

**NSLPP MEETING HELD ON 05/03/2025****Attachments:**

1. Site Plan
2. Architectural Plans
3. Heritage Impact Statement

ADDRESS/WARD: 5 Wallaringa Avenue, Kurraba Point**APPLICATION No:** DA 163/24 (PAN 451117)**PROPOSAL:** Development for alterations and additions to heritage item to facilitate reconfiguration of tea room, ablution facilities, accessibility changes, a new lift and display space.**PLANS REF:**

Drawing No.	Rev	Title	Drawn By	Dated
126180/30	A	Site Plan	Lucas Stapleton Johnson	13/06/24
126180/31	A	As existing ground and lower plans - Demolition	Lucas Stapleton Johnson	13/06/24
126180/32	-	As existing elevations -demolitions	Lucas Stapleton Johnson	12/02/24
126180/33	C	Proposed floor plans	Lucas Stapleton Johnson	25/11/24
126180/34	-	Roof plan and stormwater	Lucas Stapleton Johnson	12/02/24
126180/35	-	Proposed elevations	Lucas Stapleton Johnson	12/02/24
126180/37	-	21 March – shadow diagrams existing and proposed	Lucas Stapleton Johnson	12/02/24
126180/38	-	21 June - shadow diagrams Existing and proposed	Lucas Stapleton Johnson	12/02/24
126180/39	-	21 Sept – shadow diagrams Existing and proposed	Lucas Stapleton Johnson	12/02/24
126180/25	A	Tea room and kitchen fit out – proposed plan layout	Lucas Stapleton Johnson	05/06/24
126180/26	B	Team room and kitchen fit-out - proposed internal elevations	Lucas Stapleton Johnson	06/06/24

OWNER: Partners Unit Trust**APPLICANT:** Sean Johnson from Lucas Stapleton Johnson Architects**AUTHOR:** Annelize Kaalsen of AK Planning**DATE OF REPORT:** 6 February 2025**DATE LODGED:** 9 August 2024**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

This development application seeks approval from the North Sydney Local Planning Panel (NSLPP) for alterations and additions to the heritage item known as Nutcote to facilitate the reconfiguration of the tea room, allowing for new ablution facilities, accessibility changes, a new lift and new display/gallery space, at No. 5 Wallaringa Avenue, Kurraba Point.

Generally, development for which the land owner is the Council, is reported to the North Sydney Local Planning Panel (NSLPP). Accordingly, the application requiring determination by NSLPP under the Minister's Directions.

The subject lot is identified as a State Heritage listed item (I0730) known as Nutcote as well as being on the Register of the National Estate and classified by the National Trust. The state heritage listing is limited to the May Gibbs dwelling and associated gardens. The remainder of the lot (the original garage converted to the museum, tea room and shop) the subject of this application, is an item of local heritage significance pursuant to in Part 1 of Schedule 5 in NSLEP 2013. In addition, the lot is located within the Kurraba Point Conservation Area.

The proposal is supported by Councils Heritage Officer, noting that the existing terrace is assessed as being of little significance. As such the extension of the terrace to facilitate equitable access is acceptable and consistent with Policy 81 of the CMP. The proposal satisfies Clause 5.10 of the NSLEP 2013, as the proposed alterations and additions will not detract from the significance of the heritage item and will continue to positively contribute to the character of the Kurraba Point Conservation Area.

The notification period attracted a single submission. In summary the submission raised particular concerns with impact on acoustic and visual privacy and obscuring existing views.

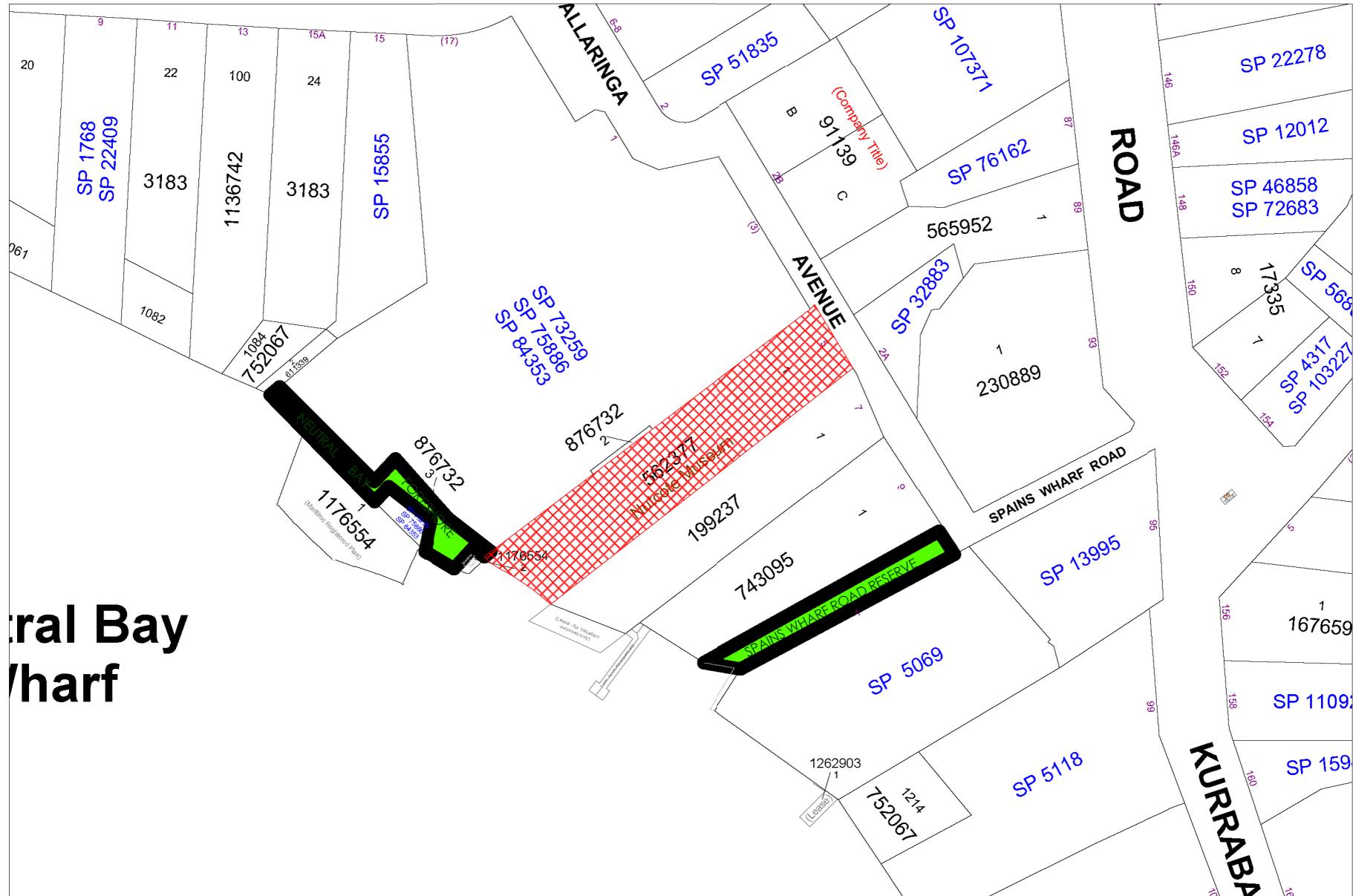
The assessment has considered these concerns as well as the performance of the application against the North Sydney LEP 2012 and North Sydney DCP. In this regard, the application does not result in any adverse impact on either acoustic or visual privacy and allows for reasonable sharing of views.

The proposal allows for equitable and dignified access for people with disabilities to the tea room/cafe, new gallery and accessible sanitary facilities on the lower ground floor by virtue of the proposed new lift.

There is an increase to patron numbers (from 38 to 44) including 18 new seats on the ground floor terrace. An increase of 6 seats is a minor intensification of the existing approved use, and the impacts of the proposed intensification are considered acceptable.

In conclusion, following this assessment, and having regard to the provisions of S4.15(1) of the Environmental Planning & Assessment Act 1979, it is recommended that the proposed development be **approved subject to conditions** as set out in this report.

LOCATION MAP



Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The application seeks approval for the alterations and additions to facilitate reconfiguration of the existing tea room, including ablution facilities and accessibility changes, a new lift and display / gallery space.

The works include the following:-

Lower Ground floor (RL18.59)

- Provide lift to south western corner of the existing verandah;
- Enlarge entry door opening to comply with accessibility requirements to access WC's;
- Reconfigure internal arrangement of existing WCs to provide new female, male and accessible WCs,
- A new gallery space.
- Reconfigure internal arrangement of tea room.
- New outdoor seating arrangement to allow for total of 18 seats

Ground floor (RL21.65)

- Demolish existing verandah roof and columns including existing brick balustrade;
- Extend existing paved terrace over verandah below.
- Provide new lift in south western corner
- New outdoor seating arrangement to allow for 26 seats (incl 18 on the new veranda)

No works are proposed to the main house.

Kitchen Fitout

Consent is not being sought for the kitchen fitout works under the current development application (DA163/2024).

A separate application was submitted for the internal fitout of the tearoom, which was approved by North Sydney Council on 28 June 2024. Consent for the works was provided via email and noted that:

“the proposed works ... satisfy the requirements of NSLEP 2013 cl5.10(3) (a) (i) (ii) and are assessed to be of a minor nature. The proposed works will not adversely impact on the heritage significance of Nutcote, and the exemption request is accepted”.

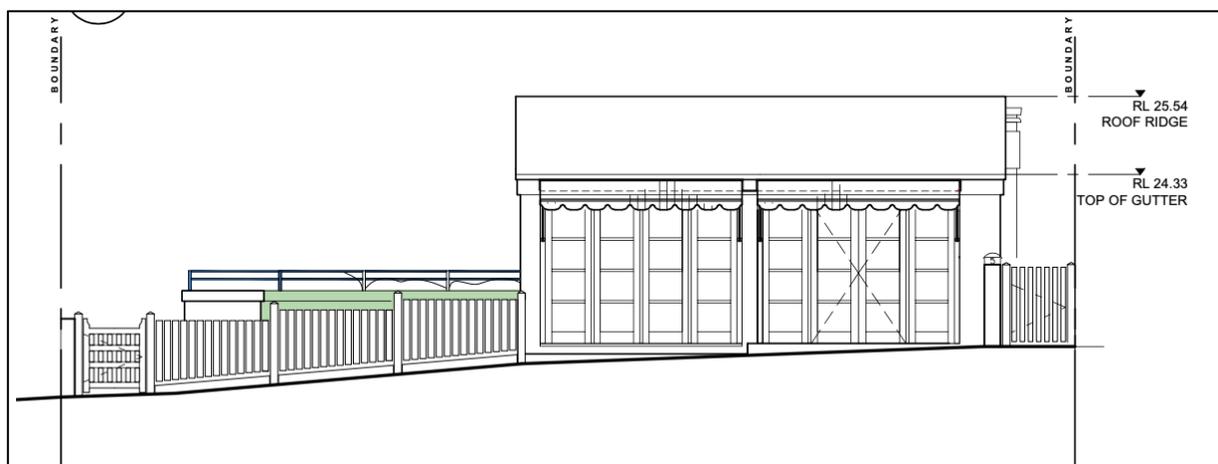


Figure 2: Proposed northern / street elevation

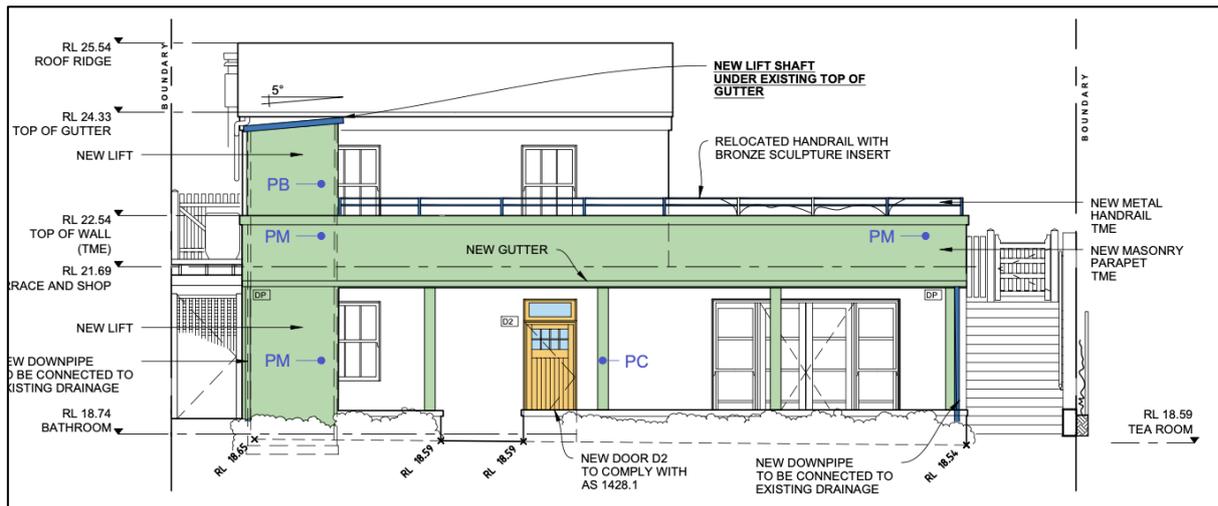


Figure 3: Proposed southern elevation

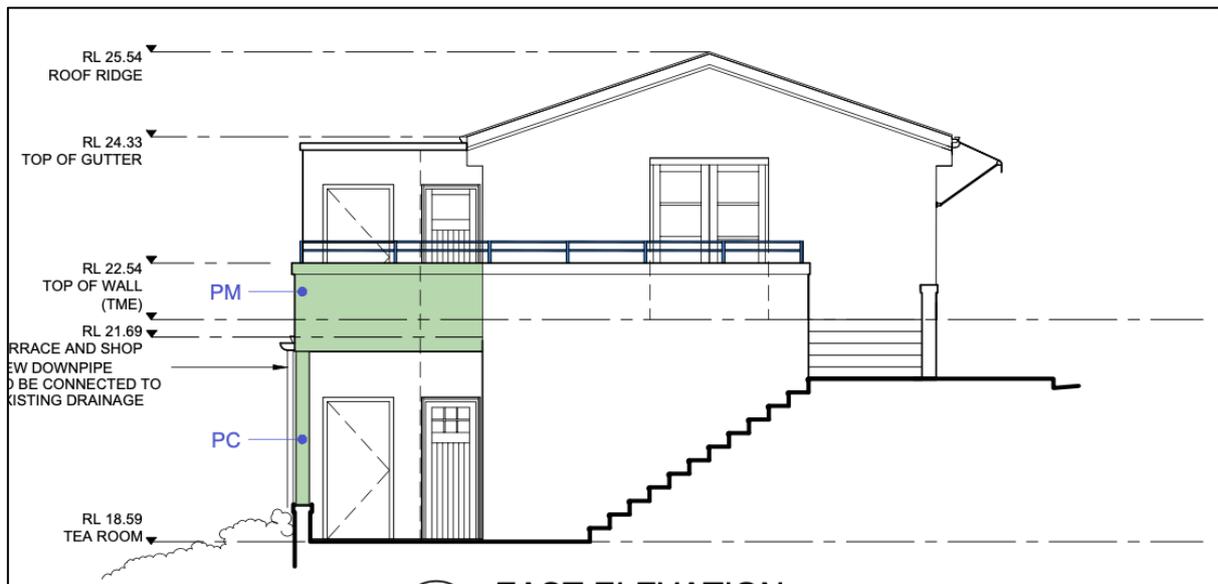


Figure 4: Proposed eastern elevation

Hours of Operation

Current hours of operation

Shop and museum:-

Wednesday to Sunday 11am - 3pm
 Closed on public holidays

Tea room:-

Wednesday to Sunday 11am - 3pm
 Closed on public holidays

High Tea parties and other functions are available on Saturdays and Sundays. Functions typically occur two or four times a year between 3-8pm.

Proposed hours of operation

Consistent with the current hours – no change to existing hours of operation.

Number of patrons to tea room

The existing tea room has the capacity to seat 38 people at any one time (30 on the lower ground and 8 on the existing ground floor)

The proposal allows for an increase to allow for a total seating of 44 patrons (including 18 seats on the new outdoor terrace on the ground floor level).

In addition, the Conservation Management Plan sets a limit of 60 people on site at any one time, consistent with the public entertainment licence for Nutcote.

CMP extract below:-

6.9.4. Current Uses and Public Access

Nutcote currently operates as a house museum. The place is open to the public every Wednesday and Sunday for a small fee. Admission includes a guided tour of the cottage and access to the gardens.

No on-site parking is available, and off-site parking is limited. Nutcote is reached via public transport including buses (alighting at Wycombe Road) and ferries (alighting at Neutral Bay Wharf, Hayes Street).

In accordance with the current Place of Public Entertainment Licence for Nutcote, there is a limit of 60 people at any one time visiting the site.

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013 (NSLEP 2013)

- Zoning – R3 Medium Density Residential
- Item of Heritage – Yes (NSW State Heritage Register (SHR No. 00505) limited to the house and eastern portion of the garden, the former garage/flatette are excluded from the State listing. The whole of the site is included as an item of local significance I0730)
- In Vicinity of Item of Heritage – Yes (Nos 1-3 Wallaringa Av, No. 7 and No. 9 Wallaringa Av)
- Conservation Area – Yes (Kurraba Point Conservation Area CA16)
- Foreshore Building Line - Yes

SEPP (Biodiversity and Conservation) 2021

- Chapter 2 – Vegetation in non-rural areas
- Chapter 6 – Water Catchments

SEPP (Resilience and Hazards) 2021

- Chapter 2 – Coastal Management
- Chapter 4 – Remediation of Land

Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013

North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF SITE AND SURROUNDING LOCALITY

The subject site is known as No. 5 Wallaringa Avenue, Kurraba Point. The real property description is Lot 1 in DP562377, Lot 2 in DP 876732, and Lot 2 in DP 1176554. The proposed works are limited to within **Lot 1 in DP562377** (refer to **Figure 5**). The subject site has a frontage to Wallaringa Avenue. It has a rough rectangular shape, with the following dimensions: -

- Northern boundary: 90.09m
- Southern boundary: 80.68m
- Western boundary (to Neutral Bay): 18.2m
- Eastern boundary (to Wallaringa Av): 15.62m

The subject site has a total area of 1,360sqm. The site topography falls away from Wallaringa Avenue towards Neutral Bay by approximately 15m with a slight cross fall towards the north.

The existing development on the subject site consists of the main house in the middle of the allotment and the former garage/flatette fronting Wallaringa Avenue (north eastern) collectively known as “Nutcote”, originally built in 1925 to a design by B. J. Waterhouse. The property is listed under the North Sydney Local Environmental Plan 2013 as having local heritage significance (Item No. I0730 in Schedule 5), as well as being located in the Kurraba Point Conservation Area.

The double car garage on Wallaringa Avenue was built in 1928 to the design by B.J. Waterhouse. The garage was partially restored and adapted for use as a retail shop. The lower half of the garage originally contained a small flatette comprising two rooms. The flatette was converted for use as amenities and storage with a tearoom and terrace being added later – refer to **Photos 1-3**.

A terrace with pergola over was constructed along the whole of the south western elevation at lower ground level with direct connection into the grassed upper garden area -refer to **Photo 4**.

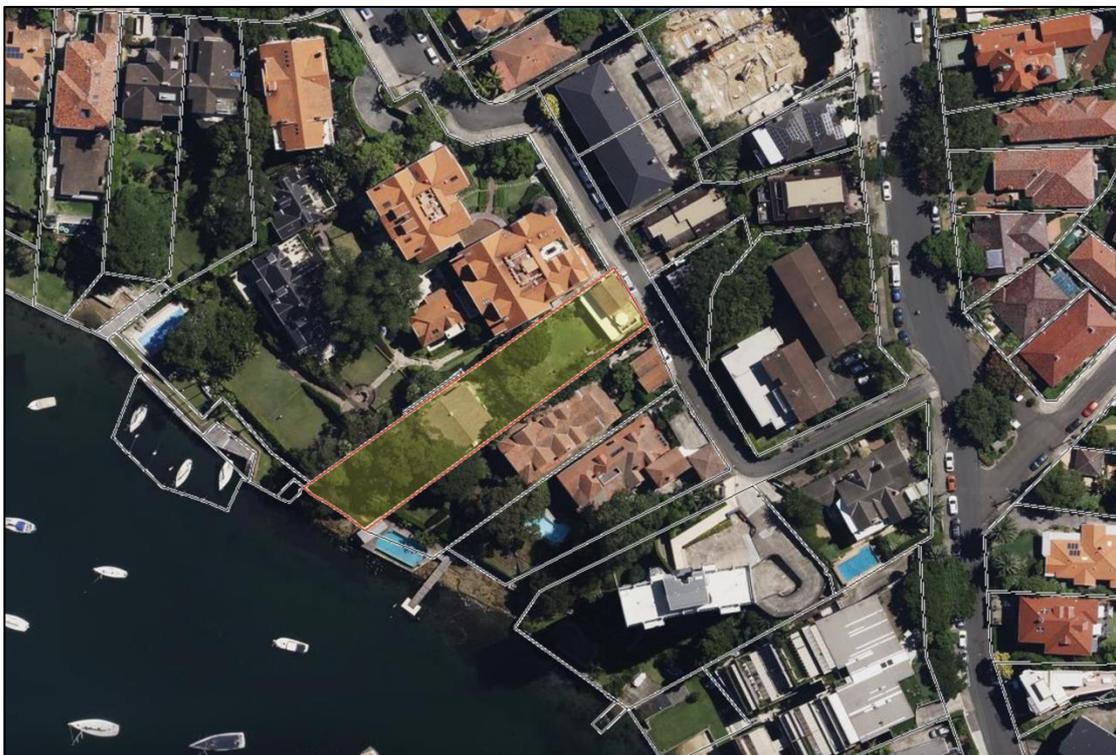


Figure 5: Aerial view of subject site and surrounding development Source: SIX Maps

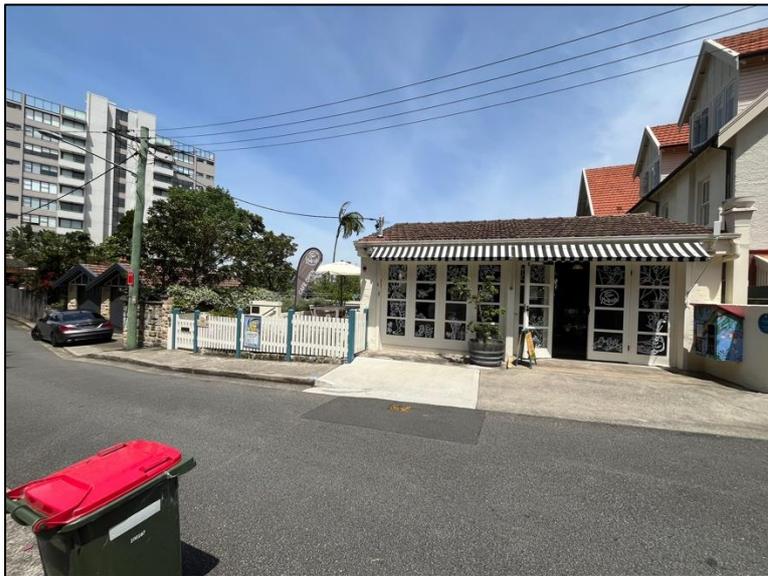


Photo 1: Existing shop as viewed within Wallaringa Avenue



Photo 2: Existing shop as viewed from Wallaringa Avenue

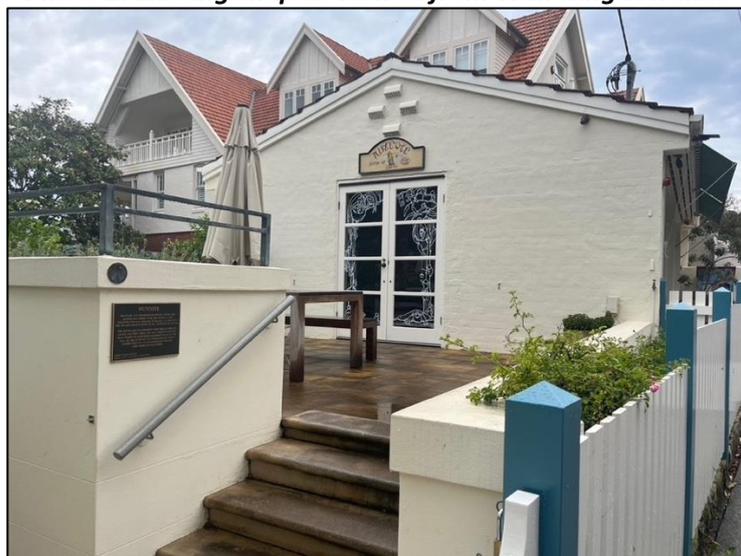


Photo 3: Existing terrace from Wallaringa Avenue



Photo 4: View of existing rear elevation - tearoom

The subject site is situated within an established low-density residential area characterised by a mix of multi storey dwellings and existing apartment buildings.

The northern side boundary adjoins Nos. 1-3 Wallaringa Avenue occupied by a two storey with basement (refer to **Photo 5**) apartment building. To the south, the subject site adjoins a two storey dwelling house with garages to the street, known as No. 7 Wallaringa Avenue (refer to **Photos 6**). The rear / southern boundary adjoins Neutral Bay.



Photo 5: No 1-3 Wallaringa Avenue



Photo 6: No 7 Wallaringa Avenue

The subject site is visible, from public vantage points (refer to **Photos 7 & 8**) including Neutral Bay ferry wharf.



Photo 7: View of Nutcote from the water

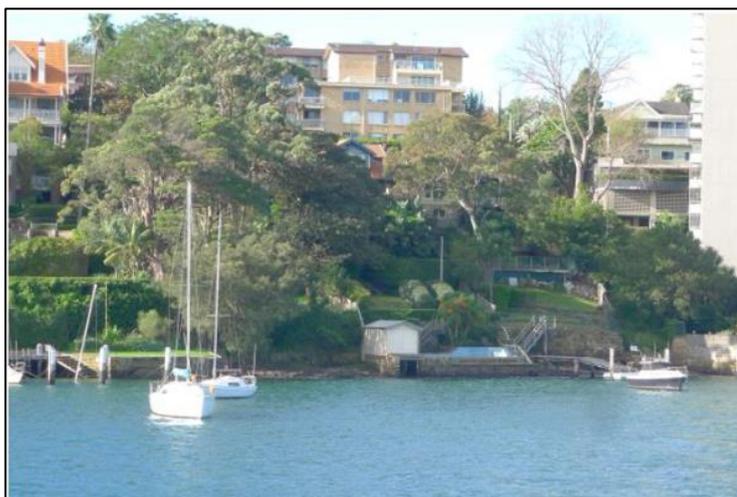


Photo 8: View of Nutcote from Neutral Bay ferry wharf

RELEVANT HISTORY

This application

The history of the subject development application is summarised below: -

Date	Action
9 August 2024	A Development Application (DA168/2024) for alterations and additions to heritage item to facilitate reconfiguration of tea room, ablution facilities, accessibility changes, a new lift and display space was lodged with Council through the NSW Planning portal.
30 August 2024 to 27 September 2024	The application was notified in accordance with Council's Community Engagement Protocol. A single submission was received during the notification period.
18 October 2024	A site visit was undertaken by the assessing officer and the heritage officer.
1 November 2024	Following the site visit, a preliminary assessment letter was provided to the applicant outlining the issues of concern and/or matters where additional information were required. The issues are listed below- <ul style="list-style-type: none">• Kitchen fit out• Existing and proposed operations• Acoustic privacy• Garbage storage
4 February 2025	Additional information was received from the applicant, including an acoustic report.

REFERRALS

Heritage

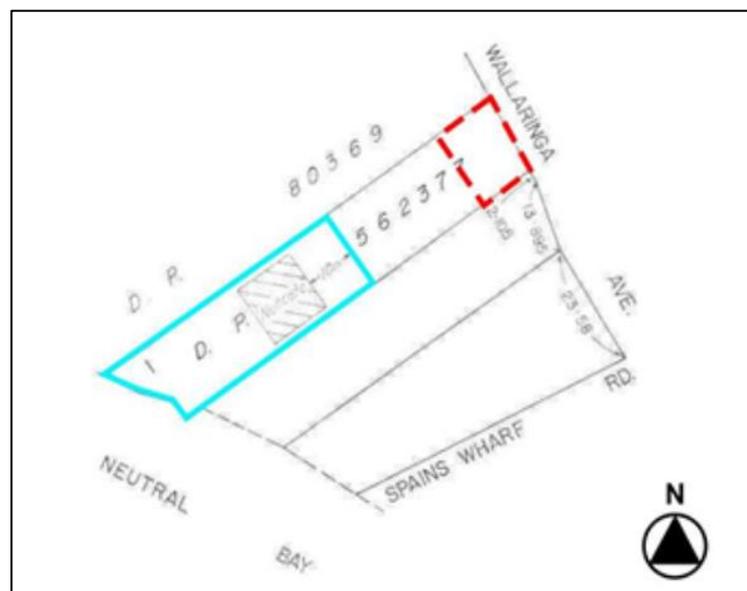
The proposal was referred to Councils Heritage who made the following comments:

“Heritage Status and Significance

The subject site is identified as a heritage item of local significance under Part 1, Schedule 5 of North Sydney LEP 2013 (I0730) and is located within the Kurraba Point Conservation Area. The subject site forms part of the estate of Nutcote, the former home of author and artist, May Gibbs and includes a former garage/flatette which was constructed in 1928, some six years after the dwelling. The garage/flatette was converted to a gift shop, tearoom and toilets in 1994 to service the state heritage listed house and garden of Nutcote. The subject site is excluded from the state heritage listing of Nutcote, however, the Conservation Management Plan (CMP) addresses all of the buildings and grounds located at 5 Wallaringa Avenue. The subject building contributes to the setting and significance of Nutcote and is assessed in the CMP as having high heritage significance.

The state listing Statement of Significance notes:

Nutcote and its garden is a place of exceptional cultural significance as the home, workplace and source of inspiration of May Gibbs, Australia's first woman cartoonist, painter, naturalist and children's author and illustrator. Nutcote is a place of moderate cultural significance in association with prominent architect B.J. Waterhouse, who designed the house in close collaboration with May Gibbs.



***Curtilage of the state listing of Nutcote is shown in blue. The subject site is shown in red.
Source: Heritage Impact Statement 5 Wallaringa Ave, 2024, Lucas, Stapleton, Johnson***

Conclusion and recommendation

With reference to the above, an assessment of the proposal has been undertaken in terms of North Sydney LEP 2013 Clause 5.10 Heritage conservation and North Sydney DCP 2013 Part B: Section 13 Heritage and Conservation. The development satisfies the requirements for development involving a heritage item and no objection is raised to the proposal subject to the attached conditions. There are no works to Nutcote dwelling and the garden will remain intact. The setting of Nutcote will remain as existing and there will be negligible impact upon the Kurraba Point Conservation Area as the works will not be easily seen from the public domain.

The proposal is acceptable on heritage grounds subject to the attached conditions:

A3. No Demolition of Extra Fabric

A4. External Finishes & Materials

External finishes and materials must be in accordance with the submitted schedule dated 12 February 2024, prepared by Lucas Stapleton Johnson on Drawing 126180/35 and registered by Council on 9 July 2024 unless otherwise modified by Council in writing.

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

C2 Sandstone Paving

The sandstone paving to the terrace is to match the existing paving on the street level terrace or is to match the sandstone crazy paving in the garden. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To be consistent with the existing materials used at Nutcote.)

E3. Removal of Extra Fabric"

Planning Comment

The heritage officers comments are noted and concurred with. The assessment of the application by the heritage officer is incorporated within the body of this report and referred to accordingly.

In conclusion, the proposal satisfies Clause 5.10 of the NSLEP, as the proposed alterations and additions will not detract from the significance of the heritage item and will continue to positively contribute to the character of the Kurraba Point Conservation Area.

Engineering

Council's Development Engineers raised no concerns with the application subject to conditions of consent should the Panel be of a mind to support the application.

Planning Comment

The comments are noted, and the conditions of consent were included within the recommendation.

Building

The application was referred to Council's building officer who commented as follows:-

"The Development Application seeks approval for alterations and additions to an existing two storey retail building (Nutcote museum) to increase accessibility and sanitary facilities for persons with a disability and the extension of a rear café terrace.

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

The building is classified by the NCC BCA as a class 6 building of Type B construction.

The proposed works represent less than 50% of the buildings total volume and therefore upgrade of the building pursuant to Clause 64 of the Environmental Planning & Assessment Regulations 2021 is not required.

The application is supported by an Access Report dated 24 March 2024 prepared by Mark Rolf which concludes that the proposed development satisfies the requirements of the NCC BCA and Disability (Access to Premises – Buildings) Standards 2010. Generally, the proposed works can comply with the NCC BCA, Volume 1.

A detailed assessment of compliance with the National Construction Code – Building Code of Australia will be undertaken by an appropriately registered certifier at the Construction Certificate Stage of the proposed development. Additionally, a Fire Safety Schedule is to be prepared by the certifier and accompany the Construction Certificate. It is recommended the following standard conditions be adopted with consideration to the above"

Planning comment

The comments are noted, and the conditions of consent were included within the recommendation.

External Referrals

Ausgrid

The application was referred to Ausgrid and the following comments were received:-

“Ausgrid has no objection to this development application , however the design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.

The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Ausgrid’s Network Standards can be sourced from Ausgrid’s website, www.ausgrid.com.au”

Planning comment

The comments are noted, and the conditions of consent were included within the recommendation.

SUBMISSIONS

The proposal was notified in accordance with Council’s Community Engagement Protocol from **30 August 2024 until 27 September 2024**. A single submission was received during the notification period.

The planning issues raised in the submission is summarised below and addressed later in this report (refer to heading SUBMITTERS CONCERNS below).

Basis of Submissions:-

- Visual privacy
- Noise
- Potential view loss

The submissions will be available in full for the Panel’s review at the determination meeting.

