



**NSLPP MEETING HELD ON 05/02/2025**

**Attachments:**

1. Survey
2. Architectural Plans
3. Heritage Impact Statement
4. Structural Report

**ADDRESS/WARD:** 34 Euroka Street, Waverton 2060 (E)

**APPLICATION No:** 288/24

**PROPOSAL:** Alterations and additions to a heritage-listed dwelling

**PLANS REF:** Refer to Condition A1

**OWNER:** Dmitry Polikarpov & Aleksandra Polikarpova

**APPLICANT:** Sandbox Studio Pty Ltd

**AUTHOR:** Rachel Wu, Assessment Officer

**DATE OF REPORT:** 10 January 2025

**DATE LODGED:** 29 October 2024

**RECOMMENDATION:** Approval, subject to conditions

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## EXECUTIVE SUMMARY

This development application seeks approval for alterations and additions to a local heritage listed dwelling 'House' (I1063) and is reported to North Sydney Local Planning Panel for determination as a sensitive development involving the partial demolition of a local heritage item in accordance with Minister's Direction.

The subject site is located within the Union, Bank and Thomas Streets Conservation Area (CA15) and within the row of heritage items No.26 - 44 Euroka Street as well as No.21 Clifton Street at the rear. The State Heritage Inventory data describes the subject local heritage item as:

*"Two storey brick and stone house with gabled corrugated-iron roof and single storey hipped gable roofed section to the street frontage which is of brick with stone quoins and contains a side entry door. Rear sections of building extensively modernised."*

The Statement of Significance as taken from the State Heritage Inventory states:

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

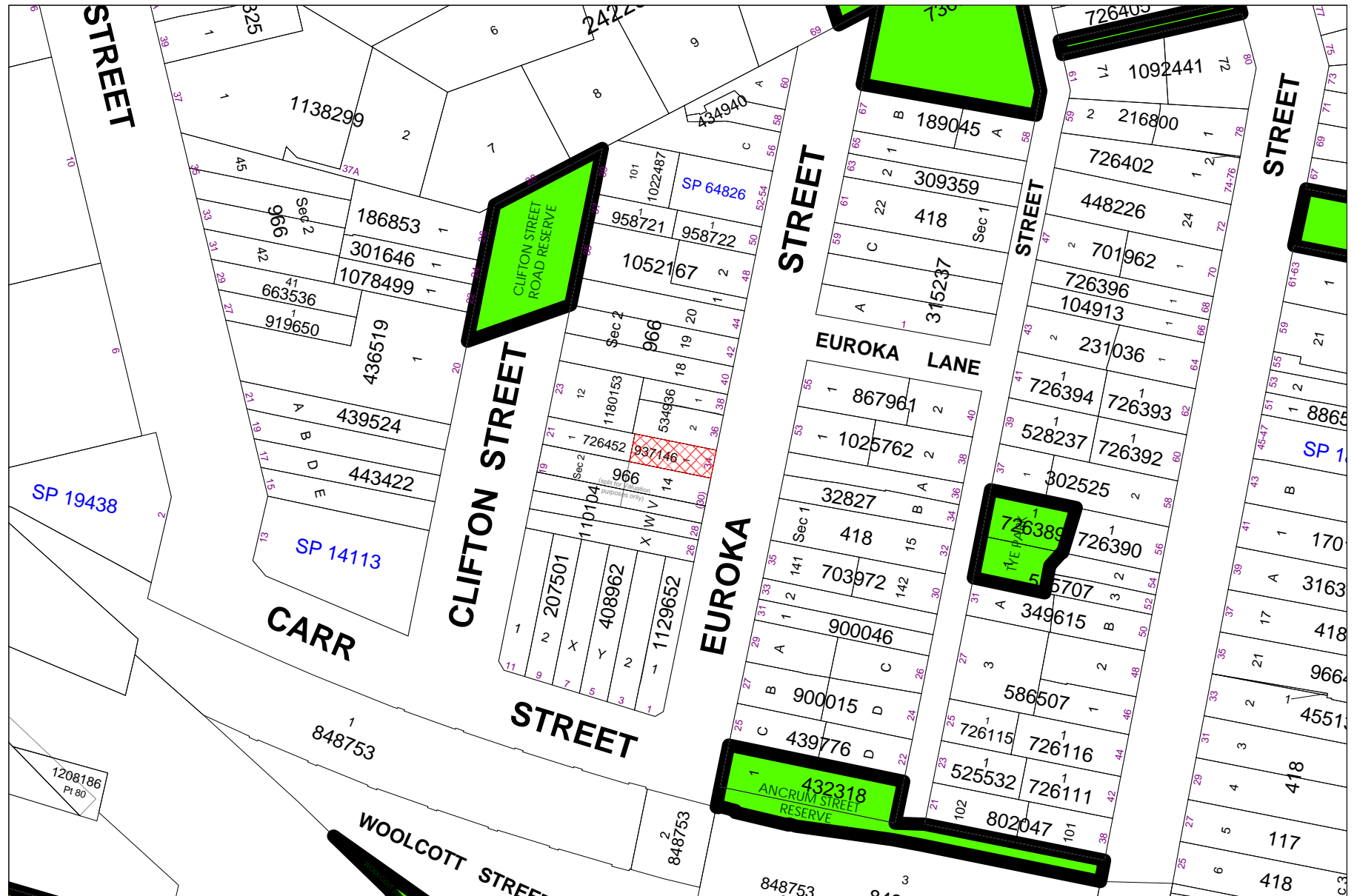
The site has an area of 108.2m<sup>2</sup> and currently contains a modest sized 2-storey dwelling house with an attached rear elevated deck. The site contains a fall of more than 2m to Euroka Street.

Notification of the proposal has attracted two (2) unique submissions inclusive of one (1) Precinct Committee submission. The submissions raised particular concerns about adverse impact to heritage significance of the dwelling and other heritage items on Euroka Street; side setback non-compliance; bulk, massing and scale; view loss to district views and noise impact. 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 **approval** subject to conditions.



LOCATION MAP



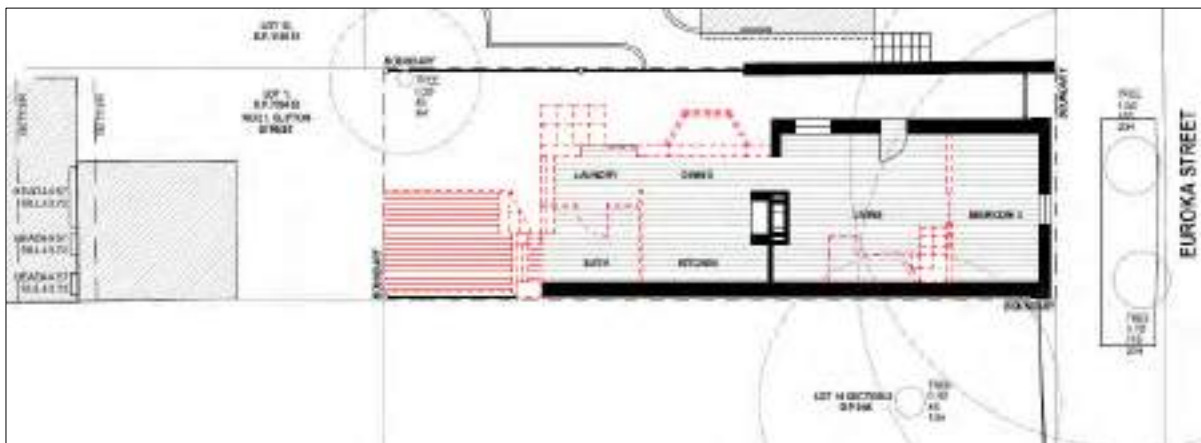
□ Property/Applicant ● Submitters - Properties Notified

## DESCRIPTION OF PROPOSAL

The proposal seeks alterations and additions to an existing residential dwelling detailed below:

### Ground Floor

- Demolition of internal walls, rear deck, external northern stairs
- Extension of the rear portion of the dwelling to the northern boundary with nil setback to construct an internal stairwell
- Reconfiguration of the existing Bedroom 2 and Living space into a bedroom with ensuite



**Figure 1: Proposed Ground Floor Demolition Plan**



**Figure 2: Proposed Ground Floor Plan**

### First Floor

- Demolition of internal walls, rear deck and stairs
- Extension of the built form towards the rear with metal cladding external walls to accommodate for a new Dining/Kitchen and Living space and a smaller deck
- Installation of a colorbond metal roof with custom orb profile in 'Matt Shale Grey' to proposed rear extension



Figure 3: Proposed First Floor Demolition Plan

New Roof at Rear of Dwelling

- Colorbond Roof Sheetting in 'Matte Shale Grey' finish with custom orb profile
- Ridge height of rear addition 0.526m higher than the roof ridge of the existing cottage



Figure 4: Proposed First Floor Plan



Figure 5: Proposed Landscape Plan



Figure 6: Proposed North elevation



**Figure 7: Proposed East elevation (street frontage)**



**Figure 8: Proposed South elevation**



**Figure 9: Proposed Section A and B**

## **STATUTORY CONTROLS**

*Environmental Planning & Assessment Act 1979 (As amended)*

*Environmental Planning & Assessment Regulation 2021*

*SEPP (Biodiversity and Conservation) 2021*

*SEPP (Sustainable Buildings) 2022*

*SEPP (Resilience and Hazards) 2021*

*SEPP (Transport and Infrastructure) 2021*

*North Sydney Local Environmental Plan 2013*

- Zoning – R2 Low Density Residential
- Item of Heritage – Yes, ‘House’ (I1063)
- In Vicinity of Item of Heritage – Yes, 21 Clifton Street ‘House’ (I1057), 26-44 Euroka Street ‘House’ (I1060-I1068), 50 Euroka Street ‘House’ (I1069)
- Conservation Area – Yes, Union, Bank and Thomas Streets Conservation Area (CA15)
- Max Height of Building – 8.5m
- Minimum Lot Size – 230m<sup>2</sup>
- Foreshore Building Line - No
- Local Development

## **POLICY CONTROLS**

*North Sydney Development Control Plan 2013*

- Section 15 Bushland Buffer Area B (300m)

*North Sydney Local Infrastructure Contributions Plan 2020*

## **DESCRIPTION OF LOCALITY**

The subject site is legally described as Lot 1 in DP 937146 and is commonly known as No. 34 Euroka Street, Waverton. It is a narrow rectangular shaped parcel of land with a frontage of 6.095m, situated on the western side of Euroka Street, with a total site area of 108.2m<sup>2</sup>, a west-east orientation and a fall of more than 2m to Euroka Street.

The subject site contains a modest sized 2-storey dwelling house with an attached elevated deck. The site is mostly devoid of any vegetation; however, there is a single tree in the north-western corner of the rear yard and two (2) significant and large canopy trees in the road reserve of Euroka Street, immediately adjacent to the front boundary.

Located on the west (rear) of the subject site is No.21 Clifton Street, a two-storey detached sandstone terrace building.

Directly to the south of the subject site is No.30 Euroka Street which features two narrow allotments running east/west between Euroka Street and Clifton Street. A semi-detached, sandstone terrace dwelling is located on the southeastern corner of the site while the northeastern portion of the site is vacant with numerous plantings and trees. To the west of No.30 Euroka Street is No.19 Clifton Street which contains a two-storey detached brick dwelling. Both sites are leased by Council to the Department of Housing for 53 years, expiring on 30 June 2040.

The general locality features one and two-storey dwellings located close to street-front alignments and are generally reminiscent of the Victorian Era.





Figure 10: Aerial view of subject site (red hatched) and adjoining building structures (Nearmap 2024/SIS Mapping)

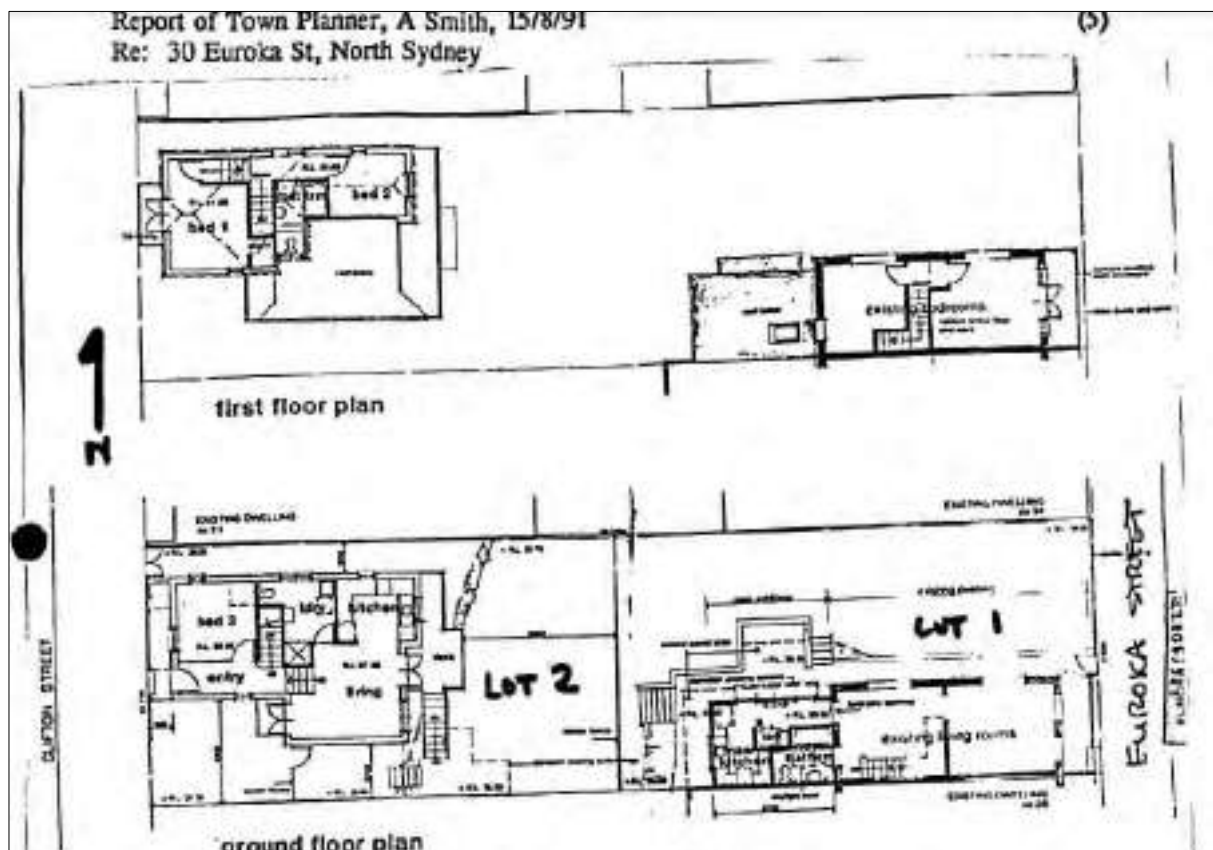
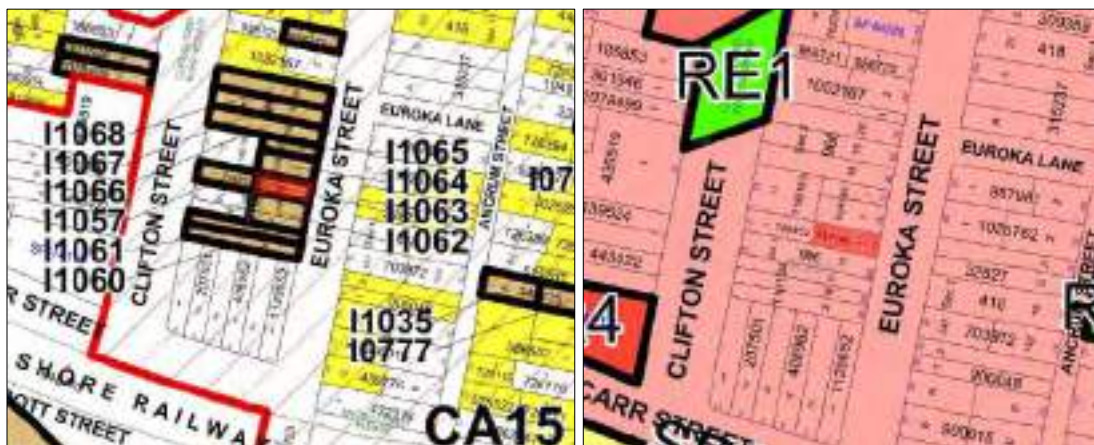


Figure 11: DA1196/91 of No.30 Eureka Street (Lot 1) consisting of a heritage dwelling and the vacant northern area towards No.34 Eureka Street. No.19 Clifton Street (Lot 2) to the west.

On the western side of Euroka Street are several examples of infill additions on side boundaries, visible in the streetscape. Examples include No.50 Euroka Street, No.36 Euroka Street; and No.26 Euroka Street for a first-floor addition to the side boundary (approved, not yet constructed DA266/20/3).

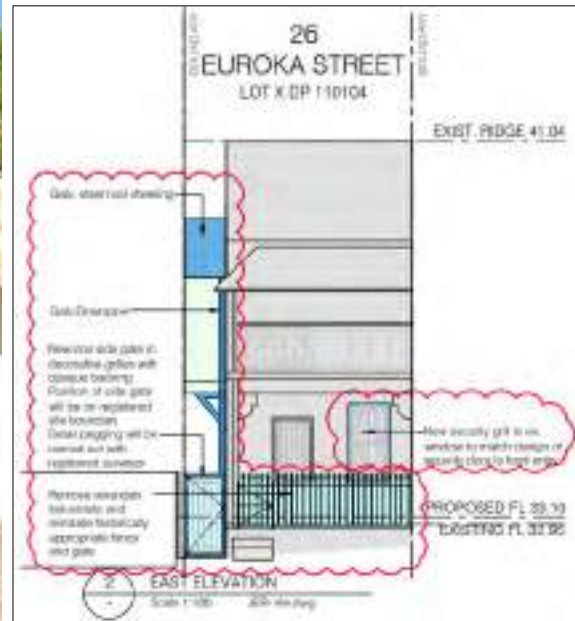


**Figure 12: Front setback of subject site showing dwelling house and significant canopy trees (Blue Gum) in road reserve.**



**Figure 13 (left) & 14 (right): Subject site is a heritage item within a conservation area and R2 zone.**





**Figure 15 (left): Example of contemporary additions within side boundaries on Eureka Street (No.50 Eureka Street, heritage-listed dwelling)**

**Figure 16 (right): Approval for first-storey addition on side boundary of 26 Eureka Street (heritage-listed dwelling) granted under DA266/20 and modified under DA266/20/3**



**Figure 17: Example of first-floor contemporary addition on Eureka Street (No.36 Eureka Street, a heritage-listed dwelling and the adjoining property to the north of the subject site)**



## RELEVANT HISTORY

### Previous applications

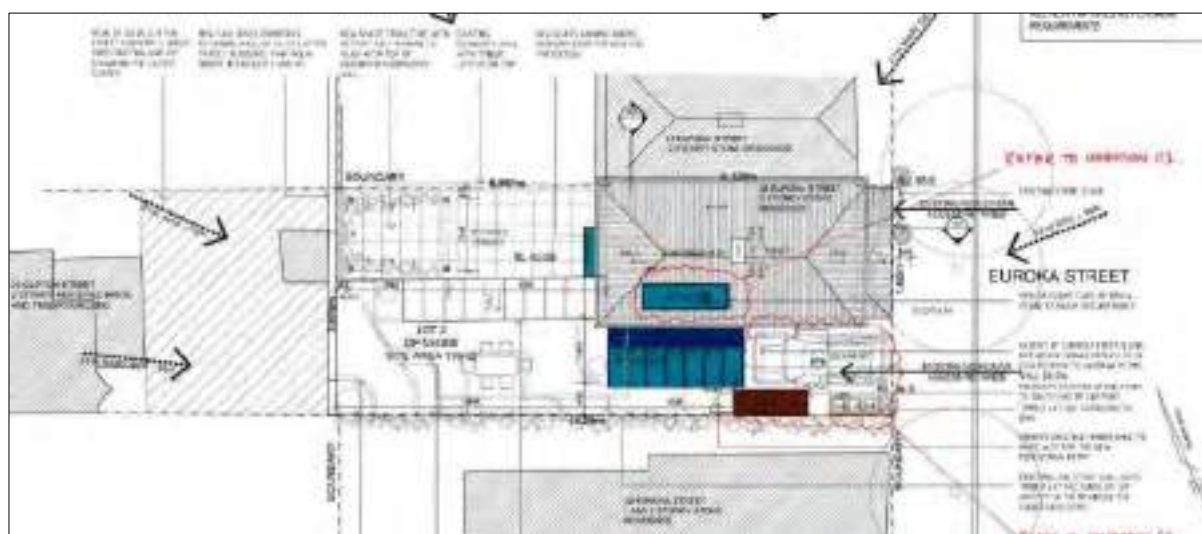
**Development Application and Building Application 656/78** granted approval on 15<sup>th</sup> December 1978 for alterations and additions to an existing detached dwelling. The minimum provision of clause 14(1) of *Interim Development Order No. 57 - Municipality of North Sydney* related to the ratio of the area of the floor space of the building to the site area was approved for variation from 0:6:1 to 0.84:1 so as to allow the proposed alterations and additions to the existing detached dwelling to proceed. The proposal provides ground floor living accommodation and attached bathroom with first floor bedroom with access stair.

**Development Application 21/24** was withdrawn by the Applicant on 22 August 2024 for alterations or additions to a heritage listed dwelling. Council sought a detailed survey from the Applicant who has exceeded the timeframe granted for the submission. The Applicant has sought to withdraw the development application to obtain a detailed survey prior to future lodgement of a development application. The detailed survey is to include details of all structures on subject site and adjoining properties. No information was provided on the height of the side boundary fence, courtyard and roof sundeck level at the rear of the adjoining property at 36 Euroka Street.

### Related Applications from dwellings in the vicinity

#### 36 Euroka Street (local heritage-listed)

**Development Application 421/12** granted approval on 4 March 2013 for alterations and additions to a semi-detached dwelling involving demolition of an existing side addition of the dwelling and construction of a new side addition, installation of a new skylight within the original dwelling roof, construction of a pergola on the existing terrace and landscaping works.



**Figure 18: Approved Plans DA421/12 at 36 Euroka Street**



**Figure 19: Approved Plans DA421/12 at 36 Eureka Street showing ground floor courtyard and first floor outdoor terrace with shade structure**

**Modification Application 421/12/2** granted approval on 26 March 2014 for alterations and additions to the dwelling at 36 Eureka Street, Waverton.

**Modification Application 421/12/3** granted approval on 17 June 2014 to amend condition G4 for the site at 36 Eureka Street, Waverton.

**Modification Application DA421/12/4** granted approval on 16 July 2024 to modify conditions A7 (Development in accordance with Plans), A8 (Highlight Window GW/04) and A9 (Handrail to front steps) for the site at 36 Eureka Street, Waverton.

**36 – 38 Eureka Street (local heritage-listed)**

**Development Application DA412/16** granted approval on 4 April 2017 for the alterations and additions to 36 & 38 Eureka Street, Waverton to allow the two (2) existing dwellings to function as a single house on two (2) separate lots. The works take place predominantly within 38 Eureka Street, with two (2) new internal openings proposed to 36 Eureka Street to allow access.

**42 Eureka Street (local heritage-listed)**

**Development Application DA73/21** granted approval on 25 June 2021 for alterations and additions to a dwelling including a two-storey addition.



**Figure 20: Approved Site Plan with two-storey addition**

**26 Eureka Street (local heritage-listed)**

**Development Application 266/20** granted approval on 1 February 2021 for alterations and additions to existing attached dwelling.

**Modification Application 266/20/3** granted approval on 28 November 2022 to modify a consent DA266/20 to provide for a first-floor addition, replacement of existing side gate, reinstatement of fence and gate at ground floor front verandah, and replacement of paved surface at upper terrace with soft landscape.



**Figure 21: Approved Plans DA266/20/3 for a first floor addition to side boundary**

#### **40 Euroka Street (local heritage-listed)**

**Development Application 459/15** granted approval by the North Sydney Independent Planning Panel on 2 November 2016 proposing alterations and additions to a dwelling including two-storey addition at rear and two-storey garage and studio at rear (Clifton Street).

In terms of rear setback, the ground and 1st floor level rear building lines of the additions to the dwelling was approved for the extension of 2.1m on the ground floor and 1.7m on the first-floor beyond the rear building line of the north-adjointing dwelling (No.42 Euroka Street) at the time. A condition was included in the consent C28 *First Floor Roof* as below:

#### ***'First Floor Roof***

**C28** *The first-floor roof parapet shall be deleted and replaced with a skillion roof falling toward the southern side boundary and with a minimum gradient of 5 degrees.*

*The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the above.*

*(Reason: Control building bulk; solar and outlook amenity)'*

#### ***'Single Occupancy***

**11.** *Nothing in this consent authorises the use of the subject site other than for a single occupancy. No approval is granted or implied for any use of the studio/attic pavilion as a separate dwelling.*

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

#### ***'No balcony***

**12.** *The roof above the ground floor living room shall not be used as trafficable area.*

*(Reason: Privacy; to clarify consent)'*

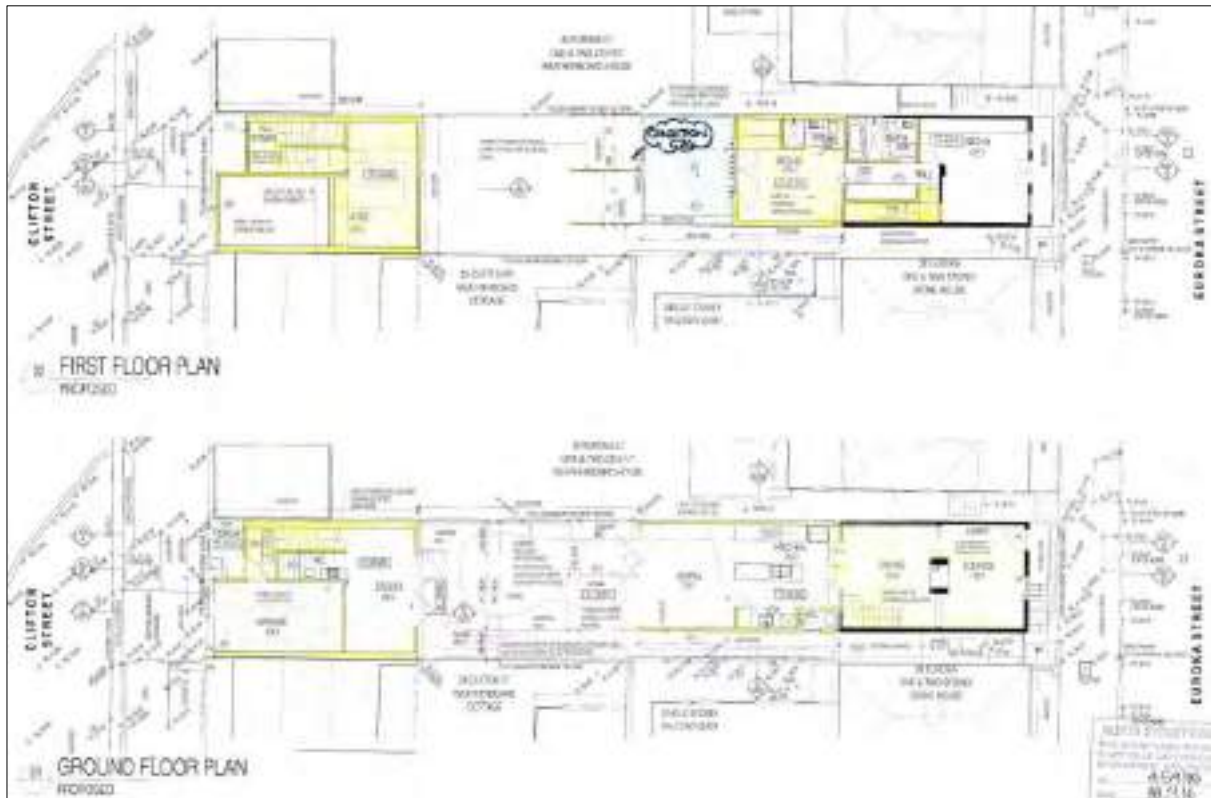


Figure 22: Approved Plans DA459/15



Figure 23: DA459/15 approval for first floor addition setback 1.7m beyond No.42 Eureka Street  
(Diagram from Assessment Officer report for DA459/15)



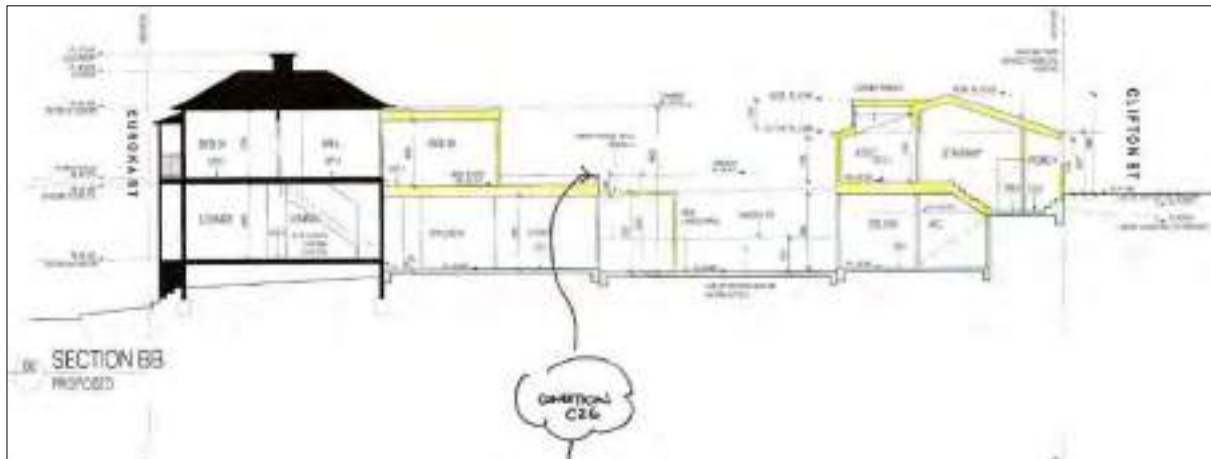


Figure 24: DA459/15 approved Section BB showing rear extension of first-storey on right containing Bed 02

**48 Euroka Street**

**Building Certificate 90/06** issued on 26 September 2006 for a two storey brick and hardy plank residence. No plans are available in Council’s Record system except for a survey plan dated 6 January 2003 demonstrating the dwelling existing as a two-storey residence.

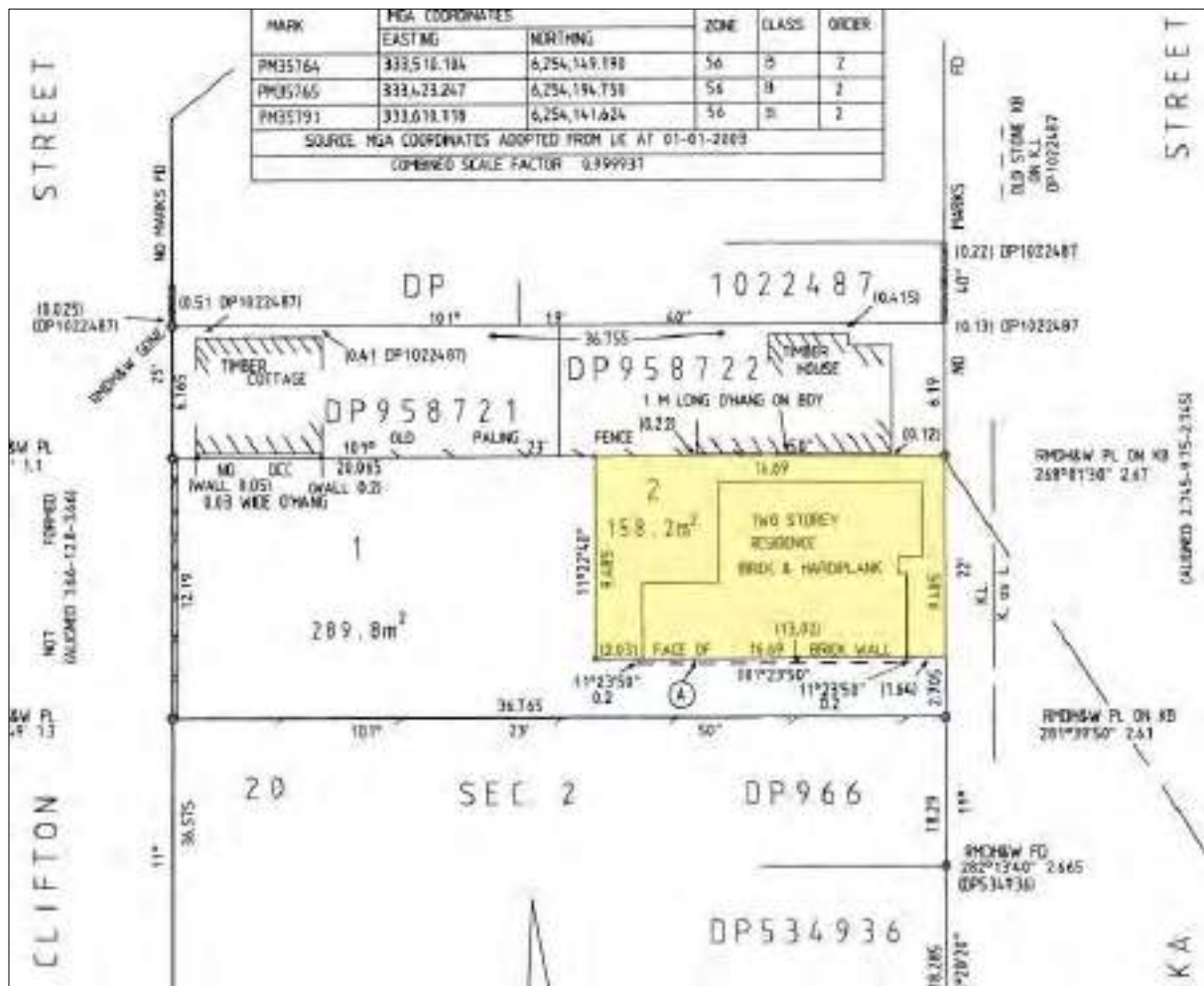


Figure 25: No.48 Euroka Street highlighted in yellow

### **Current Application**

The current application is substantially the same as proposed in the previous development application DA21/24 which was withdrawn given the lack of survey details, which was required to confirm the height of structures on adjoining dwellings, as drawn on architectural plans. Site inspections of the subject site and adjoining site at No.36-38 Euroka Street were undertaken in the previous development application DA21/24 on 11<sup>th</sup> April 2024.

<b>Date</b>	<b>Action</b>
29/10/2024	Lodged with Council.
22/11/2024	The development application was notified to adjoining properties and the Euroka Precinct for 14 days finishing on 6 December 2024. In response to the notification, two (2) submissions were received inclusive of one (1) submission from the Precinct.

### **INTERNAL 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 development application was referred to Council's Conservation Planner who provided the comments below:

**'1. Heritage status and significance**

*34 Euroka Street, Waverton is identified as a scheduled heritage item (I1063) and is located within the Union, Bank, Thomas Street conservation area (CA15). The heritage item is significant as part of a group of heritage listed items along the western side of Euroka Street and for which the following statement of significance is provided by the NSW Heritage Inventory database:*

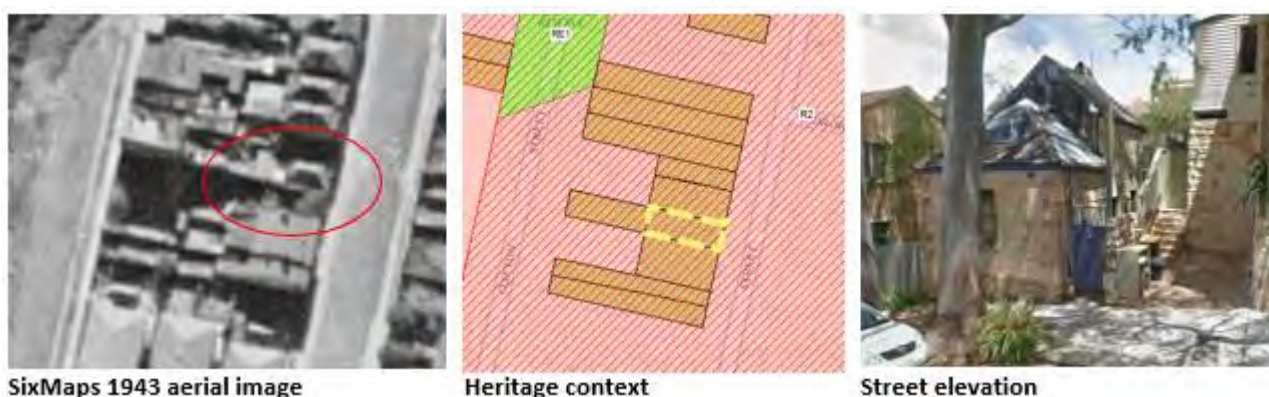
*"A richly varied collection of mid to late nineteenth and early twentieth century residential buildings, with free-standing cottages predominant. Remarkably intact nineteenth century collection of streetscapes, with particular importance as an area of working-class residences from that period. Relic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

NSDCP 2013 Part C: s9.10.3 identifies the heritage significance of the Union, Bank, Thomas Street conservation area as follows:

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

- (b) for the clarity of its subdivision history that is still clearly seen in variations of road widths between sections of streets and changes of directions of the subdivision pattern in response to the subdivision of earlier estates.
- (c) for the way development has responded to the topography through stepped building forms and excavation in some locations.
- (d) for its fine streetscapes with intact rows of Victorian residences, especially in Thomas, Union and Chuter Streets.
- (e) for its relatively large number of surviving timber residences.”

Some of the heritage items within the group have a dual frontage with Clifton Street. The subject site, however, does not and backs onto the rear of the heritage item at 21 Clifton Street. It is noted that the existing stone cottage has had previous alterations and additions and the site constraints restrict the scope to make substantial changes.



A house history search for the site indicates that the subject cottage has existed on the site from between circa 1889- 1891. The 1943 aerial image identifies the freestanding subject cottage, and which appears to have a hipped roof, the rear portion of which was later altered to its current form. It is noted that the existing form of the first-floor addition is to be retained.

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

The proposal for alterations and additions to the subject heritage cottage has been assessed with reference to NSLEP 2013 Part 5 Clause 5.10 Heritage Conservation and NSDCP 2013 Section 13 Heritage and Conservation.

The proposal has been the subject of a pre-DA application where the small and tight footprint of the building has been acknowledged. The following issues are identified as needing revision to respect the modest early scale of the original dwelling as well as aim to improve its residential amenity:

- As per the pre-DA advice, the extension of the building with a piggy-back style addition above the previous first floor addition has not been addressed. A proposal for a first-floor addition that extends the existing roof ridge is recommended to mitigate the impact from an over-scaled and uncharacteristic addition that will be visible in the public domain.
- Whilst the principle of providing a staircase outside of the existing building footprint is supported, it is a secondary element that is to sit below the eaves of the roof.

- *Internally, the removal of the existing fireplace and the impact on the associated chimney architecture is not supported. The fireplace and chimney are to remain in situ.*
- *The rear first floor rear building line is not compatible with that of its neighbours. A modified first floor rear building line is recommended.*

*Revisions to address the issues raised are recommended.*

### **3. Conclusions & Recommendations**

*With reference to the above, the proposed works do not satisfy the relevant provisions of NDCP 2013 Part B: Heritage conservation, namely:*

- *13.4 - Development in the vicinity of heritage items*
- *S13.5- Protecting heritage significance*
- *13.5.2 - Form, massing and scale*
- *13.5.3 - Additional storeys*
- *13.5.4 - Roofs*
- *13.5.5 – Interior layouts*
- *13.6 – General objectives*
- *13.9 - Controls for specific building elements – Part C s9.10.4 significant elements P4 – slot views over and between buildings through the area*
- *13.9.4 Materials, colours and finishes*

*As such, the proposal does not meet with objectives of NSLEP 2013 Cl5.10 (1)(a) and (b). It is recommended that the applicant be advised accordingly.'*

**Planning comment:** The proposal seeks extension of the building with a piggy-back style addition above the previous first floor addition by 0.5m. The Applicant stated in a response to RFI letter dated 11 July 2024 that they need the 0.5m additional height to allow for a landing at the top of the stairs and achieve the minimal height of a habitable room in order to comply with NCC standard. The additional 0.5m height is likely to create better residential amenity to occupants of the subject site without adversely impacting on the residential amenity of adjoining properties in terms of solar access, views, acoustic and visual privacy and views as assessed under the controls of NSDCP. The location of the roof extension by 0.5m is also setback from the site's front boundary to Euroka Street by 7.5m. While it will retain visibility from Euroka Street, the minimal 0.5m ridge height increase for the rear addition is considered minimal.

In regard to the recommendation for the proposed stair addition to sit below the eaves of the roof, the proposed stair structure on the northern side boundary extends off the new roof addition that is clearly visible as a contemporary structure distinguished from the heritage cottage, and set back behind the heritage cottage. The distinguishable modern addition also provides better residential amenity in the form of head space for the landing at the top of the stairs. Therefore, it is considered that the design of the stair structure is acceptable.

As for the other elements described the plans have been further amended to include the retention of the existing chimney and the continuation of the indented area onto the first-floor level. However, the existing skylight on the front roof elevation is not proposed to be relocated and/or demolished. This is considered acceptable on planning grounds that the skylight provides solar/daylight access into the front room and already exists on site.



Regarding incompatibility of the first-floor rear building line, while the immediate neighbours at No.30 and 36 Euroka Street do not have a first-storey that extends as far back into the site, the subject proposal aligns with the recent approvals at No.40 and 42 Euroka Street (2016 and 2021 grant of approval respectively) in regards to first-floor rear building line, and No.44 Euroka Street has existing approval in the 1990s for a similar first-floor rear building line.



**Figure 26: Proposed first-floor rear building line on subject site marked with a red line; approved first-floor rear building line (marked with blue line) at No.40-44 Euroka Street.**

## ENGINEERING

The application has been referred to Council's Development Engineer who raised no objections to the proposal and provided conditions to be included in the consent.

## LANDSCAPING

The development application was referred to Council's Landscape Development Officer who provided the following comments:

*“No levels are shown for the proposed access path along the northern boundary of 34 Euroka Street. This path shall be at or above grade, with no excavation permitted within the TPZ of T1 & T2 (Council trees on verge at the front of the property).”*

**Planning comment:** No change is proposed in the northern access path and no excavation is proposed within the TPZ of T1 and T2. Appropriate conditions are recommended by the Landscape Development Officer which are included at the end of the report. It is considered unnecessary for the amended landscape plan to detail the levels along the northern boundary as no works are proposed to the front portion of the existing northern boundary and therefore it is unlikely that there will be any impact to the TPZ of T1 and T2.

## SUBMISSIONS

Council notified adjoining properties and the Euroka Precinct of the proposed development seeking comment between **22 November – 6 December 2024**. Council received two (2) unique submissions inclusive of one (1) Precinct submission.

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

### Basis of Submissions

- *Heritage Impact*
- *Form, scale and massing*
- *Side setback non-compliance*
- *Illumination impact to streetscape from W01 and SK01 of proposed stair structure*
- *View loss to district views from rear deck of No.36 Euroka Street*
- *Reduction of light into Ground Floor Kitchen and rear courtyard of No.36 Euroka Street*
- *Pitching point of roof addition can be lowered with different slope to roof*
- *Northern boundary setback 100mm does not take into consideration gutters and overhang*
- *Adjoining Owner’s Agreement not obtained for setback variation*
- *Maintenance of stair structure*
- *No access to the rear*
- *Noise from Living space relocation onto First Floor impact No.36 Euroka Street*

## 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 (Biodiversity and Conservation) 2021

#### Chapter 2 – Vegetation in Non-Rural Areas

The proposal meets the objectives of the SEPP as there are no clearance of trees on the subject site and the proposed landscape plan improves on what is existing by providing a larger and level rear yard. The proposal is satisfactory in this regard.

### **SEPP (Resilience and Hazards) 2021**

The provisions of the above 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 only previously been used for residential purposes and as such is unlikely to contain any contamination; however, the standard asbestos survey condition is recommended in the report to mitigate impact during construction to the subject site and adjoining dwellings. Therefore, the requirements of the above SEPP have been satisfactorily addressed.

### **SEPP (Sustainable Buildings) 2022**

A valid BASIX Certificate (*No.A503415\_03, dated 11 October 2024*) for a detached dwelling has been submitted with the application to satisfy the Aims of the SEPP.

### **SEPP (Transport and Infrastructure) 2021**

Chapter 2, Part 2.3 Division 5 Section 2.48 of the SEPP outlines requirements for development likely to affect an electricity transmission or distribution network, and states the following:

Specific reference is given to section 2.48(1)(b)(ii). Council notes that there are exposed overhead electricity lines within the road reserve adjacent to the subject site. Given that works are located at the rear of the site a referral to Ausgrid was not deemed necessary.

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

### **1. Permissibility**

The proposed works can be defined as alterations and additions to a *dwelling house* and are permissible in the zone with development consent.

### **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 relevant objectives of the zone by providing the housing needs of the dwelling without adversely impacting the amenity of the adjoining neighbours subject to conditions recommended at the end of the report.

**Part 4 – Principal Development Standards**

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area – 108.2m <sup>2</sup>	Proposed	Control	Complies
Clause 4.3 – Heights of Building	7.166m (RL42,136 max.)	8.5m	YES
Clause 4.1 - Minimum Lot Size	No change	230m <sup>2</sup>	No No change to existing non-compliance

**3. Height of Building**

The following objectives for the permissible height limit 8.5m pursuant to clause 4.3 in *NSLEP 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 7.166m that complies with the permissible height limit of 8.5m in accordance with clause 4.3 in *NSLEP 2013*. The proposal is satisfactory in this regard.



**Figure 27: Calculation of proposed height**



## Part 5 – Miscellaneous Provisions

### Heritage Conservation

The subject site is listed as a Heritage Item within a Conservation Area 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.

The proposal is considered satisfactory as there are numerous examples of contemporary additions built to side boundary of local heritage listed dwellings on the west side of Eureka Street including the side boundary addition at No.36 Eureka Street fronting the subject site and directly visible from the streetscape; No.50 Eureka Street (DA266/20 and DA266/20/3); and No.26 Eureka Street for a first-floor addition to the side boundary (approved, not yet constructed DA266/20/3). Please refer to *Previous Applications* above within the report for more detail.

Regarding the extension to the rear by the proposed first-floor, there is also an approval for a two-storey rear addition behind the primary dwelling at No.40 Eureka Street as approved by the North Sydney Independent Planning Panel on 2 November 2016 for DA459/15.

The proposed staircase addition on the northern boundary is setback 8.233m from the front boundary with the front elevation of the staircase structure **below the eaves** of the proposed roof addition, increasing in height to the rear which is considered satisfactory as a submissive, secondary structure to the primary dwelling and rear addition. The proposal also seeks to retain the existing chimney structure. A condition is also recommended for the existing fireplace to be retained in situ.




Figure 28: Setback of staircase from the front boundary

## 4. Earthworks

The application involves minor excavation for the ground floor concrete slab; and excavation and infill for the rear yard to RL36.940 from RL36.68 – 37.73 (rock) and is considered satisfactory.

**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>1.2.1 Population Mix</b>	Yes	No change is proposed to the dwelling mix on the site which contains two bedrooms.
<b>1.2.2 Maintaining Residential Accommodation</b>	Yes	The development application proposes two bedrooms which is same as existing on the subject site.
<b>1.3 Environmental Criteria</b>		
<b>1.3.1 Topography</b>	Yes	Minor excavation and infill at the rear of the site is proposed. Subject to the recommended conditions from Council’s Development Engineer, the proposal is satisfactory.
<b>1.3.2 Bushland</b>	Yes	The proposal protects the existing trees on the northwestern corner and on the Council verge. The levelling and landscaping of the rear yard is considered an improved outcome from existing and satisfies the objectives of Section 16 Tree & Vegetation Management.
<b>1.3.6 Views</b>	Yes	<p>The Area Character Statement discusses significant elements as including slot views over and between buildings throughout the locality. The staircase structure is measured to be 5.4-5.9m in height measured from the front boundary natural ground line. The proposal does not contravene this as the site still allows slot views over the proposed staircase structure on the side boundary, not dissimilar to the approval for infill additions to side boundary of No.26 and No.50 Euroka Street.</p>  <p><i>Figure 29: Calculation for height as seen from streetscape</i></p> <p>The proposed dwelling and dwellings in vicinity maintain an outlook to trees and sky. The proposed addition allows for views towards Berry’s Bay for properties to the north which have an existing elevated topography. The adjoining property to the north at No.36 Euroka Street contains an outdoor sundeck at RL40.26 with a timber pergola structure to the rear. The first-storey of the subject site has a FFL37.67. The height difference between the sundeck at 36</p>

	<p>Eureka Street and the subject site First Floor level is 2.59m. The sundeck on No.36 Eureka Street extends almost to the rear of their boundary and it is considered that an adequate view to Berry's Bay may still be obtained by 36 Eureka Street.</p> <p>The four step assessment in the planning principle <i>Tenacity Consulting v Warringah Council [2004] NSWLEC 140</i> is required to be considered to assess view sharing.</p> <ol style="list-style-type: none"> <li><b>1. Type of views affected?</b> Land view to a portion of the Anzac Bridge during the day and potentially at night.</li> <li><b>2. What part/s of the property at 36 Eureka Street are the views obtained?</b> The views are visible in a standing position from the rear deck southern boundary (side boundary).</li> <li><b>3. Extent of the impact?</b> The extent of the impact is considered to be moderate as views to the cityscape is still visible through the proposal. See <b>Figures 31 and 36</b> below.</li> <li><b>4. Reasonableness of the proposal</b> Tenacity states that the protection of views across side boundaries is more difficult, and the expectation to retain side views and sitting views are often unrealistic. No.36 Eureka Street has views to part of the Anzac Bridge via their southern (side) boundary.</li> </ol> <p>The existing views to the city buildings and Anzac Bridge are limited due to numerous mature trees located on properties south of No.36 Eureka Street. Furthermore, the view is obtained from the side boundary and Tenacity states that it is difficult to protect views from the side boundary. The proposal is deemed to be justified in this regard.</p>
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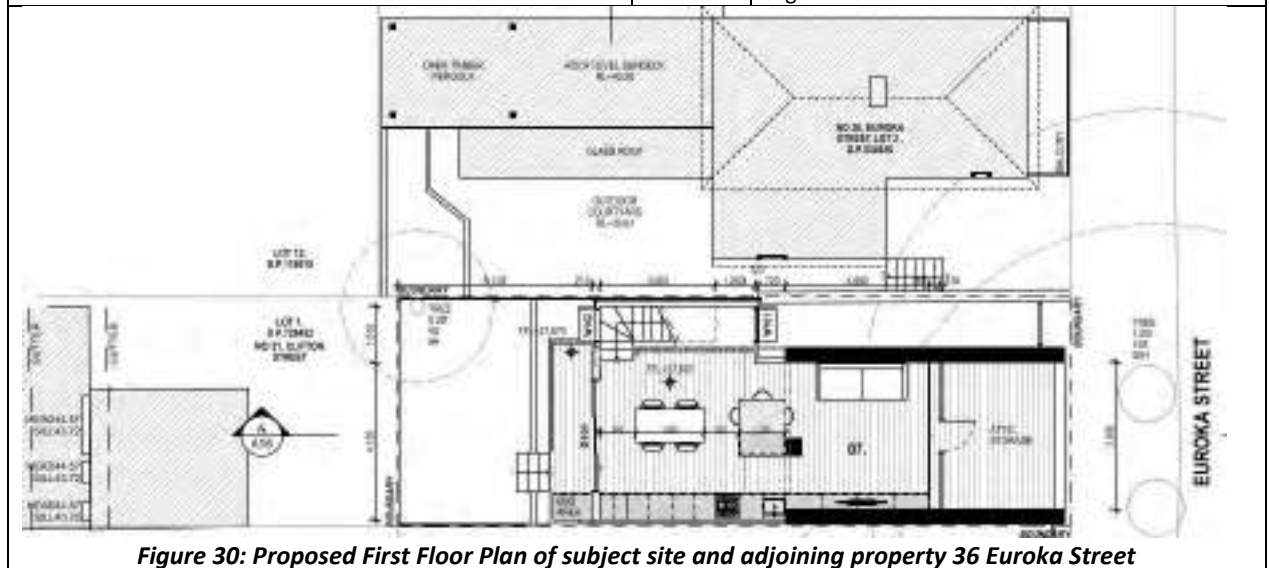
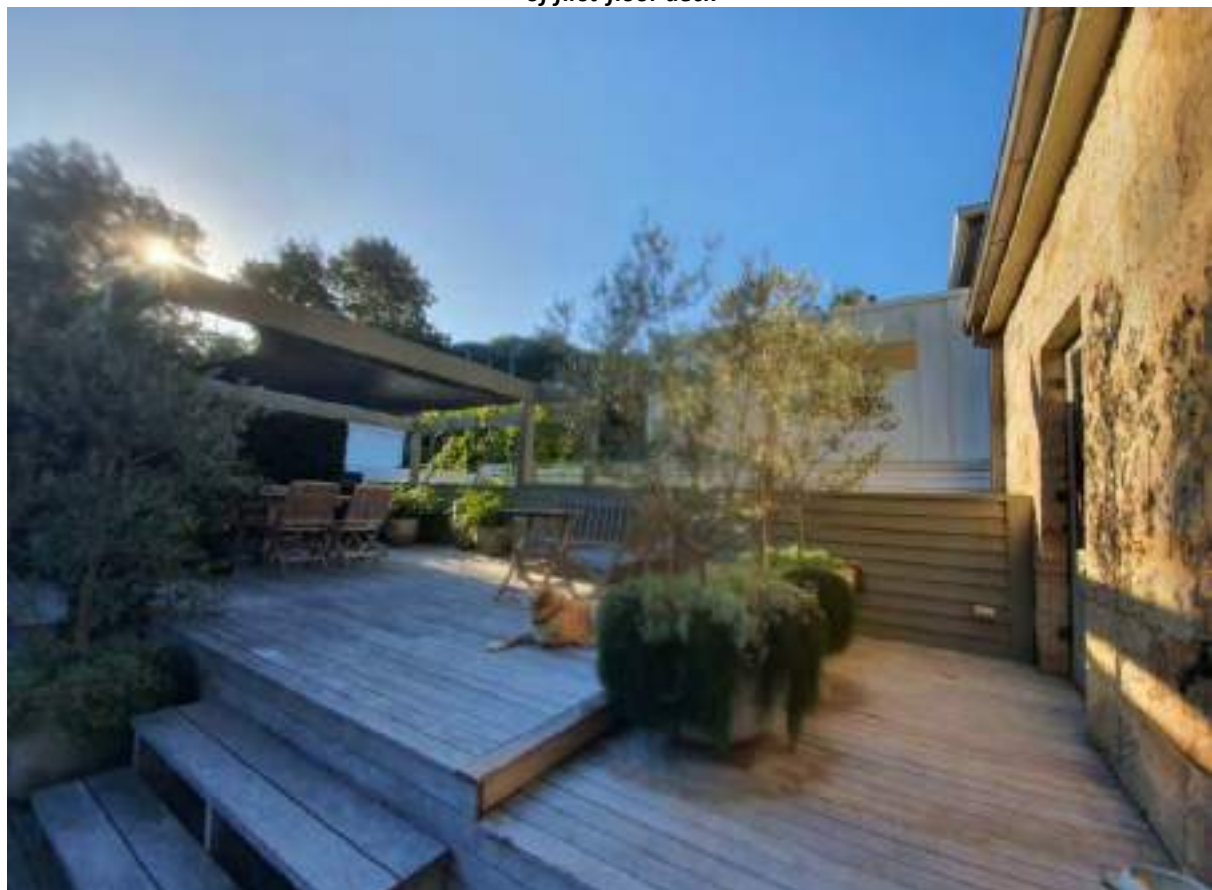


Figure 30: Proposed First Floor Plan of subject site and adjoining property 36 Eureka Street



**Figure 31: View from No.36 Eureka to subject site. Red Arrow on subject site depicts area of extension inclusive of first-floor deck**

