



### NSLPP MEETING HELD ON 02/02/22

**Attachments:**

1. Architectural Plans
2. Independent Heritage Assessment Report
3. Weblink to original planning report

**ADDRESS/WARD:** 1 Bank Lane, North Sydney

**APPLICATION NO:** RD7/21 - Section 8.2 Review of determination (DA18/21)

**PROPOSAL:** Review of determination of application for the demolition of the existing contributory item and the construction of a new two storey dwelling; carport and associated landscaping works

**PLANS REF:**

Plan No.	Rev	Title	Drawn By	Dated
DA000	S8.2-A	Title Page	Cracknell and Lonergan	16/09/21
DA001	S8.2-A	Site Analysis – Area Context	Cracknell and Lonergan	16/09/21
DA002	S8.2-A	Site Analysis - Plan	Cracknell and Lonergan	16/09/21
DA003	S8.2-A	Site Analysis – Building Height	Cracknell and Lonergan	16/09/21
DA004	S8.2-A	Site Analysis – Street view	Cracknell and Lonergan	16/09/21
DA005	S8.2-A	Demolition Plan	Cracknell and Lonergan	16/09/21
DA006	S8.2-A	Site Plan	Cracknell and Lonergan	16/09/21
DA101	S8.2-A	Ground floor plan	Cracknell and Lonergan	16/09/21
DA102	S8.2-A	First Floor plan	Cracknell and Lonergan	16/09/21
DA103	S8.2-A	Roof Plan	Cracknell and Lonergan	16/09/21
DA201	S8.2-A	Elevations	Cracknell and Lonergan	16/09/21
DA202	S8.2-A	Elevations	Cracknell and Lonergan	16/09/21
DA301	S8.2-A	Sections	Cracknell and Lonergan	16/09/21
DA302	S8.2-A	Cross Sections	Cracknell and Lonergan	16/09/21
DA403	S8.2-A	Materials and Finishes	Cracknell and Lonergan	16/09/21
DA404	S8.2-A	Landscape Plan	Cracknell and Lonergan	16/09/21
DA405	S8.2-A	Landscape Plan	Cracknell and Lonergan	16/09/21

**OWNER:** Philip Jakob Mehrgardt

**APPLICANT:** Philip Mehrgardt

**AUTHOR:** Annelize Kaalsen of AK Planning

**DATE OF REPORT:** 19 January 2022

**DATE LODGED:** 5 October 2021

**AMENDED:** No

**RECOMMENDATION:** Refusal

## EXECUTIVE SUMMARY

On 2 June 2021, the North Sydney Local Planning Panel (NSLPP) refused DA18/21 for the demolition of the existing contributory dwelling and the construction of a new two storey dwelling, single garage associated landscaping and ancillary works on land at No. 1 Bank Lane, North Sydney

This application seeks a review of determination under Section 8.2 of the Environmental Planning and Assessment Act 1979 (EPA Act) of the application as refused on 2 June 2021.

**In accordance with the provisions of Section 8.3(5) of the Environmental Planning & Assessment Act, 1979 (EP&A Act) the review of a determination made by a local planning panel is also to be conducted by the Panel and the review referred to the Panel for determination.**

Council's notification of the application attracted four (4) unique submissions, including one in support; raising concerns about privacy impacts, loss of view / outlook; replacement building diminishes heritage value; bulk and scale; not in keeping with the established character of Union Bank Thomas Street HCA. These issues have been discussed in the body of this report.

In accordance with Section 8.3(3) of the EP&A Act, the application includes amended architectural and landscape plans which proposes a number of amendments as compared to the refused DA. The amendments include aligning the new dwelling with Bank Lane consistent with the existing contributory item; removing the excavated garage accessed off Ancrum Street in lieu of a single carport accessed off Bank Lane; the roof eaves and main gable has been lowered by 300mm; the dormer windows fronting Bank Lane were reduced from 3m to 2.3m in height; the skylight fronting Bank Lane was relocated within the eastern roof plane; the extent of excavation was also substantially reduced. The amended proposal is considered to be substantially the same development for the purposes of Section 8.3(3) of the EP&A Act.

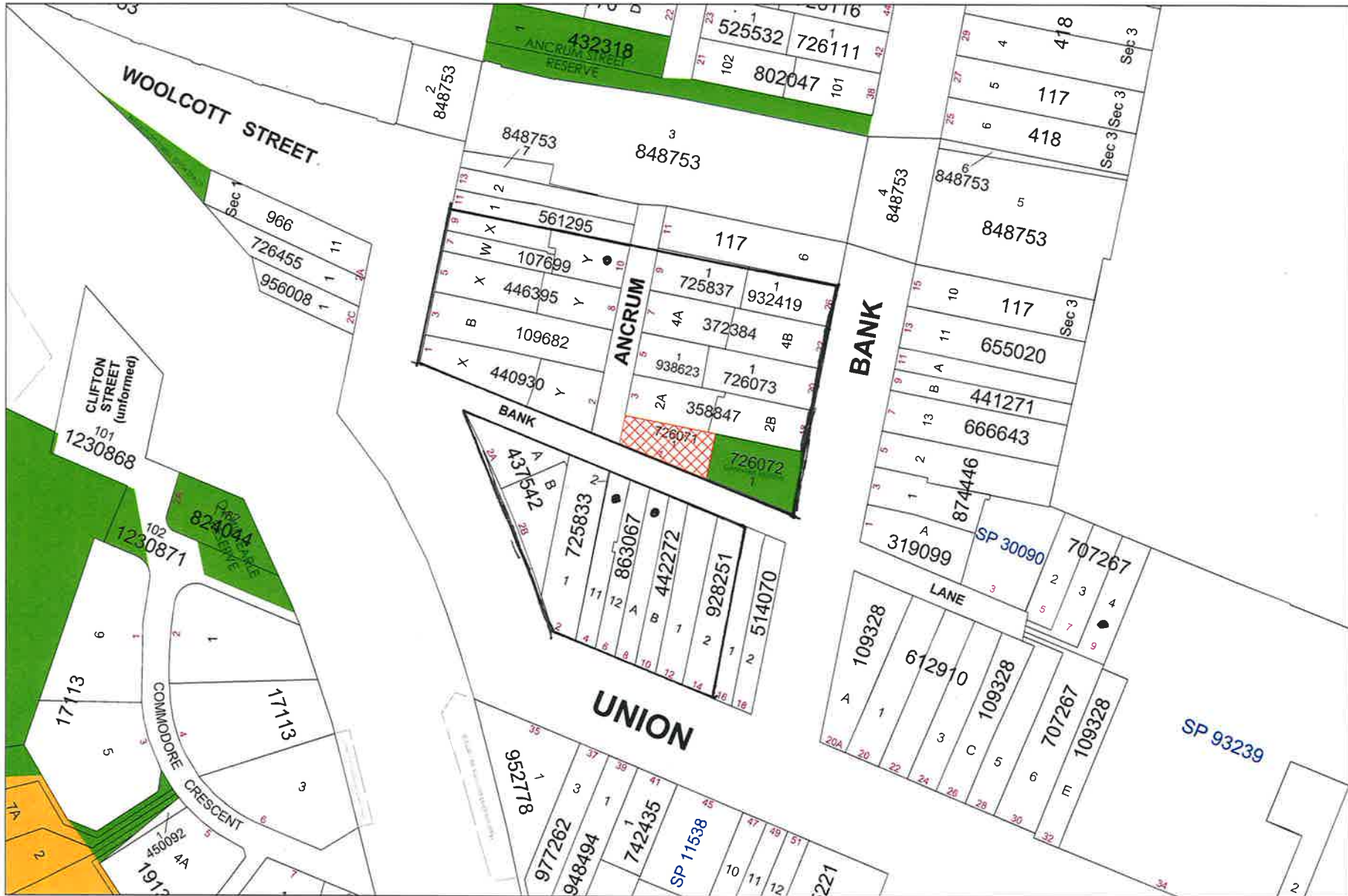
The application complies with the building height limit; site coverage and landscaped area provisions. It does however not comply with the side setbacks to both the northern and eastern boundaries.

An independent heritage assessment by Kemp and Johnson Heritage Consultants does not support the demolition of the existing original cottage noting that the cottage is a Contributory Item within CA15 Heritage Conservation Area, and part of a distinctive grouping of single storey late 19th century weatherboard cottages, the demolition would adversely impact on the significance of the heritage conservation area.

Moreover, the proposed replacement dwelling results in a two storey built form with the proposed additions not wholly contained within the roof space allowing for clearly identifiable wall planes creating massing which is considered out of scale with the predominantly single storey weatherboard cottages within the immediate area. As such the proposed dwelling is inconsistent with the predominant built form character of the immediate streetscape as well as the Bank Union Thomas Street Heritage Conservation Area.

As such, following this assessment, and having regard to the provisions of S4.15(1) of the Environmental Planning & Assessment Act 1979, the application is recommended for **refusal** for the reasons as set out in this report.

LOCATION MAP



Property/Applicant



Submitters - Properties Notified

## **DESCRIPTION OF PROPOSAL**

The application seeks a review of the North Sydney Local Planning Panel's (NSLPP) refusal of DA18/21 on 2 June 2021, which sought consent for the demolition of the existing contributory single storey dwelling, significant excavation for a new single garage and construction of a new two storey dwelling at No. 1 Bank Lane, North Sydney.

As part of the Section 8.2 Review application, the applicant has amended the proposal, seeking approval for demolition of the existing contributory single storey dwelling and the construction of a new two storey dwelling including a single carport accessed off Bank Lane and associated landscaping. The works in detail include the following:

### **Demolition**

- Demolition of existing weatherboard and sandstone base cottage, paving and outbuilding.

### **Building Works**

#### **Ground Floor Level**

- Construction of open plan ground floor living, kitchen and dining.
- Stairs to first floor
- Toilet and laundry facility
- Construction of single carport adjoining eastern boundary and new crossover on Bank Lane
- Bin enclosure;
- New front fence along Ancrum Street and Bank Lane; and
- Rain Water Tank and drying courtyard;

#### **First Floor Level**

- Master bedroom with ensuite;
- Two bedrooms;
- Family bathroom; and
- Study

#### **Roof**

- 3 x modern style wall dormer windows within the southern elevation;
- 8 x solar array on the northern roof plane.
- Skylight within north-eastern corner of roof

## **COMPARISON BETWEEN THE SECTION 8.2 REVIEW AND REFUSED DEVELOPMENT APPLICATION DA 18/21**

The Statement of Environmental Effects prepared by Cracknell & Lonergan Architects dated 22 September 2021 provides a summary of the changes under this 8.2 Review application as follows: -



*This application addresses these recommendations:*

1. *The two-storey presentation has been modified by lowering the roof, eaves and main gable. The external materials and finishes creates a form that reads as single storey in scale.*
2. *The dwelling has been aligned with Bank Lane, retaining the position of the existing facade as recommended by the Panel.*
3. *The off-street car space has been moved to Bank Lane and has been incorporated into the dwelling and landscape.*

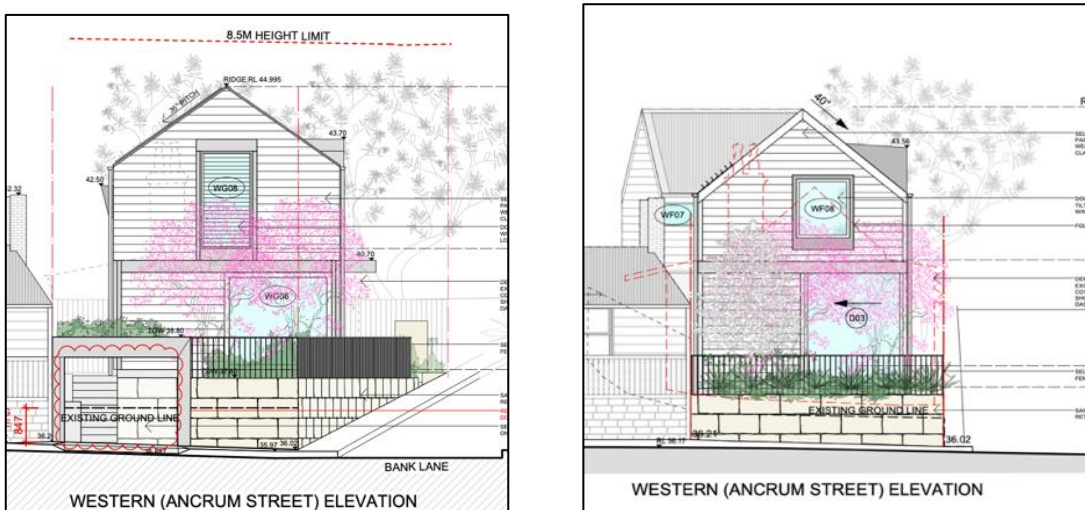
In addition to the above and in more detail the proposed amendments include: -

- aligning the new dwelling with Bank Lane consistent with the existing contributory item;
- removing the excavated garage accessed off Ancrum Street in lieu of a single carport accessed off Bank Lane;
- the roof eaves and main gable has been lowered by 300mm from RL44.99 to RL44.60;
- the dormer windows fronting Bank Lane were reduced from 3m to 2.3m in height;
- the skylight fronting Bank Lane was relocated within the eastern roof plane;



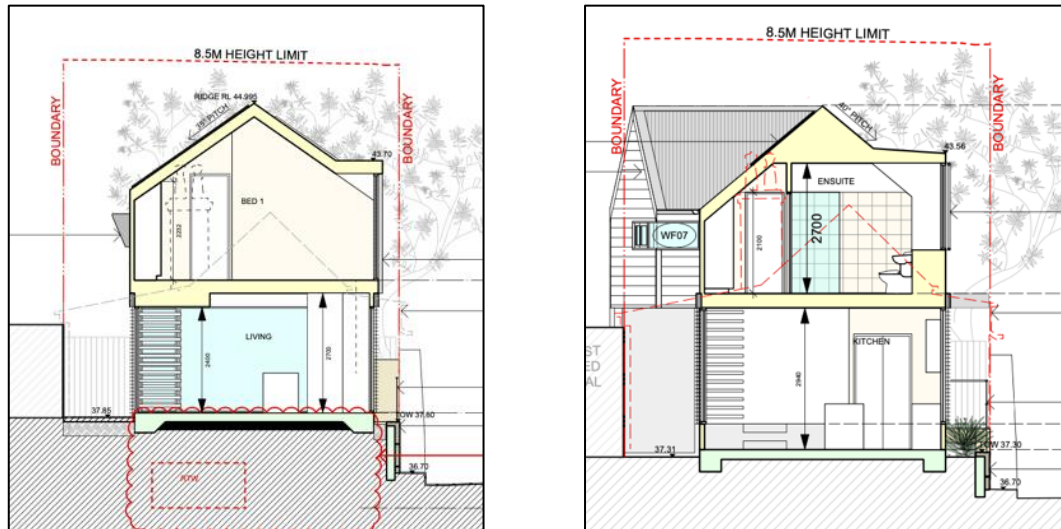
**Figure 2: Refused Bank Lane elevation**

**Proposed Bank Lane elevation**



**Figure 3: Refused Ancrum Street elevation**

**Proposed Ancrum Street elevation**



**Figure 4: Refused Section C**

**Proposed Section C**

## STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R2 Low Density Residential
- Item of Heritage – No (Contributory Item)
- In Vicinity of Item of Heritage – Yes (No. 3 & 5 Ancrum Street, 18 Bank Street, 2C Union Street)
- Conservation Area – Yes (Union Bank Thomas Streets Conservation Area (CA15)).
- Environmental Planning & Assessment Act 1979 (as amended)

SEPP No. 55 – Remediation of Lands

SEPP (Building Sustainability Index – BASIX) 2004

SREP (Sydney Harbour Catchment) 2005

Local Development

## POLICY CONTROLS

North Sydney DCP 2013:-

- Part B Section 1 Residential Development
- Part B Section 10 Car Parking and Transport
- Part B Section 13 Heritage and Conservation
- Part C Section 9.10. Union Bank Thomas Street Heritage Conservation Area.

North Sydney Local Infrastructure Contributions Plan 2020

## DESCRIPTION OF SITE AND SURROUNDING LOCALITY

The site is located at No. 1 Bank Lane, North Sydney and is legally described as Lot 1, DP 726071. The site is a corner block with frontage to Ancrum Street (6.08 metres) and Bank Lane (19.795m). The eastern boundary adjoins Gannura Reserve (9.79m) whilst the northern boundary adjoins No. 3 Ancrum Street a single storey heritage listed dwelling. The existing stone footings and verandah roof slightly encroach onto the Bank Lane road reserve.

The Site has an area of 155sqm with a gentle (5.6 deg) slope in an east /west direction. There is 1.9m difference in height between the eastern and western boundaries.

The site currently contains a single storey cottage which is currently uninhabited and in an unmaintained condition (refer to **Photos 1-3**). The existing western yard is built up approximately 700mm above the street level with a dry stone wall in situ (refer to **Photo 2** below). The site has a small lawn 28.78 sqm (18.56%) with the remaining 81.44% being either built upon or covered in brick paving. There is also a 5.89 sqm metal shed on site.



**Figure 5: Aerial view of subject site and surrounding development** Source: SIX Maps



**Photo 1: Existing dwelling viewed from corner of Bank Lane and Ancrum Street**





*Photo 2: View from Ancrum Street*



*Photo 3: View from Bank Lane*



*Photo 4: Existing western façade*



*Photo 5: Existing original fireplace*

### **Surrounding Properties**

Immediately to the west and north of the site are low single storey timber clad cottages with galvanized roofing and verandahs within Ancrum Street. No. 2 Ancrum Street is a detached dwelling on the western side of Ancrum Street. Nos. 3 & 5 Ancrum Street are single storey detached dwellings with low stone wall as part of the dwelling verandahs. All dwellings are orientated to Ancrum Street frontage.



**Photo 6: View of eastern side of Ancrum Street**    **Photo 7: View of western side of Ancrum Street**

The site adjoins No. 3 Ancrum Street (Heritage Item) along its northern boundary and Gannura reserve along its eastern boundary (see **Photos 8 and 9**).



**Photo 8: No. 3 Ancrum Street**



**Photo 9: Gannura Reserve looking west towards subject site**

The subject site is within the Union Bank and Thomas Street Heritage Conservation Area which is characterized by detached houses, semi-detached dwellings, duplexes and interwar apartment buildings. There are four locally significant heritage items in the vicinity of 1 Bank Lane, being 3 Ancrum Street (Item No:10771), 5 Ancrum Street (Item No:10772), 18 Bank Street (Item No: 10774) and 2C Union Street (10488).

## RELEVANT HISTORY

### ***Previous applications***

Development Application **DA 18/21** proposing the demolition of the existing contributory dwelling and the construction of a new two storey dwelling, single garage associated landscaping and ancillary works was refused by the NSLPP on 2 June 2021. The reasons for refusal are detailed below:

### **Panel Determination**

*“The Panel members have undertaken independent site inspections prior to the meeting.*

*The Council Officer’s Report and Recommendation is generally endorsed by the Panel. The demolition of the existing building must form part of a future approval to satisfy the requirements of the North Sydney Council Development Control Plan 2013 section 13.8. The Panel considers that subject to an appropriate built form outcome for the conservation area that demolition could be justified due to the poor external condition. The Panel notes that the original Victorian two room house portion is highly compromised by the numerous later additions and dilapidation. As a contributory item in the conservation area, in the circumstances of this case the Panel is of the opinion that it is the contribution of this dwelling form to the streetscape that is more important than the remaining internal fabric. The cottage scale and alignment to Bank Lane is unique and important for this immediate heritage setting.*

### *Panel Reason:*

*The Panel considers the applicant should be encouraged to submit an 8.2 review with an amended proposal to address the following concerns:*

- *The two storey presentation should be modified to be more consistent with the existing context of the conservation area, in particular the immediate surrounds to respect the low scale fine fabric. The redesign should further develop the option of providing rooms largely within the roof form to present more as a single storey scale.*
- *The alignment of the dwelling to be parallel and address Bank Lane in a manner that is consistent with the existing contributory item.*
- *The access for an off-street car space should be from Bank Lane and be discreet in design by being incorporated into the landscape and with a retractable sliding fence appropriate to the conservation area”.*

### *Reasons for Refusal*

#### **1. Heritage**

*The proposed demolition of the single storey contributory item dwelling house is contrary to the heritage controls in North Sydney Local Environmental Plan 2013 (NSLEP 2013) and North Sydney Development Control Plan 2013 (NSDCP 2013).*

Particulars

- a) *The subject property, 1 Bank Lane, North Sydney is a single storey dwelling that is listed as a contributory item of the NSDCP 2013*
- b) *The proposal aims to demolish a circa 1890s Victorian style contributory dwelling from the core period of development.*
- c) *The proposal to demolish the existing dwelling will result in the complete removal of an item of heritage of North Sydney and the heritage significance of the item will not be conserved. Therefore, the proposal does not meet the objectives of Clause 5.10 'Heritage Conservation' under NSLEP 2013 and is inconsistent with the relevant aims of NSLEP 2013 and the objectives for the R2 (Low Density Residential) zone.*
- d) *The Statement of Heritage Impact (SoHI) does not establish any factor that could be considered to be so strongly in favour of the proposed new building (a two-storey contemporary style dwelling) that the demolition of the heritage item is justified.*
- e) *The application does not adequately address the provisions of Section 13.8 of NSDCP 2013. The applicant has not satisfactorily demonstrated why it is not reasonable to conserve the heritage item and that alternative options to demolition have been considered.*
- f) *The application does not meet the objective for Section 13.4 of the NSDCP 2013, as the proposal will diminish the heritage significance of the group of heritage items in the vicinity of the subject property and the significance of the Union Bank and Thomas Street Conservation Area.*

**2. Overdevelopment of the Site**

*The proposed development due to new car port and the excessive bulk and scale of the new dwelling is considered to be an overdevelopment of the site. The proposal would introduce fill into the site which contributes to the overall bulk and scale of the building at street level*

Particulars

- a) *The site coverage of the building is excessive for the size of the site and is not characteristic of surrounding developments or the conservation Area. The proposed development is contrary to the following provisions:*
  - i. *Aims of NSLEP 2013, specifically (2)(a) and (b)(i);*
  - ii. *Clause 5.10 Heritage Conservation of NSLEP 2013*
  - iii. *Clause 6.10 Earthworks of NSLEP 2013*
  - iv. *Objective O1 and Provisions P1 and P4 in Part B Section 1.3.1 Topography on NSDCP 2013*
  - v. *Objective O1 and Provisions P1 in Part B, Section 1.4.1 Context in NSDCP 2013;*
  - vi. *Objective O1 and Provision P2 in Part B Section 1.4.3 Streetscape in NSDCP 2013*
  - vii. *Objective O1 and Provision P2 in Part B, Section 1.4.7 Form Massing and Scale in NSDCP 2013;*



- viii. *Objective O1 and Provision P2 in Part B, Section 1.4.8 Built Form Character in NSDCP 2013;*
- ix. *Objective O3 and O4 and Provision P10 in Part B, Section 1.5.4 Vehicular Access and Car Parking in NSDCP 2013;*

**3. The development Would not be in keeping with the established Character of the Union, Bank, Thomas Street Conservation Area**

*The non-compliances with the following controls of NSLEP 2013 and North Sydney Development Control Plan (NSDCP 2013) result in a development that is uncharacteristic and will not be in keeping with the established character of the conservation area.*

- a) *Part 5 Clause 5.10 Heritage conservation of NSLEP 2013 and*
- b) *NSDCP 2013 Section 13 Heritage and Conservation:*

*Part B Section 13 Heritage and Conservation Particulars:*

- 13.6.1 General objectives O1/ O3*
- 13.6.2 Form, massing, scale O1/ O2/ P1/ P2/ P5/ P7/ P9*
- 13.6.4 Additional storeys and levels O1/ P1/P2 (a)*
- 13.9.5 Garages and Carport P3/P4/P6*

- c) *NSDCP 2013 Part C Lavender Bay Planning Area, Section 9.10 Union, Bank, Thomas Street Conservation Area*

*Part C Section 9.10 Union, Bank, Thomas Street Conservation Area Particulars:*

- 9.10.6 Characteristic Building element Controls P1, P2, P11, P16*
- 9.10.7 Uncharacteristic Elements Control P1*

**4. Failure to satisfy the following relevant objectives within the North Sydney Development Control Plan 2013.**

*The proposed development fails to satisfy the objectives of a number of the controls within the North Sydney Development Control Plan 2013 (NSDCP 2013).*

*Particulars*

- a) *The non-compliances with the following controls of North Sydney Development Control Plan (NSDCP 2013) result in a development that is uncharacteristic and represents an overdevelopment of the site and will not be in keeping with the established character of the conservation area.*

*The proposed development is contrary to the following:*

- i. *Objectives of the R2 Low Density Residential zone, specifically dot point 3;*
- ii. *Objective O1 and Provisions P1 and P4 in Part B Section 1.3.1 Topography on NSDCP 2013*

- iii. *Objective O1 and Provisions P1 in Part B, Section 1.4.1 Context in NSDCP 2013;*
- iv. *Objective O1 and Provision P2 in Part B Section 1.4.3 Streetscape in NSDCP 2013*
- v. *Objective O1 and Provision P2 in Part B, Section 1.4.7 Form Massing and Scale in NSDCP 2013;*
- vi. *Objective O1 and Provision P2 in Part B, Section 1.4.8 Built Form Character in NSDCP 2013;*
- vii. *Objective O3 and O4 and Provision P10 in Part B, Section 1.5.4 Vehicular Access and Car Parking in NSDCP 2013;*

**5. Not considered to be in the public interest**

*The proposed development would set undesirable precedent for the subject site nor in the public interest.*

Particulars

- a. *The size of the proposed building is not considered to be suitable for the site nor would be characteristic within the Union Bank and Thomas Street Conservation Area and contrary to Section 4.15(c) of the Environmental Planning and Assessment Act 1979 (as amended)*
- b. *Public submissions were received against the application raising particular concerns about the excessive bulk, scale and density of the development, uncharacteristic built form, non-compliance with the landscape area, and privacy. The proposal in its current form is not considered to be in the public interest contrary to Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended).*

**Current application for S8.2 Review**

<b>19 July 2021</b>	A review of determination ( <b>RD7/21</b> ) of the Development Application ( <b>DA18/21</b> ) for the demolition of the existing structures and the construction of a new two storey dwelling house with single carport was lodged with Council through the NSW Planning portal.
<b>22 October 2021 to 5 November 2021</b>	The application was notified to adjoining property owners. A total of four (4) submissions were received during the notification period.
<b>19 November 2021</b>	A site visit was conducted.

**INTERNAL REFERRALS**

Heritage

The proposal was referred to an independent Heritage Planner (Kemp and Johnson Heritage Consultants) whose report is provided within **Attachment 3**.

