



## NSLPP MEETING HELD ON 01/11/2023

**Attachments:**

1. Site Plan
2. Architectural/Landscape Plans
3. Heritage Impact Assessment
4. Photomontages

**ADDRESS/WARD:** 3 Commodore Crescent, McMahons Point 2060 (E/W)

**APPLICATION No:** DA178/23

**PROPOSAL:** Alterations and additions to a heritage listed dwelling including partial demolition, addition of garden pavilion and reconstruction of double height southern verandah.

**PLANS REF:**

Plan No.	Rev	Description	Prepared by	Dated
DA01	A	Site Plan	Michael Cumming Architect	24/2/2023
DA02	A	Existing Ground Floor Plan	Michael Cumming Architect	24/2/2023
DA03	B	Existing First Floor Plan	Michael Cumming Architect	3/7/2023
DA04	A	Existing Roof Plan	Michael Cumming Architect	24/2/2023
DA05	A	Ground Floor Plan	Michael Cumming Architect	24/2/2023
DA06	A	First Floor Plan	Michael Cumming Architect	24/2/2023
DA07	A	Existing Roof Plan	Michael Cumming Architect	24/2/2023
DA08	B	North Elevation	Michael Cumming Architect	3/7/2023
DA09	B	South Elevation	Michael Cumming Architect	3/7/2023
DA10	A	East Elevation	Michael Cumming Architect	24/2/2023
DA11	A	Street Elevation	Michael Cumming Architect	24/2/2023
DA12	A	West Elevation	Michael Cumming Architect	24/2/2023
DA13	B	Section A	Michael Cumming Architect	3/7/2023
DA14	B	Section B	Michael Cumming Architect	3/7/2023
DA15	A	Section C	Michael Cumming Architect	24/2/2023
DA17	A	3D Visualization	Michael Cumming Architect	24/2/2023
DA23	A	Western Deck Section & Elevation	Michael Cumming Architect	3/7/2023
DA24	A	Schedule of Materials & Finishes	Michael Cumming Architect	3/7/2023
001	E	Landscape Concept Plan + Plant Schedule	formed gardens design & construction	18/5/2023
002	E	Area Diagram +Notes	formed gardens design & construction	18/5/2023
DA25	A	View Analysis – Berry's Bay Lookout	Michael Cumming Architect	17/10/2023
DA26	A	View Analysis – Berry's Bay Lookout	Michael Cumming Architect	17/10/2023

**OWNER:** Geoffrey Vere Reed

**APPLICANT:** Geoffrey Vere Reed

**AUTHOR:** Report of Rachel Wu, Graduate Assessment Officer

**DATE OF REPORT:** 17 October 2023

**DATE LODGED:** 9 June 2023

**DATE AMENDED:** 4 July 2023

**RECOMMENDATION:** Partial approval, subject to conditions

## EXECUTIVE SUMMARY

This development application seeks approval for alterations and additions to a local heritage item and is reported to North Sydney Local Planning Panel for determination as a sensitive development involving the partial demolition of a heritage item. Notification of the proposal has attracted nil (0) submissions.

The proposal encompasses partial demolition (including existing unauthorised works), addition of a garden pavilion and reconstruction of a double height southern verandah. The existing timber deck at the rear is proposed for reconstruction within the existing footprint with higher glass balustrades.

The existing subject site contains a detached sandstone dwelling with a first-floor verandah on the northeastern corner of the dwelling; a ground floor verandah located on the south of the dwelling; a timber pavilion, swimming pool and timber deck at the rear of the dwelling (west).

The site features a fall from the front to the rear boundary of approximately 2.18m and a further fall of approximately 6m directly west of the site to Waverton Park land and existing rock outcrops to the southwest.

The subject site is located within the Sydney Harbour Foreshores and Waterways Area and Sydney Harbour Catchment. The subject site is visible from public areas including Berry's Bay Lookout, Will Aston Lookout and Larkin Street.

The dwelling is located in an R2 Low Density Residential zone and is identified in the North Sydney Local Environment Plan 2013 as a local heritage item 'Monte Cristo' (I0461). The dwelling is significant as *"important early house and only intact surviving residence of the Blue family. Fine house of its period in an important position overlooking Berry's Bay. One of the earliest houses surviving in the Council area."* (State Heritage Inventory 2023).

Description of the local heritage item within the State Heritage Inventory is as follows:

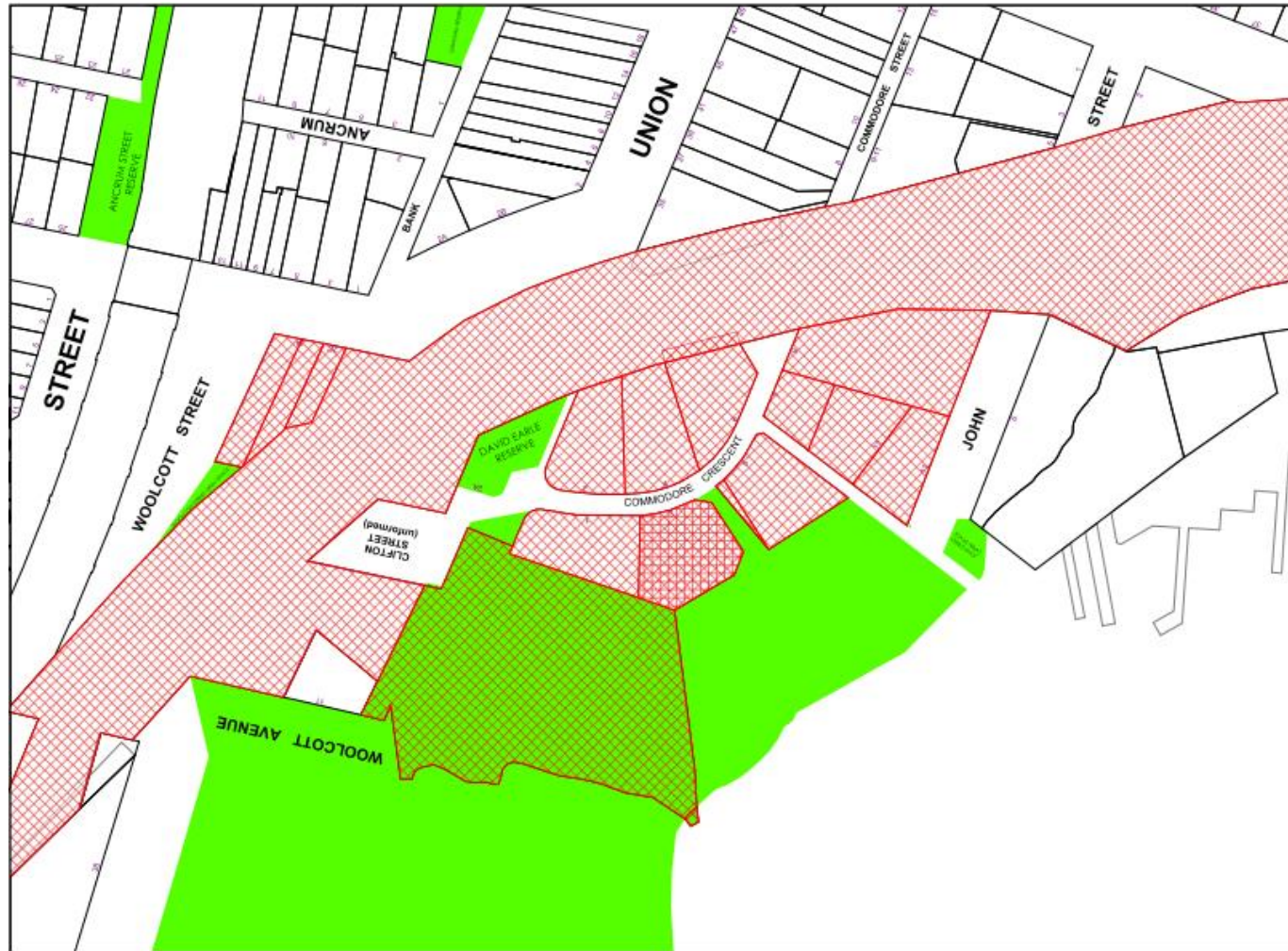
*"The original house is a two-storey stone house with hipped gable corrugated-iron roof, four rooms per storey and verandahs to both levels\* on the waterfront side. This building is designed in the Victorian Georgian style. The house was modified in the 1970s, removing much original detailing. All plaster was removed from internal walls, exposing the sandstone. During the 1980s detailing was reinstated, including Georgian-style windows."* (State Heritage Inventory 2023).

Council's Conservation Planner has considered the significance of the dwelling together with the impact of some recent unauthorised works, predominantly internal. Conditions are recommended in support of the proposal whilst further consideration is given to unauthorised works to removal ceilings and other work. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for **partial approval** subject to conditions; works to the rear deck and glass enclosure to the new pavilion recommended for deletion.

**LOCATION MAP**

† Property/Applicant ● Submitters - Properties Notified



## DESCRIPTION OF PROPOSAL

The applicant is seeking development consent for alterations and additions to a heritage listed dwelling including partial demolition, addition of a garden pavilion and reconstruction of a double height southern verandah.

### Ground Floor

- Partial demolition of northeastern balcony storage room to install a lift
- Demolition of the southern balcony to construct a double height verandah and balcony
- Demolition of the existing outdoor pergola structure and construction of a new pergola that steps out to the south by approximately 2.5m and to the west by 0.9m
- Demolition of the handrails of the stairs and door to the basement cellar
- Construction of sandstone path around the southwest corner of the new 'garden pavilion'
- Demolition of the existing timber deck west of the swimming pool and reconstruction within the same footprint with glass balustrades approximately 530mm higher than existing, equating to a height of 1730mm. Incorporation of 'Day Bed' and seating

