

**0.00 40 FINDLAY AVE ROSEVILLE - INTERNAL ALTERATIONS TO EXISTING DWELLING (LOCAL HERITAGE ITEM)**

**DA NO:** 2009/79  
**ATTACHMENTS: (2)** [1. Notification Map](#)  
[2. Plans and Elevations](#)  
**DATE:** 13/07/2009

---

**RECOMMENDATION:** DEFERRED COMMENCEMENT APPROVAL  
**LOCATION:** SOUTHERN SIDE OF FINDLAY AVE BETWEEN DULWICH ROAD AND PACIFIC HIGHWAY  
**APPLICANT:** MS J CLARKE  
C/- HANS FREYDADL P/L  
**OWNER:** MS J CLARKE  
**PROPOSAL:** INTERNAL ALTERATIONS TO EXISTING DWELLING (LOCAL HERITAGE ITEM).  
**DATE OF LODGEMENT:** 18 FEB 2009  
**VALID APPLICATION DATE:** 12 JUNE 2009  
**REPORTING OFFICER:** ANNIE LEUNG – DEVELOPMENT PLANNER  
**RESPONSIBLE OFFICER:** IAN ARNOTT - DEVELOPMENT PLANNING MANAGER

---

**Description of Proposal**

Development Application 2009/79 seeks Council's consent for internal alterations of the existing dwelling at No 40 Findlay Ave, Roseville. The property is a listed Local Heritage Item on Schedule 7 of the Willoughby Local Environmental Plan (WLEP).

The proposed works are described as follows:

- a) Existing ground floor wc to be enlarged by incorporating under stair space;
- b) Remove the original Kafka built in hall seat and table;
- c) Existing openings between the dining, living and entry hall to be enlarged;
- d) Close off an existing internal door between the hall and kitchen;
- e) Provide a new kitchen work area;
- f) Opening between kitchen and dining to be enlarged;
- g) Incorporate new wc into an enlarged bathroom with all new fittings;
- h) Existing landing increased by shortening existing wc and connecting to a storeroom; and

- i) New free standing cupboards to the bedrooms.

### **Background and Existing Development**

The site is located on the southern side of Findlay Ave between Dulwich Road and Pacific Highway. The property is listed as a Local Heritage Item on Schedule 7 of the WLEP, and is located within the Findlay and Wyvern Avenues Conservation Area.

The existing development at the site is a residence designed by well regarded Architect, Dr Henry Epstein, and with interior/ furniture crafted by renowned industrial designer, Paul Kafka. The external form of the building is composed by two interlocking rectangular forms with continuous steel framed windows and white stucco finishes. The building provides two habitable levels, with garage and laundry in the basement, and roof terrace area accessible from the first floor. The property is identified to be an exemplar of European modernist's domestic architecture in Australia.

The property was originally built for and occupied by the Hillman family until 1996. During the sale of the property in 1996, some of the original free-standing Kafka furniture was separately sold and removed from the property.

Preliminary assessment of the application by Council's Consultant Heritage Architect has raised concerns with respect to the proposed changes to the layout of the existing ground floor, and the removal the original Kafka built-in hall seat and table. Recommendations have been provided to the applicant that these parts of the works be deleted from the application as they are considered to create unacceptable impacts to the significance of the local heritage item. However, the applicant has indicated to Council that these recommendations will not be implemented and determination of the application based on the proposal in its present form is sought.

The subject site is a Local Heritage Item listed under schedule 7 of the WLEP. As such, the application is referred to the West Ward Committee Meeting for determination in accordance with Council's policies.

### **Neighbour Notification**

The application was notified in accordance with WDCP. Council received two submissions. The issues raised by the submissions are summarised below, and further discussed under the Neighbour Notification Issues section of this report.

