



NSLPP MEETING HELD ON 01/03/2023

Attachments:

1. Architectural Plans
2. Heritage Impact Statement
3. BCA Assessment Report
4. Traffic and Parking Assessment Report

ADDRESS/WARD: 317 Pacific Highway, North Sydney

LOT/DP: Lot 1 in DP 1244831

APPLICATION No: DA231/22

PROPOSAL: Alterations and additions to the Former Masonic Temple (heritage item I0961)

PLANS REF:

Plan No.	Rev	Description	Prepared by	Dated
SK 00b	J	Roof Plan	Max Wessels	23 Jan 2023
SK 01	J	Ground Floor Plan	Max Wessels	23 Jan 2023
SK 01b	I	Level 1 Plan	Max Wessels	23 Jan 2023
SK 01c	J	Level 2 Plan	Max Wessels	31 Mar 2022
SK 02	J	Elevations	Max Wessels	23 Jan 2023
SK 03	J	Sections	Max Wessels	23 Jan 2023
SK 00a	I	Stormwater Management Plan	Max Wessels	31 Mar 2022

OWNER: Modog Pty Ltd

APPLICANT: N Rickard – Modog Pty Ltd

AUTHOR: Miguel Rivera, Senior Assessment Officer

DATE OF REPORT: 15 February 2023

DATE LODGED: 9 August 2022

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

The Applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for alterations and additions to an existing 2 storey commercial building and heritage item 10961 (Former Masonic Temple) on land identified as No. 317 Pacific Highway, North Sydney.

The application is required to be reported to the NSLPP for determination, as directed by the Minister of Planning, as the development application has attracted 10 or more unique submissions by way of objection and is considered sensitive development, as it involves partial demolition of a heritage item.

Council's notifications of the proposed development has attracted a total of 19 submissions raising the following concerns and issues associated with proposal: accessibility issues and disability facilities; access to laneway issues; amenity and privacy impacts; traffic, parking and congestion; compliance issues relating to gate and post position; compliance issues relating to rubbish bin placement; construction management plan; incorrect survey plan, fire safety and BCA compliance concerns; heritage impacts; justification for truck wash down area, noise dust and air pollution during construction, overshadowing; streetscape impacts and structural stability.

The proposal has been considered against applicable environmental planning instruments and complies with all applicable development standards and the key objectives and controls for development in a conservation area. The proposed additions are complementary to the heritage significance of the former Masonic Hall and would not present any adverse impacts on adjoining and surrounding properties. Having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). The proposal is recommended for approval.

LOCATION MAP



Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The proposal before the Panel is for alterations and additions to an existing 2-storey commercial building and heritage item I0961 (Former Masonic Temple) on land identified as No. 317 Pacific Highway, North Sydney.

Specifically, the proposed development involves the following elements:

- Construction of a first floor extension to the northern façade of the existing building that will comprise additional commercial floor space for the existing art gallery/retail premises (refer to Figures 1 to 5, 7 to 9). This extension will adjoin the southern façade of the neighbouring building to the north at No. 319-321 Pacific Highway (AKA No. 2 East Lane), and will comprise of a split-level, timbered floor with glass panels, a display window facing west (Pacific Highway) and a window facing east (East Lane) and three (3) skylights within the roofline.
- Infill of north-facing, elevated window within jeweller room in the ground floor.
- Reinstatement of eight (8) windows (total), four (4) at each level, along the southern façade of the building (refer to Figure 5).
- Modification of some internal doorways and addition of an internal access ramp in the first floor.

A roof plan, ground floor and first floor plans, elevations and sections are shown in Figures 1 to 9 below.

The Applicant provided documentation including a cost estimate report identifying that the cost of works for the proposed development is estimated to be \$652,091.00.

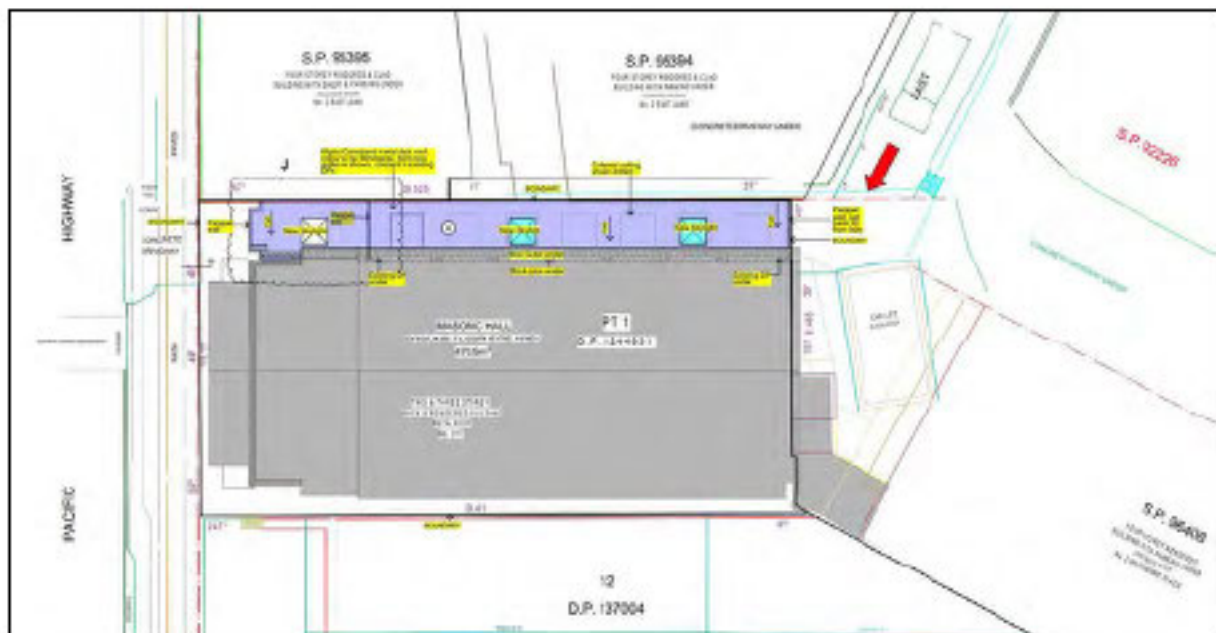


Figure 1: Roof plan

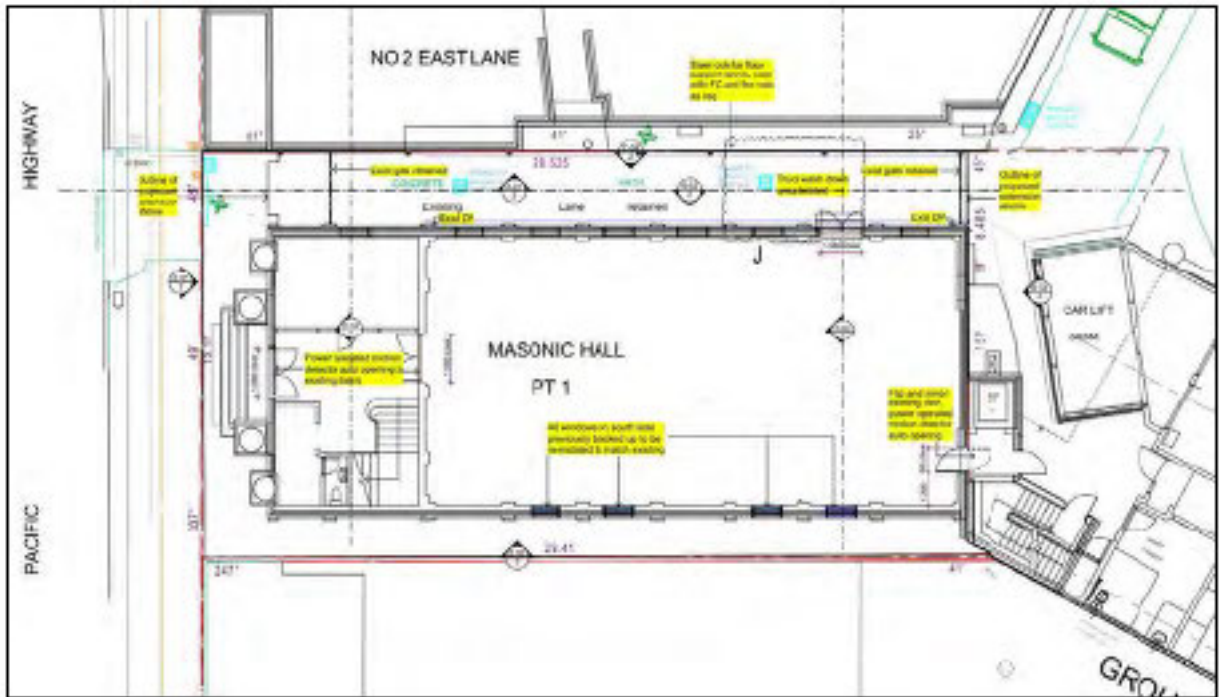


Figure 2: Ground floor plan

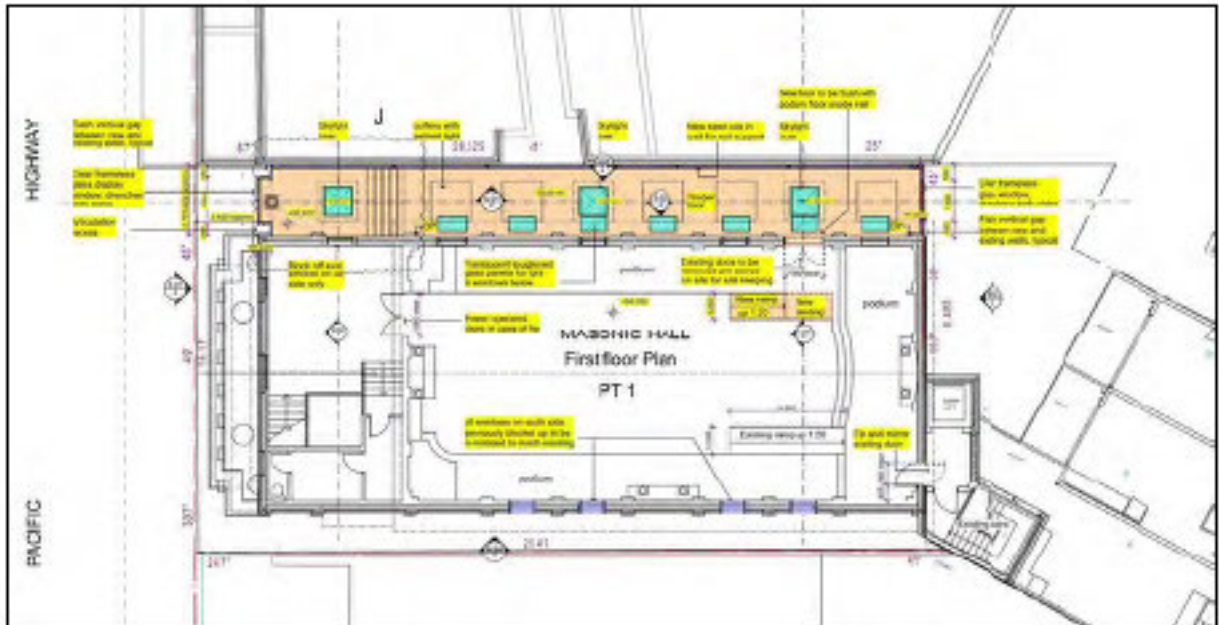


Figure 3: First floor plan

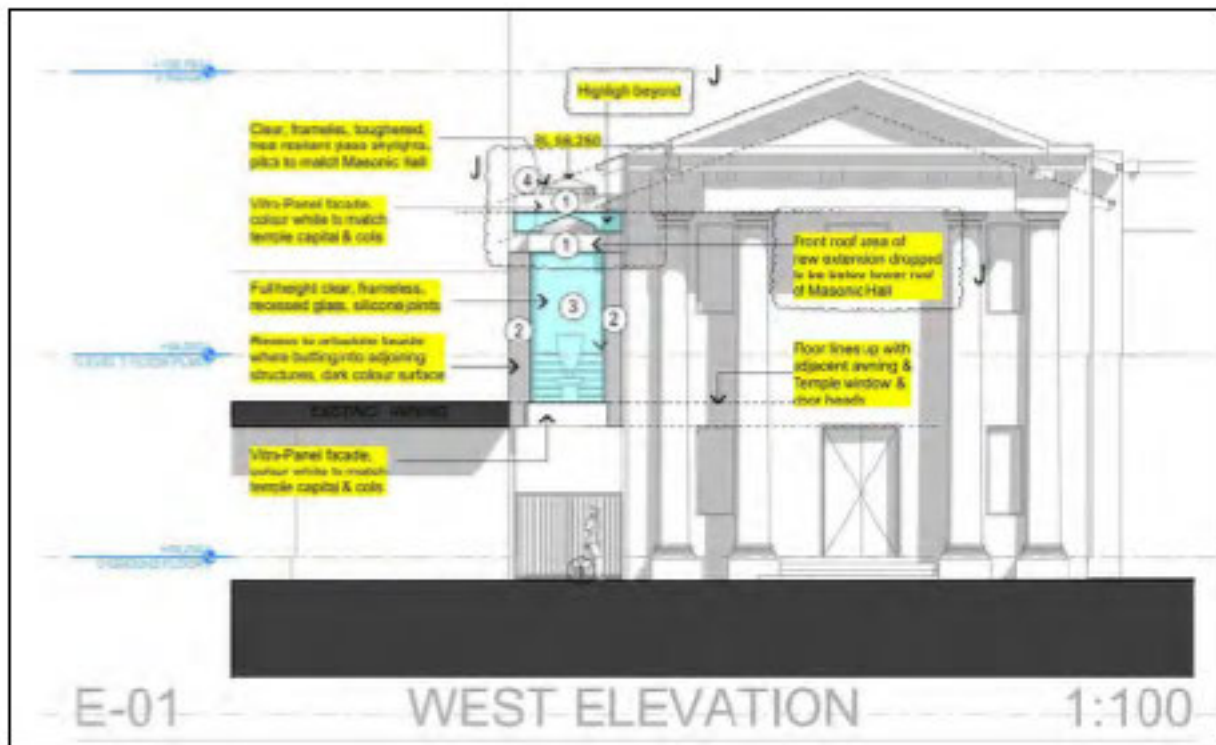


Figure 4: West (street) elevation

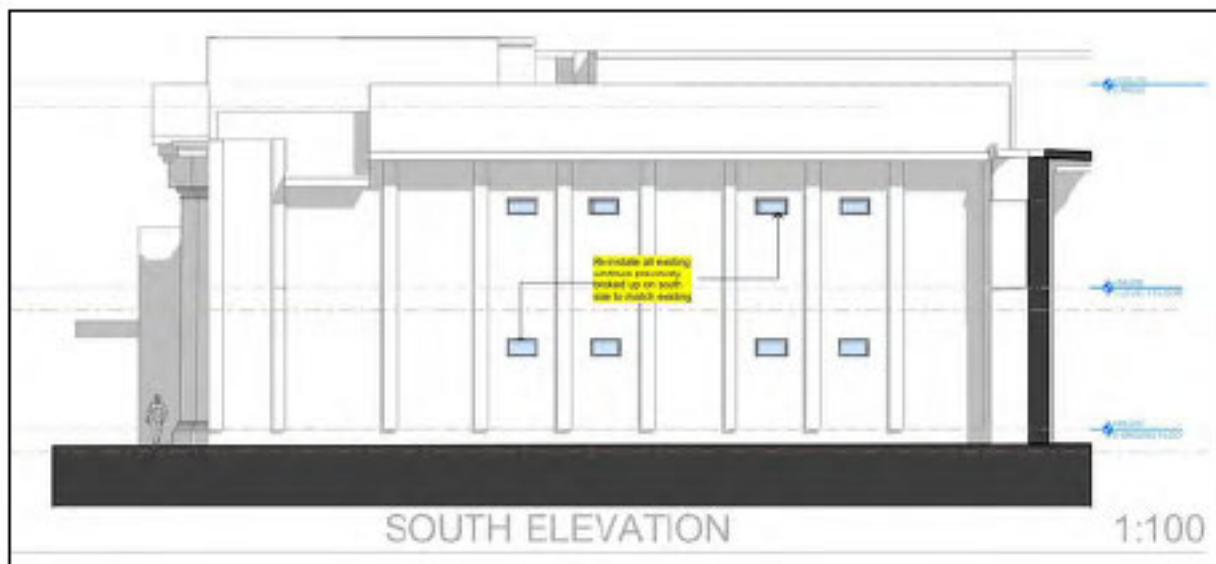


Figure 5: South elevation



Figure 6: East (rear) elevation

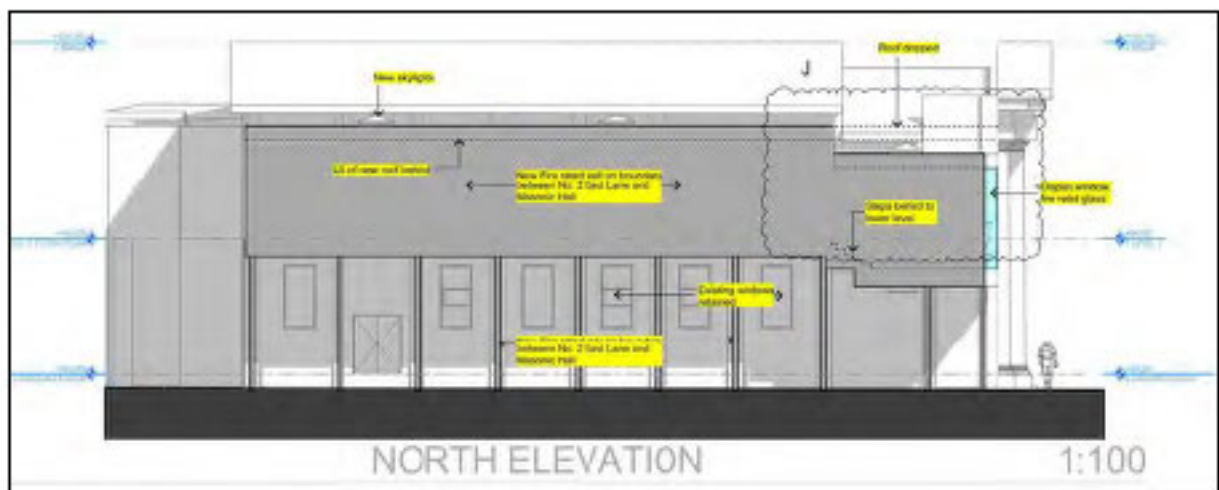


Figure 7: North elevation

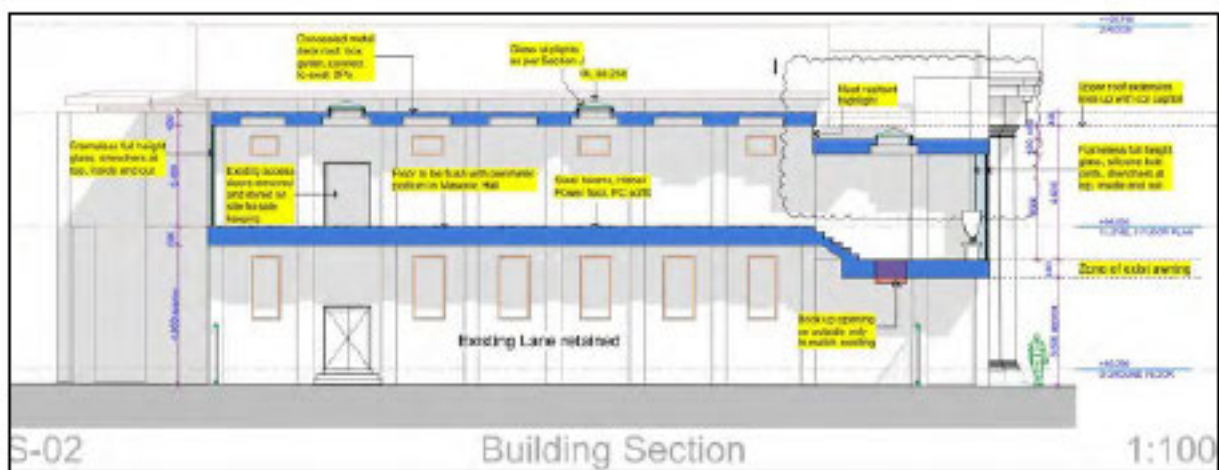


Figure 8: Long section

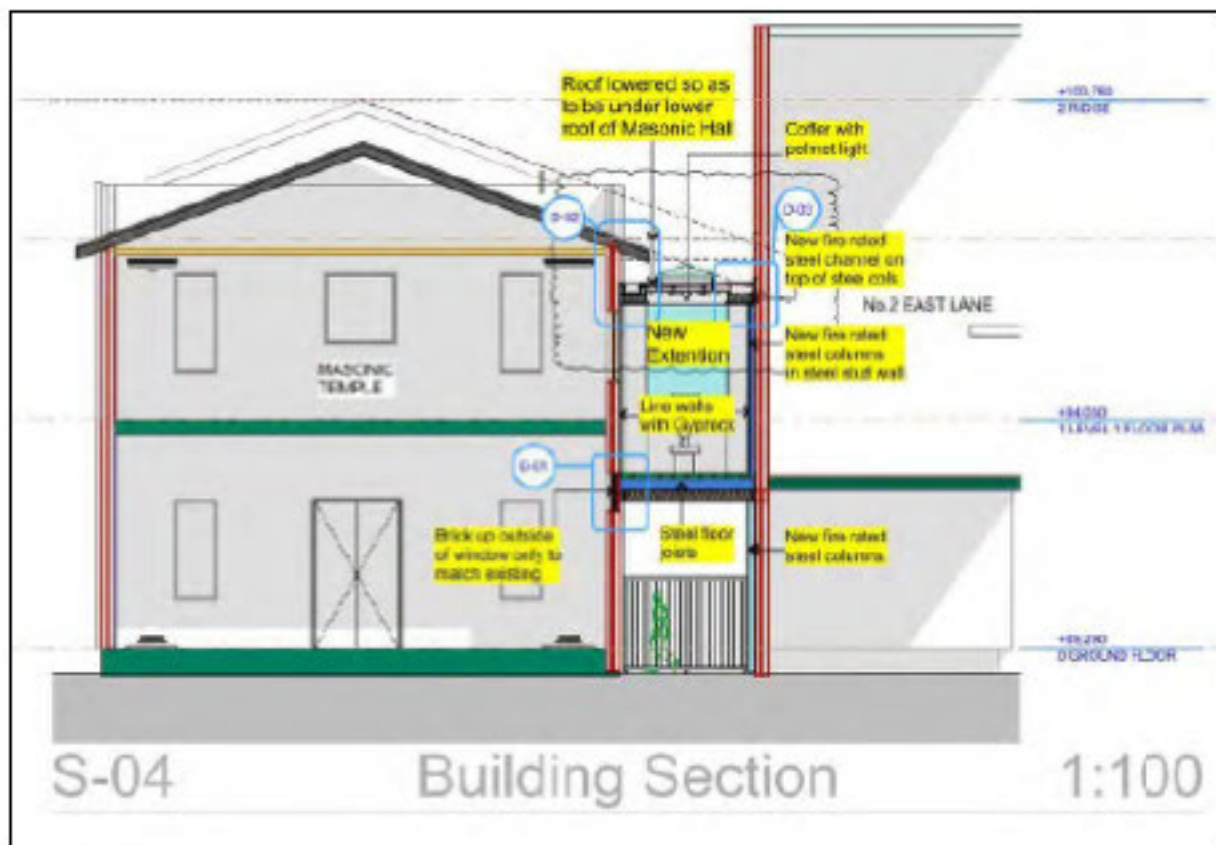


Figure 9: Cross section

STATUTORY CONTROLS

Environmental Planning and Assessment Act 1979 (as amended)
Environmental Planning and Assessment Regulations 2021

North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- Zoning – B4 – Mixed Use zone
- Clause 5.6 – Architectural roof features – Not applicable
- Clause 5.7 – Development below high water mark – Not applicable
- Clause 5.10 – Heritage conservation:
 - Item of Heritage – Yes, heritage item I0961 (Former Masonic Temple)
 - In Vicinity of Item of Heritage – Yes, adjoins the rear of heritage item I0999 (“Courtney Creche” – No. 36 West Street)
 - Conservation Area – No
- Clause 6.9 – Limited development on foreshore area – Not applicable
- Clause 6.10 – Earthworks – Yes, minor works only – associated with footings for supporting steel columns

State environmental planning policies (SEPP's):

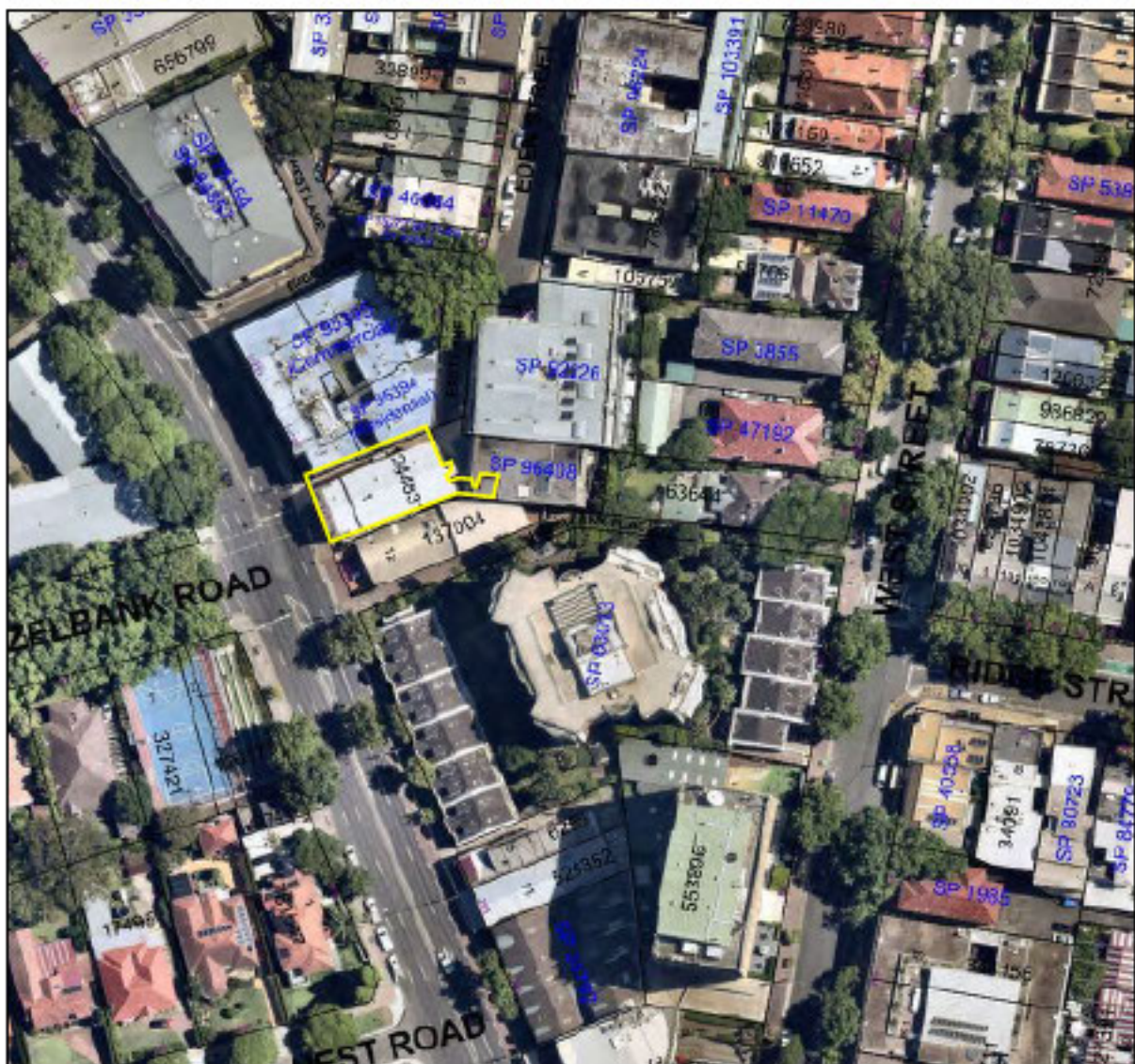
- SEPP (Transport and Infrastructure) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

POLICY CONTROLS

North Sydney Local Infrastructure Contributions Plan
North Sydney Development Control Plan 2013 (NSDCP 2013)
Sydney Harbour Foreshores and Waterways Area DCP 2005

DESCRIPTION OF LOCALITY

The subject site is commonly identified as No.317 Pacific Highway, North Sydney, and is legally described as Lot 1 in DP 1244831. It is an irregular shaped lot with a 15.17m wide frontage, a maximum depth of 52.16m and a total area of 470.5m². The subject site is located on the eastern side of Pacific Highway and has a west-east orientation (refer to Figure 10). The eastern boundary adjoins a driveway that is off East Lane and utilised by the subject site and 4-storey residential flat buildings at No. 1A Eden Street and No. 2 Hazelbank Place.



**Figure 10: Aerial map showing subject site (outlined in yellow) and surrounding properties.
(Source: SIS Map)**

The subject site is highly built-up and modified, predominantly occupied by a 2-storey commercial building (Former Masonic Temple) and paved side passageways along the northern and eastern perimeters (refer to Figures 11 to 15). The site is completely devoid of any native vegetation and trees and benefits from having vehicular access via a driveway off East Lane (refer to Figures 14 and 15). The commercial building is currently utilised as an art gallery/retail premises with an ancillary jeweller (jewellery store) at the ground floor (refer to Figures 11 to 15).



Figure 11: Front façade of existing building (Former Masonic Temple) within subject site.



Figure 12: Northern side setback – paved passageway within subject site.



Figure 13: Current ground floor – art gallery/retail premises



Figure 14: Current first floor – art gallery/retail premises



Figure 15: Southern side of existing building

The site is surrounded and adjoined by the following properties:

- Across Pacific Highway: Cammeraygal High School.
- North-adjointing: No. 319-321 Pacific Highway (AKA No. 2 East Lane) (4-storey shop top housing buildings).
- South-adjointing: No. 313 Pacific Highway (North Shore Cosmetic and Dental – medical centre/clinic).
- Rear: No. 2 Hazelbank Place (4-storey residential flat building) and No. 1A Eden Street (4-storey residential flat building).

The immediate locality features a mixed residential and retail/commercial character set within a busy road corridor (Pacific Highway). The immediate vicinity and surrounding development is primarily composed of an education institution (Cammeraygal High School), and shop top housing and residential flat buildings. The surrounding locality has some limited views of the North Sydney CBD skyline.

RELEVANT HISTORY

Previous applications

- Application DA1460/95 for proposed use of premises from an office, auditorium and retail, refurbishment, extension and change of use from retail to a proposed auditorium/ seminar room and retail at ground floor level and office space at first floor level was approved by Council.
- Application DA520/00 for proposed change of use of first floor auditorium to open plan office was approved by Council on 23 February 2013.
- Application DA248/12 for a 61-room hotel, associated carpark and upgrade works was withdrawn on 4 January 2013.
- Application DA447/12 for a 61-room hotel, associated carpark and upgrade works including new 5-storey rear addition to accommodate 36 of the proposed rooms, was refused by Council (delegated authority) on 26 June 2013. On 24 July 2013 Commissioner Morris dismissed the appeal No. 10256 of 2013 in the Land and Environment Court against the refusal of DA 447/12
- Application DA414/13 for proposing demolition of the 3 storey addition to the rear of the Masonic Hall (including demolition of the existing garage on the east boundary) and the erection of a residential flat building containing 19 apartments to the rear of the Masonic Hall, was approved by the Land and Environment Court via a Section 43 agreement (Modog Pty Ltd v North Sydney Council – No. 10130 of 2014) that was reached on 25 June 2014.
- Application DA427/16 for the change of use of the hall to accommodate retail/commercial operations specifically sales 'events' was rejected by Council on 19 December 2016.
- Application DA421/16 for external alterations and repairs, demolition works and business/building identification signage to the former Masonic Temple was approved by Council (delegated authority) on 28 March 2017.

