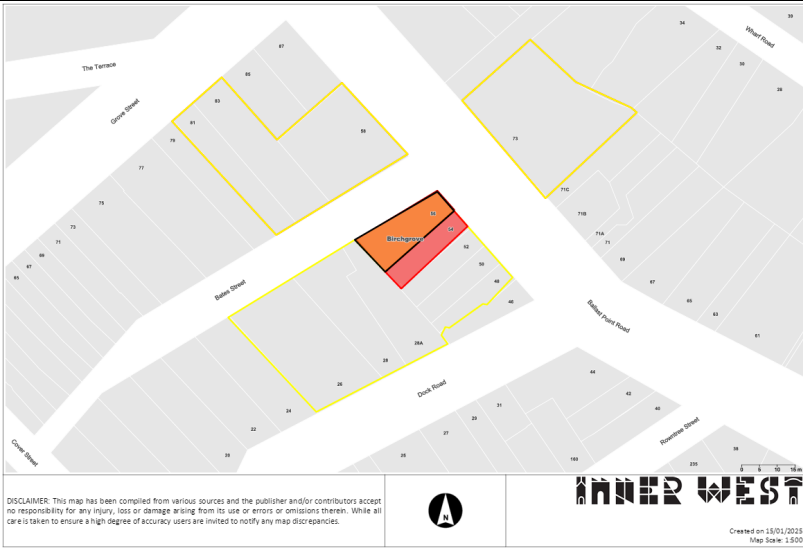




 DEVELOPMENT ASSESSMENT PANEL REPORT	
<b>Application No.</b>	DA/2024/0620
<b>Address</b>	56 Ballast Point Road BIRCHGROVE
<b>Proposal</b>	Alterations and additions to an existing semi-detached dwelling, including partial demolition of existing structures. Works include internal reconfiguration, convert the existing first floor verandah into a winter garden, new kitchenette on the second floor roof top terrace, two new air conditioning units on the south western corner of the roof top terrace, altered curved roof structure to roof terrace and new fence fronting Bates Street.
<b>Date of Lodgement</b>	26 July 2024
<b>Applicant</b>	Adam Byrnes
<b>Owner</b>	Gisoan Pty Ltd
<b>Number of Submissions</b>	Initial: 4
<b>Cost of works</b>	\$475,530.00
<b>Reason for determination at Planning Panel</b>	Section 4.6 variation exceeds 10% Heritage Item
<b>Main Issues</b>	Bulk and scale Matters raised in submissions
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Section 4.6 Exception to Development Standards
<b>Attachment D</b>	Statement of Heritage Significance
	
<b>LOCALITY MAP</b>	
<b>Subject Site</b> 	<b>Objectors</b> 
<b>Notified Area</b> 	<b>Supporters</b> 

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing semi-detached dwelling, including partial demolition of existing structures. Works include internal reconfigurations, convert the existing first floor verandah into a winter garden, new kitchenette on the second floor roof top terrace, two new air conditioning units on the south western corner of the roof top terrace, altered curved roof structure to roof terrace and new fence fronting Bates street. at 56 Ballast Point Road BIRCHGROVE.

The application was notified to surrounding properties and four (4) submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Amenity impacts associated with changes to and intensification of the approved roof terrace.

The non-compliances are acceptable given the proposed works, subject to the DA, are generally commensurate with the previous Land and Environment Court approval and do not give rise to significant adverse amenity impacts beyond those that were previously approved, the impacts are further mitigated subject to recommended conditions of consent and therefore the application is recommended for approval.

## 2. Proposal

The proposal involves extensive internal and external alterations to an existing heritage-listed dwelling at 56 Ballast Point Road, Birchgrove.

Internal works include the conversion of ground-floor lounge rooms into bedrooms, the renovation of the powder room, addition of storage in the garage, and modifications to the first and second floors, including new walls, updated windows, and changes to the kitchen, dining, and master bedroom areas.

External works include the installation of security screens, new skylights, an air conditioning unit, and various structural changes to the garage, terrace, and fencing, with modifications to the building's external colour and the addition of new balustrades and planter boxes. The proposal also includes reinstating ceilings and cornices in line with the heritage report and altering previously approved lift dimensions.

## 3. Site Description

The subject site is located on the south western side of Ballast Point Road and is a corner site located on the corner of the junction of Ballast Point Road and Bates Street. The site consists



of one allotment and is irregular in shape with a total area of 196sqm and is legally described as Lot 1 in DP 446745

The site has a frontage to Ballast Point Road of 6.455m and a secondary frontage of 23.775m to Bates Street. The site supports a three storey semi-detached dwelling housing and a two storey rear wing. The adjoining properties support type of structures on building including use and scale.

The subject site is listed as a heritage item and is located within a conservation area.



*Image 1: Photo showing building from the corner of Ballast Point Road and Bates Street (Source: Applicant's SEE)*



*Image 2: Photo showing rear wing behind the main building (Source: Council's site inspection)*

## 4. Background

### Site history

#### **Subject Site**

Development Application D/2017/587 determined by the Land and Environment Court on 24/07/2019 approved alterations and additions to the existing dwelling house for a rooftop private open space area, and other external and internal works.

On 23 December 2022, Council issued an Emergency Development Control Order (EPA/2022/0228) to cease all demolition and building works on the site as works were being undertaken that were not consistent with the development consent under D/2017/587.

On 13 September 2023, Council issued an Emergency Order to permit works to make the premises safe and secure.

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

Application	Proposal / Description	Decision & Date
D/2017/587	Alterations and additions to existing heritage listed building	Approved - Land and Environment Court of NSW 24/07/2019
CCP/2022/0207	Construction Certificate - Private Certifier	Completed - Private Certifier 19/04/2022
EPA/2022/0228	Enforcement - Environmental Planning and Assessment Act	Emergency Order Issued - Delegation to Staff 24/01/2023
LGA/2023/0098	Enforcement - Local Government Act	Emergency Order Issued - Delegation to Staff 18/09/2024
BC/2024/0076	Building Certificate - unauthorised demolition of works to the ground floor and first floor and building works to the dwelling without the proper consent. The building information certificate is to be dealt with in conjunction with the submitted DA for the retention of heritage material and proposed works.	Deferred

**Surrounding properties**

54 Ballast Point Road BIRCHGROVE		
Application	Proposal	Decision & Date
D/2001/454	Demolition of rear of building, ground and first floor extensions, provision of a mezzanine bathroom between first floor and attic with roof deck above and dormer window to street elevation.	Approved – Delegation to staff 30/10/2001

28A Dock Road BIRCHGROVE		
Application	Proposal	Decision & Date
D/2017/298	New windows on rear of property. Replacement of existing windows at the side and rear of the property. Replacement of existing skylight on roof terrace. New BBQ. Repainting of external walls.	Approved – Delegation to staff 07/08/2017

Application history

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

Date	Discussion / Letter / Additional Information
11 October 2024	<p>A request for further information was sent to the applicant requiring the following:</p> <ul style="list-style-type: none"> <li>• Amended plans to address Heritage related impacts;</li> <li>• Amended plans to include RLs, corrected scale, and clearly coloured to delineate between the proposed works.</li> <li>• Amended plans to address impacts relating to bulk and scale, and visual privacy associated with the proposed changes at the roof terrace level.</li> <li>• Shadow diagrams</li> <li>• Party wall consent or amended plans and verification from a structural engineer that the proposed works do not rely on the party wall for vertical or lateral support</li> <li>• Clause 4.6 variation request</li> </ul>
31 October 2024	<p>Amended plans and supporting documentation 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.</p>

## 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

#### Chapter 2 Standards for residential development - BASIX

The application is accompanied by a BASIX Certificate (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EP & A Regulation 2021*.

#### SEPP (Biodiversity and Conservation) 2021

#### Chapter 6 Water Catchments

Section 6.6 under Part 6.2 of the *Biodiversity and Conservation SEPP* provides matters for consideration which apply to the proposal. The subject site is located within the designated hydrological catchment of the Sydney Harbour Catchment and is subject to the provisions contained within Chapter 6 of the above *Biodiversity Conservation SEPP*.

It is considered that the proposal remains consistent with the relevant general development controls under Part 6.2 of the *Biodiversity Conservation SEPP* and would not have an adverse effect in terms of water quality and quantity, aquatic ecology, flooding, or recreation and public access.

### **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:	Yes

Section	Proposed	Compliance
	<ul style="list-style-type: none"> <li>The proposal encourages development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles,</li> <li>The proposal, subject to recommended conditions, conserves and maintains the natural, built and cultural heritage of Inner West,</li> <li>The proposal encourages diversity in housing to meet the needs of, and enhance amenity for, Inner West residents,</li> <li>The proposal, subject to recommended conditions, prevents adverse social, economic and environmental impacts on the local character of Inner West,</li> <li>The proposal, subject to recommended conditions, prevents adverse social, economic and environmental impacts, including cumulative impacts</li> </ul>	

## Part 2 – Permitted or prohibited development

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

## Part 4 – Principal development standards

Section	Proposed		Compliance
Section 4.3C (3)(a) Landscaped Area	Minimum	15% or 29.4sqm	No – Existing
	Proposed	Nil	
	Variation	29.4sqm or 100%	
Section 4.3C (3)(b) Site Coverage	Maximum	60% or 117.6sqm	No – Existing
	Proposed	81.17% or 159.1sqm	
	Variation	41.5sqm or 35.29%	
Section 4.4 Floor space ratio	Maximum	0.9:1 or 176.4sqm	No
	Proposed	1.68:1 or 329.8sqm	
	Variation	153.4sqm or 86.96%	

Section	Proposed	Compliance
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	<p>The applicant has submitted a variation request in accordance with Section 4.6 to vary Section 4.4 Floor Space Ratio.</p> <p>In <i>Landcorp Australia Pty Ltd v The Council of the City of Sydney [2020]</i> NSWLEC 174 [54]-[57] it was established a written Clause 4.6 variation is not required where a proposal exceeds a standard and the proposal does not alter that exceedance. In the circumstances of this case, and the subject site presently exceeds the following development standards and does not alter this as part of the proposal:</p> <ul style="list-style-type: none"> <li>• Landscaped Area</li> <li>• Site Coverage</li> </ul>	See discussion below

## Section 4.6 – Exceptions to Development Standards

### Floor Space Ratio Development Standard

The applicant seeks a variation to the above mentioned under section 4.6 of the *IWLEP 2022* by 153.4sqm or 86.96%. Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

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. 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.

### ***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 (FSR) 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 proposal meets the objective of establishing a maximum floor space ratio for appropriate development density because it retains the existing heritage-listed building without altering its built form, setbacks, or height.

The development maintains the appropriate density respecting its heritage value while accommodating the proposed development. 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 proposal ensures the proposed developments density reflects its locality by retaining the existing heritage-listed building and its unchanged built form, which aligns with and reinforces the established character and density of the 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 highlights that the dwelling is situated within a broader area of consistent zoning and density, rather than at a point of density transition. The proposed additional FSR, which pertains to enclosing the existing breezeway to create a winter garden, does not alter the built form of the existing building. 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 meets the objective of minimising adverse impacts on local amenity by retaining and improving the existing heritage-listed building considering its existing condition, the proposal seeks to enhance its visual appeal and contributing positively to the streetscape by addressing its current vacant and physical condition. 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 restoration and continued use of a heritage-listed building, supports this objective of the floor space ratio development standard by preserving the property's heritage value and ensuring its ongoing use. Additionally, the proposal additional FSR does not compromise existing open areas on the site for canopy tree planting. Accordingly, the breach is consistent with the fifth objective.

As the proposal achieves the objectives of the FSR 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 provides the following environmental planning grounds to justify contravening the FSR development standard:

**Environmental Planning Ground 1** - *The FSR exists as the proposal is for the restoration of an existing heritage listed dwelling and no increase in bulk, scale or building form is proposed.* The environmental planning ground is not accepted because the FSR does not remain as it currently exists, however, it is acknowledged that the additional gross floor area resulting from the enclosure of the existing rear wing verandah does not increase the building's bulk, scale, or physically alter its envelope.



**Environmental Planning Ground 2** - *The site's current state of disrepair, combined with its present condition visible from two street frontages, detracts from the streetscape. The proposed variation will not alter the built form but will enable the completion of restoration works, ensuring the site's ongoing occupation, maintenance, and preservation of the heritage listed dwelling. This would contribute positively to the streetscape and public domain.* This environmental planning ground is accepted as the existing dwelling is currently unfit for occupation and aligns with Objects 1.3(c) and (f) of the *EPA Act 1979*, which includes promoting the orderly and economic use and development of land, and the sustainable management of built heritage.

**Environmental Planning Ground 3** - *The proposed departure from the FSR standard does not result in any negative amenity impacts, such as visual privacy or overshadowing, to adjoining properties.* This environmental planning ground is accepted because the additional FSR relates to the enclosure of the existing rear wing to create a winter garden and does not result in adverse amenity impacts to surrounding properties.

Cumulatively, and while not all the grounds have been adequately made out, grounds 2-3 are considered sufficient to justify contravening the development standard.

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

## Part 5 – Miscellaneous provisions

Section	Proposed	Compliance
Section 5.10 Heritage conservation	The subject site is a listed heritage item, namely Item No. 1844 under Schedule 5 of the <i>IWLEP 2022</i> . See discussion below.	Yes – subject to conditions

### Section 5.10 – Heritage Conservation

The key and relevant objectives of Section 5.10 of *IWLEP 2022* are to conserve the environmental heritage of the Inner West, including the heritage significance of conservation areas and their associated fabric, settings and views.

An assessment of the revised proposal against Section 5.10 of *IWLEP 2022* has been carried out and it is considered that the design of the amended proposal does not satisfactorily conserve the heritage significance of the existing dwelling on the site, and significance of the HCA.

The following is a summary of the Heritage referral provided in response to the amended plans:

#### 1. *Garage Door*

*The proposed garage door does not adequately respond to the heritage context. To complement the significance of the listed item, the door should utilise either:*

- *Vertically boarded timber doors (framed, sheeted, and braced) opening inwards.*
- *Alternatively, a panel lift door with wide horizontal timber strakes painted in the traditional trim colour (e.g., Oyster Linen).*

*A segmented appearance caused by horizontal joints in vertical board panel lift doors is not supported.*

## 2. *Glazing and Balustrades*

*The retention of solid balustrades is supported; however, further division of window glazing into four vertically proportioned panes per sash is recommended. This approach aligns with the traditional style of the dwelling.*

*Window sashes should be painted in the darker trim colour (e.g., Dark Green) rather than white to avoid detracting from the heritage appearance.*

## 3. *Side Gate and Wall*

*The proposed squared gate head is acceptable from a Heritage perspective.*

## 4. *Skylights*

*The skylights on the south-east roof plane compromise the original main roof form and are not supportable from a planning perspective.*

## 5. *New Rear Wing Terrace Door*

*The use of a traditional half-glazed sash door is supported.*

## 6. *Kitchenette Wall*

*The battened treatment is not supported. A simple rendered wall, set back in plane to differentiate it from the existing dwelling, is recommended.*

## 7. *Colour Scheme*

*A comprehensive heritage-appropriate colour scheme should be provided. Light cream tones with a dark trim (e.g., Oyster Linen) are recommended to complement the building.*

Subject to the satisfaction of the following recommended conditions, it is considered the proposal will satisfactorily conserve the heritage significance of the heritage item and HCA, thereby satisfying Section 5.10 of IWLEP 2022.

1. The proposed garage door must be amended in the following manner:
  - i. Vertically boarded timber doors (framed, sheeted, and braced) opening inwards; or,
  - ii. A panel lift door with wide horizontal timber strakes painted in the traditional dark trim colour (e.g., Oyster Linen)
2. The proposed windows at the first floor on the north west elevation adjacent to the winter garden must be amended with a vertical mullion centred to each of the twelve windows. Proposed windows must be amended as a timber frame and sash.
3. The skylights proposed in the south east elevation roof plane must be deleted and the roof retained.
4. Colours & Materials Schedule in accordance with the following:
  - i. Antique White USA, or similar, proposed for the architectural detailing to facades must be replaced with Dulux "Oyster Linen", or similar, including window headers and sills, string courses, balustrading and foundations, as approved by the Court in D/2017/587.
  - ii. Timber windows and doors must be painted Dulux "White", or similar.
  - iii. The amended design to the garage doors must be painted in Dulux "Oyster Linen", or similar.

#### Part 6 – Additional local provisions

Section	Proposed	Compliance
Section 6.1 Acid sulfate soils	<ul style="list-style-type: none"> <li>The site is identified as containing Class 5 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.</li> </ul>	Yes
Section 6.2 Earthworks	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	The development maintains the existing central court yard and is design with a permeable surface, 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 (LDCP 2013).

LDCP 2013	Compliance
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes

<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes – Refer to discussion under Section 5.10 of the <i>IWLEP 2022</i> contained within Part 5.A. of this report.
C1.5 Corner Sites	Yes
C1.7 Site Facilities	Yes
C1.9 Safety by Design	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.2.6 Birchgrove Distinctive Neighbourhood	Yes – Refer to discussion under Section 5.10 of the <i>IWLEP 2022</i> contained within Part 5.A. of this report.
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	No – see discussion
C3.9 Solar Access	No – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes – see discussion
C3.12 Acoustic Privacy	Yes
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes

<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	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**

Part C3.2 of the LDCP 2013 includes a side setback control graph, and outlines building location zone and building envelope parameters. The controls under this part are designed to regulate building height, bulk and massing in the aim of achieving an acceptable scale on the site which respects the streetscape, development on neighbouring properties and that does not compromise the amenity of surrounding sites.

#### **Building Location Zone (BLZ)**

No changes are proposed to the existing BLZ of the main building. However, the proposal seeks to accommodate a new roof / awning structure over roof terrace, which is located to the rear of the main building at the second level. In accordance with Control C4 under Part C3.2 of the LDCP 2013, open-sided structures may extend beyond the BLZ when they are consistent with similar structures on adjoining properties. The height of the roof has been lowered to RL 32.83 which is consistent with the previous approved height approved by the court. However, the length of the structure exceeds that of the court approval by ~1.1m. This change is considered acceptable because the structure is located adjacent to the existing glass roof lean-to of No. 54 Ballast Point Road below and is inset behind the south eastern boundary wall. In addition, shadow diagrams submitted with the application demonstrate the existing living room window is not additionally overshadowed by the proposal during midwinter.

#### **Side Boundary Setbacks**

The proposal seeks to raise the side wall height along the south eastern side boundary. Control C7 permits a side wall height up to 2.8m on the boundary before a setback from the boundary is required. The proposed side wall height (~7.35m) would require a setback of 2.6m to achieve compliance with the side setback control graph—the proposed setback (0.12m) does not comply.

Control C8 allows for walls higher than the side boundary setback controls if certain conditions are met:

- a. *The development is consistent with relevant Building Typology Statements as outlined*
- b. *within Appendix B – Building Typologies of the LDCP2013.*
- c. *The pattern of development within the streetscape is not compromised.*
- d. *The bulk and scale of development is minimised by reduced floor to ceiling heights.*
- e. *The proposal is acceptable with respect to applicable amenity controls.*
- f. *The proposal does not unduly obstruct adjoining properties for maintenance purposes.*

In considering the application under Control C8, the proposed side wall heights along the south eastern boundary are acceptable because:

- The proposed additions are sited to the rear of the main building form and are subservient to the eave line of the main roof form.
- The proposed side setbacks and modified side wall height will not compromise the pattern of development along Ballast Point Road, which has is characterised by nil side boundary setbacks.
- The height of the proposed development has been amended to reduce the structures height, resulting in a reasonable bulk and scale commensurate height approved under the previous Land and Environment Court approval.
- The proposed development is acceptable in terms of solar access, visual privacy, and does not unreasonably obstruct significant views from surrounding properties.
- The proposal does not obstruct adjoining properties for maintenance purposes.

### Building Envelope

The building envelope controls guide the design, height, form, and roof pitch of the building's external areas, ensuring consistency with local development patterns and minimising bulk. These controls also address site-specific constraints such as topography and neighbouring development. These controls primarily affect the visible portions of the building, especially street elevations, rooflines, and the envelope's height and depth. The proposed development seeks to accommodate an awning at the proposed roof terrace level. The awning is articulated with a setback from the north west side elevation and remains consistent with the height of the approved stair and elevator enclosure by the Land and Environment Court under D/2017/587.

### C3.8 – Private Open Space

The proposed development involves converting the first floor to a living area, with the roof terrace functioning as the dwelling's principal private open space (POS). The intensification of roof terrace use raises potential acoustic impacts for neighbouring properties, specifically No. 54 Ballast Point Road.

Control C1 of Part C3.8 outlines that POS should be:

- a. located at ground level consistent with the location of private open space on the surrounding properties and the siting controls within this Development Control Plan;
- b. has a minimum area of 16sqm and minimum dimension of 3m;

- c. is connected directly to the principal indoor living areas; and
- d. where ground level is not accessible due to the existing constraints of the site and/or existing development, above ground private open space will be considered.

The roof terrace is considered an appropriate POS location given the local context, which features nearby elevated POS at Nos. 28 and 28A Dock Road. However, compared to the design approved by the Land and Environment Court, the current proposal seeks to reduce the extent of non-trafficable area previously defined by the raised planter bed (refer to images 2 and 3 below). This results in the trafficable area being positioned closer to No. 54 Ballast Point Road, which will exacerbate acoustic impacts on noise-sensitive rooms (i.e. bedrooms) in proximity to the roof terrace.

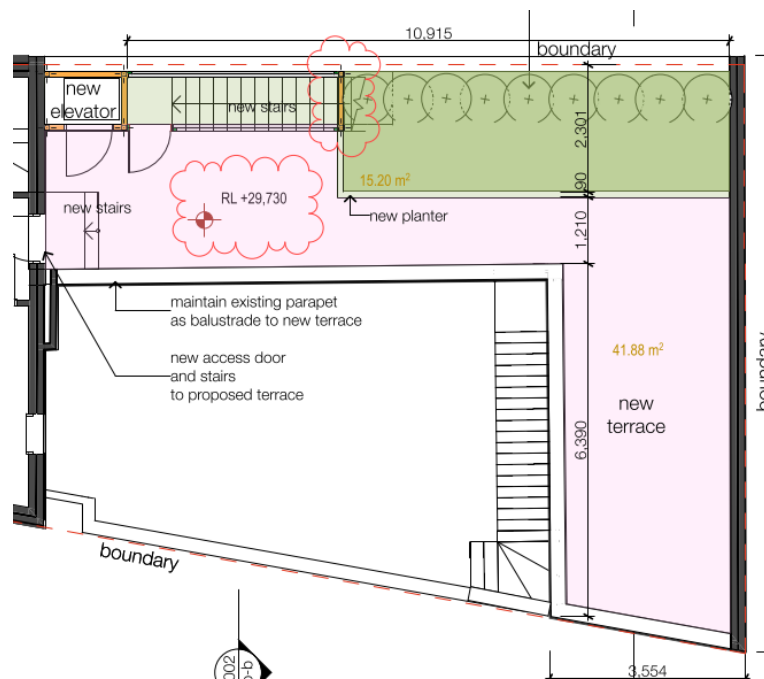


Image 3: Court approved roof terrace design under D/2017/587 (NTS)

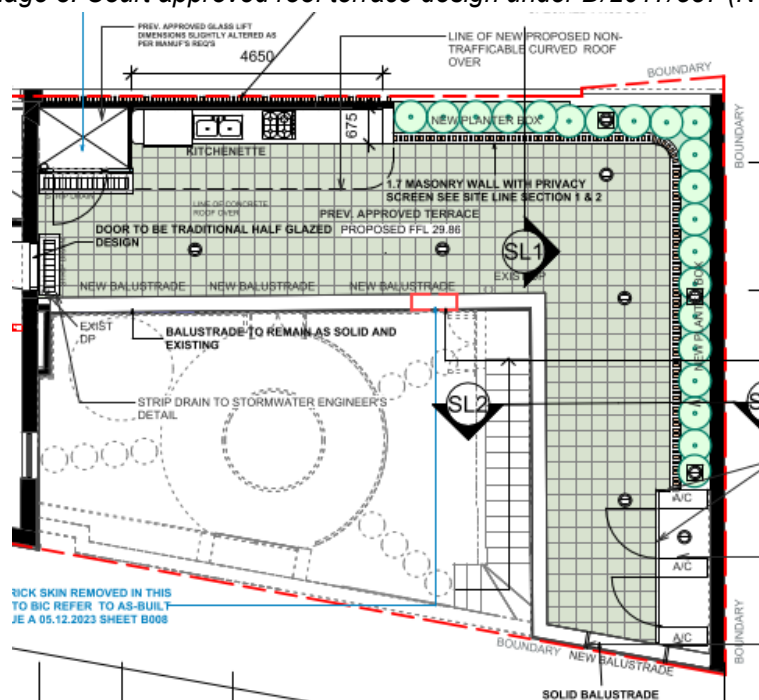


Image 4: Proposed roof terrace design (NTS)

To mitigate these impacts, the planter bed along the south eastern elevation should be conditioned to be increased to a depth of 2m, measured from the inner edge of the south eastern boundary wall. This design change will provide greater separation between the trafficable area of terrace and No. 56 Ballast Point Road. With these changes, the proposed POS will also continue to meet Control C1 (b) requirements (minimum area of 16sqm and dimension of 3m), providing a functional and usable space for residents while minimising visual and acoustic privacy impacts on neighbouring properties.

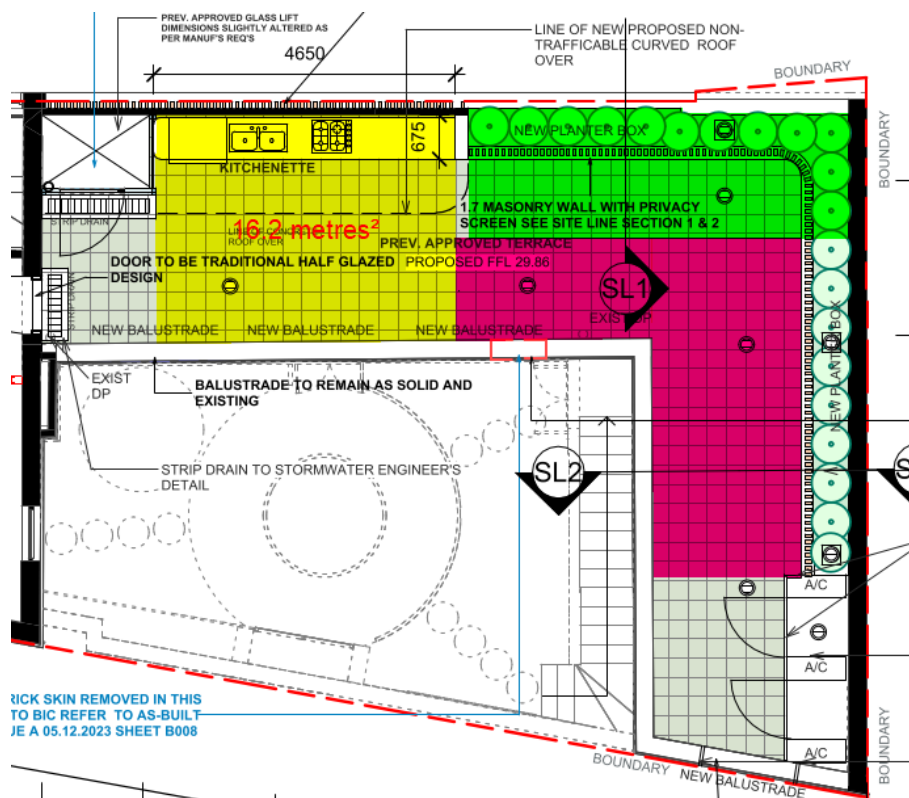


Image 4: Proposed roof terrace design. Yellow indicates compliant private open space, green marks a non-trafficable area recommended to be enlarged through a condition, and pink highlights a trafficable area that does not meet the private open space dimensions (NTS).

### C3.9 – Solar Access and Overshadowing

Solar access requirements are linked to the orientation of a site. The orientation is defined as the relationship of the property's side boundaries to true north (i.e. whether the side boundary is closer to being orientated north-south than east-west). The subject site and the neighbouring property at No. 54 Ballast Point Road are orientated 45 degrees from true north.

Shadow diagrams submitted in plan and elevation perspectives were submitted with the application. The only property impacted by the proposed development in terms of overshadowing is No. 56 Ballast Point Road.

#### Retaining solar access to neighbouring dwellings main living room glazing



Control C14 requires that for surrounding allotments with side boundaries oriented 45 degrees from true north—meaning the allotment is not aligned north/south or east/west—glazing serving main living rooms must receive at least two hours of solar access between 9 am and 3 pm during the winter solstice.

The submitted elevation shadow diagrams demonstrate that, due to the height of the existing building, the glass roof lean-to servicing the main living room of No. 54 is already in complete shadow during mid-winter, and the proposed development does not change this. The new shadows cast by the proposed development affect first-floor windows serving rooms other than the main living room, which are not protected under the DCP.

#### Retaining solar access to neighbouring dwellings private open space

Control C16 requires that where surrounding dwellings have south-facing private open space (POS), solar access must be retained to at least 50% of the total area for two hours between 9 am and 3 pm during the winter solstice.

The submitted shadow diagrams indicate that the POS of No. 54 Ballast Point Road does not achieve compliant solar access. The proposal introduces minor additional overshadowing at 1 pm on the south eastern corner of No. 54's POS. However, this overshadowing is limited to a narrow strip and is not considered to significantly impact the amenity of the space. Furthermore, when considering the approved design under D/2017/587, an alternative design would not provide any meaningful improvement to the solar access of No. 54's POS. As such, the overshadowing is deemed reasonable and supportable on merit.

### **C3.11 – Visual Privacy**

Part C3.11 of the LDCP 2013 includes objectives and controls to prevent adverse visual privacy impacts between residential properties.

#### Living Areas

The proposed development seeks to convert the first floor to a living area, Control C10 requires that living areas are to be provided at ground floor level to minimise opportunities for overlooking of surrounding residential properties. However, given the subject site is a corner lot and the openings associated with the first floor living area do not enable sight lines within 9m and 45 degrees of surrounding residential properties main living rooms or private open space, the proposed location of the living area is deemed acceptable in this instance.

#### Roof Terrace

The proposed development seeks to use the roof terrace (RL 29.86) as a trafficable area and reconfigure its layout from the approved court design. Control C4 under Part C3.11 permits roof terraces in certain circumstances, provided they do not compromise the privacy of surrounding properties. This depends on:

- a. the terrace's design,
- b. the existing privacy of surrounding residential properties,
- c. the established development pattern in the vicinity, and
- d. the potential for overlooking from the roof terrace.