#### Australian Institute of Architects (NSW Chapter-Heritage Committee)

The correspondent indicates that the property is listed on the Institute's Register of 20<sup>th</sup> Century Building of Significance and is considered by the Institute's NSW Chapter Heritage Committee to be of State Significance. The correspondent notes that the Heritage Committee of the Institute has considered the proposal and considers the proposed alterations and demolition of Kafka's designed fittings and entrance hall would have a negative impact on the heritage significance of the former Hillman House. The correspondent claims that the "*Hillman House was the most detailed and resolved of Epstein's houses*" and recommends that "*the consistencies of its plan; the separation of functions should remain intact, including the nook and the mirror*".

**WARD INSPECTION COMMITTEE**

**40 FINDLAY AVE ROSEVILLE - INTERNAL ALTERATIONS TO EXISTING DWELLING (LOCAL HERITAGE ITEM) (Cont.)**

12 The Parapet, Castlecrag

The correspondent objects to the removal of the Kafka furniture from the property given the heritage significance of his works as acknowledged by Council and the community in listing the property as a local heritage item in the WLEP.

**Controls and Classification**

- **Willoughby LEP 1995:** Yes
- **Conservation Area:** Yes, Findlay and Wyvern Avenues Conservation Area.
- **Heritage Item:** Yes, Local heritage item
- **Zoning:** 2(a)
- **Applicable DCP (SEPPs, REPs):** Willoughby DCP, SREP(SH) & DCP, SEPP (Basix)
- **Other Relevant Policies (Council Resolutions, Draft DCPs):** N/A

**Referrals**

The application was referred internally to various Council Officers for comment as outlined below.

<b>Building</b>	No objection. Conditions received.
<b>Heritage</b>	Please refer to the assessment section of the report.

**Matters for Consideration Under S.79C EP&A Act**

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

<b>(a)(i)</b>	<b>The provisions of any environmental planning instrument (EPI)</b>	
	• State Environmental Planning Policies (SEPP)	N/A
	• Regional Environmental Plans (REP)	✓
	• Local Environmental Plans (LEP)	✗
	<b>Comment:</b> To ensure the proposed works is consistent with the Aims and Objectives of Part 7 of the WLEP, it is recommended that the proposal be amended as per recommended <b>Deferred Commencement Condition A</b> . Refer below to the <u>Assessment</u> section of the report.	
<b>(a)(ii)</b>	<b>The provision of any draft environmental planning instrument (EPI)</b>	
	• Draft State Environmental Planning Policies (SEPP)	N/A
	• Draft Regional Environmental Plans (REP)	N/A
	• Draft Local Environmental Plans (LEP)	N/A
<b>(a)(iii)</b>	<b>Any development control plans</b>	
	• Development control plans (DCPs)	✓
	<b>Comment:</b> Refer below to the <u>Assessment</u> section of the report.	
<b>(a)(iv)</b>	<b>Any matters prescribed by the regulations</b>	
	• Clause 92 EP&A Regulation-Government Coastal Policy	N/A
	• Clause 93 EP&A Regulation-Fire Safety Considerations	N/A
	• Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
<b>(b)</b>	<b>The likely impacts of the development</b>	
	• Context & setting	✓
	• Access, transport & traffic, parking	✓
	• Servicing, loading/unloading	✓
	• Public domain	✓

