



DEVELOPMENT ASSESSMENT PANEL REPORT

Application No.	DA/2024/0004
Address	45 Bradford Street BALMAIN
Proposal	Alterations and additions to dwelling including new attic bedroom.
Date of Lodgement	11 January 2024
Applicant	Mr Christopher Brookes
Owner	Mr Gregory J Cameron Ms Lesley F Kennedy
Number of Submissions	1
Cost of works	\$260,000.00
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10%
Main Issues	<ul style="list-style-type: none"> • Matters pertaining to heritage conservation • Section 4.6 Exception to Floor Space Ratio Development Standards
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Section 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to dwelling including new attic bedroom at 45 Bradford Street Balmain.

The application was notified to surrounding properties and 1 submission of support was received in response to the notification.

The main issues that have arisen from the application include:

- 20.5% departure with the floor space ratio development standard pursuant to the *Inner West Local Environmental Plan 2022*
- Impact to Heritage Conservation Area

The departure from the Floor Space Ratio (FSR) development standard has been assessed to be acceptable as the proposal meets all heads of consideration under the provisions of Section 4.6 of the *Inner West Local Environmental Plan 2022* (IWLEP) including the relevant zone and development standard objectives.

The proposal, subject to recommended conditions, generally complies with the provisions of *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013.

With consideration of the above and other matters discussed in this assessment report, the application is recommended for approval.

2. Proposal

The proposal seeks approval for alterations and additions to the existing Victorian terrace house, including internal demolition works to a doorway and new openings to the external northeast masonry wall at first floor, construction of new internal staircase and attic level dormer to accommodate a bedroom and ensuite.

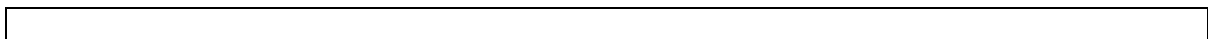
3. Site Description

The subject site is located on the northern side of Bradford Street, between Booth Street and Jane Street. The site consists of one allotment with a total area of 158.1 sqm and is legally described as Lot 1 in DP 924142.

The site has a frontage to Bradford Street of 6.28 metres and rear access via Bradford Lane.

The site supports an existing two storey Victorian terrace house. The adjoining properties support are predominantly single and double storey dwelling houses.

The property is located within a heritage conservation area.



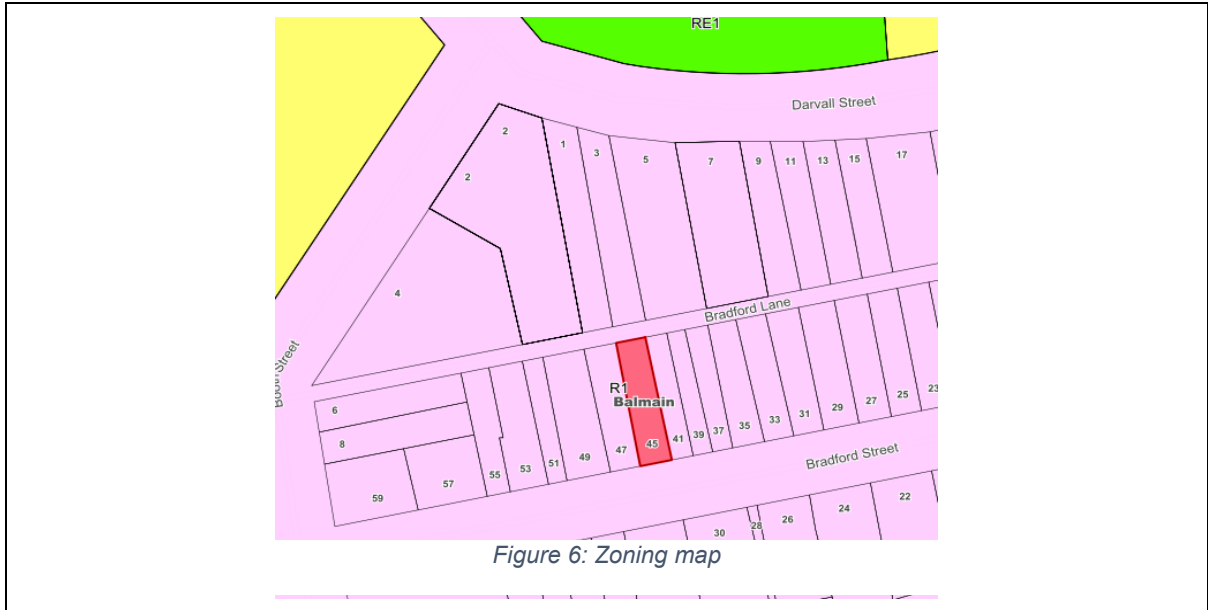


Figure 2: Subject Site in red outline

4. Background

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
BA/1994/94624	Alterations and additions to rear of existing dwelling	Approved – 20/06/1995
DA/323/1994	Alterations and additions to rear of existing dwelling	Approved – 11/10/1994

Surrounding properties

Not applicable

Application history

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

Date	Discussion / Letter / Additional Information
28/02/2024	A request for further information was sent to the applicant requiring amended plans to address heritage matters
5/03/2024	Additional information was requested requiring an amended Clause 4.6 variation request to address updated Gross Floor Area calculations.
21/03/2024	Amended plans and supporting information were received. Renotification was not required in accordance with Council's Community Engagement Strategy. The amended plans and supporting documentation are the subject of this report.

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)*.

A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards 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 is 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.

SEPP (Sustainable Buildings) 2022

The applicant has included a BASIX Certificate as part of the lodgment of the application (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EPA Regulation 2021*.

Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

Part 1 – Preliminary

Section	Proposed	Compliance
Section 1.2 Aims of Plan	The proposal satisfies the section as follows: <ul style="list-style-type: none"> • The proposal encourages development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles, • The proposal conserves and maintains the natural, built and cultural heritage of Inner West, • The proposal prevents adverse social, economic and environmental impacts on the local character of Inner West 	Yes

Part 2 – Permitted or prohibited development

Section	Proposed	Compliance
Section 2.3 Zone objectives and Land Use Table Zone R1 General Residential	<ul style="list-style-type: none"> The application proposes alterations and additions to a dwelling house, dwelling houses are permissible with consent in the R1 zone. The proposal is consistent with the relevant objectives of the zone, as it will assist to provide for the housing needs of the community while protecting the built and environmental features of the surrounding area. 	Yes
Section 2.7 Demolition requires development consent	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> Demolition works are proposed, which are permissible with consent; and Standard conditions are recommended to manage impacts which may arise during demolition. 	Yes, subject to conditions

Part 4 – Principal development standards

Section	Proposed	Compliance
Section 4.3C (3)(a) Landscaped Area	Minimum	15% or 23.715sqm
	Proposed	15.6% or 24.6sqm
	Variation	No change
Section 4.3C (3)(b) Site Coverage	Maximum	60% or 94.86sqm
	Proposed	56.5% or 89.3sqm
	Variation	Nil
Section 4.4 Floor space ratio	Maximum	0.9:1 or 142.29sqm
	Proposed	1.08:1 or 171.5sqm
	Variation	20.5% or 29.21sqm
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.	Yes
Section 4.6 Exceptions to development standards	The applicant has submitted a variation request in accordance with Section 4.6 to vary Section 4.4 Floor space ratio.	See discussion below

Section 4.6 – Exceptions to Development Standards

Section 4.4 Floor space ratio development standard

The applicant seeks a variation to the Floor Space Ratio development standard prescribed under section 4.4 of the *IWLEP 2022* by 29.21sqm or 20.5%. Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Section 4.6 of the *IWLEP 2022* below. A written request has been submitted to Council in accordance with Section 4.6(3) of the *IWLEP 2022*

justifying the proposed contravention of the development standard which is summarised as follows:

- *The proposed addition is set back from the primary form of the existing traditional terrace house dwelling and the dormer would make minimal alterations to its existing roof form. The scale of the proposed additions is in keeping with the existing pattern of development, and is thus sympathetic to both the attached terraces and the streetscape it sits in.*

Whether compliance with the development standard is unreasonable or unnecessary

In *Wehbe* at [42] – [51], Preston CJ summarises the common ways in which compliance with the development standard may be demonstrated as unreasonable or unnecessary. This is repeated in *Initial Action* at [16]. In the Applicant's written request, the first method described in *Initial Action* at [17] is used, which is that the objectives of the floor space ratio development standard are achieved notwithstanding the numeric non-compliance.

The **first objective of Section 4.4** is *"to establish a maximum floor space ratio to enable appropriate development density"*. The written request states the proposed additional floor area will not alter the front or rear building line and is consistent with the existing pattern of development in the surrounding area. The proposed increase in gross floor area of 29sqm is considered to be of an appropriate density which positively responds to its site context. Accordingly, the breach is consistent with the first objective.

The **second objective of Section 4.4** is *"to ensure development density reflects its locality"*. The written request states the additional gross floor area resulting from the proposed rear dormer has been sited to minimise physical and visual impacts to the rhythm of roof forms in the streetscape. It is considered the proposed siting of the dormer at the rear is in a location where development can be reasonably be expected to be carried out in the heritage conservation area. Accordingly, the breach is consistent with the second objective.

The **third objective of Section 4.4** is *"to provide an appropriate transition between development of different densities"*. The written request states the proposed bulk and scale will be appropriately distributed across the site. It is considered the development will provide an adequate transition and visual separation from development densities on adjoining properties. Accordingly, the breach is consistent with the third objective.

The **fourth objective of Section 4.4** is *"to minimise adverse impacts on local amenity"*. The written request states the proposal has been skilfully designed to contribute to the use and enjoyment of local amenity in terms of views, privacy, solar access and visual amenity. It is considered the proposal will have a satisfactory impact to surrounding properties in terms of direct solar access, view sharing, visual and acoustic privacy, and visual bulk and scale. Accordingly, the breach is consistent with the fourth objective.

The **fifth objective of Section 4.4** is *"to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain"*. The written request states the proposal has been designed to maximise the landscape amenity of the subject site. It is considered the proposal will retain the existing tree canopy along boundaries adjacent to neighbouring open spaces, balancing the private recreational needs of residents with engagement with the public domain. Accordingly, the breach is consistent with the fifth objective.

As the proposal achieves the objectives of the floor space ratio development standard, compliance is considered unreasonable and unnecessary in this instance.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

Pursuant to Section 4.6(3)(b), the Applicant advances a number of environmental planning grounds to justify contravening the floor space ratio development standard. Each will be dealt with in turn:

Environmental Planning Ground 1 – *The development will provide an appropriate level of residential amenity for the site.* This environmental planning ground is accepted because the works do not offend against either the streetscape or the amenity protections contained within the DCP

Environmental Planning Ground 2 - *The proposed increase in FSR will have a negligible impact on the overall density of the site.* This environmental planning ground is accepted because the development will remain compatible with the setting of the house.

Environmental Planning Ground 3 - *The development is commensurate in scale and character with other properties in the streetscape, providing sufficient space for the occupants of the site without producing any significant adverse impacts on the privacy, views, and overall amenity of surrounding properties.* This environmental planning ground is accepted because the resulting house will be consistent with the character, bulk and scale of other similar developments within the immediate context.

Cumulatively, the grounds 1-3 are considered sufficient to justify contravening the development standard.

Whether the proposed development meets the objectives of the development standard, and of the zone

The objectives of the General Residential – R1 zone under the *IWLEP 2022* are:

- *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 provide residential development that maintains the character of built and natural features in the surrounding area.*

The variation will satisfy these objectives as it provides additional area for the occupants of the dwelling while having a low impact within the surrounding residential environment. It will preserve view corridors between existing developments, ensuring that the character of the area is not diminished by maintaining prevailing architectural elements and improving the aesthetic of the existing streetscape.

As indicated above, Council is also satisfied that the development meets the objectives of the floor space ratio development standard. As the proposal is consistent with both the objectives of the zone and the standard, it is considered in the public interest.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. Council may assume the concurrence of the Director-General in accordance with section 4.6(4)(b) of the *IWLEP 2022*.

For the reasons outlined above, it is recommended the section 4.6 exception be granted.

