

# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	REV/2020/0014
<b>Address</b>	61 Louisa Road BIRCHGROVE NSW 2041
<b>Proposal</b>	S8.2 Review of Conditions 1a, 1b, 1e, of Development Application DA/2020/0116
<b>Date of Lodgement</b>	10 July 2020
<b>Applicant</b>	Andrew Vingilis c/o Corben Architects
<b>Owner</b>	Ms Prue R Murray Mr Christopher J Armstrong
<b>Number of Submissions</b>	TBA
<b>Value of works</b>	\$758,100.00
<b>Reason for determination at Planning Panel</b>	Section 8.2 review request with a recommendation which does not change the prior determination
<b>Main Issues</b>	Streetscape, heritage, parking location, safety, loss of public parking
<b>Recommendation</b>	Uphold previous determination
<b>Attachment A</b>	Draft condition
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Statement of Heritage Significance
<b>Attachment D</b>	Applicant's Cover Letter from Corben Architects



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

Note: Due to scale of map, not all objectors could be shown.

## 1. Executive Summary

This report is an assessment of the application submitted to Council for a S8.2 Review requesting deletion of Deferred Commencement Conditions 1a, 1b and 1e of Development Application DA/2020/0116 at 61 Louisa Road, Birchgrove.

At the time of writing, the public exhibition period of the application had not yet finished. However, the final date for determination of the review would lapse before the next Local Planning Panel and so this report has been prepared prior to the end of the public exhibition period. Any submissions received in response to the notification will be the subject of a supplementary report to the Panel.

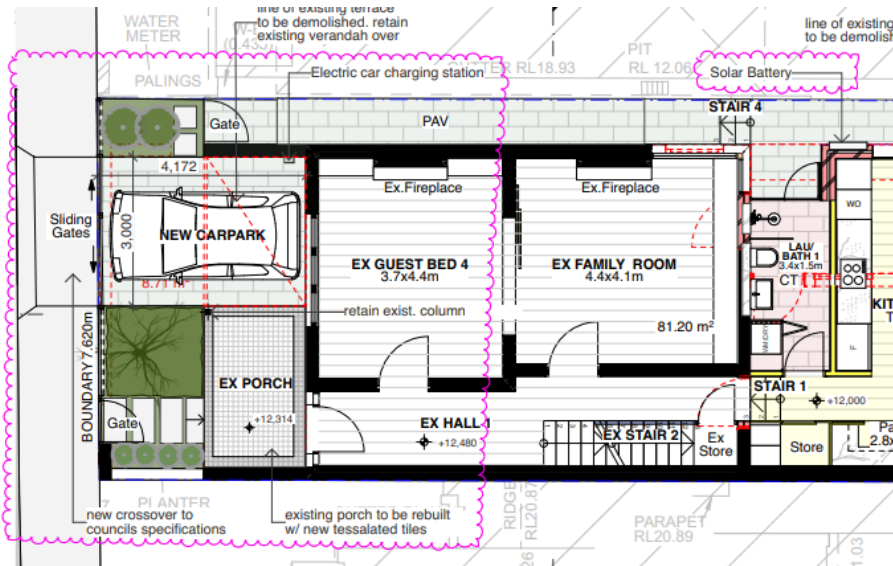
The main issues that have arisen from the application include:

- Inappropriate location of carparking forward of the building line, out of character with area and contrary to planning policy;
- Loss of built fabric and integrity of contributory dwelling in the Heritage Conservation Area;
- Loss of public/ on-street parking;
- Pedestrian and vehicle safety;
- Non-compliant parking space pursuant to relevant Australian Standard;
- Breach of Building Location Zone; and
- Overshadowing.

The above matters continue to be non-compliant and are of unresolved concern to Council. As such, the previous determination, which required deletion of the carparking and reduction in the rearward extent of the proposed first floor addition, is recommended to be upheld.

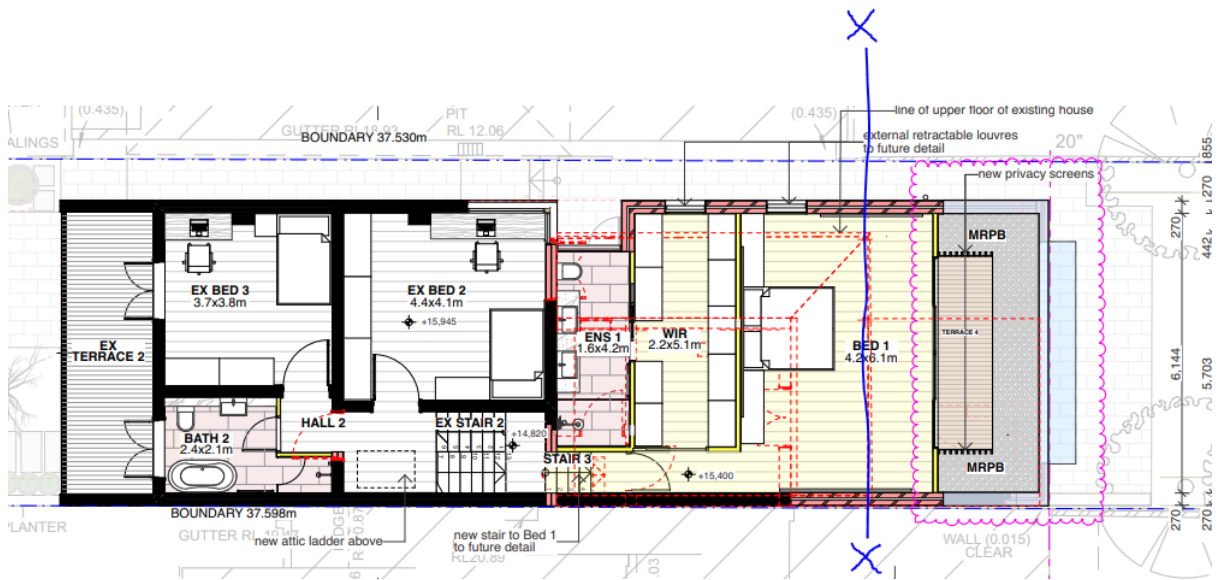
## 2. Proposal

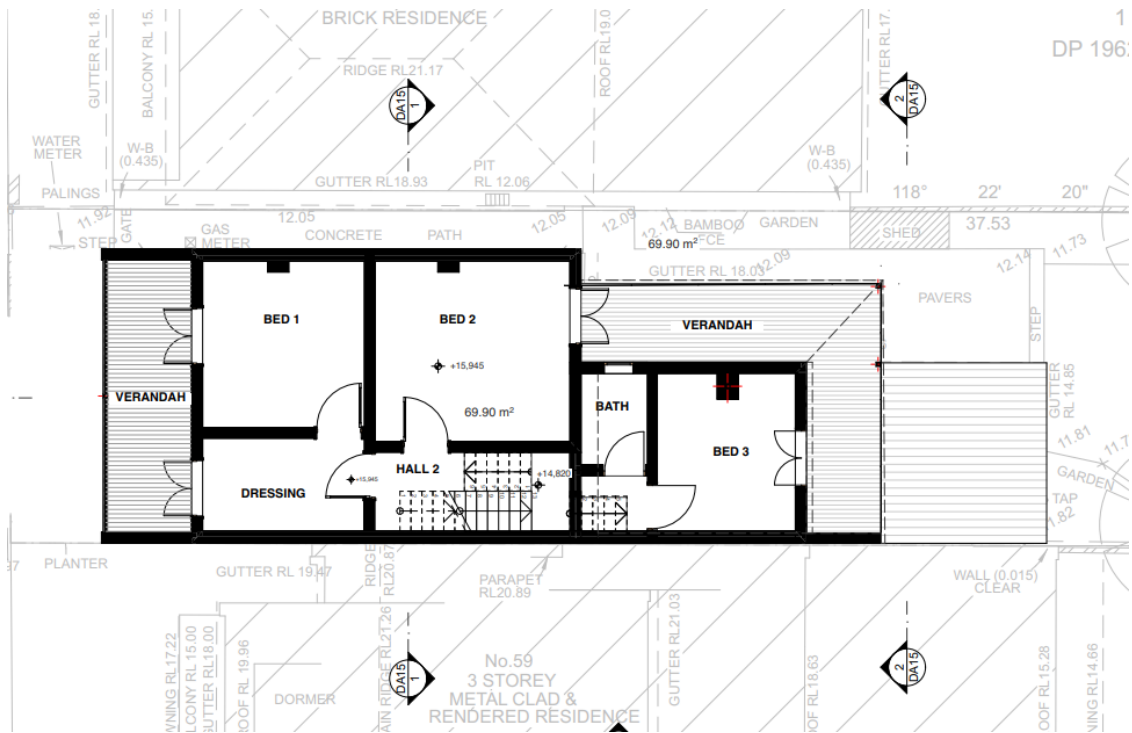
The proposal, as described by the applicant, is to review Deferred Commencement Condition 1 a), and b) taking into account the modifications made and existing precedents to the front and rear on neighbouring properties in Louisa Road, to delete two parts of condition 1. Firstly to allow for a small car space, fence, gates and electric charging point, and partial demolition of the verandah floor, to accommodate said car space.



The proposed parking space is intended to be located in the front garden of the property. It would be 4.172m in length and 3m in width. A 3m long section of the verandah floor would be demolished in order to accommodate the car space. The verandah above would be retained. The existing front brick wall would be replaced with a traditional style front fence and sliding gates.

The second part of the proposal is to ask for a reconsideration of Condition 1 e) which requires the first floor setback to be setback to ensure that its rear building alignment does not extend beyond the rear alignment of the existing verandah. The existing rear verandah alignment, which the current condition stipulates adherence to, is identified by the blue line/X below. (The existing first floor plan is also included for assistance):





### 3. Site Description

The subject site is located on the south-eastern side of Louisa Rd, backing onto Birchgrove Oval/Park. The site consists of one allotment identified as Lot 61 of DP 1107610 and is rectangular, having a width (and frontage to the street) of 7.62m with a total area of 286.2 sqm and is legally described as 61 Louisa Road, Birchgrove.

The site supports a two-storey traditional terrace style dwelling, albeit free-standing to one side. The adjoining properties generally support two storey terrace dwellings, some with attic rooms serviced by dormers. Opposite the site is a modern residential flat building which replaced a 1960's flat building some years ago. The subject dwelling is outlined in red in the street photo below.





The property is located within a conservation area and has been identified by Council's Heritage Officer as being contributory to the HCA.



Zoning Map - Pink – R1 Green – Open Space

## 4. Background

### 4(a) Site history

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

#### Subject Site

Application	Proposal	Decision & Date
DA/2020/0106	Alterations and additions to existing dwelling house, new swimming pool and car parking.	Approved (Deferred Commencement) 9 April 2020.
PREDA/2019/183	Alterations and additions to the existing dwelling-house, and associated works including new pool, car space and landscaping works.	Advice issued

#### Surrounding properties

Not applicable

### 4(b) Application history

None relevant.

## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 (and accordingly, a review under section 8.2) of the *Environmental Planning and Assessment Act 1979*.

The request for Review was lodged with Council on 10 July 2020, three months after the initial DA determination, and therefore, within the stipulated six months allowed for by the Regulations, and has been accompanied by payment of the correct fee.

### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

These following is an assessment of the proposal against these Environmental Planning Instruments.

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

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

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

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

A BASIX Certificate was submitted with the original application and remains relevant to the subject proposal.

*5(a)(iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

The dwelling and subject site are within a Foreshores and Waterways Area as identified in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed SEPP) and will be visible from the foreshores and waterways of Sydney Harbour.

The proposal is a substantial distance from the foreshores and waterways of Sydney Harbour and will have no adverse impacts on water quality, access to, or the scenic qualities of the catchment's natural environmental features.

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

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

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

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 5.10 - Heritage Conservation

(v) Clause 1.2 – Aims of Plan

Having regard to the two points of contention, namely the car space and the first floor alignment. Council officers remain of the opinion that the car space location and the first floor alignment are contrary to the following Aims of Leichhardt LEP 2013:

*(b) to minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment,*

*(c) to identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt,*

*(d) to promote a high standard of urban design in the public and private domains,*

*(e) to protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt,*

*(i) to provide for development that promotes road safety for all users, walkable neighbourhoods and accessibility, reduces car dependency and increases the use of active transport through walking, cycling and the use of public transport,*

*(l) to ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area,*

*(o) to prevent undesirable incremental change, including demolition, that reduces the heritage significance of places, conservation areas and heritage items,*

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

The site is zoned R1 under the *LLEP 2013*. The use is permissible within the zone with development consent.

The proposal complies with Floor Space Ratio, Landscaped Area and Site Coverage under the LEP.

Council officers remain concerned that the proposed car space and rear first floor alignment offend against the following objectives of the R1 Zone:

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*

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

(vii) Clause 5.10 – Heritage Conservation

Council's Heritage Officer has advised that the partial loss of the verandah floor and the intrusiveness of the front car space are contrary to the heritage Conservation requirements of the LEP.

### 5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

### 5(d) Development Control Plans

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

Specifically, the assessment pertains to those two components of the design which the applicant seeks to retain, namely, the provision of the car space, and the rear alignment of the first floor. The other parts of the original assessment remain unaltered. Accordingly, the following assessment is provided for the Panel's assistance.

<b>LDCP2013</b>	<b>Compliance</b>
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Underway
<b>Part C</b>	
C1.0 General Provisions	see discussion
C1.1 Site and Context Analysis	see discussion
C1.2 Demolition	see discussion
C1.3 Alterations and additions	see discussion
C1.4 Heritage Conservation Areas and Heritage Items	see discussion
C1.11 Parking	see discussion
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	see discussion
C3.2 Site Layout and Building Design	see discussion
C3.6 Fences	see discussion
C3.9 Solar Access	see discussion

The following provides discussion of the relevant issues:

#### **Parking**

The applicants have requested review of the requirement to delete the car space, and present the following reasons in support of that request:

*We request a review of these condition for the following reasons; - There are a large number of precedents of off-street parking along Louisa Road that do not comply with the Australian Standards for parking. –*

*There are limited parking spaces available in the vicinity of 61 Louisa Road and these are often taken by residences of the nearby apartments who already have access to off street parking. Often the owners are required to parking blocks away from their house and often have to double park in Louisa Road to unload their car. –*

*The proposed carpark has been modified to allow for a small vehicle to park perpendicular to the street. –*

*The owners wish to purchase a small electric car to be charged from a solar battery connected to photovoltaic roof panels. An off-street charging point is proposed for the front of the house. Note an electric car cannot be charged if parked on the street.*

## **Response**

Council's Engineer has advised as follows:

The proposed hard stand car space proposed at the front of the dwelling is not supported and is contrary to the objectives of Part C1.11 of LDCP 2013 for the following reasons:

- The parking space does not comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities, and will result in loss of on-street parking space;
- The proposed car space gives priority to the car and takes away from pedestrians, disabled people and others who use the footpath.
- The proposed car space located at the front of the dwelling is unsafe and not easily accessible.

The car space has insufficient length, at only 4.172m. At a minimum, a car space should be 5.4m in length, as well as having sufficient circulation space around it so that passengers and luggage can circulate/unload in safety. As is clear from the submitted plan, any person removing luggage or shopping etc from the boot of the car would of necessity have to stand in the footpath, or back into the footpath, putting them in conflict with other legitimate users eg younger cyclists, walkers. It is furthermore beyond Council's powers to ensure that all future vehicles utilising the space do not protrude over the footpath. There are other examples along Louisa Rd where exactly this impediment occurs, and these are unfortunate and the result of poor decision making under previous planning regimes, and should not be repeated (see photo below of footpath obstruction from poor parking design). It is not in the public interest to create further impediments to the safe and unobstructed use of public footpaths. Nor should a private development rely upon the public domain for its usability.





The proposed location would also result in the loss of at least one on street parking space. In other words, a public asset would effectively become a private asset. At present the kerbside space is available to anyone, including residents, visitors, tradespeople etc. It is also noted that due to the narrow width of Louisa Rd, there is no kerbside parking able to be provided on the other side of the street, therefore any loss of kerbside parking cannot be readily accommodated elsewhere.



Whilst the applicant's intention to pursue environmentally friendly car purchase is commendable, this does not in itself negate the detrimental impact on the public interest.

In terms of Council's heritage controls the proposed car space is also opposed. Council's Heritage officer has advised as follows:

*The car space should be deleted as it would involve the loss of the traditional appearance and character of the dwelling and would represent further incremental loss of heritage and streetscape character. The floor of the verandah can be repaired/ replaced with appropriate materials and pattern. The removal of the high intrusive front wall and replacement with a traditional picket style fence and pedestrian entry gate is supported.*

Council continues to recommend deletion of the car space.

### **First floor rear alignment**

The original DA report noted the following implications of the then proposed first floor setback, and required a reduction in order to mitigate these impacts, as follows:

*The proposed development is considered to have an unreasonable solar access impact on the solar panels of No. 59 Louisa Road. A deferred commencement condition will be included reducing the extent of the first floor rear BLZ and associated balcony. The proposal as conditioned will have acceptable privacy and overshadowing implications and limited view loss implications.*

The applicant has submitted the following arguments in support of their request:

*We request a review of the requirement to cut back the rear upper floor to match the line of the existing balcony. We wish to retain the alignment as proposed in the DA. As demonstrated on drawing DA34 our proposal is compatible with Councils BLZ controls and with the existing and potential rear building alignments with the majority of houses along Louisa Road. –*

*As demonstrated on DA34 63 Louisa Road has scope to extend its rear building line beyond the rear building line of 61 Louisa Road. It should be noted that 63 Louisa Road is underdeveloped, and the current owners are elderly. It is reasonable to interpret the provisions in such a way to support and approve the location of this room as proposed. The property will be developed in accordance with Councils controls in the future.*

*And as demonstrated on DA34 our proposed building line does not extend beyond the building line of the more recent houses in Louisa Road (Nos. 41 to 55). - The proposed FSR is well below the permissible FSR allowed for the site.*

### **Response:**

The applicant's arguments are silent with regard to the question of overshadowing of the neighbouring solar panels. These panels are not shown on the survey however are visible in the aerial below.

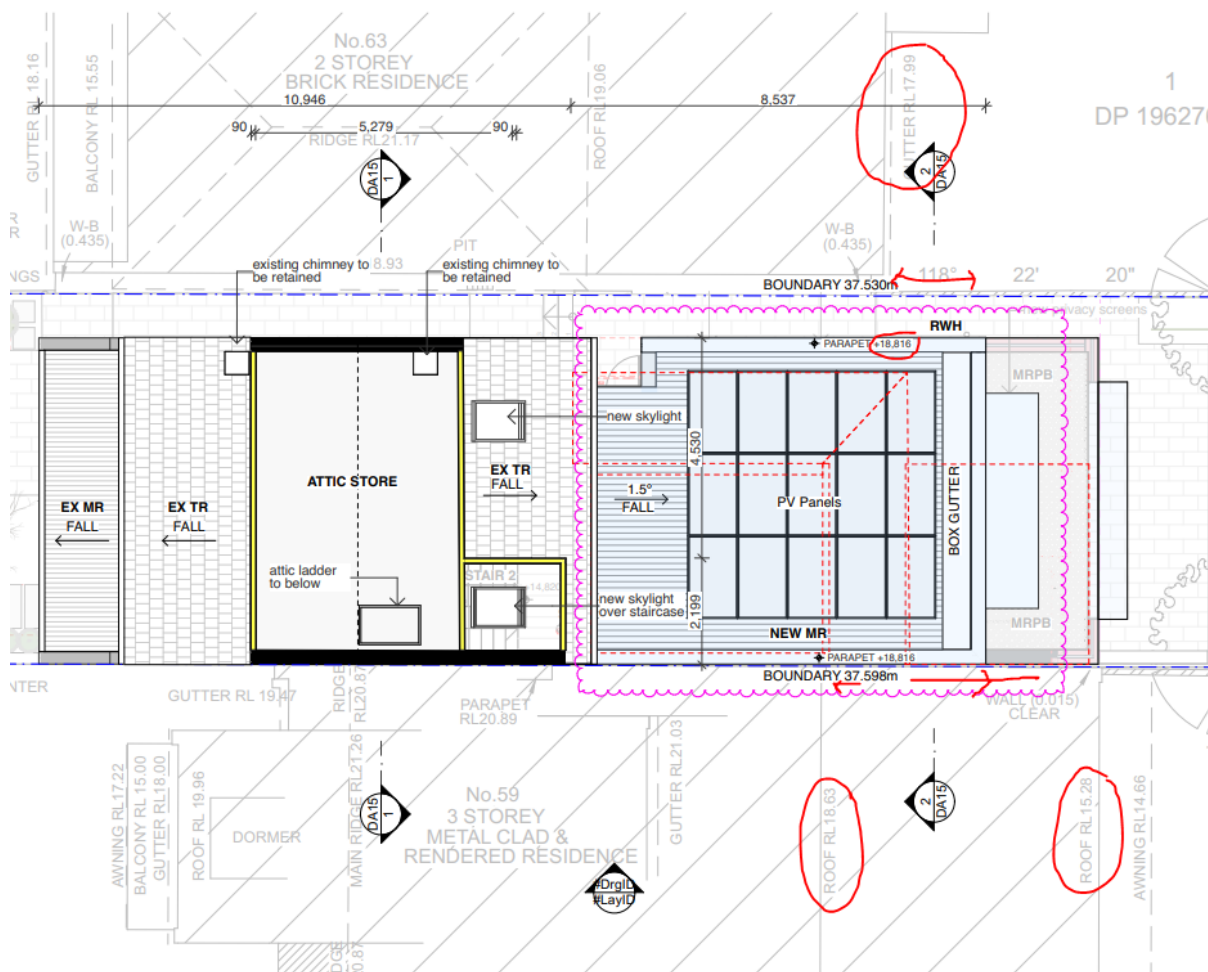


The Statement of Environment Effects lodged with the original application acknowledges the panels will be overshadowed. The Assessment report for the initial application made the following findings:

Shadow diagrams were submitted with the application, which indicate that the proposal will result in additional shadows as follows:

- 9am – Additional shadows are cast to the main dwelling roof at No. 59. Private open space is unaffected.
- 10am – Additional shadows are cast to the main dwelling roof and solar collectors at No. 59. Private open space is unaffected.
- 11am - Additional shadows are cast to the main dwelling roof and solar collectors at No. 59. Minor overshadowing to private open space.
- 12pm – Additional shadows are cast to the main dwelling roof and solar collectors at No. 59. Minor overshadowing to private open space.
- 1pm – Additional shadows are cast to the main dwelling roof and solar collectors at No. 59. Overshadowing to private open space.
- 2pm – Additional shadows cast to private open space of No. 59.
- 3pm – No Change.