**WARD INSPECTION COMMITTEE**

**40 FINDLAY AVE ROSEVILLE - INTERNAL ALTERATIONS TO EXISTING DWELLING (LOCAL HERITAGE ITEM) (Cont.)**

**Matters for Consideration Under S.79C EP&A Act**

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

	<ul style="list-style-type: none"> <li>• Utilities</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Heritage</li> </ul>	✗
	<ul style="list-style-type: none"> <li>• Privacy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Views</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Solar Access</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Water and draining</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Soils</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Air &amp; microclimate</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>• Flora &amp; fauna</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Waste</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Energy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Noise &amp; vibration</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Natural hazards</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>• Safety, security crime prevention</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Social impact in the locality</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Economic impact in the locality</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>• Site design and internal design</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Construction</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Cumulative impacts</li> </ul>	✓
	<p><b>Comment:</b> The proposal in its present form is considered to adversely affect the heritage significance of the subject local heritage item. As such, it is recommended that the proposal be amended as per recommended <b>Deferred Commencement Condition A</b>. Refer below to the <u>Assessment</u> section of the report.</p>	
<b>(c)</b>	<b>The suitability of the site for the development</b>	
	<ul style="list-style-type: none"> <li>• Does the proposal fit in the locality?</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Are the site attributes conducive to this development?</li> </ul>	✓
	<p><b>Comment:</b> The proposal relates to internal alterations only. There is no obvious site attributes that will hinder the suitability of the site for the proposed works.</p>	
<b>(d)</b>	<b>Any submissions made in accordance with this Act or the regulations</b>	
	<ul style="list-style-type: none"> <li>• Public submissions</li> </ul>	✗
	<ul style="list-style-type: none"> <li>• Submissions from public authorities</li> </ul>	N/A
	<p><b>Comment:</b> Two submissions received. The issues of concern raised by the submissions are addressed by the recommended <b>Deferred Commencement Condition A</b>. Please refer to below <u>Neighbour Notification Issues</u> of the report.</p>	
<b>(e)</b>	<b>The public interest</b>	
	<ul style="list-style-type: none"> <li>• Federal, State and Local Government interests and Community interests</li> </ul>	✗

**ASSESSMENT**

**WLEP**

**Heritage Provisions (Part 7 of WLEP)**

The site is listed on Schedule 7 of the WLEP and classified as having local heritage significance. In accordance with Part 7 of the WLEP, Council must consider the impacts of the proposed development on the heritage significance of the local heritage item. Council’s Consultant Heritage Architect has assessed the development application and the submitted heritage impact statement. The likely heritage impacts

of the proposal and comments from Council's Consultant Heritage Architect are outlined below:

*The Item is significant as one of the finest and most intact examples of domestic European Modernism to be constructed in Australia.*

*The house was designed by Dr Henry Epstein, and built for the Hillman family in 1949. The Hillman's were still in occupation until 1996.*

*The house comprises three prisms resting on one another at 90 degrees, finished in white stucco, and featuring a continuous band of steel framed windows at the upper level. Built in and free standing furniture was designed for the house by Paul Kafka, however some of this furniture has been removed since 1996. The upper level has three bedrooms and bathrooms, the ground level has living areas and the basement has a garage and laundry.*

*Paul Kafka is one of the most significant furniture makers to have worked in Sydney in the immediate post-war period. At a time when Australia was just emerging from its post-war isolation Kafka produced stylish, well-made furniture for a discerning clientele composed mostly of European immigrants living in the eastern suburbs.*

*Kafka's training and early practice in Vienna during the 1920s and 30s is reflected in the references to the art deco style that continued to inform his work during the 1950s. This is particularly evident in his characteristic use of strongly-stripped veneers and geometric detailing, albeit with a contemporary interpretation.*

*The impact of the proposed works on the significance of the Item is unacceptable. It is noted that the house was purchased with significance of the interior documented. Removal of Paul Kafka furniture will adversely affect the significance. The hall furniture is integral to the design of the interior. The bathrooms and kitchen fit outs are typical of their era, and while they contribute to the overall integrity of the house it is not considered reasonable to require their retention. Alteration to wc's upstairs and downstairs needs to be carefully detailed to ensure the work will not impact upon the significant stair. Original parquetry flooring is integral to significance and should be retained, and restored.*

The following recommendations were made by Council's Heritage Architect with respect to the proposal.

