and a pergola structure to the rear.

There are no concerns with the proposed skylights above the kitchen and a pergola structure to the rear as these are associated with the 2010 construction as the skylights are located to the rear where they will not be visible from the public domain.

The proposed bulk excavation to create a basement level with garage, manoeuvring area, workshop and store, accessed via a new driveway entry with panel lift door on Lookes Avenue, would not be supported in respect to a heritage item because of the potential physical impact it would have on the original fabric of the item.

Given the reconstruction of the dwelling, the most important considerations to be made are the removal of part of the sandstone rockface to Lookes Avenue and the visual impact the proposal will have on the streetscape.

Vehicular entry to the proposed basement level via Lookes Avenue will require the removal of a significant proportion of the natural sandstone rockface on the boundary. C1 a. and b. of Part C1.19 of the DCP requires that development in proximity to rock faces is to be sympathetic to those landscape elements and the setting in terms of colour, texture, materials, form and character and is to minimise on-site disturbance and locate buildings where the rock features are not located.

The excavation works to the north of the site is in close proximity to the established large tree on the neighbouring property at 9 Nicholson Street. The potential impact of the works on the tree will need to be considered as part of the proposal. The Arborist's Report recommends the tree to be retained, pruned and excavation works to be supervised by an arborist.

The stairs providing access from the dwelling to the garage level, including a W.C., are generally acceptable as they are proposed to be located in the northern corner of the site, and coupled with the proposed flat roof, will have minimal visual impact when viewed from the public domain.

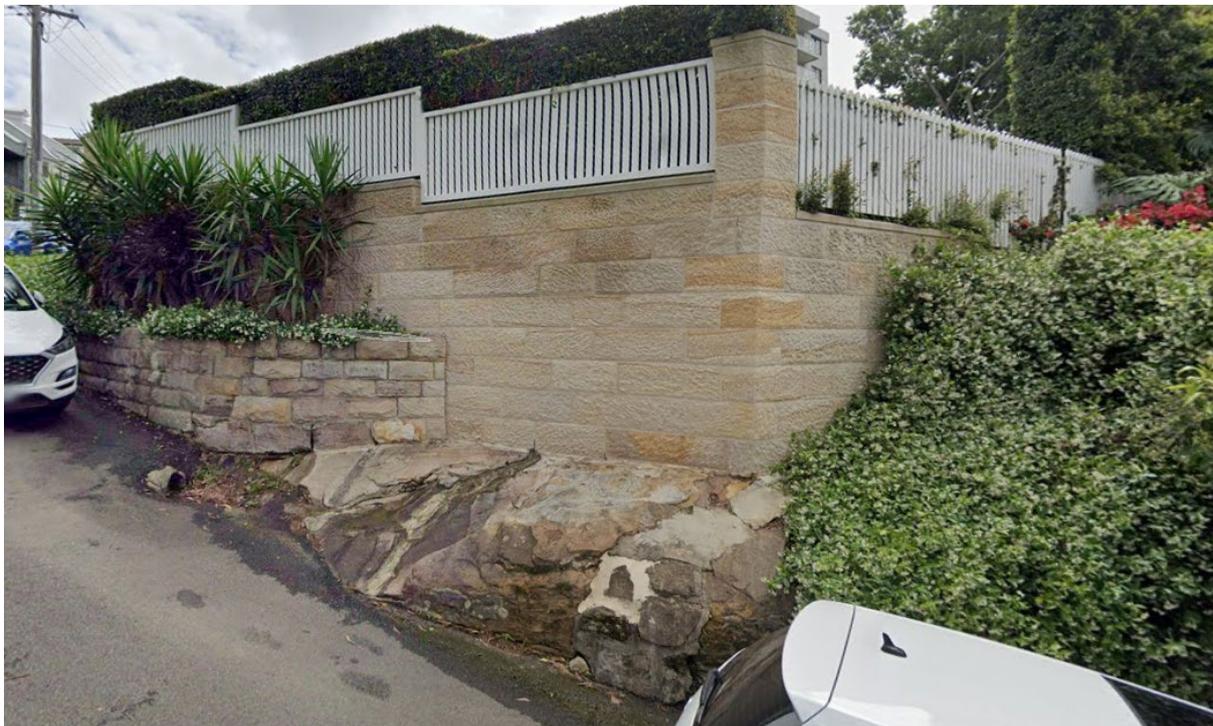
The location of the proposed basement level is generally acceptable because once construction is complete and landscaping has been reinstated, there will be little visual change to the existing streetscape from the proposal, aside from the proposed panel lift door in the proposed opening in the sandstone retaining wall to Lookes Avenue. This is consistent with C2 a. and b. of Control C1.11 of the DCP which requires that the layout and design of parking areas be sensitively located so that it does not dominate the street scene and minimise visual impacts to the building and street.

Garages and hardstand parking areas within front setbacks form part of the character within the streetscape in Lookes Avenue. The proposed panel lift door to the basement level will not be out of character with existing development in the streetscape. The colour of the panel lift door must match the existing colour scheme used on the existing dwelling.

Because of the potential impact of the proposal on the natural sandstone rockface, the applicant was requested to consider alternative locations for the garage door that will have less of an impact, e.g. relocate to the south west away from the sandstone rockface, and during the assessment, it was determined that the application was on heritage grounds subject to the following condition:

- a. Relocate the garage door to the south-west away from the sandstone rockface to enable the retention of the rockface.*

However, during the consideration of the application, planning staff raised concerns that complying with the above would not be achievable. As per the image below, there is currently rock crop located in the area where the garage entry is proposed to be located:



The extent of the sandstone rockface extends to where the sandstone garden bed is located and if the garage door commences at that location, there is concerns of whether the minimum 2200 mm internal heights associated with a garage can be achieved

A meeting was held between the Applicant and their consultants with Council staff from Planning, Heritage and Engineering sections on 10 November 2022. It was discussed at the meeting the above condition would not enable the required clearance to the garage opening by moving it to the south-west. The applicant's heritage consultant suggested that the contribution of the small scale and visually confined location of the rock outcrop to the HCA is very limited. It is agreed, as discussed at the meeting and that if there is to be a basement garage incorporated into the design, there will need to be some physical intervention to remove and lower a small upper portion of the sandstone outcrop to enable entry to the garage and that this intervention must be kept to a minimum.

GBA Heritage (Applicant's heritage consultant) submitted further heritage information in the form of a heritage memo on 14 November 2022 which identifies the following mitigation measures for consideration:

- The garage door and access crossing has been moved as far west as possible to minimise physical intervention into the outcrop, while maintaining clearance for vehicles using the basement garage.
- The garage door and proposed crossing will be kept to a minimum, single lane width.
- The rock outcrop would be carefully cut down by a stone mason, sufficient only to match the street level including any necessary crossing... to manage water flowing down the street.
- The extensive vine growth will be cut back by the applicant property owner to expose most of the rock outcrop within the road reserve, while retaining sufficient vine to continue to obscure the relationship between the outcrop and the adjoining concrete block wall. The vine will be managed by the applicant to prevent undue growth that obscures the outcrop.
- The earlier opening to the rock face when it was trenched for the installation of a stormwater or wastewater line, which may now be redundant, will be repaired to the most responsible degree with closely matching materials.
- The street tree will be retained and the rock outcrop will be further revealed.

The Memo states that the above design criteria and mitigation measures will be sufficient to enable a reasonable degree of the rock outcrop (c 80-85%) to be retained as well as its contribution to the Heritage Conservation Area.

In addition to the trench referred to above made within the sandstone outcrop, it is evident from historical Google Street view images that the sandstone outcrop has been altered from its original with numerous alterations made to, and adjacent to the outcrop. These include a concrete slab for a pedestrian pathway leading to concrete steps behind and the bitumen pavement to Lookes Avenue adjoining. It appears the concrete slab was removed from above the subject sandstone outcrop during the construction of the existing sandstone retaining wall to Lookes Avenue, sometime between 2014 and 2019.



Figure 1: 2009 Google Street view showing the concrete slab and stairs on top of the subject sandstone outcrop.



Figure 2: 2020 Google Street view showing the sandstone outcrop with the concrete slab and stairs removed and the sandstone retaining wall to 2-4 Lookes Avenue.

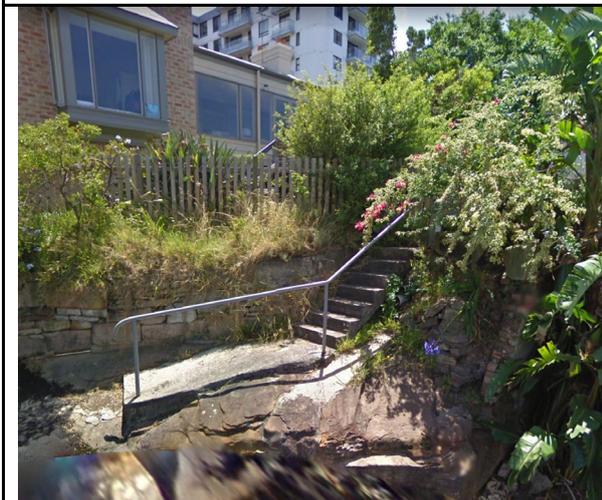


Figure 3: 2009 Google Street view showing the concrete slab and stairs on top of the subject sandstone outcrop.

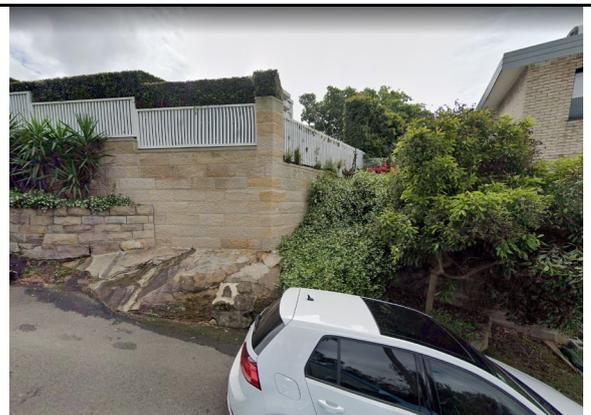


Figure 4: 2020 Google Street view showing the sandstone outcrop with the concrete slab and stairs removed and the sandstone retaining wall to 2-4 Lookes Avenue.

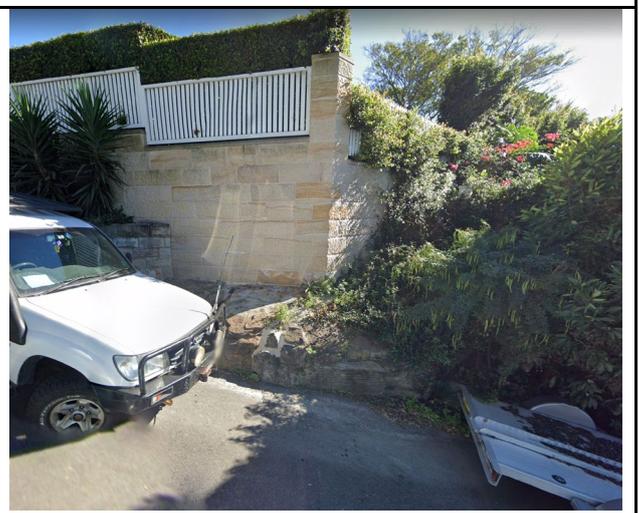


Figure 5: 2014 Google Street view showing the concrete slab and stairs on top of the subject sandstone outcrop.

Figure 6: 2019 Google Street view showing the sandstone outcrop with the concrete slab and stairs removed and the sandstone retaining wall to 2-4 Lookes Avenue.

Based on the additional information provided by GBA Heritage and the evident alterations made to, and adjoining the sandstone outcrop, it is concluded that the outcrop is a remnant of the original outcrop that would have existed. The impact to the remaining, and altered, sandstone outcrop, at 15 to 20%, is considered to be acceptable in this instance providing that the mitigation measures in the Memo prepared by GBA Heritage, are included as conditions of consent. This will ensure that there is an acceptable impact on the significance of the Balmain East HCA.

In light of all the above, the proposal is considered to be acceptable from a heritage perspective as it will not detract from the heritage significance of the semi-detached houses or the Balmain East Heritage Conservation Area subject to the imposition of conditions which are included in the recommendation.

Potential On-street Car Parking Impact / Maximum Car Parking on Site

Council's Engineers have reviewed the potential loss of on-street parking and provided the following conclusion:

"Technically there may be a loss of an on-street parking, however due to the alignment of the road (the bend) and the narrow width of the road, it is advantageous if a vehicle does not park in this location. Parking a vehicle in this location makes manoeuvring around the bend difficult and also makes manoeuvring in and out of the driveway opposite difficult."

Therefore, the proposal is considered to be acceptable in this regard.