CONSIDERATION

1) EP& A ACT 1979

The objects of the *Environmental Planning and Assessment Act 1979* are guiding principles that need to be considered by planning authorities when making decisions under the Act.

The applicable objects are:-

- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*

- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants*

In this regard, it is considered that the proposed development promotes the orderly and sustainable management of the land by promoting the ongoing management of the heritage item and promoting good amenity of the built environment with no adverse impact on the Kurraba Point Conservation Area and its setting and is supported.

2) SEPP (RESILIENCE AND HAZARDS) 2021

Chapter 2 - Coastal Management

The provisions of Chapter 2 to SEPP (Resilience and Hazards) 2021 applies to Coastal Management and aims for:-

- *managing development in the coastal zone and protecting environmental assets;*
- *providing a framework to guide land use decisions; and*
- *mapping coastal management areas.*

The site is mapped as being within the Coastal Environment Area as well as within the Coastal Use Area as shown in **Figures 6 & 7**. However, the provisions of Section 2.10 and Clause 2.11 of the SEPP do not apply to land located within the Foreshores and Waterways area of SEPP (Biodiversity and Conservation) 2021, the provisions of which are addressed below.

Division 5 of Chapter 2 apply general considerations to all development in the coastal zone. Section 2.12 requires that development consent must not be granted to development on land in the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. In this regard by virtue of the location of the proposed work being well removed from the foreshore, the proposal will not cause or increase the risk of coastal hazards at the site or on other land.

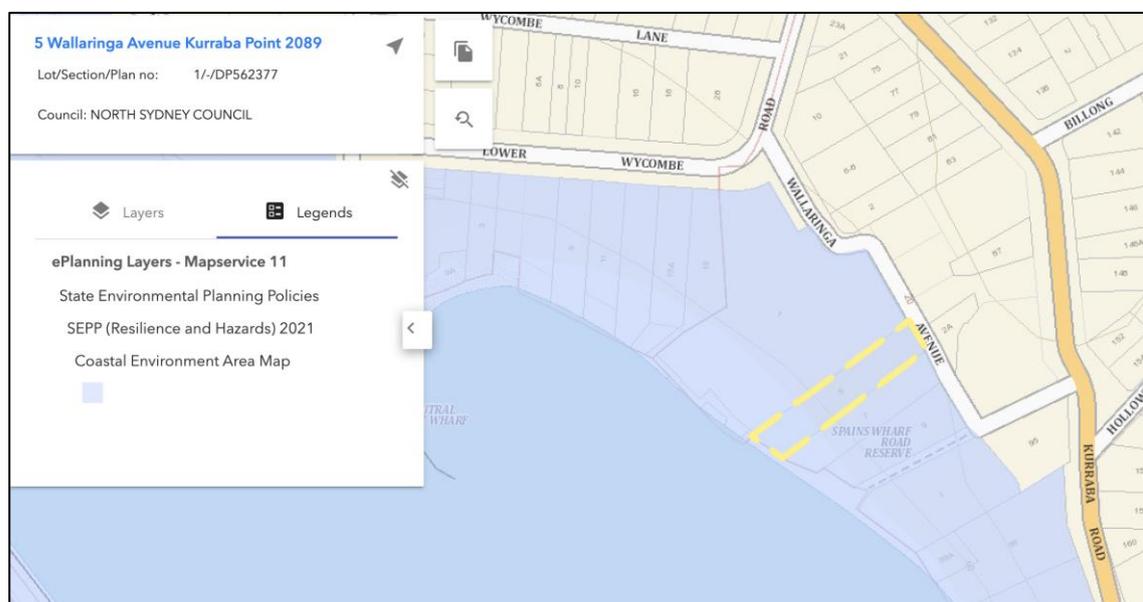


Figure 6: Extract from the mapped Coastal Environment Area showing the site outlined dashed yellow (Source: NSW Spatial Viewer)

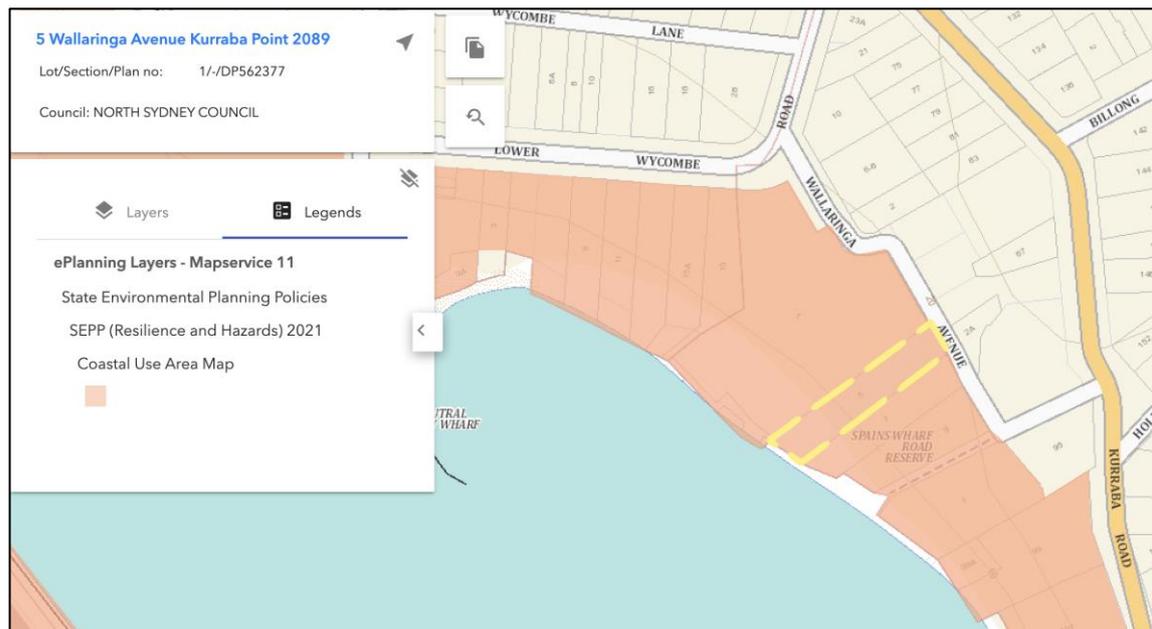


Figure 7: Extract from the mapped Coastal Use Area showing the site outlined dashed yellow (Source: NSW Spatial Viewer)

Section 2.13 requires that development consent must not be granted to development in the coastal zone unless the consent authority has considered the provisions of a certified coastal management program that applies to the land. The Greater Sydney Harbour Coastal Management Program is under preparation and is not yet certified. The scoping studies undertaken to date have identified urban stormwater discharge and coastal inundation by sea level rise as the major factors to consider with assessment of new development. Council's Development Engineer has recommended conditions of consent to ensure appropriate stormwater infrastructure is installed and monitored during construction and prior to the issue of a Construction Certificate.

The proposal is consistent with the relevant provisions of Chapter 2 to the SEPP (Resilience and Hazards) 2021.

Chapter 4 - Remediation of Land

The existing building has been used for *Information and Education Facilities* (museum) purposes for a long period of time since 1994, and prior to that as a private residence, and there is no evidence to suggest that the site is contaminated. Therefore, the requirements of Chapter 4 have been satisfactorily addressed.

Notwithstanding, should the application be worthy of support conditions of consent could be imposed requiring an asbestos and contaminated materials survey to address the requirements of the SEPP and to protect the long term health of workers on site and the occupants of the future development are not put at risk unnecessarily.

3) SEPP (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 – Vegetation in non-rural areas

The proposed development does not involve the removal of any trees on site.

Chapter 6 Water Catchments

Chapter 6 to this SEPP applies to land mapped as Foreshores and Waterways. The lot is within the mapped Foreshores and Waterways Area however the site the subject of this DA is outside of the foreshore building line – refer to **Figure 8**.

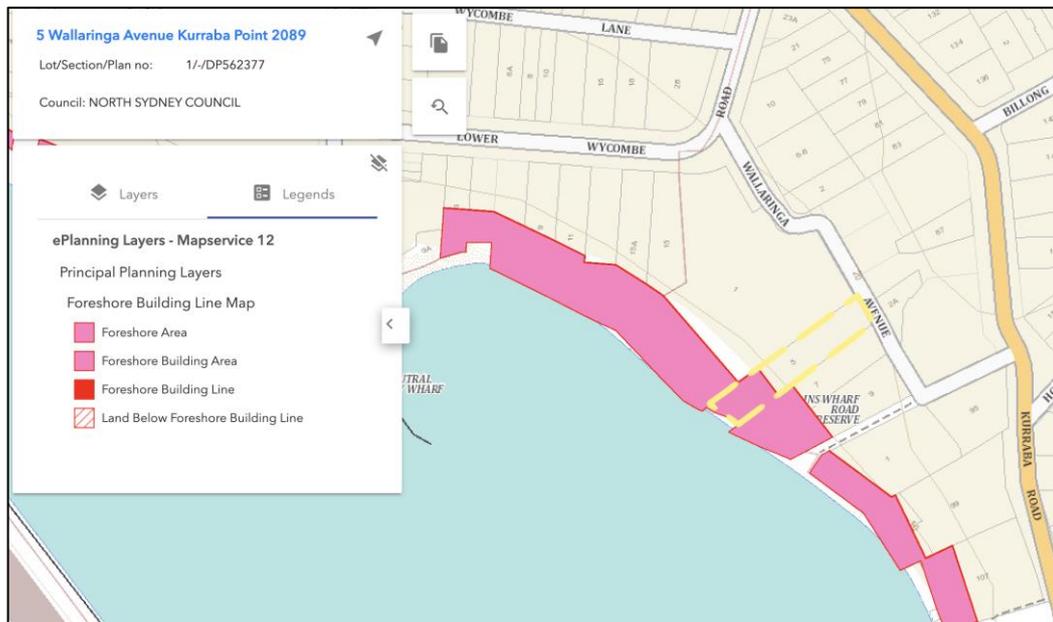


Figure 8: Part 6.3 Foreshores and Waterways Area

Section 6.28 applies to all development in the Foreshores and Waterways area. Section 6.28(1) requires that the consent authority consider the matters listed below:-

- (a) *Whether the development is consistent with the following principles:*
- i. *Sydney Harbour is a public resource , owned by the public, to be protected for the public good,*
 - ii *The public good has precedence over the private good,*
 - iii *The protection of the natural assets of Sydney Harbour has precedence over all other interests*

Comment: The proposal is unlikely to have an adverse impact on the natural assets and the environmental qualities of Sydney Harbour; its islands and foreshores because all of the building works would be carried out away from the foreshore. The proposal would improve the level of public access by allowing for a lift to allow equitable access to people with a disability to the foreshore.

- (b) *Whether the development will promote the equitable use of the Foreshores and Waterways area including use by passive recreation craft.*

Comment: The development will not change current uses of the foreshores.

- (c) *whether the development will have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area,*

Comment: The development is not considered to have adverse impacts on the Foreshores and Waterways Area.

(d) *whether the development promotes water-dependent land uses over other land uses,*

Comment: The development will have no impact on water-dependent land uses.

(e) *whether the development will minimise risk to the development from rising sea levels or changing flood patterns as a result of climate change,*

Comment: The proposed works are above the predicted sea level rise anticipated within the lifetime of the structures and the site is not affected by flooding.

(f) *whether the development will protect or reinstate natural intertidal foreshore areas, natural landforms and native vegetation,*

Comment: The proposed works will not impact on intertidal areas; natural landforms or any native vegetation being contained within the footprint of the existing structure.

(g) *whether the development protects or enhances terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to or shading of aquatic vegetation,*

Comment: The development will have no impact on terrestrial and aquatic species and habitat.

(h) *whether the development will protect, maintain or rehabilitate watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.*

Comment: The development will have no impact on watercourses, wetlands, riparian lands, remnant vegetation or ecological connectivity.

Section 2.68(2) requires that development consent must not be granted to development in the Foreshores and Waterways Area unless the consent authority is satisfied as to certain matters.

Those matters relevant to the proposal are listed and commented on below.

(d) *if the development site is on the foreshore—excessive traffic congestion will be minimised in the zoned waterway and along the foreshore,*

Comment: As most of the work are internal and of a relatively minor nature no excessive traffic congestion is anticipated. Moreover, none of the proposed works are located adjoining or within the foreshore being well removed and above the Mean High Water Mark.

(e) *the unique visual qualities of the Foreshores and Waterways Area and its islands, foreshores and tributaries will be enhanced, protected or maintained, including views and vistas to and from:-*

- (i) *the Foreshores and Waterways Area, and*
- (ii) *public places, landmarks and heritage items.*

Comment: The proposal would be generally consistent with the existing adjoining built forms in terms of height, bulk/scale and appearance; and is considered to not visually dominate the original heritage fabric and scale of the garage/flattet structure.

The proposed development is unlikely to impact views to and from the heritage item and is generally consistent with adjoining built forms with respect to bulk and scale.

4) NORTH SYDNEY LEP 2013

Aims of Plan

The proposal satisfies the aims of the NSLEP 2013, pursuant to Clause 1.2(2)(f) as it continues to protect the built heritage of North Sydney and will not detracting from the significance of the subject heritage listed item and the Kurraba Point Conservation area.

Permissibility within the zone

The site is zoned ‘R3 Medium Density Residential’ under the provisions of the North Sydney Local Environmental Plan 2013 refer to **Figure 9** and is listed as a heritage item under Part 1 of Schedule 5 of the NSLEP 2013 as well as being located within the Kurraba Point Conservation area – refer to **Figure 10**.

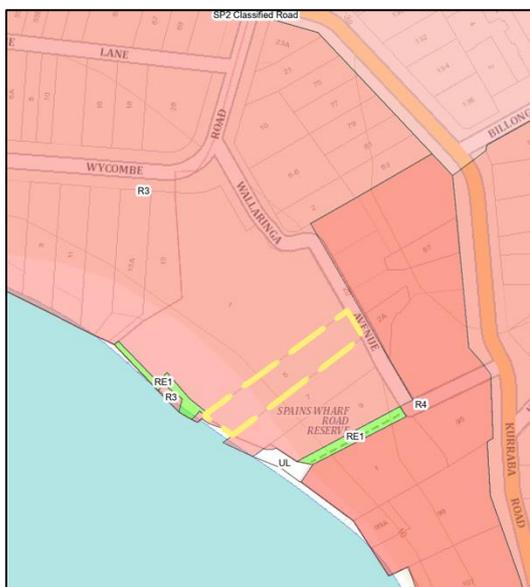


Figure 9: Zoning

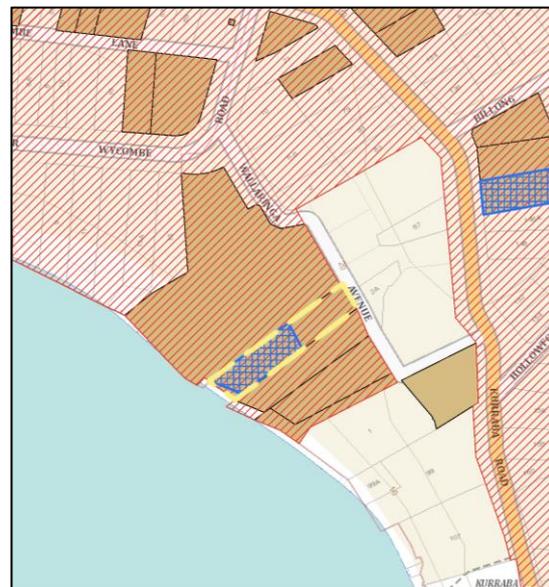


Figure 10: Heritage

The site is currently used as a museum with the original garage and flatette being used as a shop and tea room as ancillary to the primary use. These uses remain subsidiary and complementary to the primary use.

Under the North Sydney LEP 2013, a museum is defined as a “*Information and Education Facilities*”, being:- “*a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like*”.

Information and Education Facilities are permitted with consent in the R3 zone. The proposed alterations and amendments are a permissible form of development in this zone with development consent from Council.

R3 Medium Density Residential zone objectives

The objectives of the R3 zone are:-

- *“To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the development of sites for medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To provide for a suitable visual transition between high density residential areas and lower density residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.”*

It is considered that the proposed development is consistent with the zone objectives as it allows for other land uses which provides for facilities and services to meet the day to day needs of residents whilst not adversely impacting on the amenity of surrounding residential premises.

Provisions of NSLEP 2013

Clause 2.7 Demolition

The subject application is accompanied by a demolition plan and appropriate conditions of consent is recommended.

Clause 4.3 Heights of Building

The subject site has a maximum permissible building height of 8.5m. The proposed development does not alter the existing height at 6.95m. The proposed development lift results in a height of 5.6m complying with the height of building development standard.

Clause 5.10 Heritage Conservation

Heritage comments

“The proposal has been assessed in relation to Part 5 Clause 5.10 Heritage Conservation of the North Sydney LEP 2013 as well as the relevant provisions of Part B Section 13 Heritage and Conservation and Part C of the North Sydney DCP 2013 and is considered to be satisfactory. There are no works to the dwelling and the garden will remain intact. The setting of Nutcote will remain as existing and there will be negligible impact upon the Kurraba Point Conservation Area as the works will not be easily seen from the public domain”.

Planner comments

The application has been assessed against the relevant heritage objectives and provisions as contained in the North Sydney LEP 2013, particularly Clauses 5.10(1) and 5.10(4) of the North Sydney LEP 2013.

For the reasons as noted in the heritage referral comments above, the application satisfies the objectives of Clause 5.10(1) of the NSLEP 2013, specifically the works that are not considered to result in any adverse heritage impact to the original heritage fabric, the setting and context of the adjacent heritage items nor on the Kurraba Point Conservation Area.

In addition, the application is unlikely to have any adverse effect on the heritage significance of the heritage item consistent with Clause 5.10(4).

Clause 6.9 Limited development on foreshore area

The proposed works would be carried out above the foreshore building line – refer to **Figure 11**. As such clause 6.9 does not apply.



Figure 11: Foreshore building line

Clause 6.10 Earthworks

The proposed development minor excavation to allow for new footings and new lift (max 300mm).

Pursuant to Clause 6.10(2)(b) of the North Sydney Local Environmental Plan 2013, ancillary earthworks contained within the proposal are permissible however require development consent. With respect to the above, the proposed earthworks have been assessed against the provisions of Clause 6.10(3) as follows:

Control	Response
a. The likely disruption of, or any detrimental effect on: (i) drainage patterns and soil stability in the locality of the development, and (ii) natural features of, and vegetation on, the site and adjoining land,	The excavation does not extend beyond the footprint of the existing structure. The applicant has been referred to Council's Development Engineers, who responded in support of the proposal, subject to conditions of consent. The proposal is therefore considered acceptable in this regard.
b. The effect of the development on the likely future use or redevelopment of the land,	The proposed works will not place any restriction on the current or potential future use of the site. While some disruption may occur during the course of works, these are to be managed via appropriate conditions recommended by Council's Development Engineer and are not considered to detrimentally effect the likely future use or redevelopment of this land.
c. The quality of the fill or the soil to be excavated, or both.	The amount of excavation is minor (max. 300mm) and it is anticipated that any soil would be reused on site – in garden beds for example.
d. The effect of the development on the existing and likely amenity of adjoining properties.	The extent of excavation is minor, notwithstanding conditions have been recommended by Council's Development Engineer to ensure any environmental impacts on adjoining properties are appropriately managed (see conditions).
e. The source of any fill material and the destination of any excavated material,	The amount of excavation is minimal (max. 300mm) and it is anticipated that any soil would be reused on site – in garden beds for example.
f. The likelihood of disturbing Aboriginal objects or relics.	The amount of excavation is minimal (max. 300mm) and located under an existing slab. The likelihood of disturbing Aboriginal objects or relics is unlikely.
g. The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.	The proposal is not anticipated to result in any adverse impact to any waterways or catchment areas surrounding the subject site. The proposal seeks to make use of existing drainage provisions at the site, having been reviewed by Council's Development Engineer, responding in support of the proposal, subject to conditions.
h. Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposal has been reviewed by Council's Development Engineer as well as a full assessment against provisions of the NSLEP 2013 and NSDCP 2013. Additional appropriate conditions have been recommended, discussed within this report, and are considered satisfactory in this instance.

5) NORTH SYDNEY DCP 2013

The application has been assessed against Part B, Section 3 'Non-Residential Development in Residential Zones' and Section 13 "Heritage and Conservation" in NSDCP 2013 as detailed in the table below:

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 3- Non Residential Development in Residential Zones		
Control	Complies	Comments
3.2 Environmental Criteria		
3.2.1 Topography	Yes	Minor excavation is proposed for new footings and slab. No lift pit is required but rather the hydraulic lift only needs 100mm below the car with hydraulic lift pump located in the storage room north of the proposed lift. <ul style="list-style-type: none"> The proposed excavation is consistent with O4 as the proposal will not result in site disturbance due to the minor extent of the proposed excavation;

		<ul style="list-style-type: none"> The extent of the proposed excavation would not result in the removal of any sandstone retaining walls nor the sandstone base of the heritage listed item consistent with P2 <p>Accordingly, the application satisfies the objective of the control and would not have an adverse impact on neighbouring uses, heritage items and natural features of the surrounding land.</p>
<p>3.2.4 Properties with a foreshore frontage</p>	<p>Yes</p>	<p>The proposal does not include works forward of the FSBL being located at the northeastern part of the subject site.</p> <p>The proposal generally satisfies the provisions and objectives of Chapter 6 of SEPP (Biodiversity and Conservation) 2021 – refer to assessment against SEPP above.</p>
<p>3.2.5 Noise</p>	<p>Yes</p>	<p>The application is located in close proximity to a number of residential buildings including Nos. 1-3 and No. 7 Wallaringa Avenue.</p> <p>An acoustic report accompanies the application. The report had regard for the acoustic environment during the hours of operation from 11am to 3pm, Wednesday to Sunday, and in particular:-</p> <ul style="list-style-type: none"> the use of the existing verandah and new outdoor terrace the operation of the new lift, located at the south-west corner of existing tea room veranda <p>Tea room and terrace</p> <p>The proposal to allow for equitable access via a lift from the existing terrace to the tea room below also facilitates the expansion of the existing terrace. The accessible path of travel necessitates a new seating plan / layout this resulted in a total of 44 seats an increase from the existing 38 seats.</p> <p>The use of elevated terrace by 26 people (incl. 18 seats on the new terrace) is limited to daytime only between 11am to 3pm.</p> <p>The acoustic report notes as follows: -</p> <p><i>“Predicted patron noise levels at the property boundaries are:</i></p> <ul style="list-style-type: none"> <i>Up to LAeq,1hour 55 dB(A) at 3 Wallaringa Avenue (assessed at 4.5 metres above ground level, representing upper floor residences with line of sight to the outdoor terrace)</i> <i>Up to LAeq,1hour 53 dB(A) at 7 Wallaringa Avenue (assessed at 1.5 metres above ground level, representing the reasonably most-affected boundary location near the place of residence).</i> <p><i>These predictions indicate that the use of the existing verandah and new outdoor terrace during the general hours of operation (11 AM to 3 PM, Wednesday to Sunday) would comply with the noise emission limit of LAeq,1hour 55 dB(A) for a suburban area.</i></p> <p><i>While patron noise is predicted to comply with the relevant noise emission limit specified in the NSDCP 2013, it is recommended that background music be restricted to no higher than 50 dB(A) at the seating area to ensure that conversations can be carried out at normal vocal effort to raised vocal effort (in the worst case). If background music is required, it is recommended that a noise limiter be installed, and noise verification testing be carried out to calibrate the noise limiter device prior to occupation”.</i></p> <p>New lift / mechanical</p> <p>The advantage of a hydraulic lift is that it is low in noise pollution. The hydraulic pump machinery is the primary source of noise for hydraulic passenger lifts.</p>

	<p>The overall noise generated by the lift will be minimal consistent with what would be anticipated by a domestic lift for any dwelling house development.</p> <p>The hydraulic pump and circuit board controlling the lift would be housed in a machinery cabinet, located within the store room north of the proposed lift. The proposed equipment would be separated from the adjacent residential boundary by solid structures, such as the rendered walls and existing garden shed.</p> <p>As per the acoustic report:-</p> <ul style="list-style-type: none">• <i>“the presence of effective sound-isolating building elements between the site and the nearest residential premises,</i>• <i>the location of the lift pump in a corner position to maximise shielding effects, and</i>• <i>its enclosure within a cabinet</i> <p><i>is expected to attenuate operational noise to below 40 dB(A) LAeq,1hour at the property boundary of 3 Wallaringa Avenue, complying with TableB-3.1 noise emission limits for suburban areas”.</i></p> <p>Larger gatherings, Functions and Events</p> <p>The acoustic report included a noise management framework to support the use of Nutcote for large gatherings, functions and community events. Recommendations are included to further mitigate any potential noise disturbances which include:-</p> <ul style="list-style-type: none">• Restricting hours of use when larger groups are using the property (i.e. functions, school groups).• Distributing guests throughout the site to reduce concentrated noise levels and locating noise generating activities away from property boundaries.• Installing a noise limiter when using amplification (music) and conduct noise verification testing to calibrate the limiter prior to occupation.• Ensuring neighbouring properties are informed in advance and implement a complaints handling protocol. <p>It is noted that the site currently already caters for lager functions and additional acoustic measures in the acoustic report to manage larger functions is a good measure to ensure continued operations framework for Nutcote as a whole.</p> <p>The acoustic report concludes as follows:-</p> <p><i>“Blackett Acoustics has assessed the potential noise impacts from the proposed use of the new terrace and operation of the hydraulic lift at 5 Wallaringa Avenue, Kurraba Point, in response to North Sydney Council’s request for additional information. Specifically, this noise assessment for DA 163/2024 addresses the relevant noise and acoustic privacy provisions outlined in Part B, Section 3 of the North Sydney Development Control Plan 2013.</i></p> <p><i>Mechanical plant noise from the lift operation is expected to be negligible at the nearest residential boundary (3 Wallaringa Avenue). This is due to the presence of effective sound-isolating building elements between the site and the residential premises, the strategic corner positioning of the lift pump to maximise acoustic shielding, and its enclosure within a cabinet.</i></p>
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		<p><i>Cumulative patron noise from the use of the existing lower ground verandah and the proposed ground floor outdoor terrace is predicted to comply with the relevant noise emission limit of LAeq,1hour 55 dB(A) at the nearest residential boundaries (3 and 7 Wallaringa Avenue). If background music is desired, it is recommended that a noise limiter be installed, and noise verification testing be conducted to calibrate the limiter prior to occupation. In addition, a noise management framework has been developed to support the temporary use of the development for large gatherings, functions and community events”.</i></p> <p>Due to the lack of noise complaints for the current operations and the limited number of additional patrons as well as the day time operations it is not anticipated that the terrace and tearoom would result in an adverse noise disturbance during trading hours. Also, there is no amplified sound or entertainment proposed. A condition of consent to ensure that the roof top terrace does not result in unacceptable amenity impacts on the neighbours and the area is included – refer to Condition 12.</p>
3.2.6 Reflectivity	Yes	The proposed materials and finishes do not result in unreasonable reflectivity.
3.2.8 Views	Yes	Refer to view loss analysis below.

View Analysis

In order to establish the reasonableness of the potential view loss from Unit 10 at Nos. 1-3 Wallaringa Avenue, an assessment against the Land Environment Court planning principles on sharing of views in *Tenacity Consulting v Warringah [2004] NSWLEC 140*, has been undertaken.

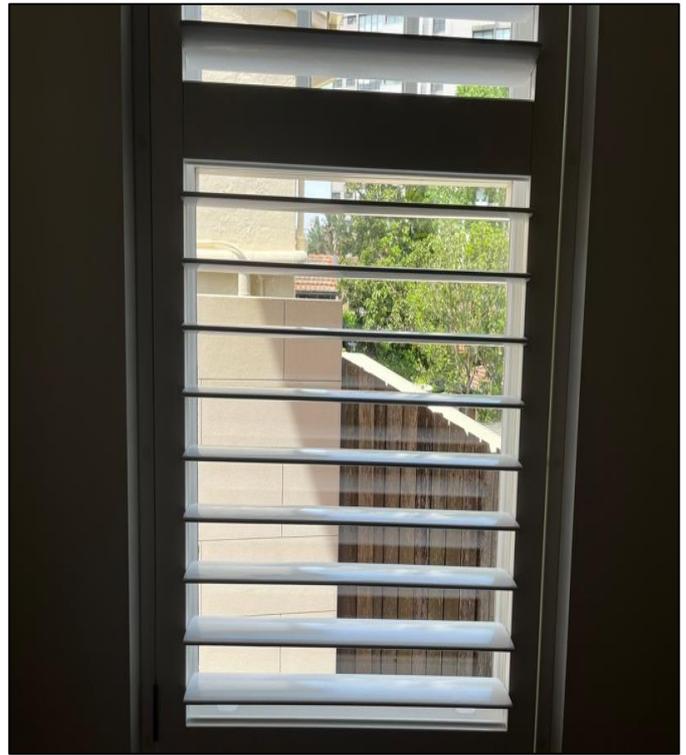
The test is applied below.

Step 1 – “The first step is the assessment of views to be affected”

The existing views from the dining and living room windows of Unit 10 of Nos 1-3 Wallaringa Avenue is towards Kurraba Point Wharf and the Harbour (see **Figure 12** and **Photos 9-14** below) and include no water views.



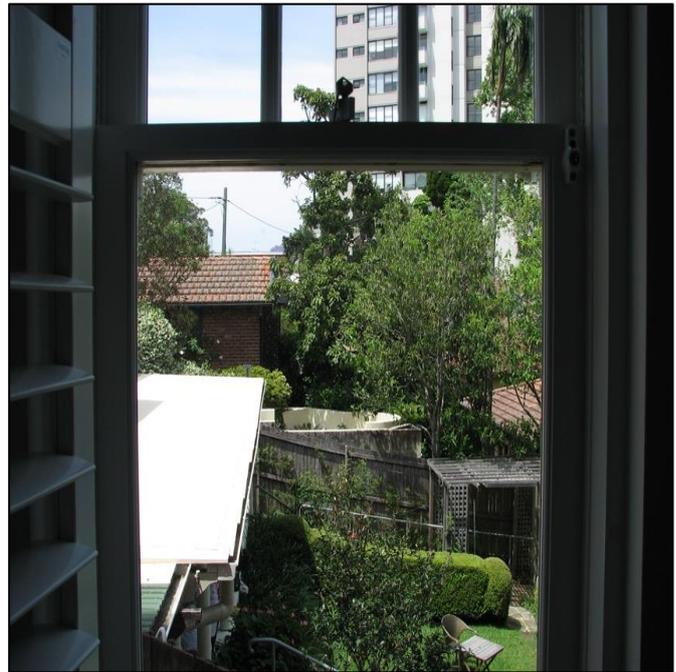
Figure 12: View line



Photos 9 & 10 Dining room window



Photo 11: Views from the dining room window



Photos 12 & 13: View from Living room window



Photo 14: View from living room looking back towards the existing shop and tearoom

Step 2: “The second step is to consider from what part of the property the views are obtained”

The views which may be affected by the proposed development, are obtained from a standing position (eye level) from the dining and living room windows of Unit 10 of Nos 1-3 Wallaringa Avenue - refer to **Figure 13** and **Photo 15** across the side boundary towards the south-east.

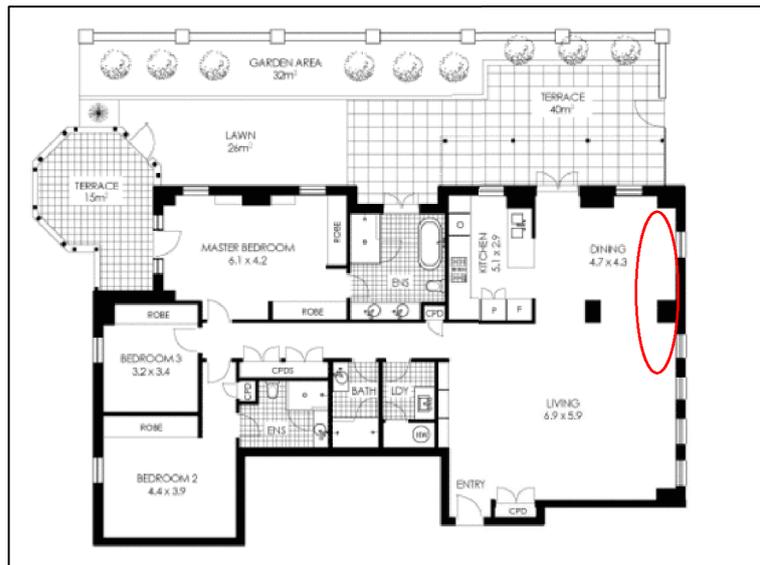


Figure 13: Location of affected windows of Unit 10 of No 1-3 Wallaringa outlined in red



Photo 15: Location of affected windows of Unit 10 of No 1-3 Wallaringa outlined in red

Step 3: “The third step is to assess the extent of the impact”

In order for a view to be highly valued it needs to have a scenic quality or composition. That is views which include water views are valued more highly than land views, and views where the interface between land and water is visible is more valuable than one in which it is obscured. The Harbour Bridge and Opera House are considered iconic views. Iconic views are valued more highly than views without icons.

Views without these scenic compositions or icons are more accurately described as a district outlook. Moreover, the views obtained across side boundaries are more difficult to protect than views from front and rear boundaries.

The affectation in this case is across a side boundary and includes a district outlook including the sky and some built form structures with no water views or land water interface views. The view contains no scenic quality or composition.

Notwithstanding, in order to demonstrate the extent of the impact and in the absence of CGI imaging the assessment relied on the existing survey plan and architectural plans and levels provided. **Figures 14 & 15** below are indicative only but allows for a reasonable assessment of the potential impacts.