In response to Council's further information request dated 11 October 2024, the amended proposal demonstrates general consistency with these considerations. Specifically, the revised design ensures there are no adverse sightlines into the private open space of neighbouring properties. Planters have been incorporated to delineate trafficable and non-trafficable areas, while a 1.7m-high screen is proposed near the planters, set back approximately 630mm from the inside edge of the boundary wall. This design also minimises overshadowing and reduces perceived bulk and scale impacts when viewed from neighbouring property's private open space.

Additionally, the roof terrace aligns with the existing development pattern in the area, including the elevated private open space and roof terraces at Nos. 28 and 28A Dock Road, Birchgrove, which also have secondary street frontages to Bates Street.

## **C. The Likely Impacts**

- 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 01 August 2024 to 15 August 2024.

A total of four (4) submissions were received in response to the initial notification raising the following issues which have already been discussed as part of this report.

- Solar access and overshadowing;
- Building siting and setbacks;
- Heritage, streetscape, and distinctive neighbourhood impacts

Further issues raised in the submissions received are discussed below:

Concern	Comment
<i>Overshadowing impacts on No. 54's photovoltaic panels.</i>	Shadow diagrams show no overshadowing impacts on the roof plane comprising the neighbour's solar panels.
<i>The illegal damage to the party wall between 56 and 54 Ballast Point road needs to be made good. The heritage party wall needs to be returned to its original height and the Victorian curved capping needs to be restored. The unauthorized and crude brickwork built on top of the wall by the recent illegal building works needs to be removed and the integrity of the wall needs to be restored.</i>	Any damage to the party wall is a civil matter between the owners who have mutual ownership of the party wall. Unauthorised works previously undertaken do not form part of this application.  The application was also referred to Council's Heritage Specialist who has supported the application with conditions of consent.

## 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 \$4,755.00 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;
- Development Engineer;
- Building Certification.

## 8. Conclusion

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

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

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

## 9. Recommendation

- A. In relation to the proposal by the development in Development Application No. DA2024/0620 to contravene the development standard in 4.4- Floor Space Ratio of Inner West Local Environmental Plan 2022 the Panel is satisfied that the Applicant has demonstrated that:
  - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
  - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.
  
- 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/2024/0620 for alterations and additions to an existing semi-detached dwelling, including partial demolition of existing structures. Works include internal reconfigurations, convert the existing first floor verandah into a winter garden, new kitchenette on the second floor roof top terrace, two new air conditioning units on the south western corner of the roof top terrace, altered curved roof structure to roof terrace and new fence fronting Bates street. at 56 Ballast Point Road, BIRCHGROVE subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS OF CONSENT

### GENERAL CONDITIONS

	Condition
1.	<p><b>Boundary Alignment Levels</b></p> <p>Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary unless levels are otherwise approved by Council via a S138 approval.</p> <p>Reason: To allow for pedestrian and vehicular access.</p>
2.	<p><b>Permits</b></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"> <li>• 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;</li> <li>• A concrete pump across the roadway/footpath;</li> <li>• Mobile crane or any standing plant;</li> <li>• Skip Bins;</li> <li>• Scaffolding/Hoardings (fencing on public land);</li> <li>• Public domain works including vehicle crossing, kerb &amp; guttering, footpath, stormwater, etc.;</li> <li>• Awning or street veranda over the footpath;</li> <li>• Partial or full road closure; and</li> <li>• Installation or replacement of private stormwater drain, utility service or water supply.</li> </ul> <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 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>
3.	<p><b>Insurances</b></p> <p>Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.</p> <p>Reason: To ensure Council assets are protected.</p>

4.	<p style="text-align: center;"><b>Documents related to the consent</b></p> <p>The development must be carried out in accordance with plans and documents listed below:</p> <table><tr><th>Plan, Revision and Issue No.</th><th>Plan Name</th><th>Date Issued/Received</th><th>Prepared by</th></tr><tr><td>B007, Issue B</td><td>Proposed Ground Floor Plan &amp; Level 1 Plan</td><td>29/10/2024</td><td>Katris Architects Pty Ltd</td></tr><tr><td>B008, Issue B</td><td>Proposed Level 2 &amp; Roof Plan</td><td>29/10/2024</td><td>Katris Architects Pty Ltd</td></tr><tr><td>B009, Issue B</td><td>Proposed Elevations</td><td>29/10/2024</td><td>Katris Architects Pty Ltd</td></tr><tr><td>B010, Issue B</td><td>Proposed Sections</td><td>29/10/2024</td><td>Katris Architects Pty Ltd</td></tr><tr><td>A1742331_02</td><td>BASIX Certificate</td><td>19/07/2024</td><td>Lin &amp; Associates Pty Ltd</td></tr></table> <p>Any unauthorised works that have previously been undertaken and are shown on the plans as subject to Building Information Certificate, are not the subject of approval under this consent.</p> <p>As amended by the conditions of consent.</p> <p>Reason: To ensure development is carried out in accordance with the approved documents.</p>	Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by	B007, Issue B	Proposed Ground Floor Plan & Level 1 Plan	29/10/2024	Katris Architects Pty Ltd	B008, Issue B	Proposed Level 2 & Roof Plan	29/10/2024	Katris Architects Pty Ltd	B009, Issue B	Proposed Elevations	29/10/2024	Katris Architects Pty Ltd	B010, Issue B	Proposed Sections	29/10/2024	Katris Architects Pty Ltd	A1742331_02	BASIX Certificate	19/07/2024	Lin & Associates Pty Ltd
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5.	<p style="text-align: center;"><b>Works Outside the Property Boundary</b></p> <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>																								
6.	<p style="text-align: center;"><b>Storage of materials on public property</b></p> <p>The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.</p> <p>Reason: To protect pedestrian safety.</p>																								
7.	<p style="text-align: center;"><b>Other works</b></p> <p>Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Reason: To ensure compliance with legislative requirements.</p>																								

8.	<p align="center"><b>National Construction Code (Building Code of Australia)</b></p> <p>A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
9.	<p align="center"><b>Notification of commencement of works</b></p> <p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:</p> <ol style="list-style-type: none"> <li>a. In the case of work for which a principal contractor is required to be appointed: <ol style="list-style-type: none"> <li>i. The name and licence number of the principal contractor; and</li> <li>ii. The name of the insurer by which the work is insured under Part 6 of that Act.</li> </ol> </li> <li>b. In the case of work to be done by an owner-builder: <ol style="list-style-type: none"> <li>i. The name of the owner-builder; and</li> <li>ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.</li> </ol> </li> </ol> <p>Reason: To ensure compliance with legislative requirements.</p>
10.	<p align="center"><b>Dividing Fences Act</b></p> <p>The person acting on this consent must comply with the requirements of the <i>Dividing Fences Act 1991</i> in respect to the alterations and additions to the boundary fences.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
11.	<p align="center"><b>Lead-based Paint</b></p> <p>Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.</p> <p>Reason: To protect human health.</p>
12.	<p align="center"><b>Dial before you dig</b></p> <p>Contact "Dial Before You Dig" prior to commencing any building activity on the site.</p> <p>Reason: To protect assets and infrastructure.</p>

13.	<p style="text-align: center;"><b>Bin Storage - Residential</b></p> <p>All bins are to be stored within the property. Bins are to be returned to the property within 12 hours of having been emptied.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p>
14.	<p style="text-align: center;"><b>Asbestos Removal</b></p> <p>Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p>

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition				
15.	<p><b>Security Deposit - Custom</b></p> <p>Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.</p> <table border="1" data-bbox="437 1055 1198 1133"> <tr> <td>Security Deposit:</td><td>\$6,238.00</td></tr> <tr> <td>Inspection Fee:</td><td>\$389.00</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 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>	Security Deposit:	\$6,238.00	Inspection Fee:	\$389.00
Security Deposit:	\$6,238.00				
Inspection Fee:	\$389.00				



	<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>
16.	<p><b>Dilapidation Report – Pre-Development – Minor</b></p> <p>Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.</p> <p>Reason: To ensure Council assets are protected.</p>
17.	<p><b>Stormwater Drainage System – Minor Developments (OSD is not required)</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:</p> <ol style="list-style-type: none"> <li>The design must generally be in accordance with the Stormwater Drainage Concept plan on Drawing No. 0038-21 H02 prepared by D.T CIVIL ENGINEERING CONSULTANTS and dated 10 September 2021 and amended to comply with the following requirements:</li> <li>Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road.</li> <li>Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.</li> <li>Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tanks.</li> <li>The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes.</li> <li>As there is no overland flow/flood path available from trapped areas and courtyards to the Bates Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:</li> <li>Capture and convey the 100 years Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.</li> <li>The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building.</li> </ol>

	<ul style="list-style-type: none"> <li>i. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.</li> <li>j. A 150mm step up must be provided between the finished surface level of the external area and the finished floor level of the internal room unless a reduced step is permitted by Part 3.3.3. of the National Construction Code for Class 1 buildings.</li> <li>k. No nuisance or concentration of flows to other properties.</li> <li>l. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.</li> <li>m. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.</li> <li>n. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm.</li> <li>o. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings.</li> <li>p. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.</li> <li>q. No impact to street tree(s).</li> </ul> <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>
18.	<p><b>Structural Details of the Boundary Fence</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with structural plans that address the design of the proposed boundary fence, prepared certified as compliant with the terms of this condition by a qualified practicing Structural Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The design and plans must be prepared/ amended to make provision for the following:</p> <ul style="list-style-type: none"> <li>1) The boundary fence retaining wall of the site shall be designed such that any necessary sub soil drainage system installed behind the wall discharges to the site stormwater drainage system and all components of the wall are fully within the property boundary. No weep holes are permitted to Councils footpath.</li> <li>2) Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure.</li> <li>3) Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years.</li> </ul>

	<p>4) No adverse impact on surrounding properties including Council's footpath and road.</p> <p>Reason: To ensure that the design of the boundary fence is structurally sound and has been appropriately certified.</p>
19.	<p><b>Public Domain Works – Prior to Construction Certificate</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the Roads Act 1993 incorporating the following requirements:</p> <ul style="list-style-type: none"> <li>a. Installation of a stormwater outlets to the kerb and gutter in Bates Street.</li> </ul> <p>All works must be completed prior to the issue of an Occupation Certificate.</p> <p>Reason: To ensure public domain works are constructed to Council's standards</p>
20.	<p><b>Long Service Levy</b></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 Building and Construction Industry Long Service Payments Act 1986 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>
21.	<p><b>Design Change</b></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"> <li>a. The proposed garage door must be amended in the following manner: <ul style="list-style-type: none"> <li>i. Vertically boarded timber doors (framed, sheeted, and braced) opening inwards; or,</li> <li>ii. panel lift door with wide horizontal timber strakes painted in the traditional dark trim colour (e.g., Oyster Linen).</li> </ul> </li> <li>b. The proposed windows at the first floor on the north west elevation adjacent to the winter garden must be amended with a vertical mullion centred to each of the twelve windows. Proposed windows must be amended as a timber frame and sash.</li> <li>c. The skylights proposed in the south east elevation roof plane must be deleted and the roof retained.</li> <li>d. Colours &amp; Materials Schedule in accordance with the following: <ul style="list-style-type: none"> <li>i. Antique White USA, or similar, proposed for the architectural detailing to facades must be replaced with Dulux "Oyster Linen", or similar, including window headers and sills, string courses, balustrading and foundations, as approved by the Court in D/2017/587.</li> </ul> </li> </ul>

	<p>ii. Timber windows and doors must be painted Dulux "White", or similar.</p> <p>iii. The amended design to the garage doors must be painted in Dulux "Oyster Linen", or similar.</p> <p>e. The planter box/bed located along the south eastern side boundary of the roof terrace must be increased to a minimum depth of 2m, measured from the inner edge of the south eastern boundary wall.</p> <p>Reason: To ensure that the design changes protect the amenity of the neighbourhood and Heritage Conservation Area.</p>
22.	<p><b>Party Walls</b></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 &amp; 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>
23.	<p><b>Structural Certificate for retained elements of the building</b></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>
24.	<p><b>Sydney Water – Tap In</b></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>Note: Please refer to the web site <a href="http://www.sydneywater.com.au/tapin/index.htm">http://www.sydneywater.com.au/tapin/index.htm</a> for details on the process or telephone 13 20 92.</p> <p>Reason: To ensure relevant utility and service provides requirements are provided to the certifier.</p>
25.	<p><b>Section 7.12 Development Contribution Payments</b></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 <b>\$4,755.00</b> 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> $C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$ <p>Where:</p> <ul style="list-style-type: none"> <li>• <math>C_{\text{payment}}</math> = is the contribution at time of payment</li> <li>• <math>C_{\text{consent}}</math> = is the contribution at the time of consent, as shown above</li> <li>• <math>CPI_{\text{consent}}</math> = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 139.8 for the September 2024 quarter.</li> <li>• <math>CPI_{\text{payment}}</math> = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment</li> </ul> <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><b>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.</b></p> <p>Council's Plan may be viewed at <a href="http://www.innerwest.nsw.gov.au">www.innerwest.nsw.gov.au</a> 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 <a href="mailto:council@innerwest.nsw.gov.au">council@innerwest.nsw.gov.au</a> 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 <a href="http://www.innerwest.nsw.gov.au/invoice">www.innerwest.nsw.gov.au/invoice</a>; 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>
--	---

**BEFORE BUILDING WORK COMMENCES**

	Condition
<b>26.</b>	<p><b>Hoardings</b></p> <p>The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.</p> <p>If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.</p> <p>Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.</p> <p>Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.</p>
<b>27.</b>	<p><b>Waste Management Plan</b></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>
<b>28.</b>	<p><b>Erosion and Sediment Control</b></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 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>
<b>29.</b>	<p><b>Construction Fencing</b></p> <p>Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.</p> <p>Reason: To protect the built environment from construction works.</p>

**DURING BUILDING WORK**

	Condition
<b>30.</b>	<b>Advising Neighbours Prior to Excavation</b> At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation.  Reason: To ensure surrounding properties are adequately notified of the proposed works.
<b>31.</b>	<b>Construction Hours – Class 1 and 10</b> 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.  Reason: To protect the amenity of the neighbourhood.
<b>32.</b>	<b>Survey Prior to Footings</b> Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.  Reason: To ensure works are in accordance with the consent.

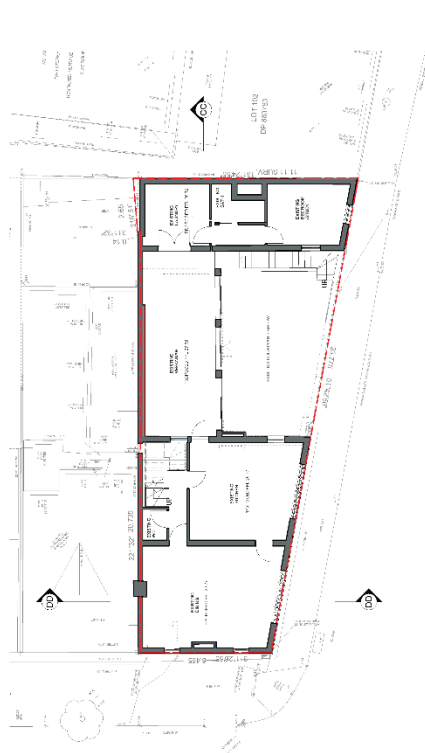
**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

	Condition
<b>33.</b>	<b>No Encroachments</b> Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.  Reason: To maintain and promote vehicular and pedestrian safety.
<b>34.</b>	<b>Protect Sandstone Kerb</b> Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent has been replaced.  Reason: To ensure Council assets are protected.

Download Set ID: J002714  
Revision 1, Version Date 23012025

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 www.katris.com.au  
 admin@katris.com.au





1  
EXISTING LEVEL 1  
1:100



2  
EXISTING GROUND FLOOR/SITE PLAN  
1:100

ISSUE FOR DA SUBMISSION ONLY

56 BALLAST POINT ROAD, BIRCHGROVE NSW

DATE: 20/12/2018  
DRAWN: 20/12/2018  
CHECKED: 20/12/2018  
APPROVED: 20/12/2018

ARCHITECTURAL - GENERAL NOTES  
1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2018 AND THE NSW BUILDING ACT 2016.  
2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.  
3. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY DAMAGE OR LOSS ARISING FROM THE USE OF THIS DOCUMENT FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED.  
4. THIS DOCUMENT IS THE PROPERTY OF THE DESIGNER AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.  
5. THE DESIGNER DOES NOT WARRANT THAT THE INFORMATION CONTAINED HEREIN IS COMPLETELY ACCURATE OR COMPLETELY CORRECT.  
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7. THE DESIGNER DOES NOT WARRANT THAT THE INFORMATION CONTAINED HEREIN IS COMPLETELY ACCURATE OR COMPLETELY CORRECT.  
8. THE DESIGNER DOES NOT WARRANT THAT THE INFORMATION CONTAINED HEREIN IS COMPLETELY ACCURATE OR COMPLETELY CORRECT.  
9. THE DESIGNER DOES NOT WARRANT THAT THE INFORMATION CONTAINED HEREIN IS COMPLETELY ACCURATE OR COMPLETELY CORRECT.  
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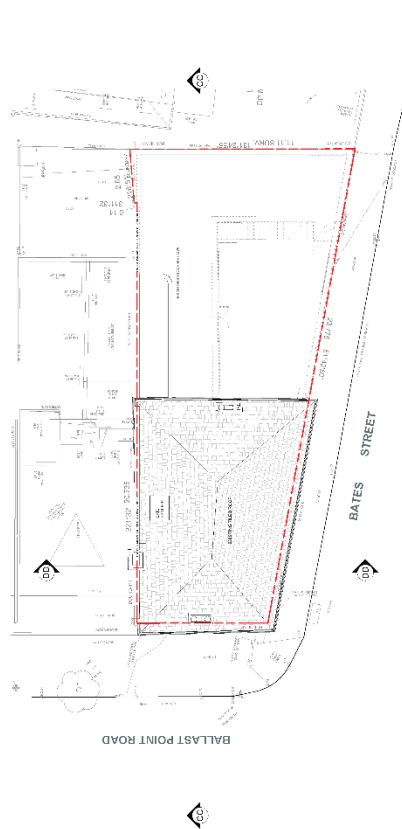
GRANASSO D'ITALIA PTY LTD  
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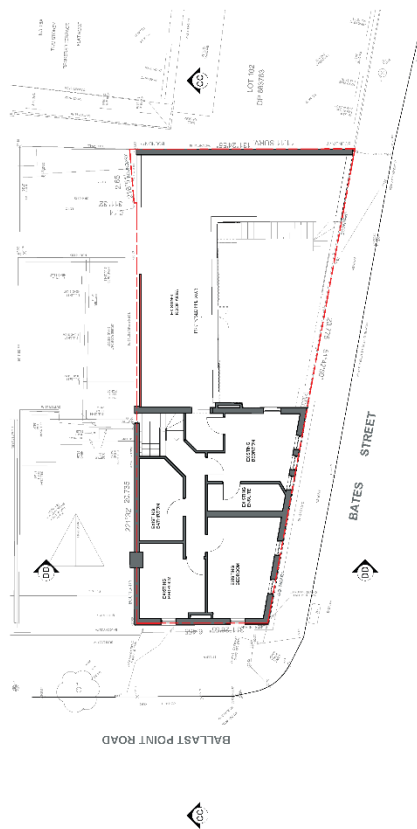
EXISTING GROUND FLOOR & LEVEL 1 PLAN  
SCALE: 1:100  
DATE: 20/12/2018  
DRAWN: 20/12/2018  
CHECKED: 20/12/2018  
APPROVED: 20/12/2018

Katris Architects Pty Ltd  
1/100  
1/100





1 EXISTING ROOF PLAN



2004 1-9211

2 EXISTING LEVEL 2

**ISSUE FOR DA SUBMISSION ONLY**



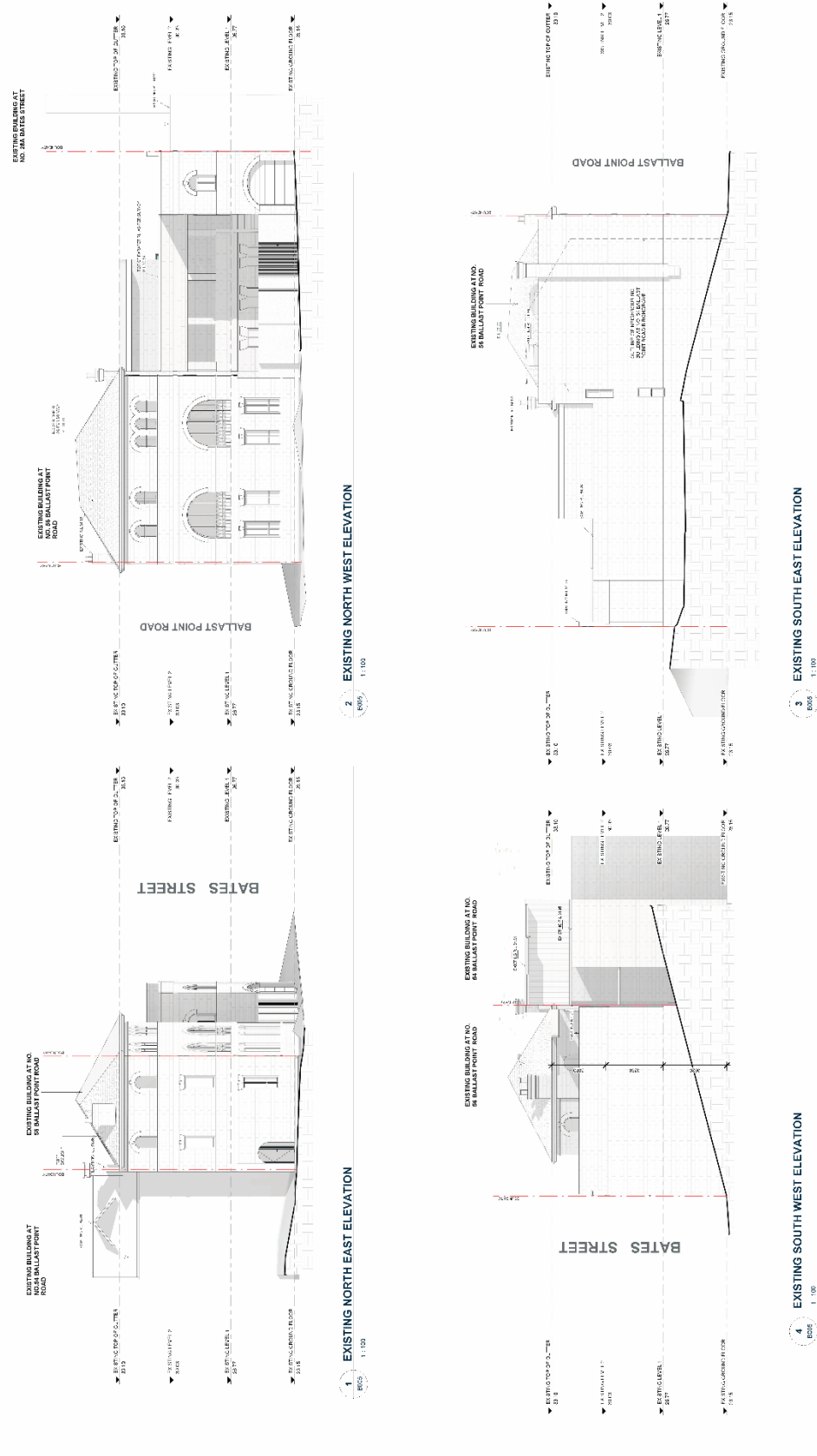
56 BALLAST POINT ROAD, BIRCHGROVE NSW

Gransasso D'Italia Pty Ltd

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 Hill #140 10552, Pearland, TX 77586  
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 London Office • 10792 2<sup>nd</sup> St  
 PO Box 193 Bournemouth BH9 1JG  
 United Kingdom • 01202 5746542  
 Fax • 01202 574654

EXISTING LEVEL 2 & ROOF PLAN

[illegible][illegible]



**ISSUE FOR DA SUBMISSION ONLY**



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 P.O. Box 102, Newwood NSW 1585, Australia  
 Tel: +61 (0)2 9392 1000 Fax: +61 (0)2 9392 1001

303.924.1141 • **EXISTING ELEVATIONS**  
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 CHECKED: CHUCKER, CA  
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**B005**  
 303.924.1141 • **EXISTING ELEVATIONS**  
 HOUSE #0-15 1-100  
 SCALE 1/4" = 1'-0"  
 DATE: 09-20-2020  
 CHECKED: CHUCKER, CA  
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**B005**

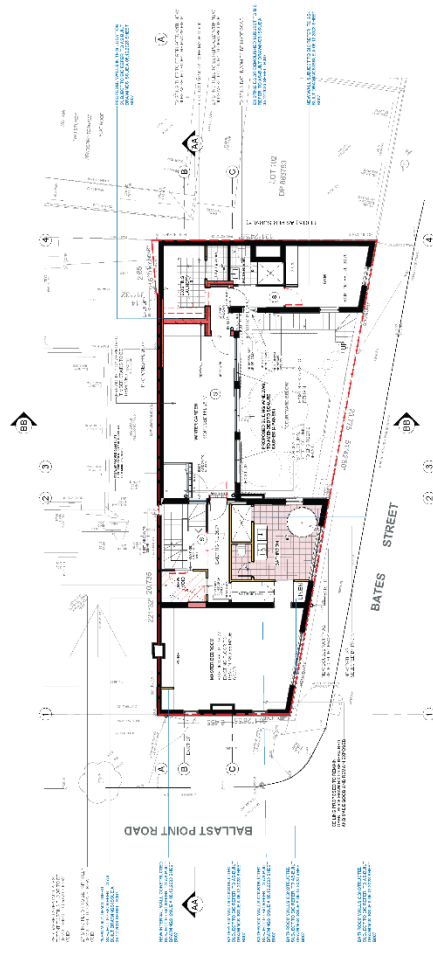
556 BALLAST POINT ROAD, BIRCHGROVE NSW

Gransasso D'Italia Pty Ltd

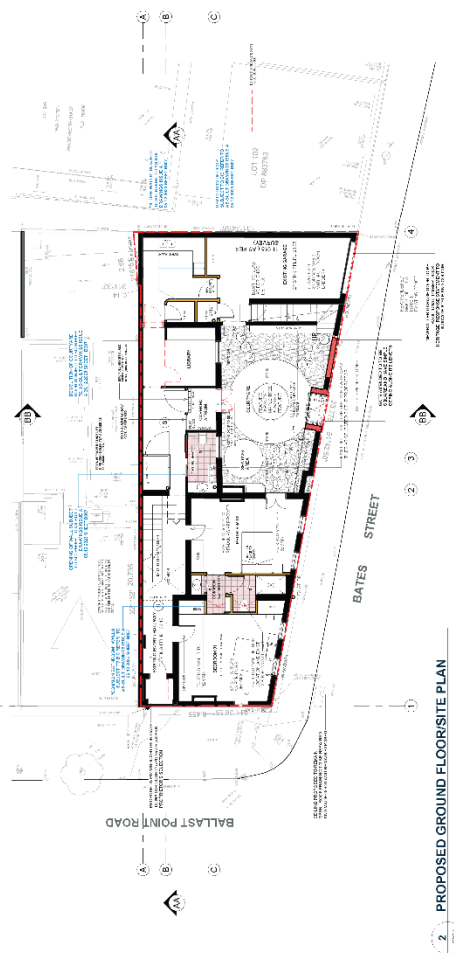
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			150.00 FOR 0.00000000

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## PROPOSED LEVEL 1 PLAN



2 PROPOSED GROUND FLOOR/SITE PLAN

**ISSUE FOR DA SUBMISSION ONLY**



56 BALLAST POINT ROAD, BIRCHGROVE NSW

Gransasso D'Italia Pty Ltd

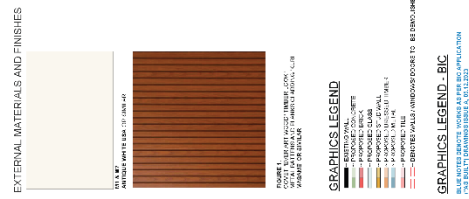
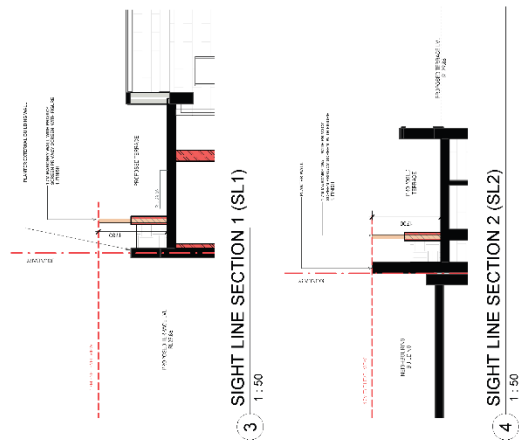
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HE	20-12-2004	B	ISSUE FOR RE-EVALUATION COMPLETED 11-11-2004

