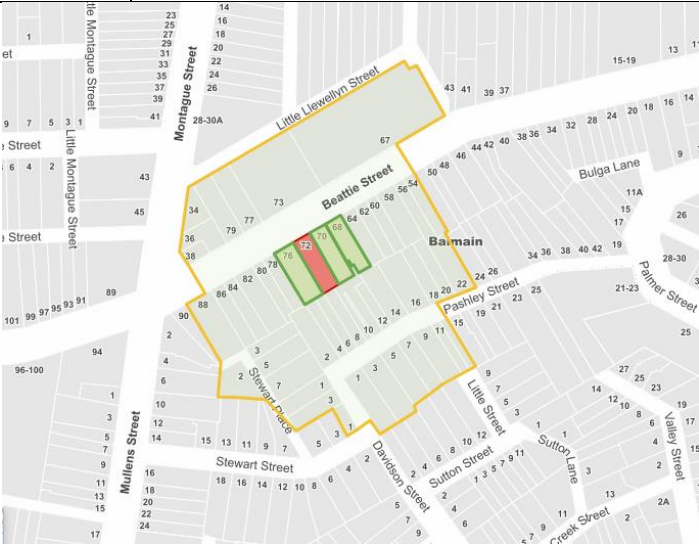
	
DEVELOPMENT ASSESSMENT PANEL REPORT	
Application No.	DA/2024/0737
Address	72 Beattie Street BALMAIN
Proposal	Alterations and additions to an existing residential flat building, including partial demolition of existing internal and external structures, internal renovations and external additions to Units 1, 2 and 3 which includes new stairs and lift, new rear skillion dormer to the rear roof plane, new side front entry, new rear terrace and associated landscaping works.
Date of Lodgement	10 September 2024
Applicant	Mr Michael A Hall
Owner	Mr Michael A Hall
Number of Submissions	3
Cost of works	\$1,790,725.00
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10%
Main Matters	<ul style="list-style-type: none"> Solar access to neighbouring properties Non-compliance with Floor Space Ratio development standard
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Section 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance
	
LOCALITY MAP	
Subject Site	Objectors
Notified Properties	

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing residential flat building, including partial demolition of existing internal and external structures, internal renovations and external additions to Units 1, 2 and 3 which includes new stairs and lift, new rear skillion dormer to the rear roof plane, new side front entry, new rear terrace, and associated landscaping works at 72 Beattie Street BALMAIN.

The application was notified to surrounding properties and 3 submissions were received in response to the notification.

The main matters that have arisen from the application include:

- Solar access to neighbouring properties as a result of the proposed stair and lift access addition.
- Non-compliance with the Floor Space Ratio development standard.

Notwithstanding, the non-compliances are acceptable therefore the application is recommended for approval.

2. Proposal

The following alterations and additions are proposed to each level of the existing residential flat building.

Lower Ground Floor (Unit 1):

- Internal reconfiguration for new ensuite, bathroom, and laundry.
- New courtyard from master bedroom and terrace off the living area.
- Open plan kitchen/living created by removing existing bathroom/laundry.
- New stair and lift core with waste bin storage.

Ground Floor (Unit 2):

- Internal reconfiguration to include new ensuite, bathroom, and laundry.
- Expanded open plan living by removing existing facilities.
- New stair and lift core. Rear stairs removed for new balcony with privacy screens and landscaping.

First Floor (Unit 3):

- Bedroom reconfiguration and new bathroom.
- Stair and lift core added with new internal stairs to attic.
- Terrace modified for privacy screens and planting.

Attic Addition (Unit 3):

- New attic level with relocated/enhanced bedroom, ensuite, and rear-facing balcony.

3. Site Description

The subject site is located on the southeastern side of Beattie Street, between Mullens and Palmer Streets. The site consists of one allotment and is generally rectangular in shape with a total area of 226.2 sqm and is legally described as Lot 1 in DP 499724.

The site has a frontage to Beattie Street of 8.495 metres. The site supports an existing three storey residential flat building consisting of 3 units. The adjoining properties support three storey dwellings. The property is located within The Valley Heritage Conservation Area.

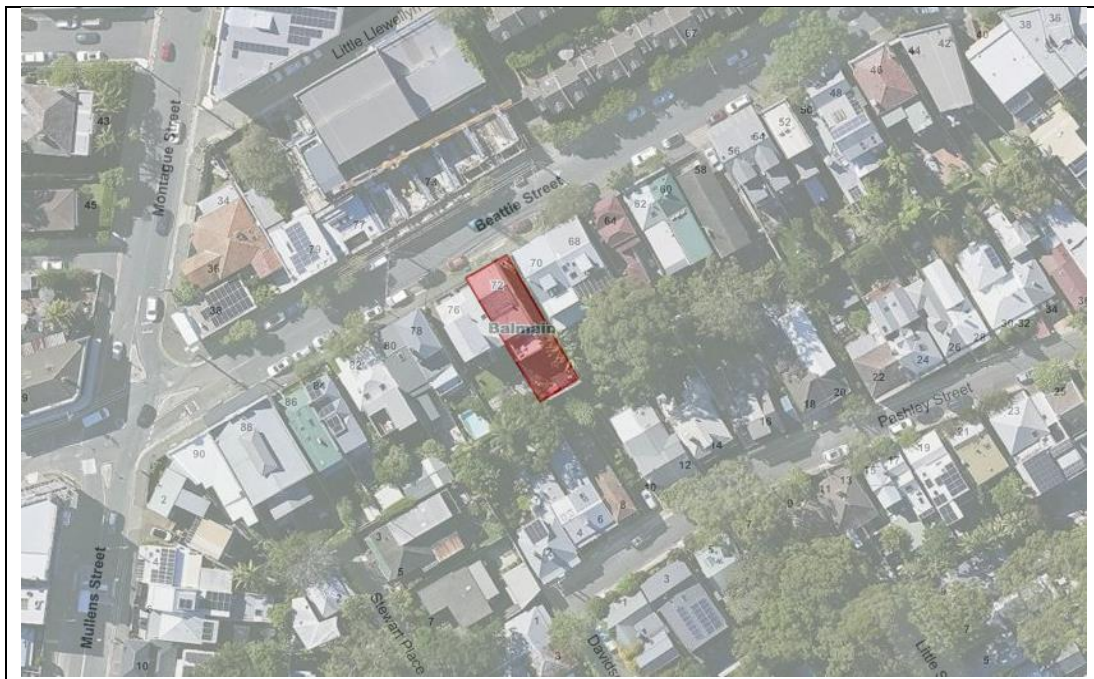


Figure 1: Aerial Photo of subject site



Figure 2: Image of subject site

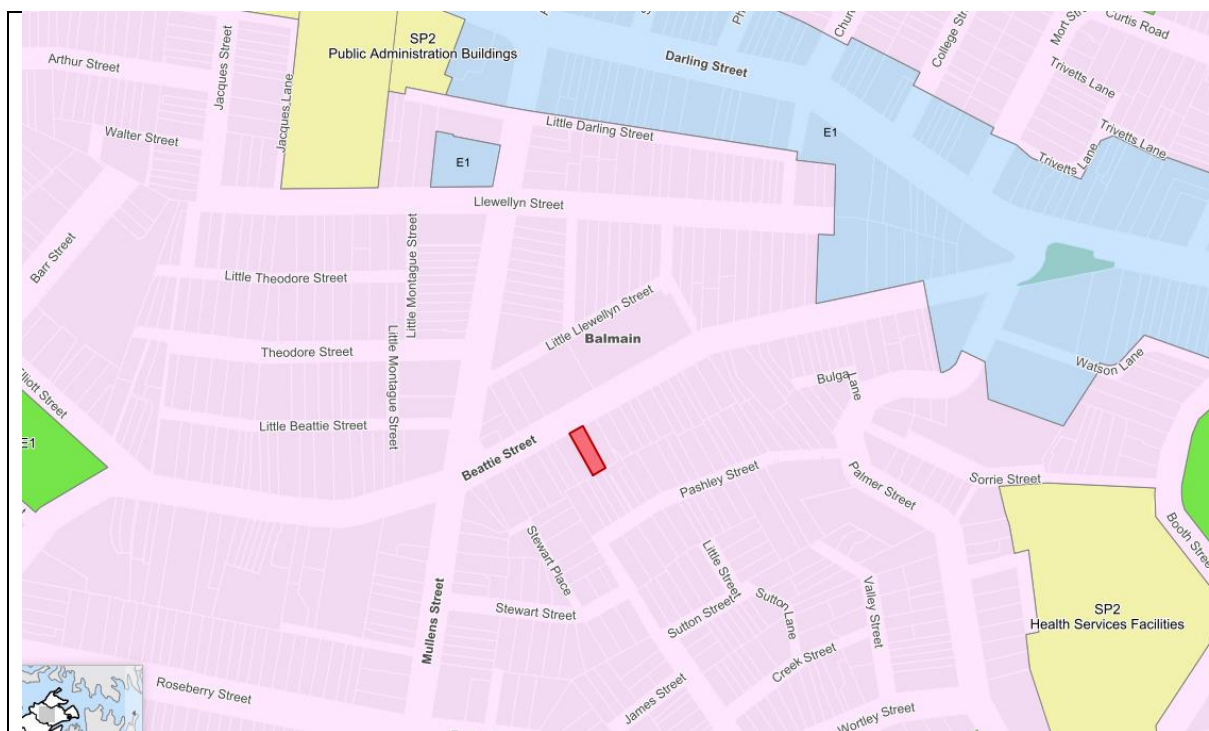


Figure 3: Zoning Map (subject site in red)

4. Background

Site history

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

Subject Site

Not applicable

Application history

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

Date	Discussion / Letter / Additional Information
13 th December 2024	<p>A request for further information was sent to the applicant requiring the following:</p> <ul style="list-style-type: none"> • External design changes • Retention of evidence of the first-floor layout. • Amended heritage colour scheme • Retention of existing ground and first floor rear building lines. • Amended plans addressing additional overshadowing impacts. • BCA and Access Report. • Works zones for the different construction phases. • Details of the proposed lift type and specifications to confirm the operational requirements. • Compliance with the FSR development standard.
4 th February 2025	Meeting held between Council and the applicant to discuss the proposal.
14 th February 2025	Amended plans and supporting documentation were received. Renotification was not required in accordance with Council's Community Engagement Strategy.
26 th February 2025	<p>A request for further information was sent to the applicant requiring the reconsideration of the following:</p> <ul style="list-style-type: none"> • External staircase on the eastern elevation. • Entry to the lower ground and ground floor units to the eastern elevation. • Existing entry to the first-floor unit, with access provided from Beattie Street through the ground floor unit. • Master bedroom window for the lower ground unit. • Any adjustments should be designed to maintain compliance with planning controls while ensuring the functionality and amenity of the dwellings.

10 th April 2025	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.
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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* (EP&A 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)

State Environmental Planning Policy (Housing) 2021

Section 47 – Reduction of availability of affordable housing is not applicable to the subject site as the rental income on the units are above the median for the area.

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 development as proposed and as recommended satisfies the provisions and objectives of this part of the SEPP.

SEPP (Sustainable Buildings) 2022

The applicant submitted a BASIX Certificate as part of the lodgment of the application (lodged within 3 months of the date of the lodgment of this application) and relating to the amended plans under assessment in compliance with the *EPA Regulation 2021*.

SEPP (Biodiversity and Conservation) 2021*Chapter 2 Vegetation in non-rural areas*

The *Biodiversity and Conservation SEPP* requires consideration for the protection and/or removal of vegetation and gives effect to the local tree preservation provisions of Part C1.14 *Tree Management* of the Leichhardt Development Control Plan 2013 (LDCP 2013).

No trees are proposed for removal. Overall, the proposal, subject to recommended conditions including tree planting, is considered acceptable with regard to the *Biodiversity and Conservation SEPP* and Part C1.14 *Tree Management* of the LDCP 2013.

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. It is considered that the proposal is 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, nor adversely impact on the scenic qualities of the Sydney Harbour foreshore.

Given the above, the proposal raises no issues that will be contrary to the provisions of this part of the SEPP.

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	<p>The development will result in acceptable streetscape, pattern of development, and on-site and off-site amenity outcomes, and hence, will meet the relevant Aims of Plan as follows:</p> <ul style="list-style-type: none"> • The proposal conserves and maintains the natural, built and cultural heritage of Inner West. • The proposal encourages walking, cycling and use of public transport through appropriate intensification of development densities surrounding transport nodes. • The proposal encourages diversity in housing to meet the needs of, and enhance amenity for, Inner West residents. 	Yes

Section	Proposed	Compliance
	<ul style="list-style-type: none"> The proposal prevents adverse social, economic and environmental impacts on the local character of Inner West. The proposal prevents adverse social, economic and environmental impacts, including cumulative impacts. 	

Part 2 – Permitted or prohibited development

Section	Proposed	Compliance
Section 2.3 Zone Objectives and Land Use Table	<p>The application proposes alterations and additions and associated works to a residential flat building, which are permissible with consent in the R1 General Residential zone, and hence, the proposal is permissible development.</p> <p>The objectives of the R1 General Residential zone are as follows:</p> <ul style="list-style-type: none"> To provide for the housing needs of the community. To provide for a variety of housing types and densities, and To provide residential development that maintains the character of built and natural features in the surrounding area. <p>The proposal satisfies the relevant zone objectives prescribed above.</p>	Yes
Section 2.7 Demolition Requires Development Consent	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> Demolition works are proposed, which are permissible with consent; and Standard conditions are recommended to manage impacts which may arise during demolition. 	Yes, as conditioned

Part 4 – Principal development standards

Section	Proposed		Complies
Section 4.3C (3)(a) Landscaped Area	Minimum	15% (site area < 235sqm)	Yes
	Proposed	71sqm or 31.39%	
	Variation	N/A	
Section 4.3C (3)(b) Site Coverage	Maximum	60%	Yes
	Proposed	128sqm or 56.59%	
	Variation	N/A	
Section 4.4 Floor space ratio	Maximum	0.9:1 or 203sqm	No
	Proposed	1:1.26 or 286sqm	
	Variation	82.42sqm or 40.49%	

Section	Proposed	Complies
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.	Yes
Section 4.6 Exceptions to development standards	The applicant has submitted a variation request in accordance with Section 4.6 to vary Section 4.4.	See discussion below

Section 4.6 – Exceptions to Development Standards

Section 4.4 – Floor Space Ratio

The applicant seeks a variation of 82.42sqm, or 40.49%, to the Floor Space Ratio (FSR) development standard under section 4.6 of the *IWLEP 2022*.

Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

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

- The proposed development seeks a gross floor area (GFA) of 286sqm (1.26:1), resulting in a variation of 82.42sqm or 40.49%.
- It should be noted that the existing residential flat building provides a GFA of 250.89sqm, representing an existing FSR of 1.11:1 and an existing variation of 47.31sqm (23.24%).
- The variation sought is primarily as a result of the small allotment size in relation to the density demands of a residential flat building. The additional GFA sought as part of the alterations and additions is generally limited to the addition of a waste storage room (2sqm) and addition of an attic level to incorporate the relocated bedroom (24sqm).

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 Section 4.4 development standard are achieved notwithstanding the numeric non-compliance.

The **first objective of Section 4.4** is *“to establish a maximum floor space ratio to enable appropriate development density”*. The written request states that the proposed site density as a result of the alterations and additions sought is considered reasonable given the context of the site and character of the streetscape. The additional GFA sought is aimed at improving the functionality and internal amenity of the existing units.

With the exception to the 700mm rear extension on the first floor, the existing front and rear alignments of the units remain unchanged. The majority of the additional floor space will be generated by the stair and lift core addition within the north-eastern side setback of the site.

However, as this addition relates to common vertical circulation, it does not form part of the GFA of the site in accordance with the definition of GFA under the *IWLEP 2022*.

The additional calculated GFA generated by the proposal will generally be contained within the existing footprint of the building and will not be visible from the streetscape. The attic addition, which generates the majority of the additional GFA, is situated below the existing ridge height of the building and largely contained within the envelope of the existing roof.

The variation sought to the FSR is primarily a result of the small allotment size, which exacerbates even the slightest of variations to FSR. As illustrated in the discussion of the other objectives below, the proposed FSR is appropriate for the existing and desired density of development.

Additionally, it should be noted that the existing residential flat building provides a GFA of 250.89sqm, representing an existing FSR of 1.11:1 and an existing variation 47.31sqm (23.24%). The proposed alterations and additions only represent a 35.12sqm to the existing GFA, with the additional GFA generally attributed to the addition of a waste storage room and the addition of an attic level. The additional GFA is largely contained within the existing envelope of the building.

This reasoning is accepted, particularly considering the new variation is largely located within the attic and when considering the development as a whole, the proposed overall floor space ratio will continue to enable an appropriate development density, with a reasonable balance of built, unbuilt and landscaped areas. 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 that the existing residential flat building on site provides for three (3) x 2-bedroom units. No changes to the existing number of units or bedrooms are proposed.

The subject site is located in The Valley ‘Balmain’ Distinctive Neighbourhood and Evans Street/Beattie Street Former Commercial Precinct Sub Area. The proposal generally aligns with the desired future character of the area. The proposed setbacks, wall height and provision of landscaping and private open space is consistent with the general character of other residential accommodation typologies located along Beattie Street.

The proposed alterations and additions respond to the architectural style and materiality of the existing residential flat building, ensuring an appropriate transition between the existing and proposed works sought. The proposed materials and finishes are complementary to the existing building and subsequently remain cohesive with the character of the streetscape, thereby ensuring the minor increase to development density sought integrates with the existing building form and streetscape character. The Statement of Heritage Impact prepared by Heritage 21 notably concludes that “the proposal would enhance the presentation of the building to Beattie Street and the wider conservation area”.

Considering the proposed additions are of a comparable scale to existing development in the vicinity of the site, the development density may be considered reflective of its locality. Accordingly, the breach is consistent with the second objective.

The **third objective of Section 4.4** is *“to provide an appropriate transition between development of different densities”*. The written request states that the subject site is bounded by properties with the same zoning and FSR standard which apply to the proposed development. No different land use zones or FSR standards are located in vicinity of the subject site. As previously raised, the development is for the purpose of a residential flat building, which is typically a building typology of greater density. The relationship between the site and its neighbours does not significantly change amenity outcomes (privacy, solar

access), as discussed against objective (d) below. The proposal is considered an appropriate response having regard to the adjoining context and the breach inconsistent with the third objective.

The **fourth objective of Section 4.4** is *“to minimise adverse impacts on local amenity”*. The written request states the proposed alterations and additions have been appropriately articulated and designed to minimise impacts on local amenity.

With regard to solar access the subject site and adjoining properties all contain south facing private open space areas. Consequently, given the existing built form is concentrated to the northern portion of the sites, direct solar access to private open space areas is restricted during the winter solstice. Currently, as evident through the shadow diagrams provided, the subject site and adjoining properties best achieve direct solar access to private open space areas during the winter solstice between 9am and 11am (2 hours). A comparison between the existing and proposed overshadowing indicates that the proposed alterations and additions will generally retain the existing extent of direct solar access provided to neighbouring properties.

Additionally, the proposal will result in a reduction to existing overshadowing to the private open space of No.76 Beattie Street at 12pm. The adjoining sites at Nos. 70 and 76 Beattie Street contain dwelling houses which require a minimum private open space area of 16sqm in accordance with C3.8 of the Leichhardt DCP. Therefore, based on control C4, at least 8sqm of private open space area for the adjoining dwelling houses will need to achieve two (2) hours of direct solar access during the winter solstice. The shadow diagrams provided illustrate that this has been achieved.

In terms of views and vistas, the proposed alterations and additions do not increase the existing height of the building nor result in any extensions to the built form that restricts existing view corridors towards the city skyline or Anzac Bridge.

In terms of privacy, the existing privacy conditions between the site and adjoining properties will be improved by the proposed changes. Privacy screens have been added to the ground floor and first floor terraces to restrict direct overlooking opportunities into the neighbouring POS of No.76 Beattie Street. Additionally, glazing has been generally designed to face the street and rear boundaries.

Lastly, regarding the public domain, the proposed variation to FSR sought will incur no impact to the public domain noting that the proposal seeks to generally retain the existing presentation of the dwelling to Beattie Street. The proposed alterations and additions will largely occur within the existing footprint of the dwelling. 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 that currently, the existing landscaped area on site is limited to small garden areas within the side and rear setback areas. The majority of the site is dominated by decking and synthetic turf. The proposal seeks to replace the existing deck and synthetic turf within the rear yard with new landscaped areas and screen planting.

The proposed development does not require the removal or pruning of any trees. The variation sought to the FSR standard does not impact on the tree planting capabilities of the site considering the additional GFA is generally contained within the existing footprint of the building.

As a recommended condition of consent, a requirement for tree planting will ensure an increase in tree canopy on the site. Accordingly, the breach is consistent with the fifth objective.

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 additional GFA proposed is largely contained within the existing footprint of the dwelling. Although an 82.42sqm (40.4%) variation to the FSR standard is proposed, the residential flat building provides an existing variation 47.31sqm (23.24%). As such, the majority of the variation relates to existing built form. The additional GFA sought as part of the alterations and additions is generally limited to the addition of a waste storage room (2sqm) and addition of an attic level to incorporate the relocated bedroom (26sqm). The additional GFA proposed is located behind the front building line and will not be discernible from the streetscape.*

This environmental planning ground seeks to justify the proposed variation to the Floor Space Ratio (FSR) development standard by noting that the existing residential flat building already exceeds the maximum FSR of 0.9:1 and is therefore non-compliant in its current form. The proposed development does not substantially increase the building envelope but rather seeks a modest uplift in gross floor area (GFA), comprising the addition of a 2-square metre waste storage room and a 26-square metre attic level to accommodate a relocated bedroom. These additions are minor in scale and are unlikely to result in any significant adverse impacts on the surrounding built form or amenity. As such, the proposed FSR variation is viewed as a reasonable and justified planning outcome, and this environmental planning ground is accepted

Environmental Planning Ground 2 – *There are other developments within vicinity of the subject site that have been approved with variations to the FSR standard.* This ground is not an adequate reason as to vary the Floor Space Ratio, as neighbouring lots being granted a variation does not give this application the right to have the variation approved, for those reasons this environmental planning ground is not accepted.

Environmental Planning Ground 3 – *Suitable density for a residential flat building with alterations and additions sought to improve residential amenity and longevity of the use.* The proposed alterations and additions result in a density that is considered suitable for a residential flat building in this context. While the development exceeds the prescribed FSR, the scale and intensity of the proposed works remain consistent with the existing built form and character of the locality. The modest increase in gross floor area limited to the inclusion of a waste storage room and an attic level to house a relocated bedroom supports the ongoing use of the building for residential purposes without generating any unreasonable impacts.

Given the limited scope of the increase and the qualitative benefits of the proposal, the resulting density is considered appropriate, and the environmental planning ground is supported.

Environmental Planning Ground 4 – *The non-compliance to FSR is primarily attributed to the small allotment size, which exacerbates even the slightest of variations to FSR.* This environmental planning ground is accepted on the basis that the proposed scope of works demonstrates a considered and appropriate response to the relevant development standards and the provisions of the Development Control Plan. The proposal reflects a thoughtful alignment set out in the applicable planning framework. As such, it represents a logical and anticipated form of development for the site, consistent with the outcomes envisaged by the planning instruments that guide land use and development in this locality

Environmental Planning Ground 5 - *The proposed alterations and additions will consolidate the existing three (3) separate entries into a single-entry point that will be clearly identifiable from Beattie Street and improve accessibility to all units.* The proposed consolidation of the three existing entry points into a single, clearly defined main entrance fronting Beattie Street is supported. This change will improve the legibility and functionality of the building by providing a central point of access that enhances wayfinding for both residents and visitors. The proposal is consistent with contemporary design principles that promote clear and accessible building entrances and is expected to contribute positively to the overall streetscape presentation.

Given these benefits, the environmental planning ground is accepted, and the proposed change is considered a positive design outcome that enhances the residential amenity and functionality of the development.

Environmental Planning Ground 6 *The existing residential flat building on site provides for three (3) x 2-bedroom units. No changes to the existing number of units or bedrooms are proposed.* The proposal to retain the existing configuration of three (3) x 2-bedroom units is supported. No increase in the number of dwellings or bedrooms is proposed, meaning that the development does not result in any intensification of use or additional demand on local infrastructure and services.

By maintaining the existing residential density, the proposal remains consistent with the character and scale of surrounding development and aligns with the intent of the applicable planning controls. Furthermore, the focus on internal reconfiguration and minor additions demonstrates a commitment to improving amenity and functionality for current and future occupants without altering the building's established role within the neighbourhood.

Accordingly, this environmental planning ground is accepted.

Cumulatively, and while not all the grounds have been adequately made out, grounds 1,3-6 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	Complies
Section 5.10 Heritage conservation	<p>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.</p> <p>The proposal was amended in response to a request for information during the assessment, with key changes from a heritage perspective including the deletion of the front balcony and timber screen to stairwell addition, and this has cumulatively improved its presence in the HCA and is a more sympathetic scheme to what was originally proposed. The height of the stairwell structure has been amended/reduced, its simple</p>	Yes

Section	Proposed	Complies
	<p>from does not compete with the original building and its setback from the street ensures it appears as a recessive structure.</p> <p>Additions and works will retain the original form, scale and general appearance of the existing residential flat building when viewed from Beattie Street by siting additions towards / at the rear behind the front portion of the residence in a location where development can be reasonably be expected to be carried out in accordance with streetscape and heritage controls and the Building Typology Statements contained in the LDCP 2013. The siting, form, height and scale of the additions will be compatible and not out of character with the streetscape of Beattie Street.</p> <p>Roof forms, proportions to openings and finishes and materials and colours will be compatible with, and will not detract from the streetscape. It is considered that the design of the proposal satisfactorily conserves the heritage significance of the existing dwelling on the site, and significance of the HCA.</p> <p>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.</p>	

Part 6 – Additional local provisions

Section	Proposed	Complies
Section 6.1 Acid Sulfate Soils	The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable.	Yes
Section 6.2 Earthworks	The proposed earthworks are not significant and 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 maximises the use of permeable surfaces, includes on site retention as an alternative supply and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment.	Yes, subject to conditions

B. Development Control Plans

Summary

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

LDCP 2013	Complies
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
Part C: Place – Section 2 Urban Character	
C2.2.2.4 The Valley 'Balmain' Distinctive Neighbourhood sub area Evans Street / Beattie Street Former Commercial Precinct Sub Area - Section C2.2.2.4(a);	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes

Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1.1 Water Management Statement	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2.2 Managing Stormwater within the Site	Yes

Leichhardt Development Control Plan 2013

The application was assessed against the following relevant parts of the Leichhardt Development Control Plan 2013 (LDCP 2013).

Part C – Section 1 – General Provisions

Control	Assessment	Complies
C1.1 Site and Context Analysis	The development is well designed and appropriately considers context, scale, built form, density and resource, energy and water efficiency, streetscape, travel networks and connections, social dimensions, and aesthetics.	Yes
C1.2 Demolition	The proposed demolition works are internal and / or sited towards or at the rear and are not contrary to the provisions and objectives of this part of the DCP.	Yes
C1.3 Alterations and additions	The proposal complements the scale, form and materials of the streetscape and neighbourhood character, will appear as a sympathetic addition to the existing building; maintains views from the public domain and reasonably protects views obtained from surrounding development.	Yes
C1.4 Heritage Conservation Areas and Heritage Items	The development is compatible with the Heritage Conservation Area in terms of scale, form, roof form, materials, detailing and colour, architectural detail. Refer to discussion under Section 5.10 of the <i>IWLEP 2022</i> contained within Part 3A of this report.	Yes, see discussion above
C1.7 Site Facilities	The proposal includes facilities which are integrated into the layout and design of the development and will not have an adverse amenity impact. The facilities are adequate given the size of the dwelling and can be easily maintained: <ul style="list-style-type: none"> ○ Rubbish storage and collection areas located to have minimal impacts and visibility from the street. ○ Mailbox of sufficient size and dimensions provided in a location readily visible from the street and is convenient access. ○ Air-conditioning units are not visible from the street 	Yes
C1.8 Contamination	The subject site is not identified as being contaminated and demonstrates the requirements under this part.	Yes
C1.12 Landscaping	The proposal will enhance the visual setting of buildings and retain and encourage vegetation, increase the	Yes

Control	Assessment	Complies
	environmental performance of a development, and contribute to the amenity of the residents and visitors.	
C1.14 Tree Management	No prescribed trees were found on the property. Given the site area is 226.2sqm, 1 tree planting is recommended to be conditioned in accordance with C11 of this part.	Yes, subject to conditions

Part C – Section 2 – Urban Character

Control	Assessment	Complies
C2.2.2.4 The Valley 'Balmain' Distinctive Neighbourhood sub area C2.2.2.4(a); Evans Street / Beattie Street Former Commercial Precinct Sub Area - Section	The proposal is considered to be a satisfactory response to the Distinctive Neighbourhood controls under this part.	Yes

Part C – Section 3 – Residential Provisions

Control	Assessment	Complies
C3.1 Residential General Provisions	The proposal will not have an adverse effect on the amenity, setting or cultural significance of the place and the relationship of any Heritage Item or Heritage Conservation Area.	Yes
C3.2 Site Layout and Building Design	See discussion below.	Yes

Building Location Zone (BLZ)

The only addition to the existing residential flat building is on the first floor which extends the building by 635mm. This setback aligns with the setbacks of the neighbouring properties, and as such, the proposal satisfies the relevant objectives provisions under this part.