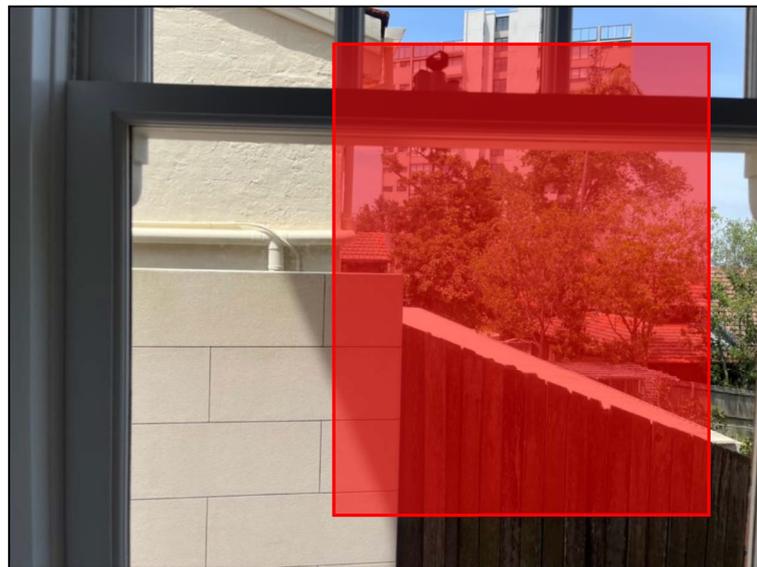


Figure 14: Likely impact on outlook from dining room window – red hatching indicates location of lift



Figure 15: Likely impact on outlook from living room window – red hatching indicates location of lift

Figure 14 and 15 demonstrates that the proposed development will impact on existing outlook of the sky, some vegetation and trees and the multi storey apartment building at No 1 Spains Wharf Road only, with no water views or land-water interface views being affected. Consistent with Tenacity the impact is defined as minor.

Step 4: “The fourth step is to assess the reasonableness of the proposal that is causing the impact”

The proposal is located well below the maximum height and is located below the gutter line of the existing structure. It also continues the existing side setback. However, even with a complying development application, the question should be asked whether a more skilful design or location of structures, could provide the same development potential and reduce the impact on the views of neighbours. It becomes less of how much views are lost but rather is the view loss reasonable?

“Skilful design” and the reasonableness of a proposal, is a development which not only responds to the numerical build form controls but also the other provisions of the NSDCP including the desired future character and accessibility requirements and protecting the heritage significance of the item.

In this regard, the location of the lift is considered appropriate having regard for the heritage context. Shifting the lift over or locating it within the existing structure would adversely impact on the original heritage fabric and make it much more visible from the street impacting negatively on the HCA.

It is noted that retaining all of an existing view cannot be called viewed sharing nor is it the intent of Tenacity. Moreover, as per par25 of Tenacity *“taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable”*. That is to say that some view loss is acceptable especially having regard for a view impact for the whole of the dwelling. In this regard, only two windows are affected whilst the remaining three windows are unaffected. Accordingly, as a whole the proposal has a minor impact on the views as obtained from Unit 10 of Nos. 1-3 Wallaringa Avenue.

In summary the proposal is considered to allow for reasonable view sharing, being inconsistent with objective 4 of Section 3.2.8 of the NSDCP, whilst recognising development may take place in accordance with the other provisions of the NSDCP and the NSLEP 2013.

<p>3.2.9 Solar Access</p>	<p>Yes</p>	<p>Shadow diagrams accompany the application which demonstrate that the majority of additional shadow falls across the subject site.</p> <p>The proposed developments retains a minimum of 3 hours of solar access at the winter solstice (21st June) between the hours of 9.00am and 3.00pm to:</p> <ul style="list-style-type: none"> a) the windows of main internal living areas; b) principal private open space areas; and c) any communal open space areas. <p>located on any adjoining residential properties.</p>
<p>3.2.10 Acoustic privacy</p>	<p>Yes</p>	<p>The noise source is located 6m from the dining room window of unit 10 of No 1-3 Wallaringa Avenue, separated by the lift structure and under the veranda (on the ground floor).</p> <p>P2 of Section 3.2.10 requires mechanical equipment, such as pumps, lifts or air conditioners to not be located adjacent to bedrooms or living rooms of dwellings on adjoining properties. It should be noted that this requirement more appropriately refers to larger mechanical equipment associated with exhaust ventilation systems and commercial lifts or larger commercial development. The proposal allows for a single hydraulic lift which is not dissimilar to any domestic lift.</p> <p>It is considered that the proposed development is consistent with the objective and allows for a reasonable level of acoustic privacy, anticipated by a low impact non-residential use which is compatible with surrounding residential uses.</p> <p>Also refer to Section 3.2.5 Noise above.</p>

3.2.12 Visual privacy	Yes	<p>The terrace is elevated, and the seating plan allows for a total of 26 seats (incl 18 seats on the new terrace). The new seating will be located 4.5m from the common boundary with No 1-3 Wallaringa having to allow for an accessible path to the lift and 2m from the common boundary with No 7 Wallaringa Av.</p> <p>The location of the lift within the south-western corner of the terrace obscures any opportunity for direct overlooking of habitable spaces within No 1-3 Wallaringa Avenue.</p> <p>Overlooking towards No. 7 Wallaringa Av will be across an existing garages with no opportunity for overlooking of habitable spaces being located more than 9m away.</p> <p>Accordingly, the proposed development allows a reasonable level of visual privacy to adjoining residents.</p>																												
3.3 Quality built form																														
3.3.1 Context	Yes	The proposed development is considered to be consistent with the context of the Kurraba Point Conservation Area for the reasons provided within the Heritage assessment and throughout this report.																												
3.3.2 Streetscape	Yes	The proposed lift will not be visible from the street and the existing balustrade with bronze sculptured insert will be re-used and relocated. The streetscape character is retained.																												
3.3.5 Siting	Yes	The characteristic building orientation and siting is maintained. The heritage assessment raised no concern with the siting of the proposed development.																												
3.3.6 Setbacks – Front Match the alignment of the primary façade of adjoining buildings	Yes	No change to existing.																												
Setback – Side GF (up to 4m) = 900mm 2nd storey (up to 7m) = 1.5m 3rd storey (above 7m) = 2.5m Below ground = 1m	On merit	<p>A DCP side boundary setback compliance table is provided below.</p> <table border="1" data-bbox="587 1155 1422 1447"> <thead> <tr> <th>Elevation</th> <th>Existing</th> <th>Proposed</th> <th>Comply</th> </tr> </thead> <tbody> <tr> <td>W Elevation</td> <td></td> <td></td> <td></td> </tr> <tr> <td>GL</td> <td>1.2m to roof</td> <td>1.2m to terrace 1.4m to lift</td> <td>No (existing)</td> </tr> <tr> <td>LG</td> <td>0m to shed 1.2m to veranda</td> <td>0m to shed 1.2m to veranda</td> <td>No (existing)</td> </tr> <tr> <td>E Elevation</td> <td></td> <td></td> <td></td> </tr> <tr> <td>GL</td> <td>2m</td> <td>2m</td> <td>Yes</td> </tr> <tr> <td>LG</td> <td>2m</td> <td>2m</td> <td>Yes</td> </tr> </tbody> </table> <p>The existing shed on the ground floor is being retained. It sits below the common boundary fence and is not visible from the adjoining property. The proposed new lift follows the alignment of the existing shop. The proposed lift is only 5.6m high above the existing ground level. The controls allow for a setback of 900mm to structures up to 4m high. Accordingly, the non-compliance is limited to the topmost 1.6m of the lift only.</p> <p>Notwithstanding the numerical non-compliance the proposed setback is considered appropriate as it meets the objectives of the control in that:-</p> <ul style="list-style-type: none"> • It reinforces the existing pattern of setback of the existing building; • It does not result in a bulk and scale which dominates adjoining structures; • It still allows for appropriate separation between buildings; and • It does not adversely impact on the amenity of existing dwellings in terms of shadowing, privacy, views, ventilation and solar access. 	Elevation	Existing	Proposed	Comply	W Elevation				GL	1.2m to roof	1.2m to terrace 1.4m to lift	No (existing)	LG	0m to shed 1.2m to veranda	0m to shed 1.2m to veranda	No (existing)	E Elevation				GL	2m	2m	Yes	LG	2m	2m	Yes
Elevation	Existing	Proposed	Comply																											
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LG	0m to shed 1.2m to veranda	0m to shed 1.2m to veranda	No (existing)																											
E Elevation																														
GL	2m	2m	Yes																											
LG	2m	2m	Yes																											
Setback – Rear	Yes	The works do not result in a technical non-compliance with the rear setback alignment.																												
3.3.7 Form Massing & Scale	Yes	The proposal lift is not visible from the public domain being located below the gutter line of the existing structure – refer to Photos 16 & 17 and Figure 16.																												



Photo 16: Location of lift below gutter line of existing shop



Photo 17: Location of lift behind existing shop



Figure 16: Proposed northern elevation

The proposed works will not detract from the heritage significance of the item or the Heritage Conservation area.

		<p>The proposed material selection is considered appropriate and in keeping with the style and built form character of the existing heritage listed item, moreover the sitting of the new works respect the setting and curtilage of the heritage item consistent with P13 and P14 of S3.3.7.</p> <p>Accordingly, the proposed development satisfies the objectives allowing for new buildings / structures to be consistent with surrounding, characteristic buildings and is not significantly larger than characteristic buildings.</p>																
3.3.8 Entrances and exits	Yes	<p>The proposal allows for equitable and dignified access for people with disabilities to the tea room/cafe, new gallery and accessible sanitary facilities on the lower ground floor by virtue of the proposed new lift.</p> <p>Consistent with P2, a continuous path of travel allows access through the shop and terrace to the new lift.</p> <p>Consistent with P4 the main entry is clearly identifiable to reduce confusion and unintentional entry.</p> <p>Access to the building has been designed in accordance with the provisions contained within Part B: Section 12 – Access of the DCP – refer to detail below.</p> <p>Accordingly, the proposal is consistent with the objectives in that it enables equitable access to all persons regardless of ability and ensures that entrances are clearly visible from the street.</p>																
3.3.9 Colours & Materials	Yes	<p>The proposed materials and finishes which is characteristic of the site and conservation area and the materials identified in the area character statement – refer to Part C of the DCP.</p> <p>Council’s heritage officer had no concerns with the nominated materials and finishes and recommended a condition of consent to ensure the materials, colours and finishes are consistent with that nominated on the architectural plans and compliment the conservation area. – refer to Condition A4.</p>																
3.4 Quality Urban Environment																		
3.4.1 Accessibility	Yes	<p>The proposal satisfy the objective of the control ensuring that buildings are made accessible to all persons regardless of their mobility. Refer to Section 12 below for detail.</p>																
3.4.2 Safety and Security	Yes	<p>The proposal will continue to allow for passive surveillance of the street.</p>																
3.4.3 Vehicle Access and Car Parking	On merit	<p>The application does not include any parking on site. Refer to Section 10 below.</p>																
3.4.4 Site Coverage 3.4.5 Landscape Area Un-built Area	Yes Yes	<p>The table below provides a summary of the compliance with the relevant site coverage, landscaped area and unbuilt upon areas provisions in NSDCP 2013:</p> <table border="1"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Site Coverage Max. of 50%</td> <td>270.24sqm 19.87%</td> <td>270.24sqm 19.87%</td> <td>Yes</td> </tr> <tr> <td>Landscape Area Min. of 50%</td> <td>1,039.76sqm 76.45%</td> <td>1,039.76sqm 76.45%</td> <td>Yes</td> </tr> <tr> <td>Un-built upon area Max of 20%</td> <td>50sqm 3.67%</td> <td>50sqm 3.67%</td> <td>Yes</td> </tr> </tbody> </table>	Control	Existing	Proposed	Complies	Site Coverage Max. of 50%	270.24sqm 19.87%	270.24sqm 19.87%	Yes	Landscape Area Min. of 50%	1,039.76sqm 76.45%	1,039.76sqm 76.45%	Yes	Un-built upon area Max of 20%	50sqm 3.67%	50sqm 3.67%	Yes
Control	Existing	Proposed	Complies															
Site Coverage Max. of 50%	270.24sqm 19.87%	270.24sqm 19.87%	Yes															
Landscape Area Min. of 50%	1,039.76sqm 76.45%	1,039.76sqm 76.45%	Yes															
Un-built upon area Max of 20%	50sqm 3.67%	50sqm 3.67%	Yes															
3.4.6 Landscaping	N/A	<p>The subject application does not alter the existing landscaping on site.</p>																
3.4.8 Garbage Storage	Yes	<p>An existing garden shed located at the southwestern corner of the former garage/flatette is used as a garbage storage area.</p> <p>Pursuant to P1, on-site garbage storage areas must be provided, which are capable of accommodating the number of garbage and recycling bins as indicated in Table B-3.5 (see below).</p>																

		Type of premises	Sub type of premises	Typical volume of waste generated to be stored	
				Waste	Recycling
		Retail trading	Shops 100sqm	50 L /100m2 GFA / day	25 L / 100m2 GFA / day
		Food and Drink premises	Restaurants and cafes	10 L / 1.5m2 GFA / day	120 L / 100m2 GFA / day
Volume of waste generated to be stored					
		Type of Premises	Total area	Typical volume of waste generated to be stored	
				Waste	Recycling
		Retail area / shop	40sqm	20L / day	10L / day
		Tea room	27sqm	180 L / day	33L / day
The total waste generated can be accommodated by 2x standard 240L garbage bins (1060mm H x 585mm W x 730mm D), which are able to be accommodated within the garden shed.					
3.5 Efficient Use of Resources					
3.5.5	Water Conservation	Yes	Existing rainwater tank remains in use.		
3.5.6	Waste Management and Minimisation	Yes	To minimise material usage and waste during building, construction and demolition a waste management plan were submitted with the application and appropriate conditions of consent are recommended.		
3.5.7	Stormwater Management	Yes	Council's engineers reviewed the stormwater design and found it appropriate subject to conditions of consent.		
3.5.8	Building Materials	Yes	The new finishes, fitments and partitions to the interior of the ground level are consistent with Policy 81 and Policy 87 of the CMP.		
Part B Section 10 Carparking and Transport					
10.1	Parking Provision	On merit	<p>Councils parking rates consistent with P7 are maximum rates. This reinforces the desire to facilitate the increased use of public transport and alternative modes of transport including walking and cycling consistent with Objective 1.</p> <p>In this regard the existing development does not have any parking on site. Although there may be a slight increase in the number of patrons, the site retains the existing parking arrangement and having regard for the sites proximity to public transport (190m to bus routes on Lower Wycombe Rd and being 450m from Neutral Bay ferry wharf) it remains appropriate.</p>		
Part B Section 12 Access					
		Yes	<p>The application is accompanied by an access report addressing Section 12 – Access of the DCP. The report notes as follows:-</p> <p><i>“Following a review of the plans it is my opinion that accessibility of the new building works shall provide equitable and dignified access for people with disabilities to the café, new gallery and accessible sanitary facilities on the lower ground floor by virtue of the proposed lift and extended ground floor terrace to satisfy the key objectives of the BCA and DDA Premises Standards.</i></p> <p><i>In particular;</i></p> <ul style="list-style-type: none"> <i>• The access to and within the internal areas of the ground floor bookshop and terrace areas shall provide appropriate access in accordance with AS1428.1 to satisfy clauses D4D2, D4D3 and D4D4 of the BCA and DDA Premises Standards.</i> <i>• The proposed lift will be a low-rise low speed type lift with a minimal overrun of approximately 250mm and a similar lift pit on the lower ground floor to ensure a level threshold. This type of lift is suitable for a heritage development of this scale and use and will be detailed to comply with clauses E3D5, E3D6, E3D7 of the BCA.</i> <i>• New unisex wheelchair accessible toilet and ambulant accessible toilets on the lower ground floor will be detailed at construction certificate stage in accordance with AS1428.1 to satisfy clauses F4D5 and F4D6 of the BCA and DDA Premises Standards.</i> 		

		<ul style="list-style-type: none"> <i>The access to and within the internal areas of the new gallery and existing cafe on the lower ground floor shall provide appropriate access in accordance with AS1428.1 to satisfy clause D4D4 of the BCA and DDA Premises Standards”.</i> <p>The provision of access has minimal impact on the significant fabric of the item and is supported by the heritage officer.</p> <p>Accordingly the proposed development is consistent with the objectives in that it provides for safe, equitable and dignified access as well as ensuring that substantial building work is carried out to upgrade the levels of access and facilities for all people to the existing museum.</p>
Part B Section 13 Heritage and Conservation		
Heritage and Conservation	and	Yes An assessment has been undertaken by councils Heritage officer – see below

The following table assesses the proposal with respect to the relevant sections of Part B Section 13.

Compliance Table		
Heritage and Conservation	Complies	Comments
B13.5 Heritage Items		
13.5.1 Protecting heritage significance		
<p>Objectives</p> <p><i>O1 Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item. Note: Council does not support demolition of heritage items as a matter of principle.</i></p> <p><i>O2 Allow change to occur to heritage items to meet amenity and contemporary safety, sustainability or technological standards, provided that those changes are sympathetic to and does not detrimentally affect the heritage significance of the heritage item.</i></p> <p><i>O3 Ensure significant features of heritage items are retained and that development is sympathetic to these features with particular regard to bulk, form, style, character, scale, setbacks and materials.</i></p> <p><i>O4 Acknowledge changes over time to heritage items, as subsequent layers may also be of significance.</i></p> <p><i>O5 Encourage reinstatement of missing details and the removal of past unsympathetic changes, to improve overall outcomes to the heritage significance of the heritage item.</i></p> <p><i>O6 Allow changes to the rear of heritage items where the new work does not impact the heritage significance of the heritage item.</i></p> <p><i>O7 Ensure that new uses of heritage items are compatible with the fabric and heritage significance of the item.</i></p> <p><i>O8 Encourage changes to be reversible where possible and appropriate.</i></p>		
Provisions		
<i>P1 Retain features (including natural and cultural landscape features) that contribute to the significance of the item.</i>	Yes	Significant features of the former garage/flatette are retained or will be protected by recommended conditions of consent.
<i>P2 Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.</i>	N/A	N/A
<i>P3 New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.</i>	Yes	The new lift will be a minor element in terms of form, massing and scale and will be located at the rear of the subject building. It will therefore be visually submissive.

<p>4 Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.</p>	<p>Yes</p>	<p>All significant fabric to be retained. The new lift will remain clearly separate from the former garage/flatette and will easily be perceived as new works.</p>
<p>P5 Locate change away from original areas of the heritage item that are intact.</p>	<p>Yes</p>	<p>The heritage significant exterior fabric of the subject building will largely remain intact. There are no works to the house or garden. The works to the interior of the subject building will remove fabric dating from 1994 that is assessed as having little heritage significance.</p>
<p>13.4 Development in the Vicinity of Heritage Items-</p>	<p>Yes</p>	<p>The proposal is also located in the vicinity of heritage items located at 1-3, 7 and 9 Wallaringa Avenue but would not adversely impact on the significance of the items or detract from their curtilage due to the small scale and massing of the proposed lift.</p>
<p>13.5.2 Form, massing, scale Objectives O1 allow alterations and additions that does not impact on the heritage significance of the heritage item. O2 To maintain and promote the original built form of the heritage item as viewed from the public domain.</p> <p>Provisions P1 Locate alterations and additions away from principal elevations, and behind and below the main ridge line. <i>Note: Alterations and additions should occur to the rear of heritage items such that they are not visible from the public domain.</i> P2 Alterations and additions are smaller in scale, height and massing than the existing building. P3 Locate additions within characteristic setbacks.</p> <p>Integrity of building form P4 Maintain the integrity of the building form (including the roof form and profile) so that the original building is retained and can be clearly discerned. P5 Additions should be submissive in bulk and scale in comparison to the original building form (i.e. additions should generally be smaller in footprint and lessor in height than the original building form).</p>	<p>Yes</p>	<p>The proposal is submissive in form, bulk and scale in comparison to the original building form and maintains the integrity of the original building as the lift will be a clearly separate addition.</p>
<p>13.5.3 Additional storeys</p>	<p>N/A</p>	
<p>13.5.4 Roofs Objectives O1 To ensure that original roofs, their hierarchy and materials are retained.</p> <p>Provisions P1 Retain hierarchy of roof forms, with dominant forms maintained on the primary facades. P2 Retain original roofing materials, such as slate or terracotta tiles.</p>	<p>Yes</p>	<p>There are no works to the existing roof planes. The new roof plane on the lift will be a skillion roof and will be submissive to other roof planes.</p>

<p><i>P3 Retain chimneys and other decorative roof elements.</i> <i>P4 Where new roof form additions are proposed, they must be set lower than the existing primary roof ridge and be designed to positively respond to the roofs prevailing character.</i> <i>P5 All new services/drains/etc to be internal and/or of suitable materials.</i> <i>P6 Original roof forms are not to be modified to accommodate decks or balconies.</i></p>		
<p>13.5.5 Interior layouts Objectives <i>O1 To ensure that significant interior elements are retained and preserved.</i> Provisions <i>P2 Minimise change to original or significant internal configuration so that the evolution of the building remains discernable.</i> <i>This can be achieved by retaining wall nibs, decorative ceilings, joinery and original features such as fire places.</i> <i>P3 Kitchens or bathrooms (generally) not to be located within primary rooms of significance</i> <i>P4 Retain access and relationship to original building entrances and associated hallways.</i> <i>P5 Retain significant internal original features including joinery, door sets, fire places, flooring, cornices and ceilings.</i> <i>P6 Locate alterations away from rooms that have intact or significant features.</i> <i>P7 Ensure new openings have similar dimensions or are compatible with existing openings, such as width and height of double doors.</i> <i>P8 Provide for reversibility of internal changes (where appropriate and reasonable).</i></p>	<p>Yes</p>	<p>The majority of works are confined to the interior of the lower ground floor of the former garage/flatette, which was converted into a tearoom and toilets in 1994. The internal reconfiguration works will impact only later fabric which is assessed in the CMP as having little heritage significance.</p> <p>The removal of the window infill is considered to be acceptable.</p> <p>The new finishes, fitments and partitions to the interior of the ground level are consistent with Policy 81 and Policy 87 of the CMP.</p> <p>While widening the existing doorway from 790mm to 850mm clear to comply with access requirements, will result in the loss of some original fabric, however, it is consistent with Policy 86 in the CMP which notes that discreet new doorways made for functional reasons are appropriate. The door will be reused for the new storage space nearby.</p> <p>The refurbishment of this lower ground level of the garage/flatette is consistent with Policy 33 in the CMP, which notes that services to support the principal use of Nutcote as a house museum and that secondary uses should be concentrated to the already converted garage/flatette.</p> <p>The interior fabric of the current tearoom dates from 1994 and is identified as being of little significance. All of the fabric that is proposed to be removed or altered dates from 1994 or later. The upgrading of the tearoom is consistent with Policy 18 in the CMP which recommends that Nutcote be used as a house museum with an associated retail outlet and tea rooms; Policy 81, regarding treatment of fabric graded as being of little significance; and Policy 87, allowing for the complete alteration or removal of the interior space of the existing tearoom.</p> <p>The widening of the doorway to the tearoom is to comply with contemporary building codes</p>
<p>13.5.7 Group heritage items</p>	<p>N/A</p>	
<p>13.9.2 Dormer windows 13.9.3 Verandahs and balconies 13.9.6 Fences</p>	<p>Yes</p>	<p>The verandah was constructed in 1994 and is assessed as having little significance. Consequently, the proposal is consistent with Policy 81, regarding treatment of fabric graded as being of little significance, and Policy 86, which identifies that the verandah may be removed or replaced with new fabric .</p>

		<p>The existing terrace is also assessed as being of little significance. The extension of the terrace to facilitate access to the proposed new lift is therefore acceptable and is consistent with Policy 81, regarding treatment of fabric graded as being of little significance</p> <p>The proposal also complies with Policy 89, which allows for vertical extensions and verandah additions to the verandah and area above the verandah.</p>
<p>3.9.4 Materials, colours and finishes <i>P8 Ensure materials, finishes and colours are compatible with the characteristic built elements of the heritage conservation area as described in the relevant Area Character Statement (refer to Part C of the DCP).</i></p>	Yes	<p>The schedule of colours and materials is considered to be appropriate to the context of the site and the character of Nutcote.</p> <p>A condition is recommended to ensure the materials, colours and finishes are consistent and compliment the conservation area.</p>
<p>Part C Area Character Statement Kurraba Point Conservation Area 6.1.3 Colours and Materials <i>P4 Development adjoining foreshore or bushland areas (such as at Wonga Road) use muted colours and non-reflective materials, such as brick and timber to ensure the scenic and environmental qualities are enhanced.</i></p>	Yes	<p>The proposed materials include new timber doors, corrugated metal roof sheeting and painted rendered brick or FC cladding on the lift, as well as sandstone paving to the terrace. This will result in the new lift being visually submissive to the existing building (as opposed to a fully glazed lift which would visually contrast).</p> <p>The materials are consistent with the palette of materials used in this conservation area and the Area Character Statement.</p>

South Cremorne Planning Area (Kurraba Point Conservation Area)

The application has been assessed against the relevant controls in Section 6.2 in Part C of the NSDCP 2013 relating to the Kurraba Point Conservation Area and found generally consistent with these policies.

The proposed development is considered consistent with characteristic building elements within the neighbourhood.

Planning Principle (intensification of use)

The intensification of the use of the tearooms of Nutcote as a result of the proposed new outdoor terrace and increase in seating numbers, has been assessed in relation to the planning principals in *Randall Pty Ltd v Leichhardt Council* [2004] NSWLEC 277, as follows:

25 Principles for the assessment of an extension or intensification of a use which may have an adverse impact on residential amenity, such as a hotel, are:

- *First, is the impact of the operation of the existing use on residential amenity acceptable? If the answer is no, then an extension or intensification, would be unacceptable unless there is no overall increase in impact or there are measures proposed which would mitigate the existing impact.*

Comment: The existing use of the place as a museum, with associated tearoom and the occasional function has been operating since 1994, in accordance with the Joint Strategic Plan 2022-2024. There are no records of unacceptable amenity impacts such as noise or litter complaints. Moreover, the type of use (tearoom and shop) is considered a low impact use compared to a full restaurant or pub. Accordingly, based on available information, the impact of the operation of the existing use of Nutcote on residential amenity is acceptable.

- *Second, if the answer is yes, is the impact of the proposed extension or intensification still acceptable?*

Comment: The existing use will be retained including a small increase in patrons (from 38 to 44 people). The location of the patron is to be altered via the introduction of a new outdoor terrace at ground level, with seating for 18 patrons of the tearoom.

The proposed new outdoor terrace will not result in direct overlooking opportunity to neighbouring dwellings, with the siting of the new lift at the northern end of the terrace obscuring any views into the windows of No 1-3 Wallaringa Avenue. Views towards No 7 Wallaringa Avenue will be over an existing garage with no opportunity for direct overlooking of habitable spaces.

The acoustic report addresses potential noise caused by the proposed hydraulic lift, and use of the outdoor terraces for seating. The report concludes that the use of the existing verandah and new outdoor terrace during the hours of operation would comply with the noise emission limit of LAeq,1hour 55 dB(A) for a suburban area.

Accordingly, the new/altered impacts of the proposed intensification are considered “*still acceptable*”.

Section 7.12 Infrastructure Contribution

The proposal involves works “*proposed by or on behalf of the Council for the provision of public infrastructure*”, as works to a publicly-run and owned museum, which is therefore considered to be exempt from contributions or levies pursuant to Section 1.3.2 of the *North Sydney Local Infrastructure Contributions Plan 2020*.

SITE SUITABILITY

The proposed development is submissive in form and maintains the integrity of the original building as the lift will read as a separate addition. The setting of Nutcote will remain as existing and there will be negligible impact upon the Kurraba Point Conservation Area as the works will not be easily seen from the public domain.

Moreover, the proposed lift allows for equitable access to the lower levels to access the tearoom and the museum.

As such the application is considered suitable for the site, consistent with Section 4.15(c) of the EP&A Act.

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

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

SUBMITTERS CONCERNS

The issues raised by the submissions are summarised below and addressed with planning comments:-

- *Acoustic and visual privacy*

Comment

Refer to acoustic and visual privacy assessment under Sections 3.2.10 and 3.2.12 of the DCP above. In conclusion the proposal is considered to not adversely impact on acoustic or visual privacy.

- *View loss*

Comment

This matter has been addressed in the section of this report concerned with Section 3.2.8 Views of the DCP. In conclusion the proposal is considered to allow for a reasonable sharing of views.

PUBLIC INTEREST

The proposal is considered to be in the public interest consistent with Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended) for the reasons stated throughout this report.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The application was notified in accordance with Council Community Engagement Protocol from **27 January 2023 until 10 February 2023** where a single submission was received. A number of issues were raised that have been addressed in this report.

CONCLUSION

The development application seeks consent for alterations and additions to the heritage item to facilitate the reconfiguration of a tea room, ablution facilities, accessibility changes, a new lift and display space located at No. 5 Wallaringa Avenue, Kurraba Point.

The application is reported to the North Sydney Planning Panel for determination as Council is the land owner.

The application was notified in accordance with the community engagement protocol where Council received one submissions raising concerns with the proposal.

The proposed application has been assessed against the *North Sydney Local Environmental Plan 2013* and the provisions of the *North Sydney Development Control Plan 2013* and the relevant State Planning Policies and found to be satisfactory.

The lift provides equitable and dignified access for people with disabilities to the café, new gallery and accessible sanitary facilities on the lower ground floor. Moreover, the proposed works support the ongoing use of the place as a museum with ancillary tearoom and shop. In particular, the proposed lift, reconfiguration of the bathrooms and kitchen upgrading works will improve the usability and accessibility of the place as a public venue and will have an overall positive impact on the existing and future amenity of the place.

The proposed additions (new lift tower) are located to the south of the former garage/flatette and will be no higher than the gutter of the existing structure and as such will not be visible from the street. The former flatette/garage located behind Nutcote is not visible from the water and the proposed works will similarly not be visible from Sydney Harbour.

For the reasons as noted in the heritage referral comments and throughout this report, the application satisfies the objectives of Clause 5.10(1) of the NSLEP 2013, specifically the works that are not considered to result in any adverse heritage impact to the original heritage fabric, the setting and context of the adjacent heritage items nor on the Kurraba Point Conservation Area.

In addition, the application is unlikely to have any adverse effect on the heritage significance of the heritage item consistent with Clause 5.10(4).

Having regard to the provisions of Section 4.15 (1) of the Environmental Planning & Assessment Act 1979, the proposed development will not result in any unreasonable amenity or environmental impacts subject to conditions. The application is considered satisfactory and is recommended for **approval**.

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, assume the concurrence of the Secretary, Department of Planning and Environment, and grant consent to Development Application DA168/2024 for alterations and additions to the heritage item to facilitate the reconfiguration of the existing tea room, ablution facilities, accessibility changes, a new lift and display space at No. 5 Wallaringa Avenue, Kurraba Point, subject to the attached standard conditions of consent.

Annelize Kaalsen
CONSULTANT PLANNER

Robin Tse
A/TEAM LEADER ASSESSMENTS

Manager's note: This report has been reviewed for quality and completeness only. The content and recommendation are materially unchanged from that of the Independent Assessment Officer

Stephen Beattie
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
5 WALLARINGA AVENUE, KURRABA POINT
DEVELOPMENT APPLICATION NO. 163/24

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/documentation

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

Drawing No.	Rev	Title	Drawn By	Dated
126180/30	A	Site Plan	Lucas Stapleton Johnson	13/06/2024
126180/31	A	As existing ground and lower plans - Demolition	Lucas Stapleton Johnson	13/06/2024
126180/32	-	As existing elevations -demolition	Lucas Stapleton Johnson	12/02/2024
126180/33	C	Proposed floor plans	Lucas Stapleton Johnson	25/11/2024
126180/34	-	Roof plan and stormwater	Lucas Stapleton Johnson	12/02/2024
126180/35	-	Proposed elevations	Lucas Stapleton Johnson	12/02/2024
126180/25	A	Proposed Plan Layout	Lucas Stapleton Johnson	05/06/2024
126180/26	B	Proposed Internal Elevations	Lucas Stapleton Johnson	06/06/2024

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

Plans on Site

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

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

External Finishes & Materials

- A4. External finishes and materials must be in accordance with the submitted schedule dated 12 February 2024, prepared by Lucas Stapleton Johnson on Drawing 126180/35 and registered by Council on 9 July 2024 unless otherwise modified by Council in writing.

(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)

Sandstone Paving

- C2. The sandstone paving to the terrace is to match the existing paving on the street level terrace or is to match the sandstone crazy paving in the garden. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To be consistent with the existing materials used at Nutcote.)

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)

Erosion and Sediment Control

- C4. Where any works authorised by this consent require 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 implemented 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 Erosion and 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 prepared in accordance with the provisions of Part B Section 19 of *the North Sydney DCP 2013*, must be submitted for approval by the Principal Certifier prior to the issue of the relevant Construction Certificate. The plan must include, but not be limited to:

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

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

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

Work Zone

- C6. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

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

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

**5 WALLARINGA AVENUE, KURRABA POINT
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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)

Stormwater Disposal

- C7. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the NCC and current plumbing standards and guidelines. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure appropriate provision for disposal and stormwater management arising from the development)

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

- C8. 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 the cost for the following relevant matters:
- 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; and.
 - 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.

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The security will be refundable following the expiration of 6 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)

Security Deposit/ Guarantee Schedule

- C9. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security deposit/ guarantee	Amount (\$)
Infrastructure Damage Bond	\$5,000.00
TOTAL BONDS	\$5,000.00

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)

Compliance with Acoustic Report

- C10. The recommendations contained in the acoustic report prepared by Blackett Acoustics Noise & Vibration Consultants dated 29 January 2025, must be implemented during construction and ongoing use of the development.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied, must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Provision of Accessible Paths of Travel

- C11. The building must be designed and constructed to provide access and facilities in accordance with the *National Construction Code and Disability (Access to Premises - Buildings) Standards 2010*. 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

Notes:

1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to a Construction Certificate being issued. Approval of a modification application may be required.
2. It is not within Council's power to set aside national legislation which requires the upgrade of buildings to meet modern access standards. The Building Commission NSW may be contacted in these or similar circumstances.
3. Enquiries regarding making an application for an "unjustifiable hardship exemption" under the accessibility standards can be made with the Building Commission NSW.