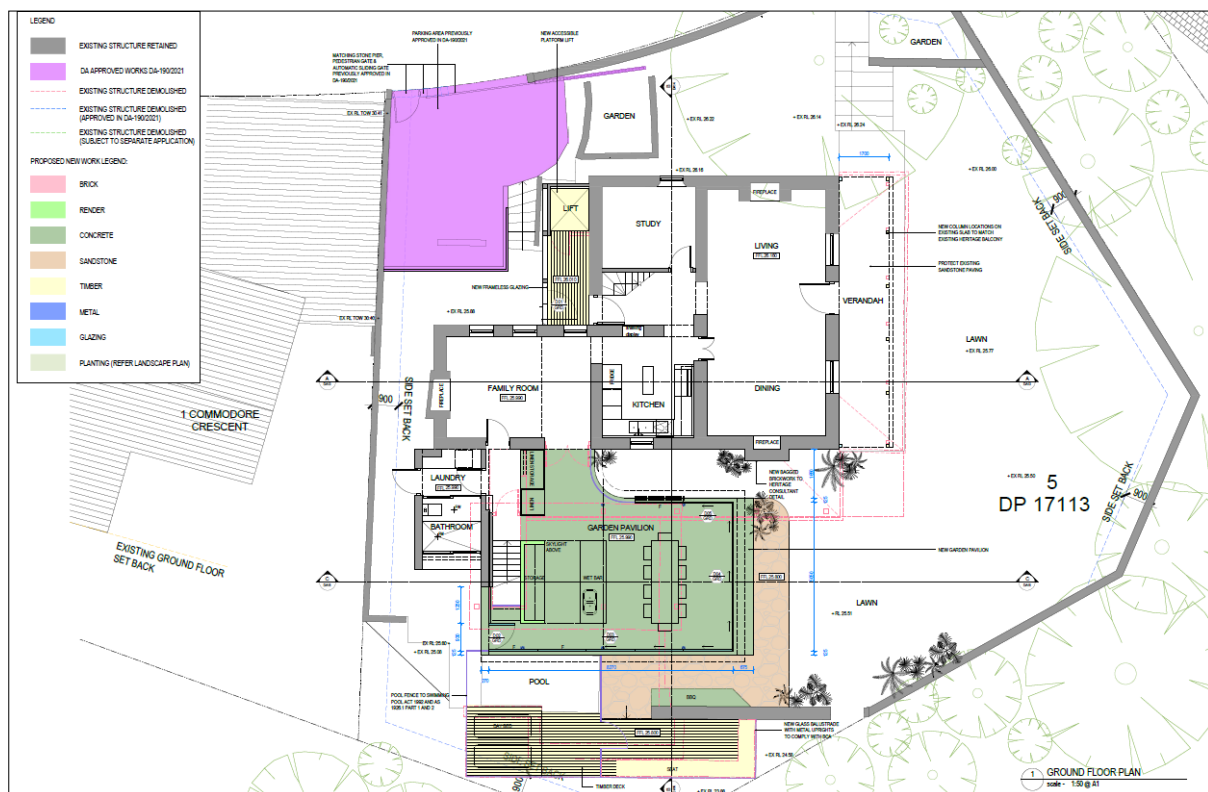


Figure 1: Proposed Ground Floor Plan

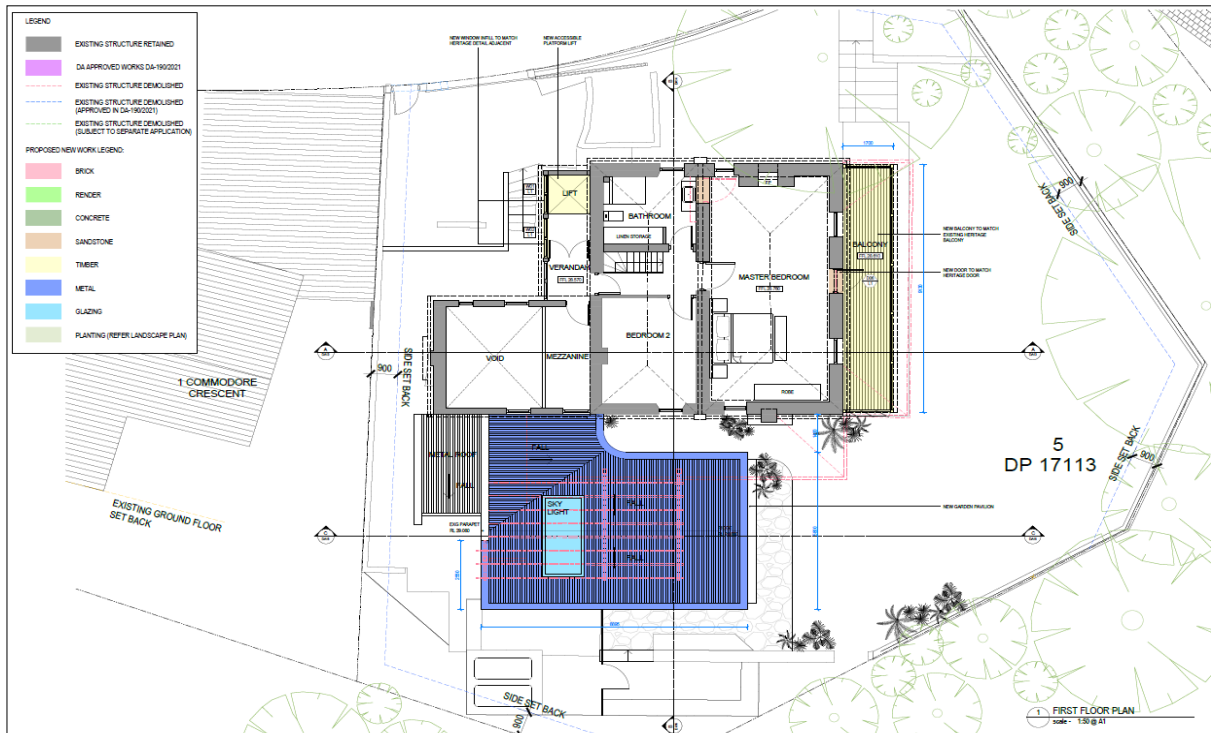


Figure 2: Proposed First Floor Plan

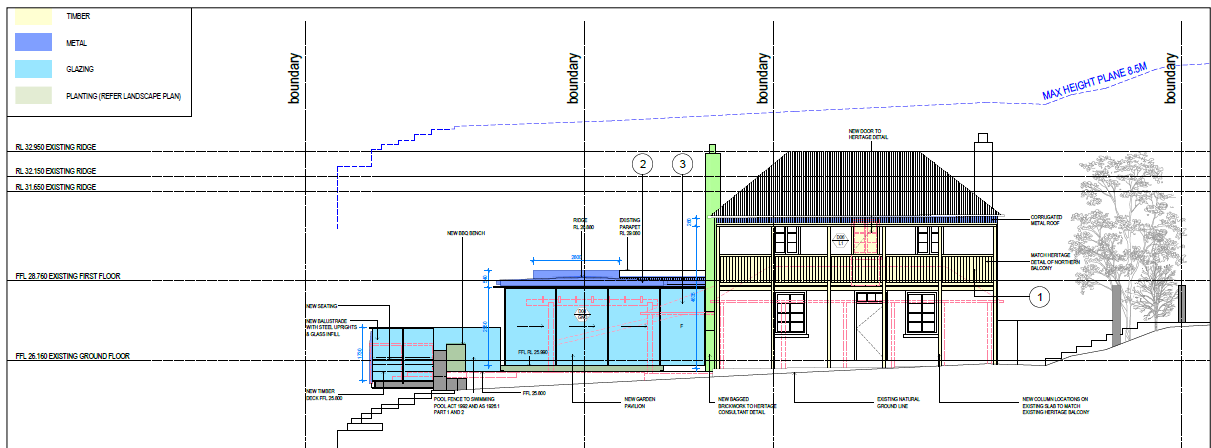


Figure 3: Proposed Southern Elevation

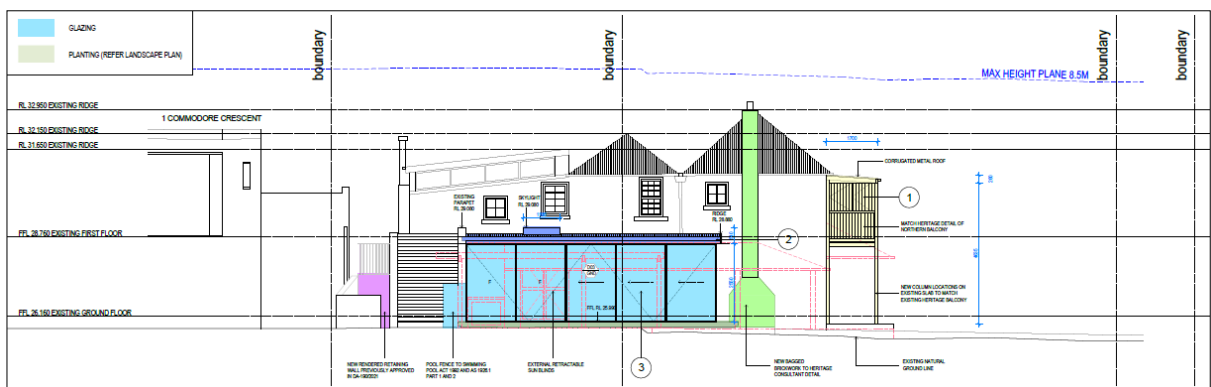


Figure 4: Proposed Western Elevation

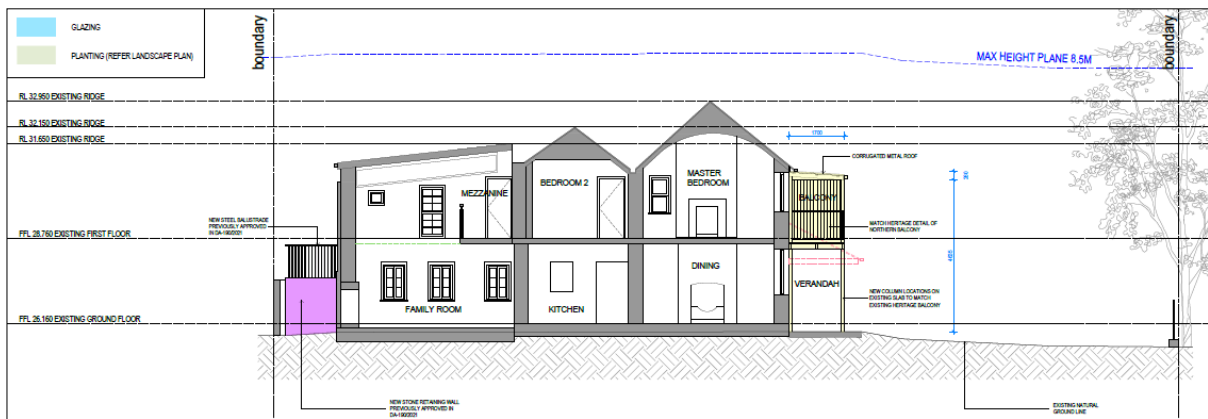


Figure 5: Proposed Section A

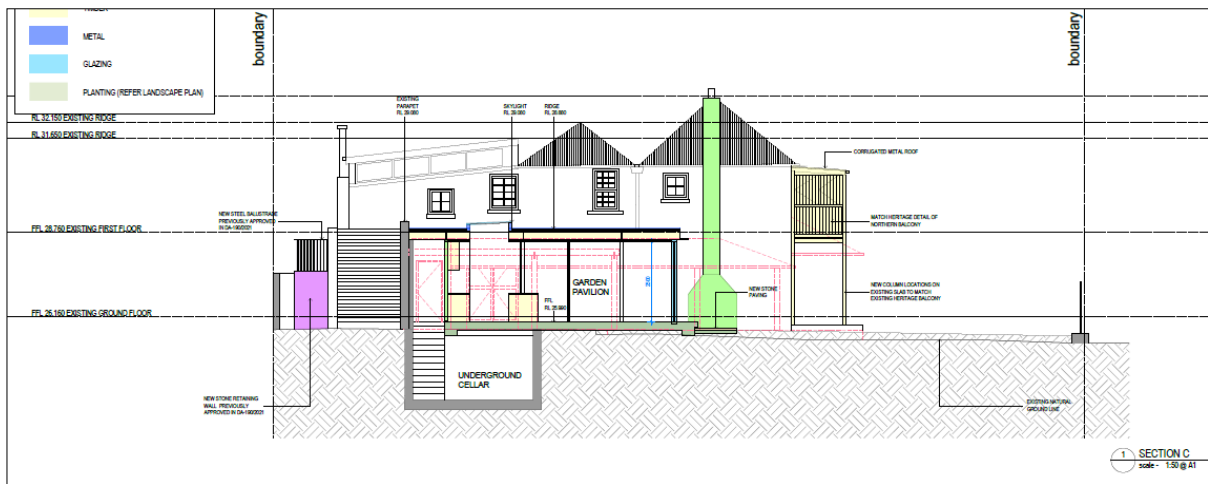


Figure 6: Proposed Section C

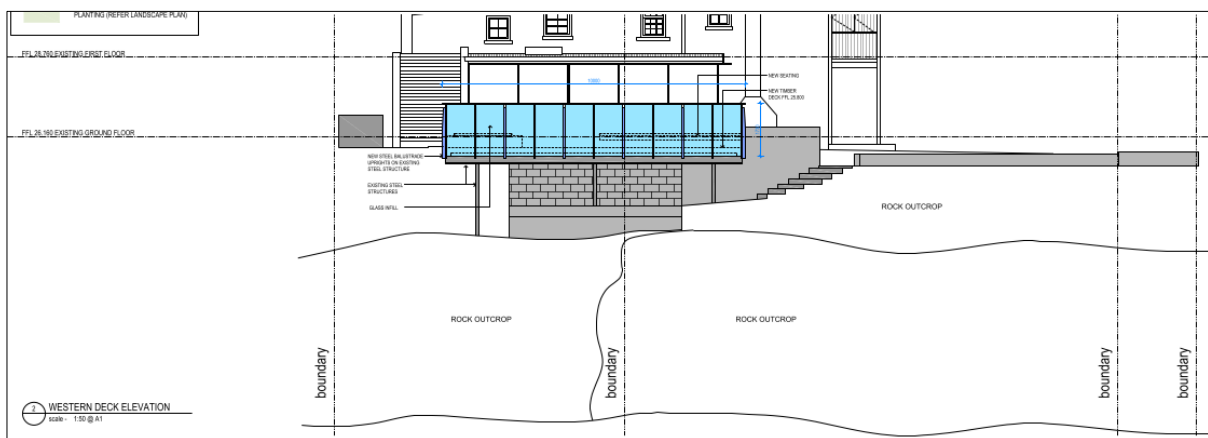


Figure 6a: Proposed Western Deck Elevation within existing footprint

## **STATUTORY CONTROLS**

North Sydney Local Environmental Plan 2013 (NSLEP 2013)

- Zoning – R2 Low Density Residential
- Item of Heritage – Yes (Local Item I0461 - 'Monte Cristo')
- In Vicinity of Item of Heritage - No
- Conservation Area – No, Waverton Neighbourhood
- Foreshore building line (FSBL) - No

Environmental Planning & Assessment Act 1979 (as amended)

SEPP (Biodiversity and Conservation) 2021

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Resilience and Hazards) 2021

Local Development

## **POLICY CONTROLS**

North Sydney Development Control Plan 2013 (NSDCP 2013)