Side Boundary Setbacks

The following table provides an assessment of the proposed dwelling additions against the Side Boundary Setbacks Graph prescribed in this part of the DCP to the northern boundary (the only boundary that shares a boundary with an adjoining property).

RFB Additions

Wall (i.e. elevation and ground / first)	Height (m)	Required Setback (m)	Proposed Setback (m)	Complies
East	6.2-8.1	1.96 – 3.06m	0m	No
West	6.2-9.3	1.96 – 3.75m	0m	No

Control	Assessment	Complies
	<p>As noted in the above table, the second-floor addition to the residential flat building will breach the Side Boundary Setbacks Graph to the eastern and western boundary. In accordance with Control C8 of this part of the DCP, where a proposal breaches the Side Boundary Setbacks Graph such as in this instance, certain tests need to be met. An assessment of the proposal against the tests under Control C8 is carried out below:</p> <ul style="list-style-type: none"> <i>The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of this Development Control Plan.</i> <p><u>Comment:</u> The development has been appropriately sited in accordance with the Building Typology Statements of the LDCP 2013.</p> <ul style="list-style-type: none"> <i>The pattern of development within the streetscape is not compromised.</i> <p><u>Comment:</u> The side walls and setbacks will not be out of character with the existing residential flat building and / or the pattern of development adjoining and in the street and area.</p> <ul style="list-style-type: none"> <i>The potential impacts on amenity of adjoining properties, in terms of sunlight and privacy.</i> <p><u>Comment:</u> As discussed in further detail below, the proposal is considered to result in acceptable amenity impacts on the locality and will not result in any undue adverse amenity impacts on adjoining properties in terms of solar access, privacy and views.</p> <ul style="list-style-type: none"> <i>Bulk and scale are minimised.</i> <p><u>Comment:</u> The proposal is satisfactory regarding bulk and scale and will not have any undue and / or adverse visual bulk and scale impacts on No. 70 and 76 Beattie Street the following reasons:</p> <ul style="list-style-type: none"> Proposed floor-to-ceiling heights have been minimised and / or are compatible with existing and adjoining properties. The RFB additions are sited in a location where development can reasonably be expected to be carried out in accordance with relevant streetscape / heritage controls and site layout and building design assessment criteria – at the rear and adjacent to the adjoining residence at No. 70 and 76 Beattie Street. <i>Reasonable access is retained for necessary maintenance of adjoining properties.</i> <p><u>Comment:</u> The proposal is considered acceptable in this regard.</p> <p>Therefore, and with respect to the above, the proposal is considered to satisfy the above tests, and as such, the proposed side wall heights and setbacks are supported in this instance.</p> <p><u>Building Envelope</u></p> <p>The proposed additions are appropriately sited towards / at the rear and will not breach the building envelope of the existing residential flat building and the building envelope control applicable to the site to the Balmain Street frontage.</p> <p>In light of the above, and in consideration of the development's impact upon the streetscape and amenity impacts for adjoining properties, the proposal is considered to be satisfactory with respect to the provisions and objectives of Part C3.2 of the Leichhardt DCP 2013.</p>	

Control	Assessment	Complies
C3.3 Elevation and Materials	Colours, materials, and finishes are compatible with those prevailing in the streetscape.	Yes
C3.4 Dormer Windows	The proposed dormer window on the rear elevation is of size, design and location that is appropriate and that will not detract from the streetscape.	Yes
C3.5 Front Gardens and Dwelling Entries	The entries to the building provide a sensitive transition between the public and private domain and enables the building to achieve a high level of functional and visual engagement with the public realm. The building will have direct and clearly defined and legible entries via Beattie Street.	Yes
C3.6 Fences	A gate with a maximum height of 1.4m is proposed fronting the Beattie Street frontage. The height, design and finish to the fence will complement the streetscape and complies with the provisions of this part of the DCP.	Yes
C3.8 Private Open Space	Each of the 3 flats within the RFB have compliant POS and therefore satisfies the control.	Yes
C3.9 Solar Access	See discussion below.	Yes
<p>The subject site and No. 70 and 76 Beattie Street (the immediately adjoining properties potentially impacted by the proposal in terms of overshadowing) are orientated between north / south and east / west, however, are orientated more towards north / south than east / west with south facing rear yards.</p> <p>The following controls are relevant to the site and proposal:</p> <p><u>Subject Site</u></p> <ul style="list-style-type: none"> ○ C4 Private open space is to receive a minimum three hours of direct sunlight over 50% of the required private open space between 9am and 3pm at the winter solstice. ○ C5 All habitable rooms shall have access to natural daylight regardless of provision of skylights or similar. Daylight shall be provided via: <ul style="list-style-type: none"> a. an outdoor facing window. b. a window facing a light-well or courtyard that is open to the sky. ○ C11 Alterations and additions to residential property shall be designed to minimise overshadowing to the subject site and maximise direct sunlight, natural daylight and ventilation to the subject site. <p>Comment: The proposal does not adversely compromise solar access to the POS of the subject site and the proposal has been designed to facilitate direct sunlight and natural daylight to the ground floor living space that would expect with a boundary-to-boundary terrace form.</p> <p>Subject to the above, the proposal is considered to be satisfactory with respect to solar access and daylight access considerations.</p> <p><u>Adjoining Properties – Living Room Glazing & POS</u></p>		

Control	Assessment	Complies
<p>The following controls apply to Nos. 70 & 76 Beattie Street (the adjoining property affected by the proposal) in accordance with this part of the DCP:</p> <p><u>76 Beattie Street</u></p> <p>Retaining solar access to neighbouring dwellings main living room glazing</p> <ul style="list-style-type: none"> ○ C13 Where the surrounding allotments are orientated north/south and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained between 9am and 3pm during the winter solstice. ○ C15 Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted. <p>Comment: Shadow diagrams in elevation in hourly increments were submitted which demonstrate that the proposal will not result in additional overshadowing of living room glazing to 76 Beattie Street.</p> <p>Retaining solar access to neighbouring dwellings private open space</p> <ul style="list-style-type: none"> ○ C16 Where surrounding dwellings have south facing private open space ensure solar access is retained for two hours between 9am and 3pm to 50% of the total area during the winter solstice ○ C19 Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted. <p>Comment: Shadow diagrams in elevation in hourly increments were submitted which demonstrate that the proposal will not result in additional overshadowing of the private open space at 76 Beattie Street.</p> <p><u>70 Beattie Street</u></p> <p>Retaining solar access to neighbouring dwellings main living room glazing</p> <ul style="list-style-type: none"> ○ C13 Where the surrounding allotments are orientated north/south and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained between 9am and 3pm during the winter solstice. ○ C15 Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted. <p>Comment: Shadow diagrams in elevation in hourly increments were submitted which demonstrate that the proposal will not result in additional overshadowing of glazing to neighbouring dwellings.</p>		

Control	Assessment	Complies
	<p>Retaining solar access to neighbouring dwellings private open space</p> <ul style="list-style-type: none"> ○ C16 Where surrounding dwellings have south facing private open space ensure solar access is retained for two hours between 9am and 3pm to 50% of the total area during the winter solstice ○ C19 Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted. <p>Comment: Shadow diagrams at hourly increments were submitted which demonstrate that the proposal will result in a non-compliant solar access at winter solstice to the rear private open space of No. 70 Beattie. The site currently does not receive 3 hours of solar access and additional overshadowing occurs at 3pm, thereby not complying with c19.</p> <p>Given the overshadowing impact, a reasonableness assessment of the overshadowing impact on the neighbouring POS has been carried out, which is provided below.</p> <ul style="list-style-type: none"> ○ The reasonableness of the development overall, in terms of compliance with other standards and controls concerned with the control of building bulk and having regard to the general form of surrounding development. <p>Comment: The additions are located towards the rear of the site to ensure the relevant streetscape provisions are satisfied. Furthermore, the proposed development is a satisfactory response to the BLZ controls, provides side wall heights and setbacks that will be compatible with adjoining buildings, and provides a compliant area of POS. The main reason for the additional overshadowing is due to the relocation of the access stairwell to the exterior of the building running along the eastern boundary. This addition has been reduced significantly from the original proposal to minimise the effects it will have on the neighbouring properties.</p> <ul style="list-style-type: none"> ○ Site orientation <p>Comment: The subject and neighbouring site have a north-east / south-west orientation, and as such, any new additions to the rear of the existing residential flat building are likely to result in some level of additional overshadowing to the No. 70 Beattie Street given its location to the south-west.</p> <ul style="list-style-type: none"> ○ Relative levels <p>Comment: The proposed additions respect the levels of the existing residence with the lower level minimally elevated above ground.</p> <ul style="list-style-type: none"> ○ The degree of skill employed in the design to minimise impact <p>Comment: For reasons discussed above, the proposal has been designed to minimise the overshadowing impacts to the adjoining property at No. 70 Beattie Street. In this regard, the additions have been appropriately sited to reduce streetscape impacts (i.e. at the rear behind</p>	

Control	Assessment	Complies
	<p>the front building form) and minimise amenity impacts on adjoining properties (by minimising floor-to-ceiling heights or proposing wall heights that are compatible with the existing and / or adjoining properties, proposing wall heights and overall heights that are compatible with the existing and adjoining buildings, siting the additions adjacent to adjoining built forms).</p> <p>It is further noted that, despite the additional overshadowing impacts and the site constraints of No. 70 Beattie Street, the overshadowing impacts, the openings in question will retain solar access for over 2 hours in mid-winter between 9am to 11am.</p> <ul style="list-style-type: none"> Whether reasonably available alternative design solutions would produce a superior result <p>Comment: For reasons discussed above (i.e. site orientation and site constraints, the siting of the additions and height, bulk and scale and compatibility in its context), the proposal has been designed to minimise the impacts and the overshadowing impacts are considered to be minimised.</p> <p>In the light of above, the overshadowing impacts are considered to be reasonable and the tests under this part of the DCP are deemed to have been satisfied</p>	
C3.10 Views	The development is designed to promote view sharing by appropriately addressing building height, bulk and massing and including building setbacks.	Yes
C3.11 Visual Privacy	<p>This part of the DCP requires that view lines between living room and POS areas of the subject site and adjoining properties are restricted via various privacy mitigation measures. In this regard, Controls C1, C2 and C9 to Part C3.11 of the LDCP 2013 stipulate that:</p> <ul style="list-style-type: none"> <i>C1 Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.</i> <i>C2 Sill heights and screening devices should be provided to a minimum of 1.6m above finished floor level. Screening devices should have reasonable density (i.e. 75%) and have no individual opening more than 30mm wide and have a total area of all openings that is less than 30 per cent of the surface area of the screen and be made of durable materials.</i> <i>C3 Where fixed louvered screens are used, the screen structure must be securely fixed. The louvers may tilt open from a closed position to an angle of 45 degrees in either a downward or upward position, depending on the sightlines that are to be restricted.</i> <i>C7 New windows should be located so they are offset from any window (within a distance of 9m and 45 degrees) in surrounding development, so that an adequate level of privacy is obtained/retained where</i> 	Yes

Control	Assessment	Complies
	<p><i>such windows would not be protected by the above controls (i.e. bathrooms, bedrooms).</i></p> <p>No new or altered openings are proposed which would result in adverse view lines or privacy impacts that are contrary to the <i>Visual Privacy</i> controls prescribed in this part of the DCP.</p>	
C3.12 Acoustic Privacy	The proposal will not result in any adverse noise impacts or will generate any noise for neighbours beyond the existing use on the site or beyond the noise generated by adjoining buildings or a typical residential use in the residential zone.	Yes

Part D – Energy

Control	Assessment	Complies
Section 1 – Energy Management		Yes
Section 2 – Resource Recovery and Waste Management		
D2.1 General Requirements	The proposal includes a Site Waste Minimisation and Management Plan in the development application.	Yes
D2.2 Demolition and Construction of All Development	The proposal entails the demolition. A standard condition of consent requiring a Waste Management Plan to be prepared prior to demolition will be included in the recommendation.	Yes, subject to conditions
D2.3 Residential Development	The residential development provides an internal storage area for recyclable and compostable material, and areas for composting.	Yes

Part E – Water

Control	Assessment	Complies
E1.1.1 Water Management Statement	Water management statement OR Basix Certificate was provided with the application.	Yes
E1.1.3 Stormwater Drainage Concept Plan	A Stormwater Drainage Concept Plan was lodged with the application. Standard conditions are recommended to ensure the appropriate management of stormwater.	Yes, subject to conditions
E1.2.2 Managing Stormwater within the Site	The proposal includes design elements such as site layout, building setbacks, site drainage systems and fence erection shown in the architectural plans submitted as part of the application to ensure minimal disruption or disturbance of land surfaces or natural drainage patterns.	Yes, subject to conditions

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 required to be notified in accordance with Council's Community Engagement Strategy between 17 September 2024 to 08 October 2024. A total of 3 submissions were received in response to the notification.

Further issues raised in the submissions received are discussed below:

Concern	Comment
External Staircase and Lift	The external staircase and lift have been designed to provide necessary and compliant access while minimising impacts on privacy, visual amenity, and neighbourhood character. Screening and setbacks reduce overlooking, and the structures are architecturally integrated using materials to ensure they do not dominate the façade or streetscape. The design meets relevant planning and building requirements, and the elements are considered appropriate and respectful of the surrounding context.
Floor Space Ratio (FSR) Non-Compliance	As discussed previously in Part 4 of the <i>IWLEP 2022</i> assessment above, the proposal has submitted acceptable justification to the Floor Space Ratio controls.
Wind tunnel effect	The proposed development has been designed in accordance with best practice urban design principles, and the assessment demonstrates that it is not anticipated to result in unsafe wind conditions at the pedestrian level.
Parking concerns	The proposal does not propose any parking, and the number of apartments proposed from existing have not changed, which would not increase the demand for parking.
Dangerous Precedent for Future Developments in the Inner West	The proposal is considered to satisfy the relevant provisions and is considered unlikely to create a dangerous precedent for development in the Inner West LGA.
BLZ concerns	In relation to the non-compliance with the BLZ, as discussed previously under Part C3.2: <i>Site Layout and Building Design</i> , in this report, the proposal is a satisfactory response to the BLZ controls and will not result in any adverse visual impact

	on neighbouring properties.
Façade concerns	The façade has been appropriately designed to reflect a contemporary architectural style while respecting the surrounding built form through the use of appropriate materials, articulation, and detailing. The design avoids blank or visually intrusive elevations, incorporates modulation to reduce bulk, and provides visual interest through texture and variation. Overall, the façade is considered to contribute positively to the streetscape and aligns with local planning controls and urban design objectives.
Solar concerns	As discussed previously under Part C3.9: <i>Solar Access</i> in this report, the proposal is considered reasonable in this regard
Loss of views	The objector contends that the new stair structure will obstruct views of Blackwattle Bay and the Anzac Bridge from their side staircase, however views obtained over a side boundary from a non-habitable room cannot be protected.
Repositioning of bins	The proposed location of the bins is considered to be acceptable.
Privacy concerns	The objector has raised concerns about the new opening proposed which they believe will cause privacy concerns. The proposed design has incorporated translucent glazing up to a height of 1.6m on all windows which may cause privacy concerns.

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 \$17,907 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* and Leichhardt Development Control Plan 2013.

The development will not result in any significant impacts on the amenity of the adjoining 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 in Development Application No. DA/2024/0737 to contravene the FSR development standard in Clause 4.4 of *Inner West Local Environmental Plan 2022* the Inner West Local Planning 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/2024/0737 for alterations and additions to an existing residential flat building, including partial demolition of existing internal and external structures, internal renovations and external additions to Units 1, 2 and 3 which includes new stairs and lift, new rear skillion dormer to the rear roof plane, new side front entry, new rear terrace, and associated landscaping works. at 72 Beattie Street BALMAIN NSW 2041 subject to the conditions listed in Attachment A below

Attachment A – Recommended conditions of consent

GENERAL CONDITIONS

	Condition
1.	<p>Boundary Alignment Levels</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>Permits</p> <p>Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:</p> <ul style="list-style-type: none"> • Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application; • A concrete pump across the roadway/footpath; • Mobile crane or any standing plant; • Skip Bins; • Scaffolding/Hoardings (fencing on public land); • Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.; • Awning or street veranda over the footpath; • Partial or full road closure; and • Installation or replacement of private stormwater drain, utility service or water supply. <p>If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be 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>Insurances</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.	Recycling / Garbage / Organics Service Information and Education			
	The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.			
	Reason: To ensure resource recovery is promoted and residential amenity is protected.			
5.	Bin Storage - Residential			
	All bins are to be stored within the property. Bins are to be returned to the property within 12 hours of having been emptied.			
	Reason: To ensure resource recovery is promoted and residential amenity is protected.			
6.	Documents related to the consent			
	The development must be carried out in accordance with plans and documents listed below:			
	Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by
	DA102	ROOF & SITE PLAN	01/04/2025	Vaughan Architects
	DA103	PROPOSED & EXISTING LOWER GROUND FLOOR PLAN	01/04/2025	Vaughan Architects
	DA104	PROPOSED & EXISTING GROUND FLOOR PLAN	01/04/2025	Vaughan Architects
	DA105	PROPOSED & EXISTING FIRST FLOOR LEVEL	01/04/2025	Vaughan Architects
	DA106	PROPOSED ATTIC PLAN	11/02/2025	Vaughan Architects
	DA201	EAST ELEVATION	01/04/2025	Vaughan Architects
	DA202	WEST ELEVATION	11/02/2025	Vaughan Architects
	DA203	NORTH ELEVATION -FRONT FACADE	01/04/2025	Vaughan Architects
	DA204	SOUTH ELEVATION -REAR FACADE	01/04/2025	Vaughan Architects
	DA301	LONGITUDINAL SECTION	11/02/2025	Vaughan Architects
	DA302	LONGITUDINAL SECTION	01/04/2025	Vaughan Architects

	DA303	CROSS SECTIONS	14/08/2024	Vaughan Architects
	DA304	LONGITUDINAL SECTION -ENTRY FACING NORTH EAST	01/04/2025	Vaughan Architects
	DA601	LONGITUDINAL SECTION -ENTRY FACING NORTH EAST	11/02/2025	Vaughan Architects
	Certificate number: A1759774	Basix Certificate	13/08/2024	Mr Simon Vaughan
	Certificate number: A1759777	Basix Certificate	13/08/2024	Mr Simon Vaughan
	Certificate number: A1759778_02	Basix Certificate	13/08/2024	Mr Simon Vaughan
	As amended by the conditions of consent.			
	Reason: To ensure development is carried out in accordance with the approved documents.			
7.	Works Outside the Property Boundary			
	This development consent does not authorise works outside the property boundaries on adjoining lands.			
	Reason: To ensure works are in accordance with the consent.			
8.	Storage of materials on public property			
	The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.			
	Reason: To protect pedestrian safety.			
9.	Other works			
	Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i> .			
	Reason: To ensure compliance with legislative requirements.			
10.	National Construction Code (Building Code of Australia)			
	A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.			
	Reason: To ensure compliance with legislative requirements.			

11.	<p>Notification of commencement of works</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"> a. In the case of work for which a principal contractor is required to be appointed: <ol style="list-style-type: none"> i. The name and licence number of the principal contractor; and ii. The name of the insurer by which the work is insured under Part 6 of that Act. b. In the case of work to be done by an owner-builder: <ol style="list-style-type: none"> i. The name of the owner-builder; and ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>Reason: To ensure compliance with legislative requirements.</p>
12.	<p>Dividing Fences Act</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>
13.	<p>Lead-based Paint</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>
14.	<p>Dial Before You Dig</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>
15.	<p>Asbestos Removal</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				
16.	<p>Security Deposit - Custom</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" style="margin-left: 40px;"> <tr> <td>Security Deposit:</td><td>\$17,907.25</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> <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>	Security Deposit:	\$17,907.25	Inspection Fee:	\$389.00
Security Deposit:	\$17,907.25				
Inspection Fee:	\$389.00				
17.	<p>Dilapidation Report – Pre-Development – Minor</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>				

18.	<p>Stormwater Drainage System – Minor Developments (OSD is not required)</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> <p>1. The Stormwater Drainage Concept plan on Drawing No. D2-D5 revision (B) prepared by QUANTUM ENGINEERS and dated 29 August 2024 must be amended to comply with the following requirements:</p> <ul style="list-style-type: none"> a. 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. Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may be drained to an on-site dispersal system such as an absorption system or otherwise, subject to the roof areas being drained via a suitably sized rainwater tank, no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer. b. 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. c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tanks. d. Drainage pipes must be designed at a minimum grade of 1%. Pipe diameter and invert level, pits' surface and invert level and finished surface ground level shall be shown on the drainage plan. Elevated drainage pipes must be shown on plan and elevation. e. 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. f. 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. g. No nuisance or concentration of flows to other properties. h. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system. i. 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.
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	<ul style="list-style-type: none"> j. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. k. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site. l. 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. m. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings. n. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated. o. No impact to street tree(s). <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>
19.	<p>Changes to Levels</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans incorporating the following amendments:</p> <p>A 150mm step down must be provided between the finished floor level of the internal room and the finished surface level of the external area unless a reduced step is permitted by Part 3.3.3. of the National Construction Code</p> <p>Reason: To protect buildings from overland flow.</p>
20.	<p>Entry Gate</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with the design of the proposed entry gate, prepared certified as compliant with the terms of this condition by a qualified practicing 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). The report and plans must be prepared/ amended to make provision for the following:</p> <ul style="list-style-type: none"> 1) The front gate 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 Council's footpath. 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. 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. 4) No adverse impact on surrounding properties including Council's footpath and road.

	<p>5) The entry gate for the site must not encroach into Council's property</p> <p>Reason: To ensure that the design of the basement is structurally sound and has been appropriately certified.</p>
21.	<p>Resource Recovery and Waste Management Plan - Demolition and Construction</p> <p>Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a "Waste and Recycling Waste Management Plan - Demolition and Construction" in accordance with the relevant Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
22.	<p>Bin Storage Area</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Waste and Recycling Management Plan.</p> <p>The submitted Waste and Recycling Management Plan must demonstrate that the bin storage area will accommodate the number of bins required for all waste and recycling generated by a development of this type and scale. The number of bins required must be calculated based on a fortnightly collection of garbage, a weekly collection of organics which includes food and garden organics (FOGO), and a fortnightly collection of mixed recycling.</p> <p>The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.</p> <p>The bin storage area is to meet the design requirements detailed in the Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity protected.</p>
23.	<p>Waste Transfer Route</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point has a minimum 1200mm wall-to-wall clearance, is slip-proof with a hard surface, free of obstructions and at no point has a gradient exceeding 1:14 for 240L bins.</p> <p>Reason: To require details of measures that will protect residents and staff or tenants during the operational phase of the development.</p>

24.	<p>Dwelling Access to a Disposal Point for All Waste Streams</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point will be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste and recycling generated by that floor over a 24-hour period.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p>
25.	<p>Long Service Levy</p> <p>Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the 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>
26.	<p>Structural Certificate for retained elements of the building</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.</p> <p>Reason: To ensure the structural adequacy of the works.</p>
27.	<p>Section 7.12 Development Contribution Payments</p> <p>In accordance with section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of \$17,907 shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.</p> <p>At the time of payment, the monetary contribution payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:</p> <p>$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$</p> <p>Where:</p> <ul style="list-style-type: none"> • C_{payment} = is the contribution at time of payment • C_{consent} = is the contribution at the time of consent, as shown above • CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 140.9 for the 30 July 2025.

	<ul style="list-style-type: none"> • CPI payment = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment <p>Note: The contribution payable will not be less than the contribution specified in this condition.</p> <p>The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.</p> <p>It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.</p> <p>Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.</p> <p>Please contact any of Council's customer service centres on 9392 5000 or council@innerwest.nsw.gov.au to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.</p> <p>Once the invoice is obtained, payment can be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).</p> <p>The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.</p> <p>Reason: To ensure payment of the required development contribution.</p>
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BEFORE BUILDING WORK COMMENCES

	Condition
28.	Hoardings
	<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</p>

	<p>property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.</p> <p>Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.</p>
29.	<p>Waste Management Plan</p> <p>Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
30.	<p>Erosion and Sediment Control</p> <p>Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan 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>
31.	<p>Dilapidation Report</p> <p>Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified property/ies (70 and 76 Beattie Street, Balmain) to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.</p> <p>Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
32.	<p>Construction Fencing</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
33.	Advising Neighbours Prior to Excavation At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, 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.
34.	Construction Hours – Class 1 and 10 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.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

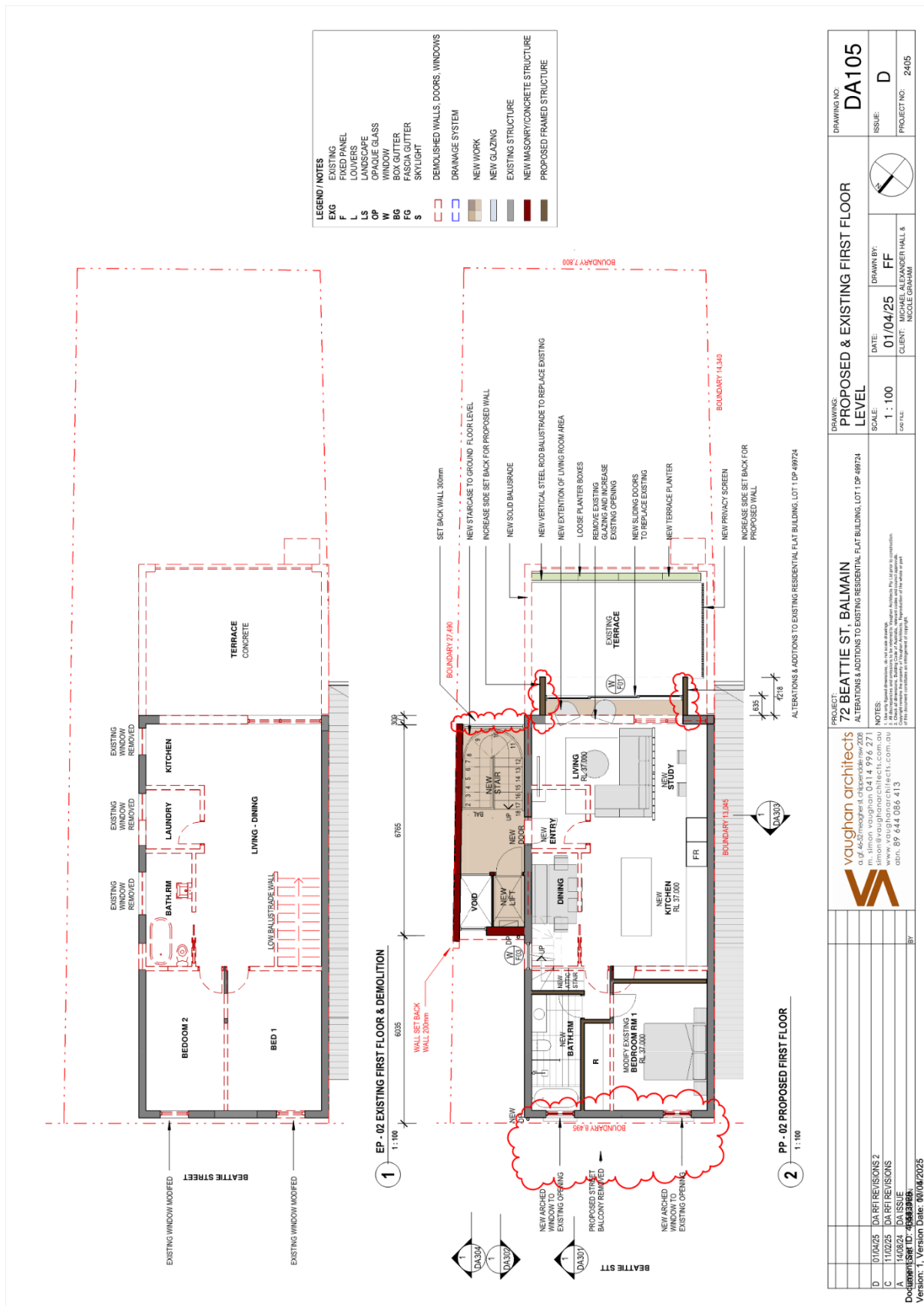
	Condition
35.	No Encroachments Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council. Reason: To maintain and promote vehicular and pedestrian safety.
36.	Protect Sandstone Kerb Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent has been replaced. Reason: To ensure Council assets are protected.
37.	Notice to Council to deliver Residential Bins Council is to be notified of bin requirements three weeks prior to the occupation of the building to ensure timely delivery. Reason: To ensure resource recovery is promoted and residential amenity is protected.
38.	Certification of Tree Planting Prior to the issue of any Occupation Certificate, the Certifying Authority is to be provided with evidence in the form of an image and a purchase invoice to confirm that: A minimum of 1 x 45 litre size tree/s, which will attain a minimum mature height of 6 metres, has been/have been planted in a suitable location/in suitable locations