Under Part C1.11 - Car Parking of Leichhardt DCP 2013 allows a maximum of 2 off-street car parking spaces per dwelling. As there are two dwellings at 2-4 Lookes Street, a maximum of 4 car parking spaces are allowed and a maximum of two driveway crossings are permitted. The garage plan that was approved in D/2010/58 indicates that 3 car parking spaces were approved in D/2010/58:

- *Considering 200-250mm additional excavation is required in reference with final wall location to allow construction works, the basement wall to north may have to be located 200-250mm south of the existing building wall at rear.*
- *Ground level wall to north may be installed as per DA-103 Proposed Ground Plan of Architectural Plans Rev D, dated 16/03/2022 with sensitive construction methods as pier & beam and with sufficient distance from the observed roots.”*

The amended plans dated 19 September 2022 reflect the changes required above and reduced the amount of proposed excavation in the vicinity of the area that adjoins 4-20 Gallimore Street and the impact to the tree on the adjoining property is now satisfactory, subject to conditions in this regard. Therefore, the proposal as conditioned satisfies Council’s Tree Management controls.

C3.2 Site Layout and Building Design

The subject site and the adjoining sites are all varied in sizes and shapes, and therefore, there is no established Building Location Zone relevant to the site.

Side Setbacks

The following table outlines compliance with the prescribed side boundary setbacks in relation to the proposed pavilion, which are determined based on the Side Boundary Setbacks Graph as prescribed in this part of the DCP.

| Elevation | Wall height (m) | Required Setback (m) | Proposed Setback (m) | Complies (Y / N) |
|------------------|------------------------|-----------------------------|-----------------------------|-------------------------|
| North | 3.75 | 0.54 | 1.0-1.2 | Y |
| East | 4 | 0.7 | 1.8-2.0 | Y |

As demonstrated in the table above, the proposed additions to the rear comply with the Side setback control of this part of the DCP.

C3.9 Solar Access

Given the orientation of the subject and surrounding sites and the location of the proposed works, the property that has the potential to be impacted with regard to solar access is the development at 4-20 Gallimore Avenue. The adjoining site at 4-20 Gallimore Avenue has a north-south orientation but has west-facing private open spaces.

The following solar access controls under C3.9 apply to the proposal in relation to impacts to glazing on the surrounding sites.

Impact to main living room glazing

- *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*
- *C15 Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

As the proposed additions will not have any impacts to any north-facing glazing, the proposal complies with the abovementioned controls.

Impact to private open space

- *C18 Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.*
- *C19 Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.*

The submitted shadow diagrams indicates that the any additional shadows will fall within the subject site at 9am and 12pm and any additional shadows at 3pm will fall within existing shadows cast within the private open spaces at 4-20 Gallimore Avenue, and therefore, complies with the abovementioned controls.

C3.10 View

A submission was received regarding the neighbour's at 3/9 Nicholson St with concerns of view loss of towards the "Hungry Mile" which consists of the city skyline and water views. The objector has provided the following photographs with regard to the view of concern:



Existing views from the balcony associated with Living room of 3/9 Nicholson Street.

Council considers the *following factors in the* assessment of reasonable view sharing:

- a. *“What views will be affected? In this Plan, a reference to views is a reference to water views and views of significant landmarks (e.g. Sydney Harbour, Sydney Harbour Bridge, ANZAC Bridge and the City skyline including features such as Centre Point Tower). Such views are more highly valued than district views or views without significant landmarks.*

- b. How are the views obtained and assessed? Views from private dwellings considered in development assessment are those available horizontally to an observer standing 1m from a window or balcony edge (less if the balcony is 1m or less in depth).*
- c. Where is the view enjoyed from? Views enjoyed from the main living room and entertainment areas are highly valued. Generally it is difficult to protect views from across side boundaries. It is also generally difficult to protect views from other areas within a residential building particularly if views are also available from the main living room and entertainment areas in the building concerned. Public views are highly valued and will be assessed with the observer standing at an appropriate point in a public place.*
- d. Is the proposal reasonable? A proposal that complies with all development standards (e.g. building height, floor space ratio) and planning controls (e.g. building setbacks, roof pitch etc) is more reasonable than one that breaches them.”*

The property at 3/9 Nicholson Street currently enjoys views of the City skyline and limited water views from the balcony associated with the living room. The proposed elevation indicates that the proposed pavilion structure will have a maximum height of RL26.7 AHD, which matches the height of the existing building structures located on the north-east portion of the subject site, but is lower in height than the primary dwelling and maintains an adequate setback from the side and rear boundary.

Therefore, the proposal will not result in any undue adverse impacts to views to the city skyline when viewed from the balcony of 3/9 Nicholson Street as the proposed structures will have a maximum height that matches the same height of the structure as seen in the objector's photos. There may be some impacts to the limited amount of water views, but given that the proposal achieves compliance with Floor Space Ratio and Site Coverage development standards, the pavilion structure complies with the Side Setback controls, and the maximum height matches the height of the existing ground floor structure, the proposed pavilion structure is considered to be a reasonable development in this regard and the impact is considered to be minor.

The objection also raised concerns about the proposed free standing pergola, but the photos submitted do not indicate that these views will be obstructed by the proposed pergola structure.

Therefore, it is considered that the proposal responds appropriately to the principle of view sharing and will not result in any unreasonable view loss.

C3.11 Visual Privacy

The proposal pavilion is located in the private open space area located in the north-eastern portion of the site. As per the image below, there are currently hedges located adjacent to the eastern and northern boundary which provides privacy to the adjoining properties at 4-20 Gallimore Avenue:



The landscape plan indicates that the existing vegetation will be retained on the northern and eastern sides of the site where the pavilion is located. While it is noted that vegetation is generally not considered to be a suitable method if it is the sole method to mitigate issues relating to visual privacy, as the current location is a private open space that is already currently utilised for recreational purposes, the proposed pavilion structure would not result in any additional visual privacy concerns compared to the existing situation.

The proposed skylight is located in a position and at an angle that would not result in adverse sightlines into the adjoining properties.

Therefore, the proposal is satisfactory in this regard.

5(d) The Likely Impacts

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

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

It is considered that the proposal will not have an adverse impact on the heritage conservation area and is consistent with the desired future character of the area and therefore it is considered that the site is suitable to accommodate the proposed development.

5(f) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. Twenty-two (22) submissions were received in response to the initial notification.

The amended plans under assessment were renotified between 10 January 2023 and 27 January 2023 and twenty-nine (29) submissions were received.

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

- Car Parking – see assessment against C1.11 – Car Parking
- Design and Heritage – see assessment against C1.4 – Heritage Items and Heritage conservation Areas
- Potential impact to trees on the adjoining property - see assessment against C1.14 Tree Management
- Potential solar access impacts to the adjoining properties - see assessment against C3.9 Tree Management
- Potential visual privacy impacts to the adjoining properties - see assessment against C3.9 Tree Management

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

Issue: Noise pollution/vibration in relation to the proposed excavation
Comment: A condition requiring a detailed Geotechnical Report is included in the recommendation to minimise the noise and vibration during construction. Conditions requiring dilapidation reports in relation to the adjoining properties are also included.

Issue: Dust/construction management
Comment: Conditions requiring an erosion and sediment control plan and Construction Traffic Management Plan (CTMP) to cater for construction are included in the recommendation.

Issue: Heritage/Aboriginal relics
Comment: The proposed works to the heritage item have been discussed in an earlier section of the report. A condition regarding unexpected archaeological deposits or Aboriginal objects found during construction are included in the recommendation.

Issue: Stormwater/engineering drawings
Comment: Additional stormwater and engineering drawings were requested and provided as additional information. Conditions are included in the recommendation to requiring further details/amendments to the stormwater and engineering drawings to ensure compliance with the relevant standards.

Issue: Subsoil drainage

Comment: As discussed in more detail in an earlier section of the report in relation to Stormwater Management, a condition is included in the recommendation requiring an integrated Structural and Geotechnical Report and structural plans that address the design of the proposed basement. The report and plans must be prepared/ amended to make provision for the basement to be fully tanked to prevent the ingress of subsurface flows and that the existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development.

Issue: Pedestrian access

Comment: It is noted that there is no pedestrian footpath on this section of Lookes Avenue given the narrowness of the street and the rockface that needs to be retained. However, as off-street car parking is provided on the southern side of Lookes Avenue, this is not a factor that would warrant the application to be refused.

Issue: Issues in relation to previous development applications/number of car parking spaces already existing

Comment: It is noted that a basement garage was originally proposed under D/2008/295 and concerns with regard to its impact to the heritage item and streetscape issues were raised. Subsequently this aspect was removed from D/2008/295. The key difference between the current situation and the circumstances in D/2008/295 was that the dwelling that is currently on site was reconstructed as a result of D/2013/126 and therefore is no longer an original building.

It is also noted that D/2010/58 approved a relatively large garage located on 2 Lookes Street that provides three car parking spaces. Leichhardt DCP 2013 specifies a maximum of 2 spaces per dwelling and as there are two dwellings on 2-4 Lookes Street, the maximum allowed is 4 spaces on this site. A condition is included in the recommendation to ensure only one additional car space is provided.

Issue: View loss from the proposed pergola/the pergola is increased in size in the amended proposal.

Comment: The proposed pergola structure in the most recently amended plans is the same size as the pergola structure originally proposed. Issues in relation to potential view loss is discussed in more detail in an earlier section of this report and it is considered that it will not result in any adverse amenity impacts with regard to view loss.

Issue: Potential loss of on-street parking

Comment: Council's engineers had reviewed the potential loss of on-street parking and provided the following conclusion: *"Technically there may be a loss of an on-street parking however due to the alignment of the road (the bend) and the narrow width of the road it is advantageous if a vehicle does not park in this location. Parking a vehicle in this location makes manoeuvring around the bend difficult and also makes manoeuvring in and out of the driveway opposite difficult."* Therefore the proposal is considered to be acceptable in this regard.

Issue: Clarification of the existing hedges that are located within the boundaries shared with 4 -20 Gallimore Street

Comment: The landscaped plan that has been provided indicates that the existing vegetation located within the boundaries shared with 4 -20 Gallimore Street will be retained.

Issue: Previous renovation of this property resulted in 'destruction of heritage walls. Who will oversee this time?

Comment: The Principal Certifying Authority will need to ensure that the proposal is constructed in accordance with the approved documentation.

Issue: Incorrect reference to two dwellings on the subject site.

Comment: 2-4 Lookes Street is located on a single lot. A second dwelling was approved and constructed under D/2010/58, so therefore there are two dwellings on the subject site. While the current Local Environmental Plan prohibits dual occupancy (i.e. Inner West LEP 2022), the dwellings were approved under previous planning controls and the proposal does not propose to change any existing uses on the site.

Issue: Issues in relation to the cost of works

Comment: The cost summary was provided by G.T. Gibson who declares that he/she has qualifications in B.build.A and BSc(QS) which meets the requirements of a suitably qualified person to prepare cost summaries.

Issue: Noise from pool increased from the construction of the proposed pergola

Comment: The pool is existing from a previous approval and it is unlikely that the provision of the small pergola would increase any noise associated with the operation of the pool equipment or use of the pool.

Issue: Property damage from proposed trees

Comment: There is no evidence that the proposed trees would result in damage to the subject retaining wall.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage
- Urban Forest
- Building Certification
- Engineering

6(b) External

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

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid should be imposed on any consent granted.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained *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.

Accordingly, the application is recommended for approval, subject to conditions as recommended in Attachment A.