- **Modification application DA421/16/2** for deletion of Condition C3 to allow banner signs, was rejected by Council on 1 May 2017.
- **Modification application DA421/16/3** for deletion of Condition C3 to allow banner signs, was approved by the Land and Environment Court ((Modog Pty Ltd v North Sydney Council – No. 292653 of 2017) on 22 December 2017.

Current Application

Date	Action
9 August 2022	The subject application was lodged with Council.
16 August 2022	A Stop the Clock letter was sent to the Applicant via the Planning Portal. The letter requested for the following information to be submitted to Council: <ul style="list-style-type: none">• Preliminary structural engineering diagrams.• Building Code of Australia (BCA) compliance report.• Owner's consent from adjoining strata building (No. 319 Pacific Highway).
26 August 2022	The application was notified as per Council's Community Participation Plan. The notification period ended on 9 September 2022. A total of 19 submissions were received during this period.
1 September 2022	A site inspection was conducted by Council's Assessment Officer and Conservation Planner.
8 September 2022	The Applicant provided additional information via the Planning Portal, as requested by Council's Stop the Clock letter.
22 December 2022	A Request for Information (RFI) Letter was sent to the Applicant via the Planning Portal. The letter advised the following matters that required addressing: <ul style="list-style-type: none">• Heritage matters – front setback and presentation of new addition and changes to existing roof.• Responses to submissions.
25 January 2023	The Applicant submitted additional information in response to the matters raised in the RFI letter via the Planning Portal.
6 February 2023	Council's Assessment Officer advised the Applicant via e-mail that privacy impacts associated the large rear-facing window proposed for rear (eastern) elevation of the extension remains outstanding and design changes to the window are required.
8 February 2023	The Applicant confirmed via e-mail that privacy treatments in the form of modifying this window to a fixed window with white frosted glass to 1.6m sill height and a transparent (clear) glass panel above 1.6m is requested.

INTERNAL REFERRALS

BUILDING

Council's Senior Building Surveyor reviewed the application and provided the following commentary with regard to compliance against the relevant requirements under the Building Code of Australia (BCA) (now known as the National Construction Code/NCC):

The development application seeks approval for alterations and additions to an existing 2-storey heritage listed commercial building.

Specifically, the application seeks approval to expand the first-floor art gallery, re-instate external window openings and other internal modifications.

The building is classified by the NCC BCA 2019 as a class 9b building of Type B construction.

It is noted that the building adjoins a Class 3 residential building of Type A construction.

The premises forms part of Council's Annual Fire Safety Statement Register and submission of AFSS is up to date for the property.

Given the buildings classification and public nature the requirements of the Disability (Access to Premises – Buildings) Standards 2010 is required to be considered to and throughout the building.

The application is supported by a BCA Assessment Report dated 6 September 2022 prepared by BCA Logic which concludes that the proposed development can comply with the BCA and Access Standards without the need for significant design change that would trigger a Modified Development Application.

The BCA Assessment Report contains a recommended upgrade strategy for the building pursuant to Clause 64 of the Environmental Planning & Assessment Regulations 2021 and as such it is recommended that the building be upgraded in accordance with the recommendations contained within the BCA Assessment Report by BCA Logic.

Generally, the proposed works can comply with the NCC BCA 2019, Volume 1.

The following standard conditions are recommended:

F1 – National Construction Code

C13 – Upgrade of existing building – Fire Spread and Safe Egress

C14 – Provision of Accessible Paths of Travel

Planning comment: The above comments are noted and concurred with and the recommended conditions will be imposed to ensure compliance with the relevant building standards.

ENGINEERING

Council's Development Engineer reviewed the application and provided the following commentary with regard to traffic management, stormwater, parking and access and excavation:

Traffic Management:
No conditions applied.

Stormwater:
Appropriate conditions shall be imposed in this regard.

Parking and Access:
No conditions applied.

Sediment and Erosion controls
Appropriate conditions shall be imposed in this regard.

Excavation and Retaining Walls.
No conditions applied.

Recommendation

The application has been assessed and it is recommended that conditions be included in the development consent.

Planning comment: The above comments are noted and concurred with. The recommended conditions will be imposed and included in the development consent.

HERITAGE

Council's Conservation Planner was consulted with regard to the application and raised no objections, subject to the following design changes:

- Modifying the front-facing display window to a curved window or further recess of the front panel
- Deletion of any proposed cutting of existing roof eaves to accommodate the first floor extension.

Planning comment: Following a review of the above comments as well as the documentation and response provided by the Applicant – it was determined that the proposed display window and overall presentation of the first floor addition are considered reasonable and acceptable. A 3D image of the proposal was provided to Council, demonstrating that the addition is sufficiently recessed and appears subservient compared to the existing building and will not be highly impactful on the heritage item (refer to Figure 16).

Further recessing of the display window will diminish its purpose and a curved display is considered inappropriate as it may distort views and will introduce an uncharacteristic/foreign element to the built form.



Figure 16: 3-D image of proposed development (addressing Pacific Highway) – proposed display window and first floor extension circled in light green

The roof of the new addition has been modified to drop below the existing lower roof overhang of the building. The existing roof and eaves are not affected by the proposal. Conditions will be imposed to ensure this detail is incorporated in the final structural engineering drawings.

EXTERNAL REFERRALS

TRANSPORT for NSW – ROADS AND MARITIME SERVICES

The subject site has frontage to a classified road (Pacific Highway). Accordingly, the application required a referral to Transport for NSW –Roads and Maritime Services (TfNSW), in accordance with Clause 2.119 of the SEPP (Transport and Infrastructure) 2021. TfNSW assessed the application and provided the following commentary:

TfNSW has reviewed the application and has no requirements as the proposed development will have a negligible impact on the surrounding classified road network.

Planning comment: The above recommendations are noted.

SUBMISSIONS

Original Plans

In accordance with Council's Community Participation Plan, Council notified adjoining properties of the proposed development from 26 August to 9 September 2022. Council received 19 submissions during this period.

The matters raised in these submissions are listed below:

- Accessibility issues and disability facilities
- Access to laneway issues
- Amenity and privacy impacts
- Compliance issues relating to gate and post position - 2 East Lane
- Compliance issues relating to rubbish bin placement
- Construction management plan
- Fire safety and BCA compliance concerns
- Heritage impacts
- Justification for truck wash down area
- Noise, dust and air pollution during construction
- Overshadowing
- Streetscape impacts
- Structural stability impacts
- Survey plan is incorrect
- Traffic, parking and congestion

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 and are available for review by NSLPP members.

Amended Proposal

The applicant submitted additional information including amended plans. The nature of the changes within the final scheme results in an improved outcome in terms of heritage impacts. The changes will not be highly discernible from public domain nor from any neighbouring properties. The amended design would not result in any additional impact to adjoining or nearby properties. Accordingly, the amended plans did not require re-notification, as per Council's Community Participation Plan.

CONSIDERATION

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

SEPP (Transport and Infrastructure) 2021

The subject site is situated immediately adjacent to Pacific Highway – a classified road. As such, Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations of this SEPP applies. Given the nature of the proposal and associated works being non-extensive and not involving a significant land use intensification of the site, concurrence with TfNSW is not strictly required; however, the consent authority must be satisfied with following objectives and provisions under Section 2.118:

2.118 Development with frontage to classified road

(1) The objectives of this section are—

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*

- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

Planning response: The proposed development will not compromise the effective and ongoing operation and function of Pacific Highway. This is reflected in TfNSW's comments (see above).

The proposed development is unaffected by traffic noise and vehicle emissions and do not feature habitable spaces. The sole purpose of the proposal is to provide an extension of the existing commercial building to facilitate continued use of the building as an art gallery/retail premises and jeweller. Subclause 1 is satisfied by the proposed development.

Under Subclause 1 of Section 2.118,

- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
 - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Planning response: The safety, operations and functionality of Pacific Highway would not be adversely impacted by the proposed development. The proposed development does not affect the existing vehicular access/parking for the site. The proposed development is of a type that is not sensitive to traffic noise and vehicle emissions. Subclause 2 is satisfied by the proposed development.

SEPP (Biodiversity and Conservation) 2021

The following sections apply to the proposed development and have been considered in the assessment:

Chapter 2 – Vegetation in non-rural areas

The subject site contains no vegetation/trees and the proposed development involves no removal of any vegetation/trees. As such, the application is able to satisfy the respective aims under Chapter 2 of this SEPP.

Chapter 10 – Sydney Harbour Catchment

It is noted that the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 has been included in Chapter 10 of this SEPP since its endorsement in December 2021. Given the location and in-fill nature of the proposed development it is considered that the aims relating to the enhancement of Sydney Harbour foreshores and achieving a highly quality urban environment, have been satisfied. It is noted that the proposed extension of the first floor is recessed and situated between two (2) buildings. It does not protrude beyond the roofline of these built forms and will therefore, not result in any significant view loss impacts. In light of the above, the proposed development is considered acceptable having regard to the Chapter 10 of this SEPP and the Sydney Harbour Foreshores and Waterways DCP 2005.

SEPP (Resilience and Hazards) 2021

The provisions of Chapter 4 of this SEPP require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has been used as a commercial building for over 50 years and the proposal does not involve changing the current (approved) land use. The nature and location of the proposed development (involving additions and alterations to an existing building) are such that any applicable requirements of this SEPP can be satisfactorily addressed.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

Aims of the Plan

The relevant aims of the NSLEP 2013 are contained in Clause 1.2. These aims have been considered as part of the assessment process for the subject application. The following is a summary of this assessment on any applicable aims under Clause 1.2.

Aim	Proposal
(a) to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,	<p>Achieved.</p> <p>The proposed development involves additions and alterations that support the existing art gallery/retail premises use of the existing heritage-listed building. These additions and alterations are considered appropriate in terms of bulk and scale, responsive and sympathetic to the site constraints, commercial/mixed use/medium density residential setting and context.</p> <p>The design, bulk and scale of the proposed development is compatible with the desired future character and is generally reflective of the existing and future desired development pattern of the locality.</p>

<p>(b) in relation to the character of North Sydney's neighbourhoods—</p> <p>(i) to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and</p> <p>(ii) to maintain a diversity of activities while protecting residential accommodation and local amenity, and</p> <p>(iii) to ensure that new development on foreshore land does not adversely affect the visual qualities of that foreshore land when viewed from Sydney Harbour and its tributaries,</p>	<p>Achieved. See above comments in (a).</p>
<p>(c) in relation to residential development—</p> <p>(i) to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing, and</p> <p>(ii) to maintain and provide for an increase in dwelling stock, where appropriate,</p>	<p>Achieved. The proposed development has been designed to minimise impacts including those pertaining to residential amenity. This has been demonstrated and detailed further below.</p>
<p>(e) in relation to environmental quality—</p> <p>(i) to maintain and protect natural landscapes, topographic features and existing ground levels, and</p> <p>(ii) to minimise stormwater run-off and its adverse effects and improve the quality of local waterways,</p>	<p>Achieved. The proposed development has been designed with regard to the existing topography and ground levels of the site, and features a stormwater system that will adequately manage run-off from the existing building and proposed extension.</p>
<p>(f) to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance,</p>	<p>Achieved. The comments in response to (a) are relevant here.</p>
<p>(g) to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.</p>	<p>Achieved. The comments in response to (c) are relevant here.</p>

Permissibility

The subject site is within the B4 – Mixed Use zone under the NSLEP 2013. The proposed development is consistent with the existing approved use of the premises as a form of *commercial premises*. This land use is permissible within the B4 – Mixed Use zone.

Objectives of the zone

The objectives of the B4 – Mixed Use zone are stated below:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.*
- *To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.*

The proposed development achieves the key objectives of the zone as it facilitates additions and alterations to improve and support the existing art gallery/retail premises use of the heritage-listed building. The proposed development will deliver an acceptable built form that is sympathetic to the heritage item and unique site context, setting and constraints without unreasonably compromising the amenity of surrounding and adjoining properties. Given the above aspects, the proposed development satisfies the objectives of the B4 – Mixed Use zone.

Part 4 – Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013				
Site Area: 470.5m ²	Control	Existing	Proposed	Complies
Clause 4.3 – Height of buildings	Max. 13m	12.05m	9.52m	Yes
Clause 4.4A – Non-residential floor space ratio	Min. 0.5:1 235.25m ²	1.1:1 519.5m ²	1.18:1 553.3m ²	Yes

Clause 4.4A – Non-residential Floor Space Ratio

The existing building is not used for residential accommodation and does not comprise of any residential floor area. The entire building comprises commercial floor area (non-residential) and easily meets the minimum provision under Clause 4.4A. The proposed development involves no residential accommodation and increases the current commercial floor area to 553.3m², which equates to a non-residential floor space ratio of 1.18:1 (refer to Figures 17 and 18 below). This ratio achieves compliance with the minimum non-residential floor space ratio provision for the site and is able to satisfy the objectives of Clause 4.4A.

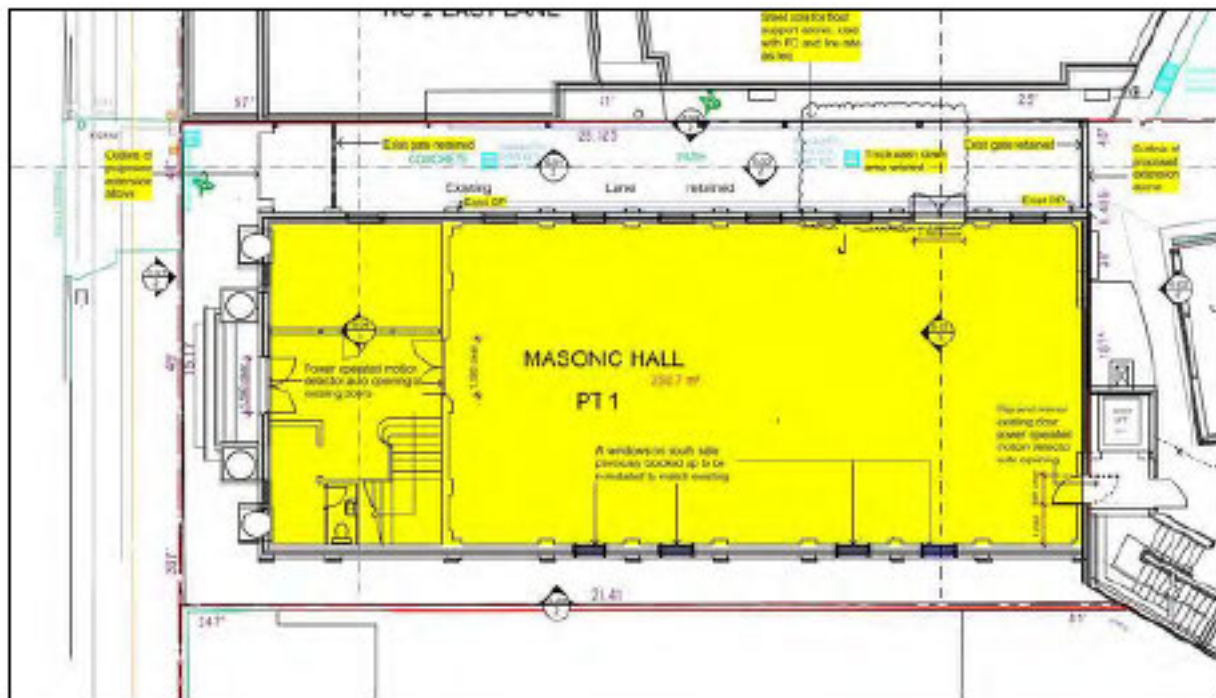


Figure 17: Gross floor area – ground floor (proposed – unchanged from existing)

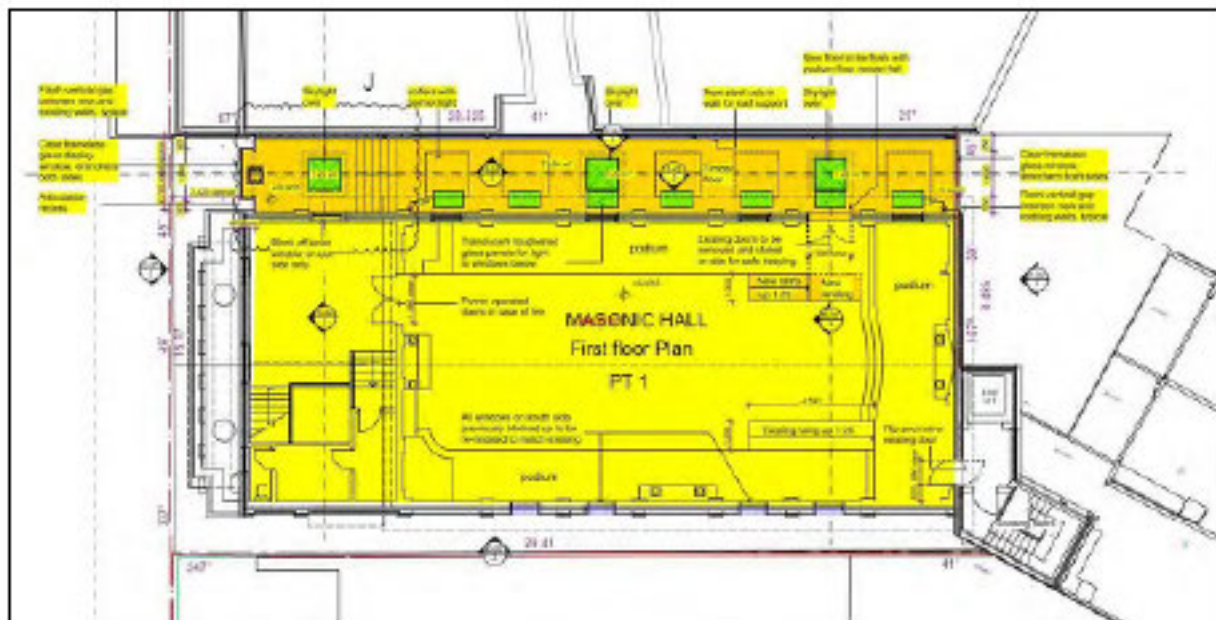


Figure 18: Gross floor area – first floor (proposed)

Clause 4.3 – Height of Buildings

The existing building features a maximum building height of 12.05m measured at its highest point (top of the pitched roof ridge). The proposed development is significantly lower than the existing roofline and involves a maximum height of 9.52m. It demonstrates full compliance with the maximum height of buildings provision for the site. Accordingly, the proposed development is able to satisfy the objectives of Clause 4.3.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site comprises a locally listed item under Schedule 5 of the NSLEP 2013 – item I0961 (Former Masonic Temple). The rear of the site adjoins the rear of a heritage item – item I0999 (“Courtney Creche” – No. 36 West Street). As such, the following planning objectives apply to the site:

- (a) *to conserve the environmental heritage of North Sydney,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Council’s Conservation Planner has considered the proposed development against Clause 5.10 (see above comments). Given the recessed design, minimal architecture and built-up, side location of the proposed extension and the overall presentation of the proposal in relation to the respective heritage items, the proposed development is considered to sufficiently conserve the heritage significance of heritage items and any views of these items, and therefore, adequately satisfies the provisions and objectives of Clause 5.10 of the NSLEP 2013.

Part 6 – Additional Local Provisions

Clause 6.10 – Earthworks

The proposed development involves minor excavation works for the footings of supporting metal columns, within the subject site. An assessment has been carried out below having regard to Clause 6.10 in NSLEP 2013.

As per the provisions of Clause 6.10(3), the following matters are required to consider before consent can be issued.

- (3) *Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:*
 - (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,*

Comment: The proposed earthworks are considered minor and will not detrimentally affect drainage patterns, soil stability and vegetation.

- (b) *The effect of the development on the likely future use or redevelopment of the land,*

Comment: The proposed development will maintain the current use of the land as a commercial building. The proposed earthworks are unlikely to affect the future use/redevelopment of the land.

(c) *the quality of the fill or the soil to be excavated, or both,*

Comment: There is limited soil required to be excavated for the footings. Given this and the history of the site being used as a commercial premises, it is unlikely that any high risk/significant contamination will occur during the proposed earthworks. Conditions can be imposed to ensure any potential contamination is contained, and sensitively mitigated and managed, during works.

(d) *the effect of the development on the existing and likely amenity of adjoining properties,*

Comment: The proposed works are temporary in nature and any amenity impacts can be suitably mitigate and managed through the imposition of conditions.

(e) *the source of any fill material and the destination of any excavated material,*

Comment: If the proposed development is supported, conditions can be imposed to ensure any fill material is adequate and fit for purpose and any waste material from excavation exported and disposed of appropriately.

(f) *the likelihood of disturbing Aboriginal objects or relics,*

Comment: The highly modified site has an extended history of land use ranging from place of worship to commercial/retail with no surface outcropping of natural rock occurring onsite. The likelihood of disturbing any relics is very low.

(g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

Comment: The site does not supply any drinking water catchments. If the proposed development is supported, appropriate sediment and erosion control measures can be included to prevent sediment movement into adjoining properties.

In accordance with the provisions of Clause 6.10(3) this assessment has considered the impact of the proposed earthworks within the site and to surrounding properties and has determined that the proposed earthworks are acceptable for the reasons as outlined above. Accordingly, the proposed development is supportable in this regard.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013 (NSDCP 2013)

An assessment of the proposed development against relevant sections of the NSDCP 2013 are provided below:

Part B, Section 2 – Commercial and Mixed Use Development		
Control	Compliance	Comments
2.1.1 General objectives		
O1 can meet the aims and residential and employment population targets as outlined in the State Government's Metropolitan Strategy and Inner North Subregional Strategy.	Yes	Facilitates and supports the current commercial use of the premises.

<p>O2 can meet the aims and dwelling targets of Council's Residential Development Strategy.</p>	<p>N/A</p>	<p>Does not involve residential dwellings.</p>
<p>O3 is consistent with the principles contained within the Integrated Land Use and Transport Policy.</p>	<p>Yes</p>	<p>Involves no changes to existing vehicular access and parking.</p>
<p>O4 provide various grades and sizes of commercial floorspace to accommodate a mix of business, service, high tech industry, retail and recreational uses.</p>	<p>Yes</p>	<p>Provides additional floor area for commercial use only.</p>
<p>O5 are designed to contribute positively to their surroundings and particularly to diversity, vitality, social engagement and 'a sense of place'.</p>	<p>Yes</p>	<p>The proposed alterations and extension to the heritage-listed building are considered acceptable – respecting and preserving the prominent aesthetic, expression and significance of the building whilst delivering a positive contribution that supports the commercial use and that is compatible with the surrounding area and streetscape.</p>
<p>O6 provide active street frontages both during the day and night.</p>	<p>Yes</p>	<p>The proposed development will provide active street frontage – at the Pacific Highway interface.</p>
<p>O7 contribute to maximising public transport usage, walking and cycling.</p>	<p>Yes</p>	<p>Does not alter the parking arrangement within the premises.</p>
<p>O8 provide an acceptable level of amenity to residents living within and adjoining centres.</p>	<p>Yes</p>	<p>Is unlikely to result in adverse amenity impacts.</p>
<p>O9 are designed to mitigate against the extreme impacts of the sun, wind and rain.</p>	<p>Yes</p>	<p>Appropriately designed with respect to extreme and climatic impacts.</p>
<p>O10 provide adequate natural light to buildings, public places and streets.</p>	<p>Yes</p>	<p>Situated and designed appropriately – ensuring there are no adverse impacts in terms of overshadowing.</p>
<p>O11 incorporate innovative sustainable design to reduce energy and water consumption and meets or exceeds sustainability requirements.</p>	<p>Yes</p>	<p>Natural light into the extension is provided via skylights on the roof. Natural light is provided to the existing ground floor through glass panels in the first floor extension and installation of additional windows on the southern side.</p>
<p>O12 minimise the acoustic impacts on residents from non-residential activities.</p>	<p>Yes</p>	<p>Will not result in significant, adverse acoustic impacts in residential neighbours.</p>
<p>O13 maximise opportunities for the sharing of views.</p>	<p>Yes</p>	<p>The proposed development will not obscure views.</p>
<p>O14 creates safe and high quality urban environments through careful design of buildings and use</p>	<p>Yes</p>	<p>Is considered to be a high quality design that maintains public domain.</p>
<p>O14 creates safe and high quality urban environments through careful design of buildings and use</p>	<p>Yes</p>	<p>Does not involve office development.</p>

<p>of materials, and a well designed and maintained public domain.</p> <p>O15 encourages the provision of adaptable office development which meets the requirements of new office technology and caters for variations in office layout and use.</p> <p>O16 soften the highly urbanised landscape by introducing water and greenery.</p> <p>O17 minimise stormwater runoff, maintain and improve stormwater quality and encourage recycling where possible.</p> <p>O18 contribute to attractive and well designed public open spaces to service increased population of the area.</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p> <p>N/A</p>	<p>Does not involve the reduction of any landscaped areas.</p> <p>Stormwater management will be as per existing.</p> <p>Does not involve any changes or impacts to public open spaces.</p>
2.2 Function		
2.2.1 Diversity of activities, facilities, opportunities and services	Yes	The proposed development provides additional area to support the retained/ongoing use of the commercial premises as a gallery.
2.2.2 Maximise use of public transport	N/A	The existing vehicular access and parking arrangements are unchanged.
2.3 Environmental criteria		
2.3.1 Clean air	Yes	The proposed development involves works that will have minimal impacts in relation to air quality.
2.3.2 Noise	Yes	The proposed development will have some temporary noise impacts associated with the works. The operations of the gallery will remain unchanged.
2.3.3 Wind speed	N/A	Building form will remain the same.
2.3.4 Reflectivity	Yes	Any changes to the external façade of the building will not result in impacts resulting from reflected light/glare, subject to extension being further recessed from the existing building line.
2.3.5 Artificial illumination	Yes	Predominantly internal illumination is proposed within the extension.
2.3.6 Awnings	N/A	No awnings proposed.
2.3.7 Solar access	Yes	<p><u>Context</u></p> <p>The subject site has a west-east orientation and is generally overshadowed by the north-adjointing neighbours (4-storey buildings) at No. 319 Pacific Highway and No. 2 East Lane. Properties on the eastern side of Pacific Highway feature similar orientations and accordingly, the existing building onsite has overshadowing impacts on the south-adjointing neighbour (medical centre/clinic) at No. 313 Pacific Highway).</p> <p><u>Proposed impacts</u></p> <p>The current setbacks of the building on the southern side remain unchanged and the existing overshadowing impacts will remain the same.</p>

		<p>The proposed first floor extension in-fill the northern passageway to the existing hall and between the building onsite and at No. 319-321 Pacific Highway (AKA No. 2 East Lane).</p> <p>The south-facing lightwell of this neighbour will be affected by the additions below level 3. This lightwell is located on the southern side of the mixed use building and is designed to facilitate daylight and natural ventilation to bedrooms of the southern units. Living spaces are oriented towards the Pacific Highway or East Lane.</p> <p>Given the height, scale, orientation and location of the proposed extension, it has been determined that there will be minimal impacts on any neighbouring properties including this existing lightwell. This is clearly demonstrated in the shadow diagrams provided by the Applicant.</p> <p>Any gaps or lightwells within the north-adjointing building are not impacted by the proposal as these are north of the subject site and would generally face south. The south-facing lightwell at No. 319-321 Pacific Highway will remain functional in terms of providing daylight and ventilation to the respective units. On balance, the proposed development is considered to have reasonable overshadowing impacts and is able to demonstrate full compliance with the DCP requirements associated with solar access.</p>
2.3.8 Views	Yes	Limited views within the current setting. The built form is unchanged. The design and siting of the proposed in-fill (extension) are such that this component will not result in any significant view loss.
2.3.9 Acoustic privacy	Yes	The proposed development will have some temporary noise impacts associated with the works. The operations of the gallery will remain unchanged.
2.3.10 Vibration	N/A	Has frontage to a classified road (Pacific Highway) but does not involve residential accommodation.
2.3.11 Visual privacy	<p>Yes</p> <p>Yes</p> <p>Yes – conditioned to comply</p>	<p><u>Display window facing Pacific Highway</u> The new display window does not directly face any residential properties and will provide adequate and appropriate passive street surveillance in Pacific Highway.</p> <p><u>New windows on southern elevation</u> New windows on southern side have limited potential to overlook as these face the blank wall/roof of the south-adjointing neighbour, which is built to the boundary and is a medical centre/clinic (refer to Figures 19 and 20). Further, these windows are all highlight windows. Any privacy impacts associated with these windows are considered reasonable.</p> <p><u>Rear (east-facing) window of extension</u> The window facing the rear (East Lane) is large and does align with residential dwellings (balconies and windows) of No. 1A Eden Street and No. 2 Hazelbank Place (refer to Figure 21). It is noted that the residential properties in the immediate vicinity, including the above and at No. 2 East Lane feature some balustrades, screening or other privacy</p>

	<p>treatments to maintain residential privacy (refer to Figures 22 and 23). Given the local context and site setting and the art gallery/retail premises use of the extension, the proposed window is considered unnecessary and is recommended for deletion due to proximity to residential balconies located opposite to the east. Conditions will be imposed accordingly.</p>
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Figure 19: Proposed highlight windows on southern side

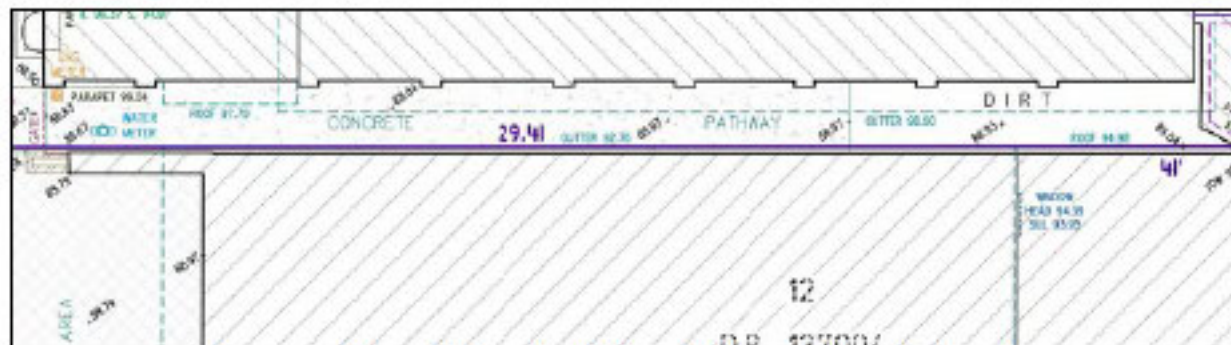


Figure 20: Existing wall of south-adjacent neighbour – built to the boundary

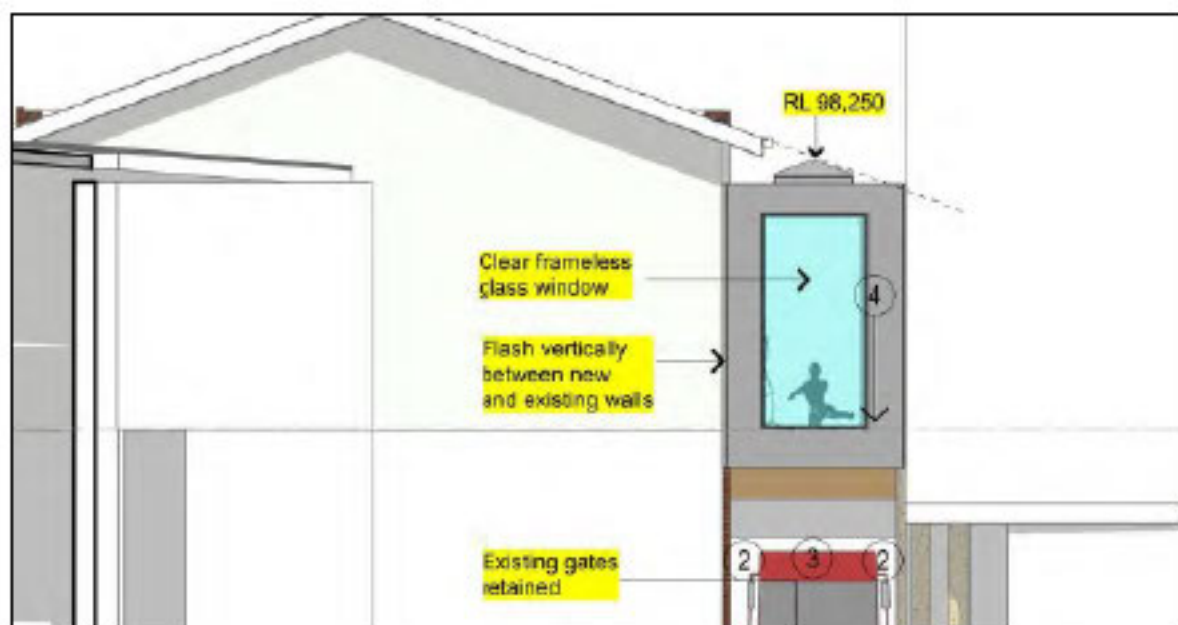


Figure 21: Proposed rear (east-facing) window facing Eden Street – needs to be modified to address privacy



Figure 22: Existing residential dwellings at No. 1A Eden Street and No. 2 Hazelbank Place facing subject site and exposed to proposed rear (east-facing) window



Figure 23: View of rear of subject site and existing residential dwellings at No. 319-321 Pacific Highway (AKA No. 2 East Lane)

2.4 Quality built form		
2.4.1 Context	Yes	The proposed layout and building design responds to the existing characteristics, opportunities and constraints of the site and within its wider context, including the heritage-listed building. The provision of windows on the southern side will ensure some of the original fabric and elements of the item are reinstated. The proposed extension will be recessed and modulated to capture a more subservient form compared to the heritage-listed building. The presentation of the building will not be overpowered or dominated by this new component.
2.4.2 Site consolidation	N/A	Does not involve site consolidation.
2.4.3 Setbacks	Yes	Built forms along Pacific Highway – particularly mixed use and commercial developments – allow for nil side setbacks. The proposed development achieves this. The proposed development generally maintains the existing and established front and rear building lines of the immediate vicinity.
2.4.5 Building design	Yes	The proposed development has been designed to reinforce the character of the locality.
2.4.10 Streetscape	Yes	The proposed development is considered acceptable within the streetscape.
2.4.11 Entrances and exits	Yes	The proposed development maintains entrances and exits of the building.
2.4.12 Night-time appearance	Yes	The extension provides an additional portion of the façade visible to public domain, that will provide a more practical display aesthetic that easily identifies the current commercial use (as a gallery). The artificial lighting and window display are considered acceptable and reasonable and adds visual interest without dominating the primary presentation and expression of the heritage item.
2.5 Quality urban environment		
2.5.1 Accessibility	Yes	The proposed extension and new ramp within the first floor ensure all areas of the building are accessible.
2.5.2 Safety and security	Yes	Facilitates a high level of safety and security and incorporates passive surveillance of traffic along Pacific Highway (via window display in extension).
2.5.3 Illumination	Yes	Acceptable.
2.5.5 Lightwells and ventilation	Yes	Sufficient daylight and ventilation provided via proposed openings, windows, skylights and other glazed treatments.
2.5.7 Vehicular access	N/A	Existing vehicular access is unchanged and will be unaffected by the proposal.
2.6 Efficient use of resources		
2.6.1 Energy efficiency	Yes	Ample daylight provided into the existing building and first floor extension.
2.6.2 Passive solar design	Yes	Acceptable.
2.6.3 Thermal mass and insulation	Yes	Acceptable.
2.6.4 Natural ventilation	Yes	Sufficient ventilation provided.
2.6.6 Waste management and minimisation	Yes	
2.6.7 Stormwater management	Yes	Connects to existing system.
2.6.8 Building materials	Yes	
2.6.9 Adaptive reuse of buildings	Yes	Supports existing use of the heritage-listed building.