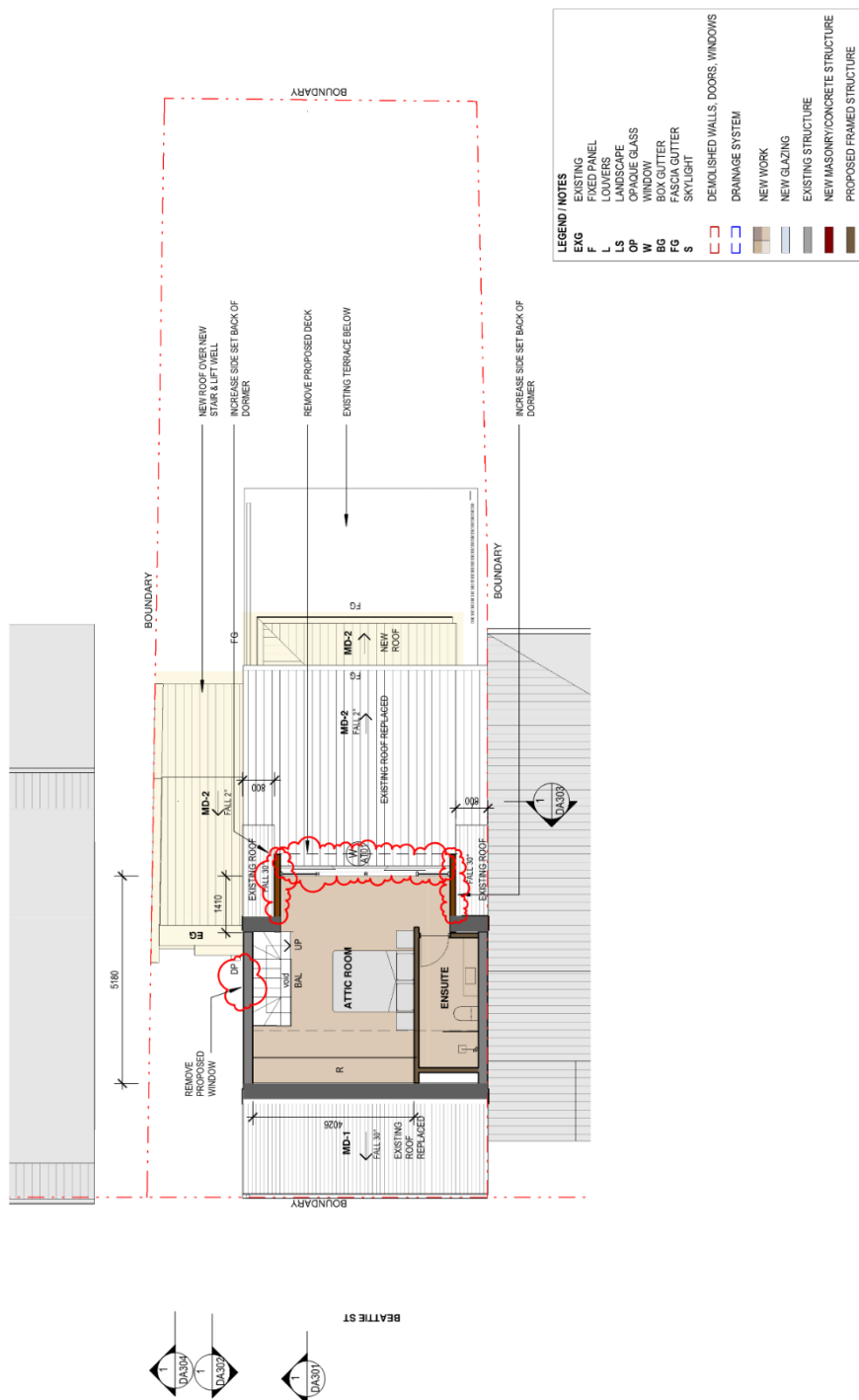
	<p>within the property (at least 1 metre from any boundary and 1.5 metres from any structure) and allowing for future tree growth. The tree must meet the requirements of AS2303—<i>Tree stock for landscape use</i>. Trees listed as exempt species from Council's Tree Management Development Control Plan and species recognised to have a short life span, will not be accepted.</p> <p>Trees required by this condition must be maintained and protected until they are protected by Council's Tree Management DCP. Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month.</p> <p>Reason: To ensure appropriate landscaping is undertaken.</p>
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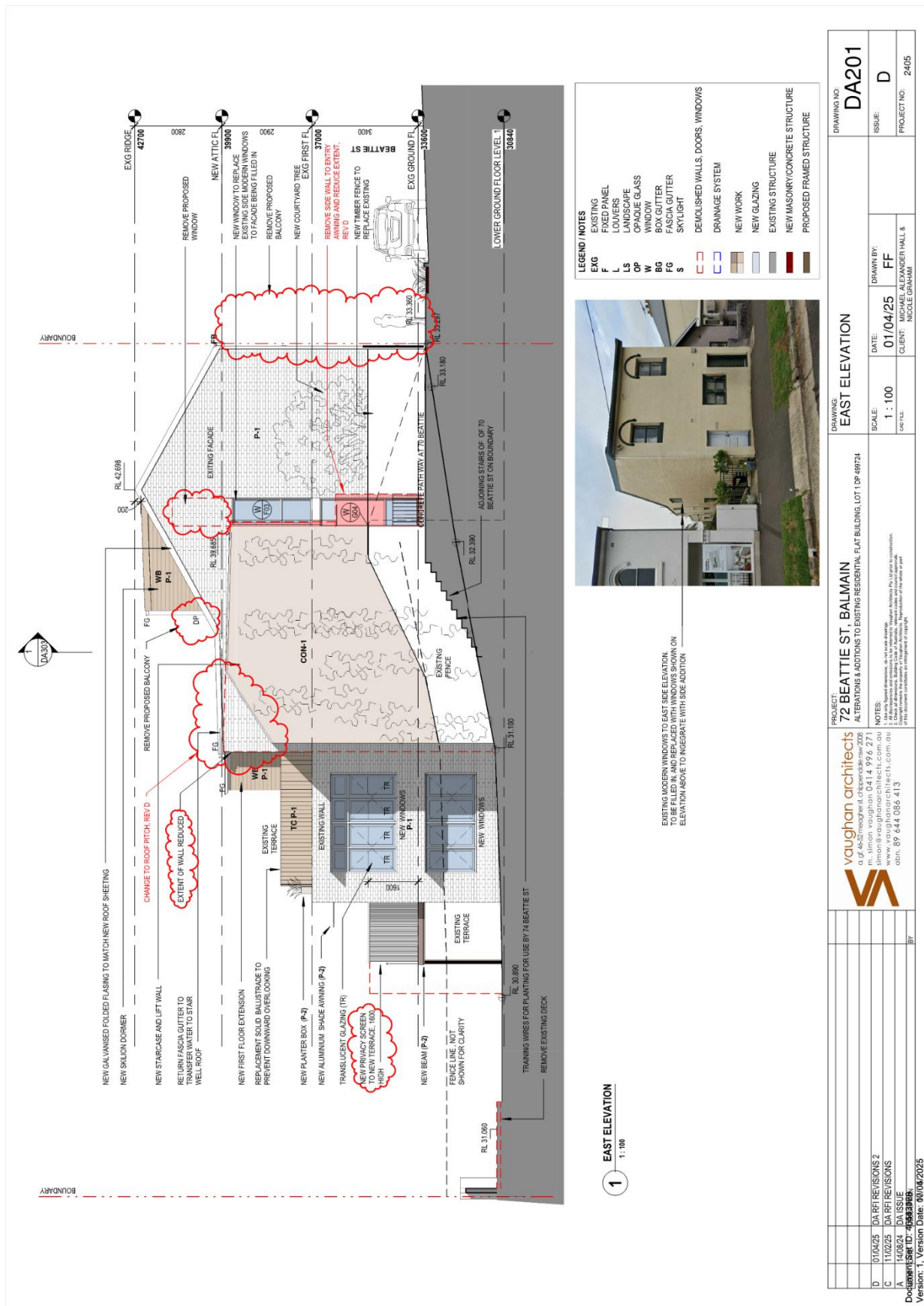
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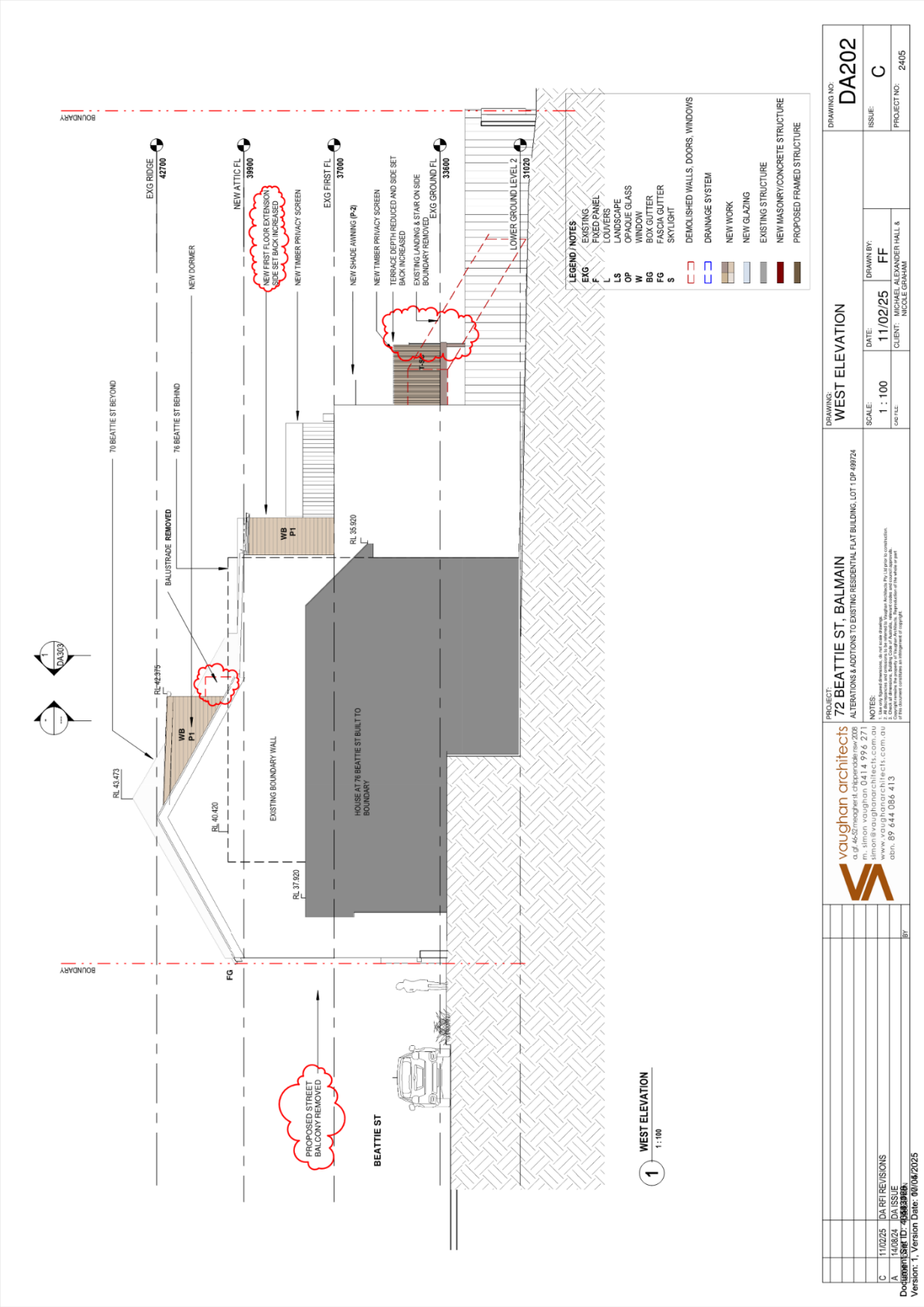


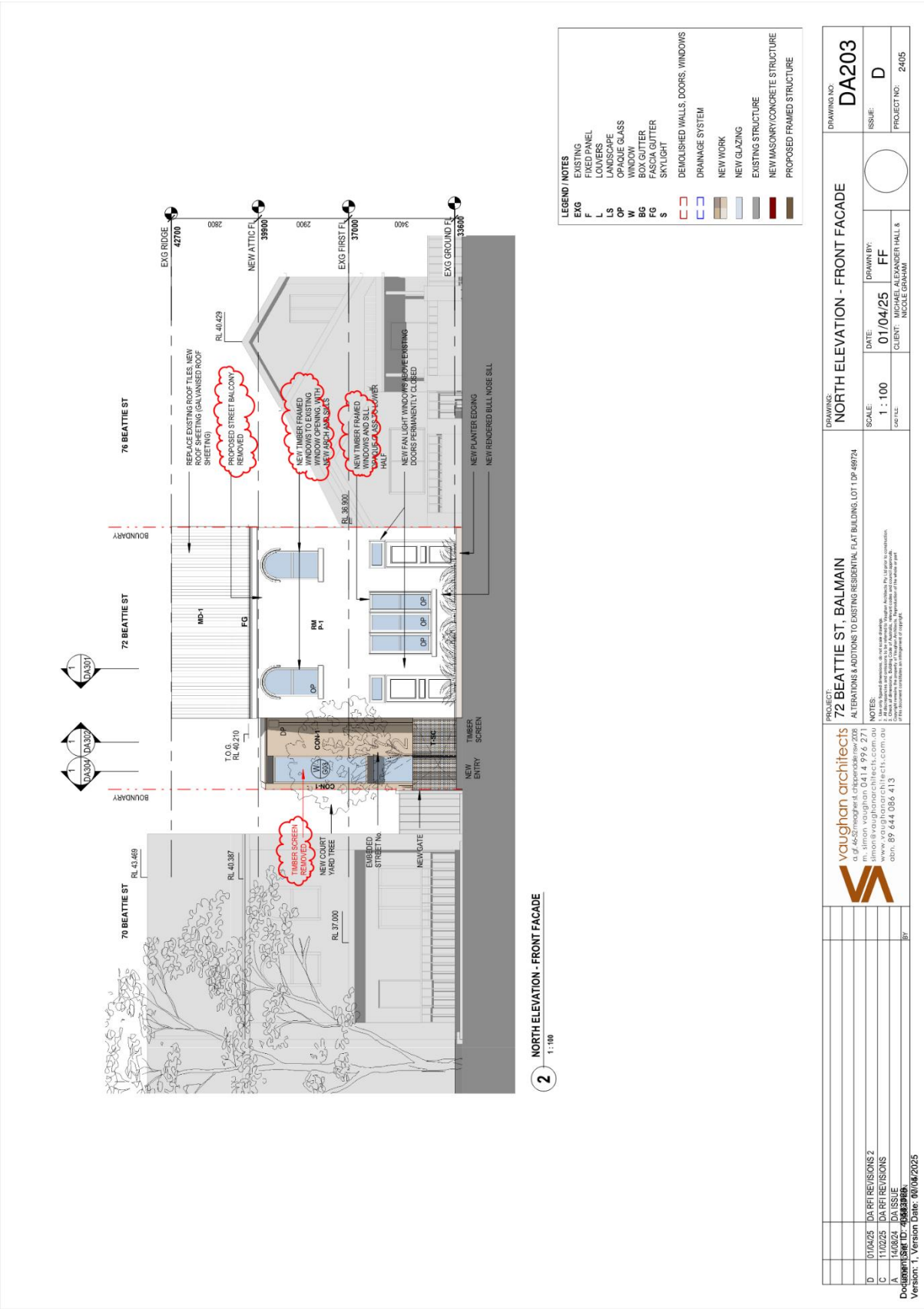


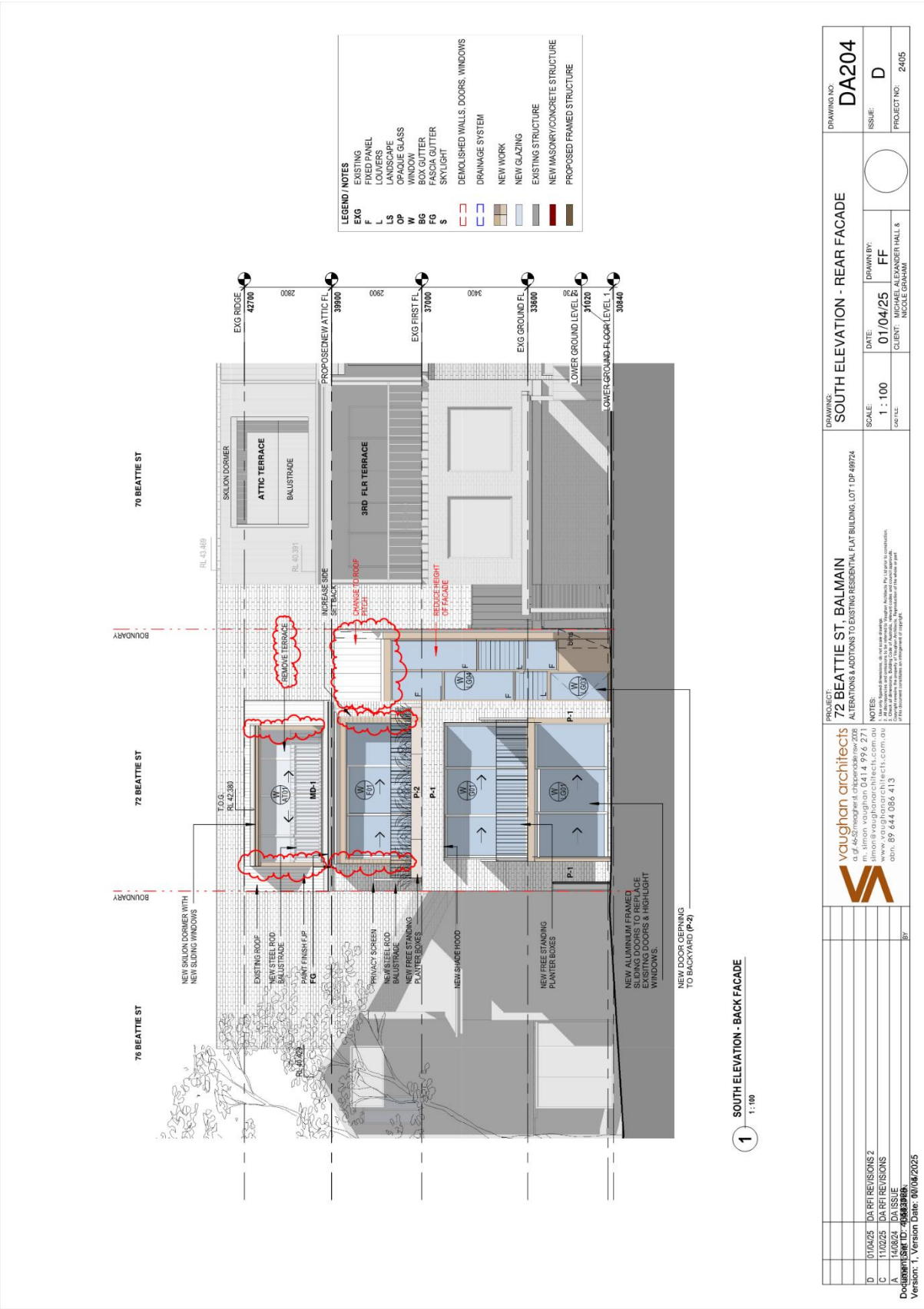


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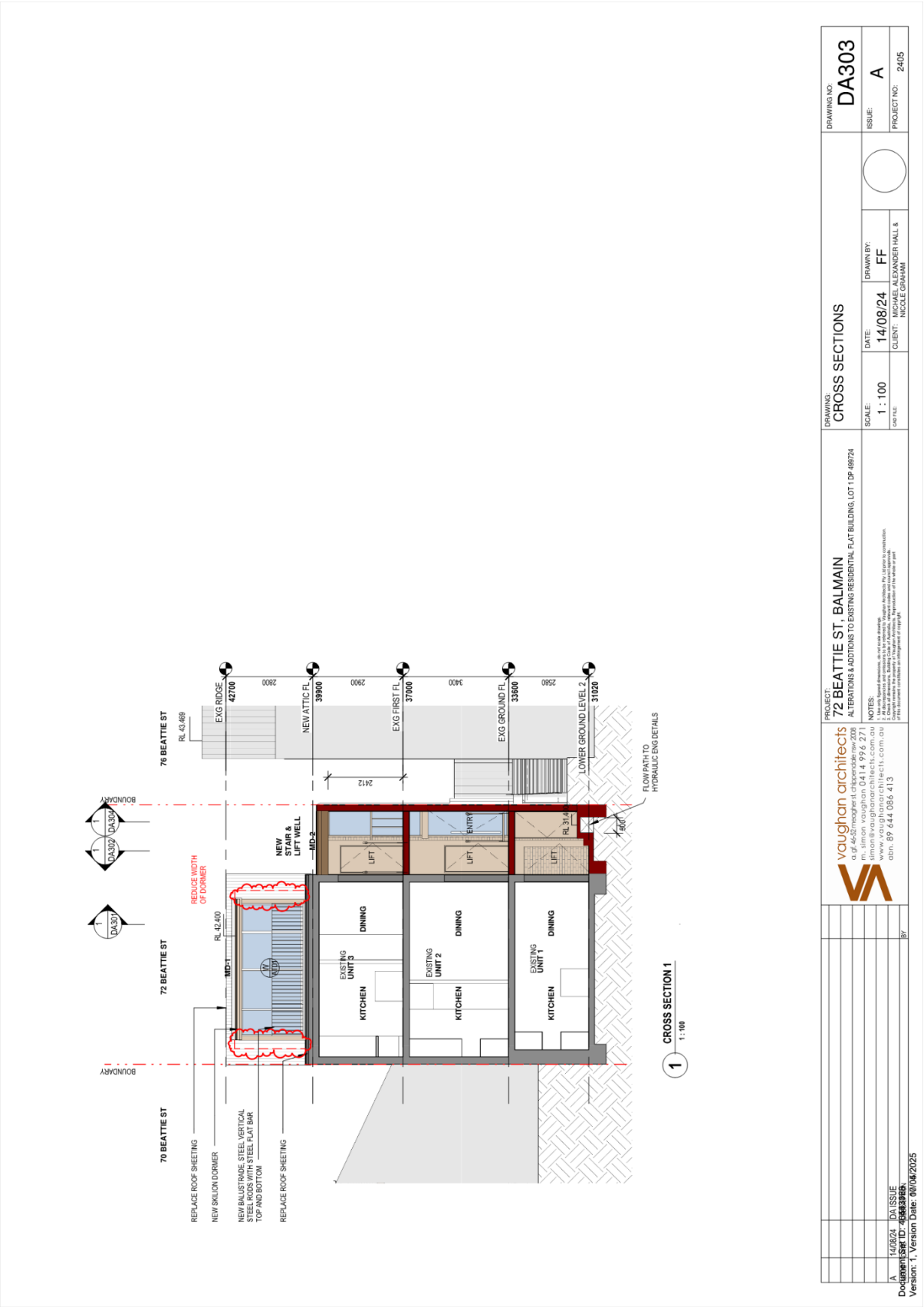


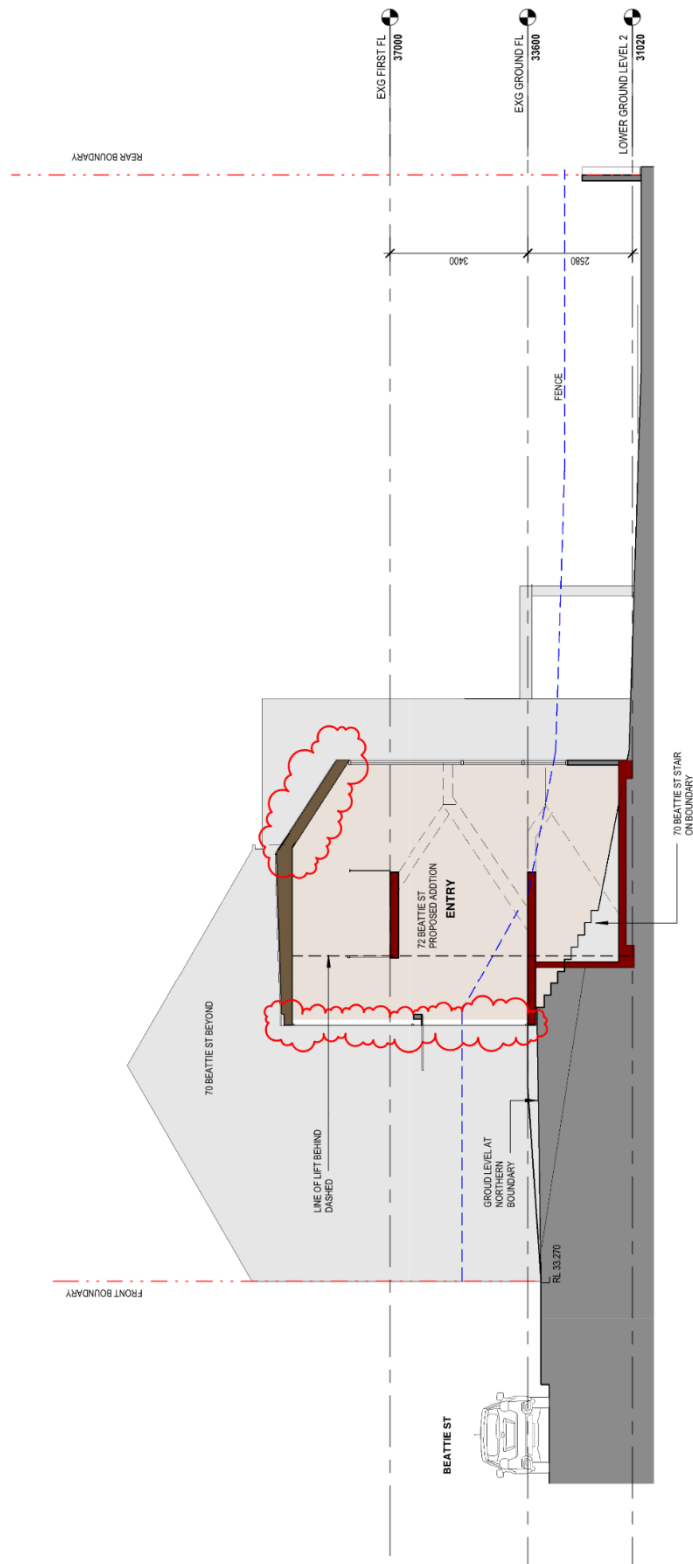







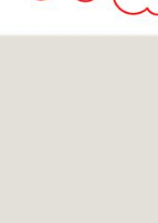

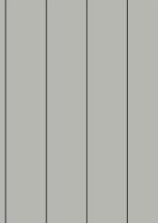






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Document ID: 4983298
Version: 1, Version Date: 07/05/2025

	<p>WB - CLADDING - SHIP-LAP WEATHERBOARD, PAINT FINISH DULUX SHALE GREY</p>		<p>P-1 - EXISTING PAINTED MASONRY WALLS, PAINT COLOUR DULUX SURF MIST</p>		<p>REMOVAL OF BRONZE FRAMING</p>		<p>P-3 - DULUX POWDER COAT COLOUR CHARCOAL P-4 - DULUX PAINT COLOUR CHARCOAL</p>		<p>MD-1 - GALVANISED CORRUGATED ROOF SHEETING</p>		<p>MD-2 - KLIP LOCK METAL DECK ROOF SHEETING, COLOUR SHALE GREY</p>
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<p>vaughan architects a.s. of 46-27-magpie-st-chessdale-nov-2008 m. jimon vaughan 0414 996 271 jimonth@vaughanarchitects.com.au www.vanarchitects.com.au 0811 89 644 094 413</p>	<p>PROJECT: 72 BEATTIE ST. BALMAIN ALTERATIONS & ADDITIONS TO EXISTING RESIDENTIAL FLAT BUILDING LOT 1 DP 489724</p>	<p>DRAWING NO: DA601</p>	<p>ISSUE: C</p>	<p>PROJECT NO: 2405</p>				
<p>DATE: 11/02/25</p>	<p>DRAWN BY: FF</p>	<p>SCALE:</p>	<p>CLIENT: MICHAEL EXANDER HALL & NICOLE GRAYSON</p>	<p>NOTES: 1. All dimensions are in millimetres. 2. All dimensions are to the face of the work unless otherwise stated. 3. All dimensions are to the face of the work unless otherwise stated. 4. All dimensions are to the face of the work unless otherwise stated.</p>	<p>DATE: 11/02/25</p>	<p>ISSUE: C</p>	<p>PROJECT NO: 2405</p>	<p>DATE: 11/02/25</p>

Version: 1, Version Date: 06/04/2025

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Project address	
Project name	1 / 72 Beattie St
Street address	1 72 BEATTIE Street BALMAIN 2041
Local Government Area	Inner West Council
Plan type and number	Strata Plan DP499724
Lot number	1
Section number	-
Project type	
Dwelling type	Dwelling house (attached)
Type of alteration and addition	The estimated development cost for my renovation work is \$50,000 or more, and does not include a pool (and/or spa).
N/A	N/A
Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name:	Mr Simon Vaughan
ABN (if applicable):	89644086413

BASIX[®]Certificate
Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A1759774

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Tuesday, 13 August 2024

To be valid, this certificate must be lodged within 3 months of the date of issue.