9. Recommendation

- A. 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 approval to Development Application No. DA/2021/1075 for alterations and additions to existing heritage listed residence, including bulk excavation to create a basement level comprising garage and manoeuvring area, workshop and store, accessed via a new driveway entry with panel lift door on Lookes Avenue at 2-4 Lookes Avenue, Balmain East 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 |
|------------------------------|---|-------------|-------------|
| DA-100 Rev C | Proposed Site Survey | 16.03.22 | TP |
| DA-101 Rev F | Proposed Site Plan | 19.09.22 | TP |
| DA-102 Rev G | Proposed Basement Garage & Storage Plan | 21.11.22 | TP |
| DA-103 Rev E | Proposed Ground Floor | 19.09.22 | TP |
| DA-104 Rev C | Upper Floor Plan | 19.09.22 | TP |
| DA-105 Rev C | Proposed Roof Plan | 19.09.22 | TP |
| DA-109 Rev G | Section Sheet 1 | 02.12.22 | TP |
| DA-110 Rev C | Elevation Sheet 1 | 19.09.22 | TP |
| DA-111 Rev E | Elevation Sheet 2 | 19.09.22 | TP |
| DA-112 Rev G | Elevation | 21.11.22 | TP |
| DA-113 Rev E | Car Turning Plan | 01.12.22 | TP |
| DA-115 Rev D | Sediment Control Plan | 19.09.22 | TP |
| DA-116 Rev D | Proposed Landscape Plan | 19.09.22 | TP |
| DA-117 Rev A | Proposed Landscape Details | 19.09.22 | TP |

| | | | |
|----------------------------------|---|---------------------------|--------------------------------------|
| DA-120 Rev E | Driveway Plan / Section | 20.11.22 | TP |
| DA-121 Rev B | Driveway Section Centreline of Driveway | 05.05.22 | TP |
| DA-122 Rev A | Driveway Section High Side of Driveway | 05.05.22 | TP |
| DA-123 Rev A | Driveway Section Low Side of Driveway | 05.05.22 | TP |
| LB107-H01 Issue 1 Amendment B | Proposed Stormwater Drainage | 06.05.22 | CLAPHAM DESIGN SERVICES PTY. LTD. |
| LB107-H02 Issue 1 Amendment B | Proposed Stormwater Drainage | 06.05.22 | CLAPHAM DESIGN SERVICES PTY. LTD. |
| | Arboricultural Impact Assessment | March 14th, 2022 | The Truth About Trees |
| Version 2 | Arboricultural Impact Assessment – Root Mapping | July 2022 | The Truth About Trees |
| Ref:08079/GK/5 | Geotechnical Assessment | 27th September 2021 | GDK Keighran Geotechnics |
| Project No: S0 | Structural Engineer's Assessment | 30 September 2021 | BG&E Pty Limited |
| Rev. A | DRIVEWAY SECTIONS | 02.12.2022 | BG&E |

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 colour of the panel lift door must match the existing colour scheme used on the existing dwelling.

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: | \$5600.00 |
| Inspection Fee: | \$350.00 |

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

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

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

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

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

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

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This

condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*.

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

Payment amount*:

\$4717.17

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

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

5. Long Service Levy

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

GENERAL CONDITIONS

6. Boundary Alignment Levels

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

7. 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) :

| Botanical/Common Name | Location |
|---|--|
| <i>Celtis sinensis</i> (Chinese Celtis) | Between 4 Lookes St. and 12 Gallimore. Ave |

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;

NOTE: Reference should be made to the *Arboricultural Impact Assessment and Root Mapping Report Version 2 prepared by Joe Floyd from Truth About Trees, dated July 2022.*

8. 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.

9. 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.

10. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**11. Hoardings**

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

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

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

12. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties at 4-20 Gallimore Avenue, Balmain East and 9 Nicholson Street, Balmain East to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have

been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

13. Advising Neighbours Prior to Excavation

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

14. Construction Fencing

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

15. Construction Traffic Management Plan

Prior to any demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction prepared by a person with RMS accreditation to prepare a work zone traffic management plan. Details must include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities. A work zone approval must be obtained.

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 not required)

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

- a. The design must generally be in accordance with the Stormwater Drainage Concept plan on Drawing No. LB107-H01 amendment (B) prepared by CLAPHAM DESIGN SERVICES and dated 6 May 2022, as 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 Council's pipe drainage system in Lookes Avenue;
- 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. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;
- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- f. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled;
- g. 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;
- h. Plan and long section of the proposed drainage line and structural details of the proposed pits in Lookes Avenue, prepared and certified by a qualified civil engineer must be provided;
- i. Utility services within the affected area must be located and shown on the long section of the drainage line;
- j. The design 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;
- k. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- l. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site; and
- m. No impact to street tree(s).

18. Amended Architectural Plans to Reflect Requirements of this Condition

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended architectural plans. The design must be prepared to make provision for the following:

- a. 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 complies with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:
- b. The garage slab or driveway must rise within the property to be 170 mm 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;
- c. 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;
- d. 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;
- e. The garage/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;
- f. 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;
- g. 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; and
- h. The external form and height of the approved structures must not be altered from the approved plans.
- i. Clearly show a maximum of one (1) car parking space in the proposed garage.

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.

19. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current

Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a. The basement must be fully tanked to prevent the ingress of subsurface flows;
- b. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
- c. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
- d. All components of the basement, including footings, must be located entirely within the property boundary;
- e. No adverse impact on surrounding properties including Council's footpath and road;
- f. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
- g. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
- h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

20. Driveway Long Section - Dwelling

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section approved by Council shall define the Alignment Levels at the property boundary. The long section shall show both existing surface levels and proposed surface levels with changes.

21. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that the footings of the approved Ground Level utilise tree sensitive construction techniques (such as isolated pier or pier and beam construction) within the specified radius of the trunk/s of the following tree/s:

| Botanical/Common Name | Radius in metres |
|---|------------------|
| <i>Celtis sinensis</i> (Chinese Celtis) | 5m |

22. Tree Protection Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a detailed site-specific Tree Protection Plan (TPP) prepared by a AQF5 Consultant Arborist. The TPP is to be prepared in accordance with Council’s *Development Fact Sheet—Trees on Development Sites*.

The trees identified below are to be retained and protected throughout the development:

| Botanical/Common Name | Location |
|---|--|
| <i>Celtis sinensis</i> (Chinese Celtis) | Between 4 Lookes St. and 12 Gallimore. Ave |

The tree protection measures contained in the TPP must be shown clearly on the Construction Certificate drawings, including the Construction Management Plan.

The Certifying Authority must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP.

A Project Arborist is to be appointed prior to any works commencing to monitor tree protection for the duration of works in accordance with the requirements identified in the TPP.

All tree protection measures as detailed in the approved Tree Protection Plan must be installed and certified in writing as fit for purpose by the Project Arborist.

23. Structural Certificate for retained elements of the building

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

24. Sydney Water – Tap In

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

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

DURING DEMOLITION AND CONSTRUCTION

25. Tree Protection

To protect the following tree, ground protection must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council's *Development Fact Sheet—Trees on Development Sites*:

| |
|--|
| Botanical/Common Name/Location |
| <i>Celtis sinensis</i> (Chinese Celtis) - Between 4 Lookes St. and 12 Gallimore. Ave |

26. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

| Tree No./ Botanical/ Common Name/ Location | Time of Inspection | Key stage/ Hold point |
|--|--------------------------------|--|
| <i>Celtis sinensis</i> (Chinese Celtis) - Between 4 Lookes St. and 12 Gallimore. Ave | Prior to commencement of works | <ul style="list-style-type: none"> • Inspection and sign off installation of tree protection measures. |
| | During Works | <ul style="list-style-type: none"> • Supervise all site preparation and demolition works within the TPZ; • Supervise all works inside or above the TPZ; • Supervise all excavation, |

| | | |
|--|--|---|
| | | trenching works, landscaping works and tree/planting replenishment within the TPZ; <ul style="list-style-type: none"> • Supervise all tree work. |
|--|--|---|

27. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s must be severed or injured in the process of any works during the construction period:

| Botanical/Common Name | Radius in metres |
|--|------------------|
| <i>Celtis sinensis</i> (Chinese Celtis) - Between 4 Lookes St. and 12 Gallimore. Ave | 5m |

All excavation within the specified radius of the trunk of the tree being hand dug to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by a practicing Arborist.

28. Aboriginal Heritage – Unexpected Finds

If unexpected archaeological deposits or Aboriginal objects are found during the works covered by this approval, work must cease in the affected area(s) and the Office of Environment & Heritage must be notified. Additional assessment and approval pursuant to the *National Parks and Wildlife Act 1974* may be required prior to works continuing in the affected area(s) based on the nature of the discovery. Council's Aboriginal Programs Supervisor is also to be notified.

29. 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.

30. Qualified Stonemason

The applicant is to engage the services of a suitably qualified heritage stonemason to advise on the cutting of the sandstone outcrop to match the street level, including any necessary crossing; the cleaning and repairs of the stone (with nylon brush and water – with a soft detergent); the repointing of the stone with a lime mortar mix and the removal of vegetation.

31. Clearing of vegetation from sandstone outcrop

During construction work, the vegetation growth on the sandstone outcrop within the boundaries of the subject site must be cut back to expose the rock outcrop within the road reserve, while retaining sufficient vegetation to continue to obscure the relationship between the sandstone outcrop and the adjoining concrete block wall.

32. Repairs to sandstone outcrop

During construction work, the trenching to the sandstone rock face for the installation of a stormwater or wastewater line must be repaired to the most responsible degree with closely matching materials.

PRIOR TO OCCUPATION CERTIFICATE**33. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Light duty concrete vehicle crossing(s) at the vehicular access location(s); and
- b. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-“Roadworks Specifications”.

34. 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.

35. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

36. 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.

37. 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.

38. Stormwater Drainage and Road Works – Certification

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a 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. All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans;
- b. Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council; and
- c. Certification by a Registered Surveyor that the as-built Council Stormwater pipeline is located totally within the drainage easement.

39. Certification of Tree Planting

A detailed Landscape Plan, drawn to scale, by a Landscape Designer, must be submitted to and approved by Council. The plan must include:

- a. Location of existing and proposed structures on the site including, but not limited to: existing and proposed trees, paved areas and planted areas.
- b. Details of any earthworks, changes to existing grade and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees.

- c. The design must provide a minimum 40% canopy cover across the entire site in accordance with Council's Tree Management Controls.
- d. Location, numbers, type and supply of trees, with reference to AS2303:2018—Tree stock for landscape use (if applicable).
- e. A minimum of two (2) x 100L new trees must be included in the design . The trees species must attain a minimum mature height of eight (8) metres and canopy spread of at least four (4) metres.
- f. Fruit trees, palms, tree species of C7 Tree Minor Works list of the Development Control Plan and species recognised to have a short life span are not acceptable in satisfaction of this condition.
- g. New trees must be planted in natural ground. It must be demonstrated that there is sufficient soil volume to allow maturity to be achieved (refer to Council's Development Fact Sheet—Trees on Development Sites for further information). Planter boxes will not be accepted for tree plantin
- h. New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction. The tree should not be planted less than 2.5m from a dwelling house or garage, and may not be planted less than 1.5m from other structures or services.
- a. Structures such as OSD's, electrical kiosks, services etc. are not to be located within areas of deep soil or under the canopy of any existing trees.
- j. Details of planting specification and maintenance programme.

PRIOR TO SUBDIVISION CERTIFICATE

40. Civil Engineer Verification

Prior to the issue of Occupation Certificate, the Principal Certifier must be provided with written verification from a suitably experienced / Chartered/Registered 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), stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans.

ON-GOING

41. Vehicles Leaving the Site

All vehicles must enter and exit the site in a forward direction.

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.

Public Domain and Vehicular Crossings

The vehicular crossing works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public Domain Works – Step 2* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

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.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. The Council must be notified of the following particulars:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

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

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.

- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

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 | Payments 131441 |
| | www.lspc.nsw.gov.au |
| NSW Food Authority | 1300 552 406 |
| | www.foodnotify.nsw.gov.au |
| NSW Government | www.nsw.gov.au/fibro |
| | www.diysafe.nsw.gov.au |
| | Information on asbestos and safe work practices. |

| | | |
|---|--------------|--|
| NSW Office of Environment and Heritage | 131 555 | www.environment.nsw.gov.au |
| Sydney Water | 13 20 92 | www.sydneywater.com.au |
| Waste Service - SITA Environmental Solutions | 1300 651 116 | www.wasteservice.nsw.gov.au |
| Water Efficiency Labelling and Standards (WELS) | | www.waterrating.gov.au |
| WorkCover Authority of NSW | 13 10 50 | www.workcover.nsw.gov.au |

Enquiries relating to work safety and asbestos removal and disposal.