Part B, Section 13 Heritage and Conservation		
Heritage and Conservation	Complies	Comments
13.5 Heritage Items		
13.5.1 Protecting heritage significance		
<i>Objectives</i>		
O1 Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item.	Yes	The proposed development has been designed to be sympathetic and responsive to the importance, setting and significance of the heritage item.
O2 Allow change to occur to heritage items to meet amenity and contemporary safety, sustainability or technological standards, provided that those changes are sympathetic to and does not detrimentally affect the heritage significance of the heritage item.	Yes	The proposed works including first floor extension, will not detrimentally impact the heritage significance of the item. The first floor extension is recessive and subservient compared to the scale and massing of the heritage-listed building.
O3 Ensure significant features of heritage items are retained.	Yes	The significant features of the heritage item are retained.
O5 Encourage reinstatement of missing details and the removal of past unsympathetic changes, to improve overall outcomes to the heritage significance of the heritage item.	Yes	The windows along the southern elevation will be reinstated as part of the proposal. This will improve overall outcomes – noting that some of these windows will be visible from public domain.
O6 Allow changes to the rear of heritage items where the new work does not impact the heritage significance of the heritage item.	Yes	The works to the rear are acceptable.
O7 Ensure that new uses of heritage items are compatible with the fabric and heritage significance of the item.	Yes	The proposed development does not involve any new uses and will facilitate the continued use of the building as an art gallery/retail premises.
O8 Encourage changes to be reversible where possible and appropriate.	Yes	All proposed changes to the heritage item are reversible.
<i>Provisions</i>		
P1 Retain features that contribute to the significance of the item.	Yes	The proposed development is generally consistent with the objectives and provisions for works to heritage items. The proposed development will not significantly affect the prevailing appearance and architectural design and expression of the heritage-listed building and the significance and quality of the heritage item. This has been confirmed by Council's Conservation Planner.
P2 Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.	Yes	
P3 New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.	Yes	
P4 Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.	Yes	
P5 Locate change away from original areas of the heritage item that are intact.	Yes	

Part B, Section 13 Heritage and Conservation		
Heritage and Conservation	Complies	Comments
<p>13.5.2 Form, massing, scale</p> <p><i>Objectives</i></p> <p>O1 To allow alterations and additions to heritage items, where the new work does not impact on the heritage significance of the heritage item.</p> <p>O2 To maintain and promote the original built form of the heritage item as viewed from the public domain.</p>	<p>Yes</p> <p>Yes</p>	<p>The proposed development generally maintains the predominant form, massing and scale of the existing building. The northerly, side extension of the first floor is recessed and tucked along the side of the heritage item, sandwiched between this building and the adjoining 4-storey shop top housing. This extension will not dominate the heritage item and will not affect its heritage significance/value.</p> <p>The original built form and streetscape presentation of the heritage item will be appropriately maintained.</p>
<p><i>Provisions</i></p> <p>P1 Locate alterations and additions away from principal elevations and primary forms, and behind and below the main ridge line.</p> <p>Note: Alterations and additions should occur to the rear of heritage items such that they are not visible from the public domain.</p> <p>P2 Ensure that alterations and additions are smaller in scale, height and massing than the existing building.</p> <p>P3 Locate additions within characteristic setbacks.</p> <p>P4 Maintain the integrity of the building form (including the roof form and profile) so that the original building is retained and can be clearly discerned.</p> <p>P5 Additions should be submissive in bulk and scale in comparison to the original building form.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposed development maintains the predominant form, massing and scale of the approved building. Whilst the proposed extension is to the side (not rear) of the heritage item and will be visible from public domain, this extension is smaller in scale, height and massing than the heritage-listed building and is sufficiently recessed, such that its presentation will not detrimentally affect the heritage item.</p>

Part B, Section 13 Heritage and Conservation		
Heritage and Conservation	Complies	Comments
<p>13.5.4 Roofs</p> <p>Objectives O1 To ensure that original roofs, their hierarchy and materials are retained.</p> <p>Provisions P1 Retain hierarchy of roof forms, with dominant forms maintained on the primary facades.</p> <p>P4 Where new roof form additions are proposed, they must be set lower than the existing primary roof ridge and be designed to positively respond to the roofs prevailing character.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposed first floor extension and respective roof is lower than the existing pitched roof of the heritage-listed building. Its design and siting are such that the hierarchy of roof forms are retained and adequately maintained.</p>
<p>13.5.5 Interior layouts</p> <p>Objectives O1 To ensure that significant interior elements are retained and preserved.</p>	<p>Yes</p>	<p>The proposed development involves minor changes to the building; however, these changes will have little impact on the primary internal layouts. Any significant interior features are retained and preserved.</p>
<p>13.5.6 Upgrading for fire safety, BCA and other matters</p> <p>Objectives O1 To ensure that buildings are constructed to an appropriate standard to ensure the safety of its occupants, whilst retaining heritage significance.</p> <p>Provisions P2 Fire and other upgrades are to be consistent with the heritage significance applicable to the property.</p> <p>P3 Fire and other upgrading works need to balance the fire safety and other compliance needs with protecting heritage significance. In order to achieve the most appropriate outcome, applicants may need to utilise alternate solutions to BCA compliance issues.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposed upgrades stipulated in the Applicant's BCA compliance report are acceptable and will retain heritage significance.</p>

CHARACTER STATEMENTS – PART C

Section 3 – North Sydney Planning Area
Section 2.3 – Eden Neighbourhood

The site is within the North Sydney Planning Area – specifically, the Eden Neighbourhood, to which, Part C, Section 2.3 of the DCP applies. Given the design, nature and siting of the proposed development and continued use of the site as an art gallery/retail premises, it is considered that the proposed development will not be contrary to the requirements under Section 2.3. The proposed development is incongruence with the established and desired future character and built form of the area.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to the payment of contributions towards the provision of local infrastructure. The development contributions under Sections 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979* were calculated in accordance with the North Sydney Local Infrastructure Contribution Plan 2020. In this instance, a Section 7.12 levy was applied. The contribution payment has been calculated as follows:

Contribution amounts payable

Applicable contribution type		
s7.12 contribution details	Development cost:	\$652,091.00
(payment amount subject to indexing at time of payment)	Contribution:	\$6,520.91

Conditions requiring the payment of contributions at the appropriate time will be included in the attached conditions, should the application be supported.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL	CONSIDERED
1. Statutory Controls	Yes
2. Policy Controls	Yes
3. Design in relation to existing building and natural environment	Yes
4. Landscaping/Open Space Provision	Yes
5. Traffic generation and Carparking Provision	Yes
6. Loading and Servicing Facilities	Yes
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	Yes
9. All relevant 4.15 considerations of <i>Environmental Planning and Assessment (Amendment) Act 1979</i>	Yes

SUBMITTERS CONCERNS

The application was notified to adjoining properties as per Council's Community Participation Plan, on 26 August to 9 September 2022. Council received a total of 19 submissions during this period. The following issues/matters were raised:

- Accessibility issues and disability facilities
- Access to laneway issues
- Amenity and privacy impacts
- Compliance issues relating to gate and post position - 2 East Lane
- Compliance issues relating to rubbish bin placement
- Construction management plan
- Fire safety and BCA compliance concerns
- Heritage impacts
- Justification for truck wash down area
- Noise, dust and air pollution during construction
- Overshadowing
- Streetscape impacts
- Structural stability impacts
- Survey plan is incorrect
- Traffic, parking and congestion

Council's responses to the above issues/matters are provided below.

- Accessibility issues and disability facilities

Response: The Applicant provided a BCA compliance report that demonstrates adequate access and disability facilities are provided for the premises. It is noted that the proposed development does not involve any new land uses (change of use) and does not alter the access and disabilities facilities currently available within the building – for all levels. The proposed extension is accessible, as demonstrated by the new internal ramp within the first floor.

Access to the existing disability toilet at the rear of the property remains unchanged. This facility can be accessed on the ground floor, via the lift lobby.

- Access to laneway issues

Response: The proposed development does not involve any changes to the current access to East Lane via the northern side setback (passageway) of the subject site. The proposed first floor extension is cantilevered and elevated at least 3.6m above this passageway and will not hinder access.

The Applicant has confirmed that gates situated across the front and rear of this passageway are closed and remain locked during after-hours to deter foot traffic and for security and safety reasons.

- Amenity and privacy impacts

Response: The Assessment section above provides a detailed discussion on the proposed development in terms of privacy and amenity. Any gaps/light wells for the north-adjoining neighbours can remain functional in terms of provided natural light and ventilation to the respective

buildings. The eastern (rear) window is to be deleted due to impacts to the residential unit balconies opposite in East Lane.

- Compliance issues relating to gate and post position – 2 East Lane

Response: There are no compliance issues, including BCA related, that are associated with the gate and post position. The proposed extension including supporting steel columns are considered acceptable. The existing gates addressing Pacific Highway and East Lane are retained.

- Compliance issues relating to rubbish bin placement

Response: The current use of the building as an art gallery/retail premises will remain unchanged. The current waste management of the site involves commercial bins housed within the laneway, that are collected and cleaned on a weekly basis. This arrangement is also unchanged.

- Construction management plan

Response: Conditions can be imposed to ensure construction works are managed appropriately and any associated impacts are mitigated.

- Fire safety and BCA compliance concerns

Response: Council's Senior Building Surveyor has reviewed the application and is satisfied that the proposed development achieves BCA compliance, subject to the imposition of conditions.

- Heritage impacts

Response: The Assessment section above provides detailed discussion on the proposed development in terms of heritage impacts. Council's Conservation Planner has assessed the application and determined that the proposal achieves the objectives and provisions under Clause 5.10 of NSLEP 2013 and under NSDCP 2013, with regard to heritage.

- Justification for truck wash down area

Response: The Applicant has deleted the truck wash down area from the final scheme.

- Noise, dust and air pollution during construction

Response: These impacts are considered temporary and reasonable. Conditions can be imposed to ensure construction works are managed appropriately and any associated impacts are mitigated.

- Overshadowing

Response: The Assessment section above provides detailed discussion on the proposed development in terms of overshadowing. Given that the proposed extension sits between two (2) buildings and is lower than the north-adjointing neighbours, and it is unlikely that this component will result in substantial and significant overshadowing impacts.

- Streetscape impacts

Response: The Assessment section above provides a detailed discussion on the proposed development with regard to streetscape compatibility.

- Structural stability impacts

Response: The Applicant provided structural engineering diagrams, a certificate of structural adequacy of existing structure, and confirmation that the detail of works at the northern boundary have been modified to ensure that no flashing will be required into the neighbouring building. Conditions as recommended by Council's Development Engineer can be imposed to address any structural stability matters and ensure the structural walls and footings of neighbouring properties will not be impacted by the development.

- Survey plan is incorrect

Response: The survey plan has been reviewed and considered acceptable.

- Traffic, parking and congestion

Response: The Applicant provided a traffic and parking assessment report demonstrating that any traffic impacts are reasonable, appropriate and manageable. The proposed extension is unlikely to result in a significant intensification of the current use of the site as an art gallery/retail premises. Council's Development Engineer has reviewed the application in relation to traffic and parking and have not raised any objections.

PUBLIC INTEREST

The proposed development is considered to be in the public interest for the reasons stated throughout this report.

SUITABILITY OF THE SITE

The proposed development is located in the B4 – Mixed Use zone where *commercial premises* is a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

CONCLUSION AND REASONS

The proposal was considered under the relevant Environmental Planning Instruments and policies including SEPP (Transport and Infrastructure) 2021, NSLEP 2013 and NSDCP 2013 and in general, was found to be satisfactory and demonstrating merit.

The application proposes additions and alterations to a commercial building and heritage item, which is a permissible form of development in the B4 – Mixed Use zone.

With regard to the potential impacts upon the amenity of adjoining properties and the unique context of the site, subject to conditions, the development application is considered to be satisfactory and is recommended for approval.

Council received a total of 19 submissions that raised concerns and issues including those relating to accessibility issues and disability facilities; access to laneway issues; amenity and privacy impacts; fire safety and BCA compliance concerns; heritage impacts; overshadowing; streetscape impacts and traffic/congestion. These concerns and issues have been discussed in this report and are addressed with appropriate conditions of consent.

The proposed development is considered to be sympathetic and appropriately responsive to the unique setting, context and constraints of the site, including the presence of a locally listed and prominent heritage item (Former Masonic Temple). The proposal will enable the continued viable use of the heritage-listed building as an art gallery/retail premises, without detrimentally impacting the significance, value and presentation of the heritage item.

Having regard to the merits of the proposal, the application is recommended for approval subject to appropriate standard and site specific conditions provided below.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties for fourteen (14) days, where a number of issues were raised. These issues have been addressed in this report and where appropriate, conditions of consent have been recommended to maintain the amenity of adjoining properties, minimise potential impacts on respective heritage items, as well as the character of the streetscape and immediate locality.

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 grant consent to Development Application No. 231/22 for alterations and additions to the Former Masonic Temple (heritage item I0961) at No. 317 Pacific Highway, North Sydney, legally described as Lot 1 in DP 1244831, subject to the following site specific conditions and the attached standard conditions:

Eastern (Rear) Window of First Floor Extension

- C1. The rear (east facing) window of the approved first floor extension is to be deleted and replaced with a 'blind' window/solid wall panel that is recessed by 5-10mm from the main façade cladding.

Details of the above design changes required by this condition must be contained within the final construction plans and provided to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the details submitted fully satisfy the requirements of this condition.

(Reason: To remove preventable overlooking from new openings/windows and ensure an appropriate façade design)

Structural Engineering Diagrams

- C2. The structural engineering diagrams must be amended to delete the proposed cutting of the existing roof (eaves), as reflected in the approved architectural plans. The entire approved development must sit below the existing roof eaves and any associated elements and the existing roof of the heritage listed building must remain unchanged and not impacted by the development.

Details of the above design changes required by this condition must be contained within the final construction plans and structural engineering diagrams, and provided to the Certifying Authority for approval prior to the issue of any Constructure Certificate. The Certifying Authority must ensure that the details submitted fully satisfy the requirements of this condition.

(Reason: To ensure any heritage impacts generated by the approved development are minimal and acceptable)

MIGUEL RIVERA
SENIOR ASSESSMENT OFFICER

DAVID HOY
TEAM LEADER (ASSESSMENTS)

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
317 PACIFIC HIGHWAY, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 231/22

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/Documentation

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

Plan No.	Rev	Description	Prepared by	Dated
SK 00b	J	Roof Plan	Max Wessels	23 Jan 2023
SK 01	J	Ground Floor Plan	Max Wessels	23 Jan 2023
SK 01b	I	Level 1 Plan	Max Wessels	23 Jan 2023
SK 01c	J	Level 2 Plan	Max Wessels	31 Mar 2022
SK 02	J	Elevations	Max Wessels	23 Jan 2023
SK 03	J	Sections	Max Wessels	23 Jan 2023
SK 00a	I	Stormwater Management Plan	Max Wessels	31 Mar 2022

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

Plans on Site

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

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)***Eastern (Rear) Window of First Floor Extension**

- C1. The rear (east facing) window of the approved first floor extension is to be deleted and replaced with a 'blind' window/solid wall panel that is recessed by 5-10mm from the main façade cladding.

Details of the above design changes required by this condition must be contained within the final construction plans and provided to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the details submitted fully satisfy the requirements of this condition.

(Reason: To remove preventable overlooking from new openings/windows and ensure an appropriate façade design)

Structural Engineering Diagrams

- C2. The structural engineering diagrams must be amended to delete the proposed cutting of the existing roof (eaves), as reflected in the approved architectural plans. The entire approved development must sit below the existing roof eaves and any associated elements and the existing roof of the heritage listed building must remain unchanged and not impacted by the development.

Details of the above design changes required by this condition must be contained within the final construction plans and structural engineering diagrams, and provided to the Certifying Authority for approval prior to the issue of any Constructure Certificate. The Certifying Authority must ensure that the details submitted fully satisfy the requirements of this condition.

(Reason: To ensure any heritage impacts generated by the approved development are minimal and acceptable)

Dilapidation Report Damage to Public Infrastructure

- C3. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

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

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

Dilapidation Survey Private Property (Neighbouring Buildings)

- C4. A photographic survey and dilapidation report of adjoining properties at No. 319 Pacific Highway, North Sydney and at No. 2 East Lane, North Sydney, detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person agreed to by both the Applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

Structural Adequacy of Existing Building

- C5. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Certifying Authority for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

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

Sediment Control

- C6. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

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

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

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

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

Waste Management Plan

C7. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:

- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
- b) The design of the on-site waste storage and recycling area; and
- c) Administrative arrangements for waste and recycling management during the construction process.

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

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

Colours, Finishes and Materials (Heritage Items)

C8. A traditional palette of finishes, materials and colour schemes must be selected for the new building works appropriate to the architectural style of the original building and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that exterior colours, finishes and materials are sympathetic to the significance of the heritage item.)

Skylight(s)

C9. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100 mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

Reflectivity Index of Glazing

- C10. The reflectivity index (expressed as a per centum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

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

Stormwater Disposal - Drainage Plan

- C11. Prior to issue of any Construction Certificate, site drainage plans must be prepared by a licensed plumber or qualified drainage engineer. The site drainage plans must be designed in accordance with the following criteria:
- a) compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
 - b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to East Lane.
 - c) prevent stormwater egress into adjacent properties by creating physical barriers and surface drainage inception.

Drainage plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Proper disposal of stormwater)

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

- C12. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$5,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent.
 - c) remedying any defects in any such public work that arise within six months after the work is completed.

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

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

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

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

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

Upgrade of Existing Building - Fire Spread and Safe Egress

- C13. Pursuant to clause 64 of the EP&A Regulation 2021, aspects of the existing building must be brought into conformity with the Building Code of Australia (BCA).

Work must be carried out as part of the development so as to upgrade the building to bring it into compliance with the recommendations contained within the

- BCA Assessment Report No. 115155-BCA-r1 dated 6 September 2022, prepared by BCA Logic.

Plans and specifications showing the upgrading works which must be carried out under this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

Notes:

- 1) The Certifying Authority must be satisfied that the plans and specifications submitted prior to the issue of any Construction Certificate comply with the requirements of this condition.
- 2) The Certifying Authority issuing the Construction Certificate has no power to remove the requirements to upgrade the existing building as required by this condition.
- 3) Where this condition specifies compliance with the performance requirements of the BCA, the Certifying Authority, subject to their level of accreditation, may be satisfied as to such matters.

(Reason: Application of Regulations relating to Fire and Life Safety)

Provision of Accessible Paths of Travel

- C14. The building must be designed and constructed to provide access and facilities in accordance with the Building Code of Australia and Disability (Access to Premises - Buildings) Standards 2010. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Notes:

1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to a Construction Certificate being issued. Approval of a modification application may be required.
2. It is not within Council's power to set aside National legislation which requires the upgrade of buildings to meet modern access standards. Such decisions remain the jurisdiction of the Building Professionals Board Access Advisory Committee who may grant an exemption in certain exceptional circumstances.

3. Information on making an application for an “unjustifiable hardship exemption” under the accessibility standards can be found in the website of the NSW Building Professional Boards at <http://www.bpb.nsw.gov.au/page/premises-standards>.

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

Section 7.12 Contributions

- C15. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council’s Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$6,520.91.

Indexation

The monetary contribution required under this consent will be indexed at the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

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

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

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

Security Deposit/Guarantee Schedule

- C16. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Bond for Damage and Completion of Infrastructure Works	\$5,000.00
TOTAL BONDS	\$5,000.00

Note: The following fees applicable

Local Infrastructure Contributions	Amount (\$)
Section 7.12 contributions	\$6,520.91
TOTAL CONTRIBUTIONS	\$6,520.91

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

(Reason: Compliance with the development consent)

D. Prior to the Commencement of any Works (and continuing where indicated)

Photographic Survey (Heritage Items)

- D1. Prior to any works commencing a photographic survey recording, in accordance with the NSW Heritage Office Guidelines, "Photographic recording of Heritage Items using file or digital capture," is to be prepared to the satisfaction of Council's Historian and Conservation Planner. Two (2) copies of the photographic survey must be provided to Council.

(Reason: To provide a historical record of heritage significant fabric on site for archival purposes)

Commencement of Works' Notice

- D2. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

E. During Demolition and Building Work

Road Reserve Safety

- E1. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

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

(Reason: Public Safety)

Removal of Extra Fabric

- E2. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

- E3. The following must be complied with at all times:
- (a) Materials must not be burnt on the site.
 - (b) Vehicles entering and leaving the site with soil or fill material must be covered.
 - (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
 - (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

- E4. The works must be undertaken in accordance with the "Interim Construction Noise Guideline," published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

No Work on Public Open Space

- E5. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

Special Permits

- E6. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

Construction Hours (Commercial Core and Mixed-use Zones)

- E7. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

Location	Standard Construction Hours	
	Day	Hours
B3 Commercial Core Zone B4 Mixed-use Zone	Monday - Friday	7.00 am - 7.00 pm
	Saturday	8.00 am - 1.00 pm
	Sunday, Public holiday	No work permitted

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above and any Construction Noise Management Plan required under this consent.

In the event of breach to the approved hours of construction Council take may take enforcement action under Part 9 of the EP&A Act 1979 and in accordance with Council's adopted Compliance and Enforcement Policy.

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

Out-of-hours' Work Permits

- E8. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if public safety is at risk. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

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

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

Installation and Maintenance of Sediment Control

- E9. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

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

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

Sediment and Erosion Control Signage

E10. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Health and Safety

E11. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

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

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

Community Information

E12. Reasonable measures must be undertaken at all times to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site

(Reason: To ensure that residents are kept informed of activities that may affect their amenity)

Archaeological Discovery During Works

- E13. Should any historical or Aboriginal relic be discovered on the site during demolition, excavation or site preparatory works, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW must be informed in accordance with the provisions of the Heritage Act 1977 and/or National Parks and Wildlife Act, 1974. Works must not recommence until such time as approval to recommence is given in writing by Council or a permit from the Director of the NPWS is issued.

(Reason: To prevent the unnecessary destruction or removal of unrecorded historical or Aboriginal relics)

Prohibition on Use of Pavements

- E14. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Plant and Equipment Kept Within Site

- E15. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Imported Fill Material

- E16. The only waste derived fill material that may be received at the development site is:
- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl. 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site, must be accompanied by documentation as the material's compliance with the exemption conditions and must be provided to the Certifying Authority on request.

(Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)

Waste Disposal

E17. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

Asbestos Removal

E18. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

F. *Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation*

National Construction Code

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

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

F2. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

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

Construction Certificate

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

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

Occupation Certificate

- F4. A person must not commence occupation or use of the whole or any part of a new building (*new building* includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Critical Stage Inspections

- F5. Building work must be inspected by the Principal Certifying Authority on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifying Authority.

(Reason: Statutory)

Commencement of Works

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

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

Excavation/Demolition

- F7. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

Protection of Public Places

- F8. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

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

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

Site Sign

- F9. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Infrastructure Repair and Completion of Works

- G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:
- a. in the road reserve must be fully completed; and
 - b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

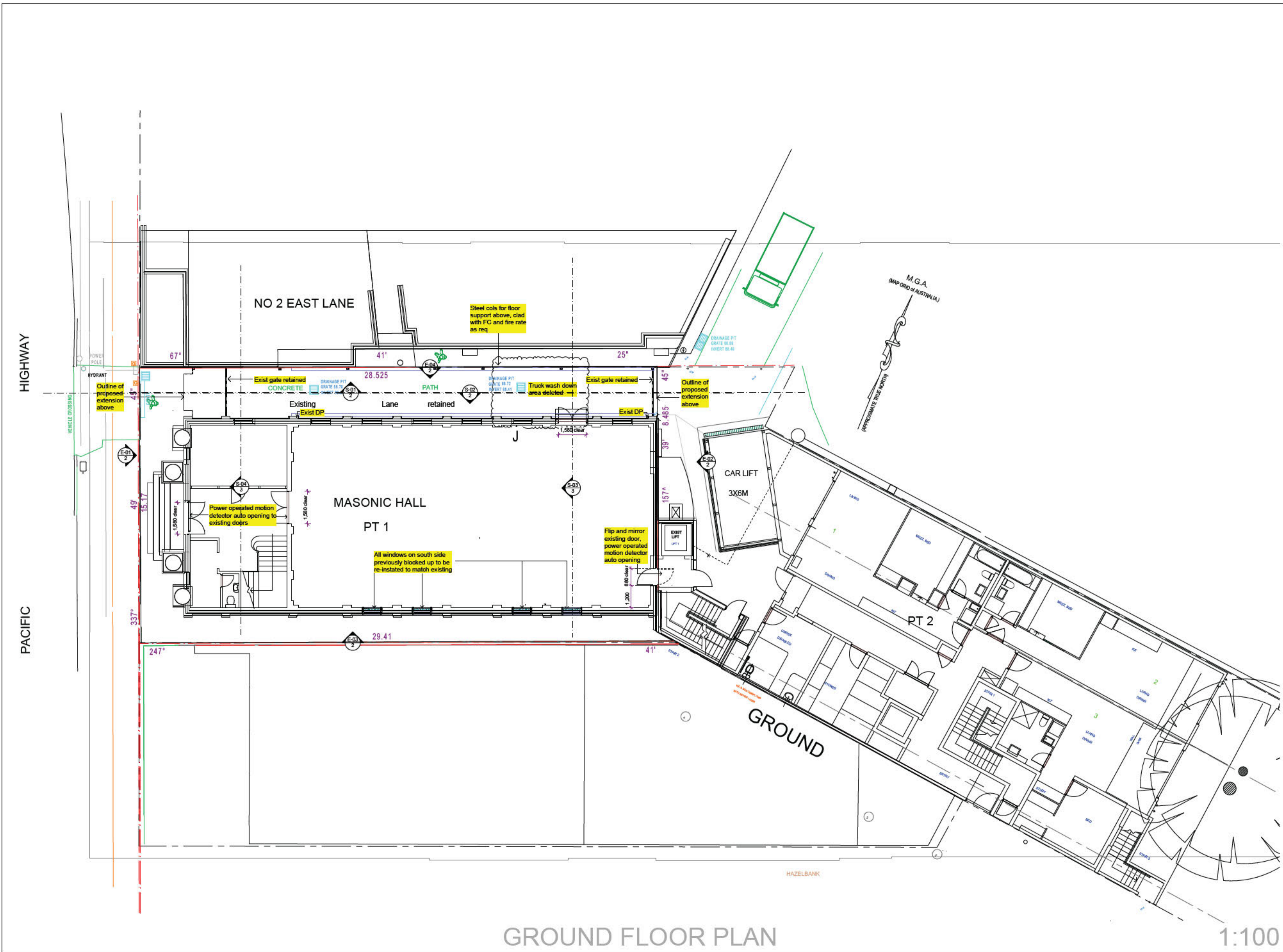
to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of public assets)

Damage to Adjoining Properties

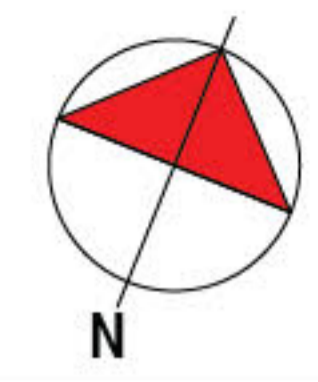
- G2. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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



GROUND FLOOR PLAN

1:100



DA AMENDMENTS

No.	Amendment	Date
J	DA Drawing amended in response to Council's initial assessment	23.1.23
I	North Elevation marker added to plans	31.3.22
	Full extent of PT 2 Ground floor shown	
H	DA issue	1.12.21
G	Preliminary DA issue updated	29.11.21
F	Preliminary DA issue updated	26.11.21
E	Preliminary DA issue	16.11.21
D	Revised Consultants issue	11.11.21
C	Revised Consultants issue	4.11.21
B	Revised Consultants issue	28.10.21
A	Prelim Consultants issue	19.10.21

Architect
 Max Wessels - Suite 1 Level 2
 114 Alexander St. Crows Nest 2065
 Ph 0405 137430

General Notes
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Client
 Modog Pty Ltd
 Project Name
Extension to Masonic Hall
 317 Pacific Highway, North Sydney