- 1) *Retain built-in hall furniture including seat, mirror, linings and storage table in situ*
- 2) *Retain original parquetry flooring*
- 3) *Retain and close off internal door between hall and kitchen*
- 4) *Provide details of how stair will be impacted by alterations to wc's at upper and ground floor levels*

The recommendations involve the deletion of most of the proposed works on the ground floor of the building. After discussions with the applicant, the applicant

indicates that the recommendations will not be adopted, and would seek Council's favourable consideration of the application for the reasons summarised below:

- *The significance of the property relates to the cubic form of the building;*
- *The removal of the Kafka furniture and alteration to the layout is necessary to accommodate users' needs;*
- *The furniture is not rare. The work of Paul Kafka is well documented and is represented in the Powerhouse Museum. His works are quite prolific and is still represent in dwellings of the lower North Shore and in the eastern suburbs;*
- *The ensemble of furniture within the Hillman house has been removed. The hall seat and table is not considered significant in its isolation;*
- *The hall seat and table is an element that can be easily removed and is considered a piece of furniture, as were all those that were removed.*
- *The hall cupboard has been photographically recorded and could be reinstated and reproduced in its original or reproduced form.*

The applicant urges Council not to be restricted by the objections in its determination of the application. In this regard, the applicant has been advised by Council's officer that the issues raised by public submission will be considered in accordance with the requirements of S79C(e) of the Environmental Planning and Assessment Act, as detailed under the Neighbour Notification Issues section of this report.

The applicant also claims that advice was sought from Council's Heritage Planner that internal works to the heritage item are not considered to be an issue of concern. However, Council has no formal record of the discussion, and has no record of any pre-lodgement meeting being held for the proposal.

Notwithstanding the applicant's claim, Council's Heritage Inventory clearly indicates that both the external and internal fabric of the item is considered of significance. Preliminary research into heritage significance of the item from Council or other public sources will also easily reveal the significance of Kafka's internal design and furniture. Council's record also indicates that the sale of the property in 1996 also occurred with the knowledge that the internal furniture of the property is of heritage significance. It is unfortunate that some of the original furniture was sold separately and has since been removed from the property. However, these factors are not considered to support further works to change internal layout of the ground floor or removal of the built-in seat and table that are integral to the design of the dwelling, and its spatial planning/qualities.

The proposed works are considered to further diminish the heritage significance of the property, and are contrary to the Heritage Aims and Objectives of the WLEP, and inconsistent with Clause 57(3) of the WLEP, which states: *The Council shall not consent to development described in subclause (2) unless it has considered the extent to which the proposed development would affect the heritage significance of the heritage item or the conservation area.*

Based on assessment by Council's Consultant Heritage Architect, the main issue of concern relates to the works on the ground floor (which are not considered to be

supportable), but the proposed works on the first floor of the dwelling are in principle acceptable subject to the works being carried out in a sympathetic manner.

Council's Consultant Heritage Architect has no objection to the enlargement of existing openings as proposed except where they affect significant fabric. In this regard the walls surrounding the entry hall cupboard should be retained. The proposed enlargement of openings should be amended to allow retention of the built-in entry hall furniture.

There is no objection to the proposed free-standing cupboards in bedrooms. Submitted drawing numbered DA04 notes "Demolish and remove all existing floors. New parquetry floor to landing and hall", however, the applicant has further advised that the original parquetry flooring which is integral to significance is to be retained and restored.

In this regard, it is recommended that Deferred Commencement Approval be issued for the application with conditions as follows (**Condition A** of **Schedule 1**):

**A. Amendments**

*Submit plans and details incorporating the following:*

- a) *Retain built-in entry hall furniture including seat, mirror, linings and storage table in situ*
- b) *Amend proposed enlarged openings to the ground floor such that they allow for the retention of the built-in entry hall furniture.*
- c) *Details to demonstrate that the stair will not be impacted by proposed alterations, the internal door between hall and kitchen to be retained and closed off on the kitchen side, and that the parquetry flooring will be retained and restored.*

*(Reasons: Heritage Conservation)*

**WDCP**

The controls contained in Part H of the WDCP generally deals with developments within conservation areas. Whilst the subject site is located within Findlay and Wyvern Avenues Conservation Area, the existing development at the site is not considered to be an integral part of the conservation streetscape, nor does the proposal involve any external works. There is no specific provision within the WDCP that relates to the proposed works.