# STRUCTURAL JEREMIAHOE

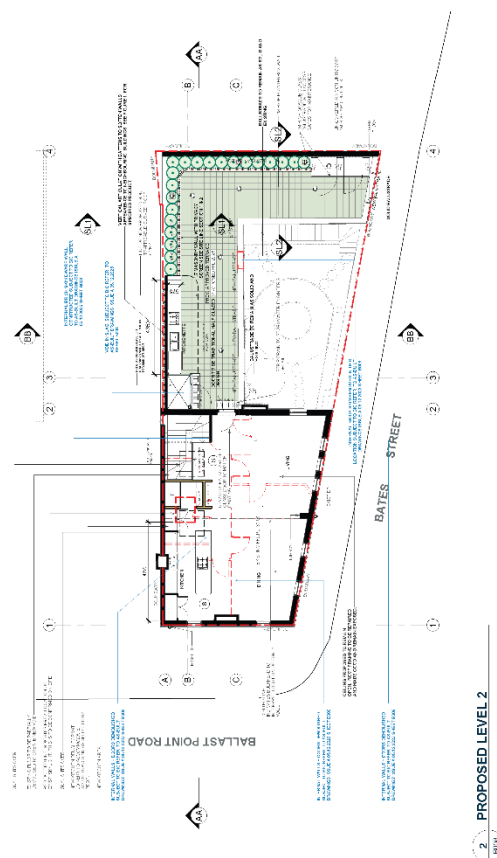
**Katris Architects Pty Ltd**  
 Incorporated in South Africa  
 101-103, 105-107, 109-111, 113-115, 117-119, 121-123, 125-127, 129-131, 133-135, 137-139, 141-143, 145-147, 149-151, 153-155, 157-159, 161-163, 165-167, 169-171, 173-175, 177-179, 181-183, 185-187, 189-191, 193-195, 197-199, 201-203, 205-207, 209-211, 213-215, 217-219, 221-223, 225-227, 229-231, 233-235, 237-239, 241-243, 245-247, 249-251, 253-255, 257-259, 261-263, 265-267, 269-271, 273-275, 277-279, 281-283, 285-287, 289-291, 293-295, 297-299, 301-303, 305-307, 309-311, 313-315, 317-319, 321-323, 325-327, 329-331, 333-335, 337-339, 341-343, 345-347, 349-351, 353-355, 357-359, 361-363, 365-367, 369-371, 373-375, 377-379, 381-383, 385-387, 389-391, 393-395, 397-399, 401-403, 405-407, 409-411, 413-415, 417-419, 421-423, 425-427, 429-431, 433-435, 437-439, 441-443, 445-447, 449-451, 453-455, 457-459, 461-463, 465-467, 469-471, 473-475, 477-479, 481-483, 485-487, 489-491, 493-495, 497-499, 501-503, 505-507, 509-511, 513-515, 517-519, 521-523, 525-527, 529-531, 533-535, 537-539, 541-543, 545-547, 549-551, 553-555, 557-559, 561-563, 565-567, 569-571, 573-575, 577-579, 581-583, 585-587, 589-591, 593-595, 597-599, 601-603, 605-607, 609-611, 613-615, 617-619, 621-623, 625-627, 629-631, 633-635, 637-639, 641-643, 645-647, 649-651, 653-655, 657-659, 661-663, 665-667, 669-671, 673-675, 677-679, 681-683, 685-687, 689-691, 693-695, 697-699, 701-703, 705-707, 709-711, 713-715, 717-719, 721-723, 725-727, 729-731, 733-735, 737-739, 741-743, 745-747, 749-751, 753-755, 757-759, 761-763, 765-767, 769-771, 773-775, 777-779, 781-783, 785-787, 789-791, 793-795, 797-799, 801-803, 805-807, 809-811, 813-815, 817-819, 821-823, 825-827, 829-831, 833-835, 837-839, 841-843, 845-847, 849-851, 853-855, 857-859, 861-863, 865-867, 869-871, 873-875, 877-879, 881-883, 885-887, 889-891, 893-895, 897-899, 901-903, 905-907, 909-911, 913-915, 917-919, 921-923, 925-927, 929-931, 933-935, 937-939, 941-943, 945-947, 949-951, 953-955, 957-959, 961-963, 965-967, 969-971, 973-975, 977-979, 981-983, 985-987, 989-991, 993-995, 997-999, 1001-1003, 1005-1007, 1009-1011, 1013-1015, 1017-1019, 1021-1023, 1025-1027, 1029-1031, 1033-1035, 1037-1039, 1041-1043, 1045-1047, 1049-1051, 1053-1055, 1057-1059, 1061-1063, 1065-1067, 1069-1071, 1073-1075, 1077-1079, 1081-1083, 1085-1087, 1089-1091, 1093-1095, 1097-1099, 1101-1103, 1105-1107, 1109-1111, 1113-1115, 1117-1119, 1121-1123, 1125-1127, 1129-1131, 1133-1135, 1137-1139, 1141-1143, 1145-1147, 1149-1151, 1153-1155, 1157-1159, 1161-1163, 1165-1167, 1169-1171, 1173-1175, 1177-1179, 1181-1183, 1185-1187, 1189-1191, 1193-1195, 1197-1199, 1201-1203, 1205-1207, 1209-1211, 1213-1215, 1217-1219, 1221-1223, 1225-1227, 1229-1231, 1233-1235, 1237-1239, 1241-1243, 1245-1247, 1249-1251, 1253-1255, 1257-1259, 1261-1263, 1265-1267, 1269-1271, 1273-1275, 1277-1279, 1281-1283, 1285-1287, 1289-1291, 1293-1295, 1297-1299, 1301-1303, 1305-1307, 1309-1311, 1313-1315, 1317-1319, 1321-1323, 1325-1327, 1329-1331, 1333-1335, 1337-1339, 1341-1343, 1345-1347, 1349-1351, 1353-1355, 1357-1359, 1361-1363, 1365-1367, 1369-1371, 1373-1375, 1377-1379, 1381-1383, 1385-1387, 1389-1391, 1393-1395, 1397-1399, 1401-1403, 1405-1407, 1409-1411, 1413-1415, 1417-1419, 1421-1423, 1425-1427, 1429-1431, 1433-1435, 1437-1439, 1441-1443, 1445-1447, 1449-1451, 1453-1455, 1457-1459, 1461-1463, 1465-1467, 1469-1471, 1473-1475, 1477-1479, 1481-1483, 1485-1487, 1489-1491, 1493-1495, 1497-1499, 1501-1503, 1505-1507, 1509-1511, 1513-1515, 1517-1519, 1521-1523, 1525-1527, 1529-1531, 1533-1535, 1537-1539, 1541-1543, 1545-1547, 1549-1551, 1553-1555, 1557-1559, 1561-1563, 1565-1567, 1569-1571, 1573-1575, 1577-1579, 1581-1583, 1585-1587, 1589-1591, 1593-1595, 1597-1599, 1601-1603, 1605-1607, 1609-1611, 1613-1615, 1617-1619, 1621-1623, 1625-1627, 1629-1631, 1633-1635, 1637-1639, 1641-1643, 1645-1647, 1649-1651, 1653-1655, 1657-1659, 1661-1663, 1665-1667, 1669-1671, 1673-1675, 1677-1679, 1681-1683, 1685-1687, 1689-1691, 1693-1695, 1697-1699, 1701-1703, 1705-1707, 1709-1711, 1713-1715, 1717-1719, 1721-1723, 1725-1727, 1729-1731, 1733-1735, 1737-1739, 1741-1743,



11-AUGUST 2004  
**PROPOSED GROUND FLOOR PLAN & LEVEL 1 PLAN**  
 SCALE: 1/8" = 1'-0"  
 DATE: 28-10-2008  
 DRAWN: JT  
 CHECKED: GK  
 REVISIONS: NO  
 B007



ISSUE FOR DA SUBMISSION ONLY

[illegible][illegible]

56 BALLAST POINT ROAD, BIRCHGROVE NSW

Gransasso D'Italia Pty Ltd

DRAWING NAME  
**PROPOSED LEVEL 2 & ROOF PLAN**  
 PROJECT NAME  
 PROJECT NO.  
 DATE

2 & ROOF PLAN

DATE 28-10-2008

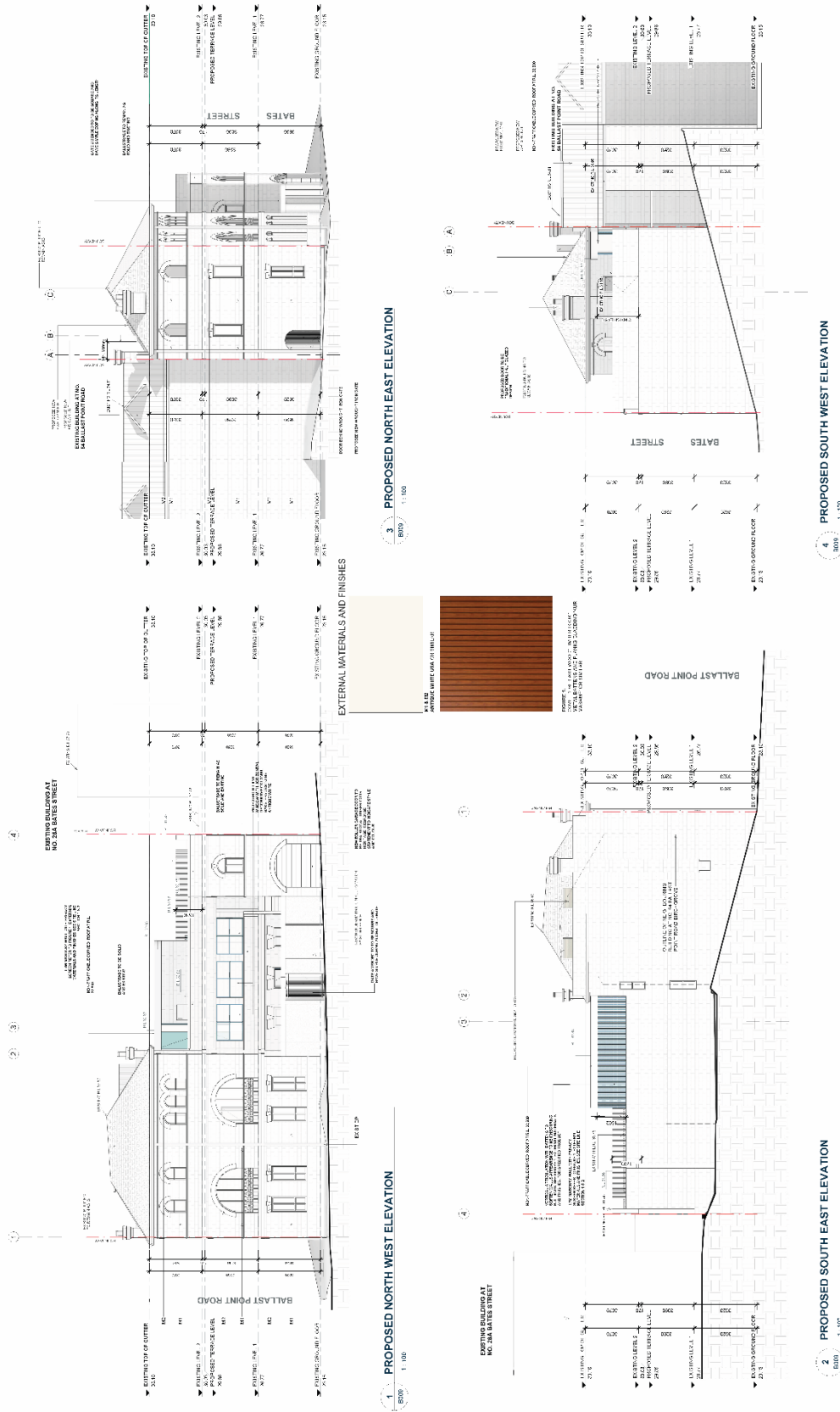
ISSUE

DESIGNER: CK

CHECKER: CK

DATE: 28-10-2008

**Katris Architects Pty Ltd**  
 Incorporated in NSW, Class 94, (s 125) (C) (s 126) (C)  
 Katris (Vic) Pty Ltd, (Pty Ltd) (s 125) (C) (s 126) (C)  
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 Brisbane QLD 4002, 24  
 PG Box 173, Emerald QLD 4701 (Vic) 3640  
 P 05 546 5422 F 35 3747 3946  
 1300 407 5 000 00  
 4017 79 833 1538 21 21



**ISSUE FOR DA SUBMISSION ONLY**



**Karris Architects Pty Ltd**  
 1/100-1/101 Ballast Point Road, Birchgrove NSW 1585  
 P.O. Box 100, Birchgrove NSW 1585  
 P.O. Box 100, Birchgrove NSW 1585  
 P.O. Box 100, Birchgrove NSW 1585

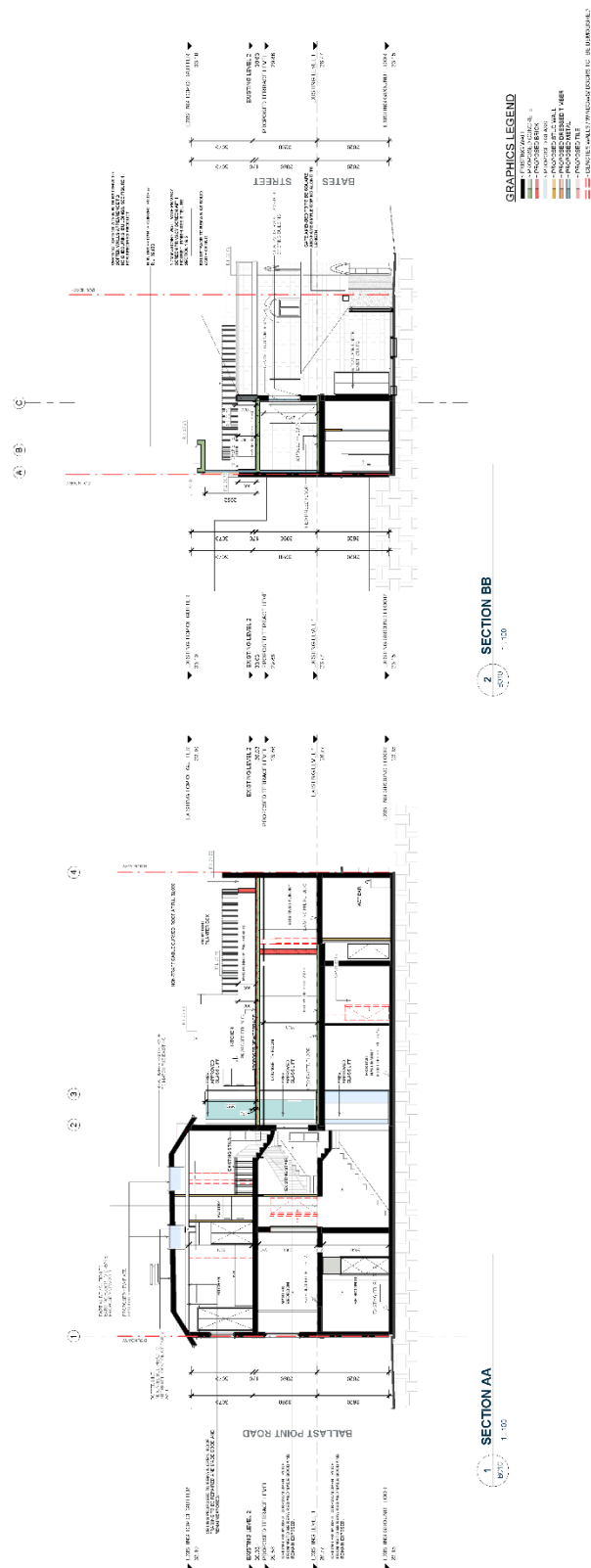
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PROPOSED NORTH EAST ELEVATION	1/100	1:100	1/100	1/100	1/100	1/100	1/100
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PROPOSED SOUTH EAST ELEVATION	1/100	1:100	1/100	1/100	1/100	1/100	1/100



**56 BALLAST POINT ROAD, BIRCHGROVE NSW**  
 CLIENT: Granassio D'Italia Pty Ltd

DATE	REVISION	BY	CHK
1/100	1/100	1/100	1/100
1/100	1/100	1/100	1/100
1/100	1/100	1/100	1/100

**PROPOSED SOUTH WEST ELEVATION**  
 Scale 1:100



ISSUE FOR DA SUBMISSION ONLY



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 Email: [info@katris.com](mailto:info@katris.com)  
 Website: [www.katris.com](http://www.katris.com)  
 Local Office • 10000 Blvd. de l'Industrie, Suite 100, St. Laurent, Quebec H4S 1Y6, Canada  
 Tel: (514) 382-1052, Fax: (514) 382-1053  
 Email: [info@katris.com](mailto:info@katris.com)  
 Website: [www.katris.com](http://www.katris.com)



## PROPOSED SECTIONS

11 AUGUST 2001  
**PROPOSED SECTIONS**  
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 30-E 40-1 1 100 CHECKER OK  
 DATE 28-10-2008  
 304PM 302 301  
 B010  
 100AL  
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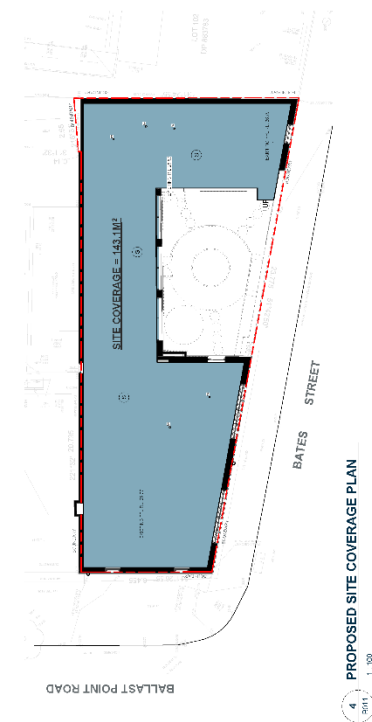
56 BALLAST POINT ROAD, BIRCHGROVE NSW

Gransasso D'Italia Pty Ltd

JOURNAL	DATE	ISSUE	AMENDMENT
CK	1987-226	A	ISSUE FOR DA SUBM EDSCH
NB	20-12-2004	B	ISSUE FOR REF. & ENVIRONMENTAL COORDINATE WITH ENVIRONMENT

**ARCHITECTURAL CEMETARY**  
 The Architectural Cemetery is a collection of architectural drawings and photographs of buildings and structures. It is a valuable resource for architects and designers, providing inspiration and ideas for their work. The collection includes drawings of houses, churches, schools, and other buildings, as well as photographs of these structures in their natural settings. The drawings are arranged in a systematic manner, making it easy to find specific types of buildings or structures. The photographs provide a visual context for the drawings, showing how the buildings are used and how they fit into their surroundings. The Architectural Cemetery is a must-have for anyone interested in architecture and design.





### AREA CALCULATIONS

**SITE AREA ( AS PER SURVEY) = 200M<sup>2</sup>**

GROSS FLOOR AREA (GFA)

**GROSS FLOOR AREA (GFA)**  
- GROUND FLOOR GFA = 131.9M<sup>2</sup>

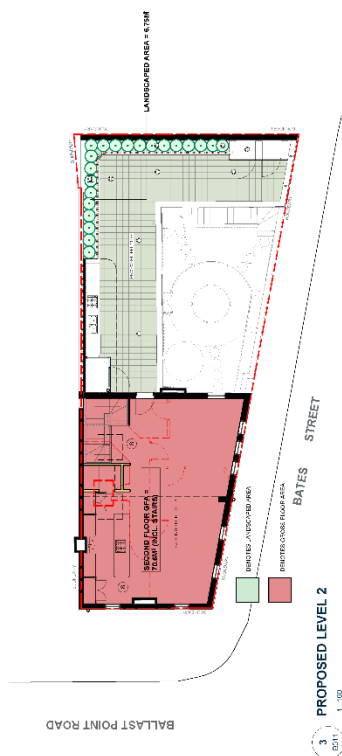
- LEVEL 1 GFA = 132M<sup>2</sup>
- LEVEL 2 GFA = 70.6M<sup>2</sup>

**TOTAL EXISTING AND PROPOSED GFA =  
334.5M<sup>2</sup>**

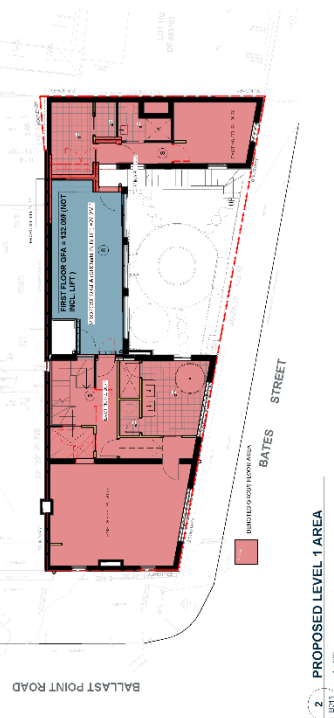
FLOOR SPACE RATIO (FSR) PROPOSED = 1.67:1

**SITE COVERAGE =  $143.1 / 200 = 71.5\%$**

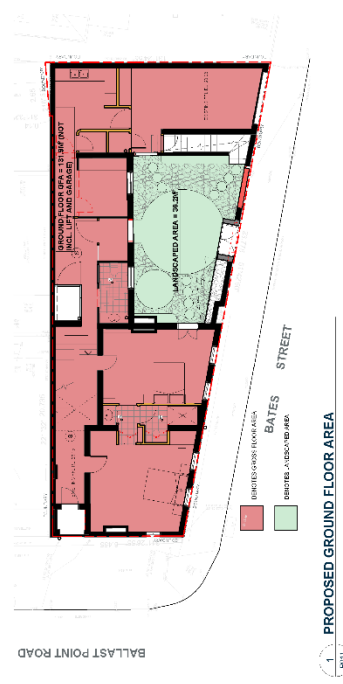
**LANDSCAPED AREA = 36.2 + 6.75 = 42.95M<sup>2</sup>**



## PROPOSED LEVEL 2



## PROPOSED LEVEL 1 AREA



**PROPOSED GROUND FLOOR AREA**

DRAWN	DATE	ISSUE AMENDMENT
-------	------	-----------------

DRAWN	DATE	ISSUE	AMENDMENT
CK	19-07-2020	A	10% increase for DA, B&B, P&B, CH
HE	20-10-2020	B	10% increase for B&B, P&B, CH 10% increase for DA, B&B, P&B, CH

[illegible]

56 BALLAST POINT ROAD, BIRCHGROVE NSW

Gransasso D'Italia Pty Ltd



111 Avenue LAM

## AREA CALCULATIONS

PKA T 6-1	1.180	TEAM CK
SCALE-6-03	1.200	CHECKER CK

---

DATE 29-06-2028

ISSUE  
**B**

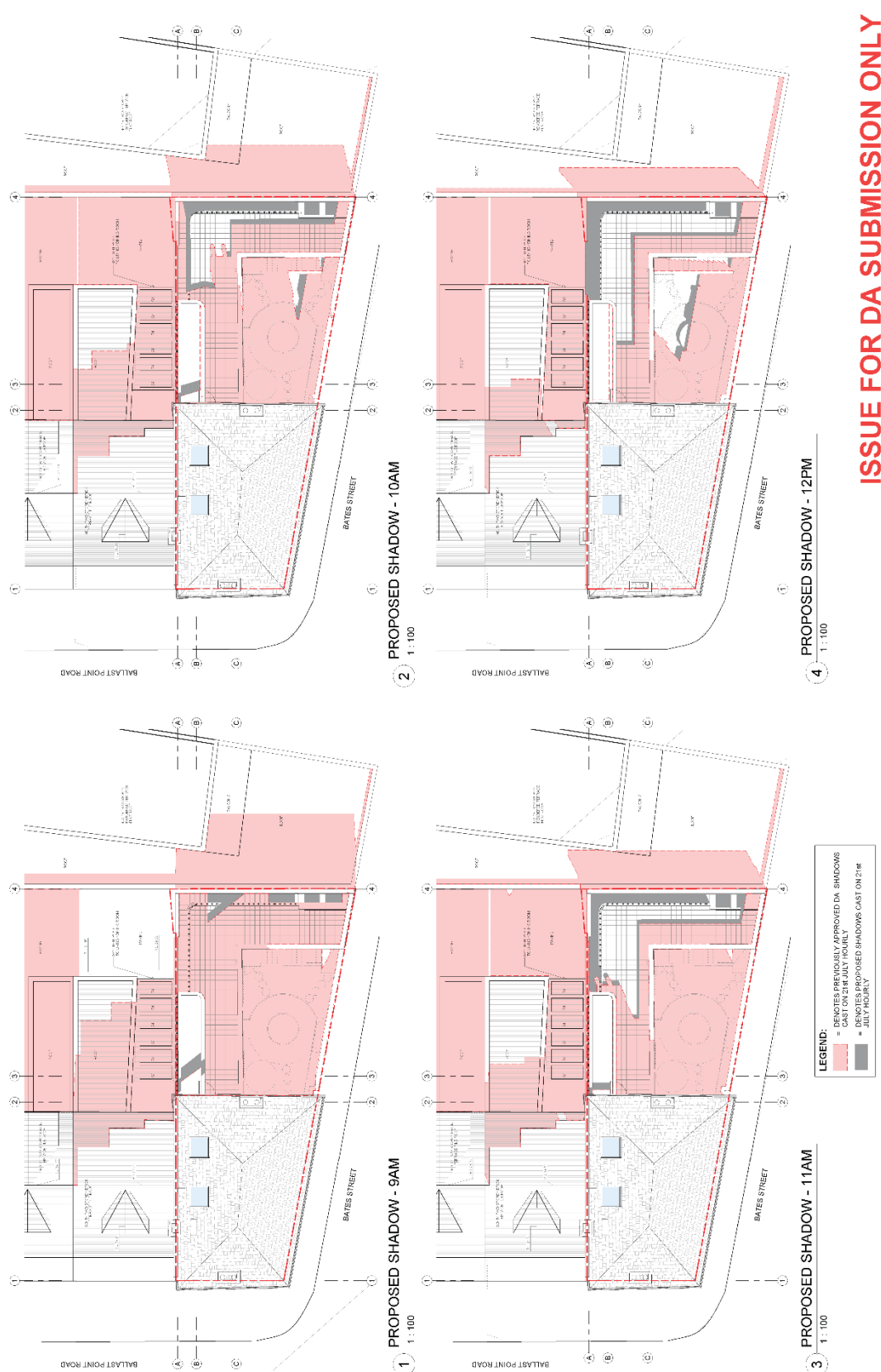
TEAM REG NO

**B011**

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**ISSUE FOR DA SUBMISSION ONLY**



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 02 966 467 6 0061 68  
 4815 12 813 1238 24 8

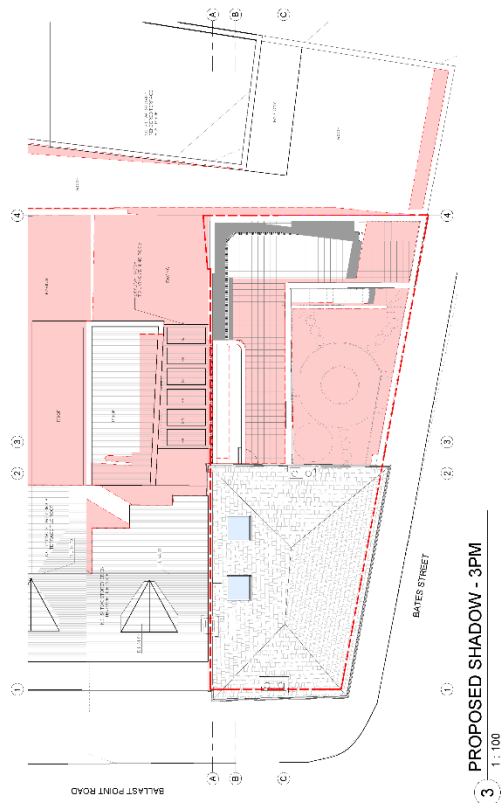
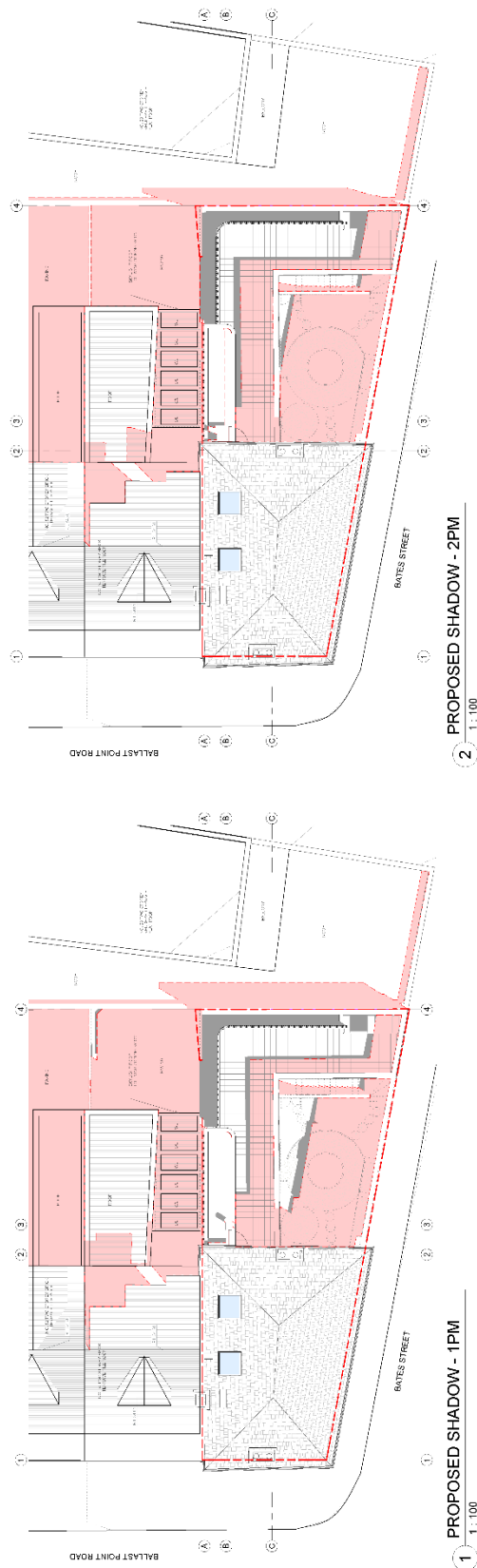
11/24/2016 11:41 AM  
PROPOSED SHADOW DIAGRAMS - 21ST JULY  
9am - 12pm

56 BALLAST POINT ROAD, BIRCHGROVE NSW

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DRAWN	DATE	ISSUE	AMENDMENT
CK	19-07-2004	A	ISSUE FOR DATA
NE	20-10-2004	B	ISSUE FOR RITE EXCHANGE RITE

## ARCHITECTURAL, ORIGINAL NOTES



**LEGEND:**

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	= DENOTES PROPOSED SHADOWS CAST ON 21st JULY HOURLY