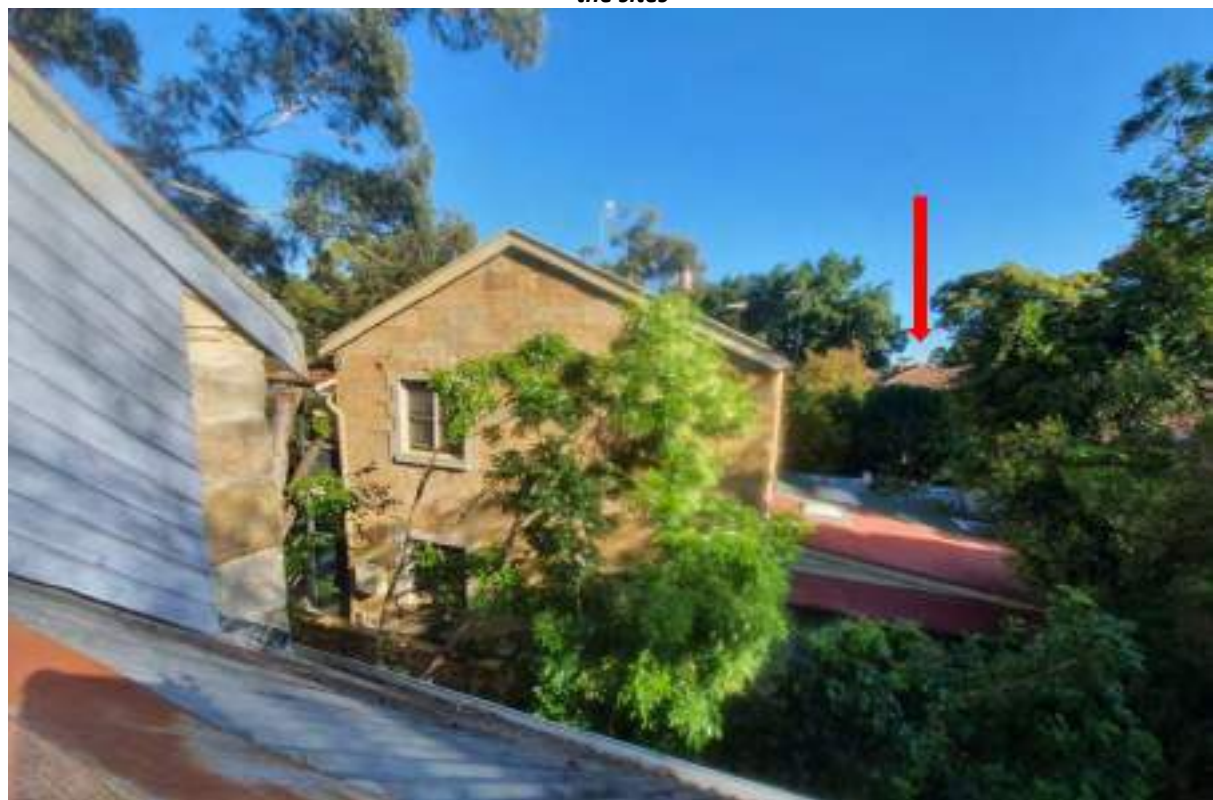


**Figure 32: View of rear first-floor deck at No.36 Eureka Street viewed from southern boundary**





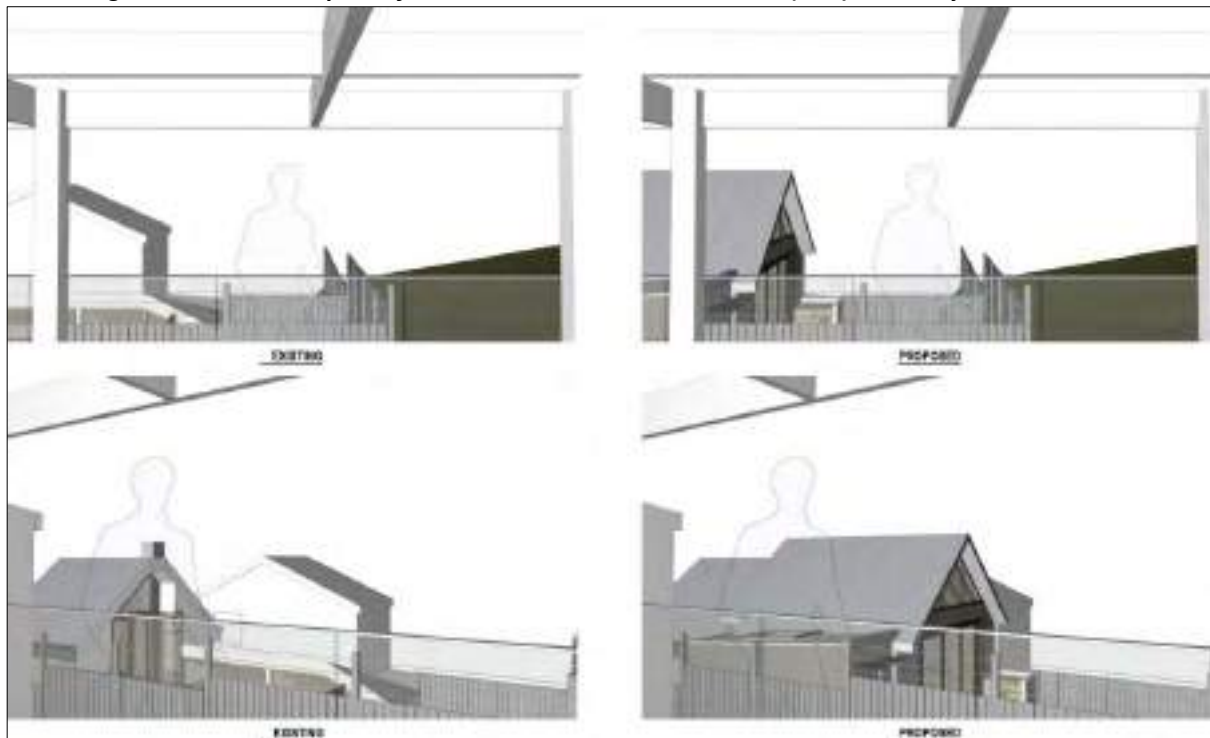
**Figure 33: View towards rear sundeck of 36 Eureka Street from subject site, showing level difference between the sites**



**Figure 34: View from existing first-floor rear deck on subject site to district views (red arrow)**



**Figure 35: Zoomed in photo from No.36 Eureka Street southern (side) boundary to district views**



**Figure 36: View from rear sun deck of No.36 Eureka Street to rear of subject site**

<p><b>1.3.7 Solar Access</b></p> <ul style="list-style-type: none"> <li>• More than 3 hours between 9am – 3pm</li> </ul>	<p>Yes</p> <p>The shadow from the proposal generally falls within areas of existing shadows on adjoining properties at winter solstice between 9am-12pm. Minor overshadowing occurs on the northwestern corner of the dwelling at No.30 Eureka Street. The main living space of No.30 Eureka Street is located in the front portion of the primary dwelling on the first-floor and solar access is available through the window of the living space all hours between 9am-3pm at winter solstice.</p> <p>During the Summer Equinox, no additional overshadowing occurs onto the dwelling at No.30 Eureka Street. Additional overshadowing occurs on the private open space north of the building at No.30 Eureka Street but allows No.30 Eureka Street to retain solar access to its private open space every hour between 9am to 3pm and is considered satisfactory in this regard.</p> <p>Due to the constraints of the site including lower topography than dwellings to the north and the narrow width of the lot, the subject site itself as existing does not satisfy the minimum 3-hour solar access requirement and is unlikely to be able to satisfy this due to the high fencing surrounding the site on the northern and western boundaries.</p>
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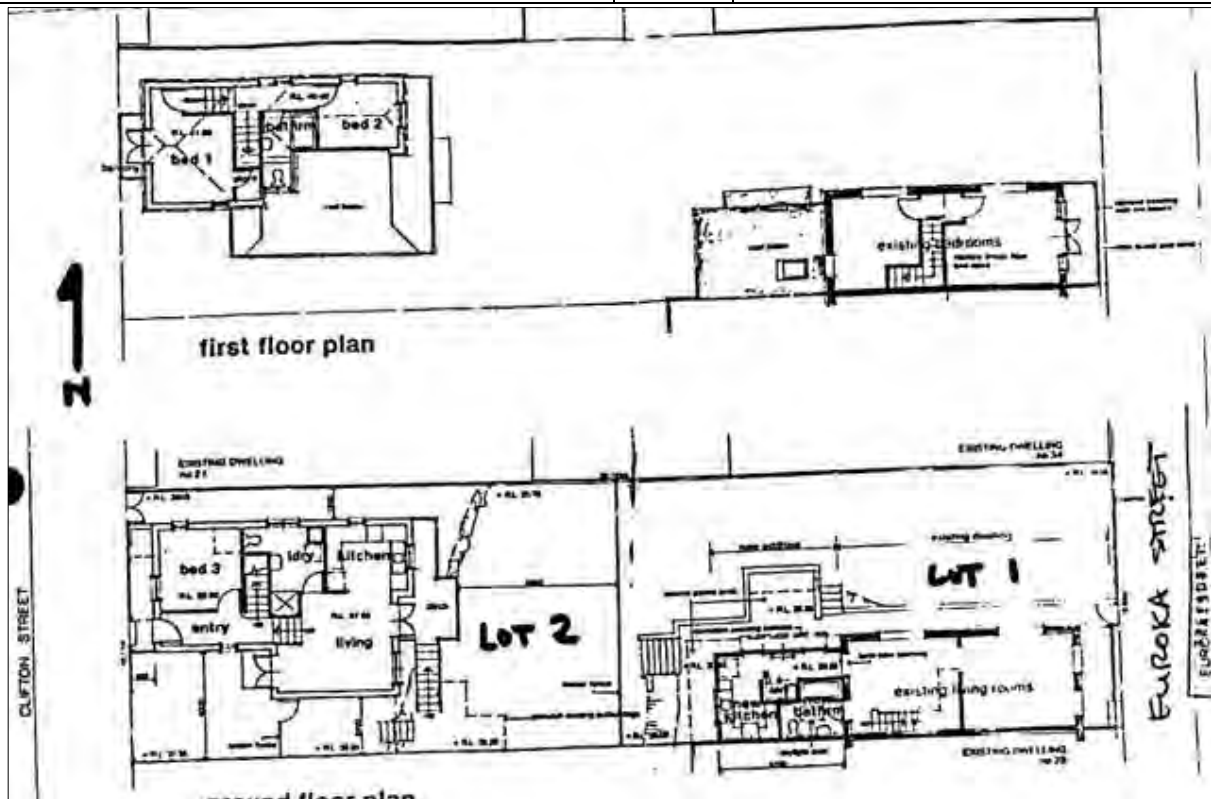


Figure 37: Floor Plan of No.30 Eureka Street (Lot 1)

*Shadow Diagram Below of existing and proposed overshadowing of No.30 Eureka Street) immediately south of the subject site*

**Orange:** Proposed additional shadows

**Grey:** Existing Shadows by structures on subject site and dwellings in vicinity



**Winter Solstice 21 June 9am**



**Winter Solstice 21 June 10am**



**Winter Solstice 11am**



**Winter Solstice 12am**

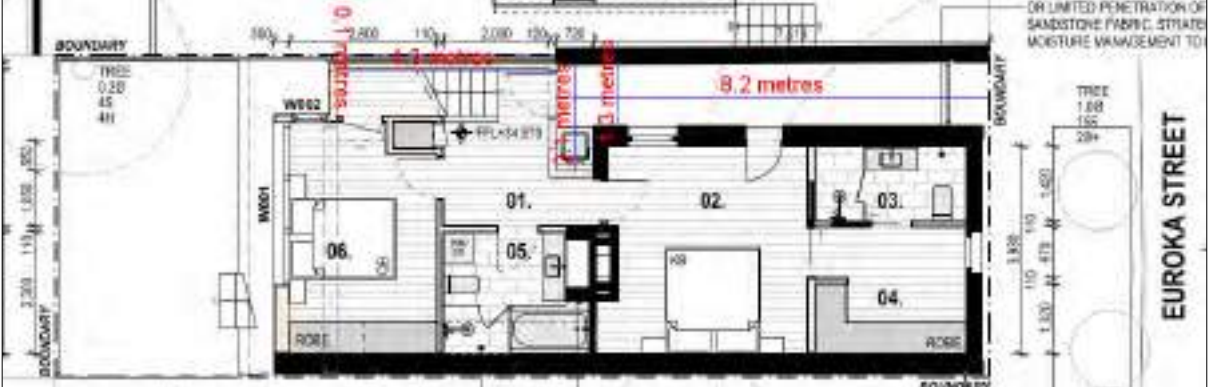


<p><b>1.3.8 Acoustic Privacy</b></p> <ul style="list-style-type: none"> <li>• Living areas Day/Night <math>\leq 40_{\text{dBA}}</math></li> <li>• Sleeping areas Day/Night <math>\leq 35_{\text{dBA}}</math></li> </ul>	<p>Yes</p>	<p>The proposed stairwell structure located to the northern boundary creates a separation between the proposed living space and No.36 Euroka Street. The reduced deck size on the subject site is likely to create a better outcome in terms of acoustic privacy to adjoining dwellings by limiting the number of people on the proposed outdoor deck.</p>
<p><b>1.3.10 Visual Privacy</b></p>	<p>Yes</p>	<p>The proposed first-floor does not contain windows on side boundaries. The windows proposed on the front and rear elevation of the staircase structure consist of window shrouds that mitigates overlooking between properties. The proposal is an improvement on visual privacy outcomes as the large rear deck existing on site would be of more visual privacy impact than an indoor space.</p>



**Figure 38: View towards 21 Clifton Street and 19 Clifton Street at the rear of the site**

1.4 Quality built form																			
1.4.1 Context	Yes	The proposal is compatible with the context with numerous examples of local heritage-listed dwellings with contemporary additions on the western side of Euroka Street.																	
1.4.3 Streetscape	Yes	The proposal is compatible with the streetscape character of Euroka Street as discussed above.																	
1.4.6 Setback – Side	No Merit	<table border="1"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td colspan="4"><b>Zone R2 (Low Density Residential)</b></td> </tr> <tr> <td>R2 -1<sup>st</sup> storey (Up to 4m) 900mm</td> <td>North: 1.18m (Side passage)  South: Nil</td> <td>North: 100mm for staircase structure across 4.3m  South: Nil</td> <td>No Merit  No As existing</td> </tr> <tr> <td>R2 - 2<sup>nd</sup> storey (up to 7m) 1.5m</td> <td>North: 1.18m (Side passage)  South: Nil</td> <td>North: 100mm for staircase structure across 4.3m  South: Nil</td> <td>No Merit  No As Existing</td> </tr> </tbody> </table>	Control	Existing	Proposed	Compliance	<b>Zone R2 (Low Density Residential)</b>				R2 -1 <sup>st</sup> storey (Up to 4m) 900mm	North: 1.18m (Side passage)  South: Nil	North: 100mm for staircase structure across 4.3m  South: Nil	No Merit  No As existing	R2 - 2 <sup>nd</sup> storey (up to 7m) 1.5m	North: 1.18m (Side passage)  South: Nil	North: 100mm for staircase structure across 4.3m  South: Nil	No Merit  No As Existing	<p><b>Nil Setback (southern) and 100mm (northern)</b>                      Given that the development proposes a nil setback to the rear new addition on the southern boundary and 100mm setback from the northern boundary across 4.3m of the staircase structure, the Planning Principle - Galea v Marrickville Council 2003 applies to the application where the relevant matters for consideration are addressed below:</p> <p><b>Is the street characterized by terrace housing?</b>                      Yes, there are numerous terrace dwellings and examples of additions built to side boundaries on Euroka Street.</p> <p><b>What is the height and length of the wall on the boundary?</b>                      The height of the staircase structure is 4-4.3m, and the length is 4.3m located on the northern boundary.</p> <p>On the southern boundary, there is an existing wall of 14.2m in length built to boundary on the ground floor and 3.9m length to the existing first-floor. The proposal reduces the wall length to 13.7m on the southern boundary ground floor and also has a length of 13.7m on the ground floor. The maximum height of the wall measured from the NGL is 4.8m. (See <b>Figures 40 and 41</b> below)</p>
		Control	Existing	Proposed	Compliance														
		<b>Zone R2 (Low Density Residential)</b>																	
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R2 - 2 <sup>nd</sup> storey (up to 7m) 1.5m	North: 1.18m (Side passage)  South: Nil	North: 100mm for staircase structure across 4.3m  South: Nil	No Merit  No As Existing																

	<p><b>Has the applicant control over the adjoining site(s) or the agreement of their owners?</b> No. The proposed works are solely within the boundaries of the subject site and do not alter existing party walls. Refer to snapshot of the proposed Stormwater Plan below showing the gutters within site boundary.</p> <p><b>What are the impacts on the amenity and/or development potential of adjoining sites?</b> Unlikely to have an adverse impact.</p> <p><b>Are there arrangements in place for the maintenance of the wall or gutters?</b> The proposed works are solely within the boundaries of the subject site. Refer to snapshot of the proposed Stormwater Plan below showing the gutters within site boundary.</p>
	
<p><b>Figure 39: Calculation for side and front setbacks on Proposed Ground Floor Plan</b></p>	

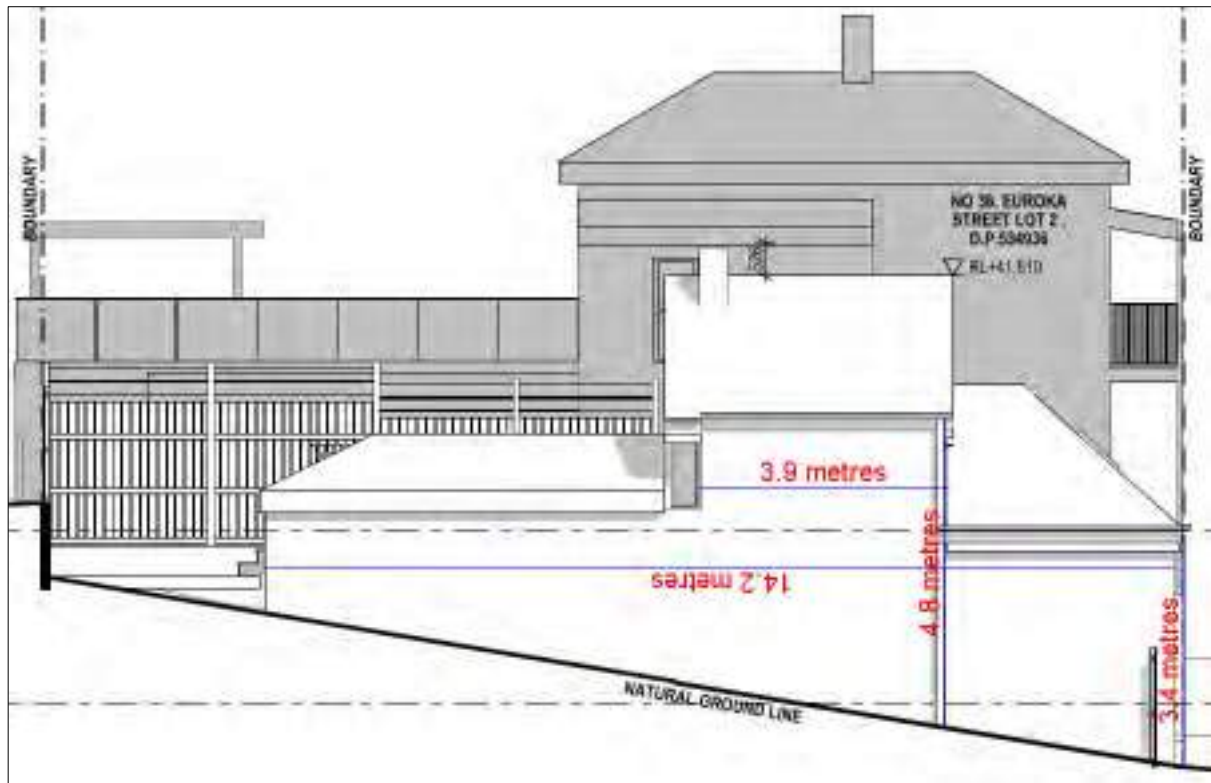


Figure 40: Calculation for southern boundary wall as Existing on site

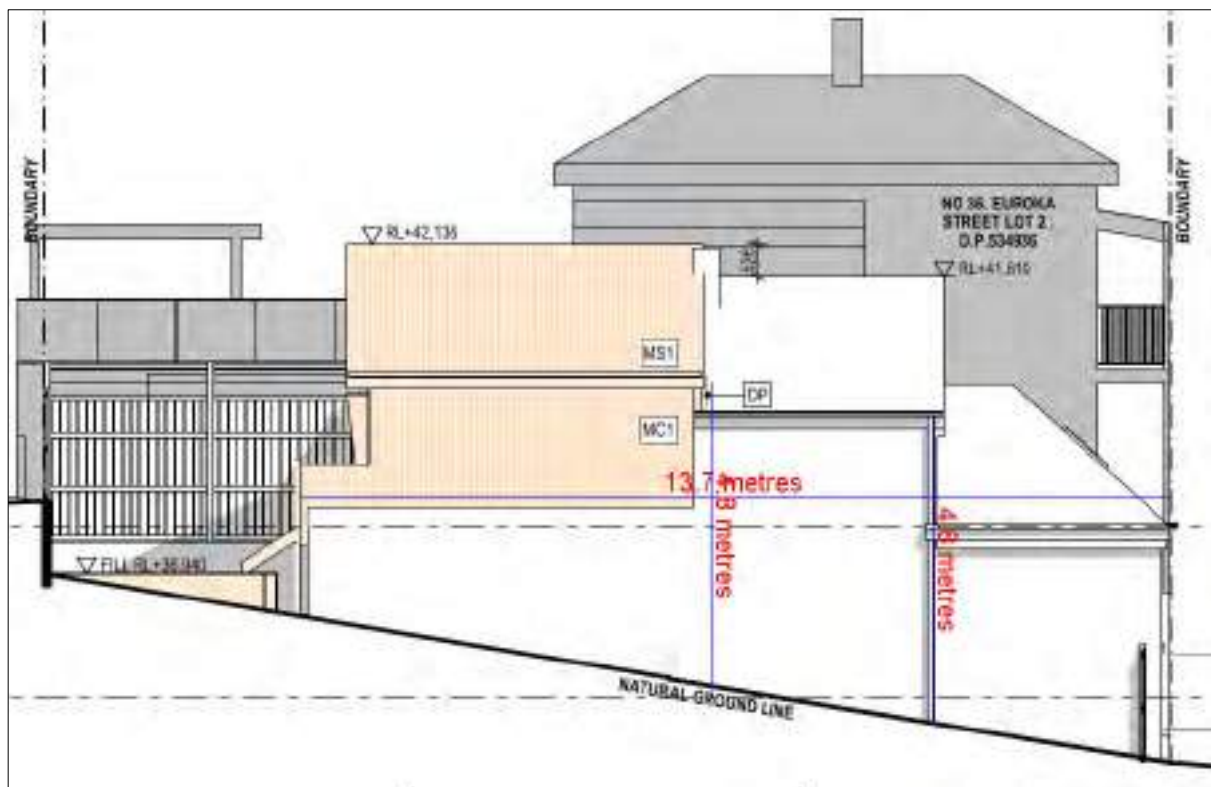
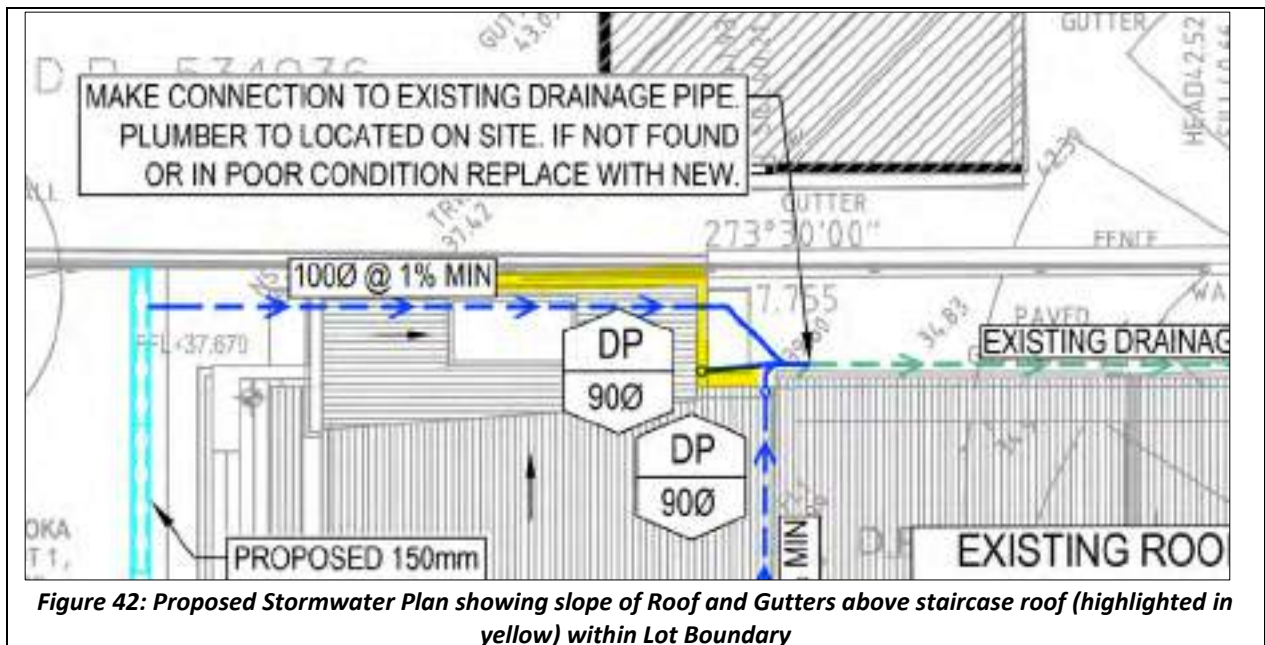
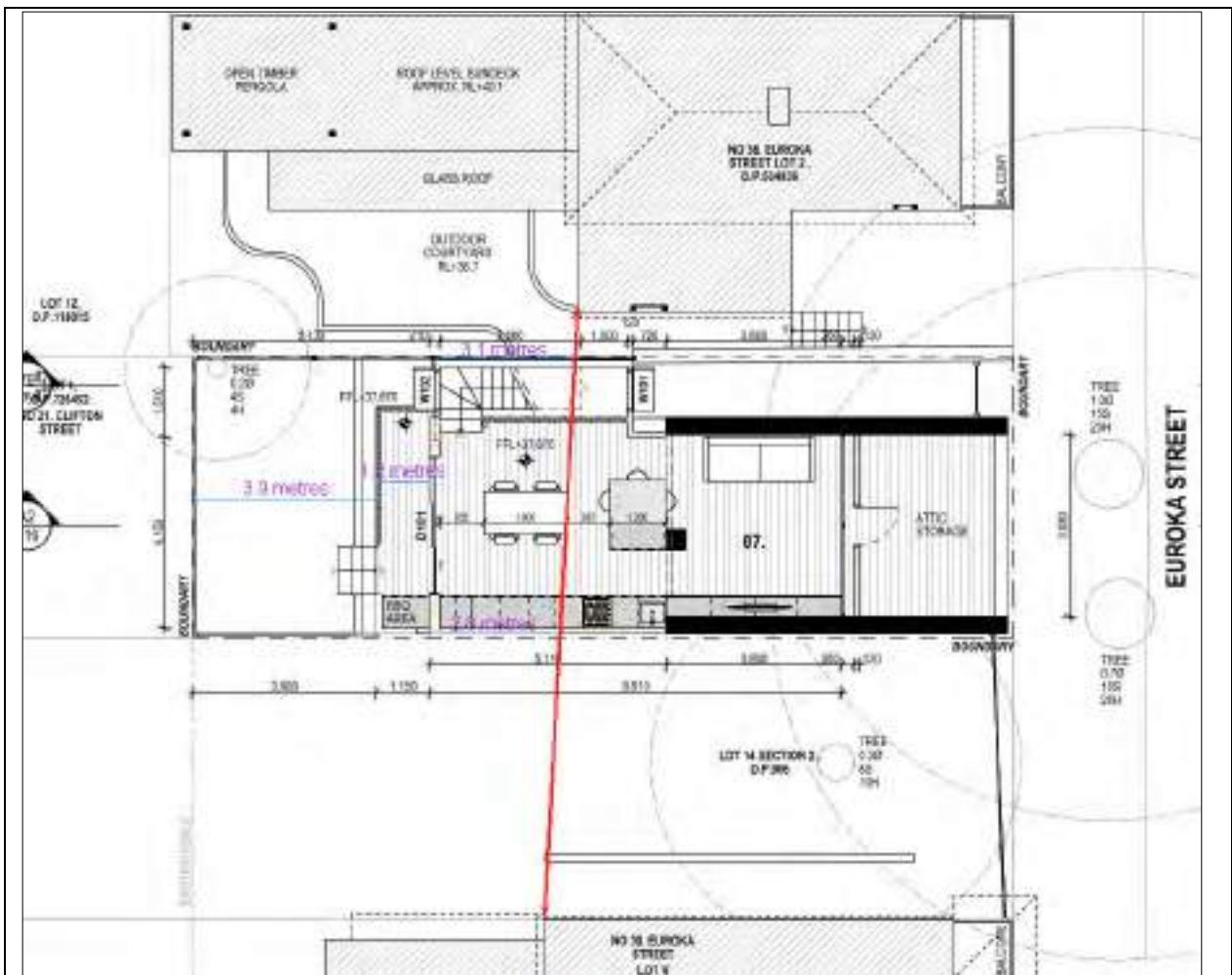


Figure 41: Calculation of Proposed southern boundary wall length and height:





<p><b>P5 Rear Setback – Rear</b>  <i>O1 To reinforce the characteristic pattern of setbacks and building orientation within the street.</i>  <i>O2 To control the bulk and scale of buildings.</i>  <i>O3 To provide separation between buildings.</i>  <i>O4 To preserve the amenity of existing dwellings and provide amenity to new dwellings in terms of shadowing, privacy, views, ventilation and solar access.</i></p>	<p>No Merit</p>	<p>Sites on the western side of Euroka Street are inconsistent with rear setbacks due to the various lot sizes, some lots extending the full length from Euroka Street to Clifton Street with dwellings at the front and rear of the property, and various first-floor rear building lines (Refer to <b>Figure 44</b>). Consequently, it is considered best practice to observe the first-floor rear building lines for the assessment of characteristic rear setbacks for the first-floor addition.</p> <p>The proposal seeks to extend the first floor to the rear over the existing footprint of the first-floor rear deck. Examples of sites on the western side of Euroka Street with similar first-floor rear building lines are shown below in <b>Figure 44</b> and they are:</p> <ul style="list-style-type: none"> <li>• No.40 Euroka Street</li> <li>• No.42 Euroka Street</li> <li>• No.44 Euroka Street</li> <li>• No.48 Euroka Street</li> </ul> <p>As detailed above under <i>Previous history</i>, 40 Euroka Street under DA459/15 was approved by the NSIPP in November 2016 for an extension of the first-floor by 1.7m. The proposed first-floor setback on the subject site exceeds 2.8m – 3.1m beyond the rear setback of the immediately adjoining properties No.30 and No.36 Euroka Street. Due to the narrow lot size, it is considered acceptable that further extension to the rear for residential amenity without impacting on the amenity of adjoining properties is satisfactory.</p> <p>While different rear setbacks exist on the western side of Euroka Street that makes it difficult to find consistency in rear setbacks, the proposal achieves the rest of the objectives of the <i>Setback</i> control. The proposal will provide improved amenity for the subject site which is a small lot with an area of 108.2sqm. The proposed pitched built form is also not considered to be excessive in bulk and scale and retains sensitivity to the size of the primary dwelling. The proposed staircase structure on the northern boundary separates noise concerns by sound travel from Living spaces of the proposed first-floor to the bedrooms of No.36 Euroka Street.</p>
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**Figure 43:** Setback of subject site with immediately adjoining dwellings north and south

Regarding incompatibility of the first-floor rear building line, while the immediate neighbours at No.30 and 36 Eureka Street do not have a first-storey that extends as far back into the site, the subject proposal aligns with the recent approvals at No.40 and 42 Eureka Street (2016 and 2021 granting of approval respectively) in regards to first-floor rear building line, and No.44 Eureka Street has existing approval in the 1990s for a similar first-floor rear building line and No.48 Eureka Street also has approval for minimal rear setbacks to its small lot under NSLEP prior to NSLEP 2013.



**Figure 44: Proposed first-floor rear building line on subject site marked with a red line; approved first-floor rear building line (marked with blue line) at No.40-44 Euroka Street.**

<p><b>1.4.7 Form Massing Scale</b>  <b>Objectives O1</b> To ensure the size of new buildings are consistent with surrounding, characteristic buildings and they are not significantly larger than characteristic buildings.</p> <ul style="list-style-type: none"> <li>Floor to ceiling height 2.7m</li> </ul>	<p>No Merit</p>	<p>The rear and northern boundary addition are not significantly larger than characteristic buildings in the locality.</p> <p>The floor to ceiling height of the ground floor remains as existing at 2.4m, while the first-floor ranges from approximately 1.8m to 3.5m. The rear addition is below the maximum height permissible on the subject site by approximately 1.3m and will maintain a form, massing and scale not any larger than other dwellings on Euroka Street. A standard condition for compliance with NCC is included at the end of the report.</p>
<p><b>1.4.8 Built Form Character</b></p>	<p>Yes</p>	<p>The proposed built form is not dissimilar to additions to other local heritage-listed dwellings on Euroka Street with a contemporary addition on side boundary and towards the rear of the dwelling.</p>
<p><b>1.4.9 Dwelling Entry</b></p>	<p>Yes</p>	<p>The dwelling entry from the street remains unchanged via the side gate on the northern boundary.</p>



<b>1.4.10 Roofs</b>	Yes	Colorbond roof in grey is proposed that is considered not incompatible with the characteristic corrugated roof stated in the Area Character Statement.																
<b>1.4.12 Materials</b> <i>P9 Walls: Sandstone; weatherboards; face brick and rendered masonry on sandstone bases.</i> <i>P10 Roofs: Slate; corrugated metal; terracotta tiles.</i>	No Subject to condition	The proposed wall cladding for the rear addition is interlocking metal cladding in 'Matt Dune' finish and Lysaght Enseam profile. Suitable wall material as stated in the Area Character Statement of the conservation area are weatherboard, face brick or rendered masonry. A condition is recommended in this regard.																
<b>1.5 Quality Urban Environment</b>																		
<b>1.5.1 High Quality Residential Accommodation</b>	Yes	The proposal improves on the existing residential amenity through improvements in private open space provision via a level rear yard and better daylight access to the main internal living space from the existing ground floor to the first-floor.																
<b>1.5.2 Lightwells &amp; Ventilation</b>	Yes	A BASIX Certificate is submitted to support the application. Ventilation and light enter the building through the proposed rear door openings on the ground and first floor. A skylight is proposed above the staircase. The standard condition to comply with NCC is included at the end of the report.																
i. <b>Site Coverage</b> Total site area: 108.2m <sup>2</sup> <b>1.5.6 Landscape Area</b>	No Merit	<table border="1"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage (60% or 64.92m<sup>2</sup> max.)</td> <td>65.1m<sup>2</sup> (0.8%) (60.2%)</td> <td>69.2m<sup>2</sup> (64%)</td> <td>No Variation 4.28m<sup>2</sup> (4%)</td> </tr> <tr> <td>Landscaped area (20% or 21.64m<sup>2</sup> min.)</td> <td>9m<sup>2</sup> (0.83%)</td> <td>22.6m<sup>2</sup> (20.8%)</td> <td>No Variation 0.96m<sup>2</sup> (0.8%)</td> </tr> <tr> <td>Unbuilt-upon area (20% or 21.64m<sup>2</sup> max.)</td> <td>34.1m<sup>2</sup> (31.5%)</td> <td>15.3m<sup>2</sup> (14.1%)</td> <td>Yes</td> </tr> </tbody> </table>	Control	Existing	Proposed	Compliance	Site coverage (60% or 64.92m <sup>2</sup> max.)	65.1m <sup>2</sup> (0.8%) (60.2%)	69.2m <sup>2</sup> (64%)	No Variation 4.28m <sup>2</sup> (4%)	Landscaped area (20% or 21.64m <sup>2</sup> min.)	9m <sup>2</sup> (0.83%)	22.6m <sup>2</sup> (20.8%)	No Variation 0.96m <sup>2</sup> (0.8%)	Unbuilt-upon area (20% or 21.64m <sup>2</sup> max.)	34.1m <sup>2</sup> (31.5%)	15.3m <sup>2</sup> (14.1%)	Yes
Control	Existing	Proposed	Compliance															
Site coverage (60% or 64.92m <sup>2</sup> max.)	65.1m <sup>2</sup> (0.8%) (60.2%)	69.2m <sup>2</sup> (64%)	No Variation 4.28m <sup>2</sup> (4%)															
Landscaped area (20% or 21.64m <sup>2</sup> min.)	9m <sup>2</sup> (0.83%)	22.6m <sup>2</sup> (20.8%)	No Variation 0.96m <sup>2</sup> (0.8%)															
Unbuilt-upon area (20% or 21.64m <sup>2</sup> max.)	34.1m <sup>2</sup> (31.5%)	15.3m <sup>2</sup> (14.1%)	Yes															



Figure 45: Proposed Site coverage calculations

**Grey:** Site coverage  
**Green:** Landscaped Area  
**Blue:** Unbuilt-upon Area



<b>1.5.10 Private and Communal Open Space</b> <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 areas</li> <li>Min communal open space between 25% &amp; 30% of the site area</li> </ul>	No Merit	<b>Control – lot size</b>	<b>Proposed</b>	<b>Compliance</b>
		<b>Dwellings</b>		
		Up to 499m <sup>2</sup> – 40m Up to 499m <sup>2</sup> – 40m <sup>2</sup>	22.6m <sup>2</sup>	No Variation 17.4m <sup>2</sup>
The proposed private open space area is 22.6m <sup>2</sup> in the rear yard. While this is below the minimum 40m <sup>2</sup> requirement set out in this section of the DCP, the proposed removal of the existing deck and levelling of the rear yard provides a more useable private open space that is considered an improved outcome. The proposal is considered satisfactory in this regard.				
<b>1.5.13 Garbage Storage</b>	Yes	Garbage storage is proposed in the development application that satisfies the objectives of the DCP.		
<b>1.6 Efficient Use of Resources</b>				
<b>1.6.1 Energy Efficiency</b>	Yes	A valid BASIX has been submitted with the proposal to satisfy <i>SEPP (Sustainable Buildings) 2022</i> .		
<b>1.6.8 Stormwater Management</b>	Yes	A valid BASIX has been submitted with the proposal to satisfy <i>SEPP (Sustainable Buildings) 2022</i> .		
<b>1.6.9 Water Management and Minimisation</b>	Yes	A valid BASIX has been submitted with the proposal to satisfy <i>SEPP (Sustainable Buildings) 2022</i> .		

## Part C of NSDCP 2013

### Section 9 – Lavender Bay Planning Area

#### Section 9.10 – Union, Bank & Thomas Streets Conservation Area

The proposal is generally consistent with the Area Character Statement (ACS) with the exception of:

- Characteristic building elements
  - Consistent setbacks
  - Form, massing and scale: Rear additions behind and below the ridge line, submissive in scale
  - Skillion roofs to rear extensions

The proposed design is considered justified where the proposal does not meet the characteristics stated in the ACS for improvement in residential amenity on the subject site and a lack of adverse impact to adjoining properties and the character of the heritage item and conservation area.

## LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The proposal is subject to Local Infrastructure Contributions in accordance with the North Sydney Local Infrastructure Contributions Plan (as amended). The required contribution has been calculated in accordance with the applicable contribution rates as follows

Applicable Contribution Type		
S7.12 contribution detail	Development cost:	\$ 610,500.00
(payment amount subject to indexing at time of payment)	Contribution:	\$ 6,105.00

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

The development application does not alter the dwelling density on the subject site and consequently s7.11 contributions do not apply. The estimated cost of works is above \$100,000.00 and consequently the proposal is subject to s7.12 contributions as shown above.

### 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 S4.15 considerations of <i>Environmental Planning and Assessment (Amendment) Act 1979</i>	YES

### SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Euroka Precinct for 14 days. Council received two (2) unique submissions inclusive of a Precinct submission. The following matters were raised:-

- **Heritage Impact**

**Comment:** As discussed above in the report, the western side of Euroka Street contains numerous examples of contemporary additions on heritage-listed dwellings built to side boundary and located even closer to the front boundary than that proposed on the subject site. The proposed rear addition is only approximately 0.5m higher than the existing roof ridge and consists of the same roof pitch to the primary dwelling. The staircase addition retains sensitivity to the heritage item by angling the primary dwelling roof to ensure that the staircase eaves fronting Euroka Street remains subservient to the roof of the primary dwelling.

The increase in the rear roof height by 0.5m and the staircase addition is considered acceptable on balance of consideration for heritage character and residential amenity.

- ***Form, scale and massing***

**Comment:** The rear and northern boundary addition are not significantly larger than characteristic buildings in the locality.

The floor to ceiling height of the ground floor remains as existing at 2.4m, while the first-floor ranges from approximately 1.8m to 3.5m. The rear addition is below the maximum height permissible on the subject site by approximately 1.3m and will maintain a form, massing and scale not any larger than other dwellings on Euroka Street. A standard condition for compliance with NCC is included at the end of the report.

- ***Side setback non-compliance***

**Comment:** Please see discussion in the NSDCP table above regarding non-compliance with side setback on the northern boundary, assessed against NSDCP controls and provisions for setbacks. The Planning Principle - *Galea v Marrickville Council 2003* applies to the application and are considered in detail within the report above.

- ***Illumination impact to streetscape from W01 and SK01 of proposed stair structure***

**Comment:** Light from residential use of indoor illumination is considered acceptable for the R2 zone. Furthermore, W01 and SK01 face the front and rear elevations and not directly into 36 Euroka Street. The skylight faces up to the sky and is unlikely to project direct light onto adjoining properties to create nuisance.

- ***View loss to district views from rear deck of No.36 Euroka Street***

**Comment:** As per the planning principle resulting from the L&E Court case on view assessment *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*, views from side boundaries are difficult to retain. There are also mature trees south of 36 Euroka Street along the rear of other properties that have already obstructed the bulk of the views to the cityscape/Anzac Bridge.

- ***Reduction of light into Ground Floor Kitchen and rear courtyard of No.36 Euroka Street***

**Comment:** No.34 Euroka Street is located to the south of No.36-38 Euroka Street and is unlikely to obscure the light entering into No.36-38 Euroka Street.

- ***Pitching point of roof addition can be lowered with different slope to roof***

**Comment:** The rear addition is below the maximum height permissible on the subject site by approximately 1.3m and will maintain a form, massing and scale not any larger than other dwellings on Euroka Street. The rear addition roof design is designed to be not dissimilar to that of the primary dwelling and will not adversely affect the heritage value of the dwelling considering that there are numerous examples of infill addition already existing on properties to the western side of Euroka Street.

The floor to ceiling height of the ground floor remains as existing at 2.4m, while the first-floor ranges from approximately 1.8m to 3.5m. The design of the rear addition roof is considered an acceptable balance between residential amenity of the occupants and the heritage value of the site.

- ***Northern boundary setback 100mm does not take into consideration gutters and overhang***

**Comment:** The submitted stormwater plan illustrates the location of gutters and roof as solely within the subject property.

- ***Adjoining Owner's Agreement not obtained for setback variation***

**Comment:** The proposed works are located solely within the subject site. Appropriate conditions are recommended at the end of the report to maintain the amenity of adjoining dwellings.

Any issues regarding fencing falls under the Dividing Fences Act 1991 No 72 and is a matter to be discussed and agreed upon between the residents.

- ***Maintenance of stair structure***

**Comment:** The stair structure proposed is located solely within the subject site and any maintenance required will be accessed from within the site only.

- ***No access to the rear***

**Comment:** There is no requirement for a residential dwelling to provide access to the rear of the site from side boundaries.

- ***Noise from Living space relocation onto First Floor impact No.36 Euroka Street***

**Comment:** The proposed living and dining spaces on the first floor are separated from the adjoining property to the north by the proposed staircase structure. The proposal is satisfactory in this regard.

## **PUBLIC INTEREST**

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 an 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 and subject to the recommended conditions included at the end of the report.

## **CONCLUSION + REASONS**

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 dwelling house that is a permissible form of development in an R2 Low Density Residential zone.

Council received two (2) unique submissions (inclusive of one from the Euroka Precinct) that raised concerns about impact on heritage significance, setback non-compliance, district view loss and residential amenity impact that have been discussed in this report or addressed with appropriate conditions of consent. The proposed design is considered to maintain a balance between preserving the character of the local heritage-listed dwelling and residential amenity of the subject site and adjoining properties. Numerous examples on the west side of Euroka Street demonstrate contemporary additions to local heritage-listed dwellings.

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

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

The subject application was notified to adjoining properties and the Euroka Precinct for 14 days where a number of issues were raised that have been addressed in this report where appropriate conditions of consent have been recommended to maintain the amenity of the subject site and adjoining properties, heritage significance and the character of the conservation area.

### **RECOMMENDATION**

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

**THAT** the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No.288/24 for alterations and additions to a detached dwelling house on land at 34 Euroka Street, Waverton subject to the following site specific and attached standard conditions:-

#### **Protection of Existing Fireplace and Chimney**

- A5. The existing fireplace and chimney are to be protected and retained in situ. The Principal Certifier 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: Protection of significant heritage fabric of a heritage listed item within the Union, Bank and Thomas Conservation Area)

#### **Conservation and Maintenance Works**

- A6. The conservation and maintenance works relating the heritage cottage be carried out to ensure the ongoing longevity and interpretation of the heritage item.

(Reason: Protection of significant heritage fabric of a heritage listed item within the Union, Bank and Thomas Conservation Area)

#### **External Wall Cladding**

- A7. The external wall cladding of the proposed additions including the stairwell structure are to be comprised of weatherboard, composite weatherboard, face brick or rendered masonry only.



Details of the above are to be provided to Council's Manager Development Services for approval prior to the issue of a Construction Certificate.

(Reason: To ensure the completed colours, finishes and materials are compatible with the heritage item and conservation area)

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

**ISOBELLA LUCIC**  
**TEAM LEADER (ASSESSMENTS)**

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

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**NORTH SYDNEY COUNCIL**  
**CONDITIONS OF DEVELOPMENT APPROVAL**  
**34 EUROKA STREET, WAVERTON**  
**DEVELOPMENT APPLICATION NO. 288/24**

**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 endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

Plan No.	Rev	Description	Prepared by	Dated
A09	A	Ground Floor Demolition Plan	Sandbox Studio	22/1/2024
A10	A	First Floor Demolition Plan	Sandbox Studio	22/1/2024
A11	A	Site, Roof, Waste Management and Sediment Control Plan	Sandbox Studio	22/1/2024
A12	A	Ground Floor	Sandbox Studio	22/1/2024
A13	A	First Floor	Sandbox Studio	22/1/2024
A14	A	Elevations	Sandbox Studio	22/1/2024
A15	A	Elevations	Sandbox Studio	22/1/2024
A16	A	Sections	Sandbox Studio	22/1/2024
A17	A	Concept Stormwater & Landscape Plan	Sandbox Studio	22/1/2024
A18	A	Concept Stormwater & Landscape Plan	Sandbox Studio	22/1/2024
A19	A	Schedule of Materials	Sandbox Studio	22/1/2024
-	A	Drainage Plan	BMV Consultants	9/10/2023

(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 plans endorsed with Council's approval stamp, 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 Certifier.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the Principal Certifier 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)

**External Finishes and Materials**

- A4. External finishes and materials must be in accordance with the submitted schedule dated 22 January 2024, Revision A, prepared by Sandbox Studio, and received by Council on 16 October 2024 unless otherwise modified by Council in writing. Substitution of materials must not be undertaken, except where otherwise approved in writing by Council.

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

**Protection of Existing Fireplace and Chimney**

- A5. The existing fireplace and chimney are to be protected and retained in situ. The Principal Certifier 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: Protection of significant heritage fabric of a heritage listed item within the Union, Bank and Thomas Conservation Area)

**Conservation and Maintenance Works**

- A6. The conservation and maintenance works relating the heritage cottage be carried out to ensure the ongoing longevity and interpretation of the heritage item.

(Reason: Protection of significant heritage fabric of a heritage listed item within the Union, Bank and Thomas Conservation Area)

**External Wall Cladding**

- A7. The external wall cladding of the proposed additions including the stairwell structure are to be comprised of weatherboard, composite weatherboard, face brick or rendered masonry only.

Details of the above are to be provided to Council's Manager Development Services for approval prior to the issue of a Construction Certificate.

(Reason: To ensure the completed colours, finishes and materials are compatible with the heritage item and conservation area)

**C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)*****Dilapidation Report Damage to Public Infrastructure**

- C1. 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 Principal Certifier 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 the 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 Principal Certifier with submission of the Construction Certificate documentation.

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

**Structural Adequacy of Existing Building**

- C2. 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 Principal Certifier 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)

**Colours, Finishes and Materials (Heritage Areas)**

- C3. 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 Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier 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.)

**Heritage Architect to be commissioned**

- C4. An appropriately qualified and experienced heritage architect must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters.

Written details of the engagement of the experienced heritage architect must be submitted to the Principal Certifier prior to the issue of any Construction Certificate.

Note: if advice provided by the heritage architect is to the effect that works requiring development consent be carried out, such works would require a Modification under s 4.55 of the *Environmental Planning and Assessment Act 1979* or further development application. This condition, and any advice given by the heritage architect, should not be construed as authorising the carrying of development with/ otherwise than in accordance with the development consent.

(Reason: To ensure that all matters relating to significant fabric and spaces are resolved and recorded using best practice for heritage conservation)

**Skylight(s)**

- C5. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier 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)



**External Colours and Finishes**

- C6. The external colours and finishes shall match those as existing and/ or be compatible with surrounding development. A schedule of external colours and finishes must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that the completed colours and finishes of the works are compatible with surrounding development)

**Roofing Materials - Reflectivity**

- C7. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

**Work Zone**

- C8. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

**Note:** For major development an application for work zone permit must be considered by the North Sydney Local Traffic Committee.

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

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

(Reason: Amenity and convenience during construction)

### **Maintain Property Boundary Alignment Levels**

- C9. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

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

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

### **Stormwater Disposal**

- C10. Prior to the issue of any Construction Certificate, site drainage plans must be prepared by a licensed plumber or drainage engineer. The site drainage plans must be designed in accordance with the following criteria:
- a. Compliance with NCC drainage requirements and current Australian Standards and guidelines;
  - b. Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to existing stormwater disposal system
  - c. If required, new pipelines within council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres;
  - d. Any footpath panel disturbed for the purpose of stormwater connection must be replaced as a whole panel and road reserve reinstated.
  - e. Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

**34 EUROKA STREET, WAVERTON  
DEVELOPMENT APPLICATION NO. 288/24**

Page 7 of 30

Drainage plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier 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**

C11. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$4,000.00 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 6 months after the work is completed.
- d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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 Development Engineers or Manager of Development Services.

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

**34 EUROKA STREET, WAVERTON  
DEVELOPMENT APPLICATION NO. 288/24**

Page 8 of 30

- the Principal Certifier 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)

**Tree Bond for Public Trees**

- C12. Prior to the issue of any construction certificate, security in the sum of \$10,000.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

If any tree is removed or damaged Council may deduct from this security the reasonable cost of replacement with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work.

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement street plantings.

**SCHEDULE**

Tree Species	Location	Bond
T1&T2 <i>Eucalyptus saligna</i> (20m)	Council verge in front of 34 Euroka Street	\$10,000

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)



### Tree Protection Measures to be shown on Construction Drawings

- C13. The tree protection measures contained in the undated arborist report prepared by Arborexpress dated 23 November 2023, received by Council on 2 February 2024, shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that appropriate tree protection measures are shown on construction drawings)

### Protection of Trees

- C14. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Height
T1&T2 <i>Eucalyptus saligna</i>	Council verge in front of 34 Euroka Street	20x15m
T3 <i>Alnus jorullensis</i>	Rear setback 19 Clifton Street	10x8m
T4 <i>Viburnum odoratissimum</i>	Rear setback of 34 Euroka Street	4x4m
Unspecified trees	Northern boundary, rear setback 19 Clifton Street	var

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.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

### Asbestos and Hazardous Material Survey

- C15. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

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

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

#### **Air Conditioners in Residential Premises**

C16. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
  - (ii) before 7.00am or after 10.00pm on any other day
- (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 will be applied.

"affected residence" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

"boundary" includes any window or elevated window of an affected residence.

**34 EUROKA STREET, WAVERTON  
DEVELOPMENT APPLICATION NO. 288/24**

Page 11 of 30

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Noise Policy for Industry published by the NSW Environment Protection Authority.

(Reason: To maintain residential amenity)

**Section 7.12 Development Contributions**

- C17. 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 \$6,105.00.

**Indexation**

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

**Timing of payment**

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

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

- C18. 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:

<b>Security Deposit/Guarantee</b>	<b>Amount (\$)</b>
Street Tree Bond (on Council Property)	\$10,000.00
Footpath Damage Bond	\$4,000.00
<b>TOTAL BONDS</b>	<b>\$14,000.00</b>

Note: The following fees applicable

**34 EUROKA STREET, WAVERTON  
DEVELOPMENT APPLICATION NO. 288/24**

Page 12 of 30

<b>Fees</b>	
Local Infrastructure Contributions – \$7.12)	\$6,105.00
<b>TOTAL FEES</b>	<b>\$6,105.00</b>

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

(Reason: Compliance with the development consent)

**BASIX Certificate**

C19. Under clause 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A503415\_03, dated 11 October 2024 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

**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)

**Protection of Trees**

- D2. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites). A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

Sensitive construction techniques including hand excavation, pier & beam construction & flexible location of piers/footings shall be used within the TPZ of any protected tree. No roots greater than 40mm shall be cut. No stormwater or any other underground services shall be directed through the TPZ of any protected tree.

No canopy pruning shall be permitted.

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

**Temporary Fences and Tree Protection**

- D3. All protected trees that are specifically nominated as per **Condition C13 Protection of Trees** are to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), not less than the distance shown in the schedule hereunder, must be installed to the satisfaction of the Certifying Authority prior to demolition or commencement of any works and must be maintained for the duration of the works: -

(Reason: To protect the trees to be retained on the site during construction works)

**Tree Protection Measures**

- D4. The tree protection measures detailed in the approved Tree Protection and Management Plan as required under Condition D2, and as directed by the project arboriculturist shall be established before work commences.

(Reason: To ensure that the stability and ongoing viability of trees being retained are not compromised Tree protection measures)



**34 EUROKA STREET, WAVERTON  
DEVELOPMENT APPLICATION NO. 288/24**

Page 14 of 30

**Protection of Public Trees**

- D5. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Protection
T1&T2 <i>Eucalyptus saligna</i> (20m)	Council verge in front of 34 Euroka Street	Trunk, branch & root protection

Trunk protection to be installed by first wrapping the stem of the tree in hessian or like material then strapping timber battens over the top. It is recommended that timber battens with the dimensions of length 2000mm, width 75mm and depth 50mm are used. The battens are not to be directly screwed or nailed into the tree.

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

(Reason: Protection of existing environmental and community assets)

**Public Liability Insurance – Works on Public Land**

- D6. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

**Asbestos Material Survey**

- D7. Prior to the commencement of any works, a report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

**34 EUROKA STREET, WAVERTON  
DEVELOPMENT APPLICATION NO. 288/24**

Page 15 of 30

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

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

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

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

**Commencement of Works' Notice**

- D8. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

***E. During Demolition and Building Work***

**Reuse of Sandstone**

- E1. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

Note: The provisions of the Heritage Act may also apply to altering any sandstone elements on any site.

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

**Parking Restrictions**

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

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

**Road Reserve Safety**

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

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

(Reason: Public Safety)

**Temporary Disposal of Stormwater Runoff**

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

(Reason: Stormwater control during construction)

### **Council Inspection of Public Infrastructure Works**

E5. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points: -

- a) Formwork for layback, kerb/gutter, footpath, etc.

All works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads issued by Council. A minimum of 48 hours' notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

(Reason: To ensure quality of construction joints and connections in the drainage system)

### **Progress Survey**

E6. In order to ensure compliance with approved plans, a Survey Certificate, to Australian Height Datum, must be prepared by a Registered Surveyor as follows: -

- a) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries;
- b) at the completed height of the building, prior to the placement of concrete formwork, or the laying of roofing materials; and
- c) at completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) must be provided to the Principal Certifier for approval at the time of carrying out relevant progress inspections. In the event that such survey information is not provided or reveals discrepancies between the approved plans and the proposed works, all works, save for works necessary to bring the development into compliance with the approved plans, must cease. Works may only continue upon notification by the Principal Certifier to the Applicant that survey information (included updated survey information following the carrying out of works to comply with the approved plans) complies with this condition.

(Reason: To ensure compliance with approved plans)

### **Removal of Extra Fabric**

E7. 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**

E8. 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**

E9. 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**

E10. 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)

**Applicant's Cost of Work on Council Property**

E11. The Applicant or the person, company or other entity that is acting upon this consent, must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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



**No Removal of Trees on Public Property**

- E12. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

**Protection of Trees**

- E13. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the undated tree report, prepared by Arborexpress, dated 23 November 2023, received by Council on 2 February 2024 must be implemented for the duration of the works.

In the event that any tree required to be retained is damaged during works on the site, notice of the damage must be given to Council forthwith.

**Notes:**

1. If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.
2. An application to modify this consent pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

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

**Special Permits**

- E14. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

**1) On-street mobile plant**

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

(Reason: Proper management of public land)

**2) Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

**4) Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

**Service Adjustments**

- E15. The adjustment or inclusion of any new utility service or facilities must be carried out by an appropriately contractor in accordance with the requirements of the relevant utility authority.

**34 EUROKA STREET, WAVERTON  
DEVELOPMENT APPLICATION NO. 288/24**

Page 21 of 30

These works shall be at no cost to Council. It is the Applicant's responsibility to contact the relevant utility authorities to ascertain the impacts of the proposal upon utility services prior to the commencement of any work, including demolition (including water, phone, gas and the like).

Council accepts no responsibility for any impact on or influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

**Construction Hours**

- E16. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

Standard Construction Hours		
Location	Day	Hours
All zones	Monday - Friday	7.00am - 5.00pm
	Saturday	8.00am - 1.00pm
	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, the EPA Noise Policy for Industry 2017 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 & Enforcement Policy.

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

**Out of hours' Work Permits**

- E17. 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 4.55 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](http://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**

- E18. 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**

- E19. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

**Site Amenities and Facilities**

- E20. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work-place determines the type of amenities required.

Further information and details can be obtained from the Internet at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

**Health and Safety**

- E21. 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](http://www.workcover.nsw.gov.au).

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

**Prohibition on Use of Pavements**

- E22. 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**

- E23. 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](http://www.northsydney.nsw.gov.au).

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

**Imported Fill Material**

- E24. 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 Principal Certifier on request.

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

**Waste Disposal**

- E25. 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**

- E26. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

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

#### **National Construction Code**

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

(Reason: Prescribed - Statutory)

#### **Home Building Act**

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifier for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:
- a) in the case of work for which a principal contractor is required to be appointed:
    - i) the name and licence number of the principal contractor, and
    - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
  - (b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this condition is out of date, work must cease, and no further work may be carried out unless the Principal Certifier for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

(Reason: Prescribed - Statutory)

### **Appointment of Principal Certifier (PC)**

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

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

### **Construction Certificate**

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

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

### **Occupation Certificate**

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

(Reason: Statutory)

### **Critical Stage Inspections**

F6. Building work must be inspected by the Principal Certifier on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

**Commencement of Works'**

- F7. 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 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**

- F8. 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**

- F9. 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.

**34 EUROKA STREET, WAVERTON  
DEVELOPMENT APPLICATION NO. 288/24**

Page 28 of 30

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**

- F10. 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 Certifier 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. Council's development engineer must be contacted to arrange inspections of the completed works in the Public Domain.

(Reason: Maintain quality of Public assets)



**34 EUROKA STREET, WAVERTON  
DEVELOPMENT APPLICATION NO. 288/24**

Page 29 of 30

**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)

**Utility Services**

- G3. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

**Asbestos Clearance Certificate**

- G4. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Principal Certifier (and a copy forwarded to Council if it is not the Principal Certifier) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following: -

- a) the building/ land is free of asbestos; or  
b) the building/ land has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

Note: Further details of licensed asbestos waste disposal facilities can be obtained from [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

(Reason: To ensure that building works involving asbestos based products are safe for occupation and will pose no health risks to occupants)

**Certification of Tree Condition**

- G5. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below: -

Tree	Location	Height
T1&T2 <i>Eucalyptus saligna</i>	Council verge in front of 34 Euroka Street	20x15m
T3 <i>Alnus jorullensis</i>	Rear setback 19 Clifton Street	10x8m

**34 EUROKA STREET, WAVERTON  
DEVELOPMENT APPLICATION NO. 288/24**

Page 30 of 30

<i>T4 Viburnum odoratissimum</i>	Rear setback of 34 Euroka Street	4x4m
<i>Unspecified trees</i>	Northern boundary, rear setback 19 Clifton Street	var

The report must detail the condition and health of the nominated tree(s) upon completion of the works and shall certify that the tree(s) has/have not been significantly damaged during the works on the site, and has/have reasonable prospects for survival.

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

**BASIX Completion Certificate**

G6. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

**Landscaping**

G7. The landscaping shown in the approved landscape plan numbered A18, Revision A, prepared by Sandbox Studio, dated 22 January 2024 must be completed prior to the issue of any Occupation Certificate.