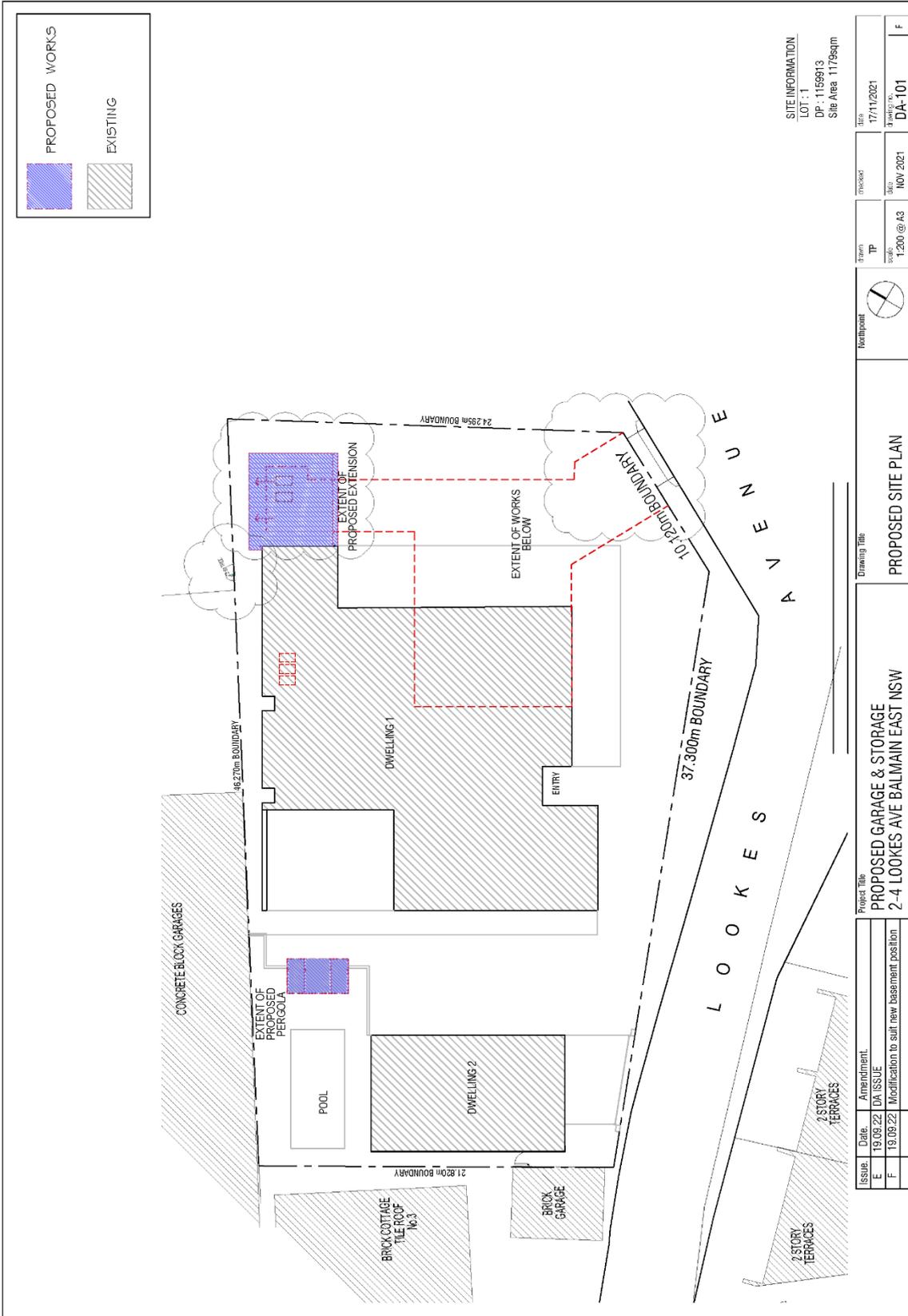
Attachment B – Plans of proposed development

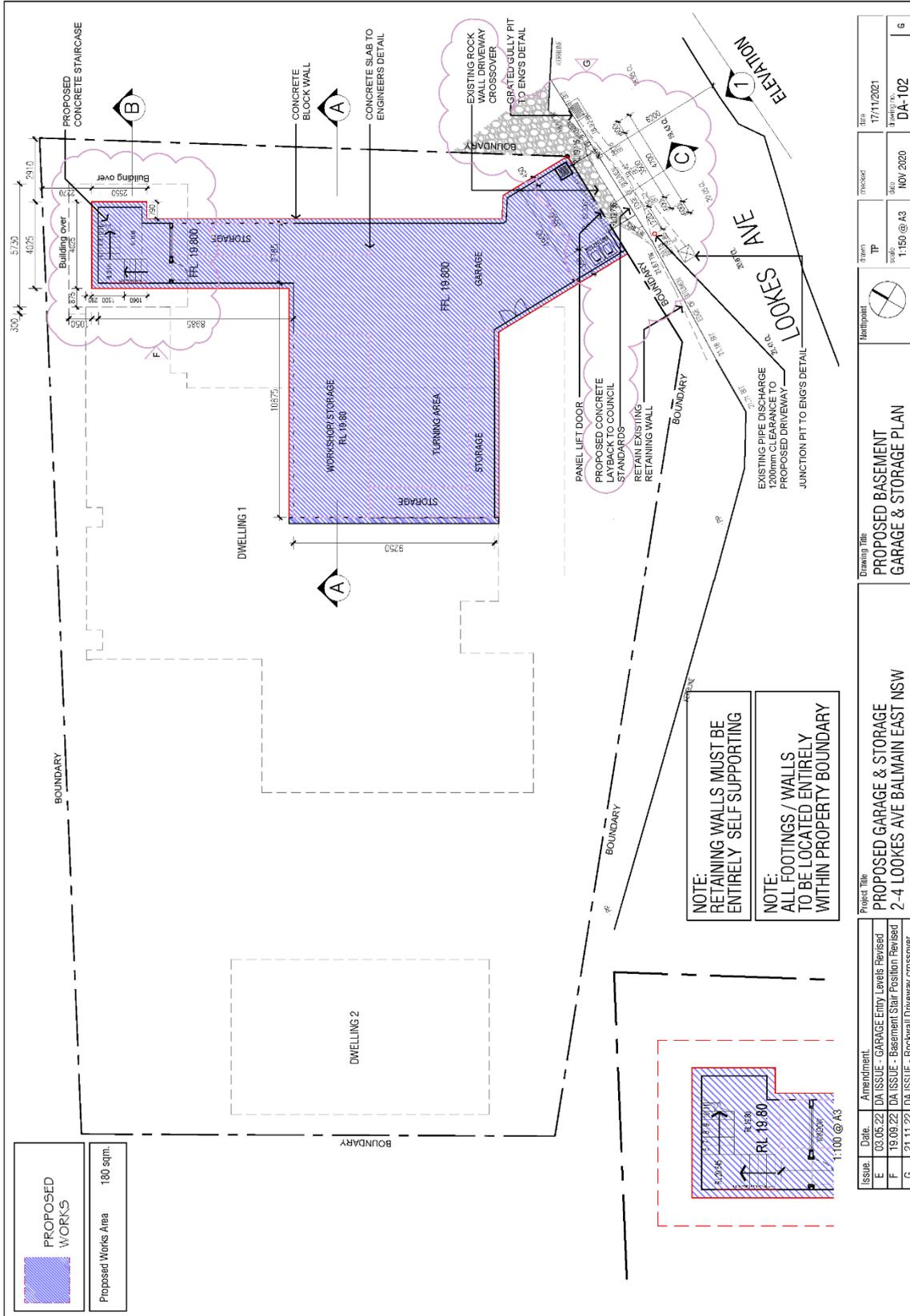


SITE INFORMATION
 LOT: 1
 DP: 1158913
 Site Area: 1179sqm

| | | | | | | | | | | | |
|-------|----------|--|---------------------------------|----------------------|------------|-------|------------|-------|----------|-------|--------|
| Issue | Date | Amendment | Project Title | Drawing Title | Northpoint | Drawn | Scale | Check | Date | Drawn | Date |
| C | 16.03.22 | DA ISSUE | PROPOSED GARAGE & STORAGE | PROPOSED SITE SURVEY | | TP | 1:200 @ A3 | | NOV 2021 | | |
| D | 19.08.22 | Modification to suit new basement position | 2-4 LOOKES AVE BALMAIN EAST NSW | PLAN | | | | | | | |
| | | | | | | | | | | | DA-100 |
| | | | | | | | | | | | D |