**Neighbour Notification Issues**

The application was notified in accordance with WDCP. Council received two (2) submissions. The issues raised are further discussed below.

*Heritage impacts:* The issues of concern raised by the public submissions relate to the adverse impacts of the proposed development on the heritage significance of the property as matters of public interests. The issues of concern include:

- a) the removal of Kafka furniture
- b) the alterations to the layout of the ground floor

## WARD INSPECTION COMMITTEE

---

### 40 FINDLAY AVE ROSEVILLE - INTERNAL ALTERATIONS TO EXISTING DWELLING (LOCAL HERITAGE ITEM) (Cont.)

Comments: The issues of concern raised by the public submissions are supported by assessment of the proposal by Council's Consultant Heritage Architect as detailed in the Assessment section of the report. The original ground floor plan of the dwelling shows a clear flow of functions. The Kafka designed seat and cupboard with mirror at the entrance hall is also strategically placed at the entrance hall to create a sense of depth as visitors approach the dwelling from the steel framed glass front door by reflecting the image of the external garden. The proposed removal of the Kafka furniture in the Hall, as well as changing the flow of spaces/functions on the ground floor of the dwelling are considered to affect the integrity of the original design of the dwelling, and adversely affect the heritage significance of the dwelling.

### Conclusion

In accordance with the WLEP, Council shall not consent to development that would adversely affect the heritage significance of the heritage item. In this regard, it is in the opinion of Council's Consultant Heritage Architect that the Paul Kafka built-in entry hall furniture is integral to the design of the interior. The removal of further Kafka furniture will adversely affect the significance of the heritage item to the extent that the custom designed interiors are no longer apparent. The fundamental change in the planning of discreet yet related rooms into a free flowing plan, while Modernist, is not characteristic of this Epstein house. As such, the removal of built-in Kafka furniture and its surrounding walls cannot be supported.

The recommended amendments are considered to allow reasonable upgrade and improvement to the layout of the property without significant impacts to the integrity of the heritage item. There is no objection to the enlargement of existing openings as proposed except where they affect significant fabric.

The issues raised in public submissions express public interests in conserving the intactness and significance of the heritage item. The issues raised are consistent and supported by Council's Consultant Heritage Architect's assessment, and addressed by the recommended conditions.

### OFFICER'S RECOMMENDATION

**That the application be approved and delegated authority be granted to the General Manager to issue the "Deferred Commencement" consent notice subject to the attached conditions, Schedule 1 and Schedule 2.**

**SCHEDULE 1**

**DEFERRED COMMENCEMENT  
CONDITIONS OF CONSENT**

In accordance with Section 80(3) of the Act this consent will not operate until the applicant has provided information to the satisfaction of the Council that the following conditions can be complied with. Upon receipt of written information from the applicant in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with Clause 67(3) of the Regulation, 12 months period is given from the date of the 'deferred commencement' notice to lodge plans and evidence that satisfactorily address the required amendments/detail. If not, then the 'deferred commencement' will lapse and a new development application will be required.  
(Reason: Ensure compliance)

**A. Amendments**

Submit plans and details incorporating the following:

- a) Retain built-in entry hall furniture including seat, mirror, linings and storage table in situ
- b) Amend proposed enlarged openings to the ground floor such that they allow for the retention of the built-in entry hall furniture.
- c) Details to demonstrate that the existing stair will not be impacted by proposed alterations, the internal door between hall and kitchen to be retained and closed off on the kitchen side, and that the parquet flooring will be retained and restored.

(Reasons: Heritage Conservation)

## SCHEDULE 2 CONDITIONS OF CONSENT

### GENERAL CONDITIONS

#### 1. Hours of Work

All construction/demolition work relating to this Development Consent within the City must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application under Section 96 of the Environmental Planning and Assessment Act for a variation to these approved hours must be lodged with Council at least 3 working days in advance of the proposed work. The application must include a statement regarding the reasons for the variation sought and must be accompanied by the required fee.