The heritage report under the heading **General (p8)** notes as follows:-

### **General**

*The proposed demolition of the existing cottage is not supported as the existing cottage is a contributory element of the CA15 Heritage Conservation Area and the Victoria Precinct, and part of a distinctive grouping of single storey late 19th century weatherboard cottages. The demolition of the cottage would adversely impact on the significance of the CA15 HCA and the Victoria Precinct.*

*The proposed 2-storey replacement house in the proposal is out of scale with the predominantly single storey context of single storey weatherboard cottages.*

### **LEP Heritage Controls**

*The demolition of the original 1883 cottage is not consistent with the objectives of Clause 5.10 of the North Sydney LEP 2013 as the cottage is a contributory element of the CA15 Heritage Conservation Area and the Victoria Precinct and its demolition does not conserve the heritage of North Sydney or the heritage significance of the Heritage Conservation Area. The balloon framing of the cottage is relatively rare, as are modest weatherboard dwellings in North Sydney, and the cottage forms a significant grouping of modest late 19th century weatherboard cottages in the immediate vicinity in Ancrum Street, Euroka Street and Bank Street.*

*While the cottage has been altered, it is considered that the original two rooms (living room and bedroom) and the entirety of the chimney and kitchen fireplace to the rear and the sandstone foundations of the cottage are capable of retention, conservation, repair and restoration to form part of a redevelopment of the site which would achieve a 3 bedroom dwelling incorporating the cottage.*

With respect to demolition Section 13.8 (P4) of the NSDCP the heritage assessment states as follows (refer to **Attachment 2** for the full assessment report):-

- *The existing cottage contributes to the character of the heritage conservation area and its retention is warranted.*
- *There is no evidence that alternatives to demolition of the cottage have been considered by the applicants.*
- *The proposed replacement dwelling is not compatible with the characteristics of the immediate vicinity within the heritage conservation area, which is a distinctive area of single storey weatherboard cottages.*

In conclusion, the report under the heading **Recommendation** (p15-17) notes as follows:-

*“Refusal of the S8.2 submission amending the proposal plans in DA18/21 is recommended, due to adverse heritage impacts on the significance of CA15 Heritage Conservation Area resulting from proposed demolition of a Contributory building; adverse impacts on the adjacent heritage item at 3 Ancrum Street; for non-compliances with relevant objectives of Clause 5.10 of the North Sydney LEP 2013 and non-compliances with relevant heritage objectives and provisions of the North Sydney DCP 2013, as outlined above.*

*Demolition of the existing 2-room Contributory dwelling within the CA15 Heritage Conservation Area is not supported.*

*It should also be noted that Provisions P1 and P2 Section 13.6.4 of the DCP do not support additional levels or upper storeys within heritage conservation areas, except where the resultant building exhibits a similar scale to that in the vicinity, the design respects the heritage characteristics of the area (neither of which are met by the 2-storey design in this proposal) and the additional storey does not alter the form of a contributory item (in this case the contributory item is demolished)”.*

## **Planning Comment**

The comments from the independent heritage consultant are noted and concurred with.

The applicant provided no evidence of alternative design options for possible alterations and additions / retention and restoration of part of the original built form, in lieu of the full demolition of the existing characteristic, albeit neglected cottage. In fact the scheme presented at the pre-lodgement application of 11 September 2020, sought a much more sympathetic design which included:-

- *the façade of the original building will be restored. Façade wall dimensions, window locations, height and materials will be maintained and restored.*
- *all outside walls of the current building is proposed to be retained.*
- *The small partially collapsed roof at the north-west corner, is not proposed to be retained and*
- *extended at the northern wall moved by 0.4m towards the northern boundary of the site.*
- *It is also proposed to make an extension to the original building to the west using the original*
- *dimensions of roof eaves, gutter height and appearance.*
- *It is also intended to restore the façade without the verandah as per earlier historical evidence submitted.*
- *To use some attic space to add a dormer to the rear (northern roof plane) of the building i.e one storey with accommodation in the roof.*

This demonstrates that an alternative option to demolition is possible on the site.

Any replacement building should have an improved conservation outcome. Any new built form should contribute to the character and significance of the streetscape / public domain and the wider conservation area. In this regard, the presentation of the proposed dwelling is not considered consistent with the character of the conservation area.

The S8.2 application describes the modified design as “single storey with rooms in the roof” however the design of the new dwelling allows for noticeable wall planes and “wall dormers” rather than traditional style dormer windows within the roof plane. The proposed replacement design does not constitute rooms in roof with the habitable space not being wholly contained within the roof space resulting in a two storey presentation to Bank Lane and Ancrum Street. The proposed two storey dwelling is not considered to be in keeping with the established character of the conservation area.

### **Building**

The application has not been specifically assessed with respect to the Building Code of Australia/ National Construction Code of Australia. This would need to be undertaken prior to the issue of a construction certificate. Should significant changes be required to achieve compliance with the NCC standards, a Section 4.55 application would be necessary.

### **Landscape**

The application was referred to Council's landscape officer who requested an arborist report assessing trees in Gannura Reserve adjacent to the eastern boundary of the subject site.

*"Of particular concern is proposed carport, and excavation/level changes within TPZ, and any canopy pruning that may be required. A detailed TPMP shall be required. Decomposed granite shown for carport is not considered a practical finish for this purpose, and tyre strips/pavers with suitable species of infill planting should be substituted"*

### **Planning comment**

The landscape comments are noted and because the development is recommended for refusal no further action was taken.

### **Engineering**

The application has been reviewed by Council's Development Engineer who raises no objection to the proposal subject to the imposition of conditions upon any consent notice relating to stormwater, structural support and vehicular crossing matters.

### **Planning Comment**

The comments are noted.

## **SUBMISSIONS**

### **Original proposal**

The original proposal was notified to adjoining properties and the local community precinct committee from 29 January 2021 to 12 February 2021 in accordance with Councils Community Engagement Protocol. The notification resulted in **sixteen (16) submissions**. Issues raised in the previous submissions are detailed in the original report to the NSLPP.

### **Section 8.2 Review**

The Request for Review was notified between **22 October 2021 to 5 November 2021** to adjoining properties as well as the local community precinct committee in accordance with the North Sydney Community Participation Plan 2019. The notification has attracted **four (4)** submissions including a submission in support.

The issues raised in the submissions are summarised below and addressed later in this report. The original submissions may be viewed by way of DA tracking on Council's website [https://www.northsydney.nsw.gov.au/Building\\_Development/Current\\_DAs](https://www.northsydney.nsw.gov.au/Building_Development/Current_DAs) and are available for review by NSLPP members.

The planning issues raised in the submissions are summarised below and addressed later in this report (refer to **SUBMITTERS CONCERNS**):-

- privacy impacts;
- loss of view / outlook;
- replacement building diminishes heritage value;
- bulk and scale; and
- not in keeping with the established character of Union Bank Thomas Street HCA.

## CONSIDERATION

### Environmental Planning and Assessment Act 1979

#### Division 8.2 – Reviews

Division 8.2 of the EP& A Act pertains to ‘Reviews’ and enables an applicant to request a review of determination by Council. The first step is to consider whether the subject application satisfies relevant provisions of Sections 8.2-8.5 of the EP&A Act which detailed as follows:

#### **Section 8.2 Determinations and decisions subject to review**

- 1) *“The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division –*
  - a) *The determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by a person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),*
  - b) *The determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary)*
  - c) *The decision of a council to reject and not determine an application for development consent”.*

#### **Section 8.3 Application for and conduct of review.**

- 2) *“A determination or decision cannot be reviewed under this Division*
  - a) *After the period within which any appeal may be made to the Court has expired if no appeal was made, or*
  - b) *After the Court has disposed of an appeal against the determination or decision”.*

#### Comment

The subject application satisfies section 8.2(1)(b) of the EPA Act because it seeks a review of the determination of a development application by the NSLPP. The original development application (DA18/21) for the demolition of the existing contributory dwelling and the construction of a new two storey dwelling, single garage associated landscaping and ancillary works was determined by NSLPP on 2 June 2021.

The review of determination is required to be completed within the timeframe specified in Section 8.3 subclause (2)(a), being 12 months from the date that the notice of determination was received by the applicant (ie 2 June 2022). It is noted that the time within which a review may be made has been extended from 6 months to 12 months as part of the legislation changes in response to COVID-19 (Section 8.10(1)(b)(i) with the prescribed period meaning *period commencing on 25 March 2020 and ending on 25 March 2022*).

It is considered that the assessment and the determination of this s8.2 Review application would be completed within 12 months from the date of the original determination. Therefore, the application also satisfied Section 8.3(2)(a) of the EP&A Act.

**Section 8.3(3)**

*In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.*

**Comment**

The applicant has made amendments to the architectural plans since the original DA determination.

For the purposes of S8.3(3), “*substantially the same developments*” means “*essentially or materially or having the same essence*” as defined by Pearlman C.J. in ***Schroders Australian Property Management Ltd v Shoalhaven City Council and Anor (1999) NSWLEC 251***. Accordingly, it is the substance of the proposal relative to the substance of the development as originally sought. The development, as amended would essentially and materially have the same essence.

The proposed amendments do not change the essential features of the original application for development consent whilst the nature or intensity of the residential use remains unchanged. The proposal is therefore considered to be substantially the same development as described in the original development application.

**Section 8.3(4)**

*The review of a determination or decision made by a delegate of a Council is to be conducted:-*

- a) *By the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or*
- b) *By another delegate of the council who is not subordinate to the delegate who made the determination or decision.*

**Comment**

The original development application (DA18/21) was determined by NSLPP and the subject review will be determined by NSLPP in accordance with Section 8.3(4) of the EP&A Act.

It is considered that the application satisfies the relevant provisions as contained under Division 8.2 and Sections 8.2-8.5 (inclusive) of the EP&A Act.



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

***i. SEPP 55 - Remediation of Land & Draft***

The provisions of SEPP 55 require Council to consider the likelihood of land contamination and any remediation necessary to rehabilitate the site. Council's records indicate that the site has previously been used for residential development and as such is unlikely to contain any contamination; therefore, the requirements of SEPP 55 have been satisfactorily addressed.

***ii. SEPP (Building Sustainability Index – BASIX) 2004***

As the proposal involves building works which exceed \$50,000.00 in value, a valid BASIX certificate is required detailing energy efficiency commitments to be undertaken with the proposed works. It is noted that a valid BASIX certificate has been submitted (Certificate Number 1164547S\_02 dated 16 September 2021) and commitments where relevant have been reflected on the plans as submitted. The development is acceptable in this regard.

***iii. SEPP (Vegetation in Non-Rural Areas) 2017***

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) works together with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW.

The SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to all clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent.

The proposal meets the objectives of the SEPP because the application does not involve clearance of existing native vegetation and would have no materials impacts on bushland (if any) in the vicinity of the subject site.

***iv. SREP (Sydney Harbour Catchment) 2005***

The SEPP applies to the entire North Sydney Council area identified on the Sydney Harbour Catchment Map. The site falls within the Sydney Harbour Catchment Boundary Area of the SEPP, however the site and surrounding area are not zoned under the SEPP.

The site is well separated from the foreshore. The proposed additions are unlikely be visible or affect the character of the Bay. The proposed additions are consistent with the existing building form and will not alter the existing street or surrounding character.

**v. North Sydney LEP 2013**

**1. Aims of Plan**

Clause 1.2 Aims of North Sydney LEP 2013 reads as follows:-

- (2) *The particular aims of this Plan are as follows—*
- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
  - (a) *to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,*
  - (b) *in relation to the character of North Sydney's neighbourhoods—*
    - (i) *to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and ...*
    - (f) *to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance,*

The application proposes the demolition of a contributory building within the Union Bank and Thomas Street Conservation Area. The existing building has been deemed to add to the cultural significance of the area and insufficient justification has been provided to support the demolition of the item.

Furthermore, the replacement dwelling is not considered to be in keeping with the established character of the area and will result in adverse impacts on the amenity of surrounding dwellings. The proposal is not supported in this regard. The proposal fails to allow for a bulk and scale which is compatible with the existing and desired future character of the area being inconsistent with **Clause 1.2(2)(b)(i)**.

As such the application fails to protect and ensure the significance of the built heritage of North Sydney in accordance with **Clause 1.2(2)(f)**.

**2. Permissibility within the zone**

The site is zoned 'R2 Low Density Residential' under the provisions of the North Sydney Local Environmental Plan 2013 refer to **Figure 6** and includes a contributory item located within the CA15 Union Bank and Thomas Street heritage conservation area (refer to **Figure 7**).

The proposed demolition of the existing structures and construction of a new dwelling are a permissible form of development pursuant to Clause 2.7 of the NSLEP, in this zone with development consent from Council.

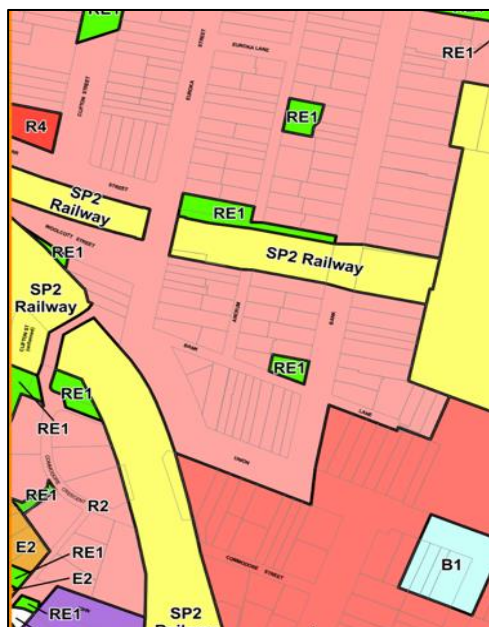


Figure 6: Zoning



Figure 7: Heritage Conservation Area

### 3. R2 Low Density Residential zone objectives

The objectives of the R2 zone are:-

- *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.*
- *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.*

Whilst the proposal may result in new housing in the locality, the proposal does not achieve **dot point 3** as the proposal is considered to compromise the amenity of the area, particularly the heritage impacts to the Union Bank and Thomas Street Conservation Area character. The demolition of a contributory item is contrary to the NSDCP and the proposed replacement building is not considered to achieve an improved heritage outcome by being too bulky and not in keeping with the established character of the conservation area particularly the immediate grouping of single storey weatherboard cottages.

### 4. Principal Development Standards

The application has been assessed against the relevant numeric controls in NSLEP 2013 and DCP 2013 as indicated below.

### Clause 4.3 Heights of Building

The maximum permissible building height for the subject site is 8.5m pursuant to Clause 4.3(2) in NSLEP 2013 and the proposal features a maximum height of 7.5m. Therefore, the proposal is compliant in this regard.

### Clause 5.10 Heritage Conservation

The application has been assessed against the relevant heritage objectives and provisions as contained in the North Sydney LEP 2013, particularly Clauses 5.10(1) and 5.10(4) of the North Sydney LEP 2013.

The independent heritage consultant assessment report states:-

*“The demolition of the original 1883 cottage is not consistent with the objectives of Clause 5.10 of the North Sydney LEP 2013 as the cottage is a contributory element of the CA15 Heritage Conservation Area and the Victoria Precinct and its demolition does not conserve the heritage of North Sydney or the heritage significance of the Heritage Conservation Area. The balloon framing of the cottage is relatively rare, as are modest weatherboard dwellings in North Sydney, and the cottage forms a significant grouping of modest late 19th century weatherboard cottages in the immediate vicinity in Ancrum Street, Euroka Street and Bank Street.*

*While the cottage has been altered, it is considered that the original two rooms (living room and bedroom) and the entirety of the chimney and kitchen fireplace to the rear and the sandstone foundations of the cottage are capable of retention, conservation, repair and restoration to form part of a redevelopment of the site which would achieve a 3 bedroom dwelling incorporating the cottage.*

**Source:** Kemp and Johnson Heritage Consultants - refer to **Attachment 3** for a full review.

The proposed replacement dwelling, and carport is not considered to conserve the heritage significance of the contributing item and conservation area including the original fabric and setting as:-

- It is not consistent with the established and desired future character of the conservation area;
- the demolition of the original fabric is not acceptable and alternatives for conservation have not been adequately explored or detailed;
- The applicant’s justification that the cottage is not structurally sound is not considered to be sufficient to support demolition;
- The bulk and scale of the replacement dwelling is excessive and does not reflect the single storey scale of the immediate surrounding properties especially the adjacent heritage item at No. 3 Ancrum Street or the contributory items in Ancrum Street.

The application fails to satisfy **objectives (a) and (b) of Clause 5.10(1)** of the NSLEP 2013, specifically the works are considered to result in adverse heritage impacts in particular, the context of the adjacent heritage item and on the Union Bank Thomas Street Heritage Conservation Area.

### Clause 6.10 Earthworks

Pursuant to Clause 6.10(2)(b) of the North Sydney Local Environmental Plan 2013, ancillary earthworks contained within the proposal are permissible but require development consent. With respect to the above, the proposed earthworks have been assessed against the provisions of Clause 6.10(3) as follows:

Control	Response
a. The likely disruption of, or any detrimental effect on: (i) drainage patterns and soil stability in the locality of the development, and (ii) natural features of, and vegetation on, the site and adjoining land,	The excavation is limited to proposed footings and foundations only. Some minor fill (max. 300mm) is proposed fronting Ancrum street The applicant has been referred to Council's Development Engineers, who responded in support of the proposal, subject to conditions of consent. The proposal is therefore considered acceptable in this regard.
b. The effect of the development on the likely future use or redevelopment of the land,	The proposed works will not place any restriction on the current or potential future use of the site for residential purposes. While some disruption may occur during the course of works, these are to be managed via appropriate conditions recommended by Council's engineer should the application be worthy of support.
c. The quality of the fill or the soil to be excavated, or both.	Appropriate conditions of consent are recommended relating to disposal of excavated material and importing of fill material.
d. The effect of the development on the existing and likely amenity of adjoining properties.	Conditions have been recommended by Council's Engineer to ensure any environmental impacts on adjoining properties are appropriately managed.
e. The source of any fill material and the destination of any excavated material,	Appropriate conditions can be imposed relating to disposal of excavated material and the source of any fill material. However it is anticipated that fill will occur from the material excavated on site.
f. The likelihood of disturbing Aboriginal objects or relics.	The extent of excavation is limited with the likelihood of disturbing Aboriginal objects or relics being very low.
g. The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.	The proposal is not anticipated to result in any adverse impact to any waterways or catchment areas surrounding the subject site. The proposal seeks to make use of existing drainage provisions at the site, having been reviewed by Council's Engineer, responding in support of the proposal, subject to conditions.
h. Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposal has been reviewed by Council's Development Engineer as well as a full assessment against provisions of the NSLEP 2013 and NSDCP 2013. Appropriate conditions have been recommended should the application be worthy of support.

### Clause 6.13 Vehicle access

Development for the purposes of a driveway and vehicular crossing within a road reserve associated with a permissible use in an adjoining zone may be carried out with consent, pursuant to Clause 6.13 of NSLEP 2013. Matters relating to the appropriateness of the new off street parking space and new crossover are discussed elsewhere in the report.

#### *i. North Sydney Development Control Plan 2013*


The proposal has been assessed against the following relevant sections of NSDCP 2013

- Part B Section 1 – Residential Development
- Part B Section 10 – Carparking and Transport



- Part B Section 13 – Heritage and Conservation
- Part C Section 9.0 and 9.10 being the Character statements for the Lavender Bay

Planning Area and the Union, Bank, Thomas Streets Conservation Area.

An assessment of the application against the relevant provisions of the North Sydney DCP 2013 is provided in the Compliance Table below.

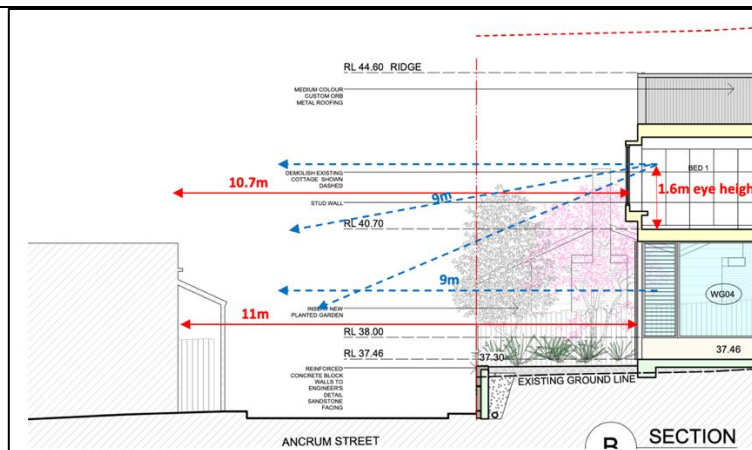
DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
Control	Complies	Comments
<b>1.2 Social Amenity</b>		
Population Mix	Yes	Post redevelopment, the site will retain a single detached dwelling, thereby maintaining the existing amount of residential accommodation within the locality.
Maintaining Res Accommodation		
Affordable Housing		
Housing for Seniors/Persons with disability		
<b>1.3 Environmental Criteria</b>		
1.3.1 Topography	Yes	<p>Provision 3 of Section 1.3.1 of the NSDCP 2013 requires that excavation should be no greater than 500mm from the finished ground floor. The proposed works, however, only seek excavation for new footings and foundations with a max of 300mm fill towards Ancrum street.</p> <p>The limited excavation and proposed fill do not cause undue impact on the natural drainage patterns or land stability of adjoining land.</p> <p>Subject to the imposition and satisfaction of conditions recommended by Council’s Engineer, the proposed excavation is considered to be reasonable.</p>
1.3.6 Views	Yes	<p>In order to establish the reasonableness of the potential view loss from No. 4 Union Street, an assessment against the Land Environment Court planning principles on sharing of views in <b>Tenacity Consulting v Warringah [2004] NSWLEC 140</b>, has been undertaken. The test is applied below.</p> <p><b>Step 1 – “The first step is the assessment of views to be affected”</b></p> <p>Water views are valued more highly than land views; iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</p> <p>The existing views from <b>No. 4 Union Street, McMahons Point</b> is towards the north (see <b>Photos 10 &amp; 11</b> below). This view does not contain any iconic views but is rather considered a district outlook.</p>
		



		<p><b>Photo 10: View from first floor master bedroom</b>      <b>Source: submission</b></p>  <p><b>Photo 11: View from ground floor family room.</b>      <b>Source: submission</b></p> <p><b>Step 2: “The second step is to consider from what part of the property the views are obtained”</b>          The views which may be affected by the proposed development, are obtained from a standing position (eye level) generally at 1.5m height from FFL and 1m from the window or balustrade, from the living room windows and master bedroom of No. 4 Union Street across the subject site – refer to <b>Photo 12</b>.</p>  <p><b>Photo 12: View from rear of No. 4 Union Street</b></p> <p><b>Step 3: “The third step is to assess the extent of the impact”</b>          The views from No. 4 Union Street are more appropriately described as a district outlook. The proposal complies with the maximum building height however, the two storey built form is not supported by the heritage consultant as it is not considered consistent with the surrounding HCA.</p> <p>Although the proposal is not considered to unreasonably affect views or outlook the proposal is recommended for refusal and no further assessment is required.</p>
<p><b>1.3.7 Solar Access</b></p>	<p>Yes</p>	<p>Additional shadows fall across Bank Lane and the Ancrum Street road reserve. At 12 noon some additional shadowing would occur for Nos 4; 6 &amp; 10 Union Street however this is over existing garages with no impact to the private open spaces further to the south.</p> <p>Additional shadowing occurs to the pedestrian walkway to the south of the site but the additional overshadowing is acceptable in the circumstances.</p>



		<p>Accordingly, the proposal will maintain reasonable access to sunlight to the north facing windows and private open space of No. 3 Ancrum Street, during the winter solstice consistent with O1 “solar access” in Part B Section 1.3.7 and O4 “general objectives” in Part B Section 1.1.1 of the NSDCP 2013.</p>
<p><b>1.3.10 Visual Privacy</b></p>	<p>By condition</p>	<p><b>Northern Elevation (adjoining No. 3 Ancrum Street)</b>                  The ground floor windows of the living room projects above the 1.8m boundary fence. However this window includes external metal louvres which mitigates the opportunity for overlooking of No. 3 Ancrum Street. The sliding door and window to the dining room is located between 2.5-3m from the common boundary and although this window and door are full height, it is at grade. The 1.8m high boundary fence limits the opportunity for overlooking having regard for the surrounding existing ground levels at RL37.68 (adjoining the existing shed) and RL38.35 and the proposed FFL of RL38 (the fence being above eye height).</p> <p>New windows to the first floor are limited to a study window being a slot window 900mm above FFL. This window has the opportunity to overlook the rear yard of No. 3 Ancrum Street and should the application be worthy of support a condition of consent to include fixed privacy louvres to this window is possible to ameliorate adverse overlooking impact.</p> <p><b>Southern elevation (adjoining Bank Lane)</b>                  The southern elevation includes three (3) wall dormer windows all of which includes external metal louvres which mitigates the potential for overlooking. Moreover, the principal private open spaces of the dwellings across Bank Lane (Nos. 4-10 Union Street) are located behind existing garage structures in excess of 14m away.</p> <p><b>Eastern Elevation (adjoining Gannura Reserve)</b>                  The first floor windows within the eastern elevation are within a bedroom and a bathroom. These windows do not overlook private spaces but rather the reserve with existing mature trees minimising the potential for unreasonable privacy concerns. In addition, the bathroom window could be conditioned to allow for obscure glazing should the application be worthy of support.</p> <p><b>Western elevation (adjoining Ancrum Street)</b>                  The ground floor living room window and first floor bedroom window is separated 11m and 10.7m respectively from the nearest residential dwelling at No. 2 Ancrum street (refer to <b>Figure 8</b> below). Although the ground floor living room window is elevated above street level the opportunity for overlooking is mitigated by the proposed new tree plantings (2 x Crape Myrtle with a mature height of 4m).</p> <p>The first floor window being a “box” window increase the separation even more to 11.5m and will not overlook the private open space of No. 2 (being located behind the dwelling further to the west) in effect overlooking the roof of No 2 Ancrum Street. As such the separation distance and proposed tree plantings minimise the opportunity for direct overlooking of windows or private open spaces.</p>



**Figure 8: Separation distance and planting mitigating overlooking**

Accordingly, the proposed development satisfies the objective of Section 1.3.10 of the NSDCP.

**1.4 Quality built form**

**1.4.1 Context**

No

The immediate context is described as having a distinctive grouping of single storey late 19th century weatherboard cottages, most of which are listed as Contributory Items or Heritage items within Ancrum street – refer to **Photos 14-16** below.

Having regard to the existing single storey context, the proposed two storey built form is not considered to be in keeping with the established context and characteristics of the area being **inconsistent with O1 and P1**.

Refer to Section 1.4.8 Built Form Character below for more detail.

**1.4.3 Streetscape**

Yes

Council’s Engineer has recommended conditions ensuring that the curb and guttering are protected. No public trees are sought to be removed as part of the proposal. The proposal is therefore considered to be acceptable in this regard.

**1.4.4 Laneways**

No

The proposed carport post is setback 800mm from Bank Lane with the roof projecting forward to 0m from the laneway frontage whilst the new dwelling adopts the existing dwellings setback of 900mm.

Consistent with P1 the proposed dwelling allows the principal frontage to address Bank Lane. Consistent with P4 the proposed dwelling provides for a reasonable level of privacy through design (louvred wall dormers) to minimise the opportunity for overlooking.

Consistent with P5 the proposed car parking is limited to an open carport with a flat roof and no roller door  
 The proposed carport occupies only 14.14% of the laneway frontage consistent with P6.

It is acknowledged that the opposite side of Bank Lane is characterised by on the boundary garage structures fronting Bank Lane. As such the proposed carport setback to the laneway is considered consistent with the existing precedent.

However, the proposed dwelling setback is inconsistent with **P9** which requires a 1.2m setback, resulting in a two storey built form inconsistent with **P2** which not only dominates the laneway but is also inconsistent with the single storey character of the immediate surrounding properties within the heritage conservation area. Accordingly, the proposal fails to satisfy the objective **O1 of Section 1.4.4 in NSDCP 2013**.

**1.4.5 Siting**

Yes

The characteristic building orientation and siting is maintained.