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

D. Prior to the Commencement of Any Works (And Continuing Where Indicated)

Public Liability Insurance – Works on Public Land

- D1. 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)

Commencement of Works Notice

- D2. Works in accordance with this development consent must not be commenced until the Developer has given at least two days' notice to North Sydney Council of the person's intention to commence works 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)

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)

Removal of Extra Fabric

- E3. 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)

Noise and Vibration

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

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

Temporary Disposal of Stormwater Runoff

- E5. 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)

No Work on Public Open Space

- E6. 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

- E7. 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)

Special Permits

- E8. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) **On-street mobile plant**

For example, 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 Applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

Service Adjustments

- E9. The adjustment or inclusion of any new utility service or facilities must be carried out by an appropriately contractor in accordance with the requirements of the relevant utility authority.

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

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

(Reason: To ensure the service requirements are met)

Installation and Maintenance of Erosion and Sediment Controls

- E10. 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 Ed, 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

- E11. Most development consents require a durable sign to be displayed in a prominent location on construction sites during building works which displays information and warning of penalties should appropriate erosion and sedimentation control measures not be maintained.

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

Prohibition on Use of Pavements

- E12. 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)

Construction Hours (Commercial Centre and Mixed-use Zones)

E13. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

Standard Construction Hours	
Day	Hours
Monday - Friday	7.00am - 7.00pm
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 Environmental Planning and Assessment Act 1979* and in accordance with Council's adopted Compliance and Enforcement Policy.

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

Out of Hours Work Permits

E14. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
 - the erection of awnings,
 - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
 - the erection and removal of hoardings and site cranes, and
 - craneage of materials which cannot be done for public convenience reasons within normal working hours.

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- 4) Examples of activities for which permits WILL NOT be granted include;
- extended concrete pours
 - works which are solely to convenience the developer or client, and
 - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

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

Site Amenities and Facilities

- E15. 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 SafeWork NSW 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.safework.nsw.gov.au

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

Health and Safety

- E16. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW 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.safework.nsw.gov.au

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

Prohibition on Use of Pavements

- E17. 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)

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Plant & Equipment Kept Within Site

- E18. All plant and equipment used in the undertaking of the demolition and construction works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Asbestos Removal

- E19. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork NSW Asbestos or "Demolition Licence" and a current SafeWork "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 SafeWork NSW requirements)

F. Prescribed Conditions Imposed Under EP&A Act and Regulations and Other Relevant Legislation**National Construction Code**

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

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifier (PC)

- F2. 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 *Environmental Planning and Assessment Act 1979* and its Regulation.

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

Construction Certificate

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

(Reason: Statutory, to ensure appropriate safeguards are in place prior to the commencement of any works)

Occupation Certificate

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

(Reason: Statutory Compliance)

Critical Stage Inspections

- F5. Building work must be inspected by the Principal Certifier at the critical stages prescribed by *the Environmental Planning and Assessment Act 1979* and *the Environmental Planning and Assessment Regulation 2021*, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

Commencement of Works

- F6. Works 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 intention to commence those works.

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

Excavation/Demolition

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

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

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Protection of Public Places

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

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

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

Site Sign

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

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)

I. On-Going / Operational Conditions**Loading within Site**

- I1. All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or the public way.

(Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity)

Restrictions on Use of the Roof Terrace

12. No amplified sound, or entertainment and the like shall be located on the roof top terrace located on the ground floor.

(Reason: To ensure that the use of the roof terrace area does not result in unacceptable amenity impact on neighbours and the area, and the use is consistent with the maximum LAB noise criteria)

Hours of Operation – tea room

13. The hours of operation for the tea room are restricted to 11.00am and 3.00pm Wednesday to Sunday.

Upon expiry of the permitted hours:

- a) all restaurant service (and entertainment) must immediately cease;
- b) no person shall be permitted entry; and
- c) all customers on the premises must be required to leave within the following half hour.

(Reason: to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

Maximum Capacity – Premises

14. The maximum number of patrons for the tea room allowed by this consent is 44 persons consisting of:-

- a) a maximum of 26 within the ground floor terrace; and
- b) a maximum of 18 within the lower ground floor

A notice must be displayed at all times in the front window of the premises (or any other clearly visible place) identifying the maximum capacity described in (a) and (b) above.

(Reason: Protection of residential amenity, provision of public information, and to assist in assessing ongoing compliance)

Patron Behaviour

15. The proprietors/management of the premises must take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises. The proprietors/management must ensure that:

- (a) A sign is placed in clearly visible position adjacent to the entry/exit of the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

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- (b) The [management/licensee] must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.
- (c) The [management/licensee] must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council.
- (d) If so directed by Council, the [management/licensee] is to employ private security staff to ensure that this condition is complied with.

(Reason: To ensure patrons do not interfere with the acoustic amenity of residents in the immediate locality)

Waste Collection

16. Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

(Reason: To ensure the amenity of surrounding properties)

Delivery Hours

17. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)

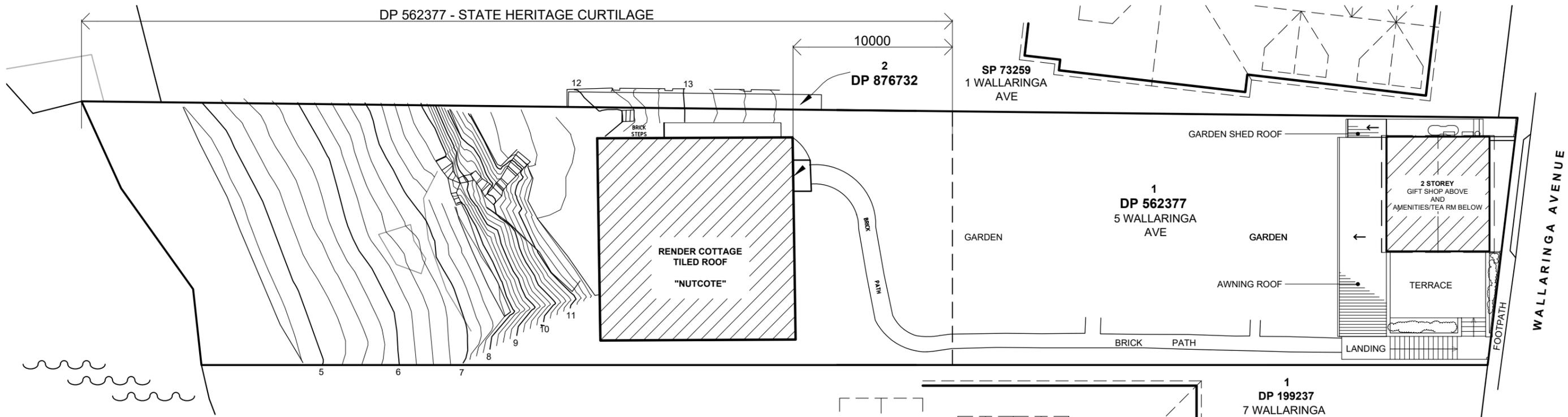
Ausgrid Requirements

18. Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.

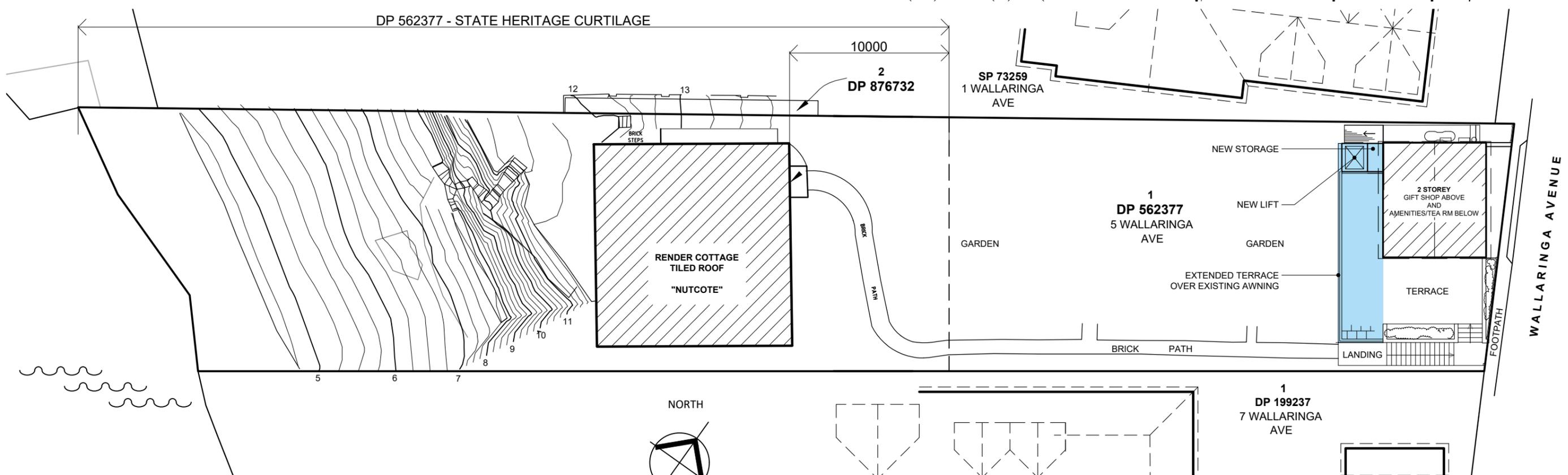
The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Ausgrid’s Network Standards can be sourced from Ausgrid’s website, www.ausgrid.com.au

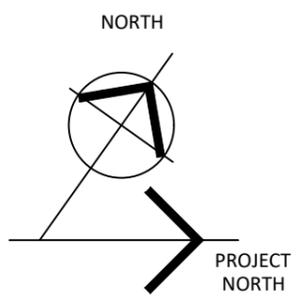
(Reason: To ensure compliance with the statutory requirements of Ausgrid)



1 AS EXISTING SITE PLAN
Scale 1:250



2 PROPOSED SITE PLAN
Scale 1:250



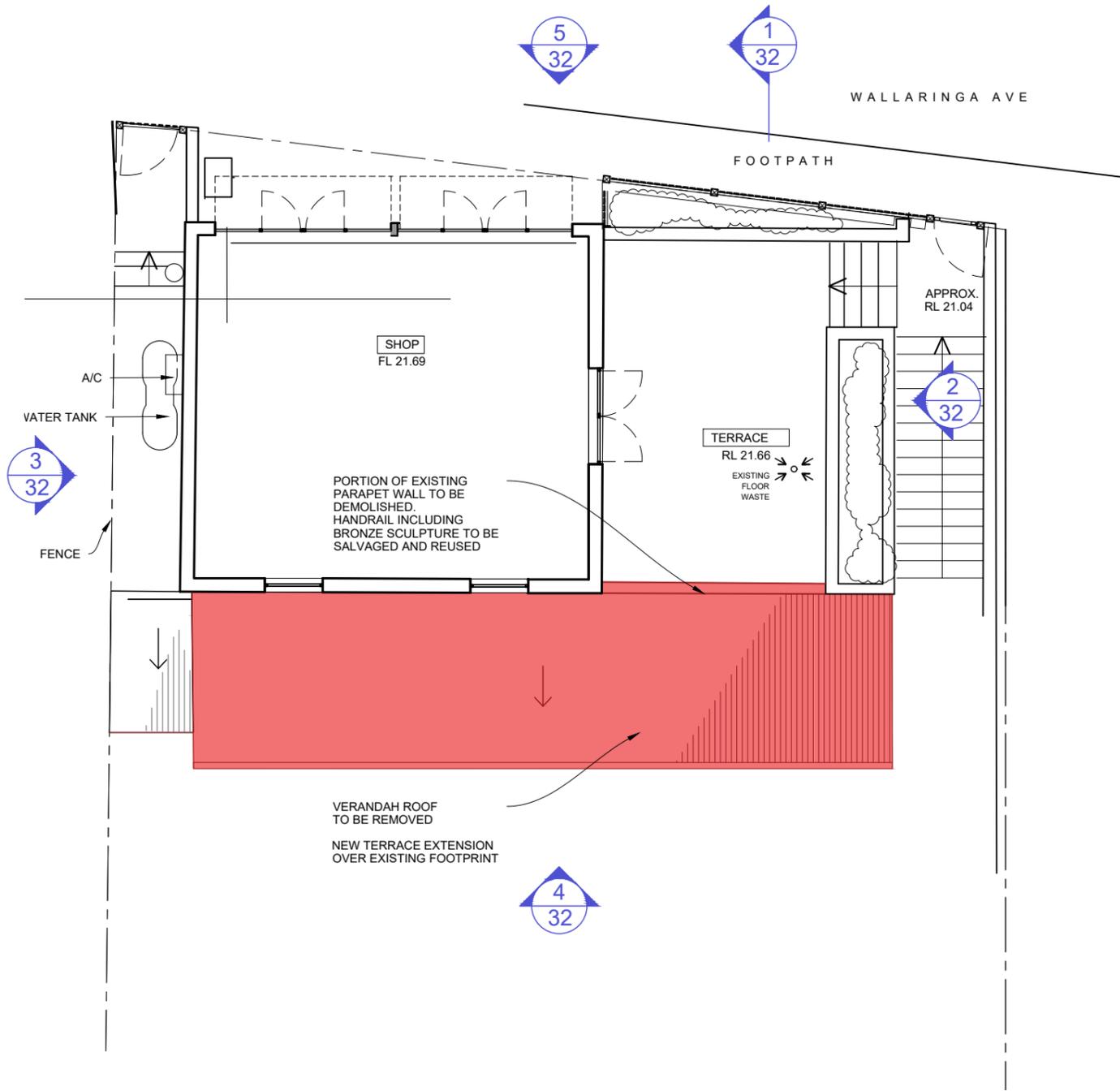
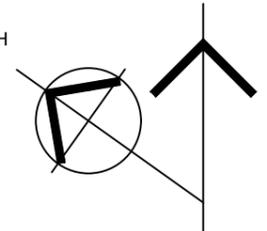
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PROPOSED WORK

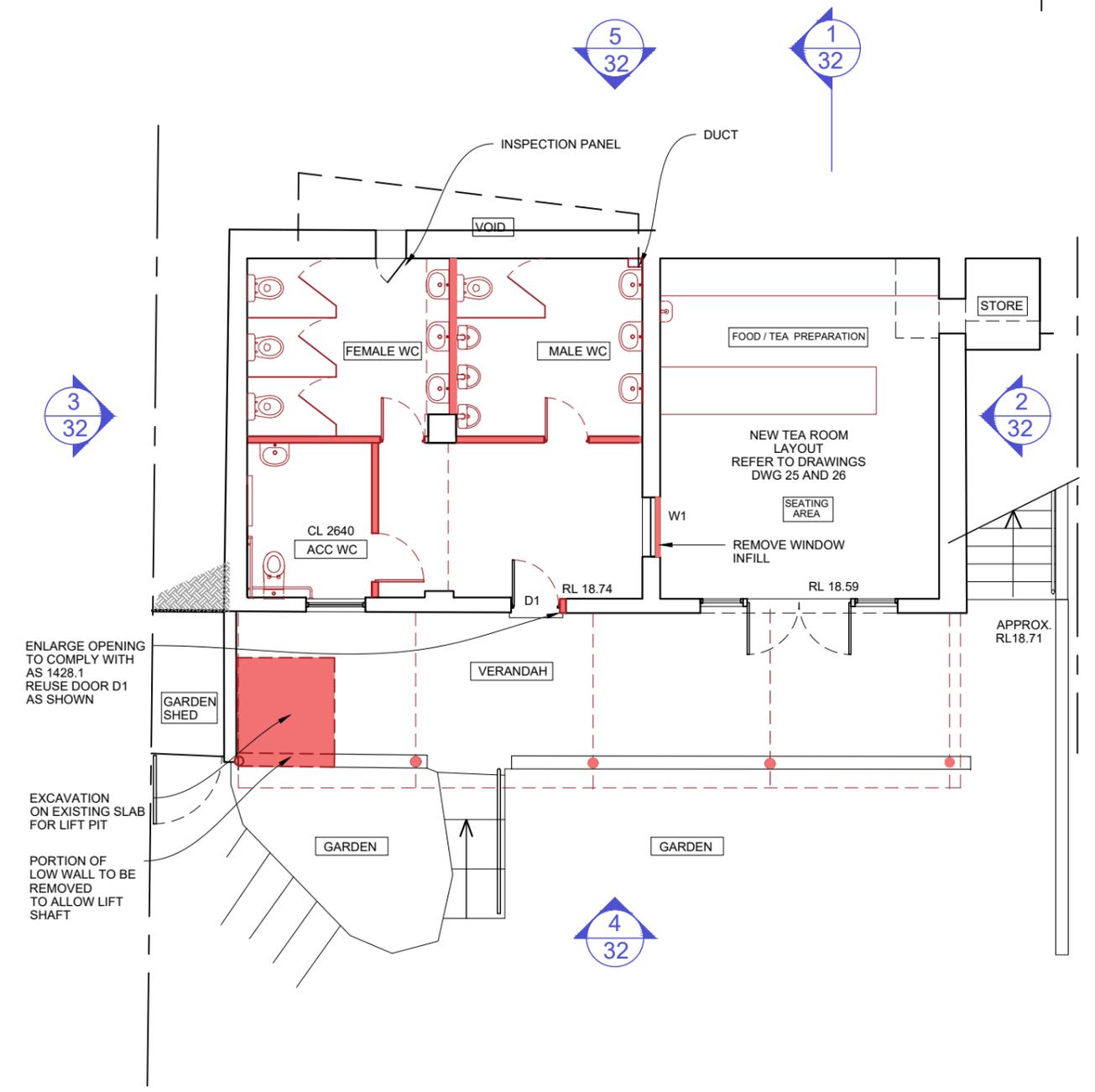
Document Set ID: 10070636
Version: 1, Version Date: 09/07/2024

13/06/24 Date
A No. AMENDED Amendment

LUCAS STAPLETON JOHNSON LSJ Heritage Planning & Architecture	Lucas Stapleton Johnson & Partners Pty Ltd Suite 303, 155 King Street Sydney, NSW, 2000 Tel.: (02) 9357 4811 ACN 002 584 189 ABN 60 763 960 154 Nominated Architect: Ian Stapleton (Reg. 4032) Email: mailbox@lsjarchitects.com Websites: www.lsjarchitects.com www.traditionalaustralianhouses.com		Job NUTCOTE 5 WALLARINGA AVE, NEUTRAL BAY NSW 2089	
	© Lucas Stapleton Johnson & Partners Pty Ltd Check all dimensions. Figured dimensions to be taken in preference to scale.		Dwg. SITE PLAN PROPOSED AND EXISTING	
Date	Scale (at A3)	Drawn	Dwg. No.	
12/02/24	AS NOTED	EC	126180/30/A	



1 AS EXISTING GROUND FLOOR
Scale 1:100 125540-ie.dwg



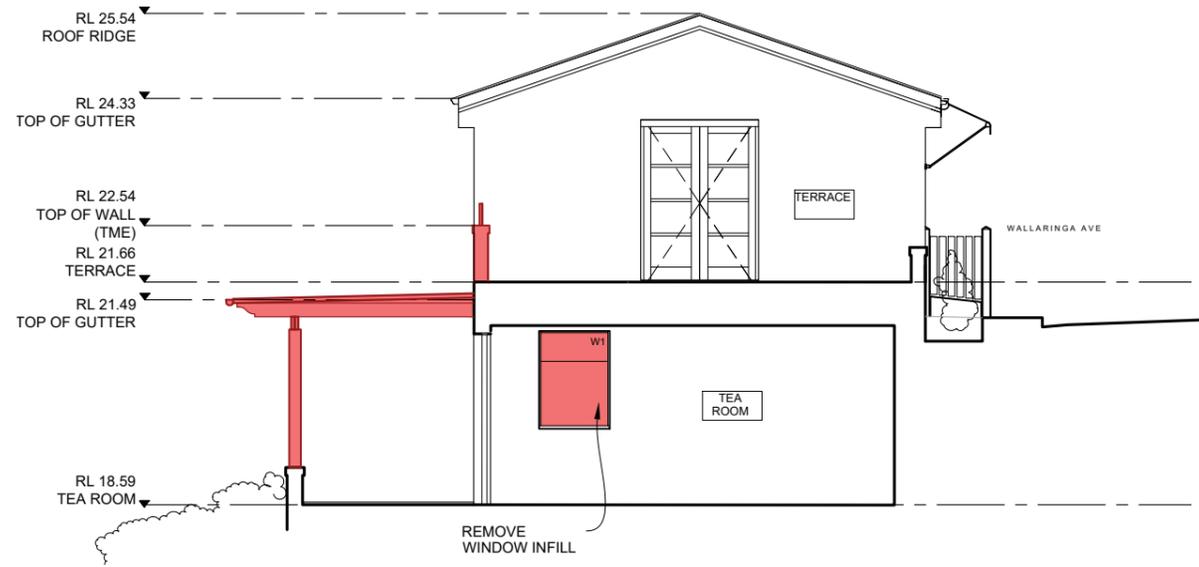
2 AS EXISTING LOWER GROUND FLOOR
Scale 1:100 125540-ie.dwg

LEGEND:

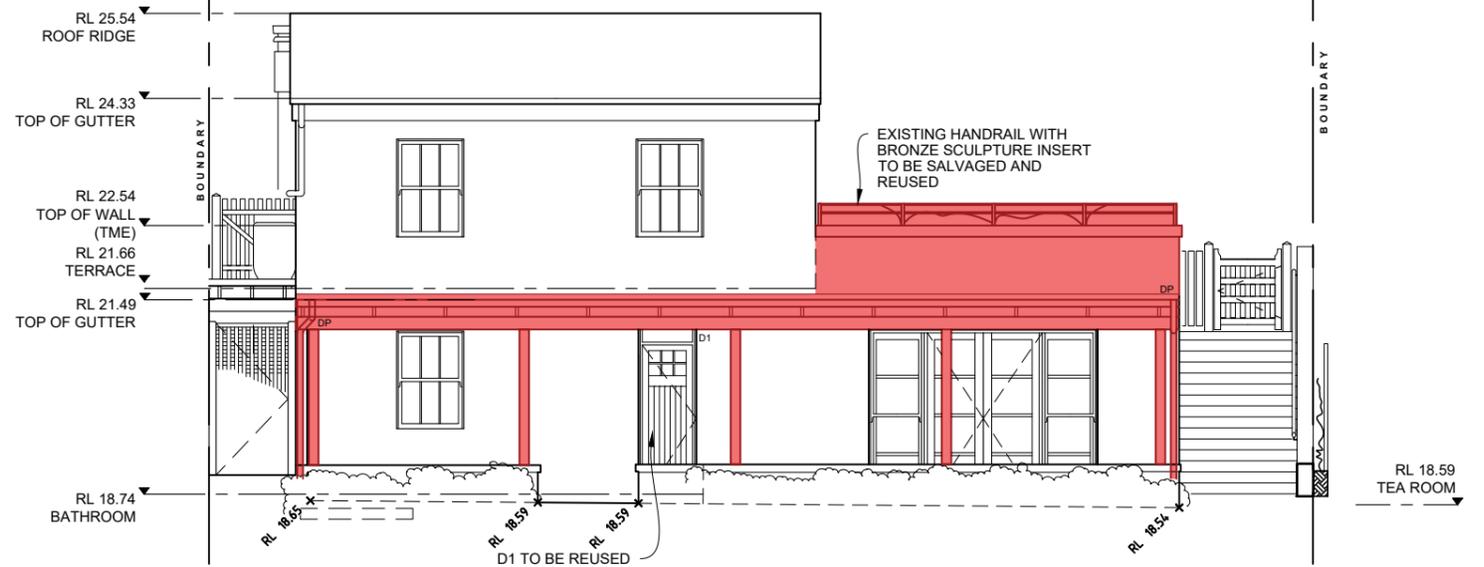
DEMOLITIONS
Document Set ID: 10070636
Version: 1, Version Date: 09/07/2024

13/06/24 A AMENDED
Date No. Amendment

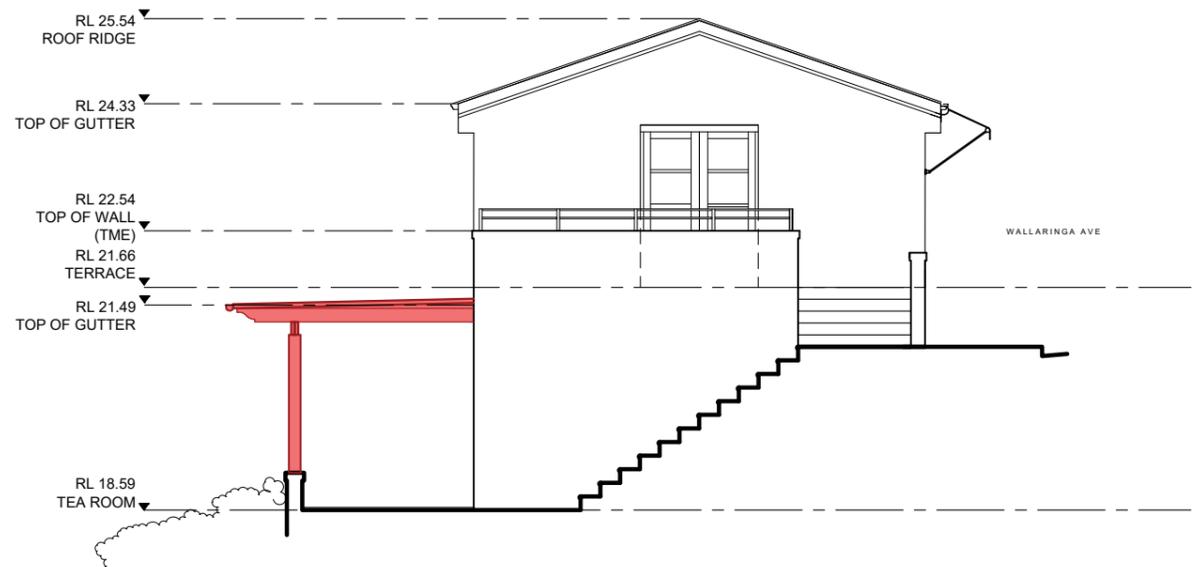
LUCAS STAPLETON JOHNSON LSJ Heritage Planning & Architecture	Lucas Stapleton Johnson & Partners Pty Ltd Suite 303, 155 King Street Sydney, NSW, 2000 Tel.: (02) 9357 4811 ACN 002 584 189 ABN 60 763 960 154 Nominated Architect: Ian Stapleton (Reg. 4032) Email: mailbox@lsjarchitects.com Websites: www.lsjarchitects.com www.traditionalaustralianhouses.com		Job NUTCOTE 5 WALLARINGA AVE, NEUTRAL BAY NSW 2089	
	Dwg. AS EXISTING GROUND AND LOWER PLANS - DEMOLITIONS			
	© Lucas Stapleton Johnson & Partners Pty Ltd Check all dimensions. Figured dimensions to be taken in preference to scale.	Date 25/01/24	Scale (at A3) 1:100	Drawn EC



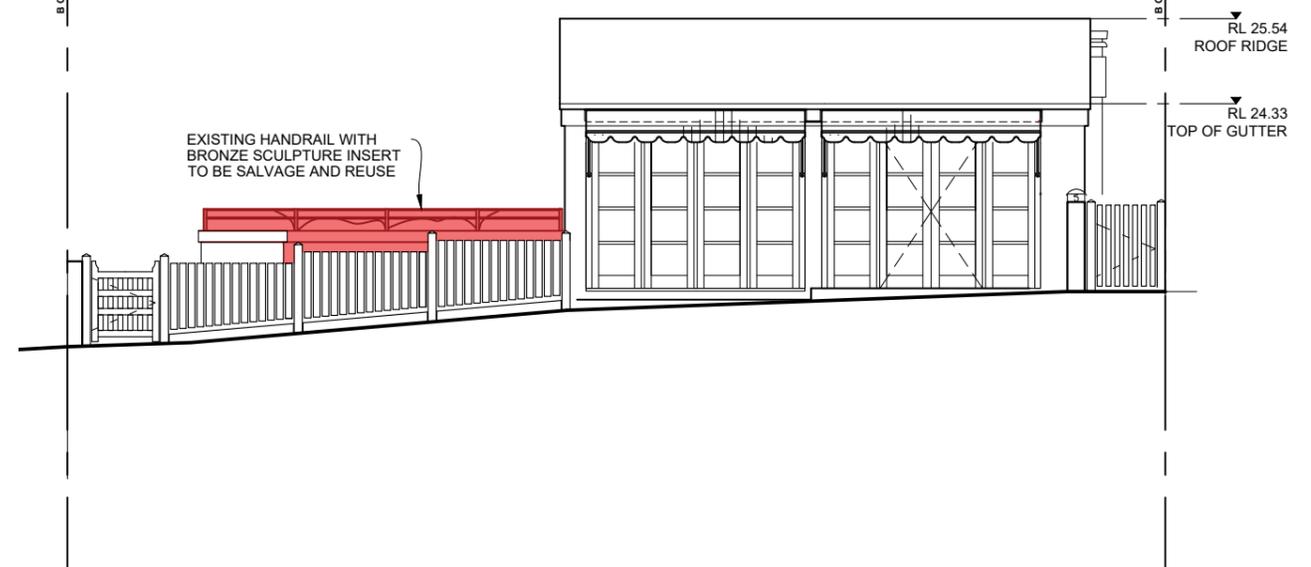
1 CROSS SECTION
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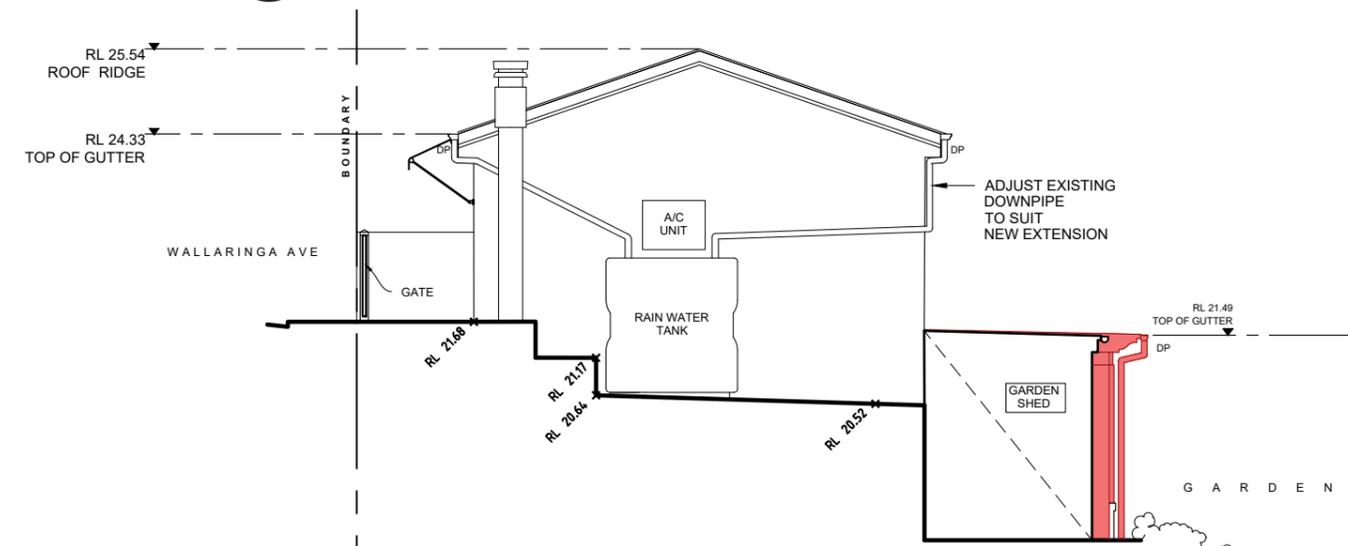
4 SOUTH REAR ELEVATION
 Scale 1:100 125540-ie.dwg



2 EAST ELEVATION FACING 7 WALLARINGA AVE
 Scale 1:100 125540-ie.dwg



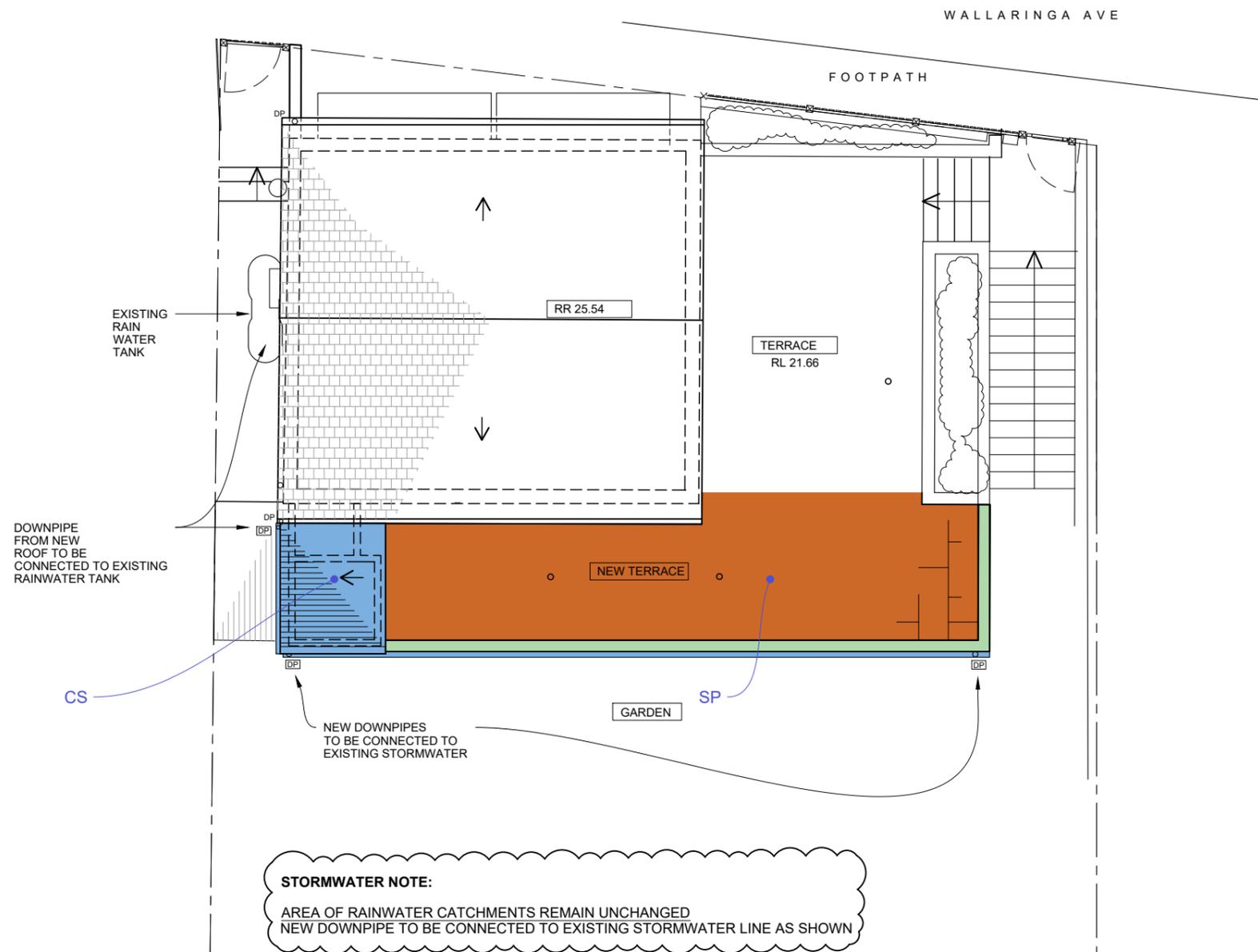
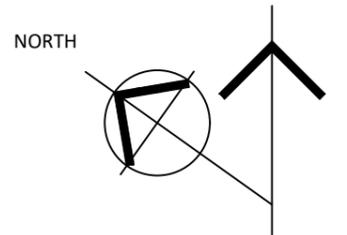
5 NORTH FRONT ELEVATION
 Scale 1:100 125540-ie.dwg