Part 5 – Miscellaneous provisions

Section	Compliance	Compliance
<p>Section 5.10 Heritage conservation</p>	<p>The subject site is a contributory building within The Valley Heritage Conservation Area (HCA)</p> <p>The proposal achieves the objectives of this section as follows:</p> <ul style="list-style-type: none"> • The previously proposed front dormer has been deleted to ensure the consistent rhythm of simple roof forms in the streetscape • The proposed rear skillion dormer has been amended to reduce its physical and visual impact on the built form of the main dwelling and will preserve the presentation of the roof form to the public domain. • The proposed horizontally proportioned windows and external louvres located on the northwest elevation are considered to be unsympathetic to fenestration patterns, proportions, and details characteristic of the HCA. Given this, it is recommended that a condition be imposed to amend the proposed openings to vertically proportioned windows employing traditional design (timber sash) and materials (timber frame), and remove the proposed louvres to maintain their presentation to the public domain. • The previously proposed window (W-04) located towards the front on the northeast elevation of the first floor has been removed to ensure retention of original building fabric. The proposed windows (W-02 and W-03) located towards the rear on the northeast elevation are considered to be of an appropriate size, proportion and dimension and have been sited to minimise visibility to the street. • The submitted Finishes Schedule specifies “sheet roof to match existing” for the proposed skillion dormer, with the Roof Plan and Elevations showing the existing roof material of the main dwelling as corrugated sheeting. However, a site inspection conducted on 21/03/2024 noted the existing roof material to be Welsh slate tiles. As such, it is recommended a condition be imposed to retain and repair (where needed) the existing slate tiles to the main gable roof form to ensure appropriate materials are maintained in the Gladstone Park Distinctive Neighbourhood. • The proposed materials and finishes (Titanium White for the paint/render and aluminium window frames) are not considered complementary to the HCA. Given this, it is recommended a condition be imposed to 	<p>Yes</p>

Section	Compliance	Compliance
	<p>amend the proposed paint/render finish to a light, warm, earthy tone, equivalent to Dulux 'Portland Stone' or 'Regency White'.</p> <ul style="list-style-type: none"> The development, as amended by recommended conditions, has been designed to respond to the significance of the conservation area and preserve contributory elements and fabric of the existing building <p>Given the above the proposal preserves the environmental heritage of the Inner West</p>	
Section 5.21 Flood planning	<p>The site is located in a flood planning area. The development is considered to be compatible with the flood function and behaviour on the land now and under future projections. The design of the proposal and its scale will not affect the floor affectation of the subject site or adjoining properties and is considered to appropriately manage flood risk to life and the environment. Conditions are included in the recommendation to ensure flooding is appropriately managed and mitigated.</p>	Yes, subject to conditions

Part 6 – Additional local provisions

Section	Proposed	Compliance
Section 6.1 Acid sulfate soils	<ul style="list-style-type: none"> The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable. 	Yes
Section 6.2 Earthworks	<ul style="list-style-type: none"> The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability. 	Yes
Section 6.3 Stormwater Management	<ul style="list-style-type: none"> The development maximises the use of permeable surfaces, includes on site retention as an alternative supply and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment. 	Yes, subject to conditions

B. Development Control Plans

Summary

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

LDCP2013	Compliance
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.12 Landscaping	Yes
C1.18 Laneways	Yes
Part C: Place – Section 2 Urban Character	
C2.2.2.3 Gladstone Park Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes – see discussion
C3.3 Elevation and Materials	Yes – see discussion
C3.4 Dormer Windows	Yes – see discussion
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	Yes
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
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.5 Water Disposal	Yes

The following provides discussion of the relevant issues:

C3.2 Site Layout and Building Design

Building Location Zone

The proposal seeks a variation to the rear BLZ at attic level. Given adjoining properties do not have development at this level, the proposal seeks to breach the numerical requirements under this Part. Pursuant to Control C6 under this Part of the of the LDCP 2013, where a proposal seeks a variance to the BLZ, various tests need to be met. These tests are assessed below:

Merit Test	Comment
Amenity (solar access/privacy)	A minimum of 2 hours direct solar access is retained to the main window of principal living areas of the immediate adjoining areas between 9:00am and 3:00pm on 21 June. The proposal will have minimal adverse impacts on visual privacy and view sharing with adjoining properties.
Streetscape & scale	The proposal complements the scale, form and materials of the streetscape and neighbourhood character and is sited to preserve the presentation of the main roof form to the street. Building elements including wall height, roof form and setbacks complement the predominant character and scale of each frontage and is sympathetic to the Victorian terrace house style.
Private open space	The proposal is designed to maintain a private open space area of sufficient size and dimension and will not result in undue adverse privacy and overshadowing impacts to the subject and adjoining private open space areas.
Significant vegetation	The proposal maintains the distinct landscape character within the neighbourhood and preserves, retains and enhances significant vegetation and trees on the subject site.
Visual bulk & height	The proposed attic level dormer is sufficiently set down from the main roof ridge and set in from the sides of the roof plane to minimise visual bulk and scale impacts when viewed from the private open space areas of adjoining properties.

Accordingly, the proposed setback at the attic floor level of 13.4 metres is acceptable.

Side Setbacks

Control C7 at Section C3.2 of the LDCP relates to side setback requirements and applies a sliding scale to setbacks, in conjunction with the relative wall heights. The proposed attic level works includes a rear dormer which accommodates a new bedroom and ensuite. The proposal seeks a wall height of 10 metres to its side boundaries, as such the attic floor is required to be setback 4 metres, however a 1 metre side setback is proposed.

Pursuant to Clause C3.2 of the LDCP2013, where a proposal seeks a variation of the side setback control graph, various tests need to be met. These tests are assessed below:

Merit Test	Comment
Building typology	The proposal retains the two to three storey presentation, roof form, and façade proportions of the Victorian terrace house and will not be visible when viewed from the principal street frontage. The development preserves the rhythm of roofs and the integrity of common ridge lines and parapet lines across the terrace row.
Pattern of Development	The side setbacks/height of the proposed works has been sited in a location where development can be reasonably be expected to be carried out and will not be out of character with the pattern of development in the heritage conservation area.
Bulk and Scale	The bulk and scale of the attic level dormer will not result in any undue adverse visual impacts on adjoining properties or compromise the building's form and setting. The development has been designed to be sufficiently set down from the main roof ridge and set in from the sides of the roof plane to provide adequate visual separation from surrounding properties and maintain the dominance of the main roof form.
Amenity Impacts	Potential impacts on amenity of adjoining properties, particularly in terms of sunlight, privacy and bulk and scale are minimised.

Merit Test	Comment
Maintenance of adjoining properties	The proposal will not obstruct access to adjoining properties for the purposes of maintenance.

Accordingly, the proposed rear dormer at attic level is considered acceptable.

C3.3 Elevation and Materials

New windows are proposed in the northwest (rear) elevation at the attic floor level and in the northeast (side) elevation at first floor level, which are visible from the public domain.

The windows (W-02 and W-03) located in the northeast elevation at first floor level have been designed to complement the existing window patterns, proportions and details of the dwelling, and will positively respond to the vertical rhythm of the streetscape.

As discussed above, the proposed horizontally proportioned window (W-01) and external louvres located in the northwest elevation at attic level is considered to be unsympathetic to fenestration patterns, proportions, and details characteristic to the Victorian terrace building type and the Heritage Conservation Area. As such, it is recommended a condition be imposed to amend the proposed openings to vertically proportioned windows employing traditional design (timber sash) and materials (timber frame) and remove the proposed louvres to maintain their presentation to the public domain.

The submitted Finish Schedule and Window Schedule, prepared by Brookes Associates Architects and dated 21/03/2024, specifies “sheet roof to match existing” for the proposed skillion dormer, with the Roof Plan and Elevations showing the existing roof material of the main dwelling as corrugated sheeting. However, a site inspection conducted on 21/03/2024 noted the existing roof material to be Welsh slate tiles. As such, it is recommended a condition be imposed to retain and repair (where needed) the existing slate tiles to the main gable roof form to ensure appropriate materials are maintained in the Gladstone Park Distinctive Neighbourhood.

The proposed materials and finishes (Titanium White for the paint/render and aluminium window frames) are not considered complementary to the HCA. Given this, it is recommended a condition be imposed to amend the proposed paint/render finish to a light, warm, earthy tone, equivalent to Dulux ‘Portland Stone’ or ‘Regency White’.

Given the above, the proposal, as amended by recommended conditions, is considered acceptable and will be compatible with the Victorian terrace building type and will preserve contributory elements and features of the Gladstone Park Distinctive Neighbourhood and the Valley Heritage Conservation Area.

C3.4 Dormer Windows

The application proposes a skillion type dormer located in the rear roof plane of the main dwelling. While the proposed dormer will have a total width of more than 25% of the width of the roof and a height that is less than 1.5m x the proposed width, it is considered to be of a scale and dimension that complements the construction period of the Victorian terrace building and will have minimal adverse impacts on significant architectural details, including the existing chimney. The proposed dormer has been designed to be centrally located on the rear roof plane, sitting at a minimum 300mm below the main roof ridge, 300mm from the side walls, and 200mm up from the rear wall plate, and as such, will be sufficiently subordinate from the main roof form.

As discussed above, the horizontally proportioned window (W-01) and external louvres located on the proposed dormer are considered to be unsympathetic to existing windows within the elevation of the Victorian terrace building type. As such, it is recommended a condition be imposed to amend the proposed openings to vertically proportioned windows and remove the proposed louvres to maintain their presentation to the public domain.

Given the above, the proposal, as amended by recommended conditions, is considered acceptable and will maintain the integrity and character of the terrace row will be retained.

C3.9 Solar Access

Shadow diagrams illustrating the shadow cast by the existing structures and the proposed development for the winter solstice were submitted with the application. The subject site and surrounding allotments are generally orientated north/south.

The proposed attic level addition is appropriately located to minimise overshadowing and maximise direct sunlight, natural daylight and ventilation to the subject site.

The proposal will have a satisfactory impact in terms of solar access and overshadowing to the surrounding properties, with the main window of principal living areas and POS area at 41 and 47 Bradford Street retaining a minimum of 3 hours direct solar access.

Given the above, it is considered the development will not result in adverse amenity impacts as a result of overshadowing.

C3.11 Visual Privacy

New windows are proposed in the northwest (rear) elevation at the attic floor level. These windows serve a bedroom and are 13.4m from the rear boundary, and then separated further by the width of the rear lane. Notwithstanding, the submitted plans show external louvres to this window. Two windows are also proposed in the northeast (side) elevation at first floor level, serving the middle bedroom. These windows look over adjoining roofs and as such do not create any overlooking issues.

Given this, the proposal is considered acceptable and has been designed with a high level of consideration to protecting visual privacy within the dwelling, in particular the main living room, and private open space of both the subject site and nearby residential uses.

C. The Likely Impacts

A. These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality.

D. The Suitability of the Site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst similar uses to that proposed.

E. Submissions

The application was notified in accordance with Council's Community Engagement Strategy between 17 January 2024 to 31 January 2024.

A total of 1 submission of support was received in response.

F. 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.

This has been achieved in this instance.

6. Section 7.11 / 7.12 Contributions

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$2,600 would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

A condition requiring that contribution to be paid is included in the recommendation.

7. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Heritage Specialist

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

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

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

10. Recommendation

- A. The applicant has made a written request pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Floor Space Ratio development standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2024/0004 for alterations and additions to dwelling including new attic bedroom

at 45 Bradford Street, Balmain subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

Condition																																																	
1.	Documents related to the consent																																																
	The development must be carried out in accordance with plans and documents listed below:																																																
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Reason: To ensure development is carried out in accordance with the approved documents.																																																	
2.	Works Outside the Property Boundary																																																

	<p>This development consent does not authorise works outside the property boundaries on adjoining lands.</p> <p>Reason: To ensure works are in accordance with the consent.</p>
<p>3.</p>	<p style="text-align: center;">Asbestos Removal</p> <p>A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).</p> <p>Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.</p> <p>Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.</p> <p>All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p>
<p>4.</p>	<p style="text-align: center;">Permits</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • A concrete pump across the roadway/footpath; • Mobile crane or any standing plant; • Skip Bins; • Scaffolding/Hoardings (fencing on public land); • Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.; • Awning or street veranda over the footpath; • Partial or full road closure; and • Installation or replacement of private stormwater drain, utility service or water supply. <p>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</p>

	<p>submitted and approved by Council prior to the commencement of the works associated with such activity.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p>
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BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition				
5.	<p>Long Service Levy</p> <p>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 <i>Building and Construction Industry Long Service Payments Act 1986</i> has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.</p> <p>Reason: To ensure the long service levy is paid.</p>				
6.	<p>Security Deposit - Standard</p> <p>Prior to the commencement of demolition works or 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.</p> <table border="1" style="width: 100%; margin: 10px 0;"> <tr> <td style="width: 30%;">Security Deposit:</td> <td>\$2,996.00</td> </tr> <tr> <td>Inspection Fee:</td> <td>\$374.50</td> </tr> </table> <p>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.</p> <p>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.</p> <p>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</p>	Security Deposit:	\$2,996.00	Inspection Fee:	\$374.50
Security Deposit:	\$2,996.00				
Inspection Fee:	\$374.50				

	<p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure required security deposits are paid.</p>
7.	<p>Design Change</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:</p> <ul style="list-style-type: none"> a. The horizontally proportioned window (W-01) and external louvres located on the northwest elevation at attic level are to be deleted and replaced with vertically proportioned windows employing a traditional design (timber sash) and materials (timber frame). b. The existing Welsh slate roof tiles to the main gable roof form are to be retained and repaired where required. <p>Reason: To preserve the environmental heritage of the Inner West</p>
8.	<p>Party Walls</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.</p> <p>Reason: To ensure the structural adequacy of the works AND/OR to ensure works do not rely on the party wall for vertical or lateral support.</p>
9.	<p>Structural Certificate for retained elements of the building</p> <p>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.</p> <p>Reason: To ensure the structural adequacy of the works.</p>

10.	<p>Sydney Water – Tap In</p> <p>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.</p> <p><i>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</i></p> <p>Reason: To ensure relevant utility and service providers’ requirements are provided to the certifier.</p>
11.	<p>Stormwater Drainage System</p> <p>Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.</p> <p>Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.</p> <p>If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.</p>
12.	<p>Section 7.12 Development Contribution Payments</p> <p>In accordance with section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of \$2600 shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.</p> <p>At the time of payment, the monetary contribution payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:</p> <p>$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$</p> <p>Where:</p> <ul style="list-style-type: none"> • C_{payment} = is the contribution at time of payment • C_{consent} = is the contribution at the time of consent, as shown above • CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated • CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

	<p>Note: The contribution payable will not be less than the contribution specified in this condition.</p> <p>The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.</p> <p>It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.</p> <p>Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.</p> <p>Please contact any of Council's customer service centres on 9392 5000 or council@innerwest.nsw.gov.au to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.</p> <p>Once the invoice is obtained, payment can be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).</p> <p>The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.</p> <p>Reason: To ensure payment of the required development contribution.</p>
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BEFORE BUILDING WORK COMMENCES