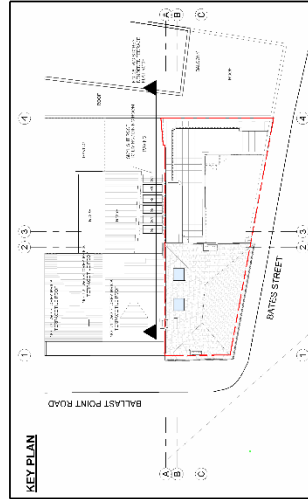
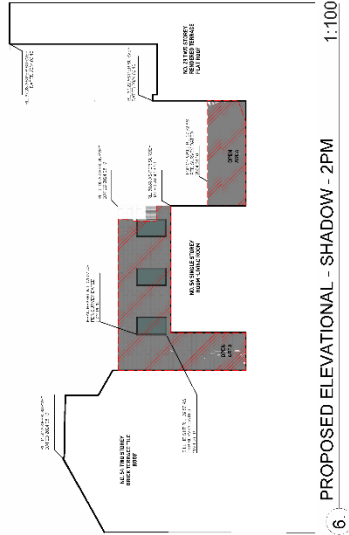
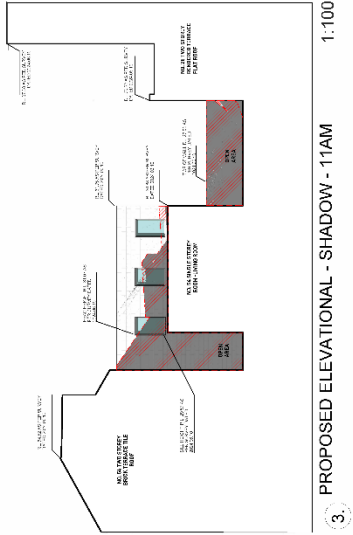
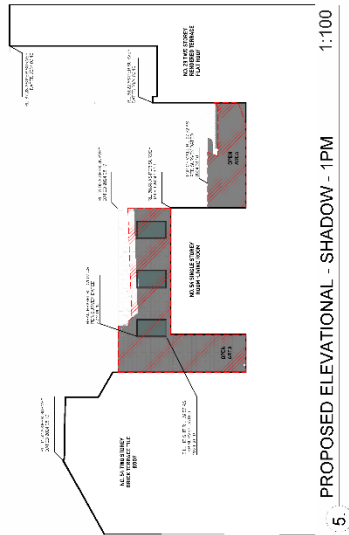
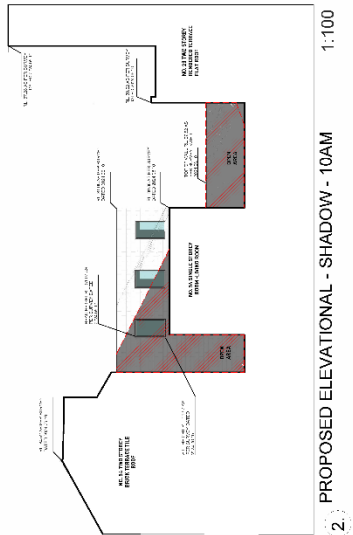
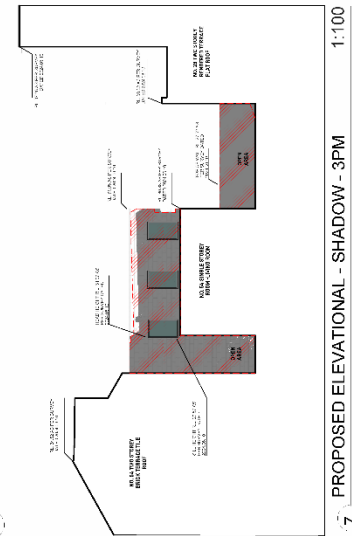
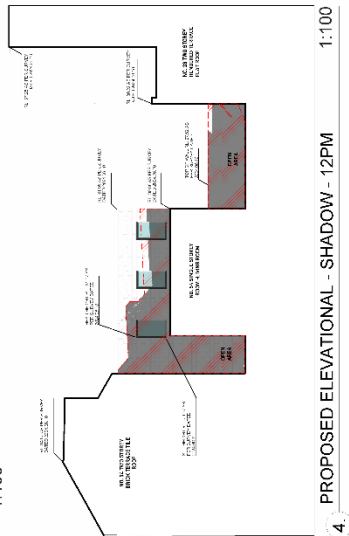
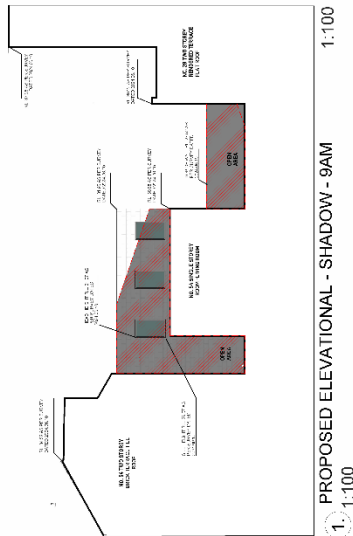
**ISSUE FOR DA SUBMISSION ONLY**

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 Ringwood 3135, VIC  
 PO Box 170 Bendigo 3550 VIC  
 P 05 2946 5422 F 05 2947 5346  
 129064001 000 000  
 4517 2913 1238 000

11/18/2015 14:01  
**PROPOSED SHADOW DIAGRAMS - 21ST JULY**  
**1pm - 3pm**  
 PICA 16 at 1:16  
 SC-16 & JU 1:20  
 TRAPPS OK  
 CHECKER OK  
 DATE 29.10.2015  
 MODEL  
**B**  
 TRAPPS INC  
**B012a**

56 BALLAST POINT ROAD, BIRCHGROVE NSW  
GRASSASSO D'ITALIA PTY LTD

[illegible]



LEGEND

DENOTES PREVIOUSLY APPROVED DA - SHADOWS CAST ON 21st JULY HOURLY

= DENOTES PROPOSED SHADOWS CAST ON 21st JULY HOURLY

ISSUE FOR DA SUBMISSION ONLY

PROJECT: 56 BALLAST POINT ROAD, BIRCHGROVE NSW  
CLIENT: Grassano D'Alia Pty Ltd  
DATE: 10/07/2023  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: 1:100  
SHEET: 1 OF 1

PROJECT: 56 BALLAST POINT ROAD, BIRCHGROVE NSW  
CLIENT: Grassano D'Alia Pty Ltd  
DATE: 10/07/2023  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: 1:100  
SHEET: 1 OF 1

PROJECT: 56 BALLAST POINT ROAD, BIRCHGROVE NSW  
CLIENT: Grassano D'Alia Pty Ltd  
DATE: 10/07/2023  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: 1:100  
SHEET: 1 OF 1

## Attachment C – Section 4.6 Exception to Development Standards



### Clause 4.6 Variation

FLOOR SPACE RATIO

56 BALLAST POINT ROAD,  
BIRCHGROVE

OCTOBER 2024



Document Set ID: 40047712  
Version: 1, Version Date: 20/01/2025



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QUALITY ASSURANCE	
PROJECT:	Clause 4.6 - FSR
ADDRESS:	56 Ballast Point Road, Birchgrove
LOT/DP:	Lot 1 DP446745
COUNCIL:	Inner West Council
AUTHOR:	Think Planners Pty Ltd

Document Management		
Prepared by:	Purpose of Issue:	Date:
Adam Byrnes	Draft Issue	July 2024
Adam Byrnes	RFI Update	October 2024
Reviewed by:	Purpose of Issue:	Date:
Adam Byrnes	Lodgement Issue	July 2024
Ben Creighton / AB	Lodgement Issue	October 2024

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## CLAUSE 4.6 DEPARTURE

### BACKGROUND TO THE BREACH

This Clause 4.6 variation has been prepared in support of an amending Development Application to an approved Development Application (D/2017/587) for alterations and additions to an existing three storey dwelling at 56 Ballast Point Road, Birchgrove.

#### History

D/2017/587 approved the alterations of additions of the dwelling house to allow for a rooftop private open space area, and other minor external and internal works.

In late 2022 the Inner West Council issued Development Control Orders to Stop Work on the site as works were being undertaken by the former builder that were not consistent with the approved plans. Work ceased consistent with the Orders.

In July 2023 a meeting was held with Council, attended by the client and his project team comprising architect, heritage architect, planner and new builder. Subsequently the Council issued an Order to permit protection works on the site, which have been undertaken. The Stop Work Order however remains in place and no works are being undertaken on site presently.

Having regard to the unauthorized works on site both a modification to the approval and a Building Information Certificate (BIC) are necessary to allow for the lawful completion of the project.

The approved DA exceeds the applicable FSR for the site. In making a DA to modify the approval it is relevant that the proposed FSR be analysed. Accordingly, as the DA is for a dwelling that exceeds the applicable FSR of the relevant Local Environmental Plan, a Clause 4.6 Variation is required.

#### Proposal

This clause 4.6 variation request accompanies a Development Application and a BIC that collectively propose:

1. Amendments to the relevant development approval that comprise minor external and internal works to create an improved internal layout and amenity for the residents, noting that the works have been designed to respect the local heritage status of the building and location within a heritage conservation area as per the Inner West Local Environmental Plan 2022 and associated Leichhardt DCP 2013.
2. Retention of unauthorised works, where it is demonstrated that there is no heritage impact and results in an improved dwelling.

Clause 4.6 Variation: FSR  
56 Ballast Point Road, Birchgrove  
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3. Reinstatement of building fabric for heritage purposes, where the heritage consultant has advised that such is necessary to maintain the integrity of the heritage item.

Control and Numeric standard

- Site Area – 200m<sup>2</sup>
- Proposed GFA – 334.5m<sup>2</sup>
- Proposed FSR – 1.67:1
- Permitted FSR – 0.9:1
- Variation – 85.5%



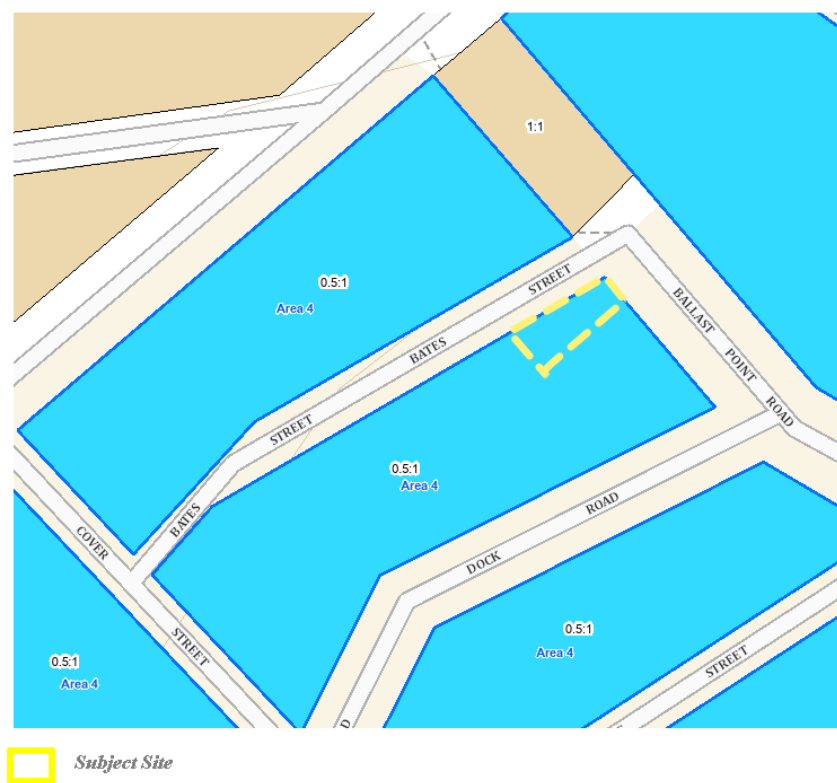


**THE FSR DEVELOPMENT STANDARD**

The proposed development exceeds the maximum permitted FSR control of 0.9:1 that applies under Clause 4.4(2)(b) of the Inner West LEP

An extract of the relevant FSR map is provided below that identifies the site and the relevant FSR provision- being 0.5:1, within Area 4, that clause 4.4(2)(b) confirms that land edged in Green and is greater than 150m<sup>2</sup> in area and less than 300m<sup>2</sup> in area is 0.9:1.

**Figure 1: FSR extract Map from Inner West LEP (Source: NSW Planning Portal)**



Clause 4.6 Variation: FSR  
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## VARIATION TO THE STANDARD ASSOCIATED WITH THE DEVELOPMENT

- Site Area – 200m<sup>2</sup>
- Proposed GFA – 334.5m<sup>2</sup>
- Proposed FSR – 1.67:1
- Permitted FSR – 0.9:1
- Variation – 85.5%
- Proposed Additional Built Form from that approved – 0m<sup>2</sup>

As the floorspace is existing and located within the existing envelope of the building, the visual bulk and scale of the building will not be altered.

## RELEVANT CASE LAW

There are a number of Land and Environment Court cases including *Four 2 Five v Ashfield* and *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council*, as well as *Zhang v Council of the City of Ryde*. In addition a judgement in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact is a way of demonstrating consistency with the objectives of a development standard. Therefore, this must be considered when evaluating the merit of the FSR departure.

Further a decision in *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245* has adopted further consideration of this matter, requiring that a consent authority must be satisfied that:

- The written request addresses the relevant matters at Clause 4.6 (3) and demonstrates compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds; and
- The consent authority must consider that there are planning grounds to warrant the departure in their own mind and there is an obligation to give reasons in arriving at a decision.

Accordingly, the key tests or requirements arising from the above judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is "consistent with" the objectives of the development standard and zone is not a requirement to "achieve" those objectives. It is a

Clause 4.6 Variation: FSR  
56 Ballast Point Road, Birchgrove  
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requirement that the development be compatible with the objectives, rather than having to 'achieve' the objectives.

- Establishing that 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe "test" 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in Wehbe v Pittwater.
- There are planning grounds to warrant the departure, and these planning grounds are clearly articulated as reasons in arriving at a decision.
- The proposal is required to be in 'the public interest'.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the maximum FSR control and on that basis that compliance is unreasonable or unnecessary;
- Demonstrating consistency with the R1 zoning;
- Establishing compliance is unreasonable and unnecessary;
- Demonstrating there are sufficient environmental planning grounds to justify varying the standard; and
- Satisfying the relevant provisions of Clause 4.6.

## ADDRESS OF CLAUSE 4.6 PROVISIONS

Clause 4.6 of the Inner West LEP 2022 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3 which provide:

*(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

*(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*

*(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Clause 4.6 does not restrain the consent authority's discretion as to the numerical extent of the departure from the development standard. Each of the relevant provisions of Clause 4.6 are addressed in turn below.

### CLAUSE 4.6(3)(A) - COMPLIANCE UNREASONABLE AND UNNECESSARY

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as:

The underlying objectives of the control are satisfied, known as the first way in the decision of *Wehbe v Pittwater Council* (2007) 156 LGERA 446;

#### *Underlying Objectives are Satisfied*

The proposal, despite the numerical non-compliance identified, is consistent with the objectives of Cl. 4.4 – Floor Space Ratio of the Inner West LEP 2022

The objectives of the 'FSR' development standard are stated as:

*(1) The objectives of this clause are as follows—*

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

*(b) to ensure development density reflects its locality,*

Clause 4.6 Variation: FSR  
56 Ballast Point Road, Birchgrove  
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*(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 objectives are addressed below:*

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

- The proposal is to an existing building and the built form is unchanged from that which exists. As an Item of heritage, there is no utility in considering the removal of built form in order to achieve the applicable FSR for the site.
- This objective is appropriately applied in circumstances where a new dwelling or additions are proposed. The existing building setbacks and height are unchanged by the proposal.
- The extent of development across the site is appropriate, notwithstanding the numerical departure, given it is an existing heritage listed dwelling.
- Nothing in the proposed retention of the heritage item is inconsistent with this objective.

*(b) to ensure development density reflects its locality,*

- The proposal is to an existing heritage listed building and the built form is unchanged from that which exists. The residential dwelling, and its existing density, is an implicit existing part of the locality.

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

- The proposal is to an existing heritage listed building and the built form is unchanged from that which exists. The dwelling is located within a broader area of similarly zoned density and is not located at a point of density transition.

*(d) to minimise adverse impacts on local amenity,*

- The proposal comprises the retention and improvement to an existing heritage listed building and the outcome will result in a positive impact on local amenity through the visual improvements to the heritage building from its current vacant and dilapidated state.

Clause 4.6 Variation: FSR  
56 Ballast Point Road, Birchgrove  
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*(e) to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.*

- The proposal is to an existing heritage listed building, and its restoration and continued use will ensure the protection and enjoyment of the private property, without impact on the public domain.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances.

#### CLAUSE 4.6(3)(B) - SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site.

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the FSR development standard.

The below points demonstrate suitable environmental planning grounds exist to justify contravening the FSR development standard and further demonstrates that the FSR departure does not give rise to any environmental impacts, and therefore the proposal is an appropriate design response for the subject site:

- The FSR exists as the proposal is for the restoration of an existing heritage listed dwelling and no increase in bulk, scale or building form is proposed.
- The existing heritage dwelling is uninhabited and currently uninhabited as works were commenced on the site and a Stop Work Order applied due to irregularity against the approved plans. The site is currently in a state of disrepair and is unsightly and detracts from the amenity of the streetscape, being readily visible from the public domain of two street frontages. As the built form is not changed by the variation of the development standard, and as the approval to the variation will allow for the completion of the restoration of the heritage item and its ongoing occupation and maintenance, these are considered compelling environmental planning grounds.
- As the dwelling exists, and is to be retained as a nominated heritage item, the departure to the FSR standard also does not generate any adverse amenity impacts to adjoining properties with regard to visual privacy or overshadowing.

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Therefore, the current proposal is a suitable outcome from an environmental planning perspective and demonstrates that there is merit in varying the FSR control to achieve a suitable design response on the site which demonstrates sufficient environmental planning grounds to support the departure to the FSR standard arising from retention of the existing built form.

The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

#### CONCLUSION

Strict compliance with the prescriptive FSR requirement is unreasonable and unnecessary in the context of the proposal and its circumstances.

The proposed development is in the public interest because it is consistent with the objectives of the FSR development standard (CI 4.4) and the objectives of the zone and the proposal demonstrates sufficient environmental planning grounds to warrant support of the departure.

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which is characterised by residential development of comparable character. The proposal promotes the economic use and development of the land consistent with its zone and purpose.

The variation is well founded and demonstrates the relevant matters set out under Clause 4.6 having regard to the provisions of Clause 4.6 and recent case law and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

## Attachment D – Statement of Heritage Significance



PM-23017

### STATEMENT OF HERITAGE IMPACT



### No. 56 Ballast Point Road, Birchgrove

March 2024

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Document Set ID: 40047715  
Version: 1, Version Date: 20/01/2025



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## 1.0 Introduction

This report has been prepared on behalf of the property owners to accompany Development Application and Building Information Certificate (BIC) in relation to the proposed alterations and additions to No. 56 Ballast Point Road, Birchgrove (the site).

## 2.0 Background & heritage listing status

The site is located at the north western end of Ballast Point Road and corner of Ballast Point Road and Bates Street. The northern end of Ballast Point Road is elevated above the surrounding area and terminated by a small green reserve and public steps which extend down to the lower lying areas, Grove Street and Birchgrove Park and Oval.

Ballast Point Road is a two-way street with sealed verges, some street trees and plantings and car parking on both sides. The built context in this section of the street is characterised by a mix of one to three storey detached and attached buildings and dwellings generally dating from the 19<sup>th</sup> to the late 20<sup>th</sup> centuries. Some contemporary alterations and additions are also evident.

The subject building is part of a group of six attached, two and three storey terraces occupying the block between Dock Road and Bates Street. The subject building forms the northern "bookend" of the group. Nos. 48-54 have a typical terraced form with gabled main roofs, projecting party walls extending to the street frontages and bounding open steps and landings on the ground floor and open balconies at first floor level. Nos. 50-54 also have street facing dormers. At each end, Nos. 46 and 56 have rendered walls with classical details and are constructed to the street corners and have hipped main roofs with prominent chimneys.

A Development Application for No. 56 (D/2017587) was approved to allow for a rooftop private open space, lift and other minor external and internal works. A Modification application was lodged in October 2022. Works commenced on the site to carry out the approved works. However, additional works were also undertaken before the Modification Application was approved. A Stop Work and Stop Demolition Orders were issued on 23 December 2022. These orders stand and have been faithfully followed on the site. Since that time only some necessary repairs to the roof and penetrations and site security measures have been undertaken as permitted by Council.

It is currently proposed to undertake repairs, reinstate some details and undertake alterations and additions to rationalise past and recent changes, improve the condition, use and amenity of the dwelling for ongoing residential and family use.

No. 56 Ballast Point Road has not been listed on the State Heritage Register or classified by the National Trust of Australia (NSW). The Terrace, "Yeroulbin" at No. 56 Ballast Point Road has, however, been listed as a local item under Part 1, Schedule 5 of the Inner West Local Environmental Plan (LEP) 2022 (1844). The attached group, Nos. 48-54, have also been individually listed (1838, 1840-1843). There are also a number of other items in the vicinity including a House, "Clifton Villa" at No. 73 Ballast Point Road (846) which is located opposite the site. The site is also located in the Town of Waterview Heritage Conservation Area (C31).

This assessment is based on inspections of the site carried out following the issue of the Stop Work Orders, review and analysis of the context. The report follows the standard format, in accordance with the guidelines provided by NSW Department of Planning and Environment, Environment and Heritage and includes site specific information, background history and development, description and assessment of the existing situation. Reference has been made to following documents:

Statement of Heritage Impact • No. 56 Ballast Point Road, Birchgrove

March 2024

- Rappoport Pty Ltd, *56 Ballast Point Road, Birchgrove, Conservation Management Plan* (Draft), December 2012;
- Heritage 21/ Rappoport Pty Ltd, *Statement of Heritage Impact, proposed development at 56 Ballast Point Road, Birchgrove*, January 2017;
- Think Planners, *Statement of Environmental Effects, Alterations and Additions to an existing Three (3) Storey Dwelling at 56 Ballast Point Road, Birchgrove*, 6 Dec 2016;
- DA Drawings (160715), *Alterations and additions to existing residence* prepared by Integrated Design Group, dated 15/07/2016;
- Architectural drawings, *Alterations and additions to existing residence* prepared by Integrated Design Group, dated 23/11/2016;
- Approved DA Architectural Set, prepared by Integrated Design Group;
- Local Approvals, Town Planning and Development Consultants, *Heritage Impact Statement, Alterations and Additions to existing dwelling House, 56 Ballast point Road, Birchgrove*, dated June 2022;
- Think Planners, *Statement of Environmental Effects – 4.56, 56 Ballast Point Road, Birchgrove*, August 2022;
- Section 4.56 Submission Architectural drawings prepared by Katris Architects Pty Ltd, dated 01/07/2022;
- State Heritage Inventory, *Terrace, “Yeroulbin”, including interiors*, Heritage Item ID: 1940539;
- Stop Work and Stop Demolition Orders (EPA/2022/0229) issued on 23 December 2022; and
- Think Planners, *Comparison of Approved Plans and As Built Works, 56 Ballast Point Road, Birchgrove*.

The proposed works have been assessed with reference to Inner West LEP 2022, Leichhardt DCP 2013 and standard criteria.

The purpose of the report is to assess the heritage impact of the works undertaken and proposed repairs, reinstatement works, alterations and additions and outline how any potential heritage impacts may be reduced or are mitigated.

### 3.0 Historical overview

#### 3.1 Early development of the site & area

Prior to European occupation the Wangal band of the Dharug (Eora) most likely lived in the area now known as Rozelle.<sup>1</sup>

The subject site is part of 550 acres that were originally granted to William Balmain in 1800. The area to the west of Grove Street, now as Robinson's Point including Yurulbin Park is part of an earlier, 1876, 30 acres grant to George Whitfield.

William Balmain arrived with the First Fleet. He was assistant surgeon, however, by the time he received his grant he was principal surgeon of the Colony. He was a substantial land holder and never lived or used this 550 acre grant. In 1801 for a token five shillings he transferred his entire 550 acres grant to fellow medical officer, John Gilchrist. Gilchrist never lived in Australia and the initial subdivision and sale of this land took place in 1836. The early subdivision was, however, suspended in 1841 due to difficulties associated with Gilchrist's will, but was resumed in 1852 when Surveyor Langley divided it into 46 later 47 sections. Langley used existing routes such as Darling Street, Birchgrove and Ballast Point Road, which followed the local topography and ridgelines to delineate the parcels. The sections were purchased over the next 30 years by wealthy investors, land speculators and builders.

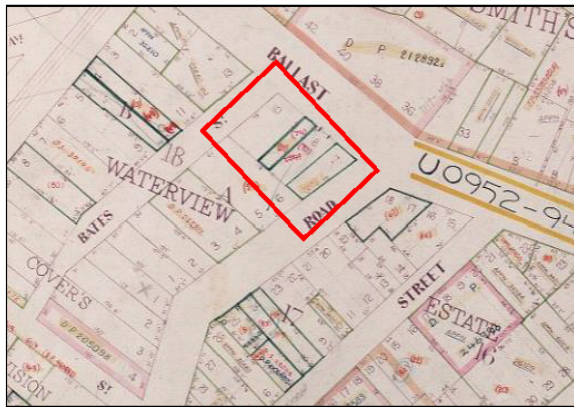
<sup>1</sup> Inner West Council website.

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In 1853 land on both sides of Ballast Point Road was purchased by speculators, Joshua Josephson, Didier Joubert, Charles Smith, William Cover and George Thorne. George Cooper purchased Ballast Point. By 1891 Ballast Point road, Wharf Road, Yeend, Ronald and Lemm Streets had been largely developed. Large terraces and villas occupied the higher ground on Ballast Point Road. Marine villas were also constructed on the larger blocks on Wharf Road.<sup>2</sup>

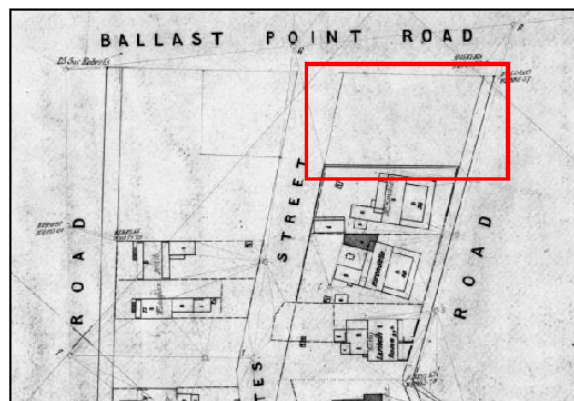
The subject site is part of Section 24 of the Gilchrist estate that was transferred from the trustees of the estate to George Thorne in March 1853. Ownership was exchanged a couple of times by March 1855 when it was part of a number of parcels of land acquired by Thomas Sutcliffe Mort, an auctioneer of Sydney.<sup>3</sup>

Mort proceeded to subdivide the land and the lots of his Waterview Estate were sold over the following decades by Mort and following his death by the trustees of his will. The subject site is part of Lot 10 that with Lots 7, 8 and 9 of Section A, Block 18 of the Waterview Estate (**Figure 3.1**) was transferred by Mort's widow Marianne Elizabeth Mort and others to John McKinlay of Balmain in September 1880.<sup>4</sup> It is not clear if McKinlay used the land in any way, however, a survey plan dating from the c. 1880s and revised in the 1890s (**Figure 3.2**) shows that the lots remained vacant during this period.



**Figure 3.1** The site is part of Lots 7-10 of Section A, Block 18 of Mort's Waterview Estate.

(NSW Land Registry Services, Leichhardt Sheet 28)



**Figure 3.2** Survey plan dating from the 1880s and revised in the 1890s showing that the site and neighbouring lots (Lots 7-10 of Section A, Block 18 of the Waterview Estate) remained vacant during this period.

(Sydney Water/ WaterNSW Historic Archives, PWDS1544-S270)

<sup>2</sup> Solling, M & Reynolds, P, *Leichhardt: on the margins of the city* (1997) & Godden Mackey Logan, *Leichhardt Heritage Review: Stage 2* (January 2004) p. 1xii & 1xiv.

<sup>3</sup> NSW Land Registry Services, Book 207 No. 726 & Book 38 No. 431.

<sup>4</sup> NSW Land Registry Services, Book 207 No. 726.

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The *Sands Directory* indicates that four or five dwellings were constructed on the lots in c. 1897 and intermittently occupied.

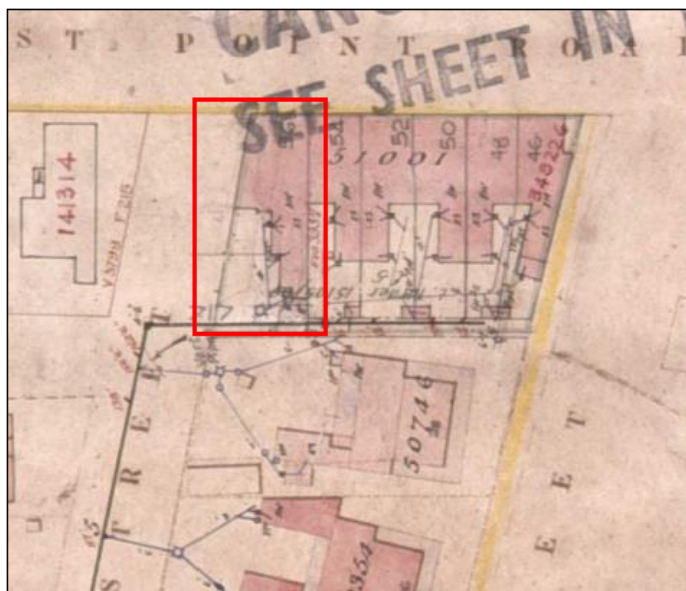
In 1896 there are no listings on the southern side of Ballast Point Road after Dock Road. However, in 1898 there are five occupants listed. In 1900 there are four listings after Dock Road. In the following years there are three.

The *Sands* indicates that the subject building was constructed in c. 1907. In 1907 there is one listing in the block. In 1908 there are five listings including a William Johnson. Johnson is subsequently listed occupying "Yeroubin" (sic) and when street numbers are introduced in 1916, Johnson is listed occupying No. 56.

By this time ownership of the lots has been transferred to Edward Turner and in 1922 ownership of the houses, "Yeroulbin", "Tathra", "Breezea", "Guyra", "Mooky" and "Wheeo" was transferred to his daughter, Edith Maud Noble Jones. The *Sands* indicates that the houses continued to be leased during this period. Noble Jones resided in London and retained ownership until 1928 when the lots and houses were transferred to Emanuel Myerson.<sup>5</sup>

A survey plan dating from the c. 1930s (**Figure 3.3**) shows the re-subdivision of original lots and early building forms on the six lots created (Nos. 46-56 Ballast Point Road). The subject site, on the corner of Ballast Point Road and Bates Street occupies an irregularly, wedge shaped site and has the main, front wing constructed to the street frontages. An exposed chimney breast is indicated on the rear wall of the main wing. A rear wing, with kinked wall facing the Bates Street boundary is constructed to the shared boundary with No. 54.

Nos. 46 and 56 have differing form and also differ from the dwellings located between (Nos. 48-54) which have a typical terraced form with back-to-back rear wings setback from one of the side boundaries. The lots also have separate outbuildings constructed to the rear (western) site boundaries. The plan also indicates the development on the neighbouring sites.



**Figure 3.3** c. 1930s survey showing the re-subdivision of the lots and early building forms.

(Sydney Water/ WaterNSW Archives, Historic Blackwattle 117(2))

<sup>5</sup> NSW Land Registry Services, Book 1253 No. 150 & Book 1539 No. 449.

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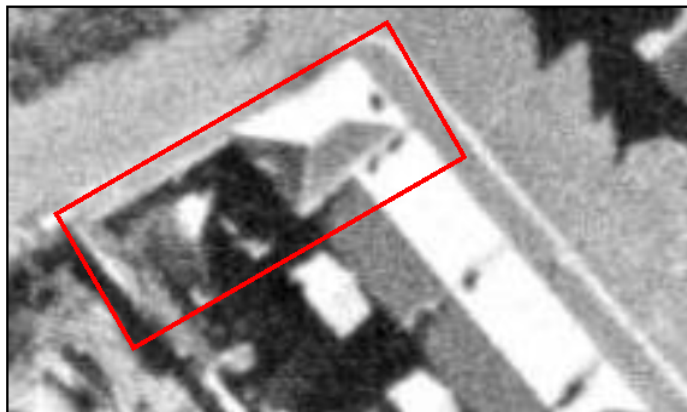
The lots remained under the one ownership and were transferred to Edward Rolf Mann in May 1940.<sup>6</sup>

The building and roof form are clear on the 1943 aerial (Figure 3.4). The two sections of the dwelling with main hipped roof and chimneys are evident. A lower rear wing, constructed to the shared boundary with the neighbouring terrace, is also visible and shadowed by the main wing. High boundary fencing and a rear yard with some planting are also visible. The main gabled roof forms, rear wings and differing form of the building at the southern end of the group are also evident.