With regard to the Building Location Zone, the proposed first floor would breach that control when measured against both neighbours. See following for relative RL's to each roof.



The argument that the development is consistent with other BLZ further down the street is noted, however this is not the test imposed by the DCP. The argument that the neighbouring dwelling at No 63 is under-developed, and likely to extend further to the rear at a future date is also noted, however anticipating that possibility requires omission of the current and indisputable impacts and non-compliance.

Council also notes that reducing the floor plan of the rear master bedroom will still permit an ample and generously sized bedroom, ensuite and walk in robe. The proposed master bedroom area as submitted is approximately 8.278m by 6.144m, or ~50sqm . The reduction as conditioned is approximately 1.4m by 6.144m, or 8.6sqm. Compliance with the condition would mitigate impacts on the neighbour whilst still permitting a master suite of around 41sqm.

In light of the above, upon review it is apparent that the design is inconsistent with, or has not demonstrated compliance with the following provisions and objectives of the Leichhardt Development Control Plan 2013:

- C1.0 General Provisions
- C1.3 Alterations and additions
- C1.4 Heritage Conservation Areas and Heritage Items
- C1.11 Parking
- C3.2 Site Layout and Building Design
- C3.9 Solar Access

### 5(e) The Likely Impacts

The assessment of the Application demonstrates that the design will have an adverse impact on the locality with regard to streetscape, heritage protection, loss of publicly available parking, and overshadowing to the neighbouring property.

### 5(f) The suitability of the site for the development

The application does not demonstrate that the impacts of the development can be contained without affecting adjoining properties and the public domain, and therefore it is considered that the site is unsuitable to accommodate the proposed review request.

### 5(g) Any submissions

As set out above, if any submissions are received in response to the notification of the review application, they will be addressed in a supplementary report to the Panel.

By way of assistance, the original application attracted three submissions in opposition, raising the following matters:

- Loss of street parking
- Privacy
- Overshadowing
- Amenity impacts

These matters were addressed in the original assessment report and dealt with as necessary to mitigate impacts via conditions of consent.

### 5(h) The Public Interest

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

The proposal is contrary to the public interest.

## 6 Referrals

### 6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed above, with reference to Engineer comments and heritage.

### 6(b) External

Nil required



## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

## 8. Conclusion

The development would result in unacceptable impacts on the amenity of the adjoining premises/properties and the streetscape, and the loss of publicly available parking, for private use and is not considered to be in the public interest.

Consequently, the original determination is recommended.

## 9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, upholds the original decision on review under section 8.2 of the *Environmental Planning and Assessment Act 1979* and refuses the request to delete Conditions 1a, 1b and 1e of Development Application DA/2020/0116 at 61 Louisa Road, Birchgrove, for the following reasons:
1. The proposal is contrary to the Aims of the Plan contained within Leichhardt LEP 2013, with specific reference to
    - *minimising land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment,*
    - *identifying, protecting, conserving and enhancing the environmental and cultural heritage of Leichhardt,*
    - *promoting a high standard of urban design in the public and private domains,*
    - *protecting and enhancing the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt,*
    - *providing for development that promotes road safety for all users, walkable neighbourhoods and accessibility, reduces car dependency and increases the use of active transport through walking, cycling and the use of public transport,*
    - *ensuring that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area, (and)*
    - *preventing undesirable incremental change, including demolition, that reduces the heritage significance of places, conservation areas and heritage items,*
  2. The proposal is contrary to the following provisions of Leichhardt Development Control Plan 2013:
    - C1.0 General Provisions
    - C1.3 Alterations and additions
    - C1.4 Heritage Conservation Areas and Heritage Items
    - C1.11 Parking
    - C3.2 Site Layout and Building Design
    - C3.9 Solar Access



3. The proposed car space does not meet the requirements of Australian Standard AS/NZS2890.1-2004 Parking Facilities
- B. That the determination of the original Development Application DA/2020/0106 be upheld.

## Attachment A – Draft Condition

### Ad-Hoc Deferred Commencement Condition 1

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

- a. delete the proposed car park in front setback;
- b. the front verandah, central ground floor verandah post and tessellated tiles must be retained;
- c. delete the highest skylight proposed on the main rear roof plane on the eastern elevation, over bedroom 2;
- d. the Materials & Finishes Schedule must be revised so the proposed Colorbond metal deck roofing is finished in a colour equivalent to Colorbond colours “Windspray” or “Wallaby”
- e. the first floor is to be setback to ensure that its rear building alignment does not extend beyond the rear alignment of the existing verandah. The first floor rear bedroom, walk-in-wardrobe and ensuite may be reconfigured as necessary to accommodate this design change; and
- f. the first floor balcony shall be reduced in size to ensure that its depth does not exceed 1.2 metres; and
- g. the erection of a privacy screen on the south western and north eastern sides of the balcony having a minimum block out density of 75% and a height of 1.6 metres above the finished floor level of the balcony.

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.





12pm Proposed June 21



12pm Proposed June 21



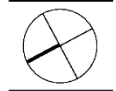
12pm Existing June 21



12pm Existing June 21



<b>C O R B E M</b> ARCHITECTS P O BOX 1047 MARRICKVILLE NSW 2208 P O BOX 1544 RUSSELLSBAY NSW 1586 info@corbem.com.au www.corbem.com.au	<b>project</b> Alterations & Additions to Existing House	<b>job no.</b> drawn AV checked AV scale NTS Development Application	ARMB AV AV NTS 20/21	dwg no. DA19 revision B
	<b>address</b> 61 Leslies Road, Erindrove NSW	<b>client</b> Prue & Chris Armstrong	<b>title</b> <b>issue</b>	Shadow Diagrams 12pm 21 June



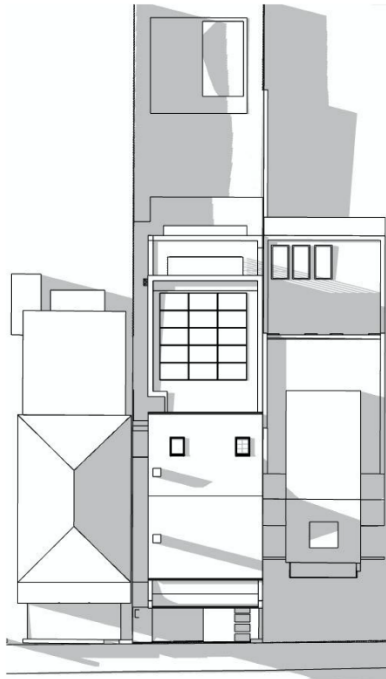
**revisions**

no.	description
A	24/7/20 DA ISSUE
B	20/02/20 SECTION 3.2 REVIEW ISSUE

**notes**

no.	description
1	Use digital photographs to capture existing building for reference in development.
2	Do not use this drawing for any other purpose without the consent of the architect.
3	This drawing is for information purposes only and does not constitute a contract.
4	Any work undertaken in accordance with this drawing is to be done in accordance with the relevant building code of practice.
5	Copyright reserved by the architect.

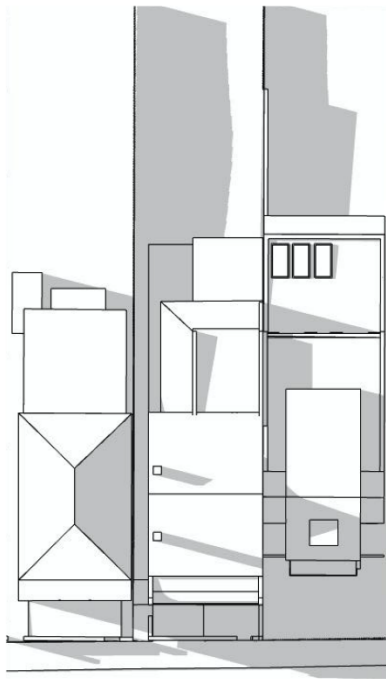
Rev: 20/02/20 20:08:55, 44x66, 5.24m per scale 1:100, 20/02/20 20:08:55