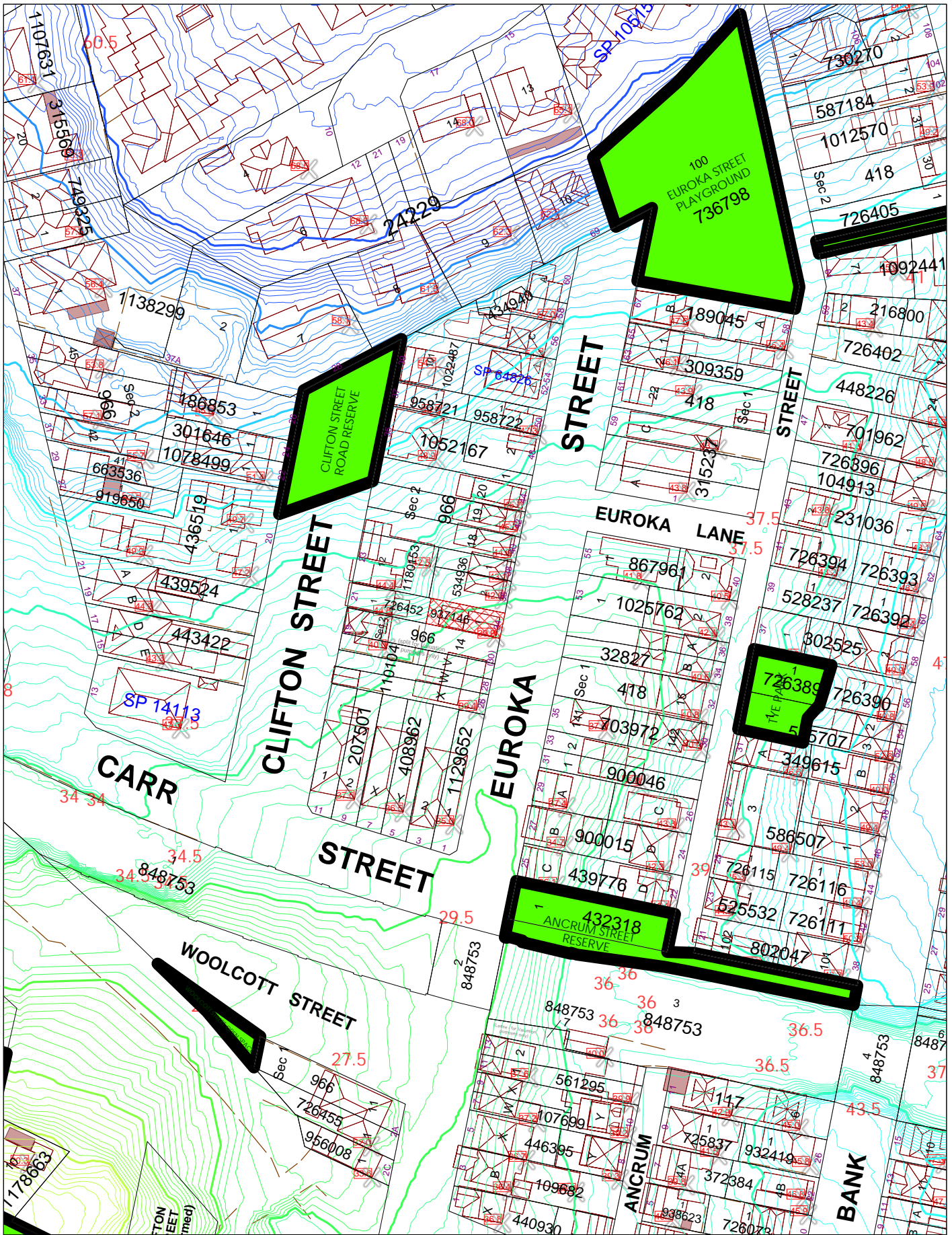
(Reason: To ensure compliance)

**Verification Statement (External Finishes and Materials)**

G8. Prior to the issue of any Occupation Certificate, a verification statement from a qualified designer or architect (preferably the original designer), must be submitted to Council and the Principal Certifier certifying that the external finishes and materials are in accordance with the approved schedule of finishes and materials identified in this consent.

*“qualified designer”* means a person registered as an architect in accordance with the Architects Act 2003 cf 50(1A) EP & A Regs 2000.

(Reason: To ensure the design quality and finishes for residential flat development)



**North Sydney Council**

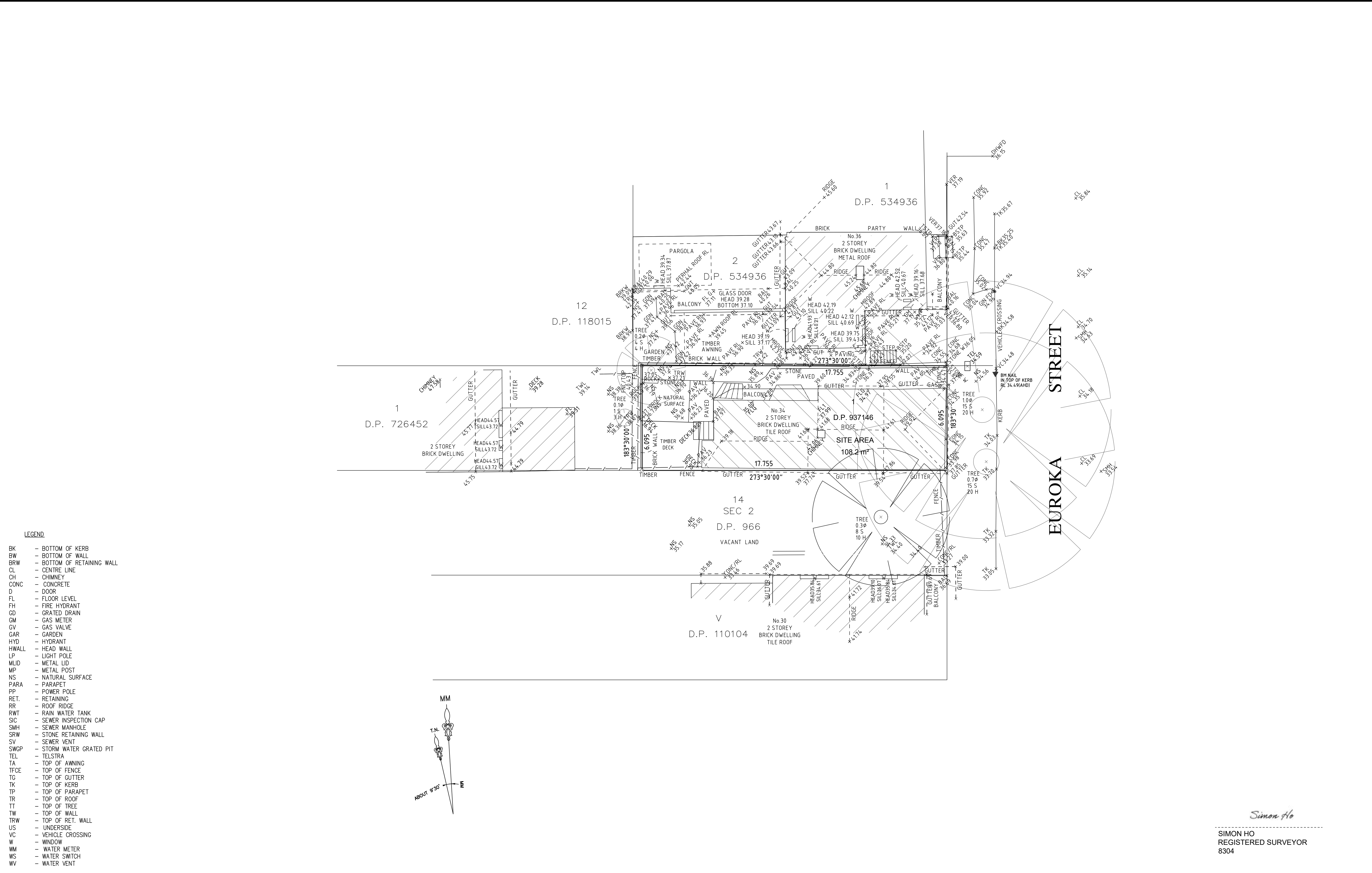
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Further details can be obtained by calling (02) 9936 8100 or e-mail mapping@northsydney.nsw.gov.au.

Scale: 1:1200 approx.








- LEGEND**
- BK - BOTTOM OF KERB
  - BW - BOTTOM OF WALL
  - BRW - BOTTOM OF RETAINING WALL
  - CL - CENTRE LINE
  - CH - CHIMNEY
  - CONC - CONCRETE
  - D - DOOR
  - FL - FLOOR LEVEL
  - FH - FIRE HYDRANT
  - GD - GRATED DRAIN
  - GM - GAS METER
  - GV - GAS VALVE
  - GAR - GARDEN
  - HYD - HYDRANT
  - HWALL - HEAD WALL
  - LP - LIGHT POLE
  - MLID - METAL LID
  - MP - METAL POST
  - NS - NATURAL SURFACE
  - PARA - PARAPET
  - PP - POWER POLE
  - RET. - RETAINING
  - RR - ROOF RIDGE
  - RWT - RAIN WATER TANK
  - SIC - SEWER INSPECTION CAP
  - SMH - SEWER MANHOLE
  - SRW - STONE RETAINING WALL
  - SV - SEWER VENT
  - SWGP - STORM WATER GRATED PIT
  - TEL - TELSTRA
  - TA - TOP OF AWNING
  - TFCE - TOP OF FENCE
  - TG - TOP OF GUTTER
  - TK - TOP OF KERB
  - TP - TOP OF PARAPET
  - TR - TOP OF ROOF
  - TT - TOP OF TREE
  - TW - TOP OF WALL
  - TRW - TOP OF RET. WALL
  - US - UNDERSIDE
  - VC - VEHICLE CROSSING
  - W - WINDOW
  - WM - WATER METER
  - WS - WATER SWITCH
  - WV - WATER VENT

- NOTES:**
1. ORIGIN OF LEVELS PM 35764 RL 29.621 (AHD) (SOURCE: S.C.I.M.S. AS AT 12/08/2022).
  2. BEARINGS ARE ON MM NORTH
  3. THIS PLAN IS PREPARED IN ACCORDANCE WITH COUNCIL'S DA GUIDE.
  4. BOUNDARY HAS BEEN IDENTIFIED BY FIELD SURVEY.
  5. NO SERVICES OR UNDERGROUND SERVICES SEARCH HAS BEEN UNDERTAKEN. SERVICES SHOWN ARE BASED ON VISIBLE SURFACE INDICATORS EVIDENT AT THE DATE OF SURVEY & ARE CHARTED AS A GUIDE TO THE POSITION & NATURE OF THE SERVICE. ALL SERVICE AUTHORITIES SHOULD BE CONTACTED PRIOR TO ANY DEVELOPMENT.
  6. RIDGE, EAVE & GUTTER HEIGHTS HAVE BEEN OBTAINED BY AN INDIRECT METHOD AND ARE ACCURATE FOR PLANNING PURPOSES ONLY. ADJOINING BUILDINGS AND DWELLINGS HAVE BEEN PLOTTED FOR DIAGRAMMATIC PURPOSES ONLY AND SPECIFIC DETAILS, IF CRITICAL, WILL REQUIRE FURTHER SURVEY.
  7. THE SPREAD & HEIGHT OF EACH TREE IS INDICATIVE ONLY AND SPECIFIC DETAILS, IF CRITICAL, WILL REQUIRE FURTHER SURVEY.

DATE	BY	REVISION	ISSUE
30/08/22	AE	ISSUED TO CLIENT	0
14/05/24	CB	ADDED LEVELS FOR ADJACENT PROPERTIES	1
02/09/24	TK	ADDED No. 36 EXTRA DETAIL AND C.L. OF ROAD	2

CLIENT: DMITRY POLIKARPOV

**PLAN SHOWING PHYSICAL FEATURES AND LEVELS AT  
No.34 EUROKA STREET, WAVERTON  
LOT 1 IN D.P.37146**



**SURVCORP**  
Consulting Surveyors

EMAIL: info@survcorp.com.au  
Suite 28, 401 Pacific Highway, Artarmon NSW 2064  
TEL: (02) 9966 8573

RATIO: 1:100

DATUM: AHD

DRAWN: AE/BY

REF. No: 4706

DATE: 02-09-2024

ISSUE: 1

SHEET: A1 OF 1

DATE OF SURVEY: 22-08-2022

*Simon Ho*  
SIMON HO  
REGISTERED SURVEYOR  
8304



# DEVELOPMENT APPLICATION

## 34 EUROKA STREET WAVERTON NSW 2060

### DRAWING SCHEDULE

DRAWING No.	DESCRIPTION
A01	TITLE PAGE
A02	BASIX COMMITMENTS
A03	AREA DIAGRAMS
A04	SITE ANALYSIS
A05	EX. GROUND PLAN
A06	EX. FIRST FLOOR PLAN
A07	EXISTING ELEVATIONS
A08	EXISTING ELEVATIONS
A09	GROUND FLOOR DEMOLITION PLAN
A10	FIRST FLOOR DEMOLITION PLAN
A11	SITE, ROOF, WASTE MANAGEMENT AND SEDI...
A12	GROUND FLOOR
A13	FIRST FLOOR
A14	ELEVATIONS
A15	ELEVATIONS
A16	SECTIONS
A17	SECTIONS
A18	CONCEPT STORMWATER & LANDSCAPE PLAN
A19	SCHEDULE OF MATERIALS
A20	PHOTOMONTAGE
A21	VIEW ANALYSIS
A22	SHADOW DIAGRAM - 21 JUN 0900h
A23	SHADOW DIAGRAM - 21 JUN 1000h
A24	SHADOW DIAGRAM - 21 JUN 1100h
A25	SHADOW DIAGRAM - 21 JUN 1200h
A26	SHADOW DIAGRAM - 21 JUN 1300h
A27	SHADOW DIAGRAM - 21 JUN 1400h
A28	SHADOW DIAGRAM - 21 JUN 1500h
A29	SHADOW DIAGRAM - 21 SEP 0900h
A30	SHADOW DIAGRAM - 21 SEP 1000h
A31	SHADOW DIAGRAM - 21 SEP 1100h
A32	SHADOW DIAGRAM - 21 SEP 1200h
A33	SHADOW DIAGRAM - 21 SEP 1300h
A34	SHADOW DIAGRAM - 21 SEP 1400h
A35	SHADOW DIAGRAM - 21 SEP 1500h
A36	3D SHADOW DIAGRAM - 21 JUNE 0900h - 1100h
A37	3D SHADOW DIAGRAM - 21 JUNE 1200h - 1300h
A38	3D SHADOW DIAGRAM - 21 JUNE 1400h - 1500h
A39	3D SHADOW DIAGRAM - 21 SEP 0900h - 1100h
A40	3D SHADOW DIAGRAM - 21 SEP 1200h - 1300h
A41	3D SHADOW DIAGRAM - 21 SEP 1400h - 1500h

### LOCATION PLAN (NTS)



**SANDBOX STUDIO**

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 Architects /  
 Dain McClure-Thomas 9008 (NSW) 2400 (ACT)  
 Luke Carter 9557 (NSW)



**LEGEND:**  
 - EXISTING BUILDING FABRIC  
 - BUILDING FABRIC TO BE DEMOLISHED  
 - PROPOSED BUILDING FABRIC

REVISION	DESCRIPTION	DATE
A	DEVELOPMENT APPLICATION	22.01.2024

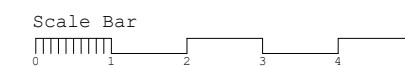
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CLIENT(S): **DMITRY & ALEXANDRA POLIKARPOV**  
 ADDRESS: **34 EUROKA STREET WAVERTON NSW 2060**

PAGE: **TITLE PAGE**



REV. **A**  
**NOT FOR CONSTRUCTION**

NO. **A01**  
 PAGE SIZE. **A3**

Alterations and Additions

Certificate number: A503415\_03

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

Secretary  
Date of issue: Friday, 11 October 2024  
To be valid, this certificate must be lodged within 3 months of the date of issue.



Project address	
Project name	34 Euroka Street, Waverton NSW 2060_03
Street address	34 EUROKA STREET - WAVERTON 2060
Local Government Area	North Sydney Council
Plan type and number	Deposited Plan 937146
Lot number	1
Section number	-
Project type	
Dwelling type	Dwelling house (detached)
Type of alteration and addition	The estimated development cost for my renovation work is \$50,000 or more, and does not include a pool (and/or spa).
N/A	N/A
Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name	SANDBOX STUDIO PTY LTD
ABN (if applicable)	84612363372

Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W001	W	3.32	0.61	0.49	projection/ height above sill ratio >=0.29	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W002	N	0.64	0	0	none	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W101	E	2.16	0	0	eave/ verandah/ pergola/balcony >=450 mm	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W102	W	2.07	3.54	4.485	eave/ verandah/ pergola/balcony >=450 mm	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			
W103	W	2.64	8.91	14	projection/ height above sill ratio >=0.29	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			

Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
D101	W	7.2	8.91	14	external louvre/blind (adjustable)	improved aluminium, clear/air gap/ clear, (U-value: 4.12, SHGC: 0.66)			

Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Skylights									
The applicant must install the skylights in accordance with the specifications listed in the table below.									
The following requirements must also be satisfied in relation to each skylight:									
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.									
External awnings and louvres must fully shade the skylight above which they are situated when fully drawn or closed.									
Skylights glazing requirements									
Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type						
SK01	2.15	external adjustable awning or blind	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)						

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

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																					
<b>Lighting</b>																								
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✔	✔																					
<b>Fixtures</b>																								
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✔	✔																					
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✔	✔																					
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✔																						
<b>Construction</b>																								
<b>Insulation requirements</b>																								
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✔	✔	✔																					
<table border="1"> <thead> <tr> <th>Construction</th> <th>Additional insulation required (R-value)</th> <th>Other specifications</th> </tr> </thead> <tbody> <tr> <td>concrete slab on ground floor.</td> <td>nil</td> <td>N/A</td> </tr> <tr> <td>floor above existing dwelling or building.</td> <td>nil</td> <td>N/A</td> </tr> <tr> <td>external wall: framed (weatherboard, fibro, metal clad)</td> <td>R1.30 (or R1.70 including construction)</td> <td></td> </tr> <tr> <td>external wall: concrete block/ plasterboard</td> <td>R1.18 (or R1.70 including construction)</td> <td></td> </tr> <tr> <td>raked ceiling, pitched/skillion roof: framed</td> <td>ceiling: R2.50 (up), roof: foil/sarking</td> <td>medium (solar absorptance 0.475 - 0.70)</td> </tr> <tr> <td>flat ceiling, flat roof: framed</td> <td>ceiling: R2.50 (up), roof: foil/sarking</td> <td>medium (solar absorptance 0.475 - 0.70)</td> </tr> </tbody> </table>	Construction	Additional insulation required (R-value)	Other specifications	concrete slab on ground floor.	nil	N/A	floor above existing dwelling or building.	nil	N/A	external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		external wall: concrete block/ plasterboard	R1.18 (or R1.70 including construction)		raked ceiling, pitched/skillion roof: framed	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)	flat ceiling, flat roof: framed	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)			
Construction	Additional insulation required (R-value)	Other specifications																						
concrete slab on ground floor.	nil	N/A																						
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raked ceiling, pitched/skillion roof: framed	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)																						
flat ceiling, flat roof: framed	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)																						
<b>Glazing requirements</b>																								
<b>Windows and glazed doors</b>																								
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✔	✔	✔																					
The following requirements must also be satisfied in relation to each window and glazed door:																								
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.		✔	✔																					
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✔	✔	✔																					
For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the table below.	✔	✔	✔																					
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✔	✔																					
External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.		✔	✔																					
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✔	✔																					
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.	✔	✔	✔																					

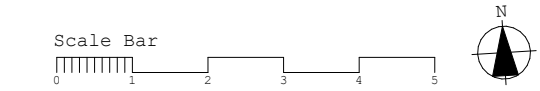


LEGEND:  
 - EXISTING BUILDING FABRIC  
 - BUILDING FABRIC TO BE DEMOLISHED  
 - PROPOSED BUILDING FABRIC

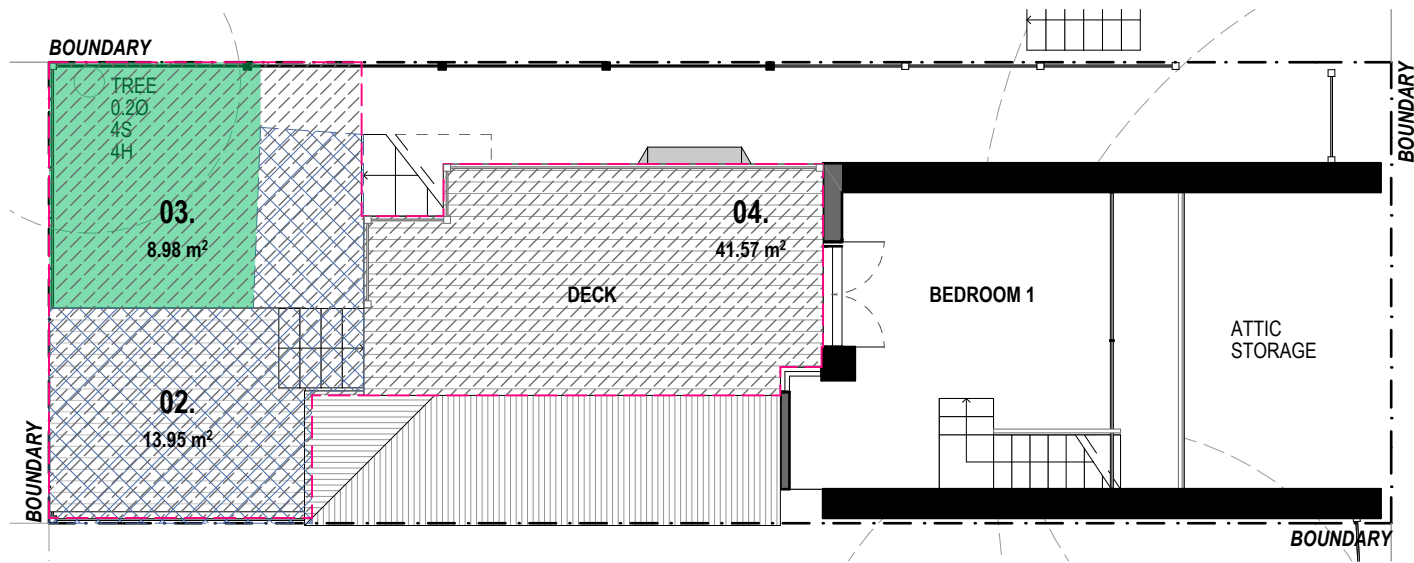
REVISION	DESCRIPTION	DATE
A	DEVELOPMENT APPLICATION	22.01.2024

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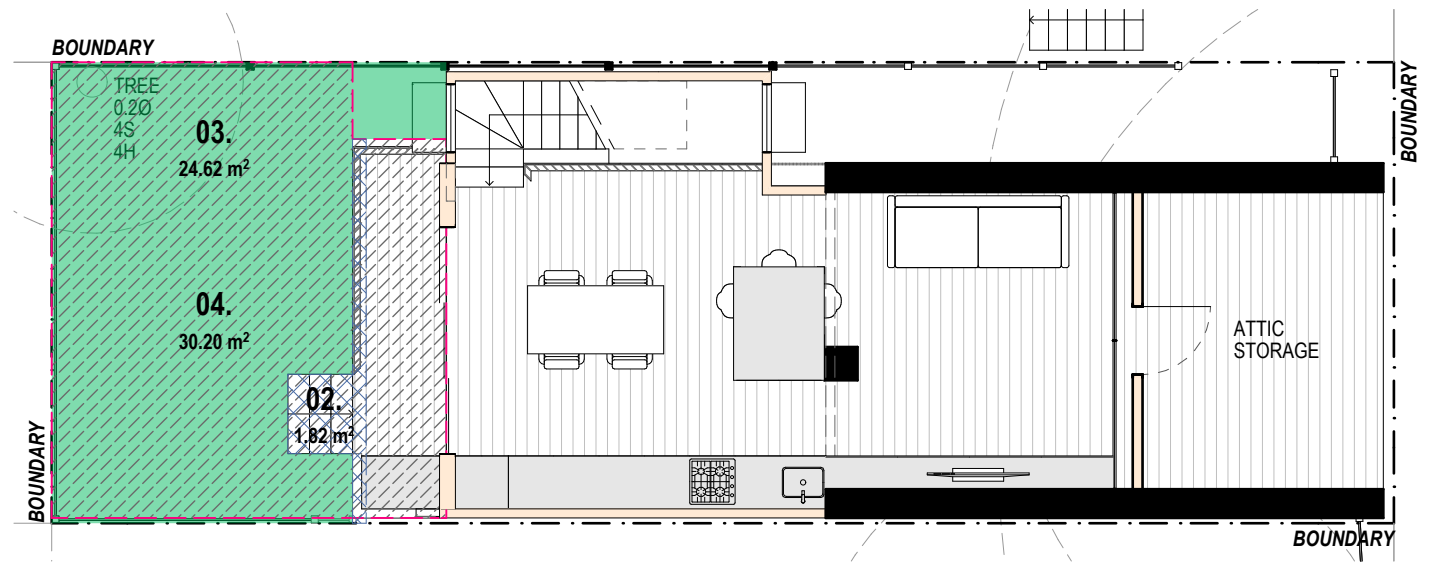
CLIENT(S): **DMITRY & ALEXANDRA POLIKARPOV**  
 ADDRESS: **34 EUROKA STREET WAVERTON NSW 2060**



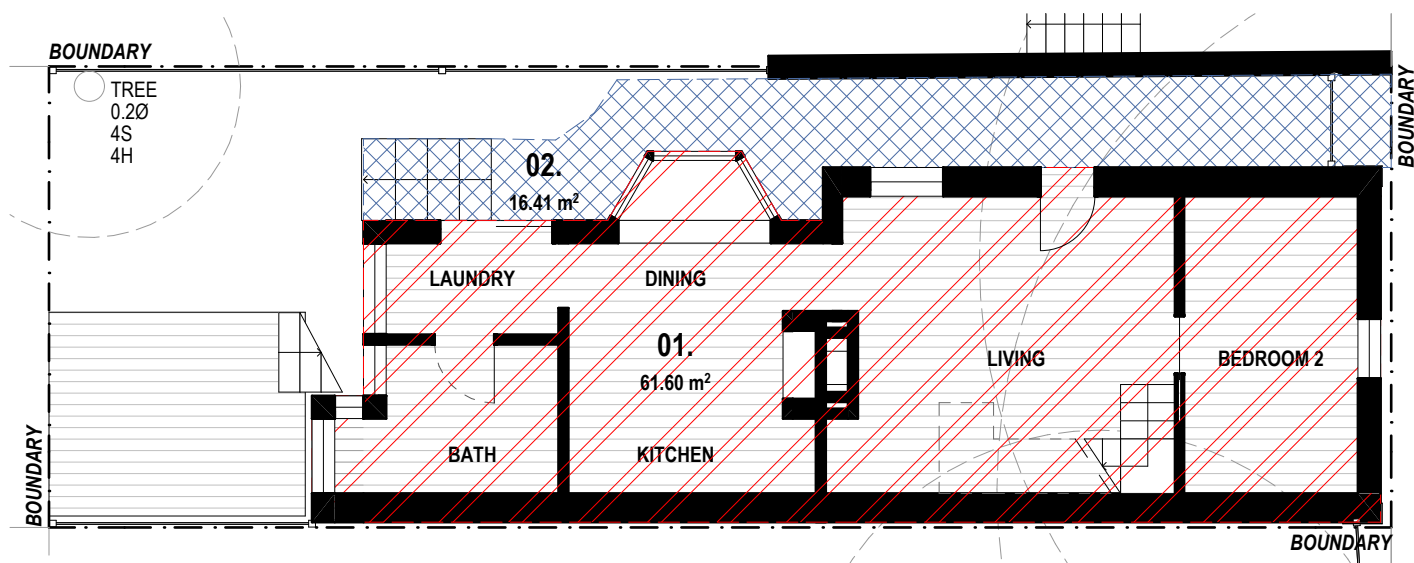




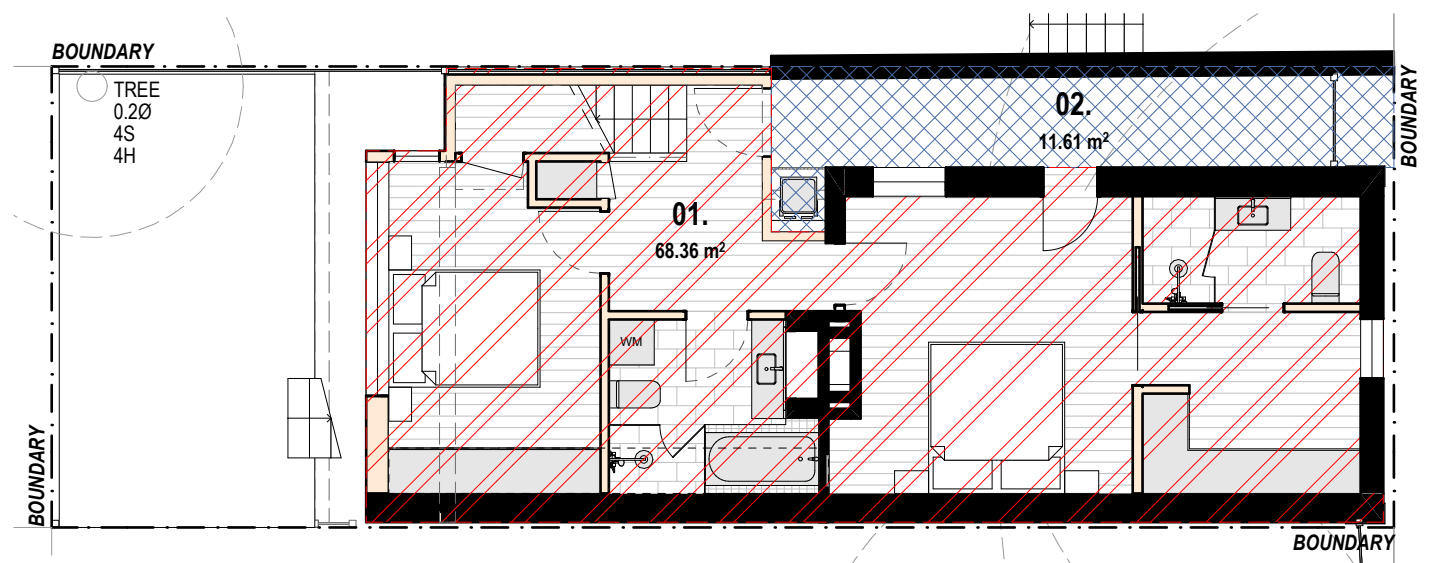
EXISTING AREAS - FIRST FLOOR  
1:100



PROPOSED AREAS - FIRST FLOOR  
1:100



EXISTING AREAS - GROUND FLOOR  
1:100



PROPOSED AREAS - GROUND FLOOR  
1:100

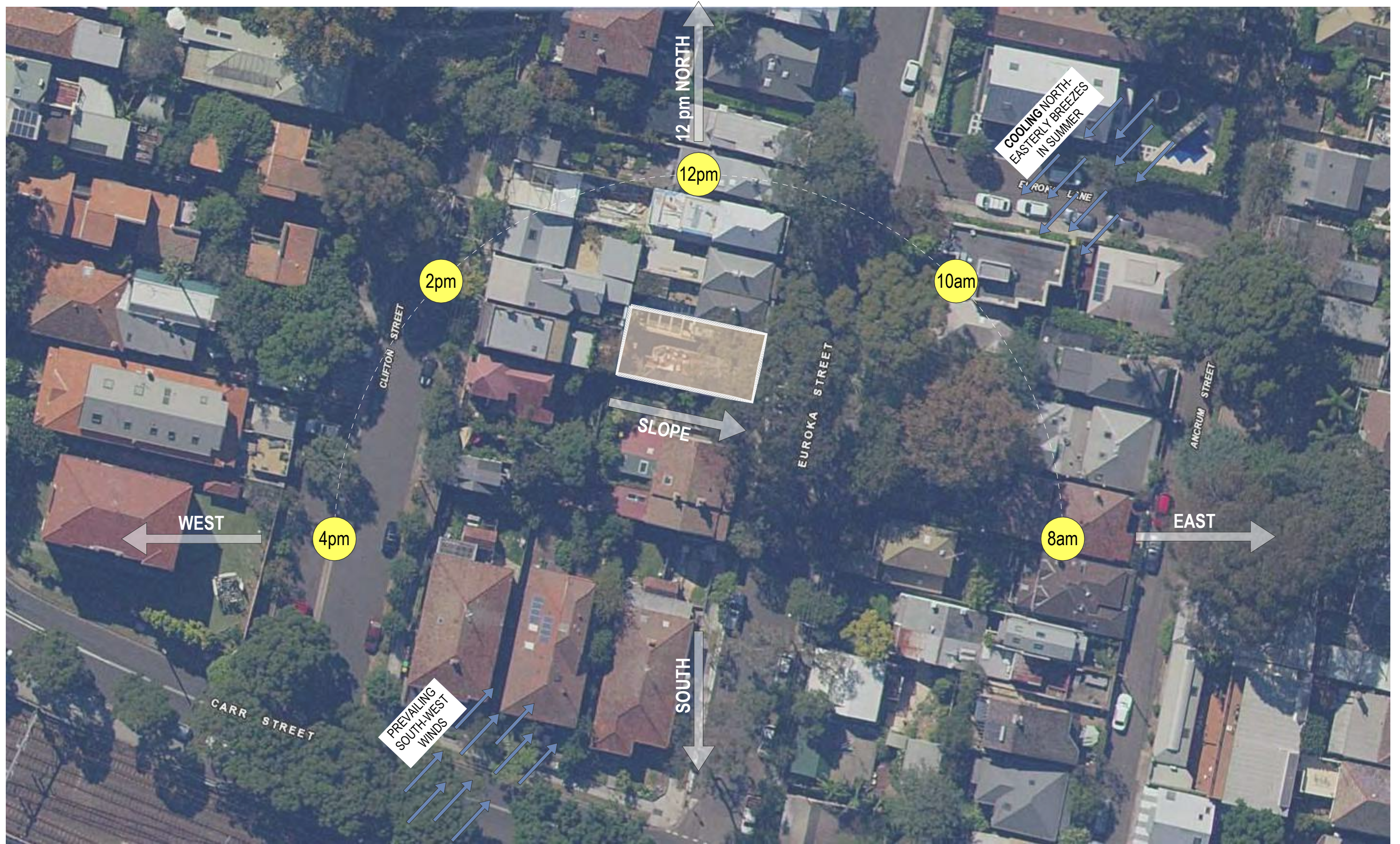
AREA	M2
01. SITE COVERAGE	61.60
02. UNBUILT UPON AREA	30.36
03. LANDSCAPE AREA	8.98
04. PRIVATE OPEN SPACE	41.57

AREA	M2
01. SITE COVERAGE	68.36
02. UNBUILT UPON AREA	13.43
03. LANDSCAPE AREA	24.62
04. PRIVATE OPEN SPACE	30.20

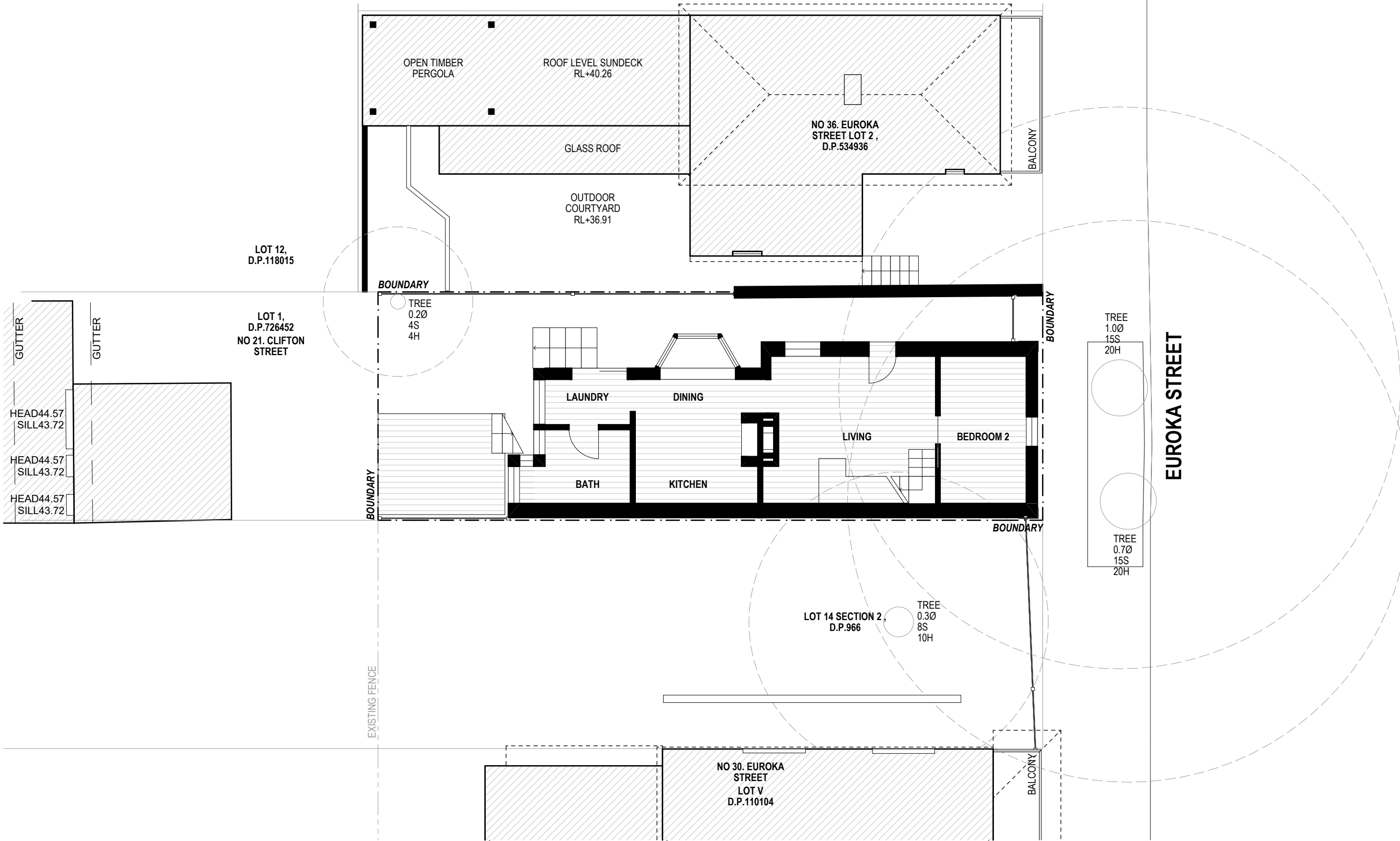
**SITE CONTROLS**  
**SITE AREA: 108.2**

MAXIMUM SITE COVERAGE: 60% OF SITE (64.92m<sup>2</sup>)  
 MINIMUM LANDSCAPE AREA: 20% OF SITE (21.64m<sup>2</sup>)  
 MAXIMUM UNBUILT UPON AREA: 20% OF SITE (21.64m<sup>2</sup>)  
 MINIMUM PRIVATE OPEN SPACE: 40m<sup>2</sup>









EXISTING GROUND FLOOR  
1:100

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 Dain McClure-Thomas 9008 (NSW) 2400 (ACT)  
 Luke Carter 9557 (NSW)

Member  
 Australian  
 Institute of  
 Architects

**LEGEND:**

	EXISTING BUILDING FABRIC
	BUILDING FABRIC TO BE DEMOLISHED
	PROPOSED BUILDING FABRIC

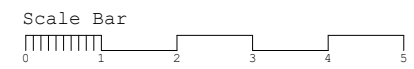
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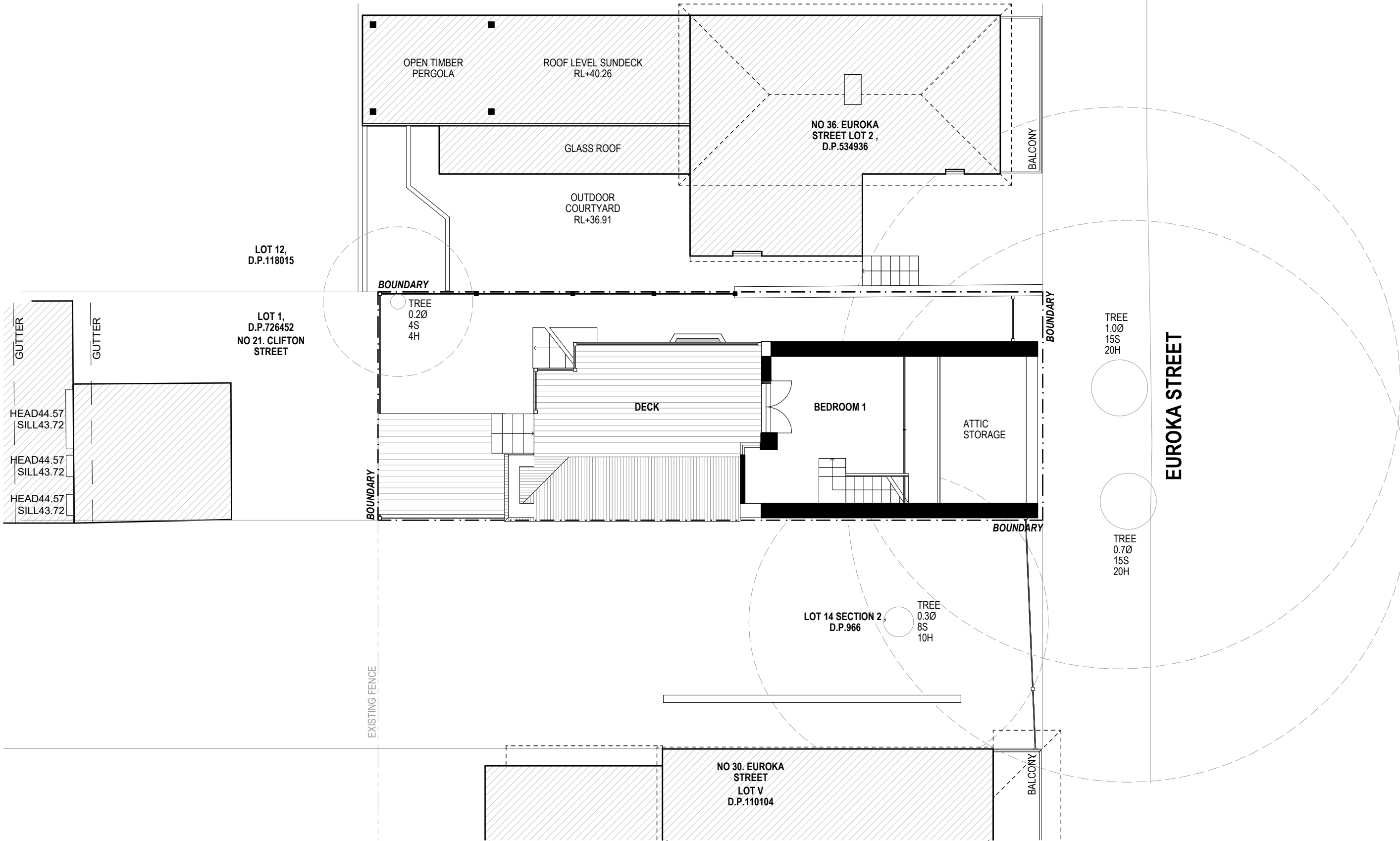
CLIENT(S): **DMITRY & ALEXANDRA POLIKARPOV**  
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REV. **A**  
**NOT FOR CONSTRUCTION**

NO. **A05**  
 PAGE SIZE. **A3**

PAGE: **EX. GROUND PLAN**



**EXISTING FIRST FLOOR**  
1:100

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	PROPOSED BUILDING FABRIC

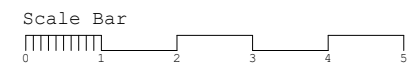
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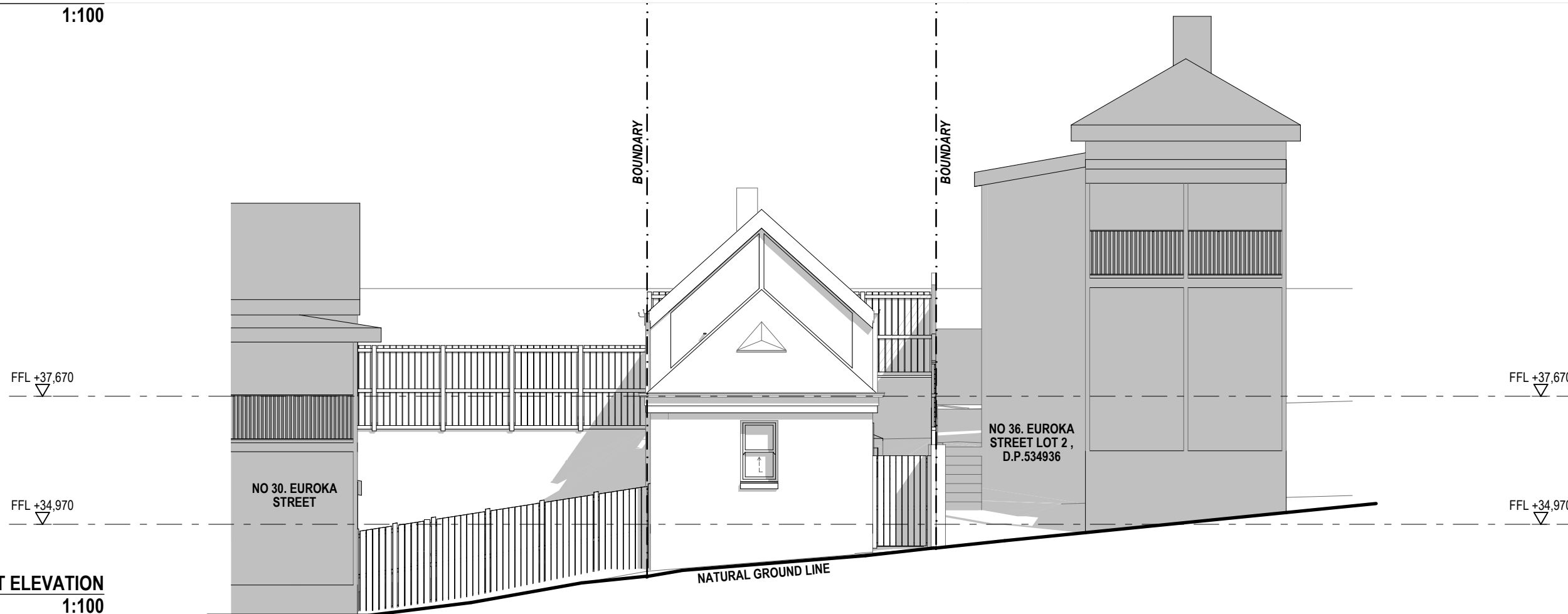
REV. **A**  
**NOT FOR CONSTRUCTION**

NO. **A06**  
 PAGE SIZE. **A3**

PAGE: **EX. FIRST FLOOR PLAN**



**E-01**  
-  
**NORTH ELEVATION**  
1:100



**E-02**  
-  
**EAST ELEVATION**  
1:100

**LEGEND:**  
 - EXISTING BUILDING FABRIC  
 - BUILDING FABRIC TO BE DEMOLISHED  
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REVISION	DESCRIPTION	DATE
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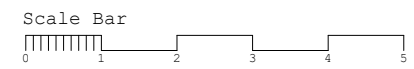
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CLIENT(S): **DMITRY & ALEXANDRA POLIKARPOV**  
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PAGE: **EXISTING ELEVATIONS**

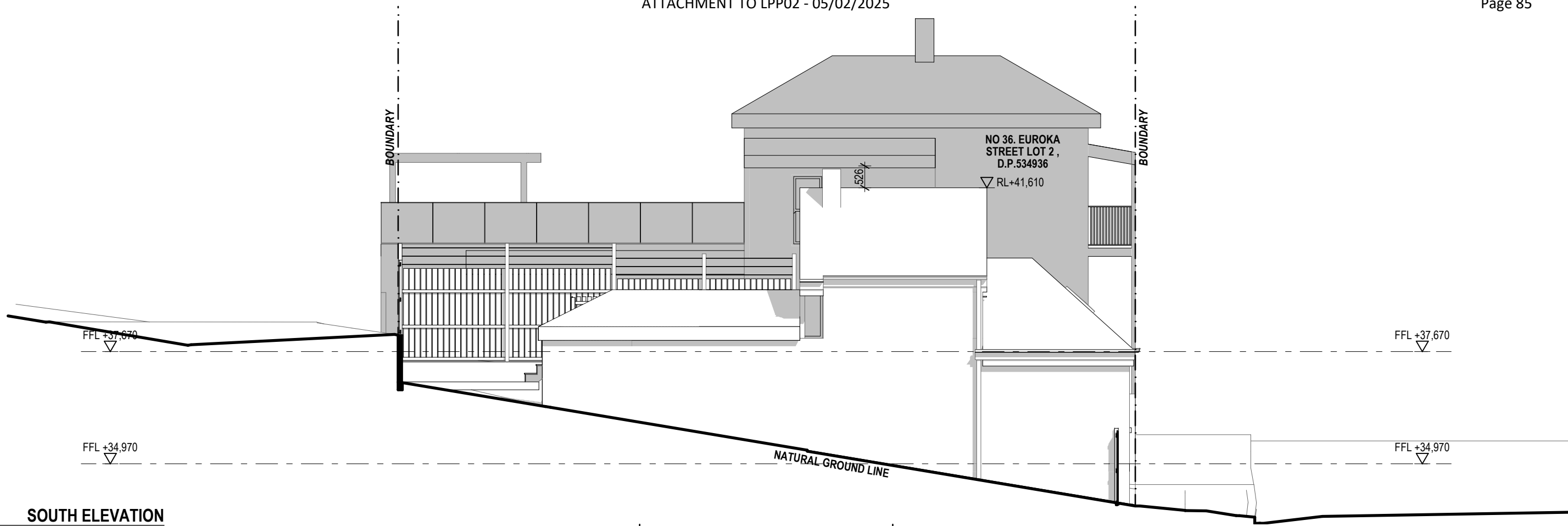
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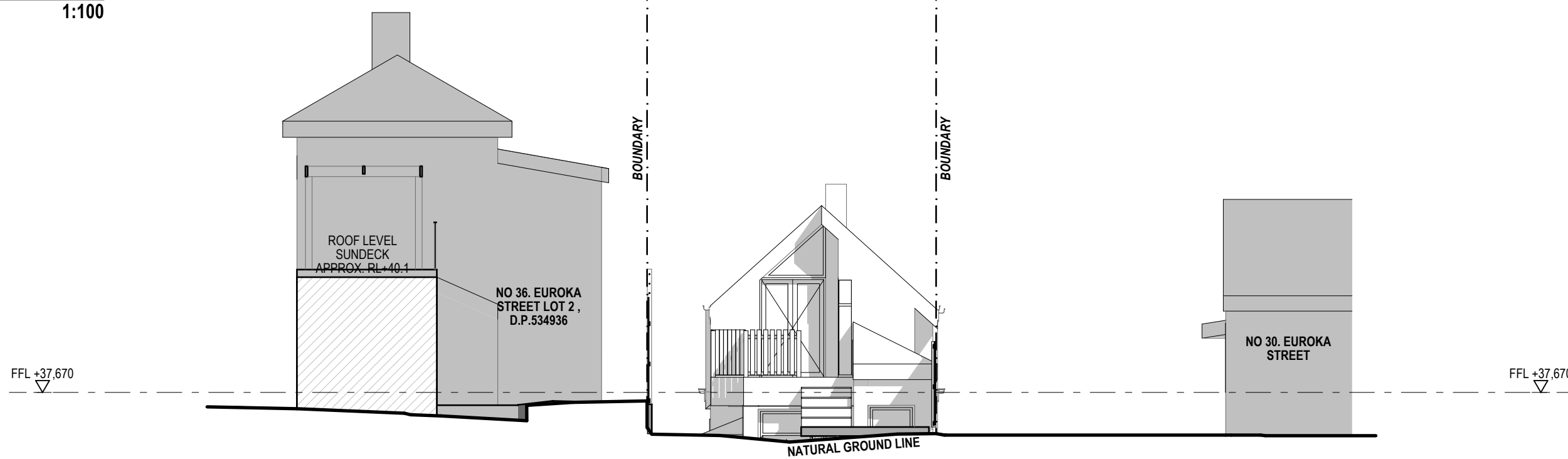


REV. **A**  
**NOT FOR CONSTRUCTION**

NO. **A07**  
 PAGE SIZE. **A3**



**E-03** SOUTH ELEVATION  
1:100



**E-04** WEST ELEVATION  
1:100

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Newtown NSW 2042  
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**LEGEND:**  
 - EXISTING BUILDING FABRIC  
 - BUILDING FABRIC TO BE DEMOLISHED  
 - PROPOSED BUILDING FABRIC

REVISION	DESCRIPTION	DATE
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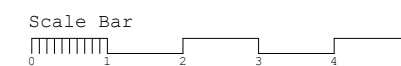
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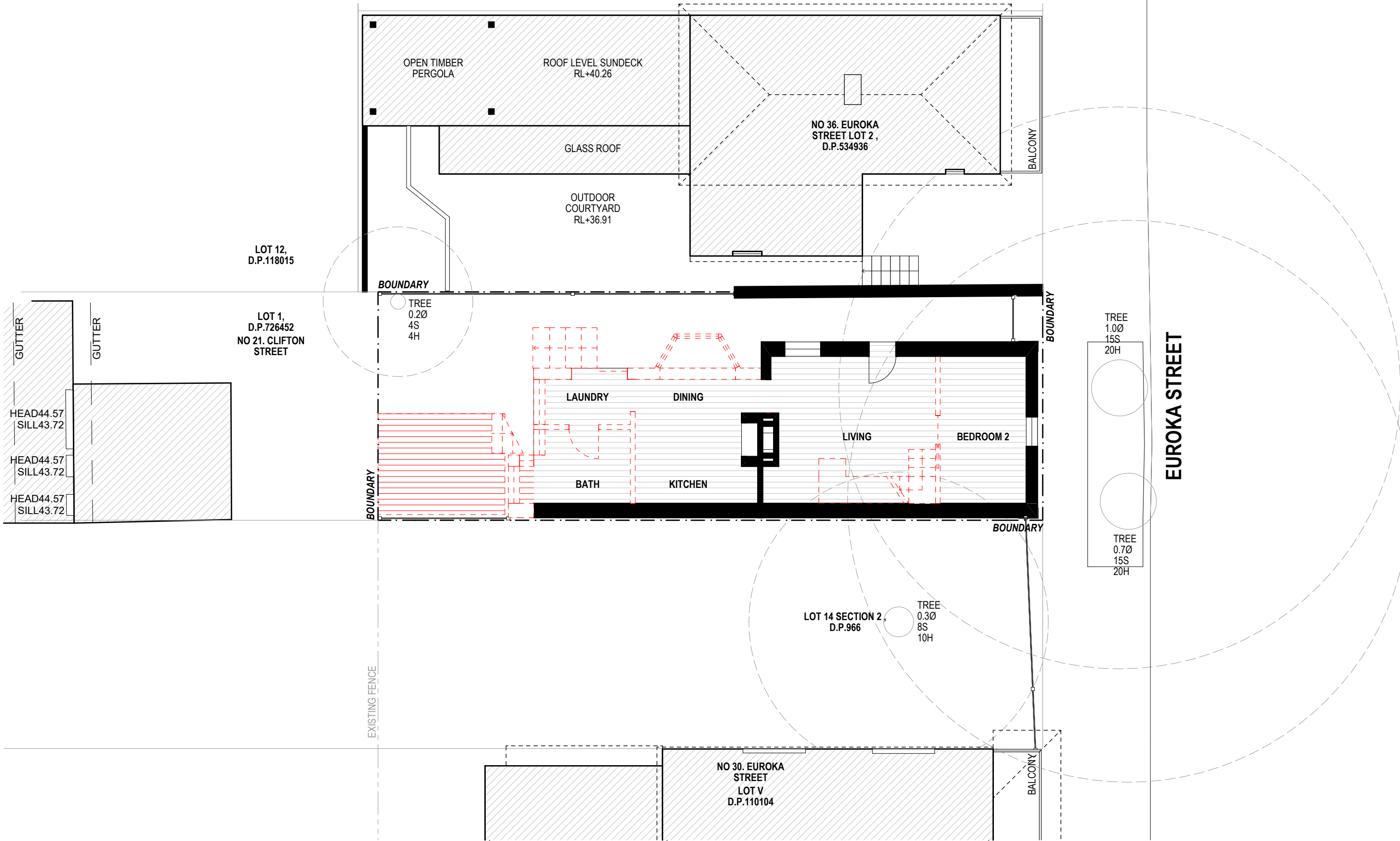
PAGE: **EXISTING ELEVATIONS**



REV. **A**  
**NOT FOR CONSTRUCTION**

NO. **A08**  
 PAGE SIZE. **A3**





DEMO GROUND FLOOR  
1:100

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Architects /  
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Luke Carter 9557 (NSW)