Figure 3.4 1943 aerial.

(SIX Maps)

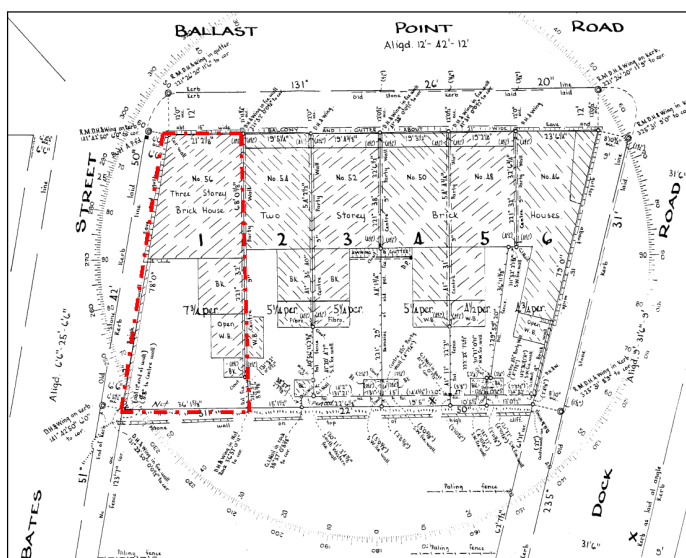


<sup>6</sup> NSW Land Registry Services, Book 1871 No. 597  
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The lots were formally subdivided in 1953. The subdivision plan (DP 446745, **Figure 3.5**) shows the wedged shaped, corner site. The three storey brick house on Lot 1 (No. 56) is noted. The main wing is clearly constructed to the street frontages. The overhanging eave and gutter line are also shown and annotated. A brick rear wing with deep setback from the Bates Street frontage is also shown constructed to the shared boundary with No. 54. An open weatherboard structure and a small brick outbuilding are also shown and noted.

In 1959 Mann made an agreement with Costas Petri Exadactilos to sell No. 48 Ballast Point Road. In the following year a further agreement was made to sell Nos. 50, 52, 54 and 56. Mann died in 1961, however, the executors of his will honoured the agreement, selling all to Exadactilos.<sup>7</sup>

Exadactilos occupied No. 48 Ballast Point Road. He died in 1965. However, it was not until 1987 that ownership of the terraces was divided and the executors of Exadactilos' will sold No. 56 to Christopher Lance Baynes, an advertising executive from Lilyfield.<sup>8</sup>



**Figure 3.5** Subdivision plan dated January 1954. The site is Lot 1.

(NSW Land Registry Services, DP 446745)

### 3.2 Development of No. 56 Ballast Point Road

By the 1980s the building was in a dilapidated condition. A Council report described the building at this time as follows:

*...part three storey terrace house and part two storey cement rendered brick building with balconies located on the Bates Street frontage. A smaller two storeyed portion is located towards the rear and the large open shed occupies the south eastern corner of the site. A 2 metre high rendered brick fence runs along the remaining portion of the Bates Street frontage.*<sup>9</sup>

<sup>7</sup> Rappoport Pty Ltd, *Conservation Management Plan – 56 Ballast Point Road, Birchgrove* (2012), p. 32, NSW Land Registry Services, Book 2750 No. 272, Book 1871 No. 597.

<sup>8</sup> NSW Land Registry Services, Book 2750 No. 272 & Book 3721 No. 500.

<sup>9</sup> Rappoport Pty Ltd, *Conservation Management Plan – 56 Ballast Point Road, Birchgrove* (2012), p. 33, Director of Planning Report, 12/4/88, Building Application file 89/921.

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The same report also notes that there were no records of any previous development approvals and that the building appeared to have been used as a dwelling since its construction.

Photographs in the file (**Figure 3.6** and **Figure 3.7**) show the building form and details and dilapidated condition. The main three storey wing with the hipped roof form and chimneys are evident. The ground floor windows are boarded up and stains running from the windowsills are evident on the rendered facades. An arched opening with a single window is located on the ground floor of the Ballast Point Road façade which also has square and arch headed windows. Wide open arches with recessed walls (balconies) are visible at first floor level of the Bates Street façade. The windows at the western end of the second floor have been modified. The arched opening appears to have been infilled and an aluminium framed window added.

The rear, western wall of the main three storey wing is unrendered brick with service elements attached. The door accessing the courtyard has no lintel. A two storey, brick rear wing with a flat roof is also visible. The rear courtyard has a high rendered wall with a single gate.



**Figure 3.6** Photographs c. 1987.

(Rappoport, Draft CMP (2012), p. 35)



**Figure 3.7** Photographs c. 1987. The main, three storey wing, extent of the two storey rear wing, rear wall and neighbouring building addressing Bates Street are evident.

(Rappoport, Draft CMP (2012), p. 35)



In a letter to Council, Baynes described the unrenovated house as a three bedroom, one bathroom property which was not suited to his family's needs. Baynes moved into No. 54 Ballast Point Road and commissioned architects, Leigh Prentice + Associates Pty Ltd, to undertake renovations, alterations and additions.<sup>10</sup>

The proposed works were described as follows:

*It is proposed to demolish the existing two storey portion of the building located at the rear of the site and in its place erect new store, darkroom, laundry and shower with roofed terrace above. It is proposed to erect a garage on the north-western boundary of the site which would accommodate two tandem parking spaces and above erect two new bedrooms at first-floor level.*

*These new bedrooms would be linked to the existing building by the open roof terrace and from the courtyard by external stairs. The interior of the main building would be renovated and altered by some demolition of existing walls and relocation of openings. The proposal would involve use of the ground-floor portion of the building for dining room and drawing rooms; first floor sitting room and kitchen breakfast area; and second floor bathroom and three bedrooms.*

*The exterior of the building would be reinstated by renewing the cement render and by restoring the triple arch balustrade and balcony balustrades which have been removed since the building was built. The proposed new section of the building would replicate these details and would be of similar style and finish to the existing building.*

*The existing balconies are proposed to be glazed.<sup>11</sup>*

The drawings (Figure 3.8 - Figure 3.15) including 1987 sketch plans and elevations dated 1989 indicate the form and layout of the building. The ground floor arched opening facing Ballast Point Road accesses a recessed entry and side hall leading to the stair and stair hall and two reception rooms. Two large rooms are indicated on the first floor. Each also had recessed balconies overlooking Bates Street. The second floor was divided into smaller rooms and two also appear to have accessed a recessed balcony.

The drawings show the proposed changes to the "rear" wall and rear wing. New rendered finishes and details including string courses were proposed to be carried around with new openings, gutters and downpipes also proposed. Part of the existing two storey rear wing was proposed to be retained, however, new brick walls and additions were proposed to form a rear entry from the courtyard, amenities and a new garage. An external stair was also proposed to the rear bedrooms and a roof terrace. The courtyard wall was also proposed to be restored.

While not all of the works indicated were undertaken, the plans generally note the required renovation works, alterations and additions including the following on the Ground floor:

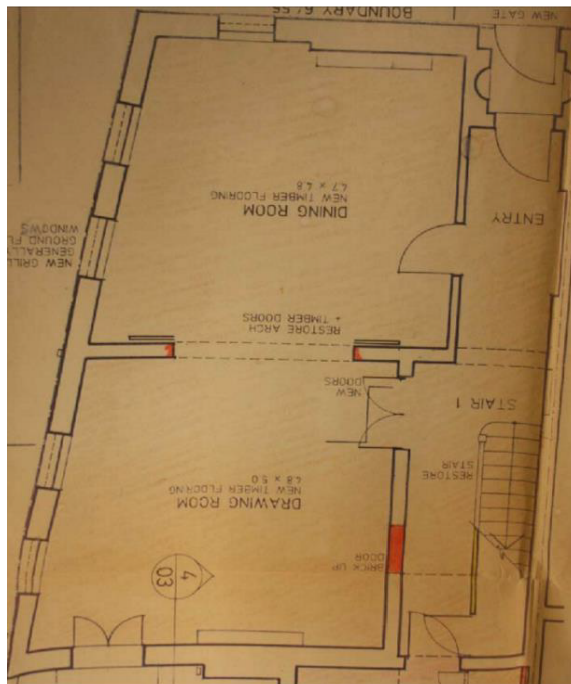
- new timber flooring to the two ground floor dining and drawing rooms;
- restoration of the arch and timber door between the ground floor dining and drawing rooms;
- addition of new doors to the drawing room; and
- restoration of the stair.

A door opening in the drawing room was also proposed to be infilled. It was also proposed to add a new gate to the entry and security grilles were generally proposed to the ground floor windows of the main wing.

<sup>10</sup> Rappoport Pty Ltd, *Conservation Management Plan – 56 Ballast Point Road, Birchgrove* (2012), p. 33, Letter from Bayne to LMC, 28 July 1989, Building Application file 89/921.

<sup>11</sup> Rappoport Pty Ltd, *Conservation Management Plan – 56 Ballast Point Road, Birchgrove* (2012), p. 34.

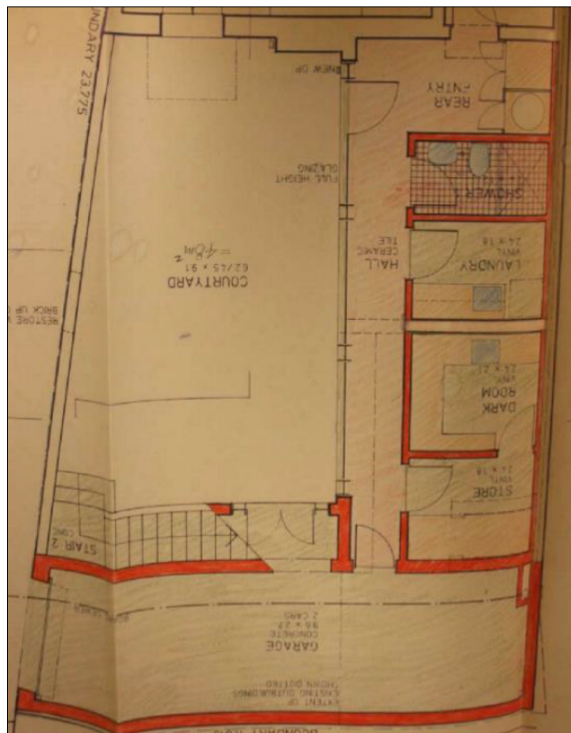
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**Figure 3.8** Ground floor of the main wing. The side entry, hall and stair are shown with two main rooms. A fireplace is also indicated on the front, Ballast Point Road wall (dining room).

New timber flooring is noted with restoration and alterations to the internal openings and proposed restoration of the stair. Two fireplaces/ surrounds are indicated.

(Rappoport, Draft CMP (2012), p. 37)



**Figure 3.9** Part of the existing rear wing was proposed to be retained with new brick walls (in red), alterations and additions to the ground floor including a new garage and external stair.

(Rappoport, Draft CMP (2012), p. 38)

The works to the First floor included:

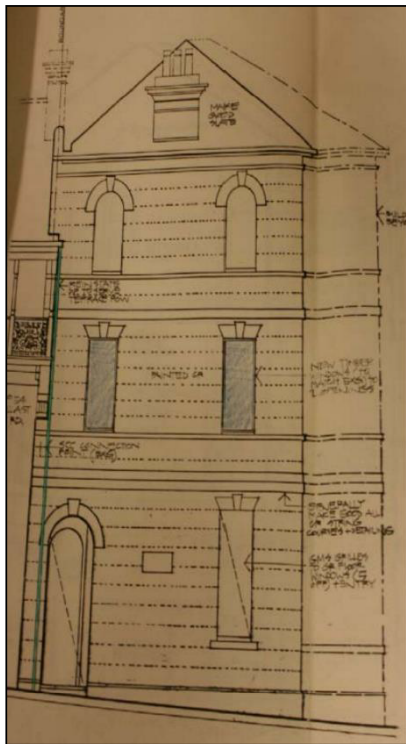
- new door and steps from the stair hall to the first floor roof terrace;
- opening up and removal of internal walls and two recessed balconies;
- new doors between the stair hall and rooms on the first floor;
- new steel glazing and concrete balustrades to original loggias generally.

Some infill and additions were proposed to create a kitchen and breakfast room on the first floor with a large sitting room. The windows on the Ballast Point Road façade were also proposed to be replaced and a new door and balcony were proposed overlooking the rear courtyard. An opening with new doors were proposed to access the new roof terrace over the rear wing.

Works on the Second floor included:

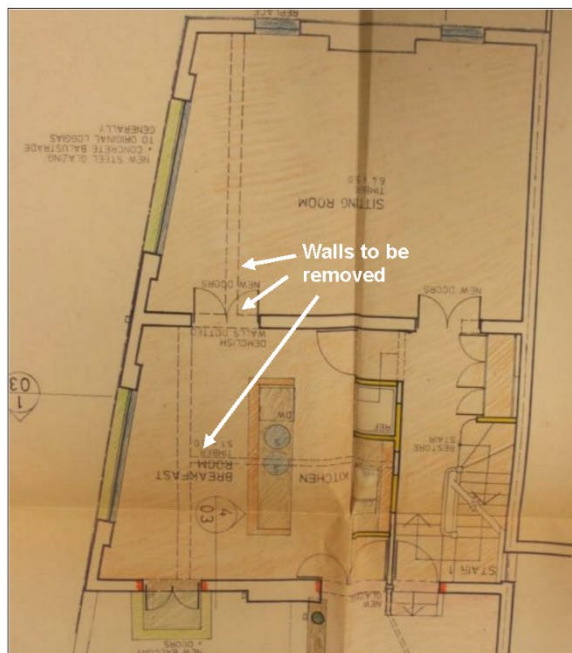
- removal of the aluminium window and reinstatement of three arched openings and windows on the Bates Street façade;
- demolition of internal walls and recessed balcony and addition of lightweight walls to form Bedroom 1;
- removal of an internal wall and addition of a lightweight wall to form Bedrooms 2 and 3; and
- addition of a bathroom.

New windows were also proposed overlooking the roof terrace.



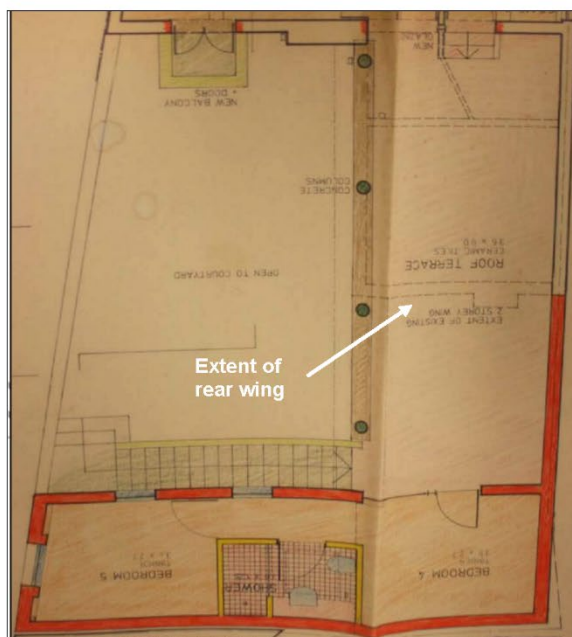
**Figure 3.10** Ballast Point Road elevation as shown on the 1989 plans. New timber windows are indicated on the first floor.

(Rappoport, Draft CMP (2012), p. 42)



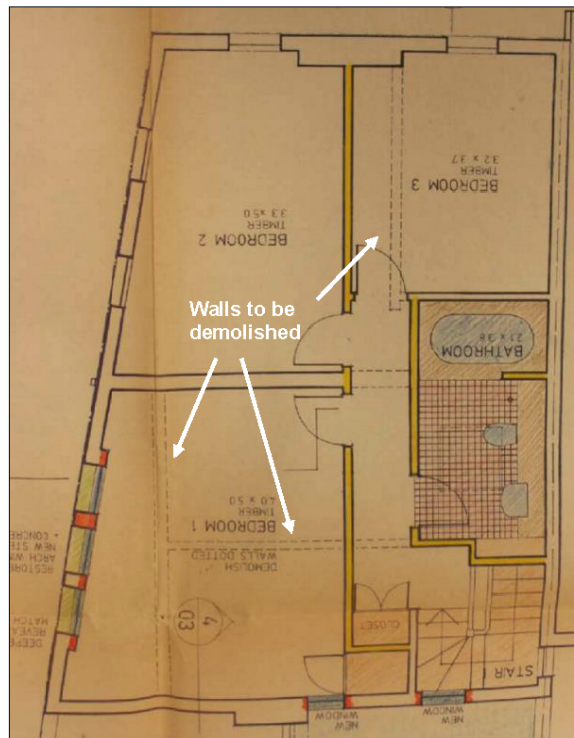
**Figure 3.11** 1989 first floor plan of the main wing. Internal walls were proposed to be removed with the existing recessed balconies. New windows and infill were also proposed to the associated wide openings.

(Rappoport, Draft CMP (2012), p. 39)



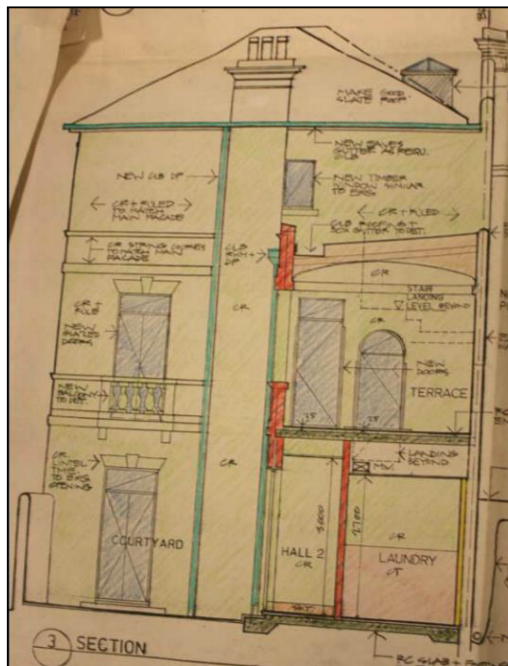
**Figure 3.12** First floor of the rear wing. The extent of the former rear wing is indicated.

(Rappoport, Draft CMP (2012), p. 40)



**Figure 3.13** Second floor plan of the main wing. Internal walls were proposed to be removed with new lightweight internal walls, a bathroom and some new windows proposed.

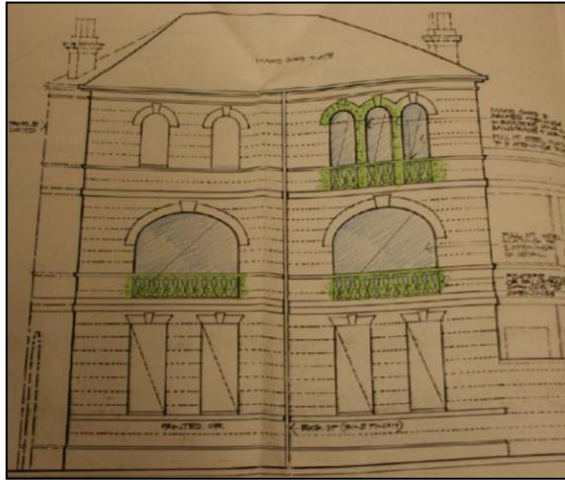
(Rappoport, Draft CMP (2012), p. 41)



**Figure 3.14** Section indicating the changes to the rear wall of the main wing and works to the rear wing. New rendered finishes and details including string courses were proposed to be carried around with new openings, gutters and downpipes also proposed. The rear wing has new concrete floors with brick walls and a new skillion roof constructed to the earlier rear party wall.

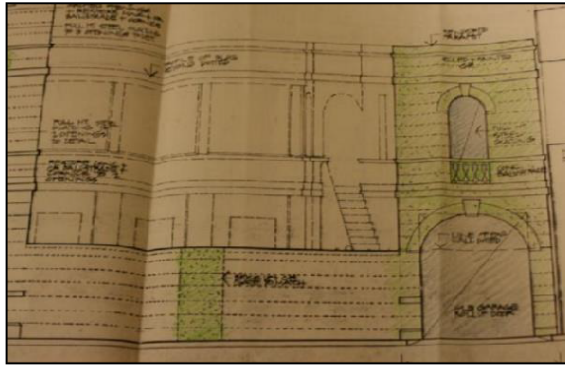
(Rappoport, Draft CMP (2012), p. 44)





**Figure 3.15** The Bates Street elevation showing the proposed changes to the first and second floor openings and additions to the rear wing. The courtyard wall was also proposed to be altered.

(Rappoport, Draft CMP (2012), p. 43)



A drawing of the building dated 1990 (**Figure 3.16**) shows that the changes to the building elevations had not been undertaken by this time. However, the alterations and additions were approved by Leichhardt Municipal Council by 1991 when Baynes sold the property to Mr and Mrs Horne. The approved plans were amended with changes as follows<sup>12</sup> (refer **Figure 3.17 – Figure 3.20**):

#### Exterior

- deletion of the concrete balustrade beneath trio of windows on North West elevation;
- relocation of the second floor window on the south west elevation from the southern side of the chimney to the northern side; and
- conversion of the proposed door and balcony to the south west elevation to the present day window;

#### Interior

- alteration of layout of ground floor of the rear wing;
- addition of a VWC to first floor; and
- deletion of wall between Bedrooms 2 and 3.

<sup>12</sup> Rappoport Pty Ltd, *Conservation Management Plan – 56 Ballast Point Road, Birchgrove* (2012), p. 44 – 47.  
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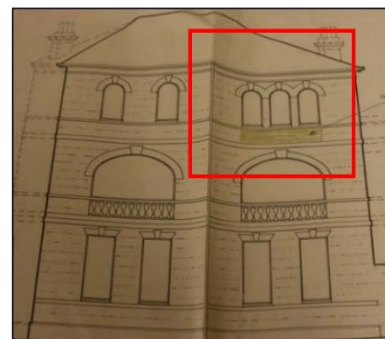
**Figure 3.16** 1990 drawing showing the primary building elevations prior to the renovations.

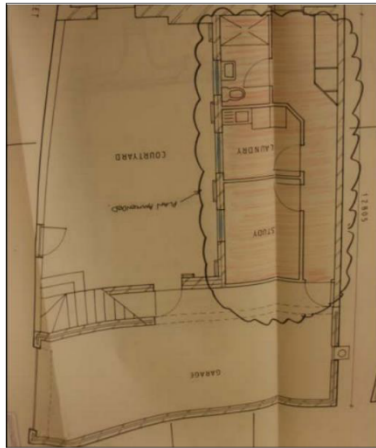
(Leichhardt Library, Local Studies, Jennifer Porter's House Collection: 56 Ballast Point Road, Balmain, 1990)



**Figure 3.17** 1991 amendments showing proposed deletion of the concrete balustrade from the trio of windows on the second floor of the Bates Street elevation (below) and proposed new openings on the western elevation.

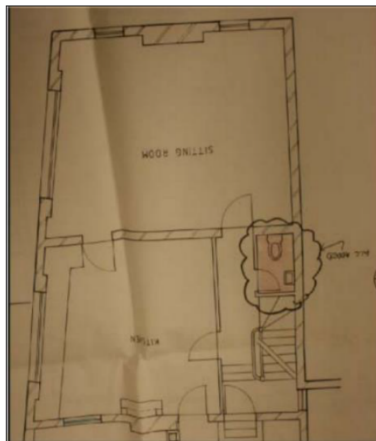
(Rappoport, CMP (2012), p. 47-47)





**Figure 3.18** Amended layout of the ground floor of the rear wing.

(Rappoport, CMP (2012), p. 46)



**Figure 3.19** Proposed addition of a WC to the first floor of the main wing.

(Rappoport, CMP (2012), p. 45)



**Figure 3.20** Proposed removal of the wall on the second floor of the main wing. This does not appear to have been undertaken as part of the 1990s works.

(Rappoport, CMP (2012), p. 45)



Ownership of the site was transferred again in 1999 and in 2011.<sup>13</sup> Applications for further alterations and additions were submitted to Council in 2006 and in 2011.<sup>14</sup> The 2011 sales details for the latter included some photographs (**Figure 3.21** - **Figure 3.23**) showing the renovated interior and details including new and patched timber floors, ceilings, joinery and fireplaces. The floor plan indicates that the second floor ensuite and robe and changes to the kitchen were carried as part of the 2011 works.



**Figure 3.21** Front, ground floor room c. 2011.

(www.realestate.com.au)



**Figure 3.22** Ground floor living room, c. 2011.

(www.realestate.com.au)



**Figure 3.23** First floor living room, c. 2011.

(www.realestate.com.au)

<sup>13</sup> NSW Land Registry Services, 1/446745.

<sup>14</sup> NSW State Heritage Inventory, Heritage Item ID: 1940539: Alterations and additions to existing building (D/2006/490) and Alterations and additions to existing building (D/2010/530).

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In 2017 a Development Application was submitted to Leichhardt Council for alterations and additions to the existing dwelling.<sup>15</sup> The Statement of Heritage Impact prepared for the DA by Heritage 21 and Statement of Environmental Effects prepared by Think Planners include photographs of the building at this time which confirms the changes undertaken to the main three storey wing and alterations and additions to the rear.

A photograph of the Ballast Point Road elevation (Figure 3.24) shows the good repair but no changes to the arched door opening and single window on the ground floor and retained square and arched headed windows on the upper levels with associated rendered details and the prominent chimney.

A photograph of the Bates Street elevation (Figure 3.25) shows windows and doors and balustrade to the large, arched openings on the first floor and modified openings on the second floor. The trio of windows on the second floor have marching arched heads and rendered details and sit on a solid, rendered base. The two storey garage addition is also evident.

A photograph showing the courtyard and surrounding facades (Figure 3.26) shows the new windows added to the first and second floor of the main wing also the openings of the rear wing and roofed, first floor terrace.



**Figure 3.24** Ballast Point Road elevation c. 2016.

(Heritage 21/ Rappoport Pty Ltd, SOHI (2017) p. 41)



**Figure 3.25** Bates Street elevation, c. 2016.

(Heritage 21/ Rappoport Pty Ltd, SOHI (2017) p. 42)

<sup>15</sup> D/2017/587.

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**Figure 3.26** The walls facing the courtyard c. 2016 showing the windows, rendered finish and details added as part of the 1990s works.

(Heritage 21/ Rappoport Pty Ltd, SOHI (2017) p. 43)



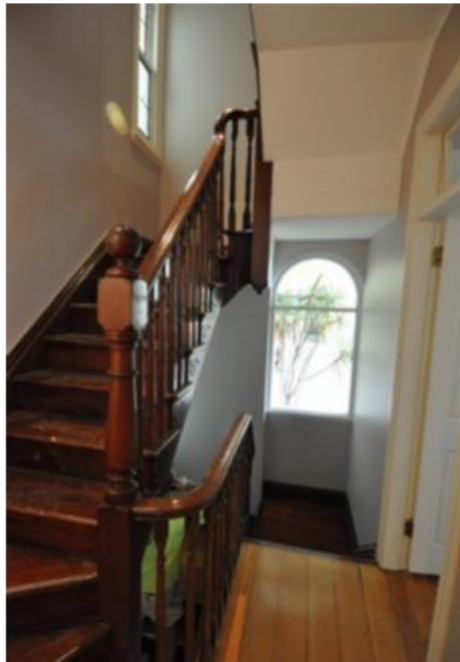
The new timber flooring on the ground floor, renewed and added fireplaces and details and restored stair are evident in the photographs of the interior (**Figure 3.27 – Figure 3.32**). A large kitchen is also visible, with modern joinery. The removal of the internal walls and recessed balconies necessitated the addition of new ceilings and cornices and some patching of the timber floors is also evident.



**Figure 3.27** The ground floor entry and front room. Renewed and repaired details and new floors are generally evident.

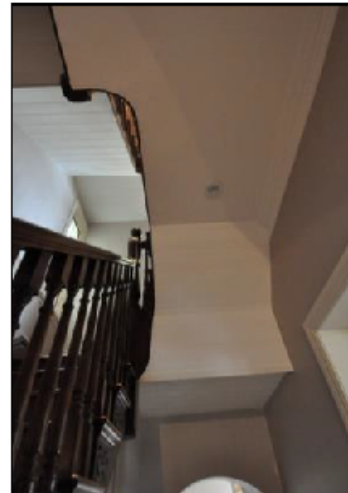
(Heritage 21/ Rappoport Pty Ltd, SOHI (2017) p. 44)





**Figure 3.28** The renovated stair and arched window added on the western wall.

(Heritage 21/ Rappoport Pty Ltd, SOHI (2017) p. 49)



**Figure 3.29** Infilled openings on the first floor. Some patching and new timber flooring and details are evident.

(Heritage 21/ Rappoport Pty Ltd, SOHI (2017) p. 46)





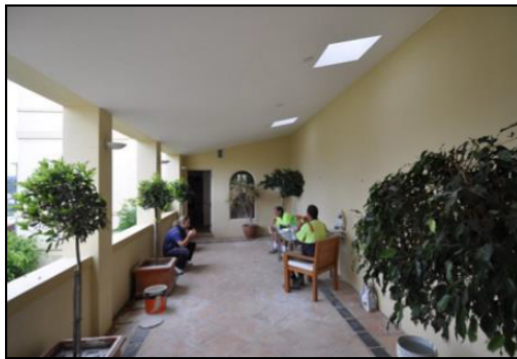
Statement of Heritage Impact • No. 56 Ballast Point Road, Birchgrove

March 2024



**Figure 3.30** The renovated kitchen area on the first floor. The removal of the internal walls and balcony appears to have resulted in the addition of a new ceiling and some patching of the floor. An opening was also made to access the terrace over the rear wing.

(Heritage 21/ Rappoport Pty Ltd, SOHI (2017) p. 50)



**Figure 3.31** The terrace over the rear wing which also provides a link to the rooms over the garage. Note the sloping roof and skylights.

(Heritage 21/ Rappoport Pty Ltd, SOHI (2017) p. 48)



**Figure 3.32** The family bathroom on the third floor. It was noted that all bathrooms had been typically modified and had contemporary finishes, fixtures and fittings.

(Heritage 21/ Rappoport Pty Ltd, SOHI (Draft, 2016) p. 48)

A relatively recent aerial photograph (**Figure 3.33**) shows the building and roof form.