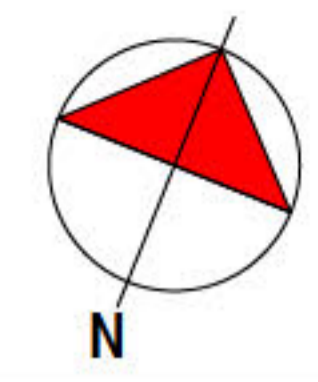
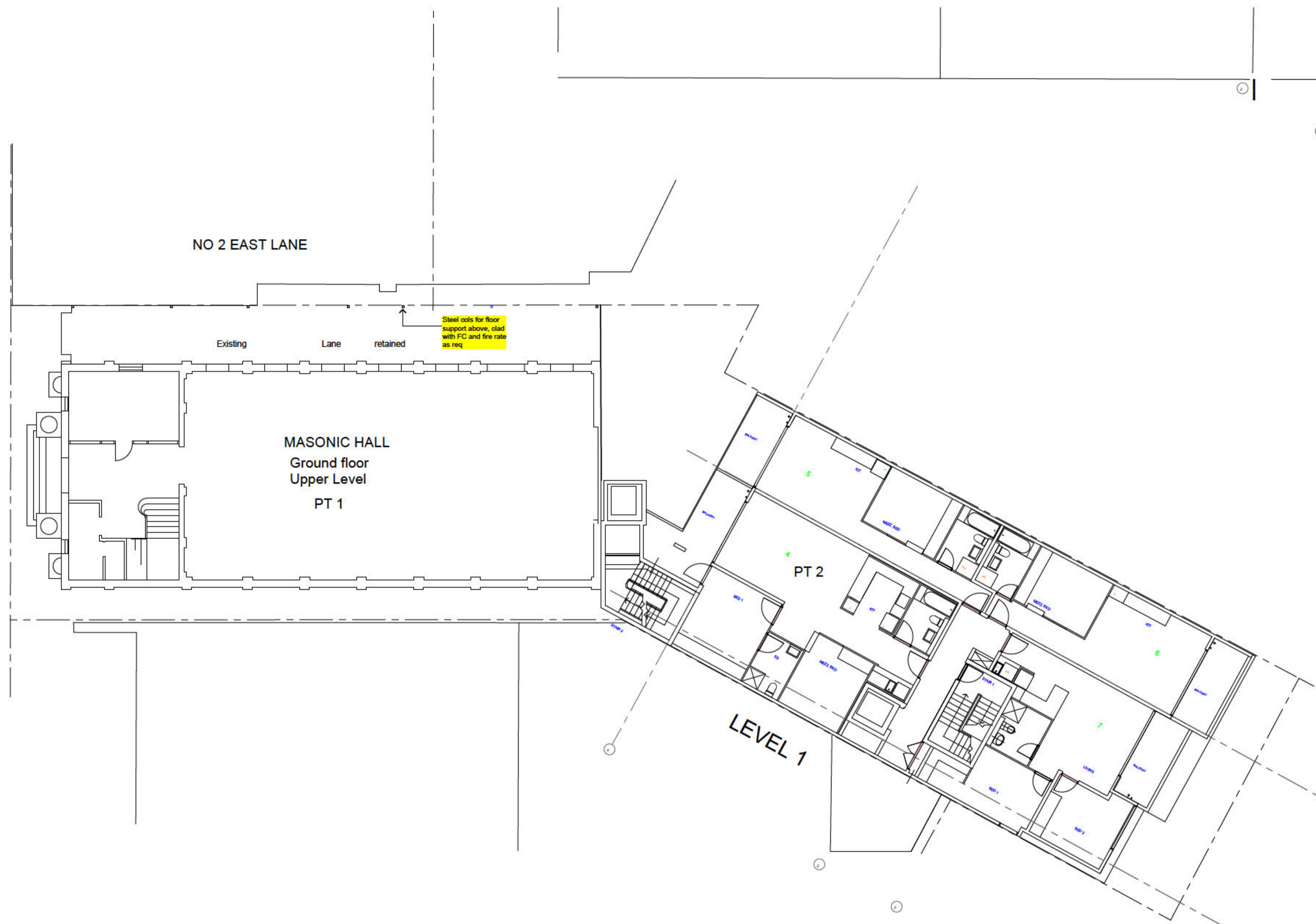
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GROUND FLOOR PLAN

Scale: 1:100 @ A1 Date: Jan 2023
 1:200 @ A3

Status: DA AMENDMENT Checked By: JMW

Project No: **MO18** Drawing No.: **SK 01** Rev: **J**

Plot Date: 24/01/2023



**DA
AMENDMENTS**

No.	Amendment	Date
I	Full extent & position of PT 2 Level 1 shown in relation to Masonic Hall	31.3.22
H	DA issue	1.12.21
G	Preliminary DA issue updated	29.11.21
F	Preliminary DA issue updated	26.11.21
E	Preliminary DA issue	16.11.21
D	Revised Consultants issue	11.11.21
C	Revised Consultants issue	4.11.21
B	Revised Consultants issue	28.10.21
A	Prelim Consultants issue	19.10.21

Architect
 Max Wessels - Suite 1 Level 2
 114 Alexander St. Crows Nest 2065
 Ph 0405 137430

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Client
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 Project Name
Extension to Masonic Hall
 317 Pacific Highway, North Sydney

Drawing Title:
LEVEL 1 FLOOR PLAN

Scale: 1:100 @ A1
 1:200 @ A3
 Date: Jan 2023

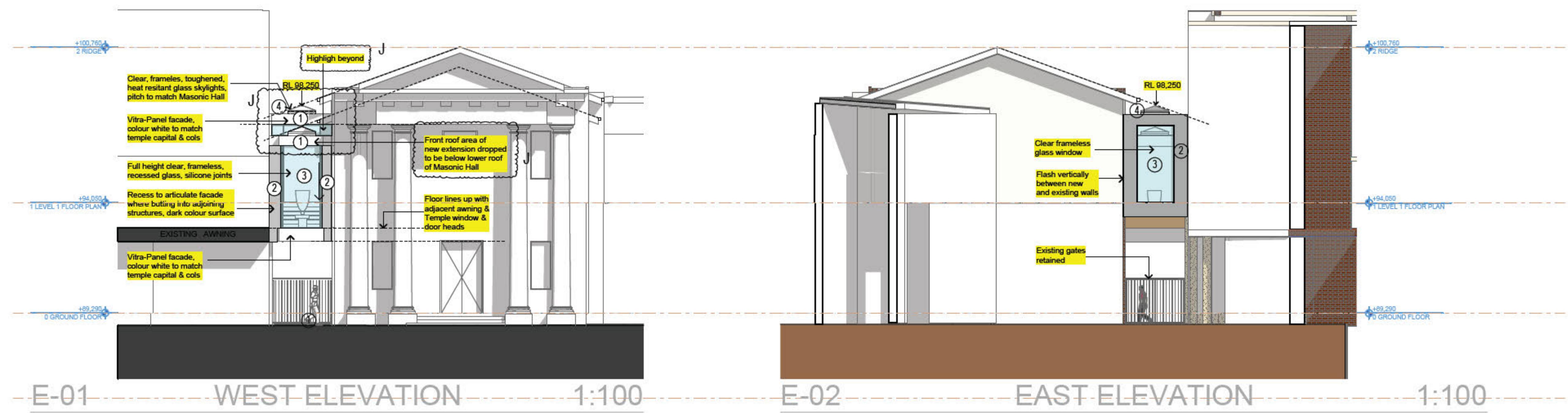
Status: DA AMENDMENT Checked By: JMW

Project No:
MO18
 Drawing No.:
SK 01b

Plot Date: 24/01/2023

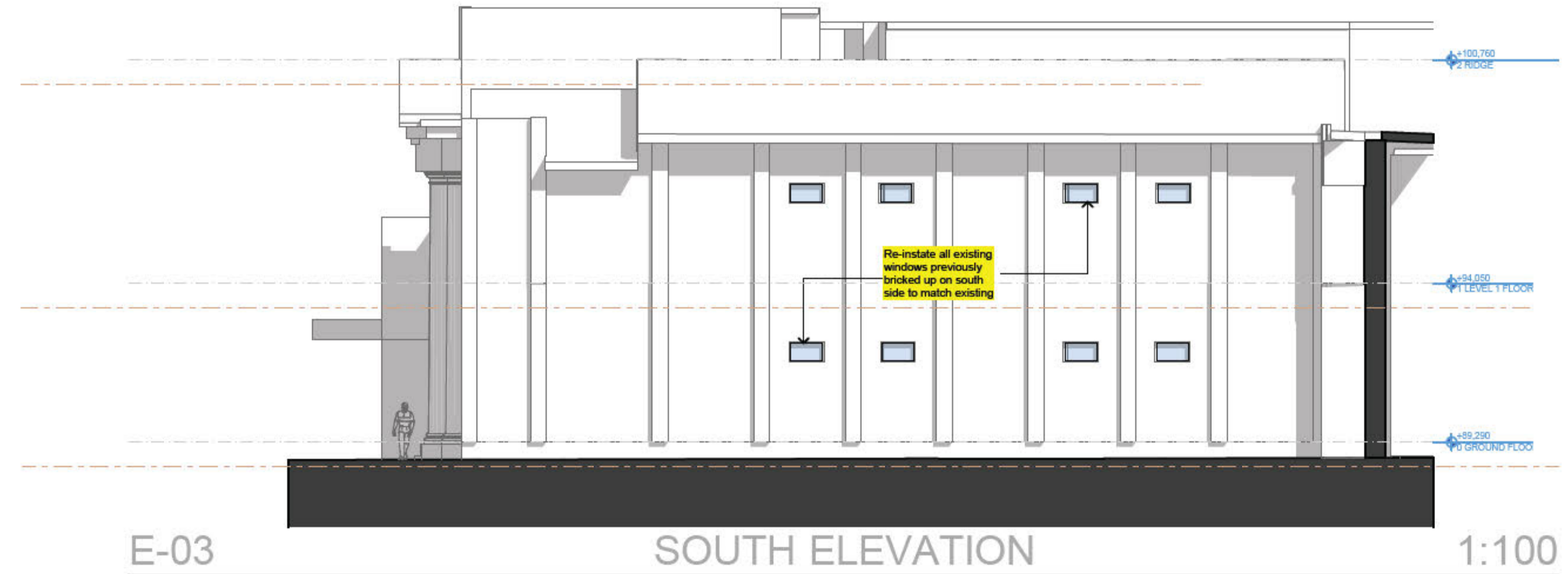
LEVEL 1 FLOOR PLAN

1:100

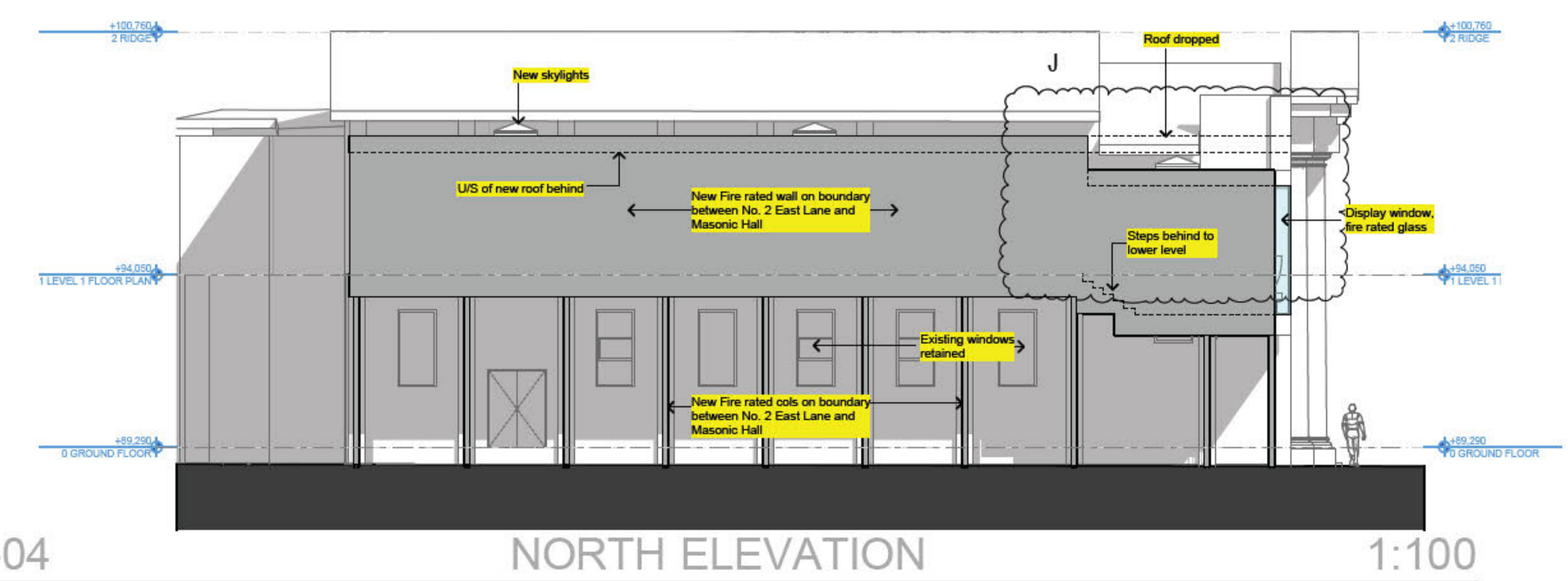


E-01 WEST ELEVATION 1:100

E-02 EAST ELEVATION 1:100



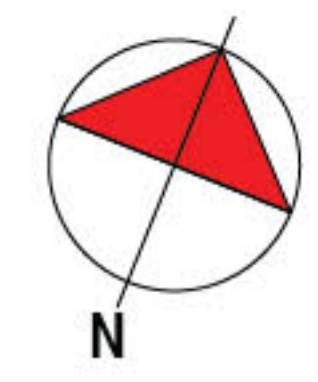
E-03 SOUTH ELEVATION 1:100



E-04 NORTH ELEVATION 1:100

FINISHES LEGEND

- ① VITRA PANEL PRE-FINISHED CLADDING
- ② VITRA PANEL PRE-FINISHED CLADDING
- ③ FRAMELESS SILICON BUTT JOINT GLASS
- ④ COLORBOND KLIP-LOK METAL DECK, 'WINDSPRAY'



DA AMENDMENTS

No.	Amendment	Date
J	DA Drawing amended in response to Council's initial assessment	23.1.23
I	North Elevation added	16.3.22
H	DA issue	1.12.21
G	Preliminary DA issue updated	29.11.21
F	Preliminary DA issue updated	26.11.21
E	Preliminary DA issue	16.11.21
D	Revised Consultants issue	11.11.21
C	Revised Consultants issue	4.11.21
B	Revised Consultants issue	28.10.21
A	Prelim Consultants issue	19.10.21

Architect
 Max Wessels - Suite 1 Level 2
 114 Alexander St. Crows Nest 2065
 Ph 0405 137430

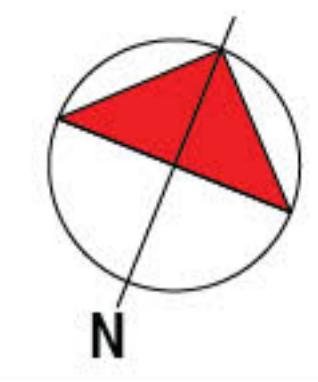
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 Modog Pty Ltd
 Project Name
Extension to Masonic Hall
 317 Pacific Highway, North Sydney

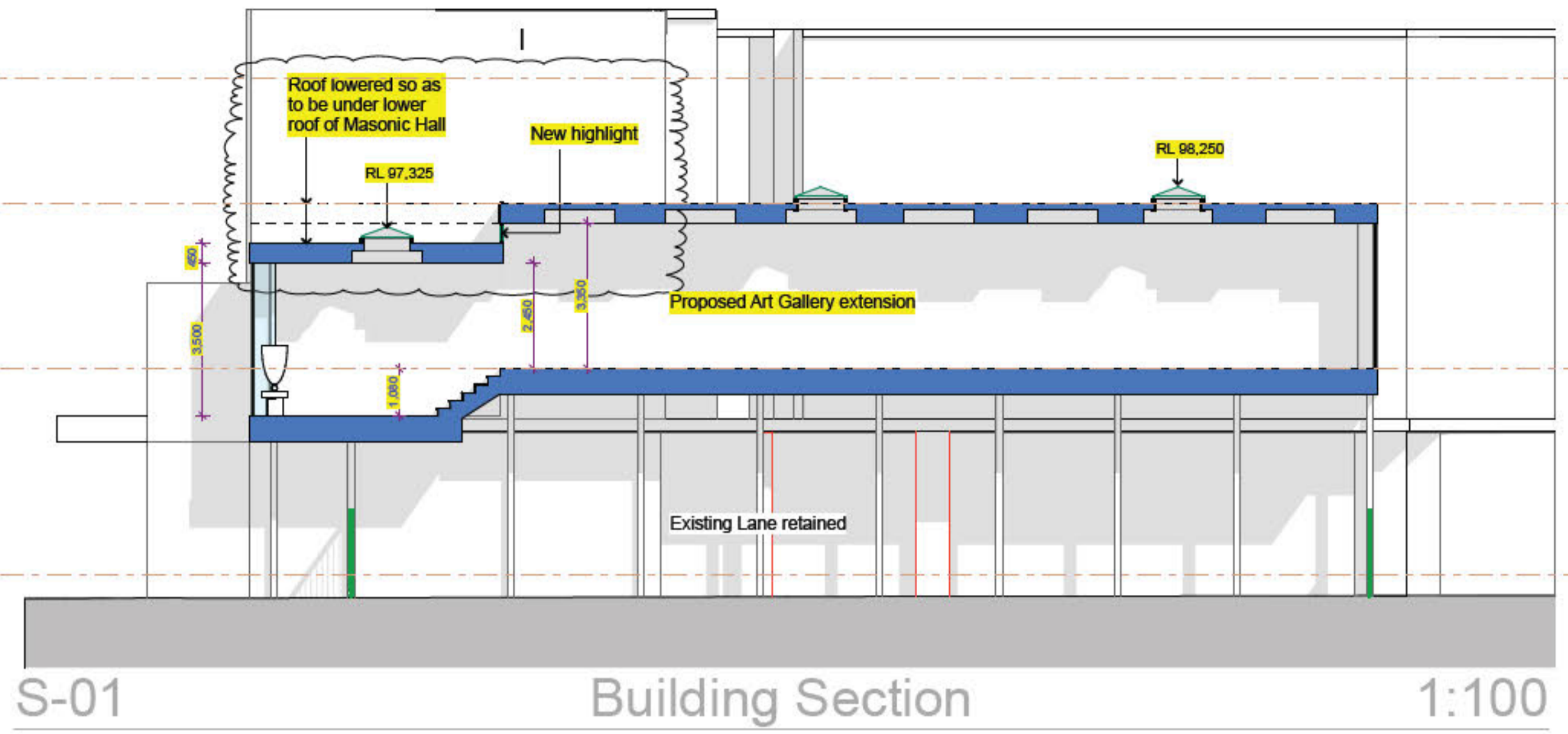
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ELEVATIONS

Scale: 1:100 @ A1 1:200 @ A3	Date: Jan 2023
Status: DA AMENDMENT	Checked By: JMW
Project No: MO18	Drawing No.: SK 02
	Rev: J

