

**NSLPP MEETING HELD ON 05/10/22****Attachments:**

1. Site Plan
2. Architectural Plans
3. Heritage report
3. Clause 4.6 Variation to Building Height Development Standard

ADDRESS/WARD: 48 Edward Street, North Sydney**APPLICATION No:** DA 313/21**PROPOSAL:** Alterations and additions to dwelling**PLANS REF:**

Plan No.	Issue	Title	Dated	Drawn by
DA-0000	A	Cover	15/07/22	Noble Architecture Pty Ltd
DA-0201	A	Site Analysis Plan	15/07/22	Noble Architecture Pty Ltd
DA-0202	A	Proposed Basement Plan	15/7/22	Noble Architecture Pty Ltd
DA-0203	A	Proposed Ground Floor Plan – Option B	15/7/22	Noble Architecture Pty Ltd
DA-0204	A	Proposed First Floor Plan	15/7/22	Noble Architecture Pty Ltd
DA-0205	A	Proposed Roof Plan	15/7/22	Noble Architecture Pty Ltd
DA-0206	A	Proposed East Elevation	15/7/22	Noble Architecture Pty Ltd
DA-0207	A	Proposed West Elevation	15/7/22	Noble Architecture Pty Ltd
DA-0208	A	Proposed North Elevation	15/7/22	Noble Architecture Pty Ltd
DA-0209	A	Proposed South Elevation	15/7/22	Noble Architecture Pty Ltd
DA-0210	A	Proposed Section A-A	15/7/22	Noble Architecture Pty Ltd
DA-0220	/	Shadow Diagrams – Winter Solstice	7/10/21	Noble Architecture Pty Ltd
DA-0230	/	Site Coverage Plan	7/10/21	Noble Architecture Pty Ltd
DA-0231	/	Landscape Plan	7/10/21	Noble Architecture Pty Ltd
DA-0240	/	Materials & Finishes	7/10/21	Noble Architecture Pty Ltd
DA-0250	/	Perspectives	7/10/21	Noble Architecture Pty Ltd
DA-0260	/	A4 Notification Plans	7/10/21	Noble Architecture Pty Ltd

OWNER: Fengrong Li**APPLICANT:** Fengrong Li**AUTHOR:** Planning Ingenuity, Town Planning Consultants**DATE OF REPORT:** 14 September 2022**DATE LODGED:** 7 October 2021**DATE AMENDED:** 19 July 2022**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

The development application seeks development consent for substantial alterations and additions to an existing heritage listed dwelling house including lower ground level works at No. 48 Edward Street, North Sydney.

This application is a report to NSLPP for determination because the application includes works to the uppermost level which are above the building height limit by greater than 10% and is therefore required to be determined by the North Sydney Local Planning Panel in accordance with the Minister's directions.

The applicant has provided a written request seeking a variation to the building height development standard in accordance with Clause 4.6 of NSLEP 2013. The applicant's Clause 4.6 variation statement is considered to be well founded and has provided sufficient environmental planning grounds to support the variation in the circumstances. The proposal is considered to achieve the objectives of the building height development standard.

The notification of the application is in accordance with the North Sydney Community Participation Plan 2019. At the end of the notification period, Council received six (6) submissions raising particular concerns about visual privacy, view loss, height, setbacks, solar and access. The proposal has considered these concerns as well as the performance of the application against Council's planning requirements.

The amended proposal largely addresses the issues raised by Council during the assessment of the application. Subject to conditions, the amended proposal is generally considered to maintain the heritage significance and amenity of adjoining dwellings.

The development application has been assessed against all applicable environmental planning instruments and was found to be generally satisfactory, including in relation to the North Sydney LEP 2013 and North Sydney DCP 2013.

Having regard to the provisions of Section 4.15 of the EP&A Act 1979 the application is considered to be satisfactory and is recommended for approval subject to the attached recommended conditions of development consent.

DESCRIPTION OF PROPOSAL

The application seeks development consent for alterations and additions to a dwelling house including a two storey rear addition and associated works.

Specifically, the application's Statement of Environmental Effects lists the proposed alterations and additions as comprising the following:

Ground Floor

- Reconfigurations to the internal layout of the bathroom and living area to accommodate a new living space and study room;
- New extension to the rear to accommodate new kitchen and dining area; and
- Install new skylight above the front bedroom.

Lower Ground (basement) Level

- A maximum excavation of 1m depth (towards east) under the house and demolish several internal walls permitting useable space;
- New side openings to both side walls which are below the existing fence line;
- Extend 4.485m to the rear and construct a conservatory;
- Install two new small windows at the front providing natural and air circulation; and
- Fit our spaces for laundry, gym, bathroom, storage, games room and open-plan family room/entertainment space.

First Level (or attic level)

- Repair the existing roof and wall cladding with new materials;
- Reduce the size of the existing windows; and
- Replace existing balcony and balustrade to maximise privacy.

Others:

- Replace the existing stairs from lower ground level to first level (this is considered essential as the owner has server knee problems and is unable to walk on the existing stairs);
- Modify carport with new pitched roof with matching decorative gable end and set on brick columns;
- New landscaping to rear with a total landscaped area of 140.27m or 30.26%;
- Repair the existing shed with new glazing, door and roof;
- Repair the existing front brick fence and installation of new horizontal fence rails and gate;
- New colour scheme to the front of the house; and
- Sandstone cleaning.

The original application proposed is reflected in the following images:



Figure 1C – Original Proposed North Elevation



Figure 1D – Original Proposed South Elevation

The application has since been amended in response to Council’s recommendations in the RFI letter dated 8 July 2022. The applicant submitted amended architectural plans which addressed Council’s recommendations. The amended proposal is reflected in the following images:

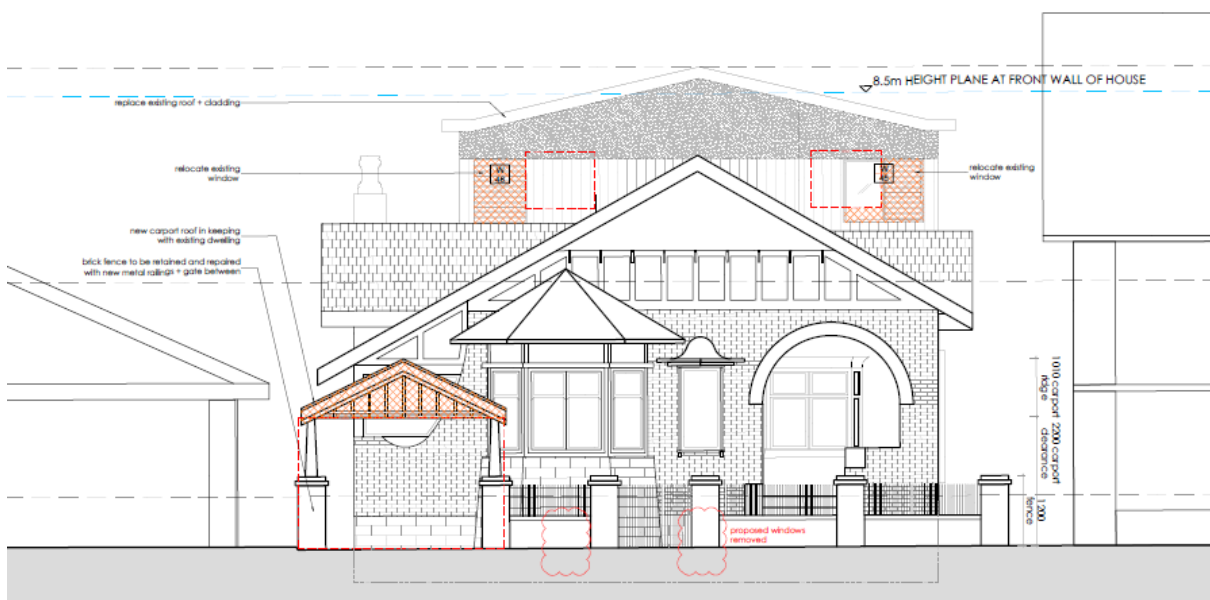


Figure 1E – Amended East (Street) Elevation



Figure 1F – Amended West Elevation

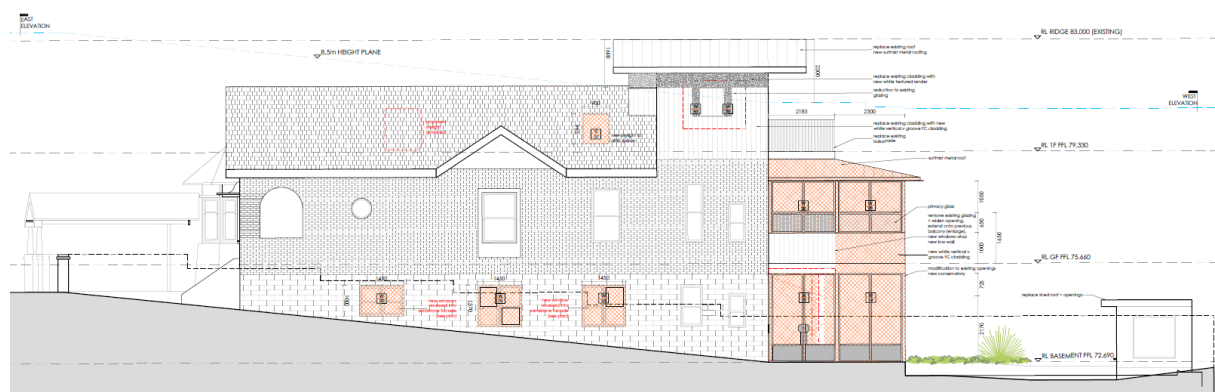


Figure 1G – Amended North Elevation



Figure 1H – Amended South Elevation

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013 (NSLEP 2013)

- Zoning – R2 Low Density Residential
- Lot size – 450m²
- Height of building – 8.5m
- Heritage
 - Item of Heritage – Yes – I0817 House
 - Conservation Area – Edward Street

Environmental Planning & Assessment Act 1979

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013 (NSDCP 2013)

- Heritage and Conservation –
 - Heritage item

DESCRIPTION OF LOCALITY

The site is identified as 48 Edwards Street, North Sydney (Lot 17, Section 1 in Deposited Plan 7544). The site is located on the western side of Edward Street, in the R2 Low Density Residential zone. The site is identified as Local Heritage Item I0817 and is located within the Edward Street Conservation Area.

The site is rectangular in shape with a frontage of 12.9m to Edward Street, depth of 38.1m, and site area of 463.2m². The site falls approximately 3m from Edward Street to the rear.

The site is occupied by a part two, part three storey dwelling house which steps down the site and contains three-bedrooms. Refer to Figures 2A, 2B and 2C for photographs of the subject site.



Figure 2A – The site



Figure 2B – Existing dwelling



Figure 2C – Existing carport

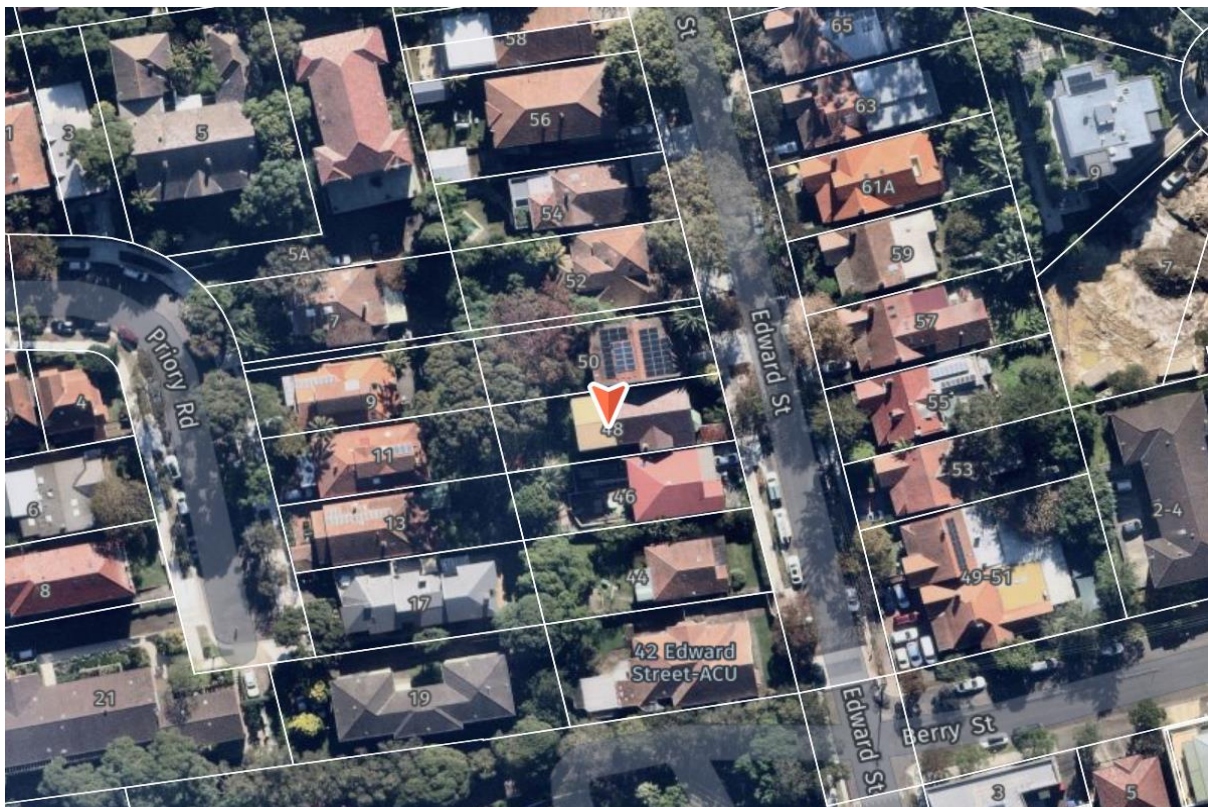


Figure 2D – Aerial photograph

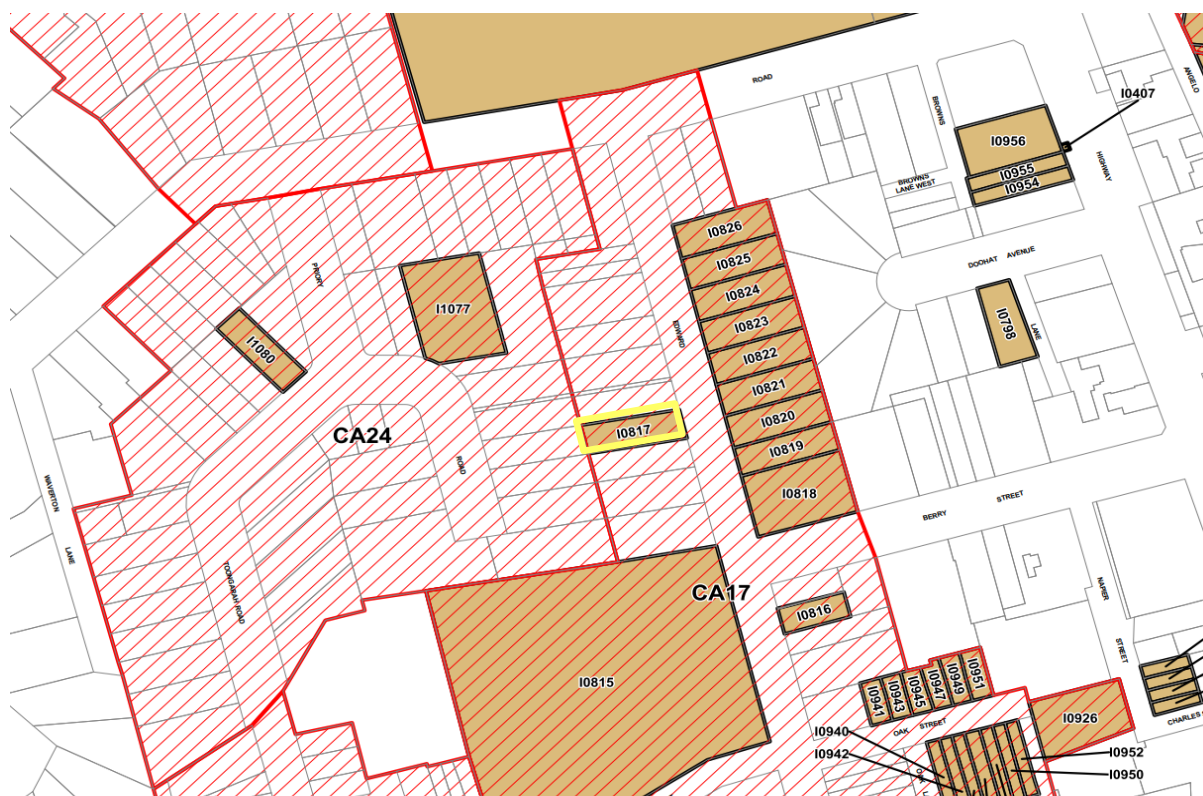


Figure 2E – Heritage

The site is surrounded by detached dwelling houses, between one and three storeys of varying architectural style.

To the south of the site is a two storey detached brick and clad dwelling house at No. 46 Edward Street (Figure 2F). To the north of the site, is No. 50 Edward Street, which contains a brick and clad, part two, part three storey dwelling house (Figure 2G).

To the east across Edward Street are a series of single storey detached dwellings (Figure 2H).

To the west of the site, fronting Priory Road, are a series of single and two storey detached dwelling houses (Figure 2I), and larger residential flat building developments to the south west (Figure 2J). Further to the south west of the site, addressing Edward Street, is the Australian Catholic University North Sydney Campus, consisting of a number of larger scale buildings.



Figure 2F – No. 46 Edward Street (south of the subject site)



Figure 2G – No. 50 Edward Street (north of the subject site)



Figure 2H – Edward Street and opposite properties



Figure 2I – Priory Road dwellings



Figure 2J – Residential flat buildings on Priory Road

RELEVANT HISTORY

Surrounding properties history

Council's records indicate the following applications and history:

- **16 October 2020** – Council approved Application no. 130/20 for alterations and additions to existing dwelling at 46 Edward Street.

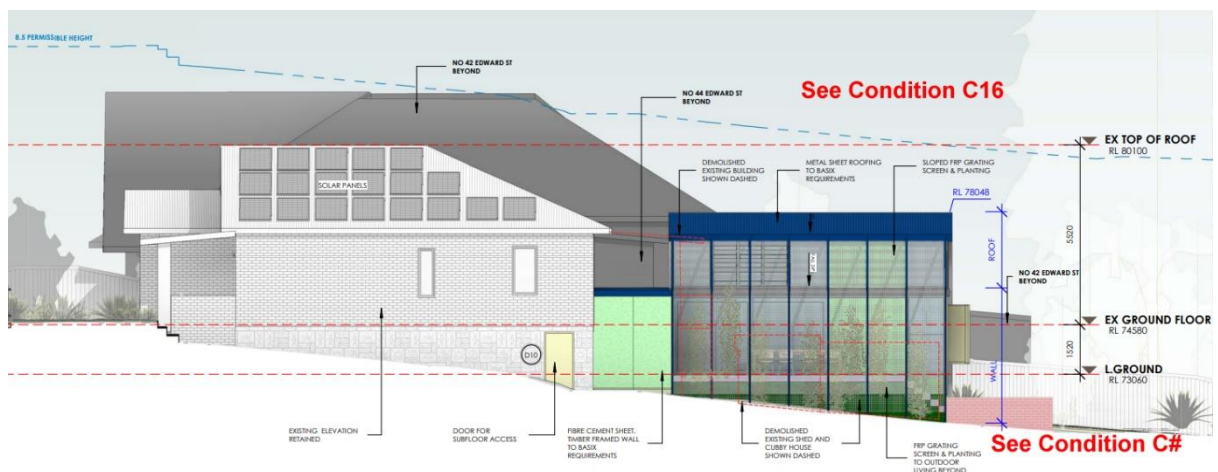


Figure 3A – Approved additions at 46 Edward Street

- **9 June 2017** – Council approved Application no. 466/16 for alterations and addition to dwelling including new pool at 54 Edward Street.

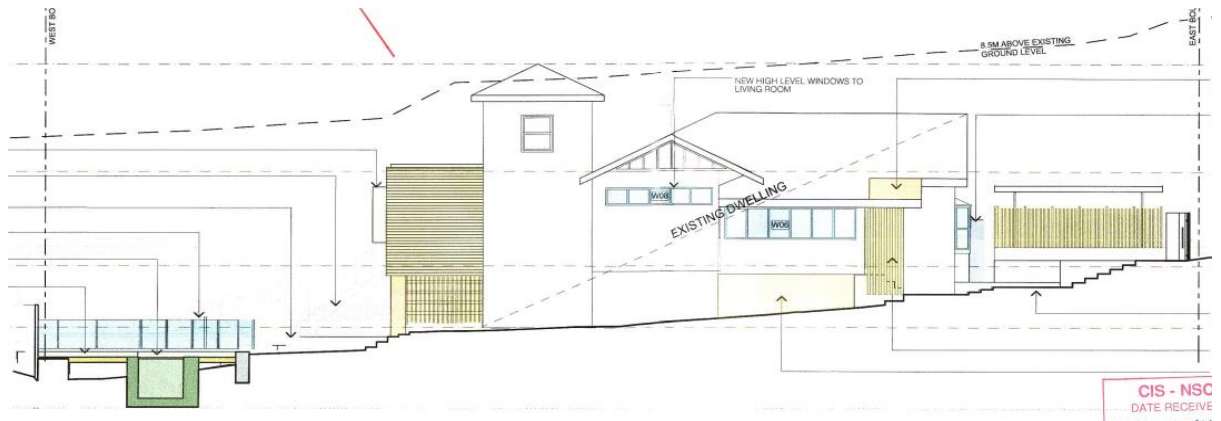


Figure 3B – Approved additions at 54 Edward Street

- **12 February 2016** – Council approved Application no. 128/15 for alterations and additions to dwelling including two storey rear addition at 46 Edward Street.

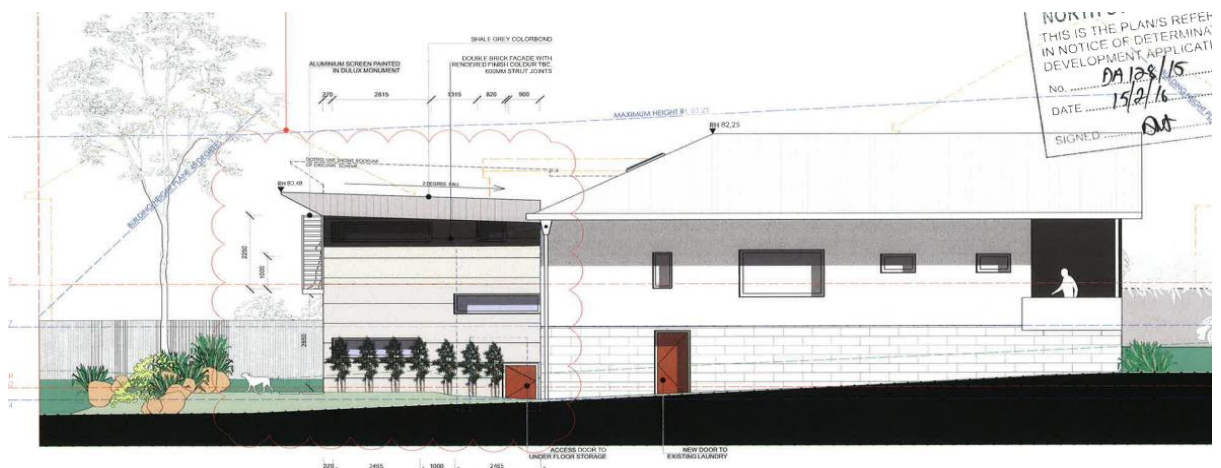


Figure 3C – Approved additions at 46 Edward Street

Site history

Previous applications

- **14 October 1976** – Council approved Application no. 429/76 for alterations and additions to the dwelling at 48 Edward Street.

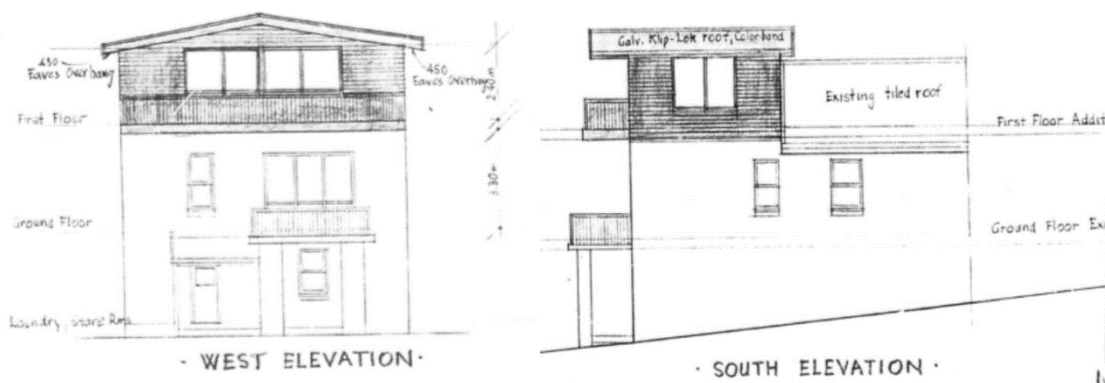


Figure 3D – Approved additions at 48 Edward Street (subject site)

Subject application

- **18 February 2021** – A pre-development application meeting was held with Council to discuss the proposed development.
- **7 October 2021** – The subject application was submitted to Council.
- **25 October 2021 – 5 November 2021** – The application was notified to adjoining properties and the Edward Precinct Committee.
- **8 July 2022** – Additional information request was sent to the applicant for amended Architectural Plans.
- **19 July 2022** – Amended Architectural Plans and BASIX Certificate were submitted by the applicant.

SUBMISSIONS

The owners of adjoining properties and the Edward Precinct were notified of the proposed development for a 14-day period, between 22 October 2021 and 5 November 2021, in accordance with section A4 of NSDCP 2013. The notification resulted in six submissions:

Basis of Submissions

- Height: proposed bedroom on first floor has noise, privacy and shadowing impacts.
- Existing addition: not consistent with character of neighbourhood.
- Noise: use of existing balcony has acoustic impacts on surrounding properties.
- Privacy: existing rear addition overlooks into adjoining sites rear gardens, shielding should be provided to reduce overlooking to Nos. 44 and 46 Edward Street.
- Shadow: height of addition will cast shadow across No. 46 Edward Street, and further to No. 44 Edward Street.
- Existing dwelling overlooks ground floor living area, main bedroom and back garden, and the extensions proposed will exacerbate this.
- Extensive use of glass windows/doors at the rear will have noise and visual privacy impacts, as well as creating glare.
- Rear extension will increase incline between properties and increase risk of landslide. Construction plan proposed to store demolished and excavated materials in the rear yard would result in debris landing on our site. Materials should be stored at the front of the property.
- Storm water drainage impacts on Priory Road properties. The site should be drained to Edward Street.
- No consideration of the new development approved at 46 Edward Street has been made in the application documents.
- Overshadowing: the proposal will overshadow the new addition approved at 46 Edward Street.
- Privacy: the addition, including the ground floor kitchen, will overlook 46 Edward Street, and the modifications to first floor windows will also increase privacy concerns.
- Visual Bulk: proposal creates additional visual bulk, particularly the ground floor kitchen.

