

**NSLPP MEETING HELD ON 7/02/24****Attachments:**

1. Site Plan
2. Architectural Plans, Site Survey and Shadow Diagrams
3. Landscape Plan
4. Heritage Impact Statement
5. Elevations and Sections
6. Schedules of colours, materials and finish

**ADDRESS/WARD:** 13 Milner Crescent, Wollstonecraft**APPLICATION No:** DA 324/23**PROPOSAL:** Alterations and additions to a dwelling house including single storey rear addition, first floor addition to existing garage and alterations to landscaping**PLANS REF:**

Plan No.	Issue date	Description	Prepared by	Date Received
DA01	17.10.23	Proposed Site Plan	Castlepeake	05.11.23
DA02	17.10.23	Proposed Ground Floor Plan	Castlepeake	05.11.23
DA03	17.10.23	Proposed Upper Floor Plan	Castlepeake	05.11.23
DA04	17.10.23	Proposed Roof Plan	Castlepeake	05.11.23
DA05	17.10.23	Proposed North & South Elevations	Castlepeake	05.11.23
DA06	17.10.23	Proposed East & West Elevations	Castlepeake	05.11.23
DA07	17.10.23	Sections A & B	Castlepeake	05.11.23
DA08	17.10.23	Sections C & D	Castlepeake	05.11.23
DA09	17.10.23	Sections E & F	Castlepeake	05.11.23
L01	17.10.23	Proposed Landscape Plan	Castlepeake	05.11.23

**OWNER:** Kieren Joseph Chidgey & Chania Elizabeth Higgins**APPLICANT:** Mark Oxenham**AUTHOR:** Report of Thomas Holman, Senior Assessment Officer**DATE OF REPORT:** 3 January 2024**DATE LODGED:** 7 November 2023**RECOMMENDATION:** Approval

## EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to a heritage listed dwelling house at 13 Milner Crescent, Wollstonecraft. The proposed works consist of additions and alterations to the main dwelling including single storey additions at the rear of the dwelling and to an existing garage, together with an additional storey addition to the garage. Alterations are also proposed to the existing landscaping including additional landscaping within the rear garden.

**The application is reported to the North Sydney Local Planning Panel for determination as the proposal involves part demolition/removal of building fabric within a heritage listed item which requires determination by the Panel in accordance with Directions of the NSW Minister of Planning Housing & Infrastructure. The application requires consideration of the potential effect significance of the heritage item and determination by the Panel.**

The development responds to the constraints of the site maintaining the heritage significance of the dwelling and designing a more contemporary addition separate from the dwelling.

The rear addition is appropriately designed as a single storey link between the dwelling and garage thereby maintaining the built form character of the existing dwelling and minimising any impact upon the heritage significance of the buildings in terms of its built form characteristics. The rumpus room/attic addition is supported due to its subordinate and sympathetic design and scale, sufficient separation to adjoining boundaries and limited impact to neighbouring amenity.

The development has a positive landscaped area and un-built upon area outcome removing paving within the side and rear setbacks of the site to be replaced with grass lawn and garden beds. Furthermore, the single storey addition proposes a green roof which contributes to the amenity of the site and contributes to additional planting within the site. The removal of one tree within the rear garden is supported noting its low retention value and evident signs of borer/sunscald damage as well as dead central stem.

Council received five (5) submissions which included a two (2) submissions in support of the development. The submissions raised concerns with overshadowing, non-compliances with side setbacks, the potential adverse privacy impact to neighbouring properties and insufficient landscaping to mitigate against privacy. The landscape issues are considered to be satisfied with amended landscape plans retaining all trees apart from one and providing an improved landscape outcome within the setbacks of the site. The content of the submissions has been discussed in this report and where appropriate conditions of consent are recommended to manage privacy and ensure appropriate landscaping.

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

LOCATION MAP



Property/Applicant    ● Submitters - Properties Notified

## DESCRIPTION OF LOCALITY

The site is legally described as Lot A DP 950140 and is also known as 13 Milner Crescent. The site is rectangular in shape with a site area of 746m<sup>2</sup>. The site has a front northern boundary facing Milner Crescent and a rear southern boundary adjoining Selwyn Street.

The property is a local heritage item '11094' constructed in about 1917. The site comprises a single storey detached dwelling constructed with brick elevations with a stone base and a slate roof consisting of a series of gabled and hipped roof forms. The dwelling is sited centrally within the site with a landscaped front garden and a rear garden with a pool, paving and garage providing vehicular access to Selwyn Street.



**Figures 6, 7 & 8 – Existing Front Elevation (left) and Existing Rear Elevation (middle and right)**



**Figures 9, 10 & 11 – Existing East Side Elevation (left), Existing Rear Garden (middle) and Existing West Side Setback (right)**

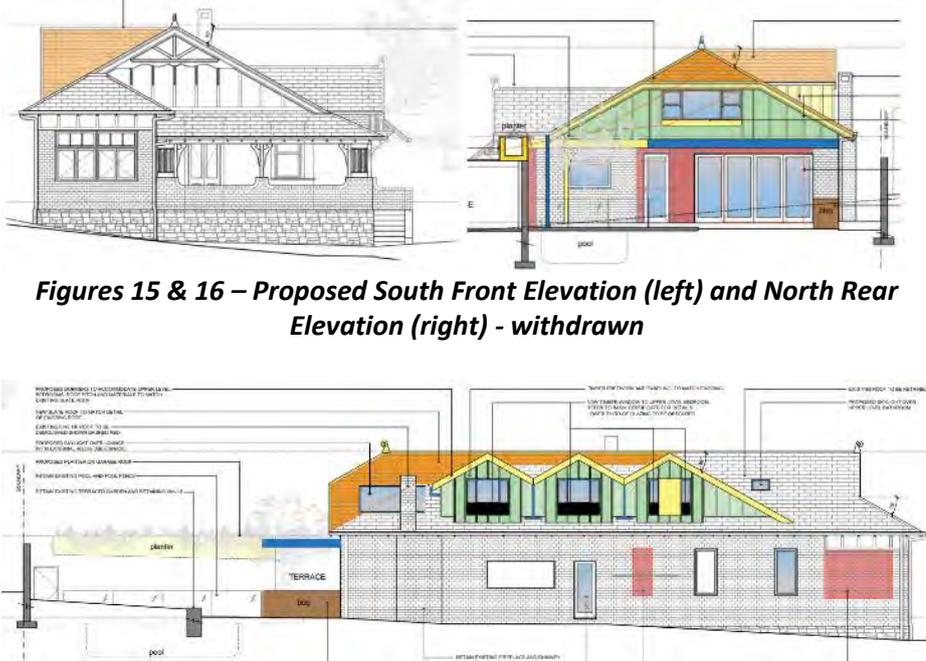
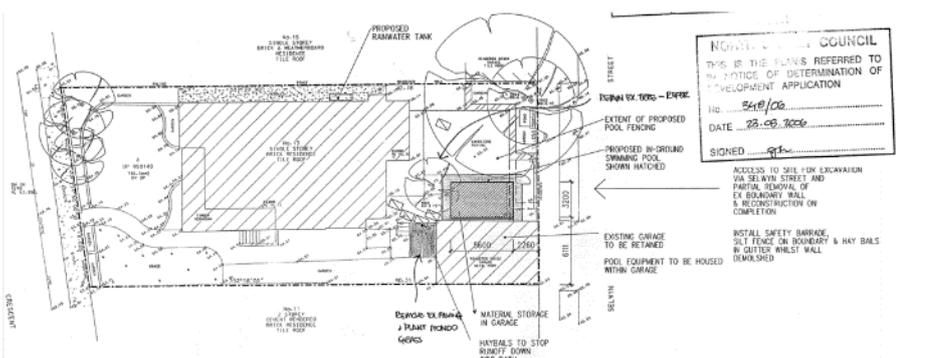
The site is situated within an R2 Low Density Residential Zone, subject to a maximum 8.5m height of building and situated in the vicinity of a local heritage item located at 17 Milner Crescent '11095'.



**Figures 12, 13 & 14 – Land Zoning Map (left), Height of Building Map (middle) and Heritage Map (right) with site hatched in red**

**RELEVANT HISTORY**

***Previous applications***

Date	Action
27/07/2023	<p><b>Development Application No. 361/22</b> proposing alterations and additions including a first floor addition was withdrawn following a detailed review by Council and concerns issued to the Applicant with concerns regarding the scale of works proposed having an adverse heritage outcome on the heritage significance of 13 Milner Crescent and on the setting of 17 Milner Crescent.</p>  <p><b>Figures 15 &amp; 16 – Proposed South Front Elevation (left) and North Rear Elevation (right) - withdrawn</b></p> <p><b>Figure 17 – Proposed East Elevation – withdrawn</b></p>
21/08/2006	<p>Development Application No. 348/06 proposing construction of a swimming pool within the rear garden of 13 Milner Crescent was granted consent on 21 August 2006.</p>  <p><b>Figure 18 – Approved Site Plan detailing the approved pool and associated landscaping (DA No. 348/06)</b></p>

**Current Application**

<b>Date</b>	<b>Action</b>
07/11/2023	Development Application No. 324/23 was lodged seeking alterations and additions to the existing dwelling including a rear single storey addition, first floor addition to the garage and landscaping works.
20/12/2023	DA No. 324/23 was notified to adjoining properties and the Wollstonecraft Precinct between 01 December to 15 December 2023.
22/12/2023	Site visit conducted by the Assessment Officer.
19/1/2024	Conservation Comments provided.
22/1/2024	Landscape Comments provided

**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 application has been referred to Council's Heritage Officer who provided the following comments (*in italics*):

**1. Heritage Status and Significance**



*13 Milner Crescent is identified as a scheduled heritage item [I1094] and is significant as an interesting and attractive Arts and Crafts detailed house which demonstrates the best domestic and vernacular features of the style, characteristic of the vicinity, with some good timber details. The NSW State Heritage Database description for the dwelling is of a single storey rough-cast rendered brick house on rusticated ashlar foundation courses. Asymmetric, the building features a low pitch main gable with projecting hipped gabled bay and hipped return verandah carried on paired timber posts with timber friezes between posts which rise out of battened, rendered balustrades. Rain hood carried on elaborately carved timber brackets and the main gable end has an apex screen also elaborately carved. This building was designed in the Federation Arts and Crafts style.*

*As per the images above, only the rear, Selwyn Street elevation of the dwelling has been added to by a garage on the south-western side of the site and swimming pool alongside since 1943. The site is in the vicinity of the nearby heritage items at 9 Milner Crescent [I1093] and 17 Milner Crescent [I1095]. It is useful to note their significance, in terms of their form and character which complement the subject site and the dwellings within the Upper slopes neighbourhood. The NSW Heritage Database provides the following statements of significance and descriptions for these dwellings as follows:*

#### 9 Milner Crescent

*An exceptionally fine example of a Federation bungalow with a range of details brought together to form an attractive and interesting building. Prominent corner site and in a street of houses of similar form, materials and period. It is described as a single storey tuck pointed, face brick house with hipped gable roof clad in terracotta tiles with terracotta finials. Features include a faceted tower roof over a faceted corner bay window, quarter-circle accent window with leadlight glazing, curved pediment over the entrance door, returning verandah with timber balustrade and timber posts on rusticated sandstone piers and the house sits on rusticated ashlar foundation courses.*

*Single storey brick house with hipped gable roof of terracotta tiles. Asymmetric, the projecting gable end and chimneys are roughcast rendered. Features include a faceted tower roof over faceted corner bay window, quarter-circle accent window with leadlight glazing, curved pediment over the entrance door, returning verandah with timber balustrade and timber posts on rusticated sandstone piers and the house sits on rusticated ashlar foundation courses. This building is designed in the Federation Bungalow style.*

#### 17 Milner Crescent

*Good example of a late Queen Anne Style house in a street exhibiting a range of styles centred around the single storey form. Characteristic of the vicinity and the period. It is described as a single storey brick house with gabled slate roof. Asymmetric facade has projecting gable end with faceted bay window and enclosed verandah. Verandah bay has low-pitch hipped tower roof over faceted corner carried on timber posts. Timber shingles to spandrels, roughcast rendered and half-timbered gable ends and carved timber brackets and valences to verandahs are features. This building was designed in the Federation Queen Anne style.*

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

*The subject application is a revised version of an earlier application (DA361/22) now withdrawn, that had sought to create a first floor addition involving a major reconfiguration of the existing roof geometry and internal layout. It was assessed to have an adverse impact on the character and significance of the subject heritage item and as having an adverse impact on the setting of the identified heritage items, in particular 17 Milner Crescent.*

*The subject application has revised the design approach of the development in line with discussions held with Council. The current proposal involves:*

- *a first floor addition with a contemporary design above the existing garage*
- *a single storey extension to the rear, south-western side of the dwelling, set behind the existing garage.*

*The assessment of the proposal has been carried out in relation to NSLEP 2013 Clause 5.10 Heritage conservation and NSDCP 2013 Section 13 Heritage and Conservation as set out below.*

### *Part B s13 Heritage conservation*

#### *13.4 Development in the vicinity of heritage items*

*As identified in section 1. Heritage status and significance of this report, the dwelling has remained predominantly intact. The primary dwelling will retain its significant roof geometry, and descending order of scale ensuring the impact from the new work on the heritage items within the vicinity of the site are minimal. Whilst the form of the first floor addition for a studio/rumpus area above the existing garage will be contemporary, its overall scale and massing will not overwhelm the heritage dwelling and will be clearly distinguishable as a separate element as part of later works to the principal dwelling form. As such, the visibility of this work in the public domain is acceptable and will not unduly impact on the heritage significance of the heritage items in the vicinity of the site.*

#### *13.5.1 Protecting heritage significance*

*See s13.5.2 below.*

#### *13.5.2 Form, massing, scale*

*The rear roof elevation to Selwyn Street clearly expresses a descending scale that aligns with its statement of significance, being that this low pitch roof is characteristic of its style and is also compatible with the nearby heritage items at 9 and 17 Milner Crescent. The form, massing and scale of the new work is acceptable – see s13.4 above.*

*The contemporary single story linking element between the ‘new’ and ‘old’ building elements appropriately sits below the eaves of the existing dwelling. This new built form will not be directly visible in the public domain. The alteration to the width of the rear projecting bay relating to the existing living room is not supported and is to remain as is to retain its existing form and relationship with the existing roof alignment and eaves.*

#### 13.4.4 Roofs

See 13.5.2 above and Diagram 1 below.

#### 13.5.5 Interior layouts

As identified, the layout of the dwelling, although altered and modified to the rear, retains a large degree of intactness assisting in its ongoing interpretation as an Arts and Crafts detailed house. The impacts from the modifications to the internal layout to link the existing dwelling with the new addition are supported to enable the adaptation of the dwelling to meet contemporary living conditions – this work affects the area that is currently used as a study and laundry area. However, the areas to the front of the dwelling are assessed as having a high level of significance and conditions are recommended to ensure this work is reversible to protect their ongoing significance and interpretation of the place in line with the principles of the Burra Charter.

#### 13.9.1 Skylights, solar panels and satellite dishes.

Skylights to be located away from visually prominent roof planes.

#### 13.9.4 Materials, colours and finishes

The bricking over of the eastern facing window opening to the previous sleep-out area in the front of the house is to remain in-situ although blocking off the window internally is not objected to. This approach retains interpretation and enables the new work to remain reversible.

### **DIAGRAM 1**



### *13.9.5 Garages and carports*

*No objections raised to the proposed changes.*

### *13.9.7 Gardens*

*The proposed landscaping will not adversely impact the heritage significance of the subject site. They are contained with the rear site boundary and will not impact on the nearby heritage item at 17 Milner Crescent. A landscape assessment relating to the site has been carried out separately to this assessment.*

*In conclusion, the proposed design resolution is supported and on balance and subject to the recommended conditions below achieves a successful outcome.*

## **3. Recommendations and Conclusion**

*In conclusion, and with reference to the above, the proposal minimises the impacts of the new work on the heritage significance of the item and will not adversely impact the heritage significance of the heritage items in the vicinity of the site. As such, the proposal is supported on heritage grounds subject to the recommended conditions to retain the interpretive qualities of the existing dwelling and to align with the provisions in NSDCP 2013 Part B s13.5 Heritage items to satisfy the objectives of NSLEP 2013 Clause 5.10 Heritage conservation(a) and (b). The recommended conditions are as follows:*

### NON-STANDARD

- 1. That the proportions of the new doorway from the entry hallway to the living room are to be of a traditional scale complementary to the period of the dwelling and be set below the existing picture rail with a subservient scale to enable appropriate interpretation of the earlier layout.*
- 2. That the proposed new window (W7) to bedroom 2 shall be complementary to the existing window to this room and be of timber construction.*
- 3. That the works relating to the further adaptation of the previous sleep-out area, (now used as a walk-in-wardrobe to bedroom 1), with an ensuite bathroom and extension of the wardrobe area be such that it is reversible by ensuring,
  - a. the original wall between the existing walk-in-wardrobe occupying the previous verandah area is to remain in-situ and be adapted with an appropriately scaled opening retaining nib walls and a bulkhead above linking the existing space with the new extension to the wardrobe,*
  - b. the infill fenestration in the eastern elevation of the original verandah be retained in-situ and be covered over internally to enable the installation of the new ensuite. All ensuite utility fittings etc are to be carried out from below the floorboards.**
- 4. That the width of the rear projecting bay relating to the existing living room remain as is whereby deleting the proposed joinery area to retain the dimensions of this space with the existing roof alignment and eaves.*

### STANDARD

- 5. A3 No Demolition of Extra Fabric*
- 6. C7 Colours, Finishes and materials (Heritage items)*
- 7. C9 Heritage Architect to be commissioned*

8. C8 Skylights
9. E4 Removal of Extra Fabric

**Planning Comment:** it is noted the Heritage referral generally supports works to the heritage item maintaining the heritage significance of the site and heritage items in the vicinity of the site. A non-standard condition of consent (**C6 Heritage Requirements**) is recommended by Council's Heritage Officer to maintain more of the interior layout of fenestration considered of heritage significance.

## ENGINEERING

The application has been referred to Council's Development Engineer who raised no objections subject to conditions requiring a **dilapidation report to record the condition of public infrastructure (C1)** and a **dilapidation survey for neighbouring buildings (C2)**, a **structural adequacy report (C3)** for the existing building and appropriate **stormwater disposal drainage plan** to be prepared to ensure the proper disposal of stormwater (**C13**).

## LANDSCAPING

The application has been referred to Council's Landscape Development Officer who raised no in principle objection to the proposal and has provided the following comments:

*"The arborist report does not mention whether or not any canopy pruning will be required to T1 Lophostemon confertus street tree for the proposed height increase to the existing garage. Confirmation that no pruning to T1 shall be required for proposed works, including for the erection of scaffolding or any other associated construction shall be required from the arborist prior to any consent being provided.*

### **Landscape Plan**

*The Landscape Plan lacks detail and shows indicative planting only.*

*The proposed planter atop the existing garage, if suitably constructed and planted and maintained with suitable species, has the potential to soften the built form. However, depending on construction, soil volume, species chosen, maintenance, this planter could also present as visually unattractive. An alternative green wall may be considered.*

*If site access were restricted via Selwyn Street only, the required tree bonds for T8 & T9 and 1 x Photinia robusta (3x6m) not shown on plans in the council verge in front of 11A Milner Cr may be removed, as the only impact to these trees is likely to be via mechanical injury by delivery of construction materials to site. Regardless of access, tree protection conditions for these trees will still be required.*

### **Required Amendments**

- Detailed Landscape Plan including plant species, pot size & number is required.
- 1 x Callistemon viminalis (100l) shall be planted at the eastern end of the council verge at the rear of 13 Milner Cr (Selwyn St frontage)
- A fully automatic irrigation system shall be installed to the proposed planter atop the existing garage.

### ***Recommended Conditions***

*Subject to the resolution of the above, the following draft conditions are recommended. Some amendments to the conditions may be required on the basis of the submitted Landscape Plan.*

**Planning Comment:** Council's Landscape Development officer has provided support in general subject to appropriate conditions of consent which provide for the protection of trees in the public domain, as well as within and adjoining the site. The removal of the *Ulmus glabra 'Lutescens'* within the rear courtyard of the site is supported on the basis of poor health and vigour.

Recommended conditions include a requirement for an improved Landscape Plan (Dwg No. L01) to include appropriate planting schedule for the roof garden to the garage as well as provision for maintenance and irrigation.

Conditions of consent requiring tree bonds for public trees as well as conditions ensuring the protection of trees on the subject site are recommended. Subject to compliance with recommended conditions the application can be supported.

### **SUBMISSIONS**

On 22 November 2023, Council notified adjoining properties and the Wollstonecraft Precinct of the proposed development seeking comment between 1 December to 15 December 2023. Council received five (5) submissions. The matters raised in the submissions are listed below:

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**

- The development allows a moderate extension that is sympathetic to both the heritage of the house and surrounding properties in the neighbourhood.
- The proposal does a great job at maintaining the heritage appeal of the property while providing what appears to be some modest additional accommodation.
- RLs are not provided for the roof height of the bedroom and garage addition and an RL is not provided for the gutter height of the rumpus addition.
- Overshadowing does not comply with NSDCP requirements for June 21 open space and to assess full impact axonometric shadow diagrams should be prepared.
- The ground floor addition exceeds the permitted height for a 900mm setback to the side boundary.
- The garage subject to alterations and the addition over the garage have a non-compliant side setback.
- Landscaping seems impracticable and cannot be relied upon to alleviate the impact to 11A Milner Crescent.
- Privacy screening to the rumpus room window is insufficient.
- Bedroom window facing 11A Milner Crescent would require screening and proposed planting has not been established.
- The design seeks to maintain the current FFL of the existing house for the extension and the impact from the extension and its height is exacerbated because 11A Milner Crescent is 1.3m below that of the boundary ground level to No 13 Milner Crescent.

## **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:

### **Environmental Planning and Assessment Act 1979 (as amended)**

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

##### **- Chapter 2 Vegetation in non-rural areas**

Section 2.6 of the Policy specifies that a person must not clear declared vegetation in a non-rural area of the State without consent of Council. The Policy confers the ability for Council to declare vegetation that consent is required in a Development Control Plan. Section 16 of Part B in NSDCP 2013 specifies declared trees for the purpose of the SEPP which includes trees over 5m in height or canopy, a crown width of 5m or more, or a trunk circumference of 500mm or more measured at ground level. The proposed development does not seek to remove any trees apart from a small 4m high *Ulmus glabra 'Lutescens'* also known as a Golden Elm. The supporting arborist report confirms the tree has a low retention value with borer and sunscald damage and a dead upper central stem. The removal of the tree is supported, and it is noted the Landscape Plan proposes a new tree to replace the *Ulmus glabra 'Lutescens'*.

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

##### **- Chapter 6 Water Catchments**

Having regard to Chapter 6 of the SEPP (Biodiversity and Conservation) 2021 the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's inland location. The proposed development would not adversely affect the quantity or quality of water entering Sydney Harbour, being a regulated catchment for the purpose of Section 6.6 of the Policy. The application satisfies the requirements of the Policy.

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

##### **- Chapter 4 Remediation of Land**

Section 4.6 of the SEPP requires the consent authority to consider whether the land is contaminated, and if so whether the land is suitable for the intended use or any remediations measures required. Council's records indicate that the site has historically been used for residential development and as such is unlikely to contain any contamination. Furthermore, the proposed works do not require any excavation and would not disturb soils. The subject site is therefore considered suitable for the proposed use given that contamination is unlikely.

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

A valid BASIX Certificate (A506041) dated 26 September 2023 for alterations and additions has been submitted to satisfy the Policy (**Conditions C24 and G6**).

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

### **1. Permissibility**

The site is zoned R2 Low Density Residential Zone under the provisions of the North Sydney Local Environmental Plan 2013 (NSLEP 2013). Development for the purposes of alterations and additions to a dwelling house is permissible with the consent of Council.

### **2. Objectives of the zone**

The objectives for a 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, as it involves works to the existing dwelling, which serves the housing needs of the occupants and does not compromise the amenity of adjoining properties or the surrounding area. The development does not impact on neighbouring amenity as it would not affect existing views, nor the privacy of adjoining properties and overshadowing caused by the proposed works would maintain a reasonable access to sunlight for adjoining dwellings.

### **Part 4 – Principal Development Standards**

<b>COMPLIANCE TABLE Principal Development Standards North Sydney Local Environmental Plan 2013</b>			
<b>Site Area - 746m<sup>2</sup></b>	<b>Proposed</b>	<b>Control</b>	<b>Complies</b>
Clause 4.3 – Heights of Building	5.97m	8.5m	YES

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

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

- to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- to promote the retention and, if appropriate, sharing of existing views,*
- to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- to ensure compatibility between development, particularly at zone boundaries,*
- 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 maximum height of 5.97m that complies with the permissible height limit of 8.5m in accordance with clause 4.3 in NSLEP 2013.

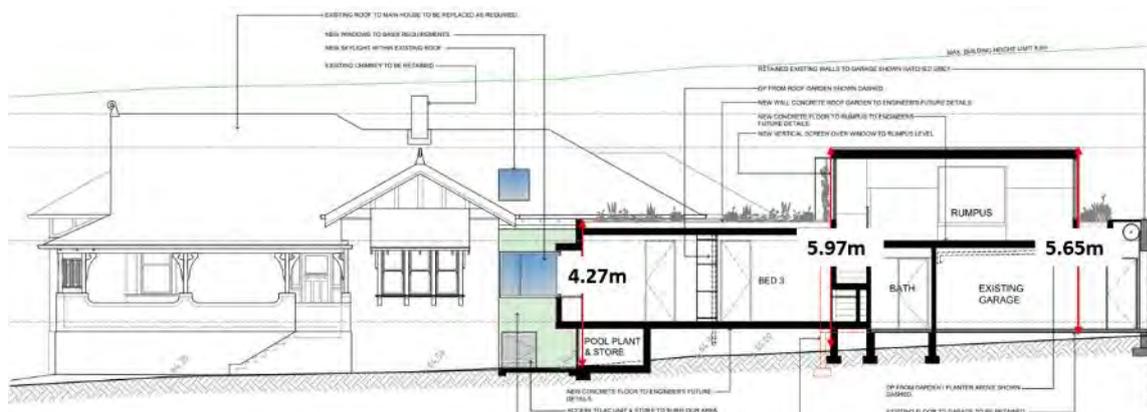


Figure 19 – Annotated Section B (DA07) detailing the various heights of the additions

#### 4. Heritage Conservation –

The subject site is listed as a Heritage Item under Schedule 5 in NSLEP 2013, so the following planning objectives apply to the site:

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

The application has been assessed against the relevant heritage objectives in the North Sydney LEP 2013 and found to be generally satisfactory as indicated in the comments from Council's Conservation Planner subject to a condition of consent requiring retention of more fabric, internal layout and a window to be secured subject to condition of consent (see **Condition C6 Heritage Requirements**).

#### 5. Earthworks

The application comprising of a single storey rear extension will require earthworks therefore an assessment has been carried out under matters raised in clause 6.10 in NSLEP 2013.

It is noted referring to the submitted sections that the foundations for the rear addition will require minimal excavation which is unlikely to affect the soil stability of the locality, have minimal impact to natural features of the site and the excavation associated with the development is unlikely to affect the amenity of adjoining properties.

Where appropriate conditions of consent are recommended to avoid and minimise the impact of earthworks.

It is therefore considered that the earthworks required subject to appropriate conditions of consent will not have a detrimental impact on surrounding land in accordance with the objective and matters for consideration stipulated in Cl. 6.10(3) of NSLEP 2013.

### NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

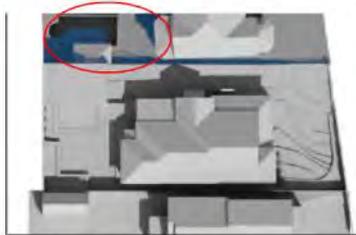
The proposal has been assessment under the following heading within NSDCP 2013:

<b>DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1 - Residential Development</b>		
	<i>Complies</i>	<i>Comments</i>
<b>1.3 Environmental Criteria</b>		
<b>1.3.1 Topography</b>	Yes	The development would maintain the topography of the site, with minimal impact to existing vegetation and the extent of earthworks to construct the rear addition linking the dwelling to the garage is minimal not impacting upon the amenity or structural integrity of adjoining properties.
<b>1.3.2 Bushland</b>	Yes	The site is situated within 300m of E2 – Environmental Conservation Land and is therefore in a bushland buffer (Buffer B).  The development would not significantly alter existing landscaping. It is noted vegetation is largely retained and where possible paving is removed to incorporate grass and garden beds.  The tree in the rear garden to be removed ( <i>Ulmus glabra 'Lutescens'</i> ) is not an exotic species and a condition of consent can ensure the replacement tree is native to enhance the planting of indigenous trees to the area.  The development satisfies the General Objective O5 in s15.1.1 of NSDCP 2013.
<b>1.3.6 Views</b>	Yes	The site and surrounds views are primarily either to the streetscape or rear gardens therefore the proposed additions would not impact upon existing views from neighbouring dwellings.
<b>1.3.7 Solar Access</b>  <b>Provisions</b> P1 Developments designed and sited such that solar access at the winter solstice (21st June) of a minimum of 3 hours between the hours of 9.00am and 3.00pm to: (a) any solar panels; (b) the windows of main internal living areas; (c) principal private open space areas; and (d) any communal open space areas.  located on the subject property and any adjoining residential properties.  <b>Note:</b> Main internal living areas excludes bedrooms, studies, laundries, storage areas.	Yes (on merit)	The mid-winter shadow diagrams confirm incremental additional shadow from the rear addition and first floor addition at 9am and midday with the greatest impact to the private open space of 11A Miller Crescent at 10am – 11am in mid-winter.  In the afternoon hours (midday – 3pm) no additional shadow is cast to adjoining properties with shadow cast either within the subject site or to Selwyn Street.  Additional shadow diagrams are provided for the equinox (21 March) and mid-summer (21 December). At the equinox minimal existing/proposed overshadowing affects 11A Milner Street apart from the early morning (9am – 10am) in part due to the north south orientation of the site and adjoining properties.

**Equinox shadows**



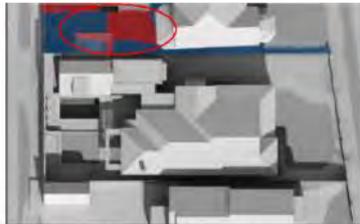
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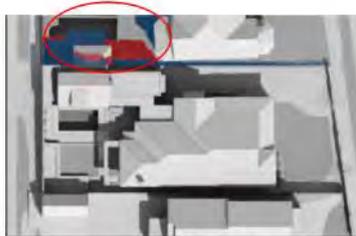
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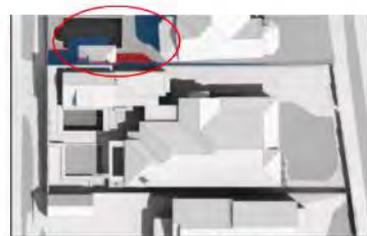
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PROPOSED MARCH/SEPTEMBER 21 9AM



PROPOSED MARCH/SEPTEMBER 21 10AM



PROPOSED MARCH/SEPTEMBER 21 11AM



**Winter Solstice**



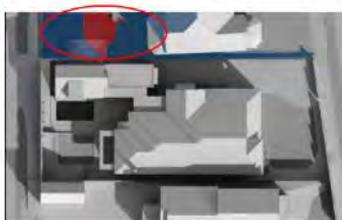
EXISTING JUNE 21 10AM



EXISTING JUNE 21 11AM



EXISTING JUNE 21 12PM



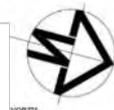
PROPOSED JUNE 21 10AM



PROPOSED JUNE 21 11AM



PROPOSED JUNE 21 12PM



+The shadow impacts from the proposed additions primarily relate to the extension of the elevated single storey extension to the northern elevation of the existing garage.