Document Set ID: 89589089
Version: 1, Version Date: 06/06/2025

BASIX Certificate number: A1759774

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Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Hot water			
The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	

Planning Industry And Environment

Document Set ID: 30583039
 Version: 1, Version Date: 07/06/2025

Building Sustainability Index www.basix.nsw.gov.au

Building Sustainability Index www.basix.nsw.gov.au

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✓	✓
Each window or glazed door with improved frames, or polylytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.		✓	✓
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.	✓	✓	✓

BASIX Certificate number: A1759774

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
LG01	SE	10.12	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
LG02	NE	5.12	1.8	2	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U- value: 5.7, SHGC: 0.47)			
LG03	SE	1.89	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
LG04	SE	13	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
LG05	NE	2.25	1.8	1.1	none	standard aluminium, single pyrolytic low-e, (U- value: 5.7, SHGC: 0.47)			

Planning Industry And Environment




Document Set ID: 89589089
Version: 1, Version Date: 07/06/2025

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BASIX Certificate number:A1759774

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
LG06	NE	2.64	1.8	1.1	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a  in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

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Project address	
Project name	2/ 72 Beattie St
Street address	2 72 BEATTIE Street BALMAIN 2041
Local Government Area	Inner West Council
Plan type and number	Strata Plan DP499724
Lot number	1
Section number	-
Project type	
Dwelling type	Dwelling house (attached)
Type of alteration and addition	The estimated development cost for my renovation work is \$50,000 or more, and does not include a pool (and/or spa).
N/A	N/A
Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name:	Mr Simon Vaughan
ABN (if applicable):	89644086413

BASIX[®]Certificate
Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A1759777

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Secretary

Date of issue: Tuesday, 13 August 2024

To be valid, this certificate must be lodged within 3 months of the date of issue.



Document Set ID: 89589088
Version: 1, Version Date: 06/06/2025

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Hot water			
The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	

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Construction		Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements				
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m ² . b) insulation specified is not required for parts of altered construction where insulation already exists.		✓	✓	✓
Construction	Additional insulation required (R-value)	Other specifications		
concrete slab on ground floor.	nil	N/A		
floor above existing dwelling or building.	nil	N/A		
external wall: brick veneer	R1.16 (or R1.70 including construction)			
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)			
external wall: concrete panel/plasterboard (concrete: 150 mm)	R1.39 (or R1.70 including construction)			

Planning Industry And Environment

Document Set ID: 86589086
 Version: 1, Version Date: 07/06/2025

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Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✓	✓
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.		✓	✓
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.	✓	✓	✓

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
G01	SE	12.32	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
G02	NE	6.7	0	0	eave/ verandah/ pergola/balcony >=600 mm	standard aluminium, single pyrolytic low-e, (U- value: 5.7, SHGC: 0.47)			
G03	NW	2.34	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
G04	NE	2.79	1.8	1.1	none	standard aluminium, single pyrolytic low-e, (U- value: 5.7, SHGC: 0.47)			
G05	NW	0.44	0	0	eave/ verandah/ pergola/balcony >=900 mm	timber or uPVC, single clear, (or U- value: 5.71, SHGC: 0.66)			

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
G06	NW	1.33	0	0	eave/ verandah/ pergola/balcony >=900 mm	timber or uPVC, single clear, (or U- value: 5.71, SHGC: 0.66)			
G07	NW	1.33	0	0	eave/ verandah/ pergola/balcony >=900 mm	timber or uPVC, single clear, (or U- value: 5.71, SHGC: 0.66)			
G08	NW	0.44	0	0	eave/ verandah/ pergola/balcony >=900 mm	timber or uPVC, single clear, (or U- value: 5.71, SHGC: 0.66)			

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Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a  in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

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Project address	
Project name	3/ 72 Beattie St_02
Street address	3 72 BEATTIE Street BALMAIN 2041
Local Government Area	Inner West Council
Plan type and number	Strata Plan DP499724
Lot number	1
Section number	-
Project type	
Dwelling type	Dwelling house (attached)
Type of alteration and addition	The estimated development cost for my renovation work is \$50,000 or more, and does not include a pool (and/or spa).
N/A	N/A
Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name:	Mr Simon Vaughan
ABN (if applicable):	89644086413

BASIX[®]Certificate
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Alterations and Additions

Certificate number: A1759778_02

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Friday, 16 August 2024

To be valid, this certificate must be lodged within 3 months of the date of issue.



Document Set ID: 89589088
Version: 1, Version Date: 07/06/2025

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Hot water			
The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	

Construction		Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements				
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2. b) insulation specified is not required for parts of altered construction where insulation already exists.		✓	✓	✓
Construction	Additional insulation required (R-value)	Other specifications		
concrete slab on ground floor.	nil	N/A		
floor above existing dwelling or building.	nil	N/A		
external wall: brick veneer	R1.16 (or R1.70 including construction)			
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)			
external wall: concrete panel/plasterboard (concrete: 150 mm)	R1.39 (or R1.70 including construction)			

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✓	✓
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.		✓	✓
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓
External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.		✓	✓
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
F01	SE	12.5	0	0	eave/verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
F02	NW	3.06	0	0	external louvre/ blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
F03	NE	3.96	0	0	eave/verandah/ pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
F04	NW	0.78	0	0	eave/verandah/ pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)			
F05	NW	3	0	0	eave/verandah/ pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)			

Planning Industry And Environment

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BASIX Certificate number: A1759778_02




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Glazing requirements								Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type				
AT01	SE	9.6	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)				
F06	NW	0.78	0	0	eave/verandah/ pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)				

Planning Industry And Environment

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Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a  in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

Attachment C – Section 4.6 Exception to Development Standards



CLAUSE 4.6 VARIATION TO CLAUSE 4.4 FLOOR SPACE RATIO OF THE INNER WEST LOCAL ENVIRONMENTAL PLAN 2022

72 BEATTIE STREET, BALMAIN

1. Introduction

This submission seeks a variation to Clause 4.4 of the Inner West Local Environmental Plan 2022 (IWLEP22), which relates to the floor space ratio development standard.

This submission has been prepared in relation to a development application for the alterations and additions to the existing residential flat building at No.72 Beattie Street, Balmain. The purpose of the proposed alterations and additions is to improve the functionality and internal amenity of the existing residential units.

As detailed in this written request for a variation to the floor space ratio control being a development standard under IWLEP22, the proposed development meets the requirements prescribed under Clause 4.6 of IWLEP22.

2. Site Background

The subject site is commonly known as 72 Beattie Street, Balmain and is legally defined as Lot 1 in Deposited Plan 499724. The site is on the south-eastern side of Beattie Street on the block bounded to the south-west and north-east by Mullens Street and Palmer Street respectively.

With reference to the submitted Survey Plan (prepared by *Bee & Lethbridge Pty Ltd*), the existing lot is generally regular in shape with the following site parameters:

- | | |
|---|---------------------|
| • Total Site Area: | 226.2m ² |
| • Beattie Street frontage (north-west): | 8.495m |
| • Side boundary (north-east): | 27.490m |
| • Side boundary (south-west): | 27.385m |
| • Rear Boundary (south-east): | 7.800m |

Currently located over the site is a three (3) storey residential flat building of an older housing stock. A total of three (3) residential units are currently contained within the building, with each level providing a 2-bedroom unit.

A separate entrance is provided to each dwelling with Unit 3 accessed directly from Beattie Street Unit 1 accessed from within the north-eastern side boundary and Unit 2 accessed from the rear yard.

Vegetation within the site is limited to small sized plantings within the north-eastern side setback and rear yard. The majority of the rear yard is covered by either decking or synthetic turf. The site also contains a notable downward slope from Beattie Street to the rear boundary, falling approximately 2.76m over a distance of 27.49m.



Figure 1: Aerial view of site. Source: <https://maps.six.nsw.gov.au/>

Development in the immediate area is varied in terms of building typology and form. Adjoining the site to the south-west (No.76 Beattie Street) is a part 1, part 2 storey render and weatherboard dwelling with a pitched metal roof. To the north-east, the subject site adjoins No.70 Beattie Street which contains a three (3) storey terrace style dwelling. Located directly opposite the subject site at No.73 Beattie Street is an approved development for the adaptive reuse of the existing buildings to create a four (4) storey multi-dwelling housing development comprising of six (6) dwellings (DA/2021/0521). This development is currently under construction.

The subject site is proximate to open space, services and public transportation. The site is located within 300m walking distance of Ann Cashman Reserve; 500m of Punch Park; 550m of Gladstone Park and 850m of Birrung Park. Additionally, the site is 130m walking distance from bus stops along Mullens Street, which enable easy access to centres nearby and those further afield, including the Sydney CBD. These bus stops also provide connections to the Balmain East Ferry Wharf which provides ferry connections to Parramatta, Sydney Olympic Park and Circular Quay.

The subject site is located in the R1 General Residential Land Use Zone and is located within The Valley Heritage Conservation Area.

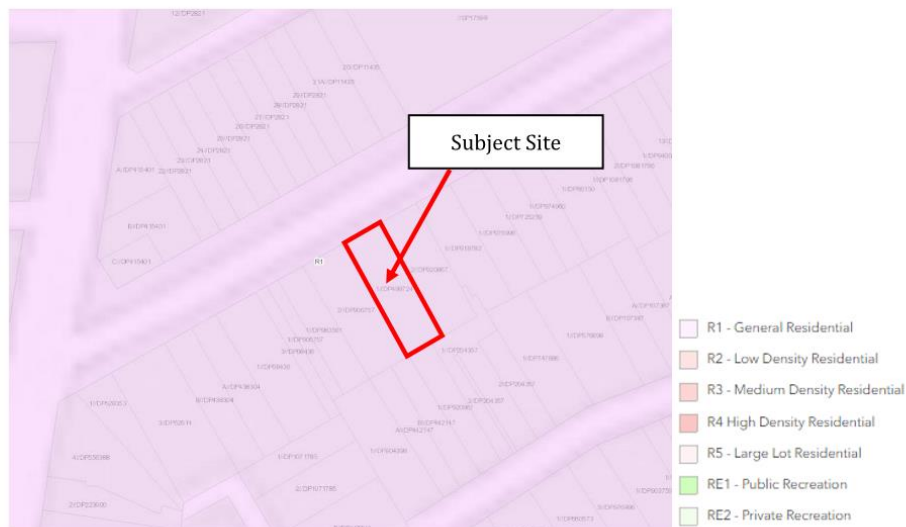


Figure 2: Zoning Map (Source: NSW eSpatial Viewer)

3. Variation Sought: Clause 4.4 Floor Space Ratio

The Environmental Planning Instrument to which this variation relates is the IWLEP22. The development standard to which this variation relates is Clause 4.4 Floor Space Ratio, which reads as follows:

4.4 Floor space ratio

“(1) The objectives of this clause are as follows:

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

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) The maximum floor space ratio for development for a purpose other than residential accommodation on land in Zone R1 General Residential identified as “Area 1” on the Key Sites Map is 1:1.

(2B) The maximum floor space ratio for development for the purposes of residential accommodation is as follows—

- (a) on land shown edged black or pink on the Floor Space Ratio Map—

Site area	Maximum floor space ratio
< 150m ²	0.9:1
≥ 150 < 300m ²	0.8:1
≥ 300m ² < 450m ²	0.7:1
≥ 450m ²	0.6:1

- (b) on land shown edged orange or green on the Floor Space Ratio Map is—

Site area	Maximum floor space ratio
< 150m ²	1.0:1
≥ 150 < 300m ²	0.9:1
≥ 300m ² < 450m ²	0.8:1
≥ 450m ²	0.7:1

- (c) on land shown edged brown on the Floor Space Ratio Map is—

Site area	Maximum floor space ratio
< 150m ²	0.8:1
≥ 150 < 300m ²	0.7:1
≥ 300m ² < 450m ²	0.6:1
≥ 450m ²	0.5:1

- (d) on land shown edged yellow on the Floor Space Ratio Map is—

Site area	Maximum floor space ratio
< 150m ²	0.9:1
≥ 150 < 300m ²	0.8:1
≥ 300m ²	0.7:1

(2C) The maximum floor space ratio for development for a purpose of attached dwellings, bed and breakfast accommodation, dwelling houses and semi-detached dwellings on land identified as "F" on the Floor Space Ratio Map is specified in the Table to this subclause.

Site area	Maximum floor space ratio
≤ 150m ²	1.1:1
> 150 ≤ 200m ²	1:1
> 200 ≤ 250m ²	0.9:1
> 250 ≤ 300m ²	0.8:1
> 300 ≤ 350m ²	0.7:1
> 350m ²	0.6:1

(2D) The maximum floor space ratio for development for the purposes of residential flat buildings on land shown edged red on the Floor Space Ratio Map may be greater than the maximum floor space ratio shown for the land on the Floor Space Ratio Map by up to 0.25:1.

(2E) In calculating the floor space ratio in relation to land dedicated to the Council for the purposes of a proposed road on the Land Reservation Acquisition Map, land marked "Local Road (SP2)" must be included in the site area."

As demonstrated in Figure 3, the subject site is prescribed to a maximum FSR of 0.5:1. However under Clause 4.4 (2B)(b), the land is edged orange. Based on the site area of 226.2m² the land

is ultimately subject to a maximum FSR of 0.9:1, representing a maximum gross floor area of 203.58m².

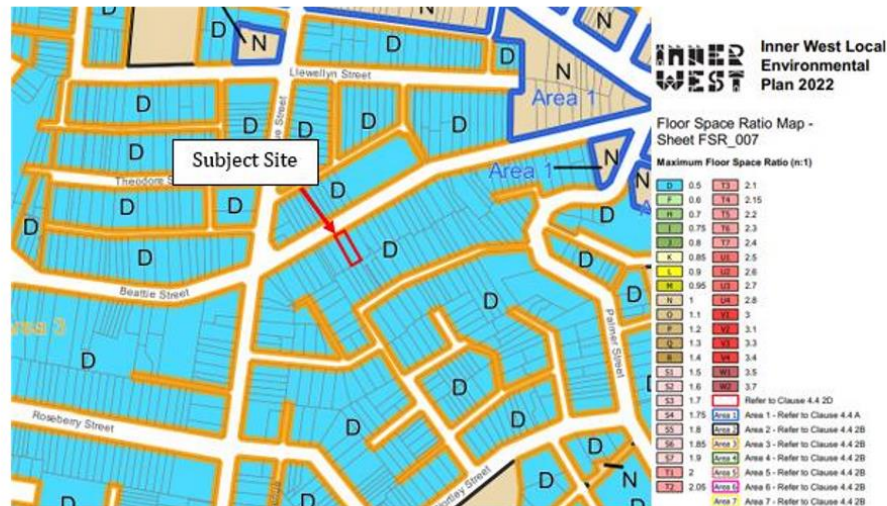


Figure 3: Floor Space Ratio Map (Source: NSW Inner West LEP22)

The proposed development seeks a gross floor area of 286m² (1.25:1). A variation of 82.42m² or 40.4% is proposed.

Therefore, a written justification is required for the proposed variation to the maximum floor space ratio development standard, in accordance with Clause 4.6 of the IWLEP22.

4. Extent of Non-Compliance

As noted above, Clause 4.4 of the IWLEP22 states the subject site has a maximum FSR of 0.9:1. Based on the site area of 226.2m², the maximum permissible gross floor area is 203.58m².

The proposed development seeks a gross floor area of 286m² (1.25:1), resulting in a variation of 82.42m² or 40.4%.

It should be noted that the existing residential flat building provides a GFA of 250.89m², representing an existing FSR of 1.11:1 and an existing variation of 47.31m² (23.24%).

The variation sought is primarily as a result of the small allotment size in relation to the density demands of a residential flat building. The additional GFA sought as part of the alterations and additions is generally limited to the addition of a waste storage room (2m²) and addition of an attic level to incorporate the relocated bedroom (24m²).

A degree of flexibility is considered reasonable in this instance.

5. Clause 4.6

This submission is made under Clause 4.6 of the IWLEP22 *Exceptions to development standards*. Clause 4.6 states the following:

4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows—*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Note—

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) *The consent authority must keep a record of its assessment carried out under subclause (3).*
- (5) *(Repealed)*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*
 - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) *(Repealed)*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
- (c) clause 5.4,
- (caa) clause 5.5,
- (ca) clause 6.27(4),
- (cb), (cc) (Repealed)
- (cd) clause 6.31.

Application of Clause 4.6

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of the merits of the proposed development.

Clause 4.6 *Exceptions to development standards* establishes the framework for varying development standards applying under a local environmental plan. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

4.6(3)(b) that there is sufficient environmental planning grounds to justify contravening the development standard.

Subclauses 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless the:

- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

Additionally, this submission has been prepared with regard to the following guideline judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*
- *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1')*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2')*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3')*
- *Micaul Holdings Pty v Randwick City Council [2015] NSWLEC 1386;*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7;*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118; and*
- *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130.*

6. Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827* are considered.

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

“...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1.”

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827*, Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five possible ways are as set out below:

First	<i>The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.</i> <i>The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable. (applicable)</i>
Second	<i>A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary. (not applicable)</i>
Third	<i>A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable. (not applicable)</i>
Fourth	<i>A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable. (not applicable)</i>
Fifth	<i>A fifth way is to establish that “the zoning of particular land” was “unreasonable or inappropriate” so that “a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land” and that “compliance with the standard in that case would also be unreasonable or unnecessary. (not applicable)</i>

In respect of the floor space ratio development standard, the first method is invoked.

The objectives supporting the maximum floor space ratio identified in Clause 4.4 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would

demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.4.

“(1) The objectives of this clause are as follows:

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

Objective

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

Comment

The proposed site density as a result of the alterations and additions sought is considered reasonable given the context of the site and character of the streetscape. The additional gross floor area sought is aimed at improving the functionality and internal amenity of the existing units.

With the exception to the 700mm rear extension on the first floor, the existing front and rear alignments of the units remain unchanged. The majority of the additional building bulk will be generated by the stair and lift core addition within the north-eastern side setback of the site. However, as this addition relates to common vertical circulation, it does not form part of the GFA of the site in accordance with the definition of gross floor area under the IWLEP22.

The additional calculated GFA generated by the proposal will generally be contained within the existing footprint of the building and will not be noticeable from the streetscape. The attic addition, which generates the majority of the additional GFA, is situated below the existing ridge height of the building and largely contained within the envelope of the existing roof.

The variation sought to floor space ratio (FSR) is primarily a result of the small allotment size, which exacerbates even the slightest of variations to FSR. As illustrated in the discussion of the other objectives below, the proposed FSR is appropriate for the existing and desired density of development.

Additionally, it should be noted that the existing residential flat building provides a GFA of 250.89m², representing an existing FSR of 1.11:1 and an existing variation 47.31m² (23.24%). The proposed alterations and additions only represent a 35.12m² to the existing GFA, with the additional GFA generally attributed to the addition of a waste storage room and the addition of an attic level. The additional GFA is largely contained within the existing envelope of the building.

Objective

(b) to ensure development density reflects its locality,

Comment

The existing residential flat building on site provides for three (3) 2-bedroom units. No changes to the existing number of units or bedrooms are proposed.

The subject site is located in The Valley 'Balmain' Distinctive Neighbourhood and Evans Street/Beattie Street Former Commercial Precinct Sub Area. As has been detailed within the Statement of Environmental Effects, the proposal generally aligns with the desired future character of the area. The proposed setbacks, wall height and provision of landscaping and private open space is consistent with the general character of other residential accommodation typologies located along Beattie Street.

The proposed alterations and additions respond to the architectural style and materiality of the existing residential flat building, ensuring a seamless transition between the existing and proposed works sought. The proposed materials and finishes will match the existing building and subsequently remain cohesive with the character of the streetscape, thereby ensuring the minor increase to development density sought integrates with the existing building form and streetscape character. The Statement of Heritage Impact prepared by Heritage 21 notably concludes that *"the proposal would enhance the presentation of the building to Beattie Street and the wider conservation area"*.

It is considered that the proposed development satisfies the desired future character of the locality.

Moreover, the following table displays the approved gross floor area of other properties in vicinity of the subject site and identifies the variation to FSR that was approved by Council.

Address	DA No.	Approval date	FSR standard	Approved FSR	Approved variation
20 Beattie Street, Balmain	DA/2021/0094	09/11/2021	1:1 (123.3m ²)	1.28:1 (158.1m ²)	28% (34.8m ²)
68 Beattie Street, Balmain	DA/2023/0215	18/07/2023	0.9:1 (193.05m ²)	1.17:1 (250m ²)	29.5% (56.95m ²)
16A Colgate Avenue, Balmain	DA/2023/0249	10/07/2023	0.8:1 (303.68m ²)	0.83:1 (315.15m ²)	3.7% (11.47m ²)
6 Punch Street, Balmain	DA/2023/0257	12/09/2023	1:1 (95.3m ²)	1.12:1 (106.8m ²)	22% or (11.5m ²)
14 Turner Street, Balmain	DA/2023/0574	04/10/2023	0.9:1 (199.17m ²)	0.98:1 (216.75m ²)	8.83% (17.58m ²)
157 Darling Street, Balmain	DA/2022/0785	13/06/2023	1:1 (126.5m ²)	1.11:1 (140.45m ²)	11% (13.95m ²)
28 Church Street, Balmain	DA/2022/0920	09/05/2023	1:1 (114m ²)	1.1:1 (127.36m ²)	11.7% (13.36m ²)
35 Evans Street, Balmain	DA/2022/0618	09/02/2023	1:1 (104m ²)	1.06:1 (110m ²)	6% (6.3m ²)
37 Evans Street, Balmain	DA/2022/0619	09/02/2023	1:1 (93.6m ²)	1.09:1 (102.9m ²)	9.9% (9.3m ²)

39 Evans Street, Balmain	DA/2022/0620	09/02/2023	1:1 (94.7m ²)	1.09:1 (103.1m ²)	8.4% (8.87m ²)
38 Harris Street, Balmain	DA/2021/1160	15/11/2022	1:1 (142.72m ²)	1.07:1 (152.94m ²)	7% (10.18m ²)
6 Campbell Street, Balmain	DA/2022/0150	20/07/2022	1:1 (87.9m ²)	1.06:1 (92.97m ²)	5.77% (5.05m ²)

The analysis above illustrates that Council have approved developments in vicinity of the subject site that varied the relevant FSR standard. As such, given the existing number of units on the site will be retained and that the above table identifies that Council typically accept a variation to the standard within this neighbourhood, the development will continue to provide a density that reflects the locality, despite the proposed variation to FSR.

Objective

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

Comments

The subject site is bounded by properties with the same zoning and FSR standard which apply to the proposed development. No different land use zones or FSR standards are located in vicinity of the subject site. As previously raised, the development is for the purpose of a residential flat building, which is typically a building typology of greater density. The relationship between the site and its neighbours does not significantly change amenity outcomes (privacy, solar access), as discussed against objective (d) below.

Objective

(d) to minimise adverse impacts on local amenity,

Comment

The proposed alterations and additions have been carefully articulated and designed to minimise impacts on local amenity.

With regard to solar access the subject site and adjoining properties all contain south facing private open space areas. Consequently, given the existing built form is concentrated to the northern portion of the sites, direct solar access to private open space areas is restricted during the winter solstice. Currently, as evident through the shadow diagrams provided, the subject site and adjoining properties best achieve direct solar access to private open space areas during the winter solstice between 9am and 11am (2 hours). A comparison between the existing and proposed overshadowing indicates that the proposed alterations and additions will generally retain the existing extent of direct solar access provided to neighbouring properties.

Additionally, the proposal will result in a reduction to existing overshadowing to the private open space of No.76 Beattie Street at 12pm. The adjoining sites at Nos. 70 and 76 Beattie Street contain dwelling houses which require a minimum private open space area of 16m² in accordance with C3.8 of the Leichhardt DCP. Therefore, based on control C4, at least 8m² of private open space area for the adjoining dwelling houses will need to achieve two (2) hours

of direct solar access during the winter solstice. The shadow diagrams provided illustrate that this has been achieved.

In terms of views and vistas, the proposed alterations and additions do not increase the existing height of the building nor result in any extensions to the built form that restricts existing view corridors towards the city skyline or Anzac Bridge.



Figure 4: View of Anzac Bridge from Unit 3 (first floor) balcony.

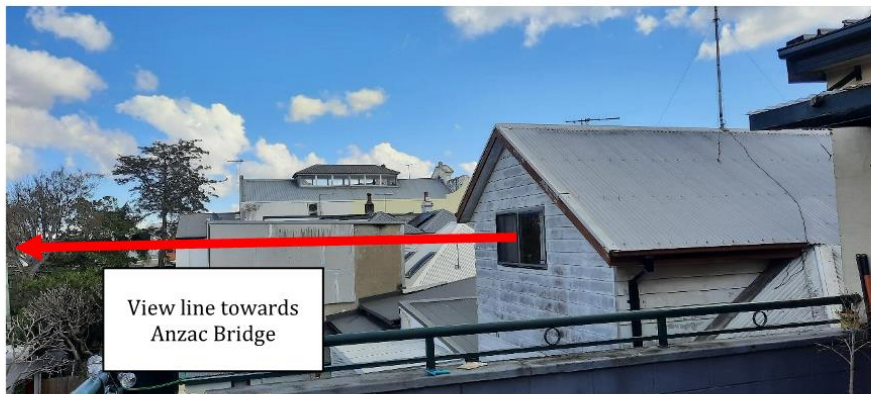


Figure 5: Rear elevation of No.76 Beattie Street as viewed from Unit 3 (first floor) balcony.



Figure 6: Rear elevation of No.70 Beattie Street as viewed from Unit 3 (first floor) balcony.

In terms of privacy, the existing privacy conditions between the site and adjoining properties will be improved by the proposed changes. Privacy screens have been added to the ground floor and first floor terraces to restrict direct overlooking opportunities into the neighbouring POS of No.76 Beattie Street. Additionally, glazing has been generally designed to face the street and rear boundaries.

Lastly, regarding the public domain, the proposed variation to FSR sought will incur no impact to the public domain noting that the proposal seeks to generally retain the existing presentation of the dwelling to Beattie Street. The proposed alterations and additions will largely occur within the existing footprint of the dwelling.

Objective

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

Comments

Currently, the existing landscaped area on site is limited to small garden areas within the side and rear setback areas. The majority of the site is dominated by decking and synthetic turf. The proposal seeks to replace the existing deck and synthetic turf within the rear yard with new landscaped areas and screen planting.

The proposed development does not require the removal or pruning of any trees. The variation sought to the FSR standard has no bearing on the tree planting capabilities of the site considering the additional GFA is generally contained within the existing footprint of the building.

Notably, the proposal complies with the minimum landscaped area and maximum site coverage standards specified for the site under the IWLEP22.

In view of the above, it is submitted that the proposal is consistent with the objectives of Clause 4.4 of the IWLEP22.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard.

7. Are There Sufficient Environmental Planning Grounds?

The assessment above and shown throughout the supporting documentation demonstrates that the resultant environmental impacts of the proposal will be satisfactory.