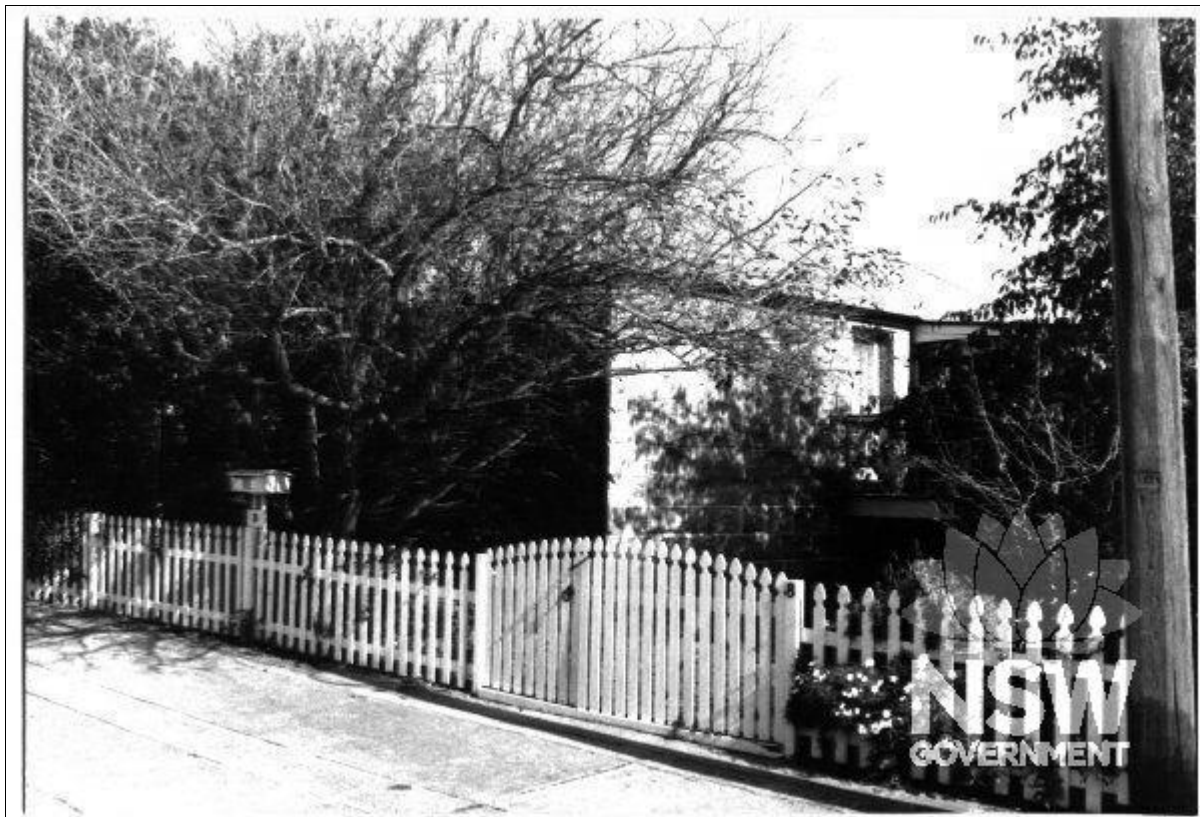
North Sydney Local Infrastructure Contributions Plan

## **DESCRIPTION OF LOCALITY**

The subject site is legally described as Lot 5 in DP17113 and known as No. 3 Commodore Crescent, McMahons Point. The site is irregular in shape and has a total area of 597.25m<sup>2</sup> and is located on the southern side of Commodore Crescent on an escarpment overlooking Council-owned bushland.

The site is located on the southern/western side of Commodore Crescent, which is a cul-de-sac that is accessed off Union Street. The site has substantial fall from the street to the lower southern corner of the site in excess of approximately 5 metres. Existing on the site is a detached sandstone dwelling with an existing western timber pergola, swimming pool and timber deck. There is an existing first-floor balcony on the northeastern corner and a ground floor southern and western verandah. The site consists of a parking area on the north-eastern corner.

The dwelling is identified as an item of local heritage significance 'Monte Cristo'. Further details of the heritage significance are included under Heritage referral below in the report.



**Figure 6b: Dwelling identified as local heritage 'Monte Cristo' nd (State Heritage Inventory submitted July 2020)**

The subject site is considered to be an important early house and the only intact surviving residence of the Blue family. The existing dwelling is located in a significant position overlooking Berry's Bay and is deemed to be one of the earliest houses surviving in the North Sydney Local Government Area. Believed to be built for John Blue, son of the original grantee, Billy Blue circa 1840. Part of the house appears to have been constructed by 1844. The building was added to by 1855 and had reached its present form between 1864 and 1869. While John Blue, his estate, and subsequently his descendants, appear to have owned the house until at least 1919, John Blue only appears to have lived in it between 1875 and 1880 (according to Victoria Ward rates books), though it was continually rented and occupied. John Blue died in 1891.

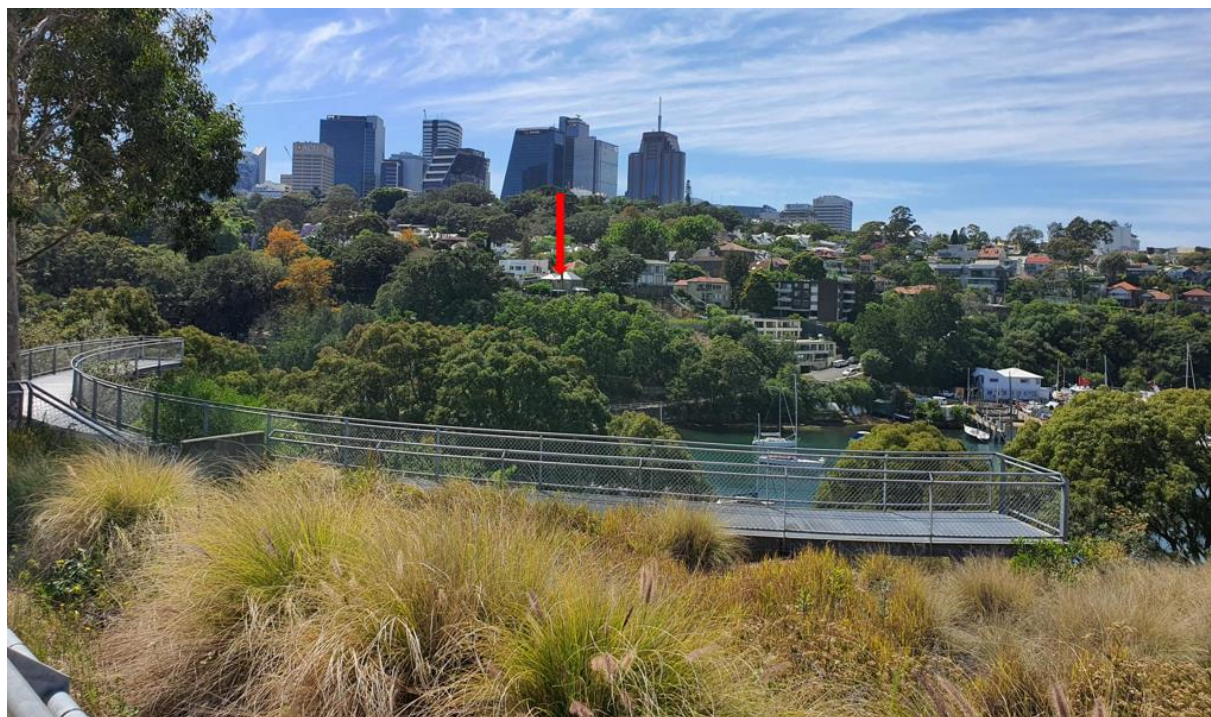
Surrounding the site along Commodore Crescent is a mix of single detached dwellings of various architectural styles. To the north is the Northern rail line siding to Lavender Bay. The southwestern side of the site is a cliff face/escarpment which adjoins RMS-owned land and Council owned Waverton Park directly below the site.

A public walkway stair exists down the eastern side of the site and connects Commodore Crescent with John Street below. The western side of the site comprises a series of battle axe handles to a series of blocks. All these sites are undeveloped and comprise low level bushland which connects onto Waverton Park to the west.





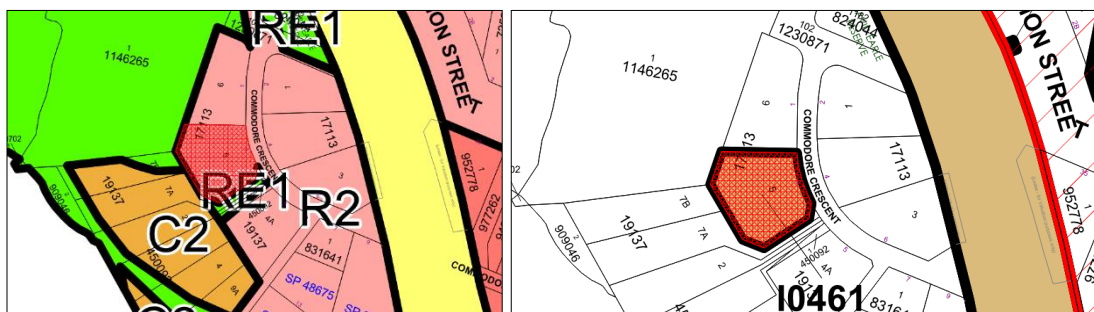
**Figure 7: Aerial Photo (Source: NearMap May 2023)**



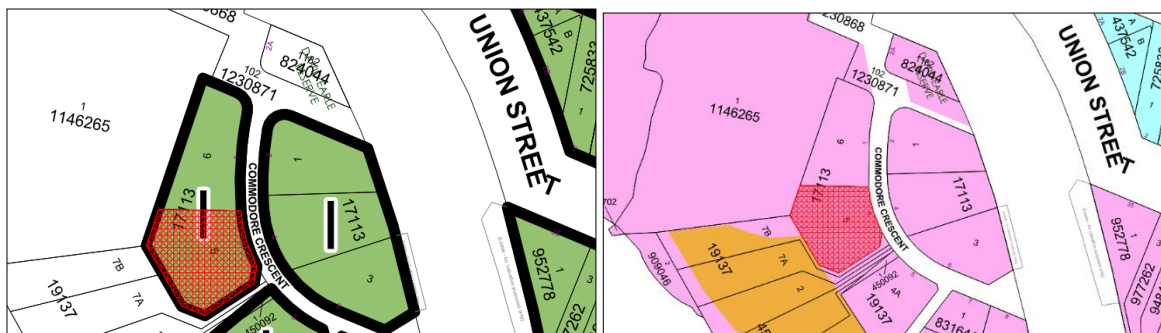
**Figure 7a: View towards subject site from behind Berry's Bay Lookout**



**Figure 7b: Zoomed in view of subject site from Berry's Bay Lookout**



**Figure 8/8a: Subject site zoned R2 Low Density Residential and is a heritage item I0461**



**Figure 9/9a: Subject site within Buffer Area A (100m) and fronting the boundary of E2 Environmental Conservation**



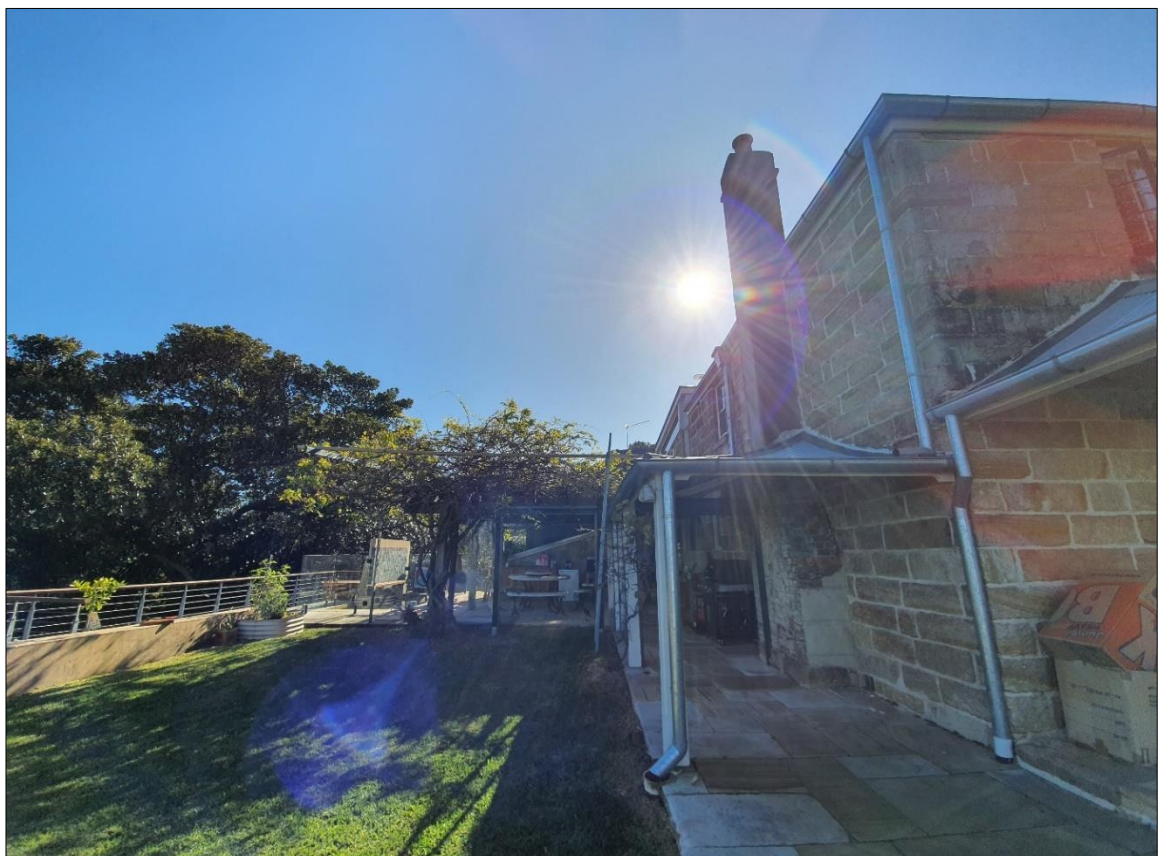
*Figure 9b: Streetscape view (eastern elevation) of subject site from Commodore Crescent*