**LEGEND:**  
 - EXISTING BUILDING FABRIC  
 - BUILDING FABRIC TO BE DEMOLISHED  
 - PROPOSED BUILDING FABRIC

REVISION	DESCRIPTION	DATE
A	DEVELOPMENT APPLICATION	22.01.2024

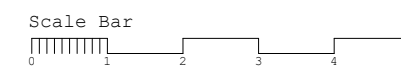
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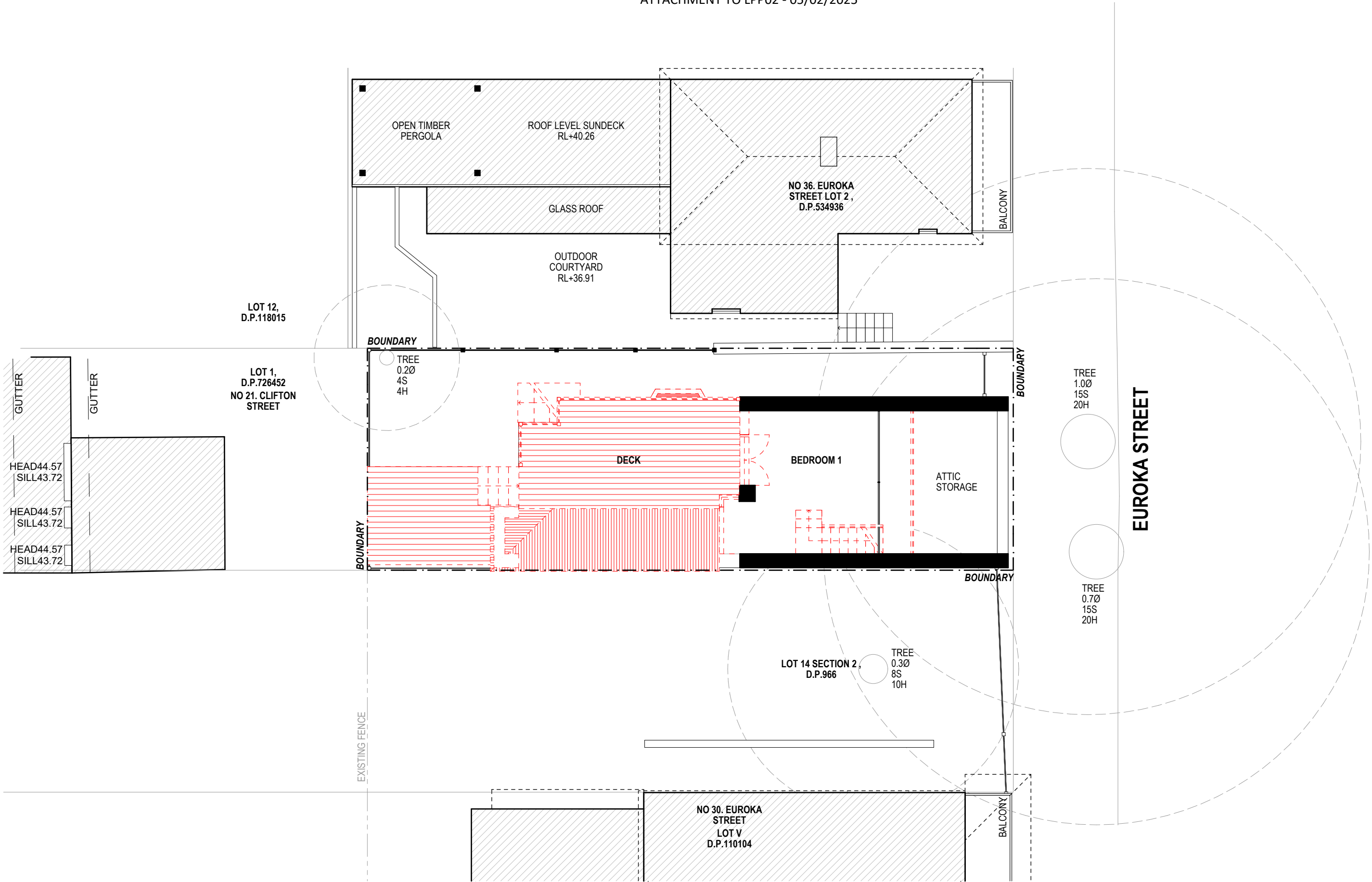
CLIENT(S): **DMITRY & ALEXANDRA POLIKARPOV**  
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PAGE: **GROUND FLOOR DEMOLITION PLAN**



REV. **A**  
**NOT FOR CONSTRUCTION**

NO. **A09**  
 PAGE SIZE. **A3**



DEMO FIRST FLOOR  
1:100

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 Luke Carter 9557 (NSW)

Member  
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 Institute of  
 Architects

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	PROPOSED BUILDING FABRIC

REVISION	DESCRIPTION	DATE
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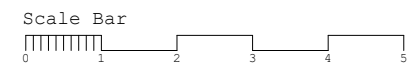
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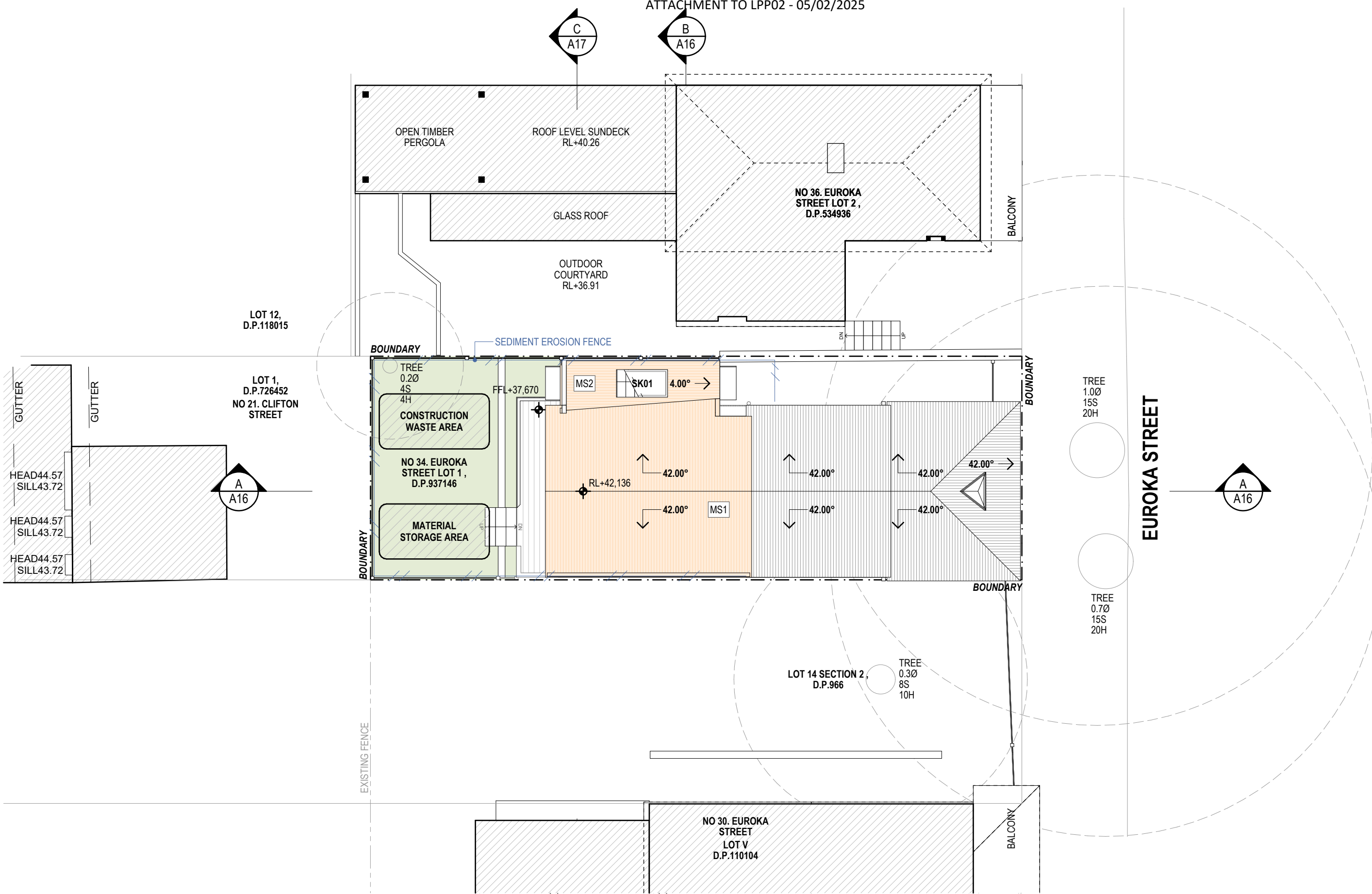
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PAGE: **FIRST FLOOR DEMOLITION PLAN**



REV. **A**  
**NOT FOR CONSTRUCTION**

NO. **A10**  
 PAGE SIZE. **A3**



**SITE, ROOF, WASTE MANAGEMENT AND SEDIMENT CONTROL PLAN**  
1:100



**LEGEND:**

	EXISTING BUILDING FABRIC
	BUILDING FABRIC TO BE DEMOLISHED
	PROPOSED BUILDING FABRIC

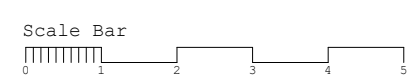
REVISION	DESCRIPTION	DATE
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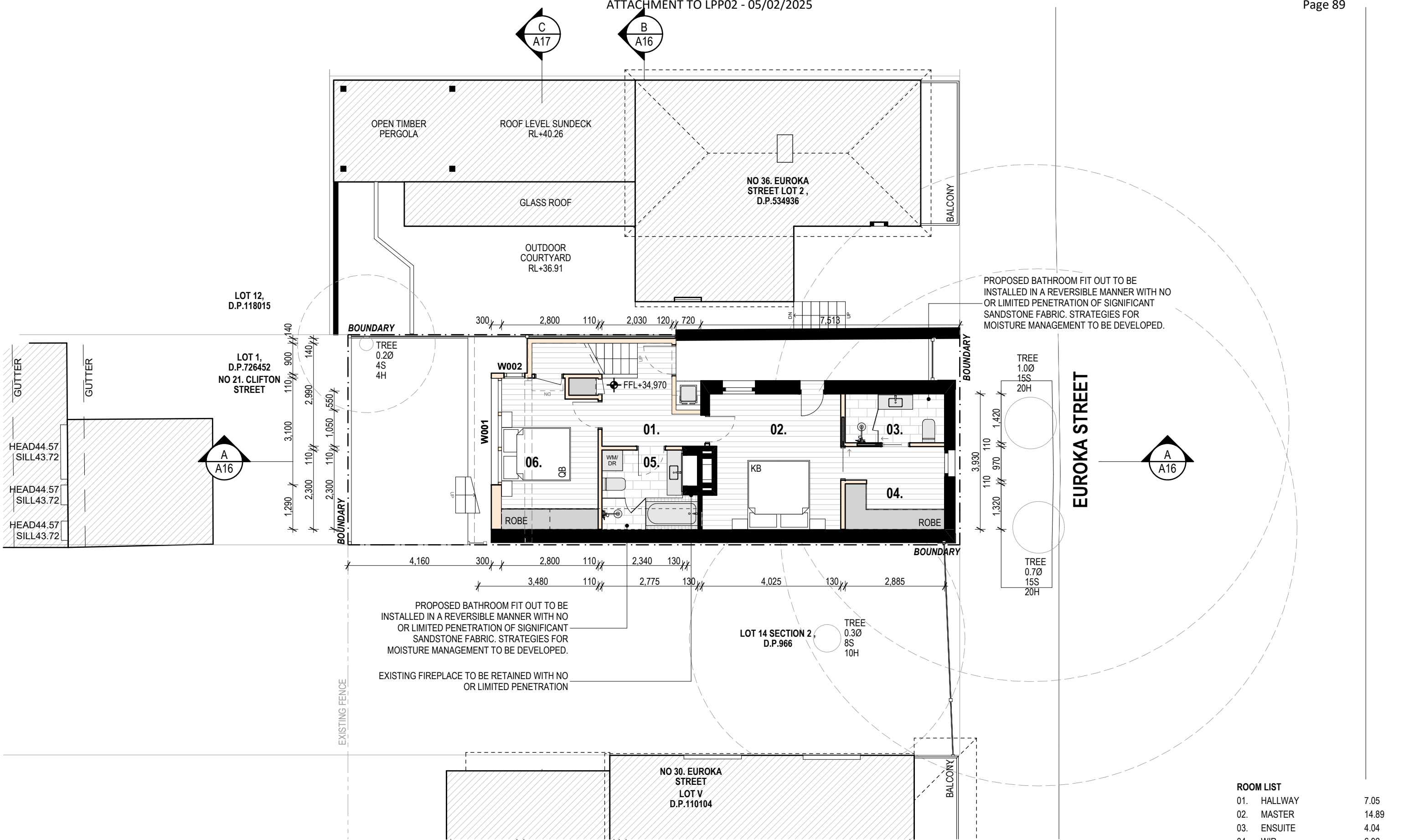
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PAGE: **SITE, ROOF, WASTE MANAGEMENT AND SEDIMENT CONTROL PLAN**



REV. **A**  
**NOT FOR CONSTRUCTION**

NO. **A11**  
PAGE SIZE. **A3**



ROOM LIST		
01.	HALLWAY	7.05
02.	MASTER	14.89
03.	ENSUITE	4.04
04.	WIR	6.92
05.	BATHROOM	5.81
06.	BEDROOM 1	11.71
		50.42 m <sup>2</sup>

**GROUND FLOOR**  
1:100

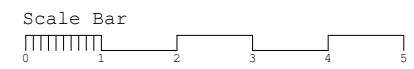


**LEGEND:**  
 - EXISTING BUILDING FABRIC  
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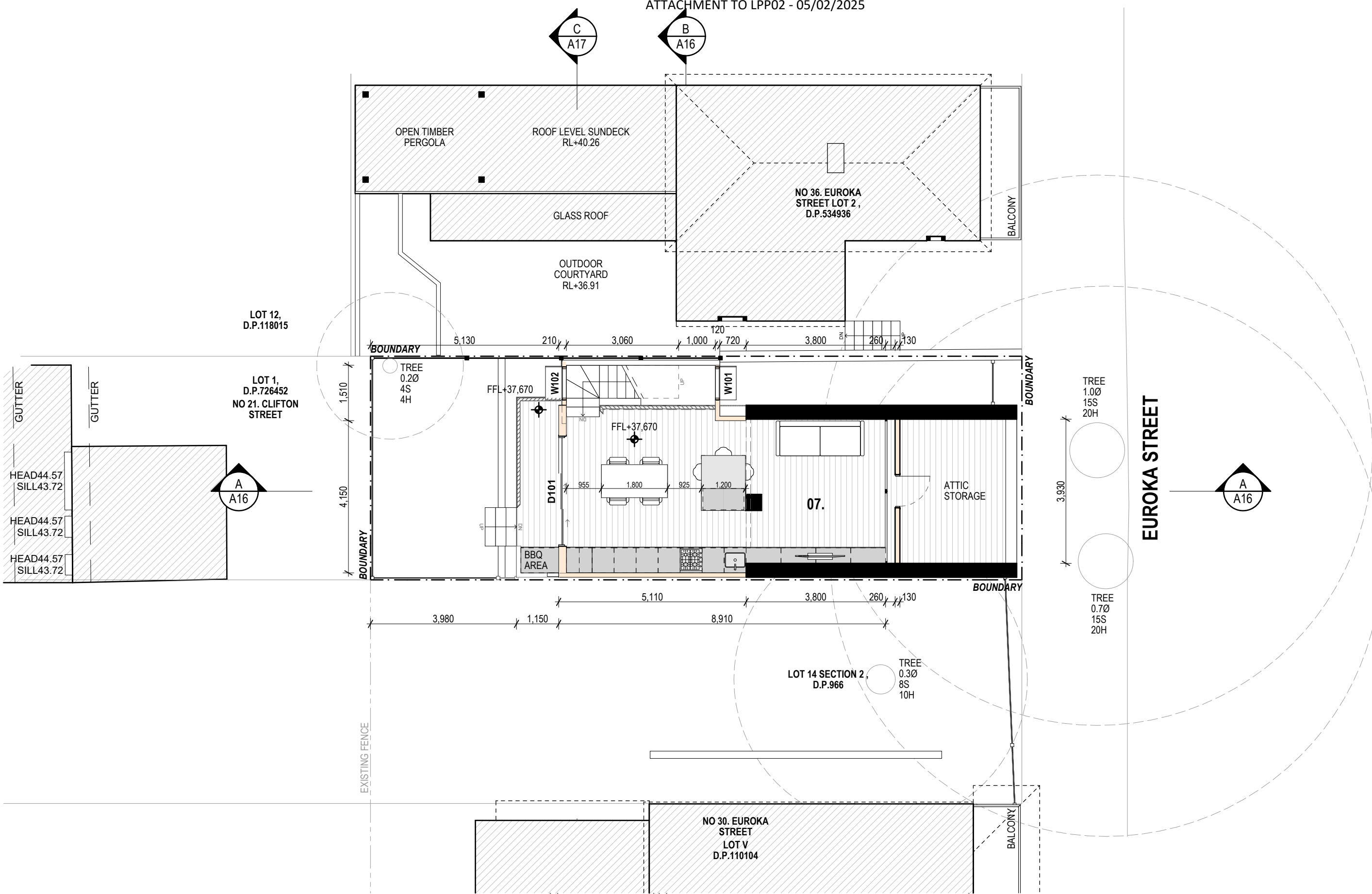
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REV. **A**  
**NOT FOR CONSTRUCTION**

NO. **A12**  
 PAGE SIZE. **A3**

PAGE: **GROUND FLOOR**



**FIRST FLOOR**  
1:100

ROOM LIST		
07.	KITCHEN, LIVING & DINING	37.04
		37.04 m <sup>2</sup>

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**LEGEND:**

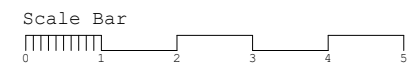
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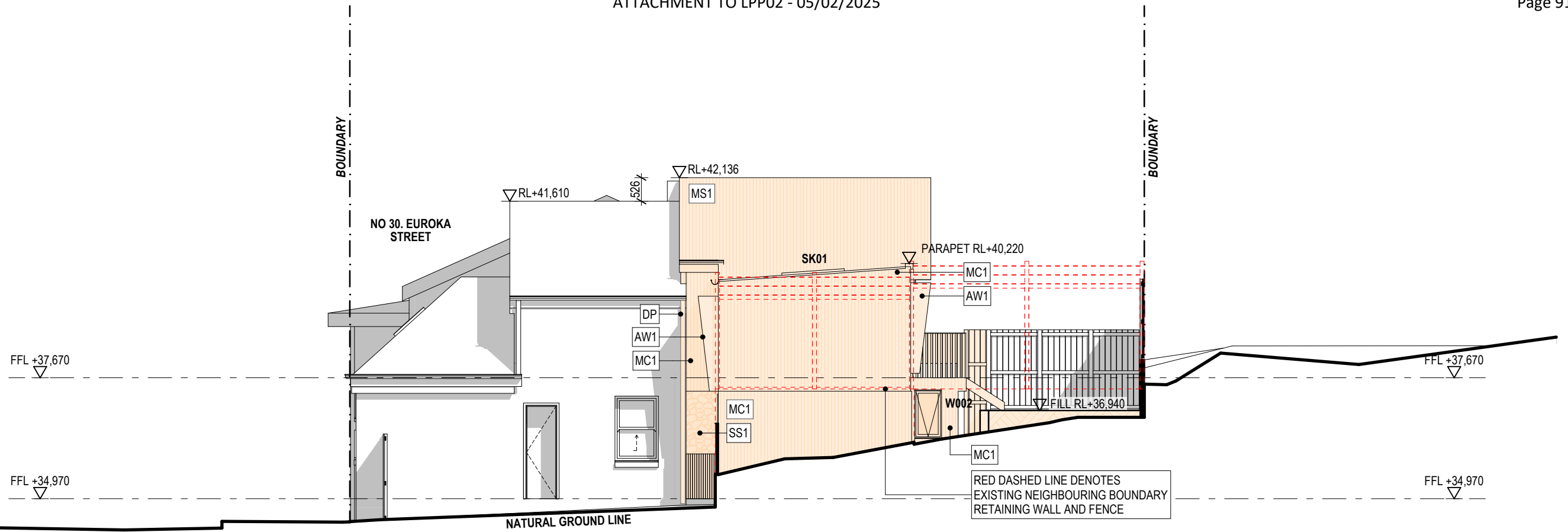
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PAGE: **FIRST FLOOR**

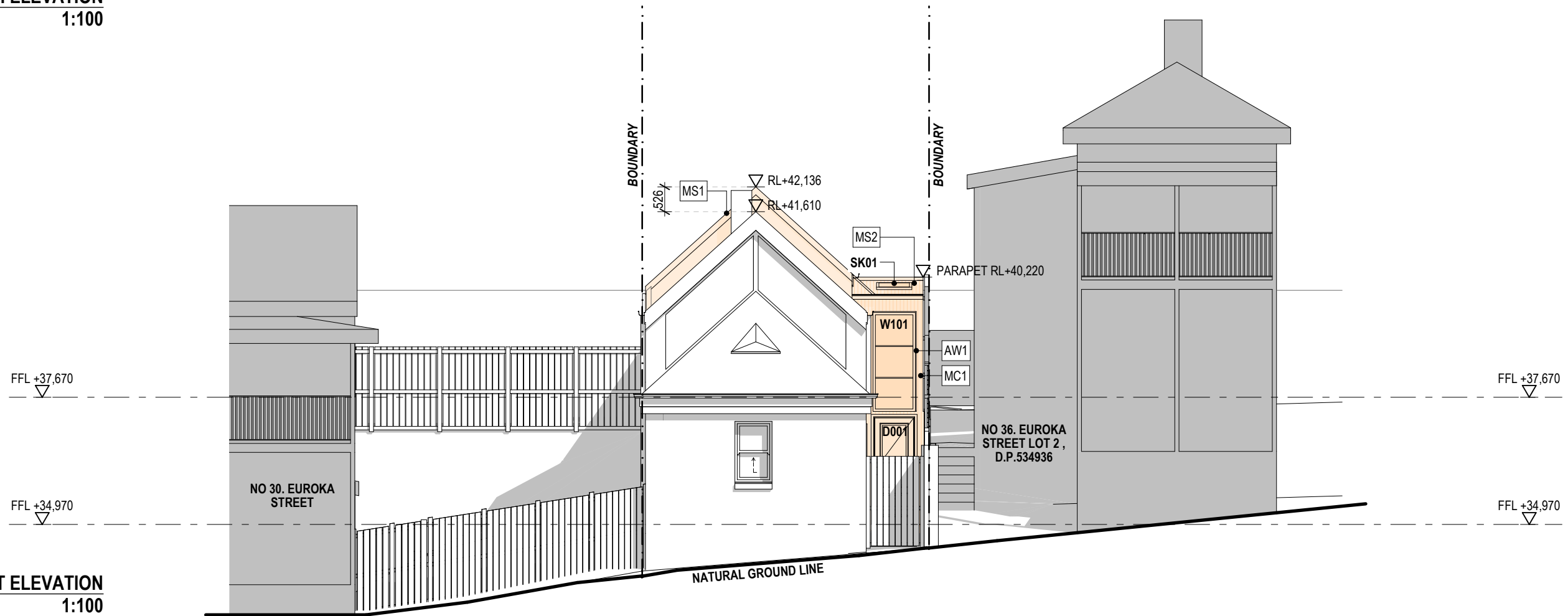


REV. **A**  
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NO. **A13**  
 PAGE SIZE. **A3**



**E-01**  
NORTH ELEVATION  
1:100



**E-02**  
EAST ELEVATION  
1:100

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PAGE: **ELEVATIONS**

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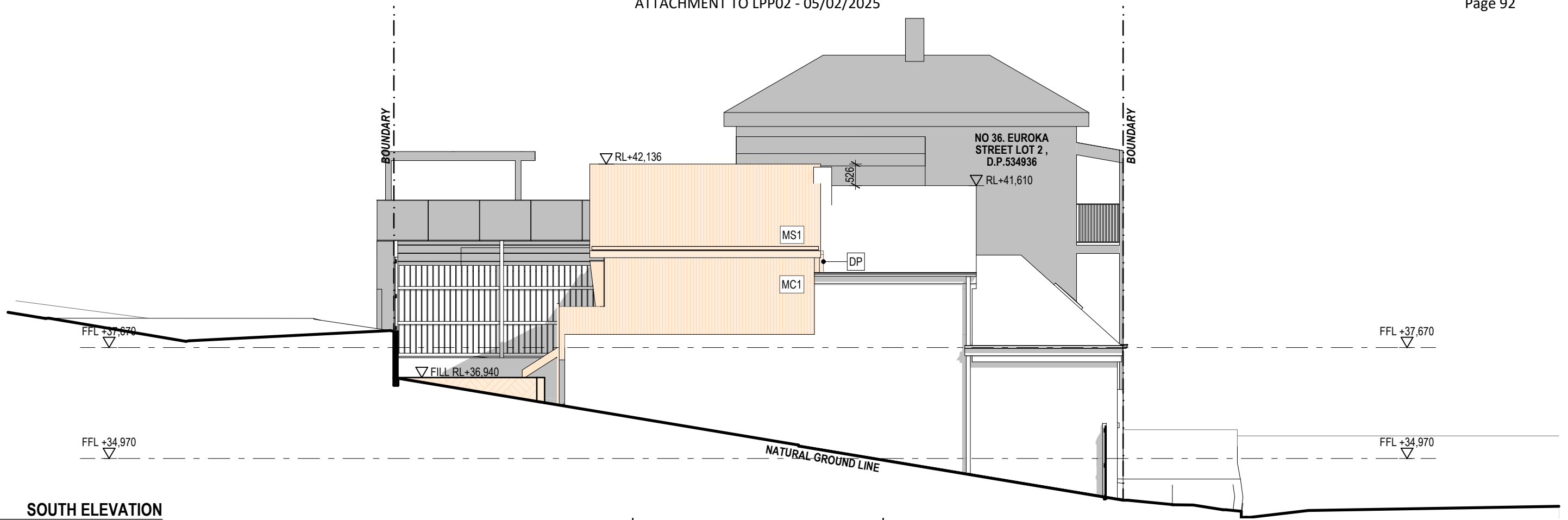
Sandbox Studio Pty Ltd  
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 PO BOX 16  
 WENTWORTH NSW 2042  
 info@sandboxstudio.com.au  
 Architects /  
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 Luke Carter 9557 (NSW)



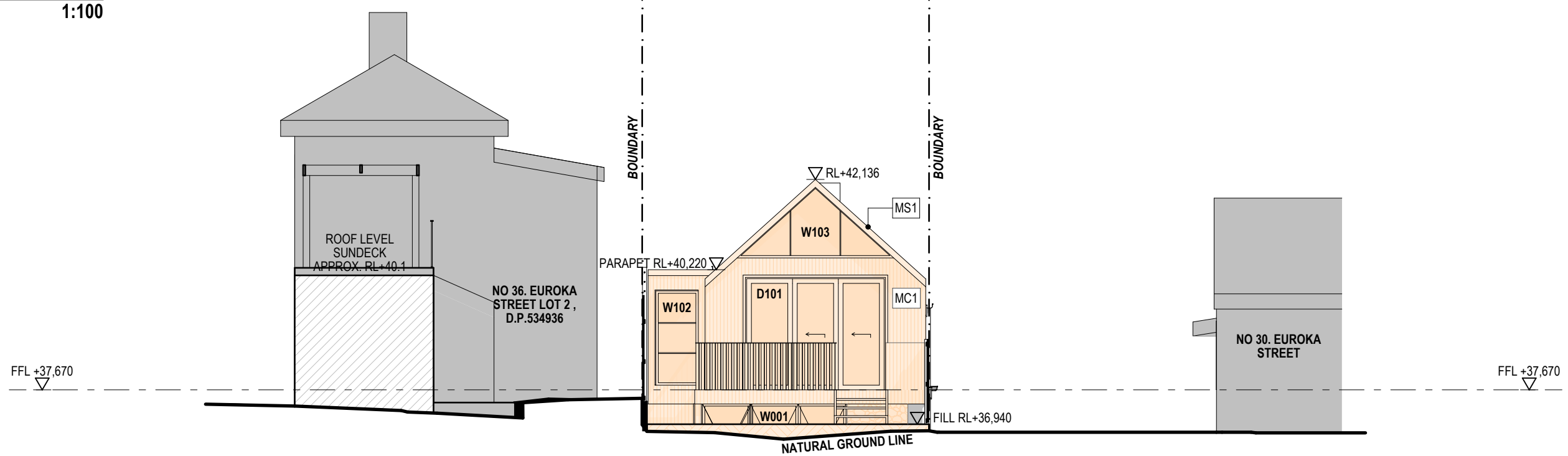
REV. **A**  
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NO. **A14**  
 PAGE SIZE. **A3**





**E-03** SOUTH ELEVATION  
1:100



**E-04** WEST ELEVATION  
1:100

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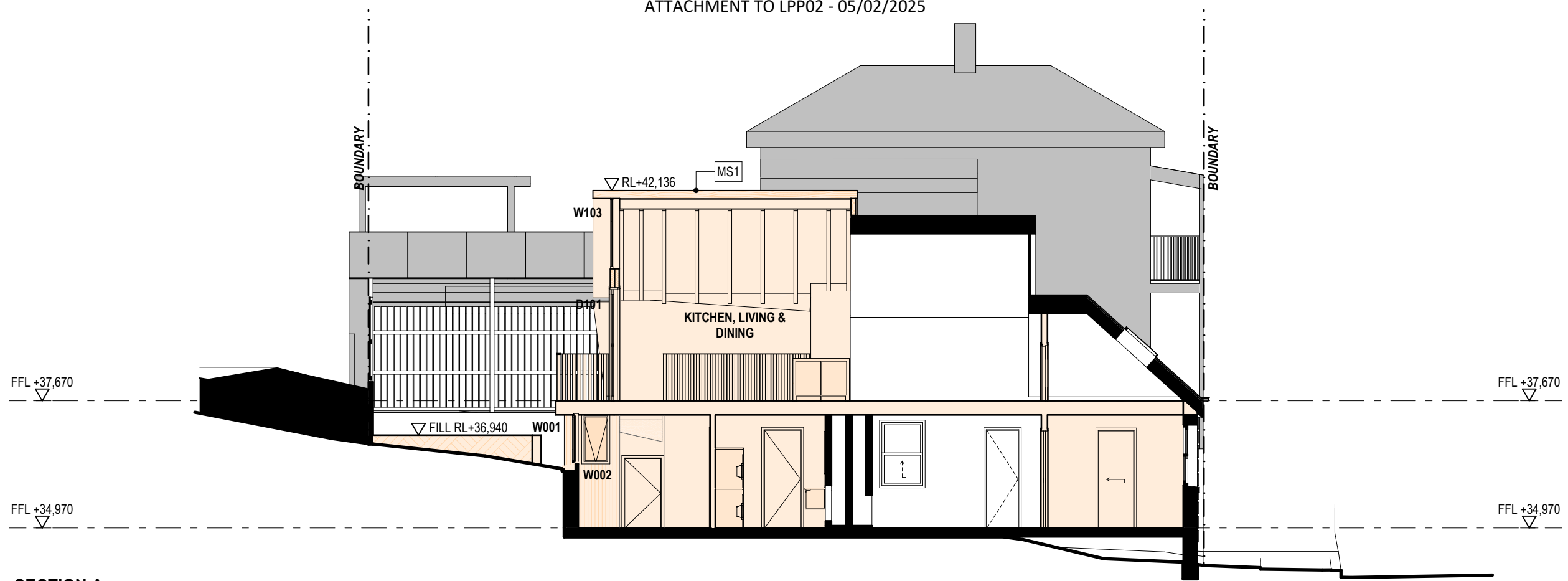
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PAGE: **ELEVATIONS**

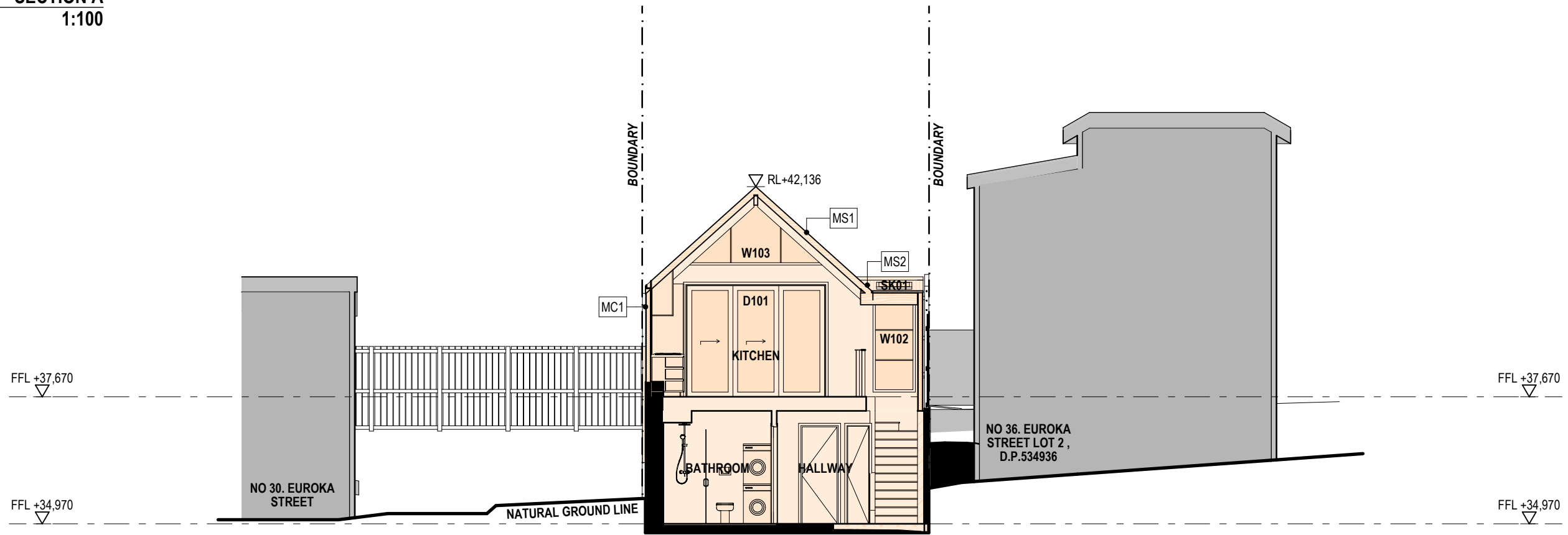


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NO. **A15**  
 PAGE SIZE. **A3**



**A**  
SECTION A  
1:100



**B**  
SECTION B  
1:100

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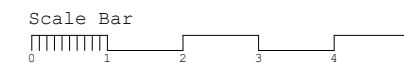
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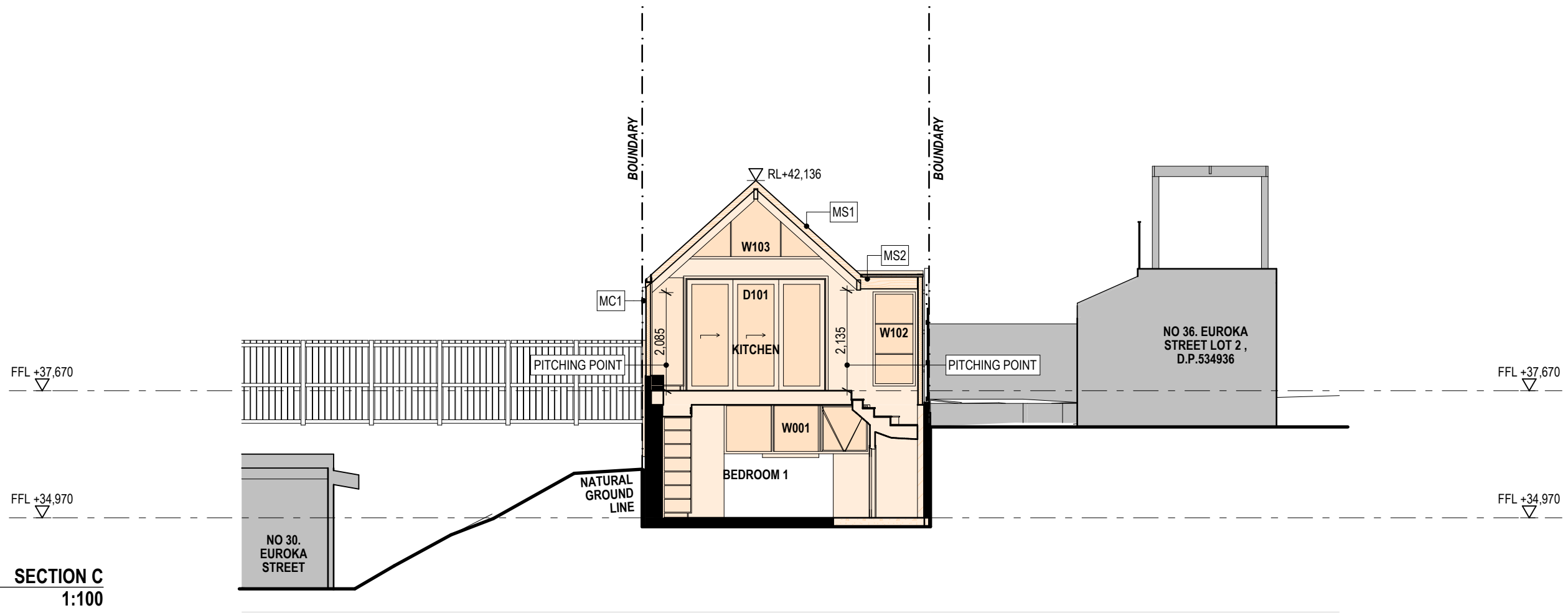
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PAGE: **SECTIONS**



REV. **A**  
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NO. **A16**  
PAGE SIZE. **A3**



**C**  
SECTION C  
1:100

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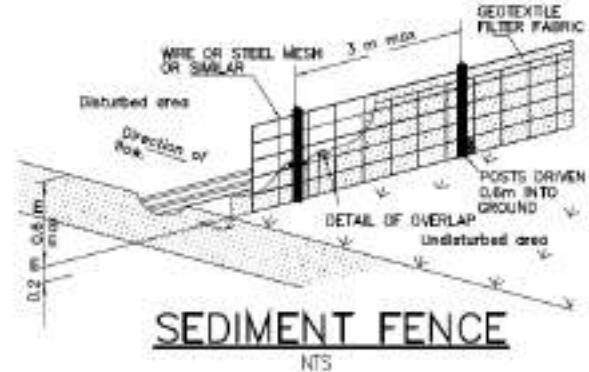
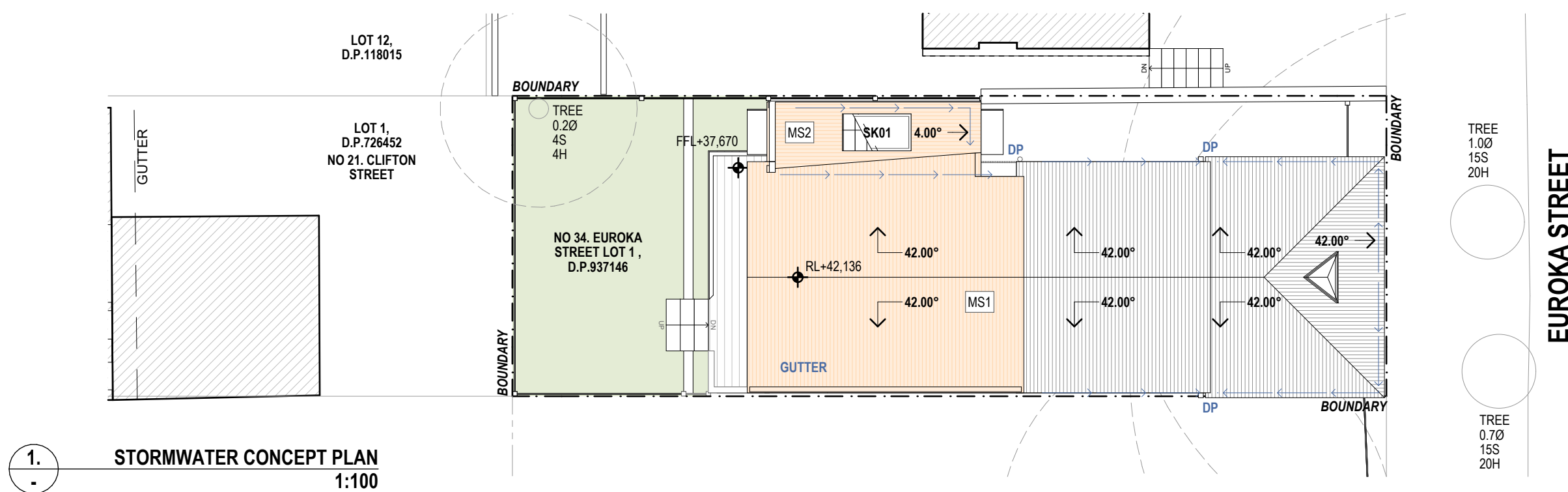
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PAGE: **SECTIONS**



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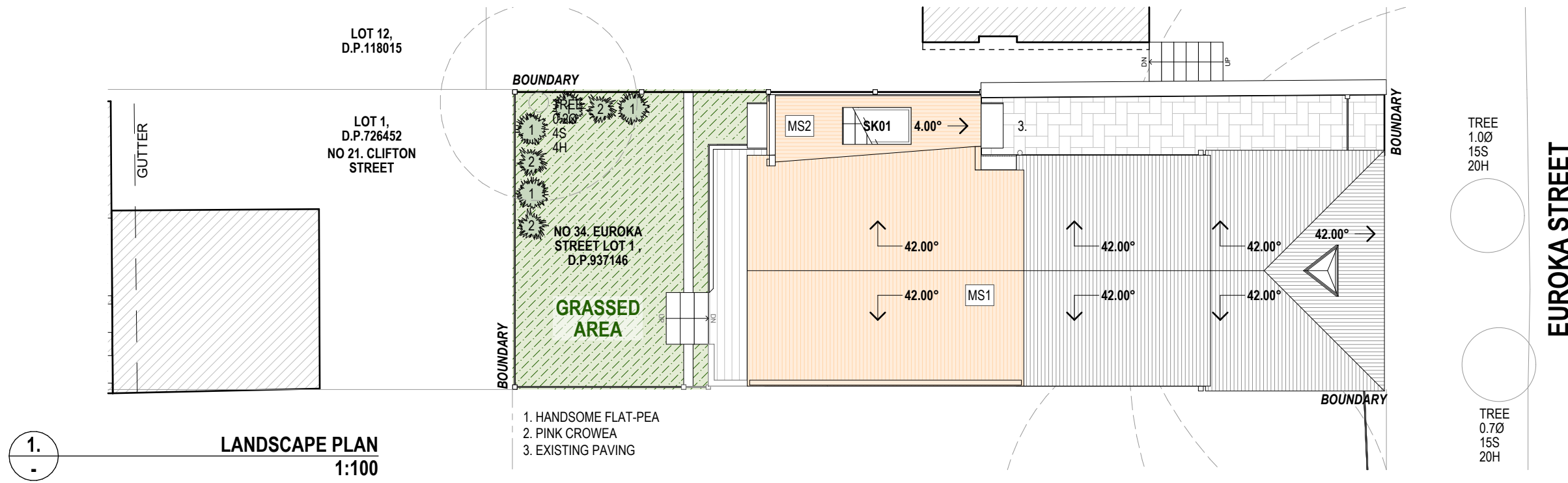
SILT FENCE IS TO BE ERECTED PRIOR TO COMMENCING WORK. FENCE TO BE MAINTAINED IN WORKING ORDER DURING TIME OF CONSTRUCTION.

W.A.E. DRAWING BY A REGISTERED SURVEYOR IS REQUIRED PRIOR TO CERTIFICATION OF DRAINAGE.

U.N.O. ALL DOWN PIPES ARE TO BE 100#.

U.N.O. ALL PIPES TO BE 100# CLASS 'SH' WITH 1% MIN SLOPE. ALL THE DOWNPIPES FROM THE ROOF GUTTER TO RAINWATER TANK SHOULD BE SOLVENT WELD JOINTED. PROVIDE FIRST FLUSH SYSTEM TO ALL DOWN PIPES PRIOR TO CONNECTING TO RAIN WATER TANK.

ALL PIPES TO BE 100# UPVC U.N.O. WITH 1% Min SLOPE.



**FRONT PERSPECTIVE**



**REAR PERSPECTIVE**



**FINISHES SCHEDULE**

**MC1** - PROPOSED CLADDING: INTERLOCKING METAL CLADDING 'MATT DUNE' FINISH. LYSAGHT ENSEAM PROFILE

**MS1** - PROPOSED ROOFING: COLORBOND ROOF SHEETING 'MATT SHALE GREY' FINISH. CUSTOM ORB PROFILE

**MS2** - PROPOSED ROOFING: COLORBOND ROOF SHEETING 'MATT SHALE GREY' FINISH

**AW1** - MODERN WINDOW SHROUD AWNING

NEW WINDOWS & DOORS: POWDERCOATED ALUMINIUM

**DP** - NEW DOWNPIPES TO BE CIRCULAR AND PAINTED IN WARM/SANDSTONE COLOUR

NEW GUTTERS GALVANISED STEEL OGEE PROFILE WITH A TIMBER SCOTA MOULD BELOW





EXISTING



PROPOSED

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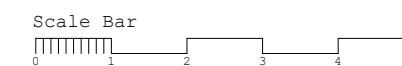
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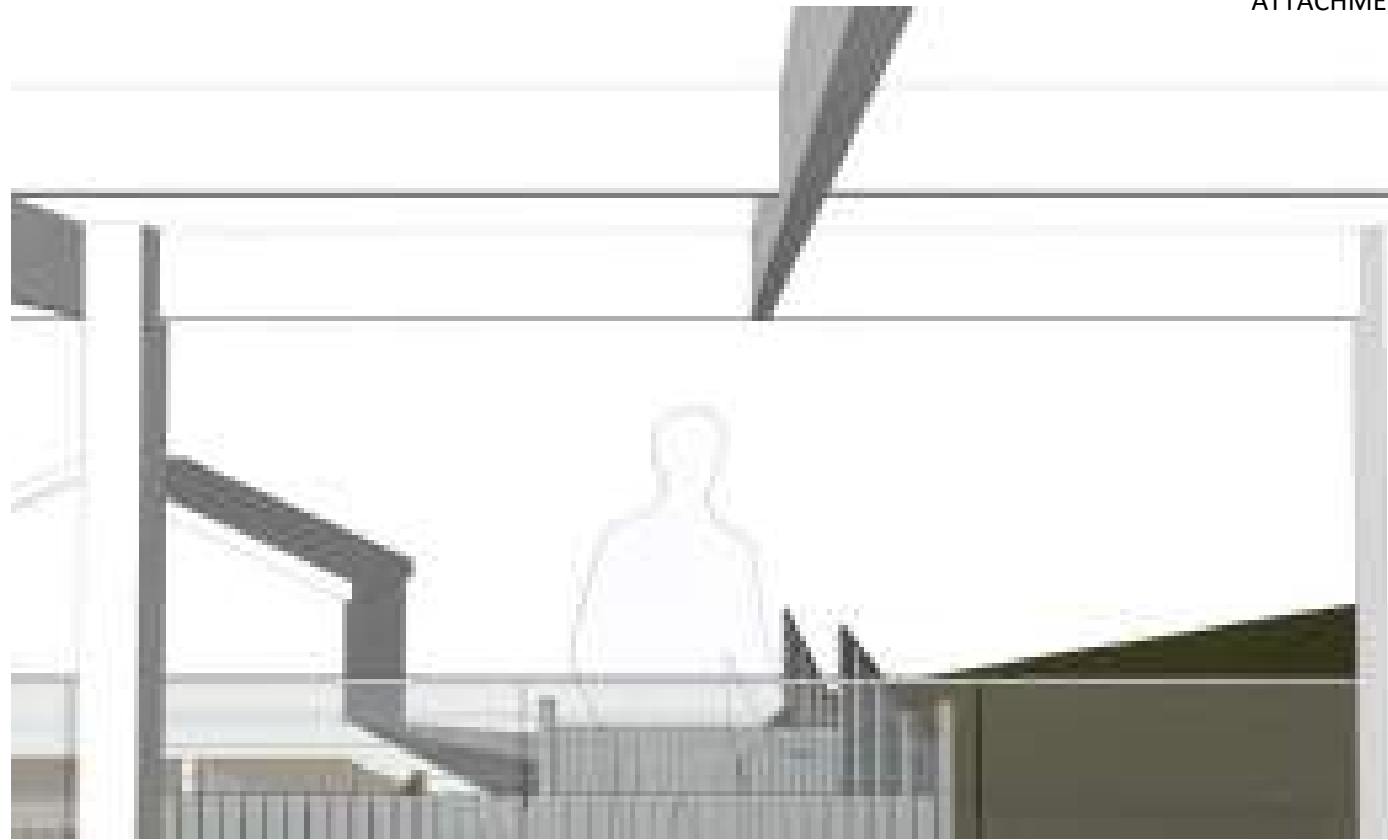
CLIENT(S): *DMITRY & ALEXANDRA POLIKARPOV*  
 ADDRESS: *34 EUROKA STREET WAVERTON NSW 2060*

PAGE: **PHOTOMONTAGE**

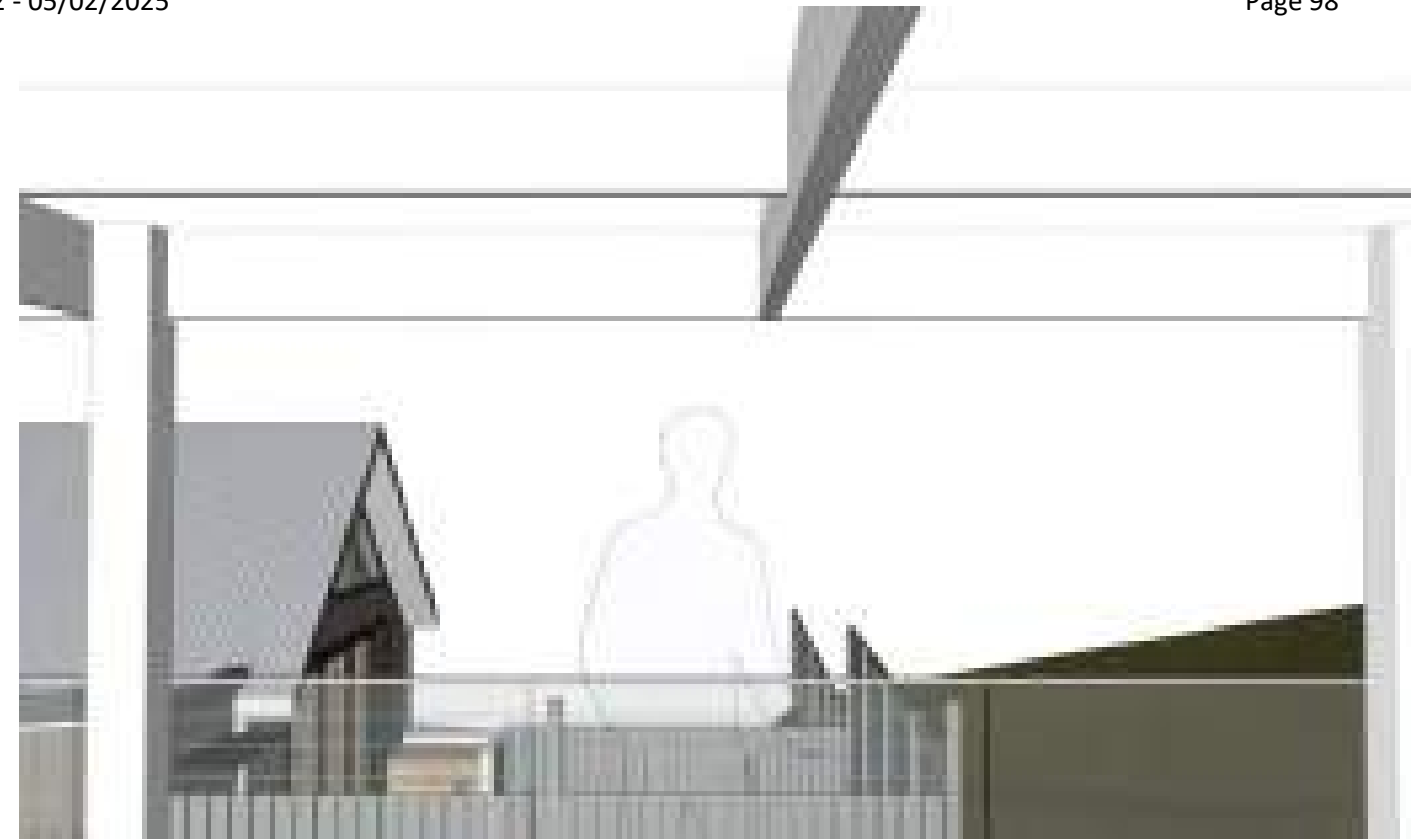


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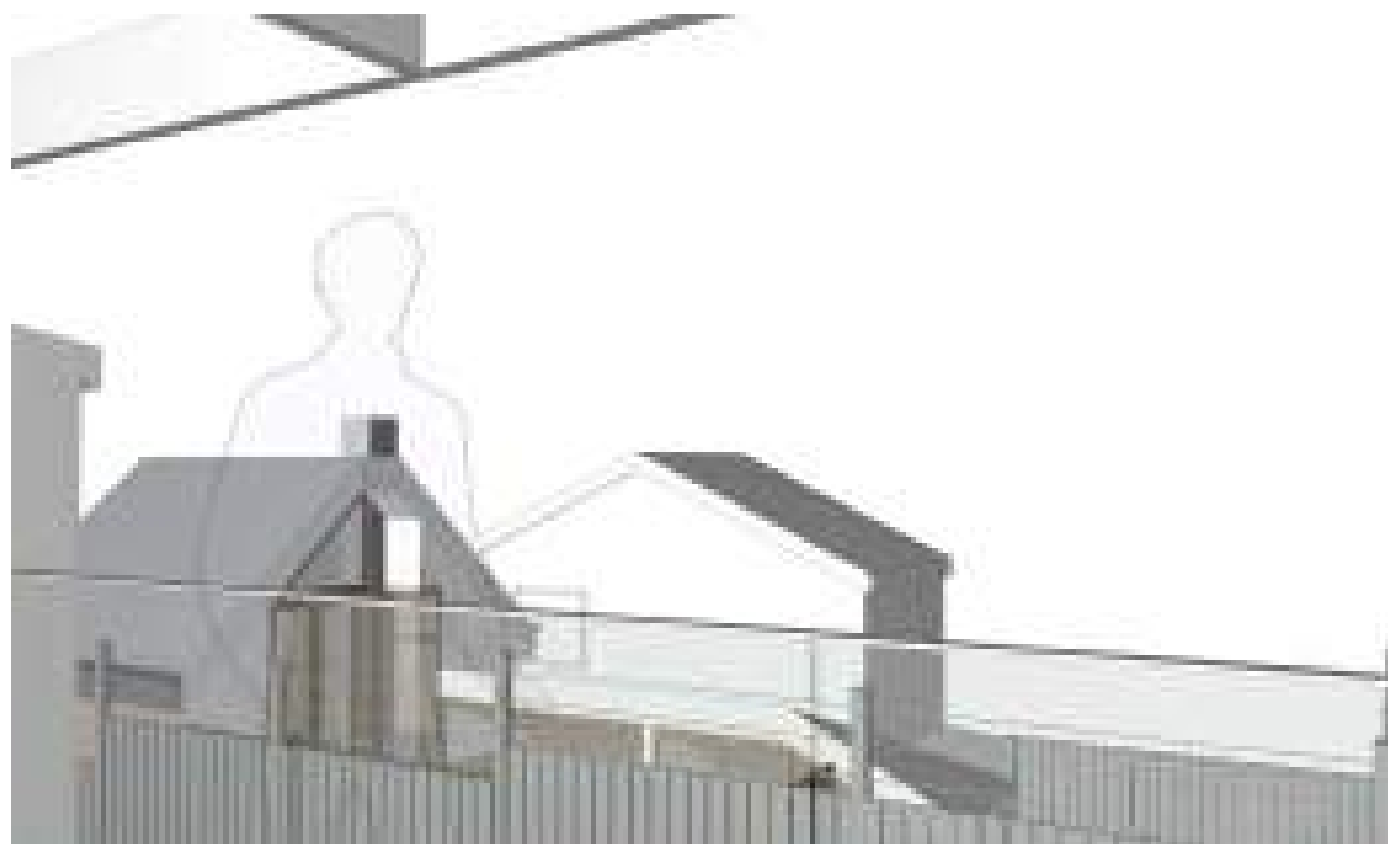
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 PAGE SIZE. **A3**



**EXISTING**



**PROPOSED**



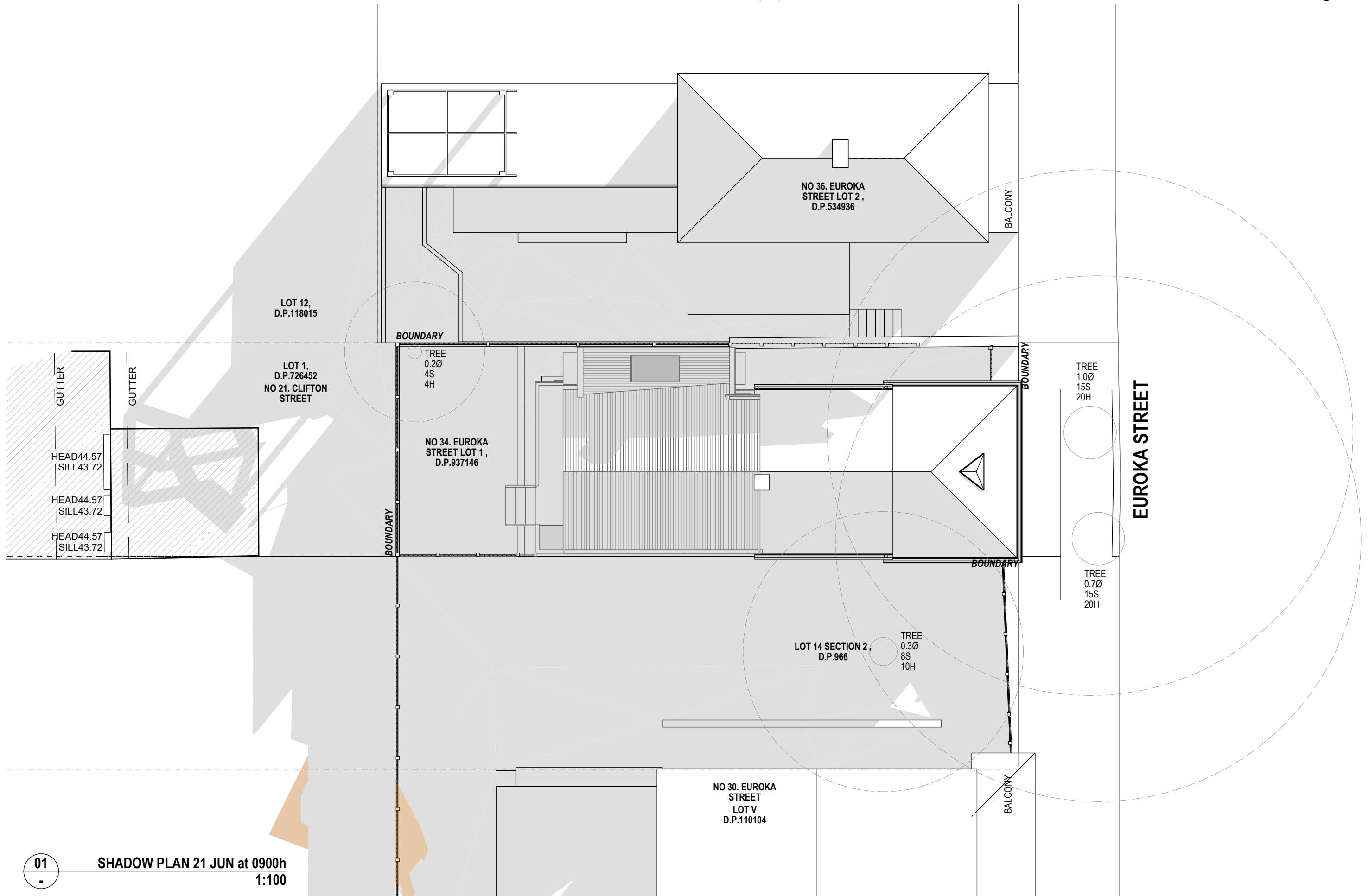
**EXISTING**



**PROPOSED**

**VIEW OF THE SUBJECT SITE (34 EUROKA STREET)  
FROM 36 EUROKA STREET'S EXISTING BALCONY**





01 SHADOW PLAN 21 JUN at 0900h  
1:100

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Luke Carter 9557 (NSW)