1 WEST ELEVATION FACING 1 WALLARINGA AVE
 Scale 1:100 125540-ie.dwg

Date No. Amendment

LUCAS STAPLETON JOHNSON LSJ Heritage Planning & Architecture	Lucas Stapleton Johnson & Partners Pty Ltd Suite 303,155 King Street Sydney, NSW, 2000 Tel.: (02) 9357 4811 ACN 002 584 189 ABN 60 763 960 154 Nominated Architect: Ian Stapleton (Reg. 4032) Email: mailbox@lsjarchitects.com Websites: www.lsjarchitects.com www.traditionalaustralianhouses.com		Job NUTCOTE 5 WALLARINGA AVE, NEUTRAL BAY NSW 2089	
	© Lucas Stapleton Johnson & Partners Pty Ltd Check all dimensions. Figured dimensions to be taken in preference to scale.		Dwg. AS EXISTING ELEVATIONS DEMOLITIONS Date 12/02/24 Scale (at A3) 1:100 Drawn EC Dwg. No. 126180/32	



STORMWATER NOTE:
 AREA OF RAINWATER CATCHMENTS REMAIN UNCHANGED
 NEW DOWNPIPE TO BE CONNECTED TO EXISTING STORMWATER LINE AS SHOWN

1 ROOF PLAN
 Scale 1:100 125540-ie.dwg

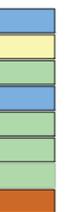
LEGEND:

- ACCESSIBLE ROUTE
- D EXISTING DOOR
- [D] NEW DOOR
- DP DOWNPIPE
- [DP] NEW DOWNPIPE
- EG TOP OF EXISTING GUTTER
- RR ROOF RIDGE
- TME TO MATCH EXISTING
- W WINDOW

FINISHES :

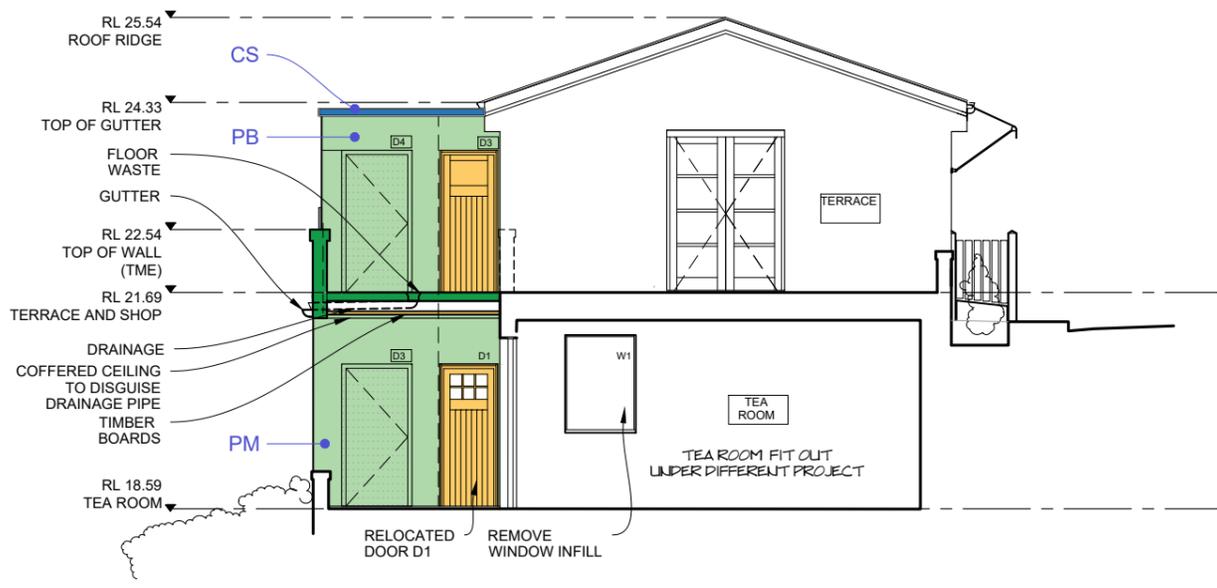
DOWNPIPES AND GUTTERS	METAL TO MATCH EXISTING
NEW TIMBER DOORS AND FANLIGHT	PAINTED TIMBER TME
LIFT DOORS	PAINTED METAL
NEW LIFT ROOF	CORRUGATED WALLABY COLORBOND (CS)
LOWER FLOOR LIFT SHAFT & TERRACE WALLS - MASONRY WALLS	PAINTED RENDERED BRICK TME (PM)
GROUND FLOOR LIFT SHAFT - BLUE BOARD CLADDING	PAINTED RENDERED F.C. CLADDING (PB)
CONCRETE COLUMNS	PAINTED CONCRETE TME (PC)
TERRACE PAVING	SANDSTONE PAVING TME (SP)

COLOUR :
 AS PER DA-GUIDE

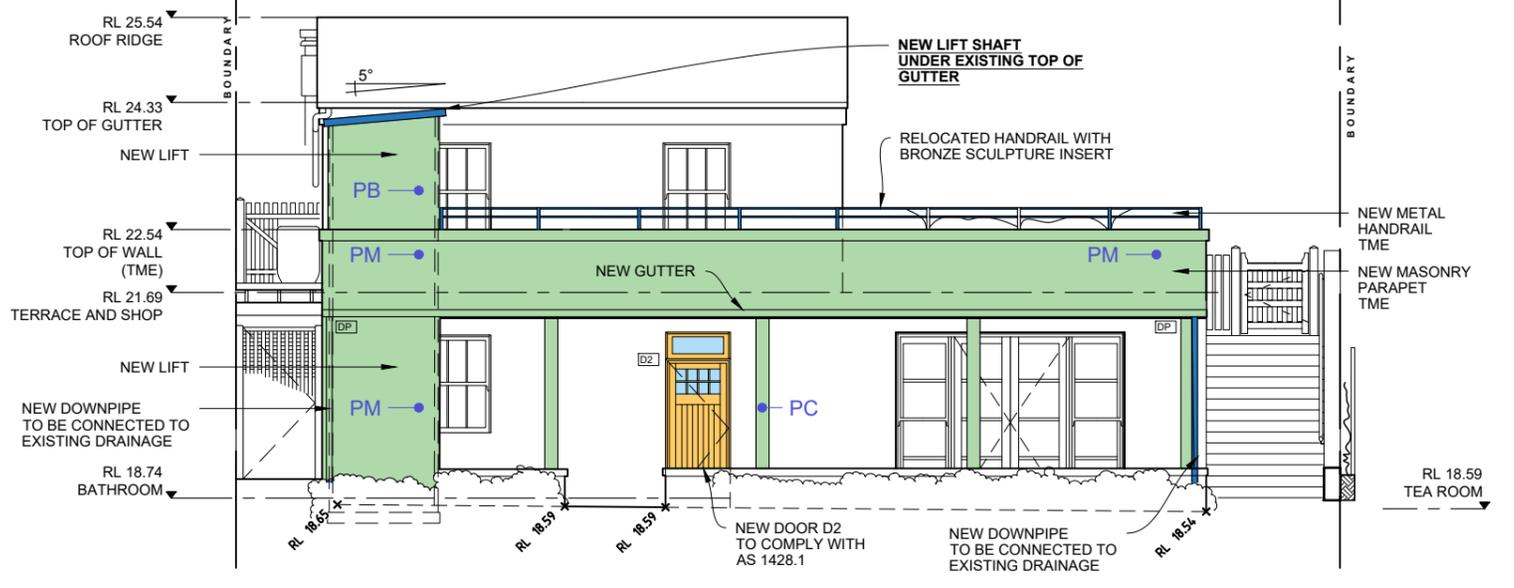


LUCAS STAPLETON JOHNSON LSJ Heritage Planning & Architecture	Lucas Stapleton Johnson & Partners Pty Ltd Suite 303, 155 King Street Sydney, NSW, 2000 Tel.: (02) 9357 4811 ACN 002 584 189 ABN 60 763 960 154 Nominated Architect: Ian Stapleton (Reg. 4032) Email: mailbox@lsjarchitects.com Websites: www.lsjarchitects.com www.traditionalaustralianhouses.com		Job NUTCOTE 5 WALLARINGA AVE, NEUTRAL BAY NSW 2089		
	Dwg ROOF PLAN AND STORMWATER		Date 12/02/24	Scale (at A3) 1:100	Drawn EC

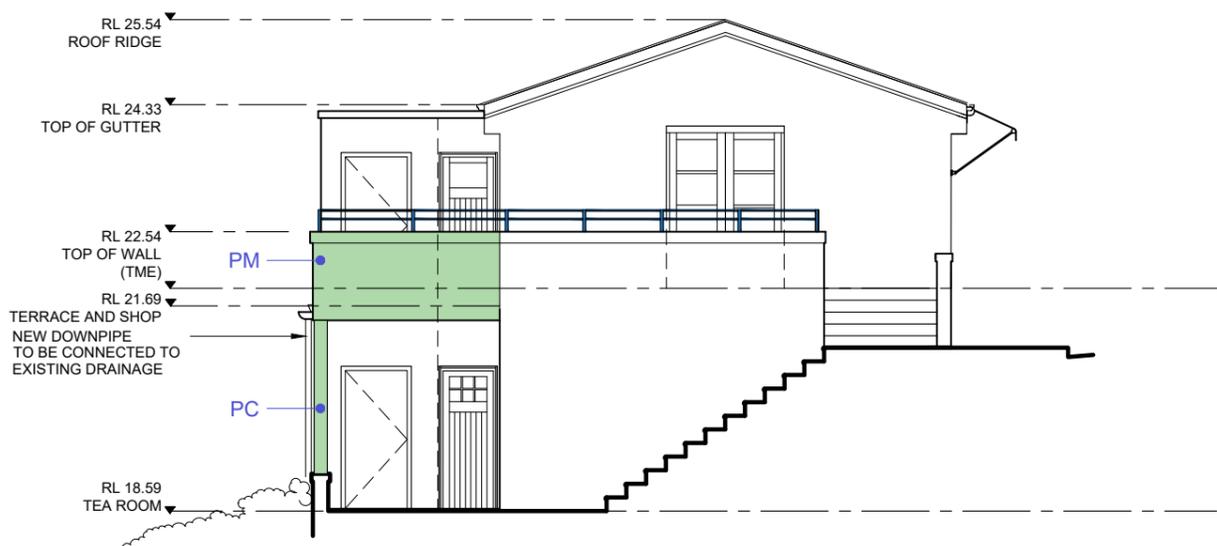
Date No. Amendment



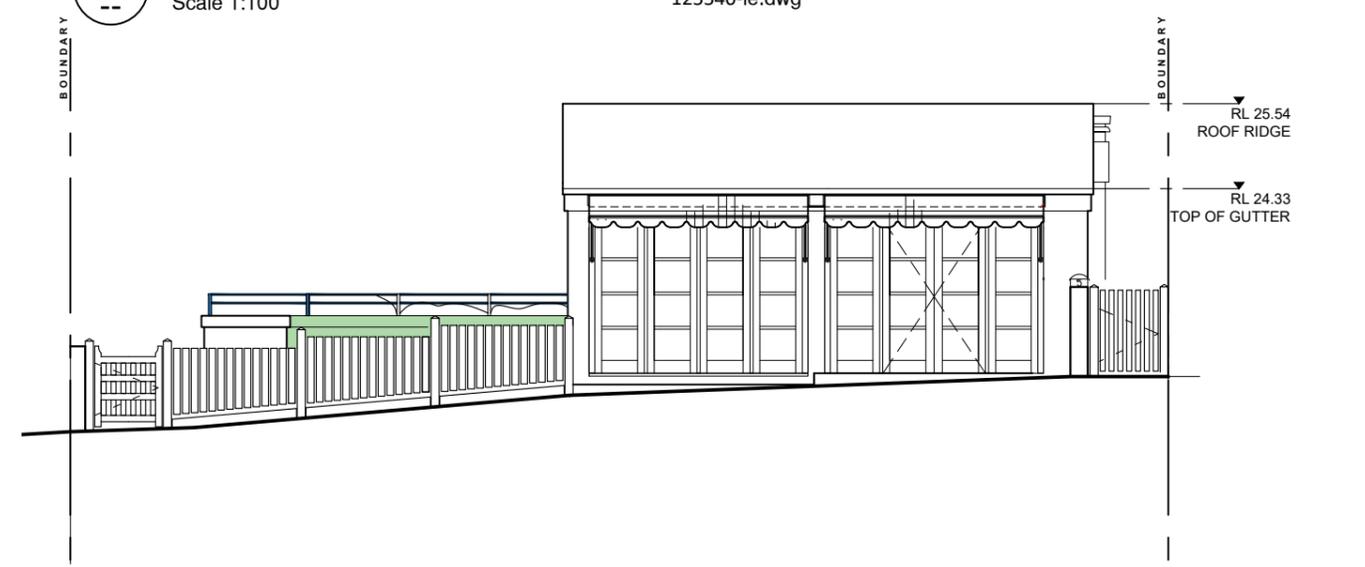
1 CROSS SECTION
 Scale 1:100
 125540-ie.dwg



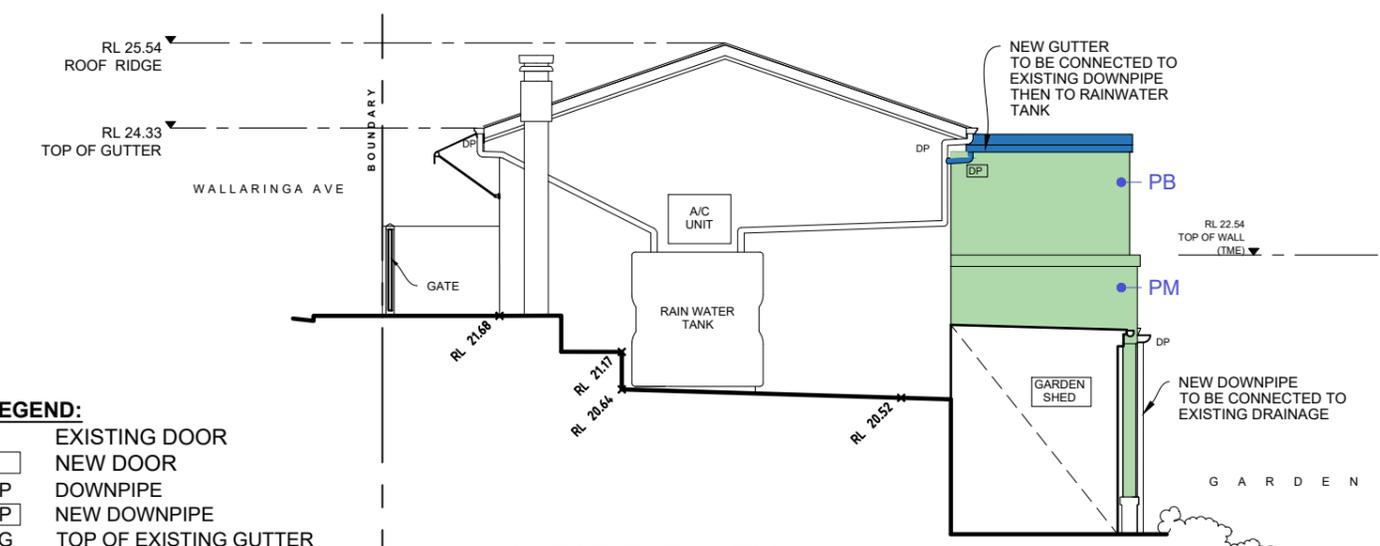
4 SOUTH ELEVATION
 Scale 1:100
 125540-ie.dwg



2 EAST ELEVATION FACING 7 WALLARINGA AVE
 Scale 1:100
 125540-ie.dwg



5 NORTH ELEVATION
 Scale 1:100
 125540-ie.dwg



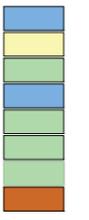
3 WEST ELEVATION FACING 1 WALLARINGA AVE
 Scale 1:100
 125540-ie.dwg

- LEGEND:**
- D EXISTING DOOR
 - [D] NEW DOOR
 - DP DOWNPIPE
 - [DP] NEW DOWNPIPE
 - EG TOP OF EXISTING GUTTER
 - RR ROOF RIDGE
 - TME TO MATCH EXISTING WINDOW
 - W WINDOW

FINISHES :

DOWNPIPES AND GUTTERS	METAL TO MATCH EXISTING
NEW TIMBER DOORS AND FANLIGHT	PAINTED TIMBER TME
LIFT DOORS	PAINTED METAL
NEW LIFT ROOF	CORRUGATED WALLABY COLORBOND (CS)
LOWER FLOOR LIFT SHAFT & TERRACE WALLS - MASONRY WALLS	PAINTED RENDERED BRICK TME (PM)
GROUND FLOOR LIFT SHAFT - BLUE BOARD CLADDING	PAINTED RENDERED F.C. CLADDING (PB)
CONCRETE COLUMNS	PAINTED CONCRETE TME (PC)
TERRACE PAVING	SANDSTONE PAVING TME (SP)

COLOUR :
 AS PER DA-GUIDE



<p>LUCAS STAPLETON JOHNSON LSJ Heritage Planning & Architecture</p>	Lucas Stapleton Johnson & Partners Pty Ltd Suite 303,155 King Street Sydney, NSW, 2000 Tel.: (02) 9357 4811 ACN 002 584 189 ABN 60 763 960 154 Nominated Architect: Ian Stapleton (Reg. 4032) Email: mailbox@lsjarchitects.com Websites: www.lsjarchitects.com www.traditionalaustralianhouses.com	Job NUTCOTE 5 WALLARINGA AVE, NEUTRAL BAY NSW 2089
	Dwg PROPOSED ELEVATIONS	
© Lucas Stapleton Johnson & Partners Pty Ltd Check all dimensions. Figured dimensions to be taken in preference to scale.	Date 12/02/24	Scale (at A3) 1:100
Drawn EC	Dwg. No. 126180/35	

LEGEND GENERAL

- (E) EXISTING
- (o) OVER
- (u) UNDER
- COS CHECK ON SITE
- D DOOR
- O OPENING
- W WINDOW

ITEMS

- Note:
- Refer to schedule of fixture and finishes for description of item
 - Item crossed (e.g. sample) are omitted for clarity

- A/C AIR CONDITIONING
- BM MOVABLE BIN
- CM COFFEE MACHINE
- DW DISHWASHER
- DF DISPLAY FRIDGE
- DR DRY RACK
- GR GRINDER
- FB FIRE BLANKET
- FE FIRE EXTINGUISHER
- FT FRIDGE TALL
- FZ FREEZER
- FW FLOOR WASTE
- HK HANGING BASKET
- HB HAND BASIN
- HWH HOT WATER HEATER
- SP SANDWICH PRESS
- MW MICROWAVE
- OV OVEN
- POS POINT OF SALE
- PH PAPER TOWER HOLDER
- SK SINK
- SP SPLASHBACK
- TT FLOOR STRIP TRANSITION
- UP UPHOLSTERY
- ZP BOILING WATER DISPENSER

JOINERY

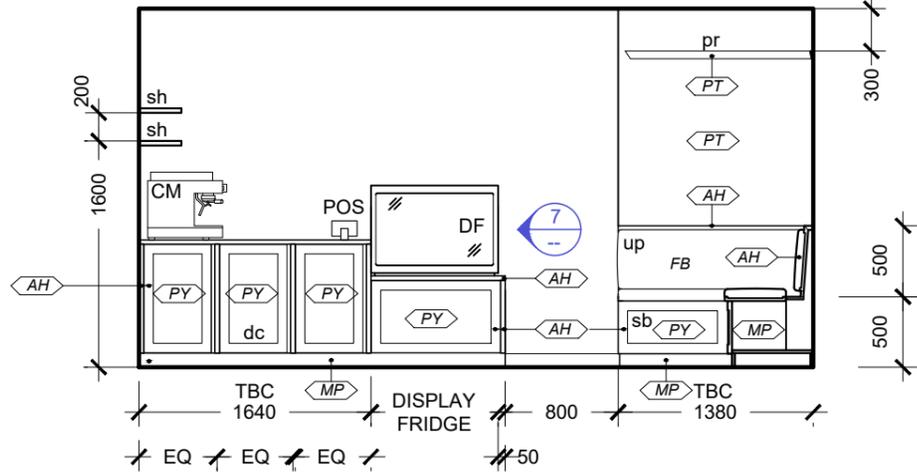
- Note:
- Refer to schedule of fixture and fittings for description of item

- dr drawer
- dc door cabinet
- oc open cabinet
- whc wall hung door cabinet
- pr picture rail
- sh shelf concealed bracket
- shb shelf exposed bracket
- shs shelf over studs
- sb storage bench
- ts timber skirting

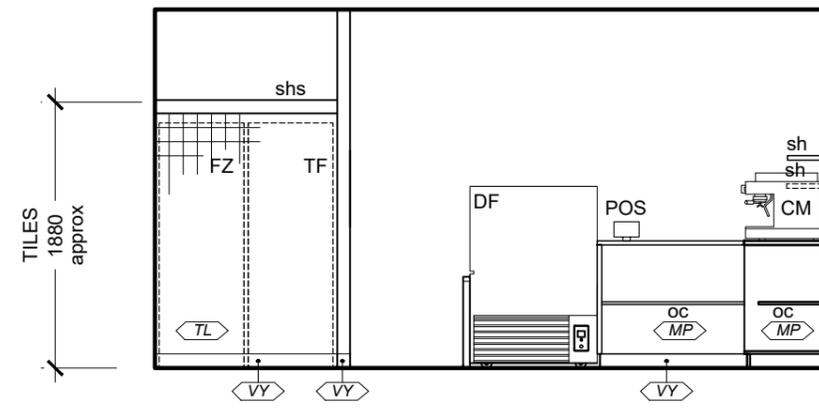
FINISHES

- Note:
- Refer to schedule of finishes for description of item

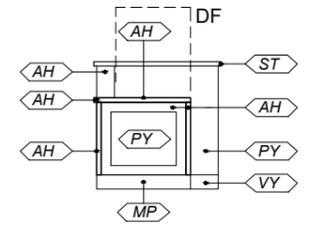
- SYMBOL
- AH VICTORIAN ASH
- FB FABRIC
- MP MELAMINE FACED PLYWOOD
- PY VENEER FACED PLYWOOD
- PT PAINT
- ST NATURAL STONE ABS
- TL TILES
- SS STAINLESS STEEL
- VY VINYL



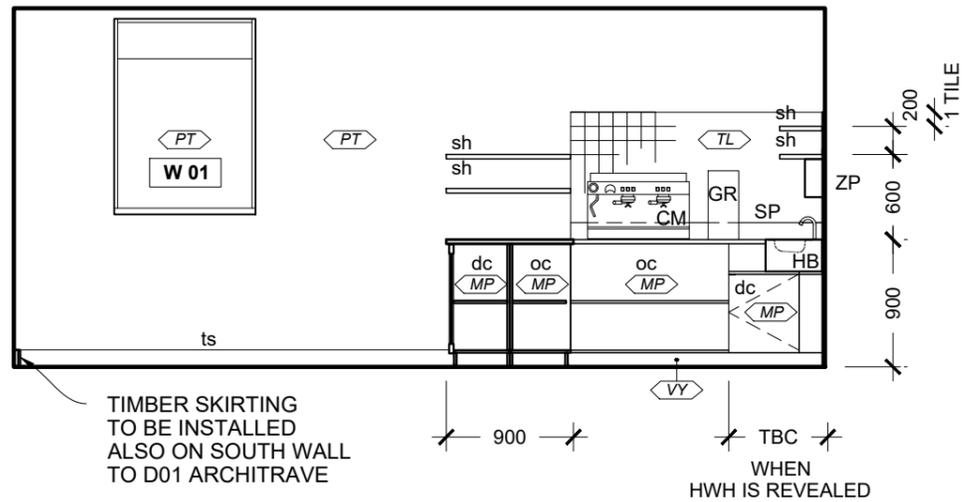
1 INTERNAL ELEVATION LOOKING NORTH
Scale 1:50



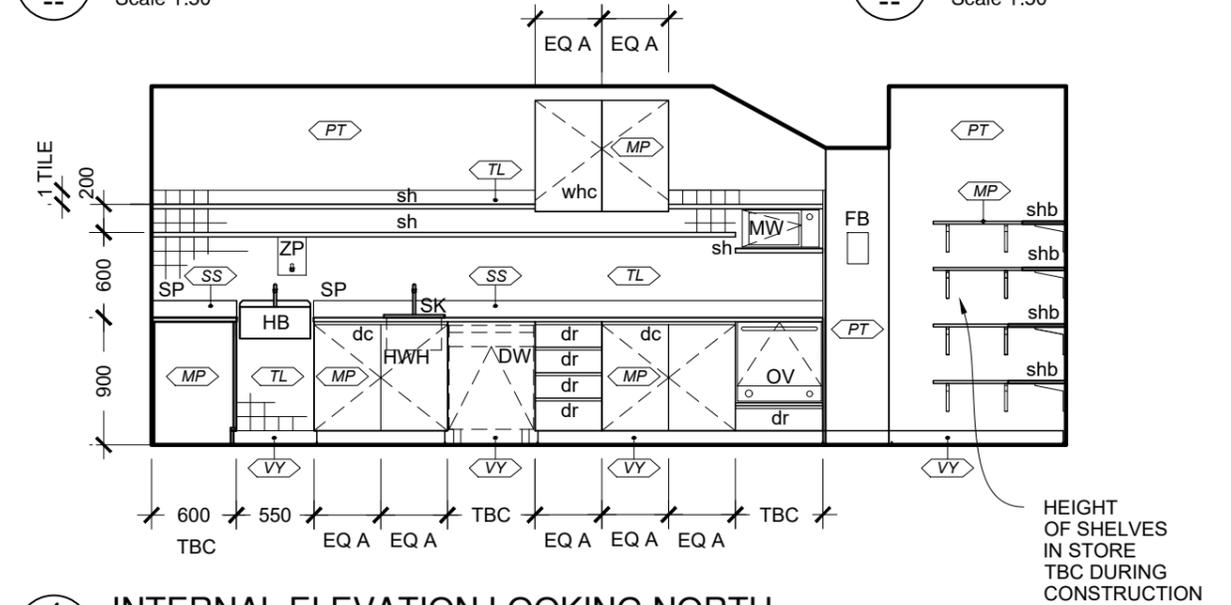
2 INTERNAL ELEVATION LOOKING SOUTH
Scale 1:50



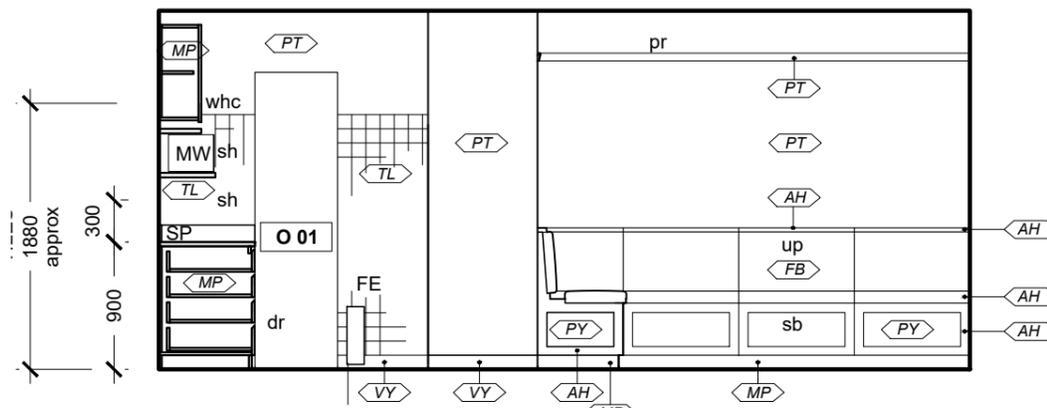
7 FRONT COUNTER SIDE ELEVATION
Scale 1:50



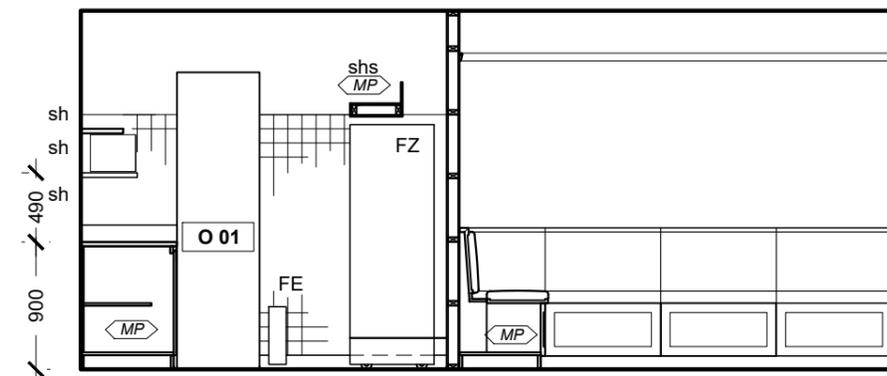
3 INTERNAL ELEVATION LOOKING WEST
Scale 1:50



4 INTERNAL ELEVATION LOOKING NORTH
Scale 1:50



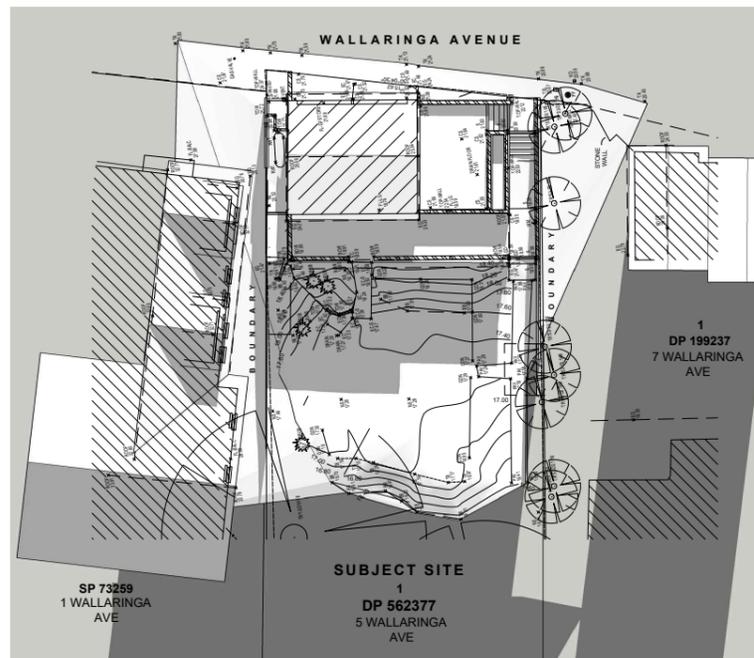
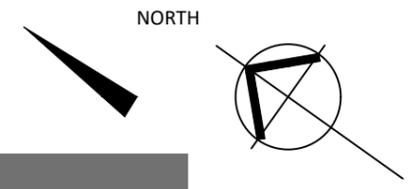
5 INTERNAL ELEVATION LOOKING EAST
Scale 1:50



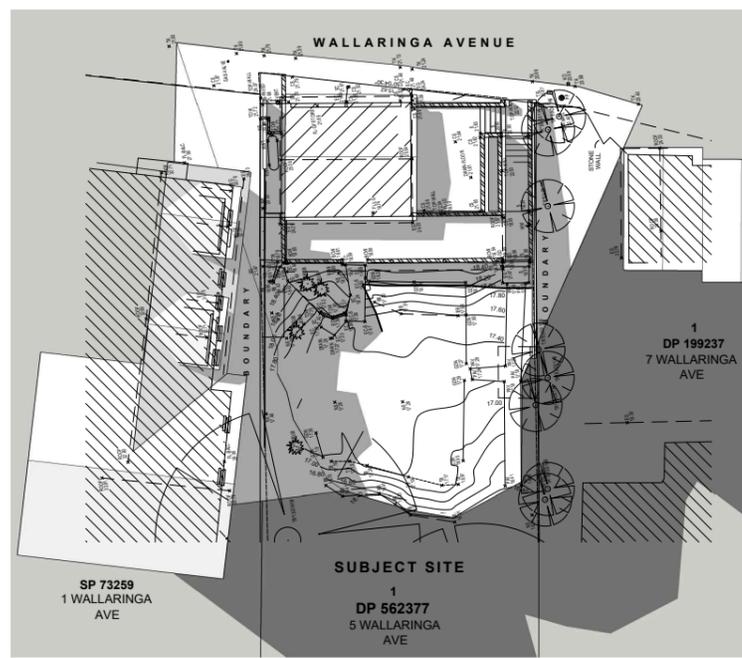
6 SECTION THROUGH LIGHT PARTITION WALL
Scale 1:50