The additional shadow arising from proposed first floor addition to the garage is largely contained within the existing shadow profile cast by the western wall of the existing garage.

**Impacts to 11A Milner Crescent**

The shadow diagrams submitted with the application indicate the garage additions would present an impact to the north-eastern portion of the swimming pool and courtyard area of No 11A between 9am and 11am during midwinter as indicated in the areas highlighted in red in the extracts from the shadow diagrams above.

		<p>The swimming pool area and courtyard of No. 11A forms part of the principal outdoor open space.</p> <p>Shadow impact during midwinter should be considered to be moderate on the basis that:</p> <ul style="list-style-type: none"> <li>• The shadows impact would primarily affect the use of this space during morning periods in mid-winter, with the pool surface area being the primary recipient of shadows between 9am and 11am.</li> <li>• The effect of the single storey addition to the north of the garage is exacerbated by a substantial difference in site levels between the courtyard of No. 11A and the subject site,</li> <li>• The north addition to the garage is designed with a flat roof and is set back 970mm from the western boundary with No. 11A wit to minimise shadows cast by these additions.</li> <li>• The first floor/rumpus room addition over the garage is designed with a setback of 970mm to the western boundary and has modest floor to ceiling heights so that the addition does not appear as a full first floor addition, similar to an attic addition within a roof.</li> <li>• The orientation of the allotments, generally on the north-south axis means the shadow impacts recede quickly;</li> <li>• The pool area is located to the south of the two storey dwelling at No. 11A</li> <li>• Existing shadows cast by existing fencing structures and dense vegetation along the common boundary for the majority of the mid-winter period must be disregarded;</li> </ul> <p>While the proposed garage additions will introduce a new impact during morning periods in mid-winter, the solar access retained at the equinoxes should also be considered as being indicative of the average impact across the solar year.</p> <p>The equinox shadow diagrams indicate the 21 March and 21 September shadows would not substantially affect the courtyard and pool area of adjoining dwelling after 9am with the substantial majority of the rear courtyard unaffected by shadows cast by the proposed additions.</p> <p>On balance, the development is considered to be a reasonable design response to the site constraints which does not significantly increase the overall density of the site and is a subordinate addition retaining the single storey built form of the dwelling.</p> <p>The development is therefore considered sympathetic to the site and surrounds minimising the bulk and scale of the additions to minimise the extent of overshadowing to both the subject site and adjoining properties. The shadow diagrams inclusive of equinox and mid-summer diagrams confirm a reasonable access to sunlight for adjoining dwellings satisfying Objective O1, s1.3.7 of NSDCP 2013.</p>
<p><b>1.3.8 Acoustic Privacy</b></p>	<p>Yes</p>	<p>Subject to condition (<b>F1 National Construction Code</b>) the proposal is considered to be capable of achieving compliance with the required building construction levels to meet acoustic standards.</p>

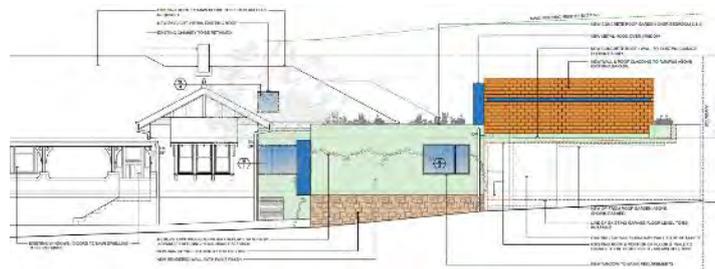
		<p>It is noted the elevations confirm new window and glazed door openings are primarily to elevations/sections which face the private open space of 13 Milner Crescent maintaining a reasonable level of acoustic privacy to adjoining properties.</p>
<p><b>1.3.9 Vibration</b></p>	<p>Yes</p>	<p>The site is not adjacent to a rail corridor (&gt;60m from North Shore Railway Line) and the additional habitable accommodation is not likely to be affected by rail noise or vibration therefore consideration of the likely impact of rail noise or vibration is not required pursuant to Cl. 2.100 'Impact of rail noise or vibration on non-rail development' in the State Environmental Planning Policy (Transport and Infrastructure) 2021.</p>
<p><b>1.3.10 Visual Privacy</b></p>	<p>Yes</p>	<p>The development proposes new window and door openings with the potential for an impact to the visual privacy of adjoining properties therefore below is consideration of the potential privacy impact.</p> <p><b>North (Front) Elevation</b></p> <p>The windows of the principal façade of the dwelling facing Milner Crescent will remain. New windows are proposed to the northern frontage of the single storey rear addition. These windows primarily direct views to the existing side setback of the site with the existing mature screening along the western side boundary to remain assisting in mitigating any privacy impact to 11A Milner Crescent.</p> <div data-bbox="738 1077 1425 1301" data-label="Image"> </div> <p><b>Figures 20 &amp; 21 – Proposed North Elevation (left) and Existing Landscaped Western Boundary (right)</b></p> <p><b>South (Rear) Elevation</b></p> <p>Alterations are proposed to the rear façade of the dwelling inclusive of a larger glazed sliding doors providing access to the terrace and glazed windows which are part of the rear addition providing an outlook to the rear garden. A window is also proposed to the rumpus room addition above the garage providing views to Selwyn Street.</p> <p>The windows to the southern rear side of the would have no visual privacy impact to neighbouring properties directing views to the rear garden of the subject site and the rumpus room window directs views to the street.</p> <p><b>East (Side) Elevation</b></p> <p>New doors and windows are proposed on the eastern side elevation of the dwelling. These additional openings would not have a visual privacy impact to adjoining properties noting the eastern boundary comprises of a solid timber fence which would obscure views.</p>



**Figure 22 – Existing East Elevation and Side Boundary Fence**

### **West (Side) Elevation**

Two windows (W1 & W3) are proposed to the western side elevation with the potential for views to the adjoining property 11A Milner Crescent.



**Figure 23 – Proposed West Elevation**

Window W1 located at ground level with a side setback of 5.51m would not have a direct or close view to windows or private open space of the adjoining property. Window W3 will serve a bedroom of the rear addition offset from the side boundary by 900mm. The plans propose to remove the existing hedging and replace with advanced hedging within the setback between the window and side boundary. During the site visit the architect indicated part of the existing hedging (Camellia) can be retained to provide adequate screening.

Due to the proximity of the window to the neighbouring boundary with potential views of the private open space and swimming pool appropriate measures are recommended to ensure an appropriate privacy screening to manage visual privacy of the adjoining property. The following conditions of consent are therefore recommended.

### **C20 Privacy**

The following privacy devices are to be provided:

- a) Fixed lightweight louvred or lattice privacy screen shall be attached to the western side boundary, with a minimum height of 1.8m above the ground level opposite the location of the ground floor side window of the rear addition (Window W3). The location of the privacy screen is shown clouded in red on the Proposed Ground Floor Plan, DA02.

		<p>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.</p> <p>(Reason: To ensure an adequate level of privacy is provided to adjoining property located at 11A Milner Crescent)</p> <p><b>C21 Screen Planting</b></p> <p>To maintain acceptable levels of privacy, screen planting must be installed and maintained adjacent to the proposed garage additions and the western boundary in locations shown clouded red on the stamped approved plans. The required screen planting must consist of suitable low maintenance screening species capable of attaining a mature height of 2.0 – 3.0 metres above finished ground levels.</p> <p>An alternative acceptable screen planting option would be to retain the existing Camellia hedging adjacent to the western boundary of the site albeit some pruning and removal of hedging may be required to be removed to accommodate the extension.</p> <p>Details of the screen planting and/or hedge retention required by this condition must be provided to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the details submitted fully satisfy the requirements of this condition.</p> <p>(Reason: To preserve the privacy of adjoining properties)</p>
<p><b>1.4 Quality built form</b></p>		
<p><b>1.4.1 Context</b></p>	<p>Yes</p>	<p>The development proposes a single storey rear addition and an attic/rumpus room addition to the modern garage. The development responds to the constraints of the site maintaining the heritage significance of the dwelling and designing a more contemporary addition separate from the dwelling. The development has an improved landscape outcome removing paving for landscaping responding to the opportunities of the site.</p> <p>The development therefore complies with Objective O1, s1.4.1 of NSDCP 2013.</p>
<p><b>1.4.2 Subdivision Pattern</b></p>	<p>Yes</p>	<p>The proposed work would not alter the existing lot size, shape or orientation of the site.</p>
<p><b>1.4.3 Streetscape</b></p>	<p>Yes</p>	<p>No works are proposed within the road reserve. During the course of construction there is potential for damage to public infrastructure through the course of construction. Therefore, it is recommended that a dilapidation report of public infrastructure (<b>Condition C1</b>) is prepared and a corresponding bond for damage and completion of infrastructure works (<b>refer to Condition C14</b>) be provided.</p>

		Four street trees are located opposite the subject site in either Milner Crescent or Selwyn Street. A tree bond is recommended for the protection of these street trees ( <b>C15 Tree Bond for Public trees</b> ).
<b>1.4.4 Laneways</b>	Yes	The site has a principal frontage to Milner Crescent and a secondary rear frontage to Selwyn Street which provides vehicular entry to the site.  Both Milner Crescent and Selwyn Street are not a laneway therefore the objectives and provisions in s1.4.4 of NSDCP 2013 do not apply.
<b>1.4.5 Siting</b>	Yes	The extension is considered an appropriate design response retaining the siting and form of the building.
<b>1.4.6 Setback – Front</b>	Yes	No works are proposed to the front façade of the dwelling maintaining the existing front setback which is generally in alignment with the primary facades of adjoining properties facing Milner Crescent.
<b>1.4.6 Setback – Side</b>  <i>General Residential (R2 &amp; R3 zones)</i> <i>1st storey (up to 4m) – 900mm</i> <i>2nd storey (up to 7m) – 1.5m</i> <i>3rd storey (&gt;7m) – 2.5m</i>	Yes	The proposed rear addition is designed to ensure a 900mm side setback to the western boundary which complies with the minimum 900mm setback for the first storey of a dwelling house in an R2 Low Density Residential Zone.  The proposed attic room addition above the garage would have a 970mm side setback to the western boundary. The rumpus room addition although designed with modest floor to ceiling heights and designed as an attic style room within the roof could be construed as a second storey therefore not compliant with the minimum 1.5m setback stipulated in Table B-1.5, P2, s1.4.6 of NSDCP 2013.  Nevertheless, the rumpus room/attic addition is supported due to its subordinate and sympathetic design and scale, sufficient separation to adjoining boundaries and limited impact to neighbouring amenity satisfying the objectives of s1.4.6 of NSDCP 2013.
<b>1.4.6 Setback – Rear</b>	Yes	The development has been designed so that the extension is more akin to a link between the dwelling and existing garage and thereby retain the form, massing and scale of the dwelling including the rear setback of the dwelling which is considered an appropriate design response to the heritage of the property, maintaining a rear setback and rear garden and provide for additional landscaping.
<b>1.4.7 Form Massing Scale</b>	Yes	Provision P6 of s1.4.7 requires ancillary buildings to be much smaller in scale to the residential building. The existing garage that faces Selwyn Street presents as a single storey flat roof garage and is small in scale subordinate and ancillary to the dwelling.

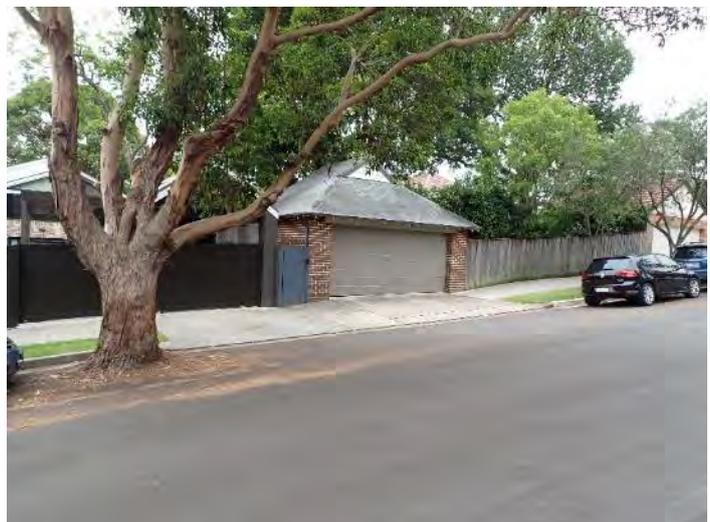


**Figure 24 – Existing Garage fronting Selwyn Street**

The rumpus /attic room addition above the garage is considered a suitable design response to Provision P6 ensuring the ancillary building is small in scale and is not too dissimilar in scale to other garages within the streetscape as shown below.



**Figure 25 – Existing Garage of 15A Milner Street fronting Selwyn Street**



**Figure 26 – Existing Garage of 17 Milner Street fronting Selwyn Street**

1.4.8 Built Form Character	Yes	The rear addition is appropriately designed as a single storey link between the dwelling and garage thereby maintaining the built form character of the existing dwelling and minimising any impact upon the heritage significance of the buildings in terms of its built form characteristics.
1.4.9 Dwelling Entry	Yes	No works are proposed to the principal façade including the front door entry and windows to the front façade.
1.4.10 Roofs	Yes	The existing pitched roof of the dwelling would remain and the flat roof form for the single storey addition is appropriate to mitigate against additional overshadowing and presents as a more contemporary break from the heritage significance of the dwelling.
1.4.11 Dormers	Yes	A dormer is proposed to the eastern roof slope of the rumpus room addition above the garage. The dormer is acceptable appropriately located so that views from the dormer are to the rear private open space of the subject site. The dormer is designed appropriate in size and is part of an addition to a non-original garage with limited heritage significance therefore not resulting in an adverse impact to the heritage significance of the item.
1.4.12 Colours and Materials	Yes	<p>The single storey rear addition/link will have render walls and a flat roof with roof garden. The addition is designed more contemporary in style to the dwelling which is a local heritage item which is an appropriate outcome ensuring ease of interpretation between the addition and the more heritage significant dwelling.</p> <p>The slate roof for the garage provides a roof material matching that of the original dwelling and is an understated material and colour and is also considered an appropriate design response to the heritage significance of the site.</p> <p>The following condition of consent is recommended:</p> <p><b>A4. External Finishes and Materials</b></p>
1.4.14 Front Fences	N/A	No alterations are proposed to the front boundary wall comprising of painted brick and above sandstone.
<b>1.5 Quality Urban Environment</b>		
1.5.4 Vehicle Access and Parking	Yes	<p>The existing garage subject to alterations and additions will remain providing parking for two (2) vehicles compliant with the maximum parking rates stipulated in Section 10 – Car Parking and Transport of the NSDCP 2013.</p> <p>The garage provides vehicular access from Selwyn Street and a separate pedestrian entry to the site is available from Milner Crescent compliant with Provision P7.</p> <p>The existing garage subject to alterations and additions is not located between the primary street (Milner Crescent) frontage and primary street façade of the building compliant with Provision P10.</p>
1.5.5 Site Coverage  <b>Note:</b> the ground floor plan has been measured to ensure accuracy in the calculation of the site coverage area.	No (Acceptable on merit)	<p>The site area is 746m<sup>2</sup> therefore the maximum site coverage is 298.4m<sup>2</sup> (40%) pursuant to the requirements stipulated in Table B-1.6.</p> <p>The existing site coverage is 294m<sup>2</sup> (39.4%) and the site coverage due to the single storey rear addition increases by 41m<sup>2</sup> therefore the total site coverage increases to 44.9%.</p>

<p>It is noted that the rear awning structure and BBQ area is not calculated as site coverage. A covered awning would fall under stie coverage as well as a BBQ. However, it is noted some steps are considered site coverage which could be better defined as un-built upon area.</p> <p>The compliance diagram is considered accurate enough in determining the extent of site coverage and the rear awning is not of sufficient bulk and scale to warrant removal providing practical weather protection for residents existing the dwelling to the rear private open space.</p>		<p>Although the proposed development seeks additional site coverage the extension is a design response to the heritage significance of the dwelling. The extension does not add to the height or bulk and scale of the dwelling maintaining its single storey form and ensures the new addition is clearly a more contemporary addition respecting the heritage significance of the dwelling.</p> <p>Although the extensive single storey addition adds to site coverage consideration should be given to the heritage constraints of the site. The addition due to its single storey form and flat roof located in an area primarily reserved for paving has limited impact on the landscaped areas of the site and the single storey addition to the rear with a flat roof is considered an appropriate design response to controlling site density.</p> <p>The development is therefore considered to satisfy the objectives of s1.5.5 despite exceeding the maximum site coverage.</p>																
<p><b>1.5.6 Landscape Area</b></p>	<p>Yes</p>	<table border="1" data-bbox="791 887 1398 1216"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td><b>Site coverage Max 40%</b></td> <td>294m<sup>2</sup> (39.4%)</td> <td>335m<sup>2</sup> (44.9%)</td> <td>No, merit assessment</td> </tr> <tr> <td><b>Landscaped area Min 40%</b></td> <td>247m<sup>2</sup> (33.1%)</td> <td>305.1m<sup>2</sup> (41%)</td> <td>Yes</td> </tr> <tr> <td><b>Unbuilt-upon area Max 20%</b></td> <td>205m<sup>2</sup> (27.5%)</td> <td>105.9m<sup>2</sup> (14.1%)</td> <td>Yes</td> </tr> </tbody> </table> <p>The development has a positive landscaped area and un-built upon area outcome removing paving within the side and rear setbacks of the site to replace with grass lawn and garden beds.</p> <p>The development seeks additional landscaped areas complying with the requirements in Table B-1.7, Provision P1, s1.5.6 of NSDCP 2013.</p>	Control	Existing	Proposed	Compliance	<b>Site coverage Max 40%</b>	294m <sup>2</sup> (39.4%)	335m <sup>2</sup> (44.9%)	No, merit assessment	<b>Landscaped area Min 40%</b>	247m <sup>2</sup> (33.1%)	305.1m <sup>2</sup> (41%)	Yes	<b>Unbuilt-upon area Max 20%</b>	205m <sup>2</sup> (27.5%)	105.9m <sup>2</sup> (14.1%)	Yes
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<p><b>1.5.7 Landscaping</b></p>	<p>Yes</p>	<p>One (1) tree is sought for removal within the rear garden. The tree has a low retention value with evident signs of borer/sunscald damage as well as dead central stem.</p> <p>The <i>Ulmus glabra 'Lutescens'</i> is to be replaced by a new tree (species unspecified in the Landscape Plan).</p> <p>The development complies with Provision P2, retaining trees apart from 1 x tree which condition warrants removal.</p>																
<p><b>1.5.8 Front Gardens</b></p>	<p>Yes</p>	<p>The development seeks to retain the large landscaped front garden and increases landscaping with additional shrub planting within the northwestern corner. The development satisfies the objectives and provisions in s1.5.8 of NSDCP 2013.</p>																
<p><b>1.5.9 Private and Communal Open Space</b></p>	<p>Yes</p>	<table border="1" data-bbox="807 1906 1382 2033"> <thead> <tr> <th>Control – lot size</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td><b>Dwellings</b></td> <td></td> <td></td> </tr> <tr> <td>500m<sup>2</sup> - 749m<sup>2</sup> – 50m<sup>2</sup></td> <td>150m<sup>2</sup></td> <td>Yes</td> </tr> </tbody> </table>	Control – lot size	Proposed	Compliance	<b>Dwellings</b>			500m <sup>2</sup> - 749m <sup>2</sup> – 50m <sup>2</sup>	150m <sup>2</sup>	Yes							
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		The existing rear garden subject to additional landscaping provides reasonable outdoor amenity generally compliant with Objectives and Provisions in s1.5.9 of NSDCP 2013.
<b>1.5.10 Swimming Pools</b>	N/A	No alterations are proposed to the existing swimming pool (Approved under DA 348/06).
<b>1.5.13 Garbage Storage</b>	Yes	The existing garbage and recycling bin storage and method of collection will remain unchanged.
<b>1.6 Efficient Use of Resources</b>		
<b>1.6.1 Energy Efficiency</b>	Yes	A valid BASIX Certification has been submitted as part of the development application documentation.
<b>1.6.10 Green Roofs</b>	Yes	A roof garden is proposed for the single storey addition and a planter is proposed above the garage. The on structure landscaping contributes to the amenity of the site and aesthetics of the streetscape providing additional/alternative planting within the site. Green roofs can also contribute to improved stormwater management and thermal efficiency.  The roof garden and on structure planting generally satisfies the objectives of s1.6.10 of NSDCP 2013.

### Wollstonecraft Planning Area (The Upper Slopes) – Part C of NSDCP 2013

The property will remain a low density detached dwelling house which is a characteristic land use in the Upper Slopes, the development would not impact upon the streetscape character retaining trees and grass verges and the low masonry fence would remain on the front boundary facing Milner Crescent.

The development is supportable maintaining the significant elements of the Upper Slopes.

### LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of s7.12 contributions for the provision of local infrastructure. The proposed alterations and additions will not accrue a s7.11 contribution because there is no net increase in dwellings on the land. Confirmation of contributions payable in accordance with Council’s Contributions Plan is as follows:

#### Contribution

<b>Applicable contribution type</b>		
<b>s7.12 contribution details</b> <i>(payment amount subject to indexing at time of payment)</i>	Development cost:	\$1,269,445.00
	Contribution:	\$12,694.00

### ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

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

### **SUBMITTERS CONCERNS**

The application was notified to adjoining properties and the Wollstonecraft Precinct. Council received five (5) submissions where the following matters were raised:-

- *The development allows a moderate extension that is sympathetic to both the heritage of the house and surrounding properties in the neighbourhood.*
- *The proposal does a great job at maintaining the heritage appeal of the property while providing what appears to be some modest additional accommodation.*

It is noted two out of five submissions were in support of the development considering the development an appropriate design response to the heritage significance of the site.

- *RLs are not provided for the roof height of the bedroom and garage addition and an RL is not provided for the gutter height of the rumpus addition.*

The elevations and sections include RL's which have enabled assessment to determine the heights of the garage addition and single storey rear addition.

- *Overshadowing does not comply with NSDCP requirements for June 21 open space and to assess full impact axonometric shadow diagrams should be prepared.*

The shadow diagrams are sufficient to determine the impact to access to sunlight for adjoining properties. The preceding assessment has considered the shadow impact in detail. The mid-winter shadow diagrams confirm additional shadow from the rear addition and rumpus/attic garage addition between 9am and midday but in the afternoon hours (midday – 3pm) no additional shadow is cast to adjoining properties with shadow cast either within the subject site or to Selwyn Street.

The impact at mid-winter has been considered in conjunction with existing solar access retained during the equinox (21 March) and mid-summer (21 December). The shadow impact arising at equinoxes in particular confirms a moderate and reasonable impact to the pool area and courtyard of 11A Milner Street, noting wider areas to the west the pool area are largely unaffected by the proposed additions.

The development in terms of shadow impact is considered reasonable minimising the bulk and scale of the additions to minimise the extent of overshadowing to both the subject site and adjoining properties. The shadow diagrams inclusive of equinox and mid-summer diagrams confirm a reasonable access to sunlight for adjoining dwellings satisfying Objective O1, s1.3.7 of NSDCP 2013.

- *The ground floor addition exceeds the permitted height for a 900mm setback to the side boundary.*

The ground floor addition has a height which is predominantly less than 4m. A small part of the addition would have a height greater than 4m (refer to Figure 19) but the addition is considered a first (ground floor) storey addition and therefore is required to have a 900mm setback as per the requirements stipulated in Table B-1.5, P2, s1.4.6 of NSDCP 2013.

- *The garage subject to alterations and the addition over the garage have a non-compliant side setback.*

The proposed attic room addition above the garage would have a 970mm side setback to the western boundary. The rumpus room addition although designed with modest floor to ceiling heights and designed as an attic style room within the roof could be construed as a second storey therefore not compliant with the minimum 1.5m setback stipulated in Table B-1.5, P2, s1.4.6 of NSDCP 2013.

Nevertheless, the rumpus room/attic addition is supported due to its subordinate and sympathetic design and scale, sufficient separation to adjoining boundaries and limited impact to neighbouring amenity satisfying the objectives of s1.4.6 of NSDCP 2013.

- *Landscaping seems impracticable and cannot be relied upon to alleviate the impact to 11A Milner Crescent.*

Where appropriate conditions of consent are recommended (**refer to Conditions C20 Privacy & C21 Screen Planting**) particularly with regards to landscaping along the side boundary with 11A Miller Street.

- *Privacy screening to the rumpus room window is insufficient.*

The rumpus room/attic addition above the garage has a window to the southern side directing views to Selwyn Street, a window is proposed to the northern elevation with a green screen in front. Any views from this window would primarily be to within the subject site. A dormer addition with a window is proposed on the eastern elevation which directs views to the rear private open space of the subject site. No additional privacy measures are considered necessary with respect to the rumpus/attic room addition.

- *Bedroom window facing 11A Milner Crescent would require screening and proposed planting has not been established.*

Due to the proximity of the window to the neighbouring boundary with potential views of the private open space and swimming pool appropriate measures are recommended to ensure an appropriate privacy screening to manage visual privacy of the adjoining property (**refer to Conditions C20 Privacy & C21 Screen Planting**).

- *The design seeks to maintain the current FFL of the existing house for the extension and the impact from the extension and its height is exacerbated because 11A Milner Crescent is 1.3m below that of the boundary ground level to No 13 Milner Crescent.*

Maintaining the floor level of the extension to that of the dwelling is acceptable and no further amendments are required to the design or height of the addition. The extension is considered a reasonable design to minimise bulk and scale comprising a subordinate single storey flat roof addition.

## **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 a R2 Low Density Residential Zone where dwelling houses 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.

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

The subject application was notified to adjoining properties and the Wollstonecraft 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 adjoining properties and the character of the streetscape.

## **CONCLUSION**

The matters for consideration as outlined in section 4.15(1) of the Act have been satisfied. The development application has been assessed against the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013 and generally found to be satisfactory.

The proposed alterations and additions to the heritage item is supported on the basis that it would conserve the significance of the heritage item.

The development proposes a single storey rear addition and an attic/rumpus room addition to the garage. The development responds to the constraints of the site maintaining the heritage significance of the dwelling and designing a more contemporary addition separate from the dwelling.

The rear addition is appropriately designed as a single storey link between the dwelling and garage thereby maintaining the built form character of the existing dwelling and minimising any impact upon the heritage significance of the buildings in terms of its built form characteristics.

The design of the rumpus room/attic addition is supported due to its subordinate and sympathetic design and scale, sufficient separation to adjoining boundaries, low pitched roof and limited impact to neighbouring amenity.

The development would also have a positive landscaped area and un-built upon area outcome removing paving within the side and rear setbacks of the site to be replaced with grass lawn and garden beds. Furthermore, the single storey addition proposes a green roof which contributes to the amenity of the site and contributes to additional planting within the site. The removal of one tree within the rear garden is supported noting its low retention value and evident signs of borer/sunscald damage as well as dead central stem. While compliance with the landscape area control is not achieved, the outcome responds to the heritage constraints of the site and significantly improves the current landscape situation.

Council received five (5) submissions which included two (2) submissions in support of the development. The submissions raised concerns with overshadowing, non-compliances with side setbacks, the potential adverse privacy impact to neighbouring properties and insufficient landscaping to mitigate against privacy. The landscape issues have been assessed within the report as acceptable with amended landscape plans retaining all trees apart from one and providing an improved landscape outcome within the setbacks of the site. The content of the submissions has been discussed in this report and where appropriate conditions of consent are recommended to manage privacy and ensure appropriate landscaping.

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

## **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. 324/23 for alterations and additions to a dwelling house on land at 13 Milner Crescent, Wollstonecraft subject to the following site specific and attached standard conditions:-

### **Heritage Requirements**

- C6.
1. The proportions of the new doorway from the entry hallway to the living room are to be of a traditional scale complementary to the period of the dwelling and be set below the existing picture rail with a subservient scale to enable appropriate interpretation of the earlier layout.
  2. The proposed new window (W7) to bedroom 2 shall be complementary to the existing window to this room and be of timber construction.
  3. The works relating to the further adaptation of the previous sleep-out area, (now used as a walk-in-wardrobe to bedroom 1), with an ensuite bathroom and extension of the wardrobe area be such that it is reversible by ensuring,

- a. the original wall between the existing walk-in-wardrobe occupying the previous verandah area is to remain in-situ and be adapted with an appropriately scaled opening retaining nib walls and a bulkhead above linking the existing space with the new extension to the wardrobe,
  - b. the infill fenestration in the eastern elevation of the original verandah be retained in-situ and be covered over internally to enable the installation of the new ensuite. All ensuite utility fittings etc are to be carried out from below the floorboards.
4. That the width of the rear projecting bay relating to the existing living room is to remain as is whereby deleting the proposed joinery area to retain the dimensions of this space with the existing roof alignment and eaves.

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

(Reason: To protect the heritage significance of 13 Milner Crescent).