LEGEND:  
 - OVERSHADOWING CAUSED BY EXISTING BUILDING & SURROUNDING CONTEXT  
 - OVERSHADOWING CAUSED BY PROPOSED WORKS

REVISION	DESCRIPTION	DATE
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PAGE: **SHADOW DIAGRAM - 21 JUN 0900h**

Scale Bar  
0 1 2 3 4 5

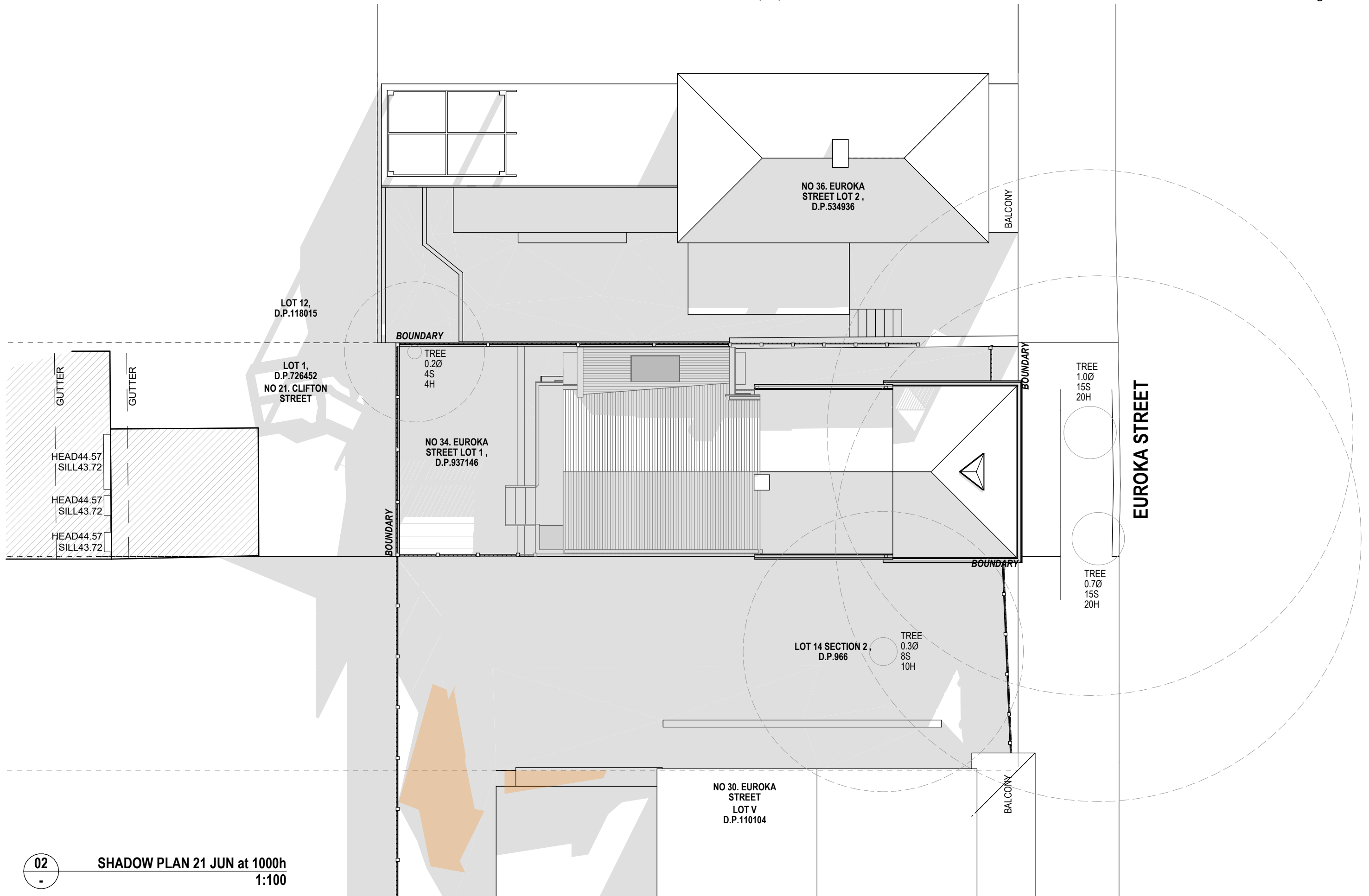


REV. **A**

**NOT FOR CONSTRUCTION**

NO. **A22**

PAGE SIZE. **A3**



02 SHADOW PLAN 21 JUN at 1000h  
1:100

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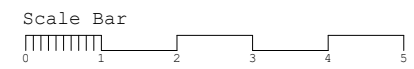
LEGEND:  
 - OVERSHADOWING CAUSED BY EXISTING BUILDING & SURROUNDING CONTEXT  
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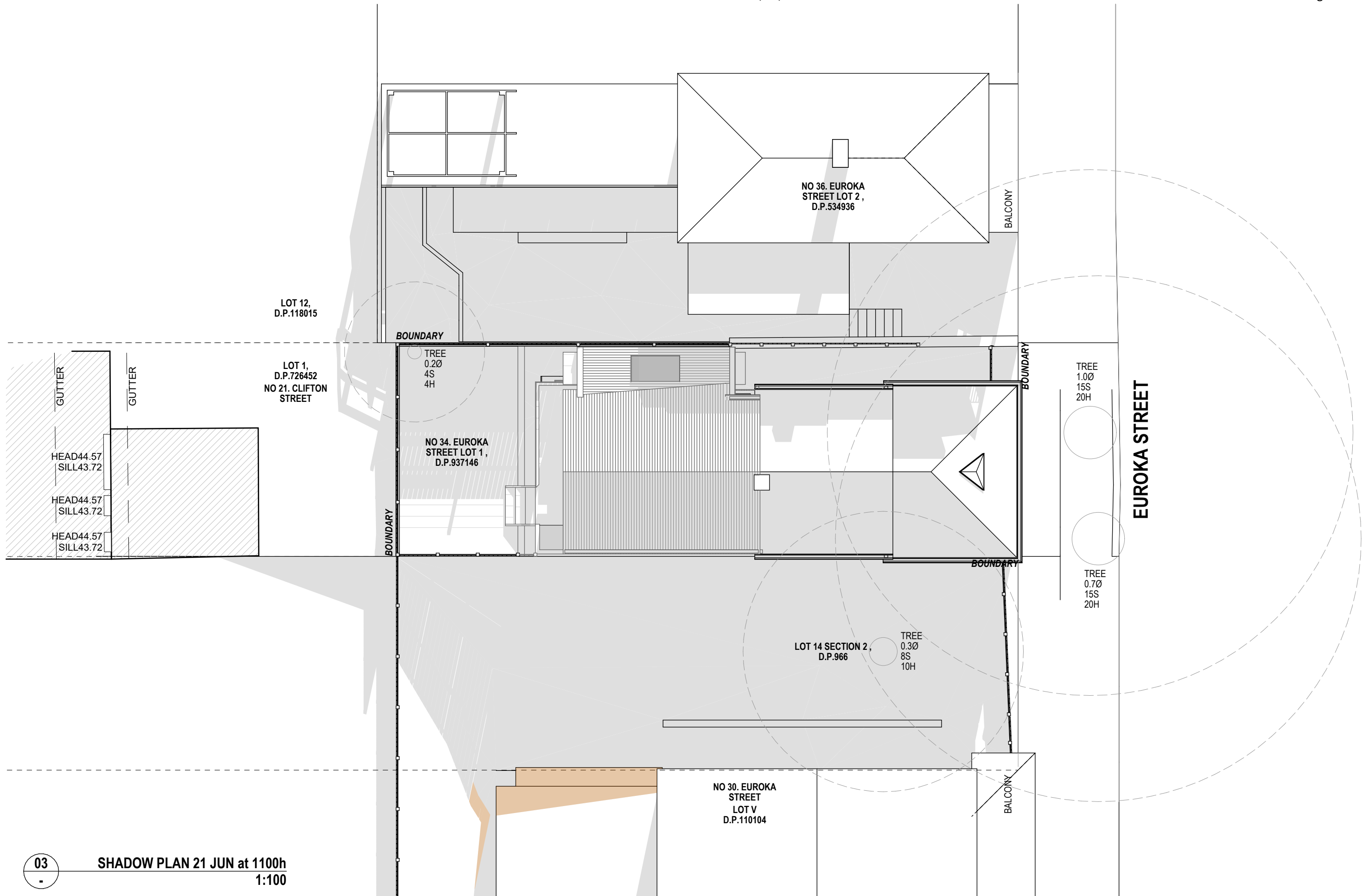
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PAGE: **SHADOW DIAGRAM - 21 JUN 1000h**



REV. **A**  
**NOT FOR CONSTRUCTION**

NO. **A23**  
 PAGE SIZE. **A3**



03 SHADOW PLAN 21 JUN at 1100h  
1:100

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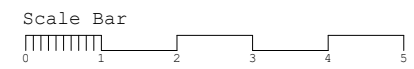
LEGEND:  
 - OVERSHADOWING CAUSED BY EXISTING BUILDING & SURROUNDING CONTEXT  
 - OVERSHADOWING CAUSED BY PROPOSED WORKS

REVISION	DESCRIPTION	DATE
A	DEVELOPMENT APPLICATION	22.01.2024

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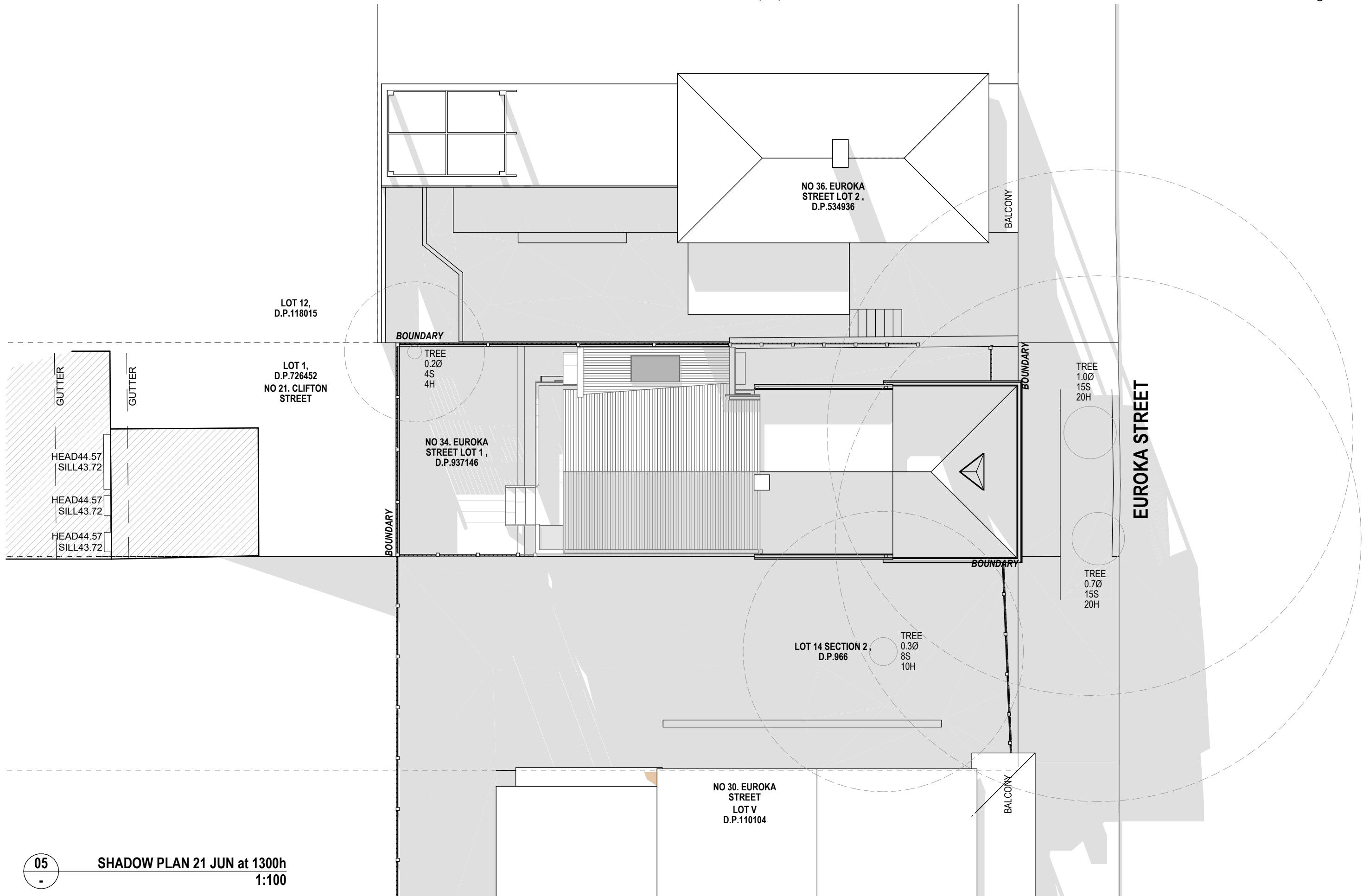
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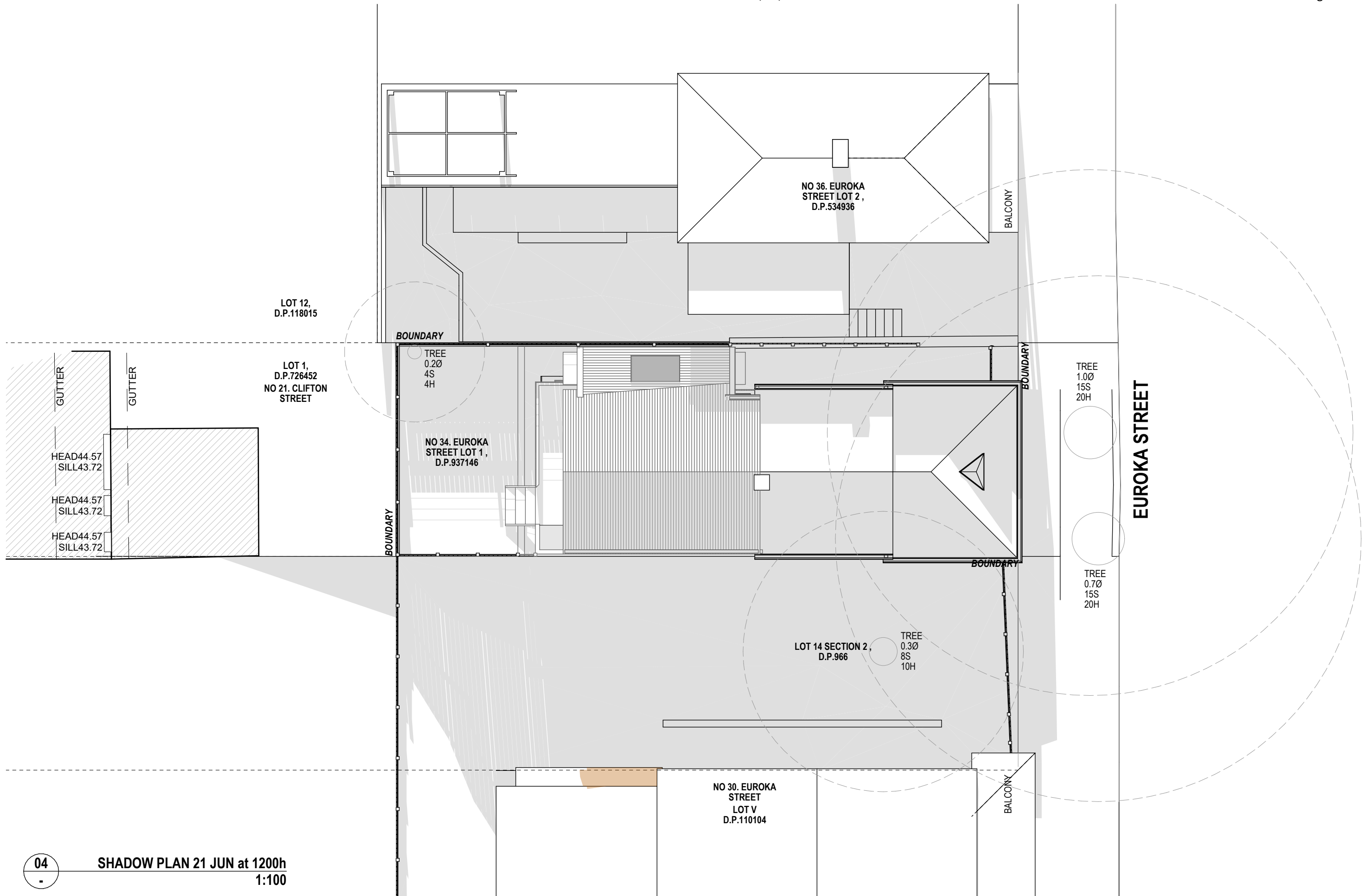


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04 SHADOW PLAN 21 JUN at 1200h  
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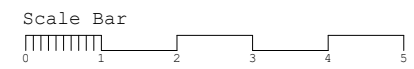
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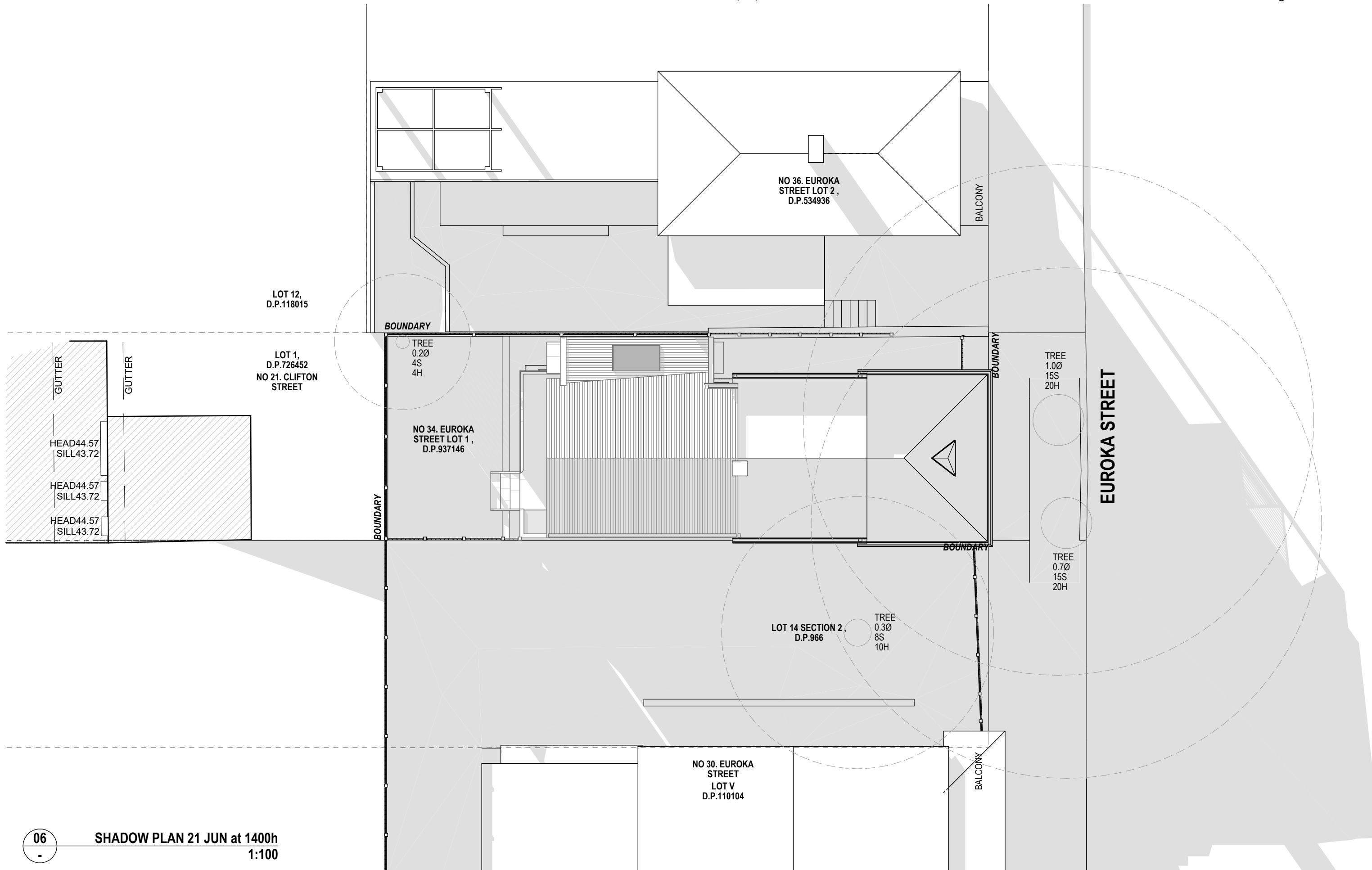
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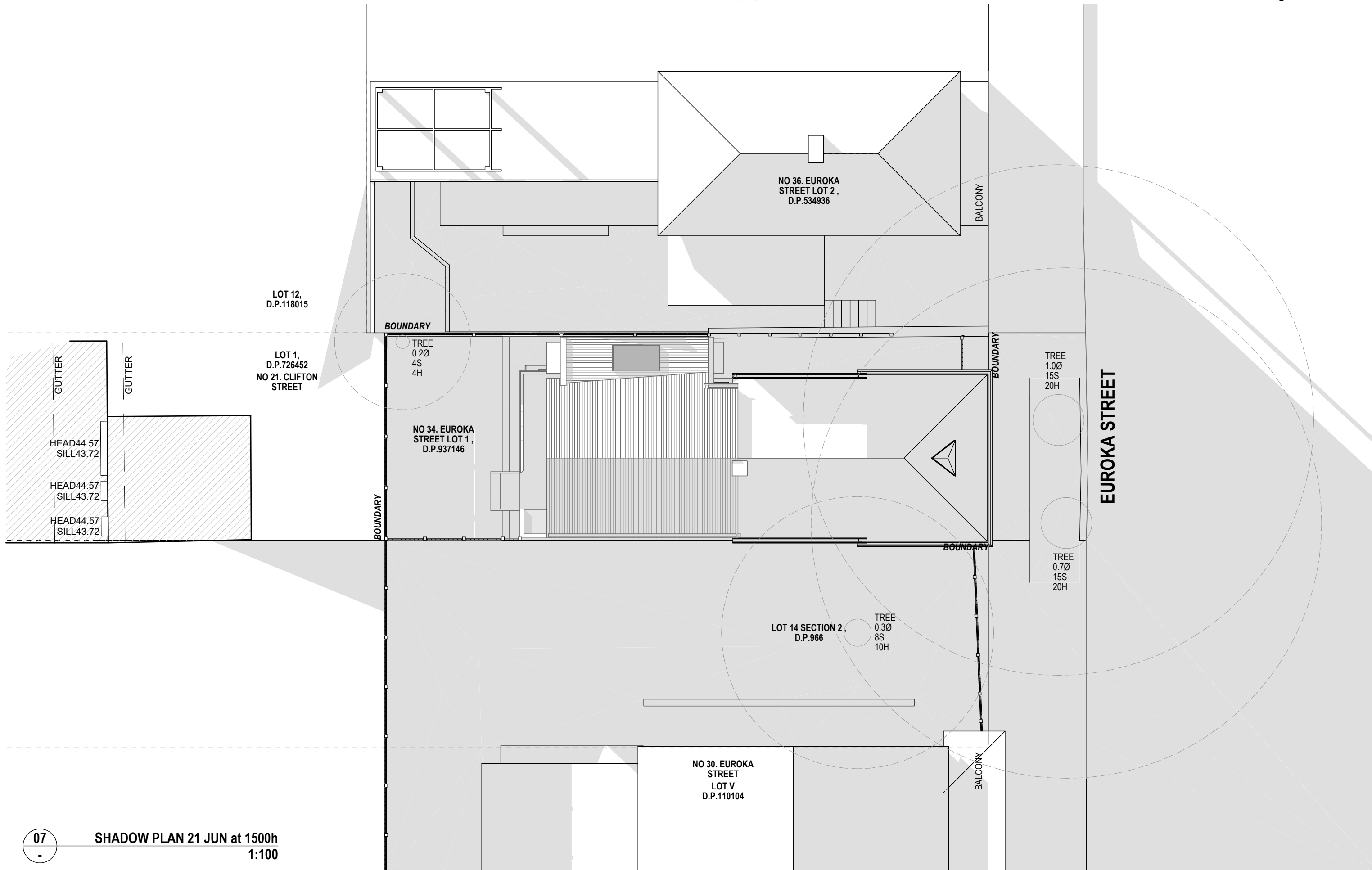
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07 SHADOW PLAN 21 JUN at 1500h  
1:100

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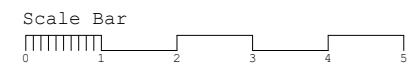
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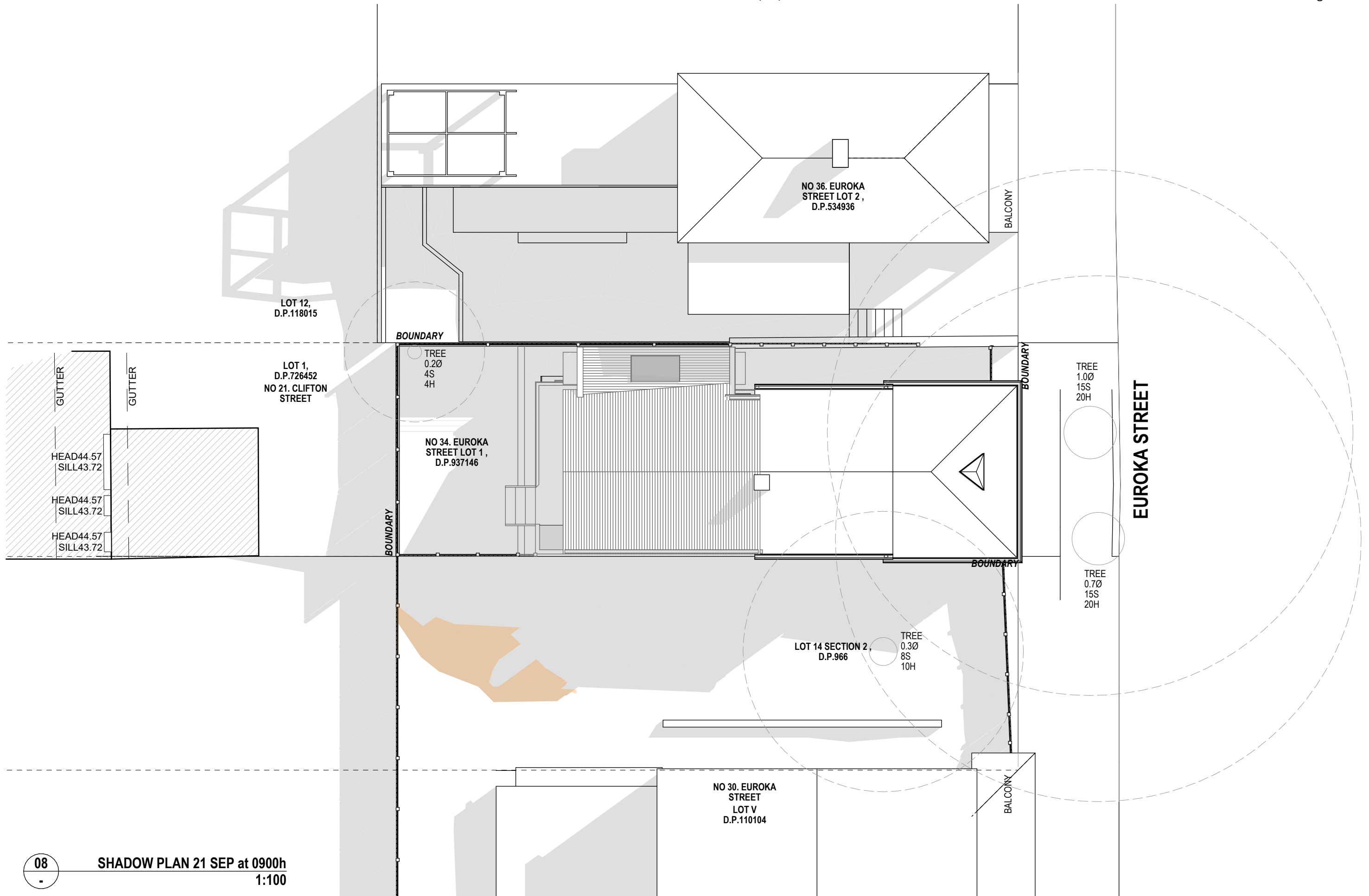
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08 SHADOW PLAN 21 SEP at 0900h  
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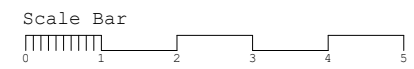
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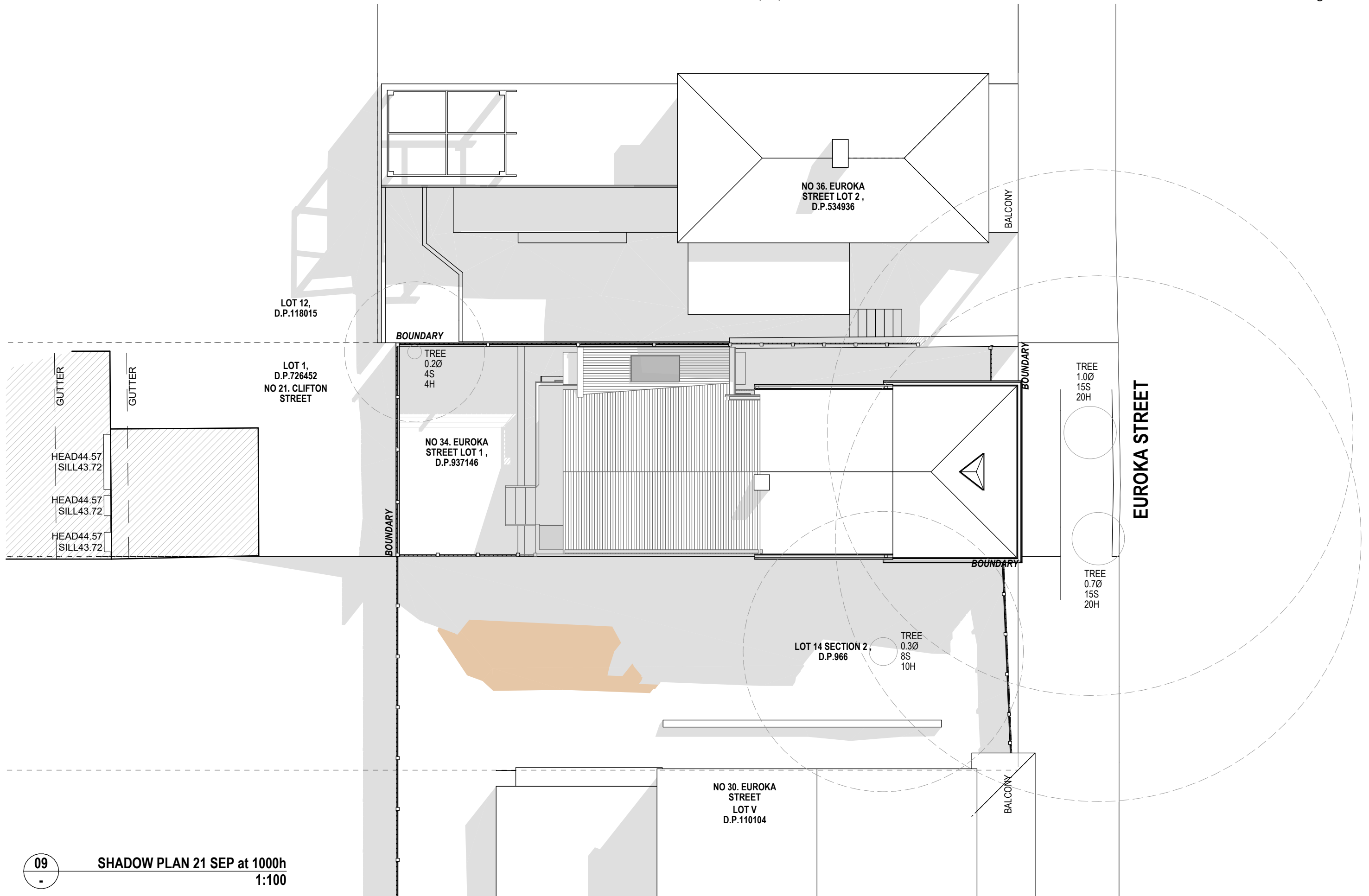
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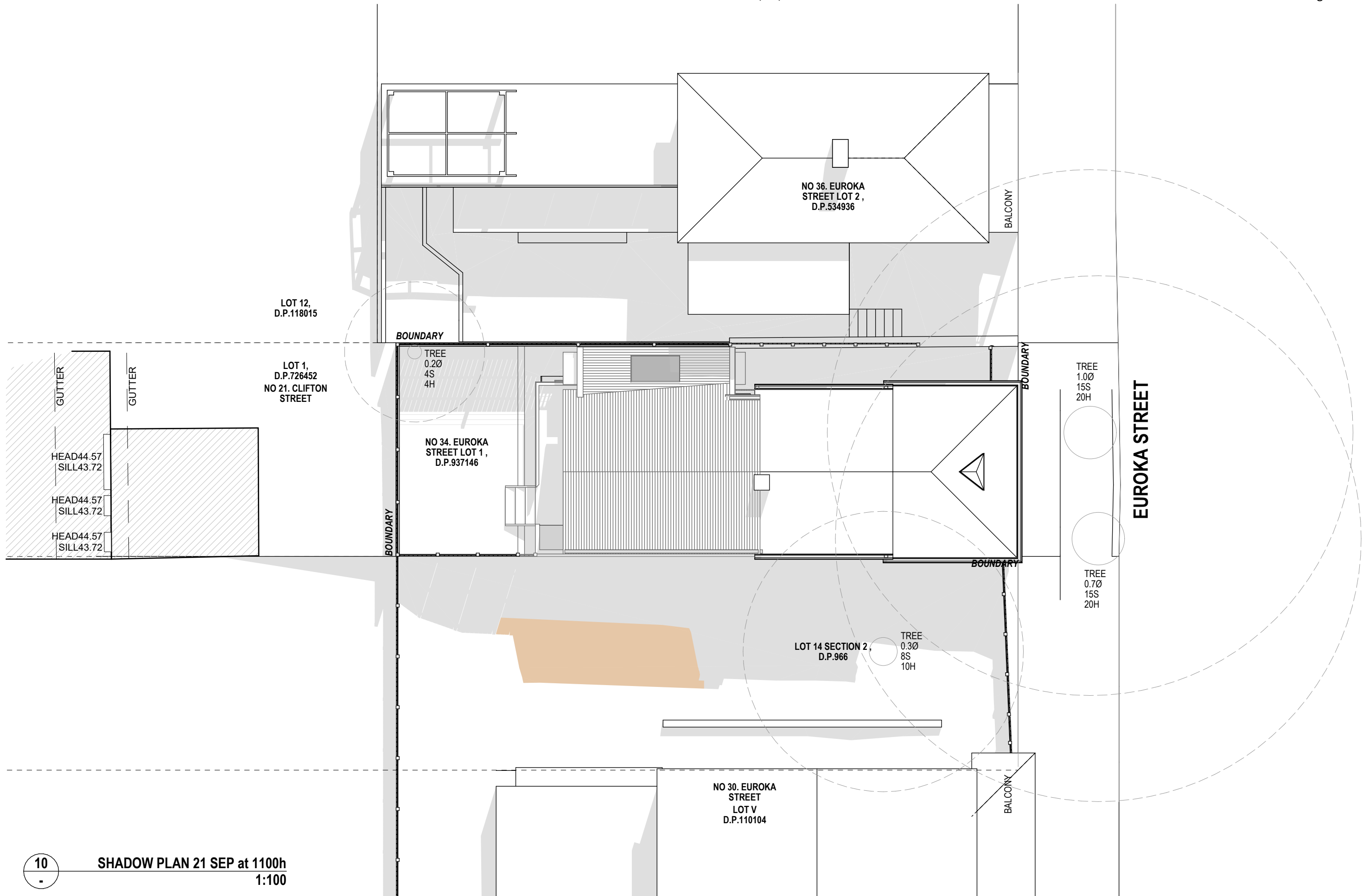


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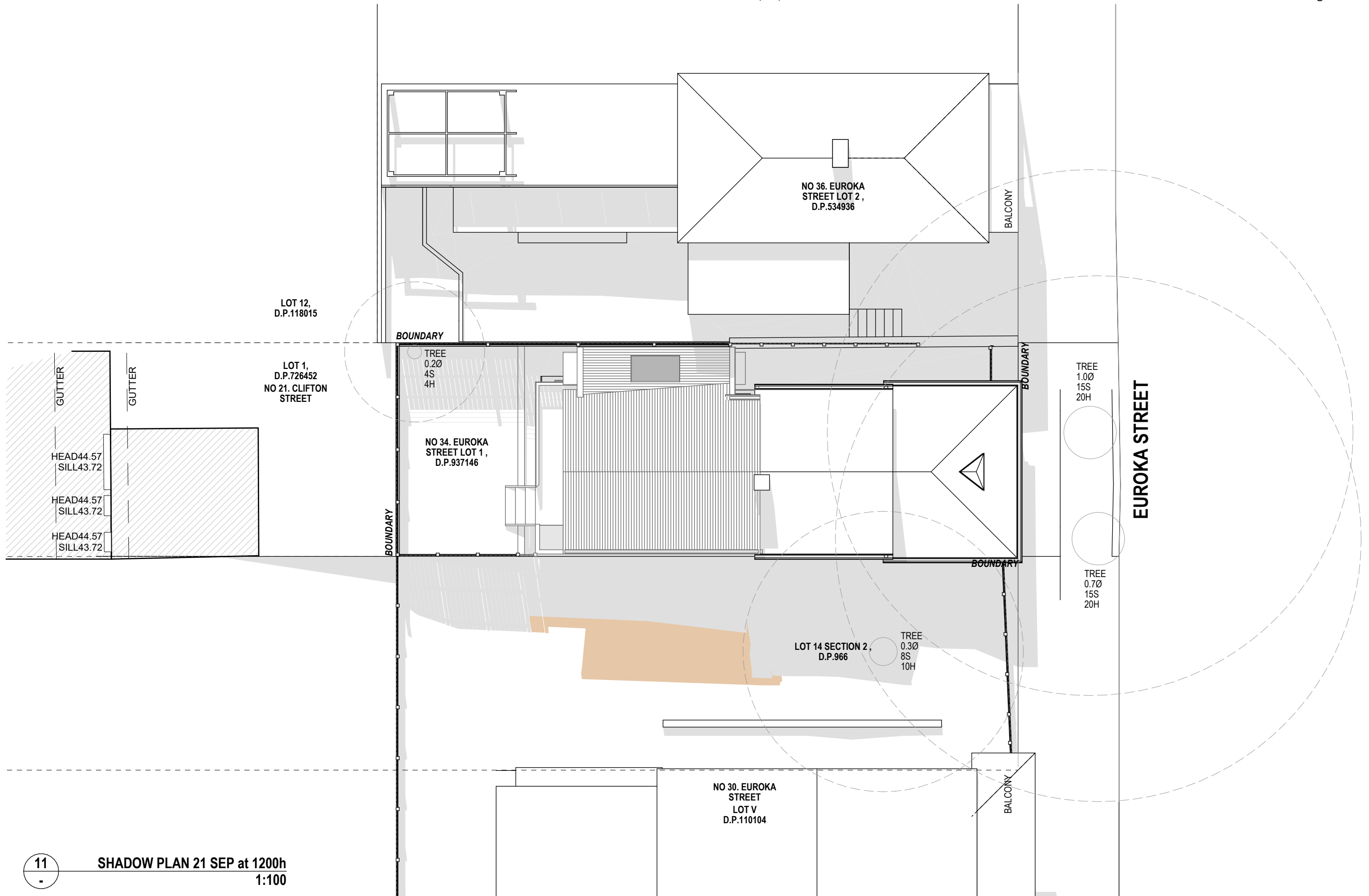
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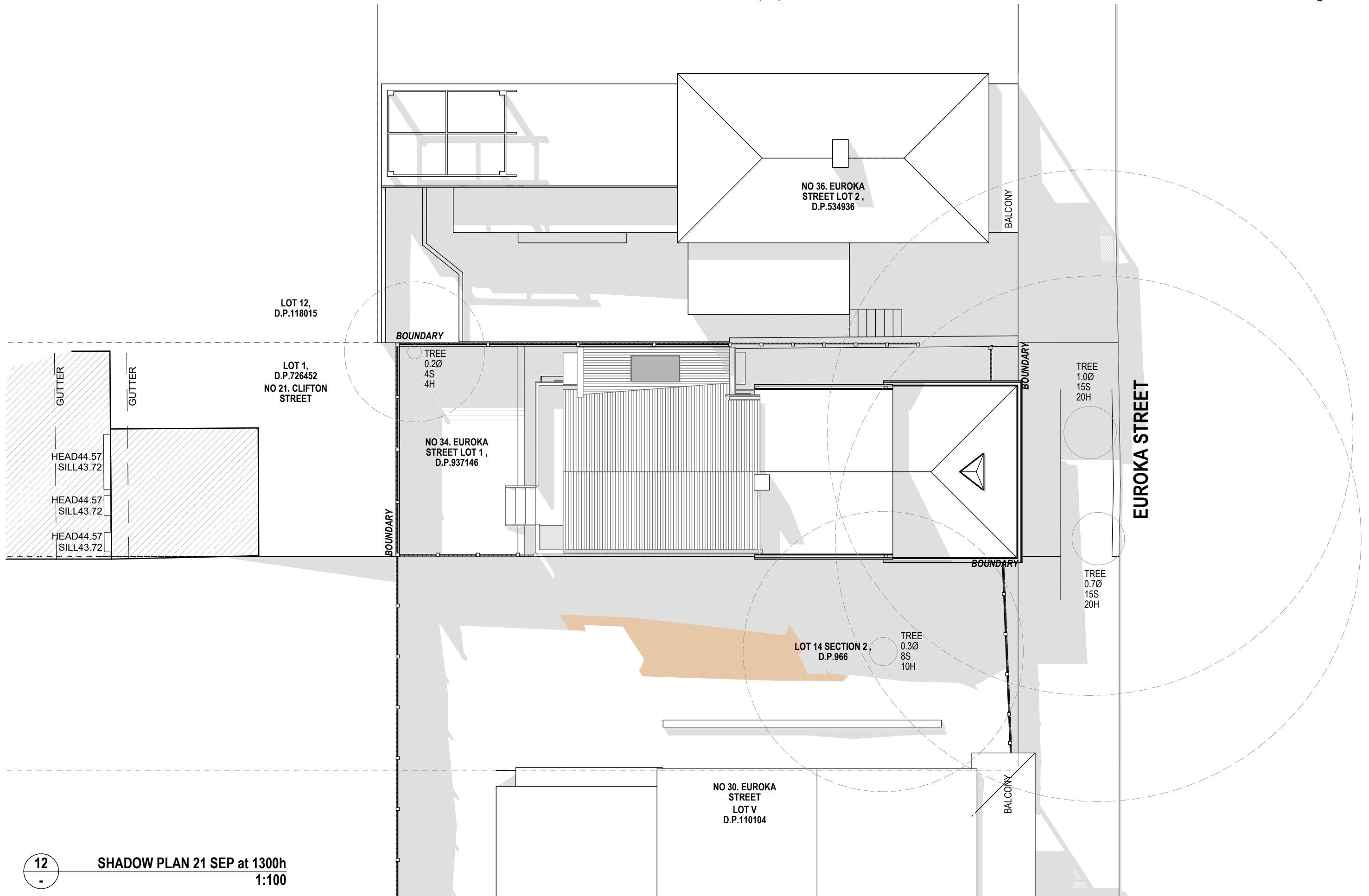
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10 SHADOW PLAN 21 SEP at 1100h  
1:100



11 SHADOW PLAN 21 SEP at 1200h  
- 1:100



12 SHADOW PLAN 21 SEP at 1300h  
- 1:100

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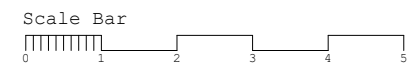
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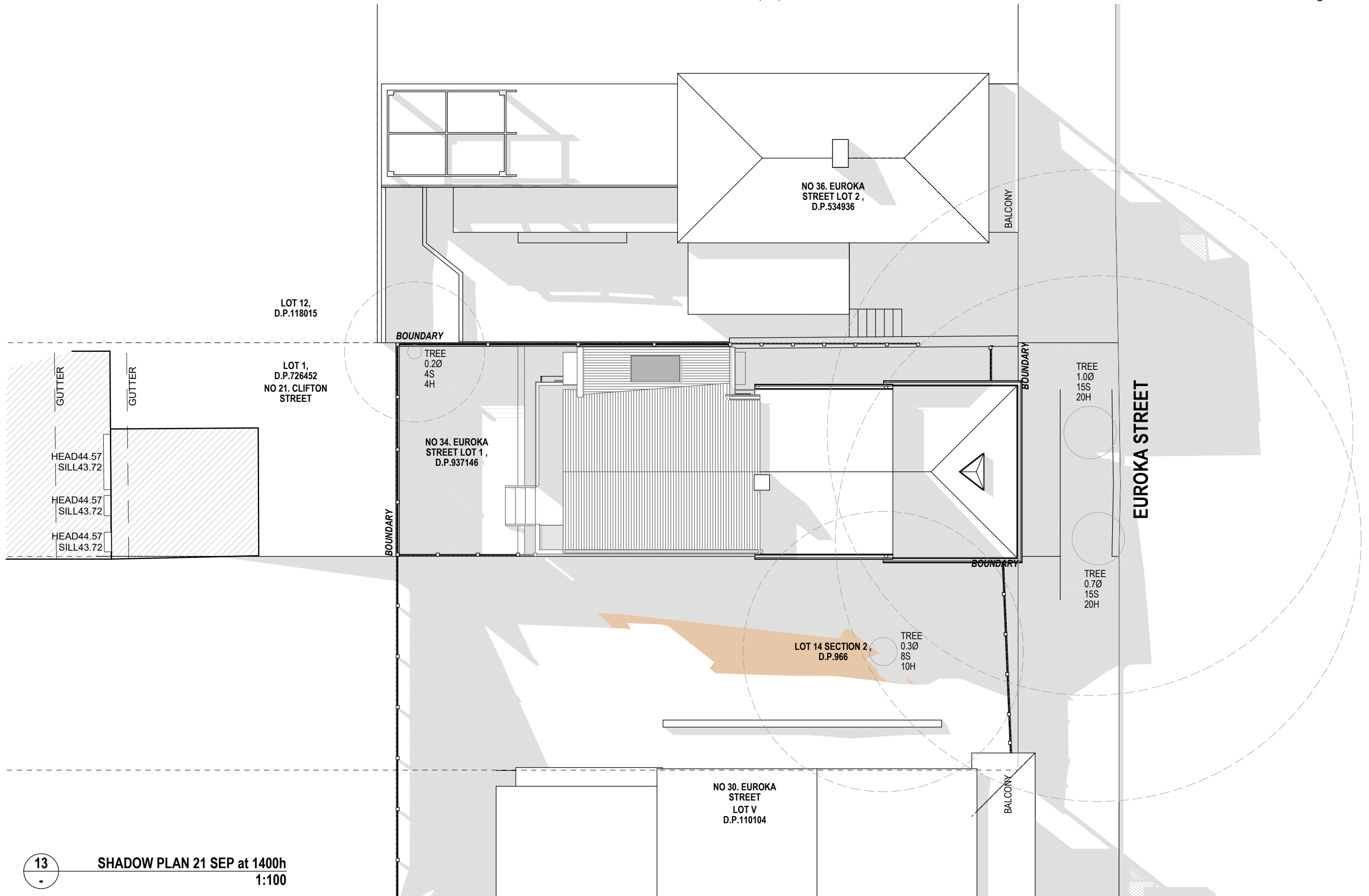
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13 SHADOW PLAN 21 SEP at 1400h  
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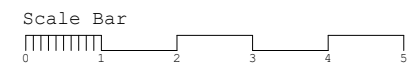
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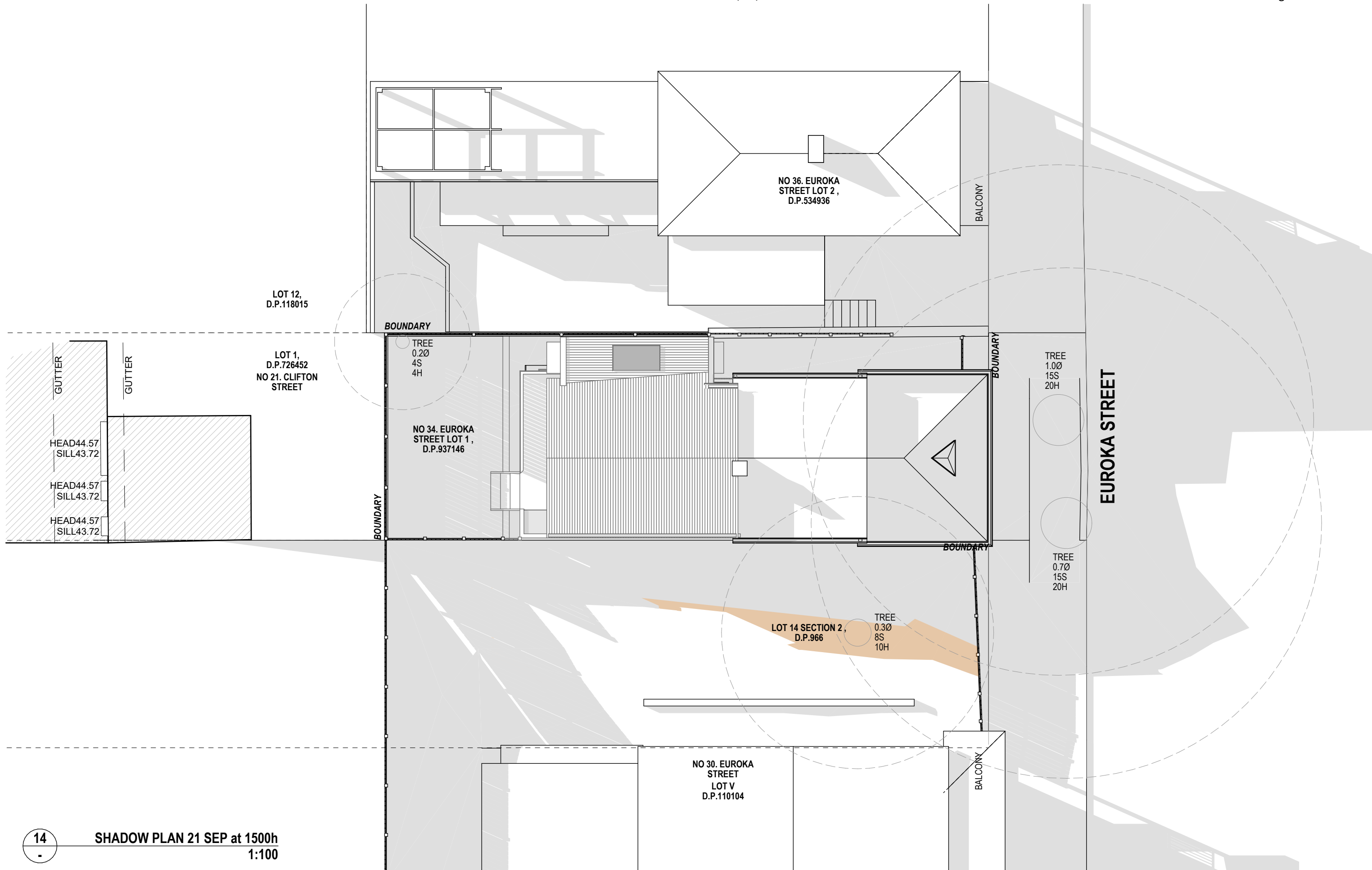
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14 SHADOW PLAN 21 SEP at 1500h  
1:100

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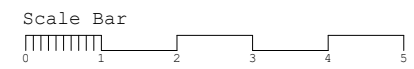
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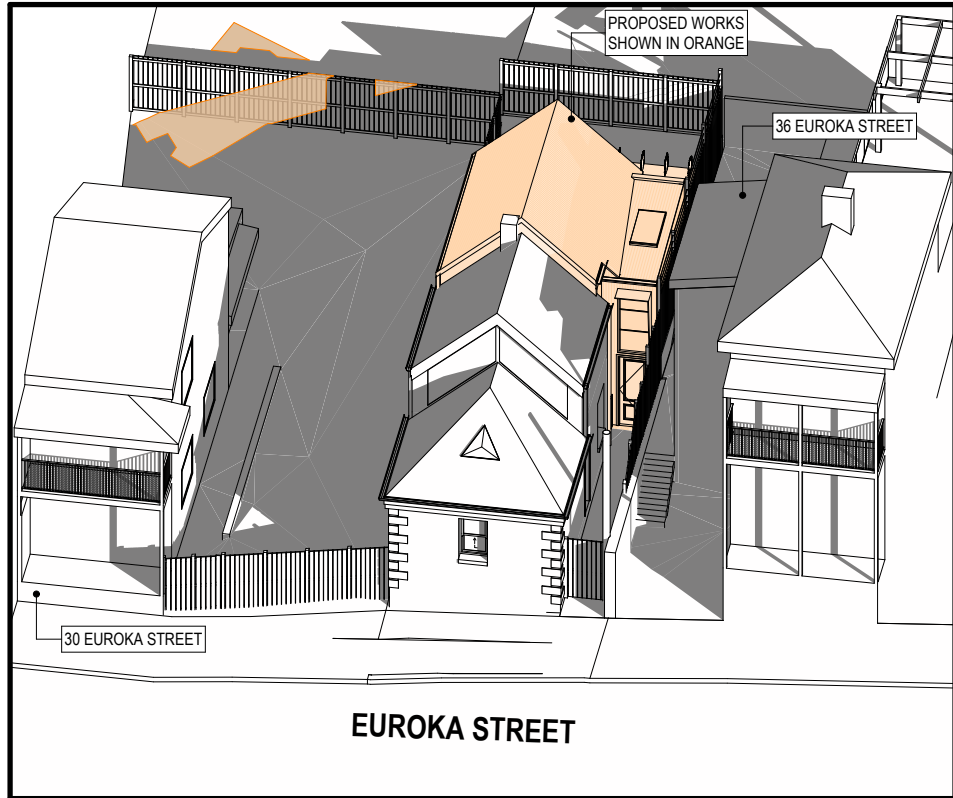
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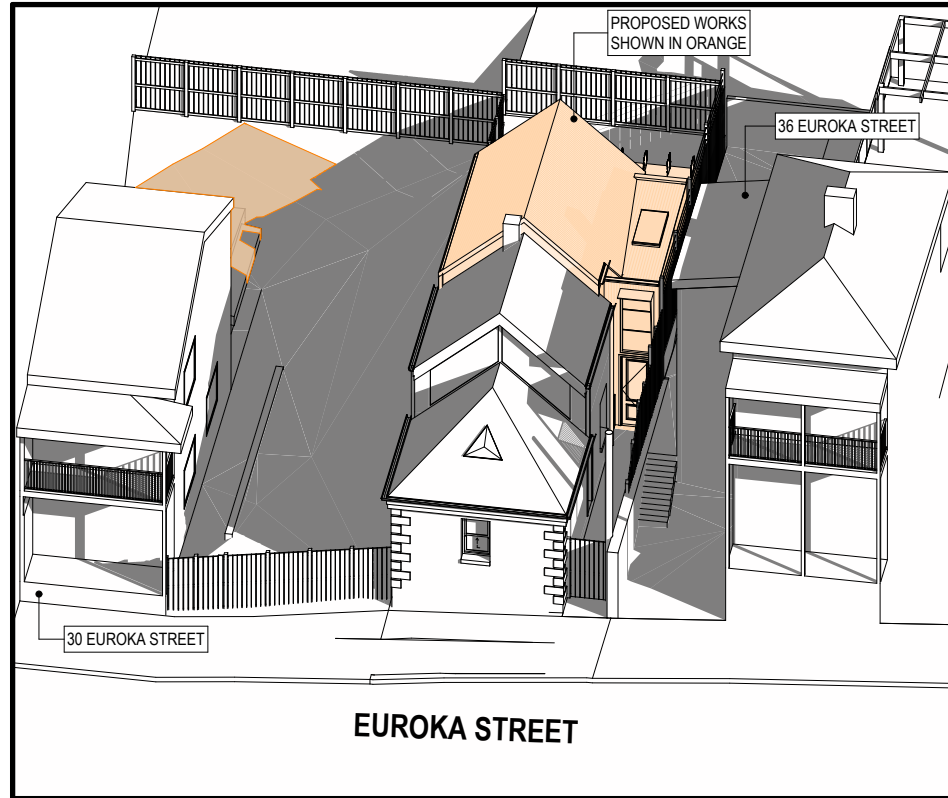