The key environmental grounds are:

- The additional GFA proposed is largely contained within the existing footprint of the dwelling.
- Although an 82.42m² (40.4%) variation to the FSR standard is proposed, the residential flat building provides an existing variation 47.31m² (23.24%). As such, the majority of the variation relates to existing built form.
- The additional GFA sought as part of the alterations and additions is generally limited to the addition of a waste storage room (2m²) and addition of an attic level to incorporate the relocated bedroom (26m²). The additional GFA proposed is located behind the front building line and will not be discernible from the streetscape.
- The non-compliance to FSR is primarily attributed to the small allotment size, which exacerbates even the slightest of variations to FSR.
- The proposed alterations and additions will consolidate the existing three (3) separate entries into a single entry point that will be clearly identifiable from Beattie Street and improve accessibility to all units.
- The existing residential flat building on site provides for three (3) 2-bedroom units. No changes to the existing number of units or bedrooms are proposed.
- There are other developments within vicinity of the subject site that have been approved with variations to the FSR standard.
- Suitable density for a residential flat building with alterations and additions sought to improve residential amenity and longevity of the use.

The proposal addresses the site constraints, streetscape, and relevant objectives of both the standard and the zone. The proposal will not result in any unreasonable amenity or environmental impacts.

The extent of variation sought to FSR is primarily as a result of the small site area. As a result, any reasonably sized built form on the site would occupy the majority of the available site area, demonstrated by the fact that the existing residential flat building currently exceeds the 0.9:1 FSR standard.

The additional GFA generated by the proposal will generally be contained within the existing building footprint and will not be noticeable from the streetscape. The attic addition, which generates the majority of the additional GFA, is situated below the existing ridge height of the building and largely contained within the envelope of the existing roof. The design and form of the rear dormer window is similar to the rear dormer windows of adjoining properties at Nos. 68 and 70 Beattie Street (see Figure 7 below). As such, the only notable change to the existing building envelope that will occur as a result of the additional calculated GFA proposed still aligns with the existing rear building character of Beattie Street.



Figure 7: Rear facing dormer windows of Nos. 68 and 70 Beattie Street as viewed from Unit 3 (first floor) balcony.

It is important to reiterate that the proposed alterations and additions aim to improve the functionality and internal amenity of the three (3) existing residential units. No additional residential units will occur as a result of the additional GFA sought. Moreover, the attic addition does not increase the number of bedrooms to Unit 3 which currently provides two (2) bedrooms. Therefore, the GFA generated by the attic addition simply relates to improving the internal amenity of the unit rather than seeking additional yield.

The breach in floor space ratio is a reasonable variation in the context of the case considering the FSR variations approved for other developments throughout the Balmain locality.

Furthermore, it is important to also consider the objectives of the R1 General Residential zone in relation to the development, which are as follows:

R1 General Residential zone

Objectives of zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide residential development that maintains the character of built and natural features in the surrounding areas.*

In response to the above the following is provided:

- The proposal will continue to provide for the housing needs of the community. The proposed alterations and additions retain the existing number of units and bedrooms.
- The immediate locality consists of a variety of housing types with examples of dwelling houses, semi-detached dwellings, multi-dwelling housing and residential flat buildings provided along Beattie Street. The proposal will retain the existing residential flat building on the site, ensuring a diverse variety of housing continues to be provided to Beattie Street.

- The use on the site will remain as a residential flat building and does not preclude other land uses in the zone.
- The proposal generally aligns with the relevant planning controls which apply to the site. As such, the proposal is compatible with the character of built and natural features in the surrounding area.

The proposed variation to the floor space ratio does not impact on the capacity of the development to meet the above objectives.

In view of the above, it is submitted that the proposed development is consistent with the objectives of the zone.

In this case, strict compliance with floor space ratio development standard of the IWLEP22 is unnecessary and unreasonable.

8. Is the Variation Well Founded?

It is considered that this has been adequately addressed in Parts 6 and 7 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the IWLEP22 in that:

- ☐ Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development;
- ☐ There are sufficient environmental planning grounds to justify the departure from the standards;
- ☐ The development meets the objectives of the standard to be varied (floor space ratio) and objectives of the R1 General Residential zoning of the land;
- ☐ The breach does not raise any matter of State of Regional Significance; and
- ☐ The development submitted aligns with the existing and future character envisioned for the locality.

Based on the above, the variation is considered to be well founded.

9. General

Clause 4.6 also states that:

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

(5) (Repealed)

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4,*
- (caa) clause 5.5,*
- (ca) clause 6.27(4),*
- (cb), (cc) (Repealed)*
- (cd) clause 6.31.*

Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.

This variation does not relate to the subdivision of land in the stated land use zones. The variation is not contrary to subclause (6).

The development proposed is not complying development.

A BASIX certificate has been provided as part this development application.

The development does not rely on or conflict with any of the clauses referenced in (c) through to (cd).

10. Conclusion

The proposal does not strictly comply with the maximum floor space ratio standard as prescribed by Clause 4.4 of the IWLEP22. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the IWLEP22 are satisfied as the breach to the controls does not create any adverse environmental impacts.

Consequently, strict compliance with this development standard is unreasonable and unnecessary and that the use of Clause 4.6 of the IWLEP22 to vary this development control is appropriate in the context of the case.

The additional gross floor area sought is aimed at improving the functionality and internal amenity of the existing units, and supporting the continued use of the site as a residential flat building.

Based on the above, it is sensible to conclude that strict compliance with the maximum floor space ratio is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

Should you have any questions regarding the proposed development, please do not hesitate to contact me.

Kind regards,



Roberto Bianco
GAT & Associates
Plan 5009

Attachment D – Statement of Heritage Significance**STATEMENT OF HERITAGE IMPACT****Proposed Alterations and Additions at****72 Beattie Street****BALMAIN**

Job No. 10334

August 2024

Heritage21
CULTURAL BUILT HERITAGE IN THE 21ST CENTURY

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Statement of Heritage Impact 72 Beattie Street, Balmain

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Statement of Heritage Impact 72 Beattie Street, Balmain

Acknowledgement of Country

Heritage 21 wishes to acknowledge the Traditional Owners of Country throughout Australia and recognise their continuing connection to land, waters and community. We pay our respects to them and their cultures and to elders both past and present.

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Document Set ID: ~~39588020~~
Version: 1, Version Date: ~~00/00/2024~~

Statement of Heritage Impact 72 Beattie Street, Balmain

Name of the heritage item:

N/A

State Heritage Register / LEP heritage schedule item number and name:

The Valley Heritage Conservation Area "C27" - Inner West Local Environmental Plan 2022

Address and location:

72 Beattie Street, Balmain

Statement of heritage impact for:

Proposed Alterations and Additions to the existing residential terrace building

Prepared by:Emily McSkimming MSc-SAHC MProjMgt BE(Hons)(Civil) M. ICOMOS MIEAust
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Prepared for:

Vaughan Architects

Cover image: Subject site at 72 Beattie Street, Balmain, facing south-east towards the front façade.
(Source: Heritage 21, 24 June 2024)

The following table forms part of the quality management control undertaken by Heritage 21 regarding the monitoring of its intellectual property as issued.

Issue	Description	Date	Written by	Reviewed by	Issued by
1	Draft report (D1) issued for comment.	25.07.2024	EM	-	EM
2	Report issued (R1).	12.08.2024	EM	-	EM
3	Report issued (R12)	15.08.2024	EM	-	EM

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1.0 INTRODUCTION

1.1 Background

This Statement of Heritage Impact (“SOHI” or “report”) has been prepared on behalf of Vaughan Architects who have been engaged by the owner of the site to submit a Development Application for alterations and additions to 72 Beattie Street, Balmain (“the subject site”).

1.2 Site Identification

The subject site is located at 72 Beattie Street, Balmain, which falls within the boundaries of the Inner West Local Government Area (LGA) and it comprises Lot 1 DP 499724. As depicted in Figure 1 below, the site is located on the south side of Beattie Street and near the intersection of Montague, Mullen and Beattie Street. The site comprises a highly modified terrace building dating from the late Victorian period. The setting and topography of the site will be more fully described in Section 3.0 below.



Figure 1. Source image from sixmaps.com.au, outlining the subject site. Aerial view of the site, which is highlighted in yellow (Source: NSW Spatial Services, “SIX Maps,” accessed 09 July 2024 <http://maps.six.nsw.gov.au/>, annotated by Heritage 21).

1.3 Heritage Context

1.3.1 Heritage Listings

The subject site **is not** listed as an item of environmental heritage under Schedule 5 of the Inner West Local Environmental Plan 2022 (“IWLEP”). It **is not** listed on the NSW State Heritage Register,

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the National Heritage List, the Commonwealth Heritage List, the National Trust Register (NSW), or the former Register of the National Estate.¹

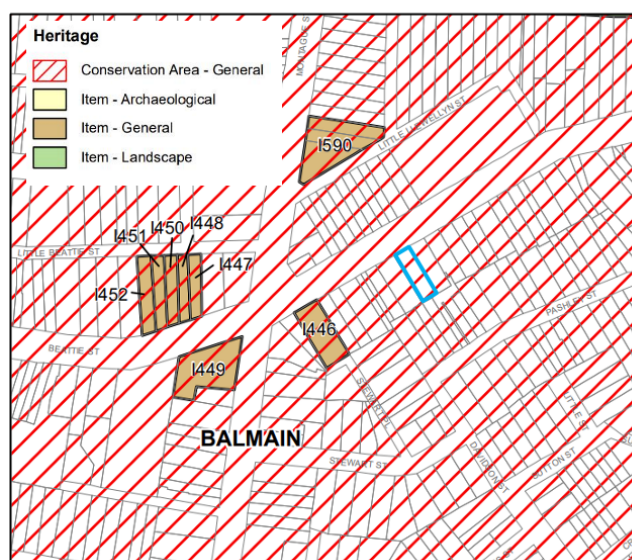


Figure 2. Detail from Heritage Map HER_007B. The site is outlined in blue, heritage items shaded brown and heritage conservation areas are hatched red (Source: NSW Legislation Online, <https://www.legislation.nsw.gov.au/maps>, annotated by Heritage 21).

1.3.2 Heritage Conservation Areas ("HCA")

As depicted in Figure 2 above, the subject site is located within the boundaries of The Valley Heritage Conservation Area ("HCA"), listed as C27, under Schedule 5 of the IWLEP 2022.

Properties located within the HCA fall into one of the three following classifications:

- Contributory Item – the property makes a positive contribution to the character and heritage significance of the HCA.
- Neutral Item – the property does not contribute nor detract from the character and heritage significance of the HCA.
- Non-Contributory Item – the property detracts from the character and heritage significance of the HCA.

Heritage 21 is of the opinion that the subject building, which is a highly modified terrace building dating from the late Victorian period, no longer makes a positive contribution to the character and heritage significance of the HCA. The primary façade has been entirely reconstructed and no original

¹ The Register of the National Estate ceased as a statutory heritage list in 2007, but it continues to exist as an inventory of Australian heritage places.

Statement of Heritage Impact 72 Beattie Street, Balmain

architectural features remain. As such, Heritage 21 considers the subject building to be a neutral item within the context of The Valley HCA.

1.3.3 Heritage Items in the Vicinity

As depicted in Figure 2 above, the subject site is situated within the general vicinity of the following heritage items listed under Schedule 5 of the IWLEP 2022. The details of the listings follow:

Item Name	Address	Significance	Item Number
Commercial building, including interiors.	88 Beattie Street Balmain	Local	I446
Commercial terrace, including interiors	91 Beattie Street Balmain	Local	I447
Commercial terrace, including interiors	93 Beattie Street Balmain	Local	I448
Exchange Hotel, including interiors	94 Beattie Street Balmain	Local	I449
Commercial terrace, including interiors	95 Beattie Street Balmain	Local	I450
Commercial terrace, including interiors	97 Beattie Street Balmain	Local	I451
Commercial terrace, including interiors	99 Beattie Street Balmain	Local	I452
Balmain Co-op Society Limited, including interiors	28-30A Montague Street Balmain	Local	I590

The proposed development of the site is not located within the visual catchment of any of the heritage items listed above, nor is it considered to be sufficiently proximate to those places to warrant discussion in the Heritage Impact Assessment contained in Section 6.0 of this SOHI.

1.4 Purpose

The subject site is located within The Valley Heritage Conservation Area, which is listed under Schedule 5 of the IWLEP 2022. Sections 5.10(4) and 5.10(5) of the IWLEP 2022 require Inner West Council to assess the potential heritage impact of non-exempt development, such as the proposed works (refer to Section 5.0), on the heritage significance of the abovementioned Heritage Conservation Area and, also, to assess the extent (whether negative, neutral or positive) to which the proposal would impact the heritage significance of that Heritage Conservation Area. This assessment is carried out in Section 6.0 below.

Accordingly, this SOHI provides the necessary information for Council to make an assessment of the proposal on heritage grounds.

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1.5 Methodology

The methodology used in this SOHI is consistent with *Guidelines for preparing a statement of heritage impact* (2023) and *Assessing heritage significance* (2023) published by the NSW Department of Planning and Environment, and has been prepared in accordance with the principles contained in the 2013 edition of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*.

1.6 Limitations

- This Statement of Heritage Impact is based upon an assessment of the heritage issues only and does not purport to have reviewed or in any way endorsed decisions or proposals of a planning or compliance nature. It is assumed that compliance with non-heritage aspects of Council's planning instruments, the BCA and any issues related to services, contamination, structural integrity, legal matters or any other non-heritage matter is assessed by others.
- This SOHI essentially relies on secondary sources. Primary research has not necessarily been included in this report, other than the general assessment of the physical evidence on site.
- It is beyond the scope of this report to address Indigenous associations with the subject site.
- It is beyond the scope of this report to locate or assess potential or known archaeological sub-surface deposits on the subject site or elsewhere.
- It is beyond the scope of this report to assess items of movable heritage.
- Any specifics regarding views should be assessed by a view expert. Heritage 21 does not consider itself to be a view expert and any comments in this report are opinion based.
- Heritage 21 has only assessed aspects of the subject site that were visually apparent and not blocked or closed or to which access was not given or was barred, obstructed or unsafe on the day of the arranged inspection.

1.7 Copyright

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2.0 HISTORICAL CONTEXT

2.1 Local History

The Traditional Owners of the land were the Gadigal and Wangal groups of the Eora nation. The Country known as Wanne by the Wangal people extended from what is now Balmain and Birchgrove to Auburn and Silverwater, bounded by Parramatta River to the north.²

The suburb of Balmain was named after the assistant surgeon to the First Fleet, William Balmain, who was granted 550 acres on the peninsula in 1800.³ In 1801 the entire grant was transferred to his fellow surgeon, John Gilchrist, who began advertising its sale in 1823.⁴ Parts of the East Balmain portion were subdivided and auctioned in stages between 1836 and the early 1880s.⁵

In the mid-19th century, the Balmain area took on an increasingly industrial aspect.⁶ In 1854 Thomas Sutcliffe Mort established a dry dock and later coal sheds, engineering shops, and ship-building yards. This changed the character of the area, which was previously somewhat isolated.⁷ Between 1870 and 1880, Balmain's population increased by 150 percent, and housing proliferated.⁸ The area was associated with timber, engineering, the waterfront, and the Glebe Island abattoir.⁹ Houses built in the community were commonly made of timber rather than brick, distinguishing the area as predominantly working class.¹⁰

In 1895 the British soap manufacturer Lever Brothers opened a copra oil mill on White Bay, its first Australian site, and in 1900 a soap and glycerine factory opened next door, producing *Sunlight* soap.¹¹ William Lever, who founded the company with his brother James in 1885 (and who together built the landmark workers village of Port Sunlight in England in 1888), visited Australia in 1901, selected the site (Mrs Lever turned the first sod¹²) and amalgamated the business with J Kitchen & Sons.¹³ By the 1920s the Lever Group had become Lever & Kitchen and was producing half the soap made in Australia, including household names like *Lifebuoy*, *Lux Flakes*, *Pears*, *Rinso*, *Persil*, *Lux* and *Rexona*. The Unilever Company was established in 1929.¹⁴ During the 1920s, pursuit of the suburban dream of large freestanding homes and gardens saw many families leave the inner suburbs of Sydney.¹⁵ As a result the population of Balmain declined for several years, and it developed a stigma

² Ibid.

³ Aboriginal Heritage Office, "Attachment A - Filling a Void - A Review of the Historical Context for the Use of the Word 'Guringai'", 2015, accessed 24/07/2024, <https://www.darlingjung.com.au/wp-content/uploads/2021/03/Aboriginal-Cultural-Authority-on-the-Central-Coast-29-March-2021.pdf>.

⁴ Ibid.

⁵ Ibid.

⁶ Ashton, Paul, J.L. Cornwall, and G. Collie. *Sydney Takes Shape: A History in Maps*. Brisbane: Hema, n.d.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Peter Spearritt, *Sydney's Century: A History* (Sydney: UNSW Press, 1999), p.70.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Peter Spearritt, *Sydney's Century: A History* (Sydney: UNSW Press, 1999), p.70.

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as a 'slum suburb'.¹⁶ In 1936 a planning ordinance was developed to mitigate the suburb's further decay through demolition and reconstruction according to specific guidelines.¹⁷

At the close of World War II, 10,170 workers were employed in Balmain's local industries.¹⁸ Freight railway lines were introduced in the early 20th century, running from Rozelle Bay to Darling Harbour wharves and further complicating local infrastructure.¹⁹

The post-war era saw signs of rejuvenation, facilitated by the Cumberland Planning Scheme.²⁰ However this quickly changed when Balmain Council was integrated with Leichhardt Council in 1947.²¹ Gentrification of the locality recommenced in the 1960s, notably demarcated by the demolition in 1967 of Birch Grove House, the first permanent house on the Balmain peninsula, to make way for home units.²² The 'slum' stigma was gone by the end of the 1970s.²³

Due to the unsuitability of the existing buildings to new plant, the Unilever site at Balmain closed in 1988, as did other industrial plants, introducing a new phase in the history of Balmain.²⁴ With such substantial closures of business, the waterfront area began to make way for residential development, especially town houses and apartment blocks with water views.²⁵



Figure 3. Map of Balmain 1886-1888 (Source: City of Sydney Archives, Unique ID: A-00530153).

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Peter Reynolds and Robert Irving, *Balmain in Time: A Record of an Historic Suburb and Some of Its Buildings* (Balmain: Balmain Association, 1971), page no.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²² Joy Hughes, ed. *Demolished Houses of Sydney* (Sydney: Historic Houses Trust of New South Wales, 1999)

²³ Ibid.

²⁴ Reynolds and Irving, *Balmain in Time: A Record of an Historic Suburb and Some of Its Buildings*. p. 5.

²⁵ Ibid.

2.2 Site Specific History

The subject site was originally part of the 550 acres of Crown land granted to William Balmain in 1800 (See Figure 4).²⁶

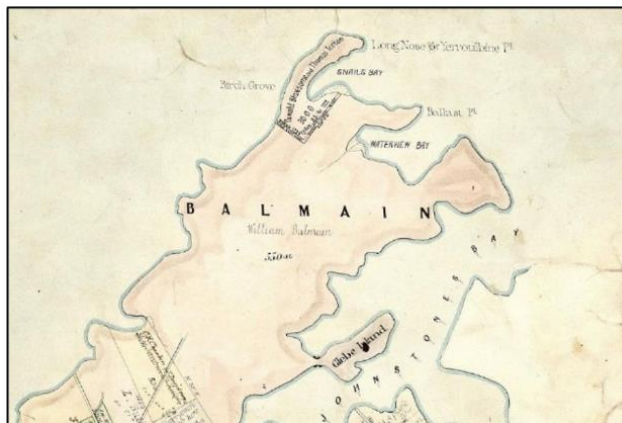


Figure 4: Undated map of the Balmain Estate owned by William Balmain (Source: NSW Land Registry Services, Land Records, Parish of Petersham, Sheet 1, annotated by Heritage 21).

2.2.1 William Balmain

William Balmain (see Figure 5), born in 1762, was granted 550 acres of land by Governor John Hunter following his return to New South Wales from England.²⁷

The following information on William Balmain was extracted from the Dictionary of Sydney:

Born in Scotland and educated at Edinburgh University, William Balmain was commissioned assistant surgeon to New South Wales in October 1786 and sailed in the transport Alexander the next May, reaching Port Jackson in January 1788.

He worked hard in the early days of the new colony, distinguishing himself when he removed a spear from the shoulder of Governor Phillip. Philip was sufficiently impressed to promote him to senior surgeon at Norfolk Island in October 1791. Once there, he was also appointed a civil magistrate. When the principal surgeon, John White, returned to England on leave in 1794, Balmain was recalled to Sydney to act in his place, and was eventually appointed principal surgeon in August 1796. Balmain had never been on good terms with White, and once he was in charge he set about reforms, requesting more medical staff and supplies to minister to the ever-increasing population of the colony. He was also active in the administrative affairs of the colony with his magisterial duties, which saw him involved in the

²⁶ Heritage NSW, "Exchange Hotel, including interiors," State Heritage Inventory, Heritage Item ID: 1940122, accessed 15 July 2024, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1940122>.

²⁷ Vincent, Alison. "William Balmain". Dictionary of Sydney, 2008, accessed 15 July 2024, https://dictionaryofsydney.org/entry/balmain_william.

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inquiry into the attempted Irish convict conspiracy against the administration in 1800, and service on the gaol and orphan committees.

Balmain was first granted land at the Field of Mars in December 1794, and in 1800 received a grant of 550 acres (223 hectares) which was to become the suburbs of Balmain and Rozelle. Farming contributed to his finances but he also involved himself in the trade in liquor in the colony.

In 1801 Balmain returned to England with his de facto wife Margaret Dawson and their son John. Back in London he corresponded with Sir Joseph Banks outlining his criticisms and suggesting reforms to be made to the courts in the colony and the structuring of the civil administration. Although Governor King regarded him as a communicative and sensible man, Balmain did not have a high regard for the governor and in 1802 applied to retire on a pension rather than return to the colony. On 17 November 1803 he died in London leaving his property to Margaret and their three children.²⁸



Figure 5: Portrait of William Balmain (Source: Trove, National Library of Australia, <http://nla.gov.au/nla.obj-135307158>).

2.2.2 Subdivision History

In 1801, William Balmain's entire grant was transferred to fellow surgeon John Gilchrist. The land was unsuccessfully advertised for sale in 1823.²⁹ Power of Attorney was then granted to the Sydney-

²⁸ Ibid.

²⁹ Ibid.

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based agent and merchant, Frank Parbury, who commissioned Surveyor John Armstrong to subdivide part of the land.³⁰

By 1836 approximately two to four acres of land, mostly consisting of Balmain East, was auctioned for sale by Parbury on behalf of Gilchrist.³¹ Gilchrist desired that early subdivision be halted in 1841. Subdivision resumed in 1852 when surveyor Charles Langley divided the land into 46 (later 47) sections.³² Langley followed local topography and utilised existing routes, particularly Darling, Beattie and Mullens Street, to delineate the land parcels.³³

In 1867, James Andrew Pashley was the proprietary owner of a vast majority of the allotment and street block, as evident below (See Figure 6 and Figure 7).³⁴

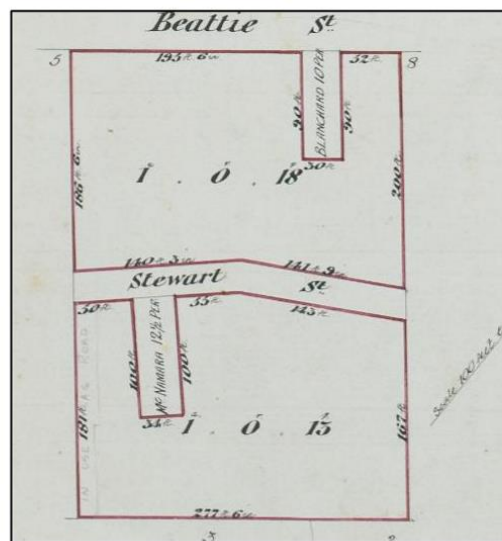


Figure 6: Plan of the land owned by James Andrew Pashley in 1867 (Source: NSW Land Registry Services, Land Records, Parish of Petersham, Vol.56, Fol.2).

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ NSW Land Registry Services, Land Records, Vol.56, Fol.2, accessed 10 July 2024, <https://hlrv.nswlrs.com.au/>.

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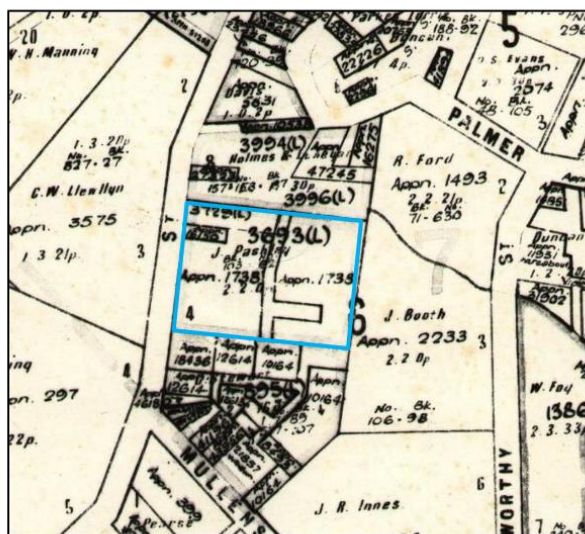


Figure 7: c.1880s map of Balmain with the approximate area where the subject site was located outlined in blue (Source: Inner West Council, Reference No. IWC_BAL_MAPS_016, annotated by Heritage 21).

As per the below-deposited plan of the subject site and block (See Figure 8), by the 1870s, subdivisions began to occur on the block of land. By 1872, the land containing the subject site was owned by August Lem (See Figure 9). It transferred to his widow, Mary Emma Lemm, upon his death in 1876.³⁵ It is likely that the subject building was constructed during this period.

In 1889, the dressmaker Mary Doherty is recorded as owning the subject site.³⁶ In 1895, the property was transferred to then hairdresser, Charles Williams.³⁷ Another change in ownership is recorded in 1899 when L.L. Earl operated a general store, operating it until 1903.³⁸ The general store would then be operated by Henry Albury³⁹ until the following year when it was owned by a M. Goldstein who operated a pawnbroker store until 1912.⁴⁰ Sidney Hillier would then own the property as a saddler for 20 years (1912-1932).⁴¹ Further information regarding ownership following 1932 was inaccessible to Heritage 21.

As the historical evidence suggests, most of the properties on Beattie Street served as shops, and likely as a residence on the Second Floor as evident in Figure 10. It is thus during the 1800s that

³⁵ NSW Land Registry Services, Land Records, Vol.260, Fol.47, accessed 10 July 2024, <https://hlrv.nswlrs.com.au/>.

³⁶ City of Sydney Archives, "1889 - SANDS Postal Directory", 1889, accessed 10 July 2024, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1900152>.

³⁷ City of Sydney Archives, "1895 - SANDS Postal Directory", 1895, accessed 10 July 2024, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1900085>.

³⁸ City of Sydney Archives, "1899 - SANDS Postal Directory", 1899, accessed 10 July 2024, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1900041>.

³⁹ City of Sydney Archives, "1903 - SANDS Postal Directory", 1903, accessed 10 July 2024, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1898956>.

⁴⁰ City of Sydney Archives, "1912 - SANDS Postal Directory", 1912, accessed 10 July 2024, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1899805>.

⁴¹ City of Sydney Archives, "1932-3 - SANDS Postal Directory", 1932-3, accessed 10 July 2024, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1899275>.

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Beattie and Evans Street began to compete with Darling Street as the primary commercial strip.⁴² Consequently, the street retains many commercial and retail buildings, and yet most, like the subject site, have been converted to residential use.⁴³

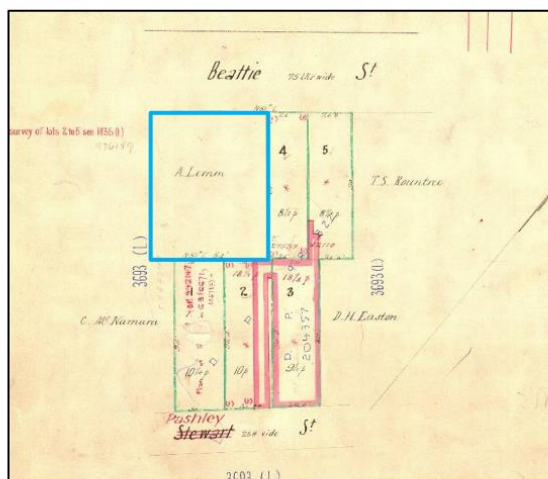


Figure 8. Deposited Plan of the subject site and adjacent lots with the approximate location of the subject site outlined in blue (Source: NSW Land Registry Services, 'Historical Land Records', Deposited Plan: 346, annotated by Heritage 21).

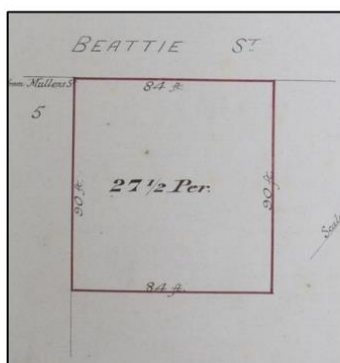


Figure 9: Plan of the land owned by August Lemm in 1872, and later Mary Emma Lemm (Source: NSW Land Registry Services, Land Records, Parish of Petersham, Vol.56, Fol.2).