### Tree Planting

- C12. The following tree is required to be planted and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Container Size (l)
1 x local native tree. Suitable local native tree species are listed on Council's website.	Within rear setback of 13 Milner Crescent	75l

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: To ensure that tree planting provided enhances environmental and landscaped amenity)

### Tree Protection measures to be implemented

- D2. The tree protection measures detailed in the approved Tree Protection and Management Plan, 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)

### Protection of Public Trees

- D3. 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 <i>Lophostemon confertus</i> (11x14m)	In-road planting in front of rear of 13 Milner Cr (Selwyn St frontage)	Trunk, branch & root protection
T2 <i>Callistemon viminalis</i> (5x5m)	Council verge- rear of 11A Milner Cr (Selwyn St frontage)	1.8m high steel mesh tree protection fencing
1 x <i>Photinia robusta</i> (not shown on plans) 3x6m	council verge in front of 11A Milner Cr	1.8m high steel mesh tree protection fencing
T8 <i>Lophostemon confertus</i> (14x14m)	In-road planting in front of 13 Milner Cr	Trunk, branch & root protection
T9 <i>Corymbia gummifera</i> (9x6m)	In-road planting in front of 13 Milner Cr	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)

**THOMAS HOLMAN**  
**SENIOR ASSESSMENT OFFICER**

**DAVID HOY**  
**TEAM LEADER**

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

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**NORTH SYDNEY COUNCIL**  
**CONDITIONS OF DEVELOPMENT APPROVAL**  
**13 MILNER CRESCENT, WOLLSTONECRAFT**  
**DEVELOPMENT APPLICATION NO. 324/23**

**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.	Issue	Title	Drawn by	Received
DA01	17.10.23	Proposed Site Plan	Castlepeake	05/11/2023
DA02	17.10.23	Proposed Ground Floor Plan	Castlepeake	05/11/2023
DA03	17.10.23	Proposed Upper Floor Plan	Castlepeake	05/11/2023
DA04	17.10.23	Proposed Roof Plan	Castlepeake	05/11/2023
DA05	17.10.23	Proposed North & South Elevations	Castlepeake	05/11/2023
DA06	17.10.23	Proposed East & West Elevations	Castlepeake	05/11/2023
DA07	17.10.23	Sections A & B	Castlepeake	05/11/2023
DA08	17.10.23	Sections C & D	Castlepeake	05/11/2023
DA09	22.09.23	Sections E & F	Castlepeake	05/11/2023
L01	17.10.23	Proposed Landscape Plan	Castlepeake	05/11/2023

(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)

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**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 17 October 2023, prepared by Castlepeake and received by Council on 5 November 2023 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)

**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 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)

**Dilapidation Survey Private Property (Neighbouring Buildings)**

- C2. A photographic survey and dilapidation report of adjoining properties No's. 11A and 15A Milner Crescent detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, MUST BE submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person and a copy to be given to the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Principal Certifier, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

**Structural Adequacy of Existing Building**

- C3. 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)

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**Sediment Control**

- C4. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th Edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

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

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

The 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 protect the environment from the effects of sedimentation and erosion from development sites)

**Waste Management Plan**

- C5. A Waste Management Plan is to be submitted for approval by the Principal Certifier prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
  - b) The design of the on-site waste storage and recycling area; and
  - c) Administrative arrangements for waste and recycling management during the construction process.

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

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

**Heritage Requirements**

- C6.
1. The proportions of the new doorway from the entry hallway to the living room are to be of a traditional scale complementary to the period of the dwelling and be set below the existing picture rail with a subservient scale to enable appropriate interpretation of the earlier layout.
  2. The proposed new window (W7) to bedroom 2 shall be complementary to the existing window to this room and be of timber construction.
  3. The works relating to the further adaptation of the previous sleep-out area, (now used as a walk-in-wardrobe to bedroom 1), with an ensuite bathroom and extension of the wardrobe area be such that it is reversible by ensuring,
    - a. the original wall between the existing walk-in-wardrobe occupying the previous verandah area is to remain in-situ and be adapted with an appropriately scaled opening retaining nib walls and a bulkhead above linking the existing space with the new extension to the wardrobe,
    - b. the infill fenestration in the eastern elevation of the original verandah be retained in-situ and be covered over internally to enable the installation of the new ensuite. All ensuite utility fittings etc are to be carried out from below the floorboards.
  4. That the width of the rear projecting bay relating to the existing living room is to remain as is whereby deleting the proposed joinery area to retain the dimensions of this space with the existing roof alignment and eaves.

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

(Reason: To protect the heritage significance of 13 Milner Crescent).

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

- C7. 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.)

**Skylight(s)**

- C8. 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)

**Heritage Architect to be commissioned**

- C9. 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)

**Work Zone**

- C10. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

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**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**

- C11. 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)

**Tree Planting**

- C12. The following tree is required to be planted and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Container Size (l)
1 x local native tree. Suitable local native tree species are listed on Council's website.	Within rear setback of 13 Milner Crescent	75l

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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: To ensure that tree planting provided enhances environmental and landscaped amenity)

**Stormwater Disposal – Drainage Plan**

C13. 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 the kerb/gutter in Milner Crescent;
- c) 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) the design and installation of the Rainwater Tanks shall comply with BASIX and Sydney Water requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system; and
- e) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

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)

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

- C14. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$5,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
  - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
  - c) remedying any defects in any such public work that arise within 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
- 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)

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**Tree Bond for Public Trees**

- C15. Prior to the issue of any construction certificate, security in the sum of \$29,000.00 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**

<b>Tree Species</b>	<b>Location</b>	<b>Bond</b>
T1 <i>Lophostemon confertus</i> (11x14m)	In-road planting in front of rear of 13 Milner Cr (Selwyn St frontage)	10,000
T2 <i>Callistemon viminalis</i> (5x5m)	Council verge- rear of 11A Milner Cr (Selwyn St frontage)	\$5,000
1 x <i>Photinia robusta</i> (3x6m) (not shown on plans)	council verge in front of 11A Milner Cr	\$3,000
T8 <i>Lophostemon confertus</i> (14x14m)	In-road planting in front of 13 Milner Cr	\$6,000
T9 <i>Corymbia gummifera</i> (9x6m)	In-road planting in front of 13 Milner Cr	\$5,000

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

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

- C16. The tree protection measures contained in the arborist report prepared by Bluegum Tree Care and Consultancy, dated August 2023, and received by Council on 5 November 2023, shall be shown clearly on the Construction Certificate drawings.

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Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier 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**

C17. 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 <i>Lophostemon confertus</i>	In-road planting in front of rear of 13 Milner Cr - (Selwyn St frontage)	11x14m
T2 <i>Callistemon viminalis</i>	Council verge- rear of 11A Milner Cr - (Selwyn St frontage)	5x5m
1 x <i>Photinia robusta</i> (not shown on plans)	council verge in front of 11A Milner Cr	3x6m
3 x palms unassessed by arb	rear of 11A Milner Cr-eastern bdry	7x5m
hedge unassessed by arb	rear of 11A Milner Cr-eastern bdry	To 4m
T4 <i>Lagerstroemia indica</i>	Front setback - 13 Milner Cr	8m
T5 <i>Magnolia soulangeana</i>	Front setback - 13 Milner Cr	4m
T6 <i>Acer palmatum</i>	Front setback - 13 Milner Cr	4m
T7 <i>Jacaranda mimosifolia</i>	Front setback - 13 Milner Cr	9m
T8 <i>Lophostemon confertus</i>	In-road planting in front of 13 Milner Cr	14x14m
T9 <i>Corymbia gummifera</i>	In-road planting in front of 13 Milner Cr	9x6m

Plans and specifications complying 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.

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)

**Approval for Removal of Trees**

C18. The following tree(s) are approved for removal in accordance with the development consent:

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Tree No /Species	Location	Height (m)
Ulmus glabra 'Lutescens'	Rear setback of 13 Milner Crescent	5m

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Section 16 of the North Sydney DCP 2013.

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**

- C19. 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)

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**Privacy**

C20. The following privacy devices are to be provided:

- a) Fixed lightweight louvred or lattice privacy screen shall be attached to the western side boundary, with a minimum height of 1.8m above the ground level opposite the location of the ground floor side window of the rear addition (Window W3). The location of the privacy screen is shown clouded in red on the Proposed Ground Floor Plan, DA02.

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 an adequate level of privacy is provided to adjoining property located at 11A Milner Crescent)

**Screen Planting**

C21. To maintain acceptable levels of privacy, screen planting must be installed and maintained adjacent to the proposed garage additions and the western boundary in locations shown clouded red on the stamped approved plans. The required screen planting must consist of suitable low maintenance screening species capable of attaining a mature height of 2.0 – 3.0 metres above finished ground levels.

An alternative acceptable screen planting option would be to retain the existing Camellia hedging adjacent to the western boundary of the site albeit some pruning and removal of hedging may be required to be removed to accommodate the extension.

Details of the screen planting and/or hedge retention required by this condition must be provided to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the details submitted fully satisfy the requirements of this condition.

(Reason: To preserve the privacy of adjoining properties)

**Section 7.12 Development Contributions**

C22. 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 \$12,694.00.

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**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**

- C23. 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)	\$29,000.00
Footpath Damage Bond	\$5,000.00
<b>TOTAL BONDS</b>	<b>\$34,000.00</b>

Note: The following fees applicable

<b>Fees</b>	
Local Infrastructure Contributions	\$12,694.00
<b>TOTAL FEES</b>	<b>\$12,694.00</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)

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**BASIX Certificate**

C24. 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. A506041 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)

**Amendments to the Landscape Plan**

C25. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- Planting of 1 local native canopy tree (pot size 75l) within the rear garden of the subject site
- A plant schedule is required detailing proposed planting for the roof garden which is to comprise of groundcovers and grasses. The appropriate plants are to be suitable for an extensive roof garden able to survive and grow with limited substrate and be hardy tolerant to limited rainfall and variations in temperature.
- The landscape plan is to detail appropriate maintenance of the rooftop garden or be accompanied by a rooftop garden maintenance plan prepared by a qualified horticulturalist.
- The proposed planter above the garage is to be shown on the Landscape Plan and a plant schedule is required detailing the plants/groundcovers/shrubs for the proposed planter over the garage.
- A fully automatic irrigation system shall be installed to the proposed planter atop the existing garage.
- The amended landscape plan must be certified by an appropriately qualified horticulturalist confirming that the proposed planting for the planter above the garage and planting for the roof garden is appropriate with reasonable prospects for survival.
- 1 x *Callistemon viminalis* (100l) shall be planted at the eastern end of the Council verge at the rear of 13 Milner Crescent (Selwyn Street frontage)

An amended landscape plan complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

The Certifying Authority must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure an adequate level of planting, tree canopy and native plant species is provided)

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

- D1. 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 SW or other underground services shall be routed through the TPZ of any protected tree. No canopy pruning shall be permitted. Fronds of 3 x palms (7x5m) unassessed by Arborist, in the rear of 11A Millner Crescent (eastern boundary) shall be tied back (not pruned) if required to accommodate any construction.

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

**Tree Protection measures to be implemented**

- D2. The tree protection measures detailed in the approved Tree Protection and Management Plan, 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)

**Protection of Public Trees**

- D3. 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 <i>Lophostemon confertus</i> (11x14m)	In-road planting in front of rear of 13 Milner Cr (Selwyn St frontage)	Trunk, branch & root protection
T2 <i>Callistemon viminalis</i> (5x5m)	Council verge- rear of 11A Milner Cr (Selwyn St frontage)	1.8m high steel mesh tree protection fencing
1 x <i>Photinia robusta</i> (not shown on plans) 3x6m	council verge in front of 11A Milner Cr	1.8m high steel mesh tree protection fencing
T8 <i>Lophostemon confertus</i> (14x14m)	In-road planting in front of 13 Milner Cr	Trunk, branch & root protection
T9 <i>Corymbia gummifera</i> (9x6m)	In-road planting in front of 13 Milner Cr	Trunk, branch & root protection

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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)

**Temporary Fences and Tree Protection**

- D4. All protected trees on-site that are specifically nominated 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), must be installed to the satisfaction of the Principal Certifier 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)

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

- D5. 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)

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**Sydney Water Approvals**

- D6. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes:

- **Sydney Water Building Plan Approvals** can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13 000 TAP IN (1300 082 746) for further information.

(Reason: To ensure compliance with Sydney Water requirements)

**Commencement of Works' Notice**

- D7. 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*****Parking Restrictions**

- E1. 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)

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**Road Reserve Safety**

- E2. 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**

- E3. 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)

**Removal of Extra Fabric**

- E4. 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**

- E5. The following must be complied with at all times:
- (a) Materials must not be burnt on the site.

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- (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**

- E6. 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**

- E7. 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**

- E8. 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**

- E9. 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)

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**Protection of Trees**

- E10. 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 tree report prepared by Bluegum Tree Care and Consultancy dated August 2023 and received by Council 5 November 2023 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:

- a. 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.
- b. 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)

**Trees to be Removed**

- E11. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Tree No /Species	Location	Height (m)
Ulmus glabra 'Lutescens'	Rear setback of 13 Milner Crescent	5m

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

**Special Permits**

- E12. 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:

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**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)

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**Construction Hours**

- E13. 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
<b>R2 Low Density Residential Zone</b>	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)

**Installation and Maintenance of Sediment Control**

- E14. 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**

- E15. 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)

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**Site Amenities and Facilities**

- E16. 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**

- E17. 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**

- E18. 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**

- E19. 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)

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**Waste Disposal**

E20. 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**

E21. 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:

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- (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 Certifying Authority (PCA)**

- 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)

**Excavation/Demolition**

- F7. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

**Protection of Public Places**

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

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

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

**Site Sign**

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

**13 MILNER CRESCENT, WOLLSTONECRAFT  
DEVELOPMENT APPLICATION NO. 324/23**Page 29 of 31

---

**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: -

**13 MILNER CRESCENT, WOLLSTONECRAFT  
DEVELOPMENT APPLICATION NO. 324/23**

Page 30 of 31

Tree	Location	Height
T1 <i>Lophostemon confertus</i>	In-road planting in front of rear of 13 Milner Cr -(Selwyn St frontage)	11x14m
T2 <i>Callistemon viminalis</i>	Council verge- rear of 11A Milner Cr - (Selwyn St frontage)	5x5m
1 x <i>Photinia robusta</i> (not shown on plans)	council verge in front of 11A Milner Cr	3x6m
3 x palms unassessed by arb	rear of 11A Milner Cr-eastern bdry	7x5m
hedge unassessed by arb	rear of 11A Milner Cr-eastern bdry	To 4m
T4 <i>Lagerstroemia indica</i>	Front setback - 13 Milner Cr	8m
T5 <i>Magnolia soulangeana</i>	Front setback - 13 Milner Cr	4m
T6 <i>Acer palmatum</i>	Front setback - 13 Milner Cr	4m
T7 <i>Jacaranda mimosifolia</i>	Front setback - 13 Milner Cr	9m
T8 <i>Lophostemon confertus</i>	In-road planting in front of 13 Milner Cr	14x14m
T9 <i>Corymbia gummifera</i>	In-road planting in front of 13 Milner Cr	9x6m

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 L01 and as amended by Condition C26 Amendments to the Landscape Plan must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

**Required Screen Plantings**

G8. The screen planting required by this consent must be completed prior to the issue of any Occupation Certificate. The specified landscape elements must be provided and maintained in accordance with the requirements of this consent at all times.

(Reason: To ensure privacy is maintained)

***I. On-Going / Operational Conditions*****Single Occupancy**

11. Nothing in this consent authorises the use of the premises other than for a single occupancy.

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

**Maintenance of Approved Landscaping**

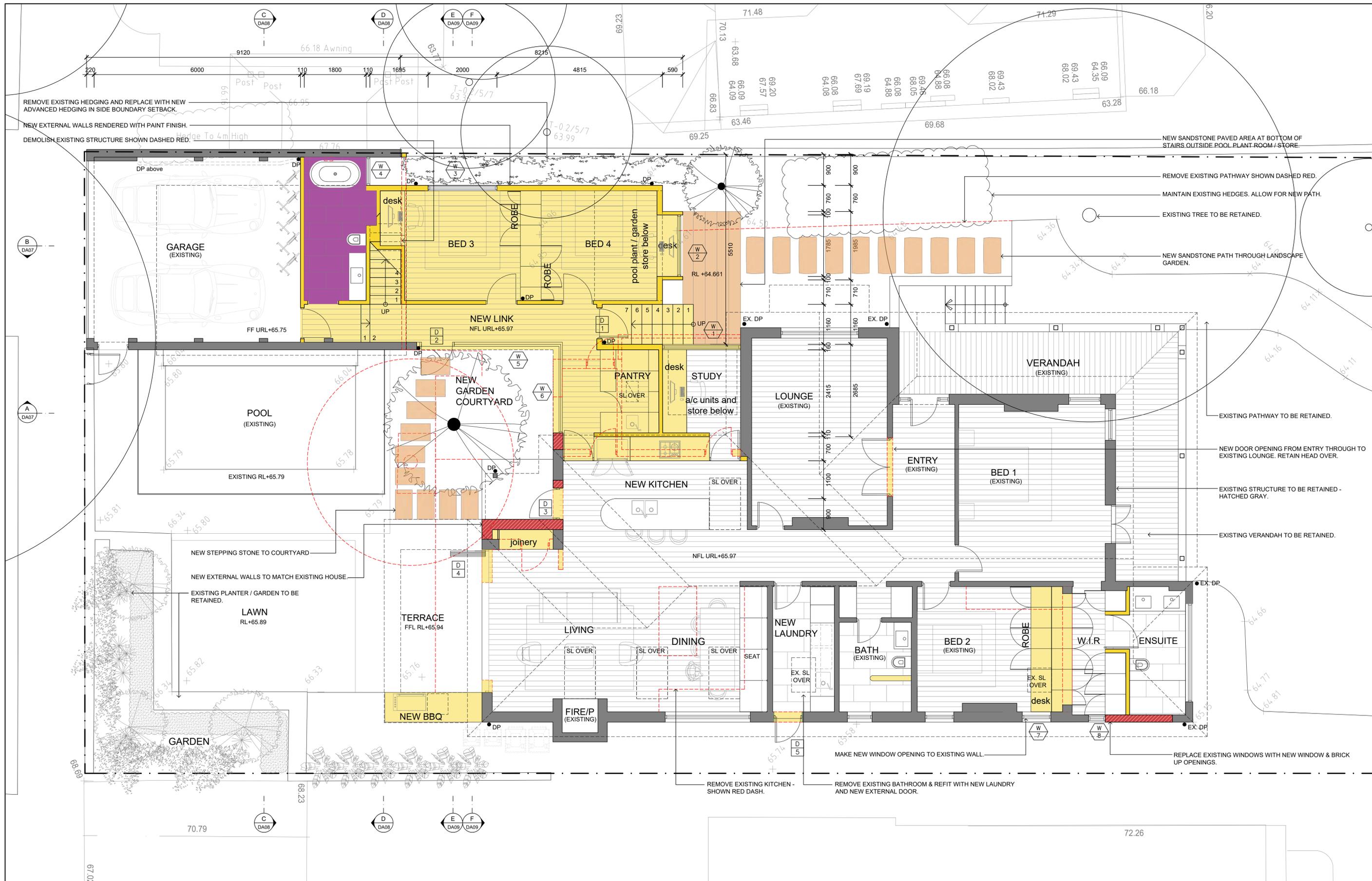
12. The owner of the premises at 13 Milner Crescent is to maintain the landscaping approved by this consent generally in accordance with drawing number L01 as modified by Condition C25 Amendments to the Landscape Plan.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

Should it be desired to substitute plants which are not of the same mature height, canopy density and nature (particularly flowering for non-flowering, native for exotic, deciduous for non-deciduous or the reverse of any these) a modification to this consent will be required.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)





<p><b>CASTLEPEAKE</b>          Architecture          Interior Design</p> <p>Castlepeake Consulting Pty Ltd ABN 85 054 612 761          7/136 Willoughby Rd, Crows Nest NSW 2065 P +61 2 9437 1800          www.castlepeake.com.au</p>		<p>Drawing Title  <b>PROPOSED GROUND FLOOR PLAN</b></p> <p>Project  <b>CHIDGY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT</b></p>	
<p>DA DEVELOPMENT APPLICATION ISSUE</p>	<p>17.10.23 BM MO</p>	<p>ISSUE DATE DRAWN CHECKED</p>	<p>ISSUE DATE DRAWN CHECKED</p>
<p>REVISION AMENDMENT OR REASON FOR ISSUE</p>	<p>ISSUE DATE DRAWN CHECKED</p>	<p>ISSUE DATE DRAWN CHECKED</p>	<p>ISSUE DATE DRAWN CHECKED</p>



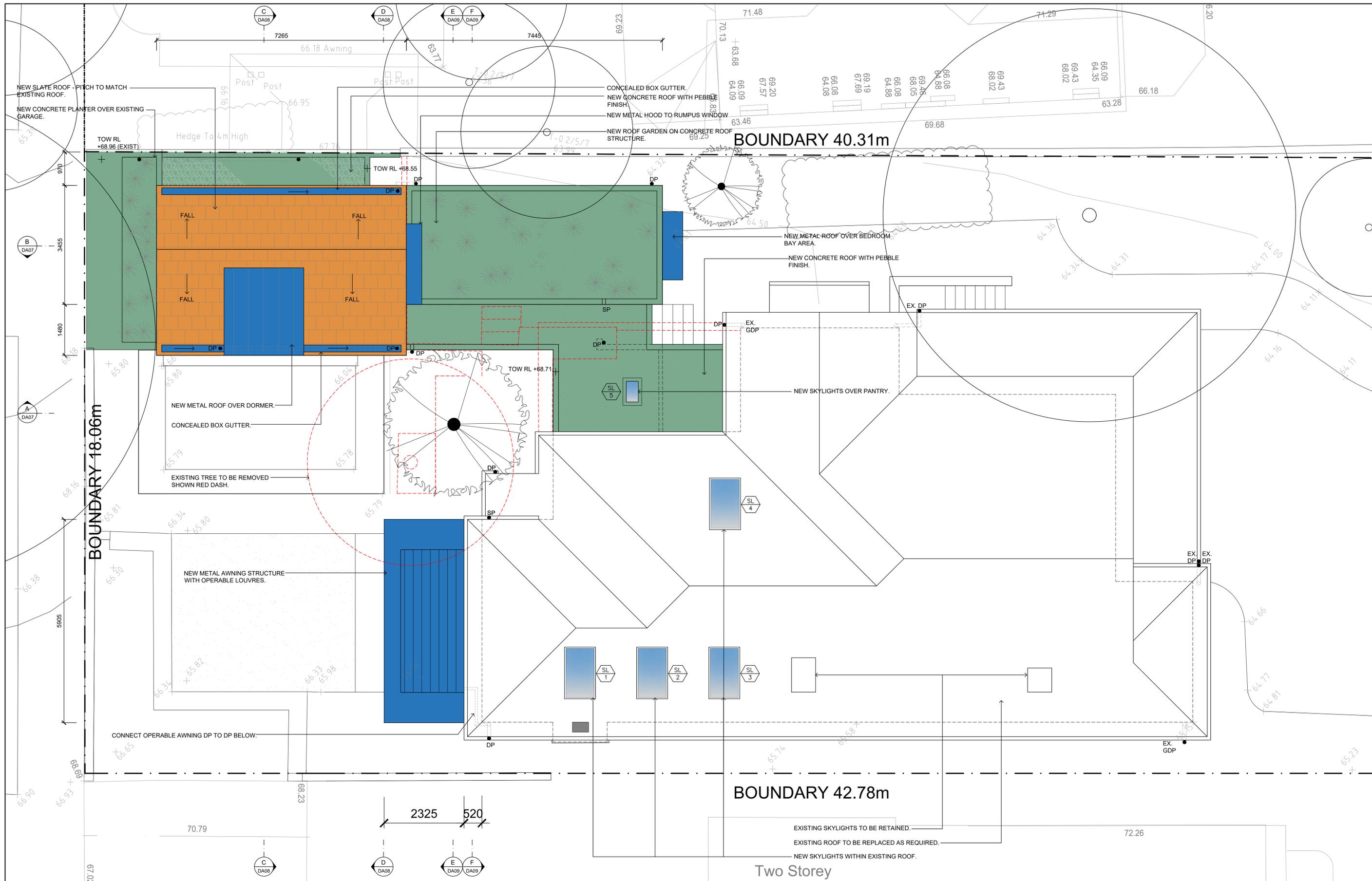
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Nominated Registered Architects  
 Mark Oxenham - Reg No. 7130 Kelly Wilson - Reg No. 11312  
 Martin Hall - Reg No. 9854

Scales  
**1:100@A3**

Job No.  
 Drawing No.  
**DA02**

Revision  
**DA**



<p>Document Set ID: 9788341 Version: 1, Version Date: 05/11/2023</p>		<p>17.10.23</p>		<p>BM MO</p>		<p>ISSUE DATE DRAWN CHECKED</p>									
<p>DA DEVELOPMENT APPLICATION ISSUE</p>		<p>AMENDMENT OR REASON FOR ISSUE</p>		<p>AMENDMENT OR REASON FOR ISSUE</p>		<p>AMENDMENT OR REASON FOR ISSUE</p>		<p>AMENDMENT OR REASON FOR ISSUE</p>		<p>AMENDMENT OR REASON FOR ISSUE</p>		<p>AMENDMENT OR REASON FOR ISSUE</p>		<p>AMENDMENT OR REASON FOR ISSUE</p>	



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Drawing Title  
**PROPOSED ROOF PLAN**

Project  
**CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT**

Nominated Registered Architects  
 Mark Oxenham - Reg No. 7130  
 Martin Hall - Reg No. 9854

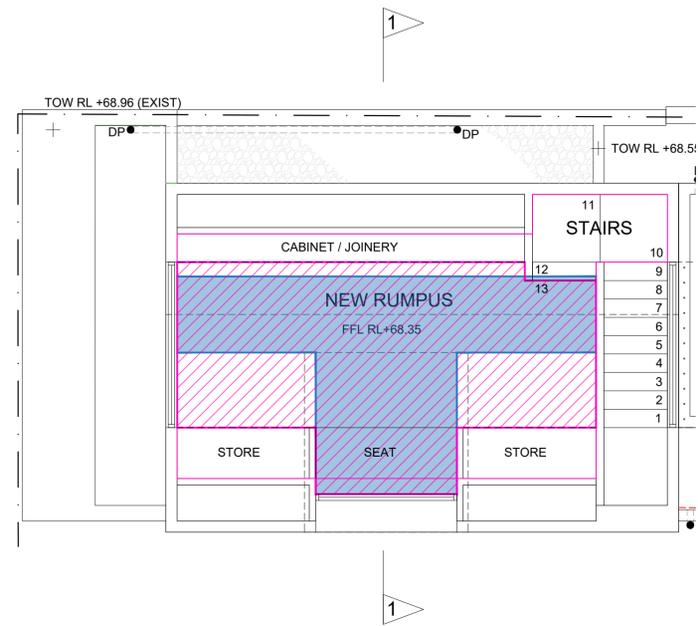
Kelly Wilson - Reg No. 11312

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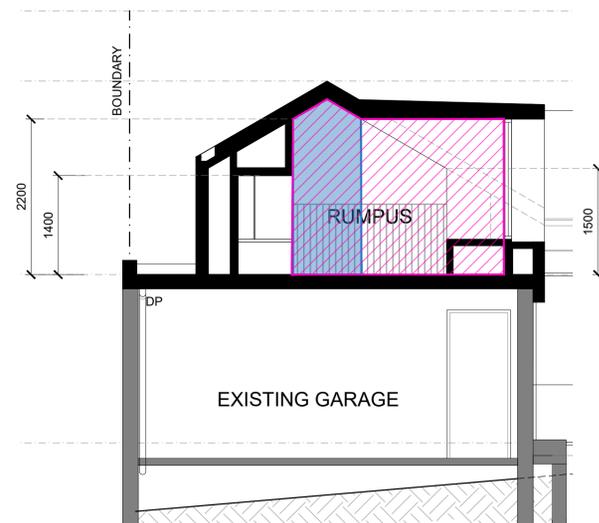
Job No.

Drawing No.  
**DA04**

Revision  
**DA**



UPPER FLOOR PLAN



SECTION 1 - 1

**NATIONAL CONSTRUCTION CODE**

**PART 10.3.1 HEIGHT OF ROOMS AND OTHER SPACES**

1.e (A) in an attic — a height of not less than 2.2 m for at least two-thirds of the floor area of the room or space.

(2) For the purposes of (1)(e), when calculating the floor area of a room or space, any part that has a ceiling height of less than 1.5 m is not included.

**FLOOR AREA :**

ROOM HEIGHT OF 1.5m & HIGHER.

ROOM HEIGHT OF NOT LESS THAN 2.2m FOR AT LEAST TWO-THIRDS OF THE FLOOR AREA OF THE ROOM OR SPACE

 FLOOR AREA = 15.50 m<sup>2</sup>  
 AT LEAST 2.2m = 10.39m<sup>2</sup>  
 (2 / 3) x 15.50 m<sup>2</sup> (AREA)  
 = **10.34m<sup>2</sup>**

DA	DEVELOPMENT APPLICATION ISSUE	17.10.23	BM	MO										
REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED					



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Drawing Title

**NCC - ROOM HEIGHT COMPLIANCE**

Project

**CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT**

Nominated Registered Architects  
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 Martin Hall - Reg No. 9854

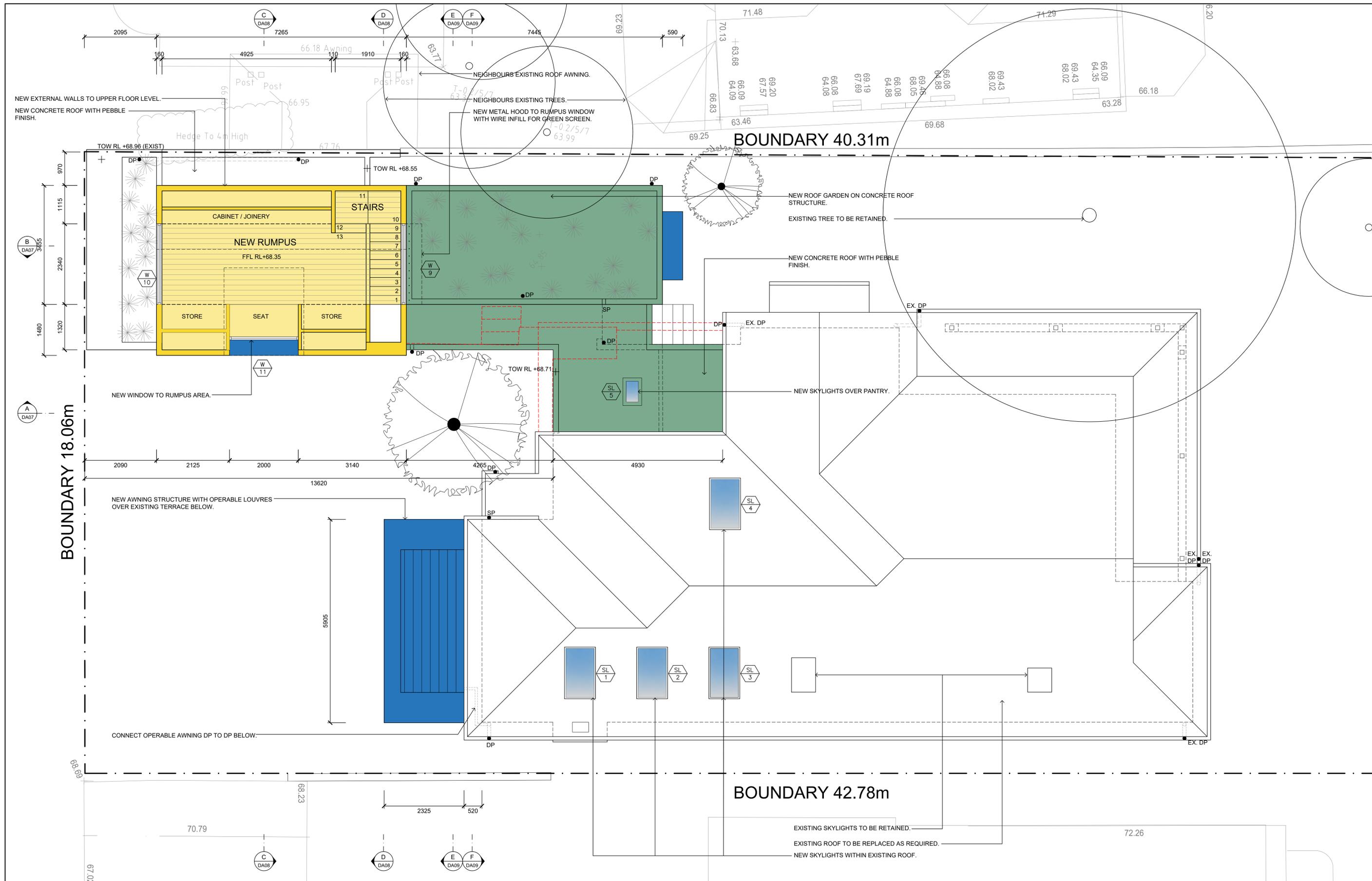
Kelly Wilson - Reg No. 11312

Scales  
**1:100@A3**

Job No.