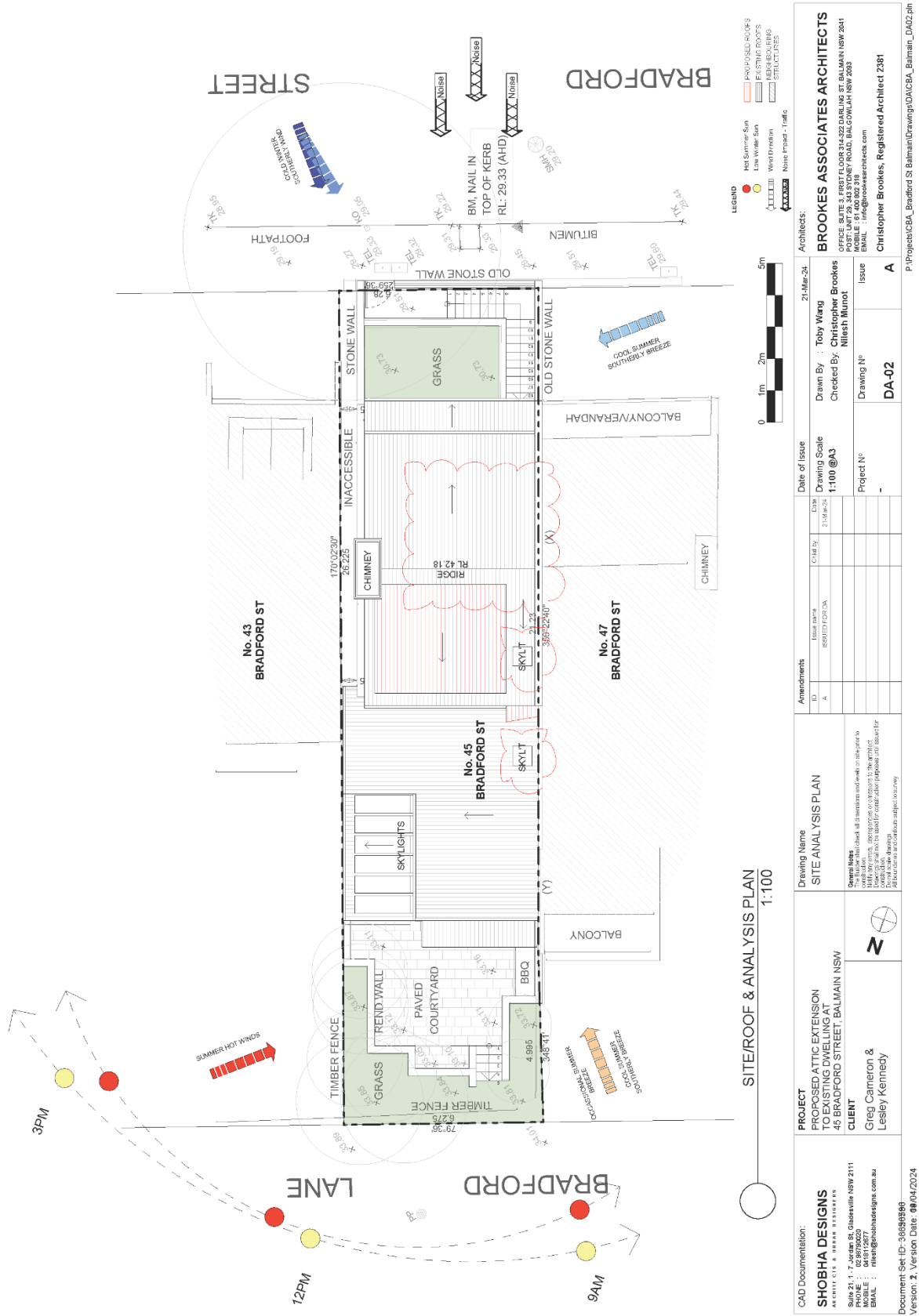
Condition	
13.	<p>Waste Management Plan</p> <p>Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
14.	<p>Erosion and Sediment Control</p> <p>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</p>

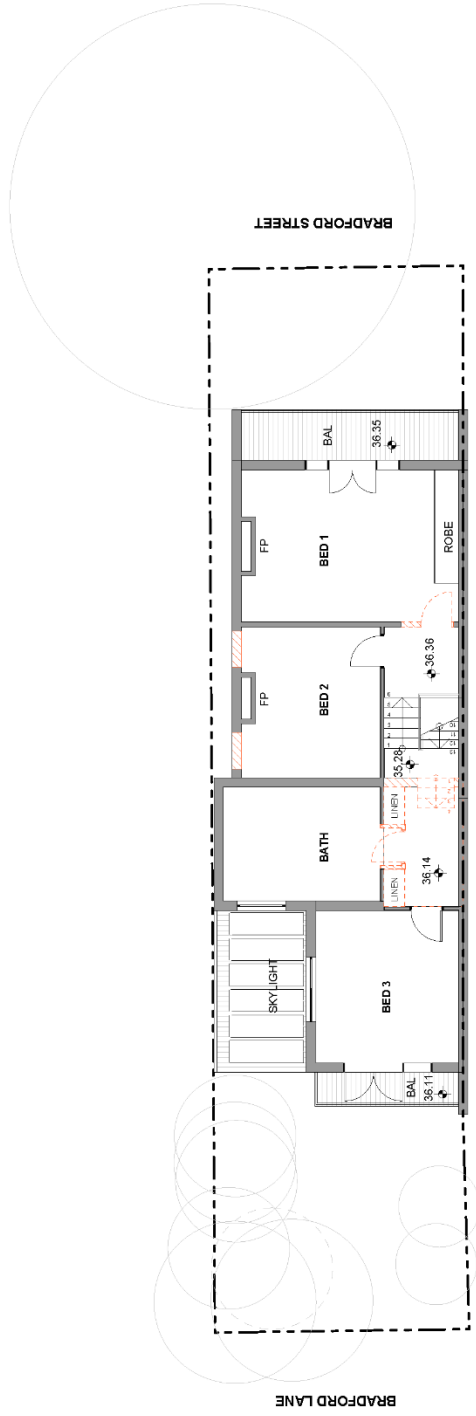
	<p>and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
15.	<p>Standard Street Tree Protection</p> <p>Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.</p> <p>Reason: To protect and retain trees.</p>

DURING BUILDING WORK

	Condition
16.	<p>Construction Hours – Class 1 and 10</p> <p>Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>

Attachment B – Plans of proposed development



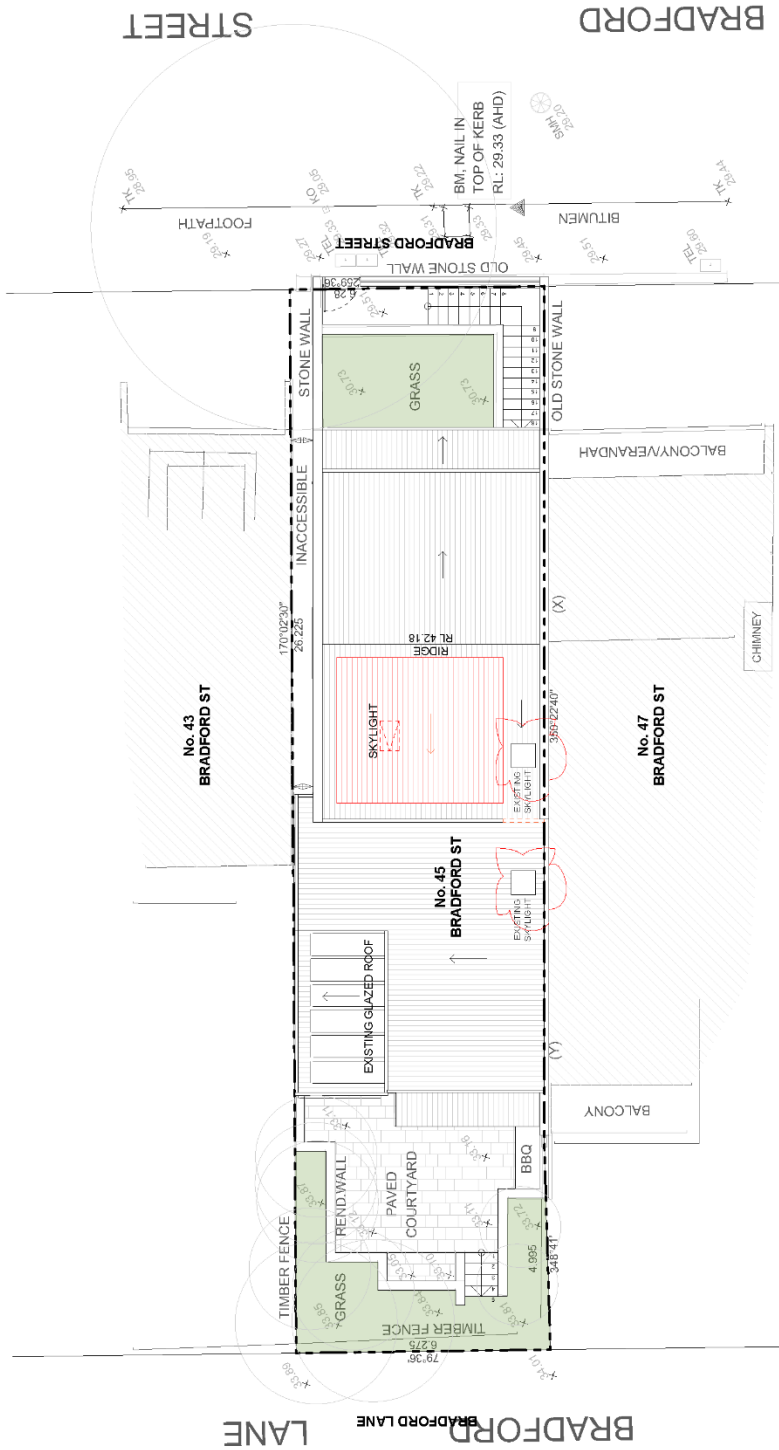


FIRST FLOOR DEMOLITION PLAN
1:100

LEGEND
 WALLS TO BE DEMOLISHED
 OBJECTS TO BE DEMOLISHED
 ELEMENTS TO BE RETAINED

CAD Documentation: SHOBHA DESIGNS ARCHITECTS & INTERIORS DESIGNERS Suite 21, 17, Jackie St, Gladesville NSW 2111 PHONE : 02 89700220 MOBILE : 0418112620 EMAIL : info@shobhadesigns.com.au		PROJECT PROPOSED ATTIC EXTENSION EXISTING DWELLING AT 42 BRADFORD STREET, BALMAIN NSW CLIENT Greg Cameron & Lesley Kennedy		Drawing Name DEMOLITION PLAN - FIRST FLOOR Client's Note The client has checked all dimensions and walls on site and to include any items, appropriate to a request to the architect. Client acknowledges to accept the architect's responsibility for any errors and omissions subject to survey.		Amendments <table border="1"> <tr> <th>SI</th> <th>Description</th> <th>Drawn By</th> <th>Date</th> </tr> <tr> <td>A</td> <td>REVISION FOR DA</td> <td>Toby Wang</td> <td>21-Mar-24</td> </tr> </table>		SI	Description	Drawn By	Date	A	REVISION FOR DA	Toby Wang	21-Mar-24
SI	Description	Drawn By	Date												
A	REVISION FOR DA	Toby Wang	21-Mar-24												
Architects: BROOKES ASSOCIATES ARCHITECTS OFFICE: SUITE 3, FIRST FLOOR 31-32 DARLING ST BALMAIN NSW 2041 PHONE: 02 9550 3138 MOBILE: 04 400 02 318 EMAIL: info@brookesarchitects.com Christopher Brookes, Registered Architect 2381		Drawn By : Toby Wang Checked By: Christopher Brookes Nilesh Munot Issue		Date of Issue Drawing Scale 1:100 @A3 Project N° - Drawing N° DA-07 Project A											

Document Set ID: 36585586
 Version: 2, Version Date: 09/04/2024



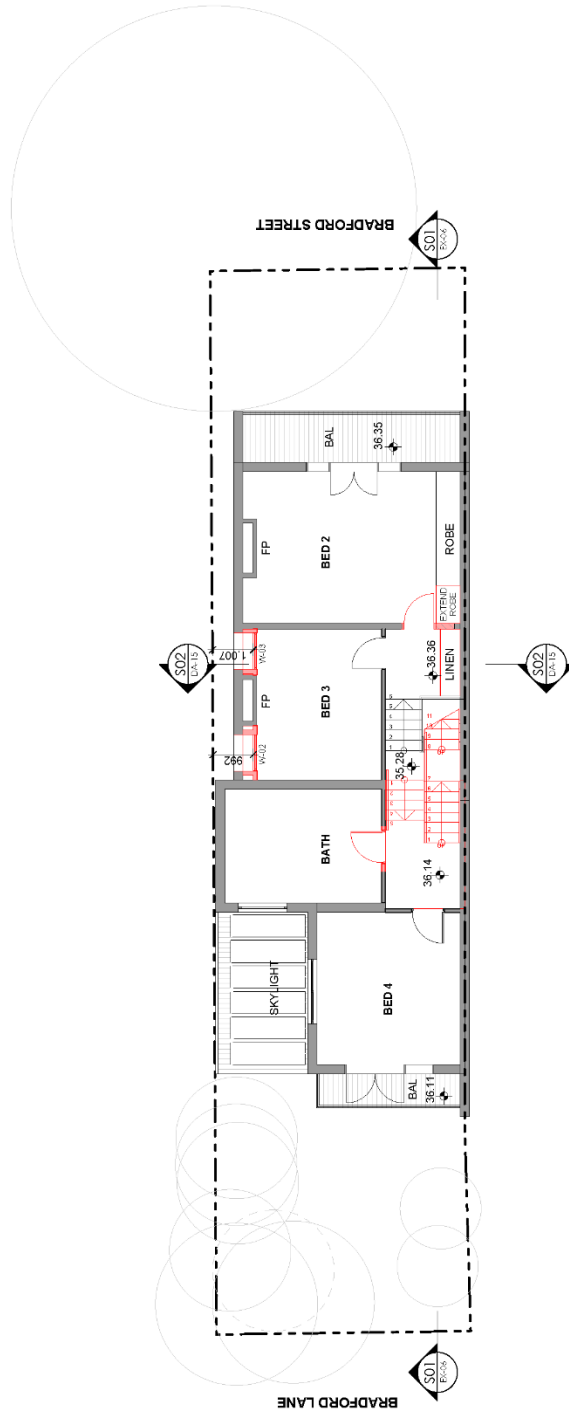
LEGEND
 ROOFS TO BE DEMOLISHED
 OBJECTS TO BE DEMOLISHED
 ROOFS TO BE RETAINED



SITE/ROOF DEMOLITION PLAN
1:100

CAD Documentation: SHOBHA DESIGNS ARCHITECTS & INTERIORS Suite 1, 7, Jackie St, Gladesville NSW 2111 PHONE : 02 8970020 MOBILE : 041817260 EMAIL : info@shobhadesigns.com.au	PROJECT PROPOSED ATTIC EXTENSION EXISTING DWELLING AT 45 BRADFORD STREET, BALMAIN NSW	Drawing Name DEMOLITION PLAN - ROOF	Amendments E1 A	Issue No 1	Date of Issue 21-Mar-24	Architects: BROOKES ASSOCIATES ARCHITECTS OFFICE SUITE 3, FIRST FLOOR 31-32 DARLING ST BALMAIN NSW 2041 PHONE : 02 9539 2222 MOBILE : 04 400 002 318 EMAIL : info@brookesarchitects.com Christopher Brookes, Registered Architect 2381