<p>LUCAS STAPLETON JOHNSON LSJ Heritage Planning & Architecture</p>	<p>Lucas Stapleton Johnson & Partners Pty Ltd Suite 303, 155 King Street Sydney, NSW, 2000 Tel.: (02) 9357 4811 ACN 002 584 189 ABN 60 763 960 154 Nominated Architect: Ian Stapleton (Reg. 4032) Email: mailbox@lsjarchitects.com Websites: www.lsjarchitects.com www.traditionalaustralianhouses.com</p>	<p>Job NUTCOTE 5 WALLARINGA AVE, NEUTRAL BAY NSW 2089</p>
	<p>Dwg. TEA ROOM AND KITCHEN FIT-OUT PROPOSED INTERNAL ELEVATIONS</p>	
<p>© Lucas Stapleton Johnson & Partners Pty Ltd Check all dimensions. Figured dimensions to be taken in preference to scale.</p>	<p>Date 29/05/24</p>	<p>Scale (at A3) 1:50</p>
<p>Drawn EC</p>	<p>Dwg. No. 126180/26B</p>	

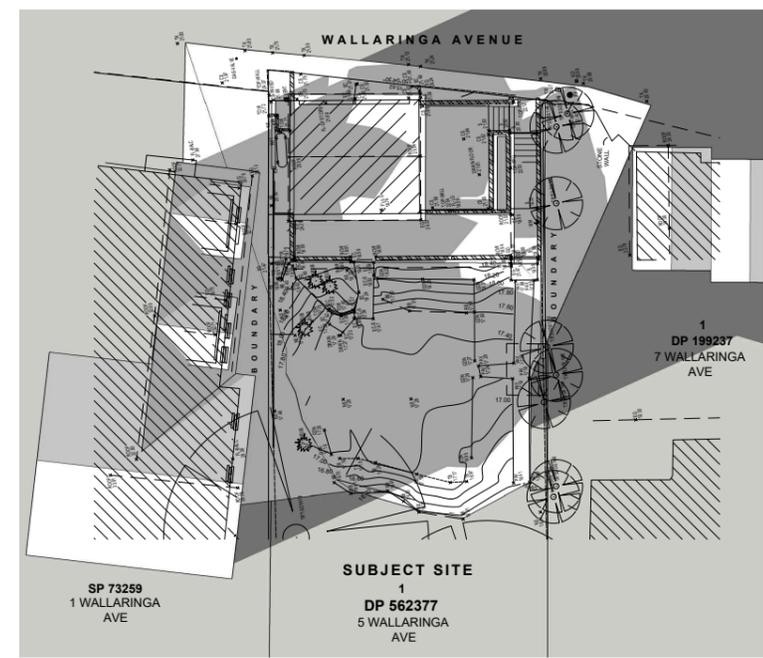
06/06/24 B AMENDED
05/06/24 A AMENDED
Date No. Amendment



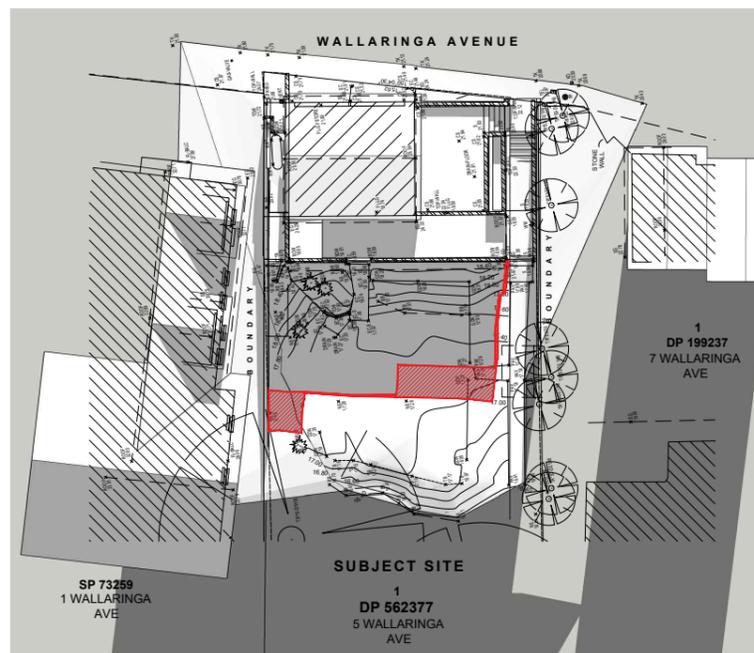
1 AS EXISTING - 9 AM
-- NTS



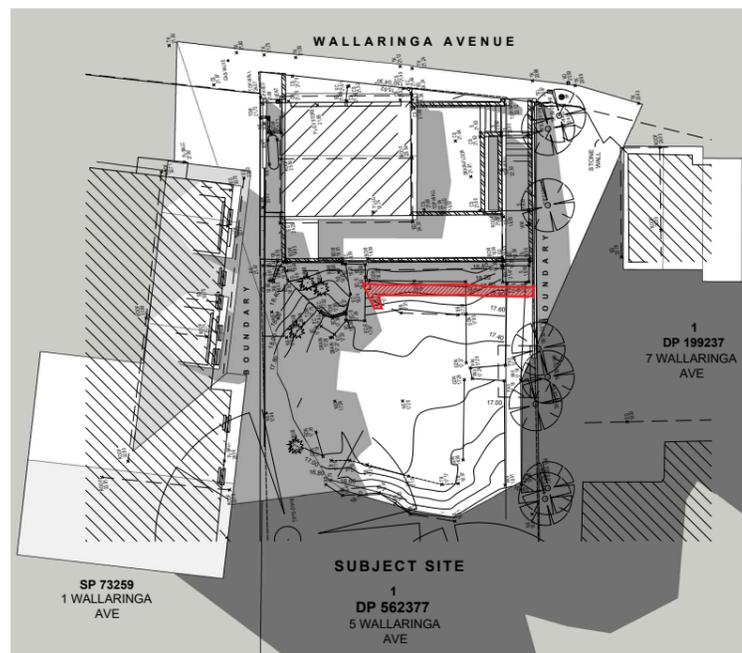
2 AS EXISTING - 12 PM
-- NTS



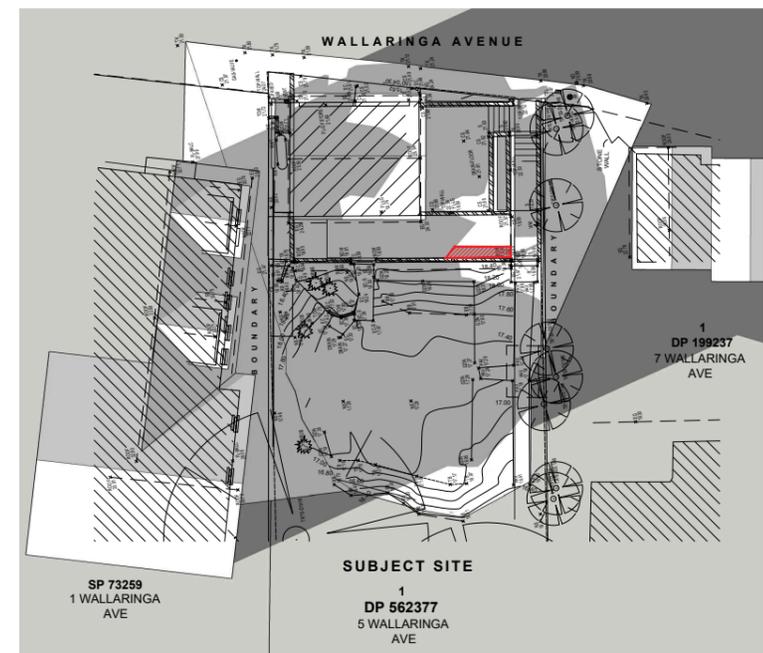
3 AS EXISTING - 3 PM
-- NTS



4 PROPOSED - 9 AM
-- NTS



5 PROPOSED - 12 PM
-- NTS



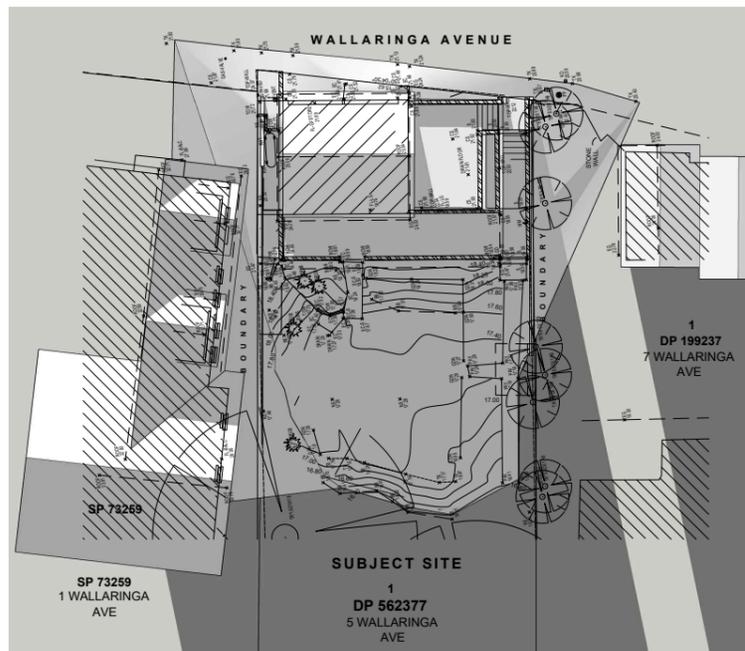
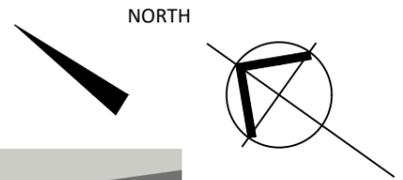
6 PROPOSED - 3 PM
-- NTS

LEGEND:

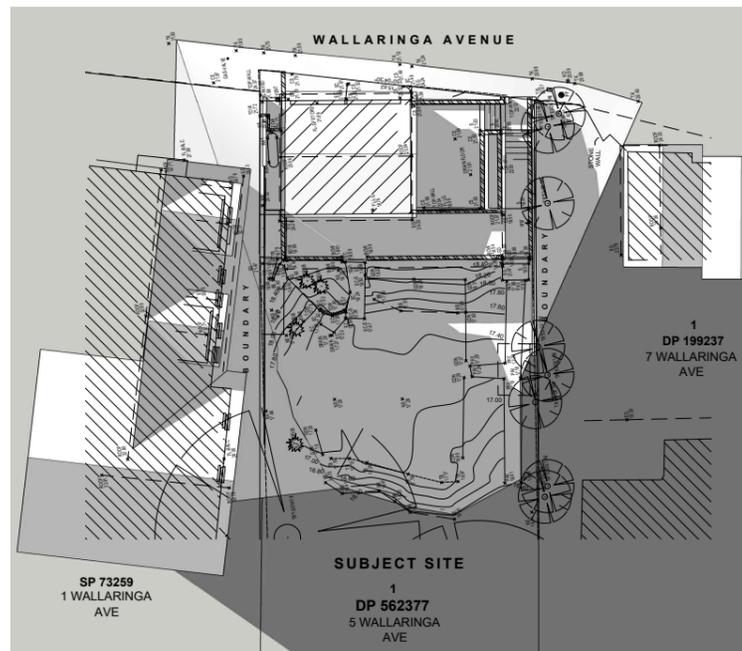
- NOT SURVEYED
- SUN LIGHT
- SHADOW
- NEW SHADOW

Date No. Amendment

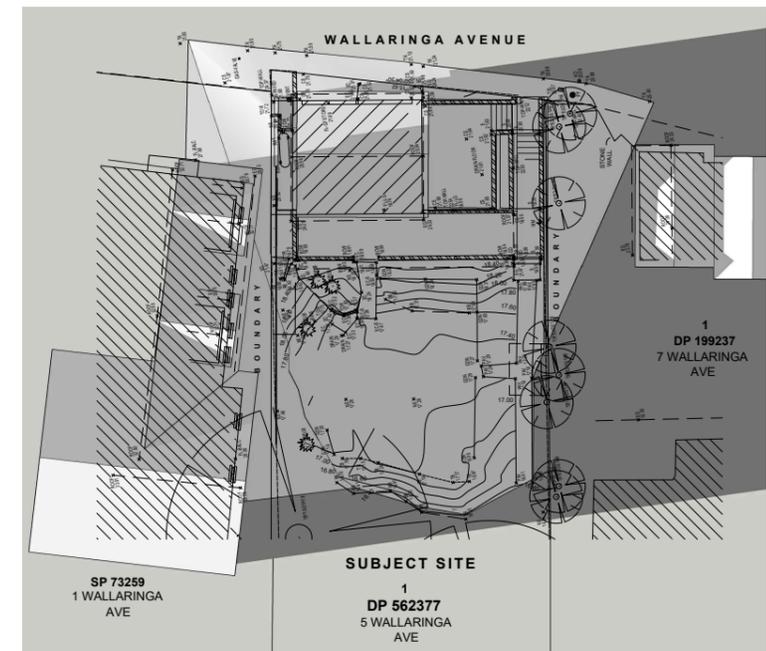
<h2 style="margin: 0;">LUCAS STAPLETON JOHNSON</h2> <p style="margin: 0;">LSJ Heritage Planning & Architecture</p>	Lucas Stapleton Johnson & Partners Pty Ltd Suite 303, 155 King Street Sydney, NSW, 2000 Tel.: (02) 9357 4811 ACN 002 584 189 ABN 60 763 960 154 Nominated Architect: Ian Stapleton (Reg. 4032) Email: mailbox@lsjarchitects.com Websites: www.lsjarchitects.com www.traditionalaustralianhouses.com		Job NUTCOTE 5 WALLARINGA AVE, NEUTRAL BAY NSW 2089	
	© Lucas Stapleton Johnson & Partners Pty Ltd Check all dimensions. Figured dimensions to be taken in preference to scale.		Date 12/02/24	Scale (at A3) NTS
		Drawn EC	Dwg. No. 126180/37	



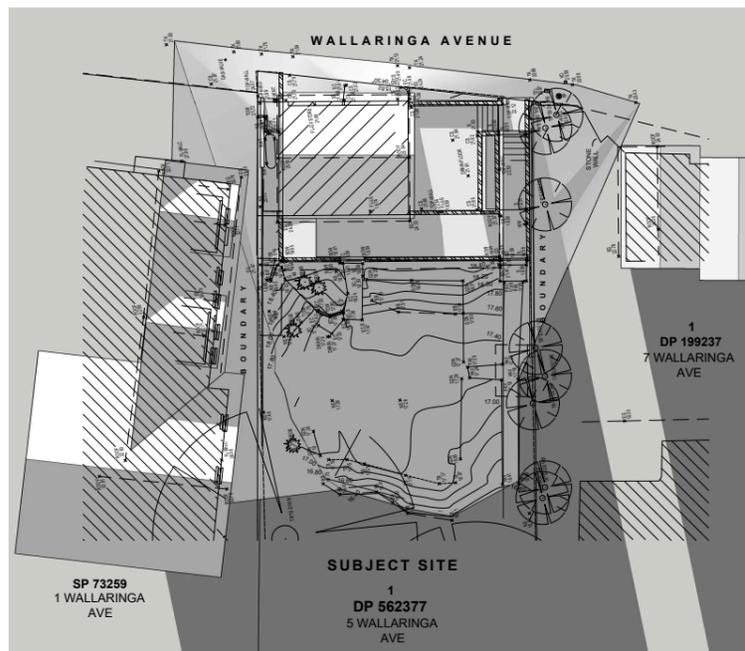
1 AS EXISTING - 9 AM
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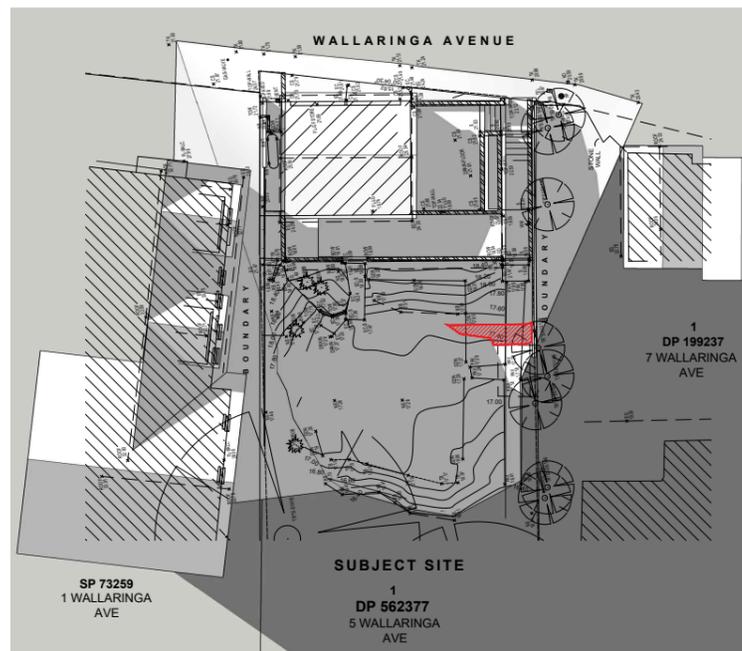
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-- NTS



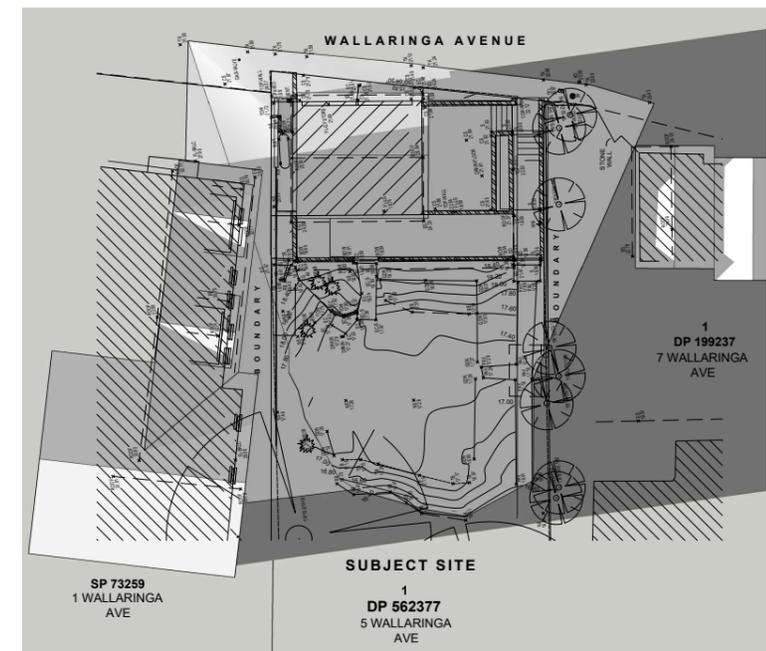
3 AS EXISTING - 3 PM
-- NTS



4 PROPOSED - 9 AM
-- NTS



5 PROPOSED - 12 PM
-- NTS



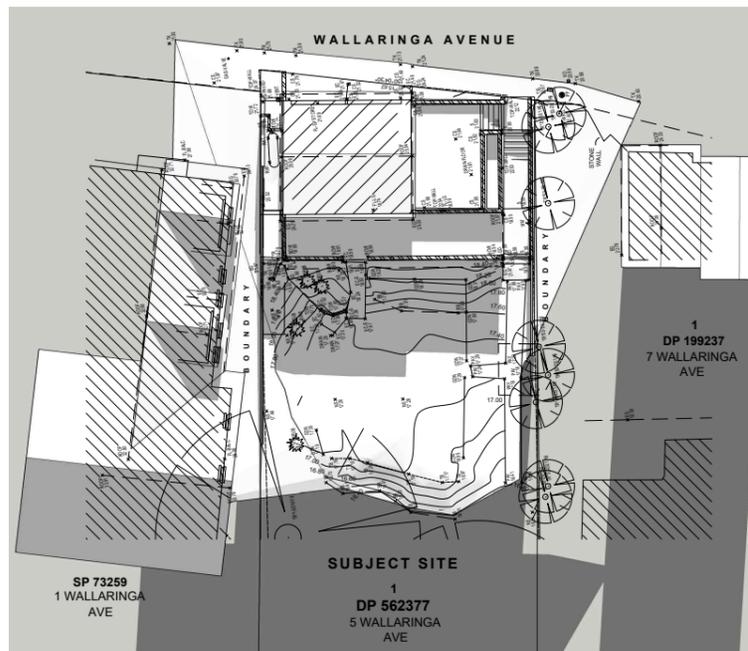
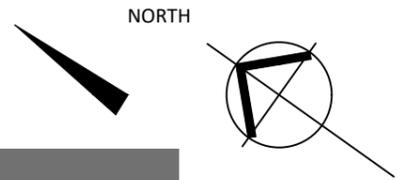
6 PROPOSED - 3 PM
-- NTS

LEGEND:

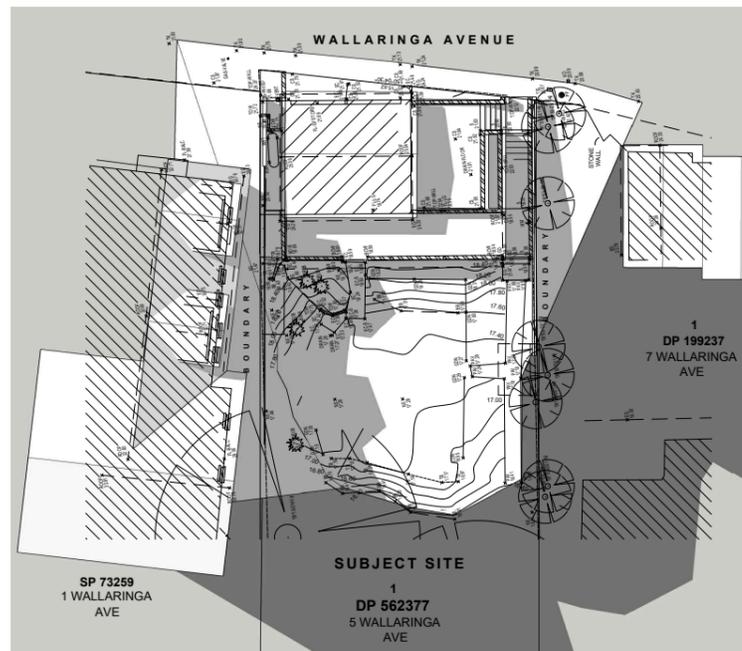
-  NOT SURVEYED
-  SUN LIGHT
-  SHADOW
-  NEW SHADOW

Date No. Amendment

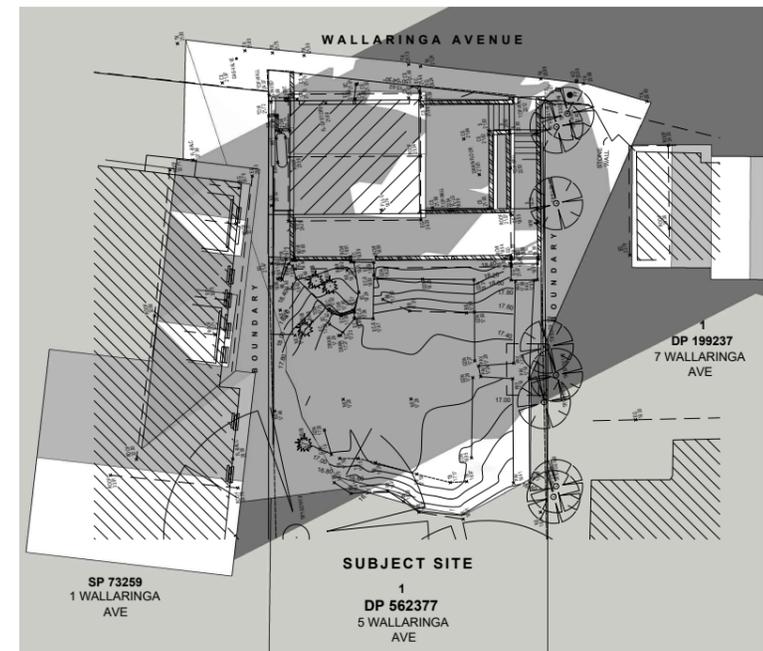
<h1>LUCAS STAPLETON JOHNSON</h1> <p>LSJ Heritage Planning & Architecture</p>	Lucas Stapleton Johnson & Partners Pty Ltd Suite 303, 155 King Street Sydney, NSW, 2000 Tel.: (02) 9357 4811 ACN 002 584 189 ABN 60 763 960 154 Nominated Architect: Ian Stapleton (Reg. 4032) Email: mailbox@lsjarchitects.com Websites: www.lsjarchitects.com www.traditionalaustralianhouses.com		Job NUTCOTE 5 WALLARINGA AVE, NEUTRAL BAY NSW 2089	
	© Lucas Stapleton Johnson & Partners Pty Ltd Check all dimensions. Figured dimensions to be taken in preference to scale.		Dwg. 21 JUNE - SHADOW DIAGRAMS EXISTING AND PROPOSED Date 12/02/24 Scale (at A3) NTS Drawn EC Dwg. No. 126180/38	



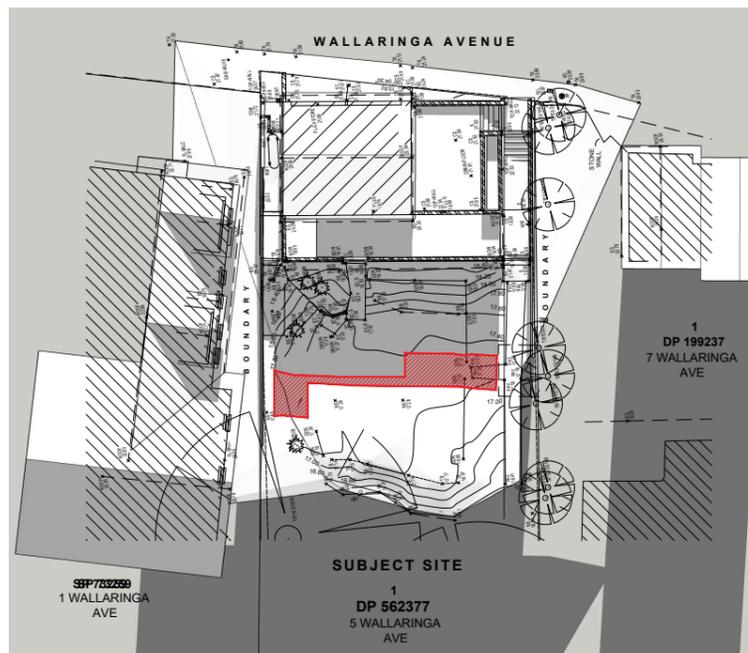
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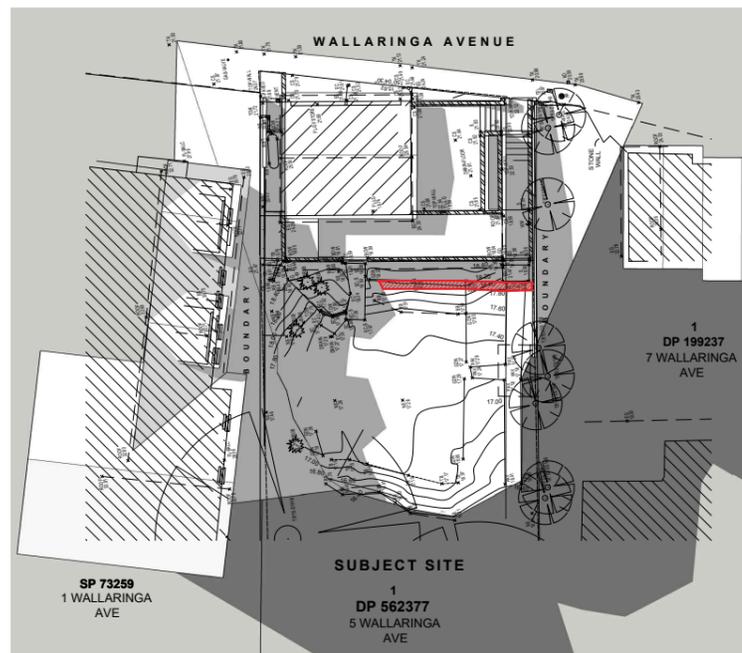
2 AS EXISTING - 12 PM
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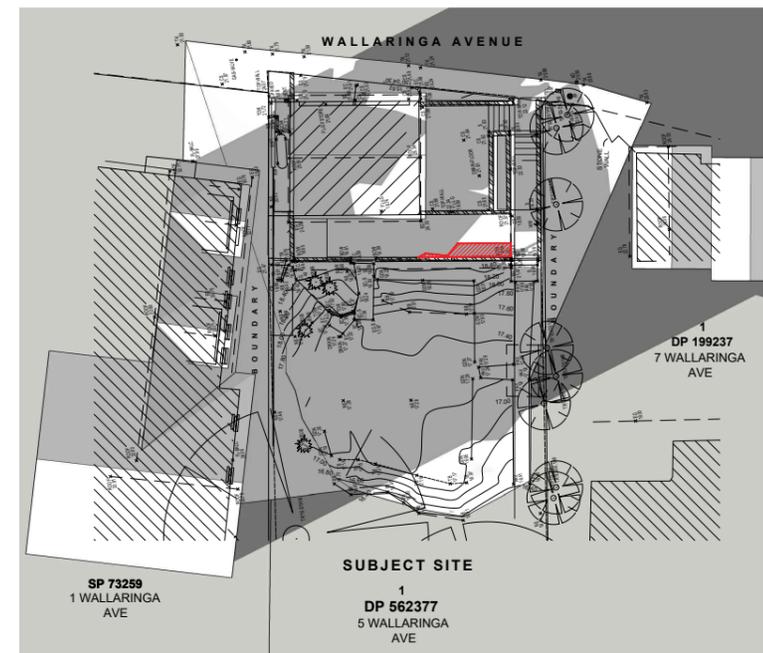
3 AS EXISTING - 3 PM
-- NTS



4 PROPOSED - 9 AM
-- NTS



5 PROPOSED - 12 PM
-- NTS



6 PROPOSED - 3 PM
-- NTS

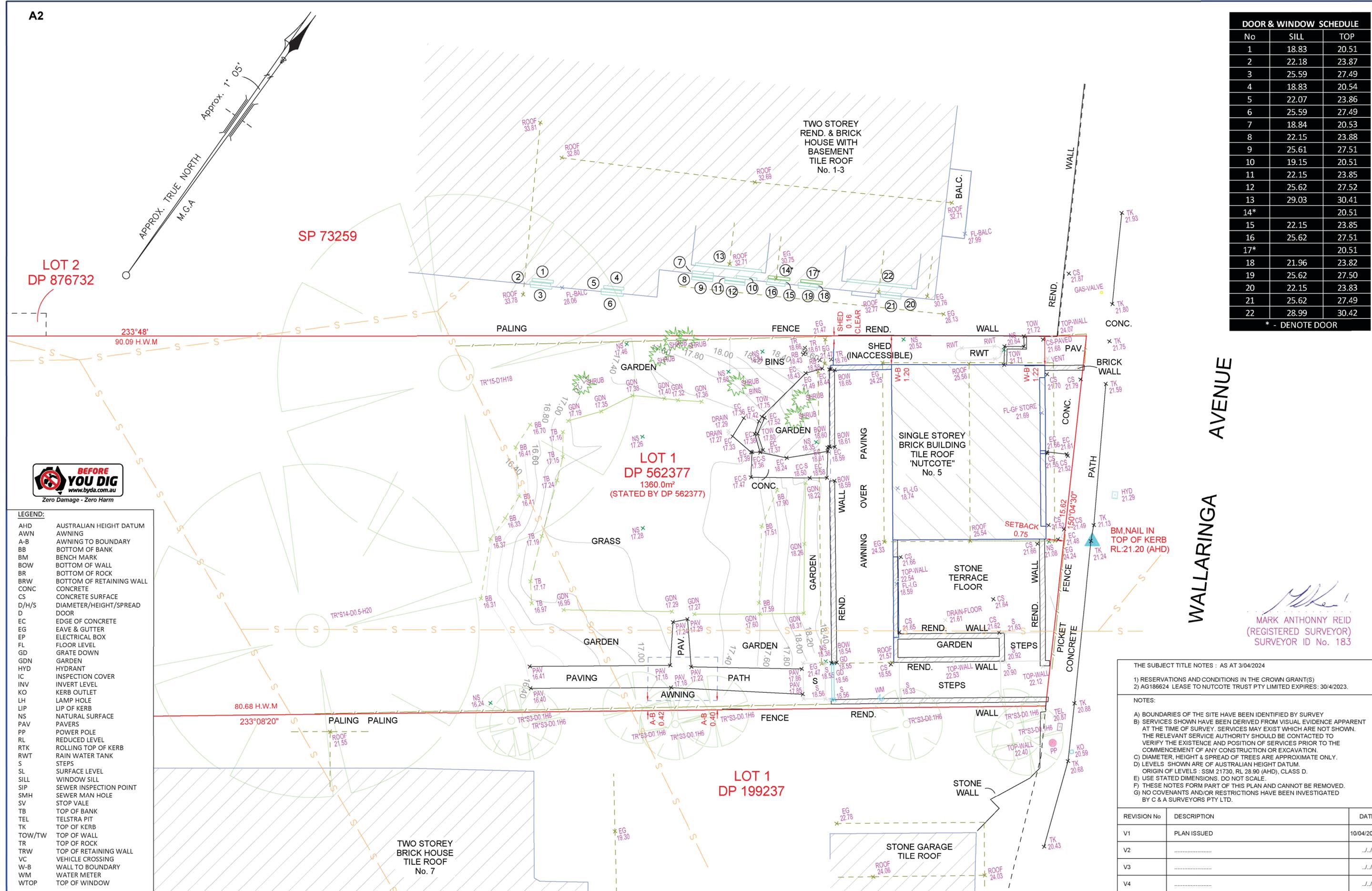
LEGEND:

- NOT SURVEYED
- SUN LIGHT
- SHADOW
- NEW SHADOW

Date No. Amendment

<h2 style="margin: 0;">LUCAS STAPLETON JOHNSON</h2> <p style="margin: 0;">LSJ Heritage Planning & Architecture</p>	Lucas Stapleton Johnson & Partners Pty Ltd Suite 303, 155 King Street Sydney, NSW, 2000 Tel.: (02) 9357 4811 ACN 002 584 189 ABN 60 763 960 154 Nominated Architect: Ian Stapleton (Reg. 4032) Email: mailbox@lsjarchitects.com Websites: www.lsjarchitects.com www.traditionalaustralianhouses.com		Job NUTCOTE 5 WALLARINGA AVE, NEUTRAL BAY NSW 2089		
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A2



DOOR & WINDOW SCHEDULE		
No	SILL	TOP
1	18.83	20.51
2	22.18	23.87
3	25.59	27.49
4	18.83	20.54
5	22.07	23.86
6	25.59	27.49
7	18.84	20.53
8	22.15	23.88
9	25.61	27.51
10	19.15	20.51
11	22.15	23.85
12	25.62	27.52
13	29.03	30.41
14*		20.51
15	22.15	23.85
16	25.62	27.51
17*		20.51
18	21.96	23.82
19	25.62	27.50
20	22.15	23.83
21	25.62	27.49
22	28.99	30.42

* - DENOTE DOOR



LEGEND:

AHD	AUSTRALIAN HEIGHT DATUM
AWN	AWNING
A-B	AWNING TO BOUNDARY
BB	BOTTOM OF BANK
BM	BENCH MARK
BOW	BOTTOM OF WALL
BR	BOTTOM OF ROCK
BRW	BOTTOM OF RETAINING WALL
CONC	CONCRETE
CS	CONCRETE SURFACE
D/H/S	DIAMETER/HEIGHT/SPREAD
D	DOOR
EC	EDGE OF CONCRETE
EG	EAVE & GUTTER
EP	ELECTRICAL BOX
FL	FLOOR LEVEL
GD	GRATE DOWN
GDN	GARDEN
HYD	HYDRANT
IC	INSPECTION COVER
INV	INVERT LEVEL
KO	KERB OUTLET
LH	LAMP HOLE
LIP	LIP OF KERB
NS	NATURAL SURFACE
PAV	PAVERS
PP	POWER POLE
RL	REDUCED LEVEL
RTK	ROLLING TOP OF KERB
RWT	RAIN WATER TANK
S	STEPS
SL	SURFACE LEVEL
SILL	WINDOW SILL
SIP	SEWER INSPECTION POINT
SMH	SEWER MAN HOLE
SV	STOP VALE
TB	TOP OF BANK
TEL	TELSTRA PIT
TK	TOP OF KERB
TOW/TW	TOP OF WALL
TR	TOP OF ROCK
TRW	TOP OF RETAINING WALL
VC	VEHICLE CROSSING
W-B	WALL TO BOUNDARY
WM	WATER METER
WTOP	TOP OF WINDOW

WALLARINGA AVENUE

MARK ANTHONY REID
(REGISTERED SURVEYOR)
SURVEYOR ID No. 183

THE SUBJECT TITLE NOTES : AS AT 3/04/2024
 1) RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
 2) AG188624 LEASE TO NUTCOTE TRUST PTY LIMITED EXPIRES: 30/4/2023.