**Photo 13: Existing garages on opposite side of Bank Lane**

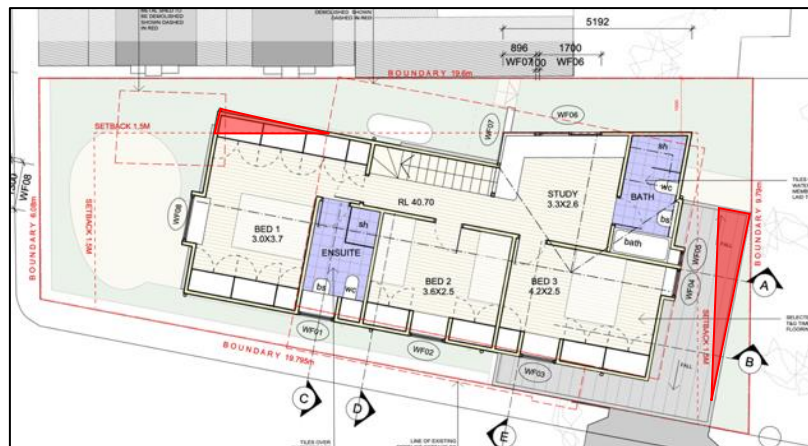
The proposed setback is considered to reinforce the characteristic pattern of setbacks and building orientation within Bank Lane. The non-complying elements are not considered to add an acceptable bulk and scale limited to only 6.2m (31%) of the street frontage.

Accordingly, the proposed development satisfies the objectives of Section 1.4.6 of the NSDCP.

**1.4.6 Setback – Side**  
 Ground floor (up to 4m) = 900mm  
 2nd storey (up to 7m) = 1.5m  
 3rd storey (above 7m) = 2.5m

A DCP side boundary setback compliance table is provided below.

Elevation	Proposed	Control	Comply
<b>N Elevation</b>			
GL	900m	<b>900mm</b>	Yes
FF	900m	<b>1.5m</b>	No
<b>E Elev</b>			
GL	Carport = 0m	<b>900mm</b>	No
FF	Dwelling = 1.6m	<b>1.5m</b>	Yes



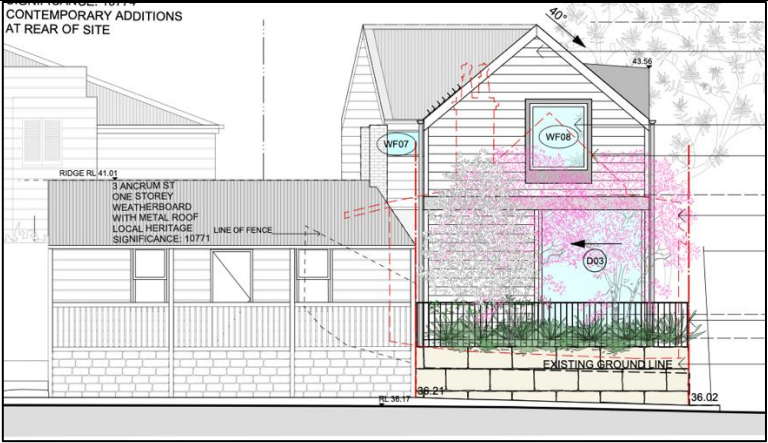


**Figure 10: Non-complying setbacks highlighted in red**

No

**Northern elevation (adjoining No. 3 Ancrum Street)**

The non-compliance is limited to a non-habitable space being “built-in” storage – refer to **Figure 10** above. This element adjoins the Heritage Item at No 3 Ancrum Street and although the non-compliance in itself does not result in overlooking or overshadowing, the bulk and scale of the two storey structure is not supported. The non-compliant setback adds to the massing which overwhelms and dominates the existing single storey heritage item to the north (refer to **Figure 11**), and not allowing appropriate separation between buildings failing to satisfy **P2 and objectives O2 and O3**.



	<p>On-merit</p>	 <p><b>Figure 11: inappropriate interface with adjoining heritage item</b></p> <p><b>Eastern boundary (adjoining Gannura Reserve)</b>                  The proposed ground floor setback tapers from 0m to 1.1m with no adverse impact with respect to overlooking or privacy. It is considered that the proposed carport structure, does not dominate the adjoining public open space.</p>
<p><b>Setback – Rear</b></p>	<p>N/A</p>	<p>N/A</p>
<p><b>1.4.7 Form Massing &amp; Scale</b>  <b>1.4.8 Built Form Character</b></p>	<p>No</p>	<p>The immediate surrounding area is characterised by single storey cottages with varying pitched roof forms including some additions within the roof forms allowing for roof dormers – refer to <b>Photos 14-16</b> below.</p>  <p><b>Photo 14: Eastern side of Ancrum Street</b></p>  <p><b>Photo 15: Western side of Ancrum Street</b></p>



**Photo 16: Bank Lane looking west**

The dwellings across Bank Lane have their primary frontage to Union Street and consist of two storeys terraces. These terraces have their rear to the lane and as such the two storey character of the streetscape is removed from Bank Lane.

The proposed development results in a two storeys built form, with the addition not being contained wholly within the roof space allowing for clear wall planes / massing. As such the proposal is not consistent with the established streetscape. The resulting built form is significantly larger than the existing characteristic dwellings with a scale and massing which is considered to dominate the surrounding spaces.

The independent heritage assessment does not support the proposed built form noting:-


*“the proposed new dwelling does not have a complementary single storey scale or form in relation to the single storey weatherboard cottages in the locality”.*

The proposed replacement dwelling does not complement the character, nor does it result in an improved heritage outcome for the conservation area inconsistent with P1 of Section 1.4.8. The 2-storey dwelling is unsympathetic to the character of the streetscape and local context. Accordingly, the proposed development does not satisfy the objectives of Section 1.4.7 and Section 1.4.8 of the NSDCP.

<p><b>1.4.9 Dwelling Entry</b></p>	<p>Yes</p>	<p>A new dwelling entry is proposed along Bank Lane. The new entry is setback 900mm from the street and is clearly identifiable and is considered to be acceptable.</p>
<p><b>1.4.10 Roofs</b></p>	<p>Yes</p>	<p>P1 of Section 1.4.10 of the NSDCP 2013 stipulate that buildings should incorporate a pitched roof, except where another roof form is identified in the applicable area character statement, or a roof form identified as being compatible with the characteristic roof forms for the neighbourhood.</p> <p>Part C of the NSDCP 2013 identifies hipped and gabled roofs to cottages as characteristic of the Conservation Area; as well as projecting gables to the street for the Union Bank Thomas Street Conservation Area.</p> <p>The proposed gable roof form, is supported by the independent heritage assessment, given that it is compatible with the characteristic roof form within the immediate locality.</p>

		<p>As such the proposal is consistent with the objective of Section 1.4.10 of the NSCDP 2013.</p>
<p><b>1.4.11 Dormers</b></p>	<p>No</p>	<p>The proposed wall dormers are not characteristic of the neighbourhood, inconsistent with P1.</p> <p>P2 states that dormers may be permitted, where it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>a) <i>there will be no significant impacts on privacy to adjoining properties;</i></li> <li>b) <i>it will not result in any adverse impacts to the significance of any heritage item or heritage conservation area;</i></li> <li>c) <i>the existing ridge line will be maintained, and any additions will be set below the ridge line;</i></li> </ul> <p>In this regard the proposed dormers will not result in adverse privacy impacts consistent with P2(a) and is setback below the ridge line consistent with P2(c).</p> <p>However the proposed dormers are not a traditional roof dormer found within the conservation area and indeed the immediate vicinity (refer to <b>Photo 17</b>) but rather constitute a wall dormer (not set in from the wall or gutter line). In addition the proposed wall dormers are over-scaled measuring more than 1.5m from its base to its ridge <b>inconsistent with P3</b>.</p> <p>The proposed wall dormers are inconsistent with the predominant form of dormers causing an adverse impact on the conservation area <b>inconsistent with P2(b) and O1 of Section 1.4.11 of the NSDCP 2013</b>.</p> <div data-bbox="662 1037 1396 1547" data-label="Image"> </div> <p><b>Photo 17: Example of traditional style dormer at No. 10 Ancrum street</b></p>
<p><b>1.4.12 Colours &amp; Materials</b></p>	<p>Yes</p>	<p>The proposed colours and materials used for the proposal are outlined in the <b>Figure 12</b> below (extract from Materials and Finishes - Drw No. 403 Issue A):</p>



		 <p><b>Figure 12: Proposed external finishes</b></p> <p>The proposed colours and materials are considered to be acceptable and should the application be worthy of support could be subject to standard conditions.</p>
<p><b>Front Fences</b></p>	<p>By condition</p>	<p>The proposal retains the existing sandstone wall along Ancrum Street and Bank Lane at a height of 1.2m, with a 1m new metal fence above. The metal fence is required because of the change in levels (in effect a balustrade). The independent heritage assessment does not support the metal fence on top of the sandstone retaining wall as it is not consistent with the timber picket fences dominant in Ancrum Street. However, this can be conditioned should the application be worthy of support.</p>
<p><b>1.5 Quality Urban Environment</b></p>		
<p><b>1.5.1 High quality residential accommodation</b></p>	<p>Yes</p>	<p>The proposal will provide a high level of residential accommodation for the occupants.</p>
<p><b>1.5.3 Safety and Security</b></p>	<p>Yes</p>	<p>The proposal seeks to provide a high level of safety and security for the occupants with casual surveillance of both Bank Lane and Ancrum Street, as well as clearly identifiable public vs private space.</p>
<p><b>1.5.4 Vehicle Access and Parking</b></p>	<p>Yes</p>	<p>The proposal also seeks to provide a single open carport. The proposed carport is considered to be consistent with the objectives of Section 1.5.4 of the NSDCP 2013 for the following reasons:-</p> <ul style="list-style-type: none"> <li>• The carport allows for adequate on-site car parking</li> <li>• The proposed carport maintains the garden setting and does not result in additional visual impacts to the streetscape being consistent with the established built form character along Bank Lane.</li> </ul> <p>As such the proposed basement carparking is consistent with Provision 3 of Section 1.5.4 of the NSDCP 2013</p>

<b>1.5.5 Site Coverage</b>	Yes	A table is provided below demonstrating the DA's response to the provisions in NSDCP 2013 for site coverage, landscaped area and unbuilt upon areas-:												
<b>1.5.6 Landscape Area</b>	Yes	<table border="1"> <thead> <tr> <th>Site Area 346.7sqm</th> <th>Proposed</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Site Coverage Max. of 60%</td> <td>88.11sqm 56.84%</td> <td>Yes</td> </tr> <tr> <td>Landscape Area Min. of 20%</td> <td>51.8sqm 33.42%</td> <td>Yes</td> </tr> <tr> <td>Un-built upon area Max of 20%</td> <td>31sqm 12%</td> <td>Yes</td> </tr> </tbody> </table>	Site Area 346.7sqm	Proposed	Complies	Site Coverage Max. of 60%	88.11sqm 56.84%	Yes	Landscape Area Min. of 20%	51.8sqm 33.42%	Yes	Un-built upon area Max of 20%	31sqm 12%	Yes
Site Area 346.7sqm	Proposed		Complies											
Site Coverage Max. of 60%	88.11sqm 56.84%		Yes											
Landscape Area Min. of 20%	51.8sqm 33.42%		Yes											
Un-built upon area Max of 20%	31sqm 12%	Yes												
<b>Un-built Area</b>	Yes													
<b>1.5.7 Landscaping</b>	By condition	<p>Council's landscape officer raised no concern with the proposed landscape plantings.</p> <p>However, concerns were raised about the proximity of the proposed carport and excavation for footings and associated level changes within the TPZ of the trees within Gannura Reserve adjacent to the eastern boundary of the subject site. Council's Landscape Development Officer required an arborist report to address the proposed work within the TPZ of adjoining trees. As the application is recommended for refusal no further action has been taken.</p> <p>The proposal includes decomposed granite that is not supported and tyre strips/pavers with suitable species of infill planting should be substituted. Should the application be worthy of support this can form a condition of consent.</p>												
<b>1.5.8 Front gardens</b>	Yes	The proposal significantly improves the front garden introducing new plantings along both Ancrum Street and Bank Lane, compared with the existing situation of no opportunity for landscape screening along Bank Lane.												
<b>1.5.9 Private and communal open space</b> 40sqm	Yes	The proposal allows for a private open space of approx. 28sqm within the western corner of the site adjoining Ancrum Street and approx. 26sqm along the northern boundary. The proposal is considered acceptable in this regard.												
<b>1.6 Efficient Use of Resources</b>														
<b>1.6.1 Energy Efficiency</b>	Yes	As part of the development application documentation, a valid BASIX Certification has been submitted for the dwelling (Certificate No. 1164547S_02 dated 16 September 2021)												
<b>Stormwater Management</b>	Yes	The stormwater design has been reviewed by Council's Development Engineer and is acceptable subject to conditions of development consent. Standard conditions can be imposed to require necessary sediment erosion control measures to be employed at the site during construction phases.												
<b>Part B Section 10 Carparking and Transport</b>														
<b>10.1 Parking Provision</b> Max 2 spaces per dwelling	Yes	Currently the site allows for no on-site parking. The current proposal allows for a single carport adjoining the eastern boundary. Given that Council's carparking rates are a maximum the provision of a single space is acceptable.												
<b>Layout and design</b>	By condition	<p>The independent Heritage assessment does not support the flat roof form noting:- <i>"The flat roof proposed over the entry and carport area is not characteristic of the heritage conservation area"</i>.</p> <p>A more traditional pitched or skillion roof form is possible through amended plans, however, the application is recommended for refusal so no further assessment was done in this regard.</p>												
<b>Part B Section 13 Heritage and Conservation</b>														
<b>Heritage and Conservation</b>	No	<p>An independent heritage referral/assessment has been undertaken by Kemp and Johnson Heritage Consultants (see <b>Attachment 2</b>). Below follows an extract of the critical considerations:</p> <p><b>13.6 Heritage Conservation Areas</b></p>												

	<p><i>The proposed new dwelling does not complement the character and significance of the heritage significance area, and in particular the immediate grouping of single storey weatherboard cottages. The 2-storey height and scale of the cottage is unsympathetic to the character and significance of the area.</i></p> <p><b>13.6.2 Form massing and scale</b> <i>The bulk and scale of the proposed new dwelling does not reflect the single storey scale of the adjacent heritage item at 3 Ancrum St or the contributory items nearby in Ancrum Street. The form of the building is essentially 2-storey with non-compliant “wall dormers”.</i></p> <p><b>13.6.3 Roofs</b> <i>The roof profile of the proposed new dwelling is gabled and corrugated metal, however the flat roof proposed over the entry and carport area is not characteristic of the heritage conservation area.</i></p> <p><b>13.6.4 Additional storeys and levels</b> <i>The property at 1 Bank Lane is seen in the context of the single storey cottages in Ancrum Street adjacent. The proposed new dwelling, which remains 2 storeys in scale, does not respect this single storey context.</i></p> <p><b>13.6.6 Infill Development in conservation areas</b> <i>The proposal fails to positively respond to the setting and character of the immediate vicinity with the HCA, with its significance including the relatively large number of surviving timber residences in Ancrum Street and on the subject site. The demolition of the existing dwelling will adversely impact on the significance of the HCA. The new dwelling does not positively respond to the setting of single storey weatherboard cottages.</i></p> <p><b>13.8 Demolition</b> <i>The proposal does not satisfy this provision as:</i></p> <ul style="list-style-type: none"><li><i>• The existing cottage contributes to the character of the heritage conservation area and its retention is warranted.</i></li><li><i>• There is no evidence that alternatives to demolition of the cottage have been considered by the applicants.</i></li><li><i>• The proposed replacement dwelling is not compatible with the characteristics of the immediate vicinity within the heritage conservation area, which is a distinctive area of single storey weatherboard cottages.</i></li></ul> <p><b>13.9.2 Dormer windows</b> <i>The proposal does not comply as the proposed “wall dormers” are not traditional or complimentary to the heritage conservation area and will adversely impact on the significance of the heritage conservation area streetscapes.</i></p>
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## **NSDCP 2013 Area Character Statement**

### **Part C - Section 9.10 Union, Bank Thomas Street Heritage Conservation Area**

The conservation area is characterised by 19<sup>th</sup> and 20<sup>th</sup> century cottages typically single storeys with rooms in roof or larger additions at the rear, not being visible from the public domain. The subject site is highly visible being a corner lot as well as having a side boundary fronting a public reserve. As such 3 boundaries are visible to the public domain.

The demolition of the contributing building is not supported as alternatives for conservation have not been adequately explored or detailed. Moreover, the applicant’s justification claiming that the cottage is not structurally sound is not considered to be sufficient to support demolition.

Notwithstanding any replacement building needs to ensure that the design reflects and reinforces, or is complementary to, the existing character of the locality.

It is noted that any contemporary response may not necessarily seek to replicate heritage details or character of heritage buildings in the conservation area but must preserve the heritage significance and integrity with complementary and respectful building form, proportions, scale, style, materials, colours and finishes as well as building alignments.

The proposed two storey replacement dwelling fails to allow for a complementary and respectful building form and scale. It is considered to overwhelm the surrounding context and is not considered characteristics with the established character of the Conservation Area and the immediate locality.

#### **NORTH SYDNEY LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020.**

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of contributions towards the provision of local infrastructure. Both Section 7.11 and 7.12 applicable levies are calculated, and the higher amount is levied in accordance with the plan. The contributions payable have been calculated in accordance with Council's Contributions Plan as follows:

<b>Type of contribution</b>	
<b>S7.11 Contribution</b> - No increase in the number of dwellings in accordance with section 1.3.3 within the Plan	Nil
<b>S7.12 Contribution</b> (More than \$200,000 - 1% of that cost)	\$600,000.00 = \$6,000

Therefore, the Section 7.12 contribution is the higher amount and will be the total contribution applicable in the site circumstances. Accordingly, if the Panel were of a mind to support the application, a condition would need to be imposed requiring the payment of a section 7.12 contribution.

#### **SITE SUITABILITY**

The site is not considered to be suitable for the current proposed levels of development with the replacement building not considered characteristics with the established character of the Heritage Conservation Area and the immediate locality.

#### **ALL LIKELY IMPACTS OF THE DEVELOPMENT**

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

<b>ENVIRONMENTAL APPRAISAL</b>	<b>CONSIDERED</b>
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 Carparking provision	Yes
6. Loading and Servicing Facilities	N/A
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	Yes
9. All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

### **SUBMITTERS CONCERNS**

The issues raised by the submissions are summarised below and addressed with planning comments:-

- ***privacy impacts***

#### ***Comment***

Refer to privacy analysis within the body of this report. In summary the proposal does not result in material loss of privacy to adjoining developments.

- ***view loss / outlook***

#### ***Comment***

Refer to view loss analysis within the body of this report. In summary the proposal does not result in material loss of views from adjoining developments.

- ***replacement building diminishes heritage value***

#### ***Comment***

The proposed two storey replacement dwelling fails to allow for a complementary and respectful building form and scale. It is considered to overwhelm the surrounding context and is not considered characteristics with the established character of the Conservation Area and the immediate locality and is not supported.

- ***bulk and scale;***

**Comment**

Refer to Form Massing & Scale within the body of this report. The proposed massing is considered inconsistent with the surrounding area and the HCA as a whole and is not supported.

- ***not in keeping with the established character of Union Bank Thomas Street HCA***

**Comment**

The proposal is not considered characteristics with the established character of the Conservation Area and the immediate locality and is not supported.

**PUBLIC INTEREST**

The proposal is not considered to be in the public interest for the reasons stated throughout this report.

**HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?**

The owners of adjoining properties were notified of the proposed development application, inviting comments between **22 October 2021 and 5 November 2021**, in accordance with Section A4 of the NSDCP 2013 and the North Sydney Community Participation Plan 2019. The submissions have been addressed earlier in the report.

**CONCLUSION AND REASONS**

The proposed S8.2 Review has been assessed against the *North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013* and the relevant State Planning Policies, and generally found to be unsatisfactory in the site circumstances.

The review of determination includes amended plans which propose a number of amendments as compared to the refused scheme. The amendments include aligning the new dwelling with Bank Lane consistent with the existing contributory item; removing the excavated garage accessed off Ancrum Street in lieu of a single carport accessed off Bank Lane; the roof eaves and main gable has been lowered by 300mm; the dormer windows fronting Bank Lane were reduced from 3m to 2.3m in height; the skylight fronting Bank Lane was relocated within the eastern roof plane; the extent of excavation was substantially reduced. The amended proposal is considered to be substantially the same development for the purposes of Section 8.3(3) of the EP&A Act.

Council received four submissions, including one in support; that raised concerns about privacy impacts, loss of view / outlook; replacement building diminishes heritage value; bulk and scale; not in keeping with the established character of Union Bank Thomas Street HCA. These issues have been discussed in the body of this report.

The independent heritage assessment by Kemp and Johnson Heritage Consultants does not support the demolition of the existing original cottage noting that, as it is a contributory element of the CA15 Heritage Conservation Area, and part of a distinctive grouping of single storey late 19th century weatherboard cottages, the demolition would adversely impact on the significance of the heritage conservation area.

Moreover, the proposed replacement dwelling results in a two storey built form with the proposed additions not wholly contained within the roof space allowing for clearly identifiable wall planes creating massing which is considered out of scale with the predominantly single storey weatherboard cottages within the immediate area. As such the proposed dwelling is inconsistent with the predominant built form character of the immediate streetscape as well as the Bank Union Thomas Street Heritage Conservation Area.

Any replacement building should have an improved conservation outcome. Any new built form should contribute to the character and significance of the streetscape / public domain and the wider conservation area. In this regard, the proposed 2-storey replacement dwelling is considered out of scale with the predominant built form character of the Conservation Area. Therefore, the proposal does not meet the objectives of Clause 5.10 Heritage Conservation under NSLEP 2013. Moreover, the proposal would not achieve the aims of the NSLEP 2013 which seeks to protect the built heritage of North Sydney and to promote development that is appropriate to its context.

The proposal does not satisfy the Context; Laneways; Side Setbacks; Form Massing Scale; Built Form Character Dormers and Heritage Conservation controls within the NSDCP 2013.

Following this assessment and having regard to the provisions of Section 4.15 and Sections 8.2-8.5 (inclusive) of the *Environmental Planning & Assessment Act 1979*, the application is recommended for **refusal**.

## **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, as the consent authority, resolve to **refuse** consent to Review Application No. 7/21 for the demolition of the existing contributory item and the construction of a new two storey dwelling; carport and associated landscaping works on land at 1 Bank Lane, North Sydney, for the following reasons:-

- 1. The application results in adverse impacts on the significance of the Union Bank and Thomas Street heritage conservation area due to its failure to satisfy the heritage requirements of Clause 1.2 and Clause 5.10 of the North Sydney Local Environmental Plan 2013 as well as the heritage requirements of Section 13 the North Sydney Development Control Plan 2013.**

**Particulars:**

**North Sydney LEP 2013**

- a) Clause 1.2(2) Aims in Part 1 of NSLEP 2013, specifically aim (b)(i) failing to allow for a bulk and scale which is compatible with the existing and desired future character of the area and (f) to protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance;
- b) Clause 5.10(1) in Part 5 of the NSLEP 2013, specifically objective (a) to conserve the environmental heritage of North Sydney;
- c) Clause 5.10(1) in Part 5 of the NSLEP 2013, specifically objective (b) to conserve the heritage significance of the heritage conservation areas, including associated fabric, settings and views;
- d) Clause 5.10(4) in Part 5 of the NSLEP 2013, specifically the adverse effect of the proposed development on the significance of the Union Bank and Thomas Street Heritage Conservation area;

**North Sydney DCP 2013**

- e) The proposed development is not consistent with the objectives or the provisions of Section 13 Heritage and Conservation of the NSDCP 2013, particularly:-
  - i. Section 13.4 Development within the vicinity of Heritage item, as the proposal will diminish the heritage significance of the group of heritage items in the vicinity of the subject property and the significance of the Union Bank and Thomas Street Conservation Area;
  - ii. Section 13.6.2 Form massing and scale, as the proposal does not compliment the character and significance of the heritage conservation area and in particular the immediate grouping of single storey weatherboard cottages. The two storey scale is unsympathetic to the character and significance of the area inconsistent with O1; O2; P1; P2 and P9;
  - iii. Section 13.6.4 Additional storeys and levels, as the proposed two storey built form does not respect the single storey scale of the streetscape inconsistent with O1;
  - iv. Section 13.6.6 Infill Development within Conservation areas, as the proposal fails to respond to the setting and character of significant buildings within the immediate vicinity and the HCA inconsistent with O1 and P1;
  - v. Section 13.8 Demolition, as the application fails to retain buildings which contribute to the significance of the character of the HCA failing to satisfy O1; P3 and P4. In particular:-
    - The existing cottage contributes to the character of the heritage conservation area and its retention is warranted.
    - There is no evidence that alternatives to demolition of the cottage have been considered by the applicants.



- The proposed replacement dwelling is not compatible with the characteristics of the immediate vicinity within the heritage conservation area, which is a distinctive area of single storey weatherboard cottages.
- vi. The proposed wall dormers are not traditional or complimentary to the heritage conservation area and will adversely impact on the significance of the heritage conservation area failing to satisfy O1; P1; P3; P4 and P8; Section 13.9.2 Dormer windows.
- vii. The proposed development is not consistent with the objectives or the provisions of Part C Lavender Bay Planning Area, Section 9.10 Union, Bank, Thomas Street Conservation Area particularly Section 9.10.6 Characteristic Building element Controls P2 and Section 9.10.7 Uncharacteristic Elements Control P1.

## **2. Uncharacteristic form of development**

The proposed two storey replacement dwelling fails to allow for a complementary and respectful building form and scale. It is considered to overwhelm the surrounding context and is not considered characteristics or in keeping with the established character of the Union Bank and Thomas Street Heritage Conservation Area. The proposed development is contrary to the following provisions:

### ***Particulars:***

The proposed development is contrary to the following:-

- a) Aims of NSLEP 2013, specifically (2)(b)(i) and 2(f);
- b) Objectives of the R2 Low Density Residential zone, specifically dot point 3;
- c) Objectives a and b of Clause 5.10(1) and Clause 5.10(4) Heritage Conservation of NSLEP 2013
- d) Objective O1 and Provisions P1 in Part B, Section 1.4.1 Context in NSDCP 2013;
- e) Objective O1 and Provision P2 and P9 in Part B Section 1.4.4 Laneway of NSDCP 2013;
- f) Objective O2, and Objective O3 and Provision P2 in Part B, Section 1.4.6 Setbacks in NSDCP 2013.
- g) Objective O1 in Part B, Section 1.4.7 Form, massing & scale in NSDCP 2013;
- h) Objective O1 and Provision P1 in Part B, Section 1.4.8 Built form character in NSDCP 2013; and
- i) Objective O1 and Provisions P1; P2(b) and P3 in Part B Section 1.4.11 Dormers of NSDCP 2013.

## **3. Not considered to be in the public interest or suitable for the subject site.**

The proposed development is not considered suitable for the subject site nor in the public interest.

***Particulars:***

- a) The proposed development would set an undesirable precedent for the Union Bank and Thomas Street Heritage Conservation area and is considered to be unsuitable for the subject site contrary to Section 4.15(c) of the Environmental Planning and Assessment Act 1979 (as amended)
- b) the application raising particular concerns about privacy impacts, loss of view / outlook; replacement building diminishes heritage value; bulk and scale; not in keeping with the established character of Union Bank Thomas Street HCA. The proposal is not considered to be in the public interest contrary to Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended).

**Annelize Kaalsen**  
**INDEPENDENT ASSESSMENT**

**Robyn Pearson**  
**TEAM LEADER**

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**Note from the Manager, Development Services**

This independent report has been reviewed for completeness and quality. The intent and recommendation of the report remains that of the Consultant Planner and it is appropriate for the Panel to determine its position on that basis.