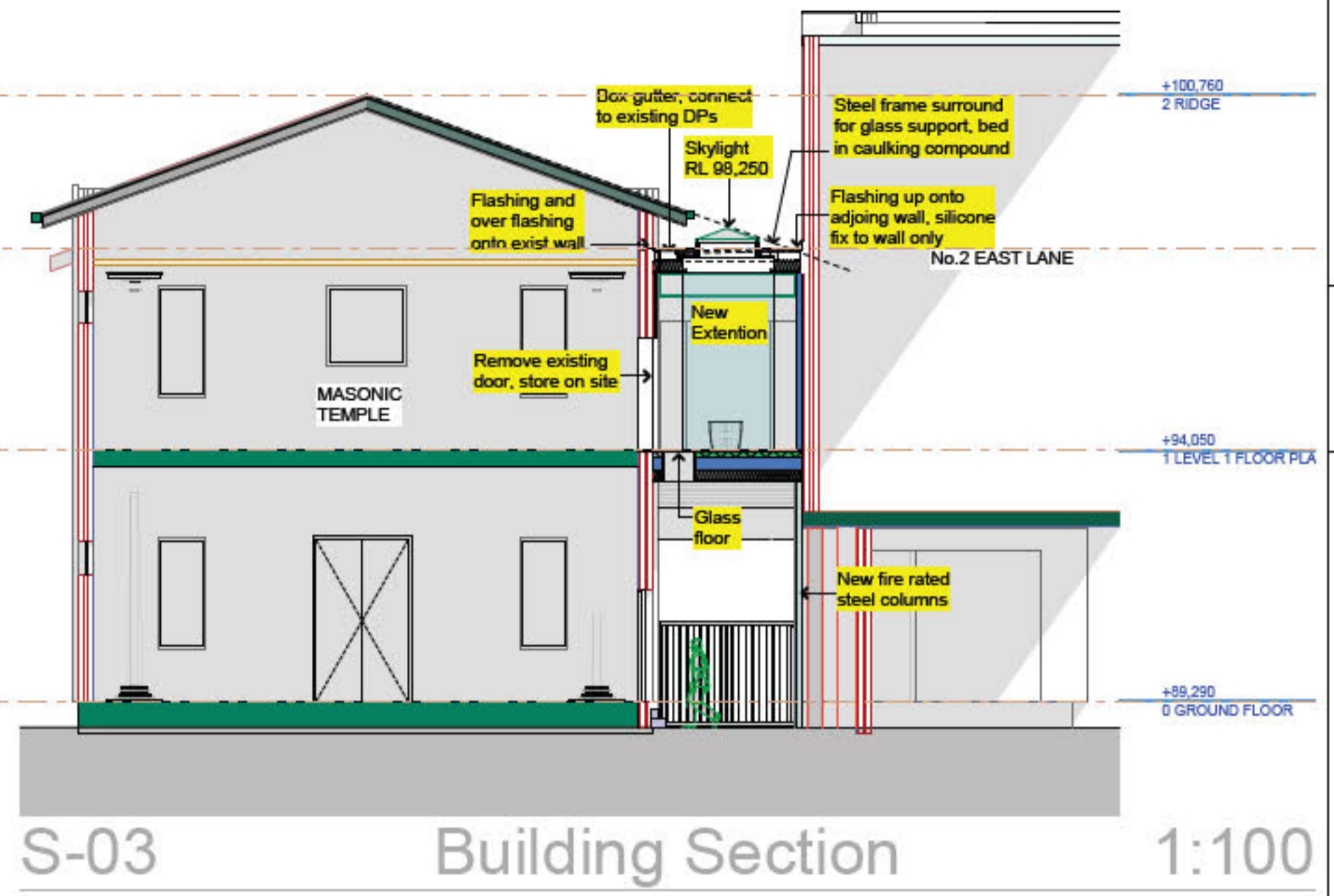
Plot Date: 24/01/2023



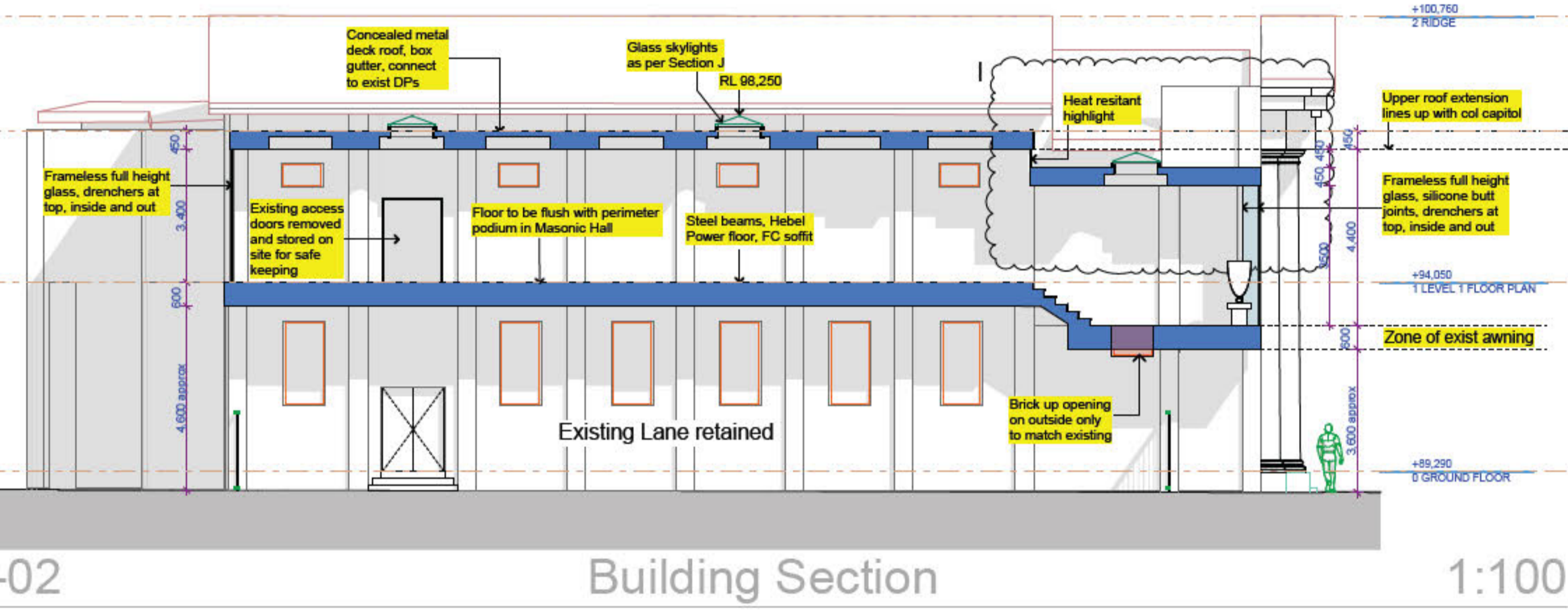
DA AMENDMENTS



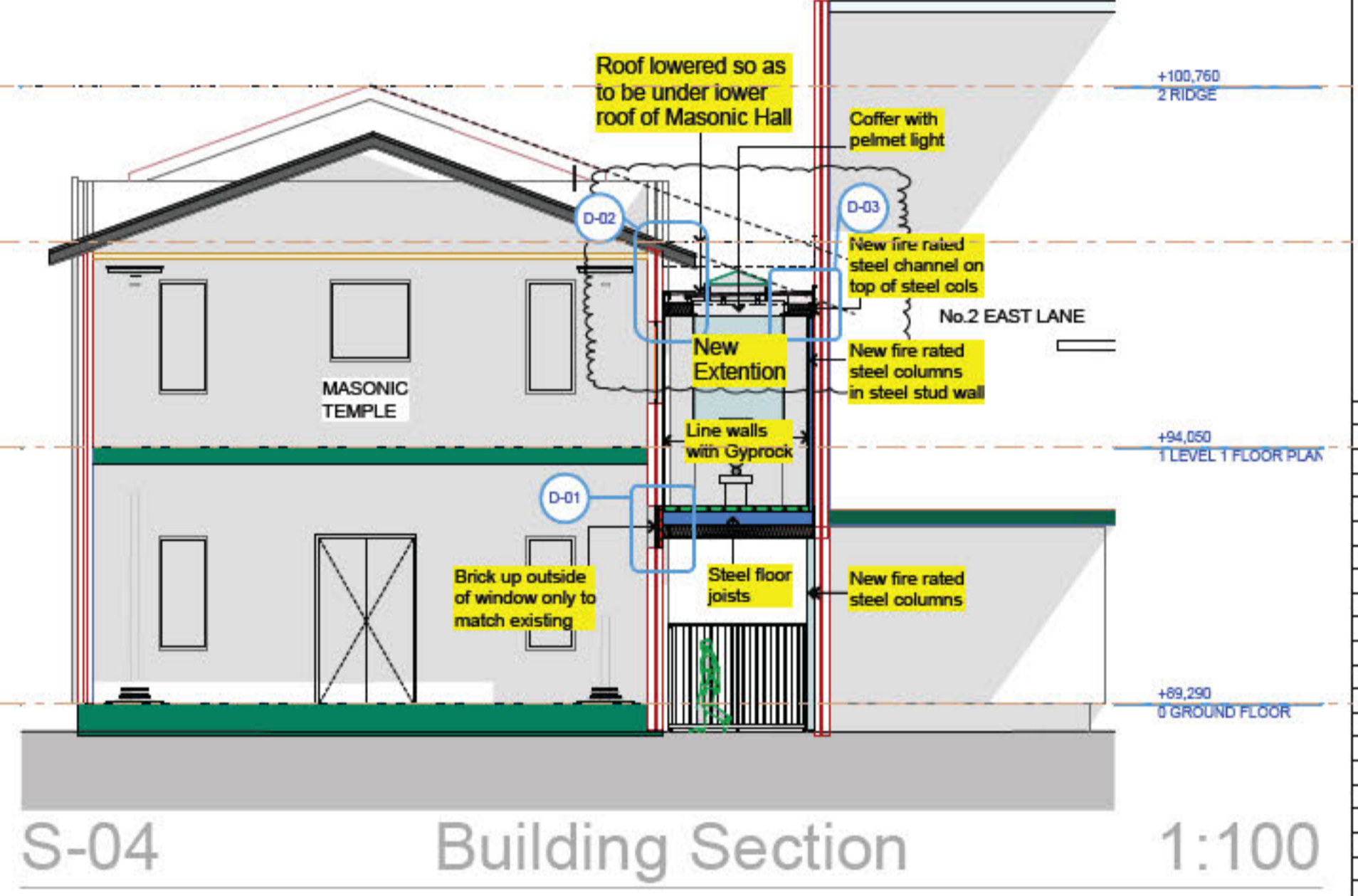
S-01 Building Section 1:100



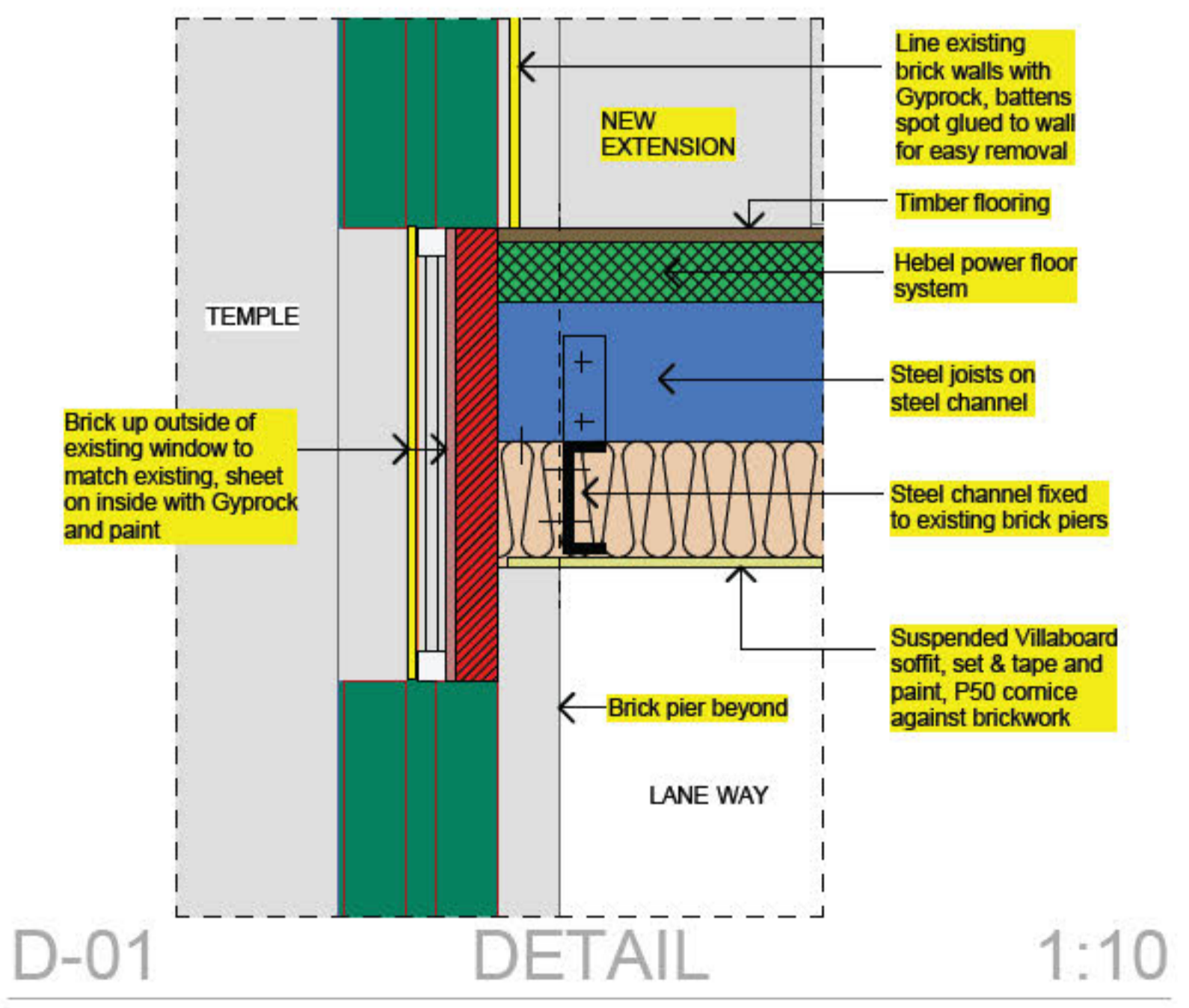
S-03 Building Section 1:100



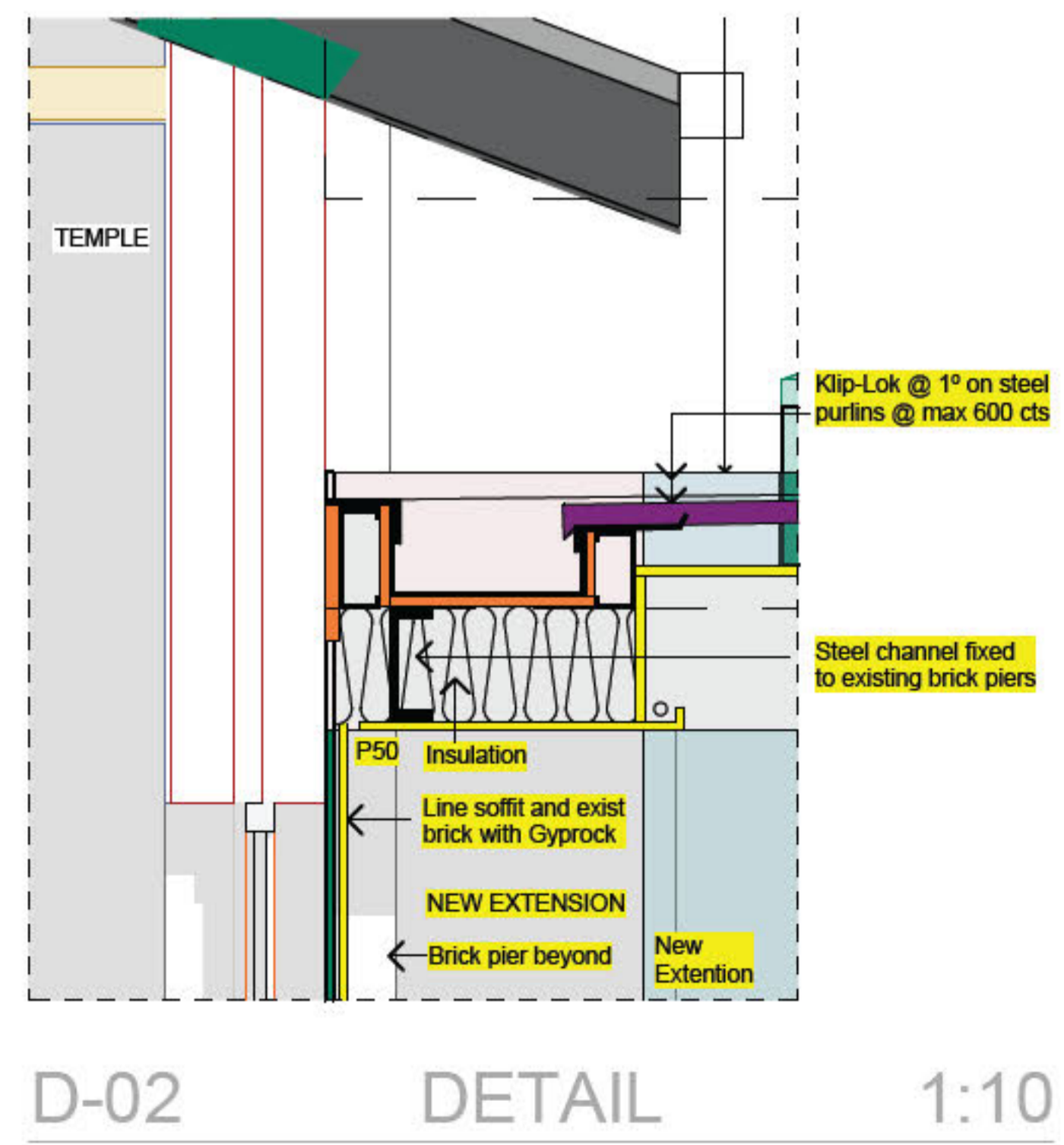
S-02 Building Section 1:100



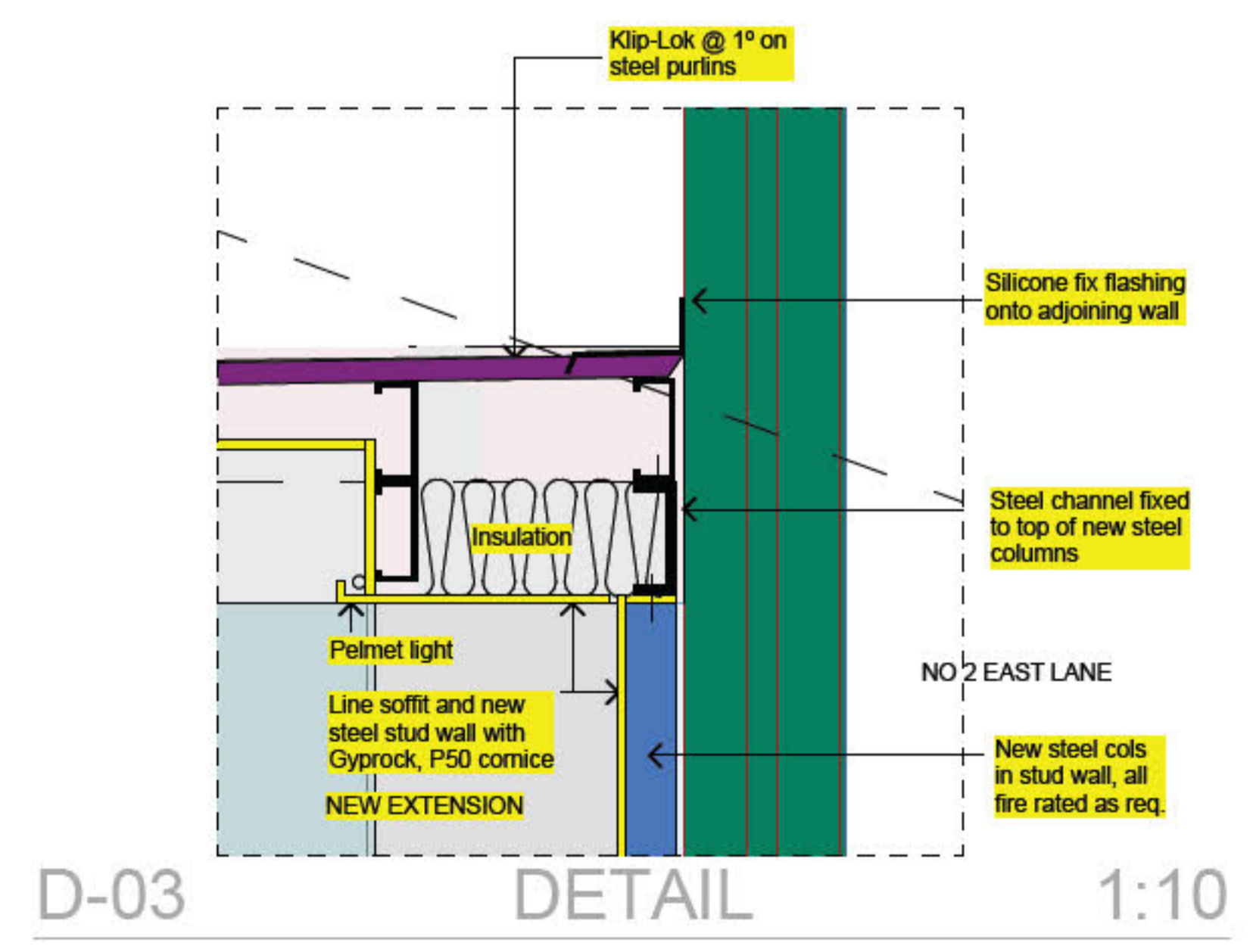
S-04 Building Section 1:100



D-01 DETAIL 1:10



D-02 DETAIL 1:10



D-03 DETAIL 1:10

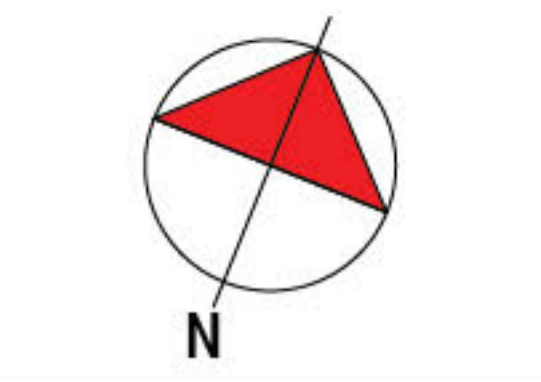
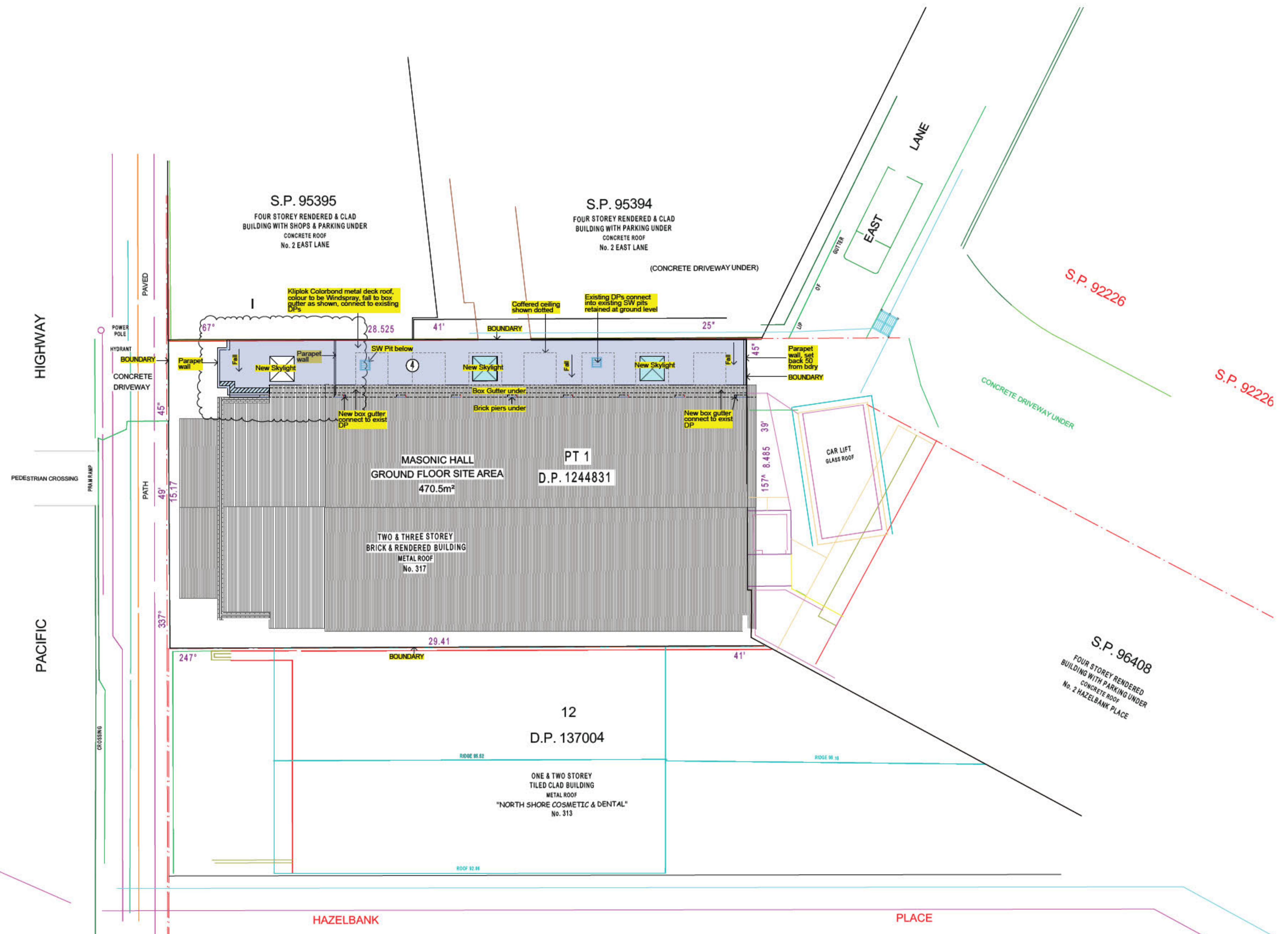
I	DA Drawing amended in response to Council's initial assessment	23.1.23
H	DA issue	1.12.21
G	Preliminary DA issue updated	29.11.21
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A	Prelim Consultants issue	19.10.21
No.	Amendment	Date

Architect
 Max Wessels - Suite 1 Level 2
 114 Alexander St. Crows Nest 2065
 Ph 0405 137430

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Client
 Modog Pty Ltd
 Project Name
Extension to Masonic Hall
 317 Pacific Highway, North Sydney

Drawing Title: SECTIONS	
Scale: 1:100 @ A1 1:200 @ A3	Date: Jan 2023
Status: DA AMENDMENT	Checked By: JMW
Project No: MO18	Drawing No.: Rev SK 03
Plot Date: 24/01/2023	



**DA
AMENDMENTS**

No.	Amendment	Date
I	DA Drawing amended in response to Council's initial assessment	23.1.23
H	DA issue	1.12.21
G	Preliminary DA issue updated	29.11.21
F	Preliminary DA issue updated	26.11.21
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Max Wessels - Suite 1 Level 2
 114 Alexander St. Crows Nest 2065
 Ph 0405 137430

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Modog Pty Ltd
 Project Name
Extension to Masonic Hall
 317 Pacific Highway, North Sydney

STORMWATER MANAGEMENT PLAN 1:100

Drawing Title: STORMWATER MANAGEMENT PLAN	
Scale: 1:100 @ A1 1:200 @ A3	Date: Jan 2023
Status: DA AMENDMENT	Checked By: JMW
Project No: MO18	Drawing No.: SK 00a Rev

Plot Date: 24/01/2023

HERITAGE IMPACT STATEMENT

317 Pacific Highway, North Sydney



Former Masonic Temple

30 November 2021

Cover Image: Former Masonic Temple (Source: Zach Nix, NBRS Architecture)

NBRS & PARTNERS Pty Ltd
Level 3, 4 Glen Street
Milsons Point
NSW 2061 Australia

Telephone +61 2 9922 2344 - Facsimile +61 2 9922 1308

ABN: 16 002 247 565

Nominated Architects
Andrew Duffin: NSW Reg No. 5602

This report has been prepared under the guidance of the Expert Witness Code of Conduct in the Uniform Civil Procedure Rules and the provisions relating to expert evidence

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ISSUED	REVIEW	ISSUED BY
09 November 2021	Draft for Review	Zach Nix
22 November 2021	Amended Draft	Zach Nix
30 November 2021	Final Issued	Zach Nix

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HERITAGE IMPACT STATEMENT FOR 317 PACIFIC HIGHWAY, NORTH SYDNEY

1.0 INTRODUCTION

1.1 BACKGROUND

This Heritage Impact Statement has been prepared in accordance with the standard guidelines of the NSW Heritage Division (now Heritage NSW) to accompany an application for proposed works at 317 Pacific Highway, North Sydney NSW 2060 (subject site).

The site comprises a two-storey brick former Masonic Hall building in Interwar Free Classical Style, located on the east side of the Pacific Highway, with the block bounded by Eden Lane to the north and Hazelbank Place to the south.

The proposal involves alterations to support the addition of a new enclosed gallery space located along first floor of the northern façade of the existing building, directly abutting the neighbouring building. The proposal also includes the reinstatement of a number of original window openings on the southern façade of the building.

Details of the development proposal have been prepared by Max Wessels Architect.

The subject site is listed as an item of local heritage significance in Part 1 of Schedule 5 of the *North Sydney Local Environmental Plan (LEP) 2013*. Further, the site is also located within close proximity to the following heritage items and conservation areas:

- 'Bradfield TAFE College', 192 Pacific Highway, (item no. I0958)
- "Courtney Creche", 36 West Street, (item no. I0999)
- 'Plane trees', Hazelbank Road (north of intersection with Gillies Street), (item no. I1089)
- 'Crows Nest Road' Heritage Conservation Area (identifier no. CA23)

Accordingly, this Heritage Impact Statement reviews the proposal in terms of the relevant heritage provisions of the *North Sydney LEP 2013* and the requirements of the *North Sydney Development Control Plan (DCP) 2013*, and the Impact Assessment Criteria guidelines endorsed by the NSW Heritage Council.

1.2 METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the guidelines set out in the *Burra Charter: Australia ICOMOS Charter for Places of Cultural Significance*, 2013, known as The Burra Charter, and the New South Wales Heritage Office (now Heritage NSW) of the Community Engagement Division - Department of Premier and Cabinet) publication, *NSW Heritage Manual*.

The Burra Charter provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an item. The terminology used, particularly the words *place*, *cultural significance*, *fabric*, and *conservation*, is as defined in Article 1 of The Burra Charter. The NSW Heritage Manual explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW.

1.3 SITE LOCATION

The site is located on the eastern side of the Pacific Highway, between Hazelbank Place to the south and Eden Lane to the north. The site is bounded by residential development to the rear. It is identified as Lot 1 in DP 1244831 by the NSW Land Registry Services (LRS) (see Figure 1 and Figure 2 below).



Figure 1: Aerial map with the primary building space of the subject site indicated in red. (Source: Nearmap, dated 04.10.21, nearmap.com/au/en)



Figure 2: Street map with the subject site indicated in red. (Source: NSW LRS, SIX Maps, maps.six.nsw.gov.au)

1.4 HERITAGE MANAGEMENT FRAMEWORK

The subject site is listed as an item of local heritage significance in Part 1 of Schedule 5 of the *North Sydney Local Environmental Plan (LEP) 2013*. Further, the site is also located within close proximity to the following locally listed heritage items and conservation areas:

- 'Bradfield TAFE College', 192 Pacific Highway, (item no. I0958)
- "Courtney Creche", 36 West Street, (item no. I0999)
- 'Plane trees', Hazelbank Road (north of intersection with Gillies Street), (item no. I1089)
- 'Crows Nest Road' Heritage Conservation Area (identifier no. CA23)

1.5 AUTHORSHIP

This report was prepared by Zach Nix, Senior Heritage Consultant of **NBRS**ARCHITECTURE.

1.6 LIMITATIONS

This report is limited to the assessment of potential impacts on the European cultural heritage values of the site and does not include Aboriginal and Archaeological assessment. This report only addresses the relevant planning provisions that relate to heritage.

1.7 COPYRIGHT

Copyright of this report remains with the author, **NBRS**ARCHITECTURE. Unless otherwise noted, all images are by the author.

2.0 DOCUMENTARY EVIDENCE

The following historical summary has been extracted from the 2017 CMP prepared for the site by NBRS Architecture and amended where relevant to provide current information. Further detailed documentary evidence as to the Pre-European history of the site and early development of the surrounding suburb has been provided in Appendix A of this report.

2.1 HISTORY OF THE SUBJECT SITE

Following the end of World War I, the Brethren of Lodge St. Leonards Samaritan revisited 'the question of having a Masonic Home worthy of Freemasonry in the district. After a series of attempts to find a suitable property, a committee was formed to confer with other lodges of the district, eventually authorising a fund not to exceed £600 for the purchase of land.

Once a site had been secured, in 1922, architect and masonic brother, Francis Ernest Stowe advertised tenders for a new Masonic Hall at North Sydney, eventually to be won by builder C Harris of Chatswood.

On 27 May 1922, the foundation stone of the new masonic hall was laid by M.W. Brother William Thompson (Grand Master). The building was completed and dedicated on 28 October. The first meeting of the Lodge was held in the new Temple on 1 November 1922.

Lodge Samaritan, established in 1876, was one of the earliest Masonic Lodges in Australia. The first 'Worshipful Master' of the Lodge St. Leonards-Samaritan was William Tunks, who was also Mayor of St. Leonards for 15 years from 1867.

The building was used by the Lodge from 1922 until 1975, when it was sold to Charles Aronson, who carried out some alterations, and reopened it as an antiques centre in 1976.

The front windows were altered and the building name removed during the 1976 alterations. The building was sold again in 1996 and at this date, alterations were effected to convert it to the North Sydney Wellbeing Centre.

Following its sale in 2001, the property was converted to offices for a computer company. In 2012, new owners lodged an unsuccessful development application to turn the former Masonic Temple into a lodging house. The North Sydney Council subsequently approved a residential development at the rear of the building accessed from Eden Lane.

The building was extensively damaged by fire on 18 February 2016, following which extensive repair and reconstruction works, including replacement of the roof were undertaken to return the place to its earlier form.

The former Masonic Temple is now occupied by the Rochfort Gallery, with the ground floor hall and first floor functioning as exhibition space.



Figure 3: Masonic Temple at Crow's Nest, Sydney. "This handsome building in Lane Cove-road, Crow's Nest, Sydney, which was dedicated last week, is said to be the finest Masonic Temple in New South Wales. It cost £7500. Freemasonry in North Sydney will be centred in it." (Source: Sydney Mail, 1 November 1922, p7)



Figure 4: Pacific Highway looking south from Myrtle Street, April 1930, North Sydney Masonic Temple is circled red thereon. (Source: SLNSW, d1_06177)



Figure 5: Detail from Plan of proposed alteration of alignment under the Public Roads Act, 1902 of parts of Falcon Street and Alexander Street at their junctions with Pacific State Highway and of part of Pacific State Highway, Main Road No 10, Municipality of North Sydney, Parish of Willoughby, County of Cumberland, Metropolitan Land District, Land Board District of Sydney, Approved by the Executive Council 4 February 1937. (Source: NSW Land & Property Information, Crown Plan N109-2550)



Figure 6: Detail from 1943 aerial view of Sydney showing subject site outlined in red. (Source: NSW Land & Property Information, SIX maps)



Figure 7: Front view of former North Sydney Masonic Temple, Pacific Highway, North Sydney / Beryl Graham, July 1987. (Source: North Sydney Heritage Centre Collections, Stanton Library, LH REF CT 22/14)



Figure 8: The fire as reported on social media by Channel 9 News – Sydney. (Source: Twitter)

3.0 PHYSICAL EVIDENCE

The following descriptions of the physical evidence relevant to the subject site has been extracted from the 2017 CMP for the site and amended where necessary to provide updated information as to the current condition of the site and its surrounds.

3.1 SITE CONTEXT

The setting directly relevant to the subject site is influenced by a series of three to four-storey contemporary developments running south from Myrtle Street. These structures built with little/no setback to Pacific Highway set the predominant built height for the streetscape and significantly obscure views to the Masonic Temple running south.

This is in comparison to more moderately scaled one to two-storey development approaching north to the subject site. These structures allow the former Masonic Temple to take a more significant landmark position in the streetscape when viewed from the southern approach.



Figure 9: View to the subject site from the approach heading north, view looking northeast (Source: NBRS)



Figure 10: View to the subject site from the approach heading south, view looking southeast (Source: NBR)



Figure 11: View from in front of the subject site facing west down Hazelbank Road (Source: Google Maps, dated March 2021)

3.2 DESCRIPTION OF THE EXTERIOR

The two-storey building is designed in the Inter War Free Classical architectural style and is characterised by a distinctive façade fronting the Pacific Highway. The front section of the corrugated iron roof steps down from the main gable behind. The symmetrical façade is composed of a large, moulded entablature with triangular pediment and four double height classical columns with a centrally located entrance door. The design intent of the primary façade has been retained, albeit with some minor alterations, including the replacement of all the door leafs and window sashes, signage and Masonic insignia.

The external walls are a red face brick with evenly spaced brick piers along the northern and southern elevations. Door and window openings are centrally located between the brick piers. High level windows on the northern façade and those on the first floor service the ground and first floor halls. Modifications have been made to the external openings, including the installation of loading dock doors on the northern elevation and all window openings in the southern façade having been blocked up.

Pedestrian access to the rear of the site is available down both the northern and southern sides of the building, as well as from Eden Lane behind. The rear of the building, formerly a single storey portion that had been added to, was demolished under consent DA 414/13/4. The rear of the site is now connected by a small passageway to a new four-storey residential development completed in early 2018.



Figure 12: Primary elevation of the subject site from the Pacific Highway, view looking east (Source: NBRS)



Figure 13: View to the exterior of the subject site looking northeast, blocked up windows on the first floor of the southern elevation visible (Source: NBR)



Figure 14: Northern passageway between the subject site and neighbouring development 319 Pacific Highway, view looking east (Source: NBR)



Figure 15: First floor exterior of the northern facade of the subject site, the proposed location of the gallery addition (Source: NBR)



Figure 16: First floor exterior of the northern facade of the subject site, the proposed location of the gallery addition. The existing first floor opening to be utilised within the proposed works visible centrally (Source: NBR)



Figure 17: Slab covering the northern passageway beside the subject site, works will require installation of footings on the northside of the passageway to support the proposed first floor addition (Source: NBR)

3.3 DESCRIPTION OF THE INTERIOR

The interior of the subject site has undergone a series of repair works over recent years to address both initial unsympathetic changes and later damage caused by fire in 2016. At the time of the fire the building interiors had already been repaired and repainted following the removal of later non-significant partitions in the ground floor Hall. Following the damage caused by the fire, repairs and reconstruction works were carried out to return the place to its pre-fire condition. This work also encompassed a wide range of maintenance issues and general upgrading that would otherwise have been carried out as part of future maintenance works.

The descriptions below are of the place following the repair and reconstruction works carried out in late 2016 and are still relevant to the newly repair interiors of the site.

3.3.1 GROUND FLOOR

The ground level entry lobby floor is of dark brown and cream tessellated tiles, checkerboard in the main with a wide patterned border. The walls are of painted plaster; the ceiling has a decorative cornice all round. The northern portion of the lobby has been divided off at a later time with a full height glazed wall, framed in dark stained timber. A timber stair in the south eastern corner of the space leads to the first floor and is designed with two wide landings. The balustrade design includes square timber newels posts with caps, a double curtail step and metal balustrade. Polished timber panelling lines the lower portion of the stair with a small raked head door providing access to the under stair space.

A WC is built in under the stair which appears to have retained early black and white mosaic floor tiles, and cream wall tiles with a blue trim. The bathroom fittings appear to be later. This scheme is repeated in the WC on the first floor. Access to this bathroom is through a storeroom which was formed by the later construction of a glazed wall which appears to have been constructed at the same time as the glazed dividing wall to the south of the Entry Lobby.

The ground floor Hall is characterised by a double height hall space featuring a coffered ceiling set about the structural beams, finished with decorative cornicing. The floors are of polished timber floorboards and deep timber skirtings. Rendered walls are delineated by pilasters with high set timber framed awning windows on the north elevation. A safe door is set into the eastern wall, with a brick safe constructed under the stair behind.

The single floor extension, located at the eastern end of the building, that once housed staff amenities has since been demolished.



Figure 18: Ground floor foyer and glazed partition to jeweller room on north side of foyer, view looking north (Source: NBRS)



Figure 19: Main Hall on the ground floor of the site, details of coffered ceilings and rendered masonry piers visible, view looking east (Source: NBR)



Figure 20: Main Hall on the ground floor of the site, windows to the northern facade visible on left, view looking northeast (Source: NBR)



Figure 21: Elevated window within jeweller room in the ground floor foyer to be retained but infilled in the proposed works, view looking north (Source: NBR)

3.3.2 FIRST FLOOR

The first floor retains a similar layout to the ground floor with the Auditorium set to the east and taking up most of the upper level.

The first floor is reached via a wide timber stair which arrives at a large entry foyer servicing the Auditorium. A second stair in the south-eastern corner of the foyer provides access to a kitchenette, store and WC located over the main stair. The fitout to the kitchenette is later, however the rectangular cream wall tiles to the single toilet appear to be original. The floor is lined in hexagonal cream tiles with a black decorative border similar to the ground Floor WC. Following the restoration works these original tile finishes have been retained.

The Auditorium space suffered the highest degree of fire damage, including loss of a portion of original timber flooring and the plaster ceiling. The space features the reconstructed decorative plaster ceiling with the outside edge detail of the ceiling curving down to meet the projecting cornice. The ceiling features a series of air ventilator panels, as well as reconstructed plaster bas relief components, each one being a motif associated with the original Masonic use of the space. As with the ground floor Hall the walls are divided up into bays using square pilasters, with the northern, eastern and western walls featuring aedicule with entablature and pilasters with classical capitals. These features are original, having survived the fire, and have been refurbished.

The floor is timber with the central floorspace now carpeted, with raised platforms to the northern, eastern and southern perimeter walls. Following the works the original steps leading to the platform on the western wall were uncovered and found to be curved and constructed in deep, single timber treads. These have been repaired and refinished and left on view. A timber storage box is set against the eastern wall, this element has been retained and refinished. Where the timber floorboards were lost in the fire, new boards to match have been laid on the diagonal.



Figure 22: First floor auditorium now acting as gallery space, view looking east (Source: NBR)



Figure 23: First floor auditorium, looking to the former opening to be reinstated as part of the proposed works for the first floor gallery addition, view looking north (Source: NBR)



Figure 24: First floor auditorium now acting as gallery space, view looking west (Source: NBR)



Figure 25: First floor landing area with view looking through the glazed partition to the jeweller's workshop, looking northwest (Source: NBR)

3.4 MODIFICATION AND ADAPTATIONS

The building has undergone various alterations and adaptations over the years in response to changing uses. The original roof was replaced in 1930 due to damage caused by severe weather conditions.

After the last meeting was held by the Lodge Samaritan in 1975, the building was modified to suit the new use as an antiques and carpet shop the following year. Various alterations followed, including re-roofing, partitioning and new glass doors in the entrance lobby, the addition of an external stair from the upper level at the rear, enclosing several openings on the southern façade, installation of fire-rated ceilings, a thermal alarm system, removal of side steps including the front brick and wrought iron fence.

In 1996, the building underwent further modifications and was used as a Wellbeing Centre. This resulted in the removal of a small stage on the ground floor, which was not indicated in the drawings prepared by TJ Potter and Associates.

Following a change in ownership in 2001, the building was used as an office space for an insurance company. Just prior to the 2016 fire building owners had refurbished the interior of the building for use as an office which included the removal of later partitions in the ground floor hall. The building has more recently undergone minor modifications to support its use as gallery space.

3.5 VIEWS

The primary views relevant to the subject site are those along the Pacific Highway, approaching from the south and to a lesser degree from the north (due to its obstruction by four-storey development at 319 Pacific Highway). A significant view from Hazelbank Street approaching east is also accessible.

Views to the rear of the building are heavily obstructed with limited visibility available through East Lane due to recent residential development.

The property has largely unobstructed visibility facing west and south down the Pacific Highway due to its relative height and prominence in the streetscape.

There are no identified significant distant views or vistas available from, or of the subject site.

4.0 ESTABLISHED HERITAGE SIGNIFICANCE

4.1 HERITAGE STATUS

The subject site is listed as an item of local heritage significance in Part 1 of Schedule 5 of the *North Sydney LEP 2013*.

Further, the site is also located within close proximity to the following heritage items and conservation areas:

- 'Bradfield TAFE College', 192 Pacific Highway, (item no. I0958)
- "Courtney Creche", 36 West Street, (item no. I0999)
- 'Plane trees', Hazelbank Road (north of intersection with Gillies Street), (item no. I1089)
- 'Crows Nest Road' Heritage Conservation Area (identifier no. CA23)

Other heritage items in proximity to the subject site are both visually and physically separated from the site by intervening development and roadways and do not warrant direct assessment within this report.