Document Set ID: 36585586
 Version: 2, Version Date: 09/04/2024

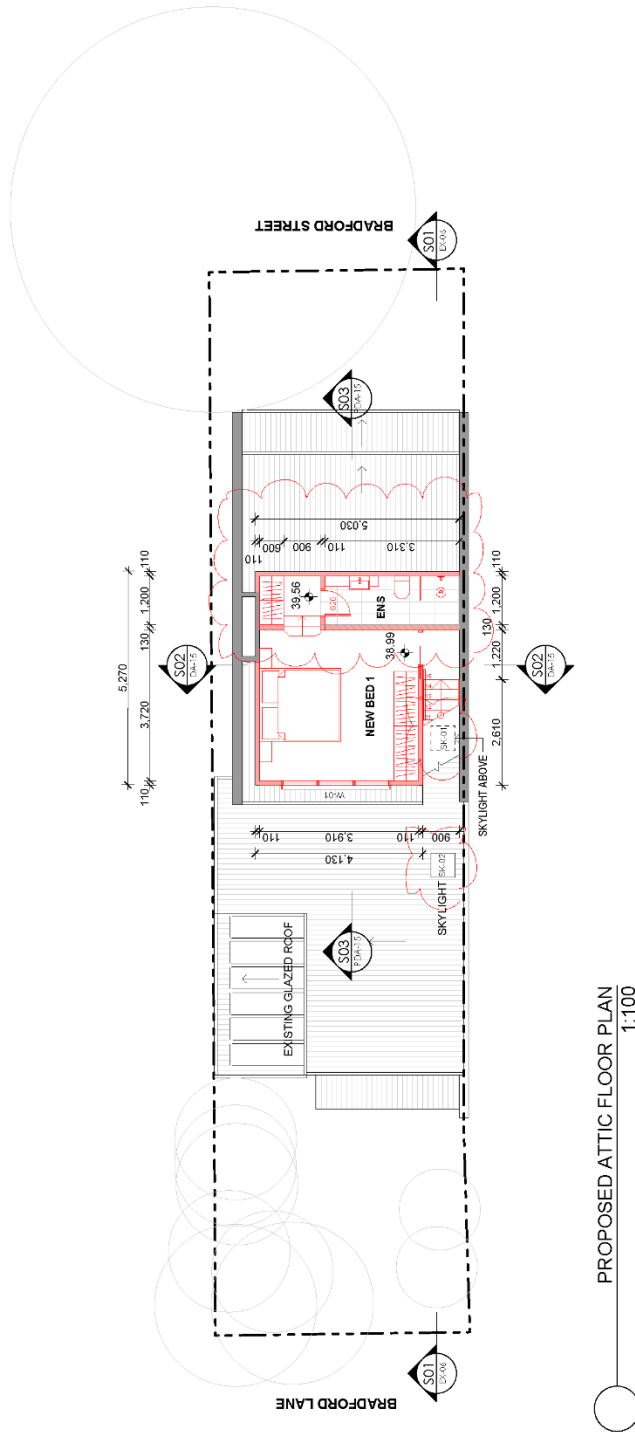


PROPOSED FIRST FLOOR PLAN
1:100

- LEGEND**
- PROPOSED WALLS
 - PROPOSED OBJECTS
 - EXISTING ELEMENTS

CAD Documentation: SHOBHA DESIGNS ARCHITECTS & DESIGNERS Suite 21, 7, Jackie St, Gladesville NSW 2111 PHONE : 02 8970020 MOBILE : 0418172520 EMAIL : info@shobhadesigns.com.au	PROJECT PROPOSED ATTIC EXTENSION TO EXISTING DWELLING AT 42 BRADFORD STREET, BALMAIN NSW CLIENT Greg Cameron & Lesley Kennedy	Drawing Name PROPOSED FIRST FLOOR PLAN Client Name The client has checked all dimensions and walls on site and to include any items, discrepancies or requests to the architect. Client acknowledges that they are responsible for ensuring that all drawings are correct and conform to the relevant Australian standards and codes of practice.	Amendments <table border="1"> <tr> <th>SI</th> <th>Description</th> <th>Date</th> </tr> <tr> <td>A</td> <td>REVISION FOR DA</td> <td>21-MAR-24</td> </tr> </table>	SI	Description	Date	A	REVISION FOR DA	21-MAR-24	Date of Issue Drawing Scale 1:100 @A3 Project N° -	Architects: BROOKES ASSOCIATES ARCHITECTS OFFICE SUITE 3, FIRST FLOOR 31-32 DARLING ST BALMAIN NSW 2041 PHONE : 02 9550 3188 MOBILE : 04 400 02 318 EMAIL : info@brookesarchitects.com Christopher Brookes, Registered Architect 2381
				SI	Description	Date					
A	REVISION FOR DA	21-MAR-24									
Drawn By : Toby Wang Checked By : Christopher Brookes Nilesh Munot Drawing N° DA-10 Issue A											

Document Set ID: 36585586
Version: 2, Version Date: 09/04/2024

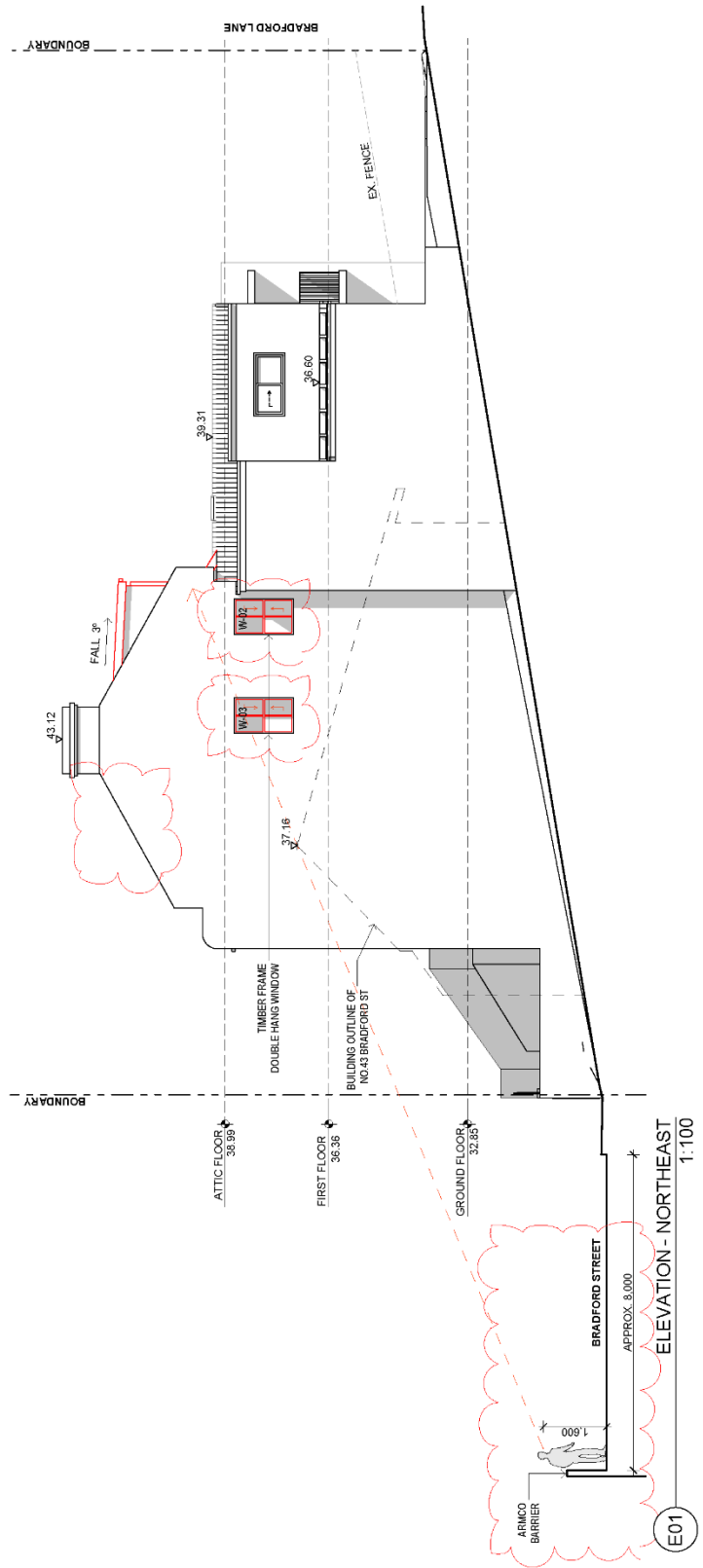


PROPOSED ATTIC FLOOR PLAN
1:100

LEGEND
█ PROPOSED WALLS
█ PROPOSED OBJECTS
█ EXISTING ELEMENTS

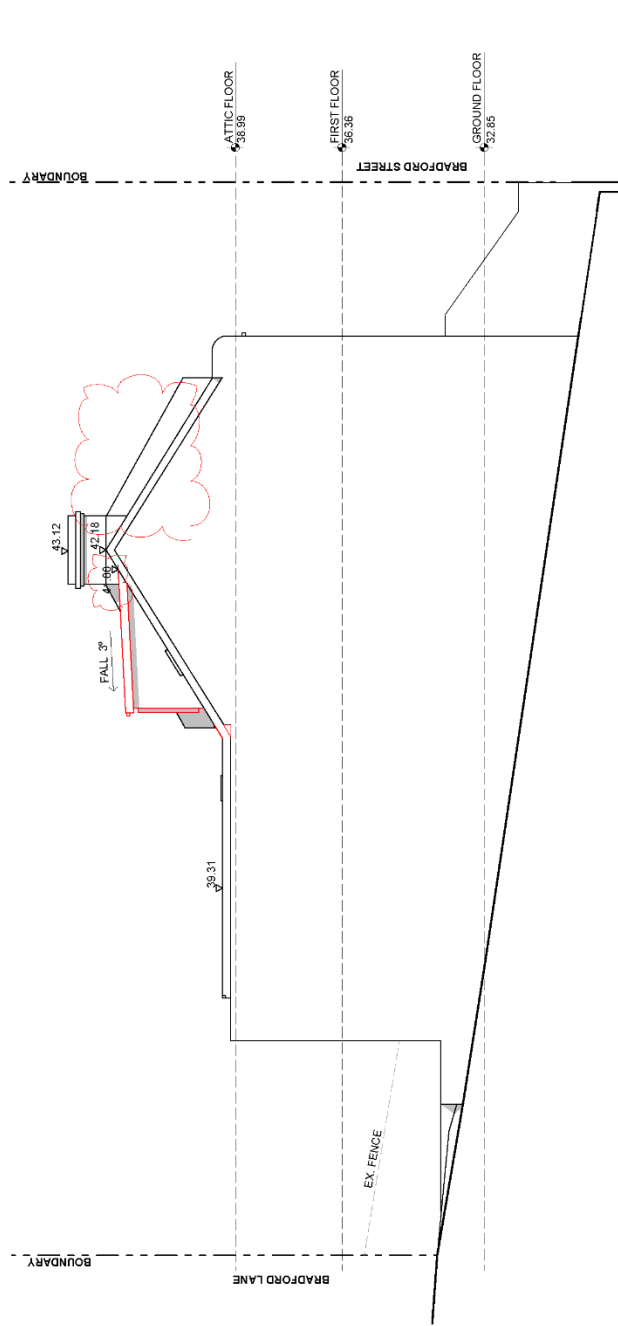
CAD Documentation: SHOBHA DESIGNS ARCHITECTS & INTERIORS Suite 1, 7, Jackie St, Gladesville NSW 2111 PHONE : 02 8970020 MOBILE : 0418172670 EMAIL : info@shobhadesigns.com.au	PROJECT PROPOSED ATTIC EXTENSION TO EXISTING DWELLING AT 42 BRADFORD STREET, BALMAIN NSW CLIENT Greg Cameron & Lesley Kennedy	Drawing Name PROPOSED ATTIC PLAN Check Notes: The drafter has checked all dimensions and levels on site and to title. Any errors, discrepancies or omissions to the architect's drawings shall be noted for under construction and resolved by the architect. All for use and construction subject to survey.	Amendments <table border="1"> <tr> <th>SI</th> <th>Description</th> <th>Date</th> </tr> <tr> <td>A</td> <td>REVISION FOR DA</td> <td>21-Mar-24</td> </tr> </table>	SI	Description	Date	A	REVISION FOR DA	21-Mar-24	Date of Issue Drawing Scale 1:100 @A3 Project N° -	Architects: BROOKES ASSOCIATES ARCHITECTS OFFICE: SUITE 3, FIRST FLOOR 314-322 DARLING ST BALMAIN NSW 2041 PHONE: 02 9550 3188 MOBILE: 04 400 002 318 EMAIL: info@brookesarchitects.com Christopher Brookes, Registered Architect 2381
				SI	Description	Date					
A	REVISION FOR DA	21-Mar-24									
Drawn By : Toby Wang Checked By: Christopher Brookes Nilesh Munot Drawing N° DA-11 Issue A											