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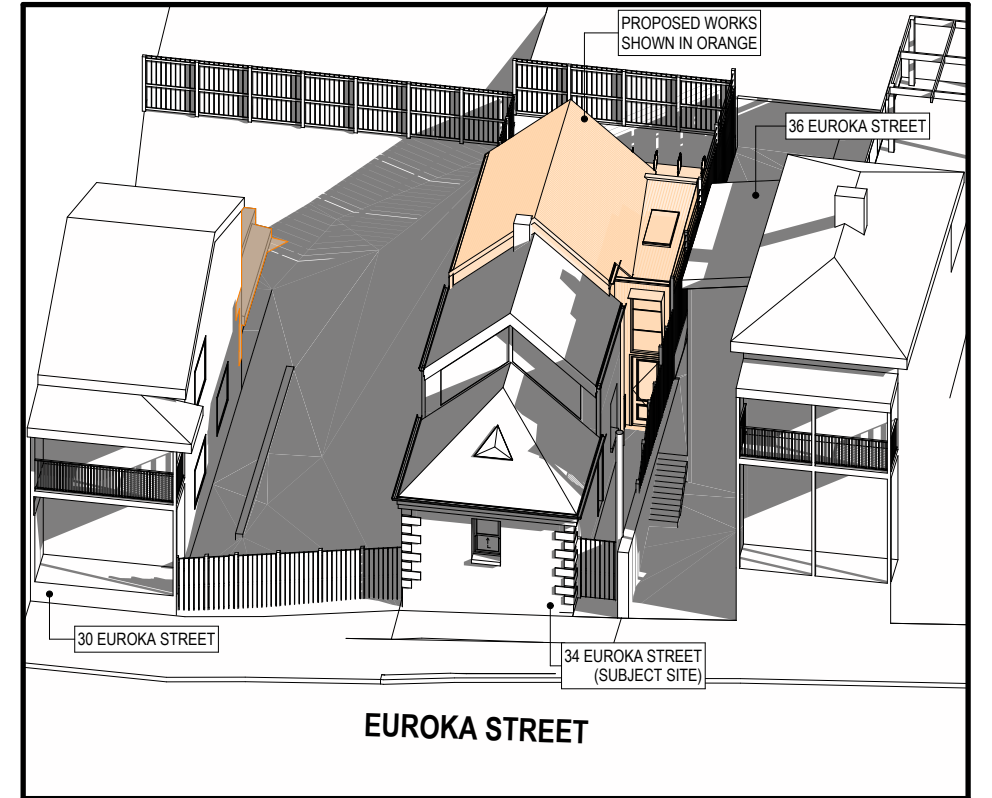
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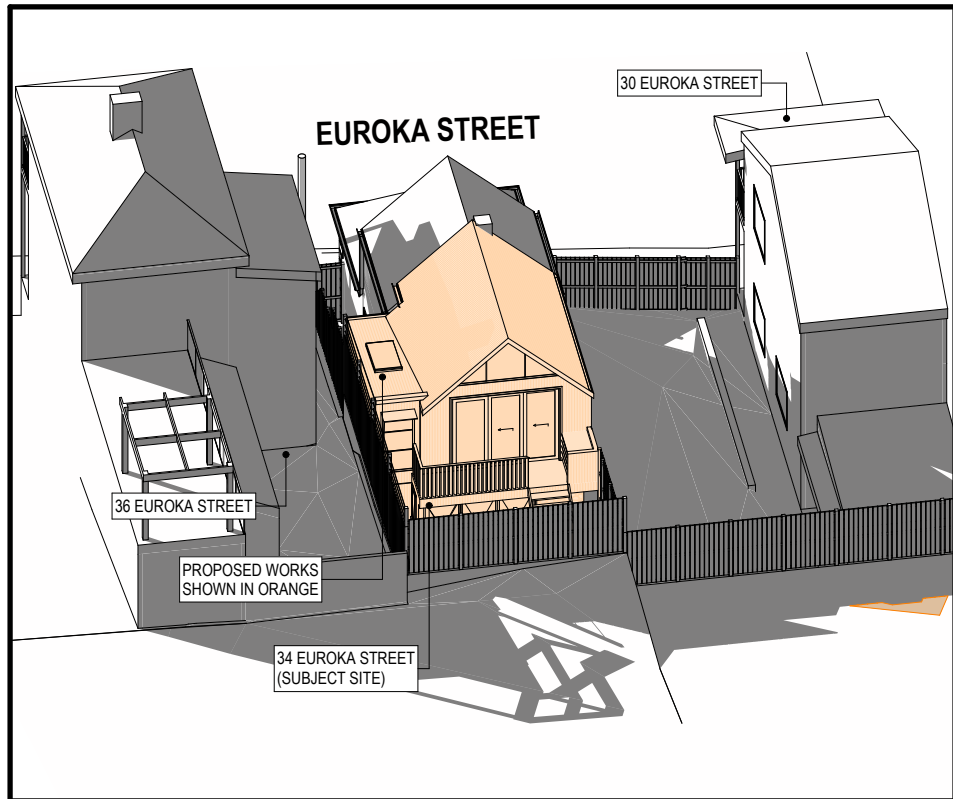
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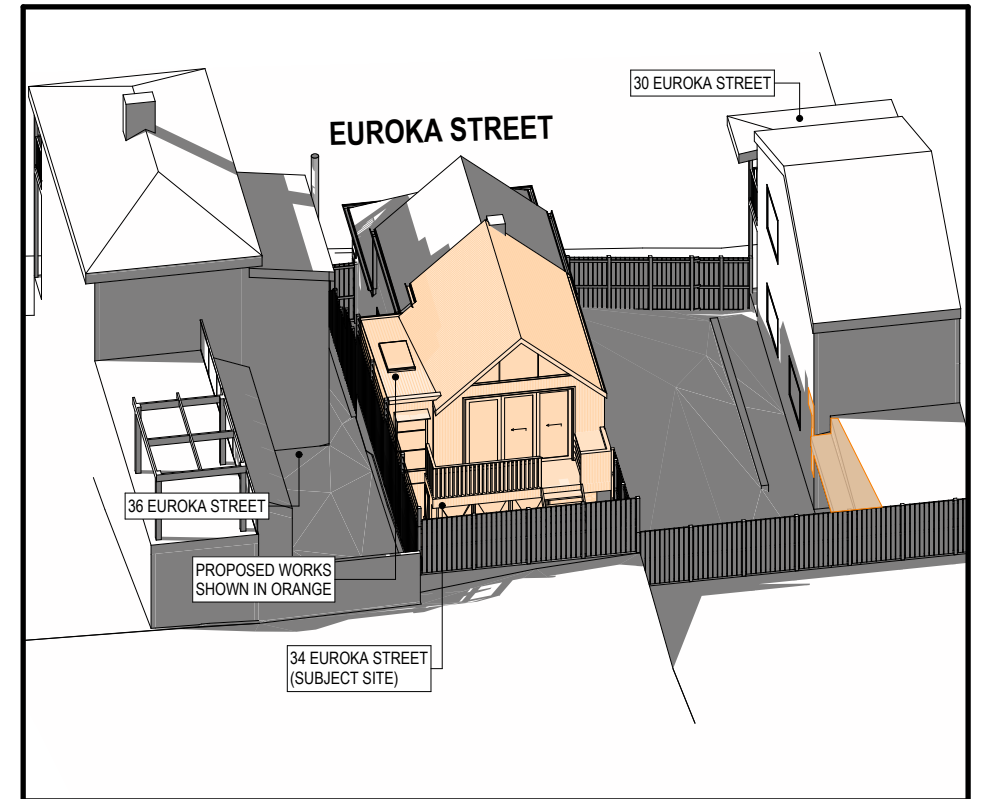
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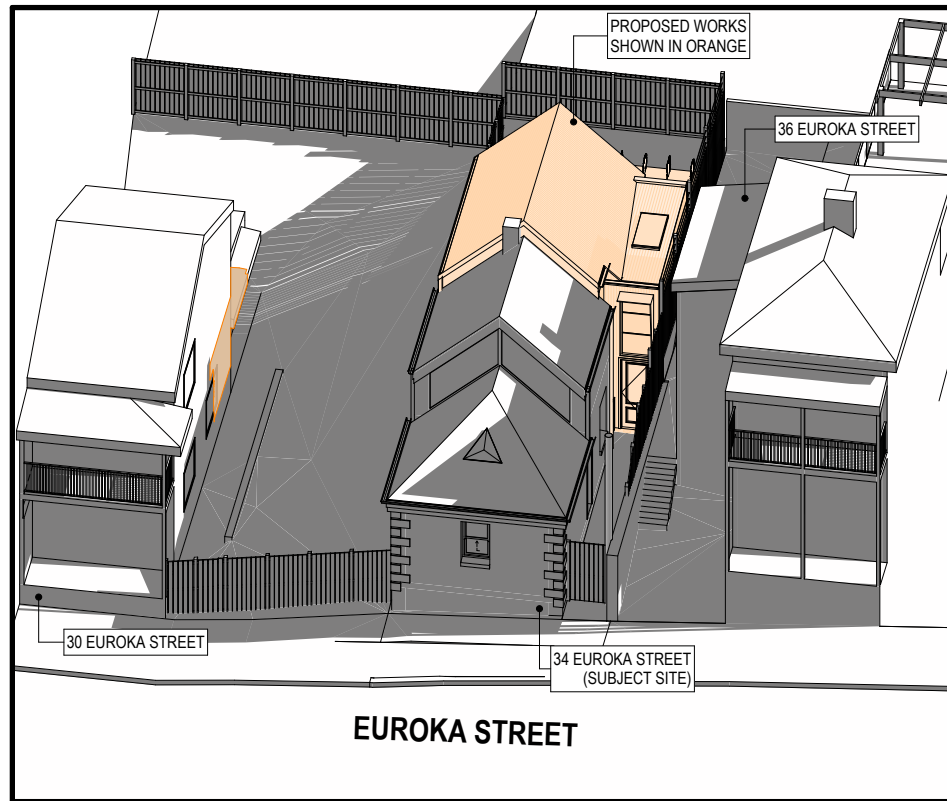
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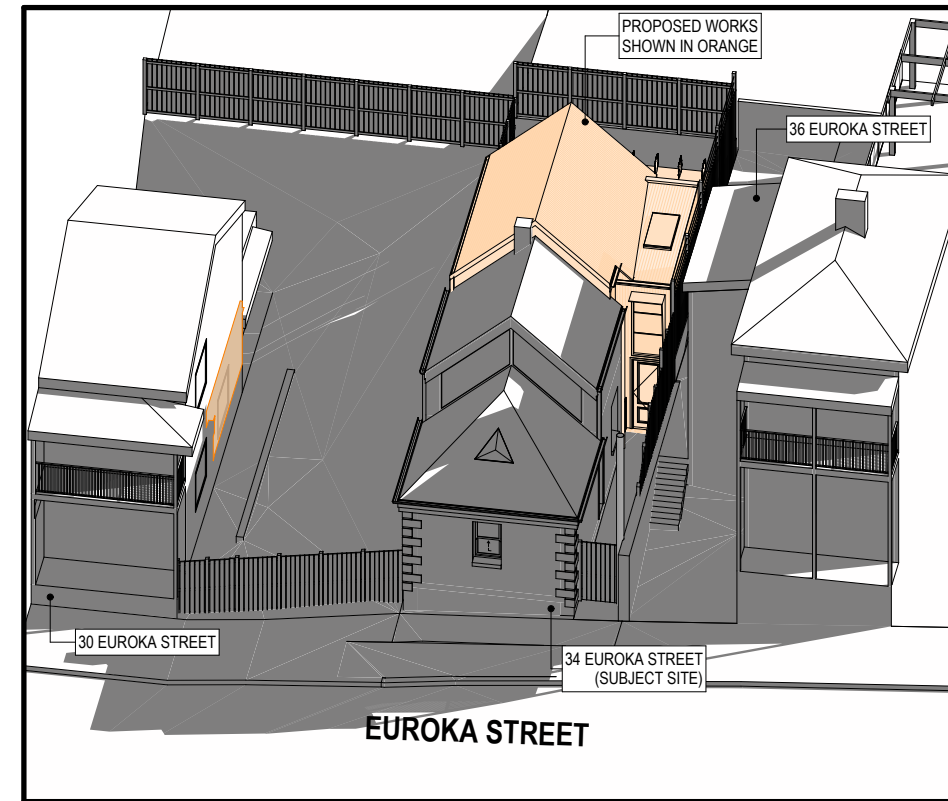
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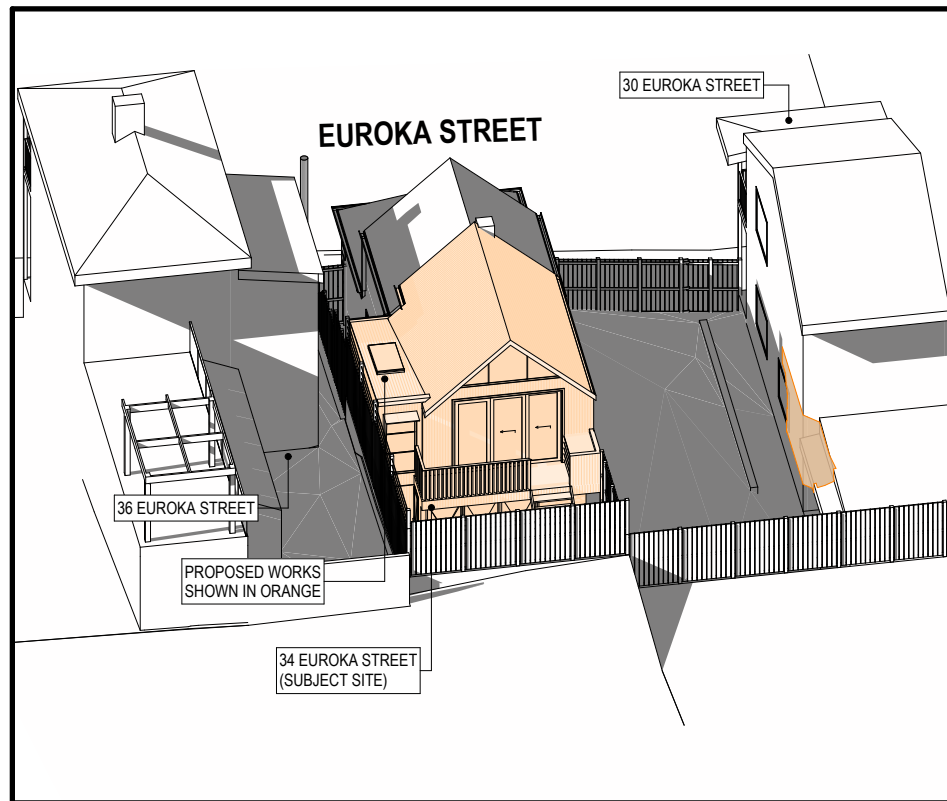
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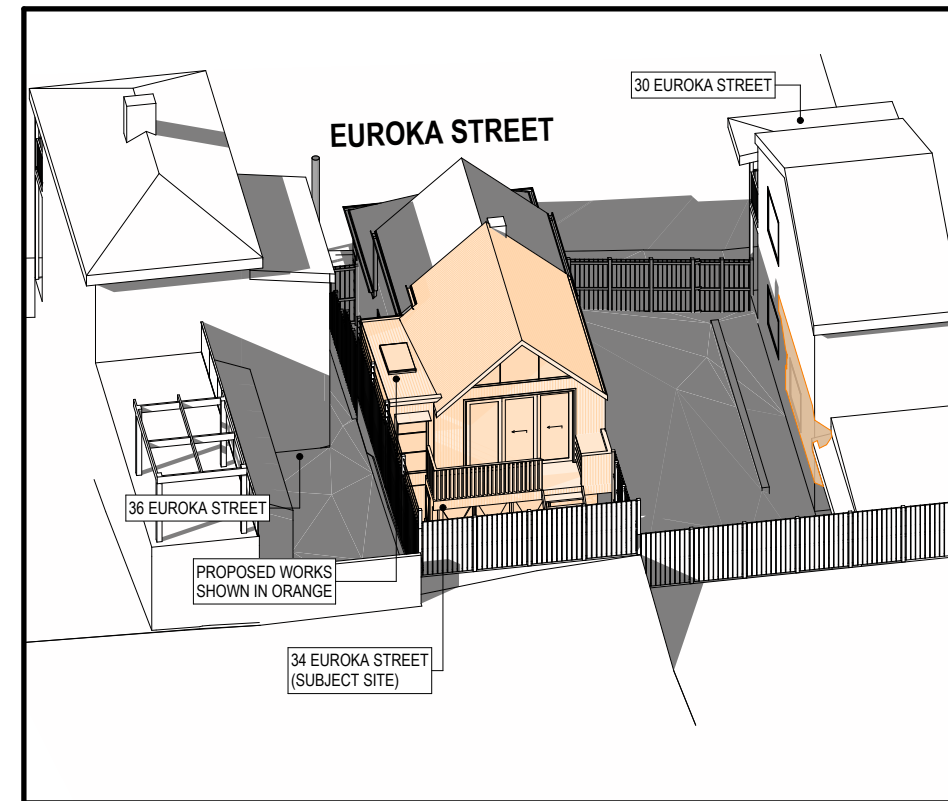
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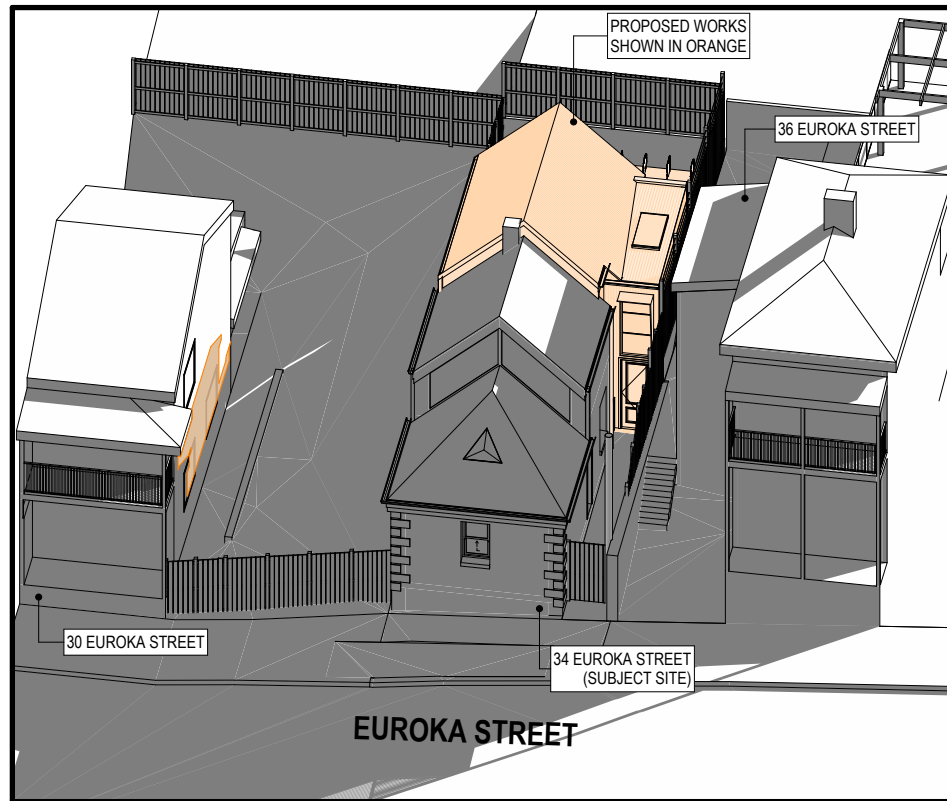


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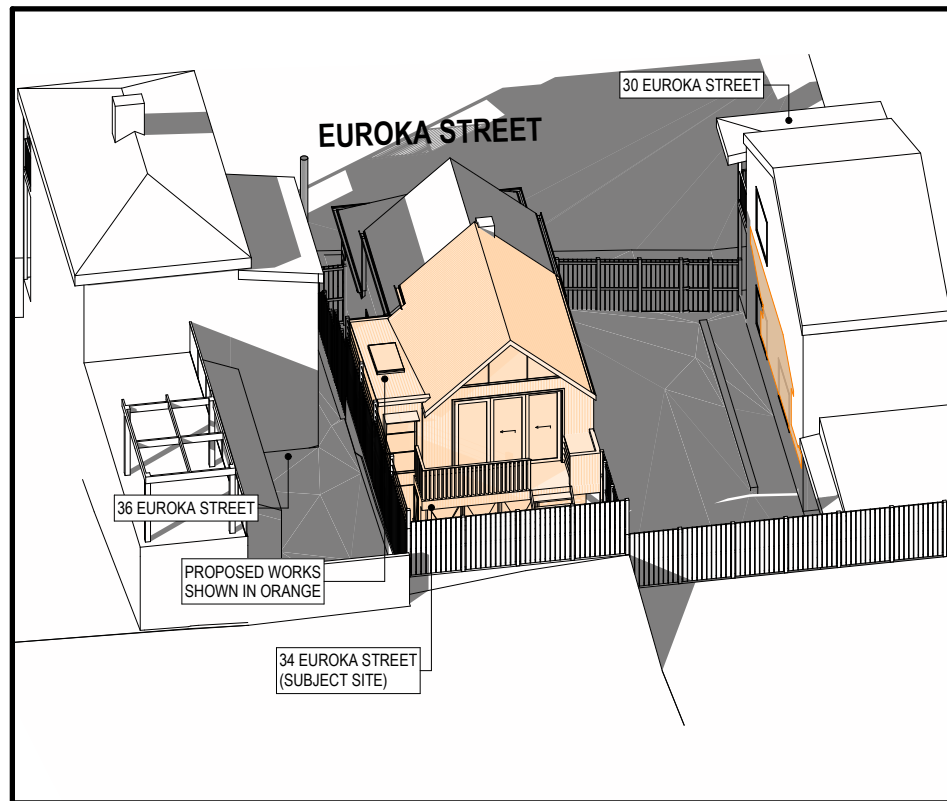




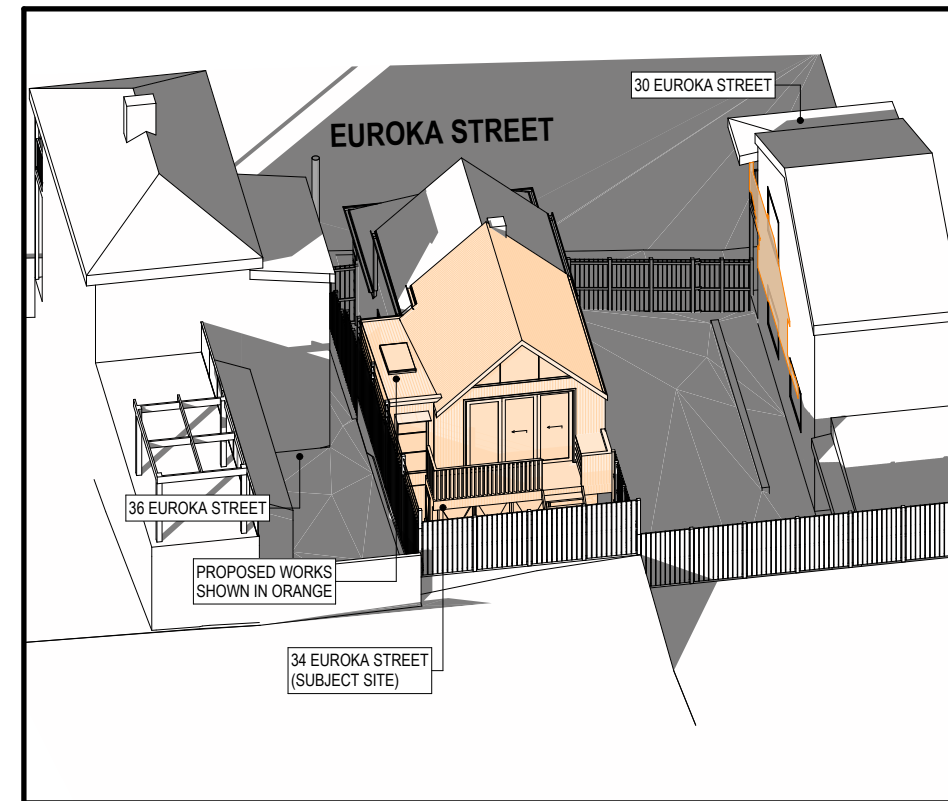
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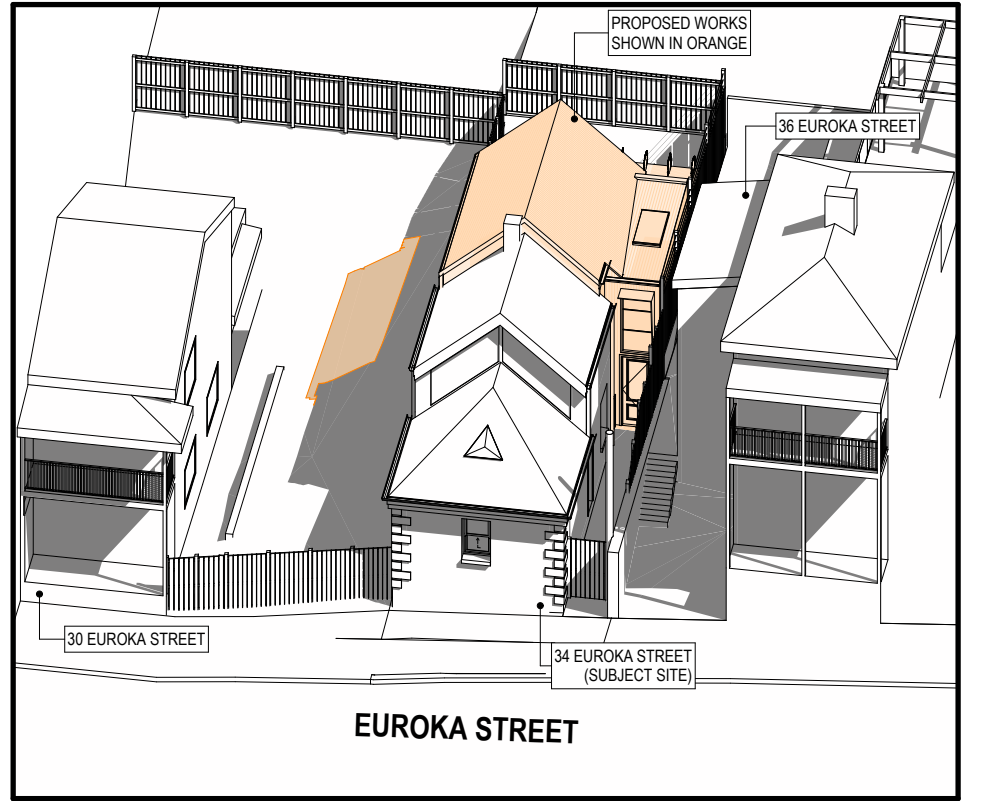
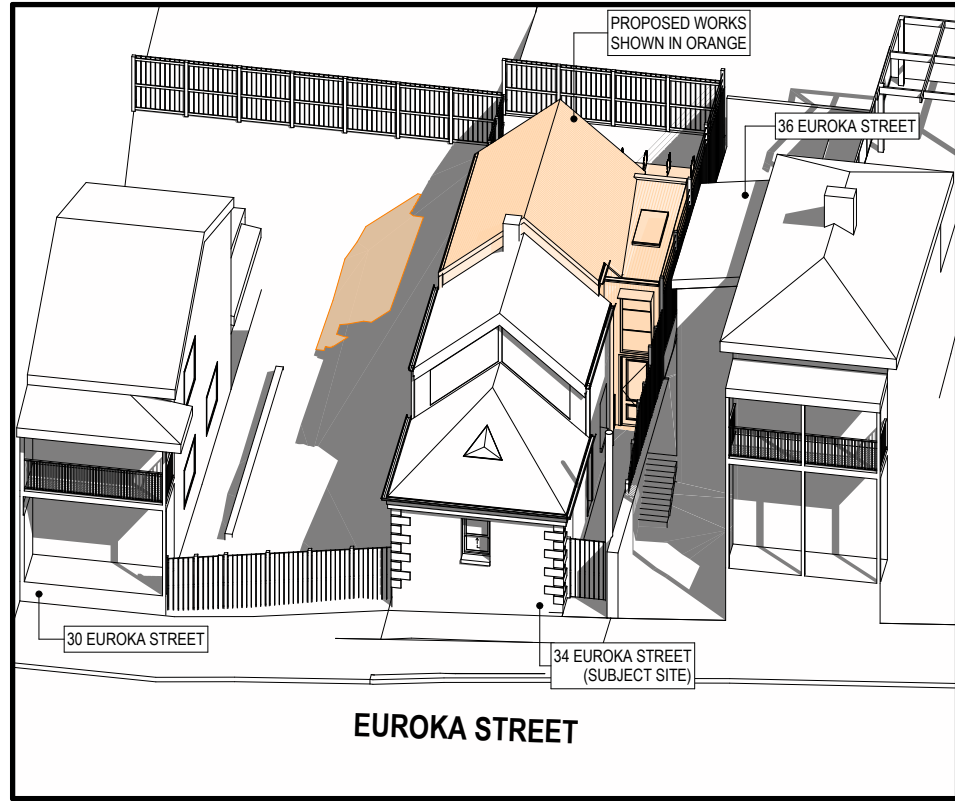
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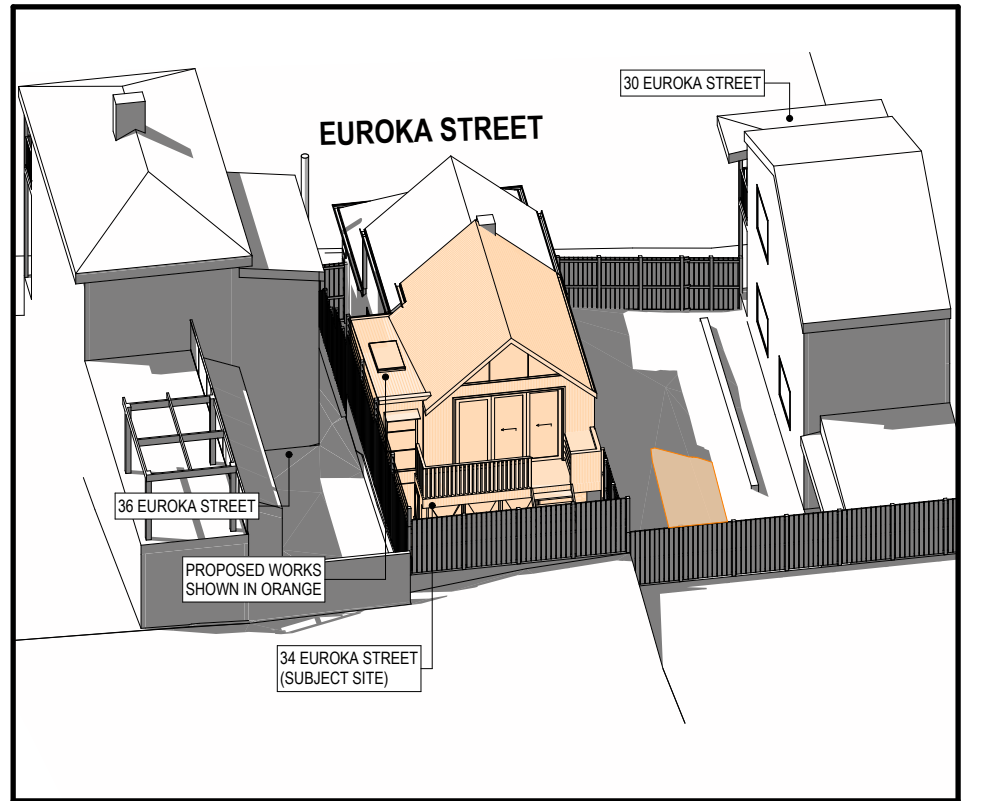
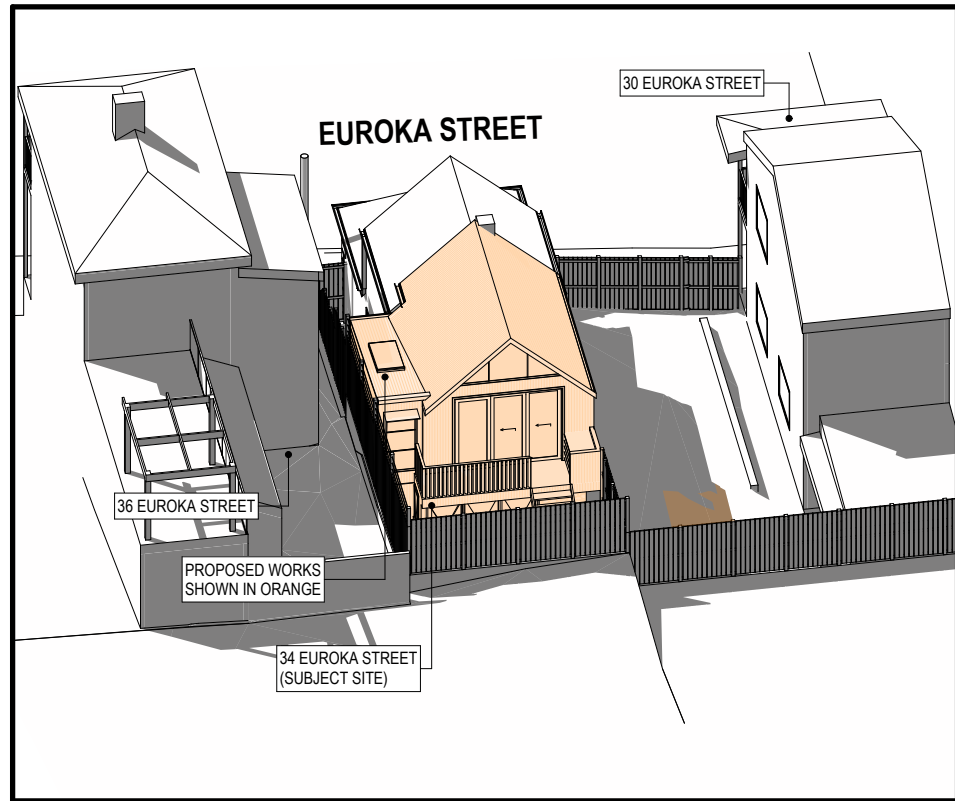
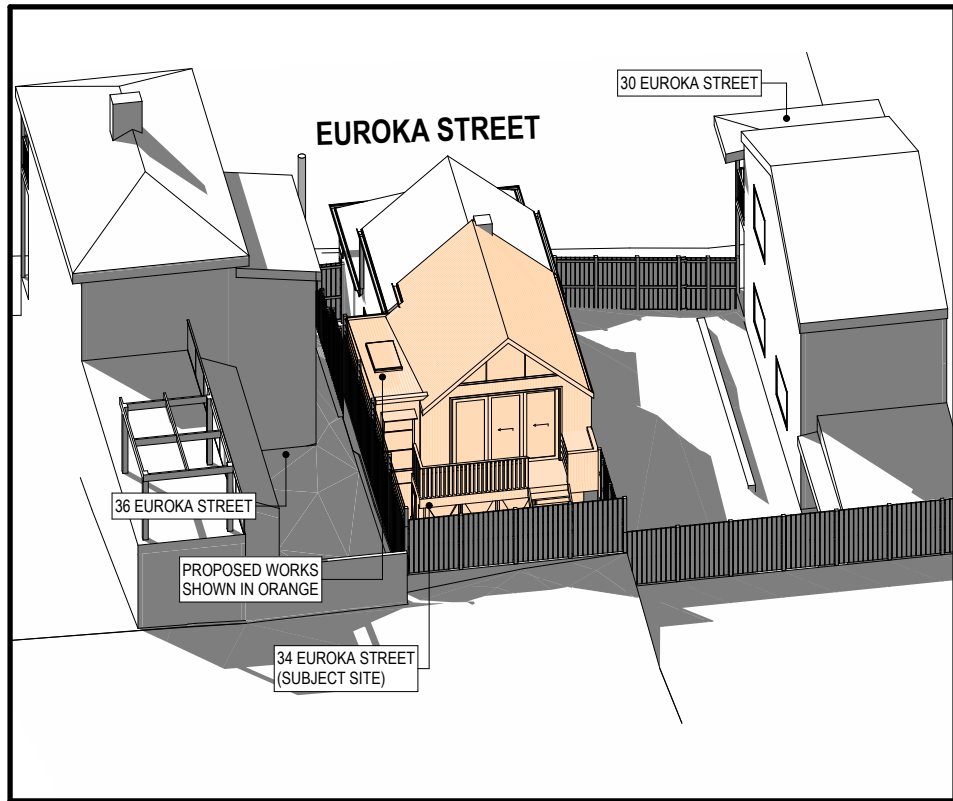
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**EAST ISOMETRIC - 21 SEP 1100h - 3D SHADOW PLAN**  
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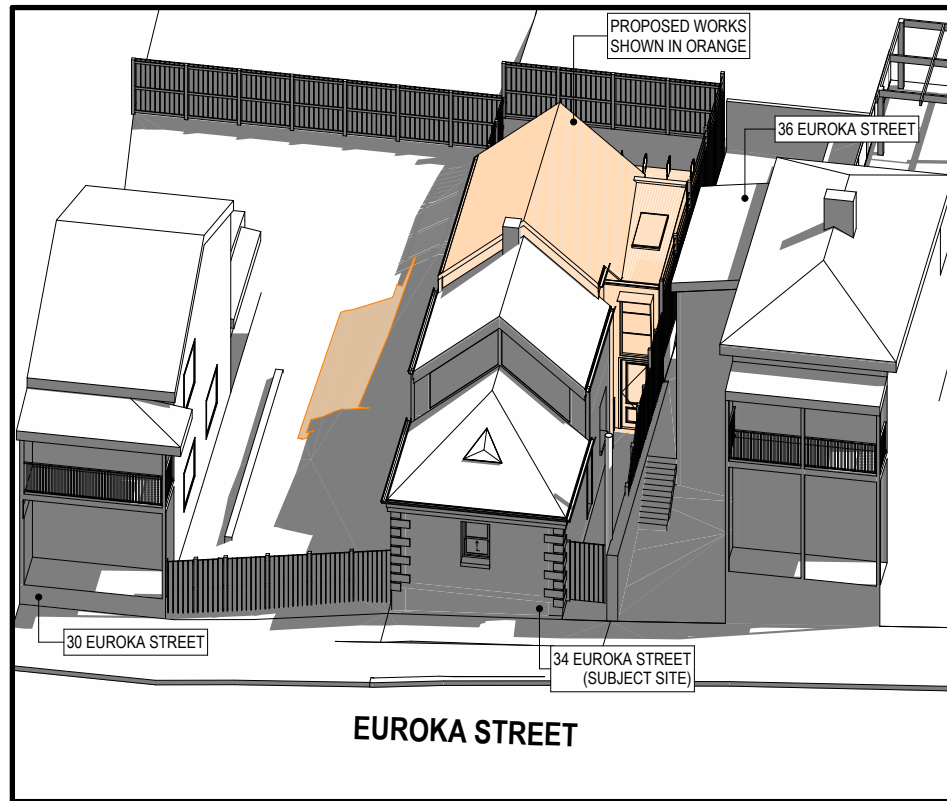


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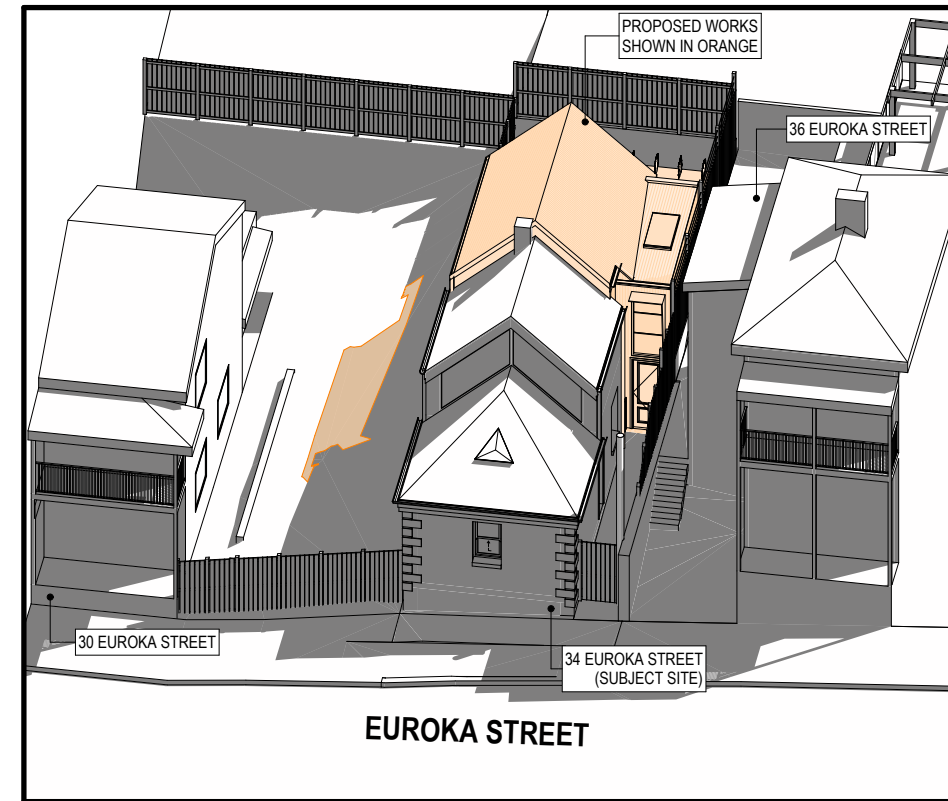
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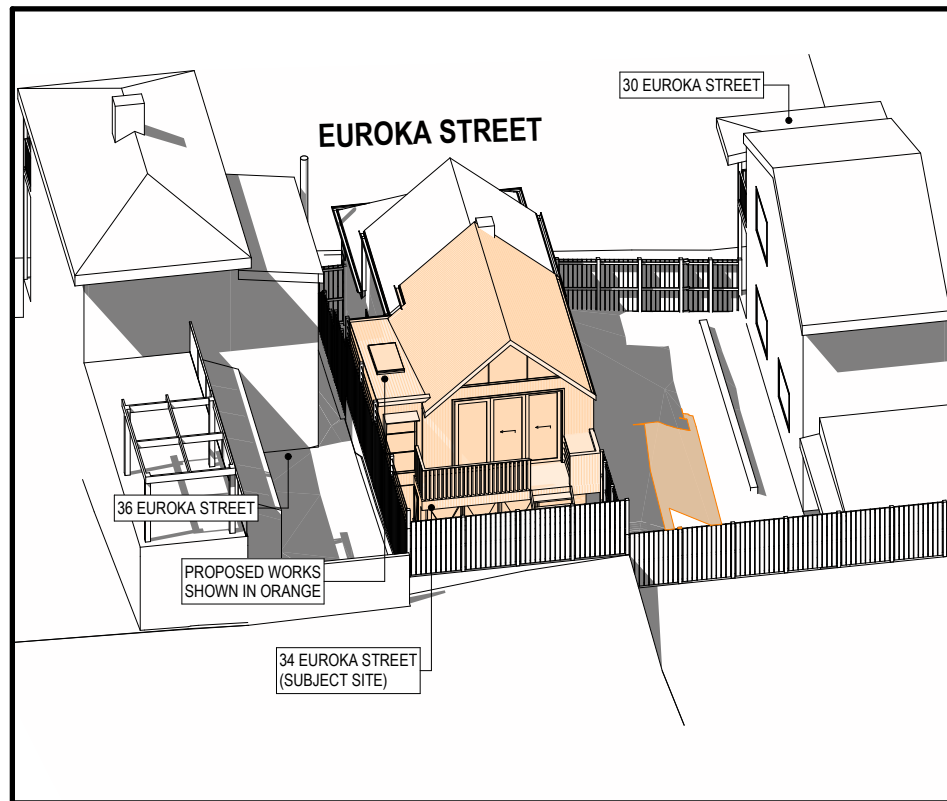




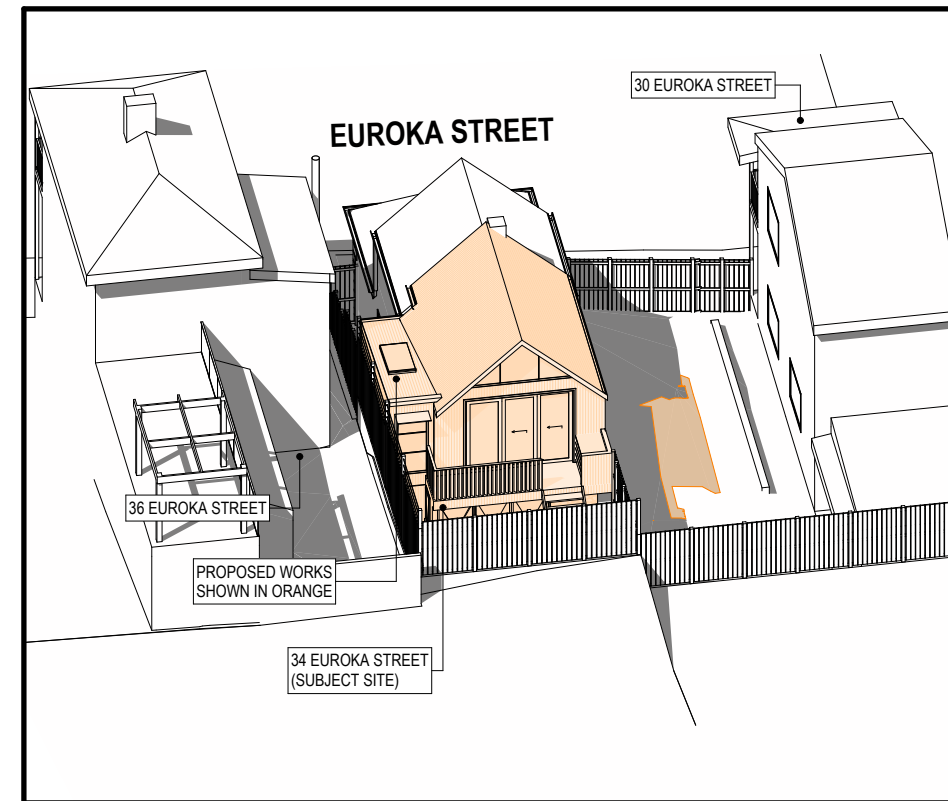
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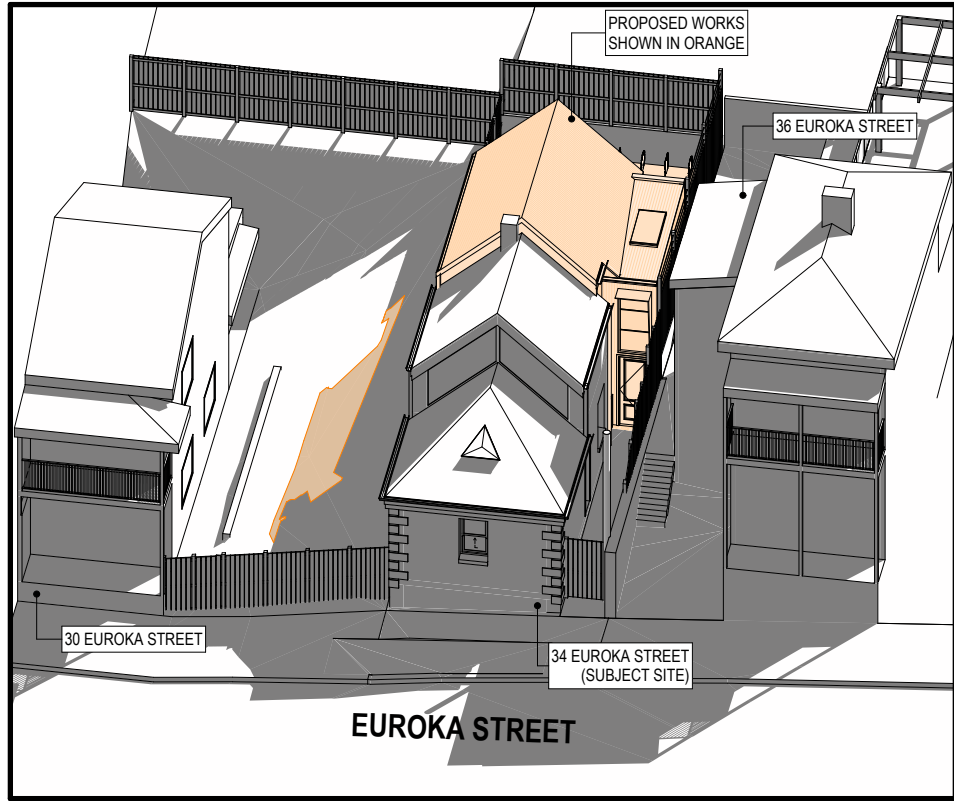
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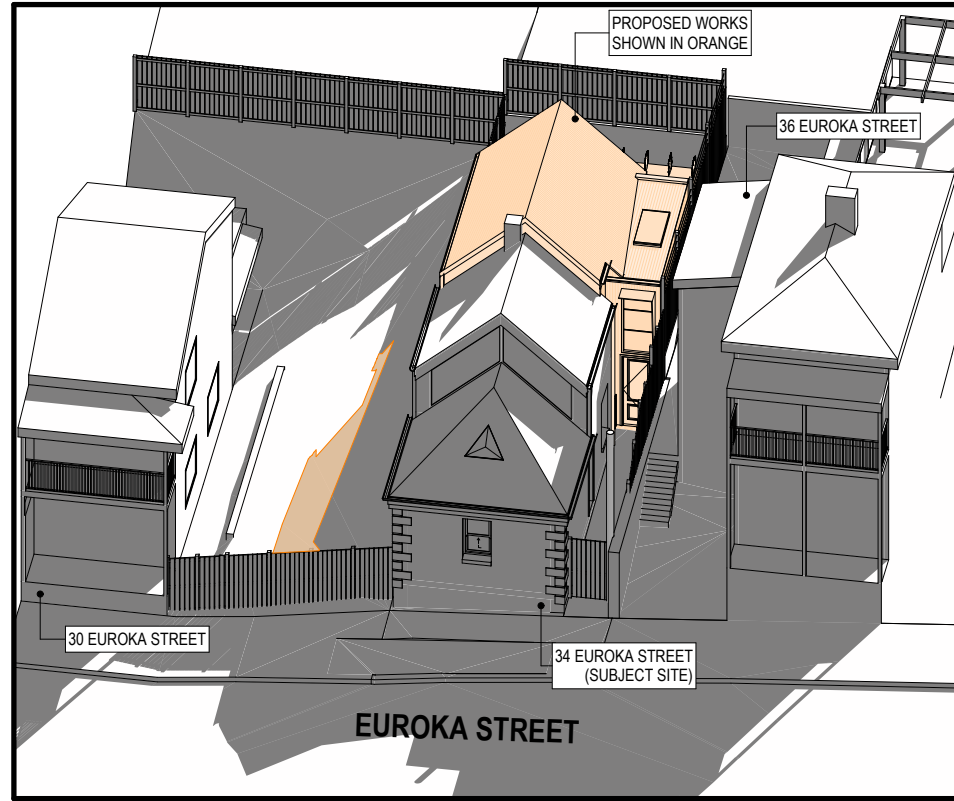
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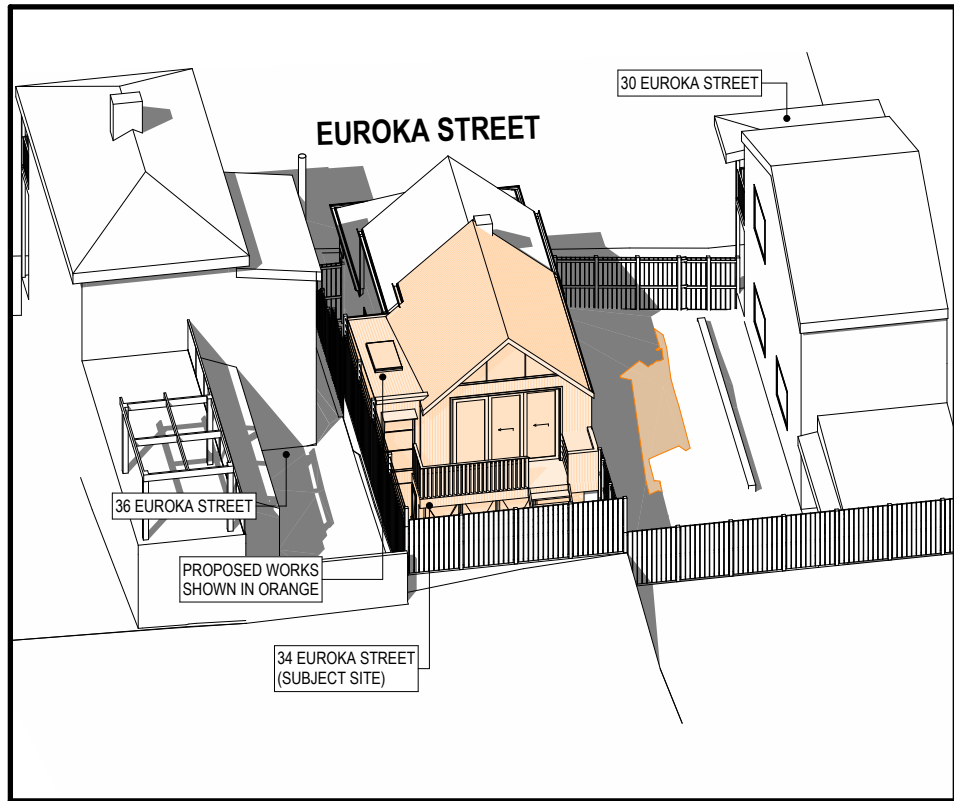
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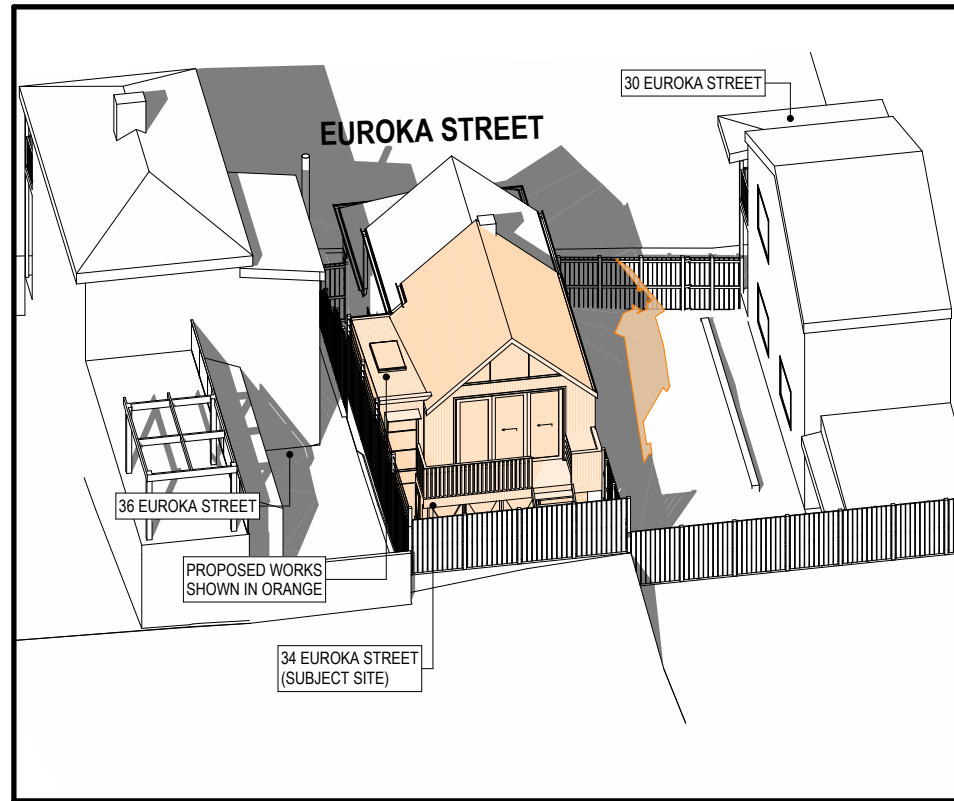
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**WEST ISOMETRIC - 21 SEP 1400h - 3D SHADOW PLAN**  
1:250



**WEST ISOMETRIC - 21 SEP 1500h - 3D SHADOW PLAN**  
1:250



# HERITAGE IMPACT STATEMENT

Alterations & Additions



34 Euroka Street, Waverton NSW 2060

Prepared for Dmitry Polikarpova

January 2024

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### Acknowledgement of Country

We acknowledge the Cammeraygal peoples of the Traditional Owners of this land we now call Waverton and recognise that sovereignty has never been ceded. We support the objectives of the Uluru Statement from the Heart to achieve justice, recognition, and respect for all First Nations people.

### Touring the Past Pty Ltd

Conservation | Heritage | History

**Author:** Patrick Wilson

Director—Heritage Consultant and Professional Historian

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M. ICOMOS, Pro. Hist PHA (NSW + VIC), SAHANZ, IAIA, APT, Nat Trust (NSW)

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**ABN:** 47 660 767 224

**Cover image:** View to the frontage of the subject place from Eureka Street.

Primary and secondary materials utilised in the preparation of this report are acknowledged and referenced in captions or footnotes.

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DATE	VERSION	PREPARED BY
28 December 2023	Preliminary issue	Patrick Wilson
25 January 2024	DA issue	Patrick Wilson



## CONTENTS

### 1 Introduction

1.1 PURPOSE	1
1.2 METHODOLOGY	1
1.3 LOCATION	1
1.4 HERITAGE MANAGEMENT FRAMEWORK	2

### 2 HISTORICAL SUMMARY 5

### 3 PHYSICAL DESCRIPTION

3.1 SUBJECT PLACE	8
3.2 STREETScape	18

### 4 ASSESSMENT OF HERITAGE IMPACT

4.1 DISCUSSION OF CONTRIBUTION	19
4.2 THE PROPOSAL	20
4.3 HERITAGE POLICY	20
4.4 REVIEW OF HERITAGE IMPACT	21
4.5 CONCLUSION	23



## 1 INTRODUCTION

---

### 1.1 Purpose

This Heritage Impact Statement (HIS) has been prepared on the instruction of the property owner of 34 Euroka Street, Waverton (the subject place)—a circa 1890 private residence identified as a heritage item and located in the Union, Bank and Thomas Streets Heritage Conservation Area and in close proximity to several other individual heritage assets. It accompanies a Development Application (DA) for partial demolition and alterations/additions. This report provides the consent authority, North Sydney Council, with an expert assessment of the subject place's significance and discusses whether the scheme is acceptable in terms of its heritage impact.

### 1.2 Methodology

The author of this report is an experienced built heritage expert and accredited professional historian. This report is informed by a non-invasive inspection of the subject place and its setting (October 2023).

Terminology and principles in this document are based on sound values-based heritage management approaches, namely as expressed by *The Australia ICOMOS Charter for Places of Cultural Significance*, *The Burra Charter* (rev. 2013) and its accompanying practice note *Burra Charter Article 22 – New Work*. Due heed is also taken of the Government Architect NSW's *Better Placed: Design Guide for Heritage* (2019) and recent best-practice documentation from the NSW Department of Planning and Environment: *Assessing heritage significance* (June 2023) and *Guidelines for preparing a statement of heritage impact* (June 2023).

### 1.3 Location

The subject property is a single rectangular land parcel (108.2m<sup>2</sup>)—legally described as Lot 1, DP 937146—on the west side of Euroka Street, approximately between Euroka Street Playground (north) and Carr Street (south), north of the North Shore railway line. The wider context is formed by the fine-grain urban environment of Waverton on Sydney's Lower North Shore.



Aerial photograph of the subject place (shaded red) and its environs. (Source: Metromap, July 2023)

## 1.4 Heritage Management Framework

The subject place is identified as a 'local' heritage item under Schedule 5 of the *North Sydney Local Environmental Plan 2013* (NSLEP). Its listing details follow:

Item name	Address	Property Description	Significance	Item no.
House	34 Eureka Street, Waverton	Lot 1, DP 937146	Local	I1063

No place-specific comment on significance for the subject place appears to have been previously prepared, although the NSW Heritage Inventory provides the following Statement of Significance, which refers to an undefined area that seems to include Eureka Street:

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

The noted Eureka Street Group/Victoria Precinct' (NSHS0430) was a listing proposed as part of the *North Sydney Heritage Study Review* prepared by Gooden Mackay Pty Ltd (1992), which is no longer (or never was) in force. Its citation provides the following information (sic):

*Historical Notes: Eureka Street was one of the main streets of the Eureka Estate subdivision. It was shorted as it's southern end by the St. Leonards to Milson's Point Railway in 1890-1893 and then interrupted by the second railway diversion to North Sydney in 1924-1932. It is most famous for it's associations with Henry Lawson, poet and writer, who lived at various times in No's. 21, 26, 28, 30 and 31 Eureka Street between 1914 and 1921.*

*Description: Eureka Street is in two parts, separated by the Railway Overbridge adjacent to Carr Street. Original buildings exist on the north side only on the short section east of the bridge – the south side was earlier removed by the railway construction ... The section north of the bridge is mostly sloping, with single and double storey houses on both sides. Houses are typically narrow-fronted, of stone or weatherboard and generally have little or no stylistic features. Excluded buildings are generally late 1930's bungalows, or similar scale but not of the same character as defined by the nineteenth century buildings.*

A datasheet (NSHS0444) for the subject place was also prepared for the subject place as part of the aforementioned study but comprises limited information:

*Period: 1876 – 1900; Description: Two storey brick and stone houses with gabled construction-iron roof and single-storey hipped gabled roof section to the street frontage which is of brick with stone quoins and contains a side entry door. Rear sections of building extensively modernised.*

This report undertakes a contemporary significance assessment of the subject building in Section 4.1.