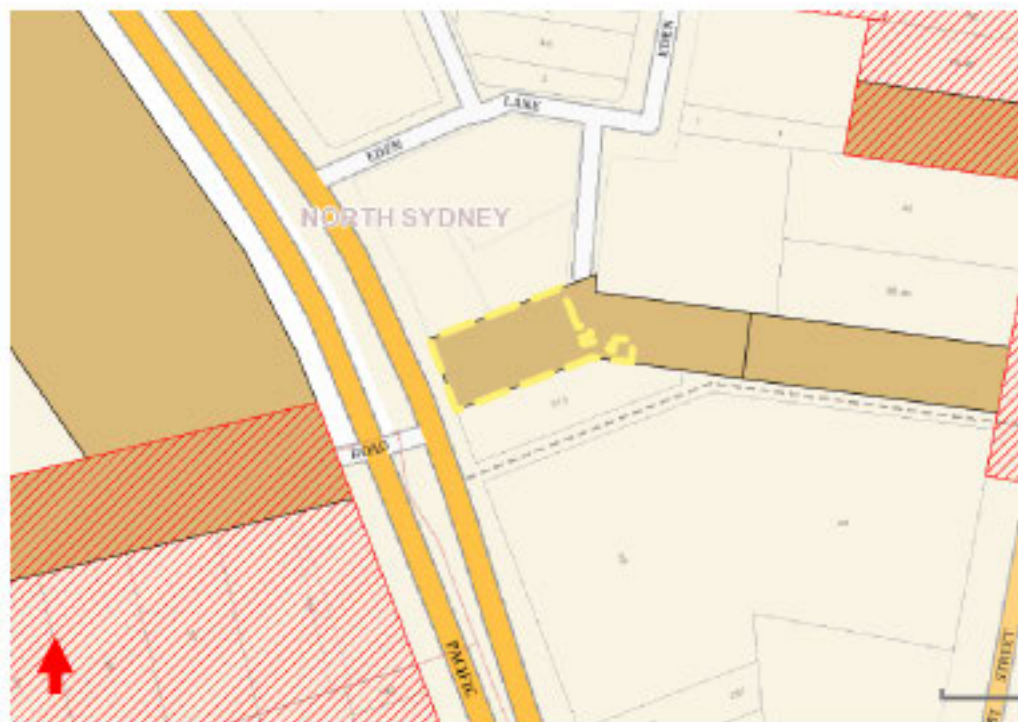


Figure 26: Heritage map of the subject site (indicated in yellow) showing the site location and surrounding heritage context (Source: NSW Government Planning Portal, ePlanner, accessed 27 October 2021)

4.2 SIGNIFICANCE OF THE SUBJECT SITE

The following Statement of Significance for the Former Masonic Temple, 317 Pacific Highway, North Sydney is sourced from the NSW Heritage Database, reference number 2180897:

Fine substantial building illustrating the Inter-war Free Classical style with an imposing face to the Pacific Highway. Indicative of importance and prominence of Free masonry in the period of construction. Significant item in streetscape. A picturesque and imposing building. The interior is also of significance.

A more detailed Statement of Significance in the 2014 Conservation Management Plan (CMP) by the Graham Brookes and Associates has been included below.

The former Masonic Temple at 317 Pacific Highway, North Sydney, was constructed in the interwar period as part of the broader pattern of the cultural development of the area. It was constructed in the Inter-War Free classical architectural style, with four monumental columns flanking the main entrance facing west to the Pacific Highway. Rectangular in plan and two storeys in height, the side elevations are accentuated by a series of bays formed by rhythmically placed brick piers. Architecturally, it is a good example of the use of classical façade composition in a Masonic Temple remaining in the Sydney metropolitan area.

Internally the building contained a community hall on the ground floor and the former ceremonial hall on the first floor. The raised perimeter seating platforms, the decorative plaster and masonic symbolism have been retained in the auditorium, which illustrate how the place was used.

The building was designed by architect Francis Ernest Stowe who was a freemason and, from 1922, the Grand Architect of the Grand Lodge of Sydney. Constructed in 1922, the building was dedicated on 28 October 1922 and was associated with Freemasons for a period of 53 years and became the centre of Freemasonry on the North Shore. It ceased being used by freemasons in 1975. It has been used for both retail and commercial purposes since then.

The remaining masonic symbolism and the floor plan of the original building allows for the interpretation of the Freemason's history associated with the building.

5.0 THE PROPOSAL

The proposed development, designed by Max Wessels Architect, includes the following:

- Construction of an addition across northern façade of the existing building, abutting the neighbouring building 319 Pacific Highway;
- Reinstatement of windows across the southern façade of the existing building;
- Modification of internal doorways and addition of an access ramp; and
- Infill of a single existing ground floor window.

The aim of the proposal is to provide expanded gallery space to the first floor of the existing two-storey structure. This proposal will see the retention of the existing accessway north of the subject site at ground level and allow for expanded useable floor space at the first floor with limited physical intervention.



Figure 27: Digital render of the proposed addition to the existing building, view looking east (Source: Max Wessels Architecture, Art Gallery Sketches, Image 1)



Figure 28: Digital render of the proposed addition to the existing building, view looking northeast (Source: Max Wessels Architecture, Art Gallery Sketches, Image 2)



Figure 29: Digital render of the proposed addition to the existing building, view looking east (Source: Max Wessels Architecture, Art Gallery Sketches, Image 3)

5.1 DOCUMENTATION EVALUATED

The following drawings, prepared by Max Wessels Architect, were reviewed as part of the preparation of this report:

DRAWING NO.	DRAWING TITLE	ISSUE	DATE
SK00	Site, Roof, Erosion & Sediment Control Plan	G	29.11.2021
SK01	Ground and First Floor Plans	G	29.11.2021
SK02	Elevations	G	29.11.2021
SK03	Sections	G	29.11.2021
SK04	Existing Shadows	G	29.11.2021
SK05	New Shadows	G	29.11.2021

6.0 ASSESSMENT OF HERITAGE IMPACT

6.1 INTRODUCTION

This Heritage Impact Statement has been prepared in relation to the following impact assessment criteria: the *North Sydney LEP 2013*, the *North Sydney DCP 2013* and the *New South Wales Heritage Office (now Heritage NSW) guidelines, Altering Heritage Assets and Statements of Heritage Impact*, contained within the *NSW Heritage Manual*. This report also assesses the proposal against the policies established in the *CMP* prepared for the site by NBR Architecture dated 12 April 2017.

6.2 OVERVIEW OF POTENTIAL HERITAGE IMPACTS

PROPOSED WORKS	HERITAGE IMPACT
<p>Construction of first floor addition across northern façade of existing building, involving:</p> <ul style="list-style-type: none"> Fixing of new structure to limited areas of external masonry and mortar joints; Installation of steel columns to northside of accessway for structural support; Cutback of existing lower roof overhang for connection to new structure and drainage system; 	<ul style="list-style-type: none"> Acceptable heritage impact <p>The proposed works to the Masonic Temple building have been carefully considered to ensure that the physical intervention required into significant fabric is limited, allowing for a general level of reversibility.</p> <p>The visual impacts of the proposed change have been effectively mitigated by a design approach which through considered form, scale, siting and materials has provided a design which is both visually sympathetic to the surrounding built context, but also easily identifiable as new work part of the layered history of the site.</p> <p>The presentation of the new structure adjacent the existing façade fronting the highway does not alter or obscure the appreciation of the characteristic architectural design of the former Masonic Hall. The addition is clearly contemporary and does not detract from the understanding of the original façade.</p>

<p>Reinstatement of windows across the southern façade of existing building</p>	<ul style="list-style-type: none"> • Positive heritage impact <p>The reconstruction of original window openings to the southern façade of the building (currently bricked in) will provide a positive heritage outcome for the site, returning it to a known state consistent with the original design of the building.</p>
<p>Introduction of power operation to existing doors within the ground and first floors</p>	<ul style="list-style-type: none"> • Acceptable heritage impact <p>The proposed works include the introduction of an automated opening system to existing doorways for the purpose of meeting requirements of disabled access and subsequent egress requirements. The change will require the addition of swing-door automation, fixing to the architrave and to the top of the door itself. The mechanism required to be attached to the door will have a minor visual impact on the doors as a new element within the building. However, the impact on fabric and the appreciation of significant elements within the hall will be minor due to the relative size of the new mechanism, further, the element will be easily identifiable as new work. Therefore, the change can be considered to have an overall acceptable impact on the heritage significance of the building, with the change assisting in updating ongoing operation of the building for continued future use.</p>
<p>Infilling of existing ground floor window</p>	<ul style="list-style-type: none"> • Acceptable heritage impact <p>The proposed infill of the window (with brick to exterior) is required as the addition crossing over the exterior of the window will be visible from the interior of the ground floor space. The infill panel to the interior will be designed so as to not alter the appreciation of the internal space and will be fully reversible should future reinstatement be required.</p>

6.3 EVALUATION AGAINST CMP POLICIES

The proposal is assessed below against the relevant policies set out in the Conservation Management Plan (CMP) for the site, prepared by NBR Architecture, dated April 2017, and included in italics below:

8.3.1 - Basis of approach

Policy 1.1

The future conservation and development of the place should be carried out in accordance with the principles of The Burra Charter: The Australian ICOMOS Charter for Places of Cultural Significance as revised in 2013.

This Heritage Impact Statement has been prepared in accordance with the guidelines set out in the Burra Charter: Australia ICOMOS Charter for Places of Cultural Significance, 2013 and has subsequently informed heritage design advice relevant to the proposed works.

Policy 1.3

The recommended policies and conservation options discussed in this document should be adopted as a guide to future conservation and development of the place. (Article 23).

This Heritage Impact Statement has utilised the 2017 Conservation Management Plan to inform this report's understanding of the significance of the site. This report has also assessed the conservation policies relevant to the proposed works in the following section.

Policy 2.1

Relevant and experienced professional conservation advice should be provided for all conservation, adaptation and repair works proposals and programs throughout the building. (Article 4.1)

NBR Architecture has provided experienced professional heritage design advice in relation to the proposed works.

8.3.8 - Setting

Policy 8.1 Visual

If any new structures are required on the site, their design and siting must be planned to maintain the visual presence of the building as viewed from the Pacific Highway.

The proposed works have been designed to be viewed as generally recessive to the former Masonic Temple building, with the new addition being a secondary feature on the site, retaining the visual prominence of the existing building. Further, the junction between the new addition and the former Masonic Temple building is slightly setback behind the principal western façade so that the addition is readable as a separate structure. Only the frameless glazed window structure of the addition is level with the façade; however, this will have limited impact on the appreciation of the building due to the transparency of this element and its setback behind the dominant column features of the western façade. It is also significant that the new addition will be located on the obscured northern façade of the building, which will reduce its visual prominence as seen from the Pacific Highway. The contemporary design and materiality of the addition further reduces the visual impact the proposal has on the appreciation of the original, distinctive façade.

Policy 8.2 New Structures

The form, bulk, scale and height of any additional structures, including fencing, shall be complementary to the site.

The form, bulk, scale and height of the new addition has been designed to act as a secondary element within the built hierarchy of the site. The new structure aligns with the predominant built form of both the Masonic Temple and also the neighbouring residential building. This allows the structure to integrate visually within the streetscape without detracting from the significant aspects of the existing built form or the surrounding environment.

8.3.10 – Possible changes to the place***Policy 11.1 External Building Fabric***

No modification of the primary façade elements or configuration is acceptable. Retain significant unpainted face brickwork on all external elevations of the building.

The proposed works do not include physical intervention to the primary western façade of the building; impacts to this façade are limited to visual changes associated with the new addition.

Installation of the new addition will not involve removal of face brickwork from the northern façade. The proposed addition will involve structural connections to existing masonry piers and cladding of the subsequently enclosed section of brickwork. The proposed works have been designed to minimise these fixing points to the unpainted brickwork, and therefore will have a general level of reversibility if future removal is required. Therefore, this change is considered to have a minor but acceptable impact on the site.

Policy 11.2 Window and Door Openings

Consideration can be given to the enlargement of existing openings where previously modified and infilled to reinstate the original proportions. New openings shall be symmetrically balanced and be sympathetic to the existing rhythm and spacing of the original openings.

The proposed works do not seek to introduce new openings to the subject site, but to utilise the existing windows and door openings within the first floor of the building's northern façade. The proposal will also see the reinstatement of original window openings on the southern façade of the site currently bricked in. This change is seen as positive from a heritage perspective.

Policy 11.4 Changes to the Exterior

Future changes to fabric, form and associated structural elements shall respect the buildings visual significance and architectural integrity and respond accordingly.

The design of the proposed addition has considered the relationship between form, scale, siting and material that is required to provide a sympathetic design adjacent the primary façade of the former Masonic Temple building without adverse impact. The design utilises the alignment of structural features, sympathetic although contemporary materials and a recessive scale to provide a design outcome that ensures an acceptable impact on the existing Masonic Temple. The new work can be considered a sympathetic addition which integrates visually within the streetscape

and is clearly recessive to the attached Masonic Temple, allowing it to remain the dominant feature within the landscape.

Policy 11.6 Changes to major spaces

The original Entry Lobby, ground floor Hall and first floor Auditorium spaces, including the linking stairwell, have all been retained. It is not acceptable to alter the legibility of these spaces and their relationships.

The proposed first floor addition to the exterior of the northern façade will reduce direct light intake from existing windows on the ground floor. To mitigate this impact the new addition has been designed to include glazed light wells set into the floor directly above the existing ground floor windows, this will allow light to penetrate from the new addition to the ground floor Hall below. This change has effectively reduced any potential impact of natural light loss to the ground floor Hall as part of the addition.

Further change to the interior of the building includes the introduction of a new access ramp within the first floor Auditorium space. This ramp and associated landing provide access from the floor of the first floor Auditorium space to the raised walkways surrounding the internal space. The ramp mirrors an existing ramp in the southeast corner of the floor, providing the same access to the northeast side. This modification is seen as a minor change which is generally reversible and provides improved accessibility to the interiors of the site. Therefore, the change is seen as acceptable from a heritage perspective.

8.3.13 – Physical Intervention and the Removal of Significant Fabric

Policy 14.8 Roof Structure

Where repairs to the building are required, the roof framing including significant roof trusses should be retained where possible.

The proposed works will see the cutting back of a small existing section of eave overhang located on the western side of the building's northern façade. This element was previously replaced during works to the site after damage from the 2016 fire and is not considered significant original fabric. The proposed change is required to support the introduction of the new addition and ensure that both the existing and proposed structures are serviced by effective drainage. As the section proposed to be removed is contemporary fabric and has a limited contribution to the principal elevation of the subject site, it is considered that the proposed removal as part of the proposed works is acceptable.

Policy 14.10 Walls

Retain significant unpainted face brickwork on all external elevations of the building

The proposed addition has been designed to utilise existing openings within the northern elevation of the Masonic Temple avoiding the requirement to remove significant original brickwork. The construction of the new addition necessitates new connections into the existing masonry fabric; however, this change has been limited to areas required to provide structural support. This approach will allow for a general level of reversibility if future removal of the structure is required. Further recommendations on the changes to the external brickwork of the site have been included in Section 7.1 to support the best practice heritage approach to the changes. Following the recommendations included in this report, this change is considered to have a minor but acceptable impact on the site.

Policy 14.15 Building Services

Existing functional fire protection, emergency and electrical lighting should be maintained as part of the regular maintenance program.

The proposed works to the site will include the introduction of automatic doors to support disabled access and subsequently must automatically open upon fire trip. This will require the introduction of power operated door mechanisms to be attached to the architrave and top of the associated doors at four locations within the building. These locations include both internal double doors within the ground floor foyer, the double doors to the first-floor atrium and the single door at the rear of the ground floor accessing the existing lift. The proposed addition of the mechanism will introduce a new element to the doorway which while a visibly new feature within the building, is still considered a minor change due to its relative size and functional purpose. The mechanism which will be fastened by screws to the door and architrave which are both later non-original elements to the building and therefore any impact on significant fabric will only be linked to the method of connection to the nearest existing power source. Due to the minor nature of the visual and physical change to the site and the functional purpose of the change to support updated accessibility, the change is seen as acceptable from a heritage perspective. Further, recommendations have been included in Section 7.1 of this report to support the effective introduction of this change in accordance with best heritage practice.

In addition to the proposed automation of existing doorways within the site, changes to the double doors to the northern façade and the single door to the east side of the first floor need alterations to support access requirements. This work will include the removal of the existing double doors to the north façade of the first floor auditorium to be stored onsite for safe-keeping and potential reinstatement if required in future. Further, the existing single door on the eastern wall of the first floor will be flipped and mirrored to meet access requirements. The proposed changes will have little to no impact on any existing original fabric or the subsequent appreciation of the heritage significance of the site and subsequently are considered acceptable from a heritage perspective.

6.4 EVALUATION OF THE GUIDELINES OF THE NSW HERITAGE DIVISION

The following assessment is based on the assessment criteria set out in the NSW Heritage Office (now Heritage NSW) publication 'Statements of Heritage Impact', contained within the NSW Heritage Manual. The standard format has been adapted to suit the circumstances of this application.

6.4.1 MINOR ADDITIONS

- *How is the impact of the addition on the heritage significance of the item to be minimised?*
- *Can the additional area be located within an existing structure? If not, why not?*
- *Will the additions visually dominate the heritage item?*
- *Is the addition sited on any known, or potentially significant archaeological deposits? If so, have alternative positions for the additions been considered?*
- *Are the additions sympathetic to the heritage item? In what way (eg form, proportions, design)?*

Comment:

The potential impact of the addition has been minimised in both a visual and physical sense. Visually the new structure features a large, glazed section, facing the principal elevation

west, avoiding large unbroken expanses of material, making the addition more visually recessive than an opaque alternative. Further, the placement of the structure aligns with the predominant built forms expressed by the existing Masonic Temple Building, including its ceiling aligning with the temple capital (south) and its floor aligning with the neighbouring awning structure (north). The pitched glazed roofing for the new structure also directly follows the pitch of the roof of the Masonic Temple building. This careful selection of form, scale and materials will allow the proposed addition to integrate visually within the streetscape and avoid any distraction from the Masonic Temple building. In addition, the location of the extension on the northern façade of the Temple is substantially obscured from view from both northern and southern approaches, due to the setback of the junction between the structures behind the Temple façade. This will limit views to the new addition from most angles with the exception of limited views directly looking east.

The new addition has been designed to limit physical intervention into the existing fabric of the Masonic Temple by minimising the number and extent of fixings. The new structure will affix to the existing external masonry wall of the Temple using fixed steel channels connected to the masonry piers. It is recommended that the required fixings be of 316 marine grade stainless steel to minimise any potential future corrosion causing damage to existing brickwork. The subsequently enclosed southern wall of the addition will be clad with gyprock sheeting which will be directly fixed to the masonry wall of the Masonic Temple. To maximise reversibility of the change, this sheeting is to be fixed to battens which are to be fixed to only into the mortar joints of the brickwork, no adhesive should be used at the interface between brick and gyprock.

This will help to ensure that the impact on face brick is minimised and reversible in future if removal is required. The changes will also require the installation of a new box gutter system to the eaves. This change will see the minor cutback of the eaves and introduction of flashing under the existing roof tiles to be reinstated, helping to ensure effective drainage from the existing and new structures. This box gutter system will be connected to the existing downpipe network.

The structure will be supported off the ground by steel columns to be located on the north side of the existing passageway below. This method proposes low impact works on the existing Temple building, allowing the changes to be reversible without substantial impact on existing significant fabric if removal was required in future.

The proposed works includes the reinstatement of original window openings and new timber window joinery on the southern façade of the building. These openings are currently bricked in; this change is a positive heritage outcome for the building.

To assist in ensuring the proposed works do not have an adverse impact on the existing fabric of the building, recommendations for treatment of fabric have been included in Section 7.1 of this report.

6.4.2 NEW DEVELOPMENT ADJACENT TO A HERITAGE ITEM (INCLUDING ADDITIONAL BUILDINGS AND DUAL OCCUPANCIES)

- *How is the impact of the new development of the heritage significance of the item or area to be minimised?*
- *Why is the new development required to be adjacent to heritage item?*
- *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*

- *How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*
- *Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*
- *Is the new development sympathetic to the heritage item? In what way (eg form, siting, proportions, design)?*
- *Will the additions visually dominate the heritage item? How has this been minimised?*
- *Will the public, and users of the item, still be able to view and appreciate its significance?*

Comment:

Heritage items identified in proximity to the subject site are either physically distanced by the Pacific Highway or by built development surrounding the change and therefore, the potential impact of the changes is limited more specifically to visual appreciation. The potential visual impact of the new works on the heritage significance of the heritage items and conservation area in proximity has been minimised by the utilisation of a design which is generally recessive in the streetscape and relates positively to the surrounding built environment. Further, the small scale of the structure and its position almost entirely setback behind the façade of the Masonic Temple, generally obscures the change from any direct views available from nearby heritage sites. Therefore, it is considered that the change will have little to no impact on the ability of the public to appreciate the significance of the heritage item or items in proximity.

6.4.3 RE-ROOFING/RE-CLADDING

- *Have previous (including original) roofing/cladding materials been investigated (through archival and physical research)?*
- *Is a previous material being reinstated?*
- *Will the re-cladding affect the conservation of the fabric of the heritage item?*
- *Are all details in keeping with the heritage profiles of the item (eg guttering, cladding profiles)?*
- *Has the advice of a heritage consultant or skilled tradesperson (eg slate roofer been sought)?*

Comment:

The proposed works to the existing building will require the removal of the lower eave overhang to support the installation of the new addition structure. This eave overhang is contemporary fabric part of the repair works undertaken to the former Masonic Temple building after the 2016 fire. Therefore, it is considered that the proposed works will not impact on any significant original fabric related to the roofing. This work is reversible, and further, this change will be obscured by the installation of the new addition as viewed from the principal elevation west.

6.5 HERITAGE OBJECTIVES OF THE NORTH SYDNEY LEP 2013

The proposed development is considered to be acceptable, from a heritage perspective, for the following reasons:

- The principal Pacific Highway western façade will be retained and conserved. The addition of the new structure will have limited impact on existing views to and from the Masonic Temple building along the Pacific Highway as well as the established surrounding setting.
- Proposed physical intervention with existing building fabric has been designed in a way that limits the required works to significant fabric. This will allow for general reversibility

if required in future.

- There will be little to no adverse impact on the established heritage significance of the heritage items and conservation areas identified in proximity to the subject site in Section 1.4.
- There will be little to no impact on the ability to appreciate the Masonic Temple building from the public domain.

The proposal is, therefore, considered to be consistent with the relevant heritage objectives of the *North Sydney LEP 2013*, which are:

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of North Sydney,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

6.6 HERITAGE GUIDELINES OF THE NORTH SYDNEY DCP 2013

The *North Sydney DCP 2013* supports the *North Sydney LEP 2013* by providing additional objectives and development standards for Heritage Items and properties within the vicinity of Heritage Items (*North Sydney DCP 2013*, Part B – Section 13).

6.6.1 GENERAL HERITAGE PROVISIONS

The proposed development is generally consistent with the objectives of the *North Sydney DCP 2013* that relate to heritage and are set out in the following DCP Sections;

13.4 – Development in the vicinity of Heritage Items

P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.

P2 Maintain significant public domain views to and from the heritage item.

P4 Provide an adequate area around the heritage item to allow for its interpretation.

Comment: The proposed new addition to the subject site has been designed in a manner which considers appropriate form, scale, siting and material to create a recessive element in the streetscape. The setback of the junction of the new addition to the existing building behind the façade of the Masonic Temple and its location on the partially obscured northern façade of the building will allow the change to avoid any adverse impact on existing significant views from the public domain.

13.5 - Heritage Items

13.5.1 - Protecting Heritage Significance

P3 New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.

P4 Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.

P5 Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new work to the rear.

Comment: The design of the new addition has been aligned with the key features of the former Masonic Temple's built form and also elements of the neighbouring residential building. This allows it to become a recessive element in the streetscape transitioning between the significant elements of the Masonic Temple and the pared back design of the neighbouring residential development. This assists in allowing the change to integrate visually within the streetscape and allow for the significant features of the former Masonic Temple to remain as the dominant elements within the landscape. The structure while visually connected to the former Masonic Temple, is easily identifiable as new work through its contemporary materials, allowing it to be read as part of the layered history of the site.

13.5 - Heritage Items

13.5.2 – Form, massing, scale

P1 Locate alterations and additions away from principal elevations and primary forms, and behind and below the main ridge line

P2 Ensure that alterations and additions are smaller in scale, height and massing than the existing building.

P3 Locate additions within characteristic setbacks.

P4 Maintain the integrity of the building form (including the roof form and profile) so that the original building is retained and can be clearly discerned.

P5 Additions should be submissive in bulk and scale in comparison to the original building form (i.e. additions should generally be smaller in footprint and lessor in height than the original building form).

Comment: The addition will be located on the northern elevation of the subject site which is substantially obscured from views from the north and south approaches of the Pacific Highway. This in combination with its minor setback from the western façade retains the ability to appreciate the principal western elevation of the site. Further, the design of the addition is of a moderate scale and massing, providing a limited visual change to the bulk of the existing building and effectively acting as a recessive and generally submissive feature within the streetscape. The form of the structure while contemporary also references the significant design elements of the former Masonic Temple including the roof form and columns and capitals seen on the western façade, establishing a visual design connection to the existing building.

7.0 RECOMMENDATIONS AND CONCLUSION

7.1 RECOMMENDATIONS

To mitigate any potentially adverse impacts from the proposal, we make the following recommendations:

R1 – All proposed to fixings into masonry structures are to be undertaken utilising 316 marine grade stainless steel to assist in ensuring the long-term integrity of the surrounding fabric.

R2 – The required fixings for gyprock sheeting are to be fixed into timber battens which are to be inserted only into the mortar joints of the brickwork, no adhesive should be used at the interface between brick and gyprock. This will help to minimise the required fixing points into brickwork.

R3 – To minimise visual impacts, the size of the automated door mechanisms selected

and any required conduiting must be as small as possible. To minimise physical impacts, the number and diameter of required fixings and conduits should be reduced as much as possible. Any new conduits and fixings should be painted to match the host substrate and designed/installed with reversibility in mind in case future removal is required.

7.2 CONCLUSION

The proposed alterations and additions to the property at 317 Pacific Highway, North Sydney, will have an acceptable impact on the heritage significance of the Former Masonic Temple and heritage items in the vicinity.

The design of the changes has been carefully considered to provide a scale and form that is generally recessive and retains the prominence of the former Masonic Temple building in the streetscape. The selection of materials is sympathetic but also contemporary and is easily identified as new work part of the layered history of the site.

Existing views to and from the heritage items in the vicinity, and the surrounding character will be retained.

The proposed alterations are consistent with the heritage objectives of the *North Sydney LEP 2013* and the *North Sydney DCP 2013*. In our view, the consent authority should have no hesitation, from a heritage perspective, in approving this application.



Zach Nix
Senior Heritage Consultant
NBRSARCHITECTURE
30 November 2021



BCA Assessment Report

317 Pacific Highway, North Sydney



Project: 317 Pacific Highway, North Sydney
Reference No: 115155-BCA-r1
Date: 6 September 2022
Client: Moore Development Group
Client Contact: Nick Rickard
Email: nick.rickard@modog.com.au
BCA Logic Contact: Jarryd Beckman
Direct: 8484 4094
Email: Jarryd.Beckman@jensenhughes.com

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		Jarryd Beckman	Benjamin Long
		Registered Certifier Grade A1, No. BDC 3128	Registered Certifier Grade A1, No. BDC 3380
		Senior Building Regulations Consultant	Senior Building Regulations Consultant
			

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EXECUTIVE SUMMARY

This document provides an assessment of the architectural design drawings for the proposed art gallery addition at 317 Pacific Highway, North Sydney, against the Deemed-to-Satisfy provisions of the Building Code of Australia (BCA) 2019, Volume 1 Amendment 1.

Part 3 'Matters for Further Consideration' of this report outlines the identified BCA compliance issues that require further information or consideration and/or assessment as Performance Solutions.

Any Performance Solution will need to be detailed in a separate report and must clearly indicate methodologies for achieving compliance with the relevant BCA Performance Requirements.

Item	Description	BCA Provision
Performance Solutions Required at CC stage		
1.	To allow a travel distance up to 22 metres to a point of choice on the first-floor level, in lieu of the required 20 metres.	Clause D1.4
2.	The construction of external walls is such that they will prevent the penetration of water that could cause unhealthy or dangerous conditions or loss of amenity to occupants and undue dampness or deterioration of building elements.	No DtS Provisions – FP1.4 Performance Provisions Only
Clause 64 Upgrade Strategy for Councils Consideration		
1.	The existing AS 1870.1-2004 detection system must be installed throughout the new first floor addition.	Clause 64 of the EP&A Regs2021
2.	A new fire hose reel must be installed on the ground and first levels, ensuring the hose reel is installed within 4 metres of an exit as per Clause E1.4 of the BCA2019. Where a hose reel can be installed on the ground floor and provide system coverage throughout the first-floor level (all parts located within 40 metres of the hose reel (36m of hose and a 4m spray)) in accordance with Clause E1.4(c), then the hose reel on the first-floor level won't be required.	Clause 64 of the EP&A Regs2021
3.	The existing double swinging door located at the front entrance must have hold open devices installed as per Clause D2.20 of the BCA2019.	Clause 64 of the EP&A Regs2021

1 ADOPTION OF BCA 2022

1.1. Proposed Introduction

The ABCB will first release a preview of the new energy efficiency and condensation requirements on 1 September 2022. This will be available to download as a pdf from ncc.abcb.gov.au.

Building Ministers agreed to publish NCC 2022 on 1 October 2022. The full and final version of NCC 2022, in its entirety, will go live on NCC online from this date. Printed copies will then also become available for sale from our commercial providers from 1 October.

The States and Territories will bring the majority of NCC 2022 into full effect from 1 May 2023, to allow industry time to learn and adapt to the new requirements.

There will also be transition periods for specific requirements. These include:

- New livable housing requirements, new energy efficiency and condensation mitigation requirements – 1 October 2023
- New low lead in plumbing product requirements – 1 September 2025.

These provisions of NCC 2022 will be considered voluntary until then.

1.2. Major Changes known to date

Below is a summary of the proposed changes which were released in the May draft preview. We have also provided a table below for quick reference. Your project has been assessed against the proposed changes where applicable.

Consistent volume structure

BCA2022 uses a new structure and clause referencing system to create better consistency across all volumes. While the new Section-Part-Type-Clause system makes the NCC look different at first, it's intended to improve user experience and make it more web accessible.

The new structure results in a reorganisation of specifications and parts, some of which are contained in the table below.

Fire safety of external walls

Volume One contains a number of amendments to the fire safety of external walls. This clarifies interpretation of concessions from non-combustibility requirements. Also included is a new provision that prevents fixing of certain bonded laminated cladding panels by adhesive only.

Waterproofing

There are new DTS Provisions in Volume Two for waterproofing of wet areas, not previously covered by an acceptable construction practice or manual.

Waterproofing in Volume One is restructured into three parts to enhance readability and accommodate future changes.

Weatherproofing

Volume One contains additional DTS Provisions, providing new solutions for weatherproofing of external walls. These include references to weatherproofing provisions in Australian Standards for masonry, autoclaved aerated concrete and metal wall sheeting.

Falls for floor wastes

Volumes One and Two are amended to require bathrooms and laundries where a floor waste is installed, to have a fall of the floor in order to help drain the surface. This also applies to floor wastes included voluntarily.