Basis of Submissions

- Height and Scale: height non-compliance, new works should conform to 8.5m height limit.
- Privacy: rear structure will overlook Priory Road properties due to topography of the site and so the building line should be maintained.
- Noise: extensive glazing and windows at the rear will cause noise impacts.
- Overdevelopment: third floor does not appear to have been properly approved and is not in keeping with the conservation area.
- Stormwater: stormwater should be directed onto Edward Street, due to impacts on Priory Road properties.
- Use: given the scale of the home, it may be used as a separate dwelling which is not permissible.
- Proposed extensions overlook back garden, verandah and first floor bedroom.
- Extent of glazing and window openings will create privacy and noise impacts.
- The current rear building alignment already extends further than its neighbours and should not be extended.
- Impact of extensions is increased by the moving of all living areas from the centre to the rear of the building.
- First floor level does not comply with DCP which requires floor level of habitable rooms to not be greater than 1m below natural ground level.
- Use: use of first floor level should be conditioned to not permit a separate dwelling.
- Existing first floor extension has had no approval and should be addressed.
- Existing verandah on third floor level is much narrower than depicted on plans and should not be extended.
- Height: the proposal does not comply with Clause 4.3 objectives as stated in the Clause 4.6 statement.
- The third floor level is out of character and is not part of the heritage significance of the building.
- Additions will be visible from Priory Road and therefore the impact on the character of the locality should be considered.
- Colours of the extension should not be white and should be in keeping with existing materials of the dwelling.
- Construction plan proposed to store demolished and excavated materials in the rear yard is dangerous and could collapse into neighbouring gardens. Materials should be stored at the front of the property.
- Stormwater should be drained directly to Edward Street.
- The proposal will create a house with excessive height and site coverage compared to others within the area.
- Current third storey is already excessive and poorly designed given the architectural heritage of the area.
- Two storey extension will bring the dwelling closer to the rear boundary and result in overlooking to back gardens of rear adjoining sites.

REFERRALS

Engineering

The application was referred to Council's Development Engineer who, on 25 October 2021, advised:

The proposal has been assessed in relation to:

- *Traffic Management*
- *Stormwater*
- *Parking and Access*
- *Sediment and Erosion Control measures*
- *Excavation and Retaining Walls*

In assessing the application, the following DCPs sections, Council's Codes and Infrastructure Guidelines are considered relevant to the proposed development:

- *Section 10 Car parking and transport*
- *Section 12 Access*
- *Section 17 Erosion and Sediment Control*
- *Section 18 Stormwater Drainage*
- *Section 20 Public Infrastructure*
- *North Sydney Council Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works 2016/2017*
- *North Sydney Council Public Domain Style Manual and Design Codes*
- *North Sydney LGA Flood Study Final Report February 2017*

Documents Reviewed:

*Architectural drawings prepared by Noble Architecture Pty Ltd, dated September 2021, and
Stormwater design drawings prepared by Mance Arraj Civil & Structural Engineers, dated 12 August 2021, and
Geotechnical Assessment prepared by Crozier Geotechnical Consultants, dated January 2021, and
Detail & Level Survey prepared by Bee & Lethbridge Surveyors, dated 12 January 2021, and
SEE prepared by unknown, dated October 2021.*

Comments:

In reference to the proposed development, the following matters have been considered.

Traffic Management:

Truck movements in the vicinity of a school with high pedestrian and vehicle numbers. Appropriate conditions shall be imposed in this regard.

Stormwater:

Proposal includes charged lines and existing rainwater tank. Appropriate conditions shall be imposed in this regard.

Parking and Access:

*Proposal to reconstruct the existing carport. Existing crossover is non-standard however is in a satisfactory condition.
No conditions applied.*

Sediment and Erosion controls

Appropriate conditions shall be imposed in this regard.

Excavation and Retaining Walls

Excavation up to 1m deep proposed within the existing basement floor level.

Appropriate conditions shall be imposed in this regard.

Recommendation

The application has been assessed and it is recommended that conditions are included in the Development Consent.

Heritage

On 24 March 2022 the Conservation Planner assessed the proposal works in terms of Clause 5.10 (Heritage Conservation) of NSLEP 2013 and Section 13 (Heritage and Conservation) of NSDCP 2013 and commented:

A first floor addition has been constructed above the rear portion of the dwelling - its gable roof form projects above the principle dwelling causing it to be visible in the public domain in Edward Street. The existing ground floor plan appears to be largely unchanged but for the insertion of a staircase in the rear portion of the dwelling for access to the aforementioned first floor addition. The dwelling also has a later carport constructed in front of the house.

Council adopts a 'whole property' approach to heritage items. As a general rule, alterations to the layout of heritage items are not encouraged but where change is proposed, it needs to provide for reversibility. The extent of demolition should be restrained to minimise the changes to existing fabric.

No objections to the proposed changes to the uppermost level are raised. The proposed works will be contained within the existing building envelope. On balance, the proposed reconfiguration of the fenestration facing Edward Street will have a neutral/improved impact as compared to the current status quo.

The new rear addition is supported in principle but should be set in from the side boundaries to differentiate it from the existing house. The glazing on the upper ground level should increase the solid to void ratio. The extent of glazing on the lower ground floor is acceptable. Due to the drop in topography to the rear (western) side of the site,

Concern is raised regarding the installation of a new bathroom that will alter the configuration, proportions, ceiling and architectural detailing of the existing living room. The living room is an important element in understanding the original house and how it relates to other rooms. The position of the bathroom should remain where it is. Noting that the staircase of a dwelling is generally regarded as its key component and that the stair connecting the house to the lower ground level is original, its replacement as proposed is supported in lieu of any changes to the existing period bathroom and WC which remains highly intact and an important element of the existing fabric of the heritage item.

Utilisation and upgrade of the rear undercroft of the dwelling is possible and is supported in principle subject to retaining the structural integrity of the building.

However, the dimensions and number of openings should remain constrained to ensure the ongoing prominence of the sandstone base of the dwelling and reduce the impact on the character of the original building. It is recommended that the replacement and new window insertions be recessed into the sandstone to create a recessive visual impact. The proposed new window openings in the front, eastern elevation are not supported and should be deleted.

A hipped roof as proposed, whilst complimentary to the era of the existing dwelling will be more visually prominent in the streetscape as compared with the existing carport which is a lightweight structure with a flat roof. However, no objection is raised

Conclusion and Recommendations

With reference to the above, an assessment of the proposal has been undertaken in terms of Part 5 Clause 5.10 Heritage conservation of the North Sydney LEP 2013 and Section 13 Heritage and Conservation of the North Sydney DCP 2013. The proposed works are supported subject to the following conditions:

Non Standard

1. *That the proposed new bathroom location on the upper street level be deleted and the bathroom remain in its current location. The period bathroom details are to remain intact.*
2. *That the proposed rear addition be set in from the side boundaries to differentiate it from the existing footprint and the solid to void ratio be increased at the upper ground floor level.*
3. *That the ongoing prominence of the sandstone base of the dwelling be reinforced by ensuring that*
 - a. *the replacement and new windows be recessed into the sandstone to create a recessive impact,*
 - b. *the proposed new window openings in the front, eastern elevation be deleted.*
4. *That all existing fireplaces and associated elements remain in situ,*
5. *That the proposed skylight in front bedroom be deleted to protect the existing ceiling details.*

(Reason: To protect the heritage significance of the heritage item and the character and significance of the heritage conservation area).

Amended Plans – 19 July 2022

On 19 July 2022 the applicant submitted amended architectural plans via the NSW Planning Portal.

Consulting Planner's Comment

The amended architectural plans have adequately addressed the Conservation Planner's requests, and are considered to improve the proposed development in relation to heritage impacts. As requested by the Conservation Planner, the proposal has been amended to retain the existing period bathroom, recess new windows at the lower ground floor into the existing sandstone base, and delete the new window openings in the front, eastern elevation, and the skylight proposed to the front bedroom.

The amended proposal will continue to match the side setbacks of the rear addition to the existing building setbacks, however, this is considered acceptable given the proposal will comply with the applicable side setback requirements of the DCP, and will not extend closer to the boundaries than the existing dwelling.

The proposal will restore the fireplace within the new master bedroom.

Overall, the proposed amended development is considered to satisfactorily respond to the constraints of the site and reasonably conserves the characteristic features of the dwelling and its contribution to the Edward Street Conservation Area.

The amended proposal is considered to be satisfactory with respect to the relevant provisions under Part B Section 13 of the North Sydney DCP 2013 and Clause 5.10 of NSLEP 2013, being the development controls for development affected by or affecting identified heritage and conservation.

Reviewers Comments: The Council handling officer requested Council's Heritage Planner to make a final review of the amendments submitted, the following comments were made:

I note the following modifications - they are supported as they retain heritage significance:

- a. *retention of the existing bathroom and the living room dimensions,*
- b. *deletion of the proposed skylight in the front bedroom safeguarding the ceiling decoration,*
- c. *deletion of the new windows to the lower ground/basement area relating to the new powder room and shower room,*
- d. *retention of the fireplaces + associated elements insitu.*

The size and proportions of the new windows in the sandstone base relating to the games room/ laundry and gym areas are still too large to be interpreted as recessive and compete with the original two storey character of the heritage item – mullions also unnecessarily create attention. These windows replace the earlier vents to the undercroft. If there are to be windows at this level at all, and particularly to the front portion of the dwelling, they need to be very simple and much smaller than the existing primary windows above. There is also opportunity to retain the existing vent near the new family room/entertainment space in the basement as there is access to light from the nearby fenestration close to the garden area."

The comments are noted and generally concurred with. These final requirements will be incorporated into the final conditions of the application.

Other

The application was not considered to raise any National Construction Code / Building Code of Australia, environmental health, railway, traffic or other matters.

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of Chapter 4 – Remediation of Land of the SEPP require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site.

Given the residential history of the site, the site does not appear to have been subject to large amounts of fill, and that there is no know source of contamination, there is unlikely to be any issues of soil contamination that would require remediation.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP (BASIX) requires applications which propose habitable rooms within residential development which are estimated to cost at least \$50,000 to be accompanied by a BASIX certificate detailing energy efficiency commitments to be undertaken with the proposed works.

The application included a valid BASIX Certificate.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Classified Road Pacific Highway

Section 2.119 of Chapter 2 of the SEPP prescribes assessment considerations for development adjacent to certain road corridors:

2.119 Impact of road noise or vibration on non-road development

- (1) *This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*
 - (a) *residential accommodation,*
 - ...
- (3) *If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*

- (a) *in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
- (b) *anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

...

The site is approximately 170m from the Pacific Highway and is therefore not considered to be near, and adjacent to the Highway.

As such, noise mitigation measures are not required.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-rural Areas

Chapter 2 of the SEPP regulates the process for tree removal, pruning and the like that does not require development consent, but for which a permit from Council is required. Under the SEPP Council may authorise vegetation clearing subject to consent.

The subject application does not propose to clear any vegetation. The application is consistent with the SEPP in this regard.

Chapter 10 Sydney Harbour Catchment

Chapter 10 of the SEPP applies to the entire North Sydney Council area identified on the Sydney Harbour Catchment Map. The SEPP does not identify the site as:

- a. within the Foreshores and Waterways Area;
- b. a strategic foreshore site;
- c. a heritage item;
- d. within the wetlands protection area.

The application is consistent with the aims of the SEPP.

NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

1. Aims of Plan

The development application has been assessed against the aims of the *North Sydney Local Environmental Plan 2013*. The proposed development is considered to satisfactorily respond to the constraints of the site and reasonably conserves the characteristic features of the dwelling and its contribution to the Edward Street Conservation Area.

The proposal is therefore considered to be satisfactory with respect to the aims of NSLEP 2013.

2. Permissibility within the zone

The site is zoned R2 Low Density Residential under the provisions of NSLEP 2013. Development for the purposes of dwelling houses is permissible with the consent of Council. Demolition is permissible with consent pursuant to clause 2.7 of NSLEP 2013.

3. R2 Zone Objectives

Clauses 2.3 and the Land Use Table contained in NSLEP 2013 provide for the particular objectives of the R2 zone:

- (a) *To provide for the housing needs of the community within a low density residential environment.*
- (b) *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- (c) *To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*

To ensure that a high level of residential amenity is achieved and maintained.

The proposal is for alterations and additions to an existing dwelling house which will continue to provide for the housing needs of the community within a low density residential environment. The proposal will provide a high level of residential amenity on the site and will not compromise the amenity or character of the surrounding area.

The proposed development satisfies the relevant objectives for residential developments. The proposed development incorporates the retention of the significant elements of the heritage item, including the traditional roof form and front elevations, and achieves the intended heritage outcomes expressed under Section 13 of Council's DCP. Accordingly, the proposed additions are considered to be consistent with the zone objectives.

4. LEP Compliance table

The application has been assessed against the relevant principal development standards contained in Part 4 of NSLEP 2013 as indicated in the following compliance table.

STATUTORY CONTROL – North Sydney Local Environmental Plan 2013				
Site Area – 463.2m²	Existing	Proposed	Control	Complies
Residential				
Minimum Lot Size (cl.4.1)	463.2m ²	No change	450m ²	N/A
Building Height (cl.4.3(2)) (max.)	10.8m	No change to overall height however new roof, cladding and window alterations to the portion of the building above the height limit.	8.5m	No

5. Height of Building

The proposed works by virtue of the recladding, replacement roofing and altered upper floor windows would have a maximum height of 10.8 m that fails to comply with the permissible height limit of 8.5m as required by Clause 4.3 in NSLEP 2013. This represents a non-compliance of 27% of the height control limit. It is noted that the proposal will retain the existing maximum ridge height and the overall built form remains effectively unchanged. The remainder of the proposed works are compliant with the maximum height control.

A written request prepared pursuant to Clause 4.6 in NSLEP 2013 justifying the breach to the building height control was lodged as part of the application. The written request has been considered against relevant case law including *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (*Initial Action*) wherein Preston CJ notes at [87] and [90]:

[87]... Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development...

And

[90] ... Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause. In particular, neither cl 4.6(3) nor (4) expressly or impliedly requires that development that contravenes a development standard “achieve better outcomes for and from development”.

The judgment in *Initial Action* however confirms the importance placed on the applicant’s justification provided in addressing the objectives and the “sufficient environmental planning grounds” identified in support of the contravention of the standard.

Clause 4.6(3) states the following:

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

The written request prepared by GSA Planning states that strict compliance would be unreasonable and unnecessary in the circumstances of the case and the proposal is consistent with the objectives of the building height development standard on the following grounds-

- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,***

Response: The proposed alterations and additions to the existing dwelling will generally retain the existing built form of the dwelling and will reflect the existing topography and landform of the site. This is achieved by retaining the buildings stepped built form and maintaining a single built form from the street and a three storey built form to the rear of the dwelling. The additional height is a function of the sites topography and previously approved built form (refer to *Relevant History* heading of the report. The proposal will result in the retainment of the natural levels of the site.

(b) to promote the retention and, if appropriate, sharing of existing views,

Response: The subject site obtains views of Waverton, as well as adjoining dwellings on Edward Street. The proposed works above the height control new roofing, cladding and reduction in the size of the existing windows to the eastern and western elevation of the building. To reiterate, the proposed works are to remain below the existing ridge height of the third storey of the building. As such, the proposal would not impact upon the existing views of those dwellings located to either side of the subject site.

In terms of building height and the adjoining dwellings, the proposed alterations and additions above the height control will have no unreasonable impacts to the views.

(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,

Response: The shadow diagrams demonstrate that the proposed works in breach of the building height control will not materially affect solar access to adjoining properties. Therefore, the impacts are considered to be acceptable in this regard.

(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,

Response: In terms of the height breach non-compliance the privacy for residents of the adjacent dwellings and the future occupants of the subject site would not give rise to any new adverse visual or acoustic privacy impacts and is accordingly acceptable in this regard. Privacy will be discussed in greater detail under the North Sydney Development Control Plan 2013 Section of the report however it is noted that the proposed window alterations to the windows above the height limit being altered are being reduced in size.

(e) to ensure compatibility between development, particularly at zone boundaries,

Response: The proposal is compatible with the surrounding R2 Low Density Residential Zone and will not result in any adverse material amenity impacts on adjoining development, as discussed in throughout this report.

(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,

Response: The extensive alterations and additions will be largely within the height limit. The additional height is a function of the site's steep sloping topography, a characteristic of the locality. The proposal will maintain the existing built form and use of the dwelling and accordingly is acceptable in this regard.

The scale and density of the development is considered appropriate and does not result in any adverse impacts with regard to maintaining the significance of the locality, subject to conditions.

(g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.

Response: Council notes the existing built form of the dwelling maintains a three storey built form at the rear and a two storey form to Edward Street with a substantial fall inherent in the existing site topography. The overall maximum height of the existing dwelling is to remain unchanged by the alterations and additions and the proposed works are to remain below the existing ridge height of the dwelling. The existing height, number of storeys, and built form remains consistent with the neighbouring and nearby dwellings and is considered satisfactory in this regard.

Summary

The written request has demonstrated that strict compliance with height of building development standard would be unreasonable and unnecessary as the objectives of the standard are achieved, notwithstanding the non-compliance with the building height standard.

The written request has also demonstrated that there are sufficient environmental planning grounds for contravening the building height control:

- *There are sufficient environmental planning grounds for the contravention, including;*
 - *Achieves the objectives of the development standards in Clause 4.3 of the NSLEP 2013;*
 - *It is in the public interest in being consistent with the objectives of the height standard and R2 Low Density Zone under the NSLEP2013;*
 - *It will deliver a development that is appropriate for its context despite the breaches to development standards and therefore has sufficient environmental planning grounds to permit the variation;*
 - *The building works proposed will maintain the existing scale and envelope and will remain consistent in scale with adjoining developments buildings;*
 - *The proposal will improve the amenity of the building and will increase the longevity of the heritage item;*
 - *The proposal will complement the existing dwelling house and enhance residential amenity for the landowners;*
 - *The proposal will not result in environmental impacts; and*
 - *There are no matters of state or regional planning significance and no public benefits in maintaining the height standard in this case.*

Clause 4.6(4) states the following:

- (4) Development consent must not be granted for development that contravenes a development standard unless:*
- (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*
 - (b) the concurrence of the Secretary has been obtained.*

As detailed above, it is considered that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) in NSLEP 2013. Clause 4.6(4)(a)(i) is satisfied.

The proposed development is considered to be consistent with the objectives of the building height standard and the objectives of the R2 Low Density Residential zone as detailed in the written request.

The proposed development is therefore considered to be in the public interest. Clause 4.6(4)(a)(ii) is satisfied.

There is assumed concurrence from the Secretary. Clause 4.6(4)(b) is also satisfied.

Clause 4.6(5) states the following:

- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The proposed breach to the building height development standard is unlikely to create any matter of significance for State or regional environmental planning. Furthermore, there is unlikely to be any public benefit in maintaining strict compliance with the building height control.

In conclusion, the written request seeking a variation to the building height control is considered to be well founded as it has demonstrated that compliance with the standard is unreasonable and unnecessary in the circumstances of the case, there are sufficient environmental planning grounds and the breaches to the building height are consistent with the objectives of the building height control and the R2 Low Density Residential zone and therefore in the public interest.

6. Miscellaneous Provisions

Heritage conservation (Cl. 5.10 of NSLEP 2013)

The site is identified as Local Heritage Item I0817 and is located within the Edward Street Conservation Area. As such, the development has been assessed in relation to the relevant heritage conservation provisions in Clause 5.10 of NSLEP 2013.

Council's Conservation Planner has considered the proposal against the relevant provisions of Clause 5.10 NSLEP 2013 and Section 13 NSDCP 2013.

Council's Conservation Planner raised issues with the proposed scheme with respect to the removal of key elements and proposal of various features which removed important heritage details of the existing heritage item.

The amended proposal is considered to be satisfactory, subject to conditions, with respect to the relevant provisions under Part B Section 13 of the North Sydney DCP 2013 and Clause 5.10 of NSLEP 2013, being the development controls for development affected by or affecting identified heritage items and conservation areas.

Earthworks (Cl.610 of NSLEP 2013)

The application involves only minor earthworks to accommodate a small area of excavation under the building for the lower ground floor works. The earthworks are not considered to detrimentally impact on drainage patterns and/or the structural integrity of adjoining properties. The proposal is considered satisfactory having regard to Clause 6.10 in NSLEP 2013.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposal relates to Parts B and C of NSDCP 2013. The following sections assess the proposal with respect to:

- *Part B Section 1 Residential Development,*
- *Part B Section 13 Heritage and Conservation, and*
- *Part C Section 10 Waverton / Wollstonecraft Planning Area.*

1. Part B Section 1 Residential Development

The following table assesses the proposal with respect to Part B Section 1 being the development controls for residential development.

DEVELOPMENT CONTROL PLAN 2013		
<i>Residential Development</i>	<i>Complies</i>	<i>Comments</i>
B1.2 Social Amenity		
1.2.1 Population Mix 1.2.2 Maintaining Residential Accommodation 1.2.3 Affordable Housing 1.2.4 Housing for Seniors/Persons with Disability	Yes	The proposal would not change the population mix and the level of residential accommodation available within the locality. The site is not identified as affordable rental housing. The proposal would not affect the supply of affordable housing and housing for seniors or people with disabilities.
B1.3 Environmental Criteria		
1.3.1 Topography	Yes	The proposal involves excavation to a depth of 1m for the basement level. The proposed excavation is considered acceptable, subject to conditions.
1.3.6 Views	Yes	There are no identified views that would be affected.
1.3.7 Solar access	Satisfactory	The allotments are oriented east-west. A large portion of the additional overshadowing in midwinter proposed will fall into the subject site. Minor overshadowing will fall on the site to the south at 13 Priory Road, however this level of shadowing is considered to have negligible impacts

		<p>Additional shadowing to the adjoining site at 46 Edward Street will occur from 12pm, however this shadowing is minor in extent and by 3pm will fall over the metal roof of the approved addition at 46 Edward Street under DA30/2020, which will not alter the existing solar access arrangements for the site.</p>
<p>1.3.8 Acoustic privacy P5 Bedrooms should be designed so that wardrobes provide additional sound buffering between rooms within the dwelling or between adjoining dwellings...</p>	<p>Satisfactory</p>	<p>The proposal will not alter the existing residential use on the site.</p> <p>The first floor bedroom includes stair access and an ensuite either side of the bedroom, thereby acting as a noise buffer to adjoining sites.</p>
<p>1.3.10 Visual privacy <u>Windows</u> P3 Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings. P4 Where windows are located with a direct outlook to windows of an adjacent dwelling... P5 Provide suitable screening structures to minimise overlooking from proposed dwellings to the windows, balconies or private open space of adjacent dwellings.</p>	<p>Satisfactory</p>	<p>The proposed windows at the side elevations will not have any adverse privacy impacts on adjoining properties.</p> <p>The proposed windows at the basement level will largely be screened by boundary fencing, and will not create any new sightlines between the site and adjoining dwellings.</p> <p>At the first floor level, changes to existing glazing will improve the existing privacy relationship between the site and adjoining dwellings. At the northern elevation, the existing first floor side windows will be reduced in size. At the southern elevation, the existing first floor side window will be increased in width, however, will be made narrower in height, and will sit at a greater sill height than the existing window.</p> <p>In relation to the proposed extension at the rear of the existing dwelling, the proposal is appropriately setback from side and rear boundaries and is not considered to have any adverse impacts on the adjoining sites. The new conservatory at the basement level will largely be screened from adjoining properties by side boundary fencing and will not introduce any new sightlines between dwelling windows. At the ground floor level, the proposed extension incorporates privacy glass, high window sill heights, and an appropriate balance between cladding and glazing to ensure privacy of adjoining sites is maintained. Furthermore, the windows proposed at the northern elevation on the ground floor, with 1.65m sill heights, do not align with the adjoining dwelling to the north, and will not result in any direct sightlines between habitable rooms. The new rear extension at the ground floor will also replace the existing rear balcony on the site, providing an enclosed space with appropriate privacy measures.</p> <p>At the rear, the proposal will modify and increase the extent of glazing. The proposed glazing at the basement and ground floor levels is considered acceptable given it will allow for necessary sunlight to enter the dwelling, particularly at the lower level, without significant privacy impacts to the rear neighbours. The glazing at the basement level will enclose a conservatory, which would have less privacy impacts on the neighbouring properties than an outdoor seated area in the same location, given it is enclosed. The glazing at the ground floor level is accompanied by louvered windows and a cladding wall, to ensure the glazing is not full height and a balance between glazing to solid materials is provided. The proposed rear windows are sufficiently setback from the rear boundary, afforded some screening from boundary fencing and vegetation, and are not considered to permit any additional direct overlooking into the private open space of rear neighbours than the existing dwelling.</p>

		In relation to the modification to existing glazing at the first floor level, the proposal will lower the height of existing glazing, and will not significantly increase the extent of glazing to a point where adverse privacy impacts above the existing arrangement would result.
B1.4 Quality Built Form		
1.4.1 Context O1 and P1 require building design to respond to existing character (refer to Part C of the DCP).	On Merit	<p>Section 5.4 Site Analysis Requirements includes that development should reflect the desired characteristics identified in the Character Statements for the planning area.</p> <p>Section 10.12 of Pat C, Edward Street Conservation Area in NSDCP 2013 describes that the area is characterised by single storey, gable and hipped roof dwellings with reduced height and scale to the area , and dwellings in groups of identical design. Over scaled two storey additions, carports in front setback, dormer windows, roof lights and removal of original detailing are identified as uncharacteristic elements in the Area.</p> <p>Despite the character statement, the existing building, and other buildings in the locality, are two and three storeys in height. The proposed additions will not extend above the height of the existing dwelling on the site and will only extend the existing built form at the basement and ground floor to the rear. In comparison to the scale of the existing dwelling on the site, the proposed additions are not considered to be over scaled, and do not significantly increase the existing building footprint.</p> <p>The proposal will retain the existing gable roof form on the site, and the proposed rear roof form is compatible with the character of the existing dwelling, whilst differentiating the extension from the principal dwelling.</p> <p>The proposal will retain the majority of the existing dwelling, including the front façade, and the internal layout of the dwelling will remain largely unaltered where original detailing exists.</p> <p>The existing development on the site contains a carport within the front setback. The proposed modifications to the carport will slightly increase the scale of the carport, however, are overall appropriate given they will provide a roof form to the carport which complements the heritage dwelling on the site.</p> <p>The application also proposes a skylight to the existing roof form.</p> <p>Overall, despite some inconsistencies with the character statement for the Edward Street Conservation Area, the proposed development is considered appropriate given the nature of the existing dwelling on the site, and other developments within the immediate locality.</p>
1.4.5 Siting	Yes	The proposed walls are parallel to the side boundaries. The development reinforces the subdivision pattern.
1.4.6 Setbacks O1-O4 seek to reinforce the characteristic pattern of setbacks and orientation, control the bulk and scale of buildings, provide building separation, and preserve existing amenity.	On Merit	<p><u>Carport</u> The existing carport includes nil side boundary setback to the southern boundary. The proposal will not alter the size or siting of the existing carport, and will only alter the roof form to complement the heritage character of the existing dwelling.</p> <p>No change is proposed to the existing front setback.</p>

<p><u>Front</u> P1 The front setback must match the alignment of the primary facades of buildings on adjoining properties. Where different setbacks occur, the average of the setbacks of those primary facades is to be used.</p> <p><u>Side</u> P2 0.9m first storey side setback, 1.5m second storey side setback and 2.5m third storey side setback to dwelling houses in R2 zone</p> <p><u>Rear</u> P5 Match adjoining properties or, if adjoining properties are not characteristic, the relevant area character statement.</p>		<p>The proposed alterations and additions will not alter the existing side setbacks provided on the site. The proposed extension at the rear will match the existing setbacks, providing a compliant 2.825m southern side setback, and a 1.165m northern side setback, which retains an existing non-compliance for the ground floor level (being the second storey). The proposed non-compliance is considered acceptable given the proposal matches the setbacks of the existing dwelling, and does not affect the northern dwelling's privacy, or unreasonably affect the northern dwelling's solar access.</p> <p>The proposed rear extension provides a rear setback which is consistent with the approved development to the south at No. 46 Edward Street, under DA130/20. There is no consistent rear building line observed along Edward Street, and the Edward Street Conservation Area character statement does not stipulate a characteristic rear setback.</p>
<p>1.4.7 Form, massing & scale O1 To ensure the size of new buildings are consistent with surrounding, characteristic buildings and they are not significantly larger than characteristic buildings. P2 Number of storeys consistent with that identified in the relevant area character statement (refer to Part C of the DCP). P4 Finished floor to ceiling heights are a minimum of 2.7m.</p>	<p>On Merit</p>	<p>Section 3.6.3 Statement of Significance of NSDCP 2013 identifies the area as being 'characterised by single storey...', however, the existing building, as well as other developments within the planner area, reach three storeys in height.</p> <p>The proposed additions will not exceed the existing maximum building height on the site, and will only extend the existing dwelling at the basement and ground floor levels. The two storey addition is consistent with the scale of the existing dwelling, and is considered appropriate given the scale of development within the locality. As such, despite being inconsistent with the area character statement, the proposal is consistent with the approved existing dwelling on the site, and with the surrounding scale of development within the locality.</p> <p>The proposed additions have minimum floor to ceiling heights greater than 2.7m.</p> <p>Overall, the additions are considered to be of a scale appropriate for the site and residential locality.</p>
<p>1.4.8 Built form character O1 To ensure that the design of new buildings reflects and reinforces, or is complementary to, the existing character of the locality.</p>	<p>On Merit</p>	<p>The area is identified as being 'characterised by single storey', with over scaled additions, carports, loss of original detail and roof lights as uncharacteristic elements.</p> <p>The existing building and other buildings in the locality are three storeys in height, and as such the character statement is not considered relevant in this regard. The three storey nature of the existing dwelling will be retained, and the proposal will not alter the existing built form character of the locality.</p> <p>The carport is existing on the site, and the proposal will alter the roof form to complement the heritage character of the principal dwelling on the site.</p> <p>The proposed skylight to the existing roof form is setback from the building frontage and is not considered to have a negative impact on the built form character of the locality.</p>