Document Set ID: 36585586
 Version: 2, Version Date: 09/04/2024



LEGEND
 PROPOSED ELEMENTS
 EXISTING ELEMENTS

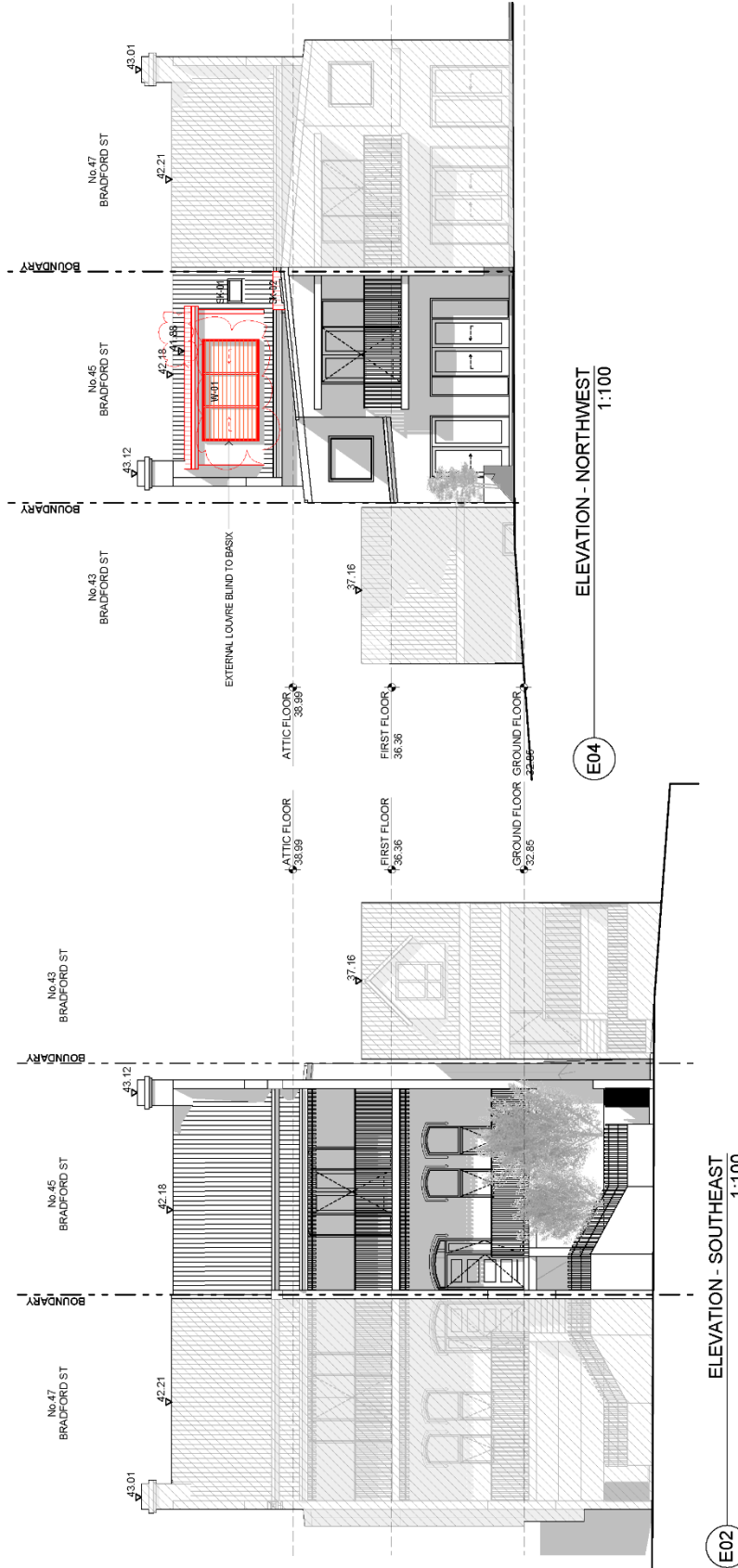
CAD Documentation: SHOBHA DESIGNS ARCHITECTS & INTERIORS Suite 1, 7, Locke St, Gladesville NSW 2111 PHONE : 02 8970020 MOBILE : 0418172670 EMAIL : info@shobhadesigns.com.au		PROJECT PROPOSED ATTIC EXTENSION EXISTING DWELLING AT 45 BRADFORD STREET, BALMAIN NSW CLIENT Greg Cameron & Lesley Kennedy		Drawing Name ELEVATION - NORTHEAST Check Notes: The architect shall check all dimensions end-to-end on site prior to submit any forms, correspondence or requests to the architect. The architect shall be responsible for obtaining all necessary Council approvals to build for under relevant legislation and standards. All for use and construction subject to survey.		Amendments <table border="1"> <tr> <th>SI</th> <th>Description</th> <th>Date</th> </tr> <tr> <td>A</td> <td>REVISION FOR DA</td> <td>21-Mar-24</td> </tr> </table>		SI	Description	Date	A	REVISION FOR DA	21-Mar-24	Date of Issue Drawing Scale 1:100 @A3 Project N° -		Architects: BROOKES ASSOCIATES ARCHITECTS OFFICE: SUITE 3, FIRST FLOOR 31-32 DARLING ST BALMAIN NSW 2041 PHONE: 02 9550 3138 MOBILE: 04 400 02 318 EMAIL: info@brookesarchitects.com Christopher Brookes, Registered Architect 2381	
SI	Description	Date															
A	REVISION FOR DA	21-Mar-24															
Drawn By : Toby Wang Checked By: Christopher Brookes Nileshe Munot				Drawing N° DA-12		Issue A		P:\Projects\VCBA_Bradford St Balmain\Drawings\DA\VCBA_Balmain_DA02.rvt Version: 2, Version Date: 09/04/2024									



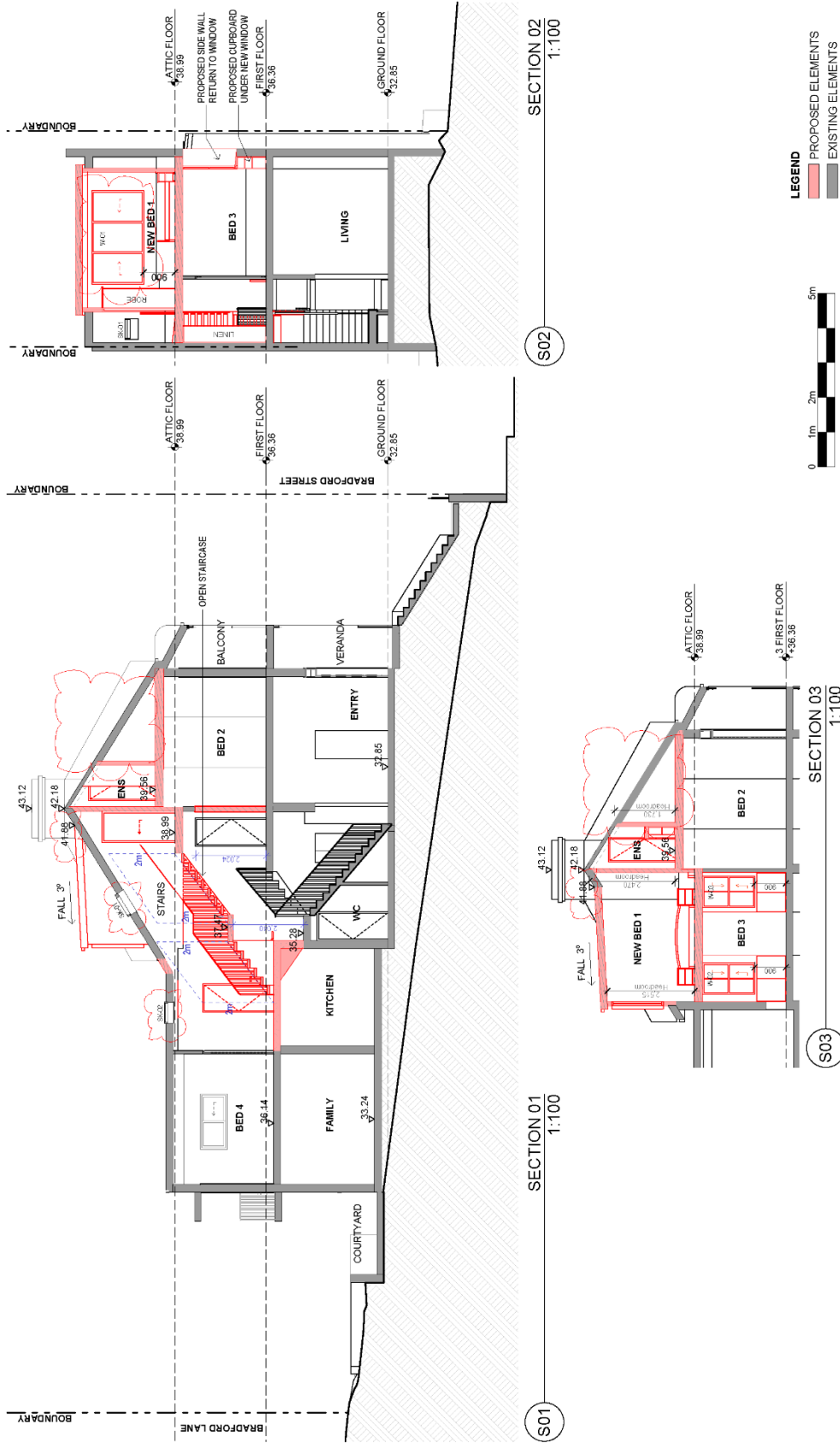
E03
ELEVATION - SOUTHWEST
1:100

LEGEND
▬ PROPOSED ELEMENTS
▬ EXISTING ELEMENTS

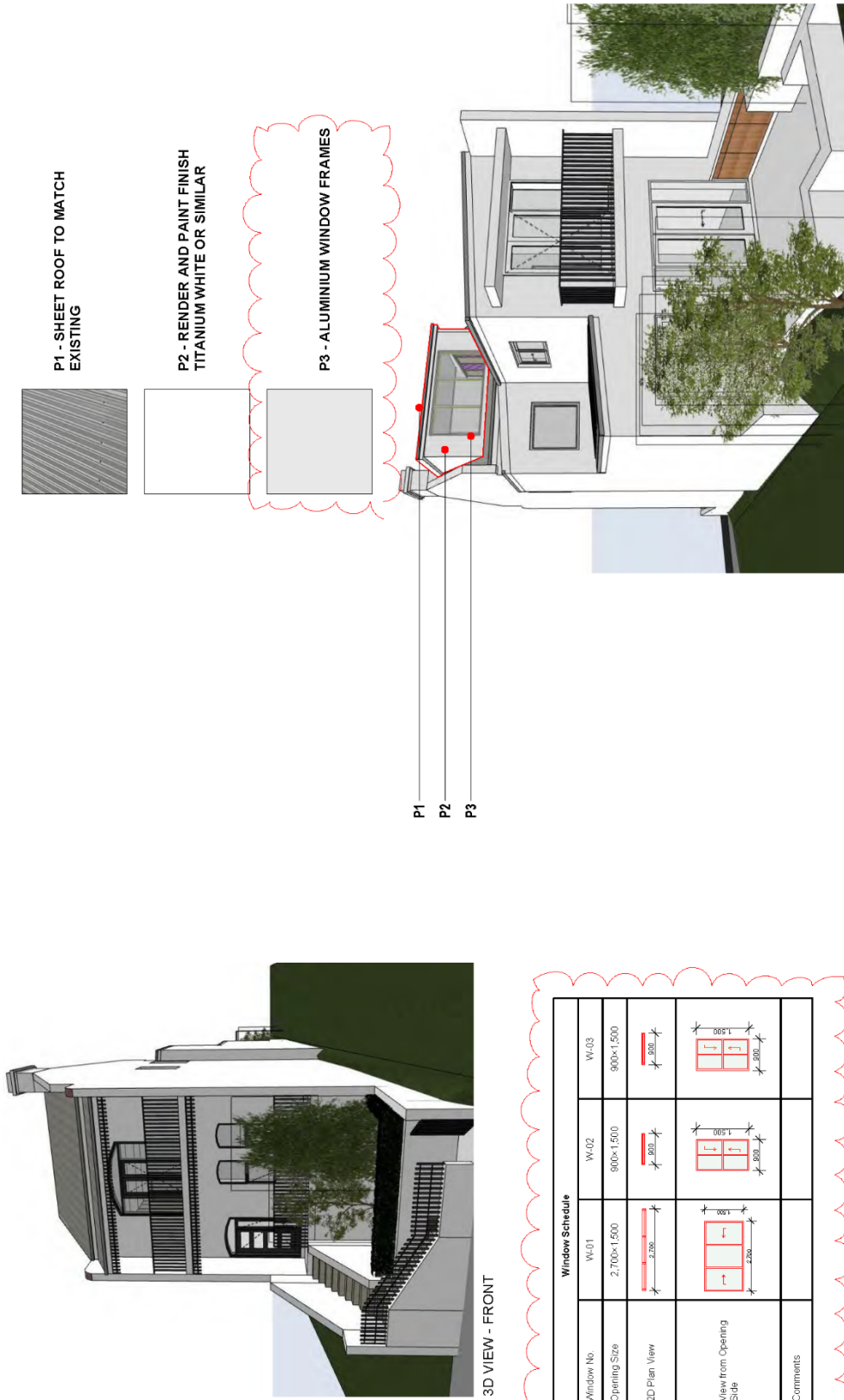
CAD Documentation: SHOBHA DESIGNS ARCHITECTS & INTERIORS Suite 21, 7, Jackie St, Gladesville NSW 2111 PHONE : 02 89700220 MOBILE : 0418172670 EMAIL : info@shobhadesigns.com.au		PROJECT PROPOSED ATTIC EXTENSION TO EXISTING DWELLING AT 45 BRADFORD STREET, BALMAIN NSW CLIENT Greg Cameron & Lesley Kennedy		Drawing Name ELEVATION - SOUTHWEST Client Name The Architects & Check all dimensions and walls on site prior to build. All work, approvals or requests to the architect, should be made to avoid any delays or disputes. All for use and confirm subject to survey.		Amendments <table border="1"> <tr> <th>BY</th> <th>REASON</th> <th>DATE</th> </tr> <tr> <td>A</td> <td>REVISIONS</td> <td>21-MAR-24</td> </tr> </table>		BY	REASON	DATE	A	REVISIONS	21-MAR-24	Date of Issue Drawing Scale 1:100 @A3 Project N° -		Architects: BROOKES ASSOCIATES ARCHITECTS OFFICE: SUITE 3, FIRST FLOOR 31-32 DARLING ST BALMAIN NSW 2041 PHONE: 02 9550 3138 MOBILE: 04 400 92 318 EMAIL: info@brookesarchitects.com Christopher Brookes, Registered Architect 2381	
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P1 - SHEET ROOF TO MATCH EXISTING