⁴² Inner West Council, "Leichhardt Development Control Plan," 2013, <https://www.innerwest.nsw.gov.au/develop/plans-policies-and-controls/development-controls-lep-and-dcp/development-control-plans-dcp/leichhardt-dcp>.

⁴³ Ibid.

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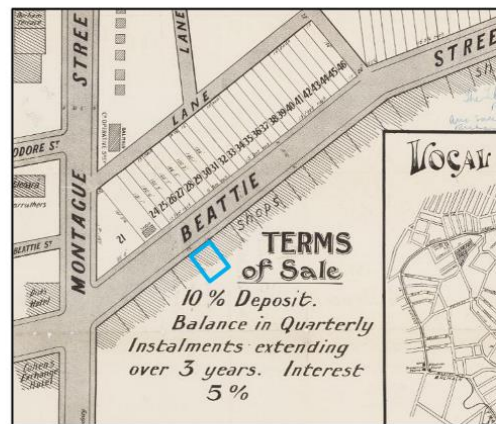


Figure 10: Balmain Subdivision Plans of the Llewellyn Estate with the subject site listed as a row of shops on Beattie Street with the approximate location outlined in blue (Source: State Library NSW, File No. FL10432810, annotated by Heritage 21).

By 1930, these subdivisions are more readily discernible, as evident in Figure 11.



Figure 11: 1930 sketch of Beattie Street and Stewart Street with the approximate location of the subject site outlined in blue (Source: State Library NSW, File Number: FL10431783, annotated by Heritage 21).

By 1956, the subject site was recorded as containing a terrace on the property with an outbuilding on the rear portion (See Figure 12). This was replicated in 1967 (See Figure 13).

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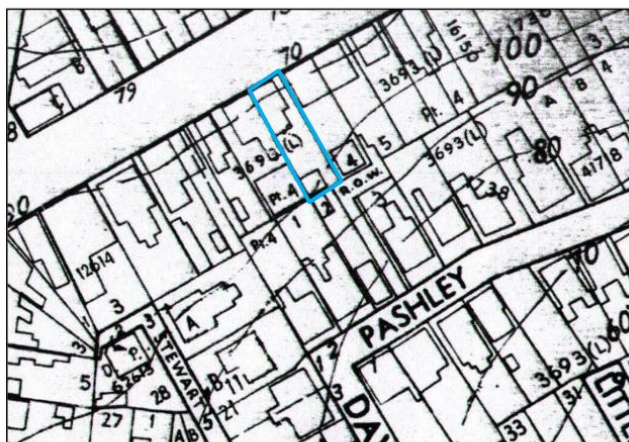


Figure 12: 1956 Map of the Municipality of Leichardt, Map 6 Balmain with the approximate location of the subject site indicated in blue (Source: Inner West Council, Reference No. IWC_BAL_MAPS_022, annotated by Heritage 21).



Figure 13: 1967 Map of the Municipality of Leichardt and Balmain with the approximate location of the subject site indicated in blue (Source: Inner West Council, Reference No. IWC_BAL_MAPS_024, annotated by Heritage 21).

A summary of ownership is provided in the table below for further clarification:

Date	Proprietary Owner	Reference
1800	William Balmain	State Heritage Inventory, 88 Beattie Street, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1940121 .
1801	John Gilchrist	Ibid.

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1836	Land auctioned by Parbury (as power of attorney for Gilchrist)	Ibid.
1852	Subdivisions occurred	Ibid.
1867	James Andrew Pashley	NSW Land Registry Services, Land Records, Vol.56, Fol.2.
1872	August Lemm	NSW Land Registry Services, Land Records, Vol.144, Fol.65.
1876	Mary Emma Lemm	NSW Land Registry Services, Land Records, Vol.260, Fol.47.
1889	Mary Doherty (dressmaker)	SANDS Directory 1889.
1895	Charles Williams (hairdresser)	SANDS Directory 1895.
1899	L.L Earl (general store)	SANDS Directory 1899.
1903	Henry Albury (general store)	SANDS Directory 1903.
1904	M. Goldstein (pawnbroker)	SANDS Directory 1904.
1912-1932	Sidney Hiller (saddler)	SANDS Directory 1912 – 1932.

The subject site is a highly modified building, with many ownership changes. It appears to have been used as a commercial space until it was converted into a residential dwelling. In 2002, multiple occupancy was approved for the residence, essentially creating three separate residential flats.⁴⁴ Modifications included alterations to window and door fenestration, internal reconfigurations and additions of a new rear First-Floor balcony with an awning.⁴⁵

2.2.3 Historical Imagery

Limited historical imagery was accessible of the site. However, in using a photograph from 1930 of the Exchange Hotel which faces south along Beattie Street (refer to Figure 14), the previous character of the street can be observed. Whilst it is not clear which built form belongs to the subject building, it is evident that this portion of the street, which served as commercial shops during that period, featured numerous First Floor balcony structures. These have since been removed (refer to Figure 15).

⁴⁴ Inner West Council, "Development Application tracker : D/2002/188", 2002, accessed 15 July 2024, <https://innerwest.t1cloud.com/T1Default/CiAnywhere/Web/INNERWEST/Compliance/ApplicationPortalMyEnquiry?f=%24P1.COM.APPLN.DAT.ENQ&h=C7mU0JB9D&t=17421045&suite=PR&pagekey=20240716094525>.

⁴⁵ Inner West Council, "Development Application tracker : M/2003/228", 2003, accessed 15 July 2024, <https://innerwest.t1cloud.com/T1Default/CiAnywhere/Web/INNERWEST/Compliance/ApplicationPortalMyEnquiry?f=%24P1.COM.APPLN.DAT.ENQ&h=C7mU0JB9D&t=17421045&suite=PR&pagekey=20240716094525>.

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Figure 14. 1930 photograph of the Exchange Hotel near the corner of Mullens Street, looking east. The approximate location of the site is indicated by a red arrow (Source: Museums of History NSW, Record Number: 31218, annotated by Heritage 21).



Figure 15. Recent photograph from the Exchange Hotel, facing east along Beattie Street. The approximate location of the subject site is indicated with the red arrow (Source: Heritage 21, 24 June 2024).

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2.2.4 Historical Aerials

While the lack of further historical information and imagery has made it difficult to discern exact alterations to the terrace, historical aerial imagery (see Figure 16 to Figure 23) suggests the subject building was considerably smaller in size in 1943. The terrace appeared to have only featured a small rear service wing, which was extended in 1986 and further in 1994. Through physical evidence and aerial imagery analysis, it is evident that the dwelling has been heavily modified and contains a considerable lack of significant fabric.

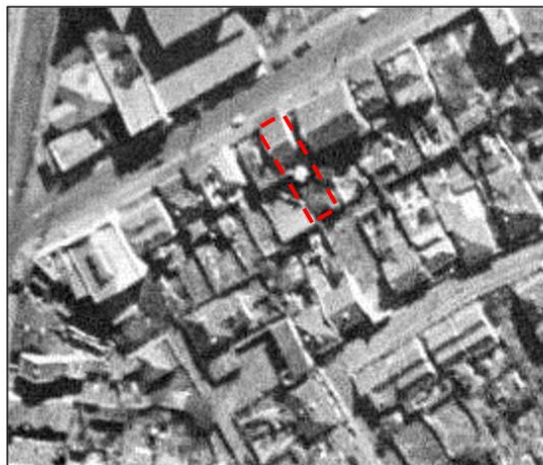


Figure 16. Aerial image of the site in 1943 with the approximate location of the subject site outlined in red (Source: NSW Spatial Portal, Historical Imagery, annotated by Heritage 21).



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Figure 17. Aerial image of the site in 1955 with the approximate location of the subject site outlined in red (Source: NSW Spatial Portal, Historical Imagery, annotated by Heritage 21).



Figure 18. Aerial image of the site in 1965 with the approximate location of the subject site outlined in red (Source: NSW Spatial Portal, Historical Imagery, annotated by Heritage 21).



Figure 19. Aerial image of the site in 1971 with the approximate location of the subject site outlined in red (Source: NSW Spatial Portal, Historical Imagery, annotated by Heritage 21).

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Figure 20. Aerial image of the site in 1986 with the approximate location of the subject site outlined in red (Source: NSW Spatial Portal, Historical Imagery, annotated by Heritage 21).



Figure 21. Aerial image of the site in 1994 with the approximate location of the subject site outlined in red (Source: NSW Spatial Portal, Historical Imagery, annotated by Heritage 21).

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Figure 22. Aerial image of the site in 2005 with the approximate location of the subject site outlined in red (Source: NSW Spatial Portal, Historical Imagery, annotated by Heritage 21).



Figure 23. Aerial image of the site in 2024 with the approximate location of the subject site outlined in red (Source: NSW Spatial Portal, Historical Imagery, annotated by Heritage 21).

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2.2.5 Historical Summary

The subject site comprised a portion of the 550 acres granted to William Balmain in 1800. The site would remain under Balmain's ownership until he leased the land to John Gilchrist. By power of attorney, Frank Parbury remained in charge of the estate until 1852 when the land was first subdivided. By 1867, James Andrew Pashley was the proprietary owner of the subject site until 1872 when it was owned consecutively by August Lemm and his wife, Mary Emma Lemm. It is during this period that the subject building was likely constructed. From this time onwards, the site was continuously sold and subdivided under multiple proprietors (See Section 2.2.2). The subject site was likely a mixed-use residence, containing a shop at the front. However, as the historical and aerial imagery above indicates, a high degree of modifications and alterations occurred, and the terrace now is used as a residential property.

3.0 PHYSICAL EVIDENCE

3.1 The Setting

The site is located at 72 Beattie Street, Balmain. The suburb of Balmain is located on the Balmain peninsula, two kilometres west of the Sydney Central Business District, and is surrounded by Port Jackson. The subject site is located within The Valley Heritage Conservation Area. This area is characterised by single and two-storey dwellings mostly constructed during the late Victorian or early Federation period. The area consists of a combination of old traditional buildings as well as sympathetic contemporary style buildings that follow the scale and form of the heritage buildings within the HCA.

Beattie Street is one of the main roads of Balmain, in conjunction with Darling Street and Montague Street. Beattie Street is a single carriageway street with adjacent parallel parking. The setting of the subject site is characterised by residential properties, generally dating from the late Victorian period. To the west of the subject site, there are two heritage items. These are the Commercial Building (1446), and at the intersection with Montague Street, is the Exchange Hotel (1449) which is a landmark feature in the immediate area.

3.2 Physical Description

The subject building is a heavily modified terrace building, dating from the late Victorian period. It presents as a two-storey building to Beattie Street on the north elevation; however, it features a third, lower Ground Floor to the south elevation. The subject building features a principal built form and a heavily modified rear service wing.

The primary elevation has been altered and no longer exhibits any original features. The façade appears to be rendered with a cementitious render, with decorative arches over the First Floor timber casement windows. The fenestration pattern and door openings are not original. To the principal built form, there is a gable roof covered with terracotta tiles. The side elevations (east and west) feature brick masonry, partially constructed with sandstock bricks (some commons are present). This has been painted on the east elevation but remains as face brick on the west elevation. The masonry bond type is varied, but generally features common bond.

It is difficult to discern the vintage of the secondary built form. It is common in terrace buildings for there to be a service wing to the rear of the principal built form; however, the historical and physical evidence suggests that this has been heavily modified and extended east and south, as indicated by the modern brick type, laid in a stretcher bond configuration. There is no significant fabric observed to this form. The rear elevation features an open terrace, accessed from the First Floor of the building, which is also a non-original feature.

Internally, there is no remnant significant fabric or evidence of the original layout. It appears as though the entire Ground Floor has been reconfigured. Contemporary fittings are observed throughout including plasterboard ceilings and cornices, carpet or tiled flooring and modern

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services. Some of the interior walls are plastered masonry and presumably are part of the original construction. The lower-Ground Floor features exposed brick masonry walls, with sandstock bricks, which would be original.

3.3 Condition and Integrity

The subject building, which is a late Victorian terrace, no longer presents any original or significant fabric or features. The exception to this is the general form and scale of the principal built form, which features a brick masonry envelope and gable roof form. The primary façade, which presents to Beattie Street, has been entirely reconstructed.

Generally, the subject building is in fair condition.

3.4 Images

The following photographs have been taken by Heritage 21 at the site inspection undertaken on 24 June 2024, unless stated otherwise.



Figure 24. External view to the primary (north) elevation of the subject building, from Beattie Street.



Figure 25. External view to the east elevation of the principal built form.

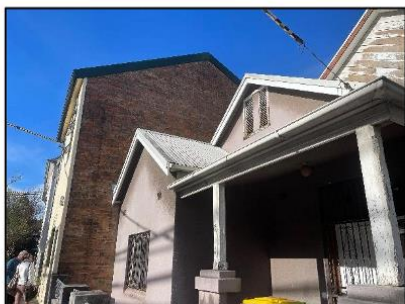


Figure 26. External view to the west elevation of the principal built form.



Figure 27. External view to the rear (south) elevation of the subject building.

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Figure 28. External view to the east elevation with the red line indicating the separation between the principal built form and the modified rear service wing. The modified rear service wing features stretcher bond masonry.



Figure 29. External view from the rear yard, facing west towards the rear elevations of the surrounding built forms.



Figure 30. External view from the rear yard, facing east towards the rear elevations of the surrounding built forms.



Figure 31. External view from the rear terrace, Ground Floor, facing west.



Figure 32. Internal view to the Lounge room, Ground Floor.



Figure 33. Internal view from the Ground Floor, facing up the later-addition staircase.

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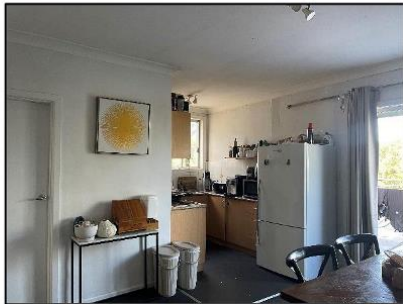


Figure 34. Internal view to the Kitchen, First Floor.



Figure 35. Internal view to Living and Dining area, First Floor.



Figure 36. Internal view to the Kitchen and Dining Area, Lower Ground Floor.



Figure 37. Internal view to the western wall, Lower Ground Floor. Note that some of these bricks are sandstock.



Figure 38. Internal view to Bed 1, Lower Ground Floor.



Figure 39. Internal view to Bed 2, Lower Ground Floor.

4.0 HERITAGE SIGNIFICANCE

In order to assess the impact of the proposed works on the heritage significance of the subject site and the Valley HCA (in which the subject site is located), it is necessary to first ascertain the heritage significance of these places. Accordingly, a Statement of Significance for the Valley HCA (refer to Section 4.1.1) is provided below and an assessment of significance of the subject site is provided at Section 4.2. The significance of these places will form part of our considerations in the assessment of heritage impact, undertaken in Section 6.0 below.

4.1 Established Significance

4.1.1 The Valley HCA

The following Statement of Significance is available for the Valley HCA and has been extracted from the Inner West Council website:

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 is important for illustrating development for workers' and artisan housing particularly from 1871–1891 which forms the major element of its identity. It is significant for its surviving development from that period and the later infill development up to World War II (ie pre-1939).

Retains evidence of all its layers of growth within that period from the late-1870s.

Through its important collection of weatherboard buildings, including the now rare timber terraces, it continues to demonstrate the nature of this important/major construction material in the fabric of early Sydney suburbs, and the proximity of Booth's saw mill and timber yards in White Bay.

Through the mixture of shops, pubs and industrial buildings it demonstrates the nature of a Victorian suburb, and the close physical relationship between industry and housing in nineteenth century cities before the advent of the urban reform movement and the separation of land uses.

Demonstrates through the irregular pattern of its subdivision the small-scale nature of the spec builders responsible for the construction of the suburb.

Demonstrates the nature of some private subdivisions before the introduction of the Width of Streets and Lanes Act of 1881 required roads to be at least one chain wide.⁴⁶

⁴⁶ Inner West Council, "Heritage Conservation Areas", accessed 16 July 2024, <https://www.innerwest.nsw.gov.au/develop/heritage-and-conservation/heritage-conservation-areas>.

Statement of Heritage Impact 72 Beattie Street, Balmain

4.1.2 Commercial Building, including Interiors (Item I446)

The following Statement of Significance is available for the “Commercial building, including interiors”, has been extracted from the State Heritage Inventory:

No. 88 Beattie Street is of local historic and aesthetic significance as a substantial and intact representative example of a commercial building constructed in the Federation Free Classical style in 1910. Despite some modifications and additions to the rear, the building retains a sense of its original form, character and details including rendered front facade, parapet and associated rendered decorative mouldings and details including pediment, pitched roof, posted awning and pattern of openings. The building is constructed to the street frontage and is located near a prominent corner and has townscape qualities. It is also part of a commercial group of buildings around the Beattie/ Mullens Street intersection including the Exchange Hotel that make a positive contribution to the Beattie Street streetscape.⁴⁷

4.1.3 Exchange Hotel, including interiors (Item I449)

The following Statement of Significance for the “Exchange Hotel, including interiors” has been extracted from the State Heritage Inventory:

No. 94 Beattie Street, the Exchange Hotel is of local historic, aesthetic and social significance as good and intact representative example of a corner Hotel constructed in the Victorian Free Classical style in 1885. Despite some modifications and additions the building retains a sense of its original form, character and details including rendered primary facades, corner splay, open balcony and associated decorative details and roof, main roof form and chimney and pattern of openings. The building is constructed to the street frontages and is located on a prominent corner and has townscape qualities. It is enhanced by mature street trees and adjacent reserve and makes a positive contribution to the Beattie and Lawson Street streetscapes.⁴⁸

4.2 Assessment of Significance**4.2.1 The Subject Site**

In order to make an assessment of whether the proposed development to the subject site would have either a negative, neutral or positive impact upon the significance of the subject place, it is necessary first to ascertain the significance of the subject site. The following assessment is based upon criteria specified by the NSW Department of Planning and Environment.⁴⁹

⁴⁷ Heritage NSW, “Commercial building, including interiors,” State Heritage Inventory, Heritage Item ID: 1940121, accessed 16 July 2024, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1940121>.

⁴⁸ Heritage NSW, “Exchange Hotel, including interiors,” State Heritage Inventory, Heritage Item ID: 1940122, accessed 16 July 2024, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1940122>.

⁴⁹ Department of Planning and Environment, *Assessing heritage significance* (Parramatta: Department of Planning and Environment, NSW Government, 2023), <https://www.environment.nsw.gov.au/research-and-publications/publications-search/assessing-heritage-significance>.

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Criterion	Assessment
(a) Historic significance <i>An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).</i>	<p>The subject building, constructed in the late Victorian period, provides evidence of the growth particularly between 1871 and 1891 which is collectively illustrated within the Valley HCA. It would have served as a commercial premise during its early life, prior to being converted into a residential dwelling. As such, the subject building does possess some historic significance at the local level.</p>
(b) Historical association <i>An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).</i>	<p>There is no known significant person, group of importance or event of significance that has been associated with the house since its construction.</p> <p>As such, the item does not meet the criterion for associative significance.</p>
(c) Aesthetic/creative/technical achievement <i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).</i>	<p>The subject building, which is a late Victorian period terrace, no longer presents any original or significant fabric or features. The exception to this is the general form and scale of the principal built form, which features a brick masonry envelope and gable roof form. The primary façade, which presents to Beattie Street, has been entirely reconstructed. It does not demonstrate any important aesthetic characteristics and is not an example of a creative or technical achievement.</p> <p>As such, the subject site does not meet the criterion for aesthetic significance.</p>
(d) Social, cultural, and spiritual <i>An item has a strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.</i>	<p>To our knowledge, the subject site has no known association with an identifiable group in the area, nor was it used by a particular community for social, cultural or spiritual purposes.</p> <p>Thus, it does not meet the criterion for social, cultural or spiritual significance.</p>
(e) Research potential <i>An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).</i>	<p>There is no evidence to suggest that the building demonstrates construction techniques other than those commonly employed at the time.</p> <p>The subject site therefore does not meet the requirements of this criterion.</p>
(f) Rare	<p>Terrace buildings, constructed in the late Victorian period, are not currently rare in Sydney and there are numerous examples in the wider Balmain area.</p>

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Criterion	Assessment
<i>An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).</i>	Accordingly, the subject item does not attain the requisite standard of significance under this criterion.
(g) Representative <i>An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).</i>	<p>In the opinion of Heritage 21, the subject building located at the subject site is a very poor representation of a late Victorian period terrace. The extensive alterations and additions undertaken at the subject site have led to the loss of most of its original fabric and architectural features.</p> <p>As such, the subject site does not meet the criterion for representative significance.</p>

4.2.2 Statement of Cultural Significance

The subject site located at 72 Beattie Street has some historical significance, providing evidence of commercial growth in the area during the late Victorian period within the suburb of Balmain. However, the subject building has been extensively altered leading to the loss of most of its original fabric and features. The primary façade has been entirely reconstructed. Heritage 21 considers it to be a very poor example of its type. Notwithstanding the historical significance of the site for being a part of the early historical growth in the 1880s, the subject site does not meet any of the other criterion for heritage significance.

5.0 WORKS PROPOSED

5.1 Proposal Description

The proposed alterations and additions would include:

- Reconstruction of the primary (north) façade with new detailing.
- Introduction of a front balcony to the primary (north) façade.
- Introduction of a minor, contemporary addition to the east of the subject building to accommodate a new entry with lift and stair to accommodate disabled access throughout.
- Introduction of a rear dormer to the principal roof plane of the rear (south) elevation.
- Introduction of a minor extension to the First Floor, rear (south) elevation.
- Introduction of a new terrace to the Ground Floor, rear (south) elevation.
- Internal refurbishment works to facilitate new layout and increased amenity.

5.2 Background

5.2.1 Pre-lodgement Consultation

Heritage 21 has not been involved with any pre-lodgement consultation with Inner West Council for this proposal.

5.2.2 Considerations of Alternatives

Heritage 21 provided some preliminary advice for consideration into the final design, as follows:

- Heritage 21 supported the introduction of a balcony to the primary façade. We recommended for this to be constructed with structural timber elements, with stop chamfering details to the beams and columns. We noted that the structure could be cantilevered or utilise post supports.
- We recommended reinstating sympathetic details, which are harmonious with the surrounding terraces, to the primary façade. We recommended a four-panel timber door to be inserted with a fanlight, and for the second door to be infilled and a three-pane window introduced.

Generally, the advice provided to the client was incorporated into the design. The exception was the balustrade, which has been proposed as steel. The detailing to the front façade deviates somewhat from our initial advice; however, the advice was not considered to be prescriptive for this element, and we remain supportive of the proposed design.

5.3 Drawings

Our assessment of the proposal is based on the following drawings by Vaughan Architects dated 2 July 2024 and received by Heritage 21 on 9 August 2024. These are reproduced below for reference

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only; the full set of drawings accompanying the Development Application should be referred to for any details.

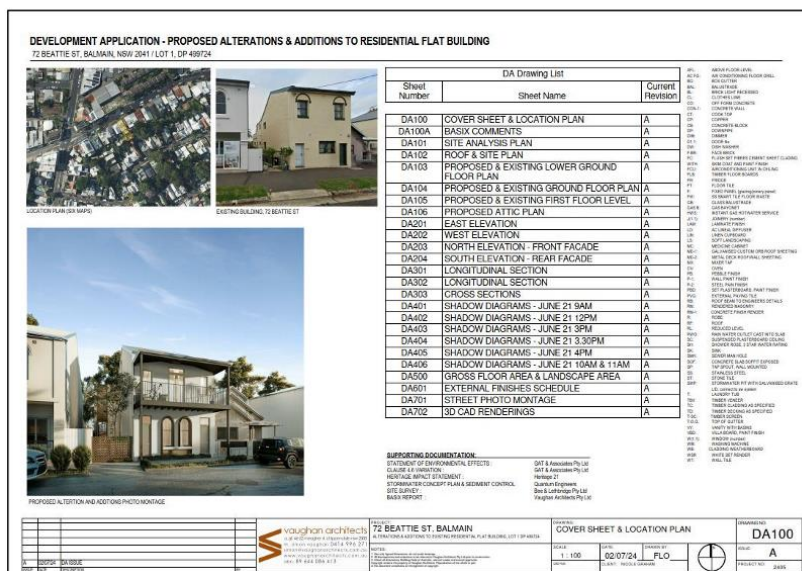


Figure 40. Cover Sheet & Location Plan

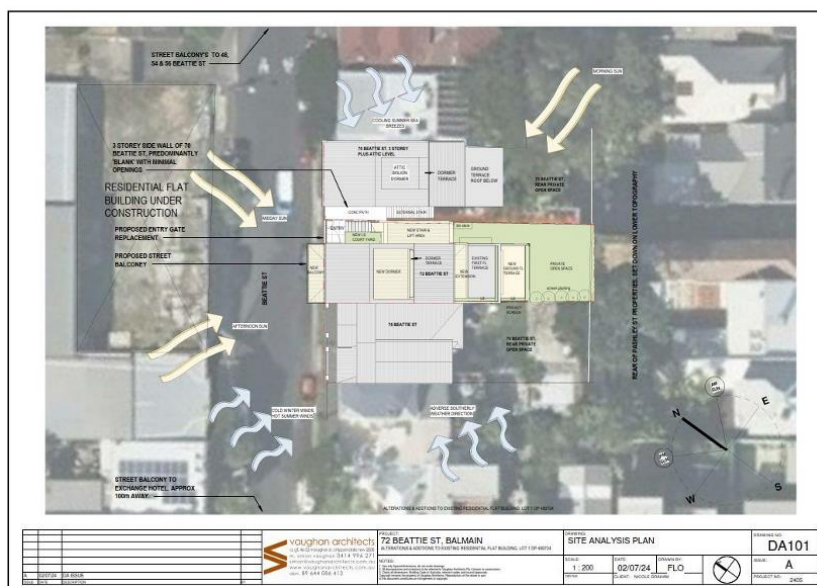


Figure 41. Site Analysis Plan

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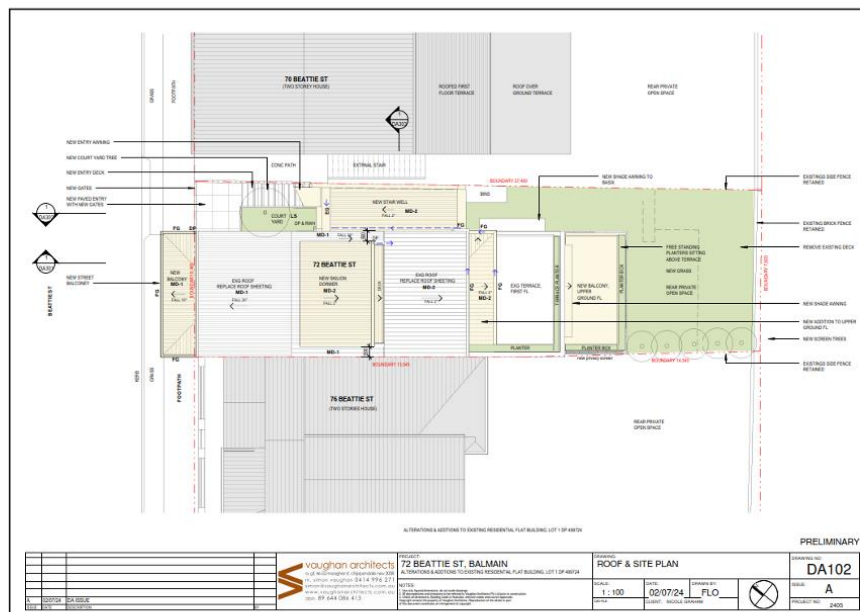


Figure 42. Roof & Site Plan



Figure 43. Proposed & Existing Lower Ground Floor Plan

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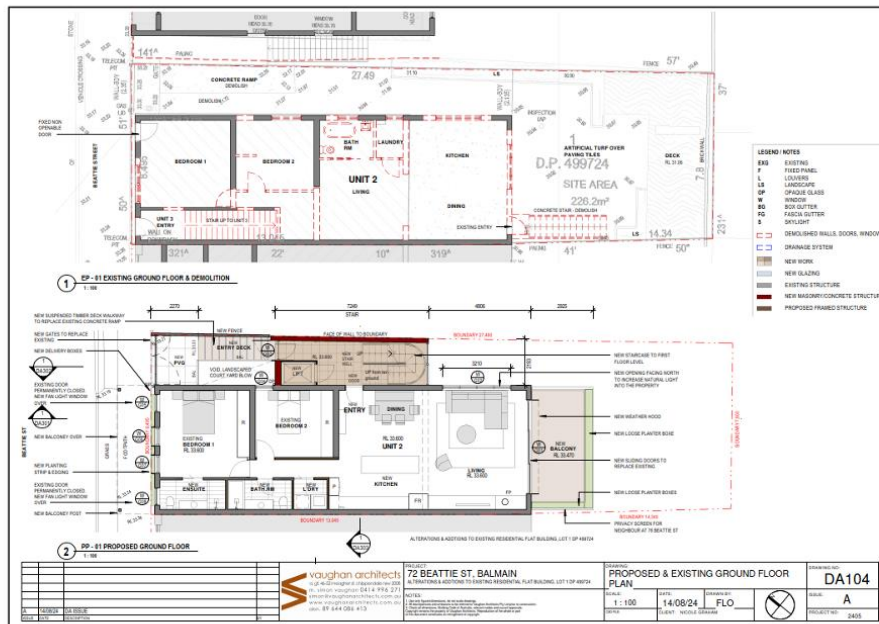