*Figure 9c: Pedestrian entry via the gates on the left in the photo*



***Figure 9d: View towards the western (left) verandah and southern (right) verandah***



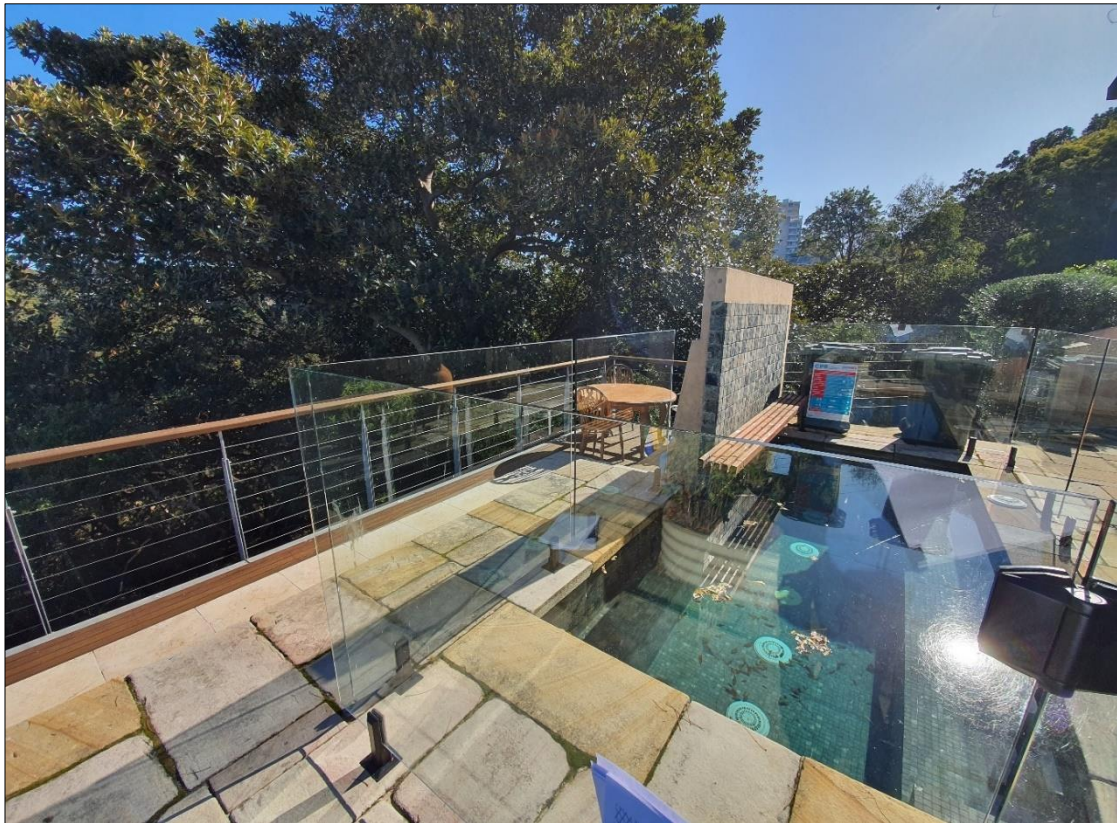
***Figure 9d(i): View towards the north from the southwest lawn***



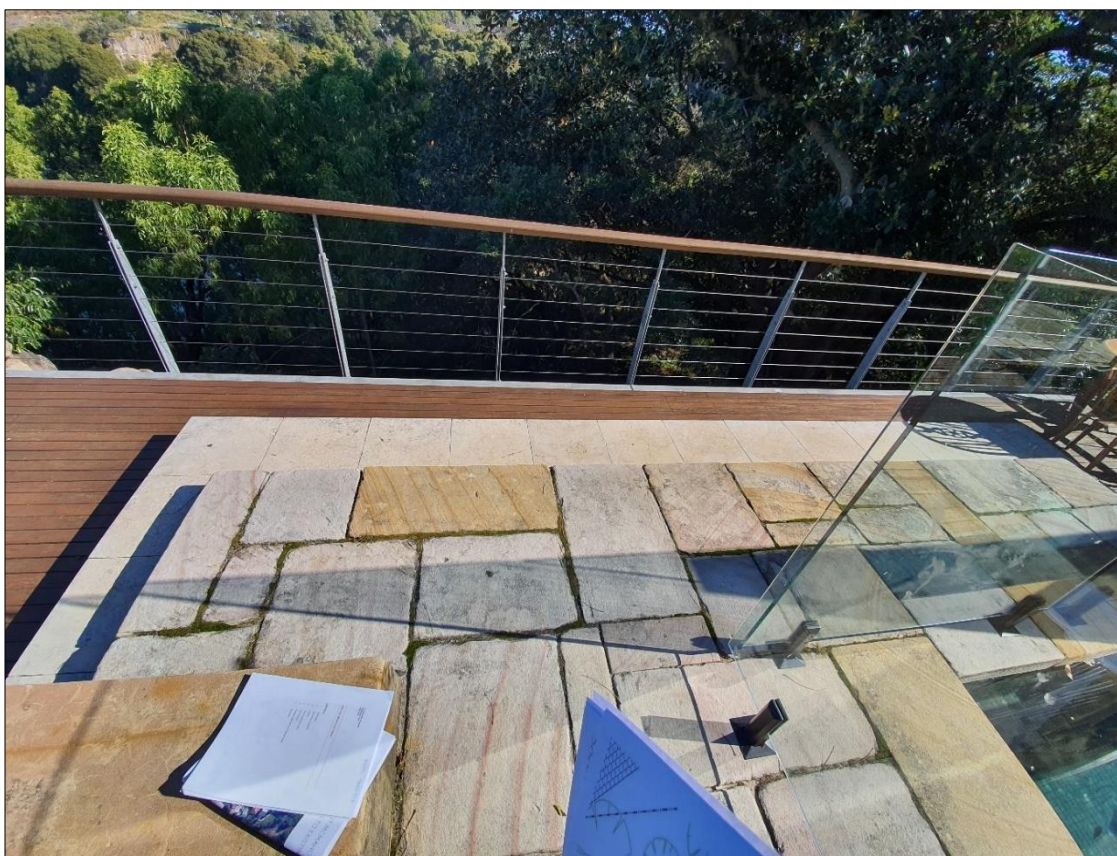
*Figure 9e: View towards the rear elevation of the existing dwelling from the backyard*



*Figure 9f: View towards the existing outdoor open space with pergola over and swimming pool*



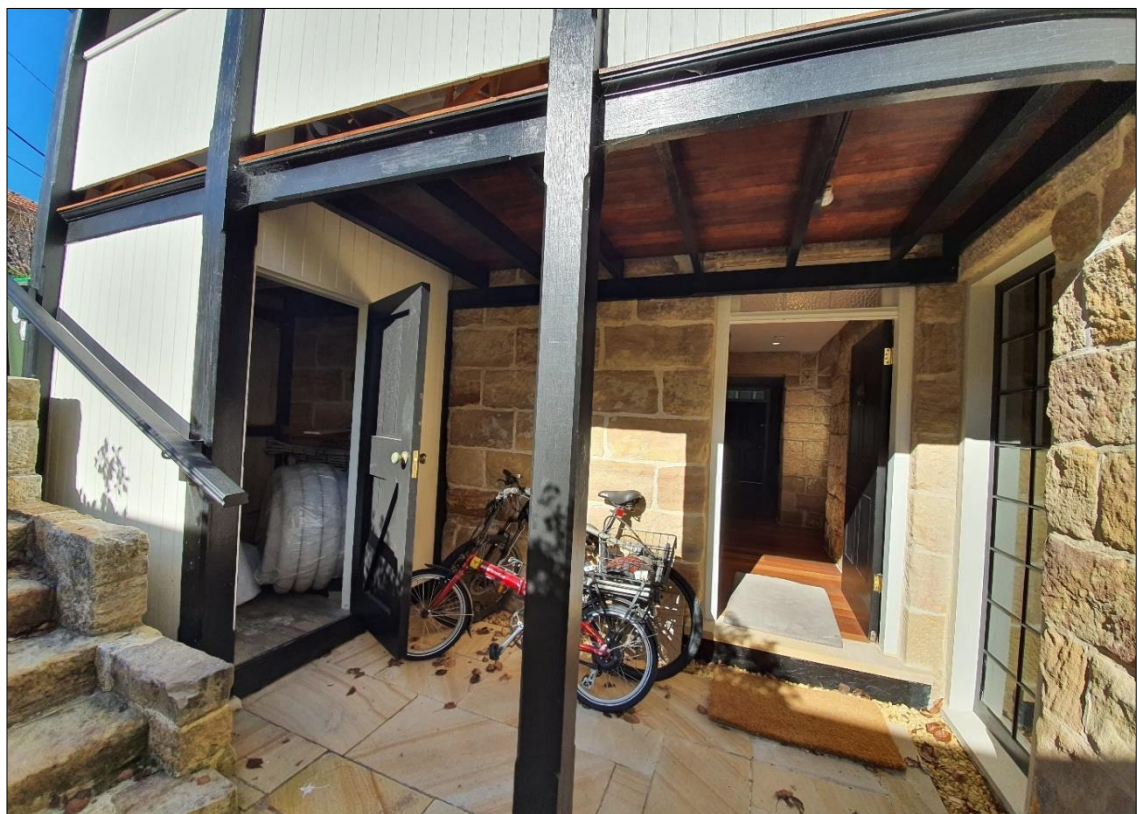
**Figure 9g: View towards existing swimming pool and varying heights of the rear deck**



**Figure 9h: View towards the raised tile and stone part of the deck proposed for removal**



*Figure 9i: View towards the pool from the northern boundary*



*Figure 9j: View towards the existing storage room proposed as the area to incorporate a lift*



**Figure 9k: View towards existing first-floor northern verandah above the storage room**



**Figure 9l: View towards Bedroom 3 with unauthorised works that created a void and mezzanine**





**Figure 9m: View towards existing ground floor Family Room with void above**



**Figure 9n: View from Family Room to Mezzanine level above created through unauthorized works**



*Figure 9a: Proposed garden pavilion and southern boundary visible from Berry's Bay*

## RELEVANT HISTORY

### Previous Applications

**Development Application DA190/21** granted approval on 18 August 2021 for alterations and additions within the front setback of a heritage listed detached dwelling including the construction of a hardstand area for one car parking space, front pedestrian gate and metal sliding gate.

**Development Application DA380/19** granted approval on 15 June 2020 for alterations and additions to a heritage listed detached dwelling including demolition of the existing roof ridge and construction of a new light box roof form, and extension to the sandstone walls and chimney flue.