**Stephen Beattie**  
**MANAGER DEVELOPMENT SERVICES**

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**North Sydney Council**

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



# SECTION 8.2 REVIEW & APPEAL: DEVELOPMENT APPLICATION PROPOSAL 1 BANK LANE, NORTH SYDNEY



## LIST OF DRAWINGS

DRAWING NAME	ISSUE	NUMBER	COMMENTS
TITLE PAGE	S8.2-A	000	
SITE ANALYSIS - AREA CONTEXT	S8.2-A	001	
SITE ANALYSIS - PLAN	S8.2-A	002	
SITE ANALYSIS - BUILDING HEIGHT	S8.2-A	003	
SITE ANALYSIS - STREET VIEW	S8.2-A	004	
DEMOLITION PLAN	S8.2-A	005	
SITE PLAN	S8.2-A	006	
GROUND FLOOR PLAN	S8.2-A	101	
FIRST FLOOR PLAN	S8.2-A	102	
ROOF PLAN	S8.2-A	103	
ELEVATIONS	S8.2-A	201	
ELEVATIONS	S8.2-A	202	
SECTIONS	S8.2-A	301	
CROSS SECTIONS	S8.2-A	302	
SITE GFA AREA CALCULATIONS	S8.2-A	401	
LANDSCAPE CALCULATIONS	S8.2-A	402	
MATERIALS & FINISHES	S8.2-A	403	
LANDSCAPE PLAN	S8.2-A	404	
LANDSCAPE PLAN	S8.2-A	405	
NOTIFICATION PLAN	S8.2-A	406	
SHADOWS - PLAN EQUINOX 0900	S8.2-A	700	
SHADOWS - PLAN EQUINOX 1200	S8.2-A	701	
SHADOWS - PLAN EQUINOX 1500	S8.2-A	702	
SHADOWS - PLAN MID WINTER 0900	S8.2-A	703	
SHADOWS - PLAN MID WINTER 1200	S8.2-A	704	
SHADOWS - PLAN MID WINTER 1500	S8.2-A	705	

**SITE DETAILS**  
**1 BANK LANE, NORTH SYDNEY, NSW**  
**HERITAGE LISTED: NO**  
**LOT SIZE: 155m<sup>2</sup>**  
 MAXIMUM SITE COVERAGE: 60%  
**PROPOSED SITE COVERAGE: 52%**  
 MAXIMUM UNBUILT UPON AREA: 20%  
**PROPOSED UNBUILT UPON AREA: 12%**  
 MAX. BUILDING HEIGHT: 8.5m  
**PROPOSED BUILDING HEIGHT: 7.5m**  
 MINIMUM LANDSCAPED AREA: 20%  
**PROPOSED LANDSCAPED AREA: 34.83%**



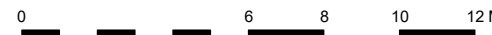
<p><b>CRACKNELL &amp; LONERGAN ARCHITECTS PTY LTD</b></p> <p>ABN 55 100 940 501                  Nominated Architect: Peter J Lonerган                  NSW Architects Registration No. 5982                  156A CHURCH STREET                  NEWTOWN NSW 2042                  PHONE +61 2 9565 1554                  email@cracknellonerган.com.au</p>	<p><b>BASIX / NATHERS CERTIFICATION No: 0005519210-01</b></p> <p>0005519210-01 16 Sep 2021                  Assessor Lance Chen                  Accreditation No. 03/16/1765                  Address                  1 Bank Lane, North Sydney,                  NSW, 2060                  www.nathers.gov.au hstarc.com.au</p>	<p><b>NOTES</b></p> <p>FOR DEVELOPMENT APPLICATION ONLY                  NOT FOR CONSTRUCTION</p> <p>- Drawings are to be read in conjunction with other consultants drawings and reports.                  - All survey information and proposed building and finished surface levels shown are based on levels obtained from Surveyors drawing.</p>	<p><b>DATE REVISION</b></p> <p>16/09/2021 S8.2 DEVELOPMENT APPLICATION</p> <p>10/05/2021 DEVELOPMENT APPLICATION AMENDMENTS</p> <p>13/01/2021 DEVELOPMENT APPLICATION</p> <p>14/10/2020 SKETCH DESIGN</p> <p>27/10/2020 SKETCH DESIGN</p>	<p><b>TITLE TITLE PAGE</b></p> <p>PROJECT NEW DWELLING HOUSE</p> <p>ADDRESS 1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071</p> <p>STAGE SECTION 8.2</p> <p>CLIENT MEHRGARDT FAMILY</p> <p>SCALE 1:200 @A4, 1:100@A3</p>	<p><b>ISSUE</b></p> <p><b>S8.2</b></p> <p><b>000</b></p> <p><b>A</b></p>



**SECTION 8.2 REVIEW & APPEAL:  
DEVELOPMENT APPLICATION PROPOSAL  
1 BANK LANE, NORTH SYDNEY**



IMAGE: SIX MAPS

<p><b>ARCHITECT</b></p>  <p><b>CRACKNELL &amp; LONERGAN ARCHITECTS PTY LTD</b></p> <p>ABN 55 100 940 501 Nominated Architect: Peter J Lonerган NSW Architects Registration No. 5982 156A CHURCH STREET NEWTOWN NSW 2042 PHONE +61 2 9565 1554 email@cracknellonerган.com.au</p>	<p><b>BASIX / NATHERS CERTIFICATION No: 0005519210-01</b></p>  <p>0005519210-01 16 Sep 2021 Assessor Lance Chen Accreditation No. DMV161765 Address 1 Bank Lane, North Sydney, NSW, 2060 www.nathers.gov.au hstar.com.au</p>	<p><b>NOTES</b></p> <p>FOR DEVELOPMENT APPLICATION ONLY NOT FOR CONSTRUCTION</p> <p>- Drawings are to be read in conjunction with other consultants drawings and reports. - All survey information and proposed building and finished surface levels shown are based on levels obtained from Surveyors drawing.</p> 	<table border="1"> <thead> <tr> <th>DATE</th> <th>REVISION</th> </tr> </thead> <tbody> <tr> <td>16/09/2021</td> <td>S8.2 DEVELOPMENT APPLICATION</td> </tr> <tr> <td>10/05/2021</td> <td>DEVELOPMENT APPLICATION AMENDMENTS</td> </tr> <tr> <td>13/01/2021</td> <td>DEVELOPMENT APPLICATION</td> </tr> <tr> <td>14/10/2020</td> <td>SKETCH DESIGN</td> </tr> <tr> <td>27/10/2020</td> <td>SKETCH DESIGN</td> </tr> </tbody> </table>	DATE	REVISION	16/09/2021	S8.2 DEVELOPMENT APPLICATION	10/05/2021	DEVELOPMENT APPLICATION AMENDMENTS	13/01/2021	DEVELOPMENT APPLICATION	14/10/2020	SKETCH DESIGN	27/10/2020	SKETCH DESIGN	<table border="1"> <thead> <tr> <th>TITLE</th> <th>SITE ANALYSIS CONTEXT IDENTIFICATION</th> </tr> </thead> <tbody> <tr> <td>PROJECT</td> <td>NEW DWELLING HOUSE</td> </tr> <tr> <td>ADDRESS</td> <td>1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071</td> </tr> <tr> <td>STAGE</td> <td>SECTION 8.2</td> </tr> <tr> <td>CLIENT</td> <td>MEHRGARDT FAMILY</td> </tr> <tr> <td>SCALE</td> <td>NOT TO SCALE</td> </tr> </tbody> </table> <p style="text-align: right;">DRAWN BY JBW/CC/CL</p>	TITLE	SITE ANALYSIS CONTEXT IDENTIFICATION	PROJECT	NEW DWELLING HOUSE	ADDRESS	1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071	STAGE	SECTION 8.2	CLIENT	MEHRGARDT FAMILY	SCALE	NOT TO SCALE	<p><b>S8.2</b> <b>001</b> <b>ISSUE</b> <b>A</b></p>
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ANNUAL WINDSPEED AND DIRECTION FOR SYDNEY



IMAGE: NEARMAPS

<b>ARCHITECT</b> 	<b>BASIX / NATHERS CERTIFICATION No: 0005519210-01</b> 	<b>NOTES</b> FOR DEVELOPMENT APPLICATION ONLY NOT FOR CONSTRUCTION - Drawings are to be read in conjunction with other consultants drawings and reports. - All survey information and proposed building and finished surface levels shown are based on levels obtained from Surveyors drawing.	<b>DATE</b> <b>REVISION</b> 16/09/2021 S8.2 DEVELOPMENT APPLICATION 10/05/2021 DEVELOPMENT APPLICATION AMENDMENTS 13/01/2021 DEVELOPMENT APPLICATION 14/10/2020 SKETCH DESIGN 27/10/2020 SKETCH DESIGN	<b>TITLE</b> <b>SITE ANALYSIS</b> <b>PROJECT</b> <b>NEW DWELLING HOUSE</b> <b>ADDRESS</b> <b>1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071</b> <b>STAGE</b> <b>SECTION 8.2</b> <b>CLIENT</b> <b>MEHRGARDT FAMILY</b> <b>SCALE</b> <b>NOT TO SCALE</b>	<b>ISSUE</b> <b>A</b>





IMAGE: NEARMAPS

SITE: LOT 1, DP 726071



ARCHITECT	BASIX / NATHERS CERTIFICATION No: 0005519210-01	NOTES	DATE	REVISION	TITLE	SITE ANALYSIS: CONTEXT BUILDING HEIGHTS
 <b>CRACKNELL &amp; LONERGAN</b> ARCHITECTS PTY LTD ABN 55 100 940 501 Nominated Architect: Peter J. Lonerган NSW Architects Registration No. 5983 156A CHURCH STREET NEWTOWN NSW 2042 PHONE +61 2 9565 1554 email@cracknellonerган.com.au	 0005519210-01 16 Sep 2021 Assessor: Lance Chen Accreditation No: DMN/16/1765 Address: 1 Bank Lane, North Sydney, NSW, 2060 www.nathers.gov.au	FOR DEVELOPMENT APPLICATION ONLY NOT FOR CONSTRUCTION	16/09/2021	<b>S8.2 DEVELOPMENT APPLICATION</b>	PROJECT	NEW DWELLING HOUSE
		- Drawings are to be read in conjunction with other consultants drawings and reports. - All survey information and proposed building and finished surface levels shown are based on levels obtained from Surveyors drawing.	10/05/2021	DEVELOPMENT APPLICATION AMENDMENTS	ADDRESS	1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071
			13/01/2021	DEVELOPMENT APPLICATION	STAGE	SECTION 8.2
			14/10/2020	SKETCH DESIGN	CLIENT	MEHRGARDT FAMILY
			27/10/2020	SKETCH DESIGN	SCALE	NOT TO SCALE
						<b>S8.2</b> <b>003</b> ISSUE <b>A</b>





IMAGE: NEARMAPS

IEWS SITE: LOT 1, DP 726071

1. Looking east from corner of Union Street and Bank Lane.
2. Looking south east towards 2 Union Street from Bank Lane.
3. Looking north east at junction of Ancrum Street and Bank Lane.
4. Looking north east at junction of Ancrum Street and Bank Lane.
5. Looking north east along Ancrum St. towards 1 Bank Ln and 3 Ancrum St.
6. Looking north east towards 5 Ancrum Street.
7. Looking north east towards 9 Ancrum Street .
8. Looking north east along Ancrum Street towards garage of 28 Bank Street.
9. Looking north west along Ancrum Street towards garage of 13 Eureka Street.
10. Looking south west towards 10 Ancrum Street.
11. Looking south towards junction of Ancrum St. and Bank Ln. from Ancrum Street.
12. Looking east along Bank Lane, 1 Bank Lane to left, 4 Union St to right.
13. Looking south east along Bank Lane towards garages of 12 Union Street.
14. Looking north towards 18 Bank Street from Gannura Reserve.
15. Looking west towards Gannura Reserve from Bank Lane.
16. Looking west along Bank Lane, 1 Bank Lane to right, 10 Union St. garage to left.
17. Looking south west at junction of Bank Lane and Ancrum Street.
18. Looking east towards 3 Eureka Street.
19. Looking east towards 3,5 and 6 Eureka Street.



1



2



3



4



5



6



7



8



9



10



11



12



13



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15



16



17



18



19



20

ARCHITECT	BASIS / NATHERS CERTIFICATION No: 0005519210-01	NOTES	DATE	REVISION	TITLE	SITE ANALYSIS STREET VIEWS
<p><b>CRACKNELL &amp; LONERGAN</b> ARCHITECTS PTY LTD</p> <p>ABN 55 100 940 501 Nominated Architect: Peter J LonerGAN NSW Architects Registration No. 5983 156A CHURCH STREET NEWTOWN NSW 2042 PHONE +61 2 9565 1554 email@cracknellonergan.com.au</p>	<p>0005519210-01 16 Sep 2021 Assessor: Lance Chen Accreditation No: DMN/16/1765 Address: 1 Bank Lane, North Sydney, NSW, 2060 www.nathers.gov.au</p>	FOR DEVELOPMENT APPLICATION ONLY NOT FOR CONSTRUCTION	16/09/2021	S8.2 DEVELOPMENT APPLICATION	PROJECT	NEW DWELLING HOUSE
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			14/10/2020	SKETCH DESIGN	CLIENT	MEHRGARDT FAMILY
			27/10/2020	SKETCH DESIGN	SCALE	NOT TO SCALE

**S8.2**  
**004**

ISSUE  
**A**



**NOTICE OF SEDIMENT AND EROSION CONTROL**

Sediment and erosion control shall be effectively maintained at all during the course of construction as well as immediately after storm events and shall be repaired or replaced such that the barriers at the site are fully functional at all times and shall not be removed until the site has been stabilised or landscaped to the principal's satisfaction.

The contractor shall ensure that no spoil or fill encroaches upon adjacent areas for the duration of works.

The contractor shall ensure that kerb inlets and drains receiving stormwater shall be protected at all times during development.

Sediment fencing shall be secured by post (where metal star pickets are used plastic safety caps shall be used) at 2 metre intervals with geotextile fabric embedded at 200mm into soil.

All topsoil stripped from the site and stockpiled so it does not interfere with drainage lines and stormwater inlets and will be suitably covered with an impervious membrane material and screened by sediment fencing.

Subsoil drainage shall be provided to all retaining walls and embankments, with the lines feeding into the stormwater drainage system.

All activities that have the potential to pollute must comply with the requirements of the *Environment Operations Act 1997 (PDEO Act 1997)*.

Excavation of the site shall be limited to the immediate construction area.

All vegetation not in the immediate work area shall be retained.

Any topsoil stripped from the site shall be stockpiled at the site for re-use (for example to landscape the site). The stockpile shall be located away from any stormwater flow path and protected from erosion.

Waste (including skip loins) and construction materials, equipment and sediment barriers shall be at no times placed in public walkways, verges, Council roads or road reserves unless a permit has been obtained from Council.

Erosion and sediment control barriers shall be in place prior to the commencement of any earthworks at the site.

Erosion and sediment control barriers shall be emptied when not more than 40% capacity has been reached. Ensure all stormwater is directed away from the excavation area at all times, however in the event that the excavation site fills with water, water shall be removed in a manner that does not increase erosion, sedimentation or pollution of drainage systems whether natural or not. Water may not be pumped directly across disturbed soil.

Any sediment spilled within the property or onto the roadways shall be removed and collected with a spade and dry broom (without water) and disposed of so as to prevent further erosion and pollution of waterways. Spilled sediment should never be washed or swept into a watercourse or inlet to a stormwater system.

During dry weather where there is potential for dust movement, a light spray of water shall be applied to the site at regular intervals to avoid transfer of sediment, however, the water shall not be applied in such a way as to create runoff.

Sub-surface components of the site drainage system shall be installed to working order prior to the construction of any building.

Following building works where large areas of soil have been exposed, the land shall be fully protected from erosion from vegetation or other soil stabilisation within 20 days of completion of building works.

Vehicle loads of waste and construction material must be covered during transportation and must comply with the *PDEO Act 1997* and the *Road Transport Act (NSW)1999*.

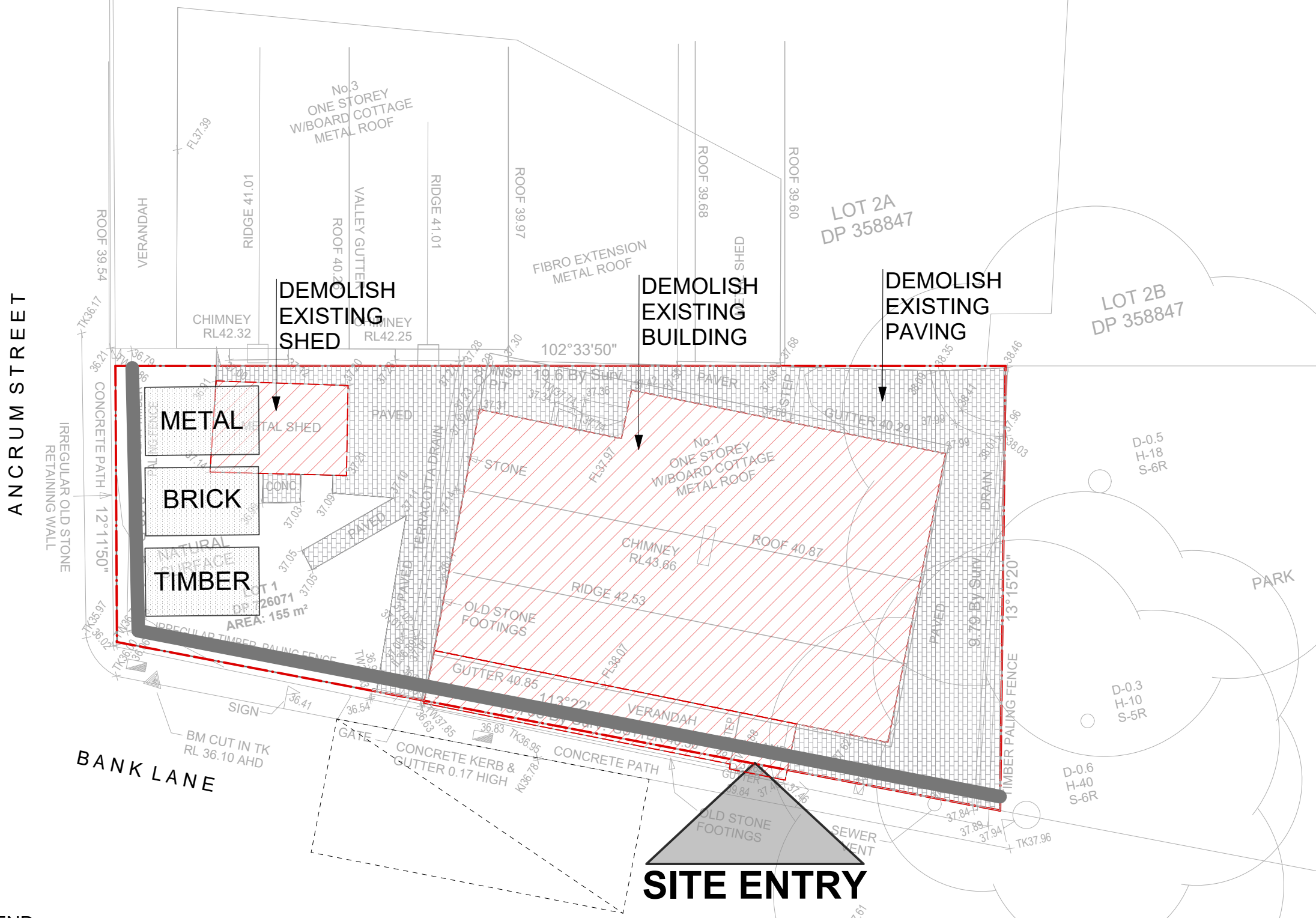
Stripping and excavation of the site shall not commence until such time as all necessary approvals have been obtained.

Prior to the installation of any roof material on a building, all necessary downpipes and gutters must be fixed and connected to the approved sub-surface draining system.

Unless specifically required to carry out the plans, stripping of the site shall be staged and the site shall not be wholly stripped at any one time.

The stormwater disposal system shall be installed at the earliest stage possible. Excavated topsoil shall not be stockpiled at the site for any period greater than two weeks.

Landscaping works or temporary stabilisation with geotextile fabric shall be implemented at the earliest stage to ensure stabilisation of the soil.



- LEGEND**
- SITE BOUNDARY
  - DEMOLISH STRUCTURES
  - BRICK PAVING
  - TEMPORARY PARKING
  - AREA FOR WASTE STORAGE BINS
  - SEDIMENT CONTROL

**NOTE REGARDING ASBESTOS:**  
 ANY ASBESTOS FOUND DURING DEMOLITION IS TO BE HANDLED BY SPECIALIST LICENSED CONTRACTORS ONLY. ASBESTOS IS TO BE SEALED & DISPOSED OF BY LICENSED CONTRACTORS

<p>ARCHITECT</p> <p><b>CRACKNELL &amp; LONERGAN ARCHITECTS PTY LTD</b></p> <p>ABN 55 100 940 501                  Nominated Architect: Peter J Lonerган                  NSW Architects Registration No. 5982</p> <p>156A CHURCH STREET                  NEWTOWN NSW 2042                  PHONE +61 2 9565 1554                  email@cracknellonerган.com.au</p> <p>0005519210-01 16 Sep 2021                  Assessor Lance Chen                  Accreditation No. DMN16/1765                  Address                  1 Bank Lane, North Sydney                  NSW, 2060</p>	<p><b>BASIX / NATHERS CERTIFICATION No: 0005519210-01</b></p> <p><b>NOTES</b></p> <p>FOR DEVELOPMENT APPLICATION ONLY                  NOT FOR CONSTRUCTION</p> <p>- Drawings are to be read in conjunction with other consultants drawings and reports.                  - All survey information and proposed building and finished surface levels shown are based on levels obtained from Surveyors drawing.</p> <p>0 3 4 5 6 M</p>	<p><b>DATE REVISION</b></p> <p>16/09/2021 S8.2 DEVELOPMENT APPLICATION</p> <p>10/05/2021 DEVELOPMENT APPLICATION AMENDMENTS</p> <p>13/01/2021 DEVELOPMENT APPLICATION</p> <p>14/10/2020 SKETCH DESIGN</p> <p>27/10/2020 SKETCH DESIGN</p>	<p><b>TITLE</b> DEMOLITION PLAN</p> <p><b>PROJECT</b> NEW DWELLING HOUSE</p> <p><b>ADDRESS</b> 1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071</p> <p><b>STAGE</b> SECTION 8.2</p> <p><b>CLIENT</b> MEHRGARDT FAMILY</p> <p><b>SCALE</b> 1:100 @A3, 1:50@A1</p> <p style="text-align: right;">DRAWN BY JBW/CC/CL</p>	<p><b>S8.2</b></p> <p><b>005</b></p> <p><b>ISSUE</b></p> <p><b>A</b></p>
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**SITE DETAILS**  
**1 BANK LANE, NORTH SYDNEY, NSW**  
**HERITAGE LISTED: NO**  
**LOT SIZE: 155m<sup>2</sup>**  
**MAXIMUM SITE COVERAGE: 60%**  
**PROPOSED SITE COVERAGE: 52%**  
**MAXIMUM UNBUILT UPON AREA: 20%**  
**PROPOSED UNBUILT UPON AREA: 12%**  
**MAX. BUILDING HEIGHT: 8.5m**  
**PROPOSED BUILDING HEIGHT: 7.5m**  
**MINIMUM LANDSCAPED AREA: 20%**  
**PROPOSED LANDSCAPED AREA: 34.83%**

ARCHITECT	BASIX / NATHERS CERTIFICATION No: 0005519210-01	NOTES	DATE	REVISION	TITLE	SITE PLAN
<p><b>CRACKNELL &amp; LONERGAN ARCHITECTS PTY LTD</b>                      ABN 55 100 940 501                      Nominated Architect: Peter J Lonerган                      NSW Architects Registration No. 5982                      156A CHURCH STREET                      NEWTOWN NSW 2042                      PHONE +61 2 9565 1554                      email@cracknellonerган.com.au</p>	<p>0005519210-01 16 Sep 2021                      Assessor Lance Chen                      Accreditation No. DMN161765                      Address                      1 Bank Lane, North Sydney,                      NSW, 2060                      49.7                      hstar.com.au</p>	FOR DEVELOPMENT APPLICATION ONLY NOT FOR CONSTRUCTION	16/09/2021	S8.2 DEVELOPMENT APPLICATION	PROJECT	NEW DWELLING HOUSE
		- Drawings are to be read in conjunction with other consultants drawings and reports.	10/05/2021	DEVELOPMENT APPLICATION AMENDMENTS	ADDRESS	1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071
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			14/10/2020	SKETCH DESIGN	CLIENT	MEHRGARDT FAMILY
			27/10/2020	SKETCH DESIGN	SCALE	1:200 @A4, 1:100@A3
					DRAWN BY	JBW/CC/CL

**S8.2**  
**006**  
**ISSUE**  
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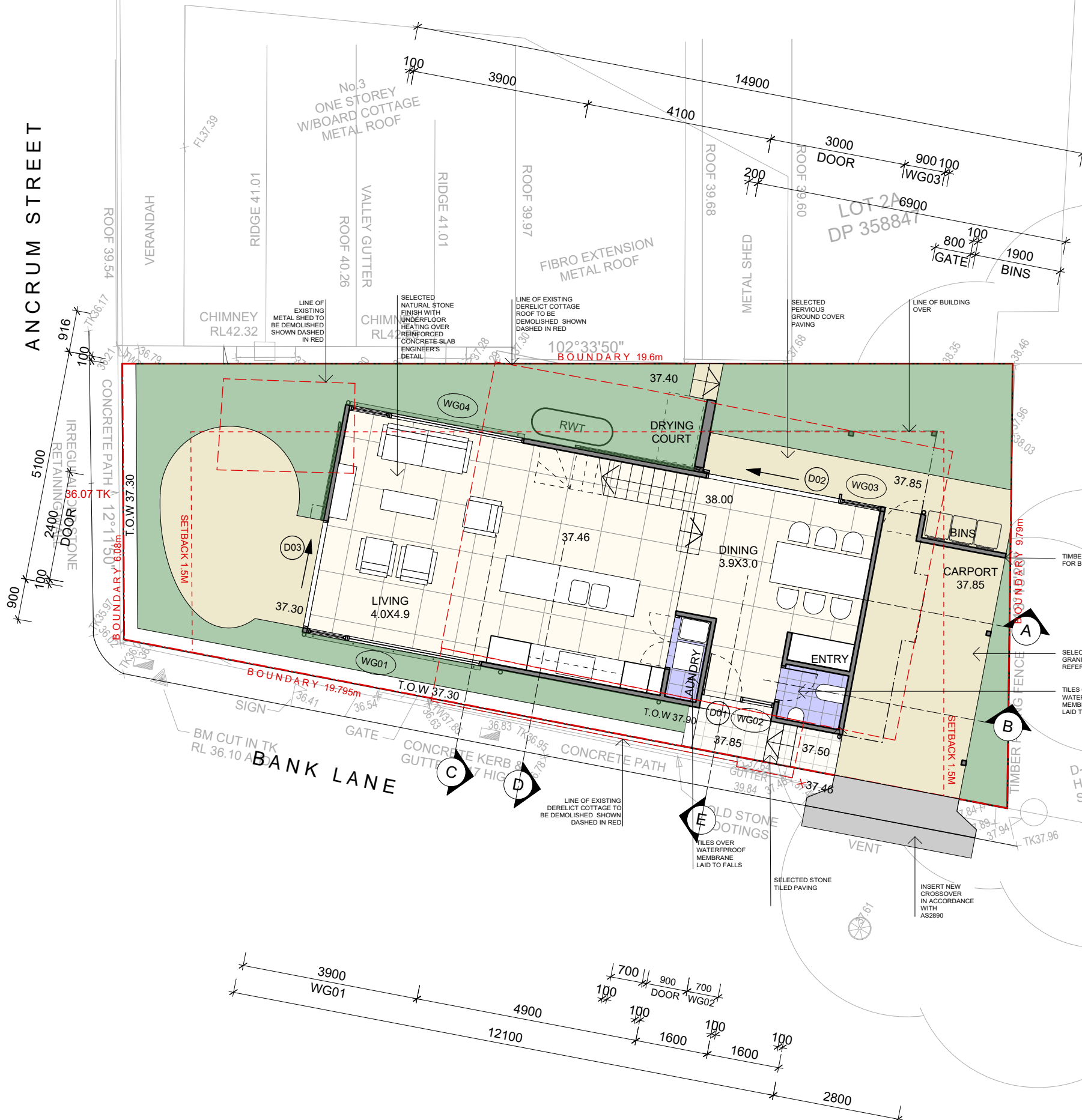


PLAN SHOWING DETAIL AND LEVELS AT  
1 BANK LANE, NORTH SYDNEY  
LOT 1 IN DP726071

SUITE 7/14 FRENCH AVENUE AVENUE, BANKSTOWN  
PH: 02 9708 0177 FAX: 02 9708 0255 E: info@sydneyurveyors.com.au

PLEASE NOTE, DP726071 HAS BEEN COMPILED FROM VERY OLD CONVEYANCES. BOUNDARIES SHOWN HAVE BEEN DETERMINED BY SURVEY FOR PLANNING AND DESIGN PURPOSES ONLY. IF IT IS INTENDED TO ERECT ANY IMPROVEMENTS ALONG OR NEAR THE BOUNDARY, A BOUNDARY REDEFINITION SURVEY SHOULD BE UNDERTAKEN AND LODGED WITH THE LAND REGISTRY SERVICES (LRS).