NOTES:
 A) BOUNDARIES OF THE SITE HAVE BEEN IDENTIFIED BY SURVEY
 B) SERVICES SHOWN HAVE BEEN DERIVED FROM VISUAL EVIDENCE APPARENT AT THE TIME OF SURVEY. SERVICES MAY EXIST WHICH ARE NOT SHOWN. THE RELEVANT SERVICE AUTHORITY SHOULD BE CONTACTED TO VERIFY THE EXISTENCE AND POSITION OF SERVICES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION.
 C) DIAMETER, HEIGHT & SPREAD OF TREES ARE APPROXIMATE ONLY.
 D) LEVELS SHOWN ARE OF AUSTRALIAN HEIGHT DATUM. ORIGIN OF LEVELS : SSM 21730, RL 28.90 (AHD), CLASS D.
 E) USE STATED DIMENSIONS. DO NOT SCALE.
 F) THESE NOTES FORM PART OF THIS PLAN AND CANNOT BE REMOVED.
 G) NO COVENANTS AND/OR RESTRICTIONS HAVE BEEN INVESTIGATED BY C & A SURVEYORS PTY LTD.

REVISION No	DESCRIPTION	DATE
V1	PLAN ISSUED	10/04/2024
V2		...
V3		...
V4		...

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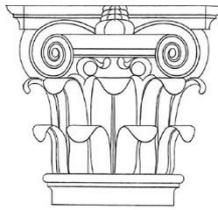
C&A SURVEYORS
 30 Grose Street, Parramatta, NSW 2150
 Ph: 96309299 email: Operations@candasurveyors.com.au
 www.candasurveyors.com.au

DETAIL & BOUNDARY IDENTIFICATION SURVEY OF
 LOT 1 IN DP 562377, LOCATED AT
 No. 5, WALLARINGA AVENUE, NEUTRAL BAY.



INSTRUCTING PARTY:		ELEONORA CAUDAI		SURVEYED BY: HS		DATUM: AHD	
LGA:	NORTHSYDNEY	AREA BY DP:	1360.0 m ²	DRAWN BY:	SU	CHECKED BY:	KO
SURVEY DATE:	9/04/2024	AREA BY CALC:	XXX.XX m ²	SCALE:	1:100@A2	REF. NO.:	32122-24 DET/D
DATE DRAWN:	10/04/2024	CONTOUR INTERVAL:	0.2 m	REV No:	V1	SHEET:	1 OF 1

**LUCAS
STAPLETON
JOHNSON**



Sean Johnson, B.A., Dip.Arch., M.Sc.(Arch.Cons.), R.A.I.A.
Registered Architect No. 4728; Nominated Architect
Reg. Design Prac. No. DEP0001499

Kate Denny, B.A., M.Herit.Cons.

LSJ Heritage Planning & Architecture

Lucas Stapleton Johnson & Partners Pty Ltd

The Trust Building, Suite 303, 155 King Street, Sydney, NSW, 2000 Email: mailbox@lsjarchitects.com Telephone: 02 9357 4811

ACN: 002 584 189 ABN: 60 763 960 154 Websites: www.lsjarchitects.com www.traditionalaustralianhouses.com.au

Nutcote, 5 Wallaringa Avenue, Kurraba Point

Redesign of Tearoom, Toilets and Display Space and new Lift to Former Garage/Flatette

HERITAGE IMPACT STATEMENT

Prepared for: North Sydney Council

Issue: 19th June 2024

Introduction

This Heritage Impact Statement (HIS) provides an analysis of a proposal to make alterations and additions to the former garage/flatette at Nutcote, 5 Wallaringa Avenue in order to improve access, reconfigure the existing tearoom and toilets, and introduce a new display space.

This report was prepared by Jessica Kroese of this office with review by Sean Johnson. The site has been inspected numerous times between 2022 and 2024 by the firm.

Nutcote is listed as a heritage item on the NSW State Heritage Register (SHR No. 00505). However, it should be noted that the State heritage listing does not cover the whole of the allotment, and the eastern portion of the garden, as well as the former garage/flatette are excluded from the listing (refer to Figure 16). No works are proposed to the main house of Nutcote.

Nutcote is also included as a local heritage item under Schedule 5 of *the North Sydney Local Environmental Plan 2013* as a local heritage item (Item No. I0730) and the whole of the allotment is included under the local listing. The place is also located within the Kurraba Point Heritage Conservation Area (CA16).

This firm prepared the Conservation Management Plan (CMP) dated August 2022 for the property for North Sydney Council. The history, significance assessment, and policies contained within the CMP have been relied upon in the preparation of this report.

This report follows generally the methodology recommended by the NSW Heritage Office in *Guidelines for Preparing a Statement of Heritage Impact* (Revised 2023) and is in accordance with the *Australian ICOMOS Charter for Places of Cultural Significance (The Burra Charter)* and the *NSW Heritage Office Heritage Manual*.

Description

Nutcote, 5 Wallaringa Avenue, is located on the eastern foreshore of Neutral Bay, to the north of Kurraba Point. This area is predominantly residential in use with the existing residential building stock dating from the beginning of the twentieth century and with all subsequent building phases

being represented in detached houses, flats and townhouses. The street pattern essentially follows the contours of the natural topography, with Wycombe Road being the principal thoroughfare. The residences address the street and harbour with instances, such as Nutcote, where there are two frontages.

Subject Building

The site of Nutcote is rectangular in shape with the boundaries being defined on the south west by the mean high water mark of Sydney Harbour (Neutral Bay) and on the north east by the building line of Wallaringa Avenue.

The Nutcote property contains two built elements: the main house in the middle of the allotment and the former garage/flatette on the Wallaringa Avenue (north eastern) frontage. The area of the property subject to the proposed works is the former garage/flatette located at the northern end of the property. No works are proposed to the main house.

The double car garage on Wallaringa Avenue was built in 1928 to the design of by B.J. Waterhouse. It has a similar palette of materials but is appropriately of a more utilitarian character than the house. The roofing is normal Marseilles tiles, wall rendering is thin bagging through which the brickwork can be seen and the window and door joinery is quite different to that of the main house.

A simply detailed structure, rectangular in plan form and without ornamentation of any kind, the garage's main (street) frontage features two pairs of ledged, framed and sheeted timber bi-fold doors (later additions based on original details) giving access to the former parking bays. Internally, finishes include a reinforced concrete slab floor, bagged brickwork to walls and exposed timber rafters and boarded sarking to roof/ceiling. The two parking bays were separated by a timber lattice that was removed in the 1994 works, and each is lit by a 2 x 3 pane double hung sash windows; the frames of these window are set into their openings without architraves or sill boards.

The lower half of the garage where the land falls steeply away from street level originally contained a small flatette comprising two rooms. Wall, floor, joinery details and finishes in this area were generally as in the garage above.

The garage was partially restored and adapted for use as a retail shop and the flatette was converted for use as amenities and storage in 1994 by Howard Tanner & Associates. The building was also extended with a terrace/viewing platform to the east with tearoom below side. A terrace with pergola over was constructed along the whole of the south western elevation at ground level with direct connection into the grassed upper garden area.

The real property definition of Nutcote is Lot 1 DP562377, Lot 2 DP 876732, and Lot 2 DP 1176554. The proposed works are all located within Lot 1 DP562377.

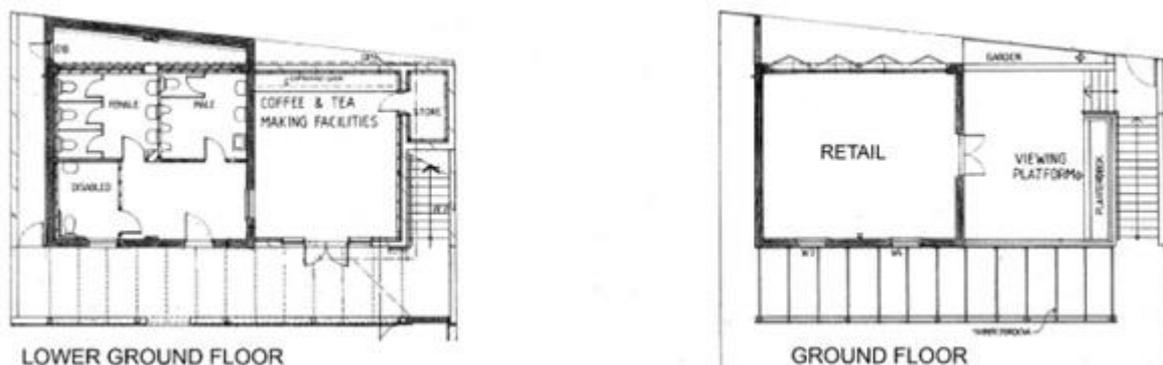


Figure 1: Floor plans of the former garage and flatette following conversion to retail outlet tea rooms and facilities (prepared by Howard Tanner & Associates, 1994 and annotated by LSJ Architects, 2022)

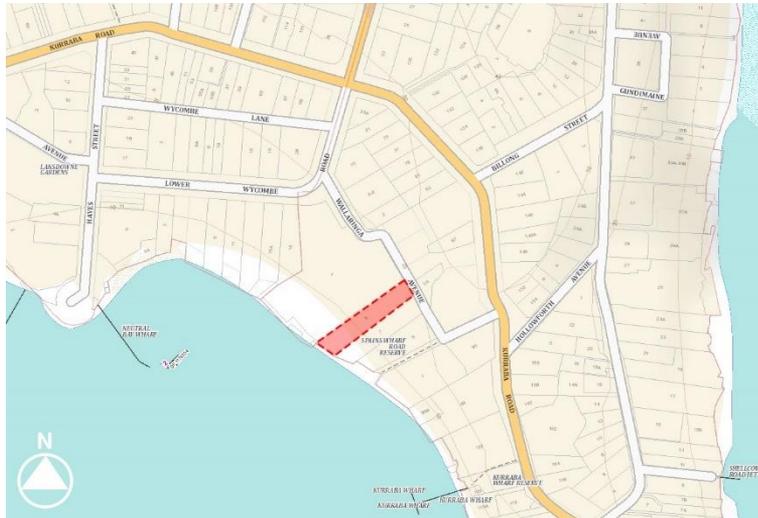


Figure 2: Map of the locality showing the location of the subject property, in red.
 Source: SIXMaps Spatial Viewer



Figure 3: Aerial view of the subject property, showing the legal allotment boundaries in red. The real property definition of Nutcote is Lot 1 DP562377, Lot 2 DP 876732, and Lot 2 DP 1176554.
 Source: SIXMaps Spatial Viewer

Recent Images of the Place



Figure 4: View of Nutcote from the water



Figure 5: View of Nutcote from Neutral Bay ferry wharf.



Figure 6: Former garage and flatette, from Wallaringa Avenue



Figure 7: Viewing platform adjacent to former garage and flatette.



Figure 8: Former garage and flatette, as viewed from the garden of Nutcote.



Figure 9: Tea room terrace



Figure 10: Tea room terrace and garden shed along western boundary of the property.



Figure 11: Tea room terrace



Figure 12: Kitchen within tea room



Figure 13: Internal fitout of bathroom



Figure 14: View of the former garage/flatette from the southern end of the garden.



Figure 15: View of the former garage/flatette from the front (northern side) of Nutcote. The area of the proposed lift is visible, but somewhat obscured by vegetation and screening.

Historical Development

The following condensed history has been extracted from the CMP for the place, prepared by this firm and dated August 2022. For a full history of the place, refer to the CMP.

The property was chosen by May's mother, Mrs Cecie Gibbs, in 1922 and was purchased with a deposit of 500 pounds. The house was designed by the fashionable Sydney architect B. J. Waterhouse in 1924. The earliest known photograph of Nutcote shows the place during construction and reveals a neat and compact house in want of a garden, with a pan tile gabled roof, round headed windows and windows with timber louvred shutters, an entry portico with Doric columns and rough stuccoed external walls in the 'impasto' technique.

The house was specifically designed to accommodate Gibbs's studio and reflected her lifestyle, needs and priorities. The studio with its double doors off the living room and interconnected with the dressing room and bedroom reflects on the central role of her art in the lives of both May Gibbs and her husband.

In 1928 a double garage with a basement flatette on the street frontage of the property which was also designed by Waterhouse in a style sympathetic to the main house. The garage, built at a cost of £400, accommodated May Gibbs's motor car, a Dodge, the "Dodgem", in which she would make trips to the Blue Mountains and other areas.

Following May Gibbs' death in 1969, Nutcote and memorabilia were left to the United Nations Appeal for Children (NSW) (UNICEF). In June 1970, UNICEF arranged for the auction of the contents of Nutcote through auctioneer Peter Du Plessis and in August 1970 the property was sold for \$85,000 to Socrad Pty Ltd. In the early 1980s Socrad had instigated a number of proposals for the development of the property for townhouse type development necessitating demolition of the house.

Ongoing community condemnation against the proposed redevelopment of Nutcote led eventually to North Sydney Council purchasing the property outright in perpetuity. It was to be leased to the Nutcote Trust to operate the place as a museum on a profit-sharing basis.

The house as part of its new use as a house museum underwent restoration over 1993. In c1994, the 1928 garage and flatette were converted for use as a shop/reception area with toilet facilities below. The building was also extended on its south-eastern elevation with a terrace and kitchenette below. The designs for the alterations were prepared by Tanner Architects (formerly Howard Tanner & Associates).

Heritage Status

Nutcote is listed as a heritage item on the NSW State Heritage Register (SHR No. 00505). However, it should be noted that the State heritage listing does not cover the whole of the allotment, and the eastern portion of the garden, as well as the former garage/flatette (now tea room and shop) are excluded from the listing (refer to Figure 16). No works are proposed to the main house of Nutcote.

Consequently, no State heritage approval is required.

Nutcote is included as a local heritage item under Schedule 5 of the North Sydney Local Environmental Plan 2013 as a local heritage item (Item No. I0730) and the whole of the allotment is included under the local listing. The place is also located within the Kurraba Point Heritage Conservation Area (CA16).

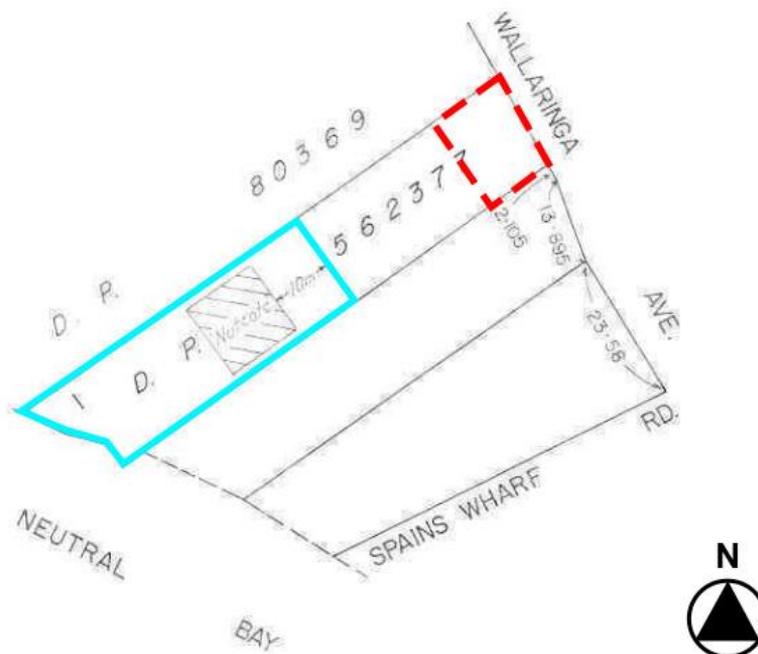


Figure 16: Curtilage of the State heritage listing (outlined in **blue**). The approximate location of the former garage/flatette, which is the subject of these works, is dashed in **red**.

Significance Assessment

Nutcote

The State heritage inventory for the State listing for Nutcote cites the following statement of significance:

Nutcote and its garden is a place of exceptional cultural significance as the home, workplace and source of inspiration of May Gibbs, Australia's first woman cartoonist, painter, naturalist and children's author and illustrator. Nutcote is a place of moderate cultural significance in association with prominent architect B.J. Waterhouse, who designed the house in close collaboration with May Gibbs.

The CMP for the place includes the following Statement of Significance:

Nutcote is of significance on a State and local level as the former home of May Gibbs MBE, a nationally important children's author and illustrator and Australia's first woman cartoonist who made notable contributions to Australian identity, bush awareness, bush care, aesthetics, children's literature and feminism. Inclusive of the gardens, the place is of exceptional significance as the home,

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workplace and source of inspiration for May Gibbs. The place was specifically designed for Gibbs's needs, attitudes and way of living, which is reflected in the style, fabric, configuration, and individual elements of the place.

The place is of significance as a good, well-crafted and modest Inter-war Mediterranean style cottage with Georgian Revival elements and an Arts & Crafts style interior designed by prominent Sydney architect B.J. Waterhouse in 1925. The house remains highly intact and displays the key characteristics of the Mediterranean style, and is a high quality, representative example of the early use of the style in Australian domestic architecture, and one of only a small number of similar styled buildings by B.J. Waterhouse. Sited on its original allotment fronting the foreshores of Neutral Bay, set within an interpretation of its 1920s/1930s garden setting, Nutcote is an aesthetically pleasing expression of Gibbs's lifestyle, tastes and preferences.

Gradings of Significance

The CMP for the place provides the following gradings of significance for the components of Nutcote that are subject to the proposed works:

Building	Description	Date	Significance Grading
Garage / Flatette	Overall form of the garage/flatette, including roof form, surviving internal and external features and internal configuration.	Phase Ia: 1924-1928 (Original works for May Gibbs)	High
	Later internal fitouts and alterations for retail space and amenities	Phase III: 1989-1999 (Works by Tanner Architects)	Little
	Replacement timber garage doors	Phase IV: 2000 to date	Little
Tea Room Addition and Viewing Platform	Later addition to garage/flatette including viewing platform/terrace with kitchenette and store below and terrace with pergola along western elevation	Phase III: 1989-1999 (Works by Tanner Architects)	Little

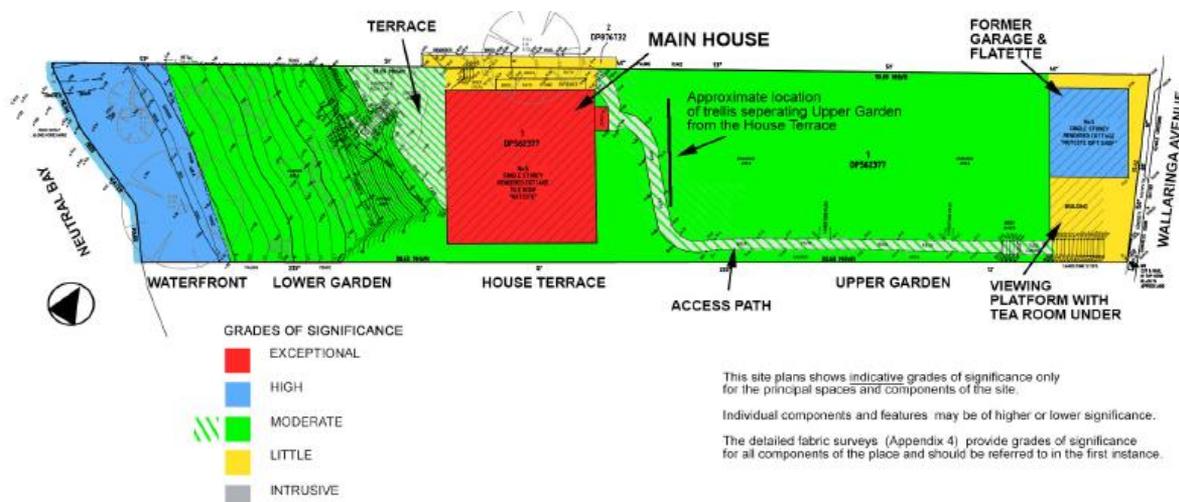


Figure 17: Site plan of Nutcote showing gradings for the principal components of the place.

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Figure 18: Plans and elevations showing indicative grades of significance for the principal components of the of the former garage and flatette of Nutcote.

Kurraba Point Heritage Conservation Area

The State heritage inventory for the local listing for the *Kurraba Point* Heritage Conservation Area does not include a statement of significance. However, section 6.2.3 of the *North Sydney DCP 2013* provides the following statement of significance for the *Kurraba Point Conservation Area*:

The Kurraba Point Conservation Area is significant:

- As an early harbourside suburb that has retained significant elements of its major 19th century development phase with good examples of later periods of development including some fine inter war flat buildings.*
- For the large number of architecturally distinguished homes some that have a strong relationship with the water and include the works of B. J. Waterhouse, Jefferson Jackson and Walter Liberty Vernon.*
- For its irregular subdivision pattern with irregular street pattern and widths that allied to the topography and plantings and mature trees add to a high quality luxuriant character*

The Proposal

Documents Describing the Proposal

The proposed works are described in the following documents:

- Drawings by Lucas Stapleton Johnson and Partners:

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- 126180/30/A – Site Plan, dated 13th June 2024
- 126180/31/A – As existing ground and lower plans – demolitions, dated 13th June 2024
- 126180/32 – As existing elevations, demolitions, dated 12th February 2024
- 126180/33/B – Proposed floor plans, dated 14th June 2024
- 126180/34 – Roof plan and stormwater, dated 12th February 2024
- 126180/35 – Proposed elevations, dated 12th February 2024
- 126180/37-9 – Shadow diagrams, dated 12th February 2024
- Survey, prepared by C&A Surveyors, dated 10th April 2024
- Access report, prepared by Accessibility Solutions, dated 15th May 2024

Summary of Proposal

In brief, the proposal involves the redesign of the existing tea room and lavatories within the former garage and flatette at Nutcote, including improvements to accessibility and kitchen facilities and a new gallery space. The works include the following:

- Reconfigure internal arrangement of existing WCs to provide new female, male and accessible WCs, as well as a new gallery space. Enlarge entry door opening to comply with accessibility requirements;
- Provide lift to south west corner of existing tea room verandah;
- Demolish existing verandah roof and columns;
- Extend existing paved terrace at upper level to extend over verandah below. Demolish part of existing terrace brick balustrade;
- Reconfigure internal arrangement of tea room. A separate exemption application has been submitted for this element, but nevertheless has been dealt with in this report.

Heritage Impact Assessment Methodology

An appropriate assessment methodology is to consider the details of the proposal against the Statement of Significance provided by the CMP for the place (assessment 1). In addition, the proposal will also be considered against the policies contained within the CMP for the place, dated August 2022 and prepared by Lucas Stapleton Johnson and Partners (assessment 2).

As Nutcote is also located within a Heritage Conservation Area, the proposal will be considered against the statement of significance provided in the *North Sydney DCP 2013* (assessment 3).

The detailed provisions of the *North Sydney Development Control Plan 2013* in relation to heritage and other planning considerations are addressed in the Statement of Environmental Effects accompanying this submission.

Assessment 1: Statement of Significance

The proposal is confined to the former garage/flatette, located at the northern end of the property. This building was constructed in 1928, four years after the main house, and has been substantially altered in the past. In particular, the terrace to the upper level and tearoom to the ground floor was constructed in 1994 by Howard Tanner & Associates.

No works are proposed to the house, which is the most significant element of the place. Similarly, no changes are proposed to the gardens around the property.

Internal Reconfiguration Works

The majority of works are confined to the interior of the lower ground floor of the former garage/flatette, which was converted into a tearoom and toilets in 1994. The internal reconfiguration works will impact only later fabric and will not be visible from the exterior, and consequently will have no impact on the significance of the place or its significant fabric.

The works are being proposed in order to improve the use of the former garage/flatette as a tearoom with a more compact layout of facilities, by upgrading amenities and food serving facilities. Reconfiguration of the bathrooms will provide for a new display space to facilitate interpretation.

New lift

A lift is being proposed in order to improve equitable access to the place. The main house of Nutcote is currently not accessible except via stairs, and due to the nature of the house and topography of the site, it is not possible to make the house fully accessible without substantial intervention that would irreversibly diminish the significance of the place.

Instead, it was considered more appropriate to make the less significant part of the site (the former garage/flatette) accessible, so as to allow views of the house and provide access for all visitors to a display space and café. The display space will contain interpretive displays to allow for all to gain an understanding of the place and its significance.

There are a number of steps from street level to the gardens of Nutcote below, and so the lift will also improve accessibility for those who may have limited mobility but may otherwise be able to access the house.

Construction of the lift will not require physical intrusion into any significant fabric and will be located at the western corner of the existing tearoom verandah, which was added in 1994 as part of the works to convert to the place into a shop and tearoom. The lift shaft will be constructed of painted masonry/rendered building board, and will be painted to match the existing colour scheme of the former garage/flatette.

As the lift is located externally, it will be quite visible from within the garden of Nutcote. The lift shaft will be constructed of masonry up to and including the terrace balustrade to match the existing colour and material of the former garage/flatette and so will not be visually intrusive. Above balustrade level the lift shaft will be clad with lightweight rendered sheeting to minimise its bulk, while harmonising with the existing rendered masonry walls.

The proposed lift will partially obstruct the rear of the former garage; however this has been minimised by siting it as far as possible, and locating it below the gutter level of the former garage/flatette. The new lift and extended terrace will be obscured in views from the house and path because of the dense vegetation and lattice screen.

Views down to the house also available from within the shop. The new lift is set off from the southwestern wall, however it may still slightly block views from the western window. The store room adjacent to the lift has also been recessed to avoid blocking the window. This is considered an acceptable loss, as additional views will be available from the new terrace.

The lift will not be visible from the street as it is located behind the existing garage and will be no higher than the gutter of the former garage. It will similarly not be visible from the water, as the garage, including the main house, is concealed from view by dense vegetation.

Consequently, the new lift and will not result in any change to the appearance of the streetscape or the waterfront.

Extension to Terrace

The Terrace will be extended using the same materials and colour palette as existing the existing terrace. It will occupy the same footprint as the previous awning, and so will result in only a minor change to the appearance of the place. The terrace is being proposed to be extended to provide access to the new lift, and to facilitate views down to the house.

Conclusion

The proposal will result in an overall positive impact on the place, by improving the viability of the place in regard to its current use as a house museum with supporting store and tearoom, as well as the accessibility of the place to all visitors and staff. The works have been confined to the least important parts of the place and will not diminish or obscure the significance of the Nutcote.

Assessment 2: Conservation Management Plan

Proposal	Comment
<p>Reconfigure internal arrangement of existing bathrooms to provide new female, male and accessible WCs, and a gallery space. Enlarge entry door opening to comply with accessibility requirements.</p>	<p>The internal configuration of the existing bathrooms is a product of the 1994 works to convert the former garage/flatette into a shop and tearoom. The internal configuration has been graded as being of little significance, however the external wall is identified as being of high significance.</p> <p>The new finishes, fitments and partitions to the interior of the ground level are in keeping with Policy 81 and Policy 87 regarding the treatment of fabric of little significance.</p> <p>While widening the existing doorway to comply with access requirements (850mm clear, the current opening is 790mm wide) will result in the loss of some original fabric, it is in keeping with Policy 86, which notes that discreet new doorways made for functional reasons are appropriate. The door will be reused for the new storage space nearby.</p> <p>The refurbishment of this space is in keeping with Policy 33, which notes that services to support the principal use of the place as a house museum and secondary uses should be concentrated to the already converted garage/flatette.</p>
<p>Provide lift to south west corner of existing tea room verandah.</p>	<p>A lift has been proposed in order to improve equitable access to the place. It is to be located at the southwestern corner of the existing verandah (constructed in 1994) and does not involve any intrusion into significant fabric. The verandah and awning are both identified as being of little significance, and so the proposal is consistent with Policies 73 and 81 regarding treatment of fabric of little significance.</p> <p>It is explicitly in keeping with Policy 84, which allows for minor excavations on the western side of the former Garage/Flatette to accommodate a lift.</p> <p>It is in keeping with Policy 85, which notes that alterations and additions to the western and southern sides of the former Garage/Flatette are appropriate. In keeping with this policy, the form of the original building will remain clearly discernible, significant views are preserved, and the alterations are of a lower height than the garage.</p> <p>The lift will be painted to match the existing colour scheme, in keeping with Policy 69.</p>

Proposal	Comment
	The provision of a lift to the southwestern corner of the former garage/flatette to facilitate equitable access is explicitly in keeping with Policy 114 and Policy 116 .
Reconfigure internal arrangement of tea room	<p>The current arrangement of the tearoom dates from 1994, when the former garage/flatette was converted to a shop and tearoom. The whole of the tearoom is identified as being of little significance and all fabric proposed to be removed or altered dates from 1994 or later. The proposed new fit out involves the provision of new kitchen and serving facilities, including new benchtops, repainting, and new floor finishes to comply with current food preparation regulations. No new openings are proposed.</p> <p>The upgrading of these facilities is consistent with Policy 18, which encourages the existing use of the place as a house museum with associated retail outlet and tea rooms, Policy 81, regarding treatment of fabric graded as being of little significance, and Policy 87, allowing for the complete alteration or removal of the interior space of the existing tearoom.</p>
Demolish existing verandah roof and columns	The verandah was constructed in 1994 when the former garage/flatette was converted to a shop and tearoom. The verandah, including roof and columns is identified as being of little significance. Consequently, the proposal is consistent with Policy 81 , regarding treatment of fabric graded as being of little significance, and Policy 86 , which identifies that the verandah may be removed or replaced with new fabric of either reconstruction or new configuration of sympathetic design.
Extend existing paved terrace at upper level to extend over verandah below. Demolish part of existing terrace brick balustrade.	<p>As discussed above, the terrace is being extended in order to facilitate access to the new lift. The existing terrace is identified as being of little significance. Consequently, the Policy 81, regarding treatment of fabric graded as being of little significance</p> <p>It is also in keeping with Policy 85, which notes that alterations and additions to the western and southern sides of the former Garage/Flatette are appropriate</p> <p>The proposal is in keeping with Policy 89, which allows for vertical extensions and verandah additions to the verandah and area above the verandah.</p>

Assessment 3: Kurraba Point Heritage Conservation Area

Nutcote is a significant element within the *Kurraba Point* HCA, being an architecturally distinguished home designed by B.J Waterhouse. No works are proposed to the house itself. Views to the house are not available from the street or from the waterfront. The proposed extended terrace will facilitate public views down to the house. The majority of works are internal to the ground floor of the former garage/flatette and so will not be visible from the street. The proposed lift will similarly not be visible, being located behind the building and no higher than the gutter of the former garage/flatette.