<p>P1 Where a building is part of a uniform group of buildings of similar character, locate any additions or alterations to the rear and not visible from the street or any public place. Council may permit alterations and additions to the front of a building, but only where those alterations and additions contribute to, or are sympathetic to the character of those buildings.</p>		<p>The site does not form part of a uniform group and the resulting development is generally in keeping with the built form character of the area. The proposal will retain the front of the existing dwelling and will locate additions to the rear, with the additions not visible from the street frontage. The proposed works are sympathetic to the character of the existing dwelling and surrounding development, and whilst providing a contemporary addition, will not have any adverse impacts on the built form character of the locality.</p>
<p>1.4.9 Dwelling Entry</p>	<p>Yes</p>	<p>The dwelling entry will be retained. The entry is clearly identifiable and oriented to Edward Street.</p>
<p>1.4.10 Roofs O1 To ensure the provision of a characteristic roof typology through the use of similar forms, shapes and materials. P1 Buildings should incorporate a pitched roof, except where another roof form is identified in an area character statement... or as being compatible with the characteristic roof form for the neighbourhood. P2 Roofs should be similar in form and utilise similar materials to those identified in the relevant area character statement...</p>	<p>Yes</p>	<p>The Conservation Area is identified as being characterised by gable and hipped-roof buildings with skillion roofs to rear extensions.</p> <p>The proposal will not alter the gable roof form of the existing dwelling. The proposed rear extension will sit beneath the existing balcony at the first floor level, and the roof form of the extension will angle appropriately away from the balcony.</p> <p>The proposed roof form of the carport has been designed to match the roof form of the existing dwelling, and complement the heritage character of the site.</p> <p>The terracotta tiles of the principal roof form will be retained. The materials of the existing rear first floor roof form will be replaced with surf mist metal roofing, which will match the proposed rear addition roofing. The proposed metal roofing is consistent with the character statement, and is considered appropriate for the site.</p>
<p>1.4.12 Colours & materials O1 To ensure new buildings reflect and reinforce the existing and desired character of a locality. P1 Buildings should use colours, finishes and materials identified in the relevant area character statement.</p>	<p>Yes</p>	<p>The area character statement identifies face brick, original rendered masonry walls, corrugated metal and terracotta tile roofs as characteristic.</p> <p>The proposal will largely reflect the characteristic materials given it will retain the terracotta tiles of the existing principal dwelling roof, and will provide metal roofing to the existing and proposed rear roof forms.</p> <p>The proposal will also retain the existing brick façade of the dwelling, and proposes cladding to the additions, which complements the existing dwelling, whilst ensuring the works appear as contemporary additions.</p>
<p>B1.5 Quality Urban Environment</p>		
<p>1.5.4 Vehicular access & car parking P14 Do not compromise streetscape, building form and landscaped area, or heritage significance through the provision of vehicle access.</p>	<p>Yes</p>	<p>The existing vehicle access to the site is 2.5m wide and will be retained.</p> <p>No changes are proposed to the parking arrangements on the site. The roof of the existing carport is to be modified to match the character and style of the heritage building, however the application does not propose any alterations or additions to the parking or vehicle access arrangements at the Edward Street frontage.</p>

P16 Limit the width of vehicle access to 2.5m and locate to one side of the property, or to side or rear of the building if possible.					
Site area = 463.2m²	Existing	Proposed	Control	Complies	
1.5.5 Site coverage (max.)	44.54% (206.3m ²)	49.8% (230.8m ²)	50% (231.6m ²)	Yes	
1.5.6 Landscape area (min.)	27% (125.2m ²)	30.26% (140.17m ²)	30% (138.96m ²)	Yes	
1.5.6 Un-built Upon Area (max.)	23.1% (107.1m ²)	18% (83m ²)	20% (92.64m ²)	Yes	
1.5.7 Landscaping	Yes	The proposed works will not disturb any trees that are significant to the local area. The proposal will increase the provision of landscaping on the site.			
1.5.9 Private & communal open space Site area = 214.9m²		Existing	Proposed	Control	Complies
Private Open Space (lot size 230 - 499m ²) (min.)	Ground level	>40m ²	>40m ²	40m ²	Yes
	Above ground level	Approx. 17m ²	No change.	N/A	N/A
1.5.13 Site facilities	Yes	The site contains sufficient area, within sunlight, for clothes drying.			
B1.6 Efficient Use of Resources					
1.6.1 Energy efficiency	Satisfactory	The application included a BASIX Certificate.			

2. Part B Section 13 Heritage and Conservation

The following table assesses the proposal with respect to Part B Section 13 being the development controls for development affected by or affecting identified heritage and conservation.

COMPLIANCE TABLE		
Heritage and Conservation	Complies	Comments
B13.5 Heritage items		
<p>13.5.1 Protecting heritage items</p> <p>P1 Retain features (including natural and cultural landscape features) that contribute to the significance of the item.</p> <p>P2 Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.</p> <p>P3 New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.</p> <p>P4 Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development</p>	Yes	<p>The proposed development will retain the majority of the principal dwelling, including the front façade, and parts of its original layout. The proposed works are located primarily at the already altered sections of the dwelling, with the new additions located at the rear of the dwelling. The new rear additions are considered to be of an appropriate scale when compared to the existing dwelling on the site, and have been designed appropriately to ensure they are not visible from Edward Street.</p> <p>The new roof proposed to the existing carport is considered appropriate for the site, and will complement the heritage character of the heritage item by providing a more sympathetic roof form.</p>

<p>P5 Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new work to the rear.</p> <p>P6 All works are to be consistent with an adopted Conservation Management Plan/s where applicable.</p>	<p>Yes</p>	
<p>13.5.2 Form, massing and scale P1 Locate alterations and additions away from principal elevations and primary forms, and behind and below the main ridge line. Note: Alterations and additions should occur to the rear of heritage items such that they are not visible from the public domain.</p> <p>P2 Ensure that alterations and additions are smaller in scale, height and massing than the existing building. P3 Locate additions within characteristic setbacks.</p> <p>P4 Maintain the integrity of the building form (including the roof form and profile) so that the original building is retained and can be clearly discerned.</p> <p>P5 Additions should be submissive in bulk and scale in comparison to the original building form (i.e. additions should generally be smaller in footprint and lessor in height than the original building form).</p>	<p>Yes</p>	<p>The proposed alterations and additions are primarily located at the rear of the site, with the proposed rear extension located well below the existing ridge line, to ensure the new works are not visible from Edward Street. Minor works are proposed at the front elevation, including the modification of existing windows in the front facing gable end of the existing first floor level addition. Given the first floor level is a latter addition, the proposed window modifications will not have an adverse impact on the heritage significance of the dwelling.</p> <p>The proposal also involves a new roof to the existing carport, which will provide a better outcome in relation to heritage significance, by providing a more sympathetic gable roof form to match the principal dwelling.</p> <p>The proposed addition at the rear will match the existing side setbacks of the principal building form, however, will be clearly discernible as a modern element given it does not mimic the architectural style or materials of the principal dwelling, and will sit lower than the main ridge line.</p> <p>The new addition is proposed at the basement and ground floor level only, and as such will sit much lower than the existing maximum building height on the site, and will appear lesser in scale, particularly when compared to the existing three storey element.</p>
<p>13.5.3 Additional storeys P1 Additional storeys must be confined to within the existing roof space or below the gutter line of the main roof. Whole floor additions will not be supported. Refer Figure B-13.6</p> <p>P2 The consent authority may consider permitting additional levels at the rear of a building, but only where those levels are located below and behind the main ridge line.</p>	<p>N/A</p>	<p>The proposal does not involve additional storeys above what is existing, and relates to the extension of existing levels of the dwelling.</p> <p>The proposed extensions are located below and behind the main ridge line of the principal dwelling.</p>
<p>13.5.4 Roofs P1 Retain hierarchy of roof forms, with dominant forms maintained on the primary façades.</p>	<p>Yes</p>	<p>The hipped roof form of the principal dwelling will not be altered, and the existing terracotta tiles on the main roof form will be retained. The existing chimney and other elements at the primary façade will also be retained.</p>

<p>P2 Retain original roofing materials, such as slate or terracotta tiles.</p> <p>P3 Retain chimneys and other decorative roof elements.</p> <p>P4 Where new roof form additions are proposed, they must be set lower than the existing primary roof ridge and be designed to positively respond to the roofs prevailing character. P5 All new services/drains/etc to be internal and/or of suitable materials.</p> <p>P6 Original roof forms are not to be modified to accommodate decks or balconies.</p>		<p>The proposal will re clad the roof of the front bay window with terracotta coloured corrugated iron. This is consistent with the character statement and the colours and materials within the surrounding conservation area.</p> <p>The new roof form proposed to the carport is appropriate for the site, and complements the roof form of the principal dwelling, providing a more sympathetic roof form to the heritage significance of the site. The carport will also be finished in terracotta coloured corrugated iron.</p> <p>The proposed new roof form will sit behind the principal dwelling, and below the existing primary roof ridge. The new roof form is considered appropriate for the site, and will not have any adverse impacts on the heritage significance of the site given the rear of the dwelling does not have the same quality of the front façade.</p>
<p>13.5.5 Interior layouts</p> <p>P1 Applications are to be accompanied by current photographs of interior features, including walls, floors, ceilings, windows and fireplaces etc.</p> <p>P2 Minimise change to the original or significant internal room configuration/layout (as appropriate) so that the evolution of the building remains discernible. This can be achieved by retaining wall nibs, decorative ceilings, joinery and original features such as fire places.</p> <p>P3 Kitchens or bathrooms must not be located within primary rooms of significance, unless all of the following are achieved: (a) all of the original interior detailing is retained; (b) the volume of the room can still be appreciated; (c) the original use of the room is still interpretable; (d) new services do not adversely impact on significant fabric; and (e) the works can be fully reversed, such that the room may reverted to its original purpose.</p> <p>P4 Retain access and relationship to original building entrances and associated hallways.</p> <p>P5 Retain significant internal original features including joinery, door sets, fire places, flooring, cornices and ceilings.</p>	<p>Yes</p>	<p>Photographs of the interior of the dwelling are included within the Heritage Impact Statement submitted with the application.</p> <p>The proposal has been designed to largely retain existing internal rooms, and key features of the dwelling. The proposal will retain existing internal spaces in the principal rooms at the front of the dwelling, and works are concentrated to the rear spaces. Where rooms are proposed for new purposes, original detailing will be retained. The proposal will restore the existing fireplace within the master bedroom.</p> <p>The proposal, as amended will retain the existing living area and bathroom at the ground floor, and will locate the new kitchen and dining area within the new extension at the rear.</p> <p>The proposal will demolish existing stairs to the rear of the dwelling. The existing stairs are quite steep and narrow, and their replacement is considered reasonable. The new stairs proposed are within the same location, and will not impact any significant internal room layouts or detailing.</p> <p>The proposed works at the first floor level will not have any heritage impacts given it is a later addition with no historical significance.</p> <p>Overall, the proposal will retain the significant elements of the dwelling including large portions of the original layout and details, particularly at the front of the dwelling. The changes to the front of the dwelling are minor and appropriate for site and conservation area.</p>

<p>P6 Locate alterations away from rooms that have intact or significant features.</p> <p>P7 Ensure new openings have similar dimensions or are compatible with existing openings, such as width and height of double doors.</p> <p>P8 Provide for reversibility of internal changes (where appropriate and reasonable).</p>		
<p>13.5.6 Upgrading for fire safety, BCA and other matters</p> <p>P1 Proposed fire upgrades to heritage buildings are to be accompanied by a heritage analysis carried out by a suitably qualified heritage consultant.</p> <p>P2 Fire and other upgrades are to be consistent with the heritage significance applicable to the property. Upgrades and replacement of balconies, stairs, timber windows etc are to be sensitive to that significance.</p> <p>P3 Fire and other upgrading works need to balance the fire safety and other compliance needs with protecting heritage significance. In order to achieve the most appropriate outcome, applicants may need to utilise alternate solutions to BCA compliance issues.</p>	<p>Yes</p>	<p>No fire or other upgrades are proposed.</p> <p>This will need to be addressed at the Construction Certificate stage.</p>
<p>B13.6 Heritage conservation area</p>		
<p>13.6.2 Form, massing and scale</p> <p>P1 Development should reflect the bulk, mass, scale, orientation, curtilage and setbacks of surrounding heritage and contributory items.</p> <p>P2 Development should recognise and complement the predominant architectural scale and form of the area.</p> <p>P3 Do not obstruct existing views in the public domain, including slot views over and between buildings as these provide connection and contribute to the context of the area's location.</p> <p>P7 Respond to characteristic building alignments by not building forward of the established or characteristic front setback.</p>	<p>Yes</p>	<p>The proposed development is consistent with the scale of the existing development on the site.</p> <p>The proposal complements the existing built form whilst incorporating contemporary built materials.</p> <p>The proposed additions will not alter the hipped roof form of the principal dwelling and will sit lower on the site, so as to not obstruct existing views in the public domain, slot views over and between buildings.</p> <p>The proposed additions are located towards the rear of the dwelling, and will largely retain the front façade or principal built form on the site. The proposed works have been designed and sited to sit lower than the main roof ridge on the site, and will not be visible from Edward Street.</p> <p>The proposal will alter the existing scale of the dwelling, however will not significantly alter the building footprint on the site, and will provide building setbacks consistent with the setbacks of the existing dwelling.</p>

<p><i>P8 Repeat any consistent pattern of side and rear setbacks...</i></p> <p><i>P9 New work may adopt a contemporary character...</i></p>		<p>The proposed additions do adopt a contemporary character whilst being appropriate for the scale and character of the existing building and surrounding built form.</p>
<p>13.6.3 Roofs</p> <p><i>P1 Roof form, pitch and materials are to be compatible with heritage and contributory items in the conservation area, as identified in the relevant character area statement (refer to Part C of the DCP).</i></p>	<p>Yes</p>	<p>The proposal will retain the existing gable roof form and the proposed additions are compatible with the character of the site and conservation area.</p> <p>The proposed skylight will not alter the gable roof form, and will not be overly visible from the public domain or adjoining properties.</p>
<p>13.6.4 Additional storeys and levels</p> <p><i>O1 To ensure that the streetscape and context of the heritage conservation area are respected.</i></p> <p><i>P1 Additional storeys or upper level additions are not supported in heritage conservation areas.</i></p> <p><i>P2 Despite P1, the consent authority may permit an additional storey or upper level addition, but only if the applicant can demonstrate:</i> <i>(a) that the resultant building will exhibit a similar scale to that in the vicinity of the site,</i> <i>(b) that the design respects the heritage characteristics of the area, and</i> <i>(c) that the additional storey does not alter the form or scale of any heritage or contributory items.</i> <i>Note: Modest cottages need to retain a small form and height.</i></p> <p><i>P3 Typically, additions should be set back behind the main roof lines and should be located substantially within the existing roof</i></p>	<p>Yes</p>	<p>The proposed development does not involve additional storeys or upper level additions, but provides rear extensions at the basement and ground floor levels.</p> <p>The proposed rear extension will sit lower than the main roof ridge line, and will not be visible from the Edward Street frontage. The proposal will largely retain front façade of the dwelling, respecting the heritage character of the locality. The existing gable roof form will be retained and the character of the dwelling, at the street frontage, will not be altered.</p>
<p>13.6.5 Internal layouts</p> <p><i>P1 Consideration is given to the internal layouts of buildings.</i></p> <p><i>P2 Where interior layouts are determined to be significant, they should be retained.</i></p>	<p>Yes</p>	<p>The proposed works will respect the internal layouts of the existing dwelling. The proposed works are largely concentrated within the rear spaces of the dwelling, with the front, more significant areas, retained in terms of internal layout and details.</p>
<p>B13.9 Controls for specific building elements</p>		
<p>13.9.1 Skylights, solar panels and satellite dishes</p>	<p>Yes</p>	<p>The proposed skylight does not impact on the heritage significance of the heritage item or conservation area and is set back to ensure it will not be overly visible from the Edward Street frontage. The skylight will have minimal visual impact and enhance solar and daylight to the dwelling.</p>

<p>13.9.4 Materials, colours and finishes</p> <p><i>P6 Ensure materials, finishes and colours are compatible with the characteristic built elements of the heritage conservation area as described in the relevant Area Character Statement (refer to Part C of the DCP).</i></p>	<p>Yes</p>	<p>The proposed materials are largely consistent with the area character statement, and will complement the existing dwelling and the larger conservation area. The proposed additions are clearly new, however are considered appropriate for the subject dwelling.</p> <p>Conditions are included in the condition set to ensure the materials, colours and finishes are consistent and complement the heritage conservation area.</p>
<p>13.9.5 Garages and carports</p>	<p>Yes</p>	<p>The proposal will replace the existing flat roof carport with a pitched roof form with a decorative gable end consistent with the existing roof form of the principal dwelling. The new carport roof will provide a more sympathetic roof form for the heritage item and conservation area.</p>

3. Part C Section Waverton / Wollstonecraft Planning Area

Relevant Planning Area (Edward Street Conservation Area)

The application has been assessed against the relevant controls in DCP 2013 as indicated in the earlier compliance table. The application has also been assessed against the relevant controls in the Character Statements in Part C in NSDCP 2013, Section 10.12 – Edward Street Conservation Area below:

Significant Elements

The proposal is characteristic of the low density residential zone in continuing to provide a dwelling house on the site. The proposal maintains the characteristic subdivision pattern, and does not alter the topography of the site. The proposal will not have any adverse impact on views from surrounding development, with the proposed extension located at the rear, set below the existing built form.

Characteristic Built Elements

The proposal provides appropriate building setbacks, and the dwelling will continue to be located towards the front of the site, consistent with adjoining developments. The proposal will retain the existing gable roof form and the new addition will provide a roof form which complements the existing dwelling and is appropriate for the conservation area. The proposal will retain the existing chimney and other significant elements of the principal dwelling. The proposed rear extensions will sit lower than the main roof ridge and will provide a reduced height and scale at the rear. The existing low front fence will be retained and restored. The existing carport will be retained and proposed pitched roof with gable end feature to the carport will create a more sympathetic appearance to the heritage dwelling.

Uncharacteristic Elements

The character area statement identifies over-scaled, two storey additions as uncharacteristic for the locality. The proposed extension is not considered to be over-scaled, and will sit well below the main roof ridge line of the principal dwelling, with appropriate building setbacks. The additions will not be visible from the street frontage. The proposed skylight is considered appropriate given it is setback from the street frontage, and will not be overly visible from the public domain.

CONTRIBUTION PLAN

Council's Contributions Plan calculator has been inputted with a credit for the existing three + bedroom dwelling on site and proposal for a new 3+ dwelling on site and the development cost of works of \$789,484.00. As the cost of works was the greater resulting amount the proposal will be levied with Section 7.12 Contribution Amount as per the following summary table

s7.12 contribution details	Development Cost: \$789,484.00
(indexed at payment but not consent)	Contribution: \$7,895.00

APPLICABLE REGULATIONS

In the event of an approval consent conditions will address applicable regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, Principal Certifying Authority appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection.

PUBLIC INTEREST

The proposal will not have any adverse impacts on surrounding development and therefore is considered to be in the public interest.

SUITABILITY OF THE SITE

The proposal would be located in a R2 Low Density Residential Zone where dwelling houses are a permissible form of development. Given the proposal will allow for additions that respect and respond to the heritage significance of the locality, the proposed development is considered to be suitable for the site.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL	CONSIDERED
1. Statutory Controls	Yes
2. Policy Controls	Yes
3. Design in relation to existing building and natural environment	Yes
4. Landscaping/Open Space Provision	Yes
5. Traffic generation and Car parking provision	Yes
6. Loading and Servicing facilities	Yes
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes

- | | |
|--|-----|
| 8. Site Management Issues | Yes |
| 9. All relevant Section 4.15 considerations of <i>Environmental Planning and Assessment Act 1979</i> | Yes |

SUBMITTERS CONCERNS

The issues raised in the submission are addressed in the table below.

Basis of the submissions	Response
<ul style="list-style-type: none"> • Height: proposed bedroom on first floor has noise, privacy and shadowing impacts. • Existing addition: not consistent with character of neighbourhood. • Noise: use of existing balcony has acoustic impacts on surrounding properties. • Privacy: existing rear addition overlooks into adjoining sites rear gardens, shielding should be provided to reduce overlooking to Nos. 44 and 46 Edward Street. <p>Shadow: height of addition will cast shadow across No. 46 Edward Street, and further to No. 44 Edward Street.</p>	<p>Despite being uncharacteristic for the locality, the first floor level, inclusive of the existing bedroom and balcony, was approved under Application No. 429/76.</p> <p>The existing privacy and shadowing impacts which result from this first floor level, inclusive of the balcony, will not be increased by the proposed development. The proposal will modify windows at the first floor level, by reducing the extent of glazing at the northern elevation, and increasing the window sill height at the southern elevation. Although the window at the southern elevation will be increased in width, no additional privacy impacts will result, largely given this window adjoins a staircase.</p> <p>The modifications to the existing glazing at the rear of the first floor level are not considered to increase any existing privacy impacts.</p> <p>As shown on the shadow diagrams submitted with this application, the extent of additional shadowing by the proposed extensions will fall largely within the subject site itself.</p>
<ul style="list-style-type: none"> • No consideration of the new development approved at 46 Edward Street has been made in the application documents. • Overshadowing: the proposal will overshadow the new addition approved at 46 Edward Street. • Privacy: the addition, including the ground floor kitchen, will overlook 46 Edward Street, and the modifications to first floor windows will also increase privacy concerns. <p>Visual Bulk: proposal creates additional visual bulk, particularly the ground floor kitchen.</p>	<p>As shown on the shadow diagrams submitted with the application, the additional shadow cause by the proposed additions will fall over only the metal roof portion of the approved addition at 46 Edward Street. Where shadowing falls over the grating screen of the approved addition, it relates to existing shadows.</p> <p>The proposed works will not have any adverse privacy impacts on 46 Edward Street. At the basement level, the conservatory windows will be largely screened by boundary fencing, and are not considered to have any greater privacy impacts than an outdoor terrace area.</p>

	<p>At the ground floor, the southern elevation where the new kitchen is proposed, will contain brick cladding, with the only windows proposed at this elevation relating to privacy glass splashback. Windows to the rear of the addition at the ground level are set in from the sides, and are considered appropriate to allow for sufficient solar access.</p> <p>The modification to the first floor window at the southern elevation will increase the width of the window, however will provide a greater sill height than the existing window, and will adjoin the staircase, rather than directly adjoining the bedroom.</p> <p>Furthermore, the setback of the dwelling from the boundary with 46 Edward Street is fully compliant with the DCP requirements.</p> <p>The scale of the proposed development is considered to be appropriate for the site. The addition sits below the maximum building height, provides extended side setbacks to 46 Edward Street, and fully complies with the site coverage and landscape area controls.</p>
<ul style="list-style-type: none"> • Height and Scale: height non-compliance, new works should conform to 8.5m height limit. • Privacy: rear structure will overlook Priory Road properties due to topography of the site and so the building line should be maintained. • Noise: extensive glazing and windows at the rear will cause noise impacts. • Overdevelopment: third floor does not appear to have been properly approved and is not in keeping with the conservation area. • Stormwater: stormwater should be directed onto Edward Street, due to impacts on Priory Road properties. <p>Use: given the scale of the home, it may be used as a separate dwelling which is not permissible.</p>	<p>The proposed rear addition complies with the 8.5m height limit. New works proposed above the height limit relate to modification of existing windows only.</p> <p>The existing privacy relationship is not considered to be significantly impacted by the proposed development. The proposal will enclose the existing balcony at the ground floor level and provide an appropriate balance between glazing and solid facade, which will actually reduce visual and acoustic impacts of the existing ground floor balcony space. Although the proposal will extend the existing building line, an adequate setback is still provided to the rear boundary.</p> <p>The new conservatory at the basement level will contain a seating area, and will not have any greater privacy impacts than an outdoor terrace, particularly in relation to acoustic privacy, given it will enclose the space. The rear shed, boundary fencing and surrounding vegetation will provide some screening to the basement level.</p> <p>Despite being uncharacteristic for the locality, the first floor level, inclusive of the existing bedroom and balcony, was approved under Application No. 429/76.</p>

	<p>The proposal has been assessed by Council’s engineer who has not raised any issues with the storm water drainage proposed on the site, subject to conditions.</p> <p>The proposal is for alterations and additions to the existing dwelling, and will not be permitted consent for use as a separate dwelling.</p>
<ul style="list-style-type: none"> • Proposed extensions overlook back garden, verandah and first floor bedroom. • Extent of glazing and window openings will create privacy and noise impacts. • The current rear building alignment already extends further than its neighbours and should not be extended. • Impact of extensions is increased by the moving of all living areas from the centre to the rear of the building. • First floor level does not comply with DCP which requires floor level of habitable rooms to not be greater than 1m below natural ground level. • Use: use of first floor level should be conditioned to not permit a separate dwelling. • Existing first floor extension has had no approval and should be addressed. • Existing verandah on third floor level is much narrower than depicted on plans and should not be extended. • Height: the proposal does not comply with Clause 4.3 objectives as stated in the Clause 4.6 statement. • The third floor level is out of character and is not part of the heritage significance of the building. • Additions will be visible from Priory Road and therefore the impact on the character of the locality should be considered. • Colours of the extension should not be white and should be in keeping with existing materials of the dwelling. • Construction plan proposed to store demolished and excavated materials in the rear yard is dangerous and could collapse into neighbouring gardens. Materials should be stored at the front of the property. <p>Stormwater should be drained directly to Edward Street.</p>	<p>The existing privacy relationship is not considered to be significantly impacted by the proposed development. The proposal will enclose the existing balcony at the ground floor level and provide an appropriate balance between glazing and solid facade, which will actually reduce visual and acoustic impacts of the existing ground floor balcony space. Although the proposal will extend the existing building line, an adequate setback is still provided to the rear boundary. The proposed rear building line is consistent with the approved rear building line of the neighbour to the south.</p> <p>Although living spaces are located at the rear, the main living room at the ground floor is located within the centre of the building.</p> <p>The new conservatory at the basement level will contain seating area, and will not have any greater privacy impacts than an outdoor terrace, particularly in relation to acoustic privacy, given it will enclose the space. The rear shed, boundary fencing and surrounding vegetation will provide some screening to the basement level.</p> <p>The first floor level is located above natural ground level, not below.</p> <p>The proposal is for alterations and additions to the existing dwelling, and will not be permitted consent for use as a separate dwelling.</p> <p>Despite being uncharacteristic for the locality, the first floor level, inclusive of the existing bedroom and balcony, was approved under Application No. 429/76. The proposal will not extend the existing first floor balcony.</p> <p>The proposed rear addition complies with the 8.5m height limit. New works proposed above the height limit relate to modification of existing windows only.</p> <p>The rear additions will not be overly visible from Priory Road.</p>

	<p>Conditions are included in the condition set to ensure the materials, colours and finishes are consistent and complement the heritage conservation area.</p> <p>A Construction Management Program is required to be prepared as per conditions.</p> <p>The proposal has been assessed by Council's engineer who has not raised any issues with the storm water drainage proposed on the site, subject to conditions.</p>
<ul style="list-style-type: none"> • The proposal will create a house with excessive height and site coverage compared to others within the area. • Current third storey is already excessive and poorly designed given the architectural heritage of the area. <p>Two storey extension will bring the dwelling closer to the rear boundary and result in overlooking to back gardens of rear adjoining sites.</p>	<p>The proposed additions sit below the existing height of the dwelling, and below the height of the adjoining dwelling to the north, which exceeds the 8.5m height at the Edward Street frontage. The proposal complies with site coverage and landscaping requirements.</p> <p>The existing third storey is subject to a previous approval.</p> <p>The extent of overlooking has been assessed and is not considered to significantly increase as a result of the proposed additions, and an appropriate rear setback is still provided.</p>

CONCLUSION

Reasons for the decision

The development application has been assessed against the *North Sydney Local Environmental Plan 2013* and the *North Sydney Development Control Plan 2013*.