1.3. Summary of Major Changes

Summary of Major Changes		
Clause Reference		Description of proposed changes
BCA 2019	BCA2022	
C1.9	C2D10	Non-combustible building elements Further exemptions to the non-combustible requirements of external walls added. Larger list of materials that can be used where non-combustible materials are required.
-	C2D15	Fixing of Bonded Laminated Cladding panels
C2.5	C3D6	Fire separation of early childhood centres and requirement for 2 fire compartments per storey.
D1.2	D2D3	Number of Exits <ul style="list-style-type: none"> • Ground floor can be provided with a single exit in lieu of 2 • 2 exits required from each storey and each fire compartment of an early childhood centre
D1.6	D2D7 D2D11	- Dimensions of Exits Clause split into multiple clauses
D1.11	D2D16	Horizontal Exits – New provisions relating to early childhood centres
D2.16	D3D17 D3D21	- Barrier clause split into multiple clauses
E1.5	E1D4 E1D13	- Sprinkler requirements split into separate clauses for each building class.
E2.2	E2D3 E2D21	- General Requirements – Smoke Hazard Management Tables removed and replaced with clauses for each building class
F1.7	Part F2	Wet Area and Overflow Prevention
F1.11	F2D4	Floor wastes – floor must be graded with a minimum fall of 1:80
FP1.4	Part F3	Roof and Wall Cladding Introduces DTS provisions for walls and roofs in lieu of the previous BCA requiring performance solutions for all weatherproofing

2 BASIS OF ASSESSMENT

2.1. Location and Description

The building development, the subject of this report, is located at 317 Pacific Highway, North Sydney. The proposed development consists of an addition to an existing two storey art gallery. The addition occurs on the first-floor level and is located over an existing laneway (located within the site) on the northern side of the building.



Photo sourced from google maps

2.2. Purpose

The purpose of this report is to assess the current design proposal against the Deemed-to-Satisfy Provisions of BCA 2019, Amendment 1, and to clearly outline those areas (if any) where compliance is not achieved, where areas may warrant redesign to achieve strict BCA compliance or where areas may be able to be assessed against the relevant performance criteria of BCA 2019. Such assessment against relevant performance criteria will need to be addressed by means of a separate Performance Based Assessment Report to be prepared under separate cover.

2.3. Building Code of Australia

This report is based on the Deemed-to-Satisfy Provisions of the National Construction Code Series Volume 1 – Building Code of Australia, 2019, Amendment 1 (BCA) incorporating the State variations where applicable. Please note that the version of the BCA applicable to new building works is the version applicable at the time of the lodgement of the Construction Certificate application to the Accredited Certifying Authority. The BCA is updated generally on a three-yearly cycle, starting from the 1st of May 2016.

2.4. Limitations

This report does not include nor imply any detailed assessment for design, compliance or upgrading for:

- (a) the structural adequacy or design of the building;
- (b) the inherent derived fire-resistance ratings of any proposed structural elements of the building (unless specifically referred to); and

- (c) the design basis and/or operating capabilities of any proposed electrical, mechanical or hydraulic fire protection services.

This report does not include, or imply compliance with:

- (a) the National Construction Code – Plumbing Code of Australia Volume 3
- (b) the Disability Discrimination Act 1992 including the Disability ((Access to Premises – Buildings) Standards 2010 – unless specifically referred to);
- (c) Demolition Standards not referred to by the BCA;
- (d) Work Health and Safety Act 2011;
- (e) Requirements of Australian Standards unless specifically referred to;
- (f) Requirements of other Regulatory Authorities including, but not limited to, Telstra, Telecommunications Supply Authority, Water Supply Authority, Electricity Supply Authority, Work Cover, Roads and Maritime Services (RMS), Local Council, ARTC, Department of Planning and the like; and
- (g) Conditions of Development Consent issued by the Local Consent Authority.

2.5. Design Documentation

This report has been based on the Design plans and Specifications listed in Annexure A of this Report.

3 BUILDING DESCRIPTION

For the purposes of the Building Code of Australia (BCA) the development may be described as follows.

3.1. Rise in Storeys (Clause C1.2)

The building has a rise in storeys of two (2).

3.2. Classification (Clause A6.0)

The building has been classified as follows.

Table 1. Building Classification

Class	Level	Description
9b	Ground and first floor	Art gallery

3.3. Effective Height (Clause A1.0)

The building has an *effective height* less than 12 metres.

3.4. Type of Construction Required (Table C1.1)

The building is required to be of Type B Construction.

3.5. Floor Area and Volume Limitations (Table C2.2)

The building is subject to maximum floor area and volume limits of:-

Class 9b	Maximum Floor Area	5 500m ²
	Maximum Volume	33 000m ³

3.6. Fire Compartments

The following *fire compartments* have been assumed:

- (a) The entire building is treated as a single fire compartment.

3.7. Exits

The following points in the building have been considered as the exits:

- (a) The two non-fire-isolated stairways that serve the first floor level;
- (b) The existing front entry doors (GF); and
- (c) The swing door adjacent to the lift (GF).

3.8. Climate Zone (Clause A1.0)

The building is located within Climate Zone 5.

3.9. Location of Fire-source features

The fire source features for the subject development are:

North: The northern allotment boundary

South: The southern allotment boundary

East: The external wall of the building located to the east

West: The far side of Pacific Highway

In accordance with Clause 2.1 of Specification C1.1, a part of a building element is exposed to a *fire-source feature* if any of the horizontal straight lines between that part and the fire-source feature, or vertical projection of the feature, is not obstructed by another part of the building that–

- (a) has an FRL of not less than 30/–/–; and
- (b) is neither transparent nor translucent.

4 CLAUSE 64 – ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2021

In addition to the requirements for new works to comply with the current provisions of BCA2019, it is necessary to review the existing building, particularly those parts which are being relied upon for the new works component and to ascertain whether any upgrading is required to satisfy Clause 64 of the Environmental Planning and Assessment Regulation 2021.

The main trigger for upgrades to an existing building is:-

Clause 64 of the Environmental Planning and Assessment Regulation, 2021 –

(1) This section applies to the determination of a development application that involves the rebuilding or alteration of an existing building if—

- (a) the proposed building work and previous building work together represent more than half of the total volume of the building, or*
- (b) the measures contained in the building are inadequate—*
 - (i) to protect persons using the building, if there is a fire, or*
 - (ii) to facilitate the safe egress of persons using the building from the building, if there is a fire, or*
 - (iii) to restrict the spread of fire from the building to other buildings nearby.*

As the proposed works involve additions to the first floor level, Clause 64 must be considered by Council at the DA stage. The proposed works would not represent more than half the volume of the building, therefore upgrades are only deemed required if the measures contained in the building are inadequate to: protect persons using the building, facilitate their egress or restrict the spread of fire from the building. The following assessment has been carried out.

The art gallery is served by two existing egress stairs (one fire-isolated and the other non-fire-isolated; both with emergency lighting parameters) which allow occupants to safely egress to the ground floor level and out via the front and rear doorways. The art gallery is two storeys and thus does not require a smoke detection and alarm system under Clause E2.2a, however it is noted that the art gallery has an existing AS 1870.1-2004 detection system installed which is above the minimum requirements of the BCA. Whilst the new works must comply with the BCA which would ordinarily not require a detection system, it is a recommendation of this report that the existing detection system is continued throughout the addition to assist and facilitate safe egress from the proposed works.

Furthermore, it is noted that the proposed works trigger the combined fire compartment floor area of the art gallery to be more than 500m², therefore it is required to provide a fire hose reel on the ground and first-floor levels. The fire hose reels must be located within 4 metre of an exit.

Moreover, to improve the egress out of the building, it is noted that the existing heritage doors at the front entrance swing inwards and has two door leaves with a width of 700mm. Given that these doors are heritage and major modifications are not permitted, it is recommended that hold open devices are installed on the doorways, therefore in the event of a fire, the swing doors would be held open during use to limit the queuing in the event of a fire.

In consideration of fire spread between buildings, this is assessed under Part 5 of this report as the new windows will be required to comply with the current provisions of the BCA.

Considering the existing heritage implications and minor works proposed to the first-floor level, it is concluded that the below upgrade strategy shall be considered by Council when assessing the provisions of Clause 64:

1. The existing AS 1870.1-2004 detection system must be installed throughout the new first floor addition.
2. A new fire hose reel must be installed on the ground and first levels, ensuring the hose reel is installed within 4 metres of an exit as per Clause E1.4 of the BCA2019. Where a hose reel can be installed on

the ground floor and provide system coverage throughout the first floor level (all parts located within 40 metres of the shoe reel (38m of hose and a 4m spray)) in accordance with Clause E1.4(c), then the hose reel on the first floor level wont be required.

3. The existing double swinging door located at the front entrance must have hold open devices installed as per Clause D2.20 of the BCA2019.

5 BCA ASSESSMENT

5.1. Introduction

The following assessment is limited to the proposed new works undertaken on the first-floor level, in which the development application seeks consent for. The technical details required for a development consent are far less than that required for a construction certificate and as such, this assessment is designed to address a higher level assessment of the building against the provisions of the BCA.

The main purpose of this report is to address any major design changes required to the building, services required to be installed, and the fundamentals of design required by sections C, D, E, F, G and H (where applicable) of the BCA. This report does not address the design requirements for the structure of the building (Section B), or for the detailed design of services (Section E).

The summary below is to be read in conjunction with the BCA specification contained in Annexure F of the report.

5.2. Part C – Fire Resistance

Clause C1.9 – Non-combustible building elements:

The building is Type B Construction, therefore the new external walls around the proposed addition must be constructed of non-combustible materials. Further assessment required at CC stage.

Clause C1.10 – Fire Hazard Properties:

The fire hazard properties for the internal lining throughout the proposed addition shall be further assessed at CC stage to determine compliance with Specification C1.10.

Clause C3.2 and C3.4 – Protection of openings:

The proposed addition has two fixed windows located in the east and west elevations on the first-floor level. The plans notate that internal and external drenchers will be installed on the fixed glazing. There are also windows being re-installed along the southern elevation, therefore these will be required to be fixed -/60/- fire windows or have drenchers installed. Compliance with C3.4 is readily achievable at CC stage.

Specification C1.1 – Fire Resisting Construction:

The proposed addition will require the following FRL's to satisfy the relevant Type B Construction requirements.

- The floor will require an FRL of 30/30/30.
- The structural columns will require an FRL of 120/-/-
- The non-load bearing external walls will require an FRL of -/120/120. Where the external walls are located within close proximity of the adjoining building, it is not required to flash between the buildings, providing the new external wall is constructed in accordance with the weatherproofing provisions of Part F of the BCA.

Compliance is readily achievable at CC stage, subject to wall details being provided.

5.3. Part D1 & D2 – Provision for Escape & Construction of Exits

Clause D1.2 – Number of exits required:

The first-floor level of the proposed Class 9b is assumed to have capacity for more than 50 persons, therefore two exits will be required from each storey. The existing building is served by two stairways that act as the required exits, thus compliance with Clause D1.2 is achieved.

Clause D1.4 – Exit travel distances:

The proposed works have a travel distance of approximately 22 metres to a point of choice, where travel in different directions is available to the two alternative exits. A Fire engineered Performance Solution will be required at CC stage to rationalise the extended travel distances from the first-floor level addition.

Clause D1.9 – Travel by non-fire-isolated stairways:

The travel distances via the non-fire-isolated stairway does not exceed a total distance of 80 metres, nor is the discharge point greater than 20 metres from an exit on the ground floor.

5.4. Part D3 – Access for People with a Disability**Disability (Access to Premises – Buildings) Standards 2010:**

The Premise Standard is applicable to the proposed development and requires the new works to comply with the BCA2019 provisions as well as the 'affected' part which is the accessway from the Principal Pedestrian entrance to the new works. The principal pedestrian entrance is considered to be the double swinging doors that face the Pacific highway. The Premises Standard does not require upgrades for any existing elements located between the front boundary and the principal pedestrian entrance, thus the existing stairway can remain unchanged, however it is noted that a secondary entrance point into the ground floor level is via the rear doorway which leads into the lift lobby, therefore any persons with mobility issues can use this entrance to gain access to and within the building.

With regards to the affected part upgrade, the accessway from the ground floor to the first-floor level addition will require the following upgrades.

- Due to the existing internal double doors on the ground floor having door leaves less than 850mm, power operated doors with motion sensors are required (shown on the plans).
- The swing door leading into the ground floor level lift lobby is required to be re swung so a clear latch side circulation space of 530mm is achieved (shown on the plans).
- The swing door on the first-floor level lift lobby is required to be re-swung so there is a clear latch side circulation space of 530mm (shown on the plans).

Clause D3.3 – Parts of buildings to be accessible:

The proposed addition has a set of stairs that lead down to the western aspect of the building. Because the building is required to be accessible, this stairway will require double handrails, extensions and tactiles as per AS 1428.1-2009. Compliance is readily achievable at CC stage.

5.5. Part E – Services and equipment**Clause E1.3 – Fire Hydrants:**

The art gallery has a floor area greater than 500m², however there is an existing onsite hydrant booster assembly which is listed on the AFSS.

Clause E1.4 – Fire hose reels:

As part of the Clause 64 upgrade, new fire hose reels will be required throughout art gallery as the floor area is over 500m². Compliance is readily achievable.

Clause E1.6 – Portable fire extinguishers:

The existing fire extinguishers installed throughout the building shall continue to be maintained in line with the AFSS.

Clause E2.2 – General requirements (smoke detection):

The Class 9b building has a rise in storeys of 2, therefore Clause E2.2a doesn't require a smoke alarm system to be installed. Furthermore, the combined floor area does not exceed 2000m², so the additional provisions of Spec E2.2b do not apply. However, it is noted that an AS 1870.1-2004 is already installed in the art gallery, therefore this shall be provided in the new works.

Where mechanical ventilation is provided throughout the new works and the system exceeds the limitations of NSW E2.2b, then automatic shutdown shall be provided. Confirmation from the mechanical designer must be provided at CC stage.

Clause E4.2 – Emergency lighting requirements:

Emergency lighting will be required throughout the new works in accordance with this Clause. Compliance is readily achievable at CC stage.

Clause E4.5 and E4.6 – Exit and directional signs:

Exit and/or directional signs will be required throughout the new works in accordance with Clause E4.5 and E4.6. Compliance is readily achievable at CC stage.

5.6. Part F – Health and Amenity**Clause F2.3 – Facilities in Class 3 to 9 buildings:**

The art gallery has the following existing sanitary facilities - x1 male WC, x1 urinal x1 male wash basin, x3 female WC's, x2 female wash basins, x1 accessible bathroom. Due to the size of the art gallery, it is considered that the existing facilities would be sufficient for the additional occupants.

Clause F4.5 – Ventilation of rooms:

It is considered that the existing air-conditioning system / mechanical ventilation will be provided throughout the addition. Details to be provided at CC stage.

6 STATEMENT OF COMPLIANCE

The plans assessed were developed to a standard suitable for the submission of a Development Application and do not contain all the details necessary to allow a CC to be issued. As such, this assessment was limited to the major items of the BCA with the view of identifying any items that may result in a modified Development Consent being required, or additional key items that need to be included in the design.

The architectural design documentation as referred to in this report have been assessed against the applicable provisions of the Building Code of Australia, (BCA) and to the degree otherwise required by Clause 64 of the EP&A Regs 2021 and the Premises Standard. It is considered that such documentation complies or is capable of complying with these Codes, subject to the following recommended upgrades that will improve the level of fire safety and egress throughout the building:

1. (Clause 64) - The existing AS 1670.1-2004 detection system must be installed throughout the new first floor addition.
2. (Clause 64) - A new fire hose reel must be installed on the ground and first levels, ensuring the hose reel is installed within 4 metres of an exit as per Clause E1.4 of the BCA2019. Where a hose reel can be installed on the ground floor and provide system coverage throughout the first-floor level (all parts located within 40 metres of the shoe reel (38m of hose and a 4m spray)) in accordance with Clause E1.4(c), then the hose reel on the first-floor level won't be required.
3. (Clause 64) - The existing double swinging door located at the front entrance must have hold open devices installed as per Clause D2.20 of the BCA2019.

In addition, the following performance solutions will be required to be prepared at CC stage.

Required Performance Solutions at CC Stage	
Required Performance Solution	DtS Clause
To allow a travel distance up to 22 metres to a point of choice on the first-floor level, in lieu of the required 20 metres.	Clause D1.4
The construction of external walls is such that they will prevent the penetration of water that could cause unhealthy or dangerous conditions or loss of amenity to occupants and undue dampness or deterioration of building elements.	No DtS Provisions – FP1.4 Performance Provisions Only

ANNEXURE A DESIGN DOCUMENTATION

Annexure A – Design Documentation

This report has been based on the following design documentation.

Table 3. Architectural Plans

Architectural Plans Prepared by Max Wessels			
Drawing Number	Revision	Date	Title
SK 00	H	01.12.21	Site, Erosion & Sediment Control Plan
SK 00a	H	01.12.21	Stormwater Management Plan
SK 00c	I	31.03.22	Basement Floor Plan
SK 01	I	31.03.22	Ground Floor Plan
SK 01b	I	31.03.22	Level 1 Floor Plan
SK 01c	I	31.03.22	Level 2 Floor Plan
SK 01d	I	31.03.22	Level 3 Floor Plan
SK 02	I	16.03.22	Elevations
SK 03	H	01.12.21	Sections
SK 04	H	01.12.21	Existing Shadows
SK 05	H	01.12.21	New Shadows

ANNEXURE B ESSENTIAL SERVICES

Annexure B - Essential Services

The building has an existing annual fire safety statement. As a result of the new works, the following fire safety measures will have to be updated to the existing schedule.

Table 4. New Essential Fire Safety Measures

Item	Essential Fire and Other Safety Measures	Standard of Performance
Hydraulic Services		
1.	Hose reel systems (art gallery)	BCA2019 E1.4 AS 2441:2005
Performance Solutions		
	Description of Performance Solution	DTS Provision Performance Requirements Method of meeting performance solutions
2.	To allow travel distances up to 22 metres to a point of choice from the first-floor level art gallery	Clause D1.4

1. All essential fire safety measures (including critical fire safety measures) must be listed for an annual fire safety statement

Fire Safety Measure	Date Assessed	CFSP*	Minimum Standard of Performance
AUTOMATIC FIRE DETECTION & ALARM SYSTEMS	18/12/2019	JC	BCA SPEC E2.2, AS 1670.1-2004
EMERGENCY LIGHTING	18/12/2019	JC	BCA CLAUSE E4.2, E4.4, AS2293.1-2005
EXIT SIGNS TEST	18/12/2019	JC	BCA E4.5, E4.6, E4.8 AS2293.1-2005
FIRE DOORS (AND SELF CLOSING DEVICES)	18/12/2019	JC	BCA C2.12, C2.13, C3.4, C3.8, C3.10, C3.11, C3.13, AS1905.1 - 1997
HOSE REEL SYSTEM	18/12/2019	JC	BCA E1.4 AS2441-1988, AS1851.14-2005,
PORTABLE FIRE EXTINGUISHERS	18/12/2019	JC	AS 2444-2001, PART E1.8 BCA AS 1851.15 - 2005
FIRE HYDRANT SYSTEM	18/12/2019	JC	E1.3 AS2419.1-1994, AS1851.4-2005
BRIGADE BOOSTER	18/12/2019	JC	AS 1851 - 2005
LIGHTWEIGHT CONSTRUCTION	18/12/2019	JC	C1.8 & C1.1

*Insert initials of CFSP

ANNEXURE C FIRE RESISTANCE LEVELS

Annexure C - Fire Resistance Levels

The following fire resistance levels (FRL's) are required for the various building elements, with a fire source feature being the far boundary of a road adjoining the allotment, a side or rear boundary or an external wall of another building on the allotment except a Class 10 structure.

Type B Construction

Table 5. Type B Construction

Item	Class 5, 7a or 9b
Loadbearing External Walls <ul style="list-style-type: none"> - Less than 1.5m to a fire- source feature - 1.5 – less 3m from fire- source feature - 3 – less 9m from a fire- source feature - 9 – less 18m from a fire- source feature - 18m or more from a fire- source feature 	120/120/120 120/90/60 120/30/30 120/30/- --
Non-Loadbearing External Walls <ul style="list-style-type: none"> - Less than 1.5m to a fire- source feature - 1.5 – less 3m from fire- source feature - 3m or more from a fire- source feature 	-/120/120 -/90/60 --
Loadbearing External Columns <ul style="list-style-type: none"> - Less than 18m - 18m or more 	120/-- --
Non-Loadbearing External Columns	--
Common Walls & Fire Walls	120/120/120
Stair and Lift Shafts required to be fire-resisting <ul style="list-style-type: none"> - Loadbearing Stair & Lift shaft - Non-loadbearing Stair shaft only 	120/120/120 -/120/120
Internal walls bounding sole occupancy units <ul style="list-style-type: none"> - Loadbearing - Non-loadbearing 	120/-- --
Internal walls bounding public corridors, public lobbies and the like: <ul style="list-style-type: none"> - Loadbearing - Non-loadbearing 	120/-- --
Other loadbearing internal walls and columns	120/--
Roofs	--

Note: In a Class 9b building, a floor separating storeys or above a space for the accommodation of motor vehicles or used for storage or any other ancillary purpose, must—

- (a) be constructed so that it is at least of the standard achieved by a floor/ceiling system incorporating a ceiling which has a resistance to the incipient spread of fire to the space above itself of not less than 60 minutes; or
- (b) have an *FRL* of at least 30/30/30; or
- (c) have a fire-protective covering on the underside of the floor, including beams incorporated in it, if the floor is combustible or of metal; and

ANNEXURE D DEFINITIONS

Annexure D - Definitions

Exit

Exit means –

- (a) Any, or any combination of the following if they provide egress to a road or open space—
 - (i) An internal or external stairway.
 - (ii) A ramp.
 - (iii) A fire-isolated passageway.
 - (iv) A doorway opening to a road or open space.
 - (v) A horizontal exit or a fire-isolated passageway leading to a horizontal exit.

Fire compartment

Fire compartment means –

- (a) the total space of a building; or
- (b) when referred to in—
 - (i) the Performance Requirements — any part of a building separated from the remainder by barriers to fire such as walls and/or floors having an appropriate resistance to the spread of fire with any openings adequately protected; or
 - (ii) the Deemed-to-Satisfy Provisions — any part of a building separated from the remainder by walls and/or floors each having an FRL not less than that required for a fire wall for that type of construction and where all openings in the separating construction are protected in accordance with the Deemed-to Satisfy Provisions of the relevant Part.

Fire-resistance level (FRL)

Fire-resistance level (FRL) means the grading periods in minutes determined in accordance with Specification A2.3, for the following criteria—

- (a) structural adequacy; and
- (b) integrity; and
- (c) insulation,

and expressed in that order.

Note: A dash means that there is no requirement for that criterion. For example, 90/–/– means there is no requirement for an FRL for integrity and insulation, and –/–/– means there is no requirement for an FRL.

Fire-source feature

- (a) the far boundary of a road, river, lake or the like adjoining the allotment; or
- (b) a side or rear boundary of the allotment; or
- (c) an external wall of another building on the allotment which is not a Class 10 building

Loadbearing

Intended to resist vertical forces additional to those due to its own weight.

Non-combustible

Non-combustible means—

- (a) applied to a material — not deemed combustible as determined by AS 1530.1:1994 — Combustibility Tests for Materials; and
- (b) applied to construction or part of a building — constructed wholly of materials that are not deemed combustible

Performance Requirement

Performance Requirement means a requirement which states the level of performance which a Performance Solution or Deemed-to-Satisfy Solution must meet.

Performance Solution

Performance Solution means a method of complying with the Performance Requirements other than by a Deemed-to-Satisfy Solution.

ANNEXURE E BCA COMPLIANCE SPECIFICATION

Annexure E – BCA Compliance Specification

The following BCA matters are to be addressed by specific BCA Design Certificate to be issued by the relevant architectural, services and engineering consultants at the Construction Certificate Stage. This schedule should be forwarded to all consultants to obtain verification that these items have and will be included in the design documentation / specifications:

Architectural Design Certification

1. The FRL's of building elements for the proposed works have been designed in accordance with Table 4 of Specification C1.1 of BCA2019 for a building of Type B Construction.
2. Lightweight construction used to achieve required fire resistance levels will comply with Specification C1.8 of BCA2019.
3. Building elements, including external walls and their components, must be non-combustible in accordance with C1.9 of BCA2019.
4. Materials, floor and wall linings/coverings, surface finishes and air-handling ductwork used in the works will comply with the fire hazard properties of Clause C1.10 and Specification C1.10 of BCA2019.
5. Openings in the external walls that are required to have an FRL will be in located in accordance with Clause C3.2 and C3.3 of BCA2019 or protected in accordance with Clause C3.4 of BCA2019.
6. Services penetrating elements required to possess an FRL including the floor slabs will be protected in accordance with Clause C3.15 and Specification C3.15 of BCA2019.
7. Columns protected by light weight construction will achieve an FRL not less than the FRL for the element it is penetrating, in accordance with Clause C3.17 of BCA2019.
8. The dimensions of exits and paths of travel to exits will be provided in accordance with Clause D1.6 of BCA2019.
9. The doorways and doors will be in accordance with Clause D2.19 and D2.20 of BCA2019.
10. Door latching mechanisms will be in accordance with Clause D2.21 of BCA2019
11. The new works will be accessible in accordance with Clause D3.3 of BCA2019, and with AS 1428.1:2009, with particular note to door circulation spaces, accessway widths, turning spaces and floor coverings, in accordance with Part D3 of BCA2019.
12. The new roof covering will be in accordance with Clause F1.5 of BCA2019.
13. Any sarking proposed will be installed in accordance with Clause F1.6 of BCA2019.
14. All new glazing to be installed throughout the development will be in accordance with Clause F1.13 of BCA2019 and AS 1288:2006 / AS 2047:2014.
15. Natural ventilation will be provided in accordance with Clause F4.5, F4.6 and F4.7 of BCA2019.

Electrical Services Design Certification:

16. A smoke detection and alarm system will be installed throughout the building in accordance with Table E2.2a, and Specification E2.2a of BCA2019.
17. Emergency lighting will be installed throughout the development in accordance with Clause E4.2, E4.4 of BCA2019 and AS/NZS 2293.1:2018.
18. Exit signage will be installed in accordance with Clause E4.5, E4.7, and E4.8 of BCA2019 and AS/NZS 2293.1:2018.
19. Artificial lighting will be installed throughout the development in accordance Clause F4.4 of BCA2019 and AS/NZS 1680.0:2009.

Hydraulic Services Design Certification:

20. Storm water drainage will be provided in accordance with Clause F1.1 of BCA2019 and AS/NZS 3500.3:2018
21. Fire hose reels will be installed in accordance with Clause E1.4 of BCA2019 and AS 2441:2005.

Mechanical Services Design Certification:

22. An air-handling system which does not form part of a smoke hazard management system will be installed in accordance with Clause E2.2 of BCA2019, and AS 1668.1:2015.
23. Where not naturally ventilated the building will be mechanically ventilated in accordance with Clause F4.5 of BCA2019 and AS 1668.2:2012.
24. Rigid and flexible ductwork will comply with the fire hazard properties set out in AS 4254 Parts 1 and 2.

Structural Engineers Design Certification:

25. The material and forms of construction for the proposed works will be in accordance with Clause B1.2, B1.4 and B1.6 of BCA2019 as follows:
 - a. Dead and Live Loads – AS/NZS 1170.1:2002
 - b. Wind Loads – AS/NZS 1170.2:2011
26. Earthquake actions – AS 1170.4:2007
27. Masonry – AS 3700:2018
28. Concrete Construction – AS 3600:2018
29. Steel Construction AS 4100:1998
30. Aluminium Construction – AS/NZS 1664.1 or 2:1997

NSW Specification Design Certificate:

31. Materials, floor and wall linings/coverings, surface finished and air-handling ductwork used in the works will comply with the fire hazard properties in accordance with Clause C1.10, NSW Clause C1.10, Specification C1.10 and NSW Specification C1.10 of BCA2019.
32. A smoke detection and alarm systems will be installed throughout the building in accordance with Table E2.2a, NSW Table E2.2a and NSW Specification E2.2a of BCA2019.

Proposed Alterations & Additions to
an Art Gallery Development

**317 Pacific Highway,
North Sydney**

TRAFFIC AND PARKING ASSESSMENT REPORT

9 June 2022

Ref 22152

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1. INTRODUCTION

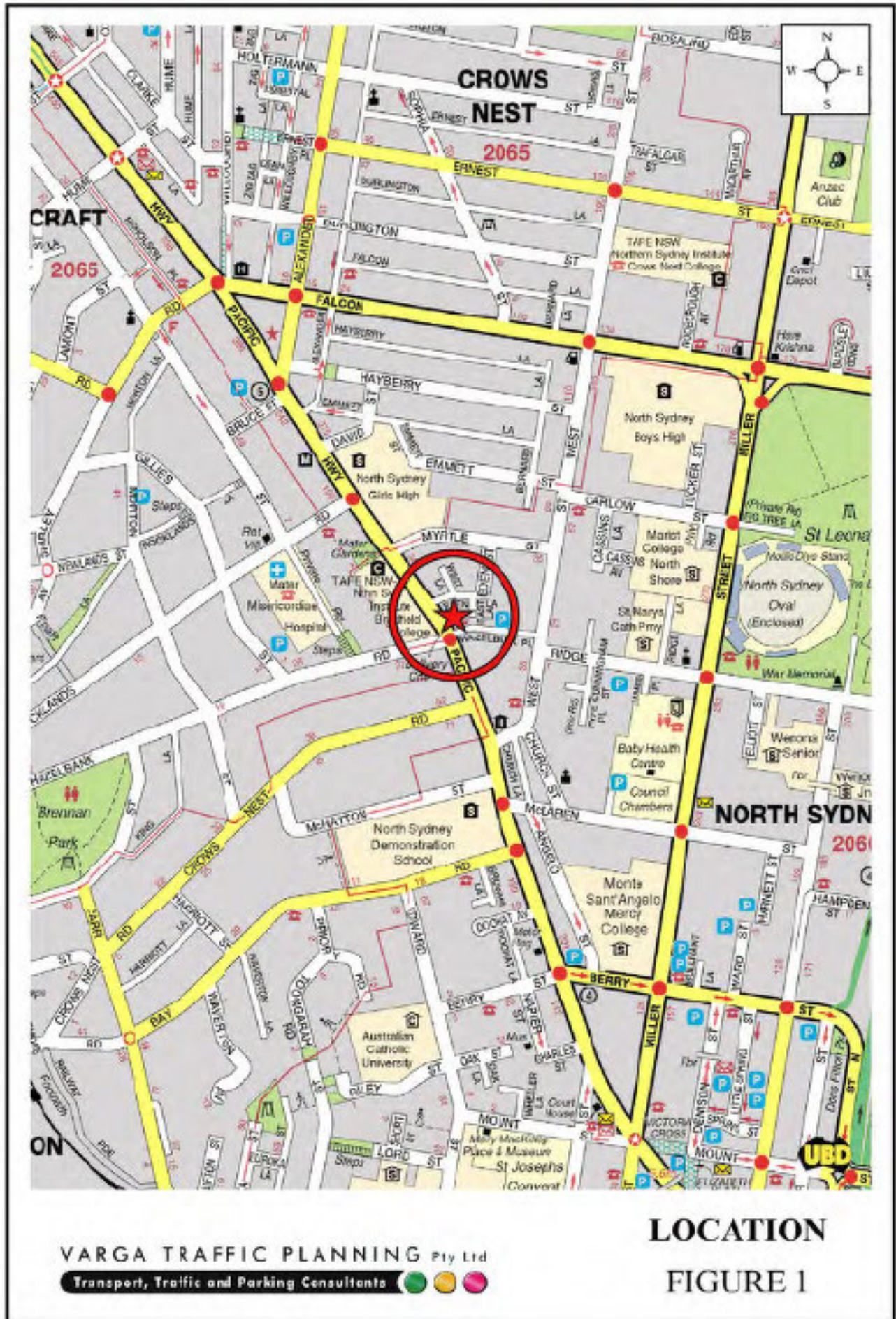
This report has been prepared to accompany a Development Application to North Sydney Council for the proposed alterations and additions to an existing art gallery located at 317 Pacific Highway, North Sydney (Figures 1 and 2).

The proposed works will involve alterations and additions to the existing building to facilitate the extension of the first-floor gallery space resulting in a *nett increase* of approximately 73m². The proposed works are intended solely to improve the functionality and useability of the existing building.

