

Modog Pty Ltd
Attention: Nick Rickard
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D175/19
LD (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
NOTICE OF DETERMINATION – REFUSAL

*Issued under Section 4.18 of the Environmental Planning and Assessment Act 1979 (“the Act”).
Clause 100 of the Environmental Planning and Assessment Regulation 2000 (“the Regulation”)*

Development Application Number: 175/19

Land to which this applies: 24 Cranbrook Avenue, Cremorne
Lot No.: 17, DP: 8862

Applicant: Modog Pty Ltd

Proposal: Demolition of the existing heritage listed dwelling and the construction of a new dwelling and associated landscaping.

Determination of Development Application: The development application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 4 September 2019. Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, the subject application has been refused for the reasons stated below.

Date of Determination: 4 September 2019

Reasons for refusal:

1. Heritage

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

Particulars

- a) The subject property, No. 24 Cranbrook Avenue, Cremorne is a single storey dwelling that is listed as a local heritage item (I1136) in Schedule 5 of the NSLEP 2013.
- b) The property has been assessed as being of heritage value on a local level for its historical associations with early 20th century Sydney architect Edwin Roy Orchard, a noted exponent of Arts & Crafts architecture, for its aesthetic significance as a good example of a modest Californian Bungalow style house and as forming part of a group of distinctive and significant early 20th century residences located on Cranbrook Avenue including 7 and 11 Cranbrook Avenue that are listed on the State Heritage Register and Nos. 32 and 34 Cranbrook Avenue that are both listed as local heritage items.
- c) The proposal to demolish the existing dwelling will result in the complete removal of an item of environmental heritage of North Sydney and the heritage significance of the item will not be conserved. Therefore, the proposal does not meet the objectives of Clause 5.10 'Heritage Conservation' under NSLEP 2013. It is also inconsistent with the relevant aims of NSLEP 2013 and the fourth objective of Zone R4 (High Density Residential).
- c) In considering the effect of the proposal on the heritage significance of the item, demolition of the heritage item will have an extremely detrimental effect on the heritage significance of No. 24 Cranbrook Avenue.
- d) The Statement of Heritage Impact (SoHI) does not establish any factor that could be considered to be so strongly in favour of the proposed new building (a three-storey contemporary style dwelling) that the demolition of the heritage item is justified.
- e) The application does not adequately address the provisions of Section 13.8 of NSDCP 2013. The applicant has not satisfactorily demonstrated why it is not reasonable to conserve the heritage item and that alternative options to demolition have been considered.
- f) The application does not meet the objective for Section 13.4 of the NSDCP 2013, as the proposal will diminish the heritage significance of the group of heritage items in the vicinity of the subject property.

2. Built form and context of replacement building

The proposed new dwelling is not considered to contribute to or be sympathetic to the predominant character of dwelling houses along Cranbrook Avenue.

Particulars

- a) The proposed three storey contemporary rectilinear shaped dwelling with a flat roof, off white rendered walls with black framed aluminum windows and vertical concrete blades is not considered appropriate having regard to the wider built form context along Cranbrook Avenue which is characterised by state heritage listed Californian Bungalows (Nos. 7 and 11 Cranbrook Avenue) and local heritage listed Arts and Crafts style dwelling houses (Nos. 32 and 34 Cranbrook Avenue).

- b) The proposed new dwelling is contrary to Aims of Plans (2)(a) in NSLEP 2013, Objectives O1 in Part B, Section 1.4.1 'Context' in NSDCP 2013 and Objective O1 in Part B, Section 1.4.8 'Built form character' in NSDCP 2013.

3. Public interest

Approval of the application would be contrary to the public interest.

Particulars

- a) The proposed demolition of the local heritage listed dwelling should not be approved having regard to the matters raised in the public submissions received by Council.

Panel Reasons for Determination:

1. The proposal to demolish the existing dwelling will result in the complete removal of an item of environmental heritage of North Sydney and the heritage significance of the item therefore will not be conserved.
2. Demolition of the dwelling would adversely impact the streetscape, by removing one of five remaining heritage listed early 20th century bungalows.
3. Demolition of the dwelling is contrary to the relevant heritage controls in NSLEP 2013 and NSDCP 2013.

How community views were taken into account:

The owners of adjoining properties and the Harrison Precinct were formally notified of the development application between 28 June and 12 July 2019. The notification was undertaken in accordance with Section A4 of NSDCP 2013.

The notification of the proposal resulted in fifty-three (53) submissions against the application. The submissions received by Council were addressed in the NSLPP report (see Council's website: https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/NSLPP/2019/4_September_2019)

Review of determination and right of appeal:

Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER ASSESSMENTS