ANCRUM STREET



102°33'50"  
19.6 By Surv.

LOT 1  
DP 726072

20.14 (DEED)  
113°22'

**SITE DETAILS**  
1 BANK LANE, NORTH SYDNEY, NSW  
HERITAGE LISTED: NO  
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MAXIMUM SITE COVERAGE: 60%  
PROPOSED SITE COVERAGE: 52%  
MAXIMUM UNBUILT UPON AREA: 20%  
PROPOSED UNBUILT UPON AREA: 12%  
MAX. BUILDING HEIGHT: 8.5m  
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MINIMUM LANDSCAPED AREA: 20%  
PROPOSED LANDSCAPED AREA: 34.83%

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ANCRUM STREET

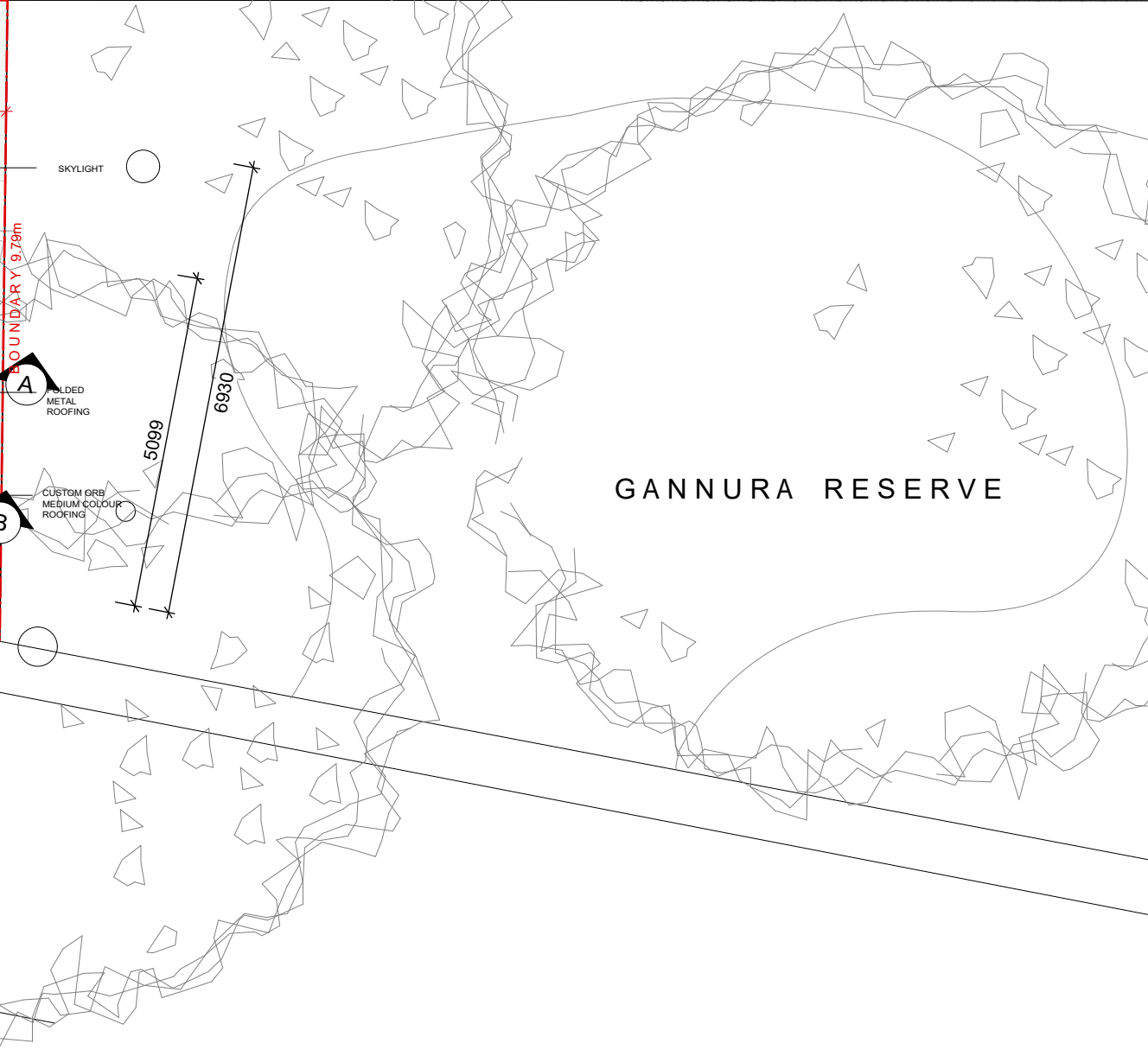
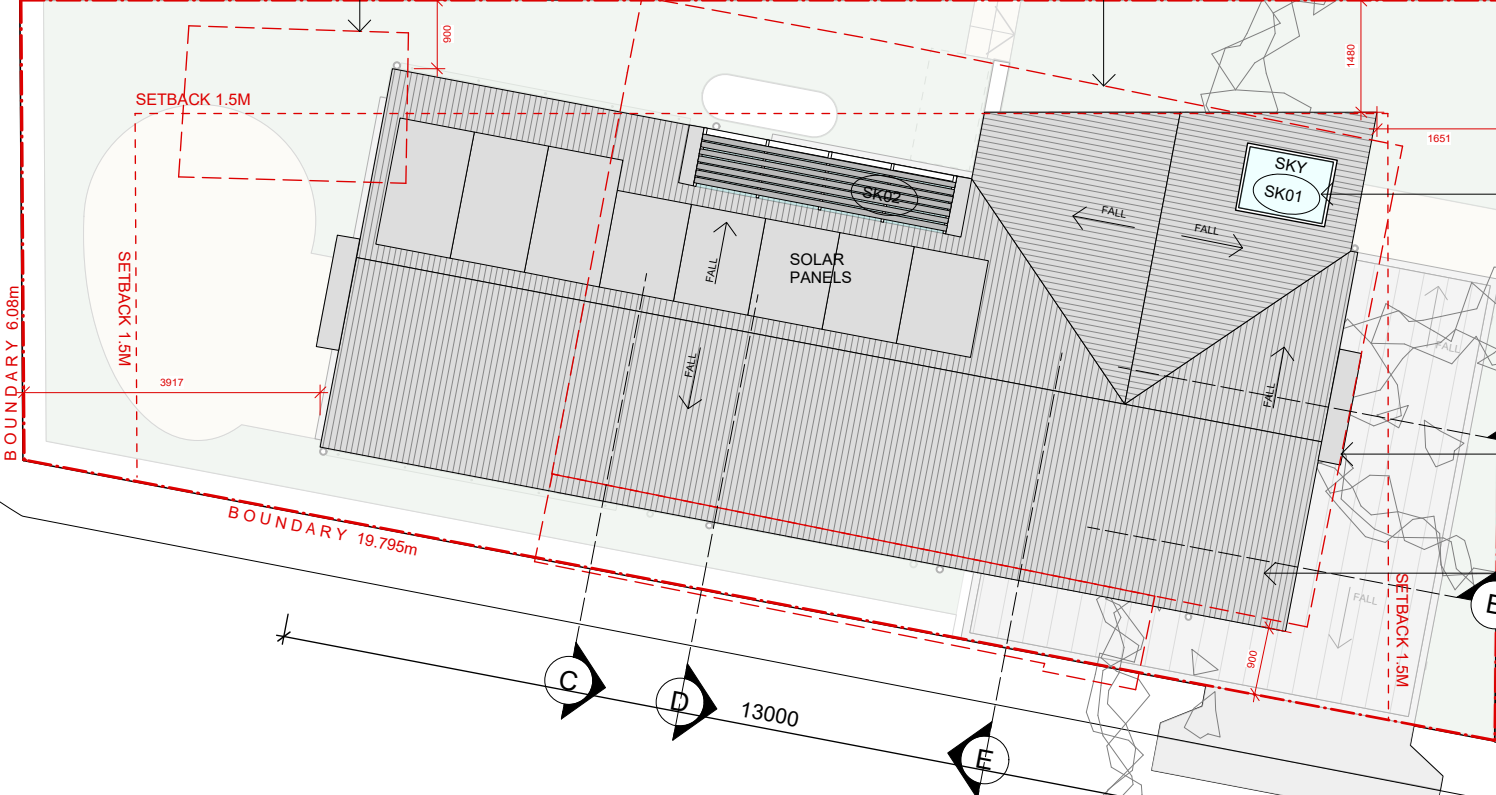
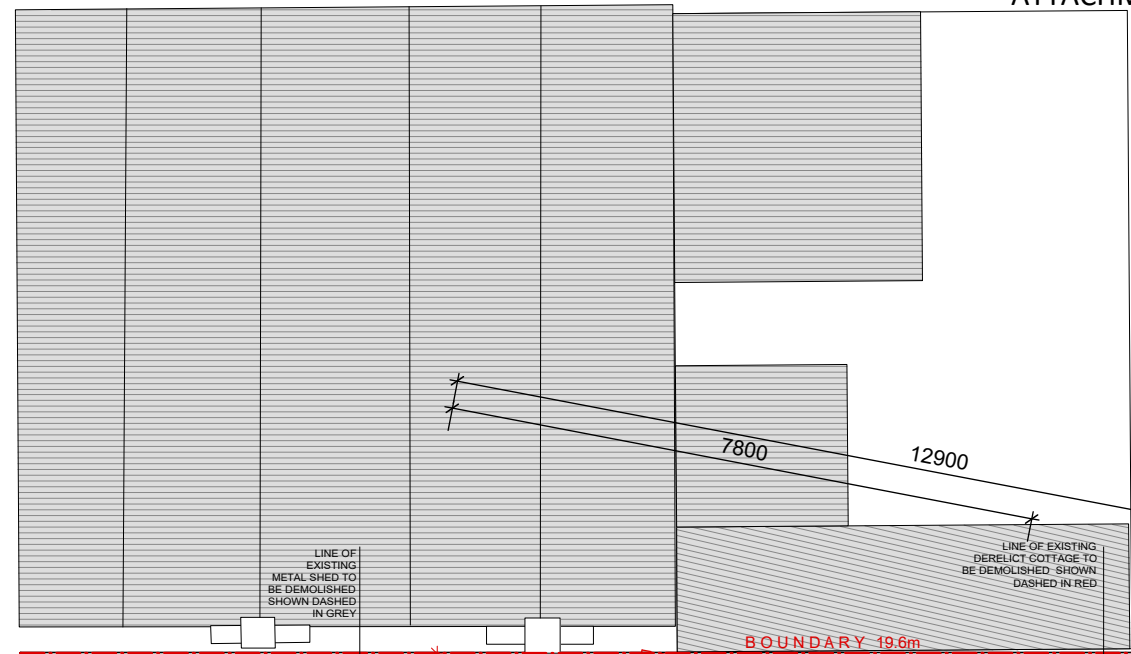


<b>ARCHITECT</b> 	<b>BASIX / NATHERS CERTIFICATION No: 0005519210-01</b> Assessor: Lance Chen Accreditation No: DMN/16/1765 Address: 1 Bank Lane, North Sydney, NSW, 2060 0005519210-01 16 Sep 2021 	<b>NOTES</b> FOR DEVELOPMENT APPLICATION ONLY NOT FOR CONSTRUCTION - Drawings are to be read in conjunction with other consultants drawings and reports. - All survey information and proposed building and finished surface levels shown are based on levels obtained from Surveyors drawing.	<b>DATE</b> <b>REVISION</b> 16/09/2021 S8.2 DEVELOPMENT APPLICATION 10/05/2021 DEVELOPMENT APPLICATION AMENDMENTS 13/01/2021 DEVELOPMENT APPLICATION 14/10/2020 SKETCH DESIGN 27/10/2020 SKETCH DESIGN	<b>TITLE</b> <b>FIRST FLOOR PLAN</b> <b>PROJECT</b> <b>NEW DWELLING HOUSE</b> <b>ADDRESS</b> <b>1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071</b> <b>STAGE</b> <b>SECTION 8.2</b> <b>CLIENT</b> <b>MEHRGARDT FAMILY</b> <b>SCALE</b> <b>1:100 @A3, 1:50@A1</b> <b>DRAWN BY:JBW/CC/CL</b>	<b>S8.2</b> <b>102</b> <b>ISSUE</b> <b>A</b>



ANCRUM STREET

5100  
896



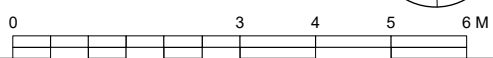
GANNURA RESERVE

BANK LANE

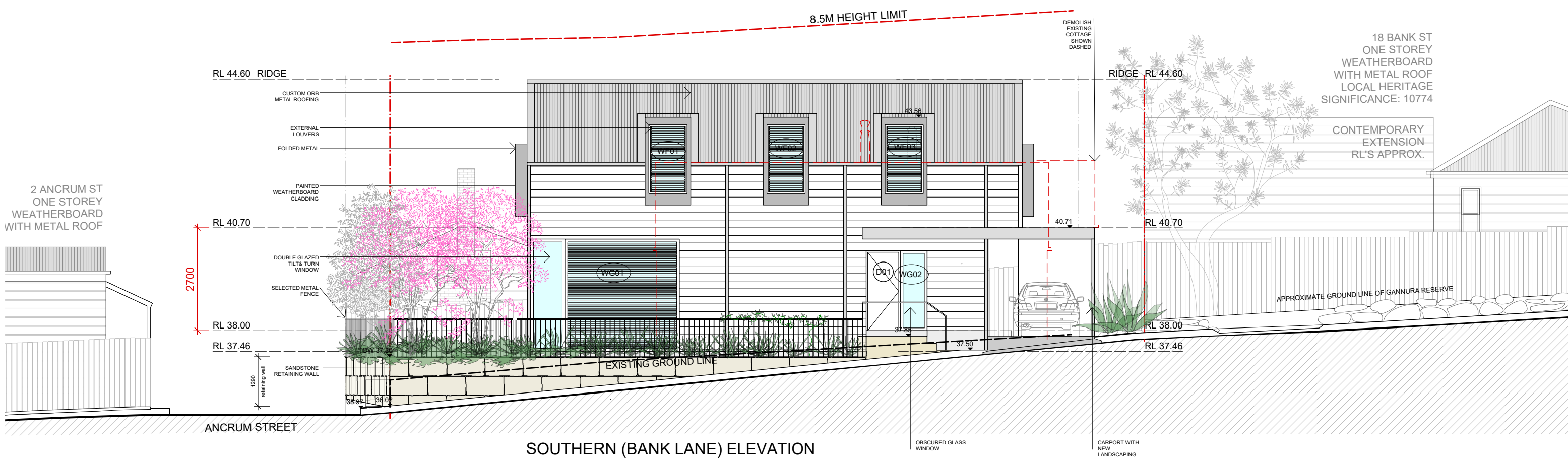
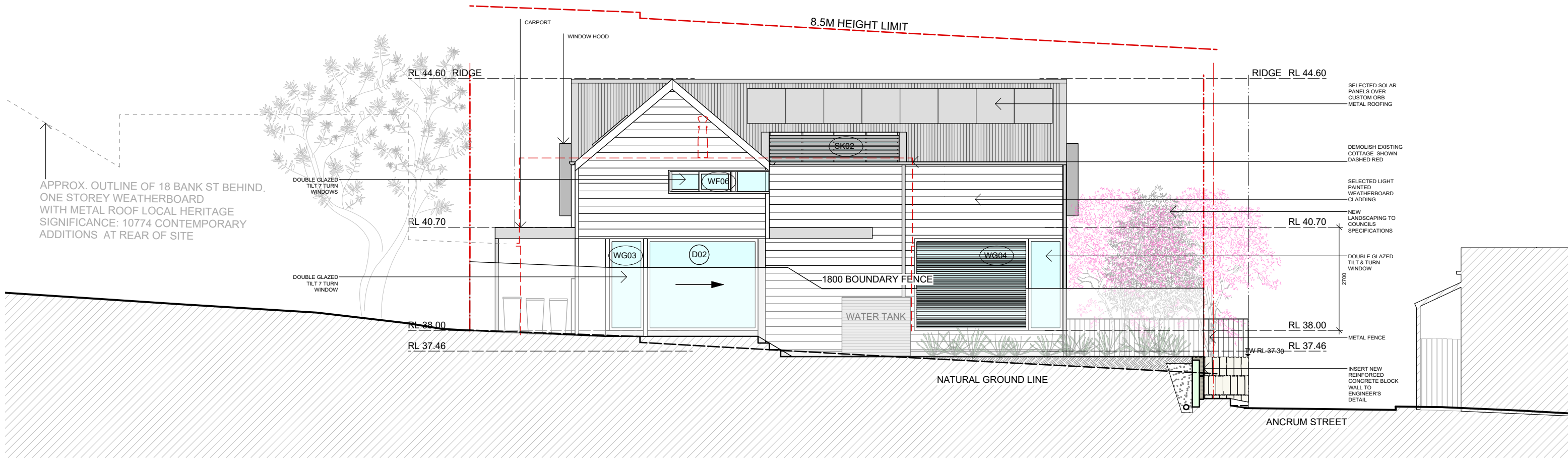
<b>ARCHITECT</b> 	<b>BASIX / NATHERS CERTIFICATION No: 0005519210-01</b> ABN 55 100 940 501 Nominated Architect: Peter J Lonerган NSW Architects Registration No. 5983 156A CHURCH STREET NEWTOWN NSW 2042 PHONE +61 2 9565 1554 email@cracknellonergan.com.au	<b>NOTES</b> FOR DEVELOPMENT APPLICATION ONLY NOT FOR CONSTRUCTION - Drawings are to be read in conjunction with other consultants drawings and reports. - All survey information and proposed building and finished surface levels shown are based on levels obtained from Surveyors drawing.	<b>DATE</b> <b>REVISION</b> 16/09/2021 S8.2 DEVELOPMENT APPLICATION 10/05/2021 DEVELOPMENT APPLICATION AMENDMENTS 13/01/2021 DEVELOPMENT APPLICATION 14/10/2020 SKETCH DESIGN 27/10/2020 SKETCH DESIGN	<b>TITLE</b> <b>ROOF PLAN</b> PROJECT    NEW DWELLING HOUSE ADDRESS    1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071 STAGE        SECTION 8.2 CLIENT        MEHRGARDT FAMILY SCALE        1:100 @A3, 1:50@A1      DRAWN BY JBW/CC/CL	<b>S8.2</b>
					<b>103</b>
				<b>ISSUE</b> <b>A</b>	

**CRACKNELL & LONERGAN ARCHITECTS PTY LTD**

**5.0**  
NATIONWIDE HOUSE  
49.7  
0005519210-01 16 Sep 2021  
Assessor: Lance Chen  
Accreditation No: DMN/16/1765  
Address: 1 Bank Lane, North Sydney, NSW, 2060  
hstbr.com.au





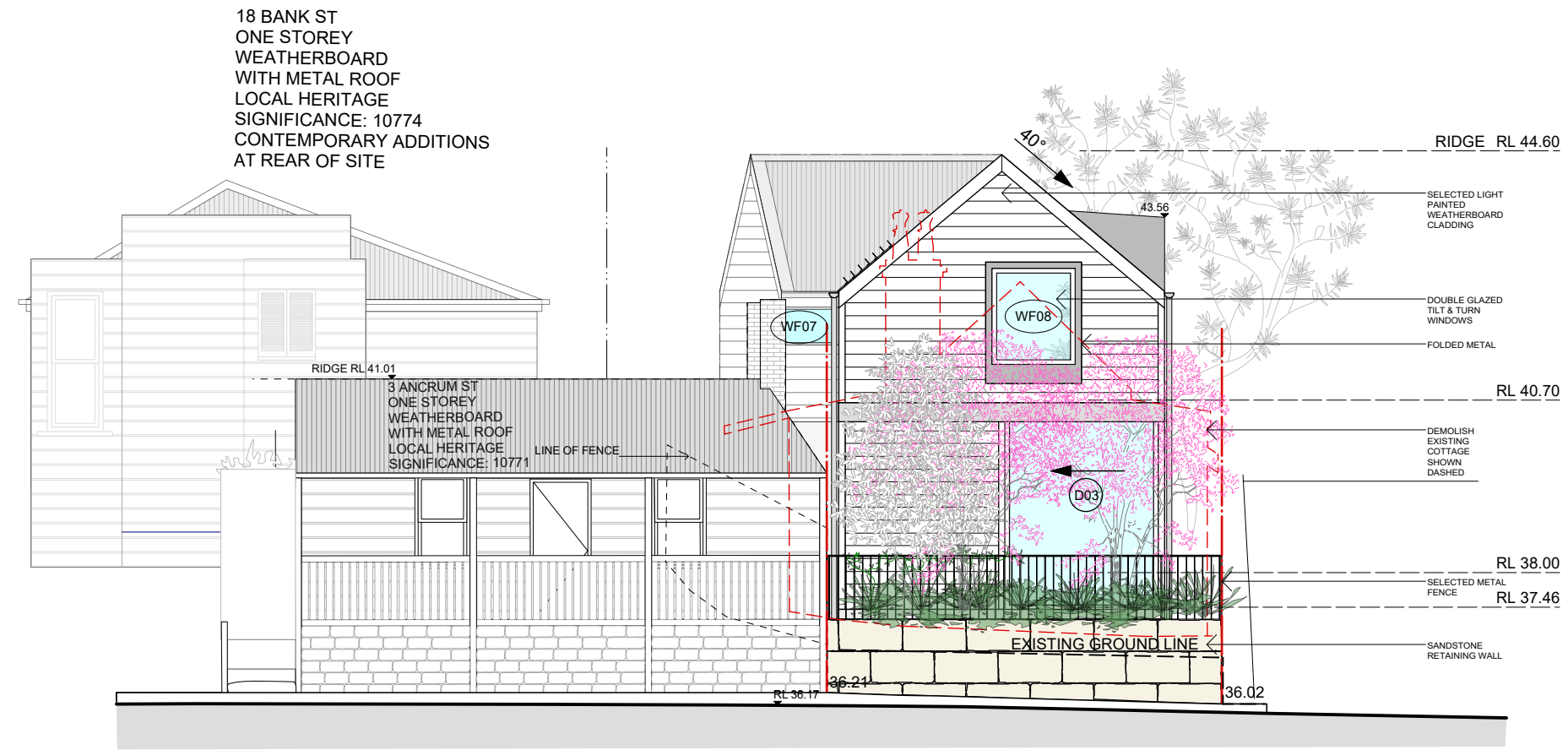


SOUTHERN (BANK LANE) ELEVATION

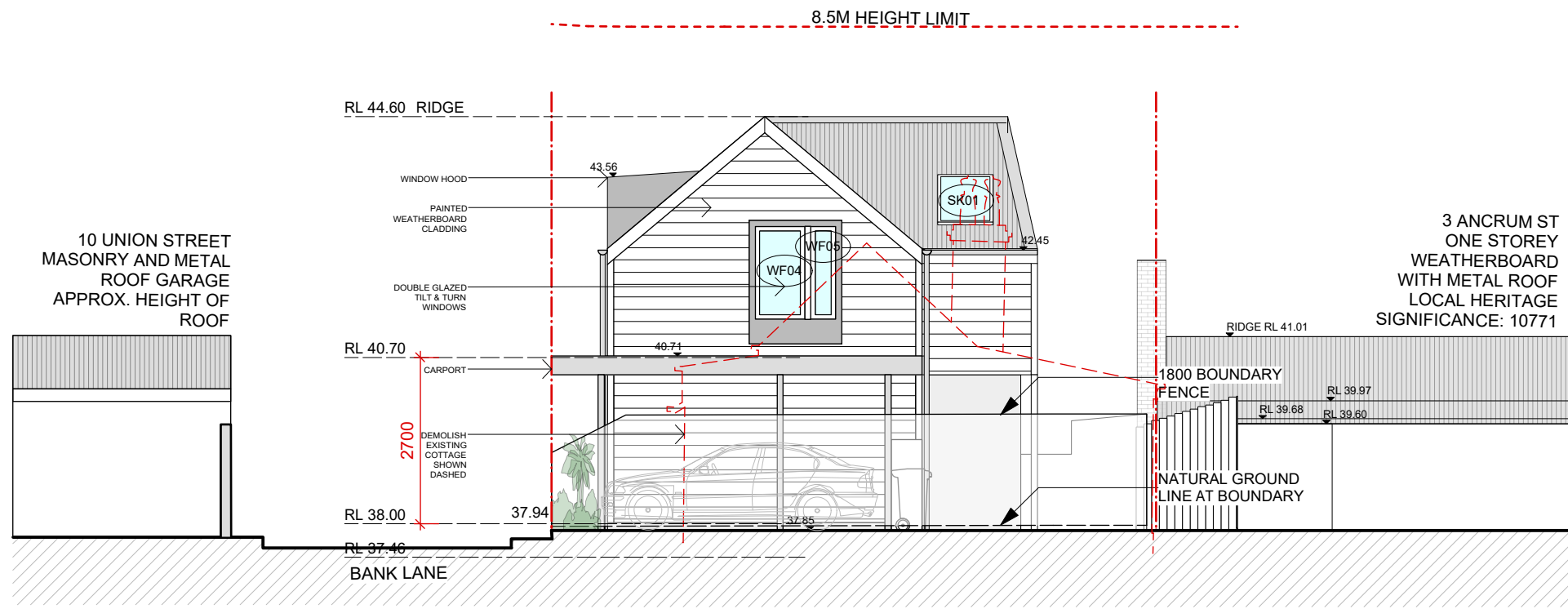
<p><b>ARCHITECT</b></p> <p><b>CRACKNELL &amp; LONERGAN ARCHITECTS PTY LTD</b></p> <p>ABN 55 100 940 501          Nominated Architect: Peter J Lonerган          NSW Architects Registration No. 5983          156A CHURCH STREET          NEWTOWN NSW 2042          PHONE +61 2 9565 1554          email@cracknellonerган.com.au</p> <p>0005519210-01 16 Sep 2021          Assessor: Lance Chen          Accreditation No. DMN/16/1765          Address: 1 Bank Lane, North Sydney, NSW, 2060          www.nathn.com.au</p>	<p><b>NOTES</b></p> <p>FOR DEVELOPMENT APPLICATION ONLY NOT FOR CONSTRUCTION</p> <p>- Drawings are to be read in conjunction with other consultants drawings and reports.</p> <p>- All survey information and proposed building and finished surface levels shown are based on levels obtained from Surveyors drawing.</p>	<p><b>DATE</b>      <b>REVISION</b></p> <p>16/09/2021 S8.2 DEVELOPMENT APPLICATION</p> <p>10/05/2021 DEVELOPMENT APPLICATION AMENDMENTS</p> <p>13/01/2021 DEVELOPMENT APPLICATION</p> <p>14/10/2020 SKETCH DESIGN</p> <p>27/10/2020 SKETCH DESIGN</p>	<p><b>TITLE</b>      NORTH AND SOUTH ELEVATIONS</p> <p><b>PROJECT</b>    NEW DWELLING HOUSE</p> <p><b>ADDRESS</b>    1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071</p> <p><b>STAGE</b>        SECTION 8.2</p> <p><b>CLIENT</b>       MEHRGARDT FAMILY</p> <p><b>SCALE</b>        1:100 @A3, 1:50@A1      DRAWN BY JBW/CC/CL</p>	<p><b>S8.2</b></p> <p><b>201</b></p> <p><b>ISSUE</b></p> <p><b>A</b></p>	
					<p>0      3      4      5      6 M</p>