P2 - RENDER AND PAINT FINISH TITANIUM WHITE OR SIMILAR

P3 - ALUMINIUM WINDOW FRAMES

P1
P2
P3

3D VIEW - REAR

3D VIEW - FRONT

Window Schedule		
Window No.	WV-01	WV-02
Opening Size	2.700x1.500	900x1.500
3D Plan View		
View from Opening Side		
Comments		

CAD Documentation:		PROJECT		Architects:	
SHOBHA DESIGNS ARCHITECTS & INTERIORS Suite 21, 17, Macleay St, Glebe NSW 2111 PHONE : 02 95125020 EMAIL : info@shobhadesigns.com.au		PROPOSED ATTIC EXTENSION TO EXISTING DWELLING AT 45 BRADFORD STREET BALMAIN NSW CLIENT Greg Cameron & Lesley Kennedy		21.MAR.24 Architects: BROOKES ASSOCIATES ARCHITECTS OF LEVEL 3, FIRST FLOOR, 31-322 DARLING ST, BALMAIN NSW 2041 PHONE : 02 95125020 MOBILE : 04 146 062 318 EMAIL : info@brookesarchitects.com	
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Drawing Name		Drawing Scale		Project N°	
FINISH SCHEDULE & WINDOW SCHEDULE		A3		-	
<p>Client Note: This schedule (check all dimensions and beds) is relevant to your drawings, discrepancies or omissions to the architect's schedule will be subject to construction program and/or site conditions and drawings subject to survey.</p>					
<p>Document: SH-EP-36688888 Version: 2, Version Date: 08/04/2024</p>					

Attachment C – Section 4.6 Exception to Development Standards



ANNEXURE 1

24 April 2024

**AMENDED CLAUSE 4.6 VARIATION REQUEST – FLOOR
SPACE RATIO**

For

45 BRADFORD STREET, BALMAIN

1.0 Introduction

This Clause 4.6 variation is a written request to vary a development standard to support a development application for the alterations and additions to an existing dwelling at 45 Bradford Street, Balmain. The design is commensurate in scale, bulk, site coverage, and materiality to many of the buildings located in the immediate locality.

The proposed works include:

- New first floor addition comprises new bedroom with WC and Ensuite

The proposal specifically requires the consent authority to consider an additional of Attic level, which is calculated to be an additional 22.2m² to the existing dwelling, which will accommodate a new parents' bedroom and En Suite, while the existing three bedrooms will remain and accommodate their two children and a live-in carer. One of the children, Lachlan Cameron, has special needs requiring him to have ongoing live-in care and support into adulthood, as explained in two letters of support in the Appendix's to this Clause 4.6 request, submitted as part of the DA package.

Pursuant to clause 4.4 in the LEP, the site has a maximum floor space ratio (FSR) control of 0.9:1 (142.3m²). The stated objectives of this clause are:

- (a) to establish a maximum floor space ratio to enable appropriate development density,*
- (b) to ensure development density reflects its locality,*
- (c) to provide an appropriate transition between development of different densities,*
- (d) to minimise adverse impacts on local amenity,*
- (e) to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.*

The accompanying plans confirm that the proposal has a gross floor area of 171.5m², while a maximum of gross floor area of 142.3.06m² is permissible on the site. This represents a variation of 29.21m² or 20.5%. It should be noted that the calculation of the GFA (as instructed by Council) includes the landings of the proposed stairs, which have already been counted towards the GFA on the ground level but are included in the attic level as well.

2.0 Clause 4.6 – Exceptions to Development Standards

The Standard Instrument LEP contains its own variations clause (Clause 4.6) to allow the variation of development standards. There is abundant judicial guidance on how variations under Clause 4.6 variations should be assessed. Some of these cases are taken into consideration in this request for variation.

While it is not necessary to refer to case law, however it has become customary in sustaining requests under Clause 4.6

Clause 4.6(1) of IWLEP provides:

(1) The objectives of this clause are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The decision of Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 ("Initial Action") provides guidance in respect of the operation of clause 4.6 subject to the clarification by the NSW Court of Appeal in *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [1], [4] & [51] where the Court confirmed that properly construed, a consent authority has to be satisfied that an applicant's written request has in fact demonstrated the matters required to be demonstrated by cl 4.6(3).

Initial Action involved an appeal pursuant to s56A of the Land & Environment Court Act 1979 against the decision of a commissioner.

At [90] of *Initial Action* the Court held that:

"In any event, cl 4.6 does not give substantive effect to the objectives of the clause in cl 4.6(1)(a) or (b). There is no provision that requires compliance with the objectives of the clause. In particular, neither cl 4.6(3) nor (4) expressly or impliedly requires that development that contravenes a development standard "achieve better outcomes for and from development". If objective (b) was the source of the Commissioner's test that non-compliant development should achieve a better environmental planning outcome for the site relative to a compliant development, the Commissioner was mistaken. Clause 4.6 does not impose that test."

The legal consequence of the decision in *Initial Action* is that clause 4.6(1) is not an operational provision and that the remaining clauses of clause 4.6 constitute the operational provisions.

Clause 4.6(2) of IWLEP provides:

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

This clause applies to the clause 4.4 Floor Space Ratio Development Standard.

Clause 4.6(3) of IWLEP provides:

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

The proposed development does not comply with the floor space ratio provision at 4.4 of IWLEP which specifies a maximum FSR however strict compliance is considered to be unreasonable or unnecessary in the circumstances of this case and there are considered to be sufficient environmental planning grounds to justify contravening the development standard as detailed below.

3.0 Request for variation

4.1 Is clause 4.4 of IWLEP a development standard?

The definition of “development standard” at clause 1.4 of the EP&A Act includes:

- (c) *the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*

Clause 4.4 IWLEP prescribes a floor space height provision which seeks to limit the bulk, scale and density of the development. Accordingly, clause 4.4 IWLEP is a development standard.

4.2A Clause 4.6(3)(a) – Whether compliance with the development standard is unreasonable or unnecessary

The common approach for an applicant to demonstrate that compliance with a development standard is unreasonable or unnecessary are set out in *Wehbe v Pittwater Council [2007] NSWLEC 827*.

The first option, which has been adopted in this case, is to establish that compliance with the development standard is unreasonable and unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

Consistency with objectives of the floor space ratio standard

An assessment as to the consistency of the proposal when assessed against the objectives of the standard is as follows:

- (a) to establish a maximum floor space ratio to enable appropriate development density

Response: The proposed addition is set back from the primary form of the existing traditional terrace house dwelling and there is minimal alterations to its existing roof form. The scale of the proposed additions is in keeping with the existing pattern of development, and is thus sympathetic to both the attached terraces and the streetscape it sits in.

The proposed new Attic Bedroom 1 will be below the existing ridge line and will be set back 900mm from the side boundaries. The proposed addition, as amended is produced in Figure 1 below.



Figure 1 – Model views for front and rear for proposed Attic Addition

The proposed development has been designed which is consistent with the conclusions reached by Senior Commissioner Roseth in the matter of *Project Venture Developments v Pittwater Council (2005) NSW LEC 191*, in this regard it is found that most observers would

not find the bulk and scale of the proposed development, to be offensive, jarring or unsympathetic in a streetscape context.

This objective is satisfied, notwithstanding the non-compliant FSR proposed, as the bulk and scale of development is consistent with the existing and desired streetscape character, and the proposed development is not uncommon or uncharacteristic in the locality.

(b) to ensure development density reflects its locality

Response: The proposed addition is set back from the primary form of the existing traditional terrace house dwelling and there are minimal alterations to its existing roof form. The scale of the proposed additions is in keeping with the existing pattern of development, and is thus sympathetic to both the attached terraces and the streetscape it sits in.

This objective is satisfied, notwithstanding the non-compliant FSR proposed, as the development reflects the density reflected in the locality.

(c) to provide an appropriate transition between development of different densities,

Response: The bulk and scale of the building is contextually appropriate with the floor space appropriately distributed across the site to achieve acceptable streetscape and residential amenity outcomes.

This objective is satisfied, notwithstanding the non-compliant FSR proposed, as the development provides appropriate transition between development the subject site and the adjoining sites.

(d) to minimise adverse impacts on local amenity,

Response: In responding to this objective. It is considered that views, privacy, solar access and visual amenity as environmental factors which contribute to the use and enjoyment of local amenity.

Views

The assessment in relation to view loss has found that the non-compliance with the FSR will not affect views from the adjoining properties. There are no public views over the site or the proposed house.

Having reviewed the detail of the application it is considered that a view sharing scenario is maintained between adjoining properties in accordance with the principles established in *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC140 and *Davies v Penrith City Council* [2013] NSWLEC 1141.

Privacy

The proposed additions would not result in an increased privacy impact to neighbouring development, as the proposed new Attic level is design to be setback from the side boundaries to prevent overlooking on the adjacent development.

Solar access

The accompanying shadow diagrams demonstrate that the building, although non-compliant with the FSR standard, will not give rise to any unacceptable shadowing impact to the adjoining residential properties with compliant levels of solar access maintained.

Visual amenity/ building bulk and scale

As indicated in response to objective (a), the bulk and scale of the building is contextually appropriate with the floor space appropriately distributed across the site to achieve acceptable streetscape and residential amenity outcomes.

- (e) to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.

Response: The proposed additions have been designed carefully to maintain the amenity of all adjoining properties whilst maximising the sustainable amenity of the subject site.

Having regard to the above, the proposed addition which is non-compliant with the FSR standard will achieve the objectives of the standard to at least an equal degree as would be the case with a development that complied with the FSR standard. Given the developments consistency with the objectives of the FSR standard strict compliance has been found to be both unreasonable and unnecessary under the circumstances.

Consistency with zone objectives

The subject site is zoned R1 General Residential pursuant to the provisions of IWLEP. Proposed additions and alterations to existing terrace house is permissible in the zone with the consent of council. The stated objectives of the zone are as follows:

- *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 provide residential development that maintains the character of built and natural features in the surrounding area.

The proposal satisfies these objectives as provides additional area for the occupants of the dwelling and that it maintains its low impact within the surrounding residential environment, preserving view corridors between existing developments, ensuring that the character of the area is not diminished by maintaining prevailing architectural elements and improving the aesthetic of the existing streetscape.

The non-compliant development, as it relates to FSR, demonstrates consistency with objectives of the R1 General Residential zone and the FSR standard objectives. Adopting the first option in *Wehbe* strict compliance with the FSR standard has been demonstrated to be unreasonable and unnecessary.

4.2B Clause 4.6(3)(b) – Are there sufficient environmental planning grounds to justify contravening the development standard?

The term 'environmental planning grounds' is not defined and may be interpreted with wide scope as has been the practice of the Land and Environment Court. The environmental planning grounds supporting variation are on the basis of:

The need for the non-compliance with the FSR development standard. A particularly relevant environmental planning ground justifying the contravention of the standard is the fact that the need for the additional bedroom within the dwelling. It would be highly unreasonable to prevent additional room, which the owner needs on the basis of the non-compliance with FSR development standard. Additionally, it would be unreasonable to prevent the additional space for the owners in residential amenity in which will be experienced from the proposed development, due to the minor increase in the existing non-compliant FSR.

Negligible impact on the density of the site. As mentioned, the proposed increase in FSR is considered that there will be a negligible impact on the overall density of the site.

Compatibility with Locality. The development is commensurate in scale and character with other properties in the streetscape, the variation results in the important space for the occupants of the site without producing any significant adverse impacts on the privacy, views, and overall amenity of surrounding properties. Notwithstanding the non-compliance, the proposal is considered to support an appropriate density and scale through this proposal.

Furthermore, it is noted that Council has supported a variation of similar or higher within the immediate Locality.

The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:

- The proposal promotes the orderly and economic use and development of land (1.3(c)).
- The development represents good design (1.3(g)).
- The building as designed facilitates its proper construction and will ensure the protection of the health and safety of its future occupants (1.3(h)).

It is noted that in *Initial Action*, the Court clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

87. *The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment).*

Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.

There are sufficient environmental planning grounds to justify contravening the development standard.

5.0 Conclusion

Pursuant to clause 4.6(3), the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) being:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

As such, it is concluded that there is no statutory or environmental planning impediment to the granting of an FSR variation in this instance.

Appendix 1

Email from Lesley Kennedy re Lachlan Cameron Special Needs, dated 14 December 2023

Chris Brookes

From: lesley kennedy <lesley.kennedy4@gmail.com>
Sent: Thursday, 14 December 2023 1:14 PM
To: Chris Brookes
Cc: Greg Cameron
Subject: Letter from Lachlan's Pediatrician re his disability of Prader Willi Syndrome
Attachments: lachlan cameron.pdf

Hi Chris

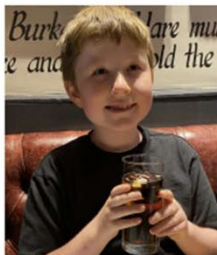
I hope you are well.

As discussed please find attached a letter from Lachlan's pediatrician outlining Lachlan's disability of Prader Willi Syndrome (PWS), a rare and complex disability with life threatening consequences if not managed properly. The Pediatrician's letter also outlines how the addition of a bedroom to the family home (the subject of our DA) will support the ongoing care for Lachlan, who is unable to attain independent living due to his disability. There is currently no cure for PWS.