The purpose of this report is to assess the traffic and parking implications of the development proposal and to that end this report:

- describes the site and provides details of the development proposal
- reviews the road network in the vicinity of the site
- reviews the public transport services available in the vicinity of the site
- estimates the traffic generation potential of the development proposal
- assesses the traffic implications of the development proposal in terms of road network capacity
- reviews the geometric design features of the proposed car parking facilities for compliance with the relevant codes and standards
- assesses the adequacy and suitability of the quantum of off-street car parking provided on the site.

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2. PROPOSED DEVELOPMENT

Site

The subject site is located on the eastern side of the Pacific Highway and Hazelbank Road intersection. The site has street frontages approximately 15 metres in length to Pacific Highway, 8 metres in length to East Lane and occupies a site area of approximately 470.5m².

A recent aerial image of the site and its surroundings is reproduced below:



Source: Metromap

The site is located within the North Sydney Centre and is zoned *B4 Mixed Use*. The existing building is currently occupied by a two-storey art gallery.

Off-street parking is provided for 3 cars (including 1 disabled space) in a basement car parking area of the adjoining residential flat building, with access provided via a car lift off East Lane.

The loading and servicing needs of the art gallery are minimal, and undertaken by a variety of light commercial vehicles such as “white vans” and small trucks up to and including 6.4m SRV trucks within the existing gated driveway located on the western side of the site connecting Pacific Highway and East Lane.

Operating Characteristics

The art gallery is open over an 8 hour trading period 7 days a week. Visitations to the site are typically in the order of 10 to 32 visitors per day on weekends and 2 to 9 visitors per day on weekdays.

The duration of client visits are relatively brief, typically less than 1 hour, with most sales being made online. Hence, the maximum number of visitors that could be expected on site at any one point in time would be 2 or 3 visitors on weekends, and 1 visitor on weekdays.

Many visitors live locally and visit the site on foot or public transport. Collection of sold works occur at the end of the 6-8 week exhibition period and is typically carried out by couriers.

Proposed Development

The proposed development involves the alterations and additions to the existing art gallery on site to facilitate the extension of the first-floor gallery space resulting in a *nett increase* of approximately 73m². It is pertinent to note that the proposed extension of the first floor is intended to improve the functionality and useability of the existing art gallery space and will not result in any appreciable change in patronage levels.

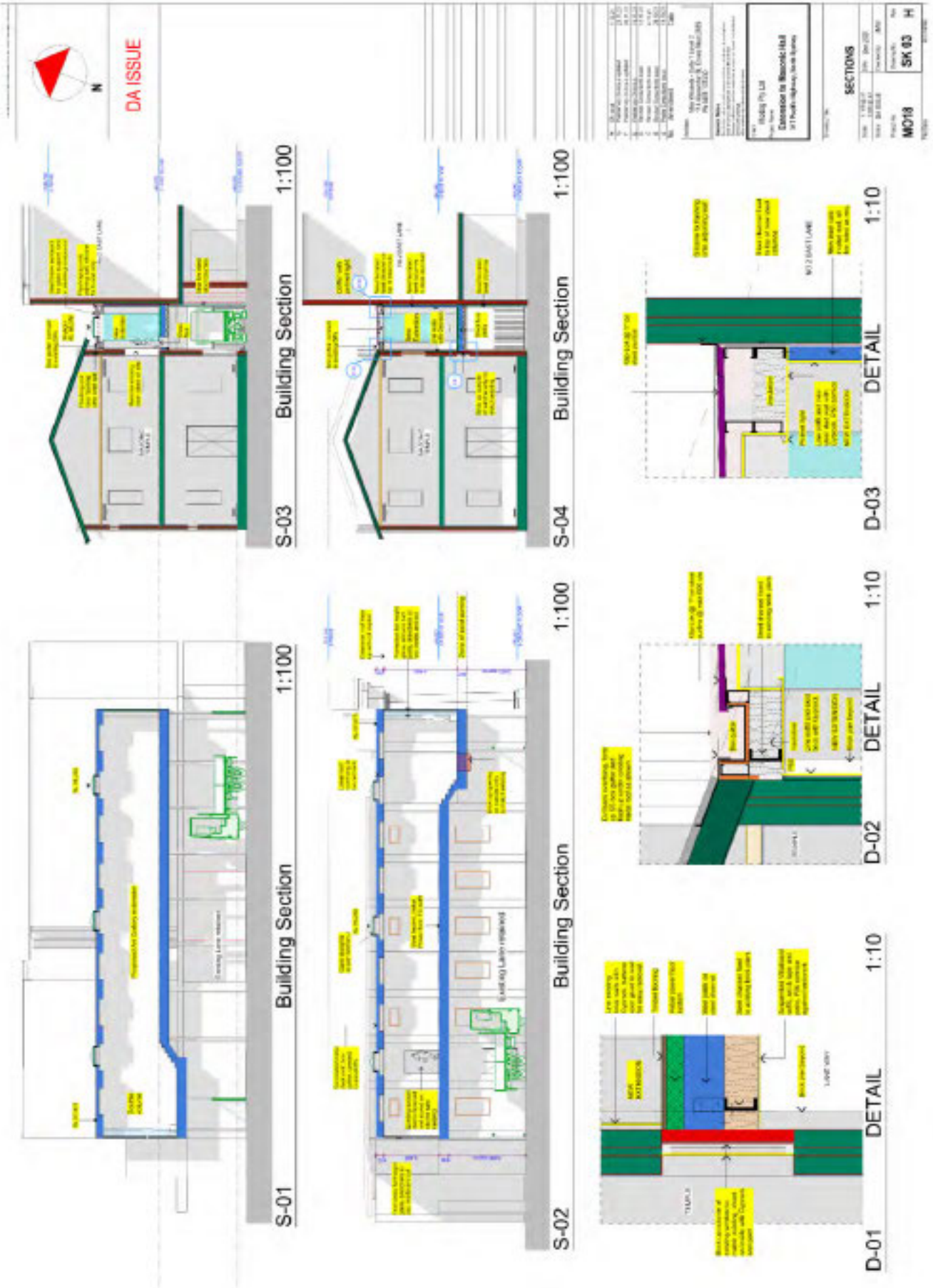
Off-street parking is provided for a total of 3 cars (including 1 disabled space) in the basement car parking area of the adjoining residential flat building. The basement footprint and geometric design layout of the car park remains *unchanged*. Vehicular access to the site is also to remain *unchanged*.

The loading and servicing provisions for the site are minimal, and will continue to be accommodated within the existing gated driveway located on the western side of the site, consistent with the existing development. The extension of the gallery space on the first floor is located directly above the existing gate driveway and will provide a 3.6m vertical clearance, thereby satisfying the 3.5m vertical clearance requirement stipulated in the Standards Australia publication *Parking Facilities Part 2 – Off-Street Commercial Vehicle Facilities – 2004*.

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Plans of the proposed development have been prepared by *Moore Development Group* and are reproduced in the following pages.





3. TRAFFIC ASSESSMENT

Road Hierarchy

The road hierarchy allocated to the road network in the vicinity of the site by Transport for NSW (TfNSW) is illustrated on Figure 3.

Pacific Highway is classified by TfNSW as a *State Road* and provides the key north-south road link in the area, linking Wahroonga to North Sydney. It typically carries two or three traffic lanes in each direction in the vicinity of the site, with opposing traffic flows separated by a raised central median strip. Kerbside parking is generally prohibited along both sides of the road.

Falcon Street is classified by TfNSW as a *State Road* and provides the key east-west road link in the area, linking Pacific Highway and Warringah Freeway. It typically carries two traffic lanes in each direction in the vicinity of the site. Kerbside parking is generally prohibited along both sides of the road.

Berry Street is classified by TfNSW as a *State Road* and provides another key east-west road link in the area. It typically carries two or three traffic lanes in the eastbound direction with additional lanes provided at key locations. Kerbside parking is permitted at various locations, subject to sign posted restrictions.

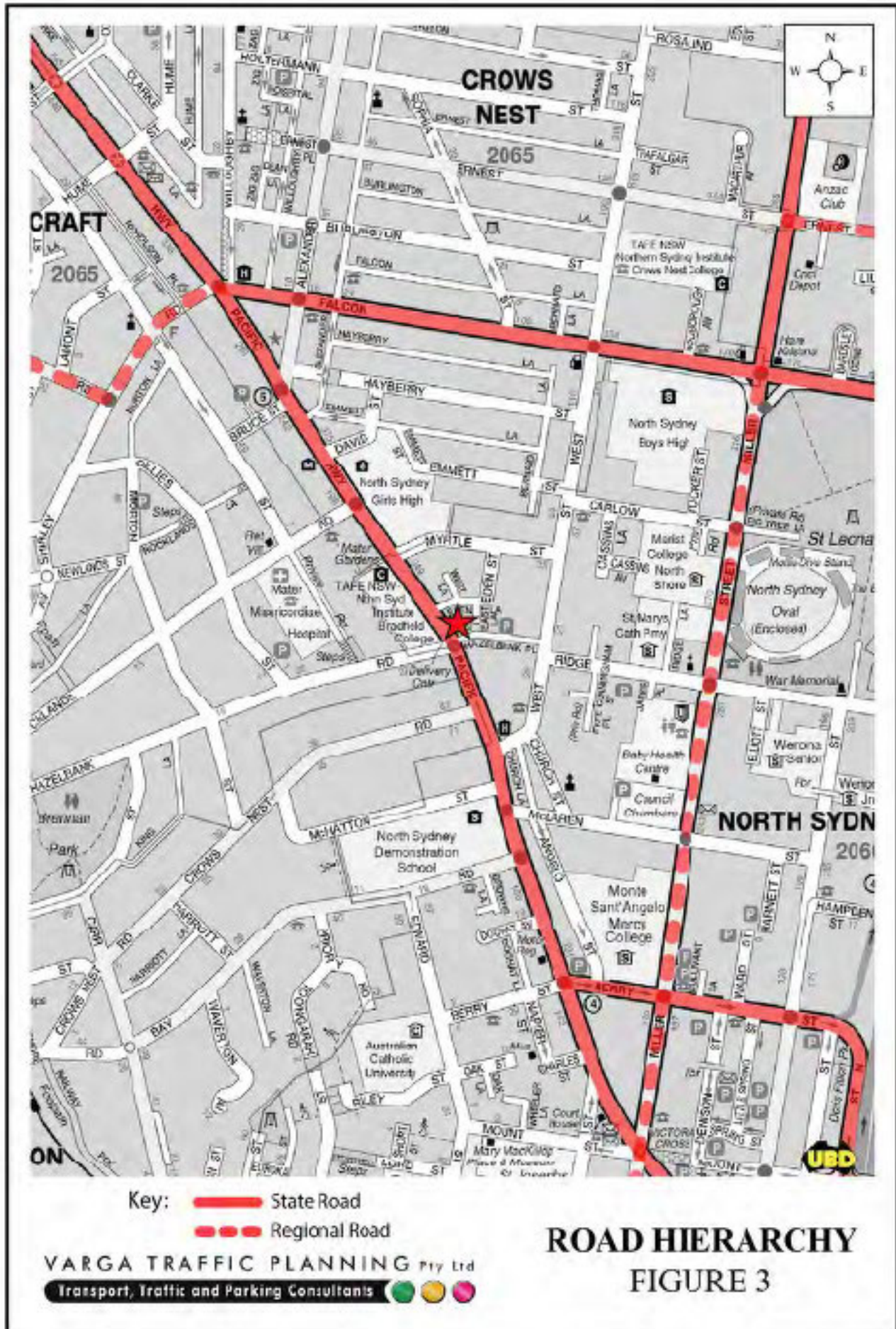
Miller Street is classified by TfNSW as a *Regional Road* and provides another key north-south road link in the area. It typically carries one or two traffic lanes in each direction in the vicinity of the site. Kerbside parking is permitted at various locations, subject to sign posted restrictions.

Existing Traffic Controls

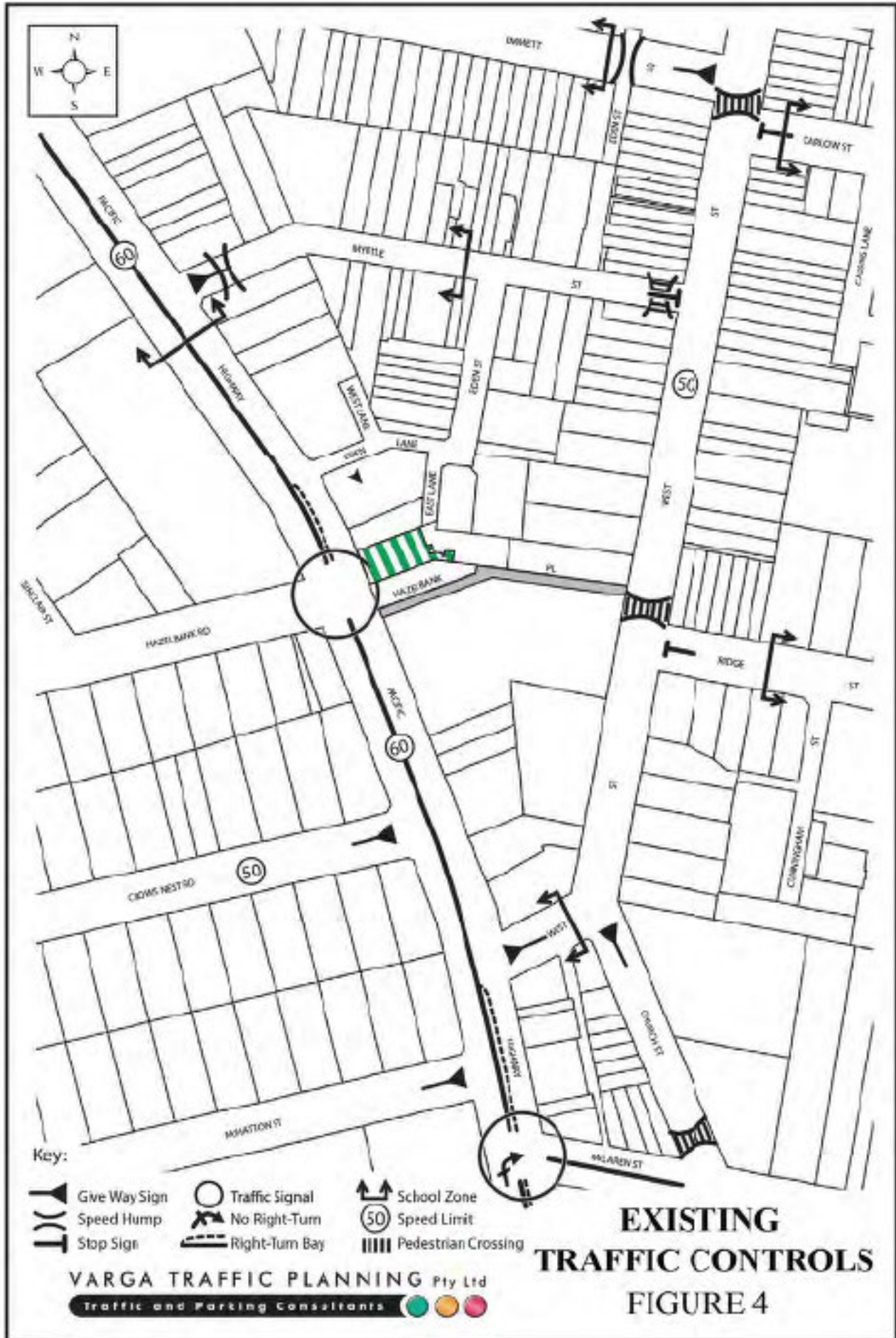
The existing traffic controls which apply to the road network in the vicinity of the site are illustrated on Figure 4. Key features of those traffic controls are:

- a 60 km/h SPEED LIMIT which applies to Pacific Highway

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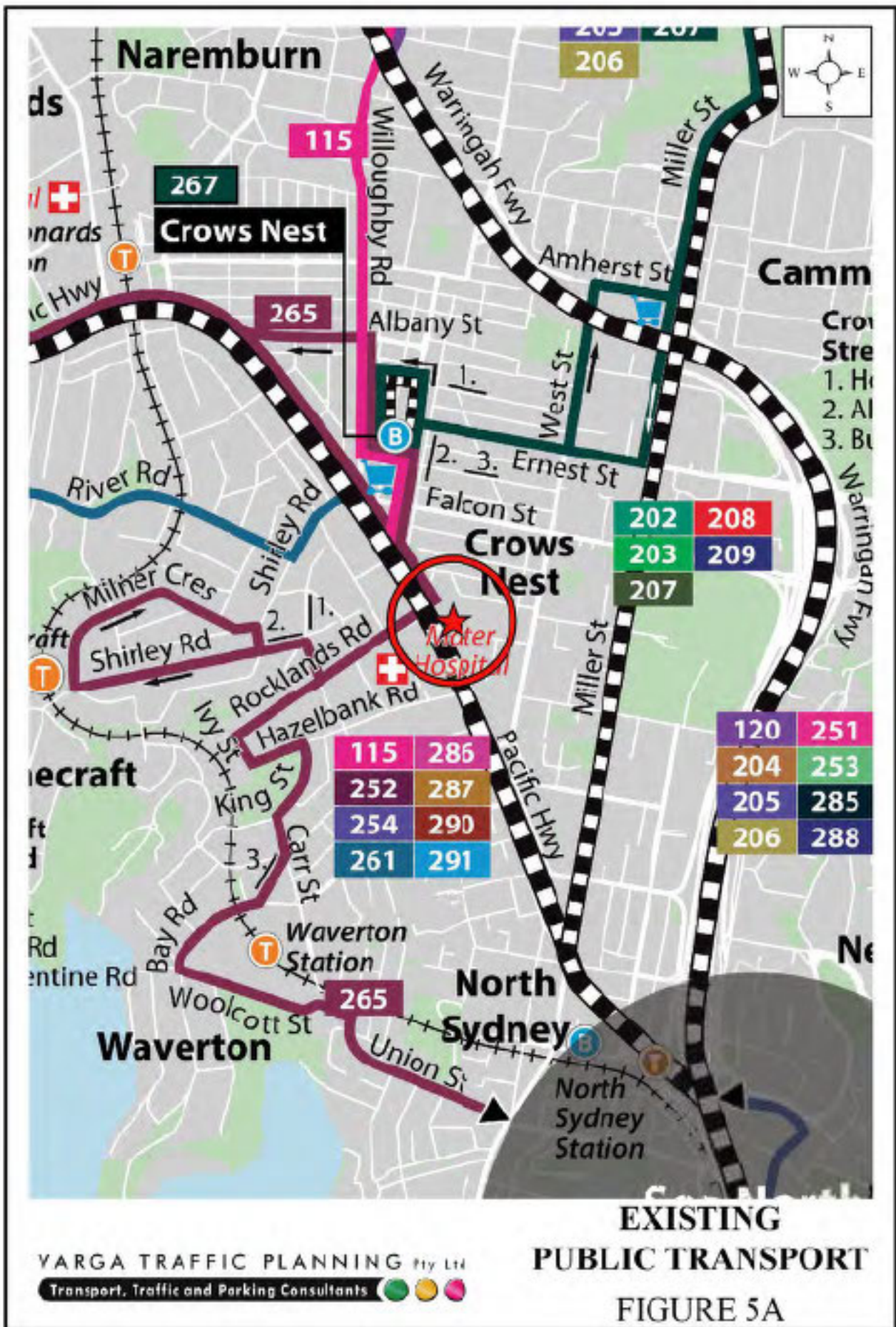
- a 50 km/h SPEED LIMIT which applies to Hazelbank Road, Ridge Street, Myrtle Street, West Street and all other roads in the immediate vicinity of the site
- a 40 km/h SCHOOL ZONE SPEED LIMIT which applies to Pacific Highway, Myrtle Street and Ridge Street in the vicinity of Cammeraygal High School, North Sydney Girls High School and St Mary's Catholic Primary School
- TRAFFIC SIGNALS in Pacific Highway where it intersects with Hazelbank Road and McLaren Street
- STOP SIGNS in Myrtle Street, Ridge Street and Carlow Street
- GIVEWAY SIGNS in Myrtle Street, West Street and Church Street
- SPEED HUMPS located in West Street and Myrtle Street

Existing Public Transport Services

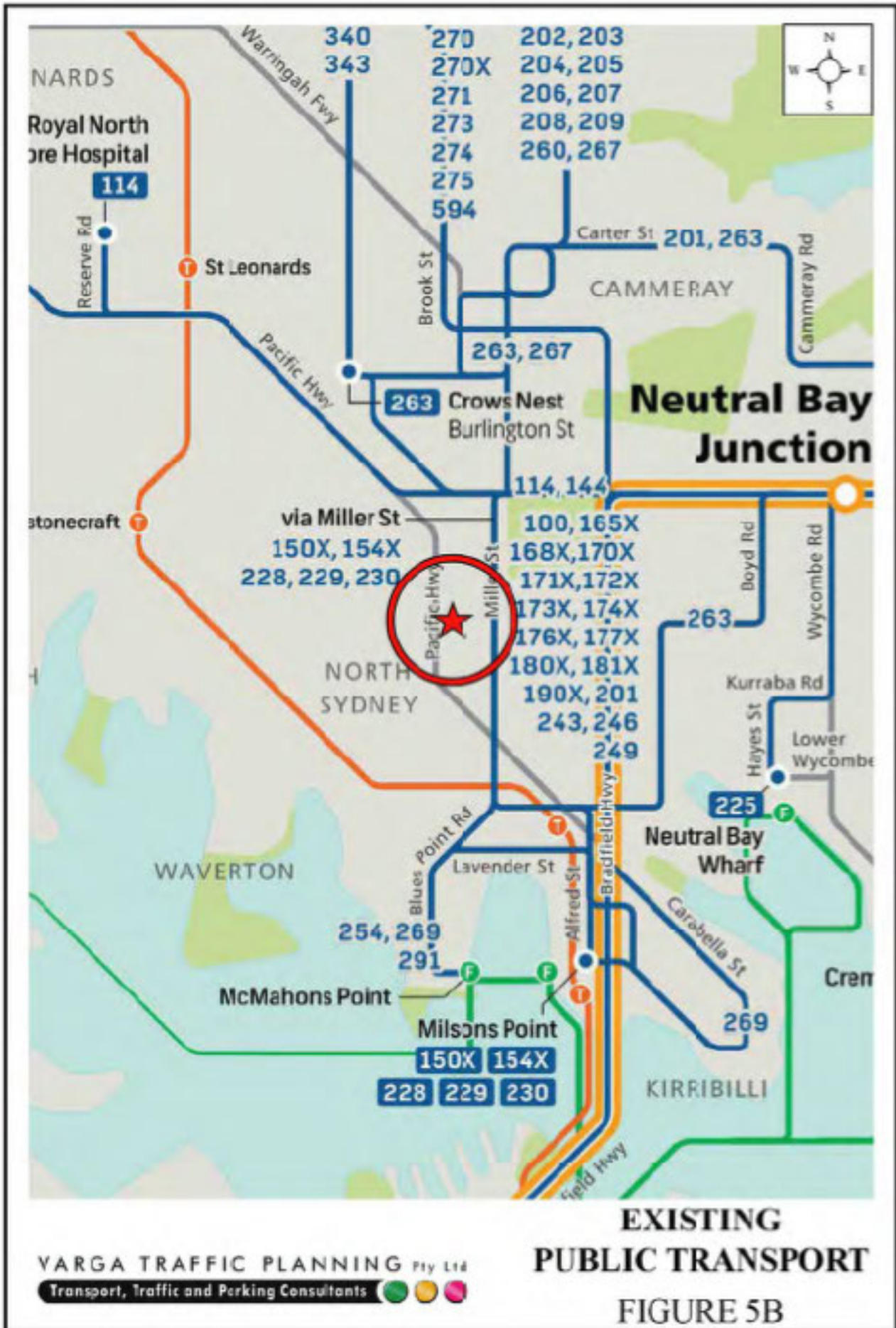
The site is located approximately 1km walking distance from both North Sydney and Waverton railway stations, on the T1 North Shore & Western Line and the T9 Northern Line. The typical journey time to/from Central Station is approximately 18 minutes.

The existing public transport bus services available in the vicinity of the site are illustrated on Figure 5a and 5b. There are currently in the order of 10 bus services which traverse along Pacific Highway within approximately 180m walking distance south of the site. A summary of those bus services is provided in the table below:

Route Number	Bus Route
115	Chatswood to City Bridge St via North Sydney
200	Bondi Junction to Gore Hill
252	Gladesville to City King Street Wharf via North Sydney
254	Riverview to McMahons Point
261	Lane Cove to City King Street Wharf via Longueville
286	Denistone East to Milsons Point via St Leonards & North Sydney
287	Ryde to Milsons Point via St Leonards & North Sydney
290	Epping to City Erskine St via Macquarie University & North Sydney
291	Epping to McMahons Point
320	Green Square to Gore Hill



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On the above basis, the site is therefore considered to be well serviced by existing public transport services.

Projected Traffic Generation Potential

The traffic implications of development proposals primarily concern the effects of the *additional* traffic flows generated as a result of a development and its impact on the operational performance of the adjacent road network during the commuter peak periods.

An indication of the traffic generation potential of the development proposal is typically provided by reference to the TfNSW publication *Guide to Traffic Generating Developments, Section 3 – Land Use Traffic Generation (October 2002)* and the updated traffic generation rates in the recently published RMS *Technical Direction (TDT 2013/04a)* document.

However, neither the TfNSW *Guidelines* nor the TDT 2013/04a nominate a traffic generation rate for art galleries. As such a “first principles” approach has been adopted for the purposes of this assessment. Reference is therefore made to the operational characteristics of the art gallery.

As mentioned in the forgoing, clientele visitations to the site are typically in the order of up to 2-3 visitors at any given time on weekends, and 1 visitor on weekdays. If they all travelled by car, the *maximum* traffic generation that could be expected from those client visits would be 6 vehicle movements (3 vph to and 3 vph from) on weekends, and 1 or 2 vph on weekdays.

No change in the traffic generation potential of the art gallery is anticipated as a consequence of the 73m² addition.

In any event, it is clear that the development proposal will not result in any unacceptable traffic implications in terms of road network capacity, and that no road improvements or intersection upgrades will be required as a consequence of the development proposal.

4. PARKING IMPLICATIONS

Existing Parking Restrictions

The existing parking restrictions which apply to the road network in the vicinity of the site are illustrated on Figure 6. Key features of those parking restrictions are:

- NO STOPPING restrictions along Pacific Highway, Eden Lane and East Lane including the site frontage
- BUZ ZONES along Pacific Highway, including the Cammeraygal High School site frontage.
- 2 HOUR PARKING restrictions along both sides of Hazelbank Road and Eden Street
- 1 HOUR PARKING restrictions at various locations in West Street and the northern side of Myrtle Street
- UNRESTRICTED PARKING restrictions at various locations along West Street
- NO PARKING restrictions along the southern side of Crows Nest Road and the southern side of Myrtle Street.

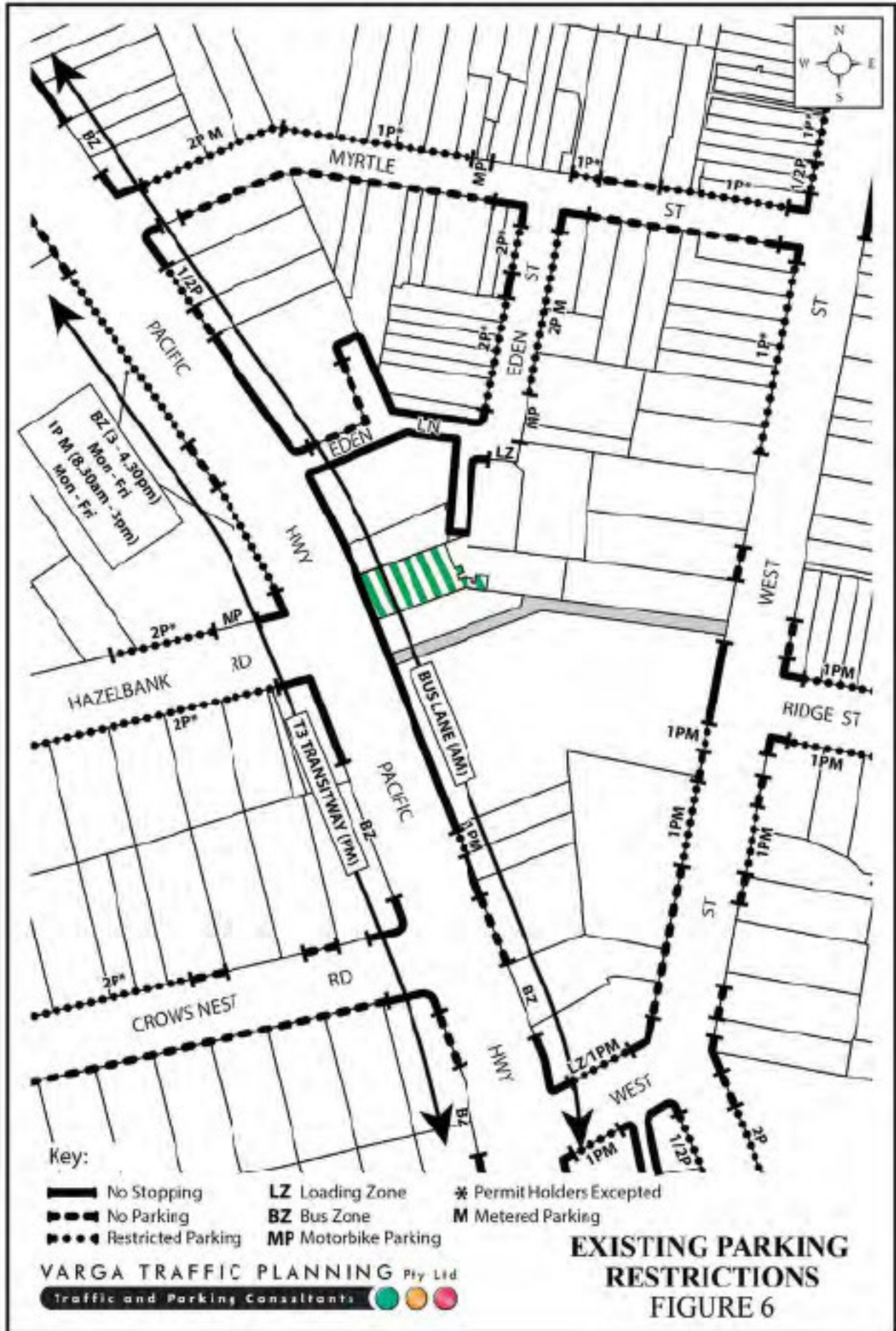
Off-Street Parking Provisions

The off-street parking requirements applicable to the development proposal are specified in Council's *North Sydney Development Control Plan 2013, Part B – Development Controls, Section 10 – Car Parking and Transport* document in the following terms:

Non-residential parking rates in specific locations – B4 Mixed Use, North Sydney Centre
1 space / 400m² non-residential GFA

Application of the above parking requirement to the *nett increase* of 73m² gallery floor area as outlined in the development proposal yields an increased maximum parking rate of 0.2 parking spaces.

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In practical terms however, *no change* in parking demands is anticipated as a consequence of the 73m² increase in floor area.

Loading and Servicing

The site will continue to be serviced by a variety of light commercial vehicles such as “white vans”, and small trucks up to and including 6.4m long SRV trucks which will continue to be accommodated within the existing gated driveway located on the western side of the site, consistent with the existing development.

In this regard, it is noted that the proposed extension of the gallery space on the first floor is located directly above the existing through site laneway. A minimum headroom of 3.6m will be provided above the gate driveway, thereby satisfying the 3.5m vertical clearance requirement stipulated in the Standards Australia publication *Parking Facilities Part 2 – Off-Street Commercial Vehicle Facilities – 2004*.

Conclusion

In essence, the proposed alterations and additions to the existing building, from a traffic and parking perspective, are relatively minor and are intended solely to improve the functionality and useability of the existing building.

In particular, it is noted that *no changes* are anticipated in the traffic generation or parking demands of the existing art gallery as a consequence of the 73m² addition.

In the circumstances, it is therefore concluded that the development proposal will not have any unacceptable traffic, parking or loading implications.