Figure 44. Proposed & Existing Ground Floor Plan

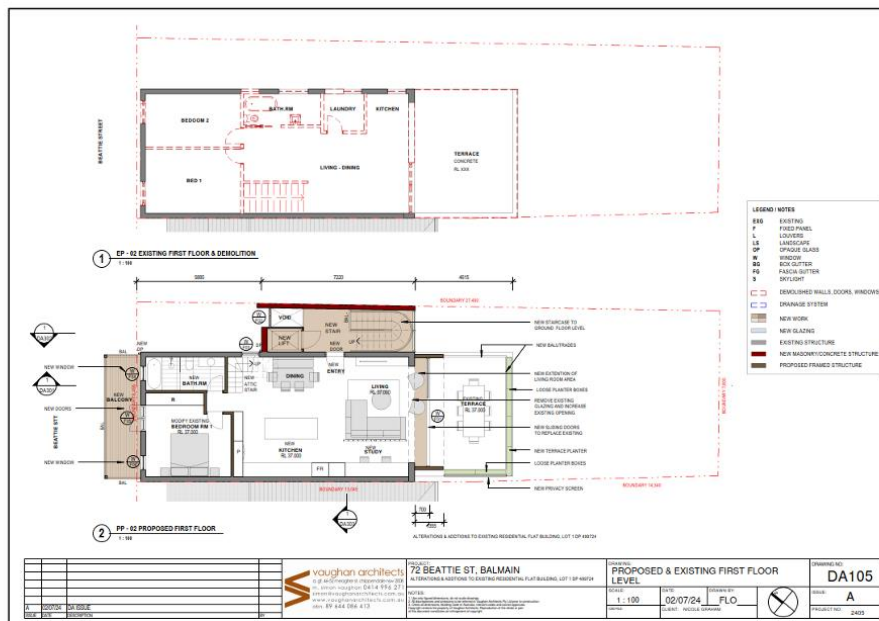


Figure 45. Proposed & Existing First Floor Plan

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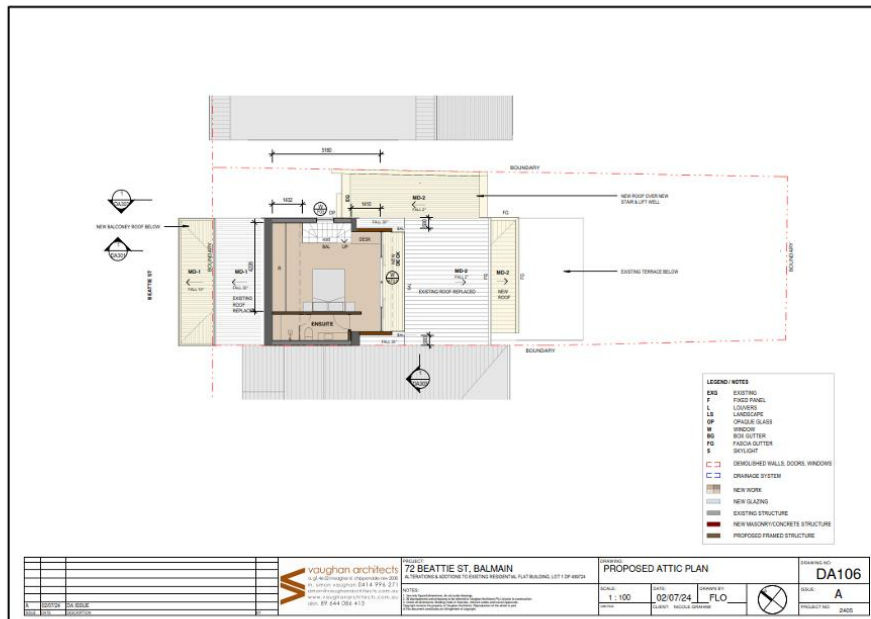


Figure 46. Proposed Attic Plan

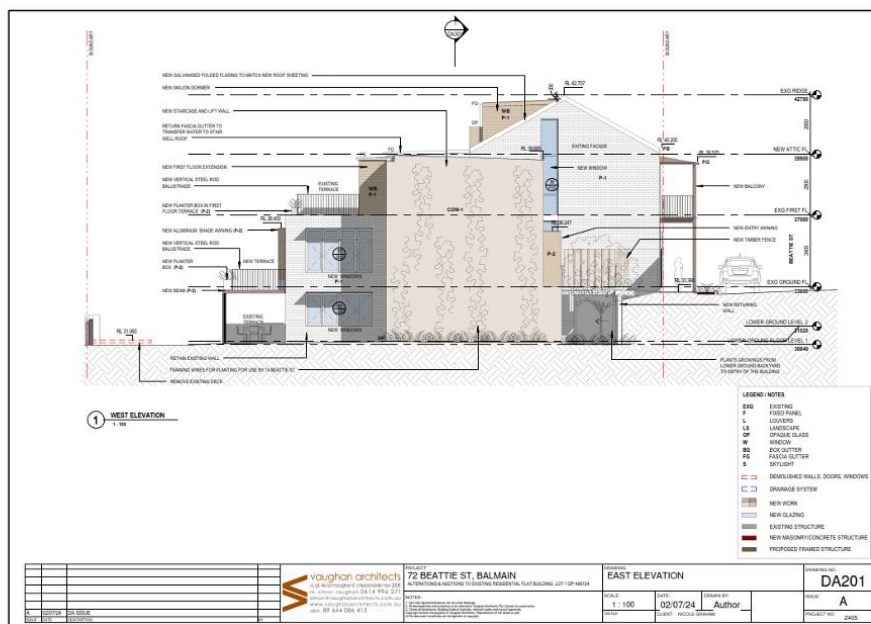


Figure 47. West Elevation

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LEGEND

- 255 GUSTO PANEL
- F LANTERNS
- 13 LANDSCAPE
- 10 SPACED GLASS
- 10 WINDOW
- 10 ROOF CLUTTER
- 10 TREES CLUTTER
- 10 DUSTCLUTTER
- DEMOLISHED WALLS, DOORS, WINDOWS
- NEW WORK
- NEW GLAZING
- EXISTING STRUCTURE
- NEW MASSIVE CONCRETE STRUCTURE
- PROPOSED FRAMED STRUCTURE

1 EAST ELEVATION
1:50

Figure 48. East Elevation

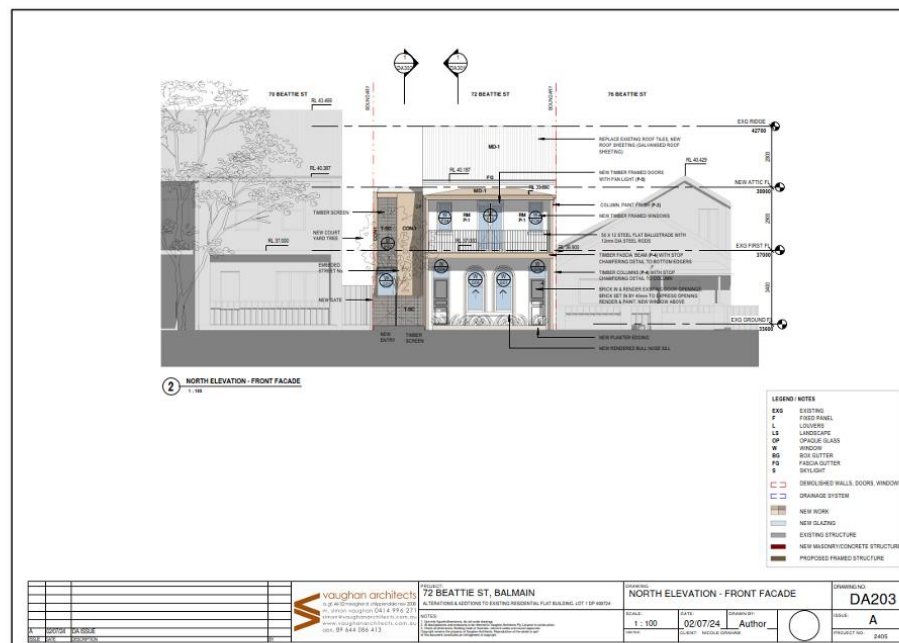


Figure 49. North Elevation – Front Façade

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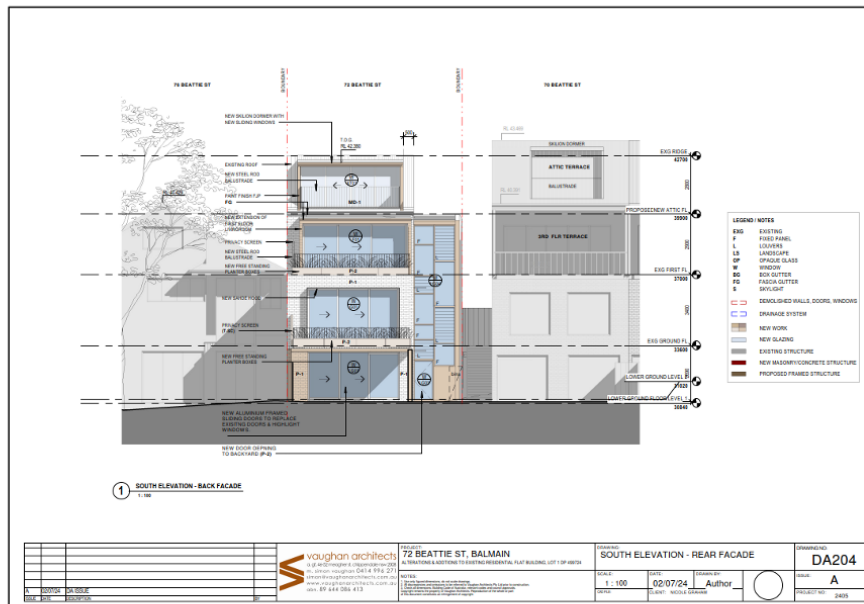


Figure 50. South Elevation – Rear Facade

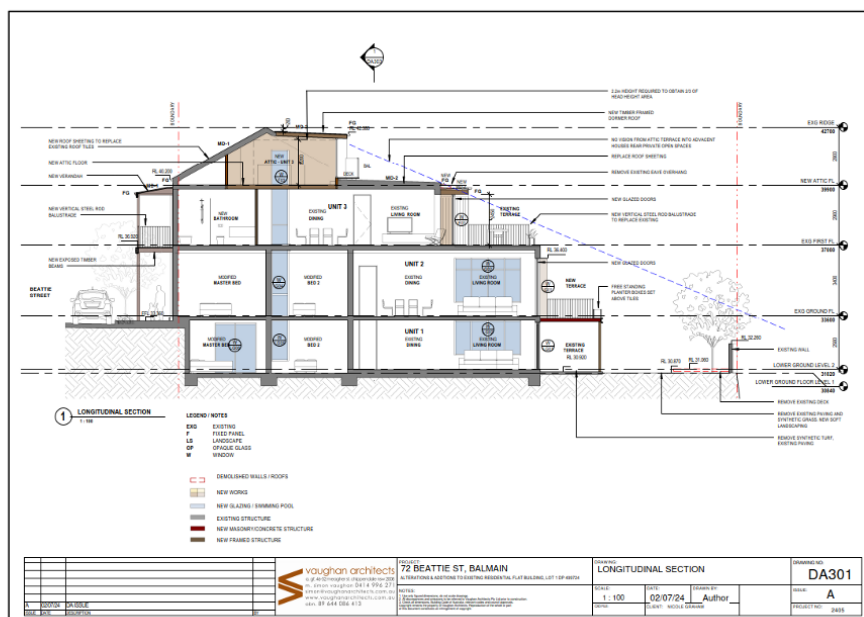


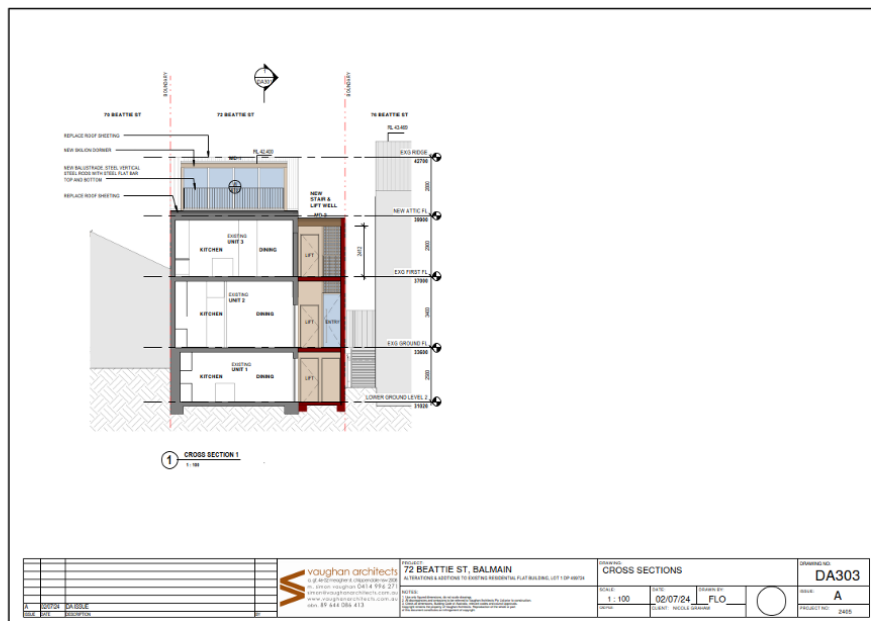
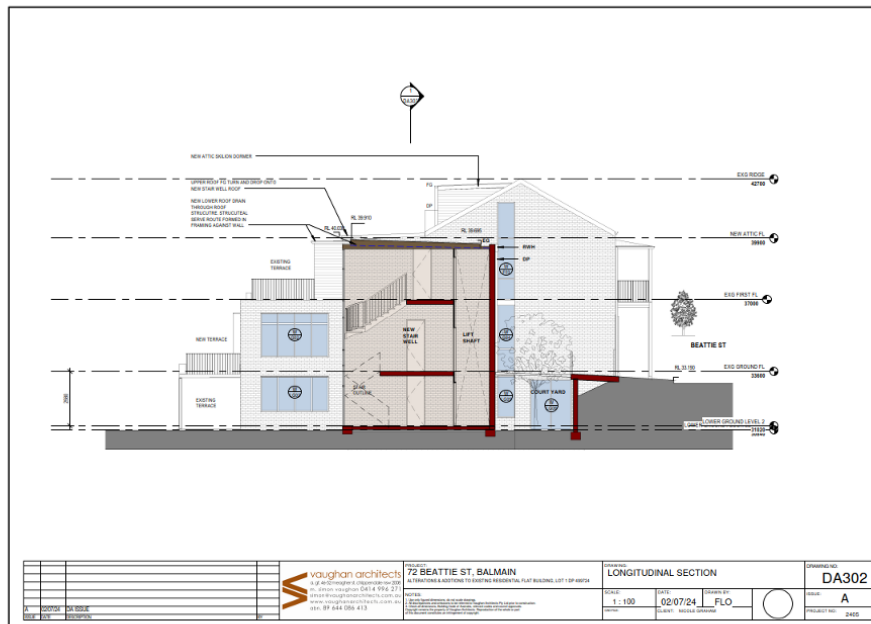
Figure 51. Longitudinal Section

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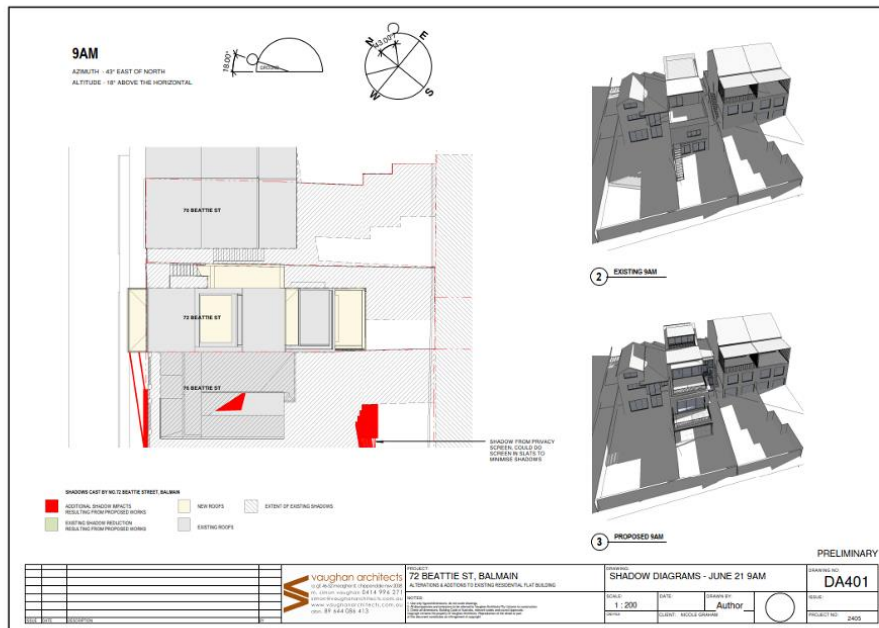


Figure 54. Shadow Diagrams – June 21 9pm

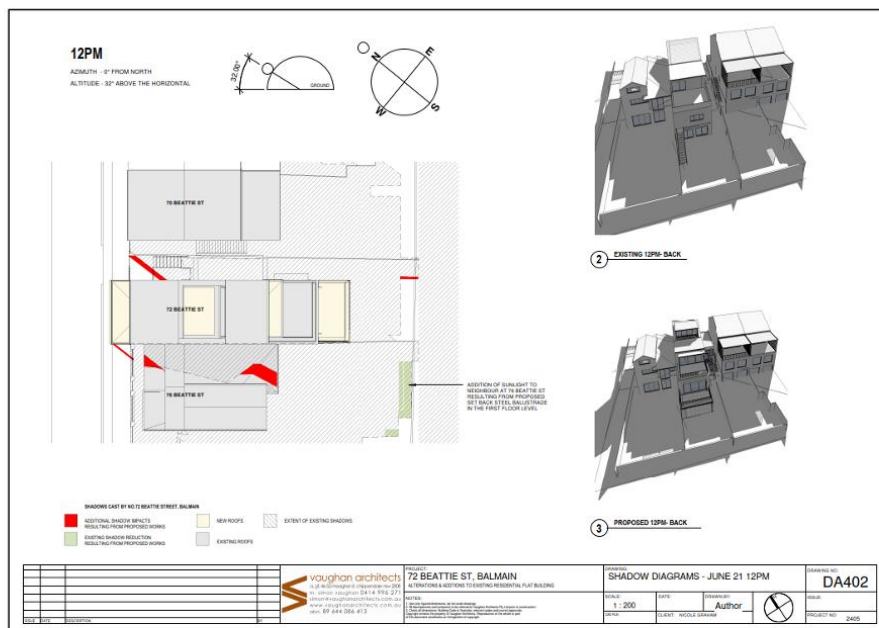


Figure 55. Shadow Diagrams – June 21 12pm

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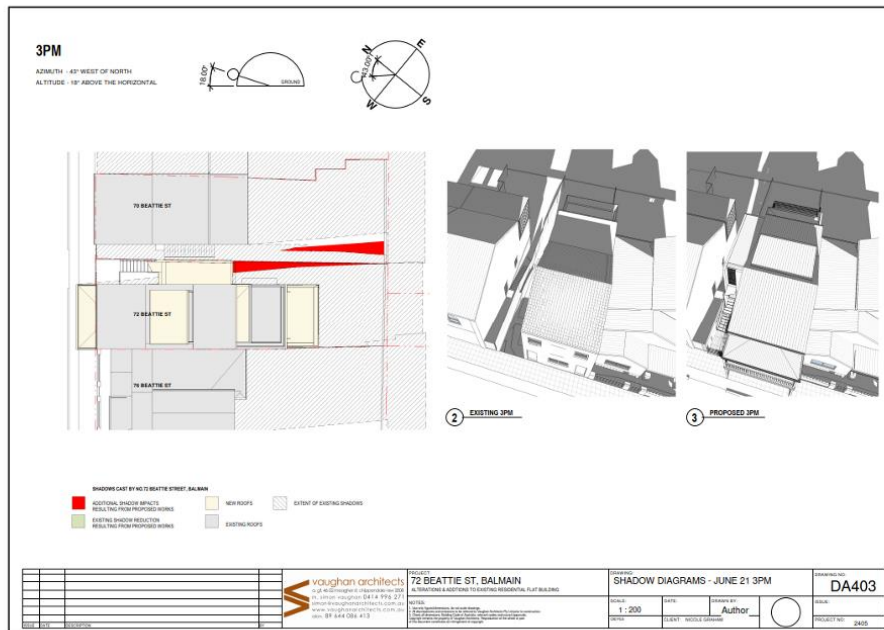


Figure 56. Shadow Diagrams – June 21 3pm

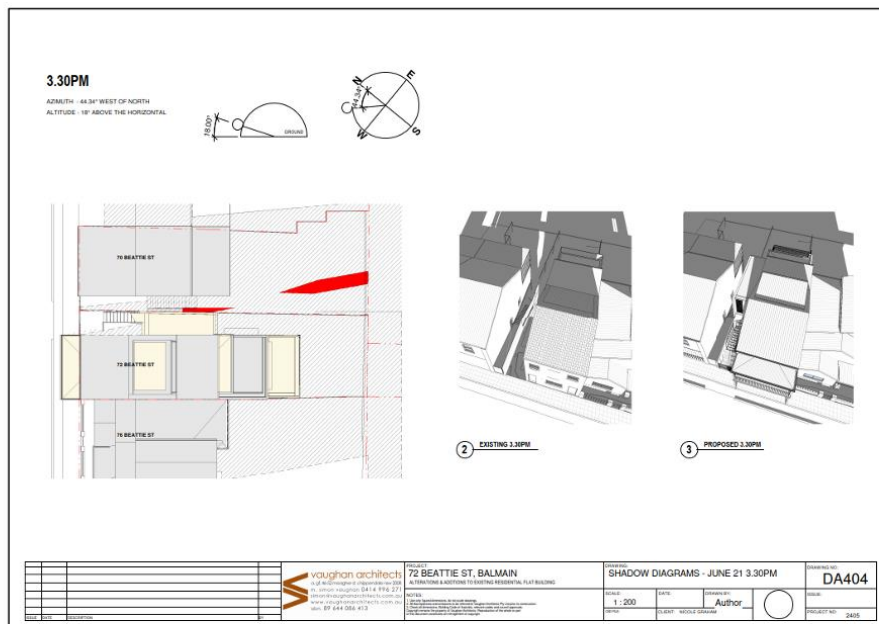


Figure 57. Shadow Diagrams – June 21 3.30pm

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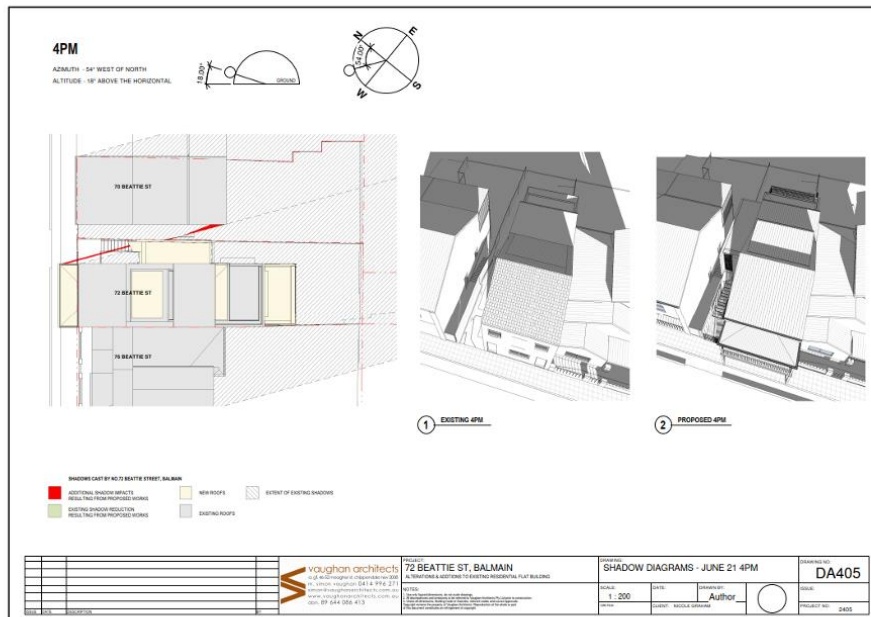


Figure 58. Shadow Diagrams – June 21 4pm

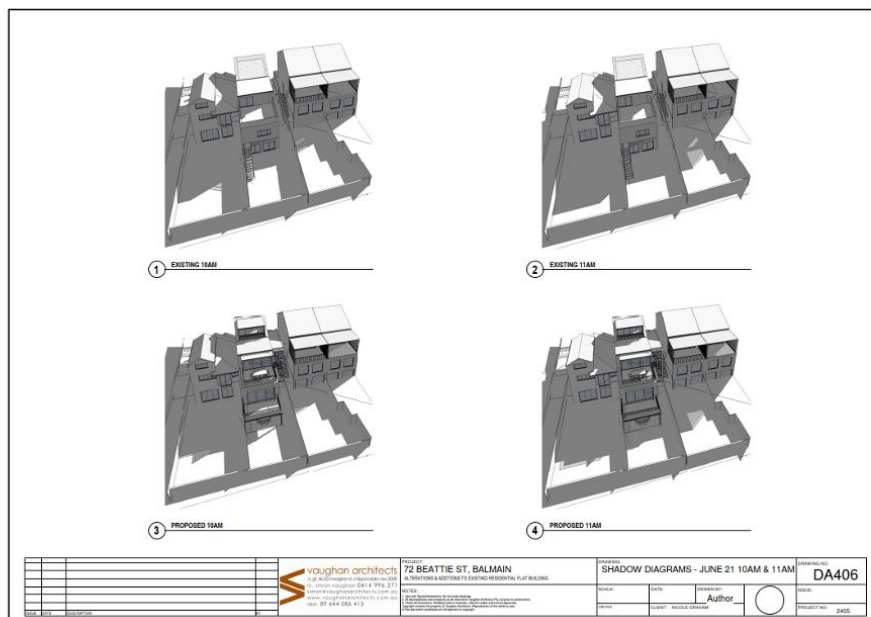


Figure 59. Shadow Diagrams – June 21 10am & 11am

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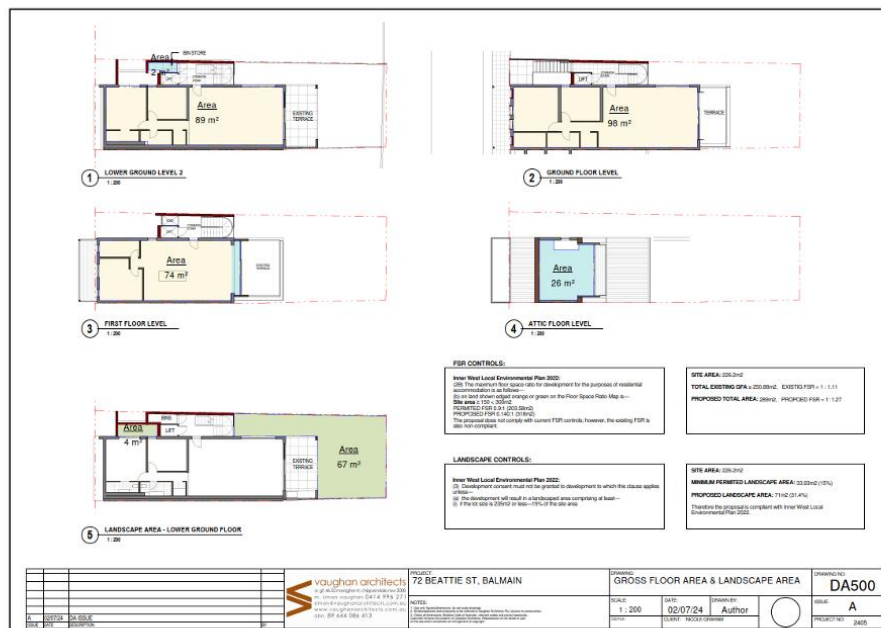


Figure 60. Gross Floor Area & Landscape Area

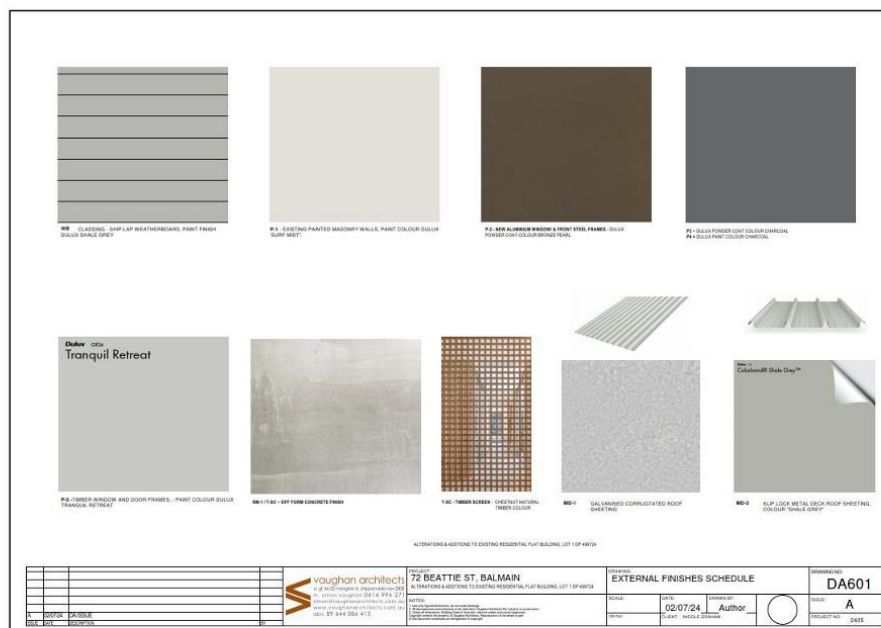


Figure 61. External Finishes Schedule

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Figure 62. 3D Renderings



Figure 63. Front View CAD 3D

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6.0 ASSESSMENT OF HERITAGE IMPACT

6.1 Heritage Management Framework

Below we outline the heritage-related statutory and non-statutory constraints applicable to the subject site including the objectives, controls and considerations which are relevant to the proposed development as described in Section 5.0 above. These constraints and requirements form the basis of this Heritage Impact Assessment.