The stamped plans included the pergola extension on the western elevation (DA21, dated 7 May 2020)

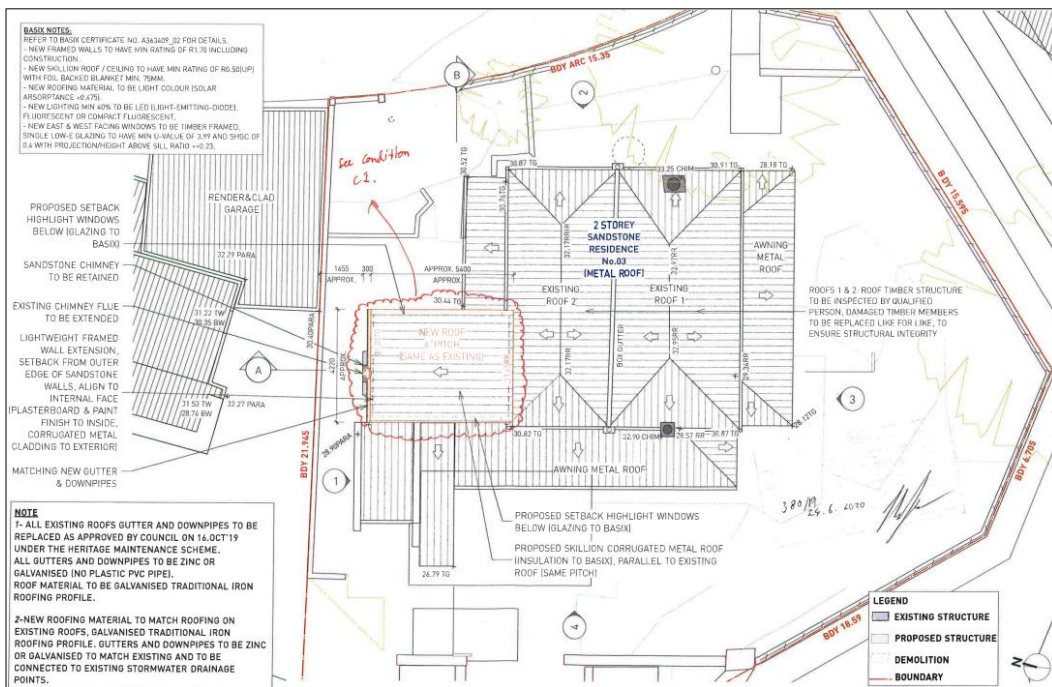


Figure 9o(i): Approved DA380/19 subject to conditions of consent

Development Application DA380/19/2 was rejected by the Design Review Panel on 16 June 2021 for modification to allow one car space, new front gates and steps. The modification application was rejected as the proposed works fall outside of the previously approved works.

Pre98 DA 1612/96 granted approval on 26 May 1997 for alterations and additions to an existing dwelling involving the reinstatement of a front verandah, construction of a paved ramp to provide for on-site parking, recladding of roof and erection of new fencing and gate; landscaping and associated works.

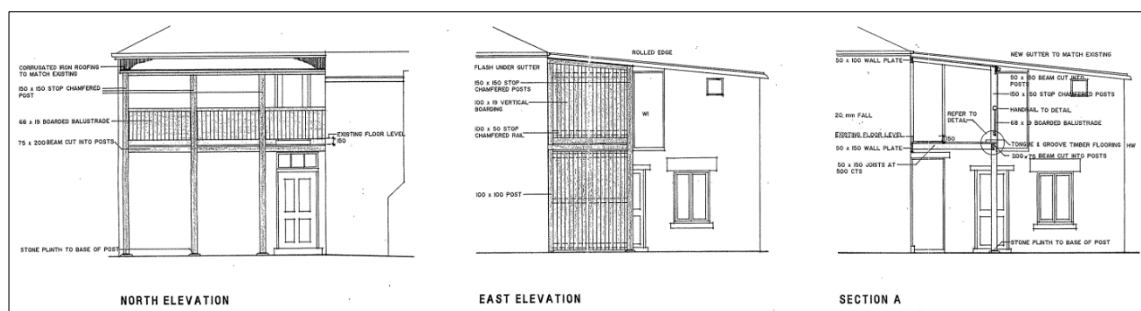
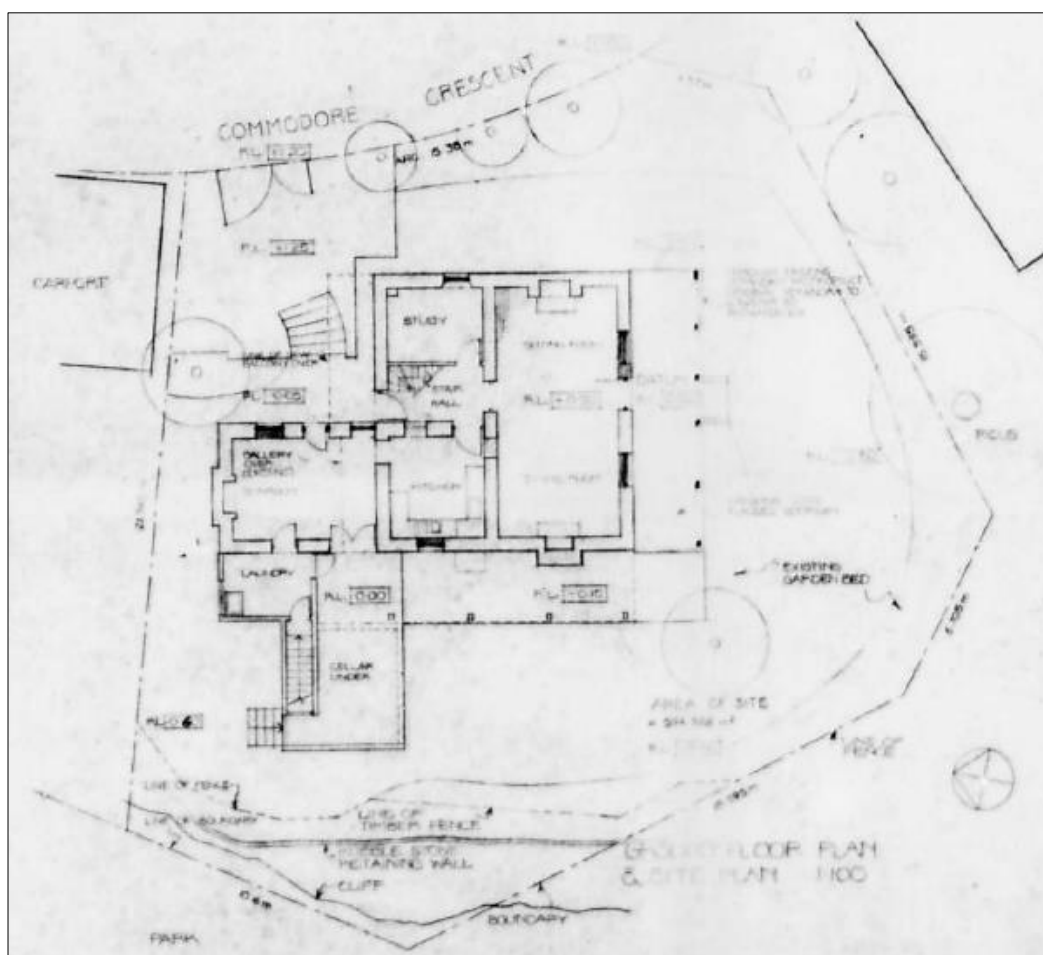


Figure 9p: Approved reinstatement of front verandah (northeast of dwelling) in Pre98 DA1612/96







**Figure 9t: Approved Ground Floor Site Plan in Pre 98 DA 1317/90**

**Current application**

Date	Action
9/6/2023	Lodged with Council.
21/6/2023	Site inspection conducted with Council's Conservation Planner.
21/6/2023	STC Amended Plans/Additional Information request letter sent to applicant for schedule of materials/colours; proposed sections and elevations of the proposed western deck; and amended plan DA03A documenting the unauthorised work involving the demolition of Bedroom 3 to create a Mezzanine and void over the existing ground floor Family Room.
23/6/2023	The application was notified as per Council's Community Participation Plan. The notification period ended on <b>07 July 2023</b> . No submissions were received during this period.
4/7/2023	Applicant submitted amended plans revision B and RFI response letter.
1/8/2023	Comments received from Council's Engineer.
13/10/2023	Applicant requested to submit photomontages of the subject site as viewed from Berry's Bay Lookout within 7 days for the November Planning Panel meeting.
16/10/2023	Heritage comments received from Council's Conservation Planner.

17/10/2023	Emailed Applicant that photomontage submission extended to 9 days from original request on 13 October 2023.  Applicant submitted photomontage overlays depicting existing and proposed works as viewed from Berry's Bay Lookout.
------------	--

## REFERRALS

### Building

The proposed works the subject of this application have not been assessed in accordance with compliance with the National Construction Code of Australia. This would need to be undertaken prior to the issue of a Construction Certificate. Should significant changes be required to achieve compliance with NCC standards, a Section 4.55 application would be necessary.

## HERITAGE

The application has been referred to Council's Conservation Planner who provided the following comments:

### ***"1. Heritage Status and Significance:***

*3 Commodore Crescent is identified as a heritage item [I0359] and is known as Monte Christo. It is a free-standing, two-storey Victorian Georgian dwelling. Its southern, primary elevation is orientated towards the harbour.*

*The NSW Heritage Inventory Database, provides the following statement of significance for the site - an 'important early house and only intact surviving residence of the Blue family. Fine house of its period in an important position overlooking Berry's Bay. One of the earliest houses surviving in the Council area.*

*The physical description of the place as per the NSW Heritage Inventory Database is as follows:*

*'Original house is a two-storey stone house with hipped gable corrugated-iron roof, with four rooms per storey and \*verandahs to both levels on the waterfront side. This building is designed in the Victorian Georgian style.*

*The house was modified in the 1970s, removing much original detailing. All plaster was removed from internal walls, exposing the sandstone. During the 1980s detailing was reinstated, including Georgian-style windows.*

***\*NB: the chronology of events relating to when verandahs to both levels appeared on the waterfront side in the early Stages 1-3 up to 1875 and reinstatement/restoration in Stages 4-5 in the 1970s and 1980/1990s respectively, is covered the Summary Table in section 2 of this report below.***

*The site is situated in the vicinity of the heritage listed railway and its associated structures to the east and is in the vicinity of the Union, Bank Thomas Streets conservation area, also to the east of the site, and on the other side of the railway line. An inspection of the premises was undertaken on 21 June 2023. It was observed that unauthorised works had been carried out. Some elements of these works are covered as part of the subject application - see below.*

## **2. Heritage Impact Assessment and Recommendations:**

*The following assessment of the proposed alterations and additions at the subject site has been undertaken in relation to the relevant provisions of NSDCP 2013 Part B: s13 Heritage and Conservation in terms of meeting the objectives of NSLEP 2013 Clause 5.10.*

*The subject application seeks to carry out the following works:*

### External:

- a) Demolish the existing southern ground level verandah and replace with a new double height southern verandah and balcony. The central window at the first floor level is to be readapted to create a doorway for access to the proposed balcony from the master-bedroom.*
- b) Demolish the existing western verandah and pavilion and construct a new replacement pavilion and covered BBQ area with a skylight over. The chimney stack in the western elevation is to undergo restorative treatment by way of a traditional limewash finish and reconstruction of its capping.*
- c) Adaptation of the storage space within the northern verandah to enable the insertion of a lift including the enclosure of the upper and lower levels of the verandah with new glazing. The wall and door to the storage area is to be demolished to enable the work to be carried out.*
- d) Create of a mezzanine level by removing the floor of bedroom 3*
- e) Demolish the stone wall to the south of the cellar stairs that were added in 1970.*

### Internal:

- f) A new doorway in the sandstone wall from the master-bedroom to the bathroom at first floor level.*
- g) Removal of the floor of bedroom 3 to create a void/ double height to the lower level.*

### Unauthorised works

*The following works have already been carried out:*

- The floor to Bedroom 3 has been removed creating a mezzanine level with a double height to the family room below.*
- A new opening in the sandstone wall to create a new doorway from the master-bedroom to the bathroom at first floor level replacing the tiled floor at ground level and existing timber flooring at the first-floor level.*
- Insertion of a skylight in the northern roof plane.*



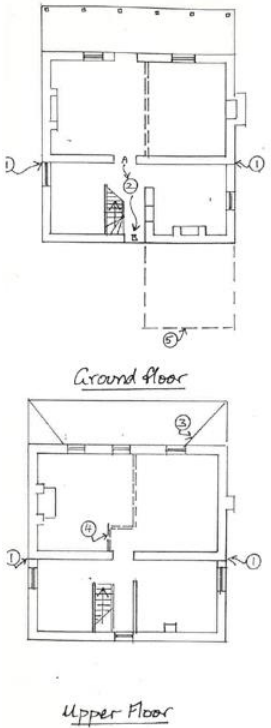


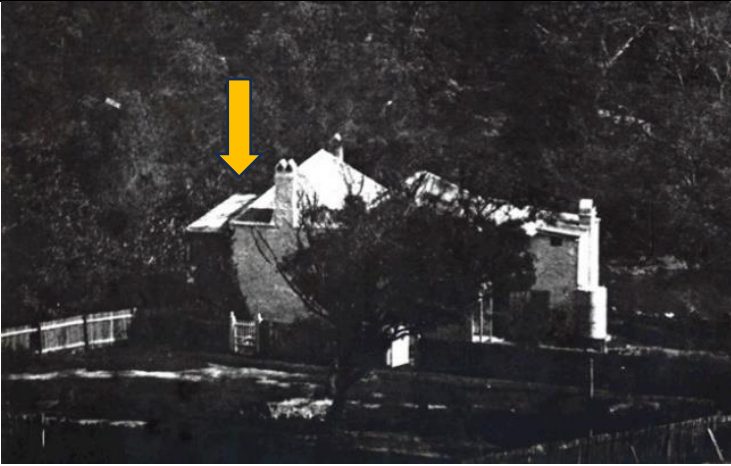
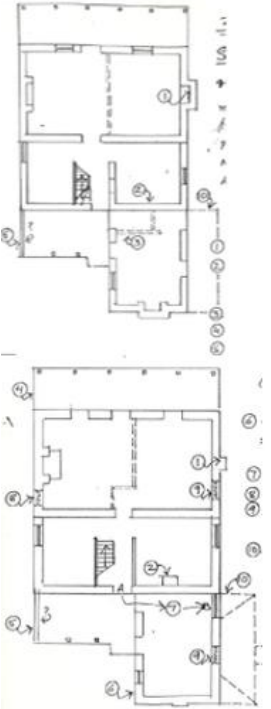
- New timber flooring throughout on the first and second floor levels replacing the tiled floors at ground level and the existing timber floors on the first-floor level. The works include changes to the stairs.
- New timber panelled wall to Bedroom 2 at the first floor landing level.
- Installation of a new kitchen
- New concaved profiled ceiling in the master-bedroom with a different profile to that approved under DA380/19
- Removal of profiled architraves/skirtings and replacement in some areas with plain profile or with no architraves.