Drawing No.  
**NCC**

Revision  
**DA**



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<p>REVISION AMENDMENT OR REASON FOR ISSUE</p>		<p>ISSUE DATE</p>		<p>DRAWN CHECKED</p>		<p>REVISION AMENDMENT OR REASON FOR ISSUE</p>		<p>ISSUE DATE</p>		<p>DRAWN CHECKED</p>		<p>ISSUE DATE</p>		<p>DRAWN CHECKED</p>	



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Drawing Title  
**PROPOSED UPPER FLOOR PLAN**

Project  
**CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT**

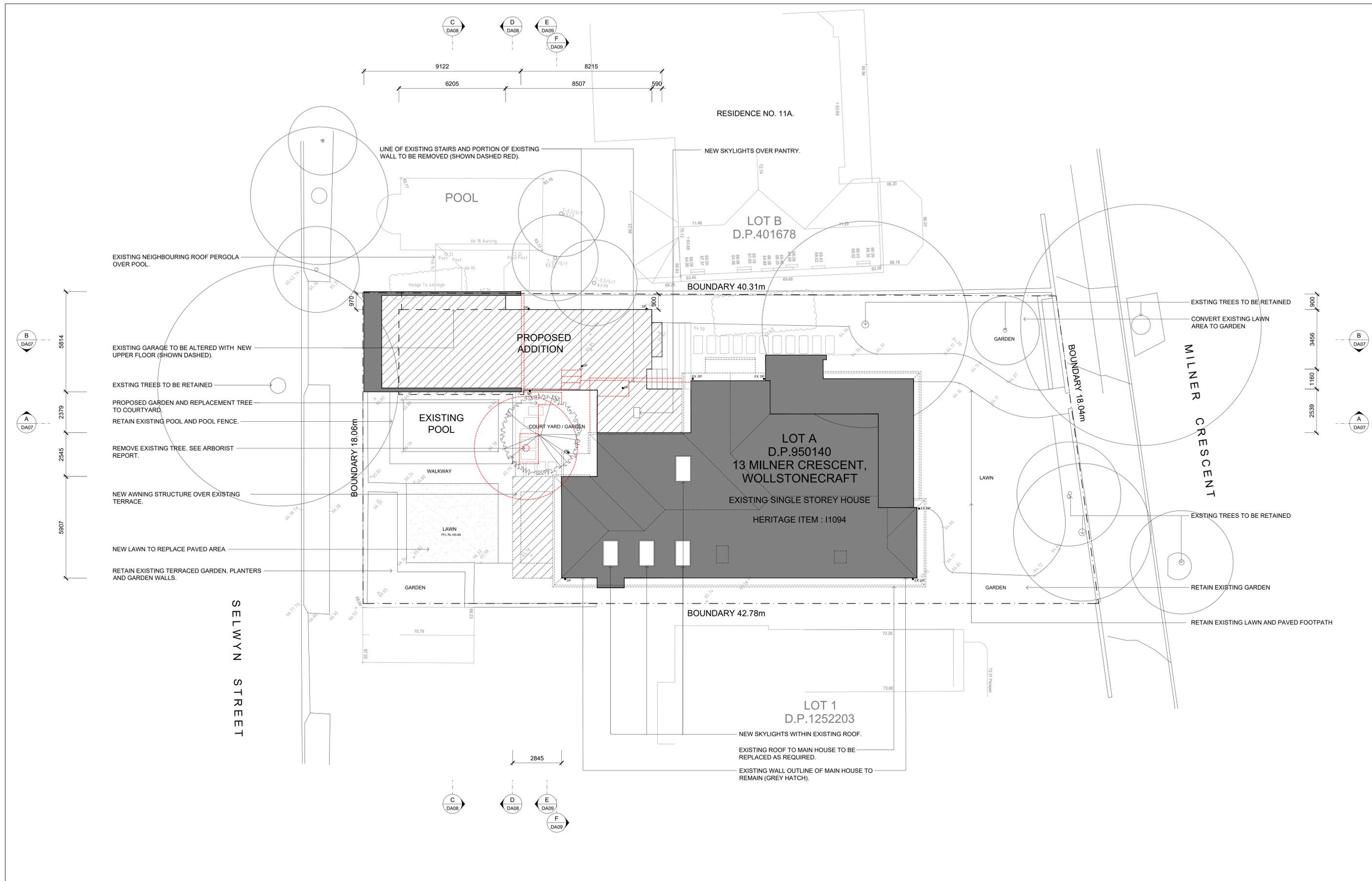
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 Martin Hall - Reg No. 9854

Scales  
**1:100@A3**

Job No.  
 Drawing No.  
**DA03**

Revision  
**DA**





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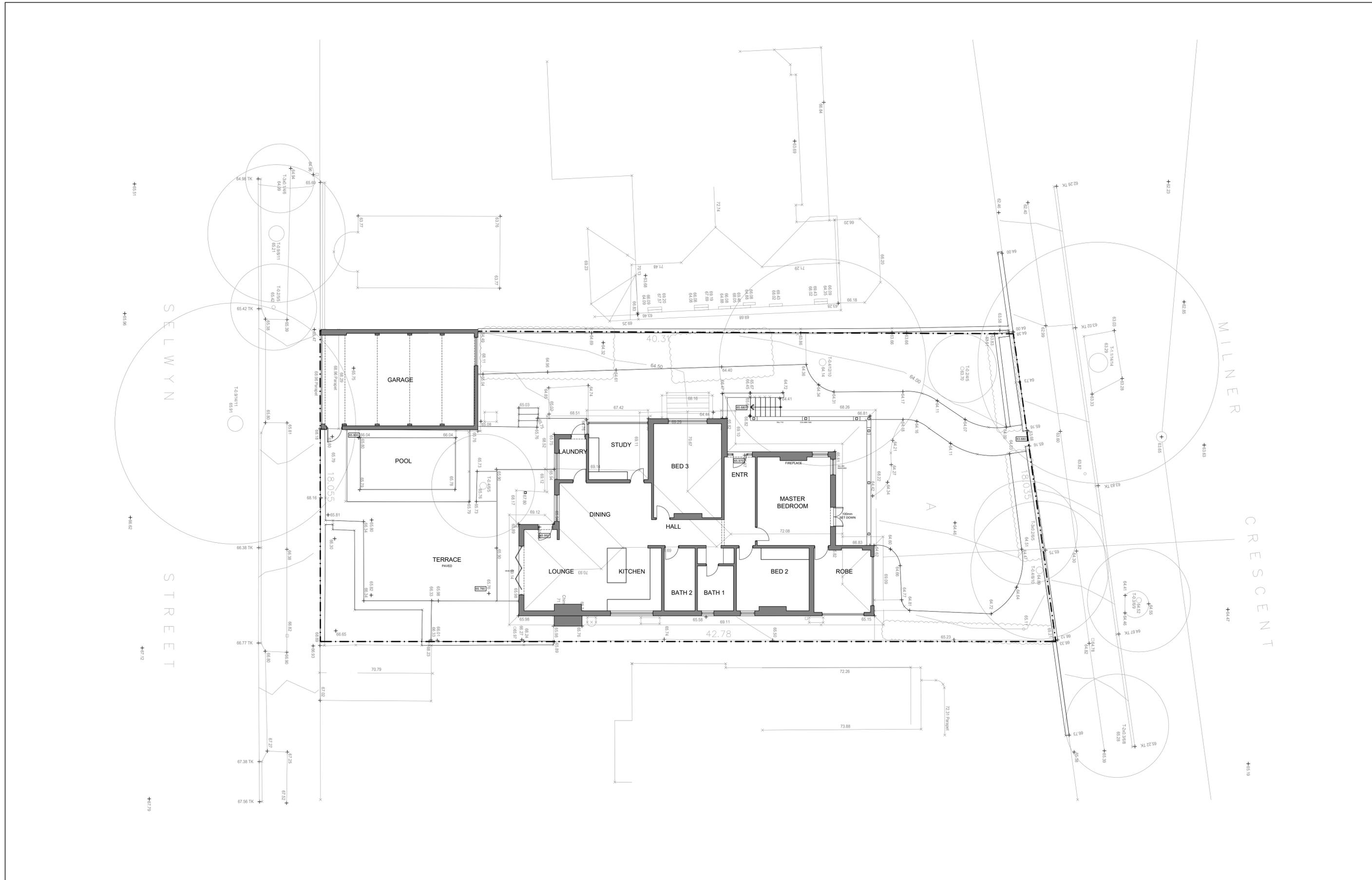
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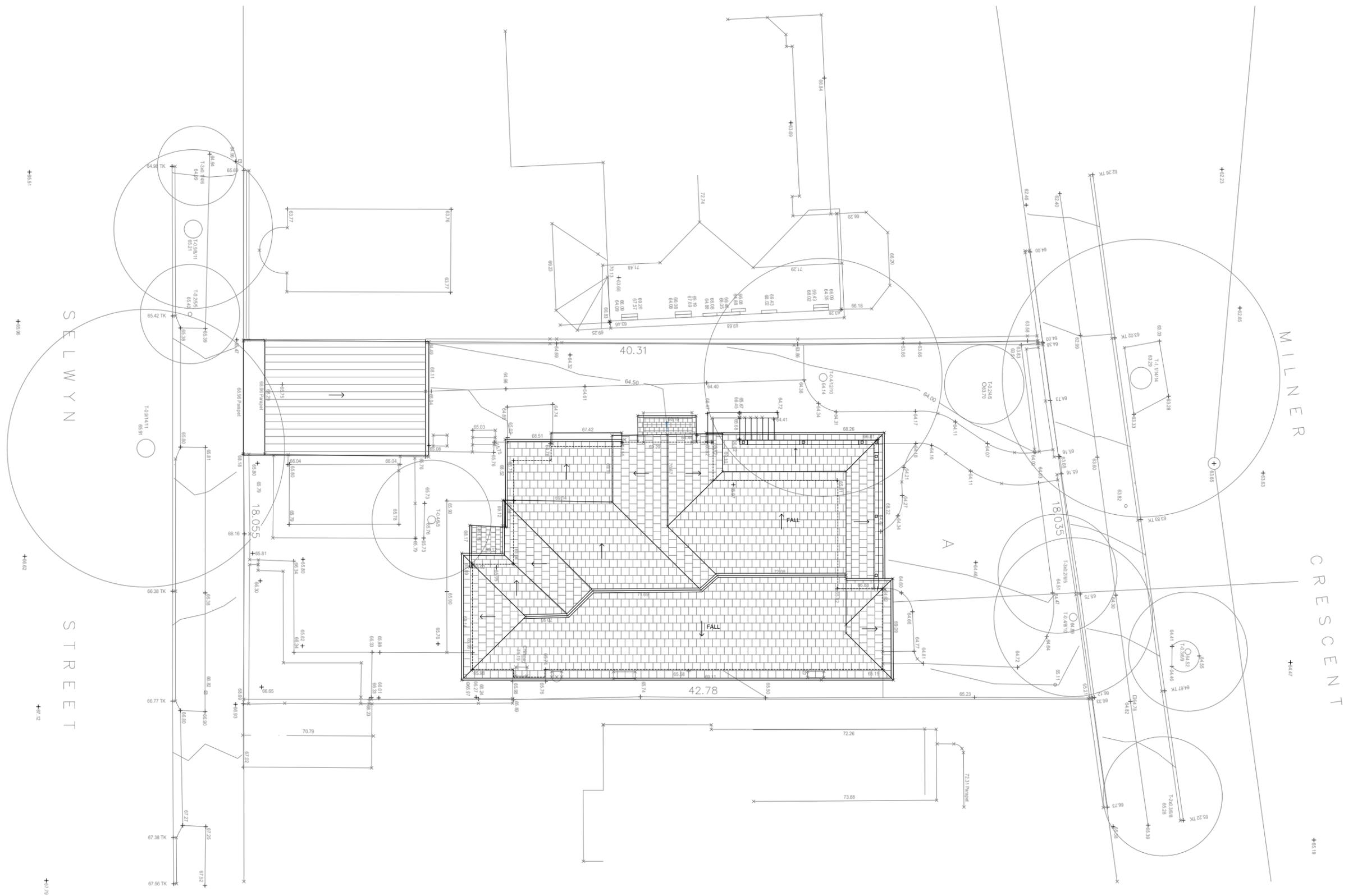
Architecture  
Interior Design

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<p>Drawing Title</p> <p><b>PROPOSED SITE PLAN</b></p>		<p>Project</p> <p><b>CHIDGEE RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT</b></p>	
<p>Nominated Registered Architects</p> <p>Mark Oxenham - Reg No. 7130 Martin Hall - Reg No. 9854</p>		<p>Kelly Wilson - Reg No. 11312</p>	
<p>Scales</p> <p><b>1:200@A3</b></p>		<p>Job No.</p> <p><b>DA01</b></p>	
<p>Drawing No.</p> <p><b>DA01</b></p>		<p>Revision</p> <p><b>DA</b></p>	



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DA	DEVELOPMENT APPLICATION	AUG 2023	BM	MO																										
REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED																										
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DA	DEVELOPMENT APPLICATION	AUG 2023	BM	MO	REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED
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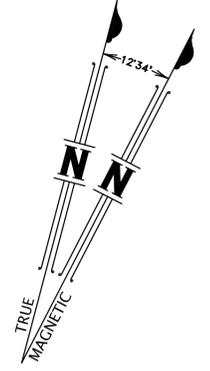
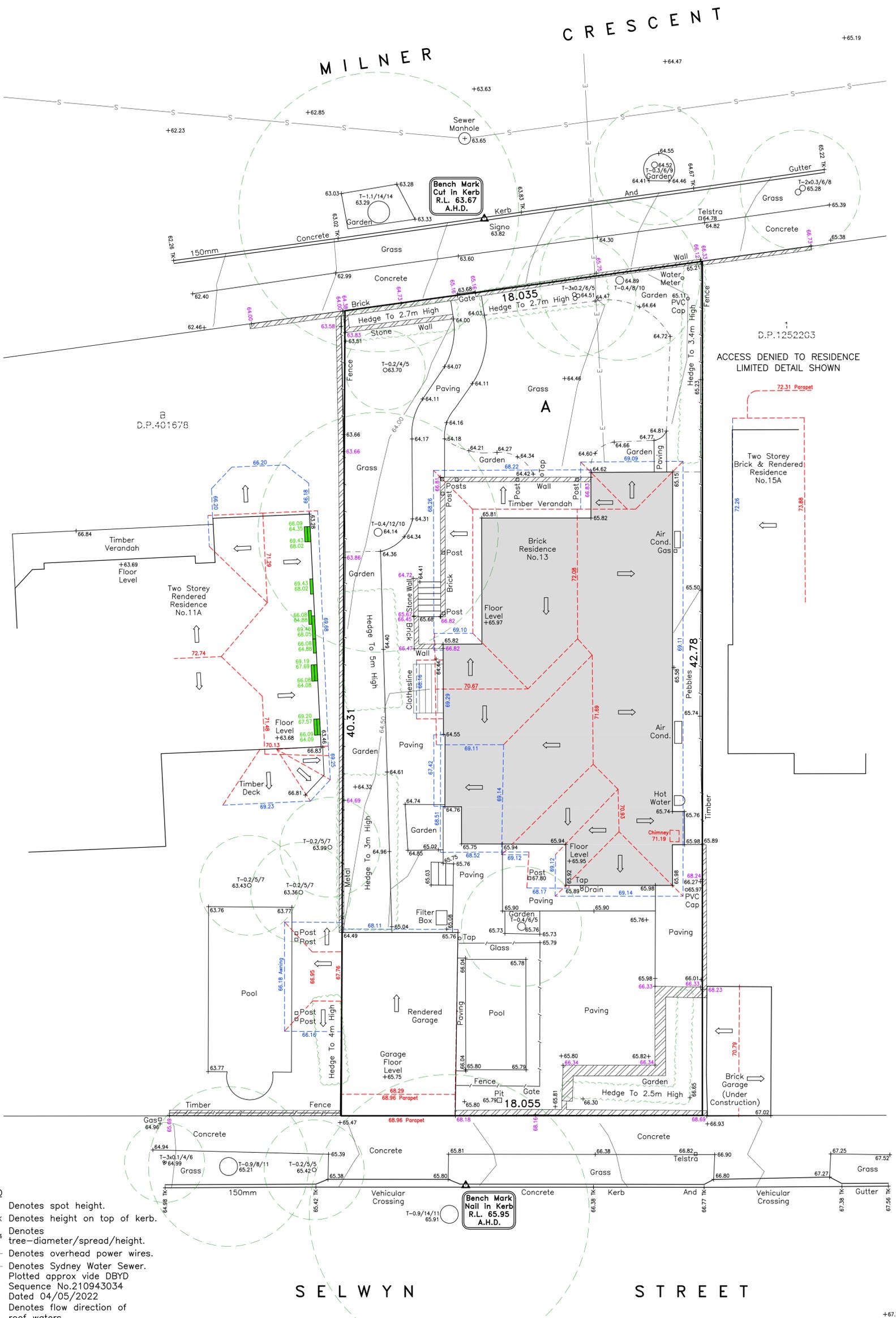
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Drawing Title <b>EXISTING ROOF PLAN</b>		Project <b>CHIDGLEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT</b>	
Nominated Registered Architects Mark O'neham - Reg No. 7130 Martin Hall - Reg No. 9854		Scales <b>1:200@A3</b>	
Job No.	Drawing No. <b>EX02</b>	Revision <b>DA</b>	





- LEGEND**
- +26.23 Denotes spot height.
  - +25.37 TK Denotes height on top of kerb.
  - Denotes tree—diameter/spread/height.
  - E — Denotes overhead power wires.
  - S — Denotes Sydney Water Sewer. Plotted approx vide DBYD Sequence No.210943034 Dated 04/05/2022
  - ⇒ Denotes flow direction of roof waters.
  - 79.37 --- Denotes ridge and levels.
  - 74.26 --- Denotes gutter and levels.
  - 63.14 --- Denotes level on top of wall. All walls Rendered, unless noted otherwise.
  - 76.85 --- Denotes window and levels.
  - 75.42 ---

ENCUMBRANCES NOTED ON TITLE FOLIO A/950140  
 1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANTS  
 2. COVENANT (A181290)

PER *B. Dewar*  
 BARRY DEWAR  
 REGISTERED SURVEYOR

Surveyed By:  
**Richards & Loftus**  
 surveying services

*Consulting Rooms*  
 49 Meredith Avenue  
 Hornsby Heights  
 NSW 2077

Phone: 0410 405 484  
 E-Mail: matt@rslsurveying.com.au  
 Registered Surveyor - Barry Dewar Id No. 8746

**NOTES**

- ORIGIN OF LEVELS SSM 52150 R.L. 70.01 A.H.D. CLASS 'B' VIDE SCMS APRIL 8, 2022
- TOTAL SITE AREA 746m<sup>2</sup> VIDE D.P. 950140

**SURVEY DISCLAIMER**

The intention of this survey is to provide selected detail, levels & contours, for design and DA purposes only. The survey is not intended to be an accurate location of the boundaries, or any feature in relation to the boundaries, unless specific distances from selected features to the boundaries are shown on the plan.

"Richards & Loftus Surveying Services" takes no responsibility for any distances scaled, or measured to the boundaries, from any version of this plan, be it electronic, paper or otherwise.

**TREE NOTE**

The spread and height of each tree is indicative only and cannot be shown accurately without further survey. The shape and size of the spread of the canopy may vary due to lack of uniformity of the branches and trunk. All tree trunks are measured at DBH, (Diameter at Breast Height) approximately 1.3 metres above ground level.

JOB No. :-	3127
DATE :-	SEPTEMBER 2023
SCALE :-	1:100
DATUM :-	A.H.D.
AZIMUTH :-	MAGNETIC NORTH
CLIENT :-	CHIDGEY
SURVEYED :-	B.D.
DRAWN :-	G.R.
JOB SET UP :-	G.R.
CHECKED :-	M.L.

**NORTH SYDNEY COUNCIL**

PLAN OF DETAIL, LEVELS AND CONTOURS

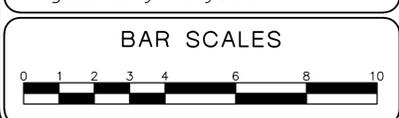
LOT A  
 D.P.950140  
 BEING No.13  
 MILNER CRESCENT

**WOLLSTONECRAFT**

REFERENCE :- 3127 DS

SHEET No. 1 OF 1

ISSUE :- **B**



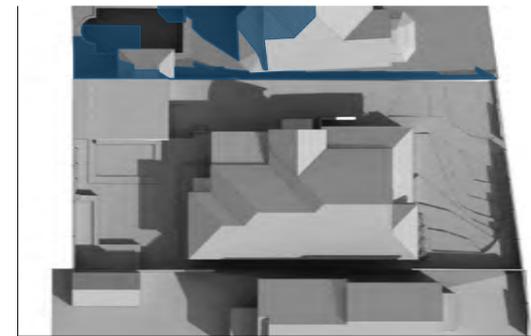
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A	05-05-22	ORIGINAL ISSUE	G.R.	M.L.



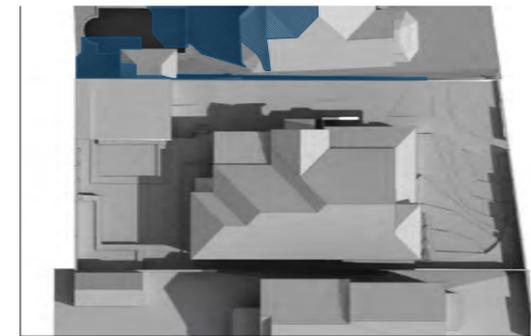
EXISTING JUNE 21 9AM



EXISTING JUNE 21 10AM



EXISTING JUNE 21 11AM



EXISTING JUNE 21 12PM

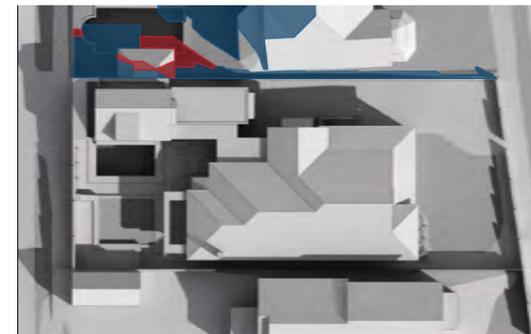
11A MILNER CRESCENT  
13 MILNER CRESCENT  
15A MILNER CRESCENT



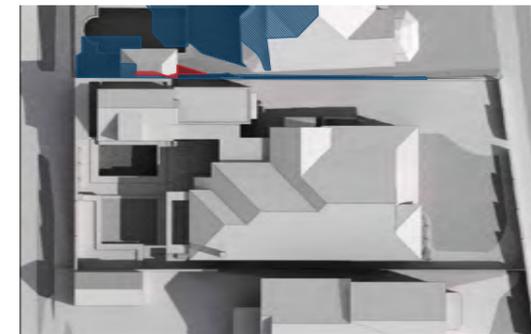
PROPOSED JUNE 21 9AM



PROPOSED JUNE 21 10AM



PROPOSED JUNE 21 11AM

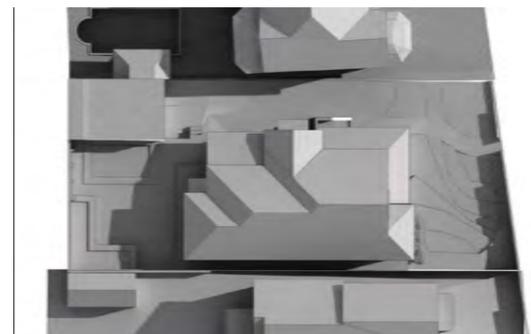


PROPOSED JUNE 21 12PM

11A MILNER CRESCENT  
13 MILNER CRESCENT  
15A MILNER CRESCENT



EXISTING JUNE 21 1PM



EXISTING JUNE 21 2PM

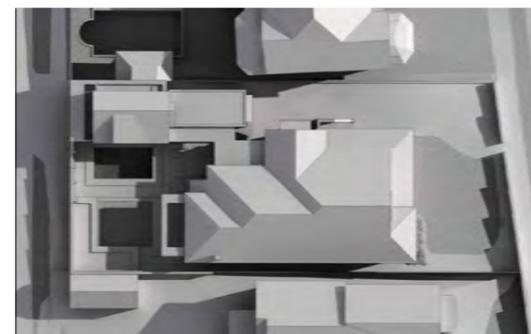


EXISTING JUNE 21 3PM

11A MILNER CRESCENT  
13 MILNER CRESCENT  
15A MILNER CRESCENT



PROPOSED JUNE 21 1PM



PROPOSED JUNE 21 2PM

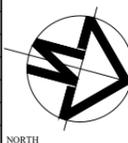


PROPOSED JUNE 21 3PM

11A MILNER CRESCENT  
13 MILNER CRESCENT  
15A MILNER CRESCENT

 EXISTING SHADOWS  
 ADDITIONAL SHADOWS FROM PROPOSAL

DA	DEVELOPMENT APPLICATION ISSUE	22.09.23	BM	MO															
REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED										



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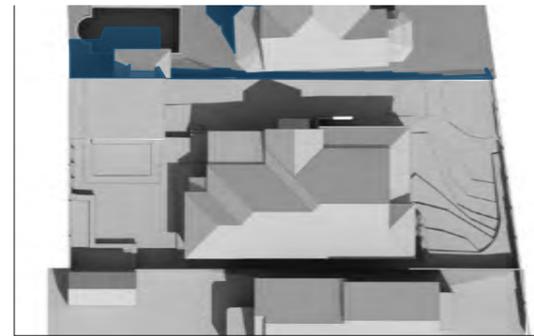
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Project  
CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT

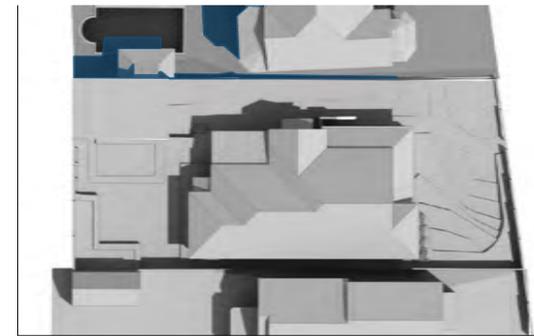
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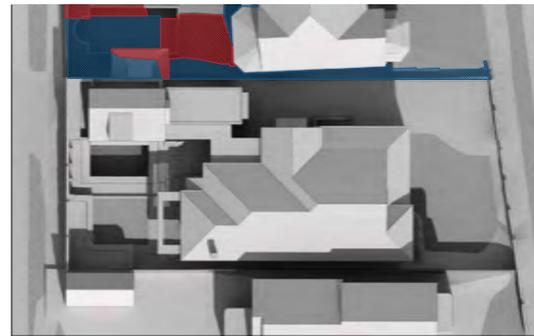


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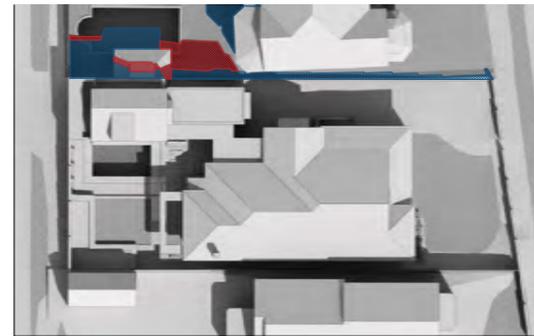
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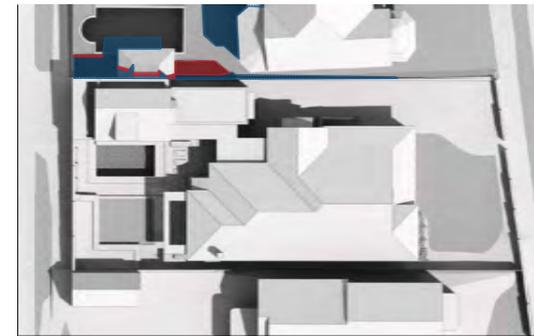
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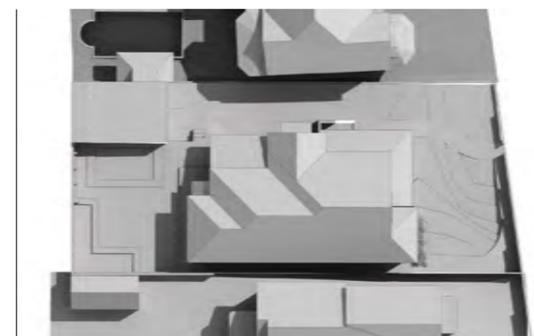
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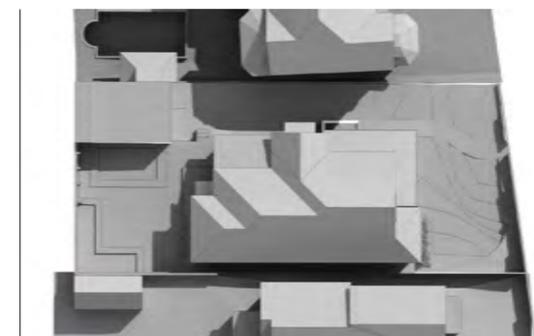
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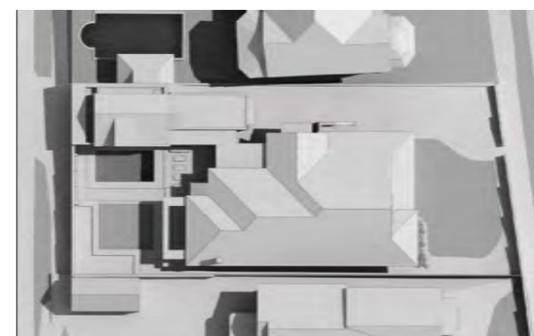


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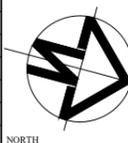