The proposed adjustments to the house will significantly improve the quality of Lachlan's and our family's life, allowing us to remain in the Balmain community he loves so much.

Kind Regards

Lesley



Lachlan Cameron

Appendix 2

Letter from Dr. Joan Leal Paediatrician re Lachlan Cameron Special Needs

Dr. Joanne Leal

Consultant Paediatric Physician
M.B. B.S. FRACP

96 Percival Road STANMORE 2048
Mobile 0409784639 Fax 9564 3900
Prov No 060316AY
joanne@centralpaediatrics.com.au
ABN 72474258982



13th December 2023

To whom it may concern:

RE: Lachlan CAMERON
DOB: 23/08/2013
ADD: 45 Bradford Street BALMAIN NSW 2041

Greg Cameron and Lesley Kennedy are parents of Lachlan Cameron

Lachlan Cameron has been a patient of my practice for more than 10 years.

Lachlan has a diagnosis of Prader Willi Syndrome (PWS), a rare genetic disorder with physical, mental and behavioural problems. One of the critical characteristics of this disability is an insatiable appetite; PWS patients constantly seek out food as they never feel full (hyperphagia). This can be life-threatening if not managed. Greg and Lesley have locks on their fridge and pantry to support Lachlan's care and manage his diet on a daily basis.

There is currently no cure for PWS and therefore PWS patients do not achieve independent living status as they require constant supervision.

Lachlan is in receipt of NDIS funding.

Lachlan's parents would like to provide for Lachlan's care needs for the longer term by adding an additional bedroom to their house to accommodate a live-in carer to provide some respite, as both Greg and Lesley work full time and neither have the support of extended family in Australia. The ability to add an additional bedroom to their house will significantly improve Lachlan's quality of life and that of his family as they manage Lachlan's disability over the longer term.

Lachlan's intervention and therapeutic support is in the local area and a move away from the area would mean having to find new therapists which is not in his best interest.

Thank you for your due consideration regarding this request.

Yours Sincerely

Dr Joanne Leal

Attachment D – Statement of Heritage Significance

Cover Page

Heritage Impact Statement

Property Details:

Property Name: Victorian Terrace c1902

Address: 45 Bradford Street, Balmain 2041 (Lot 1 DP 924142)



Nos 47 and 45 Bradford Street.

Development Description:

The proposed development is an attic addition with dormers, east facing windows and internal alterations on the first floor. The existing roof line is unaltered at the front and sides.

Author:

Chris Legge-Wilkinson – Heritage Architect
Architects Boards Registration No. 6635

Date of Report:

15 December 2023

Statement of Heritage Impact for 45 Bradford Street, Balmain 15 December 2023

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Statement of Heritage Impact for 45 Bradford Street, Balmain 15 December 2023

Introduction

Authorship

This Statement of Heritage Impact ('SOHI' or 'report') has been prepared by Chris Legge-Wilkinson, heritage architect of 6 Pitt Street, Randwick, NSW.

Location

The subject property is situated at Bradford Street, Balmain located within Inner West Council LGA. The location of the subject property is shown in Figure 1 below.



Figure 1: 45 Bradford Street, Balmain, Google Earth, sourced May 2023

Heritage Listing

The subject property is located within the Gladstone Park Distinctive Neighbourhood within The Valley Heritage Conservation Area, Balmain Conservation Area in the Inner West Local Environmental Plan 2013 (IWLEP).

Documents referred to in this report

- Plans and Elevations.
- Statement of Environmental Effects.

Statement of Heritage Impact for 45 Bradford Street, Balmain 15 December 2023

Brief Description of proposed development

The proposed attic addition is located within the existing terrace footprint. The attic addition features a gable dormer at the front and eye lid dormer to the rear. Two east facing recessed window openings are proposed for bedroom 2 on the first floor facing the existing two gable wall on the adjoining terrace.

Internally the existing first floor bathroom and a short flight of existing stairs is proposed to be altered to provide a new stair access to the attic.



Figure 2: Site Plan showing location of proposed attic addition.

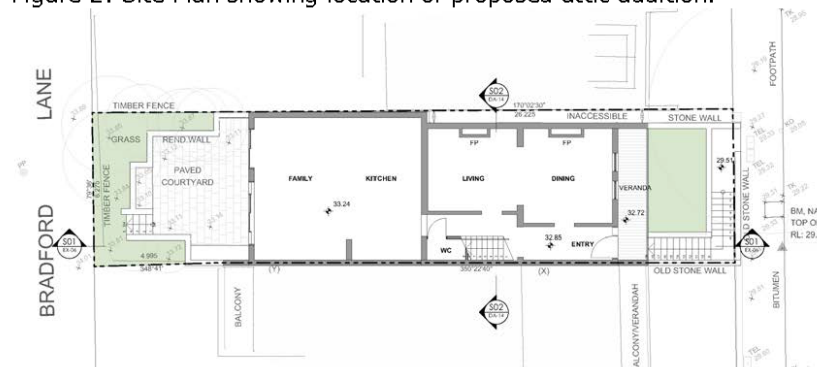


Figure 3: Proposed ground floor plan showing no proposed change at this level.

Statement of Heritage Impact for 45 Bradford Street, Balmain 15 December 2023

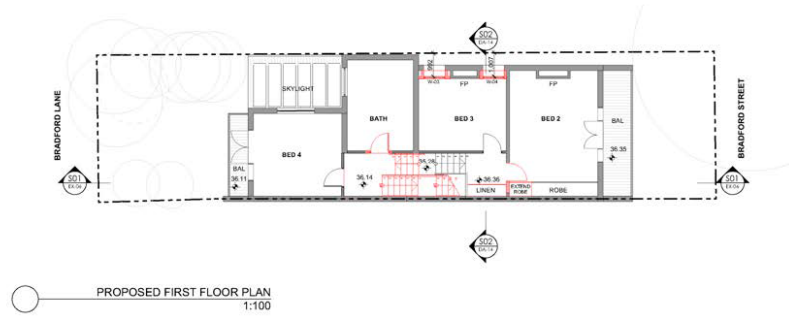


Figure 4: Proposed first floor plan, Drawing DA 09 showing new staircase and windows to Bedroom 3.

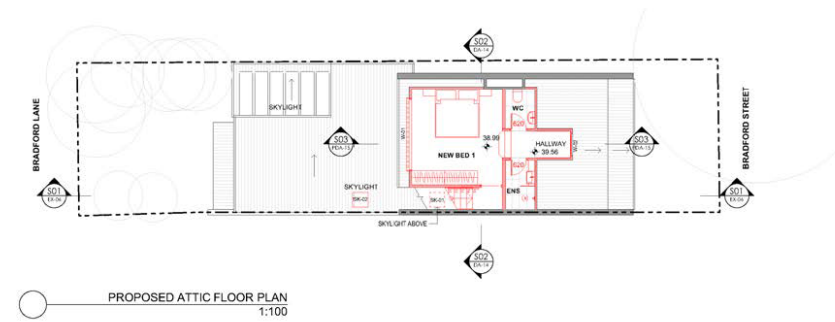


Figure 5: Proposed attic floor plan.

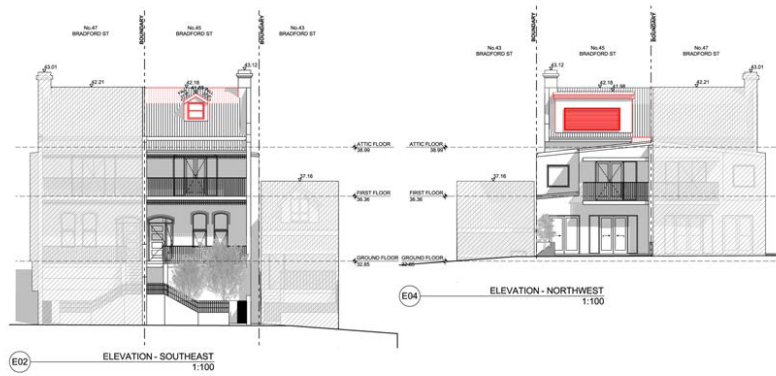


Figure 6: Proposed front and rear elevations.

Statement of Heritage Impact for 45 Bradford Street, Balmain 15 December 2023

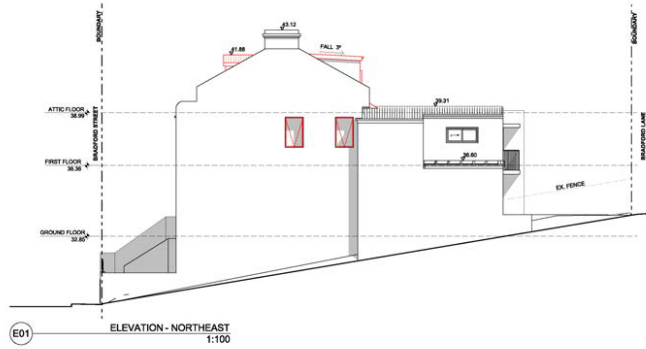


Figure 7: Proposed north east elevation.

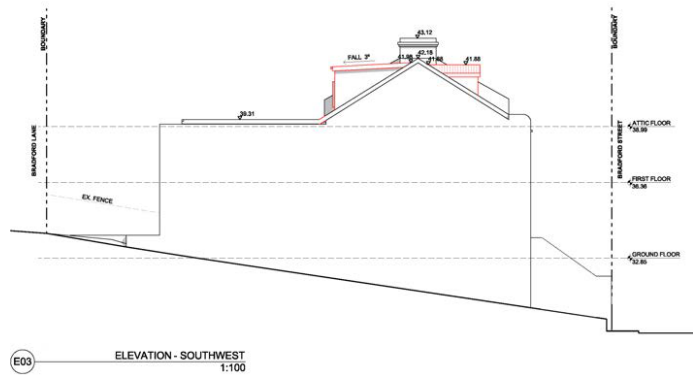


Figure 8: Proposed south east elevation.

Statement of Heritage Impact for 45 Bradford Street, Balmain 15 December 2023

Outline History

Bradford Street appears in the survey of Balmain by surveyor Brownrigg in 1861. By 1880 one property known as the Dalbcattie Villa occupied by William Wright appears in the Sands Directory and the remaining land on the north side of Donnelly Street between Booth and June Streets is noted as 'vacant'.

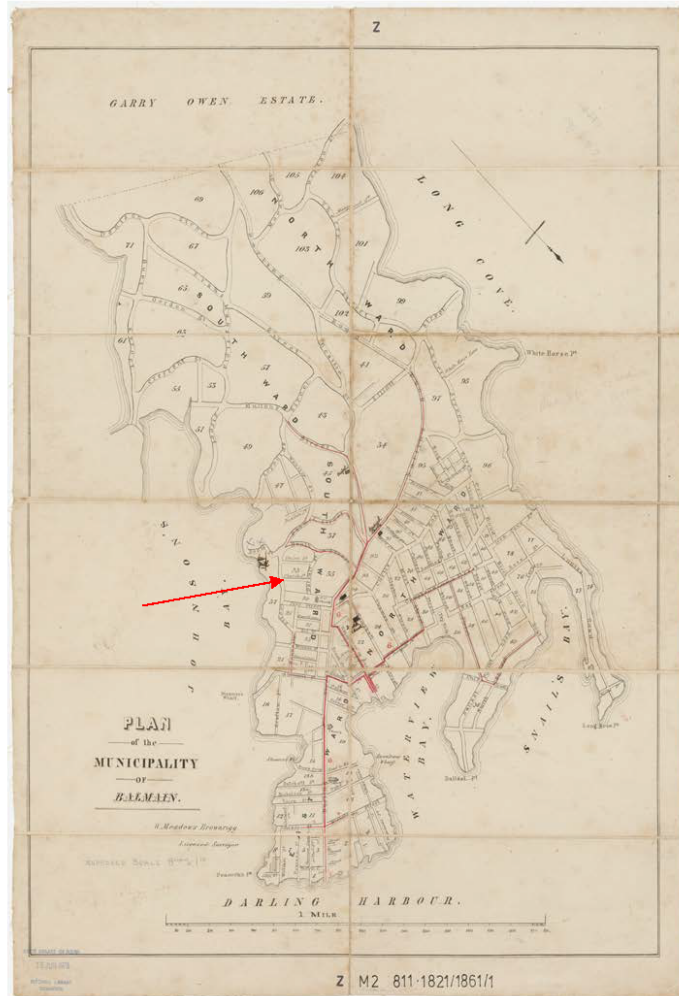


Figure 9: 1861 Survey of Balmain, W. Meadows Brownrigg, surveyor, original drawing held at the Mitchell Library (reference: <https://collection.sl.nsw.gov.au/record/74VvNxdDGNb/rjW42kVMAZp7#viewer>).

Statement of Heritage Impact for 45 Bradford Street, Balmain 15 December 2023

The existing house shows up in the Sands Directory by 1903. The Sands Directory shows that the house was occupied by the following persons between 1903 and 1906 (Local Notes).

1880	1890	Address	1893	1896	1900	1903	1906
Vacant	Boyd, Alexander, senior sergeant Police	49	Fitzmaurice, JS, electrician	Fitzmaurice, JS, electrician	Roberts, Harry	Childs, Thomas	Childs, Thomas
Vacant	Vacant	47	Vacant	Vacant	Vacant	Rix, Robert Henry	Rix, Robert Henry
Vacant	Vacant	45	Vacant	Vacant	Vacant	Shelley, Harold J.	Bradstreet, William K.
Vacant	Scouler, Joseph C., carpenter	41	Spohn, Michael	Williams, Charles	Young, Richard	Young, Thomas	Vacant
Wright, William	Cashman, Frank, painter	39	Cashman, Frank, painter	Vacant	Tipper, Richard	Markham	Markham, Bertrand W.

Table 1: Summary of the Sands Directory for Balmain obtained from loaclanotes.net.au.

Aerial photo from 1930 show many of the original houses in this section of Bradford Street.



Figure 10: Aerial photo of Balmain, Note harbour bridge approaches under construction, 1930.