The proposed development incorporates the retention of the significant elements of the heritage item, including the traditional gable roof form and front elevations, and achieves the intended heritage outcomes expressed under Section 13 of Council's DCP. Accordingly, the proposed additions are supported on the following grounds:

- The proposed additions are located behind and below the original roof, and will not be visible from Edward Street. Limited views of the rear additions will be achieved from Priory Road.
- The proposed additions sit below the 8.5m maximum building height, with the only works proposed above the height limit relating to window modifications.
- The proposed additions comply with the side and rear setback provisions expressed under NDCP 2013, except where the additions match the non-compliant side setbacks of the existing dwelling.
- The proposal retains significant aspects of the existing dwelling including internal layouts and detailing located within the unaltered sections of the house.
- The proposed changes to the carport roof form will have a positive impact in relation to the heritage character of the site.
- The existing chimney on the dwelling is retained.

The proposed development is considered to satisfactorily respond to the constraints of the site and reasonably conserves the characteristic features of the heritage item and its contribution to the Edward Street Conservation Area.

The proposal is considered to be satisfactory with respect to the relevant provisions under Part B Section 13 of the North Sydney DCP 2013 and Clause 5.10 of NSLEP 2013, being the development controls for development affected by or affecting identified heritage and conservation.

How community views were taken into consideration

The owners of adjoining properties and the local precinct were notified of the proposed development for a 14-day period in accordance with section A4 of NSDCP 2013. The notification resulted in six submissions where a number of issues were raised that have been addressed in this report where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties and/or the character of the streetscape/conservation area.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 and grant consent to Development Application No. 313/21 for alterations and additions including an attic and associated works, on land at 48 Edward Street, North Sydney, subject to the attached standard conditions.

**PLANNING INGNEUITY
TOWN PLANNING CONSULTANTS**

**KIM ROTHE
A/TEAM LEADER (ASSESSMENTS)**

**DAVID HOY
A/MANAGER DEVELOPMENT SERVICES**

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
48 EDWARD STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 313/21

A. Conditions that Identify Approved Plans

Development in Accordance with Plans

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Dated	Drawn by
DA-0000	A	Cover	15/07/22	Noble Architecture Pty Ltd
DA-0201	A	Site Analysis Plan	15/07/22	Noble Architecture Pty Ltd
DA-0202	A	Proposed Basement Plan	15/7/22	Noble Architecture Pty Ltd
DA-0203	A	Proposed Ground Floor Plan – Option B	15/7/22	Noble Architecture Pty Ltd
DA-0204	A	Proposed First Floor Plan	15/7/22	Noble Architecture Pty Ltd
DA-0205	A	Proposed Roof Plan	15/7/22	Noble Architecture Pty Ltd
DA-0206	A	Proposed East Elevation	15/7/22	Noble Architecture Pty Ltd
DA-0207	A	Proposed West Elevation	15/7/22	Noble Architecture Pty Ltd
DA-0208	A	Proposed North Elevation	15/7/22	Noble Architecture Pty Ltd
DA-0209	A	Proposed South Elevation	15/7/22	Noble Architecture Pty Ltd
DA-0210	A	Proposed Section A-A	15/7/22	Noble Architecture Pty Ltd
DA-0220	/	Shadow Diagrams – Winter Solstice	7/10/21	Noble Architecture Pty Ltd
DA-0230	/	Site Coverage Plan	7/10/21	Noble Architecture Pty Ltd
DA-0231	/	Landscape Plan	7/10/21	Noble Architecture Pty Ltd
DA-0240	/	Materials & Finishes	7/10/21	Noble Architecture Pty Ltd
DA-0250	/	Perspectives	7/10/21	Noble Architecture Pty Ltd
DA-0260	/	A4 Notification Plans	7/10/21	Noble Architecture Pty Ltd

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

**48 EDWARD STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 313/21**

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All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

No Demolition of Extra Fabric

A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

B. *Matters To Be Completed Before the Lodgement of An Application For A Construction Certificate*

Construction Management Program – North Sydney Council Traffic & Transport Operations Divisions Approval

B1. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted for consideration by the North Sydney Traffic Committee and approved in writing by North Sydney Council's Traffic Division PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
 - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
 - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
 - v. Locations of hoardings proposed;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.

- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
- c) The proposed phases of works on the site, and the expected duration of each phase.
- d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
- e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
- f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve any permanent or temporary encroachment onto Councils property.
- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
- h) A Waste Management Plan. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A certificate of compliance with this condition must be obtained from Council's Traffic and Transport engineers. The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate. A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible, as **a minimum six (6) weeks assessment period** is required, including referral to the Traffic Committee.

- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

C. *Prior To The Issue Of A Construction Certificate (And Ongoing, Where Indicated)*

Heritage and Design Amendments

- C1. That the proposed new bathroom location on the upper street level be deleted and the bathroom remain in its current location. The period bathroom details are to remain intact.
1. That the proposed rear addition be set in from the side boundaries to differentiate it from the existing footprint and the solid to void ratio be increased at the upper ground floor level.
 2. That the ongoing prominence of the sandstone base of the dwelling be reinforced by ensuring that:
 - a. the replacement and new windows be recessed into the sandstone to create a recessive impact,
 - b. the proposed new window openings in the front, eastern elevation be deleted.
 3. That all existing fireplaces and associated elements remain in situ,
 4. That the proposed skylight in front bedroom be deleted to protect the existing ceiling details.
 5. retention of the existing ground floor bathroom and the living room dimensions,
 6. deletion of the proposed skylight in the ground floor front bedroom safeguarding the ceiling decoration,
 7. Deletion of the new windows to the lower ground/basement area relating to the new powder room and shower room, with any vents to be retained in situ
 8. The size and proportions of the new windows in the sandstone base relating to the games room/ laundry and gym areas are still too large and are to be reduced to be smaller than the existing primary windows above. In this regard the windows are to be reduced in size by 50% of the current as approved size.
 9. The proposed new windows in the sandstone base relating to the games room is to be deleted

(Reason: To protect the heritage significance of the heritage item and the character and significance of the heritage conservation area).

Dilapidation Report Damage to Public Infrastructure

- C2. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason: To record the condition of public infrastructure prior to the commencement of construction)

Dilapidation Report Private Property (Excavation)

- C3. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: To record the condition of property/ies prior to the commencement of construction)

Dilapidation Survey Private Property (Neighbouring Buildings)

- C4. A photographic survey and dilapidation report of adjoining properties No's. 46 and 50 Edward Street detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the photographic survey and dilapidation report is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: Proper management of records)

Shoring for Adjoining Properties

- C5. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

Note: Approval of engineering drawings for shoring works to be located on adjoining property by the Certifying Authority does not authorise a trespass on private or public land. All relevant permissions/ legal rights must be obtained to undertake any works on adjoining land.

(Reason: To ensure the protection of existing public infrastructure and adjoining properties)

Structural Adequacy of Existing Building

C6. A report prepared by an appropriately qualified and 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 shall be submitted to the Certifying Authority for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

(Reason: To ensure the structural integrity of the building is maintained)

Geotechnical Certificate

C7. A report prepared by an appropriately qualified Geotechnical Engineer certifying that the existing rock formations and substrate on the site is capable of:

- a) withstanding the proposed loads to be imposed,
- b) withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation,
- c) providing protection and support of adjoining properties, and
- d) the provision of appropriate subsoil drainage during and upon completion of construction works.

must be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate.

Recommendations made in the certified report must be complied with at all times.

Building plans and specifications submitted for approval with any construction certificate application must comply with (a), (b), (c) and (d) above and the certified report, including any recommendations made in the said certified report.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

Sediment Control

- C8. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

A Sediment Control Plan must be prepared and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Sediment Control Plan must be consistent with the Blue Book and disclose:

- a) All details of drainage to protect and drain the site during the construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- f) Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Sediment Control plan.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Waste Management Plan

- C9. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
 - b) The design of the on-site waste storage and recycling area; and

- c) Administrative arrangements for waste and recycling management during the construction process.

The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

(Reason: To encourage the minimisation of waste and recycling of building waste)

Colours, Finishes and Materials (Conservation Areas)

- C10. The finishes, materials and exterior colours shall be complementary to the architectural style of the original building and sympathetic to the character of the Conservation Area. A schedule of finishes, materials and external colours shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that the completed colours, finishes and materials are complementary to the Conservation Area.)

Skylight(s)

- C11. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To minimise the visual impact of the skylight(s) on the roof plane)

Roofing Materials - Reflectivity

- C12. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development)

Work Zone

- C13. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Work Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate.

Where approval of the 'Work Zone' is given by the Committee, the requirements of the Committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

- C14. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure interface between property and public land remains uniform)

Stormwater Disposal

- C15. The following stormwater infrastructure is to be installed as detailed below:

The overflow from the rainwater tank is to be connected to the Edward Street gutter via a charged line system.

The installation of the charge line system is to minimise the excess stormwater run-off impacts on adjoining properties at No. 9, 11, and 15 Priory Road.

A stormwater plan (showing the details of the charge line system) complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the stormwater plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To manage the stormwater runoff impacts on adjoining properties)

Charged Stormwater System

C16. Plans indicating all engineering details relevant to the site regarding the collection and disposal of stormwater from the site, buildings, and adjacent catchments, shall be submitted to the Certifying Authority for approval with the Construction Certificate for construction works. Stormwater shall be conveyed from the site to the nearest Council stormwater drainage system. All proposals shall be in accordance with Council's specifications.

- a) Conveyed by charged system to Council's kerb. There must be a minimum difference in height between the most remote section of the roof gutter and the discharge/control pit at the property boundary of 1.8 meters. In addition, all local and friction losses must be taken into account and therefore, functionality of the system must be supported by hydraulic calculation which must be presented with hydraulic grade line (HGL). There must be a gravity flow across the footpath from an isolating sealed and lid-bolted pit within the property. All pipes must be a minimum of 100 mm and all joints must be solvent welded. A cleaning eye must be provided at the low point in the system within a pit that can be drained to an on-site dispersal system. Gutter guards must be installed on all gutters to minimize debris entering the system.
- b) A Positive Covenant will be required to be placed on the title of the property to inform owners of their responsibility in maintaining the system.
- c) All gutters and pipes in the system must be designed for a 1 in 100 year ARI storm event.

(Reason: To ensure controls stormwater management and disposal without nuisance)

On-Site Rainwater Retention System

C17. On site rainwater retention must be provided, water is to be used for toilet flushing and irrigation. Any overflow is to be directed into existing stormwater drainage system. The completed works shall be certified as compliant with Australian Standard 3500.3.2, National Plumbing and Drainage Code and Sydney Water regulations upon completion.

(Reason: To ensure appropriate provision is made for the management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded)

Bond for Damage and Completion of Infrastructure Works – Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement

- C18. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$5000 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
 - c) remedying any defects in any such public work that arise within 6 months after the work is completed.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers.

Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following: -

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and
- the Certifying Authority must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

Section 7.12 Development Contributions

- C19. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$7,895.00.

Indexation

The monetary contribution required under this consent will be indexed between the date of the grant of the consent and the date on which the contribution is paid the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of payment

The contribution must be paid to Council prior to issue of any Construction Certificate for any work approved by this consent.

A copy of the North Sydney Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au

(Reason: to provide for local infrastructure identified in the North Sydney Council Local Contributions Plan 2020)

Asbestos Material Survey

- C20. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:

- a) the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- b) all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
- c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and

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- d) Waste disposal receipts must be provided to the Certifying Authority as proof of correct disposal of asbestos laden waste.

The report must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the report, and other plans, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily)

Security Deposit/ Guarantee Schedule

- C21. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security deposit/ guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$5,000
TOTAL BONDS	\$5,000

Note: The following fees applicable

Fees	
Section 7.12 Contributions	\$7,895.00
TOTAL FEES	\$7,895.00

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

BASIX Certificate

- C22. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A429019_02 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

D. Prior To The Commencement Of Any Works (And Continuing Where Indicated)**Protection of Trees**

- D1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites). A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

(Reason: To ensure compliance with the requirement to retain significant planting on the site)

Public Liability Insurance – Works on Public Land

- D2. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note, and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

(Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land)

Commencement of Works Notice

- D3. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

(Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

E. During Demolition and Building Work**Cigarette Butt Receptacle**

- E1. A cigarette butt receptacle is to be provided on the site for the duration of excavation/demolition/construction process, for convenient use of site workers.

(Reason: To ensure adequate provision is made for builders' waste)

Parking Restrictions

- E2. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

Road Reserve Safety

- E3. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E4. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

Geotechnical Stability During Works

- E5. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the approved geotechnical report and all subsequent geotechnical inspections carried out during the excavation and construction phase.

Approval must be obtained from all affected property owners, including North Sydney Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

(Reason: Ensure appropriate professional are engaged at appropriate stages during construction)

Removal of Extra Fabric

- E6. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

(Reason: To ensure compliance with the terms of this development consent)

Dust Emission and Air Quality

- E7. The following must be complied with at all times:

(a) Materials must not be burnt on the site.

- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

Noise and Vibration

- E8. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

Developer's Cost of Work on Council Property

- E9. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

(Reason: To ensure the proper management of public land and funds)

No Removal of Trees on Public Property

- E10. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

(Reason: Protection of existing environmental infrastructure and community assets)

Benchmarks

- E11. All permanent survey markers must be retained, undamaged, and not relocated.

(Reason: Protection of existing environmental infrastructure and community assets)

Special Permits

- E12. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours notice is required for any permit: -

1) **On-street mobile plant**

Eg. cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the developer's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(Reason: Proper management of public land)

2) **Hoardings**

Permits are required to erect Class A and Class B hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

(Reason: Proper management of public land)

3) **Storage of building materials and building waste containers (skips) on Council's property**

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

Attention is drawn to the existing kerbside restrictions adjacent to the development. Should alteration of existing kerbside restrictions be required, or the provision of a construction zone, the appropriate application must be made and the fee paid to Council. Alternatives to such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

(Reason: Proper management of public land)

Construction Hours

E13. Building construction and works must be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works must be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. For the purposes of this condition:

- a) "Building construction" means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- b) "Demolition works" means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.
- c) "Excavation work" means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

All builders, excavators must display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Out of Hours Work Permits

E14. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
 - the erection of awnings,
 - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
 - the erection and removal of hoardings and site cranes, and
 - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include;
 - extended concrete pours
 - works which are solely to convenience the developer or client, and
 - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Installation and Maintenance of Sediment Control

E15. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and can only be removed when development activities have been completed and the site fully stabilised.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Sediment and Erosion Control Signage

E16. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Site Amenities and Facilities

E17. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work place determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au

(Reason: To ensure the health and safety of the community and workers on the site)

Health and Safety

E18. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au

(Reason: To ensure the health and safety of the community and workers on the site)

Prohibition on Use of Pavements

- E19. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

(Reason: To ensure public safety and amenity on public land)

Plant & Equipment Kept Within Site

- E20. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

Details of Council requirements for permits on public land for standing plant, hoardings, storage of materials and construction zones and the like are available on Council's website at www.northsydney.nsw.gov.au.

(Reason: To ensure public safety and amenity on public land)

Waste Disposal

- E21. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

(Reason: To ensure the lawful disposal of construction and demolition waste)

Asbestos Removal

- E22. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

(Reason: To ensure works are carried out in accordance with relevant WorkCover requirements)

F. Prescribed Conditions Imposed Under EP&A Act And Regulations And Other Relevant Legislation**National Construction Code**

F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

Home Building Act

F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:

a) in the case of work for which a principal contractor is required to be appointed:

- 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, or

(b) in the case of work to be done by an owner-builder:

- (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.

2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Construction Certificate

- F4. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Occupation Certificate

- F5. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Commencement of Works

- F6. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence the erection of the building.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Excavation/Demolition

- F7. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

**48 EDWARD STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 313/21**

Page 26 of 29

- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

Site Sign

- F8.
- 1) A sign must be erected in a prominent position on the site
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
 - 2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

Protection of Public Places

- F9.
- 1) A hoarding and/or site fencing must be erected between the work site and adjoining public place.
 - 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
 - 5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

(Reason: To ensure public safety and the proper management of public land)

G. *Prior To The Issue of An Occupation Certificate*

Infrastructure Repair and Completion of Works

G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:

- a. in the road reserve must be fully completed; and
- b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

Certification – Civil Works

G2. a) An appropriately qualified and practising Civil Engineer must certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

Damage to Adjoining Properties

G3. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

(Reason: To ensure adjoining owner's property rights are protected)

Covenant & Restriction (Stormwater Control Systems)

- G4. An Instrument pursuant to Sections 88B and 88E of the Conveyancing Act 1919 and one copy must be submitted to Council in registrable form, providing for:
- a) a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 48 Edward Street, North Sydney requiring the ongoing retention, maintenance and operation of the stormwater facility (rainwater retention system, charged lines),
 - b) North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument,
 - c) the wording on the Instrument making reference to the Council file/s which hold;
 - (i) the Construction plans, and
 - (ii) the "Work-as-Executed" (as built) plans.

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council's official seal will be affixed to these documents, prior to submission to the NSW Land Registry Services for registration.

The Instrument creating the restriction and/or covenant under ss 88B and 88E required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier.

Evidence of the registration of the instrument referred to in this condition is to be provided to Council prior to the issue of an Occupation Certificate.

All costs associated with the preparation, approval and registration of the Instrument required by this condition of consent must be borne by the person acting on this consent including the reasonable costs of Council in obtaining advice, negotiating the terms or otherwise facilitating the execution and registration of the required Instrument.

(Reason: Compliance and adequate maintenance of drainage system)

Utility Services

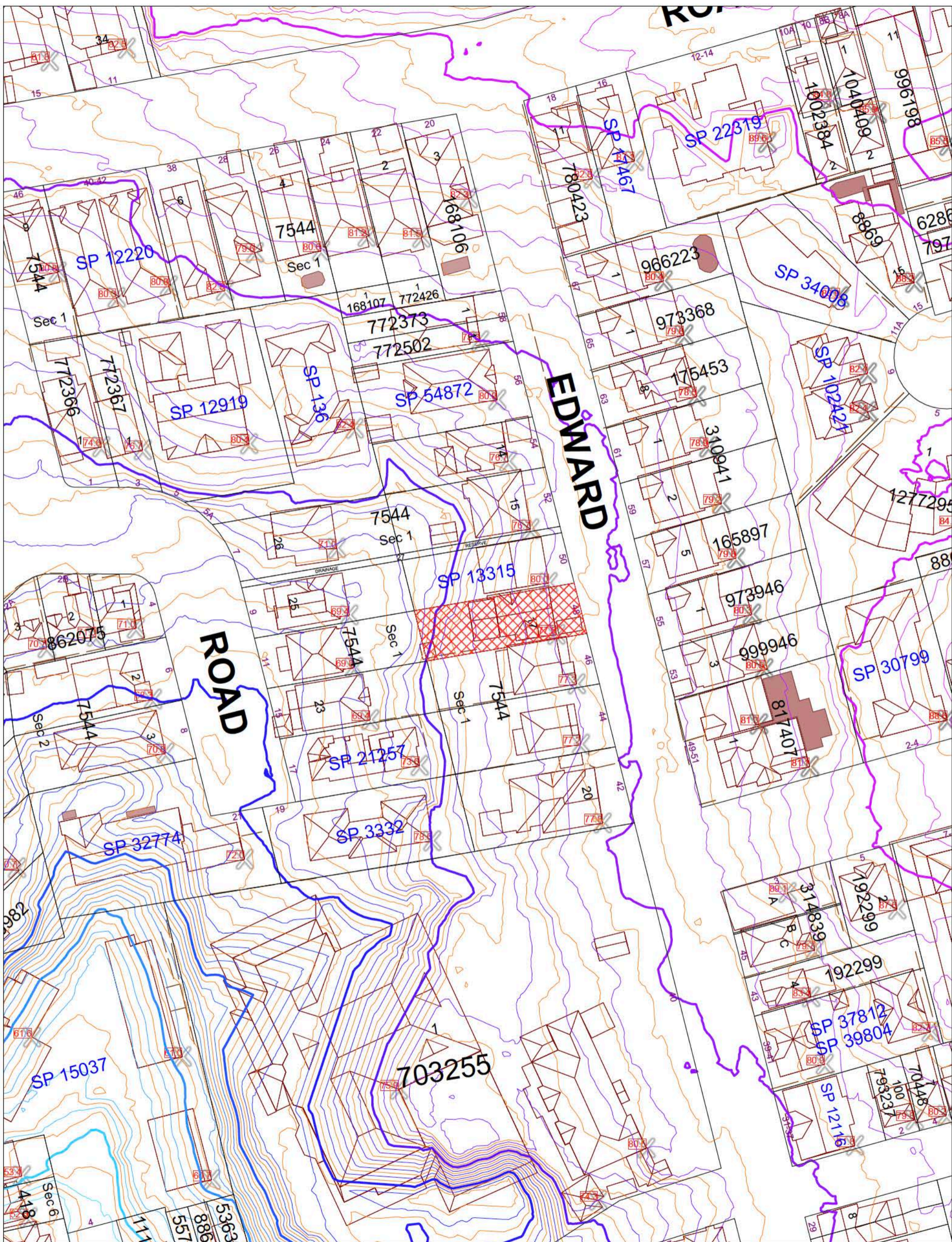
- G5. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

(Reason: To ensure compliance with the terms of this consent)

BASIX Completion Certificate

- G6. In accordance with Clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

(Reason: To ensure compliance with the specified BASIX Certificate)

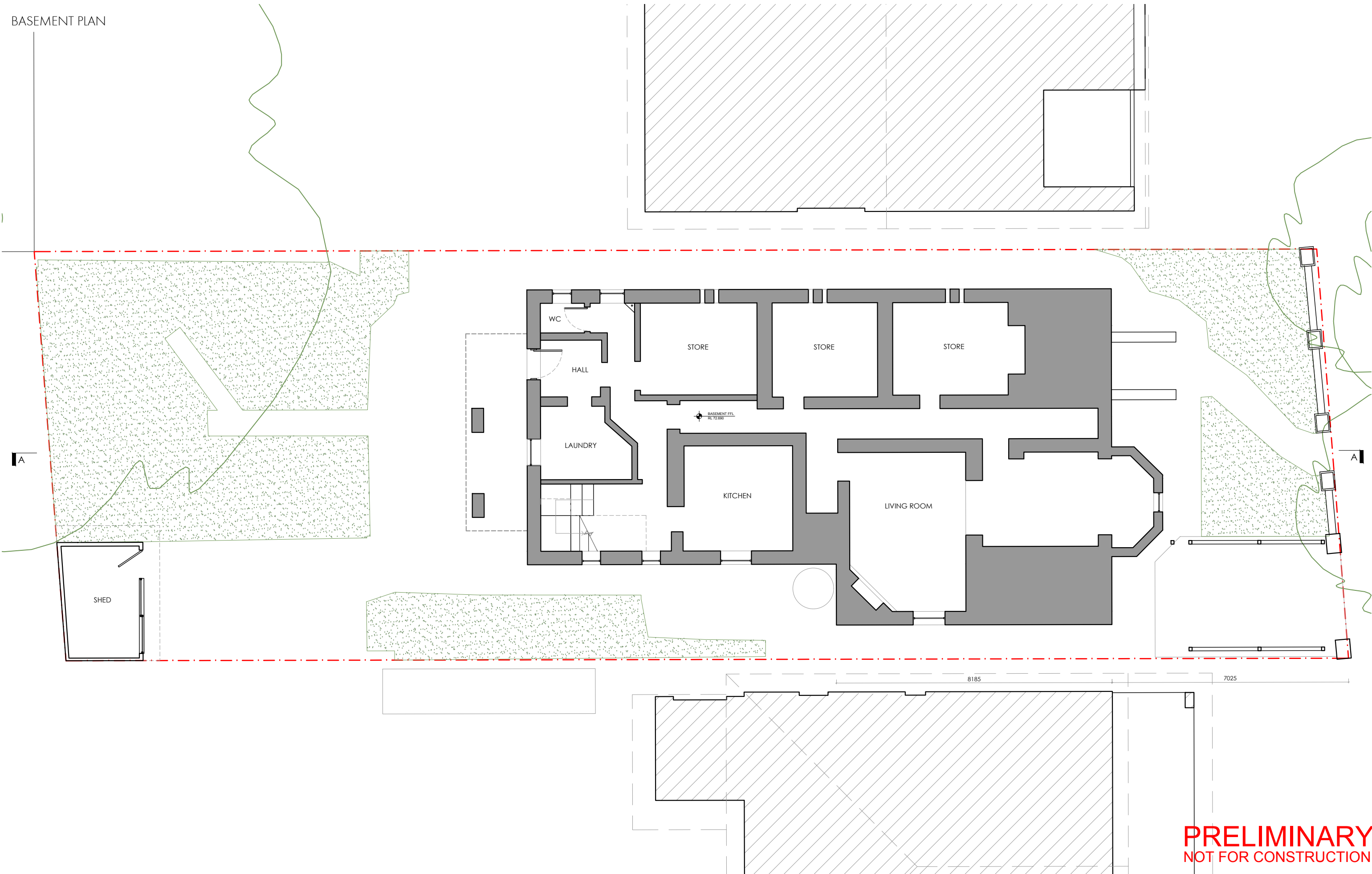


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Further details can be obtained by calling (02) 9936 8100 or e-mail mapping@northsydney.nsw.gov.au.