9am Proposed June 21



9am Proposed June 21



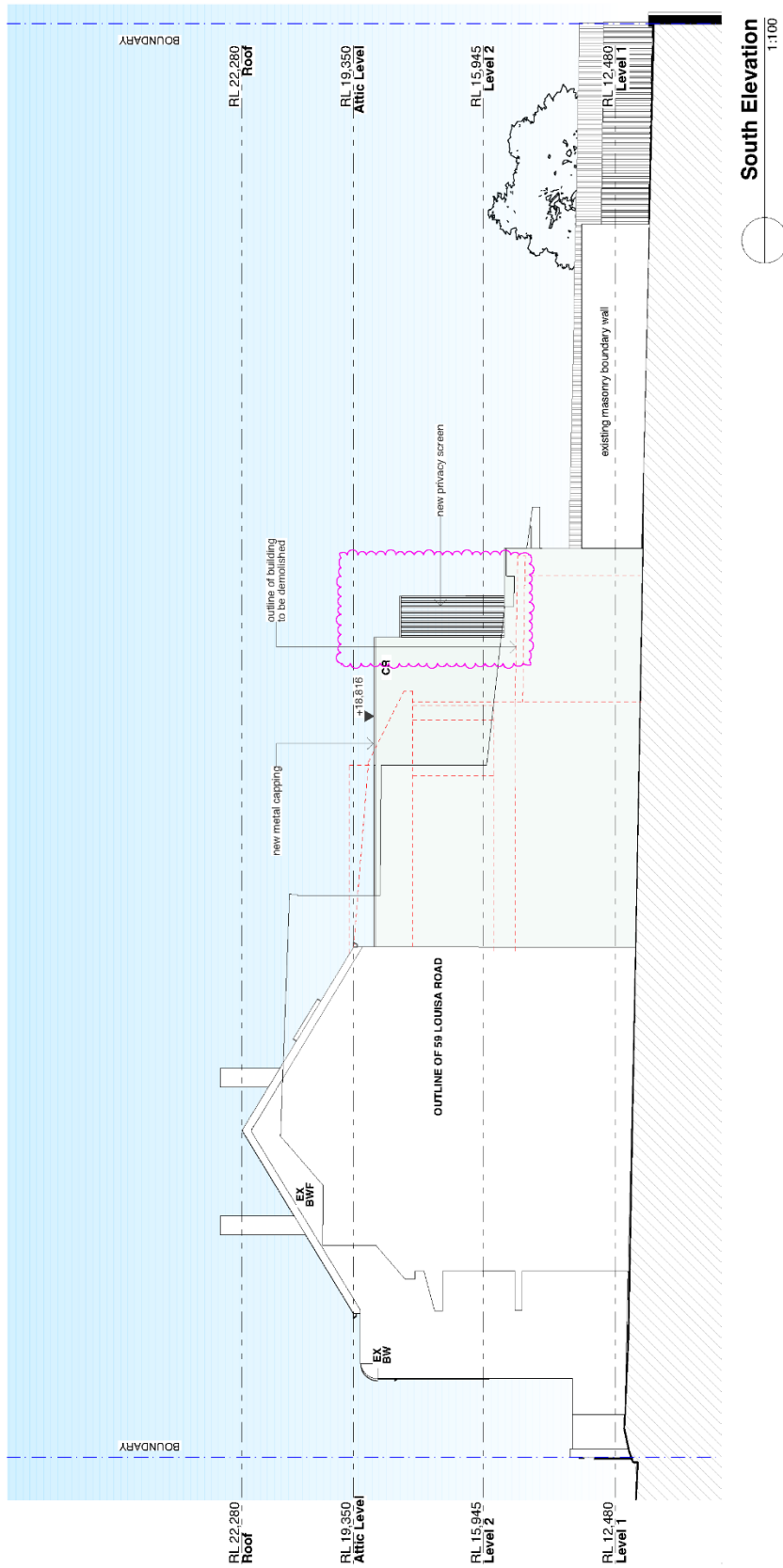
9am Existing June 21



9am Existing June 21

<p><b>C O R B E N</b> ARCHITECTS PO Box 12321, Neutral Bay NSW 2235 P 02 9551 1842 www.corben.com.au</p>	<p><b>project</b> Alterations &amp; Additions to Existing House</p>	<p><b>job no.</b> APMB drawn AV checked AV scale NTS @A3</p>	<p><b>dwg no.</b> DA16 revision AV B</p>	
	<p><b>address</b> 61 Louisa Road Birchgrove NSW</p>	<p><b>client</b> Prue &amp; Chris Armstrong</p>	<p><b>Development Application</b></p>	<p><b>title</b></p>
	<p><b>issue</b></p>	<p><b>Development Application</b></p>	<p><b>June</b></p>	<p><b>Shadow Diagrams</b></p>
	<p><b>notes</b></p>	<p><b>Scale</b></p>	<p><b>Scale</b></p>	<p><b>Scale</b></p>

<p><b>revisions</b></p> <table border="1"> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> <tr> <td>A</td> <td>20/1/2012</td> <td>LNA, NADP</td> </tr> <tr> <td>B</td> <td>20/1/2012</td> <td>SECTION 2.2 REV/VIEW/ISSUE</td> </tr> </table>	No.	Description	Date	A	20/1/2012	LNA, NADP	B	20/1/2012	SECTION 2.2 REV/VIEW/ISSUE	<p><b>notes</b></p> <p>1. All drawings are prepared in accordance with the current Australian Standards for architectural drawings.</p> <p>2. All drawings are prepared in accordance with the current Australian Standards for architectural drawings.</p> <p>3. All drawings are prepared in accordance with the current Australian Standards for architectural drawings.</p> <p>4. All drawings are prepared in accordance with the current Australian Standards for architectural drawings.</p> <p>5. All drawings are prepared in accordance with the current Australian Standards for architectural drawings.</p> <p>6. All drawings are prepared in accordance with the current Australian Standards for architectural drawings.</p> <p>7. All drawings are prepared in accordance with the current Australian Standards for architectural drawings.</p> <p>8. All drawings are prepared in accordance with the current Australian Standards for architectural drawings.</p> <p>9. All drawings are prepared in accordance with the current Australian Standards for architectural drawings.</p> <p>10. All drawings are prepared in accordance with the current Australian Standards for architectural drawings.</p>
No.	Description	Date								
A	20/1/2012	LNA, NADP								
B	20/1/2012	SECTION 2.2 REV/VIEW/ISSUE								



job no.	ARMB	dwg no.	DA11
drawn	AV	revision	AV
checked	AV	scale	1:100
		@/AS	B

South Elevation  
Development Application

project Alterations & Additions to Existing House  
address 61 Louisa Road Birchgrove NSW  
client Prue & Chris Armstrong

**C O R B E N** ARCHITECTS  
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notes

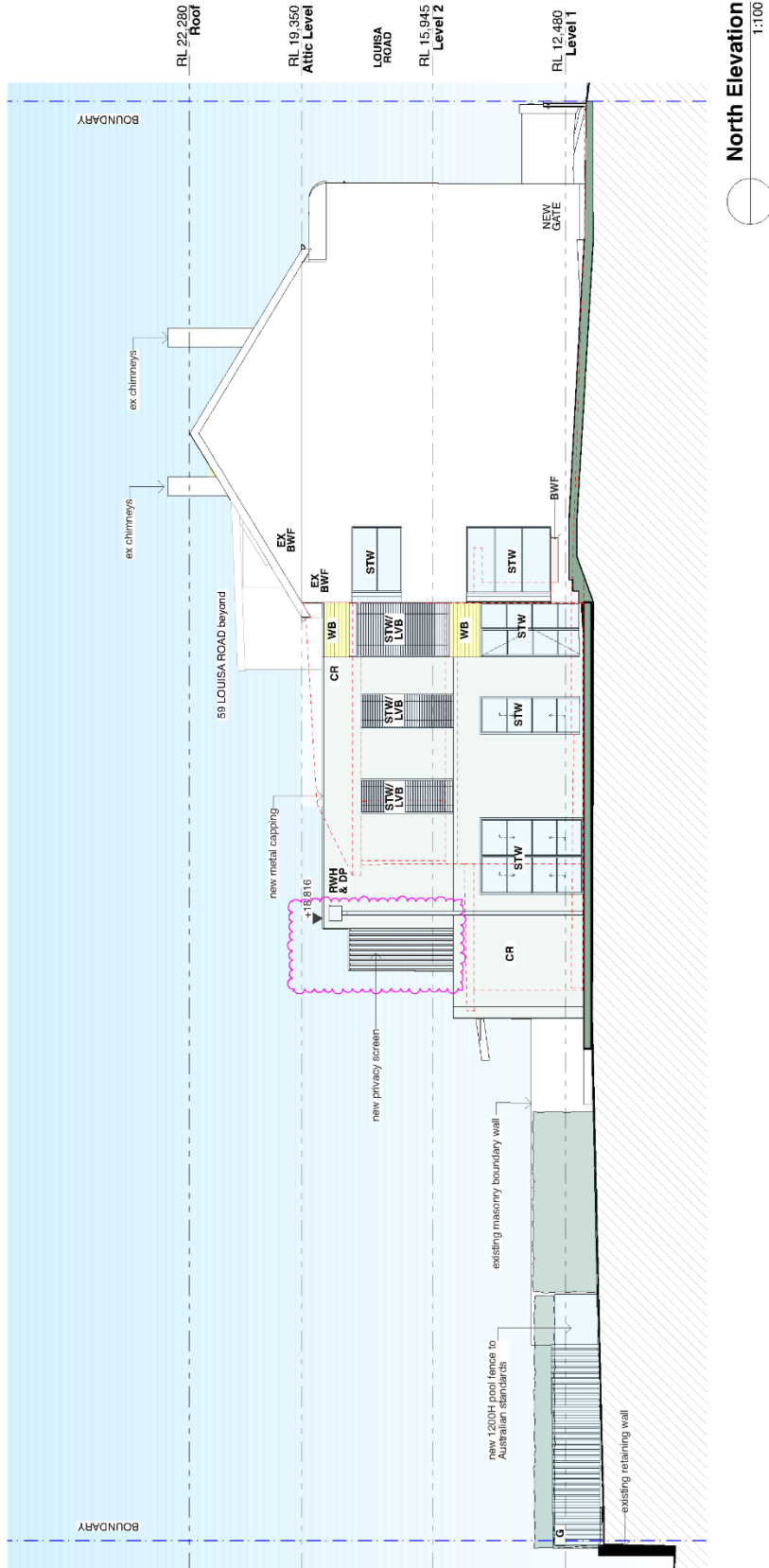
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drawn	AV	revision	AV
checked	AV	scale	1:100 @/AS
North Elevation		Development Application	

project	Alterations & Additions to Existing House	title	
address	61 Louisa Road Birchgrove NSW	client	Prue & Chris Armstrong
issue		issue	