**BASIX Thermal Specification – 1 Bank Lane, North Sydney NSW**

Element	Construction	Details
Roof / Ceiling	Metal deck roof + sarking + R4.0 bulk insulation + Plasterboard (PB) ceiling	Medium colour (0.475≤Solar Absorptance≤0.7) Applicable to the roof over the first floor
Internal ceiling	Timber floor + PB without insulation	Applicable to the internal ceiling over the ground floor
External walls	Lightweight weatherboard clad walls + R2.5 bulk insulation + PB	Throughout
Internal walls	PB stud walls without insulation	Throughout
Windows	Standard aluminium frame, weather stripping fitted, double glazed, air fill	Applicable to all the tilt & turn windows NFRC glazing system (Glass+Frame) values – Group A (tilt & turn window type): U = 4.8 and SHGC = 0.51;
	Standard aluminium frame, weather stripping fitted, single glazed, high solar gain low-e	Applicable to all windows & glazed doors except the above NFRC glazing system (Glass+Frame) values – Group B (fixed and sliding types): U = 5.4 and SHGC = 0.58;
<b>Note that all glazing installed shall have the U values not more than those specified above and the SHGC values within +/- 10% of those specified above.</b>		
Skylights / Roof windows	Aluminium frame, double glazed, air fill, clear	Applicable to SK01 & SK02
Floors	Concrete slab on ground without insulation	Applicable to the ground floor
	Suspended timber joisted floor + R1.0 bulk insulation	Applicable to the cantilever floors of the study and Bedroom 3 on the first floor
Floor coverings		Kitchen & living areas and Bedrooms: natural stone; All wet areas: tile;
Downlights	If to be planned, IC / IC-F rated LED downlights to be used throughout	<b>Rating without downlights due to lighting layout plans / RCPs not available at the current stage.</b> <b>Rating with downlights (if planned) shall be required when lighting layout design is completed prior to application of construction certificate.</b>
Exhaust fans	Exhaust fans to all wet areas	Sealed



WESTERN (ANCRUM STREET) ELEVATION



EASTERN ELEVATION

ARCHITECT



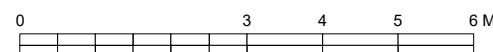
**CRACKNELL & LONERGAN**  
ARCHITECTS PTY LTD  
ABN 55 100 940 501  
Nominated Architect: Peter J Lonerган  
NSW Architects Registration No. 5983  
156A CHURCH STREET  
NEWTOWN NSW 2042  
PHONE +61 2 9565 1554  
email@cracknellonergan.com.au

BASIX / NATHERS CERTIFICATION No: 0005519210-01



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DATE REVISION

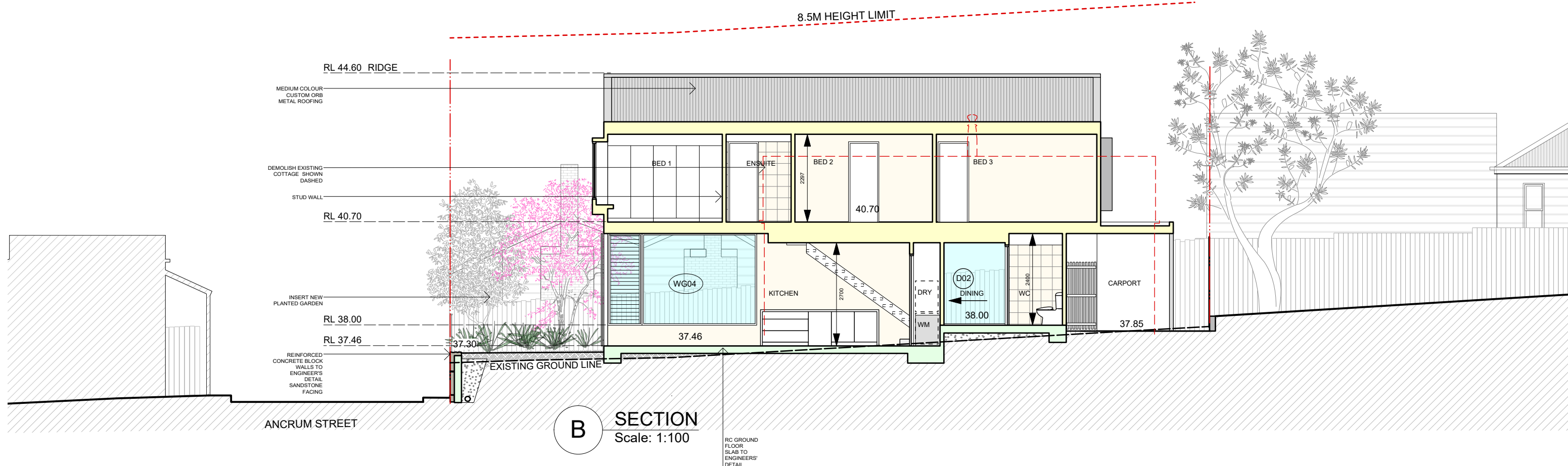
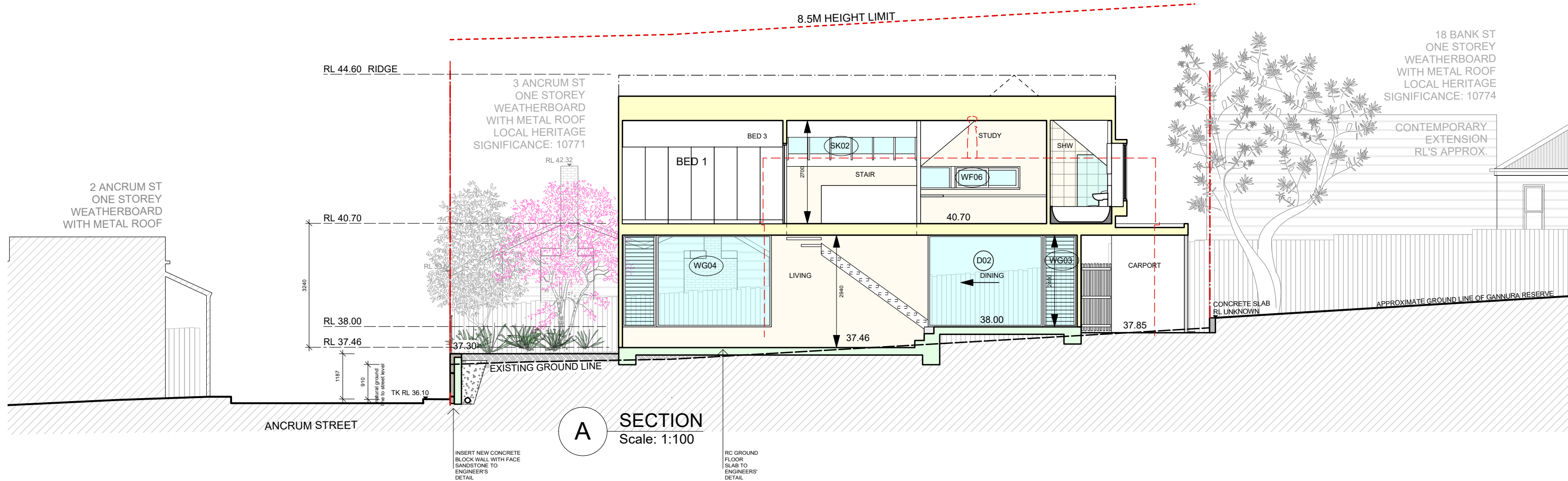
16/09/2021	S8.2 DEVELOPMENT APPLICATION
10/05/2021	DEVELOPMENT APPLICATION AMENDMENTS
13/01/2021	DEVELOPMENT APPLICATION
14/10/2020	SKETCH DESIGN
27/10/2020	SKETCH DESIGN

TITLE ELEVATIONS EAST AND WEST

PROJECT	NEW DWELLING HOUSE
ADDRESS	1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071
STAGE	SECTION 8.2
CLIENT	MEHRGARDT FAMILY
SCALE	1:100 @A3, 1:50@A1
DRAWN BY	JBW/CC/CL

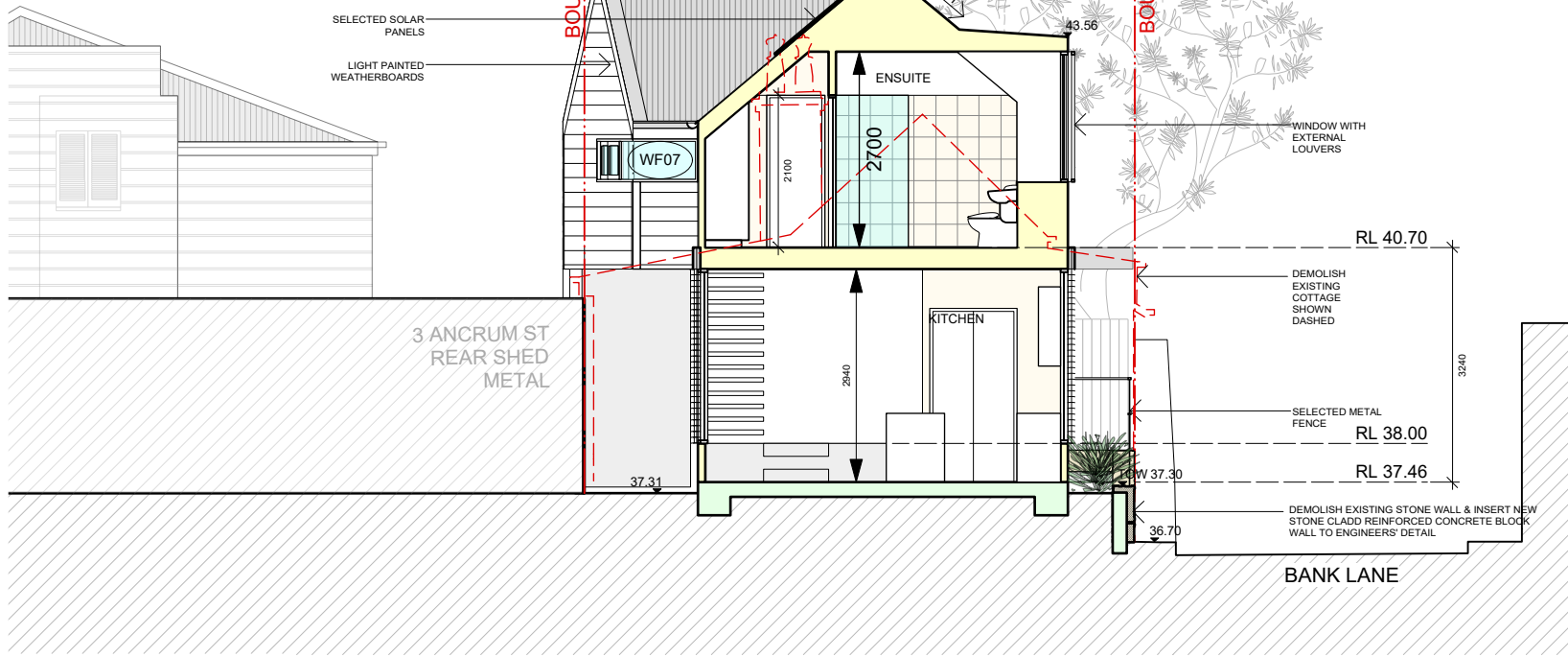
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**202**  
**ISSUE**  
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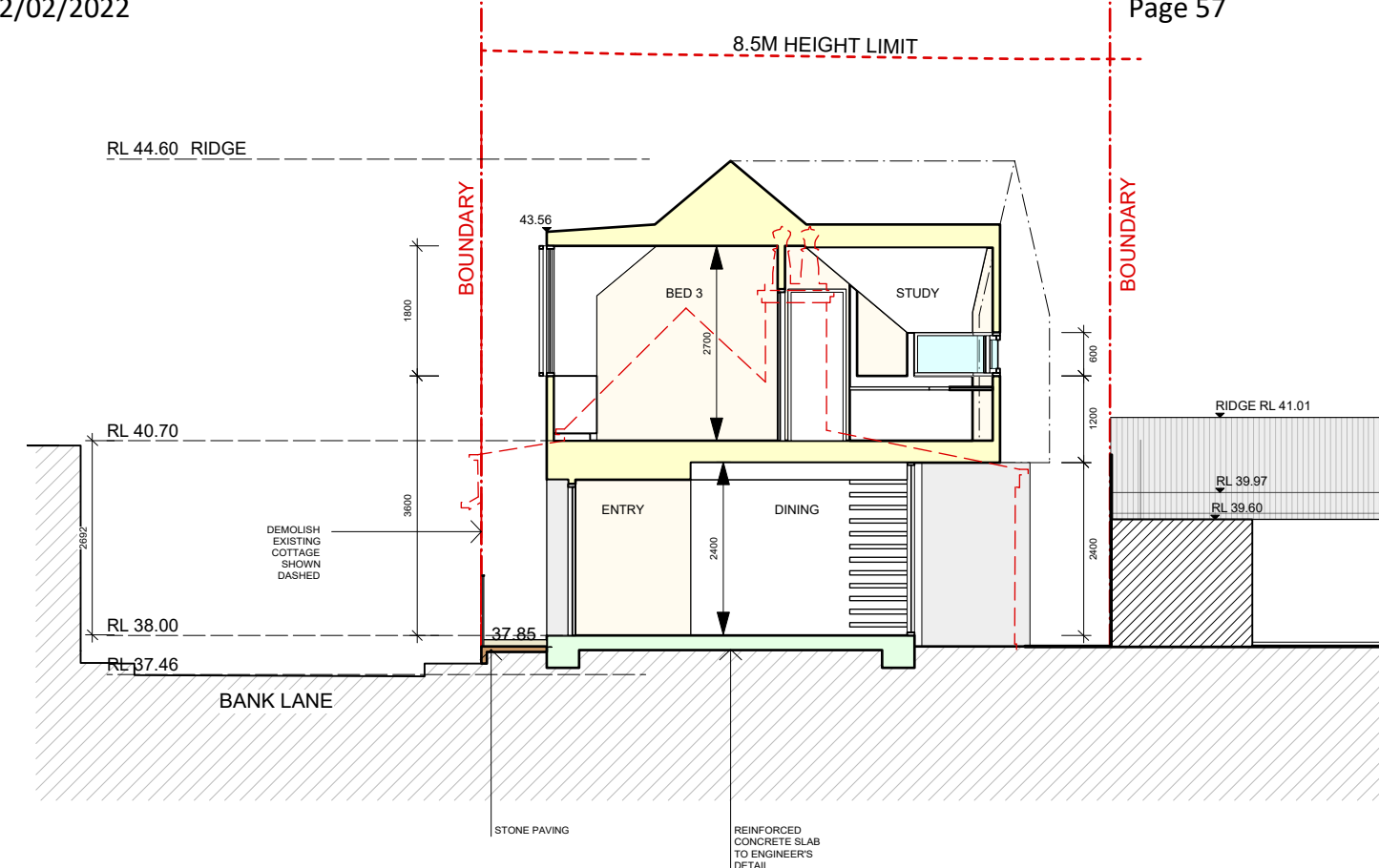


<b>ARCHITECT</b> <b>CRACKNELL &amp; LONERGAN ARCHITECTS PTY LTD</b> ABN 55 100 940 501 Nominated Architect: Peter J Lonerган NSW Architects Registration No. 5983 156A CHURCH STREET NEWTOWN NSW 2042 PHONE +61 2 9565 1554 email@cracknellonerган.com.au	<b>BASIS / NATHERS CERTIFICATION No: 0005519210-01</b> 0005519210-01 16 Sep 2021 Assessor: Lance Chen Accreditation No: DMN16/1765 Address: 1 Bank Lane, North Sydney, NSW, 2060 www.nathers.gov.au	<b>NOTES</b> FOR DEVELOPMENT APPLICATION ONLY NOT FOR CONSTRUCTION - Drawings are to be read in conjunction with other consultants drawings and reports. - All survey information and proposed building and finished surface levels shown are based on levels obtained from Surveyors drawing.	<b>DATE</b> <b>REVISION</b> 16/09/2021 S8.2 DEVELOPMENT APPLICATION 10/05/2021 DEVELOPMENT APPLICATION AMENDMENTS 13/01/2021 DEVELOPMENT APPLICATION 14/10/2020 SKETCH DESIGN 27/10/2020 SKETCH DESIGN	<b>TITLE</b> <b>SECTIONS A AND B</b> <b>PROJECT</b> NEW DWELLING HOUSE <b>ADDRESS</b> 1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071 <b>STAGE</b> SECTION 8.2 <b>CLIENT</b> MEHRGARDT FAMILY <b>SCALE</b> 1:100 @A3, 1:50@A1 <b>DRAWN BY</b> JBW/CC/CL	<b>S8.2</b> <b>301</b> <b>ISSUE</b> <b>A</b>

18 BANK ST  
ONE STOREY  
WEATHERBOARD  
WITH METAL ROOF  
LOCAL HERITAGE  
SIGNIFICANCE: 10774  
CONTEMPORARY ADDITIONS  
AT REAR OF SITE

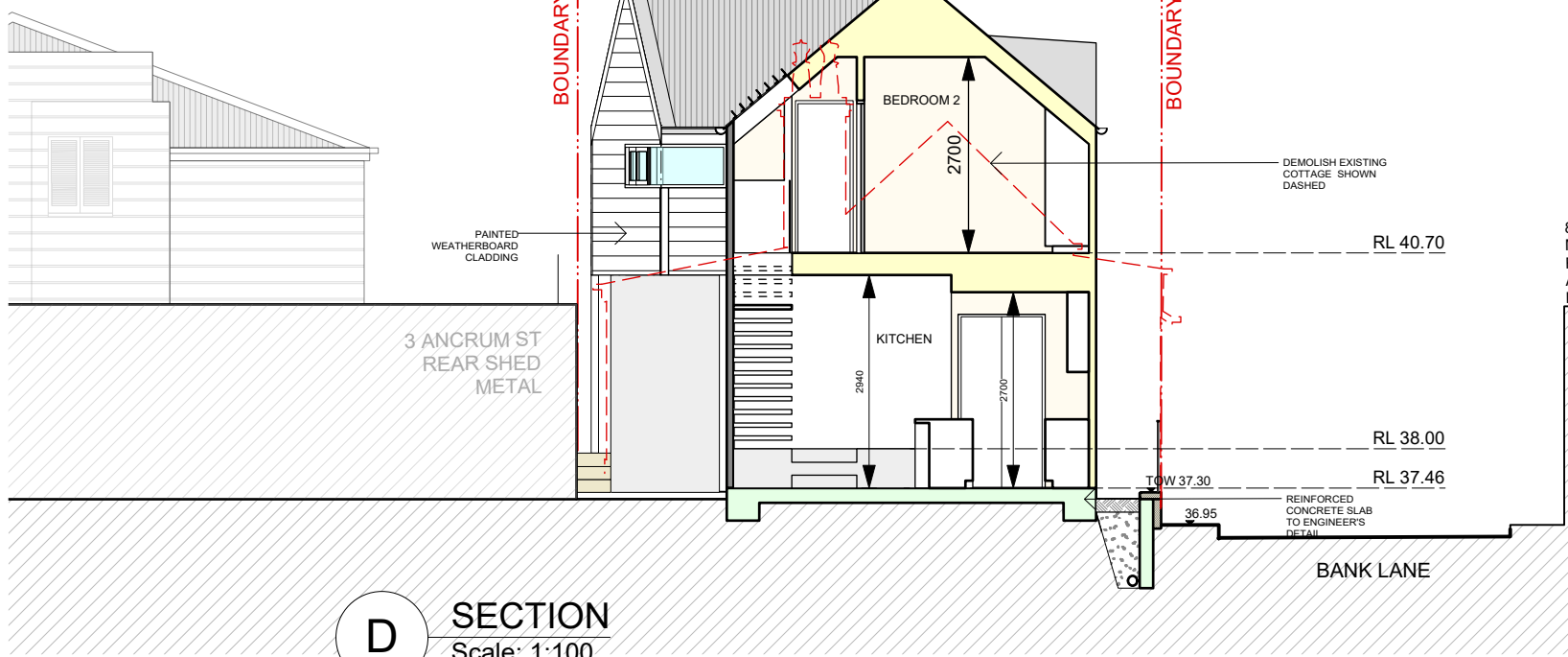


**C** SECTION  
Scale: 1:100

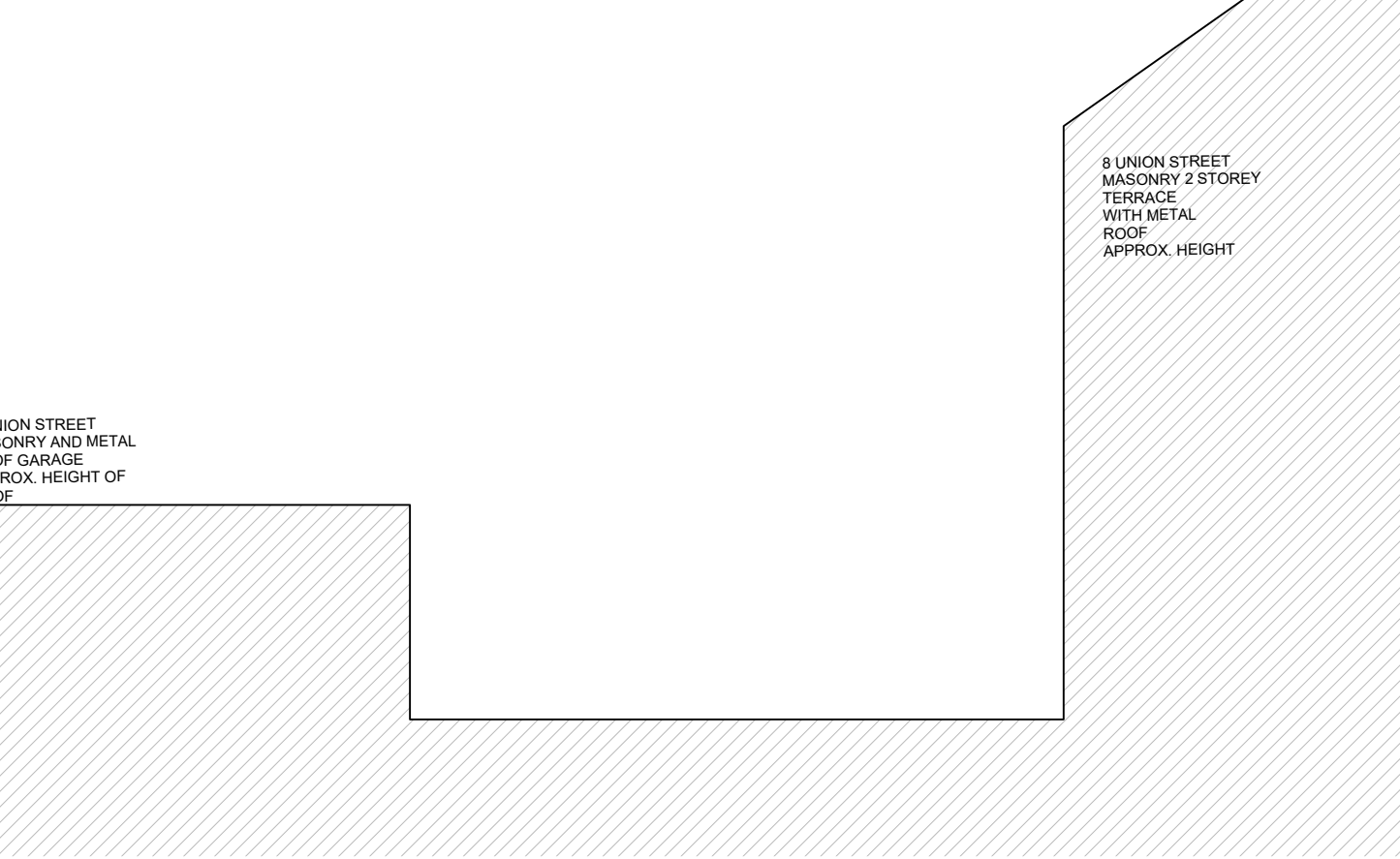


**E** SECTION  
Scale: 1:100

18 BANK ST  
ONE STOREY  
WEATHERBOARD  
WITH METAL ROOF  
LOCAL HERITAGE  
SIGNIFICANCE: 10774  
CONTEMPORARY ADDITIONS  
AT REAR OF SITE



**D** SECTION  
Scale: 1:100



**ARCHITECT**

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**BASIX / NATHERS CERTIFICATION No: 0005519210-01**

**NOTES**

FOR DEVELOPMENT APPLICATION ONLY  
NOT FOR CONSTRUCTION

- Drawings are to be read in conjunction with other consultants drawings and reports.  
- All survey information and proposed building and finished surface levels shown are based on levels obtained from Surveyors drawing.