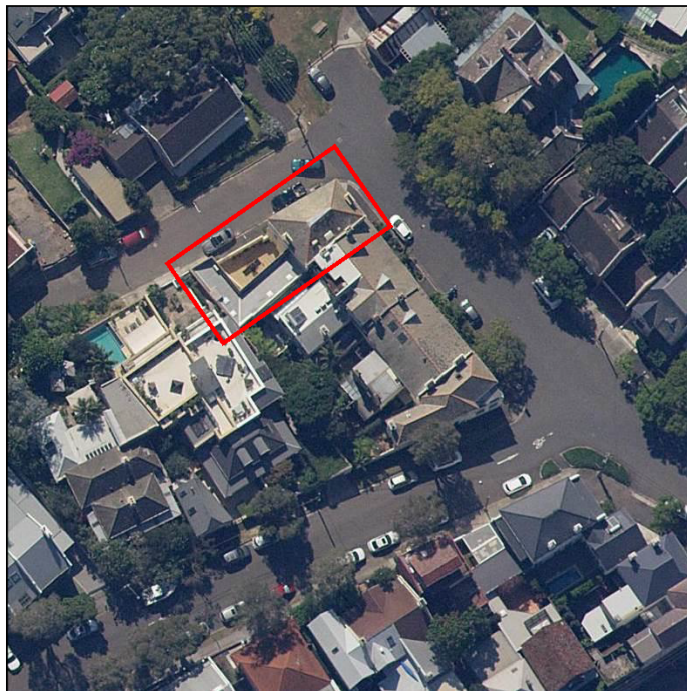
The main hipped roof is clear with slate cladding and terracotta trims and two chimneys over the front, Ballast Point Road, façade and over the rear, western wall. The southern parapeted walls, skylights and roof elements are also clear over the main, southern roof slope and along the southern side boundary.

The L-shaped rear wing with parapeted hipped roof in a grey (metal) with skylights is also clear framing a paved courtyard with central planter. A high wall (indicated by the deep shadow) extends along the Bates Street boundary.

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The aerial also indicates that some changes have also been undertaken to the attached and surrounding dwellings. Dormers and additions to the main gabled roof and rear wings of the attached terraces are evident. The neighbouring dwellings and item on the eastern side of Ballast Point Road have also undergone various alterations and additions.



**Figure 3.33** Recent aerial showing subject building and surrounding built context.

(SIX Maps)

### 3.3 Recent works

The existing layout of the building and works proposed in 2017 are shown on the drawings prepared by Integrated Design Group. The proposed works included the conversion of the existing first and second floor windows to French doors accessing new Juliette balconies and addition of new terrace on the second floor to provide additional private open space. A new door opening was also proposed to access the new terrace. Internally a new lift was also proposed.<sup>16</sup>

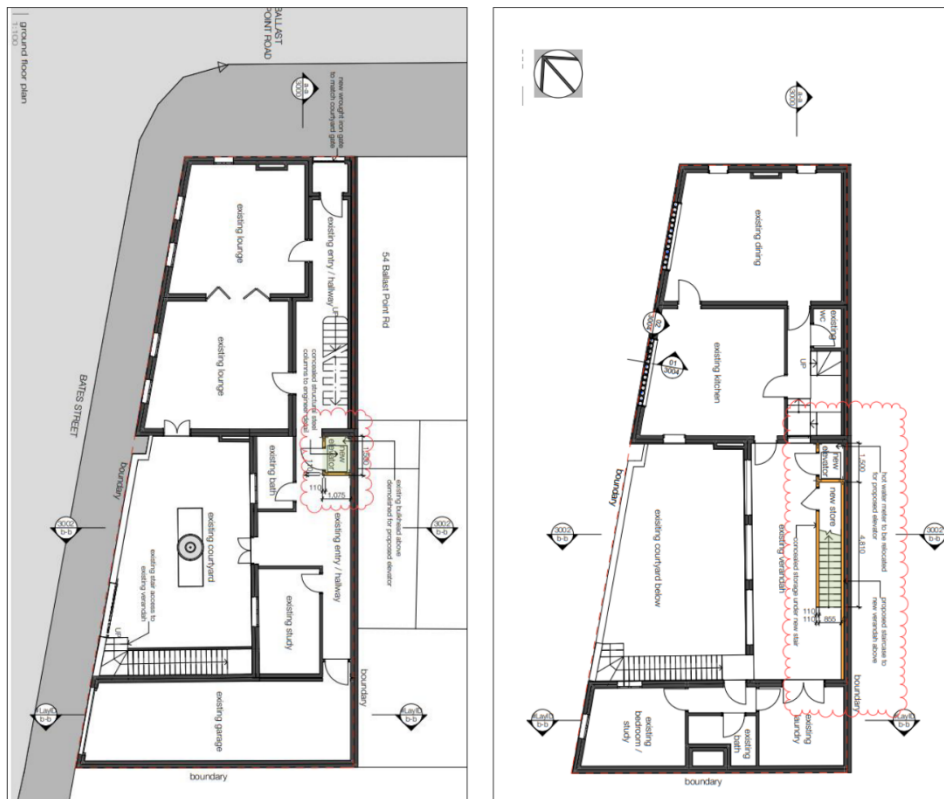
The DA (D/2017/587) was refused by Council in April 2018. However, the scheme was modified and Land and Environment Court proceedings were lodged in November of the same year seeking approval of an amended scheme which was approved in April 2019.<sup>17</sup>

The approved drawings (**Figure 3.34 – Figure 3.36**) show the layout of the main wing and roof. The proposed changes to the openings on the main wing were deleted. The works largely affected the rear wing around the approved lift, a new stair in the rear wing and rear roof terrace. A new glass enclosure and skylight over the new stair was approved (subject to removal of one window).

<sup>16</sup> Heritage 21/ Rappoport Pty Ltd, *Statement of Heritage Impact, 56 Ballast Point Road, Birchgrove* (January 2017) p. 53.

<sup>17</sup> Land and Environment Court NSW, *Gransasso D'Italia Pty Ltd v Inner West Council* (2019) NSWLEC 1346.

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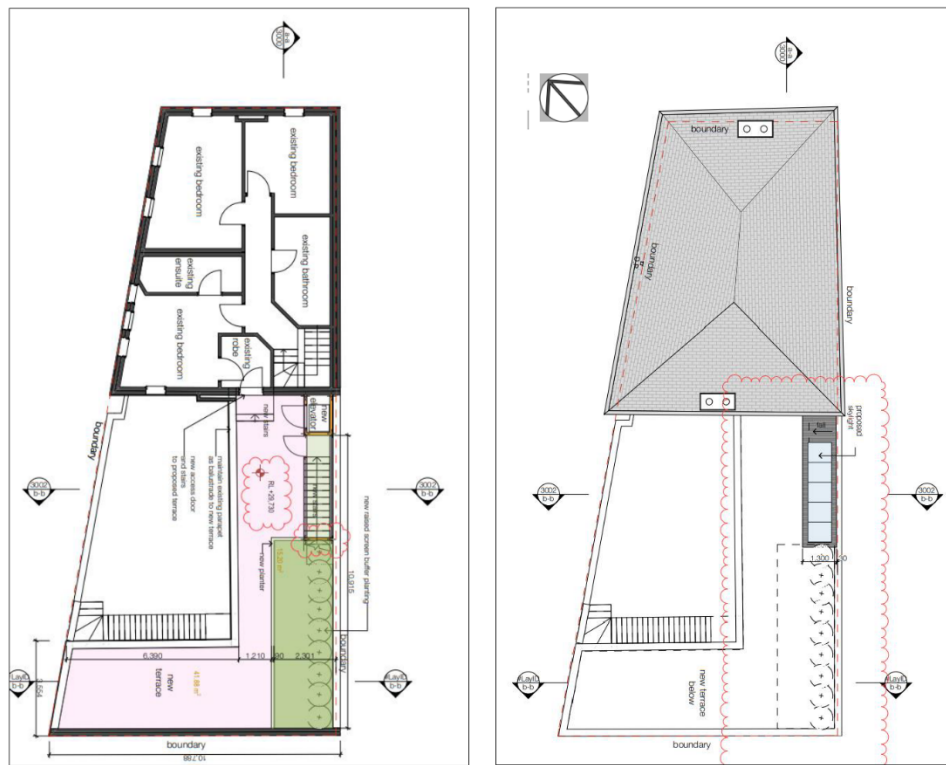


**Figure 3.34** The Ground (above) and First floor (right) layouts and approved works. (DA1100 (G) and DA1101 (G) provided by Think Planners Pty Ltd)



**Figure 3.35** The north west/ Bates Street elevation.

(DA2000 (I) provided by Think Planners Pty Ltd)



**Figure 3.36** The Second floor layout and approved works and roof plan. (DA1102 (H) and DA1103 (E) provided by Think Planners Pty Ltd)

The Covid-19 pandemic delayed commencement of the works on the site. A Section 4.56 Modification Application was submitted to Inner West Council in October 2022 as building works finally commenced. The application proposed minor external and internal works to create an improved internal layout and amenity for the building occupants.

The proposed works illustrated on plans prepared by Katris Architects Pty Ltd were summarised as follows<sup>18</sup>:

#### External Works

##### Ballast Point Road

- new wrought iron garage gate to match the courtyard gate;
- installation of new security screens on exterior of windows;
- new flue to be integrated with existing chimney as per manufactures' requirements;
- new skylight on the roof, not visible from the Ballast Point Road or Bates Street;
- proposed new air conditioning unit;
- external colour changed to Antique White USA.

<sup>18</sup> Think Planners Pty Ltd, *Statement of Environmental Effects – 4.56 56 Ballast Point Road, Birchgrove* (August 2022), p. 5-7.  
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**Bates Street**

- addition of security screen on the exterior of windows on the ground floor;
- addition of new 1m planter box wall;
- new rendered brick infill to match existing fence on the ground floor;
- new panel lift garage door to match existing garage door;
- new metal gate entry and existing entry gate to be infilled by rendered brick fence to match the existing fence, with the main entry door to be relocated to the rear of covered atrium;
- first floor hallway to replace existing windows with sliding windows and balustrades to match the existing architectural styles;
- addition of a window on the second floor to replicate the existing windows;
- new flue to be integrated with existing chimney as per manufactures' requirements;
- addition of balustrade on the terrace to match the existing style of the building;
- new curved concrete flat non-trafficable pebble roof located lower than the existing roof structure;
- external colour changed to Antique White USA.

**Internal Works****Ground Floor**

- new door to Bedroom 1;
- existing door between the courtyard and covered atrium is to be removed with new opening with the entry to the atrium from internal hallway to be provided a new full high entry door;
- new door between the existing garage and courtyard;
- renovation of common bathroom including the relocation of internal walls and replacement of existing tiles.
- renovation of powder room including existing tiles is to be replaced with new tiles;
- partial conversion of existing garage to kitchen by adding stud walls;
- demolition of existing non-original wall from the study to convert it to Library;
- previously approved glass lift dimensions to slightly alter as per manufactures requirements;
- new 1.1m high balustrade for existing stairs;
- new landscape design for the existing courtyard; and
- security screens along exterior of windows along Bates Street and Ballast Point Road.

**First Floor**

- renovation of the winter garden including the addition of new doors, new sliding windows and new wall separation it from an existing laundry with a previously DA approved timber stairs to be removed and the floor is proposed to be raised;
- renovation of master bedroom, including the relocation of doors and the addition of a walk in robe;
- renovation of existing laundry and drying area, including existing tiles to be replaced with new tiles;
- renovation of existing bathroom, including existing tiles to be replaced with new tiles;
- addition of new walls around the existing laundry and drying area;
- reconfiguration of master bedroom, including the addition of a walk in robe and bathroom with new double vanity and new opening;
- cutting into part of the floor to create a new void and the addition of 2 x new fixed glass arch panel;
- proposed internal step up of 100mm;
- new 2400mm high fixed windows between hallway and stairwell; and

- previously approved glass lift dimensions slightly altered as per manufacturing requirements.

#### Second Floor

- alterations and additions to the main living area via the conversion of a bedroom, including the removal of internal walls to create an open style living plan; removal of existing ceiling and replacement with exposed beams and roof rafters; new decorative arched door from to match existing; new kitchen area, benchtop and joinery; partial demolition of floor to create new void
- new balustrade adjacent to stairwell to match existing balustrade;
- new open style balustrades to match existing heritage building within the approved terrace area;
- previously approved glass lift dimensions slightly altered as per manufacturing requirements;
- previously approved terrace to include 1m high planter box and kitchenette; and
- addition of un-covered air conditioning unit (maximum 1m high air conditioning units with 1m high opaque glass balustrade with access gate for maintenance).

Some of these works were commenced and a Stop Work and Stop Demolition Orders were issued on 23 December 2022. These orders stand and have been faithfully followed on the site. Since that time only works to make the premises safe and secure, as agreed with Council development compliance officers have been undertaken.

The orders identified the removal of much of the internal fabric, particularly in the main, three storey wing. Some early walls have been removed, however, much of the fabric and details itemised including ceilings and lightweight walls were added (as approved) as part of the 1990s and early 2000s alterations and additions to the building.

The commencement of the 2019 Court approved works (addition of lift) and unapproved works have opened up the building. It is currently proposed to reinstate some details and complete repairs and undertake works to rationalise and improve the interior of the building and site for ongoing residential and family use.

## 4.0 The site context

The site is located at the north western end of Ballast Point Road and corner of Ballast Point Road and Bates Street. The northern end of the street and Bates Street are elevated above the surrounding area.

Ballast Point Road is a two-way street with sealed verges, some street trees and plantings and car parking on both sides. The built context in this section of the street is characterised by a mix of one to three storey detached and attached buildings and dwellings generally dating from the 19<sup>th</sup> to the late 20<sup>th</sup> centuries. Some contemporary alterations and additions are also present.

Ballast Point Road is terminated by a small parking area and a green reserve with public steps which extend down to the lower lying areas, Grove Street and Birchgrove Park and Oval.

Adjacent to the parking area and located opposite the site, on the eastern side of the street, No. 73 Ballast Point Road is a two storey with attic stone late Victorian period dwelling with Rustic Gothic details, steep pitched double gable roof clad in slates and a stone chimney.

No. 73 is setback from the street frontage and also has a single storey verandah facing the street. The building has been listed as an item and has detached buildings and attached wings extending to the street frontage which also has a high stone and timber fence and gate.

Neighbouring No. 73, Nos. 71 (and Nos. 71A-C) Ballast Point Road is a two storey face brick residential building with gabled main roof clad in slates and two single storey gabled roofed garages each side.

The subject building at is part of a group of six attached, two and three storey terraces and dwellings occupying the block between Dock Road and Bates Street. The subject building forms the northern "bookend" of the group.

At the southern end, No. 46 Ballast Point Road has a differing form, but similar details to the subject building including a main hipped and parapeted roof clad in states with terracotta trims and prominent chimneys, rendered external walls with rendered mouldings, regular and arched windows and openings. The main wing of the building, "Breeza" is also constructed to the street frontages and is elevated above Ballast Point Road. The building entry is on Dock Road.

Nos. 48-54 Ballast Point Road have a typical terraced form with gabled main roofs also clad in slate, projecting party walls extending to the street frontages and bounding open steps and landings on the ground floor and open balconies at first floor level. The buildings also retain cast iron details and balustrades. Nos. 50-54 also have street facing dormers.

Bates Road is also a relatively wide, two-street with sealed verges. The eastern end of the street is characterised by garages, high walls and fences. Directly opposite the site, No. 58 is a two storey, late 20<sup>th</sup> century face brick dwelling with gabled main roof clad in tiles. The dwelling is setback from the street frontage which has a low, matching brick fence. A wide driveway extends from the street alignment to a single storey garage that is attached to the western side of the dwelling.



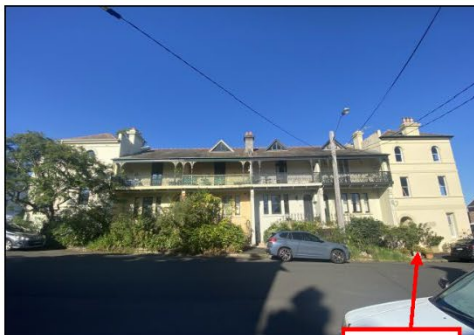
**Figure 4.1** The northern end of Ballast Point Road which is relatively wide, two-way street with sealed verges, some street trees and plantings and car parking along both sides. The street is terminated by a grassed reserve and steps located just beyond the site (at left).



**Figure 4.2** Opposite the site, on the eastern side of the street, No. 73 is a two storey with attic stone, late Victorian period dwelling with Rustic Gothic details, steep pitched double gable roof clad in slates and a stone chimney. The building has detached and attached wings and buildings extending to the street frontage which also has high fence and gate.



**Figure 4.3** Nos. 71, 71A-C Ballast Point Road which also faces the site.



**Figure 4.4** The subject building is one of a group of six dwellings on the western side of Ballast Point Road in the block between Dock Road and Bates Street.



**Figure 4.5** With No. 46 the subject building “bookends” four late 19<sup>th</sup> century terraces.



**Figure 4.6** No. 46, located on the northern corner of Ballast Point Road and Dock Road, is a two storey rendered Federation period building with main hipped and parapeted roof clad in slates with terracotta trims, rendered chimneys, walls and details. The building has similar details as the subject building, however, has a differing form and has a deep rendered base along the Ballast Point Road elevation.

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**Figure 4.7** Nos. 48 to 54 Ballast Point Road are two storey (some with attic) terraces with main gabled roof and projecting party walls framing the steps and landings and open balconies.



**Figure 4.8** Nos. 50, 52 and 54 also have street facing dormers. The buildings have also been listed as items.



**Figure 4.9** Buildings and street context along the Bates Street frontage to the west of the site.



**Figure 4.10** Opposite the site, on the northern side of Bates Street, No. 58 is a late 20<sup>th</sup> century face brick dwelling with gabled main roof and attached double garage.

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**Figure 4.11** View looking south east along Ballast Point Road from the junction with Bates Street.

## 5.0 No. 56 Ballast Point Road

No. 56 Ballast Point Road is a two and three storey, rendered brick, Federation period building with a parapeted and hipped main roof clad in slates with terracotta trims, two rendered chimneys, classical rendered details including a base/ plinth, string courses, sills and window heads and timber framed windows and doors.

The main wing comprises of three storeys and is constructed to the Ballast Point Road and Bates Street boundaries. A rendered, parapeted party wall extends along the shared boundary with No. 54.

The front, Ballast Point Road façade has a single, arched opening with recessed porch and entry with a timber panelled door and toplight and a single, timber framed double hung window with a square head. The ground floor façade also has a stone name plate with “Yeroulbin” in relief lettering. The first and second floors each have two window openings with regular and arched headed windows that align with the ground floor openings. A prominent centrally located chimney with profiled capping and three terracotta pots rises above the façade and gutter line.

The Bates Street elevation of the main wing has four, timber framed double hung windows with square heads on the ground floor. The first floor has two wide, arched openings with timber framed windows and doors and balustrade with colonnettes added to the opening as part of the 1990s works. The second floor has two and a trio of double hung windows with arched heads. The windows have a solid base with continuous profiled, rendered sill. The upper level openings also align with ground floor openings. The western façade/ return facing the courtyard has French doors with a toplight and square head on the ground floor and two single arched openings over. Pre-existing and new openings are also located on the facade.

The “rear” of the building has an L-shaped, two storey wing which extends along the southern and western site boundaries and frames an open courtyard. The courtyard is also bounded and enclosed by a high, rendered wall with a recess at the eastern end and junction with the main wing. A single opening with a timber gate provides access from Bates Street.

The rear wing has a parapeted flat concrete roof/ terrace that has been recently added (2019 approval). The wing also has rendered string courses and details to the window and door openings. The western arm is constructed to the Bates Street frontage and has a wide, arched opening on the Bates Street frontage and modern roller door accessing the ground floor garage. An external stair with solid rendered balustrade extends up from the courtyard to the first floor level of the rear wing.



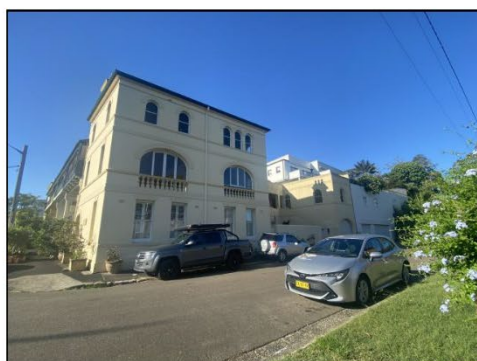
Figure 5.1 No. 56 Ballast Point Road in context.



Figure 5.2 The eastern, Ballast Point Road façade. The front wing is constructed to both street frontages. The primary facades retain rendered wall finish and decorative mouldings, square and arched headed openings and timber framed windows and doors.



Figure 5.3 The building from the top of the public stair at the junction of Ballast Point Road and Bates Street.



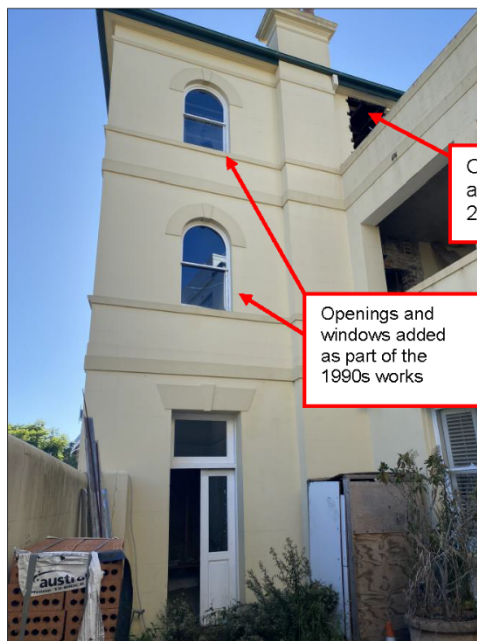


**Figure 5.4** The Bates Street façade of the main wing. The large arched openings on the first floor were infilled and windows were reinstated to the second floor as part of the 1990s works.

Windows, doors and details added as part of the 1990s works



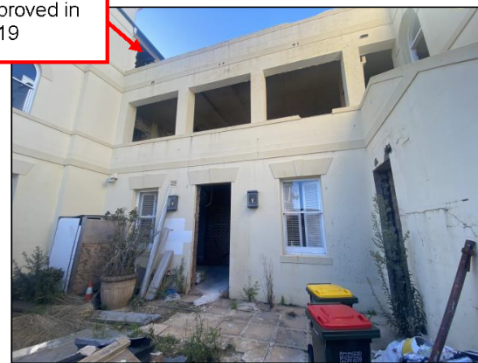
**Figure 5.5** The early two storey rear wing was extended and modified as part of the 1990s works. The works included the addition the garage constructed to the Bates Street frontage with bedroom and services areas over connected by the open, but covered terrace. An external stair also extends up from the courtyard to the first floor. The high boundary (courtyard) wall was also modified as part of the 1990s works.



**Figure 5.6** The rear wing and walls around the rear courtyard which were extended, modified and added as part of the 1990s works.

Opening approved in 2019

Openings and windows added as part of the 1990s works







**Figure 5.7** The western arm of the rear wing including the external stair were added as part of the 1990s works. A new opening has been recently made at ground floor level.

Internally, both the main and rear wing have concrete and timber floors, rendered brick and lightweight walls. The main wing retains timber framed ceilings/ floor and roof.

The ground floor has concrete slab floors and retains a side hall with blind recessed arch in the southern party wall and entry, a hall arch with mouldings and two door openings with toplights. The ground floor of the main wing retains the two roomed layout, however, some lightweight infill has been added in the wide opening that existed between the two rooms. The hall also has a timber stair with turned timber balustrade and posts. An opening adjacent to the stair connects to the rear wing.

The timber stair occupies the south western corner of the main wing and winds up to the first and second floor levels. Two early leaded stair windows remain on the southern wall of the mid floor landings.

The first floor of the main wing also retains a sense of the two roomed layout about the stair and landing. A WC added to the landing and adjacent to the stair and part of the floor have been removed. The modern ceilings and associated cornices and timber skirtings have also been removed with the existing kitchen finishes fixtures and fittings and works relating to the 2019 approval have been undertaken.

The second floor has been opened up. The bathroom, ensuite and associated finishes and internal former bedroom walls, ceilings and associated cornices and some timber skirtings and joinery have been removed. Evidence of early and later details, however, generally remain evident. An approved opening has been made to access the roof approved roof terrace which has a concrete floor slab and solid balustrades.

The rear wing incorporates some early walls, however, was largely modified and extended as part of the 1990s works. Recent works have also resulted in the addition of a new concrete roof slab, brick walls and some lightweight details.

**Ground floor**

**Figure 5.8** The building entry and side hall which retains a blind, recessed arch in the southern party wall, hall arch and door openings with toplights.



**Figure 5.9** The front ground floor room. The door opening from the hall and the fireplace with a marble surround remain.



The modern timber floors and joinery added as part of the 1990s works have been removed and have revealed a concrete slab which was added as part of the 1990s works. The modern ceiling has also been removed. The aluminium framing remains with evidence of the former lath and plaster finish which appears to have been previously removed.



**Figure 5.10** The front, ground floor retains the window openings and windows. Evidence of the first floor infill/ patching is visible over the northern side.



**Figure 5.11** The two roomed layout and wall between the two main ground floor rooms remain. However, lightweight framing has been added in the existing wide opening.

Note the doors along the hall and toplight remain.

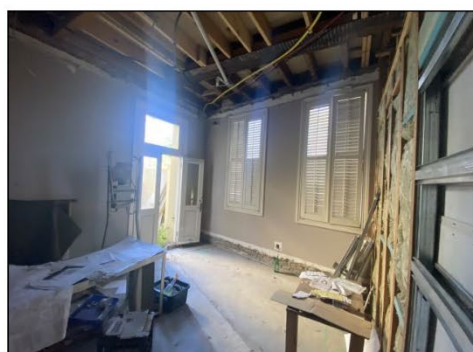


**Figure 5.12** The second, main ground floor room. The door from the hall and toplight remains, however, the modern floor and ceiling linings have been removed and reveal a concrete floor slab and sheeted flooring and kitchen services previously added over the space.



**Figure 5.13** The lightweight framing added to the central wall.

Note the external windows and internal walls, door and toplight remains.



**Figure 5.14** The second ground floor room retains a fireplace (at left) and an opening with French doors and toplight that accesses the open courtyard.





**Figure 5.15** The side hall retains the original timber stair and timber balustrade and details which were repaired as part of the 1990s works.



**Figure 5.16** The linings and part of the ceiling over the hall have been removed. An opening adjacent to the stair accesses the rear wing.





Figure 5.17 The rear wing which was extended and altered as part of the 1990s works. Openings have recently been made in the slabs to accommodate the approved lift. Some alterations to the existing bathroom and study have also been undertaken.

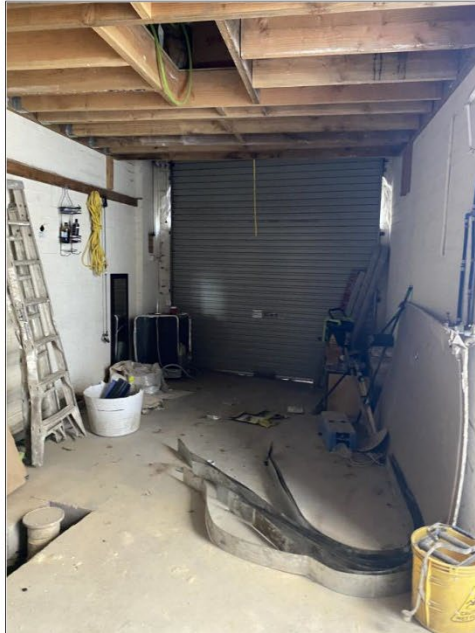


Figure 5.18 The existing garage which was added as part of the 1990s works. Some lightweight framing has been recently added.





**First floor**

**Figure 5.19** The stair and landing on the first floor. The stairwell retains two original leaded stair windows and an arched window added as part of the 1990s works. The opening to the rear wing also remains, however, a lightweight wall has been added to the former kitchen.



**Figure 5.20** The two roomed layout and early brick cross wall remains, however, some flooring has been removed to create a void over the ground floor hall.



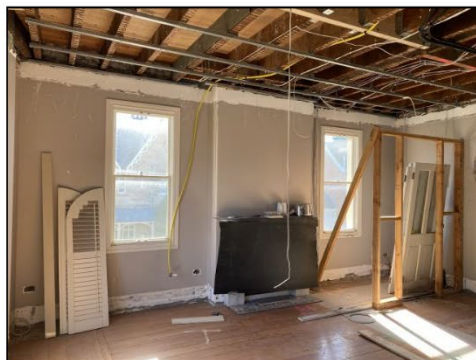
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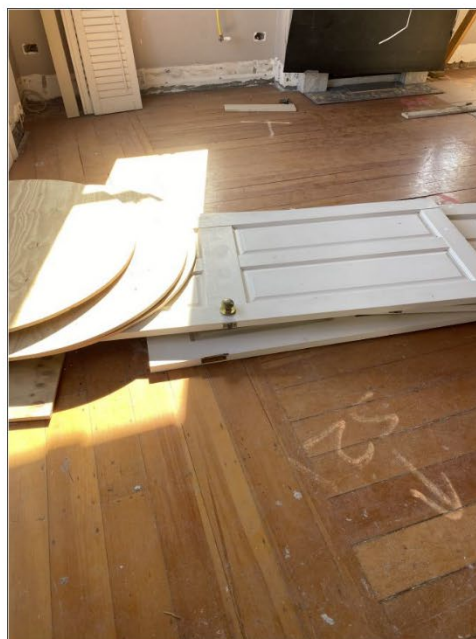


**Figure 5.21** The front (eastern) room on the first floor (former living room). The modern ceilings, cornices and joinery have been removed, however, the fireplace, timber floors, windows and doors remain.

Note the modern aluminium ceiling channels/framing and services.



**Figure 5.22** The fireplace and front windows and architraves remain.



**Figure 5.23** The floor patching and modified fireplace hearth undertaken as part of the 1990s works is evident. The fireplace also remains and has been covered.



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**Figure 5.24** The first floor windows and doors and balustrade added to the existing wide opening in the 1990s.



**Figure 5.25** An existing door in the cross wall between the two rooms has been widened.



**Figure 5.26** The modern kitchen fitout and ceiling have been removed from the second room, however, the windows and details added as part of the 1990s works remain. The floor has modern sheeting. Some lightweight walls have been recently added.