The proposal will result in no change to the existing topography, subdivision pattern, plantings and street plantings that are characteristic of the HCA.

Assessment 4: North Sydney DCP 2013

13.5 Heritage Items

13.5.1 Protecting heritage significance		
P1	Retain features (including natural and cultural landscape features) that contribute to the significance of the item.	The proposal will not result in the loss of or intrusion into significant fabric. All works are to areas of the place that were altered as a result of the 1994 works to adapt the former garage/flatette to a tea room and shop. All features that contribute to the significance of the place will be retained.
P3	New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.	All works are confined to the existing footprint of the former garage/flatette and will not result in any increase to the setback. The lift is a small structure located at the northwestern (rear) corner of the building, and is lower in height than the gutter line of the building. Consequently, the works will not result in any appreciable change to the existing massing, form and scale of the place.
P4	Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development	The former garage/flatette was constructed in 1928, 6 years after the main house. The proposal will retain the significant fabric of the garage/flatette, and involves only alteration to fabric introduced as part of the 1994 adaptation works, which has been identified by the CMP for the place as having little significance.
P5	Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new work to the rear.	As discussed above, the works have been confined to areas of the place that were altered as a result of adaptation works in 1994 and are identified by the CMP as having little significance. No works are proposed to the house which is the most significant element of the place.
P6	All works are to be consistent with an adopted Conservation Management Plan/s where applicable.	Refer to assessment 2 above. All works are consistent with the Conservation management plan for the place.
13.5.2 Form, Massing and Scale		
P4	Maintain the integrity of the building form (including the roof form and profile) so that the original building is retained and can be clearly discerned.	All new works are located within the existing footprint of the former garage/flatette. The proposed new lift will be no higher than the gutter of the building and so will not disrupt the existing roof form and profile.

Conclusion

Generally

The proposed works to the former garage/flatette of Nutcote, 5 Wallaringa Avenue, involve a number of minor alterations and additions to the place.

The majority of works are confined to the interior of the lower level and affect only the 1994 alterations to the place. All works are located in areas of the place that are identified as being of little significance, and will not impact on the significant fabric of the place. The works will not change the appearance of the place from Wallaringa Avenue or the waterfront and the place will continue to contribute to the character and significance of the Kurraba Point Heritage Conservation Area it is located within.

The works are being proposed to improve the accessibility of the place and support the ongoing ancillary use of the place as a tearoom with bathrooms. The works are capable of being carried out in a sympathetic manner and will not detract from the historical and architectural significance of Nutcote.

Recommendations

Consequently, in the view of this firm the proposal has a minimal impact on the significance of the item and locality and **should be** approved, in relation to Heritage consideration by the consent authority.



Jessica Kroese
Lucas Stapleton Johnson & Partners Pty Ltd``
LSJ Heritage Planning & Architecture

Encls.

State Heritage Inventory Sheet: Nutcote
CV SJ JK

Item Details

Name

Nutcote

SHR/LEP/S170

SHR #00505

Address

5 Wallaringa Avenue NEUTRAL BAY NSW 2089

Local Govt Area

North Sydney

Local Aboriginal Land Council

Metropolitan



Item Type

Complex / Group

Group/Collection

Residential buildings (private)

Category

Cottage

All Addresses

Addresses

Records Retrieved: 1

Street No	Street Name	Suburb/Town/Postcode	Local Govt. Area	LALC	Parish	County	Electorate	Address Type
5	Wallaringa Avenue	NEUTRAL BAY/NSW/2089	North Sydney	Metropolitan	Willoughby	Cumberland	NORTH SHORE	Primary Address

Significance

Statement Of Significance

Nutcote and its garden is a place of exceptional cultural significance as the home, workplace and source of inspiration of May Gibbs, Australia's first woman cartoonist, painter, naturalist and children's author and illustrator.

Nutcote is a place of moderate cultural significance in association with prominent architect B.J. Waterhouse, who designed the house in close collaboration with May Gibbs (Tanner & Assoc 1993:33).

Criteria a)

Historical Significance

Nutcote is considered significant to present and future generations of Australians as the place where May Gibbs lived for the greater part of her life, a place where she found much inspiration and where she produced many of her famous works. In particular Nutcote displays exceptional historical value in its association with May Gibbs through:

- influence of May Gibbs on the layout, appearance and function of Nutcote through her input into the design of the cottage and her care and cultivation of the surrounding gardens.

- the influence that Nutcote exercised on the imagination and the source of inspiration for May Gibbs' work

- its association with May Gibbs' contribution to Australian nationalism, bush awareness, bush care, aesthetics, art and literature and feminism.

(H.Tanner & Assoc 1993:33-34)

Criteria c)

Aesthetic/Technical Significance

Nutcote is a building of moderate architectural merit as an example of classical Mediterranean architecture which was being advocated by a small but influential number of architects.

Nutcote is associated with the work of B.J. Waterhouse, a highly respected Australian architect responsible for the design of many residences in Sydney.

Nutcote is a good example of a modest, well crafted and innovatively planned house.

Nutcote cottage and site represents a reflection of the taste, preferences and living style of the original occupants, May Gibbs and her husband J.O. Kelly.

The gardens, designed built and maintained by May Gibbs, with their mixture of existing natives and extensive English cottage garden style planning must be considered expressions of her lifestyle, tastes and preferences.

(H. Tanner & Assoc. 1993: 33)

Criteria d)

Social/Cultural Significance

Nutcote is considered to represent exceptional social significance as a physical reminder for many Australians of the lifetime work of May Gibbs in the form of stories, illustrations and postcards which have strong associations with the development of an Australian cultural identity during a formative historical period. The significance of this association is enhanced due to May Gibbs' contribution to Australian nationalism, bush awareness, bush care, aesthetics, art and literature and feminism.

Nutcote has also, since the early 1980s been the focus for national sentiment for a wide range of literary, social and special interest groups conserved with its conservation. Many Australians are aware of what Nutcote represents and its association with May Gibbs. These factors combined are of considerable social significance. (H. Tanner & Assoc. 1993: 34)

Integrity/Intactness

Nutcote and surrounds have been restored

Owners

Records Retrieved: 0

Organisation	Stakeholder Category	Date Ownership Updated
No Results Found		

Description

Designer	Builder/Maker
B.J. Waterhouse	F.J. Gray

Physical Description

Updated

THE GARDENS -

Fall to the west to the water's edge of Neutral Bay and are quite steep below the cottage where outcropping sandstone occurs. The steep area of the site has remnant native vegetation developed on the Hawkesbury Sandstone derived soils. Outcropping sandstone immediately below the cottage to the west was used to construct a terrace. The terrace area is concrete paved and a concrete stairway leads down the rock face to connect to the lower grass terrace.

On the higher eastern side below Wallaringa Road the garden shows evidence of its original cottage character with some remnants of the annuals, perennials and hedging present. The major remnants are primarily along the southern boundary fence and immediately adjacent to the cottage and garage.

Other landscape elements include brick flagged paths from the front of the property to the cottage entrance portico and along the north side of the cottage. A timber lattice with trellis and shrubbery planting screens the north western corner of the cottage. Remains of an early steel post and wire fence can be found along the western (harbour frontage) boundary. Timber fences line the remaining boundaries (H.Tanner & Assoc. 1993: 13-18).

NUTCOTE HOUSE-

The house is a single storey rectangular dwelling built on land that gently slopes towards the water and is sited on a sandstone ridge about half way down the block. It is built of cavity brick, roughly rendered and painted with a terracotta colour pantile roof and painted chimneys. A balcony edged with an arched portico and wrought iron railings opens onto the water frontage from the studio and dining room. Louvered timber shutters grace the sides of the timber, double hung sash windows. The front door is set back in a plain pillared entrance portico. (Stacy 1986). The house is built in a classical mediterranean style and consists of 8 rooms and a verandah, porch, entry and hall. The basement contains a laundry, lobby and third bedroom (H.Tanner & Assoc. 1993: 13-18).

There is a 'Bib and Bub' tearoom, run by volunteers (Scobie Architects, 2019, 45).

DOUBLE GARAGE-

Frontage on Wallaringa Avenue. A rectangular building with rendered brickwork walls, terracotta tiled roof and multipaned timber windows and doors. The frontage features two pairs of ledged, framed and sheeted timber bifold doors. The form, detail and finishes are markedly inferior to the house (H.Tanner & Assoc. 1993: 13-18)

Physical Condition**Updated**

Prior to restoration of the site physical condition was assessed as follows

- House - reasonable
- Garage - fair
- Gardens - poor (H.Tanner & Assoc 1993: 34)

Modifications And Dates

- 1924-1938 - General maintenance including painting (5 times) and repairs to kitchen porch
 - Garden established and maintained
- 1928 - Garage built
- 1950-1970 - Enamel bath removed and shower hob installed in bathroom.
 - Refrigerator in dining room replaced ice chest in hall
 - Shower recess added to laundry.
- 1973-1987 - Enamel sink removed from kitchen and replaced with stainless steel sink.
 - New gas stove installed
 - Safe added in bedroom 1
 - Original fittings replaced with 'modern' lightfittings
 - Security grill added to window W16
- 1988 - Fire in laundry destroys a door, window, shutters and cupboard
- 1987-1990 - Possible rewiring of house
 - Some repairs to roof
 - Front door removed and replaced with poor quality door.
 - Chimney piece to fireplace in living room removed
 - Garden trellis removed.
- 1990-1993 -Renewing of gutters, fascias and timber trims and repainting of east facade of garage.
 - (H.Tanner & Associates 1993: Appendix 1)

Further Comments

Current Use

House museum and education centre

Former Use

Aboriginal land, timber-getting, dwelling and inspiration for illustration, writing

Listings**Listings**

Records Retrieved: 5					
Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Heritage Act - Permanent Conservation Order - former		00505	12/31/1987 12:00:00 AM	199	7358
Heritage Act - State Heritage Register		00505	4/2/1999 12:00:00 AM	27	1546
National Trust of Australia register		9140			
Local Environmental Plan		1989	11/3/1989 12:00:00 AM	107	9271
Register of the National Estate			4/18/1989 12:00:00 AM	126	0010

Procedures/Exemptions

Records Retrieved: 1					
Section of Act	Description	Title	Comments	Action Date	Outcome
57(2)	Exemption to allow work	Standard Exemptions		11/9/2020 12:00:00 AM	

History**Historical Notes or Provenance****Updated**

Neutral Bay:

Known to its Aboriginal inhabitants as Wirra-birra, the bay almost opposite to Sydney Cove was designated by Captain Arthur Phillip as a safe anchorage for foreign ships, sufficiently far away to discourage escaping convicts but close enough to keep surveillance while credentials were being established. Hence the name Neutral Bay (National Trust of Australia (NSW), 2018, 18).

By the beginning of the 20th century the maritime enterprises that had dominated the Lower North Shore had begun to give way to residential development. Neutral Bay and Cremorne became known as 'alternative society suburbs', where the emerging Arts and Crafts architectural style was creating a 'friendly', relaxed style in contrast to the uniformity of terrace housing (ibid, 2019, 18).

Nutcote:

Nutcote was the home and studio of May Gibbs, Australia's first woman cartoonist who is well remembered for her children's stories and illustrations.

Cecilia May Gibbs was born in Cheam Fields, Surrey England on 17 January 1877. In 1881 her father Herbert and an uncle emigrated to South Australia and a month later her mother May (nee Rogers: Pug, 2018) and brother Bertie sailed to join them (Lawrence, 1999, 59).

May spent the first few years of her life in Surrey, emigrating in 1881. Her father and uncle George attempted to establish a farm near Wallaroo. It failed almost immediately, and the family settled in Adelaide's Norwood. May was educated at home and recalled 'I loved drawing, so my father started me right off, because he was a clever artist'. (ibid, 2018, 14).

In 1885 the brothers invested in a Western Australian homestead, 'The Harvey'. May recalled the two years the family lived there as 'the happiest in my life'. She had a small pony, which enabled her to explore the countryside and experience the local flora and fauna, discovering many of the wild flowers and plants that inspired so many of her characters. After two years Herbert found work in Perth, where he began teaching his daughter watercolours and then oils. From her early years she experimented with theatre, music, poetry and literature, and was heavily influenced by the British children's illustrator Randolph Caldecott (1846-86). In Western Australia May had the opportunity to see the work of Australia's most famous female botanical artist, the internationally recognised Ellis Rowan. In 1889, Rowan had travelled to Western Australia to seek out new plant species to draw and collect, and exhibit her work in Perth. Her fearless spirit and artistic prowess must have left a significant impression on May, because the very next year Gibbs' work would hang beside Rowan's in a Perth show. Within a decade she had left for London to study art (ibid, 2018, 14-15).

She exhibited an early talent for sketching and loved the bush, which she explored on her pony. She had 3 trips to England in 1900, 1904 and 1909, but in 1905 embarked on her career as illustrator (ibid, 1999, 59). She found success publishing satirical columns under the pseudonym 'Blob'. In the first years of the 20th century she became interested in children's illustration, and began experimenting with fairy tales set in an Australian bush setting (ibid, 2018, 15).

Her gumnut babies were born in 1913. In December 1914 the 'Sydney Morning Herald' declared "That she uses all Australian flower and leaf forms in her artistic work is one of the chief charms which Miss May Gibbs manages to infuse in all she does." Her first Australian books were 'Gum Nut Babies' and 'Gum Blossom Babies' which appeared in 1916. In 1919 May quietly married James Ossoli Kelly in Perth and later moved to a flat at Runnymede in Kurraba Point, North Sydney. The following year they moved again to Derry, in Phillips Street. (Lawrence, 1999, 59).

Over the war years following 1914, May created a series of postcards full of iconic imagery reminding Australian soldiers of home. They were included in Red Cross parcels sent to soldiers on the front line. Gibbs' bush babies traversed the world amongst woolly socks and biscuits, with a message to heighten spirits: 'We are the Gumnut Corps, We're going to the War (We'll make things hum, by gum!)'.

Gibbs' love of Australian plants and animals underlay her ability to see tiny boats in native seedpods, and to portray these in a botanically accurate way, yet so delightfully that her books have inspired in many a love of Australia's flora (ibid, 2018, 15).

The site was chosen and purchased in 1922 by May Gibbs' mother Cecie Gibbs. (NB: Lawrence, 1999 notes the mother's name as May). The house was designed in 1924 by B.J. Waterhouse, a fashionable domestic architect, and was completed in early 1925 by builder F.J. Gray. It was of classical Mediterranean style. Total investment in the site was 5000 pounds. May Gibbs and her husband James Ossoli Kelly moved in in February 1925. In 1928 a double garage with basement flatette, also designed by Waterhouse, was built towards the front of the property. (It was Waterhouse who requested the house be named 'Nutcote' and it complied with May's wish for 'compactness, convenience and charm'. May Gibbs said of Nutcote 'I used to walk about the garden weeding it and loving it with a book in my pocket and a pencil and that's where I got my best ideas.' (Lawrence, 1999, 59).

The house was specifically designed to accommodate Gibbs' studio and reflected her lifestyle, needs and priorities. The living room was the main room of the house and reflects the trend from the 1890s to centre the house on a 'living hall'. It was a gathering place for May and her circle, some of whom stayed for extended periods in the flatette, second bedroom and in later years, a primitive suite of self contained rooms in the basement of the main house. (May was besotted with her Scottie dogs (Scots terriers) and, on excursions, there were bundled into the back of the car and nursed by the housekeeper. Lawrence, 1999, 59).

The comic strip 'Bib and Bub' was produced at Nutcote until 1967, the site's garden became an increasing source of inspiration for this and other works, particularly from the 1950s. (May Gibbs lived and worked at Nutcote until her death in 1969. (Lawrence, 1999, 59).

On her death May Gibbs left the rights and royalties to her work to the Crippled Children's Society and the Spastic Centre. Nutcote was left to the UNICEF Foundation who auctioned its contents in 1970 and a year later sold the property for \$85 000 to Socrad Pty Ltd.

Nutcote was classified by the National Trust in 1986 and placed on the North Sydney Council Heritage List in 1987. Despite this, a development application was made to modernise Nutcote and built townhouses in the grounds by prospective buyers Invergowrie Pty Ltd. This sparked a long process of attempts to save Nutcote by the May Gibbs Foundation and interested parties. An unsuccessful appeal was made to Bob Carr, then Minister for Planning and Environment, to purchase the property, and a Commission of Inquiry was established to examine Socrad's objections to the imposition of a permanent conservation order on the site and to hear an appeal by Invergowrie against the Heritage Council's objection of its redevelopment proposal.

The outcome of the inquiry was a compromise recommendation that a permanent conservation order be placed on the cottage but limited townhouse development be allowed on the grounds. The May Gibbs foundation was not happy with the outcome.

An announcement by Invergowrie, who had gone ahead with the purchase of the site, that they would proceed with the development prompted further action. The campaign to save Nutcote was launched in November 1987. On 6 January 1988 a permanent conservation

order was placed on the house, harbour side garden and ten metres of the front garden. This allowed for the townhouse development to proceed. On 25 January 1988 fire caused superficial damage to the house. Internal alterations were approved by the Heritage Council in June.

In September 1988 North Sydney Council voted unanimously to resume Nutcote and turn it over to the May Gibbs Foundation to use as a museum commemorating the woman and her work. This decision and the rejection of the application to alter the house were appealed in the Land and Environment Court by Invergowrie. The court assessor upheld the company's appeal. The May Gibbs foundation was unable to gain State or Federal government financial support to protect the property.

Nutcote was placed on the market in July 1989. Foundation members outnumbered bidders and Nutcote was passed in at \$2.6 million. The property remained deserted until North Sydney Council made the decision to purchase Nutcote outright in November 1991 and lease it to the Nutcote Trust to operate on a profit sharing basis. During this period the front door and fireplace surround were stolen and maintenance was minimal.

North Sydney Council originally intended to contribute \$600 000 to the purchase and raise the rest by donations from the state and/or federal governments and the community. The inability to raise these funds and a depressed economic climate prompted the council decision to pay the purchase price of \$2.86 million.

On 17 January 1992 the Nutcote Centre for Literacy, Arts and Environment was launched on what would have been May Gibbs' 115th birthday. The house would undergo restoration in the following year (H.Tanner & Assoc. 1993: 3-13).

On May 1st 1994 following completion of the restoration project, Nutcote was officially opened as a museum of Gibb's work by artist and illustrator, Elizabeth Durack. It is open from 11am to 3pm Wednesdays to Sundays (Lawrence, 1999, 59).

There is a 'Bib and Bub' tearoom run by volunteers. Groups of 10-30 people are welcome. Children's parties for 5-10 year old, are held on Saturdays and school holidays. The gardens can be hired for weddings, parties, filming, photo shoots and other events, with number limits on crowds. A shop with merchandise is at the entry/exit; and these are also sold online. Volunteers staff the house museum, tea rooms, carry out the calendar of events, help with administrative tasks and maintain the garden (Scobie Architects, 2019, 45).

In 2002/3 the Federal Government provided a Heritage CHPP grant of \$27,274 for restoration work to Nutcote and its setting.

Historic Themes

Records Retrieved: 50

National Theme	State Theme	Local Theme
9. Phases of Life	Persons	Associations with Cecie Gibbs, gentlewoman
8. Culture	Social institutions	Providing charity
8. Culture	Leisure	Visiting heritage places
8. Culture	Leisure	Visiting gardens
8. Culture	Leisure	Tourism
8. Culture	Leisure	Outdoor relief
8. Culture	Leisure	Outdoor concerts and performances
8. Culture	Leisure	house museum
8. Culture	Leisure	Going to a museum
8. Culture	Leisure	Gathering at landmark places to socialise
8. Culture	Leisure	Enjoying public parks and gardens
8. Culture	Leisure	Developing collections of items
8. Culture	Leisure	Activities associated with relaxation and recreation
8. Culture	Domestic life	Physical evidence of creating, maintaining, living in and working around houses, through domestic artefacts scatters, ar
8. Culture	Domestic life	Ornamental Garden
8. Culture	Domestic life	Living in a new house

8. Culture	Creative endeavour	Interior design styles and periods - 20th century Inter War
8. Culture	Creative endeavour	work of stonemasons
8. Culture	Creative endeavour	Performing in artistic and creative ways
8. Culture	Creative endeavour	Performing in artistic and creative ways
8. Culture	Creative endeavour	Patronising artistic endeavours
8. Culture	Creative endeavour	Landscaping - Federation period
8. Culture	Creative endeavour	Landscaping - 20th century interwar
8. Culture	Creative endeavour	Designing landscapes in an exemplary style
8. Culture	Creative endeavour	Designing in an exemplary architectural style
8. Culture	Creative endeavour	Creating works of literature
8. Culture	Creative endeavour	Creating works of art
8. Culture	Creative endeavour	Creating an icon
8. Culture	Creative endeavour	Building in response to natural landscape features.
8. Culture	Creative endeavour	Building in response to climate - verandahs
8. Culture	Creative endeavour	Artists, bohemians and intellectuals squat or gathering point
8. Culture	Creative endeavour	Architectural styles and periods - Interwar Mediterranean
8. Culture	Creative endeavour	Adaptation of overseas design for local use
7. Governing	Government and Administration	State government
7. Governing	Government and Administration	Local government
7. Governing	Government and Administration	Developing roles for government - providing museums
7. Governing	Government and Administration	Developing roles for government - conserving cultural and natural heritage
7. Governing	Government and Administration	Developing roles for government - administration of land
6. Educating	Education	Educating through book writing
4. Settlement	Accommodation	Residential
4. Settlement	Accommodation	Housing townfolk - terraces and cottages
4. Settlement	Accommodation	Housing professional people
4. Settlement	Accommodation	Housing famous families
4. Settlement	Accommodation	housing (suburbs)
4. Settlement	Accommodation	Adapted heritage building or structure
4. Settlement	Accommodation	A Picturesque Residential Suburb
1. Environment	Environment - naturally evolved	Parramatta River
1. Environment	Environment - naturally evolved	Gardens
1. Environment	Environment - naturally evolved	Cultural - Coasts and coastal features supporting human activities
1. Environment	Environment - naturally evolved	Changing the environment

Recommended Management

Management Summary

Management

Records Retrieved: 3

Management Category	Management Name	Date Updated
		2/7/2024 6:05:08 PM
		2/7/2024 6:05:08 PM
		2/7/2024 6:05:08 PM

Report/Study

Heritage Studies

Records Retrieved: 0

Report/Study Name	Report/Study Code	Report/Study Type	Report/Study Year	Organisation	Author
No Results Found					

Reference & Internet Links

References

Records Retrieved: 12

Type	Author	Year	Title	Link
Written	National Trust of Australia (NSW)	2019	'House Inspections and National Trust Way Tours'	
Written	Historic Houses Association of Australia	2018	Nutcote, Neutral Bay	www.hha.net.au/nutcote
Written	Jug, Anna	2018	Close to nature: May Gibbs and Australian botanical artists	www.gardenhistorysociety.org.au
Written	Musccape P/L	2012	Landscape Maintenance Plan for Nutcote, Neutral Bay	
Written	Read, Stuart	2009	unpublished notes, Cremorne Walk	
Tourism	Attraction Homepage	2007	Nutcote	http://www.maygibbs.com.au/home.html
Tourism	Tourism NSW	2007	Nutcote - May Gibbs Home	http://www.visitnsw.com.au/Operator.aspx?ProductId=9014064
Written	Cockington, James	2002	'Nutcote City Limits', in "Loose Ends" in The Sydney Morning Herald	
Written	Lawrence, Joan	1999	Pictorial History - Lavender Bay to the Spit	
Written	Howard Tanner & Associates	1993	Conservation Plan for Nutcote	
Written	M.Stacy	1986	Nutcote - Nat Trust Classification Card	
Written	Nutcote Trust		website	www.maygibbs.com.au/

Data Source

The information for this entry comes from the following source:

Data Source	Record Owner	Heritage Item ID
Heritage NSW	Heritage NSW	5045137

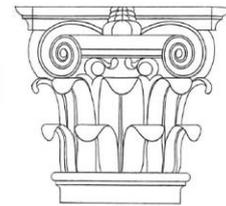
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Kate Denny, B.A., M.Herit.Cons.

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STAPLETON
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LSJ Heritage Planning & Architecture

CURRICULUM VITAE

SEAN JOHNSON BA(Hons), Dip Arch, MSc(Arch)(Cons) RAlA, Dip Access Consulting, Reg. Design Practitioner No. DEP1499

Sean Johnson is a conservation architect with many years' experience of working on historic buildings in Australia and England. He trained in England, migrated to Australia in 1978 and developed an interest in architectural conservation when working on the rehabilitation of terrace housing in Sydney in the early 1980s.

While living in England 1988-1994, Sean worked with Firmstone & Company on the conversion of Somerset House into an art gallery for the Courtauld Institute of Art. He later carried out under his own name the conversion of an 18th century Cotswold house for The Theatre Chipping Norton, Oxfordshire and a range of domestic work.

On returning to Australia, he completed a Master's degree in Architectural Conservation at the University of Sydney submitting a thesis on museum climate control in historic buildings. Sean then spent four years working with the Heritage Group of the Department of Public Works, before joining Clive Lucas Stapleton & Partners in 1997. He has since worked on the restoration of Swifts, Darling Point, which won the 2012 Lachlan Macquarie Award; the adaptive reuse of the Woolloomooloo Finger Wharf; and the conversion of the Mint, Macquarie Street into headquarters for the Historic Houses Trust of NSW which won the Lachlan Macquarie Award and Greenway Awards in 2005. As well as carrying out architectural work Sean has co-authored conservation plans for important places ranging from the Australian Museum to the Sydney Harbour Bridge and given specialist heritage advice to public and private clients including other architects. In 2022 Sean obtained a Diploma in Access Consulting to pursue his interest in creative ways of improving access to historic buildings.

Experience

1997 to present: Conservation architect, partner with Lucas Stapleton Johnson & Partners

- Tulkiyan, Gordon, (1914), Access feasibility report for house museum, 2021.
- Tresco, Elizabeth Bay (c1869) Conservation Management Plan, ongoing heritage advice, 2020-.
- Lydham Hall, Rockdale (c1860), restoration of slate roof, joinery and colour scheme, 2021.
- Drummoyne Reservoir (1913), heritage advice, expert witness for successful Land & Environment Court appeal for adaptive reuse of reservoir as childcare centre, 2021.

- Carisbrook, Lane Cove (1884), Conservation Management Plan, reconstruction of scullery, new cistern viewing platform, 2020-.
- Botany Town Hall, Botany (1899), Conservation Management Plan, 2019, insertion of new lift and accessible entrance, 2020.
- Hyde Park Barracks, (1819) heritage architect for insertion of accessible lift, 2019.
- Roxy Theatre, Leeton, NSW (1930), Conservation Management Plan, 2019.
- Roseneath, Parramatta (c1837), adaptive reuse and restoration for Our Lady of Mercy College, 2019.
- ACA Building, King Street, Sydney (1938), restoration of Art Deco skyscraper, 2019.
- Thompson Square Windsor, Conservation Management Plan, 2018.
- Macquarie Arms Hotel, Windsor, Conservation Management Plan, 2017.
- Exterior restoration and colour scheme for National Trust Centre, Observatory Hill, Sydney, 2017.
- Hyde Park Barracks, Conservation Management Plan, 2016.
- Reconstruction of NSW Parliamentary Library, the Jubilee Room, in 2016 (National Trust Heritage Awards, Highly Commended 2018).
- Centennial Memorial, Parramatta, Conservation (National Trust Built Heritage Award 2015).
- Reconstruction of Francis Greenway's gate lodge domes, Hyde Park Barracks, Sydney in 2012 (RAIA Architecture Award 2013).
- NSW Parliament House, Sydney, Conservation Management Plan, new guard house entrance and redesign of forecourt and Speaker's Garden, restoration of 1829 Legislative Council room, heritage advice, 2007-.
- Alterations and additions to Keeper's Cottages at Macquarie Lighthouse, Vacluse, 2009.
- External restoration of Wyldefel Gardens, an iconic Modernist building in Potts Point, Sydney, 2008.
- New accessible ramp and steps to the front door of the Great Hall, University of Sydney, 2008 (Commendation from NSW National Trust Heritage Award).
- New accessible ramp to the front door of Anderson Stuart Building, University of Sydney, 2006.
- Urban Design and Heritage Advisor to Ku-ring-gai Council (one day/ week 2001-04).
- Conversion of the Mint Coining Factory, Macquarie Street, Sydney Historic Houses Trust of New South Wales (winner with FJMT Architects of RAIA John Sulman, Lachlan Macquarie and Greenway Awards, 2005).
- Restoration of Swifts, large Victorian mansion in Darling Point, Sydney, 2000 (Lachlan Macquarie Award, 2012 and RAIA Heritage Architecture Award, 2012).
- Adaptive reuse of the Wharf at Woolloomooloo, 1997-1999.

Co-author of Conservation Management Plans for: NSW Parliament House, Australian Museum, St. John's College, University of Sydney, Windsor Road and Old Windsor Road, Central Depot of Royal Botanic Gardens, Sydney, amongst others.

1993-1997 Conservation architect with Heritage Group of the New South Wales Department of Public Works & Services.

Project architect for the exterior conservation of Railway Institute Building. This project won the Horbury Hunt Award for Excellence in Brickwork and a commendation at the 1996 RAIA Architecture Awards.

Produced a Conservation Management Plan for the Sydney Harbour Bridge and a Building Maintenance Plan for the Lands Department Building, Sydney. Prepared a conservation plan and oversaw refurbishment works at the former Petersham Public School, (now Petersham TAFE West) which won the Marrickville Medal Award Commendation in 1998.

1991-1993 In private practice in Oxford, England.

1988-1991 Architect with Firmstone & Company, Oxford, England
Conversion of Strand Block of Somerset House, London into Galleries for the Courtauld Institute of Art, University of London.

1990 Enrolled as member of Royal Institute of British Architects RIBA.

1986-1987 Architect with Otto Cserhalmi & Partners, Sydney.

1986 Enrolled as a registered architect in New South Wales.

1983-1986 Housing Commission Inner City Project Team, Waterloo, Sydney.
Design of infill housing and rehabilitation of terrace houses.

Committees

- National Trust Built Heritage Conservation Committee, 2015 – (currently chair)
- RAI NSW Heritage Committee 2014-2017
- National Trust Commendation Award for voluntary service, November 2020

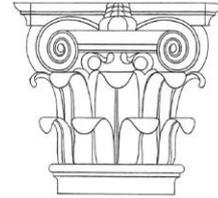
Published work, Conference Papers & Studies

- *A Tale of Two Front Doors*, NSW National Trust Magazine, April–June 2019
- *Hadley Park, Castlereagh – A survivor in search of a future*, NSW National Trust Magazine, April-June 2017.
- *The Jack Arch: its origin and use in NSW*, Architecture Bulletin, Autumn 2015
- *The Puzzle of Gannon House*, Australiana, August 2013
- Australian Encyclopedia of Architecture, entry on Sydney Harbour Bridge, 2011
- Paper given at ICOMOS ‘Corrugations’ conference, November 2005 ‘*Scarcely Entitled to that Name: Parramatta to the Hawkesbury along the Windsor Road*’ (joint author)
- Paper presented at National Trust’s *Creative Conservation* Conference May 2005 entitled *Creative Conservation at the Mint*
- Wyatt Conservation Series Lecture at National Trust of Australia (NSW), October 2002, *The Geographical Fallacy in Heritage Assessment*.
- Paper on cleaning brickwork, National Trust Conference *Keeping Up Appearances*, 2002
- “Museum Climate Control in Historic Buildings – Alternatives to Air-Conditioning”, MSc thesis, University of Sydney, 1995.
- Published Conservation Plans:
 - Sydney Harbour Bridge Conservation Management Plan, 1998.
 - Long Bay Correctional Centres Conservation Management Plan, 1997.
 - Broken Hill Gaol Conservation Plan, 1996.

May 2023

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LSJ Heritage Planning & Architecture

CURRICULUM VITAE

JESSICA KROESE BArch. Des (Hons), MHerit. Cons (Hons)

Education: University of Sydney, Masters of Heritage Conservation (Hons.), 2021
 University of New South Wales, Architectural Studies (Hons.), 2018
 University of Queensland, Bachelor of Architecture and Design, 2016

Employed by the firm as a Heritage Planner since 2019.

Recent work includes:

Conservation Management Plans and Updates

- Yeo Park Rotunda, Ashfield
- Rockdale School of Arts, Rockdale
- Pitt Street Uniting Church, Sydney
- Carisbrook, Lane Cove
- Roxy Theatre, Leeton
- The Entrance Surf Club, The Entrance
- Regatta Park, Emu Plains
- Parliament House, NSW (update)
- Former Police Station, Punt Road, Emu Plains
- Wentworth Falls School of Arts, Wentworth Falls

Heritage Development Work (applications to consent authorities)

- The Finger Wharf, Woolloomooloo (various schemes)
- Redbraes, Moss Vale
- Bleak House, Mudgee
- Tulkiyan, Gordon
- Lanark, Woollahra
- ACA Building, Sydney
- Supreme Court of NSW, Hospital Road Sydney
- Casula Powerhouse, Casula
- Penrith Regional Gallery, Penrith
- Clarence House, Sydney
- Drummoyne Reservoir, Drummoyne
- Oberton, Mater Hospital, Crows Nest
- Roseneath, Our Lady of Mercy College, Parramatta
- Parliament House, NSW
- Tebbutt's Barn, Tebbutts Observatory, Windsor
- Figtree House, Hunters Hill
- Wyoming, Birchgrove
- Carisbrook, Lane Cove

- 2 -

Heritage Studies and Assessments

- Parraween Street & the Hayden Orpheum Picture Palace, Cremorne
- Cleveland Gardens Heritage Conservation Area, Surry Hills
- Double Bay Business Centre Heritage Study, Double Bay
- Timber Slab Barn Update Study, Hawkesbury City Council
- Ivycliff, Waverton

October 2023