Photograph of the subject building from Eureka Street, early 1990s. Note front skylight to the roof face and two-storey rear addition.  
(Source: NSHS0444, Gooden Mackay Pty Ltd, *North Sydney Heritage Study*, 1992)

The subject place is situated in the Union, Bank and Thomas Streets Heritage Conservation Area (HCA), a precinct (CA15) of 'local' heritage significance under the NSLEP. Its Statement of Significance, extracted from the *North Sydney Development Control Plan 2013 (NSDCP) (Part C/Section 10)*, reads:

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

- (a) *As the largest area of mid to late Victorian buildings in the North Sydney area including a substantial number of individually significant buildings, groups of buildings and unique streetscapes in the local context.*
- (b) *For the clarity of its subdivision history that is still clearly seen in variations of road widths between sections of streets and changes of directions of the subdivision in response to the subdivision of earlier streets.*
- (c) *For the way development has responded to the topography through stepped building forms and excavation in some locations.*
- (d) *For its fine streetscapes with intact rows of Victorian residences, especially in Thomas, Union and Chuter Streets.*
- (e) *For its relatively large number of surviving timber residences.*

It is also adjacent to and in the vicinity of several 'local' individual heritage items, as set out in the table below. None appear to have a Statement of Significance.






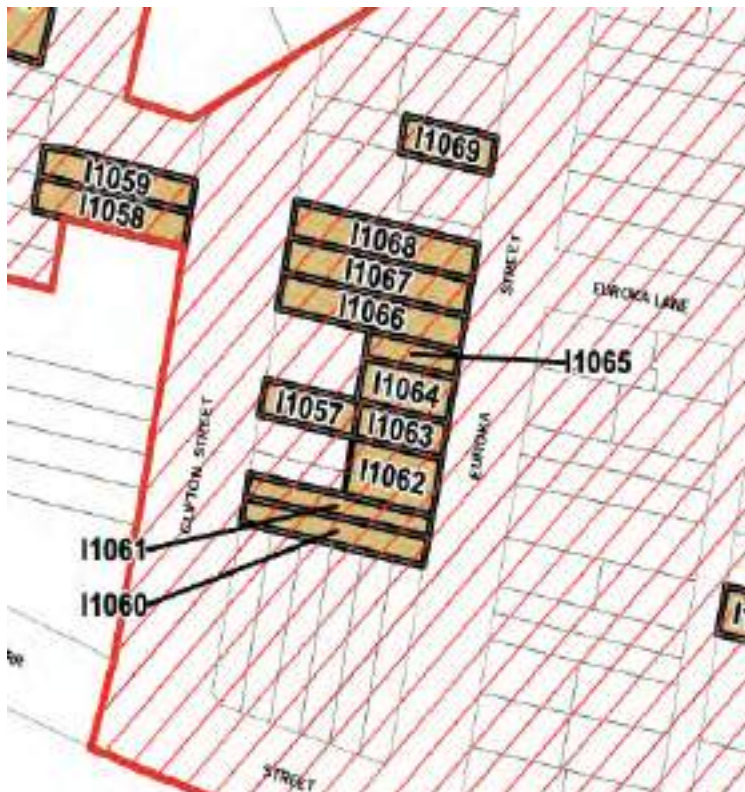
Image	NSLEP Listing + Comment
	<p>21 Clifton Street, Waverton I1057—House Mid-to-late Victorian period sandstone terrace Rear of the subject place Column left (Source: Google Street View, November 2019)</p>
	<p>26, 28, 30 Eureka Street, Waverton I1060, I1061, I1062—Houses Group of two-storey sandstone terraces, late Victorian period Column left: 26, 28, 30 (Google Street View, November 2022)</p>
	<p>36 and 38 Eureka Street, Waverton I1064, I1065—Houses Pair of two-storey late Victorian sandstone terraces Column left: 36 and 38 (Source: Google Street View, December 2020)</p>



Image	NSLEP Listing + Comment
	<p>40, 42, 44 Euroka Street, Waverton I1066, I1067, I1068</p> <p>Unusual group of two-storey weatherboard terraces with sandstone plinths, circa 1890</p> <p>Column left: nos 40, 42, 44 (Source: Google Street View, December 2020)</p>
	<p>50 Euroka Street, Waverton I1069</p> <p>Unusual timber terrace, circa 1890</p> <p>Column left (Source: Google Street View, November 2017)</p>

As per the NSLEP at cl 5.10 (1)(a)(b), a key heritage consideration for the Council is the identified significance or value/s of the relevant heritage places. Accordingly, the applicable Statements of Significance and further discussion throughout this report provide an essential baseline for understanding the impact of new work on the subject place and the encompassing HCA—an approach in line with Article 27 ('Managing Change') of the *Burra Charter*.



Extract from Heritage Map HER\_002A with the subject place indicated by the blue arrow. Tan shading denotes an individual heritage item. Red hatching indicates the extent of the encompassing Union, Bank and Thomas HCA. (Source: NSLEP)

## 2 HISTORICAL OUTLINE

The history of the subject place has attracted a degree of mythologising, due likely to its unusual, evolved form and sandstone materiality. For instance, it has been promoted as the 'oldest house in Waverton' with a construction date of 1865 and provided with the moniker 'Blacksmith's Cottage', presumably on the basis of a connection with a smithy.<sup>1</sup> While the connection with a blacksmith as a residence (not a place of work) could be correct, the earliness of its erection has been overstated.

Based on the available evidence, the building—a private dwelling of the 'cottage' typology—was constructed circa 1890 on an allotment pegged out as part of the 'Euroka Heights' subdivision (1882).<sup>2</sup> The latter was an important land release in the area, breaking up the estate of *Euroka Villa* (b. mid-1830s/highly evolved, later *Graythwaite*, SHR 01617, NSLEP 10809), which allowed for an intense phase of urban, largely working-class development in the surrounding streets over the late Victorian period.

The subject allotment (Section 2, Lot 15) initially extended through to Clifton Street in the west and had been acquired by George Anderson around 1890.<sup>3</sup> Anderson was identified in the *Sands Sydney, Suburban and Country Commercial Directory* as a 'builder' and resident of the severe two-storey sandstone terrace at 21 Clifton Street (11057), which was built around this time. He was probably responsible for its construction, along with the subject cottage, which was first recorded in the 1891-92 edition of the *North Sydney Rate and Valuation Book*. John Prebble, a 'painter', was recorded as the initial tenant. The building was described as a 'house' throughout the late 19<sup>th</sup> and early 20<sup>th</sup> century editions of the rate book and listed with the name 'Norfolk Cottage' in the mid-1920s.

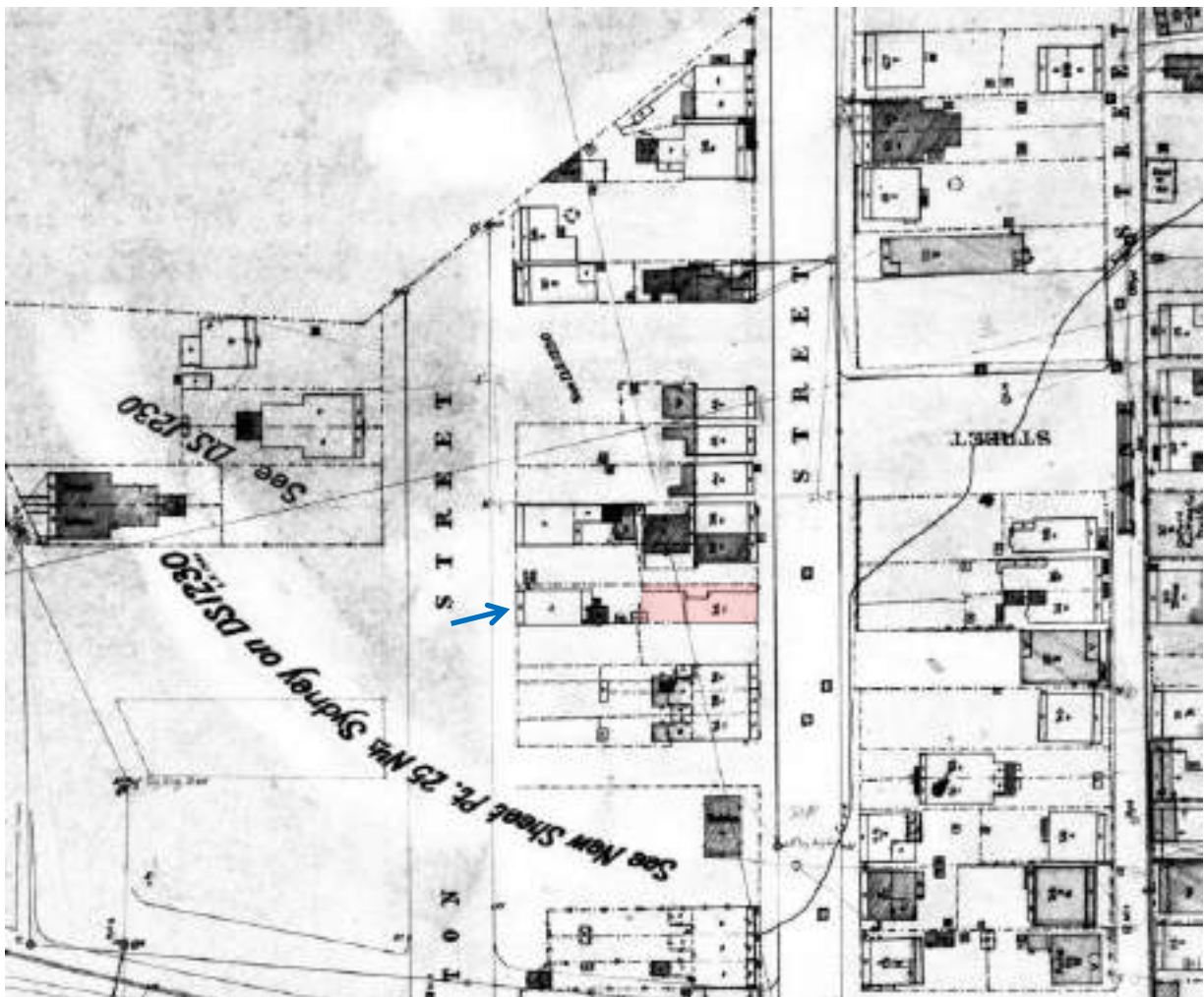
The re-subdivision of Lot 15—creating the subject property and 21 Clifton Street—occurred circa 1900.<sup>4</sup> The compact original footprint of the subject house is depicted in the following surveys and aerial photographs. During the 1980s, its original hipped roof was truncated by a sandstone loft-style addition designed by Marcus Lang for its then occupants, the Stock family.<sup>5</sup> The rear wing, past the 'indent' in the existing north elevation, was also rebuilt and extended with sandstone. While this report has not perused the drawings for this redevelopment (assumedly in the Council's planning archives), the extent of change is readily identifiable in the extant fabric of the place.



Promotional subdivision map for the Euroka Heights Estate, 1882, showing the fine-grain subdivision pattern that remains prevalent in the area. Lot 15, which comprises the subject property, is shaded red. (Source: SLV)

- 1 Amanda Sheppard, 'Blacksmith's Cottage', *news.com.au*, 20 May 2021, available online
- 2 Search of North Sydney Rate and Valuation Books, 1889/prior (no trace) to 1925-27, Stanton Library; and *Sands Sydney, Suburban and Country Commercial Directory*, 1885-1931/33
- 3 *Ibid*
- 4 *Ibid*
- 5 Sheppard, 'Blacksmith's Cottage'





Survey of the northern part of Eureka Street, dated October 1891. The subject property is shaded red and shown with fence side and rear boundaries. The original footprint of the cottage is also depicted, comprised of the forward primary hipped-roofed section (now truncated) and a 'stepped in' secondary wing, which has been rebuilt. The shown outbuilding in the southwest corner of the site has since been demolished. Anderson's freestanding terrace, facing Clifton Street, is marked by the blue arrow.

(Source: Metropolitan Water Sewerage and Drainage Board Series sheets, Sydney Water Archives)



Aerial photograph, dated 1930, with the subject cottage identified by the red arrow. The image is indistinct; but the roof cladding (light) appears to be corrugated metal sheeting.  
(Source: Film 3773, Run R6, Historical Imagery, NSW Government)



An aerial photograph of the subject place (circled), dated 1943, depicts the extent of the cottage's primary hipped roof section. The presence of the rear 'stepped in' wing is more difficult to interpret. (Source: Metromap)

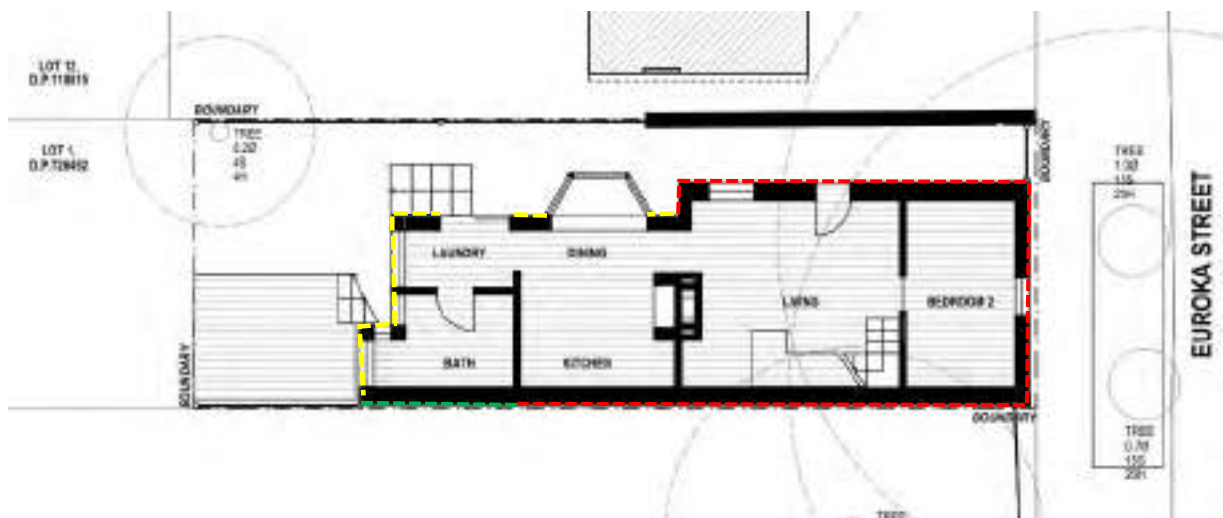


Photograph of Euroka Street, capturing the façade and north elevation of the subject building (left of frame), dated 1946. Central façade window is evident. (Source: C. Ferguson, Stanton Library, LH REF PF916/2)

### 3 PHYSICAL DESCRIPTION

#### 3.1 Subject Place

The subject residence is built to Euroka Street and its southern property boundary, with a narrow setback in the north. Its original footprint remains interpretable, including the northern 'step in' of its rear wing (albeit rebuilt), but otherwise, its form and scale were heavily modified as part of the Lang-designed 1980s redevelopment. The latter resulted in the truncation of the original hipped roof to allow for a gabled loft addition and a first-storey rear deck, surmounting the largely rebuilt and extended rear wing. The southern elevation of the latter was extended in sandstone rubble (wall to existing bathroom). The northern and rear walls (presumably initially sandstone or soft brick with vertically-proportioned traditional openings) were also rebuilt in machine-pressed brick and contemporary windows/doors, including a faceted bay window (north), as part of the 1980s works.



Existing floor plan with the original/remnant extent of sandstone and soft brick (ground-floor only) outlined in dashed red. The 1980s rebuilt brick wall (north elevation) is denoted by the yellow dashes and the sandstone extension (south elevation) in green. (Source: Sandbox Studio, DA drawings, A05)

Only the front portion of the original hipped roof (close eaves) remains and is clad in short-sheeted corrugated metal with steel ridge capping—elements that are continued through to the gabled addition. The original sandstone chimney survives only on the ground floor. The narrow brick chimney section with a dogtooth cap is a 1980s addition.

The walls of the original dwelling are of masonry construction with aged (oxidised, mostly warm golden colour) Sydney Basin Hawkesbury Sandstone (obliquely, 'Yellow Bock') predominating. It has been laid in 'giant' blocks for the plinth and in various roughly worked coursed rubble for the side elevations (a wide variety of sizes). The facade has fine ashlar quoining, some blocks of which have a slightly pointed face. For the remainder of the front wall, a soft (likely handmade) variegated brownish brick in a Flemish bond has been utilised. Repointing is apparent throughout and, other than the façade brickwork—where it appears that a lime-rich mortar has been employed—displays poor workmanship and the use of hard cement mortar.

It is outside the scope of this HIS to undertake a dilapidation assessment of the masonry elements; however, evidence of crumbling/flaking, as well as what appears to be exfoliation in the sandstone, is apparent.

At the centre of a façade is an original segmented window opening with a cut brick soldier head and a dressed sandstone sill. The timber-framed (clear seal) double-hung sash is a sympathetic replacement element. The original entrance endures in the front portion of the north elevation, comprising a 'massive' stone lintel and worn threshold. The east adjacent window opening also appears to be original, as possibly is its multipaned (four-over-four) timber-framed sash (that or either a good reproduction).

The loft addition's side walls and part of its rear elevation were also built of coursed rubble sandstone with rough and wide cementitious mortar joints. Diagonally laid rebated timber boards clad the remainder of the loft's rear wall, which provides



access to a first-floor timber deck. It cuts into a portion of the non-original hipped roof (south) and sits above a portion of the original footprint (existing dining/kitchen) and the brick extension (bathroom and laundry).



Subject place from opposite Euroka Street.



Close-up of the façade with sandstone plinth and quoining and soft brick (Flemish bond) to the body of the wall. Some sandstone blocks in the plinth display signs of fretting.





South oblique view, from Euroka Street.



South elevation (over adjacent fence). Coursed rubble. Poor cementitious repointing is evident. The rear 1980s extended section is not visible from the public realm and would have to be viewed from the rear garden of 19 Clifton Street, which runs through to Euroka Street.





Northern oblique sightline to the subject place, Euroka Street.



Close-up northern oblique view.





Front portion of the north elevation, facing Eureka Street. Cementitious mortar. Some blocks show signs of what appears to be exfoliation.



Close-up of 'massive' lintel (see following image). Note brown staining/discolouration in top right, cause unclear.



Original entrance, north elevation. Door an addition. Image right is the circled window.



Original opening, potentially the multipaned sash as well. The 'indent' of the north elevation is apparent left of frame.



Note sandstone blocks to the return (red arrow, in shadow). Those at the ground-floor are original and would be retained by the scheme. Facing Eureka Street.



Rebuilt machine-pressed brick section of the north elevation with faceted timber bay window.





Rear part of the north elevation, past bay window. Brick with deck above.



View to the sandstone wall of the loft addition, north elevation.





View from the backyard across the rear deck, which 'cuts' into the rear section of hip roof—all part of the 1980s redevelopment.



Rear elevation of the loft addition, showing the extended brick chimney.



Internally, the only elements attributable with significance are the back-to-back sandstone fireplace (the lower part and surround of the rear fireplace have been rebuilt with fire bricks), including the associated chimney (as noted, severed past the ground floor) and the random rubble—in some places coursed—sandstone of the ground floor, which is now exposed (it was likely initially coated in lime plaster, at least the principal front room). All other extant elements, such as rendered sections of wall and joinery, are late 20<sup>th</sup>-century or contemporary changes.



Existing living space, facing west. (Source: Belle Property)



Kitchen fireplace. Note non-original brickwork. The lower part of the nearby south wall (kitchen) has been rendered.

The subject property's northern boundary and northwest corner are characterised by sandstone or machine-pressed brick steps and, to the northern setback, a drystone retaining wall above a small natural sandstone shelf. There is also a drystone wall at the rear of the property. These landscape elements—while sometimes utilising worked stone (likely salvaged)—are contemporary.



Roughly shaped sandstone steps and retaining wall/rock shelf—northwest corner of the ground floor.



Backyard. Note drystone retaining wall. Presents as late 20<sup>th</sup>-century/contemporary landscaping works. Some stones are worked and/or dressed, suggesting they were intended for construction (or are salvaged).



### 3.2 Streetscape Appraisal

Euroka Street falls from its eponymously named park (north) towards its intersection with Union Street (south). The section most relevant to the matter at hand is north of the railway overbridge, which forms a dramatic arched concrete engineering/infrastructural element within the public realm. On the whole, Euroka Street presents as a late 19<sup>th</sup>-century historic environment, characterised by one and two-storey timber and masonry (sandstone/brick and, to a lesser extent, rendered) cottages and terraces (including freestanding examples); however, visible later additions/alterations are apparent at most sites. Some postwar, late 20<sup>th</sup>-century, and contemporary infill is also evident, but dispersed.

To the north of the subject property is a pair of two-storey ashlar sandstone terraces with reconstructed double-height timber verandahs (nos 36 and 38, respectively, I1064 and I1065). The south elevation of no. 36 has been mostly rendered. A two-storey skillion-roofed volume (part sandstone/weatherboard) has also been attached to its south elevation at a setback behind a front side car space.



Sandstone terraces north of the subject property—left to right, no. 36/I1064 and 38/I1065.

To the south of the subject property is a landscaped garden area with some dominant tree plantings and a timber paling fence to the frontage (30 Euroka Street and 19 Clifton Street, I1062), beyond which is a row of three two-storey terraces (I1060, I1061, I1062).



North elevation of 30 Euroka Street (I1062, viewed across the garden area that separates it from the subject place.

The rear elevation of Anderson's detached sandstone terrace at 21 Clifton Street (I1057), behind the rear of the subject place, is not practically visible from Euroka Street.

## 4 ASSESSMENT OF HERITAGE IMPACT

### 4.1 Discussion of Significance

Article 1 of the *Burra Charter* defines the concept of ‘cultural significance’ as ‘aesthetic, historic, scientific, social or spiritual value for past, present or future generations’, noting it is ‘embodied in the place itself, its fabric, setting, use, associations, records, related places and related objectives.’

The assessment of cultural significance includes consideration of the original and successive layering of fabric, uses and associations of a place and its elements, as well as its contextual relationships. It should be realised that multiple values may be attributable to the same element. Further, that significance may evolve as new information comes to light and understanding develops. From a management perspective, significance is a deceptively ‘simple concept’:

*Its purpose is to help identify and assess the attributes which make a place of value to us and to our society. An understanding of it is therefore basic to any planning process. Once the significance of a place is understood, informed policy decisions can be made which will enable that significance to be retained, revealed or, at least, impaired as little as possible. A clear understanding of the nature and level of the significance of a place will not only suggest constraints on future action, it will also introduce flexibility by identifying areas which can be adapted or developed with greater freedom.<sup>6</sup>*

Accordingly, understanding the significance of a heritage place is an essential prerequisite for making good decisions about its management and the weighing/balancing of change and impact.

The following Statement of Significance for the subject place—seemingly, its first—is recommended for adaptation by the Council. Its preparation is based on the historical and physical investigations/analysis undertaken in Sections 2 and 3 of this report and has been guided by the approach and thresholds outlined in *Assessing heritage significance* (DPE, June 2023). The three-tier format recommended by *PPNO1: Applying the Heritage Overlay* (Victorian Department of Transport and Planning, August 2018) is also employed.

#### What is significant?

The cottage at 34 Euroka Street, Waverton, is significant. It was likely constructed circa 1890 as an investment tenancy by a local contractor, George Anderson, the occupant of 21 Clifton Street, as part of the consolidation of the Euroka Heights subdivision (1882). During the 1980s, the dwelling was thoroughly ‘modernised’ with a sandstone gabled loft level and rear first-floor deck with ‘cut out’ hipped roof constructed. Additionally, the rear secondary wing was rebuilt with rubble sandstone in the south and machine-pressed brick in the north and rear elevations.

Fabric of significance relates to its formative late Victorian period development phase, namely its remnant hipped roof (excluding cladding), original sandstone rubble and dressed quoining, Flemish bond soft brickwork including associated lime-rich recessed pointing, original openings, and internal back-to-back fireplaces and associated chimney (ground floor).

Non-original or ‘reproduction’ elements are not significant, although 1980s sandstone walling is complementary to the aesthetic of the place. Cementitious re-pointing is intrusive, both visually and for the ‘health’ of the building.

Landscape sandstone elements are also broadly complementary to the setting of the residence.

#### How is it significant?

The cottage is of local historic (Criterion A) and aesthetic (Criterion C) significance to North Sydney Council.

#### Why is it significant?

The cottage is of historic significance as an illustration of late Victorian period working-class residential development in the Euroka Heights subdivision. This part of Waverton consolidated as a densely populated locality over the 1880s and 1890s, characterised by restrained masonry and timber cottages and terraces. While not rare at a municipal level, such modest cottages—particularly of the masonry variety—are distinctive and evocative of the late 19<sup>th</sup>-century growth and class dynamics, a representation that offsets its prominent modifications. (Criterion A)

While of diminished intactness and integrity due to its 1980s additions, the residence remains a generally interpretable example of the continuation of the ‘vernacular’, but decorous pattern-book Georgian style as applied to a late Victorian

<sup>6</sup> James Semple Kerr, *Conservation Plan, the 7<sup>th</sup> edition: A guide to the preparation of conservation plans for places of European cultural significance*, rev. 2013, Australia ICOMOS, p4

cottage—an outcome augmented by its Euroka Street setting. Moreover, the house is imbued with aesthetic significance from its mixture of traditional stone and brick construction. The visual combination of fine sandstone quoining with rougher coursed rubble and handmade bricks in an attractive Flemish bond is memorable. (Criterion C)

## 4.2 The Proposal

The new work is outlined in a set of drawings prepared by Sandbox Studio, dated 22 January 2024. These plans should be referred to for a complete understanding of the scheme.

In effect, some limited demolition is proposed to facilitate the construction of a two-storey rear wing to accommodate a new bedroom, bathroom/laundry, and—on the first floor—kitchen/dining room with a raised deck. A two-storey stairwell structure would also be attached to the north elevation of the rear wing. An ensuite would also be provided in the front room of the ground floor. See the discussion below in Section 4.4 for specific details of the scheme.

## 4.3 Heritage Policy

The following section examines the impact of the proposal on the subject place—an individual heritage item (I1063) situated in the Union, Bank and Thomas Streets HCA (CA15) and ‘in the vicinity’ of several other heritage assets.

As the scheme would affect an individual heritage item and a property situated in a HCA, the NSLEP at cl. 5.10(2)(a)(i)(iii) requires that North Sydney Council ‘consider’ the impact of the new work on the identified significance (refer to Sections 1.4 and 4.1 of this report) of the relevant heritage listings, particularly their ‘associated fabric, settings and views’, cl. 5.10(1)(b). It is also generally accepted that ‘in the vicinity’ individual heritage items also warrant review under these clauses. The overall objective is to ‘conserve the environmental heritage’ of North Sydney, cl. 5.10(1)(a).

This HIS, prepared by an independent heritage specialist, constitutes the required expert material and opinion to support the Council in understanding the new work’s heritage impact and making informed, substantiated decisions.

While Section 4.4 of this report adopts a performance/issue-based assessment model, it is recognised that the statutory heritage objectives of the NSLEP are the focal point for the Council’s decision-making, assisted by the non-statutory heritage guidance of the *North Sydney Development Control Plan 2013* (NSDCP), specifically Part B/Section 13 (‘Heritage Conservation’) and Part C/Section 10 (‘Waverton/Wollstonecraft planning area’).

Concurrently, it is acknowledged that the *Environmental Planning and Assessment Act 1979* at cl. 4.15(3A)(b) permits a nuanced and discretionary approach in applying the provisions of a DCP, allowing for reasonable alternative solutions that achieve the overarching objectives of the LEP, which can be distilled as safeguarding the interpretability and legibility of a heritage place’s recognised significance.<sup>7</sup>

Generally speaking, great weight should be afforded to conserving the significance of an individual heritage item. That is, those elements and attributes that underpin its ascribed heritage value, be they visible from the public realm or not. Having said that, managing internal change to significant internal spaces in North Sydney is made complex in light of ambiguous language at cl. 5.10(2)(b) and the lack of interior spaces/elements being specified under Schedule 5 for item I1063.

As widely accepted in the Australian/NSW cultural field, sound values-based heritage management practices, as epitomised by the *Burra Charter* (rev. 2013), emphasise the need to approach change in the historic environment in a common-sense manner guided by site-specific conditions, a close understanding of heritage significance, and—particularly in the case of a private residence—relevant issues of liveability and amenity. In some cases, a degree of heritage impact may prove acceptable. It is a question of striking a careful balance, not rigid preservation or the uncompromising application of generic non-statutory design approaches or preventing reasonable urban development.

<sup>7</sup> (3A) Development control plans. If a development control plan contains provisions that relate to the development that is the subject of a DA, the consent authority—(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objectives of those standards for dealing with that aspect of the development.’ EP&A Act



#### 4.4 Review of Heritage Impact

As will be examined below, the scheme is generally well-considered from a heritage impact perspective. The proposed extent of change can be absorbed by the subject place without diminution of its significance. Notably, the new work would retain the subject dwelling's original remnant form and all significant fabric, while the addition would adopt a respectful architectural presentation.

An earlier version of the scheme—developed without the involvement of Touring the Past—was submitted to the Council as part of a pre-development application. The Council's *Pre-Lodgement Meeting Minutes* (8 June 2023) raised several heritage matters, which are summarised and addressed in the table below.

Conservation Planner's Remarks	Response
The existing main entrance to the cottage should be retained.	As this report understands it, the removal of the front entrance has never been proposed.
<i>'To the rear the indented area for the proposed bin storage is to continue to the first floor level to reinforce the early footprint of the ... cottage.'</i>	<p>This recommendation, while understood, has not been adopted. Cutting into the proposed first-floor addition would result in less useable space and have no meaningful effect on the proposed legibility of the original extent of the cottage.</p> <p>The retention of the original ground-floor sandstone return externally is sufficient to protect what interpretability remains in this part of the building, which is separated from the more understandable historic front part (that is, beneath the surviving portion of the hip).</p> <p>The composition of the dwelling past the 'indent' is a jumbled affair of 1980s sandstone and brick additions. Realistically, the only worthwhile means of supporting the interpretability of the original form and footprint of the cottage in this part of the place would be to reconstruct the hip, which is not a realistic goal nor required by the policy.</p>
<i>'The chimney is also to remain as part of the roof form.'</i>	It is proposed to demolish the non-original brick section of the chimney. See discussion below.
The preferred form of the addition would be to continue the existing non-original gable.	<p>The option for continuing the non-original gable ridgeline was seriously examined; however, achieving a habitable (2.4m) ceiling height for the NCC-minimum extent proved impossible to achieve. Accordingly, the 'step up' has been maintained.</p> <p>Considering the neutral heritage impact of the proposed 'step up' of the new form, this design approach was maintained.</p> <p>The rear placement of the addition and its exceedingly limited direct interface with any original/significant fabric is in line with sound heritage management practice and the preference of the NSDCP (Section 13.5.1/'Protecting heritage significance'). It is important to realise that the addition would be constructed above the highly modified and extended rear footprint of the subject building.</p> <p>The height differential of the 'step up' with the abutting non-original ridgeline would be minimal (approximately 450mm). Its lightweight cladding and setback from the front property boundary, approximately 7 metres behind the retained robust masonry bulk of the original cottage and 1980s loft addition, is sufficient to avoid a built outcome that presents as inordinately visible or visually overbearing when viewed from Eureka Street.</p>

	<p>Accordingly, despite being situated slightly above the existing building, the new gabled wing would not exert an impression of visual dominance. The proposed scale and form would allow for a deferential relationship between the proposed and established. In the opinion of this report, it is not always necessary for an addition to take up a submissive association.</p> <p>The fact that the new gabled form is well-defined and familiar/traditional and rhythmically responsive to the site/streetscape conditions also supports its overall compatibility with the subject place and streetscape.</p> <p>There is also some legibility logic to retaining the capacity to 'read' the subject place's development layers, with the proposed approach sustaining the legibility of the 1980s gabled loft.</p> <p>Overall, the new gabled wing would only result in a nominal change to the subject place's skyline, which is comprised of an already modified backdrop. Accepting that, while recognising the addition is not strictly compliant with all the provisions of the NSDCP (Section 13.5.4/'Roofs'), it is in accordance with their broader intent as the extant integrity/intactness and significance of the subject building—its value as an example of a late Victorian period working-class masonry cottage—would not be further weakened or abridged.</p>
<p>It is recommended that the front skylight be relocated.</p>	<p>The relocation of this 1980s element would be a good heritage outcome; however, the Applicant is under no statutory obligation to reverse alterations/additions (approved or otherwise) for which they were not responsible.</p>
<p>The structural stability of the original cottage must be retained.</p>	<p>Refer to the BMY engineering report, dated 31 August 2023.</p>

#### *Demolition*

The proposed extent of demolition is restricted to non-significant 1980s fabric. No original masonry elements or 1980s sandstone would be lost, which is a readily supportable heritage outcome for the subject place.

To be clear, the existing brick section of the chimney at the loft level and roof is non-original, having been rebuilt as part of the 1980s works. It is an unremarkable, even—due to its nontraditional proportions and elongation, aberrant element—with little prominence to Euroka Street. The loss of the brick extent of the chimney would not have an adverse impact on the significance of the subject place, which derives from its original/late Victorian fabric. The original remnant section of the sandstone chimney on the ground floor would be retained.

The above is in accordance with the demolition provisions of the NSDCP (Sections 13.5.1/'Protecting heritage significance', 13.5.4/'Roofs', 13.8/'Demolition').

#### *Addition*

The above table has discussed the unobtrusive and fitting architectural presentation of the addition. To reiterate, neither the proposed first-floor gabled section nor the attached (north) stairwell element would reduce the capacity of an observer to interpret and appreciate the remnant form and fabric of the late 19th-century cottage, whether from the public realm or on-site, which would protect its core significance.

It is also useful to recognise that Euroka Street—from a streetscape perspective—is characterised by a fairly diverse array of one and two-storey traditional built forms, many of which display publicly visible accumulations of additions. The significance of its historic environment is not dependent on uniformity or the complete concealment of rear changes. Understood as such, the addition strikes the right balance between continuing site/streetscape characteristics—including its sense as a rough and ready late Victorian period working-class environs—and achieving an appropriate level of distinguishability.



As noted, the scale and form of the new work are respectful and to the degree that it would attract the eye; the design of addition would be gentle and pleasing to take in.

Regarding the material palette, Colorbond® Custom Orb sheeting ('Shale Grey') is commonly accepted for additions in late 19<sup>th</sup>-century HCA-affected streetscapes and heritage places for its parallels with traditional corrugated metal cladding.

New walls would largely be clad with an interlocking (vertical seam) Colorbond® sheeting in a 'Matt Dune', a sandy neutral grey. In the view of this report, such walling would achieve a comfortable contrast with the masonry components of the existing building, achieve a necessary degree of articulation (impression of a recessed joint and shadow line variety), and the colouration is tonally sympathetic to the masonry elements.

The employment of powder-coated aluminium frames and angled shrouds for openings for the addition is considered appropriate, especially given the relative concealment and setback of the only publicly visible new openings (W101 and D001).

Replacement galvanised steel guttering to the remnant original hipped roof would have an ogee profile with a timber scotia mould below, as traditional for late Victorian period residences. The employment of a contemporary gutter profile for the loft addition and new parts of the proposal is supportable. New guttering and downpipes would be traditional in presentation.

#### *Internally*

As part of the scheme, the internal layout of the original footprint would be reconfigured, with new lightweight/reversible partition walls provided, along with a bathroom and ensuite. The design rationale for this proposed interior treatment is manifest, with no clear alternatives (other than unreasonably restricting the occupants to a single bathroom).

The original layout of the cottage is unknown, although it was likely that the primary fireplace addressed a large living space, with the secondary utilised for food preparation. The proposal would maintain the visibility of the intact primary fireplace, along with an ample sense of a large encompassing room. The secondary, less intact (brickwork repairs) fireplace—by necessity in light of the site constraints—would be retained in situ but concealed from internal view by a vanity. The latter would be installed in a reversible manner with no/limited penetration of the sandstone.

The establishment of both the bathroom and ensuite would interface with the significant internal sandstone rubble walls. Notations in the plan recognise that these 'wet' spaces would need to be sensitively installed with no or limited penetration of the extant sandstone fabric and appropriate measures implemented to manage moisture levels (which, if unchecked, could negatively affect the sandstone).

As a permit condition, it would be appropriate for the consent authority to request to their satisfaction construction drawings to demonstrate how the bathroom and ensuite would be installed in a heritage-sensitive manner. These plans should be endorsed by a consulting heritage professional.

On balance, the proposed treatment of the original interior would not be detrimental to the significance of the cottage and broadly satisfies the pertinent objectives of the NSDCP in Section 13.5.5 ('Interior Layouts').

#### *In the vicinity heritage items*

For the reasons discussed above, the new work is considered compatible with the nearby individual heritage assets. No negative outcomes on significant fabric, sightlines, or the historic atmosphere of the broad setting would eventuate from approval, complying with the objectives of the NSDCP (Section 13.4, 'Development in the vicinity of heritage items').

## **4.5 Conclusion**

In summary, this report finds that the new work would achieve a reasonable and supportable balance between change and the protection of the subject place's significance, along with the broader HCA and value of in the vicinity heritage items. The proposal—in its current form—would fulfil the conservation objectives of the NSLEP and, if not the totality of the NSDCP's heritage provisions, the intent of its overarching aims, namely safeguarding significance and blending well with the scale and historic urban context of Euroka Street. As discussed, the technical construction aspects of installing the bathroom and ensuite are recommended to be resolved with heritage input as a consent condition.



On this basis, the proposal should be supported by the Council.

Lastly, while the proposal would not negatively impact the existing sandstone fabric, it would be advisable and good heritage practice to take the opportunity of an approved DA to engage with an appropriately qualified stone mason to review its physical condition and—if necessary—undertake remediation/conservation actions, such as repointing.

# 34 Euroka Street, Waverton NSW 2060

**Client:** Dmitry Polikarpov  
**BMYY Ref No:** 230591  
**Site Inspection:** 31 August 2023

**Prepared By: Mr Moussa Youssef**

**B.E. (Civil – Structures), Dip. Eng. Prac. MIE Aust 4313186**





## Qualifications

We confirm our Report has been prepared in an objective and independent manner as a professional Engineering Firm subject to reference and application of qualified engineering method, factual and evidence-based assessment without prejudice.

We advise that our site inspection has only completed in areas where pertains to your instructions or requests/issues raised during inspection onsite. We confirm areas not included within this Report was not subject of the instructions and/or safe access to the areas of concern was not available despite our reasonable attempts to undertake the inspection in those areas.

Our method of visual and non-destructive inspection, assessment and reporting has been completed with reference to the National Building Code of Australia (NCC BCA 2019), relevant Australian Standards, manufacture's specifications and/or NSW Fair Trading Guide to Standards and Tolerances 2017 where applicable.

No urgent make-safe requirements we noted at the time of inspection, however, the assigned principal builder is to undertake building adequacy assessment of the subject structure prior to commencement of any works.

If the builder/client feels the condition of the structure has changed since the inspection undertaken by BMY, the builder/client is to notify the engineer immediately as any implication may affect the adequacy of the retaining wall.

This document does not constitute nor is it intended to be a fully detailed schedule of works or detailed specification covering each item in the minutiae of the remediation works required at the above property. This document is designed to be a report outlining the major and critical aspects of the remediation required. It is not a delineated specification schedule of precise fixtures, fittings and finishes.

## Reference Made to Current NCC BCA 2019, Australian Standards and/or Guidelines within the Report

We advise that any reference made to current NCC Building Code of Australia (BCA) 2019, Australian Standards and/or guidelines has ONLY been made to clarify and explain the mechanism of damage/occurrence unless clearly stated otherwise.

Such reference to current NCC BCA 2019, Australian Standards and/or guidelines is not for the purpose of compliance and/or conjecture about building/design/construction/workmanship defects unless clearly stated otherwise.

The Building Code of Australia (BCA) has developed and issued for the first time in 1988; however, this version of BCA was not adopted by any of the States and Territories up until the BCA 1990 version which was adopted at various dates by each States and Territories namely, ACT on 5/11/90, NSW on 1/1/92, NT on 18/12/91, QLD on 1/1/92, SA on 17/6/91, TAS on 2/11/94, on VIC on 8/4/91 and WA on 28/7/89.

In cases where the age of building and construction predates the above-mentioned adoption dates of BCA, we advise any reference made to BCA should not be used for assessment of either design, construction and/or workmanship defect.

# Contents

<b>1. INTRODUCTION</b> .....	<b>4</b>
1.1 Executive Summary .....	4
1.2 Intent & Information .....	4
<b>2. PRELIMINARIES</b> .....	<b>5</b>
2.1 Site Protection .....	5
2.2 Disposal of Demolition Materials .....	5
2.3 Existing Services .....	5
<b>3. OBSERVATIONS AND RECOMMENDATIONS</b> .....	<b>6</b>
3.1 Observations .....	6
3.2 DA Condition 6 .....	7
3.3 DA Condition 8 .....	8
<b>4. CLOSURE</b> .....	<b>10</b>
<b>5. IMAGES</b> .....	<b>11</b>
<b>6. APPENDIX</b> .....	<b>14</b>
6.1 Appendix A.....	14
6.2 Appendix B.....	15
6.3 Appendix C.....	16
6.4 Appendix D.....	17
6.5 Appendix E .....	18
6.6 Appendix F .....	19

# 1. Introduction

## 1.1 Executive Summary

We BMY Engineering Consultants have developed this report, to assess the structural integrity and adequacy of the existing dwelling, in turn adhering to condition 6 and 8 from the development application at 34 Eureka Street, Waverton NSW 2060.

### 1.1.1 Inspector

- Moussa Youssef

## 1.2 Intent & Information

BMY Engineering Consultants have been engaged as the engineering consultant to undertake a visual inspection of the abovementioned site, on 34 Eureka Street, Waverton NSW 2060.

The purpose of this inspection and this subsequent report was to provide the following:

- Provide structural engineering report to satisfy conditions 6 & 8 of the pre-development application.

For referencing purposes, an aerial site plan view of the subject property in the orientation of True North has been provided in Figure 1 below.



**Figure 1- Aerial Site Plan of Subject Property (Source: Six Maps).**

## **2. Preliminaries**

### **2.1 Site Protection**

To ensure the safety and preservation of the work areas, specific measures will be implemented, particularly regarding pavements and existing planter box structures.

The Contractor must obtain approval from BMY Engineering regarding the equipment or machinery that will be utilized.

### **2.2 Disposal of Demolition Materials**

As part of this contract, the Contractor is responsible for arranging appropriate methods to remove all demolition materials from the site. These methods must guarantee the safe removal of materials without causing any harm to the building or existing structures. It is important to note that demolition materials should not be piled on suspended slabs or within the yard areas and should be continuously taken offsite.

Minimizing noise and dust is of utmost importance, and the chosen transportation methods for demolition materials should effectively reduce these disturbances.

Furthermore, all demolition materials must be disposed of in compliance with legal regulations at an authorized offsite location.

### **2.3 Existing Services**

Before conducting any excavation work, the Contractor is required to use the "Dial Before You Dig" service to identify and locate all underground utilities and services.

### 3. Observations and Recommendations

#### 3.1 Observations

The Upon inspecting the dwelling at 34 Euroka Street, Waverton the following general observations were made:

- Multiple trees were found to be in close proximity to the dwelling, as per photograph 1.
- Cracking and other damages to the pathway surround the trees of concern, as per photographs 5-6.
- The existing structure was also found to be bearing on rock, as per photographs 3-4 and Appendices A-D.
- Concrete underpinning, extending approximately 300mm in width and reaching depths of up to 1500mm beneath and behind the existing rock footings.

Through these assessments, a comprehensive understanding of the structural integrity and adequacy of the existing dwellings will be attained. Any known issues or risks we identify will shape our responses to conditions 6 and 8 from the Pre-Development Application and will thoroughly investigate the need for any structural enhancements, foundation reinforcements, or other measures to ensure the continued stability and safety of the structure. Regular monitoring and periodic assessments may be advised to address evolving conditions and maintain structural adequacy over time.



### 3.2 DA Condition 6

In adherence to Development Application (DA) Condition 6, an assessment was conducted on the trees located at the front of the property, depicted in photograph 1. Initially perceived to have affected the structural integrity of the building, it was noted upon inspection that the front footings, impacted by the trees, had previously undergone strengthening through underpinning (300wide and up to 1500mm deep concrete underpinning behind and under the existing rock footings) to rock, as evident in photograph 2.

The pathways depicted in photographs 5-6, displayed cracks and other damages likely attributable to the trees. However, considering the proposed works' location, all new structural elements are planned to have independent footings, and are also located a considerable distance away from the trees of concern, as evident in figure 2.



*Figure 2*

Consequently, they will remain unaffected by the large trees situated at the front of the property. However, the engagement of an arborist may be required to confirm the tree protection zones and structural root zones of the trees in question. This would be beneficial as arborists can identify signs of such interference and recommend appropriate measures to mitigate any risk.

### 3.3 DA Condition 8

In compliance with DA Condition 8, a structural adequacy report for the existing structure is required, for this specific requirement please see section 3 of this report. Additionally, emphasis is placed on ensuring the stability of buildings within the zone of influence of the excavations, as mandated by the conditions outlined in the development application.

In our professional opinion, the stability of the buildings within the zone of influence of the excavation are considered to be inherently stable. This is the case due to the neighbouring properties being situated on rock foundations. The robust and unyielding nature of rock provides a secure and reliable base for the structure. Unlike soil, which may be susceptible to settling or shifting during excavation, rock offers a high degree of stability and resistance to ground movement. The interlocking and compacted nature of rock formations minimizes the risk of subsidence, ensuring that the building remains firmly anchored. Additionally, the structural integrity of the building is bolstered by the sheer strength and load-bearing capacity of the rock substrate. Hence, excavation activities in close proximity can be confidently undertaken, as long as proper engineering practices are employed to maintain the building's stability throughout the excavation process. The proper engineering practices can be observed in the following paragraphs below, and the section in Appendix E-F and will further be detailed in the structural design that will issued for construction at a later date.

Ensuring the protection of adjacent buildings from potential damage during demolition, excavation, and construction activities due to excessive vibrations requires meticulous attention. To address this concern, it is crucial to implement appropriate excavation and construction methods designed to restrict ground vibrations within specified limits, as outlined in AS 2187.2-2006:

- Sensitive and/or historical structures: 2mm/sec.
- Residential and/or low-rise structures: 5mm/sec.
- Unreinforced and/or brick structures: 10mm/sec.
- Reinforced and/or steel structures: 25mm/sec.
- Commercial and/or industrial buildings: 25mm/sec.

To mitigate the transmission of vibrations to adjacent infrastructures and maintain compliance with acceptable limits, the implementation of rock saw cutting using a conventional excavator equipped with a mounted rock saw is recommended as an integral part of the excavation process before initiating any rock-breaking activities.

While the utilization of rock hammers is discouraged and considered inappropriate, in exceptional circumstances during excavation, it is suggested that horizontal hammering is performed along pre-cut rock formations provided by rock saw cutting, adhering strictly to acceptable limits. Continuous monitoring throughout the excavation process is advised.

Contemplation should be given to devising a vibration monitoring strategy to oversee construction activities, particularly in areas where excavations are anticipated to delve into the underlying bedrock of higher estimated strength, situated within the "zone of influence" of adjoining infrastructures.

The execution of a vibration monitoring plan can be conducted in an attended or unattended manner. In instances of unattended monitoring, the system should be equipped with alarms such as strobe lights, sirens, or live alerts sent to the vibration monitoring supervisor, triggered when the vibration limit is surpassed. If the consideration or adoption of such a plan is pursued, consultation with relevant subcontractors/consultants is recommended for the installation of vibration monitoring instruments.

If vibrations during construction or within adjacent structures surpass the predefined values, immediate contact with a geotechnical engineer is imperative, necessitating an immediate termination of work.

## 4. Closure

We confirm our Report has been prepared in an objective and independent manner as a professional Engineering Firm subject to reference and application of qualified engineering method, factual and evidence-based assessment without prejudice.

Hence, we can further certify that the existing structure can withstand the new imposed loads to the proposed development. Our method of visual and non-destructive inspection, assessment and reporting has been completed with reference to the National Building Code of Australia (NCC BCA 2019), relevant Australian Standards, manufacture's specifications and NSW Fair Trading Guide to Standards and Tolerances 2017 where applicable.

We trust this meets your requirements and should you require further information or clarification on the matter, please do not hesitate to contact the undersigned. I reserve the right to amend this report and the opinions expressed in it, in light of any additional information that may subsequently be discovered and provided.

Yours Faithfully,

**BM.Y.**

Prepared and Approved by:



Moussa Youssef

Structural/Civil Engineer B.E (Civil) (Structural), MIEAust.

## 5. Images



*Photograph 1*



*Photograph 2*





*Photograph 3*



*Photograph 4*





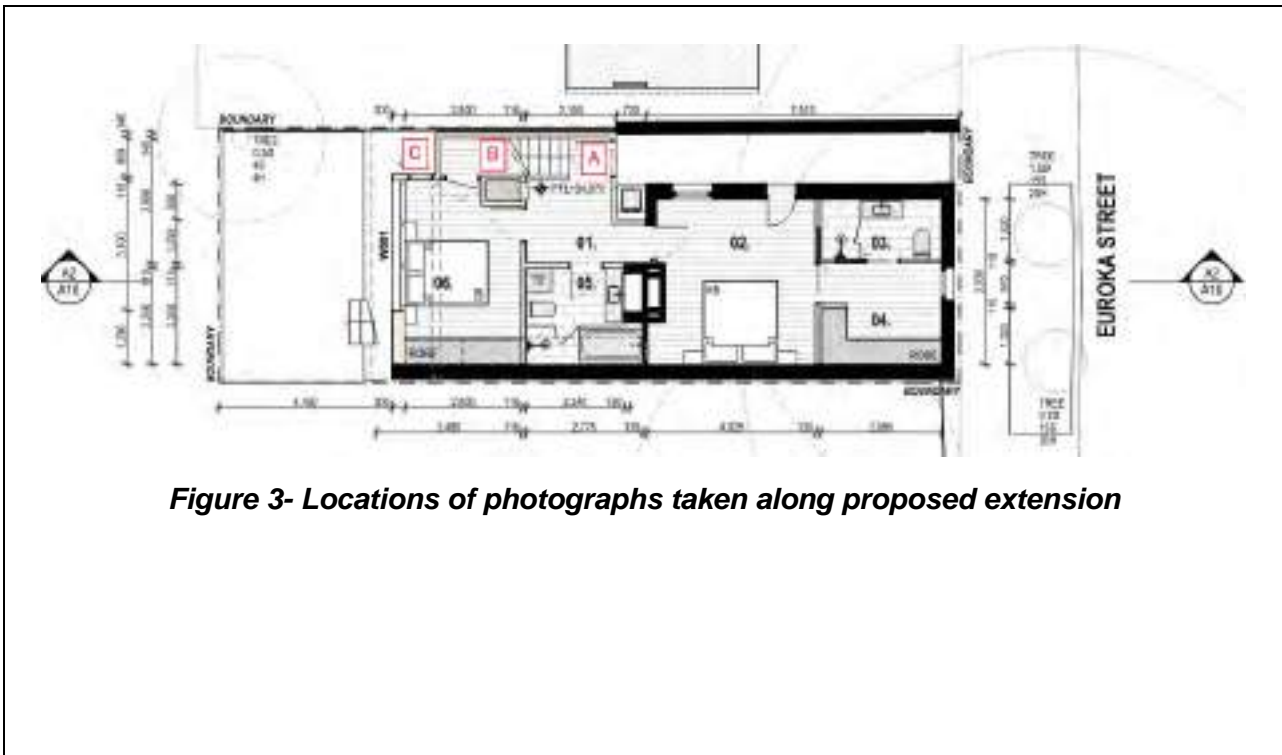
*Photograph 5*



*Photograph 6*

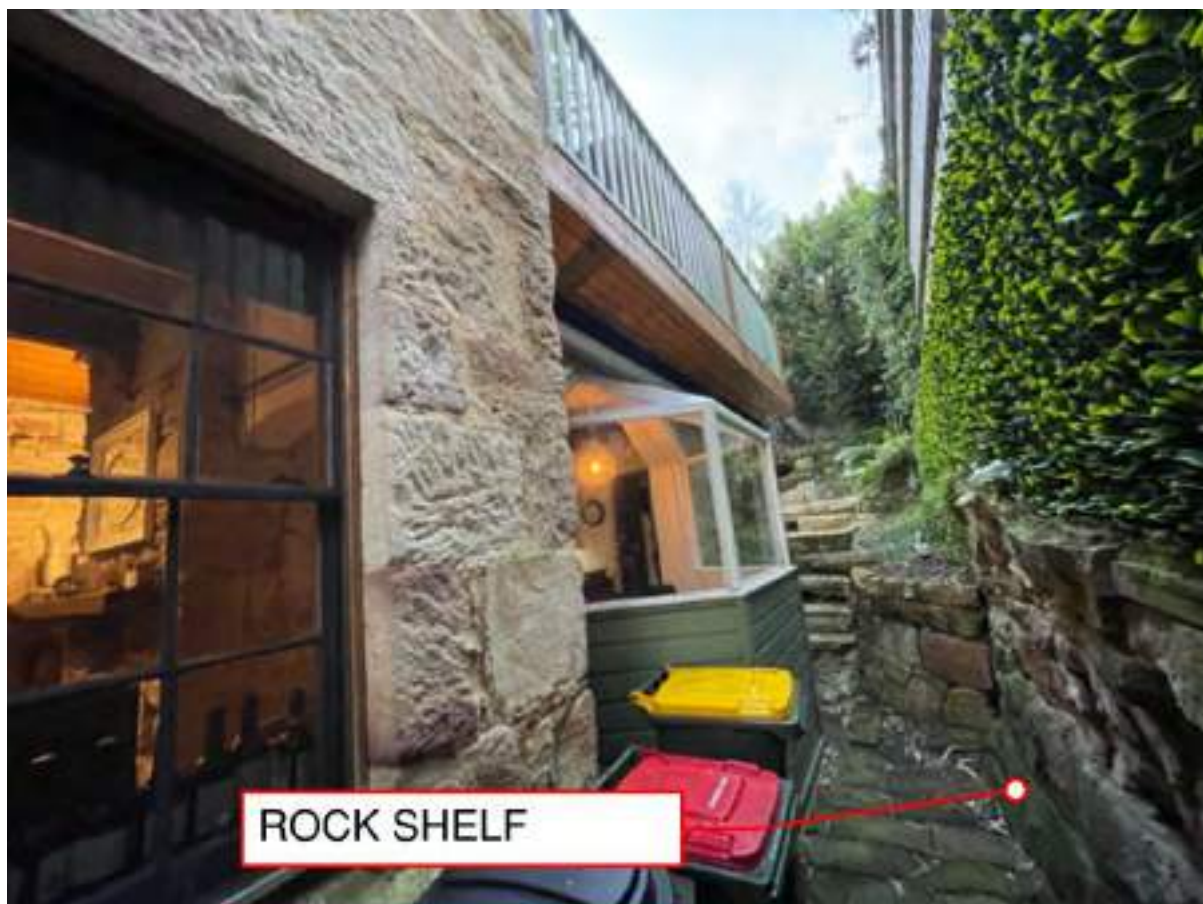
## 6. Appendix

### 6.1 Appendix A





**6.2 Appendix B**



*Figure 4- Photograph location A*

6.3 Appendix C



*Figure 5- Photograph location B*



**6.4 Appendix D**



*Figure 6- Photograph location C*

6.5 Appendix E

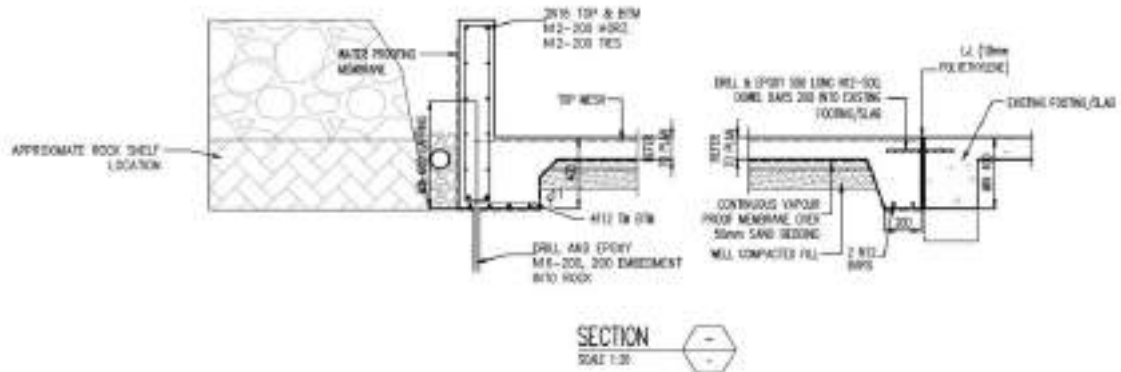


Figure 7- Typical Section through the Proposed Extension and Boundary

## 6.6 Appendix F

CONCRETE QUALITY				
ELEMENT	SLUMP	AGGREGATE (MAX. SIZE)	CEMENT TYPE	$f'_c$
SLAB	80mm	20mm	A	32MPa
FOOTINGS	80mm	20mm	A	32MPa
REINFORCEMENT COVER SCHEDULE				
MEMBER	COVER ( mm )			EXPOSURE CLASSIFICATION
	TOP	BOTTOM	SIDES	
INTERNAL SLABS	30mm	30mm	30mm	A1
EXTERNAL SLABS	40mm	40mm	40mm	B1
FOOTINGS	40mm	40mm	40mm	B1

*Figure 8- Concrete Quality & Reinforcement Cover Schedule*

# **BMY**

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# HERITAGE IMPACT STATEMENT

Alterations & Additions



34 Euroka Street, Waverton NSW 2060

Prepared for Dmitry Polikarpova

January 2024

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### Acknowledgement of Country

We acknowledge the Cammeraygal peoples of the Traditional Owners of this land we now call Waverton and recognise that sovereignty has never been ceded. We support the objectives of the Uluru Statement from the Heart to achieve justice, recognition, and respect for all First Nations people.

### Touring the Past Pty Ltd

Conservation | Heritage | History

**Author:** Patrick Wilson

Director—Heritage Consultant and Professional Historian

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**Cover image:** View to the frontage of the subject place from Eureka Street.