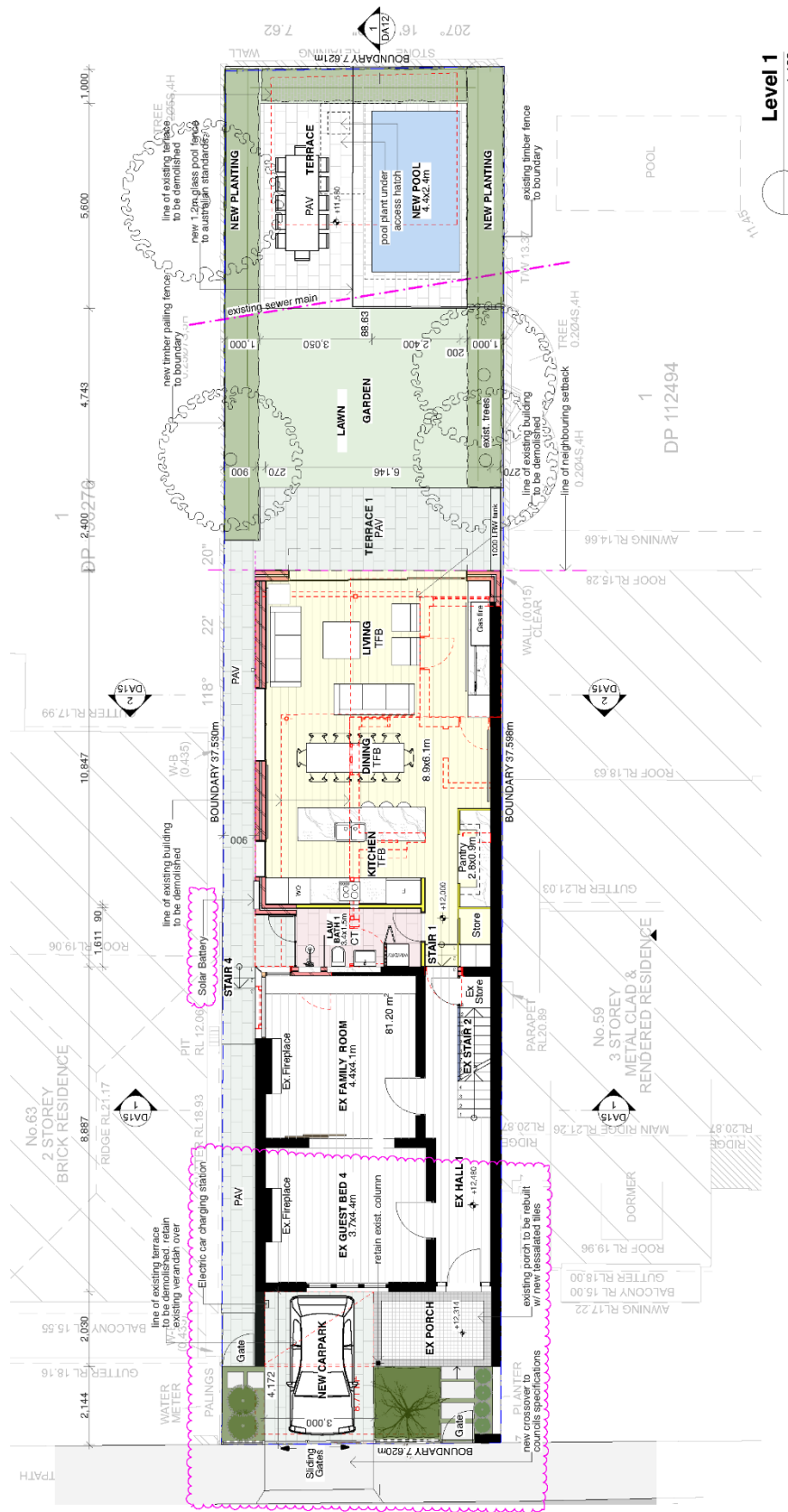
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Development Application		scale	1:100 @/AS
Issue		revision	B

**project** Alterations & Additions to Existing House  
**address** 61 Louisa Road, Birchgrove NSW  
**client** Prue & Chris Armstrong

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revisions	description	date
A.	24/02/20 DA 0002	
B.	20/02/20 SECTION 2.2 REVIEW ISSUES	

**notes**

1. All dimensions are in millimetres unless otherwise stated.  
 2. The site is shown as per the attached site plan and is to be used in accordance with the local council's planning controls.  
 3. The site is shown as per the attached site plan and is to be used in accordance with the local council's planning controls.  
 4. The site is shown as per the attached site plan and is to be used in accordance with the local council's planning controls.  
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 9. The site is shown as per the attached site plan and is to be used in accordance with the local council's planning controls.  
 10. The site is shown as per the attached site plan and is to be used in accordance with the local council's planning controls.



Attachment C- Statement of Heritage Significance

# HERITAGE IMPACT STATEMENT



No. 61 Louisa Road, Birchgrove

January 2020 | J3842

**Weir  
Phillips**  
Heritage  
and Planning

Level 19, 100 William Street, Woolloomooloo NSW 2011  
Phone: (02) 8076 5317

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## 1 INTRODUCTION

### 1.1 Preamble

This Heritage Impact Statement (HIS) has been prepared in conjunction with a Development Application for alterations and additions to an existing dwelling at No. 61 Louisa Road, Birchgrove, New South Wales.

The site is located within the Inner West Council Local Government Area (formerly Ashfield, Leichhardt and Marrickville Councils). The principal planning control for the site is the *Leichhardt Local Environmental Plan 2013 (LEP 2013)*. The site is not listed as a heritage item by Schedule 5 Part 1 of the *LEP 2013*. The site is, however, located within the Birchgrove and Ballast Point Heritage Conservation Area as identified by Part 2 of this Schedule. Under Part 5.10 of the *LEP 2013*:

**(4) Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**(5) Heritage assessment**

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The appropriate heritage management document in this instance is a Heritage Impact Statement (HIS).

This statement has been prepared at the request of the owners of the site and accompanies plans prepared by Corben Architects.

### 1.2 Authorship

This statement has been prepared by Anna McLaurin, B.Envs (Arch), M.Herit.Cons., and James Phillips, B.Sc.(Arch), B.Arch, M.Herit.Cons.(Hons), of Weir Phillips Heritage.

### 1.3 Methodology

This HIS has been prepared with reference to the NSW Heritage Division publication *Statements of Heritage Impact* (2002 update) and with reference to the Council planning documents listed under Section 1.6 below.

### 1.4 Physical Evidence

An inspection of the property and the surrounding streetscape took place in September 2019. The photographs contained within this report were taken at this time. There have been no major changes in the streetscape since this time.

---

**1.5 Documentary Evidence****1.5.1 General References**

- Jeffery, Pamela (1986) *The Suburbanisation of the "Birch Grove" Estate*. Leichhardt Historical Journal No. 15
- Lawrence, Joan and White, White, *Balmain to Glebe: The Leichhardt Municipality*, NSW, Atrand Pty Ltd, 1995.
- McDonald McPhee Pty Ltd, Craig Burton and Wendy Thorpe, *Leichhardt Municipality Heritage Study*. Heritage study prepared for Leichhardt Council, 1990.
- Pike, Douglas (gen. ed.), *The Australian Dictionary of Biography: 1788-1850: A-H*, Melbourne, Melbourne University Press, 1968.
- Reynolds, Peter, and Flottmann, Paul, *Half a Thousand Acres: Balmain, a history of the land grant*, NSW, Balmain Association, 1976.
- Solling, Max and Reynolds, *Leichhardt: On the Margins of the City: a social history of Leichhardt and the former municipalities of Annandale, Balmain and Glebe*, NSW, Allen & Unwin, 1997.
- South, Stephen W. (comp.), *The Birchgrove Subdivision: A Search Plan*, Balmain, Balmain Association Inc., 1996.
- Spearritt, Peter, *Sydney Since the Twenties*, Sydney, Hale and Iremonger, 1978.

**1.5.2 Heritage Listing Sheets**

- *Birchgrove and Ballast Point Heritage Conservation Area*, Birchgrove. State Heritage Inventory Database No.: 5063206.
- *Birchgrove Park*, Birchgrove. State Heritage Inventory Database No.: 1940578.
- *Remnants of Birchgrove House. No 65-67 Louisa Road, Birchgrove*. State Heritage Inventory Database No.: 1940565
- *The Anchorage*, 44 Louisa Road, Birchgrove. State Heritage Inventory Database No.: 1940564.

**1.5.3 Planning Documents**

- *Leichhardt Development Control Plan 2013*.
- *Leichhardt Local Environmental Plan 2013*.

1.6 Site Location

No. 61 Louisa Road, Birchgrove is located on the southern side of the road towards its eastern end (Figure 1). The site is identified as Lot 2 of DP 579427.



Figure 1: The location of the subject site. SIX Maps.

2 HISTORICAL DEVELOPMENT

Present-day Leichhardt Municipality lies in the traditional lands of the Wangal and Cadigal people of the Dharug speaking language group.

From January 1793, successive governors granted land outside the township boundaries of Sydney in order to open up the Colony to settlement and augment food supplies. Subject property stands on a grant of 30 acres made to George Whitfield, a private in the New South Wales Corps, on 15 September 1796. In fulfilment of the terms of his grant, Whitfield is said to have established an orange grove on this grant. The sandstone of the Balmain peninsula, however, offered little assistance to would-be agriculturists and the peninsula remained sparsely populated into the 1830s.

A succession of owners and tenants followed when the land was sold to the paymaster of the Governor Macquarie’s newly arrived 73<sup>rd</sup> Highland Regiment, Lieutenant John Birch (1774-1821). Birch subsequently constructed the first house on the Balmain peninsula, a classical Georgian building of local sandstone, known as *Birchgrove* or *Birchgrove House* (1810).<sup>1</sup> This building was located at the site now occupied by Nos. 65-67 Louisa Road.

<sup>1</sup> Joan Lawrence and Catherine White, *Balmain to Glebe: The Leichhardt Municipality*, NSW, Atrand Pty Ltd, 1995, p.60. For biographical details see D. Pike (ed.), *The Australian Dictionary of Biography: 1788-1850: A-H*, Melbourne, Melbourne University Press, 1968, p. 104.

---

By the 1830s the Balmain peninsula was no longer as isolated as it had been. Between 1839 and 1844, a number of substantial villas and more simple cottages were built on land formerly part of Balmain's grant. The first planned thoroughfares on the peninsula (Darling, Nicholson and Johnston Streets) were also laid out during this era. Maritime industries were established in the area as boat builders and shipwrights discovered the deep inshore waters of the bay. A regular ferry service began in 1844 and shops and trades began to offer their services.

In 1854 the new owner of *Birchgrove* was the noted Sydney merchant and realtor, Didier Numa Joubert (1816-1881).<sup>2</sup> Joubert purchased the estate at the beginning of a period of great growth. With the dramatic increases in population brought about by free migration, the end of the system of land grants (1831) and the growth of free market forces, Sydney was no longer a penal colony struggling for survival, but a thriving township with a secure future. Land within reach of Sydney increased dramatically in value, as reflected by the £6,000 Joubert paid for *Birchgrove*.<sup>3</sup>

In 1860, six years after his acquisition of *Birchgrove*, Joubert commissioned the surveyor John Brownrigg to subdivide the estate into ten sections, providing both villa and small town allotments. A mortgage was registered against the estate in this year.<sup>4</sup> The new streets created by the subdivision were named for members of the Joubert family. Louisa Road, for example, was named for his wife and nearby Numa Road for his son. *Birchgrove House* retained a large allotment and remained until 1967, when it was demolished.<sup>5</sup> The subject site was originally located on the Birchgrove House Estate. Figure 2 below shows Birchgrove in c.1887 with Birchgrove House still extant to the left of the image. The approximate location of the dwelling is indicated by the red arrow.