EXISTING SHADOWS



ADDITIONAL SHADOWS FROM PROPOSAL

DA	DEVELOPMENT APPLICATION ISSUE	22.09.23	AW	MO																
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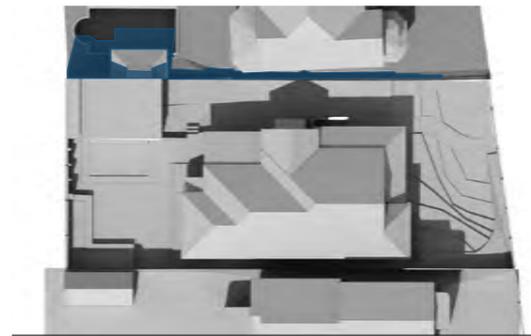
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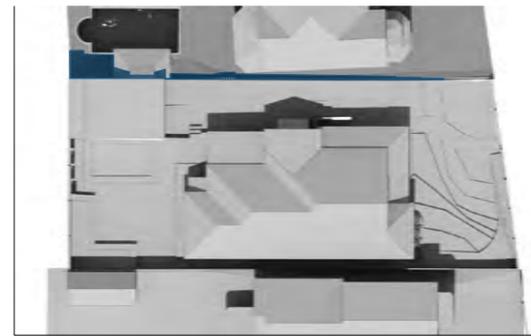
Drawing Title  
**SHADOW DIAGRAM MARCH 21 (EXISTING & PROPOSED)**

Project  
**CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT**

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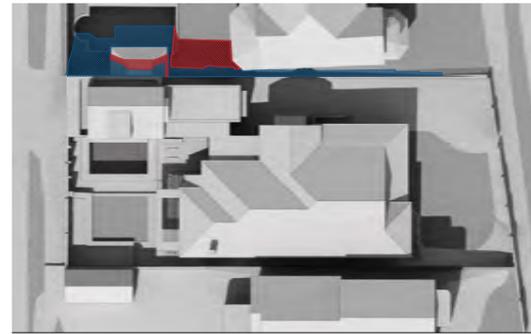


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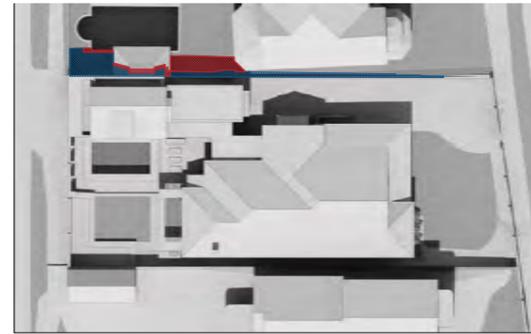


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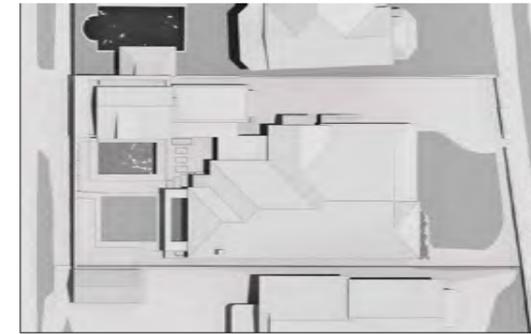
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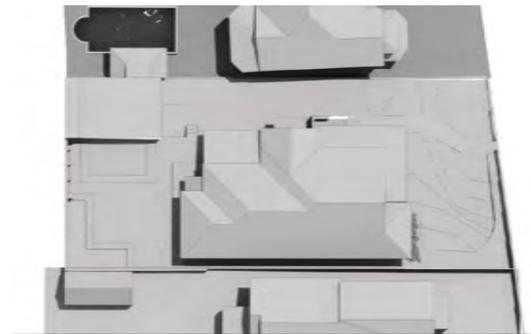


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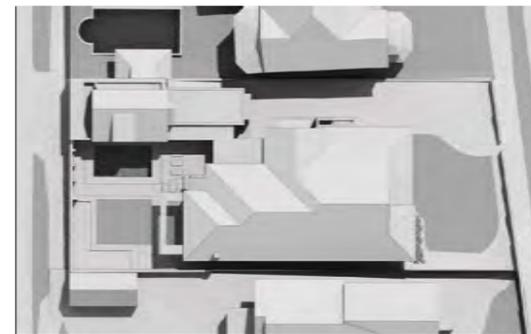


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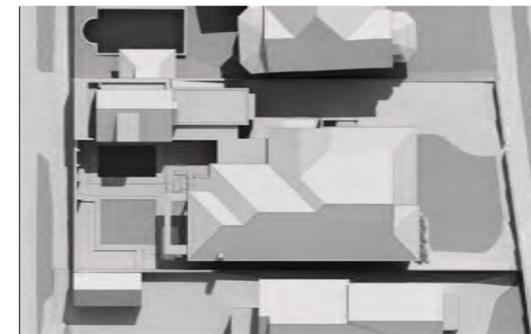
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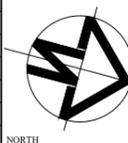


PROPOSED DECEMBER 21 3PM

11A MILNER CRESCENT  
13 MILNER CRESCENT  
15A MILNER CRESCENT

EXISTING SHADOWS  
 ADDITIONAL SHADOWS FROM PROPOSAL

REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED
DA	DEVELOPMENT APPLICATION ISSUE	22.09.23	BM	MO					



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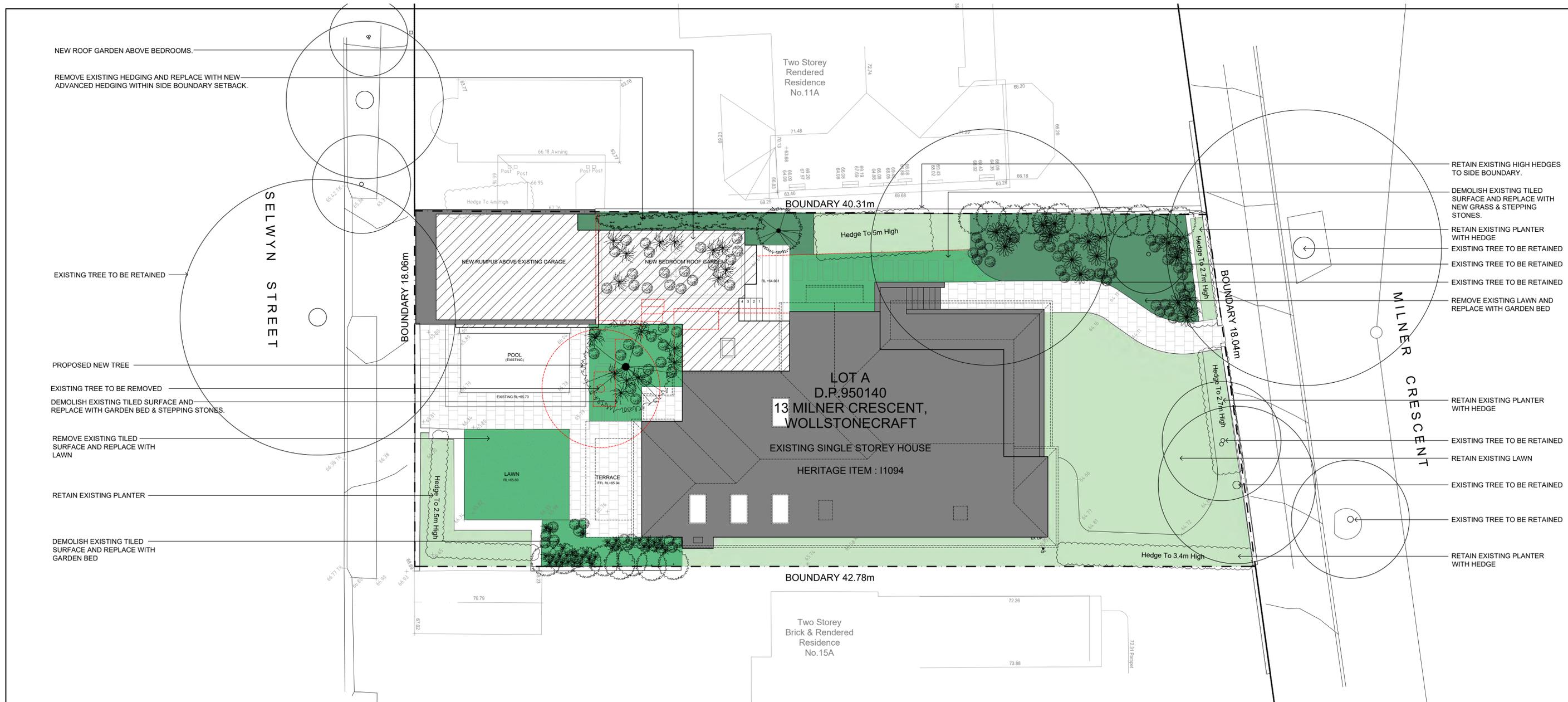
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Project		CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT	
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Scales	NTS	Job No.	
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**INDICATIVE PLANT SCHEDULE**

Key	Botanical Name	Common Name	Canopy	Height	Spacing	Pot Size
<b>Feature Trees</b>						
	<i>Acer palmatum</i>	Japanese Maple	4m	3m	n/a	100 litre
	<i>Lagerstroemia</i>	Crepe Myrtle	4m	4m	n/a	100 litre
	<i>Prunus serrulata</i> 'Mt. Fuji'	Flowering Cherry	5m	5m	n/a	100 litre
	<i>Prunus</i> 'Elvins'	Flowering Plum	3m	3m	n/a	100 litre
	<i>Malus x atrosanguinea</i> 'Gorgeous'	Crab Apple	4m	4m	n/a	100 litre
<b>Screen Planting</b>						
	<i>Viburnum odoratissimum</i>	Viburnum	Hedged 1m	Hedged 3m	750mm centres	25 litre
	<i>Syzygium australe</i>	Lilly Pilly	Hedged 1m	Hedged 3m	750mm centres	25 litre
	<i>Camellia japonica</i>	Japanese Camellia	Hedged 1m	Hedged 3m	750mm centres	25 litre
<b>Shrub Understorey / Ground covers / Climbers</b>						
	<i>Buxus sempervirens</i>	European Box	Hedged 1m	Hedged 0.6m	600mm centres	200mm pot
	<i>Gardenia jasminoides</i> 'Magnifica'	Gardenia Magnifica	1.5m	1.5m	600mm centres	200mm pot
	<i>Hydrangea macrophylla</i>	Hydrangea	1.5m	1.5m	600mm centres	200mm pot
	<i>Echium fastuosum</i>	Echium	1.5m	1.5m	600mm centres	200mm pot
	<i>Clivia miniata</i>	Clivia	0.9m	0.9m	450mm centres	200mm pot
	<i>Trachelospermum jasminoides</i>	Star Jasmine	n/a	n/a	600mm centres	150mm pot
	<i>Wisteria floribunda</i> 'Honbeni'	Wisteria	n/a	n/a	600mm centres	150mm pot

**LEGEND**

<b>Existing Landscaped Areas</b>		<b>Existing Dwelling Structure</b>	
<b>Proposed New Landscaped Areas</b>		<b>Proposed Alterations &amp; Additions</b>	
<b>Existing Lawn Converted to Garden</b>			

				<p><b>CASTLEPEAKE</b>                  Architecture                  Interior Design                  www.castlepeake.com.au</p>		<p>Drawing Title  <b>PROPOSED LANDSCAPE PLAN</b>                  Project  <b>CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT</b></p>														
DA	DEVELOPMENT APPLICATION ISSUE	17.10.23	BM	MO																
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# HERITAGE IMPACT STATEMENT

13 Milner Crescent, Wollstonecraft



18 September 2023



Cover Image: Photograph of the front gate, fence and façade of the dwelling located at 13 Milner Crescent, Wollstonecraft. (Source: NBRS, 2022)

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

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<b>ISSUED</b>	<b>REVIEW</b>	<b>ISSUED BY</b>
11 September 2023	Draft for Review	Krystal Pua
18 September 2023	<b>Final</b>	Krystal Pua



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## HERITAGE IMPACT STATEMENT FOR 13 MILNER CRESCENT, WOLLSTONECRAFT

### 1.0 INTRODUCTION

#### 1.1 BACKGROUND

This Heritage Impact Statement has been prepared in accordance with the standard guidelines of Heritage NSW to accompany an application for proposed works at 13 Milner Crescent, Wollstonecraft. The current proposal has been developed following detailed discussions and negotiations with North Sydney Council.

The proposal involves alterations and additions to the existing site. Details of the development proposal have been prepared by Castlepeake Architecture.

The subject property is listed as an item of local heritage significance on Schedule 5 of the *North Sydney Local Environmental Plan (LEP) 2013* as 'House,' item number I1094. It is also in the vicinity of 'House,' located at 17 Milner Crescent, Wollstonecraft (item number I1095).

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

#### 1.2 METHODOLOGY

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

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

#### 1.3 SITE LOCATION

The site is located on the southern side of Milner Crescent and to the north of Selwyn Street. It is identified as Lot A DP950140 by the NSW Land Registry Services (LRS).



Figure 1: Street map with the subject site circled red.  
(Source: NSW LRS, SIX Maps, maps.six.nsw.gov.au)



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

#### 1.4 HERITAGE MANAGEMENT FRAMEWORK

The subject property is listed as an item of local heritage significance on Schedule 5 of the *North Sydney Local Environmental Plan (LEP) 2013* as 'House,' item number I1094. It is also in the vicinity of 'House,' located at 17 Milner Crescent, Wollstonecraft (item number I1095).

Other heritage listed items in the vicinity of the subject site are visually and physically separated from the site by intervening development, local topography, roadways and distance, and do not warrant assessment as part of this report.

#### 1.5 AUTHORSHIP

This report was prepared by Krystal Pua, Senior Heritage Consultant, utilising the history and description from the previous report prepared by **NBRS** for the subject site, dated November 2022. This report was reviewed by Samantha Polkinghorne, Director of **NBRS**.

#### 1.6 LIMITATIONS

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

#### 1.7 COPYRIGHT

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

## 2.0 DOCUMENTARY EVIDENCE

### 2.1 THE CAMMERAYGAL PEOPLE

The Cammeraygal (or Gammerraigal) people are the traditional custodians of the North Sydney local government area, and one of the 29 clan groups of the Eora Nation. Historian, Dr Ian Hoskins, notes their territory 'is now thought to extend from Cremorne in the east, to Woodford Bay in the west, and probably to Middle Harbour'.<sup>1</sup> The Wallumedegal clan was also found on Sydney's north shore; their territory likely extending from Lane Cove to Parramatta.<sup>2</sup> One of the earliest mentions of the Cammeraygal clan appears in Governor Arthur Phillip's writings in 1790, in which he incorrectly characterises the clan as containing a 'chief':

*About the north-west of this harbour there is a tribe which is mentioned as being very powerful, either from their numbers or the abilities of their chief. The district is called Cammerra; the head of the tribe is named Cammerragal....*<sup>4</sup>

David Collins, the colony's deputy judge advocate, also described them in 1798:

*Of this last family or tribe we have heard Ben-nil-long [Woolarawarre Bennelong] and other natives speak (before we knew them ourselves) as of a very powerful people...We afterwards found them to be by far the most numerous tribe of any within our knowledge. It so happened, that they were also the most robust and muscular, and that among them were several of the people styled Car-rah-dy and Car-rah-di-gang [clever men]....*<sup>5</sup>



Figure 3: Engraving at Balls Head, c1900 (Source: Stanton Library Historical Services, LH REF PF149)

The earliest radiocarbon dated material, discovered in today's Cammeray, provides evidence of Aboriginal presence in the area dating 5,800 years. The local government areas of

<sup>1</sup> Ian Hoskins, *Aboriginal North Sydney*, Revised edition (North Sydney, NSW: North Sydney Council, 2019), 3.

<sup>2</sup> Hoskins, 3; Arthur Phillip, 'Governor Phillip to Lord Sydney, 13 February 1790', in *Historical Records of New South Wales*, ed. Alexander Britton, vol. 1, Phillip 1783-1792 (Sydney, NSW: Charles Potter, Government Printer, 1892), 309.

<sup>3</sup> Hoskins, *Aboriginal North Sydney*, 3.

<sup>4</sup> Phillip, 'Governor Phillip to Lord Sydney, 13 February 1790', 309.

<sup>5</sup> David Collins, *An Account of the English Colony in New South Wales: With Remarks on the Dispositions, Customs, Manners, &c. of the Native Inhabitants of That Country*, vol. 1 (London, UK: Printed for T. Cadell Jun. and W. Davies, 1798), 546.

Warringah, Willoughby, Lane Cove and North Sydney contain a combined 1,000 Aboriginal sites including middens, rock engravings, axe grinding grooves, carved trees and stone arrangements.<sup>6</sup> On Berry Island a sea creature, possibly a fish or whale, has been engraved. At Balls Head an engraving on a sandstone platform depicts a whale with a human figure, while rock paintings and hand stencils can also be found in some rock shelters in the area.<sup>7</sup>

These sites provide evidence of Aboriginal customs and use of the land over time. Midden deposits, of which over half in the Port Jackson catchment are found in the foreshore, offer clues as to how marine life formed the main food source for Sydney's coastal groups.<sup>8</sup> Traditionally the women fished the harbour aboard bark canoes (*nowie*) using lines and hooks (*carr-e-jun* and *burra*), while from ashore the men used multi-pronged spears or fish-gigs (*callarr* and *mooting*).<sup>9</sup> Artworks produced by colonial observers illustrate a harbour which continued to serve Aboriginal people throughout the 19th century.



Figure 4: Fish hooks of New South Wales and a feather of the cassowary, c1789, from Journal of a voyage to New South Wales: with sixty-five plates of non-descript animals, birds, lizards, serpents, curious cones of trees and other natural productions by John White, London: Printed for J Debrett, 1790 (Source: State Library of NSW, MRB/ Q991/ 2A2)

<sup>6</sup> Hoskins, *Aboriginal North Sydney*, 2 and 6.

<sup>7</sup> Hoskins, 6; Sandra Bowdler, 'Balls Head: The Excavation of a Port Jackson Rock Shelter', *Records of the Australian Museum* 28, no. 7 (4 October 1971): 117–28.

<sup>8</sup> Valerie Attenbrow, 'Archaeological Evidence of Aboriginal Life in Sydney', *The Dictionary of Sydney*, 2012, [https://dictionaryofsydney.org/entry/archaeological\\_evidence\\_of\\_aboriginal\\_life\\_in\\_sydney](https://dictionaryofsydney.org/entry/archaeological_evidence_of_aboriginal_life_in_sydney).

<sup>9</sup> Grace Karskens, 'Barangaroo and the Eora Fisherwomen', *The Dictionary of Sydney*, 2014, [https://dictionaryofsydney.org/entry/barangaroo\\_and\\_the\\_eora\\_fisherwomen](https://dictionaryofsydney.org/entry/barangaroo_and_the_eora_fisherwomen); Grace Karskens, *The Colony: A History of Early Sydney* (Crows Nest, NSW: Allen & Unwin, 2010), 40.

Aboriginal presence continued in Sydney well after the smallpox epidemic of 1789, known to Aboriginal people as *gal-gal-la*, killed an estimated half of the Aboriginal population.<sup>10</sup> As historian, Paul Irish, notes in *Hidden in Plain View*, throughout the 19<sup>th</sup> century Aboriginal settlements formed along Sydney's coastal fringes. From the 1860s Aboriginal people used wooded areas between Lavender Bay and Neutral Bay to camp.<sup>11</sup> Livingston Mann, whose family resided in Neutral Bay from 1863, described how Aboriginal people would 'forage for miles around and pretty well clean out all the opossums and other matter fit for digestion.'<sup>12</sup>

Today local place names reflect the area's Aboriginal past such as Cammeray and Kirribilli (meaning 'good fishing spot'). Other place names in the Sydney language, though not widely known, have survived in the records and include Warrungarea (Blues Point), Gooerrbahree (Lavender Bay) and Weeyuh Weeyuh (Careening Cove).<sup>13</sup>



Figure 5: Sydney from the North Shore, 1827, Joseph Lycett (Source: Dixon Galleries, State Library of New South Wales, DG SV1 / 13)

<sup>10</sup> Karskens, *The Colony*, 374.

<sup>11</sup> Paul Irish, *Hidden in Plain View: The Aboriginal People of Coastal Sydney* (Sydney, NSW: NewSouth Publishing, 2017), 109.

<sup>12</sup> Livingston F Mann, 'Early Neutral Bay', *Journal and Proceedings of the Royal Australian Historical Society* 18, no. 4 (1932): 196.

<sup>13</sup> North Sydney Heritage Centre, 'North Sydney's Aboriginal Past', North Sydney Heritage Leaflet 1 (North Sydney, NSW: North Sydney Council, 2016), [https://www.northsydney.nsw.gov.au/Library\\_Databases/Heritage\\_Centre/Leaflets\\_Walks\\_Publications/Heritage\\_Leaflets](https://www.northsydney.nsw.gov.au/Library_Databases/Heritage_Centre/Leaflets_Walks_Publications/Heritage_Leaflets); Ian Hoskins, *Sydney Harbour: A History* (Sydney, NSW: UNSW Press, 2009), 4; Valerie Attenbrow, 'Aboriginal Placenames around Port Jackson and Botany Bay, New South Wales, Australia', in *Aboriginal Placenames: Naming and Re-Naming the Australian Landscape*, ed. Luise Hercus and Harold Koch, Aboriginal History Monograph 19 (Canberra, ACT: ANU Press and Aboriginal History Inc, 2009), 33.

## 2.2 THE BERRY ESTATE

The subject site forms part of a 524-acre estate originally granted to the merchant, Edward Wollstonecraft, in 1821. The land comprised today's Wollstonecraft, Waverton and much of Crows Nest. He built Crows Nest Cottage in about 1821, which was among the first houses in the North Shore and planted a garden and orchard. The cottage was demolished in about 1904-05 and the site now contains the Crows Nest Uniting Church on Shirley Road.<sup>14</sup>

The Wollstonecraft Estate passed to Wollstonecraft's sister, Elizabeth Berry, in 1832 and then to her husband, Alexander Berry. Berry began selling parts of the estate from the 1830s. He then subdivided the land on the eastern part of the estate in 1853, after which it became known as the Berry Estate.<sup>15</sup> After Berry's death in 1873, the land passed to his brother, David Berry. After his death in 1889 the remaining land passed to Berry's cousin, John Hay via an application by transmission.<sup>16</sup>



Figure 6: Crows Nest Cottage photographed prior to its demolition, 1904 (Source: State Library of NSW, SPF/387)

<sup>14</sup> Ian Hoskins, 'Crows Nest Cottage', At Home in North Sydney, 2014, <https://www.athomeinnorthsydney.com.au/crows-nest-cottage.html>.

<sup>15</sup> Ian Hoskins, "We Will See a Town Rising": A History of North Sydney', 10, [https://www.northsydney.nsw.gov.au/Library\\_Databases/Heritage\\_Centre/Leaflets\\_Walks\\_Publications/We\\_will\\_see\\_a\\_town\\_rising\\_A\\_history\\_of\\_North\\_Sydney](https://www.northsydney.nsw.gov.au/Library_Databases/Heritage_Centre/Leaflets_Walks_Publications/We_will_see_a_town_rising_A_history_of_North_Sydney).

<sup>16</sup> Ian Hoskins, 'Waverton', The Dictionary of Sydney, 2010, <https://dictionaryofsydney.org/entry/waverton>; Ian Hoskins, 'Wollstonecraft/Berry Estate', 2014, <https://www.athomeinnorthsydney.com.au/berry-estate.html>; North Sydney Heritage Centre, 'From Land Grant to Subdivision: A Walking Tour of the Berry Estate, Wollstonecraft', North Sydney History Walk (North Sydney, NSW: North Sydney Council, n.d.), 2.

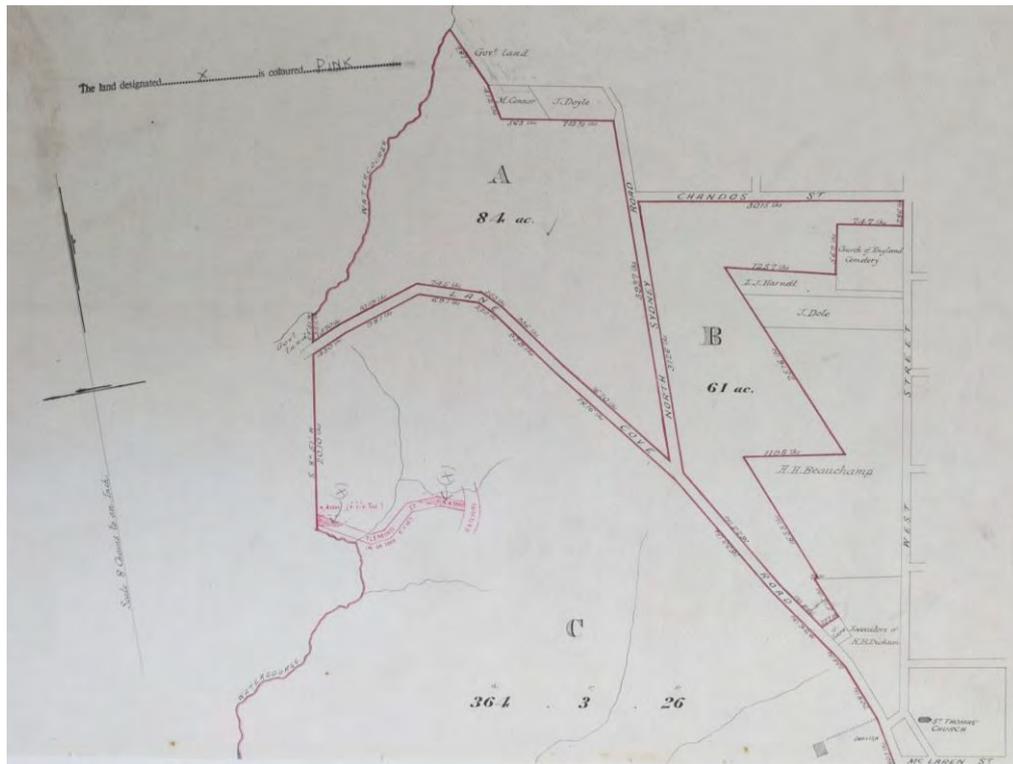


Figure 7: Block plan featuring part of the extensive Berry Estate eventually passed to Alexander Berry, Certificate of Title dated 16 August 1872 (Source: NSW Land Registry Services, Vol 144, Fol 103)



Figure 8: Block plan featuring part of the Berry Estate which passed to John Hay and James Norton showing the newly formed streets including Milner Crescent, Certificate of Title dated 6 October 1897 (Source: NSW Land Registry Services, Vol 1232, Fol 74)

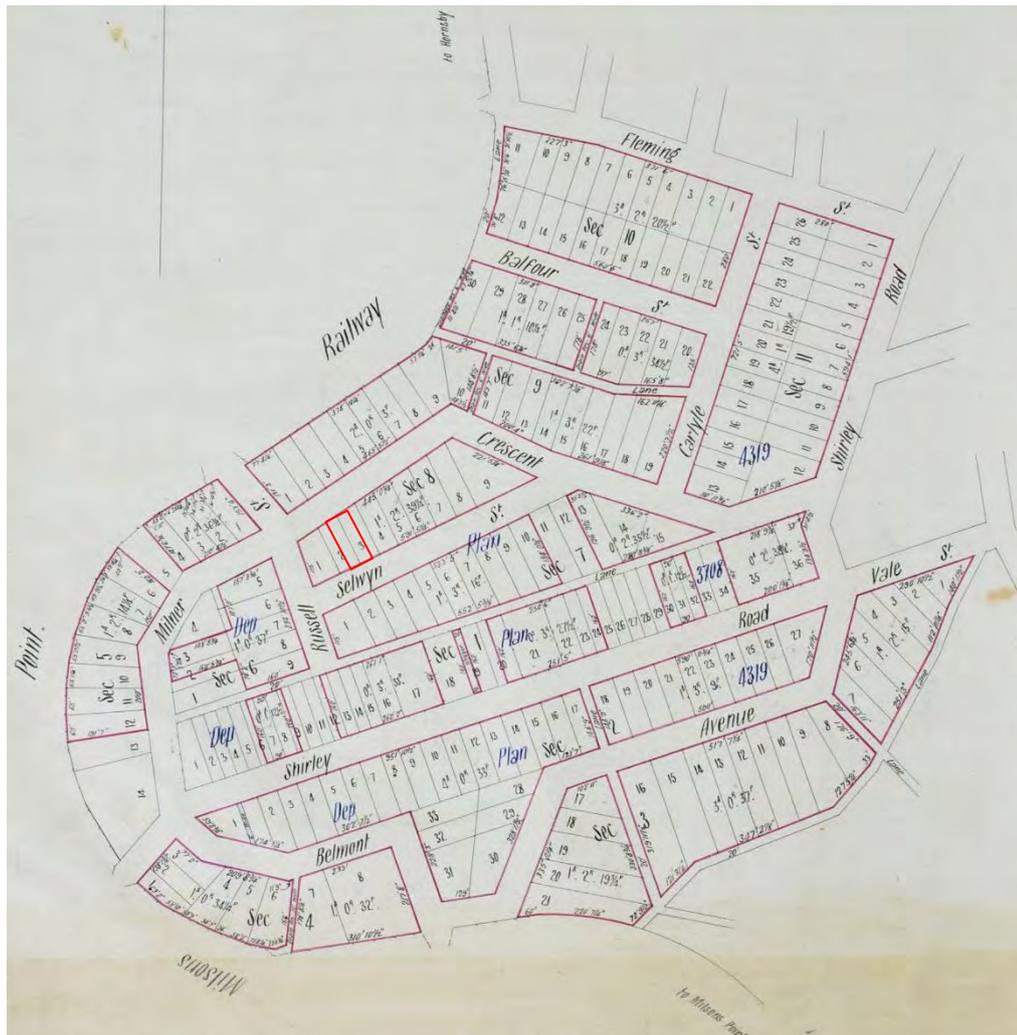


Figure 9: Block plan featuring lots 3 and 4 of section 8 (subject site outlined red) on Milner Crescent, Certificate of Title dated 29 August 1906 (Source: NSW Land Registry Services, Vol 1717, Fol 196)

The subject site was contained in Block C (totalling 364 acres, three roods and 26 perches) of the Berry Estate (Figure 7). It then formed part of a smaller portion, totalling 146 acres, three roods and 10 perches (Figure 8) which was transmitted to Hay and James Norton, solicitor, as trustees of the estate. The pair then subdivided the estate and the subject site was contained in part of lots 3 and 4 of section 8 (Deposited Plan 4319). The subdivision was first offered for 'private sale' in 1904, auction sale in December 1910 and for private sale again in 1914 (Figure 10, Figure 11 and Figure 12).