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**DATE**      **REVISION**

16/09/2021 S8.2 DEVELOPMENT APPLICATION

10/05/2021 DEVELOPMENT APPLICATION AMENDMENTS

13/01/2021 DEVELOPMENT APPLICATION

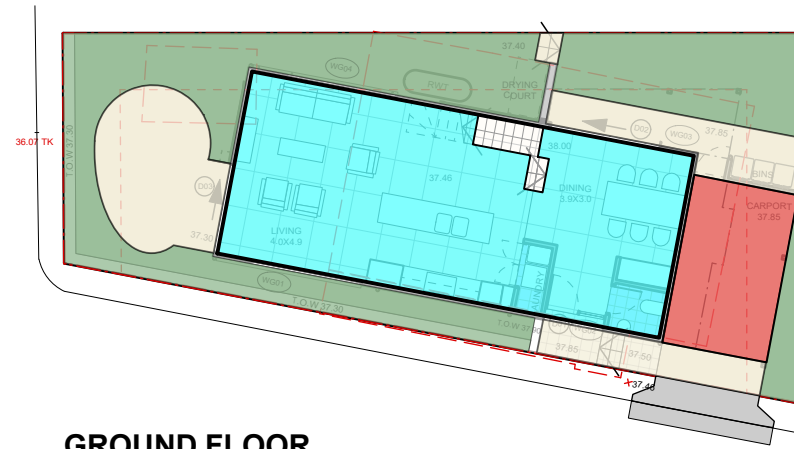
14/10/2020 SKETCH DESIGN

27/10/2020 SKETCH DESIGN

DATE	REVISION	TITLE	SECTIONS C, D & E
16/09/2021	S8.2 DEVELOPMENT APPLICATION	PROJECT	NEW DWELLING HOUSE
10/05/2021	DEVELOPMENT APPLICATION AMENDMENTS	ADDRESS	1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071
13/01/2021	DEVELOPMENT APPLICATION	STAGE	SECTION 8.2
14/10/2020	SKETCH DESIGN	CLIENT	MEHRGARDT FAMILY
27/10/2020	SKETCH DESIGN	SCALE	1:100 @A3, 1:50@A1
			DRAWN BY JBW/CC/CL

**S8.2**  
**302**  
**ISSUE**  
**A**

**SECTION 8.2 REVIEW & APPEAL:  
DEVELOPMENT APPLICATION PROPOSAL  
1 BANK LANE, NORTH SYDNEY**



**GROUND FLOOR**



**FIRST FLOOR**

**AREA CALCULATIONS**

- SITE AREA = 155 m<sup>2</sup>
- TOTAL GFA = 124 m<sup>2</sup>
- EXCLUDED AREA = 12.63 m<sup>2</sup>
- PATH/STAIR SURFACE = 28.00 m<sup>2</sup>
- DEEP SOIL/GARDEN AREA = 54.00 m<sup>2</sup>

**FLOOR SPACE RATIO = N/A**

**PERMISSIBLE FSR = N/A**

ARCHITECT



ABN 55 100 940 501  
Nominated Architect: Peter J Lonerган  
NSW Architects Registration No. 5985  
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NEWTOWN NSW 2042  
PHONE +61 2 9565 1554  
email@cracknellonerган.com.au

BASIX / NATHERS CERTIFICATION No: 0005519210-01



NOTES

FOR DEVELOPMENT APPLICATION ONLY  
NOT FOR CONSTRUCTION  
- Drawings are to be read in conjunction with other consultants drawings and reports.  
- All survey information and proposed building and finished surface levels shown are based on levels obtained from Surveyors drawing.

DATE REVISION

16/09/2021	S8.2 DEVELOPMENT APPLICATION
10/05/2021	DEVELOPMENT APPLICATION AMENDMENTS
13/01/2021	DEVELOPMENT APPLICATION
14/10/2020	SKETCH DESIGN
27/10/2020	SKETCH DESIGN

TITLE SITE AREA AND GFA CALCULATION PLAN

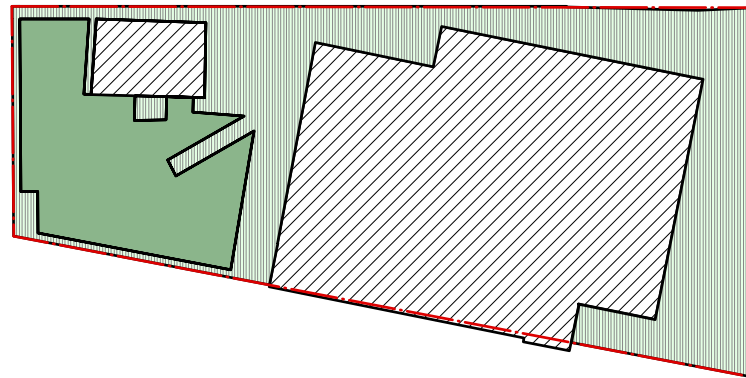
PROJECT	NEW DWELLING HOUSE
ADDRESS	1 BANK LANE, NORTH SYDNEY / Lot 1, DP 726071
STAGE	SECTION 8.2
CLIENT	MEHRGARDT FAMILY
SCALE	NTS

**S8.2**  
**401**  
ISSUE  
**A**





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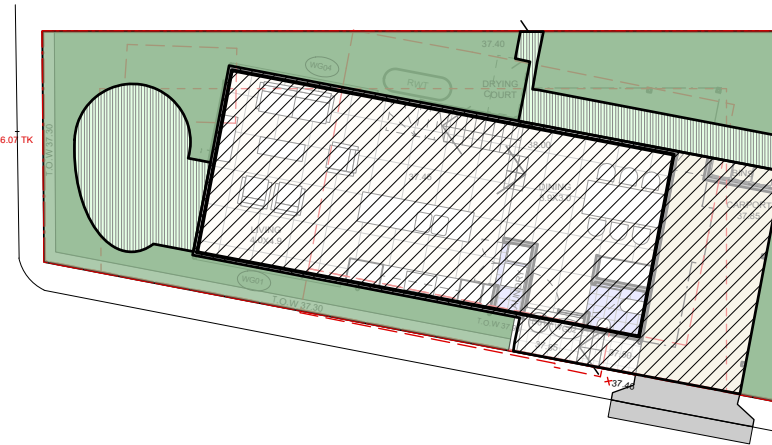
**EXISTING**



**EXISTING SITE COVERAGE  
AND UNBUILT UPON AREA**

	SITE AREA	= 155 m <sup>2</sup>
	DEEP SOIL	= 24.93 m <sup>2</sup> = 16.08%
	SITE COVERAGE	= 78.00 m <sup>2</sup> = 50.32%
	UNBUILT UPON AREA	= 52.22m <sup>2</sup> = 33.69%

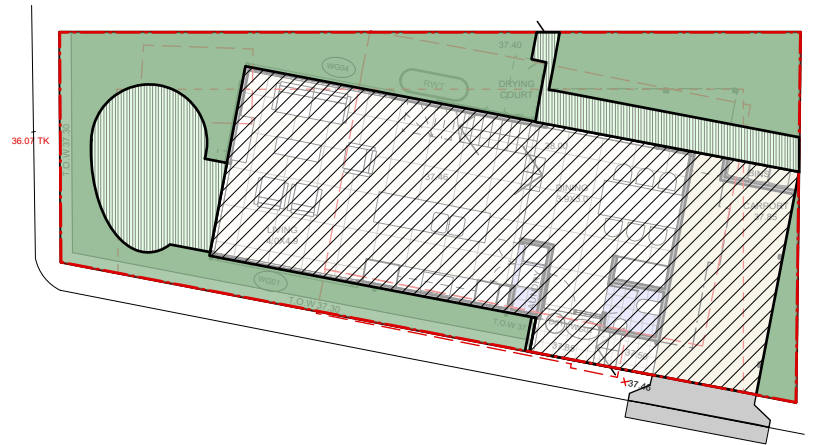
**PROPOSED**





**LANDSCAPE AREA CALCULATION**

	SITE AREA	= 155m <sup>2</sup>
	DEEP SOIL/ LANDSCAPE AREA	= 54.00m <sup>2</sup>




**TOTAL LANDSCAPE AREA = 34.83%**



**PROPOSED SITE COVERAGE**

	SITE AREA	= 155 m <sup>2</sup>
	PERMISSIBLE SITE COVERAGE	= 60% = 93m <sup>2</sup>
	<b>PROPOSED SITE COVERAGE</b>	<b>= 52%</b> <b>= 81.5m<sup>2</sup></b>

**PROPOSED UN-BUILT UPON AREA**

	SITE AREA = 155 m <sup>2</sup>
	MAXIMUM UNBUILT UPON AREA = 20% = 31 m <sup>2</sup>
	<b>PROPOSED UNBUILT UPON AREA = 12%</b> <b>= 19.26m<sup>2</sup></b>

14 December 2021

## 1 BANK LANE, NORTH SYDNEY (LOT 1, DP726071)

### DEVELOPMENT APPLICATION HERITAGE REVIEW - S8.2 SUBMISSION RE REFUSAL OF DA NO. 18/21

#### FOR NORTH SYDNEY COUNCIL

#### INTRODUCTION

Kemp and Johnson Heritage Consultants have been engaged by North Sydney Council to undertake an independent heritage review as part of a S8.2 submission to review the June 2021 development application refusal of DA 18/21 by the North Sydney Planning Panel. The North Sydney Planning Panel refused DA18/21 due to the following concerns with the DA:

- *The two storey presentation should be modified to be more consistent with the existing context of the conservation area, in particular the immediate surrounds to respect the low scale fine fabric. The redesign should further develop the option of providing rooms largely within the roof form to present more as a single storey scale.*
- *The alignment of the dwelling to be parallel and address Bank Lane in a manner that is consistent with the existing contributory item.*
- *The access for an off-street car space should be from Bank Lane and be discreet in design by being incorporated into the landscape and with a retractable sliding fence appropriate to the conservation area.*

Documents viewed in relation to the S82 submission include the following:

- Survey plan by Sydney Surveyors dated 9/10/2020
- Fabric analysis plan of existing cottage by Cracknell and Lonergan Architects dated 25/11/2020
- S8.2 proposal plans by Cracknell and Lonergan Architects dated 16/9/2021
- S8.2 submission cover letter by Cracknell and Lonergan Architects dated 24 September 2021
- S.8.2 Statement of Environmental Effects, 1 Bank Lane, North Sydney by Cracknell & Lonergan Architects Pty Ltd dated 22 September 2021
- Heritage Impact Statement, 1 Bank Lane, North Sydney by Cracknell & Lonergan Architects Pty Ltd dated 11 January 2021 for DA 18/21 including Appendix D MCA Engineering report on 1 Bank Lane, North Sydney.

The site was inspected by Chery Kemp, Principal Partner of Kemp and Johnson Heritage Consultants on 19 November 2021, which included inspection of the site and its context and the interior of the existing cottage on the site.

#### DESCRIPTION OF SITE & CONTEXT

The site is located on the northern side of Bank Lane at the intersection of Ancrum Street, with a pocket park (Gannura Reserve) with frontages to both Bank Street and Bank Lane to the east, and a shared boundary to the

north with heritage items at No. Ancrum Street and No. Bank Street, frontage to Ancrum Street to the west and frontage to Bank Lane to the south. On the opposite side of Bank Lane to the south the site faces the rear of properties occupied by 2-storey terrace houses which front onto Union Street.



Figure 1: Location of No. 1 Bank Lane (shaded yellow, outlined in red). Source: NSW Land & Property Information Six Maps





Figure 2: Recent satellite view of No. 1 Bank Lane (shaded yellow, outlined in red). Source: NSW Land & Property Information Six Maps



Figure 3: 1943 aerial photo showing No. 1 Bank Lane (shaded yellow, outlined in red). Source: NSW Land & Property Information Six Maps

The existing single storey weatherboard cottage on the site at 1 Bank Lane has a verandah facing Bank Lane (verandah reconstructed in the late 20<sup>th</sup> century) and is built to face Bank Lane, being the only dwelling on Bank Lane between Eureka Street to the west and Bank Street to the east which has been built to face Bank Lane. The cottage has been extended to the east, the front verandah to Bank Lane has been reconstructed and the rear skillion section has been altered. The front door and external windows have also been altered or replaced. The site features a low sandstone retaining wall to the Ancrum Street boundary and along the Bank Lane boundary, extending under the front verandah, with the front verandah being built to the street alignment.

The existing weatherboard cottage has sandstone foundations and the MCA Engineering report suggests the cottage has “balloon” type framing, which is an American influenced type of weatherboard house construction (introduced from California in the mid 19<sup>th</sup> century) which occurs in North Sydney in areas close to the waterfront.

The exterior of the cottage has been altered with an eastern extension, a replacement front verandah and an altered rear skillion section, however retains the chimney and fireplace including kitchen fireplace to the rear kitchen under the rear skillion roof. The front door is circa 1930s (not original) and all external windows have been altered (most are aluminium framed).

Internally, the house retains an original timber mantelpiece with cast iron fireplace and Victorian tiling to the living room. The living room also retains early timber skirting boards and a timber tongue and grooved board ceiling. The bedroom within the original cottage also retains a timber tongue and grooved board ceiling.

The context of the cottage in Ancrum Street is of a distinctive streetscape of single storey weatherboard houses with hipped and gabled roof forms clad in corrugated iron roofing, with front verandahs built to the street alignment in Ancrum Street and no car access to Ancrum Street. No. 10 Ancrum Street is an exception as it has an attic level with two dormer windows facing the street.

At the far northern end of Ancrum Street (adjacent to the dead end of the street against the railway line), Nos. 11 and 13 Eureka Street have rear garages onto Ancrum Street, and No. 28 Bank Street also has a rear garage facing onto Ancrum Street. No. 3 Eureka Street also has a rear garage accessed from Ancrum Street, which is set back from Ancrum Street – these are the only garages facing onto Ancrum Street, and being either located at the far northern end of the street or (in the case of 3 Eureka Street) set back from Ancrum Street, do not have a major impact on the streetscape of Ancrum Street as a street of single storey weatherboard cottages with a variety of hipped and gabled corrugated metal roofs, one of which (No. 10) has a gabled roof with an attic level.

The adjacent site to the north at 3 Ancrum Street is built on with a heritage listed weatherboard single storey cottage with a roof form of a pair of connected gabled roofs with a rear skillion roofed section. The front verandah is built to the street alignment on a sandstone base wall.

The adjacent site to the north-east at 18 Bank Street is built on with a heritage listed single storey weatherboard cottage with a hipped corrugated metal roof and a convex curved corrugated metal roof front verandah built to the street alignment. This house has a recent rear 2-storey addition which is set back from the boundaries of the site.

## HERITAGE STATUS, HISTORY & SIGNIFICANCE OF THE SITE

### Heritage Status

The site is within the CA15 Union, Bank and Thomas Streets Heritage Conservation Area, a HCA of local significance listed in Schedule 5 of the North Sydney LEP 2013. The property is also adjacent to heritage item Nos. I0771 – 3 Ancrum Street and I0774 – 18 Bank Street. Heritage planning controls relating to the site are contained in Section 5.10 of the North Sydney LEP 2013 and of the North Sydney DCP 2013.



Figure 4: Extract Heritage Map No. 002A North Sydney LEP 2013, showing the subject property at 1 Bank Lane (arrowed), with heritage items adjacent to the north in Ancrum Street (these are Nos. 3 and 5 Ancrum Street).

The heritage item at 3 Ancrum Street is recognised as part of a distinctive group of weatherboard cottages listed in the LEP as the Ancrum Street group and the Victoria Precinct (Item No. 0409). The summary Statement of Significance for 3 Ancrum Street is:

*A richly varied collection of mid to late nineteenth and early twentieth century residential buildings, with free-standing cottages predominant. Remarkably intact nineteenth century collection of streetscapes, with particular importance as an area of working class residences from that period. Relic of the mid-nineteenth century industrial character of Berrys Bay area, a character now virtually absent from the municipality. A single storey dwelling set right upon the street. Form typical of other workers cottages*



*in the Conservation Area, especially the double roof. Very modest in scale. The interior is also of significance.*

The heritage item at 18 Bank Street is recognised as part of a distinctive group of weatherboard cottages listed in the LEP as the Bank Street Group and the Victoria Precinct (Item No. 0409). The summary Statement of Significance for 18 Bank Street is:

*A richly varied collection of mid to late nineteenth and early twentieth century residential buildings, with free-standing cottages predominant. Remarkably intact nineteenth century collection of streetscapes, with particular importance as an area of working class residences from that period. Relic of the mid-nineteenth century industrial character of Berrys Bay area, a character now virtually absent from the municipality.*

The Victoria Precinct description (from the SHI form) is:

*This Listing covers the course of Union Street plus the side streets on either side. Clifton Street and Euroka Streets were one at the western extremity of Union Street, but were cut off by the railway in 1893. Ancrum and Bank Streets were the central streets of the Euroka Estate subdivision. Riley Street was a subdivision on the northern side of the Euroka Estate, formerly part of the 'Rockleigh Grange' property but is so much alike as to be included. Dumbarton, Thomas and Chuter Streets on the south of Union Street all represent the Chuter Estate, also disturbed in parts by the railway line. The Chuter Estate originally extended to Mitchell Street but later developments have altered the areas around Victoria and Mitchell Street, so this listing ceases north of Victoria Street.*

The Victoria Precinct summary Statement of Significance is:

*A richly varied collection of mid to late nineteenth and early twentieth century residential buildings, with free-standing cottages predominant. Remarkably intact nineteenth century collection of streetscapes, with particular importance as an area of working class residences from that period. Relic of the mid-nineteenth century industrial character of Berrys Bay area, a character now virtually absent from the municipality.*

The CA15 Union, Bank and Thomas Streets Heritage Conservation Area is part of the Lavender Bay Planning Area outlined in Part C Section 9 of the North Sydney DCP 2013. The Statement of Significance for the HCA from Part C Section 9.10.3 the DCP is:

*The Union, Bank, Thomas Street Conservation Area is significant:*

*(a) As the largest area of mid to late Victorian buildings in the North Sydney area including a substantial number of individually significant buildings, groups of buildings and unique streetscapes in the local context.*

*(b) For the clarity of its subdivision history that is still clearly seen in variations of road widths between sections of streets and changes of directions of the subdivision pattern in response to the subdivision of earlier estates.*

*(c) For the way development has responded to the topography through stepped building forms and excavation in some locations.*

*(d) For its fine streetscapes with intact rows of Victorian residences, especially in Thomas, Union and Chuter Streets.*

*(e) For its relatively large number of surviving timber residences.*

The subject site at No. 1 Bank Lane and the sites at Nos. 2, 8, and 10 Ancrum Street on the western side and Nos. 7 and 9 Ancrum Street on the eastern side are identified as Contributory items in the Appendix 1 to the North Sydney DCP 2013.

#### History

The following is a summary of the attached History of 1 Bank Lane North Sydney prepared by Historian/Partner John Johnson of Kemp and Johnson Heritage Consultants.

The cottage at 1 Bank Lane was built on part of the Euroka Estate subdivision purchased by stonemason George Henry Thorn (1824-1896) and his wife Ann Thorn (1832-1919) on 10 December 1877. The Thorns soon after constructed a house on the Bank Street frontage of the purchased site (now Gannura Reserve). By 1883 the Thorns had constructed another house, now addressed 1 Bank Lane on the western portion of their purchased site, initially for rental. In June 1883 the land (including 1 Bank Lane) was transferred to Thorn's son, stonemason William Charles Thorn. In March 1891 the land was transferred by William Charles Thorn back to his mother Ann Thorn, who mortgaged the property in 1894. In July 1898 Ann Thorn sold the portion containing the house now 1 Bank Lane to her son-in-law Thomas Wahlberg, who had married Ann and George Thorn's daughter Louisa Jane Thorn in 1896. Louisa ne Thorn and Thomas Wahlberg living at 1 Bank Lane from 1897 to about 1904. From 1905 to 1925 the house at 1 Bank Lane has a succession of tenants, with professions including cleaner, coal lumper, seaman and home duties. This, combined with an annual (rental) value that did not exceed £28 underlines the very modest means of the residents of the area.

In November 1938 the house at 1 Bank Lane was transferred to Edna Amy Lambert, wife of grocer Noel Aubrey Lambert, and thereafter there were a succession of later owners.

#### Significance

The significance of the existing 1883 cottage – being the original two rooms including the chimney and kitchen fireplace – is as a contributory building to the CA15 Union, Bank and Thomas Streets Heritage Conservation Area, as a surviving timber residence within the HCA which forms part of a significant group of similar houses in the immediate vicinity in Ancrum Street, Bank Street and Euroka Street, and as part of the Victoria Precinct "A richly varied collection of mid to late nineteenth and early twentieth century residential buildings, with free-standing cottages predominant. Remarkably intact nineteenth century collection of streetscapes, with particular importance as an area of working class residences from that period. Relic of the mid-nineteenth century industrial character of Berrys Bay area, a character now virtually absent from the municipality."

From the history of the cottage, it is a typical modest weatherboard late 19th century cottage, part of a significant group in the immediate vicinity, which was initially built as a rental property, later purchased and occupied by the daughter and son-in-law of the original property owners, and after 1905 returning to rental occupancy. The

cottage is somewhat unusual in having balloon framing, which is an American influenced type of framing of weatherboard houses which occurs in the North Sydney LGA in areas close to the waterfront.

## THE PROPOSAL

The proposal is to demolish the existing 1883 cottage and its extensions and the existing metal shed on the site and construct a new 2-storey weatherboard house. The S8.2 proposal describes the modified design as “single storey with rooms in the roof” however the design of the new dwelling appears to be two storeys, with “wall dormers” proposed rather than traditional style dormer windows within the roof.

The amended design has responded or partially responded to the last two of the NSLPP comments, in that car access is shown off Bank Lane to the eastern end of the site and the proposed new dwelling is set back from Ancrum Street and partially set back from Bank Lane. However, the entry area roof and carport of the proposed new dwelling is built to the street alignment in Bank Lane, rather than being set back.

The first concern raised by the NSLPP concerning the 2-storey appearance of the proposed new dwelling has not been adequately addressed in the amended plans (see Heritage Assessment below).

## HERITAGE ASSESSMENT OF THE PROPOSAL

### Heritage documentation

Neither the heritage impact statement lodged with the original DA nor the one lodged with the S8.2 submission include a history of the site, though both include random fragments of historical information regarding the site including some historical maps. Due to this inadequacy, the Historian/Partner John Johnson of Kemp and Johnson Heritage Consultants has prepared a history of the site with assistance in sourcing further historical information, from the Local Studies section of Stanton Library.

This history of the site has been referred to in the Heritage Status, History & Significance of the site section above, and is attached in full to this report.

### General

The proposed demolition of the existing cottage is not supported as the existing cottage is a contributory element of the CA15 Heritage Conservation Area and the Victoria Precinct, and part of a distinctive grouping of single storey late 19th century weatherboard cottages. The demolition of the cottage would adversely impact on the significance of the CA15 HCA and the Victoria Precinct.

The proposed 2-storey replacement house in the proposal is out of scale with the predominantly single storey context of single storey weatherboard cottages.

### LEP Heritage Controls

The demolition of the original 1883 cottage is not consistent with the objectives of Clause 5.10 of the North Sydney LEP 2013 as the cottage is a contributory element of the CA15 Heritage Conservation Area and the Victoria Precinct and its demolition does not conserve the heritage of North Sydney or the heritage significance of the Heritage Conservation Area. The balloon framing of the cottage is relatively rare, as are modest weatherboard dwellings in North Sydney, and the cottage forms a significant grouping of modest late 19th century weatherboard cottages in the immediate vicinity in Ancrum Street, Euroka Street and Bank Street.

While the cottage has been altered, it is considered that the original two rooms (living room and bedroom) and the entirety of the chimney and kitchen fireplace to the rear and the sandstone foundations of the cottage are

capable of retention, conservation, repair and restoration to form part of a redevelopment of the site which would achieve a 3 bedroom dwelling incorporating the cottage.

#### DCP Heritage Objectives & Controls

The table below assesses the proposal against the relevant heritage objectives and provisions of Part B Section 13 – Heritage and Conservation of the North Sydney DCP 2013.

Table 1: Assessment of the proposal against the relevant heritage objectives and provisions of Part B Section 13 the North Sydney DCP 2013

Objective or Provision	Comments
13.4 Development in the vicinity of a Heritage item	
O1 Ensure that new work is designed and sited so as to not detrimentally impact upon the heritage significance of the heritage item and its setting.	The proposed new dwelling does not comply as it's 2-storey design will impact adversely on the setting and heritage significance of the adjacent single storey heritage item at 3 Ancrum Street.
P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.	The 2-storey scale of the proposed new dwelling is not respectful to the heritage item at 3 Ancrum Street.
P2 Maintain significant public domain views to and from the heritage item.	The amended proposal partially retains views of 3 Ancrum Street from Bank Lane, however given the constraints of the subject and that the view of the house at 3 Ancrum Street is a side elevation, partial obscuring of this view is considered acceptable.
P3 Ensure compatibility with the orientation and alignment of the heritage item.	This control is considered capable of variation given the site circumstances.
P4 Provide an adequate area around the heritage item to allow for its interpretation.	An adequate setback from the side wall of the house at 3 Ancrum Street has been provided in the amended plans.
13.6 Heritage Conservation Areas	
O1 Ensure that new development is designed to retain and complement the character and significance of the conservation area (refer to Part C of this DCP for a description of the significance of the heritage conservation area).	The proposed new dwelling does not complement the character and significance of the heritage significance area, and in particular the immediate grouping of single storey weatherboard cottages. The 2-storey height and scale of the cottage is unsympathetic to the character and significance of the area.
O2 Ensure that contributory items are retained and where practical improved, with a focus to locate new work to the rear or away from publicly visible elevations of building.	The proposal does not comply as it proposes demolition of a contributory item within the CA15 Heritage Conservation Area.  Note that due to site constraints there is no opportunity for new work at the rear of the site, other than reconstruction of the existing skillion roofed section of the existing cottage.
13.6.2 Form, massing and scale	

Objective or Provision	Comments
O1 To ensure new development has a compatible and complementary building form and scale to that which characterises the conservation area.	The proposed new dwelling does not have a complementary single storey scale or form in relation to the single storey weatherboard cottages in the locality.
O2 To maintain and enhance streetscape character as identified within the Area Character Statements	The proposal does not comply as the proposed massing and scale and the form of the proposed dwelling with a flat roof over the entry and carport do not enhance the streetscape of the HCA.
P1 Development should reflect the bulk, mass, scale, orientation, curtilage and setbacks of surrounding heritage and contributory items.	The bulk and scale of the proposed new dwelling does not reflect the single storey scale of the adjacent heritage item at 3 Ancrum St or the contributory items nearby in Ancrum Street.
P2 Development should recognise and complement the predominant architectural scale and form of the area.	The bulk and scale of the proposed new dwelling does not reflect the single storey scale of the adjacent heritage item at 3 Ancrum St or the contributory items nearby in Ancrum Street. The form of the building is essentially 2-storey with non compliant "wall dormers".
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.	The proposed partially retains views from Bank Lane of the side wall of the heritage item at Ancrum Street, however this is not considered to be a highly significant view.
P4 Reinstate characteristic and decorative features to contributory items where alterations and additions are proposed. This could include reinstatement of verandahs and balconies, joinery, chimneys, fences or window detailing.	The contributory item on the site is proposed to be demolished under this proposal, therefore there is no attempt at restoration of the contributory item.
P7 Respond to characteristic building alignments by not building forward of the established or characteristic front setback.	The amended proposal has introduced a setback building line to Bank Lane, except for a flat roof over the entry area and carport which is built to the front boundary. There is no characteristic building line in Bank Lane as this is the only site with an existing building fronting Bank Lane.
P8 Repeat any consistent pattern of side and rear setbacks of heritage and contributory items in the vicinity of the site.	There is no consistent pattern of side or rear setbacks in Bank Lane as the existing building is the only one to front Bank Lane.
P9 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 proposal does not comply as the bulk, scale and form of the new dwelling will have a detrimental impact on the characteristic built form of the area, which is of modest single storey weatherboard cottages.

Objective or Provision	Comments
13.6.3 Roofs	
O1 To maintain the characteristic roof profiles and roofing materials within a heritage conservation area.	The roof profile of the proposed new dwelling is gabled and corrugated metal, however the flat roof proposed over the entry and carport area is not characteristic of the heritage conservation area.
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).	The flat roof proposed over the entry and carport area is not characteristic of the heritage conservation area.
13.6.4 Additional storeys and levels	
O1 To ensure that the scale of the streetscape and context of the heritage conservation area are respected.	The property at 1 Bank Lane is seen in the context of the single storey cottages in Ancrum Street adjacent. The proposed new dwelling, which remains 2 storeys in scale, does not respect this single storey context.
P1 Additional storeys or upper level additions are not supported in heritage conservation areas.	As the current application is for demolition of the existing dwelling this provision is not applicable to the current application.
<p>Despite P1, the consent authority may permit an additional storey or upper level addition, but only if the applicant can demonstrate:</p> <p>(a) that the resultant building will exhibit a similar scale to that in the vicinity of the site, and</p> <p>(b) that the design respects the heritage characteristics of the area.</p> <p>(c) that the additional storey does not alter the form or scale of any heritage or contributory items.</p> <p><i>Note: Modest cottages need to retain a small form and height.</i></p>	As the current application is for demolition of the existing dwelling this provision is not applicable to the current application, however is a guideline for any future applications for this site which retain the existing dwelling.
P3 Typically, additions should be set back behind the main roof lines and should be located substantially within the existing roof.	As the current application is for demolition of the existing dwelling this provision is not applicable to the current application, however is a guideline for any future applications for this site which retain the existing dwelling.