Statement of Heritage Impact for 45 Bradford Street, Balmain 15 December 2023



Figure 11: No 45 Bradford Street, June 1930.

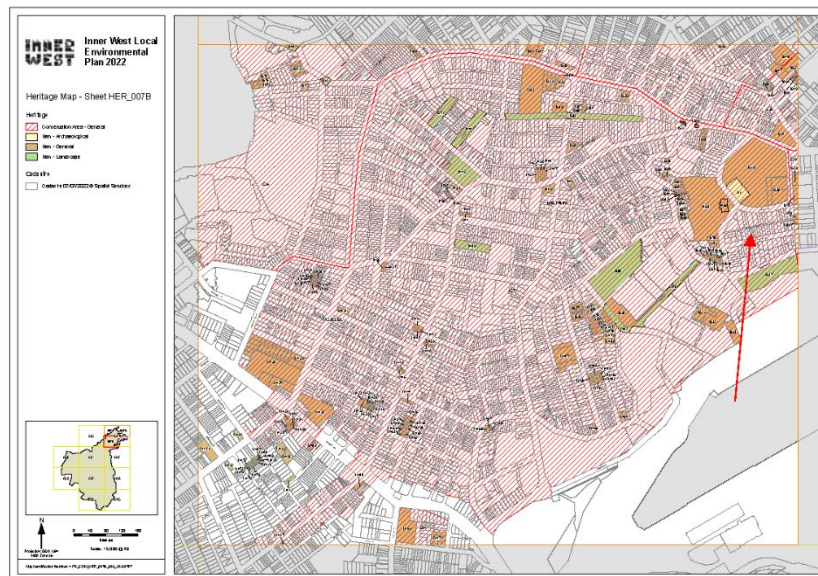


Figure 12: Inner West Council Heritage Map 7b, downloaded May 2023, showing 45 Bradford Street is located in the Balmain Conservation Area.

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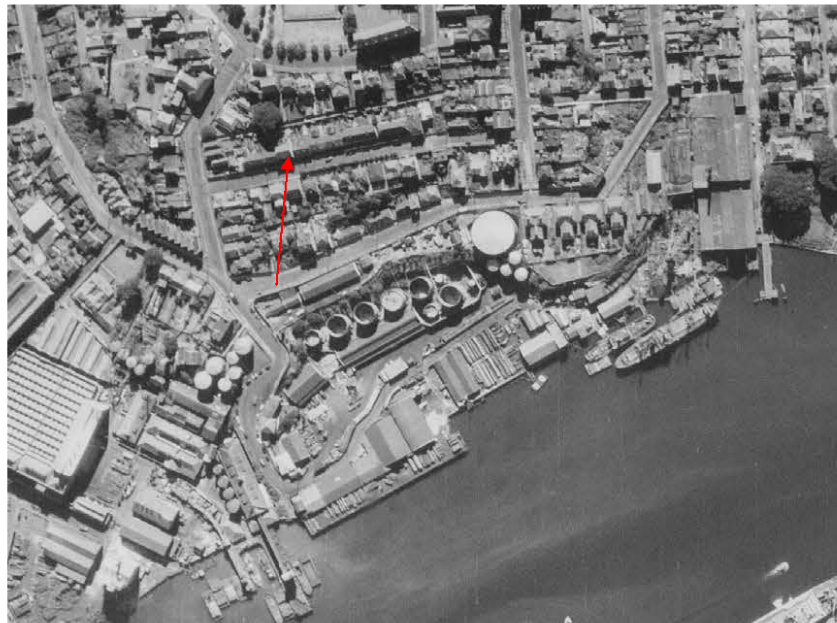


Figure 13: Aerial photo dated May 1951. No 47 and 45 Bradford Street are adjoining two storey terraces. Reference CCC467_12_120 NSW Spatial Imagery.



Figure 14: October 1971. No 47 and 45 Bradford Street.

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Figure 15: 3D model views for front and rear for proposed attic addition.

Description of the building and lot

A Victorian two storey, solid brick terrace with parapets, slate roof and verandah facing the street, constructed as a pair with number 47. The terrace has been previously extended at the rear with a small infill ground floor addition with a skylight as seen in Figure 18. The floor plan features a single loaded corridor and staircase with rooms on one side and split level floor arrangement at the first floor, typical of Victorian terraces. The single bathroom is located on the first floor. A toilet has been added under stair on the Ground Floor.

Physical condition: The terrace is in good condition with the extant of original fabric and alterations and additions at the rear. Internally on the ground floor the floorboards, skirtings and ceilings appear to have been replaced in the Living and Dining Rooms.

Externally the terrace has a slate roof which is in average condition with signs of repairs at the ridge line. The verandah wrought iron railings have been replaced with proprietary aluminium railings.

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Figure 16: 47 and 45 Bradford Street.

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Figure 17: No 45 Bradford Street viewed from Bradford Lane.



Figure 18: No 47 and 45 Bradford Street, viewed from Bradford Lane.

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Figure 19: View from the backyard looking south at existing Family Room and Bedroom 4 on the first floor with balcony.

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Figure 20: Existing second floor split level staircase. The proposed staircase for the attic is to be located on the right attached to the party wall.

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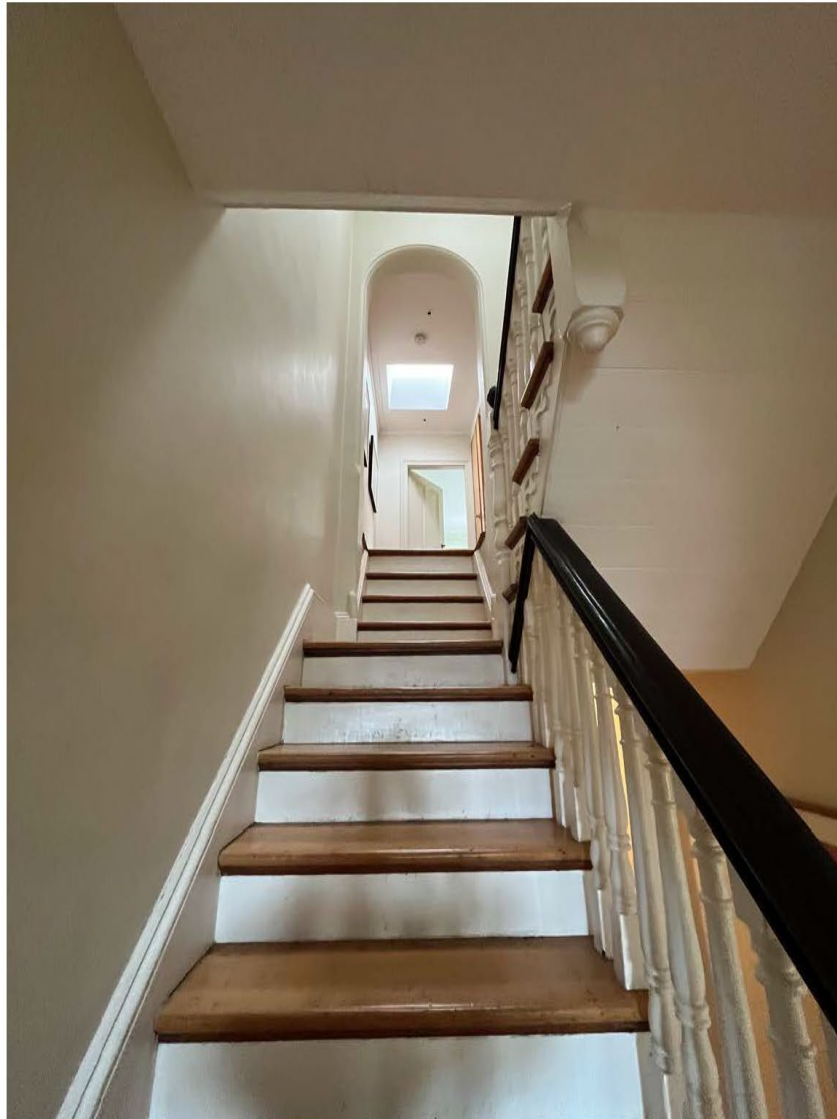


Figure 21: Existing staircase viewed from entrance hallway. This staircase will remain intact except for the short flight to the rear first floor level, which will be moved to the right to allow space for installation of the new Attic stair flight to the left against the party wall.

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Heritage Significance of Property

Statement of Significance

45 Bradford Street is located in the 'Gladstone Park Distinctive Neighbourhood' within the Valley Conservation Area C27 in the suburb of Balmain (P203, Leichhardt DCP).

The existing terrace is historically significant for its role in the late nineteenth century development in Balmain even though it appears from the Sands Directory, to have been constructed after 1900. No 45 Bradford Street, along with the other houses and terraces on the north side of the street provide a historical evidence of the growth of this part of Balmain. The terrace and adjoining terrace are reasonably intact although the roofing on number 47 is corrugated colourbond and the original verandah railings have been replaced.

Internally the terrace has been altered at the rear on the upper ground and first floors within the original footprint. On the first floor the third bedroom and bathroom have been reconstructed to modern standard.

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Assessment of Significance

45 Bradford Street

- SHR Criteria a) [Historical significance] The existing terrace is historically significant for providing evidence of the growth of the suburb of Balmain.
- SHR Criteria b) [Associative significance] The House is part of a pair of terraces built in the last decade on the 19th century and have an associative significance to the Balmain around the period in the 1890s.
- SHR Criteria c) [Aesthetic significance] 45 Bradford Street is aesthetically significant as the terrace retains its original appearance with the grand staircase arrival and front garden a particular feature. The street frontage scale is comparable to the adjoining terraces and houses.
- SHR Criteria d) [Social significance] Does not appear to meet this criterion. 45 Bradford Street was an ordinary home and has no social significance.
- SHR Criteria e) [Research potential] Does not meet this criterion. There is minimum potential for research due to the construction methods of the time, and the fact this site was undeveloped prior to the house being constructed.
- SHR Criteria f) [Rarity] Meets this criterion. As a pair of houses 45 and 47 Bradford Street exhibit a higher quality than the adjoining terraces which were constructed in the early 1890s at a time of recession.
- SHR Criteria g) [Representativeness] Meets this criteria. 45 Bradford Street is presentative of the late Victorian terrace style and is in good condition.
- Integrity/Intactness: 45 Bradford Street does meet this criterion. The house is reasonably intact and fabric which has been replaced due to wear and tear has been identified.

Impact Assessment

Summary

- 45 Bradford Street is an original terrace to the Bradford Street subdivision that was built in circa 1900, a little bit later than the adjoining terraces, probably to costs due to the site elevation. 45 Bradford has been identified as 'contributory' significance in the Balmain Conservation Area. The rear additions and alterations which added a ground floor Family Room are well mannered and have a neutral impact on the streetscape. It is noted that No 47 is a matched pair with No 45.
- The following aspects of the proposal respect or enhance the heritage significance of the item for the following reasons: **The proposed attic addition will use simple dormer roof forms at**

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the front and rear to provide a bedroom and bathroom. The windows to Bedroom 2 are set back from the side boundary will not be visible, add to the amenity and are reversible. The addition and alteration will have minimal impact from the street view east side.

- The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons: **The proposed attic addition and alterations are within the existing building footprint and have minimal impact on the heritage significance of the terrace or street.**
- The following sympathetic solutions have been considered and discounted for the following reasons: **No alternative options other than an attic addition is possible without encroaching on backyard space.**

Additions:

- Can the additional area be located within an existing structure? If no, why not? **The proposed addition is set within the existing building footprint and has no impact on open space in the backyard.**
- Will the additions visually dominate the heritage item? **The proposed attic addition: The addition is located within the existing roof with the front and rear dormers being the only visible work. The front dormer is proportioned in accordance with the accepted pattern for small dormers and is common throughout these suburbs.**
- Is the addition sited on any known, or potentially significant archaeological deposits? If so, have alternative positions for the additions been considered? **No. The proposed new works are located within the existing built footprint.**
- Are the additions sympathetic to the heritage item? In what way (e.g. form, proportions, design)? **The proposed addition will have a rear sloping eye lid rear dormer and small gable front dormer that will be a neutral addition to the original terrace.**

Partial Demolition:

- Is the demolition essential for the contributory item to function? **Not applicable. The streetscape and existing floor layouts are being retained.**
- Are important features of the item affected by the demolition (e.g. fireplaces in buildings)? **No. The proposed addition is located within the roof line.**

Streetscape Impact:

- Can your development be seen from the public domain? **Yes from Bradford Street and Bradford Lane.**
- Is it visually intrusive? **No.**
- Will the public and users of the item still be able to view and appreciate its significance? **Yes.**

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- How will the development impact upon views to and from the contributory item? **The proposed dormers will have minimal impact and will be visible from the street and rear lane.**

Heritage Items in the Vicinity–Impact Assessment

- There are no individual heritage items in this section of Bradford Street.
- Bradford Street streetscape: Part of The Valley Conservation Area within Balmain C27.
- The impact of the new addition will be negligible as the scale and form ensure that the new build consists of a front and rear dormers similar to the many existing dormers in the street. The proposed attic room is located within the roof space of the terrace.

Conclusion

No 45 Bradford Street is an existing terrace with 'contributory' significance and is part of a pair of terraces within a row of original detached and semi-detached terraces on the north side of Bradford Street.

The proposal for an attic addition results in improved amenity with minimal impact whilst complying with the Inner West Council LEP and development controls.

No 45 Bradford Street would be considered representative of the development the Valley Conservation Area of Balmain.

This proposal is recommended for approval as the design solution retains the streetscape while improving the amenity of the existing terrace and extending the useful function.

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References

1. Survey of Balmain, W. Meadows Brownrigg, Surveyor , 1861, State Library of NSW.
2. Sands Directories, LocalNotes, accessed 19 November 2023.
3. Aerial view, Google Earth, accessed May 2023.
4. Heritage Maps, Inner West Council Local Environment Plan, accessed May 2023.
5. Leichhardt Development Control Plan, Part C, accessed October 2023.