BASEMENT PLAN



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STRUCTURAL & SERVICES ENGINEERS DESIGN, DETAIL AND CERTIFICATION
SUBCONTRACTOR SETOUT
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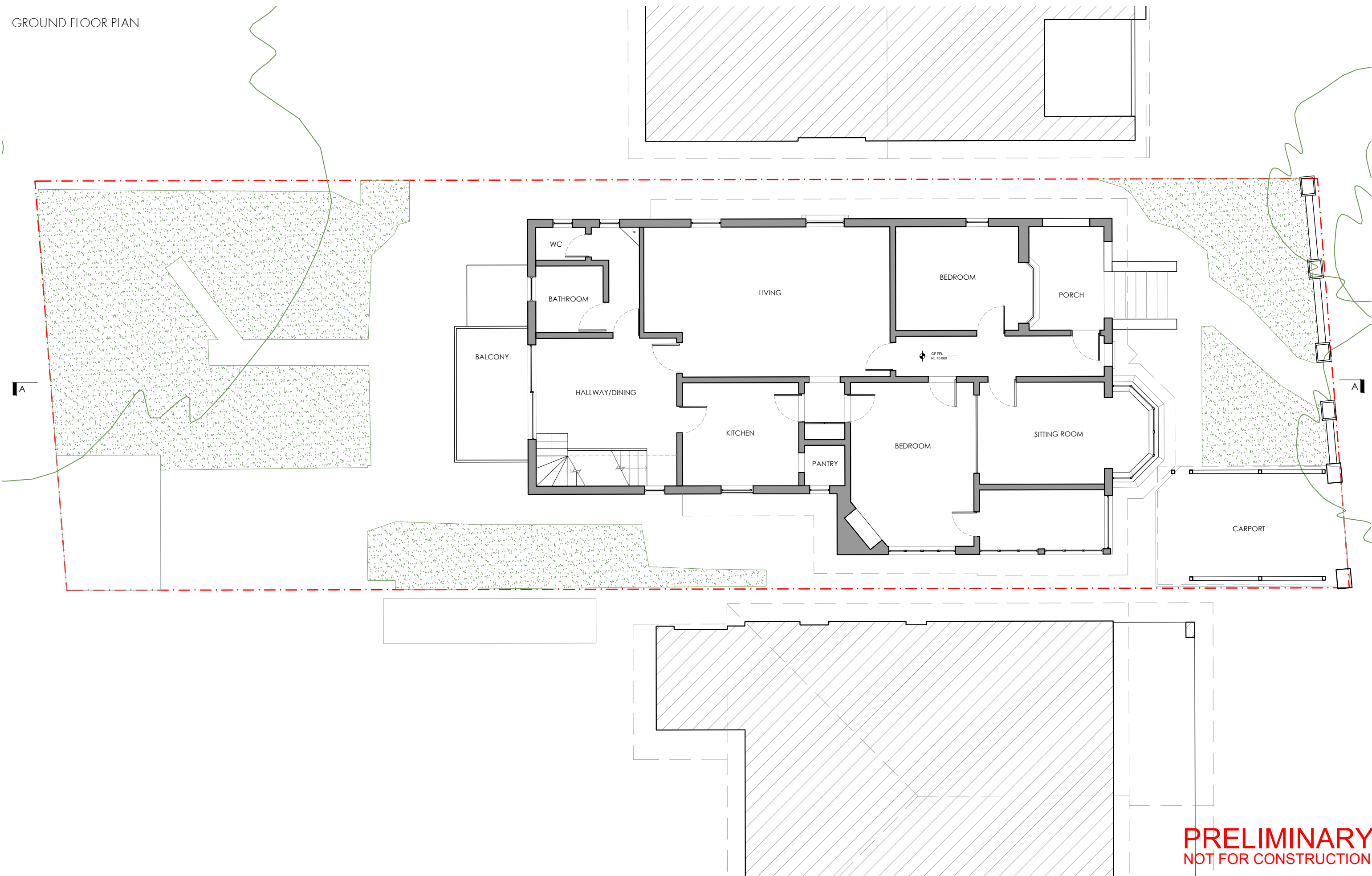
project
Proposed Alterations and Additions - Development Application
Lot 17 Deposited Plan 7544
48 Edward St, North Sydney NSW 2060
scale bar
0 2 4 6 8 10m

rev	date	by	description

project	2020-04
location	48 EDWARD STREET NORTH SYDNEY 2060
client	JOE WANG
drawing title	EXISTING BASEMENT FLOOR PLAN
scale	1:100
date	SEPTEMBER 2020
drawn by	KB
revision	
checked by	JW


DA-0102
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GROUND FLOOR PLAN



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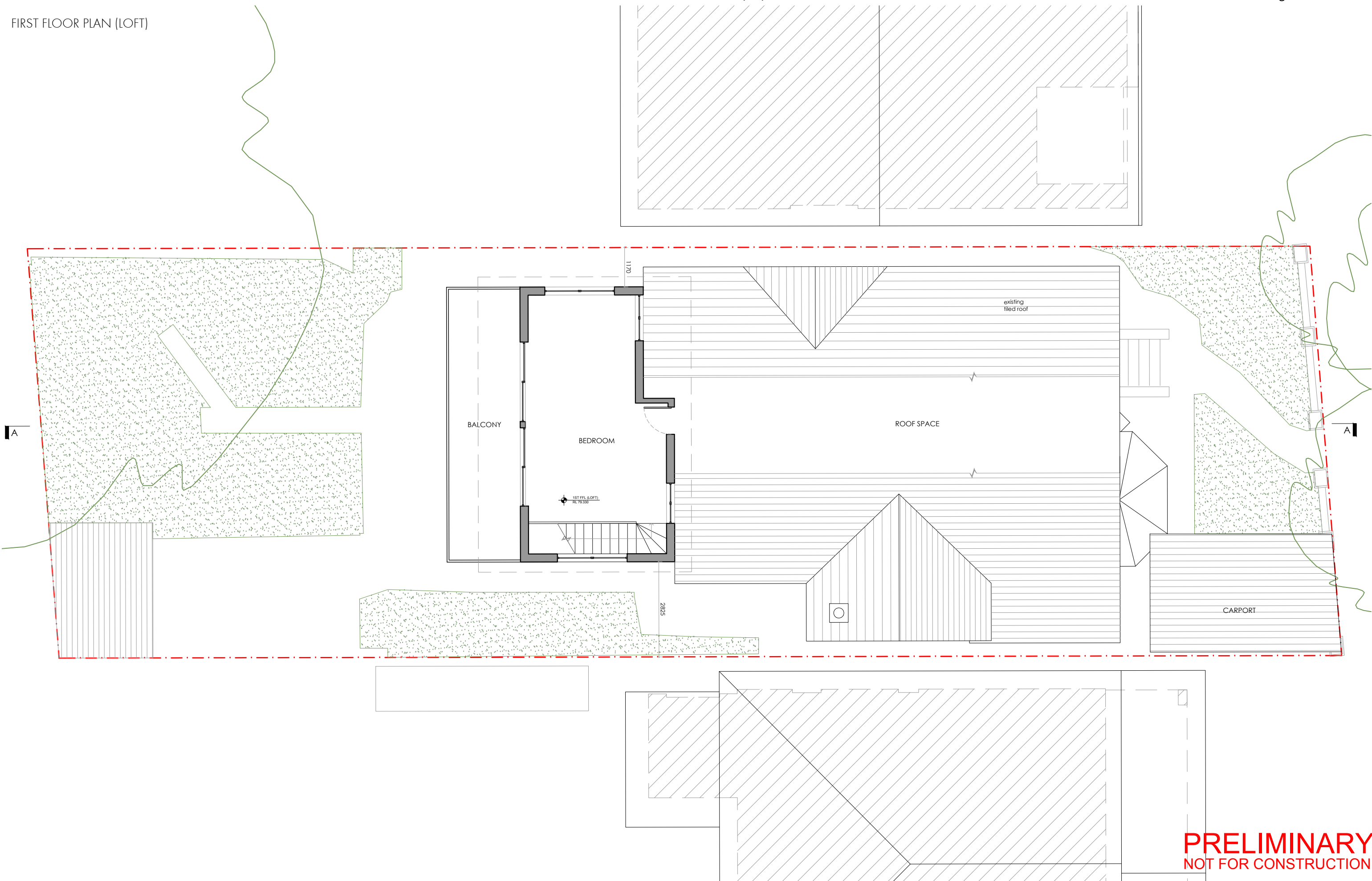
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rev	date	by	description

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location	48 EDWARD STREET NORTH SYDNEY 2060
client	JOE WANG
drawing title	EXISTING GROUND FLOOR PLAN
scale	1:100
date	SEPTEMBER 2020
drawn by	KB
revision	
checked by	JW


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FIRST FLOOR PLAN (LOFT)



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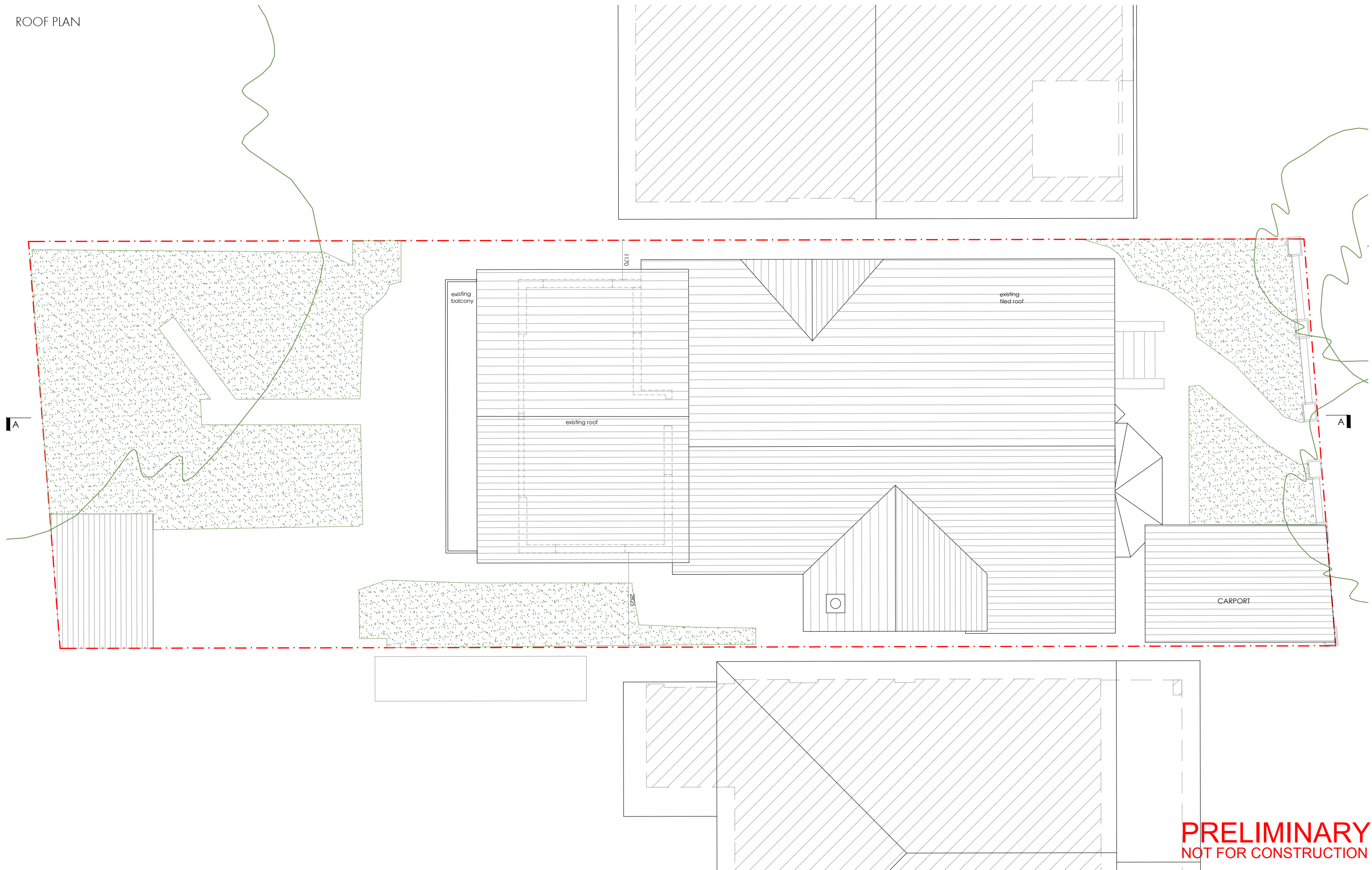
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project	2020-04
location	48 EDWARD STREET NORTH SYDNEY 2060
client	JOE WANG
drawing title	EXISTING FIRST FLOOR PLAN
scale	1:100
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ROOF PLAN



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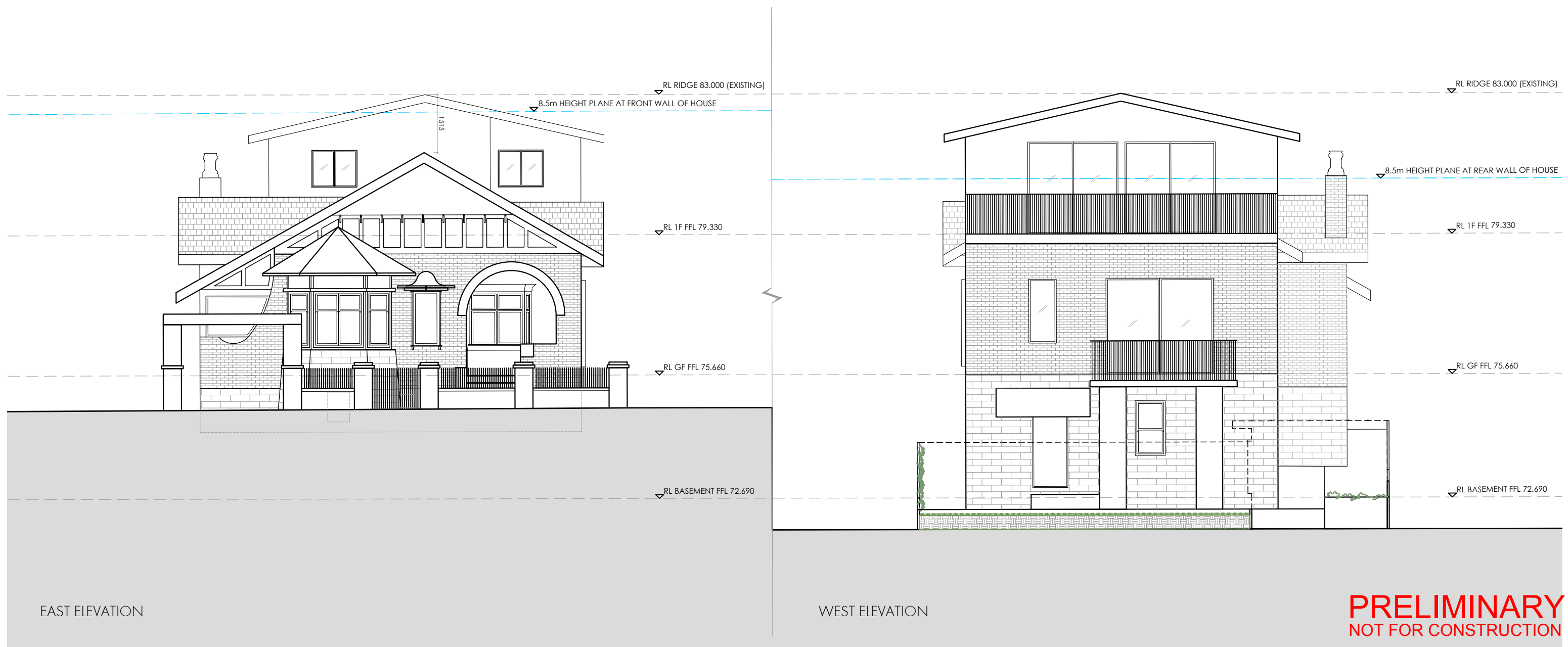
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Lot 17 Deposited Plan 7544
48 Edward St, North Sydney NSW 2060



rev	date	by	description

project	2020-04
location	48 EDWARD STREET NORTH SYDNEY 2060
client	JOE WANG
drawing title	EXISTING ROOF PLAN
scale	1:100
date	SEPTEMBER 2020
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EAST ELEVATION

WEST ELEVATION

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rev	date	by	description

project	2020-04
location	48 EDWARD STREET NORTH SYDNEY 2060
client	JOE WANG
drawing title	EXISTING EAST & WEST ELEVATION
scale	1:100
date	SEPTEMBER 2020
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NORTH ELEVATION



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			<p>scale 1:100 date SEPTEMBER 2020 drawn by KB</p>	<p>revision checked by JW</p>	

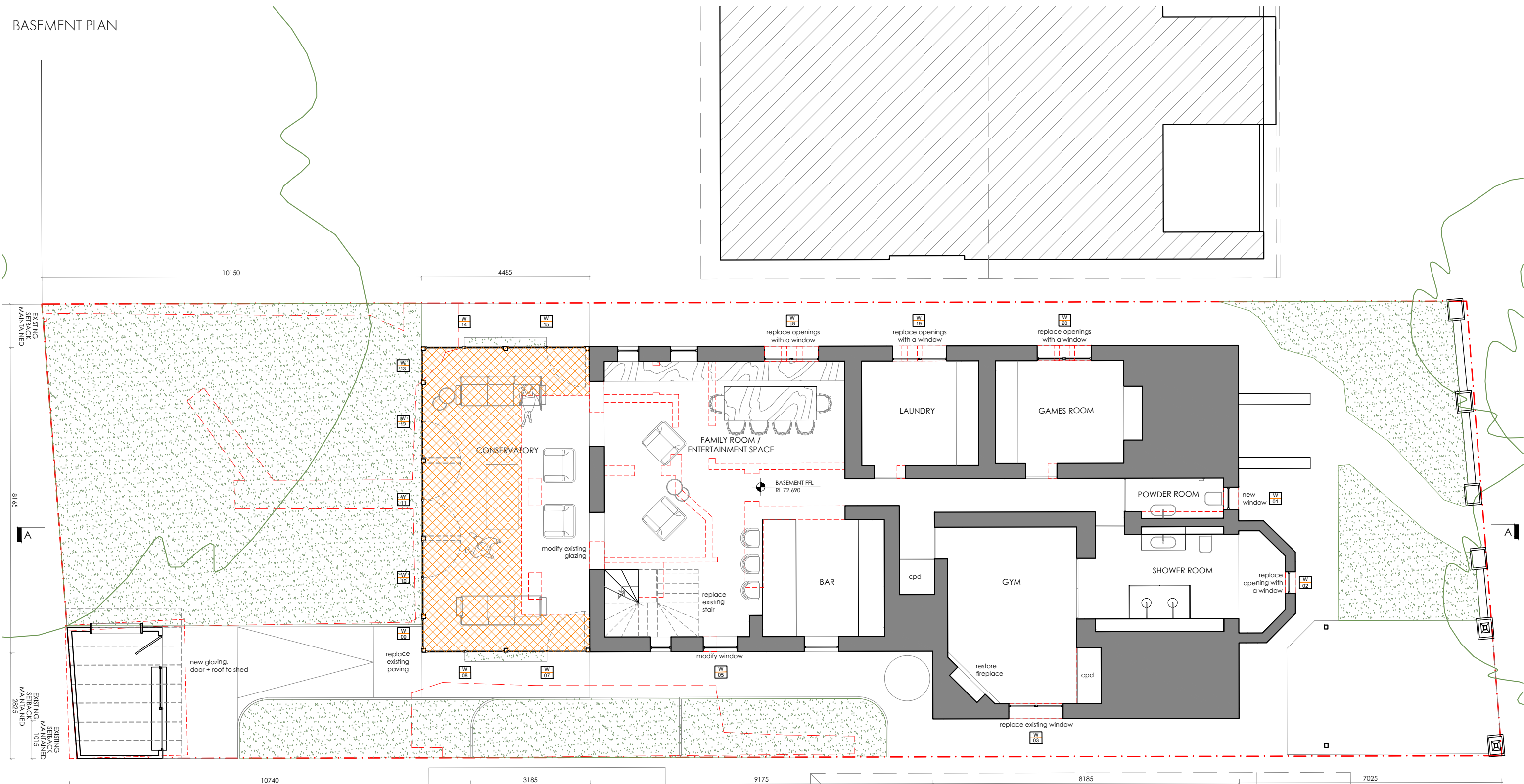
SOUTH ELEVATION



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BASEMENT PLAN



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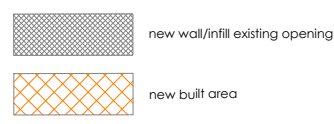
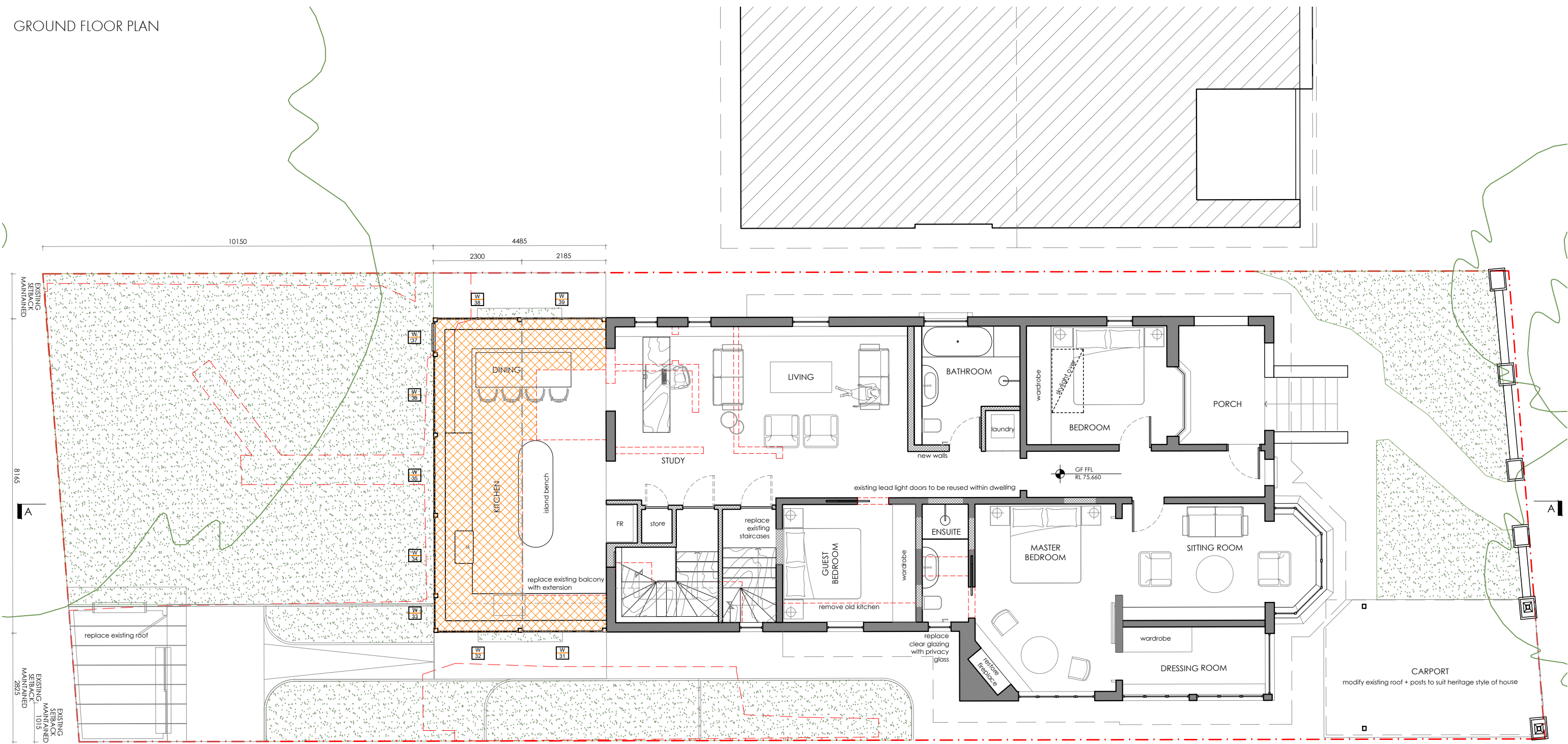
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rev	date	by	description

project	2020-04
location	48 EDWARD STREET NORTH SYDNEY 2060
client	JOE WANG
drawing title	PROPOSED BASEMENT FLOOR PLAN
scale	1:100
date	SEPTEMBER 2021
drawn by	KB
revision	
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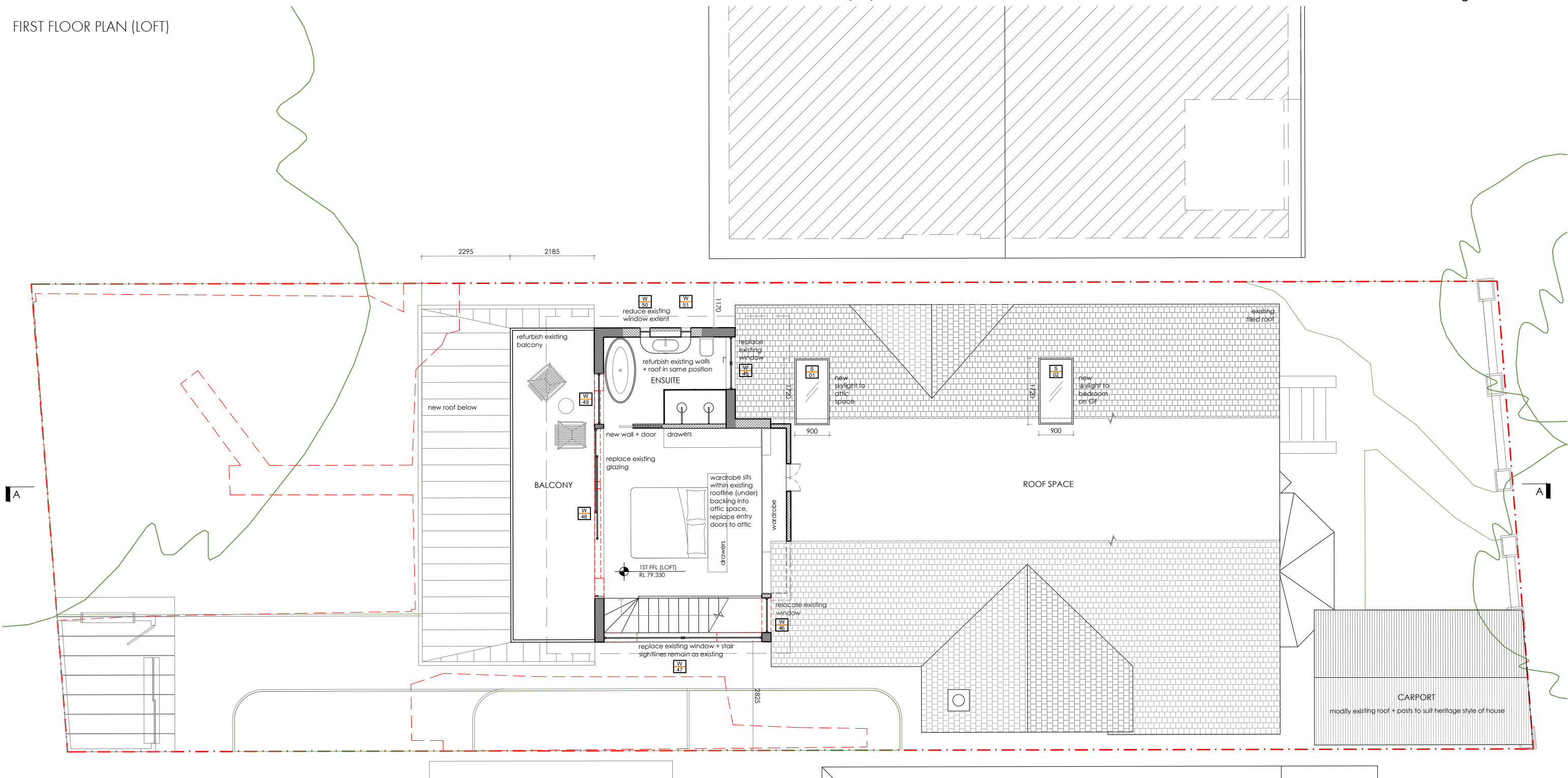
GROUND FLOOR PLAN



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revision																															
checked by	JW																														

FIRST FLOOR PLAN (LOFT)



- new wall/infill existing opening
- new built area

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 Lot 17 Deposited Plan 7544
 48 Edward St, North Sydney NSW 2060

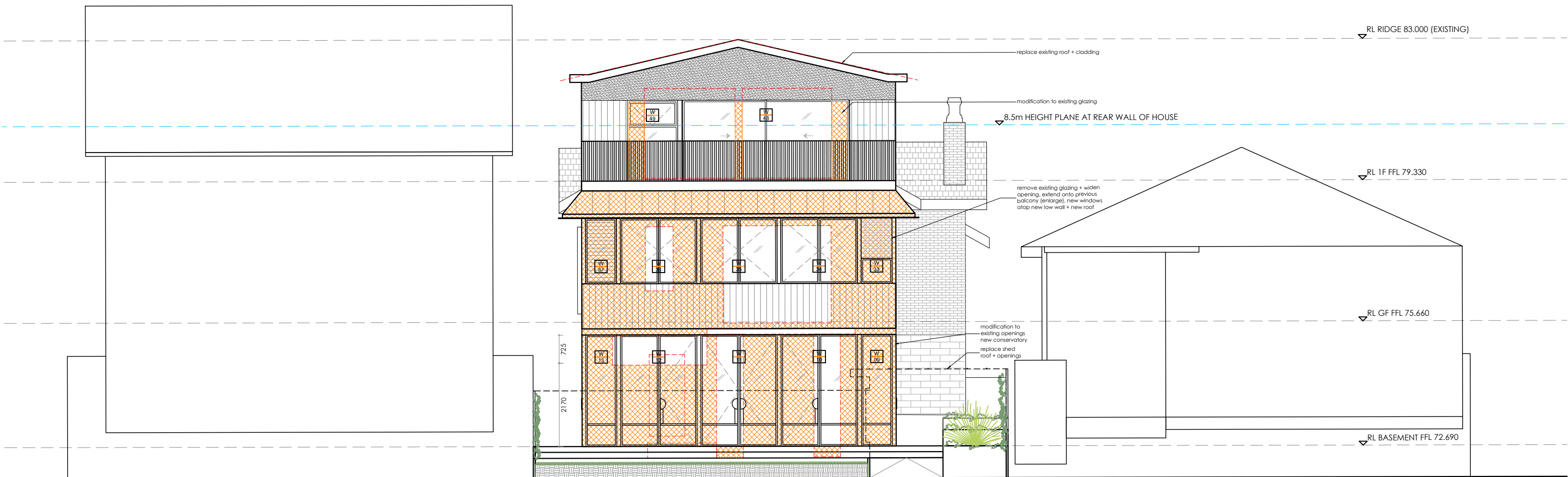
scale bar

rev	date	by	description

project	2020-04
location	48 EDWARD STREET NORTH SYDNEY 2060
client	JOE WANG
drawing title	PROPOSED FIRST FLOOR PLAN
scale	1:100
date	SEPTEMBER 2021
drawn by	KB
revision	
checked by	JW