6.1.1 Inner West Local Environmental Plan 2022

The statutory heritage conservation requirements contained in Section 5.10 of the Inner West Local Environmental Plan 2022 ("IWLEP") are pertinent to any heritage impact assessment for future development on the subject site. The relevant clauses for the site and proposal are outlined below:

- (1) Objectives
- (2) Requirement for consent
- (4) Effect of proposed development on heritage significance
- (5) Heritage assessment

6.1.2 Leichhardt Development Control Plan 2013

Our assessment of heritage impact also considers the heritage-related sections of the Leichhardt Development Control Plan 2013 ("LDCP") that are pertinent to the subject site and proposed development. These include:

Section 1: General Provisions

- C1.3 Alterations and Additions
- C1.4 Heritage Conservation Areas and Heritage Items
- C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings

Section 2: Urban Character

- C2.1.2. Balmain/Balmain East and Birchgrove Suburb Profile
- C2.2.2 Balmain Distinctive Neighbourhoods
 - C2.2.2.4 The Valley 'Balmain' Distinctive Neighbourhood

Section 3: Residential Provisions

- C3.1 Residential General Provisions
- C3.3 Elevation and Materials

Appendix B – Building Typologies

Section 7 – Two and Three Storey Terraces

6.1.3 Recommended Management

The following recommended management has been extracted from the Inner West Council - C07 The Valley HCA Study:

Generally

This is a conservation area. Little change can be expected other than modest additions and discrete alterations. Buildings which do not contribute to the heritage significance of the area may be replaced with sympathetically designed infill.

Retain

- Existing width and alignment of streets: avoid chicanes which cut diagonally across the carriageway.
- Existing back lanes.
- All buildings pre-1939 and particularly all timber buildings.
- All original plaster finishes to external walls — reconstruct where necessary.
- All original unplastered face brick walls.
- All original external architectural detail, decorative tiles, plaster mouldings, chimneys, roof ridges and finials, commercial signs etc.
- Encourage replacement of lost elements, but only where evidence is available.
- All remaining sandstone kerbs and gutters.
- All corner stores, corner pubs and industrial buildings within the residential areas, and encourage their restoration. Consider small-scale commercial or professional uses for these buildings, if original uses no longer operate, as a reference to their original uses
- Street and park planting; reinstate where necessary

Avoid

- Amalgamation that might lead to a change in the densely developed streetscape.
- Demolition of any pre-1939 building, particularly those pre-1910.
- Demolition of any remaining timber building.
- Additional storeys above the existing form of the building.
- Posted-verandahs over footpaths to commercial premises where no evidence can be provided to support their reconstruction. Encourage restoration of verandahs where evidence exists.
- Removal of plaster to external walls, where part of the original construction.
- Removal of original architectural details.
- Additional architectural detail for which there is no evidence.
- Inappropriate fences such as high brick walls, new iron palisades on high brick bases.
- Interruption to the almost continuous kerb and gutter line.⁵⁰

⁵⁰ Inner West Council, "Heritage Conservation Areas", accessed 16 July 2024, <https://www.innerwest.nsw.gov.au/develop/heritage-and-conservation/heritage-conservation-areas>.

6.1.4 NSW Department of Planning and Environment Guidelines

In its guidelines for the preparation of Statements of Heritage Impact, the NSW Department of Planning and Environment provides a list of considerations in the form of questions aiming at directing and triggering heritage impact assessments.⁵¹ These are divided into sections to match the different types of proposals that may occur on a heritage item, item in a Heritage Conservation Area or in the vicinity of heritage. Below are listed the considerations which are most relevant to the proposed development as outlined in Section 5.0 of this report:

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)?*
- *Are the proposed alterations/additions sympathetic to the heritage item? In what way (e.g. form, proportion, scale, design, materials)?*
- *Will the proposed works impact on the significant fabric, design or layout, significant garden setting, landscape and trees or on the heritage item's setting or any significant views?*
- *How have the impact of the alterations/additions on the heritage item been minimised?*
- *Are the additions sited on any known or potentially significant archaeological relics? If yes, has specialist advice from archaeologists been sought? How will the impact be avoided or mitigated?*

⁵¹ Department of Planning and Environment, *Guidelines for preparing a statement of heritage impact* (Paramatta: Department of Planning and Environment, NSW Government, 2023), <https://www.environment.nsw.gov.au/research-and-publications/publications-search/statements-of-heritage-impact>.

6.2 Heritage Impact Assessment

Below we assess the impact that the proposed development would have upon the subject site and the Valley Heritage Conservation Area in which it is located. This assessment is based upon the Historical Context (refer to Section 2.0), the Physical Evidence (refer to Section 3.0), Heritage Significance (refer to Section 4.0) the Proposal (refer to Section 5.0) and a review of the Heritage Management Framework (refer to Section 6.1).

6.2.1 Summary

The subject site at 72 Beattie Street comprises an extensively modified terrace building, dating from the late Victorian period. It is not an individually listed heritage building; however, it is located within The Valley Heritage Conservation Area, which is listed under Schedule 5 of the *Inner West LEP 2022*. The conservation area in which it is located is able to collectively demonstrate suburban growth in one of Sydney's early suburbs, particularly between 1871 and 1891. There are no heritage items in the visual catchment of the subject building.

The subject building demonstrates some historical significance for providing evidence of commercial growth in the conservation area. However, the terrace has been extensively altered leading to the loss of most of its original fabric and features. The primary façade has been entirely reconstructed. Heritage 21 considers it to be a very poor example of its type which, in its present form, is not making a positive contribution to the heritage value of the conservation area. This proposal, at its core, aims to reinvigorate a tired terrace building, with sympathetic alterations and additions. In our opinion, this would enable it to contribute aesthetically to the surrounding area, whilst allowing for increased amenity to the current owners.

Alterations to Primary (north) Façade

The proposal would entail the reinterpretation of the primary (north) façade of the subject building with period appropriate detailing and the introduction of a front balcony. There is no historical imagery of the building in its original form, and thus the proposal does not propose reconstruction based on conjecture. Alternatively, it proposes to introduce sympathetic features to the façade to drastically improve upon its presentation. **This includes new four panel timber doors with fanlights, arched windows with rendered bull nose sill, French doors and simple casement windows.** The openings would adopt traditional vertical proportions and would be constructed of timber. However, they would ultimately be recognisable as new features, which is in accordance with Article 22 of the Burra Charter. The façade would also be repainted in recessive colours, which are similar to the hues observed on surrounding terraces.

The subject building was originally used as a commercial residence, as suggested by the historical evidence. As identified in the historical photo located at Figure 14, the portion of Beattie Street in which the subject building is located was originally characterised by balconies and street awnings. Unfortunately, no historical images of the subject building could be found. However, we are of the opinion that it is likely that the subject building featured a First Floor balcony, and the reintroduction

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of this feature would remain consistent with the original character of Beattie Street. The balcony would feature a timber structure with a simple steel balustrade, allowing it to remain sympathetic but distinctly identifiable as a recent addition to the building.

In our opinion, the proposed modifications to the primary façade of the terrace would drastically enhance its presentation to Beattie Street. These are positive changes and would aid in the positive contribution of the building to the heritage value of the wider conservation area.

Proposed Lift Addition to East Façade

The proposal entails a lift addition to the east façade of the subject building to provide enhanced access throughout the terrace. The introduction of a lift is common practice in the modernisation of historic buildings, and there is an established precedent in this regard. Considerations should be made to minimise physical impact to significant fabric, and also the potential visual impact. Specifically in this the proposal, the lift has been carefully sited to the exteriors of the building and set back from Beattie Street. It would be encased with a steel and concrete frame, which is distinctly contemporary, and timber latticing to break up the massing. A new contemporary window would be placed adjacent to the lift to encourage more natural light from the eastern elevation. As such, the lift would, in our opinion, be a recessive to the principal built form and would be a sympathetic, contemporary addition to the subject building.

Alterations to Rear (south) Façade

The alterations and additions to the rear (south) façade include the introduction of a rear dormer to the principal roof plane, the introduction of a minor extension to the First Floor and the introduction of a new terrace to the Ground Floor. The rear façade, in its current form, is highly altered and no longer presents any significant features or fabric. The historical and physical evidence suggest that a modest rear service wing originally existed, but was extended numerous times in recent decades. The rear elevation presents a brick masonry façade, which appears to be part of a modern extension to the property, with aluminium framed openings and an existing terrace on the First Floor. The properties in the immediate vicinity, including terraces to the east, all present highly modified rear elevations featuring contemporary additions, including dormers and terraces, to take advantage of the view lines south to the city. We note that this is not by any definition an intact rear elevation of a terrace group.

The proposed additions to the rear elevation are to greatly enhance the amenity of the place by providing increased natural light into the terrace, and by facilitating outdoor areas. They are modest additions in terms of scale and retain the overall existing building form. They would employ contemporary materials, which would be appropriate given the highly modified nature of the rear elevation and absence of any original and traditional fabric.

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Internal Modifications

The proposal would involve internal refurbishment works to facilitate a new layout with increased amenity. Following a detailed internal inspection of the building, no evidence of significant fabric (including ceilings or joinery) was observed, nor was the original layout observed to be intact. The terrace has been extensively modified and currently exhibits modern fabric and a non-traditional layout, likely a result of many iterations of internal changes. As such, Heritage 21 is in support of a full internal refurbishment and does not believe that it would negatively impact upon the place, or wider conservation area.

6.2.2 Impact Assessment Against the IWLEP 2022

The statutory heritage conservation requirements contained in Section 5.10 of the *Inner West LEP 2022* are pertinent to any heritage impact assessment for future development on the subject site. We assess the proposal against the relevant clauses below.

CLAUSE	ASSESSMENT
(1) Objectives	The proposal does not entail any work to sites and places listed as heritage items under Schedule 5 of the <i>Inner West LEP 2022</i> . The site is considered to be a neutral item, located within The Valley HCA, listed under Schedule 5 of the <i>Inner West LEP 2022</i> . It is our general assessment that the proposed height, scale, massing and materials proposed (as detailed in Section 5.0 above) would not engender a negative impact on the heritage significance of the site, and conservation area in which it is located.
(2) Requirement for consent	This Development Application is lodged to Council to gain consent for works proposed to a building within a conservation area listed under Schedule 5 of the <i>Inner West LEP 2022</i> .
(4) Effect of proposed development on heritage significance	This Statement of Heritage Impact accompanies the Development Application in order to enable Inner West Council, as the consent authority, to ascertain the extent to which the proposal would affect the heritage significance of the conservation area in which it is located.
(5) Heritage assessment	

6.2.3 Impact Assessment Against the LDCP 2013

Section 1: General Provisions	
C1.3 Alterations and Additions	
Objectives	Assessment
<p><i>O1 To ensure that development:</i></p> <p><i>a. complements the scale, form and materials of the streetscape including wall height and roof form;</i></p> <p><i>b. where an alteration or addition is visible from the public domain it should appear as a sympathetic addition to the existing building;</i></p> <p><i>c. makes a positive contribution to the desired future character of the streetscape and any</i></p>	<p>Compliant.</p> <p>The proposal would involve a set of alterations and additions, delineated within Section 5.1 of this report. These have been designed as modest and recessive additions, which would allow the original principal built form of the building to remain intact. They would employ a mixture of traditional and</p>

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<p><i>heritage values associated with it;</i></p> <p><i>d. is compatible with neighbourhood character, including prevailing site layout;</i></p> <p><i>e. protects existing residential amenity, including the retention of adequate private open space and ensuring adequate sunlight, natural ventilation and privacy to the existing dwelling and surrounding dwellings;</i></p> <p><i>f. maintains views and glimpses from the public domain to natural and built elements that contribute to local character and sense of place;</i></p> <p><i>g. reasonably protects views obtained from surrounding development and promotes view sharing;</i></p> <p><i>h. retains existing fabric wherever possible and maintains and repairs, where necessary, rather than replaces the fabric.</i></p>	<p>contemporary materials and would all be readily recognisable as new forms.</p> <p>The proposed works to the primary (north) elevation aim to uplift a highly altered and unsympathetic façade and enhance its visual contribution to the conservation area in which it is located. The introduction of new architectural features to the façade, including the balcony, would be a dramatic improvement to the current configuration. The proposal would allow the subject building to remain consistent with other late Victorian period terraces observed in the vicinity; we note that there are also numerous examples in the street of similar balconies and thus the proposal is not considered to be an anomaly in this regard.</p> <p>In our opinion, the proposed alterations and additions are compatible with the surrounding area and remain consistent with the character of Beattie Street, including its previous commercial associations in this portion of the street.</p>
C1.4 Heritage Conservation Areas and Heritage Items	
Objectives	Assessment
<p><i>O1 Development:</i></p> <p><i>a. does not represent an unsympathetic alteration or addition to a building;</i></p> <p><i>b. encourages the protection, restoration, continued use and viability of buildings for their original purpose;</i></p> <p><i>c. encourages the removal of unsympathetic elements;</i></p> <p><i>d. is compatible with the setting or relationship of the building with the Heritage Conservation Area in terms of scale, form, roof form, materials, detailing and colour of the building and conforms with the Burra Charter</i></p> <p><i>e. conserves and enhances the fabric and detail of a building that contributes to the cultural significance of the building in its setting;</i></p> <p><i>f. maintains the visual unity of groups of buildings, in particular semi-detached and attached terraces;</i></p> <p><i>g. makes an appropriate visual and physical distinction between the existing building and new parts of the building;</i></p>	<p>Compliant.</p> <p>The proposal aims to ensure the ongoing use of the subject building as a residential terrace within the Balmain area. Whilst the building was likely originally used for commercial purposes, this portion of Beattie Street has been converted from a shopping hub to a quiet residential area and this proposal is in keeping with that character.</p> <p>In our opinion, none of the proposed alterations would represent an intrusive addition to the building. The building, in its current form, is not considered to be contributory to the area and this proposal aims to renew the terrace in the context of Beattie Street and wider conservation area. The additions proposed would all be recognisable as new, through their use of contemporary materials, or via employment of traditional materials in non-traditional forms. As such, we are of the opinion that appropriate visual and physical distinction has been made between the</p>

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<p><i>h. protects and enhances views of the existing building from the public domain; and</i></p> <p><i>i. new buildings are sympathetic in scale, form, architectural detail, fenestration and siting to the Heritage Conservation Area or Heritage Item and conforms with the Burra Charter.</i></p>	<p>principal built form of the terrace and the proposed new additions.</p> <p>The proposal would entail the reconstruction of primary (north) façade with sympathetic and appropriate detailing and the introduction of a front balcony. There is no historical imagery of the building in its original form, and thus the proposal does not propose reconstruction based on conjecture. Alternatively, it proposes to introduce sympathetic features to the façade to drastically improve upon its presentation.</p>
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	
Objectives	Assessment
<p><i>O1 To provide permanent protective structures such as balconies, verandahs or awnings in the public domain, including in Council airspace which promote:</i></p> <p><i>a. urban design which is consistent with the desired future character statement for the neighbourhood;</i></p> <p><i>b. streetscape amenity including shading and shelter;</i></p> <p><i>c. management of Heritage Items and Heritage Conservation Areas through the following methods:</i></p> <p><i>i. preservation; or</i></p> <p><i>i. conservation; or</i></p> <p><i>ii. restoration; or</i></p> <p><i>iii. reconstruction.</i></p> <p><i>d. enhanced environmental performance of buildings.</i></p>	<p>Compliant.</p> <p>In our opinion, the proposed new balcony structure to the primary (north) façade would meet part c) of this objective relating to the management of Heritage Conservation Areas. The subject building was originally used as a commercial residence and, as identified in the historical photo located at Figure 14, this portion of Beattie Street was characterised by balconies and street awnings. Whilst there are no primary sources providing historical evidence that the subject building originally featured a First Floor balcony, we believe that it is likely this was the case and the reintroduction of this feature would remain consistent with the original character of Beattie Street. We also observe that balcony structures exist along this portion of the street to other terraces, and we believe the proposal would align with this established pattern.</p>
<p><i>O2 To make provision for lease agreements under s.149 of the Roads Act 1993, between Council and the owner of a building, which provides for payment of rent and facilitates the use of Council airspace, where appropriate, for the purpose of a permanent protective structure which provides private useable space to the building owner or occupant (that is verandahs and balconies, but not awnings).</i></p>	<p><i>Outside the scope of this report to assess.</i></p>
<p><i>O3 To provide for maintenance and liability in respect of permanent protective structures.</i></p>	<p><i>Outside the scope of this report to assess.</i></p>
Section 2: Urban Character	

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C2.2.2. 4. The Valley 'Balmain' Distinctive Neighborhood	
Objectives	Assessment
<i>O1 To facilitate development that is consistent with the Desired Future Character and Controls for the Distinctive Neighbourhood.</i>	<p>Compliant.</p> <p>The proposal would not deter from the controls for this neighbourhood. Ultimately, the proposal would preserve the existing Victorian terrace and its general scale and form. Further, it would renew the existing primary façade which is currently highly altered and not sympathetic to the wider area. The proposal would introduce a new balcony structure, which was a defining characteristic of Beattie Street during the early part of the 20th century, which would contribute to the heritage value and character of the wider neighbourhood.</p>
Section 3: Residential Provisions	
C3.1 Residential General Provisions	
Objectives	Assessment
<i>O1 To provide more details in relation to the residential development provisions contained in the Inner West LEP 2022</i>	<i>Outside the scope of this report to assess.</i>
<i>O2 To promote the enhancement of walkable neighbourhoods by requiring planning and design to be based on site and context analysis.</i>	<i>Outside the scope of this report to assess.</i>
<i>O3 To ensure that alterations, additions to residential buildings and new residential development are compatible with the established setting and character of the suburb and neighbourhood and compatible with the desired future character and heritage significance of the place and its setting.</i>	<p>Compliant.</p> <p>The proposed additions to the residential subject building is compatible with the established setting and character of the surrounding suburb. The Victorian period terraces within the vicinity of the subject site on Beattie Street are also highly altered and some feature balcony structures to their primary elevation. The surrounding terraces exhibit highly altered rear elevations, featuring terraces and dormer windows facing south to exploit the vistas to the Sydney CBD.</p>
<i>O4 To ensure that all residential development is compatible with the scale, form, siting and materials of existing adjacent buildings.</i>	<p>Compliant.</p> <p>The proposed additions are modest and would not deter from the established scale of buildings along this portion of Beattie Street.</p>
<i>O5 To ensure that all residential development is consistent with the density of the local area as established by the Inner West LEP 2022.</i>	<i>Outside the scope of this report to assess.</i>

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<i>O6 To promote optimal environmental performance of all residential buildings</i>	<i>Outside the scope of this report to assess.</i>
<i>O7 To ensure that the amenity, including solar access and visual privacy, of the development and adjacent properties is not adversely impacted.</i>	<i>Outside the scope of this report to assess.</i>
C3.2 Elevation and Materials	
Objectives	Assessment
<p><i>O1 Building elevation and materials visible from the public domain:</i></p> <p><i>a. complement the prevailing or desired future character of the neighbourhood, in particular responding to the vertical and horizontal rhythm of the streetscape;</i></p> <p><i>b. are human scale in proportion;</i></p> <p><i>c. provide a high level of architectural quality, visual interest and articulation; and</i></p> <p><i>d. provide a high level of engagement between the public and private realm, in particular activating the street level public realm.</i></p>	<p>Compliant.</p> <p>The proposal involves a renewal of the primary (north) elevation which is highly visible in the public domain. A high-quality architectural design has considered traditional detailing and proportions to recreate a more sympathetic interpretation of this façade. The original details of this façade have been lost; however, the proposal aims to create an enhanced presentation whilst remaining true to the vintage of the terrace. We are of the opinion that this would reactivate the façade in the public realm and increase public engagement.</p>
Appendix B – Building Typologies	
Section 7 – Two and Three Storey Terraces	
Objectives	Assessment
<p><i>O1 To facilitate development that is compatible with this Building Typology.</i></p>	<p>Compliant.</p> <p>The proposal remains consistent with the controls outlined within this section of the LDCP 2013. The proposal shall retain the integrity of the original building and its general scale, and form. It would reverse unsympathetic additions to the primary (north) façade and introduce sympathetic detailing. The proposed rear additions would be located below the ridge line of the principal built form, and the skillion dormer would not be seen from the principal street frontage, and be of an acceptable scale.</p>

6.2.4 Recommended Management

Heritage 21 is able to provide the following assessment (delineated in bold) against the recommended management for The Valley Heritage Conservation Area, extracted from the Inner West Council - C07 The Valley HCA Study:

Generally

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This is a conservation area. Little change can be expected other than modest additions and discrete alterations. Buildings which do not contribute to the heritage significance of the area may be replaced with sympathetically designed infill. [Compliant – the proposal only involves modest additions to the place, that would not overwhelm the existing building]

Retain

- Existing width and alignment of streets: avoid chicanes which cut diagonally across the carriageway. [Not applicable]
- Existing back lanes. [Not applicable]
- All buildings pre-1939 and particularly all timber buildings. [Compliant – the subject building is dated to pre-1939 and is being retained]
- All original plaster finishes to external walls — reconstruct where necessary. [Not applicable]
- All original unplastered face brick walls. [Not applicable]
- All original external architectural detail, decorative tiles, plaster mouldings, chimneys, roof ridges and finials, commercial signs etc. [Not applicable]
- Encourage replacement of lost elements, but only where evidence is available. [Not applicable]
- All remaining sandstone kerbs and gutters. [Not applicable]
- All corner stores, corner pubs and industrial buildings within the residential areas, and encourage their restoration. Consider small-scale commercial or professional uses for these buildings, if original uses no longer operate, as a reference to their original uses. [Not applicable]
- Street and park planting; reinstate where necessary [Not applicable]

Avoid

- Amalgamation that might lead to a change in the densely developed streetscape. [Not applicable]
- Demolition of any pre-1939 building, particularly those pre-1910. [Compliant – the subject building is dated to pre-1939 and is being retained]
- Demolition of any remaining timber building. [Not applicable]
- Additional storeys above the existing form of the building. [Compliant – there would be no additional storeys that protrude above the existing ridge line of the principal built form]
- Posted-verandahs over footpaths to commercial premises where no evidence can be provided to support their reconstruction. Encourage restoration of verandahs where evidence exists.
- Removal of plaster to external walls, where part of the original construction. [Compliant – whilst there is no historical imagery directly of the subject building, the early imagery of Beattie Street indicates that posted verandas over footpaths were prevalent, and would likely have formed part of the subject building]
- Removal of original architectural details. [Not applicable]
- Additional architectural detail for which there is no evidence. [Compliant – the proposal does not aim to reconstruct original detailing, as evidence does not exist. The alterations to the primary façade would be sympathetic, albeit recognisable as new.]
- Inappropriate fences such as high brick walls, new iron palisades on high brick bases. [Not applicable]

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- *Interruption to the almost continuous kerb and gutter line.*⁵² [Not applicable]
- 6.2.5 Impact Assessment Against the NSW Department of Planning and Environment Guidelines**

As acknowledged in Section 6.1.4., the NSW Department of Planning and Environment has identified a list of considerations in the form of questions aiming at directing and triggering heritage impact assessment. Below, we assess the proposal against the most pertinent of these questions.

Question	Assessment
Alterations and additions	
<i>Do the proposed works comply with Article 22 of The Burra Charter, specifically Practice note article 22 — new work (Australia ICOMOS 2013b)?</i>	As reiterated throughout this assessment, the proposal would remain compliant with Article 22 of the Burra Charter which stipulates that new work should be readily recognisable as such. All new additions to the place would be a clear reflection of their time and would not mimic traditional detailing. The modifications to the primary (north) façade would introduce vertically proportioned openings and traditional windows interpreted in a contemporary way, allowing them to be clearly read as new additions to the place.
<i>Are the proposed alterations/additions sympathetic to the heritage item? In what way (e.g. form, proportion, scale, design, materials)?</i>	Yes – the additions are sympathetic in terms of their proposed forms, proportions, scale, design and materials.
<i>Will the proposed works impact on the significant fabric, design or layout, significant garden setting, landscape and trees or on the heritage item's setting or any significant views?</i>	No - the terrace features predominately later-addition fabric as a result of extensive modifications over the last decades. We also note that there is no physical evidence remaining of the original layout of the terrace. As such, the proposed modifications would not result on the loss of key significant fabric, features or internal layout.
<i>How have the impact of the alterations/additions on the heritage item been minimised?</i>	The proposed additions would not obscure or detract from the principal built form (including the roof form) of the subject building and this form would remain readable from Beattie Street.
<i>Are the additions sited on any known or potentially significant archaeological relics? If yes, has specialist advice from archaeologists been sought? How will the impact be avoided or mitigated?</i>	An archaeological assessment is outside the scope of this report.

⁵² Inner West Council, "Heritage Conservation Areas", accessed 16 July 2024, <https://www.innerwest.nsw.gov.au/develop/heritage-and-conservation/heritage-conservation-areas>.

7.0 CONCLUSION & RECOMMENDATIONS

7.1 Impact Summary

The NSW Department of Planning and Environment's guidelines require the following aspects of the proposal to be summarised.⁵³

7.1.1 Aspects of the proposal which respect or enhance heritage significance

In our view, the following aspects of the proposal would respect the heritage significance of The Valley Heritage Conservation Area:

- The subject building, which is an extensively modified Victorian period terrace building, would be reinvigorated with sympathetic alterations and additions;
- The primary (north) façade would allow for the reinterpretation of the primary (north) façade with period appropriate detailing, presented in a contemporary way;
- The introduction of a new First Floor balcony would gesture the historical commercial use of the building, and the early character of Beattie Street;
- The proposed lift would be set back from the primary façade and would be a clearly distinctive, contemporary addition to the place;
- The additions to the rear (south) elevation would enhance the amenity of the building and would not entail the removal of any significant features or fabric; and
- The proposal would enhance the presentation of the building to Beattie Street and the wider conservation area.

7.1.2 Aspects of the proposal which could have detrimental impact on heritage significance

In our view, there are no aspects of the proposal which could be detrimental to the significance of the The Valley Heritage Conservation Area. The positive impacts of the proposal have been addressed above in Section 7.1.1.

7.2 General Conclusion

Heritage 21 is therefore confident that the proposed development complies with pertinent heritage controls and would have a positive impact on the heritage significance of The Valley Heritage Conservation Area. We therefore recommend that Inner West Council view the application favourably on heritage grounds.

⁵³

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