Objective or Provision	Comments
13.6.6 Infill Development in conservation areas	
O1 To ensure that new development is consistent in terms of materials, bulk, scale, character and setback with significant buildings in the heritage conservation area.	The proposal does not comply as it is not consistent in relation to the bulk, scale and character of significant buildings within the heritage conservation area in the vicinity (in particular the heritage item at 3 Ancrum Street and the contributory buildings in Ancrum Street).
P1 Infill developments in heritage conservation areas need to positively respond to the setting and special character of the area, as outlined in the relevant character area statement (refer to Part C of the DCP).	The proposal fails to positively respond to the setting and character of the immediate vicinity with the HCA, with its significance including the relatively large number of surviving timber residences in Ancrum Street and on the subject site. The demolition of the existing dwelling will adversely impact on the significance of the HCA. The new dwelling does not positively respond to the setting of single storey weatherboard cottages.
13.8 Demolition	
O1 To ensure that heritage items and buildings which positively contribute to the significance and character of a heritage conservation area are retained	The proposal does not comply as a Contributory item on the site, the existing single storey weatherboard cottage on sandstone foundations, is proposed to be demolished.
P3 Contributory items must not be demolished and demolition will not be supported by Council.	The proposal does not comply as demolition of the Contributory 1883 cottage on the site is proposed.
<p>P4 Despite P3 above, Council may consider the demolition of a contributory item, but only where an applicant can satisfactorily demonstrate:</p> <p>(a) that the building's contribution to the streetscape or character of the conservation area does not warrant its retention.</p> <p>(b) that alternatives to demolition have been considered with reasons provided as to why the alternatives are not acceptable.</p> <p>(c) That any replacement building is compatible with the characteristic built elements of the heritage conservation area as identified in the relevant Area Character Statement (refer to Part C of the DCP).</p>	<p>The proposal does not satisfy this provision as:</p> <ul style="list-style-type: none"> <li>- The existing cottage contributes to the character of the heritage conservation area and its retention is warranted.</li> <li>- There is no evidence that alternatives to demolition of the cottage have been considered by the applicants.</li> <li>- The proposed replacement dwelling is not compatible with the characteristics of the immediate vicinity within the heritage conservation area, which is a distinctive area of single storey weatherboard cottages.</li> </ul>
13.9 Controls for specific building elements	
13.9.1 Skylights, solar panels and satellite dishes	

Objective or Provision	Comments
O1 To ensure that skylights, solar panels and satellite dishes do not detrimentally impact upon the significance of heritage items and heritage conservation areas.	The proposed solar panels to the rear of the roof of the proposed dwelling comply with this provision.
P1 Locate skylights, solar panels and other roof mounted structures away from visually prominent roof planes and front elevations.	The proposed solar panels to the rear of the roof of the proposed dwelling comply with this provision.
13.9.2 Dormer windows	
O1 To ensure that dormer windows do not detrimentally impact upon the significance of heritage items and heritage conservation areas.	The proposal does not comply as the proposed "wall dormers" are not traditional or complimentary to the heritage conservation area and will adversely impact on the significance of the heritage conservation area.
P1 Are to comply with the requirements for dormers in s.1.4.11 to Part B of the DCP.	The proposed dormers do not comply.
P2 Dormers must not be placed on the street elevation of a building.	The proposed dormers are placed on the street elevation of the building. However, variation to this control can be considered due to particular site circumstances.
P3 Despite P2, Council may permit a dormer on the street elevation of a building, but only where it can be adequately demonstrated that: (a) it will not result in any adverse impacts to significance of any heritage item or heritage conservation area; (b) it will not result in any significant impacts on privacy to adjoining properties; (c) it will not detract from the coherence of the streetscape; and (d) surrounding properties have dormers visible from the street.	The proposed dormers do not comply as the "wall dormers" proposed would adversely impact on the streetscape of the heritage conservation area and the coherence of the conservation area streetscapes.
P4 New dormer windows are to be secondary in scale to the roof, and setback from the eaves and ridge line.	The proposed dormers are "wall dormers" which are not set back from the eaves and do not comply.
P5 Dormers must not have a roof pitch exceeding 36 degrees.	The proposed dormers comply.
P6 Dormers on the street elevation of a building must not comprise more than 1/3 of the width of the roof plane upon which they are placed.	The proposed dormers comply.

Objective or Provision	Comments
P7 Dormers must not project above any part of the ridge of the roof plane to which the dormer is attached.	The proposed dormers comply.
P8 The design of the dormer is to complement the style and detailing of the existing building and its roof. Figures B-13.21 and B-13.24 show examples of Victorian and Edwardian dormer windows.	The proposed dormers are "wall dormers" and do not comply with traditional dormer designs.
13.9.4 Materials, colours and finishes	
O1 To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas.	The proposed materials and finishes for the new dwelling except for the proposed metal fencing are considered to comply.
P1 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.	The sandstone retaining walls to the street boundaries are retained, however the sandstone base to the existing cottage, which is to be demolished, is not retained.
P3 Where new materials are required, ensure that they are easily recognised as new, but are compatible with the key elements of the heritage item.	The proposal generally complies, except for metal fencing proposed.
P4 Select materials and finishes to reflect their characteristic usage, such as stone at the building base.	The proposal generally complies.
P5 Details of proposed colour scheme are to be provided with the development application.	The proposal complies.
P13 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).	The proposal generally complies.
13.9.5 Garages and carports	

Objective or Provision	Comments
O1 To ensure that vehicular accommodation does not detrimentally impact upon the significance of the heritage item or heritage conservation area.	The proposed flat roofed carport and flat roof over the entry area of the new dwelling are considered to detrimentally impact on the significance of the heritage conservation area as these are built elements which are alien to the context of late Victorian period weatherboard cottages with traditional front verandahs.
O2 To ensure that off-street car parking does not dominate the streetscape	The proposal does not comply as the proposed flat roofed carport is forward of the proposed dwelling and would form a dominant element in the Bank Lane streetscape.
P1 Must comply with the provisions contained within s.1.5.4 to Part B of this DCP.	The proposed carport does not comply as the proposed carport does not comply with S1.5.4 O4 as it does not minimise adverse visual impacts on the appearance of the street; does not comply with S1.5.4 P10 as the carport roof is located on the street boundary to Bank Lane, forward of the building line, and not set back.
P6 Any off street parking located within the front setback area is to remain uncovered and be constructed using minimal paving and incorporate soft landscaping.	The carport proposed does not comply as it is a covered car space within the front setback area.
13.9.6 Fences	
O1 To ensure that fences are consistent with the characteristic elements of the heritage item or heritage conservation area.	The proposal does not comply as the proposed metal fence on top of the sandstone retaining wall is not consistent with the timber picket fences dominant in Ancrum Street.
P1 Retain original fences and gates where they are characteristic elements of a conservation area or add to the significance of the building or place.	The site does not have original fences or gates except for the sandstone retaining wall along the Ancrum St and most of the Bank Lane boundary, which is retained.
P2 Front fences are to be of a design that is appropriate to the style and period of the building, or characteristic fences of the conservation area.	The proposal does not comply as the proposed metal fence on top of the sandstone retaining wall is not consistent with the timber picket fences dominant in Ancrum Street
P3 Maintain continuous fence lines and heights on streets and laneways.	The proposal generally complies.
P4 The height of a new fence with a heritage conservation area is to be consistent with that identified within the relevant Area Character Statement (refer to Part C of the DCP).	The proposal generally complies.

## RECOMMENDATION



Refusal of the S8.2 submission amending the proposal plans in DA18/21 is recommended, due to adverse heritage impacts on the significance of CA15 Heritage Conservation Area resulting from proposed demolition of a Contributory building; adverse impacts on the adjacent heritage item at 3 Ancrum Street; for non-compliances with relevant objectives of Clause 5.10 of the North Sydney LEP 2013 and non-compliances with relevant heritage objectives and provisions of the North Sydney DCP 2013, as outlined above.

Demolition of the existing 2-room Contributory dwelling within the CA15 Heritage Conservation Area is not supported.

It should also be noted that Provisions P1 and P2 Section 13.6.4 of the DCP do not support additional levels or upper storeys within heritage conservation areas, except where the resultant building exhibits a similar scale to that in the vicinity, the design respects the heritage characteristics of the area (neither of which are met by the 2-storey design in this proposal) and the additional storey does not alter the form of a contributory item (in this case the contributory item is demolished).

It is recommended that any future development application for the site should:

- Retain, conserve, repair and restore the existing 2-room weatherboard cottage on the site, including retention of the chimney and entirety of the rear kitchen fireplace.
- A schedule of conservation works should be prepared for conservation of the cottage and should include:
  - Reinstatement of late Victorian period style timber framed double hung windows and a traditional late Victorian period style timber panelled front door.
  - Demolition of the eastern extension to the cottage and rectification of the eastern wall of the cottage, with existing later door openings potentially becoming window openings with traditional windows reinstated. The area east of the existing original portion of the cottage should become landscaped area, however an uncovered car space with a permeable surface is possible within this area, or alternately a carport set back from the front building line behind the front verandah, with a new driveway crossing from Bank Lane.
  - Retain or replace the existing rear skillion of the cottage, retaining the entirety of the rear kitchen fireplace and chimney. The (new or repaired) rear skillion is recommended to be connected to the west with a linking structure to a new western pavilion on the site.
- Introduce a new pavilion extension on the site, linked to the rear skillion section of the existing cottage, to the west of the existing cottage. The new pavilion should:
  - Be set back:
    - from the southern wall of the heritage listed house at 3 Ancrum Street by at least 900mm
    - from Ancrum Street to align with the front wall (behind the front verandah) of the house at 3 Ancrum Street
    - To allow at least 1.5m separation from the western wall of the existing cottage on the site in front of the linking section into the rear skillion roofed section of the existing cottage. If desired, greater separation in this area can be provided to allow for an area of private open space (with the area fenced from Bank Lane).

- From Bank Lane to align with the front wall (behind the front verandah) of the existing cottage
      - be clad in weatherboard
      - be single storey but may include an attic level with traditionally proportioned dormer windows
      - have a gabled corrugated metal clad roof, with a traditional pitch, with gable ends facing east and west, which may include traditionally proportioned dormer windows to an attic level
      - include windows and doors of traditional proportions.
- Include a simple timber picket fence on top of the sandstone retaining wall to the Ancrum Street and Bank Lane site frontages, designed in accordance with the relevant DCP controls, with appropriate timber picket gates. The existing sandstone retaining wall to Ancrum St and most of the Bank Lane boundary of the site is to be conserved and repaired.

Note that:

- The recommended western pavilion extension is not required to have a verandah facing either street frontage to Ancrum Street or Bank Lane, however attention to the design of each street frontage of the pavilion is required to ensure the new pavilion extension is sympathetic to the existing cottage and the heritage conservation area context.
- The existing front verandah of the existing cottage has been built in the late 20<sup>th</sup> century. This verandah may be either retained or replaced with a new verandah similar to the existing.
- The sandstone retaining walls on the boundary to Ancrum Street and the majority of the Bank Lane boundary of the site, including beneath the existing front verandah to the cottage, should be retained and repaired as necessary.
- As the site is very constrained in size (approx. 155 square metres in area), it is suggested that - if considered necessary to achieve the desired development outcome on the site and conservation of the existing 2-room cottage built in 1883 - Council consider allowing variation from landscaped area controls for the site, providing soft landscaping is maximised.

It is considered that the above recommended approach to development on the site while retaining and restoring the existing 1883 cottage will achieve the desired outcome of a 3 bedroom + study dwelling (with two of the bedrooms in the existing cottage, and one bedroom and study in the attic level to the western pavilion) with a ground floor living area in the western pavilion, while retaining the heritage significance of the subject site and its immediate context within the CA15 Union, Bank and Thomas Streets Heritage Conservation Area.



Chery Kemp, Principal Partner,

Kemp and Johnson Heritage Consultants

**Attachments:**

History of 1 Bank Lane North Sydney authored by John Johnson, Partner, Kemp and Johnson Heritage Consultants

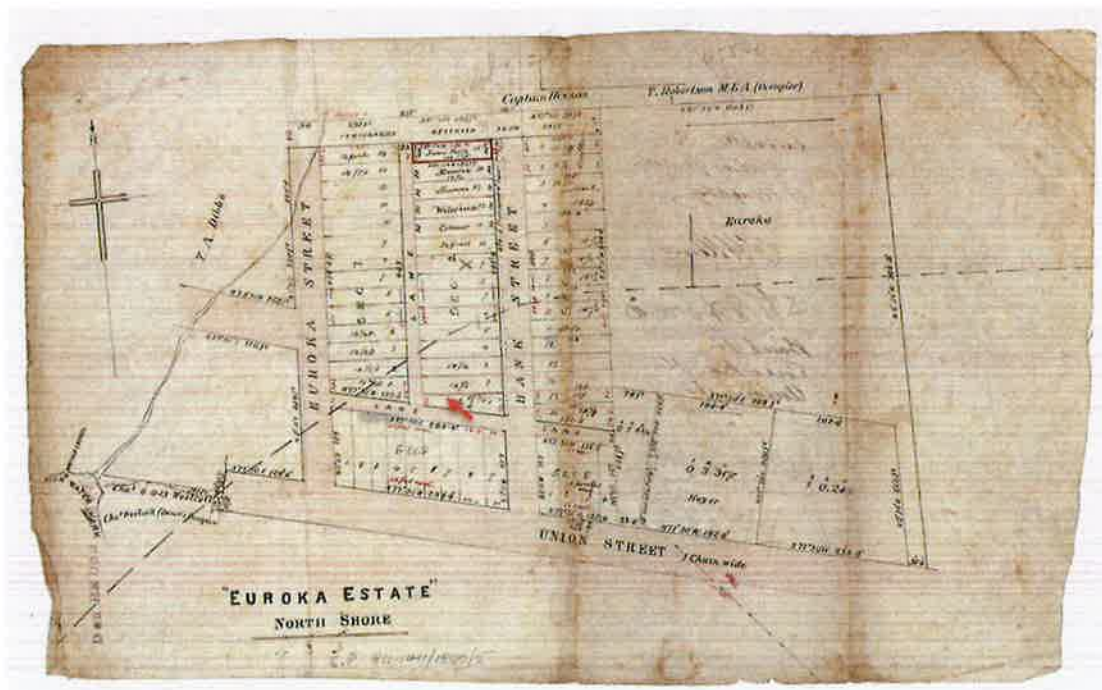
**HISTORY OF 1 BANK LANE NORTH SYDNEY****PREPARED BY****JOHNSON JOHNSON, HISTORIAN/PARTNER, KEMP AND JOHNSON HERITAGE CONSULTANTS**

Figure 5: Euroka Estate subdivision map, c. 1874 showing the subject site (arrowed), then a single lot with boundaries to Ancrum St, Bank Lane and Bank Street. Source: Image Courtesy SLNSW SP/811.1411/1880/5

The house at 1 Bank Lane, North Sydney is built on part of Lot 1, Section 2 of the Euroka Estate. Euroka Cottage had been built on land granted to Thomas Walker (1791-1861), Assistant Commissary General (after whom Walker Street North Sydney was named). Walker had been granted the land in 1832 and soon after had moved to Tasmania. "The name Euroka was attached to the villa, and therefore the surrounding property, by the ship's captain Edwin Mawney Sayers when he acquired both in 1853."<sup>1</sup> Banker Thomas Allwright Dibbs purchased the Euroka property in 1873. Euroka was extended and renamed Graythwaite. A large portion of the grounds was subdivided in 1874, with large blocks on Union Street, and small blocks, intended for modest housing, in Bank and Euroka Streets.<sup>2</sup>

<sup>1</sup> <https://www.athomeinnorthsydney.com.au/graythwaite.html>

<sup>2</sup> The Sydney Morning Herald, Wednesday 14 January 1874, p. 7



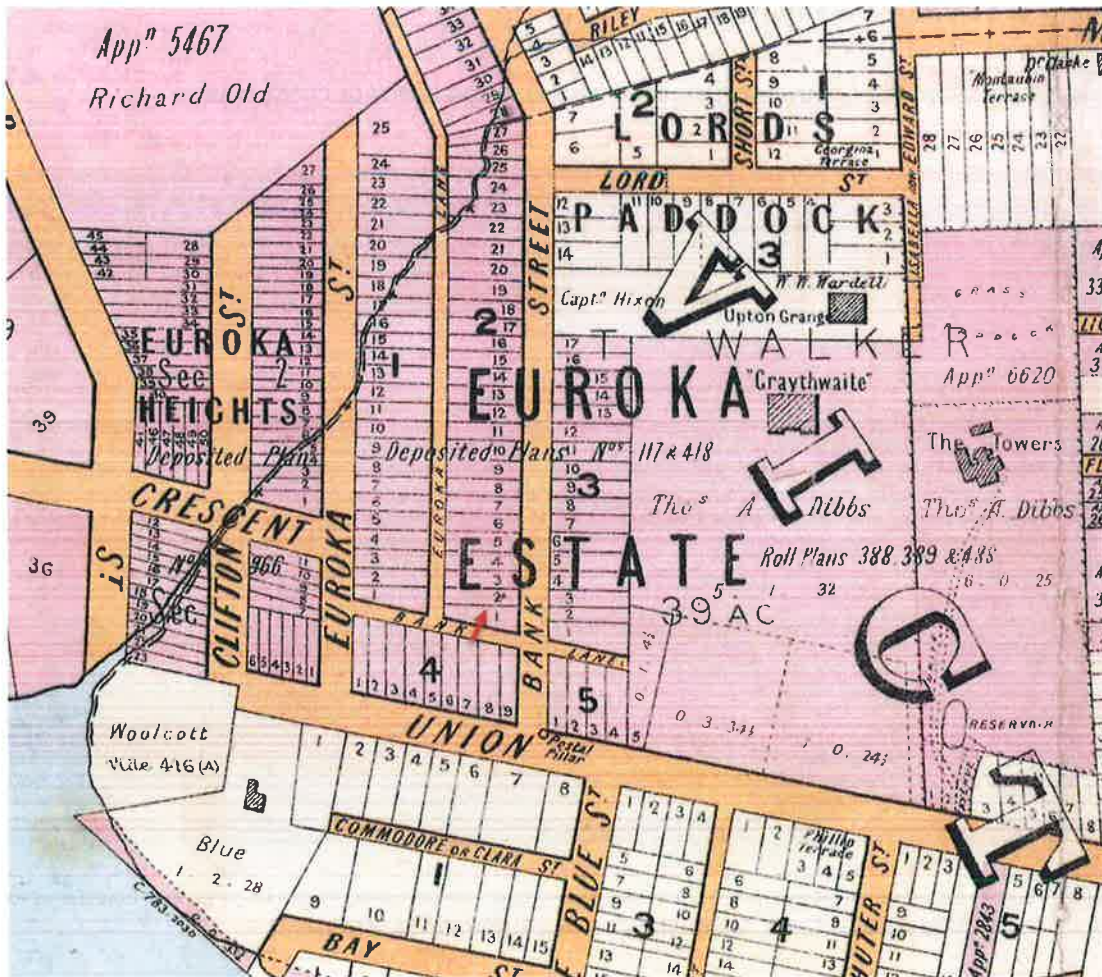


Figure 6: Map of the Euroka Estate, with the subject site arrowed (then a single lot extending from Ancrum to Bank St)

Lot 1, Section 2 of the Euroka Estate was purchased by stonemason George Henry (sometimes Henry George) Thorn (1824-1896) and his wife Ann Thorn (1832-1919) on 10 December 1877.<sup>3</sup> Soon afterwards the Thorn family were living in a house in Bank Street, numbered 14 or 16, now the location of Gannura Reserve.

By 1883 a house, now 1 Bank Lane, was built on the western portion of the block.

Its annual rental value was given as £23 8 shillings and it was first rented to Mr Cordwell.<sup>4</sup>

<sup>3</sup> LPI Volume 315 Folio 109

<sup>4</sup> 1883 Rate Book, Borough of Victoria

In June 1883 the land (including 1 Bank Lane) was transferred to the Thorn's son, stonemason William Charles Thorn.<sup>5</sup> This transfer may have been related to George Henry Thorn's financial affairs, as in 1885 he was insolvent and his estate, valued at less than £100, was sequestered.<sup>6</sup> Towards the end of 1884 Bank Lane and Euroka Lane (now Ancrum Street) were gazetted by the Borough of Victoria.<sup>7</sup>

Later tenants of the property at 1 Bank Lane included Mr Ludbrook, Charles Walker, John Cook and Leslie Sonder.<sup>8</sup> In March 1891 the land was transferred from William Charles Thorn back to his mother Ann Thorn.<sup>9</sup> In May 1894 Ann Thorn mortgaged the property.<sup>10</sup> In July 1898 Ann Thorn sold the portion containing what is now the house at 1 Bank Lane to stevedore Thomas Wahlberg.<sup>11</sup> Thomas Wahlberg had married Louisa Jane Thorn in 1896, meaning he was the son-in-law of George and Ann Thorn.

Louisa and Thomas Wahlberg lived at 1 Bank Lane from 1897 to about 1904. From 1905 to 1925 the house had a succession of tenants including George Knox, Archibald Sprouster, Frederick Jacobs, William Langer, Charles Sharp, Mrs Ellen Walker and D Perry. Their professions included cleaner, coal lumpner, seaman and home duties. This, combined with an annual (rental) value that did not exceed £28 underlines the very modest means of the residents of the area.<sup>12</sup>

Louisa and Thomas Wahlberg lived in Argyle Place, Sydney and moved to 46a Bank Street about 1930 and then to 27 Bank Street,<sup>13</sup> where both died in 1937.<sup>14</sup> In November 1938 the house at 1 Bank Lane was transferred to Edna Amy Lambert, wife of grocer Noel Aubrey Lambert.<sup>15</sup> After Noel Aubrey's death in 1948 the house was sold to Mrs Elsie Lonie in February 1949.<sup>16</sup> Later owners included Peter Proctor Hill (1952), William Cowan (1953), Isabelle Graham Henderson (1962), Lancelot Morgan (1963), Duncan MacDonald (1971), John Turner-Robertson (1977) and Francis Hugh Boylan (1977).<sup>17</sup>

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<sup>5</sup> LPI Volume 315 Folio 109

<sup>6</sup> New South Wales Government Gazette, Friday 17 April 1885, p. 2691

<sup>7</sup> New South Wales Government Gazette, Tuesday 24 February 1885, p. 1318

<sup>8</sup> 1884-1896 Rate Books, Borough of Victoria and Council of North Sydney

<sup>9</sup> LPI Volume 315 Folio 109

<sup>10</sup> LPI Volume 1008 Folio 184

<sup>11</sup> LPI Volume 1008 Folio 184

<sup>12</sup> 1905-1927 Rate Books, Council of North Sydney

<sup>13</sup> Sands Directory

<sup>14</sup> The Sydney Morning Herald, Thursday 4 November 1937, p. 10

<sup>15</sup> LPI Volume 1257 Folio 191

<sup>16</sup> LPI Volume 1257 Folio 191

<sup>17</sup> LPI Volume 1257 Folio 191, LPI Volume 8462 Folio 167

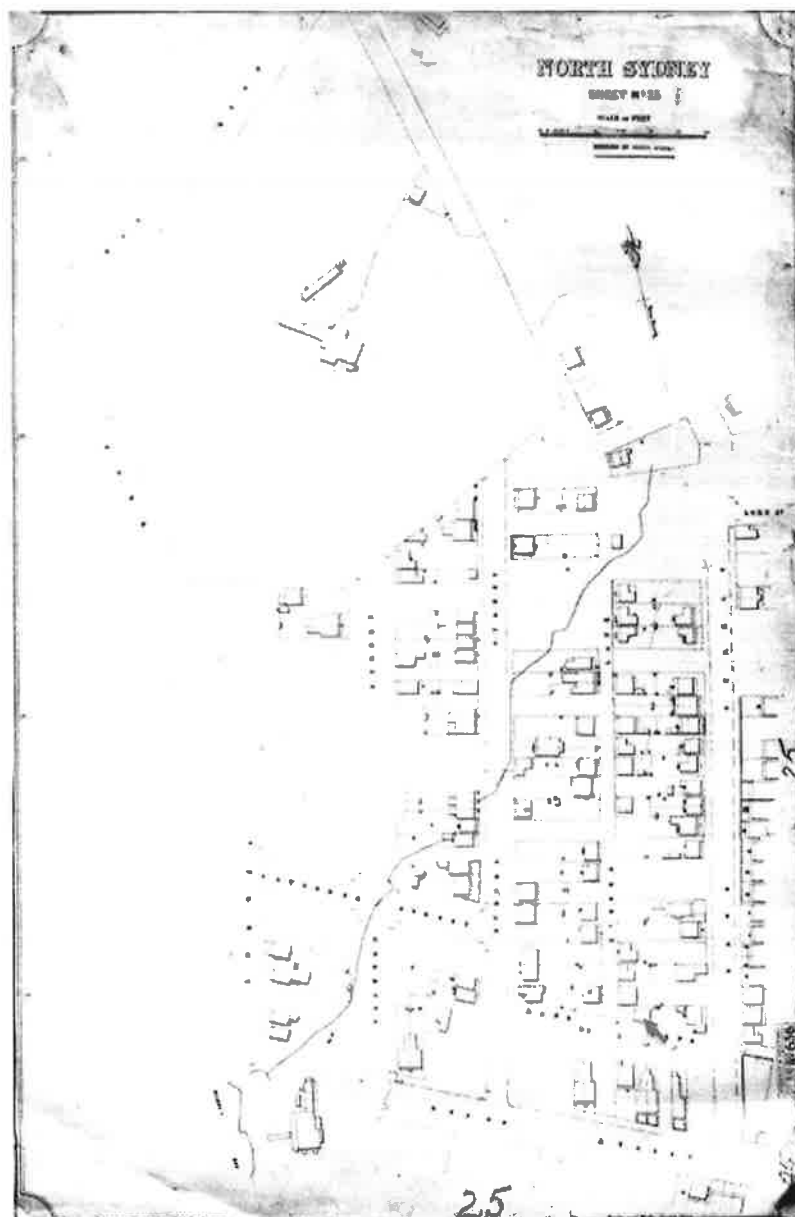


Figure 7: Circa 1890 Water Board Block Plan 25, North Sydney, showing the subject site (arrowed)



Figure 8: The house at 1 Bank Lane, 20 January 1976. Note that in 1976 the eastern extension to the cottage did not exist and there was no front verandah. Note decorative barge boards to eastern elevation in the foreground. Source: image courtesy Stanton Library



Figure 9: Side elevation of 1 Bank Lane, McMahon's Point viewed from Ancrum Street, 1976. Source: image courtesy Stanton Library

**Sources:**

LPI Volume 315 Folio 109

LPI Volume 1008 Folio 184

LPI Volume 1257 Folio 191

LPI Volume 8462 Folio 167

Historical North Sydney Rates Book search undertaken by Liz Agnew, Local Studies, Stanton Library