Figure 10: Berry's Estate Subdivision Plan showing the subject site (outlined), 1904 (Source: State Library of NSW, Z/SP/W14/5)



Figure 11: Berry's Estate Subdivision Plan showing the subject site (outlined), 3 December 1910 (Source: State Library of NSW, Z/SP/W14/4)

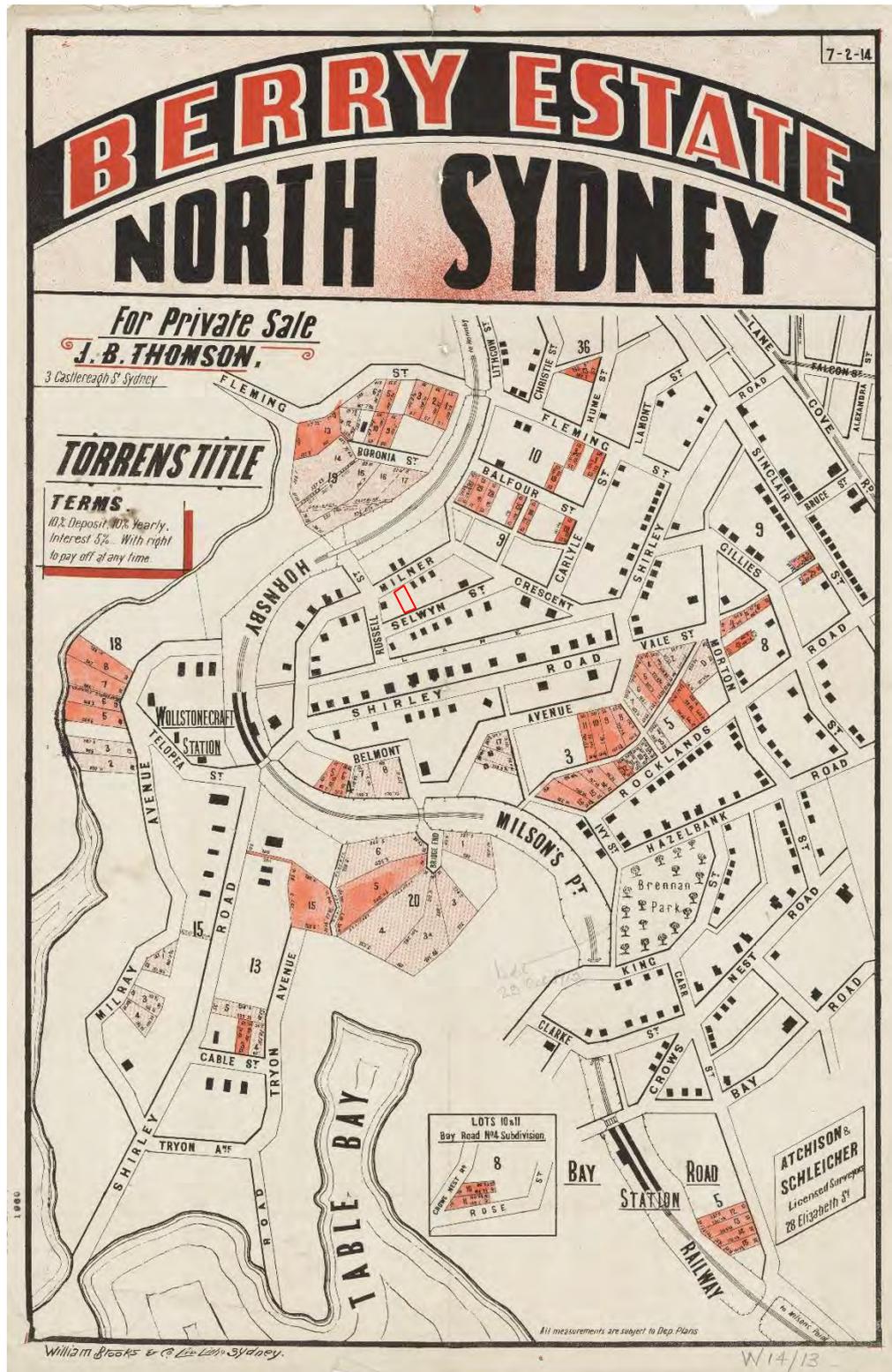


Figure 12: Berry's Estate Subdivision Plan showing the subject site (vacant, outlined), 7 February 1914 (Source: State Library of NSW, Z/SP/W14/13)

## 2.3 HISTORY OF THE SUBJECT SITE

### 2.3.1 OWNERSHIP OF THE SUBJECT SITE

The subject site, part of lots 3 and 4 of section 8 of the Berry Estate totalling 29 and a half perches, was transferred to William John Adams of North Sydney, Engineer in June 1915. The Certificate of Title stipulated:

- A) That no building shall be erected within 20 feet of the building line of Milner Crescent
- B) That any building on the said land shall be erected to front Milner Crescent...
- C) Only one house shall be erected on the said land
- D) That any building erected on the said land shall be constructed in a proper and workmanlike manner of brick and/or stone with slate or tiled roof at a cost of not less than...£500...<sup>17</sup>

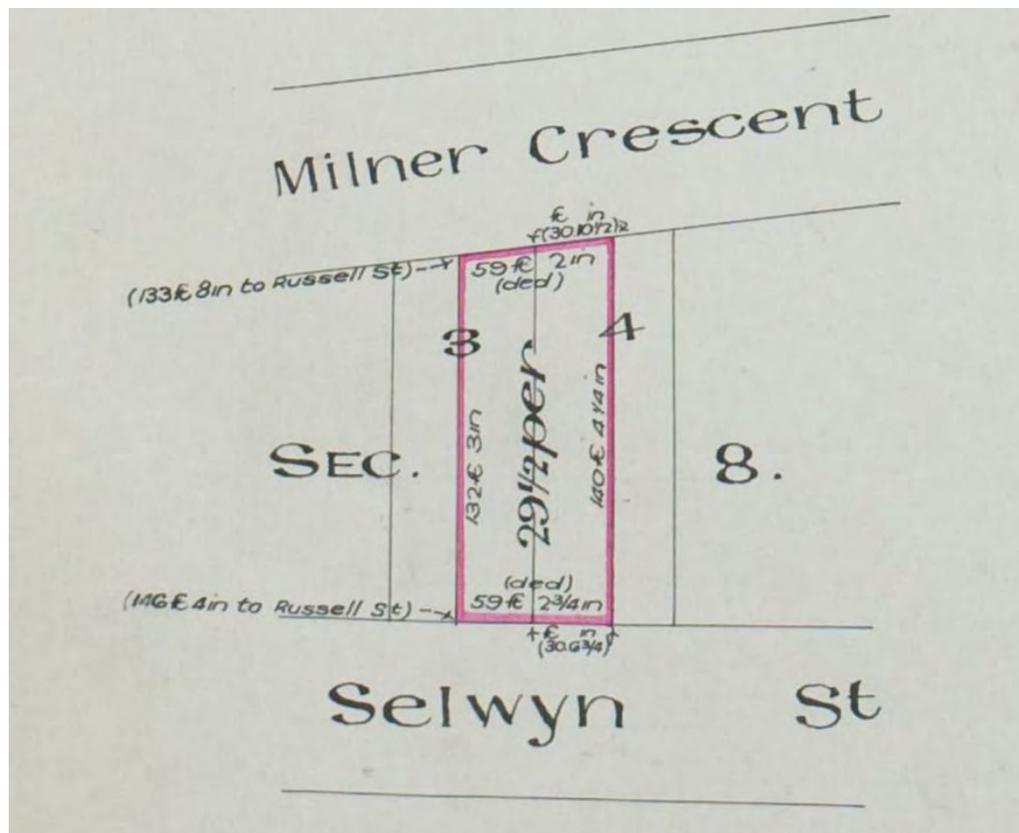


Figure 13: Block plan featuring the subject site, Certificate of Title dated 30 June 1915 (Source: NSW Land Registry Services, Vol 2585, Fol 209)

The following table summarises the chain of title as it appears in the Old Form Torrens Register online:

Date	Instrument	From	To	Vol-Fol
20/12/1918	Transfer	William John Adams	Emma Maria Jackson, wife of Arthur McDonald Jackson of Wollstonecraft, machinery agent	2585-209

<sup>17</sup> NSW Land Registry Services, Old Form Torrens Register, 1915, Vol 2585, Fol 209.



18/12/1918	Mortgage	Emma Maria Jackson	Minnie Keans, widow, Minnie Beatrice Keans, spinster, and William Smauel Keans, business Manager of Stanmore	" "
20/12/1918	Mortgage	Emma Maria Jackson	William John Adams	" "
12/07/1920	Transfer	Emma Maria Jackson	Esther Jane Counsell, wife of Charles Frederick Counsell, grazier	" "
30/09/1922	Transfer	Esther Jane Counsell	Arthur Muston of Sydney, Merchant	" "
2/11/1923	Transfer	Arthur Muston	Alice Ward of Wollstonecraft, widow	" "
21/07/1926	Application by transmission	Alice Ward	Ida Gwendoline Ward of Wollstonecraft, spinster, and George Joseph Evatt of Wollstonecraft, Irrigation Commissioner	" "
21/05/1926	Transfer	Ida Gwendoline Ward and George Joseph Evatt	Emily Brundel Ward of Wollstonecraft, spinster	" "
23/08/1955	Application by transmission	Emily Brundel Ward	Henry Macourt of Leura, retired journalist, and George Evatt of Wollstonecraft, Company Director	" "
17/11/1955	Transfer	Henry Macourt and George Evatt	Edith Miller Ward and Ida Gwendoline Ward	" "
17/04/1962	Transfer		Ida Gwendoline Ward as sole surviving joint tenant	7119-120
27/07/1962	Transfer	Ida Gwendoline Ward	David Surrey Littlemore of Beecroft, architect	" "
12/02/1990	Application by transmission	David Surrey Littlemore	Agnes Mould Littlemore	" "

### 2.3.1 CONSTRUCTION OF THE SUBJECT SITE (1917)

On 3 June 1915 a building application was submitted by James Briton to construct a 'cottage residence' on lot 4 and part of lot 3 of section 8 on Milner Crescent for William J Adams.<sup>18</sup> The building application notes it was to be constructed of brick on concrete with a slate roof at a height of 11 feet and constructed 30 feet from the building line. According to Sands Directories and rate and valuation book searches contained in the Heritage Centre at Stanton Library, the house was constructed in about 1917 and was named 'Adamsford'.

The 1911-13 year notes the site was owned by 'A E Johnston' and contained 'land' valued at £188 (assessment no. 2121). The 1917-19 valuation record notes the property was occupied

<sup>18</sup> Building application supplied by Heritage Centre, Stanton Library, North Sydney Council, 24 August 2022.

by William J Adams and contained a house, 'Adamsford', with the land valued at £360 and an improved value of £1,500, indicating the house was valued at £1,140.<sup>19</sup>

One article published in 1922 described the house as a 'Specially attractive Brick Cottage'.<sup>20</sup> The Sands Directory listings indicate the house was occupied by W J Adams and then the family of Emma Maria Jackson and Arthur McDonald Jackson, from about 1918 to 1920.<sup>21</sup> The Ward family lived at the subject site from about 1922 until the early 1960s.

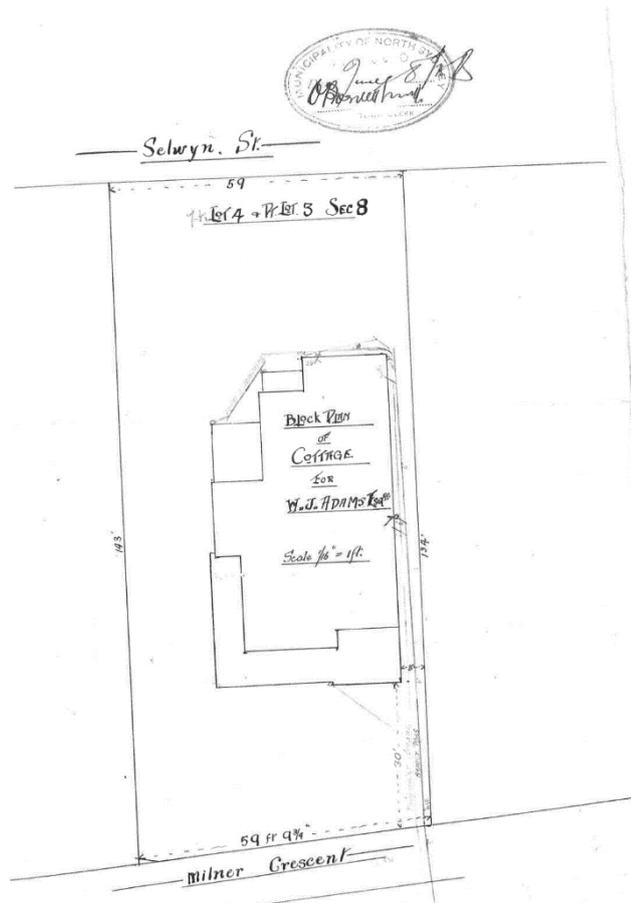


Figure 14: Block plan of the cottage constructed on the subject site for W J Adams, June 1915 (Source: Heritage Centre, Stanton Library, North Sydney)

The following table provides the street directory listings for the subject site as it appears in the Sands Directory:

Year	Occupant, house name (street number)	Page no.
1932-33	Miss E B Ward (13)	665
1931	Miss E B Ward (13)	686
1930	Miss E B Ward (13)	686
1929	Miss E B Ward (13)	677
1928	Miss E B Ward (13)	633
1927	Miss E B Ward (13)	604
1926	Not listed	

<sup>19</sup> North Sydney Rate and Valuation Book Search Form, Heritage Centre, Stanton Library, North Sydney Council, 24 August 2022.

<sup>20</sup> 'Advertising', *Sydney Morning Herald*, 29 June 1922, 12, <http://nla.gov.au/nla.news-article16010140>.

<sup>21</sup> 'Family Notices', *Sydney Morning Herald*, 16 March 1920, 4, <http://nla.gov.au/nla.news-article15869589>.

1925	Mrs Alice Ward (13)	560
1924	Mrs Alice Ward (13)	517
1923	Alexander Simpson (13)	615
1922	Alexander Simpson (17)	603
1921	A M Jackson (no number)	575
1920	A M Jackson (no number)	556
1919	W J Adams (no number)	537
1918	Adams -, 'Adamsford' (no number)	570
1917	Not listed	
1916	Not listed	
1915	Not listed	

## 2.4 AERIAL PHOTOGRAPH OF THE SUBJECT SITE

The following aerial photograph illustrates the subject site and surrounds as captured in 1943. The aerial clearly shows that the current garage, located towards the southwest corner of the subject site, had not been constructed at this time.



Figure 15: 1943 aerial photograph featuring the subject site outlined in red and highlighted in yellow. (Source: NSW Spatial Services, SIX Maps)

## 3.0 PHYSICAL EVIDENCE

### 3.1 SITE CONTEXT

The subject site is located in Wollstonecraft, NSW, approximately 6.5 kilometres north of the Sydney Central Business District (CBD). The site is located within a residential area, which is characterised by mostly single storey as well as two storey dwellings and multi-storey apartment blocks. These are a mix of different styles, constructed during different eras, including from the late 1800s/early 1900s, through to the 2010s. A range of tree species also line the surrounding streets on either side.

The following photographs were taken by Christiane Moodie, Senior Heritage Consultant of NBRS in August 2022.



Figure 16: View of the dwellings to the north on the opposite side of Milner Crescent to the subject site.



Figure 17: The properties which surround the subject site contain dwellings which are a mix of different styles, as exemplified by dwellings located at 24 Milner Crescent.



Figure 18: Looking east along the northern side of Milner Crescent, on the opposite side of the road to the subject site.



Figure 19: 11A Milner Crescent, located directly to the west of the subject site. The subject site is indicated by the red arrow.



Figure 20: The heritage item located at 17 Milner Crescent.



Figure 21: 17 and 15 Milner Crescent, located directly to the east of the subject site.



Figure 22: Recent development at 15 Milner Crescent. The subject site is indicated by the red arrow.



Figure 23: Property located at 3 Selwyn Street, located to the southwest, on the opposite side of Selwyn Street to the subject site.



Figure 24: Rear garages of 11 and 11A Milner Crescent, which back onto Selwyn Street. The subject site is to the east of these properties.



Figure 25: View of the rear portions of 11A, the subject site, and 15 Milner Crescent, from Selwyn Street, looking north. The subject site is indicated by the red arrow.

### 3.2 DESCRIPTION OF THE SITE AND THE EXTERIOR

The subject site is located on a mostly flat block which slopes slightly to the west. The site is bounded by Milner Crescent to the north and Selwyn Street to the south. Residential allotments are located directly to the east and west of the subject site.

The site slopes slightly to the west and comprises a dwelling which is setback from the northern and southern boundaries of the site, with a smaller setback between the dwelling and the properties directly to the east and west.

The front (northern) yard comprises a grassed area, with a number of plantings. The front fence comprises a low brick fence on the street side of the northern boundary, and a low hedge on the property side of the northern boundary.

The rear yard comprises a garage, which is accessed from the Selwyn Street, towards the southwest corner of the site, as well as a pool which is located directly to the east of the garage. The remaining portions of the rear yard comprise a paved area with planter boxes and plantings. The rear yard area is separated from Selwyn Street to the south via a tall concrete wall. The tall concrete wall extends along the southern portion of the eastern boundary of the site, whilst the northern portion of the eastern façade is a tall picket fence, portions of which, are hidden from view via tall bushes. Apart from a few low hedges, there are no fences which separate the subject site from the property to the west. Pedestrian access to the site from Milner Crescent is via a sandstone pathway which runs north-south

along the western boundary of the site, connecting the rear yard area to a metal-gated entry along the front fence.

The single storey dwelling is of asymmetrical proportions and is constructed in brick and timber with a stone base. The dwelling is topped by a slate roof consisting of a series of gabled and hipped roof forms with sections of exposed rafter ends and terracotta ridge and hip capping. Two brick chimneys are located towards the eastern edge of the roof, as well as centrally atop the roof. The front (northern) façade comprises painted brick walls, with fibro or timber boards with timber battens to the upper portions of the walls and gable end. The top portion of the gable contains a decorative terracotta feature. A covered verandah with low, painted brick walls wraps around the front façade as well as a portion of the western façade. The remaining portions of the verandah retain original timber joinery, including posts. The eastern portion of the front facade contains timber-framed windows with highlights above. Access to the front verandah is via a set of stone steps located towards the northern end of the western façade.

The remaining portions of the façade are either painted brick or have exposed timber battens. Windows along the remaining facades are timber-framed and either double-hung, fixed or casements. Some of the windows have awnings containing decorative joinery, including timber brackets. The rear (southern) façade has been modified and comprises later, timber-framed concertina doors which provide access from the internal spaces of the dwelling to the rear yard.



Figure 26: View of the front fence of the subject site looking west from Milner Street. The subject dwelling is indicated by the red arrow.



Figure 27: View of the subject site looking east from the front of 11A Milner Crescent. The subject dwelling is indicated by the red arrow.



Figure 28: The eastern portion of the front (northern) façade of the subject dwelling, looking east.



Figure 29: The front (northern) façade of the subject dwelling, looking east.



Figure 30: The western portion of the front (northern) façade of the subject dwelling, looking west.



Figure 31: The western portion of the front façade of the subject dwelling, and the neighbouring dwelling at 11A.



Figure 32: The northern portion of the side (western) façade, looking north.



Figure 33: The northwest corner of the dwelling, looking south towards the entry stairs.



Figure 34: Looking north towards the rear of the entry stairs and the western façade.



Figure 35: The southern portion of the western façade, looking east towards the external laundry door.



Figure 36: Stairs which connect the pathway along the western side of the dwelling to the rear yard.



Figure 37: The western portion of the southern façade, including the door which provides access to the rear portion of the dwelling.



Figure 38: The eastern portion of the rear (southern) façade, looking east towards the neighbouring property.



Figure 39: Looking south towards the rear wall which separates the property from Selwyn Street.



Figure 40: The garage and pool area located within the southwest corner of the property.



Figure 41: The pool area, garage, landscaping associated with the rear yard of the subject property. The neighbouring property at 11A can be seen in the background to the right of the image.



Figure 42: The eastern façade of the subject dwelling to the left of the image, and the side (eastern) boundary fence separating the site from 15 Milner Crescent to the right of the image.



Figure 43: Looking northeast from the southeast corner of the dwelling towards the neighbouring property at 15 Milner Crescent.

### 3.3 DESCRIPTION OF THE INTERIOR

The original front (northern) portion of the dwelling is generally intact. The interior is accessed via a timber-panelled door with an upper section containing a fixed decorative leadlight window. The door is surrounded by highlights and sidelights, with matching leadlight.

The configuration of the interior of the dwelling comprises an entry hallway, a master bedroom with walk-in-wardrobe, two further bedrooms (one of which used to be the formal living space), two bathrooms, study, laundry, dining, lounge, and kitchen. The entry hallway and bedrooms retain original and early features including decorative plaster ceilings, cornices, upper wall grilles, plastered walls, cornices and timber floorboards. The kitchen and bathrooms contain modern fitouts with associated fixtures and fittings. Fireplaces have been retained in the lounge room, master bedroom and second bedroom (former living space).

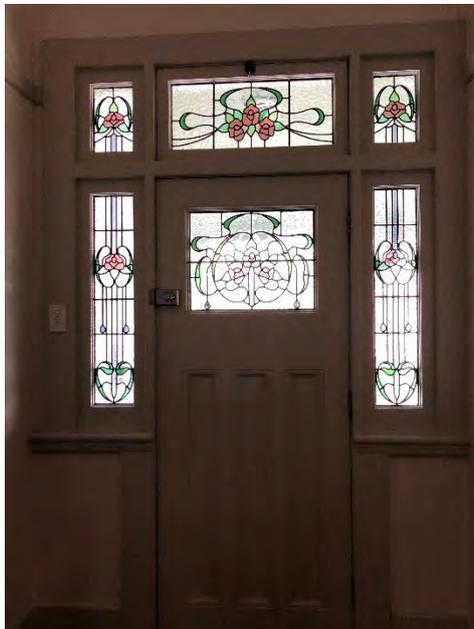


Figure 44: View of the front door from the entry hallway.



Figure 45: Decorative ceiling above the entry hallway.



Figure 46: Master bedroom, looking west, located within the northern portion of the dwelling.



Figure 47: Decorative ceiling located within the master bedroom.



Figure 48: Doors providing access between the master bedroom and the front verandah space.



Figure 49: Door and highlight connecting the master bedroom and wardrobe.



Figure 50: Enclosed verandah area, now a wardrobe area for the master bedroom.



Figure 51: Doorway leading from the main hallway into one of the bedrooms.



Figure 52: One of the bedrooms located within the northern portion of the dwelling.



Figure 53: In-built cupboards at the entry to one of the bathrooms.



Figure 54: One of the bathrooms, with later fitout.



Figure 55: One of the bedrooms located along the western portion of the dwelling, looking east.



Figure 56: Windows along the western side of one of the bedrooms.



Figure 57: Ceiling in one of the bedrooms.



Figure 58: Door connecting the main hallway to one of the bathrooms.



Figure 59: Second bathroom, with later fitout.



Figure 60: Looking north from halfway down the main hallway towards the main bedroom.



Figure 61: Looking north from the kitchen and living area towards the main hallway.



Figure 62: Kitchen, with later fitout, looking east.



Figure 63: Lounge area, located towards the rear (southern) portion of the dwelling, looking southeast.



Figure 64: The rear (southern) portion of the dwelling, looking south.



Figure 65: Looking west from the kitchen area towards doors leading to the laundry (left) and study (right).



Figure 66: Laundry area, looking west.



Figure 67: Study, looking southwest.

### 3.4 VIEWS

Primary views of the subject site are those available from Milner Crescent. Views of the front façade of the dwelling become obscured in each direction along Milner Crescent, due to the consistent front setback of dwellings along the street, the height of neighbouring properties, and plantings which are located along the edge of the street and within the front yards of neighbouring properties.

There are also limited views of the rear (southern portion) of the site available from Selwyn Street. Views of the rear of the site become obscured in each direction along Selwyn Street, due to the consistent rear setback of dwellings which back onto Selwyn Street, as well as due to the height of neighbouring properties and plantings located within the rear and side yards of neighbouring properties. Views of the rear of the subject dwelling are also partially obscured from Selwyn Street, due to the tall fence which separates the site from Selwyn Road. Properties located on neighbouring allotments to the east and west block most views of the side (east and west) facades available from both Milner Crescent as well as Selwyn Street.

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

## 4.0 ESTABLISHED HERITAGE SIGNIFICANCE

### 4.1 HERITAGE STATUS

The subject property is listed as an item of local heritage significance on Schedule 5 of the *North Sydney Local Environmental Plan (LEP) 2013* as 'House,' item number I1094. It is also in the vicinity of 'House,' located at 17 Milner Crescent, Wollstonecraft (item number I1095).

Details of these items are included below.

Other heritage listed items in the vicinity of the subject site are visually and physically separated from the site by intervening development, local topography, roadways and distance.



Figure 68: Excerpt from the North Sydney LEP 2013 heritage map. The subject site is outlined in blue. (Source: North Sydney LEP 2013, Heritage Map HER\_001)

### 4.2 SIGNIFICANCE OF THE SUBJECT SITE

The following Statement of Significance for the 'House' at 13 Milner Crescent, Wollstonecraft, is sourced from the NSW Heritage Database, reference number 2180935:

*Interesting and attractive Arts and Crafts detailed house which demonstrates the best domestic and vernacular features of the style. Characteristic of the vicinity, with some good timber details.*

### 4.3 SIGNIFICANCE OF THE ITEM IN THE VICINITY

The following Statement of Significance for the 'House' at 17 Milner Crescent, Wollstonecraft, is sourced from the NSW Heritage Database, reference number 2180933L

*Good example of a late Queen Anne Style house in a street exhibiting a range of styles centred around the single storey form. Characteristic of the vicinity and the period.*

## 5.0 THE PROPOSAL

The proposed development, designed by Castlepeake Architecture, involves alterations and additions to the site and dwelling. The proposed works include the following:

- o Alterations to the rear section of the existing garage and a first floor addition;
- o Extension to the rear section of the existing dwelling including a single storey addition and roof garden linking to the existing garage;
- o Partial removal of existing walls to the existing dwelling to create new door opening to the lounge, and new built in wardrobe to Bed 1;
- o Modification to wet areas including the relocation of the kitchen and addition of new ensuite to Bed 1;
- o Alterations to existing external walls and openings including the removal of a recent window, and construction of new openings to the east, rear and western facades;
- o New skylights to the existing dwelling;
- o New metal awning with operable louvres to the rear of the existing dwelling;
- o New barbeque area to the existing terrace located to the rear of the house;
- o Removal of 1 no. existing tree;
- o Upgrade to existing landscape to include new sandstone paths and steps to the new addition, and upgrade to garden;

The aim of the proposal is to improve the existing amenity, whilst retaining the heritage values of the site and existing dwelling.

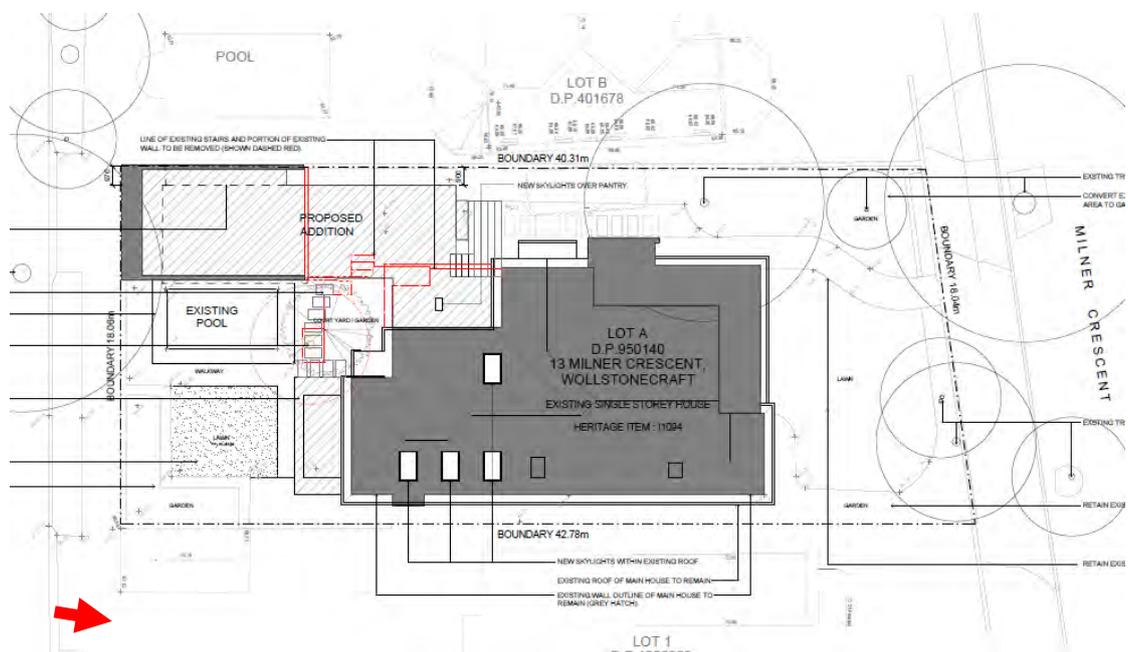


Figure 69: Site plan. (Source: Castlepeake Architecture)



Figure 70: Proposed ground floor plan. (Source: Castlepeake Architecture)

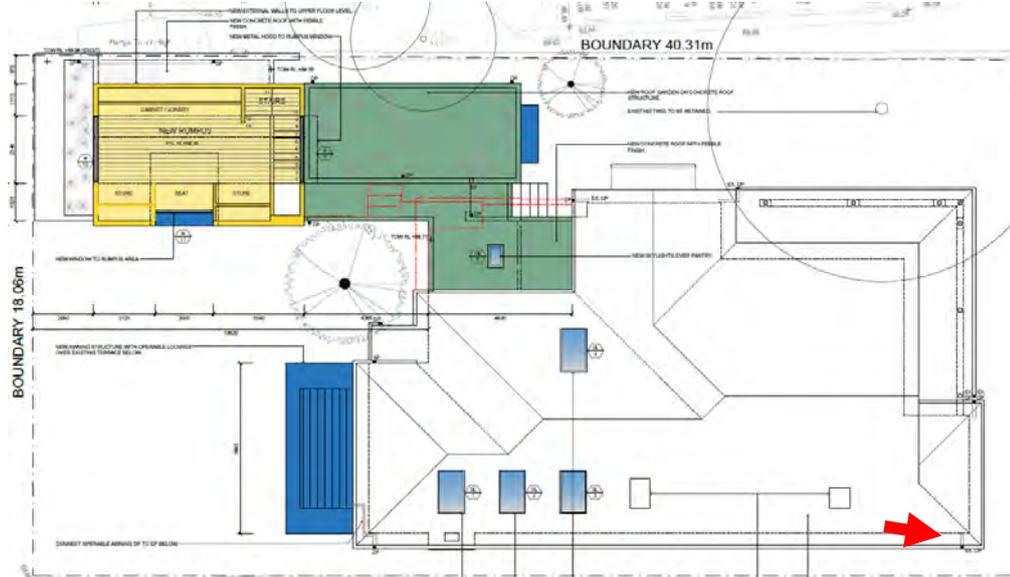


Figure 71: Proposed upper floor plan. (Source: Castlepeake Architecture)