Primary and secondary materials utilised in the preparation of this report are acknowledged and referenced in captions or footnotes.

The copyright of this report remains with the author, Touring the Past Pty Ltd.

DATE	VERSION	PREPARED BY
28 December 2023	Preliminary issue	Patrick Wilson
25 January 2024	DA issue	Patrick Wilson



## CONTENTS

### 1 Introduction

1.1 PURPOSE	1
1.2 METHODOLOGY	1
1.3 LOCATION	1
1.4 HERITAGE MANAGEMENT FRAMEWORK	2

### 2 HISTORICAL SUMMARY 5

### 3 PHYSICAL DESCRIPTION

3.1 SUBJECT PLACE	8
3.2 STREETScape	18

### 4 ASSESSMENT OF HERITAGE IMPACT

4.1 DISCUSSION OF CONTRIBUTION	19
4.2 THE PROPOSAL	20
4.3 HERITAGE POLICY	20
4.4 REVIEW OF HERITAGE IMPACT	21
4.5 CONCLUSION	23

## 1 INTRODUCTION

### 1.1 Purpose

This Heritage Impact Statement (HIS) has been prepared on the instruction of the property owner of 34 Euroka Street, Waverton (the subject place)—a circa 1890 private residence identified as a heritage item and located in the Union, Bank and Thomas Streets Heritage Conservation Area and in close proximity to several other individual heritage assets. It accompanies a Development Application (DA) for partial demolition and alterations/additions. This report provides the consent authority, North Sydney Council, with an expert assessment of the subject place's significance and discusses whether the scheme is acceptable in terms of its heritage impact.

### 1.2 Methodology

The author of this report is an experienced built heritage expert and accredited professional historian. This report is informed by a non-invasive inspection of the subject place and its setting (October 2023).

Terminology and principles in this document are based on sound values-based heritage management approaches, namely as expressed by *The Australia ICOMOS Charter for Places of Cultural Significance*, *The Burra Charter* (rev. 2013) and its accompanying practice note *Burra Charter Article 22 – New Work*. Due heed is also taken of the Government Architect NSW's *Better Placed: Design Guide for Heritage* (2019) and recent best-practice documentation from the NSW Department of Planning and Environment: *Assessing heritage significance* (June 2023) and *Guidelines for preparing a statement of heritage impact* (June 2023).

### 1.3 Location

The subject property is a single rectangular land parcel (108.2m<sup>2</sup>)—legally described as Lot 1, DP 937146—on the west side of Euroka Street, approximately between Euroka Street Playground (north) and Carr Street (south), north of the North Shore railway line. The wider context is formed by the fine-grain urban environment of Waverton on Sydney's Lower North Shore.



Aerial photograph of the subject place (shaded red) and its environs. (Source: Metromap, July 2023)

## 1.4 Heritage Management Framework

The subject place is identified as a 'local' heritage item under Schedule 5 of the *North Sydney Local Environmental Plan 2013* (NSLEP). Its listing details follow:

Item name	Address	Property Description	Significance	Item no.
House	34 Eureka Street, Waverton	Lot 1, DP 937146	Local	I1063

No place-specific comment on significance for the subject place appears to have been previously prepared, although the NSW Heritage Inventory provides the following Statement of Significance, which refers to an undefined area that seems to include Eureka Street:

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

The noted Eureka Street Group/Victoria Precinct' (NSHS0430) was a listing proposed as part of the *North Sydney Heritage Study Review* prepared by Gooden Mackay Pty Ltd (1992), which is no longer (or never was) in force. Its citation provides the following information (sic):

*Historical Notes: Eureka Street was one of the main streets of the Eureka Estate subdivision. It was shorted as it's southern end by the St. Leonards to Milson's Point Railway in 1890-1893 and then interrupted by the second railway diversion to North Sydney in 1924-1932. It is most famous for it's associations with Henry Lawson, poet and writer, who lived at various times in No's. 21, 26, 28, 30 and 31 Eureka Street between 1914 and 1921.*

*Description: Eureka Street is in two parts, separated by the Railway Overbridge adjacent to Carr Street. Original buildings exist on the north side only on the short section east of the bridge – the south side was earlier removed by the railway construction ... The section north of the bridge is mostly sloping, with single and double storey houses on both sides. Houses are typically narrow-fronted, of stone or weatherboard and generally have little or no stylistic features. Excluded buildings are generally late 1930's bungalows, or similar scale but not of the same character as defined by the nineteenth century buildings.*

A datasheet (NSHS0444) for the subject place was also prepared for the subject place as part of the aforementioned study but comprises limited information:

*Period: 1876 – 1900; Description: Two storey brick and stone houses with gabled construction-iron roof and single-storey hipped gabled roof section to the street frontage which is of brick with stone quoins and contains a side entry door. Rear sections of building extensively modernised.*

This report undertakes a contemporary significance assessment of the subject building in Section 4.1.



Photograph of the subject building from Eureka Street, early 1990s. Note front skylight to the roof face and two-storey rear addition.  
(Source: NSHS0444, Gooden Mackay Pty Ltd, *North Sydney Heritage Study*, 1992)

The subject place is situated in the Union, Bank and Thomas Streets Heritage Conservation Area (HCA), a precinct (CA15) of 'local' heritage significance under the NSLEP. Its Statement of Significance, extracted from the *North Sydney Development Control Plan 2013 (NSDCP) (Part C/Section 10)*, reads:

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

- (a) *As the largest area of mid to late Victorian buildings in the North Sydney area including a substantial number of individually significant buildings, groups of buildings and unique streetscapes in the local context.*
- (b) *For the clarity of its subdivision history that is still clearly seen in variations of road widths between sections of streets and changes of directions of the subdivision in response to the subdivision of earlier streets.*
- (c) *For the way development has responded to the topography through stepped building forms and excavation in some locations.*
- (d) *For its fine streetscapes with intact rows of Victorian residences, especially in Thomas, Union and Chuter Streets.*
- (e) *For its relatively large number of surviving timber residences.*

It is also adjacent to and in the vicinity of several 'local' individual heritage items, as set out in the table below. None appear to have a Statement of Significance.






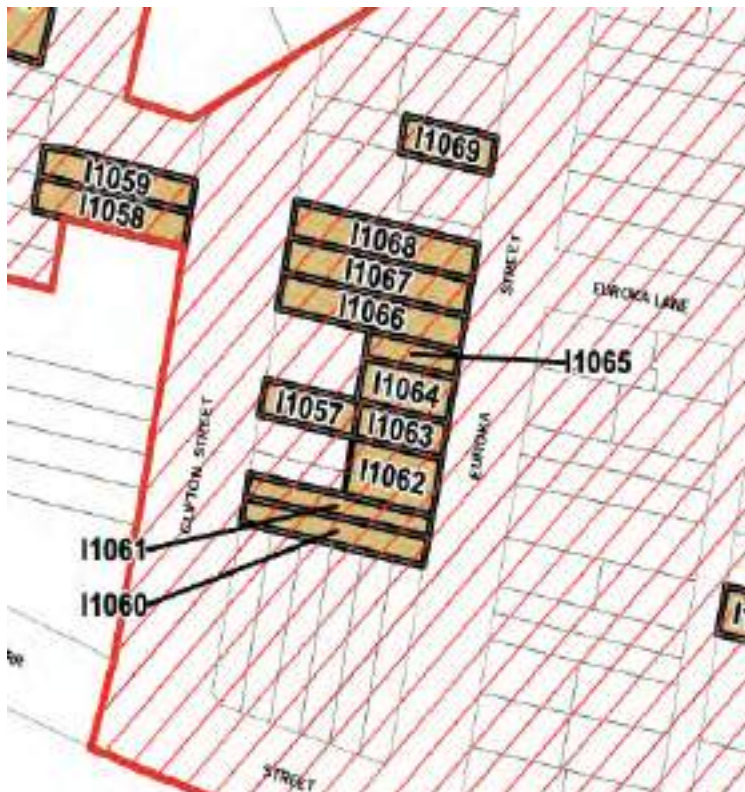
Image	NSLEP Listing + Comment
	<p>21 Clifton Street, Waverton I1057—House Mid-to-late Victorian period sandstone terrace Rear of the subject place Column left (Source: Google Street View, November 2019)</p>
	<p>26, 28, 30 Eureka Street, Waverton I1060, I1061, I1062—Houses Group of two-storey sandstone terraces, late Victorian period Column left: 26, 28, 30 (Google Street View, November 2022)</p>
	<p>36 and 38 Eureka Street, Waverton I1064, I1065—Houses Pair of two-storey late Victorian sandstone terraces Column left: 36 and 38 (Source: Google Street View, December 2020)</p>



Image	NSLEP Listing + Comment
	<p>40, 42, 44 Euroka Street, Waverton I1066, I1067, I1068</p> <p>Unusual group of two-storey weatherboard terraces with sandstone plinths, circa 1890</p> <p>Column left: nos 40, 42, 44 (Source: Google Street View, December 2020)</p>
	<p>50 Euroka Street, Waverton I1069</p> <p>Unusual timber terrace, circa 1890</p> <p>Column left (Source: Google Street View, November 2017)</p>

As per the NSLEP at cl 5.10 (1)(a)(b), a key heritage consideration for the Council is the identified significance or value/s of the relevant heritage places. Accordingly, the applicable Statements of Significance and further discussion throughout this report provide an essential baseline for understanding the impact of new work on the subject place and the encompassing HCA—an approach in line with Article 27 (‘Managing Change’) of the *Burra Charter*.



Extract from Heritage Map HER\_002A with the subject place indicated by the blue arrow. Tan shading denotes an individual heritage item. Red hatching indicates the extent of the encompassing Union, Bank and Thomas HCA. (Source: NSLEP)

## 2 HISTORICAL OUTLINE

The history of the subject place has attracted a degree of mythologising, due likely to its unusual, evolved form and sandstone materiality. For instance, it has been promoted as the 'oldest house in Waverton' with a construction date of 1865 and provided with the moniker 'Blacksmith's Cottage', presumably on the basis of a connection with a smithy.<sup>1</sup> While the connection with a blacksmith as a residence (not a place of work) could be correct, the earliness of its erection has been overstated.

Based on the available evidence, the building—a private dwelling of the 'cottage' typology—was constructed circa 1890 on an allotment pegged out as part of the 'Euroka Heights' subdivision (1882).<sup>2</sup> The latter was an important land release in the area, breaking up the estate of *Euroka Villa* (b. mid-1830s/highly evolved, later *Graythwaite*, SHR 01617, NSLEP 10809), which allowed for an intense phase of urban, largely working-class development in the surrounding streets over the late Victorian period.

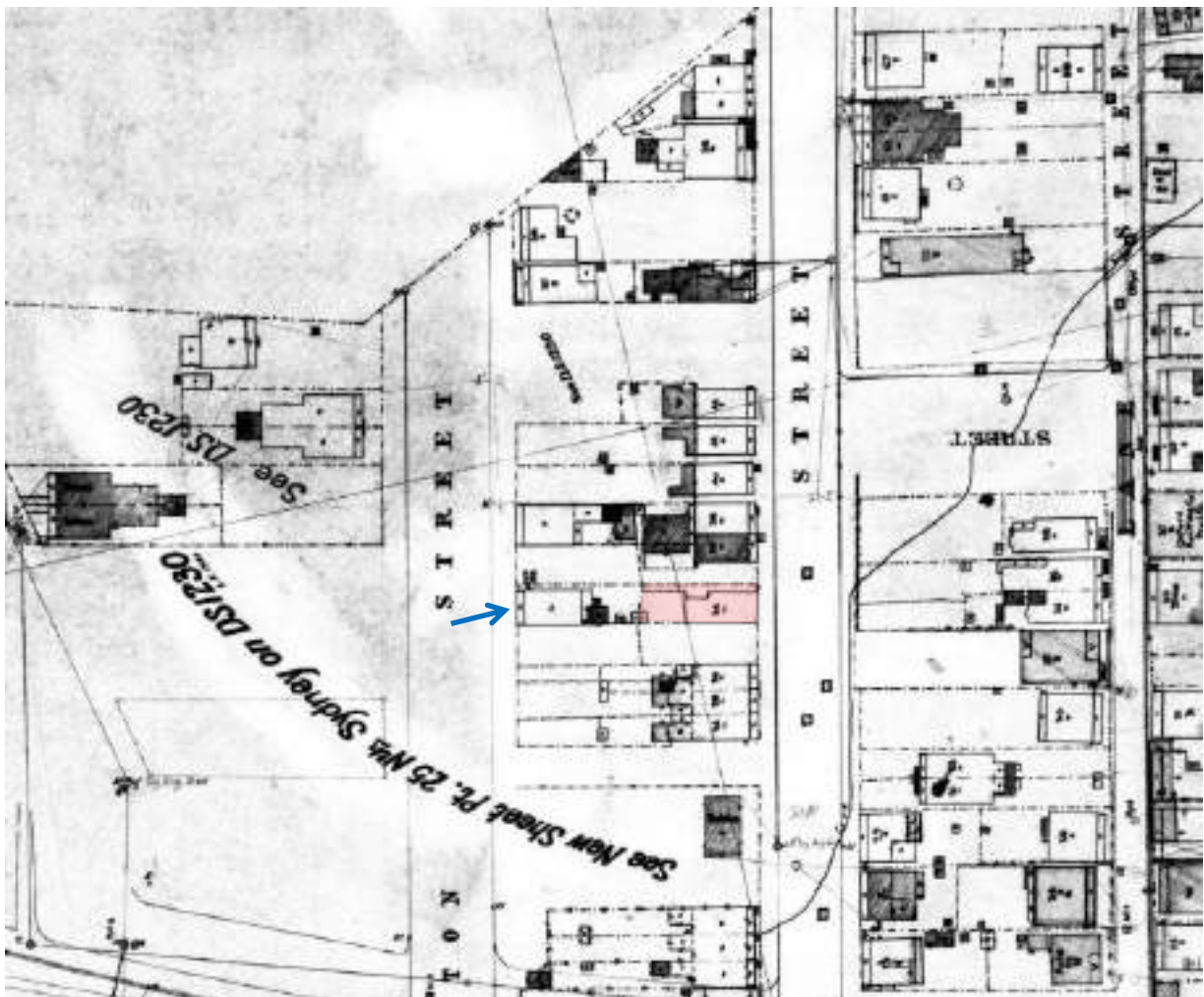
The subject allotment (Section 2, Lot 15) initially extended through to Clifton Street in the west and had been acquired by George Anderson around 1890.<sup>3</sup> Anderson was identified in the *Sands Sydney, Suburban and Country Commercial Directory* as a 'builder' and resident of the severe two-storey sandstone terrace at 21 Clifton Street (11057), which was built around this time. He was probably responsible for its construction, along with the subject cottage, which was first recorded in the 1891-92 edition of the *North Sydney Rate and Valuation Book*. John Prebble, a 'painter', was recorded as the initial tenant. The building was described as a 'house' throughout the late 19<sup>th</sup> and early 20<sup>th</sup> century editions of the rate book and listed with the name 'Norfolk Cottage' in the mid-1920s.

The re-subdivision of Lot 15—creating the subject property and 21 Clifton Street—occurred circa 1900.<sup>4</sup> The compact original footprint of the subject house is depicted in the following surveys and aerial photographs. During the 1980s, its original hipped roof was truncated by a sandstone loft-style addition designed by Marcus Lang for its then occupants, the Stock family.<sup>5</sup> The rear wing, past the 'indent' in the existing north elevation, was also rebuilt and extended with sandstone. While this report has not perused the drawings for this redevelopment (assumedly in the Council's planning archives), the extent of change is readily identifiable in the extant fabric of the place.



Promotional subdivision map for the Euroka Heights Estate, 1882, showing the fine-grain subdivision pattern that remains prevalent in the area. Lot 15, which comprises the subject property, is shaded red. (Source: SLV)

- 1 Amanda Sheppard, 'Blacksmith's Cottage', *news.com.au*, 20 May 2021, available online
- 2 Search of North Sydney Rate and Valuation Books, 1889/prior (no trace) to 1925-27, Stanton Library; and *Sands Sydney, Suburban and Country Commercial Directory*, 1885-1931/33
- 3 *Ibid*
- 4 *Ibid*
- 5 Sheppard, 'Blacksmith's Cottage'



Survey of the northern part of Eureka Street, dated October 1891. The subject property is shaded red and shown with fence side and rear boundaries. The original footprint of the cottage is also depicted, comprised of the forward primary hipped-roofed section (now truncated) and a 'stepped in' secondary wing, which has been rebuilt. The shown outbuilding in the southwest corner of the site has since been demolished. Anderson's freestanding terrace, facing Clifton Street, is marked by the blue arrow.

(Source: Metropolitan Water Sewerage and Drainage Board Series sheets, Sydney Water Archives)



Aerial photograph, dated 1930, with the subject cottage identified by the red arrow. The image is indistinct; but the roof cladding (light) appears to be corrugated metal sheeting.

(Source: Film 3773, Run R6, Historical Imagery, NSW Government)





An aerial photograph of the subject place (circled), dated 1943, depicts the extent of the cottage's primary hipped roof section. The presence of the rear 'stepped in' wing is more difficult to interpret. (Source: Metromap)

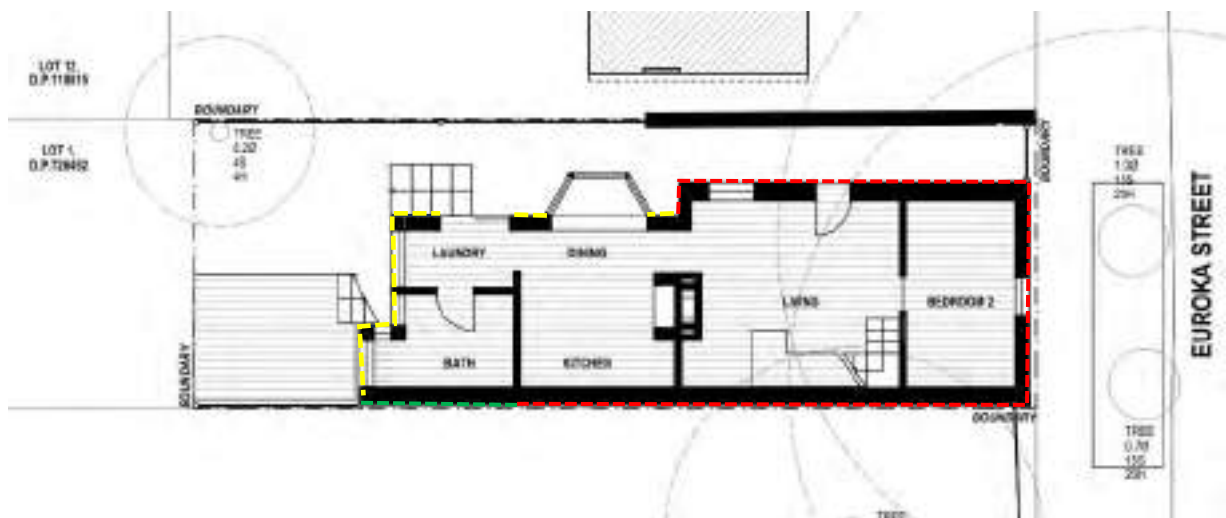


Photograph of Euroka Street, capturing the façade and north elevation of the subject building (left of frame), dated 1946. Central façade window is evident. (Source: C. Ferguson, Stanton Library, LH REF PF916/2)

### 3 PHYSICAL DESCRIPTION

#### 3.1 Subject Place

The subject residence is built to Euroka Street and its southern property boundary, with a narrow setback in the north. Its original footprint remains interpretable, including the northern 'step in' of its rear wing (albeit rebuilt), but otherwise, its form and scale were heavily modified as part of the Lang-designed 1980s redevelopment. The latter resulted in the truncation of the original hipped roof to allow for a gabled loft addition and a first-storey rear deck, surmounting the largely rebuilt and extended rear wing. The southern elevation of the latter was extended in sandstone rubble (wall to existing bathroom). The northern and rear walls (presumably initially sandstone or soft brick with vertically-proportioned traditional openings) were also rebuilt in machine-pressed brick and contemporary windows/doors, including a faceted bay window (north), as part of the 1980s works.



Existing floor plan with the original/remnant extent of sandstone and soft brick (ground-floor only) outlined in dashed red. The 1980s rebuilt brick wall (north elevation) is denoted by the yellow dashes and the sandstone extension (south elevation) in green. (Source: Sandbox Studio, DA drawings, A05)

Only the front portion of the original hipped roof (close eaves) remains and is clad in short-sheeted corrugated metal with steel ridge capping—elements that are continued through to the gabled addition. The original sandstone chimney survives only on the ground floor. The narrow brick chimney section with a dogtooth cap is a 1980s addition.

The walls of the original dwelling are of masonry construction with aged (oxidised, mostly warm golden colour) Sydney Basin Hawkesbury Sandstone (obliquely, 'Yellow Bock') predominating. It has been laid in 'giant' blocks for the plinth and in various roughly worked coursed rubble for the side elevations (a wide variety of sizes). The facade has fine ashlar quoining, some blocks of which have a slightly pointed face. For the remainder of the front wall, a soft (likely handmade) variegated brownish brick in a Flemish bond has been utilised. Repointing is apparent throughout and, other than the façade brickwork—where it appears that a lime-rich mortar has been employed—displays poor workmanship and the use of hard cement mortar.

It is outside the scope of this HIS to undertake a dilapidation assessment of the masonry elements; however, evidence of crumbling/flaking, as well as what appears to be exfoliation in the sandstone, is apparent.

At the centre of a façade is an original segmented window opening with a cut brick soldier head and a dressed sandstone sill. The timber-framed (clear seal) double-hung sash is a sympathetic replacement element. The original entrance endures in the front portion of the north elevation, comprising a 'massive' stone lintel and worn threshold. The east adjacent window opening also appears to be original, as possibly is its multipaned (four-over-four) timber-framed sash (that or either a good reproduction).

The loft addition's side walls and part of its rear elevation were also built of coursed rubble sandstone with rough and wide cementitious mortar joints. Diagonally laid rebated timber boards clad the remainder of the loft's rear wall, which provides



access to a first-floor timber deck. It cuts into a portion of the non-original hipped roof (south) and sits above a portion of the original footprint (existing dining/kitchen) and the brick extension (bathroom and laundry).



Subject place from opposite Euroka Street.



Close-up of the façade with sandstone plinth and quoining and soft brick (Flemish bond) to the body of the wall. Some sandstone blocks in the plinth display signs of fretting.





South oblique view, from Euroka Street.



South elevation (over adjacent fence). Coursed rubble. Poor cementitious repointing is evident. The rear 1980s extended section is not visible from the public realm and would have to be viewed from the rear garden of 19 Clifton Street, which runs through to Euroka Street.





Northern oblique sightline to the subject place, Euroka Street.



Close-up northern oblique view.





Front portion of the north elevation, facing Eureka Street. Cementitious mortar. Some blocks show signs of what appears to be exfoliation.



Close-up of 'massive' lintel (see following image). Note brown staining/discolouration in top right, cause unclear.



Original entrance, north elevation. Door an addition. Image right is the circled window.



Original opening, potentially the multipaned sash as well. The 'indent' of the north elevation is apparent left of frame.



Note sandstone blocks to the return (red arrow, in shadow). Those at the ground-floor are original and would be retained by the scheme. Facing Eureka Street.



Rebuilt machine-pressed brick section of the north elevation with faceted timber bay window.





Rear part of the north elevation, past bay window. Brick with deck above.



View to the sandstone wall of the loft addition, north elevation.





View from the backyard across the rear deck, which 'cuts' into the rear section of hip roof—all part of the 1980s redevelopment.



Rear elevation of the loft addition, showing the extended brick chimney.

Internally, the only elements attributable with significance are the back-to-back sandstone fireplace (the lower part and surround of the rear fireplace have been rebuilt with fire bricks), including the associated chimney (as noted, severed past the ground floor) and the random rubble—in some places coursed—sandstone of the ground floor, which is now exposed (it was likely initially coated in lime plaster, at least the principal front room). All other extant elements, such as rendered sections of wall and joinery, are late 20<sup>th</sup>-century or contemporary changes.



Existing living space, facing west. (Source: Belle Property)



Kitchen fireplace. Note non-original brickwork. The lower part of the nearby south wall (kitchen) has been rendered.



The subject property's northern boundary and northwest corner are characterised by sandstone or machine-pressed brick steps and, to the northern setback, a drystone retaining wall above a small natural sandstone shelf. There is also a drystone wall at the rear of the property. These landscape elements—while sometimes utilising worked stone (likely salvaged)—are contemporary.



Roughly shaped sandstone steps and retaining wall/rock shelf—northwest corner of the ground floor.



Backyard. Note drystone retaining wall. Presents as late 20<sup>th</sup>-century/contemporary landscaping works. Some stones are worked and/or dressed, suggesting they were intended for construction (or are salvaged).



### 3.2 Streetscape Appraisal

Euroka Street falls from its eponymously named park (north) towards its intersection with Union Street (south). The section most relevant to the matter at hand is north of the railway overbridge, which forms a dramatic arched concrete engineering/infrastructural element within the public realm. On the whole, Euroka Street presents as a late 19<sup>th</sup>-century historic environment, characterised by one and two-storey timber and masonry (sandstone/brick and, to a lesser extent, rendered) cottages and terraces (including freestanding examples); however, visible later additions/alterations are apparent at most sites. Some postwar, late 20<sup>th</sup>-century, and contemporary infill is also evident, but dispersed.

To the north of the subject property is a pair of two-storey ashlar sandstone terraces with reconstructed double-height timber verandahs (nos 36 and 38, respectively, I1064 and I1065). The south elevation of no. 36 has been mostly rendered. A two-storey skillion-roofed volume (part sandstone/weatherboard) has also been attached to its south elevation at a setback behind a front side car space.



Sandstone terraces north of the subject property—left to right, no. 36/I1064 and 38/I1065.

To the south of the subject property is a landscaped garden area with some dominant tree plantings and a timber paling fence to the frontage (30 Euroka Street and 19 Clifton Street, I1062), beyond which is a row of three two-storey terraces (I1060, I1061, I1062).



North elevation of 30 Euroka Street (I1062, viewed across the garden area that separates it from the subject place.

The rear elevation of Anderson's detached sandstone terrace at 21 Clifton Street (I1057), behind the rear of the subject place, is not practically visible from Euroka Street.

## 4 ASSESSMENT OF HERITAGE IMPACT

### 4.1 Discussion of Significance

Article 1 of the *Burra Charter* defines the concept of ‘cultural significance’ as ‘aesthetic, historic, scientific, social or spiritual value for past, present or future generations’, noting it is ‘embodied in the place itself, its fabric, setting, use, associations, records, related places and related objectives.’

The assessment of cultural significance includes consideration of the original and successive layering of fabric, uses and associations of a place and its elements, as well as its contextual relationships. It should be realised that multiple values may be attributable to the same element. Further, that significance may evolve as new information comes to light and understanding develops. From a management perspective, significance is a deceptively ‘simple concept’:

*Its purpose is to help identify and assess the attributes which make a place of value to us and to our society. An understanding of it is therefore basic to any planning process. Once the significance of a place is understood, informed policy decisions can be made which will enable that significance to be retained, revealed or, at least, impaired as little as possible. A clear understanding of the nature and level of the significance of a place will not only suggest constraints on future action, it will also introduce flexibility by identifying areas which can be adapted or developed with greater freedom.<sup>6</sup>*

Accordingly, understanding the significance of a heritage place is an essential prerequisite for making good decisions about its management and the weighing/balancing of change and impact.

The following Statement of Significance for the subject place—seemingly, its first—is recommended for adaptation by the Council. Its preparation is based on the historical and physical investigations/analysis undertaken in Sections 2 and 3 of this report and has been guided by the approach and thresholds outlined in *Assessing heritage significance* (DPE, June 2023). The three-tier format recommended by *PPNO1: Applying the Heritage Overlay* (Victorian Department of Transport and Planning, August 2018) is also employed.

#### What is significant?

The cottage at 34 Euroka Street, Waverton, is significant. It was likely constructed circa 1890 as an investment tenancy by a local contractor, George Anderson, the occupant of 21 Clifton Street, as part of the consolidation of the Euroka Heights subdivision (1882). During the 1980s, the dwelling was thoroughly ‘modernised’ with a sandstone gabled loft level and rear first-floor deck with ‘cut out’ hipped roof constructed. Additionally, the rear secondary wing was rebuilt with rubble sandstone in the south and machine-pressed brick in the north and rear elevations.

Fabric of significance relates to its formative late Victorian period development phase, namely its remnant hipped roof (excluding cladding), original sandstone rubble and dressed quoining, Flemish bond soft brickwork including associated lime-rich recessed pointing, original openings, and internal back-to-back fireplaces and associated chimney (ground floor).

Non-original or ‘reproduction’ elements are not significant, although 1980s sandstone walling is complementary to the aesthetic of the place. Cementitious re-pointing is intrusive, both visually and for the ‘health’ of the building.

Landscape sandstone elements are also broadly complementary to the setting of the residence.

#### How is it significant?

The cottage is of local historic (Criterion A) and aesthetic (Criterion C) significance to North Sydney Council.

#### Why is it significant?

The cottage is of historic significance as an illustration of late Victorian period working-class residential development in the Euroka Heights subdivision. This part of Waverton consolidated as a densely populated locality over the 1880s and 1890s, characterised by restrained masonry and timber cottages and terraces. While not rare at a municipal level, such modest cottages—particularly of the masonry variety—are distinctive and evocative of the late 19<sup>th</sup>-century growth and class dynamics, a representation that offsets its prominent modifications. (Criterion A)

While of diminished intactness and integrity due to its 1980s additions, the residence remains a generally interpretable example of the continuation of the ‘vernacular’, but decorous pattern-book Georgian style as applied to a late Victorian

<sup>6</sup> James Semple Kerr, *Conservation Plan, the 7<sup>th</sup> edition: A guide to the preparation of conservation plans for places of European cultural significance*, rev. 2013, Australia ICOMOS, p4

cottage—an outcome augmented by its Euroka Street setting. Moreover, the house is imbued with aesthetic significance from its mixture of traditional stone and brick construction. The visual combination of fine sandstone quoining with rougher coursed rubble and handmade bricks in an attractive Flemish bond is memorable. (Criterion C)

## 4.2 The Proposal

The new work is outlined in a set of drawings prepared by Sandbox Studio, dated 22 January 2024. These plans should be referred to for a complete understanding of the scheme.

In effect, some limited demolition is proposed to facilitate the construction of a two-storey rear wing to accommodate a new bedroom, bathroom/laundry, and—on the first floor—kitchen/dining room with a raised deck. A two-storey stairwell structure would also be attached to the north elevation of the rear wing. An ensuite would also be provided in the front room of the ground floor. See the discussion below in Section 4.4 for specific details of the scheme.

## 4.3 Heritage Policy

The following section examines the impact of the proposal on the subject place—an individual heritage item (I1063) situated in the Union, Bank and Thomas Streets HCA (CA15) and ‘in the vicinity’ of several other heritage assets.

As the scheme would affect an individual heritage item and a property situated in a HCA, the NSLEP at cl. 5.10(2)(a)(i)(iii) requires that North Sydney Council ‘consider’ the impact of the new work on the identified significance (refer to Sections 1.4 and 4.1 of this report) of the relevant heritage listings, particularly their ‘associated fabric, settings and views’, cl. 5.10(1)(b). It is also generally accepted that ‘in the vicinity’ individual heritage items also warrant review under these clauses. The overall objective is to ‘conserve the environmental heritage’ of North Sydney, cl. 5.10(1)(a).

This HIS, prepared by an independent heritage specialist, constitutes the required expert material and opinion to support the Council in understanding the new work’s heritage impact and making informed, substantiated decisions.

While Section 4.4 of this report adopts a performance/issue-based assessment model, it is recognised that the statutory heritage objectives of the NSLEP are the focal point for the Council’s decision-making, assisted by the non-statutory heritage guidance of the *North Sydney Development Control Plan 2013* (NSDCP), specifically Part B/Section 13 (‘Heritage Conservation’) and Part C/Section 10 (‘Waverton/Wollstonecraft planning area’).

Concurrently, it is acknowledged that the *Environmental Planning and Assessment Act 1979* at cl. 4.15(3A)(b) permits a nuanced and discretionary approach in applying the provisions of a DCP, allowing for reasonable alternative solutions that achieve the overarching objectives of the LEP, which can be distilled as safeguarding the interpretability and legibility of a heritage place’s recognised significance.<sup>7</sup>

Generally speaking, great weight should be afforded to conserving the significance of an individual heritage item. That is, those elements and attributes that underpin its ascribed heritage value, be they visible from the public realm or not. Having said that, managing internal change to significant internal spaces in North Sydney is made complex in light of ambiguous language at cl. 5.10(2)(b) and the lack of interior spaces/elements being specified under Schedule 5 for item I1063.

As widely accepted in the Australian/NSW cultural field, sound values-based heritage management practices, as epitomised by the *Burra Charter* (rev. 2013), emphasise the need to approach change in the historic environment in a common-sense manner guided by site-specific conditions, a close understanding of heritage significance, and—particularly in the case of a private residence—relevant issues of liveability and amenity. In some cases, a degree of heritage impact may prove acceptable. It is a question of striking a careful balance, not rigid preservation or the uncompromising application of generic non-statutory design approaches or preventing reasonable urban development.

<sup>7</sup> (3A) Development control plans. If a development control plan contains provisions that relate to the development that is the subject of a DA, the consent authority—(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objectives of those standards for dealing with that aspect of the development.’ EP&A Act

#### 4.4 Review of Heritage Impact

As will be examined below, the scheme is generally well-considered from a heritage impact perspective. The proposed extent of change can be absorbed by the subject place without diminution of its significance. Notably, the new work would retain the subject dwelling's original remnant form and all significant fabric, while the addition would adopt a respectful architectural presentation.

An earlier version of the scheme—developed without the involvement of Touring the Past—was submitted to the Council as part of a pre-development application. The Council's *Pre-Lodgement Meeting Minutes* (8 June 2023) raised several heritage matters, which are summarised and addressed in the table below.

Conservation Planner's Remarks	Response
<p>The existing main entrance to the cottage should be retained.</p>	<p>As this report understands it, the removal of the front entrance has never been proposed.</p>
<p><i>'To the rear the indented area for the proposed bin storage is to continue to the first floor level to reinforce the early footprint of the ... cottage.'</i></p>	<p>This recommendation, while understood, has not been adopted. Cutting into the proposed first-floor addition would result in less useable space and have no meaningful effect on the proposed legibility of the original extent of the cottage.</p> <p>The retention of the original ground-floor sandstone return externally is sufficient to protect what interpretability remains in this part of the building, which is separated from the more understandable historic front part (that is, beneath the surviving portion of the hip).</p> <p>The composition of the dwelling past the 'indent' is a jumbled affair of 1980s sandstone and brick additions. Realistically, the only worthwhile means of supporting the interpretability of the original form and footprint of the cottage in this part of the place would be to reconstruct the hip, which is not a realistic goal nor required by the policy.</p>
<p><i>'The chimney is also to remain as part of the roof form.'</i></p>	<p>It is proposed to demolish the non-original brick section of the chimney. See discussion below.</p>
<p>The preferred form of the addition would be to continue the existing non-original gable.</p>	<p>The option for continuing the non-original gable ridgeline was seriously examined; however, achieving a habitable (2.4m) ceiling height for the NCC-minimum extent proved impossible to achieve. Accordingly, the 'step up' has been maintained.</p> <p>Considering the neutral heritage impact of the proposed 'step up' of the new form, this design approach was maintained.</p> <p>The rear placement of the addition and its exceedingly limited direct interface with any original/significant fabric is in line with sound heritage management practice and the preference of the NSDCP (Section 13.5.1/'Protecting heritage significance'). It is important to realise that the addition would be constructed above the highly modified and extended rear footprint of the subject building.</p> <p>The height differential of the 'step up' with the abutting non-original ridgeline would be minimal (approximately 450mm). Its lightweight cladding and setback from the front property boundary, approximately 7 metres behind the retained robust masonry bulk of the original cottage and 1980s loft addition, is sufficient to avoid a built outcome that presents as inordinately visible or visually overbearing when viewed from Eureka Street.</p>



	<p>Accordingly, despite being situated slightly above the existing building, the new gabled wing would not exert an impression of visual dominance. The proposed scale and form would allow for a deferential relationship between the proposed and established. In the opinion of this report, it is not always necessary for an addition to take up a submissive association.</p> <p>The fact that the new gabled form is well-defined and familiar/traditional and rhythmically responsive to the site/streetscape conditions also supports its overall compatibility with the subject place and streetscape.</p> <p>There is also some legibility logic to retaining the capacity to 'read' the subject place's development layers, with the proposed approach sustaining the legibility of the 1980s gabled loft.</p> <p>Overall, the new gabled wing would only result in a nominal change to the subject place's skyline, which is comprised of an already modified backdrop. Accepting that, while recognising the addition is not strictly compliant with all the provisions of the NSDCP (Section 13.5.4/'Roofs'), it is in accordance with their broader intent as the extant integrity/intactness and significance of the subject building—its value as an example of a late Victorian period working-class masonry cottage—would not be further weakened or abridged.</p>
<p>It is recommended that the front skylight be relocated.</p>	<p>The relocation of this 1980s element would be a good heritage outcome; however, the Applicant is under no statutory obligation to reverse alterations/additions (approved or otherwise) for which they were not responsible.</p>
<p>The structural stability of the original cottage must be retained.</p>	<p>Refer to the BMY engineering report, dated 31 August 2023.</p>

#### *Demolition*

The proposed extent of demolition is restricted to non-significant 1980s fabric. No original masonry elements or 1980s sandstone would be lost, which is a readily supportable heritage outcome for the subject place.

To be clear, the existing brick section of the chimney at the loft level and roof is non-original, having been rebuilt as part of the 1980s works. It is an unremarkable, even—due to its nontraditional proportions and elongation, aberrant element—with little prominence to Euroka Street. The loss of the brick extent of the chimney would not have an adverse impact on the significance of the subject place, which derives from its original/late Victorian fabric. The original remnant section of the sandstone chimney on the ground floor would be retained.

The above is in accordance with the demolition provisions of the NSDCP (Sections 13.5.1/'Protecting heritage significance', 13.5.4/'Roofs', 13.8/'Demolition').

#### *Addition*

The above table has discussed the unobtrusive and fitting architectural presentation of the addition. To reiterate, neither the proposed first-floor gabled section nor the attached (north) stairwell element would reduce the capacity of an observer to interpret and appreciate the remnant form and fabric of the late 19th-century cottage, whether from the public realm or on-site, which would protect its core significance.

It is also useful to recognise that Euroka Street—from a streetscape perspective—is characterised by a fairly diverse array of one and two-storey traditional built forms, many of which display publicly visible accumulations of additions. The significance of its historic environment is not dependent on uniformity or the complete concealment of rear changes. Understood as such, the addition strikes the right balance between continuing site/streetscape characteristics—including its sense as a rough and ready late Victorian period working-class environs—and achieving an appropriate level of distinguishability.



As noted, the scale and form of the new work are respectful and to the degree that it would attract the eye; the design of addition would be gentle and pleasing to take in.

Regarding the material palette, Colorbond® Custom Orb sheeting ('Shale Grey') is commonly accepted for additions in late 19<sup>th</sup>-century HCA-affected streetscapes and heritage places for its parallels with traditional corrugated metal cladding.

New walls would largely be clad with an interlocking (vertical seam) Colorbond® sheeting in a 'Matt Dune', a sandy neutral grey. In the view of this report, such walling would achieve a comfortable contrast with the masonry components of the existing building, achieve a necessary degree of articulation (impression of a recessed joint and shadow line variety), and the colouration is tonally sympathetic to the masonry elements.

The employment of powder-coated aluminium frames and angled shrouds for openings for the addition is considered appropriate, especially given the relative concealment and setback of the only publicly visible new openings (W101 and D001).

Replacement galvanised steel guttering to the remnant original hipped roof would have an ogee profile with a timber scotia mould below, as traditional for late Victorian period residences. The employment of a contemporary gutter profile for the loft addition and new parts of the proposal is supportable. New guttering and downpipes would be traditional in presentation.

#### *Internally*

As part of the scheme, the internal layout of the original footprint would be reconfigured, with new lightweight/reversible partition walls provided, along with a bathroom and ensuite. The design rationale for this proposed interior treatment is manifest, with no clear alternatives (other than unreasonably restricting the occupants to a single bathroom).

The original layout of the cottage is unknown, although it was likely that the primary fireplace addressed a large living space, with the secondary utilised for food preparation. The proposal would maintain the visibility of the intact primary fireplace, along with an ample sense of a large encompassing room. The secondary, less intact (brickwork repairs) fireplace—by necessity in light of the site constraints—would be retained in situ but concealed from internal view by a vanity. The latter would be installed in a reversible manner with no/limited penetration of the sandstone.

The establishment of both the bathroom and ensuite would interface with the significant internal sandstone rubble walls. Notations in the plan recognise that these 'wet' spaces would need to be sensitively installed with no or limited penetration of the extant sandstone fabric and appropriate measures implemented to manage moisture levels (which, if unchecked, could negatively affect the sandstone).

As a permit condition, it would be appropriate for the consent authority to request to their satisfaction construction drawings to demonstrate how the bathroom and ensuite would be installed in a heritage-sensitive manner. These plans should be endorsed by a consulting heritage professional.

On balance, the proposed treatment of the original interior would not be detrimental to the significance of the cottage and broadly satisfies the pertinent objectives of the NSDCP in Section 13.5.5 ('Interior Layouts').

#### *In the vicinity heritage items*

For the reasons discussed above, the new work is considered compatible with the nearby individual heritage assets. No negative outcomes on significant fabric, sightlines, or the historic atmosphere of the broad setting would eventuate from approval, complying with the objectives of the NSDCP (Section 13.4, 'Development in the vicinity of heritage items').

## **4.5 Conclusion**

In summary, this report finds that the new work would achieve a reasonable and supportable balance between change and the protection of the subject place's significance, along with the broader HCA and value of in the vicinity heritage items. The proposal—in its current form—would fulfil the conservation objectives of the NSLEP and, if not the totality of the NSDCP's heritage provisions, the intent of its overarching aims, namely safeguarding significance and blending well with the scale and historic urban context of Euroka Street. As discussed, the technical construction aspects of installing the bathroom and ensuite are recommended to be resolved with heritage input as a consent condition.



On this basis, the proposal should be supported by the Council.

Lastly, while the proposal would not negatively impact the existing sandstone fabric, it would be advisable and good heritage practice to take the opportunity of an approved DA to engage with an appropriately qualified stone mason to review its physical condition and—if necessary—undertake remediation/conservation actions, such as repointing.

# 34 Euroka Street, Waverton NSW 2060

**Client:** Dmitry Polikarpov  
**BMYY Ref No:** 230591  
**Site Inspection:** 31 August 2023

**Prepared By: Mr Moussa Youssef**

**B.E. (Civil – Structures), Dip. Eng. Prac. MIE Aust 4313186**





## Qualifications

We confirm our Report has been prepared in an objective and independent manner as a professional Engineering Firm subject to reference and application of qualified engineering method, factual and evidence-based assessment without prejudice.

We advise that our site inspection has only completed in areas where pertains to your instructions or requests/issues raised during inspection onsite. We confirm areas not included within this Report was not subject of the instructions and/or safe access to the areas of concern was not available despite our reasonable attempts to undertake the inspection in those areas.

Our method of visual and non-destructive inspection, assessment and reporting has been completed with reference to the National Building Code of Australia (NCC BCA 2019), relevant Australian Standards, manufacture's specifications and/or NSW Fair Trading Guide to Standards and Tolerances 2017 where applicable.

No urgent make-safe requirements we noted at the time of inspection, however, the assigned principal builder is to undertake building adequacy assessment of the subject structure prior to commencement of any works.

If the builder/client feels the condition of the structure has changed since the inspection undertaken by BMY, the builder/client is to notify the engineer immediately as any implication may affect the adequacy of the retaining wall.

This document does not constitute nor is it intended to be a fully detailed schedule of works or detailed specification covering each item in the minutiae of the remediation works required at the above property. This document is designed to be a report outlining the major and critical aspects of the remediation required. It is not a delineated specification schedule of precise fixtures, fittings and finishes.

## Reference Made to Current NCC BCA 2019, Australian Standards and/or Guidelines within the Report

We advise that any reference made to current NCC Building Code of Australia (BCA) 2019, Australian Standards and/or guidelines has ONLY been made to clarify and explain the mechanism of damage/occurrence unless clearly stated otherwise.

Such reference to current NCC BCA 2019, Australian Standards and/or guidelines is not for the purpose of compliance and/or conjecture about building/design/construction/workmanship defects unless clearly stated otherwise.

The Building Code of Australia (BCA) has developed and issued for the first time in 1988; however, this version of BCA was not adopted by any of the States and Territories up until the BCA 1990 version which was adopted at various dates by each States and Territories namely, ACT on 5/11/90, NSW on 1/1/92, NT on 18/12/91, QLD on 1/1/92, SA on 17/6/91, TAS on 2/11/94, on VIC on 8/4/91 and WA on 28/7/89.

In cases where the age of building and construction predates the above-mentioned adoption dates of BCA, we advise any reference made to BCA should not be used for assessment of either design, construction and/or workmanship defect.

# Contents

<b>1. INTRODUCTION</b> .....	<b>4</b>
1.1 Executive Summary .....	4
1.2 Intent & Information .....	4
<b>2. PRELIMINARIES</b> .....	<b>5</b>
2.1 Site Protection .....	5
2.2 Disposal of Demolition Materials .....	5
2.3 Existing Services .....	5
<b>3. OBSERVATIONS AND RECOMMENDATIONS</b> .....	<b>6</b>
3.1 Observations .....	6
3.2 DA Condition 6 .....	7
3.3 DA Condition 8 .....	8
<b>4. CLOSURE</b> .....	<b>10</b>
<b>5. IMAGES</b> .....	<b>11</b>
<b>6. APPENDIX</b> .....	<b>14</b>
6.1 Appendix A.....	14
6.2 Appendix B.....	15
6.3 Appendix C.....	16
6.4 Appendix D.....	17
6.5 Appendix E .....	18
6.6 Appendix F .....	19

# 1. Introduction

## 1.1 Executive Summary

We BMY Engineering Consultants have developed this report, to assess the structural integrity and adequacy of the existing dwelling, in turn adhering to condition 6 and 8 from the development application at 34 Eureka Street, Waverton NSW 2060.

### 1.1.1 Inspector

- Moussa Youssef

## 1.2 Intent & Information

BMY Engineering Consultants have been engaged as the engineering consultant to undertake a visual inspection of the abovementioned site, on 34 Eureka Street, Waverton NSW 2060.

The purpose of this inspection and this subsequent report was to provide the following:

- Provide structural engineering report to satisfy conditions 6 & 8 of the pre-development application.

For referencing purposes, an aerial site plan view of the subject property in the orientation of True North has been provided in Figure 1 below.



**Figure 1- Aerial Site Plan of Subject Property (Source: Six Maps).**

## **2. Preliminaries**

### **2.1 Site Protection**

To ensure the safety and preservation of the work areas, specific measures will be implemented, particularly regarding pavements and existing planter box structures.

The Contractor must obtain approval from BMY Engineering regarding the equipment or machinery that will be utilized.

### **2.2 Disposal of Demolition Materials**

As part of this contract, the Contractor is responsible for arranging appropriate methods to remove all demolition materials from the site. These methods must guarantee the safe removal of materials without causing any harm to the building or existing structures. It is important to note that demolition materials should not be piled on suspended slabs or within the yard areas and should be continuously taken offsite.

Minimizing noise and dust is of utmost importance, and the chosen transportation methods for demolition materials should effectively reduce these disturbances.

Furthermore, all demolition materials must be disposed of in compliance with legal regulations at an authorized offsite location.

### **2.3 Existing Services**

Before conducting any excavation work, the Contractor is required to use the "Dial Before You Dig" service to identify and locate all underground utilities and services.



### 3. Observations and Recommendations

#### 3.1 Observations

The Upon inspecting the dwelling at 34 Euroka Street, Waverton the following general observations were made:

- Multiple trees were found to be in close proximity to the dwelling, as per photograph 1.
- Cracking and other damages to the pathway surround the trees of concern, as per photographs 5-6.
- The existing structure was also found to be bearing on rock, as per photographs 3-4 and Appendices A-D.
- Concrete underpinning, extending approximately 300mm in width and reaching depths of up to 1500mm beneath and behind the existing rock footings.

Through these assessments, a comprehensive understanding of the structural integrity and adequacy of the existing dwellings will be attained. Any known issues or risks we identify will shape our responses to conditions 6 and 8 from the Pre-Development Application and will thoroughly investigate the need for any structural enhancements, foundation reinforcements, or other measures to ensure the continued stability and safety of the structure. Regular monitoring and periodic assessments may be advised to address evolving conditions and maintain structural adequacy over time.

### 3.2 DA Condition 6

In adherence to Development Application (DA) Condition 6, an assessment was conducted on the trees located at the front of the property, depicted in photograph 1. Initially perceived to have affected the structural integrity of the building, it was noted upon inspection that the front footings, impacted by the trees, had previously undergone strengthening through underpinning (300wide and up to 1500mm deep concrete underpinning behind and under the existing rock footings) to rock, as evident in photograph 2.

The pathways depicted in photographs 5-6, displayed cracks and other damages likely attributable to the trees. However, considering the proposed works' location, all new structural elements are planned to have independent footings, and are also located a considerable distance away from the trees of concern, as evident in figure 2.



*Figure 2*

Consequently, they will remain unaffected by the large trees situated at the front of the property. However, the engagement of an arborist may be required to confirm the tree protection zones and structural root zones of the trees in question. This would be beneficial as arborists can identify signs of such interference and recommend appropriate measures to mitigate any risk.

### **3.3DA Condition 8**

In compliance with DA Condition 8, a structural adequacy report for the existing structure is required, for this specific requirement please see section 3 of this report. Additionally, emphasis is placed on ensuring the stability of buildings within the zone of influence of the excavations, as mandated by the conditions outlined in the development application.

In our professional opinion, the stability of the buildings within the zone of influence of the excavation are considered to be inherently stable. This is the case due to the neighbouring properties being situated on rock foundations. The robust and unyielding nature of rock provides a secure and reliable base for the structure. Unlike soil, which may be susceptible to settling or shifting during excavation, rock offers a high degree of stability and resistance to ground movement. The interlocking and compacted nature of rock formations minimizes the risk of subsidence, ensuring that the building remains firmly anchored. Additionally, the structural integrity of the building is bolstered by the sheer strength and load-bearing capacity of the rock substrate. Hence, excavation activities in close proximity can be confidently undertaken, as long as proper engineering practices are employed to maintain the building's stability throughout the excavation process. The proper engineering practices can be observed in the following paragraphs below, and the section in Appendix E-F and will further be detailed in the structural design that will issued for construction at a later date.

Ensuring the protection of adjacent buildings from potential damage during demolition, excavation, and construction activities due to excessive vibrations requires meticulous attention. To address this concern, it is crucial to implement appropriate excavation and construction methods designed to restrict ground vibrations within specified limits, as outlined in AS 2187.2-2006:

- Sensitive and/or historical structures: 2mm/sec.
- Residential and/or low-rise structures: 5mm/sec.
- Unreinforced and/or brick structures: 10mm/sec.
- Reinforced and/or steel structures: 25mm/sec.
- Commercial and/or industrial buildings: 25mm/sec.

To mitigate the transmission of vibrations to adjacent infrastructures and maintain compliance with acceptable limits, the implementation of rock saw cutting using a conventional excavator equipped with a mounted rock saw is recommended as an integral part of the excavation process before initiating any rock-breaking activities.

While the utilization of rock hammers is discouraged and considered inappropriate, in exceptional circumstances during excavation, it is suggested that horizontal hammering is performed along pre-cut rock formations provided by rock saw cutting, adhering strictly to acceptable limits. Continuous monitoring throughout the excavation process is advised.

Contemplation should be given to devising a vibration monitoring strategy to oversee construction activities, particularly in areas where excavations are anticipated to delve into the underlying bedrock of higher estimated strength, situated within the "zone of influence" of adjoining infrastructures.

The execution of a vibration monitoring plan can be conducted in an attended or unattended manner. In instances of unattended monitoring, the system should be equipped with alarms such as strobe lights, sirens, or live alerts sent to the vibration monitoring supervisor, triggered when the vibration limit is surpassed. If the consideration or adoption of such a plan is pursued, consultation with relevant subcontractors/consultants is recommended for the installation of vibration monitoring instruments.

If vibrations during construction or within adjacent structures surpass the predefined values, immediate contact with a geotechnical engineer is imperative, necessitating an immediate termination of work.



## 4. Closure

We confirm our Report has been prepared in an objective and independent manner as a professional Engineering Firm subject to reference and application of qualified engineering method, factual and evidence-based assessment without prejudice.

Hence, we can further certify that the existing structure can withstand the new imposed loads to the proposed development. Our method of visual and non-destructive inspection, assessment and reporting has been completed with reference to the National Building Code of Australia (NCC BCA 2019), relevant Australian Standards, manufacture's specifications and NSW Fair Trading Guide to Standards and Tolerances 2017 where applicable.

We trust this meets your requirements and should you require further information or clarification on the matter, please do not hesitate to contact the undersigned. I reserve the right to amend this report and the opinions expressed in it, in light of any additional information that may subsequently be discovered and provided.

Yours Faithfully,

**BM.Y.**

Prepared and Approved by:



Moussa Youssef

Structural/Civil Engineer B.E (Civil) (Structural), MIEAust.

## 5. Images



*Photograph 1*



*Photograph 2*





*Photograph 3*



*Photograph 4*





*Photograph 5*

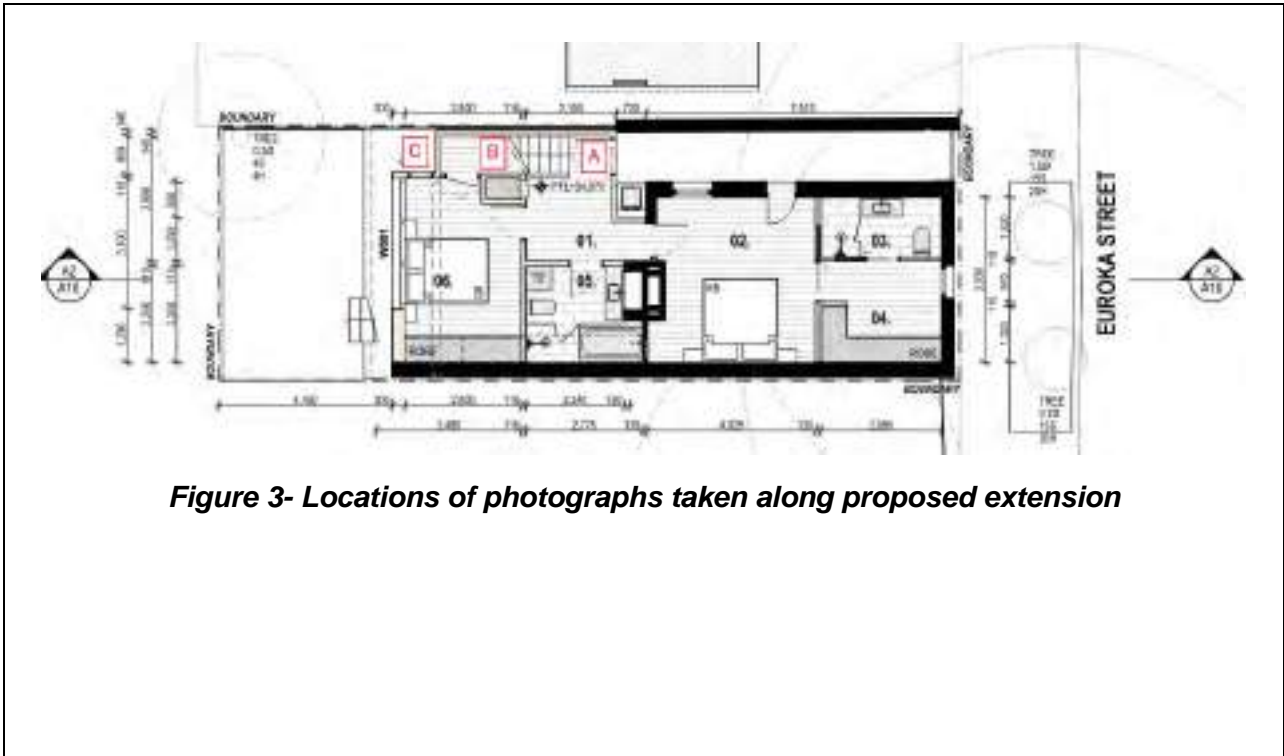


*Photograph 6*



## 6. Appendix

### 6.1 Appendix A



**Figure 3- Locations of photographs taken along proposed extension**

**6.2 Appendix B**



*Figure 4- Photograph location A*

6.3 Appendix C



*Figure 5- Photograph location B*



**6.4 Appendix D**



***Figure 6- Photograph location C***



6.5 Appendix E

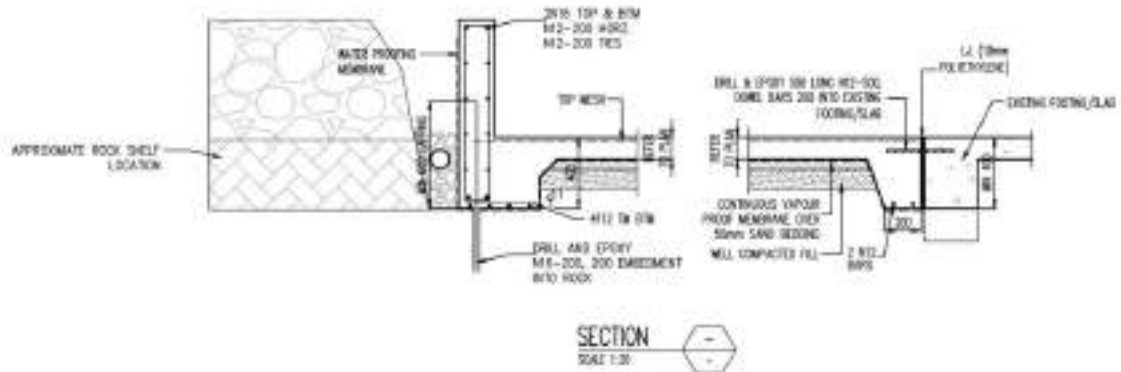


Figure 7- Typical Section through the Proposed Extension and Boundary

## 6.6 Appendix F

CONCRETE QUALITY				
ELEMENT	SLUMP	AGGREGATE (MAX. SIZE)	CEMENT TYPE	$f'_c$
SLAB	80mm	20mm	A	32MPa
FOOTINGS	80mm	20mm	A	32MPa
REINFORCEMENT COVER SCHEDULE				
MEMBER	COVER ( mm )			EXPOSURE CLASSIFICATION
	TOP	BOTTOM	SIDES	
INTERNAL SLABS	30mm	30mm	30mm	A1
EXTERNAL SLABS	40mm	40mm	40mm	B1
FOOTINGS	40mm	40mm	40mm	B1

*Figure 8- Concrete Quality & Reinforcement Cover Schedule*

# **BMY**

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