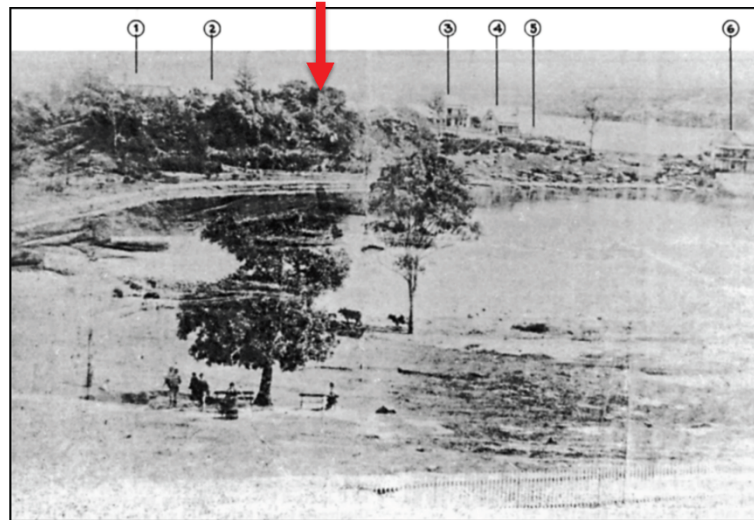
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<sup>2</sup> Conveyance Vol. 597/Book 35. NSW Land Titles Office.

<sup>3</sup> *Ibid.*

<sup>4</sup> Information obtained from New South Wales Land Titles Office. Mortgage 643, Book 70.

<sup>5</sup> Joan Lawrence and Catherine White, *op cit.*, 1995, pp.61-2.



**Figure 2: Birchgrove in c.1887 with Birchgrove House still extant to the left of the image. The approximate location of the dwelling is indicated by the red arrow.**

Pamela Jeffery (1986) *The Suburbanisation of the "Birch Grove" Estate*. Leichhardt Historical Journal No. 15. P.29

Although Balmain developed rapidly during the middle decades of the nineteenth century, the 1860 subdivision of the *Birchgrove Estate* was not a success; only eleven allotments were sold before 1866.

The unsold allotments, including the subject property, was eventually acquired by a syndicate comprising Archibald McLean, Thomas McGregor, merchants of Sydney, and Lancelot Edward Threlkeld, an auctioneer, on 26 July, 1878 for £6,250.<sup>6</sup> These gentlemen must have had every expectation for success given the rate at which Sydney was expanding. Balmain underwent its most intensive phase of building between 1871 and 1881.<sup>7</sup> Of Balmain it was said that:

‘Some idea of the suburban progress will be gained by the remembrance that only a quarter of a century has elapsed since nearly all Balmain was clothed with primitive forest.’<sup>8</sup>

The noted Sydney surveyor Ferdinand Reuss Jnr was engaged to prepare a new plan of subdivision. The 1911 Birchgrove House Subdivision. In October 1900 Adams conveyed Birchgrove House on lot 8 with the unsold lots 6 and 7 to Mary Evangeline Scott, the wife of H my Albert Scott, a Balmain draper. Bennetts continued to be the tenant until 1901. Early in 1911 Mary Scott subdivided the Birchgrove House garden and the unsold land into four narrow lots (see Diagram VI). The subject site was located on Lot B which was purchased by Isabella Moore, whose husband John was a Balmain

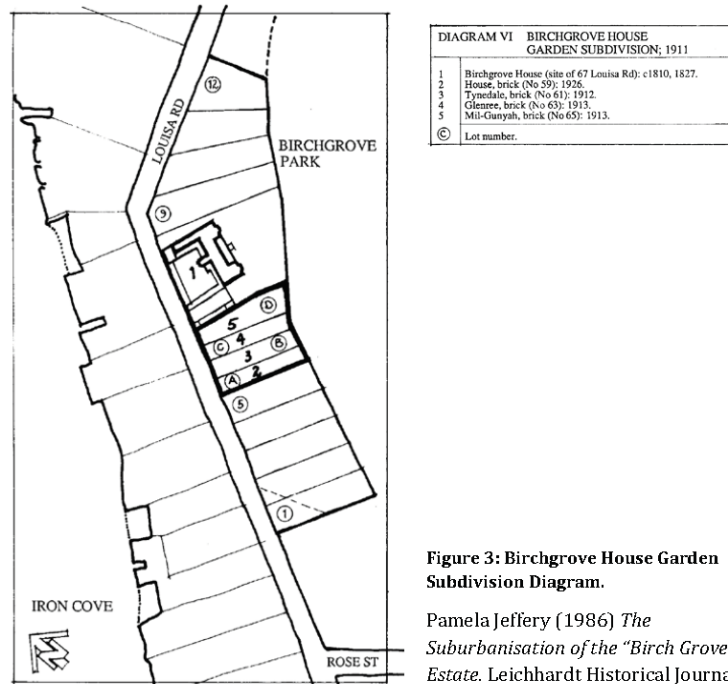
<sup>6</sup> Book 182. No. 577. NSW LPI Old System Records.

<sup>7</sup> Max Solling and Peter Reynolds, *op.cit.*, 1997, p. 85.

<sup>8</sup> *Illustrated Guide to Sydney*, 1882, cited in McDonald McPhee Pty Ltd, Craig Burton and Wendy Thorpe, *op.cit.*, 1990, p. 41.



engineer, in May 1911 and built Tynedale, a two- storey brick house (61 Louisa Rd), in 1912. Tynedale, in form, belongs to the Victorian period but has distinctive Federation details. John Moore lived there into the 1930s.<sup>9</sup>



**Figure 3: Birchgrove House Garden Subdivision Diagram.**

Pamela Jeffery (1986) *The Suburbanisation of the "Birch Grove" Estate*. Leichhardt Historical Journal No. 15. P.29

The land along Long Nose Point with its water frontages attracted two contrasting uses in the late Nineteenth Century with waterfront villas and industrial buildings existing side by side in Louisa Road. A number of boatbuilders were located in the street as well as a galvanised iron workshop, a Cobalt refining works, and former stone quarries. Many of the residential occupants along Louisa Road were engaged in trades related to the maritime industries and included shipwrights, engineers, a boilermaker and master mariner.

By the 1930s Balmain was undergoing considerable social and industrial disruption. Although unemployment had always been a problem in Balmain, the effects of the Great Depression of the 1930s were devastating. In 1933, for example, around 38% of the Balmain work force was unemployed. The high percentage of unskilled labour in the suburb meant that unemployment remained high until the commencement of World War II (1939).

<sup>9</sup> Pamela Jeffery (1986) *The Suburbanisation of the "Birch Grove" Estate*. Leichhardt Historical Journal No. 15. P. 29

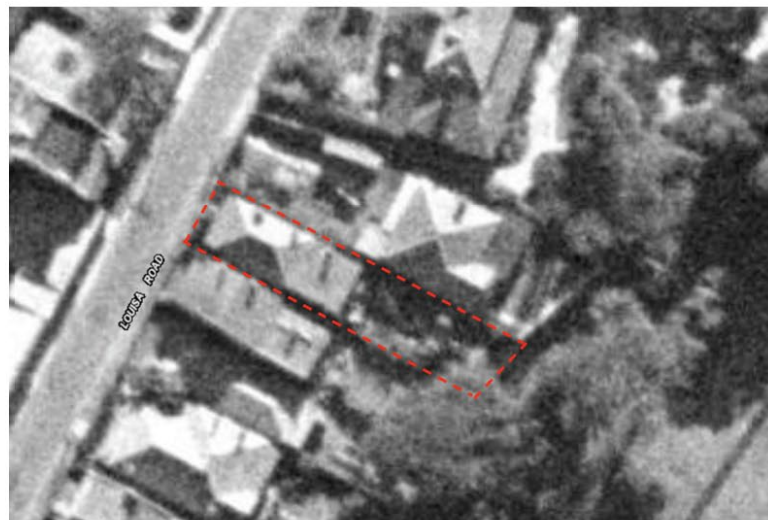


Figure 4: The site in 1943

3 SITE ASSESSMENT

3.1 The Site

For the following, refer to Figure 5 an aerial photograph over the site, and to the survey that accompanies this application.



Figure 5: An aerial photograph showing the subject site and its surrounds.

SIX Maps.

---

The site is located on the eastern side of Louisa Road. The site is approximately rectangular irregular in shape with a western (Louisa Road) boundary of 7.62m. The site area is 286.2 sq. metres. The site falls steeply to the park to the east.

The building, described below is located towards the front of the site providing for a larger terraced rear yard. The building is located on the western boundary. There is an approximately 2m setback from the western (Louisa Road) boundary.

The street level side boundaries are defined by masonry walls. To the rear yard the side boundaries are defined by hedges. The rear yard is characterised by lawn and low plantings with a mature gum tree located near the eastern boundary.

### **3.2 The Building**

#### **3.2.1 Exterior**

The building on the site is a freestanding two storey late Victorian era terrace constructed of red face brick with a terracotta tile roof. A face brick chimney rises above the roof.

A narrow two storey verandah runs across the front elevation. This verandah has a corrugated iron roof set beneath the gutter line of the main roof. The verandah is supported by extensions to the simply decorated north and south party walls. Additional decorative elements to the first floor verandah include the cast iron verandah balustrade and frieze.

The ground floor of the verandah is paved with encaustic tiles and has blind arches set into the north and south fin walls.

The openings in the front elevation are arranged asymmetrically. The front door is a glass and timber four panel door with square top light and rectangular side-lights. The ground floor windows are a pair of timber sliding sash windows with timber shutters. Over each window is a centrally located decorative plaster panel. At first floor level, two timber framed glazed French doors with top lights open onto the verandah. See Figures Figure 6 and Figure 7.



**Figure 6: The front (western) elevation of No. 61 Louisa Road, Birchgrove.**



**Figure 7: The front verandah with encaustic tile flooring.**

The rear elevation has a partially enclosed timber wrap around balcony with iron Filigree detailing. The balcony is supported by cast iron posts. The rear wing is constructed from face brick with four panel timber doors.

The western and eastern elevations lie on or close to their respective boundaries. Where not concealed the western and eastern elevations of the building, there are no window openings. Figure 8 to Figure 11 illustrates the rear of the dwelling.





Figure 8: The eastern elevation with timber wrap around balcony.



Figure 9: The opening from the first floor onto the balcony.



Figure 10: The Ground Floor underneath the timber verandah.



**Figure 11: Looking from the second floor balcony towards Birchgrove Oval.**

### 3.2.2 Interior

The floor plan is best understood with reference to the plans that accompany this application.

The interior was not inspected for the purposes of this report. It is noted, however, that the principal rooms have polished timber floorboards painted plasterboard walls and decorative ceilings, masonry arches and a timber staircase.

Figures 6 to 8 illustrate the general character of the interior of the dwelling.