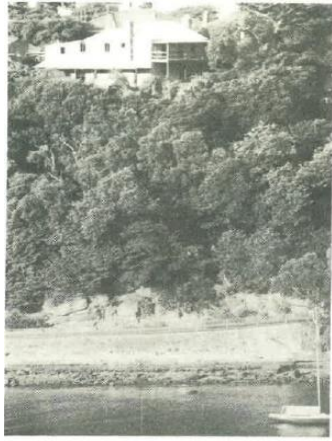
**History of the site**

The following is a chronological summary of the site as based on the historical research carried out by Clive Lucas Stapleton Architects and also drawing on the information in the accompanying Heritage Impact Statement (prepared by Anne Warr dated 3 May 2023).

SUMMARY TABLE - PART 1		
Summary of the dwelling between <u>c1837-1875</u> as per HIS [p11] and the Clive Lucas Staple Research		
	Heritage Impact Statement	Clive Lucas Stapleton
<b>c1837</b>	<p>The house began in c1837 as a simple Georgian cottage with 2 rooms on the ground floor and 2 rooms on the first floor with a single level kitchen at the rear with a skillion roof. The main hipped roof was shingled, and the walls made of locally quarried stone. The house faced the south across Berry’s Bay with a verandah over the southern stone flagged entrance porch. [HIS - p11]</p> <p>Summary history of the site as per the NSW Heritage Database:</p> <p>‘Believed to be built for John Blue, son of original grantee, Billy Blue circa 1840. Part of the house appears to have been constructed by 1844 as it is shown in a Conrad Martens sketch of that date. The building was added to by 1855, as shown in another Conrad Martens sketch, and had reached its present form between 1864 and 1869, as the house is clearly shown in its present form in a 1875 Holtermann photo. While John Blue, his estate, and subsequently his descendants, appear to have owned the house until at least 1919, John Blue only appears to have lived in it between 1875 and 1880 (according to Victoria Ward rates books), though it was continually rented and occupied. John Blue died in 1891.’</p>	<p>STAGE 1</p> <p>Ground Floor</p> <p>Upper Floor</p>
<b>c1855</b>	<p>By 1855 an extension to the rear added a north-eastern room and a hallway with stair leading to 2 additional rooms on the first floor. A new single level kitchen was added to the north with a large stone chimney on the northern elevation. [p11]</p>	

	 <p><b>View of Sydney from North Sydney – 18 Feb 1864 – Bernard Cambridge Stock [p18 HIS]</b></p>  <p><b>Rebecca Martens (1838-1909) Blues Bay n.d./ML PX36 (p20 HIS)</b></p> <p>The notes relating to this sketch and the Holtermann 1875 image below in the Clive Lucas Stapleton Summary of Research states that the upper part of the rear skillion may be an additon, but the whole rear skillion as existing is shown in the Holtermann image (1875) and in Rebecca Martens sketch (no date shown).</p>	<p><b>STAGE 2</b></p>  <p>Ground floor</p> <p>Upper Floor</p> <p>Verandah appears as a single storey. Its form correlates with Clive Lucas Stapleton Summary of Research notes that state the southern verandah was probably straight pitched not concave.</p>
<p><b>c1875</b></p>	<p>By 1875, an upper level southern verandah had been added (see yellow arrow). However, it is unclear as to when it was removed.</p>	

	 <p><i>Holtermann Collection – Commodore Crescent 1875 Box 82 No, 4b [p19 HIS]</i></p> <p><i>The works relating to Stages 1-3 relate to the period between c1837-c1875 (including kitchen stage 1a) after which there were no substantial changes to the dwelling until 1968.</i></p>	<p><b>STAGE 3</b></p> 
--	---	--

<b>SUMMARY TABLE - PART 2</b>		
<p>Ian MacKay Cox Architects 1968</p> <p>c1970s</p> <p>Stage 4 as per HIS</p> <p>UNSYMPATHETIC WORKS CARRIED OUT</p>	<p style="text-align: center;"><u>COMMODORE BILL'S</u></p>  <p style="text-align: center;">3 COMMODORE CRESCENT, WAVERTON</p> <p><i>Based on the 1975 Holtermann image in the <b>Summary Table - Part 1</b> above, a double height verandah in the southern elevation was built with new horizontal timber handrail and contemporary glazed doors creating access from the first and ground floors. [HIS p11]. A western verandah was added including an underground wine cellar to the west accessed by a covered stairway.</i></p> <p><i>The dwelling was unsympathetically altered in the 1970s removing much original detailing. All plaster was removed from internal walls, exposing the sandstone and removal of original windows.</i></p>	 <p style="text-align: center;">VIEW FROM BERRY'S BAY</p>

Clive Lucas Stapleton  
 12/9/1990

The Georgian windows in the southern first floor elevation were restored/maintained, replacing the door openings that were created for the balcony created in the c1990s.

Stage 5 as per HIS

DA1317/90  
 P154/319

CONSERVATION WORKS  
 CARRIED OUT

Conservation works to remove the [Ian MacKay Cox Architects] two storey southern verandah and reconstruct and restore the original single level Georgian verandah including reconstruction of the 3 windows to the first floor [master bedroom]. The entrance door and fanlight were also reconstructed.

The verandah was constructed of hardwood to detail with corrugated galvanised steel roof and ogee gutter. The new verandah structure was fitted into the original mortice holes in the stone flags and pockets in the wall.

The western verandah, [added by Ian MacKay Cox Architects] was rebuilt at a lower height than the 1970 verandah [HIS p11]. It was rebuilt with a subservient scale as per image below to the primary verandah in the southern elevation.



Officer's inspection photo dated 21 June 2023

Chen Chow Little  
 Architects


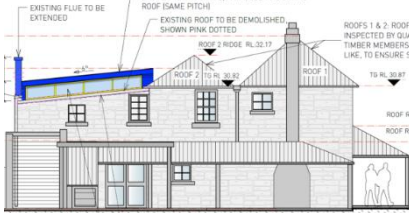
Stage 6 as per HIS

c1993

DA 1321/93  
 BA 814/96



DA 1321/93 floor plans

	<p><i>New fence to Commodore Crescent with an off-street parking area/                  Upgrade of existing laundry/shower area under DA1321/93 and including re-paving of the rear house and spa small plunge pool set to the west of the dwelling.</i></p> <p><i>The heritage comments relating to this assessment stated that:                  The proposal is considered to have no affect on the original structure of the house and the area of garden proposed to be paved contains no evidence of historic planting or visible evidence of any historic garden layout. The area affected by the proposal is to the west of the house away from the house, away from the street, and will be screened off from view from Berry's Bay with fencing and vegetation.</i></p>	
<p>Noel Bell Ridley Smith &amp; Partners Architects   <b>c1997</b>                   Stage 7 as per HIS                   DA1612/97</p>	<p><i>Construction of the northern verandah based on the evidence of the 1875 Holtermann photograph. This application was supported by Council's conservation planner who wrote that in view of the fact that the verandah reconstruction is a reinstatement of an original detail, that is considered to be restoration of the building. The other aspects of proposal are essentially considered minor, and not unsympathetic to the building.</i></p>	
<p>U + I Building Studio                   Stage 8 as per HIS                   DA 380/2019</p>	<p><i>Replacement of the existing skillion roof with a light box type roof form following the same pitch as the existing skillion to enable appropriate internal head height to the space previously referred to as "Bedroom 3" to improve its amenity and habitability within this area.</i></p>  <p><i>Bedroom 3 prior to the extension of the height of the skillion roof with a substandard height</i></p>	 <p><i>The skillion profile was encouraged over a hipped roof form so that the profile of the two hipped roof forms remained legible and clearly identifiable. This work has not been built as approved.</i></p> <p><i>Negotiations to retain a dominant profile for the skillion were aimed to keep the work subservient but the need to improve the habitability of bedroom 3 pushed the design to the above outcome. - Work is reversible</i></p>
<p>U+I Architects                  DA 190/21</p>	<p><i>Works for a new fence along Commodore Crescent and associated landscaping works</i></p>	

*An assessment of the works identified above with regard NDCP 2013 Part B: 13.5.1 Protecting heritage significance O1/ O2/ O3/ O4/ O8/ P3/ P4/; 13.5.2 Form, massing, scale O1/ O2/ P1/ P2/ P4/ P5; 13.5.4 Roofs O1/ P1/ P2/ P3/ P4 is as follows:*

**External works:**

- a) Demolish the existing southern ground level verandah and replace with a new double height southern verandah and balcony. The stone infill below the central window at the first floor level is to be removed to create a doorway for access to the proposed balcony from the master-bedroom.

*The southern, water facing elevation of the existing cottage has a high degree of heritage significance because it represents the original early form of the cottage, noting that the cottage has continued to evolve predominantly to the rear (northward), to accommodate ongoing needs to meet contemporary living standards.*

*The southern verandah and Georgian windows were restored by Clive Lucas Stapleton Architects, and as supported by their Summary of Research notes, to their earliest known state. This work makes an important contribution to the overall understanding of the heritage item, its significance, interpretive qualities and its evolving form as one of the oldest houses in North Sydney. This understanding is especially relevant in light of the loss of undocumented fabric condition elsewhere on the site and as required under Article 31 – Documenting evidence and decision; Article 32 – Records and Article 33 – Removed fabric, of the Burra Charter undermining the ongoing understanding of the evolving history of the cottage and site generally.*

*With reference to the above, the proposed new double height verandah is not supported in this important historical elevation. However, as discussed below, the changes to the heritage item to meet amenity and contemporary living standards on lesser significant elevations is supported, such as along the western and northern elevations.*

b) *Demolition of the existing western verandah and pavilion and construct a new replacement pavilion and covered BBQ area with and skylight over. The chimney stack will undergo restorative treatment by way of a traditional limewash finish and reconstruction of its capping.*

*With reference to the historical evidence, the western verandah was not part of the original dwelling and was a later add, that appeared following the 1968 application for alterations and additions by Ian MacKay Cox. The western verandah was reinterpreted by the Clive Lucas Stapleton as part of their restoration works and redesigned to complement the restored southern verandah with an overall height that was comparably lower than the restored primary southern verandah facing the water.*

c) *Adaptation of the storage space within the northern verandah to enable the insertion of a lift including the enclosure of the upper and lower levels of the verandah with new glazing.*



**Officer's Inspection Photo 21 June 2023**

*A portion of the ground floor of the northern verandah is used as a storage room and therefore partially encloses the verandah. The installation of a lift in this portion of the verandah will have an acceptable level of impact subject to the verandah remaining legible continues to express its lightweight and open form. As such, whilst the installation of a new lift is supported in the north-eastern end of the verandah, the proposed glazing to enclose the rest of the verandah is not supported.*

- d) Create mezzanine level by removing the floor of bedroom 3 (Works already completed)

*The installation of a mezzanine level renders the need for an increase in the ceiling of what was bedroom 3 redundant. As such, the height and form of the skillion roof should be reversed and reinstated to its original.*

- e) Demolish the stone wall to the south of the cellar stairs that were added in 1970.

*These works will have a minimal impact on the heritage significance of the place and as such, no objection is raised to these works.*

- f) Demolish the wall and door to the external storage room.

*This work is discussed in part c) above. The impact from this work is assessed as minimal.*

**Internal works:**

- g) Create a new doorway from the master-bedroom to the bathroom.

*These works have already been carried out. However, the assessed impact from this work is minimal as the opening appears as a secondary element and will not distort the overall interpretation of the layout of the master-bedroom area.*

- h) Remove the previous bedroom floor of bedroom to create a void/ double height to the lower level.  
See (d) above.