Document Set ID: 37207974
 Version: 1, Version Date: 20/12/2022



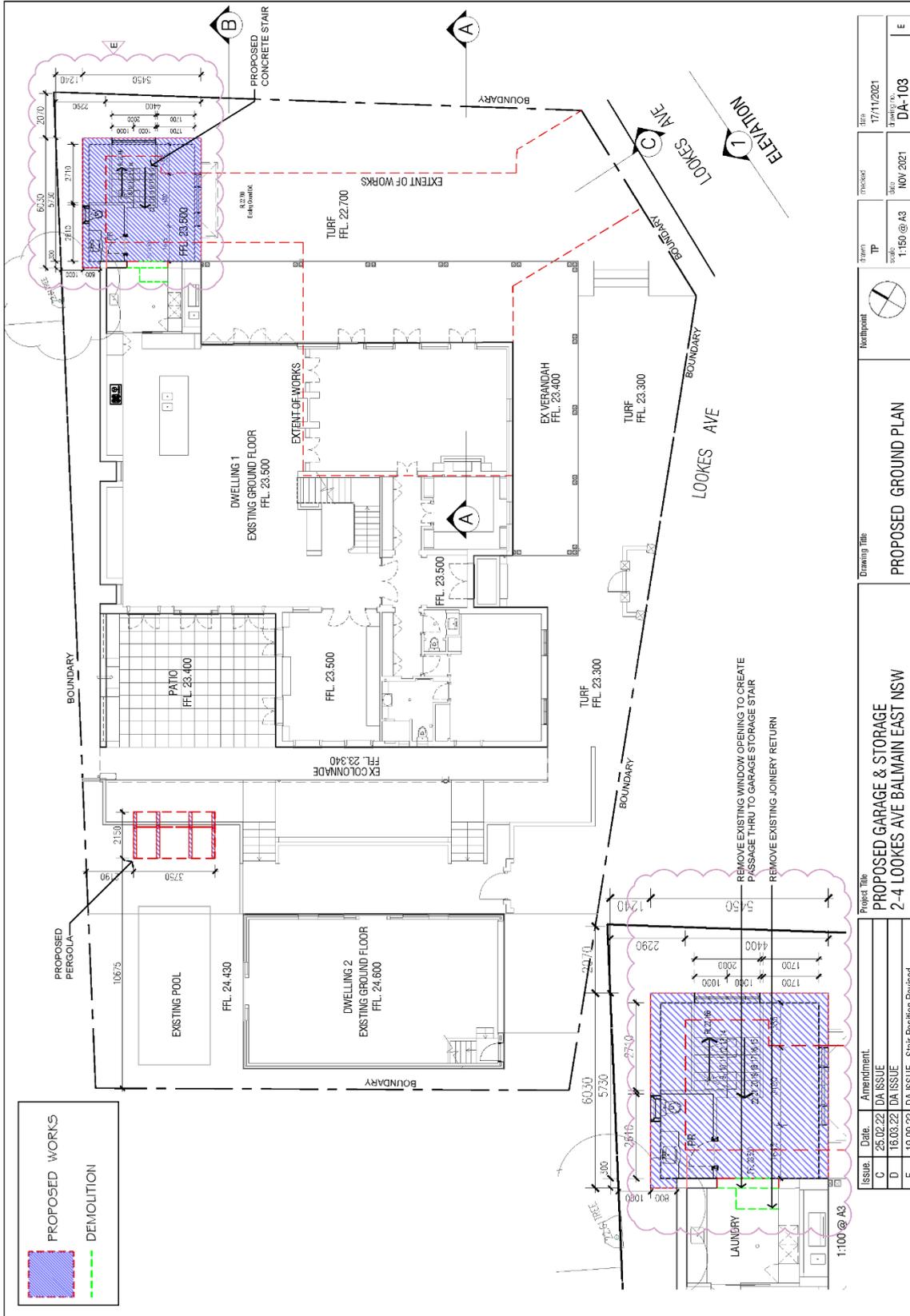


NOTE:
RETAINING WALLS MUST BE ENTIRELY SELF SUPPORTING

NOTE:
ALL FOOTINGS / WALLS TO BE LOCATED ENTIRELY WITHIN PROPERTY BOUNDARY

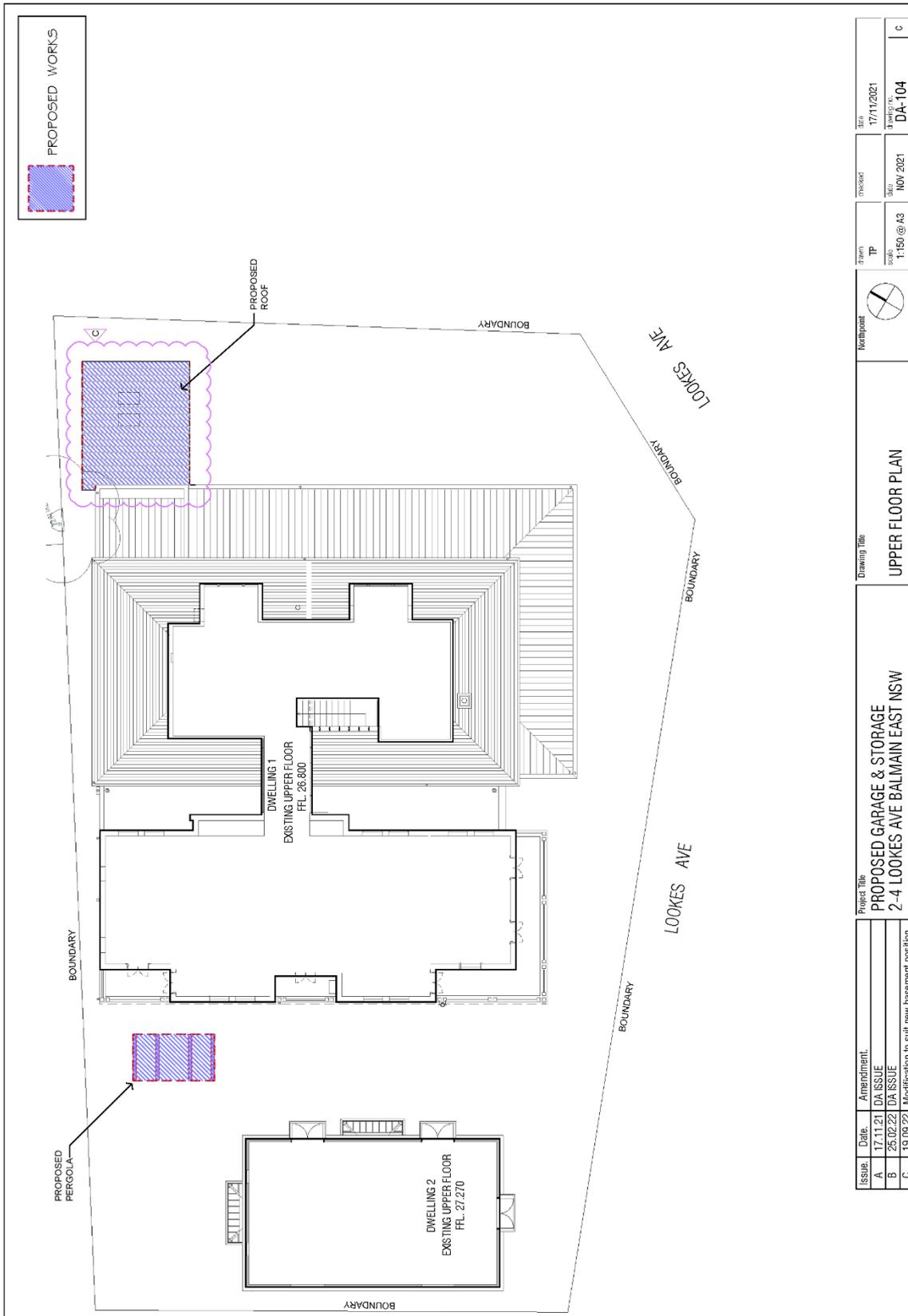
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|--|-------------|--|---------------------------|--|---------------------------|---------------------------|---------------------------|---|---------------------------|----------------------------|---------------------------|---------------------------|---------------------------|----------------------------|---------------------------|---------------------------|---------------------------|
| Proposed Works Area 130 sqm. | | Project Title PROPOSED GARAGE & STORAGE 2-4 LOOKES AVE BALMAIN EAST NSW | | Drawing Title PROPOSED BASEMENT GARAGE & STORAGE PLAN | | Northpoint | | Drawn TP Scale: 1:150 @ A3 | | Checked NOV 2020 | | Date 17/11/2021 | | Drawn No. DA-102 | | Sheet No. 6 | |
| Issue | Date | Amendment | Project Title | Project Title | Project Title | Project Title | Project Title | Project Title | Project Title | Project Title | Project Title | Project Title | Project Title | Project Title | Project Title | Project Title | Project Title |
| E | 03.05.22 | DA ISSUE - GARAGE Entry Levels Revised | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE |
| F | 19.09.22 | DA ISSUE - Basement Stair Position Revised | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE |
| G | 21.11.22 | DA ISSUE - Rockwall Driveway crossover | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE | PROPOSED GARAGE & STORAGE |

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 Version: 1, Version Date: 20/12/2022

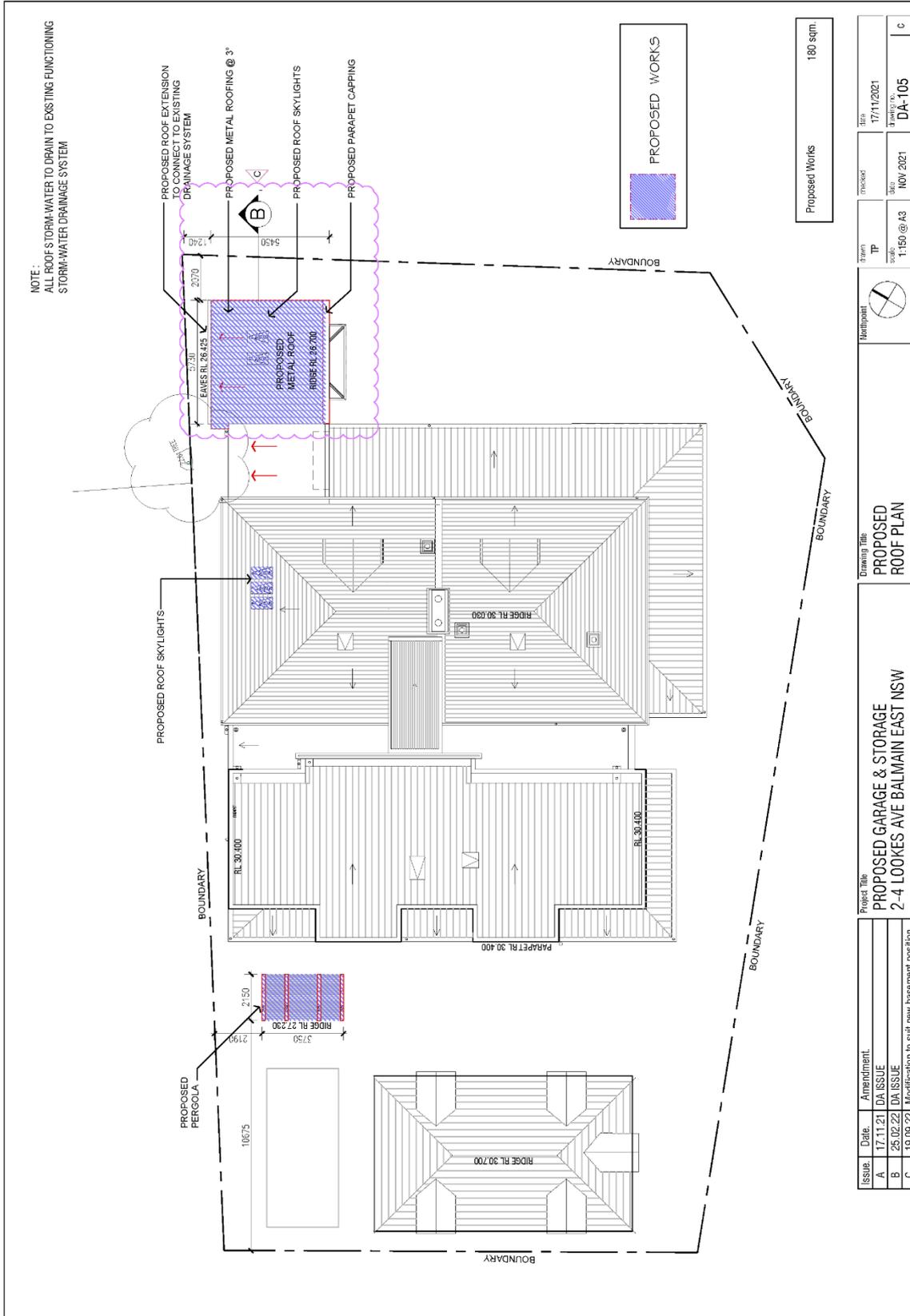


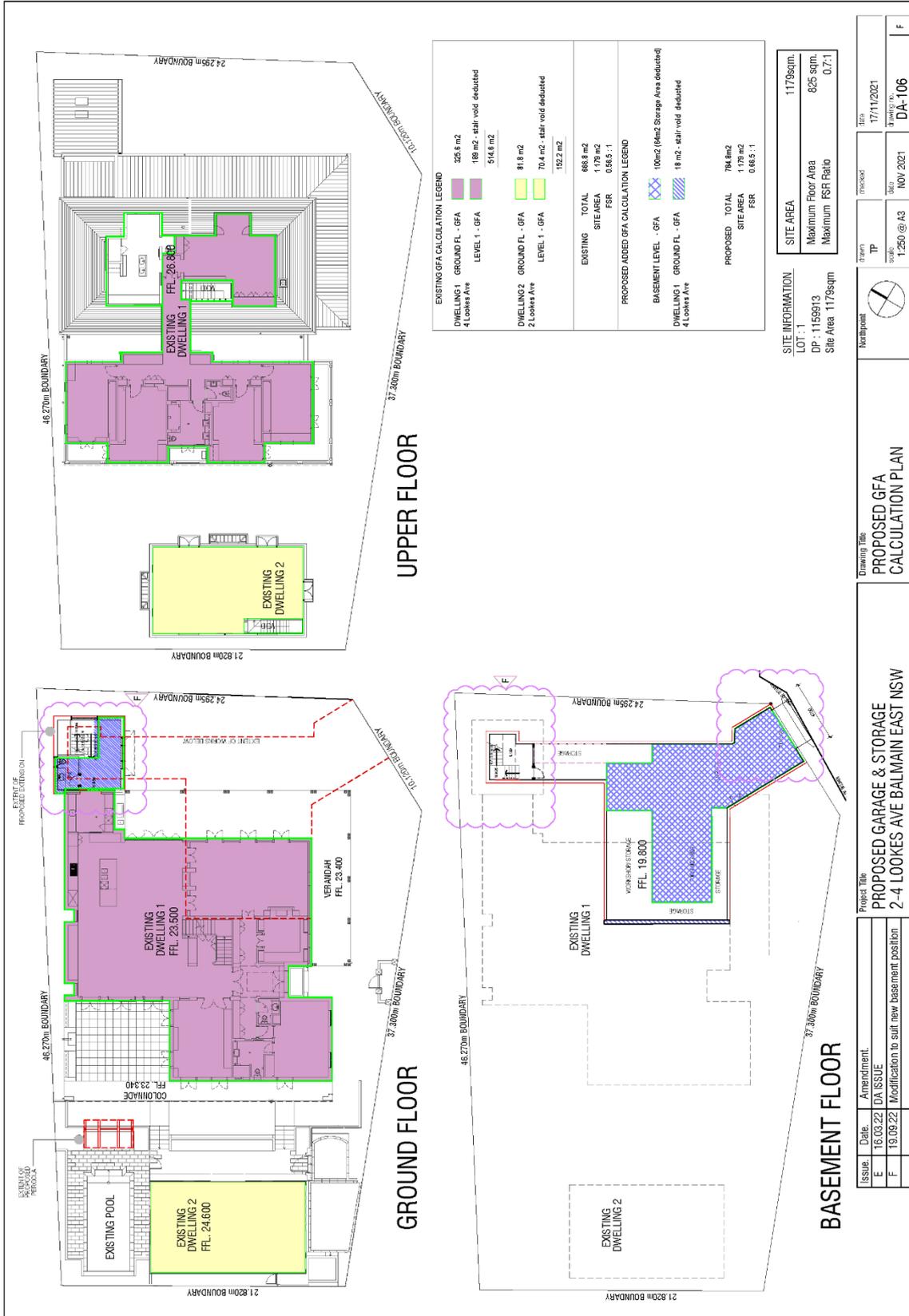
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| Project Title | | PROPOSED GARAGE & STORAGE 2-4 LOOKES AVE BALMAIN EAST NSW | |
| Issue | Date | Amendment | |
| C | 25.02.22 | DA ISSUE | |
| D | 18.03.22 | DA ISSUE | |
| E | 19.09.22 | DA ISSUE - Stair Position Revised | |
| Drawing Title | | PROPOSED GROUND PLAN | |
| Northpoint | | | |
| Drawn | | TP | |
| Scale | | 1:150 @ A3 | |
| Checked | | | |
| Date | | NOV 2021 | |
| Drawn No. | | DA-103 | |
| Date | | 17/11/2021 | |