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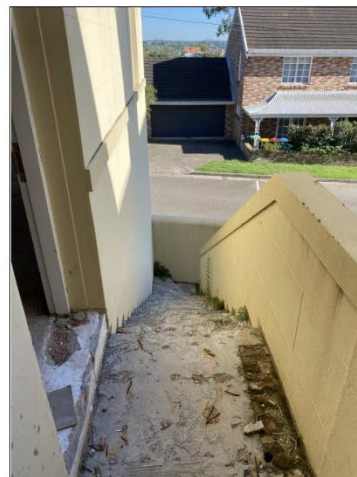


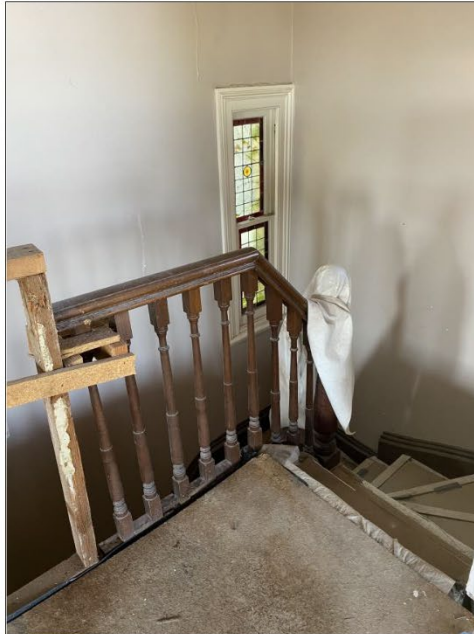


Figure 5.27 The first floor terrace in the rear wing. An opening has been made in the existing floor slab to accommodate the lift and new brick walls and a concrete slab have been added (as approved, 2019).



Figure 5.28 The existing rooms over the garage and existing access stair added as part of the 1990s works.



**Second floor**

**Figure 5.29** The top of the stair and leaded stair window remain. The early walls between the two front bedrooms and later ceilings, existing skylights and bathroom added as part of the 1990s works have been removed.



**Figure 5.30** The second floor of the main wing has been recently opened up and modern linings and details removed. The outline of the wall relocated as part of the 1990s works (below) remains on the breast on the eastern wall. No fireplace was existing. The early cross wall also the robes, ensuite and associated finishes added as part of the 2011 works have also been removed. The patched, repaired and modified floor indicates the various changes.





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**Figure 5.31** The southern wall retains evidence of various changes.



**Figure 5.32** Roof framing and cladding and existing skylight framing.



**Figure 5.33** The roof framing and slate cladding. Some repairs are evident.



**Figure 5.34** The skirtings and timber joinery are modern and have been previously replaced.

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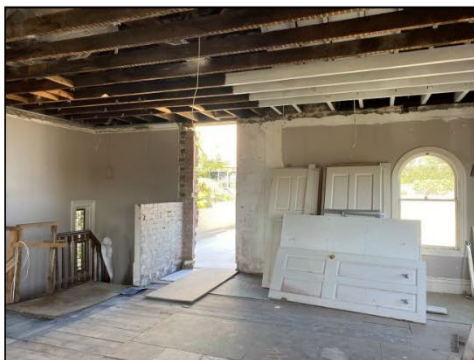
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**Figure 5.35** The trio of windows on the Bates Street façade. The two eastern windows were reinstated as part of the 1990s works. The floor retains evidence of various changes, patching and repairs and addition of services.



**Figure 5.36** The window on the western wall was added as part of the 1990s works. The wall also has an approved opening to access the new roof terrace. Some previous repairs to the roof framing are also evident.



**Figure 5.37** The new roof terrace and slab (part of the 2019 approval) which replaced the 1990s pitched roof.



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**Figure 5.38** The upper, western façade of the main wing. The new slab has an opening for the approved lift.



**Figure 5.39** The rear of the adjoining terraces to the south from the roof terrace.

## 6.0 Assessed significance & summary analysis

### 6.1 Assessed significance

The building, “Yeroulbin” at No. 56 Ballast Point Road has been listed as a local item (I844). The attached group, Nos. 48-54, have also been individually listed (I838, I840-I843). There are also a number of other items in this section of the street including a House, “Clifton Villa” at No. 73 Ballast Point Road (846) which is located opposite the site. The site is also located in the Town of Waterview Heritage Conservation Area (C31).

The assessed significance and Statement of Significance for the building from the NSW Heritage Inventory database<sup>19</sup> is as follows:

*No. 56 Ballast Point Road is of local historic and aesthetic significance as an example of a Federation period terrace constructed in 1907. Despite some alterations and additions the building retains its overall scale, form, character and details as it presents to the street frontages including the rendered facades and associated rendered details, roof form, slate roof cladding, terracotta trims and chimneys, recessed entry and pattern of openings. The building occupies a prominent and elevated corner site and forms a distinctive end of an unusual group of terraces. The building addresses and contributes to the Bates Road streetscape and is part of a group (Nos. 46-56) which make a positive contribution to the Ballast Road streetscape.*

<sup>19</sup> Heritage NSW, State Heritage Inventory, Heritage Item ID No. 1940539.  
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The recommended management from the datasheet is as follows:

- *the existing scale, character and details of the building particularly the rendered brick facades and associated rendered mouldings, roof form, slate roof cladding, terracotta details and chimneys, recessed ground floor entry and pattern of openings including large arched side openings be retained and conserved;*
- *no new openings should be made on the main street facing facades;*
- *the entry porch should remain open and opening up of the first floor balconies on the Bates Street façade may be considered as part of any major works to the building;*
- *any further alterations and additions should be restricted to the rear of the building and site and should not detract from the existing form, character and scale of the building as it presents to the group and Ballast Point Road.*

The building is part of a prominent and elevated group and is also located in a heritage conservation area. The significance of the area has been noted<sup>20</sup> as follows:

- *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, through the form and fabric of its houses, corner shops and pubs, its street layout and allotment shapes, demonstrates a remarkably intact area of early workers' housing from 1850s to 1890s with later infill development prior to World War II (ie pre-1939). It is significant for its surviving development prior to World War II.*
- *Demonstrates through the density of pubs (and former pubs) within the township area its close association with the growth of the urban labour movement. A number of these pubs are of national heritage significance for their historical and enduring social values as part of the history of unionism and of the Ships Painters and Dockers Union in particular.*
- *Demonstrates, through the nature of its housing, the important role played by Morts Dock as a magnet for workers and the location of their housing.*
- *Demonstrates, through its rendered and painted brickwork, the nature of construction in Sydney before the ready availability of hard pressed, face bricks.*
- *Demonstrates the work of Surveyor Reuss.*
- *Associated with prominent local entrepreneurs and land developers, some of whom were aldermen of Council.*
- *Demonstrates, with Bodalla Village on the New South Wales south coast, the role of Thomas Mort in providing 'appropriate' housing for his employees.*

## 6.2 Summary analysis & assessment

The building is one of six dwellings constructed in the block between Dock Road and Bates Street and what was Lots 7, 8, 9 and 10 of Section A, Block 18 of the Waterview Estate consolidated, subdivided and sold by Thomas Sutcliffe Mort, an auctioneer of Sydney.

The subject building appears to be the last constructed in c. 1907. The group, Nos. 46-56 Ballast Point Road were under the one ownership and appear to have been leased by the various owners from this time.

The lots were not formally re-subdivided until the 1950s and remained under the same ownership until the 1980s. The subject site was sold separately in 1987.

By this time the building was in a dilapidated condition. The early form indicated on the 1930s survey plan and 1943 aerial remained. The three storey main wing, with a two storey rear wing and rear yard bounded by a high wall also remained.

<sup>20</sup> Inner West website, *Heritage Conservation Areas: Area 15: Town of Waterview Conservation Area* (Godden Mackay Logan).  
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Photographs dating from c. 1987 show the main three storey wing constructed to the corner and street frontages with a two storey flat roofed rear wing setback from the Bates Street, side and rear boundaries. The main wing has rendered finishes and details to the square and arched openings including two large openings with recessed walls overlooking Bates Street. Some changes had clearly been undertaken to the upper level windows. The rear/ western wall of the main wing was brick and has an exposed chimney breast and attached service elements. A high rendered wall with a single gate also extended along the Bates Street boundary.

A Building Application was submitted by the new owner in 1989 (89/921). The works were approved by 1991 and works carried out from this time.

The 1990s works included the addition of new timber flooring to the main ground floor rooms. It would appear that concrete floor slabs were also added below the new timber flooring. The 1990s plans indicate that the fireplaces and breasts on the ground floor remained. The stair was also restored.

The earlier layout of the first floor was altered as part of the 1990s works.

The main cross wall was retained, however, internal walls and the recessed open balconies were removed. Evidence remains to show that the floor was patched and infilled. New timber framed windows and doors were added to the wide arched openings on the Bates Street facade and new timber windows were also provided to the existing openings on the Ballast Point Road facade. A WC was also added to the landing, adjacent to the stair.

Modern ceilings and cornices and timber skirtings were added throughout. The aluminium ceiling framing and channels and details are extant. A fireplace also remains in the front, main room on the first floor. This appears to have been added/ modified as part of the 1990s work and has a modern tiled hearth.

The earlier layout of the second floor was also modified as part of the 1990s works.

The room layout was altered. The fireplace breast remains, however, the presence of a wall and proposed relocation would indicate that there was no fireplace or surround. Part of the main cross wall appears to have been previously or removed at this time to accommodate the bathroom added at this time. Internal walls and the recessed balcony were also removed from the second floor. The floor was patched and repaired and arched windows were added/ reinstated.

The rear wing was also modified and extended around the south western boundaries and around an open courtyard. New concrete floor slabs, brick walls and a new parapeted hipped roof were added to form the ground floor garage, terrace and additional bedroom and service areas. The external stair was also added at this time.

The Bates Street boundary wall and courtyard also appears to have been altered and landscaped between the 1990s works and 2011. Since that time further alterations and additions have been proposed and undertaken:

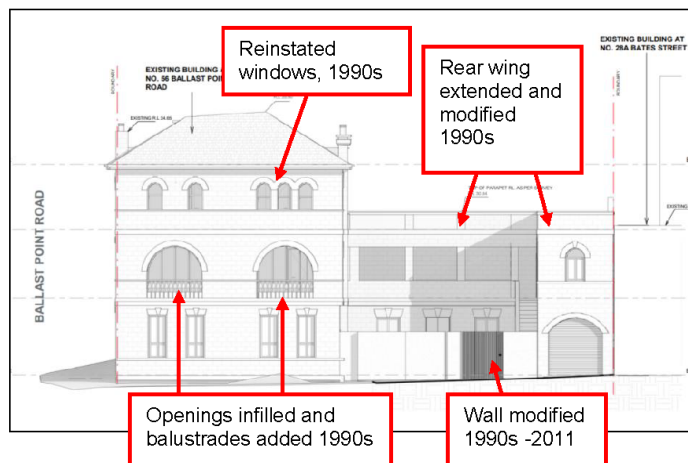
- 2006: Alterations and additions to existing building (D/2006/490);
- 2011: Alterations and additions to the existing building (D/2010/530) including internal alterations to the existing kitchen and addition of an ensuite and robe on the second floor; and
- Alterations and additions to existing building (D/2017/587, NSWLEC1346 (2019);

Works relating to the 2019 approval were commenced in 2022. Some unauthorised works and demolition have also been undertaken.





**Figure 6.1** The Ground (left) and First floor, 2022. (Base plan by Katris Architects Pty Ltd)

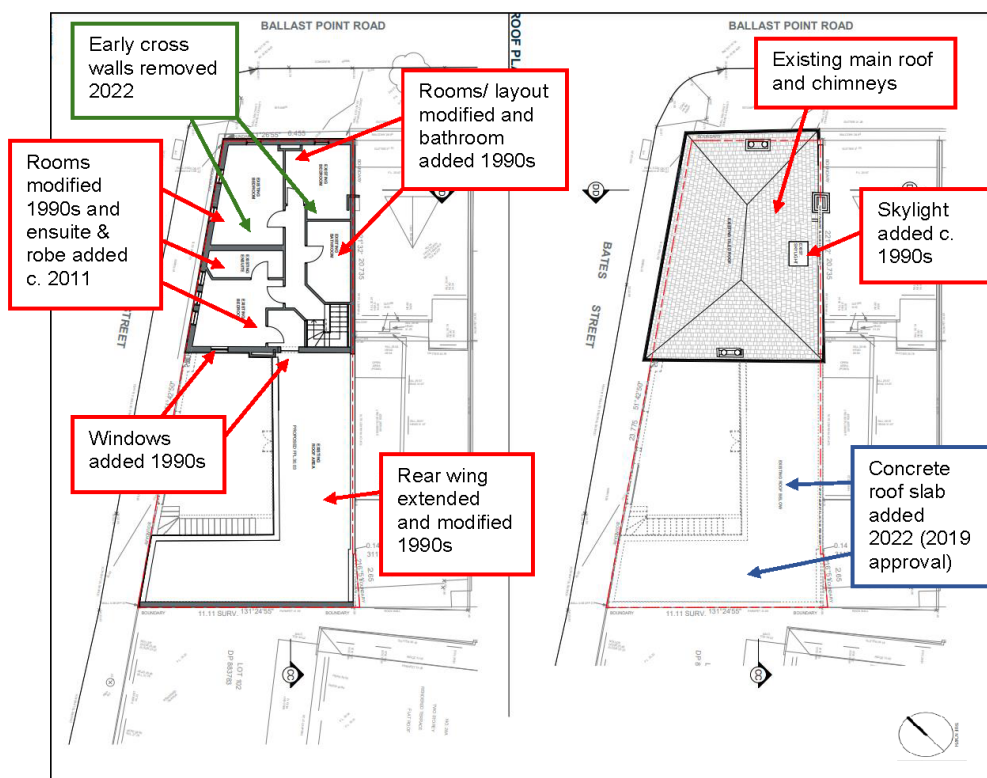


**Figure 6.2** North-west/ Bates Street elevation 2022.

(Base elevation by Katris Architects Pty Ltd)

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**Figure 6.3** The Second floor layout and roof, 2022. (Base plans by Katris Architects Pty Ltd)

A Stop Work and Stop Demolition Orders were issued by Inner West Council on 23 December 2022.<sup>21</sup> An inspection carried out by Council's compliance officers itemised the unauthorised demolition and details. The list, comments and clarifications and recommended actions are outlined in section **7.0 Description of the proposal**.

Unauthorised works undertaken included removal of some internal fabric, some timber floors and skirtings, ceilings and associated cornices and details and some internal walls. A later skylight was also removed. New lightweight and brick walls and elements were also added.

The above analysis and inspection of the site confirms that most of the internal fabric and details removed, particularly the timber floors on the ground floor, skirtings and ceilings were modern finishes and details added as part of the 1990s and early 2000s approved works.

The only original/ early fabric recently removed appears to be restricted to two cross walls and possibly a nib wall adjacent to the stair on the second floor (identified above, **Figure 6.3**).

<sup>21</sup> Inner West Council, Ref: EPA/2022/0228.

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Based on the above analysis, No. 56 Ballast Point Road is considered to be of local historic and aesthetic significance as an example of a Federation period corner terrace and as part of the early 20<sup>th</sup> century residential development of the area.

Despite the various alterations, additions and recent works undertaken, the building retains its original and principal three storey form and details including the main hipped roof and chimneys, slate roof cladding, also rendered primary facades and associated details and a secondary, two storey rear wing which make a positive contribution to the interpretation of the building, attached group, Ballast Point Road and Bates Street streetscapes and conservation area.

The 1990s works resulted in the repair, reinstatement and adaption of external facades and details including openings and windows on the second and third floors and also adaption, alterations and additions to the building interior and rear wing. The rear wing alterations and additions extended around an open courtyard space which remains. Subsequent works have been undertaken to improve the interior for ongoing residential use.

Internally the 1990s and subsequent works retained the typical two roomed layout with side hall and stair on the ground floor of the main wing and two main rooms about the stair and landing on the first floor. The second floor layout has also been modified and much of the internal fabric was repaired, patched and replaced as part of the 1990s and 2011 works.

The rear wing retains some early brick walls, however, was largely altered, modified and extended in the 1990s. The recent works (approved and unauthorised) have retained its existing secondary scale, footprint and form with a parapeted roof.

The existing dwelling appears to be the first dwelling constructed on the site, however, the archaeological potential is considered to be low and disturbed by the subdivision and development of the site and attached dwellings, alterations and additions to the rear, courtyard and associated wall.

The dwelling retains standard construction details and materials that contribute to the character of the building, however, are not unusual or rare in the local or wider context. The interior retains a sense of its early and a typical layout on the ground and first floor levels. The previous replacement of floors and ceilings would have impacted on building cavities and overall the building and site would not reveal any new information that is not available elsewhere.

The dwelling is of no particular social significance as a speculative and private dwelling.

The building remains as part of a group of Federation period terraces. However, with Nos. 46 Ballast Point Road has differing form and details and "bookend" the group located between Dock Road and Bates Street.

The following details are considered to be **High significance** for their contribution to the character of the building and streetscape:

- the two and three storey scale and external form and details of the main building including the main hipped roof form and a slate roof cladding with terracotta trims and the secondary rear wing and parapeted roof form;
- the external rendered brick facades of the main three storey wing and associated rendered details including two rendered chimneys, string courses and mouldings, sills and rendered window heads;
- the pattern of openings on the three storey, Ballast Point Road and Bates Street facades;
- the recessed entry porch on the Ballast Point Road façade;
- the expressed fireplace breast on the western façade of the main wing;
- the building entry, side hall and remaining details including the blind arched recess on the southern hall and hall arch and mouldings;

- the two roomed layout of the ground and first floor and spatial character (high ceilings);
- the two ground floor fireplaces;
- the timber stair, balustrade and posts, landings and two leaded stair windows;
- the remaining cross wall and sense of the two roomed layout on the first floor; and
- evidence of the early cross walls on the second floor.

The following details are considered to be **Moderate significance**;

- the external timber framed windows and doors;
- timber floor/ceiling and roof framing in the main wing which have been repaired, modified and elements replaced;
- the rear wing walls and associated details including rendered finish and mouldings, pattern of openings in the Bates Street facing facades and external stair which partly interprets the early rear wing but largely dates from the 1990s;
- the open courtyard space and high boundary wall, but not the gates or planters;

The following is considered to be of **Little significance**:

- the existing gutters and downpipes;
- the concrete roof slab over the rear wing;
- concrete floor slabs;
- internal modern brick and lightweight walls and partitions;
- modern infill and sheeted flooring;
- modern services and remnant aluminium ceiling framing/ channels; and
- remnant planters and landscaping elements and paving in the courtyard.

## 7.0 Description of the proposal

It is currently proposed to retain the existing building, reinstate internal fabric and details and undertake alterations and additions to the building for ongoing residential use as illustrated in the architectural drawings prepared by Katris Architects Pty Ltd.

The existing three storey scale, external form and primary Federation period details of the existing principal wing with the main hipped roof form, the existing slate roof cladding and existing chimneys are proposed to be retained. The existing pattern of openings on the three storey Ballast Point Road and Bates Street façades and associated rendered mouldings and timber framed windows and doors and recessed building entry are also proposed to be retained.

The works largely relate to the interior and rear wing of the building which have been previously altered and modified. The rear wing was significantly altered and extended and largely comprises of modern fabric largely dating from the 1990s and 2000s.

The main, three storey wing had also undergone changes as part of the 1990s works, however, retains the original external form and details including a hipped roof form and chimneys and also retains a sense of the internal layout and details including the main entry hall and hall arch, timber stair, two leaded timber stair windows and some internal walls.

A comparison of approved works and as built works has been prepared and shows the works completed and elements subject of the current section 4.56 modification and BIC works.

The Stop Work and Stop Demolition Orders<sup>22</sup> itemised the unauthorised demolition and details. The list, comments and clarifications and recommended actions are as follows. Further comments and assessment of the proposed works is included in section 8.0.

<sup>22</sup> Inner West Council, Ref: EPA/2022/0228.

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**Ground floor**

<b>Demolition</b>	<b>Comments &amp; clarifications</b>	<b>Recommended action</b>
(a) Timber floorboards to the two (2) existing lounges, hallway and study have been removed.	The timber floor boards and the existing concrete floor slab substructure were added as part of the 1990s works.	Reinstatement of timber floors and deep profiled skirtings to match.
(b) Skirting boards to the two (2) existing lounges, hallway and study, have been removed.	The skirting boards and internal details were also largely added and "restored" in the 1990s.	Some adaptation to allow for the works undertaken is considered acceptable. Refer to assessment below.
(c) Two (2) masonry walls of the existing study have been demolished.	The study is part of the rear additions constructed in the 1990s.	Make good and finish as proposed.
(d) All fixtures and fittings to the existing bathroom, have been removed.	The bathroom, fixtures and fittings date from the 1990s and 2011 works.	Refer to further comments and assessment below.
(e) Removal of part of a masonry wall for the purposed of providing an entry from the existing courtyard, into the existing garage.	Unauthorised opening, however, this is part of the rear wing additions and 1990s fabric. An opening is also indicated in this location on the 1989 drawings (Figure 3.9 and Figure 3.18)	Make good and finish as proposed.
(f) Saw cuts undertaken to the external part of the masonry wall that faces Bates Street, for purposes of creating a new entry into the Courtyard.	The courtyard wall has been previously modified, 1990s-2011.	New matching and complementary timber doors and details should be used to complete the works.
(g) Bi-fold doors removed that separated the two (2) existing lounges.	It is not known if the bi-fold doors were original (they have not be located on site), however, the 1980s drawing indicate that the opening and doors were "restored" from this time and the internal details including joinery in these rooms were updated and repaired as part of the 1990s works.  Lightweight walls have been added to the opening to form a room (proposed bathroom) between the two rooms which are proposed to be converted into two bedrooms.  The wall and a strong sense of the two roomed layout remain.	Retention of the lightweight walls is considered acceptable given that the main external and internal walls particularly the main cross wall remains with a strong sense of the two roomed layout, hall and stair and external and internal and external openings have been retained and are not interrupted.  No further changes to the masonry walls or openings should be undertaken.  Other details, the timber floor and joinery details and high ceilings should be reinstated.  The existing fireplaces and marble surrounds should continue to be protected and repaired.

**Ground floor continued**

<b>Demolition</b>	<b>Comments &amp; clarifications</b>	<b>Recommended action</b>
<i>(h) Internal doors to the two (2) existing lounges, existing bath, existing study, existing garage, have been removed.</i>	The two doors to the existing lounge rooms (along the hall) are in place (refer <b>Figures 5.11-5.13</b> ). Some doors remain on site and can be reinstated, however, these elements generally appear to date from the 1990s works.	Retain doors and toplights to two main rooms, re-use and reinstate salvaged doors where possible.
<i>(i) Two (2) external doors to courtyard, have been removed.</i>	Doors remain on site and can be reinstated, however, these elements generally date from the 1990s works.	Reinstate or adapt subject to approval.
<i>(j) Removal of existing wall render.</i>	90-95% of the rendered wall finish on the ground floor of the main wing remains. The rear wing walls and finishes largely date from the 1990s works.	Make good and repair to match.
<i>(k) Ceilings, cornices, ceiling roses and light fittings removed.</i>	These details largely dated from the 1990s and 2011 works. Evidence of the former lath and plaster ceilings remains visible with the modern aluminium fixing channels and evidence of previous modern replacement, repairs and modifications.	Reinstate high ceilings, cornices and details to match the removed details. Evidence of the former lath and plaster ceilings should be retained.
<i>(l) Tiles removed from external stairs that lead to first floor.</i>	The external stair and tiles date from the 1990s works.	Removal of tiles is considered acceptable. Any further changes to the external stair is subject to approval.
<i>(m) Door frames have been removed.</i>	Assume door frames in rear wing which incorporate modern fabric and date from the 1990s and 2011 works.	Reinstate or adapt subject to approval.

**First floor**

<b>Demolition</b>	<b>Comments &amp; clarifications</b>	<b>Recommended action</b>
<i>(a) Timber floorboards partially removed from existing dining.</i>	The floors have been previously infilled, patched and repaired.	Repair and stabilise and provide new floor finish.
<i>(b) Timber floorboards in existing kitchen, have been removed</i>	The floor framing and flooring has previously been repaired and replaced, patched and filled.	

**First floor**

<b>Demolition</b>	<b>Comments &amp; clarifications</b>	<b>Recommended action</b>
(c) Existing masonry kitchen wall situated adjacent to the hallway, has been demolished.	The wall was modified and altered as part of the 1990s works. A wall nib remains and has been reinforced.	Reinstatement of the wall preferable but not considered essential provided that the wall nib (adjacent to the stair) is retained to interpret the location and protect the stair.
(d) Fixture and fittings to the existing kitchen, have been removed.	The kitchen dated from the 1990s and 2011 works. Lightweight walls have been added to form a proposed bathroom.	Removal of the new lightweight walls is not necessary, given that the main cross wall and a sense of the two roomed layout has been retained and provided that the timber floors and details are repaired and reinstated. The finishing and detail works are subject to approval.
(e) Existing fittings and fixtures to W/C, have been removed.	The elements date from the 1990s and 2011 works.	Reinstatement of the WC and associated fixtures is not necessary.
(f) Removal of the existing W/C and hallway floors, with the view of creating a void.	This area was modified as part of the 1990s works when a WC was added in this area. Part of the timber floor and modern ceilings have been removed.	The rendered wall finish ceilings and details should be reinstated and repaired. Adaptation and changes to the floor and new lightweight elements are subject to approval. Refer to comments below.
(g) Two (2) masonry walls to the W/C, have been demolished.		Reinstatement not considered necessary, however, changes are subject to approval.
(h) Two (2) masonry walls of the existing laundry, that's adjacent to the existing verandah, have been demolished.	These walls and details date from the 1990s works.	Reinstatement not considered necessary given that the walls were modern fabric, however, changes are subject to approval.
(i) Removal of approximately ten (10) courses of bricks to the double skin masonry balustrade wall, that is situated on the existing verandah.	Part of the 1990s alterations and additions and undertaken to facilitate 2019 approved works.	
(j) Internal doors removed from existing dining, existing kitchen, existing W/C, existing bath, existing bedroom/study	The doors date from the 1990s and later works. Some doors have been retained on site.	Reinstate and re-use doors where possible.



**First floor continued**

<b>Demolition</b>	<b>Comments &amp; clarifications</b>	<b>Recommended action</b>
<i>(k) External door from existing kitchen that leads to existing verandah, has been removed.</i>	The opening and door dates from the 1990s works.	Reinstatement considered not necessary, however, changes are subject to approval.
<i>(l) External double timber doors that lead from the existing laundry to the existing verandah, have been removed.</i>	The laundry and associated walls and doors were added as part of the 1990s works.	Reinstatement not necessary, however, changes are subject to approval.
<i>(m) Fixtures and fittings removed from the existing bath.</i>	The bathroom is part of the 1990s additions and had modern fixtures and fittings.	
<i>(n) Removal of existing render.</i>	Approximately 50-60% of the existing render remains.	Reinstate render and details to match. A softer render mix and set to match the existing render should be used.
<i>(o) Ceilings, cornices, ceiling roses and light fittings, removed.</i>	The ceilings and details were largely replaced and modified as part of the 1990s and 2011 works.	Repair and reinstate ceilings and details to match. Adaptation to suit the changes undertaken are considered acceptable and subject to approval.
<i>(p) Door frames have been removed.</i>	Most of the internal details appear to have been updated and replaced as part of the 1990s and 2011 works.	Repair and reinstate where possible. Changes are considered acceptable, but subject to approval.

**Second floor**

<b>Demolition</b>	<b>Comments &amp; clarifications</b>	<b>Recommended action</b>
<i>(a) All internal masonry walls to the three (3) bedrooms, have been demolished.</i>	<p>The remaining section of cross wall and internal walls have been removed.</p> <p>The wall running east-west between the two front bedrooms was relocated as part of the 1990s works.</p> <p>Part of the main cross wall appears to have been removed prior and new walls were added in the 1990s to create the main bathroom. The internal walls, ensuite with the kinked section and robe were altered and added in c. 2011.</p> <p>Evidence of the early walls remain.</p>	<p>Reinstatement of the main cross walls or details such as wall nibs, bulkheads or floor details should be undertaken to interpret the earlier layout.</p> <p>Some adaption is considered acceptable, given previous changes, however, changes are subject to approval.</p>

## Second floor continued

Demolition	Comments & clarifications	Recommended action
(b) The fireplace has been removed from the existing bedroom.	No fireplaces were extant on the second floor. A breast/ flue remains on the main, eastern wall, however, walls were constructed to the structure by the 1980s and a wall was relocated as part of the 1990s works. The outline of the wall remains visible (refer Figure 5.29).	Retain and protect remaining fireplace breast. Evidence of a hearth remains (fireplace assumed to have been removed before 1990) and reinstatement of a fireplace may be considered.
(c) All internal masonry walls to the existing bathroom, have been demolished.	Two of the three bathroom walls were added as part of the 1990s works.	Reinstatement of the main cross walls or details such as wall nibs, bulkheads or floor details should be undertaken to interpret the earlier layout. Some adaption is considered acceptable, given previous changes and additions of bathrooms and ensuites and associated details. Changes are subject to approval.
(d) All fittings and fixtures to the existing bathroom, have been removed.	These date from the 1990s and 2011 works.	
(e) All internal masonry walls to the existing ensuite, have been demolished.	The ensuite including a concrete floor slab date from the 2011 works.	
(f) All fixtures and fittings have been removed from the existing ensuite.		
(g) Four (4) of the five (5) internal masonry walls to the existing robe, adjacent to the hallway and existing bedroom, have been demolished.	These walls date from the 1990s and 2011 works.	
(h) The remaining masonry robe wall adjacent to the staircase, has been reduced from its original height, and retained.	The wall predates 1989.	The wall should be retained. The reduction of the height is considered acceptable, however, is subject to approval.
(i) Removal of approximately ten (10) courses of bricks to the double skin masonry balustrade wall, that is situated on the existing terrace.	Works to the terrace were approved in 2019. The walls dated from the 1990s works.	The works to the terrace should be completed as approved with changes subject to approval.
(j) Internals doors removed from three (3) existing bedrooms, existing bathroom, existing ensuite and existing robe.	The doors remain on site.	The retained doors should be re-used where possible.
(k) Removal of existing render.	Not all render has been removed. Approximately 80% remains.	Patch, repair and reinstate render and details to match. A softer lime render mix and set to match the existing render should be used.

**Second floor continued**

<b>Demolition</b>	<b>Comments &amp; clarifications</b>	<b>Recommended action</b>
<i>(l) Ceilings, cornices, ceiling roses and light fittings, have been removed.</i>	Evidence of the former lath and plaster ceiling remains however, it would appear that the ceilings had been largely replaced and renewed as part of the approved 1990s and c. 2011 works.	Repair roof timbers as required preferably reinstate high ceilings and details to match. Some changes and adaptation is considered acceptable subject to approval. Ceiling details may be incorporated to interpret the early layout and particularly the location of the main cross wall.
<i>(m) Door frames removed.</i>	The interior had been successively modified prior to the recent works and some walls, doors and frames were part of the 1990s and 2011 works.	Reinstatement of some details such as walls, wall nibs or bulkheads should be undertaken to interpret the earlier layout. Changes are subject to approval.