*With reference to g) and h), the comments in a) above are relevant, namely, the loss of undocumented fabric condition as required under Article 31 – Documenting evidence and decision; Article 32 – Records and Article 33 – Removed fabric, of the Burra Charter undermining the ongoing understanding of the evolving history of the cottage and site generally.*

### **3. Conclusion and Recommendations**

*With reference to the above, an assessment of the proposal has been undertaken in terms of North Sydney LEP 2013, Clause 5.10 Heritage conservation of the and Section 13 Heritage and Conservation of the North Sydney DCP 2013. The proposed works **are supported in part** only as outlined below and are also subject to Compliance investigations relating to unauthorised works.*

- a) The demolition of the western verandah is supported by the evidence of it being later works carried out by Ian MacKay Cox Architects in 1968. The proposed new pavilion is clearly identifiable as new work and will not adversely impact on the fabric/significance of the existing dwelling.*
- b) The new internal door opening in the master-bedroom whilst already carried out on site would be regarded as acceptable as a secondary element within the overall layout of the room.*
- c) The installation of the lift within the north-eastern end of the northern verandah is supported in principal, however, the detailing of the lift enclosure, elevations and balustrade require more sensitive detailing to match existing and to avoid a solid timber wall being created. The enclosure of the remaining verandah with glazing is not supported as it will adversely impact on the perceived bulk and scale of the verandah element. A condition is recommended to address this.*
- d) That the proposed double storey verandah and work to the southern elevation be excluded in favour to retention of the existing remain single storey verandah. This is in support of the documentary evidence presented in the summary of research undertaken by Clive Lucas Stapleton.*
- e) Provide any documentary evidence relating to the condition of the dwelling prior to the internal works relating to the new kitchen, flooring, joinery etc being replaced;*
- f) The glazed enclosure to the new pavilion is not supported due to the adverse impact on the setting and views of the heritage item from the glare created by large areas of glass. A system of retractable blinds similar to what is currently in place is recommended.*

*With reference to the above, the following standard and non-standard conditions are recommended:*



**Standard Conditions**

- A3 No Demolition of Extra Fabric
- C5 Heritage Architect to be Commissioned
- D1 Photographic Survey (Heritage Items)
- E5 Removal of Extra Fabric

**The following site-specific conditions are also recommended:**

***Exclusion of work already undertaken.***

A5. No consent is granted under this application for any works, including demolition work carried without prior development consent. The following work shown on the DA drawings are expressly excluded from this consent:

- a) Removal of living room ceilings, cornices, skirting boards within the dwelling;
- b) Installation of the mezzanine level in place of the former Bedroom 3;
- c) Demolition and installation of new internal door opening to the eastern end of the master-bedroom
- d) Installation of any skylight or roof features/elements not previously approved.

The Certifying Authority must ensure that the Construction Certificate Drawings are amended to exclude the above work.

(Reason: To confirm the scope of works approved by this consent and prevent further loss of fabric and significance of an important Heritage Item)

***Southern verandah works not supported***

A6. The proposed double storey verandah and works to the southern elevation are to be deleted from the plans and the existing ground floor verandah retained as a single storey element.

(Reason: The existing ground floor verandah supports the earlier documentary evidence presented in the summary of research undertaken by Clive Lucas Stapleton circa 1980s).

***Detail of the lift and verandah enclosure***

A7 The proposed lift is to be housed as an independent element:

- within the dimensions and form of the existing verandah so that its overall appearance and expression as a lightweight and open form is retained,
- The north-eastern elevation to the lift is to retain the vertical timber cladding detailing together with a visual break between the upper verandah level to retain a visual gap which reflects first floor level - solid timber wall on the NE side of the verandah is to be avoided,
- retain the multi-paned windows in situ noting this element will function as a blind window - the central verandah bay is to be retained as open without a window above the balustrade level.
- Maintain a 50mm clearance on all sides of the lift structure.

*Details of the lift design are to be prepared at a 1:50 scale and provided to Council for approval of the Manager Development Service prior to issue of the relevant Construction Certificate. The Certifying Authority must be satisfied that the CC drawings comply with the requirements of this condition.*

*(Reason: To confirm the scope of works approved by this consent and prevent further loss of fabric and significance of an important Heritage Item)*

#### **Glazed Enclosure to Pavilion**

A8. *That the proposed glazed enclosure of the new pavilion be deleted from the plans to mitigate the impact from glare created by the use of glass on the setting and views of the subject site.*

*(Reason: To protect the significance of an important Heritage Item and the Heritage Item as viewed from public places)*

#### **Statement of Significance and Ongoing Heritage Conservation Strategy**

A9. *That the statement of significance relating to the subject heritage item be updated and that an overall heritage strategy for the site be devised incorporating the historical findings and works carried out to date to assist in the ongoing management of the site as well as establish an agreed set of exemptions to support its ongoing conservation.*

*(Reason: To ensure the ongoing protection and management of the heritage significance of the site.)*

**Planning comment:** The above comments are noted, and the conditions recommended by Council's Conservation Planner are included in the recommended conditions of consent.

#### **ENGINEERING**

The application has been referred to Council's Development Engineer who provided the following comments:

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

##### *Traffic Management:*

*Difficult site access. Construction Traffic Management Plan (CTMP) to be assessed by the Traffic Committee.*

*Appropriate conditions shall be imposed in this regard.*

##### *Stormwater:*

*Stormwater to connect to existing stormwater management system.*

*Appropriate conditions shall be imposed in this regard.*

Parking and Access:

*There are no changes proposed to the existing parking arrangement.  
No conditions applied.*

Sediment and Erosion controls

*Appropriate conditions shall be imposed in this regard.*

Excavation and Retaining Walls

*There is no excavation proposed as part of this development.  
No conditions applied."*

**Planning comment:** Appropriate conditions were recommended that are imposed in the consent.

## COMPLIANCE

The site inspection conducted in June in conjunction with comparison with NearMaps 2023 revealed numerous unauthorized works carried out on the subject site. The unauthorised works are detailed below:

- *The floor to Bedroom 3 has been removed creating a mezzanine level with a double height to the family room below.*
- *A new opening in the sandstone wall to create a new doorway from the master-bedroom to the bathroom at first floor level replacing the tiled floor at ground level and existing timber flooring at the First Floor level.*
- *Partial demolition of the northern roof plane to insert a skylight.*
- *New timber flooring throughout on the first and second floor levels replacing the tiled floors at ground level and the existing timber floors on the First Floor level. The works include changes to the stairs.*
- *New timber panelled wall to Bedroom 2 at the First Floor landing level.*
- *Installation of a new kitchen*
- *New concaved profiled ceiling in the master-bedroom with a different profile to that approved under DA380/2019*
- *Removal of profiled architraves/skirtings and replacement in some areas with plain profile or with no architraves.*

The subject site was sold in December 2021. Prior to this, the site was sold in March 1993. Photos of the subject site taken from Domain in December 2021 and site inspection photos (June 2023) are shown below:



***Figure 9r: Photo on Domain for its sale in December 2021***



***Figure 9s: Photo from Domain in December 2021 prior to sale***



*Figure 9t: Photo taken of Ground Floor Dining Area during June 2023 site inspection*



*Figure 9u: Photo of Family Room from Domain in December 2021*



**Figure 9v: Photo of Family Room on site inspection June 2023 (with ceiling and cornices removed)**



**Figure 9w: Photo of Master Bedroom in December 2021 (Domain)**



**Figure 9x: Change to timber flooring and window painted in the Master Bedroom (site inspection photo June 2021)**



**Figure 9y: Unauthorized skylight installation sometime between 21/11/2022 – 9/1/2023 (NearMaps accessed on 7 September 2023)**

The application has been referred to Council's Compliance Team for investigation and the outcome will be pursued separate to this development application.

## **SUBMISSIONS**

### **Original Plans**

The application has been notified in accordance with Council's Community Participation Plan with adjoining properties and the Euroka/Waverton Precinct notified between **23 June – 7 July 2023**. In response to the notification Council received nil submissions to the proposal.

### **Amended Proposal**

Notification of the amended plans is not required under the provisions of Section 3.6 of the Council's Community Consultation Plan.

## **CONSIDERATION**

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

### **SEPP (Precincts – Eastern Harbour City) 2021**

The subject site is not located within the Sydney Opera House Buffer Zone as prescribed within this SEPP and is satisfactory in this regard.

### **SEPP (Biodiversity and Conservation) 2021**

The subject site is located within the Sydney Harbour Foreshores and Waterways Area and Sydney Harbour Catchment and consequently Part 6.3, Division 3, Clause 6.28 of this SEPP applies:

- (2) *Development consent must not be granted to development in the Foreshores and Waterways Area unless the consent authority is satisfied of the following—*
- (a) *having regard to both current and future demand, the character and functions of a working harbour will be retained on foreshore sites,*
  - (b) *if the development site adjoins land used for industrial or commercial maritime purposes—the development will be compatible with the use of the adjoining land,*
  - (c) *if the development is for or in relation to industrial or commercial maritime purposes—public access that does not interfere with the purposes will be provided and maintained to and along the foreshore,*
  - (d) *if the development site is on the foreshore—excessive traffic congestion will be minimised in the zoned waterway and along the foreshore,*
  - (e) ***the unique visual qualities of the Foreshores and Waterways Area and its islands, foreshores and tributaries will be enhanced, protected or maintained, including views and vistas to and from—***
    - (i) ***the Foreshores and Waterways Area, and***
    - (ii) ***public places, landmarks and heritage items.***





### SEPP (Resilience and Hazards) 2021

The provisions of SEPP (Resilience and Hazards) 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 only previously been used for **residential purposes** and as such is unlikely to contain any contamination; therefore, the requirements of the above SEPP have been satisfactorily addressed.

### SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate A482877\_02, dated 7 June 2023 for alterations and additions to a detached dwelling house has been submitted with the application to satisfy the Aims of the SEPP.

### NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

#### 1. Permissibility

The development application proposes alterations and additions to an existing dwelling house that is permissible in the R2 zone.

#### 2. Objectives of the zone

The objectives for an **R2 Low Density Residential** zone are stated below:

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

The proposal is consistent with the objectives subject to the imposition of recommended conditions in the consent.

### Part 4 – Principal Development Standards

North Sydney Local Environmental Plan 2013			
Site Area - 597.25m <sup>2</sup>	Proposed	Control	Complies
Clause 4.3 – Heights of Building	7.35m NGL to works to rear chimney  5.3m NGL to top of southern balcony  3.3m to rear pavilion skylight	8.5m	YES

### **3. Height of Building**

The following objectives for the permissible height limit 8.5m pursuant to clause 4.3 in NSLP 2013 are stated below:

- (a) *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) *to promote the retention and, if appropriate, sharing of existing views,*
- (c) *to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) *to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (e) *to ensure compatibility between development, particularly at zone boundaries,*
- (f) *to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*
- (g) *to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone C4 Environmental Living.*

The proposed works would have a height of 7.35m(max) that complies with the permissible height limit of 8.5m in accordance with clause 4.3 in NSLEP 2013.

### **4. Heritage Conservation**

The subject site is listed as a Heritage Item under Schedule 5 in NSLEP 2013 so 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.*

Subject to the recommended conditions of consent including the deletion of works to the rear deck and glass enclosure of the new pavilion, the proposal is recommended for partial approval with follow up for unauthorized works required.

### **5. Earthworks**

The application involves considerable excavation so an assessment has been carried out under matters raised in clause 6.10 in NSLEP 2013 as follows:

**NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013**

The proposal has been assessment under the following heading within NSDCP 2013:

<b>DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development</b>		
	<i>complies</i>	<i>Comments</i>
<b>1.2 Social Amenity</b>		
<b>1.2.2 Maintaining Residential Accommodation</b>	Yes	The proposal will maintain the dwelling density on site.
<b>1.3 Environmental Criteria</b>		
<b>1.3.1 Topography</b>	Yes	Minor excavation approximately 300mm is proposed for excavation to construct the floor slab of part of the garden pavilion and new timber deck around the pool at the rear of the dwelling. The proposal is satisfactory in this regard.
<b>i. Foreshore Frontage</b> <i>P8 Natural materials and colours should be used that blend with the water, foreshore sandstone and vegetation, for any foreshore structure.</i> <i>P9 Avoid the use of large areas of blank, hard or reflective surfaces.</i> <i>P6 Buildings or structures must respect the topographical features of the site.</i>	Yes Subject to conditions	The subject site is visible from public places including Berry's Bay Lookout and Will Aston Lookout. Subject to the imposition of recommended conditions, the proposal is satisfactory in this regard.
<b>1.3.6 Views</b>	Yes	Subject to the imposition of recommended conditions provided by Council's Conservation Planner, the proposal is unlikely to adversely impact views and vistas from and to Berry's Bay, Sydney Harbour; Waverton Park Lookout, private dwellings and the public domain.
<b>1.3.7 Solar Access</b> <ul style="list-style-type: none"> <li>More than 3 hours between 9am – 3pm</li> </ul>	Yes	The additional shadows caused by the proposal falls within the subject site boundaries and do not affect adjoining properties.
<b>1.4 Quality built form</b>		
<b>1.4.3 Streetscape</b>	Yes	Subject to the recommended conditions regarding the northeastern verandah, the proposal shall not adversely affect the streetscape character nor impact on any street trees or kerb.
<b>1.4.6 Setback – Side</b>	Yes	<b>Ground Floor</b> The proposed works on the ground floor comply with the 900mm side setback requirement with the DCP except for the reconstruction of the timber deck adjoining the rear swimming pool which is non-compliant with the 900mm setback but retains the existing area of non-compliance. Despite this, the subject report recommends only partial approval including the deletion of works to the rear deck.  <b>First Floor</b> The proposed works on the first-floor complies with the 1.5m side setback requirements.  The proposal is satisfactory in terms of side setback requirements within NSDCP 2013.