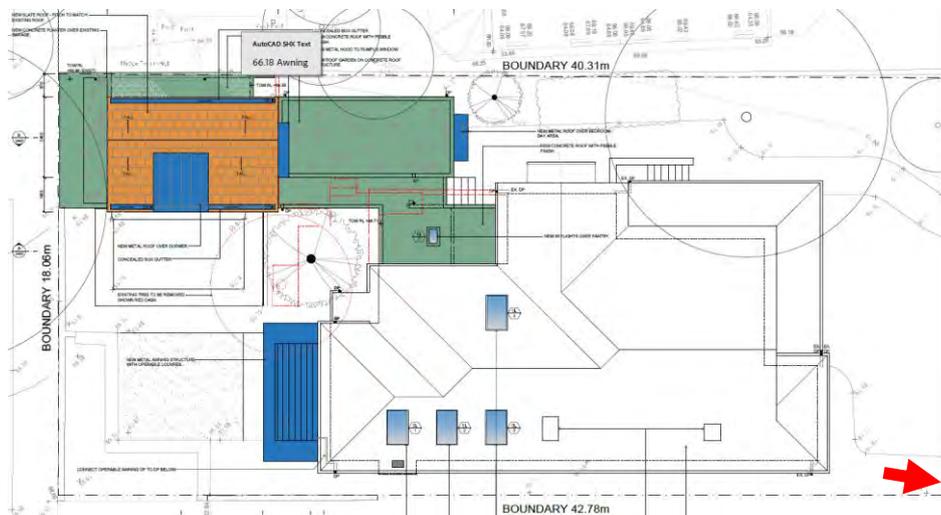


Figure 72: Proposed roof plan. (Source: Castlepeake Architecture)

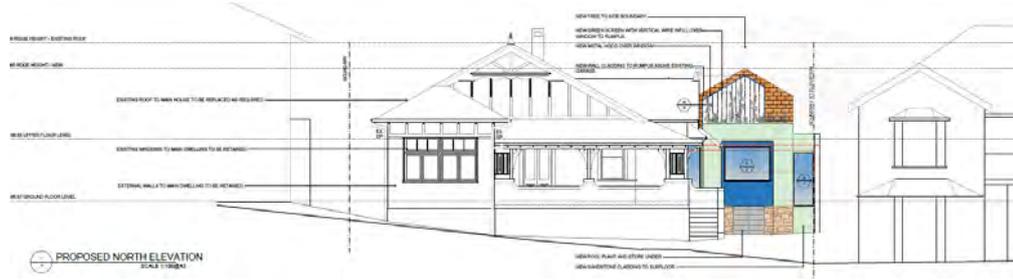


Figure 73: Proposed north elevation. (Source: Castlepeake Architecture)



Figure 74: Proposed south elevation. (Source: Castlepeake Architecture)

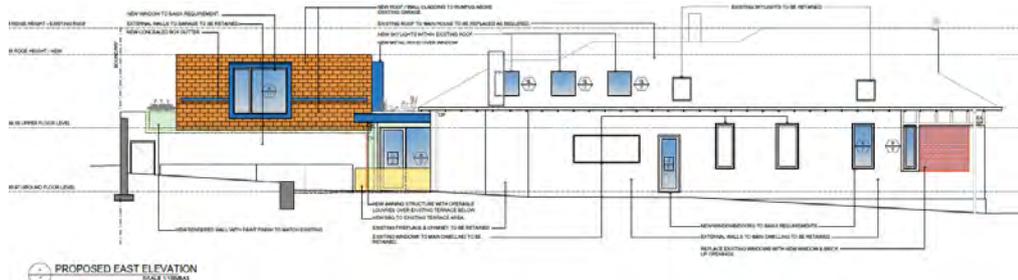


Figure 75: Proposed east elevation. (Source: Castlepeake Architecture)

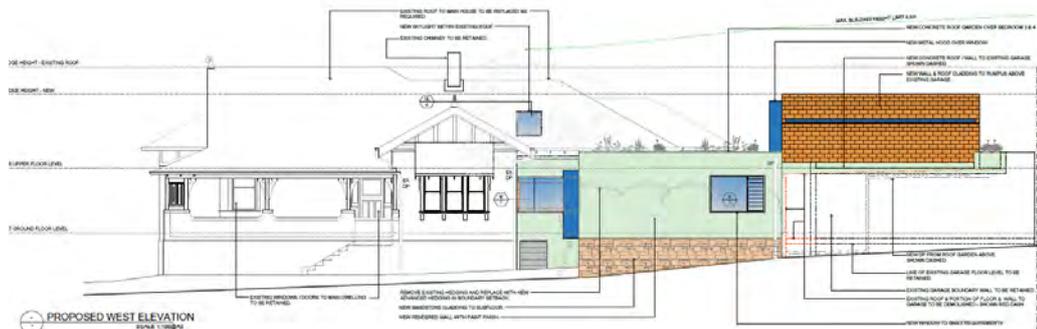


Figure 76: Proposed west elevation. (Source: Castlepeake Architecture)



Figure 77: Proposed section A. (Source: Castlepeake Architecture)

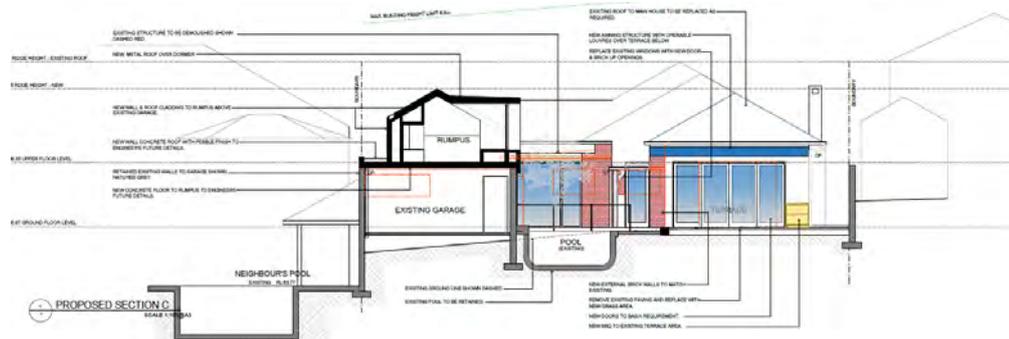


Figure 78: Proposed section C. (Source: Castlepeake Architecture)

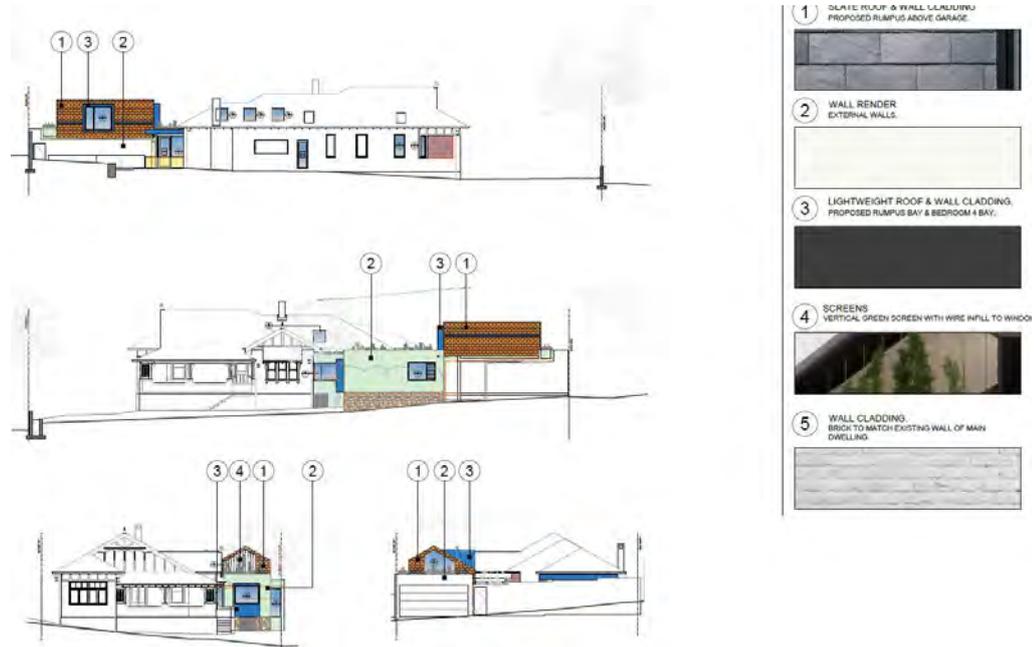


Figure 79: Proposed external materials and finishes. (Source: Castlepeake Architecture)



## 5.1 DOCUMENTATION EVALUATED

The following drawings, prepared by Castlepeake Architecture, were reviewed as part of the preparation of this report:

DRAWING NO.	DRAWING TITLE	ISSUE	DATE
DA00	SITE ANALYSIS	DA	SEPT 2023
DA01	PROPOSED SITE PLAN	DA	SEPT 2023
DA02	PROPOSED GROUND FLOOR PLAN	DA	SEPT 2023
DA03	PROPOSED UPPER FLOOR PLAN	DA	SEPT 2023
DA04	PROPOSED ROOF PLAN	DA	SEPT 2023
DA05	PROPOSED NORTH & SOUTH ELEVATIONS	DA	SEPT 2023
DA06	PROPOSED EAST & WEST ELEVATIONS	DA	SEPT 2023
DA07	SECTIONS A & B	DA	SEPT 2023
DA08	SECTIONS C & D	DA	SEPT 2023
DA09	SECTIONS E & F	DA	SEPT 2023
EF01	SCHEDULE OF EXTERNAL FINISHES	DA	SEPT 2023
L01	PROPOSED LANDSCAPE PLAN	DA	SEPT 2023
SC01	SITE COVERAGE CALCULATION PLAN	DA	SEPT 2023
SK01	STUDY OF IMPACT OF WORKS TO SECONDARY STREETSCAPE	DA	SEPT 2023



## 6.0 ASSESSMENT OF HERITAGE IMPACT

### 6.1 INTRODUCTION

This Heritage Impact Statement has been prepared in relation to the following impact assessment criteria: the *North Sydney Local Environmental Plan (LEP) 2013*, the *North Sydney Development Control Plan (DCP) 2013* and the New South Wales Heritage Office (now NSW Heritage Division) guidelines, *Altering Heritage Assets* and *Statements of Heritage Impact*, contained within the NSW Heritage Manual.

### 6.2 OVERVIEW OF POTENTIAL HERITAGE IMPACTS

PROPOSED WORKS	HERITAGE IMPACT
Retention of the external form and architectural detailing and overall character of the original dwelling, as it presents to Milner Crescent.	<ul style="list-style-type: none"> <li>Positive heritage impact</li> </ul> <p>The retention and conservation of the existing primary façade components which present to Milner Crescent, as well as the overall built form, building envelope, and existing features of the main dwelling which will retain the existing contribution and understanding of the heritage item. It also enables the building to continue to positively contribute to the established character of the surrounding streetscape, as well as retain a positive visual relationship with the heritage item in the vicinity, which also presents to Milner Crescent.</p>
<p>Alterations to existing external walls and external openings of the house including:</p> <ul style="list-style-type: none"> <li>- Removal of an existing window and brick up the opening along the eastern façade;</li> <li>- Addition of a new door opening along the eastern façade of the existing dwelling to service the new laundry space in the place of the existing bathroom;</li> <li>- Addition of a new door opening along the southern façade of the existing dwelling for new entry from the pool and garden area into the new kitchen;</li> <li>- Widen the existing opening to the rear southern façade between the living space and terrace;</li> <li>- Removal of existing walls and construction of new walls to the rear southern and western façade to accommodate the new kitchen and rear addition.</li> </ul>	<ul style="list-style-type: none"> <li>Acceptable heritage impact</li> </ul> <p>The removal of existing fabric is acceptable as these works are minor and reasonable in order to improve existing amenity. The alterations to the external walls and opening, in particular to the rear section of the house will involve areas which have already undergone recent changes.</p> <p>There are no changes proposed to the primary Milner Cres façade of the existing dwelling, and so the architectural character of the existing dwelling will be conserved and will continue to be appreciated from the public domain.</p>



<p>Alterations and addition to the rear section of the dwelling and garage, including:</p> <ul style="list-style-type: none"> <li>- Single storey extension with roof garden linking the existing dwelling and the rear section of the existing garage;</li> <li>- Upper storey addition to the existing garage</li> </ul>	<ul style="list-style-type: none"> <li>• Acceptable heritage impact</li> </ul> <p>The proposed alterations and additions are located to the rear section of the site between the existing dwelling and garage. This will allow the retention of the existing dwelling and will minimize intervention and potential impact to the existing fabric of the house. The integrity of the existing dwelling can be retained and conserved.</p> <p>The upper storey addition located to the garage is acceptable as it is located to a small section to the rear corner of the site, which will minimize potential impacts to views and vistas, as well as minimizing impacts to the streetscape. Generally, the scale, bulk and built form of the new addition are sympathetic to the heritage item and its surrounding.</p> <p>All new work to the building will utilize contemporary materials that will be distinguishable from the existing features of the house, and will be clearly identifiable as new.</p>
<p>Internal alterations to existing dwelling, including:</p> <ul style="list-style-type: none"> <li>- Removal of a section of the existing brick wall to the existing walk in robe, retaining end nibs and header;</li> <li>- Addition of new partition walls and construction of new ensuite to Bed 1;</li> <li>- Removal of a section of the existing wall for new door opening into the existing lounge;</li> <li>- Relocation of the existing kitchen</li> </ul>	<ul style="list-style-type: none"> <li>• Acceptable heritage impact</li> </ul> <p>The proposed removal of a portion of the existing brick wall to the walk in robe area is only to the extent of creating a new opening for the new wardrobe/ storage. The proposal will retain the end nibs to the brick wall as well as the brick header. The works are acceptable as it will allow the wall to be interpreted.</p> <p>The new wet areas to the dwelling are acceptable as they are intended to improve the existing amenity and will support the ongoing use of the site and building. They will be identifiable as new construction through the use of modern materials, fixtures and fittings, to ensure significant original features of the house remain legible.</p> <p>All the abovementioned works are internal and will not impact the external appearance of the existing dwelling. The works are not visible from the exterior. As such, these works will have no impact on the dwelling's</p>



	<p>contribution to the surrounding streetscapes, or its relationship with the heritage item in the vicinity.</p>
<p>New skylights to the existing dwelling</p>	<ul style="list-style-type: none"> <li>Acceptable heritage impact</li> </ul> <p>The proposed skylights are set well back from the primary façade.</p> <p>The skylights are acceptable to support the ongoing use of the dwelling through the way in which it will provide additional daylight to the internal spaces of the house.</p>
<p>Alterations to existing landscaping and garden, including:</p> <ul style="list-style-type: none"> <li>Addition of a new awning over the terrace area towards the rear of the site;</li> <li>Addition of a new outdoor barbeque bench towards the southeast corner of the dwelling;</li> <li>Replacement of existing paving area with new garden;</li> <li>New planting and garden areas</li> </ul>	<ul style="list-style-type: none"> <li>Neutral heritage impact</li> </ul> <p>The removal of paving and the addition of new grass in its place, as well as the addition of new garden bed with plantings will enhance the garden setting surrounding the dwelling, and in turn, its presentation to the surrounding streetscape and heritage item in the vicinity.</p> <p>The new outdoor barbeque bench and awning will be located towards the rear portion of the site to ensure the presentation of the primary façade to Milner Crescent is retained unaltered. The new awning and barbeque area are of an appropriate height, size and scale to ensure they do not overpower the reading of the existing dwelling. They will be clearly contemporary through the use of modern materials, to ensure adjacent significant original and early fabric remains legible.</p> <p>All landscaping works are appropriate and acceptable to the existing site and building.</p>

### 6.3 EVALUATION OF THE GUIDELINES OF THE NSW HERITAGE DIVISION

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

- Do the proposed works include removal of unsympathetic alterations and additions? How does this benefit or impact the heritage item and its significance?*
- Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?*



- *Are the proposed works to a heritage item that is also significant for its Aboriginal cultural heritage values? If so, have experts in Aboriginal cultural heritage been consulted?*
- *Has the applicant checked if any other approvals or a separate process to evaluate the potential for impacts is required?*
- *If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered?*
- *Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised or mitigated?*

**Comment:**

Generally, the extent of the proposed alterations and additions are located to the rear of the site and existing dwelling. In addition, the existing rear section of the house has undergone recent alterations. The alterations to the external fabric of the existing house are minimal. As the proposed addition is located to the rear of the site, the existing primary north façade fronting Miler Crescent will remain unchanged, retaining the front appearance of the house and its streetscape contribution. The scale of the proposed extension linking the house and the garage, and the new upper floor addition to the garage are acceptable and will ensure the integrity of the existing house is retained and conserved.

The site has no identified Aboriginal heritage values, and is located on a portion of the site that has previously been disturbed, there for the likely hood of finding any unexpected artefacts, or archaeological items, is very low.

Overall, the setting of the heritage item, including views and vistas will not be significantly impacted by the proposed works. The proposal generally adheres to the heritage and conservation controls and is consistent with the objectives in the *North Sydney Development Control Plan 2013*.

**6.3.1 MINOR PARTIAL DEMOLITION (INCLUDING INTERNAL ELEMENTS)**

- *Is the demolition essential for the heritage item to function?*
- *Are important features of the item affected by the demolition (eg fireplaces in buildings)?*
- *Is the resolution to partially demolish sympathetic to the heritage significance of the item (eg creating large square openings in internal walls rather than removing the wall altogether)?*
- *If the partial demolition is a result of the condition of the fabric, is it certain that the fabric cannot be repaired?*

**Comment:**

The minor demolition works are reasonable in order to support the ongoing and future use of the site and dwelling. The overall form and character of the original dwelling as it presents to Milner Crescent, will be retained. In particular, the external facades and the original external features of front (northern) façade of the original dwelling will be retained and will continue to be appreciated. Significant, original and early internal features will also be retained where possible, including decorative plaster ceilings, cornices and walls, upper wall grilles, timber picture rails, timber floorboards, skirting boards, architraves, door leaves, windows and fireplaces. Significant, adjacent fabric will be protected. The removal of later elements will have no impact on significant fabric.

## 6.3.2 MINOR ADDITIONS

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

### Comment:

The proposed extension linking the rear section of the house and the rear section of the garage, and the upper storey addition to the garage are located to the rear section of the site. This will ensure the integrity of the existing dwelling is retained and can be conserved. In addition, most of the internal alterations are located to the rear section of the house, at areas that which have undergone recent changes and contain little if any early significant fabric. All new work will be identifiable as new construction through the use of contemporary materials, fixtures and fittings, to ensure original and early significant features of the house remain legible.

The scale, bulk, height and built form and detailed design of additions have been carefully considered to ensure new additions do not visually dominate significant features of the heritage item. Views to and from the primary (northern) façade of the dwelling are retained.

This report is limited to the assessment of potential impacts on the European cultural heritage values of the site and does not include archaeological assessment. As such, no archaeological assessments of the site were undertaken.



Figure 80: 3D render showing the existing house, looking north towards the site from Selwyn Street. (Source: Castlepeake Architecture, 2023)



Figure 81: 3D render showing the house and the proposed addition, looking north towards the site from Selwyn Street. (Source: Castlepeake Architecture, 2023)

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

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

#### **Comment:**

The subject site is located in the vicinity of 'House,' located at 17 Milner Crescent, Wollstonecraft (item number I1095).

The proposal does not involve any changes to any fabric associated with the heritage item in the vicinity. The physical fabric and overall form associated with the heritage item in the vicinity will therefore be retained unaltered.

The subject site and heritage item in the vicinity are separated by a dual occupancy at 15 Milner Crescent. Due to the location, height, bulk and form of the neighbouring dual occupancy, as well as the slope of the land, the heritage item in the vicinity is only partially visible from the subject site. The subject site and heritage item in the vicinity are separated by a recent development.



The aim of the proposal is also to retain the historic character of the subject site, as well as maintain the positive relationship it has with the surrounding streetscapes. This has been achieved through locating the extension and addition to the rear of the site, and maintaining sympathetic size, bulk and built form. Furthermore, the landscaping which surrounds the subject dwelling as well as the front façade of the subject dwelling, including its overall form and architectural features, will be retained. As such, the subject site will continue to maintain a positive visual relationship with the surrounding streetscape, and in turn, the heritage item in the vicinity.

Overall, the proposed alterations and additions to the site are acceptable from a heritage perspective, as the established heritage significance and character of the heritage item in the vicinity will be retained and the public and users of the item in the vicinity will still be able to view and appreciate its significance.

This report is limited to the assessment of potential impacts on the European cultural heritage values of the site and does not include archaeological assessment. As such, no archaeological assessments of the site were undertaken.

#### 6.3.4 NEW LANDSCAPE WORKS AND FEATURES (INCLUDING CARPARKS AND FENCES)

- *How has the impact of the new work on the heritage significance of the existing landscape been minimised?*
- *Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated?*
- *Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented?*
- *Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?*
- *How does the work impact on views to, and from, adjacent heritage items?*

#### Comment:

The proposal involves upgrade to the existing landscape features located within the front and rear yards of the site. These works will be limited to the removal of paving, addition of lawn areas, planter boxes and garden beds with plantings, as well as the addition of a new awning and barbeque area.

All new plantings will be of an appropriate size and location to ensure the landscaped garden setting is retained surrounding the dwelling. As such, its aesthetic significance will continue to be appreciated.

Existing paving located within the southern (rear) portion of the site is not an early or original feature of the site and therefore does not contribute to an understanding of its significance. As such, the proposed removal of the paving is acceptable from a heritage perspective. The new barbeque area and awning are located to the rear of the house, and therefore, will have no impact upon the presentation of the primary façade of the dwelling to Milner Crescent.

Views of the dwelling from the public domain, particularly views to and from the front (northern) and rear (southern) facades of the dwelling, will be retained as a result of these landscape works. Whilst there is no archival evidence of the original landscape features which were located on the site, the proposed landscape works will ensure that the character and significance of the site, and in turn, the surrounding streetscape, are retained.



This report is limited to the assessment of potential impacts on the European cultural heritage values of the site and does not include archaeological assessment. As such, no archaeological assessments of the site were undertaken.

#### 6.3.5 TREE REMOVAL OR REPLACEMENT

- *Does the tree contribute to the heritage significance of the item or landscape?*
- *Why is the tree being removed?*
- *Has the advice of a tree surgeon or horticultural specialist been obtained?*
- *Is the tree being replaced? Why? With the same or a new species?*

#### Comment:

The proposal involves the replacement of an existing tree located towards the rear of the property. The advice of an Arborist has been obtained, who has concluded that this tree is diseased. The tree is not an original feature of the site, and its removal will not have a detrimental impact upon the significance of the place. All trees located within the front portion of the site which are visible from Milner Crescent will be conserved, in order to retain the character of the site, the setting of the existing dwelling and its contribution to the surrounding streetscape. The replacement tree will be of an appropriate size and species so that is it similar to the existing tree, to ensure the landscaped setting towards the rear of the dwelling is retained.

#### 6.4 HERITAGE OBJECTIVES OF THE NORTH SYDNEY LEP 2013

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

- The proposed works will retain the overall form of the original dwelling and its setting as it presents to Milner Crescent to ensure its historical significance continues to be understood and its aesthetic significance appreciated.
- Views to and from the original front façade of the existing dwelling from Milner Crescent will be retained.
- The proposed internal additions are minor and will be clearly contemporary to ensure adjacent original and early significant internal features remain legible.
- There will be no change to the appreciation or interpretation of the heritage item in the vicinity.

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

#### **5.10 Heritage conservation**

##### *(1) Objectives*

*The objectives of this clause are as follows:*

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



## 6.5 HERITAGE GUIDELINES OF THE NORTH SYDNEY DCP 2013

The *North Sydney DCP 2013* supports the *North Sydney LEP 2013* by providing additional objectives and development standards for properties which contain heritage items and are in the vicinity of heritage items. For the reasons mentioned above in sections 6.2, 6.3, and 6.4, the proposed development is generally consistent with the objectives of the *North Sydney DCP 2013* that relate to heritage and are set out in the following DCP Sections:

### *Part B – Development Controls*

#### *Section 13 – Heritage and Conservation*

*13.4 – Development in the vicinity of heritage items*

*13.5 – Heritage Items*

*13.8 – Demolition*

*13.9 – Controls for specific building elements*

*13.10 – Guidelines for Residential Building Types*

## 7.0 CONCLUSION

The subject property is listed as an item of local heritage significance on Schedule 5 of the *North Sydney Local Environmental Plan (LEP) 2013* as 'House,' item number I1094. It is also in the vicinity of 'House,' located at 17 Milner Crescent, Wollstonecraft (item number I1095).

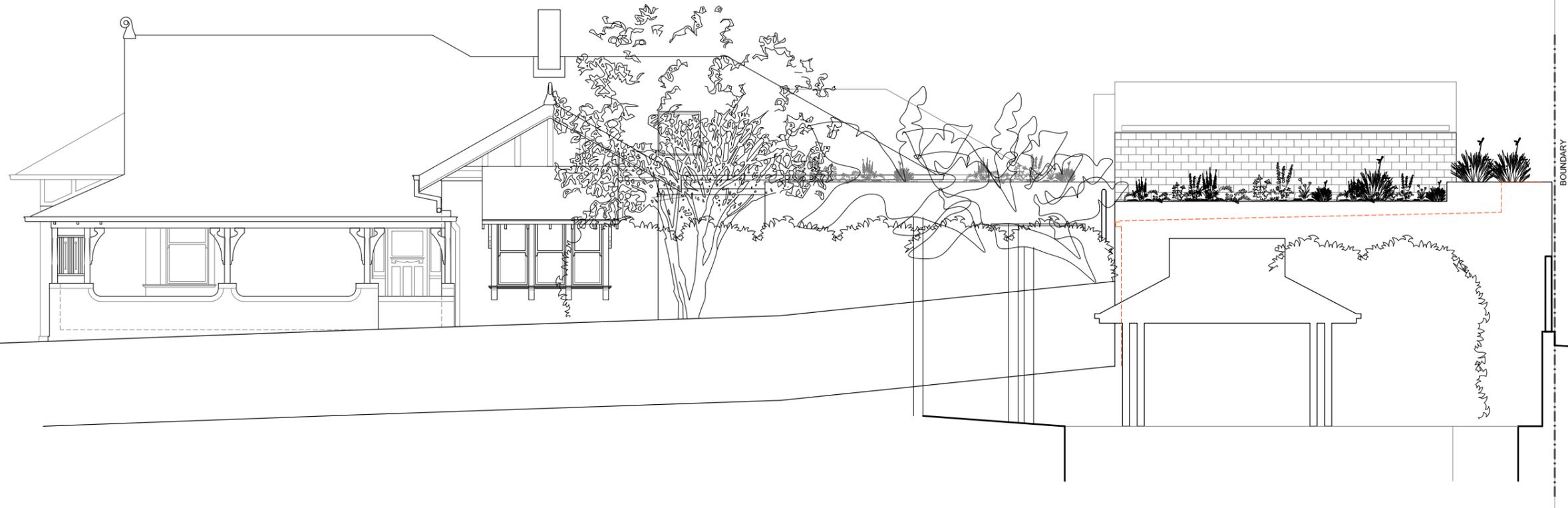
The proposed alterations and additions to the property at 13 Milner Crescent, Wollstonecraft, will generally have an acceptable impact on the heritage significance of the heritage item and heritage items in the vicinity.

The proposed design has been carefully considered in order to ensure the new work is sympathetic and respectful to the heritage values of the item and its surrounding.

The overall character and all existing views to and from the heritage item in the vicinity, will be retained and conserved.