The proposed alterations and additions are summarised as follows:

**Ground floor – main wing**

- addition of a new wrought iron security gate to the existing ground floor recessed porch. The existing arched opening and recessed entry door and toplight will be retained;
- conversion of the existing two ground floor living rooms into bedrooms. The existing walls along the hall, door openings and toplights will be retained with one new door proposed;
- addition of lightweight walls, finishes and fixtures to create a common bathroom and robes in the existing wide opening between the two rooms. The existing cross wall and external windows, the existing two fireplaces and French doors to the courtyard will be retained and repaired;
- addition of an opening in the ceiling of the secondary hall to create a void over the base of the stair. The existing entry and detail in the front hall, the blind arch on the southern wall, hall arch and mouldings also the existing timber stair and balustrade will be retained and repaired and base of the stair restored;
- reinstatement of timber floors and timber skirtings to match the earlier details;
- repairs and cleaning of the two (2) existing fireplaces and marble surrounds;
- reinstatement of the ceiling, roses and cornices to match the earlier details and height;
- repair and making good of the opening to the rear wing;
- addition of security screens to the exterior of the existing ground floor window openings;

**Ground floor - rear wing and courtyard**

- modification of the existing bathroom/powder room door, internal wall and provision of new fitout, finishes, fixtures and fittings;
- completion of the lift with some modifications to current manufacturer's requirements and deletion of the previously approved stair;

- removal of the courtyard doors and modification of the opening. A covered atrium with new recessed door and fixed window are proposed;
- removal of the southern wall of the existing study addition of a new door and conversion to a library;
- addition of lightweight walls to the southern end of the garage to form a new wet bar area;
- addition of an opening below the existing external courtyard stair and new French doors to provide direct access to the garage from the courtyard;
- making good and provision of new floor, wall and ceiling finishes;
- modification of the high courtyard wall and relocation of the entry and provision of new gates. The existing recess at the junction with the main wing will be retained;
- provision of new landscaping to the existing courtyard space;
- replacement of the existing garage roller door with a new door;

#### First floor – main wing

- conversion of the existing kitchen and living room to a master suite;
- removal of part of the existing kitchen wall along the stair hall and addition of lightweight walls and fixed windows around the proposed new void;
- infill of the existing (southern) living room door and addition of lightweight walls to form a walk-in robe in the proposed master bedroom. The existing cross wall will be retained with the northern door opening which will be made good and repaired. The existing external openings, windows and doors and existing fireplace will be retained;
- addition of new lightweight walls in the existing kitchen to create a new bathroom and addition of new bathroom finishes, fixtures and fittings. The existing wide arched opening and windows and associated details will be retained and repaired;
- repair of existing timber and sheeted floors and rendered wall finishes and provision of new floor, wall and ceiling finishes and details;
- retention and making good of the approved opening to the rear wing and provision of a new glass door;

#### First floor – rear wing

- modification of the approved opening in the floor slab for the approved lift and addition of the glass lift as approved in accordance with current manufacturer's requirements and deletion of the approved stair;
- addition of new brick walls and supports and modification of the existing laundry;
- addition of new sliding windows and balustrade to match the main wing to the existing openings overlooking the courtyard;
- provision of a new opening at the top of the existing external stair and addition of a new door. The existing door opening is proposed to be converted into a window;
- upgrade of the existing bathroom and relocation the proposed gym door; and
- provision of new floor, wall and ceiling finishes, fixtures and fittings;

#### Second floor – main wing and roof

- removal of internal walls and existing bathroom, ensuite and robe and existing ceiling and conversion of this floor to a living area. Repair and make good timber roof structure. The roof beams and rafters are proposed to remain exposed and addition of two new skylights. A nib wall and bulkhead are proposed to interpret the location of the early cross wall;
- addition of lightweight walls and details to provide an open plan living, dining and kitchen with walk-in pantry. The existing external openings and timber framed windows will be retained;
- repair of the existing timber stair and provision of a new timber balustrade to match the existing;

- repair and reinstatement of the rendered wall finishes;
- repair of the existing floor and provision of new timber floor finish, timber skirtings and details;
- a new glass door is proposed to the approved opening accessing the rear wing terrace;

#### Second floor – rear wing (previously approved terrace)

- deletion of the stair and addition of the glass lift as approved with modifications to current manufacturer's requirements;
- addition of a new external kitchenette area with curved concrete, flat, non-trafficable roof with pebble finish over;
- modification of the approved planter boxes and provision of new planter and services (air conditioning units) area; and
- provision of a new balustrade with details to match the existing building.

Overall the works are intended to rationalise past changes and improve the use and amenity of the existing dwelling and site for ongoing residential and family use.

New floor, ceiling and finishes to match the earlier details are generally proposed to be reinstated with the new details.

Repairs to the main roof have recently been undertaken as permitted by Council. The existing slate cladding and details will be retained with two new skylights proposed on the southern roof slope. The existing chimneys will be retained with new flues incorporated for new services.

A light and relatively neutral external colour scheme is also proposed to be retained (Antique White USA) with a darker, recessive colour proposed for the ground floor security screens.

## 8.0 Heritage Impact Assessment

The relevant clauses of the Inner West and former Leichhardt Council planning documents and updated guideline document on the preparation of Statement of Heritage Impact reports have been considered below.

### 8.1 Inner West LEP 2022 & Leichhardt DCP 2013

In accordance clause 5.10 Heritage conservation of the IWLEP 2022:

#### **(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 recognised significance of No. 56 Ballast Point Road relates to its historic and aesthetic values and external character and details, corner siting and relationship with the adjoining group.

The works recently carried out have affected internal details and elements of the rear wing, however, the primary external form, character and details that contribute to the assessed values remain and continue to be visible and are able to be interpreted as part of a group and part of the Federation period of development of the street and area.

The removal of internal linings, floors, ceilings and rendered finishes is regrettable. However, the documentary and physical evidence confirm that the building had previously undergone some change, alterations and additions and renewal, particularly in the late 20<sup>th</sup> and early 21<sup>st</sup> centuries for ongoing residential use. Much of the internal fabric recently removed dated from the 1990s and early 2000s works and renovations.

A concrete floor slab and new timber floors and skirtings were added to the ground floor of the main wing in the 1990s. The floors on the first and second floor were also infilled and concrete slabs and modern flooring were also added later. Internal walls were modified and added. The rear wing was also substantially rebuilt, extended and modified during this period.

Early walls and details have been recently removed from the second floor of the main wing. However, the early internal walls and a strong sense of the early layout and spatial character remains in the ground and first floors with the existing main entry and hall, recessed blind wall and hall arches, timber stair and two leaded stair windows. Existing fireplaces also remain.

Timber floors, rendered and set walls, ceilings and associated timber and plaster details are proposed to be repaired and reinstated.

Removal of unauthorised additions and reinstatement of the early walls on the second floor would also be ideal. The internal walls added to the main wing are lightweight and removable, however, would not necessarily result in an improved heritage outcome.

The additions, demolition of some internal walls and internal changes to the rear wing have had no impact on the primary historic and aesthetic values and external character of the place or its corner presentation, primary relationship to the attached group or contribution to the area.

The primary external form, the three storey scale of the main wing and associated main hipped roof, a slate roof cladding and chimneys remain and the main roof and has also been repaired to high standard. The external rendered wall finishes and details including the rendered mouldings, nameplate, existing pattern of openings, timber framed windows and entry door which contribute to its primary historic and aesthetic character have also been retained. A secondary rear wing and relationship with the attached terrace also remain.

Early internal walls and a sense of the early layout and spatial character of the ground and first floors with internal details noted above remain and are able to be interpreted as part of the early fabric of the building. Any potential adverse impacts relating to the removal of details and walls on the second floor will be reduced by the proposed internal repairs, reinstatement of appropriate rendered wall finishes, high ceilings and details and by the incorporation of wall nibs, bulkheads and details to interpret the former layout of the second floor.

The proposed conversion of the former formal living rooms of the ground floor of the main wing and use as bedrooms will have no adverse impact on the primary values of the place or its contribution to the area.

As noted, a sense of the two roomed layout and hall with original details including the two fireplaces will be retained and details repaired and reinstated. The floor has been previously replaced and proposed new services will have no impact on any highly significant fabric.

The conversion of the existing dining/ informal living and former kitchen on the first floor into a master suite is also considered acceptable. The original cross wall and a sense of the two room layout has been retained. The new walls and additions are lightweight and do not interrupt any external openings and services have been previously added. The proposed partial opening up of the first floor (creation of a void over the ground floor hall) is intended to improve the spatial character and light around the stair and in the ground floor hall. This area on the first floor and floor have been previously modified to incorporate a WC/ powder room. The existing stair and associated details will be retained and repaired.

The proposed conversion of the former bedrooms and bathrooms and use of the second floor as a kitchen, living and dining area will have no adverse impact on the significance of the building and is intended to improve the use, relationship and connection with the approved open roof terrace over the rear wing. The changes undertaken have resulted in the opening of the floor area, however, a wall nib and bulkhead to interpret the former layout are proposed to be incorporated with the repaired and reinstated wall finishes. Services have also previously been extended to this part of the building.

It is also proposed to retain an open ceiling space and expose the existing roof framing on the second floor and provide two new skylights to improve the spatial character and light. The existing skylight is proposed be removed and roof framing repaired. The existing height, main hipped roof form, slate cladding, southern parapeted wall, existing roof drainage and chimneys will be retained.

The proposed alterations and additions to the courtyard wall and rear wing including the new and modified openings are considered acceptable and will have no adverse impact on the significance of the building. The existing and approved scale and form of the building and primary details have been retained. The works affect modern fabric and details that are part of the late 20<sup>th</sup> century addition to the place and that are of relatively little significance and overall and works are in accordance with the recommended management of the building.

With regards to **C1.3 Alterations and Additions** of Part C – Place - Section 1: General Provisions of the Leichhardt DCP.

#### **General provisions**

<b>Controls</b>		<b>Response</b>
<b>C1</b>	<i>The overall form of alterations and additions shall: a. have regard to the provisions within Appendix B ± Building Typologies of this Development Control Plan;</i>	<p>a. The works have regard for the defining characteristics of two and three storey terraces typology and in accordance with Section 7 the development;</p> <p>a. retains the integrity of the existing two and three storey form and character of the row;</p> <p>b. maintains the importance of the main, front wing;</p> <p>c. retains the streetscape and primary skyline character;</p> <p>d. retains the architectural character and details of the terrace as presents to the corner;</p>



**General provisions continued**

Controls	Response
<p><b>C1</b> <i>b. be compatible with the scale, form and material of the existing dwelling and adjoining dwellings, including wall height and roof form;</i></p> <p><i>c. retain any building and streetscape consistencies which add positively to the character of the neighbourhood (e.g. architectural details, continuous rows of dwellings, groups of similar dwellings, or the like); d. maintain the integrity of the streetscape and heritage significance;</i></p> <p><i>e. be considered from all public vantage points from which the additions will be visible; and</i></p> <p><i>f. achieve the objectives and controls for the applicable desired future character.</i></p>	<p>d. retains the architectural character and details of the terrace as presents to the corner;</p> <p>e. retains the rhythm of the roofs and chimneys and primary relationship with the group;</p> <p>f. maintains the amenity of the terrace and adjoining properties;</p> <p>g. protects the existing sun access; and</p> <p>h. will improve on past changes.</p> <p>The proposed alterations and additions retains a secondary, two storey rear wing and highly significant details.</p> <p>b. the existing and approved scale, form and materials, wall height and roof form will be retained;</p> <p>c. the building will retain its prominent corner elevations and form and will continue to form a visual "bookend" to the group and retains similar details to No. 46;</p> <p>d. the integrity of the streetscape and significance will be retained and able to be interpreted;</p> <p>e. the primary views to and from the building and group from public vantage points along Ballast Point Road and corner of Bates Street will not be affected by the proposed works;</p> <p>f. The existing external fabric and details will be retained and repaired in line with the desired future character.</p>
<p><b>C2</b> <i>Development shall preserve the consistency in architectural detail and form of continuous rows of attached dwellings, or groups of similar dwellings.</i></p>	<p>The building is part of a row, however, terminates the group and has differing form and details which will be retained. The building will continue to address the corner and form a distinctive end to the group with No. 46.</p>
<p><b>C3</b> <i>For end terraces / buildings, new works should be setback a minimum of 500mm from the end side wall to retain the historic form as it presents to the public domain.</i></p>	<p>The proposed works to the dwelling are largely confined to the interior and rear wing which is setback from the Bates Street boundary. The proposed security elements and alteration of the existing side boundary wall and courtyard will have no adverse impact on the group. The primary details will remain prominent and the existing height of the wall, finish and complementary details will be retained and are proposed.</p>

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**General provisions continued**

Controls	Response
<p>C4 <i>Where buildings contain original form or detail which has been compromised, the integrity of the original form and detail should be enhanced, rather than being justification for further compromise.</i></p>	<p>The building has previously undergone some works, alterations and additions. The primary form with approved additions are proposed to be retained and improved and will have no adverse impact on the original form and details of the main wing that will remain visually dominant and will continue to positively contribute to the group, streetscape and area.</p>
<p>C5 <i>New materials and fenestrations of alterations and additions shall be compatible with the existing building.</i></p>	<p>The proposed new materials, windows and doors and balustrade elements to the rear are compatible with the building and area.</p>
<p>C6 <i>The reconstruction of posted verandahs is ....</i></p>	<p>NA</p>
<p>C7 <i>Alterations and/or additions to the front of an existing dwelling must ensure that important elements of the original character of the building and its setting are retained, restored or reconstructed, where it contributes to the desired future character, including but not limited to:</i></p> <ul style="list-style-type: none"> <li><i>a. balconies and verandahs;</i></li> <li><i>b. front gardens and landscaping;</i></li> <li><i>c. fences and walls;</i></li> <li><i>d. fenestration;</i></li> <li><i>e. roof forms.</i></li> </ul>	<p>The proposed alterations and additions are largely confined to the interior and rear of the building.</p> <p>The proposed changes to the front are confined to the addition of a security elements to the ground floor openings which will be confined to the existing ground floor openings, are open and will not affect the pattern of openings or timber windows and doors or other primary details of the building. These elements are proposed for security and will be high quality. Any fixings to the building fabric will be kept to a minimum.</p>
<p>C8 <i>Alterations and additions to the side of an existing dwelling (where that dwelling is currently setback from the side property boundary), must:</i></p> <ul style="list-style-type: none"> <li><i>a. endeavour to minimise visibility from the street;</i></li> <li><i>b. retain the predominant and desired future character of the street;</i></li> <li><i>c. ensure compliance with the remaining suite of controls within this Development Control Plan relating to residential development where relevant; and</i></li> <li><i>d. when located on the ground floor, the alterations and additions shall be:</i> <ul style="list-style-type: none"> <li><i>i. setback a minimum of 1 metre from the front wall of the existing dwelling; and</i></li> <li><i>ii. have minimum ceiling heights and a roof form which is subordinate to the existing dwelling, to ensure the additions do not detract from the detached nature of the dwelling.</i></li> </ul> </li> </ul>	<p>No additions are proposed to the "side" of the dwelling.</p> <p>The proposed alterations to the "side" elevations and existing courtyard fence/ wall and gate will not be visible from the Ballast Point Road frontage and will have no adverse impact on the primary character and presentation of the group.</p> <p>The alterations to the rear wing, courtyard wall and garage opening will be visible from Bates Street, however, retains the existing siting and setbacks and retain the primary and contributory character and details of the building. The rear wing will remain secondary pedestrian and vehicular access appropriately located on the side, secondary street frontage. Any potential adverse impacts are also reduced by the improvement of the courtyard wall, courtyard and roof areas.</p>

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**General provisions continued**

Controls	Response
<p><b>C9</b> <i>Alterations or additions to the rear of an existing building are to:</i></p> <p><i>a. be of a building height that complies with the objectives and controls of the Site Layout and Building Design Part C3.2 of this Development Control Plan;</i></p> <p><i>b. maintain an area of useable private open space in accordance with Part C Section 3.8 – Private Open Space of this Development Control Plan;</i></p> <p><i>c. be of minimum visibility from the street (refer to Figure C1);</i></p> <p><i>d. comply with any other relevant residential development controls within this Development Control Plan.</i></p>	<p>The subject building occupies a corner site. The approved and proposed works will be visible from Bates Street, however, retain the existing heights and approved scale.</p> <p>Open spaces, a courtyard and roof terrace will also be retained and improved.</p>
<p><b>C10</b> <i>Where rear additions are visible from the public domain due to street layout or topography, maintaining original roof form is preferred and new additions are to be sympathetic to that original roof.</i></p>	<p>The main, original hipped roof form has been retained with sympathetic and secondary roofs at the rear.</p>
<p><b>C11</b> <i>Alterations and additions above ground floor level shall:</i></p> <p><i>a. comply with the appropriate provisions within Appendix B – Building Typologies of this Development Control Plan; PART C – 13</i></p> <p><i>b. maintain setback patterns within surrounding development;</i></p> <p><i>c. be subordinate to the existing building so that the additions do not dominate the building from the public domain.</i></p>	<p>The proposed changes to the approved alterations and additions and current proposed works retain the primary form, setback patterns and are secondary and do not dominate the building form when viewing from the public domain.</p>
<p><b>C12</b> <i>Additions at first floor and above shall be of a scale and are to be located in a manner which:</i></p> <p><i>a. maintains visual separation between the existing building and adjoining residential development; and</i></p> <p><i>b. maintains setback patterns of surrounding development; and</i></p> <p><i>c. will ensure that the addition does not dominate, but is sub-ordinate to the existing dwelling when viewed from the street.</i></p>	<p>The proposed alterations and additions maintains the visual separation between the building and neighbouring buildings and existing setback patterns.</p> <p>The works to the interior and changes to the rear wing including the addition of windows and infill and matching balustrades to the existing first floor openings and roof terrace balustrade and elements will have no impact on the secondary height or scale and ensure that the rear wing remains subordinate to the main wing when viewed from the street.</p>
<p><b>C13</b> <i>Any first floor and above additions to the side of the dwelling will not be supported where they detract from the detached or semi-detached nature of the streetscape or the existing dwelling.</i></p>	<p>The proposed alterations and additions are largely confined to the interior and rear of the building and will not detract from the nature the mixed Ballast Point Road or Bates Street streetscapes or dwelling.</p>

**General provisions continued**

Controls	Response
<p><b>C14</b> Any first floor and above additions attached to the rear of the existing roof form is to:</p> <p>a. be subordinate to that roof form;</p> <p>i. where attached to the existing roof form, be set 300mm below the ridgeline;</p> <p>ii. enable the original roof form to be apparent from the public domain by:</p> <ul style="list-style-type: none"> <li>- setting the additions back from the external face of the existing side roof plane (so the gable, hip or original parapet roof form is retained); or</li> <li>- comprising a rear sub roof linking the existing roof to additions that appear as a separate roof form to that of the existing dwelling. Any proposed link must be set 300mm below the existing ridgeline.</li> </ul>	<p>The proposed alterations to the approved additions to roof of the rear wing retain a subordinate roof form.</p> <p>The additions are setback. The main roof form with chimneys and details and a secondary roof over the rear wing will remain highly apparent and able to be interpreted from the public domain.</p>

With regards to section **C1.4 Heritage Conservation Areas and Heritage Items** of Part C – Place - Section 1: General Provisions of the Leichhardt DCP.

**General**

Controls	Response
<p><b>C1</b> Development maintains the characteristics and is consistent with the objectives and controls for the relevant building type contained in Appendix B ± Building Typologies of this DCP.</p>	<p>As outlined above, the proposed alterations and additions maintain the characteristics consistent with two and three storey terrace typology.</p>
<p><b>C2</b> The fabric of an existing building is to be the subject of appropriate conservation practices including:</p> <p>a. retention of original detail and finishes such as:</p> <ul style="list-style-type: none"> <li>i. original face brick which should not be painted over or rendered;</li> <li>ii. original decorative joinery and iron work which is not to be removed;</li> </ul> <p>b. conservation of original elements;</p> <p>c. reconstruction or restoration of original elements where deemed appropriate;</p>	<p>The building has previously undergone some alterations and additions, however;</p> <p>a. external details and finishes including pattern of openings, rendered walls and mouldings will be retained;</p> <p>b. other remaining, internal elements and details including the hall details and mouldings, timber stair and balustrade and original timber windows will be conserved and repaired;</p> <p>c. details such as rendered wall finishes, timber floors and ceilings will be repaired and reinstated. Elements to interpret the location of the walls and details on the second floor will also be incorporated.</p>

**General**

Controls	Response
<p>C2</p> <p><i>d. retention of the original cladding material of original roofs where viable;</i></p> <p><i>e. consideration of suitable replacement materials should be based on original material, and where a property is part of a group or row, replacement materials should have regard to the integrity of the group.</i></p>	<p>d. the existing slate roof cladding and approved roof over the rear wing will be retained and improved;</p> <p>e. the proposed materials, finishes and details will match, be high quality and seek to maintain the integrity of the building and group.</p>
<p>C3</p> <p><i>Development of dwellings within Heritage Conservation Areas must:</i></p> <p><i>a. not include the demolition of the internal walls and roof form, including any existing chimneys, of the front two rooms of the dwelling;</i></p> <p><i>b. retain the major form, scale and materials of the existing structure as described in (a);</i></p> <p><i>c. be for a rear addition which does not dominate the existing building or substantially change the relationship of the building to the street when viewed from the street; and</i></p> <p><i>d. retain significant, established gardens and plantings including early fences.</i></p>	<p>Some internal changes and demolition of internal walls have been undertaken, however;</p> <p>a. the primary roof form and chimneys and a sense of the two roomed layout on the ground and first floor have been retained.</p> <p>No further demolition is proposed and details to interpret the layout of the second floor including wall nib and a bulkhead are proposed to interpret the layout;</p> <p>b. the major form, scale and materials of the building will be retained and reinstated where possible;</p> <p>c. the approved and proposed alterations and additions to the rear wing retain the secondary scale and do not change the relationship of the building when viewed from Ballast Point Road. Some changes will be visible from Bates Steet, however, the main wing will continue to be visually dominant and relate to the attached group.</p> <p>d. there are no established gardens, plantings or early fences. It is proposed to improve the existing fence/ wall and gate along the Bates Street frontage. The proposed works to the fence, courtyard and roof terrace will enhance the building and site.</p>
<p>C4</p> <p><i>Demolition of dwellings in Heritage Conservation Areas or Heritage Items is subject to the provisions of Part C Section 1.2 ± Demolition within this Development Control Plan.</i></p>	<p>No further demolition is proposed.</p>

**Roof form and materials**

The existing primary hipped roof form, southern parapeted wall, chimneys and slate cladding will be retained. Two new skylights are proposed to replace an earlier skylight on the southern roof slope, however, are on the side/ rear and due to the elevation of the building, proposed location and existing side parapet will not be visible from the street frontages.

The approved roof and terrace area over the rear wing is proposed to be retained and improved.

Some minor changes are proposed to the approved lift and details to suit the current manufacturer's requirements. However, the structure will continue to be low and setback with a secondary, flat roof over. A low parapet/ balustrade with complementary details to match the main wing and planters are also proposed and will enhance the rear.

## 8.2 NSW Planning and Environment, Environment and Heritage guidelines

The relevant questions from the updated guidelines on the preparation of Statement of Heritage Impact reports have been considered in detail below.

### Partial demolition

***Are important features and elements of the heritage item affected by the proposed partial demolition (e.g. fireplaces in buildings)? Will the proposed partial demolition have a detrimental effect or pose a risk to the heritage item and its significance? If yes, what measures are proposed to avoid/mitigate the impact?***

The demolition works undertaken largely affect internal fabric and later alterations and additions to the building (walls, modern ceilings and service areas and associated finishes and fixtures). Two original walls on the second floor have also been removed.

Overall the works have not had a detrimental effect on the primary external form and details or contribution the building makes to the attached group, streetscape and area. The works do not pose a risk to the structural integrity of the building or group.

It is proposed to repair and reinstate finishes and some details. Timber floor finishes, ceilings and cornices and timber details are generally proposed to be reinstated to high quality and to match the earlier character of the building. Whilst it is proposed to retain the open character of the second floor, details and elements including a wall nib and bulkhead to interpret the early layout are proposed.

A strong sense of the internal layout of the ground and first floors and remaining details including arches and mouldings on the ground floor, the timber stair and leaded stair windows and fireplaces will also be retained and repaired and will continue to reinforce the period character of the building.

The building will continue to be interpreted as part of an early group and continue to make a strong visual contribution to the Ballast Point Road and Bates Street streetscapes and area.

### Alterations and additions

***Do the proposed works comply with Article 22 of The Burra Charter, specifically Practice note article 22 — new work (Australia ICOMOS 2013b)?***

The works undertaken have impacted on the interior of the building, however, the proposed repairs and reinstatement works, alterations and additions have and will not obscure the primary historic and aesthetic significance and values.

The alterations and additions are largely confined to the interior and rear of the building and site and new work will not distort or obscure the primary cultural values of the place or detract from its interpretation and appreciation.



The primary form and external character, the existing height and scale, its relationship to the group and response to the corner will be retained and remain highly visible. A secondary rear wing setback from the side boundary and an open rear courtyard have also been retained.

The internal fabric and details have previously undergone repair, replacement and changes for ongoing residential use. However, the building entry and a strong sense of the two roomed layout of the main wing and spatial character and details will be retained, repaired and reinstated.

***Are the proposed alterations/additions sympathetic to the heritage item? In what way (e.g. form, proportion, scale, design, materials)? How have the impact of the alterations/additions on the heritage item been minimised?***

The proposed alterations and additions are sympathetic and intended to improve the accommodation, use and amenity of the existing building and site for ongoing residential and family use. Any potential heritage impacts on the dwelling, attached items, conservation area and other items in the vicinity are minimised in the following ways:

- by the retention of the existing subdivision pattern and site boundaries;
- by the retention and no impact on the existing street alignments and proportions;
- by the retention of the existing main pedestrian and vehicular access to the site;
- by the retention of an appropriate side fence and gate;
- by the retention and no change to the existing visual and physical relationship with Nos. 46-54 Ballast Point Road and other items in the street;
- by the retention of the primary form, fabric and details of the building including the rendered external walls and rendered details and mouldings, recessed entry and pattern of openings on the Ballast Point Road and north eastern elevation and associated timber windows and entry door, retention of the main hipped roof form, slate roof cladding, southern parapeted wall and chimneys;
- by the retention of the existing form and a secondary rear wing;
- by the retention of the existing building entry and a strong sense of the two roomed layout of the main wing and details including hall arches, timber stair and stair windows, fireplaces and breasts;
- by the proposed internal repairs and reinstatement and repair and interpretive details that will also enhance the internal character and interpretation of the building for users, occupants and visitors;
- by the ongoing residential use and retention of the use of the side street; and
- by the retention and improvement of open courtyard and approved roof terrace areas.

**New landscape works and features**

***How has the impact on the heritage significance of the existing landscape been minimised?***

The proposed improvement to the existing courtyard and open terrace areas will have no adverse heritage impacts and will have a positive impact on the use and amenity of the building and site.

***Do the proposed works impact views to, from and within adjacent heritage items?***

The proposed works are confined to the site and largely to the interior and rear wing and courtyard and will have no adverse impacts on the primary views to and from the item, group other items when looking along Ballast Point Road.

The existing scale and form, setbacks and primary relationship to the attached group and corner will not be affected by the proposed works.

The proposed alterations and additions to the side wall and rear wing will be visible from Bates Street, however, will have no adverse impact on views from the corner or along the side, secondary street. The existing form, setback, secondary height and complementary details will be retained and are proposed. The main wing and its corner siting will continue to be visually prominent and able to be interpreted as part of the group and early development of the area.

***Is the development sited on any known, or potentially significant archaeological deposits?***

The development is not sited on any known deposits and archaeological potential of the site is considered to be low and disturbed by the original residential subdivision, clearing and development of the site and neighbouring sites.

The existing building incorporates typical construction materials and techniques which are not unusual or rare and are not likely to reveal any new information which is not available elsewhere. The potential of building cavities was reduced by the previous replacement of floors, walls, internal linings and details and roof claddings.

## **9.0 Conclusion & recommendations**

In summary, the proposed alterations and additions to No. 56 Ballast Point Road, Birchgrove, are considered acceptable from a heritage point of view.

The works recently undertaken have had an impact on the building interior. However, much of the fabric recently removed, particularly the timber floors on the ground floor, ceilings throughout the building and elements in the rear wing dated from the 1990s and later works. Fabric and details that are of relatively little significance.

The removal of the recently added lightweight walls and reinstatement of early brick walls on the second floor and details would be ideal, however, would not necessarily result in an improved heritage outcome.

The changes undertaken to the ground and first floors have had no adverse impact in the primary historic and aesthetic values of the building or its contribution to the group, corner presentation or area.

The additions are proposed to improve the use. The conversion of the ground and first floor rooms into bedrooms with bathrooms will have no adverse impact on the significance of the building. The building entry and hall and a strong sense of the two roomed layout of the ground and first floor have been retained and are able to be interpreted.

The stair and associated stair windows and landings also remain and will continue to be used to connect each level. Other details such as the existing external windows, fireplaces and breasts will also been retained and are not affected or interrupted by the additions. Services have also previously been incorporated on the first and second floors and can be added to the ground floor with no impact on any highly significant fabric.

The recent demolition has resulted in the opening of the second floor, however, the removal of the early walls has not adversely affected the building structure and elements to interpret the former layout are proposed with repairs to the walls, floors and roof structure.

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The proposed conversion of the former bedrooms and bathrooms and use of the second floor as a kitchen, living and dining area will have no adverse impact on the significance of the building. Services have also previously been extended to this part of the building. The changes are intended to improve the use, relationship and connection with the approved open roof terrace over the rear wing.

The removal of fabric on the ground, first and second floors has confirmed that a number of changes, patching and replacement of building fabric, alterations and additions have previously been undertaken.

In addition to the general repair, painting and finishing of the approved works. The following is recommended and proposed to reduce and mitigate any potential adverse heritage impacts:

- repair of the floors and provision of timber floor finishes to the ground and upper levels;
- repair and reinstatement of rendered and set finish to masonry walls;
- reinstatement of ceilings, appropriate cornices and details including salvaged roses;
- reinstatement of timber skirtings, architraves and door frames and timber doors;
- repair of the timber stair, base and reinstatement of timber boarded or appropriate soffit and repair/ reinstatement of timber balustrades to match the existing;
- repair of the leaded stair windows;
- retention, cleaning and repair of existing fireplaces and possible reinstatement of a fireplace to match on the second floor; and
- use of a wall nib and bulkhead on the second floor to interpret the location of the early cross wall and layout.

Overall the works are in accordance with the recommended management of the building. The significance, use and amenity of the existing building will be enhanced by the proposed repairs and reinstatement of internal linings and details and improvement of the existing rear wing, open courtyard and approved roof terrace so that the building can continue to be an active part of the group and area.

On this basis, Inner West Council should have no hesitation in approving the proposed works on heritage grounds.

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