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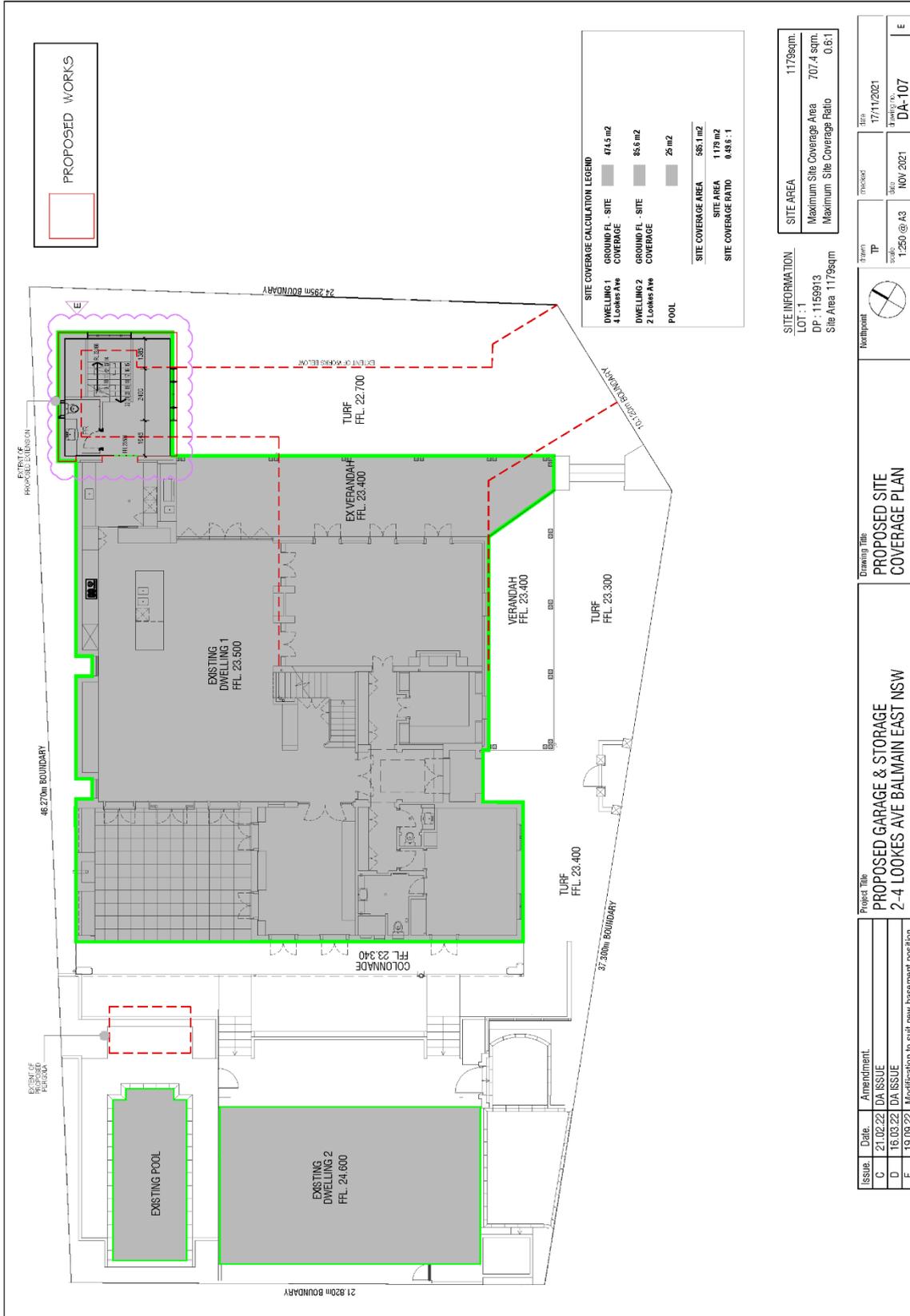


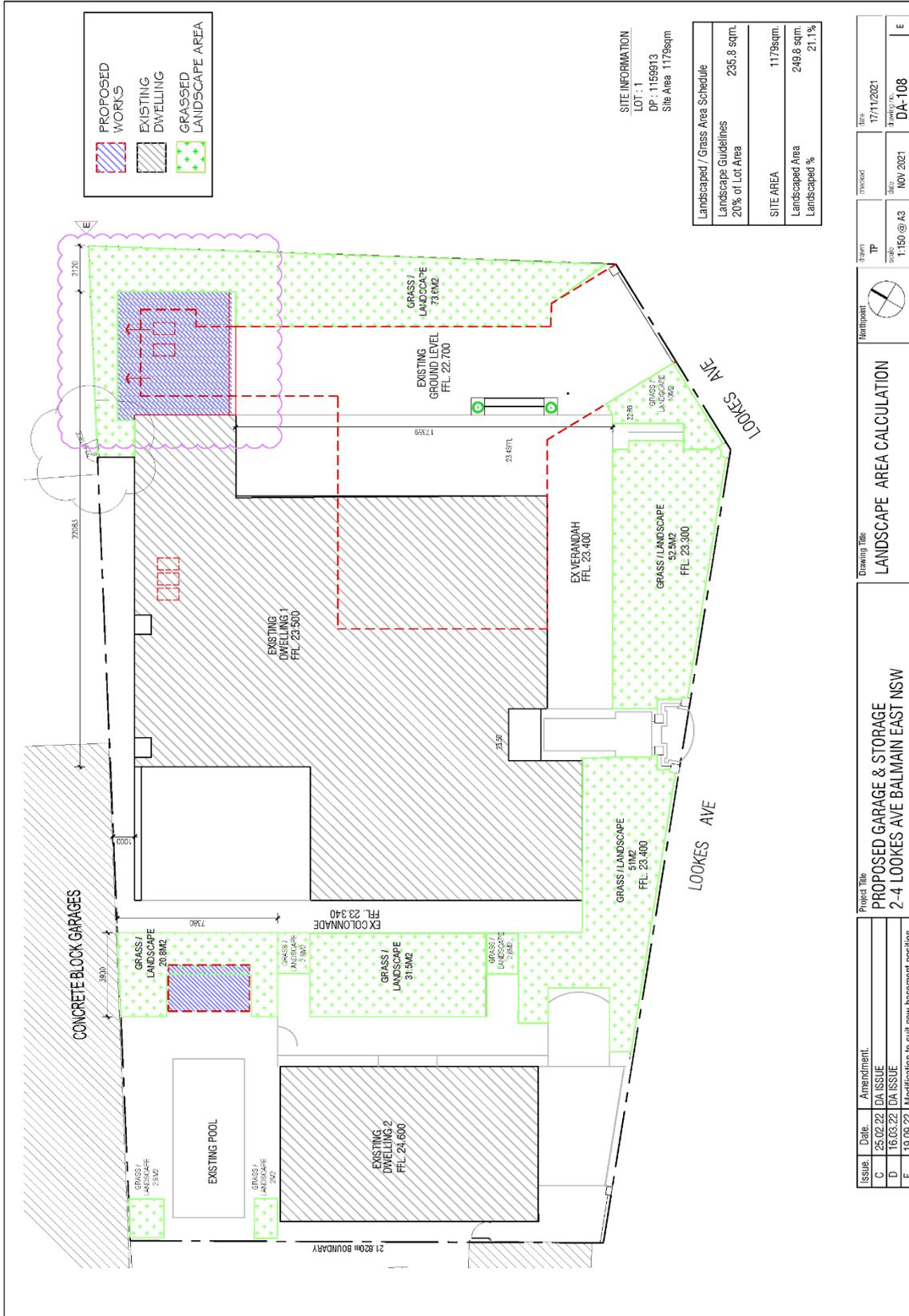
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| Issue | Date | Amendment |
| F | 16.03.22 | DA ISSUE |
| F | 19.09.22 | Modification to suit new basement position |

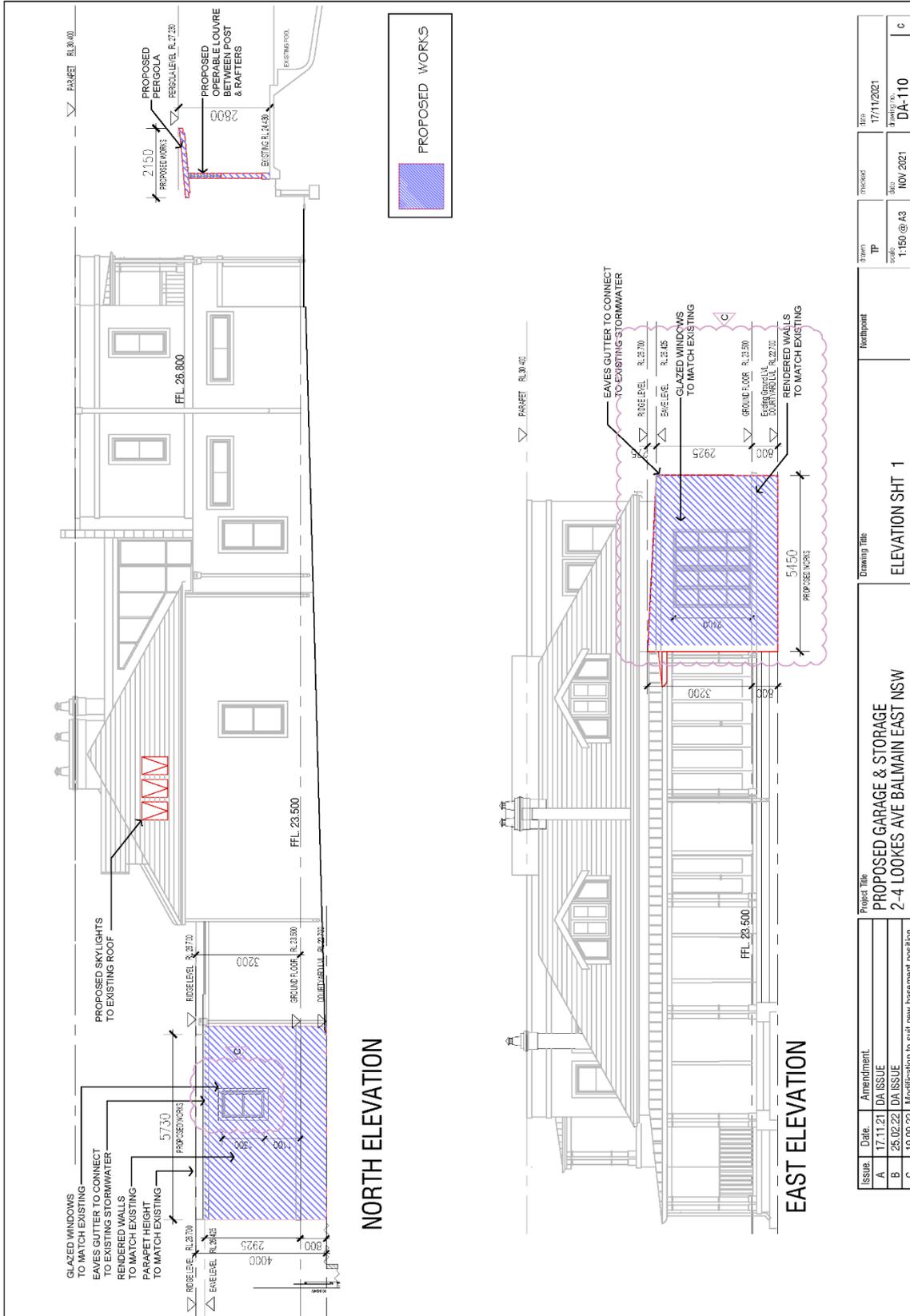
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| Project Title | PROPOSED GARAGE & STORAGE 2-4 LOOKES AVE BALMAIN EAST NSW |
| Drawing Title | PROPOSED GFA CALCULATION PLAN |