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

Krystal Pua  
Senior Heritage Consultant  
**NBRS**



PROPOSED WEST ELEVATION FROM NEIGHBOUR - 11A MILNER CRES.  
SCALE 1:100@A3

REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED
DA	DEVELOPMENT APPLICATION ISSUE	17.10.23	BM	MO					

**CASTLEPEAKE**

Architecture  
Interior Design

Castlepeake Consulting Pty Ltd ABN 85 054 612 761  
7/136 Willoughby Rd, Crows Nest NSW 2065 P+61 2 9437 1800

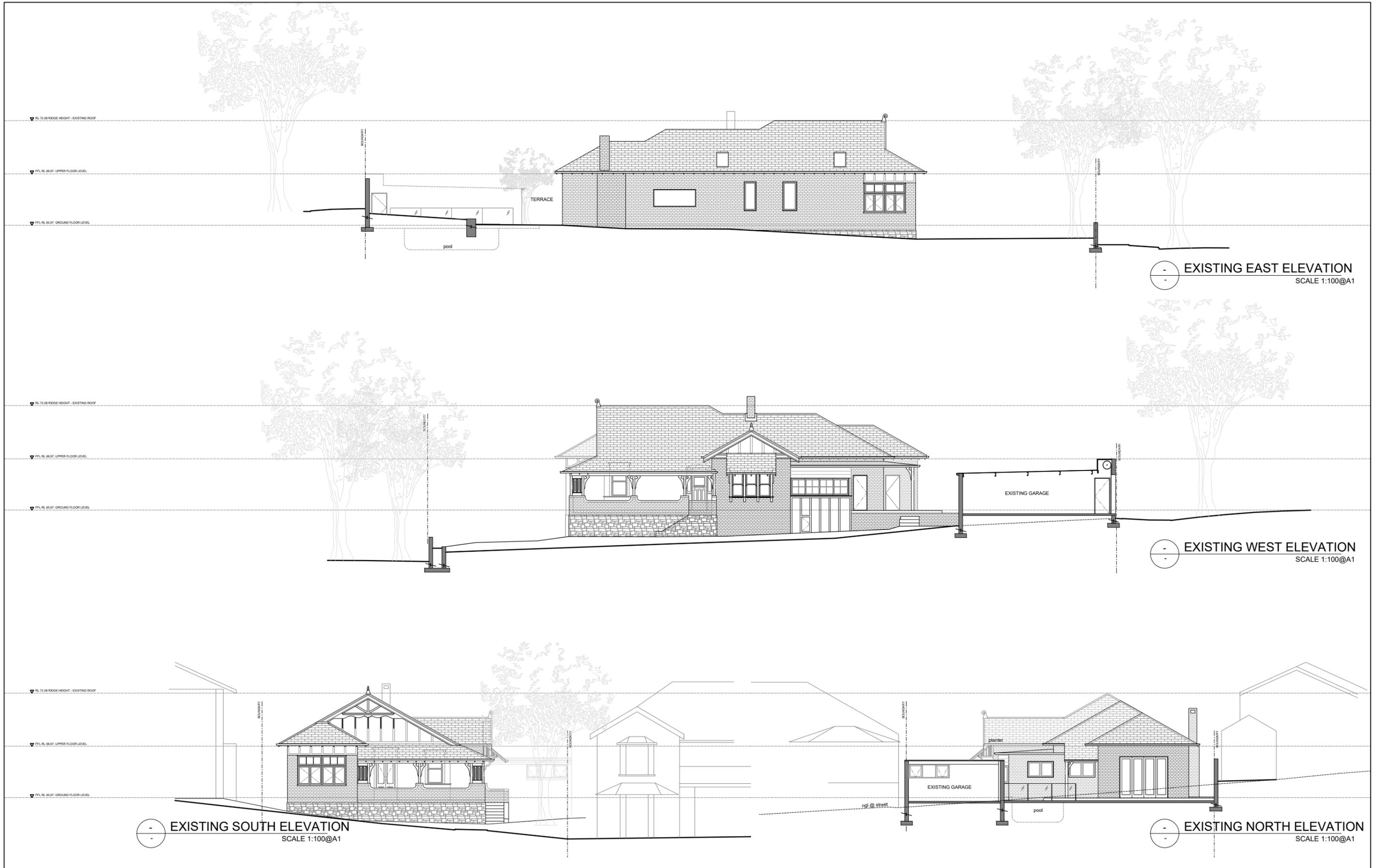
www.castlepeake.com.au

Drawing Title  
**PROPOSED WEST ELEVATION FROM NEIGHBOUR**

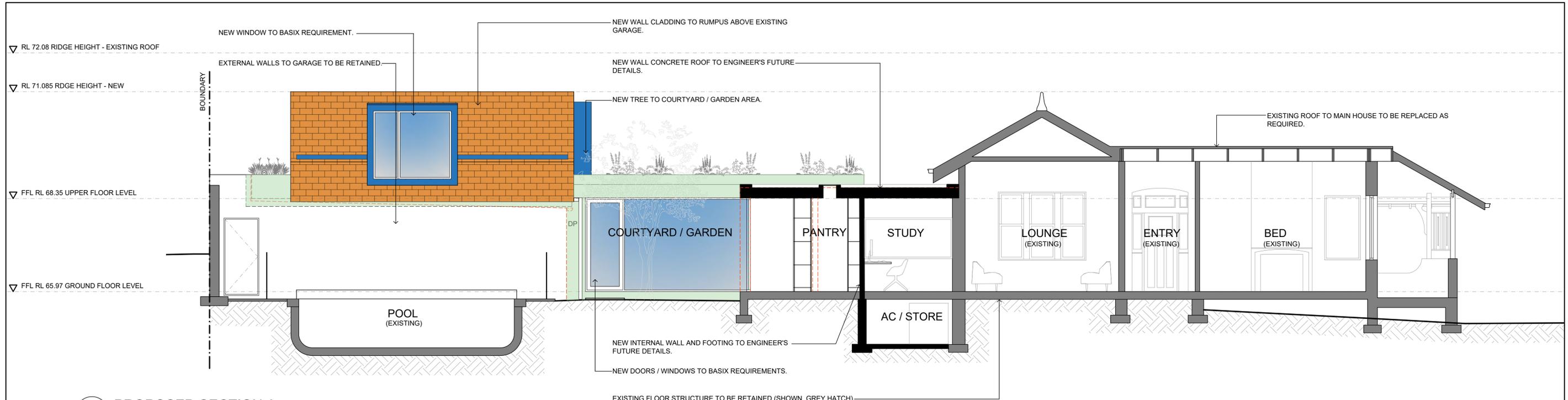
Project  
**CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT**

Nominated Registered Architects	Scales	Job No.	Drawing No.	Revision
Mark Oxenham - Reg No. 7130 Martin Hall - Reg No. 9854	1:100@A3		DA10	DA

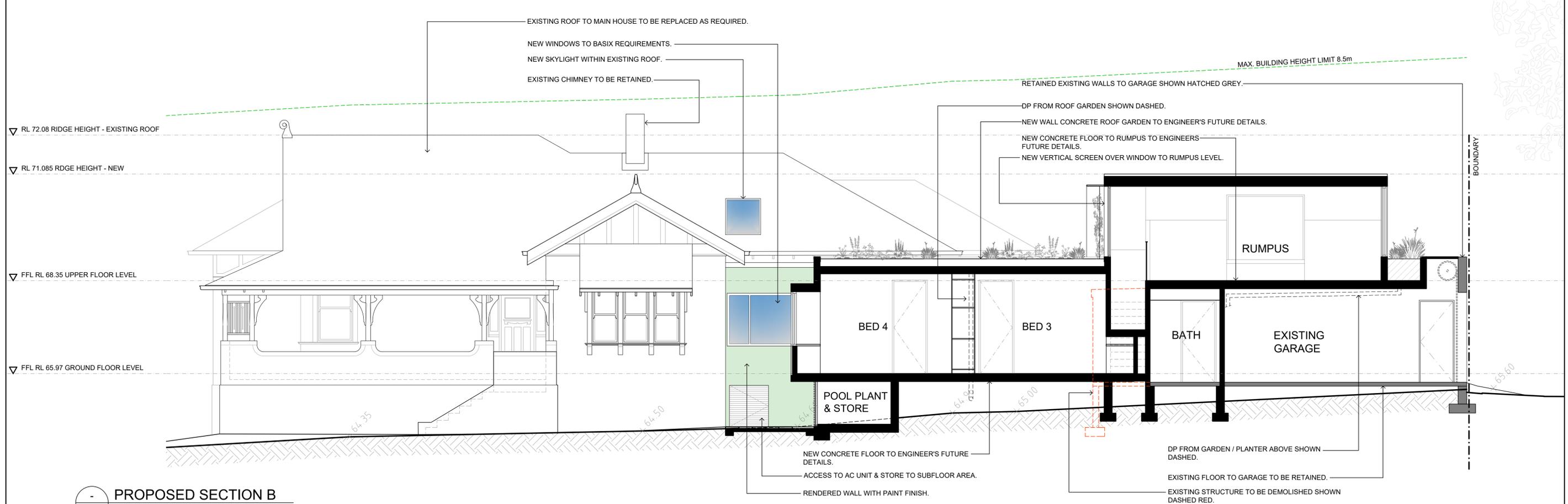
NORTH



												<h1>CASTLEPEAKE</h1> <p>Castlepeake Consulting Pty Ltd ABN 85 054 612 761 7/136 Willoughby Rd, Crows Nest NSW 2065 P +61 2 9437 1800</p>		<p>Architecture Interior Design</p> <p>www.castlepeake.com.au</p>		<p>Drawing Title <b>EXISTING ELEVATIONS</b></p> <p>Project CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT</p>						
DA	DEVELOPMENT APPLICATION	AUG 2023	BM	MO																		
REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED													
											<p>This drawing remains the property of Castlepeake Consulting Pty. Ltd. Unauthorised use of this drawing is prohibited. It may only be used for the purpose for which it was commissioned and in accordance with the terms of engagement for that commission. Figured dimensions are to take precedence over Scaled dimensions. All dimensions are in millimetres unless otherwise stated. Any discrepancies are to be reported to the Architect for a decision before proceeding with site work.</p>		<p>Nominated Registered Architects</p> <p>Mark Oorsham - Reg No. 7130 Kelly Wilson - Reg No. 11312</p>		<p>Scales</p> <p>1:200@A3</p>		<p>Job No.</p>		<p>Drawing No.</p> <p>EX03</p>		<p>Revision</p> <p>DA</p>	



**PROPOSED SECTION A**  
SCALE 1:100@A3



**PROPOSED SECTION B**  
SCALE 1:100@A3

DA	DEVELOPMENT APPLICATION ISSUE	17.10.23	BM	MO	REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	NORTH
REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	

**CASTLEPEAKE**

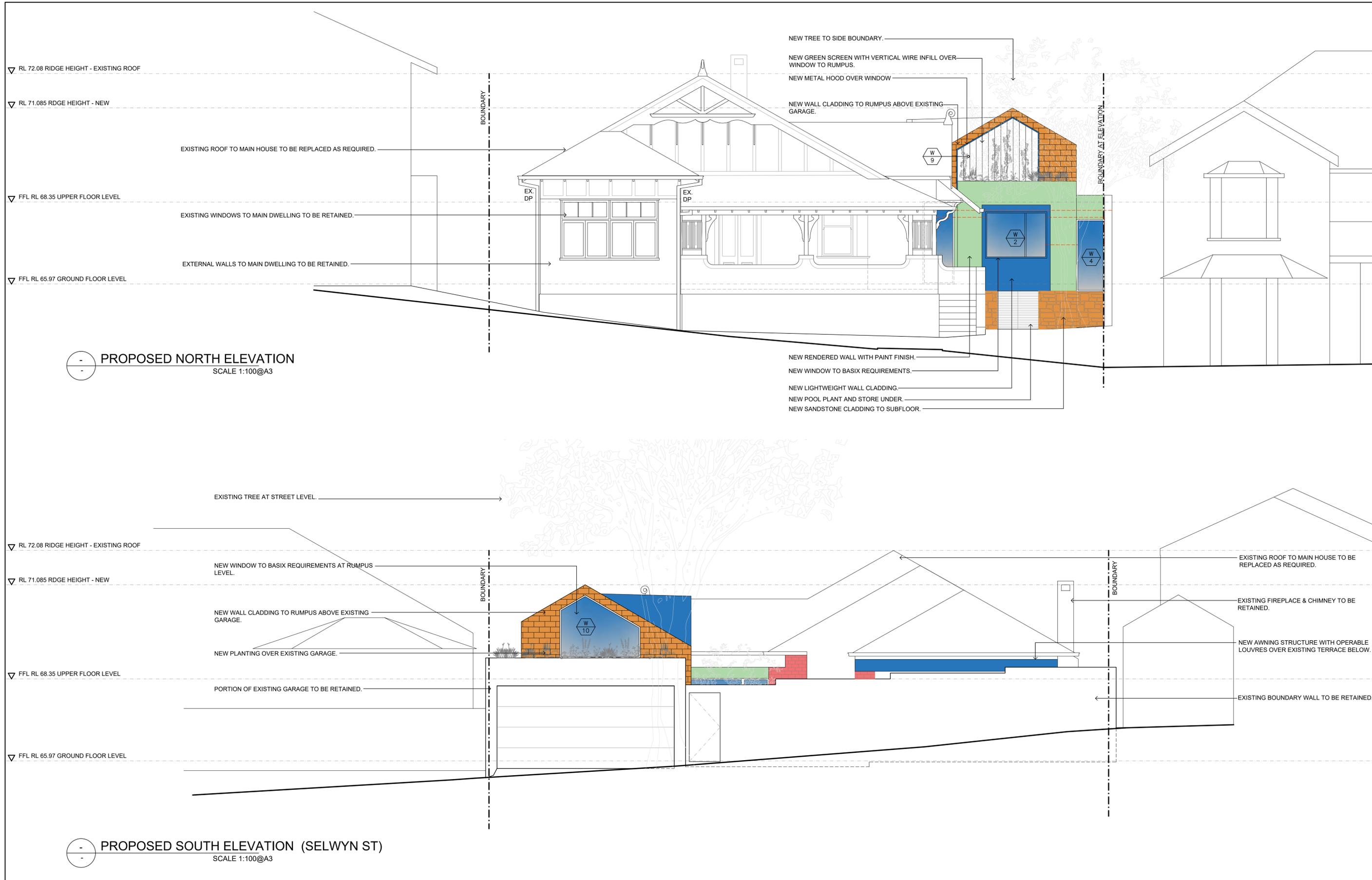
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7/136 Willoughby Rd, Crows Nest NSW 2065 P +61 2 9437 1800

Architecture  
Interior Design

www.castlepeake.com.au

Drawing Title  
**SECTIONS A & B**  
Project  
**CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT**

Nominated Registered Architects  
Mark Oxenham - Reg No. 7130 Kelly Wilson - Reg No. 11312  
Scales  
**1:200@A3**  
Job No.  
Drawing No.  
**DA07**  
Revision  
**DA**



REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED
DA	DEVELOPMENT APPLICATION ISSUE	17.10.23	BM	MO					

# CASTLEPEAKE

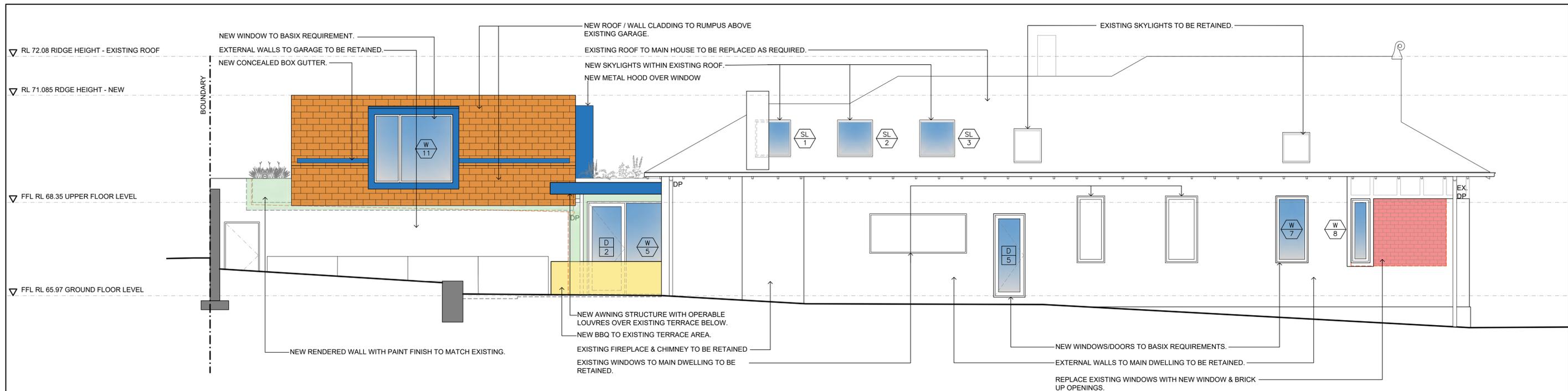
Architecture  
Interior Design

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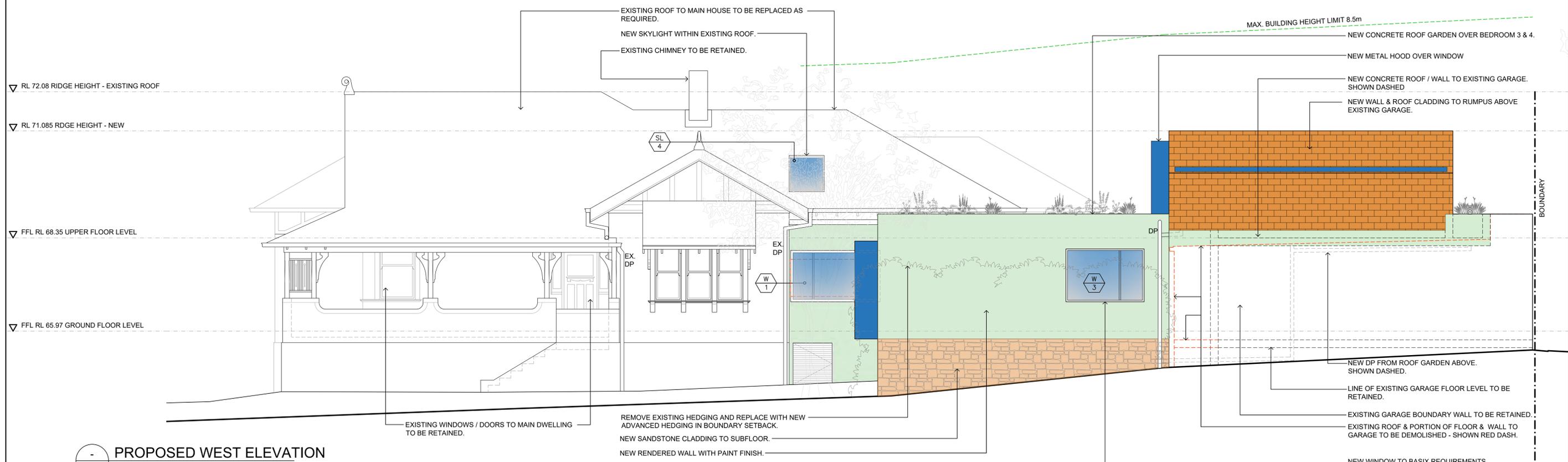
Drawing Title  
**PROPOSED NORTH & SOUTH ELEVATIONS**

Project  
**CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT**

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**PROPOSED EAST ELEVATION**  
SCALE 1:100@A3



**PROPOSED WEST ELEVATION**  
SCALE 1:100@A3

REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED
DA	DEVELOPMENT APPLICATION ISSUE	17.10.23	BM	MO					

**CASTLEPEAKE**

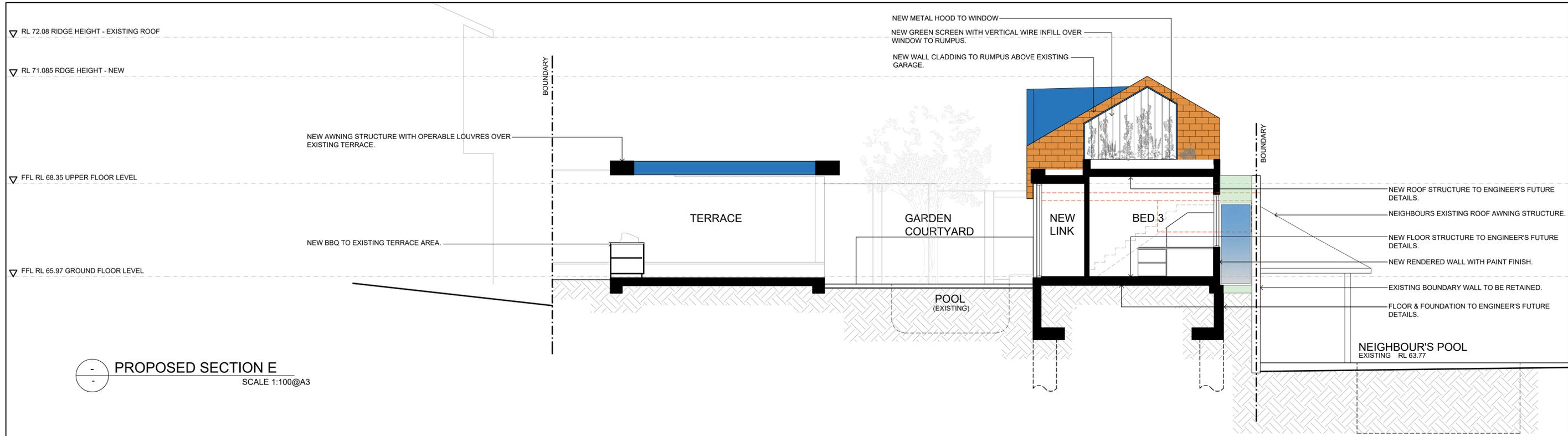
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Architecture  
Interior Design

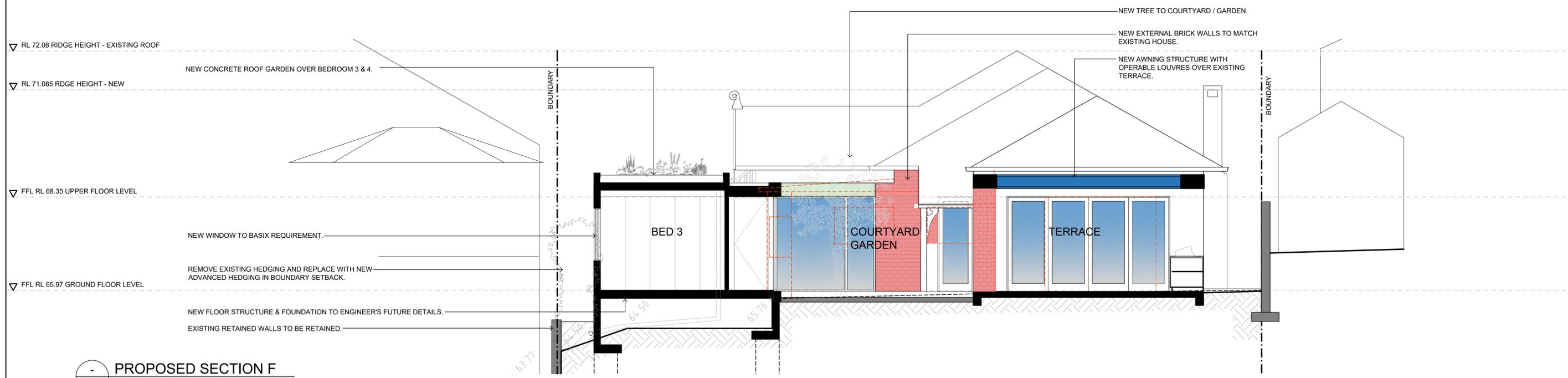
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Drawing Title		<b>PROPOSED EAST &amp; WEST ELEVATIONS</b>			
Project		CHIDGEE RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT			
Nominated Registered Architects		Mark Oxenham - Reg No. 7130	Kelly Wilson - Reg No. 11312	Martin Hall - Reg No. 9854	
Scale	Job No.	Drawing No.	Revision		
1:200@A3		DA06	DA		

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PROPOSED SECTION E  
SCALE 1:100@A3



PROPOSED SECTION F  
SCALE 1:100@A3

REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED
DA	DEVELOPMENT APPLICATION ISSUE	22.09.23	BM	MO					

# CASTLEPEAKE

Architecture  
Interior Design

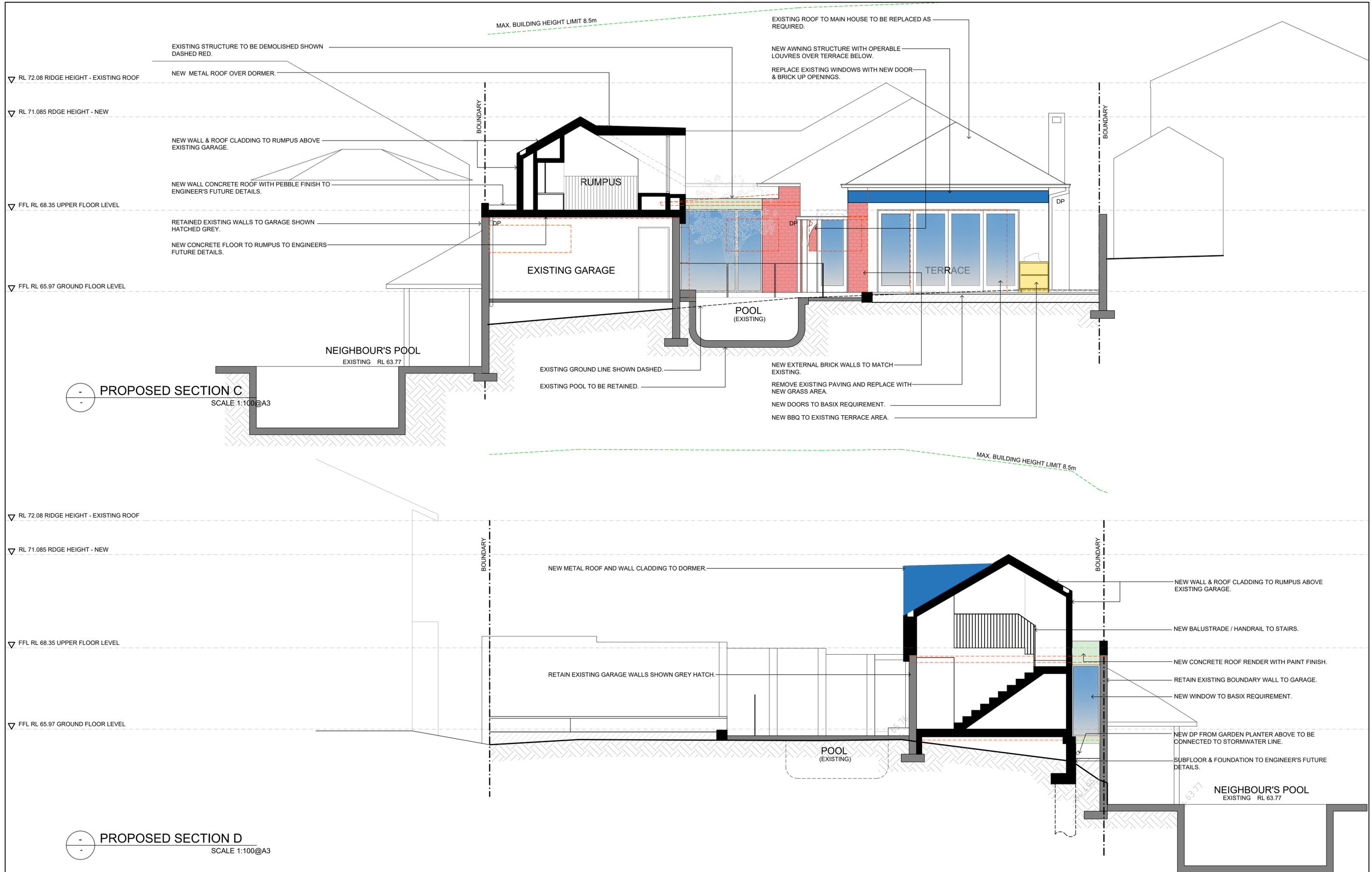
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Drawing Title  
**SECTIONS E & F**

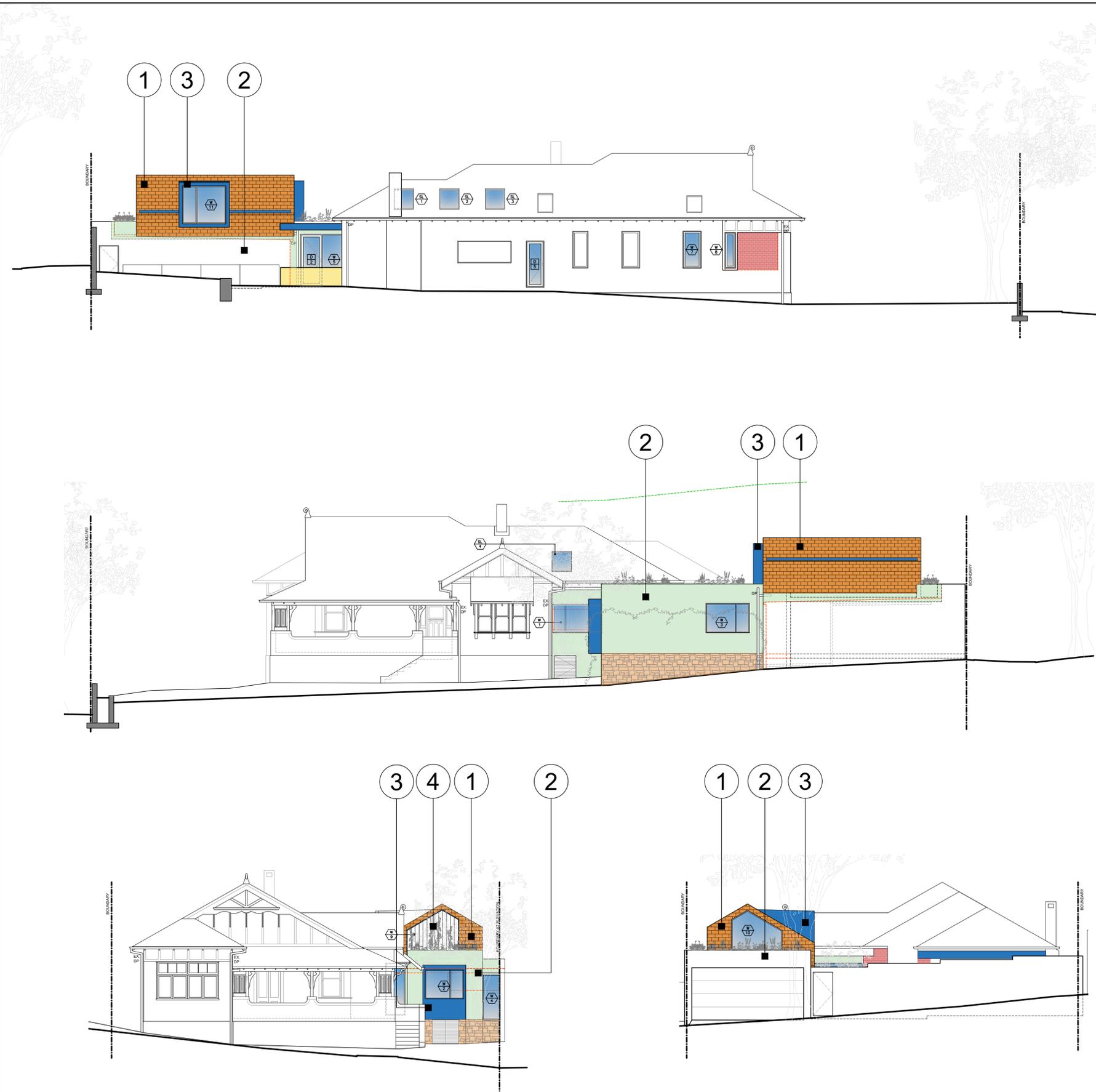
Project  
**CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT**

Nominated Registered Architects		Scale	Job No.	Drawing No.	Revision
Mark Oxenham - Reg No. 7130	Kelly Wilson - Reg No. 11312	1:200@A3		DA09	DA

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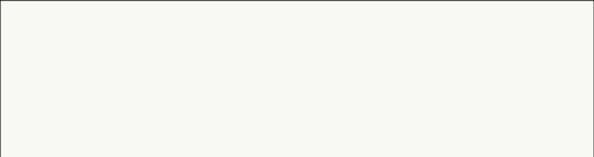


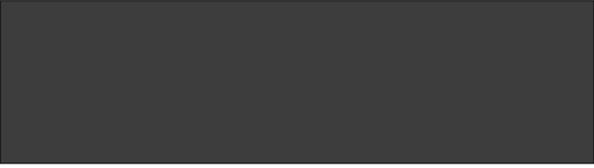
										<b>CASTLEPEAKE</b>		Architecture Interior Design		Drawing Title <b>SECTIONS C &amp; D</b>			
										Castlepeake Consulting Pty Ltd ABN 85 054 612 761 7/136 Willoughby Rd, Crows Nest NSW 2065 P +61 2 9437 1800		www.castlepeake.com.au		Project CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT			
										This drawing remains the property of Castlepeake Consulting Pty. Ltd. Unauthorised use of this drawing is prohibited. It may only be used for the purpose for which it was commissioned and in accordance with the terms of engagement for that commission. Figured dimensions are to take precedence over Scaled dimensions. All dimensions are in millimetres unless otherwise stated. Any discrepancies are to be reported to the Architect for a decision before proceeding with site work.		Nominated Registered Architects Mark Oxenham - Reg No. 7130 Martin Hall - Reg No. 9854		Scales 1:200@A3		Job No. Drawing No. Revision DA08 DA	
DA	DEVELOPMENT APPLICATION ISSUE	17.10.23	BM	MO													
REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	NORTH							



- 1** SLATE ROOF & WALL CLADDING  
PROPOSED RUMPUS ABOVE GARAGE.


- 2** WALL RENDER  
EXTERNAL WALLS.


- 3** LIGHTWEIGHT ROOF & WALL CLADDING.  
PROPOSED RUMPUS BAY & BEDROOM 4 BAY.


- 4** SCREENS  
VERTICAL GREEN SCREEN WITH WIRE INFILL TO WINDOW


- 5** WALL CLADDING.  
BRICK TO MATCH EXISTING WALL OF MAIN DWELLING.



REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED	REVISION	AMENDMENT OR REASON FOR ISSUE	ISSUE DATE	DRAWN	CHECKED
DA	DEVELOPMENT APPLICATION ISSUE	17.10.23	BM	MO					

# CASTLEPEAKE

Architecture  
Interior Design

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Drawing Title  
**SCHEDULE OF EXTERNAL FINISHES**

Project  
**CHIDGEY RESIDENCE- 13 MILNER CRESCENT, WOLLSTONECRAFT**

Nominated Registered Architects	Scales	Job No.	Drawing No.	Revision
Mark Oxenham - Reg No. 7130 Martin Hall - Reg No. 9854	1:200@A3		EF01	DA