Note: This S96 application may require re-notification in some circumstances. (Reason: Ensure compliance and amenity)

#### 2. Approved Plan/Details

The development must be in accordance with plans numbered DA01, DA02, DA03, & DA04, dated February 2009, prepared by Hans Freymadl Pty Ltd **AS Amended by the Deferred Commencement Conditions**, the application form and any other supporting documentation submitted as part of the application, except for:

- a) any modifications which are 'Exempt Development' in Willoughby Development Control Plan Part B.2, or as may be necessary for the purpose of compliance with the Building Code of Australia and any Australian Standards incorporated in the Code:
- b) otherwise provided by the conditions of this consent. (Reason: Information and ensure compliance)

#### 3. Parquetry flooring

All parquetry flooring must be retained and restored. (Reason: Heritage Conservation)

### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

#### 4. Detailed Drawings

Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Consent and comply with the requirements of the Building Code of Australia.  
(Reason: Ensure compliance)

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

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.**

### **5. Construction Certificate Required**

This consent IS NOT an approval to carry out any building works (with the exception of demolition work). A Construction Certificate is required PRIOR TO ANY BUILDING WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.  
(Reason: Ensure compliance and Statutory requirement)

### **6. Notify Council of Intention to Commence Works**

In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the development consent shall appoint a Principal Certifying Authority and give at least 2 days' notice to Council, in writing, of the persons intention to commence the erection of the building.  
(Reason: Information and ensure compliance)

### **7. Waste Management Plan**

A Construction and Demolition Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 85% of used and unused demolition and construction materials shall be submitted to Council.  
(Reason: Environment Protection/Waste Reduction)

### **8. Construction Information sign**

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/after hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and

(f) name, address and contact phone number of the Principal Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

## 9. Licensee Details

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to Council.

NB: Should changes be made for the carrying out of the work Council must be immediately informed.

(Reason: Information)

## PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an occupation certificate.

### 10. Occupation Certificate

The building/structure or part thereof **SHALL NOT BE OCCUPIED OR USED UNTIL AN INTERIM OCCUPATION / FINAL OCCUPATION CERTIFICATE HAS BEEN ISSUED** in respect of the building or part.

(Reason: Safety)

### 11. BASIX Final Occupation

A completion certificate is to be submitted to the Principal Certifying Authority demonstrating the manner in which the measurers committed to in the BASIX Certificate relevant to this development consent have been satisfied.

(Reason: Environmental Sustainability)

## ADDITIONAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

### 12. Road and Footpath

Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.

(Reason: Maintain public safety)

**13. No storage on foot/roadway**

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

(Reason: Safety)

**14. Skips and Bins**

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

(Reason: Safety)

**15. Suitable footpath crossing provided**

Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area **AT ALL TIMES**.

(Reason: Protection of public safety)

**16. Alteration/demolition of existing building**

Alterations to the existing building shall be limited to that documented on the approved plans. No approval is given or implied for removal and/or rebuilding of another portion of the existing building.

(Reason: Ensure compliance)

**17. Automatic Fire Detection**

Provision of an automatic fire detection and alarm system complying with Part 3.7.2 of the Housing Provisions or smoke alarms complying with AS 3786 or listed in the SSL Register of Accredited Products, connected to the mains electricity and having a stand by power supply. Smoke alarms must be installed in a class 1 building on or near the ceiling in:

- a) any storey containing bedrooms
  - i) between each part of the dwelling containing bedrooms and the remainder of the dwelling.
  - ii) where the bedrooms are served by a hallway, in the hallway.

b) any other storey not containing bedrooms.

(Reason: Safety)

**18. Sustainable Development - Basix**

**WARD INSPECTION COMMITTEE**

---

**40 FINDLAY AVE ROSEVILLE - INTERNAL ALTERATIONS TO EXISTING DWELLING (LOCAL HERITAGE ITEM) (Cont.)**

The development being carried out in accordance with the commitments contained in the relevant BASIX Certificate and the approved plans.  
(Reason: Environmental Protection)