Figure 12: Dining/Living room looking towards the front of the dwelling.  
Realestate.com.au

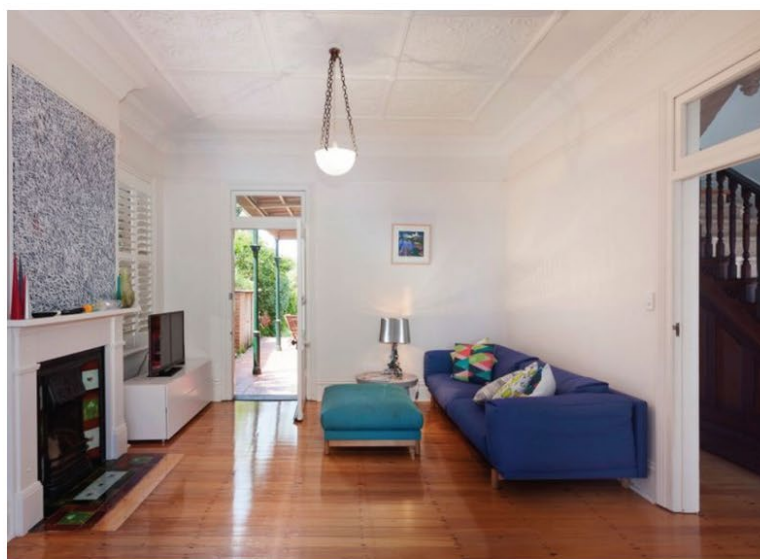


Figure 13: The living area leading to the external courtyard.

### 3.3 The Surrounding Area

For the following, refer to Figure 14, an aerial photograph over the site and the surrounding area.



**Figure 14: Aerial photograph over the site and the surrounding area. The site is marked by the red arrow.**

SIX Maps.

Louisa Road runs along the Long Nose Point peninsula from its junction with Cove Street in the west. This part of the road is predominantly residential in character. The road is narrow and carries traffic in both directions with parking on both sides. There are narrow footpaths to either side. There are no street trees except for vegetation within private front gardens. This section of Louisa Road is characterised by freestanding and semi-detached two storey dwellings with painted brick or rendered and painted masonry walls. Most dwellings are set on or close to the front boundaries of their site and have no or shallow side setbacks, thereby producing a pattern of closely spaced houses. Dwellings range in date and style from two storey mid to late Victorian period terraces to modern two storey dwellings. The modern dwellings stand out in the streetscape as most have double garages opening onto the street. A number of earlier dwellings have removed the front yards and used the space for carparks to cope with the limited availability along the narrow road. Figure 17 shows No. 60 and No. 56 Louisa Road are Victorian era terraces with carparking spaces.

Figure 15 and Figure 16 illustrate the general character of the street in the vicinity of the site. The location of the subject site is marked by the red arrow in each photograph.



**Figure 15: Looking north along Louisa Road.**  
Google Maps.



**Figure 16: Looking south along Louisa Road**  
Google Maps.



**Figure 17: No. 60 and No. 56 Louisa Road are Victorian era terraces with carparking spaces.**

The immediately adjoining property to the east of the subject site is No. 63 Louisa Road. The dwelling is a freestanding dwelling of similar age to the subject dwelling. The dwelling has had significant façade alterations. The dwelling has a similar building alignment and site coverage to the subject site.

Refer to **Figure 18** .



**Figure 18: No. 63 Louisa Road to the North.**

To the south of the site is a contemporary example of a terrace. It is set further back into the lot than the subject dwelling. Refer to Figure 19.



**Figure 19: No 111a Louisa Road.**  
Weir Phillips Heritage,  
September 2015.

Birchgrove Park has principal view corridors towards this item are from directly outside of it in the surrounding streets including Grove Street, Rose Street, The Terrace and Louisa Road, on approach in either direction along these roads and from within the grounds of the park itself. There are views to and from the rear of the subject site to this item.



**Figure 20: View across Birchgrove Oval towards the rear of the site.**

#### 4 ASSESSMENT OF SIGNIFICANCE

##### 4.1 Summary of Existing Citations and Listings for the Site

No. 61 Louisa Road, Birchgrove:

- Is not listed as a heritage item on the State Heritage Register under the auspices of the *NSW Heritage Act 1977*.
- Is not listed as an item of local heritage significance by Schedule 5 Part 1 of *Leichhardt LEP 2013*.
- Is located within Birchgrove and Ballast Point Heritage Conservation Area as defined by Schedule 5 Part 2 of the *Leichhardt LEP 2013*.
- Is located within the vicinity of local heritage items as defined by Schedule 5 Part 1 of the *Leichhardt LEP 2013*.

The *Leichhardt Heritage Review 2004* provides the following statement of significance for Birchgrove and Ballast Point Heritage Conservation Area:

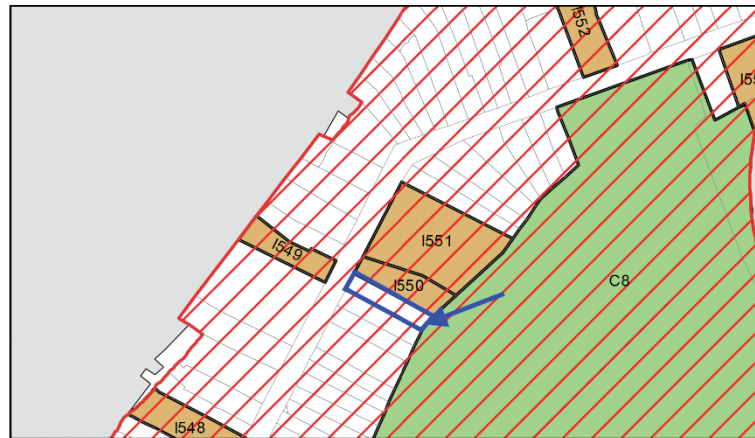
- *One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area retains evidence (though somewhat diminished in the last twenty years) of the growth of Birchgrove and Ballast Point as marine suburbs and as a maritime industrial area from the 1870s-1920s, and other industry developed prior to 1941.*
- *Demonstrates the close relationship between landform, the layout of the roads and the siting of the early villas and industries to take advantage of the marine position.*
- *Demonstrates the close physical relationship between industry and housing (both middle class and workers housing) in nineteenth century cities.*
- *Demonstrates the development of brick making in Sydney through its building materials with the use of plastered brick walls and dry-pressed face bricks (unplastered, unpainted) walls.*
- *Demonstrates one of a number of late nineteenth century bay reclamation projects which characterise Sydney Harbour.*

##### 4.2 Heritage Items in the Vicinity of the Site

For the following, 'in the vicinity' has been determined with reference to physical proximity, existing and potential view corridors and the nature of the proposed works.

Figure 21 shows the location of heritage items, listed by Schedule 5 Part 1 of the *Leichhardt LEP 2013*. Heritage items are coloured brown and numbered. Landscape heritage items are coloured green. Conservation Areas are hatched in red and numbered. The subject site is indicated by the blue arrow.





**Figure 21 Detail of the Leichhardt Heritage Map. The subject site is indicated by the blue arrow.**  
Leichhardt LEP 2013

The following heritage items listed under Schedule 5 Part 1 of the *Leichhardt LEP 2013* are located within the vicinity of the subject site:

- Site of Birchgrove House Nos 65 and 67 Louisa Road Birchgrove(I550 and I551)

The State Heritage Database provides the following statement of significance for this item:

*Nos. 65 and 67 Louisa Road are of some local historic significance as part of the former Birchgrove House site. Birchgrove House was constructed in 1810 and was the first house to be constructed on the Balmain peninsula. It was demolished in 1967. The stone walling along the shared boundary with no.67 is a remnant of the former garden wall of the demolished Birchgrove House. The front wall appears to be constructed from stone from the demolished Birchgrove House.<sup>10</sup>*

This item is located to the north of the subject dwelling. Due to the limited associated fabric remaining from Birchgrove House there are no views towards the subject site.

- House, “The Anchorage”, including interiors, No. 44 Louisa Road, Birchgrove (I549)

The State Heritage Database provides the following statement of significance for this item:

*No. 44 Louisa Road is of local historic and aesthetic significance as a good and highly intact Federation period rendered dwelling with Italianate and Filigree*

<sup>10</sup> Environment.nsw.gov.au. (2019). *Site of Birchgrove House* | NSW Environment, Energy and Science. [online] Available at: <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940565> [Accessed 15 Oct. 2019].

*details constructed in 1896. Despite some modifications and additions, the building significantly retains its overall scale, form, character and details as it presented to the street, particularly rendered façades and mouldings, end projecting walls, flat roof form, chimney and widows walk, corner tower element and associated arched openings and mouldings, open front verandah, entry porch and balcony and associated timber and metal work and roof, pattern of openings and front fence. The building is sited close to the street frontage and also faces the Parramatta River and makes a positive contribution to the Louisa Road streetscape and Birchgrove waterfront.*

No. 44 Louisa Road is located opposite the subject site. It was constructed at a similar time to the subject site but has more ornate plaster moulding and iron filigree.

- *Birchgrove Park*, George Street, Birchgrove (1535). (Landscape Heritage Item)

The State Heritage Database provides the following statement of significance for this item:

*'Birchgrove Park is of high local historic, aesthetic, technological and social significance as one of a number of waterfront open public reserves created by the State Government and specifically formed Trust from the early 1880s. Gazetted in 1894 the creation of the Park reflects the Victorian practice of acquiring, resuming and reserving open public land in developing suburbs. The Birchgrove Park Trust formed in 1882 to oversee its creation and development included notable Balmain identities including Elkington, Deloitte and Buchanan. It significantly retains clear water views, stone features and open grassed areas retaining a number of mature plantings and specimen trees and amphitheatre like configuration around the Oval. The reclamation of the mud-flats of Snail's Bay, form and graceful shape of the Park represents a modest technical and aesthetic achievement of the late 19th century. The Park allows both passive recreation and organised sport and is of high social significance to the local community and sporting clubs including the Balmain District Cricket Club, Balmain Tennis Association and NSW Rugby League.'*<sup>11</sup>

Birchgrove Park is a Late Victorian period public reserve including tennis courts, playing oval, playground and caretaker's residence.

#### 4.2.1 Integrity

The site boundaries have not been altered since the dwelling was constructed. There are no heritage significant fences or landscape elements on the site. The brick front boundary fence is a later addition and detracts from the streetscape presentation of the dwelling.

The front elevation is largely original demonstrating characteristic elements of Victorian/Early Federation Style elements. The original roofing material was likely slate which has subsequently been replaced with concrete tiles. The rear wing has undergone significant alteration, including the roof form.

<sup>11</sup> Birchgrove Park, Birchgrove. State Heritage Inventory Database No.: 1940578.



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**5 SCOPE OF WORKS**

The following should be read in conjunction with the plans prepared by Corben Architects that accompanies this Application.

An modern rear extension is proposed to include an open plan kitchen and living area at Ground Floor with Master Bedroom at Level 1. The extension will be modern in style and connected below the gutter line of the hipped roof section of the original dwelling.