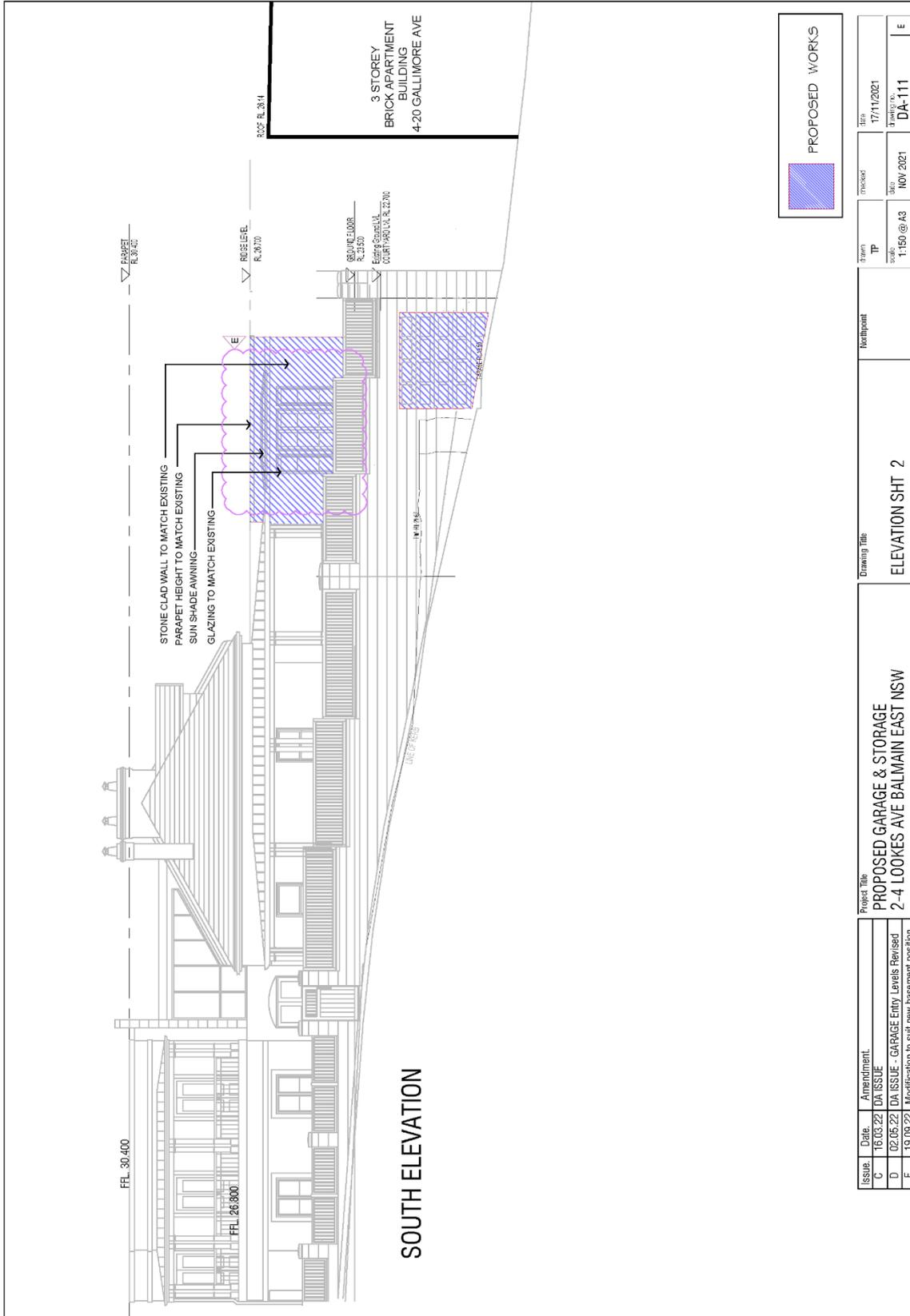
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| Drawn | TP |
| Checked | |
| Date | 17/11/2021 |
| Drawn by | DA-106 |
| Checked by | F |

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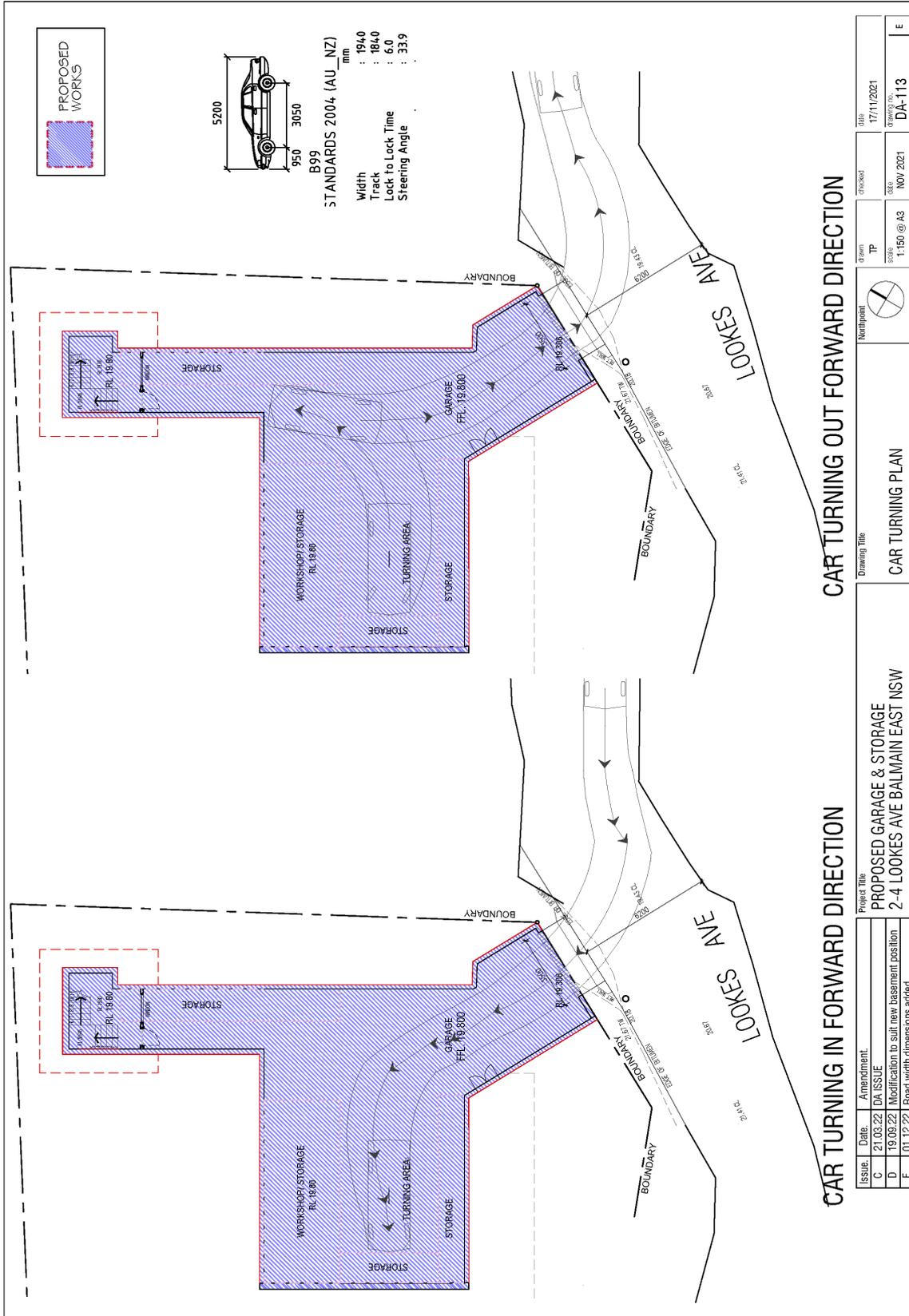


SOUTH ELEVATION

| | | | | | | | | | | | | | | | |
|-------|--|----------|--|---------------------------------|--|-----------------|--|------------|--|------------|--|----------|--|------------|--|
| Issue | | Date | Amendment | Project Title | | Drawing Title | | Northpoint | | Town | | Track | | Date | |
| C | | 16.03.22 | DA ISSUE | PROPOSED GARAGE & STORAGE | | ELEVATION SH1 2 | | TP | | 1:150 @ A3 | | NOV 2021 | | 17/11/2021 | |
| D | | 02.05.22 | DA ISSUE - GARAGE Entry Levels Revised | 2-4 LOOKES AVE BALMAIN EAST NSW | | | | | | | | | | DA-11 | |
| E | | 19.09.22 | Modification to suit new Basement position | | | | | | | | | | | E | |

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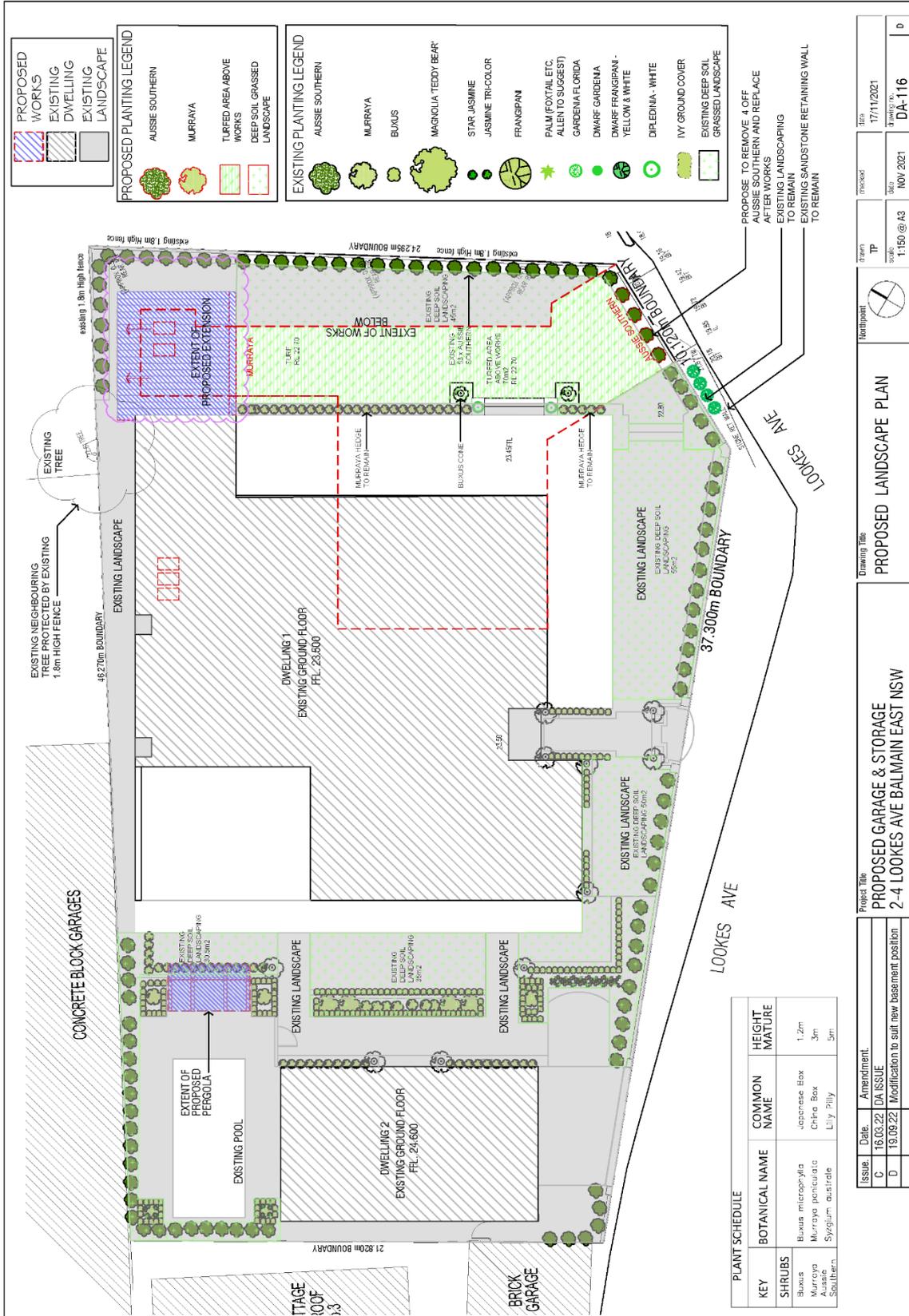


CAR TURNING OUT FORWARD DIRECTION

CAR TURNING IN FORWARD DIRECTION

| Issue | Date | Amendment | Project Title | Drawing Title | Drawn | Checked | Date |
|-------|----------|--|---------------------------------|------------------|-------|---------|------------|
| C | 21.03.22 | DA ISSUE | PROPOSED GARAGE & STORAGE | CAR TURNING PLAN | TP | | 17/11/2021 |
| D | 19.09.22 | Modification to suit new basement position | 2-4 LOOKES AVE BALMAIN EAST NSW | | TP | | 17/11/2021 |
| E | 01.12.22 | Road width dimensions added | | | TP | | 17/11/2021 |

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TREE PROTECTION PLAN (TPP) (AS4970:2009)

This document will stipulate tree protection measures with respect to tree management, in accordance with AS 4970:2009. It provides practical guidelines/specifications for the supervisor and contractor to minimise any adverse impacts, as well as outline the scope of Arborist supervision and compliance for this project. This TPP also references AS 4373:2007. Site reduction must be arranged by the site manager and the Project Arborist must introduce this TPP to tree removal/retention arborist and builder/Manager. Indicator shall be signed by all contractors and records of this to be kept on-site with the Project Arborist and TCA.

PROJECT ARBORIST CERTIFICATION POINTS

To ensure that contractors are following the guidelines stipulated in this TPP, the Arborist mandates that a Project Arborist (AQF Level 5) be installed as part of this (old) Points or Compliance Slugs, will be stipulated on each Drawing in red, and must be adhered to:

1. TREE PROTECTION FENCING

Tree protection fencing must be of chain link wire and no less than 1.8 metres high and anchored down with concrete blocks/stumps in a non-intrusive manner. Tree protection fencing must be covered with shade cloth tightly woven to not allow cement/salts/dust to contact any lower tree parts. See Figure 1. (Indicative only). Grounds within the tree protection fencing must contain mulch cover with a min 150mm thick layer atop tightly woven cover of Geotext fabric. Mulch to comprise material that complies with AS-154-2003. TPZ sign must be weatherproof and visible to contractors, and in accordance with AS4970:2009. Signage to read 'TREE PROTECTION ZONE'. Entry not permitted without Project Arborist consultation. Sign must be A3 min size and include Project Arborist details. See Figure 2.