DA-0204

DA



WEST ELEVATION

PRELIMINARY
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SUBCONTRACTOR SETOUT
COMPLIANCE WITH NCC & AUSTRALIAN STANDARDS

project
Proposed Alterations and Additions - Development Application
Lot 17 Deposited Plan 7544
48 Edward St, North Sydney NSW 2060



rev	date	by	description

project	2020-04
location	48 EDWARD STREET NORTH SYDNEY 2060
client	JOE WANG
drawing title	PROPOSED WEST ELEVATION
scale	1:100
date	SEPTEMBER 2020
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revision	
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NORTH ELEVATION



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STRUCTURAL & SERVICES ENGINEERS DESIGN, DETAIL AND CERTIFICATION
SUBCONTRACTOR SETOUT
COMPLIANCE WITH NCC & AUSTRALIAN STANDARDS

project
Proposed Alterations and Additions - Development Application
Lot 17 Deposited Plan 7544
48 Edward St, North Sydney NSW 2060
scale bar
0 2 4 6 8 10m

rev	date	by	description

project	2020-04
location	48 EDWARD STREET NORTH SYDNEY 2060
client	JOE WANG
drawing title	PROPOSED NORTH ELEVATION
scale	1:100
date	SEPTEMBER 2021
drawn by	KB
revision	
checked by	JW

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DA

SOUTH ELEVATION



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DEVELOPMENT APPROVAL/ SECTION 95 APPROVAL & CONSTRUCTION CERTIFICATE
STRUCTURAL & SERVICES ENGINEERS DESIGN, DETAIL AND CERTIFICATION
SUBCONTRACTOR SETOUT
COMPLIANCE WITH NCC & AUSTRALIAN STANDARDS

project
Proposed Alterations and Additions - Development Application
Lot 17 Deposited Plan 7544
48 Edward St, North Sydney NSW 2060
scale bar
0 2 4 6 8 10m

rev	date	by	description

project	2020-04
location	48 EDWARD STREET NORTH SYDNEY 2060
client	JOE WANG
drawing title	PROPOSED SOUTH ELEVATION
scale	1:100
date	SEPTEMBER 2021
drawn by	KB
revision	
checked by	JW

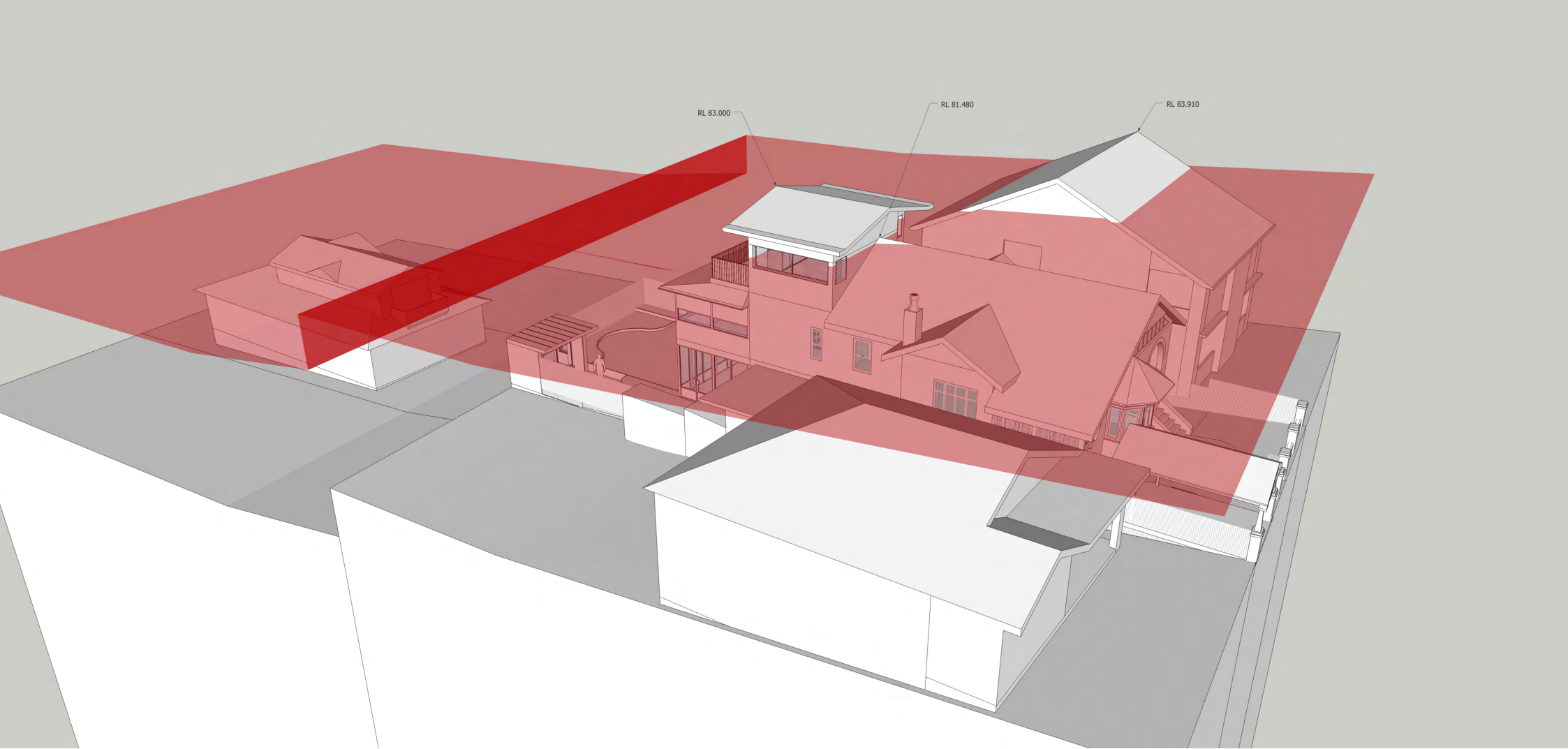
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SECTION A-A



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				<p>scale 1:100 date SEPTEMBER 2021 drawn by KB</p>	<p>revision checked by JW</p>	





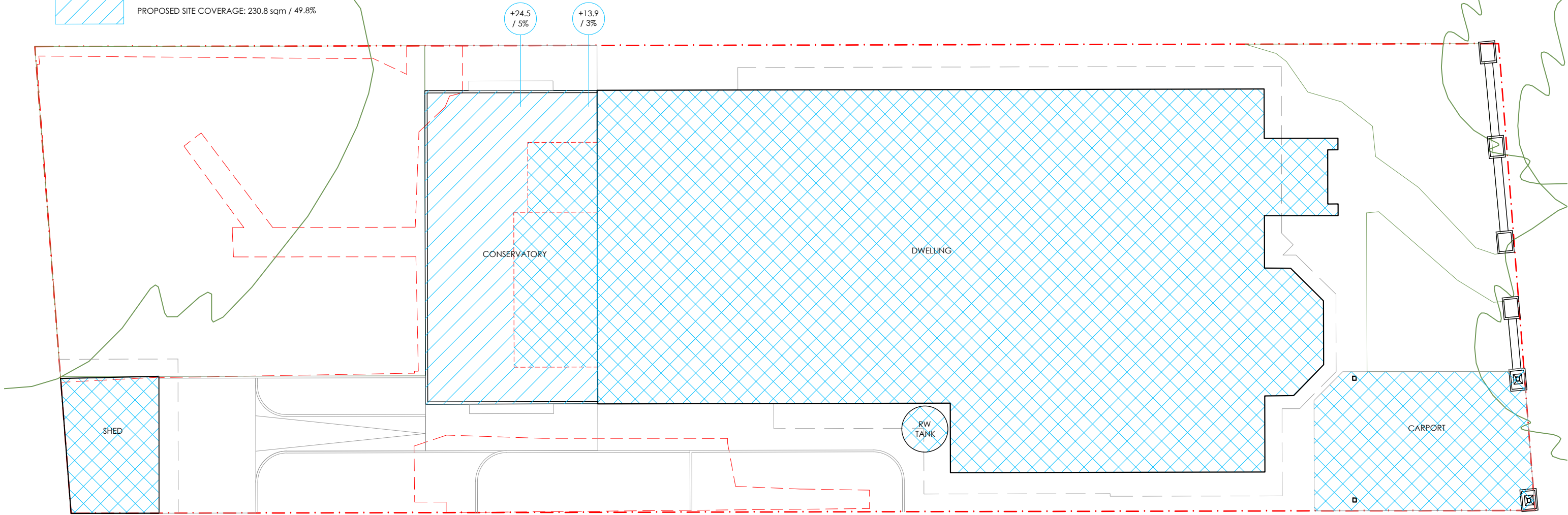










SITE COVERAGE
 SITE AREA: 463.2 sqm
 EXISTING SITE COVERAGE: 206.3 sqm / 44.54%
 PROPOSED SITE COVERAGE: 230.8 sqm / 49.8%



SITE COVERAGE PLAN

PRELIMINARY
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						location	48 EDWARD STREET NORTH SYDNEY 2060		
						drawing title	PROPOSED SITE COVERAGE PLAN		
						scale	1:100		
						date	SEPTEMBER 2021	revision	
						drawn by	KB	checked by	JW
								 DA-0230 DA	

48 Edward Street, North Sydney

Clause 4.6 Variation Request to Clause 4.3 Height of Buildings of the North Sydney Local Environmental Plan 2013

September 2021

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1 Introduction

This Clause 4.6 Variation Request relates to the Development Application (DA) for 48 Edward Street, North Sydney (subject site), which proposes alterations and additions to the subject site and specifically to vary the development standard for maximum Height of Buildings under Clause 4.3 of the North Sydney Local Environmental Plan 2013

This Clause 4.6 Variation Request demonstrates that compliance with the Height of Buildings development standard is unreasonable and unnecessary in the circumstances of the case and that the justification is well founded. The variation allows for a development that represents the orderly and economic use of the land in a manner which is appropriate when considering the site's context, and as such provides a better outcome on environmental planning grounds.

This Clause 4.6 Variation Request demonstrates that, notwithstanding the noncompliance, the proposed development:

- Achieves the objective of the development standard in Clause 4.3 of NSLEP 2013;
 - Achieves the objectives of the R2 Low Density Residential zone under NSLEP 2013;
 - Is consistent with the applicable and relevant State and regional planning policies;
 - Has sufficient environmental planning grounds to permit the variation; and
 - Is therefore in the public interest and that consistency with the numerical standard is unreasonable or unnecessary in the circumstances.
-

2 The Development Standard to be varied

This Clause 4.6 Variation has been prepared as a written request seeking to justify contravention of the maximum height of building development standard as set out in Clause 4.3(2) of the NSLEP 2013. Clause 4.3 states:

4.3 Height of buildings

- (1) The objectives of this clause are as follows—
- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,
 - (b) to promote the retention and, if appropriate, sharing of existing views,
 - (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,
 - (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,
 - (e) to ensure compatibility between development, particularly at zone boundaries,
 - (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,
 - (g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A)–(2C) (Repealed)

As identified on the NSLEP 2013 Height of Buildings Map (see **Figure 1** below), the subject site has a maximum building height limit of 8.5 metres. The existing building has a maximum height of 10.8m.

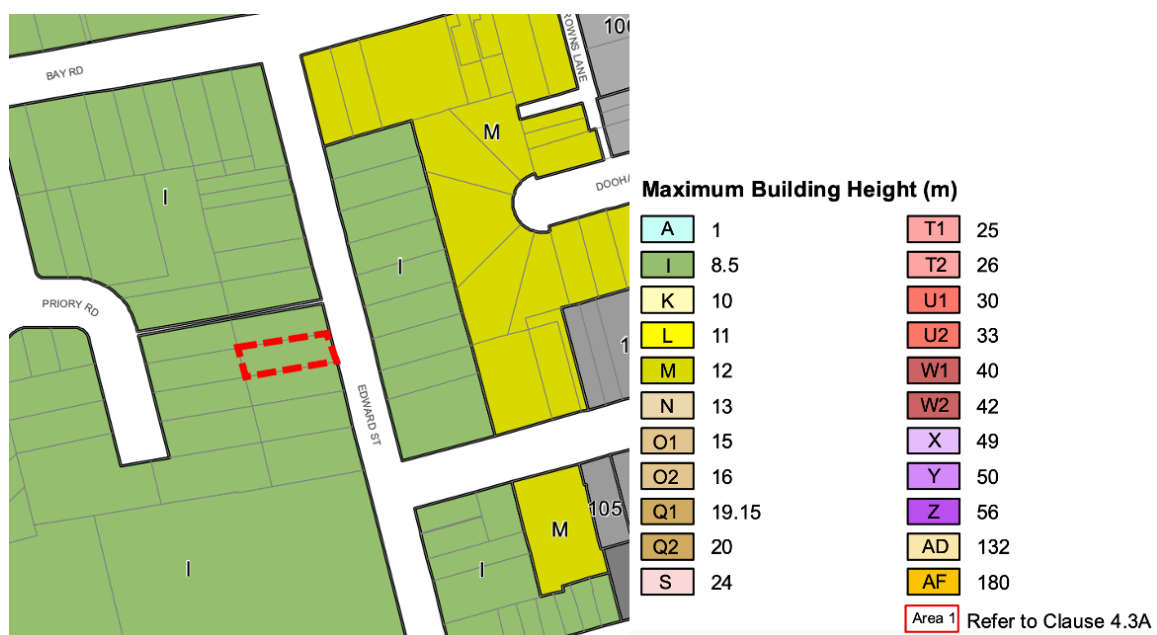


Figure 1 Maximum Building Height (m).

3 Extent of Variation to the development standard

The proposed development maintains the existing maximum height of 10.8m above the existing ground level. This is an existing noncompliance against the North Sydney Local Environmental Plan 2013 (NSLEP 2013) control of 8.5m. This is a variation of 2.3m (27%) from the 8.5m height control.

Despite the non-compliance with the control, all of the proposed works over the 8.5m NSLEP2013 height control are confined within the existing heritage building envelope and do not propose any elements that would result in any part of the building increasing in height.

The proposal seeks to repair the existing first level with new roof, wall cladding and relocation of windows within the existing building envelope. The existing building height and building envelope at the first level will remain the same.

Refer to figures below for detailed illustration.



Figure 2 Existing rear elevation - blue line indicating NS LEP 2013 Height Control
Source: Noble Architecture

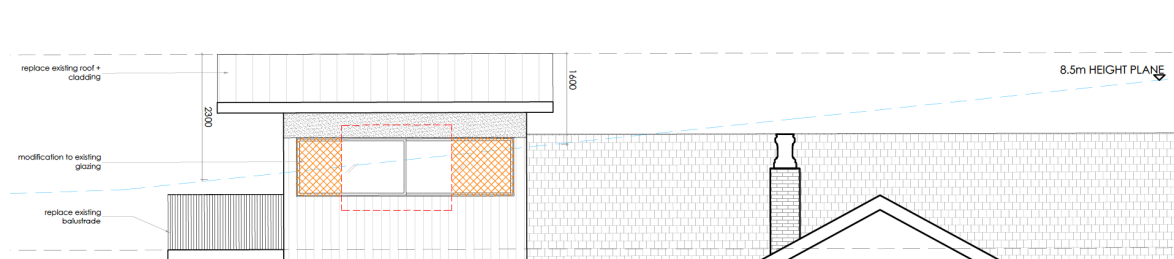


Figure 3 Proposed South Elevation Plan – proposed first floor in its identical footprint and height as existing.
Source: Noble Architecture

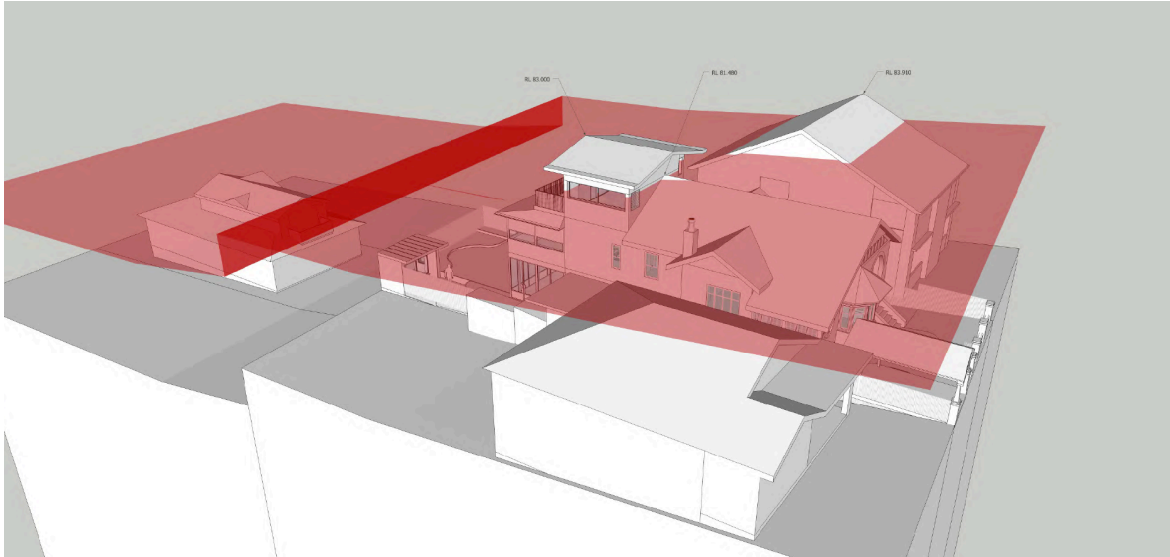


Figure 4 3D height Plan – 8.5m (Existing)
Source: Noble Architecture

4 Objectives of the Standard

The objectives of the Clause 4.3 Height of Buildings are as follows:

- a) *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- b) *to promote the retention and, if appropriate, sharing of existing views,*
- c) *to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- d) *to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- e) *to ensure compatibility between development, particularly at zone boundaries,*
- f) *to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,*
- g) *to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.*

5 Objectives of the Zone

The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

6 Assessment

6.1 Clause 4.6(3)(a) - Is Compliance with the development standard unreasonable or unnecessary in the circumstances of the case

Compliance with the Height of Buildings standard is unreasonable and unnecessary given the following:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Wehbe Test 1 – Objectives of the Standard are achieved

Clause 4.3 Height of Buildings

a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,

The proposed works will maintain the existing building envelope which is sympathetic to the natural gradient of the land.

b) to promote the retention and, if appropriate, sharing of existing views,

The proposed works will be wholly contained within the existing building envelope. No increase in building volume above the maximum height control is proposed. The works will retain the sharing of existing views. The relocation of window locations will maximise privacy between neighbours.

c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,

The proposed conversion will not increase the height of the existing building envelope. Therefore, the existing solar access to neighbouring properties will be maintained.

d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,

The proposal reduces the size of the openings at the northern elevation, which minimises overlooking onto the neighbouring private open space. The

e) to ensure compatibility between development, particularly at zone boundaries,

The proposed works at first floor will not change the heritage item when viewed from the Edward Street and therefore will retain the existing compatibility in the area surrounding the site. The works to be undertaken outside of the height control will deliver important remedial and restorative outcomes for the heritage item, which otherwise might continue to deteriorate.

f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,

No additional building elements will increase the envelope of the building above the maximum height and therefore the character of the area will remain unchanged when viewed from the public domain.

g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.

The existing three storey built form is located at the rear of the property. The proposal seeks to repair the existing first level in the identical footprint. The existing house appears as one storey when viewed from public domain, and these works will not affect that appearance.

In accordance with Wehbe Test 1, it is clearly demonstrated that the proposed development complies with the objectives of the height of building control, notwithstanding the existing and continued noncompliance with the numerical controls.

6.2. Clause 4.6(3)(b) - Are there sufficient environmental planning grounds to justify contravening the development standard?

In the instance of this development application, there are a number of environmental planning grounds relevant to the subject site that justify a variation to the height of buildings development standard:

- Similar to the findings of Commissioner O'Neill in Initial Action one of the justifying aspects of the proposal is that it maintains the existing scale of the development;
- The existing first level is in a poor condition. The proposal seeks to repair the existing first level within the identical footprint and height. No additional overshadowing is generated by the proposed works above the height limit;
- The proposal will not impact upon the character of the surrounding locality as the development is consistent with, contained within the building envelope. The proposal will improve the appearance from viewed from Edward Street; and
- Will promote good design and amenity of the built environment.

Accordingly, it is considered that there are sufficient environmental planning grounds to justify contravening the development standards, as the development will deliver one of the key Objects of the Planning Act, by allowing for the promotion and coordination of the orderly and economic use and development of the land. In addition, it is noted that the proposed development will still produce a contextually appropriate outcome consistent with the objectives of the development standards, despite the non-compliances with the numerical provisions.

6.3 Clause 4.6 (4)(a)(i) – The consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

As demonstrated above, the proposed development has satisfied the matters required to be demonstrated in Clause 4.6(3) by providing a written request that demonstrates:

- i. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- ii. There are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with the findings of Commissioner Preston in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, the Consent Authority under Clause 4.6(4)(a)(i) must only be satisfied that the request adequately addresses the matters in Clause 4.6(3).

6.4 Clause 4.6(4)(a)(ii) - Is the proposed development 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?

The proposed development is in the public interest as it is consistent with the objectives of the development standard. The objectives of the development standard are addressed below under the relevant headings:

Objectives of the particular standard:

It has been demonstrated elsewhere in this report that the development achieves the objectives of Clauses 4.3, within the NSLEP2013 notwithstanding the non-compliance with the standards.

The objectives for development within the zone in which the development is proposed to be carried out.

The site falls within the R2 Low Density Residential zone. As outlined below the proposed development is in the public interest because it is consistent with the objectives of the R2 Low Density Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

The proposal seeks to repair the existing first level which remains as a bedroom. The proposal does not increase the intensity of use of the existing house.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed space at first floor will be used as a bedroom which meets the daily needs of the residents.

- *To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*

The proposal does not include dual occupancies. The proposed works will not compromise the existing heritage features of the site, nor will it impact upon the heritage item or the cultural heritage of the area when viewed from the public domain.

- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposal seeks to repair the existing first floor in its identical footprint and height which does not create any additional overshadowing. The proposal will maximise privacy between neighbours. The proposal will complement the existing dwelling house and enhance residential amenity for the landowners.

For all of the above reasons, the proposal is considered in the public interest as it is consistent with the objectives of the development standard and the R2 Low Density Residential zone.

7 Any matters of significance for state or regional environmental planning

The contravention of the height standard does not raise any matter of State or regional planning significance.

8 Secretary's concurrence

The Planning Circular PS 18-003, issued on 21 February 2018 (Planning Circular), outlines that all consent authorities may assume the Secretary's concurrence under clause 4.6 of the Standard Instrument (Local Environmental Plans) Order 2006 (with some exceptions). The NSLEP 2013 is a standard instrument LEP and accordingly, the relevant consent authority may assume the Secretary's concurrence in relation to clause 4.6 (5). This assumed concurrence notice takes effect immediately and applies to pending development applications.

We note that under the Planning Circular this assumed concurrence is subject to some conditions - where the development contravenes a numerical standard by greater than 10%, the Secretary's concurrence may not be assumed by a delegate of council unless the Council has requested it. The variation to the clause exceeds 10% for the subject site.

9 Conclusion

This written request is for a variation to the height standard under Clause 4.6 of the NSLEP 2013. The request justifies the contravention to the height standard in the terms required under Clause 4.6 of the NSLEP 2013, and in particular demonstrates that the proposal provides a significantly better planning outcome with no significant adverse environmental impacts, and therefore in the circumstances of the case:

- Compliance with the height standard is unreasonable and unnecessary;
- There are sufficient environmental planning grounds for the contravention, including:
 - Achieves the objectives of the development standards in Clause 4.3 of the NSLEP 2013;
 - It is in the public interest in being consistent with the objectives of the height standard and R2 Low Density Zone under the NSLEP2013;
 - It will deliver a development that is appropriate for its context despite the breaches to development standards and therefore has sufficient environmental planning grounds to permit the variation;
 - The building works proposed will maintain the existing scale and envelope and will remain consistent in scale with adjoining developments buildings;
 - The proposal will improve the amenity of the building and will increase the longevity of the heritage item;
 - The proposal will complement the existing dwelling house and enhance residential amenity for the landowners;
 - The proposal will not result in environmental impacts; and
 - There are no matters of state or regional planning significance and no public benefits in maintaining the height standard in this case.

PROPOSED ALTERATIONS AND ADDITIONS

TO

ROSE MARIA

48 EDWARD STREET, NORTH SYDNEY, NSW

HERITAGE IMPACT STATEMENT



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Prepared for:

Joe Wang,

October 2021

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1.0 INTRODUCTION

1.1 THE BRIEF

The following report has been prepared to accompany a development application for alterations and additions to the existing house at 48 Edward Street, North Sydney, NSW. The report has been prepared on behalf of Joe Wang, the owner of the property.

The proposal have been the subject of a Pre DA application to North Sydney Council and the design has been revised to address some of the heritage issues raised. This report addresses the revised design.

1.2 THE STUDY AREA

The study area is Lot 17 in Section 1 in DP 7544 at North Sydney in the Municipality of North Sydney, Parish of Willoughby and County of Cumberland (Figure 1.1).

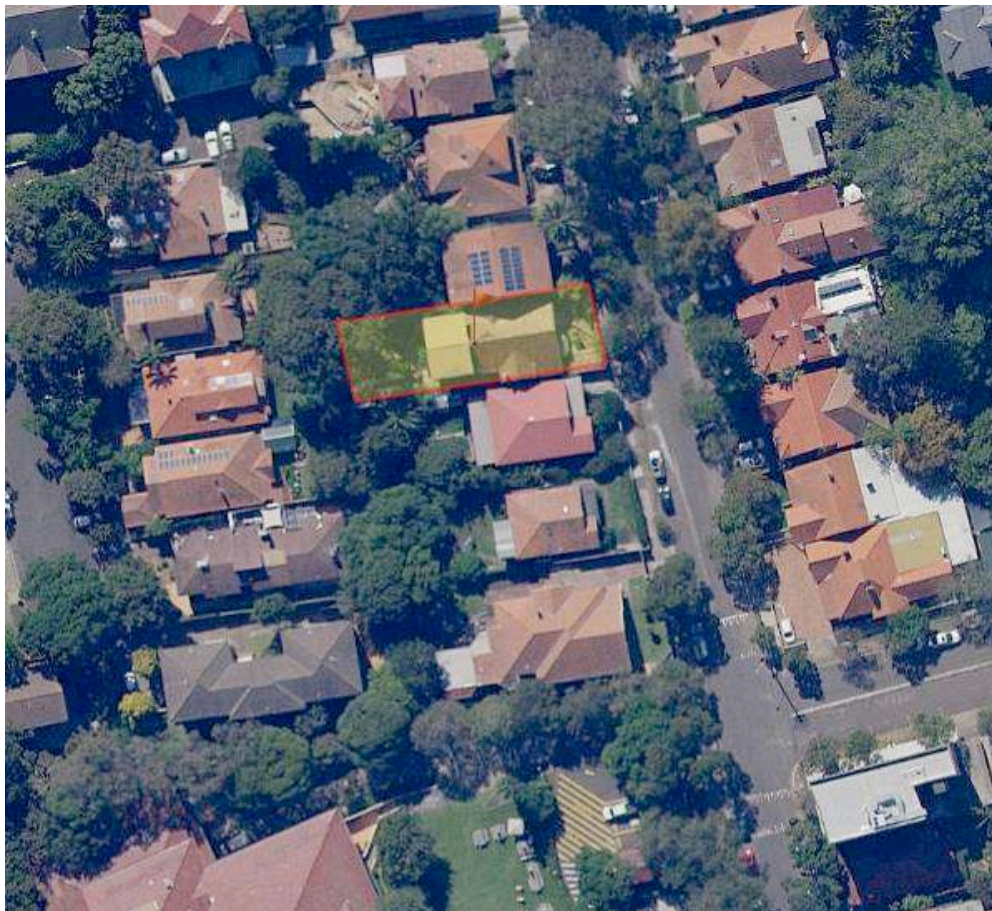


Figure 1.1 The Study Area shaded

Source: Six Maps

1.3 LIMITATIONS AND TERMS

The report only addresses the European significance of the place. The terms *fabric*, *conservation*, *maintenance*, *preservation*, *restoration*, *reconstruction*, *adaptation*, *compatible use* and *cultural significance* used in this report are as defined in the Australia ICOMOS Burra Charter.