It is proposed to create a hardstand car space in the front yard of the dwelling. This involves the removal of the existing brick boundary wall and part of the verandah to fit the car. A new landscaped entry pathway and step is proposed as the principal entry point.

**6 METHOD OF ASSESSMENT**

The following considers heritage related issues only. It does not consider compliance or otherwise with numerical controls unless non-compliance will result in an adverse heritage impact. Refer to the Statement of Environmental Effects (SEE) that accompanies this application.

The proposal is assessed with a full understanding of the requirements for Heritage Impact Statements provided by the NSW Heritage Office (now Division) publication *Statements of Heritage Impact* (2002 update) and the relevant objectives and controls provided by the *Leichhardt LEP 2013* and of the *Leichhardt DCP 2013*.

The recommended management provisions on the heritage inventory listing sheet for the heritage items in the vicinity have been read and understood.

**7 EFFECT OF WORK****7.1 Effect of Work on Birchgrove and Ballast Point Heritage Conservation Area**

The proposed alterations and additions to No. 61 Louisa Road Birchgrove will have an acceptable impact on the Birchgrove and Ballast Point Heritage Conservation Area for the following reasons:

- Due to the narrowness of Louisa Road and numerous crossovers to garages, parking along Louisa Road is difficult for residents. The proposed installation of the front hardstand car space will have an acceptable impact on the significance of the heritage conservation area for the following reasons:
  - The proposed car space will result in the removal of the intrusive high brick fence which obscures much of the dwelling from Louisa Road. The proposed car space will increase the visibility of the dwelling from the street.
  - The setback of the historic building line will remain unchanged, view corridors along Louisa Road will be preserved.
  - A number of earlier dwellings have removed the front yards and used the space for carparks to cope with the limited availability along the narrow road. Dwellings of similar age and style along Louisa Road, including No. 60 and No. 56 Louisa Road are Victorian era terraces

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with carparking spaces. The installation of the car space has not impacted on the ability to understand these dwellings as Late Victorian/early Federation era terraces.

- The removal of the rear addition will not have a significant impact on the HCA as the terrace is not part of a row and the rear wing does not form part of a pattern within the HCA. The demolition of the rear wing is appropriate as the main building form is retained in its original condition and incorporated into the proposal.
- The proposed second storey sits behind the principal ridgeline and below the eaves of the original roof form. From Louisa Road, the addition will appear subservient to the massing of original dwelling. This will also preserve the understanding of the original roof form which will preserve the integrity of the streetscape presentation.
- The proposed rear addition does not substantially increase the massing of the existing dwelling in view corridors towards the rear of the site from within the Conservation Area. Where visible, the level of impact will be minimal and will in no way detract from the setting of the Conservation Area.
- The proposed rear addition is set behind the street front elevation to minimise its visibility from the public domain. View corridors towards the roof terrace are restricted on approach along Louisa Road because of the narrowness of the street and adjoining buildings.
- Where visible the rear addition will not present as being inconsistent with the massing, scale and style of adjoining dwellings. The existing dwelling will continue to read as a late Victorian/Early Federation style terrace within the mixed setting of the Conservation Area along this section of Louisa Road. Most other dwellings in the vicinity have modern rear additions.
- The existing side setbacks are retained, preserving the rhythm of buildings in the street.
- The proposal respects the proportions of the eastern elevation and is consistent with the massing, scale and style of dwellings fronting Snails Bay.
- Only minor internal alterations proposed within the original dwelling. The spaces where the alterations are proposed have already undergone alterations and additions. The proposal will retain and conserve the detailing and layout of the original formal rooms, with the configuration remaining essentially the same.
- The proposed finishes and colours to the rear addition are contemporary and neutral in tone, which is an appropriate response to new works. They will sit comfortably within the streetscape and will not detract from the setting of nearby heritage items or the Conservation Area.
- The impact on the view towards the Conservation Area from the opposite side of Snails Bay or elsewhere on the harbour will be minimal because of the

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distance from these vantage points. The existing dwelling will continue to read as one of several contemporary rear additional dwellings fronting Snails Bay.

#### 7.2 Effect of Work on Heritage Items within the vicinity

The proposed works will have a minimal and acceptable impact on the significance of heritage items in the vicinity of the site and on items on the opposite side of Snails Bay for the following reasons:

- The proposed car space will improve the setting of the items by increasing the visibility of the dwelling to the streetscape through the removal of intrusive front fence.
- The proposed hard stand car space at the front of the dwelling is consistent with many dwellings along the streetscape. As such the car space will not detract or visually impose on the items in the vicinity.
- There will be no impact on the ability to understand the historic, social and aesthetic significance of the park because there will be no impact on the fabric of the park, no impact on significant view corridors to/from/within the park and no impact on its curtilage.
- The proposed works will have no impact on the general setting of the park. The existing dwelling on the site will continue to be largely concealed from the park by intervening buildings. The proposed new dwelling, which incorporates the existing garage, will read where visible as one of several contemporary dwellings within the wider setting of the Park. It will not have undue prominence within this setting.
- The proposed works will not block significant views to or from these items.
- The proposal does not increase the footprint of the subject dwelling, which is the major contributor to the perception of mass of a dwelling. It demonstrates an appropriate massing and scale with respect to the adjoining dwellings.
- In views towards or from heritage items on the opposite side of Snails Bay the proposed works will continue to read as one of several contemporary rear additions to dwellings in the mixed setting of these items.

#### 8 CONCLUSIONS

This heritage impact statement has been prepared in conjunction with a DA lodgement for alterations and additions to No. 61 Louisa Road, Birchgrove.

The existing building is a modified late Victorian/early Federation Style terrace of the dwelling which contributes to the Birchgrove and Ballast Point Heritage Conservation Area. This contribution is derived from its intact front elevation and association with Birchgrove House Subdivision.

The proposed works will have an acceptable heritage impact on the existing dwelling. The proposed works to the rear of the dwelling will not be readily visible from the public domain due to intervening buildings and vegetation as well as narrow side

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setbacks. Where visible the level of impact will be minimal and will in no way detract from understanding the existing terrace dwelling as being of the Victorian/early Federation Style terrace. The proposed front carpark will increase the visibility of the site therefore contribution of the dwelling from the street which is consistent with many dwellings of similar era along Louisa Road.

The proposed works fulfil the objectives for works in the vicinity of heritage items set out by the *Leichhardt LEP 2013* and the *Leichhardt DCP 2013*.

## Attachment D – Applicant’s cover letter from Corben Architects

CORBEN  
ARCHITECTS

ARMB2.2-200630/av  
6 July 2020

The General Manager  
Inner West Council  
PO Box 14  
Petersham NSW 2049

Attention – Ryan Lennox

Dear Ryan,

**61 Louisa Road Birchgrove**

On behalf of our clients Prue and Chris Armstrong, we request a Section 8.2 Review of Application of the approval for DA/2020/0116 with a Deferred Commencements for the alterations and additions to their existing house at the above address. We seek review of a number of conditions of consent that have been requested to address in order to get consent of the DA. The conditions to be addressed listed under the heading A. Ad-Hoc Deferred Commencement Condition 1 are:

**a. Delete the proposed car park in front setback.**

We request a review of these condition for the following reasons;

- There are a large number of precedents of off-street parking along Louisa Road that do not comply with the Australian Standards for parking.
- There are limited parking spaces available in the vicinity of 61 Louisa Road and these are often taken by residences of the near by apartments who already have access to off street parking. Often the owners are required to parking blocks away from their house and often have to double park in Louisa Road to unload their car.
- The proposed carpark has been modified to allow for a small vehicle to park perpendicular to the street.
- The owners wish to purchase a small electric car to be charged from a solar battery connected to photovoltaic roof panels. An off-street charging point is proposed for the front of the house. Note an electric car cannot be charged if parked on the street.

**b. The front verandah, central ground floor verandah post and tessellated tiles must be retained**

- The verandah has been modified to retain the existing central verandah post. It is proposed to retain part of the existing terrace. It should be noted that the terrace sub structure is badly cracked and unsafe and requires replacement. It is proposed to re tile the terrace with tessellated tiles similar to the existing pattern.
- As part of the modifications to the front of Louisa Road is an increase in soft landscaping area and to replace the existing high brick wall with a picket style fence and gate 1200mm high. This will ensure that at all times the streetscape will be significantly improved over what is existing. This will reinforce the heritage conservation area in a positive way. It should also be noted should the proposed car space be rejected then in all likelihood the existing high brick wall will be retained.

**c. Delete the highest skylight proposed on the main rear roof plane on the eastern elevation over bedroom 2.**

- The skylight has been deleted.

## CORBEN ARCHITECTS

- d. The Materials and Finishes Schedule must be revised so the proposed Colorbond metal deck roofing is finished in a colour equivalent to Colorbond colours 'Windspray' or 'Wallaby'.**
- The roof colour is to be Colorbond 'Windspray'.
- e. The first floor setback is to be setback to ensure that its rear building alignment does not extend beyond the rear alignment of the existing verandah.**
- We request a review of the requirement to cut back the rear upper floor to match the line of the existing balcony. We wish to retain the alignment as proposed in the DA. As demonstrated on drawing DA34 our proposal is compatible with Councils BLZ controls and with the existing and potential rear building alignments with the majority of houses along Louisa Road.
  - As demonstrated on DA34 63 Louisa Road has scope to extend its rear building line beyond the rear building line of 61 Louisa Road. It should be noted that 63 Louisa Road is underdeveloped, and the current owners are elderly. It is reasonable to interpret the provisions in such a way to support and approve the location of this room as proposed. The property will be developed in accordance with Councils controls in the future.
  - And as demonstrated on DA34 our proposed building line does not extend beyond the building line of the more recent houses in Louisa Road (Nos. 41 to 55).
  - The proposed FSR is well below the permissible FSR allowed for the site.
- f. The first floor balcony shall be reduced in size to ensure that its depth does not exceed 1.2 metres.**
- The first floor balcony has been reduced to 1.2 metres. Additionally the windows on either side of the sliding doors have been deleted in a genuine effort to respond to the privacy concerns of the neighbouring properties.
- g. The erection of privacy screens to the south western and north eastern sides of the balcony.**
- Privacy screens have been integrated into the design of the balcony. They will be 2.4m high matching the height of the glazed doors and be a minimum 75% density.

Enclosed are the following documents;

- 1 copy of Section 8.2 Review of Application Form with signed Owner's Consent.
- 1 PDF copy of A3 Architectural Drawings DA00 – DA34 issue B by Corben Architects
- 1 USB of all of the above in PDF format.

We would like the opportunity to meet with Council to discuss the review application. Please contact the undersigned to arrange a suitable time.

Kind regards,



Andrew Vingilis  
Associate Director