Figure 1: Tree Protection Fencing



Figure 2: TPZ signage

2. TRUNK PROTECTION

Where specified, trunk protection must be as follows: where the circumference of the trunk with heaviest or foam from ground to a min height of 1.8 metres. The heaviest shall be overlaid with vertical (lumber battens covered (50mm x 100mm profile) from ground level or near to at least 1.8 metres high. Battens shall be spaced out with intervals not exceeding 100mm and be fixed in a non-intrusive manner, ideally strapped with hoop iron. Battens to be sign-posted. See Figure 3.



Figure 3: Trunk protection

3. GROUND PROTECTION

Where specified, rumble boards shall be installed to minimise soil compaction and consequential root damage, within the nominal site setback and the front setback, in lieu of restrictive protection signing, in accordance with AS-930:2003. Rumble boards must be rigid and may consist of long timber beams minimum 90mm x 200mm or the like, tightly fixed with metal strips allowing for small voids not exceeding

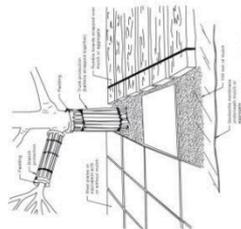
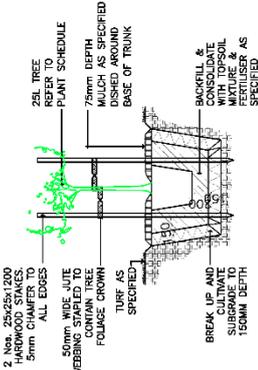


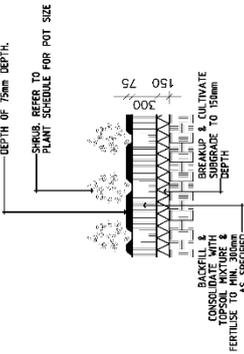
Figure 4: Rumble Boards (AS4970:2009)



25L TREE IN GRASS

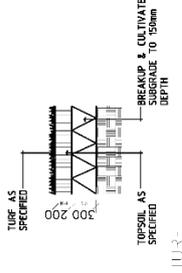
Typical Detail

HORTICULTURAL GRADE PINE BARK MULCH SIMILAR OR EQUAL TO THAT SUPPLIED IN ALL GARDEN BED AREAS AT A DEPTH OF 75mm DEPTH.



SHRUB PLANTING IN GARDEN BED

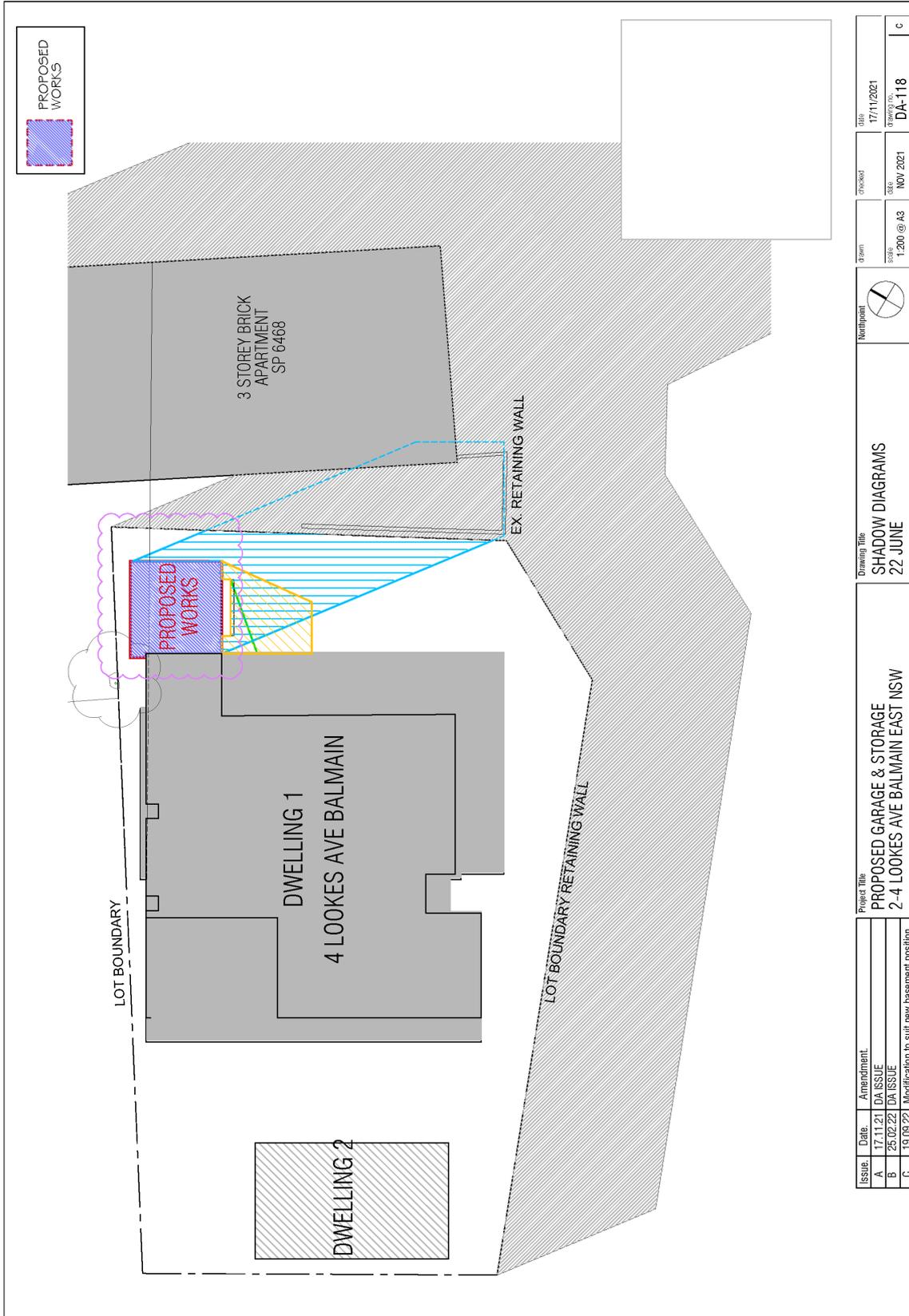
Typical Section



Typical Cross Section

| Issue | Date | Amendment | Project Title | Drawing Title | Northpoint | Drawn | Checked | Date | Project No. |
|-------|----------|-----------|--|----------------------------|------------|-------|---------|------------|-------------|
| A | 17.11.21 | DA ISSUE | PROPOSED GARAGE & STORAGE 2-4 LOOKES AVE BALMAIN EAST NSW | PROPOSED LANDSCAPE DETAILS | | TP | TP | 17/11/2021 | DA-117 |
| | | | | | | | | NOV. 2021 | A |

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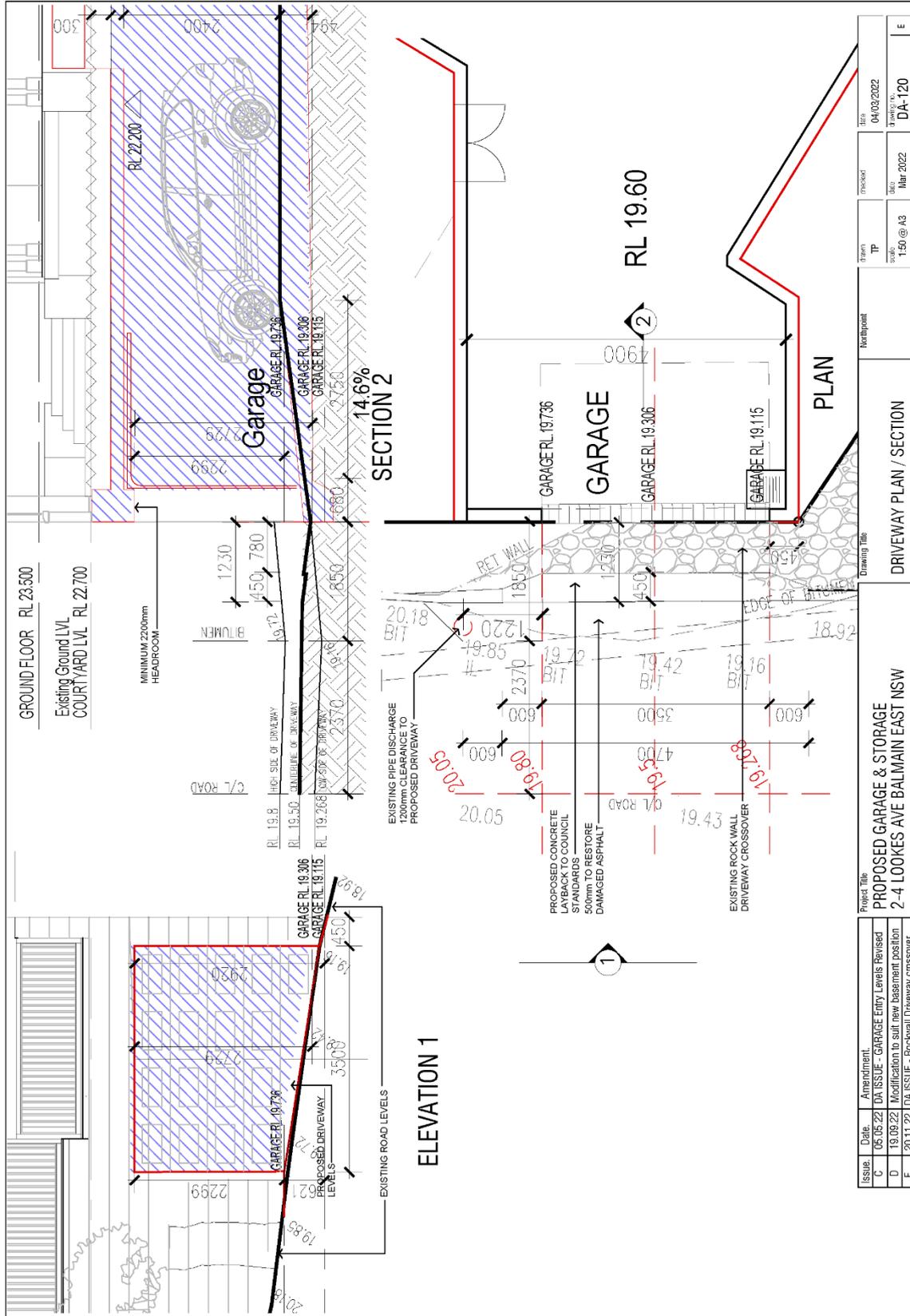
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|-------|----------|--|--|----------------------------|------------|------------|----------|------------|-----------|
| A | 17.11.21 | DA ISSUE | PROPOSED GARAGE & STORAGE 2-4 LOOKES AVE BALMAIN EAST NSW | SHADOW DIAGRAMS 22 JUNE | | 1:200 @ A3 | NOV 2021 | 17/11/2021 | DA-118 |
| B | 25.02.22 | DA ISSUE | | | | | | | |
| C | 19.09.22 | Modification to suit new basement position | | | | | | | |

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| | | | | | | | | | | | |
|--|--|-------------------|--|--|--|------------|--|----------|--|------------|--|
| Project Title | | Drawing Title | | Northpoint | | Drawn | | Checked | | Date | |
| PROPOSED GARAGE & STORAGE 2-4 LOOKES AVE BALMAIN EAST NSW | | Notification Plan | | Northpoint | | TP | | TP | | 17/11/2021 | |
| Issue | | Date | | Amendment | | Scale | | Date | | Drawn by | |
| E | | 19.09.22 | | Modification to suit new basement position | | 1:100 @ A3 | | NOV 2021 | | DA-119 | |
| F | | 21.11.22 | | DA ISSUE - Rockwall Driveway crossover | | | | | | F | |

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Attachment C – Statement of Heritage Significance

Attachment C – Statement of Heritage Significance

No. 2 Lookes Avenue:

No. 2 Lookes Avenue is of local historic significance local historic significance as part of an early subdivision and development constructed in c. 1860s as part of Joseph Looke's development activities in the local area. Despite some alterations and modifications the building significantly retains a sense of its overall scale and roof form. The building is located on an elevated site and with the adjoined semi, No. 4, it makes a positive contribution to the area and group of stone houses in Lookes Avenue.

No. 4 Lookes Avenue:

No. 4 Lookes Avenue is of local historic significance local historic significance as part of an early subdivision and development constructed in c. 1860s as part of Joseph Looke's development activities in the local area. Despite some alterations and modifications the building significantly retains a sense of its overall scale and roof form. The building is located on an elevated site and with the adjoined semi, No. 2, it makes a positive contribution to the area and group of stone houses in Lookes Avenue.