1.4 METHODOLOGY

This report was prepared in accordance with the *NSW Heritage Manual* "Statements of Heritage Impact", "Assessing Heritage Significance Guidelines" and the North Sydney Council guidelines for the preparation of heritage impact statements. The philosophy adopted is that guided by the Australia ICOMOS Burra Charter 2013.

1.5 AUTHORS AND ACKNOWLEDGMENTS

This report, including all diagrams and photographs, was prepared by John Oultram and Robin Hedditch of John Oultram Heritage & Design, unless otherwise noted. Historical research was prepared by Nicholas Jackson. John Oultram Heritage & Design was established in 1998 and is on the NSW Heritage Office list of heritage consultants.

2.0 HISTORICAL DEVELOPMENT

2.1 SUMMARY

The brick bungalow at No. 48 Edward Street was erected in 1925-1926 for fruiterer and confectioner Felix Lamaro, and it was called Rosa Maria. The property is located within The Priory Estate land release of 1913.

2.2 NORTH SYDNEY CONTEXT

The western part of the municipality of North Sydney is historically associated with land grants made to William (Billy) Blue in 1817, Edward Wollstonecraft in 1820, James Milson in the mid 1820s, and Thomas Walker in 1832.

Wollstonecraft (1783-1832) had arrived in Sydney in 1819 in the company of his long-time business associate Alexander Berry (1781-1873), both were Scots and merchants. The grant of 524 acres was made around 1820 but officially registered in 1825. This expansive land holding was sited to the north and west of Berrys Bay and within it were the residences known as Crows Nest Farm Cottage (c.1820 and demolished in 1905), and Crows Nest House (1850 and demolished in 1929). On Wollstonecraft's death in 1832, the estate passed to his widow and then in 1845 to Alexander Berry.

2.3 BARNEY'S PRIORY AND TOONGARAH

Edward Street was formed in 1914 by a subdivision of two co-joining properties called The Priory and Toongarah. Historically, these properties were associated with the Barney family.

The earliest of these houses was The Priory, which was built for George Barney. Barney (1792-1862) was an officer in the Royal Engineers who came to Sydney in 1835 and worked on numerous civil and military projects. Barney purchased part (1&1/2 acres) of Berry's Crows Nest estate fronting Bay Road in 1843¹ and erected The Priory before his brief return to England in 1844. Barney died at The Priory in 1862,² and the estate came into the possession of his widow, Portia Henrietta (died 1883).

In 1877 Mrs Barney sold The Priory, by then comprising an area of about 6&3/4 acres, to barrister Thomas John Fisher.³ Fisher (1814-1875) had studied law in his native England, and came to Sydney in 1841. In 1844 he married William Charles Wentworth's eldest daughter, Thomasine. The Fishers returned to England in 1856, only to return to Sydney in 1866.⁴

Toongarah was located to the west of The Priory. This property comprised an area of 3&3/4 acres, which was conveyed to George Higgin Barney from Alexander Berry in 1873,⁵ and the house was built shortly after. GH Barney was George Barney's only son, and for decades he was the Chief Inspector of Distilleries for the colony. GH Barney died in England in 1890, and in 1902 Thomasine Fisher of The Priory purchased the estate,⁶ and the house then was let.

¹ Old System Conveyance Book 6 No. 135

² 'Barney, George (1792-1862)', *Australian Dictionary of Biography*, Volume 1, Melbourne University Press, 1966

³ Old System Conveyance Book 173 No. 306

⁴ 'The Late Mr TJ Fisher', *Sydney Morning Herald*, 27/11/1875. p.5

⁵ Torrens Title Dealing 9983

⁶ Torrens Title Dealing 346769

The Priory and Toongarah remained in the ownership of Thomasine Fisher until her death in 1913⁷, and the estate was subdivided and sold in November 1913 by the trustees of her estate.



Figure 2.1 The Priory in 1871 and when owned by the widowed Mrs Barney

Source: State Library of NSW (SPF/417)

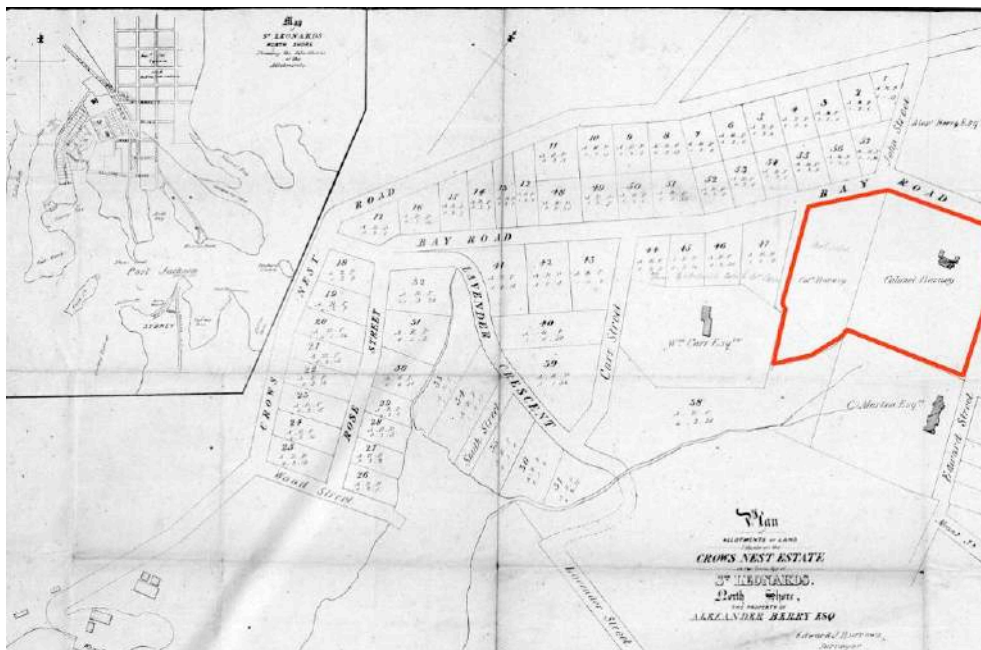


Figure 2.2 'Plan of allotments of land situate on the Crows Nest estate, in the township of St. Leonards: the property of Alexander Berry'. The plan of about 1859 recorded Barney's The Priory. Marked-up to show the two Barney owned properties from the 1870s

Source: National Library of Australia (MAP F 357)

⁷ Deaths, *Sydney Morning Herald*, 28/2/1913

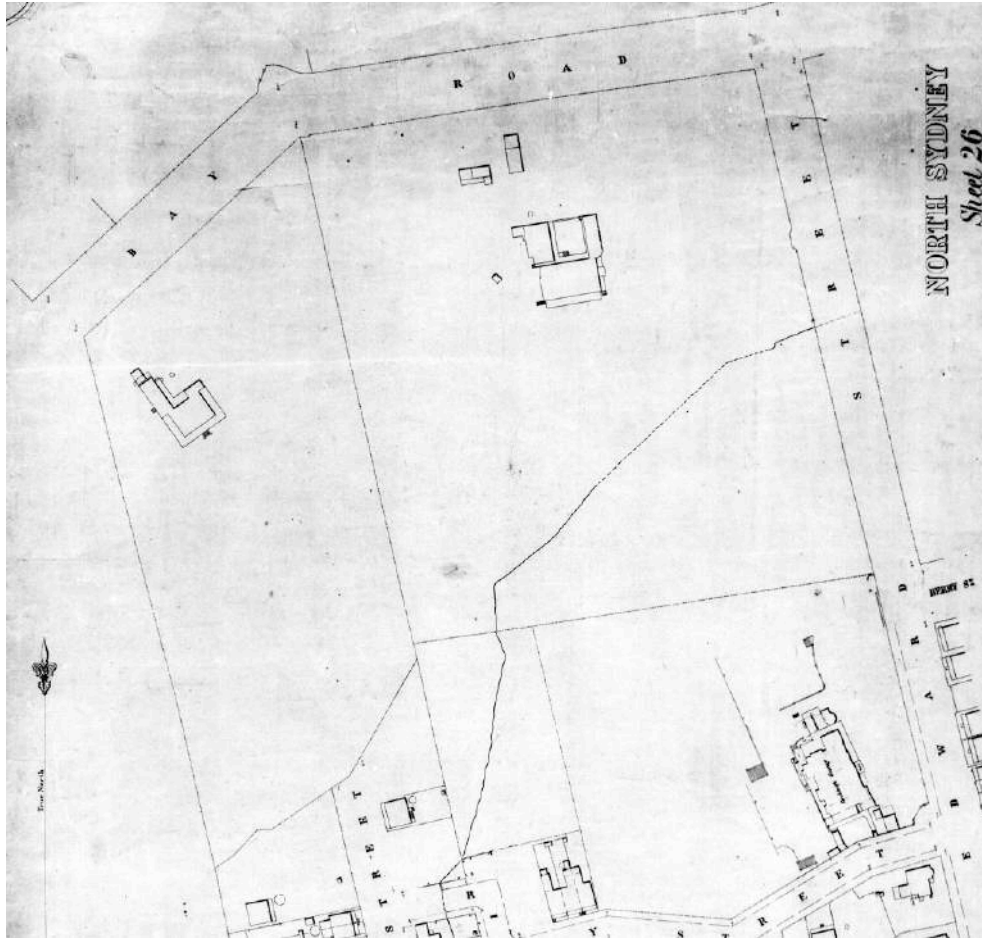


Figure 2.3 The Lands Department North Sydney (Sheet 26) issued in 1890. Depicted are the co-joining The Priory and Toongarah estates

Source: Stanton Library

2.4 THE PRIORY ESTATE SALE

In November 1913 The Priory and Toongarah were put up for sale by the trustees of the estate of the late Thomasine Fisher. Collectively, these two estates comprised grounds of about 7 acres, which were subdivided into residential allotments in Torrens Title (Deposited Plan 7544) known as The Priory Estate. In this subdivision, Toongarah Road and Priory Road were formed, and other blocks fronted the existing Bay Road and Edward Street.

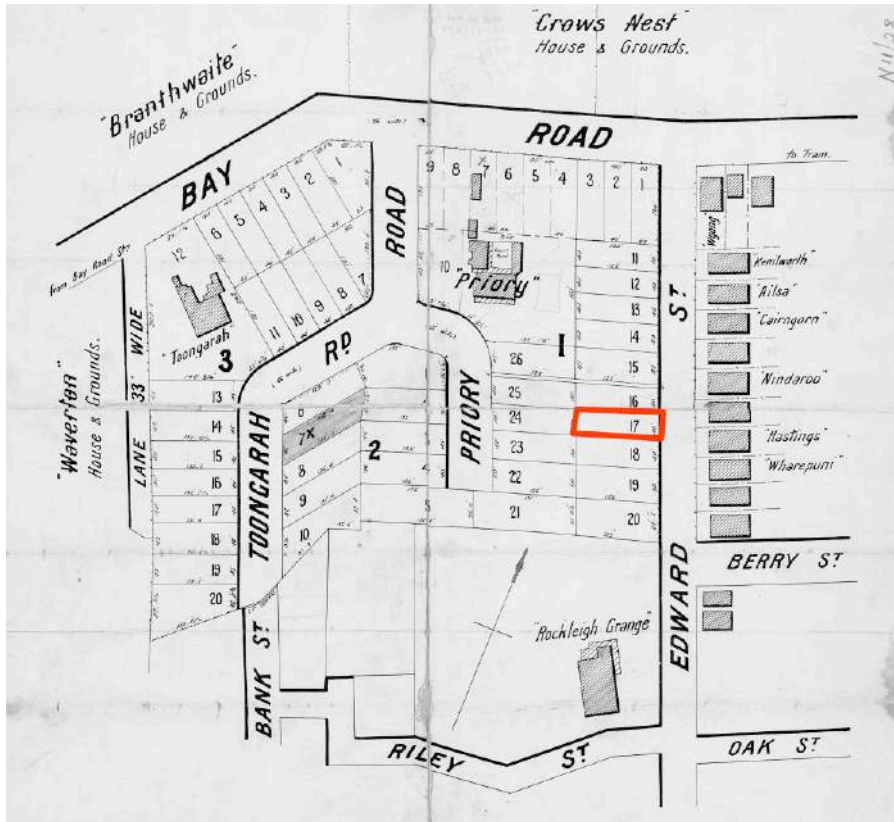


Figure 2.4 The plan of The Priory estate land release of 1913. Circled is the allotment (no. 17) of No.48 Edward Street

Source: State Library of NSW (North Sydney Subdivision Plan No. 28)



Figure 2.5 The area of The Priory estate land release in 1943

Source: NSW Spatial Services

2.5 ROSA MARIA, NO. 48 EDWARD STREET

The allotment of No. 48 Edward Street was formed in The Priory Estate subdivision (Deposited Plan 7544) of 1913 as Lot 17 in Section 1. This allotment in December 1916 was conveyed to milk vendor William Alfred Boyce,⁸ and in 1922 Boyce sold it to Mrs Ida Lillian Johnson, wife of Sidney Livingstone Grant.⁹ No development of the allotment was undertaken during these ownerships.

In August 1925 Mrs Johnson sold the allotment to Felix Lamaro.¹⁰ Subsequently, Lamaro in October 1925 lodged a building application for a brick bungalow to cost 1500 pounds (\$124,810 adjusted for inflation); and the application was approved on 29 October by North Sydney Council.¹¹ The builder was Bartolo (Bob) Lopez (??-1986), who was born at Messina, Sicily, came to Sydney in the early 1920s, and became a naturalised Australian in 1931.¹² Lopez worked periodically as a builder it seems.¹³ The Stanton Library holds some historical building applications for 1925, but not for this development. The bungalow probably was built over the summer of 1925-1926.

Bob Lopez built several cottages in Edward Street. In October 1923 light and power were installed in a new bungalow for B Lopez in Edward Street and in late 1925, B Lopez accepted a tender for "cottages in Edward Street", suggesting he built others at the same time as he built No 48 for Felix Lamaro.¹⁴

Felix Lamaro was a fruiterer, but had other business interests, all associated with provision of food. In 1921 he was registered as the proprietor of the Rising Sun Confectionary at Neutral Bay.¹⁵ Between 1924 and 1931 he was part-owner of the Pavilion Cafe on the McMahons Point ferry wharf at Circular Quay trading as Lamaro Bros, in association with Anthony Lamaro (1886-1937).¹⁶ Also, with Anthony, he had a shop at 6 Berry Street, North Sydney.¹⁷ In 1928 Felix married Annie W Duncan.¹⁸ When Lamaro died has not been recorded, but it was after 1965.

North Sydney Council rated the bungalow from 1927, but the first entry in *Sands' Directory* for this address was the 1930 edition with Lamaro listed as the occupant (1928 and 1929 editions of the *Sands Directory* are not available). In following later years, the *Sands' Directory* listed the occupant as Stanley Reynolds in 1931 and Francona Annari in 1932. The *Sydney Telephone Directory* listed Miss G Lamaro in 1937, and F(elix) Lamaro in 1945 and 1954 (years sampled). The house was called Rosa Maria.¹⁹

The property was sold in 1965 to Raymond Borowich and his wife,²⁰ Borowich (b1908) was a Russian-born quantity surveyor from Victoria. He married Christine Anderson (1915-2016) in 1962. Later, in 1975, the property was conveyed to Toongarah Pty Ltd,²¹ which had purchased 46 Edward Street in 1971.²²

⁸ Torrens Title Dealing A222015

⁹ Torrens Title Dealing A890851

¹⁰ Torrens Title Dealing B254593

¹¹ North Sydney Municipal Council Building Application Register entry 587 of 1925.

¹² National Archives of Australia - Series A1- 1930/9595

¹³ Tenders accepted in *Construction*

¹⁴ *The Sun*, 8 October 1923; *Construction*, 11 November 1925

¹⁵ NSW State Archives and Records - Index the Registered Business Names (2/8552)

¹⁶ *Dunn's Gazette*, 4/2/1929 and 25/5/1931

¹⁷ *Wises' NSW Postal Directory* 1930 and 1935

¹⁸ NSW Birth, Death and Marriage Indexes

¹⁹ North Sydney Municipal Council Rate Valuation, Victoria Ward, 1936, Assessment No. 807

²⁰ Torrens Title Dealing J906288

²¹ Torrens Title Dealing P503574

²² Torrens Title Dealing N425174



Figure 2.6 Looking down on No. 48 Edward Street in 1943

Source: NSW Spatial Services

3.0 PHYSICAL DESCRIPTION

An inspection of the property was carried out by John Oultram in July 2020 to ascertain its layout, condition and intactness from original construction. The current plans are shown in Figure 3.1.

3.1 EXTERIOR

48 Edward Street is a brick bungalow built in c1925 with two-tone brickwork on rusticated sandstone foundations with a hipped and gabled tiled roof (O). The front gable end is decorated with timber strapping, brackets and shingles and, unusually, extends across the originally open side verandah, creating a strongly asymmetrical facade (O). The facade includes a large bay window, smaller Oriel window and brick arch leading to the entrance porch, reached by a short flight of steps (O). The bay and Oriel windows include pointed and turreted roofs clad in sheeted iron (O).

The windows are timber casements and include decorative leadlight glazing (O). The porch and side verandah are paved with tessellated tiles and the verandah was enclosed with leadlight windows possibly shortly after construction (O and L).

The front facade and side walls are largely intact (O). The land falls to the west, resulting in the house resting on substantial sandstone walls at the rear with a large basement/undercroft area (O). In the recent past, an attic bedroom and full-width open deck has been added (L), removing an original rear roof visible in early photos.

3.2 INTERIOR

Internally, the house is partly intact at the ground floor level with the floor plan clearly visible and original floors, high-waisted glazed doors, windows and architraves, leadlight window panels, window seats and decorative bas-relief plaster ceilings (O) (some are later Gyprock). Towards the rear of the house, the kitchen and bathroom have been more recently refitted (L). The bathroom floor tiles and room layout appear to be original (O and L). Aluminium sliding doors lead from the sunroom to an elevated open balcony on brick piers added when the attic bedroom was built (L).

From the sunroom a new set of stairs leads to the recently added attic bedroom and balcony overlooking the rear garden (L). A set of terrazzo stairs with timber balustrade (O) leads down to the basement that includes a service room with tiled fireplace (O), fitted cabinets (O), and exposed sandstone walls (O). The floors are modern ceramic tiles (M).

A polished timber fireplace surround stored in the basement appears to have been removed from the living room (now bedroom) fireplace (O).

3.3 REAR GARDEN

The rear garden is largely lawn with several concrete paths and a small storage shed on the rear boundary (L) with paved with sandstone flagging in front.

3.4 FRONT GARDEN AND FENCE

The front garden is planted with low-scale cottage plants with a crazy concrete path leading to the porch steps (O). To the side, open carport on brick piers with a flat roof and concrete hardstand has been added (L). The carport has interrupted the line of the front fence which includes brick piers with paired horizontal iron rails with a wire screening panels and a wire arch over the gate (recently removed) (O).

Edward Street is lined mainly with single-storey houses from the Edwardian period onwards. The house is close to the Australian Catholic University to the south that incorporates with early villa, Rockleigh Grange. The original villa, The Priory, also survives with a street address off Priory Street.

O ORIGINAL
L LATER
M MODERN

Figures 3.2 – 3.13



Figure 3.1 48 Edward Street, North Sydney

Plans as existing

Source: realestate.com



Figure 3.2 48 Edward Street, North Sydney
Front elevation



Figure 3.3 48 Edward Street, North Sydney
Front facade windows



Figure 3.4 48 Edward Street, North Sydney
Steps and entrance porch



Figure 3.5 48 Edward Street, North Sydney
Hallway



Figure 3.6 48 Edward Street, North Sydney
Interior view of front bay window



Figure 3.7 48 Edward Street, North Sydney
Glazed sunroom



Figure 3.8 48 Edward Street, North Sydney

Stairs from ground floor leading up to attic and down to basement level



Figure 3.9 48 Edward Street, North Sydney

Kitchen



Figure 3.10 48 Edward Street, North Sydney

Attic bedroom



Figure 3.11 48 Edward Street, North Sydney
Fireplace and storage in basement



Figure 3.12 48 Edward Street, North Sydney
Sandstone basement walls



Figure 3.13 48 Edward Street, North Sydney
Rear elevation

4.0 HERITAGE LISTINGS & CONTROLS

4.1 NATIONAL TRUST

The property is not classified on the Register of the National Trust of Australia (NSW).

4.2 HERITAGE NSW OF THE NSW DEPARTMENT OF PREMIER AND CABINET

4.2.1 State Heritage Register

Under the Heritage Act 1977 (as amended) the NSW Heritage Council, administered by Heritage NSW of the NSW Department of Premier and Cabinet, maintains the State Heritage Register (SHR), a register of items and places that are considered to have heritage significance at a state level. The subject property is not listed on the Register.

4.2.2 State Heritage Inventory

The Heritage Division also compiles the State Heritage Inventory (SHI), a collated database of all places listed on statutory heritage lists, including Local Environmental Plans. The property is listed on the Inventory (SHI 2180826) and the listing sheet is attached as Appendix B.

4.3 LOCAL AUTHORITY

The local authority for the area is North Sydney Municipal Council. The property is listed as a heritage item in Schedule 5 Part 1 of the *North Sydney Local Environmental Plan 2013* (as amended) (NSLEP).

REF	ADDRESS	ITEM	RANKINH
I0817	48 Edward Street	House	Local

The property is also within the Edward Street Heritage Conservation Area (CA17). All of the houses opposite the site are listed as heritage items:

REF	ADDRESS	ITEM	
I0818	51 Edward Street	House	Local
to			
I0826	67 Edward Street	House	Local

The heritage provisions of the NSLEP relating to development of a heritage item, in a conservation area and in the vicinity of a heritage item would apply.

Council may also take into consideration the heritage provisions of the *North Sydney Development Control Plan 2013* (NSDCP) that contains detailed objectives and controls for development in conservation areas.

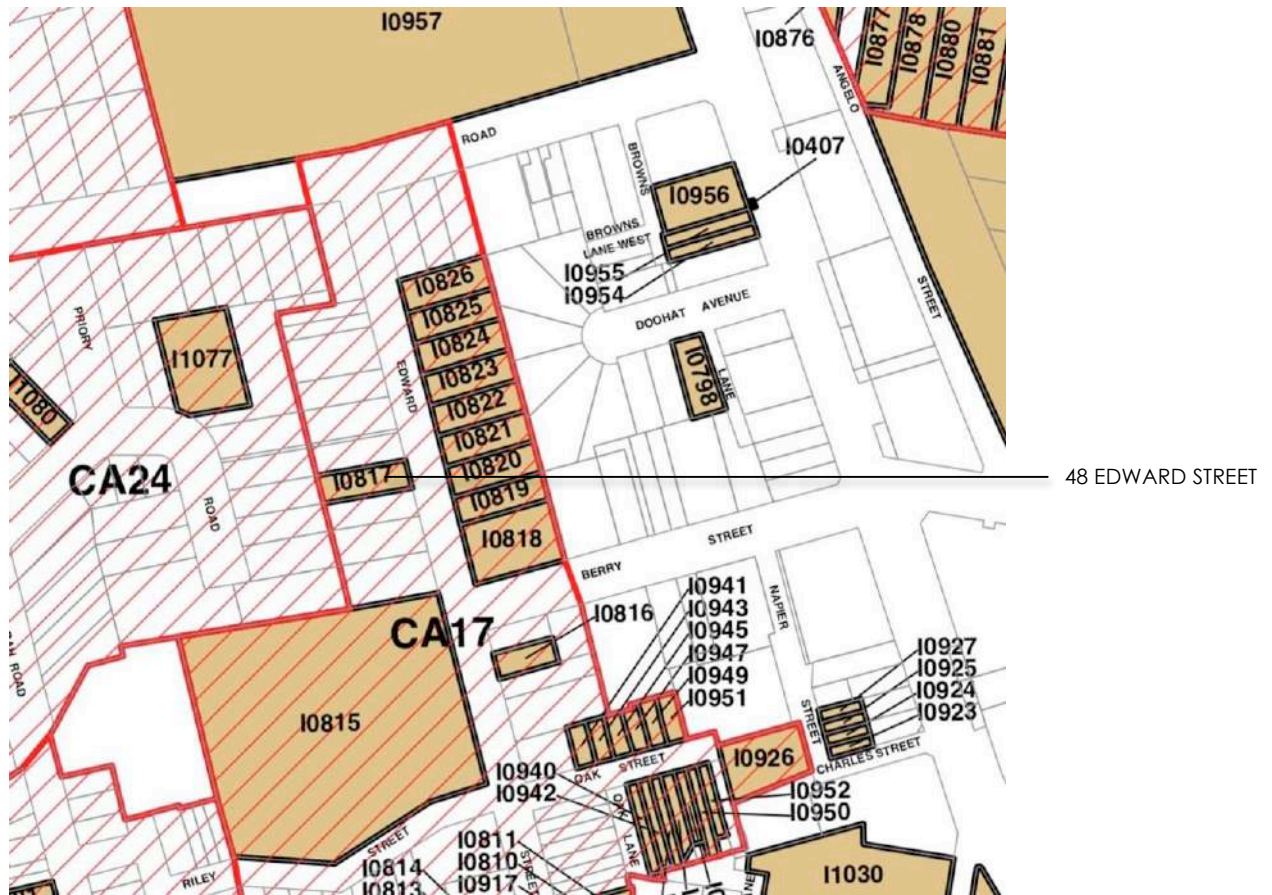


Figure 4.1 North Sydney Local Environmental Plan 2013 Heritage Map_002A

Heritage items are coloured brown

Source: North Sydney Council

5.0 DISCUSSION OF SIGNIFICANCE

The Heritage Office of New South Wales has issued guidelines as part of the NSW Heritage Manual regarding the assessment of heritage significance. The Manual is a well-regarded methodology for the assessment of cultural significance and is appropriate for application to the subject property.

5.1 HISTORIC SIGNIFICANCE

5.1.1 Historical Development

<i>Criterion (a)</i>	<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>
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The house at No. 48 Edward Street is an example of a single storey (with large undercroft) Inter War house erected in 1925-1926 for fruiterer and confectioner Felix Lamaro, and called Rosa Maria.

In the mid-to-late nineteenth century North Sydney was home to spacious villa estates that, by the early twentieth century, were subdivided for closer residential development.

The area bounded by present-day Edward St and Riley Sts; and Bay, Priory and Toongarah roads was the site of two early villas eventually owned by the same family, the Priory and the Toongarah Estates. The current street grid was formed in 1913 when the Priory and Toongarah estates were subdivided. Built on one of these residential allotments, the house at 48 Edward Street represents this second wave of residential development that formed the current streetscape character of the area.

The house is emblematic of this later inter war residential subdivision of North Sydney and helps demonstrates its history.

Local Significance.

5.1.2 Historical Associations

<i>Criterion (b)</i>	<i>An item has strong or special associations 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>
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There are no known historical associations of note. The associations with the Priory Estate and Toongarah cover a large portion of the local area and are incidental.

Does not meet the criterion.