<p><b>P1 Front setback</b></p> <ul style="list-style-type: none"> <li>To match adjoining properties.</li> </ul>	<p>Yes</p>	<p>The application does not propose to reduce the front setback except for the construction of the first-floor southern verandah that is recommended for deletion in the conditions.</p>
<p><b>P5 Rear Setback – Rear</b></p> <ul style="list-style-type: none"> <li>To match adjoining properties.</li> </ul>	<p>Yes</p>	<p>The proposed development maintains a deck and pool at the rear and extends a garden pavilion to the rear by 0.9m. The rear setback of the proposed pavilion is 4.4m-5m from the irregular rear boundary. This is consistent with the rear setback of No.1 Commodore Crescent which is 1.5m – 3.7m. Dwellings in the vicinity at No.7-13 all have lesser or similar rear setbacks and the proposal is satisfactory in this regard.</p>
<p><b>1.4.7 Form Massing Scale</b></p> <p><i>P5 Facades of buildings which face any public street should not be dominated by large expanses of glass (i.e. facades should incorporate smaller door and window openings, so that glass does not dominate the façade).</i></p>	<p>Yes Subject to conditions</p>	<p>The proposed new pavilion at the rear consists of large expanse of glazing that dominates the façade and detracts from the heritage significance of the building. The subject site is visible from public places across Berry’s Bay.</p>
<p><b>1.4.8 Built Form Character</b></p>	<p>Yes Subject to conditions</p>	<p>The proposed expansive glass façade of the proposed pavilion at the rear is uncharacteristic and non-complementary with the existing character of the locality.</p>
<p><b>1.4.12 Materials</b></p>	<p>Yes</p>	<p>The materials proposed are considered to be consistent with adjoining dwellings and the locality and will not detract from the heritage item as it creates a clear differentiation between the old and the new.</p>
<p><b>1.5 Quality Urban Environment</b></p>		
<p><b>1.5.2 Lightwells &amp; Ventilation</b></p>	<p>Yes</p>	<p>The proposal is considered satisfactory in this regard.</p>
<p><b>1.5.5 Site Coverage</b></p>	<p>Yes</p>	<p>The subject site has an area of 597.25m<sup>2</sup>. NSDCP permits a maximum site coverage of 40% (238.9m<sup>2</sup>) for the subject site. The proposed site coverage is 33.2% or 198.4 m<sup>2</sup> which complies with the site coverage control. The areas calculated as site coverage include the roofed garden pavilion, the proposed southern balcony and the rear pool.</p>

**Area Calculations**

Green: Landscaped Area;  
 Grey: Site Coverage;  
 Blue: Unbuilt-upon area



<p><b>1.5.6 Landscape Area</b></p>	<p>Yes</p> <p>UBA: No Acceptable</p>	<p>The minimum landscape area required for the site is 40% (238.9m<sup>2</sup>). The application proposes 43% or 257m<sup>2</sup> which complies.</p> <p>The maximum unbuilt-upon area permissible for the site is 20% or 119.5m<sup>2</sup>. The application proposes 23.2% or 138.4m<sup>2</sup> and is non-compliant by approximately 3% or 18.9 m<sup>2</sup>. The non-compliance is considered acceptable considering the objectives of S1.5.5 and S1.5.6 and will not create adverse amenity impacts to adjoining dwelling or views to and from the harbour.</p>
<p><b>1.5.10 Private and Communal Open Space</b></p> <ul style="list-style-type: none"> <li>• Private open space at ground level – 4m min dimension &amp; 2m above ground level</li> <li>• Must be provided off living area</li> </ul>	<p>Yes</p>	<p>A minimum private open space area of 50m<sup>2</sup> is required for the subject site. The proposal satisfies this provision with a minimum landscaped private open space area of 180m<sup>2</sup> and also an outdoor pavilion with roof over. The private open spaces are provided off both the Living Room and Family Room on the ground floor. The proposal is considered satisfactory in this regard.</p>
<p><b>1.6 Efficient Use of Resources</b></p>		
<p><b>1.6.1 Energy Efficiency</b></p>	<p>Yes</p>	<p>A valid BASIX Certificate was submitted with the development application addressing hot water and fixtures, lighting, insulation, windows and glazed doors and skylights.</p>

<b>Part B Section 15 - Bushland</b>		
<p><b>15.2.1 Siting and Design</b>  <i>P1 Development located within Area A as shown on the Bushland Buffer Map (refer to Appendix 4) that adjoins or is adjacent to (i.e. includes land that is located on the opposite side of a road) land zoned E2 Environmental Conservation must be setback a minimum of 10m from all bushland boundaries.</i></p> <p><i>P4 Sites with one or more boundaries adjoining bushland will be given special consideration, in terms of setbacks and location of landscaped area.</i></p> <p><i>P5 Buildings and other structures, such as swimming pools and decks, should not be located directly adjacent to bushland. However, minor works relating to landscaping and stormwater containment may be appropriate adjacent to bushland, providing the initial and ongoing impacts on bushland are considered negligible by the Council.</i></p>	<p>No Existing deck</p>	<p>The subject site is located within Bushfire Buffer Zone A (100m). Despite this, the proposed works for the rear deck is located within the extent of the existing deck.</p> <p>The subject site contains an existing pool and a rear deck constructed with timber, tile, and stone. The proposed development removes from the rear deck some of the tile and stone, as well as a western feature wall behind the swimming pool.</p> <p>As the ground floor level of the subject site is about RL25 or higher, and the C2 Environmental Conservation land on the southwestern corner of the site is at approximately RL 22.38, the level difference is close to 3m and the existing deck without any proposed extension will not affect the bushland to the west and southwest.</p> <p>Despite this, the subject report recommends deletion of the proposed works associated with the rear deck due to the expansive glazing.</p>

**Relevant Planning Area – Part C of NSDCP 2013**

**Section 10 – Waverton/Wollstonecraft Planning Area**

**Section 10.6 – Waverton Neighbourhood**

The proposal is consistent with the Area Character Statement. The proposal is visible from the public domain and Berry’s Bay Lookout. Subject to the imposition of recommended conditions by Council’s Conservation Planner, the proposal is recommended for partial approval. considered partially satisfactory subject to conditions.

**LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN**

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of contributions towards the provision of local infrastructure. The contributions payable has been calculated in accordance with Council’s Contributions Plan as follows:

<b>Applicable Contribution Type</b>		
S7.12 contribution detail	Development cost:	\$ 427,543.68
(payment amount subject to indexing at time of payment)	Contribution:	\$ 427,543.68 x 1% = <b>\$ 4,275.00</b>

The estimated cost of works is above \$100,000 and consequently s7.12 contribution fees apply. The proposal maintains a dwelling density of 3 or more bed dwellings and therefore s7.11 contribution does not apply.

Conditions requiring payment of contributions are included in the attached recommended conditions of consent.

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

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

<b>ENVIRONMENTAL APPRAISAL</b>	<b>CONSIDERED</b>
1. Statutory Controls	YES
2. Policy Controls	YES
3. Design in relation to existing building and natural environment	YES
4. Landscaping/Open Space Provision	YES
5. Traffic generation and Carparking provision	YES
6. Loading and Servicing facilities	YES
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	YES
8. Site Management Issues	YES
9. All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	YES

### **SUBMITTERS CONCERNS**

The application was notified to adjoining properties and the Euroka/Waverton Precinct for 14 days. Council received nil submissions to the proposal during the notification period.

### **PUBLIC INTEREST**

Subject to the imposition of recommended conditions, the proposal is considered to be in the public interest for the reasons stated throughout this report.

### **SUITABILITY OF THE SITE**

The proposal would be located in a R2 Low Density Residential zone where alterations and additions to a dwelling house are 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**

The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and general found to be satisfactory.

The application proposes alterations and additions to a detached residential dwelling that is a permissible form of development in the R2 Low Density Residential zone.

Subject to the imposition of recommended conditions, the proposal is considered to maintain the significance of the local heritage item as well as maintaining the unique visual qualities of the Foreshores and Waterways Area including views and vistas to and from the Foreshores and Waterways Area, public places, landmarks and heritage items in accordance with SEPP (Biodiversity and Conservation) 2021.

Council received nil submissions to the proposal. Having regard to the merits of the proposal, the application is recommended for approval subject to appropriate standard and site-specific conditions.

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

The subject application was notified to adjoining properties and the Euroka/Waverton Precinct for 14 days where nil submissions were received and where appropriate conditions of consent have been recommended to maintain the amenity of the local heritage item, adjoining properties and the visual qualities to and from the foreshore and public places.

## **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. 178/23 for alterations and additions to a detached dwelling subject to the following site specific and attached standard conditions:-

### **Exclusion of Work Already Undertaken**

A5 No consent is granted under this application for any works, including demolition work carried without prior development consent. The following work shown on the DA drawings are expressly excluded from this consent:

- a) Removal of living room ceilings, cornices, skirting boards within the dwelling;
- b) Installation of the mezzanine level in place of the former Bedroom 3;
- c) Demolition and installation of new internal door opening to the eastern end of the master-bedroom
- d) Installation of any skylight or roof features/elements not previously approved.

The Certifying Authority must ensure that the Construction Certificate Drawings are amended to exclude the above work.

(Reason: To confirm the scope of works approved by this consent and prevent further loss of fabric and significance of an important Heritage Item)

### **Southern Verandah Works Not Supported**

A6 The proposed double storey verandah and works to the southern elevation are to be deleted from the plans and the existing ground floor verandah retained as a single storey element.

(Reason: The existing ground floor verandah supports the earlier documentary evidence presented in the summary of research undertaken by Clive Lucas Stapleton circa 1980s).

### **Detail of the Lift and Verandah Enclosure**

A7 The proposed lift is to be housed as an independent element:

- within the dimensions and form of the existing verandah so that its overall appearance and expression as a lightweight and open form is retained,
- The north-eastern elevation to the lift is to retain the vertical timber cladding detailing together with a visual break between the upper verandah level to retain a visual gap which reflects first floor level - solid timber wall on the NE side of the verandah is to be avoided,
- retain the multi-paned windows in situ noting this element will function as a blind window - the central verandah bay is to be retained as open without a window above the balustrade level.
- Maintain a 50mm clearance on all sides of the lift structure.

Details of the lift design are to be prepared at a 1:50 scale and provided to Council for approval of the Manager Development Service prior to issue of the relevant Construction Certificate. The Certifying Authority must be satisfied that the CC drawings comply with the requirements of this condition.

(Reason: To confirm the scope of works approved by this consent and prevent further loss of fabric and significance of an important Heritage Item)

### **Glazed Enclosure to Pavilion**

A8 That the proposed glazed enclosure of the new pavilion be deleted from the plans to mitigate the impact from glare created by the use of glass on the setting and views of the subject site.

(Reason: To protect the significance of an important Heritage Item and the Heritage Item as viewed from public places)

### **Statement of Significance and Ongoing Heritage Conservation Strategy**

A9 That the statement of significance relating to the subject heritage item be updated and that an overall heritage strategy for the site be devised incorporating the historical findings and works carried out to date to assist in the ongoing management of the site as well as establish an agreed set of exemptions to support its ongoing conservation.

(Reason: To ensure the ongoing protection and management of the heritage significance of the site.)

### **Work to Western Deck to Be Deleted**

A10 No consent is granted for any works to the western deck including the new glass balustrade with metal uprights and the new timber deck.

(Reason: To protect the significance of an important Heritage Item and the Heritage Item as viewed from public places)

### **Pedestrian and Vehicular Access**

B2 No pedestrian or vehicular access for the purpose of construction is permissible through or across land under Council ownership (Waverton Park, No.7A, 7B, 2 – 4 and 9A Commodore Crescent) under any circumstances.

Compliance with this condition is to be included in the Construction Management Program and associated plans within Condition B1 for the approval of Council's Traffic and Transport Engineers required within Condition B1.

(Reason: To ensure development does not adversely impact on C2 Environmental Conservation zone and RE1 Public Recreation zone in accordance with Part B Section 15 Bushland within NSDCP 2013)

**RACHEL WU**  
**GRADUATE ASSESSMENT OFFICER**

**DAVID HOY**  
**TEAM LEADER (ASSESSMENTS)**

---

**STEPHEN BEATTIE**  
**MANAGER DEVELOPMENT SERVICES**

---