5.2 AESTHETIC SIGNIFICANCE

<i>Criterion (c)</i>	<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>
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In size, the house at 48 Edward Street is a relatively modest though well detailed example of an inter-war bungalow with multi-gabled tiled roof, exposed eaves and asymmetrical front facade. What is striking and unique about the house is its flamboyant decorative details, including turreted front bay and Oriel windows, arched brick front porch, two-toned brickwork, extensive sandstone blockwork foundations, leadlight doors and windows, tessellated tiling and matching brick front fence. The high-quality detailing continues internally with fretwork joinery, leadlight doors and decorative plaster ceilings.

While there have been changes over time, most notably a first-floor addition behind the main roof, the house survives largely intact with the majority of its decorative detailing retained.

Research has not discovered an architect for the house. The builder, Bob Lopez built other cottages in Edward Street at the same time but none with this level of design competence or decorative detail. He was also newly arrived from Sicily. This suggests the contribution of a local architect or designer with knowledge of English Arts and Crafts bungalow design. More research is required.

Local Significance.

5.3 SOCIAL SIGNIFICANCE

Criterion (d)	<i>The item has strong or special association with a particular community or cultural group in NSW (or the local area) for social or spiritual reasons</i>
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The house has no special associations with any particular community or group.

Does not meet the criterion.

5.4 TECHNICAL/SCIENTIFIC SIGNIFICANCE

Criterion (e)	<i>An item has the 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>
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There were no previous buildings on the site and the place has no archaeological potential. The construction techniques and fabric of the house are of no technical significance.

Does not meet the criterion.

5.5 RARITY

Criterion (f)	<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>
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The house type is common in the area.

Does meet the criterion.

5.6 REPRESENTATIVENESS

Criterion (g)	<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</i>
	<i>(or a class of the local area's: Cultural or natural places; or Cultural or natural environments)</i>

The house is a good representative example of its type, with high-quality architectural details, both internally and externally.

Local Significance.

5.7 SUMMARY OF SIGNIFICANCE

The following statement of significance is reproduced from the listing sheet (SHI 2180826) for the property:

Good example of a Federation bungalow with a range of interesting details, while maintaining a modest aspect to the street. One of the better quality houses in Edward Street. A relic from the original subdivision of the Priory estate.

Based on the above we consider the house meets several of the Heritage Manual criteria for identification as a place of local significance and our assessment confirms the existing local heritage listing for the property.

6.0 THE CURRENT PROPOSALS

The owners would like to alter and extend the house. The proposals are shown on Drawing Nos. 2020-04 DA-0201 to 0210 and DA 0250 dated September 2020 and prepared by Noble Architecture Pty Limited. The proposals include:

6.1 GROUND FLOOR

- Reclad roof of front bay window with corrugated iron.
- Demolish internal walls at rear.
- Brick up several internal doors.
- Install skylight above bedroom.
- Install new en-suite off main bedroom
- Covert kitchen to bedroom
- Install new bathroom and laundry.
- Create open-plan kitchen, living and dining room at rear.
- Install new sliding doors onto rear extension
- Convert enclosed sunroom into walk-in wardrobe.
- Replacement stair at rear
- New extension at rear
- New skylights to existing roof

The extension sits above the conservatory below and is largely glazed with a timber boarded spandrel and hipped, metal roof.

6.2 LOWER GROUND (BASEMENT) LEVEL

- Excavate under the house.
- Install new windows and enlarged existing windows in stone side walls.
- Extend rear deck and construct conservatory.
- Form new openings in stone rear wall into conservatory.
- Demolish several internal stone walls to create large single space at the rear.
- Install two new windows in front facade under existing windows.
- Demolish existing stairs and install new.
- Fit out spaces for laundry, bathroom, powder room, games room, cellar, storage and open-plan family room / entertainment space

6.3 ATTIC LEVEL

- Modify and relocate windows in the front-facing gable end.
- Install en-suite bathroom.
- Install new sliding doors onto rear deck.
- Replace existing stairs with new.
- Replace roof and wall cladding.
- New solar panels

The walls will be clad in vertical cladding with a rendered band at the eave.

6.3.1 Front Garden

- Modify carport with new pitched roof with matching decorative gable end and set on brick columns.
- Repair front gate and horizontal fence rails
- New colour scheme.
- Sandstone cleaning.

6.3.2 Rear Garden

- Remove garden paths and sandstone flagging.
- Re-landscaping.
- New glazing, door and roof to shed.

7.0 IMPACT OF THE PROPOSED DEVELOPMENT

7.1 GENERALLY

No. 48 Edward Street was built in 1925-1926 for fruiterer and confectioner Felix Lamaro, and called Rosa Maria. The current street grid was formed in 1913 when the Priory and Toongarah villa estates were subdivided.

The single-storey brick bungalow is a relatively small-scale example of an Inter-War bungalow, but what is striking and unique is its flamboyant decorative details, which include a turreted front bay window and small Oriel window, arched brick front porch, two-toned brickwork, extensive sandstone foundations, leadlight doors and windows, tessellated tiling and matching brick front fence. The high-quality detailing continues internally with fretwork joinery, leadlight doors and decorative plaster ceilings.

No architect has been identified. The builder, Bob Lopez, had recently arrived from Sicily that suggests the contribution of a local architect or designer with knowledge of English Arts and Crafts bungalow design.

While there have been changes over time, most notably a visible and intrusive first-floor (attic) addition behind the main roof, the house and the majority of its decorative details remain intact.

The proposed works involve a series of changes across the whole building and the majority of the works are located at the rear and within the more recently constructed rear addition. The works involve excavating under the house and fitting out the basement as a new level of the house.

7.2 GROUND FLOOR

Reclad roof to the front bay window with corrugated metal.

The replacement of the existing original flat metal roof with corrugated iron appears in the Materials and Finishes schedule and the Proposed Perspectives. The use of modern Colorbond corrugated iron will alter the appearance of the facade and we would recommend that flat galvanized metal or pre-finished copper be used with battened seams as per the current detail.

Demolish internal walls.

The layout of the house is very convoluted and has a poor relationship with the rear garden. Internal walls in the rear rooms of the house are to be demolished to create a single open-plan kitchen and living room. This involves alteration of the original floor plan, leading to the loss of some secondary rooms though it is clear that the living room has been altered and walls removed.

The intention is to create a large open-plan kitchen, living and dining room opening onto an elevated deck and overlooking the rear garden. Generally speaking, DCPs encourage works in rear spaces of heritage building to allow for improvement while keeping the principal rooms intact and the proposed works reflect this and retain the major rooms to the front as is along with the kitchen that will be converted to a bedroom.

The changes do not involve any alteration of the front and side windows and the verandah infill at the front will be retained.

Brick up several internal doors.

Several doors are proposed to be bricked up to allow for different use of the spaces. The works are relatively minor but we would recommend that the hall door to the master bedroom be retained and to simply locked shut.

Recommendation: Original doors be salvaged for reuse elsewhere.

Install skylight above bedroom.

The skylight may be slightly visible from the street but is set well back and will have little impact on the presentation of the house to the street.

Install new en-suite off main bedroom

The ensuite will be located in the current hall/store and is sensibly placed and the side walls will be retained with a new door to the master bedroom.

Recommendation: The new door use a salvaged door.

Install new bathroom and laundry.

It is proposed to install a new bathroom and laundry where the living room is located with new internal walls. It is clear that the living room has been previously altered and walls removed and the bathroom is sensibly placed. The main living area will be moved backwards to allow for a better connection to the garden and new addition. The bathtub is set against an original leadlight window below the cill and the panelling here can be retained



Figure 7.1 Current living room to be divided with new bathroom and laundry

Restore fireplace in main bedroom.

The works will retain this original feature.

Create open-plan kitchen, living and dining room.

See above.

Install new sliding doors onto rear open deck.

No heritage impact.

Convert enclosed sunroom into walk-in wardrobe.

The current sunroom was probably glazed and converted from an open verandah shortly after the house was built. In this regard, it shares the same significance as the original house. It includes a leadlight entry door, leadlight glazed windows, tessellated tiles and retains exposed brickwork.

It is proposed to fit-out the space as a walk-in wardrobe but the change is a sensible use of the space and all of the current detail can be retained. The works are also reversible and the leadlight door will be retained.



Figure 7.2 Sunroom (left) and door into sunroom (right).

Enlarged opening to the rear wall and rear addition

Figure 7.3 Rear elevation

The rear elevation has little of the quality of the front elevation and has a later balcony and a second floor addition.

The opening at the rear is modern and will be enlarged to access the rear addition.

The addition is not large and will marry in with the detail to the basement level and will not be highly visible from the street. The works will have a limited and acceptable impact on the significance of the place.

7.3 LOWER GROUND (BASEMENT) LEVEL

Excavate under the house.

The undercroft is already extensive but is very low height and the excavation will allow for headroom to the spaces close to the street. Provide that the structural works are done to maintain the stability of the existing walls the change will have little impact.

Install new windows and enlarged existing windows in stone side walls.

New wide windows in the sandstone foundation side walls are proposed and another small window removed and replaced with a larger windows. The stone sections to the sides of the house are largely set below the street level and the new windows will not be prominent from the front.

Extend rear deck and construct conservatory.

These works are located at the rear of the property and will not be visible from the street and are set under the new addition at the ground floor.

As noted, the rear of the house has little of the quality of the front section and the addition is well scaled to the high wall beyond. The site slopes to the rear and the addition is well scaled to the house and will not be highly visible for the street. It has a more contemporary detail with extensive glazing to allow for a good relationship with the rear garden.

Form new openings in stone rear wall for French doors into conservatory.

It is proposed to widen an existing doorway in the sandstone rear wall of the basement and enlarge an existing window to form a matching doorway. These works are to the rear and will not be seen from the street

Demolish several internal stone walls to create large single space.

It is proposed to demolish several internal stone and brick walls in the basement and fitted laundry cupboards. The undercroft was clearly a service space and while the loss of the joinery is unfortunate their removal will allow for family style accommodation at the garden level for a more. The joinery and fireplace should be archivally recorded.

Install two new windows in front facade under existing windows.

These two new windows are proposed in the sandstone of the front facade under the existing windows but the openings are low set and not large. The openings will not be highly visible from the street and will have little impact on the presentation of the house.

Demolish existing stairs and install new.

The existing stairs from the sunroom to the basement include a timber balustrade and terrazzo treads, and may be original. However it is steep and narrow and was obviously intended as a service stair. It is proposed to replace the stair with new stair in the same location and the change is reasonable in this instance.

Fit out the spaces to include laundry, bathroom, powder room, games room, cellar, storage, bar and open-plan family room / entertainment space

The works will allow this rather moribund, service space to become accommodation at the garden level and the current fabric here (apart from the utility room) is not of a high order.

7.4 ATTIC LEVEL

The attic is a poor quality later addition.

Modify and relocate windows in the front-facing gable end.

The existing windows are visible for the street. The proposed changes will not increase the adverse impact of the existing attic level addition.

Install en-suite bathroom.

No heritage impacts.

Install new sliding doors onto rear deck.

No heritage impacts.

Replace existing stairs with new.

No heritage impacts. The Jacobean barley twist balusters appear to have been salvaged for another house and are not related to the subject house.

Replace roof and wall cladding

The current timber wall cladding is very unsympathetic and will be replaced with a vertically clad and rendered finish. The change is a positive one.

The change of roof material is neutral in heritage terms.

7.4.1 Front Garden

Modify carport with a new pitched roof with matching decorative gable end and set on brick columns.

The proposed new carport roof will improve the view of the heritage item from the street by adding a more sympathetic-detailing gabled roof to the existing carport.

Repair front fence and horizontal fence rails

The wall is failing and will be repaired. The current metal rails will be replaced to suit. The works are neutral in heritage terms.

Sandstone Cleaning

The stone should only be cleaned with a low pressure wash and brushing. Abrasive sandblasting and chemical cleaning should not be used.

7.4.2 Rear Garden

Remove garden paths and sandstone flagging and re-landscaping

No heritage impacts though the landscaping will improve the setting and amenity of the house at the rear.

New glazing, door and roof to shed.

No heritage impacts.

7.5 NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013 (NSLEP)

7.5.1 Impact on the Heritage Item

The listing sheet for the item (SHI 2180826) contains a statement of significance:

Good example of a Federation bungalow with a range of interesting details, while maintaining a modest aspect to the street. One of the better quality houses in Edward Street. A relic from the original subdivision of the Priority estate

The proposals are concentrated in the altered sections of the house and the new additions are to the rear and are well scaled to the house. The proposals will retain the most significant aspects of the house including parts of its original layout and detail and only minor changes are proposed to the front elevation at the basement level. The new roof to the carport is a positive in heritage terms.

Based on the above we consider that the proposal will maintain the significance of the place.

7.5.2 Impact on the Heritage Items in the Vicinity

The property lies opposite a row of heritage items at 51-67 Edward Street. These items comprise a row of single-storey inter-war bungalows. The majority of the proposed works are internal or located at the rear of the site and will have limited or no impact on views to and from the heritage items. The proposed changes to the existing carport, incorporating a more sympathetic roof structure, will have a positive impact on the overall streetscape of Edward Street and the immediate setting of the heritage items.

Controls for heritage items in the vicinity are described in Part B, Section 13.4 of the 2013 North Sydney DCP. These controls are addressed in the following table.

	OBJECTIVE/CONTROL	COMMENT
13.4	<i>Development in the Vicinity of Heritage Items</i>	
(1)	<i>Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.</i>	Complies.
(2)	<i>Maintain significant public domain views to and from the heritage item.</i>	Complies
(3)	<i>Ensure compatibility with the orientation and alignment of the heritage item.</i>	Complies.
(4)	<i>Provide an adequate area around the heritage item to allow for its interpretation.</i>	Complies.
(5)	<i>Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.</i>	Complies.

Based on the assessment above we consider that the proposals will have a limited and acceptable impact on the significance and setting of the nearby heritage items.

7.5.3 Impact upon the Conservation Area

The house is in the Edward Street Heritage Conservation Area (CA17) that is described in Section 10.12 of the NSDCP:

The Edward Street Conservation area is significant for:

- (a) As an intact example of early township development in North Sydney*
- (b) As a subdivision of the Priory and Rockleigh Grange Estates.*
- (c) For its grouping of intact and commonly detailed mid Victorian and Federation houses.*

NSDCP C10- 39 & 40

The house at 48 Edward Street is an inter-war bungalow built in 1925-1926. It is a early building from the subdivision of the 1913 Priory Estate and admired for its intact high-quality decorative detailing and matching front fence. As a heritage item, it is a significant building within the conservation area.

The majority of the proposed changes are located at the rear of the property and will have no additional impact on the streetscape and conservation area.

7.6 NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013 (NSDCP)

Heritage controls for heritage items and within heritage conservation areas are described in Part B, Section 13 of the 2013 North Sydney DCP.

The proposals are assessed against the relevant heritage controls in the table below.

7.6.1 Heritage Items

	OBJECTIVE/CONTROL	COMMENT
	Part B, Section 13; Heritage And Conservation	
13.5	Heritage Items	
(1)	Retain features (including landscape features) that contribute to the significance of the item.	Complies
(2)	Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.	No removal of unsympathetic elements proposed.
(3)	New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.	Complies. The works are largely within the existing building volume and the addition is modest and to the rear
(4)	Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.	Complies
(5)	Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new work to the rear.	Complies. The works are largely in the altered sections at the rear
(6)	All works are to be consistent with an adopted Conservation Management Plan/s where applicable.	N/A

	OBJECTIVE/CONTROL	COMMENT
13.5.2	<i>Form, Massing, Scale</i>	
(1)	<i>Locate alterations and additions away from principal elevations and primary forms, and behind and below the main ridge line. Note: Alterations and additions should occur to the rear of heritage items such that they are not visible from the public domain.</i>	Complies
(2)	<i>Ensure that alterations and additions are smaller in scale, height and massing than the existing building.</i>	Complies
	<i>Integrity of building forms</i>	
(4)	<i>Maintain the integrity of the building form (including the roof form and profile) so that the original building is retained and can be clearly discerned.</i>	Complies
(5)	<i>Additions should be submissive in scale in comparison to the original building form (i.e. additions should generally be smaller in footprint than the original building form).</i>	Complies
13.5.3	<i>Additional Storeys</i>	
(1)	<i>Additional storeys must be confined to within the existing roof space or below the gutter line of the main roof. Whole floor additions will not be supported.</i>	Complies
(2)	<i>The consent authority may consider permitting additional levels at the rear of a building, but only where those levels are located below and behind the main ridge line.</i>	Complies
13.5.4	<i>Roofs</i>	
(1)	<i>Retain hierarchy of roof forms, with dominant forms maintained on the primary facades.</i>	Complies (the attic is extant)
(2)	<i>Retain original roofing materials, such as slate or terracotta tiles.</i>	Complies
(3)	<i>Retain chimneys and other decorative roof elements.</i>	Complies.
13.5.5	<i>Interior Layouts</i>	
(1)	<i>Applications are to be accompanied by current photographs of interior features, including walls, floors, ceilings, windows and fireplaces etc.</i>	See Section 3.0 of this report.
(2)	<i>Minimise change to the original or significant internal room configuration/layout (as appropriate) so that the evolution of the building remains discernable. This can be achieved by retaining wall nibs, decorative ceilings, joinery and original features such as fireplaces.</i>	Complies Changes to the front layout will be signalled in the manner recommended
(3)	<i>Avoid locating kitchens or bathrooms within primary rooms of significance.</i>	Complies
(4)	<i>Retain access and relationship to original building entrances and associated hallways.</i>	Complies. No change to front entrance and porch.
(5)	<i>Retain significant internal original features including joinery, door sets, fire places, flooring, cornices and ceilings.</i>	Largely complies
(6)	<i>Locate alterations away from rooms that have intact or significant features.</i>	Complies

	OBJECTIVE/CONTROL	COMMENT
(7)	Ensure new openings have similar dimensions or are compatible with existing openings, such as width and height of double doors.	Capable of compliance. Reuse of salvaged doors and joinery recommended
(8)	Provide for reversibility of internal changes (where appropriate and reasonable).	The works are largely not reversible

7.6.2 Heritage Conservation Areas

	OBJECTIVE/CONTROL	COMMENT
13.6.	Heritage Conservation Areas	
13.6.2	Form, Massing and Scale	
(1)	Development should reflect the bulk, mass, scale, orientation, curtilage and setbacks of surrounding heritage and contributory items.	The street is largely single-storey inter-war bungalows. The fall of the land behind the house allows for greater development at the rear.
(2)	Development should recognise and complement the predominant architectural scale and form of the area.	Complies
(3)	Do not obstruct existing views in the public domain, including slot views over and between buildings as these provide connection and contribute to the context of the area's location	Complies. No change to existing views.
(4)	Reinstate characteristic and decorative features to contributory items where possible and reasonable where alterations and additions are proposed. This could include reinstatement of verandahs and balconies, joinery, chimneys, fences or window detailing.	The facade is highly intact and a replacement roof to the bay window is to a similar detail
(7)	Respond to characteristic building alignments by not building forward of the established or characteristic front setback.	Complies.
(8)	Repeat any consistent pattern of side and rear setbacks of heritage and contributory items in the vicinity of the site.	Complies.
(9)	New work may adopt a contemporary character, provided the development is not likely to have a detrimental impact on the characteristic built form of the area, particularly in terms of bulk, scale, height, form or materials.	The proposed additions and rear changes are contemporary in character
13.6.3	Roofs	
(1)	Roof form, pitch and materials are to be compatible with heritage and contributory items in the conservation area, as identified in the relevant character area statement (refer to Part C of the DCP).	Complies
13.6.4	Additional Storeys and Levels	
(1)	Additional storeys or upper level additions are not supported in heritage conservation areas.	N/A
(3)	Typically, additions should be set back behind the main roof lines and should be located substantially within the existing roof.	See above

	OBJECTIVE/CONTROL	COMMENT
13.6.5	<i>Internal Layouts</i>	
(1)	<i>Consideration is given to the internal layouts of buildings.</i>	
(2)	<i>Where interior layouts are determined to be significant, they should be retained.</i>	Complies. The front section of the house will be retained largely as is
13.9	<i>Controls for Specific Building Elements</i>	
13.9.1	<i>Skylights, Solar Panels and Satellite Dishes</i>	
(1)	<i>Locate skylights, solar panels and other roof mounted structures away from visually prominent roof planes and front elevations.</i>	Complies
13.9.3	<i>Verandahs and Balconies</i>	
(3)	<i>Later and intrusive verandah and balcony enclosures should be removed.</i>	
(5)	<i>The design, proportions and detailing of new balconies is to relate to the style, detail and period of the building, and any characteristic elements of the conservation area identified in the relevant character area statement (refer to Part C of the DCP).</i>	The proposed additions are at the rear and will have no additional impact on the heritage item.
13.9.4	<i>Materials, Colours and Finishes</i>	
(1)	<i>Retain external face brick or stone walls where they are significant features of a heritage item or identified as part of the characteristic built elements of a heritage conservation area. Rendering of face brickwork will not be permitted unless it comprised a construction method used on the original building.</i>	Complies. Larger openings are sensibly set to the rear
(3)	<i>Where new materials are required, ensure that they are easily recognised as new, but are compatible with the key elements of the heritage item.</i>	Complies
(4)	<i>Select materials and finishes to reflect their characteristic usage, such as stone at the building base.</i>	Contemporary materials have been selected for the new work.
(5)	<i>Details of proposed colour scheme are to be provided with the development application.</i>	TBA
(8)	<i>Ensure materials, finishes and colours are compatible with the characteristic built elements of the heritage conservation area as described in the relevant Area Character Statement (refer to Part C of the DCP).</i>	The rear addition adopts a contemporary style but is not highly visible
13.9.5	<i>Garages and Carports</i>	
(6)	<i>Any off street parking located within the front setback area is to remain uncovered and be constructed using minimal paving and incorporate soft landscaping.</i>	The carport and concrete stand area are existing; a more sympathetic gabled roof and brick piers are proposed.
13.9.6	<i>Fences</i>	
(1)	<i>Retain original fences and gates where they are characteristic elements of a conservation area or add to the significance of the building or place.</i>	Complies. The current wall will be repaired

We consider the proposals largely comply with the heritage objectives and controls in the NSDCP or provide for a reasonable alternative.

8.0 SUMMARY AND RECOMMENDATIONS

8.1 SUMMARY

No 48 Edward Street is a single-storey brick bungalow built in 1925-1926. While there have been changes over time, most notably an intrusive first-floor (attic) addition behind the main roof, the house and the majority of its decorative details remain intact.

The proposed works are largely internal and are concentrated in altered sections of the house or in areas that are of lower significance (e.g. the undercroft and ground floor kitchen area). The more intact front section of the house will remain and there are only very limited works to the front elevation. The proposals draw a reasonable balance of maintaining significant fabric and altering the house to improve its liveability.

The rear addition is not large and is set and the garden level and the proposals will have little impact on the presentation of the house to the street.

The proposals will retain the most significant aspects of the house including parts of its original layout and detail and only minor changes are proposed to the front elevation at the basement level. The new roof to the carport is a positive in heritage terms.

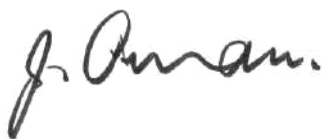
Based on the above we consider that the proposal will maintain the significance of the place, are largely in line with the heritage provisions of the NSDCP and will maintain the significance of the place,

In heritage terms, we consider that the proposal should be approved.

8.2 RECOMMENDATIONS

8.2.1 Archival Recording

Prior to the works commencing the house be archivally recorded in accordance with the Heritage NSW guidelines for digital capture and the record lodged with a suitable archive (e.g. North Sydney Heritage Centre).



JOHN OULTRAM

9.0 APPENDIX - OWNERS 1925-1970S WITH PREAMBLE

Auto Folio 17/1/7544 (Source: NSW Land Registry Services)

Year	Owner
1825	13th June CROWN GRANT Parish of Willoughby 524 acres Edward Wollstonecraft Prior titles not searched
	PRIMARY APPLICATION 18876
1914	18th April CERTIFICATE OF TITLE Vol. 2465 Fol. 228 7 acres 15 & 3/4 perches Robert Fisher, Sydney, licensed surveyor Donnelly Fisher, Sydney, solicitor Andrew Walter Irby Macansh, Sydney, solicitor
1914	Subdivision in Deposited Plan 7544
1915	17th December Dealing A222015 Transfer of Lot 17, Section 1 William Alfred Boyce
1916	29th January CERTIFICATE OF TITLE Vol. 2641 Fol. 19 Transfer of Lot 17, Section 1, Deposited Plan 7544 18&1/4 perches William Alfred Boyce, North Sydney, milk vendor
1922	12th December Dealing A890851 Transfer Ida Lilian Johnson, wife of Sidney Livingstone Grant Johnson, North Sydney, clerk
1925	24th August Dealing B254593 Transfer Felix Lamaro, North Sydney, fruiterer
1965	9th February Dealing J906288 Transfer Raymond Borowich, North Sydney, quantity surveyor, and wife Christina
1975	18th September Dealing P503574 Transfer Toongarah Pty Ltd
1975	1st December CERTIFICATE OF TITLE Vol. 12961 Fol. 168 issued not searched
	Auto Folio 17/1/7544 not searched

10.0 APPENDIX – HERITAGE LISTING SHEET

Heritage NSW of the NSW Department of Premier and Cabinet

State Heritage Inventory Listing Sheet for 48 Edward Street, North Sydney (SHI 2180826)

House

Item details

Name of item:

House

Type of item:

Built

Group/Collection:

Residential buildings (private)

Category:

House

Primary address:

48 Edward Street, North Sydney, NSW 2060

Local govt. area:

North Sydney

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
48 Edward Street	North Sydney	North Sydney			Primary Address

Statement of significance:

Good example of a Federation bungalow with a range of interesting details, while maintaining a modest aspect to the street. One of the better quality houses in Edward Street. A relic from the original subdivision of the Priory estate.

Heritage Inventory sheets are often not comprehensive, and should be regarded as a general guide only. Inventory sheets are based on information available, and often do not include information on landscape significance, interiors or the social history of sites and buildings. Inventory sheets are updated by Council as further information becomes available. An inventory sheet with little information may simply indicate that there has been no building work done to the item recently: it does not mean that items are not significant. Further research is always recommended as part of preparation of development proposals for heritage items, and is necessary in preparation of Heritage Impact Assessments and Conversation Management Plans, so that the significance of heritage items can be fully assessed prior to submitting development applications.

Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the Department of Premier and Cabinet [copyright and disclaimer](#).

Description

Physical description:

Two storey brick house with terracotta tiled gable roof. Semi-circular arched verandah entry, elaborate leadlight windows, faceted bay window with sheet metal faceted roof and timber shingle gable end are features.

Single storey brick house with terracotta tiled gable roof. Semi-circular arched verandah entry, elaborate leadlight windows, faceted bay window with sheet metal faceted roof and timber shingle gable end are features. This building is designed in the Federation Bungalow style.

Physical condition and/or

Archaeological potential:

Intact

Further information:

North Sydney

History

Historical notes:

Land part of the original property 'The Priory'. Subdivision of estate occurred in 1914.

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
4. Settlement-Building settlements, towns and cities	Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation - does not include architectural styles - use the theme of Creative Endeavour for such activities.	(none)
4. Settlement-Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	(none)

Assessment of significance

SHR Criteria a)

[Historical significance]
local significance

SHR Criteria c)

[Aesthetic significance]
local significance

SHR Criteria f)

[Rarity]
local significance

SHR Criteria g)


[Representativeness]

This item is assessed as historically representative locally. This item is assessed as aesthetically representative regionally. This item is assessed as socially representative locally.

Integrity/Intactness:

—

Assessment criteria:

Items are assessed against the  State Heritage Register (SHR) Criteria to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	North Sydney Local Environmental Plan 2013	10817	02 Aug 13		
Within a conservation area on an LEP					
Heritage study					

Study details

Title	Year	Number	Author	Inspected by	Guidelines used
North Sydney Heritage Study Review	1993	0626	Tony Brassil, Robert Irving, Chris Pratten, Conybeare Morrison	TB May 1992	Yes
North Sydney Heritage Review	2002		John Oultram		No

References, internet links & images

None

Note: internet links may be to web pages, documents or images.



(Click on thumbnail for full size image and image details)

Data source

The information for this entry comes from the following source:

Name:

Local Government

Database number:

2180826